

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**TECHNICAL REVIEW COMMITTEE**

**MEETING DATE:** June 15, 2017

**SUBJECT:** LDC Text Amendment for Small Place of Assembly (TX-2017-01)

**PRESENTER:** Autumn Radcliff, Senior Planner

**ATTACHMENTS:** 1. Draft Text Amendments

**SUMMARY OF REQUEST:**

The BOC directed staff at its meeting on May 1, 2017 to review the residential zoning districts that allow for a small place of assembly, specifically the R2 zoning district. This request was based on a recent special use permit that was issued for an event barn in the R2 zoning district. Uses allowed with a special use permit (SUP) are not allowed by right, but requires that the Zoning Board of Adjustment (ZBA) go through a quasi-judicial process to determine if the proposed use is appropriated on a specific parcel. This is determined through the ZBA making its findings of facts to determine if the use should be allowed. If approved, the ZBA may require specific conditions for the proposed use.

The Planning Board is asked to determine if a small place of assembly should be allowed with a special use permit in the R2 zoning district and if it should be allowed with an SUP in any other residential zoning district. The TRC reviewed the proposed amendment and voted to refer the item to the Planning Board for its recommendation.

**BOARD ACTION REQUESTED:**

The Land Development Code requires the Planning Board to make a recommendation on the proposed amendment to remove small place of assembly as an allowed use in the R2 zoning district and make a recommendation if the use should be removed from any other residential zoning districts.

**Suggested Motion:**

*I move that the Planning Board recommend the Commissioners (approve, deny or approve with modification) the proposed LDC Text Amendment (TX- 2017-01) as discussed and that this amendment is consistent with the County Comprehensive Plan.*

**Small Place of Assembly  
LDC Text Amendment (TX-2017-01)**

**Issue:** A small place of assembly is allowed as a special use permit (SUP) in the residential zoning districts. The County has received several requests to amend the table of permitted and special uses to remove this use from the R2 zoning district and to determine if the use should be allowed with a SUP in the other residential zoning districts.

**§42-391. Definitions**

**Place of Assembly.** A *structure* or area designed and designated to accommodate *persons* for the purpose of assembly.

**§42-62 Subpart E. Table of Permitted and Special Uses**

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<b>5. EDUCATIONAL AND INSTITUTIONAL USES</b>												
Place of Assembly, Small	S	S	S	S	S	P	P	P	P	P	S	5.17

**§42-63. Supplemental Requirements to the Table of Permitted and Special Uses**

**SR 5.17. Place of Assembly, Small**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Structure. A *structure* shall be designed to accommodate a minimum of 40 and a maximum of 499 persons.
- (4) Perimeter Setback. Fifty (50) feet.

**Recommendation:** Remove the small place of assembly use from the R2 zoning district and any other residential zoning district as discussed.