ORDINANCE NO. 2025-XX

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD CREATING THE INN AT 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 Joy Shind for the property described as PIN 8586-60-6150-000 to be rezoned to a Residential Mixed Use Conditional Zoning District; and

WHEREAS, the City of Brevard Technical Review Committee has considered this application and submitted all pertinent comments to the Planning Department for incorporation into this Conditional Zoning District; and

WHEREAS, the City of Brevard Planning Board considered REZ-25-002 on April 22, 2025 and unanimously recommended approval by City Council; and

WHEREAS, the Brevard Planning Board and City Council have determined that this rezoning is both consistent with the following policies and goals of the City's Comprehensive Land Use Plan:

- **Goal 7:** Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.
- **LUH- 18:** Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.
- **LUH-20:** Encourage the creation of well-designed complete and cohesive neighborhoods; and

WHEREAS, the Brevard Planning Board and City Council have determined that this rezoning is reasonable and appropriate within the context of the existing zoning districts and the prevalence of uses in the vicinity of the Subject Parcel, due to the following factors

- This property is located in the Traditional Neighborhood character area in the Future Land Use Map, for which RMX is an applicable zoning district
- The size of the proposed rezoning diminishes any spot zoning concerns
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district
- The new district benefits landowners by creating a more context-sensitive conditional zoning district
- The rezoning is consistent with the above elements of the Comprehensive Land Use Plan; and

WHEREAS, a public hearing was conducted by Council on May 19, 2025; and

WHEREAS, the City of Brevard 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 zoning classification of that certain real property depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference, is hereby rezoned to be the Inn at Brevard Conditional Zoning District with the Residential Mixed Use District base district, as shown on Exhibit A attached hereto.

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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 List of Conditions and Final Master Plan, which are attached to this ordinance as Exhibit B and Exhibit C, respectively.

Section 5. This Ordinance and its exhibits shall run with the land and shall be binding on the property owner, its heirs and assigns.

Section 6. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

Section 7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of the ordinance.

Section 8. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 2nd day of June, 2025.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon CMC
City Clerk

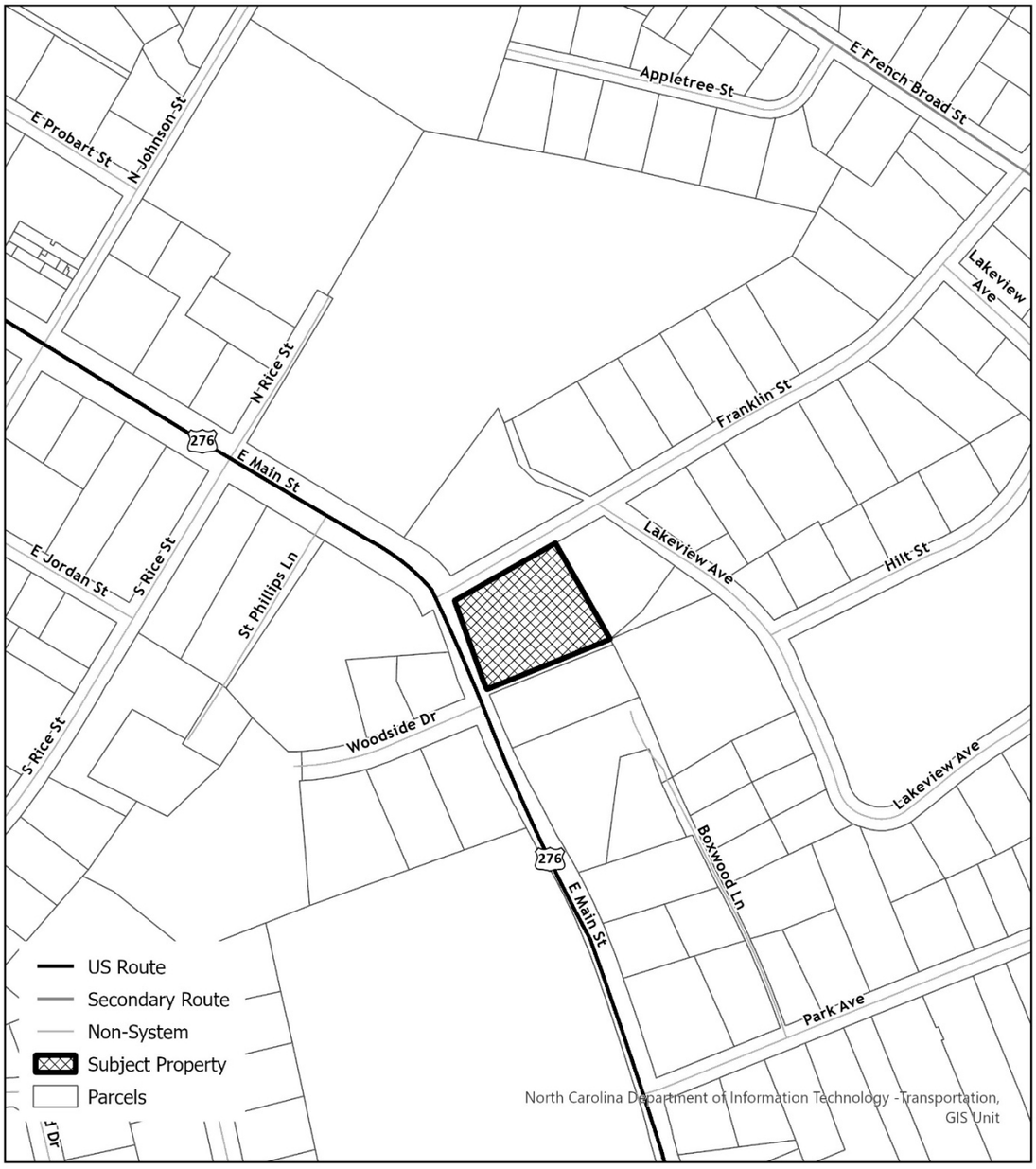
APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney

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EXHIBIT A
Ordinance Number 2025-XX

INN AT BREVARD CONDITIONAL ZONING DISTRICT: LOCATION MAP



Feet
0 100 200 300

This map was prepared by the City of Brevard Planning Department May 2025.

The information depicted 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
Ordinance Number 2025-XX

INN AT BREVARD CONDITIONAL ZONING DISTRICT: LIST OF CONDITIONS

1. **Definitions.** Within this List of Conditions, the following terms shall have the meanings articulated:
   a. "District" refers to the Inn at Brevard Conditional Zoning District.
   b. "UDO" refers to the City of Brevard Unified Development Ordinance.

2. **Future Development.**
   a. Compliance with Final Master Plan.
      i. Development on the subject parcel shall be in accordance with the attached Final Master Plan.
      ii. Modifications to the Final Master Plan shall be considered in accordance with Chapter 16 of the UDO.
      iii. In the absence of site-specific standards codified in this ordinance or the Final Master Plan, development on the site shall follow typical UDO requirements for the Residential Mixed Use district.

3. **Land Use.**
   a. Allowable Land Uses.
      i. Land uses may be permitted according to the following table:

Residential			
Household Living	**3.5.1**	Dwelling—Single-Family	P
		Dwelling—Duplex	P
		Dwelling—Multifamily 3—4 units/bldg.	P
		Dwelling—Multifamily more than 4 units/bldg.	P
		Dwelling—Townhome	P
		Manufactured Home	MHD
		Live-Work Units	PS
		Mixed-Use Residential Unit	—
Group Living	**3.5.2**	Family Care Home	P
		Housing Services for the Elderly	—
		Rooming or Boarding House	P
Social Services	**3.5.3**	Group Care Facility	P
		Shelter	—
Lodging			
Overnight Accommodations	**3.6.1**	All overnight accommodations, except as listed below	P
		Bed and Breakfast	PS
		Short-Term Rental (STR)	PS
Camping	**3.6.2**	Campground/Recreational Vehicle Park	SUP
		Rental Cottage/Cabins	PS
		Seasonal Camp	—
Commercial			
Eating and Drinking Establishments	**3.7.1**	All restaurants and other eating and drinking establishments except as listed below	P
		Bar/Night Club	—
Personal Services	**3.7.2**	All personal services, except as listed below	P
		Day Care Center	PS
Professional Services	**3.7.3**	All professional services, except as listed below	P
		Adult Establishment	—
		Banks, Credit Unions, Financial Services, and ATMs	—
		Funeral Homes and Services	—

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		Human Crematories and Crematoriums	—
		Indoor Animal Services	—
		Kennels and Outdoor Animal Services	—
		Landscaping and Contractor Services	—
		Vehicle Services—Major Repair/Body Work	—
		Vehicle Services—Minor Maintenance/Repair	—
Retail	**3.7.4**	All retail and sales establishments except as listed below	—
		Alcoholic Beverage Sales Store	—
		Auto/Mechanical Parts Sales	—
		Gas Station	—
		Gunsmiths and Weapon Sales	—
Civic/Institutional			
Educational	**3.8.1**	All educational uses except as listed below	P
		Colleges/Universities	—
		Schools—Vocational/Technical	—
Government	**3.8.2**	All government uses, except as listed below	P
		Correctional Facilities	—
		Public Safety Station	—
Medical	**3.8.3**	All medical offices and facilities except as listed below	P
		Hospital	—
Places of Worship	**3.8.4**	All religious institutions or places of worship	P
		Cemeteries	PS
Entertainment/Recreation			
Indoor Recreation	**3.9.1**	All indoor recreation facilities, except as listed below	P
		Cultural or Community Facility	P
		Indoor Amusements	—
		Indoor Firing Range	—
		Live Performance Theater	SUP
		Movie Theater	—
		Special Event Venue	P
		Studios, Galleries and Workshops - High Impact	—
		Studios, Galleries and Workshops - Low Impact	P
Outdoor Recreation	**3.9.2**	All outdoor recreation facilities, except as listed below	P
		Non-Residential Swimming Pool or Pond	SUP
		Outdoor Amusements	—
		Outdoor Firing Range	—
		Parks, Open Space, and Greenways	P
Agriculture			
Agriculture	**3.10.1**	All agricultural uses	—
Manufacturing/Wholesale/Storage			
Light Industrial and Manufacturing	**3.11.1**	All light industrial and manufacturing activities, except as listed below	—
		Brewery, Distillery, Winery, Cidery - High Impact	—
		Brewery, Distillery, Winery, Cidery - Low Impact	—
		Laboratory	—
		Laundry, Dry Cleaning Plant	—
		Manufacturing Research and Development	—
		Media Production	—
Heavy Manufacturing	**3.11.2**	All heavy manufacturing activities, except as listed below	—
		Metal Products Fabrication, Machine or Welding Shop	—
Storage and Disposal	**3.11.3**	All storage and disposal uses, except as listed below	—
		Chemical Storage Facility	—
		Solid Waste Disposal Facilities	—

		Junkyard / Salvage Yard	—
Wholesaling and Distribution	**3.11.4**	All wholesaling and distribution activities, except as listed below	—
		Equipment Rental	—
		Indoor Vehicle/Heavy Equipment Sales	—
		Outdoor Vehicle/Heavy Equipment Sales	—
Extractive Industries	**3.11.5**	All extractive industries, except as listed below	—
		Extractive industries involving blasting	—
Infrastructure			
Utilities	**3.12.1**	Utilities—Class 1	P
		Utilities—Class 2	P
		Utilities—Class 3	—
Telecommunications	**3.12.2**	All wireless telecommunication facilities, except as listed below	PS
		Wireless Telecommunication Facility—Tower	—
Transportation	**3.12.3**	Parking Lot	PS
		Passenger Vehicle Terminals	—
Accessory			
Residential Accessory	**3.13.1**	All residential accessory uses, except as listed below	PS
		Day Care Home	PS
		Dwelling—Accessory Unit (ADU)	PS
		Home Occupation	PS
		Keeping Bees	PS
		Keeping Domestic Fowl (Chickens)	PS
		Swimming Pool or Pond	PS
Non-Residential Accessory	**3.13.2**	All non-residential accessory uses, except as listed below	PS
		Accessory Retail	P
		Drive-Thrus	—
		Mobile Food Vendor Site	SUP
		Recycling - Small Collection	—
		Rooftop Amenity Space	—
		Taproom / Tasting Room	—
Temporary			
Events and Structures	**3.14.1**	All temporary events and structures, except as listed below	PS
		Carnivals or Circus	—
		Farmers Market	—
Vendors	**3.14.2**	All temporary vendors, except as listed below	—
		Vending Pushcarts	—

4. Dimensional Requirements.

a. Setbacks shall comply with RMX standards of Chapters 2 of the UDO.

b. Maximum Ground Floor Area for each principal structure shall not exceed those as depicted on the Master Plan.

5. Architectural Standards.

a. Structures within the Project Area shall be designed and constructed in a manner that is generally consistent with structures as shown on the Master Plan with respect to location, area, height, bulk, and mass.

b. Exterior changes to the main inn building shall be approved by the Joint Historic Preservation Commission as required.

c. Other architectural changes to the main inn building and the annex building shall be designed and constructed with historically authentic materials and in accordance with Chapter 5 of the UDO and/or the City of

Brevard Architectural Visual Guidelines to the greatest extent possible.

6. Tree Protection and Landscaping.

a. A 10-foot landscaping buffer shall be planted along the southern boundary of the parcel to screen from the adjacent General Residential property.

7. Parking.

a. Parking shall comply with off-street standards of Chapter 10 of the UDO to the greatest extent possible as depicted on the Master Plan.
b. The angled parking on Franklin Street may continue to be used but may not be expanded in any way.
c. Off-street parking maximum for the overnight accommodation use shall be calculated at 2 spaces per room or suite.

8. Utilities

a. The existing grease trap shall be evaluated to ensure it is properly sized for the volume of commercial kitchen usage proposed and upgraded if needed.
b. The installation of a clay sink trap shall be required before the occupancy of any pottery or ceramics studio.

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EXHIBIT C
Ordinance Number 2025-XX

INN AT BREVARD CONDITIONAL ZONING DISTRICT: FINAL MASTER PLAN

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