

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS AMEND THE TEXT OF CHAPTER 78 OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF BUNCOMBE COUNTY, and STATEMENT OF CONSISTENCY

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, the provisions set forth in Division 8 of Article VI of the Buncombe County Code of Ordinances were met prior to the public hearing at which this recommendation was considered;

WHEREAS, pursuant N.C. Gen. Stat. §153A-344 and §78-719 of the Buncombe County Code of Ordinances, the Planning Board is charged with making a recommendation to the Board of Commissioners and to comment on whether the proposed amendments are consistent or inconsistent with the Comprehensive Land Use Plan;

WHEREAS, the Buncombe County Planning Board reviewed proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina at a regular meeting prior to January 27, 2014 with public input, and at the public hearing held during the January 27, 2014 regular meeting of the Planning Board;

WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which this amendment was considered have been properly mailed to members of the Planning Board, at least ten (10) days prior to the meeting and public notice of the meeting has been properly published in a newspaper having general circulation in the County as required; and

WHEREAS, the Planning Board has reviewed the proposed amendments, has heard public comment, and consulted with planning staff, and, after careful review, has determined that it is in order to approve these proposed amendments and make recommendation to the Board of Commissioners for Buncombe County that the proposed amendments be approved.

NOW THEREFORE, BE IT RESOLVED, Based on the facts as set forth above the Buncombe County Planning Board hereby finds and concludes as follows pertaining to the proposed amendments to the Zoning Ordinance of Buncombe County:

1. The proposed amendments regarding accessory use setback standards **are consistent with the Buncombe County Comprehensive Land Use Plan and updates**, as the 2013 update (Section 6) indicates the following objectives:

“Efforts should be made to align lot sizes to the surrounding land use context including the availability of infrastructure. In areas where public sewer is not

available, lot size should be adjusted to allow adequate space for septic facilities. Setbacks should be adjusted to allow for greater flexibility in areas with access to urban infrastructure. Both setbacks and lot size should be adjusted to more accurately reflect the density limitations provided in each district.”

2. The proposed amendments to the text are reasonable and in the public interest as they promote a connection between the density of development and the availability of public utilities, which may serve to increase access to housing in areas of high opportunity and decrease development pressures in more rural areas.
3. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 78 of the Buncombe County Code of Ordinances as follows:

Sec. 78-663. Accessory structures and buildings.

~~Accessory buildings shall not be erected in any front yard building setback; or side yard setback; within 20 feet of any side street or highway right-of-way line; or within ten feet of any rear lot line.~~

~~Accessory uses or structures shall not involve any use or structure otherwise prohibited by this division or requiring a conditional use permit. Accessory uses or structures shall meet the following standards:~~

- ~~(1) Front yard setback, 20 feet;~~
- ~~(2) Side yard setback, ten feet; and~~
- ~~(3) Rear yard setback, ten feet.~~

~~(1) Accessory uses or structures shall not involve any use or structure otherwise prohibited by this division or requiring a conditional use permit. Accessory uses or structures with a building footprint of no more than 320 square feet and a height of no more than 15 feet shall meet the following standards:~~

- ~~(a) Front yard: set forth per relevant zoning district under Sec. 78-642;~~
- ~~(b) Side yard setback: seven feet; and~~
- ~~(c) Rear yard setback: seven feet.~~

~~(2) Accessory uses or structures with a building footprint of greater than 320 square feet or a height of more than 15 feet shall meet the following standards:~~

- ~~(a) Front yard, set forth per relevant zoning district under Sec. 78-642;~~
- ~~(b) Side yard setback, no public sewer: ten feet;~~

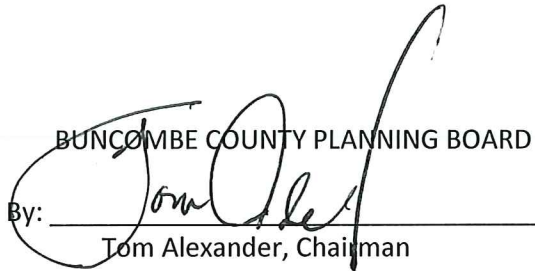
(c) Side yard setback, public sewer: seven feet; and

(d) Rear yard setback: ten feet.

The front yard setback requirements of this section shall not apply to accessory structures on lots where the existing primary structure is a legal nonconformance with respect to the front setbacks set forth under Sec. 78-642. In such cases, the setback shall be that of the aforementioned existing buildings.

4. This resolution is approved by a vote of 8 to 0 and shall be effective upon its adoption.

This the 27th day of January, 2014.

BUNCOMBE COUNTY PLANNING BOARD
By: 
Tom Alexander, Chairman

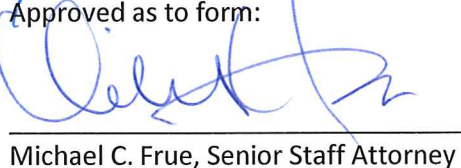
Consented to:

Planning Board Members:

Jim Young
Bernie Kessel
Joe Sechler
Josh Holmes
Bud Sales
Tom Alexander
Michelle Wood (ABSENT)
Greg Phillips
Catherine Martin


Josh O'Conner, Zoning Administrator

Approved as to form:


Michael C. Frue, Senior Staff Attorney