

Proposed Technical Amendments to Chapter 200A, Land Development Code

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Article I	
3	<p>Issue: Clarification that only one (1) principal use or structure is allowed per lot.</p> <p>Insert “§200A-10 Principal Use.</p> <p>One (1) <i>principal use/structure</i> may be erected on any one (1) <i>lot</i>, except as otherwise provided in this Chapter. <i>Accessory uses/structures</i> may also be erected and are limited in number as provided by this Chapter.”</p>
Article II	
6	<p>Issue: Internal referencing as necessary to ensure the one (1) principal use per lot regulation is noted.</p> <p>Insert the following into §200A-24 General Use District Requirements</p> <p>“A. Principal Use. See §200A-10 (Principal Use).</p> <p>C. Reduction of Front Yard Setbacks. See §200A-286 (Exemptions and Modifications from Regulations) A (Reduction of Front Yard Setbacks).</p>
9, 19, 21	<p>Issue: The provisions listed in these sections were confusing to the public. While no regulation was changed, the wording was modified for clarification purposes.</p> <p>Insert the following into §200A-27 (R1), §200A-32 (OI) and §200A-33 (LC)</p> <p>“ (3) Maximum residential density shall be available to applicants proposing five (5) or more dwellings in any combination of the following unit types (duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units and specifically excluding single-family units) where: (a) A total of at least five (5) units would be permitted by standard residential density, and (b) Such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof. Maximum residential density shall be available to multifamily dwellings (including duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units), provided such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof.</p>

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11, 13	<p>Issue: The provisions listed in these sections were confusing to the public. While no regulation was changed, the wording was modified for clarification purposes.</p> <p>Insert the following into §200A-28 (R2) and §200A-29 (R2MH)</p> <p>“(3) Maximum residential density shall be available to applicants proposing five (5) or more dwellings in any combination of the following unit types (duplexes and triplexes and specifically excluding single-family units) where: (a) A total of at least five (5) units would be permitted by standard residential density, and (b) Such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof. Maximum residential density shall be available to multifamily dwellings (including duplexes, triplexes, quadraplexes and multifamily dwellings with five (5) or more units). provided such dwellings are generally served by public or private utility systems which meet the requirements of the Henderson County Department of Environmental Health or other governmental authorities having jurisdiction thereof.”</p>
9, 11, 13, 15, 17, 19, 21	<p>Issue: Nonresidential accessory structures are allowed in a number of these districts. This modification makes it clear that any accessory structure permitted in the district must meet the setback and locational requirements.</p> <p>Make the following modifications to: §200A-27 (R1), §200A-28 (R2), §200A-29 (R2MH), §200A-30 (R3), §200A-31 (R4), §200A-32 (OI), §200A-33 (LC)</p> <p>Residential Accessory structures shall be located in <i>side or rear yards</i> and shall be <i>setback</i> a minimum of ten (10) feet from any property line.</p>
21	<p>Issue: The provisions listed in this section was confusing to the public. While no regulation was changed, the wording was modified for clarification purposes.</p> <p>Insert the following into §200A-33 (LC)</p> <p>“(4) Within a multi-tenant <i>structure/site</i>, the principal tenant one unit shall have a maximum <i>gross floor area</i> of 30,000 square feet. The maximum <i>gross floor area</i> for any other commercial-use tenant shall be 10,000 square feet. or single unit on a single lot within the project shall be 10,000 square feet. A maximum 80,000 total square feet for any multi-tenant <i>structure</i> shall apply. The maximum gross floor area for a single unit on a single lot shall be 10,000 square feet.</p>

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23	<p>Issue: The provisions listed in this section was confusing to the public. While no regulation was changed, the wording was modified for clarification purposes.</p> <p>Insert the following into §200A-34 (CC)</p> <p>“(4) Within a multi-tenant <i>structure/site</i>, the principal tenant one unit shall have a maximum <i>gross floor area</i> of 80,000 square feet. The maximum <i>gross floor area</i> for any other commercial use or single unit on a single lot within the project tenant shall be 30,000 square feet. The maximum gross floor area for a single unit on a single lot shall be 30,000 square feet.</p>
24	<p>Issue: Unnecessary internal referencing.</p> <p>Remove the following from §200A-35 (RC) Table 2.9</p> <p>(2) Maximum Floor Area (sq ft)</p>
25	<p>Issue: Unintended restriction on the gross floor area size in the most intense of commercial districts.</p> <p>Remove the following from §200A-35 (RC)</p> <p>(2) Within a multi-tenant <i>structure/site</i>, one unit shall have a maximum <i>gross floor area</i> of 80,000 square feet. The maximum <i>gross floor area</i> for any other <i>commercial use</i> or single unit on a single lot within the project shall be 30,000 square feet.</p>
34	<p>Issue: Typographical error.</p> <p>§200A-38. Waterfront Residential District (WR) B. Dimensional Requirements.</p> <p>The Conservation Subdivision option shall not be available in the R-40 WR District.</p>
52	<p>Issue: Typographical error</p> <p>§ 200A-61D(9)d.3 Regulation Limitations.</p> <p>If <i>stormwater runoff</i> is filtered naturally and is not passed by gutters, drains, pipes, paved swales or other similar conduits, qualification for a <i>natural drainage and filtering system</i> bonus shall not impose a more stringent requirement than the provisions of this Chapter regulating the subdivision of land, or the North Carolina <i>erosion and sedimentation</i> control permit requirements.</p>

Page	Amendment
66-67	<p>Issue: This provision is not necessary given the regulations of the permitted use table and the standards provided elsewhere in SR 1.5.</p> <p>SR. 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide)</p> <p>“(8) Type of Permitted Manufactured/Mobile Home. The type of home allowed to be placed in a <i>manufactured home park</i> shall be determined by the zoning district in which the <i>park</i> is located. For example singlewide <i>manufactured homes</i> are not allowed to be placed in a <i>manufactured home park</i> located in the R2 zoning district.”</p>
67	<p>Issue: Typographical error.</p> <p>SR. 1.6 Dwelling, Multifamily, Five (5) or More Units</p> <p>“(2)c Multifamily dwellings se of five (5) or more units”</p>
75, 78-83	<p>Issue: Clarification that the intention is to only allow one accessory dwelling on the same lot as a principal business in order to maintain the commercial nature of property zoned commercially.</p> <p>Insert the following into SR. 2.3 Dwelling, Single-Family (as an accessory use for a principal business)</p> <p>“(1) Maximum Number Permitted Per Lot. One (1) per business.”</p>
78	<p>Issue: Typographical error.</p> <p>SR 2.10 Rural Family Occupation</p> <p>(1) Parking. A <i>rural family occupation</i> generating any additional need for parking shall be permitted a maximum of ten (10) additional standard leave in parking spaces and two (2) handicapped parking spaces.</p>
83	<p>Issue: Typographical error.</p> <p>SR 4.3, Camp</p> <p>(6) Common Area Recreation and Service Facilities. Those facilities within the <i>campground</i> shall be for the sole purpose of serving the overnight guests in the <i>campground</i>, and shall adhere to the development standards established therefore in SR 4.6 (<i>Common Area Recreation and Service Facilities</i>).</p>

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85	<p>Issue: Clarification that the intention is to ensure buildings (those which house a use) are setback from residential properties. Structures (soccer nets, basketball goals, baseball shelters, etc.) would have to meet the standard yard setbacks.</p> <p>SR. 4.8 Governmental Recreational Facilities.</p> <p>“(3) Perimeter Setback. All structures buildings shall be 100 feet from a <i>residential zoning district</i> property.”</p>
Article III	
127	<p>Issue: Clarification that the developer may only begin land disturbing activities after development plan approval.</p> <p>§200A-76 Approval for Subdivision Plats</p> <p>A <i>final plat</i> must be prepared and approved pursuant to this Chapter whenever a <i>subdivision</i> of land occurs. No land disturbing or construction activity carried out in conjunction with the development of a <i>subdivision</i> shall be commenced until a master or development plan has been approved. Prior to recordation, all <i>plats</i> must meet the requirements of <i>NCGS §47-30</i>. <i>Final plats</i> must be recorded within 18 months of approval or they become null and void and must be re-approved by the appropriate authority.</p>
132	<p>Issue: Inconsistency in cross-referencing.</p> <p>§200A-79 Special Subdivisions (Option) E (5)</p> <p>I (we) hereby certify that I am (we are) the owner(s) of the property located within the subdivision-regulation jurisdiction of Henderson County as shown and described hereon, and that I (we) hereby adopt this plan of subdivision. I (we) understand that expansion of this subdivision may result in the upgrading of road infrastructure, utilities and additional right-of-way dedication and other applicable requirements as required by the Subdivision Regulations (Article III) of the Land Development Code (Chapter 200A of the Henderson County Code). All proposed roads in this subdivision will meet the minimum requirements outlined in §200A-79 (Special Subdivisions) A(3) §200A-81 (Major Subdivisions) C(2) for private roads and §200A-81 (Major Subdivisions) C(1) for public roads.</p>

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132	<p>Issue: Duplication of regulations in this section.</p> <p>Remove §200A-79 Special Subdivisions (Option) F as a duplicate</p> <p>Special Subdivisions, Minor and Major Subdivisions. The <i>special subdivision</i> procedure may not be used in conjunction with an application for a <i>major subdivision</i> or <i>minor subdivision</i>. In the event that a person is found to have used the <i>special subdivision</i> provisions of this Article to create parcels of land for commercial, office institutional, industrial and/or mixed use development, then such person shall be required to comply with any and all requirements for a <i>major subdivision</i> and shall be required to rerecord a <i>plat</i>. In addition, abuse of this subsection will be deemed a violation of this Chapter and may subject the violator to any and all applicable penalties.</p>
132	<p>Issue: Clarification that this provision also applies to special subdivisions.</p> <p>§200A-80 Nonstandard Subdivisions.</p> <p><i>Lots for public utility use, special use lots and cemetery lots, if sufficiently identified and encumbered for all respective uses (i.e., pump station, water tank, sign lot, common area, etc.) may be approved either in conjunction with a major, or minor, or special subdivision, or separately by the Subdivision Administrator, upon submission of a plat describing such subdivision.</i></p>

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135-136	<p>Issue: Clarification that the private road provisions apply to nonresidential units in nonresidential subdivisions as well.</p> <p>§200A-81 Major Subdivisions C(2)a</p> <p>“(2) Private Roads. All <i>roads</i> not intended for public use shall be designated "private" on plans and <i>plats</i> and shall be designed and constructed in accordance with the standards of this Article (see Table 3.1). Any <i>subdivision</i> of land regulated by the terms of this Chapter shall provide, at all times, adequate and unobstructed access to private <i>roads</i> of the development for emergency response. Private roads proposed for nonresidential subdivisions shall comply with the minimum standards required by the North Carolina State Fire Prevention Code.”</p> <p>a. Private Subdivision Collector Road. A “<i>private subdivision collector road</i>” is a <i>road</i> or a section of a <i>road</i> which:</p> <ol style="list-style-type: none"> 1. Provides direct or indirect access from the entrance of the <i>subdivision</i> inward to 50 or more existing or proposed dwelling units and is designed to be the main travel path for such residential access. The terminus or "last block" of a <i>private subdivision collector road</i> ending in a dead end may be designed to the standards of a “<i>private subdivision local road</i>” as long as such "last block" serves fewer than 50 dwelling units; 2. Is designed/has the potential to serve in a future <i>phase</i>, property in the same ownership of the <i>applicant</i> that, if developed, will meet the 50 dwelling unit standard; 3. Connects proposed developments with <i>existing developments</i> where the aggregate sum of dwelling units in both developments is 50 or more; 4. Serves as a through-<i>road</i> connecting <i>lots</i> within a residential <i>subdivision</i> to more than one (1) public <i>thoroughfare</i>; and/or 5. Serves a nonresidential facility located within a <i>residential development</i>, such as a frequently used recreation area, clubhouse, golf course, public utility site, etc. (See Table 3.1, "Subdivision Collector" column). <p>b. Private Subdivision Local Road. A “<i>private subdivision local road</i>” is a <i>road</i> or group of <i>roads</i> which serves less than 50 existing or proposed dwelling units and does not connect <i>public roads</i>. (See Table 3.1, "Subdivision Local" column).</p> <p>c. Private Subdivision Limited Local Road. A “<i>private subdivision limited local road</i>” is a <i>road</i> which serves no more than four (4) residential <i>lots</i> each containing or to contain no more than one (1) existing or proposed principal dwelling unit and its associated <i>driveway</i> which does not connect multiple <i>public roads</i>. <i>Limited local road</i> standards shall also apply to roadways proposed solely for maintenance and/or emergency access purposes regardless of the number of <i>lots</i> it adjoins. Emergency access <i>roads</i> shall not be used to access <i>lots</i> within the <i>subdivision</i> and appropriate signage shall be required. <i>Roads</i> proposed for such purposes should be clearly identified on all plans and <i>final plats</i>.</p>

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Article III	
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143	<p>Issue: Clarification that the appropriate approving agency (the Planning Board or TRC) will have the opportunity to review applications of this type on a case-by-case basis.</p> <p>§200A-81 Major Subdivisions K. Road Frontage and Off-Site Access</p> <p>...In the event that five (5) or more <i>lots</i> may be created and the grade of the <i>road</i> at any point in the off-site access <i>right-of-way</i> exceeds 18 percent grade with a paved surface and 15 percent grade with a gravel surface, then the TRC approving agency will review the application on a case-by-case basis.</p>
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144	<p>Issue: Clarification that this provision applies only to major subdivisions.</p> <p>§200A-81 Major Subdivisions O. Farmland Preservation District Setback</p> <p>Where a <i>major subdivision</i> of land occurs, a minimum 100 foot <i>setback</i> for all <i>buildings</i> or other <i>structures</i> is required from any Farmland Preservation District.</p>
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Article VI	
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173	<p>Issue: Clarification of the rate of parking required for institutional uses.</p> <p>§200A-162 Table 6.1</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th colspan="2" style="text-align: center;">Table 6.1 Required Parking</th> </tr> <tr style="background-color: #cccccc;"> <th style="text-align: center;">Use Classification</th> <th style="text-align: center;">Number of Parking Spaces Required</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>Two (2) spaces per each <i>dwelling unit</i></td> </tr> <tr> <td>Commercial, Industrial, Office, Institutional, Civic</td> <td>One (1) space per each 500 square feet of <i>gross floor area</i></td> </tr> <tr> <td>Warehouse</td> <td>One (1) space per each 4,000 square feet of <i>gross floor area</i></td> </tr> </tbody> </table>	Table 6.1 Required Parking		Use Classification	Number of Parking Spaces Required	Residential	Two (2) spaces per each <i>dwelling unit</i>	Commercial, Industrial, Office, Institutional , Civic	One (1) space per each 500 square feet of <i>gross floor area</i>	Warehouse	One (1) space per each 4,000 square feet of <i>gross floor area</i>
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Warehouse	One (1) space per each 4,000 square feet of <i>gross floor area</i>										

179	<p>Issue: Clarification and typographical area.</p> <p>§200A-186. Exempt Sign Standards</p> <p>The following <i>signs</i> are permitted in all districts and shall not require a <i>sign</i> permit as long as in conformance with the applicable standards. All exempt <i>signs</i> may have one (1) or two (2) faces (unless otherwise indicated). No exempt <i>sign</i> shall be internally illuminated in excess of or exceed six (6) foot-candles (measured at ground level at any point within the property, and installed in such a manner that the source of light (the bulb) is shielded and not visible from adjacent roadways).</p>
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Article X	
242	<p>Issue: The Zoning Board of Adjustment will be able to reverse the orders, requirements, and determinations or approving officials or agencies (as noted in the appeals section) not solely those of the Zoning Administrator.</p> <p>§200A-273 Henderson County Zoning Board of Adjustment</p> <p>H. Decisions.</p> <p>The concurring vote of four-fifths (4/5) of the members of the Zoning Board of Adjustment shall be necessary to reverse any order, requirement or determination of the Zoning Administrator approving official or agency, or to decide in favor of the <i>applicant</i> on any matter upon which it is required to pass under this Chapter, or to affect any variation of this Chapter.</p>
Article X	
246	<p>Issue: Clarification of the provisions of the LDC which this particular administrator enforces.</p> <p>§200A-277 Henderson County Zoning Administrator A (2) Enforcement.</p> <p>To enforce the provisions of this Chapter related to zoning regulations including properly investigating complaints from <i>persons</i> who allege that <i>violations</i> of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any <i>violations</i> found.</p>
247	<p>Issue: Clarification of the provisions of the LDC which this particular administrator enforces.</p> <p>§200A-277 Henderson County Floodplain Administrator A (2) Enforcement.</p> <p>To enforce the provisions of this Chapter related to flood damage prevention including properly investigating complaints from <i>persons</i> who allege that <i>violations</i> of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any <i>violations</i> found.</p>
249	<p>Issue: Clarification of the provisions of the LDC which this particular administrator enforces.</p> <p>§200A-277 Henderson County Soil Erosion and Sedimentation Control Administrator A (2) Enforcement.</p> <p>To enforce the provisions of this Chapter related to soil erosion and sedimentation control regulations including properly investigating complaints from <i>persons</i> who allege that <i>violations</i> of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any <i>violations</i> found.</p>

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250	<p>Issue: Clarification of the provisions of the LDC which this particular administrator enforces. §200A-282 Henderson County Watershed Administrator A (2) Enforcement.</p> <p>To enforce the provisions of this Chapter related to water supply watershed regulations including properly investigating complaints from <i>persons</i> who allege that <i>violations</i> of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any <i>violations</i> found.</p>
252	<p>Issue: The language of the LDC should clearly provide the Subdivision Administrator with the enforcement and inspection authorities necessary to fulfill the duties assigned thereto.</p> <p>Insert the following language in §200A-289 Henderson County Subdivision Administrator (A)</p> <p style="padding-left: 40px;">“ (2) Enforcement. To enforce the provisions of this Chapter related to subdivision regulations including properly investigating complaints from <i>persons</i> who allege that <i>violations</i> of this Chapter have occurred and initiating appropriate action as necessary to prevent, enjoin, abate or remove any <i>violations</i> found. The <i>Subdivision Administrator</i>, or his/her duly authorized representative, may enter any premises, as provided by law, to perform any duty imposed upon him/her by this Chapter. The Subdivision Administrator, or his/her duly authorized representative, may enter any premises, as provided by law, to inspect any improvements made in relation to a subdivision application.</p>

Page	Amendment
262-263	<p>Issue: Clarifying the intent of the provisions provided by each subsection and also providing further indication of the applicant’s abilities to begin work based on plan approval type.</p> <p>Make the following changes to §200A-309 Master Plans</p> <p>A. Plan Preparation. Master plans must be prepared in conformance with this subpart and master plan requirements provided by the Planning Department. A master plan is required during review of all <i>major subdivisions</i>. The <i>applicant</i> shall submit four (4) full-sized copies and one (1) reduced-sized copy of the master plan, at at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 30 large copies shall be submitted in its place. The master plan may consist of multiple sheets, if needed. <i>Applicants</i> proposing single section or <i>phased subdivisions</i> may submit a combined master plan and development plan (“master/development plan”) that shall be prepared in conformance with this subpart and the requirements of a development plan provided by the Planning Department and §200A-310 (Development Plans) Article III (Subdivision Regulations).</p> <p>B. Purpose of the Plan. The master plan is intended to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County’s <i>roads</i> and governmental services.</p> <p>C. Review of the Plan. During review of the master plan for a <i>major subdivision</i> application, the reviewing agency shall take into consideration: (1) applicable recommendations of the <i>Comprehensive Plan</i>, (2) the potential <i>use</i> of the land to be subdivided and (3) the impact of the <i>subdivision</i> and proposed <i>use</i> whether residential, commercial or industrial.</p> <p>D. Revisions to the Plan. If during the development of the project, the master plan is revised to affect any of the following: increase the number of building lots to be created or units to be constructed; create a substantive change in the <i>subdivision</i> configuration, <i>road</i> layout, etc.; substantially change the <i>use</i> of any portion of the <i>tract</i>; develop or build in areas that were identified as features in the site analysis sketch (see Article III (Subdivision Regulations) and Article XI (Review Processes and Procedures) Subpart C (Subdivision Review and Approval)) and that were identified in the master plan as <i>open spaces</i> or <i>protected areas</i>, the <i>applicant</i> shall then submit a revised master plan for the reviewing agency to review in accordance with Article III (Subdivision Regulations) and the applicable review process as outlined in this subpart Article XI (Review Process and Procedures) Subpart C (Subdivision Review and Approval).</p> <p>E. Land Disturbing and Improvement Activities. The <i>applicant</i> may only proceed with the establishment of <i>erosion</i> and <i>sedimentation</i> control measures, clearing and other <i>land-disturbing activities</i> and improvement activities associated with the project upon receipt of approval of the development plan (See §200A-310 (Development Plans)).</p> <p>F. Approval Validity. Master plan approval is valid for two (2) years and shall be annotated on the plan. If, at the completion of the two-year period, no development plan has been submitted, the <i>applicant</i> must reapply under the current applicable requirements.</p>

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Article XI	
263	<p>Issue: Clarifying the intent of the provisions provided by each subsection and also providing further indication of the applicant’s abilities to begin work based on plan approval type.</p> <p>Make the following changes to §200A-310 Development Plans</p> <p>A. Plan Preparation. Development plans must be prepared in conformance with this Chapter subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all <i>major subdivisions</i>. The development plan may be submitted for the entire <i>subdivision</i> or any section thereof. The <i>applicant</i> shall submit four (4) full-sized copies and one (1) reduced-sized copy of the development plan, at at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 30 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.</p> <p>B. Purpose of the Plan. A development plan is a graphic representation or map of the <i>tract</i> of land to be developed indicating all proposed divisions of land, their <i>uses</i>, improvements and other information as may be required to fully disclose the <i>applicant's</i> intentions. The purpose of the plan is to provide general and specific information and is not intended to be a recordable document.</p> <p>C. Review of the Plan. Upon approval of the master plan and the development plan of the first section of a <i>subdivision</i> by the reviewing agency, if successive sections are submitted for review (and (1) each substantially conforms with the master plan, (2) no new <i>lots</i> are created, and (3) all technical requirements and development standards have been met) the <i>Subdivision Administrator</i> may approve the development plans for all <i>major subdivisions</i> for successive sections administratively. Under such review, the action deadlines for the reviewing agency shall be the same for the <i>Subdivision Administrator</i>.</p> <p>D. Land Disturbing and Improvement Activities. The <i>applicant</i> may, only upon receipt of approval of the development plan proceed with the establishment of <i>erosion</i> and <i>sedimentation</i> control measures, clearing and other <i>land-disturbing activities</i> and improvement activities associated with the project.</p> <p>E. Approval Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. If, at the completion of the first one-year extension period, less than 50 percent of improvements are complete, the <i>applicant</i> must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the <i>applicant</i> may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.</p>

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Article XI	
264	<p>Issue: Clarification that final plat review will be required and therefore the standards will apply to special subdivisions as well.</p> <p>§200A-311 Final Plat Review. A. Final Plat Review for Special, Minor and Nonstandard Subdivisions.</p>
267	<p>Issue: Internal consistency with the pre-application deadlines for other application types.</p> <p>§200A-314 Ordinance Amendments C. Map Amendments</p> <p>(2) Pre-application Conference. Each <i>applicant</i> for an amendment shall meet with Planning Staff in a pre-application conference at least 15 days no later than two calendar weeks prior to the application submission deadline. The purposes of this conference are to provide information to the <i>applicant</i> regarding the review process and assist in the preparation of the application.</p>
277	<p>Issue: Typographical Error</p> <p>§ 200A-319. MHP COI Permits</p> <p>C(2) Application. Each application for a permit shall be submitted submit, along with the appropriate fee(s) and <i>site plan</i>, to the <i>Manufactured Home Park Administrator</i>. Applications shall additionally include one (1) as-built drawing (at a scale of one (1) inch equals 100 feet) of the completed <i>MHP</i> or <i>phase</i> thereof. Applications may be modified by the <i>MHP Administrator</i> as necessary, who may require the <i>applicant</i> to supply additional information pertaining to the <i>MHP</i>. If the application is found to be incomplete, the <i>MHP Administrator</i> shall notify the <i>applicant</i> of any deficiencies.</p>
280	<p>Issue: Typographical Error</p> <p>§ 200A-323. Special Use Permits</p> <p>H. Quasi-judicial proceeding. The concurring vote of four-fifths (4/5) of the members of the a simple majority of ZBA shall be necessary to grant the permit.</p>

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284	<p>Issue: Ensuring the appropriate appellate body hears appeals from decisions of the Watershed Administrator. The ZBA (which serves as the Water Supply Watershed Review Board) hears all other appeals of decisions made in regard to this Chapter.</p> <p>§200A-325 Water Supply Watershed Use Permits E. Permit Validity</p> <p>(1) Revocation of Water Supply Watershed Use Permits. <i>Violations</i> of the sections of this Chapter relating to <i>water supply watershed</i> protection may also constitute grounds for revocation of Water Supply Watershed Use Permits if such <i>violations</i> are not corrected within 30 days following notification of such <i>violations</i>. No such permit shall be reinstated until the <i>Watershed Administrator</i> finds that all provisions of this Chapter relating to <i>water supply watershed</i> protection have been met. Any revocation may be appealed to the Water Supply Watershed Review Board Commissioners if filed within 30 days of the effective date of the revocation. Following a hearing on the matter, the Water Supply Watershed Review Board Commissioners may concur with the revocation or order the reinstatement of the permit.</p>
Article XI	
285	<p>Issue: Ensuring the appropriate appellate body hears appeals from decisions of the Watershed Administrator. The ZBA (which serves as the Water Supply Watershed Review Board) hears all other appeals of decisions made in regard to this Chapter.</p> <p>§200A-326. Watershed Protection Compliance Permits. D. Permit Validity</p> <p>(1) Permit Revocation. <i>Violations</i> of the sections of this Chapter relating to <i>water supply watershed</i> protection may also constitute grounds for revocation of permits if such <i>violations</i> are not corrected within 30 days following notification of such <i>violations</i>. No such permit shall be reinstated until the <i>Watershed Administrator</i> finds that all provisions of this Chapter relating to <i>water supply watershed</i> protection have been met. Any revocation may be <i>appealed</i> to the Water Supply Water Supply Watershed Review Board Commissioners if filed within 30 days of the effective date of the revocation. Following a hearing on the matter, the Water Supply Watershed Review Board Commissioners may concur with the revocation or order the reinstatement of the permit.</p>
287	<p>§200A-332. Vested Rights. F. Quasi-Judicial Proceeding.</p> <p>(3) Review. The ZBA shall reach a decision within 45 days of the conclusion of the Vested Rights hearing. The ZBA shall issue an order within 45 days of reaching its decision.</p>

Page	Amendment
289	<p>Issue: Clarification that variances can be requested from a variety of different administrators of different portions of the ordinance.</p> <p>Make the following changes to §200A-335 Variances</p> <p>B(1) Pre-application Conference. Each <i>applicant</i> for a <i>Variance</i> shall meet with the appropriate Zoning Administrator (within this section “Administrator” shall refer to any of the following: Communication Facilities, Manufactured Home Park, Soil Erosion and Sedimentation Control, Subdivision, or Zoning Administrator) in a pre-application conference no later than one (1) calendar week prior to the date the application is due. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.</p> <p>F. Public Notification. Public notification of such hearing shall comply with the provisions of §200A-338 (Quasi-Judicial Process Standards). Code Enforcement Services Staff The Administrator shall be responsible for all necessary public notifications.</p> <p>Change “Zoning Administrator” throughout §200A-335</p>

Article XI	
294	<p>Issue: Inconsistency of internal cross-referencing.</p> <p>§200A-337. Legislative Process Standards. B. Map Amendments</p> <p>(3) Mailed Notice. In accordance with <i>NCGS</i> 153A-343, whenever there is a <i>zoning map amendment</i>, the owner of that parcel of land as shown on the County tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the County tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the County tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than 25 days prior to the date of the public hearing. The <i>person</i> or <i>persons</i> mailing such notices shall certify to the Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. The first class mail notice requirement shall not be required if the <i>zoning map amendment</i> directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the County elects to <i>use</i> the Expanded Published Notice (see subsection (4) (3)).</p> <p>(4) Expanded Published Notice. In accordance with <i>NCGS</i> 153A-343, and in that situation described above (see subsection (3) (2)), the County may elect to publish once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area an advertisement of the public hearing that shows the boundaries of the area affected by the proposed <i>zoning map amendment</i> and explains the nature of the proposed change.</p>

Page	Amendment
295	<p>Issue: Clarification that appeals will follow a quasi-judicial process.</p> <p>Make the following changes to §200A-338 Quasi-Judicial Process Standards</p> <p style="padding-left: 40px;">A. Category Three (3) Communication Facility Permits, Special Use Permits, Vested Rights, and Variances, and Appeals</p> <p>Change “Board of Commissioners ZBA” throughout §200A-338</p>
Article XII	
298	<p>Issue: Clarification that appeals will follow a quasi-judicial process.</p> <p>§200A-346 Appeals.</p> <p>Questions arising in connection with the enforcement of this Chapter shall be presented first to the approving official or agency and shall be presented to the appellate agency only on <i>appeal</i> from the approving official or agency (See Table 12.1). <i>Appeals</i> must be filed 30 days from the date of the decision with the approving official or agency. Where the appellate agency is the Zoning Board of Adjustment (ZBA), the ZBA shall hold a public hearing on the <i>appeal</i> in accordance with §200A-338 (Quasi-Judicial Process Standards).</p>

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Article XII

304	<p>Issue: Ensuring the appropriate appellate body hears appeals from decisions of the Watershed Administrator. The ZBA (which serves as the Water Supply Watershed Review Board) hears all other appeals of decisions made in regard to this Chapter.</p>																																					
	<table border="1" style="width: 100%; border-collapse: collapse; margin: 10px auto;"> <tr style="background-color: #cccccc;"> <th colspan="3">Table 12.1 Approving Agency and Associated Appellate Body</th> </tr> <tr style="background-color: #cccccc;"> <th style="width: 15%;">Type of Agency</th> <th style="width: 45%;">Approving Official or Agency for the Application or Appeal</th> <th style="width: 40%;">Appellate Body</th> </tr> <tr> <td rowspan="8" style="text-align: center; vertical-align: middle;">Staff</td> <td><i>Communication Facilities Administrator</i></td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td><i>Floodplain Administrator</i></td> <td>Flood Damage Prevention Board</td> </tr> <tr> <td><i>Manufactured Home Park Administrator</i></td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td><i>Planning Director</i></td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td><i>Soil Erosion and Sedimentation Control Administrator</i></td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td><i>Subdivision Administrator</i></td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td><i>Watershed Administrator</i></td> <td>Water Supply Watershed Review Board*</td> </tr> <tr> <td><i>Zoning Administrator</i></td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td style="text-align: center;">Committee</td> <td>Technical Review Committee</td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td rowspan="5" style="text-align: center; vertical-align: middle;">Board</td> <td>Board of Commissioners</td> <td>Appellate Court</td> </tr> <tr> <td>Flood Damage Prevention Board</td> <td>Appellate Court</td> </tr> <tr> <td>Planning Board</td> <td>Zoning Board of Adjustment</td> </tr> <tr> <td>Water Supply Watershed Review Board</td> <td>Appellate Court</td> </tr> <tr> <td>Zoning Board of Adjustment</td> <td>Appellate Court</td> </tr> </table> <p style="color: red; font-size: small; margin-top: 5px;">* Where a permit revocation occurs, the Board of Commissioners shall be the appellate agency.</p>	Table 12.1 Approving Agency and Associated Appellate Body			Type of Agency	Approving Official or Agency for the Application or Appeal	Appellate Body	Staff	<i>Communication Facilities Administrator</i>	Zoning Board of Adjustment	<i>Floodplain Administrator</i>	Flood Damage Prevention Board	<i>Manufactured Home Park Administrator</i>	Zoning Board of Adjustment	<i>Planning Director</i>	Zoning Board of Adjustment	<i>Soil Erosion and Sedimentation Control Administrator</i>	Zoning Board of Adjustment	<i>Subdivision Administrator</i>	Zoning Board of Adjustment	<i>Watershed Administrator</i>	Water Supply Watershed Review Board*	<i>Zoning Administrator</i>	Zoning Board of Adjustment	Committee	Technical Review Committee	Zoning Board of Adjustment	Board	Board of Commissioners	Appellate Court	Flood Damage Prevention Board	Appellate Court	Planning Board	Zoning Board of Adjustment	Water Supply Watershed Review Board	Appellate Court	Zoning Board of Adjustment	Appellate Court
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Article XIV

305	<p>Issue: Currently the Sedimentation and Erosion Control Administrator is assigned the duties of administering the provisions of the Water Supply Watershed portions of the LDC.</p> <p>Administrator, Watershed. The individual (Zoning Administrator or his/her designee) appointed and authorized to administer and enforce those regulations related to <i>water supply watershed</i> protection under the terms and conditions of this Chapter.</p>
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309	<p>Issue: Clarification of definition.</p> <p>Boulevard. A roadway that Boulevards generally consist of moderate mobility and low to moderate accessibility. The relationship between mobility and accessibility is more balanced than that of <i>freeways</i> and <i>expressways</i>. Access control points may not be permitted and if allowed, are limited. Typically, roadways in this category have a median, but may have as few as two (2) lanes. They generally have posted speed limits of 30 to 55 miles per hour. Traffic signals are allowed and recommended at one-half (½) mile intervals.</p>
312	<p>Issue: Clarification of definition.</p> <p>Collector Road. Collector roads generally feature characteristics of moderate to low mobility and high accessibility, and serve as a link between through-roads and <i>local roads</i>. There is no control of access (i.e. no physical restrictions on access). Traffic signals are allowed, at a recommended minimum spacing of one-quarter (¼) mile. <i>Driveways</i> are allowed with full movement, but are still recommended to be consolidated or shared if possible. Roadways in this category will have neither a center left turn lane nor a median. Speed limits are generally regulated at 25 to 55 miles per hour.</p>
317	<p>Issue: Clarification of definition.</p> <p>Dwelling, Single-Family Detached. A single-family dwelling which is located in a separate <i>building</i> detached from any other <i>building</i> (excluding a customary <i>accessory structure</i>). Single-family detached dwellings may include dwellings constructed on site, manufactured dwellings or <i>modular dwellings</i>.</p>
317	<p>Issue: Clarification of definition.</p> <p>Expressway. Roadways in this category Expressways generally feature characteristics of high mobility and moderate to low accessibility. Moving through-traffic is an important element; however, access points are allowed, but limited. Traffic signals are not permitted, but <i>driveway</i> connections are permitted. Typically, roadways in this category have a minimum of four (4) travel lanes, are median-divided facilities, and generally have posted speed limits of 55 to 60 miles per hour.</p>
319	<p>Issue: Typographical error.</p> <p>Flea Market. A place that has regular consistent hours of operation on a regular reoccurring basis of at least four (4) days a month specifically dedicated to where people buy, auction, rent, sell, appraise, lease or exchange goods, products or services including but not limited to real property, personal property, services, food and/or entertainment whether it indoors, outdoors or a combination venue.</p>

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321	<p>Issue: Clarification of definition.</p> <p>Freeway. Freeways generally feature characteristics of high mobility and low accessibility, or full control of access. Carrying through traffic and controlling access points are of supreme importance of roadways classified in this category. Typically, freeways have a minimum of four (4) travel lanes, are median-divided facilities, and generally have posted speed limits of 55 miles per hour or greater. Traffic signals and <i>driveways</i> are not permitted, as access is only permitted at grade-separated interchanges.</p>
322	<p>Issue: Referencing error.</p> <p>High Quality Waters. Those classified as such in 15A NCAC 2B.0101(e) (5) – General Procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS §150B-14(e).</p>
325	<p>Issue: Clarification of definition.</p> <p>Local Road. Local roads generally are designed to provide final access to properties, rather than through movements. There is no control of access (i.e. no physical restrictions on access). Traffic signals are allowed, at a recommended minimum spacing of one-quarter (1/4) mile. <i>Driveways</i> are allowed with full movement, but are still recommended to be consolidated or shared if possible. Roadways in this category will have neither a center left turn lane nor a median. Speed limits are generally regulated at 35 miles per hour or less.</p>
333	<p>Issue: Clarification of definition.</p> <p>Recreational Vehicle (RV) Park. An establishment primarily engaged in operating sites to accommodate <i>park model homes</i> or <i>recreational vehicles</i>. These establishments may provide access to facilities, such as laundry rooms, recreational halls, playgrounds, stores and snack bars. An RV park will generally contain three (3) or more <i>park model homes</i> or <i>recreational vehicles</i>.</p>

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335	<p>Issue: Clarification of definition.</p> <p>Road Classification. <i>Roads</i> within the County shall be classified according to the following:</p> <ol style="list-style-type: none"> (1) <i>Local Road.</i> <i>Local roads</i> are generally designed to provide final access to properties, rather than through movements (see <i>Local Road</i> for full definition). (2) <i>Collector Road.</i> <i>Collector roads</i> generally feature characteristics of moderate to low mobility and high accessibility, and serve as a link between through-roads and <i>local roads</i> (see <i>Collector Road</i> for full definition). (3) <i>Thoroughfare.</i> <i>Thoroughfares</i> generally feature characteristics of moderate to low mobility and high accessibility (see <i>Thoroughfare</i> for full definition). (4) <i>Boulevard.</i> A roadway that <i>Boulevards</i> generally consists of moderate mobility and low to moderate accessibility (see <i>Boulevard</i> for full definition). (5) <i>Expressway.</i> Roadways in this category <i>Expressways</i> generally feature characteristics of high mobility and moderate to low accessibility (see <i>Expressway</i> for full definition). (6) <i>Freeway.</i> <i>Freeways</i> generally feature characteristics of high mobility and low accessibility, or full control of access (see <i>Freeway</i> for full definition).
343	<p>Issue: Clarification of definition.</p> <p>Slope, Steep. A <i>slope</i> greater than 25 60 percent, identified as part of: (1) a County Soil Survey prepared by the USDA Natural Resources Conservation Service; and/or (2) a site analysis conducted by a registered professional engineer, professional land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the US Geological Society.</p>
347	<p>Issue: Clarification of definition.</p> <p>Thoroughfare. <i>Thoroughfares</i> generally feature characteristics of moderate to low mobility and high accessibility. Access control points are allowed, but limited. No control of access is allowed in the category. Traffic signals are allowed and recommended at one-half (½) mile intervals. <i>Driveways</i> are allowed with full movement, but are still recommended to be consolidated or shared if possible. This category includes all <i>roads</i> with a two-way center left-turn lane, but no <i>roads</i> with medians. Speed limits generally are posted between 25 to 55 miles per hour.</p>