

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** July 10, 2019

**SUBJECT:** Public Hearing on Land Development Code (LDC) Text Amendments (TX-2018-04) – RV Parks and Park Model Parks and Property Addressing Ordinance Amendments

**PRESENTER:** Autumn Radcliff, Planning Director

**ATTACHMENTS:**

1. Draft Text Amendments
2. Certification of Public Notice
3. Resolution of Consistency with County Comprehensive Plan
4. PowerPoint

### SUMMARY OF REQUEST:

The Board of Commissioners (BOC) directed the Planning Board to review the requirements for RV (Recreational Vehicle) Parks which include park model parks. The Planning Board sent forth draft amendments last fall. The BOC tabled its discussion of the amendments and asked for the Technical Review Committee (TRC) and Planning Board to review the State standards and requirements for central holding tanks and to determine the appropriate density for these types of parks.

The TRC reviewed the item at its March 19<sup>th</sup> meeting and the Planning Board voted unanimously at its March 21<sup>st</sup> to send forward a favorable recommendation on the attached draft text amendments. The proposed text amendment includes:

- Amendments to the existing RV Park requirements such as: duration, density, buffer requirements, permanent structures (such as storage buildings), porches or decks would not be permitted (covered picnic areas are allowed), requires a 50 foot setback from perennial streams, minimum road standards, and limits permanently placed park models to no more than 10% of the park. The amendment also clarifies allowed sewage disposal systems, standards for the park model spaces, and requires that RV's have a current tag, no underpinning and tires must be operational.
- The proposed Park Model RV Park use requires similar restrictions as those found in the traditional RV Park, but includes allowances for covered porches, decks and storage buildings, a minimum of 5 contiguous acres, a separation of 20 feet for fire safety, provide a minimum of 2 parking spaces, 25% open space, and does not allow traditional RV's in these parks. The amendment also limits the allowed density for both RV Parks and Park Model RV Parks to no more than 10 sites per acre.
- Clarification to the Property Addressing Ordinance on the appeal process under G.S. 153A-239.1.

### PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on June 26, 2019 and July 3, 2019 (see attached Certification of Notice of Public Hearing).

**BOARD ACTION REQUESTED:**

State law and the LDC require the Board of Commissioners hold a public hearing prior to acting on a text amendment and adopt a written statement of consistency with the County Comprehensive Plan.

**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 LDC text amendments and property addressing  
amendments as discussed.*

## Draft Text Amendments: Recreational Vehicle (RV) Parks and Park Model Recreational Vehicle (RV) Parks

**Recommended changes are highlighted in red.**

**Amendment clarifications recommended by the TRC and Planning Board at the March meetings are in blue.**

**Issue:** Questions and concerns have been raised with recent applications for new RV Parks as to the current standards. The Board of Commissioners directed the Planning Board to review these issues. The Planning Board discussed the draft amendments over several meetings and most recently at its March 21, 2019 meeting and recommended the following changes.

### **Text Amendment A: RV (Recreation Vehicle) Park**

**Recommendation:** Amend the SR standards for RV Parks.

#### **SR 4.15. Recreational Vehicle Park**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Perimeter Setback. Fifty (50) feet.
- (4) Buffer. A B2 buffer is required per Table 5.2 Buffer Width and Plant Material Requirements.
- (5) Recreational Vehicle Spaces. *Recreational vehicle* spaces shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet. A *recreational vehicle* space may contain up to two (2) ~~four (4)~~ campsites for tent set-up. No *recreational vehicle* space is permitted in the ~~100-year floodplain~~ floodway in accordance with §42-235.2 (F).
- (6) Common Area. A *common area* shall be provided, that is equivalent in square footage to 25 percent the total square footage in: *recreational vehicle/park model home* spaces, *structures* on site, parking areas and *driveways*. *Common area* shall be accessible for the use and enjoyment of *recreational vehicle park* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
- (7) Operations. The *recreational vehicle park*:
  - a. Shall provide rental spaces:
    1. For the location of *recreational vehicles*, ~~park model homes~~ and/or tent set-up,
    2. Which may contain an open or covered ~~porch~~ picnic area not exceeding 15 feet in height and not to exceed ~~400~~ 100 square feet in area, and
    3. Which have no point of direct access not indicated on the *site plan*,
    4. Which have no accessory storage structures, porches, or decks, and
    5. Which are setback fifty (50) feet from perennial streams;
  - b. May contain *structures* ancillary to the ~~use~~ RV Park;
  - c. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and
  - d. Shall provide, at the time of application, an evacuation plan for a natural disaster event.
  - e. Shall be permitted one (1) designated fire pit.

- (8) **Recreational Vehicles.** All recreational vehicles, excluding park models, must have a current tag, have no underpinning, and tires must be operational.
- (9) **Park Models.** A recreational vehicle park may contain park model RV's that are for overnight or seasonal accommodations. Only 10% of the RV Park spaces may contain a park model unit. Park models may contain an open or covered porch not to exceed 150 square feet. Park models shall not be located in the 100-year floodplain and must have a minimum separation of twenty (20) feet between units.
- (10) **Roads.** Roads located in the RV Park shall be a minimum of sixteen (16) feet wide for two-way roads or twelve (12) feet wide for one-way roads.
- (11) **Duration.** Recreational vehicles shall not be located in the RV Park longer than 180 consecutive days. The owner of the RV Park shall maintain the approved site plan of the park spaces and provide the County with a report to confirm duration requirement. Such report shall be submitted to the County annually or as requested to determine a violation status. A temporary use permit may be issued by the zoning administrator allowing for a longer duration period of select RV vehicles for the purpose of: FEMA related projects or other natural disaster relief, or for workforce housing related to a specific construction project.
- (12) **Solid Waste Collection.** The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 165 of the Henderson County Code, *Solid Waste*) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).
- (13) **Sewage System.** ~~Recreational vehicle/park model home spaces shall not be provided individual hookups to a septic tank, approved public or community sewage disposal system or municipal sewage disposal system; instead, a central dump station shall be provided for the use of all occupants. A recreational vehicle park shall connect to a municipal sewage disposal system when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces proposed for the recreational vehicle park. If a park is located more than 2,500 feet from an existing municipal sewage disposal system, such connection shall not be required.~~ A recreational vehicle park shall provide a sewage disposal system. All sewage systems must be approved by the applicable review agency.
- (14) **Common Area Recreation and Service Facilities.** Those facilities within the *recreational vehicle park* shall be for the sole purpose of serving the overnight guests in the *park* and shall adhere to the development standards established in SR 4.6 (*Common Area Recreation and Service Facilities*).
- (15) **Density.** Recreational vehicle parks shall be allowed at density of ten (10) spaces per acre.

**Text Amendment B: Park Model Recreational Vehicle Park**

**Recommendation:** Add a new use to the LDC to allow Park Model Recreational Vehicle Parks. Add Park Model RV Parks to the permitted use table and add a new SR standard for Park Model RV Parks.

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<b>1. RECREATIONAL USES</b>												
<i>Recreational Vehicle Park</i>	S	S	S	S	S		P	P	P			4.15
<i>Recreational Vehicle Park, Park Model</i>	S	S	S	S	S		S	S				4.16

**SR 4.16 Park Model Recreational Vehicle Park**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Perimeter Setback. Fifty (50) feet.
- (4) Minimum Size. A park model RV park must be a minimum of five (5) contiguous acres.
- (5) Buffer. A B2 buffer is required per Table 5.2 Buffer Width and Plant Material Requirements.
- (6) Park Model Spaces. *Park model home* space shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet and have a minimum separation of twenty (20) feet between units. No *park model home* space is permitted in the 100-year floodplain or floodway.
- (7) Open Space. A minimum of twenty-five (25) percent of the project area must be designated as open space or *common area*. *Common area* shall be accessible for the use and enjoyment of *park* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
- (8) Park Model Units. Each individual park model unit:
  - a. May contain one (1) accessory storage structure not to exceed 144 square feet;
  - b. May contain an open or covered porch or deck, which may be screened but not enclosed, and not exceeding 15 feet in height and not to exceed 400 square feet in area;
  - c. May provide underpinning;
  - d. Shall clearly display the space number as shown on the approved site plan for the park; and
  - e. Shall not contain other types of recreational vehicles other than park models.
- (9) Layout. Park model spaces shall be arranged to allow a minimum of two (2) parking spaces for each unit and must be oriented in a uniform manner along roads either parallel, horizontal or angled so long as all units on a single road are positioned in a like fashion.
- (10) Roads. Roads located in the Park shall be a minimum of sixteen (16) feet wide for two-way roads or twelve (12) feet wide for one-way roads.
- (11) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or

- the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 165 of the Henderson County Code, *Solid Waste*) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).
- (12) Sewage System. The park shall provide one of the following; individual hookups to a septic tank(s), or approved *public, community or municipal sewage disposal system*. The park shall connect to a *municipal sewage disposal system* when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces. If a park is located more than 2,500 feet from an existing *municipal sewage disposal system*, such connection shall not be required. All sewage systems must be approved by the applicable review agency.
- (13) *Common Area Recreation and Service Facilities*. Those facilities within the Park shall be for the park owners or their guests and shall adhere to the development standards established in SR 4.6 (*Common Area Recreation and Service Facilities*).
- (14) Density. Park model recreational vehicle parks shall be allowed at a density of ten (10) spaces per acre.

**Recommended changes are highlighted in red.**

**Issue:** The Property Addressing Ordinance allows for decisions of the Property Addressing Coordinator to be appealed. This amendment clarifies the process of an appeal under G.S. 153A-239.1 for a public hearing by the Board of Commissioners.

**Recommendation:** Amend section 41-14. Appeals of the Property Addressing Ordinance.

41-14. Appeals

Action taken by the Property Address Coordinator or under guidelines set forth in this chapter may be appealed by the property owner(s) to the ~~Zoning Board of Adjustment (ZBA)~~ **Board of Commissioners (BOC) for a public hearing under G.S. 153A-239.1**. Such an appeal must be filed in writing within 30 days of written notification of required owner action with the Property Addressing Coordinator, **and the appellant must pay the cost of notifications for the hearing.**

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-323 and 153A-343 the Planning Department certifies notices of the July 10th, 2019 hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2018-04) and the Henderson County Property Addressing Ordinance, were:

1. Submitted to the Hendersonville Lightning on June 21, 2019 to be published on June 26, 2019 and July 3, 2019 by Autumn Radcliff;

The signatures herein below indicate that such notices were made as indicated herein above:

1. Autumn Radcliff

STATE OF NC

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that Autumn Radcliff

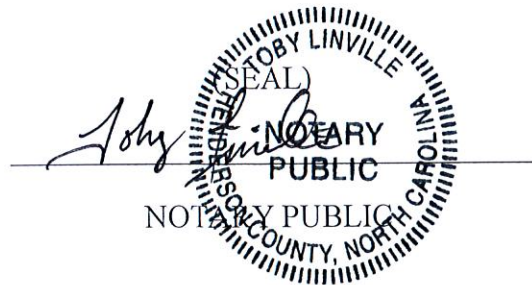
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personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 27 day of June, 2019.

My commission expires:

5/25/21







**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 Department and Planning Board provided recommendations regarding the proposed text amendments with case TX-2018-04; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Department provided the prescribed public notice and the Board held the required public hearings on May 15, 2019; 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 LDC text amendment (TX-2018-04) 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 10<sup>th</sup> day of July, 2019.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**GRADY HAWKINS, Chairman**  
**Henderson County Board of Commissioners**

**ATTEST:**

\_\_\_\_\_  
**TERESA L. WILSON**  
**Clerk to the Board of Commissioners**

**[COUNTY SEAL]**

# Land Development Code Text Amendment TX-2018-04: RV Parks and Park Model RV Parks And Amendments to the Property Addressing Ordinance

*Henderson County Planning Department*

## Traditional RV Pictures



*Henderson County Planning Department*

## Land Development Code Text Amendments

### What is an RV?

- Meets RVIA standards
- NCDMV requires a tag and registration
- U.S. DOT categorizes RV's by class:
  - Class A: Large motor homes and converted commercial passenger vehicles (bus)
  - Class B: Campervans
  - Class C: RV's that are attached to a truck or hauled behind
  - Other RV Types: Truck campers, pop-ups, light weight travel trailers

*Henderson County Planning Department*

### Park Model RV Pictures



*Henderson County Planning Department*

## Land Development Code Text Amendments

### What is a Park Model RV?

- Meets RVIA standards (must meet or exceed ANSI Standard A119.5)
- Designed for temporary or seasonal use, not intended as a permanent residence
- Vacation type use purposes
- Not designed to be moved frequently
- Does not require a DMV tag
- Federal law requires the RV Park Model tag at door with the serial number
- Does not have a septic holding tank like a traditional RV and requires connection to a sewage disposal system

*Henderson County Planning Department*

## Land Development Code Text Amendments

### Background:

- Questions and concerns were raised with recent applications for new RV Parks
- BOC directed the Planning Board to review these issues and concerns
- Planning Board discussed the draft amendments over several meetings and recommended draft text amendments to the LDC
- BOC reviewed the draft amendments and directed TRC and Planning Board to review the central holding tank (dump station) requirements and the allowed density
- TRC reviewed the draft amendment at its meeting on March 19th
- On March 21<sup>st</sup>, the Planning Board reviewed the amendments and recommended modifications to the standards for central holding tanks and density allowances

*Henderson County Planning Department*

## Planning Board Recommendation

**RV Parks:** Require a sewage disposal system that is permitted by the applicable review agency

**Park Model Parks:** Require a sewage disposal system as one of the following types: septic system, or approved public, community or municipal sewage disposal system that is permitted by the applicable review agency

**Density:** Maximum density is 10 spaces per acre (with specific standards)

*Henderson County Planning Department*

## LDC Text Amendment A: RV (Recreation Vehicle) Park

### **Proposed changes to the existing RV Park regulations:**

- B2 buffer required (30 ft planted buffer)
- Only 2 campsites per RV space
- No RV permitted in the floodway
- Covered porch, deck or accessory structure is not allowed
  - (covered picnic area and fire pit is allowed)
- RV space must be 50 feet from perennial streams
- RV's shall:
  - Not be located in the park longer than 180 consecutive days (temporary use permit may apply)
  - Have a current tag, no underpinning, and tires must be operational
- Minimum of 16 ft wide roads for 2-way streets and 12 ft wide for 1-way streets

*Henderson County Planning Department*

## LDC Text Amendment A: RV (Recreation Vehicle) Park

**Proposed changes to the existing RV Park regulations continued:**

- Provide a sewage disposal system that is permitted by the applicable review agency
- Allowed density is 10 spaces per acre
- 10% of the RV Park may contain a park model provided:
  - It is not located in the 100 yr. floodplain
  - May contain a covered porch or deck not to exceed 150 sq. Ft.
  - Have a minimum separation of 20 ft between units
  - Must be for overnight or seasonal accommodations

*Henderson County Planning Department*

## LDC Text Amendment B: Park Model RV Parks

**Add Park Model RV Parks to the permitted use table.**

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<i>Recreational Vehicle Park</i>	S	S	S	S	S		P	P	P			4.15
<i>Recreational Vehicle Park, Park Model</i>	S	S	S	S	S		S	S				4.16

*Henderson County Planning Department*

## LDC Text Amendment B: Park Model RV Parks

### **Proposed regulations for Park Model RV Parks are similar to RV Parks with the following exceptions:**

- Each park model unit:
  - Shall a minimum of 2 parking spaces and be positioned in a like fashion
  - Shall clearly display the space number as shown on the approved site plan
  - May contain an open or covered porch that may be screened but not enclosed, not more than 15 ft in height or 400 sq. ft. in area
  - May provide underpinning
  - May contain an 1 accessory storage structure not to exceed 144 sq. ft. (12 x 12)
  - Must have a minimum separation of 20 ft. between units

*Henderson County Planning Department*

## LDC Text Amendment B: Park Model RV Parks

### **Proposed regulations for Park Model RV Parks Continued:**

- Park shall not contain other recreational vehicles other than park models
- Park must have a minimum of 5 contiguous acres
- Contain a minimum of 25% open space
- Provide a sewage disposal system as one of the following types: septic system, or approved public, community or municipal sewage disposal system that is permitted by the applicable review agency
- Allowed density is 10 spaces per acre

*Henderson County Planning Department*

## Property Addressing Ordinance Amendments

### Clarification to the Property Addressing Ordinance on the appeal process under G.S. 153A-239.1

#### Amend Section 41-14 Appeals

Action taken by the Property Address Coordinator or under guidelines set forth in this chapter may be appealed by the property owner(s) to ~~the Zoning Board of Adjustment (ZBA)~~ Board of Commissioners (BOC) for a public hearing under G.S. 153A-239.1. Such an appeal must be filed in writing within 30 days of written notification of required owner action with the Property Addressing Coordinator, and the appellant must pay the cost of notifications for the hearing.

*Henderson County Planning Department*

## Questions or Discussion

*Henderson County Planning Department*