

ORDINANCE NO. 25-01-04

ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF BUNCOMBE COUNTY, CHAPTER 78,
ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF
BUNCOMBE COUNTY
ZPH2024-00034

- WHEREAS, pursuant to N.C. Gen. Stat. §160D-702, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;
- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, pursuant to N.C. Gen. Stat. §160D-602, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;
- WHEREAS, the Planning Board has received an application for an amendment to the Official Zoning Map of Buncombe County, North Carolina (“Official Zoning Map”) to rezone the below listed parcels or portions thereof as indicated and shown herein on Exhibit A:
- PIN(s)/Acreage: Approximately 10.35 acres from Parcel Nos. 9619-86-2572 and 9619-86-3989
- Addresses: 14 Hitching Post Lane
- Owner(s): Harry & Marjorie Clay
- Applicant(s): Barney Danzansky, Equity Development Group LLC
- WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from R-2 to CS, with the remainder of the parent tracts to remain R-2, as shown and depicted in Exhibit A, which is attached hereto and incorporated herein by reference, and
- WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on December 16, 2024, at which meeting a motion to **approve** the proposed map amendment passed by a vote of **7 to 0**; and,
- WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. In accordance with N.C. Gen. Stat. §160D-605, this Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and whether the rezoning is reasonable and in the public interest, and hereby finds the following:

- a) The proposed rezoning of the subject property is consistent with the Buncombe County 2043 Comprehensive Plan in that the property:
 - i. Has access to public water and sewer
 - ii. Is within the recommended density of the GEC Character area
 - iii. Is within reasonable proximity to major transportation corridors
 - iv. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
 - v. Brings a new site to market that has promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.
 - vi. Is not located within an Overlay District
 - vii. Does not contain significant hazard stability areas.

- b) The proposed map amendment would **not be detrimental** to the owners, adjacent neighbors, and surrounding community as it **does** meet several goals as identified in the Buncombe County Comprehensive Land Use Plan Update.

- c) Therefore, for all the above reasons, the requested zoning would be **reasonable and in the public interest**.

Section 2. This Board does hereby **approve** the request to rezone the 10.35 acres, being portions of PIN(s) 9619-86-2572 and 9619-86-3989 Buncombe County, NC, from R-2 Residential District to CS Commercial District, as shown and depicted upon Exhibit A, which is attached hereto and incorporated herein by reference;

Section 3. If any section, subsection, 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;

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this the 21st day of January 2025.

ATTEST

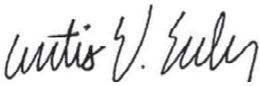
BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Sarah Gross, Clerk


BY _____
Amanda Edwards, Chairman

APPROVED AS TO FORM



County Attorney

Exhibit A

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

PIN(s)/Acreage: Approximately 10.35 acres comprising portions of 9619-86-2572 and 9619-86-3989 and identified as “Lot A” on a survey by Eric S. McAbee, entitled “Subdivision & Recombination Survey of the Properties of: Harry P. Clay & Marjorie C. Clay”, and labeled as Drawing No. G-13-XXX, said survey being part of the record of proceedings and incorporated herein by reference in aid of description.

Addresses: 14 Hitching Post Lane

Owner(s): Harry & Marjorie Clay

Applicant(s): Barney Danzansky, Equity Development Group LLC

PROPOSED ZONING DISTRICT – CS (Not to Scale); Any conflict between the below representation and the above referenced survey shall be controlled by the survey.

