

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
ZPH2020-00011

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:

Case: ZPH2020-00011
PIN(s): 960703917000000
Addresses: Unaddressed property off Old US HWY 19/23 &
Smokey Park Highway, Candler, NC
Owner(s): WI / Indian Branch, LLC
Applicant(s): Rick Wrenn

WHEREAS, the applicant is requesting that the zoning designation for the property be changed from the CS Commercial Service District to the R-3 Residential 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 July 20, 2020, at which meeting a motion to recommend that the Buncombe County Board of Commissioners approve the proposed map amendment passed by a vote of 6 to 0; 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 has considered whether this proposed amendment is consistent with the Buncombe County Land Use Plan and the associated Land Use Constraint Maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update, and has adopted a statement regarding the same;
- Section 2. This Board does hereby **approve** the request to rezone PIN(s) 960703917000000 (Unaddressed property off Old US HWY 19/23 & Smokey Park Highway, Candler, Buncombe County, NC) from the CS Commercial District to the R-3 Residential 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 18th day of August, 2020.

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ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

**OFFICIAL ZONING MAP
-EXCERPT-
PROPOSED AMENDMENT**

