

HENDERSON COUNTY
Planning Department

213 First Avenue East • Hendersonville, NC 28792
Phone 828-697-4819 • Fax 828-697-4533

MEMORANDUM

TO: Henderson County Board of Commissioners
Steve Wyatt, County Manager
Selena Coffey, Assistant County Manager
Russ Burrell, County Attorney

FROM: Anthony Starr, Planning Director

DATE: April 20, 2007

SUBJECT: Land Development Code Workshop on April 24, 2007

In preparation for the workshop on April 24, 2007 a series of information is provided to the Board for consideration. Planning Staff attempted to address the major issues regarding the Land Development Code (LDC). A series of zoning map options and text options are included. A copy of Draft 8 of the LDC zoning map is provided for each commissioner. Detailed maps of Draft 7 (Planning Board map), the new Draft 8 detail maps (quadrant maps), and the current zoning map are available in the Clerk's office for your review.

Planning Staff will provided a review of the potential map changes and text options at the beginning of the workshop. After the initial presentation by Planning Staff, direction from the Board is requested as to what changes should be made. Planning Staff is available should you have any questions prior to the meeting.

Text Option 1: Transitioning R-40 to R2

Issue: The current draft LDC proposes that Residential Two (R2) zoning will replace existing residential zoning districts including R-40, R-30, R-20, R-15 and R-10 among others. The concern expressed by the public has been that Residential Two (R2) zoning is less restrictive than the current Estate Residential (R-40) Zoning District. This concern is primarily a result of the setbacks recommended for R2, which are less than those required by R-40, and the permitting of duplexes and triplexes in R-2, which are not permitted in R-40 (which permits only single-family residential uses). The current draft language regarding setback requirements is found in Section 200A-28 on page 10 of the draft LDC. The current draft language regarding permitted uses is found in Section 200A-59 on page 47 of the draft LDC.

Potential Solution 1: Increase the proposed front yard setbacks to meet those of the R-40 district. The R-40 district requires front yard setbacks of 60 feet from the center line of streets and 75 feet from the center line of major streets. Under the proposed LDC setbacks are measured from the edge of right-of-way. The standard right-of-way for state-maintained roads is 50 feet (25 feet of right-of-way on either side of the centerline). The differences measuring from “center line” and measuring from “edge of right-of-way” will make LDC setbacks appear reduced even when corrected to meet R-40 standards. See the proposed language below.

Table 2.2. R2 Dimensional Requirements			
(1) <i>Residential Density</i> (units/acre)	(2) Standard	1	
	(3) Maximum	2	
(4) <i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	15 35
		<i>Collector</i>	20 35
		<i>Thoroughfare</i>	35
		<i>Boulevard</i>	50
		<i>Expressway</i>	60
		<i>Freeway</i>	90
		<i>Side</i>	10
	<i>Rear</i>	10	
(5) Maximum Height (feet)		35	

Potential Solution 2: Allow duplexes and/or triplexes to remain as permitted uses in the R2 district but remove the maximum residential density option which currently applies in the district. See the proposed language below

Table 2.2. R2 Dimensional Requirements		
(1) <i>Residential Density</i> (units/acre)		1
(4) <i>Yard Setbacks</i> (feet)	<i>Front</i> or <i>ROW</i>	<i>Local</i> 15
		<i>Collector</i> 20
		<i>Thoroughfare</i> 35
		<i>Boulevard</i> 50
		<i>Expressway</i> 60
		<i>Freeway</i> 90
	<i>Side</i> 10	
<i>Rear</i> 10		10
(5) <i>Maximum Height</i> (feet)		35

(1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

Lot size x allowable units per acre = permitted *dwelling units*

The following example assumes a 5 acre tract with an allowable density of 4 units/acre:

5 acres x 4 units per acre = **20 permitted dwelling units**

Residential density shall be applied:

- a. On a *lot* existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard *residential density* requirement;
 - b. To single-family residential *uses*; and
 - c. To multifamily residential *uses* with fewer than five (5) units.
- (2) Residential *accessory structures* shall be located in *side* or *rear yards* and shall be *setback* a minimum of ten (10) feet from any property line.
- (3) Maximum height may be exceeded in multifamily developments as detailed in §200A-60 (Supplemental Requirements) SR 1.6. (Dwelling, Multifamily, Five (5) or More Units), provided such developments do not exceed 50 feet in height.

Potential Solution 3: Eliminate duplexes and/or triplexes as permitted uses from the R2 zoning district or permit them only as special uses.

Potential Solution 4: Develop an overlay district with a minimum lot size requirement of 2/3 of an acre (in order to prevent creating numerous nonconforming lots) and apply this overlay district to large contiguous parcels which are currently zoned R-30 and R-40.

Text Option 2: Special Subdivisions

Issue: The public has expressed concerns that the elimination of family subdivisions will create a hardship for people who create small subdivisions for family members or for sale.

Potential Solution 1: Change the existing minor subdivision standards so that all minor subdivisions with five (5) or fewer lots will be exempt from building roads or other infrastructure. Currently, minor subdivisions with four (4) or fewer lots are proposed to be exempt from building roads and other infrastructure. However, there are no exemptions for minor subdivisions from zoning regulations proposed in the draft Land Development Code. With this option all subdivisions must meet the applicable density requirements for zoning.

Potential Solution 2: The special subdivision option could be used to replace regulations for 1 to 4-lot minor subdivisions or as a stand alone option to replace family subdivisions. This option provides for the creation of five (5) lots over five (5) years. Special subdivisions would be required to meet the density requirements of zoning or have a minimum lot size of ½ acre in size, whichever is less. As with 1 to 4-lot minor subdivisions, road standards do not apply with this option. Revisions to other subdivision regulations will be required if the special subdivision option is used. See language provided below for special subdivisions.

200A-75. Special Subdivisions

- A. Special subdivisions shall comply with the standards outlined below.
- (1) Special subdivisions shall consist of a total of five (5) or fewer lots.
 - (2) Special subdivisions may be phased but no more than 5 lots within a five year period shall be allowed within the boundaries of the tract that was the subject of the original special subdivision application.
 - (3) Special subdivisions are exempt from road requirements in §200A-77 subsection C (Roads) when private roads are proposed.
 - (4) Special subdivision shall adhere to the road requirements in §200A-77 subsection C (Roads) when public roads are proposed
 - (5) Special subdivisions must comply with the requirements of the following subsections of this Article: §200A-77 subsections E, F, G, H, I J, K, and M. Final plats for special subdivisions shall adhere to the final plat requirements for minor subdivisions.
- B. Review of Special Subdivisions. A special subdivision application may be approved by the Subdivision Administrator under the provisions of this subsection and under the provisions of §200A-246 (Review for Minor, Special and Nonstandard Subdivisions). The Subdivision Administrator may, for good reason, refer a special subdivision to the

Planning Board for review. The Planning Board shall review the subdivision under the provisions of this subsection and §200A-246 (Review for Minor, Special and Nonstandard Subdivisions).

- C. Zoning Requirements for Special Subdivisions. Lots created in a special subdivision must meet the minimum residential density requirements for the applicable zoning district or each lot created must have a minimum lot size of at least ½ acre (21,780 square feet) in size, whichever is less.
- D. Expansion of Special Subdivisions. If a special subdivision is ever expanded (more than five (5) lots are created within the five (5) year period) then the applicant must, depending on the number of lots created, comply with the procedures for minor subdivision (§200A-75) or major subdivisions (§200A-77). If expansion occurs the applicant will be required to reapply under the applicable minor or major subdivision provisions. Expansions of special subdivisions shall comply with the following requirements.
 - (1) The applicant will be required to build all infrastructure required by §200A-75 (Minor Subdivisions) or §200A-77(Major Subdivisions).
 - (2) The subdivision must meet all applicable zoning district regulations found in Article II (Zoning District Regulations).
 - (3) The reviewing agency may require the upgrading of improvements, including road paving, utility upgrading and additional right-of-way dedication.
 - (4) All lots created by a special subdivision will count toward the total number of lots for any minor or major subdivision densities.
 - (5) Final plats for special subdivision must have the following certificate, signed by the property owner, provided on the face of the plat:

Certificate of Understanding

I (we) hereby certify that I am (we are) the owner(s) of the property located within the subdivision-regulation jurisdiction of Henderson County as shown and described hereon, and that I (we) hereby adopt this plan of subdivision. I (we) understand that expansion of this subdivision may result in the upgrading of road infrastructure, utilities and additional right-of-way dedication and other applicable requirements as required by the Subdivision Regulations (Article III) of the Land Development Code (Chapter 200 of the Henderson County Code).

DATE

OWNER(s)

- E. Special Subdivisions, Minor and Major Subdivisions. The special subdivision procedure may not be used in conjunction with an application for a major subdivision or minor subdivision. In the event that a person is found to have used the special subdivision provisions of this Article to create parcels of land for commercial, office institutional, industrial and/or mixed use development, then such person shall be required to comply with any and all requirements for a major subdivision and shall be required to rerecord a plat. In addition, abuse of this subsection will be deemed a violation of this Chapter and may subject the violator to any and all applicable penalties.

Text Option 3: Development in areas of steep slope & floodplain

Issue: The current draft LDC provides the same residential density for areas containing steep slopes or floodplain areas as other more buildable areas of land. The concern expressed by the public has been that some protection of these areas should be provided and that developers should not receive the same density credit for these areas. The County cannot impose a rule that would not allow any development of these areas as that would be a regulatory taking under the constitution and would require “just compensation.”

Potential Solution 1: The County can provide rules that set a much lower density for areas that contain steep slope or floodplain. Each residential zoning district could be amended to indicate that areas with slope greater than 25% or within the 100-year floodplain. Language for such a provision could be as follows:

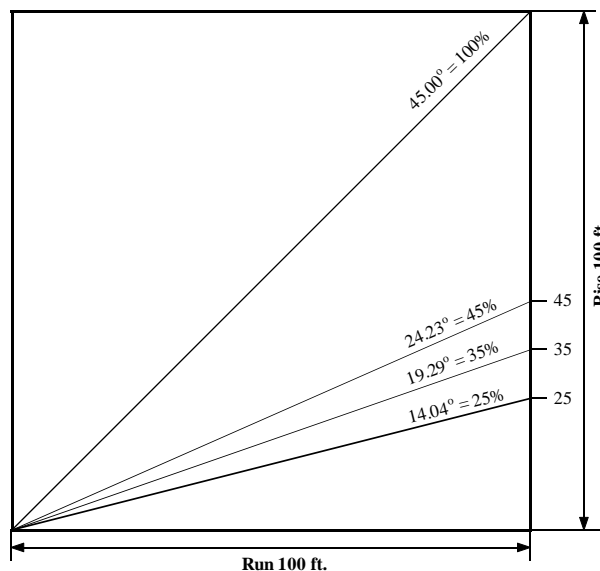
“The maximum residential density for areas with *slope* greater than 25.0% or within the *Special Flood Hazard Area* shall be one (1) *dwelling unit* per five (5) acres.”

This language would appear in Article II of the LDC below each dimensional requirements table. This language would provide a more appropriate density for these areas and should not encourage overdevelopment.

Below is the current diagram in the definitions section of the LDC that illustrates slope measurement.

Figure 19A. Measurement of Slope

Not to Scale



Text Option 4: Off-site Access

Issue: Concern that our current regulations are not restrictive enough regarding development of properties that have inadequate off-site access or frontage on a public or private road. Table 3.2 of the proposed subdivision regulations in the Land Development Code shows a maximum number of lots allowed for properties that have inadequate off-site access (less than 30-foot right-of-way) or inadequate frontage (less than 30 feet of frontage). This provision allows 1 lot per acre. This is the same provision as in our current Subdivision Ordinance (Table 2, Section 170-28). See below.

Current and Proposed Provision in the Land Development Code:

Table 3.2. Maximum Number of Lots Permitted	
Road Frontage or Existing Off-Site ROW at the Narrowest Point	Maximum number of lots permitted
Less than 30 feet	1 lot per acre
30 feet or greater	No maximum

Potential Solution 1: One solution is to limit development on these properties to a maximum of 1 lot per 2 acres. See below for the proposed table.

Table 3.2. Maximum Number of Lots Permitted	
Road Frontage or Existing Off-Site ROW at the Narrowest Point	Maximum number of lots permitted
Less than 30 feet	1 lot per 2 acres
30 feet or greater	No maximum

Potential Solution 2: Another solution is to limit the total amount of units that would be allowed. See below for an example.

Table 3.2. Maximum Number of Lots Permitted	
Road Frontage or Existing Off-Site ROW at the Narrowest Point	Maximum number of lots permitted
Less than 30 feet	1 lot per 2 acres with a maximum of 25 lots
30 feet or greater	No maximum

Text Option 5: Commercial Uses in R-3

Issue: Concerns were raised regarding the limited amount of commercial and business uses allowed in the R-3 residential zoning district.

Potential Solution 1: One solution is to allow more commercial and business uses in the R-3 zoning district as a special use permit. Provided below is a list of uses the Board of Commissioners may want to consider adding to the Table of Permitted and Special Uses as a special use permit in R-3:

Accessory Uses:

- Childcare Facility (as an accessory for a principle business)
- Drive-Thru Window
- Fuel Pumps
- Loading Bay

Recreational Uses:

- Shooting Ranges, Indoor
- Shooting Ranges, Outdoor

Educational and Institutional Uses:

- Place of Assembly, Small

Business, Professional, and Personal Services:

- Automobile and Equipment Service
- Exterminating and Pest Control
- Office: Business, Professional and Public
- Tire Recapping
- Urgent Care Clinic

Transportation, Warehousing and Utilities:

- Septic Tank and Related Services

Manufacturing & Industrial Uses:

- Chip Mill

- * Machining and Assembly Operations, Limited

- ** Manufacturing and Production Operations, Limited

* Machining and Assembly Operations, Limited is a new type of use. If added to the Table of Permitted and Special Uses, it would allow an establishment of a limited size to engage in the assembly, fabrication and/or modification of products. Staff suggests that these establishments be limited to a maximum of 10,000 square feet in the R-3 zoning district.

** Manufacturing and Production Operations, Limited is a new type of use. If added to the Table of Permitted and Special Uses, it would allow an establishment of limited size to engage in the mechanical, physical or chemical transformation of raw materials, substances or components into new products. Staff suggests that these establishments be limited to a maximum of 10,000 square feet in the R-3 zoning district.

Highlighted areas in the attached table represent proposed changes to the Table of Permitted and Special Uses.

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R-1	R-2	R2 MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
1. RESIDENTIAL USES												
<i>Assisted Living Residence</i>	S	S	S	S	P	P	P	P	P			1.1
<i>Bed and Breakfast Inn</i>	P	P	P	P	P	P	P					1.2
<i>Continuing Care Retirement Community</i>	S	S	S	S	P	P	P	P	P			1.3
<i>Dwelling, Duplex</i>	P	P	P	P	P	P	P					1.4
<i>Dwelling, Manufactured Home (multi-section)</i>			P	P								1.5
<i>Dwelling, Manufactured Home (singlewide)</i>			P	P								1.5
<i>Dwelling, Mobile Home</i>			P	P								1.5
<i>Dwelling, Multifamily, Five (5) or More Units</i>	S				P	P	S	S	S			1.6
<i>Dwelling, Quadraplex</i>	S				P	P	S					1.7
<i>Dwelling, Single Family Detached</i>	P	P	P	P		P	P					1.8
<i>Dwelling, Triplex</i>	P	P	P		P	P	P					1.9
<i>Family Care Home</i>	P	P	P	P	P	P	P					1.10
<i>Fraternity and/or Sorority House</i>	P				P	P						1.11
<i>Hospice Residential Care Facility</i>	S	S	S	S	P	P	P	P				1.12
<i>Manufactured Home Park</i>			S	S								1.13
<i>Nursing Home</i>	S	S	S	S	P	P	P	P	P			1.14
<i>Rooming and Boardinghouse</i>	S	S	S	S		P	P	P		P		1.15
2. ACCESSORY USES												
<i>Childcare Facility (as an accessory for a principal business)</i>				S	P	P	P	P	P	P	P	2.1
<i>Drive-Thru Window</i>				S	P	P	P	P	P	P		2.2
<i>Dwelling, Single-Family (as an accessory for a principal business)</i>				P	P	P	P	P				2.3
<i>Fuel Pumps</i>				S			P	P	P	P	P	2.4
<i>Home Occupation, Adult Day Care</i>	P	P	P	P		P	P					2.5
<i>Home Occupation, Childcare Facility</i>	P	P	P	P		P	P					2.6
<i>Home Occupation, General</i>	P	P	P	P	P	P	P					2.7
<i>Outdoor Storage ≤5000 sq ft</i>				S			S	P	P	P	P	2.8
<i>Outdoor Storage >5000 sq ft</i>								S	P	P	P	2.9
<i>Rural Family Occupation</i>				P								2.10
3. ACCESSORY STRUCTURES												
<i>Airport (Private Accessory)</i>				S		P					S	3.1
<i>Automatic Teller Machine</i>					P	P	P	P	P	P	P	3.2
<i>Boathouse, Private</i>	P	P	P	P		P						3.3
<i>Bulkhead</i>	P	P	P	P		P						3.4
<i>Carport</i>	P	P	P	P	P	P	P					-
<i>Dock/Pier</i>	P	P	P	P	P	P						3.5
<i>Dwelling, Accessory Residential</i>	P	P	P	P	P	P	P					3.6

<i>Garage, Residential</i>	P	P	P	P	P	P	P					-
<i>Gate and/or Guardhouse</i>	P	P	P	P	P	P	P	P	P	P	P	3.7
<i>Greenhouse</i>	S	S	S	P	S	P	P	P	P	P		3.8
<i>Heliport (Private Accessory)</i>	S	S	S	S	P	S			P	P	P	3.9
Loading Bay				S	P	P	P	P	P	P	P	-
<i>Outdoor Sale Display Areas</i>							P	P	P	P		3.10
<i>Parking Garage</i>					P	P		P	P	P	P	3.11
<i>Planned Seasonal Agricultural Worker Development</i>	P	P	P	P	P	P	P	P	P	P	P	3.12
<i>Produce Stand, Accessory</i>	P	P	P	P	P	P	P	P	P	P	P	3.13
<i>Satellite Dish</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Storage Shed</i>	P	P	P	P	P	P	P	P	P	P	P	3.14
<i>Swimming Pool, Spa, Hot Tub, Residential</i>	P	P	P	P	P	P	P					-
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P	P	P	P	P	P	P	P	P	P	3.15
4. RECREATIONAL USES												
<i>Amusement Park</i>											S	4.1
<i>Athletic Field, Non-commercial</i>	P	P	P	P	P	P						4.2
<i>Campground</i>		S	S	S								4.3
<i>Coin Operated Amusements</i>							P	P	P	P		4.4
<i>Common Area Recreation and Service Facilities</i>	P	P	P	P	P	P	P					4.5
<i>Golf Course and/or Country Club</i>	P	P	P	P	P	P	P	P	P			4.6
<i>Governmental Recreational Facilities</i>	S	S	S	S	S	P	P	P	P			4.7
<i>Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)</i>							P	P	P	P	P	4.8
<i>Marina</i>		S		S			P	P				4.9
<i>Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)</i>	S	S		S				P	P	P	P	4.10
<i>Motor Sports Facility, Major</i>											S	4.11
<i>Motor Sports Facility, Minor</i>											S	4.12
<i>Motor Sports Facility, Recreational</i>								S	S	S	P	4.13
<i>Outdoor Recreational Facilities</i>	S	S		S				S	S	S	P	4.14
<i>Park</i>	P	P	P	P	P	P	P	P	P	P	P	4.15
<i>Physical Fitness Center</i>	S	S	S	S	S	P	P	P	P	P	P	4.16
<i>Recreational Vehicle Park</i>		S	S	S				S				4.17
<i>Riding Stables</i>		P	P	P			P	P				4.18
<i>School (Sports Instructional)</i>						P	P	P	P	P		4.19
Shooting Ranges, Indoor				S				S	S	S	P	4.20
Shooting Ranges, Outdoor				S							S	4.21
<i>Sporting and Recreational Facilities</i>	S	S	S	S				P	P	P	P	4.22
<i>Swim and Tennis Club</i>	P	P	P	P	P	P	P					4.23
5. EDUCATIONAL AND INSTITUTIONAL USES												

Land Development Code
Board of Commissioners Workshop
April 24, 2007

<i>Adult Day Care Facility</i>	P	P		P	P	P	P	P				5.1
<i>Ambulance Services</i>	P	P		P	P	P	P	P	P	P	P	5.2
<i>Cemetery/Mausoleum/Columbarium (excluding crematoriums)</i>	P	P	P	P			P	P	P	P	P	5.3
<i>Childcare Facility</i>	P	P	P	P	P	P	P	P	P	P	P	5.4
<i>Club/Lodge</i>	P	P	P	P	P	P	P	P	P	P	P	5.5
<i>College or University</i>					P	P		P	P			5.6
<i>Community Club</i>	P	P	P	P	P	P	P	P	P			5.7
<i>Correctional Facilities</i>											S	5.8
<i>Fire and Rescue Station</i>	P	P	P	P	P	P	P	P	P	P	P	5.9
<i>Funeral Home or Crematorium</i>							P	P	P	P		5.10
<i>Government Offices</i>					P	P	P	P	P	P	P	5.11
<i>Homeless Shelter</i>					P			S	P	P		5.12
<i>Hospital</i>					P	P		P	P	P		5.13
<i>Museum/Library/Archive</i>	S	S	S	S	P	P	P	P	P	P		5.14
<i>Place of Assembly, Large</i>					S		P	P	P	P	P	5.15
<i>Place of Assembly, Small</i>				S	P	P	P	P	P	P	P	5.16
<i>Police Station</i>	S	S		S	P	P	P	P	P	P	P	5.17
<i>Religious Institution</i>	P	P	P	P	P	P	P	P	P	P	P	5.18
<i>School (Home)</i>	P	P	P	P	P	P	P					-
<i>School (Public/Private/Charter)</i>	P	P	P	P	P	P	P	P	P	P		5.19
<i>Youth Center</i>	S	S		S	P	P	P	P	P	P		5.20
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES												
<i>Animal Shelter</i>							S	S	P	P	P	6.1
<i>Automobile and Equipment Service</i>				S			P	P	P	P	P	6.2
<i>Automotive Towing</i>									P	P	P	6.3
<i>Broadcasting and Communications Facilities</i>					P	P	P	P	P	P	P	6.4
<i>Car Wash</i>							P	P	P	P	P	6.5
<i>Exterminating and Pest Control Services</i>				S			P	P	P	P	P	6.6
<i>Kennel</i>		S	S	S			S	S	P	P	P	6.7
<i>Motel/Hotel</i>						P	S	P	P	P		6.8
<i>Office: Business, Professional and Public</i>				S	P	P	P	P	P	P	P	6.9
<i>School (Technical, Trade and Business)</i>					P	P	P	P	P	P	P	6.10
<i>Theater, Drive-In</i>								P	P	P	P	6.11
<i>Tire Recapping</i>				S					P	P	P	6.12
<i>Urgent Care Clinic</i>				S	P	P	P	P	P	P		6.13
7. RETAIL TRADE												
<i>Adult Book and Retail Merchandise Store</i>											S	7.1
<i>Adult Theatre and Live Entertainment</i>											S	7.2
<i>Cinema Complex</i>						P		P	P	P		7.3
<i>Convenience Store</i>					P	P	P	P	P	P	P	7.4
<i>Entertainment Complex</i>									P	P	P	7.5
<i>Flea Market</i>									P	P	P	7.6

<i>Fuel Oil Distribution and Sales</i>											P	7.7
<i>Landscaping Materials Sales and Storage</i>				S		P	S	P	P	P	P	7.8
<i>Manufactured/Mobile Home Sales</i>									P	P	P	7.9
<i>Motor Vehicle Sales or Leasing</i>									P	P	P	7.10
<i>Open Air Market</i>		S		S		P	S	S	P	P	P	7.11
<i>Parking Garage or Lot (requiring payment)</i>									P	P	P	7.12
<i>Produce Stand</i>		S	S	S		P	P	P	P	P		7.13
<i>Retail Sales and Services ≤50,000 sq ft (of gross floor area)</i>					P	P	P	P	P	P		7.14
<i>Retail Sales and Services >50,000 ≤100,000 sq ft (of gross floor area)</i>						P		P	P	P		7.15
<i>Retail Sales and Services >100,000 ≤150,000 sq ft (of gross floor area)</i>									P	P		7.16
<i>Retail Sales and Services >150,000 sq ft (of gross floor area)</i>									S			7.17
<i>Shopping Mall</i>									S			7.18
<i>Truck Stop</i>									S	P	P	7.19
8. WHOLESALE TRADE												
<i>Wholesale Trade</i>									P	P	P	8.1
9. TRANSPORTATION, WAREHOUSING AND UTILITIES												
<i>Airport (Private)</i>											S	9.1
<i>Airport (Public)</i>											S	9.2
<i>Communication Facilities, Category 1</i>	P	P	P	P	P	P	P	P	P	P	P	9.3
<i>Communication Facilities, Category 2</i>	P	P	P	P	P	P	P	P	P	P	P	9.3
<i>Communication Facilities, Category 3</i>											S	9.3
<i>Hazardous Waste Disposal Facilities</i>											S	9.4
<i>Land Clearing Debris and Inert Debris Storage or Disposal</i>				S							S	9.5
<i>Rail Transportation Facilities and Support Activities</i>											P	9.6
<i>Self-Storage Warehousing</i>									P	P	P	9.7
Septic Tank and Related Services				S							P	9.8
<i>Solid Waste Combustors and Incinerators</i>											S	9.9
<i>Transit and Ground Passenger Transportation</i>						P		S	S		P	9.10
<i>Truck Terminals</i>											P	9.11
<i>Utility Substation</i>	P	P	P	P	P	P	P	P	P	P	P	9.12
<i>Warehousing and Storage (Excluding Warehousing of Hazardous Substances)</i>								P	P	P	P	9.13
<i>Waste Collection and Transfer Facility (Hazardous)</i>											S	9.14
<i>Waste Collection and Transfer Facility (Non-hazardous)</i>				S				S			S	9.15
<i>Wastewater Treatment Plant</i>	S	S	S	S	S	P	S	S	S	S	P	9.16
<i>Water Treatment Plant</i>	S	S	S	S	S	P	S	S	S	S	P	9.17

10. MANUFACTURING & INDUSTRIAL USES												
Asphalt Plant											S	10.1
Battery Manufacturing Facility											S	10.2
Chip Mill				S							S	10.3
Concrete Batch Plant											S	10.4
Junkyard											S	10.5
Landfill, Public or Private											S	10.6
Machining and Assembly Operations											P	10.7
Machining and Assembly Operations, Limited				S							P	10.7
Manufacturing and Production Operations											P	10.8
Manufacturing and Production Operations, Limited				S							P	10.8
Materials Recovery Facilities (Recycling)											P	10.9
Mining and Extraction Operations											S	10.10
Packaging and Labeling Services											P	10.11
Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing											S	10.12
Product Processing and Storage Facilities											P	10.13
Recycling Centers, Drop-Off Facilities	P	P	P	P	P	P	P	P	P	P	P	10.14
Research and Development Operations (Hazardous or Biological Materials)											P	10.15
Research and Development Operations (Non-hazardous)									P		P	10.16
Sawmill				P							P	10.17
Slaughterhouse											P	10.18
Truck Wash									P		P	10.19
11. TEMPORARY USES												
Christmas Tree Lot Sales	P	P	P	P	P	P	P	P	P	P	P	11.1
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)				P				P	P	P	P	11.2
Model Home Sales Office, Temporary	P	P	P	P	P	P	P				P	11.3
Movie Production	P	P	P	P	P	P	P	P	P	P	P	-
Yard Sale	P	P	P	P	P	P	P	P				11.4
12. TEMPORARY STRUCTURES												
Portable Storage Container											P	12.1
Produce Stand, Temporary	P	P	P	P	P	P	P	P	P	P	P	12.2
Temporary Construction Project Buildings	P	P	P	P	P	P	P	P	P	P	P	12.3

Land Development Code
Board of Commissioners Workshop
April 24, 2007

Tent Sale						P	P	P	P	P	P	12.4
13. AGRICULTURAL USES												
<i>Agriculture</i>	P	P	P	P	P	P	P	P	P	P	P	-
Food Manufacturing	P	P	P	P	P	P	P	P	P	P	P	-
<i>Forestry</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Forestry Support Services</i>	P	P	P	P	P	P	P	P	P	P	P	-
Veterinary Services (livestock)	P	P	P	P	P	P	P	P	P	P	P	-

Text Option 6: Board of Commissioner Approval for Referred Subdivisions

Issue: Concerns that the Board of Commissioners should review larger subdivisions.

Potential Solution 1: Provide a provision in the Subdivision Regulations (Article III) of the Land Development Code that would allow the Planning Board to refer any major subdivision to the Board of Commissioners for review and approval. See language below.

§200A-248, D 4. Referral to Board of Commissioners. The Planning Board may, for good cause, refer any subdivision included under §200A-248 to the Board of Commissioners for review after giving due notice to the applicant. Good cause in this provision may include but is not limited to size of development, location within the County, impact on local community and infrastructure, or particular environmental features that make this subdivision substantially unique from other proposed subdivisions.

Text Option 7: Sign Regulations – Freestanding Signs

Issue: The issue of freestanding sign heights has been raised by some of the Commissioners. Staff seeks direction as to what the appropriate height should be for commercial districts (see Section 200A-161 on page 170 of the LDC). Currently, the proposed maximum height is 18 feet. Staff captured pictures illustrating existing signs and their approximate height to aid the discussion of this issue (see attached photos with measurements).

Potential Solution 1: Lower sign height to 12 feet for Office, Institutional and Commercial Districts.

Potential Solution 2: Leave the current proposed height of 18 feet for signs in Office, Institutional and Commercial Districts.

Potential Solution 3: Increase sign height for Office, Institutional and Commercial Districts as specified by the Board.

Aldi Sign Height: 18 feet



Duncan Hill Financial Center Sign Height: 11 feet



Duncan Hill Commerce Center Sign: 17.3 feet



Dodge Sign Height on Duncan Hill Road: 20 feet



Ford Sign on Duncan Hill Road Height: 37 feet



HomeTrust Bank Sign on Highway 64 Height: 7 feet



Text Option 8: Sign Regulations – Outdoor Advertising Signs (Billboards)

Issue: The issue outdoor advertising signs, commonly referred to as billboards, has been brought to the attention of planning staff. The current regulations require that such signs be placed at 1000 feet from other outdoor advertising signs and residences. The draft LDC only provides a 300-500 space requirement between signs with no spacing requirement from residences. The draft LDC language could allow new outdoor advertising signs in areas that no additional signs are currently permitted. The current draft language is found in Section 200A-164 on page 172 of the draft LDC.

Potential Solution 1: Leave the current proposed LDC language in place.

Potential Solution 2: Increase the proposed spacing requirement to 1,000 feet from other outdoor advertising signs and residences. See the proposed language below.

200A-164. Commercial and Industrial Districts, Urban Service Area

Outdoor advertising signs are permitted only in commercial and industrial districts where they are located in the Urban Service Area as identified by the *Comprehensive Plan*. *Outdoor advertising signs* shall be classified based on size and include: *Outdoor Advertising Signs* Type A, B and C (see Table 7.1).

Table 7.1. Outdoor Advertising Sign Requirements				
<i>Outdoor Advertising Sign</i>	Square Feet Permitted	Maximum Height (ft.)²	Minimum Setback (ft.)³	Spacing (linear ft.)
Type A	0 to 72	25	10	1,000
Type B	>72-300	35	20	1,000
Type C	>300-380 ¹	35	20	1,000

- 1 *Signs* greater than 380 square feet are considered *billboards* and are not permitted in the County.
- 2 Maximum height shall be measured from the existing *road* grade to the uppermost point on the *sign structure*.
- 3 Minimum *setback* shall be measured horizontally from the adjacent edge of *right-of-way* to the nearest edge of the *sign structure*, provided that no part of the *sign* or *sign structure* shall encroach upon a public *right-of-way*. Where property abuts more than one (1) *road*, *signs* shall be set back an equivalent distance from each *road* no less than the minimum *setback* required.

Outdoor advertising signs shall be spaced so that such *outdoor advertising sign* (or its *structure*) is placed no closer to the next *outdoor advertising sign* (or its *structure*) or any existing adjacent residence than the minimum spacing distance required (see Table 7.1). Spacing shall apply to *outdoor advertising signs* located on either side of a *road*. The minimum distance between *signs* or between a *sign* and a residence shall be measured horizontally between the nearest points on either *structure*. If, because of terrain, vegetation or practical difficulties, a point-to-point accurate measurement cannot be obtained, the *Zoning Administrator* may extend any point of measurement to a logical corresponding location and measure from this point. Using the

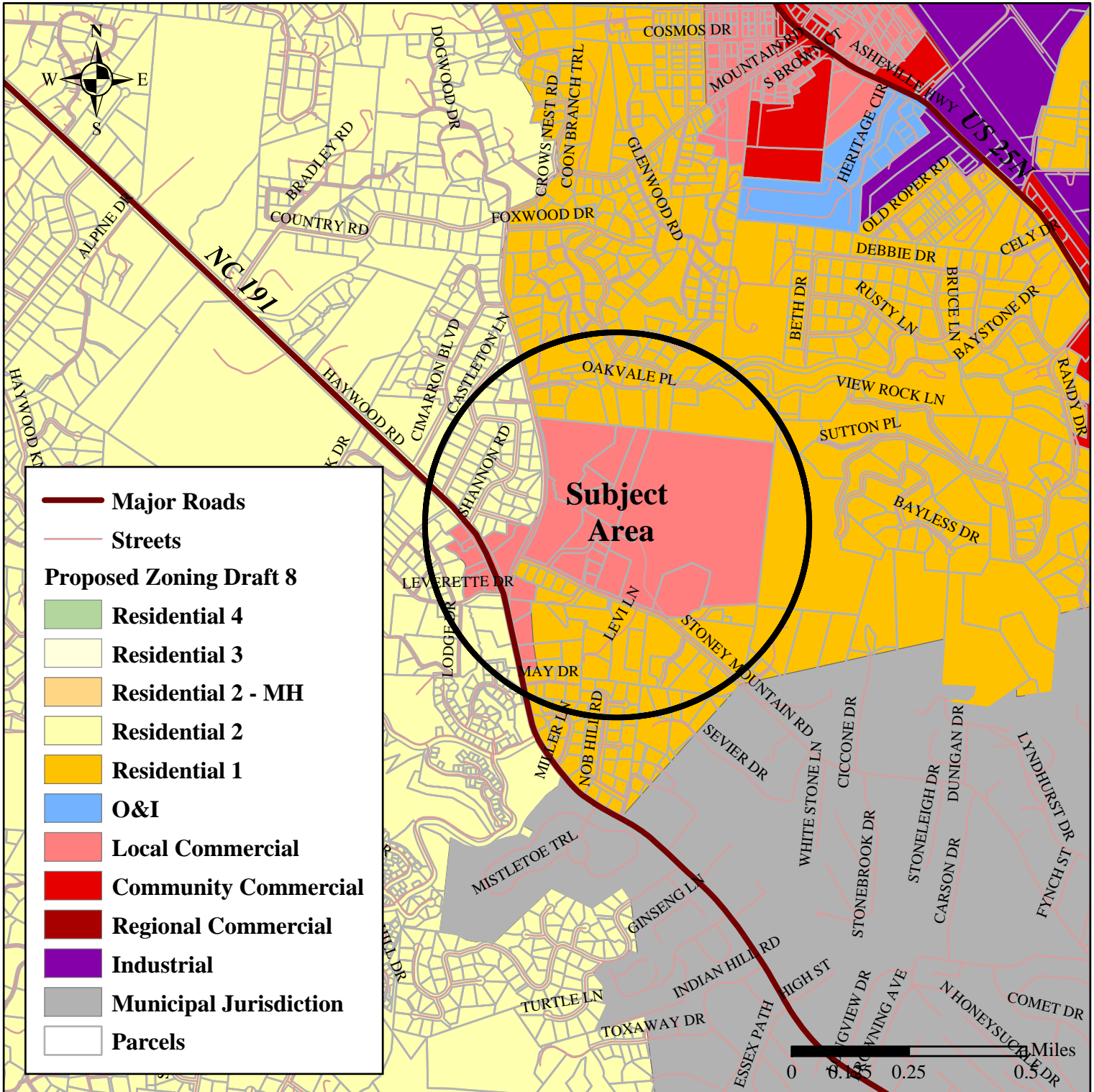
extended measuring method a variation of five (5) percent is acceptable for the purpose of this Article.

The minimum distance between a *sign structure* and a residence shall not be less than 1,000 feet, except:

- A. Where the adjacent residence is a *nonconforming use*;
- B. Where the *sign* was erected after the original effective date of this Article (May 21, 1986, as amended) and predates a residence, the *sign* shall not be nonconforming because of distance from the residence;
- C. Where the *sign* was erected prior to the effective date of this article (May 21, 1986 as amended) and duly registered, the *sign* shall not be nonconforming because of distance from another *sign* or a residence; or
- D. Where the topography obscures the *sign* from sight by the residents of the dwelling.

The spacing requirement may be reduced by up to 25 percent where the topography obscures the sign from sight by the residents of the dwelling.

Map Option 1: Local Commercial Node at Intersection of NC Highway 191 and Mountain Road

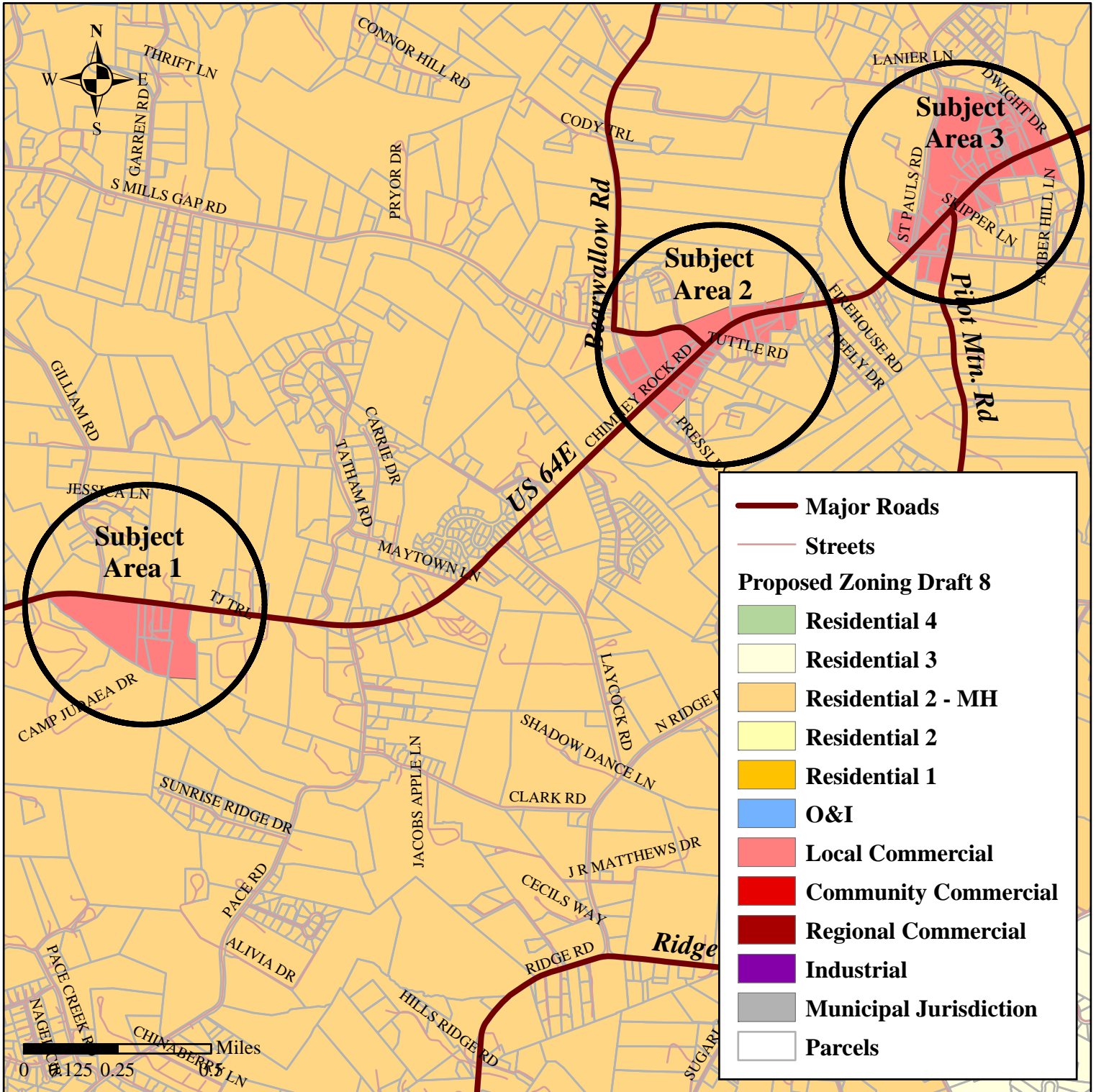


Current Draft 8 Proposed Zoning: Local Commercial (LC)
 Previous Draft 7 Proposed Zoning: Community Commercial (CC)
 Current Zoning: Neighborhood Commercial District (C2)
 Reason for Proposed Change: Permitted Uses in LC vs. CC

Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 2: Local Commercial Nodes along US Highway 64 East



Current Draft 8 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Two (R2)

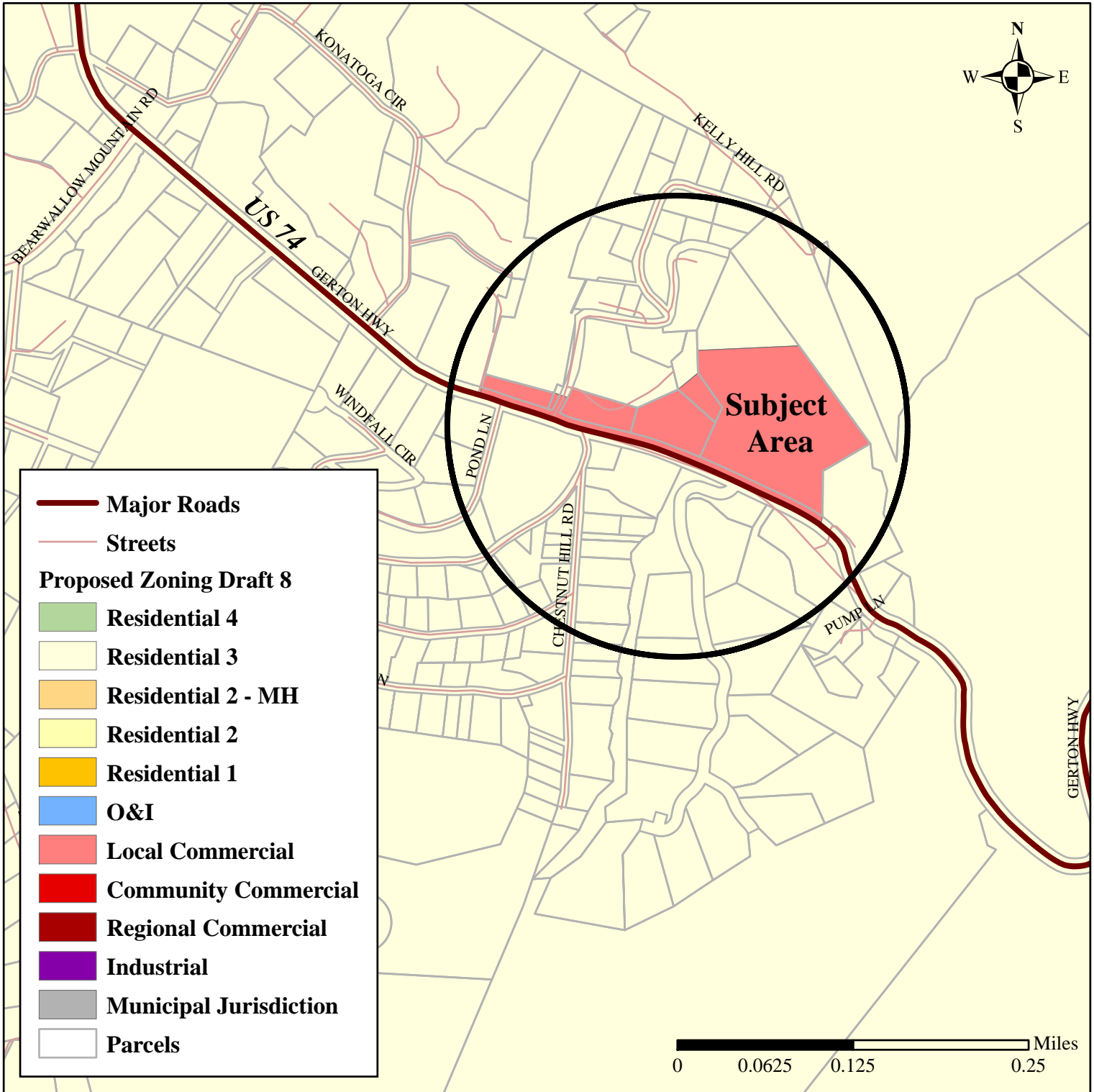
Current Zoning: Open Use (OU)

Reason for Proposed Change: No Commercial Zoning along US Highway 64 East

Consistent with the CCP: Yes, Community Service Center Nodes Applied to both Subject Area 2 and 3

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 3: Local Commercial Node along US Highway 74 in Gerton Community



Current Draft 8 Proposed Zoning: Local Commercial (LC)

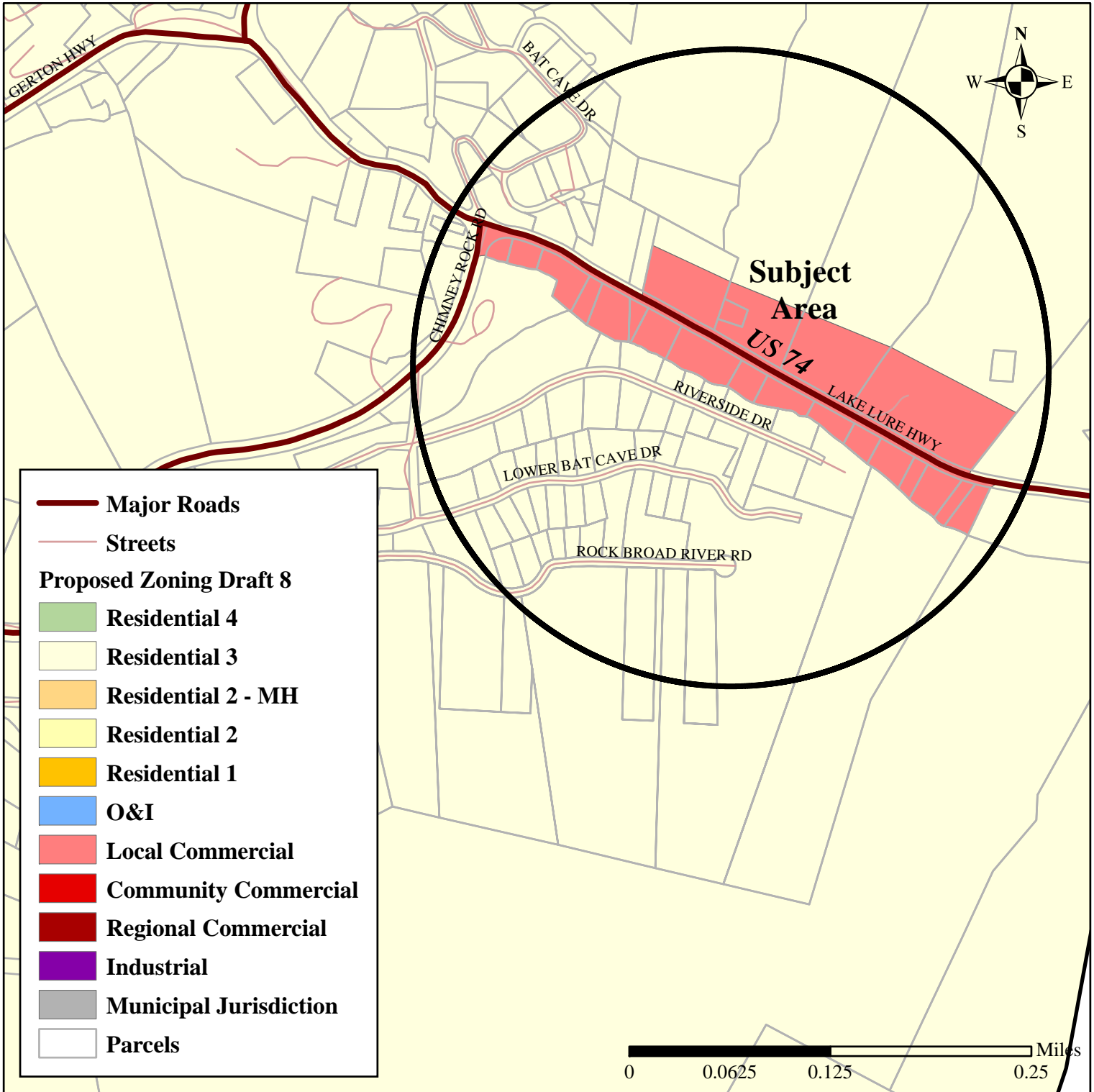
Previous Draft 7 Proposed Zoning: Residential Three (R3)

Current Zoning: Open Use (OU)

Reason for Proposed Change: No Commercial Zoning in Gerton Community
 Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 4: Local Commercial Node along US Highway 74 in Bat Cave Community



Current Draft 8 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Three (R3)

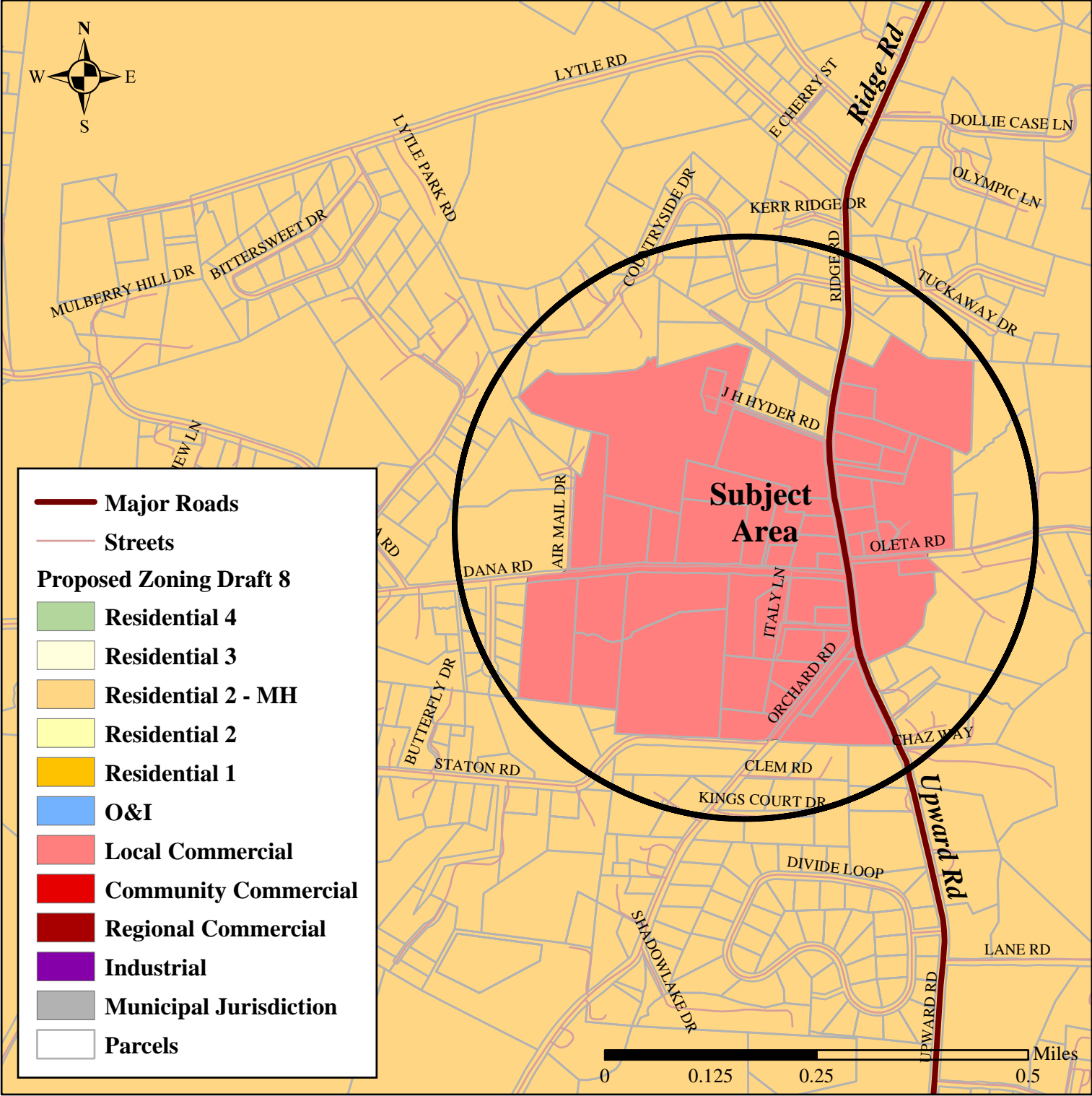
Current Zoning: Open Use (OU)

Reason for Proposed Change: No Commercial Zoning in Bat Cave Community

Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 5: Local Commercial Node at Intersection of Dana Road and Upward/Ridge Road in Dana Community



Current Draft 8 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Two (R2)

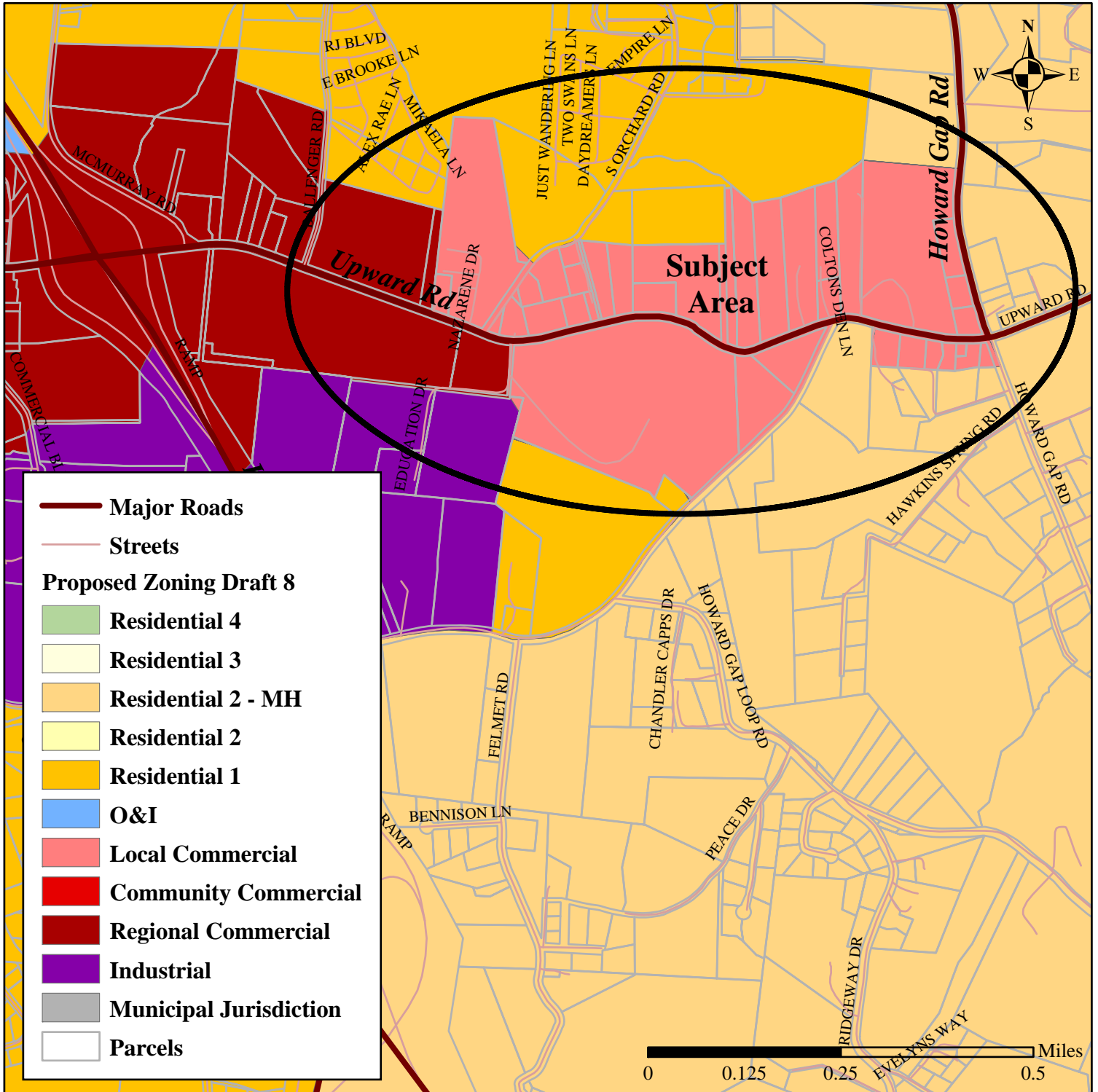
Current Zoning: Open Use (OU)

Reason for Proposed Change: No Commercial Zoning in Dana Community

Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 6: Local Commercial Node along Upward Road to Howard Gap Road



Current Draft 8 Proposed Zoning: Local Commercial (LC)

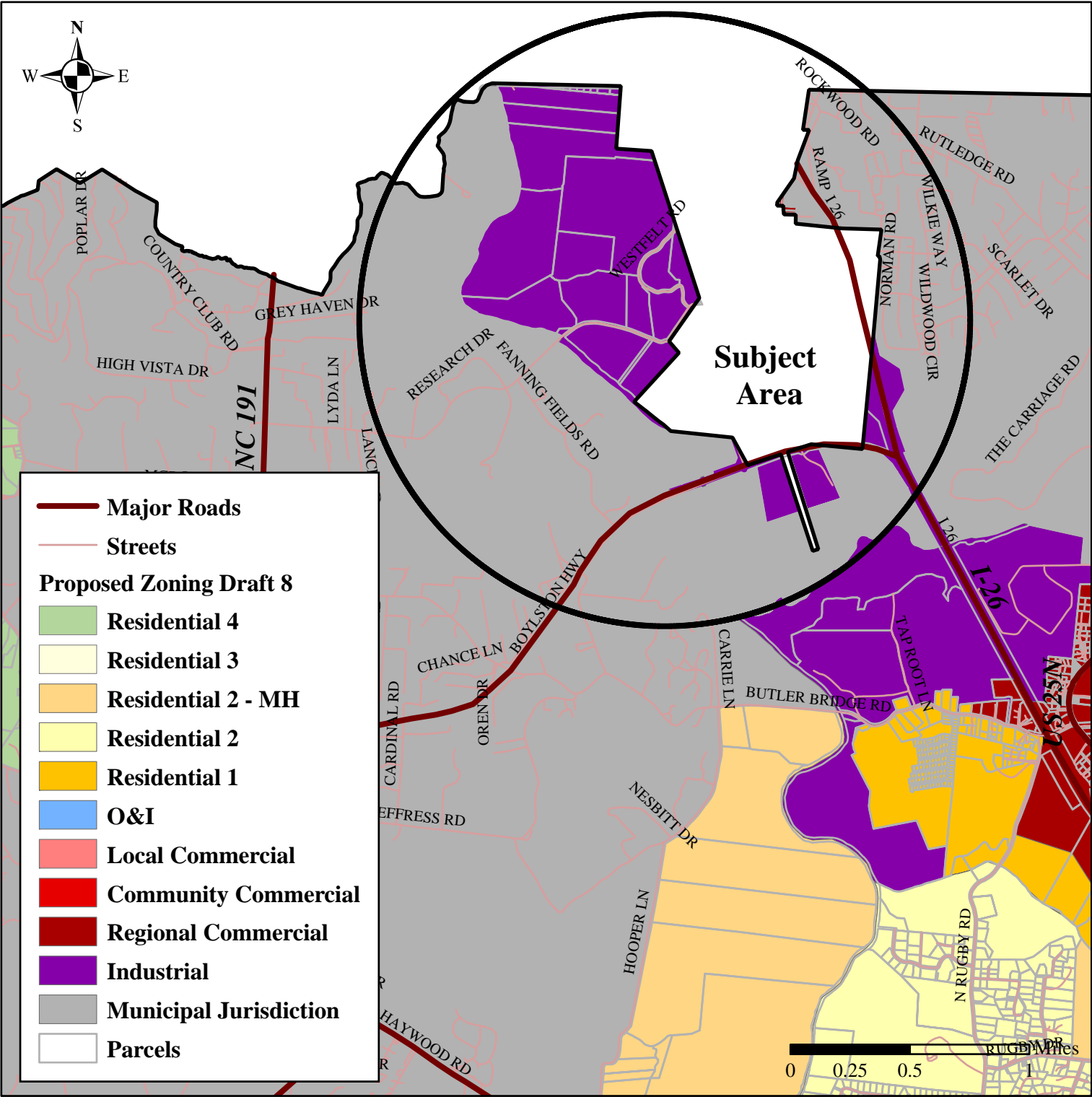
Previous Draft 7 Proposed Zoning: Residential One and Two (R1 and R2)

Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial Uses along Upward Road
 Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

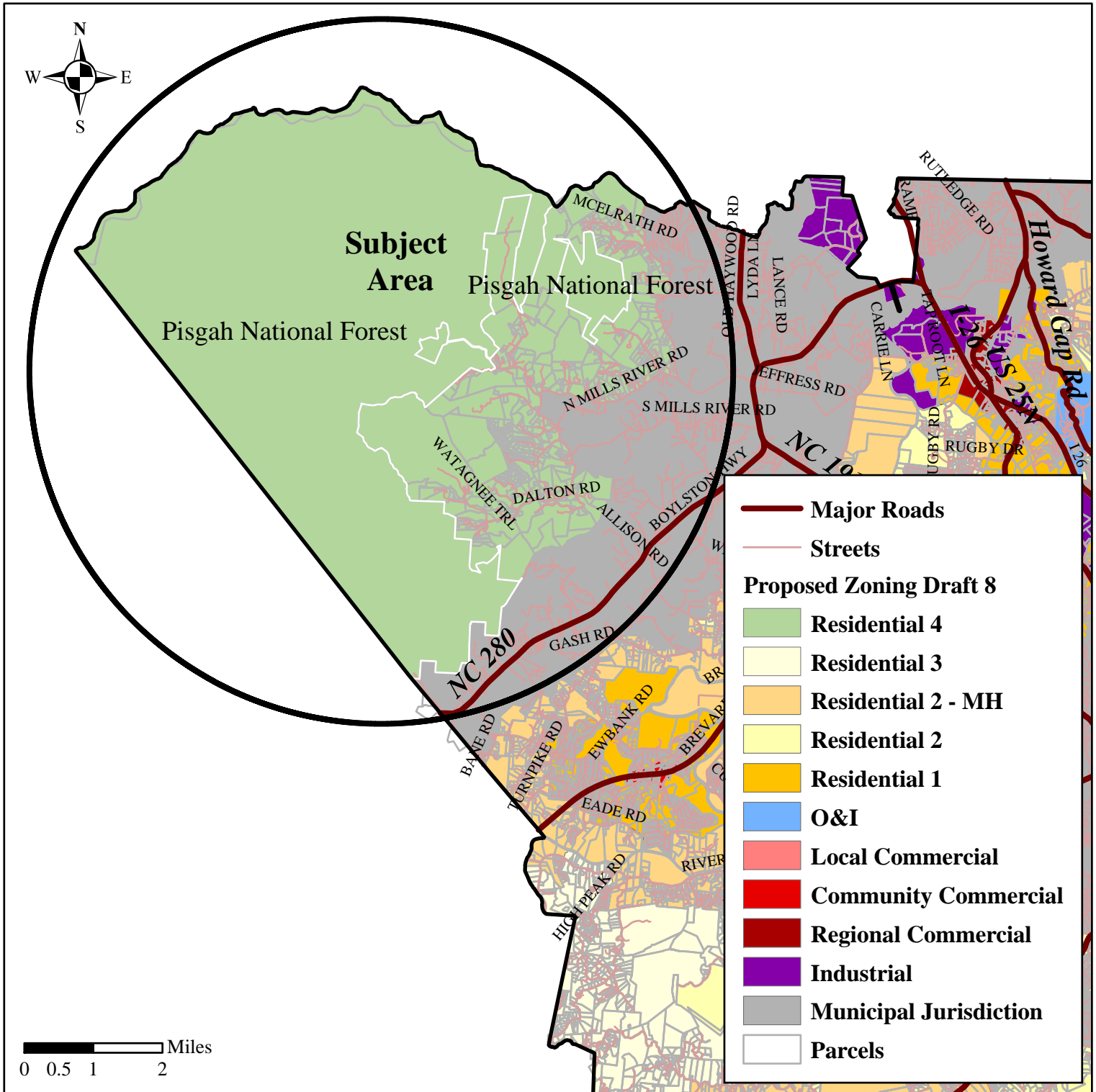
Map Option 7: Industrial in the Vicinity of Asheville Regional Airport



Current Draft 8 Proposed Zoning: Industrial (I)
 Previous Draft 7 Proposed Zoning: Residential One and Three (R1 and R3)
 Current Zoning: Open Use (OU)
 Reason for Proposed Change: Asheville Regional Airport Vicinity
 Consistent with the CCP: Yes, Industrial Development Identified as Appropriate in this Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 8: Residential Zoning District Four (R4) in the Vicinity of Pisgah National Forest

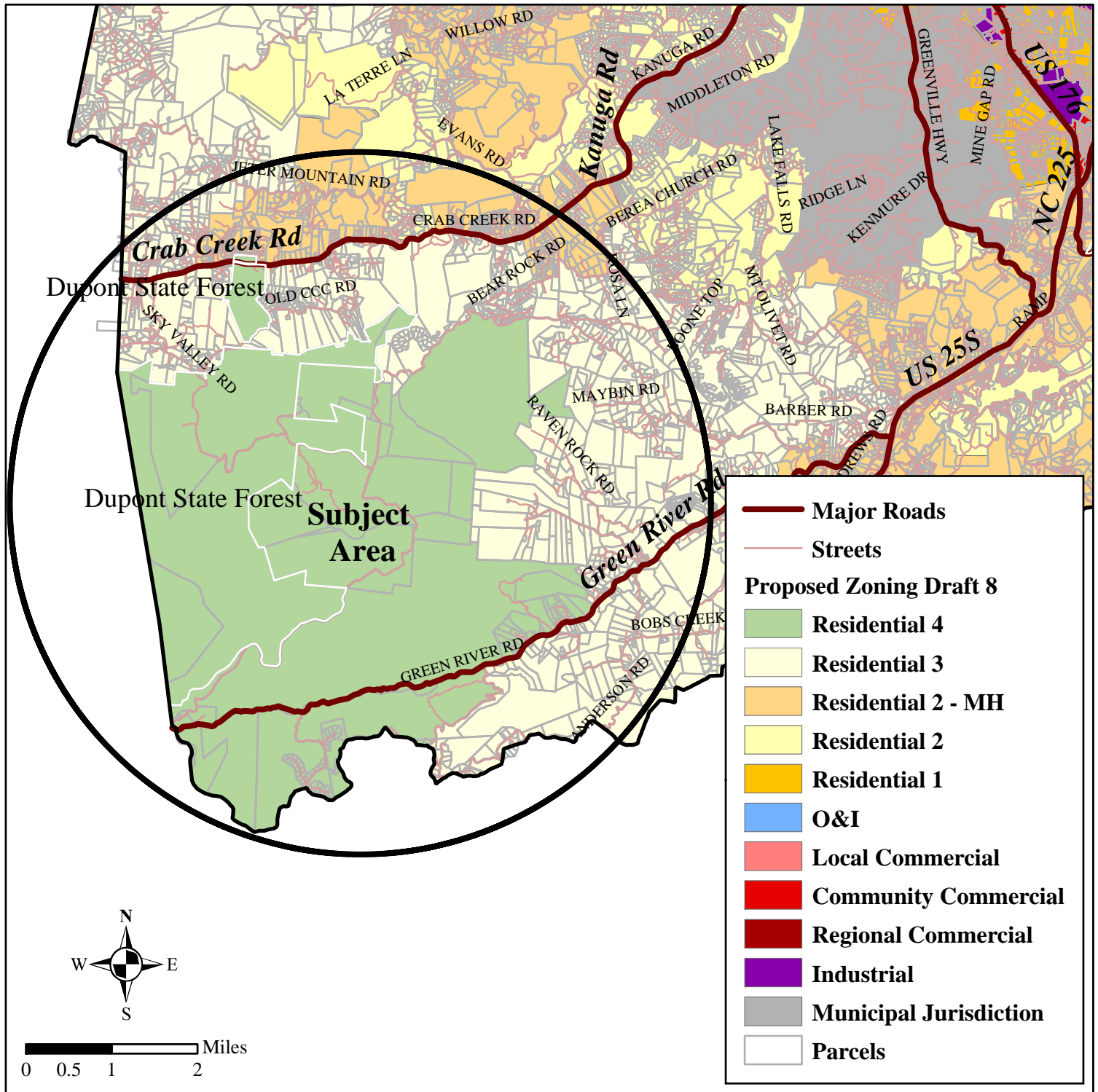


Current Draft 8 Proposed Zoning: Residential Four (R4)
 Previous Draft 7 Proposed Zoning: Residential Three (R3) and Unzoned
 Current Zoning: Open Use (OU) and Unzoned
 Reason for Proposed Change: Conservation of Natural Areas

Consistent with the CCP: Yes, Conservation Areas Identified as Appropriate in this Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 9: Residential Zoning District Four (R4) in the Vicinity of Dupont State Forest



Current Draft 8 Proposed Zoning: Residential Four (R4)

Previous Draft 7 Proposed Zoning: Residential Three (R3) and Unzoned

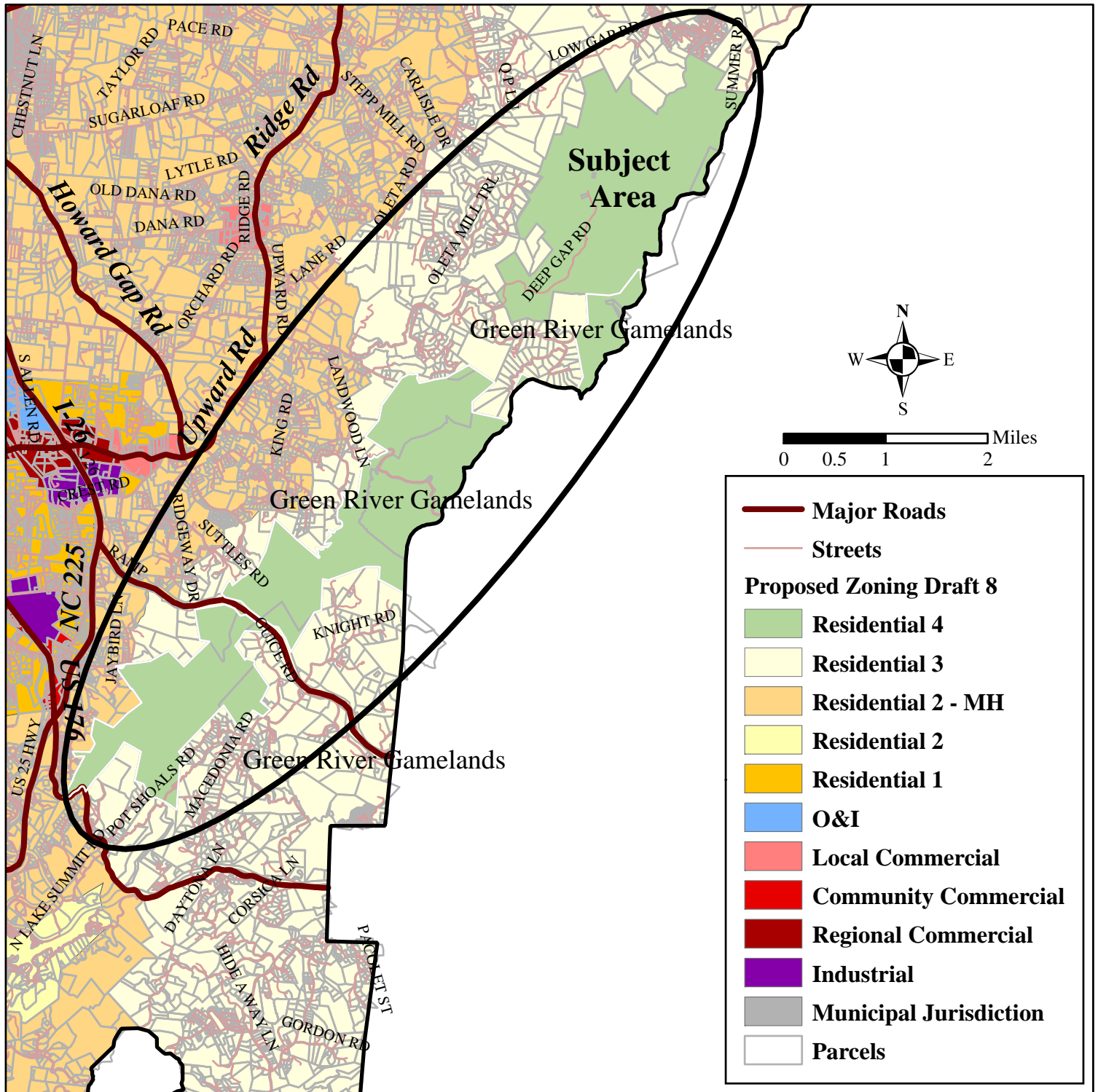
Current Zoning: Open Use (OU) and Unzoned

Reason for Proposed Change: Conservation of Natural Areas

Consistent with the CCP: Yes, Conservation Areas Identified as Appropriate in this Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.

Map Option 10: Residential Zoning District Four (R4) in the Vicinity of the Green River Gamelands



Current Draft 8 Proposed Zoning: Residential Four (R4)

Previous Draft 7 Proposed Zoning: Residential Three (R3) and Unzoned

Current Zoning: Open Use (OU) and Unzoned

Reason for Proposed Change: Conservation of Natural Areas

Consistent with the CCP: Yes, Conservation Areas Identified as Appropriate in this Vicinity

*Changes reflect those proposed after Planning Board approval of LDC Zoning Map Draft 7.