

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY PLANNING BOARD**

- MEETING DATE:** December 19, 2013
- SUBJECT:** Continued Discussion of Land Development Code (LDC) and Minimum Housing Code Text Amendments (TX-2013-02)
- PRESENTER:** Autumn Radcliff, Senior Planner
- ATTACHMENTS:**
1. LDC Draft Text Amendments
  2. Minimum Housing Code Draft Text Amendments
  3. Planning Board LDC Subcommittee Meeting Summary

#### **SUMMARY OF REQUEST:**

The Planning Board continued its discussion of the Land Development Code (LDC) and Minimum Housing Code text amendments (TX-2013-02) at its November meeting. The Board was generally in favor of all the proposed amendments with some modification. The Board appointed a subcommittee to discuss expanding the existing uses allowed in certain zoning districts. The subcommittee met on December 9, 2013 and discussed the Table of Permitted and Special Uses (PUT) in length. The subcommittee recommendations and meeting summary is attached.

The Planning Board also discussed the possibility of requiring developments with improvement guarantees (IG) to include the cost of planned amenities (including golf courses, pools, etc.). After discussion with the County Attorney's office, it was determined that this would not be allowed. The general statutes clearly states that the items covered in an IG shall be for required improvements. Golf courses, pool, etc. are not improvements required by the Land Development Code, plans, policies or standards.

Staff will briefly discuss each modification from last month's meeting. The Board will need to make a recommendation to the Board of Commissioners on the proposed text amendments. The Commissioners must hold a public hearing before adopting any amendments to the LDC or Minimum Housing Code.

#### **Suggested Motion:**

I move that the Planning Board recommend approval of the attached Land Development Code and Minimum Housing Code text amendments to the Board of Commissioners with any modification as discussed by the Board.

**2013 LDC Draft Text Amendments**  
**(Includes Annual LDC Amendments and**  
**Recommendations from the Regulation Review Advisory Committee (RRAC))**

**Recommended changes are highlighted in red.**

**LDC Text Amendment A: Reduce the Agricultural Signage Restrictions.**

**Issue:** The RRAC recommended that the regulations for agriculture signage be reduced, particularly those relating to direct sale of local agriculture products. As related to agriculture signage, the current LDC standards permit outdoor advertising signs, directional signs and agricultural produce signs in all zoning districts. Agriculture produce signs are exempt signs. All exempt signs may have one or two faces and may be illuminated per specific standards. Sign size and height regulations are based on sign type.

**Recommendation:** Remove the word produce (as shown below) so all types of agricultural signs is exempt and increase the maximum area to thirty-two (32) square feet per face.

Amend applicable section below.

**§42-218. Exempt Sign Standards**

A. Agricultural ~~Produce~~ Signs.

- (1) Maximum Area. ~~Twenty (20)~~ **Thirty-two (32)** square feet per face.
- (2) Maximum Height. Ten (10) feet.

**LDC Text Amendment B: Reduce Front Setbacks in Commercial Zoning Districts.**

**Issue:** The RRAC stated the right-of-way setbacks were burdensome to commercial development and recommended reducing the front setbacks. The current LDC standards determine the front or right-of-way setback based on the County and NCDOT road classification. The road classification is determined by the general characteristics of mobility, accessibility and access.

**Recommendation:** Reduce the current front or right-of-way setback for each road classification in existing commercial districts.

Amend Tables 2.3, 2.8 and 2.9 in applicable sections below.

**§42-33. Local Commercial District**

<b>Table 2.7. LC Density and Dimensional Requirements</b>			
(1) Residential Density (units/acre)	(2) Standard	4	
	(3) Maximum	16	
Maximum Impervious Surface (%)		80	
(4) Maximum Floor Area (sq ft)		30,000 or 10,000	
(5) Yard Setbacks (feet)	Front or ROW	Local	<del>25</del> 10
		Collector	<del>25</del> 10
		Thoroughfare	<del>35</del> 20
		Boulevard	<del>45</del> 30
		Expressway	<del>55</del> 40
		Freeway	<del>60</del> 45
	Side	10	
	Rear	10	
Maximum Height (feet)		40	

**§42-34. Community Commercial District**

<b>Table 2.8. CC Density and Dimensional Requirements</b>			
(1) Residential Density (units/acre)		16	
Maximum Impervious Surface (%)		80	
(2) Maximum Floor Area (sq ft)		80,000 or 30,000	
Yard Setbacks (feet)	Front or ROW	Local	<del>20</del> 10
		Collector	<del>25</del> 10
		Thoroughfare	<del>35</del> 20
		Boulevard	<del>45</del> 30
		Expressway	<del>55</del> 40
		Freeway	<del>60</del> 45
	Side	10	
	Rear	10	
Maximum Height (feet)		50	

§42-35.

**Regional Commercial District**

<b>Table 2.9. RC Density and Dimensional Requirements</b>			
<i>(1) Residential Density (units/acre)</i>		16	
<i>Maximum Impervious Surface (%)</i>		80	
<i>Maximum Floor Area (sq ft)</i>		Unlimited	
<i>Yard Setbacks (feet)</i>	<i>Front or ROW</i>	<i>Local</i>	<del>15</del> 10
		<i>Collector</i>	<del>30</del> 10
		<i>Thoroughfare</i>	<del>40</del> 20
		<i>Boulevard</i>	<del>50</del> 30
		<i>Expressway</i>	<del>50</del> 40
		<i>Freeway</i>	<del>60</del> 45
	<i>Side</i>		10
	<i>Rear</i>		10
<i>Maximum Height (feet)</i>		50	

**LDC Text Amendment C: Expand Permitted Business Uses in Certain Zoning Districts.**

**Issue:** The RRAC recommended permitted uses be reviewed and expanded where possible in the zoning districts.

**Recommendation:** Expand the existing uses allowed in certain zoning districts. At the request of the Planning Board, a subcommittee was established to review the Table of Permitted and Special Uses (PUT). Below is an excerpt of the PUT with the amendments recommended by the subcommittee including amending the supplemental requirements (SR) for a convenience store to allow in residential districts.

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											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<b>2. ACCESSORY USES</b>												
Fuel Pumps	S	S	S	S	S			P	P	P	P	2.5
<b>4. RECREATIONAL USES</b>												
<i>Camp</i>	SP	P	P	P	P	P	P	P	P	P		4.3
<i>Campground</i>	S	S	S	S	S							4.4
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	S	S	S	S	S	S		P	P	P		4.11
<i>Recreational Vehicle Park</i>	S	S	S	S	S			P	SP			4.18
<i>Riding Stables</i>	P	P	P	P	P		P	P	P			4.19
<i>Shooting Ranges, Indoor</i>			S	S	S			S	S	S	S	4.21
<b>5. EDUCATIONAL AND INSTITUTIONAL USES</b>												
<i>Ambulance Services</i>	P	P	P	P	P	P	P	P	P	P	SP	5.2
<i>Place of Assembly, Small</i>	S	S	S	S	S	P	P	P	P	P	S	5.17
<b>6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES</b>												
<b>Fire Recapping</b>				S	S					P	S	6.12
<b>7. RETAIL TRADE</b>												
Convenience Store	S	S	S	S		P	P	P	P	P	S	7.4
<i>Landscaping Materials Sales and Storage</i>			S	S	S		P	S	P	P	S	7.8
Motor Vehicle Sales or Leasing								S	S	P		7.10
<i>Open Air Market</i>	S	S	S	S	S		P	S	S	P		7.11
<i>Produce Stand</i>	P	SP	P	P	P	P	P	P	P	P		7.13
<b>9. TRANSPORTATION, WAREHOUSING AND UTILITIES</b>												
Self-Storage Warehousing			S	S	S	S	P	S	P	P		9.7
<b>10. MANUFACTURING &amp; INDUSTRIAL USES</b>												
<i>Sawmill</i>			P	P	P						P	10.17
<b>11. TEMPORARY USES</b>												
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)			S	PS	PS			P	P	P	P	11.2
<b>12. TEMPORARY STRUCTURES</b>												
<i>Portable Storage Container</i>	P	P	P	P	P	P	P	P	P	P	P	12.1

Amend the supplement requirements (SR) for a convenience store.

**SR 7.4 Convenience Store**

- (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) **Size Limitation. Where located in a residential district, a convenience store shall not exceed 2,500 square feet in size.**
- (4) **Perimeter Setback. Twenty (20) feet where located in a residential district.**

**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.

**§42-63. 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>4. RECREATIONAL USES</b>												
<b><i>Recreational Facilities (Indoor/Outdoor)</i></b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>S</b>	<b>4.#</b>
<i>Athletic Field, Non-commercial</i>	P	P	P	P	P	P	P					4.2
<i>Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)</i>							P	P	P	P		4.9
<i>Outdoor Recreational Facilities</i>	S	S	S	S	S				S	S	S	4.15
<i>Physical Fitness Center</i>	S	S	S	S	S	S	P	P	P	P	S	4.17
<i>School (Sports Instructional)</i>						P	P	P	P	P		4.20
<i>Sporting and Recreational Facilities</i>	S	S	S	S	S	S	S	S	P	P	S	4.23
<i>Swim and Tennis Club</i>	P	P	P	P	P	P	P	P	P			4.24

Add a new definition and supplemental requirements (SR) for “recreational facilities” as follows. The specific SR number will be determined if the amendments are adopted.

**Recreational Facilities (Indoor/Outdoor).** A recreational facility that is outdoors and/or indoors and which may include: public or private operations, playing fields (soccer, baseball, etc.), courts (basketball, tennis, etc.), swimming pools, batting cages, shuffleboard areas, bowling alley, skating rink, bingo games, miniature race tracks (remote control only) and/or other such uses that fit the intent of this Chapter as determined by the Zoning Administrator. A recreational facility shall, for purpose of this Chapter, not include go-cart tracks (a recreational motor sports facility), golf courses, miniature golf courses, driving tees or driving ranges.

**SR 4.#. Recreational Facilities**

- (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) Perimeter Setback. One hundred (100) feet (equipment, machinery and/or mechanical devices shall not be placed within 200 feet of a residential zoning district. All structures shall be 100 feet from a residential zoning district property).

- (4) Structure. For activities which present potential safety hazards (batting cages, baseball fields, driving tees, etc.) fencing, netting or other control measures shall be required.
- (5) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 165 of the Henderson County Code, Solid Waste) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification)).
- (6) Public Address/Loud Speakers. Public address and loud speaker systems shall not be operated before 8:00 a.m. or after 12:00 midnight.
- (7) Hours of Operation. For outdoor *uses*, 6:00 a.m. to 12:00 midnight.



**LDC Text Amendment E: Communication Facilities Amendments.**

**Issue:** In 2012, federal legislation was passed concerning the placement of wireless telecommunication support facilities. In 2013, state legislation (S.L. 2013-185) amended several general statutes to conform state law to the federal legislation. The legislation requires state and local governments approve minor modifications under certain thresholds. The burden of proof is on the local government to demonstrate that a modification does not comply with these thresholds.

**Recommendation:** Amend the LDC standards for communication facilities to comply with federal and state regulations as indicated below.

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

**SR 9.3. Communication Facilities**

(1) General Standards.

c. **Minor Modifications.** Minor modifications are permitted and include any of the following:

1. Increasing the existing vertical height of the structure by less than ten (10) percent or less than the height of one additional antenna array to the tower with separation from the nearest existing antenna not to exceed twenty (20) feet.
2. Increasing the tower by twenty (20) feet or less in width or no more than the width of the support structure at the level of the new appurtenance (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable).
3. Increasing the existing equipment compound by 2,500 square feet or less.

**§42-348. Category One (1) or Two (2) Communication Facility Permits**

- B. Permit Issuance. The *Communication Facilities Administrator* shall issue permits. No permit shall be issued until a communication facility *site plan* has been reviewed and approved by the *Communication Facilities Administrator*. **The permitting process for communication permits complies with NCGS 153A-349.51A, including all federal and state requirements, and should be interpreted as such.**

**§42-349. Category Three (3) Communication Facility Permits**

- B. Permit Issuance. The Zoning Board of Adjustment (ZBA) shall grant the permit and the *Communication Facilities Administrator* shall issue permits. No permit shall be issued until a communication facility *site plan* has been reviewed and approved by the *Communication Facilities Administrator*. No *Communication Facility Permit Three (3)* shall be issued without the approval of the ZBA in accordance with the requirements and procedures set forth in this subsection. **The permitting process for communication permits complies with NCGS 153A-349.51A, including all federal and state requirements, and should be interpreted as such.**

## **LDC Text Amendment F: Improvement Guarantee Amendments**

**Issue:** Current LDC improvement guarantees regulations do not provide the County with an adequate mechanism for covering costs associated with completing required improvements (includes associated costs with administration, construction and project management) if the applicant is unable to complete the project.

**Recommendation:** As per the County Attorney's request, the following amendments are proposed for the improvement guarantees section.

### **Subpart E. Subdivision Improvement Guarantees**

#### **§42-115. General**

Where the required improvements have not been completed, prior to the submission of the *final plat* for approval, the approval of said *plat* shall be subject to the *applicant* guaranteeing the installation of the improvements within two (2) years **provided the following:** ~~Plans, specifications, quantities, unit costs and estimated total costs shall be provided by the *applicant* to the *Subdivision Administrator* together with a schedule indicating time of initiation and completion of the work, as a whole or in stages and any required fee. Cost estimates must be prepared by a professional engineer, professional land surveyor or landscape architect at the *applicant's* expense. The *applicant* shall guarantee the installation of such improvements by either of the methods described below:~~

- ~~A. Filing a performance or surety *bond* or an irrevocable standby letter of credit in the amount of 125 percent of the cost to complete the work as determined by cost estimates. Portions of the guarantee may be released as work progresses.~~
- ~~B. Depositing or placing in escrow a certified check or cash in an amount equal to 125 percent of the cost to complete the work as determined by cost estimates amount. Portions of the guarantee may be released as work progresses.~~
- A. A minimum of 25 percent of the required on-site improvements (based on total project cost that the applicant is guaranteeing) is in place. The required improvements shall include rough grading for all proposed roads that are part of said *improvement guarantee*.**
- B. All associated local, state and federal permits for the development must be approved and a copy of said approval has been provided to the *Subdivision Administrator* (includes any required Army Corps permits, stream or wetland mitigation permits, water or sewer treatment plant permits and design schematics for infrastructure completed and received for these applicable approvals).**
- C. All associated design plans and construction specifications for the required improvements (i.e. roads, bridges, water and sewer infrastructure, stormwater infrastructure, pedestrian infrastructure, etc.) including an engineer certification granting the County the right to use said plans are submitted to the *Subdivision Administrator*.**

#### **§42-116. Cost Estimate Standards**

Plans, specifications, quantities, unit costs and estimated total costs shall be provided by the *applicant* to the *Subdivision Administrator*. Cost estimates shall:

- A. Be prepared by a professional **engineer licensed in N.C., or certified by a professional land surveyor or landscape architect who is routinely engaged in cost estimates and licensed in N.C.,** at the *applicant's* expense.
- B. Provide a schedule for initiation and completion of work.
- C. Include separate estimates for roads, bridges, water and sewer infrastructure, stormwater infrastructure, pedestrian infrastructure, utilities (including electrical power, natural gas and communication lines), etc. consistent with submitted design plans construction specifications.
- D. Include separate estimates for off-site improvements (road improvements, mitigation work, sewer improvements, etc) required as related to the improvements covered in said improvement guarantee.
- E. Include all associated fees for remediation work required for the proposed improvements (unless proof of payment for remediation fees is provided to the *Subdivision Administrator*).

**§42-117. Improvement Guarantee Instrument**

- A. Amount of Guarantee. For subdivisions of thirty-four (34) or fewer lots, the improvement guarantee shall be in the amount of 125 percent of the cost to complete the work as determined by cost estimates. For subdivisions of thirty-five (35) or more lots, the improvement guarantee shall be in the amount of 150 percent of the cost to complete the work as determined by cost estimates.
- B. Guarantee. The applicant shall guarantee the installation of such improvements in an amount equal to the improvement guarantee cost to complete the work as determined by cost estimates amount by either of the methods described below.
  - (1) Filing a performance or surety *bond* or an irrevocable standby letter of credit.
  - (2) Depositing or placing in escrow a certified check or cash.
- C. Release of Funds. Portions of the improvement guarantee may be released as work progresses, provided the following:
  - (1) The applicant submits a new cost estimate as described in §42-117A (Amount of Guarantee) detailing the work that has been complete and the work that is remaining. The amount remaining under the improvement guarantee shall meet or exceed the cost of the remaining improvements.
  - (2) Funds shall not be released if the property is in violation of any laws until the violations are remedied to the satisfaction of the charging party.
  - (3) A total of not more than four (4) requests for release of funds shall be allowed. The first request for release is eligible when twenty-five (25) percent of the work is completed. The second and third request for release is eligible when fifty (50) percent and seventy-five (75) percent of the work is completed. The fourth and final release is eligible upon completion of all required improvements listed in the improvement guarantee.

**§42-118. Amount and Terms of Guarantee; Time Limits**

~~All guarantees shall be accompanied by a written agreement (performance agreement) specifying the terms and the amount of the guarantee. Following receipt of an *improvement guarantees* application, the *Subdivision Administrator* shall review all application materials taking into~~

~~consideration the amount and terms of the guarantees for improvements, including time of initiation and completion of the work. The *Planning Director* shall have the authority to approve all improvement guarantee applications. The *Planning Director* may also, upon proof of difficulty, grant an extension of completion dates set forth in its approval for a maximum of one (1) additional year, but the time between initiation and the completion of the required improvements shall not exceed two (2) years. If the improvements are not completed within the two (2) years the *applicant* shall be in breach with the requirements of this section and the *improvement guarantee* and any and all monies and accrued interest shall be forfeited by the *applicant*. If the *Planning Director* has found that the *applicant* has made a good faith effort in completing the required improvements within the two (2) years, the County may allow the *applicant* to execute a second *improvement guarantee*. Said agreement must be in the form of cash on deposit equal to 125 percent of the cost of the remaining improvements. The County shall assess an administrative fee equal to ten (10) percent of the new *improvement guarantee* monies. The amount of the guarantee shall be sufficient to provide adequate funds to the County to ensure, in the case of default, the installation of all required improvements uncompleted at the time of default. All guarantees for improvements shall comply with applicable statutory requirements and shall be satisfactory to the County Attorney or Staff Attorney as to form, sufficiency and manner of execution. Guarantees employing lending institutions shall require that those banking corporations be licensed to do business in North Carolina.~~

- A. **Approval.** All guarantees shall be accompanied by a written agreement (performance agreement) specifying the terms and the amount of the guarantee. The *Planning Director* shall have the authority to approve all improvement guarantee applications **taking into consideration the amount and terms of the guarantees for improvements (including time of initiation and completion of the work).**
- B. **Temporary Access and Construction Easement.** The applicant shall sign a temporary access and construction easement for the purpose of access to and construction of public utility improvements. The temporary access and construction easement shall expire one year from the date of the execution or upon completion of the public utility construction, whichever occurs first.
- C. **Amount and Terms.** The amount of the guarantee shall be sufficient to provide adequate funds to the County to ensure, in the case of default, the installation of all required improvements uncompleted at the time of default. All *improvement guarantees* shall comply with applicable statutory requirements and shall be satisfactory to the County Attorney or Staff Attorney as to form, sufficiency and manner of execution. Guarantees employing lending institutions shall require that those banking corporations be licensed to do business in North Carolina **and be from a national association or FDIC registered group.**

The following terms shall be stated in the performance agreement:

- (1) The applicant shall be provided 15 days to identify a new security provider or prove alternate security where the security provider is in default, bankruptcy, or otherwise determined to be insolvent by the County after which time the County may call the improvement guarantee.
- (2) The applicant shall provide the County with specific benchmarks for completion of work and, as a term of the agreement, should the applicant fail to meet the self-imposed benchmarks the County may call the improvement guarantee.
- (3) If in violation of any other provision of this Chapter 42, Henderson County Land Development Code, where the applicant has been notified of the violation, and the applicant has been provided the period for remediation authorized by the

approving agency, and where applicant is in continued violation, the County may consider this to be a breach of the agreement and call the improvement guarantee to prevent further violation of Chapter 42, Land Development Code.

- D. Time Limits. The *improvement guarantee* is valid for a period of one (1) year from the date of execution.
- E. Extensions. The *Planning Director*, upon proof of difficulty, may grant an extension for a maximum of one (1) additional year. Improvements not completed within two (2) years shall be in breach with the requirements of this section and the *improvement guarantee* and any and all monies and accrued interest shall be forfeited by the *applicant*.
- F. Second Improvement Guarantee. If the *Planning Director* has found that the *applicant* has made a good faith effort in completing the required improvements within the two (2) years, the County may allow the *applicant* to execute a second *improvement guarantee*. Said agreement must be in the form of cash on deposit equal to the cost as described in §42-117A (Amount of Guarantee) of the remaining improvements. The County shall assess an administrative fee equal to ten (10) percent of the new *improvement guarantee* monies.

**§42-119. Violations and Penalties**

If an *applicant* of a *subdivision* is in violation of any County regulations (including Soil Sedimentation and Erosion Control Permits) the County will not release the *improvement guarantee* prior to the expiration date unless the violations are corrected.

The County may charge for the cost for construction and project administration for any *improvement guarantee* that is executed.

**§42-120. Reserved**

**§42-121. Reserved**

**§42-122. Reserved**

**§42-123. Reserved**

**2013 Minimum Housing Code Draft Text Amendments**  
(Includes Recommendations from the Regulation Review Advisory Committee (RRAC))

**Recommended changes are highlighted in red.**

**Minimum Housing Code Text Amendment A: Exempt Agricultural Workforce Housing Requirements.**

**Issue:** The RRAC stated that the minimum housing code regulations restricts agriculture workforce housing options. The RRAC recommended the minimum housing code be reviewed to reduce and/or exempt agricultural workforce housing requirements specifically for seasonal housing accommodations.

**Recommendation:** Exempt agricultural workforce housing that is currently complying with federal housing standards or used for seasonal workforce housing.

Amend applicable section below.

**§48-1 General**

F. Exemptions. This code shall exempt agricultural workforce housing that is regulated under federal law and seasonal agricultural workforce housing that is not occupied on a year-round basis. The County shall forward any complaints received on agricultural workforce housing to the appropriate federal agency and shall investigate any complaints that a seasonal agricultural workforce housing unit is occupied as a permanent, year-round residency.

**Planning Board Land Development Code (LDC) Subcommittee  
Meeting Summary  
December 9, 2013**

The Planning Board appointed a Land Development Code (LDC) subcommittee at its meeting on November 15, 2013 to discuss proposed amendments to the Table of Permitted and Special Uses (PUT) to expand allowed uses in certain zoning districts. The Planning Board appointed Steve Dozier, Mike Cooper and Rick Livingston to serve on this subcommittee.

The subcommittee met on Monday, December 9, 2013 in the Planning Department conference room. Those present included: Steve Dozier, Planning Board Chair; Mike Cooper, Planning Board Member; Autumn Radcliff, Senior Planner; Toby Linville, Zoning Administrator; John Mitchell, Business and Community Development Director; and Larry Rogers. Rick Livingston was unable to attend the meeting due to a death in the family.

Ms. Radcliff facilitated the meeting. The subcommittee discussed the Table of Permitted and Special Uses (PUT) at length and made the following recommendations for amendments.

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<b>2. ACCESSORY USES</b>												
Fuel Pumps	S	S	S	S	S			P	P	P	P	2.5
<b>4. RECREATIONAL USES</b>												
<i>Camp</i>	SP	P	P	P	P	P	P	P	P	P		4.3
<i>Campground</i>	S	S	S	S	S							4.4
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	S	S	S	S	S	S		P	P	P		4.11
<i>Recreational Vehicle Park</i>	S	S	S	S	S			P	SP			4.18
Riding Stables	P	P	P	P	P		P	P	P			4.19
<i>Shooting Ranges, Indoor</i>			S	S	S			S	S	S	S	4.21
<b>5. EDUCATIONAL AND INSTITUTIONAL USES</b>												
<i>Ambulance Services</i>	P	P	P	P	P	P	P	P	P	P	SP	5.2
<i>Place of Assembly, Small</i>	S	S	S	S	S	P	P	P	P	P	S	5.17
<b>6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES</b>												
<b>Tire Recapping</b>				S	S					P	S	6.12
<b>7. RETAIL TRADE</b>												
Convenience Store	S	S	S	S		P	P	P	P	P	S	7.4
<i>Landscaping Materials Sales and Storage</i>			S	S	S		P	S	P	P	S	7.8
Motor Vehicle Sales or Leasing								S	S	P		7.10
<i>Open Air Market</i>	S	S	S	S	S		P	S	S	P		7.11
<i>Produce Stand</i>	P	SP	P	P	P	P	P	P	P	P		7.13
<b>9. TRANSPORTATION, WAREHOUSING AND UTILITIES</b>												
Self-Storage Warehousing			S	S	S	S	P	S	P	P		9.7
<b>10. MANUFACTURING &amp; INDUSTRIAL USES</b>												
<i>Sawmill</i>			P	P	P						P	10.17
<b>11. TEMPORARY USES</b>												

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)			S	PS	PS			P	P	P	P	11.2
<b>12. TEMPORARY STRUCTURES</b>												
<i>Portable Storage Container</i>	P	P	P	P	P	P	P	P	P	P	P	12.1

After some discussion, it was decided that staff would review the recreational uses and make a recommendation as to how these uses could be combined into one or two use types with associated supplemental requirements and definitions. Staff would also review additional standards for convenience stores to allow them in residential districts including any other additional changes to the PUT. Staff will present these amendments and the subcommittee's recommendations at the December Planning Board meeting.