

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** February 4<sup>th</sup>, 2013

**SUBJECT:** Set Public Hearing for Land Development Code Text Amendment (TX-2013-01)  
Temporary Uses Frequency for Religious Services

**PRESENTER:** Autumn Radcliff

**ATTACHMENTS:** Draft Text Amendment

### **SUMMARY OF REQUEST:**

The Planning Department received a request to amend the Land Development Code to extend the length of time religious services may operate under a temporary use permit. The proposed text amendment allows religious services, under a temporary use permit, to operate for up to twelve (12) weeks, instead of eight (8) days (See Attachment 1, Draft Text Amendment).

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment. Planning Board reviewed the application and draft language at its January 17<sup>th</sup>, 2013 meeting and voted 4-2 in favor of the recommendation. The Technical Review Committee reviewed the application and draft language at its January 8<sup>th</sup>, 2013 and unanimously approved the recommendation. If the hearing date is set, staff will publish the required public notice.

### **BOARD ACTION REQUESTED:**

Planning Staff requests the Board set a public hearing for Wednesday, February 20<sup>th</sup>, 2013 at 9:00 a.m.

### **Suggested Motion:**

*I move that the Board set a public hearing to receive public comment for Land Development Code Text Amendment 2013-01 regarding Temporary Uses Frequency for Religious Services for Wednesday, February 20<sup>th</sup>, 2013 at 9:00 a.m.*

## 2013 LDC Draft Text Amendments to Increase Temporary Use Frequency for Religious Services

### **LDC Text Amendment: Temporary Use Frequency for Religious Services.**

**Issue:** The LDC standards limits the length of time that temporary use events may operate. Under the current LDC for temporary uses, religious services may not operate longer than eight (8) days per permit. The Planning Department received several requests from local pastors' to amend the LDC. Religious services being limited to eight (8) days of operation does not allow for church revivals, bible camps, and emergency shelters during natural disasters.

The proposed text amendment allows for religious services, under a temporary use permit, to operate for up to twelve (12) weeks. This amendment would allow events that were once limited by the previous time limitations. Church revivals and bible camps can last for up to nine (9) weeks. The local pastors and Planning Department staff agreed that twelve (12) weeks would cover the amount of time required for religious services events. The remaining temporary uses would still operate under the set specific time frame that is detailed in the LDC. All other requirements listed in SR 11.2 would still apply to all temporary uses.

**Recommendation:** Amend the temporary use frequency for religious services to operate for up to twelve (12) weeks when permitted.

Amend applicable sections as indicated below.

### **SR 11.2. Circuses, Carnivals, Fairs, Religious Services (or similar types of events)**

- (1) Duration and Frequency. Not more than two (2) temporary events shall be held in a 12 month period.
  - a. Temporary circuses, fairs, ~~religious services~~ and similar types of events may be operated for no longer than eight (8) days.
  - b. Carnivals may be operated for no longer than 10 days.
  - c. Religious services may operate for up to ~~eight (8) days~~ **twelve (12) weeks.**
- (2) Hours of Operation. Where a circus, carnival, fair, religious service or similar types of events and being held in a *residential zoning district* or within 500 feet of a *residential zoning district*, the hours of operation shall be limited to between 7:00 a.m. and 11:00 p.m.
- (3) Application. The application shall depict the locations of pedestrian circulation areas and equipment storage areas.
- (4) Separation Requirements. The *use* shall not be placed within 50 feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).
- (5) Solid Waste Collection System Requirements. Arrangements shall be made for suitable garbage disposal and site clean-up.