

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
ZPH2021-00021

WHEREAS, pursuant to N.C. Gen. Stat. §160D-7-1, 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-6-2, 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, and shown herein as Exhibit A:

Case: ZPH2021-00021
PIN(s): 8697-63-7531, 8697-63-4277, 8697-63-5541, and 8697-63-9521
Addresses: 1952 Smokey Park Hwy and unaddressed parcels
Owner(s): L&R Properties Inc, Cogburn Family Properties LLC – Cogburn
(Heirs) Max O, and Judith M Sharpe (McElrath)
Applicant(s): Kane Investment Group LLC

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-1 Residential District and NS Neighborhood Services District to CS Commercial 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 May 3, 2021, at which meeting a motion to **approve** the proposed map amendment passed by a vote of **5 to 0, with 2 recused**; 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 “Outside of flood hazard areas.”

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) 8697-63-7531, 8697-63-4277, 8697-63-5541, and 8697-63-9521, 1952 Smokey Park Hwy and unaddressed parcels, Buncombe County, NC, from R-1 Residential District and NS Neighborhood Service District to CS Commercial Service District, as shown and depicted in 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 18th day of May, 2021.

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**

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PROPOSED ZONING DISTRICT – R-1 and NS

