

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

Meeting Date: September 17, 2008

Subject: LDC Text Amendment #TX-2008-03, Conservation Subdivision Option in the R-40 (Estate Residential) zoning district

Attachments: 1. Proposed Text Amendment #TX-2008-03
2. Power Point Presentation

SUMMARY OF REQUEST:

On March 27, 2008, the Board held a public hearing on amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A, Land Development Code (LDC). During the hearing, a request was made that the Board of Commissioners consider allowing conservation subdivisions in the R-40 (Estate Residential) zoning district. The text of the R-40 (Estate Residential) zoning district was included in the LDC and the old zoning ordinance did not include the provision for conservation subdivisions. At the request of the Board, the text for the R-40 district was left intact. Staff has proposed the attached text amendment (#TX-2008-03) to the Land Development Code to address the issue (See Attachment 1).

The Henderson County Technical Review Committee (TRC) reviewed the request at its meeting on June 3, 2008 and voted 7-0 to recommend that the Board of Commissioners approve text amendment #TX-2008-03 to allow the conservation subdivision option in the R-40 zoning district.

The Henderson County Planning Board considered the proposed text amendment (#TX-2008-03) at its meeting on June 19, 2008 at which time the Board voted 6-0 to send the Board of Commissioner a favorable recommendation to allow conservation subdivisions in the R-40 zoning district.

PUBLIC NOTICE:

Before taking action on the request, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and 200A-337(B) of the Henderson County Land Development Code and State Law, notices of the September 17, 2008, public hearing regarding text amendment #TX-2008-03, were published in the Hendersonville Times-News on September 3, 2008 and September 10, 2008.

BOARD ACTION REQUESTED:

Planning Staff recommends that the Board of Commissioners approve text amendment #TX-2008-03 to the Land Development Code as it is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Suggested Motion: I move that the Board approve text amendment #TX-2008-03 to Chapter 200A, Land Development Code based on the recommendations of the Henderson County 2020 Comprehensive Plan, and any other conditions that the Board has discussed.

Proposed Text Amendment TX-2008-03 to Chapter 200A, Land Development Code

LDC Text Amendment TX-2008-03:

Issue: The text of the R-40 (Estate Residential) zoning district was included in the Land Development Code. The old zoning ordinance did not include the provision for conservation subdivisions. At the request of the Board of Commissioners, the text for the R-40 district was left intact. A request was made during the March 27, 2008 public hearing to allow the conservation subdivision option in the R-40 zoning district.

Conservation subdivisions are characterized by open space and clustered, compact lots. Conservation subdivisions must have a minimum of 25 percent of the project area retained as open space and must meet the requirements and standards in the LDC. The advantage of a conservation subdivision is it protects natural and sensitive features and community character while providing the owner with the ability to get a density bonus. The owner could develop up to, but no more than, 20 additional homes if more than 50 percent of the property was designated as open space. Conservation subdivision proposed for the purposes of sustaining existing on site bona fide agricultural operations are entitled to a 5 percent increase in permitted density.

Recommended Solution: Include the conservation subdivision option in the R-40 zoning district subject to the same restrictions and requirements as all other residential zoning districts.

§200A-37. Estate Residential District (R-40)

B. Dimensional Requirements. Each use allowed in this district shall at a minimum conform to the following requirements. In some cases a specific use may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements). The Conservation Subdivision option shall ~~not~~ be available in the R-40 District. **Minimum lot sizes shall not apply when using the Conservation Subdivision option and an average density of 1 unit per 40,000 square feet shall be applied.**

LDC Text Amendment
TX-2008-03, Allow Conservation
Subdivisions in the R-40 Zoning
District

Board of Commissioner Meeting
September 17, 2008

Text Amendment #TX-2008-03:

- **Issue:** Requests were made during the 3-27-08 public hearing that BOC should allow the conservation subdivision option in the R-40 zoning district.
- **Solution:** Allow the conservation subdivision option in the R-40 zoning district subject to the same restrictions & requirements as all other residential zoning districts.