

**Amend Sec. 78-581. Definitions.**

*Building* means any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattels. The connection of two buildings by means of an open ~~porch, breezeway,~~ passageway, ~~deck carport,~~ or other such open structure, ~~with or~~ without a roof, shall not be deemed to make them one building. The word "building" includes the word "structure."

~~*Campus office use* means an office use located at a maximum density of one building per 2.5 acres with a building footprint not exceeding 5,000 square feet and not more than two stories in height.~~

~~*Community oriented development* means a single and/or multifamily residential development or a mixed-use development which includes single and/or multifamily affordable or workforce housing units. Bonuses in density and/or minimum lot size may be provided in return for sustainable development elements and/or the provision of community amenities.~~

~~*Group housing* means a series of one or more buildings designed for multifamily use, including multifamily dwellings and single-family attached dwellings.~~

~~*Group housing project* means a project which proposes the construction and/or development of a tract or tracts of land and one or more buildings thereon for group housing, including but not limited to condominiums, townhouses, row houses, apartments and other forms of group housing.~~

~~*Group housing project area* means that area of land which comprises the total perimeter area of the contemplated group housing project inclusive of lot and open space.~~

~~*Group housing project owner* means any person which has an ownership interest in any group housing project.~~

~~*Group home* means a residential single or multifamily structure or structures in which the residents are supervised and/or mentored but not provided medical treatment, and where the residents are not considered a danger to others. This definition does not include summer or other seasonal camps operated as private recreation.~~

~~*Health care facility* means a residential treatment facility that houses patients on a short or long-term basis and provides medical or psychiatric care on site. These facilities include but are not limited to the following, as defined by the NC Division of Health Services: adult care homes, assisted living residences, chemical dependency facilities, combination homes, health care facilities, freestanding licensed hospice facilities, hospitals, hospital facilities, long-term care facilities, multiunit assisted housing with services, nursing facilities, nursing homes, nursing home facilities, psychiatric facilities, and rehabilitation facilities.~~

~~*Planned unit development (PUD)* means more than two principal buildings or uses proposed to be constructed on a single lot, any building with a gross floor area of 35,000 square feet or more, or any residential complex of five or more units. Residential units within a planned unit development may include single-family detached or attached units, townhouse developments, garden apartments, patio homes, and other types of residential units, excluding mobile homes and mobile home parks. For purposes of the Steep Slope/High Elevation Overlay District only, planned unit development means more than two principal buildings or uses proposed to be constructed on a single lot, any building with a gross floor area of 10,000 square feet or more, or any residential complex of three or more units. A planned unit development also refers to developments which contain structures which exceed the maximum height allowed within the zoning district; such planned unit developments are prohibited within the Steep Slope/High Elevation and Blue Ridge Parkway Overlay Districts.~~

~~*Planned unit development, commercial (CPUD)* means more than four (4) principal buildings or uses on a single lot or any principal building with a gross floor area of 50,000 square feet or more. CPUDs must include only commercial and/or industrial uses. Relatively small and low-impact additions to a building already greater than 50,000 square feet and located greater than fifty feet from any adjoining property may not trigger the definition of a CPUD at the discretion of the zoning administrator.~~

~~*Planned unit development, residential or mixed use (RPUD)* means more than four (4) principal buildings or uses on a single lot; any principal building with a gross floor area of 25,000 square feet or more; any residential complex of more than eight (8) units; or a subdivision of more than ten (10) lots where building envelopes are defined, areas are set aside for open space and/or amenities, and a decrease in minimum lot size and/or interior setbacks is desired. A RPUD must include residential uses and may not be solely commercial and/or industrial development.~~

~~*Postal and parcel delivery services* means a post office or other packing and shipping facility which does not include warehousing or bulk sorting of shipments.~~

*Subdivision* means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing street. This definition does not include a subdivision of land considered to be an Alternative Path Hillside Development Subdivision.

*Subdivision, alternative path hillside development* is a subdivision of land as defined by and approved under the standards of The Land Development and Subdivision Ordinance of Buncombe County, Sec. 70-68(f).

*Travel trailer park* means a parcel of land designed and equipped to accommodate three (3) or more travel trailers.

#### **Amend Sec. 78-601. Construction progress.**

If no building permit or certificate of occupancy is obtained ~~substantial construction progress~~

~~has been made~~ within ~~one year~~ two (2) years of the date of the issuance of the zoning compliance certificate, the permit becomes invalid.

#### **Sec. 78-620. Meetings.**

(a) *Monthly; special; notice of meetings; according to state law.* The board of adjustment shall hold regular monthly meetings at a specified time and place. Special meetings of the board of adjustment may be called at any time by the chairperson or by request of three or more members of the board of adjustment. At least 48 hours' written notice of the time and place of meeting shall be given, by the chairperson, to each member of the board of adjustment. All board of adjustment meetings are to be held in accordance with G.S. 143-318.9 et seq., commonly referred to as the Open Meeting Law.

(b) *Cancellation of meetings.* Whenever there are no appeals, applications for conditional uses or variances, or other business for the board of adjustment, or whenever so many regular and alternate members notify the zoning administrator of their inability to attend that a quorum will not be available, the chairperson may dispense with a meeting by giving written or oral notice to all members.

(c) *Quorum.* A quorum shall consist of four members of the board of adjustment, but the board of adjustment shall not pass upon ~~any questions relating to an appeal from a decision, order, requirement, or determination of the zoning administrator, or~~ an application for a variance ~~or conditional use permit~~ when there are less than six members present.

#### **Amend Sec. 78-623. Appeals and applications.**

(a) *Appeals and Hearings.* The board of adjustment shall hear and decide all appeals from any order, requirement, decision, or determination made by the zoning administrator as well as appeals and requests for variances pursuant to any Chapter or Article of the Code of Ordinances for Buncombe County indicating that such appeals or requests for variances shall be heard by the board of adjustment, in which cases the requests for variances shall be treated as and may be referred to as appeals as set forth herein. In deciding appeals, it may hear both those based upon an allegedly improper or erroneous interpretation of this article and those based upon alleged hardship resulting from strict interpretation of this article.

(b) *Procedure for Filing Appeals.* All statute of limitations and procedures for filing an appeal to the Board of Adjustment are set forth in N.C. Gen. Stat. §153A-345.1 or as amended.

(c) *Hearings.* All board of adjustment hearings shall be conducted in accordance with N.C. Gen. Stat. §153A-345.1 or as amended.

(d) *Decisions.* All board of adjustment decisions shall be made in accordance with N.C. Gen. Stat. §153A-345.1 or as amended.

(e) *Expiration of Approval.* Unless otherwise specified, an order or decision of the board of adjustment granting a conditional use permit or variance shall expire if a building permit or certificate of occupancy for such use is not obtained within two years from the date of the signed order.

**Amend Sec. 78-636. Use districts; enumeration.**

For the purpose of this article, the zoning districts of Buncombe County as delineated on the official zoning map of Buncombe County, adopted by the board of commissioners, shall be divided into the following designated use districts:

R-LD	Low-Density Residential District
R-1	<del>Single-Family</del> Residential District
R-2	Residential District
R-3	Residential District
CS	Commercial Service District
EMP	Employment District
PS	Public Service District
CR	Conference Center/Resort District
NS	Neighborhood Service District
BDM	Beaverdam Low-Density Residential District
OU	Open Use District
AI	Airport Industry District

**Amend Sec. 78-640. Statement of district intent.**

(a) *Low-Density Residential District (R-LD).* The R-LD Low-Density Residential District is primarily intended to provide locations for low-density residential and related-type development in areas where topographic or other constraints preclude intense urban development. These areas are not likely to have public water and sewer services available, and the minimum required lot area will be one acre unless additional land area is required for adequate sewage disposal. These are environmentally sensitive areas that are characterized by one or more of the following conditions: steep slopes, fragile soils, or flooding.

(b) *~~Single-Family~~ Residential District (R-1).* The R-1 ~~Single-Family~~ Residential District is primarily intended to provide locations for single-family ~~and two-family~~ residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing ~~single-family~~ subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.

(c) *Residential District (R-2).* The R-2 Residential District is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future. These areas will usually be adjacent to R-1 ~~Single-Family~~ Residential Districts, will provide suitable areas for residential subdivisions requiring public water and sewer services, and in order to help maintain the present character of R-1 districts, will not allow manufactured home parks.

**Amend Sec. 78-641. Permitted uses.**(a) *Permitted use table.* Uses are permitted in the various zoning districts pursuant to Table 1.

Table 1 – Permitted Use Table												
Uses	<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <u><b>SR = Permitted with Special Requirements</b></u> <b>Blank Space = Not Permitted</b>											
	<b>Districts</b>											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	P		P	P
<u>Duplex/Two-family residential dwelling units (attached or detached)</u>	<u>P</u>	<u>P</u>	P	P	P	P	P	P	P			P
<u>Community oriented developments</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
Multifamily residential dwelling units ( <u>only one building</u> )no more than eight units in no more than four buildings)			P	P	P	P	P	P	P			<u>P</u>
<u>Open-Use Multifamily dwelling (less than six units on single lot)</u>												<u>P</u>
<u>Open-Use Multifamily dwelling (six or more units on single lot)</u>												<u>C</u>
<u>HUD-labeled mManufactured/mobile homes-Residential</u>	P			P			P					P
<u>Manufactured home parks (8 units or fewer)</u>				<u>P</u>								<u>P</u>
Manufactured/mobile home parks ( <u>more than 8 units</u> )				C								P
Planned unit developments		<u>C</u>	C	C	C	C	C	C	C	<u>C</u>		<u>PC</u>

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	<b>Districts</b>											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
<u>residential or mixed use</u>												
<u>Planned unit developments, commercial</u>						<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Subdivisions	P	P	P	P	P	P	P	P	P	P	P	P
<u>Subdivisions, alternative path hillside development</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P	P
Adult Entertainment Establishments						C	C					C
Airports										C		
Amusement Parks						C	C	C	C			C
Animal hospitals and veterinarian clinics					P	P	P			P		P
Asphalt Plants							C					C
Aviation-related services and facilities										P		
Banks and other financial institutions					P	P	P	<u>CP</u>	<u>CP</u>	P		P
Bed and breakfast inns ( <u>10 occupants or less</u> )	<u>PSR</u>		<u>CSR</u>	P	P	P	P	P	P			P
<u>Bed and breakfast inns (more than 10 occupants)</u>	<u>C</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
<u>Campus-office use</u>			<u>C</u>		<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
Cargo/freight terminals, operations						<u>CP</u>	P			P		P

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	<b>Districts</b>											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
and activities												
Cemetery	P		P	P		P		P	P			P
Chip Mills												C
<u>Churches</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
Clubs or lodges				P	<u>CP</u>	P	P	P	P	P		P
Concrete Plants							C					C
Day nursery and private kindergarten (up to 8 students)	<u>CSR</u>	<u>CSR</u>	<u>CSR</u>	<u>CSR</u>	P	P	P	P	P	P		P
<u>Day nursery and private kindergarten (more than 8 students)</u>			<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
Family care home	P	P	P	P				P	P		P	P
Funeral homes						P	<u>CP</u>	P	P			P
Government protective services			P	P	P	P	P	P	P	P		P
Greenhouses, commercial (nursery, lawn and garden products)					P	P	P	P	P	P		P
<u>Group homes</u>			<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
Hazardous Waste Facilities												C
<u>Hospitals, nursing homes, assisted living facilities, retirement communities, Health care facilities</u>			<u>C</u>	C		P	P	P	P			P
Home occupations	P	P	P	P	P	P	P	P	P		P	P

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	<b>Districts</b>											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Hotels and motels						P	<u>CP</u>	P	P	P		P
Incinerators												C
Junkyards							C					C
Kennels				C	P	P	P			P		P
Laundry and dry cleaning services					P	P	<u>CP</u>	P	P	P		P
Libraries			P	P	P	P	P	P	P			P
Manufacturing and processing operations						P	P			P		P
Medical Clinics				C	P	P	P	P	P	P		P
Mining and Extraction Operations							C					C
Motor Sport Facilities												C
Motor vehicles maintenance and repair					C	P	P	P	P	P		P
Motor vehicles sales and rental						P	P			P		P
Motor vehicles service stations (fueling stations)					P	P	P	P	P	P		P
National Guard and Reserve Armories						P	P	P		P		P
Nightclubs, bars and pubs					P	P	P		P	P		P
Personal Landing Strips				C		C	C	C	C	C		C
Physical fitness centers				<u>C</u>	P	P	<u>CP</u>	P	P	P		P



**Table 1 – Permitted Use Table**

Uses	<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <u><b>SR = Permitted with Special Requirements</b></u> <b>Blank Space = Not Permitted</b>											
	<b>Districts</b>											
	<b>R-LD</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>NS</b>	<b>CS</b>	<b>EMP</b>	<b>PS</b>	<b>CR</b>	<b>AI</b>	<b>BDM</b>	<b>OU</b>
<u>Places of worship</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
Postal and parcel delivery services					<u>CP</u>	P	P	P	P	P		P
Printing and lithography						P	P			P		P
Professional and business offices and services					P	P	P	P	P	P		P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	P	P	P	P	P	P	P	P	P	P	P	P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C	C	C	C	C	C	C	C	C	C	C
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	C	C	C	C	P	P	P	P	P	P	C	P
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C	C	C	C	C	C	C	C	C	C	C

Table 1 – Permitted Use Table

Uses	<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <u><b>SR = Permitted with Special Requirements</b></u> <b>Blank Space = Not Permitted</b>											
	<b>Districts</b>											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Radio, TV and telecommunications towers	C			C		C	C	C	C	P		P
Recreation use, <u>nonprofit</u> <u>governmental</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	P	P	P	P	P	P	<u>P</u>	P
Recreation use, <u>profit</u> <u>non-governmental</u>	<u>C</u>	<u>C</u>	C	C	C	P	<u>GP</u>	P	P	P	<u>C</u>	P
Repair services (electrical and appliances)					P	P	P			P		P
Restaurants, eating establishments and cafés					P	P	P	P	P	P		P
Retail trade, commercial services, sales and rental of merchandise and equipment (inside building with no outside sales storage)					P	P	<u>GP</u>	C	P	P		P
Retail trade, commercial services, sales and rental of merchandise and equipment						P	<u>GP</u>		P	P		P
Rooming house			C	P	P	P	<u>GP</u>	P	P			P
Schools, public and private		<u>C</u>	C	C	<u>C</u>	P		P	P			P
Schools--Vocational, business and special schools						P	P	P	P	P		P
Shooting Ranges – Outdoor Commercial									C			C

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	<b>Districts</b>											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Slaughtering Plants												C
Solid Waste Facilities – Landfills, Transfer Stations, Materials Recovery							C	C		C		C
Storage and warehousing					<u>C</u>	P	P	P	<u>CP</u>	P		P
Theaters						P		P	P			P
Travel trailers ( <u>no more than 180 days per calendar year</u> )				<u>CP</u>					P			P
Travel trailer parks				C					<u>CSR</u>			<u>PSR</u>
Vacation rentals	P	P	P	P	P	P	P	P	P		P	P
Vacation rental complex				C	C	C	C	C	C		C	C
Wholesale sales						P	P		C	P		P

**Amend 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										
Districts	Minimum Lot Area Size <sup>1,2,4,5</sup> (Square Feet)	Density <sup>2,4</sup>		Minimum Yard Setback Requirements in Feet <sup>3,4</sup>						Maximum Height (Feet)
		Minimum Land Area Per Dwelling Unit (multiple units on a single lot) (square 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	No more than 2 units per lot	2 per lot. No acreage based density requirement. 2 (no more than 2 units per lot)	10	10	20	10	10	20	35
R-1 Residential	30,000 (no public water or sewer) 12,000 (public sewer only, no public water) 8,000 (public water and sewer)	No more than 2 units per lot	2 per lot. No acreage based density requirement. 10 (no more than 2 units per lot)	10	7	15	20	10	20	35
R-2 Residential	30,000 (no public water or sewer) 10,000 (public sewer only, no public water) 6,000 (public water and sewer)	Minimum lot size shown in column two plus 0 for first additional unit Plus: 3,600 for each additional unit	12	10	7	15	20	10	20	35
R-3 Residential	Same as R-2	Same as R-2	12	10	7	15	20	10	20	35
NS	30,000		12	10	7	15	20	10	20	35

Table 2. Dimensional Requirements

Districts	Minimum Lot Area Size <sup>1,2,4,5</sup> (Square Feet)	Density <sup>2,4</sup>		Minimum Yard Setback Requirements in Feet <sup>3,4</sup>						Maximum Height (Feet)
		Minimum Land Area Per Dwelling Unit (multiple units on a single lot)  (square 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	
Neighborhood Service	(no public water or sewer)  10,000 (public sewer only no public water)  5,000 (public water and sewer)	Minimum lot size shown in column two plus 0 for first additional unit  Plus: 3,600 for each additional unit								
CS Commercial Service	Same as NS	Same as NS	<del>13</del> 12	10	10	10	10	10	10	50
EMP Employment	Same as NS	Same as NS	12	20	10	20	20	10	20	90
CR Conference Center/Resort	<del>Same as R-1</del>  30,000 (no public sewer)  12,000 (public sewer no public water)  8,000 (public water and sewer)	Minimum lot size shown in column two plus 0 for first additional unit  Plus: 3,500 for each additional unit	12	20	10	20	20	10	20	50 (plus 1ft additional for each additional 5 feet of setback from all property lines up to 100ft total).
PS Public Service	Same as NS	Same as NS	12	20	10	20	20	10	20	50
AI Airport	Same as NS		<del>12</del> NA	20	10	20	20	10	20	50

**Table 2. Dimensional Requirements**

Districts	Minimum Lot Area Size <sup>1,2,4,5</sup> (Square Feet)	Density <sup>2,4</sup>		Minimum Yard Setback Requirements in Feet <sup>3,4</sup>						Maximum Height (Feet)
		Minimum Land Area Per Dwelling Unit (multiple units on a single lot)  (square 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	
Industry		NA								
BDM Beaverdam	See Footnote <u>46</u> and <u>68</u>	See Footnote <u>6</u> and <u>8</u>  <u>No more than 1 unit per lot</u>	See Footnote <u>46</u> and <u>68</u>  <u>No more than 1 unit per lot</u>	See Footnote <u>57</u> and <u>68</u>	15	25	See Footnote <u>57</u> and <u>68</u>	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--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.

Add footnotes 4 and 5 and renumber 4 through 6 accordingly:

Footnote 4--The Minimum Yard Setback Requirements for interior lots and Minimum Lot Size Requirements for all lots may be reduced and Density may be increased from that listed in Table 2 above through the approval of an Alternative Path Hillside Development Subdivision or a Community Oriented Development.

Footnote 5--The Minimum Lot Size Requirements listed in Table 2 above shall not apply to lots created for the provision of infrastructure and/or utilities only; cemetery lots or burial plots; or

lots to be permanently dedicated as open space or common area.

Footnotes 46--68: Applicable to Beaverdam Low-Density Residential District (BDM) Only

Footnote 46--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 <u>with public water and sewer</u>	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	
0-9.99 <u>no public water and sewer</u>	<u>100</u>	<u>1.1</u>	<u>0.75 Acres</u>	<u>0.375</u>
10-14.99 <u>with or without public utilities</u>	100	1.1	0.75 Acres	0.375
15-19.99 <u>with or without public utilities</u>	100	1.5	0.75 Acres	0.375
20-24.99 <u>with or without public utilities</u>	150	2	0.75 Acres	0.375
25-29.99 <u>with or without public utilities</u>	150	2	0.75 Acres	0.375
30-34.99 <u>with or without public utilities</u>	175	2.5	0.75 Acres	0.375
35-39.99 <u>with or without public utilities</u>	175	3	0.75 Acres	0.375
40+	200	5	0.75 Acres	0.375

<u>with or without public utilities</u>				
<b>*Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.</b>				

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

<u>% Natural Slope</u>	<u>Lot Frontage (Feet)*</u>	<u>Min. Lot Size (Acres)</u>	<u>Maximum Disturbed (Acres)</u>	<u>Maximum Impervious Cover (Acres)</u>
<u>0-14.99</u>	<u>100</u>	<u>1.40</u>	<u>0.75</u>	<u>0.375</u>
<u>15-19.99</u>	<u>100</u>	<u>1.50</u>	<u>0.75</u>	<u>0.375</u>
<u>20-24.99</u>	<u>150</u>	<u>2.00</u>	<u>0.75</u>	<u>0.375</u>
<u>25-29.99</u>	<u>150</u>	<u>2.00</u>	<u>0.75</u>	<u>0.375</u>
<u>30-34.99</u>	<u>175</u>	<u>2.50</u>	<u>0.75</u>	<u>0.375</u>
<u>35-39.99</u>	<u>175</u>	<u>3.00</u>	<u>0.75</u>	<u>0.375</u>
<u>40+</u>	<u>200</u>	<u>5.00</u>	<u>0.75</u>	<u>0.375</u>
<u><b>*Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.</b></u>				

Footnote 57--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 68--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.

### Amend Sec. 78-644. Steep Slope/High Elevation Overlay District

Steep Slope/High Elevation Overlay Permitted Use Table											
Uses		<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <b>Blank Space = Not Permitted</b>									
		Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	BDM	OU
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	P	P	P
<del>Duplex/Two-family</del> residential dwelling units (attached or detached)	<u>P</u>	<u>P</u>	P	P	P	P	P	P	P		P
<del>Multifamily</del> residential dwelling units (3 or more units)			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
<del>Townhomes (3 or more units)</del>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
HUD-labeled <del>m</del> Manufactured/ <del>mo</del> mobile homes-Residential	P			P			P				P
<del>Manufactured/mobile</del> home parks				<u>C</u>							<u>C</u>
<del>Planned unit developments</del>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Subdivisions	P	P	P	P	P	P	P	P	P	P	P
<del>Subdivisions, alternative path hillside development</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>

Steep Slope/High Elevation Overlay Permitted Use Table											
Uses		<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <b>Blank Space = Not Permitted</b>									
		Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	BDM	OU
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P
Bed and breakfast inns, <del>gross floor area less than 5,000 sq. ft. (10 occupants or less)</del>	<del>PC</del>		C	P	P	P	P	P	P		P
Bed and breakfast inns, <del>gross floor area 5,000 sq. ft. or more (more than 10 occupants)</del>	C		C	C	C	C	C	C	C		C
Cemetery	P		P	P		P		P	P		P
<del>Churches</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Clubs or lodges, gross floor area less than 5,000 sq. ft.				C	C	C	C	C	C		C
Day nursery and private kindergarten <del>(up to 8 students)</del>	C	C	C	C	C	C	C	C	C		C
Family care home	P	P	P	P				P	P	P	P
Government protective services			P	P	P	P	P	P	P		P
<del>Group homes</del>			<del>C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>		<del>P</del>
<del>Health care facilities Hospitals, nursing homes, assisted living facilities, retirement communities</del>			<del>C</del>	C		C	C	C	C		C
Home occupations	P	P	P	P	P	P	P	P	P	P	P
Libraries								C	C		C
Medical Clinics				C	C	C	C	C	C		C
Mining and Extraction							C				C

Steep Slope/High Elevation Overlay Permitted Use Table											
Uses		<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <b>Blank Space = Not Permitted</b>									
		Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	BDM	OU
Operations											
National Guard and Reserve Armories						P	P	P			P
<u>Places of worship</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Professional and business offices and services, gross floor area less than 5,000 sq. ft.					P	P	P	P	P		P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	C	C	C
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	C	C	C
Radio, TV and telecommunication towers	C			C		C	C	C	C		C
Recreation facilities, <u>nonprofit governmental</u> , indoor, gross floor area less than 5,000 sq. ft.	C	C	C	C	P	P	P	P	P	<u>C</u>	P
Recreation facilities, <u>nonprofit governmental</u> , indoor, gross floor area 5,000 sq. ft. or more					C	C	C	C	C		C

Steep Slope/High Elevation Overlay Permitted Use Table											
Uses		<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <b>Blank Space = Not Permitted</b>									
		Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	BDM	OU
Recreation facilities, <del>nonprofit</del> <u>governmental</u> , outdoor	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	P	P	P	P	P	<u>P</u>	P
Recreation facilities, <del>profit non-</del> <u>governmental</u> , outdoor	<u>C</u>	<u>C</u>	C	C	C	C	C	C	C	<u>C</u>	C
Recreation facilities, <del>profit non-</del> <u>governmental</u> , indoor, gross floor area less than 5,000 sq. ft.			C	C	C	C	C	C	C		C
Repair services, gross floor area less than 5,000 sq. ft. (electrical and appliances)					P	P	P				P
Restaurants, eating establishments and cafés, gross floor area less than 5,000 sq. ft.					P	P	P	P	P		P
Retail trade, commercial services, sales and rental of merchandise and equipment, gross floor area less than 5,000 sq. ft. (inside building with no outside sales storage)					P	P	<u>GP</u>	C	<u>GP</u>		P
Schools, public and private		<u>C</u>	C	C	<u>C</u>	C		C	C		C

Steep Slope/High Elevation Overlay Permitted Use Table											
Uses		<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <b>Blank Space = Not Permitted</b>									
		Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	BDM	OU
Schools-- Vocational, business and special schools						C	C	C	C		C
Travel trailers <u>(no more than 180 days per calendar year)</u>				<u>GP</u>					P		P
Travel trailer parks				C					C		C
Vacation rentals	P	P	P	P	P	P	P	P	P	P	P
Vacation rental complex; less than 11 units				C	C	C	C	C	C	C	C

(e) *Development standards.*

- (1) Lot size standards. Any new lot created with greater than ten (10) percent of the area in the Steep Slope/High Elevation Overlay District after the effective date of this section shall be a minimum of 1.5 acres. This minimum lot size may be reduced through the approval of an Alternative Path Hillside Development Subdivision.
- (2) Density standards. No more than two (2) dwelling units or two (2) principal buildings or structures per lot of record shall be allowed in the Steep Slope/High Elevation Overlay District ~~except in those zoning districts that allow multifamily dwelling units. The maximum multifamily residential dwelling units allowed per acre shall be 0.75. No more than two principal buildings or structures shall be allowed on a single lot of record unless a planned unit development is approved by the Board of Adjustment.~~
- (3) Height standards. The maximum building height in the Steep Slope/High Elevation Overlay District shall be 35 feet.
- (4) Disturbed and Impervious standards.

- (a) The maximum gross site area disturbance allowed in the Steep Slope/High Elevation Overlay District for any single lot, excluding disturbance for installation of individual septic systems, shall be:
- for lots less than 2.0 acres shall be 0.3 acres
  - for lots 2.0 acres and larger shall be 15 percent
- (b) The maximum gross site area impervious surface allowed in the Steep Slope/High Elevation Overlay District for any single lot shall be:
- for lots less than 2.0 acres shall be 0.16 acres
  - for lots 2.0 acres and larger shall be 8 percent

These limits shall apply to individual lot improvements, including drives, utilities, and stormwater controls but shall not apply to installation of individual septic systems. When communal infrastructure, including but not limited to roadways, shared drives, public utilities, public facilities and stormwater controls, is installed in accordance with an approved minor or major subdivision plan, the disturbed and impervious area shall be regulated by the Land Development and Subdivision Ordinance and not by this article. When communal infrastructure is installed to serve lots in a division of land which is exempt from the definition of a subdivision pursuant to Sec. 70-5 of the Land Development and Subdivision Ordinance and results in more than three (3) lots, the maximum area of the total tract to be developed for the purposes of communal infrastructure installation shall be 15 percent disturbed area and ten (10) percent impervious area.

Expansions to structures existing at the time this article was adopted must meet the gross site area disturbed and impervious limitations, however the disturbed and impervious area of the existing development is not required to be included in the disturbed and impervious area calculations.

- (f) Engineering standards for certain slopes. Consultation with a geotechnical engineer shall be required for development in areas of a tract within the Steep Slope/High Elevation Overlay District in excess of 35 percent natural slope and for all areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey, and an investigation for colluvial deposits shall be made. Recommendations of the geotechnical engineer shall be submitted with the application for review. Prior to final approval, a report by the geotechnical engineer shall be required certifying that recommendations were followed during construction.

Global stability analysis shall be performed for homesites building sites on a 35 percent or greater slope or in an area designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey.

**Amend Sec. 78-645. Protected Ridge Overlay District**

Protected Ridge Overlay Permitted Use Table											
Uses		<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <b>Blank Space = Not Permitted</b>									
		Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	BDM	OU
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	P	P	P
<u>Two residential dwelling units (attached or detached)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>HUD-labeled mobile homes-Residential</u>	P			P			P				P
Subdivisions	P	P	P	P	P	P	P	P	P	P	P
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P
Cemetery	P		P	P		P		P	P		P
<u>Churches</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Family care home	P	P	P	P				P	P	P	P
Government protective services			P	P	P	P	P	P	P		P
Home occupations	P	P	P	P	P	P	P	P	P	P	P
<u>Places of worship</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	C	C	C
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	C	C	C

Protected Ridge Overlay Permitted Use Table											
Uses		<b>P = Permitted</b> <b>C = Allowed as Conditional Use</b> <b>Blank Space = Not Permitted</b>									
		Districts									
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	BDM	OU
Recreational facilities, <del>nonprofit</del> governmental, outdoor	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	P	P	P	P	P	<u>P</u>	P
Vacation rentals	P	P	P	P	P	P	P	P	P	P	P

## (e) Development standards.

- (1) Lot size standards. Any new lot created with greater than ten (10) percent of the area in the Protected Ridge Overlay District after the effective date of this section shall be a minimum of two (2) acres.
- (2) Density standards. No more than two (2) dwelling units or two (2) principal buildings or structures shall be allowed on a single lot of record in the Protected Ridge Overlay District unless a planned unit development is approved by the Board of Adjustment.
- (3) Height standards. The maximum building height in the Protected Ridge Overlay District shall be 25 feet when the structure is 50 or fewer vertical feet from the crest of the ridge. The maximum building height in the Protected Ridge Overlay District shall be 35 feet when the structure is more than 50 vertical feet from the crest of the ridge. The vertical distance between the structure and the crest shall be the difference between the elevation (above sea level) of the highest ground level at the structure foundation and the lowest elevation of the crest of the ridge perpendicular to the structure.
- (4) Building width standards. Building width in the Protected Ridge Overlay District shall not exceed 30 percent of the lot width as measured at the face(s) of the building oriented to the downhill section of the lot or adjacent topography and parallel to the crest of the ridge.
- (5) Lot width standards. Minimum lot width in the Protected Ridge Overlay District, as measured parallel to the crest of the ridge, shall be 200 feet.
- (6) Disturbed and Impervious standards.
  - (a) The maximum gross site area disturbance allowed in the Protected Ridge Overlay District for any single lot, excluding disturbance for installation of individual septic systems, shall be:
    - for lots less than 2.0 acres shall be 0.3 acres
    - for lots 2.0 acres and larger shall be 15%



(b) The maximum gross site area impervious surface allowed in the Protected Ridge Overlay District for any single lot shall be:

- for lots less than 2.0 acres shall be 0.16 acres
- for lots 2.0 acres and larger shall be 8%

These limits shall apply to individual lot improvements, including drives, utilities, and stormwater controls but shall not apply to installation of individual septic systems. When communal infrastructure, including but not limited to roadways, shared drives, public utilities, public facilities and stormwater controls, is installed in accordance with an approved minor or major subdivision plan, the disturbed and impervious area shall be regulated by the Land Development and Subdivision Ordinance and not by this article.

When communal infrastructure is installed to serve lots in a division of land which is exempt from the definition of a subdivision pursuant to Sec. 70-5 of the Land Development and Subdivision Ordinance and results in more than three (3) lots, the maximum area of the total tract to be developed for the purposes of communal infrastructure installation shall be 15 percent disturbed area and ten (10) percent impervious area.

Expansions to structures existing at the time this article was adopted must meet the gross site area disturbed and impervious limitations, however the disturbed and impervious area of the existing development is not required to be included in the disturbed and impervious area calculations.

(f) *Engineering standards for certain slopes.* Consultation with a geotechnical engineer shall be required for development in areas of a tract within the Protected Ridge Overlay District in excess of 35 percent natural slope and for all areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey, and an investigation for colluvial deposits shall be made. Recommendations of the geotechnical engineer shall be submitted with the application for review. Prior to final approval, a report by the geotechnical engineer shall be required certifying that recommendations were followed during construction.

Global stability analysis shall be performed for homesites building sites on a 35 percent or greater slope or in an area designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey.

#### **Add Sec. 78-650. Community Oriented Development**

(a) Purpose. The purpose of this section is to facilitate the creation of affordable and workforce housing and to afford substantial advantages for greater flexibility and improved marketability through the benefits of efficiency which permit flexibility in building siting and mixtures of housing types. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in order to create useful open spaces and preserve natural site features.

(b) Applicability. Developments considered under this section must:

- (1) successfully demonstrate that a minimum of ten percent of the proposed units will be made available at affordable rates or that a minimum of twenty percent of the proposed units will be made available at workforce rates. No variance(s) from this requirement may be requested or obtained under Sec. 78-621(4) or Sec. 78-623;
- (2) be served by public water and sewerage systems;
- (3) contain a development entrance which intersects a paved road, and the site of said intersection is located no more than 2,640 drivable feet, as measured along the road centerline, from an intersection with a transportation corridor. A transportation corridor, for the purposes of this section, is a publicly-maintained road which is designated as an interstate, arterial, or collector by NCDOT. The length of interstate on-ramps does not count towards the maximum drivable distance. The Blue Ridge Parkway shall not be considered a transportation corridor.

(c) Development Standards

- (1) *Density requirements.* There are no density requirements for nonresidential uses as long as the proposed project does not violate the intent of the district in which it is located. Density may exceed that permitted in the district in which the development is located (as shown in section 78-642) by the provision of sustainable development elements and/or the provision of community amenities. If the community oriented development lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the community oriented development that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire community oriented development. Density may be increased up to 250 percent of that allowed in Sec. 78-642, according to the following table in section 78-650(c)(1)(a). No variance(s) may be requested or obtained under Sec. 78-621(4) or Sec. 78-623 in order to increase density within a community oriented development other than through strict adherence to the requirements set forth in this subsection and the community oriented development density table.
- (a) *Community Oriented Development Density Table.* Density may be increased up to 250 percent of that allowed in section 78-642, according to the following table. In order to obtain any bonus in density, points must be obtained from at least two of the three principal categories within the table (Community, Environment/Transit, Economy); additional points may be obtained through providing Added Amenities. For every point earned according to the density table below, project density may be increased by one (1) percent.

	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Community</u>			
<u>Affordable housing (15 years minimum)</u>	<u>2 points for each % affordable (10% minimum)</u>	<u>Under guidelines of the Affordable Housing Services Program (AHSP) (sold/rented to family up to 80% of Area Median Income (AMI) adjusted for family size, cost/rent of the home meets criteria, sold/rented as primary residence, minimum of 15 years affordability, conditions recorded in document accompanying the Deed of Trust)</u>	<u>140</u>
<u>Workforce housing (15 years minimum)</u>	<u>1.5 points for each % workforce (20% minimum)</u>	<u>Under guidelines of the Workforce Housing Services Program (sold/rented to family from greater than 80% to 120% of AMI adjusted for family size, cost/rent of the home meets criteria, sold/rented as primary residence, minimum of 15 years affordability, conditions recorded in document accompanying the Deed of Trust)</u>	<u>105</u>
<u>Period of affordability</u>	<u>2 points for each year beyond 15</u>	<u>Secured under guidelines of the AHSP</u>	<u>30</u>
<u>Accessibility</u>	<u>Multifamily: 20 points for elevator, 1 point for each % dwelling units with listed accessibility features</u> <u>Single-family: 1 point for each % dwelling units with at least three accessibility features</u>	<u>Multifamily required accessibility features: accessible showers and toilets, grab bars, and lowered counter tops</u> <u>Single-family accessibility features: 1) accessible showers, toilets, and grab bars, 2) lowered counter tops, 3) accessible switches, outlets, and environmental controls, 4) ramp, 5) doorways at least 32" wide and passageways 36" wide</u>	<u>30</u>

	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Safe Routes to Schools (SRTS)</u>	<u>25 for a funded SRTS program through NCDOT, 15 points for a program that receives a letter from the regional SRTS coordinator documenting that the application meets the SRTS criteria</u>	<u>For the regional coordinator, email activekidswnc@gmail.com</u>	<u>25</u>

	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Environment/Transit</u>			
<u>Conserve riparian buffers and wetlands</u>	<u>15 points for permanent preservation of at least 50% of riparian buffers and at least 50 linear feet of stream and identified/mapped wetlands present on the site;</u> <u>20 points for permanent preservation of at least 75% of riparian buffers and at least 75 linear feet of stream and identified/mapped wetlands present on the site;</u> <u>25 points for permanent preservation of all riparian buffers and at least 100 linear feet of stream and identified/mapped wetlands present on the site</u>	<u>Development incorporates the retention of intact or restored riparian buffers (30 feet in width as measured from top of bank), delineated wetlands (inclusive of a 50 foot buffer surrounding the wetland area). These areas are to be preserved in perpetuity. In all cases, wetlands must be preserved to obtain points. Stormwater devices and pervious, at grade, passive recreation permitted within the buffer areas.</u>	<u>25</u>
<u>Conserve open space</u>	<u>5 points per acre of preserved open space</u>	<u>Preservation of open space to be dedicated in perpetuity. For the purpose of this table, open space does not include acreage otherwise preserved to obtain points in other categories, such as riparian buffers, wetlands, steep slope areas, special flood hazard areas, community gardens, or passive recreation areas.</u>	<u>25</u>

	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Low Impact Development (LID) - utilizing Best Management Practices (BMPs)</u>	<u>5 points for each BMP device utilized after base stormwater requirements are met</u>	<u>Must meet minimum criteria as described in NCDENR BMP Manual</u> <u><a href="http://portal.ncdenr.org/web/lr/bmp-manual">http://portal.ncdenr.org/web/lr/bmp-manual</a>, other BMP's employing proprietary technology (not described within manual) must be approved by County Stormwater Management Engineer</u>	<u>25</u>
<u>Exclusion of development inside special flood hazard areas (SFHAs) and steep slopes - greater than 25% (if those conditions exist on property)</u>	<u>50 points for fully clustering outside of SFHA and steep slope areas.</u>	<u>All development, except stormwater devices and pervious, at grade, passive recreation, to be clustered on least environmentally sensitive areas of site (i.e. outside of SFHA's and steep slopes) and SFHAs and steep slope areas are to be protected in perpetuity.</u>	<u>50</u>
<u>Participation in Energystar program</u>	<u>25 points for certification of all proposed units</u>	<u>Dwelling units must receive Energystar certification</u>	<u>25</u>
<u>Alternative energy sources</u>	<u>10 points for 10% energy production from alternative sources</u>	<u>Development incorporates non-commercial solar, geothermal, or wind energy</u>	<u>10</u>
<u>Rainwater/greywater collection</u>	<u>5 points for water collection systems</u>	<u>Development incorporates the installation of either rainwater or greywater collection systems through the use of cistern reservoirs subject to review and approval of the County Stormwater Management Engineer</u>	<u>5</u>

	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Proximity to public transit routes</u>	<u>50 points for projects that are within 2,640 feet of a public transit route.</u>	<u>Access to public transit is defined as a project that is located within 2,640 feet of a designated ART or Mountain Mobility (Trailblazer) route. The 2,640 feet is measured from the entrance of the development and the entirety of the measured distance must be on greenways, sidewalks, or along roadways.</u>	<u>50</u>
<u>Construction of public road(s) built to NCDOT standards and to be dedicated to NCDOT.</u>	<u>25 points for NCDOT maintenance of roads</u>	<u>Roads must be designed to NCDOT standards pursuant to the NCDOT Subdivision Roads - Minimum Construction Standards Manual. Subdivision plat must include dedication language. A coordinating letter from NCDOT is required.</u>	<u>25</u>

	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Economy</u>			
<u>Mixed use (mix in housing sizes and types)</u>	<u>10 points where 15% of the homes are smaller in size/scope; 10 points where a mix of multifamily and single-family structures are provided</u>	<u>Smaller in size and scope: 2 BDR single family, 1 or 2 BDR apartments; Mix of multifamily and single-family: at least 30% of the units comprise each type</u>	<u>20</u>
<u>Mixed use (non-residential and residential)</u>	<u>30 points</u>	<u>Mixed use inclusive of commercial structures, to be developed at a neighborhood scale. Commercial structures must be less than 50,000 square feet per building, and may comprise no less than 10% and no more than 35% of the total heated square footage of the development.</u>	<u>30</u>
<u>Preserve active farmland</u>	<u>10 points for active community garden plots, 5 points for every two acres placed in farming use, with a maximum of 15 points for preservation of active farmland through farming of property</u>	<u>Community garden plots must be no less than 100 square feet per unit and must be in production. Preservation of active farmland must consist of a minimum of 2 acres set aside for horticultural/agricultural practices. For the purposes of these points, "farming use" can include only horticulture, agriculture, and poultry or small mammals for dairy production (slaughtering operations are not allowed). Areas must be dedicated in perpetuity.</u>	<u>25</u>



	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Community building</u>	<u>10 points if available only to members of the community; 25 points if available to members of the public</u>	<u>recorded site plan must indicate the building(s) and buildings must be financially guaranteed and completed in 5 years of approval of the site plan or CUP. Deed restrictions indicating use (public or private) must be recorded. Structures must provide community meeting space (not a pool building, etc).</u>	<u>25</u>

	<u>POINTS</u>	<u>PERFORMANCE METRIC</u>	<u>MAXIMUM POSSIBLE POINTS</u>
<u>Added Amenities</u>			
<u>Provision of community facilities (playgrounds, clubhouses, pools, etc)</u>	<u>5 points for every 1,000 square feet of additional community facilities.</u>	<u>Site specific development plan submitted showing location, square footage, and design of the amenities.</u>	<u>25</u>
<u>Non-motorized passive recreation (such as running, walking, biking trails, primitive camping areas, and similar low impact outdoor activities).</u>	<u>2 points for ever 1,320 linear feet of trail or 2 points for every 1,000 square feet of a passive recreation area</u>	<u>Site specific development plan submitted showing location, square footage, and design of the amenities.</u>	<u>10</u>
<u>Street trees</u>	<u>1 point per 8 trees</u>	<u>1 tree per every 50 linear feet of road at least 2 inch in caliper. Areas to receive trees first are the main entrance and commercial corridors.</u>	<u>10</u>
<u>Sidewalks</u>	<u>1 point for every 500 linear feet of sidewalk internal to the development; 2 points for every 500 linear feet external to the development</u>	<u>5 foot wide sidewalk with a 5 foot wide utility strip/setback from the street or curb edge</u>	<u>10</u>
<u>Connects with greenways</u>	<u>10 points for new greenway construction, 5 points for connection to existing system</u>	<u>Project incorporates continuous greenway throughout development and/or a connection/dedicated easement to an existing greenway system. Greenways and connections to greenways must be dedicated as such in perpetuity.</u>	<u>10</u>

- (2) *Affordability of Units.* Applicants must demonstrate that the proposed units will be maintained at a rate which aligns economically with affordable or workforce housing. In order to qualify as a community oriented development at least ten percent of the units provided must be considered affordable housing or at least 20 percent of the units provided must be considered workforce housing. For the purposes of this section, affordable housing will be targeted to individuals at 0% to ≤80% of area median income and workforce housing will be targeted to individuals at >80% to 120% of area median income. The mechanisms used to guarantee affordability and/or workforce housing rates must remain in place for a minimum of 15 years following the issuance of a Building Certificate of Occupancy and must be approved under guidelines of the Affordable Housing Services Program and the Buncombe County Legal Department. No variance(s) from this requirement may be requested or obtained under Sec. 78-621(4) or Sec. 78-623.
- (3) *Continuity of units.* Applicants must demonstrate that the proposed affordable/workforce units will be distributed throughout the development and similar in design characteristics including façade and building materials to any proposed market rate units. Architectural renderings shall be submitted as part of the application.
- (4) *Development Schedule.* A development schedule is required indicating approximate beginning and completion dates of the project, including the schedule for the market rate and affordable/workforce units and any proposed phases. When work within an approved community oriented development is not begun within two years following the date of approval, the approval shall be deemed expired.
- (5) *Connectivity.* Community oriented developments should encourage connectivity with the surrounding area. These developments may not be gated or enclosed in a manner which physically restricts access to non-residents. This provision is to be clearly stipulated in perpetuity in the recorded covenants or deed restrictions; these restrictions must be recorded prior to any subdivision of land associated with the development and/or the issuance of permits for the construction of residential units.
- (6) *Recordation of approved plan and restrictive covenants.* Prior to the subdivision of land associated with the development or the issuance of permits for the construction of residential units, a comprehensive site plan and deed restrictions must be approved by the planning department and subsequently placed on file with the Buncombe County Register of Deeds.
- (a) The comprehensive site plan shall indicate the following items, and any other items deemed necessary to provide for items utilized to obtain bonuses in density in Section 78-650(c)(1) above:
- (1) Building and grading envelopes to include but not be limited to all structures, location of the affordable/workforce units, disturbed and impervious areas, planned community infrastructure, and recreational buildings and areas, etc.
  - (2) Any easement areas to be conserved, connected with greenways, or used as provision for safe routes to schools.

- (3) Any easement areas required to indicate the preservation of active farmland through active farming or community garden space.
- (4) Any areas to be permanently dedicated as community facilities (playgrounds, clubhouses, pools, etc.).
- (5) The approved buffering/landscaping plan.
- (6) Delineation of floodplain areas to remain undeveloped.
- (7) Delineation of steep slope areas (areas of 25 percent slope or greater) through a slope analysis generated using field-verified topographic data.
- (8) A table listing the point totals for each element of the plan as approved, and where applicable, providing a legend or key to those items on the plan as labeled or identified.

(b) The deed restrictions shall include provisions for the following items, in perpetuity or in the approved duration:

- (1) The mechanisms used to guarantee affordability and/or workforce housing rates as per Sec. 78-650(c)(2).
- (2) Prohibition of gates or other exclusionary devices or structures.
- (3) Language dedicating areas in perpetuity for community space, greenways, preservation, conservation, or protection, referencing the recorded site plan.
- (4) Language providing for maintenance of all items provided for in order to obtain points within 78-650(c)(1) Community Oriented Development Density Table including but not limited to communal infrastructure, designated community space, stormwater management devices, rainwater collection/greywater harvesting, alternative energy sources, and buffering or landscaping.

(7) Financial guarantee of improvements. Where the following items are to be provided and are utilized to gain bonuses in density pursuant to Sec. 78-650(c)(1), prior to the subdivision of land associated with the development or the issuance of permits for the construction of residential units, a financial guarantee shall be placed on file with the county guaranteeing:

- i. the complete construction of the affordable or workforce housing units;
- ii. the provision of community building(s) or facilities;
- iii. the provision of sidewalks, greenways, or other forms of passive recreation;
- iv. the provision of street trees;
- v. the installation and completion of water, sewerage and roads, when not guaranteed separately under the Land Development and Subdivision Ordinance, to serve said units.

Acceptance of the guarantee is subject to the owner/developer certifying that the installation of all required improvements will occur within a specified time as set forth in the development schedule. The construction elements, cost, and anticipated construction schedule for the work must be itemized and certified by a licensed professional and submitted to the planning department for approval, with a signed and notarized statement from the owner/developer indicating their intention to adhere to the schedule provided. The guarantee of improvements shall be secured in one of the following forms acceptable to the planning department:

- (a) A surety performance bond made by a surety bonding company licensed and authorized to do business in North Carolina.
- (b) A bond of the owner/developer with an assignment to the county of a certificate of deposit with an institution licensed and authorized to do business in North Carolina as security for the bond.
- (c) A bond of the owner/developer by an official bank check drawn in favor of the county and deposited with the county.
- (d) Cash or an irrevocable letter of credit from an institution licensed and authorized to do business in North Carolina deposited with the county.

Such guarantee shall be in the amount equal to 150 percent of the identified cost of the planned improvements and the continuing maintenance of those improvements until the completion date as stipulated within the development schedule as estimated by the licensed professional retained by the owner/developer. The guarantee shall remain in full force and effect until all obligations have been faithfully performed.

If the cost estimate for improvements and maintenance or the schedule for installation is deemed inadequate by the planning department, the planning department reserves the right to require an independent construction appraisal, at the owner/developer's expense, as a condition of final plat approval or prior to the issuance of permits for the residential units.

All guarantees of improvements shall contractually stipulate an expiration date that is at least 180 days past the stipulated completion date as stated in the approved development schedule. The owner/developer must submit a signed and sealed statement by a registered land surveyor or civil engineer licensed in North Carolina certifying that all work has been completed to the standards of this article before the planning department will determine satisfactory completion of all guaranteed work. Work not completed within 90 consecutive days following the stipulated completion date as stated in the development schedule will be considered in default. The planning department will proceed immediately with a claim against the guarantee of improvements for all work in default.

If a request to extend the completion date stipulated within the approved development schedule is made, the zoning administrator may grant such a request provided that a revised development schedule is provided concurrently with the request and deemed acceptable by the department. Such a request must be made at least 90 days prior to the expiration of the financial guarantee. If the request for an extension is granted, the financial guarantee must be immediately amended to incorporate the revised development schedule and expiration date (if applicable).

#### **Amend Sec. 78-656. Applicability.**

The provisions set forth in this division are not applicable to permitted uses in the

Open Use District with the exception of Sec. 78-657 Nonconforming Uses; Sec. 78-664 Travel Trailers and Recreational Vehicles; and Sec. 78-668 Lighting Standards, which shall be applicable in the Open Use District.

**Amend Sec. 78-657. Nonconforming uses.**

(2) *Nonconforming lots of record.* If two or more lots or combinations of lots, or portions of lots, contiguous and in single ownership, are of record at the time of the adoption of the ordinance from which this article is derived, no portion of such parcel shall be subdivided, re-subdivided, used, or sold in a manner which diminishes compliance with lot area requirements established by this article, nor shall any division of any parcel be made which creates a lot with area below the requirements of this article.

(5) *Nonconforming uses or structures.* This category of nonconformance consists of buildings or structures used at the time of adoption of the ordinance from which this article is derived for purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

d. When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days one year, and there are no substantial good faith efforts to re-establish the use during this period, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Obtaining permits to maintain the existing use or significant continuous efforts to market the property for sale or lease for the existing use (e.g., MLS listing, realtor contract, etc.) shall be regarded as substantial good faith efforts. A nonconforming use shall be deemed discontinued after a period of two (2) years regardless of any substantial good faith efforts to re-establish the use and thereafter, the building or structure shall be used only for a conforming use.

**Amend Sec. 78-662. Relationship of building to lot.**

In no case, shall there be more than two four (4) principal buildings, in addition to any customary accessory buildings on a single lot, except in the case of a designated commercial or residential or mixed use planned unit development, manufactured home park, or community oriented development within the Open Use District.

**Amend Sec. 78-664. Travel trailers and recreational vehicles.**

Travel trailers and/or recreational vehicles may be used as a temporary single-family dwelling for no more than 180 days out of the calendar year only in those districts that permit travel trailers or travel trailer parks. In no case shall a travel trailer or recreational vehicle be permanently set up or affixed to the ground or site, nor shall it be used as a permanent single-family dwelling. When utilized as a temporary single-family dwelling, a travel trailer may not be located within a single travel trailer park for more than 180 days out of the calendar year. If a travel trailer is disconnected from all utilities, is tagged and road-ready, and is not utilized as a

temporary dwelling unit on site, it will be considered a parked vehicle for the purposes of this ordinance.

**Amend Sec. 78-677. Procedure for obtaining a conditional use permit.**

(b) *Conference with applicant.* ~~After~~ Prior to submission of an application for a conditional use permit, the ~~applicant zoning administrator~~ shall arrange a conference with the ~~applicant zoning administrator~~. At the conference the applicant shall submit a sketch development plan and a brief description of the proposed development strategy. The conference is designed to inform the applicant of the county's regulations and policies concerning development alternatives, as well as to inform the county of the applicant's intentions, so as to give the applicant some informal, nonbinding feedback on the acceptability of the applicant's plan. The greater the level of common understanding between the applicant and the county that can be achieved at the conference stage, the smoother the remaining steps of the review process will be. ~~At the conference a date for a public hearing shall be determined.~~

(d) *Development plan; submission; contents.* At least thirty (30) days prior to the date set for the public hearing, the applicant shall submit the application, one full sized copy of the development plan to a known scale, 11 copies of the development plan reduced to either 11" x 17" or 8.5" x 11", and a digital version of the development plan in pdf or other acceptable format ~~three copies of the final development plan~~ to the zoning administrator. The development plan shall contain a map drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

- (1) Existing site conditions, including contours, watercourses identified flood hazard areas, and any unique natural or manmade features.
- (2) Boundary lines of the proposed development, proposed lot lines, and plot designs.
- (3) Proposed location and use of all existing and proposed structures, including the location of any proposed retaining walls. The maximum height of any retaining wall shall be shown on the proposed site plan.
- (4) Location and size of all areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, school sites, and similar public and semipublic uses.
- (5) The existing and proposed street system, including the location and number of off- street parking spaces, service areas, loading areas, and major points of access to the public right-of-way. Notations shall be made of the proposed ownership of a street system, public or private. Documentation from the Fire Marshal shall be provided of the adequacy of the development's facilities for emergency medical and fire services.
- (6) Approximate location of proposed utility systems, including documentation of water and sewer availability ~~approving the proposed water and sewer systems~~ from the appropriate local and state agencies. Documentation of

~~pre-development conferences with the an application for a~~ sedimentation and erosion control ~~permit~~ and stormwater management ~~offices permit~~ shall also be submitted, where required.

- (7) Location and/or notation of existing and proposed easements and rights-of-way.
- (8) The proposed treatment of the perimeter of the development including materials and/or techniques such as screens, fences, and walls.
- (9) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features.
- (10) Where applicable, the following written documentation shall be submitted:
  - a. ~~A legal description of the total site proposed for development, including a~~ A statement of present and proposed ownership.
  - b. The zoning district in which the project is located.
  - c. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages.
  - d. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development.
  - e. Quantitative data for the following: proposed total number and type of residential dwelling units, parcel size, gross residential densities, and the total amount of open space.
  - f. Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.

~~(11) For commercial structures in CPUDs and RPUDs, architectural renderings of all principal buildings, drawn to a known scale, shall be provided. Elevation renderings of the site, drawn to a known scale, shall be required for any retaining wall system proposed to provide a cumulative vertical relief in excess of 10 feet in height showing landscaping, vegetative screening, and the top and bottom of the wall at grade.~~

~~(1112)~~ Any additional information required by the board of adjustment in order to evaluate the impact of the proposed development. The zoning administrator or the board of adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

~~(12) Elevation renderings of the site from each cardinal direction, drawn to a known scale, shall be provided and shall include, but not be limited to, the following items: any retaining wall system proposed to provide a cumulative vertical relief in excess of 10 feet in height; structures; landscaping; vegetative screening; and impervious or disturbed surfaces.~~



(e) *Conduct of hearing.* Any party may appear in person or by agent or by attorney at the hearing held by the board of adjustment. The order of business for such hearing shall be as follows:

- (1) The chairperson, or such person as he shall direct, shall give preliminary statement of the case.
- (2) The applicant shall present the argument in support of the application.
- (3) Persons opposed to granting the application shall present the argument against the application.
- (4) Both sides will be permitted to present rebuttals to opposing testimony.
- (5) The chairperson shall summarize the evidence, which has been presented, giving the parties opportunity to make objections and corrections.

Witnesses may be called and factual evidence may be submitted, but the board of adjustment shall not be limited to only such evidence as would be admissible in a court of law. The board of adjustment may view the premises before arriving at a decision. All witnesses before the board of adjustment shall be placed under oath and the opposing party may cross-examine them.

(f) *Rehearings.* An application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the board of adjustment to determine whether there has been a substantial change in the facts, evidence or conditions in the case. The application for rehearing shall be denied by the board of adjustment if from the record it finds that there has been no substantial change in facts, evidence, or conditions. If the board of adjustment finds that there has been a change, it shall thereupon treat the request in the same manner as any other application.

(g) *Conditions for granting approval.* ~~If the board of adjustment finds that, in the particular case in question, the use for which the conditional use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood, a permit may be granted.~~ In granting such a conditional use permit, the board of adjustment may designate such conditions in connection therewith as will, in its opinion, ensure that the proposed use will conform to the requirements and spirit of this article. If at any time after a conditional use permit has been issued the board of adjustment finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a conditional use permit, the permit shall be terminated and the operation of such use discontinued. If a conditional use permit is terminated for any reason, it may be reinstated only after a public hearing is held. ~~The board of adjustment may vary the minimum lot size requirement when issuing a conditional use permit.~~ Before any conditional use permit is issued, the board of adjustment shall make written findings certifying compliance with the specific rules governing the individual conditional use

and that satisfactory provision and arrangement has been made for at least the following, where applicable:

- (1) The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
  - (2) The proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
  - (3) The proposed use will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects.
  - (4) ~~(4)~~ Satisfactory ingress and egress for the proposed use to of the property and proposed structures has been provided. thereon, with pParticular reference attention has been paid to automotive and pedestrian safety and convenience, traffic flow and control.
  - ~~(2)~~ (5) Provision of off-street parking and loading areas where required, with particular attention to the items in section 78-658, and the economic, noise, glare and odor effects of the conditional use on adjoining properties in the area.
  - ~~(3)~~ (6) Provision of adequate Adequate and proper utilities, with reference to locations, availability, and compatibility.
  - ~~(4)~~ (7) Provision of buffering, if deemed necessary, with reference to type, location, and dimensions. The board of adjustment shall exercise ultimate discretion as to whether adequate buffering has been provided.
  - ~~(5)~~ (8) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
  - ~~(6)~~ (9) Playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways, with reference to location, size, and suitability.
  - ~~(7)~~ (10) Buildings and structures, with reference to location, size, and use.
  - ~~(8)~~ (11) Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.
- (h) *Decisions.* All board of adjustment decisions shall be made in accordance with N.C. Gen. Stat. §153A-345.1 or as amended.
- (i) *Inspections.* The zoning administrator shall make periodic inspections during construction as well as a final inspection after construction is complete to determine whether the conditions imposed and agreements made in the issuance of the permit have been met as well as whether all other requirements of this article have been met.
- (j) *Changes; limitations.* Minor changes in the location, siting or character of

buildings and structures may be authorized by the zoning administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved; provided, however, that no change authorized by the zoning administrator under this section may increase the size of any building or structure by more than ten percent, nor change the location of any building or structure by more than ten feet in any direction, nor make any changes beyond the minimum or maximum requirements set forth in this article. All other changes, including changes in the site plan and in the development schedule, must be submitted to the board of adjustment. In no case shall the following changes be made without resubmission of the development plan according to the procedures in this section:

- (1) A change in the use or character of the development.
- (2) An increase in overall density.
- (3) An increase in intensity of use.
- (4) Alteration of the traffic circulation system.
- (5) A reduction in approved open space.
- (6) A reduction of off-street parking and loading space.

(k) *Lack of development; effect on permit.* Conditional use permits shall retain vesting in accordance with N.C. Gen. Stat. §153A-344.1 or as amended.

**Amend Sec. 78-678. Uses by right subject to special requirements and cConditional use standards.**

(a) Uses by right, subject to special requirements (SR). Uses by right, subject to special requirements are uses permitted by right, provided that the specific standards set forth in this section are met. The specified standards are intended to ensure these uses fit the intent of the districts within which they are permitted, and that these uses are compatible with other development permitted within the specified zoning districts.

(1) Bed and breakfast inns. Standards for bed and breakfast inns shall be as follows:

- a. Signage. Signage is limited to a single sign, not to exceed eight (8) square feet, with a maximum height of four (4) feet.
- b. Parking. Parking shall only be located in side and rear yards and is subject to the off-street parking requirements located in Table 3 of Sec. 78-658.
- c. Buffering. Property line buffering must meet the requirements described in Sec. 78-667 and parking areas must be screened from adjacent properties through the use of vegetation or solid fencing.
- d. Occupancy. Bed and breakfast inns are limited to no more than ten (10) occupants.

(2) Day nursery and private kindergarten. Standards for day nursery and private kindergarten shall be as follows:

- a. Signage. Signage is limited to a single non-lighted sign, not to exceed eight (8) square feet, with a maximum height of four (4) feet.
- b. Enrollment. Maximum enrollment is limited to eight (8) children.
- c. Drop-off areas. Drop-off and pick-up areas shall not obstruct traffic flow on adjacent streets.
- d. Parking. Parking shall only be located in side and rear yards and is subject to the off-street parking requirements located in Table 3 of Sec. 78-658.
- e. Buffering. Property line buffering must meet the requirements described in Sec. 78-667 and parking areas and outdoor play areas must be screened from adjacent properties through the use of vegetation or solid fencing.

(3) Travel trailer parks. Standards for travel trailer parks shall be as follows:

- a. Travel trailers. No travel trailer may be permanently affixed or utilized as a permanent single-family residence. No single trailer may be located within the park for more than 180 days out of any given calendar year.
- b. Spacing. Travel trailer spaces must be clearly identified on the site plan and delineated within the park through the provision of a physical boundary marker or designated pad. In no case shall a travel trailer be placed within 20 feet of another travel trailer.
- c. Buffering. A buffer consisting of evergreen trees or shrubs shall be provided against all adjacent properties, but shall not extend beyond the established setback line along any street. Such buffer strip shall be no less than four (4) feet in width and shall be composed of trees or shrubs of a type, which at maturity shall be not less than six (6) feet in height. This planting requirement may be modified by the zoning administrator where adequate buffering exists in the form of vegetation and/or terrain.
- d. Waste management/dump station(s).
  - 1. The park owner/operator shall provide capacity for a weekly accumulation of solid waste and recycling on site through the provision of dumpsters or acceptable containers. These dumpsters or other acceptable containers must be serviced at least once a week, unless the park has been vacant for the entirety of the week. These dumpsters shall not be located within any required setbacks.
  - 2. The park owner/operator shall provide for adequate waste disposal through the provision of dump stations. Dump stations shall be inset at least 20 feet from all property lines and must be permitted by NCDENR prior to installation.
- e. Any lighting to be provided within the park must be indicated on the site plan and adhere to the lighting standards as set forth within section 78-668.
- f. At least one (1) bathroom and shower shall be provided within a permanent structure. If the park does not provide full water and sewer

hookups at each site, one (1) additional bathroom and shower shall be provided for every ten (10) travel trailer spaces in the park without water and sewer connections.

- g. Documentation from the Fire Marshal shall be provided of the adequacy of the development's facilities for emergency medical and fire services.

(b) Conditional Use Standards. Before issuing a conditional use permit the board of adjustment shall find that all standards for specific uses listed in this section, as well as all procedures listed in section 78-677, have been met. The following standards are applied to specific conditional uses:

- ~~(1) Public and private schools, day nurseries, and private kindergartens. Standards for public and private schools, day nurseries, and private kindergartens shall be as follows:~~

~~a. Off-street parking shall be sufficient to meet the requirements found in section 78-658.~~

~~b. The board of adjustment may require buffering consisting of evergreen trees or shrubs located along the side and rear lot lines, but shall not extend beyond the established setback line along any street. Such buffer strip shall not be less than four feet in width and shall be composed of trees or shrubs of a type which at maturity shall be not less than six feet in height. This planting requirement may be modified by the board of adjustment where adequate buffering exists in the form of vegetation and/or terrain.~~

- ~~(2) Private recreation facilities (for-profit). Standards for private recreation facilities operated for profit shall be as follows:~~

~~a. Off-street parking shall be sufficient to meet the requirements found in section 78-658.~~

~~b. The board of adjustment may require buffering consisting of evergreen trees located along the side and rear lot lines, but shall not extend beyond the established setback line along any street. Such buffer strip shall not be less than four feet in width and shall be composed of trees or shrubs of a type, which at maturity shall be not less than six feet in height. This planting requirement may be modified by the board of adjustment where adequate buffering exists in the form of vegetation and/or terrain.~~

~~c. The proposed hours of operation shall not be detrimental to the surrounding property due to noise, flashing lights, traffic, etc.~~

~~d. All developments shall be compatible with surrounding residential uses. Therefore, no signs with flashing lights shall be allowed. All non-flashing illuminated signs shall be so placed so as not to cast light on adjoining residential uses.~~

- ~~(31) Public or Private utility stations; radio, and TV, and telecommunications towers; water and sewer plants; water storage tanks. Standards for public or private utility~~

stations, radio, ~~and~~ TV, ~~and telecommunications~~ towers, water and sewer plants, and water storage tanks shall be as follows:

- a. Structures shall be enclosed by a woven wire fence at least eight feet high. This does not apply to photovoltaic cells which are incorporated as structural elements of other facilities.
- b. The ~~lot perimeter of the fence required in subsection (a) above~~ shall be ~~buffered by landscaping vegetation suitably landscaped, including a buffer strip at least four feet wide and planted with evergreen shrubs or trees which at maturity will be between eight and 12 feet high along the side and rear property lines. Vegetation not less than two (2) feet in height at the time of planting shall be planted within eight (8) feet of the outer side of the fence. Vegetation that serves as screening shall be planted at intervals evenly spaced and in proximity to each other so that a continuous, unbroken hedgerow, without gaps or open spaces, will exist to a height of at least six (6) feet along the length of the fence surrounding the facility.~~ This planting requirement may be modified by the board of adjustment where adequate buffering exists in the form of vegetation and/or terrain.
- ~~c. Entrances and exits shall be designed so as to promote public safety.~~
- ~~dc.~~ Emergency contact information for the owner/manager of the facility shall be prominently posted at the site.
- ~~ed.~~ A plan for decommissioning of the facility should the facility become non-operational for a period of more than 365 consecutive days shall be presented to the board of adjustment. The plan shall describe how the site will be returned to its pre-development condition and shall present a mechanism for funding the decommissioning.
- ~~fe.~~ Facilities using wind as a means of electricity generation must be appropriately separated from existing residential communities and structures. The applicant must present an area map which depicts the proposed facility and the closest residential structures. The map shall be to scale and shall also show publicly maintained roads within the area.
- ~~gf.~~ At locations where the facility will exist alongside other uses, the applicant must include a description of the other uses which will occur on the site and how public safety will be guaranteed.
- ~~hg.~~ For facilities located within 5 linear miles of any aviation facility, the applicant must provide a solar glare analysis (such as the Solar Glare Hazard Analysis Tool available through Sandia National Laboratories) that demonstrates that the installation does not pose an imminent threat to flight operations. Additionally, the applicant must demonstrate that the proposed structures do not interfere with flight operations. The applicant must also provide proof that a copy of their analysis has been submitted to the aviation facility operator.
- ~~ih.~~ For facilities located within 1,320 feet of a NC or US highway (inclusive of

Interstates) or within the Blue Ridge Parkway Overlay, the applicant must provide proof from a qualified professional, which may include the highway operator, that the facility does not pose an imminent threat to users of the highway.

- ~~ii.~~ For facilities located within the Steep Slope/High Elevation or Protected Ridge Overlay Districts, the applicant must quantify and provide documentation of the tree coverage and species removed. When development is to occur within either Overlay District listed above, the limitations on disturbed and impervious area shall be applied to the parcel as a whole.
- ~~ki.~~ All facilities must provide certification from an engineer or the manufacturer of the equipment that equipment to be utilized will not create electromagnetic interference (or other signal interference) with any radio communication or telecommunication system, aircraft navigation system, or radar system. Facilities utilizing wind as a means of electricity generation must submit a microwave path analysis performed by a Federal Communications Commission recognized frequency coordinator.
- ~~lk.~~ All facilities must register with other state and federal agencies as required; proof of this registration (including applicable submissions for analysis by the Federal Communications Commission or Federal Aviation Administration) must be provided to the board of adjustment..

~~(42)~~ *Kennels.* Standards for kennels are as follows:

- a. The animal kennel, including all structures and fencing, shall be set back at least 50 feet from all external property lines of the facility.
- b. The kennel facility shall be enclosed within a security fence of at least six feet in height. The fence and facility may require a vegetation buffer along any part of the fenced areas where sufficient visual buffering does not exist. The board of adjustment shall determine the buffer requirements.
- c. Provisions for daily removal and/or disposal of all animal waste shall be incorporated within the operation and maintenance of the animal kennel.
- d. The design and operation of the facility shall be reviewed and approved by the state department of agriculture.

~~(5) Retail trade. Standards for retail trade are as follows:~~

- ~~a. Off street parking shall be sufficient to meet the requirements found in section 78-658.~~
- ~~b. The applicant shall submit a site plan drawn to scale showing the location of existing and proposed buildings and proposed vehicular entrances and exits. This is to ensure that congested traffic conditions do not occur in areas around employment centers.~~



~~c. The applicant also shall submit with the site plan a description or drawing, with dimensions, and locations of all proposed signs, to ensure that such uses will not infringe upon the character of the employment center district.~~

(63) *Junkyards.* Standards for junkyards shall be as follows:

- a. Junkyards shall be surrounded by a fence at least eight feet in height. Vegetation shall be planted on at least one side of the fence and contiguous to the fence. The vegetation shall be of a type that will reach a minimum height of six feet at maturity and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow will exist to a height of at least six feet along the length of the fence surrounding the junkyard when the vegetation reaches maturity. Each owner, operator, or maintainer of a junkyard shall maintain the vegetation and fencing. Dead or diseased vegetation shall be replaced at the next appropriate planting time.
- b. The fence shall have at least one and not more than two gates for purposes of ingress and egress. The gates shall be closed and securely locked at all times, except during business hours.
- c. Junkyards shall also be subject to compliance with chapter 26, article III, of this Code, as may be amended.

(74) *Solid waste management facilities.* All solid waste management facilities used for the disposal of solid waste shall meet the requirements and specifications of the N.C. Department of Environment and Natural Resources. A set of approved plans shall be submitted along with the application for the conditional use permit.

(85) *Travel trailer parks.* Travel trailer park standards shall be as follows: **(delete standards in their entirety and replace as follows)**

~~a. The board of adjustment may require buffering consisting of evergreen trees or shrubs located along the side and rear lot lines, but shall not extend beyond the established setback line along any street. Such buffer strip shall not be less than four feet in width and shall be composed of trees or shrubs of a type, which at maturity shall be not less than six feet in height. This planting requirement may be modified by the board of adjustment where adequate buffering exists in the form of vegetation and/or terrain.~~

~~b. Plans and accompanying documentation to ensure that the water and sewer systems proposed for the travel trailer park have been approved by the appropriate local and state agencies.~~

~~c. Trailers shall be separated from each other and from other structures by at least ten feet.~~

~~a. *Travel trailers.* No travel trailer may be permanently affixed or utilized as a permanent single-family residence. No single trailer may be located within the park for more than 180 days out of any given calendar year.~~



- b. Spacing. Travel trailer spaces must be clearly identified on the site plan and delineated within the park through the provision of a physical boundary marker or designated pad. In no case shall a travel trailer be placed within 20 feet of another travel trailer.
  - c. Buffering. A buffer consisting of evergreen trees or shrubs shall be provided against all adjacent properties, but shall not extend beyond the established setback line along any street. Such buffer strip shall be no less than four (4) feet in width and shall be composed of trees or shrubs of a type, which at maturity shall be not less than six (6) feet in height. This planting requirement may be modified by the zoning administrator or board of adjustment where adequate buffering exists in the form of vegetation and/or terrain.
  - d. Waste management/dump station(s).
    - 1. The park owner/operator shall provide capacity for a weekly accumulation of solid waste and recycling on site through the provision of dumpsters or acceptable containers. These dumpsters or other acceptable containers must be serviced at least once a week, unless the park has been vacant for the entirety of the week. These dumpsters shall not be located within any required setbacks.
    - 2. The park owner/operator shall provide for adequate waste disposal through the provision of dump stations. Dump stations shall be inset at least 20 feet from all property lines and must be permitted by NCDENR prior to installation.
  - e. Any lighting to be provided within the park must be indicated on the site plan and adhere to the lighting standards as set forth within section 78-668.
  - f. At least one (1) bathroom and shower shall be provided within a permanent structure. If the park does not provide full water and sewer hookups at each site, one (1) additional bathroom and shower shall be provided for every ten (10) travel trailer spaces in the park without water and sewer connections.
- (96) Residential or Mixed Use Planned Unit Developments (RPUD). Residential or mixed use Pplanned unit development standards shall be as follows:
- a. Purpose. The purpose of this section is to afford substantial advantages for greater flexibility and improved marketability through the benefits of efficiency which permit flexibility in building siting, mixtures of housing types, and land use. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in order to create useful open spaces and preserve natural site features.
  - b. Land development standards. The following land development standards shall apply for all ~~RPUDplanned unit developments~~. ~~RPUDplanned unit developments~~ may be located in the relevant districts as conditional uses, subject to a finding by the board of adjustment that the following conditions are met:
    - 1. Ownership control. The land in a ~~RPUDplanned unit development~~ shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant.

2. *Density requirements.* There are no density requirements for nonresidential uses as long as the proposed project does not violate the intent of the district in which it is located. The proposed residential density of the ~~RPUDplanned unit development~~ (dwelling units per acre as shown in section 78-642) shall conform to that permitted in the district in which the development is located. If the ~~RPUDplanned unit development~~ lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the ~~RPUDplanned unit development~~ that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire ~~RPUDplanned unit development~~. When the RPUD is a community oriented development, the allowed density shall be in accordance with Sec. 78-650.
- ~~3. *Frontage requirements.* Planned unit developments shall have access to a highway or road suitable for the scale and density of development being proposed.~~
43. *Land uses.* A mixture of land uses shall be allowed in any ~~RPUDplanned unit development~~. However, within residential districts, nonresidential uses shall not constitute the primary use in the ~~RPUDplanned unit development~~, and nonresidential uses shall be carefully designed to complement the residential uses within the ~~RPUDplanned unit development~~. All ~~RPUDplanned unit developments~~ must be compatible with and not violate the intent of the zoning district; however, said uses may include uses not permitted under Sec. 78-641 within the zoning district(s) within which the project is located, provided that the board of adjustment finds that the nonresidential uses do not disrupt the character of the community.
54. *Minimum requirements.* Minimum requirements for land development are as follows:
  - a. The normal minimum lot size and requirements for interior setbacks are hereby waived for the ~~RPUDplanned unit development~~, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the board of adjustment. The board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.
  - b. Height limitations. The normal maximum structure height may be waived for the ~~RPUDplanned unit development~~, provided that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district. Additionally, ~~RPUDplanned unit developments~~ in excess of the normal maximum height require that the spirit and intent of this section are complied with in a total development plan, as

determined by the board of adjustment. The board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section. RPUDs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district.

- c. Required distance between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the board of adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

~~• Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.~~

- 65. *Privacy.* Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Multilevel buildings shall be located within a RPUDplanned unit development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

- 76. *Perimeter requirements.* Perimeter requirements are as follows:

- a. Structures located on the perimeter of the development must be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district within which the property is situated.

- b. ~~Structures other than single-family detached units located on the perimeter of the development may require screening in a manner which is approved by the board of adjustment.~~

- 8. ~~Water and sewer systems. Plans and accompanying documentation to ensure that the water and sewer systems proposed for the planned unit development have been approved by the appropriate local and state agencies and submitted as part of the application.~~

- 97. *Parking.* ~~Preliminary plans shall include parking provisions for all proposed uses within the planned unit development in accordance with section 78-658. When more than one use is located in the planned unit development, the minimum required parking shall be the sum of the required parking for each use within the development.~~ Parking

requirements may be waived for the ~~RPUDplanned unit development~~, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the board of adjustment. The board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.

~~10. Pedestrians and bicycles. Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between vehicle and pedestrian traffic.~~

~~11. Layout. Layout of parking areas, service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse influences shall be such as to protect the residential character within the PUD district and desirable character in any adjoining district.~~

~~128. Conveyance and maintenance mechanisms.~~ Conveyance and maintenance of open space, recreational areas and communally owned facilities shall be in accordance with G.S. 47-1 et seq. the Unit Ownership Act and/or any other appropriate mechanisms acceptable to the board of adjustment.

~~9. Building envelopes. Building envelopes shall be shown on the submitted site plan. Where flexibility in design of residential units is desired, the building envelope shall indicate the maximum expanse of the proposed footprint of the structure.~~

~~(7) Commercial Planned Unit Developments (CPUD). Commercial planned unit development standards shall be as follows:~~

~~a. Land development standards. The following land development standards shall apply for all CPUDs. CPUDs may be located in the relevant districts as conditional uses, subject to a finding by the board of adjustment that the following conditions are met:~~

~~1. Ownership control. The land in a CPUD shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant.~~

~~2. Land uses. CPUDs must include only non-residential uses.~~

~~3. Dimensional requirements. Dimensional requirements for land development are as follows:~~

~~a. Height limitations. The normal maximum structure height may be waived for the CPUD, provided that unique elements of the~~

development impose requirements for additional height that are not universal throughout the zoning district. Additionally, CPUDs in excess of the normal maximum height require that the spirit and intent of this section are complied with in a total development plan, as determined by the board of adjustment. The board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section. CPUDs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district.

b. Required distance between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the board of adjustment to ensure adequate space for emergency vehicles.

4. Parking. Parking requirements may be waived for the CPUD, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the board of adjustment. The board of adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.

(10) Manufactured home parks. Refer to chapter 46, article III, of this Code.

(11) Campus office use. Standards for campus office use as a conditional use shall be as follows:

a. Purpose. The purpose of this conditional use is to allow very low-density, low-impact office use on larger tracts of land in R-2 zoned areas that will preserve rural or residential type settings with minimal impact on adjacent R-2 uses.

b. Building size. No single building shall have a footprint in excess of either 5,000 square feet or more than two stories in height.

c. Density. No more than one building per 2.5 acres shall be permitted.

d. Parking. All parking closer than 200 feet to the edge of a public street shall be screened from public roads by a 15-foot buffer meeting the requirements of section 78-667. No parking shall be allowed within 100 feet of any residence located on adjacent property. Off-street parking shall comply with the required parking for professional and business offices set forth in section 78-658.

e. Remaining space. Space in any campus office use area not used for buildings or parking may be wooded, landscaped or mowed areas or used for roads and utilities.

f. Service equipment. All service equipment such as dumpsters shall be located on the rear or side of a building and shall be screened and enclosed

~~by a 15-foot buffer in accordance with the methods for buffering in section 78-667.~~

~~g. Exception. Subsection 78-678(9) (planned unit developments) shall not apply to property subject to this conditional use.~~

~~(128)~~ *Asphalt plants.* Standards for asphalt plants shall be as follows:

- a. The parcel on which the facility is located shall be set back at least 2,640 feet from any parcel where a hospital; hospice facility; licensed nursing home; licensed adult care home; licensed family care home; drop-in or short term child care center providing care to at least 10 preschool children; licensed child care center; private or public elementary, middle or high school; or municipal or county park or recreation facility is located.
- b. The facility must comply with the Buncombe County Flood Damage and Prevention Ordinance. But in no case shall production facilities or storage of hazardous materials be located in the Special Flood Hazard Area.
- c. The area of operations shall be set back from all perennial waters, as shown on the most recent version of the quadrangle topographic maps prepared by the United States Geological Service, and from all wetlands, as defined by G.S. 143-212(6) for a distance sufficient to protect surface and groundwater from spills and leaks. Said setback shall be a vegetative buffer no less than 100 feet in width, with no less than the first 50 feet from the stream or wetland being undisturbed and the remaining area consisting of managed vegetation.
- d. The facility shall be served by a public water system or situated a sufficient distance from any water supply well to ensure public health and safety. In all cases, the facility shall be located no closer to a water supply well than the minimum separation distance specified by NC Department of Environment and Natural Resources.
- e. There shall be sufficient access to a major highway so as to minimize truck travel through residential neighborhoods.
- f. A buffer strip along all property lines shall be required that is sufficient in height, density, and foliage at all times of the year to minimize the visual impact to persons and motorists not on the property and to maximize the buffering of noise and particulate matter. Said buffer strip shall not extend into the established setback along any street. The required buffer shall be placed according to one or a combination of the following methods, as approved by the board of adjustment as fitting for the use and surrounding areas:
  1. A continuous, natural and undisturbed 100 foot buffer strip of trees, shrubbery, and other natural vegetation.

2. A 100 foot planted buffer strip consisting of at least three rows of evergreen trees, whose species shall be approved by the board of adjustment, which at the time of planting shall be at least six feet in height, and which at maturity, shall be at least fifteen feet in height. In each row the trees shall be spaced no more than ten feet apart (from base of tree to base of tree) at time of planting, with trees in adjacent rows offset (staggered) five feet. The rows shall be no more than thirty feet apart and centered within the buffer strip. The buffer strip shall also contain at least two evergreen shrubs for every one tree and the shrubs shall be intermixed between the trees.
3. An earthen berm landscaped with evergreen shrubs and topped with a row of evergreen trees. The berm shall be a minimum of eight feet in height and shall have slopes that do not exceed one foot in height to three feet horizontal. The row of evergreen trees shall be at least five feet in height at the time of planting and which at maturity shall be at least ten feet in height. The trees shall be spaced no more than eight feet apart (from base of tree to base of tree) at the time of planting. No less than two evergreen shrubs for every tree shall be planted in two rows; the first row shall be planted at the base of the berm. The second row shall be planted at the midpoint of the berm and shall be offset (staggered) from the first row.

The owner of the property on which the buffer is located shall be responsible for the maintenance of said buffering. Unhealthy or dead plants shall be promptly removed and replaced within one planting season.

- g. A security fence shall surround the entire production area, shall be a minimum of six feet in height, and shall be located between the production area and the required buffer strip. Driveways or entranceways shall be gated during the hours when the plant is not open and operating.
- h. The facility shall employ the most current, state-of-the-art methods, systems, techniques, and production processes available in order to achieve the greatest feasible air and odor emissions reductions, including fugitive emissions and fugitive dust.
- ~~i. Hours of operation, signs and exterior lighting shall be evaluated for economic, noise, vibration, glare and odor effects and shall be compatible and in harmony with surrounding properties.~~

~~(139)~~ *Vacation Rental Complex or Rooming House.* Vacation Rental Complex and Rooming House standards shall be as follows:



- ~~a. Frontage requirements. The development shall have access to a highway or road suitable for the scale and density of the development being proposed.~~
- b. (renumber to a from b) Minimum distance between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the board of adjustment to ensure adequate air, light, privacy, and space for emergency vehicle access.
- ~~c. Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles as approved by the Fire Marshal.~~
- ~~d. Water and waste systems. Plans and accompanying documentation to ensure that the water and waste systems proposed for the development have been approved by the appropriate local and state agencies shall be submitted as part of this application.~~
- b. Parking. Preliminary plans shall include parking provisions adequate for the maximum number of guests proposed. Parking requirements shall be at least one space for each two proposed guest rooms. Such parking areas shall be visually screened with a vegetated vegetative buffer or fencing adjacent to any single family residential development.
- c. Signage. Freestanding signage shall be shown on the submitted plan and shall not exceed ten square feet in surface area. Only one freestanding sign is allowed.
- d. Bathrooms. One bathroom must be provided for every four guest rooms.
- ~~e. Lighting. Outdoor lighting shall be shown on the submitted development plan and shall be harmonious with surrounding properties. Lighting shall not create glare or interfere with the relative enjoyment of surrounding properties.~~

(10) Bed and breakfast inns. Standards for bed and breakfast inns shall be as follows:

- a. Signage. Signage is limited to a single sign, not to exceed eight (8) square feet, with a maximum height of four (4) feet.
- b. Parking. Parking shall only be located in side and rear yards and is subject to the off-street parking requirements located in Table 3 of Sec. 78-658.



c. Buffering. Property line buffering must meet the requirements described in Sec. 78-667 and parking areas must be screened from adjacent properties through the use of vegetation or solid fencing.

d. Occupancy. Bed and breakfast inns are limited to no more than twenty guests.

(11) Day nursery and private kindergarten. Standards for day nursery and private kindergarten shall be as follows:

a. Signage. Signage is limited to a single non-lighted sign, not to exceed eight (8) square feet, with a maximum height of four (4) feet.

b. Drop-off areas. Drop-off and pick-up areas shall not obstruct traffic flow on adjacent streets.

c. Parking. Parking shall only be located in side and rear yards and is subject to the off-street parking requirements located in Table 3 of Sec. 78-658.

d. Buffering. Property line buffering must meet the requirements described in Sec. 78-667 and parking areas and outdoor play areas must be screened from adjacent properties through the use of vegetation or solid fencing.

## **DIVISION 8. AMENDMENTS**

### **Sec. 78-716. Board of commissioners to amend article.**

This article, including the zoning map, may be amended by action of the Buncombe County Board of Commissioners in accordance with the provisions of this division.

### **Sec. 78-717. Initiation of amendments.**

Proposed changes or amendments to this article may be initiated by the Buncombe County Board of Commissioners, Buncombe County Planning Board, board of adjustment, zoning administrator or ~~other applicant one or more owners of property within the area proposed to be changed~~. The board of commissioners, the planning board, board of adjustment, and the zoning administrator shall not be required to make application to the zoning administrator in order to initiate a change or amendment to this article. All proposed amendments to this Article or zoning map shall be submitted to the planning board for review and comment; however, neither the planning board nor the board of commissioners will consider a proposed change or amendment ~~initiated by one or more property owners~~ that was denied within the preceding 12 months by the board of commissioners.

### **Sec. 78-718. Application and Planning Board Notice and Hearing.**

(a) Before any action on a proposed change or amendment ~~initiated by one or more property owners within the area proposed to be changed~~, an application shall be submitted to the office of the zoning administrator at least 30 days prior to the planning board's meeting at

which the application is to be considered. The application shall contain the name(s) and address(es) of the owner (s) of the property in question, the location of the property, and a description and/or statement of the present and proposed zoning regulation or district. All applications requesting a change in the zoning map shall include a description of the property in question.

(b) Before taking any action to recommend a change or amend this Article, the planning board shall hold a public hearing on the proposed change or amendment. The county shall cause notice of the hearing to be published once not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(c) Whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the planning board that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons mailing such notices shall certify to the planning board that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(d) The first class mail notice required under the preceding paragraph of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, the county may elect to either make the mailed notice provided for in the preceding paragraph or may as an alternative elect to publish notice of the hearing as required by 78-718(b), but provided that such advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of Sec. 78-718(c) above.

(e) When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

#### **Sec. 78-719. Purposes in view.**

The planning board shall advise and comment on whether the proposed amendment is

consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the board of county commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the board of commissioners.

If no written report is received from the planning board within 30 days of referral of the amendment to that board, the board of county commissioners may proceed in its consideration of the amendment without the planning board report at a public hearing as provided below. The board of commissioners is not bound by the recommendations, if any, of the planning board.

Prior to adopting or rejecting any zoning amendment, the board of commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board of commissioners considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

#### **Sec. 78-720. Public hearing before the board of commissioners.**

(a) Before taking any action to adopt, amend, or repeal any part or portion of this Article, the board of commissioners shall hold a public hearing on the proposed adoption, amendment or repeal of any part or portion of this Article. The board of commissioners shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Further, before taking any action on a proposed adoption, amendment, or repeal of this Article, the board of commissioners shall consider the planning board's recommendations, if any, on each such proposed action.

(b) Whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the board of commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(c) The first class mail notice required under the preceding paragraph shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, the county may elect to either make the mailed notice provided for in the preceding paragraph of this section or may as an alternative elect to publish notice of the hearing required by Sec. 78-720(a), but provided that

each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of Sec. 78-720(b) above.

(d) When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.