

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 16, 2012

SUBJECT: LDC Technical Correction – Subdivision Definitions

PRESENTER: Anthony W. Starr, AICP, Planning Director

ATTACHMENTS: 1. Required Resolution of Consistency
2. Proposed Text Amendment

SUMMARY OF REQUEST:

The Board previously approved a portion of text amendment TX-2010-02 that re-organized the subdivision regulations and added greater flexibility. As part of that re-organization of the subdivision regulations, certain terms were moved from the subdivision section (Article III) to the definition section (Article XIV) of the Land Development Code (LDC). The move of these terms was inadvertently omitted when the Board took action on September 21, 2011.

The attached text was included in the original text considered by the Board during the public hearing November 17, 2010. No additional public notice or hearing is required for action.

BOARD ACTION REQUESTED:

Planning Staff requests the Board to approve the attached text amendment which moves several terms to the definition section of the LDC. This creates no additional level of regulation. To approve the text amendment, two separate motions are required by state law (N.C. General Statute §153-341).

1st Suggested Motion: I move that the Board approve the attached resolution of consistency.

2nd Suggested Motion: I move that the Board approve the attached text amendment to the LDC.



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

WHEREAS, pursuant to N.C. General Statute §153, Article 18, 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 Director and Planning Board provided recommendations regarding the proposed text amendment with case TX-2010-02; and

WHEREAS, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on November 17, 2010; and

WHEREAS, N.C. General Statute §153-341 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 amendment (TX-2010-02 – Definitions) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendment 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 16th day of May, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____
THOMAS H. THOMPSON, Chairman

ATTEST:

Terry Wilson, Clerk to the Board

[COUNTY SEAL]

Text moved from Subdivision Section (Article III) to the Definitions Section (Article XIV) as presented in TX-2010-02 and inadvertently omitted by Board Action on September 21, 2011.

Add the following text to Article XIV (Definitions) in alphabetical order:

Conservation Area, Primary. Consists of:

- (1) *Floodplains* (100-year and 500-year) and hydric soils identified as part of: a *Flood Insurance Study* prepared by the Federal Emergency Management Agency (*FEMA*); or the County Soil Survey prepared by the USDA Natural Resources Conservation Service;
- (2) Land located within 50 feet of the bank of any *perennial stream*; and
- (3) *Slopes* greater than 30 percent (13.5 degrees) identified as part of: a County Soil Survey prepared by the USDA Natural Resources Conservation Service; or a site analysis conducted by a registered professional engineer, professional land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the US Geological Society.

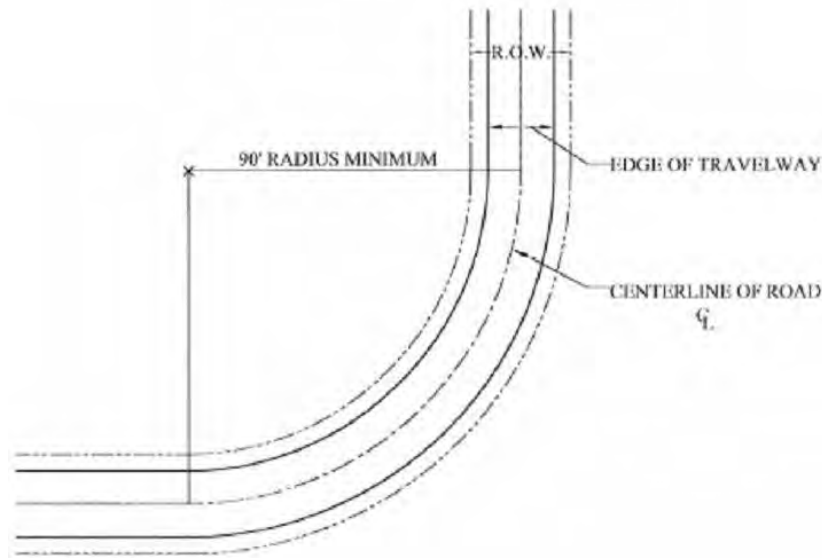
Conservation Area, Secondary. Consists of:

- (1) Farmland (whether actively used or not) including cropland, fields, pastures and meadows;
- (2) Natural areas, wildlife habitats and corridors identified as part of: an Inventory of Natural Areas and Wildlife Habitats as prepared by a State agency, the Nature Conservancy or a local land trust; a required Environmental Assessment or Environmental Impact Statement; or an independent site study conducted by a trained botanist or biologist;
- (3) *Slopes* of 20 to less than 30 percent (nine (9) to less than 13.5 degrees) which require special *site* planning due to their *erosion* potential, limitations for septic tank nitrification fields and terrain or elevation changes;
- (4) Historic or archeological sites including, but not limited to, sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark or district and/or designated as having a high potential for archaeological remains generally identified as part of a: local architectural survey; local archaeological survey; required Environmental Assessment or Environmental Impact Statement; or independent site study conducted by a trained architectural historian or archaeologist;
- (5) Non-commercial cemeteries; and
- (6) Viewsheds (scenic views, especially of natural and cultural features from designated scenic *road* corridors, including "views from the *road*" as well as views outward from potential home sites).

Curve Radius. The distance measured from the centerline of the *road* to a fixed point inside the curve (see Figure 3A. Minimum Curve Radius))

Figure 19A. Minimum Curve Radius

Not to Scale



Lot, Special Use. *Lots* clearly identified and restricted for a designated use (placement of a *sign*, *common area(s)*, recreation area(s), water tank, pump station, etc.), not intended for sale, and clearly identified as such on development plans and *final plats*.