

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 a portion of the parcel identified as follows, and shown herein as Exhibit A:

PIN(s): 9667-25-9972, 9667-35-1863, 9667-35-3757, and 9667-36-0420

Addresses: Charlotte Hwy, and 1 and 2 Fernwood MHP Drive

Owner(s): David Holdredge (ETAL) and Paul Murray (ETAL)

Applicant: David Day of LCV Venture, LLC

WHEREAS, the applicant is requesting that the zoning designation for the property be changed from the R-3 Residential to the CS Commercial Service District as shown and depicted upon Exhibit A, which is attached hereto and incorporated herein by reference; and,

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on October 21, 2019, at which meeting a motion to recommend that the Buncombe County Board of Commissioners deny the proposed map amendment passed by a vote of 6 to 1; and,

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 proposed rezoning is:
 1. Subject property is within reasonable proximity to major transportation corridors (adjacent to US Highway 74) (“Suggested” and “Highly Suggested”).
 2. Subject property is within reasonable proximity to water and sewer service (served by both) (“Suggested” and “Highly Suggested”).
 3. Subject property is outside of high elevation areas (“Highly Suggested”).
- b. Said zoning change is therefore **reasonable** and is **in the public interest** as it does meet certain goals of the Buncombe County Comprehensive Land Use Plan Update;

Section 2. This Board does hereby approve the request to rezone PINs 9667-25-9972, 9667-35-1863, 9667-35-3757, & 9667-36-0420 from the R-3 Residential District to the CS Commercial District, as shown and depicted upon Exhibit A, which is attached hereto and incorporated herein by reference;

Section 3. 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 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this the 7th day of January, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Exhibit A

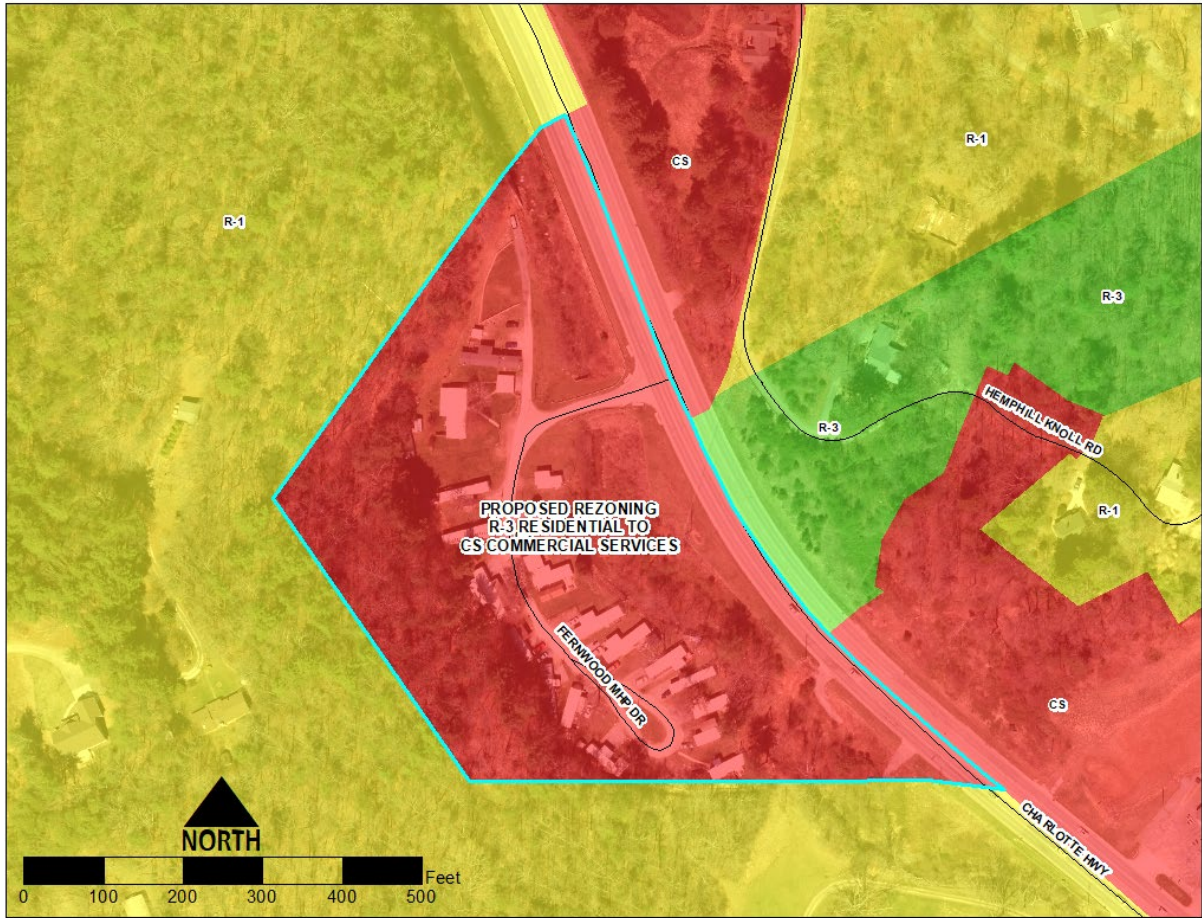


Exhibit B

PLAN CONSISTENCY STATEMENT
ZONING MAP AMENDMENT
CONSISTENT WITH PLAN

Pursuant to N.C. Gen. Stat. §153A-340(b)(1) the Buncombe County Board of Commissioners hereby approves and adopts the following Plan Consistency Statement for the rezoning of tax lot PIN 9667-25-9972, 9667-35-1863, 9667-35-3757, and 9667-36-0420 (Charlotte Hwy, and 1 and 2 Fernwood MHP Drive, Buncombe County, North Carolina) from the R-3 Residential District to the CS Commercial Service District. The Board finds the following:

- 1) The subject property and proposed rezoning is:
 - a) Subject property is within reasonable proximity to major transportation corridors (adjacent to US Highway 74) (“Suggested” and “Highly Suggested”).
 - b) Subject property is within reasonable proximity to water and sewer service (served by both) (“Suggested” and “Highly Suggested”).
 - c) Subject property is outside of high elevation areas (“Highly Suggested”).
- 2) The proposed map amendment would be not be detrimental to the owners, adjacent neighbors, and surrounding community as it **does** meet a number of goals as identified in the Buncombe County Comprehensive Land Use Plan Update.

Therefore, the requested zoning would be **reasonable and in the public interest**.

Upon a motion that the application is **consistent** with the Comprehensive Land Use Plan, the motion was seconded and passed on a vote of _____ to _____.

Read, approved and adopted this the 7th day of January, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney