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City of Asheville Ordinance Number

Ordinance Description

Ordinance amending zoning for property located at 819 Patton Avenue

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:

- Ensures that new development has the appropriate infrastructure to support it;
- Establishes accessible and well-connected commercial nodes consistent with strategies outlined in the plan's growth areas.

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 certain real property described in Exhibit A and identified on Buncombe County tax maps as a 0.64-acre portion of PIN 9629-80-5624 recorded in Deed Book 5340, Page 1306, and currently owned by the American Society for the Prevention of Cruelty to Animals be rezoned from Residential Multi-Family High Density (RM-16) to Highway Business (HB) as shown on **Exhibit "A.1" (map of proposed zoning - 32 Heritage Dr)**.

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 [day]th day of [month], [year].

_____
Esther E. Manheimer, Mayor

_____
Brad Branham, City Attorney

_____
Magdalen Burleson, City Clerk