

ORDINANCE NO. \_\_\_\_\_

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  
ZPH2020-00024

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WHEREAS, pursuant to N.C. Gen. Stat. §153A-340, 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. §153A-323, 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 a portion of the parcel identified as follows, and shown herein as Exhibit A:

Case: ZPH2020-00024  
PIN(s): 9635.62.7864, 9635.72.1875, 9635.63.8087  
Addresses: Multiple addresses (40-46, 55, 58-78) Parkway Lane located east of Clayton Road, Buncombe County, NC  
Owner(s): Freeze Interprize, LLC  
Applicant(s): Brett Turner

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-1 Residential District to PS Public Service District 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 November 2, 2020, at which meeting a motion to deny the proposed map amendment passed by a vote of **6 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. This Board has considered whether this proposed amendment is consistent with the Buncombe County Land Use Plan and the associated Land Use Constraint Maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update, and hereby finds the following:

1.1 Said zoning change is **consistent** with Figure 20. Appropriate Development Types, of the Buncombe County Comprehensive Land Use Plan and Updates because the proposed rezoning is:

1.1.1 Within “[reasonable] proximity to major transportation corridors.”

1.1.2 Within “[reasonable] proximity to infrastructure (combined water / sewer service area).”

1.1.3 “Outside of steep slope areas (25%+).”

1.1.4 “Outside of high elevations (2500’+).”

1.1.5 “Outside of moderate and high slope stability hazards.”

1.1.6 “[Separated] from low-density residential uses.”

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

1.3 Therefore, the requested zoning would be **reasonable** and **in the public interest**.

Section 2. This Board does hereby **approve** the request to rezone PIN(s) 9635.62.7864, 9635.72.1875, 9635.63.8087 [Multiple addresses (40-46, 55, 58-78) Parkway Lane located east of Clayton Road, Buncombe County, NC] from R-1 Residential District to PS Public Service 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 17<sup>th</sup> day of November, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

BY \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney

Exhibit A

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

**PIN(s):** 9635.62.7864, 9635.72.1875, 9635.63.8087  
**Addresses:** Multiple addresses (40-46, 55, 58-78) Parkway Lane located east of Clayton Road, Buncombe County, NC  
**Owner(s):** Freeze Interprize, LLC

**PROPOSED ZONING DISTRICT - PS**

