

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: November 17, 2021

SUBJECT: Public Hearing for Land Development Code (LDC) Text Amendments
(TX-2021-08)

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

ATTACHMENTS: 1. Draft Text Amendment
2. Certification of Public Notices
3. Resolution of Consistency

SUMMARY OF REQUEST:

Recent special use permit (SUP) applications have identified inconsistencies in the Land Development Code for SUP requirements or limitations in non-residential zoning districts that do not apply to the same use in residential zoning districts.

The Henderson County Planning Board discussed the issue and draft text amendment at its September 16, 2021 and voted unanimously to send forward a favorable recommendation. Attached is the draft text amendment recommended by the Planning Board.

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on November 3rd, 2021, and November 11th, 2021 (See attached Certification of Public Notice).

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.

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 text amendments to the LDC (#TX-2021-08).

LDC Text Amendment – TX-2021-08

Special Use Permit Restrictions

Recommended changes are highlighted in red.

Summary: Recent special use permit (SUP) applications have identified inconsistencies in the Land Development Code for SUP requirements or limitations in non-residential zoning districts that do not apply to the same use in residential zoning districts. At the direction of the County Attorney, staff has provided some draft amendment language for the Board's consideration to address these issues.

Add restriction to the zoning district regulations for the residential zoning district (add the text below to the requirements listed in sections 42-27, 42-28, 42-29, 42-30, and 42-31 for the R1, R2, R2R, R3 and R4 zoning districts).

Special Use Permit Requirements. Any use that requires a special use permit has a maximum impervious surface not to exceed 80% and a maximum floor area limit not to exceed 80,000 square feet (excluding machining and assembly operations, manufacturing and production operations and landscaping materials sales and storage).

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the November 17th, 2021, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2021-08), were:

1. Submitted to the Hendersonville Lightning on October 27, 2021 to be published on November 4, 2021 and November 11, 2021 by Matt Champion;

The signatures herein below indicate that such notices were made as indicated herein above:

1. Matt Champion

STATE OF North Carolina

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County

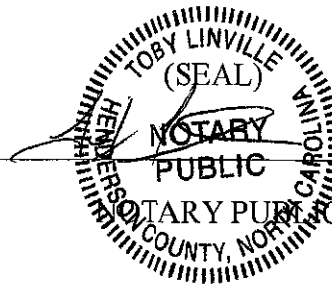
and State, do hereby certify that Matt Champion

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 3rd day of November, 2021.

My commission expires:

6/25/22





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, 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 amendments with case #TX-2021-08; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on November 17, 2021; and

WHEREAS, N.C. General Statute §160D-605 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 amendments related to (#TX-2021-08 to the Land Development Code) 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 amendments 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 17th day of November, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

ATTEST:

DENISA LAUFFER
Clerk to the Board of Commissioners

[COUNTY SEAL]