City of Asheville Ordinance Number

Ordinance Description

Ordinance amending zoning for property located at 3 South Tunnel 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:

- The rezoning may bring investment and related goods or services to the Asheville Mall to bolster the economic activity of the area;
- Although a plan has not been provided, the applicant suggested that the project is considering housing, an identified city need.

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 9658-13-5696 recorded in Deed Book 6246, Page 353, and currently owned by Asheville Mall Capital Holding LLC be rezoned from from Urban Place Form District (UP) to Regional Business (RB) as shown on **Exhibit "A.1" (map of proposed zoning)**.

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 28th day of July, 2026.

_____
Esther E. Manheimer, Mayor

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Brad Branham, City Attorney

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Magdalen Burleson, City Clerk