

ORDINANCE NO. _____

ORDINANCE AMENDING THE TEXT OF 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 Buncombe County Planning Board met to consider the proposed amendments and recommended in a vote of 6 to 0 on January 6, 2014 that the amendments regarding the creation of a Conference Center/Resort District and related standards are consistent with the Buncombe County Comprehensive Land Use Plan and Updates thereto, and reasonable and in the public interest, and further recommended that the Board of Commissioners approve the proposed amendments;

WHEREAS, this 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 reasonable and in the public interest, and further recommended that the Board of Commissioners approve the proposed amendments; 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. This Board finds that the adoption of the proposed amendments to The Zoning Ordinance are consistent with the Buncombe County Land Use Plan and updates and are reasonable and in the public interest based upon the reasons set forth by the Planning Board in their resolution dated January 6, 2014;

Section 2. That this Board does hereby approve the following amendments to The Zoning Ordinance of Buncombe County:

Add to Section 78-581. Definitions.

Recreational facilities are those facilities, not otherwise categorized on the permitted use table, utilized for one (1) or more sports or recreation activities such as, but not limited to, bowling, skating, water sports, baseball, basketball, tennis, golf, riding, hiking, fishing or similar sports or recreational uses.

Amend Sec. 78-636. Use districts; enumeration.

For the purpose of this article, the zoning districts of Buncombe County as delineated on the official zoning map of Buncombe County, adopted by the board of commissioners, shall be divided into the following designated use districts:

R-LD	Low-Density Residential District
R-1	Single-Family Residential District
R-2	Residential District
R-3	Residential District
CS	Commercial Service District
EMP	Employment District
PS	Public Service District
<u>CR</u>	<u>Conference Center/Resort District</u>
NS	Neighborhood Service District
BDM	Beaverdam Low-Density Residential District
OU	Open Use District

Amend Sec. 78-640. Statement of district intent.

(h) Public Service District (PS). The PS Public Service District is intended to be a district that includes, but is not limited to, governmentally owned properties; schools and large college properties; recreation parks and facilities; emergency services; and community clubs and conference centers with mixed uses which may include housing, hotels, retail shops, religious or secular retreats, and associated accessory uses. Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.

Add Subsection 78-640(i) and renumber the following subsections accordingly.

(i) Conference Center/Resort District (CR). The CR Conference Center/Resort District is intended to be a district that includes, but is not limited to large tourist-related facilities, summer/day camp properties, and conference centers held in single

ownership or held collectively by related entities. Facilities within this district may include housing, hotels, retail shops, religious or secular retreats, and associated accessory uses. Such uses should currently have public water and sewer services available or have a provision for internal supply of appropriate utilities.

~~(j)~~(i) *Beaverdam Low-Density Residential District (BDM)*. It is the purpose and intent of the Beaverdam Low-Density Residential District to protect existing development in Beaverdam Valley from incompatible use; to provide for low-density residential and agricultural uses; and, to set certain standards for such uses based upon an analysis of existing and future conditions of topography, access, public water and sewer utilities, and community facilities, as well as health, safety and general welfare considerations.

~~(j)~~(k) *Open Use District (OU)*. The OU Open Use District is established as a district in which all uses are allowed by right, except for certain uses that are regulated as conditional uses so as to ensure that neighborhood impact is mitigated. The neighborhood impact from conditional uses will be mitigated through the use of minimum specific site standards combined with general standards which provide the flexibility to impose a higher level of specific site standards dependent upon the degree of neighborhood impact. No zoning permit shall be required for permitted uses in the OU Open Use District.

Amend 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	CR	BDM	OU	
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Duplex/Two-family residential dwelling			P	P	P	P	P	P	P	<u>P</u>		P
Multifamily residential dwelling units (only one building)			P	P	P	P	P	P	P	<u>P</u>		
Open-Use Multifamily dwelling (less than six units on single lot)												P
Open-Use Multifamily dwelling (six or more units on single lot)												C
Manufactured/mobile homes-Residential	P			P			P					P
Manufactured/mobile home parks				C								P

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	CR	BDM	OU
Planned unit developments			C	C	C	C	C	C	C		P
Subdivisions	P	P	P	P	P	P	P	P	P	P	P
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P
Adult Entertainment Establishments						C	C				C
Amusement Parks						C	C	C	C		C
Animal hospitals and veterinarian clinics					P	P	P				P
Asphalt Plants							C				C
Banks and other financial institutions					P	P	P	C	C		P
Bed and breakfast inns	P		C	P	P	P	P	P	P		P
Campus office use			C		P			P	P		P
Cemetery	P		P	P		P		P	P		P
Chip Mills											C
Churches	P	P	P	P	P	P	P	P	P	P	P
Clubs or lodges				P	C	P	P	P	P		P
Concrete Plants							C				C
Day nursery and private kindergarten	C	C	C	C	P	P	P	P	P		P
Family care home	P	P	P	P				P	P	P	P
Funeral homes						P	C	P	P		P
Government protective services			P	P	P	P	P	P	P		P
Greenhouses, commercial (nursery, lawn and garden products)					P	P	P	P	P		P
Hazardous Waste Facilities											C
Home occupations	P	P	P	P	P	P	P	P	P	P	P
Hospitals, nursing homes, assisted living facilities, retirement communities				C		P	P	P	P		P
Hotels and motels						P	C	P	P		P
Incinerators											C
Junkyards							C				C
Kennels				C	P	P	P				P
Landing Strips				C		C	C	C	C		C
Laundry and dry cleaning services					P	P	C	P	P		P
Libraries			P	P	P	P	P	P	P		P
Manufacturing and processing operations						P	P				P
Mining and Extraction Operations							C				C
Motor Sport Facilities											C
Motor vehicles maintenance and repair					C	P	P	P	P		P
Motor vehicles sales and rental						P	P				P
Motor vehicles service stations (fueling stations)					P	P	P	P	P		P
National Guard and Reserve Armories						P	P	P			P
Nightclubs, bars and pubs					P	P	P		P		P
Physical fitness centers					P	P	C	P	P		P
Postal and parcel delivery					C	P	P	P	P		P

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	CR	BDM	OU
services											
Printing and lithography						P	P				P
<u>Private recreation facilities profit (bowling alleys, skating rinks, country clubs, etc.)</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>		<u>P</u>
Professional and business offices and services					P	P	P	P			P
<u>Public or private nonprofit recreational facilities (parks, playgrounds, etc.)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C	C	C	C	C	C	C	<u>C</u>	C	C
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)	C	C	C	C	P	P	P	P	<u>P</u>	C	P
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)	C	C	C	C	C	C	C	C	<u>C</u>	C	C
Radio, TV and telecommunications towers	C			C		C	C	C	<u>C</u>		P
<u>Recreation use, nonprofit</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Recreation use, profit</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>		<u>P</u>
Repair services (electrical and appliances)					P	P	P				P
Restaurants, <u>eating establishments and cafés</u>					P	P	P	P	<u>P</u>		P
Retail trade, commercial services, sales and rental of merchandise and equipment (inside building with no outside sales storage)					P	P	C	C	<u>P</u>		P
Retail trade, commercial services, sales and rental of merchandise and equipment						P	C		<u>P</u>		P
Rooming house			C	P	P	P	C	P	<u>P</u>		P
Schools, public and private		C	C	C		P		P	<u>P</u>		P
Schools--Vocational, business and special schools						P	P	P	<u>P</u>		P

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	CR	BDM	OU
Shooting Ranges – Outdoor Commercial									C		C
Slaughtering Plants											C
Solid Waste Facilities – Landfills, Transfer Stations, Materials Recovery							C	C			C
Storage and warehousing					C	P	P	P	C		P
Theaters						P		P	P		P
Travel trailers				C					P		P
Travel trailer parks				C					P		P
Vacation rentals	P	P	P	P	P	P	P	P	P	P	P
Vacation rental complex				C	C	C	C	C	C	C	C
Wholesale sales						P	P		C		P

Amend Sec. 78-642. Dimensional requirements.

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

Table 2. Dimensional Requirements							
Districts	Minimum Lot Area (Square Feet)	Density		Minimum Yard Setback Requirements in Feet			Maximum Height (Feet)
		Minimum Land Area^{1,2} Per Dwelling Unit (Square Feet)	Maximum Number Dwelling Units Per Acre	Front Yard (From Right-of-Way)	Side Yard	Rear Yard	
R-LD Residential	43,560	43,560 Plus: 0 for one additional detached unit	2	10	10	20	35
R-1 Residential	30,000 (no water or sewer) 15,000 (water only) 10,000 (water and sewer)	30,000 (no water or sewer) 15,000 (water only) 10,000 (water and sewer) Plus: 0 for one additional detached unit	8	20	10	20	35

Table 2. Dimensional Requirements

Districts	Minimum Lot Area (Square Feet)	Density		Minimum Yard Setback Requirements in Feet			Maximum Height (Feet)
		Minimum Land Area ^{1,2} Per Dwelling Unit (Square Feet)	Maximum Number Dwelling Units Per Acre	Front Yard (From Right-of-Way)	Side Yard	Rear Yard	
R-2 Residential	Same as R-1	Same as R-1 Plus: 0 for first additional unit Plus: 3,000 for each additional unit	12	20	10	20	35
R-3 Residential	Same as R-1	Same as R-2	12	20	10	20	35
NS Neighborhood Service	Same as R-1	Same as R-2	12	20	10	20	35
CS Commercial Service	30,000 (no water or sewer) 15,000 (water only) 5,000 (water and sewer)	Same as R-1, except 5,000 with water and sewer Plus: 0 for first additional unit Plus: 3,000 for each additional unit	13	10	10	10	50
EMP Employment	Same as R-1	Same as R-2	12	20	10	20	90
<u>CR Conference Center/Resort</u>	<u>Same as R-1</u>	<u>Same as R-2</u>	<u>12</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>50 (plus 1ft additional for each additional 5 feet of setback from all property lines up to 100ft total).</u>
PS Public Service	Same as R-1	Same as R-2	12	20	10	20	50
BDM Beaverdam	See Footnote 5 and 7	See Footnote 5 and 7	See Footnote 5 and 7	See Footnote 6 and 7	15	25	35
OU Open Use	No dimensional requirements except as applied to conditional uses.						

Delete Sec. 78-644. Biltmore Estate Historic Property Overlay District in its entirety.

~~(a) Purpose. The Biltmore Estate Historic Property Overlay District is established to provide an area for the development of the historic Biltmore Estate oriented uses and associated facilities. The creation of this special overlay district recognizes the significance of the estate and the National Historic Landmark status and~~

~~historic boundary designations as being unique to the area. The Biltmore Estate Historic Property Overlay District shall provide additional regulations that take precedent over the underlying Commercial Service District (CS) zoning designation by Buncombe County.~~

~~Given this basis for establishment of a special overlay district, this district will apply only to the boundaries of the Biltmore Estate and to no other properties within the City of Asheville and will provide areas for the development and expansion of facilities which serve primarily tourists and vacationers, but also serve the necessary operational needs of the estate. Development standards are established to protect adjacent land uses from the adverse impacts of development within the boundaries of the Biltmore Estate while recognizing the existing development activities on the estate grounds and the needs of the estate to expand services to meet the needs of the local community.~~

~~(b) *Defined boundaries.* The Biltmore Estate Historic Property Overlay District shall encompass and apply to all lands identified to be within the jurisdiction of Buncombe County and specifically within the boundaries of the Historic Landmark Designation for Biltmore Estate, excluding those areas within the town boundaries of the Town of Biltmore Forest and any lands within the Biltmore Village Historic District.~~

~~(c) *Permitted uses.* In addition to including all existing uses at the time of acceptance of this Zoning Overlay District text, the following are permitted uses, by right:~~

~~*Residential*~~

~~Dwellings, multi-family~~

~~Dwellings, single-family detached~~

~~*Recreational*~~

~~Camps, campgrounds~~

~~Golf courses~~

~~Passive parks, lakes and ponds~~

~~*Public/semi-public*~~

~~Convention and conference centers~~

~~Fire/police stations~~

~~*Accessory uses*~~

~~Barber shops and salons when an accessory to the principal use~~

~~Bed and breakfast inns~~

~~Bookstores when an accessory to the permitted use~~

~~Candy, pastry, ice cream and snack shops when an accessory to the principal use~~

~~Florists when an accessory to the principal use~~

~~Gift shops when an accessory to the principal use~~

~~Health and fitness facilities when an accessory to the principal use~~

~~Restaurants and associated food services (including beverages)~~

~~Studios, galleries, and workshops for artists, craftspeople, designers, photographers~~

~~Equipment repair~~

~~Manufacturing when accessory to the principal use~~

~~Transportation systems operation and repair~~

~~Recycling collection centers~~

~~(d) *Conditional uses.* The following are conditional uses:~~

~~Fishing, including guided fishing and clinics~~

~~Shooting, skeet, clay, target, sporting clay/gun club facilities~~

~~Driving/training schools~~

~~Lodging facilities~~

~~Public utilities and related facilities~~

~~Antenna~~

~~Bars, nightclubs, brew pubs~~

~~(e) *Development standards.*~~

~~(1) *Density standards.* The maximum average gross residential density per acre within a prescribed lot in the Biltmore Estate Historic Property Overlay District shall be 12 dwelling units for residential and 100 units per acre for lodging.~~

~~(2) *Structure size standards.* None.~~

~~(3) *Lot size standards.* The minimum lot size for all uses in the Biltmore Estate Historic Property Overlay District shall be 10,000 square feet.~~

~~(4) *Yard setback requirements.* The following shall be the minimum yard requirements for uses in the Biltmore Estate Historic Property Overlay District.~~

~~*Front:* 35 feet, except that the minimum setback may be reduced to five feet in pedestrian-oriented areas where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the facade of the principal structure, and~~

~~where pedestrian-oriented design features are incorporated in building and site design.~~

~~*Side:* Ten feet.~~

~~*Rear:* 20 feet.~~

~~The minimum spacing between structures shall, in addition, be as per the City of Asheville Fire Prevention Code.~~

~~(5) *Impervious surface standards.* The maximum impervious surface coverage in the Biltmore Estate Historic Property Overlay District for any single, defined lot shall be 80 percent.~~

~~(6) *Height standards.* The maximum height of structures in the Biltmore Estate Historic Property Overlay District shall be 35 feet for detached and attached residential structures, 80 feet for lodging uses, and 45 feet for all other uses, except in the transition area described below in subsection (8).~~

~~The permitted height of buildings and structures in the Biltmore Estate Historic Property Overlay District may be increased by one foot for each two feet of additional front, side, and rear setbacks up to a maximum height of 100 feet.~~

~~(7) *Recreational/open space standards.* It is understood that any requisite open space and recreation standards imposed by the county are off-set by the amount of continuously preserved open space that makes up the larger portion of the existing estate. No other additional open space/recreational standards/requirements shall apply within the boundaries of the Biltmore Estate Historic Property Overlay District.~~

~~(8) *Design and operation standards.*~~

~~*Exterior lighting:* All exterior lighting shall be shielded such that light is not directed toward adjacent residential property and such that no light sources are visible.~~

~~*Outdoor sound systems:* Outdoor sound systems shall be directed away from internal and adjacent residential areas and shall not operate between the hours of 11:00 p.m. and 9:00 a.m.~~

~~*Transition area:* Within 300 feet of an adjacent residentially zoned area, restrictions shall be placed on the height and location of uses other than those permitted in the adjacent residential zone. Height of buildings and structures located in this area shall be subject to the height limitations established in the least restrictive adjacent residential zone. Primary entrances of buildings and structures located in the transition area shall be directed away from residential uses. Restaurants, bars and nightclubs, facilities for animals (stables), mechanical equipment, and maintenance facilities shall not be located~~

in the transition area.

Renumber and Amend Sec. 78-64.45. Steep Slope/High Elevation Overlay District

(a) *Purpose.* The Steep Slope/High Elevation Overlay District is established in recognition that the development of land in steep, mountainous areas involves special considerations and requires unique development standards. This section is intended to limit the intensity of development, preserve the viewshed and protect the natural resources of Buncombe County’s mountains and hillsides at elevations of 2,500 feet above sea level and higher, consistent with the recommendations of the 1998 Buncombe County Land Use Plan.

(b) *Applicability.* This section shall apply to the portion of Buncombe County at elevations of 2,500 feet above sea level and higher and having a natural slope of 35 percent or greater as specifically identified and delineated on the zoning map entitled “The Official Zoning Map of Buncombe County, North Carolina.”

(c) *Permitted uses.* Uses are permitted in the High Elevation/Steep Slope Overlay District pursuant to the following table. All uses not listed are not allowed.

(d) *Conditional uses.* All conditional uses shall be administered in accordance with Division VI of this chapter.

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	<u>CR</u>	BDM	OU	
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	P	P	P	P
Duplex/Two-family residential dwelling			P	P	P	P	P	P	P	P		P
Multifamily residential dwelling units (3 or more units)			C	C	C	C	C	C	C	C		C
Townhomes (3 or more units)			C	C	C	C	C	C	C	C		C
Manufactured/mobile homes-Residential	P			P			P					P
Manufactured/mobile home parks				C								C
Planned unit developments			C	C	C	C	C	C	C	C		C
Subdivisions	P	P	P	P	P	P	P	P	P	P	P	P
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P	P
Bed and breakfast inns, gross floor area less than 5,000 sq. ft.	P		C	P	P	P	P	P	P	P		P
Bed and breakfast inns, gross floor area 5,000 sq. ft. or more	C		C	C	C	C	C	C	C	C		C
Cemetery	P		P	P		P		P	P	P		P

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	<u>CR</u>	BDM	OU
Churches	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Clubs or lodges, gross floor area less than 5,000 sq. ft.				C	C	C	C	C	<u>C</u>		C
Day nursery and private kindergarten	C	C	C	C	C	C	C	C	<u>C</u>		C
Family care home	P	P	P	P				P	<u>P</u>	P	P
Government protective services			P	P	P	P	P	P	<u>P</u>		P
Home occupations	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Hospitals, nursing homes, assisted living facilities, retirement communities				C		C	C	C	<u>C</u>		C
Libraries								C	<u>C</u>		C
Mining and Extraction Operations							C				C
National Guard and Reserve Armories						P	P	P			P
<u>Private recreation facilities for profit, outdoor (parks, playgrounds, tennis courts, etc.)</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
<u>Private recreation facilities for profit, gross floor area less than 5,000 sq. ft. (bowling alleys, skating rinks, country clubs, etc.)</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Professional and business offices and services, gross floor area less than 5,000 sq. ft.					P	P	P	P	<u>P</u>		P
<u>Public or private nonprofit recreational facilities, outdoor (parks, playgrounds, tennis courts, etc.)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Public or private nonprofit recreational facilities, indoor, gross floor area less than 5,000 sq. ft. (bowling alleys, skating rinks, gymnasiums, etc.)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Public or private nonprofit recreational facilities, indoor, gross floor area 5,000 sq. ft. or more (bowling alleys, skating rinks, gymnasiums, etc.)</u>					<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	<u>C</u>	C	C

Step 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	<u>CR</u>	BDM	OU
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	<u>C</u>	C	C
Radio, TV and telecommunications towers	C			C		C	C	C	<u>C</u>		C
<u>Recreation facilities, nonprofit, indoor, gross floor area less than 5,000 sq. ft.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Recreation facilities, nonprofit, indoor, gross floor area 5,000 sq. ft. or more</u>					<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
<u>Recreation facilities, nonprofit, outdoor</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Recreation facilities, profit, outdoor</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
<u>Recreation facilities, profit, indoor gross floor area less than 5,000 sq. ft.</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Repair services, gross floor area less than 5,000 sq. ft. (electrical and appliances)					P	P	P				P
Restaurants, <u>eating establishments and cafés</u> , gross floor area less than 5,000 sq. ft.					P	P	P	P	<u>P</u>		P
Retail trade, commercial services, sales and rental of merchandise and equipment, gross floor area less than 5,000 sq. ft. (inside building with no outside sales storage)					P	P	C	C	<u>C</u>		P

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	<u>CR</u>	BDM	OU
Schools, public and private		C	C	C		C		C	<u>C</u>		C
Schools--Vocational, business and special schools						C	C	C	<u>C</u>		C
Travel trailers				P					<u>P</u>		P
Travel trailer parks				C					<u>C</u>		C
Vacation rentals	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Vacation rental complex; less than 11 units				C	C	C	C	C	<u>C</u>	C	C

Renumber and Amend Sec. 78-64~~56~~. Protected Ridge Overlay District

(a) *Purpose.* The Protected Ridge Overlay District is established in recognition that the development of land in steep, mountainous areas involves special considerations and requires unique development standards. This section is intended to limit the density of development, preserve the viewshed and protect the natural resources of Buncombe County’s protected mountain ridges, consistent with the recommendations of the 1998 Buncombe County Land Use Plan and supplemental to the provisions of the Mountain Ridge Protection Act of 1983. Further, in accordance with North Carolina General Statutes §153A-342, this Protected Ridge Overlay District provides for additional requirements on properties within one or more underlying general districts related to the erection, construction, reconstruction, alteration, repair, or use of buildings, or structures within the Protected Ridge Overlay District in addition to the general underlying

zoning regulations including, but not limited to, height, number of stories and size of buildings and other structures.

(b) *Applicability.* This section shall apply to all Buncombe County mountain “ridges” whose elevation is at least 3,000 feet and whose elevation is 500 or more feet above the elevation of an adjacent valley floor and including 500 foot buffers, measured horizontally from the center line of the ridge as specifically identified and delineated on the zoning map entitled “The Official Zoning Map of Buncombe County, North Carolina.”

(c) *Permitted uses.* Uses are permitted in the Protected Ridge Overlay District pursuant to the following table. All uses not listed are not allowed.

(d) *Conditional uses.* All conditional uses shall be administered in accordance with Division VI of this chapter.

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	<u>CR</u>	BDM	OU	
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Manufactured/mobile homes-Residential	P			P			P					P
Subdivisions	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Accessory buildings	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Cemetery	P		P	P		P			P	<u>P</u>		P
Churches	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Family care home	P	P	P	P					P	<u>P</u>	P	P
Government protective services			P	P	P	P	P	P	P	<u>P</u>		P
Home occupations	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P
<u>Public or private nonprofit recreational facilities, outdoor (parks, playgrounds, tennis courts, etc.)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C
<u>Recreational facilities, nonprofit, outdoor</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
Vacation rentals	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P

Section 3. That if any section, subsection, 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; and

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this 4th day of February, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney