

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 19, 2007

SUBJECT: Land Development Code

ATTACHMENTS: 1. Resolution for Adoption of the Land Development Code

SUMMARY OF REQUEST:

The Board of Commissioners have received considerable public comment regarding the draft Land Development Code (LDC) since the public input sessions in March and April and the public hearing on August 30, 2007. The Board held a workshop on September 11, 2007 to discuss the public input received at the August 30th hearing. It is anticipated that Planning Staff will deliver to the Board at the meeting a new draft LDC and Zoning Map reflecting the changes directed by the Board. Staff also anticipates delivering the Planning Board's recommendation regarding the new draft. All legal requirements have been fulfilled to permit adoption of the LDC.

The attached resolution is required for adoption of the Land Development Code and Official Zoning Map.

BOARD ACTION REQUESTED:

Planning Staff requests the Board of Commissioners adopt and approve the Land Development Code and Official Zoning Map by approving the attached resolution.

Suggested Motion: I move that the Board of Commissioners approve the attached resolution and adopt the Land Development Code and Zoning Map as presented.

HENDERSON COUNTY, NORTH CAROLINA

RESOLUTION
FOR THE ADOPTION OF THE LAND DEVELOPMENT CODE
BY THE BOARD OF COMMISSIONERS FOR HENDERSON COUNTY

WHEREAS Henderson County is a body politic promoting the health, safety, and general welfare of the community through responsible development in the County;

WHEREAS Henderson County is experiencing exponential growth with an influx of new construction and additional residents;

WHEREAS this increased growth stresses County infrastructure and requires updated zoning and new land use regulations to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public amenities;

WHEREAS approving community planning that is based on established planning methods and public input is essential to create sustainable growth in Henderson County to prevent the overcrowding of land and undue concentration of the population;

WHEREAS promoting the rural character of parts of Henderson County is important to both local residents and those immigrating to the County;

WHEREAS environmental protection through public policy must be put in place in order to protect the unique local beauty of the area;

WHEREAS the Henderson County Board of Commissioners adopted the *Henderson County 2020 Comprehensive Plan* on July 6, 2004;

WHEREAS the *Henderson County 2020 Comprehensive Plan* recommended the creation of a Land Development Code for Henderson County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henderson County, as follows:

1. That Henderson County has the authority to create and enforce a land use ordinance pursuant to North Carolina General Statute §153A-340 and Henderson County Code §200-72.
2. That Henderson County has the authority to modify its zoning map as per North Carolina General Statute §153A-340 and Henderson County Code §200-72.
3. That the Board of Commissioners finds that the Land Development Code and Zoning Map are reasonable, in the public interest, and consistent with the *Henderson County 2020 Comprehensive Plan* in accordance with N.C.G.S §153A-341.

4. That Henderson County will enforce the Code in all areas within the County except those located within municipal jurisdictions.
5. That the process for the adoption of this Land Development Code followed both the procedures established in the Henderson County Code §200-72, §200-73, §200-74, §200-75, §200-76 for the adoption of zoning ordinances and North Carolina General Statute §153A-323, §153A-343, and §153A-344, through the following methods:
 - a. The Planning Board presented the Board of Commissioners with a draft Land Development Code as per N.C.G.S. §153A-344 on December 19, 2006 after unanimously approving it at their November 15, 2006 meeting in accordance with Henderson County §170-50 and §200-73.
 - b. Public input meetings were held on, March 20 and 27, April 3, 10, and 17, 2007, in locations throughout the County.
 - c. Drafts of the Land Development Code and the zoning map for the County were available at the Henderson County Board of Commissioners Office, Henderson County Planning Department, the Main Henderson County Library in Hendersonville, the branch library locations in Fletcher, Edneyville, Etowah, Green River, and Mills River, and on the Henderson County website.
 - d. Board of Commissioners workshops were held on February, 20, April 24, June 12, August 2, 23, and 28, and September 11, 2007. All these workshops were advertised and open to the public.
 - e. A public hearing on the Code and zoning map was held on August 30, 2007 in accordance with Henderson County Code §170-50 and §200-76 and North Carolina General Statute §153A-323.
 - f. Notice regarding this public hearing was placed in the Henderson Times-News on August 1, 8, 15, and 22, 2007 in a half page advertisement in accordance with N.C.G.S. §153A-323 and §153A-343. In addition, notices were posted on August 14, and 15, 2007 and mailed notifications were sent on August 10, 2007 in accordance with N.C.G.S. §153A-343 and Henderson County Code §200-76 and §170-50.
 - g. After the public hearing, the Board of Commissioners referred the revised draft back to the Planning Board in accordance with N.C.G.S. §153A-344 and Henderson County Code §170-50 and §200-75. The Henderson County Planning Board made additional recommendations regarding the final draft of the Land Development Code on September 18, 2007. This recommendation included the proposed zoning map.

- h. The final draft of the Land Development Code, zoning map, and the recommendations of the Planning Board were received by the Board of Commissioners at its regularly scheduled meeting on September 19, 2007.
6. That the Board of Commissioners of Henderson County hereby adopts the Land Development Code and is made part of the County Code.
7. That the Board of Commissioners of Henderson County hereby amend the Official Zoning Map by adopting the Official Zoning Map dated September 19, 2007.
8. That the Board of Commissioners of Henderson County hereby repeals the following chapters of the Henderson County Code: Chapter 81, Communication Towers; Chapter 90, Erosion and Sedimentation Control; Chapter 102, Flood Damage Prevention; Chapter 114, Manufactured Home Parks; Chapter 121, Mountain Ridge Protection; Chapter 156, Signs; Chapter 170, Subdivision, Chapter 189, Vested Rights; Chapter 192, Part 1 only, Watershed Protection; and Chapter 200, Zoning. These sections shall hereby be replaced with provisions in the new Land Development Code which shall be Chapter 200A of the Henderson County Code. Authority to combine ordinances into a unified ordinance is found in N.C.G.S. §153A-322(d).
9. That the Board of Commissioners of Henderson County hereby order that that the Land Development Code and Official Zoning Map become effective at 11:59 p.m., September 19, 2007.
10. That this Resolution be effective upon adoption.

ADOPTED this the 19th day of September, 2007.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
WILLIAM MOYER, Chairman

ATTESTED BY:

(OFFICIAL SEAL)

Elizabeth Corn, Clerk to the Board

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Notary Public of the County and State aforesaid certify that **ELIZABETH CORN**, personally came before me this day and acknowledged that she is the Clerk for the Henderson County Board of Commissioners, a body politic and corporate, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by the Chairman of the Board of Commissioners and attested by herself as its Clerk.

WITNESS my hand and notarial seal this _____ day of _____, 200__.

Notary Public

Print or type name: _____

My Commission Expires: _____
