

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 parcels identified as follows and shown herein as "Figure A":

tax lot PIN 9733-61-5435 (145 Monticello Rd), which is currently zoned Residential District R-3; and

tax lot PIN 9733-71-1175 (located in front of 145 Monticello Rd), which is currently zoned Residential District R-3.

The Applicant is requesting that the zoning designation for the property be changed from the existing zoning designation to Employment District EMP;

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 6-0 on October 20, 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;

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-341, this Board has adopted a resolution indicating that the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and Updates, and 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 has resolved by Resolution adopted separately 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;

Section 2. That this Board does hereby approve the request to rezone tax lot PINs 9733-61-5435 (145 Monticello Rd) and 9733-71-1175 (located in front of 145 Monticello Rd), which are currently zoned Residential District R-3, to Employment District EMP. 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 21st day of October, 2014.

ATTEST

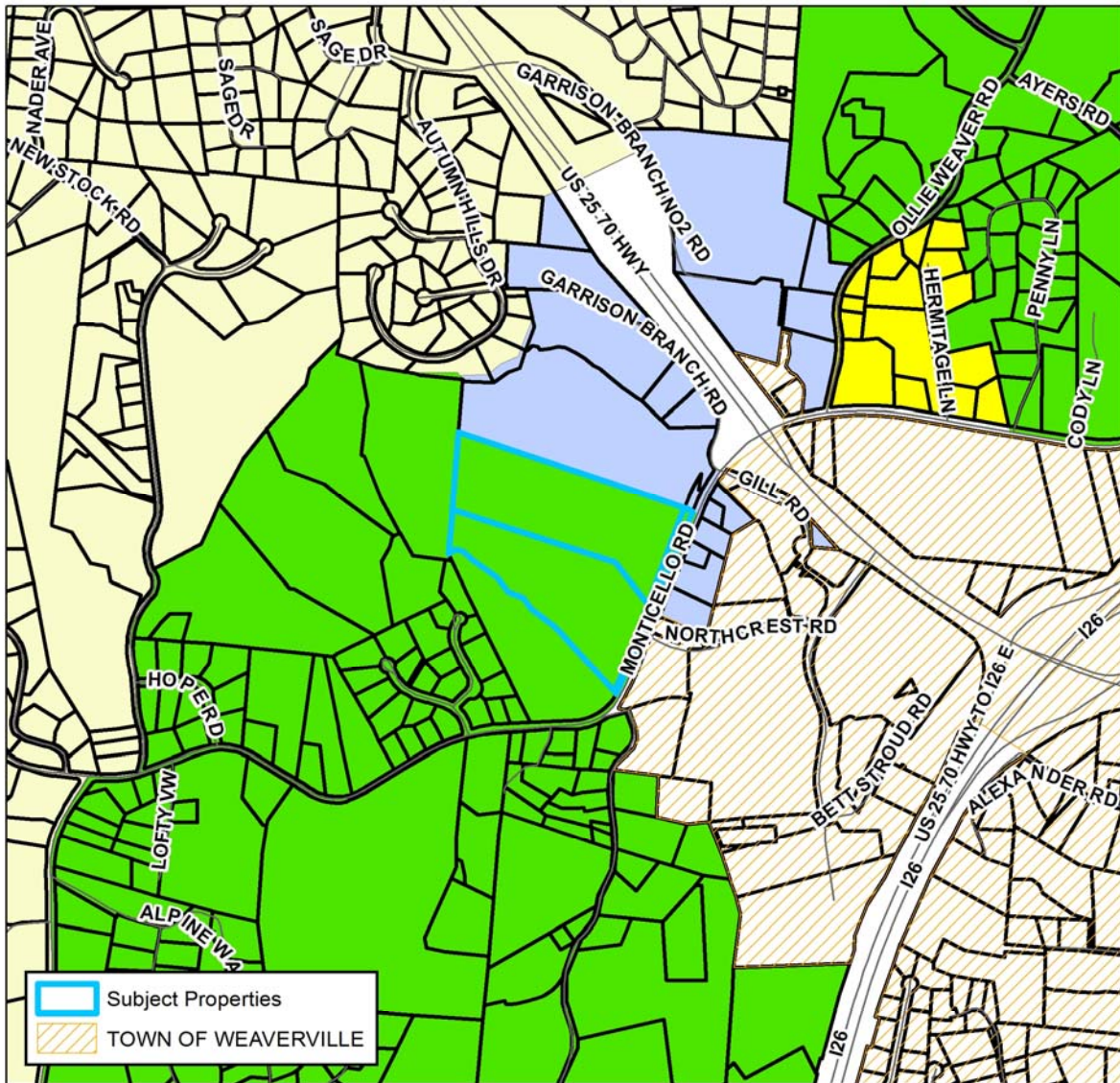
BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

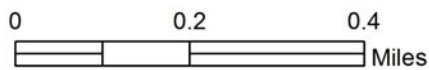
BY _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney



**D. Keith Roberts, Trustee
Map Amendment**



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

Case Number: ZPH2014-00056 & -00058
 Approximate Property Size: 31.17 acres
 Application Date: September 17 & 19, 2014
 Planning Board Hearing Date: October 20, 2014



Created By: Buncombe County Planning
 Date: September 22, 2014