

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 6, 2023

SUBJECT: LDC Text Amendment – TX-2023-01, Clarification to SR 9.11, County Owned/Operated Solid Waste Collection Facility

PRESENTER: Matt Champion, Zoning and Code Enforcement Director
Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Text Amendment – Clarification to SR 9.11
2. Certification of Public Notices
3. Resolution of Consistency
4. PowerPoint

SUMMARY OF REQUEST:

The supplemental requirements for SR 9.11, county owned or operated solid waste facility, need to be amended to provide clarification to the gross floor area restrictions. Due to the nature and type of the use, there are several permitted accessory structures and uses that are allowed. The proposed amendment would clarify that the gross floor area requirements in the base zoning district do not apply to this specific type of use under SR 9.11.

The Planning Board discussed the item at its February 16th meeting and voted unanimously to send forward a favorable recommendation on the draft text amendment (see attached).

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on February 22nd, 2023, and March 1st, 2023 (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 approve LDC text amendment TX-2023-01 clarification to SR 9.1, County Owned/Operated Solid Waste Collection Facility, and find that the changes are consistent with the County Comprehensive Plan.

LDC Text Amendment (TX-2023-01)

Recommended changes are highlighted.

Clarification to SR 9.11

Summary: The supplemental requirements for SR 9.11, county owned or operated solid waste facility, need to be amended to provide clarification to the gross floor area restrictions. Due to the nature and type of the use, there are several permitted accessory structures and uses that are allowed. The proposed amendment would clarify that the gross floor area requirements in the base zoning district do not apply to this specific type of use under SR 9.11.

Amend SR 9.11:

SR 9.11. Solid Waste Facility, County Owned/Operated

- (1) Site Plan. Major *Site Plan* required in accordance with §42-330 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adversely affects to adjacent properties.
- (4) Security. The operations of a waste collection and transfer facility shall be totally enclosed by: (1) a security fence at least eight (8) feet in height; (2) a wall at least eight (8) feet in height; or (3) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.
- (5) Perimeter Setback. One hundred and fifty (150) feet from a *residential zoning district*. Necessary ingress and egress to the proposed use (s) may be located within the perimeter setback.
- (6) Perimeter Buffer. A B2 buffer as described in Article V (Landscape Design Standards), Subpart A (Buffer Requirements) is required around the perimeter boundary of the site, the operational area(s), or any combination thereof. Preserved existing trees may be credited toward the required buffer.
- (7) Sedimentation Control. Permanent control measures are required to retain all non-compacted soils on site.
- (8) Operations. Where feasible, debris reduction methods such as chipping and mulching (using portable equipment) shall be utilized to reduce the amount of debris permanently withheld on site.
- (9) **Gross Floor Area. Current and future County Owned/Operated Solid Waste Facilities are exempt from the underlying zoning district *gross floor area* maximums.**

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the March 6, 2023, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2023-01)), were:

- 1. Submitted to the Hendersonville Lightning on February 17, 2023 to be published on February 22, 2023 and March 1, 2023 by Matt Champion;

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

- 1. 

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 22nd day of February, 2023.

My commission expires:

6/29/26





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-2023-01; 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 March 6, 2023; 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-2023-01 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 6th day of March, 2023.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
REBECCA MCCALL, Chairman
Henderson County Board of Commissioners

ATTEST:

DENISA LAUFFER
Clerk to the Board of Commissioners

[COUNTY SEAL]

TX-2023-01 Clarification to SR 9.11



March 6, 2023
Public Hearing

Text Amendment TX-2023-01,
County Owned/Operated Solid Waste Collection Facilities

Clarification to SR 9.11

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Text Amendment TX-2023-01, County Owned/Operated Solid Waste Collection Facilities

SR 9.11. Solid Waste Facility, County Owned/Operated

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Public Comment

