

REQUEST FOR BOARD ACTION

Henderson County Board of Commissioners

Meeting Date: April 7, 2008

Subject: Text & Map Amendments to the Henderson County 2020 Comprehensive Plan (CCP) & Chapter 200A, Land Development Code (LDC) (Recommendations with Staff, Technical Review Committee, and Planning Board Support and no public opposition)

Attachments:

1. CCP Substantive Amendments (Text & Map)
2. CCP Technical, Administrative Amendments
3. LDC Substantive Amendments (Text & Map)
4. LDC Technical, Administrative Amendments

Summary of Request:

On Thursday, March 27, 2008, the Board of Commissioners held a public hearing on proposed text and map amendments to the Henderson County 2020 Comprehensive Plan (CCP) and Chapter 200A, Land Development Code (LDC). As per the Boards request, attached are the proposed amendments that had no disagreement between the recommendations of the Technical Review Committee, Planning Board and Staff, and no opposition from the public. These proposed amendments are ready for the Board to take action on. Planning Staff will be available to discuss any of the attached proposed amendments.

Board Action Request:

Action by the Board of Commissioners is needed to either grant or deny the proposed text and map amendments to the CCP and LDC. If the Board decides to approve the proposed amendments the following motion has been provided.

Suggested Motion:

I move that the Board find that the proposed amendments are consistent with the recommendations of the County Comprehensive Plan and,

I further move that the Board approve the attached proposed text and map amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A, Land Development Code and Official Zoning Map.

Proposed Substantive Amendments to the Henderson County 2020 Comprehensive Plan

Substantive amendments, as opposed to administrative amendments, change the overall meaning or intent of the Comprehensive Plan by altering the Plan’s recommendations and action steps, implementation strategies, as well as its assessment and portrayal of current conditions. Typically, substantive amendments occur at regularly scheduled intervals; however, the Board of Commissioners may initiate substantive amendments outside of the annual review period as necessary. An advertised public hearing, in accordance with the requirements of NCGS 153A-323, is required prior to the adoption of substantive amendments to the Comprehensive Plan. The adoption of substantive amendments will alter the content of the Comprehensive Plan by adding, removing, or modifying text, graphics, and/or statistical information of the document.

Planning staff recommends the following substantive amendments to the Henderson County 2020 Comprehensive Plan to better reflect the current conditions, needs, and desires of Henderson County based on the adoption of the Land Development Code.

Page Number Location – Recommended Substantive Amendment

Section 1: Introduction – No change.	
Section 2: Background Information – No change.	
Section 3: 2020 Plan for Henderson County	
Economic Development Element	
65	Economic Development Element, Recommendation E-04, Action Strategy F. – The LDC reserved a section for an Airport Overlay District (AI) and to support this action add the following statement to the bullet point list: <ul style="list-style-type: none"> ▪ “e) Consider establishing an airport overlay district to protect the airports from development that may restrict airport operations and/or expansion, and address public health, safety, and general welfare issues associated with developments near airports.”
Agriculture Element	
73	Agricultural Element, Other Action Strategies, Relationship to Other Elements – The CCP stated that the County should accommodate growth while reducing the pressure on outlying farmland. To further support the LDC regulations, add

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	<p>language that calls for the County to institute land development regulations that mandate setbacks between newly created residential developments and existing agricultural land uses.</p> <ul style="list-style-type: none"> ▪ “e) The GMS will recommend that Henderson County’s land development regulations be modified to include setbacks and/or buffer requirements for newly constructed residential developments that adjoin existing agricultural land uses.”
Natural Resource Element	
82	<p>Natural Resource Element, Recommendation N-02: – To reflect existing regulations in the LDC including impervious surface restrictions, watershed rules, and perennial stream buffers, the CCP should include language in the first paragraph that offers additional support for stormwater management standards and regulations.</p> <ul style="list-style-type: none"> ▪ Final sentence - “The County should identify and consider incorporating standards to promote or require low impact development.”
82-83	<p>Natural Resource Element, Recommendation N-03 – Include language in the final paragraph that offers additional support for the slope development regulations imposed by the Land Development Code.</p> <ul style="list-style-type: none"> ▪ Final sentence – “Further, the Land Development Code will include standards that address the public health, safety, and general welfare issues posed by the development of steep slopes.”
Recreation Element – No change.	
Housing Element – No change.	
Transportation Element	
113 & 114	<p>Transportation Element, Recommendation T-01, Action Strategy C. – To clarify the County’s role as the public transit provider, replace the first paragraph to the following:</p> <ul style="list-style-type: none"> ▪ “Western Carolina Community Action, Inc. (WCCA) was appointed by Henderson County to administer numerous human services including transportation, and has played an important role in making mass transit a reality in Henderson County. Henderson County’s Public Transit has been operated under the NCDOT Rural Transportation Program, but in 2004, Henderson County was informed by NCDOT that the County was now within the Asheville Urbanized Area and that its transit system needed to transition from a rural program to an urban program. The Henderson County Commissions directed Staff to make the necessary arrangements to

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	<p>convert the system to an urban system that complied with the FTA Section 5307 Grant Program. One regulation requires that management of the system be procured competitively on a regular basis. Apple Country Transportation, a division of the WCCA, was awarded the contract in 2006. Although Henderson County’s Transit system receives funding through federal and state sources, Henderson County, the City of Hendersonville, and the Town of Fletcher all provide significant financial support. As the County continues to grow and the transit system is expanded or improved, Henderson County should consider creating a public transportation authority.”</p>
<p>Water and Sewer Element</p>	
<p>120</p>	<p>Water & Sewer Element, Recommendation SW-02 – Add an additional Action Strategy I as follows to support recommendation SW-02:</p> <ul style="list-style-type: none"> ▪ “Action Strategy I. Update the current sewer and water master plan to reflect service areas or create a sewer and water service area boundary plan.” ▪ “The County should have an active role in determining the boundaries of service areas for sewer and water services. These service areas should define where the County plans to extend sewer and water services for the purpose of approving sewer and water extensions for proposed developments.”
<p>120</p>	<p>Water & Sewer Element, Recommendation SW-02 – Add an additional Action Strategy J as follows to support recommendation SW-02:</p> <ul style="list-style-type: none"> ▪ “Action Strategy J. The County should study the feasibility of establishing public sewer service in the Etowah area and other areas in the County, especially those with private package plants, in light of the growth management strategy plan.”
<p>Public Schools Element</p>	
<p>2020 Growth Management Strategy Element</p>	
<p>130</p>	<p>Growth Management Strategy, Recommendation GMS-01, Action Strategy A., Rural/Urban Transition Area – Add the following statement to support the densities proposed by the LDC regulations:</p> <ul style="list-style-type: none"> ▪ “Land development ordinances in the RTA should strive for a general, average density of 5 or fewer acres per residential dwelling unit. Actual densities as defined by zoning requirements should vary across the RTA according to constraints and community characteristics. As infrastructure is expanded and becomes available, the R2 and the R2MH zoning district (if both water and sewer services are present)

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	<p>should have an average density no more than 2 units per acre.”</p>
<p>132</p>	<p>Growth Management Strategy, Recommendation GMS-01, Action Strategy A., Rural/Agricultural Area – To support the densities proposed by the LDC regulations, remove reference to average density of 5 or more acres and replace with the following statement to support the Land Development regulations:</p> <ul style="list-style-type: none"> ▪ “Land development ordinances in the RAA should strive for a general, average density of 5 or more 1½ or more acres per residential dwelling unit, but due to topography and land use constraints, some areas in the RAA should have densities of 1 unit per 5 or more acres.”
<p>135</p>	<p>Community Service Centers: Include similar language from the Land Development Code to better define the scale of local, community and regional commercial areas as follows:</p> <ul style="list-style-type: none"> ▪ Local Commercial areas are located within defined Community service Centers. They serve small market areas and are intended to be located within the residential neighborhoods that they serve. They contain a range of commercial uses that can be safely intermixed with residential uses. They are pedestrian-friendly areas that typically generate fairly low traffic volumes and can be located along minor residential streets. Public utilities are strongly encouraged but not necessarily required. The range of uses permitted within a Local Commercial area should be compatible with available utilities and infrastructure. They include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or neighborhood scale. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl. ▪ Community Commercial areas are located within defined Community Service Centers. Though still pedestrian-friendly, they are larger centers serving larger market areas and are situated at logical intersections along major roads. With proper project design, residential uses can also be included within Community Commercial areas. Public utilities are generally required. They should include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local and community level. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl. ▪ Regional Commercial areas are located within defined Community

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	<p>Service Centers. Regional Commercial areas can overlap with Industrial areas given proper design. While internally pedestrian-friendly on a project basis, they are intended to service a regional market area. As such, they generate high volumes of traffic and are located along major roadways. Residential uses should be protected from the impacts of adjacent Regional Commercial areas and should not be intermixed with such. Public utilities are required. They should include a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local, community, and regional level. They should be compatible with adjacent development and the surrounding community and should minimize congestion and sprawl.</p>
Section 4: Implementation	
Community Planning Framework	
147	Figure CP.3 Implementation Schedule - Adjust implementation schedule (See Attachment)
Section 5: Appendices	
Appendix I: Maps	
Map 20	Appendix I: Maps - Growth Management Strategy Map – Change the growth management boundaries to reflect the decisions of the Land Development Code.
Map 24	Appendix I: Maps - Future Land Use Map – Add the community service centers resulting for the adoption of the Land Development Code.
Map 33	Appendix I: Maps – Community Planning Areas – Update and regroup the community planning areas and show projected completion year for each area plan. The timeline indicated for the community plans assumes an 18 month process for each plan and completing 2 plans per year.
Appendix II: Public Input – No change	
Appendix III: Other Documents – No change	
Appendix IV: References – No change	

IMPLEMENTATION SCHEDULE

The following pages set forth a schedule for the implementation of this Comprehensive Plan. The implementation schedule is intended to be consistent with the implementation schedule of the *Strategic Plan*. The implementation schedules of both documents should be reviewed frequently and modified as necessary for consistency.

Implementation of this Comprehensive Plan is broken into four phases, the duration of which is indicated on Figure CP.2, below. Each Action Strategy of Section 3 is assigned a phase within which implementation should take place. Certain Action Strategies that require continual implementation are assigned to an “Ongoing” category.

Figure CP.2 CCP Implementation Timeline

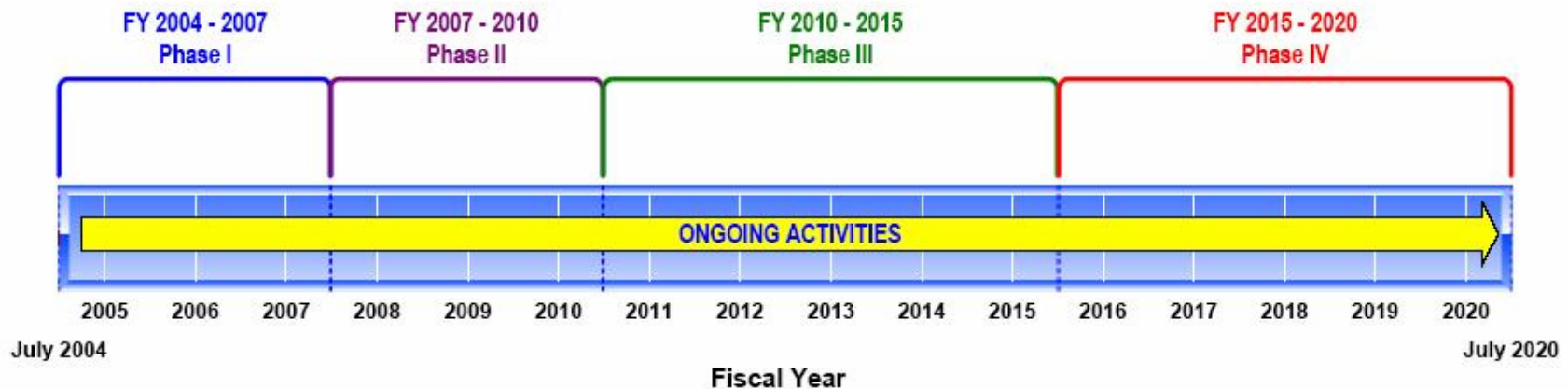


Figure CP. 3, below, summarizes each Recommendation and Action step set forth by this Comprehensive Plan. The implementation phase to which each Action Strategy is assigned is indicated. Also, target resources and responsible parties are identified. Where possible target dates are assigned and are typically indicated by a reference to a given fiscal year.

Figure CP.3 Implementation Schedule Master Summary

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
Economic Development Summary			
<i>Recommendation E-01: Support the development of the industrial sector of the economy by implementing the recommendations of the Lockwood Greene Study.</i>			
A. Work with the Chamber of Commerce and other entities to implement the Lockwood Greene Study.	Ongoing ¹	Current Staff, Chamber / etc. Resources, Annual Budget Allocations to Chamber	BOC / Manager, Chamber et al.
B. Conduct a <i>Countywide Industrial / Commercial Zoning Study</i> .	Phase I FY 2007-2008 Ongoing	Current Staff Resources, Possible Consultant Funding from FY04-05 Budget	Planning, Consultant, Chamber et al.
<i>Recommendation E-02: Support the development of the commercial sector.</i>			
C. Explore ways to support & expand programs & policies that promote local businesses & locally produced products.	Ongoing	Current Resources	BOC / Manager, Chamber et al, Travel & Tourism, Cooperative Extension
<i>Recommendation E-03: Promote appropriate, compatible tourism.</i>			
D. Participate in the development of a <i>Heritage Tourism Plan</i> .	Phase I FY 2004-2005	Current Staff Resources	Travel & Tourism
<i>Recommendation E-04: Pursue innovative approaches to regional economic development initiatives.</i>			
E. Identify and act upon opportunities for joint economic development projects with municipalities, neighboring jurisdictions, and area economic development entities.	Ongoing	Current Staff Resources	BOC / Manager, Chamber et al.
F. Take a leadership role in developing the Asheville Regional Airport and its vicinity as a regional center of economic activity.	Phase I Draft FY 2004-2005 Ongoing		
<i>Other Action Strategies</i>			
G. Identify any economically distressed areas of the county and explore revitalization measures.	Ongoing (During Community Planning Process)	Refer <i>Other Steps</i> , below	Planning
H. Pursue legislation and solicit regional and statewide support to further economic development initiatives.	Ongoing	Current Resources	BOC / Manager, Chamber et al.
I. Continue to budget funds annually for economic development initiatives.	Ongoing	Annual Budget Allocations	BOC / Manager
Agriculture Element Summary			
<i>Recommendation A-01: Reduce Farmland Loss.</i>			

¹ Implementation of this element will require the prioritization of the specific recommendations of the Lockwood Greene Study.

Proposed Changes are Highlighted in Red

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
A. Consider the costs and practicality of establishing a farmland protection fund for Henderson County.	Phase II	Current Staff Resources, Possible Consulting Funding, Annual Budget Allocations	BOC / Manager
B. Promote and expand voluntary agricultural districts to minimize land use conflicts and to protect farmers' right to farm.	Ongoing	Current Staff Resources	Agricultural Advisory Committee, Soil & Water, Planning
C. Ensure that County-funded economic development programs and projects support farmland protection.	Ongoing	Current Staff Resources, Chamber Resources	BOC, Chamber
<i>Recommendation A-02: Expand access for agricultural enterprises to economic development and tourism promotion programs and support services.</i>			
D. Explore ways to make County economic development incentives more readily available to agriculture-related businesses.	Ongoing	Current Staff Resources, Chamber Resources	BOC / Manager, Chamber
E. Provide maximum benefits under Present Use Valuation Taxation program.	Phase I	Current Staff Resources	BOC / Manager
F. Provide ongoing training and technical assistance to farmers.	Ongoing	Current Staff Resources, Annual Budgetary Allocations	Cooperative Extension
G. Promote agricultural products that are produced in Henderson County.	Ongoing	Current Staff Resources, Chamber Resources	BOC / Manager, Chamber, Travel / Tourism, Cooperative Extension
<i>Other Action Strategies</i>			
H. Identify an agricultural proponent or facilitator.	Phase I FY 2005-2006	Additional Staff Resources	BOC / Manager
Natural Resource Element Summary			
<i>Recommendation N-01: Minimize the potential for damage to personal property, infrastructure, and life due to flooding.</i>			
A. Adopt a Flood Hazard Prevention Ordinance.	Phase I Draft FY 2004-2005 ² Begin Enforcement FY 2005-2006	Current & Additional Staff Resources, Consulting Funding	BOC / Manager, Planning, NC Emergency Management, FEMA
B. Investigate measures to maintain the open and free flow of all perennial streams in the county.	Ongoing	Current Staff Resources	NC DOT, Planning, DENR, US Army Corps Engineers
<i>Recommendation N-02: Protect Water Quality.</i>			

² If a Land Development Code (GMS-01.B) is created, then a Flood Hazard Prevention Ordinance should be incorporated into such, which would require amending the Land Development Code. If the County chooses not to develop a Land Development Code, then a Flood Hazard Prevention Ordinance would exist as a stand-alone ordinance or as part of the existing Zoning Ordinance.

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Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
C. Support water quality protection and restoration programs in Henderson County.	Ongoing	Current Staff Resources, Intermittent Budget Allocations, Ongoing Funding for VWIN Program, Possible Outside Funding	Soil & Water, Cooperative Extension, DENR, Planning
D. Identify and incorporate Sedimentation and Erosion Control standards and requirements into County land development ordinances.	Phase I Draft FY 2006-2007 ³ Begin Enforcement FY 2007-2008	Current Staff Resources & Consulting Funding for development. Additional Staff Resources for Enforcement.	BOC / Manager, Co. Engineer, Planning
E. Identify and incorporate Stormwater Management standards and requirements into County land development ordinances.	Phase I Draft FY 2008-2009 ⁴ Implement FY 2008-2009	Current Staff Resources & Consulting Funding for development. Additional Staff Resources for Enforcement.	BOC / Manager, Co. Engineer, Planning
<i>Recommendation N-03: Promote development patterns that respect sensitive mountainous areas.</i>			
<i>Recommendation N-04: Identify and implement measures to protect the region's air quality.</i>			
A. Implement Early Action Compact plan elements for Henderson County	Ongoing	Current Staff Resources	Environmental Advisory Committee
<i>Recommendation N-05: Protect key sites of historical and cultural significance from development.</i>			
A. Conduct an inventory of historic / culturally significant sites / structures.	Phase II FY 2008-2009 ⁵	Current Staff Resources, State Staff Resources	Planning, Historical Society, NCDCCR Historic Preservation Office
Recreation Summary			
<i>Recommendation R-01: Meet recreation needs through 2020.</i>			

³ If a Land Development Code (GMS-01.B) is created, then a Sedimentation and Erosion Control Ordinance should be incorporated into such, which would require amending the Land Development Code. If the County chooses not to develop a Land Development Code, then a Sedimentation and Erosion Control Ordinance would exist as a stand-alone ordinance.

⁴ If a Land Development Code (GMS-01.B) is created, then stormwater management requirements should be incorporated into such, which would require amending the Land Development Code. If the County chooses not to develop a Land Development Code, then stormwater management requirements would need to be incorporated into existing Zoning, Water Supply Water Shed, Manufactured Home Park, and Subdivision Ordinances. Alternatively, storm water management requirements could exist as a stand-alone ordinance, or as a component of the aforementioned Sedimentation and Erosion Control Ordinance.

⁵ Should the County identify substantial outside resources and funding.

Proposed Changes are Highlighted in Red

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
A. Create a countywide recreation master plan.	Phase II	Current Staff Resources, Consulting Funding, Possible Outside Funding	Parks & Recreation, Planning, NC Div. Parks & Recreation, Other Federal & State Agencies
B. Utilize "Level of Service" analysis in recreation planning	Ongoing	Current Staff Resources	Parks & Recreation Planning
C. Enhance recreational space requirements within land development ordinances.	Phase I FY 2006-2007 ⁶ Ongoing (Refer to GMS-01.C7)	Refer to GMS-01.C7	Planning Parks & Recreation
D. Integrate public schools and recreation planning.	Ongoing (Via Master Plans)	Refer to R-01.A & PS.01.A	Parks & Recreation, Public Schools Planning
<i>Recommendation R-02: Form a community and regional greenway network.</i>			
E. Integrate recreation and transportation planning.	Ongoing (Via Master Plans)	Refer to R-01.A & T-01.A	Parks & Recreation, TAC, MPO, NCDOT, Planning
F. Develop a strategy for the reuse of rail lines in Henderson County.	Phase II	Current Staff Resources, Consulting Funding	BOC / Manager, Planning, TAC, MPO
<i>Recommendation R-03: Identify and act upon practical options for inter-local cooperation and consolidation in recreation planning, funding, and management.</i>			
<i>Other Action Strategies</i>			
G. Identify Staff responsible for grant acquisition.	Phase I	Additional Resources	BOC / Manager
H. Promote the county's recreation infrastructure as an economic asset.	Ongoing	Current Staff & Chamber Resources	Travel & Tourism, Chamber Parks & Recreation
Housing Summary			
<i>Recommendation H-01: Promote a diverse range of home ownership and rental opportunities.</i>			
A. Revise County ordinances to allow the private sector to develop a broad range of housing choices.	Phase I FY 2006-2007 ⁷ (Refer to GMS-01.B) Ongoing	Refer to GMS-01.B	Planning

6 This Action should be completed as part of the development of the Land Development Code (GMS-01.B) or the rewrite of the Zoning Ordinance.

7 This Action should be completed as part of the development of the Land Development Code (GMS-01.B) or the rewrite of the Zoning Ordinance.

Proposed Changes are Highlighted in Red

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
B. Maintain an adequate supply of land zoned to allow the placement of manufactured housing in appropriate areas, and improve the appearance, quality, design, and maintenance of manufactured homes and the lots and manufactured home parks in which they are located.	Phase I FY 2006-2007 ⁸ (Refer to GMS-01.B) Ongoing	Refer to GMS-01.B	Planning
C. Develop a countywide affordable housing plan.	Phase I FY 2005-2006 ⁹	Current Staff Resources, Outside Funding	BOC / Manager, Housing Organizations, Planning
D. Develop a formal fair housing complaint procedure.	Phase I FY 2004-FY2005	Current Staff Resources & Consulting Funding to Develop, Additional Staff Resources to Implement	BOC / Manager, Legal, Outside Assistance
E. Adopt and implement a Minimum Housing Code.	Phase I Draft FY 2007- FY2008 ¹⁰ Begin Enforcement FY 2008-2009	Current Staff Resources & Consulting Funding to Develop, Additional Staff Resources to Implement	BOC / Manager, Planning, Fire Marshal, Inspections, Asheville / Buncombe Fair Housing Consortium
F. Continue participation in the scattered site rehabilitation program and other similar federally and state-funded programs.	Ongoing, Staff FY 2005- 2006	Current & Additional Staff Resources, Outside Funding	BOC / Manager
G. Develop a, or support an existing, housing information center.	Phase II	Possible Annual Budgetary Allocation	BOC / Manager, Alliance, Housing Organizations
H. Lead the establishment of an affordable housing trust fund.	Phase II	Current Staff Resources, Possible Consulting Funding, Annual Budget Allocations	BOC / Manager
Transportation Summary			
<i>Recommendation T-01: Develop and maintain a high-quality transportation network, and continue to provide leadership at every level in transportation planning.</i>			
A. Adopt and implement a multi-modal transportation plan.	Phase I FY 2005-2006	Current Staff Resources, MPO & NCDOT Resources	MPO, NCDOT, TAC

⁸ This Action should be completed as part of the development of the Land Development Code (GMS-01.B) or the rewrite of the Zoning Ordinance.

⁹ Staff anticipates the acquisition of outside funding for this project.

¹⁰ If a Land Development Code is created, then a Minimum Housing Code should be incorporated into such, which would require amending the Land Development Code. If the County chooses not to develop a Land Development Code, then a Minimum Housing Code would exist as a stand-alone ordinance.

Proposed Changes are Highlighted in Red

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
B. Identify and incorporate access management standards and requirements into County land development ordinances.	Phase I FY_2006-2007 ¹¹	Refer to GMS-01.B	Planning, NCDOT
C. Continue to support public transportation in Henderson County.	Ongoing	Current Staff Resources, MPO & NCDOT Resources	BOC / Manager, MPO, NCDOT
D. Integrate recreation and transportation planning.	Ongoing (R-01.A, T-01.A)	Refer to R-01.A & T-01.A	Parks & Recreation, TAC, MPO, NCDOT, Planning
E. Continue active leadership of, and participation in, the French Broad River Metropolitan Planning Organization (FBRMPO).	Ongoing	Current Staff Resources	BOC / Manager, TAC
Water and Sewer Summary			
<i>Recommendation SW-01: Henderson County should take a leadership role in sewer and water planning and work towards the regionalization of water and sewer policy-making and operations.</i>			
A. Support the development of a countywide sewer and water master plan.	Phase I FY 2004-2005	Current Staff Resources, Possible Consulting Funding	BOC / Manager, LGCCA, Engineer, Planning
B. Formalize and solidify the role of the LGCCA Joint Sewer & Water Advisory Council.	Phase I	Current Staff Resources	BOC / Manager, LGCCA
C. Consider forming an inter-local sewer and water agreement.	Phase III	Current Staff Resources	BOC / Manager, Municipalities, LGCCA
D. Consider expanding the scope of the inter-local agreement to provide for the creation of a sewer and water joint management agency (JMA).	Phase IV	Current Staff Resources	BOC / Manager, Municipalities, LGCCA
E. Integrate schools and sewer / water planning.	Ongoing (SW-01.A, PS-01.A)	Refer to SW-01.A & PS-01.A	Engineer, Public Schools Planning
F. Prioritize extensions to economic development sites.	Phase I	Current Staff & Chamber Resources	Chamber, Engineer
G. Establish and fund a 10-year capital improvement program and capital reserve fund which is adequate to implement planned investments in sewer and water infrastructure.	Phase II	Annual Budget Allocations	BOC / Manager, Municipalities, LGCCA
<i>Recommendation SW-02: Maintain existing policies and programs, and explore further measures, to protect and enhance the quality of public drinking water sources.</i>			

¹¹ Access management principles should be incorporated into the Zoning Ordinance or a Land Development Code (GMS-01.B), which would require amending whichever ordinance is in effect at the time.

Proposed Changes are Highlighted in Red

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
H. Continue to identify areas of septic failure and addressing these through existing remediation programs and through the countywide sewer and water master plan.	Ongoing	Current Staff & State Resources	Environmental Health, Engineer, DENR
I. Update the current sewer and water master plan to reflect service areas or create a sewer and water service area boundary plan.	Phase II	Current Staff & State Resources	BOC / Manager, Municipalities, LGCCA, Engineer, Planning
J. The County should study the feasibility of establishing a public sewer service in the Etowah area and other areas in the County, especially those with private package plants, should be considered for public sewer service in light of the growth management plan strategy plan.	Phase II	Current Staff & State Resources	BOC / Manager, Engineer, Planning
Public Schools Summary			
<i>Recommendation PS-01: Take a leadership role in school facilities planning.</i>			
<i>Recommendation PS-02: Schools should function as focal points for communities.</i>			
A. Develop a long-range public school facilities master plan.	Phase II ¹²	Current Staff Resources, Consulting Funding	BOC / Manager, Public Schools, Planning
B. Consider incorporating mechanisms that link public school capacity and long-range public schools master plans to the land development permitting process into County land development ordinances.	Phase II	Current Staff Resources, Consulting Funding	BOC / Manager, Planning, Public Schools
C. Establish site selection criteria for new schools and site design criteria for all schools.	Phase II ¹³	Current Staff Resources, Consulting Funding, Possible Outside Funding	BOC / Manager, Public Schools, Planning
Growth Management Strategy Summary			
<i>Recommendation GMS-01: Direct growth to areas where essential services and infrastructure are present, and protect sensitive natural areas and key historic / cultural resources from extensive development.</i>			
A. Manage land uses according to the Growth Management Strategy and the Future Land Use Map.	Ongoing	Current Staff Resources	BOC / Manager, Planning

12 Partial outside funding may be available to implement this action step.

13 It may be possible to satisfy this action step in FY 2005-2006 as part of PS-01.A. Completion of this Action Strategy will require amending the Land Development Code or Zoning Ordinance.

Proposed Changes are Highlighted in Red

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
B. Consolidate existing land development ordinances into a single <i>Land Development Code</i> .	Phase I Begin FY 2004-2005 Complete & Adopt FY 2007-2008	Current Staff Resources, Consulting Funding	Planning, Legal
C. Revise County land development regulations as per the following..... [See text].	Phase I Begin FY 2004-2005 Complete & Adopt FY 2006-2007 Ongoing Refer to GMS-01.B	Refer to GMS-01.B	Planning
<i>Recommendation GMS-02: Coordinate planning with the county's municipalities and other governments within the region.</i>			
D. Present the Henderson County 2020 Comprehensive Plan to the county's municipalities, and obtain their support and suggestions for improvement.	Phase I FY 2004-2005 through FY 2005-2006	Current Staff Resources	BOC / Manager, Municipalities, LGCCA
E. Develop a Joint Land Use Planning Program with the municipalities, administered through the LGCCA.	Phase II	Current Staff Resources	BOC / Manager, Municipalities, LGCCA
F. Study the use and application of impact fees and other alternative revenue sources in order to support service provision and to reduce the impacts of growth upon the property tax rate.	Phase II	Current Staff Resources	BOC / Manager, Legal, Planning, Finance
Section 04 Implementation Steps			
Community Plan 1 Etowah and Horse Shoe^{*14}	Phase II FY 2009	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Community Plan 2 Edneyville*	Phase II FY 2010	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Community Plan 3 Dana/East Flat Rock*	Phase III FY 2011	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Community Plan 4 Hoopers Creek*	Phase III FY 2011	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Community Plan 5 North-Central*	Phase III FY 2012	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Community Plan 6 Crab Creek^{^15}	Phase III FY 2013	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed

14 Symbol [*] indicates that study will require considerable involvement with one or more municipalities.












15 Symbol [^] indicates that study will require considerable involvement with various Federal or State land management agencies.

Proposed Changes are Highlighted in Red

Recommendation & Action Strategies	Phase & Target Date	Resources	Responsibility
Community Plan 7 Green River/Tuxedo/Zirconia^	Phase III FY 2014	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Community Plan 8 Gerton/Bat Cave	Phase IV FY 2015	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Community Plan 9 Pisgah Area^	Phase IV FY 2015	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Revise Comprehensive Plan	Phase II FY 2009-2010	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Revise Comprehensive Plan	Phase III FY 2014-2015	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed
Revise Comprehensive Plan	Phase IV FY 2019-2020	Current Staff Resources, Consulting Resources	Planning, Other Dept. as needed

Henderson County 2020 Comprehensive Plan

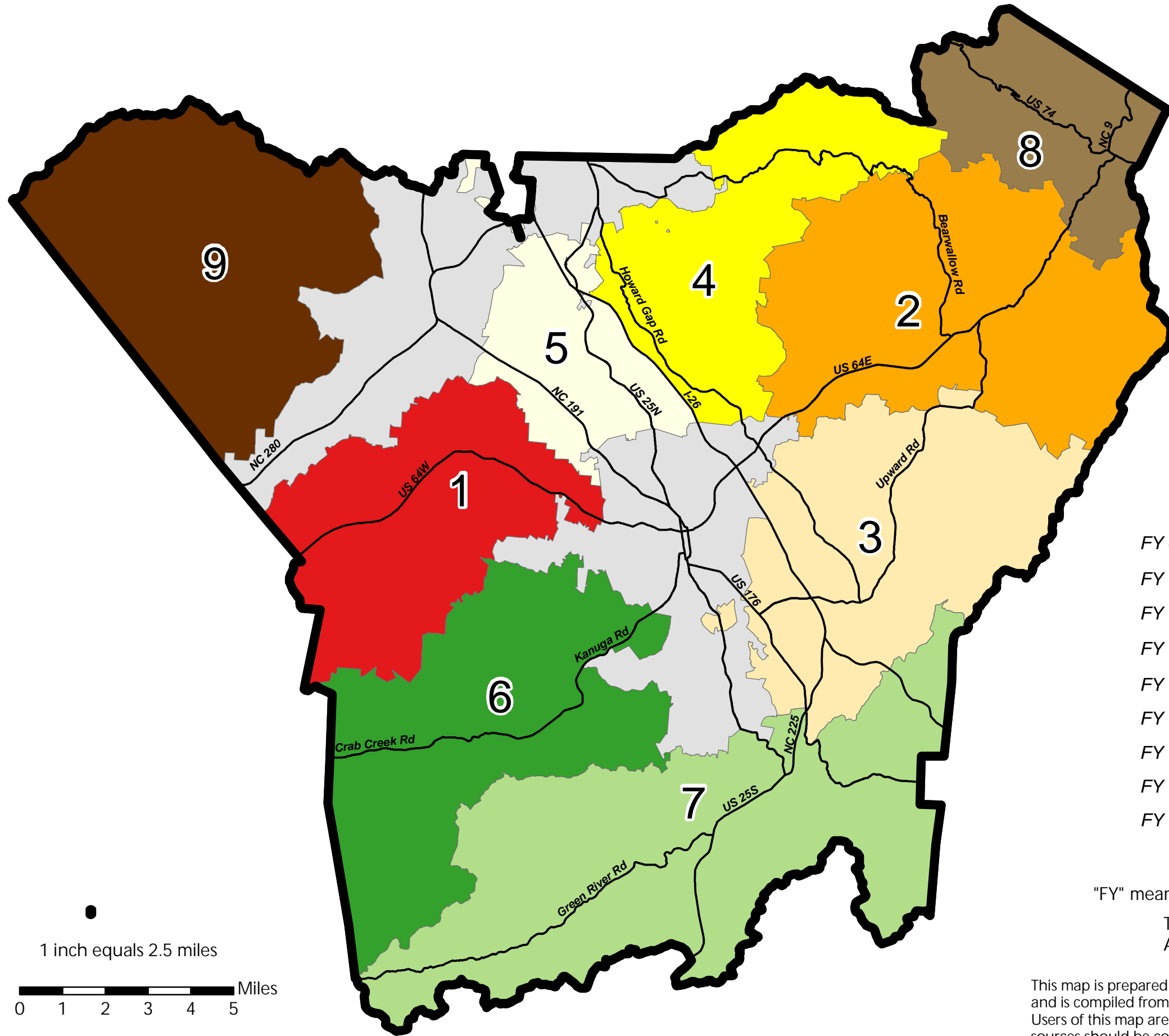
Community Planning Areas

-  Major Roads
- FY 09  Etowah & Horse Shoe (1)
- FY 10  Edneyville (2)
- FY 11  Dana/East Flat Rock (3)
- FY 11  Hoopers Creek (4)
- FY 12  North-Central (5)
- FY 13  Crab Creek (6)
- FY 14  Green River/Tuxedo/Zirconia (7)
- FY 15  Gerton/Bat Cave (8)
- FY 15  Pisgah Area (9)
-  Municipal Limits

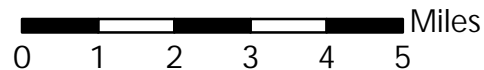
"FY" means "Fiscal Year". Study time frames are subject to change.

This map was produced by Henderson County GIS, Assessor's, Land Records, & Planning Departments.

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



1 inch equals 2.5 miles



Administrative Amendments to the Henderson County 2020 Comprehensive Plan

Administrative amendments do not change the meaning or intent of the Comprehensive Plan, but instead, correct errors of a technical or clerical nature. Such amendments typically involve the addition of explanatory materials and graphics, or the correction of typographical errors. An administrative amendment can be considered for review at any time by the Board of Commissioner and requires no public hearing.

Planning staff recommends the following administrative amendments to the Henderson County 2020 Comprehensive Plan:

Page Number	Location – Administrative Amendment
Section 1: Introduction	
1	Second paragraph, first sentence – Changed “if” to “of”
Section 2: Background Information - Public Input	
17,18 and 19	Figure PI.3 – Fixed formatting inconsistencies in table outline
17	Figure PI.3 – Capitalized “County” under the “Quality of Life” category
Section 2: Background Information – Trends	
22	Figure PT.4 – Changed US to U.S.
24	Figure PT.6 – Changed Arial font to Palatino Linotype
25	Figure PT.8 - Fixed formatting inconsistencies in table outline
25	Figure PT.9 - Fixed formatting inconsistencies in table outline
26	First paragraph (continued from page 25), last sentence - Capitalized “Census”
26	Figure PT.11 - Fixed formatting inconsistencies in table outline
27	Figure PT.12 - Fixed formatting inconsistencies in table outline
27	Figure PT.13 - Fixed formatting inconsistencies in table outline
27	Figure PT.13 – Changed US to U.S.
Section 2: Background Information - Economic Trends	
29	Figure ET.1 – Changed NC to N.C.
29	Third paragraph - Changed NC to N.C.
30	Figure ET. 3 - Changed NC to N.C.
31	First paragraph - Changed NC to N.C.
31	Figure ET.4 – Changed NC to N.C.
34	Figure ET.7 – Changed NC to N.C.
35	Figure ET.8 – Changed NC to N.C.

Page Number	Location – Administrative Amendment
36	Figure ET.9 – Changed NC to N.C.
Section 2: Background Information - Land Use Trends	
39	Figure LU.3 – Fixed inconsistencies in table shading
41	Figure LU.5 – Changed “Forested, Changed” value to “-6,240” from “-6024”
42	Figure LU.7 – Changed North Carolina to N.C.
42	Figure LU.7 – Changed United States to U.S.
Section 2: Background Information - Factors Influencing Growth	
48	Paragraph 2 and 3 – Capitalized “Program”
51	Figure F.6 Ownership of Public Lands – Change “Tota Publicl” to “Total Public”
53	Eighth bullet point under “Water Service” – Changed NC to N.C.
53	Second Paragraph under “Transportation” – Changed US to U.S. and NC to N.C.
55	Last paragraph – Changed US to U.S.
Section 3: 2020 Plan for Henderson County - Economic Development	
63	Item “c)” under Action Strategy “B.” – Changed Future Land Use Map Reference from “Map #25” to “Map #24”
Section 3: 2020 Plan for Henderson County - Natural Resources Element	
76	Figure N.2 – Changed “Flood Plain” to “Floodplain”
79	Bullet “c)” – Changed NC to N.C.
Section 3: 2020 Plan for Henderson County - Recreation Element	
89	Figure R.1 – Fixed missing cell outline
89	Figure R.2 – Replaced broken cell outline with solid outline
92	First paragraph under Item “D.” – Changed “Article III” reference to “Figure.7”
Section 3: 2020 Plan for Henderson County - Housing Element	
99	Second paragraph, second sentence – Changed to: “Evaluating the number of housing units in 2000 (42,996) as compared to that of 2020 (60,494) reveals that at least an additional 17,498 housing units will be needed to accommodate population growth.”
99	Third paragraph – Additional information added to replace existing text and to clarify the purpose of the paragraph. Repword the last two sentences to say the following: <ul style="list-style-type: none"> ▪ “Figure H.3 projects the need for 8,502 new housing units between 2010 and 2020. Projections shown in Figure H.3 should, however, be viewed as a low-end estimate of housing needs. Population projections for 2020, found in Section 2, are even higher and suggest the need for as many as 3,000 additional dwelling units to accommodate population growth between 2010 and 2020.”

Page Number	Location – Administrative Amendment
102	First paragraph, first sentence – Remove “(also called a “mobile” or “HUD Code” home)”
103	Second Paragraph, second sentence – Changed map references from “Map #1” to “Map #17” and “Map 18” to Map “19”
109	First full paragraph, second sentence – Changed “Such fund” to “Such a fund”
Section 3: 2020 Plan for Henderson County - Transportation Element	
112	Second paragraph, second sentence change “Henderson County Comprehensive Transportation Plan (HCCTP)” to “Comprehensive Transportation Plan (CTP) for the French Broad MPO”
112	Third paragraph, fourth sentence change “HCCTP” to “CTP”
114	First whole paragraph, last sentence – Inserted “of” between “variety” and “ways”
118	Item “g” – Changed “allow for proactive” to “allow for a proactive”
Section 3: 2020 Plan for Henderson County – Public Schools Element	
123	Last paragraph, sentence 6 – Change “found on in Appendix” to “found in Appendix”
Section 3: 2020 Plan for Henderson County - Growth Management Strategy	
120	Action Strategy “H.” – Changed “addressing” to “address”
130	Add item 16 to recommendation GMS-01 - “Farmland protection measures should be aggressively pursued within the USA.”
130	Item “1.”, last sentence – Changed sentence to: “The RTA will continue to experience extensive development over the operational timeframe of this Comprehensive Plan.”
130	Item “3.”, first sentence - Moved “that” between “recognized” and “growth”
131	Item “10.” – Removed extra period
134	First paragraph under “Community Service Centers”, third sentence – Changed “are to intend to be appropriate” to “are intended to be appropriate”
136	Item “3.” – Changed “created to which would apply” to “created and applied”
Section 4: Implementation - Community Planning Framework	
142	Item “D,” first sentence – Removed “process” from sentence
149	Row above the “Recommendation N-01” - Inserted “Natural Resources Element Summary” row
150	Footnote 5 – Add “resources and funding” to finish the sentence
156	First paragraph – Changed references to CP.5 to CP.4
Appendix I: Maps	
10	Change Water Plants and Water Tanks in the legend to symbols
9	Match the map color and legend color for the 100-Year Floodplain

Page Number	Location – Administrative Amendment
9	Change the map color and legend color for the State and Regional Natural Areas so that they are represented clearly on the map
24	Legend – Changed “Ares” to “Areas”
Appendix II: Public Input	
16	Item “2.”, bullet point 7 – Replaced “educations” with “education”
18	Item 2, bullet 36 – Replace “(sign/other information (make signs common” with “(sign/other information), make signs common”
Appendix III: Other Documents	
2	Fourth paragraph – First sentenced changed for clarification: “North Carolina State University Cooperative Extension Service provides a variety of programs for farmers and farm communities and additionally offers valuable technical assistance to any number of agricultural enterprises.”
5	Spacing inconsistencies, delete extra space between organizations and programs descriptions
9	Delete bullet between tables
10	Title bar for table at top of page – Changed “Henderson County” to “City of Hendersonville”
10	Remove empty rows above the Table for the Town of Laurel Park and at the bottom of the page
11	First table row - Changed “Henderson County” to “North Carolina”
12	First paragraph, sentence eight under Home ownership versus rental rates – Changed “housing of affordability” to “of housing affordability”
13	First paragraph, HUD definition – Removed “(10)” from the end of the quote
13	Last paragraph, first sentence – Change “and” to “an”
16	Figure for Distribution of Total Appraised Residential Property Value – Changed “Figure Hxx” to “Figure H.14”
21	Need space between last sentence of paragraph 1 and NC DOT <i>and Transportation Equity Act of the 21st Century (TEA-21)</i> , and Changed “NCDOT” to “NCDOT”
22	Last sentence – Added “to” between “necessary” and “pursue”
Appendix IV: Glossary	
9	Add a space between the Unique Natural Area definition and the Wastewater Treatment Plant definition

Proposed Substantive Amendments to Chapter 200A, Land Development Code

ARTICLE I. GENERAL PROVISIONS – No change.

ARTICLE II. ZONING DISTRICT REGULATIONS

LDC Text Amendment 1:

Issue: R-O Residential Open Space Development is allowed in the R-40 Residential zoning district upon the approval of a special use permit. A requirement of the R-O Development is the tract must consist of not less than 40 acres.

Recommended Solution: Remove the acreage requirement in Section 200A-37, D(9)b1 (Pg. 30).

(9) R-O Residential Open Spaces Development.

- a. Any use permitted in the R-40 District, with any conditions pertaining thereto, shall be a permitted use.
- b. Establishment of R-O Development. An R-O Development shall be considered to conform to the requirements of such district when the following circumstances exist:
 1. An entire tract of land under one (1) ownership is being subdivided at one (1) time pursuant to an overall plan of development which includes open spaces, such as golf courses, lakes, recreational areas, meadows, parks, woods or other open or green spaces. ~~The tract shall consist of not less than 40 acres.~~ All required open space shall be dedicated to the public and accepted by the County or transferred to a property owners' association or transferred to a private club, subject to deed restrictions forbidding its later subdivision or development for other than residential open space purposes.

LDC Text Amendment 2:

Issue: The County has an area that falls within the North Carolina's designated WS-IV Critical Area for the Upper French Broad River. This area is mapped on the County's official Water Supply Watershed Protection Map. There is currently no associated text for the WP-WS-IV-CA Upper French Broad River Critical Area Watershed Overlay Sub-District. This was an apparent oversight when the regulations were originally adopted in 1994.

Recommended Solution: Add the following language (provided by the State model Water Supply Watershed Protection Ordinance) for the WP-WS-IV-CA to LDC §200A-53 and Table 2.14.

WSW Language (appropriate references to this section included elsewhere but not shown herein).

Table 2.14. Water Supply Watershed Protection Sub-District Regulations on Lot Size and Built-Up Area					
Sub-District	Minimum Lot Size (Square Feet)¹	Percent Built Upon Limits		Special Intensity Allocation	Natural Drainage and Filtering Bonus
	Single-Family Residential Limits	Multifamily Residential Development	Nonresidential Development		
WP-WS-I	NA	NA	NA	NA	NA
WP-WS-II-CA	80,000	6	6	NA	NA
WP-WS-II-BW	40,000	12	12	Yes	NA
WP-WS-III-CA	40,000	12	12	NA	NA
WP-WS-III-BW	20,000	24	24	Yes	NA
WP-WS-IV-CA	20,000	24	24	NA	NA
WP-WS-IV-PA (Drainage & Filtering Bonus)	20,000 (14,250)	24 (36)	24 (36)	Yes	Yes

¹ Calculated excluding *road right-of-way*, except in an approved *cluster development*

(9) WP-WS-IV-CA Upper French Broad River Critical Area Watershed Overlay Sub-District.

- a. Purpose. Only new development activities that are required by this Chapter to submit a soil erosion and sedimentation control plan are required to meet the provisions of this Chapter related to *water supply watershed* when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential *uses* are allowed at a maximum of two (2) *dwelling units* per acre. All other residential and *nonresidential development* shall be allowed at a maximum of 24 percent *built-upon area*. New residuals application sites and *landfills* are specifically prohibited.
- b. Permitted Uses. The following uses are permitted in the WP-WS-II-CA Mills River watershed overlay sub-district:
 1. Agriculture. *Agriculture*, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and all rules and regulations of the Soil and Water Conservation Commission.
 2. Silviculture. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality.
 3. Residential Development.
 4. Nonresidential Development. Nonresidential development, excluding landfills and sites for land application of residuals or petroleum-contaminated soils.
- c. Density and Built-Upon Limits.
 1. Single-Family Residential Development. Single-family residential development shall not exceed two (2) dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (½) acre (or 20,000

square feet excluding road right-of-way), except within an approved cluster development.

2. Multifamily Residential Development. All multifamily residential development shall not exceed 24 percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
3. Nonresidential Development. All nonresidential development shall not exceed 24 percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

LDC Text Amendment 3:

Issue: Singlewide manufactured/mobile homes are not constructed with a 4:12 roof pitch as is required in the LDC.

Recommended Solution: Change the 4:12 roof pitch requirement for singlewide manufactured/mobile homes in §200A-63, SR 1.5 (Pg. 64), to a 3:12 roof pitch as requested by the manufactured home industry which stated 3:12 as the typical roof pitch for singlewide manufactured homes.

SR 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide)

- (3)c. Have a roof pitch with a minimum vertical rise of ~~four (4)~~ three (3) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standard residential construction;

LDC Text Amendment 4:

Issue: Singlewide manufactured homes located in the County prior to the adoption of the LDC may not be moved to another location in the County if the home did not meet the appearance criteria found in §200A-63, SR 1.5, (3). This means that any home without lap siding or the specified roofing materials, etc. would not be able to be moved to another location within the County.

Recommended Solution: Allow existing single-wide homes to move to certain locations within the county. Add the following language to §200A-63, SR 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide), (3).

SR. 1.5 Dwelling, Manufactured/Mobile Home (multi-section/singlewide)

- (3) Any singlewide *manufactured home* which: (1) was manufactured after 1976 (*HUD* approved), (2) has been located in Henderson County prior to the initial adoption of this Chapter (September 19, 2007) and (3) do not meet the appearance criteria provided in this SR 1.5 (Dwelling, Manufactured/Mobile Home) may be moved provided said *manufactured home* is:
 - a. Installed to meet the criteria of Section (5) (subsections e, f, and g only), and

- b. Moved to either of the following locations:
 1. A space in an existing (as of September 19, 2007) *manufactured home park*;
 2. A *lot* in a zoning district which permits the placement of *manufactured homes*.

LDC Text Amendment 5:

Issue: Outdoor storage greater than 5,000 square feet as an accessory use is not allowed to be placed in a front yard or in any yard abutting a road. The required screening standards appear to address aesthetic concerns for side or rear yard areas if they abut a road.

Recommended Solution: Change the requirements in §200A-63, SR 2.9 (Outdoor Storage greater than 5,000 square feet) to allow storage areas to abut a street, but keep the restriction regarding placement in the front yard.

SR 2.9 Outdoor Storage greater than 5,000 square feet

- (2) Locational Requirements. Storage areas shall:
 - a. Not be placed in a front yard; ~~and~~
 - b. ~~Not be placed in any yard abutting a road.~~
- (3) Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of Section 2000A-150 (Screen Classifications).

LDC Text Amendment 6:

Issue: The road classification restriction in the supplemental requirements determines if a permitted or special use in a zoning district would be allowed on a property that abutted a specific road type or classification. The supplemental requirements provide design requirements which should be adequate to provide protection to adjacent property owners. Road classification standards may be unnecessarily restrictive given the other requirements provided for by the supplemental requirements section of the LDC. Many of the road class standards apply to industrial uses. With industrial zoning, an adequate road system is implied in the decision to zone land industrial.

Recommended Solution: Remove the road classification restriction for all uses in the supplemental requirements. Below is a list of the current uses requiring a specific road classification designation.

- SR 4.1 Amusement Park
- SR 4.12 Motor Sports Facilities, Major
- SR 4.13 Motor Sports Facilities, Minor
- SR 4.14 Motor Sports Facilities, Recreational
- SR 4.18 Recreational Vehicle Park
- SR 5.8 Correctional Facilities
- SR 5.9 Fire and Rescue Station
- SR 5.10 Funeral Home or Crematorium
- SR 5.11 Government Offices
- SR 5.12 Homeless Shelter
- SR 5.15 Place of Assembly, Large
- SR 5.16 Place of Assembly, Small
- SR 5.17 Police Station
- SR 5.19 School (Public/Private/Charter)
- SR 6.8 Motel/Hotel
- SR 6.10 School (Technical, Trade and Business)
- SR 6.12 Tire Recapping
- SR 7.15 Retail Sales & Services Greater than 50,000 sqft & less than or equal to 100,000 sqft

- SR 7.16 Retail Sales and Services Greater than 100,000 sqft & less than or equal to 150,000 sqft
- SR 7.17 Retail Sales and Services Greater than 150,000 sqft
- SR 7.18 Shopping Mall
- SR 7.19 Truck Stop
- SR 9.2 Airport (Public)
- SR 9.4 Hazardous Waste Disposal Facilities
- SR 9.5 Land Clearing Debris and Inert Debris Storage or Disposal
- SR 9.6 Rail Transportation Facilities and Support Activities
- SR 9.7 Self Storage Warehousing, mini-Warehouses (for Commercial District)
- SR 9.9 Solid Waste Combustors and Incinerators
- SR 9.11 Truck Terminals
- SR 9.12 Utility Substations
- SR 9.13 Warehousing and Storage (Excluding Warehousing of Hazardous Substances)
- SR 9.14 Waste Collection and Transfer Facility (Hazardous)
- SR 9.15 Waste Collection and Transfer Facility (Non-hazardous)
- SR 10.1 Asphalt Plant
- SR 10.2 Battery Manufacturing Facility
- SR 10.3 Chip Mill
- SR 10.4 Concrete Batch Plant
- SR 10.5 Junkyard
- SR 10.6 Landfill (Public/Private)
- SR 10.7 Machining and Assembly Operations
- SR 10.8 Manufacturing and Production Operations
- SR 10.9 Materials Recovery Facilities (Recycling)
- SR 10.10 Mining and Extraction Operations
- SR 10.11 Packaging and Labeling Services
- SR 10.12 Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing
- SR 10.13 Product Processing and Storage Facilities
- SR 10.14 Recycling Center, Drop-Off Facilities
- SR 10.15 Research and Development Operations (Hazardous or biological materials)
- SR 10.16 Research and Development Operations (Non-hazardous)
- SR 10.17 Sawmill
- SR 10.18 Slaughterhouse
- SR 10.19 Truck Wash

LDC Text Amendment 7:

Issue: Staff has received a request to add Motor Vehicle Sales or Leasing as an allowed use in the Community Commercial District.

Recommended Solution: Add the Motor Vehicle Sales or Leasing as a special use in the CC district in Subpart E. Table of Permitted and Special Uses, §200A-62.

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2MH	R3	R4	OI	MU	LC	CC	RC	I	SR
7. RETAIL TRADE												
Motor Vehicle Sales or Leasing									S	P		7.10

LDC Text Amendment 8:

Issue: The Zoning Administrator has requested changes to the recreational and temporary use sections in the Permitted and Special Uses Table.

Recommended Solution: Make the following adjustments to Subpart E. Table of Permitted and Special Uses, §200A-62 as per the request of the Zoning Administrator.

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											

	R1	R2	R2MH	R3	R4	OI	MU	LC	CC	RC	I	SR
4. RECREATIONAL USES												
<i>Governmental Recreational Facilities</i>	SP	SP	SP	SP	SP	SP	P	P	P	P		4.8
<i>Sporting and Recreational Facilities</i>	S	S	S	S	S	S	S	S	P	P	S	4.23
<i>Swim and Tennis Club</i>	P	P	P	P	P	P	P	P	P			4.24
11. TEMPORARY USES												
<i>Model Home Sales Office, Temporary</i>	P	P	P	P	P	P	P	P	P	P		11.3

ARTICLE III. SUBDIVISION REGULATIONS

LDC Text Amendment 9:

Issue: All commercial subdivisions are treated as major subdivisions and approved by the Planning Board regardless of the number of lots proposed. There appears to be no justification for requiring Planning Board review on small commercial or industrial subdivisions. Few commercial or industrial subdivisions are controversial compared to residential subdivisions.

Recommended Solution: Commercial subdivisions shall meet all requirements of a major subdivision, but will be reviewed by the approving authority depending on the number of lots created as are major residential subdivisions. See below for proposed text changes.

Modifications to Commercial Subdivision Review Language.

Make the following changes to §200A-306

§200A-306 Review for Major Residential Subdivisions and Conservation Subdivisions of Eleven (11) to Thirty-Four (34) Lots and any Commercial, Office Institutional, Industrial or Mixed-Use Subdivisions of Thirty-Four (34) or Fewer Lots

B1. Pre-application Conference. Each *applicant* shall meet with the *Subdivision Administrator* in a pre-application conference at least 15 days prior to the submission of any *subdivision reviewed in accordance with this section* ~~major subdivision application of 11 to 34 lots.~~

B1c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains, wetlands, steep slopes* (those greater than ~~25~~ 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.

D. Formal Review. The *Subdivision Administrator* shall prepare a recommendation on the application and supply a copy of the recommendation to the *applicant* before review by the *TRC*. All members of the *TRC* shall sign off on the application for approval. Any approval or denial of the request must be in writing and be permanently filed in the office of the *TRC* as a public record. The *TRC* shall take action within 30 days of reviewing the application. The *Subdivision Administrator* shall notify the *applicant* (in writing) of the decision by the *TRC* and any conditions imposed on the development within ten (10) business days of the decision. The *TRC* may refer any *subdivision reviewed in accordance with this section* ~~major subdivision~~

~~(residential) or conservation subdivision of 11 to 34 lots for review by the Planning Board in accordance with this Chapter.~~

~~E. Public Notification. Public notification of the Planning Board meeting shall comply with the provisions outlined in §200A-337 B(5) (Posted Notice), for posted notices. Planning Staff shall be responsible for all necessary public notifications.~~

~~F. Permit Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The TRC 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 applicant must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the applicant may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.~~

Make the following changes to §200A-307

§200A-307. Review for Major Residential Subdivisions and Conservation Subdivisions of Thirty-Five (35) to Two Hundred Ninety-Nine (299) Lots ~~and any Commercial, Office Institutional, Industrial or Mixed-Use Subdivisions of Less Than Three Hundred (300) Lots~~

B1c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than ~~25~~ 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.

D. Formal Review. The *Subdivision Administrator* shall prepare a recommendation on the application and supply a copy of this recommendation and the recommendation of the *TRC* to the *applicant* before review by the Planning Board. The Planning Board shall take action within ~~60~~ 90 days from the date of its first consideration of the application.

Make the following changes to §200A-308

§200A-308. Review for Major Residential Subdivisions, ~~and~~ Conservation Subdivisions and Commercial, Office Institutional, Industrial or Mixed-Use Subdivisions of Three Hundred (300) or More Lots

C1c. Identify (for the entire *tract*) the following features: streams, creeks, ponds, reservoirs, *floodplains*, *wetlands*, *steep slopes* (those greater than ~~25~~ 60 percent), *unique natural areas*, rock outcroppings, farmland, pastureland and wooded/forested areas.

LDC Text Amendment 9A:

Issue: All major subdivisions proposing 300 or more lots are approved by the Board of Commissioners, and the LDC currently requires that the Commissioners review and approve all subsequent development plans for projects that the Commissioners initially approve.

Recommended Solution: Add the following language to §200A-308 to give the Commissioners the option to defer the review and approval for any subsequent development plans to Planning Board or the Subdivision Administrator.

Make the following changes to §200A-308 to clarify the approval process

H. Amendment Validity. The amendment is effective immediately following the decision of the Commissioners. The Commissioners shall issue a written statement on all *map amendment* decisions (both adoptions and rejections) addressing reasonableness, consistency with the *Comprehensive Plan*, and public interests furthered. **Subsequent development plans shall be reviewed and approved by the Board of Commissioners. However, the Board of Commissioners may delegate this approval authority, on a project by project basis, to the Planning Board or Subdivision Administrator provided all conditions of approval are met and the development plan is consistent with the approved master plan. Development plans shall meet all requirements of the Chapter. Final plats shall be reviewed following the processes and procedures outlined in §200A-76 and §200A-311.**

LDC Text Amendment 10:

Issue: Except for the County acting on an improvement guarantee and constructing the necessary improvements, there are no alternative actions and associated administrative fees if the developer fails to complete the work within two years after the initial improvement guarantee was approved.

Recommended Solution: Add the following language to Section 200A-88, Amount and Terms of Guarantee; Time Limits.

§200A-88. Amount and Terms of Guarantee; Time Limits

All guarantees shall be accompanied by a written agreement (performance agreement) specifying the terms and the amount of the guarantee. Following receipt of an *improvement guarantees* application, the *Subdivision Administrator* shall review all application materials taking into consideration the amount and terms of the guarantees for improvements, including time of initiation and completion of the work. The *Planning Director* shall have the authority to approve all improvement guarantee applications. The *Planning Director* may also, upon proof of difficulty, grant an extension of completion dates set forth in its approval for a maximum of one (1) additional year, but the time between initiation and the completion of the required improvements shall not exceed two (2) years. **If the improvements are not completed within the two (2) years the applicant shall be in breach with the requirements of this section and the improvement guarantee and any and all monies and accrued interest shall be forfeited by the applicant. If the Planning Director has found that the applicant has made a good faith effort in completing the required improvements within the two (2) years, the County may allow the applicant to execute a second improvement guarantee. Said agreement must be in the form of cash on deposit equal to 125 percent of the cost of the remaining improvements. The County shall assess an administrative fee equal to ten percent of the new improvement guarantee monies.** The amount of the guarantee shall be sufficient to provide

adequate funds to the County to ensure, in the case of default, the installation of all required improvements uncompleted at the time of default. All guarantees for improvements shall comply with applicable statutory requirements and shall be satisfactory to the County Attorney or Staff Attorney as to form, sufficiency and manner of execution. Guarantees employing lending institutions shall require that those banking corporations be licensed to do business in North Carolina.

ARTICLE IV. ADEQUATE PUBLIC FACILITIES REGULATIONS – No change.

ARTICLE V. LANDSCAPE DESIGN STANDARDS – No change.

ARTICLE VI. OFF-STREET PARKING AND LOADING STANDARDS – No change.

ARTICLE VII. SIGN REGULATIONS

LDC Text Amendment 11:

Issue: At its meeting on Monday, February 4, 2008, the Board of Commissioners directed Staff to add language in the Land Development Code (LDC) that Staff may remove signs placed in the road right-of-way (ROW). The LDC prohibits the placement of signs in the ROW, but does not specifically include a provision for the removal of signs placed in these locations.

Recommended Solution: Add language to §200A-176 (Sign Placement) that County Staff may remove signs that have been placed in the ROW (See proposed language).

§200A-176 Sign Placement.

Signs shall be placed a minimum of 15 feet from edge of pavement or from back of curb (as applicable), and shall be located out of the road right-of-way. Signs are not permitted in a sight visibility triangle. **Signs that are placed in the road right-of-way may be removed and disposed of, without notice, by authorized County personnel.**

ARTICLE VIII. NATURAL RESOURCES – No change.

ARTICLE IX. NONCONFORMITIES

LDC Text Amendment 12:

Issue: There is no provision in the LDC that would allow for a reduction of the front yard setback in established neighborhoods other than through a variance request.

Recommended Solution: Add language to §200A-268 (Exceptions and Modifications) that would allow for new buildings in established neighborhoods to meet the same front yard setbacks as adjacent buildings provided that those adjacent buildings were within 100 of either side of the proposed new building and approved by the Zoning Administrator (See proposed language).

§200A-268 Exemptions and Modifications from Regulations

- A. **Reduction of Front Yard Setbacks.** The required *front yard setbacks* applied to any *lot* shall be reduced by the *Zoning Administrator*, at the request of the *applicant*, to the average *front yard setback* of lots which are: (1) located wholly or in part within 100

feet of the *lot*, (2) within the same block and zoning district as the *lot*, and (3) fronting on the same side of the *road* as the *lot*.

ARTICLE X. DECISION MAKING, ADMINISTRATIVE & ADVISORY BODIES – No change.

ARTICLE XI. REVIEW PORCESSES AND PROCEDURES - No change.

ARTICLE XII. ENFORCEMENT, VIOLATIONS, AND APPEALS – No change.

ARTICLE XIII. LEGAL STATUS – No change.

ARTICLE XIV. DEFINITIONS – No change.

Request for Residential Map Amendment 1

Request: R1 (Residential One) to R2MH (Residential Two Manufactured Housing)

Property Owners: Multiple (See Below (48 Properties))

Requested by: Henderson County Zoning Administrator

1. Subject Area Information

- 1.1. **PINs:** Jeffery & Courtney Alperin (9579-90-2180); Atamobile Enterprises Inc. (9579-90-9036, 9579-90-9388, 9579-90-9278, and 9579-90-8384); Rosemarie & Gary Bileski (9579-91-0181); Bradley & Rebecca Bishop (9579-91-2792); Annie Bradley (9579-91-6240); John & Betty Caudle (9579-90-8649 and 9579-90-8573); Brenda Cauley (9579-90-0866); Orlando & Linda Conner (9579-90-5314); Ned & Florence Cramer (9579-91-4032); Paul Cramer (9579-90-6485); Barbara Cunningham & Teresa Hill (9579-90-7710); Jennifer Deluca (9579-91-0490); Daniel & Valoree Dill (9579-90-2794); Duane & Teresa Fischer (9579-90-6381); Jeffrey Fleming (9579-91-3815); Maria Franco & Baltazar Chavez-Corral (9579-90-4793); Paul Gately (9579-90-0287); Billy & Patricia Gillespie (9579-91-1720); Lawrence Glisson & Joan Conner (9579-91-4176); Tim Goode (9579-91-7151); Ronald & Susan Hopkins (9579-90-5975); John & Polly Johnson (9579-90-7507); Clyde Justice (9579-91-9436); Jill Kent (9579-91-1505); Judith & Claude Knighton (9579-91-9211); Lauren Lundy (9579-90-2979); Joseph & Mary Macaskill (9579-90-6969); Guadalupe Marin (9579-90-2376); Marilyn Masters (9579-90-5539); Patricia & Alphonzo McGee (9579-90-8845); Howard & Wife McMinn (9579-90-8977); Beverly Miller (9579-90-8315); Richard Mosley (9579-90-0559); Rodrigo & Luisa Muniz (9579-90-0969); Louise Noa (9579-90-5181); Harold Parker (9579-90-7815); Nannie Parris (9579-91-8099); Linda & Gary Prichard (9579-90-4325); Ellen Pugliese (9579-91-7653); Carolyn Shower (9579-91-0295); Samir & Melissa Shwahna (9579-91-1842); William Suggs (9579-90-3631); The Transue Living Family Trust (Catherine & Edward Transue/Trustees) (9579-91-2680, 9579-91-3221, and 9579-91-2460); and Carl & Marian Woodson (9579-91-9325).
- 1.2. **Approximate Size:** 46.42 acres
- 1.3. **Location:** Dana Road (SR 1525), approximately 2,000 feet (0.38 miles) east of the intersection of Dana Road (SR 1525) and Interstate 26 (I-26).
- 1.4. **Approximate Frontage:** 890 feet along Dana Road (SR 1525).

2. Current and Adjacent Zoning

- 2.1. The Subject Area is currently zoned R1. R2MH is located to the north and east. Residential One (R1) is located to the west and south (See Current Zoning Map, Pg. 3).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Single-family residences (specifically manufactured homes).
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain residential uses.

4. Public Water and Sewer

- 4.1. **Public Water:** On site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer located 4,800 feet (0.91 miles) to the northwest.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24). The CCP states that, "wide ranges of residential densities will exist... which should favor higher density development, consistent with natural constraints and the availability of urban services. At the same time, policies and regulations should protect existing less-intensely developed communities" (2020 CCP, Pg. 129).

6. **Staff Recommendations**

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential Two Manufactured Housing (R2MH), based on the following:

6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being within the "Urban Services Area". Residential development with a wide range of densities are encouraged in the USA. Additionally, less-intensely developed communities should be protected and preserved within the USA.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing R2MH zoning district.

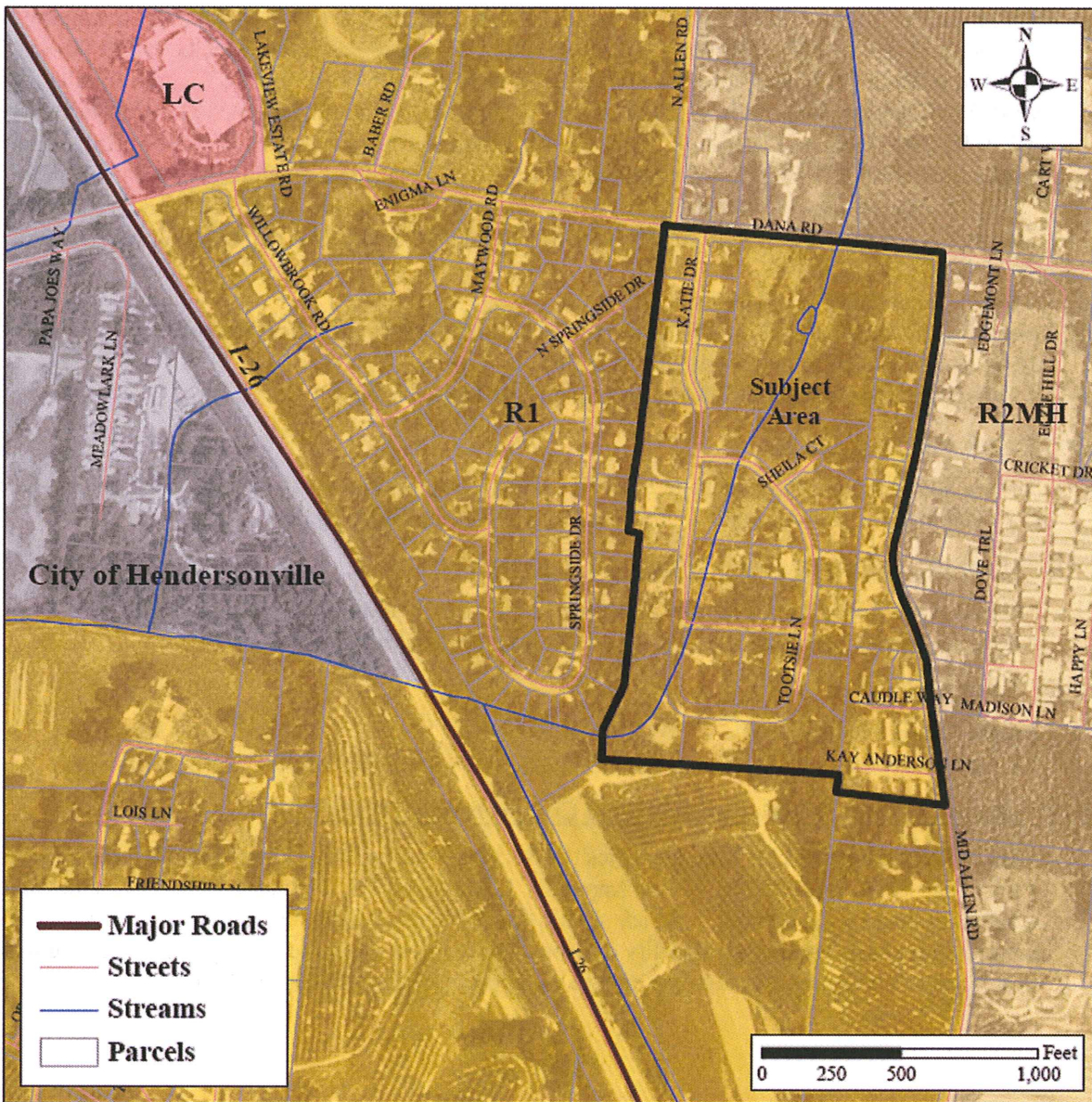
7. **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R1 (Residential One) to R2MH (Residential Two Manufactured Housing).

8. **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R1 (Residential One) to R2MH (Residential Two Manufactured Housing) with a 7 to 0 vote.

Current Zoning Map



Request for Industrial Map Amendment 1

Request: Local Commercial (LC) and R2MH (Residential Two Manufactured Housing) to I (Industrial)
Property Owners: Sunset Hill Investments, LLC; William and Frances Capell, ML Hall Jr., and David and Carrie Austin; and Chumbley Family, LLC
Requested By: Sunset Hill Investments and the Warm Company

1. Subject Area Information

1.1. PINs, Owners, and Approximate Sizes:

Owner	PIN	Approximate Size (acres)
Sunset Hill Investments, LLC (Manual Woodworkers’/ Sunset Hill Distribution Center)	9579-96-7911	24.82
William & Frances Capell, ML Hall Jr., and David & Carrie Austin	9589-07-4347	6.64
Chumbley Family, LLC (Location of Warm Company)	9589-08-7042	6.71
Total Acreage		38.17

- 1.2. **Location:** Sugarloaf Road (SR 1734), approximately 330 feet east of the intersection of Sugarloaf Road (SR 1734) and Howard Gap Road (SR 1006).
- 1.3. **Approximate Frontage:** 470 feet along Sugarloaf Road (SR 1734) and 700 feet along Old Sunset Hill Road (SR 1744).

2. Current and Adjacent Zoning

- 2.1. Parcel 9579-96-7911 is currently zoned LC. Parcels 9589-07-4347 and 9589-08-7042 are currently zoned R2MH. R2MH zoning is applied to properties to the north, east and south. LC zoning is applied to properties to the west. The City of Hendersonville’s jurisdiction is also to the west (R-15 (Medium-Density Residential) and PRD (Planned Residential Development) zoning districts are applied to those properties by the City of Hendersonville) (See Current Zoning Map, Pg. 7).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Manual Woodworkers’/Sunset Hill Distribution Center (PIN: 9579-96-7911); Lazy Boy RV Park (PIN: 9589-07-4347); and the Warm Company (PIN: 9589-08-7042).
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain commercial, institutional and residential uses. Carillon Assisted Living is to the east. Living Waters Baptist Church is to the south. Single-family residential areas surround the Subject Area.

4. Public Water and Sewer

- 4.1. **Public Water:** On site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer is located 800 feet (0.15 miles) northwest of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24). The CCP states that, “the USA will contain virtually all existing and future economic development activities,” and further, “industrial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).
- 5.2. The Future Land Use Map does not identify the Subject Area as being appropriate for industrial development (2020 CCP, Pg. 136 & Appendix 1, Map 24).

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Industrial (I), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located in the “Urban Services Area” classification. While the text and map of the 2020 CCP do not apply an “Industrial” designation to the Subject Area, the application of USA to the Subject Area indicates that industrial development is encouraged in and should be limited to properties within in the USA.
- 6.2. **Existing Uses:** Sunset Hill Distribution and the Warm Company indicate that the property is suited for industrial uses given current uses. The Industrial (I) zoning district would allow for these uses. The Lazy Boy RV Park would not be an allowed use and would become nonconforming.

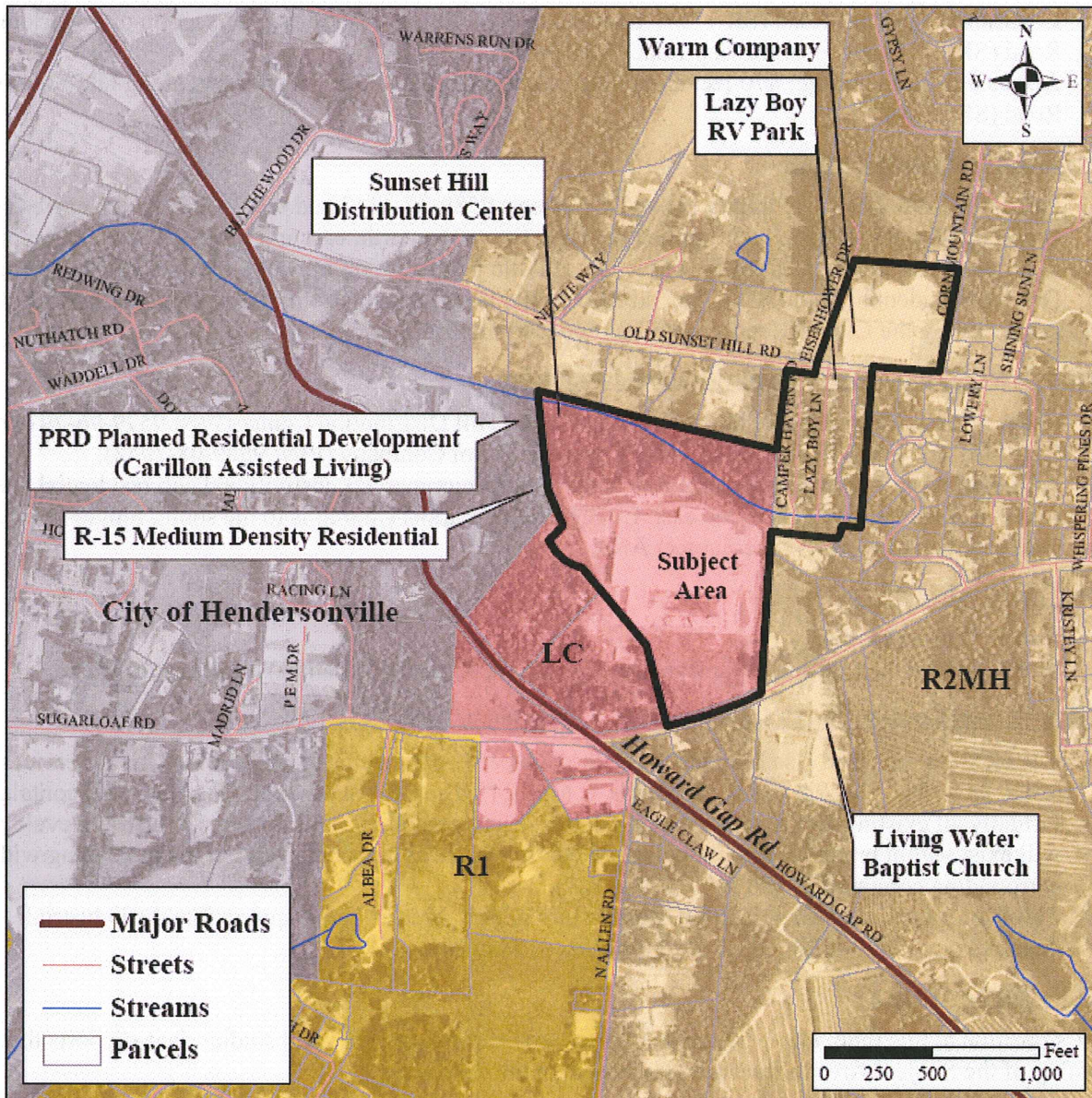
7. Technical Review Committee (TRC) Recommendations

- 7.1. The TRC supports Staff’s position, providing a favorable recommendation to rezone the Subject Area from LC (Local Commercial) & R2MH (Residential Two Manufactured Housing) to I (Industrial).

8. Planning Board Recommendations

- 8.1. The Planning Board supports Staff’s position, providing a favorable recommendation to rezone the Subject Area from LC (Local Commercial) and R2MH (Residential Two Manufactured Housing) to I (Industrial) with a 7 to 0 vote.

Current Zoning Map



Request for Commercial Map Amendment 2

Request: R2MH (Residential Two Manufactured Housing) to LC (Local Commercial)

Property Owner: Richard McDonald

Representative: Michael Martin

1. Subject Area Information

- 1.1. **PIN:** 9691-80-9664
- 1.2. **Approximate Size:** 12.16 acres
- 1.3. **Location:** US Highway 64 East, approximately 2,500 feet (0.47 miles) southwest of the intersection of US Highway 64 East and South Mills Gap Road (SR 1586).
- 1.4. **Approximate Frontage:** 650 feet along US Highway 64 East.

2. Current and Adjacent Zoning

- 2.1. The Subject Area is currently zoned R2MH. R2MH zoning is applied to properties to the west, south and east. Local Commercial (LC) zoning is applied to properties to the north (See Current Zoning Map, Pg. 11).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Use:** Single-family residence.
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain undeveloped, residential, and commercial uses. A residential development is located to the east (Shuey Knolls). A Marathon gas station is located adjacent and to the north.

4. Public Water and Sewer

- 4.1. **Public Water:** On site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer is approximately 3.6 miles west of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Rural/Urban Transition Area (2020 CCP, Pg. 130, Pg. 131 & Appendix 1, Map 24). The CCP states that, “the RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development,” (2020 CCP, Pg. 130) and further, “commercial development...will be encouraged within defined Community Service Centers...at Local and Community scales” (2020 CCP, Pg. 131).
- 5.2. The Future Land Use Map also identifies the Subject Area as being in the vicinity of an identified Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24). The CCP states that Community Service Centers:
 - 5.2.1. Should contain the following: community facilities, local commercial, community commercial, and regional commercial uses (2020 CCP, Pg. 135);
 - 5.2.2. “Are intended to be intensive, efficient, defined concentrations of mixed services” (2020 CCP, Pg. 134); and
 - 5.2.3. “Are appropriate for a mixture of commercial uses scaled to the service area in question” (2020 CCP, Pg. 134).

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Community Commercial (CC) due to a spot zoning concern; however, Staff supports the rezoning of the Subject Area to Local Commercial (LC), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the “Rural/Urban Transition Area” classification and applies a “Community Service Center” in the

vicinity of the Subject Area. Commercial development, at a mixture of scales (excluding regional) are encouraged in the RTA where Community Service Centers are applied.

6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing LC zoning district.

7. **Technical Review Committee (TRC) Recommendations**

7.1. The TRC recognizes the spot zoning concern that would result from rezoning the Subject Area to CC (Community Commercial). The TRC supports Staff’s position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial). Should the Board of Commissioners wish to apply CC (Community Commercial) zoning to the Subject Area, other adjacent properties should also be rezoned.

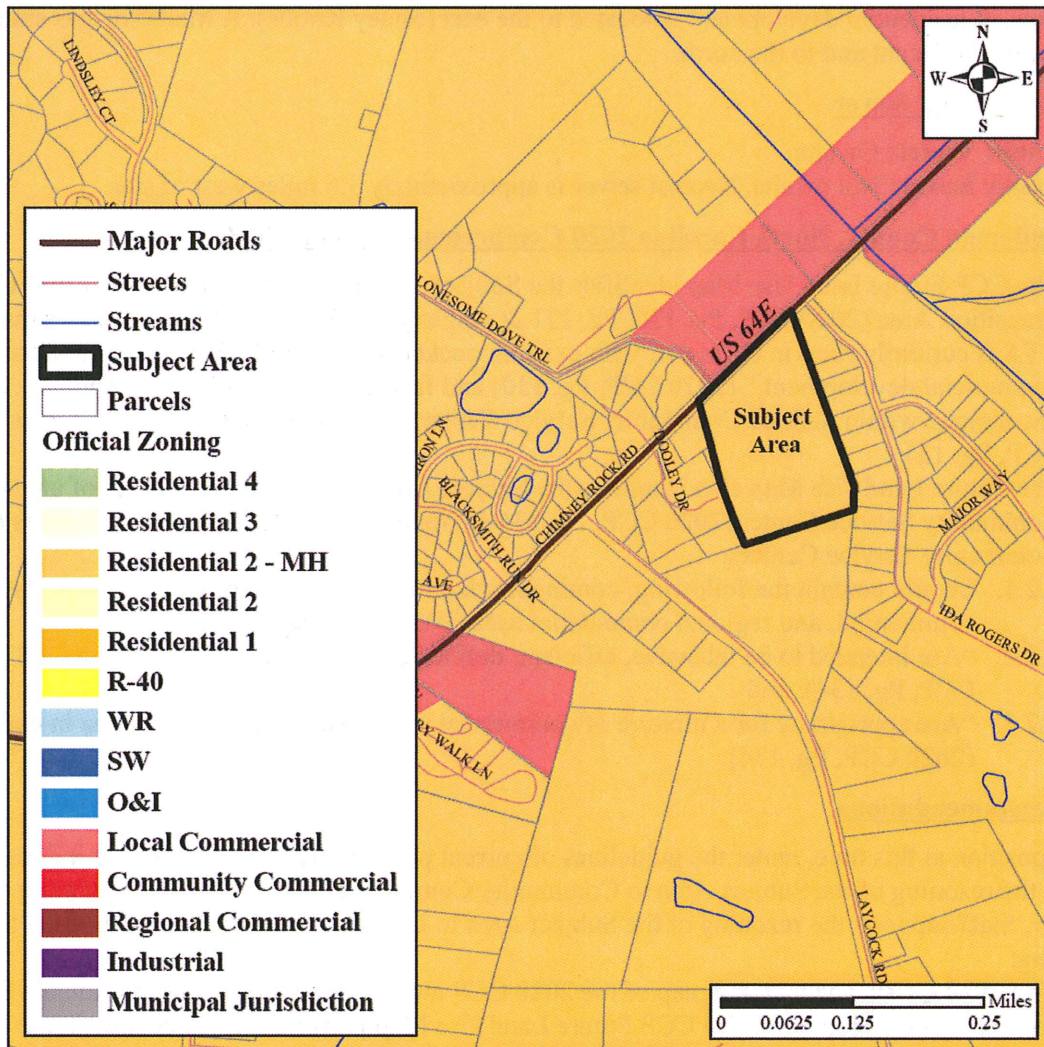
8. **Planning Board Recommendations**

8.1. The Planning Board supports Staff’s position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial). The Planning Board does not support the Applicant’s request for CC (Community Commercial).

9. **Applicant’s Support of Local Commercial (LC) Application**

9.1. Michael Martin, on behalf of Richard McDonald, contacted the Henderson County Planning Department on March 28, 2008, indicating support for rezoning of the Subject Area to Local Commercial (LC) instead of the originally requested Community Commercial (CC) zoning district.

Current Zoning Map



Request for Commercial Map Amendment 3

Request: R2MH (Residential Two Manufactured Housing) to LC (Local Commercial)

Property Owner: Keiji and Stefani Oshima

1. Subject Area Information

- 1.1. **PIN:** 0601-65-0780
- 1.2. **Approximate Size:** 4.14 acres
- 1.3. **Location:** US Highway 64 East, approximately 1,680 feet (0.31 miles) northeast of the intersection of US Highway 64 East and Pilot Mountain Road (SR 1783).
- 1.4. **Approximate Frontage:** 550 feet along US Highway 64 East.

2. Current and Adjacent Zoning

- 2.1. The Subject Area is currently zoned R2MH. R2MH zoning is applied to properties to the north, east and south. Local Commercial (LC) is applied to properties to the west (See Current Zoning Map, Pg. 13).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Vacant.
- 3.2. **Adjacent Area Uses:** Surrounding area lands are undeveloped or contain institutional and commercial uses. To the north are Connie's Auto Sales and the Trading Post (commercial uses). To the south is the Blue Ridge Humane Society.

4. Public Water and Sewer

- 4.1. **Public Water:** Not on site. Nearest water is approximately 1,680 feet west of site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer is approximately 10.5 miles west of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Rural/Urban Transition Area (2020 CCP, Pg. 130, Pg. 131 & Appendix 1, Map 24). The CCP states that, "the RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development," (2020 CCP, Pg. 130) and further, "commercial development...will be encouraged within defined Community Service Centers...at Local and Community scales" (2020 CCP, Pg. 131).
- 5.2. The Future Land Use Map also identifies the Subject Area as being in the vicinity of an identified Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24). The CCP states that Community Service Centers:
 - 5.2.1. Should contain the following: community facilities, local commercial, community commercial, and regional commercial uses (2020 CCP, Pg. 135);
 - 5.2.2. "Are intended to be intensive, efficient, defined concentrations of mixed services" (2020 CCP, Pg. 134); and
 - 5.2.3. "Are appropriate for a mixture of commercial uses scaled to the service area in question" (2020 CCP, Pg. 134).

6. Staff Recommendations

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Local Commercial (LC), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the "Rural/Urban Transition Area" classification and applies a "Community Service Center" in the vicinity of the Subject Area. Commercial development, at a mixture of scales (excluding regional) are encouraged in the RTA where Community Service Centers are applied.
- 6.2. **Adjacent Zoning:** The Subject Area directly abuts an existing LC zoning district.

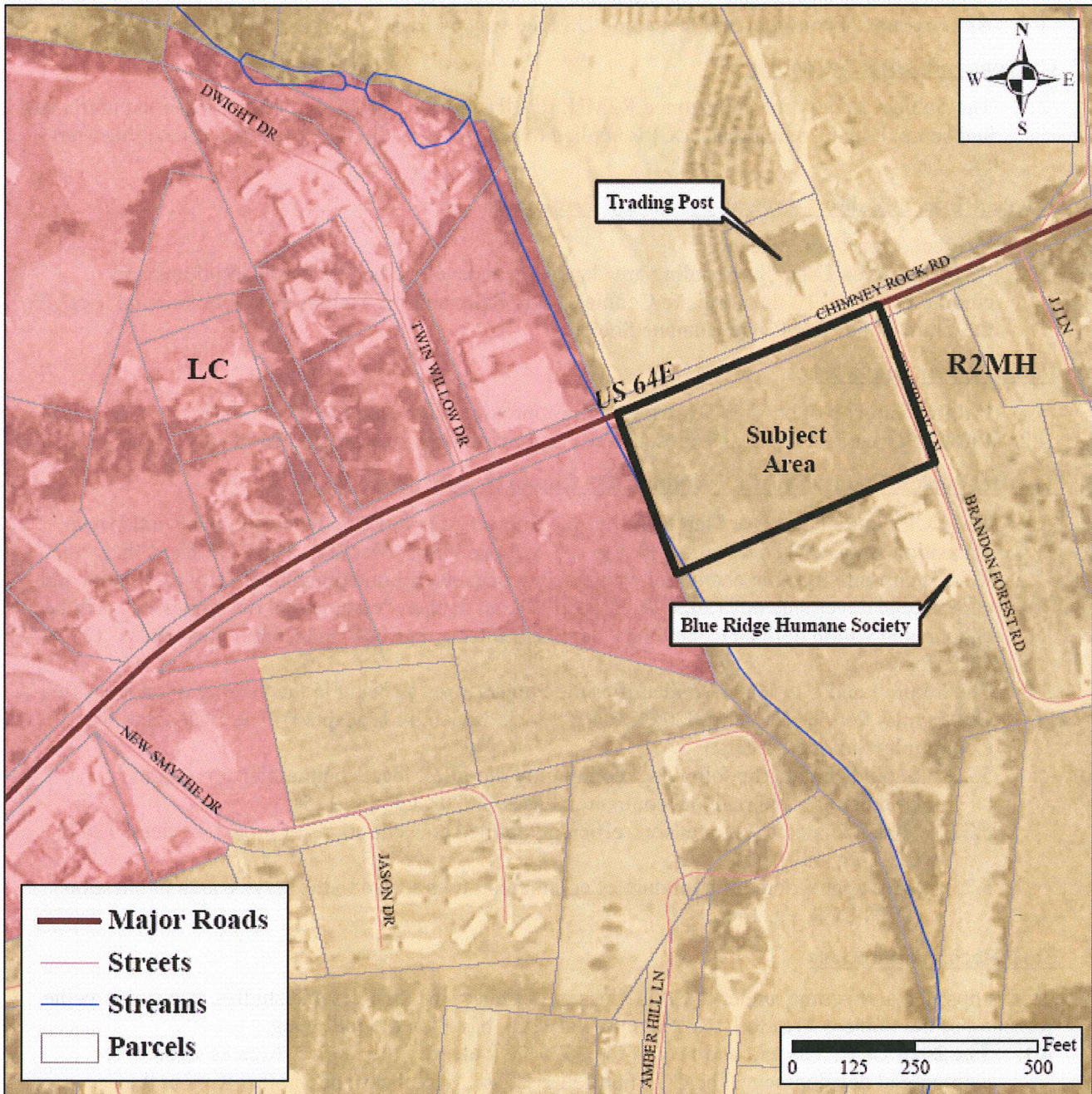
7. Technical Review Committee (TRC) Recommendations

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial).

8. Planning Board Recommendations

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to LC (Local Commercial) with a 7 to 0 vote.

Current Zoning Map



Request for Commercial Map Amendment 6

Request: R2MH (Residential Two Manufactured Housing) to CC (Community Commercial)

Property Owner: Hendersonville Pentecostal Holiness Church

1. Subject Area Information

- 1.1. **PIN:** Northern portion of PIN: 9588-91-1016
- 1.2. **Approximate Size:** 9.44 acre portion of the 23.92 acre tract
- 1.3. **Location:** Howard Gap Road (SR 1006).
- 1.4. **Approximate Frontage:** 620 feet along Howard Gap Road (SR 1006).

2. Current and Adjacent Zoning

- 2.1. Parcel 9588-91-1016 is split zoned R2MH and CC. The Subject Area is the portion of the parcel zoned R2MH. Residential Two Manufactured Housing (R2MH) zoning is applied to properties to the north and east. Local Commercial (LC) zoning is applied to properties to the south. Residential One (R1) zoning is applied to the property to the west (See Current Zoning Map, Pg. 19).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Hendersonville Pentecostal Holiness Church is located on the southern portion of the tract. The 9.44 acre portion which is the Subject Area is currently vacant.
- 3.2. **Adjacent Area Uses:** Surrounding area lands are undeveloped or contain residential and institutional uses.

4. Public Water and Sewer

- 4.1. **Public Water:** Not on site. Nearest water is located 1,600 feet (0.30 miles) west of site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer is located 2,800 feet (0.53 miles) west of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24). The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).
- 5.2. The Future Land Use Map also identifies the Subject Area as being within an identified Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24). The CCP states that Community Service Centers:
 - 5.2.1. Should contain the following: community facilities, local commercial, community commercial, and regional commercial uses (2020 CCP, Pg. 135);
 - 5.2.2. “Are intended to be intensive, efficient, defined concentrations of mixed services” (2020 CCP, Pg. 134); and
 - 5.2.3. “Are appropriate for a mixture of commercial uses scaled to the service area in question” (2020 CCP, Pg. 134).

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Community Commercial (CC), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as suitable for commercial development. The CCP Future Land Use Map places the Subject Area in the “Urban Services Area” classification and applies a “Community Service Center” in the vicinity of the Subject Area. Commercial development, at a mixture of scales (including regional) are encouraged in the USA and Community Service Centers.

6.2. **Split Zoning:** The Subject Area is a portion of a parcel which is split zoned Community Commercial (CC) and Residential Two Manufactured Housing (R2MH). The request would expand the Community Commercial (CC) zoning district to the entire parcel.

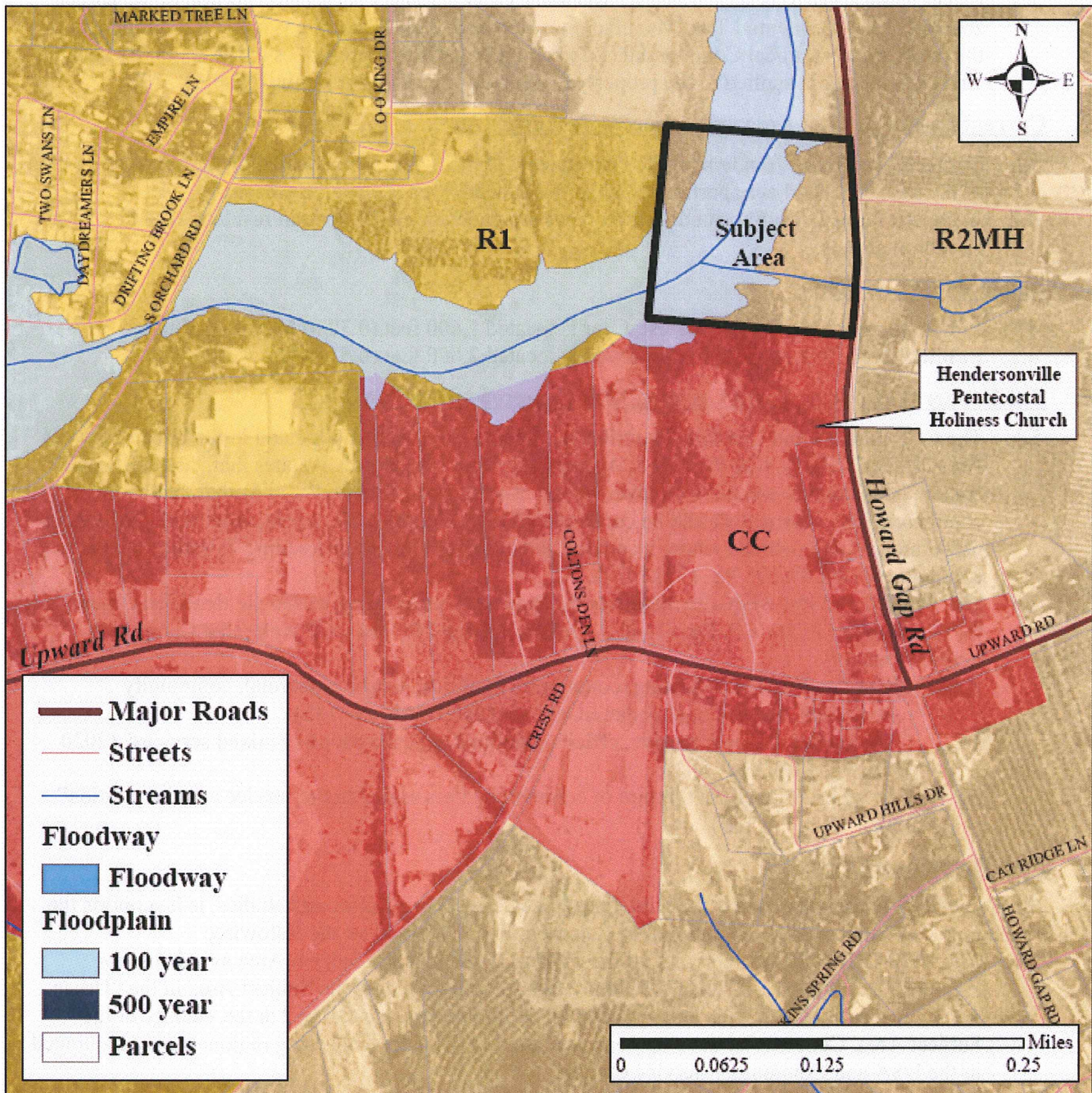
7. **Technical Review Committee (TRC) Recommendations**

7.1. The TRC supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to CC (Community Commercial).

8. **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to CC (Community Commercial) with a 7 to 0 vote.

Current Zoning Map



Request for Commercial Map Amendment 7

Request: R1 (Residential One) to LC (Local Commercial)

Property Owner: Leon Lamb, Owner

1. Subject Area Information

- 1.1. **PIN:** 9660-57-2754
- 1.2. **Approximate Size:** 63.26 acres
- 1.3. **Location:** Intersection of Brookside Camp Road (SR 1528) and Interstate 26 (I-26).
- 1.4. **Approximate Frontage:** 880 feet along Brookside Camp Road (SR 1528) and 4,900 feet (0.93 miles) along I-26.

2. Current and Adjacent Zoning

- 2.1. The Subject Area is currently zoned R1. R1 zoning is applied to properties to the north, west, and south. Residential Two Manufactured Housing (R2MH) zoning is applied to the property to the east (See Current Zoning Map, Pg. 21).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Largely vacant with the exception of the paintball center.
- 3.2. **Adjacent Area Uses:** Surrounding area lands are undeveloped or contain residential and recreational uses. The Outdoor Family Fun Center is located adjacent to the Subject Area to the west. Residential areas, including Grimesdale and Hickory Hills, are located in the vicinity of the Subject Area.

4. Public Water and Sewer

- 4.1. **Public Water:** Not on site. Nearest water is located 1,900 feet (0.36 miles) west of site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer is located 2,500 feet (0.47 miles) west of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP) and US 25 North Zoning Study

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Urban Services Area (2020 CCP, Pg. 128, Pg. 129 & Appendix 1, Map 24). The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 129).
- 5.2. The Future Land Use Map identifies the Subject Area as being located in Conservation Area (2020 CCP, Pg. 134 & Appendix 1, Map 24). The CCP states that conservation lands “are intended to remain largely in their natural state, with only limited development,” and further that “such areas should be targeted for protection through regulations and incentives” (2020 CCP, Pg. 134).
- 5.3. The Future Land Use Map identifies the Subject Area as being appropriate for industrial development (2020 CCP, Pg. 136 & Appendix 1, Map 24). The Map does not identify the Subject Area being in the vicinity of a Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24).
- 5.4. The US Highway 25 North Zoning Study identifies the Subject Area as being appropriate for Rural Conservation (RC) zoning. RC zoning was applied to the Subject Area to reflect existing commercial uses which would be made nonconforming if placed in an R-30 district. The application of RC zoning was consistent with conservation recommendations of the CCP’s Future Land Use Map.

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it does not support the rezoning of the Subject Area to Local Commercial (LC), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located within the “Urban Services Area” classification. While commercial development is encouraged in the USA no “Community Service Center” is applied in the vicinity of the Subject Area. Further, the CCP

indicates that commercial zoning districts should have configurations which are in keeping with the surrounding community. The configuration of this zoning district should be further evaluated given the surrounding uses. Conservation Area designation is also applied to the Subject Area.

6.2. **The US Highway 25 North Zoning Study:** The text and map of the US 25 North Zoning Study identify the Subject Area as appropriate for Rural Conservation (RC) zoning. RC zoning would allow for commercial uses existing on the Subject Area while being consistent with conservation recommendations given the existing floodplain on the Subject Area.

6.3. **Adjacent Zoning:** The Subject Area is not adjacent to any existing commercial zoning. Although the Subject Area (or a portion thereof) may be suitable for commercial development, Staff recommends further study be undertaken with a separate public hearing and notification to adjacent property owners before amending the official zoning map. A conditional rezoning may also be appropriate.

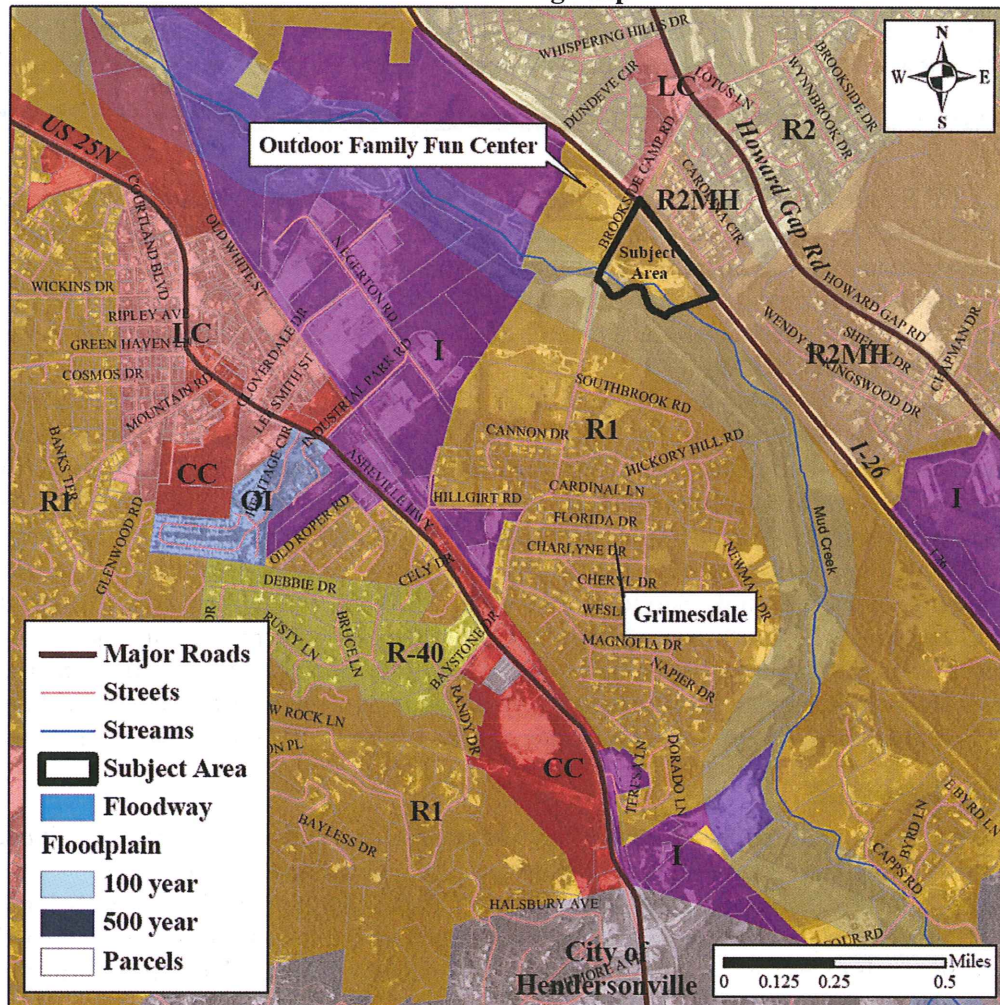
7. Technical Review Committee (TRC) Recommendations

7.1. The TRC supports Staff’s position, providing an unfavorable recommendation regarding rezoning the Subject Area from R1 (Residential One) to LC (Local Commercial). The TRC further recommends that the request be submitted as a separate rezoning application due to the need for further study. The reconfiguration of the proposed zoning district or conditional rezoning request may be appropriate.

8. Planning Board Recommendations

8.1. The Planning Board provides a favorable recommendation (with a vote of 7 to 0) regarding rezoning the Reduced Subject Area (that area bounded by Brookside Camp Road (SR 1528), I-26 and Featherstone Creek) from R1 (Residential One) to LC (Local Commercial) and recommends leaving the back portion of the property that is located in the floodway and floodplain as R1. Staff supports the Planning Board recommendation.

Current Zoning Map



Request for Commercial Map Amendment 8

Request: R2MH (Residential Two Manufactured Housing) to RC (Regional Commercial)

Property Owner: Jeff Cosgrove, Summit Springs LLC, Owner

1. Subject Area Information

- 1.1. **PIN:** Northwestern portion of PIN: 9587-62-6173
- 1.2. **Approximate Size:** 21.37 acre portion of the 45.41 acre tract
- 1.3. **Location:** Intersection of NC Highway 225 (NC 225) and Interstate 26 (I-26).
- 1.4. **Approximate Frontage:** 1,600 feet (0.30 miles) along Summit Springs Drive and 840 feet along Interstate 26 (I-26).

2. Current and Adjacent Zoning

- 2.1. The Subject Area is currently zoned R2MH. R2MH zoning is applied to properties to the south & east. RC zoning is applied to properties to the north & west (See Current Zoning Map, Pg. 23).

3. Current Uses of Subject Area and Adjacent Properties

- 3.1. **Subject Area Uses:** Vacant portion of Summit Springs subdivision.
- 3.2. **Adjacent Area Uses:** Surrounding area lands contain residential uses.

4. Public Water and Sewer

- 4.1. **Public Water:** Not on site. Nearest water is located 1,000 feet (0.19 miles) west of site.
- 4.2. **Public Sewer:** Not on site. Nearest sewer is located 5,000 feet (0.95 miles) west of site.

5. The Henderson County, North Carolina 2020 Comprehensive Plan (CCP)

- 5.1. The CCP Future Land Use Map identifies the Subject Area as being located in the Rural Agricultural Area (2020 CCP, Pg. 132, Pg. 133 & Appendix 1, Map 24). The CCP states that, “Commercial development and Community Facilities will be directed to defined Community Service Centers, which are located at key nodes/intersections and traditional locations, and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl” (2020 CCP Pg. 133). Further, “Commercial development will be of a local and community commercial nature and most Industrial and Regional Commercial land uses should be prohibited” (2020 CCP Pg. 133).
- 5.2. The Future Land Use Map identifies the Subject Area as being appropriate for industrial development (2020 CCP, Pg. 136 & Appendix 1, Map 24).
- 5.3. The Future Land Use Map does not identify the Subject Area as being in the vicinity of a Community Service Center (2020 CCP, Pg. 134 & Appendix 1, Map 24).

6. Staff Recommendations

Staff’s position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Regional Commercial (RC), based on the following:

- 6.1. **The 2020 CCP:** The text and map of the 2020 CCP identify the Subject Area as being located within the “Rural Agricultural Area” classification. While regional commercial development is discouraged in the RAA and no “Community Service Center” is applied in the vicinity of the Subject Area, industrial development designation indicates that the Subject area is appropriate for development at the regional commercial scale. Further, the CCP indicates that commercial zoning districts should have configurations which are in keeping with the surrounding community, which is zoned RC to the north and west.
- 6.2. **Adjacent Zoning:** The Subject Area adjacent to an existing RC zoning district.

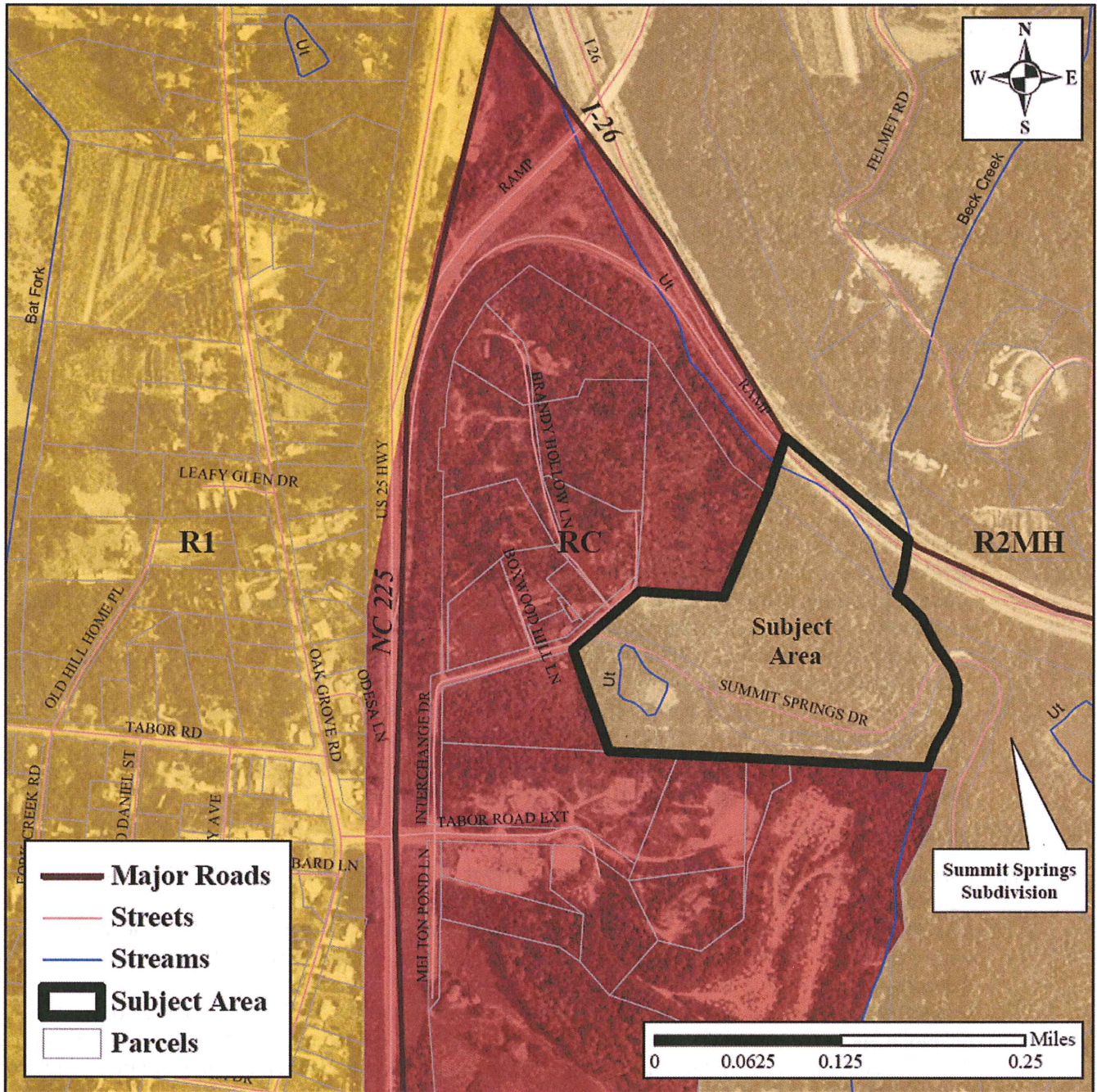
7. Technical Review Committee (TRC) Recommendations

- 7.1. The TRC supports Staff’s position, providing a favorable recommendation to rezone the Subject Area from R2MH (Residential Two Manufactured Housing) to RC (Regional Commercial).

8. **Planning Board Recommendations**

8.1. The Planning Board supports Staff's position, providing a favorable recommendation to rezone the Expanded Subject Area from R2MH (Residential Two Manufactured Housing) to RC (Regional Commercial). The Expanded Subject Area would include the original Subject Area and addition of property to the south of the Subject Area, located west of Beck Creek (See Current Zoning Map, Pg. 23).

Current Zoning Map



Proposed Technical Amendments to Chapter 200A, Land Development Code

Page	Amendment
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>

Page	Amendment
Article II	
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>

Page	Amendment
Article II	
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 or single unit on a single lot within the project</i> 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>

Page	Amendment
Article II	
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>

Page	Amendment
Article III	
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>

Page	Amendment
Article III	
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>

Page	Amendment
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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, <u>Institutional</u>, 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, <u>Institutional</u> , 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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Page	Amendment
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>

Page	Amendment
Article X	
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 <i>lots</i> 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>

Page	Amendment
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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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>
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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>

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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>

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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>

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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>
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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-top: 10px;"> <thead> <tr style="background-color: #cccccc;"> <th colspan="3" style="padding: 5px;">Table 12.1 Approving Agency and Associated Appellate Body</th> </tr> <tr style="background-color: #cccccc;"> <th style="width: 15%; padding: 5px;">Type of Agency</th> <th style="width: 45%; padding: 5px;">Approving Official or Agency for the Application or Appeal</th> <th style="width: 40%; padding: 5px;">Appellate Body</th> </tr> </thead> <tbody> <tr> <td rowspan="8" style="text-align: center; vertical-align: middle;">Staff</td> <td style="padding: 5px;"><i>Communication Facilities Administrator</i></td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td style="padding: 5px;"><i>Floodplain Administrator</i></td> <td style="padding: 5px;">Flood Damage Prevention Board</td> </tr> <tr> <td style="padding: 5px;"><i>Manufactured Home Park Administrator</i></td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td style="padding: 5px;"><i>Planning Director</i></td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td style="padding: 5px;"><i>Soil Erosion and Sedimentation Control Administrator</i></td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td style="padding: 5px;"><i>Subdivision Administrator</i></td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td style="padding: 5px;"><i>Watershed Administrator</i></td> <td style="padding: 5px;">Water Supply Watershed Review Board*</td> </tr> <tr> <td style="padding: 5px;"><i>Zoning Administrator</i></td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td style="text-align: center;">Committee</td> <td style="padding: 5px;">Technical Review Committee</td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td rowspan="5" style="text-align: center; vertical-align: middle;">Board</td> <td style="padding: 5px;">Board of Commissioners</td> <td style="padding: 5px;">Appellate Court</td> </tr> <tr> <td style="padding: 5px;">Flood Damage Prevention Board</td> <td style="padding: 5px;">Appellate Court</td> </tr> <tr> <td style="padding: 5px;">Planning Board</td> <td style="padding: 5px;">Zoning Board of Adjustment</td> </tr> <tr> <td style="padding: 5px;">Water Supply Watershed Review Board</td> <td style="padding: 5px;">Appellate Court</td> </tr> <tr> <td style="padding: 5px;">Zoning Board of Adjustment</td> <td style="padding: 5px;">Appellate Court</td> </tr> </tbody> </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>