

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: May 24, 2007

SUBJECT: Land Development Code Workshop on June 12, 2007

In preparation for the June 12, 2007 workshop follow-up information is provided to the Board for consideration. Planning Staff attempted to address the issues raised by the Board at the April 24 meeting. A series of zoning map options and text options are included that reflect the suggestions of Commissioners. A copy of Draft 9 of the LDC zoning map is provided in the Board's office. Attached are detailed maps of each change in the proposed zoning map. Some map options remain unchanged from the April 24 workshop while new options were added.

Planning Staff will provided a review changes from the April 24 workshop. After the initial presentation by Planning Staff, direction from the Board is requested as to what changes should be made. When all issues are satisfactorily addressed, staff can work to schedule the required public hearing. Planning Staff is available should you have any questions prior to the meeting.

Text Option 1: Transitioning R-40 and R-30 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 only permitted in R-40 as a special use under the R-A (Residential Apartment) option. 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.

Recommended

Solution 1:

Develop an overlay district with the following: (1) a minimum lot size requirement of 2/3 of an acre (in order to prevent creating numerous nonconforming lots); (2) increased front yard setbacks similar to those of the R-40 district ; and (3) duplexes and triplexes as special uses only. (See Map Option 11 for specific areas where the Suburban Overlay would be applied). See proposed district text below.

- A. **Purpose.** The purpose of the Suburban Overlay District (SO) is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for residential development in areas where there are existing residential developments which were developed prior to the adoption of the Comprehensive Plan, and which were formerly zoned R-40 and R-30. The Suburban Overlay District shall not be extended from the locations designated on the Official Zoning Map, nor shall new areas be designated Suburban Overlay Districts. The district will allow for the infill of residential development in areas where reasonable, which will be in keeping with the character of the surrounding communities. The Suburban Overlay District will only be applied to former R-40 and R-30 areas. Portions or all of the Suburban Overlay District may be eliminated based on the recommendations of the future plans including small area plans.
- B. **Dimensional Requirements.** Each *use* allowed in this overlay shall at a minimum conform to the following dimensional requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-60 (Supplemental Requirements).

Table 2.1. SO Dimensional Requirements			
(1) <i>Minimum Lot Size</i> (acre)			2/3
<i>Yard Setbacks</i> (feet)	<i>Front</i> or <i>ROW</i>	<i>Local</i>	35
		<i>Collector</i>	35

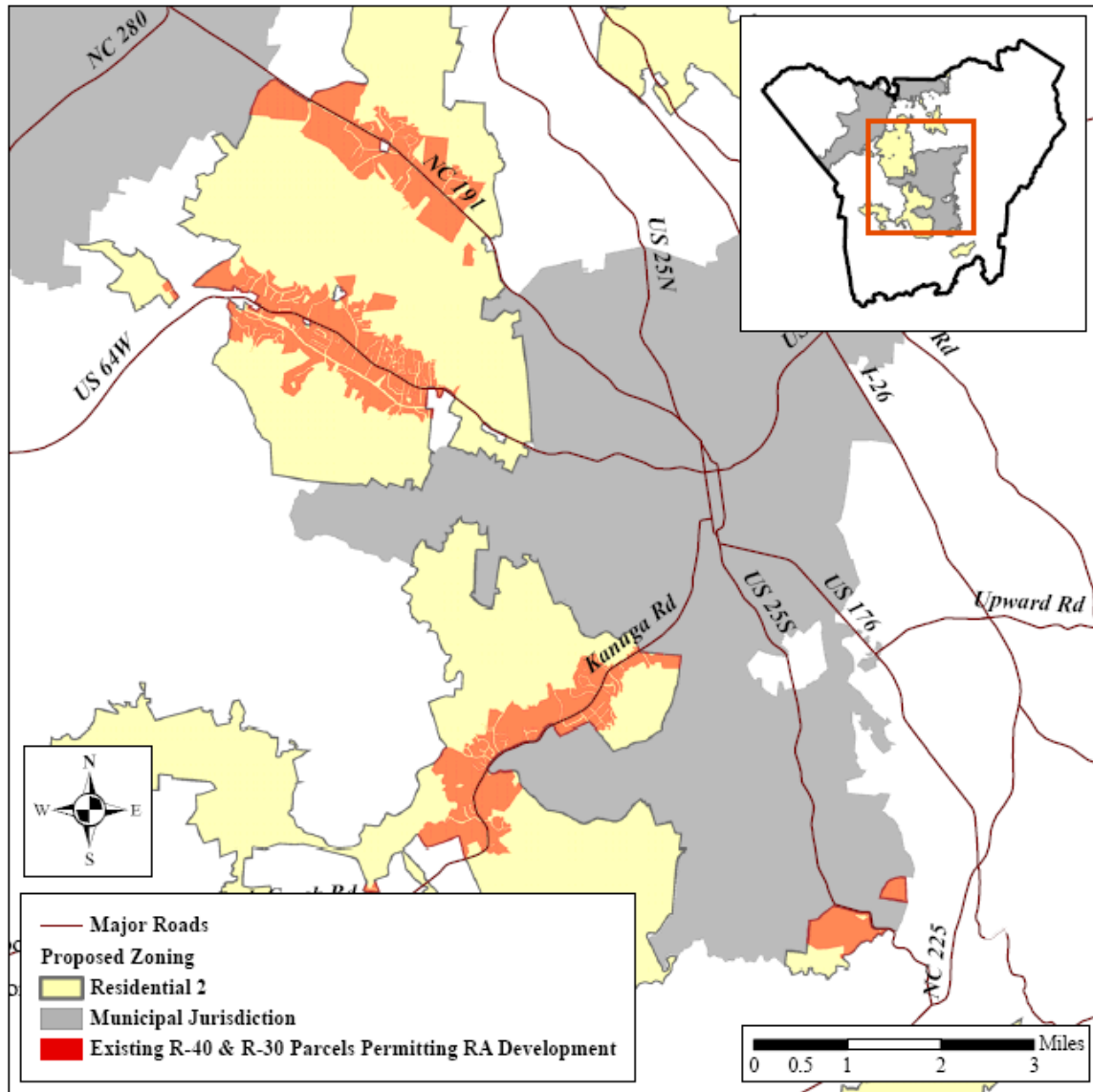
- (1) *Minimum lot size* shall be applied regardless of the underlying residential density which is permitted by the general use district.
- C. **Permitted Uses.** The following uses are permitted by a special use permit only in the SO district: *Duplex Dwellings* and *Triplex Dwellings*.

**Additional
Information:**

Staff recommends no changes be made to the permitted uses of the R-2 district, provided the clause regarding duplex and triplex dwellings be included in the Suburban Overlay District text. Currently R-40 and R-30 zoning districts permit R-A (Residential Apartment) developments (with a special use permit) which allow for multifamily dwelling units including duplexes and triplexes. Those areas within the R-40 and R-30 zoning district are outlined in Map A (See page 3).

Tables comparing permitted uses in each of the R-2 and R-40 zoning districts are provided beginning on page 4. In some cases the R-2 is more restrictive than the R-40 zoning district in terms of permitted uses. The R-40 district allows and requires more interpretation by the Zoning Administrator where the R-2 district contains a more comprehensive list of permitted uses in order to limit the amount of interpretation required.

Map A: Existing R-40 and R-30 Parcels which Permit R-A (Residential Apartment) Developments with a Special Use Permit



USE TYPE*	GENERAL USE DISTRICT	
	R-2	R-40
1. RESIDENTIAL USES		
<i>Assisted Living Residence</i>	S	-
<i>Bed and Breakfast Inn</i>	P	C
<i>Continuing Care Retirement Community</i>	S	-
<i>Dwelling, Duplex (R-40 equivalent allowed in R-A)</i>	P	S
<i>Dwelling, Multifamily, Five (5) or More Units (R-40 equivalent allowed in R-A)</i>	-	S
<i>Dwelling, Quadraplex (R-40 equivalent allowed in R-A)</i>	-	S
<i>Dwelling, Single Family Detached</i>	P	P
<i>Dwelling, Triplex (R-40 equivalent allowed in R-A)</i>	P	S
<i>Family Care Home</i>	P	P
<i>Hospice Residential Care Facility</i>	S	-
<i>Nursing Home</i>	S	-
<i>Rooming and Boardinghouse</i>	S	-
2. ACCESSORY USES		
<i>Home Occupation, Adult Day Care</i>	P	C
<i>Home Occupation, Childcare</i>	P	C
<i>Home Occupation, General</i>	P	C
3. ACCESSORY STRUCTURES		
<i>Boathouse, Private</i>	P	P
<i>Bulkhead</i>	P	P
<i>Carport</i>	P	P
<i>Dock/Pier</i>	P	P
<i>Dwelling, Accessory Residential</i>	P	-
<i>Garage, Residential</i>	P	P
<i>Gate and/or Guardhouse</i>	P	P
<i>Greenhouse</i>	S	P
<i>Heliport (Private Accessory)</i>	S	-
<i>Planned Seasonal Agricultural Worker Development</i>	P	-
<i>Produce Stand, Accessory</i>	P	-
<i>Satellite Dish</i>	P	P
<i>Storage Shed</i>	P	P
<i>Swimming Pool, Spa, Hot Tub, Residential</i>	P	P
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P
<i>Workshop, Accessory (R-40)</i>	-	P
4. RECREATIONAL USES		
<i>Athletic Field, Non-commercial</i>	P	-

USE TYPE*	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit; C=Conditional Use Permit	
	R-2	R-40
<i>Campground</i>	S	C
<i>Common Area Recreation and Service Facilities (R-40 equivalent allowed in R-A)</i>	P	S
<i>Golf Course and/or Country Club</i>	P	C
<i>Governmental Recreational Facilities</i>	S	C
<i>Marina</i>	S	-
<i>Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)</i>	S	-
<i>Outdoor Recreational Facilities</i>	S	-
<i>Park</i>	P	C
<i>Physical Fitness Center</i>	S	-
<i>Recreational Vehicle Park</i>	S	-
<i>Riding Stables</i>	P	-
<i>Sporting and Recreational Facilities</i>	S	-
<i>Swim and Tennis Club</i>	P	C
5. EDUCATIONAL AND INSTITUTIONAL USES		
<i>Adult Day Care Facility</i>	P	-
<i>Ambulance Services</i>	P	-
<i>Cemetery/Mausoleum/Columbarium (excluding crematoriums)</i>	P	-
<i>Cemetery associated with a church "Church Cemeteries" (R-40)</i>	-	P
<i>Childcare Facility</i>	P	-
<i>Club/Lodge</i>	P	P/-
<i>Community Club</i>	P	P
<i>Fire and Rescue Station</i>	P	P
<i>Museum/Library/Archive</i>	S	P/C/C
<i>Place of Assembly, Large (R-40 Civic and Cultural Buildings)</i>	-	P
<i>Place of Assembly, Small (R-40 Civic and Cultural Buildings)</i>	-	P
<i>Police Station</i>	S	P
<i>Religious Institution (R-40 equivalent to "Church")</i>	P	P
<i>School (Home)</i>	P	P
<i>School (Public/Private/Charter)</i>	P	P
<i>Youth Center</i>	S	-
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES		
<i>Kennel</i>	S	-
7. RETAIL TRADE		
<i>Open Air Market</i>	S	-
<i>Produce Stand</i>	S	-
9. TRANSPORTATION, WAREHOUSING AND UTILITIES		

USE TYPE*	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit; C=Conditional Use Permit	
	R-2	R-40
<i>Communication Facilities, Category 1</i>	P	P
<i>Communication Facilities, Category 2</i>	P	-
<i>Utility Substation (R-40 equivalent to "Transformer and Public Utility Stations")</i>	P	P
10. MANUFACTURING & INDUSTRIAL USES		
<i>Recycling Centers, Drop-Off Facilities</i>	P	-
11. TEMPORARY USES		
Christmas Tree Lot Sales	P	-
<i>Model Home Sales Office, Temporary</i>	P	P
Movie Production	P	P
<i>Yard Sale</i>	P	P
12. TEMPORARY STRUCTURES		
<i>Produce Stand, Temporary</i>	P	P
Temporary Construction Project Buildings	P	P
13. AGRICULTURAL USES		
<i>Agriculture</i>	P	P
Food Manufacturing	P	-
<i>Forestry</i>	P	P
<i>Forestry Support Services</i>	P	P
Veterinary Services (livestock)	P	-

Text Option 2: Special Subdivisions

Issue: Adequate access for emergency vehicles for lots within special subdivisions.

Recommended Solution: At the Board's workshop on April 24th concerns were raised regarding adequate access for emergency vehicles. Below is revised special subdivision language which incorporates minimum road standards to ensure that adequate access is provided for lots in these 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) All proposed private roads must meet the following minimum requirements.
 - i) All roads must have a minimum travelway width of 12 feet.
 - ii) All roads must be constructed with a minimum stone base (aggregate base course) of four (4) inches. All roads must be compacted properly.
 - iii) No stone-based (gravel) road shall exceed 15 percent grade. No paved road shall exceed 18 percent grade. The Subdivision Administrator may require a professional engineer or professional surveyor certify on the final plat that no portion of the road(s) have grades that exceed maximum allowable grade as defined in §200A-77 subsection C (4) (Road Construction) or submit a final as-built graded centerline profile showing grade and alignment for all roads.
 - iv) All roads must have a vertical clearance of at least 13.5 feet.
 - (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). All proposed roads in this subdivision will meet the minimum requirements outlined in §200A-75 A(3) for private roads and §200A-75 A(4) for public roads.

_____	_____
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: At the April 24th workshop the Board had concerns regarding Staff's proposed language limiting development on steep slopes and floodplains. The Board also wanted different examples of steep slopes. Staff has provided with this Text Option a recommended solution and examples of slopes. It is difficult to convey slope using a picture. However, staff will setup an outdoor illustration of slope for the Board prior to the workshop. Once this illustration is complete the Board may use it to visualize the different slope levels. Further information about the illustration is forthcoming. Also provided in this option is information and maps that detail the amount of land within the floodplain or steep slope areas. About 3.6% of the County's jurisdiction is location in the 100-year floodplain and the attached table illustrates the area located within various slope calculations.

Recommended 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 35% or greater or within the 100-year floodplain. Language for such a provision could be as follows:

“The maximum residential density for areas with *slope 35.0%* or greater or within the *Special Flood Hazard Area* shall be **one (1) dwelling unit per three (3) 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. See the attached pages for examples of slope.

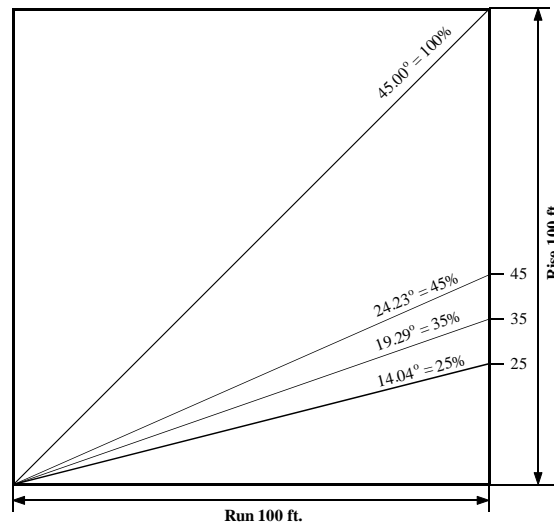
Recommended Solution 2: If the Board decides on provision for slope 45% or greater or within the 100-year floodplain, Staff recommends language for such a provision could be as follows:

“The maximum residential density for areas with *slope 45.0%* or greater or within the *Special Flood Hazard Area* shall be **one (1) dwelling unit per five (5) acres.**”

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

Figure 19A. Measurement of Slope

Not to Scale



Quick Stats:

(Total land acreage based on current LIDAR data)

- Total County: 240,100 ac
- Municipalities: 33,136 ac
- Public Lands: 26,692 ac
- Floodway: 5,540 ac
- County’s Jurisdictional Area: 174,732 ac*

* Excludes municipalities, public forest lands, and land located in the floodway

Percent Slopes and Floodplains in County’s Jurisdictional Area					
Slope		**Floodplain Acreage/ % of Jurisdictional Acreage	Total Acreage (Lands in Slope & Floodplain)	Percent (%) of County’s Jurisdictional Acreage with Floodplain	Percent (%) of County’s Jurisdictional Acreage without Floodplain
Percent (%)	Acreage				
***Less than 25%	93,357	6,356 / 3.6%	99,713	57.1	53.4
25% and greater	75,019	6,356 / 3.6%	81,375	46.6	42.9
35% an greater	46,565	6,356/ 3.6%	52,598	30.3	26.6
45% and greater	25,242	6,356/ 3.6%	31,598	18.1	14.4

** Excludes land in the floodway

*** Excludes land in the floodplain

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 Provision:

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

Recommended Solution: Limit the total amount of units that would be allowed. See below for the 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 acre 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	
Manufactured/Mobile Home Sales									P	P	P	7.9	
Motor Vehicle Sales or Leasing									P	P	P	7.10	
<i>Open Air Market</i>		S		S		P	S	S	P	P	P	7.11	
Parking Garage or Lot (requiring payment)									P	P	P	7.12	
<i>Produce Stand</i>		S	S	S		P	P	P	P	P		7.13	
Retail Sales and Services ≤50,000 sq ft (of gross floor area)					P	P	P	P	P	P		7.14	
Retail Sales and Services >50,000 ≤100,000 sq ft (of gross floor area)						P		P	P	P		7.15	
Retail Sales and Services >100,000 ≤150,000 sq ft (of gross floor area)									P	P		7.16	
Retail Sales and Services >150,000 sq ft (of gross floor area)									S			7.17	
<i>Shopping Mall</i>									S			7.18	
Truck Stop									S	P	P	7.19	
8. WHOLESALE TRADE													
<i>Wholesale Trade</i>									P	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	
Hazardous Waste Disposal Facilities											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	
Self-Storage Warehousing									P	P	P	9.7	
Septic Tank and Related Services				S							P	9.8	
Solid Waste Combustors and Incinerators											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	
Warehousing and Storage (Excluding Warehousing of Hazardous Substances)								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	
Water Treatment Plant	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 and Impact of Larger Developments

Issue: Concerns that the Board of Commissioners should review larger subdivisions and a proposed developments impact on community services as it relates to public safety and roads.

Recommended 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.

Recommended Solution 2: In addition to Solution 1 above, change the name of Article IV in the Land Development Code to Adequate Public Facilities & Service Regulations and provide a provision in this article that would require proposed developments of certain thresholds to prepare a Traffic Impact Study (TIS) and to prepare an Emergency Services Impact Report. Traffic Impact Studies are required by a variety of local governments in North Carolina. The NC Department of Transportation currently requires a TIS for developments that will generate more than 3,000 trips per day. This option lowers that threshold and allows the County to consider road impacts when giving development approvals.

§200A-101. Traffic Impact Study. A Traffic Impact Study (TIS) may be required to evaluate the effect a proposed development will have on the County's existing traffic system and may require specific improvements to mitigate the impact on public roads with the approval of NCDOT or applicable municipality.

(1) Requirement Thresholds. A TIS is required for any proposed development that meets any of the following requirement thresholds:

- a. Residential subdivision proposing hundred (100) lots/units or more.

- b. Any residential or nonresidential development proposed to generate an average daily traffic count of one thousand plus (1,000+) vehicles per day or one hundred plus (100+) trips during peak traffic hour. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- c. Any expansion or change to an existing or proposed residential or nonresidential development that would generate an additional one thousand plus (1,000+) vehicles per day or one hundred plus (100+) trips during peak traffic hour. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- d. Notwithstanding the above, a TIS shall not be required if the property to be developed has been the subject of a TIS within the previous three (3) years and the projected trip generation of the newly proposed development is equal to or less than the previous TIS performed and the trip distribution has not significantly changed.

(2) Traffic Impact Study (TIS) Guidelines.

- a. Any TIS whether required or voluntarily prepared, must be prepared by a licensed engineer and submitted as part, or as a condition, of the master plan approval or site plan approval. Prior to conducting the TIS, the developer must meet with County Staff, the Technical Review Committee, and NCDOT to identify certain assumptions that shall be addressed in the TIS.
- b. An executive summary shall be provided with the TIS outlining the following: detailed description of the proposed development, number of access points proposed and studied, existing and future Level of Service (LOS) for studied intersections and road segments including the LOS at the time of build-out, existing traffic counts for road(s) and intersection(s) studied and dates/times counts were conducted, AM and PM Peak Hour Trips, Average Daily Trips created by the development at build-out, Existing Traffic Accident Counts, and any recommended improvements.
- c. The TIS shall address the proposed land use, site access and site distances at all proposed access points, impacts on the transportation system from the proposed development, and physical improvements or enforceable management strategies to mitigate negative impacts.

- d. The TIS shall take into consideration proposed/planned NCDOT roadway improvement projects as identified on the Metropolitan Transportation Improvement Program (MTIP) or State Transportation Improvement Program (STIP), the French Broad River Metropolitan Planning Organization Long Range Plan, and the Comprehensive Transportation Plan.
 - e. The TIS shall identify the improvements necessary to maintain Level of Service D for streets and intersections as defined in the Highway Capacity Manual.
 - f. Recommended improvements within the TIS shall take into account the Traffic Impact Study Improvement Requirements listed in §200A-101 (3).
- (3) Traffic Impact Study (TIS) Improvement Requirements. The approving authority for all subdivisions requiring a TIS may require additional mitigation standards or off site improvements provided when improvements are acceptable by NCDOT or applicable municipality. However, a TIS shall not be utilized as a means for the County to require the party developing the property to make needed transportation improvements remote from and not affected by the property for which the TIS is submitted, nor shall identified deficiencies in level of service automatically preclude approval of the proposed development.
- a. Left Turn Lane, Right Turn Lane, and/or Right Turn Taper: Based on requirements of the NCDOT Policy on Street and Driveway Access to North Carolina Highways or other NCDOT standards.
 - b. Additional Right-of-Way: If a subject development falls along a road projected to be widened by NCDOT or an adopted County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
 - c. Offsite Improvements: If a road segment or intersection is currently performing at Level of Service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements must be made to maintain the road segment or intersection at LOS D. If a road segment or intersection is currently performing at Level of Service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIS shall demonstrate how a LOS D could be achieved and also specify what improvements must be made to ensure that the

road segment or intersection is not degraded any further than the current levels. The County may require improvements be made to preserve the existing LOS.

- d. Other Necessary Improvements: Additional improvements may be required based on the TIS recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the approving authority may determine that additional improvements are necessary to ensure the safety and welfare of the County's citizens and travelers.

§200A-102. Emergency Services Impact Report. An Emergency Services Impact Report may be required to evaluate the public safety of a proposed development and the effect it will have on the County's existing Fire and Emergency Medical Services (EMS). This report and requirements is in addition to those requirements and review of the internal design of the development. An Emergency Services Impact Report shall be required for subdivisions proposing one-hundred (100) lots/units or more, or subdivisions proposing more than 50 units located more than 5 road miles from a fire station and shall be submitted as part of the master plan approval.

- (1) Proximity and Impact to Existing Services. Residential and nonresidential subdivisions shall provide documentation to identify if a proposed development or portion thereof is outside of a Fire Insurance District or is more than five (5) road miles from an existing fire station. The developer shall also provide documentation identifying the response time to the nearest existing EMS station based on an average thirty-five (35) miles per hour. The Emergency Services Impact Report shall state the location of the EMS substation, the response time in minutes, the route from the proposed development including road names and classifications, number of passing areas and posted speed limits, and the method of calculation.
- (2) Fire Suppression Water Supply. Residential and nonresidential subdivisions shall provide documentation to identify water resources for fire suppression. The developer shall also provide documentation identifying the type of water source (static or pressurized), number and spacing of hydrants, capacity, flow rate in gallons per minute, static and residual pressures.
- (3) Based on the findings of the Emergency Services Impact Report and the recommendation of County Staff or the approving authority, a proposed development may be required to be built at a maximum

density of one (1) unit per three (3) acres. However, the developer may volunteer to provide emergency equipment, vehicles, land and/or facilities to the County to serve the development in order to waive the density reduction, provided the County decides the site is appropriate for a new Fire or EMS substation.

Recommended Solution 3: Provide a provision in the Subdivision Regulations (**Article III, §200A-77, B 2**) of the Land Development Code that would allow the Planning Board to require subdivisions over 500 units to connect to public water and sewer. See language below which would amend the current requirements.

(2) Public Water and Sewer Requirements. A *subdivision* shall be required to connect to a public *water supply system* when the *subdivision* is located within a distance from the existing *water supply system* equal to the product of 100 feet multiplied by the number of *lots* proposed for the *subdivision*. ~~However,~~ ~~if~~ If the *subdivision* is located more than 5,000 feet from an existing water line, such connection is not a requirement. **However, the Approving Authority may require a subdivision with over 500 units connect to a public water system if the subdivision is located within two (2) miles from an existing public water system.** A *subdivision* shall be required to connect to a public sewer system when the *subdivision* is located within a distance equal to the product of 50 feet multiplied by the number of proposed *lots*; ~~however~~ but, the maximum distance required for connection shall be 2,500 feet. **However, the Approving Authority may require all subdivisions with over 500 units connect to a public sewerage system if the subdivision is located with one (1) mile from an existing sewer system.**

Exceptions to this provision may be allowed on the basis of terrain, availability of acquiring *easements*, denial of allocation by the public utility, insufficient capacity of the public system or other circumstances which are unusual or unique to the site. Requests for exceptions must be made, in writing, to the *Subdivision Administrator* who may require that such requests be supported by a professional engineer's review of the *subdivision* plans and planned route of the utility extension. If the *Subdivision Administrator* determines that it would not be economically feasible for a *subdivision* to be connected to a public water or sewer system, another system may be used, subject to approval by the appropriate agencies.

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).

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

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.

Text Option 9: Accessory and Temporary Manufactured Homes

Issue: The current draft LDC proposes to permit accessory dwellings which are stick-built, modular, or manufactured dependent upon the district in which the accessory dwelling is to be placed. The concern expressed by the Board of Commissioners has been that manufactured homes may not be permitted as accessory dwellings based on the size restrictions contained in the supplemental requirements. Additionally the Board is concerned that manufactured homes cannot be placed on a site as a temporary use. The current draft language regarding accessory dwellings is found in Section 200A-60 on page 71 of the draft LDC (SR 3.6).

Recommended

Solution 1:

Modify the supplemental requirements for “Accessory Residential Dwelling” (SR 3.6) to increase the permitted size of the accessory dwelling (See (4) change from “lesser” to greater”). Staff does not suggest any additional changes that would be necessary to allow the accessory manufactured home as a temporary use. It is not necessary to regulate the length of placement of the manufactured home because the accessory manufactured home would be permitted as a permanent use within the applicable district. Additionally, by removing “(2) Ownership” the manufactured home may be owned by someone other than the property owner (for example a parent or child of the property owner).

SR 3.6. Dwelling, Accessory Residential

- (1) Maximum Number Permitted Per Lot. No more than one (1) *accessory dwelling* shall be permitted on a single deeded *lot* in conjunction with the principal *dwelling unit*.
- ~~(2) Ownership. The *accessory dwelling* shall be owned by the same *person* as the principal dwelling.~~
- (3) Structure Requirements.
 - a. An *accessory dwelling* may be attached, within, or separate from the principal dwelling.
 - b. The *principal use* of the *lot* shall be a detached or attached dwelling, built to the standard of the Henderson County Housing Code. *Manufactured homes* are permitted as *accessory dwellings* where such are permitted as a *principal use* in the general use zoning district. *Mobile homes, park model homes* and *recreational vehicles* shall not be used as *accessory dwellings*.
- (4) Size. A detached *accessory dwelling* shall be housed in a *building* not exceeding 50 percent of the *gross floor area* of the principal dwelling or 1,200 square feet, whichever is ~~lesser~~ greater; the structure may be a dwelling only or may combine a dwelling with a *garage, workshop, studio* or similar *use*.
- (5) Accessibility. The *accessory dwelling* shall not be served by a *driveway* separate from that serving the principal dwelling unless the *accessory dwelling* is accessed from a rear *alley* or side *road* and the principal dwelling is accessed from a *road*.
- (6) Location. A detached *accessory dwelling* shall be located in the established *rear yard* and shall meet the standards for the applicable *building* and *lot* type.

Text Option 10: Commercial Uses in Industrial Zoning District

Issue: Concerns were raised regarding the commercial uses allowed in the I (Industrial) zoning district.

Recommended

Solution:

Almost all commercial uses, with the exception of retail trade uses, are allowed in the Industrial District. Staff recommends that the Board add the following uses as permitted in the I district: outdoor sale display areas; non-commercial athletic fields; and Christmas tree lot sales (See revised Table of Uses, beginning on page 3).

Staff does not recommend the addition of any other commercial uses to the Industrial District. The intent of the district is to allow for *industrial* and *heavy commercial* development. Those commercial uses which are not permitted in the industrial district may not be appropriate to be developed in industrial areas for factors including: differences in hours of operation, types/amounts of traffic generated, and/or the concentration of people in a residential/accommodation (i.e. hotel, dormitory, etc.) or institutional (i.e. school, adult day care, etc.) setting.

Allowing additional commercial development in the Industrial District will not allow for the preservation of industrial lands for industrial uses.

The following commercial/business uses would continue to not be permitted in the Industrial District with the above noted changes:

RECREATIONAL USES

- Campground
- Coin Operated Amusements
- Common Area Recreation and Service Facilities
- Golf Course and/or Country Club
- Governmental Recreational Facilities
- Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)
- Marina
- Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)
- Recreational Vehicle Park
- Riding Stables
- School (Sports Instructional)
- Swim and Tennis Club

EDUCATIONAL AND INSTITUTIONAL USES

- Adult Day Care Facility
- College or University
- Community Club
- Funeral Home or Crematorium
- Homeless Shelter
- Hospital
- Museum/Library/Archive
- School (Home)
- School (Public/Private/Charter)
- Youth Center

BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES

- Urgent Care Clinic

RETAIL TRADE

- Cinema Complex
- Produce Stand
- Retail Sales and Services <50,000 sq ft (of gross floor area)
- Retail Sales and Services >50,000 <100,000 sq ft (of gross floor area)
- Retail Sales and Services >100,000 <150,000 sq ft (of gross floor area)
- Retail Sales and Services >150,000 sq ft (of gross floor area)
- Shopping Mall

TEMPORARY USES

- Model Home Sales Office, Temporary
- Yard Sale

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	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>					P	P	P	P	P	P	P	2.1
<i>Drive-Thru Window</i>					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>							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

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
<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
<i>Loading Bay</i>					P	P	P	P	P	P	P	-
<i>Outdoor Sale Display Areas</i>							P	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					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		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

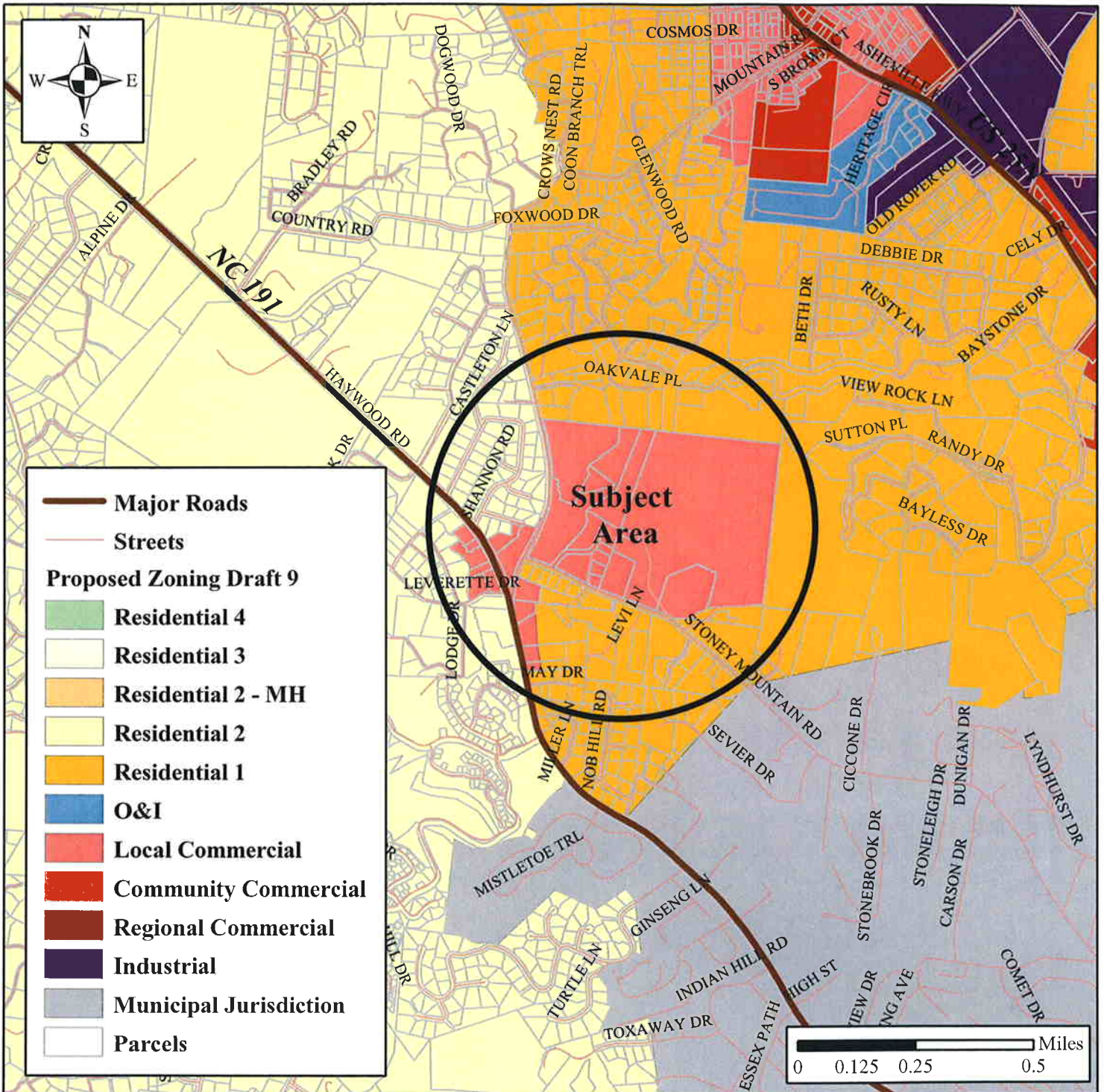
USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
Physical Fitness Center	S	S	S	S	S	P	P	P	P	P	P	4.16
Recreational Vehicle Park		S	S	S				S				4.17
Riding Stables		P	P	P			P	P				4.18
School (Sports Instructional)						P	P	P	P	P		4.19
Shooting Ranges, Indoor								S	S	S	P	4.20
Shooting Ranges, Outdoor											S	4.21
Sporting and Recreational Facilities	S	S	S	S				P	P	P	P	4.22
Swim and Tennis Club	P	P	P	P	P	P	P					4.23
5. EDUCATIONAL AND INSTITUTIONAL USES												
Adult Day Care Facility	P	P		P	P	P	P	P				5.1
Ambulance Services	P	P		P	P	P	P	P	P	P	P	5.2
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	P	P	P	P			P	P	P	P	P	5.3
Childcare Facility	P	P	P	P	P	P	P	P	P	P	P	5.4
Club/Lodge	P	P	P	P	P	P	P	P	P	P	P	5.5
College or University					P	P		P	P			5.6
Community Club	P	P	P	P	P	P	P	P	P			5.7
Correctional Facilities											S	5.8
Fire and Rescue Station	P	P	P	P	P	P	P	P	P	P	P	5.9
Funeral Home or Crematorium							P	P	P	P		5.10
Government Offices					P	P	P	P	P	P	P	5.11
Homeless Shelter					P			S	P	P		5.12
Hospital					P	P		P	P	P		5.13
Museum/Library/Archive	S	S	S	S	P	P	P	P	P	P		5.14
Place of Assembly, Large					S		P	P	P	P	P	5.15
Place of Assembly, Small					P	P	P	P	P	P	P	5.16
Police Station	S	S		S	P	P	P	P	P	P	P	5.17
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	5.18
School (Home)	P	P	P	P	P	P	P					-
School (Public/Private/Charter)	P	P	P	P	P	P	P	P	P	P		5.19
Youth Center	S	S		S	P	P	P	P	P	P		5.20
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES												
Animal Shelter							S	S	P	P	P	6.1
Automobile and Equipment Service							P	P	P	P	P	6.2
Automotive Towing									P	P	P	6.3
Broadcasting and Communications Facilities					P	P	P	P	P	P	P	6.4
Car Wash							P	P	P	P	P	6.5
Exterminating and Pest Control Services							P	P	P	P	P	6.6

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
<i>Kennel</i>		S	S	S			S	S	P	P	P	6.7
Motel/Hotel						P	S	P	P	P		6.8
Office: Business, Professional and Public					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
Theater, Drive-In								P	P	P	P	6.11
Tire Recapping									P	P	P	6.12
<i>Urgent Care Clinic</i>					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
Cinema Complex						P		P	P	P		7.3
Convenience Store					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
Manufactured/Mobile Home Sales									P	P	P	7.9
Motor Vehicle Sales or Leasing									P	P	P	7.10
<i>Open Air Market</i>		S		S		P	S	S	P	P	P	7.11
Parking Garage or Lot (requiring payment)									P	P	P	7.12
<i>Produce Stand</i>		S	S	S		P	P	P	P	P		7.13
Retail Sales and Services ≤50,000 sq ft (of gross floor area)					P	P	P	P	P	P		7.14
Retail Sales and Services >50,000 ≤100,000 sq ft (of gross floor area)						P		P	P	P		7.15
Retail Sales and Services >100,000 ≤150,000 sq ft (of gross floor area)									P	P		7.16
Retail Sales and Services >150,000 sq ft (of gross floor area)									S			7.17
<i>Shopping Mall</i>									S			7.18
Truck Stop									S	P	P	7.19
8. WHOLESALE TRADE												
<i>Wholesale Trade</i>								P	P	P	P	8.1
9. TRANSPORTATION, WAREHOUSING AND UTILITIES												
<i>Airport (Private)</i>											S	9.1

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
<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
<i>Septic Tank and Related Services</i>											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												
<i>Asphalt Plant</i>											S	10.1
<i>Battery Manufacturing Facility</i>											S	10.2
<i>Chip Mill</i>											S	10.3
<i>Concrete Batch Plant</i>											S	10.4
<i>Junkyard</i>											S	10.5
<i>Landfill, Public or Private</i>											S	10.6
<i>Machining and Assembly Operations</i>											P	10.7
<i>Manufacturing and Production Operations</i>											P	10.8
<i>Materials Recovery Facilities (Recycling)</i>											P	10.9

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
<i>Mining and Extraction Operations</i>											S	10.10
<i>Packaging and Labeling Services</i>											P	10.11
<i>Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing</i>											S	10.12
<i>Product Processing and Storage Facilities</i>											P	10.13
<i>Recycling Centers, Drop-Off Facilities</i>	P	P	P	P	P	P	P	P	P	P	P	10.14
<i>Research and Development Operations (Hazardous or Biological Materials)</i>											P	10.15
<i>Research and Development Operations (Non-hazardous)</i>									P		P	10.16
<i>Sawmill</i>				P							P	10.17
<i>Slaughterhouse</i>											P	10.18
<i>Truck Wash</i>									P		P	10.19
11. TEMPORARY USES												
<i>Christmas Tree Lot Sales</i>	P	P	P	P	P	P	P	P	P	P	P	11.1
<i>Circuses, Carnivals, Fairs, Religious Services (or similar types of events)</i>				P			P	P	P	P	P	11.2
<i>Model Home Sales Office, Temporary</i>	P	P	P	P	P	P	P			P		11.3
<i>Movie Production</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Yard Sale</i>	P	P	P	P	P	P	P	P				11.4
12. TEMPORARY STRUCTURES												
<i>Portable Storage Container</i>											P	12.1
<i>Produce Stand, Temporary</i>	P	P	P	P	P	P	P	P	P	P	P	12.2
<i>Temporary Construction Project Buildings</i>	P	P	P	P	P	P	P	P	P	P	P	12.3
<i>Tent Sale</i>						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	-
<i>Food Manufacturing</i>	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	-
<i>Veterinary Services (livestock)</i>	P	P	P	P	P	P	P	P	P	P	P	-

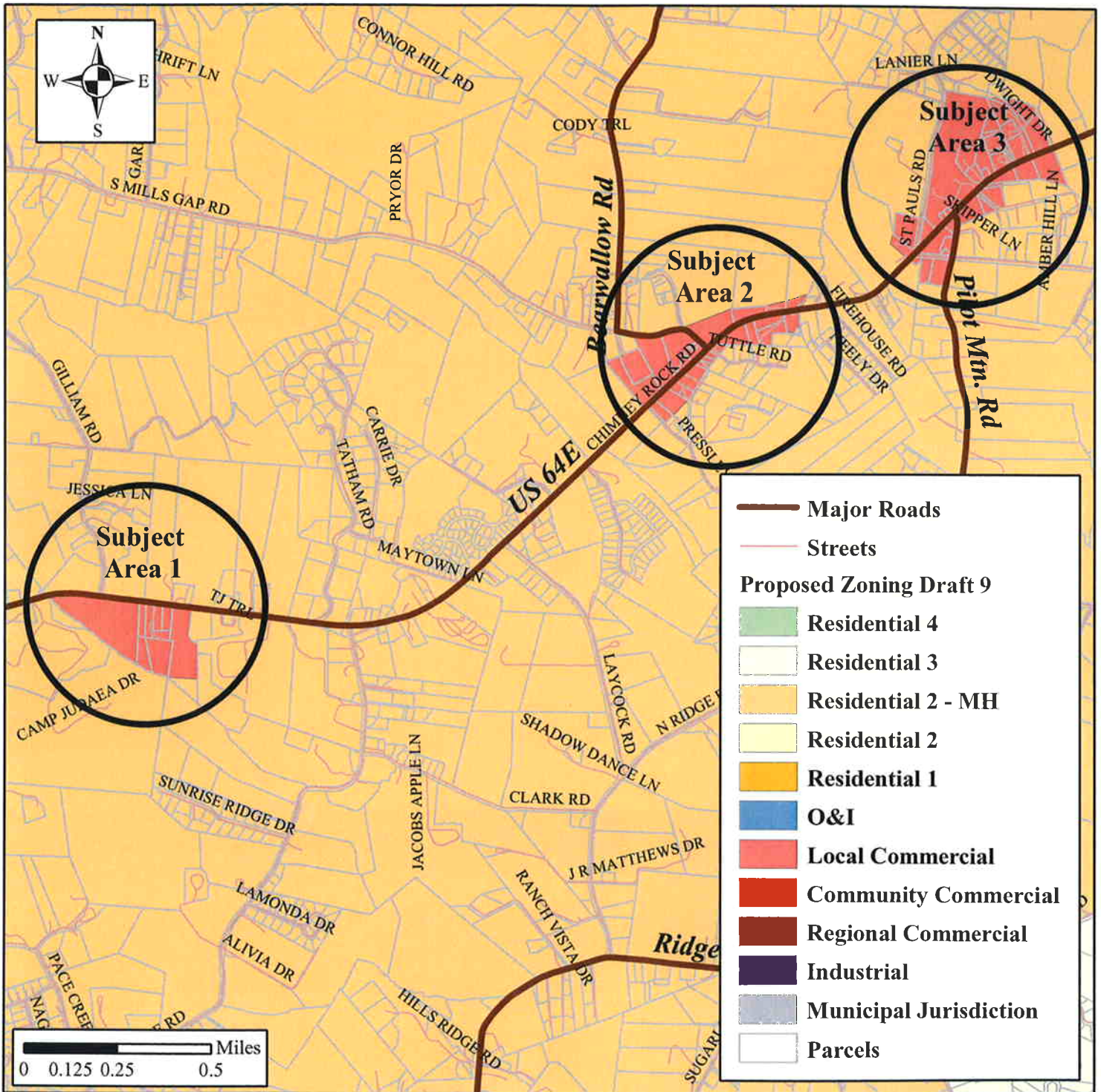
Map Option 1: Local Commercial Node at Intersection of NC Highway 191 and Mountain Road



Current Draft 9 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 9 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Two (R2)

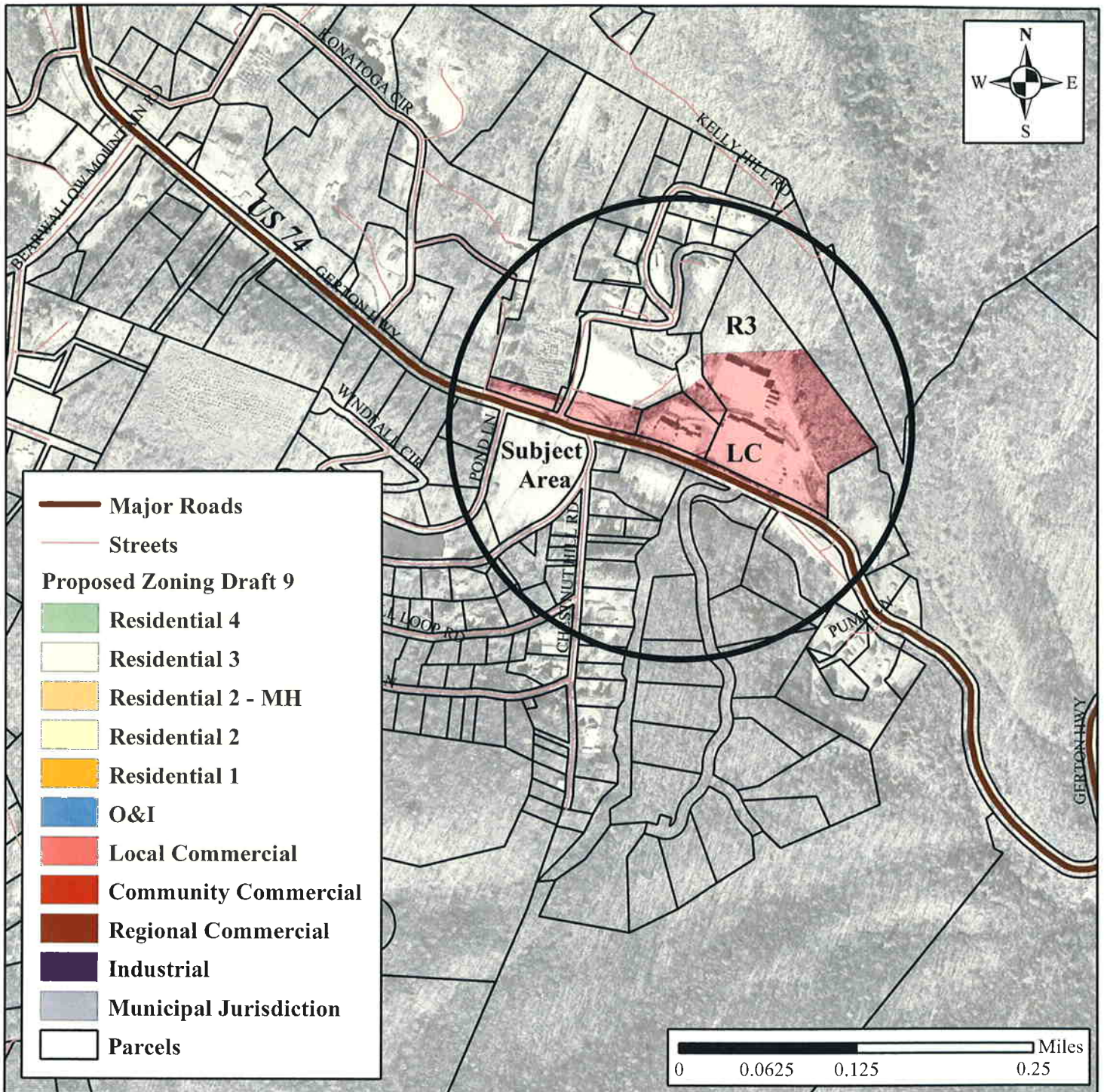
Current Zoning: Open Use (OU)

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 9 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Three (R3)

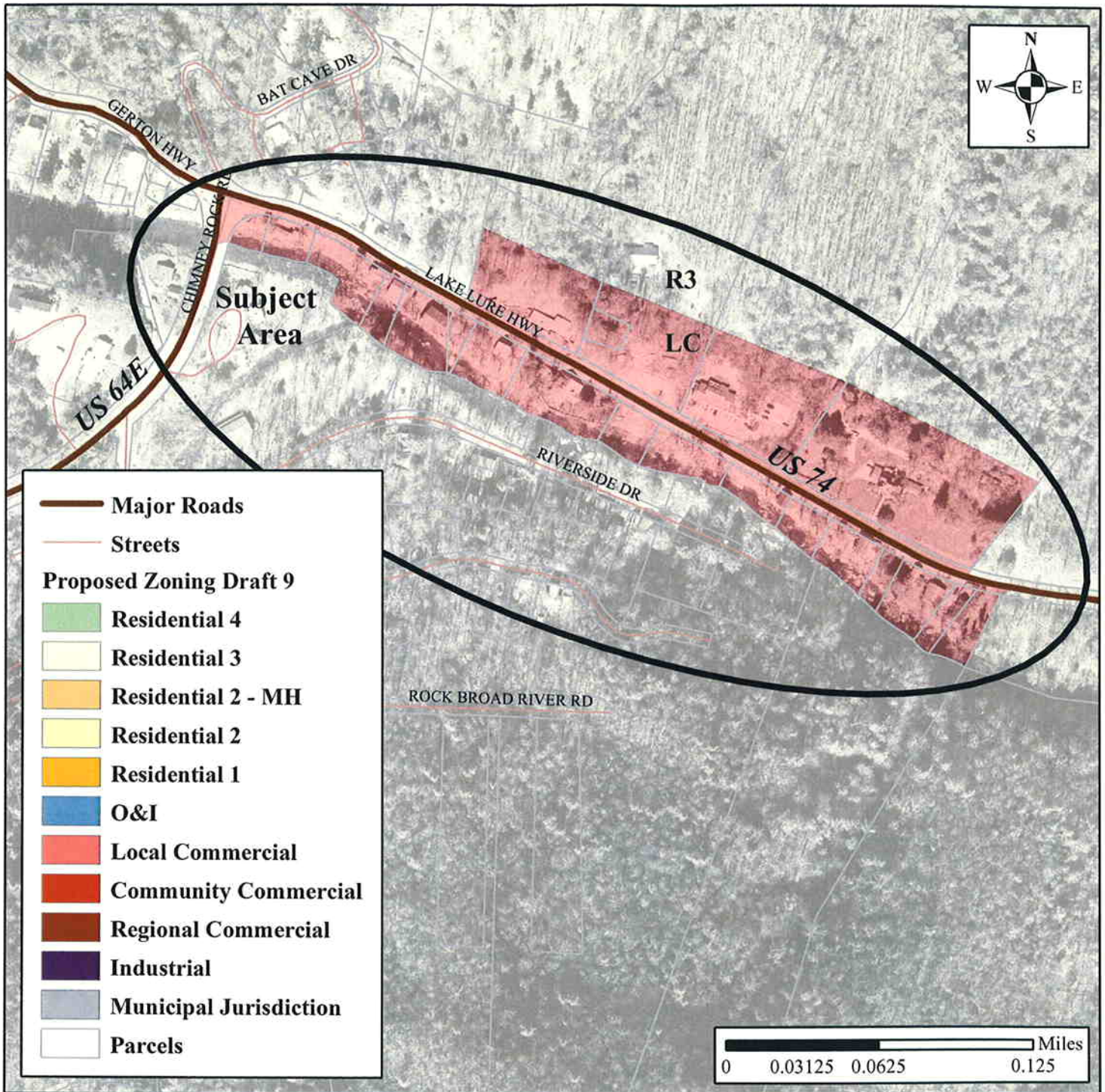
Current Zoning: Open Use (OU)

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 9 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Three (R3)

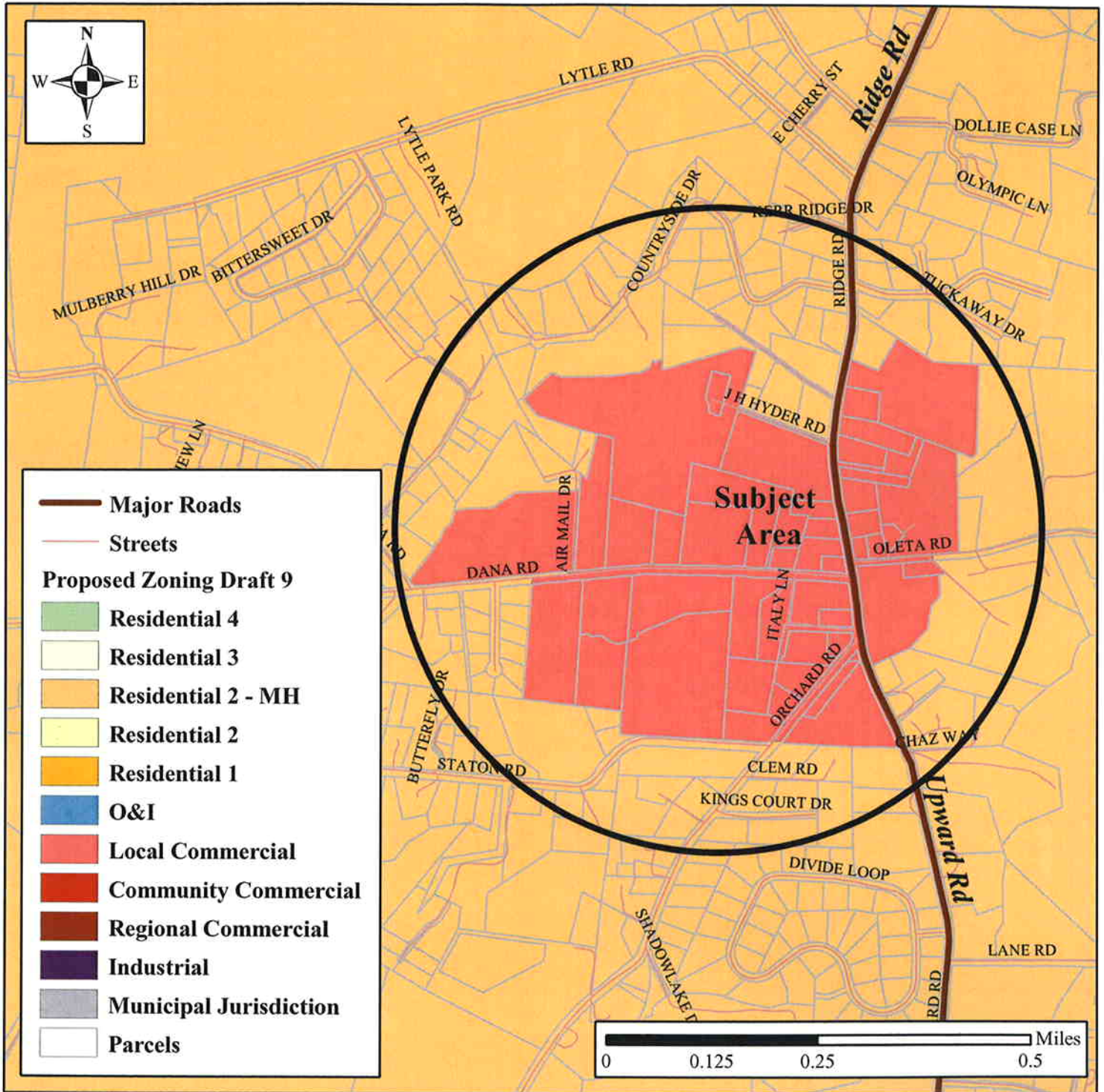
Current Zoning: Open Use (OU)

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 9 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Two (R2)

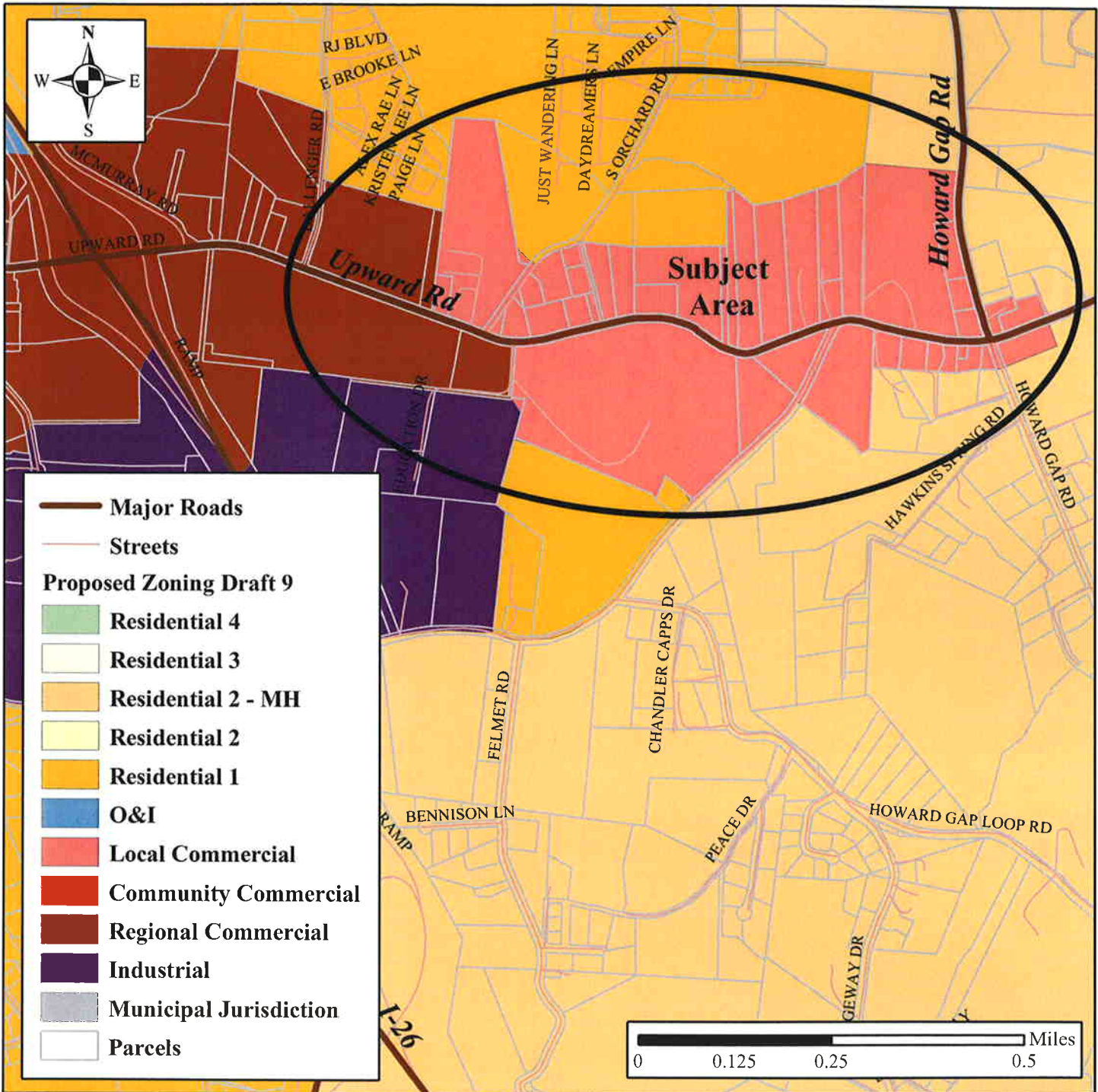
Current Zoning: Open Use (OU)

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 9 Proposed Zoning: Local Commercial (LC)

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

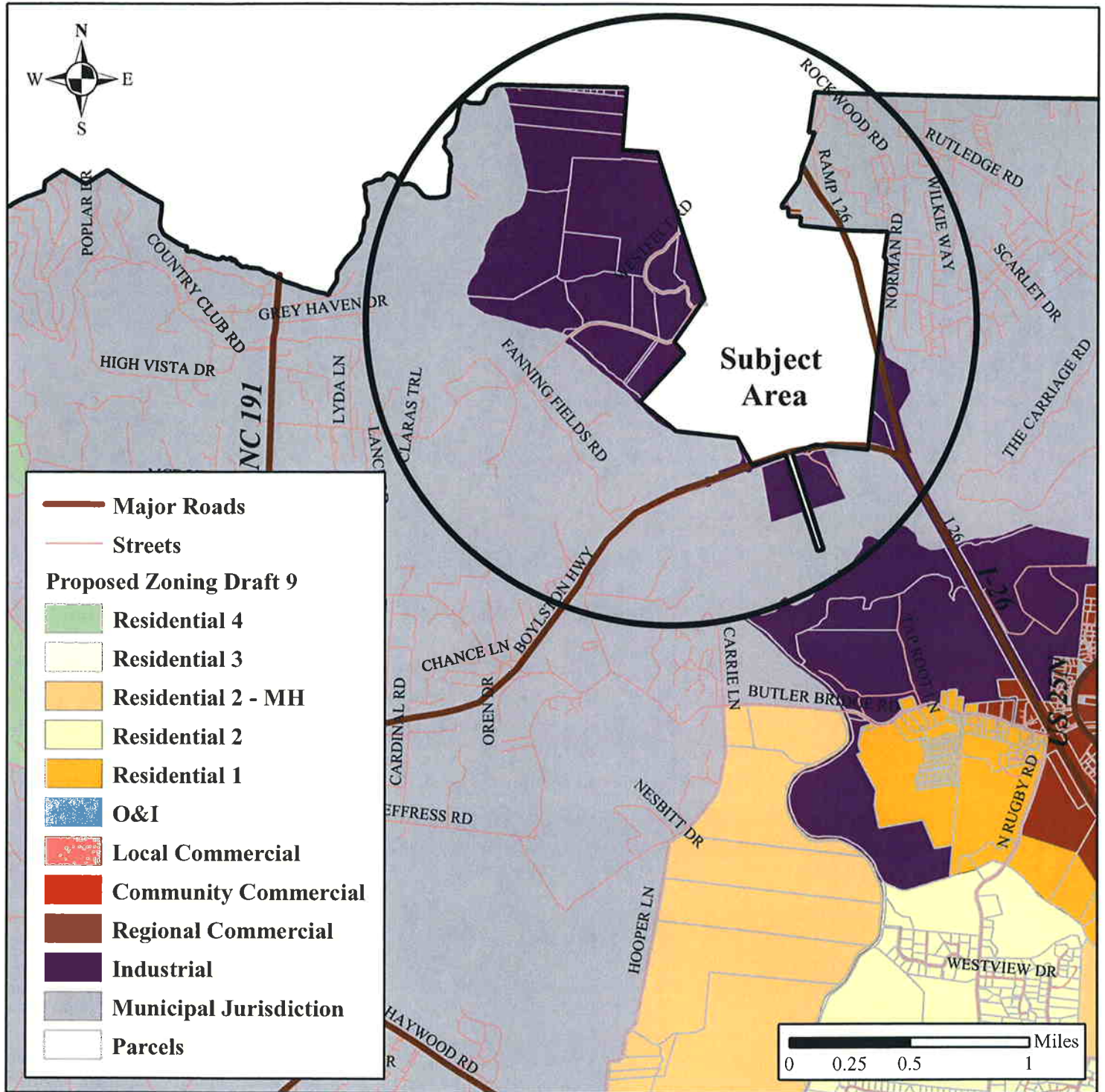
Current Zoning: Open Use (OU)

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 9 Proposed Zoning: Industrial (I)

Previous Draft 7 Proposed Zoning: Residential One and Three (R1 and R3)

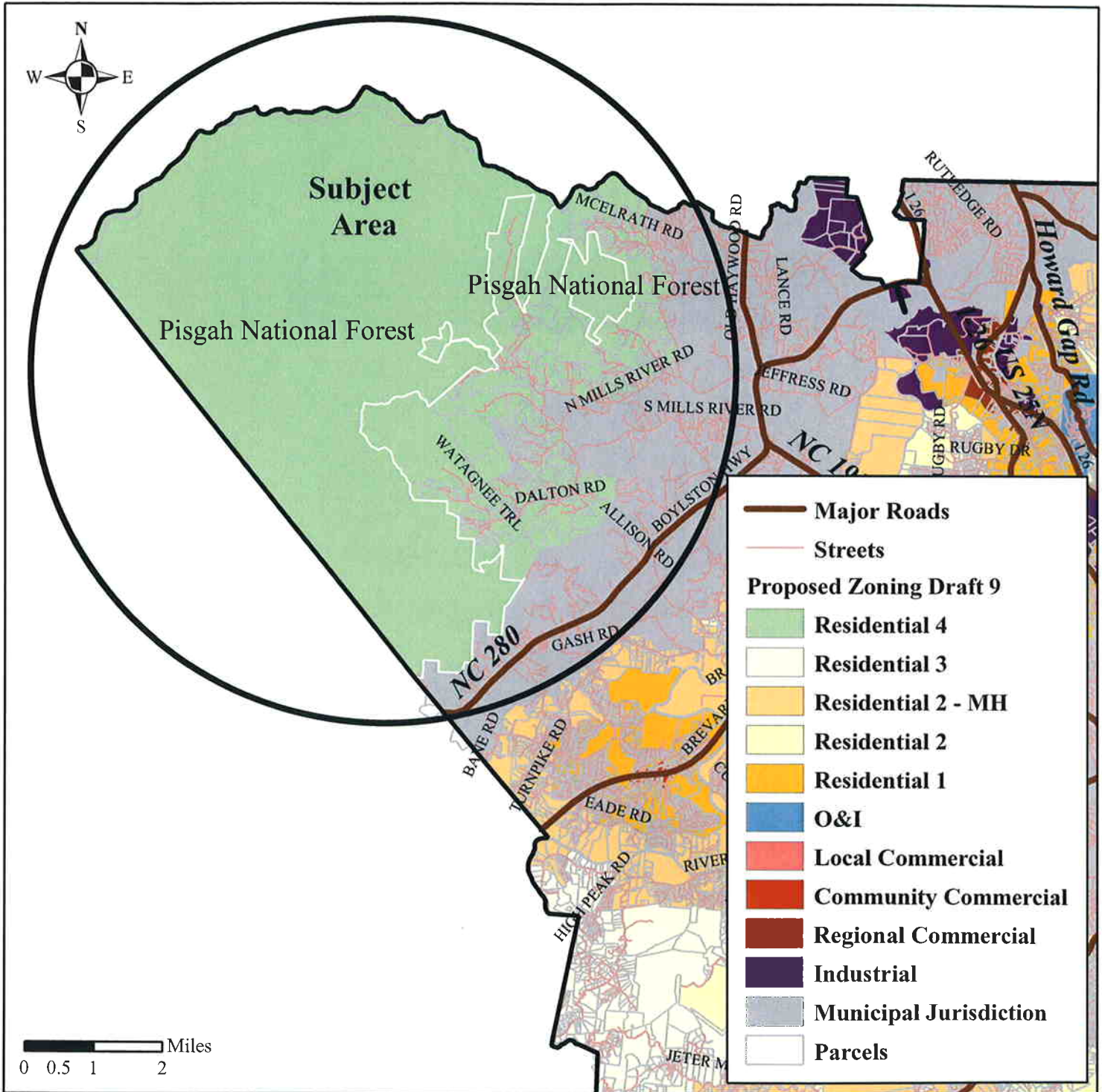
Current Zoning: Open Use (OU)

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 9 Proposed Zoning: Residential Four (R4)

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

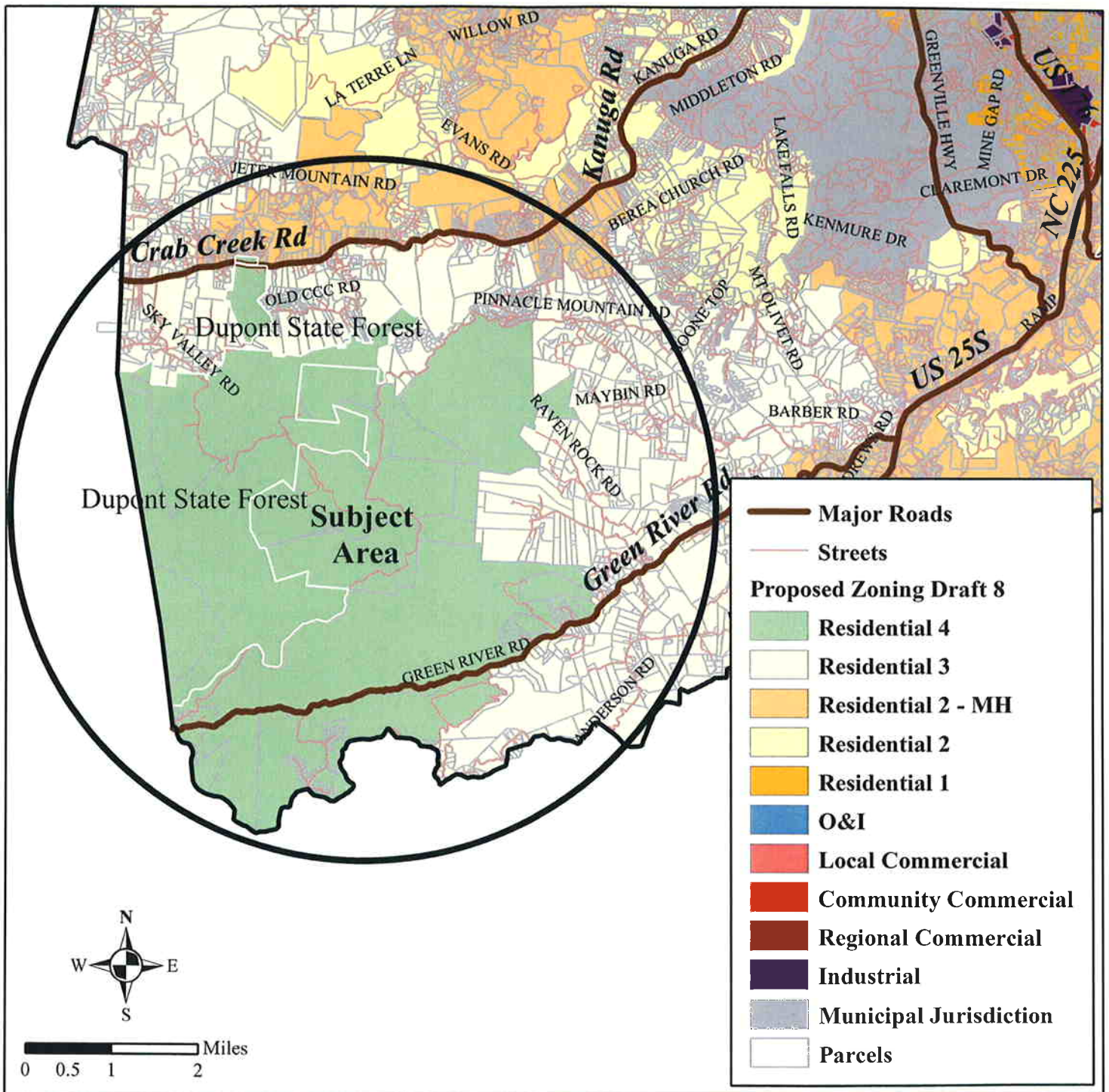
Current Zoning: Open Use (OU) and Unzoned

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



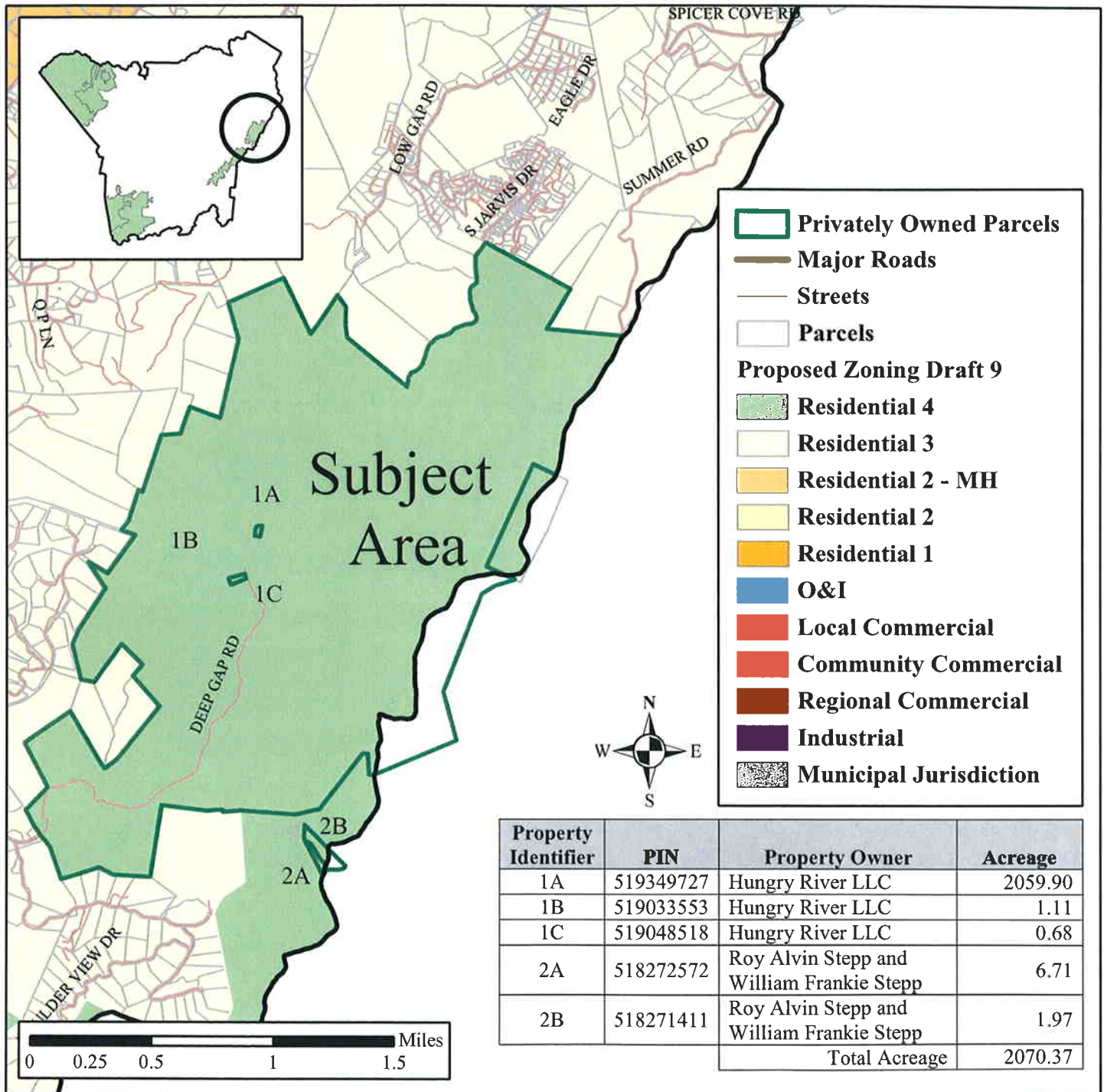
Current Draft 9 Proposed Zoning: Residential Four (R4)
Previous Draft 7 Proposed Zoning: Residential Three (R3) and Unzoned
Current Zoning: Open Use (OU) and Unzoned

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

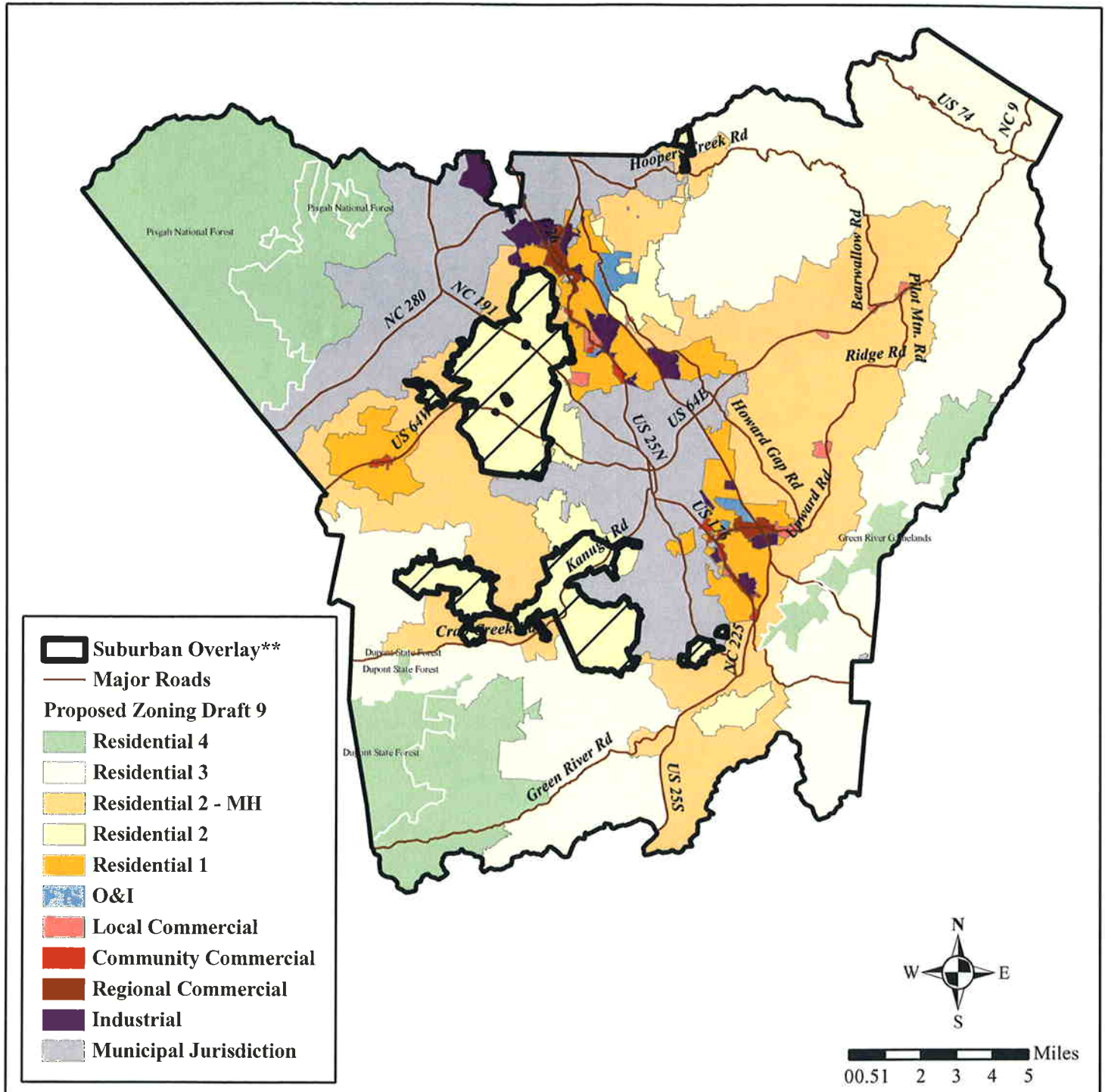


Current Draft 9 Proposed Zoning: Residential Four (R4)
 Previous Draft 7 Proposed Zoning: Residential Three (R3) and Unzoned
 Current Zoning: Open Use (OU) and Unzoned

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 11: Suburban Overlay District in the Former R-40 and R-30 Residential Zoning Districts



Current Draft 9 Proposed Zoning: Suburban Overlay

Current Zoning: R-40 and R-30

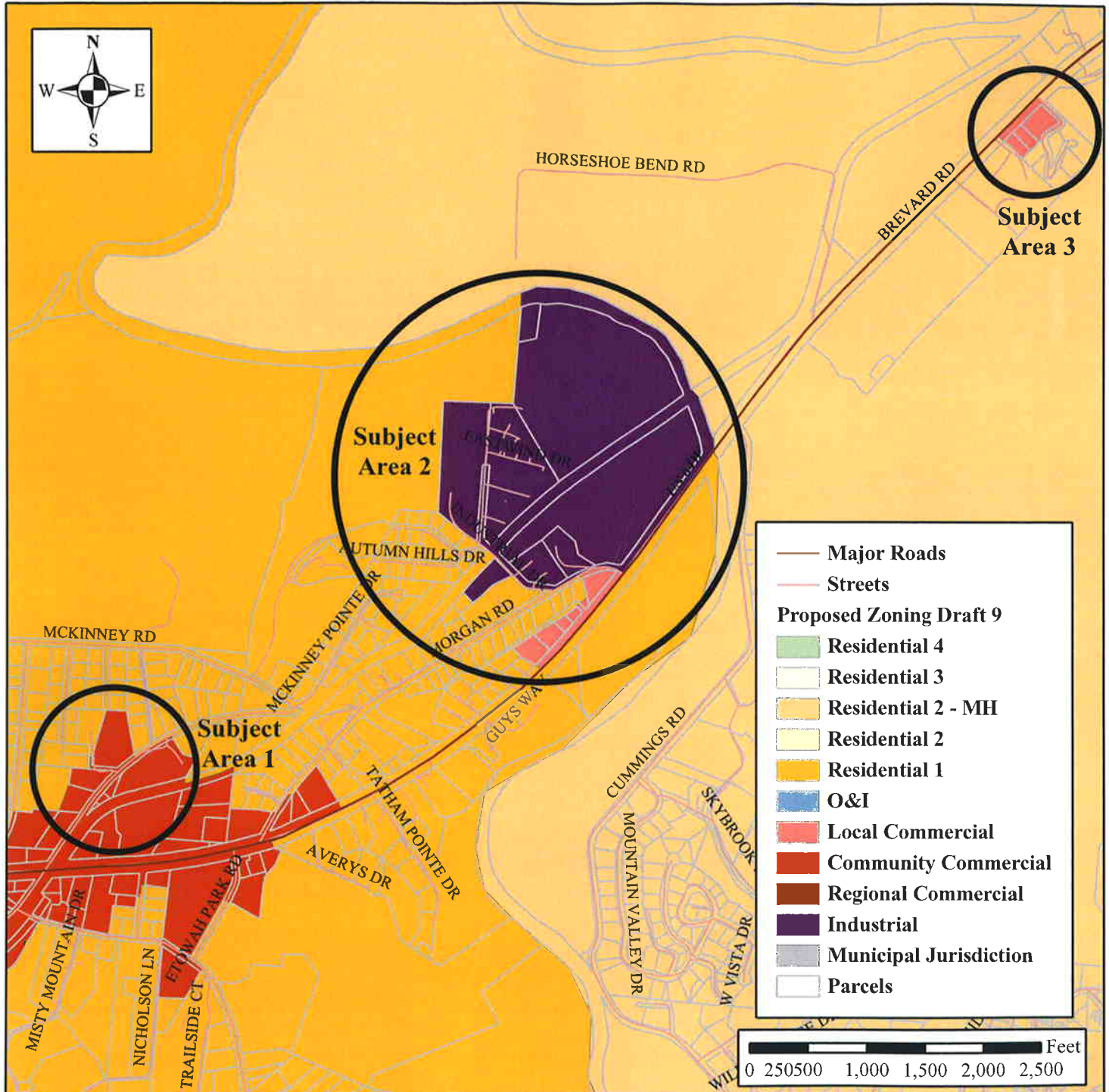
Reason for Proposed Change: Protection of R-40 and R-30

Consistent with the CCP: No, the CCP recommends overall project densities instead of minimum lot size

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

**The Suburban Overlay is applied only to those areas which were formerly zoned R-40 and R-30 and which are now proposed to be R2.

Map Option 12: Industrial and Local Commercial Nodes along US Highway 64 West in Etowah-Horseshoe Community



Current Draft 9 Proposed Zoning: Community Commercial, Local Commercial, Industrial

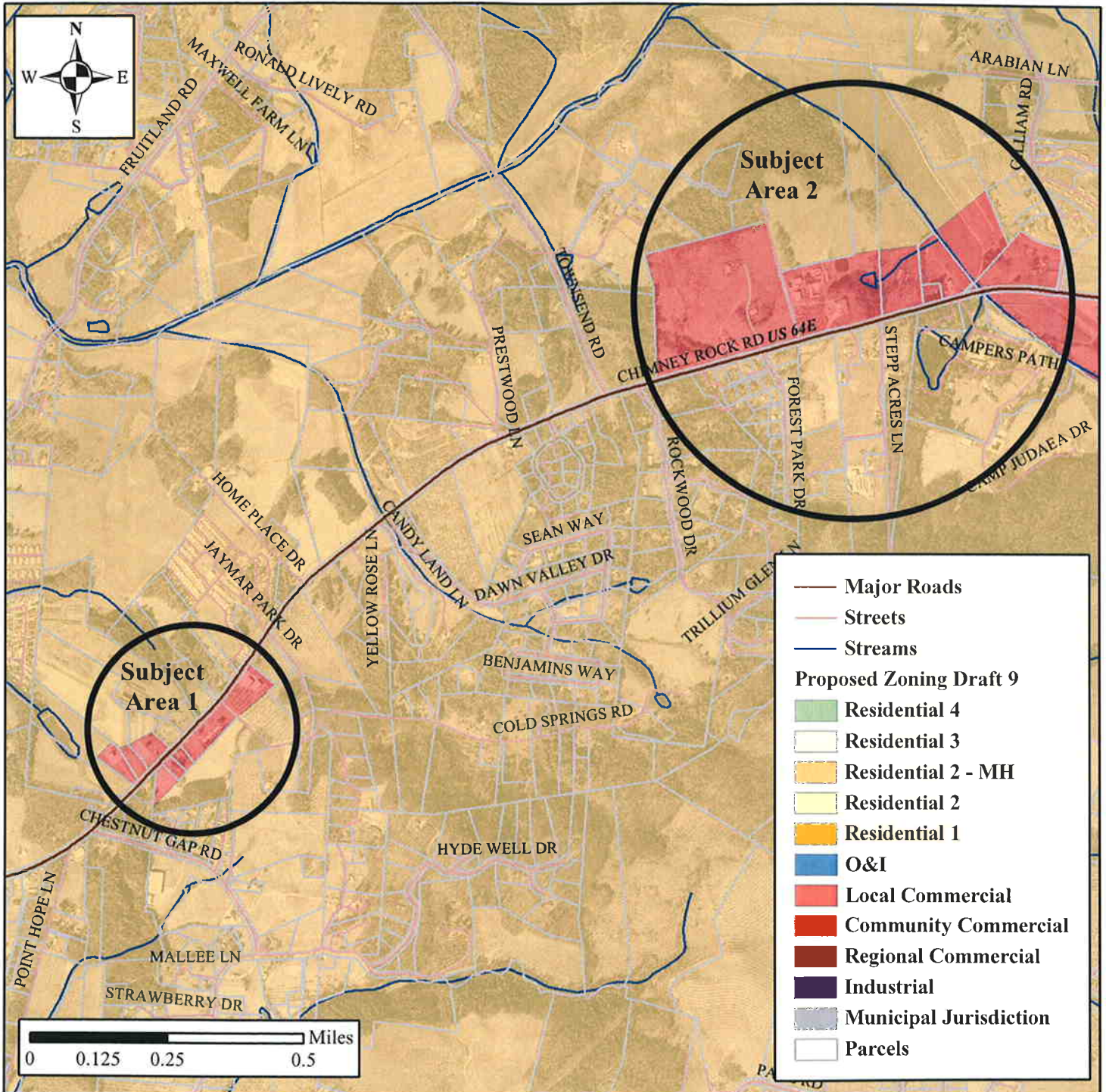
Previous Draft 7 Proposed Zoning: Residential One and Two (R1 and R2)

Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial and Industrial Uses along US Highway 64 West
Consistent with the CCP: Yes, Community Service Center Node Applied to Subject Area 1; No Industrial
or Commercial Recommendations Made Regarding Subject Areas 2 and 3: Subject Area 2 Contains
Floodplain and Floodway

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

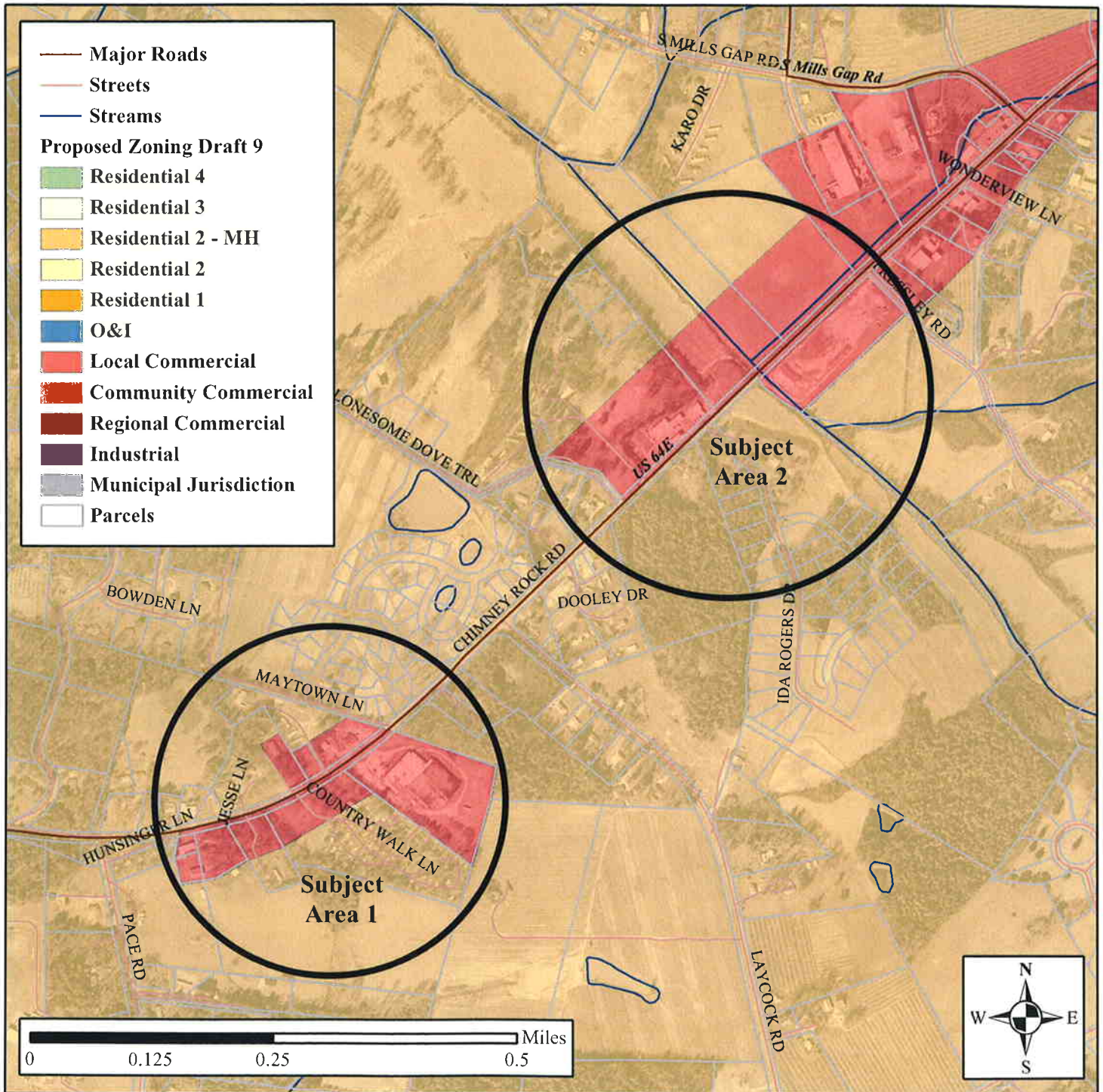
Map Option 13: Additional Local Commercial Nodes along US Highway 64 East, between Fruitland Road and Gilliam Road



Current Draft 9 Proposed Zoning: Local Commercial
 Previous Draft 7 Proposed Zoning: Residential Two - Manufactured Homes (R2MH)
 Current Zoning: Open Use (OU)
 Reason for Proposed Change: Existing Commercial Uses along US Highway 64 East
 Consistent with the CCP: No Commercial Recommendations Made Regarding Subject Areas 1 or 2.
 A portion of Subject Area 2 is recommended as Undeveloped as it Contains Floodplain.

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

Map Option 14: Additional Local Commercial Nodes along US Highway 64 East, between Pace Road and South Mills Gap Road



Current Draft 9 Proposed Zoning: Local Commercial

Previous Draft 7 Proposed Zoning: Residential Two - Manufactured Homes (R2MH)

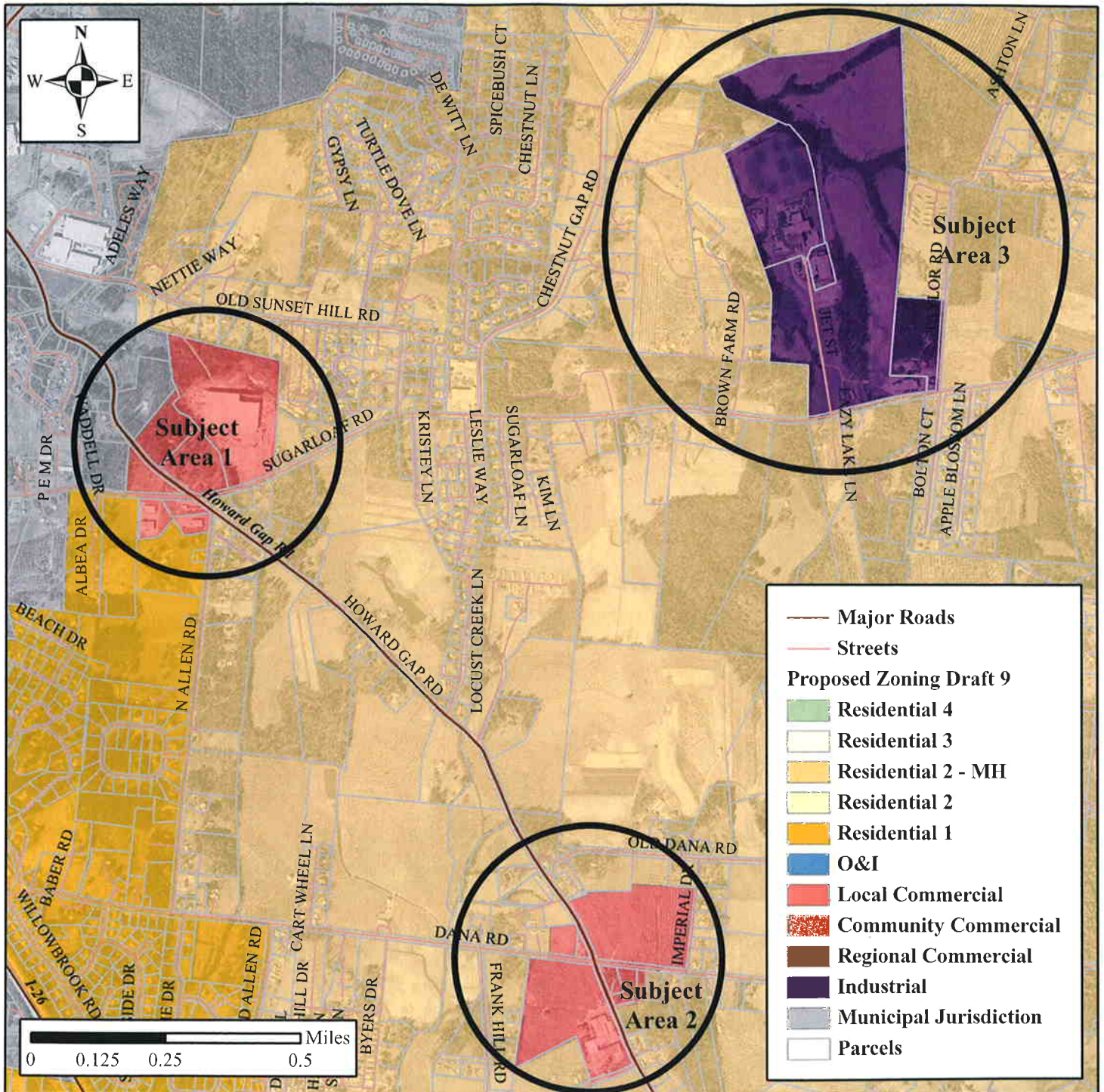
Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial Uses along US Highway 64 East

Consistent with the CCP: No Commercial Recommendations Made Regarding Subject Area 1. Yes, Somewhat, Community Service Center Node Applied to Eastern Part of Subject Area 2. Much of Subject Area 2 is recommended as Undeveloped as it Contains Floodplain.

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

Map Option 15: Local Commercial and Industrial Nodes along Howard Gap and Sugarloaf Roads



Current Draft 9 Proposed Zoning: Local Commercial (LC) and Industrial (I)

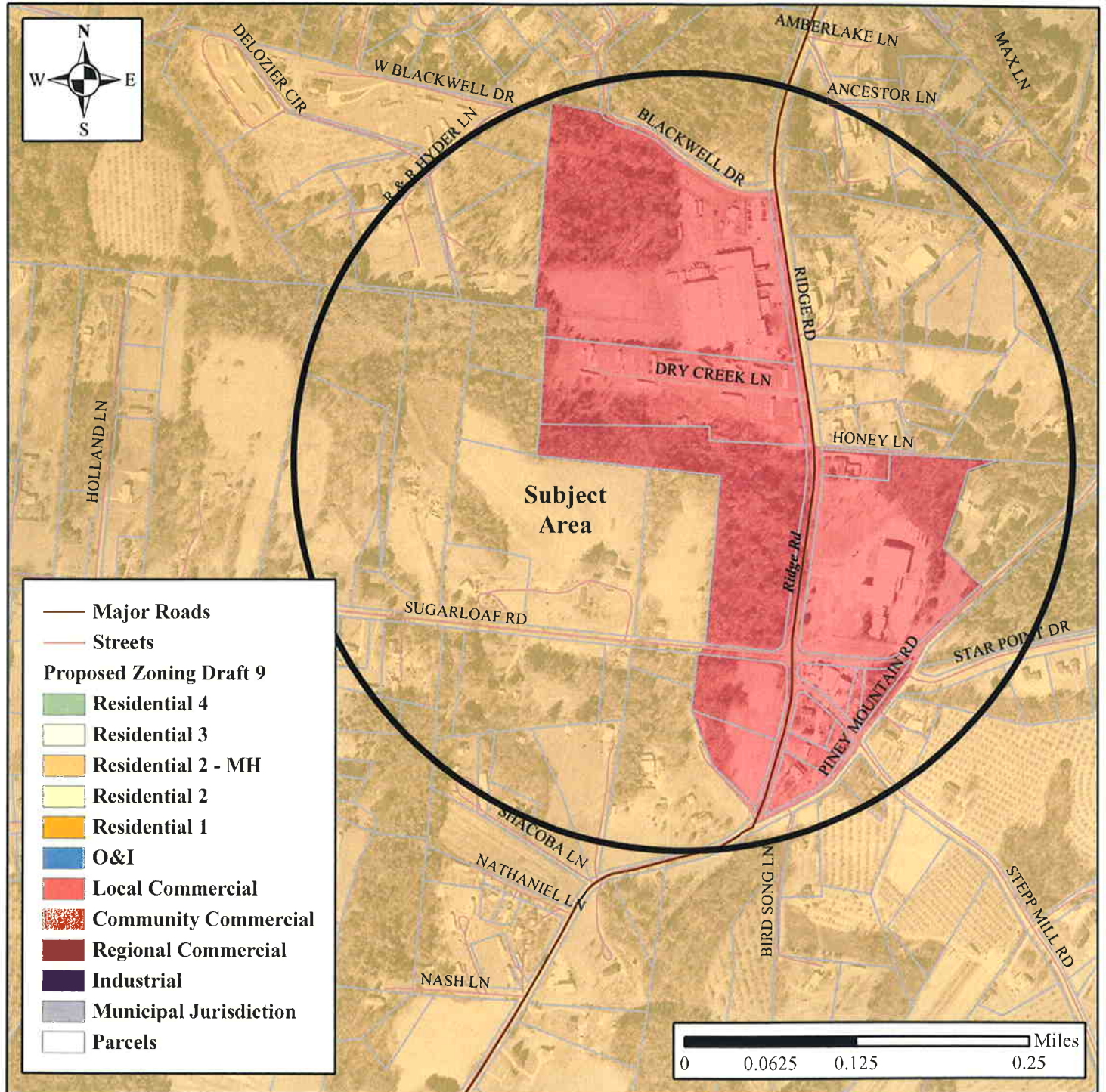
Previous Draft 7 Proposed Zoning: Residential One and Residential Two - Manufactured Homes (R1 and R2MH)

Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial and Industrial Uses along Howard Gap and Sugarloaf Roads Consistent with the CCP: No Commercial or Industrial Recommendations Made Regarding Subject Areas 1, 2 or 3

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

Map Option 16: Local Commercial Node at Five Points (Intersection of Sugar Loaf, Ridge, Stepp Mill, and Piney Mountain Roads)



Current Draft 9 Proposed Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Two - Manufactured Homes (R2MH)

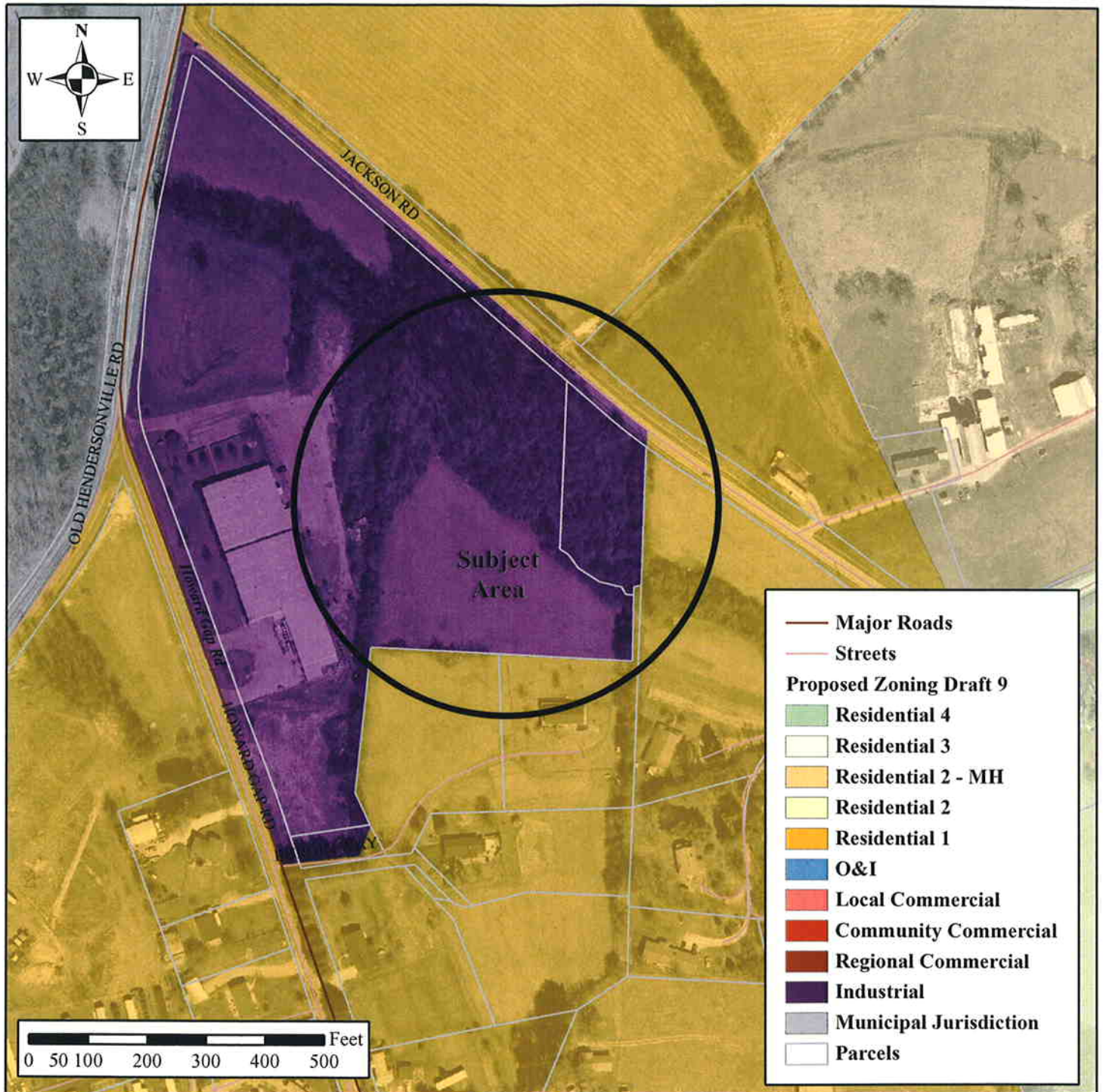
Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial Uses in Vicinity

Consistent with the CCP: Yes, Community Service Center Nodes Applied in Vicinity of Subject Area

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

Map Option 17: Industrial Zone Expansion at Intersection of Howard Gap and Jackson Roads



Current Draft 9 Proposed Zoning: Industrial
Previous Draft 7 Proposed Zoning: Residential One (R1)
Current Zoning: Open Use (OU)

Reason for Proposed Change: Expanding Industrial Zoned Area to Include Adjacent Lands Owned by TDM
Consistent with the CCP: Yes, Industrial Development Recommended in Vicinity

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