

Materials for September 11, 2007
LDC Workshop

HENDERSON COUNTY
Planning Department

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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
Autumn Radcliff, Senior Planner

DATE: September 7, 2007

SUBJECT: Land Development Code – Items of discussion for the Board of Commissioner's Workshop on September 11, 2007

During the Commissioners regular meeting on Tuesday, September 7, 2007, several items that came up during the LDC public hearing that was held on Thursday, August 30, 2007, were mentioned as items to be discussed during the Boards LDC Workshop scheduled for September 11, 2007. As per the direction and discussion of the Board at its meeting on September 4th, Staff has attempted to address and group these issues in preparation of the Boards upcoming workshop.

Enclosed are discussion issues for the Boards consideration, including a revised permitted use table. Some attachments are in addition to any other items or issues that the Board has received in previous workshops prior to the public hearing. Issues that were previously resolved were not included in this new packet or information.

The following lists all issues and materials included in this packet:

LDC Residential Issue 4 Revised - Proposed R4 Zoning District
LDC Residential Issue 11 – Addition of Estate Residential Zoning District (R-40), with Map
LDC Residential Issue 12 – Addition of Waterfront Residential (WR) and Surface Water (SW) Districts (Lake Summit Area), with Map

LDC Commercial Issue 11 – Additional Local Commercial Node along US Hwy 74 (Map)
LDC Commercial Issue 12 – Community Commercial Node along US 25, NC 225 and US 176
LDC Commercial Issue 13 – Local Commercial Node I-26 and Prince Road
LDC Commercial Issue 14 – Local Commercial Node along Spartan Heights
LDC Commercial Issue 15 – Local/Community Commercial Node Expansion along US Hwy 25N
LDC Commercial Issue 16 - Definition of Flea Market

LDC Industrial Issue 3 – Industrial District Expansion in Eastern portion of County
LDC Industrial Issue 6 – Industrial Node at US Hwy 176
LDC Industrial Issue 7 – Industrial Node at Hoopers Creek Road

LDC Development Issue 2 – Signs Regulations – Outdoor Advertising Signs (Billboards)
LDC Development Issue 3 – Traffic Impact Study
LDC Development Issue 4 – Emergency Services Impact Report
LDC Development Issue 5 – Development in Areas of Steep Slope & Floodplain
LDC Development Issue 5A –Buncombe County's Hillside Development Standards
LDC Development Issue 7 – Height Restrictions for Residential Structures

Revised Permitted Use Table

LDC Residential Issues

***LDC Residential Issue 4 Revised: Proposed R4 Zoning District**

Issue:

Due to recent development proposals, the Planning Board at its March 15, 2007 meeting, unanimously recommended that the Board of Commissioners consider an additional residential/rural zoning district. The Planning Board suggested an R4 zoning district with an average density of one (1) dwelling unit per five (5) acres for areas within and near public lands such as the Pisgah National Forest, Dupont State Forest, Holmes State Forest, the Green River Gamelands, lands with extremely steep slope, and key watershed areas.

The Concern was raised by the Commissioners that the R4 zoning district should be applied to public forestlands and in-holdings around the Pisgah National Forest.

Summary of Recommended Solution:

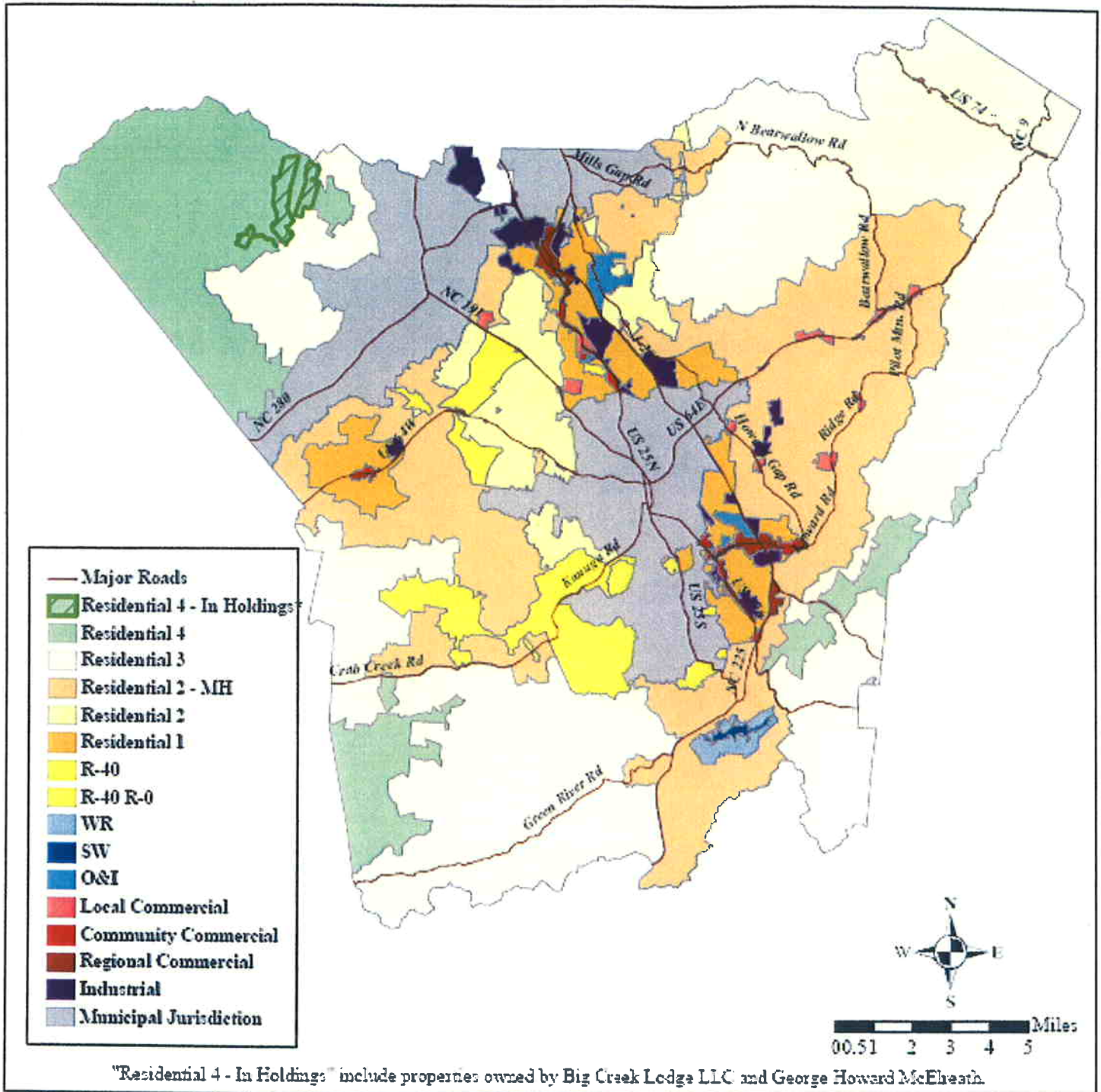
Apply the R4 zoning district to the Pisgah National Forest, DuPont State Forest, the Green River Gamelands, and the two large in-holdings in the Pisgah National Forest.

Recommended Solution 1:

See Map A: Residential Zoning District Four (R4).

* Originally "Map Option 8: Residential Zoning District Four (R4) in the Vicinity of Pisgah National Forest," "Map Option 9: Residential Zoning District Four (R4) in the Vicinity of Dupont State Forest," "Map Option 10: Residential Zoning District (R4) in the Vicinity of the Green River Gamelands," and New Map Option 9a as presented and requested by the Board at the BOC June 12 Workshop.

Map A: Residential Zoning District Four (R4)



*LDC Residential Issue 11:
Addition of Estate Residential Zoning District (R-40)

Issue:

The concern is that the existing Estate Residential Zoning District (R-40) be maintained and continue to be applied to those areas currently zoned R-40.

Recommended Solution:

Incorporate the text of the Estate Residential Zoning District (R-40) into the Land Development Code, and apply the Land Development Code's R-40 Zoning District to those areas currently zoned R-40. The proposed text is included herein below. Staff does not recommend incorporating the R-40 district into the Table of Permitted and Special Uses for two reasons: (1) the existing R-40 district uses different terminology for a number of uses in the Table of Permitted and Special Uses; and (2) within the existing R-40 text, specific standards are written for uses which are inconsistent with the supplemental requirements applied to these uses in other districts.

§200A-38. Estate Residential District (R-40)

- A. **Purpose.** The Estate Residential District (R-40) is established as a district in which the principal use of the land is for low-density residential use. This district is intended to ensure that *residential development* not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. This district is also intended to be a quiet, low-density neighborhood consisting of single-family residences. The Estate Residential District (R-40) shall not be extended from the locations designated on the Official Zoning Map, nor shall new Estate Residential District (R-40) areas be designated. The Estate Residential District (R-40) may be altered removed or with the completion of community plans.
- B. **Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-60 (Supplemental Requirements). The Conservation Subdivision option shall not be available in the R-40 District.

Table 2.12. R-40 Dimensional Requirements			
Minimum Lot Area (sq ft)			40,000
Minimum Lot Area Per Dwelling (Family Unit) (sq ft)			40,000
Yard Setbacks (feet)	Front or ROW	Major Roads	75
		All Others	60
	Side		35
	Rear		35
	Maximum Height (feet)		Unlimited

- (1) Major roads shall include: Interstate 26, US Highway 64, US Highway 25, US Highway 176, NC Highway 280, NC Highway 191, Kanuga/Crab Creek Road (SR 1127), Clear

Creek Road (SR 1503), Upward Road (SR 1722), and the Upward Road Connector (SR 1783).

- (2) *Yard setbacks* shall be measured from the centerline of *right-of-way*. Where the *road* is a major *road* and is more than two (2) lanes (including parking lanes), the *yard setback* requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved *road* abutting the property in subject.

C. **Permitted Uses.** Within the R-40 District, the following uses are permitted:

- (1) *Dwelling, single-family*, excluding *manufactured homes* (See SR 1.8).
- (2) *Church*, provided that:
 - a. The *structures* are placed not less than 50 feet from any property line;
 - b. They are located with access to a street, as shall be determined by the *Zoning Administrator*; and
 - c. There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks. (See also SR 5.18)
- (3) *Cemetery* (On property contiguous to or adjacent to the principal *church* assembly building) (See also SR 5.3).
- (4) *Church* bulletin boards not exceeding 12 square feet in area.
- (5) *Signs* not more than four (4) square feet in area advertising the sale or rental of property on which they are located.
- (6) *Utility Substation* (See SR 9.12).
- (7) Customary Accessory Building (Including private garages, noncommercial greenhouses and workshops).
 - a. Shall be permitted in *rear yards*, provided that they are located not less than ten (10) feet from any property line;
 - b. May be permitted in *side yards*, provided that their placement shall not exceed the minimum *side yard* setback requirement for that district or use;
 - c. Shall not be permitted in *front yards*, except in the following cases:
 1. Where, by definition, more than one (1) *front yard* exists, such as in corner *lots* or *double fronted lots*; or
 2. Where the measurement of a *lot's* perimeter boundary is equal to or exceeds 50 percent of the abutting *road right-of-way*;
 - d. In Subsection c1 and c2 above, an accessory building shall not be located closer to the center line of the abutting *road* than is otherwise permitted by this Chapter;
 - e. In these cases only, such determination shall be made by the *Zoning Administrator* on a case-by-case basis. Determinations shall take into account orientation of the *structure* and dwelling, *road* and *driveway* location, topographical features, traffic volume, and visual buffers; and

- f. In no case shall an accessory building be permitted in any *front, side or rear yard* if it exceeds 15 feet in height or if it occupies more than 30 percent of the required yard area; however, height restrictions do not apply on lots of one (1) or more acres. Maximum building height for private boathouses shall be 25 feet measured from the *full pond elevation* (lakes) or *mean sea level* elevation (rivers).

(8) *School (Public/Private/Charter)* (See SR 5.19).

(9) Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:

- a. The structures are placed not less than 50 feet from any property line;
- b. They are located with access to a street, as shall be determined by the *Zoning Administrator*;
- c. There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks;
- d. The facility is not operated for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the *Zoning Administrator*;

(10) *Communications Facilities, Category 1* (See SR 9.3).

(11) *Family Care Home* (See SR 1.10).

D. Permitted with a Special Use Permit. Within the R-40 District, the following uses are permitted with a *special use* permit provided that the conditions listed below be met. This *special use* permit shall be issued in accordance with §200A-320 (Special Use Permits):

(1) *Park* (See SR 4.16).

(2) *Camp* (See SR 4.3).

(3) *Tennis Club* (See SR 4.24).

(4) *Racquet Club*.

(5) *Golf Course* (See SR 4.7) (Miniature golf courses and private driving tees operated for commercial purposes are not allowed.) .

(6) Customary Incidental Home Occupation (permitted as accessory uses in a residence). Customary incidental home occupations include, but are not limited to: dressmaking, cooking, baking, music instruction, and the practice of such professions as insurance, medicine, artistry, architecture, and accounting. Customary incidental home occupations must:

- a. Be conducted entirely within a dwelling;
- b. Be carried on by the occupants thereof;
- c. Be clearly incidental and secondary to the use of the dwelling for residential purposes;
- d. Not change the character thereof;

- e. Not install or use mechanical equipment except such as is normally used for domestic or professional purposes;
- f. Not have over 25 percent of the total floor space of any *structure* in use for a home occupation; and
- g. Not be conducted in any accessory building.

(7) *Library* (See SR 5.14).

(8) *Bed-and-Breakfast Inn* (See SR 1.2).

(9) R-O Residential Open Spaces Development.

- a. Any use permitted in the R-40 District, with any conditions pertaining thereto, shall be a permitted use.
- b. Establishment of R-O Development. An R-O Development shall be considered to conform to the requirements of such district when the following circumstances exist:
 - 1. An entire tract of land under one (1) ownership is being subdivided at one (1) time pursuant to an overall plan of development which includes open spaces, such as *golf courses*, lakes, recreational areas, meadows, *parks*, woods or other open or green spaces. The tract shall consist of not less than 40 acres. All required *open space* shall be dedicated to the public and accepted by the County or transferred to a property owners' association or transferred to a private club, subject to deed restrictions forbidding its later *subdivision* or development for other than residential *open space* purposes.
 - 2. Such *open spaces* consist of one (1) or more parcels of land in the proposed *subdivision* which have a total of at least ten (10) percent of the entire tract. No parcel of land less than one (1) acre in area shall be considered in arriving at the total area of the *open spaces*.
 - 3. The gross residential density of the area being subdivided will be no more than the density that would have been permitted in the total area of said tract being subdivided, without regard to the special provisions applying to an R-O Development hereinafter set out in subsection c.
 - a. No R-O Development shall be established unless and until there is delivered to the *Zoning Administrator* a written instrument in recordable form, executed by the owner or owners of all interests in the proposed tract to be subdivided, providing that in consideration of the designation of said *subdivision* as an R-O Development and benefits accruing to such owners in the *subdivision* from such designations, and in recognition that purchasers of *lots* in the *subdivision* will rely upon the continuing existence of such *open spaces*, it is irrevocably agreed upon that such spaces will remain open with no buildings thereon, except as may be reasonably incidental to the use of the *open spaces* for the purpose designated. These restrictions shall be binding upon the present owners of the proposed *subdivision* and *open spaces*

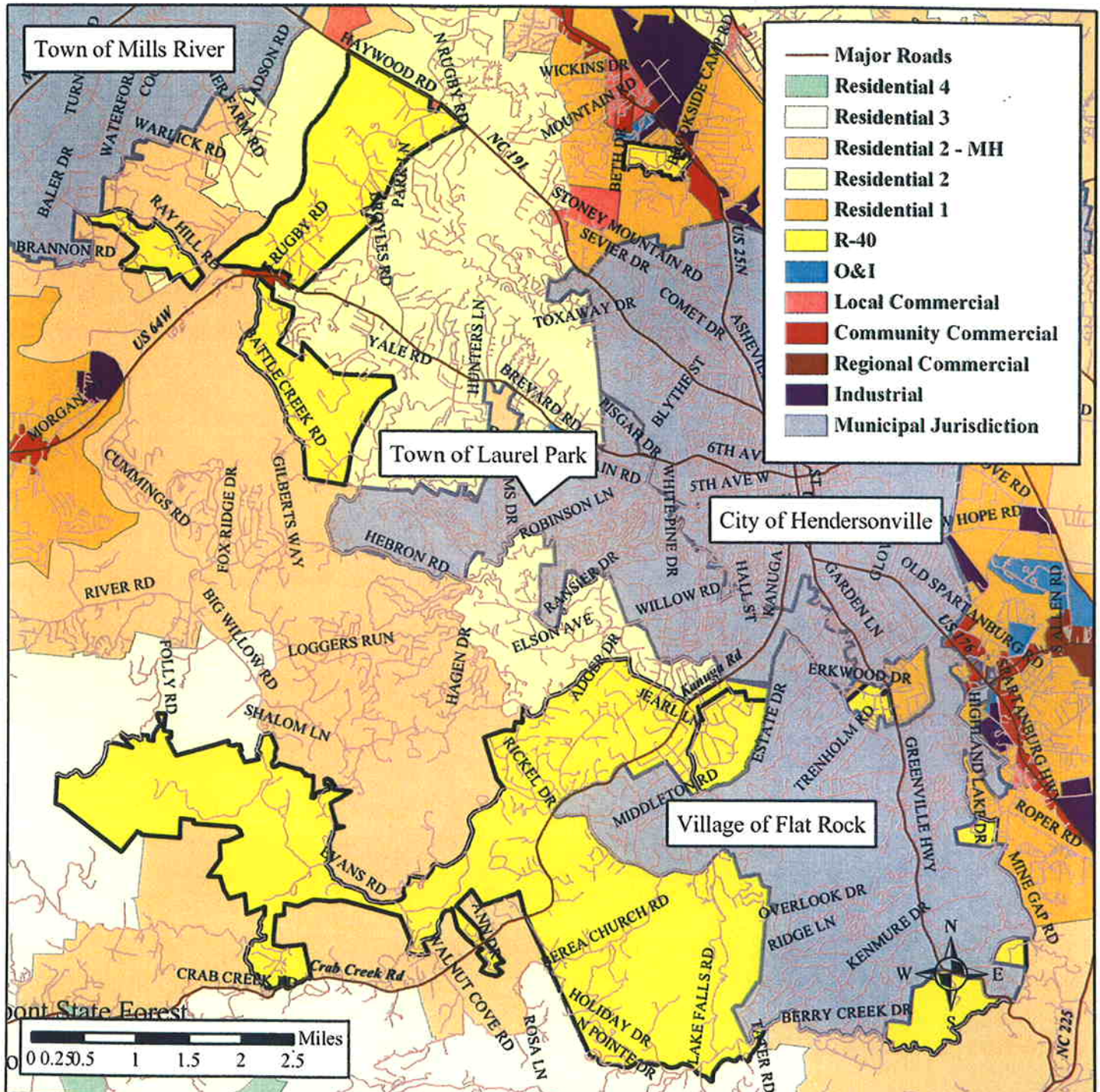
and upon their successors in title and may be enforced by the *Zoning Administrator* or other appropriate public authority as provided in this Chapter or by the owner of any *lot* in the *subdivision* by suit for mandatory injunction or for damages.

- i. Said written instrument shall also contain a legal description of each *open space*, shall describe the use (if any) which the owner proposes and shall provide that if such *open space* is not maintained as agreed, the owners of a majority of the *lots* in the *subdivision* shall have the right to form an association which shall have the right to perform such maintenance at the expense of the members thereof.
 - ii. Said written instrument shall further provide that if such *open spaces* shall be foreclosed and sold for nonpayment of taxes, said association of *lot* owners and anyone claiming under them shall be forever barred from asserting any right, title or interest in or to said *open spaces*.
 - b. If the proposed R-O Development is established, the written instrument described in subsection b(3)(a) shall be recorded in the office of the Register of Deeds for Henderson County.
 - c. Application to create an R-O Development shall be accompanied by the written instrument above referred to and a major site plan, in accordance with §200A-296 (Major Site Plan Review). Applications to create an R-O Development shall comply with the applicable requirements for *subdivision* application.
 - c. Dimensional requirements in R-O Development. The dimensional requirements shall be reduced as follows for lots within the R-O development:
 1. If the total *open space* pursuant to subsection b above is less than ten (10) percent of the area of the *tract* being subdivided, said requirement shall not be reduced at all;
 2. If the total *open space* pursuant to subsection b above is at least ten (10) percent and less than 20 percent of the total *tract* being subdivided, each dimensional requirement shall be reduced ten (10) percent;
 3. If the total *open space* pursuant to subsection b above is at least 20 percent and less than 30 percent of the total *tract* being subdivided, each dimensional requirement shall be reduced 20 percent;
 4. If the total *open space* pursuant to subsection b above is at least 30 percent of the total *tract* being subdivided, each dimensional requirement shall be reduced 30 percent.
 - d. Nothing herein shall be deemed to require the County to accept any such *open space* that is dedicated to the public.
- (10) R-A Residential Apartment.

- a. The purpose of the R-A Residential Apartment Development is to permit establishment of apartment developments in the R-40 District and to minimize any detrimental effects of such developments on existing land uses. Within an R-A Development, apartments and customary accessory buildings shall be permitted as per the requirements of §200A-38 C(7) (Customary Accessory Building).
- b. R-A Developments may be located in the R-40 District subject to a finding by the *Zoning Board of Adjustment (ZBA)*, on advice and recommendation of the *Planning Director*, that certain conditions shall be met.
 1. Location. Subject to the provisions of this section, an R-A Development may be established in an area contiguous to and abutting for at least 400 feet on either US 25, US 64, US 176, US 74, NC 191, NC 280, I-26 or Kanuga Road, or may be established on a minor street intersecting one of the aforementioned major streets within a distance not to exceed 1,500 feet from the point of intersection of the two (2) streets.
 2. Minimum Size. The minimum area for an R-A Development shall be one-and-one-half (1 ½) acres.
 3. Design Requirements. The proposed development of an R-A Development shall be considered in accordance with an overall plan which shall include provisions for:
 - a. Landscaping. The proposed development shall be designed as a single architectural scheme with appropriate common landscaping.
 - b. Parking. Parking space shall be provided within the development at a ratio of one-and-one-half (1 ½) spaces for each apartment unit.
 - c. Area Regulations. No building shall be erected at a distance of less than 60 feet from the center line of any minor street on which the *lot* abuts, nor less than the required side or rear lot line setback of the adjacent district; however, in no instance shall the minimum side and rear lot line setback be less than 10 feet. The distance at the closest point between any building or group of attached buildings shall not be less than 15 feet.
 - d. Screening. A ten (10) foot evergreen planted buffer strip shall be provided wherever the development adjoins the boundary or property line of a *residential zoning district*.
 - e. Traffic Circulation. The location of driveways, parking spaces and interior streets shall be designated on said plan.
- c. Procedures for Application and Review. An applicant desiring to develop an R-A Development shall adhere to the following procedures:
 1. Special Use Permit Application. The applicant shall submit to the Board of Commissioners a written application for a special use permit in accordance with §200A-320 (Special Use Permit).

2. Development Plan. A copy of the development plan shall be submitted to the *Planning Director* for review and recommendations. The *Zoning Board of Adjustment (ZBA)* shall not issue a special use permit until it has received recommendations from the *Planning Director*.
 - a. The development plan shall include the following information and supporting documentation:
 - i. The scale of the map, which shall be not less than one (1) inch to 50 feet with contours at five (5) foot vertical intervals showing pertinent topographical features.
 - ii. The location, use, plan and dimension of each building or structure to be constructed.
 - iii. The location, dimensions and arrangements of all accessways, entrances, exits, off-street parking facilities, streets and sidewalks.
 - iv. The locations, dimensions and arrangements of all *open spaces* and areas devoted to planting, lawns, trees or similar purposes, with a description including the height and density of all trees or planting to be used for screening.
 - v. The location and description of all facilities to be used for sewage disposal, water supply, stormwater drainage and all utilities.
- (11) *Communication Facilities, Group 2* where such towers are limited to: (1) monopole towers, and (2) a hieght no greater than 100 feet (See also SR 9.3).

LDC Residential Issue 11: Addition of Estate Residential Zoning District (R-40)



Recommended Zoning: Estate Residential (R-40)

Previous Draft 10 Proposed Zoning: Suburban Overlay

Current Zoning: R-40

Reason for Proposed Change: Maintaining R-40

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

*LDC Residential Issue 12:
Addition of Waterfront Residential (WR) and Surface Water (SW)
Districts (Lake Summit Area)

Issue:

Currently the Waterfront Residential (WR) and Surface Water (SW) Zoning Districts are applied only to the Lake Summit area.

Recommended Solution:

Incorporate the text of the Waterfront Residential (WR) and Surface Water (SW) Zoning Districts into the Land Development Code, and apply the Land Development Code's WR and SW Zoning Districts to those areas currently zoned WR and SW. The proposed text is included herein below. Staff does not recommend incorporating the WR and SW districts into the Table of Permitted and Special Uses for two reasons: (1) the existing WR and SW districts use different terminology for a number of uses in the Table of Permitted and Special Uses; and (2) within the existing WR and SW district text, specific standards are written for uses which are inconsistent with the supplemental requirements applied to these uses in other districts.

§200A-39. Waterfront Residential District (WR)

- A. **Purpose.** The Waterfront Residential District (WR) is established for residential development on or adjacent to waterfront property, that which is navigable for small recreational-type boats and watercraft. The district is intended to maintain and promote low-density single-family development and is intended to provide protection of the existing waterfront character and environmental sensitivity, particularly the water quality and any adjacent wetlands. The Waterfront Residential District (WR) shall not be extended from the locations designated on the Official Zoning Map, nor shall new Waterfront Residential District (WR) areas be designated. The Waterfront Residential District (WR) may be altered removed or with the completion of community plans.
- B. **Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-60 (Supplemental Requirements). The Conservation Subdivision option shall not be available in the WR District.

Table 2.13. WR Dimensional Requirements			
Minimum <i>Lot</i> Area (sq ft)			30,000
Minimum <i>Lot</i> Area Per Dwelling (Family Unit) (sq ft)			30,000
Yard Setbacks (feet)	Front or ROW	Major Roads	60
		All Others	45
		Side	None
		Rear	25
		Waterfront	None

New Text and Map Option as requested by the Board of Commissioners at the BOC September 4 Regularly Scheduled Meeting.

Maximum Height Principal Building (feet)	35
Maximum Height Accessory Building (feet)	15
Maximum Height Boat House (feet) Measured from <i>Full Pond Elevation</i>	25

- (1) Major *roads* shall include: Interstate 26, US Highway 64, US Highway 25, US Highway 176, NC Highway 280, NC Highway 191, Kanuga/Crab Creek Road (SR 1127), Clear Creek Road (SR 1503), Upward Road (SR 1722), and the Upward Road Connector (SR 1783).
- (2) *Yard setbacks* shall be measured from the centerline of *right-of-way*. Where the *road* is a major *road* and more than two (2) lanes (including parking lanes), the *yard setback* requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved *road* abutting the property in subject.

C. **Permitted Uses.** Within the WR District, the following uses are permitted:

- (1) *Dwelling, single-family detached*, excluding *manufactured homes* (See SR 1.8).
- (2) Customary Accessory Building (Including garages, storage buildings, pools, tennis courts, boathouses and similar recreational uses). Customary accessory buildings:
 - a. Shall be permitted in *rear yards*, provided that they are located not less than ten (10) feet from any property line;
 - b. May be permitted in *side yards*, provided that their placement shall not exceed the minimum *side yard* setback requirement for that district or use;
 - c. Shall not be permitted in *front yards*, except in the following cases:
 1. Where, by definition, more than one (1) *front yard* exists, such as in *corner lots* or *double fronted lots*; or
 2. Where the measurement of a *lot's* perimeter boundary is equal to or exceeds 50 percent of the abutting *road right-of-way*;
 - d. In Subsection c1 and c2 above, an accessory building shall not be located closer to the center line of the abutting *road* than is otherwise permitted by this Chapter;
 - e. In these cases only, such determination shall be made by the *Zoning Administrator* on a case-by-case basis. Determinations shall take into account orientation of the *structure* and dwelling, *road* and *driveway* location, topographical features, traffic volume, and visual buffers; and
 - f. In no case shall an accessory building be permitted in any *front, side* or *rear yard* if it exceeds 15 feet in height or if it occupies more than 30 percent of the required yard area; however, height restrictions do not apply on lots of one (1) or more acres. Maximum building height for private boathouses shall be 25 feet measured from the *full pond elevation* (lakes) or *mean sea level* elevation (rivers).
- (3) *Signs* not more than four (4) square feet in area advertising the sale or rental of property on which they are located.
- (4) *Church*, provided that:

- a. The *structures* are placed not less than 50 feet from any property line;
- b. They are located with access to a street, as shall be determined by the *Zoning Administrator*; and
- c. There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks. (See also SR 5.3)

(5) *Church* bulletin boards not exceeding 12 square feet in area.

(6) *Utility Substation* (See SR 9.12).

(7) *Communications Facilities, Category 1* (See SR 9.3).

(8) *Family Care Home* (See SR 1.10).

D. **Permitted with a Special Use Permit.** Within the WR District, the following uses are permitted with a *special use* permit provided that the conditions listed below be met. This *special use* permit shall be issued in accordance with §200A-320 (Special Use Permits):

(1) *Park* (See SR 4.16).

(2) *Tennis Club* (See SR 4.24).

(3) *Racquet Club*.

(4) *Golf Course* (See SR 4.7).

(5) *Camp* (See SR 4.3).

(6) *Customary Incidental Home Occupation* (permitted as accessory uses in a residence). Customary incidental home occupations include, but are not limited to: construction, and the practice of such professions as insurance, medicine, artistry, architecture, and accounting. Customary incidental home occupations must:

- a. Be conducted entirely within a dwelling;
- b. Be carried on by the occupants thereof;
- c. Be clearly incidental and secondary to the use of the dwelling for residential purposes;
- d. Not change the character thereof;
- e. Not install or use mechanical equipment except such as is normally used for domestic or professional purposes;
- f. Not have over 25 percent of the total floor space of any *structure* in use for a home occupation; and
- g. Not be conducted in any accessory building.

(7) *Communication Facilities, Group 2* where such towers are limited to: (1) monopole towers, and (2) a height no greater than 100 feet (See also SR 9.3).

§200A-39. Surface Water District

A. **Purpose.** It is the intent of this section to protect surface waters for the enhancement of recreation, to promote water safety and to maintain a proper ecologic/development balance.

B. **Permitted Uses.** Within the SW District, the following uses are permitted:

(1) *Private boathouse, pier, dock, and bulkhead.*

- a. *Structures* may extend over the water for a distance of no more than 80 feet from the shore as measured from the *full pond elevation* (lakes) or *mean sea level elevation* (rivers).
- b. In no event shall a *structure*, when located in a cove or river, extend more than one-third (1/3) the width of the cove or river measured from the shore at the *full pond elevation* (lakes) or *mean sea level elevation* (rivers) at the point of the proposed construction to the nearest point on the opposite shore.
- c. The *structure* shall extend into the water so as to remain confined within a projection of the side *lot lines* of the *lot* on which the *pier* is accessed, maintaining the *side yard setback* requirements of the adjacent zoning district. A *structure* or other projection over the water may be established at each of the two (2) property lines on the shoreline at the *full pond elevation* (lakes) or *mean sea level elevation* (rivers). Each projection should be perpendicular to a line connecting two (2) points on the shoreline where a ten (10) foot radius from that property corner intersects the shoreline.
- d. Maximum building height for *private boathouses* shall be 25 feet measured from the *full pond elevation* (lakes) or *mean sea level elevation* (rivers).

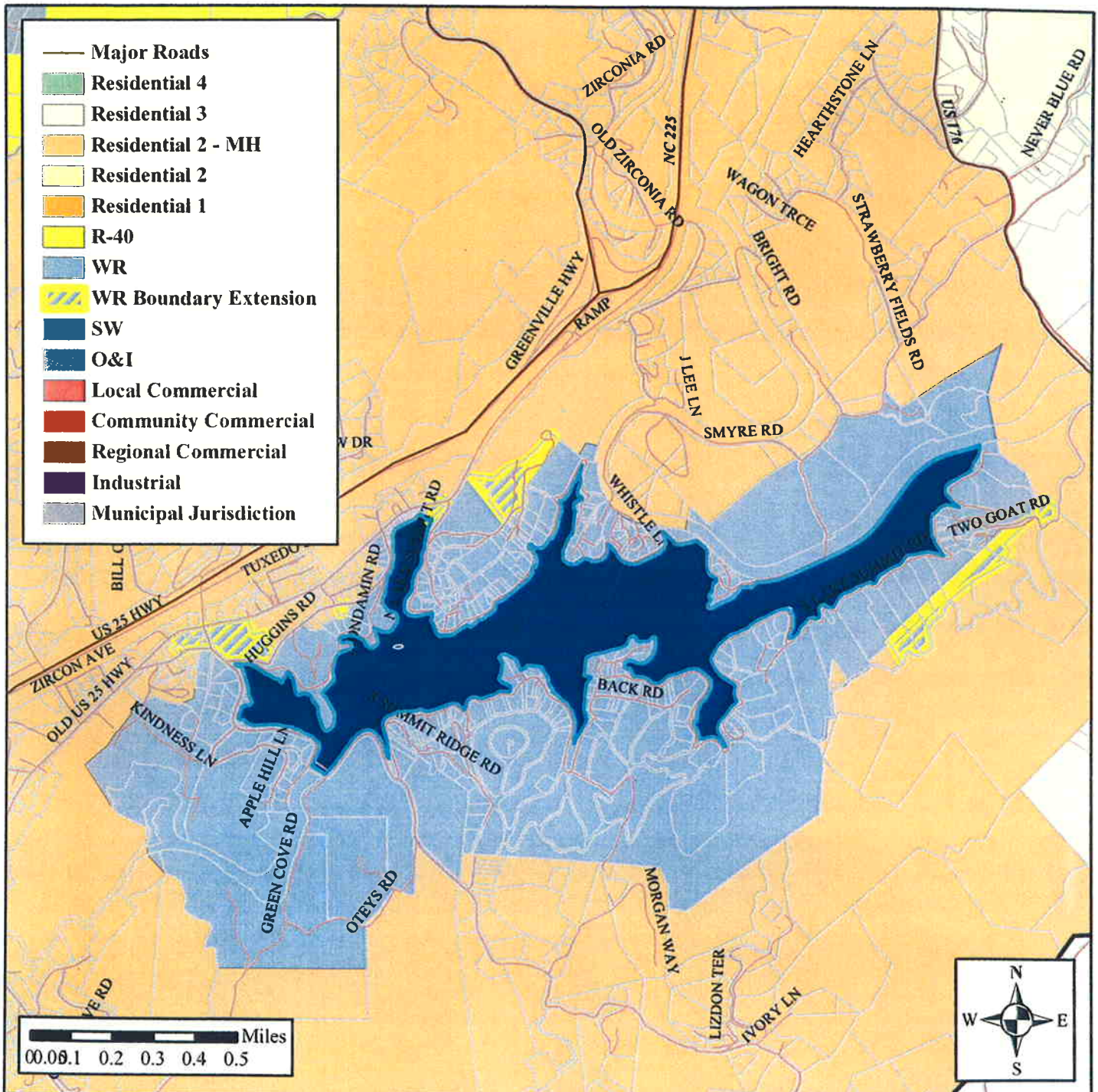
(2) Governmental recreational facilities, including, but not limited to: *piers, docks* and *bulkheads*, provided that the standards cited in subsection (1)a through (1)d are met.

(3) *Communications Facilities, Category 1* (See SR 9.3).

(4) *Communication Facilities, Group 2* where such towers are limited to: (1) monopole towers, and (2) a height no greater than 100 feet (See also SR 9.3).

(5) Navigational or Warning *Signs* (*signs*, other than navigational or warning *signs*, shall not be allowed on the surface of the lake or river).

LDC Residential Issue 12: Addition of Waterfront Residential (WR) and Surface Water (SW) Districts



Recommended Zoning: Waterfront Residential (WR) and Surface Water (SW)

Previous Draft 10 Proposed Zoning: Residential Two (R2)

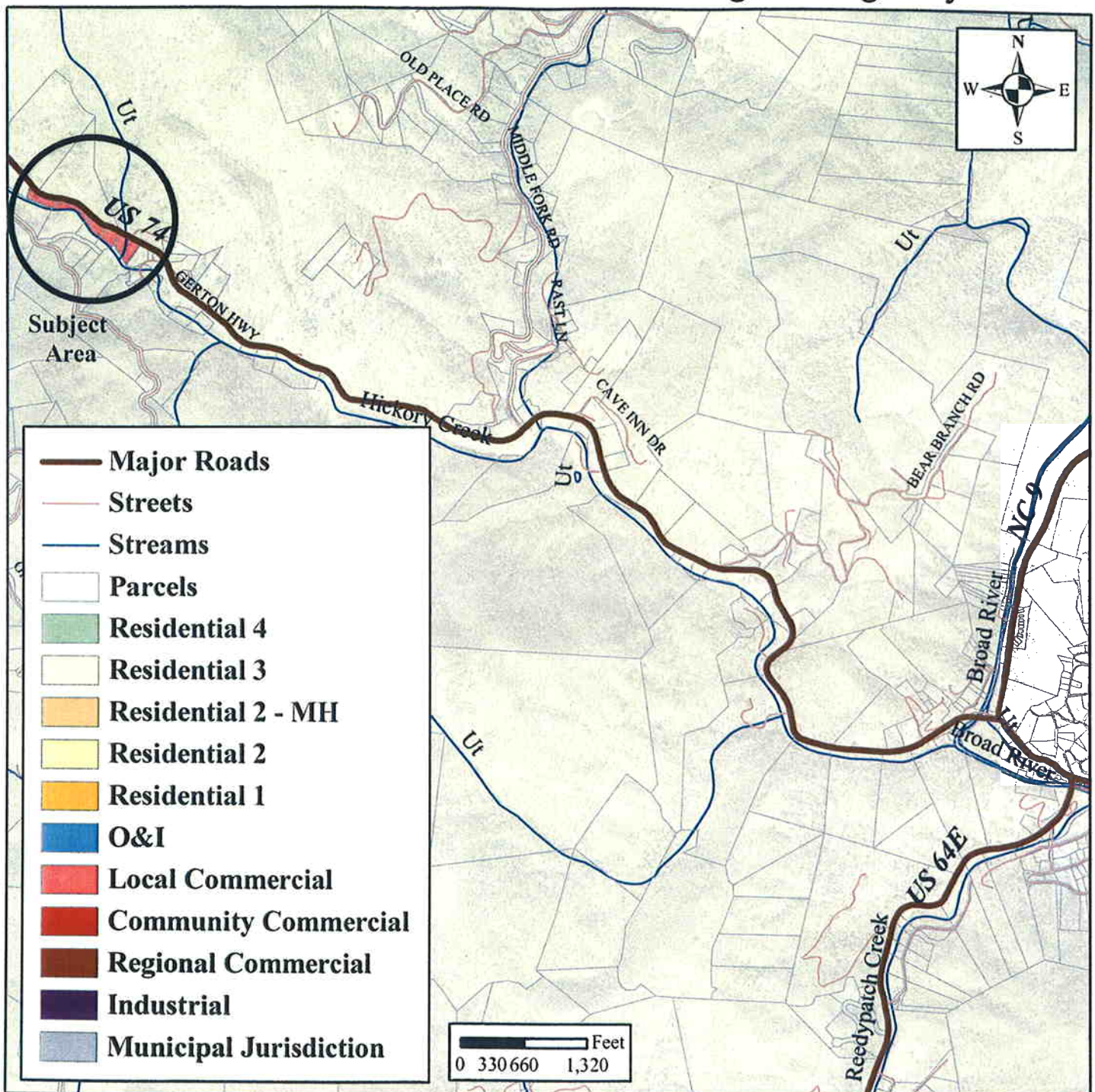
Current Zoning: WR and SW

Reason for Proposed Change: Maintaining WR and SW

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

LDC Commercial Issues

LDC Commercial Issue 11: Additional Local Commercial Node along US Highway 74



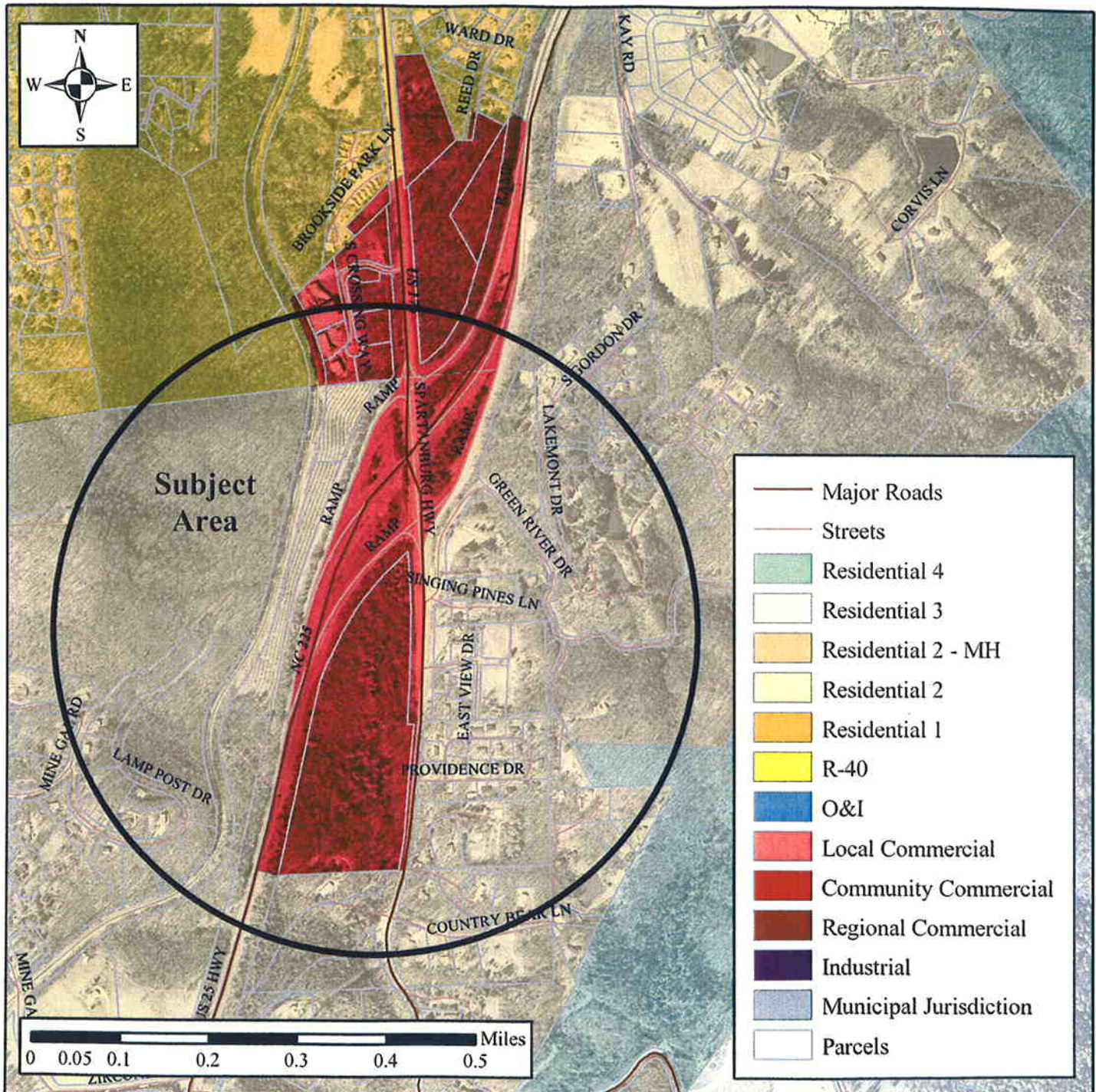
Recommended Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Three (R3)

Current Zoning: Open Use (OU)

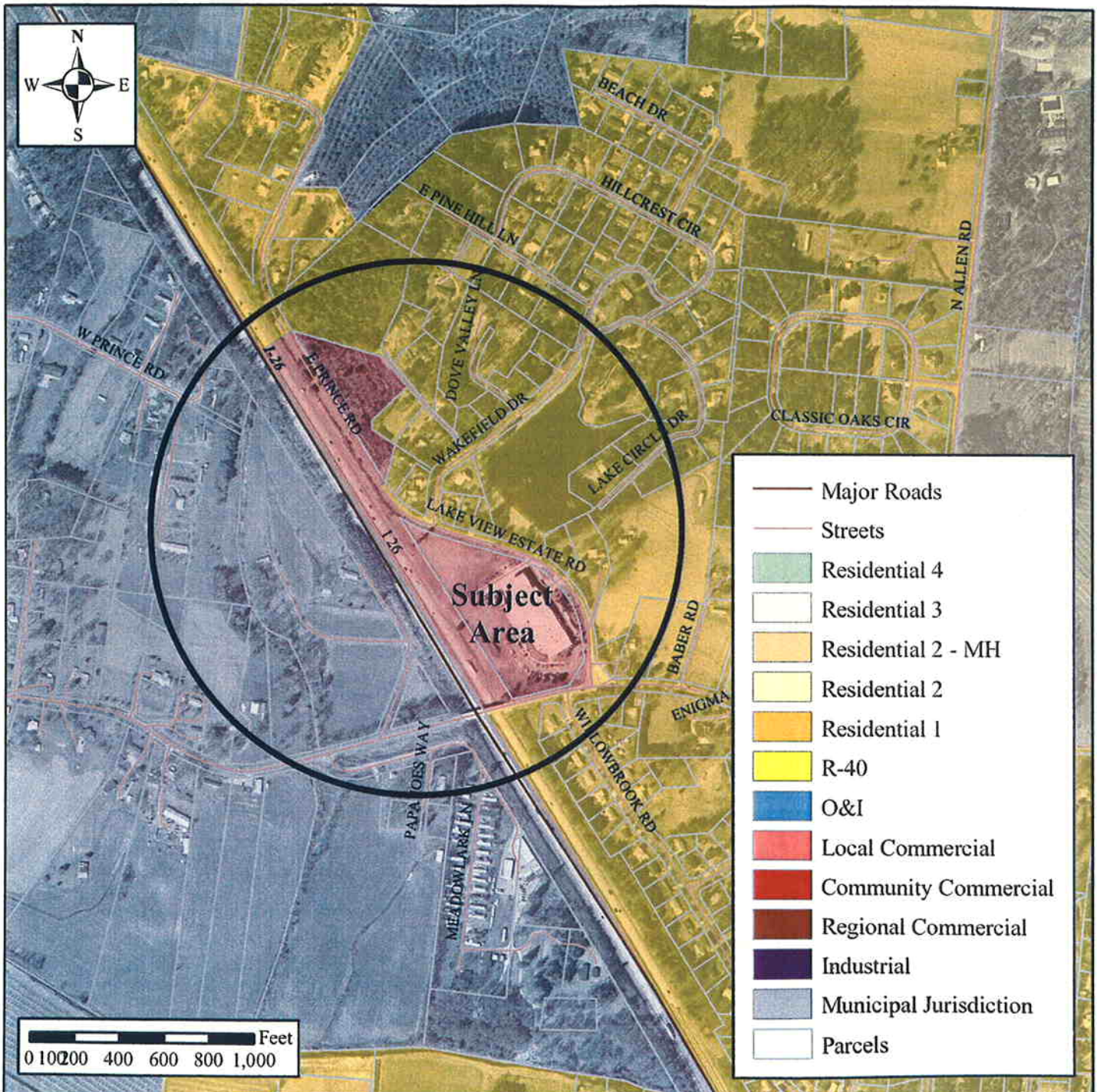
Reason for Proposed Change: No Commercial Zoning in Gerton or Bat Cave Communities
Consistent with the CCP: No Commercial Recommendations Made Regarding the Subject Area

LDC Commercial Issue 12: Community Commercial Node Along US 25, NC 225 and US 176



Recommended Zoning: Community Commercial
Previous Draft Proposed Zoning: Residential Two - Manufactured Homes (R2MH)
Current Zoning: OU
Reason for Proposed Change: Requested by Property Owner William D. McCraw
Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity of Subject Area;
Industrial Designation is also applied to the Subject Area

LDC Commercial Issue 13: Local Commercial Node I-26 and Prince Road



Recommended Zoning: Local Commercial

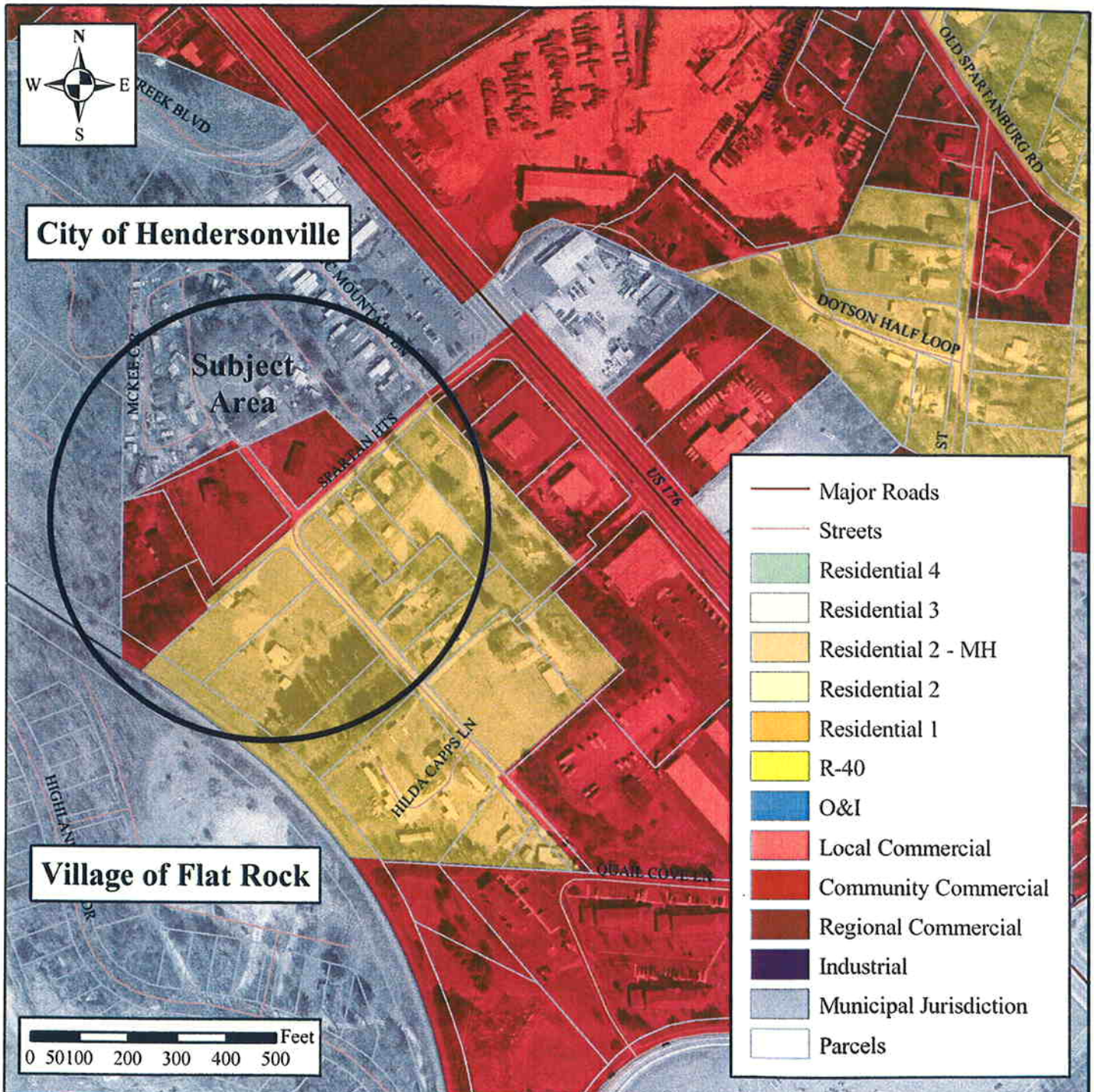
Previous Draft Proposed Zoning: Residential One (R1)

Current Zoning: OU

Reason for Proposed Change: Requested by Property Owner Jean Pace Gardiner
(includes properties owned by Gardiner and Byers Precision Fabrication Inc.)

Consistent with the CCP: No Commercial Recommendations Made Regarding Subject Area

LDC Commercial Issue 14: Local Commercial Node Along Spartan Heights



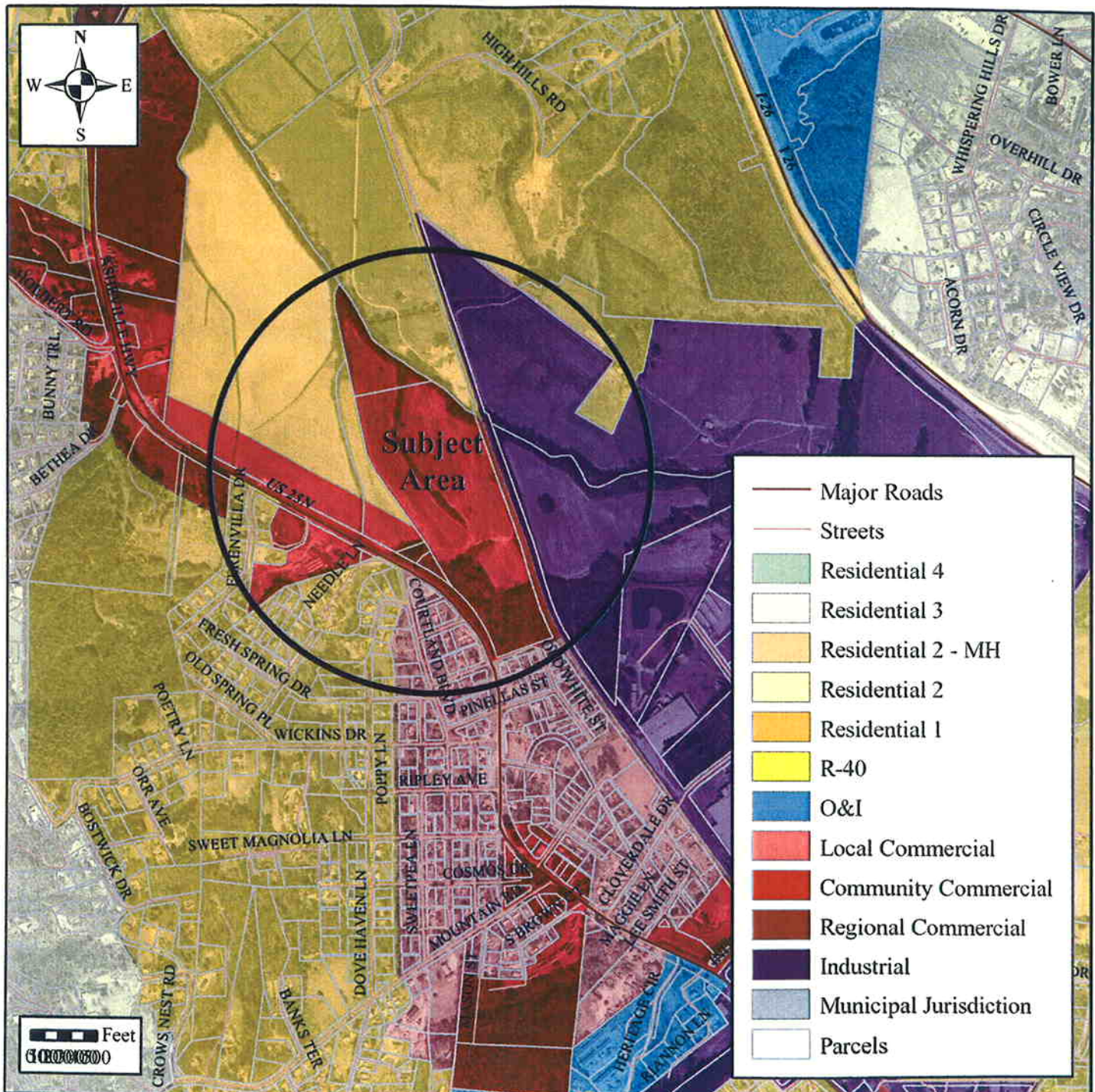
Recommended Zoning: Community Commercial

Previous Draft Proposed Zoning: Residential One (R1)

Current Zoning: Medium Density Residential with Manufactured Homes (T-15)

Reason for Proposed Change: Requested by Property Owners Spartan Holdings, LLC, and Jose M. and Reyna Martinez
Consistent with the CCP: No Commercial Recommendations Specifically Made Regarding Subject Area

LDC Commercial Issue 15: Local/Community Commercial Node Expansion Along US Hwy 25 N



Recommended Zoning: Local or Community Commercial (LC or CC)

Previous Draft Proposed Zoning: Residential One (R1)

Current Zoning: Rural Conservation (RC)

Reason for Proposed Change: Requested by Property Owner, Max Jones

Consistent with the CCP: No Commercial Recommendations Specifically Made Regarding Subject Area

LDC Commercial Issue 16: Definition of Flea Market

Issue:

Concerns were raised during the public hearing on August 30, 2007, that the definition of a flea market should be expanded.

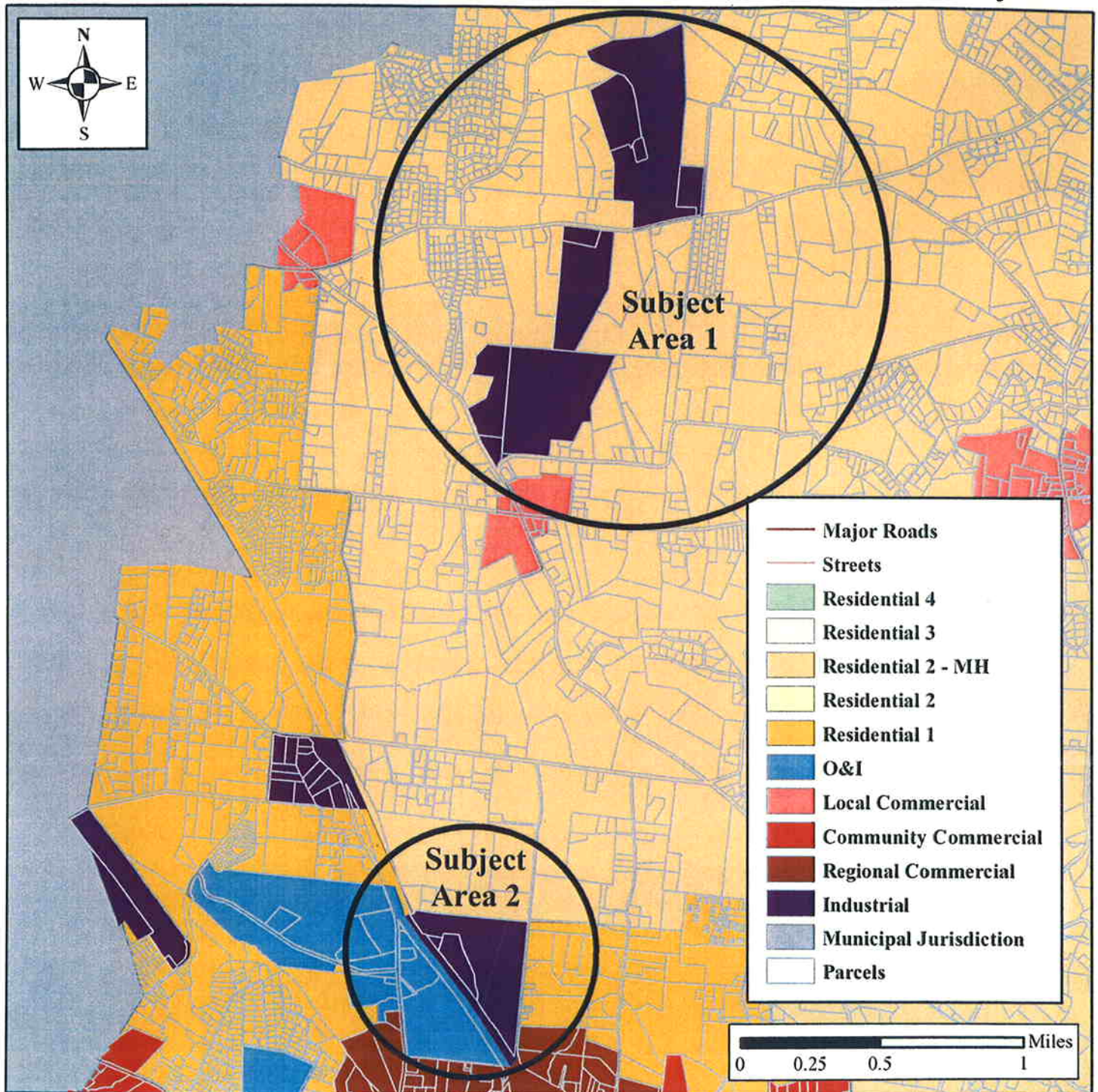
Recommended Solution:

Change the definition of flea market in Article XIV (Definitions) to:

Flea Market. A place that has regular consistent hours of operation on a regular reoccurring basis of at least four days a month specifically dedicated to where people buy, auction, rent, sell, appraise, lease or exchange goods, products or services including but not limited to real property, personal property, services, food and or entertainment whether it indoor, outdoor or a combination venue.

LDC Industrial Issues

LDC Industrial Issue 3: Industrial District Expansion in Eastern Portion of County



Recommended Zoning: Industrial (I)

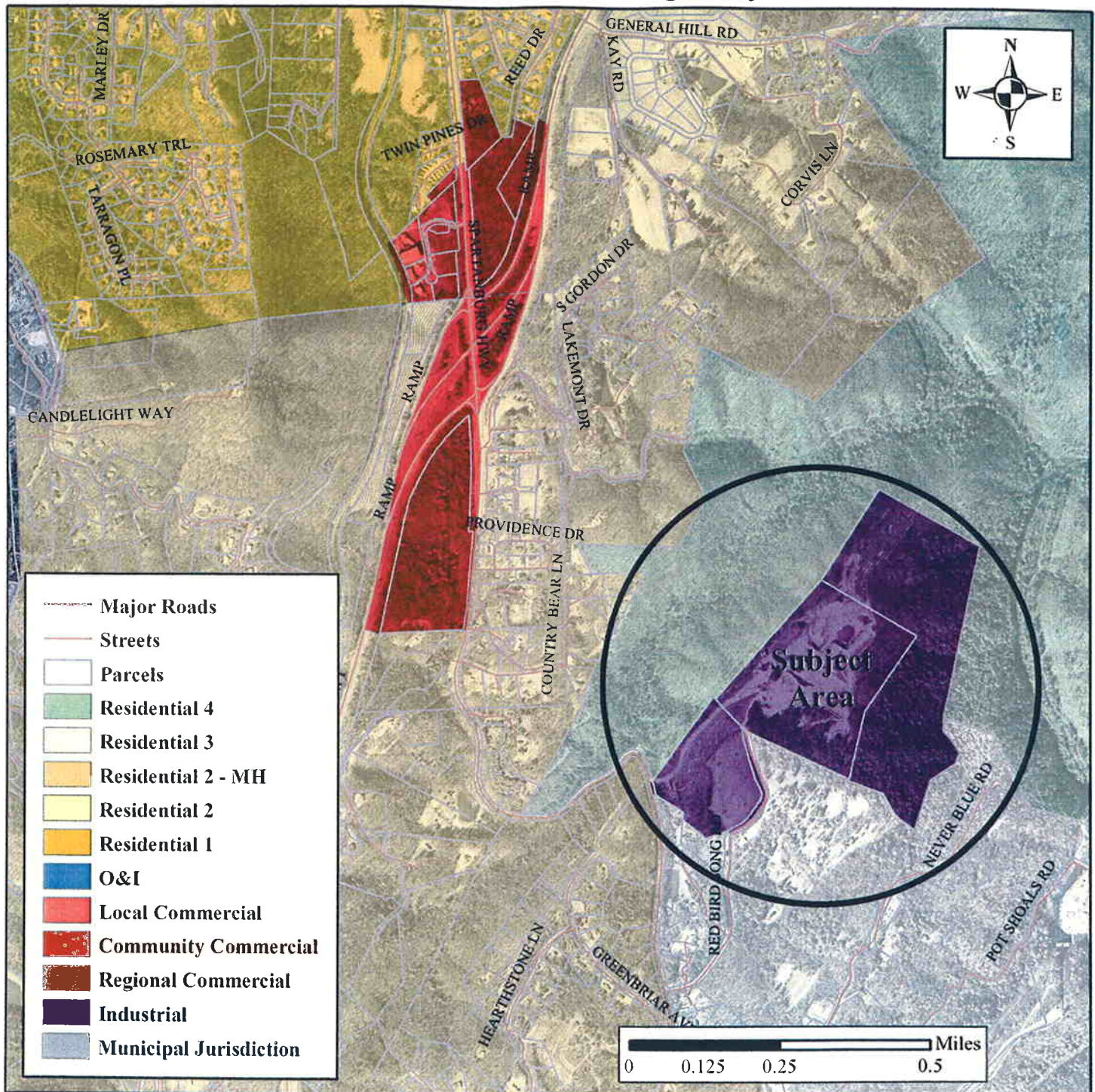
Previous Draft 7 Proposed Zoning: R1, R2, R2MH, and R3

Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Industrial Uses and Expansion of Existing Industrial Zoned Areas to reflect the Henderson County Industrial/Business Park Study Phase II

Consistent with the CCP: Yes, Industrial Development Identified as Appropriate in the Vicinity of Subject Areas 2.
No Industrial Recommendations Made Regarding Subject Area 1.

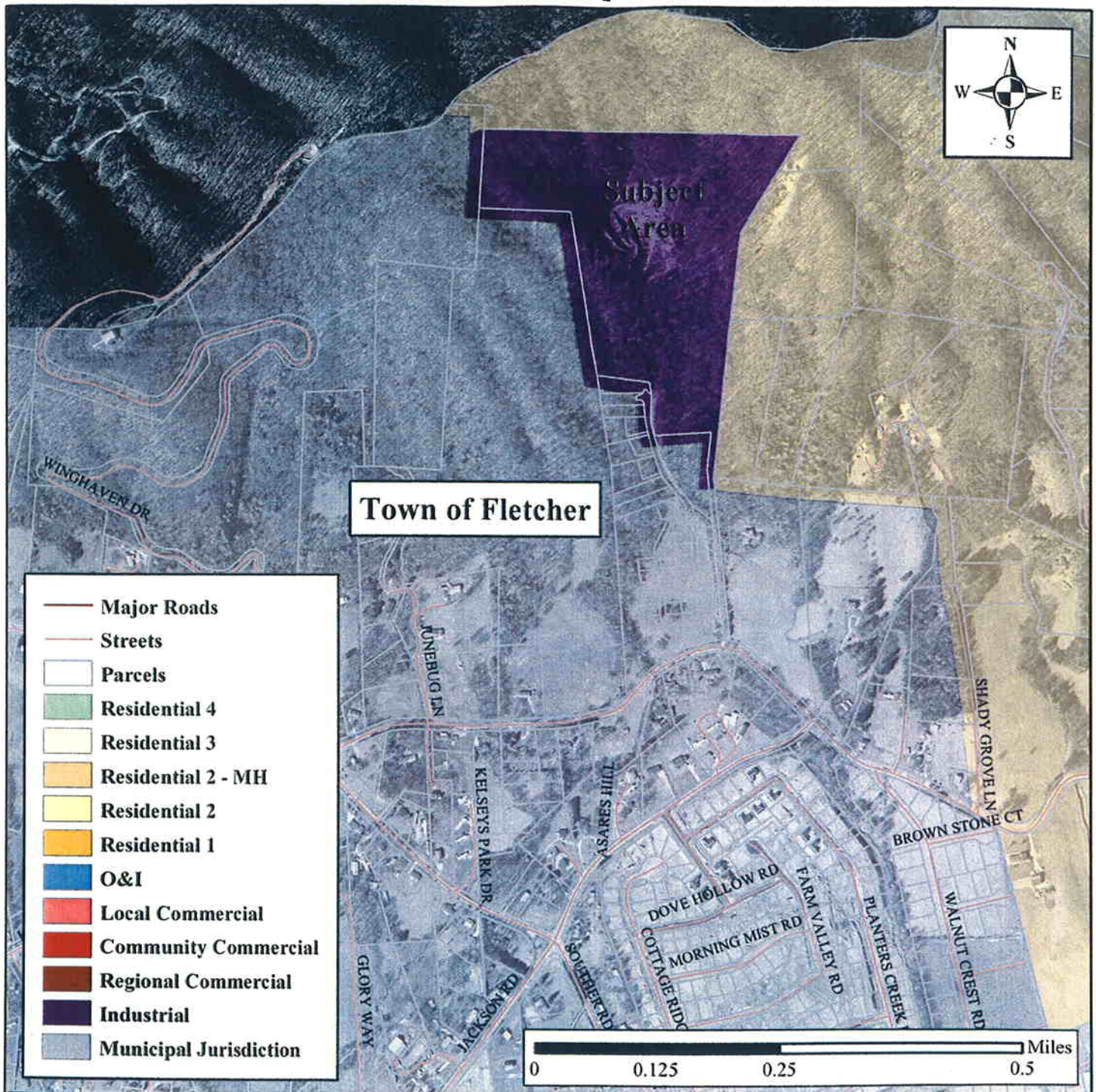
LDC Industrial Issue 6: Industrial Node at US Highway 176



Recommended Zoning: Industrial (I)
Previous Draft 10 Proposed Zoning: R3
Current Zoning: Open Use (OU)

Reason for Proposed Change: Requested by the Property Owner, Hedrick Industries, Inc., due to existing Quarry
Consistent with the CCP: No Industrial Recommendations Made Regarding Subject Area.

LDC Industrial Issue 7: Industrial Node at Hoopers Creek Road



Recommended Zoning: Industrial (I)

Previous Draft 10 Proposed Zoning: R2 - MH

Current Zoning: Open Use (OU)

Reason for Proposed Change: Requested by the Property Owner, Hooper's Creek Quarry, LLC, due to existing Quarry
Consistent with the CCP: No Industrial Recommendations Made Regarding Subject Area.

LDC Development Issues

*LDC Development Issue 2: Sign Regulations – Outdoor Advertising Signs (Billboards)

Issue:

The issue outdoor advertising signs commonly referred to as billboards, have 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-189 on page 166 of the draft LDC.

Summary of Recommended Solution:

Keep the County's existing requirements by increasing the proposed spacing requirement to 1,000 feet from other outdoor advertising signs and residences, or leave the current proposed LDC language in place.

Recommended Solution:

See Proposed Text below.

200A-189. 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.

* ¹ Originally "Text Option 8: Sign Regulations – Outdoor Advertising Signs (Billboards)" as presented at the BOC June 12 Workshop.

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.

***LDC Development Issue 3: Traffic Impact Study**

Issue:

The concern is the impact larger subdivisions and proposed developments have on community services as specifically related to public safety and roads.

Summary of Recommended Solution:

Traffic Impact Studies are required by a variety of local governments in North Carolina. The North Carolina Department of Transportation (NCDOT) currently requires a TIS for developments that will generate more than 3,000 trips per day. This proposed provision lowers that threshold to 1,000 trips per day and allows the County to consider road impacts when giving development approvals. All recommended road improvements would have to be approved by NCDOT or applicable municipality.

Recommended Solution:

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).

§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.

* Originally part of "Text Option 6: Board of Commissioner Approval for Referred Subdivisions and Impact of Larger Developments, Recommended Solution 2" as presented at the BOC June 12 Workshop.

- 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.

*LDC Development Issue 4: Emergency Services Impact Report

Issue:

The concern is the impact larger subdivisions and proposed developments have on community services as specifically related to public safety and the ability of the applicant to provide the information for the Emergency Services.

Summary of Recommended Solution:

Add a provision that would require major subdivisions proposing 100 or more lots/units, or subdivisions with 50 units located more than five (5) road miles from a fire station to submit an Emergency Services Impact Report. The Emergency Services Impact Report would include information on the proximity and impact to existing services such as fire/EMS stations and fire suppression water supply resources. Without sufficient services the proposed development may have a maximum allowed density of one (1) unit per three (3) acres.

Recommended Solution:

Add the following provision to Article IV (Adequate Public Facilities & Service Regulations). An example of an Emergency Service Impact Report is provided on page 2.

§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.

* Originally part of "Text Option 6: Board of Commissioner Approval for Referred Subdivisions and Impact of Larger Developments, Recommended Solution 2" as presented at the BOC June 12 Workshop.

EMERGENCY SERVICES IMPACT REPORT

In accordance with §200A-102, 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.

Subdivision Name: _____

Number of Proposed Lots: _____

Fire Insurance District: _____ (Name or Not Applicable (NA))

1. Distance from Nearest Fire Station: _____ (Road Miles)

2. Distance from Nearest EMS Station: _____ (Road Miles)

EMS Station Response Time = ((_____ (result from 2)) ÷ 35 mph) × 60 minutes = _____ (Minutes)

Route to EMS Station (Please attach map highlighting the route):

Route Road Names and Classifications (Local, Collector, Thoroughfare, Expressway, Boulevard):

Names		Classifications		Number of Passing Areas	Posted Speed Limit(s)
1.	_____ and _____	_____ and _____	_____ and _____	_____ and _____	_____
2.	_____ and _____	_____ and _____	_____ and _____	_____ and _____	_____
3.	_____ and _____	_____ and _____	_____ and _____	_____ and _____	_____
4.	_____ and _____	_____ and _____	_____ and _____	_____ and _____	_____
5.	_____ and _____	_____ and _____	_____ and _____	_____ and _____	_____

(If additional space is needed you may attach additional sheets)

Water resources for fire suppression available: _____ (Y/N)

If Yes:

1. Type of water source (circle one) Static or Pressurized

2. Hydrants:

a. Number: _____

b. Maximum Spacing: _____

3. Capacity: _____

4. Flow Rate: _____ (Gallons per Minute)

5. Pressures:

a. Static Pressure: _____

b. Residual Pressure: _____

Interested in Providing a new Fire or EMS Substation? _____ (Y/N)

***LDC Development Issue 5: Development in Areas of Steep Slope & Floodplain**

Issue:

The concern expressed by the public is that areas that have steep slope or floodplain should be protected, and 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."

Summary of Recommended Solution:

Areas that contain slopes 35% or greater or within the 100-year floodplain would have a maximum residential density of 1 unit per 3 acres. 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.**"

Planning Board's Recommendation:

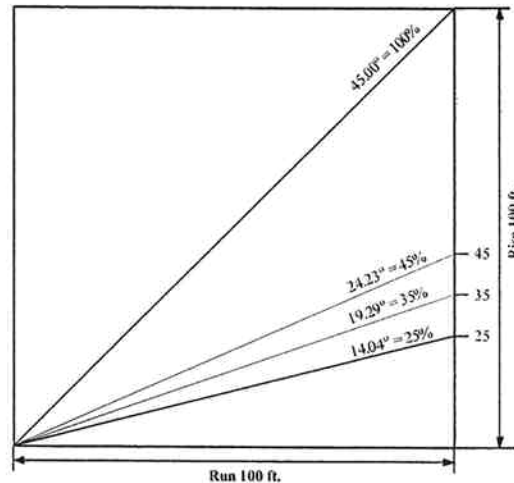
The Planning Board reviewed LDC Development Issue 5 at its meeting on Thursday, August 16, 2007 and recommended that land within the Floodplain or slopes 45% or greater should have a density of 1 unit per 3 acres. The Planning Board also recommended that the Commissioners might want to look at slopes in excess of 45%.

* Originally "Text Option 3: Development in Areas of Steep Slope & Floodplain" as presented at the BOC June 12 Workshop
Page 1 of 2

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*

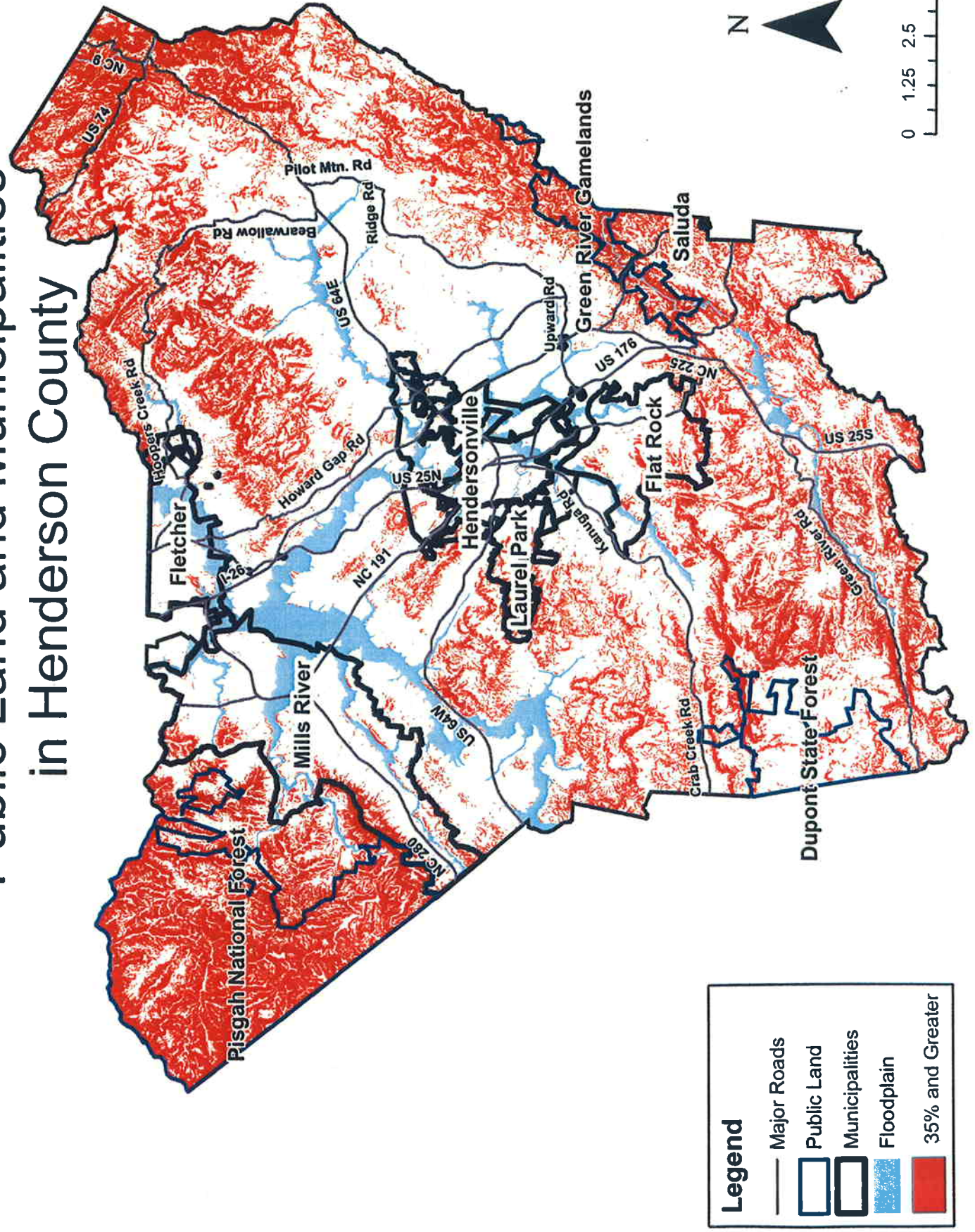
* Excludes municipalities, public forest lands, and land located in the floodway

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% and 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

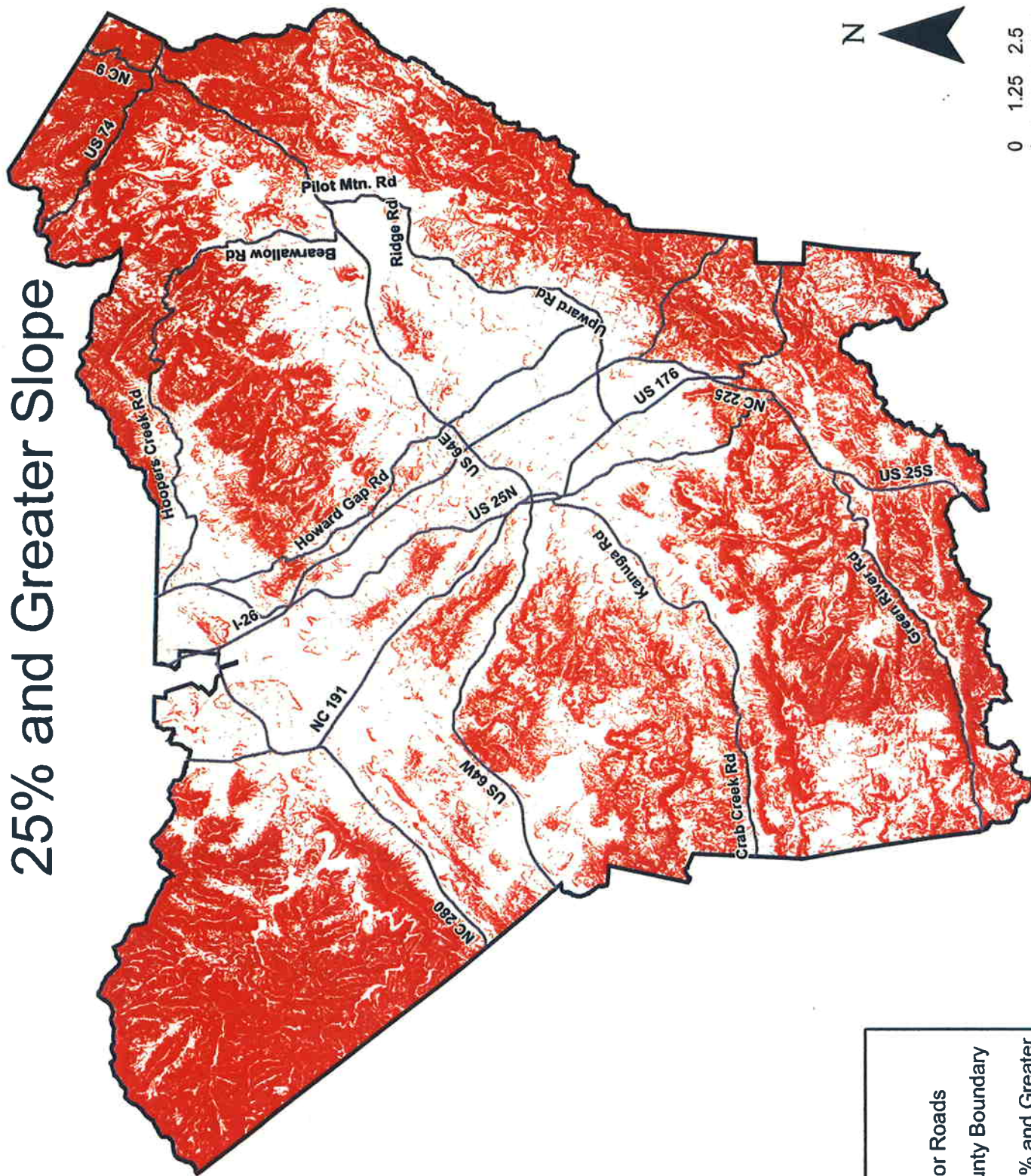
** Excludes land in the floodway

*** Excludes land in the floodplain

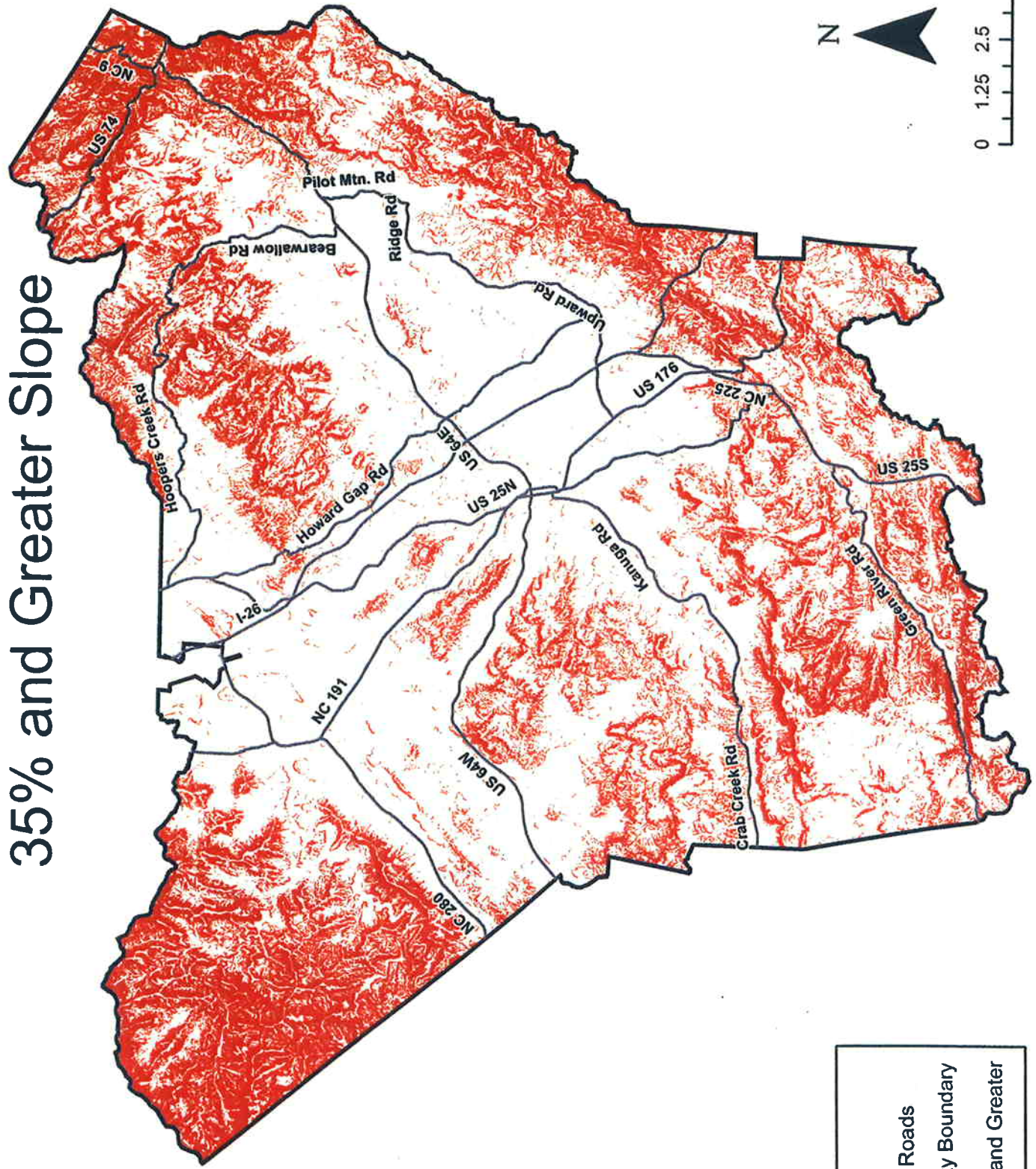
Public Land and Municipalities in Henderson County



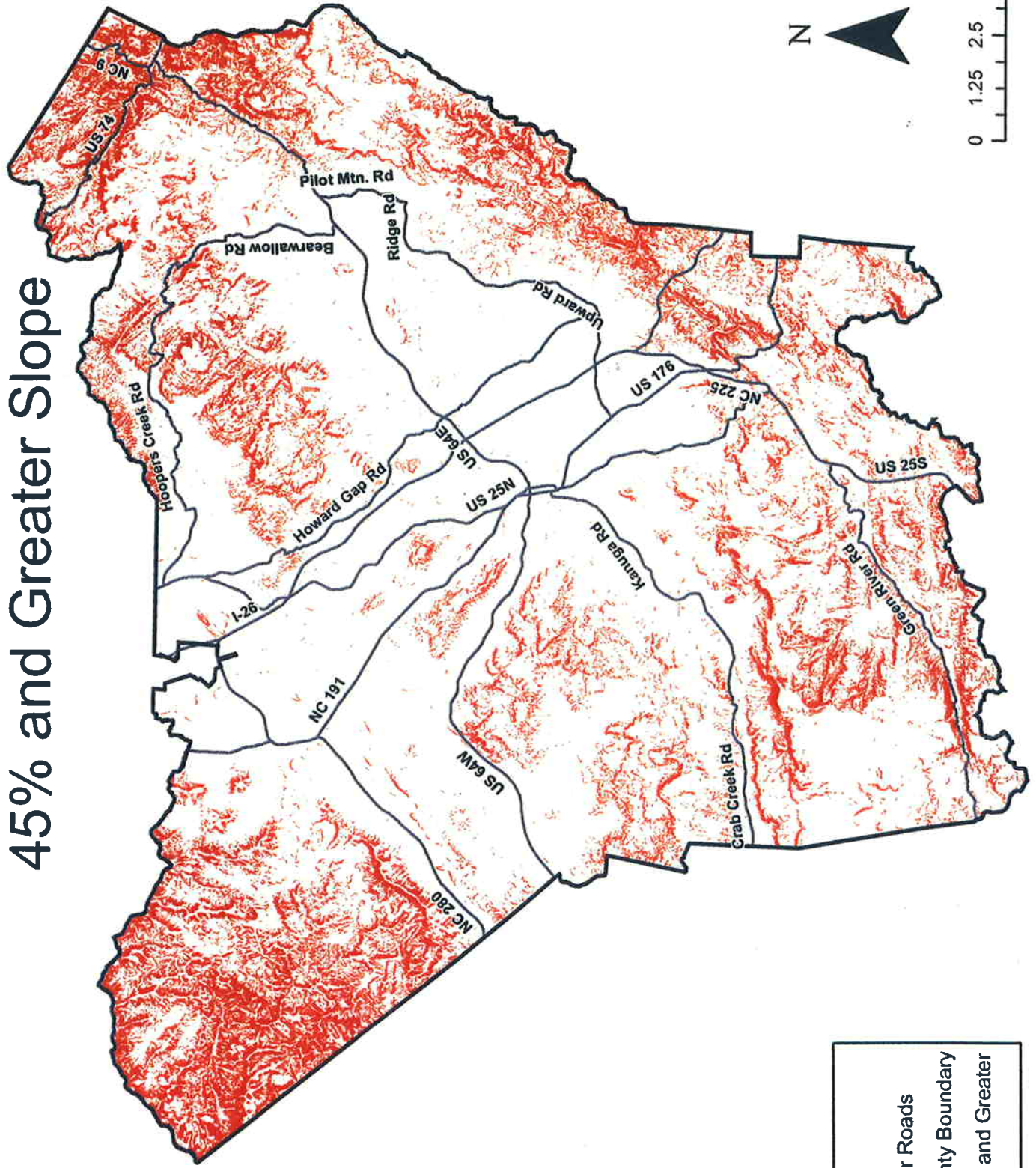
25% and Greater Slope



35% and Greater Slope

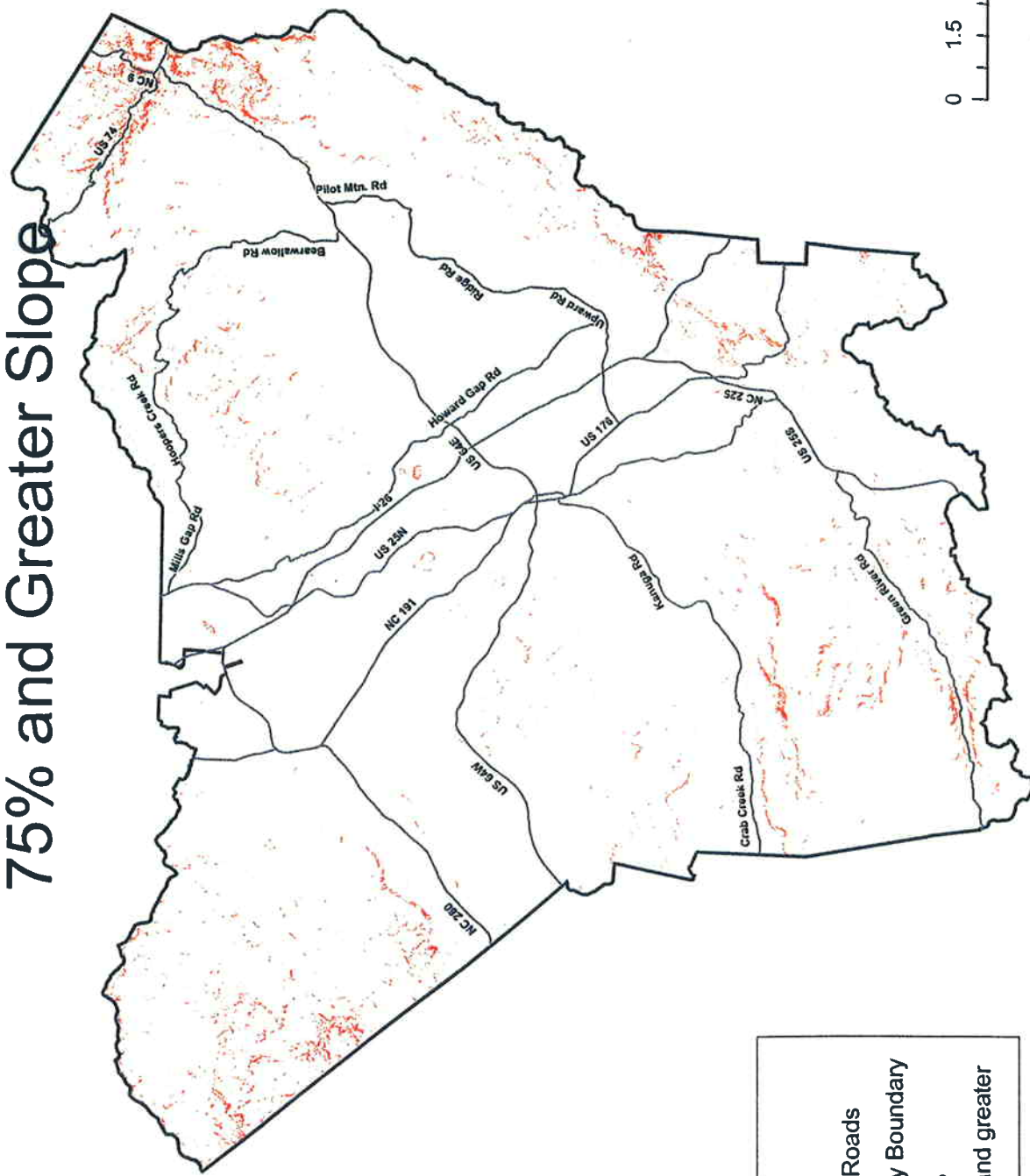


45% and Greater Slope





75% and Greater Slope



Legend

- Major Roads
- County Boundary
- 0-75%
- 75% and greater



LDC Development Issue 5A: Buncombe County's Hillside Development Standards

Issue:

The Board directed Staff to look at Buncombe County's regulations for hillside development.

Summary of Recommended Solution:

Buncombe County regulates the hillside development by for minor and major subdivisions that has an average slope of its natural terrain of 25% percent or greater. The units allowed per acre and/or the minimum lot size varies depending on the average percent slope for the entire tract of land (See the attached density table from Buncombe County's Subdivision Ordinance). The Land Development Code proposes to apply restrictions only to areas that contain steep slope and not as an average for the entire tract. The average density is more difficult to calculate and harder for the public to understand, however, the minimum lot size in acres increases (and units per acre decreases) as the slope gets steeper.

The following additional restrictions and requirement apply to hillside development in Buncombe County:

- Consultation with a geotechnical engineer shall be required for road construction in areas of a tract in excess of 30% natural slope
- Areas with a natural slope over 30% shall not have fill slopes steeper than a 2:1 (height: vertical), nor cut slopes steeper than 1.5:1 unless designed by a geotechnical engineer
- Global stability analysis should be performed for home sites on a 30% or greater slope
- Limitation on disturbed area and impervious surfaces shall be:
 - 25-35% slopes – 30% of the gross site area can be disturbed, and 15% of the gross site area can be impervious
 - Slopes greater than 35% - 15% of the gross site area can be disturbed, and 8% of the gross site area can be impervious
- No development or land disturbance activity may occur in rock cliffs, wetlands, buffer areas along streams or mapped floodways, and significant historical and archeological resource areas defined by the National Register of Historic Places or other federal or state agencies.
- Clear cutting is only allowed for the footprint of the house, driveways, septic systems, and normal landscaping including yards, gardens and flowerbeds. Clear cutting for views is not allowed.
- Re-vegetation is required on all disturbed areas that remain after construction.
- All stream buffers are to be maintained in a natural state.

Density Table from Buncombe County's Hillside Development Standards:

SLOPE %	UNITS PER ACRE	MINIMUM LOT IN ACRES
25	1.250	0.80
26	1.064	0.94
27	0.926	1.08
28	0.820	1.22
29	0.735	1.36
30	0.667	1.5
31	0.625	1.6
32	0.588	1.7
33	0.556	1.8
34	0.526	1.9
35	0.500	2.0
36	0.476	2.1
37	0.455	2.2
38	0.435	2.3
39	0.417	2.4
40	0.400	2.5
41	0.385	2.6
42	0.370	2.7
43	0.357	2.8
44	0.345	2.9
45	0.333	3.0
46	0.323	3.1
47	0.313	3.2
48	0.303	3.3
49	0.294	3.4
50	0.286	3.5
51	0.278	3.6
52	0.270	3.7
53	0.263	3.8
54	0.256	3.9

SLOPE %	UNITS PER ACRE	MINIMUM LOT IN ACRES
55	0.250	4.0
56	0.217	4.6
57	0.192	5.2
58	0.172	5.8
59	0.156	6.4
60	0.143	7.0
61	0.132	7.6
62	0.122	8.2
63	0.114	8.8
64	0.106	9.4
65	0.100	10

LDC Development Issue 7: Height Restrictions for Residential Structures

Issue:

Concerns were raised during the public hearing on August 30, 2007, that the height restrictions for residential structures should be raised to 40 feet.

Summary of Recommended Solution:

The maximum height for residential structures will be 40 feet instead of the current proposed 35 feet. The height of a building or structure is measured as the vertical distance from the finished main floor level to the highest point of the building or building or structure. Chimneys, cupolas and steeples are not included in measuring a building or structure height.

Recommended Solution:

Change the maximum height restriction from 35 feet to 40 feet in the table for density and dimensional requirements for the following districts: R1, R2, R2MH, R3, R4, and LC.

Revised Permitted Use Table

Summary:

At previous workshops, the Commissioners suggested a number of changes to the permitted use table including the additions and changes to the commercial and industrial uses. The attached permitted use table incorporates all the changes from previous discussions.

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit												
	R1	R2	R2MH	R3	R4	OI	MU	LC	CC	RC	GC	I	SR
1. RESIDENTIAL USES													
<i>Assisted Living Residence</i>	S	S	S	S	S	P	P	P	P	P			1.1
<i>Bed and Breakfast Inn</i>	P	P	P	P	P	P	P	P					1.2
<i>Continuing Care Retirement Community</i>	S	S	S	S	S	P	P	P	P	P			1.3
<i>Dwelling, Duplex</i>	P	P	P	P	P	P	P	P					1.4
<i>Dwelling, Manufactured Home (multi-section)</i>			P	P	P								1.5
<i>Dwelling, Manufactured Home (singlewide)</i>			P	P	P								1.5
<i>Dwelling, Mobile Home</i>			P	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	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	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	S	P	P	P	P				1.12
<i>Manufactured Home Park</i>			S	S	S								1.13
<i>Nursing Home</i>	S	S	S	S	S	P	P	P	P	P			1.14
<i>Rooming and Boardinghouse</i>	S	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	S	S	P	P	P	P	P	P	P	2.1
<i>Drive-Thru Window</i>				S	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	P	P				2.3
<i>Fuel Pumps</i>			S	S	S			P	P	P	P	P	2.4
<i>Home Occupation, Adult Day Care</i>	P	P	P	P	P		P	P					2.5
<i>Home Occupation, Childcare Facility</i>	P	P	P	P	P		P	P					2.6
<i>Home Occupation, General</i>	P	P	P	P	P	P	P	P					2.7
<i>Outdoor Storage ≤5000 sq ft</i>			S	P	P			S	P	P	P	P	2.8

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<i>Outdoor Storage >5000 sq ft</i>			S	S	S				S	P	P	P	2.9
<i>Rural Family Occupation</i>			P	P	P								2.10
3. ACCESSORY STRUCTURES													
<i>Airport (Private Accessory)</i>				S	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		P						3.3
<i>Bulkhead</i>	P	P	P	P	P		P						3.4
<i>Carport</i>	P	P	P	P	P	P	P	P					-
<i>Dock/Pier</i>	P	P	P	P	P	P	P						3.5
<i>Dwelling, Accessory Residential</i>	P	P	P	P	P	P	P	P					3.6
<i>Garage, Residential</i>	P	P	P	P	P	P	P	P					-
<i>Gate and/or Guardhouse</i>	P	P	P	P	P	P	P	P	P	P	P	P	3.7
<i>Greenhouse</i>	P	P	P	P	P	P	P	P	P	P	P	P	3.8
<i>Heliport (Private Accessory)</i>	S	S	S	S	S	P	S			P	P	P	3.9
<i>Loading Bay</i>				S	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	P	3.12
<i>Produce Stand, Accessory</i>	P	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	P	-
<i>Storage Shed</i>	P	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	P					-
<i>Wastewater Treatment Plant, Small Accessory</i>	P	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>Camp</i>	S	P	P	P	P	P	P	P	P	P	P		4.3
<i>Campground</i>		S	S	S	S								4.4
<i>Coin Operated Amusements</i>								P	P	P	P		4.5
<i>Common Area Recreation and Service Facilities</i>	P	P	P	P	P	P	P	P					4.6
<i>Golf Course and/or Country Club</i>	P	P	P	P	P	P	P	P	P	P			4.7
<i>Governmental Recreational Facilities</i>	S	S	S	S	S	S	P	P	P	P			4.8
<i>Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)</i>							P	P	P	P	P		4.9
<i>Marina</i>		S	S	S	S			P	P				4.10
<i>Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)</i>	S	S	S	S	S			P	P	P	P		4.11

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	R1	R2	R2MH	R3	R4	OI	MU	LC	CC	RC	GC	I	SR
<i>Motor Sports Facility, Major</i>												S	4.12
<i>Motor Sports Facility, Minor</i>												S	4.13
<i>Motor Sports Facility, Recreational</i>									S	S	S	S	4.14
<i>Outdoor Recreational Facilities</i>	S	S	S	S	S				S	S	S	S	4.15
<i>Park</i>	P	P	P	P	P	P	P	P	P	P	P	S	4.16
<i>Physical Fitness Center</i>	S	S	S	S	S	S	P	P	P	P	P	S	4.17
<i>Recreational Vehicle Park</i>		S	S	S	S				S				4.18
<i>Riding Stables</i>		P	P	P	P			P	P				4.19
<i>School (Sports Instructional)</i>						P	P	P	P	P	P		4.20
<i>Shooting Ranges, Indoor</i>			S	S	S				S	S	S	S	4.21
<i>Shooting Ranges, Outdoor</i>				S	S							S	4.22
<i>Sporting and Recreational Facilities</i>	S	S	S	S	S				P	P	P	S	4.23
<i>Swim and Tennis Club</i>	P	P	P	P	P	P	P	P					4.24
5. EDUCATIONAL AND INSTITUTIONAL USES													
<i>Adult Day Care Facility</i>	P	P	P	P	P	P	P	P	P				5.1
<i>Ambulance Services</i>	P	P	P	P	P	P	P	P	P	P	P	S	5.2
<i>Cemetery/Mausoleum/Columbarium (excluding crematoriums)</i>	P	P	P	P	P	P		P	P	P	P	S	5.3
<i>Childcare Facility</i>	P	P	P	P	P	P	P	P	P	P	P	S	5.4
<i>Club/Lodge</i>	P	P	P	P	P	P	P	P	P	P	P	S	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	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	P	5.9
<i>Funeral Home or Crematorium</i>						P		P	P	P	P		5.10
<i>Government Offices</i>						P	P	P	P	P	P	S	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	S	P	P	P	P	P	P		5.14
<i>Place of Assembly, Large</i>						S		P	P	P	P	S	5.15
<i>Place of Assembly, Small</i>			S	S	S	P	P	P	P	P	P	S	5.16
<i>Police Station</i>	S	S	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	S	5.18
<i>School (Home)</i>	P	P	P	P	P	P	P	P					-
<i>School (Public/Private/Charter)</i>	P	P	P	P	P	P	P	P	P	P	P		5.19
<i>Youth Center</i>	S	S	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		6.1
<i>Automobile and Equipment Service</i>			S	S	S			P	P	P	P	S	6.2
<i>Automotive Towing</i>										P	P	S	6.3

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Broadcasting and Communications Facilities						P	P	P	P	P	P	S	6.4
Car Wash								P	P	P	P		6.5
Exterminating and Pest Control Services				S	S			P	P	P	P	S	6.6
Kennel		S	S	S	S			S	S	P	P		6.7
Motel/Hotel							P	S	P	P	P		6.8
Office: Business, Professional and Public			S	P	P	P	P	P	P	P	P		6.9
School (Technical, Trade and Business)						P	P	P	P	P	P	S	6.10
Theater, Drive-In									P	P	P		6.11
Tire Recapping				S	S					P	P	S	6.12
Urgent Care Clinic				S	S	P	P	P	P	P	P		6.13
7. RETAIL TRADE													
Adult Book and Retail Merchandise Store												S	7.1
Adult Theatre and Live Entertainment												S	7.2
Cinema Complex							P		P	P	P		7.3
Convenience Store						P	P	P	P	P	P	S	7.4
Entertainment Complex										P	P		7.5
Flea Market										P	P		7.6
Fuel Oil Distribution and Sales												S	7.7
Landscaping Materials Sales and Storage				S	S		P	S	P	P	P	S	7.8
Manufactured/Mobile Home Sales										P	P	S	7.9
Motor Vehicle Sales or Leasing										P	P		7.10
Open Air Market		S	S	S	S		P	S	S	P	P		7.11
Parking Garage or Lot (requiring payment)										P	P	S	7.12
Produce Stand		S	P	P	P		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
Shopping Mall										S			7.18
Truck Stop										S	P	S	7.19
8. WHOLESALE TRADE													
Wholesale Trade									P	P	P	S	8.1

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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	P	9.3
<i>Communication Facilities, Category 2</i>	P	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	S							S	9.5
<i>Rail Transportation Facilities and Support Activities</i>												P	9.6
<i>Self-Storage Warehousing</i>			S	S	S	S	P	S	P	P	P		9.7
<i>Septic Tank and Related Services</i>				S	S							S	9.8
<i>Solid Waste Combustors and Incinerators</i>												S	9.9
<i>Transit and Ground Passenger Transportation</i>							P		S	S		S	9.10
<i>Truck Terminals</i>												P	9.11
<i>Utility Substation</i>	P	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	S	S	S	S	S	S	S	S	S	9.15
<i>Wastewater Treatment Plant</i>	S	S	S	S	S	S	P	S	S	S	S	P	9.16
<i>Water Treatment Plant</i>	S	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 ≤10,000 sq ft (of gross floor area)</i>			S	S	S		P	P	P	P	P	P	10.7
<i>Machining and Assembly Operations >10,000 sq ft (of gross floor area)</i>												P	10.7

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Manufacturing and Production Operations ≤10,000 sq ft (of gross floor area)			S	S	S		P	P	P	P	P	P	10.8
Manufacturing and Production Operations >10,000 sq ft (of gross floor area)												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	P	10.14
Research and Development Operations (Hazardous or Biological Materials)												P	10.15
Research and Development Operations (Non-hazardous)							P	P	P	P	P	P	10.16
Sawmill				P	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	P	P	11.2
Model Home Sales Office, Temporary	P	P	P	P	P	P	P	P			P		11.3
Movie Production	P	P	P	P	P	P	P	P	P	P	P	P	-
Yard Sale	P	P	P	P	P	P	P	P	P				11.4
12. TEMPORARY STRUCTURES													
Portable Storage Container		P	P	P	P	P	P	P	P	P	P	P	12.1
Produce Stand, Temporary	P	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	P	12.3
Tent Sale							P	P	P	P	P	P	12.4
13. AGRICULTURAL USES													
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	-
Food Manufacturing	P	P	P	P	P	P	P	P	P	P	P	P	-
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	-
Forestry Support Services	P	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	P	-