

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; and

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; and

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; and

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 a portion of the parcel identified as follows and shown herein as "Figure A":

tax lot PIN 9743-13-7520 (31 Monticello Rd), which is currently zoned Residential District R-3.

The Applicant is requesting that the zoning designation for the property be changed from Residential District R-3 to Commercial Service District CS; and

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 5-0 on March 16, 2015 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; and

WHEREAS, this Board has reviewed the written recommendations and findings 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; and

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, 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.

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 a portion of tax lot PIN 9743-13-7520 (31 Monticello Rd), which is currently zoned Residential District R-3, to Commercial Service District CS. 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 7<sup>th</sup> day of April, 2015.

ATTEST

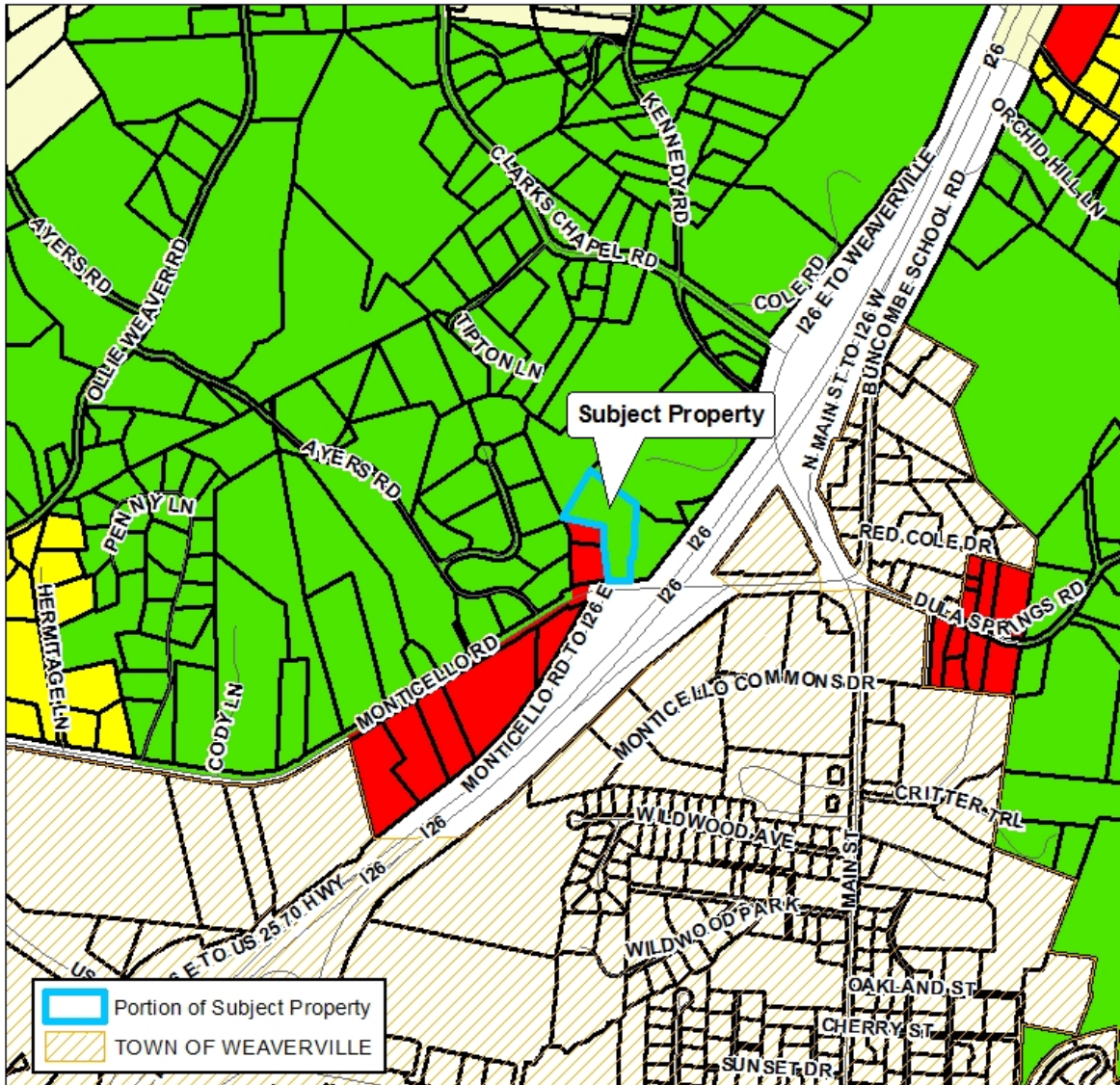
BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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

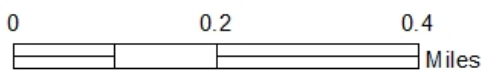
BY \_\_\_\_\_  
David Gantt, Chairman

APPROVED AS TO FORM

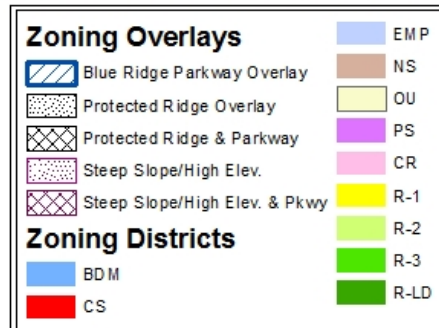
\_\_\_\_\_  
County Attorney



**Bruce C. Jones  
Map Amendment**



Case Number: ZPH2014-00082  
 Approximate Property Size: 2.67 acres  
 Application Date: February 5, 2015  
 Planning Board Hearing Date: March 16, 2015



Created By: Buncombe County Planning  
 Date: March 19, 2015