

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 4, 2021

SUBJECT: Public Hearing for Land Development Code (LDC) Text Amendments
(TX-2021-05)

PRESENTER: Autumn Radcliff, Planning Director
Matt Champion, Zoning Administrator

ATTACHMENTS: 1. Draft Text Amendment
2. Certification of Public Notices
3. Resolution of Consistency

SUMMARY OF REQUEST:

During the July 15th Planning Board meeting, the Board requested staff to draft a text amendment to address concerns with conditional rezoning's and withdrawal periods. During the August 19th meeting, the Planning Board discussed the item and voted to send forward a favorable recommendation on the withdrawal periods for conditional rezonings.

The Henderson County Planning Board will continue to discuss future amendments to conditional rezonings during their upcoming October meeting.

Attached is a draft text amendment for withdrawal periods recommended by the Planning Board.

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on September 22nd, 2021, and September 29th, 2021 (See attached Certification of Public Notice).

BOARD ACTION REQUESTED:

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment.

Suggested Motion:

*I move that the Board adopt the attached resolution regarding the consistency with the CCP,
and*

I move that the Board adopt the proposed text amendments to the LDC (#TX-2021-05).

LDC Text Amendment – TX-2021-05 Rezoning Withdrawal Periods

Recommended changes are highlighted in red.

Summary: During the July 15th Planning Board meeting, the Board requested staff to draft a text amendment to address concerns regarding conditional rezoning's and withdrawal periods. At the August 19th meeting the Planning Board made a favorable recommendation on the withdrawal period amendment.

Amendment 1: Extend the wait period for 2nd withdrawals for the same use or project regardless of property owner.

§42-345. Ordinance Amendments


- d. Withdrawal of Application. **This includes applications for the same requested zoning district or for the same use or substantial similar use under a conditional zoning request.**
 - A. **1st Withdrawal.** Each application for an amendment ~~which is~~ withdrawn by the *applicant* after the first newspaper notice appears, shall not reapply ~~be considered~~ for a *map amendment* within the following six (6) months.
 - B. **2nd Withdrawal.** Each application for an amendment **withdrawn by the *applicant* after the Planning Board's recommendation,** shall not reapply for a *map amendment* within the following eighteen (18) months.
- e. Application Resubmittal.
 - A. Resubmittal of Any Application. The Planning Board and the Commissioners will not consider an application by a property *owner* or *owner's* agent, **that is for the same requested zoning district or for the same use under a conditional zoning request** when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the October 4th, 2021 hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2021-05)), were:

1. Submitted to the Hendersonville Lightning on September 17, 2021 to be published on September 22, 2021 and September 29, 2021 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, Toby Linville, a Notary Public, in and for the above County

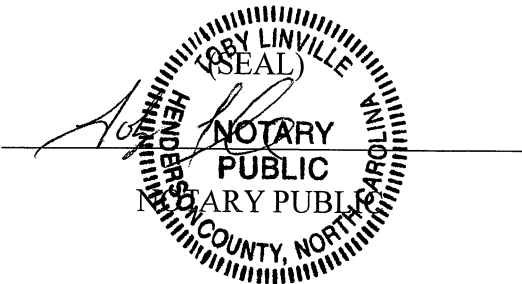
and State, do hereby certify that Matt Champion

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

WITNESS my hand and notarial seal, this the 17th day of September, 2021.

My commission expires:

6/29/26





RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §160D, Article 1, the Henderson County Board of Commissioners exercises regulations relating to development within the County’s jurisdiction; and

WHEREAS, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

WHEREAS, the Board desires to update and revise the regulations of the LDC; and

WHEREAS, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2021-05; and

WHEREAS, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on October 4, 2021; and

WHEREAS, N.C. General Statute §160D-605 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

NOW THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed text amendments related to (#TX-2021-05 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the 4th day of October, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
WILLIAM LAPSLEY, Chairman
Henderson County Board of Commissioners

ATTEST:

DENISA LAUFFER
Clerk to the Board of Commissioners

[COUNTY SEAL]