

Buncombe County Government

Planning and Development

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CERTIFICATION (ZPH2015-00040 and ZPH2015-00081)

I, Debbie Truempy, on behalf of the Buncombe County Planning Department, do hereby certify that I, as Zoning Administrator for Buncombe County, did cause the attached notice regarding a hearing for **zoning text amendment** to be held by the Buncombe County Board of Commissioners on **April 5, 2016** be forwarded to the Asheville Citizen-Times for publication **March 16, 2016** and **March 23, 2016** as evidenced by the attached Affidavit of Publication.

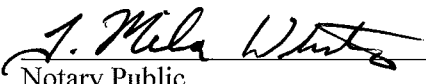
Buncombe County Planning Department


Debbie Truempy
Zoning Administrator

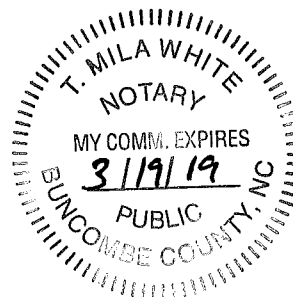
STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

Sworn to and subscribed before me this 1st day of April, 2016.


Notary Public

3-19-19
Commission Expires



AFFIDAVIT OF PUBLICATION

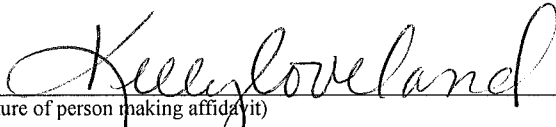
BUNCOMBE COUNTY

SS.

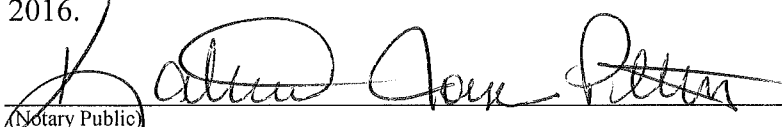
NORTH CAROLINA

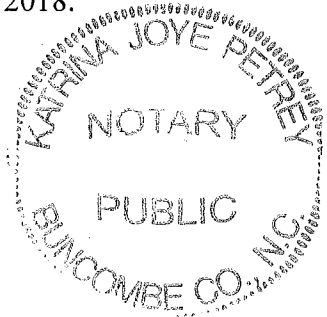
Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared **Kelly Loveland**, who, being first duly sworn, deposes and says: that she is the **Staff Accountant** of **The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Asheville Citizen-Times** on the following date: March 16th and 23rd 2016. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Signed this 23rd day of March, 2016


(Signature of person making affidavit)

Sworn to and subscribed before me the 23rd day of March, 2016.


(Notary Public)
My Commission expires the 5th day of October, 2018.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Buncombe County Board of Commissioners will hold a public hearing on Tuesday, April 5, 2016 at 4:30 pm in the Commissioners' Chambers located at 200 College Street, Room 326, Asheville, NC 28801 to consider the following amendments to the text of the Official Zoning Ordinance of Buncombe County.

The amendments proposed in **ZPH2015-00040** and **ZPH2015-00081** include but are not limited to: administrative changes to provide additional clarity and bring consistency to certain provisions based on recent changes to the North Carolina General Statutes; and to provide flexibility; modifications to the list of definitions; standards for a "community oriented development" which provide for increases in density where steps are taken to create more sustainable and affordable development; the adoption of special requirements for certain uses to be reviewed administratively, and the addition/revision of conditional use standards for specific uses.

Modify §78-581, Definitions, as follows:

- Amend the definitions of *Building*, *Subdivision*, and *Travel trailer park*.
- Delete definitions for: *Campus office use*; *Group housing*; *Group housing project*; *Group housing project area*; *Group housing project owner*; and *Planned unit development*.
- Add definitions for: *Community oriented development*; *Group home*; *Health care facility*; *Planned unit development, commercial (CPUD)*; *Planned unit development, Residential or mixed use (RPUD)*; *Postal and parcel delivery services*; and *Subdivision, alternative path hillside development*.

Modify §78-601, Construction progress to revise the time a zoning permit is valid from one (1) year to two (2) years.

Modify §78-620(c), Meetings (quorum) to further define the number of board of adjustment members necessary to hear certain applications.

Modify §78-623, Appeals and applications, as follows:

- Add a provision to specifically define that an approved conditional use permit or variance is valid for a period of two (2) years from the date of the signed order.

Modify §78-636, Use districts; enumeration and §78-640, Statement of district intent to revise the definition of R-1 from single-family to include single-family and two-family homes.

Modify §78-641(a), Permitted use table, as follows:

- Add an option for Permitted with Special Requirements
- Add the following uses:
 - *Community oriented development*, to be permitted in R-1, R-2, R-3, NS, CS, EMP, PS, and CR
 - *Manufactured home parks (8 units or fewer)*, to be permitted in R-3 and OU
 - *Planned unit developments, commercial*, to be allowed as a conditional use in CS, EMP, PS, CR, AI, and OU
 - *Subdivisions, alternative path hillside development*, to be permitted in R-LD, R-1, R-2, R-3, NS, CS, EMP, PS, CR, and OU
 - *Bed and breakfast inns (more than 10 occupants)*, to be allowed as a conditional use in R-LD and R-2 and to be permitted in R-3, NS, CS, EMP, PS, CR, and OU
 - *Day nursery and private kindergarten (more than 8 students)* to be allowed as a conditional use in R-2 and R-3 and to be permitted in NS, CS, EMP, PS, CR, AI, and OU
 - *Group homes* to be allowed as a conditional use in R-2 and to be permitted in R-3, NS, CS, EMP, PS, CR, and OU
- Amend the following uses:
 - *Duplex/Two-family residential dwelling to read Two residential dwelling units (attached or detached)*, and to be permitted in all districts except AI and BDM
 - *Multifamily residential dwelling units (only one building)* to read Multifamily residential dwelling units (no more than eight units in no more than four buildings), and to be permitted in R-2, R-3, NS, CS, EMP, PS, CR, and OU
 - *Manufactured/mobile homes-Residential to read HUD-labeled manufactured homes-Residential*
 - *Manufactured/mobile home parks to read Manufactured home parks (more than 8 units)*
 - *Planned unit developments to read Planned unit developments, residential or mixed use*, and to be allowed only as a conditional use in R-1, R-2, R-3, NS, CS, EMP, PS, CR, and OU
 - *Banks and other financial institutions* to be permitted in NS, CS, EMP, PS, CR, AI, and OU
 - *Bed and breakfast inns to read Bed and breakfast inns (10 occupants or less)*, and to be permitted with special requirements in R-LD and R-2 and permitted in R-3, NS, CS, EMP, PS, CR, and OU
 - *Cargo/freight terminals, operations and activities* to be permitted in CS, EMP, AI, and OU
 - *Churches to read Places of worship*
 - *Clubs or lodges* to be permitted in R-3, NS, CS, EMP, PS, CR, AI, and OU
 - *Day nursery and private kindergarten to read Day nursery and private kindergarten (up to 8 students)*, and to be permitted with special requirements in R-LD, R-1, R-2, and R-3, and to be permitted in NS, CS, EMP, PS, CR, AI, and OU
 - *Funeral homes* to be permitted in CS, EMP, PS, CR, and OU
 - *Hospitals, nursing homes, assisted living facilities, retirement facilities, retirement communities* to read *Health care facilities*, and to be allowed as a conditional use in R-2 and R-3 and to be permitted in CS, EMP, PS, CR, AI, and OU
 - *Hotels and motels* to be permitted in CS, EMP, PS, CR, AI, and OU
 - *Laundry and dry cleaning services* to be permitted in NS, CS, EMP, PS, CR, AI, and OU
 - *Physical fitness centers* to be allowed as a conditional use in R-3 and to be permitted in NS, CS, EMP, PS, CR, AI, and OU
 - *Postal and parcel delivery services* to be permitted in NS, CS, EMP, PS, CR, AI, and OU
 - *Recreation use, nonprofit to read Recreation use, governmental*, and to be permitted in R-LD, R-1, R-2, R-3, NS, CS, EMP, PS, CR, AI, BDM, and OU
 - *Recreation use, profit to read Recreation use, non-governmental*, and to be allowed as a conditional use in R-LD, R-1, R-2, R-3, NS, and BDM, and to be permitted in CS, EMP, PS, CR, AI, and OU
 - *Retail trade, commercial services, sales and rental of merchandise and equipment (inside building with no outside sales storage)* to be permitted in NS, CS, EMP, CR, AI, and OU, and to be allowed as a conditional use in PS
 - *Retail trade, commercial services, sales and rental of merchandise and equipment* to be permitted in CS, EMP, CR, AI, and OU
 - *Rooming house* to be allowed as a conditional use in R-2, and to be permitted in R-3, NS, CS, EMP, PS, CR, and OU
 - *Schools, public and private* to be allowed as a conditional use in R-2, R-3, and NS, and to be permitted in CS, PS, CR, and OU
 - *Storage and warehousing* to be permitted in CS, EMP, PS, CR, AI, and OU
 - *Travel trailers to read Travel trailers (no more than 180 days per calendar year)*, and to be permitted in R-3, CR, and OU
 - *Travel trailer parks* to be allowed as a conditional use in R-3 and to be permitted with special requirements in CR and OU
- Delete the following uses:
 - *Open Use Multifamily dwelling (less than six units on single lot)*
 - *Open Use Multifamily dwelling (six or more units on single lot)*
 - *Campus office use*

Modify §78-642, Dimensional Requirements, Table 2 as follows:

- to provide clarification regarding minimum lot size and make revisions therein, to set a minimum land area per dwelling unit where multiple units are to be located on a single lot, to revise the maximum number of dwelling units per acre, and to renumber footnote references pursuant to the below proposed changes.
- To add Footnotes 4 and 5 regarding the application of minimum yard setbacks and maximum density requirements to Alternative Path Hillside Development Subdivisions and Community Oriented Developments and to exclude certain lots from minimum lot size requirements.
- Modify & renumber to Footnote 6, Beaverdam Only Development standards, for clarification purposes.

Modify §78-644, Steep Slope/High Elevation Overlay District, Permitted use table, as follows:

- Add the following uses:
 - *Subdivisions, alternative path hillside development*, to be permitted in all districts except BDM
 - *Group homes* to be allowed as a conditional use in R-2 and to be permitted in R-3, NS, CS, EMP, PS, CR, and OU
- Amend the following uses:
 - *Duplex/Two-family residential dwelling to read Two residential dwelling units (attached or detached)*, and to be permitted in all districts except BDM
 - *Manufactured/mobile homes-Residential to read HUD-labeled manufactured homes-Residential*
 - *Bed and breakfast inns, gross floor area less than 5,000 sq.ft. to read Bed and breakfast inns (10 occupants or less)*, and to be allowed as a conditional use in R-LD and R-2, and to be permitted in R-3, NS, CS, EMP, PS, CR, and OU
 - *Bed and breakfast inns, gross floor area of 5,000 sq.ft. or more to read Bed and breakfast inns (more than 10 occupants)*, and to be allowed as a conditional use in R-LD, R-2, R-3, NS, CS, EMP, PS, CR, and OU
 - *Churches to read Places of worship*
 - *Day nursery and private kindergarten to read Day nursery and private kindergarten (up to 8 students)*
 - *Hospitals, nursing homes, assisted living facilities, retirement communities to read Health care facilities*, and to be allowed as a conditional use R-2, R-3, CS, EMP, PS, CR, and OU

- *Recreation facilities, nonprofit, indoor, gross floor area less than 5,000 sq.ft. to read Recreation facilities, governmental, indoor, gross floor area less than 5,000 sq.ft. and to be allowed as a conditional use in R-LD, R-1, R-2, R-3 and BDM and to be permitted in NS, CS, EMP, PS, CR, and OU*
- *Recreation facilities, nonprofit, indoor, gross floor area 5,000 sq.ft. or more to read Recreation facilities, governmental, indoor, gross floor area 5,000 sq.ft. or more*
- *Recreation facilities, nonprofit, outdoor, to read Recreation facilities, governmental, outdoor, and to be permitted in all districts*
- *Recreation facilities, profit, outdoor to read Recreation facilities, non-governmental, outdoor, and to be allowed as a conditional use in all districts*
- *Recreation facilities, profit, indoor, gross floor area less than 5,000 sq.ft. to read Recreation facilities, non-governmental, indoor, gross floor area less than 5,000 sq.ft.*
- *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)* to be allowed as a conditional use in PS, and to be permitted in NS, CS, EMP, CR, and OU
- *Schools, public and private* to be allowed as a conditional use in R-2, R-3, NS, CS, PS, CR, and OU
- *Travel trailers to read Travel trailers (no more than 180 days per calendar year)*, and to be permitted in R-3, CR, and OU
- Delete the following uses:
 - *Multifamily residential dwelling units (3 or more units)*
 - *Townhomes (3 or more units)*
 - *Manufactured/mobile home parks*
 - *Planned unit developments*

Modify §78-644(e), Steep Slope/High Elevation Overlay District, development standards, as follows:

- To allow for flexibility in lot size standards
- To allow no more than two principal buildings or units per lot of record
- To provide a separate provision for disturbed and impervious area for the purpose of the provision of communal infrastructure for subdivisions of land resulting in greater than three lots.

Modify §78-644(f), Steep Slope/High Elevation Overlay District, Engineering standards for certain slopes to require a global stability analysis for all building sites with ≥35% slopes or in an area designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map.

Modify §78-645, Protected Ridge Overlay District, Permitted use table, as follows:

- Add the following uses:
 - *Two residential dwelling units (attached or detached)*, and to be permitted in all districts except BDM
- Amend the following uses:
 - *Manufactured/mobile homes-Residential to read HUD-labeled manufactured homes-Residential*
 - *Churches to read Places of worship*
 - *Recreational facilities, nonprofit, outdoor to read Recreational facilities, governmental, outdoor, and to be permitted in all districts*

Modify §78-645(e), Protected Ridge Overlay District, development standards, as follows:

- To allow for flexibility in lot size standards
- To allow no more than two principal buildings or units per lot of record
- To provide a separate provision for disturbed and impervious area for the purpose of the provision of communal infrastructure for subdivisions of land resulting in greater than three lots.

Modify §78-645(f), Protected Ridge Overlay District, Engineering standards for certain slopes to require a global stability analysis for all building sites with ≥35% slopes or in an area designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map.

Add §78-650, Community Oriented Development. 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. This section will apply to developments who voluntarily provide a percentage of affordable or workforce housing and which are served by public water and sewer and are in close proximity to a publicly maintained road designated as an interstate, arterial, or collector by NCDOT. A density table included in this section indicates the ways in which increased density can be obtained for eligible developments through the assignment of points for a variety of measures. This sections further provides standards for the review and approval of Community Oriented Developments.

Modify §78-656, Applicability, to reference the Open Use District in the nonconforming uses, travel trailers, and lighting standards sections.

Modify §78-657, Nonconforming Uses, to provide for flexibility and clarity.

Modify §78-662, Relationship of building to lot, to conform with the changes made in regard to planned unit developments.

Modify §78-664, Travel trailers and recreational vehicles, to provide for clarification regarding their use as temporary dwelling units.

Modify §78-677, Procedure for obtaining a conditional use permit, to provide for better functionality and clarity in subsections (b) Conference with applicant; (d) Development plan; submission; contents; and (g) Conditions for granting approval.

Rename §78-678, Conditional Use Standards to Uses by right subject to special requirements and conditional use standards, and modify as follows:

- Provide standards for uses by right; subject to special requirements, for *Bed and breakfast inns*, *Day nursery and private kindergarten*, and *Travel trailer parks*.
- Delete conditional use standards for *Public and private schools*, *day nurseries*, and *private kindergartens*, *Private recreation facilities (for-profit)*, *Retail trade, Manufactured home parks*, and *Campus office use*, renumbering conditional use standards accordingly.
- Rename conditional use standards for *Public or Private utility stations*; *radio, TV, and telecommunications towers*; *water and sewer plants*; *water storage tanks to Public or Private utility stations*; *radio, TV, and telecommunications towers*; *water and sewer plants*; *water storage tanks*. Amend standards for consistency and to remove redundancy.
- Delete the conditional use standards for *Travel trailer parks* in their entirety and replace with standards regarding length of use, spacing, buffering, waste management/dump stations, lighting, and the provision of bathrooms.
- Rename conditional use standards for *Planned Unit Developments to Residential or Mixed Use Planned Unit Developments (RPUD)*. Modify the section to reflect the change in name, and to relate to sections of the Zoning Ordinance, removing redundancy. Delete subsections regarding water and sewer, pedestrians and bicycles, and layout. Add a subsection requiring the delineation of building envelopes on the submitted site plan.
- Add conditional use standards for *Commercial Planned Unit Developments (CPUD)*, Land development standards, including ownership control, land uses, dimensional requirements for height and distance between buildings, and parking.
- Delete redundant section regarding hours of operation, signs, and lighting from conditional use standards for *Asphalt plants*.
- Delete subsections regarding distance between buildings, frontage, roadway access, water and waste systems, and lighting from conditional use standards for *Vacation Rental Complex or Rooming House to eliminate redundancy*.
- Add conditional use standards for *Bed and breakfast inns* which address signage, parking, buffering, and occupancy.
- Add conditional use standards for *Day nursery and private kindergarten* which address signage, drop-off areas, parking, and buffering.

Modify §78-717, Initiation of amendments to clarify who may request changes and amendments to the official zoning ordinance.

Modify §78-718(a) & (c), Application and Planning Board Notice and Hearing to clarify the process by which changes and amendments are to be submitted to the zoning administrator and to require a certification process for applicants who are not owners of real property but seek to request a map amendment for said property.

Modify §78-720(b), Public hearing before the board of commissioners to require a certification process for applicants who are not owners of real property but seek to request a map amendment for said property.

For more information, please call Buncombe County Planning and Development, (828) 250-4830. Questions may also be emailed to zoningquestions@buncombecounty.org.

Debbie Truempy, Zoning Administrator

March 16, March 23, 2016 (3674)

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