

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 amendments to the Official Zoning Map of Buncombe County, North Carolina ("Official Zoning Map") to rezone the parcels identified as follows, and shown herein as Exhibit A:

tax lot PIN 9633-61-6102 (southeast of 9 Entrekin Ln) currently unzoned and PIN 9633-61-2496 (9 Entrekin Ln) currently zoned Employment (EMP);

The applicant is requesting that the zoning designation for the property be changed to Residential (R-3);

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendments and has recommended in a vote of 7 to 0 on June 18, 2018 that the proposed amendments are consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and are reasonable and in the public interest, and further recommended that the Board of Commissioners adopt the proposed amendments;

WHEREAS, this Board has reviewed these written recommendations 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 amendments.

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

Section 1. This Board hereby finds and concludes as follows pertaining to the requested amendments to the Zoning Map:

- a. said zoning change is **consistent** with the Buncombe County Comprehensive Land Use Plan and Updates because the 2013 Update (Figure 20. Appropriate Development Types) identifies higher density planned communities as “suggested” within reasonable proximity to major transportation corridors and “highly suggested” outside of high elevations (greater than 2,500 feet) and outside flood hazard areas; and
- b. said zoning change is **reasonable and is in the public interest** because the rezoning request will bring the existing non-conforming manufactured home park into compliance within the Zoning Ordinance, is compatible with surrounding properties developed with manufactured homes, is located on an identified major transportation corridor, is outside high elevations greater than 2500 feet, and is outside FEMA Flood Hazard Areas;

Section 2. That this Board does hereby approve the request to rezone tax lot PINs 9633-61-6102 (southeast of 9 Entrekin Ln) and 9633-61-2496 (9 Entrekin Ln) to Residential District R-3. 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 7th day of August, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

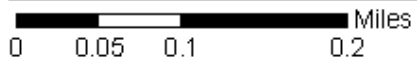
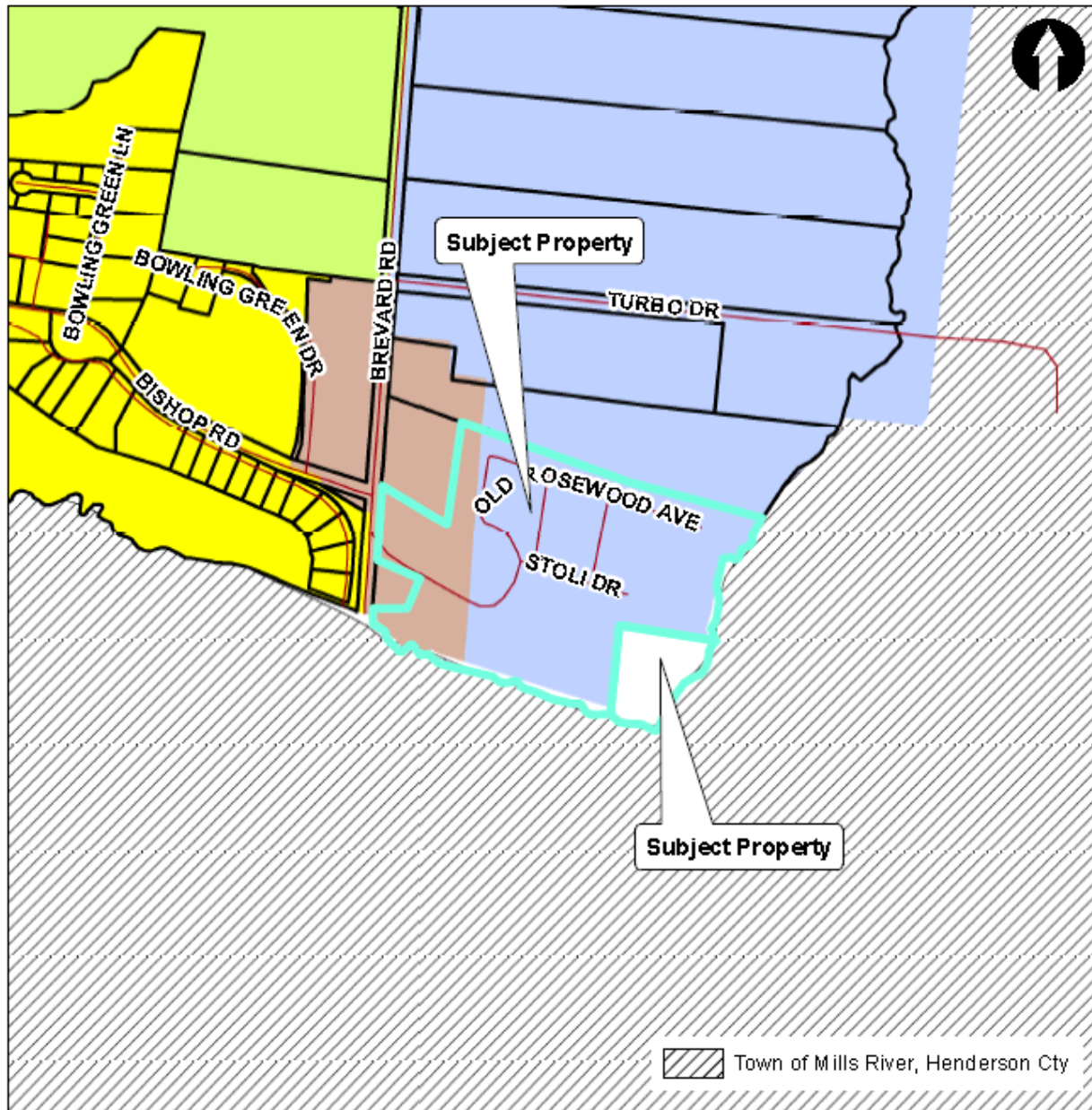
Lamar Joyner, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Exhibit A



She-Can, LLC
Map Amendment

Case Number: ZPH2018-00025
 PIN Number: 9633-61-6102 and 9633-61-2496
 Approximate Property Size: 22.03 acres
 Application Date: May 18, 2018
 Hearing Date: August 7, 2018

Created By: Buncombe Co. Planning
 Date: 7/17/2018

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