

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS AMEND THE TEXT OF CHAPTER 78 OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF BUNCOMBE COUNTY, and STATEMENT OF CONSISTENCY

- 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, the provisions set forth in Division 8 of Article VI of the Buncombe County Code of Ordinances were met prior to the public hearing at which this recommendation was considered;
- WHEREAS, pursuant N.C. Gen. Stat. §153A-344 and §78-719 of the Buncombe County Code of Ordinances, the Planning Board is charged with making a recommendation to the Board of Commissioners and to comment on whether the proposed amendments are consistent or inconsistent with the Comprehensive Land Use plan; and
- WHEREAS, the Buncombe County Planning Board reviewed proposed amendments to the text of The Zoning Ordinance of Buncombe County, North Carolina at a regular meeting prior to October 3, 2011 with public input, and at the October 3, 2011 regular meeting of the Planning Board;
- WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which this amendment was considered have been properly mailed to members of the Planning Board, at least ten (10) days prior to the meeting and public notice of the meeting has been properly published in a newspaper having general circulation in the County as required;
- WHEREAS, the Planning Board has reviewed the proposed amendments, has heard public comment, and consulted with planning staff, and, after careful review, has determined that it is in order to approve these proposed amendments and make recommendation to the Board of Commissioners for Buncombe County that the proposed amendments be approved.

Based on the facts as set forth above the Buncombe County Planning Board hereby finds and concludes as follows pertaining to the proposed amendments to the Zoning Ordinance of Buncombe County:

1. the Planning Board found that the proposed amendments regarding the definitions of *retaining wall*, *utility pole*, and *structure*; dimensional requirements; and the items to be submitted with an application for a Conditional Use Permit are necessary to provide remedies within the existing ordinance standards as well as clarification, and as such are consistent with and do not contradict the Buncombe County Comprehensive Land Use Plan or updates; and

2. the Planning Board found that the proposed amendments to the text are reasonable and in the public interest as said amendments will provide for better administration of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that upon motion and second, the Buncombe County Planning Board hereby finds and concludes as follows:

1. This Planning Board hereby recommends that the Board of Commissioners amend Chapter 78 of the Buncombe County Code of Ordinances 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.

2. This resolution is approved by unanimous vote and shall be effective upon its adoption.

This the 3rd day of October, 2011.

BUNCOMBE COUNTY PLANNING BOARD

By: 

Tom Alexander, Chairman

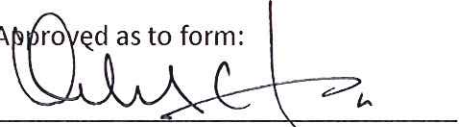
Consented to:

Planning Board Members:

Scott Hughes
Joe Sechler
Greg Phillips
Josh Holmes
Michelle Pace Wood (absent)
Tom Alexander
Bernie Kessel
Rod Hudgins (absent)


Josh O'Conner, Zoning Administrator

Approved as to form:


Michael C. Frue, County Attorney