

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 reviewed an amendment to the Official Zoning Map of Buncombe County, North Carolina (“Official Zoning Map”) in response to General Assembly of North Carolina Session Law 2014-26 to add the land area currently within the Town of Weaverville’s Extraterritorial Jurisdiction (ETJ) to the Official Zoning Map of Buncombe County, to include both zoning districts and zoning overlay districts as attached herein in Attachment A;
- 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 August 18, 2014 that the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and is reasonable and in the public interest, and further recommended that the Board of Commissioners adopt the proposed amendment;
- WHEREAS, this Board has reviewed the written recommendations and findings of the Buncombe County Planning Board;
- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-341, this Board met to consider the proposed amendment and to make a determination of whether such amendment is consistent with the Buncombe County Comprehensive Land Use Plan and whether it is reasonable and in the public interest; 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 the adoption of the proposed amendment to the Official Zoning Map is consistent with the Buncombe County Land Use Plan and updates and is reasonable and in the public interest based upon the following:

- a. said zoning change is consistent with the Buncombe County Comprehensive Land Use Plan and Updates as the 2013 Buncombe County Comprehensive Land Use Plan Update recommends that detailed zoning be applied within those areas previously regulated as part of the ETJ of local municipalities to ensure continuity with existing levels of regulation within these areas (Section 3: General Direction of Growth and Development, Changing Jurisdictional Boundaries). As such, the proposed map amendments are consistent with the Buncombe County Comprehensive Land Use Plan Update;
- b. Session Law 2014-26 cancelled the authority of the Town of Weaverville to extend its planning jurisdiction into this ETJ area and allows Buncombe County to extend its zoning authority into this area; and
- c. therefore said zoning amendments are reasonable and are in the public interest;

Section 2. That this Board does hereby approve the inclusion of the land area currently within the Town of Weaverville's Extraterritorial Jurisdiction (ETJ) into the Official Zoning Map of Buncombe County. A copy of the Official Zoning Map showing said property is attached hereto as Attachment 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; and

Section 5. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict.

Section 6. This ordinance is effective upon adoption.

Read, approved and adopted this 16th day of September, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney

PROPOSED AMENDMENTS TO THE OFFICIAL ZONING MAP OF BUNCOMBE COUNTY, NC

