

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: **October 2, 2023**

SUBJECT: **Amendment to County Code (Land Development Ordinance)**

PRESENTER: **Charles Russell Burrell**

ATTACHMENT(S): **Proposed Board enactment**

SUMMARY OF REQUEST:

A 2022 session law modified the appeals procedure allowed for land development related decisions. As a result, N.C. Gen. Stat. §160D-1403, on appeals of subdivision plats, now reads as follows in part:

(b) When a subdivision regulation adopted under this Chapter provides that the decision whether to approve or deny a preliminary or final subdivision plat is administrative, or for any other administrative decision implementing a subdivision regulation, the following applies:

(1) If made by the governing board or planning board, the decision is subject to review by filing an action in superior court

Table 12.1 of Henderson County Code §42-379 provided for appeals from the planning board to be made to the Zoning Board of Adjustment, which is not permitted under this statute.

As this amendment is required by the statute, it has not been presented for comment to the Planning Board.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Adoption of amendment to Henderson County Code

If the Board is so inclined, the following motion is suggested:

I move that the Board adopt the proposed amendment to Section 42-379 of the Henderson County Code.

**HENDERSON COUNTY
NORTH CAROLINA**

Before the Board of Commissioners

ORDINANCE

BOARD OF COMMISSIONERS ENACTMENT 2023-_____

BE IT ORDAINED as follows:

Henderson County Code §42-379 is amended by deleting Table 12.1 thereof, and replacing the same with the following:

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Table 12.1 Approving Agency and Associated Appellate Body

Type of Agency	Approving Agency or Agency for the Application or Appeal	Appellate Body
Staff	Communication Facilities Administrator	Zoning Board of Adjustment
	Floodplain Administrator	Flood Damage Prevention Board
	Manufactured Home Park Administrator	Zoning Board of Adjustment
	Planning Director	Zoning Board of Adjustment
	Soil Erosion and Sedimentation Control Administrator	Zoning Board of Adjustment
	Subdivision Administrator	Zoning Board of Adjustment
	Water Quality Administrator	Water Quality Board
	Zoning Administrator	Zoning Board of Adjustment
	Comm. Board	Technical Review Committee
Flood Damage Review Board		Superior Court
Planning Board		Zoning Board of Adjustment <u>Superior Court</u>
Water Quality Board		Superior Court
Zoning Board of Adjustment		Superior Court
Board of Commissioners		Superior Court