

**ORDINANCE NO. 2021-17**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD TO CREATE THE BREVARD HOTEL CONDITIONAL ZONING DISTRICT**

**WHEREAS**, the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare;

**WHEREAS**, in response to an application for rezoning filed by City Camper, LLC for the property described as PINs 8586-51-5355-000, 8586-51-6590-000, 8586-51-7374-000 to be rezoned to The Brevard Hotel Conditional Zoning with (DMX) Downtown Mixed Use Base District, City of Brevard Planning Board considered REZ-21-002 on March 23, 2021 and unanimously recommended approval; and

**WHEREAS**, the Brevard Planning Board has determined that the application for rezoning all of these properties is reasonable and consistent with the following polices and goals of City's 2002 Land Use Plan and elements of the 2015 Comprehensive Plan; and; and

1. *2015 Comprehensive Plan:*

- a. OBJECTIVE 2.1: As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
  - i. POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.
  - ii. POLICY 2.1.B: Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.
- b. OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.
  - i. POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.
  - ii. POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.
- c. OBJECTIVE 4.2: Develop a system of "complete neighborhoods" throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)
  - i. POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.
  - ii. POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

2. *2002 Land Use Plan:*

- a. The Future Land Use Map recommends use of the subject property as "Central Business District."

**WHEREAS**, in accordance with North Carolina General Statute 160D-605 Council finds that this Ordinance is also reasonable and consistent therewith and that the size of the parcels and the proposed uses are reasonable and consistent within the context of both the previous and new zoning districts and the prevalence of uses in the vicinity of the properties which are hereby rezoned.

**WHEREAS**, a public hearing was opened on April 19, 2021, and was held open for two days following, in consideration of The Brevard Hotel Conditional Zoning with (DMX) Downtown Mixed Use Base District; and

**WHEREAS**, the City of Brevard, after hearing all persons wishing to comment on this request desires to approve said request.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:**

**Section 1.** The Official Zoning Map of the City of Brevard is hereby amended as described in Exhibit A attached hereto.

**Section 2.** The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

**Section 3.** Development and use of lands within the District shall occur in accordance with the approved Preliminary Master Plan (Exhibit B), which is attached to this ordinance and incorporated herein, as well as the List of Conditions outlined below. This Ordinance and its exhibits shall run with the land and shall be binding on City Camper LLC, its heirs and assigns.

**Section 4.** List of Conditions.

- A. Except as set forth in Section 4.B, below, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,
1. City of Brevard Unified Development Ordinance, general provisions and provisions specifically applicable to properties within Downtown Mixed Use Districts
  2. Chapter 62. Streets, Sidewalks, and Other Public Ways
  3. Chapter 70. Utilities
- B. The following may be permitted within the District:
1. The base zoning district shall remain DMX-Downtown Mixed Use.
  2. The use shall be lodging: Hotel.
  3. Other uses which may be included are ATM, Bar, General Retail, Restaurant, Meeting Facilities, Recreation Facilities (Indoor), Recreation Facilities (Outdoor), Parking, Swimming Pool, and other uses permitted in base district DMX-Downtown Mixed Use.
  4. The Dwelling Unit (DU) density shall be a minimum of eighty (80) and a maximum of one hundred sixty (140).
  5. The ground floor area of each principal structure shall be a maximum of 45,000 sf. This figure represents gross heated area, and does not include unheated or unenclosed floor area such as terraces and structured parking.
  6. The building height shall be a maximum of 50 feet.
    - a. The reference elevation from which the building height is measured shall be elevation 2210', located at the high point along the site's frontage on E. Probart Street.
    - b. At no point shall the eave of a building's pitched roof, or roof surface of a building's flat roof, be higher than a horizontal

plane established by the eave line of the existing Transylvania County Courthouse ("The Courthouse"), fronting on E. Probart Street.

- c. No building on this site shall be of a height classified as High Rise, as defined by the currently adopted North Carolina State Building Code.
  - d. The building location, height, and massing shall be selected so as not to substantially block visibility of the courthouse from the intersection of N. Broad and Appletree Streets.
7. The areas of this site available for the stated project uses shall not be limited by existing site slope.
  8. The minimum amount of open space shall be 1.0 acre.
  9. The number of required parking spaces shall follow the use type "Bed and Breakfast Inns/Hotels/Motels" minimum parking ratio of 1 per room or suite.
  10. Minor modifications to the approved conditional zoning district requirements may be approved by the administrator as follows:
    - a. A reduction in open space of up to 10 percent to accommodate the required number of parking spaces.
    - b. An adjustment to setback requirements up 12 inches or 10 percent, whichever is greater, of the approved setback.
    - c. An adjustment to landscape standards up to 10 percent of the required landscaping buffer width, minimum height, or horizontal opening; or changing the species of approved landscaping plants.
    - d. A reduction in impervious coverage of up to 20 percent.
    - e. Change in width, depth, height, or square feet of one or more buildings by no more than 10 percent.
    - f. A reduction of up to 20 percent in the minimum required distance between driveways and cuts and between cuts and intersections.
    - g. Any other minor modification in accordance with the limitations and procedures prescribed in 16.9 of the Unified Development Ordinance for Administrative Modifications, unless an enacting ordinance of a conditional zoning district adopted pursuant to this section specifies otherwise.
  11. Development must fully comply with underground wiring, landscaping, screening, buffering, and lighting requirements.
  12. Development must fully comply with necessary street improvement requirements along all streets.
  13. Development shall not be exempt from Stormwater runoff provisions.
  14. The Applicant shall be responsible for all infrastructure improvements required by ordinance including but not limited to

water, sewer, and storm water upgrades for the proper functionality of these systems within the hotel development and install sidewalks with curb and gutter (standard 30") along all street frontages of the parcel, as well as installation of street lights and landscaping in the public right of way.

15. Unless a Final Master Plan is approved at the time of creation of the conditional zoning district, then within one year of the enactment of the ordinance creating the district, the applicant shall submit a Final Master Plan for the development, subject to the Preliminary master Plan, to be approved by City Council.
  16. The Buyer shall begin construction of the full-service hotel no later than two years from recordation of deed, and complete construction of the hotel and open for business within a maximum of six years following closing.
  17. Lighting shall be Dark Sky Compliant if possible.
- C. Chapter 16 of the UDO shall dictate what constitutes an intermediate or major modification within the District, and their approval processes.
  - D. Any development shall secure zoning site plan approval from the Administrator prior to commencing development activity within the District.
  - E. All applicable fees shall be rendered to the Administrator prior to receiving final zoning approval from the City of Brevard for any structure, and prior to receiving a Certificate of Occupancy from Transylvania County for any structure.

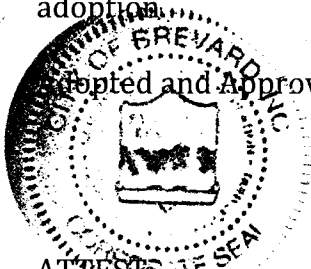
**Section 5.** The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

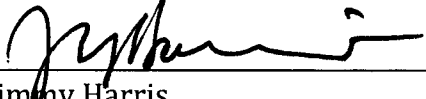
**Section 6.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

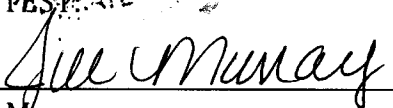
**Section 7.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 8.** This ordinance shall be in full force and effect from and after the date of adoption.

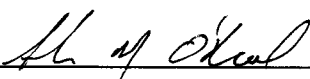
Adopted and Approved this the 21st day of April, 2021.



  
\_\_\_\_\_  
Jimmy Harris,  
Mayor

  
\_\_\_\_\_  
Jill Murray  
City Clerk

ACCEPTED BY:

  
\_\_\_\_\_  
City Camper, LLC  
Applicant

APPROVED AS TO FORM:

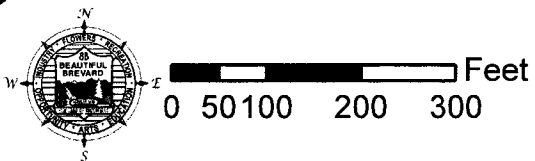
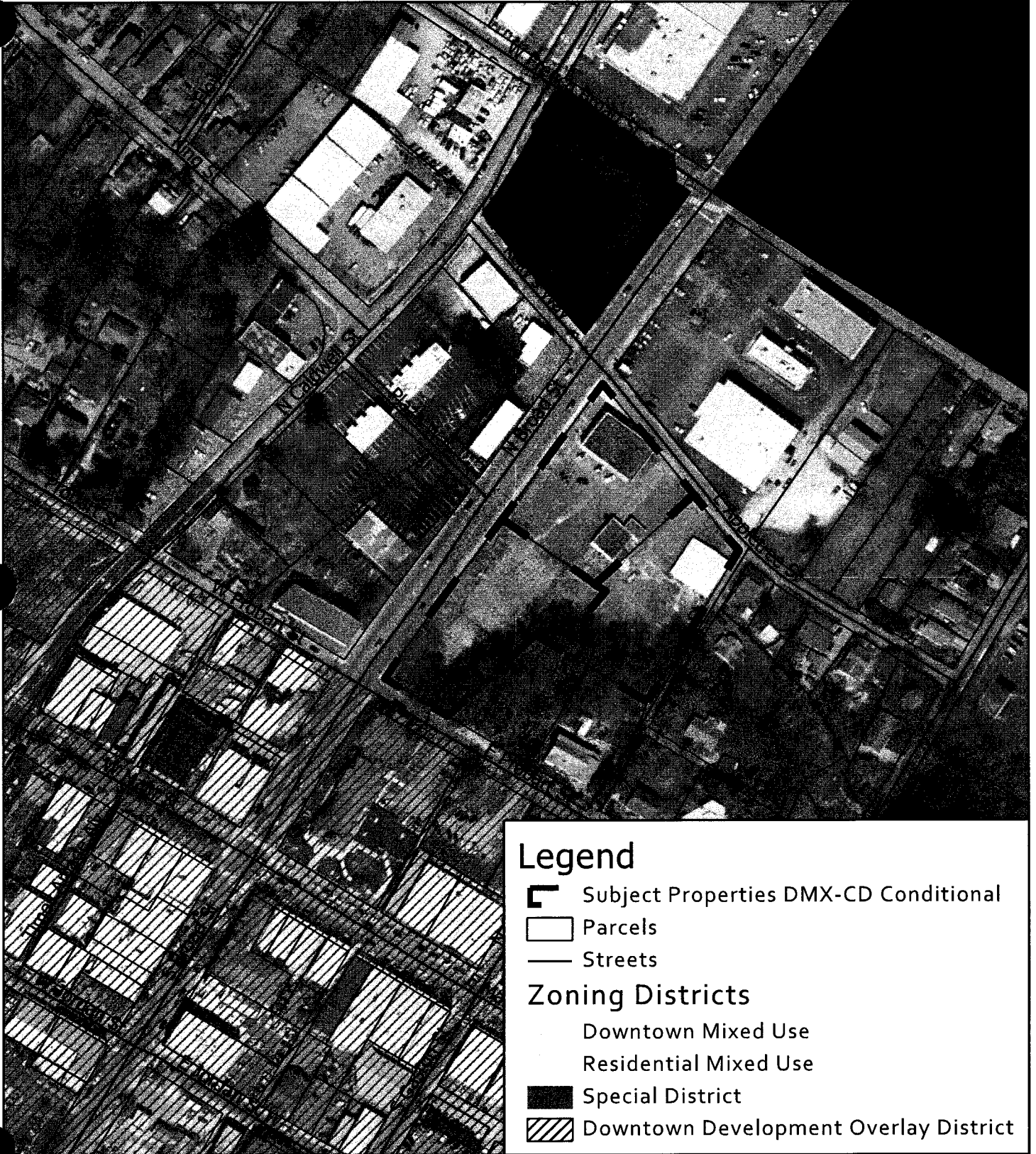


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Michael K. Pratt  
City Attorney

Rezoning Request REZ-21-002:  
City Camper, LLC for The Brevard Hotel

EXHIBIT A



This map was prepared by the City of Brevard Planning Department, February 2021.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

EXHIBIT B

**PROJECT INFORMATION**

**OWNER:**  
THE BREVARD HOTEL LLC OR CITY CAMPER, LLC  
317 COUNTRY CLUB PARK #222  
BENNINGHAM, VA 20121

**OWNER'S CONTACT:**  
1781 334-2925  
ALAN@CITYCAMPER.COM

THE DEVELOPMENT IS LOCATED IN THE CITY OF BREVARD, TRANSYLVANIA COUNTY, NORTH CAROLINA

8702 FRENCH BRADAC PLACE POA  
ZONED SPECIAL LIGHTING  
BY CITY OF BREVARD

8703 PETE ROGER  
ZONED DOWNTOWN MIXED USE  
BY CITY OF BREVARD

8612 PLAZA INVESTMENTS INC  
ZONED DOWNTOWN MIXED USE  
BY CITY OF BREVARD

454 PLAZA INVESTMENTS INC  
ZONED DOWNTOWN MIXED USE  
BY CITY OF BREVARD

4416 PLAZA INVESTMENTS INC  
ZONED DOWNTOWN MIXED USE  
BY CITY OF BREVARD

7398 81 NORTH BROAD LLC  
ZONED DOWNTOWN MIXED USE  
BY CITY OF BREVARD

8711 HANMILL ENTERPRISES INC  
ZONED DOWNTOWN MIXED USE  
BY CITY OF BREVARD

9115 YOUNG MORRIS  
ZONED AM-R RESIDENTIAL MIXED USE  
BY CITY OF BREVARD

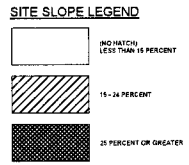
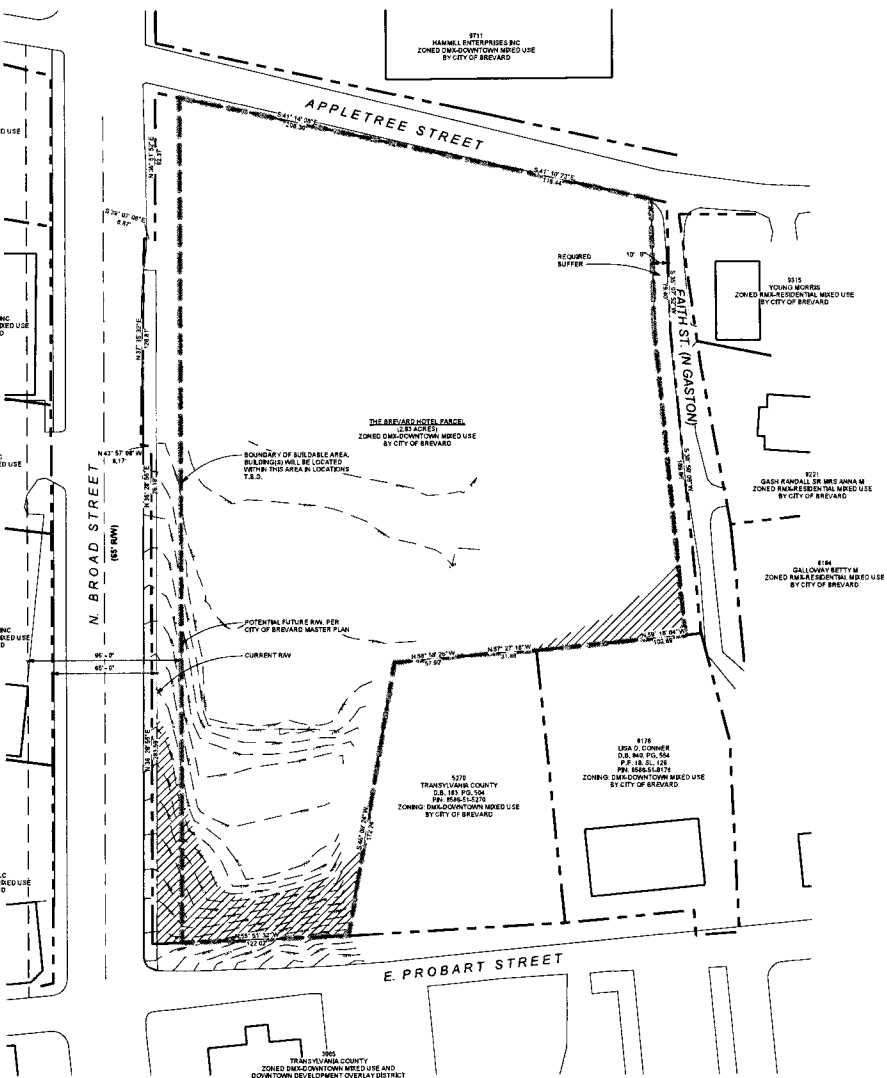
8221 GASH FANALL OR MRS ANNA M  
ZONED AM-R RESIDENTIAL MIXED USE  
BY CITY OF BREVARD

81M GALLOWAY BETTY H  
ZONED AM-R RESIDENTIAL MIXED USE  
BY CITY OF BREVARD

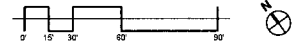
8178 USA O'CORNER  
D.B. AND P.C. 184  
P.P. 18, S.L. 128  
BY MRS. ANNA M  
ZONING DOWNTOWN MIXED USE  
BY CITY OF BREVARD

5276 TRANSYLVANIA COUNTY  
S.B. 183, P.O. 304  
BY MRS. ANNA M  
ZONING DOWNTOWN MIXED USE  
BY CITY OF BREVARD

3065 TRANSYLVANIA COUNTY  
ZONED DOWNTOWN MIXED USE AND  
DOWNTOWN DEVELOPMENT OVERLAY DISTRICT  
BY CITY OF BREVARD



1 A001 CONDITIONAL ZONING MASTER PLAN (PRELIMINARY)  
1" = 30'-0"



THE BREVARD HOTEL  
BREVARD, NC



REVISIONS		
No.	DATE	DESCRIPTION

DRAWING TITLE

CONDITIONAL ZONING MASTER PLAN

PROJECT NUMBER  
21103

DATE  
03/12/21

A001