

151 Buncombe County Planning Board
April 7, 2014

The Buncombe County Planning Board met April 7, 2014 in the meeting room at 30 Valley Street. Members present were Temporary Chair Michelle Pace Wood, Greg Phillips, Jim Young, Catherine Martin, Josh Holmes (arrived midway through the meeting) and Joe Sechler. Also present were Michael Frue, Staff Attorney; Josh O'Conner, Zoning Administrator; and Gillian Phillips and Debbie Truempy, Planning staff.

Call to Order

Mr. Sechler made a motion to call the meeting to order. Ms. Martin seconded the motion and the motion passed unanimously.

Election of Temporary Chairperson

Ms. Martin made a motion to elect Ms. Wood as temporary chair for the meeting. Mr. Sechler seconded the motion and the motion passed unanimously.

Approval of Agenda

Mr. Sechler made a motion to approve the revised agenda as submitted. Ms. Martin seconded the motion and the motion passed unanimously.

Approval of Minutes (March 17, 2014)

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

Public Hearings (Zoning Amendments)

ZPH2014-00013: *Biltmore Company and West Range, LLC have applied to rezone tax lot PINs 9637-94-4030 (1 Biltmore Estate Drive), 9635-98-5386 (20 Fish Pond Road), and 9636-47-9770 (558 Brevard Road), which are currently zoned Commercial Service District (CS) to Conference Center/Resort District (CR).*

The Board was provided with the staff recommendation (Attachment A) and zoning maps (Attachment B) prior to the meeting. Ms. Truempy introduced the case to the Board. She indicated that a portion of one of the parcels involved in the map amendment was within Biltmore Forest, but the map amendment would not apply to this section of the parcel as it was not within the County's jurisdiction. Patsy Brison, an attorney with Roberts & Stevens, was present to represent the applicant. Ms. Brison voiced the Biltmore Estate's support for the new district and the proposed map amendment request. There being no one wishing to speak regarding the case, Temporary Chair Wood closed the public hearing. Mr. Sechler made a motion to recommend approval of the map amendment to the Board of Commissioners with the consistency statement provided in Attachment A. Ms. Martin seconded the motion and the motion passed unanimously.

ZPH2014-00015: *Harry L. Coates has applied to rezone tax lot PIN 9626-38-6011 (105 Sardis Road) from Residential District R-3 to Commercial Service District (CS)*

The Board was provided with the staff recommendation (Attachment C) and zoning maps (Attachment D) prior to the meeting. Ms. Truempy introduced the case to the Board. Ms. Truempy indicated that while the area had existing legal non-conforming commercial uses, staff was concerned the proposed

map amendment could be considered a spot zoning given the size of the tract and there only being one owner involved in the map amendment.

Ricky Coates, representing the applicant, presented the case. He indicated that the subject property had been a solid waste dump (for the dumping of construction waste from a road project) and that the neighboring properties were commercial in nature. He indicated that he disagreed with the assessment in Attachment C of the grade of the property as, due to the properties use as a solid waste dump, the site had been leveled out to a flat grade. Mr. Coates indicated that the subject property was currently being used for commercial uses, as it stored commercial equipment. He indicated that the Enka Union Hall was currently being used as a school. Mr. Coates provided the Board with an aerial photo indicating commercial properties marked with a C (Attachment E). There was discussion regarding the dumping and grading that had occurred on the property. The Board then discussed the concept of spot zoning with Mr. Coates and staff, and whether or not this would be considered a spot zoning. He was encouraged to approach his adjoining neighbors regarding increasing the amount of property involved in the map request. Mr. Coates discussed what he proposed do with the property, and indicated that he wanted to create a car lot on the front of the property, and use the remainder of the property for what it was currently being used for, storage for commercial equipment. There was further discussion regarding spot zonings and what Mr. Coates options were regarding withdrawing the proposal or asking that it be continued. Temporary Chair Wood opened the hearing up for public comment. The following individuals had comments:

- Martha Warren expressed her opposition to the proposed map amendment and indicated that the area contained agricultural land and that the area had been residential in nature for numerous years. She indicated to Mr. Sechler where her home was on the maps provided to the Board (Attachment D).
- Howard Blankship, who resided at 101 Sardis Road, indicated that his family planned to construct homes on their property, and indicated that he thought the only commercial property in the area was Mr. Coates' property.
- Carroll Sallsberry voiced support for the proposal, and indicated that it was part of progress and would create more tax revenue.
- Robbie Taylor voiced support for the proposal indicating that commercial development was expanding in the area, and cited the new Ingles on Sand Hill Road as an example.

There being no one else wishing to speak, Temporary Chair Wood closed the public comment portion of the hearing. The Board discussed the concept of spot zonings and legal non-conforming uses with staff and the applicant. The Board discussed the applicant's options with him. Temporary Chair Wood closed the public hearing. Mr. Coates asked that the case be continued by the Board. Mr. Phillips made a motion to suspend the rules. Mr. Young seconded the motion and the motion passed unanimously. Mr. Holmes made a motion to continue the application to the first meeting in July. Mr. Phillips seconded the motion and the motion passed unanimously.

Zoning language regarding the creation of an Airport Industry District (AI) and related standards (ZPH2014-00008)

The Board was provided with the consistency statement prior to the hearing (Attachment F) and the language at the meeting (Attachment G). Mr. O'Conner presented the case to the Board. There being no one wishing to make public comment, Temporary Chair Wood closed the public hearing. Mr. Young made a motion to recommend approval of the text amendment to the Board of Commissioners with the

consistency statement provided (Attachment E). Mr. Sechler seconded the motion and the motion passed unanimously.

Public Comment

Dede Stiles made comment regarding the landslides in Washington state, and made comments regarding the risk of landslides in Buncombe County. The Board discussed this topic with her.

Adjournment

There being no further public comment, Mr. Holmes made a motion to adjourn the meeting. Mr. Young seconded the motion and the motion passed unanimously. The meeting was adjourned at 10:29 am.

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00013
PROPOSED ZONING CHANGE : CS to CR
LOCATION : The Biltmore Estate
PIN : 9637.94.4030, 9635.98.5386, and 9636.47.9770
ACREAGE : 6713.50 acres

APPLICANT/OWNER: Biltmore Company and West Range LLC c/o
Roberts & Stevens, P.A.
P.O. Box 7647
Asheville, NC 28802

DEPARTMENT RECOMMENDATION: **APPROVAL**

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the “product of a complex of factors.” Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING ANALYSIS: The applicant requests the rezoning of approximately 6713.50 acres from Commercial Service District (Commercial Service District) to CR (Conference Center/Resort District). The subject property encompasses a large property which fronts on both I-40 and I-26. The site currently contains the Biltmore Estate and its related uses.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as within the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends that large conference centers and recreation facilities be zoned more appropriately through a Conference Center/Resort District. The plan indicated that the facilities considered for this zoning should be 100 acres or more and managed through a common entity (Buncombe County Comprehensive Land Use Plan, 2013 Update, pg 78). Therefore, the proposed map amendment would be suitable as indicated within the update.

The subject property is appropriate for the Conference Center/Resort District and supported by the Buncombe County Land Use Plan. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

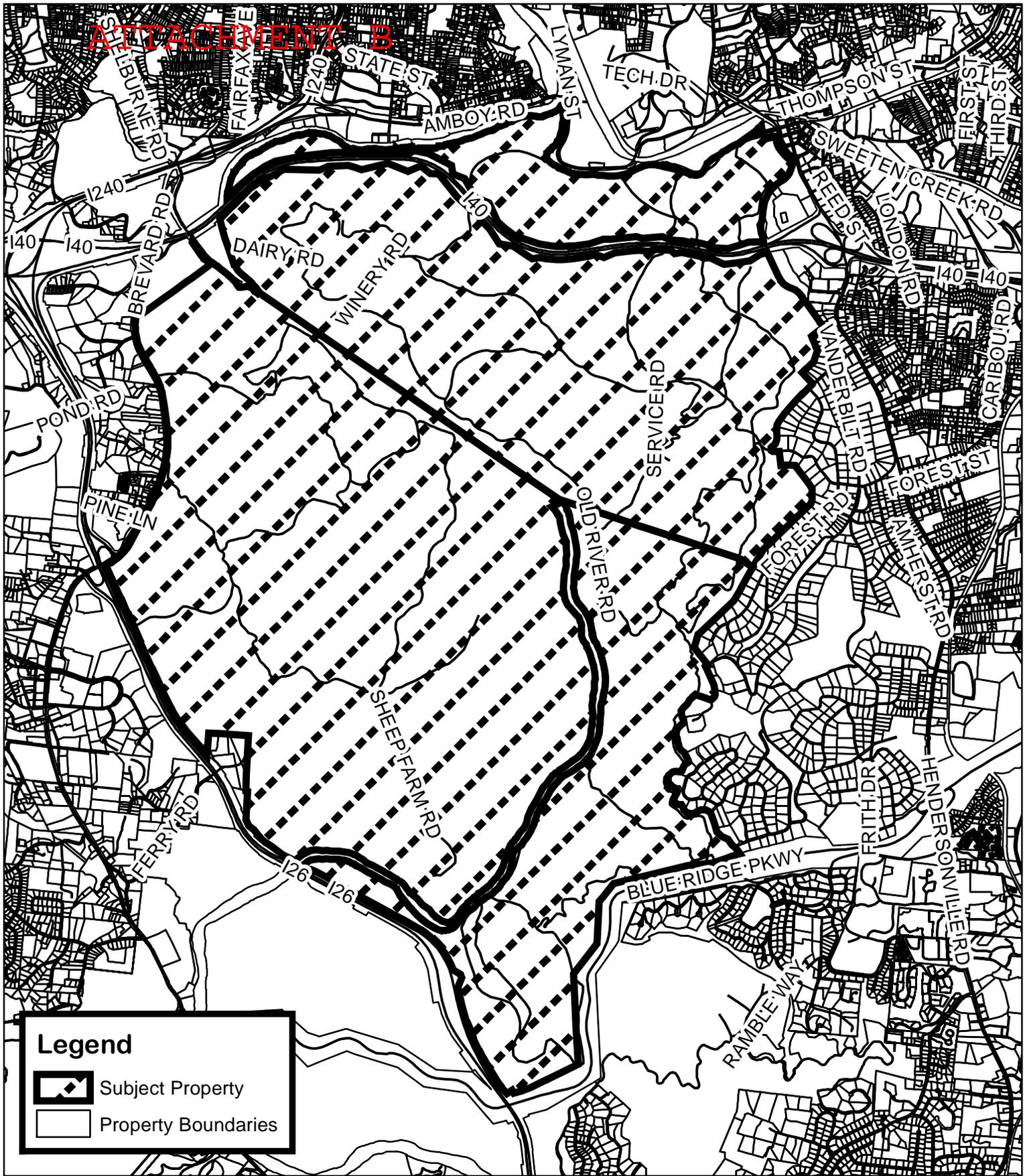
CONSISTENT: The proposed map amendment is consistent with the Buncombe County Land Use Plan as within the Buncombe County Comprehensive Land Use Plan, 2013 Update recommends are that large conference centers and recreation facilities be zoned more appropriately through a Conference Center/Resort District. The plan indicated that the facilities considered for this zoning should be 100 acres or more and managed through a common entity (Buncombe County Comprehensive Land Use Plan, 2013 Update, pg 78). Therefore, the proposed map amendment would be suitable as indicated within the update. The proposed map amendment is appropriate and is therefore reasonable and in the interest of the public.

NOT CONSISTENT: The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update show the following regarding the subject property:

- Has areas of moderate and high slope stability hazards
- Has areas of FEMA Flood Hazard

Therefore, the proposed map amendment would not be suitable for the Conference Center/Resort District as indicated on the suitability matrix within the update. Development within these environmental sensitive areas would be detrimental to the owner, adjacent neighbors, and surrounding community as it is not consistent with the surrounding area. Therefore, the requested zoning would not be reasonable and in the interest of the public.

ATTACHMENT B



Biltmore Company and West Range, LLC

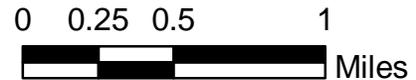
Map Amendment

Case Number: ZPH2014-00013

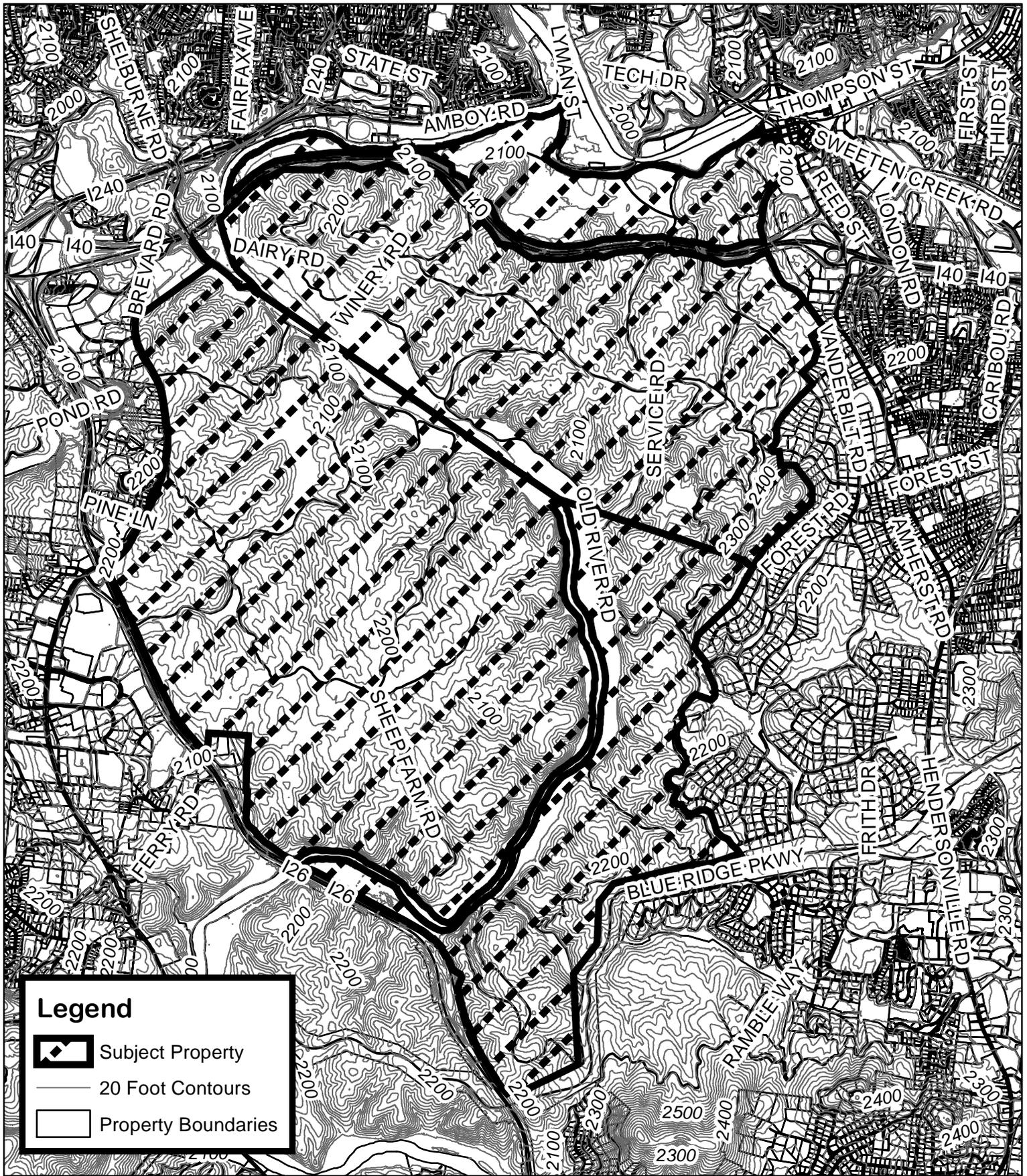
Approximate Property Size: 6,713.5 acres

Application Date: February 18, 2014

Planning Board Hearing Date: April 7, 2014



Created By: Buncombe County Planning
Date: March 7, 2014

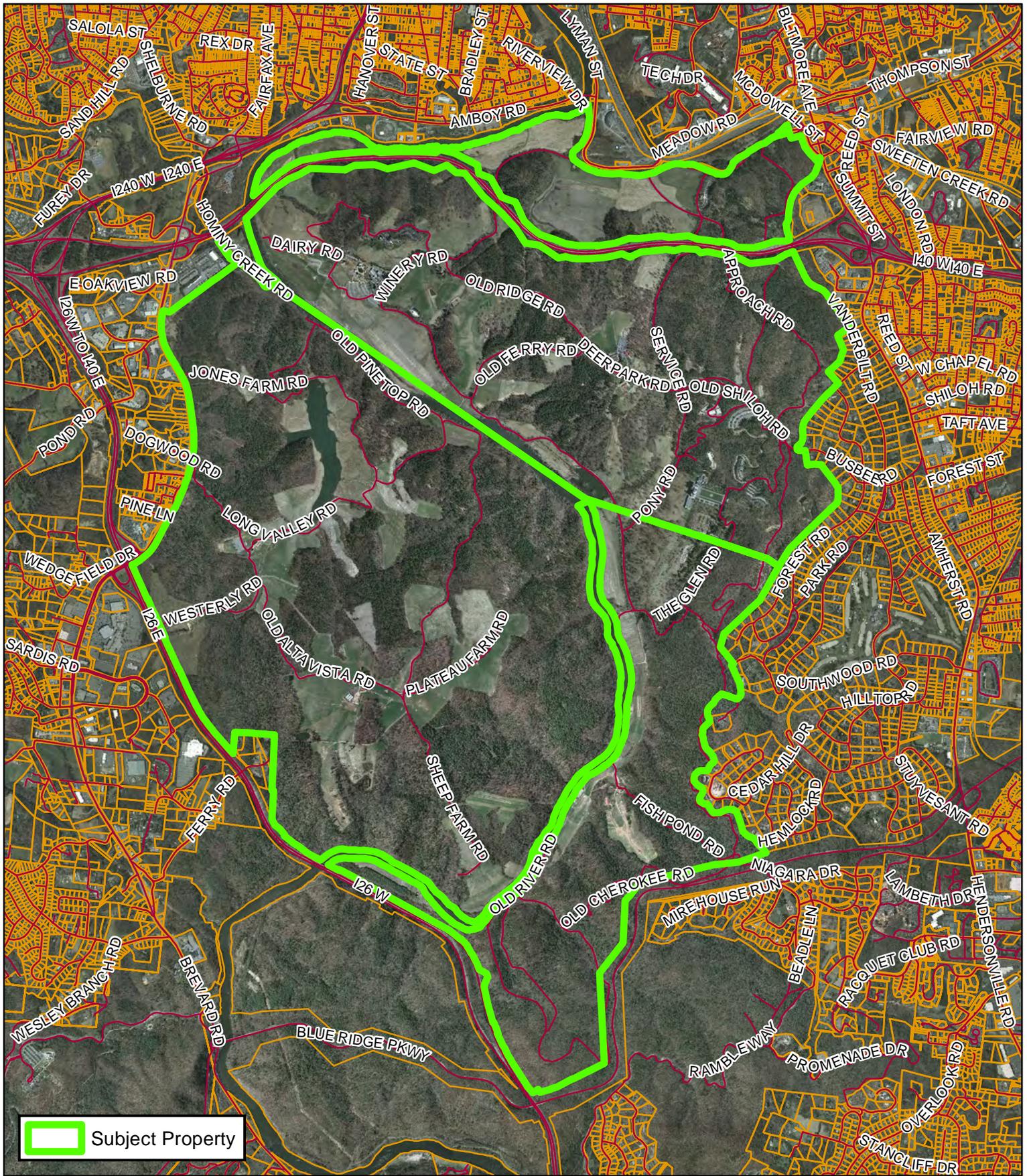


**Biltmore Company and West Range, LLC
Map Amendment**

Case Number: ZPH2014-00013
 Approximate Property Size: 6,713.5 acres
 Application Date: February 18, 2014
 Planning Board Hearing Date: April 7, 2014



Created By: Buncombe County Planning
 Date: March 7, 2014

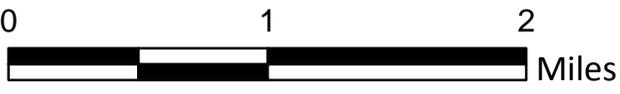
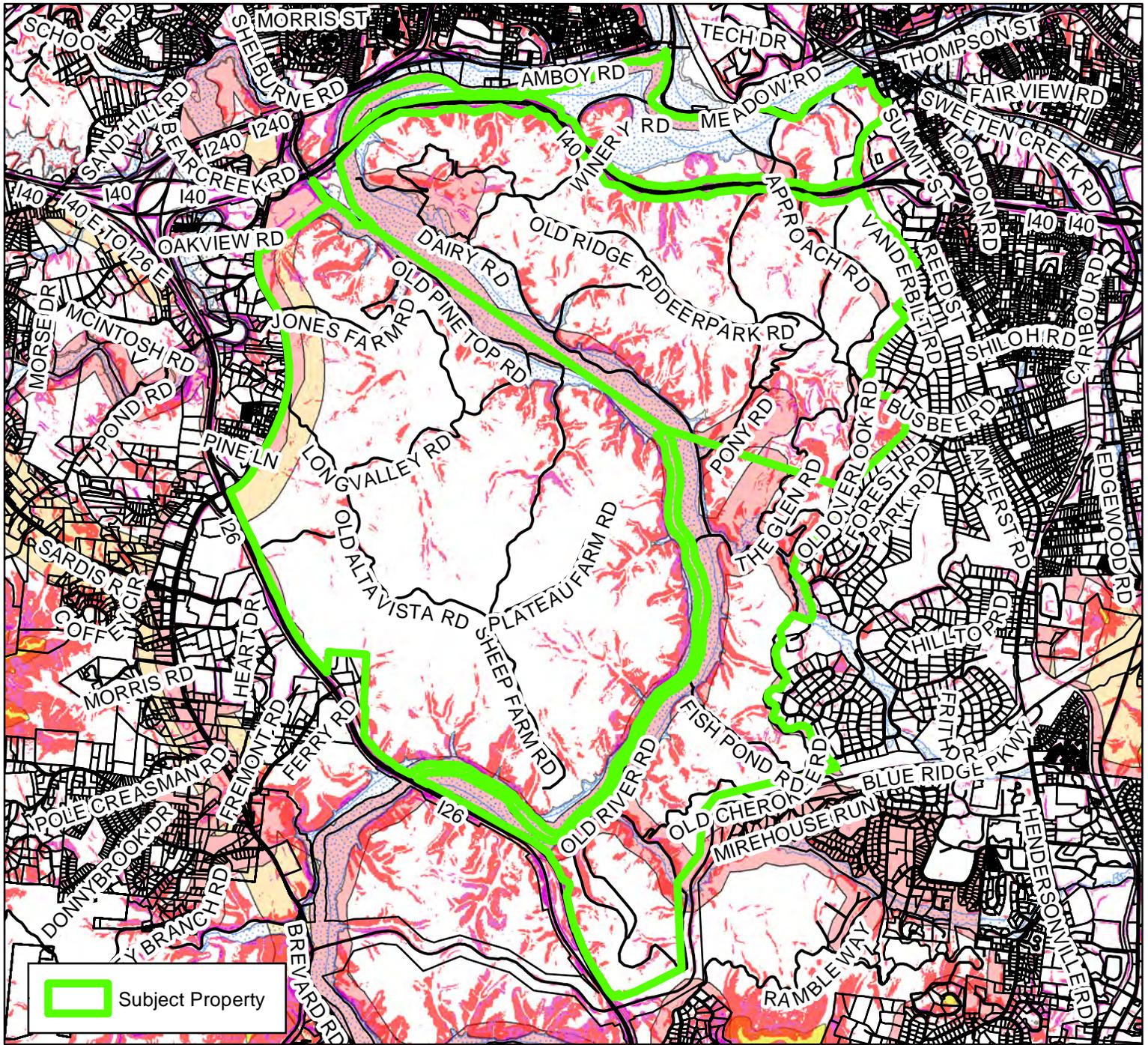


**Biltmore Company and West Range, LLC
Map Amendment**

Case Number: ZPH2014-00013
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 Application Date: February 18, 2014
 Planning Board Hearing Date: April 7, 2014



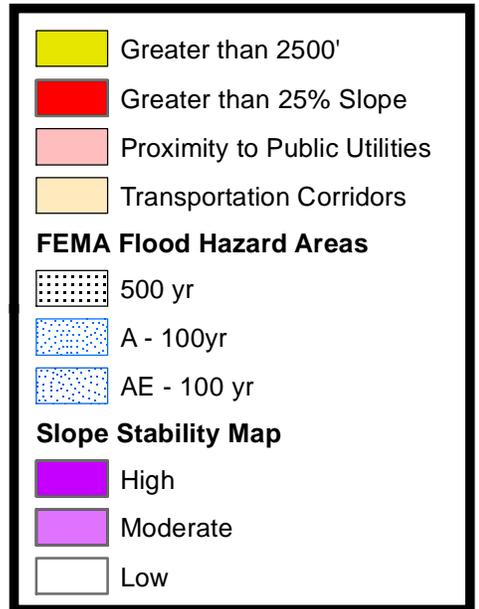
Created By: Buncombe County Planning
 Date: March 7, 2014



Biltmore Company and West Range, LLC Map Amendment

Case Number: ZPH2014-00013
 Approximate Property Size: 6,713.5 acres
 Application Date: February 18, 2014
 Planning Board Hearing Date: April 7, 2014

Created By: Buncombe County Planning
 Date: March 7, 2014



BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00015
PROPOSED ZONING CHANGE : R-3 TO CS
LOCATION : 105 Sardis Road
PINs : 9626.38.6011
ACREAGE : 8.1 Acres

APPLICANT/OWNER: Harry L. Coates
81 South Bear Creek Road
Asheville, NC 28806

DEPARTMENT RECOMMENDATION: **DENIAL**

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the "product of a complex of factors." Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING SUMMARY: The applicant requests rezoning of 8.1 acres from R-3 (Residential District) to CS (Commercial Service District). The subject property is located on the north side of Sardis Road, near the intersection of Sardis Road and Pond Road. The property currently contains several dwelling units. The surrounding area is comprised of tracts of undeveloped land, residential development, a religious organization, and an existing legal non-conforming commercial business. The area surrounding the subject property is zoned R-3, and it does not border property zoned CS on any side. The application does not include a large amount of land in relation to the surrounding area and does not include a large number of property owners and could be viewed as a spot zoning by the courts.

The proposed map amendment is not consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 update show the following regarding the subject property:

- Does not have reasonable proximity to public utilities
- Not outside of slopes greater than 25% slope
- Not outside of areas of high or moderate slope stability hazards

Therefore, the proposed map amendment would not be suitable for commercial development as indicated on the suitability matrix within the update.

The subject property is not adjacent to property zoned commercially, is surrounded by property zoned R-3, and could be considered a spot zoning given the size of the tract. The proposed CS zoning would be detrimental to the owner, adjacent neighbors, and surrounding community as it is not consistent with the Buncombe County Land Use Plan. Therefore the Buncombe County Department of Planning and Development recommends **DENIAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

NOT CONSISTENT: The proposed map amendment is not consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 update shows the following regarding the subject property:

- Does not have reasonable proximity to public utilities
- Not outside of slopes greater than 25% slope
- Not outside of areas of high or moderate slope stability hazards

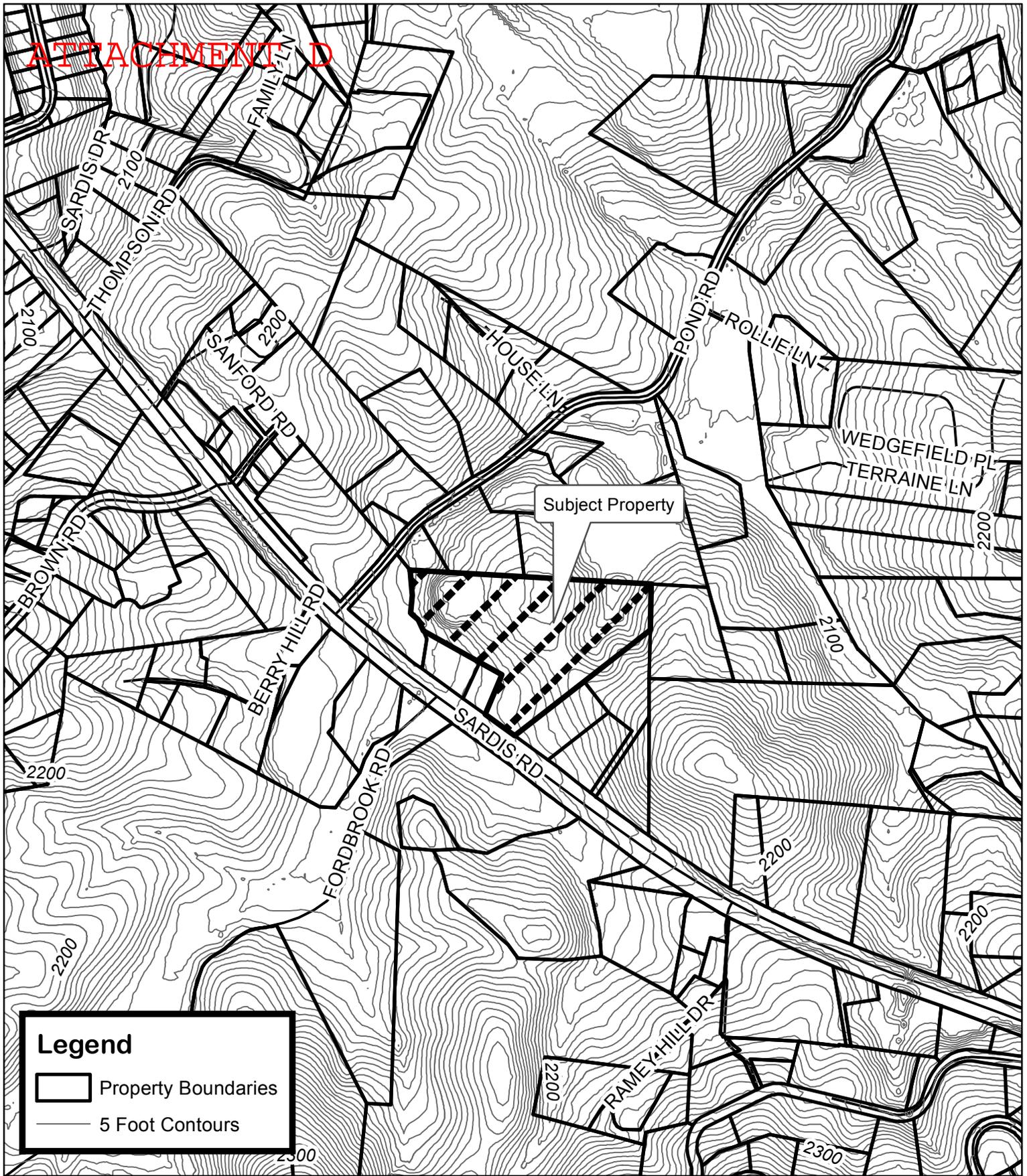
Therefore, the proposed map amendment would not be suitable for commercial development as indicated on the suitability matrix within the update. The subject property is not adjacent to property zoned commercially, is surrounded by property zoned R-3, and could be considered a spot zoning given the size of the tract, therefore it is not reasonable and in the interest of the public.

CONSISTENT: The proposed map amendment request is consistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update show the following regarding the subject property:

- Near a transportation corridor
- Not within a FEMA flood hazard area

Therefore, the proposed map amendment would be suitable for commercial development as indicated on the suitability matrix within the update. The proposed CS zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore, the requested zoning would not be reasonable and in the interest of the public.

ATTACHMENT D



Legend

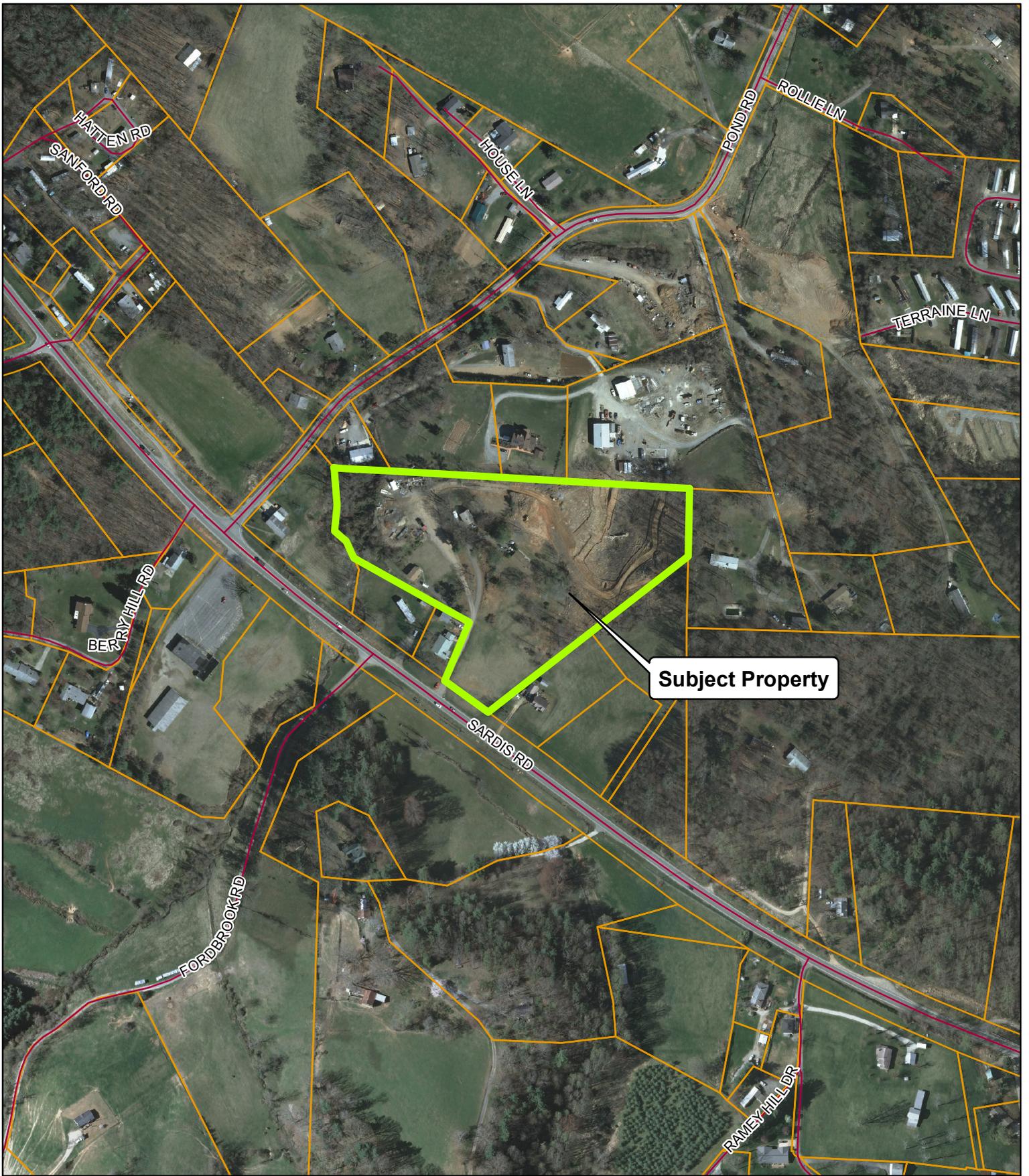
- Property Boundaries
- 5 Foot Contours

Harry L. Coates Map Amendment

Case Number: ZPH2014-00015
Approximate Property Size: 8.1 acres
Application Date: March 7, 2014
Planning Board Hearing Date: April 7, 2014

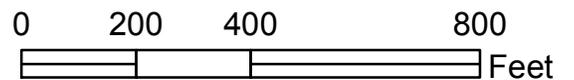


Created By: Buncombe County Planning
Date: March 13, 2014

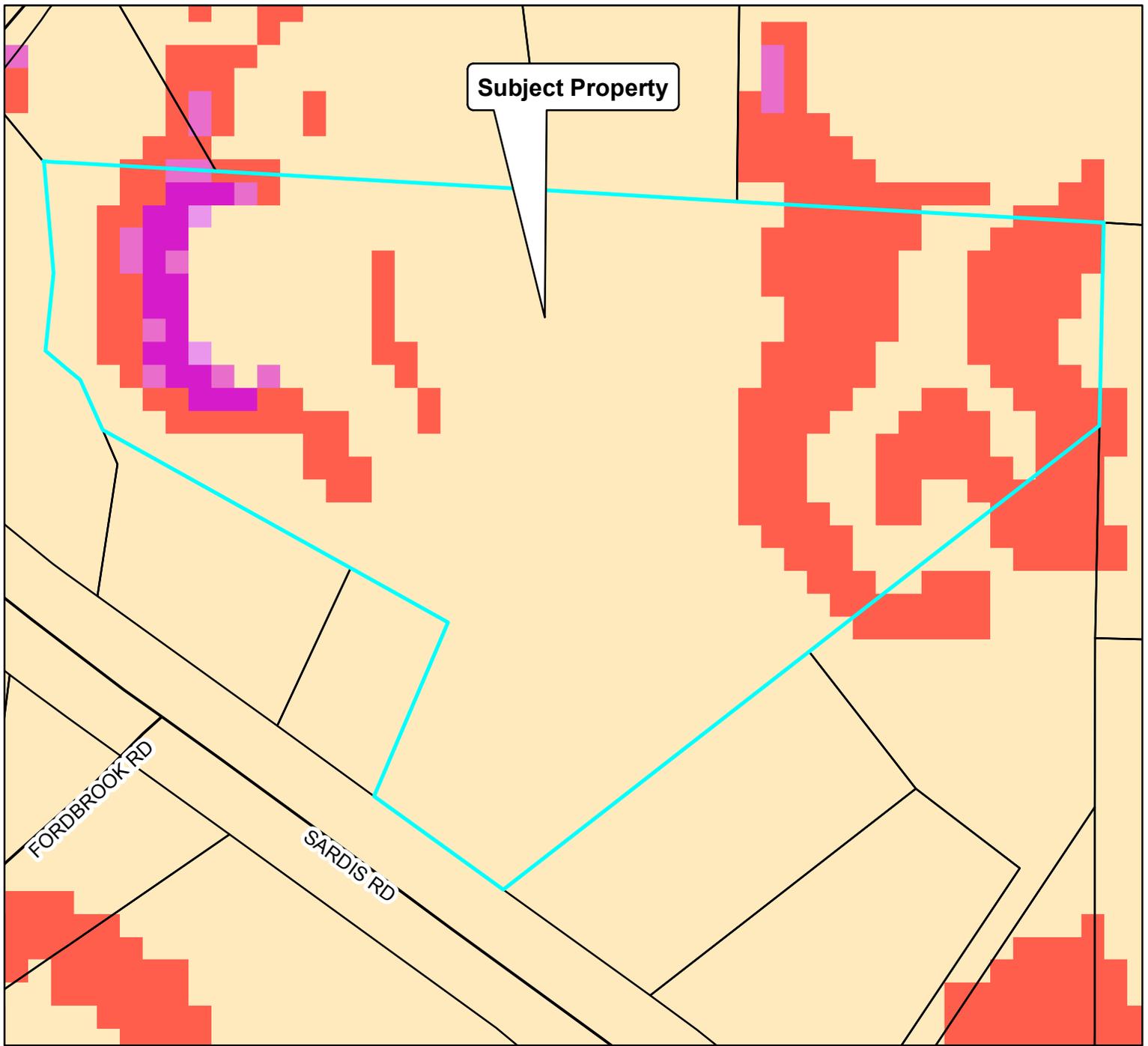


Harry L. Coates
Map Amendment

Case Number: ZPH2014-00015
Approximate Property Size: 8.1 acres
Application Date: March 7, 2014
Planning Board Hearing Date: April 7, 2014



Created By: Buncombe County Planning
Date: March 13, 2014



Subject Property

FORDBROOK RD

SARDIS RD



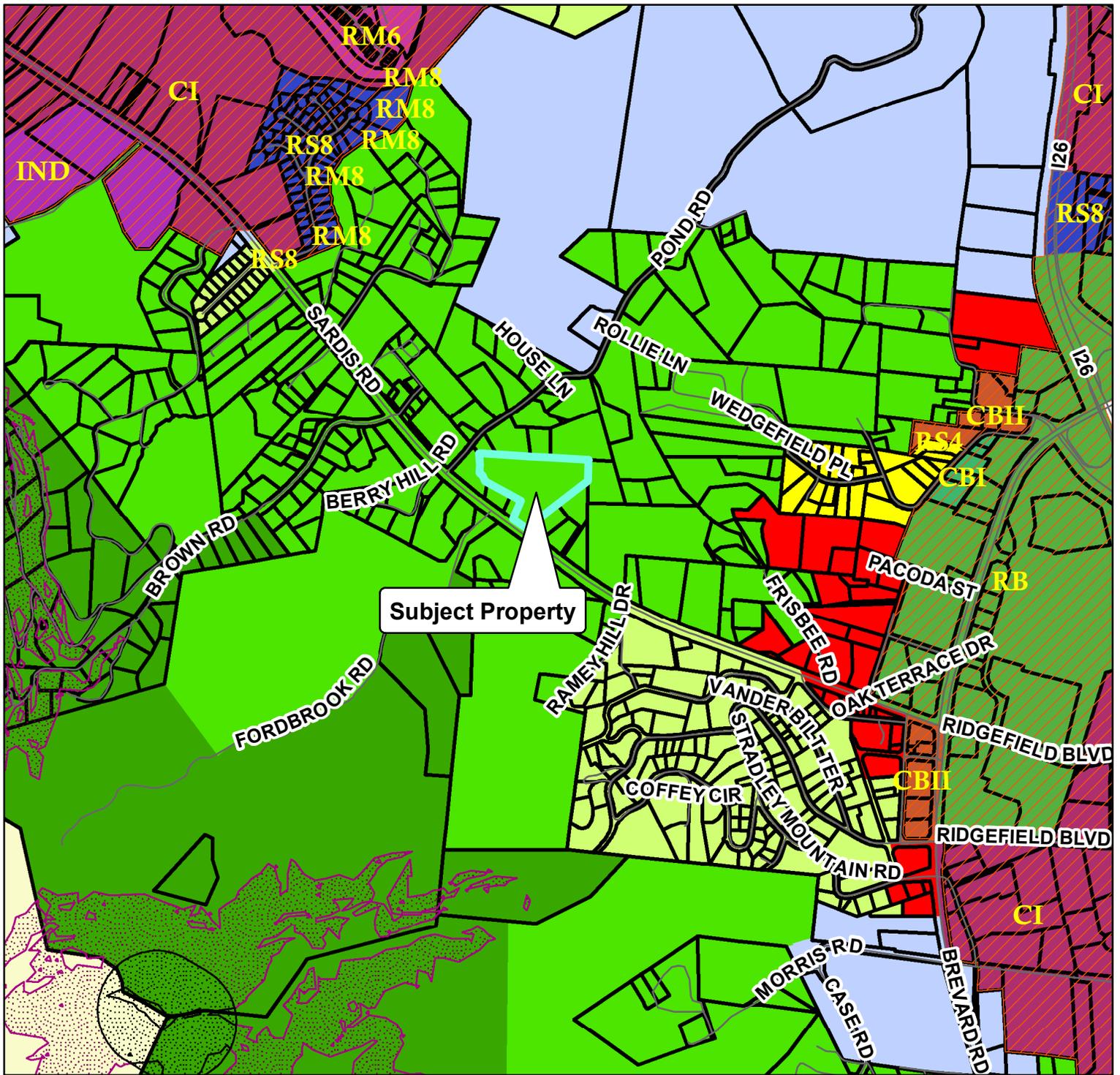
**Harry L. Coates
Map Amendment**

Case Number: ZPH2014-00015
 Approximate Property Size: 8.1 acres
 Application Date: March 7, 2014
 Planning Board Hearing Date: April 7, 2014

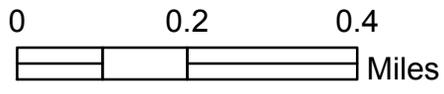
Created By: Buncombe County Planning
 Date: March 13, 2014



| | |
|--------------------------------|-------------------------------|
| | Greater than 2500' |
| | Greater than 25% Slope |
| | Proximity to Public Utilities |
| | Transportation Corridors |
| FEMA Flood Hazard Areas | |
| | 500 yr |
| | A - 100yr |
| | AE - 100 yr |
| Slope Stability Map | |
| | High |
| | Moderate |
| | Low |



Harry L. Coates Map Amendment



| Zoning Districts | | Zoning Overlays | |
|------------------|-------------------|-----------------|-------------------------------|
| | CITY OF ASHEVILLE | | OU |
| | BDM | | PS |
| | CS | | R-1 |
| | EMP | | R-2 |
| | NS | | R-3 |
| | | | R-LD |
| | | | Blue Ridge Parkway Overlay |
| | | | Protected Ridge Overlay |
| | | | Protected Ridge & Parkway |
| | | | Steep Slope/High Elev. |
| | | | Steep Slope/High Elev. & Pkwy |

Case Number: ZPH2014-00015
 Approximate Property Size: 8.1 acres
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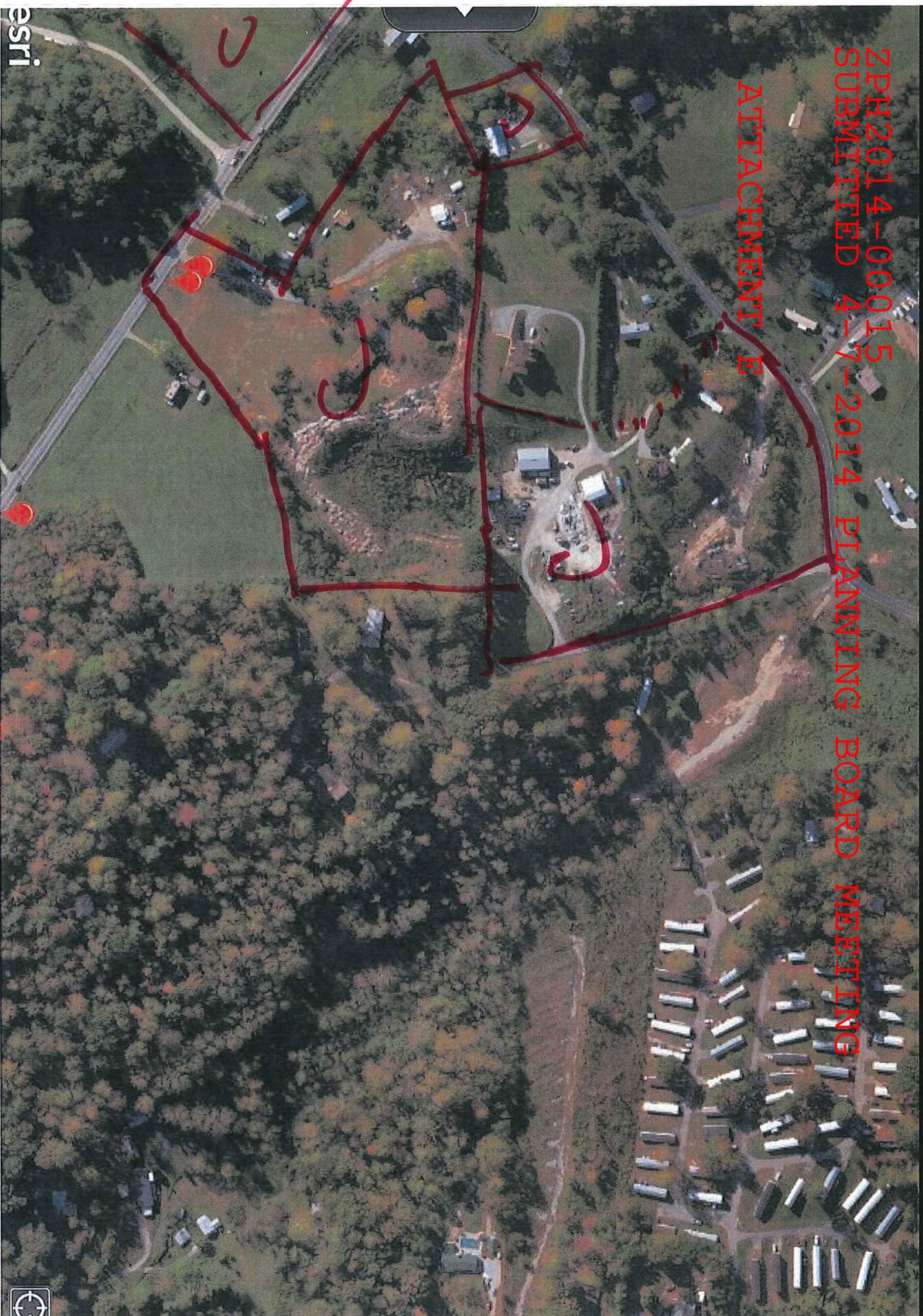
Maps



105 sardis road Ashevi...

ZPH2014-00015
SUBMITTED 4-7-2014 PLANNING BOARD MEETING

ATTACHMENT E



Consistency with the Comprehensive Land Use Plan

Recommendation of Approval

- The proposed amendments regarding the creation of an Airport Industry District and associated uses and standards, as well as the addition of a “Medical Clinics” use to the permitted use tables, **are consistent with the Buncombe County Comprehensive Land Use Plan and updates, as the 2013 update (Section 6) recommended that:**

“Buncombe County has recently assumed jurisdiction for land use regulations over the Asheville Regional Airport and a number of the surrounding properties. The current zoning designation of the airport (Public Service District) is inappropriate for the operation of an airport and related facilities. In addition, businesses in the area surrounding the airport are offered little flexibility to apply for necessary land use policy changes which would support operations incidental to aeronautical facilities and related industries. These limitations potentially hamper airport facility expansion and economic development opportunities;” and

“Buncombe County should provide an Airport Industrial District which accounts for the land use needs of the Asheville Regional Airport, while allowing industrial and commercial uses which are related to the operation of an airport. This District should support Federal Aviation Association limitations on residential housing, which would provide a clear separation between airport operations and new residential development.”

- The proposed amendments to the text are **reasonable and in the public interest** as they provide zoning regulations for uses present within the County and critical to economic development which are not adequately addressed by the current Zoning Ordinance.

Sec. 78-581. Definitions.

Cargo/freight terminals, operations and activities means transportation establishments furnishing services incidental to air, motor freight, and rail transportation including but not limited to freight forwarding services; freight terminal facilities; packing, crating, inspection and weighing services; postal/package service bulk mailing distribution centers; transportation arrangement services; and trucking facilities, including transfer and storage.

Airport means property that is maintained for the landing, refueling and takeoff of aircraft and for the receiving and discharge of passengers and cargo traveling by air, to include aviation related facilities, structures, and property.

Aviation-related means any activity, use, facility, structure, service, property used for any operational purpose related to, in support of, or complementary to the flight of aircraft to and from the airport, to include convenience concessions serving the public.

Landing strips means aircraft landing strips without normal airport facilities including, but not limited to runways, landing fields, and heliports.

Medical clinic means a facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis with no overnight admission.

Personal landing strip means a landing strip or heliport for personal use of the tenant or owner of the site, not available for public use, and with no commercial operations.

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 |
| <u>AI</u> | <u>Airport Industry District</u> |

Sec. 78-640. Statement of district intent.

(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. Additionally, those uses which are specific to the Airport Industry District (AI) are excluded from the OU Open Use District. 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.

(l) *Airport Industry District (AI)*. The AI Airport Industry District is established as a district that includes but is not limited to airport facilities, aviation related uses, and related aerospace uses. The AI Airport Industry District will also support office uses, industrial uses, storage and warehousing, and wholesale trade either directly related to or dependent upon the aviation industry. Such locations should currently have public water and sewer services available or be expected to have these services in the future. The AI Airport Industry District shall exist only in areas below 2,500' in elevation.

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 | AI | BDM | OU |
| Single-family residential dwelling, including modular | P | P | P | P | P | P | P | P | P | | P | P |
| Duplex/Two-family residential dwelling | | | P | P | P | P | P | P | P | | | P |
| Multifamily residential dwelling units (only one building) | | | P | P | P | P | P | P | P | | | |
| 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 |

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 | <u>AI</u> | BDM | OU |
| Manufactured/mobile home parks | | | | C | | | | | | | | P |
| Planned unit developments | | | C | C | C | C | C | C | C | <u>C</u> | | 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 |
| Adult Entertainment Establishments | | | | | | C | C | | | | | C |
| <u>Airports</u> | | | | | | | | | | <u>C</u> | | |
| Amusement Parks | | | | | | C | C | C | C | | | C |
| Animal hospitals and veterinarian clinics | | | | | P | P | P | | | <u>P</u> | | P |
| Asphalt Plants | | | | | | | C | | | | | C |
| <u>Aviation-related services and facilities</u> | | | | | | | | | | <u>P</u> | | |
| Banks and other financial institutions | | | | | P | P | P | C | C | <u>P</u> | | P |
| Bed and breakfast inns | P | | C | P | P | P | P | P | P | | | P |
| Campus office use | | | C | | P | | | P | P | <u>P</u> | | P |
| <u>Cargo/freight terminals, operations and activities</u> | | | | | | <u>C</u> | <u>P</u> | | | <u>P</u> | | <u>P</u> |
| 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 | <u>P</u> | | P |
| Concrete Plants | | | | | | | C | | | | | C |
| Day nursery and private kindergarten | C | C | C | C | P | P | P | P | P | <u>P</u> | | P |
| Family care home | P | P | P | P | | | | P | P | | P | P |
| Funeral homes | | | | | | P | C | 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 | <u>AI</u> | BDM | OU |
| Government protective services | | | P | P | P | P | P | P | P | <u>P</u> | | P |
| Greenhouses, commercial (nursery, lawn and garden products) | | | | | P | P | P | P | P | <u>P</u> | | 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 | <u>P</u> | | P |
| Incinerators | | | | | | | | | | | | C |
| Junkyards | | | | | | | C | | | | | C |
| Kennels | | | | C | P | P | P | | | <u>P</u> | | P |
| <u>Landing Strips</u> | | | | <u>C</u> | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | | <u>C</u> |
| Laundry and dry cleaning services | | | | | P | P | C | P | P | <u>P</u> | | P |
| Libraries | | | P | P | P | P | P | P | P | | | P |
| Manufacturing and processing operations | | | | | | P | P | | | <u>P</u> | | P |
| <u>Medical Clinics</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> |
| Mining and Extraction Operations | | | | | | | C | | | | | C |
| Motor Sport Facilities | | | | | | | | | | | | C |
| Motor vehicles maintenance and repair | | | | | C | P | P | P | P | <u>P</u> | | P |
| Motor vehicles sales and rental | | | | | | P | P | | | <u>P</u> | | P |
| Motor vehicles service stations (fueling stations) | | | | | P | P | P | P | P | <u>P</u> | | P |
| National Guard and Reserve Armories | | | | | | 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 | <u>AI</u> | BDM | OU |
| Nightclubs, bars and pubs | | | | | P | P | P | | P | <u>P</u> | | P |
| <u>Personal Landing Strips</u> | | | | <u>C</u> | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> |
| Physical fitness centers | | | | | P | P | C | P | P | <u>P</u> | | P |
| Postal and parcel delivery services | | | | | C | P | P | P | P | <u>P</u> | | P |
| Printing and lithography | | | | | | P | P | | | <u>P</u> | | P |
| Professional and business offices and services | | | | | P | P | P | P | | <u>P</u> | | P |
| 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 | 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 | 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 | 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 | C | <u>C</u> | C | C |
| Radio, TV and telecommunications towers | C | | | C | | C | C | C | C | <u>P</u> | | P |
| Recreation use, nonprofit | C | C | C | C | P | P | P | P | P | <u>P</u> | | P |
| Recreation use, profit | | | C | C | C | P | C | P | P | <u>P</u> | | P |
| Repair services (electrical and appliances) | | | | | 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 | <u>AI</u> | BDM | OU |
| Restaurants, eating establishments and cafés | | | | | P | 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 | P | <u>P</u> | | P |
| Retail trade, commercial services, sales and rental of merchandise and equipment | | | | | | P | C | | P | <u>P</u> | | P |
| Rooming house | | | C | P | P | P | C | P | P | | | P |
| Schools, public and private | | C | C | C | | P | | P | P | | | P |
| Schools--Vocational, business and special schools | | | | | | P | P | P | P | <u>P</u> | | P |
| Shooting Ranges – Outdoor Commercial | | | | | | | | | C | | | C |
| Slaughtering Plants | | | | | | | | | | | | C |
| Solid Waste Facilities – Landfills, Transfer Stations, Materials Recovery | | | | | | | C | C | | <u>C</u> | | C |
| Storage and warehousing | | | | | C | P | P | P | C | <u>P</u> | | P |
| Theaters | | | | | | P | | P | P | | | P |
| Travel trailers | | | | C | | | | | P | | | P |
| Travel trailer parks | | | | C | | | | | C | | | 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 | <u>P</u> | | P |

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 ^{1,2} (Square Feet) | Density | Minimum Yard Setback Requirements in Feet ³ | | | | | | Maximum Height (Feet) |
| | | Maximum Number Dwelling Units Per Acre | Front Yard Public Sewer | Side Yard Public Sewer | Rear Yard Public Sewer | Front Yard | Side Yard | Rear Yard | |
| R-LD Residential | 43,560 | 2 per lot. No acreage based density requirement. | 10 | 10 | 20 | 10 | 10 | 20 | 35 |
| R-1 Residential | 30,000 (no public water or sewer) 12,000 (public sewer only) 8,000 (public water and sewer) | 2 per lot. No acreage based density requirement. | 10 | 7 | 15 | 20 | 10 | 20 | 35 |
| R-2 Residential | 30,000 (no public water or sewer) 10,000 (public sewer only) 6,000 (public water and sewer) | 12 | 10 | 7 | 15 | 20 | 10 | 20 | 35 |
| R-3 Residential | Same as R-2 | 12 | 10 | 7 | 15 | 20 | 10 | 20 | 35 |
| NS Neighborhood Service | 30,000 (no public water or sewer) 10,000 (public sewer only) 5,000 (public water and sewer) | 12 | 10 | 7 | 15 | 20 | 10 | 20 | 35 |
| CS Commercial Service | Same as NS | 13 | 10 | 10 | 10 | 10 | 10 | 10 | 50 |
| EMP Employment | Same as NS | 12 | 20 | 10 | 20 | 20 | 10 | 20 | 90 |
| PS Public Service | Same as NS | 12 | 20 | 10 | 20 | 20 | 10 | 20 | 50 |

| Table 2. Dimensional Requirements | | | | | | | | | |
|---|--|--|--|---------------------------|---------------------------|----------------------|-----------|-----------|---|
| Districts | Minimum Lot Area ^{1,2} (Square Feet) | Density | Minimum Yard Setback Requirements in Feet ³ | | | | | | Maximum Height (Feet) |
| | | Maximum Number Dwelling Units Per Acre | Front Yard Public Sewer | Side Yard Public Sewer | Rear Yard Public Sewer | Front Yard | Side Yard | Rear Yard | |
| CR Conference Center/Resort | Same as R-1 | 12 | 20 | 10 | 20 | 20 | 10 | 20 | 50 (plus 1ft additional for each additional 5 feet of setback from all property lines up to 100ft total). |
| <u>AI</u> <u>Airport Industrial Industry</u> | <u>Same as NS</u> | <u>12</u> | <u>20</u> | <u>10</u> | <u>20</u> | <u>20</u> | <u>10</u> | <u>20</u> | <u>50</u> |
| BDM Beaverdam | See Footnote 4 and 6 | See Footnote 4 and 6 | See Footnote 5 and 6 | 15 | 25 | See Footnote 5 and 6 | 15 | 25 | 35 |
| OU Open Use | No dimensional requirements except as applied to conditional uses. | | | | | | | | |

Sec. 78-644. 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.

| 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 | CR | BDM | OU |
| Single-family residential dwelling, including modular | P | P | P | P | P | P | P | P | P | P | P |
| Duplex/Two-family residential dwelling | | | P | P | P | P | P | P | P | | P |
| Multifamily residential dwelling units (3 or more units) | | | C | C | C | C | C | C | C | | C |
| Townhomes (3 or more units) | | | 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 |
| 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 |
| Bed and breakfast inns, gross floor area less than 5,000 sq. ft. | P | | C | 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 |
| Cemetery | P | | P | P | | P | | P | P | | P |
| Churches | P | P | P | P | P | P | P | P | P | P | P |
| Clubs or lodges, gross floor area less than 5,000 sq. ft. | | | | C | C | C | C | C | C | | C |
| Day nursery and private kindergarten | C | C | C | C | C | C | C | C | C | | C |
| Family care home | P | P | P | P | | | | P | P | P | P |
| Government protective services | | | P | P | P | P | P | P | P | | P |
| Home occupations | P | P | P | P | P | P | P | P | P | P | 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 | CR | BDM | OU |
| Hospitals, nursing homes, assisted living facilities, retirement communities | | | | C | | C | C | C | C | | C |
| Libraries | | | | | | | | C | C | | C |
| Medical Clinics | | | | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | | <u>C</u> |
| Mining and Extraction Operations | | | | | | | C | | | | C |
| National Guard and Reserve Armories | | | | | | P | P | P | | | P |
| Professional and business offices and services, gross floor area less than 5,000 sq. ft. | | | | | P | P | P | P | P | | P |
| Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks | C | C | C | C | C | C | C | C | C | 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 | C | C |
| Radio, TV and telecommunications towers | C | | | C | | C | C | C | C | | C |
| Recreation facilities, nonprofit, indoor, gross floor area less than 5,000 sq. ft. | C | C | C | C | P | P | P | P | P | | P |
| Recreation facilities, nonprofit, indoor, gross floor area 5,000 sq. ft. or more | | | | | C | C | C | C | C | | 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 | CR | BDM | OU |
| Recreation facilities, nonprofit, outdoor | C | C | C | C | P | P | P | P | P | | P |
| Recreation facilities, profit, outdoor | | | C | C | C | C | C | C | C | | C |
| Recreation facilities, profit, indoor, gross floor area less than 5,000 sq. ft. | | | C | C | C | C | C | C | C | | C |
| Repair services, gross floor area less than 5,000 sq. ft. (electrical and appliances) | | | | | P | P | P | | | | P |
| Restaurants, eating establishments and cafés, gross floor area less than 5,000 sq. ft. | | | | | P | P | P | P | P | | 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 | C | | P |
| Schools, public and private | | C | C | C | | C | | C | C | | C |
| Schools--Vocational, business and special schools | | | | | | C | C | C | C | | 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 | CR | BDM | OU |
| Travel trailers | | | | P | | | | | P | | P |
| Travel trailer parks | | | | C | | | | | C | | C |
| Vacation rentals | P | P | P | P | P | P | P | P | P | P | P |
| Vacation rental complex; less than 11 units | | | | C | C | C | C | C | C | C | C |