

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  
ZPH2024-00034

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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:

PIN(s): 9619862572

Addresses: 14 Hitching Post Lane

Owner(s): Harry & Marjorie Clay

Applicant(s): Barney Danzansky, Equity Development Group LLC

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from R-2 to CS, with the remainder of the property to remain R-2, 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 December 16, 2024, at which meeting a motion to **approve** the proposed map amendment passed by a vote of **7 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. Has access to public water and sewer
  - ii. Is within the recommended density of the GEC Character area
  - iii. Is within reasonable proximity to major transportation corridors
  - iv. Prioritizes the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration
  - v. Brings a new site to market that has promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.
  - vi. Is not located within an Overlay District
  - vii. Does not contain significant hazard stability 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) 9619-86-2572 (14 Hitching Post Lane) Buncombe County, NC, from R-2 Residential District to CS Commercial 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 21<sup>st</sup> day of January 2025.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Sarah Gross, Clerk

BY \_\_\_\_\_  
Amanda Edwards, Chairman

APPROVED AS TO FORM

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

Exhibit A

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

PIN(s): 9619862572  
Addresses: 14 Hitching Post Lane  
Owner(s): Harry & Marjorie Clay  
Applicant(s): Barney Danzansky, Equity Development Group LLC

**PROPOSED ZONING DISTRICT – CS**

