

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** November 17, 2021

**SUBJECT:** Public Hearing for Land Development Code (LDC) Text Amendments  
(TX-2021-07)

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

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

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

During the August 19<sup>th</sup> Planning Board meeting, the Board requested staff to draft a text amendment to remove the private driveway easement option in major subdivisions. This concern was due to emergency access in these larger developments if roads did not meet minimum standards under the LDC for local roads.

The Henderson County Planning Board discussed the draft text amendment and voted unanimously to send forward a favorable recommendation. Attached is the draft text amendment recommended by the Planning Board.

#### **PUBLIC NOTICE:**

The required public notice of this hearing was published in the Hendersonville Lightning on November 3<sup>rd</sup>, 2021, and November 11<sup>th</sup>, 2021 (See attached Certification of Public Notice).

#### **BOARD ACTION REQUESTED:**

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

#### **Suggested Motion:**

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

*I move that the Board adopt the proposed text amendments to the LDC (#TX-2021-07).*

## LDC Text Amendment – TX-2021-07

### Removing the Private Driveway Easement Option for Major Subdivisions

**Recommended changes are highlighted in red.**

**Summary:** During the August 19<sup>th</sup> Planning Board meeting, the Board requested staff to draft a text amendment to remove the private driveway easement option in major subdivisions. This concern was due to emergency access in these larger developments if roads did not minimum standards under the LDC for local roads.

#### **§42-109. Residential Private Road Standards by Road Classification**

- D.** Private Driveway Easements. A private “*driveway easement*” shall be permitted where the driveway serves no more than five (5) *lots* (the *lots* served by the easement shall be identified on all plans and plats). *Final plats* must contain a note conveying maintenance responsibility of the *easement* to the homeowners’ utilizing it to access their property. The note shall state *easement(s)* must be maintained to allow clear passage for emergency response *vehicles*. **Private driveway easements shall not be allowed in major subdivisions.**

### Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the November 17<sup>th</sup>, 2021, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2021-07), were:

1. Submitted to the Hendersonville Lightning on October 27, 2021 to be published on November 4, 2021 and November 11, 2021 by Matt Champion;

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

1. Matt Champion

STATE OF North Carolina

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County

and State, do hereby certify that Matt Champion

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

WITNESS my hand and notarial seal, this the 3rd day of November, 2021.

My commission expires:

6/29/26





## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

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

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

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

**WHEREAS**, the Planning Department and Planning Board provided recommendations regarding the proposed text amendments with case #TX-2021-07; and

**WHEREAS**, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on November 17, 2021; and

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

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

1. That the Board reviewed the proposed text amendments related to (#TX-2021-07 to the Land Development Code) and finds that it reasonable, in the public interest and it is consistent with the principles and goals of County Comprehensive Plan and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed text amendments provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

**THIS** the 17<sup>th</sup> day of November, 2021.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_

**WILLIAM LAPSLEY, Chairman**  
**Henderson County Board of Commissioners**

**ATTEST:**

\_\_\_\_\_  
**DENISA LAUFFER**  
**Clerk to the Board of Commissioners**

**[COUNTY SEAL]**