

Buncombe County Planning Board
November 18, 2013

The Buncombe County Planning Board met November 18, 2013 in the meeting room at 30 Valley Street. Members present were Josh Holmes, Chairman Tom Alexander, Michelle Wood, Bernie Kessel, and Greg Phillips. Catherine Martin arrived a few minutes late. Also present was Josh O'Conner, Zoning Administrator; Jon Creighton, Assistant County Manager/Planning Director; Michael Frue, County Attorney; and Gillian Phillips, Planning staff.

Call to Order

Chairman Alexander called the meeting to order at 9:34 am.

Approval of Agenda

Ms. Woods made a motion to approve the revised agenda. Mr. Kessel seconded it and the motion passed unanimously.

Approval of Minutes (November 4, 2013)

Ms. Woods made a motion to approve the minutes as submitted. Mr. Kessel seconded the motion and the motion passed unanimously.

SUB2013-00340

"Cottages at Glenn Oaks," located at 266 & 268 Ledbetter Road (PINs 9634-70-9469, 9634-80-0828 and 9634-80-0750) is seeking preliminary approval.

The Board was provided with a copy of the development plan (Attachment A) and a copy of the staff proposed conditions (Attachment B). Mr. O'Conner introduced the case to the Board. Scott Roach, with Odum Engineering, was present to represent the case. He indicated that the homes constructed would be small cottage style homes, and that the subdivision would be completed in phases. Mr. Roach discussed the plans for stormwater management and erosion control. There was discussion regarding when the developer planned to break ground on the site and the proposed house price range. There being no public comment, Mr. Kessel made a motion to grant preliminary approval with staff conditions. Mr. Phillips seconded the motion and the motion passed unanimously.

Continued discussion of zoning language regarding the creation of a Resort District and related standards.

The Board was provided with proposed language (Attachment C) prior to the meeting. Mr. O'Conner indicated to the Board that this language would be voted on after the Public Utilities language went to the Board of Commissioners. Mr. O'Conner then proceeded to answer any questions the Board had regarding the language.

Public Comment

No one wished to make public comment

Adjournment

There being no further business, Mr. Kessel made a motion to adjourn the meeting. Ms. Woods seconded the motion and the motion passed unanimously. The meeting was adjourned at 9:51 am.

Grid North
14043

Building Setbacks as per Buncombe County R2 Zoning:
Front (From ROW) = 20'
Side = 10'
Rear = 20'

Stream Setback = 30'

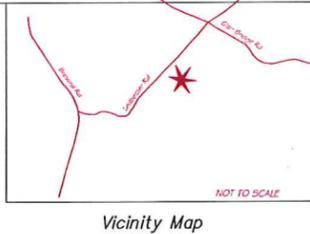
11.26 ACRES TOTAL
Area: By Coordinate Computation

- Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
 2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
 3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
 4. Property is currently zoned R2 as per Buncombe County GIS.
 5. All distances shown are ground distances unless noted otherwise.

Legend:

- CC = Control Corner
- EIP = Existing Iron Pipe
- EIS = Existing Iron Stake
- IPS = Iron Pin Set
- PT = Unmarked Point
- ROW = Right Of Way
- RS = Railroad Spike
- CO = Clean Out
- FH = Fire Hydrant
- PP = Power Pole
- SSMH = Sanitary Sewer Manhole
- T/Ped = Telephone Pedestal

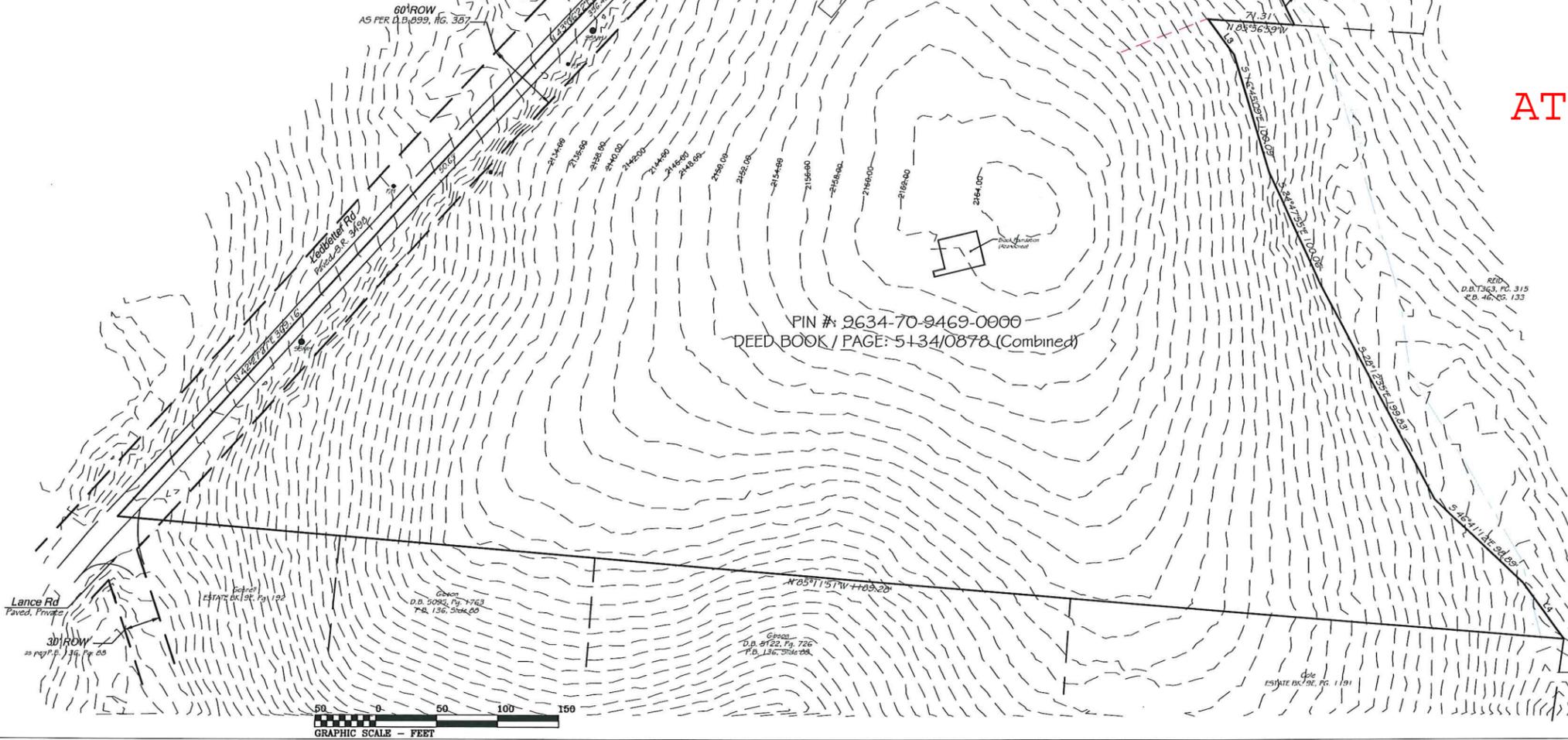
Course	Bearing	Distance
L1	S 47°07'58" E	35.09'
L2	N 72°30'06" E	47.69'
L3	S 36°30'15" E	36.01'
L4	S 35°55'45" E	57.11'



SUB2013-00340
SUBMITTED 10/11/2013

APPROVED WITH CONDITIONS
AT THE 11/18/2013
PB MEETING

ATTACHMENT A



Map of Reconnection for
R & D LEDBRIDGE, LLC
-Owners-
D.B. 5134, PG. 870
PIN: 2634-70-9469-0000

D.B. 5134, PG. 882
P.B. 121, SLIDE 15
PIN: 2634-80-0328-00000

D.B. 5134, PG. 886
PIN: 2634-80-0750-00000

Pin: AS SHOWN

AVERY CREEK Township BUNCOMBE County, NC

ASSOCIATED LAND SURVEYORS
& PLANNERS PC.
P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774
Scale: 1 inch = 50 Feet Date: September 3, 2013
Job No: S-13-148 Designer: JTB C&G 7.0

JOB NUMBER: 13067

DATE	
BY	
REV	
DESCRIPTION	

HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NORTH CAROLINA AS SIGNIFIED BY MY HAND AND SEAL.

DAVID ODUM
REGISTERED PROFESSIONAL ENGINEER
CERTIFICATE NO. 1010/13

SUBDIVISION LAYOUT FOR
COTTATES at GLENN OAKS
AVERY CREEK TOWNSHIP BUNCOMBE COUNTY, NC
EXISTING CONDITIONS

Odom Engineering PLLC
1011 Park Avenue, Suite 100, Asheville, NC 28801
Phone: 828-251-1111

SCALE: 1" = 50'
DATE: 10/10/13
DRAWN BY: JCW
CHECKED BY: DWO
PROJECT MGR: DWO
SHEET:
1 OF 4

REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

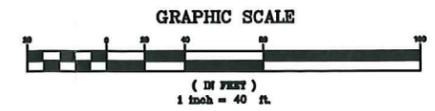
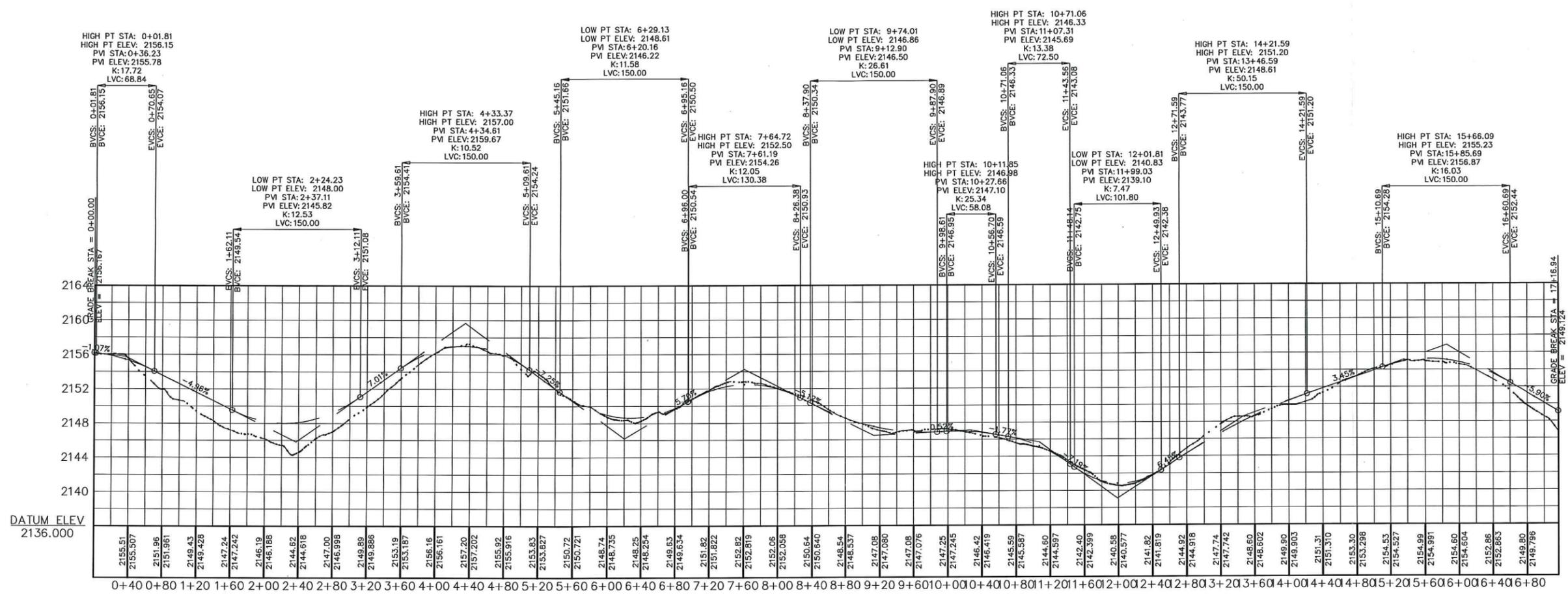
HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NORTH CAROLINA AS SIGNIFIED BY MY HAND AND SEAL.



SUBDIVISION LAYOUT FOR
COTTAGES at GLENN OAKS
 AVERY CREEK TOWNSHIP
 BUNCOMBE COUNTY, NC
PROPOSED ROAD PROFILE



SCALE: 1" = 40'
 DATE: 10/10/13
 DRAWN BY: JCW
 CHECKED BY: DWO
 PROJECT MGR: DWO
 SHEET:
 4 OF 4



ATTACHMENT B

Buncombe County Planning Board Meeting
Recommended Staff Conditions
SUB2013-00340
11/18/2013
Cottages at Glenn Bridge

If approved by the Buncombe County Planning Board, the applicant shall provide the following information on a revised set of plans (if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Provide a detailed slope analysis conducted using the Buncombe County slope raster data set at a cell resolution of 50 feet showing the following information:
 - a. Areas designated as high hazard or moderate hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey;
 - b. Surface waters, as shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the quadrangle topographic maps prepared by the United States Geological Service, and surface water buffers including, but not limited to, trout stream buffers and required stormwater setbacks;
 - c. Location of the floodway and 100-year floodplain boundaries;
 - d. Wetlands;
 - e. A map showing the following categories of slope in the assigned colors:
 - i. Less than 15% slope; light green
 - ii. 15% but less than 25%; dark green
 - iii. 25% but less than 30%; blue
 - iv. 30% but less than 35%; yellow
 - v. 35% but less than 50%; orange
 - vi. 50% and greater slope; red;
 - f. The number of acres and the percent of the tract in each slope category as shown above; and
 - g. The number of acres and percent of the tract that is 35% slope and above.
2. Indicate that the development will be served by Metropolitan Sewerage District (MSD) and City of Asheville Water on the submitted plans.
3. Indicate the average natural slope of the entire property on the submitted plans.
4. Indicate the approximation of wooded and open areas on the submitted plans.
5. Indicate the two additional PIN numbers on the submitted plans:

- a. 9634-80-0828
 - b. 9634-80-0075
6. Indicate the existing use of the land within and abutting the subdivision.
 7. Indicate on submitted plans that pavement width and base course shall be increased per standards found within the Buncombe County Land Development and Subdivision Ordinance where the road centerline is less than a 90-foot radius.
 8. Provide a road cross section diagram on the submitted plans show pavement and base course type and pavement width.
 9. Provide proof on the submitted plans that road corridor width and height meet the standards within the Buncombe County Land Development and Subdivision Ordinance.
 10. An itemized estimate, prepared by a licensed professional, of the cost of implementing and maintaining erosion control devices. Erosion control devices will be maintained for the duration of the development period by the responsible party. This shall not be required if a valid erosion control permit is granted.
 11. Provide proof of approval of road names and addresses from E-911 Addressing.
 12. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Erosion Control permit is obtained.*
 13. Provide a written statement from the Buncombe Stormwater Ordinance Administrator stating that a Stormwater Plan has been submitted and approved for the project. *No grading shall occur on the site until an approved Buncombe County Erosion Control permit is obtained.*
 14. Indicate lot slope perpendicular to the road for each individual subdivision lot or indicate that none of the lot slopes perpendicular to the road exceed 18% slope.
 15. Indicate on the submitted plans that no base course shall be placed on muck, pipe clay, organic matter or other unsuitable matter, and a minimum compaction rate of subgrade prior to paving shall not be less than 95 percent by standard proctor method.

16. Provide a copy of the approved North Carolina Department of Transportation driveway permit.
17. Indicate areas of road construction in excess of 30 percent natural slope and for all areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey, and an investigation for colluvial deposits shall be made or indicate that no such areas exist on the submitted plan.
18. Provide proof of approval of system design for City of Asheville water lines. Proof of acceptance of the water lines into the City of Asheville's water system will be required prior to recordation of a final plat or release of a financial guarantee.
19. Provide proof of approval of system design from the Metropolitan Sewerage District. Proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system will be required prior to recordation of a final plat or release of a financial guarantee.

ATTACHMENT C

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
CR	Conference Center/Resort District
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 held in single ownership, summer/day camp properties, and conference centers. 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.

~~(k)~~(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	<u>CR</u>	BDM	OU
Single-family residential dwelling, including modular	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Duplex/Two-family residential dwelling			P	P	P	P	P	P	<u>P</u>		P
Multifamily residential dwelling units (only one building)			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
Planned unit developments			C	C	C	C	C	C	<u>C</u>		P
Subdivisions	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Accessory buildings	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Adult Entertainment Establishments						C	C				C
Amusement Parks						C	C	C	<u>C</u>		C
Animal hospitals and veterinarian clinics					P	P	P				P
Asphalt Plants							C				C

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	<u>CR</u>	BDM	OU
Banks and other financial institutions					P	P	P	C	<u>C</u>		P
Bed and breakfast inns	P		C	P	P	P	P	P	<u>P</u>		P
Campus office use			C		P			P	<u>P</u>		P
Cemetery	P		P	P		P		P	<u>P</u>		P
Chip Mills											C
Churches	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Clubs or lodges				P	C	P	P	P	<u>P</u>		P
Concrete Plants							C				C
Day nursery and private kindergarten	C	C	C	C	P	P	P	P	<u>P</u>		P
Family care home	P	P	P	P				P	<u>P</u>	P	P
Funeral homes						P	C	P	<u>P</u>		P
Government protective services			P	P	P	P	P	P	<u>P</u>		P
Greenhouses, commercial (nursery, lawn and garden products)					P	P	P	P	<u>P</u>		P
Hazardous Waste Facilities											C
Home occupations	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Hospitals, nursing homes, assisted living facilities, retirement communities				C		P	P	P	<u>P</u>		P
Hotels and motels						P	C	P	<u>P</u>		P
Incinerators											C
Junkyards							C				C
Kennels				C	P	P	P				P
Landing Strips				C		C	C	C	<u>C</u>		C
Laundry and dry cleaning services					P	P	C	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	<u>CR</u>	BDM	OU
Libraries			P	P	P	P	P	P	<u>P</u>		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	<u>P</u>		P
Motor vehicles sales and rental						P	P				P
Motor vehicles service stations (fueling stations)					P	P	P	P	<u>P</u>		P
National Guard and Reserve Armories						P	P	P			P
Nightclubs, bars and pubs					P	P	P		<u>P</u>		P
Physical fitness centers					P	P	C	P	<u>P</u>		P
Postal and parcel delivery services					C	P	P	P	<u>P</u>		P
Printing and lithography						P	P				P
Private recreation facilities profit (bowling alleys, skating rinks, country clubs, etc.)			C	C	C	P	C	P	<u>P</u>		P
Professional and business offices and services					P	P	P	P	<u>P</u>		P
Public or private nonprofit recreational facilities (parks, playgrounds, etc.)	C	C	C	C	P	P	P	P	<u>P</u>		P
Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks	C	C	C	C	P	P	P	P	<u>P</u>		P
Radio, TV and telecommunications towers	C			C		C	C	C	<u>C</u>		P
Repair services (electrical and appliances)					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	<u>CR</u>	BDM	OU
Restaurants					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
Shooting Ranges – Outdoor Commercial									<u>C</u>		C
Slaughtering Plants											C
Solid Waste Facilities – Landfills, Transfer Stations, Materials Recovery							C	C			C
Storage and warehousing					C	P	P	P	<u>C</u>		P
Theaters						P		P	<u>P</u>		P
Travel trailers				C					<u>P</u>		P
Travel trailer parks				C					<u>C</u>		P
Vacation rentals	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Vacation rental complex				C	C	C	C	C	<u>C</u>	C	C
Wholesale sales						P	P		<u>C</u>		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
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

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

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
Bed and breakfast inns, gross floor area 5,000 sq. ft. or more	C		C	C	C	C	C	C	<u>C</u>		C
Cemetery	P		P	P		P		P	<u>P</u>		P
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>P</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
Private recreation facilities for profit, outdoor (parks, playgrounds, tennis courts, etc.)			C	C	C	C	C	C	<u>C</u>		C
Private recreation facilities for profit, gross floor area less than 5,000 sq. ft. (bowling alleys, skating rinks, country clubs, etc.)			C	C	C	C	C	C	<u>C</u>		C
Professional and business offices and services, gross floor area less than 5,000 sq. ft.					P	P	P	P	<u>P</u>		P
Public or private nonprofit recreational facilities, outdoor (parks, playgrounds, tennis courts, etc.)	C	C	C	C	P	P	P	P	<u>P</u>		P

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 or private nonprofit recreational facilities, indoor, gross floor area less than 5,000 sq. ft. (bowling alleys, skating rinks, gymnasiums, etc.)	C	C	C	C	P	P	P	P	<u>P</u>		P
Public or private nonprofit recreational facilities, indoor, gross floor area 5,000 sq. ft. or more (bowling alleys, skating rinks, gymnasiums etc.)					C	C	C	C	<u>C</u>		C
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
Radio, TV and telecommunications towers	C			C		C	C	C	<u>C</u>		C
Repair services, gross floor area less than 5,000 sq. ft. (electrical and appliances)					P	P	P				P
Restaurants, 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
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

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
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. 78-6456. 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	<u>P</u>	P	P
Manufactured/mobile homes-Residential	P			P			P				P
Subdivisions	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Accessory buildings	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	<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	<u>P</u>		P
Home occupations	P	P	P	P	P	P	P	P	<u>P</u>	P	P
Public or private nonprofit recreational facilities, outdoor (parks, playgrounds, tennis courts, etc.)	C	C	C	C	P	P	P	P	<u>P</u>		P
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
Vacation rentals	P	P	P	P	P	P	P	P	<u>P</u>	P	P