

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
ZPH2023-00031

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: ZPH2023-00031
PIN(s): 8697-85-0315, 8697-85-1233, 8697-84-1531, and 8697-84-1538
Addresses: 215 and Unaddressed Justice Ridge Rd., & 1 and 5 Clara Parker Dr.
Owner(s): Myron Gottfried of Justice Ridge Farm, LLC
Applicant(s): Myron Gottfried of Justice Ridge Farm, LLC

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-1 and R-2 Residential District to the CS Commercial 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 October 16, 2023, at which meeting a motion to **approve** 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 2043 Comprehensive Plan, 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. Is consistent with the GEC Character Framework description
 - ii. Is within reasonable proximity to water and sewer infrastructure
 - iii. Is within the recommended density of the GEC Character area
 - iv. Is consistent with the primary and secondary land uses in the GEC Character Framework
 - v. Is within reasonable proximity to major transportation corridors
 - vi. Prioritizes environmental conservation of other natural lands to protect and increase the capacity to sustain the county's existing biodiversity
 - vii. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
 - viii. Has potential to work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.
 - ix. Is outside of steep slope area
 - x. Is outside of moderate and high slope stability hazards
 - xi. Is outside of flood hazard areas

- b) 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.

- c) 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) 8697-85-0315, 8697-85-1233, 8697-84-1531, and 8697-84-1538 (215 and Unaddressed Justice Ridge Road, and 1 and 5 Clara Parker Drive) Buncombe County, NC, from R-1 and R-2 Residential District to CS Commercial 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 7th day of November, 2023.

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): 8697-85-0315, 8697-85-1233, 8697-84-1531, and 8697-84-1538
Addresses: 215 and Unaddressed Justice Ridge Road, and 1 and 5 Clara Parker Drive
Owner(s): Myron Gottfried of Justice Ridge Farm, LLC
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PROPOSED ZONING DISTRICT – CS

