ORDINANCE NO. _____

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED LOCATED AT 767 NEW HAW CREEK ROAD

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, the property owner has requested a change to the site plan(s) and project conditions (Exhibit E) as approved under Ordinance No. 5094; and

WHEREAS, this proposed 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:

a) Provides development that maximizes real estate development to meet the needs of the residential and commercial community; and,
b) Makes streets more walkable and connected especially where sidewalks are located at street crossings and where connectivity eliminates gaps proximate to greenways.

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 PIN 9659-93-9458, currently owned by Margaret B King remain zoned Residential Expansion - Conditional Zone (RES EXP-CZ) as shown on Exhibit "A", and be amended by modifying the project conditions as set out in Exhibit "E", and the site plan(s) and elevations as shown in Exhibit "D", 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 ____, 2025.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney