

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS AMEND THE TEXT OF CHAPTER 70, SUBDIVISIONS, OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT AND SUBDIVISION ORDINANCE OF BUNCOMBE COUNTY

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WHEREAS, pursuant to Section 70-11 of the Buncombe County Code of Ordinances, the Board of Commissioners may amend the Subdivision Ordinance after the Buncombe County Planning Board has reviewed and made a recommendation on the amendment;

WHEREAS, the Buncombe County Planning Board reviewed the proposed amendment to modify the ordinance in order to clarify the types of subdivisions which are exempt from the subdivision ordinance pursuant to SL2017-10 at a duly advertised public hearing held by the Planning Board on August 7, 2017; and

WHEREAS, the Planning Board has reviewed the proposed amendment, has heard public comment, and consulted with planning staff, and after careful review, has determined that it is in order to approve the proposed amendment and make a recommendation to the Board of Commissioners for Buncombe County that the proposed amendment be approved.

NOW THEREFORE, BE IT RESOLVED, Based on the facts as set forth above the Buncombe County Planning Board hereby finds and concludes as follows pertaining to the proposed amendment to the Land Development and Subdivision Ordinance of Buncombe County:

1. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 70 of the Buncombe County Code of Ordinances as follows:

**Modify §70-5, Definitions, *Subdivision*:**

*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 streets. However, the following are not included within this definition and are not subject to any regulations enacted pursuant to this part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
- (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved and all lots within said subdivision are

greater than 10 acres. No land that is subdivided into exempt lots greater than ten acres shall be further divided into lots less than ten acres until all subdivision requirements of this article are met;

(3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors; ~~and~~

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations;

(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under Chapter 29 of the North Carolina General Statute; and


(6) The division of a tract or a parcel of land in single ownership that meets the standards listed below:

- (a) A plat shall be recorded that meets the standards of the North Carolina General Statutes and other applicable County Standards.
- (b) The division shall not be a portion of an exempt subdivision of lots of 10 acres or greater.
- (c) No part of the tract or parcel to be divided has been divided under this exemption in the 10 years prior to the proposed division.
- (d) The entire area of the tract or parcel to be divided is greater than five acres.
- (e) After division, no more than three lots result from the division.
- (f) After division, all resultant lots comply with all of the following:
  - 1. Any lot dimension size requirements of the applicable land-use regulations, if any.
  - 2. The use of the lots is in conformity with the applicable zoning requirements, if any.
  - 3. A permanent means of ingress and egress is recorded for each lot.

2. This resolution is approved by a vote of 7 to 0 and shall be effective upon its adoption.

This the 7<sup>th</sup> day of August, 2017.

BUNCOMBE COUNTY PLANNING BOARD

By:   
Chair

Consented to:

Planning Board Members:

Nancy Waldrop

David Rittenberg

Thad B. Lewis

Dusty Pless *ABSENT*

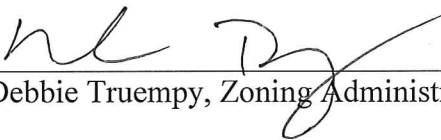
Joan M. Walker *ABSENT*

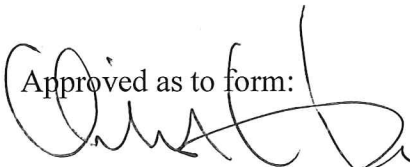
Robert J. Martin

Gene Bell

Parker Sloan

Billy Taylor

  
Debbie Truempy, Zoning Administrator

Approved as to form:  
  
Michael Frue, Senior Staff Attorney