

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; 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, a request has been received to amend the official zoning maps of the Buncombe County Zoning Ordinance for the parcel identified as tax lot PIN 9678-78-9474, located at 1910 US 70 Highway, as shown on the attached Exhibit "A", from Single Family Residential District R-1 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 these proposed amendments and has recommended in a vote of 5-0 on December 19, 2011 that the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and further recommended that the Board of Commissioners adopt the proposed amendment; and
- WHEREAS, the Board has reviewed the written recommendations of the Buncombe County Planning Board which found that the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and further recommended that the Board of Commissioners adopt the proposed amendment; and
- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-341, this Board finds that the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and is reasonable and in the public interest and adopts the reasons set forth by the Planning Board in their resolution dated December 19, 2011 and provided to this 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.

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 of Buncombe County is consistent with the Buncombe County Land Use Plan and

updates and is reasonable and in the public interest based upon the reasons set forth by the Planning Board in their resolution dated December 19, 2011;

Section 2. That this Board does hereby approve this request to rezone the parcel identified as tax lot PIN9678-78-9474, located at 1910 US 70 Highway. 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 of Buncombe County 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 3rd day of January, 2012.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

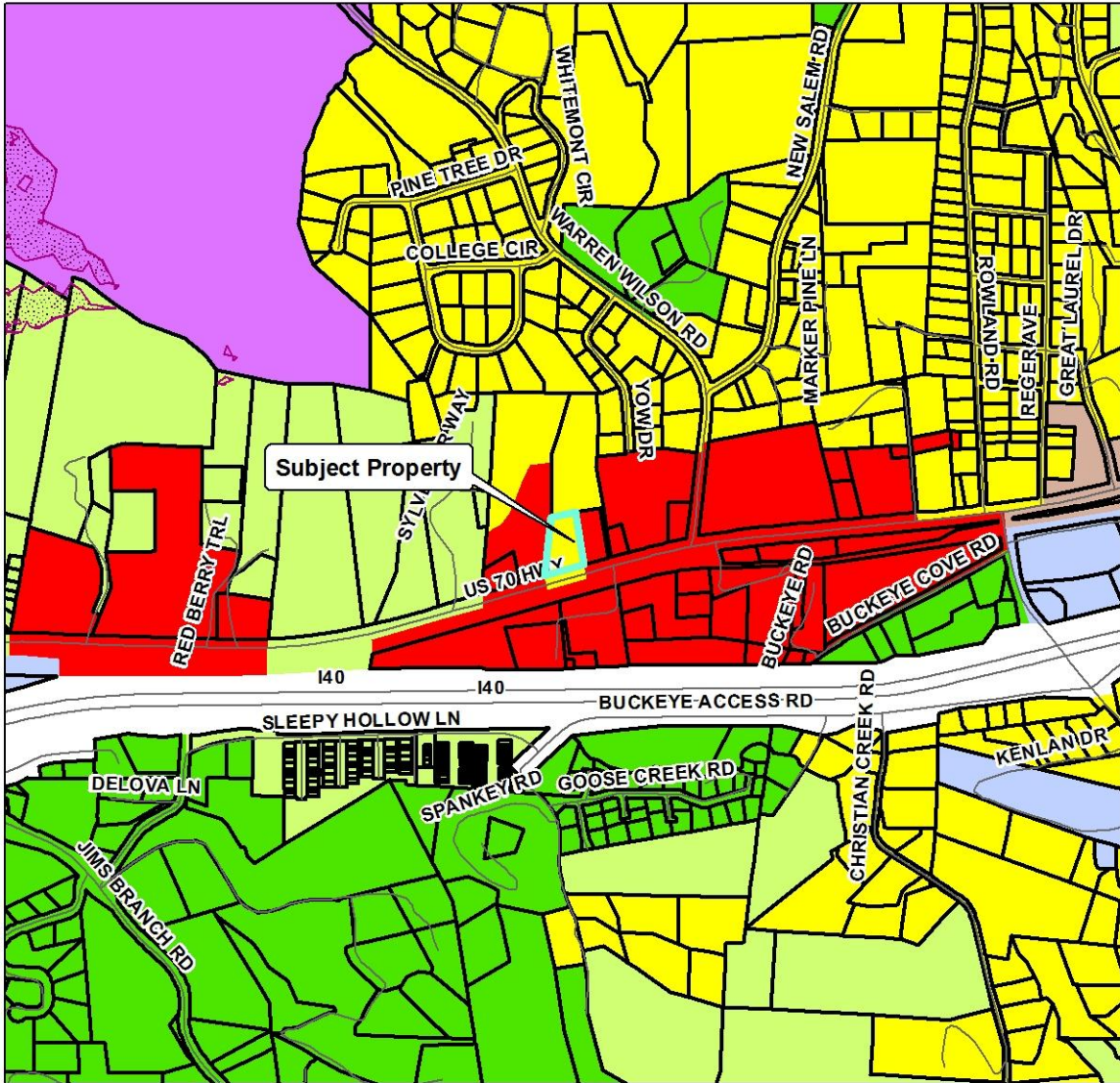
Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

APPROVED AS TO FORM

Michael C. Frue, County Attorney

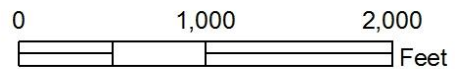
Exhibit A



**Norris Max Clubb
Map Amendment**



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



Property Size: 1.27 acres
 Application Date: November 8, 2011
 Planning Board Hearing Date: December 19, 2011

Created By: Buncombe County Planning
 Date: November 22, 2011