ORDINANCE NO. 2024-____

AN ORDINANCE AMENDING THE CITY OF BREVARD OFFICIAL ZONING MAP TO CREATE THE PISGAH GATEWAY MIXED USE ZONING DISTRICT

WHEREAS, the area in the vicinity of the US 64 / US 276 / NC 280 intersection and the entrance to Pisgah National Forest is a unique urban location within the City of Brevard, providing an entrance into the Pisgah National Forest as well as the City of Brevard itself; and,

WHEREAS, the City of Brevard Planning Board has recommended that the Brevard City Code, Unified Development Ordinance be amended to create the Pisgah Gateway Mixed Use (PGX) zoning district in order to codify context-sensitive regulations for this important area; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*:

> ***Recommendation Land Use & Housing – 10:*** *Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.*
>
> ***Future Land Use Map*** *identifies parcels in this area as a mix of Major Activity Center, Urban Corridor, and Conservation Design.*

WHEREAS, in accordance with North Carolina General Statute 160D-605, the Brevard City Council finds that this proposed zoning map amendment is reasonable due to the following factors:

- The location of the proposed zoning district is centered around the entrance to the Pisgah National Forest.
- 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 replacing an inappropriate downtown-focused district with a more context-sensitive district.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCODT R-5799 intersection improvement project.
- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- The Plan is consistent with the above elements of the Comprehensive Land Use Plan and the Future Land Use Map.

WHEREAS, a public hearing was conducted on Monday, November 4, 2024, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard Official Zoning Map be amended as outlined below.

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

SECTION 1. The zoning classification of the parcels identified by the Parcel Identification Numbers (PINs) below is hereby rezoned to Pisgah Gateway Mixed Use (PGX) as depicted in Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference:

8597-45-0298-000, 8597-45-1544-001, 8597-45-2252-000,
8597-45-2811-000, 8597-45-3585-000, 8597-45-4145-000,
8597-45-6400-000, 8597-45-7490-000, 8597-45-7785-000,
8597-45-8002-000, 8597-45-9061-000, 8597-46-3093-000,
8597-46-7468-000, 8597-47-3949-000, 8597-47-7210-000,

8597-54-1925-000, 8597-54-2869-000, 8597-54-3864-000,
8597-54-4908-000, 8597-54-5783-000, 8597-54-5936-000,
8597-54-6984-000, 8597-54-8650-000, 8597-54-8898-000,
8597-54-8900-000, 8597-54-9896-000, 8597-55-1410-000,
8597-55-1810-000, 8597-55-2546-000, 8597-55-2991-000,
8597-55-3136-000, 8597-55-3428-000, 8597-55-3549-000,
8597-55-4424-000, 8597-55-5313-000, 8597-55-5503-000,
8597-55-5681-000, 8597-55-6667-000, 8597-56-1525-000,
8597-56-4170-000, 8597-56-4615-000, 8597-57-0292-000,
8597-57-7985-000, 8597-64-1942-000, 8597-64-2864-000,
8597-64-3698-000, 8597-64-4657-000, 8597-64-4992-000,
8597-64-5558-000, 8597-64-5877-000, 8597-64-5877-000,
8597-64-6683-000, 8597-64-6737-000, 8597-64-7555-000,
8597-64-7714-000, and 8597-64-8466-000.

SECTION 2. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map, Comprehensive Land Use Plan, and Future Land Use Map consistent with this Ordinance.

SECTION 3. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 05. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 18th day of November 2024.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney