

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

Meeting Date: August 19, 2010

Subject: Preview on Land Development Code 2010 Annual Text Amendments

Staff Contact: Autumn Radcliff, Senior Planner

Attachments: 1. Staff Memorandum

SUMMARY OF REQUEST:

The Planning Board discussed several text amendments to the subdivision regulations spanning several meetings last summer. Several Board members expressed concerns with the current standards for property owners using the special subdivision option. Some of these concerns included: allowing the use of existing roads that did not meet current standards and removing the Certificate of Understanding requirement from the final plat. To address these amendments, outside of the annual review of the Land Development Code (LDC), requires the Planning Board to initiate a formal text amendment. The Board tabled its discussion of these amendments to be included in the annual LDC amendment review to provide staff the opportunity to reorganize the subdivision section to address the Board's concerns.

Staff anticipates Board review of the LDC annual amendments, which will address the Board's concerns with the special subdivision option, at the September Planning Board meeting. Staff has provided a preview of the topics the LDC 2010 annual amendments (See Staff Memo). The Board of Commissioners must hold a public hearing before adopting text amendments to the LDC. The Planning Board and the Technical Review Committee (TRC) must review and provide a recommendation on these proposed amendments (at the appropriate time). Staff requests feedback from the Planning Board regarding these LDC issues and other topics that should accompany this year's LDC amendments.

Suggested Motion:

None requested.

HENDERSON COUNTY
Planning Department

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MEMORANDUM

TO: Planning Board
FROM: Autumn Radcliff, Senior Planner
DATE: August 12, 2010
SUBJECT: Preview on Land Development Code 2010 Annual Text Amendments

The Henderson County Land Development Code (LDC) was adopted with the anticipation that it would be reviewed each year and amended as needed. The 2010 LDC amendments cover various topics but primary involves subdivision regulations. If the Board recalls, the subdivision ordinance was inserted into the LDC with few changes. Additionally, several items such as the special subdivision option were added during the final reviews of the code. As a result, the subdivision section needs to be reorganized so that it is easier for developers and applicants to use. Staff also addressed a number of Planning Board concerns and proposed amendments with this reorganization. Below is list of topics these amendments will address.

- Special subdivisions (road standards, certificate of understanding).
- Subdivision types (special, minor, major) more accurately reflect standards based on number of lots.
- Deem unapproved land disturbing activity associated with a subdivision as a violation of the LDC.
- Strengthen the Improvement Guarantee language so that the County can better address issues when a development is in default or is unable to finish the improvements.
- Allowing shared driveways for 3 lots in all subdivisions.
- Allowing a provision for alleys.
- Adding provisions for new use types (electrical vehicle charging stations and new family cemeteries).
- Reducing setback provisions for accessory structures/uses and commercial uses.

These amendments will also include corrections and clarifications to the existing text. Staff anticipates the Planning Board will review the proposed text amendments at its September meeting. Staff will provide a description of each amendment including an excerpt of the subdivision section for the Boards review prior to this meeting.