

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE REGARDING A REQUEST TO AMEND THE OFFICIAL ZONING MAPS OF BUNCOMBE COUNTY, CHAPTER 78, ARTICLE VI BUNCOMBE COUNTY ZONING ORDINANCE OF THE BUNCOMBE COUNTY CODE OF ORDINANCES**

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WHEREAS, pursuant to N.C. Gen. Stat. § 153A-340, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;

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, 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 9688-03-7837, located at 11 Della Ree Lane, as shown on the attached Exhibit "A", from Single Family Residential District R-1 to Residential District R-3;

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider this request to rezone the above parcel from Single Family Residential District R-1 to Residential District R-3 and has recommended in a vote of 9-0 on February 7, 2011 that the request be approved;

WHEREAS, this Board has adopted a Statement of Consistency indicating that the adoption of the proposed amendment is consistent with the Buncombe County Comprehensive Land Use Plan and updates and outlining why it is reasonable and in the public interest to adopt the proposed amendment;

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

WHEREAS, This Board is of the opinion that it is in the best interest of the citizens and residents of the County to approve this request to amend The Official Zoning Maps of The Buncombe County Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. This board finds that the adoption of the proposed amendment to The Official Zoning Maps of Buncombe County is consistent with the Buncombe County Land Use Plan and updates thereto because the Land Use Plan and updates indicate that:

- a. R-3 is suitable for higher density uses and mobile homes (Buncombe County Comprehensive Land Use Plan Update, VII-3);
2. This Board finds and determines that it is reasonable and in the public interest to adopt the proposed amendments because:
  - a. The subject property is adjacent to property also requesting to be rezoned to R-3 and is surrounded by uses allowed in the R-3 zoning district but not allowed in the R-1 zoning district such as mobile homes and mobile home parks; and
3. That this Board does hereby approve this request to amend The Official Zoning Maps of Buncombe County.

That this ordinance shall be effective upon its adoption.

Read and approved by a vote of \_\_\_ for and \_\_\_ against, this the 1<sup>st</sup> day of March, 2011.

ADOPTED this 1<sup>st</sup> day of March, 2011.

ATTEST:

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Kathy Hughes, Clerk to the Board

\_\_\_\_\_  
David Gantt, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Frue, County Attorney