City of Asheville Ordinance Number

Ordinance Description

Ordinance repealing Conditional Zoning Ordinance Nos. 3921 and 4995 and replacing with new Ordinance establishing conditional zoning for properties located at 264 and 274 Enka Heritage Parkway and 1455 Sand Hill Road

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:

- Provides infill development in targeted growth areas;
- Eliminates gaps in the city-wide sidewalk network;
- Enhances transit-supportive infrastructure by providing a multi-use path; and,
- Promotes placemaking by preserving a historic structure.

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:

To repeal Conditional Zoning Ordinance Nos. 3921 and 4995, and replace the zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as all portions of PINs 9617-43-4110 recorded in Deed Book 6269, Page 740, and 9617-33-6190 recorded in Deed Book 6269, Page 740, currently owned by Enka Partners of Asheville LLC, remain zoned Commercial Expansion - Conditional Zone (COM EXP-CZ) and all portions of PIN 9617-32-2081, recorded in Deed Book 4590, and Page 156, and

currently owned by Fletcher Partners INC to be rezoned from Commercial Industrial - Conditional Zone to Commercial Expansion - Conditional Zone (COM EXP-CZ) as shown on **Exhibit "A1" (map of proposed zoning)**. 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 plans and 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 13th day of October, 2026.

_____
Esther E. Manheimer, Mayor

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Brad Branham, City Attorney

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Magdalen Burleson, City Clerk