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City of Asheville Ordinance Number

Ordinance Description

Ordinance establishing conditional zoning for properties located at 3862 Sweeten Creek Rd.

Ordinance Details

Whereas, the City of Asheville 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, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

Whereas, this amendment is consistent with the Living Asheville - A Comprehensive Plan for our Future and is determined to be reasonable, and in the public interest for the following reasons:

- Prioritizes greater densities of development overall, throughout the city as appropriate;
- Increases the supply of housing, including affordable housing in proximity to schools, transit and parks.

Now, therefore, be it ordained by the City Council of the City of Asheville that:

Section 1

The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as all portions of PINs 9654-44-4259 & 9654-44-1465, Deed Book 5750, Page 1114 and Deed Book 5660, Page 0765, and currently owned by James and Becky Woodruff be rezoned from Residential Single-Family High Density (RS-16) to Residential Expansion - Conditional Zone (RES EXP-CZ) as shown on **Exhibit "A1" (map of proposed zoning - 3862 Sweeten Creek Rd)**. Said rezoning is subject to the conditions set out in Exhibit "E" **(project conditions agreed to by City and applicant that must be met for conditional zoning),** and the site plan(s) and elevations as shown in Exhibit "D" **(site plan(s), landscape plan, elevations)**, attached hereto and made a part hereof.

Section 2

That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3

That 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 this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4

The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5

That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the _____th day of _____, 2026.

_____
Esther E. Manheimer, Mayor

_____
Brad Branham, City Attorney

_____
Magdalen Burleson, City Clerk