

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** September 6, 2022

**SUBJECT:** 2<sup>nd</sup> Reading of LDC Text Amendment Language as Revised on July 20<sup>th</sup>  
(TX-2022-02 - Personal Storage Structure and Temporary Portable Storage Containers)

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

**ATTACHMENTS:** 1. LDC Text Amendment Language as Revised on July 20<sup>th</sup>  
2. Resolution of Consistency

### **SUMMARY OF REQUEST:**

On July 20<sup>th</sup>, 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 revisions to the proposed amendment. The Board directed staff to provide the Board with a final draft incorporating all the revisions for a final vote at the September meeting.

### **BOARD ACTION REQUESTED:**

The Board action is required to adopt the final draft language as revised by the Board at its July 20<sup>th</sup> 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 TX-2022-02 for personal storage structures and temporary portable storage containers as revised in the 1<sup>st</sup> reading by the BOC on July 20<sup>th</sup>, 2022.*

# LDC Text Amendment Language as Revised on July 20<sup>th</sup> by the BOC

## 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 revised in 1<sup>st</sup> reading by the BOC on July 20<sup>th</sup>, 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 revised in 1<sup>st</sup> reading by the BOC on July 20<sup>th</sup>, 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 6<sup>th</sup> day of September 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]**