

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 18, 2022

SUBJECT: Public Hearing for Land Development Code (LDC) Text Amendments
(TX-2022-01) – Accessory Residential Dwellings

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:

The Henderson County Planning Board during its review of the Land Development Code, received complaints from citizens on the current standards for accessory dwellings. Accessory dwellings are allowed when a property owner wishes to add a second dwelling to a parcel of land that already contains a residence. This provision is separate from an owner subdividing property for the purpose of a new residence. Due to the lack of standards, this provision could allow a manufactured home park that did not comply with the existing manufactured home park standards.

The Planning Board discussed the issue at its March and April meetings and on April 21, 2022, voted unanimously to send forward a favorable recommendation on the draft text amendment to accessory dwellings (see attached).

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on May 4th, 2022, and May 11th, 2022 (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 Land Development Code
(#TX-2022-01).*

LDC Text Amendment (TX-2022-01)

Recommended changes are highlighted in red.

Accessory Residential Dwellings

Summary: The Planning Board request amendments to the accessory residential dwellings based on recent public comments. Accessory residential dwellings are permitted with standards in all residential zoning districts including OI and LC.

§42-62. Supplemental Requirements to the Table of Permitted and Special Uses

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) 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 a *principal use* in the general use zoning district.
 - c. *Mobile homes, park model homes and recreational vehicles* shall not be used as *accessory dwellings*.
- (3) 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 greater; the structure may be a dwelling only or may combine a dwelling with a garage, workshop, studio or similar use.~~ An *accessory dwelling* shall be no larger than 50 percent of the gross floor area of the principal dwelling. The accessory dwelling may be combined with a garage, workshop, studio or similar use.
- (4) 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.
- (5) Location. A detached *accessory dwelling* shall be located in the established side or rear yard and shall meet the standards for the applicable building and lot type.
- (6) Lot Size. Lots that are at least 0.75 or $\frac{3}{4}$ of an acre in size may be permitted an *accessory dwelling* if served by public water and public sewer, otherwise lots with less than one (1) acre may not contain an *accessory dwelling*.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the May 18th, 2022, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2022-01)), were:

1. Submitted to the Hendersonville Lightning on April 27, 2022 to be published on May 4, 2022 and May 11, 2022 by Matt Champion;

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

1. 

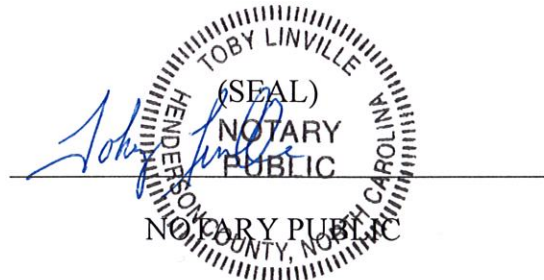
STATE OF North Carolina

COUNTY OF Henderson

I, Toby Linville, a Notary Public, in and for the above County
and State, do hereby certify that Matt Champion
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
WITNESS my hand and notarial seal, this the 4th day of May, 2022.

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-2022-01; 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 May 18, 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-2022-01 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 18th day of May, 2022.

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]