

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 the proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina, to amend the Blue Ridge Parkway Overlay District regarding the adoption of screening standards and notification practices to inform the National Park Service of applications for public hearing, at a regular meetings prior to August 17, 2015, with public input, and at the public hearing held during the August 17, 2015 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 amendment, has heard public comment, and consulted with planning staff, and, after careful review, has determined that it is in order to approve the proposed amendment and make recommendation to the Board of Commissioners for Buncombe County that the proposed amendment 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 to the Blue Ridge Parkway Overlay District regarding the adoption of screening standards and notification practices to inform the National Park Service of applications for public hearing, is consistent with the Buncombe County Comprehensive Land Use Plan and updates, as:

the 2006 update (Section VII. Implementation Strategies) recommended that “a visual impact analysis [be conducted] to identify areas where the preservation of views is critical for maintaining economic health of the region and therefore should be protected,” and that this analysis could be utilized to educate landowners and developers of those areas emphasizing “minimal disturbance to vegetation.” The 2013 update recognized that the adoption of the Blue Ridge Parkway Overlay District, along with the Steep Slope/High Elevation and Protected Ridge Overlay Districts, resulted in delineating these areas and the provision of screening requirements for these areas. The proposed modification of the screening requirements to encourage the use of existing trees and/or require the planting of overstory and understory species, as well as the proposed modification to include notification of the National Park Service furthers these goals, and

2. The proposed amendments to the text are reasonable and in the public interest as they provide a clear rubric for the protection of natural areas within the Blue Ridge Parkway corridor.
3. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 78 of the Buncombe County Code of Ordinances as follows:

Amend **Sec. 78-643. Blue Ridge Parkway Overlay District** as follows:

(a) *Purpose.* Realizing the importance of the Blue Ridge Parkway to the economy of Asheville, Buncombe County, and western North Carolina, the Blue Ridge Parkway Overlay District is created to protect and preserve the unique features of this asset to the city, the county, and the region. The standards established in this district will protect the scenic quality of the Blue Ridge Parkway and reduce encroachment on its rural setting.

(b) *Applicability.* The provisions set forth in this section for the Blue Ridge Parkway Overlay District shall apply to all properties within 1,320 feet of the centerline of the Blue Ridge Parkway located within Buncombe County's zoning jurisdiction. Both privately and publicly owned property shall be subject to the requirements set forth herein.

(c) *Development standards.*

(1) *Setback requirements.*

- a. *Principal buildings.* Principal buildings and structures to be located adjacent to the Blue Ridge Parkway shall have a minimum setback of 50 feet from the boundary of property owned by the United States government and designated as the Blue Ridge Parkway if the buildings and structures are visible from the Blue Ridge Parkway roadway.
- b. *Accessory buildings.* Accessory buildings and structures to be located adjacent to the Blue Ridge Parkway shall have a minimum setback of 30 feet from the boundary of property owned by the United States government

and designated as the Blue Ridge Parkway if the buildings and structures are visible from the Blue Ridge Parkway roadway.

(2) *Building heights.* No building or structure shall be constructed with a height in excess of 40 feet within 1,000 feet of the centerline of the Blue Ridge Parkway, if visible from the centerline of the Blue Ridge Parkway roadway.

~~(3) *Buffering requirements.* A buffer for development of any type, other than single-family residential, which is to be located adjacent to the Blue Ridge Parkway within 1,000 feet of the centerline of the Blue Ridge Parkway and which will be visible between April and October from the Blue Ridge Parkway roadway, shall be provided according to the following specifications:~~

~~a. A minimum bufferyard width of 30 feet measured from the property line is required and shall be located within the required setback.~~

~~b. Total number of plants: Ten plants per 100 linear feet are required, of which five should be evergreen trees (min. six feet at planting), three should be large deciduous trees (min. two-inch caliper, ten to 12 feet at planting), and two should be small deciduous trees (min. 1.5-inch caliper, eight to ten feet at planting). The preservation of existing trees within the bufferyard is encouraged.~~

~~(3) *Screening standards.* The following screening regulations shall be required within the Blue Ridge Parkway Overlay District for all new structures and any modification to an existing structure exceeding 50 percent of the appraised value of the structure, if the buildings and structures are visible from the Blue Ridge Parkway roadway, as viewed from the closest point on the roadway perpendicular to the proposed structure.~~

~~The surfaces of the structure which are visible and oriented to the Blue Ridge Parkway must be screened by one overstory species for each 15 linear feet and one understory species for each 10 linear feet of the structure. See Sec. 78-584 (c) for allowed overstory and understory species and required size at planting. No single species shall comprise more than 50 percent of the overstory or understory species planted. Overstory species shall be planted no less than 20 feet apart and no more than 40 feet apart. Understory species shall be planted no less than ten (10) feet apart and no more than 25 feet apart. Overstory and understory species shall not be planted in a row, shall not be evenly spaced, and shall be positioned no more than 100 feet from the structure to be screened.~~

~~Existing trees within 100 feet of the structure to be screened which are left intact and that appear in good health can be credited toward the screening requirement. Existing overstory species may only receive credit for the overstory requirement and existing understory species may only receive credit for the understory requirement. The following credit system will be observed:~~

<u>Tree Dimensions</u>	<u>Credits</u>
<u>2.5" to 4" DBH (minimum 8' tall)</u>	<u>1 tree</u>
<u>4" to 8" DBH (minimum 15' tall)</u>	<u>1.5 trees</u>
<u>8" or greater DBH (minimum 20' tall)</u>	<u>2 trees</u>

Trees to be credited shall be marked using flagging tape prior to site disturbance in order to ensure their health throughout site development.

(d) Notice of proposed development. The planning department shall assure that the National Park Service is notified and given an opportunity to make recommendations concerning major subdivisions, rezonings, conditional uses, and variances proposed within the Blue Ridge Parkway Overlay District.

4. This resolution is approved by a vote of 5 to 2 and shall be effective upon its adoption.

This the 17th day of August, 2015.

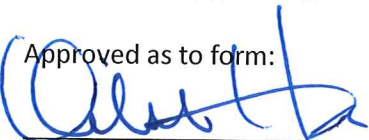
BUNCOMBE COUNTY PLANNING BOARD

By: 
Chair

Consented to:

- Planning Board Members:
 Nancy Waldrop
 David Rittenberg
 Thad B. Lewis
 Dusty Pless
 Joan M. Walker
 Robert J. Martin **ABSENT**
 Gene Bell
 Parker Sloan **ABSENT**
 Bob Taylor


Debbie Truempy, Zoning Administrator

Approved as to form:

 Michael Frue, Senior Staff Attorney