

ORDINANCE NO. _____

ORDINANCE AMENDING THE TEXT OF CHAPTER 70, SUBDIVISIONS, OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT AND SUBDIVISION ORDINANCE OF BUNCOMBE COUNTY

WHEREAS, pursuant to N.C. Gen. Statutes § 153A-323, Procedure for adopting, amending, or repealing ordinances under this Article and Chapter 160A, Article 19 as well as Chapter 70, Section 70-11 of the Land Development and Subdivision Ordinance of the Buncombe County Code of Ordinances, the Board of Commissioners may amend the Subdivision Ordinance after holding a public hearing and after the Buncombe County Planning Board has reviewed and made a recommendation on the amendments; and

WHEREAS, the Buncombe County Planning Board has reviewed the proposed amendments to the Buncombe County Land Development & Subdivision Ordinance, *Sec. 70-5. Definitions* and *Sec. 70-37. Review of special and family subdivisions*, to revise and clarify the requirements and standards of family subdivisions and to clarify the requirements for special subdivisions; and

WHEREAS, the Planning Board recommended in a vote of **7 to 1** on September 9, 2019 that the Board of Commissioners approve the proposed amendments to the Buncombe County Land Development & Subdivision Ordinance, *Sec. 70-5. Definitions* and *Sec. 70-37. Review of special and family subdivisions*, to revise and clarify the requirements and standards of family subdivisions and to clarify the requirements for special subdivisions; and

WHEREAS, this Board has reviewed this written recommendation of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Chapter 70, Section 70-11 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. That this Board does hereby approve the following amendments to Chapter 70 of the Buncombe County Code of Ordinances as follows:

Sec. 70-5. Definitions.

Family Subdivision means a proposed subdivision of five or fewer lots which will result after the subdivision is complete and resulting lots are to be conveyed to a linear relative within the 2nd degree of

kinship or closer or for private development or sale. Family subdivisions shall contain no more than 3 lots for private development or sale. No more than one lot shall be conveyed to each individual relative. Lots within a family subdivision may not be further subdivided for three years after the date of the recordation of the final plat creating said subdivision. Any further subdivision that occurs within three years from the date of the recordation shall be considered a minor subdivision.

Special subdivision means a proposed subdivision where three or fewer lots will result after the subdivision is complete. Lots within a special subdivision may not be further subdivided for three years after the date of the recordation of the final plat creating said subdivision. Any further subdivision that creates more than three (3) lots total that and occurs within three years from the date of the recordation shall be considered a minor subdivision.

Sec. 70-37. Review of special and family subdivisions.

- (a) The subdivider shall submit to the county planning department a preliminary plat for approval. Any special or family subdivision that creates a private road, is served by a private road, or creates a private driveway that serves two lots or more shall be reviewed and approved by the Buncombe County Fire Marshal.
- (b) The planning department shall approve, approve with conditions, or disapprove the preliminary plat within three working days after the plat is submitted for review.
- (c) Failure of the planning department to act on the final plat within the specified response time shall be deemed a basis for appealing to the county planning board.
- (d) Once the preliminary plat has been approved, the applicant may bring a final plat in a format acceptable to the buncombe county register of deeds to the buncombe county planning department for approval. The final plat shall include the following signed certificates and statement:

Certificate of Approval for Special Subdivisions

This final plat has been reviewed by the Buncombe County Planning and Development Department and meets the requirements for a special ~~or family~~ subdivision. Access to this subdivision is considered a private driveway or private road. Additional lots past the first two (2) recorded lots within this special subdivision may not be further subdivided for three (3) years after the date of the recordation of this plat. Any further subdivision that occurs within the three (3) years from the date of recordation shall be considered a minor subdivision. This approval shall be void unless the final plat is recorded in the office of the Buncombe County Register of Deeds within 180 days from the date of approval by the Planning and Development Department.

Date

County Planner

Certificate of Approval for Family Subdivisions

This final plat has been reviewed by the Buncombe County Planning and Development Department and meets the requirements for a family subdivision. Access to this subdivision is considered a private driveway or private road. Lots within this subdivision may not be further subdivided for three (3) years after the date of the recordation of this plat. Any further subdivision that occurs within the three (3) years from the date of recordation shall be considered a minor subdivision. This approval shall be void unless the final plat is recorded in the office of the Buncombe County Register of Deeds within 180 days from the date of approval by the Planning and Development Department.

Date County Planner

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict.

Section 4. This ordinance is effective upon adoption.

Read, approved and adopted this 15th day of October, 2019.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney