

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PARCEL IDENTIFICATION NUMBERS 9569-95-7758, 9569-95-5941 AND 9569-96-4013 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Numbers: 9569-95-7758, 9569-95-5941 and 9569-96-4013 –710 Duncan Hill Road (Duncan Terrace) - (File # P21-79-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Leah Bergman of Lee Ray Bergman LLC (applicant) and Lee Ray Bergman LLC (property owner) for the development of 132 apartments on approximately 8.66 acres, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on May 9<sup>th</sup>, 2022; voting 0-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on June 2<sup>nd</sup>, 2022, and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9569-95-7758, 9569-95-5941 and 9569-96-4013 from PRD-CZD (Planned Residential Development – Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant, the conditions listed therein and subject to the following.
  - a. Permitted uses shall include:
    - i. Residential Dwellings, Multi-Family
  - b. Conditions that shall be satisfied prior to final site plan approval include:
    - i. The development shall be consistent with the preliminary site plan and conditions listed therein as submitted on April 29<sup>th</sup>, 2022, [or as modified and presented].
3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 2<sup>nd</sup> day of June 2022.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree

to the imposition of all conditions stated.

Applicant/Developer: Leah Bergman of Lee Ray Bergman LLC

Signature:\_\_\_\_\_

Printed Name:\_\_\_\_\_

Title: \_\_\_\_\_

Date:\_\_\_\_\_

Property Owner: Lee Ray Bergman LLC

Signature:\_\_\_\_\_

Printed Name:\_\_\_\_\_

Title: \_\_\_\_\_

Date:\_\_\_\_\_