

ORDINANCE AMENDING THE TEXT OF 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;

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, 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, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Buncombe County Planning Board met to consider the proposed amendments and recommended in a vote of 8 to 0 on January 27, 2014 that the amendments regarding dimensional requirements are consistent with the Buncombe County Comprehensive Land Use Plan and Updates thereto, and are reasonable and in the public interest, and further recommended that the Board of Commissioners approve the proposed amendments;

WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board dated January 27, 2014;

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 amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board finds that, pursuant to N.C. Gen Stat. §153A-341, the proposed amendments to The Zoning Ordinance are consistent with the Buncombe County Land Use Plan and updates and are reasonable and in the public interest based upon the reasons set forth by the Planning Board in their resolution dated January 27, 2014;

Section 2. That this Board does hereby approve the following amendments to The Zoning Ordinance of Buncombe County:

Sec. 78-642. Dimensional requirements.

The dimensional requirements for structures and land in the various zoning districts

shall be in accordance with Table 2.

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^{1,2} 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-LD Residential</u>	43,560	43,560 Plus: 0 for one additional detached unit	2	10	10	20	35
<u>R-1 Residential</u>	30,000 (no water or sewer) 15,000 (water only) 10,000 (water and sewer)	30,000 (no water or sewer) 15,000 (water only) 10,000 (water and sewer) Plus: 0 for one additional detached unit	8	20	10	20	35
<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

Districts	Minimum Lot Area ^{1,2} (Square Feet)	Density	Minimum Yard Setback Requirements in Feet ³						Maximum Height (Feet)
		Maximum Number Dwelling Units Per Acre	Front Yard Public Sewer	Side Yard Public Sewer	Rear Yard Public Sewer	Front Yard	Side Yard	Rear Yard	
R-LD Residential	43,560	2 per lot. No acreage based density requirement.	10	10	20	10	10	20	35
R-1 Residential	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
R-2 Residential	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
R-3 Residential	Same as R-2	12	10	7	15	20	10	20	35
NS Neighborhood Service	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
CS Commercial Service	Same as NS	13	10	10	10	10	10	10	50
EMP Employment	Same as NS	12	20	10	20	20	10	20	90
PS Public Service	Same as NS	12	20	10	20	20	10	20	50
BDM Beaverdam	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
OU Open Use	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	<i>If lot is < 0.75 Acres: 80% of lot</i>	0.375
			<i>If lot is 0.75 - 1 Acres: 75% of lot</i>	
			<i>If lot is >1 Acre: 0.75 acres</i>	
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
*Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.				

(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
*Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.				

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.

Section 3. 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 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this 18th day of February, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney