

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MARCH 27, 2007**

The Henderson County Board of Commissioners met for a Public Input Session on the Land Development Code at 7:00 p.m. at Atkinson Elementary School in the Gymnasium.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Chuck McGrady, Commissioner Larry Young, Commissioner Mark Williams, County Manager Steve Wyatt and Clerk to the Board Elizabeth W. Corn.

Also present was: Planning Director Anthony Starr.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance.

OVERVIEW OF LAND DEVELOPMENT CODE

Planning Director Anthony Starr stated the Draft Land Development Code combines all of the County's existing ordinances related to development into one user-friendly document. Some of the County's current development standards were written more than 25 years ago and are somewhat out of date. New trends to protect community character, reduce development costs, and protect the environment have occurred in the years since, so new regulations are needed to reflect these changes. No Farming, agriculture, agritourism, livestock and horses are exempt from zoning rules by state law and this will not change with the proposed Land Development Code.

New junkyards operated as a business will be allowed in the industrial Zoning district with a special use permit issued by the Board of Adjustment. Existing junkyards in the County will be grandfathered. Junk, such as trash and junk vehicles on individual properties are regulated under the County's Nuisance Prevention Ordinance, not the LDC. The LDC will not change the nuisance Ordinance.

Currently there are numerous zoning districts that add to confusion about how the County should grow. The draft Land Development Code reduces the number of zoning districts and makes it a lot simpler for everyone to understand. The County zoning changes will not affect anyone within a municipality's zoning jurisdiction. Maps of the proposed zoning are available at the Planning Department Office and online at www.hendersoncountync.org – click on the link to the Land Development Code.

The Open Use Zoning District was intended to prohibit a few uses that have very negative impacts on neighbors. It does not limit how dense (number of homes per acre) new developments can be. If you are currently in Open Use Zoning a wide range of residential, commercial and industrial uses are permitted without limit. With the draft Land Development Code, areas zoned open use will be classified into a residential, commercial, or industrial zoning district.

No Businesses already legally operating in the Open Use area will be allowed to continue operation and even expand. You could say that they are “grandfathered” under the proposed code.

R-1, R-2, R-2MH and R-3 Zoning Districts are all residential zoning districts and the primary difference is the density, or number of homes per acre, that each district allows. The R-1 district is the most urban with an average of 4 homes per acre for detached single-family home development. Multi-family developments, such as townhouses, condos, and apartments, are permitted to have 16 homes per acre in the R-1 district. The R-2 and R-2MH districts allow single-family homes at 1 home per acre on average. Multi-family development would be allowed to have 2 homes per acre on average. The R-3 district allows 1 home per 1.5 acres on average. There is no real difference in the R-2 and R-2MH districts except that R-2 does not allow manufactured homes and R-2MH does.

The majority uses in the rural areas of the County are currently agriculture, forestland, residential or vacant. Residential zoning is proposed for these areas because agriculture and forestland are exempt and existing businesses and commercial establishments are grandfathered. It was also intended to allow residential development to continue, with restrictions, until a small area plan is completed for these areas. Community residents will be involved in the development of these small area plans to determine where commercial development should occur.

The New Land Development Code does allow manufactured homes in Henderson County. The County is required by State law to allow some area for manufactured homes. The R-1 and R-2 zoning districts will not allow new manufactured homes. The R-2MH and R-3 zoning districts will allow manufactured homes including single and multi-section homes (double and triple wide homes). New manufactured homes must meet certain appearance standards such as shingles roofs and underpinning. Existing manufactured homes will not have to make any changes.

A sign can be placed at a business under the proposed Land Development Code. Some signs do not require a zoning permit while larger signs will require a zoning permit. Freestanding sign sizes range from 18 to 75 feet high and sign size ranges from 72 to 200 square feet. Wall signs can be up to 10% of the wall face up to 250 square feet.

The new code includes the current floodplain regulations and makes no changes to the Flood Damage Prevention Ordinance. There are no regulations proposed regarding steep slopes.

Chairman Moyer explained that one of the major changes the land development code brings about is in the proposed zoning map, as is on the wall. Several years ago when open use zoning was implemented it was done so to protect areas from some eight or nine major things that people did not want to happen in their area. It was always the plan to move to more restrictive type zoning in this area and that is what this land development code does. There are less things that are permitted in the area than were as open use. It is a more restrictive type zoning.

PUBLIC COMMENTS

Chairman Moyer asked each person who had signed up for informal public comments to limit their time to about 3 minutes.

- 1) Vince Gibbs – (spoke to staff before meeting) Mr. Gibbs feels that the maximum of adding square footage for an accessory dwelling unit should have the cap of 1200 sq. ft., but not the restriction about the accessory dwelling not exceeding 50% of the floor area for the principal structure.
- 2) Tedd Pearce – Planning Board Chair presented concept of adding an additional residential district to the LDC (R4), R4 having a density of 1 unit per 5 acres, R4 would be zoned on property located in and around the national forest service lands, parks and game loans, and suggested adding commercial uses to the industrial district in the LDC.
- 3) Robert Eaton – Mr. Eaton has lived here for 32 years and thanked the Board of Commissioners for coming to the community. He had read the summary of LDC online and parts of the draft LDC. Mr. Eaton believe that as people make plans for development they need to make a conscious effort for their development to be more user friendly – pedestrian, bike, etc. He also believes that the Board of Commissioners should address impact fees by having those who profit pay for necessary road fees.
- 4) Pam Kalpert – Ms. Kalpert is concerned about the impact development has on roads, sewer, water, etc. She feels that the County should have impact fees to cover these associated costs.
- 5) Jim Brissie – Mr. Brissie thanked the Board of Commissioners for coming and for all the work they were doing. He was concerned that the property around the school which is currently R-40 will be rezoned R2. R2 is less zoning than R-40 in terms of setbacks and uses (would allow duplexes and triplexes). Mr. Brissie is also concerned about the maximum number of homes allowed on lots. He feels that high density developments should be allowed that support infrastructure.
- 6) Ernest Sheppard – Mr. Sheppard could not understand much of the information in the LDC. He feels that it is restricting to many things and makes it hard to live here under the proposed restrictions. People are being priced out of the area and can't afford better homes. Mr. Sheppard is not against those that are wealthy, but feels that it will deprive working folks of the American dream. He questions if the Board of Commissioners is trying to remove local, poor folks from the County because they cannot afford a big home.
- 7) Walter Sheppard – Mr. Sheppard has a problem with the whole process and zoning and questions how zoning can protect anyone from getting a landfill in their backyard if the County makes the decision to allow or permit it. He feels that people are getting scared or pushed into doing something they don't want or need with the LDC. Mr. Sheppard stated that 60% of the County will be zoned residential and feels that the County wants the tax dollars from the high dollar homes. He also feels that all county officials should take oath of office. The LDC and process is an undue influence because LOS regional council, Raleigh, the Institute of Government and others are directing the county on the route to go and is a conspiracy. Zoning is against the constitution; for example the Nuisance Ordinance. Mr.

Sheppard that the Commissioners intend to adopt the LDC and take peoples rights away, and we need to turn this around or the young people will loose their freedom.

- 8) Carolyn Franklin – Ms. Franklin feels that Mr. Sheppard summed it up and it is our constitutional right to own property and do what we want with it. She thinks that it is okay to regulate things such as a sewer running into a branch.
- 9) Alan Martin – Mr. Martin is from this area and went to school at Atkinson Elementary. He feels that the Commissioners represent the County and should and will take peoples comments into play. He remembers zoning trying to be put into play since he was a little kid. Mr. Martin feels that development will be brought in local people can't afford the cost of homes. He is also concerned that farming is going away and feels that Henderson County is being turned into a homeowners association. The Nuisance Ordinance will still affect farming due to the 3 acre requirement. When development affects people at home they will come out on the issue (The Glen & Highlands of Flat Rock), but no one shows up for the community zoning meeting. He understands the input process is about weights and balance.
- 10) Libby Brissie – Ms. Brissie questioned how many homes could be put in R-40 compared to the proposed R-2 district and was concerned with the types of homes and units allowed in R-2. She was also concerned about the setbacks from R-40 to R-2 being too small. Ms. Brissie feels that the County is not increasing protection with fewer restrictions as proposed and that the R-40 zoning district should be kept where it is now.
- 11) Hubert Barnwell – Mr. Barnwell stated that a lot of people have moved here to retire. He has issues with manufactured homes not being allowed. Mr. Barnwell feels that it is nice that people are moving to the area that can afford to put in a high dollar home, but his children cannot afford that. What about the people who are already here? He feels that if you have plenty of land, or the required amount, you should be able to put in any type of home including manufactured homes.

ADJOURN

There being no further public input the meeting adjourned at 7:53 p.m.

Attest:

Terry Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman