

ORDINANCE 09-08-03

**AMENDMENTS TO BUNCOMBE COUNTY
COMPREHENSIVE LAND USE PLAN UPDATE**

WHEREAS, the Board of Commissioners first adopted a Comprehensive Land Use Plan for Buncombe County on March 16, 1999; and

WHEREAS, said plan was updated after review on June 20, 2006; and

WHEREAS, the Board of Commissioners have determined that the existing Beaverdam community planning area and the Beaverdam Community Land Use Ordinance were not adequately addressed within the initial plan or the 2006 update; and

WHEREAS, the Buncombe County Planning Board has reviewed the proposed amendments and recommended unanimously these amendments to the text of The Comprehensive Land Use Plan Update at the request of the Buncombe County Planning Department at the July 6, 2009 regular meeting of the Planning Board; and

WHEREAS, the Board of Commissioners is of the opinion that it is in the best interest of the citizens and residents of the County to approve this request and hereby approves this request for amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. The 2006 Update to the Buncombe County Comprehensive Land Use Plan shall be revised as follows:

"VII. Implementation Strategies

2. 3. Apply detailed zoning to the area that lies within the updated Metropolitan Sewer District (MSD) boundary that is the Primary Service Area (see #1 above) with the exception of the area currently governed by the Beaverdam Community Land Use Ordinance.

- Initially, consider using the following types of districts, which reflect districts by the same name utilized in the Limestone Township. Densities could also be equal to the densities associated with the Limestone districts.
 - *Low density residential district (R-LD).* The R-LD low density residential district is primarily intended to provide locations for low density residential and related type development in areas where topographic or other constraints preclude intense urban development. The minimum required lot area will be one acre.

- *Single-family residential district (R-1).* The R-1 single-family residential district is primarily intended to provide locations for single-family residential and supporting recreational, community service and educational uses. This district is further intended to protect existing single-family subdivisions from encroachment of incompatible land uses, and this does not allow mobile homes or mobile home parks.
- *Residential district (R-2).* The R-2 residential district is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses. These areas will usually be adjacent to R-1 single-family residential districts, will provide suitable areas for residential subdivisions and in order to help maintain the present character of R-1 districts, will not allow mobile homes or mobile home parks. Higher density development, which includes multifamily residential units and planned unit development, may be allowed in this district only when both public water and sewer services are available.
- *Residential district – mobile home (R-2 MH).* The R-2 MH district is primarily intended to provide locations for the variety of residential and other issues permitted in the R-2 district including individual mobile homes, but will not allow mobile home parks.
- *Residential district (R-3).* The R-3 residential district is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services. Some areas within the R-3 district will have no public water and sewer services available and will thus be suitable primarily for single-family residential units and mobile homes on individual lots. Other areas within the district will have public water and/or sewer service available and will thus be suitable for higher density uses such as multifamily residential units, planned unit developments, and mobile home parks. The R-3 district also provides for various recreational, community service and educational uses that will complement the residential development.
- *Neighborhood service district (NS).* The NS neighborhood service district is primarily intended to provide suitable locations for limited, neighborhood oriented, commercial, business, and service activities in close proximity to major residential neighborhoods. The NS district is designed to allow for a mix of residential, commercial, business and service uses in limited areas at key intersections leading to residential neighborhoods in order to provide such service to the residents of that particular neighborhood. As such the type of uses allowed and the standards established for development in this NS district should be compatible with the residential character of the area and should neither add to traffic congestion; cause obnoxious noise, dust, odors, fire hazards or lighting objectionable to surrounding residences; nor visually detract from overall appearance of the neighborhood.
- *Commercial service district (CS).* The CS commercial service district is primarily intended to provide suitable locations for clustered commercial

development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries, to discourage strip commercial development, and to allow for suitable noncommercial land uses.

- *Employment district (EMP).* The EMP employment district is primarily intended to provide appropriately located sites for employment concentrations primarily for office type uses, industrial uses, storage and warehousing, and wholesale trade. This EMP district includes existing industrial and office areas and sites suited for future development in areas designated on the land use plan as employment centers. Only those manufacturing uses will be allowed which meet all local, state and federal environmental standards, and do not involve obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazards, or other objectionable conditions which would be detrimental to the health, safety, and general welfare of the community. These areas will also include sites suitable for supportive activities such as community service, commercial services, and residential.
- Conduct a thorough evaluation of the Limestone Township zoning district standards to determine whether these districts and their standards are appropriate for achieving the proposed land use pattern or modifications are required. For example, the range of uses permitted in the residential districts may need to be expanded to include uses that complement residential uses.
- Apply the Beaverdam Community Land Use Ordinance standards to the Beaverdam Valley, as it has been defined since January 1, 1982, but only to that area. The Beaverdam Valley is a unique area within the MSD District. The Beaverdam Community Council was established June 12, 1979 and has since acted as the Planning Board for the Valley, actively advising the Board of Commissioners of Buncombe County on the community's goals and needs. The Beaverdam Community developed a comprehensive land use plan and crafted its unique community zoning ordinance, adopted December 1, 1981, in order to preserve the low-density residential character of the community. For the reasons listed below, apply the Beaverdam Community Land Use Ordinance standards to the Beaverdam Valley through the designation of a Beaverdam Low-Density Residential District (BDM).
 - Beaverdam Valley has developed as a low-density residential community with no industry and one existing non-conforming commercial use. The community has grown from a rural agricultural area to an area of predominantly single-family residential development. The quality of life has been exceptionally high in that the environmental impact of development has been minimal, and as such the community has retained its rural character.
 - Growth has been moderate due to the topography of the land. Most of the land in the Beaverdam Valley with an average natural slope under 40 percent has been developed. Further growth in Beaverdam Valley will, as a result, come in areas where the slope is such that environmental and

scenic impacts will occur. In addition to interrupting scenic views, development on steep slopes can lead to slope destabilization, increased erosion and stormwater runoff. The Beaverdam Community Land Use Ordinance has dimensional requirements and maximum disturbed and maximum impervious cover standards to protect its steep slopes and scenic views.

- There are no areas in the Beaverdam Community where industrial or commercial growth would be feasible or desirable. Beaverdam Valley is served by one main roadway, Beaverdam Road. Because of the unique character of the Valley and as it is served by a narrow, winding two lane road, any sizable development would have an adverse impact on the community due to traffic dangers and congestion. The Beaverdam Community Land Use Ordinance permits only low-density single-family development in order to facilitate the adequate provision of transportation and other infrastructure, to protect the value of property and to protect existing development from incompatible uses.
 - Beaverdam Valley is unique in that it abuts the City of Asheville, has adequate water and sewer capacity and has large, steep undeveloped tracts of land. The Beaverdam Community chose to protect its rural character and steep slopes from these development pressures in 1981 with the Beaverdam Community Land Use Ordinance. No other area within the MSD District has these characteristics and direct development pressures. There are other areas within the MSD District that have steep slopes and large undeveloped tracts, however these do not have the same proximity to the City of Asheville, easily accessible utilities and limited access. Likewise, there are areas with utilities abutting the City of Asheville, but these are not undeveloped steep tracts in low-density single-family areas.
 - The citizens of Beaverdam Valley have implemented and maintained a community plan in order to maintain the character of the Valley as a low-density residential community, with no industry and no commercial developments, and overwhelmingly desire to maintain the environmental quality by permitting only low-density residential development and growth.”
2. That the proposed amendments to the Buncombe County Comprehensive Land Use Plan are reasonable, in the public interest, and allow for further clarification with regard to future land use planning initiatives.
3. That this ordinance shall be effective upon its adoption.

Read and approved on first reading by a vote of 5 for and 0 against, this the 4th day of August, 2009.

Adopted this the 4th day of August, 2009.

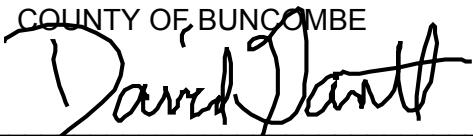
ATTEST



KATHY HUGHES, CLERK
TO THE BOARD

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

BY:



DAVID GANTT, CHAIRMAN

APPROVED AS TO FORM



JOE CONNOLLY, COUNTY ATTORNEY