

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

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 9721-89-7005 (855 Old Marshall Highway), 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 8-0 on July 7, 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 July 7, 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 July 7, 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 9721-89-7005 (855 Old Marshall Highway), 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 5th day of August, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

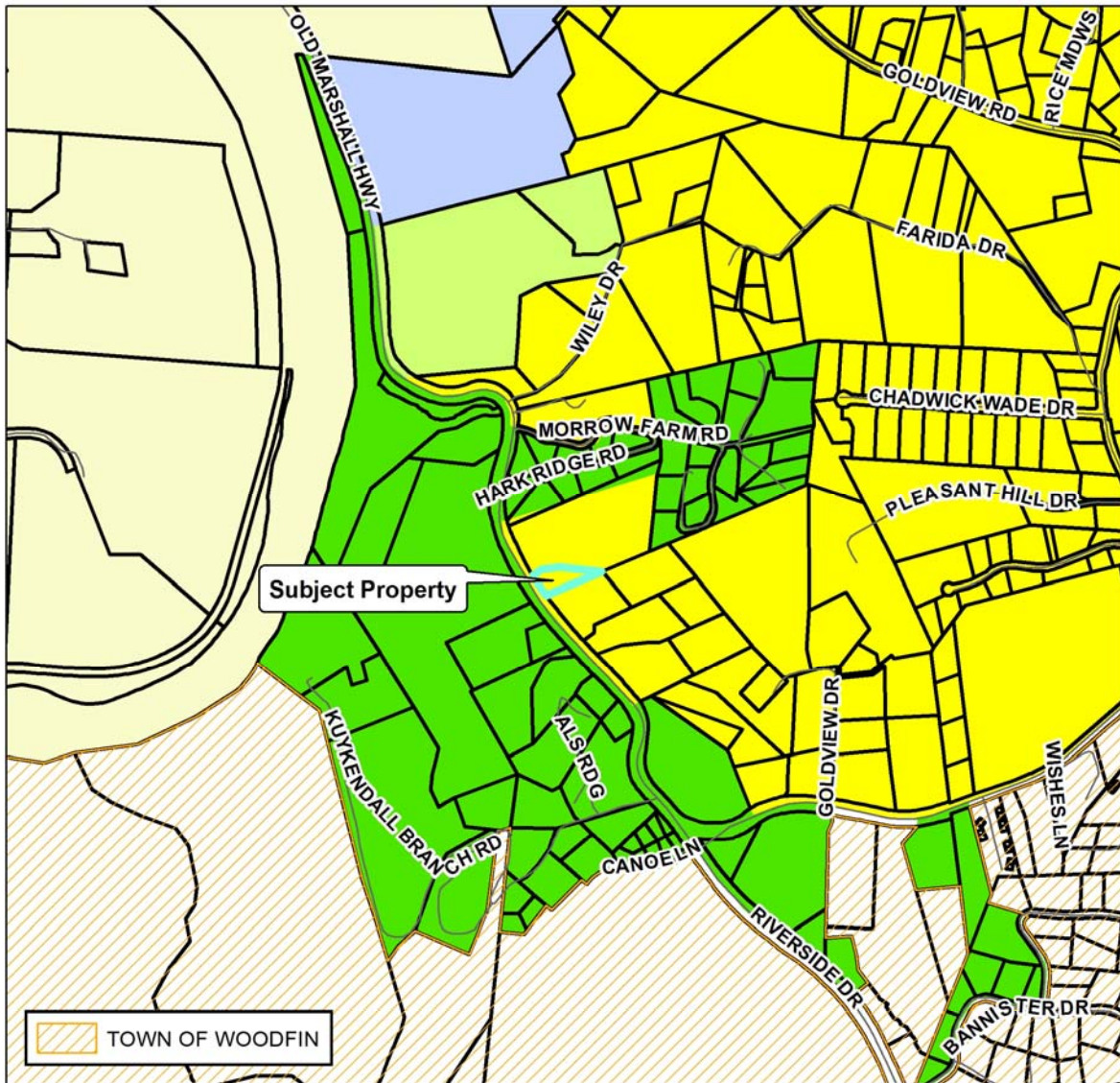
Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

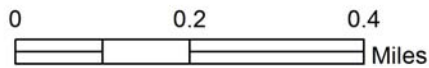
APPROVED AS TO FORM

County Attorney

Exhibit A



**James Morrow
Map Amendment**



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

Case Number: ZPH2014-00035
 Approximate Property Size: 1.0 acres
 Application Date: June 3, 2014
 Planning Board Hearing Date: July 7, 2014



Created By: Buncombe County Planning
 Date: June 9, 2014