

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MARCH 20, 2007**

The Henderson County Board of Commissioners met for a Public Input Session on the Land Development Code at 7:00 p.m. in the Lelia Patterson Center at Fletcher Academy.

Those persons present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Chuck McGrady, Commissioner Larry Young, Commissioner Mark Williams, County Manager Steve Wyatt and Clerk to the Board Elizabeth W. Corn.

Also present was: Planning Director Anthony Starr.

### CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance.

### OVERVIEW OF LAND DEVELOPMENT CODE

Planning Director Anthony Starr stated the Draft Land Development Code combines all of the County's existing ordinances related to development into one user-friendly document. Some of the County's current development standards were written more than 25 years ago and are somewhat out of date. New trends to protect community character, reduce development costs, and protect the environment have occurred in the years since, so new regulations are needed to reflect these changes. No Farming, agriculture, agritourism, livestock and horses are exempt from zoning rules by state law and this will not change with the proposed Land Development Code.

New junkyards operated as a business will be allowed in the industrial Zoning district with a special use permit issued by the Board of Adjustment. Existing junkyards in the County will be grandfathered. Junk, such as trash and junk vehicles on individual properties are regulated under the County's Nuisance Prevention Ordinance, not the LDC. The LDC will not change the nuisance Ordinance.

Currently there are numerous zoning districts that add to confusion about how the County should grow. The draft Land Development Code reduces the number of zoning districts and makes it a lot simpler for everyone to understand. The County zoning changes will not affect anyone within a municipality's zoning jurisdiction. Maps of the proposed zoning are available at the Planning Department Office and online at [www.hendersoncountync.org](http://www.hendersoncountync.org) – click on the link to the Land Development Code.

The Open Use Zoning District was intended to prohibit a few uses that have very negative impacts on neighbors. It does not limit how dense (number of homes per acre) new developments can be. If you are currently in Open Use Zoning a wide range of residential, commercial and industrial uses are permitted without limit. With the draft Land Development Code, areas zoned open use will be classified into a residential, commercial, or industrial zoning district.

No Businesses already legally operating in the Open Use area will be allowed to continue operation and even expand. You could say that they are “grandfathered” under the proposed code.

R-1, R-2, R-2MH and R-3 Zoning Districts are all residential zoning districts and the primary difference is the density, or number of homes per acre, that each district allows. The R-1 district is the most urban with an average of 4 homes per acre for detached single-family home development. Multi-family developments, such as townhouses, condos, and apartments, are permitted to have 16 homes per acre in the R-1 district. The R-2 and R-2MH districts allow single-family homes at 1 home per acre on average. Multi-family development would be allowed to have 2 homes per acre on average. The R-3 district allows 1 home per 1.5 acres on average. There is no real difference in the R-2 and R-2MH districts other than R-2 does not allow manufactured homes and R-2MH does.

The majority uses in the rural areas of the County are currently agriculture, forestland, residential or vacant. Residential zoning is proposed for these areas because agriculture and forestland are exempt and existing businesses and commercial establishments are grandfathered. It was also intended to allow residential development to continue, with restrictions, until a small area plan is completed for these areas. Community residents will be involved in the development of these small area plans to determine where commercial development should occur.

The New Land Development Code does allow manufactured homes in Henderson County. The County is required by State law to allow some area for manufactured homes. The R-1 and R-2 zoning districts will not allow new manufactured homes. The R-2MH and R-3 zoning districts will allow manufactured homes including single and multi-section homes (double and triple wide homes). New manufactured homes must meet certain appearance standards such as shingles roofs and underpinning. Existing manufactured homes will not have to make any changes.

A sign can be placed at a business under the proposed Land Development Code. Some signs do not require a zoning permit while larger signs will require a zoning permit. Freestanding sign sizes range from 18 to 75 feet high and sign size ranges from 72 to 200 square feet. Wall signs can be up to 10% of the wall face up to 250 square feet.

The new code includes the current floodplain regulations and makes no changes to the Flood Damage Prevention Ordinance. There are no regulations proposed regarding steep slopes.

### **PUBLIC COMMENTS**

Chairman Moyer asked each person who had signed up for informal public comments to limit their time to about 3 minutes.

- 1) Martha Sacks – Ms. Sachs questioned why there were no regulations proposed for steep slopes and why the municipalities were excluded from these regulations. She stated that the public wanted to maintain rural character of the County and that was the reason people moved to this area.

- 2) Kenneth Workman – Mr. Workman stated that the County needed to protect rural environment and community character. He had concerns with inadequate infrastructure to serve new development. Mr. Workman felt that in regards to density based on total acreage such as floodplain, land not suitable for building, should be excluded from density calculation.
- 3) John Davis – Mr. Davis expressed that developers should not be rewarded for setting aside land that is unsuitable for building and that development is ruining rural character of the County. He felt that steep slope development should be regulated.
- 4) Evelyn Nichols – Ms. Nichols stated that there were poor conditions in existing manufactured home parks; roads washed away and not replaced, and the need for buffers and standards.
- 5) Bill Fitch – Mr. Fitch agreed that the Board of Commissioners should have the authority to protect citizen's health and safety. The LDC is a massive document written in an obscure language that people cannot understand (such as the reference to General Statutes). He had issues with certain permitted uses being allowed in the County such as slaughterhouses, junkyards, asphalt plants, solid waster combustion incinerators, motor sports facilities and hazardous waster disposal facilities.
- 6) Robert Kuykendall – Mr. Kuykendall was disgusted by housing developments and prices of homes (\$300-500,000). Manufactured homes are all some folks can afford due to the income and jobs available. He never thought Bob Caldwell would have to forecast air quality. Two factories have shut down, and there is no future for his children.
- 7) David Hill – Mr. Hill stated that people needed to know what this ordinance was going to affect the open use zoning. Rezoning the open use areas would control everything that a person can do in Henderson County. There had not been a push for industrial development in this County. Mr. Hill is for private property rights and not zoning regulations. The citizens will waste time and money being rezoned. He felt that the people would control growth by selling or not selling their land. They should not have to ask permission to develop their land. Mr. Hill is concerned that the family subdivision option is gone and wanted to know how people could afford to build roads to subdivide property for their family. Zoning does not control development; growth should be controlled with roads and utilities.
- 8) Chris Lindsey – Mr. Lindsey felt that septic permitting should determine density and there was no need to restrict it more than it does already. He asked "Why donate good land to a land conservancy"? The County should not restrict manufactured homes because it is all people can afford. Most people cannot afford the 1.5 acres of land needed to put it on. He stated that new growth is from all the town homes and cluster developments and not from individual lots.
- 9) Dorothy Freeman – Ms. Freeman has no problem with the zoning that has been accomplished over the past years in the 25 North areas. She has issues with allowed uses and traffic along

Naples Road and Old Asheville Road. People are still farming and the area is still beautiful and she wants to protect the character of the area. Mr. Freeman feels that the Planning Department and County are doing a wonderful job.

- 10) Gerald Souther – Mr. Souther is concerned with restrictions on manufactured homes. He feels that if a person has the land required and wants to put a manufactured home on it there shouldn't be a problem. With the current price of homes there is no other affordable housing.
- 11) Lex Kimbleton – Mr. Kimbleton stated that this is one of the most beautiful places on this coast. Density of 16 units per acre will remove the rural quality and create traffic issues. He would like to see less development of homes and commercial land and see more land kept for the people already here.
- 12) Walt Shepherd – Mr. Shepherd feels that everyone's rights and freedom should be protected; the Constitution. The more laws made the less protection received. Property values and taxes would be increased due to more regulations placed on properties. People cannot afford to pay high property taxes and land prices. How much property can the County steal with too many regulations? He feels that regulations are too strict and not necessary. There is a need for real protection such as deed restrictions but not regulations made by planners and Commissioners that change based on new views. Citizens spend their whole life paying for a home and retire, and then cannot afford to pay the taxes.

**ADJOURN**

There being no further public comments the meeting adjourned.

Attest:

---

Terry Wilson, Deputy Clerk to the Board

---

William L. Moyer, Chairman