

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 20th, 2013

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

PRESENTER: Autumn Radcliff, Interim Planning Director

ATTACHMENTS: 1. Draft Text Amendment
2. Press Notice of Hearing
3. Certification of Notice of Public Hearing
4. Power Point

SUMMARY OF REQUEST:

The Planning Department received a request on behalf of several local pastors' to amend the Land Development Code to extend the length of time religious services may operate under a temporary use permit. Currently, religious services frequency can operate up to eight (8) days. After speaking with the applicant, Staff reviewed other local ordinances and several of those have extended the length of time religious services, under a temporary use permit, may operate to allow for uses such as revivals, bible camps and emergency shelters during natural disasters.

The proposed text amendment allows religious services, under a temporary use permit, to operate for up to twelve (12) weeks and will cover the length of time required for religious services to hold events that were once limited by the previous time limitations (See Attachment 2, Draft Text Amendment).

Planning Staff recommends approval of the proposed text amendment. It appears to be consistent with the County's Comprehensive Plan. Planning Board reviewed the application and draft language at its January 17th, 2013 meeting and voted 4-2 in favor of the recommendation. The Technical Review Committee reviewed the application and draft language at its January 8th, 2013 and unanimously approved the recommendation.

PUBLIC NOTICE: The required public notice of this hearing was published in the Hendersonville Tribune on February 7th, 2013 and February 14th, 2013 (See Attachment 3, Certification of Notice of Public Hearing).

Suggested Motion:

I move that the Board of Commissioners find that the proposed Land Development Code Text Amendment 2013-01 regarding Temporary Uses Frequency for Religious Services is consistent with the County Comprehensive Plan and I further move that the Board approve the text amendment as presented.

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.

**NOTICE OF PUBLIC HEARING FOR TEXT AMENDMENTS
TO THE HENDERSON COUNTY LAND DEVELOPMENT CODE
(Increase Temporary Use Frequency for Religious Services #TX-2013-01)**

The Henderson County Board of Commissioners will hold a public hearing on proposed text amendments to the Henderson County Land Development Code (TX-2013-01). The County received an application to amend the Land Development Code (LDC) to increase the temporary use frequency for religious services. The proposed text amendment allows for religious services, under a temporary use permit, to operate for up to twelve (12) weeks.

Before adopting the proposed text amendments to the LDC, the Board of Commissioners must hold a public hearing. The public hearing will be held **Wednesday, February 20, 2013, at 9:00 A.M.**, in the **Board of Commissioners Meeting Room** located in the **Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville**. The public is invited to attend and comment on the proposed text amendments.

Written comments addressed to the Henderson County Board of Commissioners, 1 Historic Courthouse Square, Suite 1, Hendersonville, NC 28792, will be accepted prior to the hearing. Information about the proposed text amendments is available for review in the Henderson County Planning Department, 100 N. King St., Hendersonville, NC, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, or on the Henderson County Website at www.hcplanning.org. For more information, please contact the Planning Department at (828) 697-4819 or by email: planning@hendersoncountync.org.

Please note that after considering public hearing comment, the Board of Commissioners may discuss other options or modify the proposed text amendments before taking final action.

Terry Wilson
Clerk to the Board

Henderson County Board of Commissioners


For publication in the Hendersonville Tribune on Thursday, February 7, 2013 and Thursday, February 14, 2013.

Certification of Notice of Public Hearing

In accordance with NCGS 153A-323 and 153A-343 the Planning Department certifies notices of the February 20th, 2013 hearing regarding the proposed Land Development Code Text Amendments (Increase Temporary Use Frequency for Religious Services (TX-2013-01)), were:

1. Submitted to the Hendersonville Tribune on February 5, 2013 to be published on February 7, 2013 and February 14, 2013 by Matt Champion;

The signatures herein below indicate that such notices were made as indicated herein above:

1. 

STATE OF North Carolina

COUNTY OF Henderson

I, Catherine Justice, a Notary Public, in and for the above County and State, do hereby certify that Matt Champion

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 6 day of February, 2013.

My commission expires:
10/23/15

(SEAL)
Catherine Justice Catherine Justice
NOTARY PUBLIC



Proposed Text Amendment TX-2013-01

Henderson County Board of Commissioners Meeting
Wednesday, February 20th, 2013
Presented by: Autumn Radcliff, Interim Planning Director

200A-63: Subpart F. Supplemental Requirements to the Table of Permitted and Special Uses SR 11.2 Temporary Uses

Henderson County Planning Department

Proposed Text

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.

Henderson County Planning Department

Text Amendment TX-2013-01

Public Hearing Comments



Henderson County Planning Department

Recommendations

- Staff recommends approval of the proposed text amendment. It appears to be consistent with the County's Comprehensive Plan.
- Suggested Motion:
 - *I move that the Board of Commissioners find that the proposed Land Development Code Text Amendment 2013-01 regarding Temporary Uses Frequency for Religious Services is consistent with the County Comprehensive Plan and I further move that the Board approve the text amendment as presented.*

Henderson County Planning Department