

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

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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 dimensional requirements **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. 78-642. Dimensional requirements.**

The dimensional requirements for structures and land in the various zoning districts shall be in accordance with Table 2.

<b><u>Table 2. Dimensional Requirements</u></b>							
<b><u>Districts</u></b>	<b><u>Minimum Lot Area</u></b> (Square Feet)	<b><u>Density</u></b>		<b><u>Minimum Yard Setback Requirements in Feet</u></b>			<b><u>Maximum Height</u></b> (Feet)
		<b><u>Minimum Land Area<sup>-1,2</sup> Per Dwelling Unit</u></b> (Square Feet)	<b><u>Maximum Number Dwelling Units Per Acre</u></b>	<b><u>Front Yard</u></b> (From Right-of-Way)	<b><u>Side Yard</u></b>	<b><u>Rear Yard</u></b>	
<b><u>R-LD Residential</u></b>	<u>43,560</u>	<u>43,560</u> Plus: -0 for one additional detached unit	<u>2</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>35</u>
<b><u>R-1 Residential</u></b>	<u>30,000</u> (no water or sewer) <u>15,000</u> (water only) <u>10,000</u> (water and sewer)	<u>30,000</u> (no water or sewer) <u>15,000</u> (water only) <u>10,000</u> (water and sewer) Plus: -0 for one additional detached unit	<u>8</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>35</u>

**Table 2. Dimensional Requirements**

<u>Districts</u>	<u>Minimum Lot Area</u> (Square Feet)	<u>Density</u>		<u>Minimum Yard Setback Requirements in Feet</u>			<u>Maximum Height</u> (Feet)
		<u>Minimum Land Area<sup>1,2</sup> Per Dwelling Unit</u> (Square Feet)	<u>Maximum Number Dwelling Units Per Acre</u>	<u>Front Yard</u> (From Right-of-Way)	<u>Side Yard</u>	<u>Rear Yard</u>	
<u>R-2 Residential</u>	Same as R-1	Same as R-1 Plus: 0 for first additional unit Plus: 3,000 for each additional unit	12	20	10	20	35
<u>R-3 Residential</u>	Same as R-1	Same as R-2	12	20	10	20	35
<u>NS Neighborhood Service</u>	Same as R-1	Same as R-2	12	20	10	20	35
<u>CS Commercial Service</u>	30,000 (no water or sewer) 15,000 (water only) 5,000 (water and sewer)	Same as R-1, except 5,000 with water and sewer Plus: 0 for first additional unit Plus: 3,000 for each additional unit	13	10	10	10	50
<u>EMP Employment</u>	Same as R-1	Same as R-2	12	20	10	20	90
<u>PS Public Service</u>	Same as R-1	Same as R-2	12	20	10	20	50
<u>BDM Beaverdam</u>	See Footnote 5 and 7	See Footnote 5 and 7	See Footnote 5 and 7	See Footnote 6 and 7	15	25	35
<u>OU Open-Use</u>	No dimensional requirements except as applied to conditional uses.						

**Table 2. Dimensional Requirements**

<u>Districts</u>	<u>Minimum Lot Area<sup>1,2</sup></u> (Square Feet)	<u>Density</u>	<u>Minimum Yard Setback Requirements in Feet<sup>3</sup></u>						<u>Maximum Height</u> (Feet)
		<u>Maximum Number Dwelling Units Per Acre</u>	<u>Front Yard</u>  <u>Public Sewer</u>	<u>Side Yard</u>  <u>Public Sewer</u>	<u>Rear Yard</u>  <u>Public Sewer</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	
<u>R-LD Residential</u>	43,560	2 per lot. No acreage based density requirement.	10	10	20	10	10	20	35



**Table 2. Dimensional Requirements**

<u>Districts</u>	<u>Minimum Lot Area</u> <sup>1,2</sup> (Square Feet)	<u>Density</u>	<u>Minimum Yard Setback Requirements in Feet</u> <sup>3</sup>						<u>Maximum Height</u> (Feet)
		<u>Maximum Number Dwelling Units Per Acre</u>	<u>Front Yard</u>  <u>Public Sewer</u>	<u>Side Yard</u>  <u>Public Sewer</u>	<u>Rear Yard</u>  <u>Public Sewer</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	
<u>R-1 Residential</u>	30,000 (no public water or sewer) 12,000 (public sewer only) 8,000 (public water and sewer)	2 per lot. No acreage based density requirement.	10	7	15	20	10	20	35
<u>R-2 Residential</u>	30,000 (no public water or sewer) 10,000 (public sewer only) 6,000 (public water and sewer)	12	10	7	15	20	10	20	35
<u>R-3 Residential</u>	Same as R-2	12	10	7	15	20	10	20	35
<u>NS Neighborhood Service</u>	30,000 (no public water or sewer) 10,000 (public sewer only) 5,000 (public water and sewer)	12	10	7	15	20	10	20	35
<u>CS Commercial Service</u>	Same as NS	13	10	10	10	10	10	10	50
<u>EMP Employment</u>	Same as NS	12	20	10	20	20	10	20	90
<u>PS Public Service</u>	Same as NS	12	20	10	20	20	10	20	50
<u>BDM Beaverdam</u>	See Footnote 4 and 6	See Footnote 4 and 6	See Footnote 5 and 6	15	25	See Footnote 5 and 6	15	25	35
<u>OU Open Use</u>	No dimensional requirements except as applied to conditional uses.								

Footnote 1--The minimum land area for lots not served by public water and/or sewer shall be subject to approval by the county health department to ensure the proper operation of septic tanks and wells. In no case shall minimum lot areas be less than those specified in this table.

Footnote 2--The minimum land area shall be calculated based on that portion of the lot which is under control

of and deeded to the property owner, exclusive of road rights-of-way.

Footnote 3—R-LD and R-1 Districts allow no more than two dwelling units per lot of record.

Footnote 43—All above ground portions of the structure, including but not limited to decks, stairs, overhangs which extend 24 inches or greater outside of the footprint of the structure, and other attached heated or unheated spaces must meet the dimensional requirements as set forth in this Chapter. Any structure abutting two or more highways, roads, or streets shall maintain minimum “front yard” setbacks on any side of the structure which abuts a street, road, or highway in accordance with the provisions of the district in which the property is situated. The location of the primary entrance of the structure, as determined by the Zoning Administrator, shall be considered the front, and shall also maintain minimum “front yard” setbacks.

Footnotes 5—74-6: Applicable to Beaverdam Low-Density Residential District (BDM) Only

Footnote 54--Beaverdam Only Development standards:

- (1) Single-family residential with public water and sewer:

% Natural Slope	Lot Frontage (Feet)*	Minimum Lot Size (Acres)	Maximum Disturbed	Maximum Impervious Cover (Acres)
0-9.99	100	0.5	If lot is < 0.75 Acres: 80% of lot	0.375
			If lot is 0.75 - 1 Acres: 75% of lot	
			If lot is >1 Acre: 0.75 acres	
10-14.99	100	1.1	0.75 Acres	0.375
15-19.99	100	1.5	0.75 Acres	0.375
20-24.99	150	2	0.75 Acres	0.375
25-29.99	150	2	0.75 Acres	0.375
30-34.99	175	2.5	0.75 Acres	0.375
35-39.99	175	3	0.75 Acres	0.375
40+	200	5	0.75 Acres	0.375
<b>*Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.</b>				

- (2) Single-family residential (no public water and sewer):

% Natural Slope	Lot Frontage (Feet)*	Min. Lot Size (Acres)	Maximum Disturbed (Acres)	Maximum Impervious Cover (Acres)
0-14.99	100	1.10	0.75	0.375
15-19.99	100	1.50	0.75	0.375
20-24.99	150	2.00	0.75	0.375
25-29.99	150	2.00	0.75	0.375
30-34.99	175	2.50	0.75	0.375
35-39.99	175	3.00	0.75	0.375

40+	200	5.00	0.75	0.375
<i>*Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.</i>				

Footnote 65--Beaverdam Only

% Natural Slope	Minimum Yard Setback Requirements		
	Front Yard From Edge of Road (Feet)	Side Yard (Feet)	Rear Yard (Feet)
0-39.99	35	15	25
40+	15	15	25

Footnote 76--Beaverdam Only

- a. The natural slope is calculated using the following formula:

$$S\% = \frac{0.0023 \times I \times L}{A}$$

Where:

S = Average natural slope of parcel in percent

I = Contour interval of map in feet, with said intervals to be five feet or less

L = Total length of the contour lines within the parcel in feet

A = Area of the parcel in acres

0.0023 = Constant which converts square feet into acres

- b. In addition, applicants may submit an alternate method of slope calculation for consideration. These methods may include, but are not limited to, the following methods: weighted average, slope mapping, other field based techniques, etc.

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

This the 27<sup>th</sup> day of January, 2014.

BUNCOMBE COUNTY PLANNING BOARD

By:   
 Tom Alexander, Chairman

Consented to:

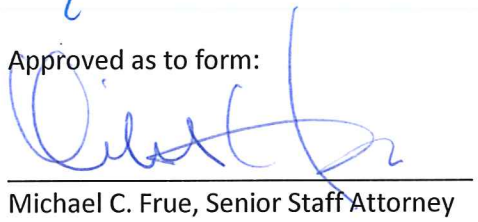
Planning Board Members:

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