

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, the Planning Department has been made aware that the Town of Black Mountain's limits were mapped incorrectly, and as such portions of parcels within the County's jurisdictional area had not been included in the extension of County-wide zoning in December 2009; and

WHEREAS, the Planning Board agreed at their April 4, 2011 meeting to sponsor the amendment of the Official Zoning Map of Buncombe County in order to incorporate the parcel identified as follows into the Official Zoning Map of Buncombe County; and

The portion of tax lot PIN 0609-24-8868 which falls within the jurisdiction of Buncombe County, located Northwest of the intersection of North Fork Road and Old US 70 Highway, which is not currently zoned. The Planning Board has recommended that the property be designated PS Public Service; 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 7-0 on April 18, 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 April 18, 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; and

NOW, THEREFORE, BE IT ORDAINED BY the Board of Commissioners for the County of Buncombe:

- 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 April 18, 2011;
- Section 2. That this Board does hereby approve this request to zone a portion of tax lot PIN 0609-24-8868 located Northwest of the intersection of North Fork Road and Old US 70 Highway as depicted in Exhibit A, PS Public 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 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;
- 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 May, 2011.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

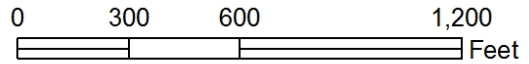
APPROVED AS TO FORM

Michael C. Frue, County Attorney

Exhibit A



**North Fork Road
Map Amendment**



Approximate Size: Ingles, 1.4 acres; State, 12.9 acres
Application Date: n/a
Planning Board Hearing Date: April 18, 2011

Created By: Buncombe County Planning
Date: April 5, 2011