

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 1, 2022

SUBJECT: 2nd Reading of LDC Text Amendment Language as Approved on July 20th
(Personal Storage Structure and Temporary Portable Storage Containers)

PRESENTER: Russell Burrell, County Attorney
Autumn Radcliff, Planning Director

ATTACHMENTS: 1. LDC Text Amendment Language as Approved on July 20th
2. Resolution of Consistency

SUMMARY OF REQUEST:

On July 20th, the Board of Commissioners held a public hearing on LDC text amendment TX-2022-02 for personal storage structures and temporary portable storage containers. Following discussion, the Board voted on several changes to the proposed amendment. The Board directed staff to provide the Board with a final draft incorporating all the approved changes at the next meeting.

BOARD ACTION REQUESTED:

The Board is requested to approve the final draft language as approved by the Board at its July 20th meeting during its first reading.

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 LDC text amendment for personal storage structures and
temporary portable storage containers as approved in 1st reading by the BOC on July 20th,
2022.*

LDC Text Amendment Language as Approved on July 20th by the BOC

Approved changes are highlighted.

Personal Storage Structures

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 approved in 1st reading by the BOC on July 20th, 2022.

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

SR 1.14. Personal Storage Structure

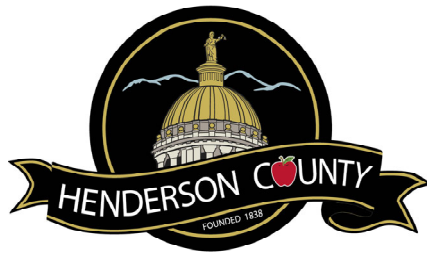
- (1) Any lot may have personal storage structures.
- (2) A personal storage structure may include bathroom facilities and kitchen facilities and shall not be used as a residence or for the purpose of operating a business.
- (3) Personal storage structures shall only be for personal, noncommercial use.
- (4) The use may be setback a minimum of five (5) feet from the *side* or *rear* property lines and ten (10) feet from the front or Right of Way (ROW).

Temporary Portable Storage Containers

Amendment as approved in 1st reading by the BOC on July 20th, 2022.

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 days, no more than **three (3)** times in a 12 month period.
- (3) Permanent Structures. *Portable storage containers* may be permitted as *accessory structures*.



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 1st day of August, 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]