

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

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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; 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, a request has been received to amend the official zoning maps of the Buncombe County Zoning Ordinance for a portion of the parcel identified as tax lot PIN 9653-07-9862, located at 495 Watson Road, as shown on the attached Exhibit "A", from Residential District R-1 to Employment District EMP; 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 May 16, 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 May 16, 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.

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

- 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 May 16, 2011;
- Section 2. That this Board does hereby approve this request to rezone the portion of tax lot PIN 9653-07-9862 located at 495 Watson Road as depicted in Exhibit A, from Residential District R-2 to Employment District EMP. 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; and
- 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 7<sup>th</sup> day of June, 2011.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

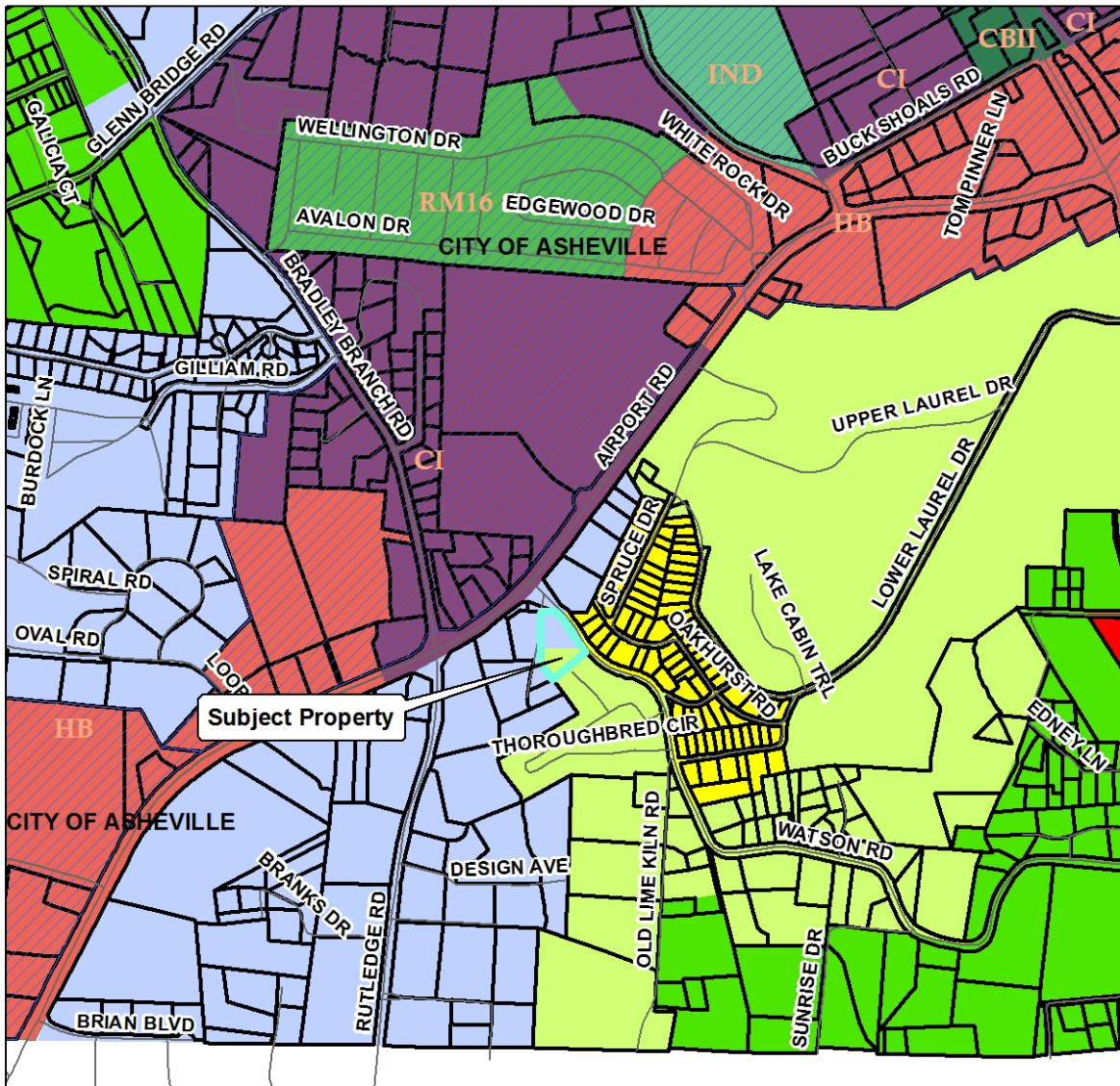
\_\_\_\_\_  
Kathy Hughes, Clerk

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

APPROVED AS TO FORM

\_\_\_\_\_  
Michael C. Frue, County Attorney

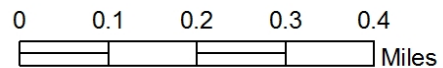
Exhibit A



**EAL Holdings, LLC  
Map Amendment**



Zoning Districts		Zoning Overlays	
BDM	R-1	Blue Ridge Parkway Overlay	PS
CS	R-2	Protected Ridge Overlay	CI
EMP	R-3	Protected Ridge & Parkway	HB
NS	R-LD	Steep Slope/High Elev.	CBII
OU		Steep Slope/High Elev. & Pkwy	



Property Size: 1.68 acres (0.72 acres zoned R-2)  
 Application Date: April 8, 2011  
 Planning Board Hearing Date: May 16, 2011

Created By: Buncombe County Planning  
 Date: May 3, 2011