ORDINANCE NO. 13-2011

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD; CREATING THE FAMILY PLACE OF TRANSYLVANIA COUNTY CONDITIONAL ZONING DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Part 3 of Article 19 of Chapter 160A 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, this Ordinance is generally consistent with the City's 2002 Land Use Plan and other official plans; and

WHEREAS, the City of Brevard Planning Board has reviewed the proposed ordinance and recommends its enactment by City Council,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BREVARD, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING:

Section One. Upon petition of The Family Place of Transylvania County (hereafter, "Developer"), the Official Zoning Map of the City of Brevard is hereby amended to create The Family Place of Transylvania County Conditional Zoning District (hereafter, "District") as more particularly set forth herein.

Section Two. The zoning classification of that certain real property identified on Transylvania County tax maps by the following PIN number and deed book / page number, is hereby zoned as The Family Place of Transylvania County Conditional Zoning District, said zoning district being further depicted in Exhibit A, attached hereto and made a part hereof:

PIN 8596-25-8855-000; Document Book 571 Page 332-336.

Section Three. 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 Four. Future development and use of lands situated within the District, and the processing of applications to develop and use such lands, shall comply with all applicable provisions of Brevard City Code and the final master plan, which is attached to this ordinance as Exhibit B and incorporated herein. This Ordinance and its exhibits shall run with the land and shall be binding on the Developer, its heirs and assigns.

Section Five. The Developer is hereby granted vested rights for a period of five (5) years to complete the project in accordance with the final master plan and the terms and conditions of this ordinance.

Section Six. Conditions.

a. Except as set forth in this section and Exhibit B, Final Master Plan, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,

1. Unified Development Ordinance
2. Chapter 62. Streets, Sidewalks, and Other Public Ways
3. Chapter 70. Utilities

b. The Planning Director, or designee thereof (hereafter, " Administrator") may approve minor modifications to the final master plan. Major modifications to the master plan shall be considered as a new Conditional Zoning District proposal in accordance with the procedures set forth in Chapters 2 and 16 of the Unified Development Ordinance.

c. The Developer shall render all applicable fees to the Administrator prior to receiving final zoning approval for any structure from the City of Brevard, and prior to receiving a Certificate of Occupancy for any structure from Transylvania County.

e. Land Uses.

1. All uses permitted in Chapter 2, Section 2.C, *Use Matrix* under the Zoning District designation of General Residential may be permitted with the addition of the following use: Community Service Organization, which may be permitted by right.

2. All permissible uses shall comply with any applicable condition or standard as set forth in the Unified Development Ordinance.

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

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

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

Adopted and approved this the 20th day of June, 2011.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry
City Clerk

Approved as to form:

Michael K. Pratt
City Attorney

Ordinance No. 13-2011, Exhibit A

OFFICIAL ZONING MAP
-Excerpt-



Legend

Parcels

Zoning District

General Residential (6)

Special Flood Hazard Areas

Flood Hazard Areas

Floodway, Zone AE

Zone AE

0 100 200

Feet

2

Ordinance No. 13-2011, Sheet 1 of 1

Ordinance No. 13-2011, Exhibit B

MASTER PLAN

