

HENDERSON COUNTY
Planning Department

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MEMORANDUM

TO: Henderson County Board of Commissioners
Steve Wyatt, County Manager
Selena Coffey, Assistant County Manager
Russ Burrell, County Attorney

FROM: Anthony Starr, Planning Director

DATE: July 2, 2007

SUBJECT: Land Development Code Workshop and Public Hearing Materials

Enclosed are the options that the Board has discussed on the Land Development Code. As requested, the text and maps options have been regrouped into five (5) categories: Residential, Commercial, Industrial, Development, and Legal. Only Items that are highlighted yellow represent new options that were discussed or requested at the June 12 Workshop. Areas highlighted in gray are for the Boards attention and do not represent new information. A copy of the Draft 10 LDC zoning map, which will be considered at the public hearing, is enclosed.

This information will be available on the County website, in the Planning Department, and at all branch libraries.

LDC Residential Issues

*LDC Residential Issue 1: Transitioning R2 to R2MH

Issue:

The concern expressed by the public has been that areas currently zoned open use will be replaced by Residential Two (R2) zoning which will not allow manufactured homes.

Summary of Recommended Solution:

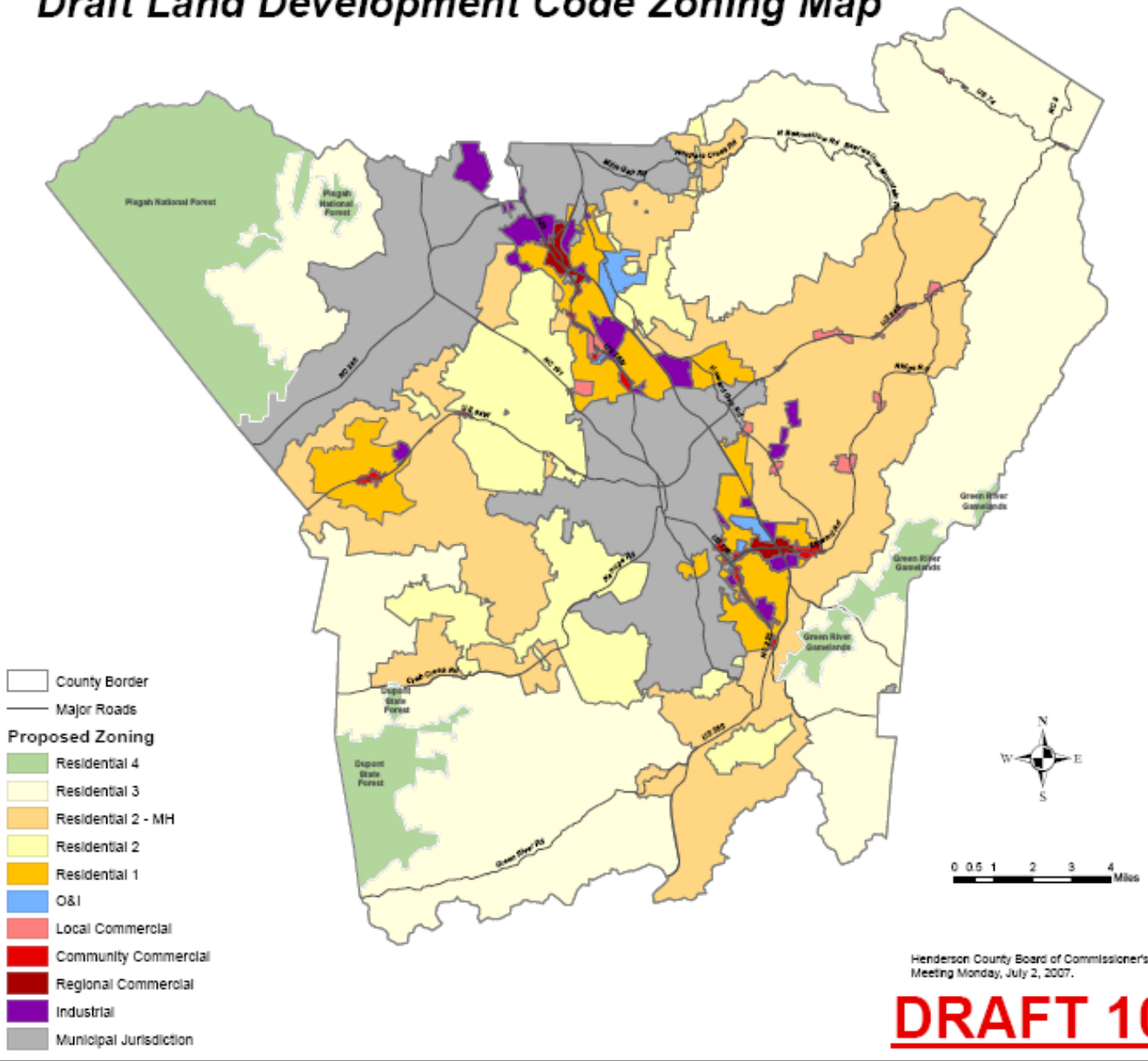
Since R2MH allows manufactured homes, replace R2 with R2MH for areas that are currently zoned open use and proposed to be zoned R2. Areas that do not currently allow Manufactured Homes will remain so.

Recommended Solution 1:

Refer to Draft 10 zoning map.

* Originally Land Development Code Map Draft 9 Option as presented at the BOC June 12 Workshop.

Henderson County, North Carolina Draft Land Development Code Zoning Map



*LDC Residential Issue 2: Accessory and Temporary Manufactured Homes

Issue:

The current draft LDC proposes to permit accessory dwellings which are stick-built, modular, or manufactured dependent upon the district in which the accessory dwelling is to be placed. The concern expressed by the Board of Commissioners has been that manufactured homes may not be permitted as accessory dwellings based on the size restrictions contained in the supplemental requirements. Additionally the Board is concerned that manufactured homes cannot be placed on a site as a temporary use. The current draft language regarding accessory dwellings is found in Section 200A-60 on page 67 of the draft LDC (SR 3.6).

Summary of Recommended Solution:

Allow a manufactured home, regardless if permanent or temporary, as an accessory residential dwelling provided that it: (1) is located in a zoning district that allows manufactured homes; (2) does not exceed 50 percent of the gross floor area of the principal dwelling or 1,200 square feet (whichever is greater); (3) is located in the rear yard, and (4) is accessed by the same driveway as the principal dwelling or by a rear or side road.

Recommended Solution:

Modify the supplemental requirements for “Accessory Residential Dwelling” (SR 3.6) to increase the permitted size of the accessory dwelling (See (4) change from “lesser” to “greater”). Staff does not suggest any additional changes that would be necessary to allow the accessory manufactured home as a temporary use. It is not necessary to regulate the length of placement of the manufactured home because the accessory manufactured home would be permitted as a permanent use within the applicable district. Additionally, by removing “(2) Ownership” the manufactured home may be owned by someone other than the property owner (for example a parent or child of the property owner).

SR 3.6. Dwelling, Accessory Residential

- (1) Maximum Number Permitted Per Lot. No more than one (1) *accessory dwelling* shall be permitted on a single deeded *lot* in conjunction with the principal *dwelling unit*.
- ~~(2) Ownership. The *accessory dwelling* shall be owned by the same *person* as the principal dwelling.~~
- (3) Structure Requirements.
 - a. An *accessory dwelling* may be attached, within, or separate from the principal dwelling.
 - b. The *principal use* of the *lot* shall be a detached or attached dwelling, built to the standard of the Henderson County Housing Code. *Manufactured homes* are permitted as *accessory dwellings* where such are permitted as

* Originally “Text Option 9: Accessory and Temporary Manufactured Homes” as presented at the BOC June 12 Workshop.

a *principal use* in the general use zoning district. *Mobile homes, park model homes and recreational vehicles* shall not be used as *accessory dwellings*.

- (4) Size. A detached *accessory dwelling* shall be housed in a *building* not exceeding 50 percent of the *gross floor area* of the principal dwelling or 1,200 square feet, whichever is ~~lesser~~ greater; the structure may be a dwelling only or may combine a dwelling with a *garage*, workshop, studio or similar *use*.
- (5) Accessibility. The *accessory dwelling* shall not be served by a *driveway* separate from that serving the principal dwelling unless the *accessory dwelling* is accessed from a rear *alley* or side *road* and the principal dwelling is accessed from a *road*.
- (6) Location. A detached *accessory dwelling* shall be located in the established *rear yard* and shall meet the standards for the applicable *building* and *lot* type.

*LDC Residential Issue 3: Suburban Overlay District

Issue:

The current draft LDC proposes that Residential Two (R2) zoning will replace existing residential zoning districts including R-40, R-30, R-20, R-15 and R-10 among others. The concern expressed by the public has been that Residential Two (R2) zoning is less restrictive than the current Estate Residential (R-40) Zoning District. This concern is primarily a result of the setbacks recommended for R2, which are less than those required by R-40, and the permitting of duplexes and triplexes in R-2, which are only permitted in R-40 as a special use under the R-A (Residential Apartment) option. The current draft language regarding setback requirements is found in Section 200A-28 on page 10 of the Draft LDC. The current draft language regarding permitted uses is found in Section 200A-59 on page 45 of the draft LDC.

Summary of Recommended Solution:

Provide a Suburban Overlay District which would apply to lands which were formerly zoned R-40 and R-30 and which are now proposed to be R2. Within this district the following would apply: (1) a minimum lot size requirement of 2/3 of an acre; (2) increased front yard setbacks similar to those of the R-40 district; and (3) duplexes and triplexes as special uses only. It should be noted that front setbacks are measured from the centerline of streets in the current R-40 zoning district, and from the edge of the ROW in the LDC.

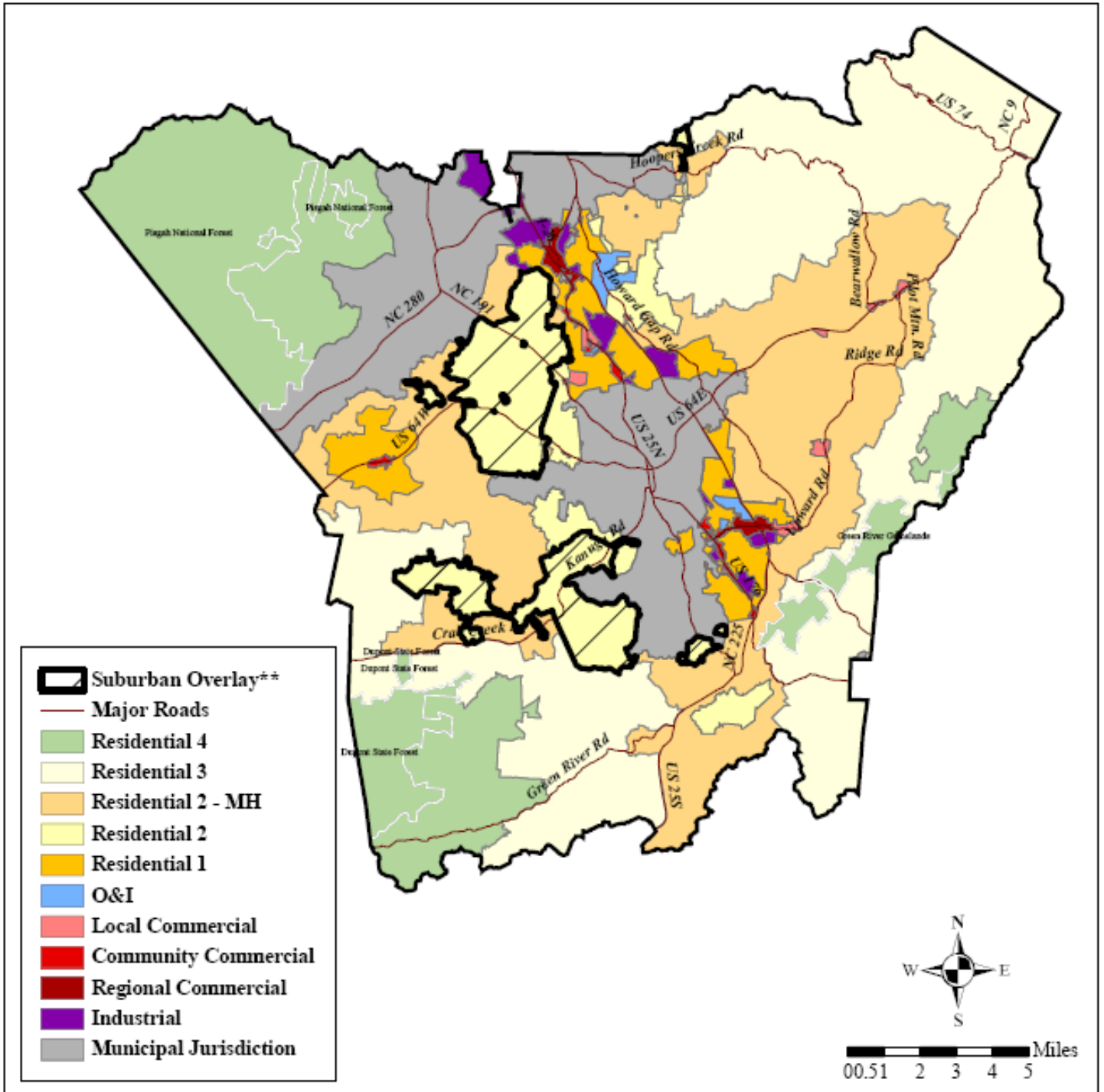
Recommended Solution:

Include a Suburban Overlay District which would apply to lands formerly zoned R-40 and R-30 and are now proposed to be R2 (See Map A: Suburban Overlay District). Proposed text is included below (See Proposed Text). Staff recommends no changes be made to the permitted uses of the R-2 district, provided the clause regarding duplex and triplex dwellings is included in the Suburban Overlay District text. Currently R-40 and R-30 zoning districts permit R-A (Residential Apartment) developments (with a special use permit) which allow for multifamily dwelling units including duplexes and triplexes. Those areas within the R-40 and R-30 zoning district are outlined in Map B: Existing R-40 and R-30 Parcels which Permit R-A (Residential Apartment) developments with a Special Use Permit.

Tables comparing permitted uses in each of the R-2 and R-40 zoning districts are provided (Table 1: Comparing R-2 to R-40). In some cases the R-2 is more restrictive than the R-40 zoning district in terms of permitted uses. The R-40 district allows and requires more interpretation by the Zoning Administrator where the R-2 district contains a more comprehensive list of permitted uses in order to limit the amount of interpretation required.

* Originally "Text Option 1: Transitioning R-40 and R-30 to R2" and "Map Option 11: Suburban Overlay District in the Former R-40 and R-30 Residential Zoning Districts" as presented at the BOC June 12 Workshop.

Map A: Suburban Overlay District



Proposed Text

A. **Purpose.** The purpose of the Suburban Overlay District (SO) is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for residential development in areas where there are existing residential

developments which were developed prior to the adoption of the Comprehensive Plan, and which were formerly zoned R-40 and R-30. The Suburban Overlay District shall not be extended from the locations designated on the Official Zoning Map, nor shall new areas be designated Suburban Overlay Districts. The district will allow for the infill of residential development in areas where reasonable, which will be in keeping with the character of the surrounding communities. The Suburban Overlay District will only be applied to former R-40 and R-30 areas. Portions or all of the Suburban Overlay District may be eliminated based on the recommendations of the future plans including small area plans.

- B. **Dimensional Requirements.** Each *use* allowed in this overlay shall at a minimum conform to the following dimensional requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §200A-60 (Supplemental Requirements).

Table 2.1. SO Dimensional Requirements			
(1) <i>Minimum Lot Size</i> (acre)			2/3
<i>Yard Setbacks</i> (feet)	<i>Front or ROW</i>	<i>Local</i>	35
		<i>Collector</i>	35

- (1) *Minimum lot size* shall be applied regardless of the underlying residential density which is permitted by the general use district.
- C. **Permitted Uses.** The following uses are permitted by a special use permit only in the SO district: *Duplex Dwellings* and *Triplex Dwellings*.

**Map B: Existing R-40 and R-30 Parcels which Permit R-A (Residential Apartment)
Developments with a Special Use Permit**

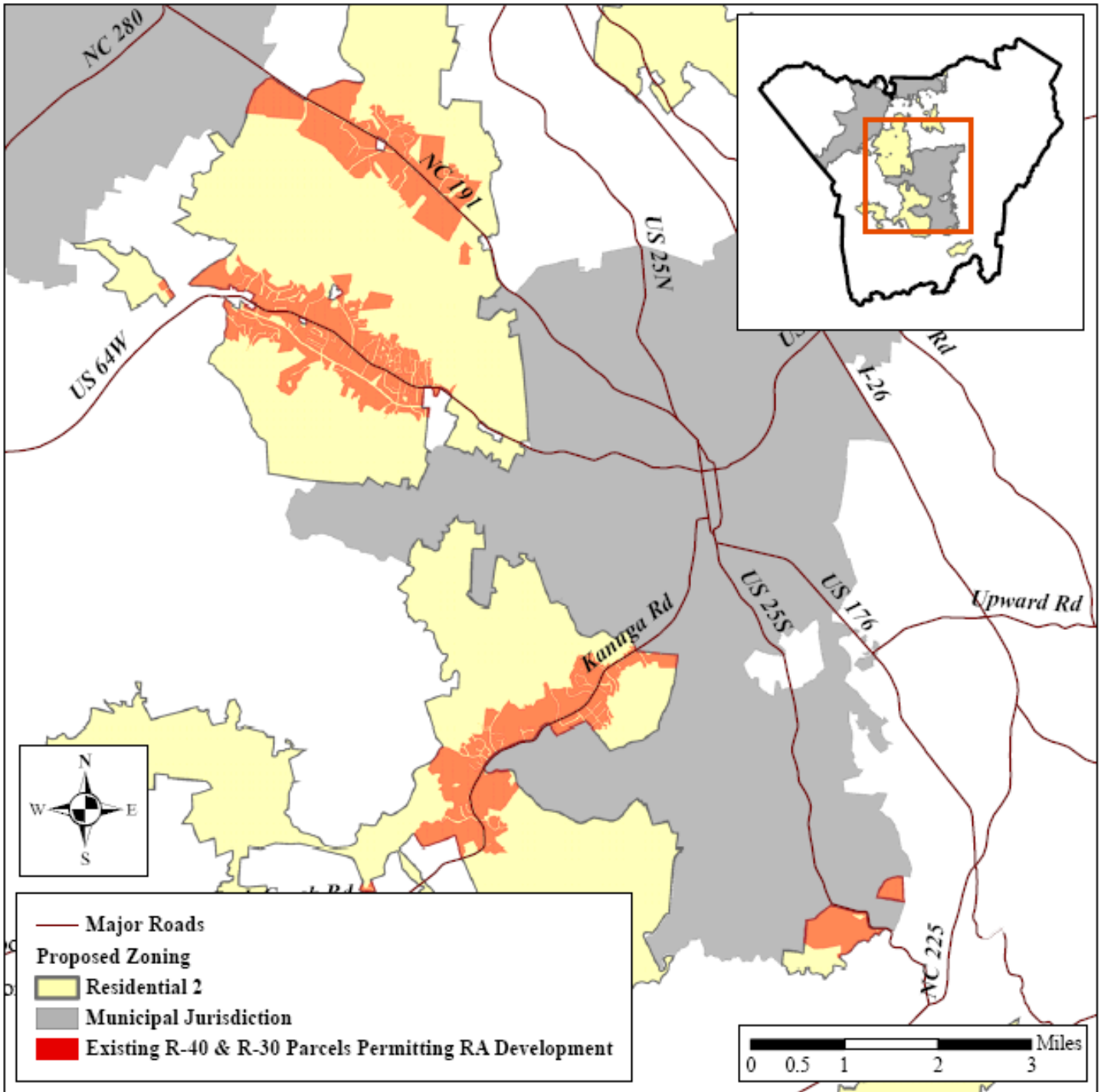


Table 1: Comparing R-2 to R-40		
USE TYPE*	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit; C=Conditional Use Permit	
	R-2	R-40
1. RESIDENTIAL USES		
<i>Assisted Living Residence</i>	S	-
<i>Bed and Breakfast Inn</i>	P	C
<i>Continuing Care Retirement Community</i>	S	-
<i>Dwelling, Duplex (R-40 equivalent allowed in R-A)</i>	P	S
<i>Dwelling, Multifamily, Five (5) or More Units (R-40 equivalent allowed in R-A)</i>	-	S
<i>Dwelling, Quadraplex (R-40 equivalent allowed in R-A)</i>	-	S
<i>Dwelling, Single Family Detached</i>	P	P
<i>Dwelling, Triplex (R-40 equivalent allowed in R-A)</i>	P	S
<i>Family Care Home</i>	P	P
<i>Hospice Residential Care Facility</i>	S	-
<i>Nursing Home</i>	S	-
<i>Rooming and Boardinghouse</i>	S	-
2. ACCESSORY USES		
<i>Home Occupation, Adult Day Care</i>	P	C
<i>Home Occupation, Childcare</i>	P	C
<i>Home Occupation, General</i>	P	C
3. ACCESSORY STRUCTURES		
<i>Boathouse, Private</i>	P	P
<i>Bulkhead</i>	P	P
<i>Carport</i>	P	P
<i>Dock/Pier</i>	P	P
<i>Dwelling, Accessory Residential</i>	P	-
<i>Garage, Residential</i>	P	P
<i>Gate and/or Guardhouse</i>	P	P
<i>Greenhouse</i>	S	P
<i>Heliport (Private Accessory)</i>	S	-
<i>Planned Seasonal Agricultural Worker Development</i>	P	-
<i>Produce Stand, Accessory</i>	P	-
<i>Satellite Dish</i>	P	P
<i>Storage Shed</i>	P	P
<i>Swimming Pool, Spa, Hot Tub, Residential</i>	P	P
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P
<i>Workshop, Accessory (R-40)</i>	-	P

Table 1: Comparing R-2 to R-40		
USE TYPE*	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit; C=Conditional Use Permit	
	R-2	R-40
4. RECREATIONAL USES		
<i>Athletic Field, Non-commercial</i>	P	-
<i>Campground</i>	S	C
<i>Common Area Recreation and Service Facilities (R-40 equivalent allowed in R-A)</i>	P	S
<i>Golf Course and/or Country Club</i>	P	C
<i>Governmental Recreational Facilities</i>	S	C
<i>Marina</i>	S	-
<i>Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)</i>	S	-
<i>Outdoor Recreational Facilities</i>	S	-
<i>Park</i>	P	C
<i>Physical Fitness Center</i>	S	-
<i>Recreational Vehicle Park</i>	S	-
<i>Riding Stables</i>	P	-
<i>Sporting and Recreational Facilities</i>	S	-
<i>Swim and Tennis Club</i>	P	C
5. EDUCATIONAL AND INSTITUTIONAL USES		
<i>Adult Day Care Facility</i>	P	-
<i>Ambulance Services</i>	P	-
<i>Cemetery/Mausoleum/Columbarium (excluding crematoriums)</i>	P	-
<i>Cemetery associated with a church "Church Cemeteries" (R-40)</i>	-	P
<i>Childcare Facility</i>	P	-
<i>Club/Lodge</i>	P	P/-
<i>Community Club</i>	P	P
<i>Fire and Rescue Station</i>	P	P
<i>Museum/Library/Archive</i>	S	P/C/C
<i>Place of Assembly, Large (R-40 Civic and Cultural Buildings)</i>	-	P
<i>Place of Assembly, Small (R-40 Civic and Cultural Buildings)</i>	-	P
<i>Police Station</i>	S	P
<i>Religious Institution (R-40 equivalent to "Church")</i>	P	P
<i>School (Home)</i>	P	P
<i>School (Public/Private/Charter)</i>	P	P
<i>Youth Center</i>	S	-
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES		
<i>Kennel</i>	S	-

Table 1: Comparing R-2 to R-40		
USE TYPE*	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit; C=Conditional Use Permit	
	R-2	R-40
7. RETAIL TRADE		
<i>Open Air Market</i>	S	-
<i>Produce Stand</i>	S	-
9. TRANSPORTATION, WAREHOUSING AND UTILITIES		
<i>Communication Facilities, Category 1</i>	P	P
<i>Communication Facilities, Category 2</i>	P	-
<i>Utility Substation (R-40 equivalent to “Transformer and Public Utility Stations”)</i>	P	P
10. MANUFACTURING & INDUSTRIAL USES		
<i>Recycling Centers, Drop-Off Facilities</i>	P	-
11. TEMPORARY USES		
<i>Christmas Tree Lot Sales</i>	P	-
<i>Model Home Sales Office, Temporary</i>	P	P
<i>Movie Production</i>	P	P
<i>Yard Sale</i>	P	P
12. TEMPORARY STRUCTURES		
<i>Produce Stand, Temporary</i>	P	P
<i>Temporary Construction Project Buildings</i>	P	P
13. AGRICULTURAL USES		
<i>Agriculture</i>	P	P
<i>Food Manufacturing</i>	P	-
<i>Forestry</i>	P	P
<i>Forestry Support Services</i>	P	P
<i>Veterinary Services (livestock)</i>	P	-

*LDC Residential Issue 4: Proposed R4 Zoning District

Issue:

Due to recent development proposals, the Planning Board at its March 15, 2007 meeting unanimously recommended that the Board of Commissioners consider an additional residential/rural zoning district. The Planning Board suggested an R4 zoning district with an average density of one (1) dwelling unit per five (5) acres for areas within and near public lands such as the Pisgah National Forest, Dupont State Forest, Holmes State Forest, the Green River Gamelands, lands with extremely steep slope, and key watershed areas.

Summary of Recommended Solution:

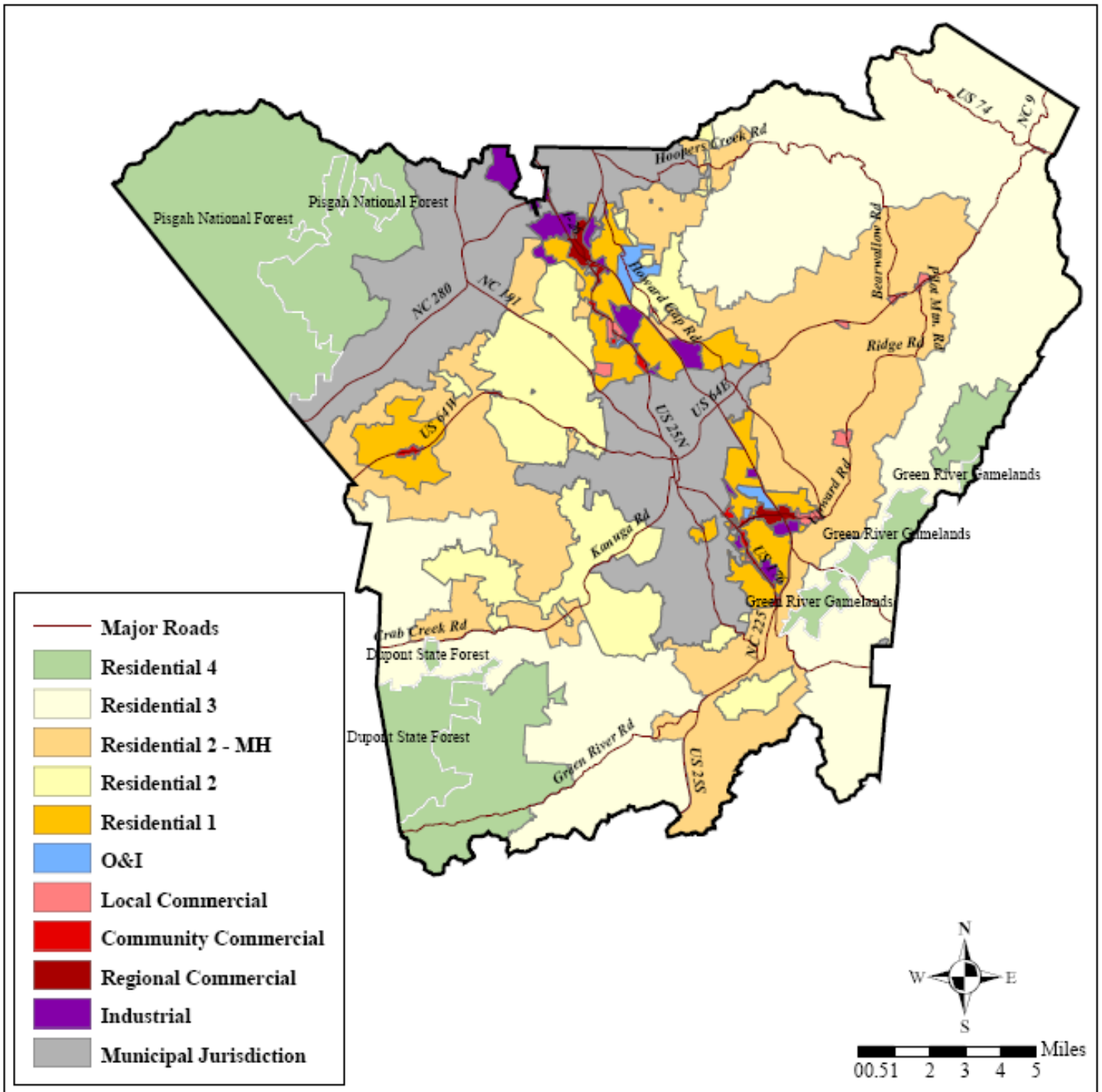
As per the recommendation of the Planning Board, Planning Staff prepared a zoning map showing areas where the proposed R4 zoning district could be applied. These areas include the Pisgah National Forest, Dupont State Forest, the Green River Gamelands, and surrounding areas with steep slopes or located in a water supply watershed.

Recommended Solution 1:

See Map A: Residential Zoning District Four (R4).

* Originally "Map Option 8: Residential Zoning District Four (R4) in the Vicinity of Pisgah National Forest," "Map Option 9: Residential Zoning District Four (R4) in the Vicinity of Dupont State Forest," "Map Option 10: Residential Zoning District (R4) in the Vicinity of the Green River Gamelands," and New Map Option 9a as presented and requested by the Board at the BOC June 12 Workshop.

Map A: Residential Zoning District Four (R4)



*LDC Residential Issue 5: Subdivisions Referred by Planning Board

Issue:

The current LDC refers all review and approval of major subdivisions to the Planning Board. The concern is that the Planning Board does not have the ability in the current language of the LDC to refer subdivisions to the Board of Commissioners.

Summary of Recommended Solution:

Add a provision that would allow the Planning Board to refer any major subdivision to the Board of Commissioners for review and approval, provided there is just cause for the referral.

Recommended Solution:

Provide the following provision in the Subdivision Regulations (Article III). See language below.

§200A-303, D 4. Referral to Board of Commissioners. The Planning Board may, for good cause, refer any subdivision included under **§200A-303** to the Board of Commissioners for review after giving due notice to the applicant. Good cause in this provision may include, but is not limited to, the size of development, location within the County, impact on the community, impact on infrastructure, or particular environmental features that make this subdivision substantially unique from other proposed subdivisions.

* Originally part of "Text Option 6: Board of Commissioners Approval for Referred Subdivisions and Impact of Larger Developments, Recommended Solution 1," as presented at the BOC June 12 Workshop.

***LDC Residential Issue 6: Subdivisions Reviewed and Approved by the Board of Commissioners**

Issue:

The concern is that the Board of Commissioners should review and approve larger subdivisions.

Summary of Recommended Solution:

Add language to the Land Development Code that would require that major subdivisions with 500 or more lots/units to be reviewed and approved by the Board of Commissioners.

Recommended Solution:

Add a provision that would required all major subdivisions with 500 or more lots/units to be reviewed and approved by the Board of Commissioners. Any major subdivision with 500 or more lots/units would receive a recommendation from the Technical Review Committee (TRC) before the Board could approve the subdivision application. A public hearing may be held at the discretion of the Board of Commissioners.

* New Text Option as requested by the Board of Commissioners at the BOC June 12 Workshop.

LDC Residential Issue 7: Public Water and Sewer Requirements

Issue:

The concern is that the threshold that requires large subdivisions connect to public water and sewer should be increased.

Summary of Recommended Solution:

All major subdivision with 500 or more units may be required to connect to public water if located within two (2) miles of an existing public water system, and/or connect to public sewer if located within one (1) mile of an existing public sewer system.

Recommended Solution:

Provide a provision in the Subdivision Regulations (**Article III, §200A-77, B2**) of the Land Development Code that would allow the Planning Board to require subdivisions over 500 units to connect to public water and sewer (See Proposed Text below)

**(2) Public Water and Sewer Requirements. A subdivision shall be required to connect to a public water supply system when the subdivision is located within a distance from the existing water supply system equal to the product of 100 feet multiplied by the number of lots proposed for the subdivision. However, if the subdivision is located more than 5,000 feet from an existing water line, such connection is not a requirement. However, the Approving Authority may require a subdivision with over 500 units connect to a public water system if the subdivision is located within two (2) miles of an existing public water system. A subdivision shall be required to connect to a public sewer system when the subdivision is located within a distance equal to the product of 50 feet multiplied by the number of proposed lots; however but, the maximum distance required for connection shall be 2,500 feet. However, the Approving Authority may require a subdivision with over 500 units connect to a public sewerage system if the subdivision is located within one (1) mile of an existing sewer system.*

Exceptions to this provision may be allowed on the basis of terrain, availability of acquiring easements, denial of allocation by the public utility, insufficient capacity of the public system or other circumstances which are unusual or unique to the site. Requests for exceptions must be made, in writing, to the *Subdivision Administrator* who may require that such requests be supported by a professional engineer's review of the *subdivision* plans and planned route of the utility extension. If the *Subdivision Administrator* determines that it would not be economically feasible for a *subdivision* to be connected to a public water or sewer system, another system may be used, subject to approval by the appropriate agencies.

* Originally part of "Text Option 6: Board of Commissioners Approval for Referred Subdivisions and Impact of Larger Developments, Recommended Solution 3," as presented at the BOC June 12 Workshop.

*LDC Residential Issue 8: Off-site Access

Issue:

The concern is that current regulations are not restrictive enough regarding development of properties that have inadequate off-site access or frontage on a public or private road.

Summary of Recommended Solution:

Limit the total amount of units that would be allowed when the road frontage or existing off-site right-of-way (ROW) is less than 30 feet (See Recommended Solution below).

Recommended Solution:

Table 3.2. Maximum Number of Lots Permitted	
Road Frontage or Existing Off-Site ROW at the Narrowest Point	Maximum number of lots permitted
Less than 30 feet	1 lot per acre with a maximum of 25 lots
30 feet or greater	No maximum

Current Provision: Table 3.2 of the proposed subdivision regulations in the Land Development Code shows a maximum number of lots allowed for properties that have inadequate off-site access (less than 30-foot right-of-way) or inadequate frontage (less than 30 feet of frontage). This provision allows 1 lot per acre. This is the same provision as in our current Subdivision Ordinance (Table 2, Section 170-28). See below.

Table 3.2. Maximum Number of Lots Permitted	
Road Frontage or Existing Off-Site ROW at the Narrowest Point	Maximum number of lots permitted
Less than 30 feet	1 lot per acre
30 feet or greater	No maximum

* Originally “Text Option 4: Off-site Access” as presented at the BOC June 12 Workshop

*LDC Residential Issue 9: Special Subdivisions

Issue:

The public has expressed concerns that the elimination of family subdivisions will create a hardship for people who create small subdivisions for family members or for sale. County Staff has expressed concerns about inadequate access for emergency vehicles for lots within family or small special subdivisions.

Summary of Recommended Solution:

Add a Special Subdivision provision that would replace the family subdivision option. This provision would allow for the creation of five (5) lots over five (5) years and would have to meet the density requirements of the zoning district or have a minimum lot size of ½ acre, whichever is less. For adequate access for emergency vehicles, all proposed private roads must have a minimum travelway width of 12 feet, 13.5 feet of vertical clearance, minimum four (4) inches of stone base compacted properly, and stone based (gravel) roads shall not exceed 15 percent grade and paved roads shall not exceed 18 percent grade. All proposed public roads shall adhere to the road requirements in §200A-77(C).

Recommended Solution:

Add the following provision in the Subdivision Regulations (Article III) (See Language below).

200A-75. Special Subdivisions

- A. Special subdivisions shall comply with the standards outlined below.
- (1) Special subdivisions shall consist of a total of five (5) or fewer lots.
 - (2) Special subdivisions may be phased but no more than 5 lots within a five year period shall be allowed within the boundaries of the tract that was the subject of the original special subdivision application.
 - (3) All proposed private roads must meet the following minimum requirements.
 - i) All roads must have a minimum travelway width of 12 feet.
 - ii) All roads must be constructed with a minimum stone base (aggregate base course) of four (4) inches. All roads must be compacted properly.
 - iii) No stone-based (gravel) road shall exceed 15 percent grade. No paved road shall exceed 18 percent grade. The Subdivision Administrator may require a professional engineer or professional surveyor certify on

* Originally "Text Option 2: Special Subdivisions" as presented at the BOC June 12 Workshop

the final plat that no portion of the road(s) have grades that exceed maximum allowable grade as defined in §200A-78 subsection C (4) (Road Construction) or submit a final as-built graded centerline profile showing grade and alignment for all roads.

iv) All roads must have a vertical clearance of at least 13.5 feet.

(4) Special subdivision shall adhere to the road requirements in §200A-78 subsection C (Roads) when public roads are proposed

(5) Special subdivisions must comply with the requirements of the following subsections of this Article: §200A-78 subsections E, F, G, H, I J, K, and M. Final plats for special subdivisions shall adhere to the final plat requirements for minor subdivisions.

B. Review of Special Subdivisions. A special subdivision application may be approved by the Subdivision Administrator under the provisions of this subsection and under the provisions of §200A-302 (Review for Minor, Special and Nonstandard Subdivisions). The Subdivision Administrator may, for good reason, refer a special subdivision to the Planning Board for review. The Planning Board shall review the subdivision under the provisions of this subsection and §200A-302 (Review for Minor, Special and Nonstandard Subdivisions).

C. Zoning Requirements for Special Subdivisions. Lots created in a special subdivision must meet the minimum residential density requirements for the applicable zoning district or each lot created must have a minimum lot size of at least ½ acre (21,780 square feet) in size, whichever is less.

D. Expansion of Special Subdivisions. If a special subdivision is ever expanded (more than five (5) lots are created within the five (5) year period) then the applicant must, depending on the number of lots created, comply with the procedures for minor subdivision (§200A-75) or major subdivisions (§200A-78). If expansion occurs the applicant will be required to reapply under the applicable minor or major subdivision provisions. Expansions of special subdivisions shall comply with the following requirements.

(1) The applicant will be required to build all infrastructure required by §200A-76 (Minor Subdivisions) or §200A-78 (Major Subdivisions).

(2) The subdivision must meet all applicable zoning district regulations found in Article II (Zoning District Regulations).

(3) The reviewing agency may require the upgrading of improvements, including road paving, utility upgrading and additional right-of-way dedication.

(4) All lots created by a special subdivision will count toward the total number of lots for any minor or major subdivision densities.

(5) Final plats for special subdivision must have the following certificate, signed by the property owner, provided on the face of the plat:

Certificate of Understanding

I (we) hereby certify that I am (we are) the owner(s) of the property located within the subdivision-regulation jurisdiction of Henderson County as shown and described hereon, and that I (we) hereby adopt this plan of subdivision. I (we) understand that expansion of this subdivision may result in the upgrading of road infrastructure, utilities and additional right-of-way dedication and other applicable requirements as required by the Subdivision Regulations (Article III) of the Land Development Code (Chapter 200 of the Henderson County Code). All proposed roads in this subdivision will meet the minimum requirements outlined in §200A-76 A(3) for private roads and §200A-76 A(4) for public roads.

DATE

OWNER(s)

- E. Special Subdivisions, Minor and Major Subdivisions. The special subdivision procedure may not be used in conjunction with an application for a major subdivision or minor subdivision. In the event that a person is found to have used the special subdivision provisions of this Article to create parcels of land for commercial, office institutional, industrial and/or mixed use development, then such person shall be required to comply with any and all requirements for a major subdivision and shall be required to rerecord a plat. In addition, abuse of this subsection will be deemed a violation of this Chapter and may subject the violator to any and all applicable penalties.

LDC Commercial Issues

*LDC Commercial Issue 1: Commercial Uses Permitted in R3 and Other Zoning Districts, Excluding the Industrial Zoning District

Issue:

Concerns were raised regarding the limited amount of commercial and business uses allowed in the R-3 residential zoning district.

Summary of Recommended Solution:

Allow more commercial/business uses in the R-3 zoning district with a special use permit.

Recommended Solution 1:

Provided below is a list of uses the Board of Commissioners may wish to consider adding to the Table of Permitted and Special Uses as a special use permit in R-3:

Accessory Uses:

- Childcare Facility (as an accessory for a principle business)
- Drive-Thru Window
- Fuel Pumps
- Loading Bay

Recreational Uses:

- Shooting Ranges, Indoor
- Shooting Ranges, Outdoor

Educational and Institutional Uses:

- Place of Assembly, Small

Business, Professional, and Personal Services:

- Automobile and Equipment Service
- Exterminating and Pest Control
- Office: Business, Professional and Public
- Tire Recapping
- Urgent Care Clinic

Transportation, Warehousing and Utilities:

- Septic Tank and Related Services

Manufacturing & Industrial Uses:

- Chip Mill
- **Machining and Assembly Operations, Limited
- ***Manufacturing and Production Operations, Limited

* Originally "Text Option 5: Commercial Uses in R3" as presented at the BOC June 12 Workshop.

** Machining and Assembly Operations, Limited is a new type of use. If added to the Table of Permitted and Special Uses, it would allow an establishment of a limited size to engage in the assembly, fabrication and/or modification of products. Staff suggests that these establishments be limited to a maximum of 10,000 square feet in the R-3 zoning district.

***Manufacturing and Production Operations, Limited is a new type of use. If added to the Table of Permitted and Special Uses, it would allow an establishment of limited size to engage in the mechanical, physical or chemical transformation of raw materials, substances or components into new products. Staff suggests that these establishments be limited to a maximum of 10,000 square feet in the R-3 zoning district.

Areas highlighted in gray on the attached table represent Staff's proposed changes to the Table of Permitted and Special Uses. Areas highlighted in yellow represent other suggested changes to the permitted use table not necessarily supported by Staff.

Table 1: Additional Commercial or Business Uses in R-3												
USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
1. RESIDENTIAL USES												
<i>Assisted Living Residence</i>	S	S	S	S	P	P	P	P	P			1.1
<i>Bed and Breakfast Inn</i>	P	P	P	P	P	P	P					1.2
<i>Continuing Care Retirement Community</i>	S	S	S	S	P	P	P	P	P			1.3
<i>Dwelling, Duplex</i>	P	P	P	P	P	P	P					1.4
<i>Dwelling, Manufactured Home (multi-section)</i>			P	P								1.5
<i>Dwelling, Manufactured Home (singlewide)</i>			P	P								1.5
<i>Dwelling, Mobile Home</i>			P	P								1.5
<i>Dwelling, Multifamily, Five (5) or More Units</i>	S				P	P	S	S	S			1.6
<i>Dwelling, Quadraplex</i>	S				P	P	S					1.7
<i>Dwelling, Single Family Detached</i>	P	P	P	P		P	P					1.8
<i>Dwelling, Triplex</i>	P	P	P		P	P	P					1.9
<i>Family Care Home</i>	P	P	P	P	P	P	P					1.10
<i>Fraternity and/or Sorority House</i>	P				P	P						1.11
<i>Hospice Residential Care Facility</i>	S	S	S	S	P	P	P	P				1.12
<i>Manufactured Home Park</i>			S	S								1.13
<i>Nursing Home</i>	S	S	S	S	P	P	P	P	P			1.14
<i>Rooming and Boardinghouse</i>	S	S	S	S		P	P	P		P		1.15
2. ACCESSORY USES												
<i>Childcare Facility (as an accessory for a principal business)</i>			S	S	P	P	P	P	P	P	P	2.1
<i>Drive-Thru Window</i>				S	P	P	P	P	P	P		2.2
<i>Dwelling, Single-Family (as an accessory for a principal business)</i>			P	P	P	P	P					2.3
<i>Fuel Pumps</i>			S	S			P	P	P	P	P	2.4

Table 1: Additional Commercial or Business Uses in R-3

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
<i>Home Occupation, Adult Day Care</i>	P	P	P	P		P	P					2.5
<i>Home Occupation, Childcare Facility</i>	P	P	P	P		P	P					2.6
<i>Home Occupation, General</i>	P	P	P	P	P	P	P					2.7
<i>Outdoor Storage ≤5000 sq ft</i>			P	SP			S	P	P	P	P	2.8
<i>Outdoor Storage >5000 sq ft</i>			S	S				S	P	P	P	2.9
<i>Rural Family Occupation</i>			P	P								2.10
3. ACCESSORY STRUCTURES												
<i>Airport (Private Accessory)</i>				S		P					S	3.1
<i>Automatic Teller Machine</i>					P	P	P	P	P	P	P	3.2
<i>Boathouse, Private</i>	P	P	P	P		P						3.3
<i>Bulkhead</i>	P	P	P	P		P						3.4
<i>Carport</i>	P	P	P	P	P	P	P					-
<i>Dock/Pier</i>	P	P	P	P	P	P						3.5
<i>Dwelling, Accessory Residential</i>	P	P	P	P	P	P	P					3.6
<i>Garage, Residential</i>	P	P	P	P	P	P	P					-
<i>Gate and/or Guardhouse</i>	P	P	P	P	P	P	P	P	P	P	P	3.7
<i>Greenhouse</i>	S	S	S	P	S	P	P	P	P	P		3.8
<i>Heliport (Private Accessory)</i>	S	S	S	S	P	S			P	P	P	3.9
<i>Loading Bay</i>				S	P	P	P	P	P	P	P	-
<i>Outdoor Sale Display Areas</i>							P	P	P	P		3.10
<i>Parking Garage</i>					P	P		P	P	P	P	3.11
<i>Planned Seasonal Agricultural Worker Development</i>	P	P	P	P	P	P	P	P	P	P	P	3.12
<i>Produce Stand, Accessory</i>	P	P	P	P	P	P	P	P	P	P	P	3.13
<i>Satellite Dish</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Storage Shed</i>	P	P	P	P	P	P	P	P	P	P	P	3.14
<i>Swimming Pool, Spa, Hot Tub, Residential</i>	P	P	P	P	P	P	P					-
<i>Wastewater Treatment Plant, Small Accessory</i>	P	P	P	P	P	P	P	P	P	P	P	3.15
4. RECREATIONAL USES												
<i>Amusement Park</i>											S	4.1
<i>Athletic Field, Non-commercial</i>	P	P	P	P	P	P						4.2
<i>Campground</i>		S	S	S								4.3
<i>Coin Operated Amusements</i>							P	P	P	P		4.4
<i>Common Area Recreation and Service Facilities</i>	P	P	P	P	P	P	P					4.5
<i>Golf Course and/or Country Club</i>	P	P	P	P	P	P	P	P	P			4.6
<i>Governmental Recreational Facilities</i>	S	S	S	S	S	P	P	P	P			4.7
<i>Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)</i>							P	P	P	P		4.8
<i>Marina</i>		S	S	S			P	P				4.9

Table 1: Additional Commercial or Business Uses in R-3

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	S	S	S	S			P	P	P	P		4.10
Motor Sports Facility, Major											S	4.11
Motor Sports Facility, Minor											S	4.12
Motor Sports Facility, Recreational								S	S	S	P	4.13
Outdoor Recreational Facilities	S	S	S	S				S	S	S	P	4.14
Park	P	P	P	P	P	P	P	P	P	P	P	4.15
Physical Fitness Center	S	S	S	S	S	P	P	P	P	P	P	4.16
Recreational Vehicle Park		S	S	S				S				4.17
Riding Stables		P	P	P			P	P				4.18
School (Sports Instructional)					P	P	P	P	P	P		4.19
Shooting Ranges, Indoor			S	S				S	S	S	P	4.20
Shooting Ranges, Outdoor				S							S	4.21
Sporting and Recreational Facilities	S	S	S	S				P	P	P	P	4.22
Swim and Tennis Club	P	P	P	P	P	P	P					4.23
5. EDUCATIONAL AND INSTITUTIONAL USES												
Adult Day Care Facility	P	P	P	P	P	P	P	P				5.1
Ambulance Services	P	P	P	P	P	P	P	P	P	P	P	5.2
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	P	P	P	P	P		P	P	P	P	P	5.3
Childcare Facility	P	P	P	P	P	P	P	P	P	P	P	5.4
Club/Lodge	P	P	P	P	P	P	P	P	P	P	P	5.5
College or University					P	P		P	P			5.6
Community Club	P	P	P	P	P	P	P	P	P			5.7
Correctional Facilities											S	5.8
Fire and Rescue Station	P	P	P	P	P	P	P	P	P	P	P	5.9
Funeral Home or Crematorium					P		P	P	P	P		5.10
Government Offices					P	P	P	P	P	P	P	5.11
Homeless Shelter					P			S	P	P		5.12
Hospital					P	P		P	P	P		5.13
Museum/Library/Archive	S	S	S	S	P	P	P	P	P	P		5.14
Place of Assembly, Large					S		P	P	P	P	P	5.15
Place of Assembly, Small			S	S	P	P	P	P	P	P	P	5.16
Police Station	S	S	S	S	P	P	P	P	P	P	P	5.17
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	5.18
School (Home)	P	P	P	P	P	P	P					-
School (Public/Private/Charter)	P	P	P	P	P	P	P	P	P	P		5.19
Youth Center	S	S	S	S	P	P	P	P	P	P		5.20
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES												
Animal Shelter							S	S	P	P	P	6.1
Automobile and Equipment Service		S	S	S			P	P	P	P	P	6.2

Table 1: Additional Commercial or Business Uses in R-3

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
Automotive Towing									P	P	P	6.3
Broadcasting and Communications Facilities					P	P	P	P	P	P	P	6.4
Car Wash							P	P	P	P	P	6.5
Exterminating and Pest Control Services		S	S	S			P	P	P	P	P	6.6
Kennel		S	S	S			S	S	P	P	P	6.7
Motel/Hotel						P	S	P	P	P		6.8
Office: Business, Professional and Public		P	P	PS	P	P	P	P	P	P	P	6.9
School (Technical, Trade and Business)					P	P	P	P	P	P	P	6.10
Theater, Drive-In								P	P	P	P	6.11
Tire Recapping				S					P	P	P	6.12
Urgent Care Clinic				S	P	P	P	P	P	P		6.13
7. RETAIL TRADE												
Adult Book and Retail Merchandise Store											S	7.1
Adult Theatre and Live Entertainment											S	7.2
Cinema Complex						P		P	P	P		7.3
Convenience Store					P	P	P	P	P	P	P	7.4
Entertainment Complex									P	P	P	7.5
Flea Market									P	P	P	7.6
Fuel Oil Distribution and Sales											P	7.7
Landscaping Materials Sales and Storage				S		P	S	P	P	P	P	7.8
Manufactured/Mobile Home Sales									P	P	P	7.9
Motor Vehicle Sales or Leasing			S	S					P	P	P	7.10
Open Air Market		S	S	S		P	S	S	P	P	P	7.11
Parking Garage or Lot (requiring payment)									P	P	P	7.12
Produce Stand		S	PS	PS		P	P	P	P	P		7.13
Retail Sales and Services ≤50,000 sq ft (of gross floor area)					P	P	P	P	P	P		7.14
Retail Sales and Services >50,000 <100,000 sq ft (of gross floor area)						P		P	P	P		7.15
Retail Sales and Services >100,000 <150,000 sq ft (of gross floor area)									P	P		7.16
Retail Sales and Services >150,000 sq ft (of gross floor area)									S			7.17
Shopping Mall									S			7.18
Truck Stop									S	P	P	7.19
8. WHOLESALE TRADE												
Wholesale Trade								P	P	P	P	8.1
9. TRANSPORTATION, WAREHOUSING AND UTILITIES												
Airport (Private)											S	9.1
Airport (Public)											S	9.2
Communication Facilities, Category 1	P	P	P	P	P	P	P	P	P	P	P	9.3
Communication Facilities, Category 2	P	P	P	P	P	P	P	P	P	P	P	9.3

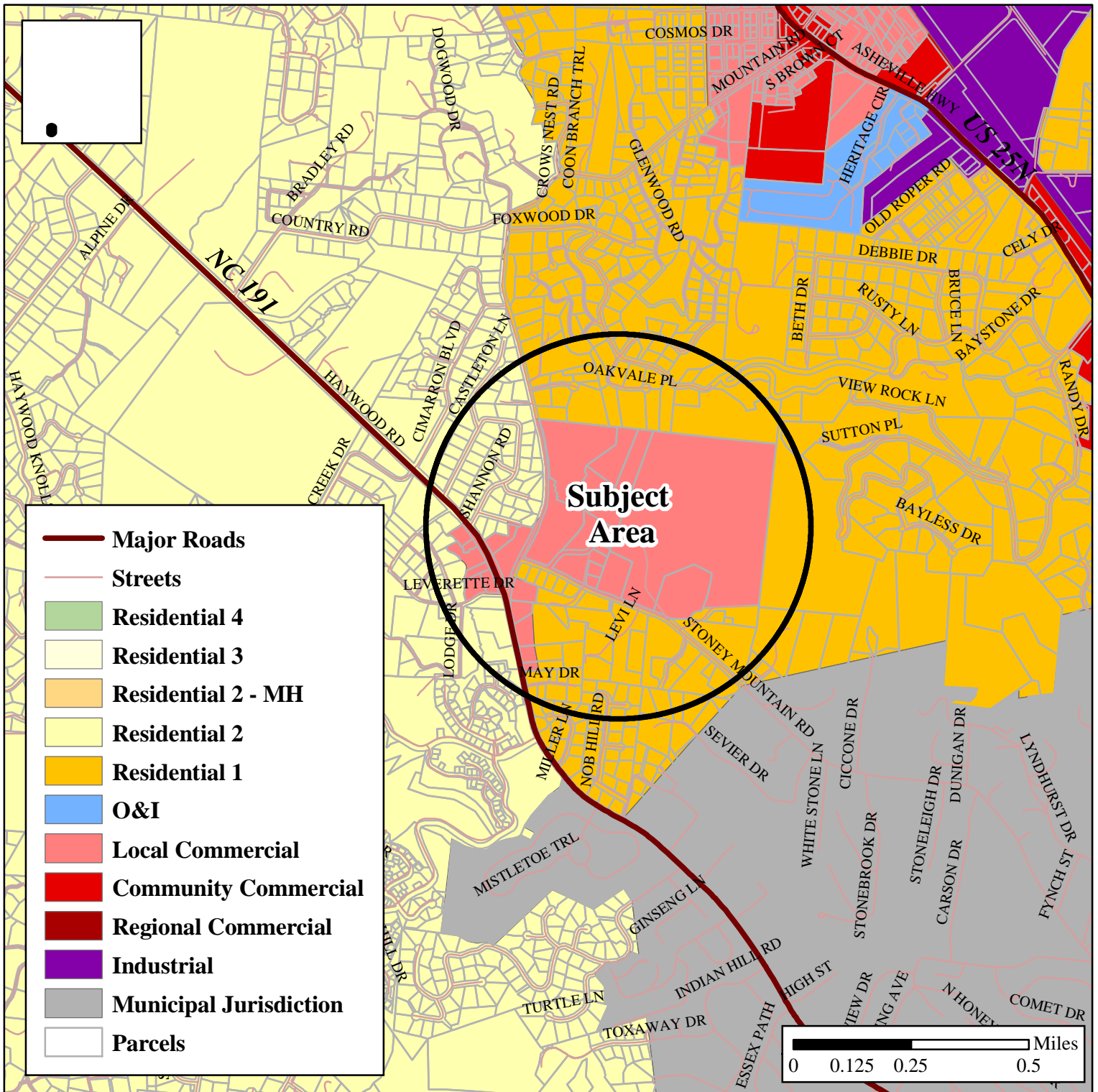
Table 1: Additional Commercial or Business Uses in R-3

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
<i>Communication Facilities, Category 3</i>											S	9.3
Hazardous Waste Disposal Facilities											S	9.4
<i>Land Clearing Debris and Inert Debris Storage or Disposal</i>			S	S							S	9.5
<i>Rail Transportation Facilities and Support Activities</i>											P	9.6
<i>Self-Storage Warehousing</i>		S	S	S	S	P	P	P	P	P	P	9.7
<i>Septic Tank and Related Services</i>				S							P	9.8
<i>Solid Waste Combustors and Incinerators</i>											S	9.9
<i>Transit and Ground Passenger Transportation</i>						P		S	S		P	9.10
<i>Truck Terminals</i>											P	9.11
<i>Utility Substation</i>	P	P	P	P	P	P	P	P	P	P	P	9.12
<i>Warehousing and Storage (Excluding Warehousing of Hazardous Substances)</i>								P	P	P	P	9.13
<i>Waste Collection and Transfer Facility (Hazardous)</i>											S	9.14
<i>Waste Collection and Transfer Facility (Non-hazardous)</i>	S	S	S	S	S	S	S	S	S	S	S	9.15
<i>Wastewater Treatment Plant</i>	S	S	S	S	S	P	S	S	S	S	P	9.16
<i>Water Treatment Plant</i>	S	S	S	S	S	P	S	S	S	S	P	9.17
10. MANUFACTURING & INDUSTRIAL USES												
<i>Asphalt Plant</i>											S	10.1
<i>Battery Manufacturing Facility</i>											S	10.2
<i>Chip Mill</i>				S							S	10.3
<i>Concrete Batch Plant</i>											S	10.4
<i>Junkyard</i>											S	10.5
<i>Landfill, Public or Private</i>											S	10.6
<i>Machining and Assembly Operations</i>											P	10.7
<i>Machining and Assembly Operations Limited</i>		S	S	S		P	P	P	P	P	P	10.7
<i>Manufacturing and Production Operations</i>											P	10.8
<i>Manufacturing and Production Operations Limited</i>		S	S	S		P	P	P	P	P	P	10.8
<i>Materials Recovery Facilities (Recycling)</i>											P	10.9
<i>Mining and Extraction Operations</i>											S	10.10
<i>Packaging and Labeling Services</i>											P	10.11
<i>Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing</i>											S	10.12
<i>Product Processing and Storage Facilities</i>											P	10.13
<i>Recycling Centers, Drop-Off Facilities</i>	P	P	P	P	P	P	P	P	P	P	P	10.14
<i>Research and Development Operations (Hazardous or Biological Materials)</i>											P	10.15

Table 1: Additional Commercial or Business Uses in R-3

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=Special Use Permit											
	R-1	R-2	R2MH	R-3	OI	MU	LC	CC	RC	GC	I	SR
<i>Research and Development Operations (Non-hazardous)</i>		S	S	S		P	P	P	P	P	P	10.16
<i>Sawmill</i>				P							P	10.17
<i>Slaughterhouse</i>											P	10.18
<i>Truck Wash</i>									P		P	10.19
11. TEMPORARY USES												
<i>Christmas Tree Lot Sales</i>	P	P	P	P	P	P	P	P	P	P		11.1
<i>Circuses, Carnivals, Fairs, Religious Services (or similar types of events)</i>				P			P	P	P	P	P	11.2
<i>Model Home Sales Office, Temporary</i>	P	P	P	P	P	P	P			P		11.3
<i>Movie Production</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Yard Sale</i>	P	P	P	P	P	P	P	P				11.4
12. TEMPORARY STRUCTURES												
<i>Portable Storage Container</i>		P	P	P	P	P	P	P	P	P	P	12.1
<i>Produce Stand, Temporary</i>	P	P	P	P	P	P	P	P	P	P	P	12.2
<i>Temporary Construction Project Buildings</i>	P	P	P	P	P	P	P	P	P	P	P	12.3
<i>Tent Sale</i>						P	P	P	P	P	P	12.4
13. AGRICULTURAL USES												
<i>Agriculture</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Food Manufacturing</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Forestry</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Forestry Support Services</i>	P	P	P	P	P	P	P	P	P	P	P	-
<i>Veterinary Services (livestock)</i>	P	P	P	P	P	P	P	P	P	P	P	-

LDC Commercial Issue 2: Intersection of NC Highway 191 and Mountain Road



Recommended Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Community Commercial (CC)

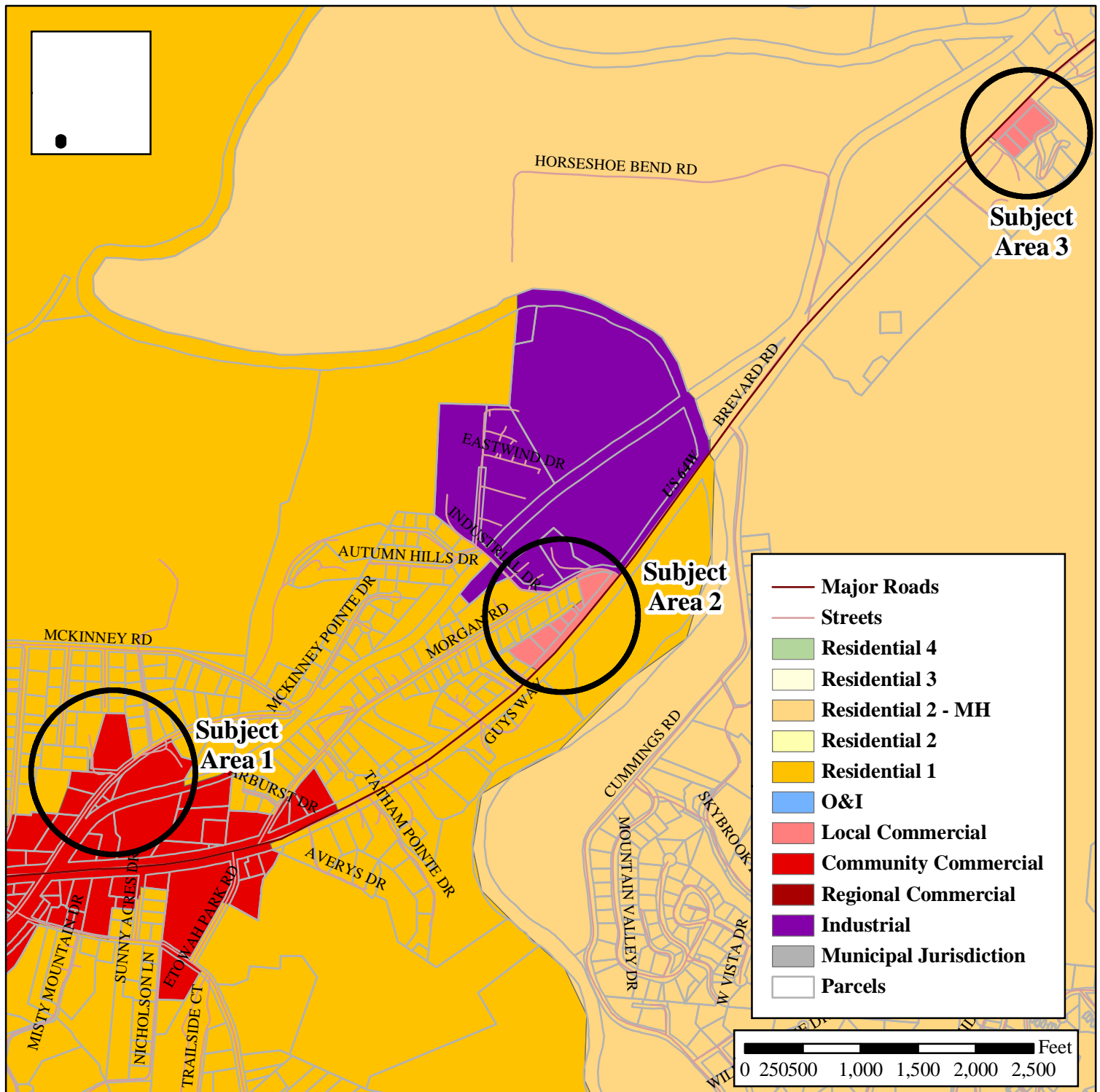
Current Zoning: Neighborhood Commercial District (C2)

Reason for Proposed Change: Permitted Uses in LC vs. CC

Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity

*Originally "Map Option 1: Local Commercial Node at Intersection of NC Highway 191 and Mountain Road"
 as presented at the BOC June 12 Workshop.

LDC Commercial Issue 3: US Highway 64 West in Etowah-Horseshoe Community

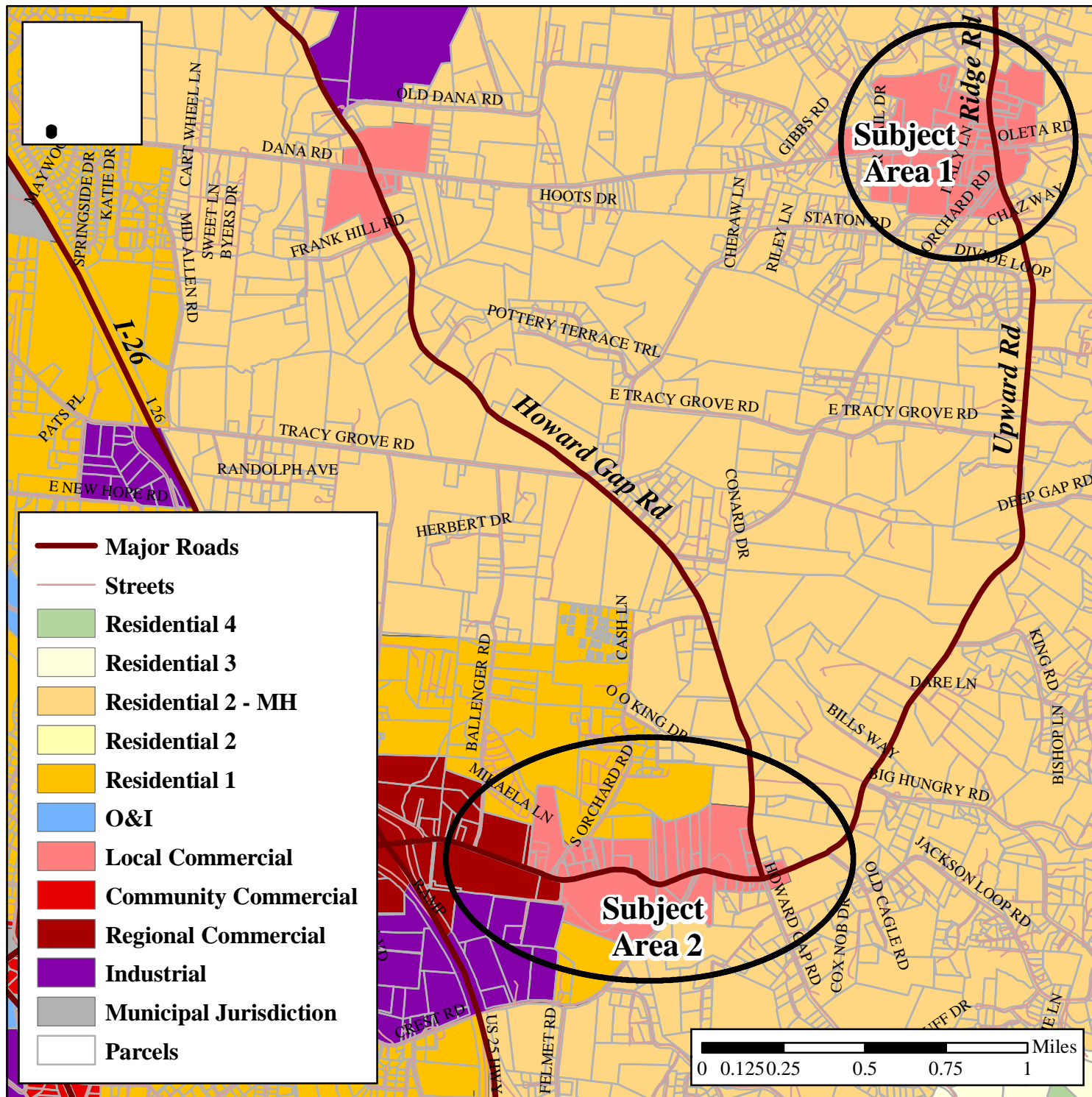


Recommended Zoning: Community and Local Commercial
 Previous Draft 7 Proposed Zoning: Residential One and Two (R1 and R2)
 Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial Uses along US Highway 64 West
 Consistent with the CCP: Yes, Community Service Center Node Applied to Subject Area 1;
 No Commercial Recommendations Made Regarding Subject Areas 2 and 3

*Originally "Map Option 12: Industrial and Local Commercial Nodes along US Highway 64 West in Etowah-Horseshoe Community" as presented at the BOC June 12 Workshop.

LDC Commerical Issue 4: Local Commercial Nodes along Upward Road



Recommended Zoning: Local Commercial (LC)

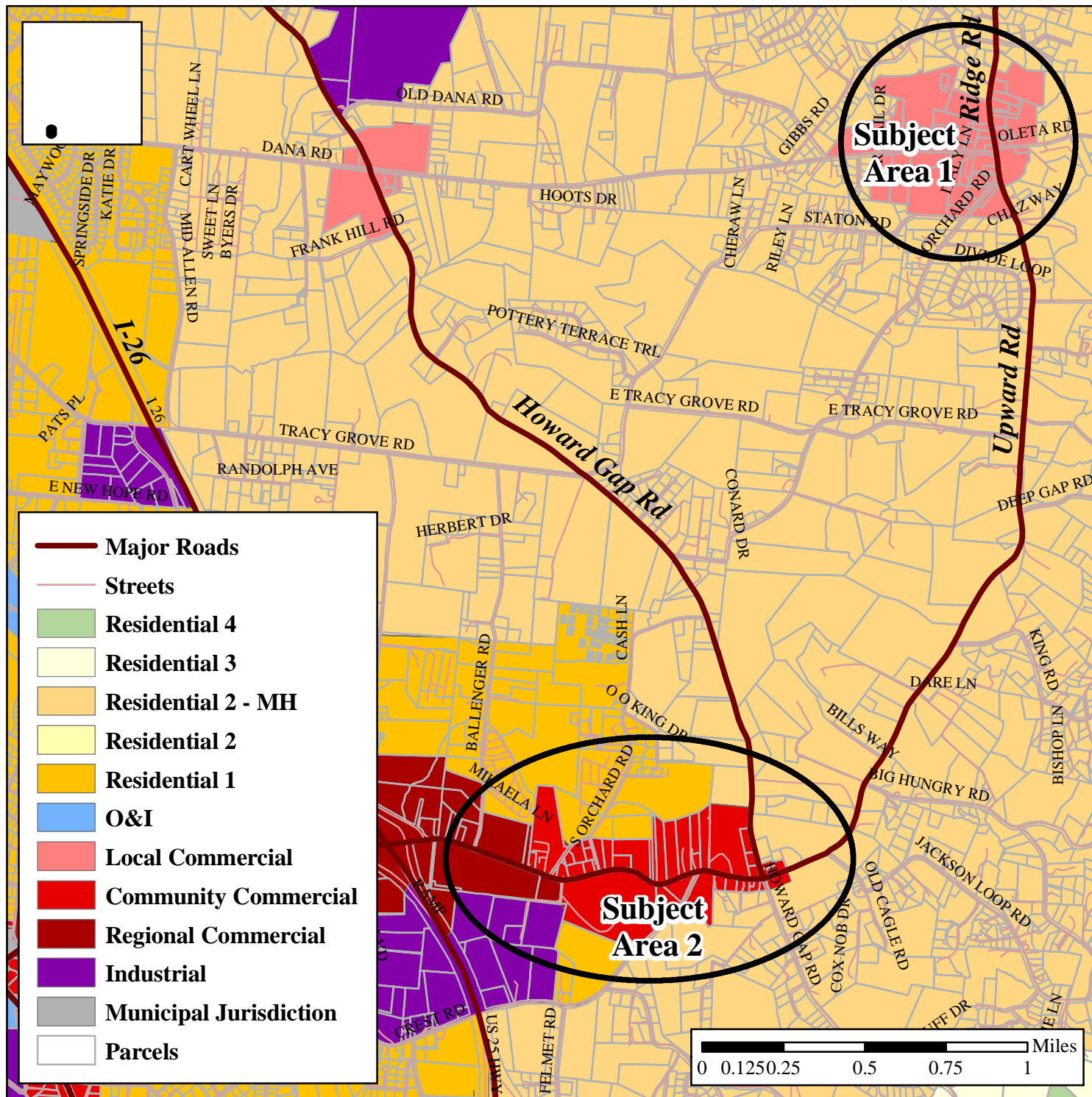
Previous Draft 7 Proposed Zoning: Residential One and Two (R1 and R2)

Current Zoning: Open Use (OU)

Reason for Proposed Change: Lack of Commercial Zoning in Dana Community; Existing Commercial Uses at I-26
 Consistent with the CCP: Yes, Community Service Center Nodes Applied in Vicinity of Subject Areas 1 and 2

*Originally "Map Option 5: Local Commercial Node at Intersection of Dana Road and Upward/Ridge Road in Dana Community" and "Map Option 6: Local Commercial Node along Upward Road to Howard Gap Road" as presented at the BOC June 12 Workshop.

LDC Commerical Issue 4A: Local Commercial Nodes along Upward Road



Recommended Zoning: Local Commercial and Community Commercial (LC and CC)

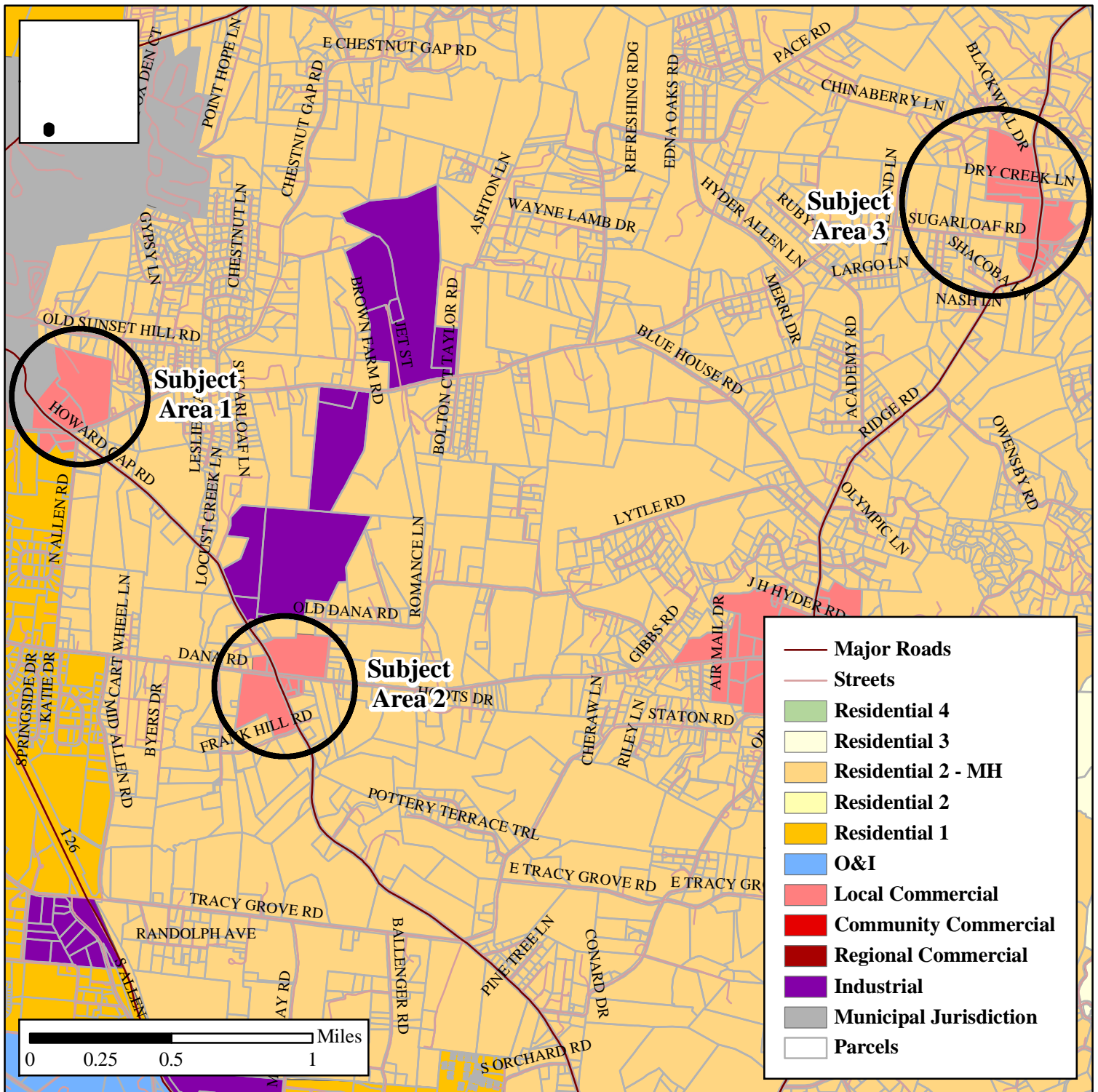
Previous Draft 7 Proposed Zoning: Residential One and Two (R1 and R2)

Current Zoning: Open Use (OU)

Reason for Proposed Change: Lack of Commercial Zoning in Dana Community; Existing Commercial Uses at I-26
 Consistent with the CCP: Yes, Community Service Center Nodes Applied in Vicinity of Subject Areas 1 and 2

*Originally "Map Option 5: Local Commercial Node at Intersection of Dana Road and Upward/Ridge Road in Dana Community" and "Map Option 6: Local Commercial Node along Upward Road to Howard Gap Road" as presented at the BOC June 12 Workshop.

LDC Commercial Issue 5: Local Commercial Nodes along Howard Gap and Sugarloaf Roads



Recommended Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential One and Residential Two - Manufactured Homes (R1 and R2MH)

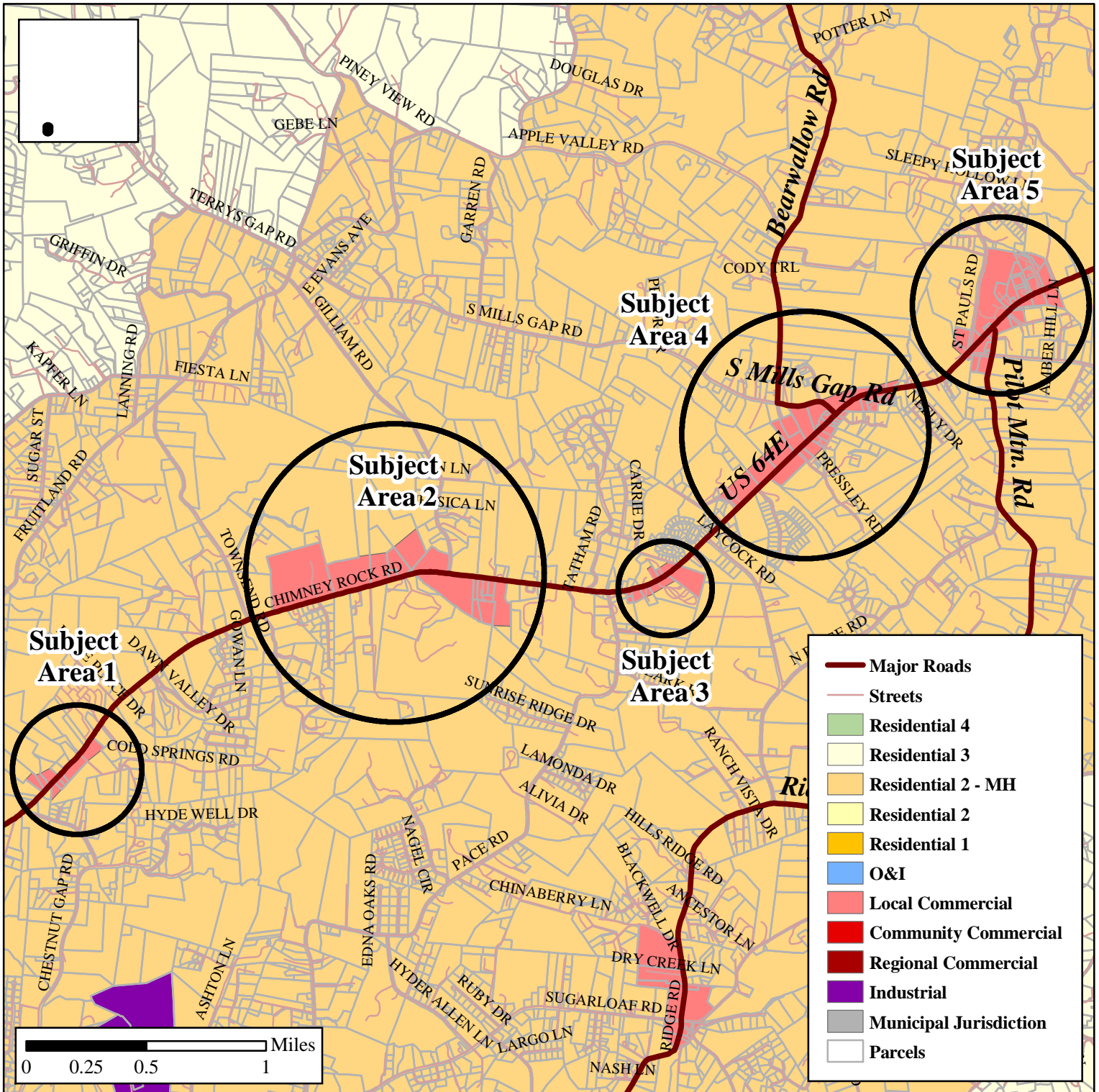
Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial Uses along Howard Gap and Sugarloaf Roads

Consistent with the CCP: No Commercial Recommendations Made Regarding Subject Areas 1 or 2; Community Service Center Node Applied in Vicinity of Subject Area 3

*Originally " Map Options 15 and 16: Local Commercial Nodes along Howard Gap and Sugarloaf Roads and at Five Points (Intersection of Sugar Loaf, Ridge, Stepp Mill, and Piney Mountain Roads)" as presented at the BOC June 12 Workshop.

LDC Commercial Issue 6: Local Commercial Nodes along US Highway 64 East



Recommended Zoning: Local Commercial

Previous Draft 7 Proposed Zoning: Residential Two and Residential Two - Manufactured Homes (R2 and R2MH)

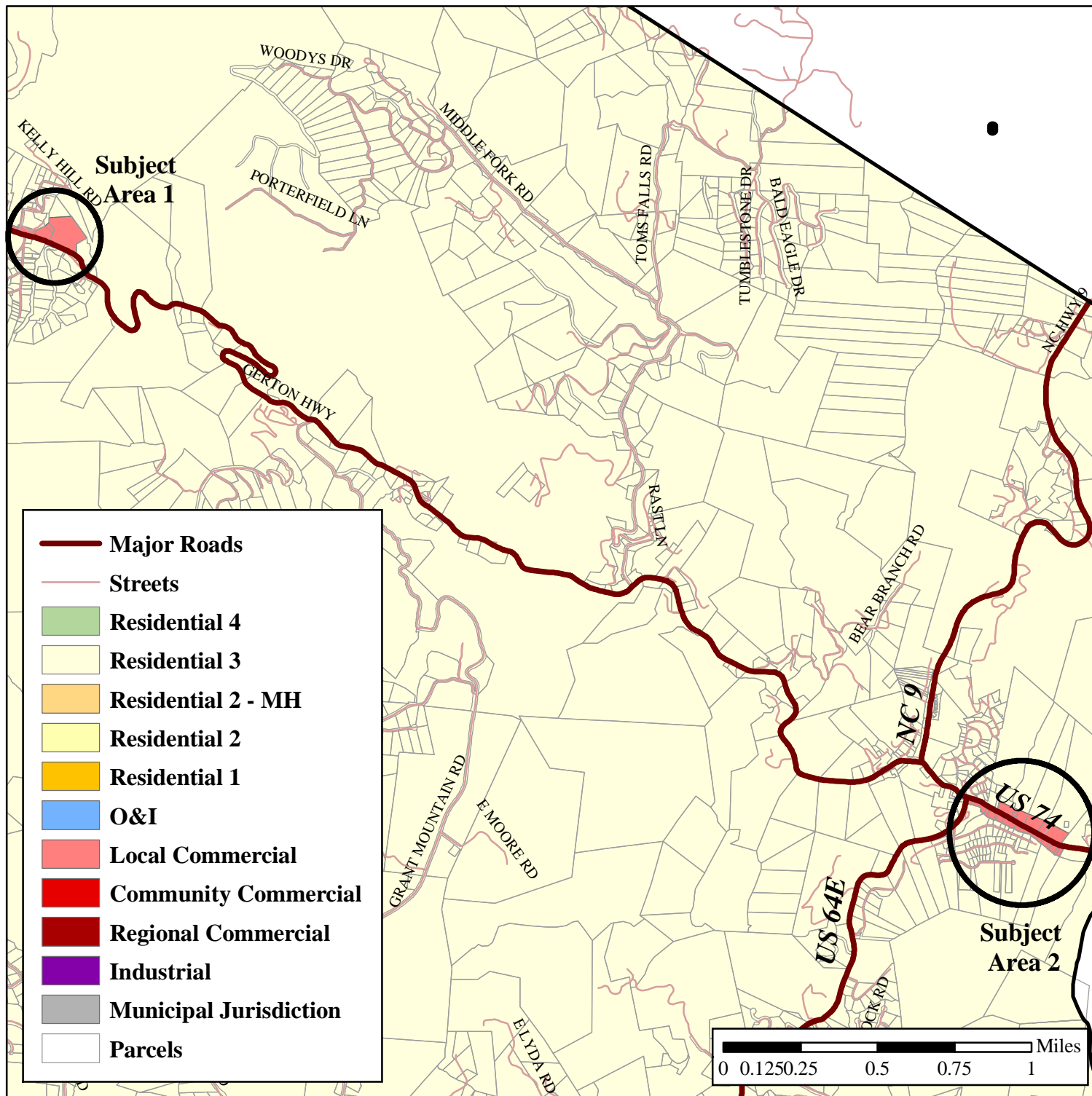
Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Commercial Uses and lack of Commercial Zoning along US Highway 64 East
 Consistent with the CCP: No Commercial Recommendations Made Regarding Subject Areas 1, 2, 3, or 4. A portion of Subject Area 2 and much of Subject Area 4 is recommended as Undeveloped as it Contains Floodplain.

Community Service Center Nodes are Applied in the Vicinity of Subject Areas 4 and 5.

*Originally "Map Options 2, 13 and 14: Local Commercial Nodes along US Highway 64 East" as presented at the BOC June 12 Workshop.

LDC Commercial Issue 7: Local Commercial Nodes along US Highway 74



Recommended Zoning: Local Commercial (LC)

Previous Draft 7 Proposed Zoning: Residential Three (R3)

Current Zoning: Open Use (OU)

Reason for Proposed Change: No Commercial Zoning in Gerton or Bat Cave Communities

Consistent with the CCP: Yes, Community Service Center Node Applied in Vicinity of Subject Areas 1 and 2

*Originally "Map Options 3 and 4: Local Commercial Nodes along US Highway 74 in Gerton and Bat Cave Communities" as presented at the BOC June 12 Workshop.

LDC Industrial Issues

*LDC Industrial Issue 1: Commercial Uses Permitted in the Industrial Zoning District

Issue:

Concerns were raised regarding the commercial uses allowed in the Industrial (I) zoning district.

Summary of Recommended Solution:

Almost all commercial uses, with the exception of retail trade uses, are allowed in the Industrial District. Staff recommends that the Board add the following uses as permitted in the I district: outdoor sale display areas; non-commercial athletic fields; and Christmas tree lot sales.

Recommended Solution:

Staff does not recommend the addition of any other commercial uses to the Industrial District except for the following: outdoor sale display areas; non-commercial athletic fields; and Christmas tree lot sales.

The intent of the district is to allow for *industrial* and *heavy commercial* development. Those commercial uses which are not permitted in the industrial district may not be appropriate to be developed in industrial areas for factors including: differences in hours of operation, types/amounts of traffic generated, and/or the concentration of people in a residential/accommodation (i.e. hotel, dormitory, etc.) or institutional (i.e. school, adult day care, etc.) setting.

Allowing additional commercial development in the Industrial District will not allow for the preservation of industrial lands for industrial uses.

* Originally "Text Option 10: Commercial Uses in Industrial Zoning District" as presented at the BOC June 12 Workshop.

The following commercial/business uses would continue to not be permitted in the Industrial District with the above noted changes:

RECREATIONAL USES

- Campground
- Coin Operated Amusements
- Common Area Recreation and Service Facilities
- Golf Course and/or Country Club
- Governmental Recreational Facilities
- Indoor Recreational Facilities (Bowling Alley, Skating Rink, Bingo Games, Indoor Miniature Race Tracks)
- Marina
- Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)
- Recreational Vehicle Park
- Riding Stables
- School (Sports Instructional)
- Swim and Tennis Club

EDUCATIONAL AND INSTITUTIONAL USES

- Adult Day Care Facility
- College or University
- Community Club
- Funeral Home or Crematorium
- Homeless Shelter
- Hospital
- Museum/Library/Archive
- School (Home)
- School (Public/Private/Charter)
- Youth Center

BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES

- Urgent Care Clinic

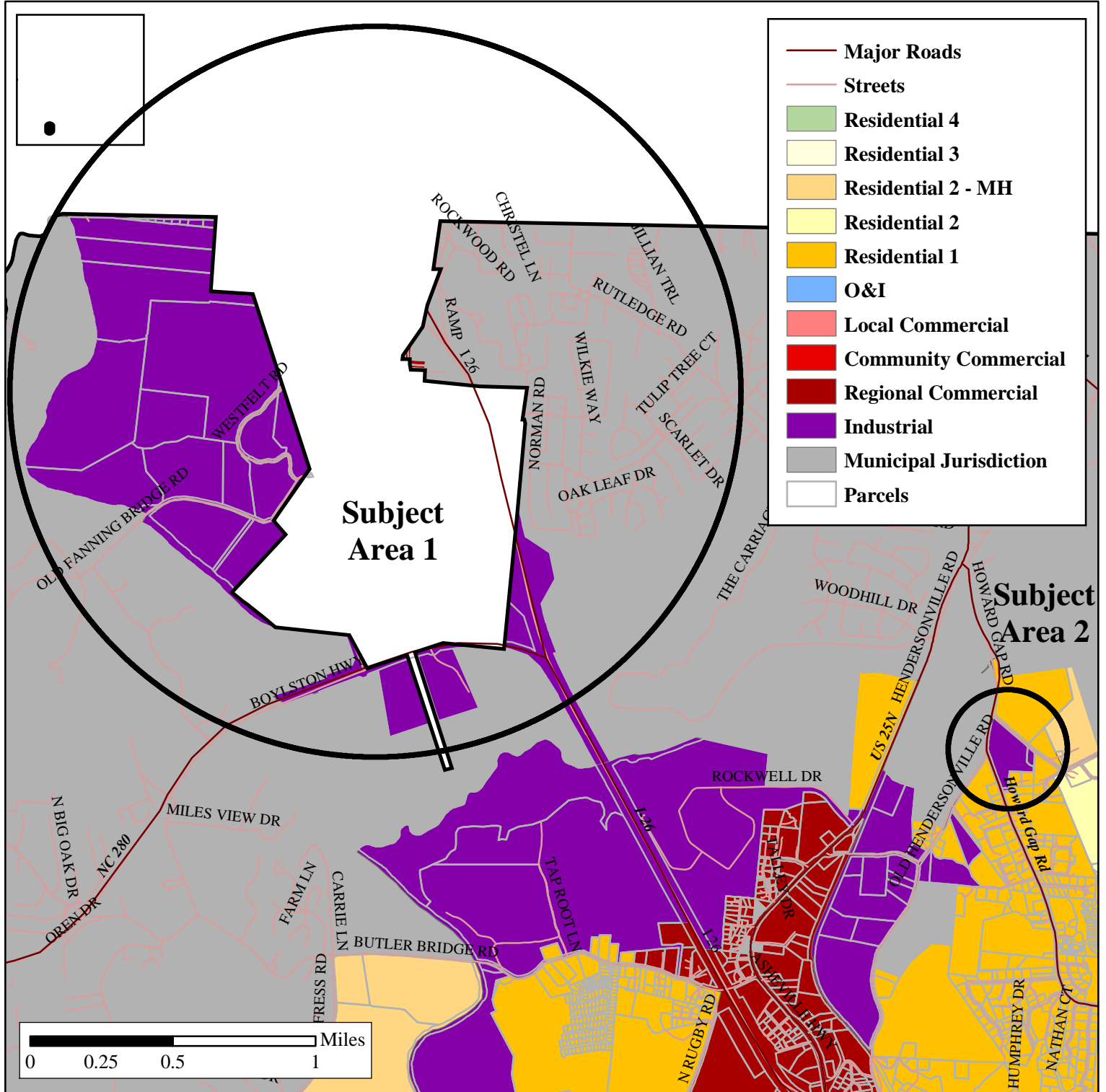
RETAIL TRADE

- Cinema Complex
- Produce Stand
- Retail Sales and Services <50,000 sq ft (of gross floor area)
- Retail Sales and Services >50,000 <100,000 sq ft (of gross floor area)
- Retail Sales and Services >100,000 <150,000 sq ft (of gross floor area)
- Retail Sales and Services >150,000 sq ft (of gross floor area)
- Shopping Mall

TEMPORARY USES

- Model Home Sales Office, Temporary
- Yard Sale

LDC Industrial Issue 2: Industrial District Expansion in Northern Portion of County

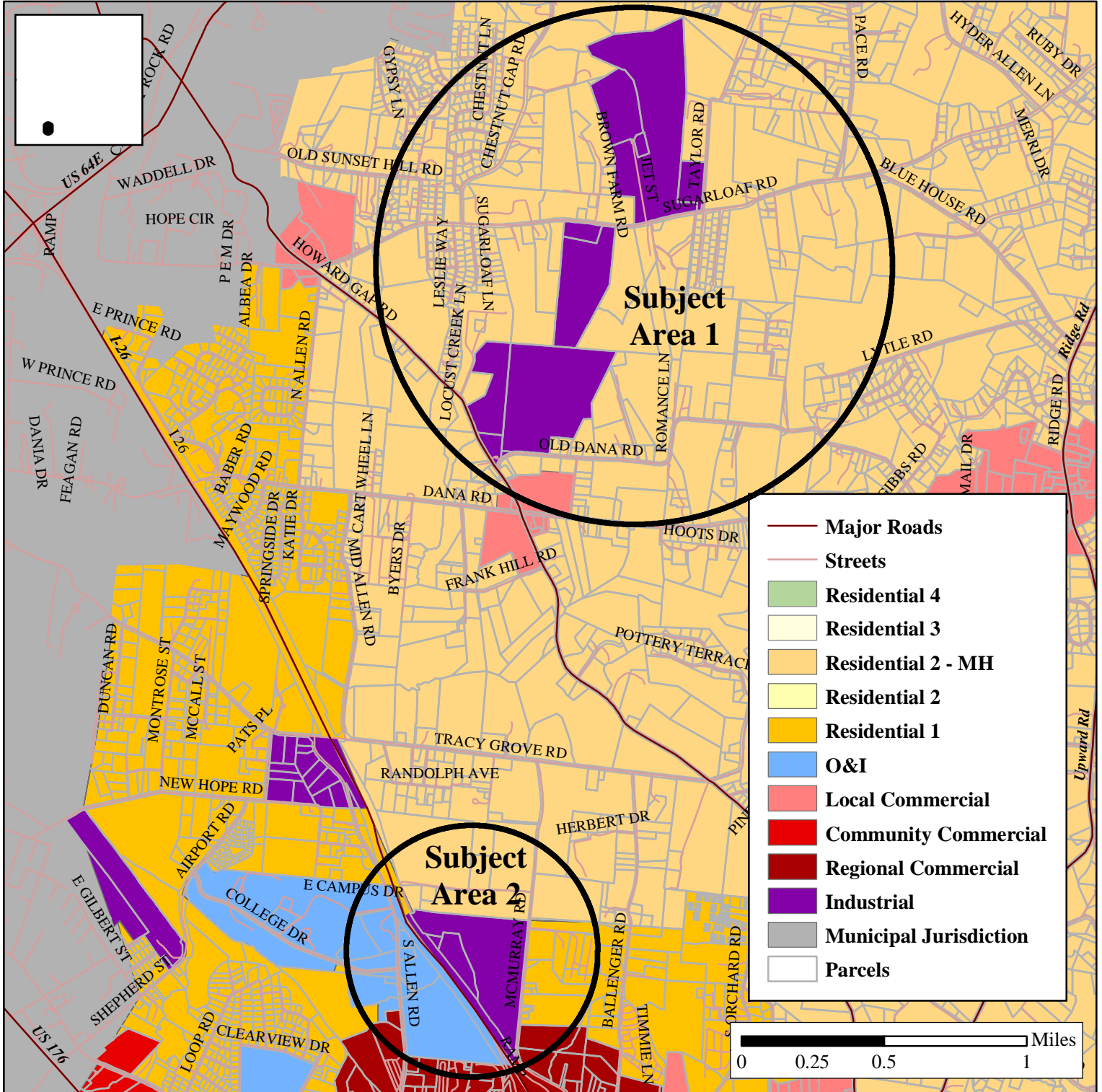


Recommended Zoning: Industrial (I)
 Previous Draft 7 Proposed Zoning: R1 and R3
 Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Industrial Uses and Expansion of Existing Industrial Zoned Areas
 Consistent with the CCP: Yes, Industrial
 Development Identified as Appropriate in the Vicinity of Subject Areas 1 and 2

*Originally "Map Options 7 and 17: Industrial Nodes" as presented at the BOC June 12 Workshop.

LDC Industrial Issue 3: Industrial District Expansion in Eastern Portion of County



Recommended Zoning: Industrial (I)

Previous Draft 7 Proposed Zoning: R1, R2, R2MH, and R3

Current Zoning: Open Use (OU)

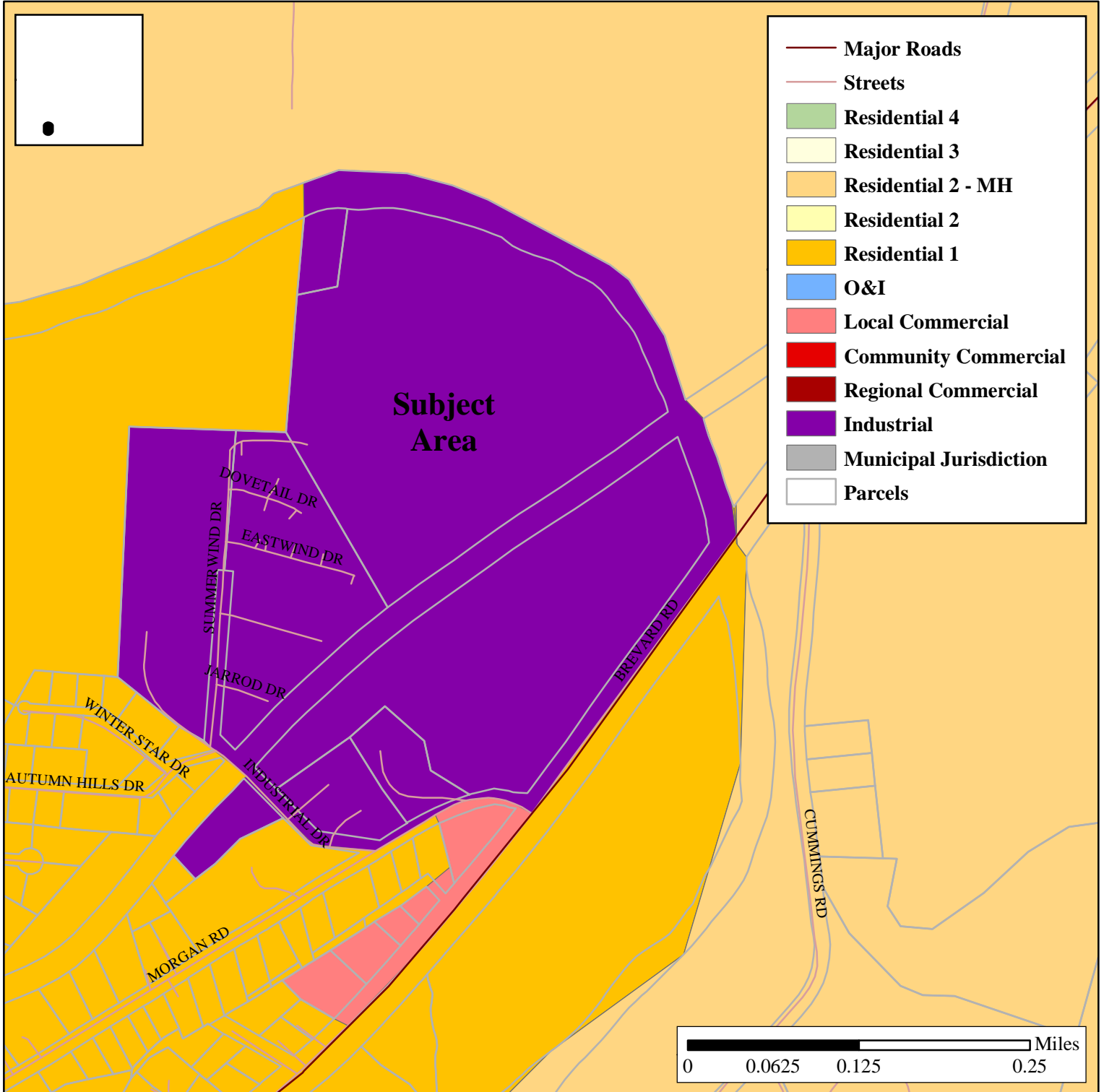
Reason for Proposed Change: Existing Industrial Uses and Expansion of Existing Industrial Zoned Areas to reflect the Henderson County Industrial/Business Park Study Phase II

Consistent with the CCP: Yes, Industrial Development Identified as Appropriate in the Vicinity of Subject Areas 2.

No Industrial Recommendations Made Regarding Subject Area 1.

*Originally "Map Options 15, 18 and 19: Industrial Nodes" as presented at the BOC June 12 Workshop.

LDC Industrial Issue 4: Industrial Node in Etowah-Horseshoe Community



Recommended Zoning: Industrial (I)

Previous Draft 7 Proposed Zoning: R1 and R2

Current Zoning: Open Use (OU)

Reason for Proposed Change: Existing Industrial Uses along US Highway 64 West
Consistent with the CCP: No Industrial Recommendations Made Regarding Subject Area.
Subject Area does contain Floodplain and Floodway.

LDC Development Issues

*LDC Development Issue 1: Sign Regulations – Freestanding Signs

Issue:

The issue of freestanding sign heights has been raised by some of the Commissioners. Staff seeks direction as to what the appropriate height should be for commercial districts (see Section 200A-186 on page 164 of the LDC). Currently, the proposed maximum height is 18 feet. Staff captured pictures illustrating existing signs and their approximate height to aid the discussion of this issue (see attached photos with measurements).

Recommended Solution:

Leave the current proposed height of 18 feet for signs in Office, Institutional and Commercial Districts.



Aldi Sign Height: 18 feet

* Originally “Text Option 7: Sign Regulations – Freestanding Signs” as presented at the BOC June 12 Workshop.



Duncan Hill Financial Center Sign Height: 11 feet



Duncan Hill Commerce Center Sign: 17.3 feet



Dodge Sign Height on Duncan Hill Road: 20 feet



HomeTrust Bank Sign on Highway 64 Height: 7 feet



Ford Sign on Duncan Hill Road Height: 37 feet

*LDC Development Issue 2: Sign Regulations – Outdoor Advertising Signs (Billboards)

Issue:

The issue outdoor advertising signs commonly referred to as billboards, have been brought to the attention of planning staff. The current regulations require that such signs be placed at 1000 feet from other outdoor advertising signs and residences. The draft LDC only provides a 300-500 space requirement between signs with no spacing requirement from residences. The draft LDC language could allow new outdoor advertising signs in areas that no additional signs are currently permitted. The current draft language is found in Section 200A-189 on page 166 of the draft LDC.

Summary of Recommended Solution:

Keep the County’s existing requirements by increasing the proposed spacing requirement to 1,000 feet from other outdoor advertising signs and residences, or leave the current proposed LDC language in place.

Recommended Solution:

See Proposed Text below.

200A-189. Commercial and Industrial Districts, Urban Service Area

Outdoor advertising signs are permitted only in commercial and industrial districts where they are located in the Urban Service Area as identified by the *Comprehensive Plan*. *Outdoor advertising signs* shall be classified based on size and include: *Outdoor Advertising Signs* Type A, B and C (see Table 7.1).

Table 7.1. Outdoor Advertising Sign Requirements				
<i>Outdoor Advertising Sign</i>	Square Feet Permitted	Maximum Height (ft.)²	Minimum Setback (ft.)³	Spacing (linear ft.)
Type A	0 to 72	25	10	1,000
Type B	>72-300	35	20	1,000
Type C	>300-380 ¹	35	20	1,000

- 1 *Signs* greater than 380 square feet are considered *billboards* and are not permitted in the County.
- 2 Maximum height shall be measured from the existing *road* grade to the uppermost point on the *sign structure*.
- 3 Minimum *setback* shall be measured horizontally from the adjacent edge of *right-of-way* to the nearest edge of the *sign structure*, provided that no part of the *sign* or *sign structure* shall encroach upon a public *right-of-way*. Where property abuts more than one (1) *road*, *signs* shall be set back an equivalent distance from each *road* no less than the minimum *setback* required.

* ¹ Originally “Text Option 8: Sign Regulations – Outdoor Advertising Signs (Billboards)” as presented at the BOC June 12 Workshop.

Outdoor advertising signs shall be spaced so that such *outdoor advertising sign* (or its *structure*) is placed no closer to the next *outdoor advertising sign* (or its *structure*) or any existing adjacent residence than the minimum spacing distance required (see Table 7.1). Spacing shall apply to *outdoor advertising signs* located on either side of a *road*. The minimum distance between *signs* or between a *sign* and a residence shall be measured horizontally between the nearest points on either *structure*. If, because of terrain, vegetation or practical difficulties, a point-to-point accurate measurement cannot be obtained, the *Zoning Administrator* may extend any point of measurement to a logical corresponding location and measure from this point. Using the extended measuring method a variation of five (5) percent is acceptable for the purpose of this Article.

The minimum distance between a *sign structure* and a residence shall not be less than 1,000 feet, except:

- A. Where the adjacent residence is a *nonconforming use*;
- B. Where the *sign* was erected after the original effective date of this Article (May 21, 1986, as amended) and predates a residence, the *sign* shall not be nonconforming because of distance from the residence;
- C. Where the *sign* was erected prior to the effective date of this article (May 21, 1986 as amended) and duly registered, the *sign* shall not be nonconforming because of distance from another *sign* or a residence; or
- D. Where the topography obscures the *sign* from sight by the residents of the dwelling.

The spacing requirement may be reduced by up to 25 percent where the topography obscures the *sign* from sight by the residents of the dwelling.

*LDC Development Issue 3: Traffic Impact Study

Issue:

The concern is the impact larger subdivisions and proposed developments have on community services as specifically related to public safety and roads.

Summary of Recommended Solution:

Traffic Impact Studies are required by a variety of local governments in North Carolina. The North Carolina Department of Transportation (NCDOT) currently requires a TIS for developments that will generate more than 3,000 trips per day. This proposed provision lowers that threshold to 1,000 trips per day and allows the County to consider road impacts when giving development approvals. All recommended road improvements would have to be approved by NCDOT or applicable municipality.

Recommended Solution:

Change the name of Article IV in the Land Development Code to Adequate Public Facilities & Service Regulations and provide a provision in this article that would require proposed developments of certain thresholds to prepare a Traffic Impact Study (TIS).

§200A-101. Traffic Impact Study. A Traffic Impact Study (TIS) may be required to evaluate the effect a proposed development will have on the County's existing traffic system and may require specific improvements to mitigate the impact on public roads with the approval of NCDOT or applicable municipality.

(1) Requirement Thresholds. A TIS is required for any proposed development that meets any of the following requirement thresholds:

- a) Residential subdivision proposing hundred (100) lots/units or more.
- b) Any residential or nonresidential development proposed to generate an average daily traffic count of one thousand plus (1,000+) vehicles per day or one hundred plus (100+) trips during peak traffic hour. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- c) Any expansion or change to an existing or proposed residential or nonresidential development that would generate an additional one thousand plus (1,000+) vehicles per day or one hundred plus (100+) trips during peak traffic hour. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

* Originally part of "Text Option 6: Board of Commissioner Approval for Referred Subdivisions and Impact of Larger Developments, Recommended Solution 2" as presented at the BOC June 12 Workshop.

- d) Notwithstanding the above, a TIS shall not be required if the property to be developed has been the subject of a TIS within the previous three (3) years and the projected trip generation of the newly proposed development is equal to or less than the previous TIS performed and the trip distribution has not significantly changed.

(2) Traffic Impact Study (TIS) Guidelines.

- a) Any TIS whether required or voluntarily prepared, must be prepared by a licensed engineer and submitted as part, or as a condition, of the master plan approval or site plan approval. Prior to conducting the TIS, the developer must meet with County Staff, the Technical Review Committee, and NCDOT to identify certain assumptions that shall be addressed in the TIS.
- b) An executive summary shall be provided with the TIS outlining the following: detailed description of the proposed development, number of access points proposed and studied, existing and future Level of Service (LOS) for studied intersections and road segments including the LOS at the time of build-out, existing traffic counts for road(s) and intersection(s) studied and dates/times counts were conducted, AM and PM Peak Hour Trips, Average Daily Trips created by the development at build-out, Existing Traffic Accident Counts, and any recommended improvements.
- c) The TIS shall address the proposed land use, site access and site distances at all proposed access points, impacts on the transportation system from the proposed development, and physical improvements or enforceable management strategies to mitigate negative impacts.
- d) The TIS shall take into consideration proposed/planned NCDOT roadway improvement projects as identified on the Metropolitan Transportation Improvement Program (MTIP) or State Transportation Improvement Program (STIP), the French Broad River Metropolitan Planning Organization Long Range Plan, and the Comprehensive Transportation Plan.
- e) The TIS shall identify the improvements necessary to maintain Level of Service D for streets and intersections as defined in the Highway Capacity Manual.
- f) Recommended improvements within the TIS shall take into account the Traffic Impact Study Improvement Requirements listed in §200A-101 (3).

- (3) Traffic Impact Study (TIS) Improvement Requirements. The approving authority for all subdivisions requiring a TIS may require additional mitigation standards or off site improvements provided when improvements are acceptable by NCDOT or applicable municipality. However, a TIS shall not be utilized as a means for the County to require the party developing the property to make needed transportation improvements remote from and not affected by the property for which the TIS is submitted, nor shall identified deficiencies in level of service automatically preclude approval of the proposed development.

- a) Left Turn Lane, Right Turn Lane, and/or Right Turn Taper: Based on requirements of the NCDOT Policy on Street and Driveway Access to North Carolina Highways or other NCDOT standards.
- b) Additional Right-of-Way: If a subject development falls along a road projected to be widened by NCDOT or an adopted County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
- c) Offsite Improvements: If a road segment or intersection is currently performing at Level of Service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements must be made to maintain the road segment or intersection at LOS D. If a road segment or intersection is currently performing at Level of Service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIS shall demonstrate how a LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels. The County may require improvements be made to preserve the existing LOS.
- d) Other Necessary Improvements: Additional improvements may be required based on the TIS recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the approving authority may determine that additional improvements are necessary to ensure the safety and welfare of the County's citizens and travelers.

*LDC Development Issue 4: Emergency Services Impact Report

Issue:

The concern is the impact larger subdivisions and proposed developments have on community services as specifically related to public safety.

Summary of Recommended Solution:

Add a provision that would require major subdivisions proposing 100 or more lots/units, or subdivisions with 50 units located more than five (5) road miles from a fire station to submit an Emergency Services Impact Report. The Emergency Services Impact Report would include information on the proximity and impact to existing services such as fire/EMS stations and fire suppression water supply resources. Without sufficient services the proposed development may have a maximum allowed density of one (1) unit per three (3) acres.

Recommended Solution:

Add the following provision to Article IV (Adequate Public Facilities & Service Regulations).

§200A-102. Emergency Services Impact Report. An Emergency Services Impact Report may be required to evaluate the public safety of a proposed development and the effect it will have on the County's existing Fire and Emergency Medical Services (EMS). This report and requirements is in addition to those requirements and review of the internal design of the development. An Emergency Services Impact Report shall be required for subdivisions proposing one-hundred (100) lots/units or more, or subdivisions proposing more than 50 units located more than 5 road miles from a fire station and shall be submitted as part of the master plan approval.

- (1) Proximity and Impact to Existing Services. Residential and nonresidential subdivisions shall provide documentation to identify if a proposed development or portion thereof is outside of a Fire Insurance District or is more than five (5) road miles from an existing fire station. The developer shall also provide documentation identifying the response time to the nearest existing EMS station based on an average thirty-five (35) miles per hour. The Emergency Services Impact Report shall state the location of the EMS substation, the response time in minutes, the route from the proposed development including road names and classifications, number of passing areas and posted speed limits, and the method of calculation.
- (2) Fire Suppression Water Supply. Residential and nonresidential subdivisions shall provide documentation to identify water resources for fire suppression. The developer shall also provide documentation identifying the type of water source (static or pressurized), number and spacing of hydrants, capacity, flow rate in gallons per minute, static and residual pressures.
- (3) Based on the findings of the Emergency Services Impact Report and the recommendation of County Staff or the approving authority, a proposed development may be required to be built at a maximum density of one (1) unit per three (3) acres. However, the developer may volunteer to provide emergency equipment, vehicles, land and/or facilities to the County to serve the development in order to waive the density reduction, provided the County decides the site is appropriate for a new Fire or EMS substation.

* Originally part of "Text Option 6: Board of Commissioner Approval for Referred Subdivisions and Impact of Larger Developments, Recommended Solution 2" as presented at the BOC June 12 Workshop.

*LDC Development Issue 5: Development in Areas of Steep Slope & Floodplain

Issue:

The concern expressed by the public is that areas that have steep slope or floodplain should be protected, and developers should not receive the same density credit for these areas. The County cannot impose a rule that would not allow any development of these areas as that would be a regulatory taking under the constitution and would require “just compensation.”

Summary of Recommended Solution:

Areas that contain slopes 35% or greater or within the 100-year floodplain would have a maximum residential density of 1 unit per 3 acres. Also provided in this option is information and maps that detail the amount of land within the floodplain or steep slope areas. About 3.6% of the County’s jurisdiction is location in the 100-year floodplain and the attached table illustrates the area located within various slope calculations.

Recommended Solution 1:

The County can provide rules that set a much lower density for areas that contain steep slope or floodplain. Each residential zoning district could be amended to indicate that areas with slope 35% or greater or within the 100-year floodplain. Language for such a provision could be as follows:

“The maximum residential density for areas with *slope 35.0%* or greater or within the *Special Flood Hazard Area* shall be **one (1) dwelling unit per three (3) acres.**”

This language would appear in Article II of the LDC below each dimensional requirements table. This language would provide a more appropriate density for these areas and should not encourage overdevelopment. See the attached pages for examples of slope.

Recommended Solution 2:

If the Board decides on provision for slope 45% or greater or within the 100-year floodplain, Staff recommends language for such a provision could be as follows:

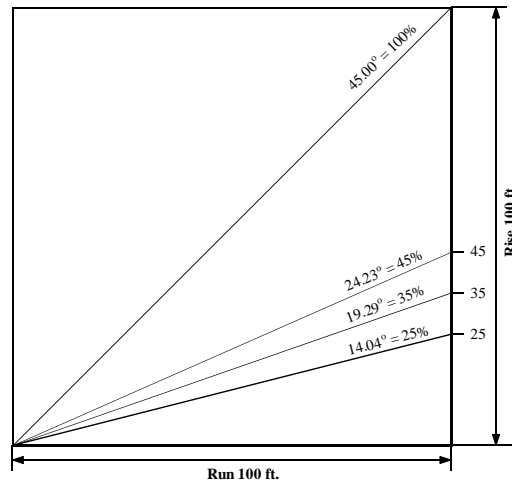
“The maximum residential density for areas with *slope 45.0%* or greater or within the *Special Flood Hazard Area* shall be **one (1) dwelling unit per five (5) acres.**”

* Originally “Text Option 3: Development in Areas of Steep Slope & Floodplain” as presented at the BOC June 12 Workshop
Page 1 of 2

Below is the current diagram in the definitions section of the LDC that illustrates slope measurement.

Figure 19A. Measurement of Slope

Not to Scale



Quick Stats:

(Total land acreage based on current LIDAR data)

Total County: 240,100 ac
 Municipalities: 33,136 ac
 Public Lands: 26,692 ac
 Floodway: 5,540 ac
 County's Jurisdictional Area: 174,732 ac*

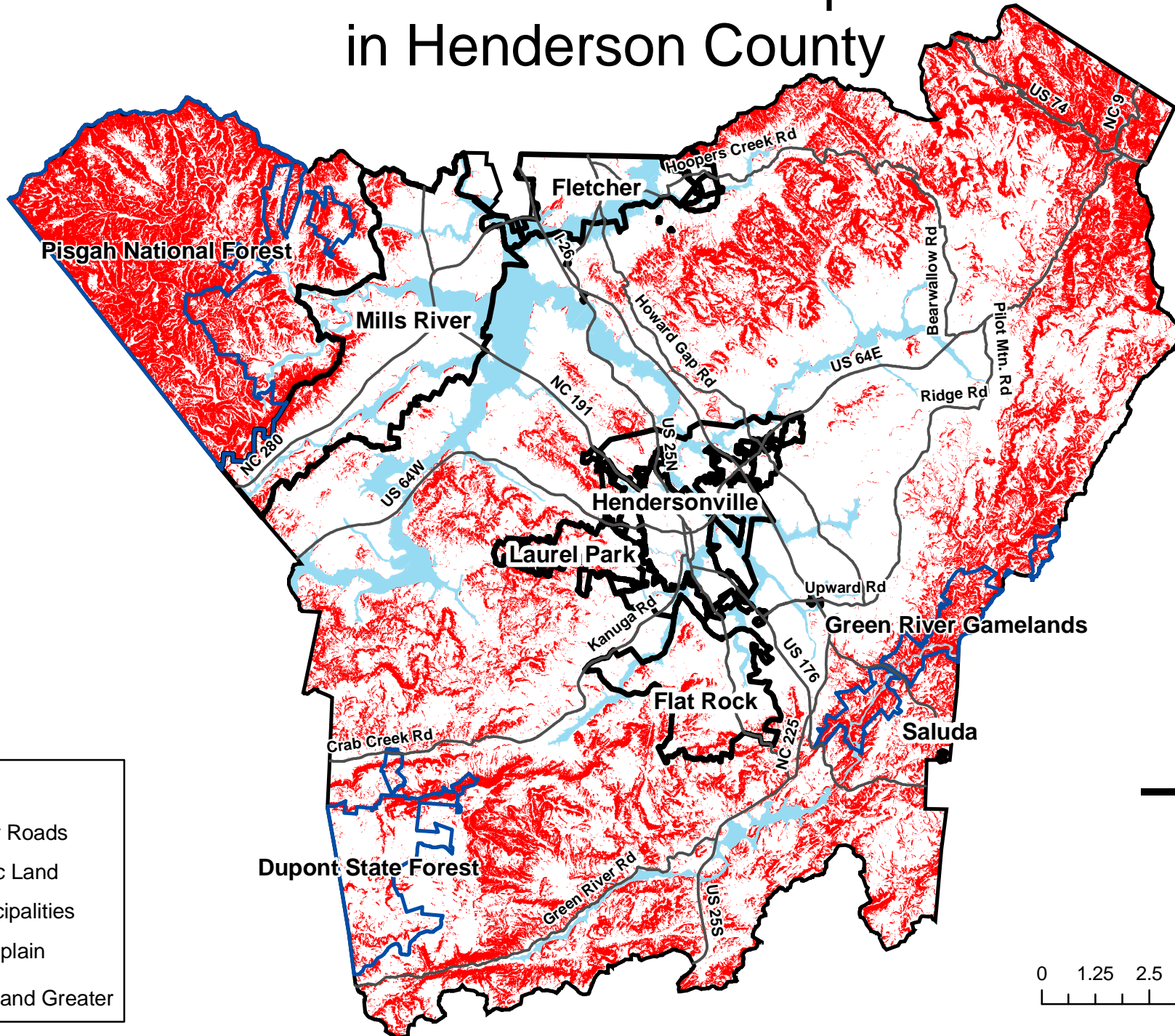
* Excludes municipalities, public forest lands, and land located in the floodway

Percent Slopes and Floodplains in County's Jurisdictional Area					
Slope		**Floodplain Acreage/ % of Jurisdictional Acreage	Total Acreage (Lands in Slope & Floodplain)	Percent (%) of County's Jurisdictional Acreage with Floodplain	Percent (%) of County's Jurisdictional Acreage without Floodplain
Percent (%)	Acreage				
***Less than 25%	93,357	6,356 / 3.6%	99,713	57.1	53.4
25% and greater	75,019	6,356 / 3.6%	81,375	46.6	42.9
35% and greater	46,565	6,356 / 3.6%	52,598	30.3	26.6
45% and greater	25,242	6,356 / 3.6%	31,598	18.1	14.4

** Excludes land in the floodway

*** Excludes land in the floodplain

Public Land and Municipalities in Henderson County

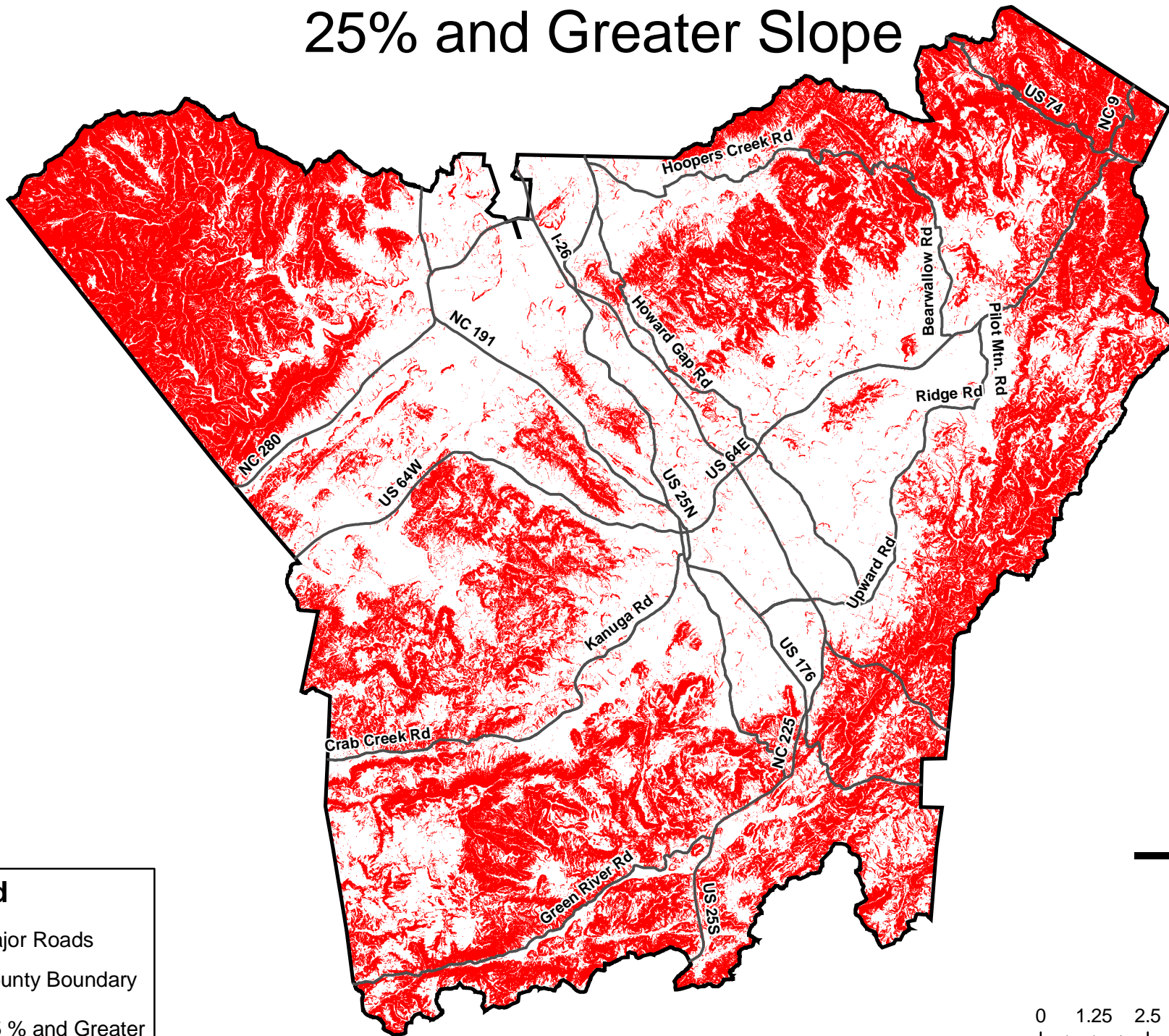


Legend

- Major Roads
- Public Land
- Municipalities
- Floodplain
- 35% and Greater

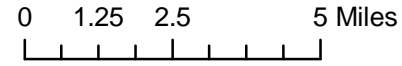
0 1.25 2.5 5 Miles

25% and Greater Slope

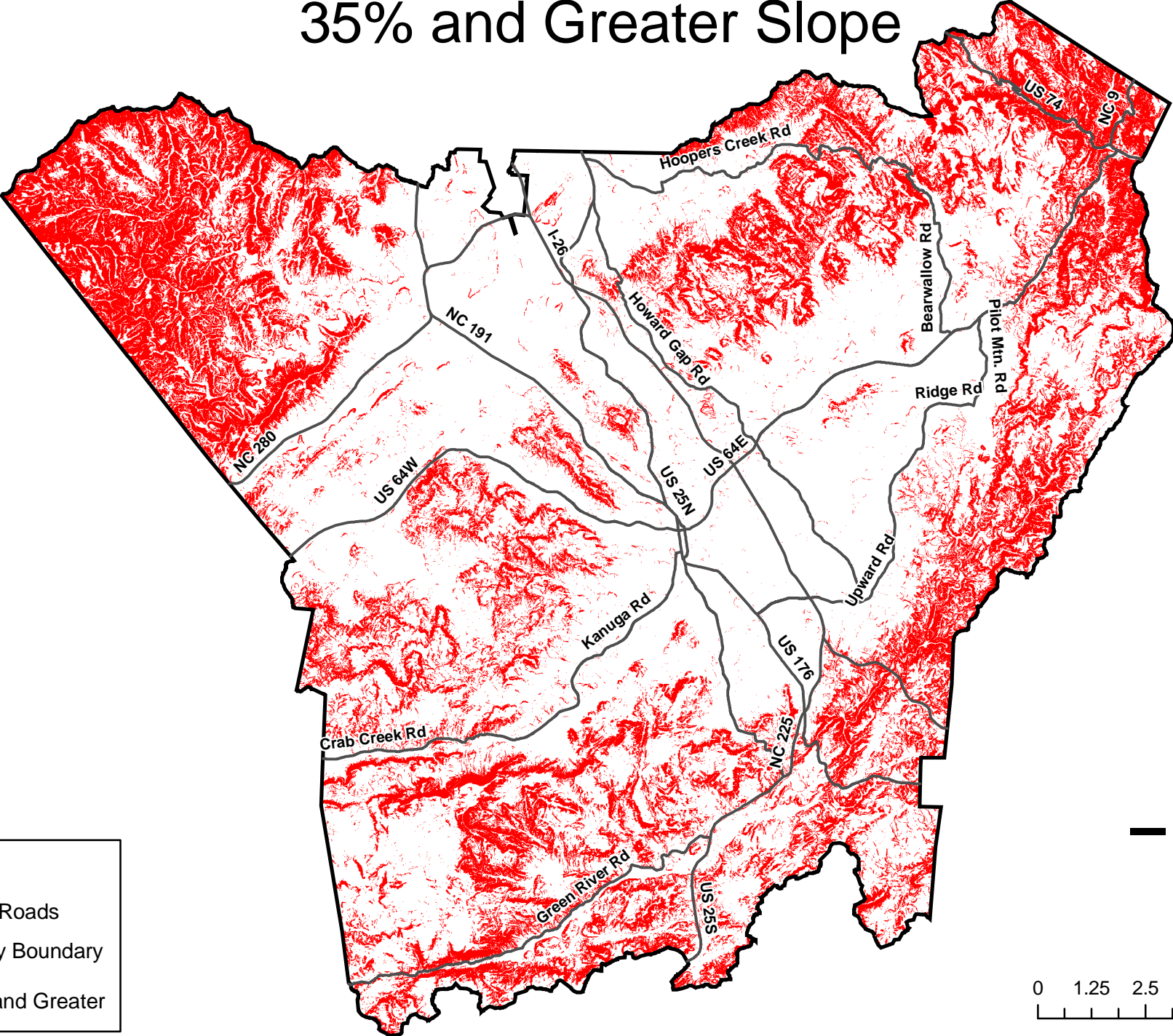


Legend

- Major Roads
- County Boundary
- 25 % and Greater

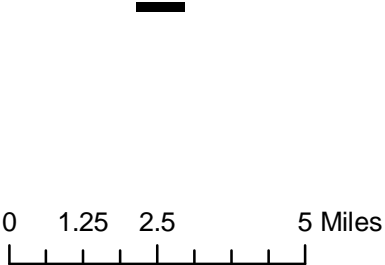


35% and Greater Slope

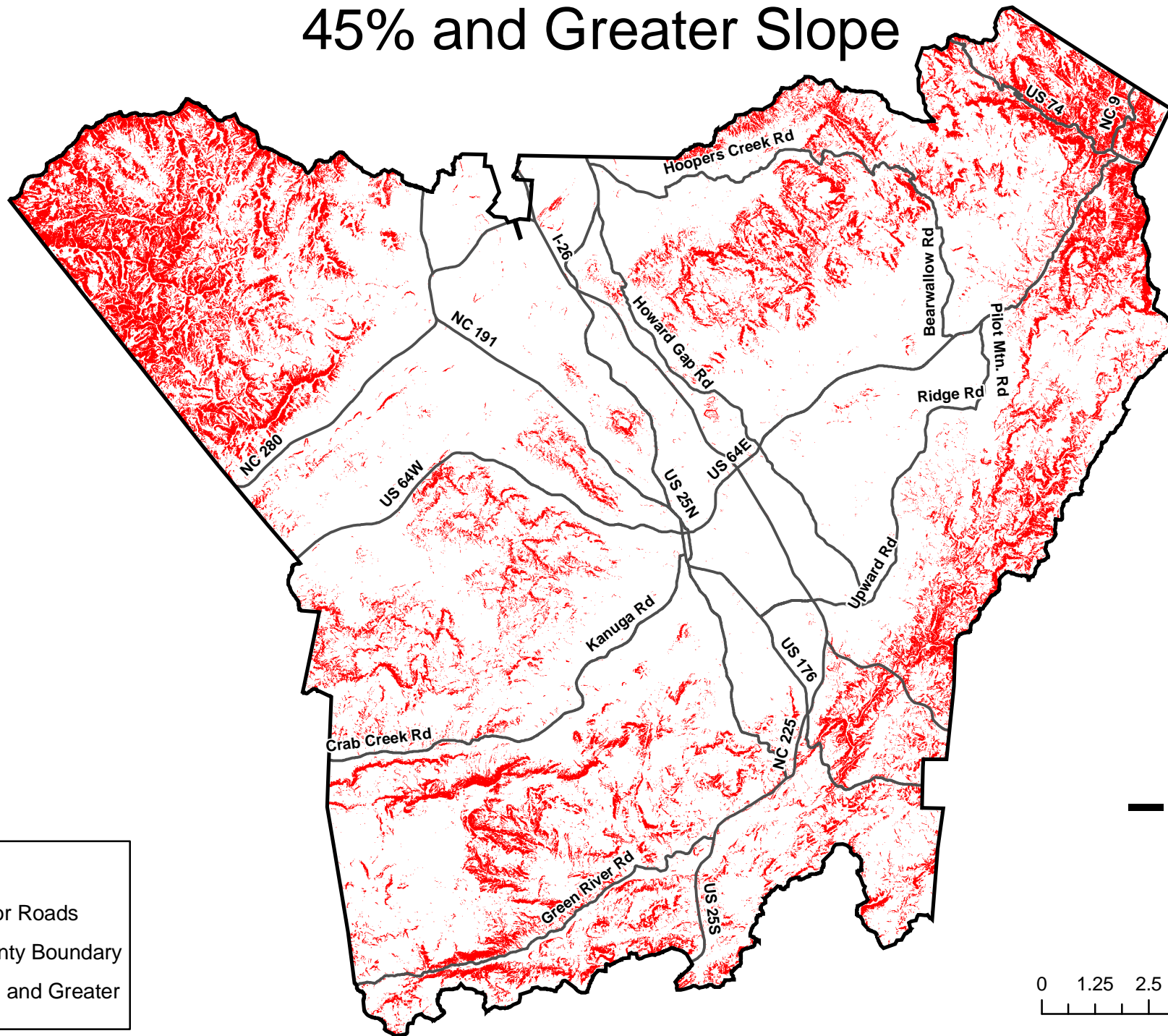


Legend

- Major Roads
- - - County Boundary
- 35% and Greater

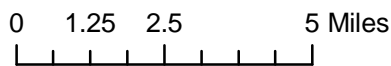


45% and Greater Slope



Legend

- Major Roads
- ▭ County Boundary
- 45% and Greater



***LDC Development Issue 6: Density Bonus Credit**

Issue:

The concern raised at the June 12 LDC Workshop, is that developers should not receive a density bonus for land that is already protected or unable to be developed as proposed in the Conservation Subdivision Option.

Summary of Recommended Solution:

Areas that are in the floodway, wetlands, on slopes that are 45 percent or greater, or that have existing conservation easements would not be eligible for a density bonus credit.

Recommended Solution:

Add language to the Land Development Code requiring that the acreage for land located in the floodway, wetlands, slopes greater than 45 percent, or having an existing conservation easement may be included in conservation lands, but shall not be counted when determining density credits.

Staff is concerned that by enacting this provision, it will remove the purpose of having an incentive to protect primary conservation land, thus removing the intent of the Conservation Subdivision Option. Staff feels that a more effective way to address this concern is through regulating development in areas of steep slope and the floodplain as suggested in LDC Development Issue 5.

* New Text Option as requested at the BOC June 12 Workshop.

LDC Legal Issues

***LDC Legal Issue 1: Inter-relation of County Permits**

Issue:

The concern is that any person or party that has a County permit that has been revoked or suspended should not be granted any other County permits until the suspended permit has been resolved, or for a period of two (2) years following a revoked permit.

Recommended Solution:

Add the following provision to Section 200A-342 Enforcements, Violations, and Appeals.

200A.342. Inter-relation of County Permits.

- A. Suspension of any County Permit. The suspension of any County Permit shall act to suspend, during the period of such suspension, all County Permits granted to the Disqualified Party prior to such suspension.
- B. Revocation of any County Permit. The revocation of any County Permit shall act to revoke all County Permits granted to the Disqualified Party prior to such revocation.
- C. Disqualification for County Permits during period of suspension of County Permit. Any Disqualified Party, and all Related Parties regarding such Disqualified Party, may not be granted any County Permit during the period of suspension.
- D. Disqualification for County Permits during and after revocation of County Permit. Any Disqualified Party, and all Related Parties regarding such Disqualified Party, may not be granted any County Permit for a period of two (2) years following such revocation.
- E. Grounds for revocation or suspension of County Permit. Any County Permit may be revoked, modified, or suspended, in whole or in part, during its term for cause, including, but not limited to, the following:
 - 1. The violation of any condition of the permit; or
 - 2. That the permit was obtained by misrepresenting or failing to disclose fully all relevant facts.
- F. Notification of revocation or suspension. Disqualified Parties shall be notified by the Zoning Administrator or the department issuing the permit that their permit is in danger of being suspended or revoked. This notice shall be sent to the Disqualified Party's last known address by registered or certified mail, or by personal service.
 - 1. That an informal hearing shall be held before the department issuing the permit or the Zoning Administrator within 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter;

* New text option as presented by Legal Staff and requested by the Board of Commissioners at the BOC June 12 Workshop

2. That following that hearing, the Issuing Party may suspend, revoke, or leave in place the permit(s).
- G. **Informal Hearing.** Within 10 days of providing written notice to the Disqualified Party, the Issuing Party shall hold an informal hearing regarding the matter. In the absence of an Issuing Party, the Zoning Administrator shall be permitted to revoke or suspend any and all County permit following an informal hearing with the Disqualified Party. The Issuing Party must provide the Disqualified Party with a written order after the hearing including the following information:
1. Whether the permit(s) in question have been suspended or revoked
 2. If the permit(s) have been suspended, the duration of the suspension
 3. The grounds for the suspension or revocation
 4. Any possible remedies the Disqualified Party may take to have the permits reinstated.
- H. **Reinstatement of Suspended Permits.** Suspended permits may be reinstated after the assigned period of time or once the Disqualified Party has taken the necessary remedial action. To reinstate the permit(s), the Disqualified Party must re-apply to the Issuing Party or the Zoning Administrator. At this time, the Disqualified Party must present evidence to the Issuing Party that the condition causing the suspension has been rectified.
- I. **New Applications for Revoked Permits.** Revoked permits cannot be reinstated. Disqualified Parties must submit new applications for revoked permits.
- J. **Enforcement Remedies.** Disqualified Parties who continue to act under revoked or suspended permits will be guilty of a misdemeanor and shall be punished at the discretion of a court of competent jurisdiction. Subject to the discretion of the Issuing Party, a stop-work order, injunctive relief, and civil damages may also be instituted by Henderson County.
- K. **Right to appeal.** Any Disqualified Party, and all Related Parties may appeal the disqualification of county permits to the Zoning Board of Adjustment in a quasi-judicial hearing. Notices of these appeals must be received by the Zoning Administrator in writing within 15 days of mailing of the notice of permit suspension or revocation. Appeals from the decision of the Zoning Board of Adjustment shall be taken to the court of appropriate jurisdiction as provided by law. Appeals from the decision of the Zoning Board of Adjustment must be filed within 30 days from the date when the Zoning Board of Adjustment issued its final decision.

Definitions. The following items will be included in the Definitions Section of the Land Development Code (Section 200A-354) in reference to the above language.

Appeal Board. The Henderson County Zoning Board of Adjustment.

County Permit. Any zoning, subdivision, building construction, septic system, soil erosion, or similar permit granted by Henderson County or any employee thereof.

Disqualified Party. Any person or entity who has had any County Permit suspended, during the period of such suspension.

Issuing Party. The Henderson County Department or employee who originally granted the permit to the Disqualified Party.

Related Parties. Any person, with respect to any Disqualified Party, who:

1. Is the spouse, sibling, parent or child of the Disqualified Party, or of any other Related Party.
2. Is the employee of the Disqualified Party.
3. Is the managing party, manager, director or owner of at least ten percent (10%) of the ownership interest of the Disqualified Party (whether such Disqualified Party is a partnership, unincorporated association, corporation, limited liability company, or other entity).
4. Exercises the controlling interest in the Disqualified Party.
5. Is the administrator, executor, trustee or other fiduciary of the Disqualified Party.
6. Is controlled by the same entity or entities as the Disqualified Party.