

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 Board has received an application for an amendment to the Official Zoning Map of Buncombe County, North Carolina ("Official Zoning Map") to include the parcels identified as:

A portion of tax lot PIN 9629-15-7269 located between 432 New Leicester Highway and behind 384 Old County Home Road, as shown on the attached Exhibit "A", to be zoned Commercial Service District CS; and

Tax lot PIN 9629-24-1922 located at 374 Old County Home Road, as shown on the attached Exhibit "A", to be zoned Commercial Service District CS; and

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider this proposed amendment and has recommended in a vote of 8-1 on February 4, 2013 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, this 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 February 4, 2013 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 BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board finds that the adoption of the proposed amendment to the Official Zoning Map 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 February 4, 2013;

Section 2. That this Board does hereby approve the inclusion of the parcels identified as:

A portion of tax lot PIN 9629-15-7269 located between 432 New Leicester Highway and behind 384 Old County Home Road, as shown on the attached Exhibit "A", to be zoned Commercial Service District CS;

Tax lot PIN 9629-24-1922 located at 374 Old County Home Road, as shown on the attached Exhibit "A", to be zoned Commercial Service District CS

into the Official Zoning Map. 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 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 19th day of February, 2013.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

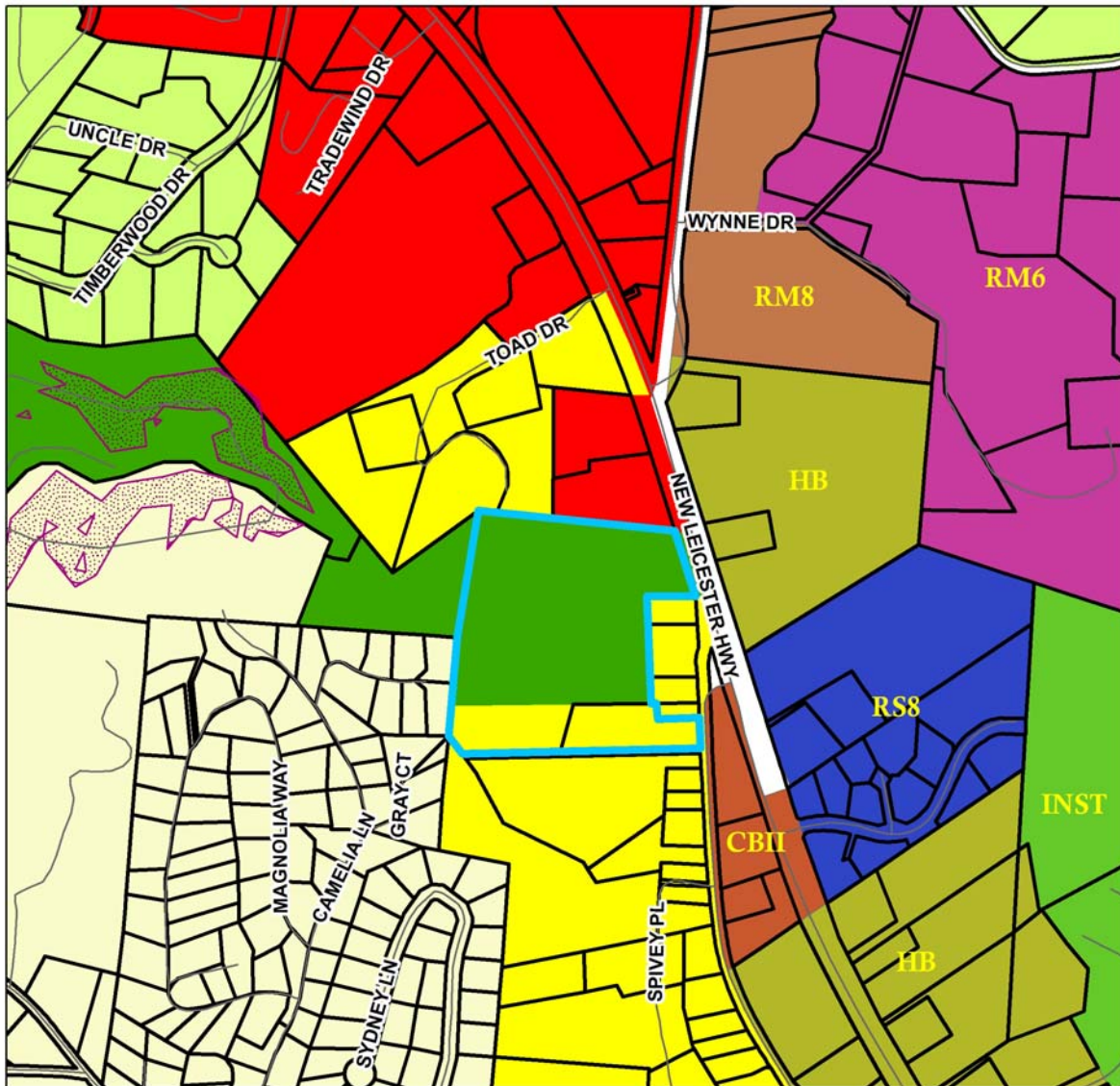
Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

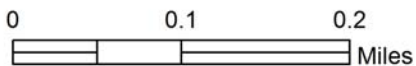
APPROVED AS TO FORM

Michael C. Frue, County Attorney

Exhibit A



**Matthew Lyerly
Map Amendment**



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

Case Number: ZPH2013-00001
 Total Property Size: Approximately 11.7 acres
 Application Date: January 4, 2013
 Planning Board Hearing Date: February 4, 2013

Created By: Buncombe County Planning
 Date: January 10, 2013