

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 78, ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES,
THE ZONING ORDINANCE OF BUNCOMBE COUNTY

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-340, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;

WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-323, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;

WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider these proposed amendments and has recommended in a vote of 5-1 on September 12, 2011 that the proposed amendments are consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and further recommended that the Board of Commissioners adopt the proposed amendments;

WHEREAS, the Board has reviewed the written recommendations of the Buncombe County Planning Board which found that the proposed amendments are consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and further recommended that the Board of Commissioners adopt the proposed amendments;

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-341, this Board finds that the proposed amendments are consistent with the Buncombe County Comprehensive Land Use Plan and are reasonable and in the public interest and adopts the reasons set forth by the Planning Board in their resolution dated September 12, 2011 and provided to this Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendments;

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

Section 1. The Buncombe County Code of Ordinances is hereby amended as follows:

Revise Sec. 78-581. Definitions.

~~Rooming house means a house where lodgings are provided for rent by the week or month.~~

Rooming house means accommodations in which, for compensation, lodging is provided and the owner and/or operator of the establishment maintains their residence at the site. A rooming house shall be limited to no more than 10 rental units. A rooming house with more than 10 rental units shall be deemed a hotel or motel for the purposes of this Ordinance.

~~Vacation rental means a house(s) where lodgings are provided by the week or month.~~

Vacation rental means no more than two single family homes with a combined total no more than 9,000 square feet gross floor area which are rented for two (2) days or more to tourists, vacationers, or similar transients.

Vacation rental complex means two single family homes or one single family home with a combined total of more 9,000 square feet of gross floor area or a group of more than two separate vacation rental units adjacent to each other and held in common ownership which are rented out for two (2) days or more to tourists, vacationers, or similar transients. A vacation rental complex shall include no more than 10 separate vacation rental units. A development consisting of more than 10 vacation rental units shall be considered a hotel or motel for purposes of this ordinance except within the Open Use District (OU) where it shall be considered a vacation rental complex and shall be required to obtain a conditional use permit.

Add to Sec. 78-678. Conditional use standards.

(13) 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. 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.
- e. Parking. Preliminary plans shall included 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 buffer or fencing adjacent to any single family residential development.
- f. 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.

- g. Bathrooms. One bathroom must be provided for every four guest rooms.
- h. 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.

Revise 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 | P = Permitted C = Allowed as Conditional Use Blank Space = Not Permitted | | | | | | | | | |
| | Districts | | | | | | | | | |
| | R-LD | R-1 | R-2 | R-3 | NS | CS | EMP | PS | BDM | OU |
| <u>Rooming houses and Vacation rentals</u> | | | | P | P | P | C | P | | P |
| <u>Vacation rentals</u> | P | P | P | P | P | P | P | P | P | P |
| <u>Vacation Rental Complex</u> | | | | C | C | C | C | C | C | C |
| <u>Rooming House</u> | | | C | P | P | P | C | P | | P |

Revise Sec. 78-645. Steep Slope/High Elevation Overlay District

| Steep Slope/High Elevation Overlay Permitted Use Table | | | | | | | | | | |
|---|---|------------|------------|------------|-----------|-----------|------------|-----------|------------|-----------|
| Uses | P = Permitted C = Allowed as Conditional Use Blank Space = Not Permitted | | | | | | | | | |
| | Districts | | | | | | | | | |
| | R-LD | R-1 | R-2 | R-3 | NS | CS | EMP | PS | BDM | OU |
| <u>Vacation rentals</u> | P | P | P | P | P | P | C P | P | P | P |
| <u>Vacation rental complex; less than 11 units</u> | | | | C | C | C | C | C | C | C |

Revise Sec. 78-646. Protected Ridge Overlay District

Protected Ridge Overlay Permitted Use Table

| Uses | P = Permitted C = Allowed as Conditional Use Blank Space = Not Permitted | | | | | | | | | |
|-------------------------|---|------------|------------|------------|-----------|-----------|------------|-----------|------------|-----------|
| | Districts | | | | | | | | | |
| | R-LD | R-1 | R-2 | R-3 | NS | CS | EMP | PS | BDM | OU |
| <u>Vacation rentals</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> |

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This resolution is effective upon adoption.

Read, approved and adopted this 4th day of October, 2011.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

APPROVED AS TO FORM

Michael C. Frue, County Attorney