

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 parcel identified as follows, and shown herein as Exhibit A:

One (1) parcel identified as tax lot PIN 9626-90-3355 (38 Dry Ferry Road) currently zoned R-3 Residential;

The applicant is requesting that the zoning designation for the property be changed to CS-Commercial Service;

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment and has recommended in a vote of 7 to 0 on November 5, 2018, 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 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 amendment.

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 amendment to the Zoning Map:

- a. said zoning change **is consistent** with Figure 20. Appropriate Development Types, of the Buncombe County Comprehensive Land Use Plan and Updates because the 2013 Update identifies commercial development as “highly suggested” and “suggested” within reasonable proximity to major transportation corridors and the combined water/sewer service area; “highly suggested” outside of steep slope areas, high elevations, and moderate and high slope stability hazard areas; and “suggested” outside of FEMA flood hazard areas; and,
- b. said zoning change is **reasonable and is in the public interest** as it does meet the aforementioned goals of the Buncombe County Comprehensive Land Use Plan Update;

Section 2. That this Board does hereby approve the request to rezone PIN 9626-90-3355 (38 Dry Ferry Road) to CS-Commercial Service. 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 the 4th day of December, 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

