

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

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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: ZPH2023-00027  
PIN(s): 9635-37-0439 AND 9635-54-4215  
Addresses: 179 E. Frederick Law Olmsted Way; Unaddressed parcel on Brevard Rd.  
Owner(s): Biltmore Farms LLC  
Applicant(s): Biltmore Farms LLC

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-3 (Residential District), NS (Neighborhood Service), and CS (Commercial Service District) to EMP (Employment) with a portion of the property remaining R-LD (Residential Low Density) 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 20, 2023, at which meeting a motion to **approve** the proposed map amendment passed by a vote of **4 to 1**; 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. 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.
  - vii. Is outside of steep slope area
  - viii. Is outside of moderate and high slope stability hazards
  
- 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 PINs 9635-37-0439 AND 9635-54-4215 (179 E. Frederick Law Olmsted Way; Unaddressed parcel on Brevard Rd.) Buncombe County, NC, from the R-3 (Residential District), NS (Neighborhood Service), and CS (Commercial Service District) to EMP (Employment) with a portion of the property remaining R-LD (Residential Low Density), 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 5<sup>th</sup> day of December, 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): 9635-37-0439 AND 9635-54-4215  
Addresses: 179 E. Frederick Law Olmsted Way; Unaddressed parcel on Brevard Rd.  
Owner(s): Biltmore Farms LLC  
Applicant(s): Biltmore Farms LLC

**PROPOSED ZONING DISTRICT – EMP and RLD**

