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

To: Buncombe County Board of Commissioners
From: Long Range Planning Division
Date: 6/25/25
Re: ZPH2025-00012 Text Amendments Addressing Permitted Uses & 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.

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 – PB Public Hearing and Recommendation Vote on Proposed Language

8/5/2025 – BOC Public Hearing and Adoption of text amendments