

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 5, 2025

SUBJECT: LDC Text Amendment (TX-2025-03), Law Enforcement Establishment

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Text Amendment
2. Certification of Public Notice
3. 2045 Comprehensive Plan Consistency Statement

SUMMARY OF REQUEST:

The Land Development Code (LDC) provides for a police station use that is typically related to municipalities but does include county sheriff or local law enforcement establishments found in the county's jurisdiction. The proposed amendment will replace police station use with law enforcement establishments and include those associated uses. To be consistent with other governmental uses, these establishments would be permitted in all zoning districts with supplemental requirements.

The Planning Board reviewed the proposed text amendment on April 17, 2025, and voted unanimously to send forward a favorable recommendation on the amendment to the Board of Commissioners.

PUBLIC NOTICE:

A public notice for this hearing was submitted to be advertised in the Hendersonville Lightning on Wednesday, April 23rd, 2025, and Wednesday, April 30th, 2025, to meet the requirements of NCGS §160D-601 (see attached certification of public notice).

BOARD ACTION REQUESTED:

The Board of Commissioners must hold a public hearing before adopting any amendments to the Land Development Code. Action by the Board of Commissioners to approve the proposed text amendment is requested.

Suggested Motion:

I move that the Board of Commissioners approve the proposed text amendment #TX-2025-03 with any changes as discussed and find that these changes are reasonable and consistent with the 2045 Comprehensive Plan.

Text Amendment Summary: The Land Development Code (LDC) provides for a police station use that is typically related to municipalities but does include county sheriff or local law enforcement establishments found in the county's jurisdiction. The proposed amendment replaces the police station use with law enforcement establishment use and includes those associated uses. To be consistent with other governmental uses, these establishments would be permitted in all zoning districts with supplemental requirements (SR).

Amendment: Replace Police Station use with Law Enforcement Establishment use

Law enforcement establishment will replace the definition for police station and the use will be added to the Table of Uses and allowed as a permitted use in all zoning districts per the supplemental requirements listed below.

Law Enforcement Establishment SR

- (1) Site Plan. Major *Site Plan* required in accordance with §42-330 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to, stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* is required.
- (3) Accessibility. *Roads* shall be maintained for motor/emergency vehicle access.
- (4) Operations. No *drills* are to be held before 6:00 a.m. or after 10:00 p.m.
- (5) Accessory Uses. Accessory uses typically associated with law enforcement activities shall be permitted as part of these establishments and must adhere to any supplemental requirements with the following exemptions:
 - a. Outdoor storage is permitted by right and may be permitted in the front yard.
 - b. Automobile and equipment services shall not be considered an accessory use and shall be permitted as a separate use per the Land Development Code and associated supplemental requirements.
 - c. Shooting ranges shall not be considered an accessory use and shall be permitted as a separate use per the Land Development Code and associated supplemental requirements.

Certification of Public Hearing Notice

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the May 5, 2025, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2025-03)), were:

1. Submitted to the Hendersonville Lightning on April 17, 2025, to be published on April 23, 2025, and April 30, 2025, by Autumn Radcliff;

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

1. Autumn Radcliff

STATE OF North Carolina

COUNTY OF Henderson

I, Toby Linville, a Notary Public in and for the above County

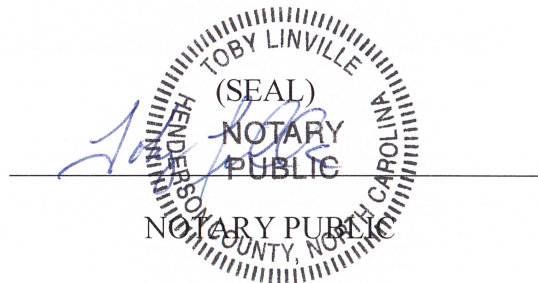
and State, do hereby certify that Autumn Radcliff

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

WITNESS my hand and notarial seal, this the 24th day of April 2025.

My commission expires:

6/29/26





LAND DEVELOPMENT CODE TEXT AMENDMENT
#TX-2025-03, Law Enforcement Establishment
COMPREHENSIVE PLAN STATEMENT

Related to LDC Text Amendment #TX-2025-03, the Comprehensive Plan states the following:

- **Plan Goal 8: Promote Healthy Living, Public Safety, and Access to Education**
 - Rec 8.4: Provide high-quality public and emergency services.
 - (A): Plan for expansion of public services, capital projects, and personnel, in proportion to increasing demand.

The Board should determine if the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County.