BUNCOMBE COUNTY
PLANNING & DEVELOPMENT

Agenda
Buncombe County Planning Board
June 16, 2025
30 Valley Street, Asheville, NC 28801

1. Call to Order
2. Announcements – Nancy Waldrop
3. Announcements-Staff
    a. Swannanoa Steering Committee
4. Roll Call of Board Members
5. Approval of Agenda
6. Planning Minute Approvals
    a. 5-19-2025 Minutes
7. General Public Comment
8. Public Hearing: **ZPH2025-00012**-Permitted Uses & Dimensional Requirements Text Amendment
    a. Staff Presentation
    b. Public Hearing
    c. Discussion
    d. Motion
9. Adjournment

Buncombe County Planning Board

May 19, 2025 Minutes

The Buncombe County Planning Board met on May19, 2025 at 30 Valley St., Asheville, NC 28801.

Planning Board members present were Nancy Waldrop-Chairperson, Alan Coxie, Jay Marino, Karl Koon, Liza Schillo.

Also, present were Terri Rogers, Gillian Phillips, Shannon Capezzali, Brittain Sluder - Planning Staff, and Curt Euler - County Attorney.

Call to Order
Chair Ms. Waldrop called the meeting to order at 9:30 am.

Announcements
Public Comments protocol was shared.

Roll Call of Board Members
Complete.

Approval of Agenda
A motion made by Mr. Koon and seconded by Mr. Marino and passed unanimously.

Approval of Minutes (April 21, 2025)
Mr. Marino made a motion to approve the April 21, 2025, meeting minutes. The motion was seconded by Mr. Koon and passed unanimously.

Public Comment
None

Public Hearing

ZPH2025-00011 Clarks Chapel Map Amendment (rezoning)

Mr. Sluder, Planner for the County, presented the application and presentation of staff report of approval and recommendation for the rezoning of property for the owners Michael and Hilary Hatch to commercial service from the current R-3 zoning for the use of the pottery business that is run on the property currently so that it will continue to follow surrounding business properties. This does align with the 2043 Comprehensive Plan.

After a brief discussion and no concerns, the Board voted unanimously to approve the recommendation for approval of the rezoning of case ZPH2025-00011.

ZPH2025-00012 Permitted Uses & Dimensional Requirements Text Amendment-Work Session (no public comment)

As a recap from the last meeting and about this text amendment work session, these are the proposed changes. Allow up to 2 homes per lot in all zoning districts, revise and simplify standards, align the Beaverdam standards with similar low-density districts, add disturbance and impervious surface limits. Land within BDM Zoning currently is 71% (2,377 acres) within the Steep Slope Overlay and must meet Overlay Standards which consist of Minimum 1.5 acre lot size in Steep Slope areas, minimum 2 acre lot size in Protected Ridge areas, significant limits to land disturbance, grading, and impervious surfaces, height limits, building width limits in Protected Ridge areas, geotechnical Engineer requirements for slope stability and foundation design and tree screening requirements. 29% (978 acres) must meet the regular standards.

The proposed text changes will include matching the BDM setback measurements to other districts, simplify BDM statement of district intent, allow up to 2 dwelling units per lot in BDM, update BDM Dimensional Requirements to match formatting and standards from all other zoning districts, add new column to Dimensional Requirements table for maximum disturbed and impervious surface limits, and eliminate BDM footnotes, permit alternative path and conservation subdivisions in BDM.

Adjourn

Before we adjourn, Ms. Phillips would like to make sure to let staff know if your availability is good for both June and July meetings. We would like to make sure we have quorums for these and know some may be going on vacation this summer.

Mr. Coxie motioned to adjourn the meeting seconded by Mr. Marino. Meeting adjourned at 10:48 a.m.

Buncombe County Planning and Development
Long Range Planning Division
46 Valley St.
Asheville, NC 28801

To: Buncombe County Planning Board
From: Gillian Phillips, AICP, Long Range Planning Division Manager
Date: 3/10/25
Re: ZPH2025-00012 Text Amendments Addressing Permitted Uses and Dimensional Requirements

PURPOSE

Buncombe County's Zoning Ordinance contains a Statement of District Intent in Section 78-640 which describes the intended purpose of each zoning district in terms of use and density, public utility availability, environmental constraints, and growth potential. One underlying assumption of these districts was that the majority of growth and density in the county would occur within city and town limits, and that zoning district designations would be the sole tool for protecting steeper slope areas. The unprecedented rate of growth, the newly adopted Comprehensive Plan, the adoption of Steep Slope & Protected Ridge Overlay districts, the increasing unaffordability of many areas, and the effects of Hurricane Helene all require that these zoning districts be re-evaluated.

Land Use Regulation through zoning was established in the Beaverdam valley in 1981. This is one of two areas that were zoned in the County, the other being Limestone. The Beaverdam Township Ordinance added regulations regarding development on slope when construction on mountain sides started to occur in the area. County wide zoning was adopted in 2009, and the Beaverdam Township Ordinance became the Beaverdam Zoning District, while the rest of the zoning districts were modeled after the Limestone Township Ordinance. The Steep Slope and Protected Ridge Overlay was then adopted in 2010. These overlay districts were based on best practices for steep slope development but still allow resilient development on steep slopes and ridges in the County.

The Dimensional Requirements table outlines minimum lot sizes, maximum density, setbacks, and height for each zoning district. At least two (2) dwelling units per lot are allowed in all districts except for the Beaverdam (BDM) zoning district. The BDM district contains holdover standards from before County zoning was adopted, which are duplicative with the newer Steep Slope & Protected Ridge Overlay requirements.

These proposed text amendments would change the zoning ordinance to allow for two (2) dwelling units per lot in the BDM district, eliminate the holdover standards which are redundant with the newer overlay requirements, reformat and simplify the district standards to align with other districts, and define those standards to more closely match the R-LD: Residential Low-Density district. These changes would increase consistency with the Comprehensive Plan by centering conservation of our slopes around the Steep Slope/High

Elevation Overlay while providing for more housing to be concentrated in flatter and more accessible areas which are served by public utilities.

EQUITY ANALYSIS

Deciding where certain types of uses are and are not allowed is at the core of zoning regulation and is part of the history of both community-building and what can be biased housing practices. Single-family zoning in particular has been used in the past as a tool to segregate people of different racial groups and income levels. At the same time, there are benefits to separating certain types of industrial and commercial uses from residential areas to protect people from noise, glare, pollution, and other obnoxious impacts.

Dimensional requirements can be used to create a consistent development pattern within certain areas in terms of setbacks, lot sizes, height, and density, and can also serve emergency service purposes through the physical separation between structures. Larger lot sizes and setbacks, and shorter heights can also significantly increase the cost of land and housing and make neighborhoods unaffordable to households below a certain income level. When evaluating dimensional requirements, staff must find a balance between the zoning district intent, utility availability, Comprehensive Plan Future Land Use Map, and the need for more housing stock.

EXISTING COUNTY ORDINANCES

BDM is the only single-family zoning district (excluding the airport, AI) in the county, meaning it is the only one which does not allow for two residential dwellings per lot as a use-by-right. BDM standards regulate lot size based on road lot frontage and natural slope. Land disturbance and impervious surface are restricted to .75 acres and .375 acres respectively, regardless of lot size. These are more restrictive than the Steep Slope/High Elevation Overlay District maximums and apply to lots and building sites which are outside of the overlay. These standards can necessitate the use of a surveyor for projects which otherwise would not require one and can limit the ability of landowners to subdivide their property.

The Steep Slope/High Elevation Overlay District accounts for roughly 70% of the Beaverdam Zoning District based on GIS calculations, and provides standardized protections for the other zoning districts in the unincorporated county limits, including the R-LD district, which is the district staff believes most closely aligns with BDM in terms of intended purpose and level of development. The proposed text amendments support the intent for the overlay districts to provide the most protection for our steep slopes and ridges, but they also introduce disturbed and impervious limits to the Dimensional Requirements table in keeping with the BDM district intent as low-density residential.

COMPREHENSIVE PLAN DIRECTION

These text amendments are supported by the following sections of the Comprehensive Plan:

Growth, Equity, & Conservation

> **Action 1:** Implement new development and re-development policies and prepare small area plans to promote desired land use patterns and designs and maximize the use of public infrastructure.
>
> **Sub-Action:** Evaluate regulatory barriers to infill, redevelopment, and adaptive reuse sites including parking, dimensional requirements, density, and access circulation standards. Consider providing flexibility for achieving these standards to support the redevelopment of underutilized sites
>
> **Action 4:** Expand and protect affordable and accessible housing choices.

Sub-Action: Consider allowing every residential lot in every zoning district to have at least two homes provided the lot or parcel has adequate infrastructure

Action 5: Implement regulatory actions to promote the Growth, Equity, and Conservation Goal.

Sub-Action: Support the development of affordable housing through the following development code adjustments for projects that construct a certain threshold of deed-restricted affordable housing units: Reduced parking requirements; Reduced lot sizes (reduction of side yard setbacks for flexibility for smaller lots); Increased density through Community-Oriented Development process; By-right zoning for middle income housing (duplexes/townhomes/tri/quadplexes) reducing the need for the conditional zoning process for these unit types.

SUMMARY OF PROPOSED TEXT AMENDMENTS

The following table summarizes the proposed Zoning Ordinance Text Amendments:

1	**Align BDM setback definitions with other districts**
2	Simplify BDM statement of district intent
3	Update the Permitted Use Table to include “two residential dwelling units” as a Permitted use by right in BDM
4	Update BDM Dimensional Requirements to align with format of all other zoning districts, and updating standards to align with R-LD district
5	Add a column with maximum disturbed and impervious limits
6	Eliminate the BDM footnotes
7	Permit alternative path and conservation subdivisions in BDM to match RLD

PROPOSED REVIEW TIMELINE

4/21/2025 - Introduction of text amendments to Planning Board

5/19/2025 - Planning Board work session

6/16/2025 - Public Hearing and Recommendation Vote on Proposed Language

ZPH2025-00012
DIMENSIONAL REQUIREMENTS & PERMITTED USES TEXT AMENDMENT
DRAFT LANGUAGE - 6/16/2025
VERSION 2

~~Strikethrough~~ --deletion

Underlined addition

Blue is requested Planning Board Additions

Sec. 78-581. - Definitions.

Building, setback line means a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Front setback lines shall be measured from the ~~highway~~ road right-of-way, the maintenance line for the public road that does not have a defined right-of-way, or the property line if neither a road right-of-way or maintenance line is present. ~~For purposes of the Beaverdam District only, front setback lines shall be measured from the edge of the road.~~

Setback means a continuous strip of land, measured perpendicular from the plane of the building or structure out to the closest property line or road right-of-way~~, except as otherwise provided in the Beaverdam Zoning District~~.

Sec. 78-640. - Statement of district intent.

(j) Beaverdam Low-Density Residential District (BDM). It is the purpose and intent of the Beaverdam Low-Density Residential District to protect existing and future development in Beaverdam Valley from incompatible uses~~;~~, and to provide for ~~low-density~~ single- and two-dwelling residential development 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.~~

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~~ S = Allowed as ~~Conditional~~ Special Use SR = Permitted with Special Requirements Blank Space = Not Permitted											
	Districts											
	R-LD	R-1	R-2	R-3	NS	CS	EMP	PS	CR	AI	BDM	OU
Two residential dwelling units (attached or detached)	P	P	P	P	P	P	P	P	P		P	P
Subdivisions, alternative path hillside development	P	P	P	P	P	P	P	P	P		P	P
Subdivision, conservation development	P	P	P	P	P	P	P	P	P		P	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	Min. Lot Size 1, 2, 4, 5 (Square Feet)	Density 2, 4		Min. Yard Setback Requirements in Feet 3, 4						Max. Height (Feet)	Disturbed & Impervious Limits (Lot size acreage)
		Min. Land Area Per Dwelling (sq ft)	Maximum Number Dwelling Units Per Acre	Front Yard Public Sewer	Side Yard Public Sewer	Rear Yard Public Sewer	Front Yard	Side Yard	Rear Yard		
BDM Beaverdam	~~See Footnote 6 and 8~~ 30,000 (no public sewer); 20,000 (public sewer)	~~See Footnote 6 and 8 No more than 1 unit per lot~~ No more than 2	~~See Footnote 6 and 8 No more than 1 unit per lot~~ 2 units per lot	~~See Footnote 7 and 8~~ 10	~~15~~ 10	~~25~~ 20	~~See Footnote 7 and 8~~ 10	~~15~~ 10	~~25~~ 20	35	<0.5 acre: N/A 0.5-1 acre: 80% / 60%

		units per lot									1-4 acre: 60% / 45% 5-9 acre: 40% / 30% 10+ acre: 30% / 20%

~~Footnotes 7—9: Applicable to Beaverdam Low-Density Residential District (BDM) only.~~

Footnote 7—Beaverdam Only Development standards:

% Natural Slope	Lot Frontage (Feet)*	Minimum Lot Size (Acres)	Maximum Disturbed	Maximum Impervious Cover (Acres)
			If lot is < 0.75 Acres: 80% of lot	tab>
0—9.99 with public water and sewer	100	0.5	If lot is < 0.75 Acres: 80% of lot If lot is 0.75—1 Acres: 75% of lot If lot is > 1 Acre: 0.75 acres	0.375
0—9.99 no public water and sewer	100	1.1	0.75 Acres	0.375
10—14.99 with or without public utilities	100	1.1	0.75 Acres	0.375
15—19.99 with or without public utilities	100	1.5	0.75 Acres	0.375
20—24.99 with or without public utilities	150	2	0.75 Acres	0.375
25—29.99 with or without public utilities	150	2	0.75 Acres	0.375
30—34.99 with or without public utilities	175	2.5	0.75 Acres	0.375
35—39.99 with or without public utilities	175	3	0.75 Acres	0.375
40+ with or without public utilities	200	5	0.75 Acres	0.375

**Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.*

Footnote 8—Beaverdam Only

% Natural Slope	Minimum Yard Setback Requirements		
	Front Yard From Edge of Road (Feet)	Side Yard (Feet)	Rear Yard (Feet)
0—39.99	35	15	25
40+	15	15	25

Footnote 9—Beaverdam Only

a. The natural slope is calculated using the following formula:

$$S\% = \frac{0.0023 \times I \times L}{A}$$

Where:

S = Average natural slope of parcel in percent

I = Contour interval of map in feet, with said intervals to be five feet or less

L = Total length of the contour lines within the parcel in feet

A = Area of the parcel in acres

0.0023 = Constant which converts square feet into acres

b. In addition, applicants may submit an alternate method of slope calculation for consideration. These methods may include, but are not limited to, the following methods: weighted average, slope mapping, other field based techniques, etc.