

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
TECHNICAL REVIEW COMMITTEE

MEETING DATE: August 17, 2017

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

PRESENTER: Autumn Radcliff, Planning Director

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) hear a quasi-judicial proceeding to determine if the proposed use is appropriate 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.

On June 15, 2017 the Planning Board discussed the issues and voted to appoint a subcommittee of the Planning Board to discuss the item and bring back a recommendation to the Board. The subcommittee met on August 10th and their recommendations are attached for the Boards discussion.

BOARD ACTION REQUESTED:

The Land Development Code requires the Planning Board to make a recommendation to the Board of Commissioners on the proposed text amendment.

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.

DRAFT LDC Text Amendment (TX-2017-01) **Small Place of Assembly and Residential Uses**

Recommended changes are highlighted in red.

Issue: 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) hear a quasi-judicial proceeding to determine if the proposed use is appropriate 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 appointed a subcommittee to review the request and proposed the following recommendations.

Recommendation: Amend the SR (Supplemental Requirements) for a Place of Assembly (Small and Large) and reduce the number of person's threshold allowed for each use.

SR 5.16. Place of Assembly, Large

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Structure. A *structure* shall be designed to accommodate a minimum of ~~500~~ **251** persons.
- (4) Perimeter Setback. ~~Fifty (50)~~ **One hundred (100)** feet. **No parking shall be allowed within the setback area.**

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~~ **250** persons.
- (4) Perimeter Setback. ~~Fifty (50)~~ **One hundred (100)** feet. **No parking shall be allowed within the setback area.**
- (5) Buffer. **A B2 buffer is required per Table 5.2 Buffer Width and Plant Material Requirement.**

Recommendation: The Planning Board reviewed the other uses allowed in the Residential Zoning districts and recommended the following changes to the Table of Permitted and Special Uses.

LDC Text Amendment D: Simplify Recreational Facility Uses.

Issue: The LDC contains several uses listed in the Table of Permitted and Special Uses (PUT) for various recreational uses that could be combined into one or two specific use types.

Recommendation: Combine several existing recreational uses into one new use type to cover general recreational facilities. The new use “recreational facilities” will have a new definition and supplemental requirements (SR). The definitions and SR’s for the other listed recreational uses will be removed. The “common area recreation and service facilities” and “governmental recreational facilities” uses will remain unchanged in the PUT.

Amend Table of Permitted and Special Uses as indicated below.

§42-62. Table of Permitted and Special Uses

USE TYPE	GENERAL USE DISTRICT				
	P=Permitted; S=Special Use Permit				
3. ACCESSORY STRUCTURES	R1	R2	R2R	R3	R4
Heliport (Private Accessory)	S (remove)	S	S	S	S
Wind Mill/Turbine, Accessory > 40 ft height	S (remove)	S	S	S	S
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES	R1	R2	R2R	R3	R4
Urgent Care Clinic (add)	S	S	S	S	S