

**AMENDMENTS TO BUNCOMBE COUNTY SUBDIVISION ORDINANCE CHAPTER 70
OF THE BUNCOMBE COUNTY CODE OF ORDINANCES**

WHEREAS, this Board has heretofore enacted the "Land Development and Subdivision Ordinance of Buncombe County, North Carolina," which is codified in Chapter 70 of the Buncombe County Code of Ordinances; and

WHEREAS, development of hillsides is becoming a concern to the public's health, safety, and welfare; and

WHEREAS, this Board has determined that it is in the best interest of the citizens of Buncombe County to amend the Land Development and Subdivision Ordinance as hereinafter set forth.

NOW, THEREFORE BE IT ORDAINED BY the Buncombe County Board of Commissioners that Chapter 70 of the Buncombe County Code of Ordinance is hereby amended as follows:

1. Section 70-36 Required

Change the first sentence of (b) to read as follows:

(b) No land disturbing or construction activity with the exception of utility testing, engineering testing and surveying to be carried out in conjunction with the subdivision of land shall be commenced until the Land Disturbing Permit is approved by the County Planning Department. (the rest of the section to remain the same)

2. Section 70-39 Review of major subdivisions

Change the first sentence of (1) a. to read as follows:

a. The subdivider shall submit thirteen copies of the preliminary plat to the Planning Department... (the rest of the section to remain the same)

3. Sec.70-66. General requirements

Add item (h)(3) as follows:

(h) *Flood damage*

(3) *Drainage easements*. All natural or directed storm water drainage features shall be centered within a ten-foot wide permanent easement to allow for continued maintenance of storm water detention or velocity dissipation structures. This easement shall be required for all storm water drainage features, either along a property line, along a roadway, or contained within a lot.

4. Section 70-67 Road and design standards

Change section (2) c. to read as follows:

c. Minimum subdivision road rights-of-way are shown on Figure 1, which follows item h. of this section, and are described as follows: (items 1, 2, 3, and 4 remain the same)

5. Section 70-67 Road and design standards

Change section (2) h. 2. to read as follows:

As shown on Figure 1 below, tangent grades in excess of 15% shall not exceed 200 feet in length.... (the rest of the section to remain the same)
(insert Attachment A here)

6. Section 70-68 Hillside development standards

Change section (a)(3) to read as follows:

(3) Has an average slope of its natural terrain of 25% or greater.

7. Section 70-68 Hillside development standards

Change section (d) to read *Density Table*

8. Section 70-68 Hillside development standards

Change section (d)(2) to read as follows:

(2) *Density table*. The density table to be used in this section is shown in Figure 2 below.

(Delete existing graph and insert Attachment B as new table here.)

9. Section 70-68 Hillside development standards

Delete Section (d)(3) *Use of graph*

Renumber Section (d)(4) to (d)(3) and change first sentence to read as follows:

(3) As the table and the definition of hillside area indicate, any proposed development whose average natural slope is less than 25% is not subject to the regulations for permitted density as set forth herein. (the rest of the section to remain the same)

10. Section 70-68 Hillside development standards

Delete section (e)(1) c.

Re-letter items d – i to be c – h.

11. Section 70-68 Hillside development standards

Change section (e)(1) c. to read as follows:

c. Consultation with a geotechnical engineer shall be required for road construction in areas of a tract in excess of 30% natural slope, and an investigation for colluvial deposits shall be made. Recommendations of the geotechnical engineer shall be submitted with the application for review.

12. Section 70-68 Hillside development standards

Change section (e)(1) d. to read as follows:

d. Areas with a natural slope over 30% shall not have fill slopes steeper than a 2 H:1V, nor cut slopes steeper than 1.5H:1V unless designed by a geotechnical engineer.

13. Section 70-68 Hillside development standards

Change section (e)(1) g. to read as follows:

g. Global stability analysis should be performed for homesites on a 30% or greater slope.

14. Section 70-68 Hillside development standards

Add item (e)(1) i. to read as follows:

i. Limitations on disturbed area and impervious surfaces shall be:

25-35% slopes

Maximum gross site area disturbed = 30%

Maximum gross site area impervious = 15%

>35% slopes

Maximum gross site area disturbed = 15%

Maximum gross site area impervious = 8%

15. Section 70-5 Definitions

Under the definition of *Subdivision*, delete existing item (2) in its entirety, and renumber items (3) through (10) to be items (2) through (9).

16. Section 70-94 Guarantee of Improvements

In the third sentence of the first paragraph, change the reference to the planning board to "planning department," so that the sentence reads as follows:

The construction elements, cost and anticipated construction schedule for the work must be itemized by the owner/developer or their licensed professional consultant and submitted to the planning department for approval.

17. This ordinance shall be effective upon adoption.

Read and approved on first reading by a vote of ____ for and ____ against this the ____ day of _____, 2006.

Read and approved on second reading by a vote of ____ for and ____ against this the ____ day of _____, 2006.

Adopted this the ____ day of _____, 2006.

ATTEST

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

KATHY HUGHES, CLERK TO THE BOARD

BY: _____
NATHAN RAMSEY, CHAIRMAN

APPROVED AS TO FORM

JOE CONNOLLY, COUNTY ATTORNEY