ORDINANCE NO. 2025-____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP AND MULTIPLE CHAPTERS OF THE CITY OF BREVARD UNIFIED DEVELOPMENT ORDINANCE TO CREATE THE PISGAH GATEWAY MIXED USE ZONING DISTRICT AND ASSOCIATED REGULATIONS

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.*

WHEREAS, a public hearing was conducted on Monday, November 4, 2024, by the Brevard City Council; and,

WHEREAS, the City Council of the City of Brevard previously created the Pisgah Gateway Mixed-Use zoning district by adopting Ordinances 2024-43 and 2024-44 on November 18, 2024; and,

WHEREAS, on December 11, 2024, the North Carolina General Assembly enacted Session Law 2024-57 via a veto override which included a provision that amended the definition of "down-zoning" in a manner that dramatically alters the authority for local governments to amend local zoning ordinances, thereby invalidating the previous creation of the Pisgah Gateway Mixed-Use zoning district; and,

WHEREAS, following the adoption of SL 2024-57, a second public hearing was conducted on Tuesday, January 21, 2025, by the Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is still the desire of the City Council of the City of Brevard Unified Development Ordinance be amended as outlined below in order to enact a new context-specific zoning district in the Pisgah Forest gateway area.

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

SECTION 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. The Future Land Use Map and Character Areas of the Building Brevard Comprehensive Land Use Plan is hereby amended as depicted in Exhibit B, which is attached hereto and incorporated herein by reference.

SECTION 3. The Planning Director is directed to reach out to property owners in the desired Pisgah Gateway Mixed Use district area and inform them of this change in state law and that they must now voluntarily opt into the PGX district with written consent.

SECTION 4. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 5. 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 6. 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 3rd day of February 2025.

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Maureen Copelof
Mayor

ATTEST:

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Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

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Mack McKeller
City Attorney