

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** August 1, 2016

**SUBJECT:** Special Events LDC Text Amendment (TX-2015-01)

**PRESENTER:** Toby Linville, Code Enforcement Director

**ATTACHMENTS:** 1. Special Events LDC Draft Text Amendment  
2. Emergency Action Plan Application  
3. Resolution of Consistency with County Comprehensive Plan  
4. PowerPoint

#### **SUMMARY OF REQUEST:**

On April 4, 2016, the Board of Commissioners held a public hearing on proposed LDC Text Amendments (TX-2015-01). Following public hearing comments, the Board voted to table the item until after the adoption of the budget. As a number of summer events have already occurred, Staff was directed to bring back the special events text amendment for the Board to discuss.

Based on the increasing popularity of large outdoor events and past issues with these events within the County, the Sheriff's Office had requested a new temporary use for special events ranging between 250 to over 500 persons. The proposed regulations for these events does not prohibited or prevent an event from occurring, but requires the applicant to submit an application that notifies the County of an event 30-60 days prior to the event (depending on the number of attendees), and to provide an emergency action plan outlining their procedures and plans in case of an emergency for events greater than 500 persons. Applications are approved by either the Zoning Administrator or the TRC. The special events amendment requires the necessary communication between the County, EMS, Sheriff and the event coordinator.

#### **BOARD ACTION REQUESTED:**

The Board of Commissioners have held the required public hearing on this amendment and may take action at this meeting. If the Board approves the amendment it must also adopt a written statement of consistency with the County Comprehensive Plan.

#### **Suggested Motion:**

*I move that the Board adopt the attached resolution regarding the consistency with the CCP,  
and*

*I move that the Board adopt the proposed LDC text amendment for Special Events as  
discussed.*

**LDC Text Amendment E: Add a Temporary Use for Special Events  
(Part of TX-2015-01)**

**Recommended changes are highlighted in red.**

**Issue:** The LDC does not have a temporary use category for special events. These events typically occur over a weekend period and occur once or twice a year depending on the event. Since these events directly impact fire, safety and EMS, particularly if alcohol is served, the Sheriff's office requested that staff consider a specific permitting process that would address these concerns.

**Recommendation:** Add a temporary use type for Special Events based on size with specific supplemental requirements comparable with similar uses in the LDC.

**§42-62 Subpart E. Table of Permitted and Special Uses**

| USE TYPE                                   | GENERAL USE DISTRICT<br>P=Permitted; S=Special Use Permit |    |     |    |    |    |    |    |    |    |   |     |
|--|---|----|-----|----|----|----|----|----|----|----|---|-----|
|  | R1  | R2 | R2R | R3 | R4 | OI | MU | LC | CC | RC | I | SR  |
| <b>11. TEMPORARY USES</b>                  |   |    |     |    |    |    |    |    |    |    |   |     |
| Special Events between 250 and 499 persons | P   | P  | P   | P  | P  | P  | P  | P  | P  | P  | P | TBD |
| Special Events greater than 500 persons    | P   | P  | P   | P  | P  | P  | P  | P  | P  | P  | P | TBD |

**§42-63. Supplemental Requirements to the Table of Permitted and Special Uses**

**Special Events between 250 and 499 persons**

- (1) Application. A special event application shall be submitted to the Zoning Administrator thirty (30) days prior to the event.
- (2) Separation Requirements. The *use* shall not be placed within 50 feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).
- (3) Solid Waste Collection System Requirements. Arrangements shall be made for suitable garbage disposal and site clean-up.
- (4) Site Plan. Minor *Site Plan* required in accordance with §42-330 (Minor Site Plan Review).
- (5) Approval Authority. The Zoning Administrator shall approve the temporary use permit.
- (6) Accessibility. County staff acting in their official duties may inspect the event for compliance with the temporary use permit seventy-two (72) hours prior to the start of the event.
- (7) Applicable Permits. The applicant shall apply for required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply. The applicant shall apply with the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.
- (8) Prohibited Activities. All unlawful activities are prohibited.

**Special Events greater than 500 persons**

- (1) Application. A special event application shall be submitted to the Zoning Administrator sixty (60) days prior to the event.

- (2) Separation Requirements. The *use* shall not be placed within 50 feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).
- (3) Solid Waste Collection System Requirements. Arrangements shall be made for suitable garbage disposal and site clean-up.
- (4) Site Plan. Minor *Site Plan* required in accordance with §42-330 (Minor Site Plan Review). Applicants with a previously approved site plan may resubmit or amend the site plan for multiple events. The Zoning Administrator may require a new site plan submittal if the event venue, location or layout is substantially different.
- (5) Emergency Action Plan. Emergency action plan addressing security, emergency medical services, evacuation protocol and access of emergency service responders, fire, and law enforcement is required to be on file with the Zoning Administrator. Applicants with a previously approved emergency action plan may resubmit for multiple events.
- (6) Approval Authority. The TRC shall approve the temporary use permit.
- (7) Applicable Permits. The applicant shall apply for required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply. The applicant shall apply with the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.
- (8) Accessibility. County staff acting in their official duties may inspect the event for compliance with the temporary use permit seventy-two (72) hours prior to the start of the event.
- (9) Prohibited Activities. All unlawful activities are prohibited.



# EMERGENCY ACTION PLAN FOR SPECIAL EVENTS

The purpose of this document is to provide special event planners a guide to address potential safety hazards and to identify safety procedures that should be in place prior to an event.

**Complete all applicable fields, and identify any fields that are not applicable to the event with an N/A.**

| EVENT INFORMATION  |                  |  |
|--|------------------|--|
| Name of Event:   |                  |  |
| Type of Event (recreation, athletic, concert, festival, etc):                                |                  |  |
| Ticketed Event:  | Maximum Tickets: |  |
| Event Sponsor:   |                  |  |
| Event Location Property Owner:   |                  |  |
| Facility Address:  |                  |  |
| City:  | State:           | ZIP Code:  |
| Event Manager Contact:   |                  | Cell Phone:  |
| Email:   |                  |  |
| Date(s) of Event:  |                  |  |
| Time(s) of Event:  |                  | Estimated Daily Event Attendance:                        |
| Estimate of largest number of people that will be at the event at the same time:             |                  |  |
| Description of Event Area:   |                  |  |
| Additional permits required (Building, Fire, Health, NCDOL, ABC etc)?                        |                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, attach specific permit:  |                  |  |
| Other Critical Event Information:  |                  |  |
| EVENT STAFFING   |                  |  |
| Number of Event Staff:   |                  |  |
| Event Staffing Plan (shifts, locations, duties and responsibilities etc):                    |                  |  |
| Will there be a need for be onsite <b>Fire Services</b> ?                                    |                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, who and where will they be located at the event?                                     |                  |  |
| Will there be need for onsite <b>EMS/Medical Services</b> ?                                  |                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, who and where will they be located at the event?                                     |                  |  |
| Will there be need for onsite <b>Law Enforcement/Security</b> ?                              |                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, who and where will they be located at the event?                                     |                  |  |
| Is <b>Fire Watch</b> required for the event?   |                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, what staff are assigned to Fire Watch?   |                  |  |
| Are <b>"Trained Crowd Managers" (TCMs)</b> required for the event? (Events >1000 attendees)  |                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| TCM Names and certifications attached?   |                  |  |
| Who are other key event staff and what are their roles in an emergency?                      |                  |  |
| List any training that will be required for staff prior to the event (including volunteers): |                  |  |

|   |  |   |
|---|--|---|
|   |  |   |
| EVENT PARKING, INGRESS AND EGRESS   |  |   |
| Description of the Event Parking Plan:  |  |   |
| Is there offsite parking?   | <input type="checkbox"/> Yes <input type="checkbox"/> No | If yes, where (shuttle description)?                                    |
| Are Law Enforcement Personnel providing traffic control on roadways?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If yes, where?  |  |   |
| Are parking responsibilities being contracted to a vendor?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If yes, what vendor and describe the contracted services:   |  |   |
| What is the route for emergency vehicle ingress to the event site?  |  |   |
| How will you maintain the emergency vehicle route, including during pre-event and post-event activities?  |  |   |
| Describe the flow of pedestrians through the event:   |  |   |
| Describe any hazards or restrictions to mass evacuation of the event (fencing, limited emergency exits) and how these hazards will be addressed:  |  |   |
| Provide a separate site plan of the area showing traffic flow, pedestrian flow, parking, event location, security, medical, food, restrooms, sanitation, areas of refuge, and fire locations. |  |   |
| Other parking and access considerations:  |  |   |
| EVENT ACTIVITIES  |  |   |
| Description of Event Activities:  |  |   |
| Will there be tents?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| Individual tents greater than 400 sqft attach permit:   |  |   |
| Will there be items that need power?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If yes, list the number and sources (permanent, temporary, generator):  |  |   |
| Will there be chemical, environmental or other hazards present?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If yes, list the type, quantity, exact location at the event, and procedures for managing the hazard:   |  |   |
| Will there be rides?  | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Inflatable <input type="checkbox"/> Mechanical |
| If yes, list the quantity, type, and vendor information:  |  |   |
| Will there be animals?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If yes, will patrons be allowed to handle or touch the animals?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If patrons can touch or handle animals, list sanitation procedures:   |  |   |
| Will there be food?   | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If yes, provide vendor information:   |  |   |
| Will there be other vendors?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| If yes, provide all vendor information and location map attachment.   |  |   |
| EMERGENCY RELOCATION AND ASSEMBLY AREAS   |  |   |
| Primary and Secondary Indoor Relocation Area(s):  |  |   |
| Primary and Secondary Outdoor Assembly Area(s):   |  |   |
| EMERGENCY COMMUNICATIONS  |  |   |
| Describe the methods available for communicating an emergency to staff, vendors and the public:   |  |   |

| FIRE PROTECTION AND LIFE SAFETY SYSTEMS AND EQUIPMENT  |  |       |
|--|--|-------|
| Describe the systems in place to assist with an emergency (Public Address System, Fire Alarm or Sprinkler System, etc.):   |  |       |
| Describe the equipment available to assist in an emergency including quantity and location (First Aid Station(s), Fire Extinguishers, First Aid Kits, Automated External Defibrillator (AED), etc.): |  |       |
| Describe the time and date of on-site preplanning meeting before event:  |  |       |
| ADDITIONAL INFORMATION   |  |       |
| PLAN REVIEW AND APPROVAL   |  |       |
| Plan Created By:   |  | Date: |
| Plan Reviewed By:  |  | Date: |
| Plan Approval  | <input type="checkbox"/> Yes <input type="checkbox"/> No | Date: |

Check List and Instructions:

Plan must be submitted to Henderson County Zoning Administrator no later than 60 days prior to the event.

Plan must be submitted for review with any applicable attachments including

- Event site plan (map)
- Parking plan
- Facility floor plan (evacuation route map)
- Any other applicable permits or attachments

Upon completion and approval of the event public safety plan:

- Keep the plan in a readily accessible location.
- Provide on-site Emergency Action Plan meeting with all appropriate agents before event.
- Provide access to the plan to all event staff.
- Allow all event staff adequate time to review the plan.
- Ensure that all event staff understand the plan and their duties as assigned in the plan.

On event day the following procedures will be followed:

- ☐ Proper electrical and mechanical codes will be utilized at all times.
- ☐ All event staff will be familiar with emergency procedures and relocation areas.
- ☐ Required PPE items will be on hand for use, this will include the following; First Aid, Safety Glasses, Safety Vest, Hearing Protection and Flashlights. Event Safety Coordinator will advise on any additional safety items.
- ☐ Event Manager/Event Safety Coordinator will monitor weather for changes. This will include some type of monitoring alert system such as a weather radio.
- ☐ All inflatable rides will be inspected prior to start of the event by the Event Manager/Safety Coordinator.
- ☐ All Fire Watch and TCM personnel will begin ½ hour prior to start of the event and remain in effect ½ hour after the conclusion of the event.
- ☐ All traffic controllers will have the following PPE provided to them: safety vests (minimum level II); safety glasses, flags for daytime use; flashlights or glow sticks for nighttime use; and hearing protection if deemed necessary and communication if deemed necessary.
- ☐ Event staff working around heavy equipment, generators or any other device deemed by the safety coordinator as producing sound levels greater than 90 decibels will wear ear protection.
- ☐ Event staff will be informed of procedures to follow related to security issues prior to start of event.
- ☐ All Patron injuries will be tracked and recorded.
- ☐ All vehicles that are used during the event will have the following: First Aid supplies (as prescribed), fire extinguishers 10lb (A-3, BC-40).
- ☐ All tents will be equipped at a minimum with appropriate tie downs (includes vendors). All tents will have the following: 5lb (A-2, BC-10) fire extinguishers (mounted) and "No Smoking" signs. There are additional requirements that shall apply based on size, type and location of larger tents. All tent data should be provided during the written or lay out plan.
- ☐ All ride vendors must comply and pass inspection prior to the start of the event (refer to vendor inspection sheet).
- ☐ All inflatable rides shall be taken out of operation when any of the following is met: severe weather (that does include rain storms); winds exceeding 25mph; or temperatures that exceed manufacturers recommended design (that is 90° F for most inflatable rides).

Key Definitions:

An **Area of Refuge** is a location in a building designed to hold occupants during a fire or other emergency, when evacuation may not be safe or possible. Occupants can wait there until rescued by firefighters.

The **Indoor Relocation Area** is an interior space that can accommodate the occupants of the event and provide the most protection from outside hazards, the most recognizable threat being severe weather.

The **Outdoor Assembly Area** is an open outside location at least 100 feet from the evacuated facility where occupants temporarily gather following an evacuation in an effort to make sure everyone is out of the building safely. This area should be located away from access points used by emergency vehicles.

Trained Crowd Control (training):

[http://www.ncdoi.com/OSFM/Fire\\_Safety\\_Programs/Default.aspx?field1= Crowd\\_Manager\\_Training&user= Crowd Manager Training](http://www.ncdoi.com/OSFM/Fire_Safety_Programs/Default.aspx?field1= Crowd_Manager_Training&user= Crowd Manager Training)



## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Department and Planning Board provided recommendations regarding the proposed text amendment for Special Events with case TX-2015-01; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Department provided the prescribed public notice and the Board held the required public hearing on April 4, 2015; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the proposed text amendment for Special Events (Part of TX-2015-01 – Annual Land Development Code Amendments) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

**THIS** the 1<sup>st</sup> day of August, 2016.

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**THOMAS H. THOMPSON, Chairman**  
**Henderson County Board of Commissioners**

**ATTEST:**

\_\_\_\_\_  
**TERESA L. WILSON**  
**Clerk to the Board of Commissioners**

**[COUNTY SEAL]**



# Land Development Code Text Amendment for Special Events

**Board of Commissioners Meeting  
August 1, 2016  
Presentation By: Toby Linville, Code Enforcement Director**

*Henderson County Planning Department*

## LDC Text Amendment: Special Events

### **Background:**

- Sheriff Office requested an amendment for temporary large outdoor events to address fire, safety and EMS
- Events are temporary and occur over a weekend period and typically once or twice a year
- Staff drafted proposed amendment to add a new temporary use for special events
- BOC held public hearing on proposed text amendment on April 4, 2016

*Henderson County Planning Department*

## LDC Text Amendment: Special Events

### Text Amendment Overview:

- Two categories of events based on size (250-499 persons and greater than 500 persons)
- Application is required 30-60 days prior to event depending on event size
- Applications approved by either the Zoning Administrator or TRC
- Emergency Action Plan required for larger events (greater than 500)
  - Outlines plan and procedures in case of an emergency
  - Allows communication between County, EMS, Sheriff Office and Event Coordinator
- Regulations do not prevent or prohibit an event from occurring

*Henderson County Planning Department*

## LDC Text Amendment: Special Events

### Special Events between 250 and 499 persons

- (1) Application must be submitted to Zoning Administrator (30) days prior to the event
- (2) 50 foot separation from an existing dwelling unit (located in a residential zoning district and not located on the same property as the use).
- (3) Arrangements shall be made for suitable garbage disposal and site clean-up.
- (4) Minor Site Plan required.
- (5) Zoning Administrator shall approve the temporary use permit.
- (6) County staff acting in their official duties may inspect the event for compliance with the temporary use permit 72 hours prior to the start of the event.
- (7) Required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply shall apply, including the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.
- (8) All unlawful activities are prohibited.

*Henderson County Planning Department*

## LDC Text Amendment: Special Events

### **Special Events greater than 500 persons**

- (1) Application must be submitted to Zoning Administrator (60) days prior to the event.
- (2) 50 foot separation from existing dwelling unit required (located in a residential zoning district and not located on the same property as the use).
- (3) Arrangements shall be made for suitable garbage disposal and site clean-up.
- (4) Minor Site Plan required.
- (5) Emergency Action Plan required. (Applicants may resubmit a previously approved EAP.)
- (6) TRC shall approve the temporary use permit.
- (7) Required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply shall apply, including the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.
- (8) County staff acting in their official duties may inspect the event for compliance with the temporary use permit 72 hours prior to the start of the event.
- (9) All unlawful activities are prohibited.

*Henderson County Planning Department*

## Board Discussion

### **Suggested Motion:**

*I move that the Board adopt the attached resolution regarding the consistency with the CCP, and*

*I move that the Board adopt the proposed LDC text amendment for Special Events as discussed.*

*Henderson County Planning Department*