

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: July 20, 2022

SUBJECT: Public Hearing for Land Development Code (LDC) Text Amendments (TX-2022-02) – Personal Storage Structures and Temporary Portable Storage Container

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:

On June 6th, the Board of Commissioners held a public hearing on LDC text amendment TX-2022-02 for personal storage structures. During this meeting, the Board discussed the proposed amendment and asked questions of both staff and the Planning Board Chair. The Board voted to send back the amendment so that the Planning Board could discuss the changes requested by Commissioner Hill. The Board also directed the Planning Board to review potential changes to the requirements for temporary portable storage containers.

The Planning Board discussed the amendments as requested by the Board of Commissioners at its meeting on June 16, 2022 and made changes to the draft amendment. The Planning Board voted unanimously to send forward a favorable recommendation on the draft text amendment with the changes as noted (see attached).

PUBLIC NOTICE:

The required public notice of this hearing was published in the Hendersonville Lightning on July 6th, 2022, and July 13th, 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-2022-02) as amended.

LDC Text Amendment (TX-2022-02)

Recommended changes are highlighted.

Personal Storage Structures

Summary: The Planning Board request an amendment to allow for personal storage structures. The LDC allows for accessory structures with a principal home or business but does not allow for these types of structures on vacant parcels. This amendment would allow a property owner to build a structure, for example a garage, for personal storage.

Amend the Table of Permitted and Special Uses as follows.

1. Residential Uses	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
Personal Storage Structure	P	P	P	P	P	P	P	P	P	P	1.14

Amendment as recommended by the Planning Board on June 16, 2022.

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

SR 1.14. Personal Storage Structure

- (1) Any lot may have a personal storage structure. If a lot is two (2) or more acres in size, there can be one such structure per acre.
- (2) A personal storage structure may include one (1) bathroom facility and a kitchen facility but shall not be used as a residence or for the purpose of operating a business without the corresponding approvals, permits and inspections.
- (3) Personal storage structure footprint may not exceed 24% total parcel size.
- (4) Personal storage structures shall only be for the use by the property owner.
- (5) Personal storage structures less than or equal to 750 sq ft in size shall meet the setback requirements for accessory structures. Personal storage structures greater than 750 sq ft in size shall meet the setbacks of the applicable zoning district.

Temporary Portable Storage Containers

Summary: The Board of Commissioners requested that the Planning Board review the requirements for temporary portable storage containers for conflicts with personal storage structure amendment and possibly extending the 30-day limit.

SR 12.1. Portable Storage Containers

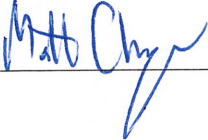
- (1) Maximum Number Permitted Per Lot. One (1) for *residential zoning district* property.
- (2) Duration and Frequency. *Portable storage containers* shall be placed on *residential zoning district* property for no more than **90** ~~30~~ days, no more than **two (2)** ~~four (4)~~ times in a 12 month period.
- (3) Permanent Structures. *Portable storage containers* may be permitted as *accessory structures*. ~~In no case shall more than one (1) container be permitted on a single property or shall any permanent accessory portable storage container be permitted on residential zoning district property.~~

Certification of Notice of Public Hearing

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the July 20th, 2022, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2022-02)), were:

- 1. Submitted to the Hendersonville Lightning on June 27, 2022 to be published on July 6, 2022 and July 13, 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

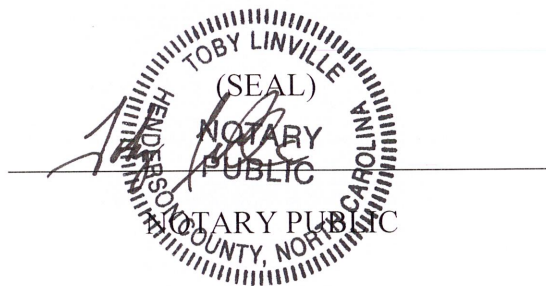
I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that Matt Champion

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

WITNESS my hand and notarial seal, this the 27th day of June, 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-2022-02; 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 July 20, 2022; 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-2022-02 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 20th day of July, 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]