

**ORDINANCE NO. 2022-26**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF THE CITY OF BREVARD TO ESTABLISH  
THE COMPO BREVARD 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; and

**WHEREAS**, in response to an application for rezoning filed by TR Hospitality for the property described as PINs 8597-11-0513-000, 8597-01-8529-000 8597-01-6950-000, 8597-02-9059-000, 8957-12-0348-000, 8597-11-0886-000, and 8597-11-1969-000 (hereafter "Subject Properties" or "Project Area") to be rezoned to Neighborhood Mixed Use Conditional Zoning District, the City of Brevard Planning Board considered REZ-22-003 on April 26, 2022, and unanimously recommended approval; and

**WHEREAS**, the Brevard Planning Board has determined that the application for rezoning all of these properties is consistent with the following polices and goals of the 2015 Comprehensive Plan:

1. 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.
  - a. POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.
2. OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.
  - a. 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.
  - b. POLICY 4.1.G: Modify development ordinances and regulations in incorporate design standards and guidelines that respect existing community character while allowing greater residential density of nonresidential development within mixed use zoning districts.
3. OBJECTIVE 4.4: Creation of new opportunities for citizens and visitors to experience recreation and nature.

and Council finds that this Ordinance is also consistent therewith; and

**WHEREAS**, the Brevard Planning Board has determined that the application for rezoning these properties is inconsistent with the 2002 Future Land Use Map, and Council concurs and also finds that this Ordinance is inconsistent therewith; and

**WHEREAS**, in accordance with North Carolina General Statute 160D-605 Council finds that this Ordinance is also reasonable and consistent therewith and that the proposed uses are reasonable and consistent within the context of the new zoning district and the prevalence of uses in the vicinity of the properties due to the following factors:

1. The conditional district provides the opportunity for crafting a site-specific zoning code that allows for context-sensitive considerations to protect the residential and camp uses along Lambs Creek Road from commercial uses which are appropriate to be located along the Asheville Highway frontage.
2. A nature-oriented destination site will help ensure the sensitive mountain slopes, the trout stream, and its associated floodplain will be protected and even enhanced, as they are an asset to the proposed project rather than an obstacle.
3. The preliminary master plan shows higher-intensity land uses adjacent to Asheville Highway, away from neighboring residential uses.

and

**WHEREAS**, a public hearing was held on May 16, 2022, in consideration of rezoning of the Subject Properties to Neighborhood Mixed Use Conditional Zoning District; and

**WHEREAS**, the City Council, 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 to establish the Compo Brevard Conditional Zoning District with the Neighborhood Mixed Use Base District as described in Exhibit A attached hereto and incorporated herein.

**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, which is attached to this ordinance and incorporated herein as Exhibit B, as well as the List of Conditions outlined below. This Ordinance and its exhibits shall run with the land and shall be binding on the TR Hospitality LLC, its heirs and assigns.

**Section 4.** List of Conditions.

- A. Except as set forth in Section 4.C, 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 Neighborhood Mixed Use Districts
  - 2. Chapter 62. Streets, Sidewalks, and Other Public Ways
  - 3. Chapter 70. Utilities
- B. Any and all unique architecture and building types shall fully conform to all applicable North Carolina State Building Codes.
- C. The following may be permitted within the District:
  - 1. The base zoning district shall be Neighborhood Mixed Use.
  - 2. The tabled of allowed uses in the District shall follow that of Neighborhood Mixed Use, with the following alterations:

Use	Removed from base NMX	Added to NMX-CD
Hotels/Motels/Inns	—	P
Rental Cottage/Cabins <sup>1</sup>	PS	P
Animal Services	P	—
Banks, Credit Unions, Financial Services	P	—
Drive Thru Service	SUP	—
Funeral Homes	PS	—
Group Care Facility	P	—
Kennels	SUP	—

Landscaping Services	SUP	—
Medical Services – Doctor Office	P	—
Vehicle Services – Minor Maintenance/Repair	SUP	—
Alcoholic Beverage Sales Store	SUP	—
Bar/Tavern/Night Club	SUP	P <sup>2</sup>
Gas Station	SUP	—
Vehicle/Heavy Equipment Sales – Indoor	PS	—
Metal Products Fabrication, Machine or Welding Shop	SUP	—
Cemeteries	PS	—
Jail	SUP	—
Public Safety Station	P	—
Schools – Elementary and Secondary	P	—
Schools – Vocational/Technical	P	—
Human Crematories	PS	—
1 As a stand-alone use. 2 Only bar/tavern; night club is not an allowed use.		

3. The maximum residential dwelling unit density shall be 4 dwelling units per acre. This density limit shall not be applied to lodging units.
4. Minimum setbacks from property lines shall follow those shown on the attached master plan.
5. Ground floor of each principal structure shall be a maximum of 30,000 square feet of gross heated area (does not include unheated or unenclosed floor area such as terraces and structured parking).
6. Maximum building height shall be limited as shown in the attached master plan. Building height shall be calculated as defined in the UDO Section 5.18.
7. The hours of operation for any outdoor event space shall be from 8:00 AM to 10:00 PM.
8. Buffer areas adjacent to General Residential districts shall be 40 feet in width.
9. The Developer shall explore placing buffer areas and unbuildable areas of the project site into a conservation easement in coordination with a non-profit land trust, such as Conserving Carolina, within 10 years.
10. The Developer shall construct a fence along the boundary of the Tanglewood Heights side of the project where feasible given existing slope conditions. Such fence shall be constructed before final zoning inspection approval of any development of Zone D.
11. Final master plans shall include a detailed stormwater management plan for that particular phase controlling for the net increase of impervious surface of that phase and demonstrating compliance with Chapter 6 of the UDO as certified by the City’s consultant hydraulic

engineer. The stormwater infrastructure shall be installed prior to the issuance of final zoning approval and certificate of occupancy for any development activity of the particular phase.

12. Demolition and remediation of structures in close proximity to Lambs Creek, including but not limited to residential structures, underground storage tanks, and creek channelization or retention structures, shall be done in coordination with, and according to all requirements and/or best practices of, the US Army Corps of Engineers and the North Carolina Department of Environmental Quality.
13. Interior private access roads may follow Low Impact Design standards for streets.
14. Due to the low impact nature of this development, Zone B as shown on the attached master plan shall not be limited by existing slope. All other zones shall follow the typical slope standards per the UDO.
15. The minimum amount of open space shall be 1.5 acres, across the entire District.
16. All billboards on the project properties shall be removed.

D. Minor modifications to the approved master plan may be approved by the Administrator as follows:

1. A deviation of up to 10% or 24 inches, whichever is greater, from the approved setbacks.
2. A reduction of up to 25% in the number of parking spaces.
3. A reduction of up to 20% in the minimum required distance between driveways and cuts, and between cuts and intersections.
4. Any other modifications shall be done in accordance with the limitations and procedures prescribed in the UDO.

**Section 5.** The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map and the Future Land Use 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.

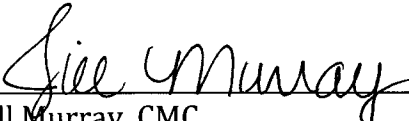
**Section 7.** All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

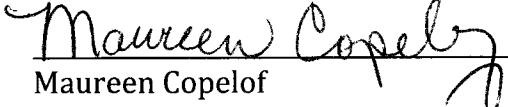
**Section 8.** This ordinance shall be in full force and effect from and after the date of adoption.

Adopted and approved this the 20<sup>th</sup> day of June 2022.

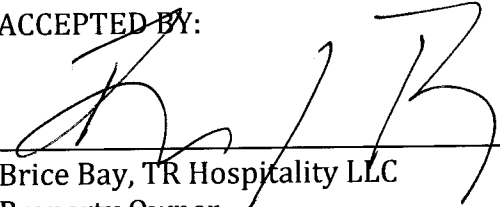


ATTEST:

  
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Jill Murray, CMC  
City Clerk

  
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Maureen Copelof  
Mayor

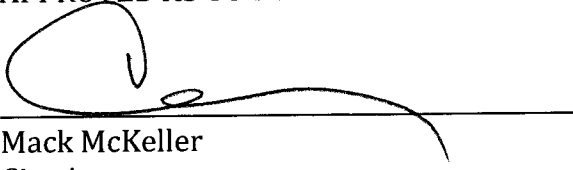
ACCEPTED BY:



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Brice Bay, TR Hospitality LLC  
Property Owner

APPROVED AS TO FORM:



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Mack McKeller  
City Attorney

EXHIBIT A

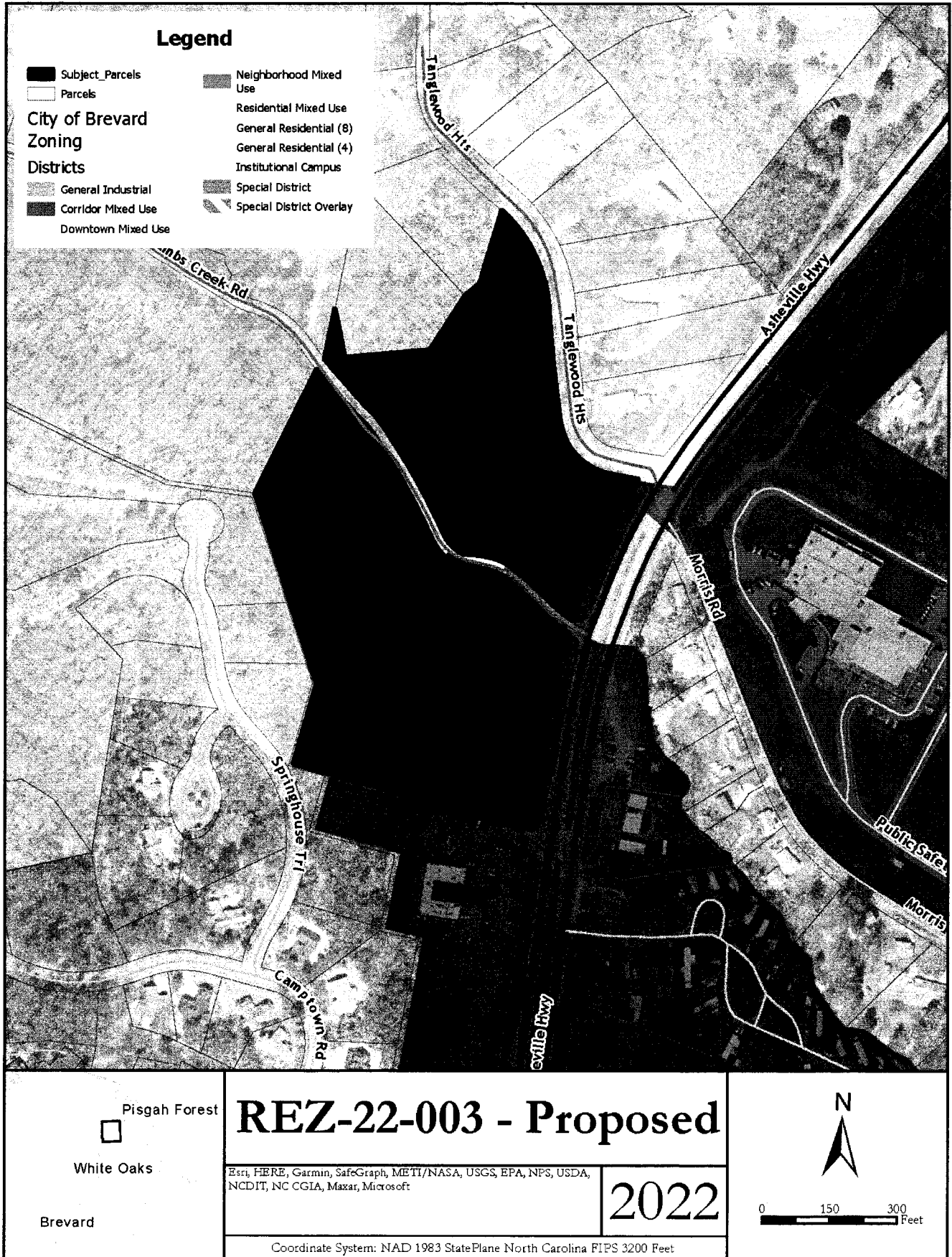
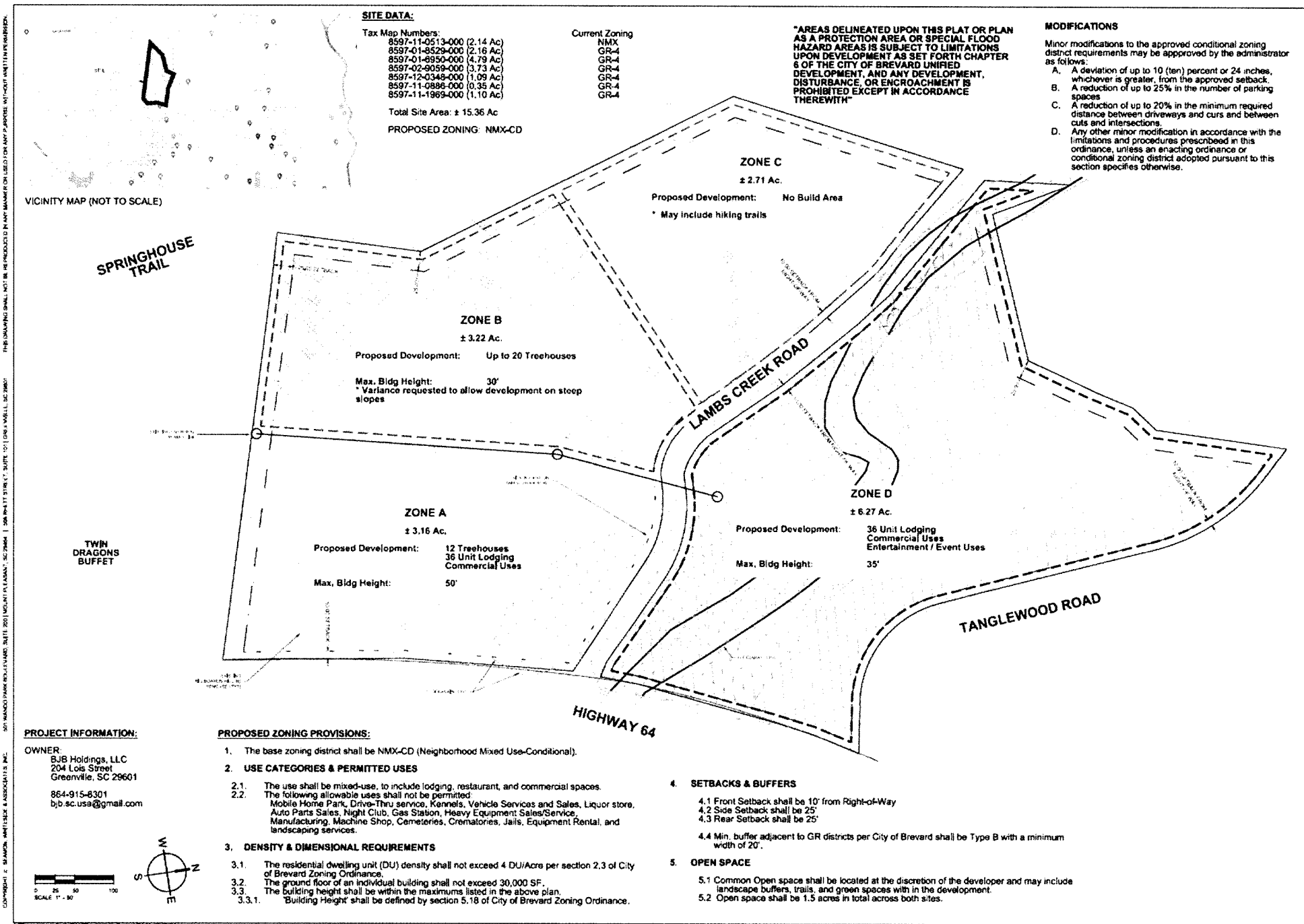


EXHIBIT B



SW SEASON WHITE SIDE

MOUNT PLEASANT, SC 29528-1667  
 GREENVILLE, SC 29602-2024  
 SUMMERVILLE, SC 29586-0715  
 SPARTANBURG, SC 29172-1277  
 CHARLOTTE, NC 28213-2450  
 www.swwhite.com

COMPO BREVARD  
 BREVARD, NORTH CAROLINA

DATE: 05/04/2022  
 DRAWN BY: WDM  
 CHECKED BY: CW

REVISION HISTORY

NO.	DESCRIPTION

CONDITIONAL REZONING MASTER PLAN

C1.0