

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; and

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; and

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; and

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 6-0 on October 3, 2011 that the proposed amendments are consistent with the Buncombe County Comprehensive Land Use Plan and updates thereto, and are reasonable and in the public interest, and further recommended that the Board of Commissioners adopt the proposed amendments; and

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 are reasonable and in the public interest, and further recommended that the Board of Commissioners adopt the proposed amendments; and

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 October 3, 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 Board of Commissioners for the County of Buncombe as follows:

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

Add to Sec. 78-581. Definitions

Retaining wall means a wall or a cumulative system of walls or man-made soil retention systems designed to resist lateral soil pressure and hold back, or “retain,” higher level ground behind it. Retaining walls and retaining wall systems providing a cumulative vertical relief greater than 10 feet are subject to the requirements set forth in this article and in Chapter 26, Article VIII of the Buncombe County Code of Ordinances. For the purposes of this article, methods of soil retention regulated shall include, but not be limited to: cast-in-place walls, soil nailing, modular systems, h-beam systems, boulder walls, and gabions.

Structure means that which is built or constructed. For the purposes of the dimensional requirements set forth in this article, the following structures are exempt from the setback requirements of this section: detached structures less than 12’ in length on any given side and less than 10’ in height, incidental to a residential use; utility poles; fences 10’ in height or less; and on-premise signage.

Utility Pole means a structure owned by a public utility that is designed for and used primarily to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Amend Subsection 78-642 to read:

The dimensional requirements for buildings structures and land in the various zoning districts shall be in accordance with Table 2.

Amend Subsection 78-677(d)(3) to read:

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.

Add new Subsection 78-677(d)(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.

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 18th 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