

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 7, 2021

SUBJECT: Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-05)

PRESENTER: Autumn Radcliff, Planning Director
Matt Champion, Zoning Administrator

ATTACHMENTS: 1. Draft Text Amendment

SUMMARY OF REQUEST:

During the July 15th Planning Board meeting, the Board requested staff to draft a text amendment to address concerns with conditional rezoning's and withdrawal periods. During the August 19th meeting, the Planning Board discussed the item and made a recommendation on the withdrawal periods. The Planning Board will continue its discussion on conditional rezoning's at its September meeting.

The Henderson County Planning Board discussed the draft text amendment and voted to send forward a favorable recommendation. Attached is a draft text amendment for withdrawal periods recommended by the Planning Board.

BOARD ACTION REQUESTED:

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment. Staff requests the Board set a public hearing for Monday, October 4, 2021 at 5:30 p.m.

Suggested Motion:

I move that the Board set a public hearing on the proposed Land Development Code Text Amendment (TX- 2021-05) for Monday, October 4, 2021 at 5:30 p.m.

LDC Text Amendment – TX-2021-05 Rezoning Withdrawal Periods

Recommended changes are highlighted in red.

Summary: During the July 15th Planning Board meeting, the Board requested staff to draft a text amendment to address concerns regarding conditional rezoning's and withdrawal periods. At the August 19th meeting the Planning Board made a favorable recommendation on the withdrawal period amendment.

Amendment 1: Extend the wait period for 2nd withdrawals for the same use or project regardless of property owner.

§42-345. Ordinance Amendments

- d. Withdrawal of Application. **This includes applications for the same requested zoning district or for the same use or substantial similar use under a conditional zoning request.**
 - A. **1st Withdrawal.** Each application for an amendment ~~which is~~ withdrawn by the *applicant* after the first newspaper notice appears, shall not reapply ~~be considered~~ for a *map amendment* within the following six (6) months.
 - B. **2nd Withdrawal.** Each application for an amendment **withdrawn by the *applicant* after the Planning Board's recommendation,** shall not reapply for a *map amendment* within the following eighteen (18) months.
- e. Application Resubmittal.
 - A. Resubmittal of Any Application. The Planning Board and the Commissioners will not consider an application by a property *owner* or *owner's* agent, **that is for the same requested zoning district or for the same use under a conditional zoning request** when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.