

RESOLUTION NO. _____

RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING A PROPOSED ORDINANCE
AMENDING 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-341, prior to adopting or rejecting a zoning amendment, the governing board is required to adopt a statement as to whether the amendment is consistent with the comprehensive zoning plan and explain why the board considers the action taken to be reasonable and in the public interest;

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 worked with staff to develop an amendment to the text of the Zoning Ordinance of Buncombe County in order to provide clarification on Board of Adjustment procedures and to bring consistency to certain provisions based on recent changes to the North Carolina General Statutes; and in accordance with the procedures set forth in the Zoning Ordinance, the Planning Board met to consider this proposed amendment and has recommended in a vote of **6 to 0** on October 3, 2016 that the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and that it is reasonable and in the public interest, and further recommended that the Board of Commissioners approve the proposed amendment;

WHEREAS, this Board has reviewed and considered the above written recommendation of the Planning Board and has held a public hearing on the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board finds that the proposed amendment to the Zoning Ordinance of Buncombe County in order to provide clarification to Board of Adjustment procedures and to bring consistency to certain provisions based on recent changes to the North Carolina General Statutes is consistent with the Buncombe County Land Use Plan and updates and is reasonable and in the public interest based upon the following:

- a) The proposed text amendment to modify the zoning ordinance in order to comply with recent changes enacted by the North Carolina General Assembly regarding the filing of decisions by the Board of Adjustment, is consistent with the Buncombe County Comprehensive Land Use Plan and updates, as:

The 2013 update (Section II. Plan Framework) indicates that the Land Use Plan update should facilitate the following: the adjustment of land use policies to account for changes within the regulatory environment; the streamlining of existing regulations and policies in a manner that accounts for lessons learned since the last update; the clarification of existing ambiguities in land use policies and regulations, and implementation of new policies that address land use in an integrated and comprehensive manner, and;

- b) The proposed amendment to the text is reasonable and in the public interest as it would provide further clarity within the regulatory framework and maintain consistency with state adopted general statutes.

Read, approved and adopted this 1st day of November, 2016.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney