

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
ZPH2024-00015

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: ZPH2024-00015
PIN(s): 0629763339
Addresses: 99999 Yates Ave
Owner(s): Seyed Hesam Sadeghian Motahar
Applicant(s): Seyed Hesam Sadeghian Motahar

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from the R-1 Residential District and CR Conference Resort District to the R-1 Residential 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 June 17, 2024, 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 the recommended density of the GEC Character area
 - iii. Is consistent with the primary and secondary land uses in the GEC Character Framework
 - iv. Is within reasonable proximity to major transportation corridors
 - v. Prioritizes environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and increase the capacity to sustain the country's existing biodiversity.
 - vi. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
 - vii. Is in the of steep slope area which is consistent with the proposed down-zoning
 - viii. Has some moderate and high slope stability hazard areas which is consistent with the proposed down-zoning
 - ix. Is outside of flood hazard areas

- a) 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.

- b) 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) 0629763339 (99999 Yates Ave) Buncombe County, NC, from R-1 Residential District and CR Conference Resort District to R-1 Residential 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 16th day of July, 2024.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Sarah Gross, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Exhibit A

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

PIN(s): 0629763339
Addresses: 99999 Yates Aves
Owner(s): Seyed Hesam Sadeghian Motahar
Applicant(s): Seyed Hesam Sadeghian Motahar

PROPOSED ZONING DISTRICT – R-1

