

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

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- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-340, 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. § 153A-323, 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 parcel identified as follows and shown herein as "Figure A":
- tax lot PIN 9634-28-5983 (North of 256 Ball Gap Road), which is currently zoned Single Family Residential District R-1.
- The Applicant is requesting that the zoning designation for the property be changed from the existing zoning designation to Residential District R-3;
- WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider this proposed amendment and has recommended in a vote of 7-0 on June 16, 2014 that the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and further recommended that the Board of Commissioners adopt the proposed amendment;
- WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board dated June 16, 2014; 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 finds that, pursuant to N.C. Gen. Stat. §153A-341, the proposed amendment to the Official Zoning Map is consistent with the Buncombe County Comprehensive Land Use Plan and Updates and is reasonable and in the public interest based upon the

reasons set forth by the Planning Board in their resolution dated June 16, 2014 which this Board adopts and incorporates herein by reference;

- Section 2. That this Board does hereby approve the request to rezone the parcel identified as follows, and as shown on the attached Exhibit "A",
- tax lot PIN 9634-28-5983 (North of 256 Ball Gap Road), which is currently zoned Single Family Residential District R-1.
- to be zoned Residential District R-3, through amendment to the Official Zoning Map. A copy of the Official Zoning Map showing said property is attached hereto as Exhibit "A" and made a part hereof;
- Section 3. That the Zoning Administrator is hereby authorized to amend the Official Zoning Map to reflect said change as set forth in Section 2 of this Ordinance;
- Section 4. That 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 5. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and
- Section 6. This ordinance is effective upon adoption.

Read, approved and adopted this 5<sup>th</sup> day of August, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

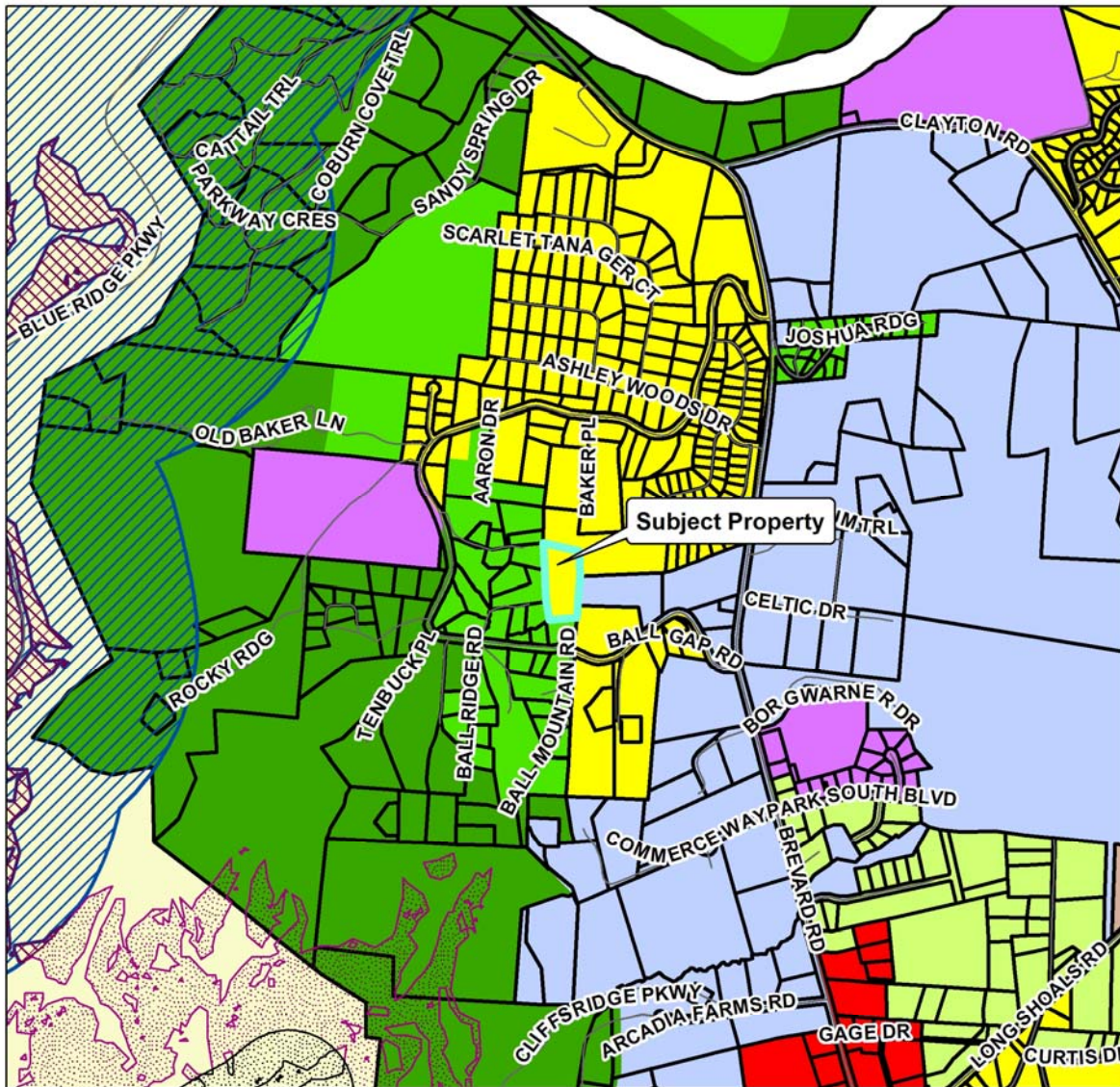
\_\_\_\_\_  
Kathy Hughes, Clerk

BY \_\_\_\_\_  
David Gantt, Chairman

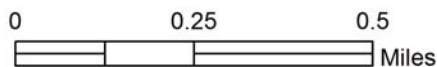
APPROVED AS TO FORM

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

Exhibit A



## Elizabeth Buckner Map Amendment



Case Number: ZPH2014-00032  
Approximate Property Size: 3.51 acres  
Application Date: May 16, 2014  
Planning Board Hearing Date: June 16, 2014

Zoning Districts		Zoning Overlays	
BDM	PS	Blue Ridge Parkway Overlay	
CS	CR	Protected Ridge Overlay	
EMP	R-1	Protected Ridge & Parkway	
NS	R-2	Steep Slope/High Elev.	
OU	R-3	Steep Slope/High Elev. & Pkwy	
	R-LD		



Created By: Buncombe County Planning  
Date: May 18, 2014