

Mr. Yamin withdrew rezoning application 5-5-22
Jm

ORDINANCE NO. 2022-17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO ESTABLISH
THE JUNIPER WORKFORCE HOMESTEAD 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 Jim Yamin of Workforce Homestead, Inc. for the property described as PINs 8586-64-5862-000, 8586-64-2971-000, and 8586-64-3605-000 (hereafter "Subject Properties") to be rezoned to General Residential - 8 Conditional Zoning District, the City of Brevard Planning Board considered REZ-22-001 on April 26, 2022 and unanimously recommended denial; and

WHEREAS, the Brevard Planning Board has discussed 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 4.2: Develop a system of "complete neighborhoods" throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)
 - a. POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.
 - b. POLICY 4.2.E: Collaborate with partners to increase the amount of available affordable and workforce housing, and to combat homelessness.

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 finds that this Ordinance is also consistent 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 General Residential - 8 base zoning district is intended for predominately residential neighborhoods in accordance with the existing pattern of single-family homes.
2. Conditional zoning districts are intended to provide developers with flexibility for creative design and to allow for changes in the density and dimensional requirements that are not otherwise permitted in the base zoning district. Workforce Homestead, Inc. is hemmed in by both development and environmental constraints that necessitate a unique design approach.
3. The proposed designs and conditions provide necessary low-income housing within the City Limits.

and

WHEREAS, a public hearing was held on May 2, 2022 in consideration of rezoning of the Subject Properties to The Juniper Workforce Homestead 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 Juniper Workforce Homestead Conditional Zoning District with the General Residential - 8 Base District as described in Exhibit A attached hereto.

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 Workforce Homestead, Inc., its heirs and assigns.

Section 4. List of Conditions.

- A. Except as set forth in Section 4.B, 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 Institutional Campus Districts
 2. Chapter 62. Streets, Sidewalks, and Other Public Ways
 3. Chapter 70. Utilities
- B. The following may be permitted within the District:
1. The base zoning district shall be General Residential - 8.
 2. The following uses are permitted in the District: Dwelling-Multifamily more than 4 units/building, and all other uses permitted in the General Residential - 8 base zoning district.
 3. The maximum dwelling unit density shall be increased to 14 dwelling units per acre.
 4. The maximum ground floor area of each principal structure shall be 10,000 SF.
 5. The building type "apartment" shall be permitted.
 6. The placement and connection of the new driveway to the existing street system shall be based on an approved NCDOT driveway permit. Such permit shall be submitted with the final master plan of the phase in which the proposed connection is located.
 7. The minimum driveway separation shall be 50 feet (with approval from NCDOT) and contingent upon the closure of the access easement on the North Side of Parcel #8586-64-2971-000, informally referred to as Moose Lodge Road.
 8. In lieu of constructing sidewalk and curb-and-gutter along all street frontages, Workforce Homestead, Inc. shall pay a fee-in-lieu based on the actual cost of construction.
 9. The primary entrance shall be constructed at a reduced width as approved by the Technical Review Committee and with a center

median as required by ordinance. The entrance shall also have sidewalk on one side leading into the development and landscaping as required by ordinance.

- C. Modifications to the Final Master Plan shall be considered in accordance with Chapter 16 of 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 2nd day of May 2022.

Maureen Copelof
Mayor

ATTEST:

Jill Murray, CMC
City Clerk

ACCEPTED BY:

Workforce Homestead, Inc.
Property Owner

APPROVED AS TO FORM:

Mack McKeller
City Attorney