

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9568-77-1057 BY CHANGING THE ZONING DESIGNATION CMU-CZD (CENTRAL MIXED USE CONDITIONAL ZONING DISTRICT) TO CMU-CZD (CENTRAL MIXED USE - CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Numbers: 9568-77-1057  
Addresses: 0 1<sup>st</sup> Ave West  
1<sup>st</sup> Ave Villas: (File # P24-26-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Rafique Charania of ARY Development LLC, for the development of 16 multi-family residential units on 1<sup>st</sup> Ave W; and

**WHEREAS**, the Planning Board took up this application at its regular meeting on August 8, 2024; voting 5-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on September 5, 2024 and November 7, 2024, and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9568-77-1057, changing the zoning designation from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District)
2. Development of the parcel pursuant to this Ordinance is subject to the following.
  - a. Development shall comply with the site plan submitted by the applicant dated August 21, 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].
  - b. Permitted uses shall include:
    - i. Residential, Multi-Family - 16 Units
  - c. Additional conditions that shall be satisfied prior to final site plan approval include:
    - i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Jill Murray, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Becker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9568-77-1057  
Addresses: 0 1<sup>st</sup> Ave West  
1<sup>st</sup> Ave Villas: (File # P24-26-CZD)

Applicant/Developer: Sarah McCormick,  
Peacock Architects

Property Owner: Rafique Charania, ARY  
Development LLC

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_