

RESOLUTION OF PLANNING BOARD RECOMMENDING TO THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS AMEND THE TEXT OF CHAPTER 70, SUBDIVISIONS, OF THE BUNCOMBE COUNTY LAND DEVELOPMENT AND SUBDIVISIONS ORDINANCE

WHEREAS, pursuant to Section 70-11 of the Buncombe County Code of Ordinances, the Board of Commissioners may amend the Subdivision Ordinance after the Buncombe County Planning Board has reviewed and made a recommendation on the amendment; and

WHEREAS, the Buncombe County Planning Board reviewed the proposed text amendment 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 a duly advertised public hearing held by the Planning Board on September 9, 2019; and

WHEREAS, the Planning Board has reviewed the proposed amendment, has heard public comment, and consulted with planning staff, and after careful review, has determined that it is in order to approve the proposed amendment and make a recommendation to the Board of Commissioners for Buncombe County that the proposed amendment be approved.

NOW, THEREFORE, BE IT RESOLVED, Based on the facts as set forth above the Buncombe County Planning Board hereby finds and concludes as follows pertaining to the proposed amendment to the Land Development and Subdivision Ordinance of Buncombe County:

Section 1. This Planning Board hereby recommends that the Board of Commissioners amend 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 2. This resolution is approved by a vote of 8 to 0 and shall be effective upon its adoption.

Read, approved and adopted this the 9th day of September, 2019.

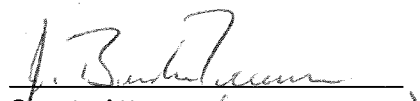
ATTEST


Savannah Gibson, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Gene Bell, Chair

APPROVED AS TO FORM


County Attorney (STAFF ATTORNEY)

Consented to:

Planning Board Members:

Gene Bell

Thad B. Lewis

Robert J. Martin

Dusty Pless

David Rittenberg

Parker Sloan

~~Billy Taylor~~

Nancy Waldrop

Joan M. Walker