
Sec. 78-650. Community oriented development.

- (a) *Purpose.* The purpose of this section is to facilitate the creation of affordable and workforce housing and to afford substantial advantages for greater flexibility and improved marketability through the benefits of efficiency which permit flexibility in building siting and mixtures of housing types. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in order to create useful open spaces and preserve natural site features.
- (b) *Applicability.* Developments considered under this section must:
 - (1) Successfully demonstrate that a minimum of ten percent of the proposed units will be made available at affordable rates or that a minimum of 20 percent of the proposed units will be made available at workforce rates. No variance(s) from this requirement may be requested or obtained under section 78-621(4) or section 78-623;
 - (2) Be served by public water and sewerage systems;
 - (3) Contain a development entrance which intersects a paved road, and the site of said intersection is located no more than 2,640 drivable feet, as measured along the road centerline, from an intersection with a transportation corridor. A transportation corridor, for the purposes of this section, is a publicly-maintained road which is designated as an interstate, arterial, or collector by NCDOT. The length of interstate on-ramps does not count towards the maximum drivable distance. The Blue Ridge Parkway shall not be considered a transportation corridor.
- (c) *Development standards.*
 - (1) *Density requirements.* There are no density requirements for nonresidential uses as long as the proposed project does not violate the intent of the district in which it is located. Density may exceed that permitted in the district in which the development is located (as shown in section 78-642) by the provision of sustainable development elements and/or the provision of community amenities. If the community oriented development lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the community oriented development that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire community oriented development. Density may be increased up to 250 percent of that allowed in section 78-642, according to the following table in section 78-650(c)(1)a. No variance(s) may be requested or obtained under section 78-621(4) or section 78-623 in order to increase density within a community oriented development other than through strict adherence to the requirements set forth in this subsection and the community oriented development density table.
 - a. *Community oriented development density table.* Density may be increased up to 250 percent of that allowed in section 78-642, according to the following table. In order to obtain any bonus in density, points must be obtained from at least two of the three principal categories within the table (Community, Environment/Transit, Economy); additional points may be obtained through providing added amenities. Project density will be calculated as follows: the number of points earned will be converted to a percentage which will be the density bonus multiplier. For example, an application that earns 159 points will result in a density bonus multiplier of 159 percent and the density earned will be 159 percent of that allowed in section 78-642. In the case of a fractional unit, a fraction of one-half or more will be considered a whole unit and a fraction of less than one-half will be disregarded.

Community Oriented Development Density Table

	Points	Performance Metric	Maximum Possible Points
Community			
Affordable housing (15 years minimum)	2 points for each % affordable (10% minimum)	Under guidelines of the Affordable Housing Services Program (AHSP) (sold/rented to family up to 80% of Area Median Income (AMI) adjusted for family size, cost/rent of the home meets criteria, sold/rented as primary residence, minimum of 15 years affordability, conditions recorded in document accompanying the Deed of Trust)	140
Workforce housing (15 years minimum)	1.5 points for each % workforce (20% minimum)	Under guidelines of the Workforce Housing Services Program (sold/rented to family from greater than 80% to 120% of AMI adjusted for family size, cost/rent of the home meets criteria, sold/rented as primary residence, minimum of 15 years affordability, conditions recorded in document accompanying the Deed of Trust)	105
Period of affordability	2 points for each year beyond 15	Secured under guidelines of the AHSP	30
Accessibility	Multifamily: 20 points for elevator, 1 point for each % dwelling units with listed accessibility features Single-family: 1 point for each % dwelling units with at least three accessibility features	Multifamily required accessibility features: accessible showers and toilets, grab bars, and lowered counter tops Single-family accessibility features: 1) accessible showers, toilets, and grab bars, 2) lowered counter tops, 3) accessible switches, outlets, and environmental controls, 4) ramp, 5) doorways at least 32" wide and passageways 36" wide	30
Safe routes to schools (SRTS)	25 for a funded SRTS program through NCDOT, 15 points for a program that receives a letter from the regional SRTS coordinator documenting that the	For the regional coordinator, email activekidswnc@gmail.com	25

	application meets the SRTS criteria		
Environment/Transit			
Conserve riparian buffers and wetlands	15 points for permanent preservation of at least 50% of riparian buffers and at least 50 linear feet of stream and identified/mapped wetlands present on the site; 20 points for permanent preservation of at least 75% of riparian buffers and at least 75 linear feet of stream and identified/mapped wetlands present on the site; 25 points for permanent preservation of all riparian buffers and at least 100 linear feet of stream and identified/mapped wetlands present on the site	Development incorporates the retention of intact or restored riparian buffers (30 feet in width as measured from top of bank), delineated wetlands (inclusive of a 50-foot buffer surrounding the wetland area). These areas are to be preserved in perpetuity. In all cases, wetlands must be preserved to obtain points. Stormwater devices and pervious, at grade, passive recreation permitted within the buffer areas.	25
Conserve open space	5 points per acre of preserved open space	Preservation of open space to be dedicated in perpetuity. For the purpose of this table, open space does not include acreage otherwise preserved to obtain points in other categories, such as riparian buffers, wetlands, steep slope areas, special flood hazard areas, community gardens, or passive recreation areas.	25
Low impact development (LID) - utilizing best management practices (BMPs)	5 points for each BMP device utilized after base stormwater requirements are met	Must meet minimum criteria as described in NCDENR BMP manual http://portal.ncdenr.org/web/lr/bmp-manual , other BMP's employing proprietary technology (not described within manual) must be approved by	25

		county stormwater management engineer	
Exclusion of development inside special flood hazard areas (SFHAs) and steep slopes - greater than 25% (if those conditions exist on property)	50 points for fully clustering outside of SFHA and steep slope areas.	All development, except stormwater devices and pervious, at grade, passive recreation, to be clustered on least environmentally sensitive areas of site (i.e., outside of SFHA's and steep slopes) and SFHAs and steep slope areas are to be protected in perpetuity.	50
Participation in Energystar program	25 points for certification of all proposed units	Dwelling units must receive Energystar certification	25
Alternative energy sources	10 points for 10% energy production from alternative sources	Development incorporates non-commercial solar, geothermal, or wind energy	10
Rainwater/greywater collection	5 points for water collection systems	Development incorporates the installation of either rainwater or greywater collection systems through the use of cistern reservoirs subject to review and approval of the county stormwater management engineer	5
Proximity to public transit routes	50 points for projects that are within 2,640 feet of a public transit route.	Access to public transit is defined as a project that is located within 2,640 feet of a designated ART or mountain mobility (trailblazer) route. The 2,640 feet is measured from the entrance of the development and the entirety of the measured distance must be on greenways, sidewalks, or along roadways.	50
Construction of public road(s) built to NCDOT standards and to be dedicated to NCDOT.	25 points for NCDOT maintenance of roads	Roads must be designed to NCDOT standards pursuant to the NCDOT Subdivision Roads - Minimum Construction Standards Manual. Subdivision plat must include dedication language. A coordinating letter from NCDOT is required.	25
Economy			
Mixed use (mix in housing sizes and types)	10 points where 15% of the homes are smaller in size/scope; 10 points where a mix of multifamily and	Smaller in size and scope: 2 BDR single family, 1 or 2 BDR apartments; mix of multifamily and single-family: at least 30% of the units comprise each type	20

	single-family structures are provided		
Mixed use (non-residential and residential)	30 points	Mixed use inclusive of commercial structures, to be developed at a neighborhood scale. Commercial structures must be less than 50,000 square feet per building, and may comprise no less than 10% and no more than 35% of the total heated square footage of the development.	30
Preserve active farmland	10 points for active community garden plots, 5 points for every two acres placed in farming use, with a maximum of 15 points for preservation of active farmland through farming of property	Community garden plots must be no less than 100 square feet per unit and must be in production. Preservation of active farmland must consist of a minimum of 2 acres set aside for horticultural/agricultural practices. For the purposes of these points, "farming use" can include only horticulture, agriculture, and poultry or small mammals for dairy production (slaughtering operations are not allowed). Areas must be dedicated in perpetuity.	25
Community building	10 points if available only to members of the community; 25 points if available to members of the public	Recorded site plan must indicate the building(s) and buildings must be financially guaranteed and completed in 5 years of approval of the site plan or special use permit. Deed restrictions indicating use (public or private) must be recorded. Structures must provide community meeting space (not a pool building, etc).	25
Added Amenities			
Provision of community facilities (playgrounds, clubhouses, pools, etc)	5 points for every 1,000 square feet of additional community facilities.	Site specific development plan submitted showing location, square footage, and design of the amenities.	25
Non-motorized passive recreation (such as running, walking, biking trails, primitive camping areas, and similar low	2 points for every 1,320 linear feet of trail or 2 points for every 1,000 square feet of a passive recreation area	Site specific development plan submitted showing location, square footage, and design of the amenities.	10

impact outdoor activities).			
Street trees	1 point per 8 trees	1 tree per every 50 linear feet of road at least 2-inch in caliper. Areas to receive trees first are the main entrance and commercial corridors.	10
Sidewalks	1 point for every 500 linear feet of sidewalk internal to the development; 2 points for every 500 linear feet external to the development	5-foot wide sidewalk with a 5-foot wide utility strip/setback from the street or curb edge	10
Connects with greenways	10 points for new greenway construction, 5 points for connection to existing system	Project incorporates continuous greenway throughout development and/or a connection/dedicated easement to an existing greenway system. Greenways and connections to greenways must be dedicated as such in perpetuity.	10

- (2) *Affordability of units.* Applicants must demonstrate that the proposed units will be maintained at a rate which aligns economically with affordable or workforce housing. In order to qualify as a community oriented development at least ten percent of the units provided must be considered affordable housing or at least 20 percent of the units provided must be considered workforce housing. For the purposes of this section, affordable housing will be targeted to individuals at 0 percent to ≤ 80 percent of area median income and workforce housing will be targeted to individuals at >80 percent to 120 percent of area median income. The mechanisms used to guarantee affordability and/or workforce housing rates must remain in place for a minimum of 15 years following the issuance of a building certificate of occupancy and must be approved under guidelines of the affordable housing services program and the Buncombe County Legal Department. No variance(s) from this requirement may be requested or obtained under section 78-621(4) or section 78-623.
- (3) *Continuity of units.* Applicants must demonstrate that the proposed affordable/workforce units will be distributed throughout the development and similar in design characteristics including façade and building materials to any proposed market rate units. Architectural renderings shall be submitted as part of the application.
- (4) *Development schedule.* A development schedule is required indicating approximate beginning and completion dates of the project, including the schedule for the market rate and affordable/workforce units and any proposed phases. When work within an approved community oriented development is not begun within two years following the date of approval, the approval shall be deemed expired.
- (5) *Connectivity.* Community oriented developments should encourage connectivity with the surrounding area. These developments may not be gated or enclosed in a manner which physically restricts access to non-residents. This provision is to be clearly stipulated in perpetuity in the recorded covenants or deed restrictions; these restrictions must be recorded prior to any subdivision of land associated with the development and/or the issuance of permits for the construction of residential units.

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- (6) *Recordation of approved plan and restrictive covenants.* Prior to the subdivision of land associated with the development or the issuance of permits for the construction of residential units, a comprehensive site plan and deed restrictions must be approved by the planning department and subsequently placed on file with the Buncombe County Register of Deeds.
- a. The comprehensive site plan shall indicate the following items, and any other items deemed necessary to provide for items utilized to obtain bonuses in density in section 78-650(c)(1) above:
 1. Building and grading envelopes to include but not be limited to all structures, location of the affordable/workforce units, disturbed and impervious areas, planned community infrastructure, and recreational buildings and areas, etc.
 2. Any easement areas to be conserved, connected with greenways, or used as provision for safe routes to schools.
 3. Any easement areas required to indicate the preservation of active farmland through active farming or community garden space.
 4. Any areas to be permanently dedicated as community facilities (playgrounds, clubhouses, pools, etc.).
 5. The approved buffering/landscaping plan.
 6. Delineation of floodplain areas to remain undeveloped.
 7. Delineation of steep slope areas (areas of 25 percent slope or greater) through a slope analysis generated using field-verified topographic data.
 8. A table listing the point totals for each element of the plan as approved, and where applicable, providing a legend or key to those items on the plan as labeled or identified.
 - b. The deed restrictions shall include provisions for the following items, in perpetuity or in the approved duration:
 1. The mechanisms used to guarantee affordability and/or workforce housing rates as per section 78-650(c)(2).
 2. Prohibition of gates or other exclusionary devices or structures.
 3. Language dedicating areas in perpetuity for community space, greenways, preservation, conservation, or protection, referencing the recorded site plan.
 4. Language providing for maintenance of all items provided for in order to obtain points within [section] 78-650(c)(1) community oriented development density table including, but not limited to, communal infrastructure, designated community space, stormwater management devices, rainwater collection/greywater harvesting, alternative energy sources, and buffering or landscaping.
- (7) *Financial guarantee of improvements.* Where the following items are to be provided and are utilized to gain bonuses in density pursuant to section 78-650(c)(1), prior to the subdivision of land associated with the development or the issuance of permits for the construction of residential units, a financial guarantee shall be placed on file with the county guaranteeing:
- a. The complete construction of the affordable or workforce housing units;
 - b. The provision of community building(s) or facilities;
 - c. The provision of sidewalks, greenways, or other forms of passive recreation;
 - d. The provision of street trees;

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- e. The installation and completion of water, sewerage and roads, when not guaranteed separately under the land development and subdivision ordinance, to serve said units.

Acceptance of the guarantee is subject to the owner/developer certifying that the installation of all required improvements will occur within a specified time as set forth in the development schedule. The construction elements, cost, and anticipated construction schedule for the work must be itemized and certified by a licensed professional and submitted to the planning department for approval, with a signed and notarized statement from the owner/developer indicating their intention to adhere to the schedule provided. The guarantee of improvements shall be secured in one of the following forms acceptable to the planning department:

- a. A surety performance bond made by a surety bonding company licensed and authorized to do business in North Carolina.
- b. A bond of the owner/developer with an assignment to the county of a certificate of deposit with an institution licensed and authorized to do business in North Carolina as security for the bond.
- c. A bond of the owner/developer by an official bank check drawn in favor of the county and deposited with the county.
- d. Cash or an irrevocable letter of credit from an institution licensed and authorized to do business in North Carolina deposited with the county.

Such guarantee shall be in the amount equal to 150 percent of the identified cost of the planned improvements and the continuing maintenance of those improvements until the completion date as stipulated within the development schedule as estimated by the licensed professional retained by the owner/developer. The guarantee shall remain in full force and effect until all obligations have been faithfully performed.

If the cost estimate for improvements and maintenance or the schedule for installation is deemed inadequate by the planning department, the planning department reserves the right to require an independent construction appraisal, at the owner/developer's expense, as a condition of final plat approval or prior to the issuance of permits for the residential units.

All guarantees of improvements shall contractually stipulate an expiration date that is at least 180 days past the stipulated completion date as stated in the approved development schedule. The owner/developer must submit a signed and sealed statement by a registered land surveyor or civil engineer licensed in North Carolina certifying that all work has been completed to the standards of this article before the planning department will determine satisfactory completion of all guaranteed work. Work not completed within 90 consecutive days following the stipulated completion date as stated in the development schedule will be considered in default. The planning department will proceed immediately with a claim against the guarantee of improvements for all work in default.

If a request to extend the completion date stipulated within the approved development schedule is made, the zoning administrator may grant such a request provided that a revised development schedule is provided concurrently with the request and deemed acceptable by the department. Such a request must be made at least 90 days prior to the expiration of the financial guarantee. If the request for an extension is granted, the financial guarantee must be immediately amended to incorporate the revised development schedule and expiration date (if applicable).

(Ord. No. 16-04-13 , § 2(Exh. A), 4-5-16; Ord. No. 17-10-12 , § 2, 10-17-17; Ord. No. 21-05-06 , § 1(Exh. A), 5-4-21)