

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 4, 2014

SUBJECT: Amendment to Henderson County Code of Ordinances, Chapter 41, Property Addressing

PRESENTER: John Mitchell, Business and Community Director

ATTACHMENTS: (1) Changes to Henderson County Code of Ordinances, Chapter 41

SUMMARY OF REQUEST:

Staff was directed to update the Property Addressing ordinance at the 16 July Board of Commissioners meeting. One update is presented to limit the submission of road name change petitions to one per year per road regardless if the petition is approved or disapproved.

BOARD ACTION REQUESTED:

Staff recommends approval of the ordinance change.

Suggested Motion:

I move that the Board approve the ordinance change and direct staff to incorporate it into the Henderson County Code of Ordinances.

Chapter 41

PROPERTY ADDRESSING

[HISTORY: Adopted by the Board of Commissioners of Henderson County. Amended 4-17-1996; 5-16-2001; 8-20-2003]

§ 41-1. Title.

This chapter shall be known and may be cited as the "Property Address Ordinance for the County of Henderson, North Carolina."

§ 41-2. Purpose.

A. The purpose of this chapter is to provide a uniform property numbering system along both public and private streets and roadways in order to facilitate provision of adequate public safety and emergency response services.

B. This chapter is further designed to eliminate duplicate or phonetically similar street names, to provide for the uniform marking of streets and roadways and to provide for the assignment of house numbers for all properties and buildings throughout the County.

C. It is further designed to establish an official map and listing of all streets and roadways in Henderson County and to establish the procedures by which a street or roadway may be named or by which an existing name may be changed.

§41-3. Statutory Authority.

This chapter is adopted under the authority and provisions of N.C.G.S. 153A-239.1 and local modifications thereto.

§ 41-4. Jurisdiction.

This chapter and the regulations and the procedures contained herein shall apply to and govern each and every lot, parcel or tract of land and improvement thereon within the County of Henderson outside of the jurisdiction of any incorporated municipality. This chapter shall also apply to any municipality upon specific request of the governing body of the municipality and consent of the Henderson County Board of Commissioners through an interlocal agreement pursuant to N.C.G.S. Chapter 160A, Article 20.

§ 41-5. Definitions and Word Usage.

- A. The following terms are defined for purposes of this Chapter:
- (1) Board of Commissioners - Henderson County Board of Commissioners.
 - (2) Building - Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals, chattels or equipment. For the purposes of this chapter, the term "building" may also include other man-made structures.
 - (3) Business Address - A house number.
 - (4) Developer - A person, firm or corporation submitting an application for development for a subdivision, planned unit development, industrial

- park or manufactured home park and upon whom final responsibility for ensuring compliance with the terms and conditions of this chapter rests.
- (5) Driveway - A private way, beginning at the property line of a lot abutting a public road, private road, easement or private right-of-way, giving access from that public road, recorded easement, recorded private road or private right-of-way and leading to a building, use or structure on that lot. A driveway may not serve more than a single lot unless it runs along a lot line shared by two lots and serves no more than two residences, businesses or industries.
 - (6) Dwelling, Single Family - A building arranged or designed to be occupied by one family.
 - (7) House Number - Number assigned to any house, residence, dwelling, business, warehouse or other structure or property in a sequential manner.
 - (8) Mailing Address - The address assigned or used by the United States Postal Service for the purpose of delivery of the United States Mail. The mailing address may or may not be identical to the property address.
 - (9) Manufactured Home - A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi permanent foundation having a measurement of 32 feet or more in length and eight feet or more in width. As used in this chapter, "manufactured home" also means a double-wide manufactured home which is two or more portable manufactured housing units designed for transportation on their own chassis, which connect on site for placement on a temporary or semi permanent foundation having a measurement of 32 feet or more in length and eight feet or more in width.
 - (10) Manufactured Home Park - The land leased or rented, being used or proposed to be used by manufactured homes occupied for dwellings or sleeping purposes.
 - (11) Manufactured Home Space - Any parcel of ground within a manufactured home park designated for the exclusive use of one manufactured home.
 - (12) Official Name - The name of any roadway in the areas of the County's jurisdiction pursuant to § 41-4 of this chapter as approved by the Henderson County Property Address Coordinator.
 - (13) Private Manufactured Home Park Road - Any street, roadway or driveway which serves two or more manufactured homes for residential purposes and which has not been dedicated to the public use.
 - (14) Private Road - A street not maintained by the North Carolina Department of Transportation which is not intended to become a public street but which shall be used for access to a particular site, group development or business.
 - (15) Property Address - The house number and roadway name shall serve as the property address.
 - (16) Property Addressing Coordinator - The person charged with the administration and enforcement of this chapter. The Property Address Coordinator shall report to the Henderson County Emergency

Management Coordinator.

- (17) Public Road - A street located on a public right-of-way and which meets the total improvement requirements for a public street as set forth by the North Carolina Department of Transportation in its publication Subdivision Roads -Minimum Construction Standards.
- (18) Recreational Vehicle - A vehicular portable structure less than 32 feet in length primarily designed as a temporary dwelling for travel, recreation or vacation uses.
- (19) Recreational Vehicle Park - A parcel of land designed and equipped to accommodate recreational vehicles.
- (20) Roadway - Any road, street, drive, lane, cart way, tramway, easement, right-of-way, access area, thoroughfare, highway, boulevard or any other corridor used for or having the potential use as a means of conveyance by a motor vehicle.
- (21) State Road Number – A number assigned by the North Carolina Department of Transportation, also known as the “SR number” for secondary state-maintained roads.
- (22) Street Name - The official name of any roadway, designated by the Board of Commissioners or, in the case of public roads, by the North Carolina Department of Transportation.

- B. Suffix. The following may be used after a roadway name: avenue, boulevard, circle, court, crossing, drive, extension, heights, highway, landing, lane, place, plaza, ridge, road, square, street, terrace, trail or way.

§ 41-6. List of Official Street Names; Road Signs.

- A. The Henderson County Property Address Coordinator shall maintain a listing of all official street names in Henderson County as well as maintain an Official County Map exhibiting the approved names and location of all roads in Henderson County and shall serve as a clearinghouse for all information regarding the names and location of roadways in Henderson County.
- B. Any amendments to such list shall be made only by the Henderson County Board of Commissioners unless additions to such list are made through the procedure for approval of new subdivisions, planned unit developments, manufactured home parks or through other land development regulations.
- C. All public roadways in the areas of the County's jurisdiction pursuant to §41-4 of this chapter shall be identified by a sign showing the official name and state road number. These road signs shall be placed at all intersections and shall identify intersecting streets.

§ 41-7. Street Naming Procedures.

- A. Under the authority and provisions of N.C.G.S. 153A-239.1 and local modifications thereto, a county may by ordinance name or rename any road within the county and not within a city and may assign or reassign street numbers for use on such a road. In naming or renaming a public road, a county may not:
 - (1) Change the name, if any, given to the road by the North Carolina Board of Transportation without its concurrence.

- (2) Change the identification number assigned to the road by the Board of Transportation.
- (3) Give the road a name that is deceptively similar to the name of any other public road in the vicinity.

- B. A county shall not name or rename a road or assign or reassign street numbers on a road until it has held a public hearing on the matter, except as provided in § 41-14. At least 10 days before the day of the hearing, the Board of Commissioners shall cause notice of the time, place and subject matter of the hearing to be prominently posted at the County Courthouse, in at least two public places in the township or townships where the road is located, and shall publish a notice of such hearing in at least one newspaper of general circulation published in the county.
- C. After naming or renaming a public road, or assigning or reassigning street numbers on a public road, the Henderson County office of the Property Address Coordinator shall cause notice of the Board's action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, to any city within five miles of the road and to the following agencies: the Henderson County Sheriff's Department, Emergency Medical Services, Volunteer Fire Departments and Henderson County Land Records for annotation on County maps.
- D. The Henderson County Property Address Coordinator is authorized to determine the need for road names and name changes and to recommend such additions or changes to the County Commissioners for both private and public roads outside the corporate limits of any municipality within the County. If the Property Address Coordinator determines that a private road needs a street name, a suggested street name will be proposed to the property owners giving them the opportunity to accept the proposed name or to select a street name to be presented to the Board of Commissioners after the proper posting and publishing of notices required by this chapter. If a property owner owns more than one parcel of land along the proposed road length, that property owner will only have one vote regardless of the number of parcels owned. If either no response or a response representing less than a two-thirds-majority (66%) of the property owners is received within 14 days, the Property Address Coordinator has the authority to post that road and present the street name proposed by the Property Address Coordinator to the Board of Commissioners for the public hearing. If there is a favorable response by the owners representing a two-thirds-majority (66%) for any particular road name, whether suggested by the Property Addressing Coordinator or by a property owner(s), then the Property Addressing Coordinator will post that road and present that proposed street name to the Board of Commissioners for the public hearing.
- E. A street name shall be assigned to any public or private road which provides access to three or more residences, businesses, industries or combinations thereof, regardless of the length of such road.
- F. Property owners may request to name a road that would not otherwise qualify for naming under §41-7E of this chapter or to rename a road at any time as long as it meets the requirements of this chapter. A fee of \$150 will

be collected at the time a petition is submitted to the Property Addressing Coordinator. If a property owner owns more than one parcel of land along the proposed road length, that property owner will only have one vote regardless of the number of parcels owned. A two-thirds-majority (66%) in favor of the proposed road name is required before the petition will be submitted to the Board of Commissioners for public hearing.

- G. Any road name change petition presented to the County Commissioner's for consideration, be it approved or disapproved, shall not be resubmitted for any different road name for a period of one year from date of consideration by the County Commissioner's.

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§ 41-8. Duplicate Names.

- A. A county may not assign a road name that is deceptively similar to the name of any other public or private road in the county.
- B. Street names should not closely approximate phonetically the name of any street within the county, irrespective of a differing suffix.

§ 41-9. Manufactured Home Parks, Apartments and Other Developments.

Where County records are incomplete, the owners of existing manufactured home parks, condominiums, apartments, planned unit developments, public housing developments and recreational vehicle parks shall, upon request by the Property Address Coordinator, submit a legible map of their development and the location, name and width of each roadway. Each lot or building within the development must also be identified.

§ 41-10. Prohibited Street Names.

The Henderson County Property Address Coordinator may disapprove newly proposed street names which fall under the following categories:

- A. Street names which have numbers as part of the name.
- B. Street names which are difficult to pronounce.
- C. Street names which are over 15 characters in total length, including spaces, but not including suffixes.
- D. Street names which are duplicated in neighborhoods across County lines which are in the same United States Postal District, Volunteer Fire Department District or telephone exchange.
- E. (Reserved)
- F. Street names that are similar to the name of an existing subdivision unless the street lies within that same subdivision.

§ 41-11. Posting of Numbers; Interior Spaces Excluded.

- A. This chapter requires that the owner of any residence, industry, business or other structure post property identification numbers for the health, safety and general welfare of the citizens of Henderson County.
- B. Property addressing includes the assignment of street numbers to residences, businesses and other property within the areas of the County's jurisdiction pursuant to § 41-4 of this chapter. It shall not include the assignment of numbers to interior offices and rooms in houses, buildings and other structures.

§ 41-12. Authority of Board of Commissioners.

County Board of Commissioners is hereby authorized to assign property addresses on streets which are not presently numbered and to readdress streets which are not numbered in accordance with § 41-13, after a public hearing with the proper notices required by § 41-7 being posted and published. The Property Address Coordinator shall have the discretion to determine the property addresses to be posted, published and submitted to the Board of Commissioners for a public hearing.

§ 41-13. Assignment of Numbers.

- A. As a matter of general policy, radiating outward from the Henderson County Courthouse, even numbers shall be assigned to properties on the right side of a street and odd numbers shall be assigned on the left side of a street.
- B. Allowances shall be made for vacant properties in order that numbers may be properly assigned for future development. Where street addresses have not been properly assigned, the following general policy shall apply: one property identification number shall be assigned at an interval of 5.28 feet (the equivalent of 1,000 addresses for each mile of roadway).
- C. Property addresses for corner lot properties shall be determined by where the driveway entrance meets the street.
- D. Road sections shall be addressed on a block-by-block basis using generally accepted property addressing standards.

§ 41-14. Subdivisions with Proposed New Streets.

- A. For all subdivisions which are developed in conformance with Chapter 170, Subdivision of Land, and in which new streets are proposed, the following items must be submitted to the Property Address Coordinator for approval before any property can be subdivided and recorded:
 - (1) A scaled map of the overall tract illustrating street layout.
 - (2) The name proposed for each street identified on the map.
 - (3) An alphabetical list of the proposed street names, together with an alternate name for each name proposed.
- B. The Property Address Coordinator will review the proposed street names for duplication and for overall compliance with the street naming and numbering policy.
- C. The approved street names shall be included in the final plat submitted for recordation.

§ 41-15. Display of Numbers.

Property address numbers in a contrasting color from their background must be clearly displayed so that the location can be easily identified from the road.

- A. It shall be the duty of the property owner of the house, building or manufactured home fronting on a street to properly display the number which has been assigned by the Board of Commissioners.
- B. The property address number must be displayed by the main entrance to the building or on the street end of the building nearest the road so that it is most clearly visible from the street.
- C. If a building is more than 75 feet from the center line of the roadway to

which the structure fronts or if the structure is not visible from the roadway, the property address number shall also be displayed at the end of the driveway nearest the road which provides access to the building. Such display should be at least six inches above driveway level with the numbers facing the street.

- D. All property address numbers shall be displayed numerically. Numbers may be displayed in script as long as numeric numbers are also properly mounted. When two or more numbers are displayed, each successive number may be either adjacent or offset. If offset, successive numbers shall not exceed 1/2 the height of the previous numeral. Numbers shall not be positioned vertically.
- E. Single-family dwelling numerals shall be at least four inches in height and shall be posted and maintained so as to be legible from the road.
- F. Numerals for multiple dwelling units and nonresidential buildings shall be at least six inches in height and shall be placed on the front of the building facing the road or on the end of the building nearest the road.
- G. Manufactured home lots shall have address numbers throughout the park. Each lot will have a separate address number assigned. Each manufactured home space shall be marked uniformly within the park with at least four-inch numbers at the lot entrance or in another conspicuous place. Marking of a manufactured home is permitted, provided that said numbers are visible from the roadway.
- H. Numerals placed on mailboxes for United States Postal Service identification shall not be a substitute for the property address.

§ 41-16. Enforcement.

- A. All owners shall be properly notified of the official street name and property address. This address may also be used for receipt of the United States Mail.
- B. Owners of buildings which do not comply with this chapter will be notified and requested to meet these requirements within 30 days from the date of the notification. A warning notice will be issued after 30 days if the requirements have not been met. If the owner does not comply voluntarily with this chapter within 30 days of the delivery of the warning notice by registered or certified mail or by hand delivery to the building in violation, enforcement action pursuant to N.C.G.S. 153A-123 may be initiated.
- C. No building permit for any purpose shall be issued until an official property address number has been assigned for a lot. Exceptions may be made during the initial property addressing project period. No permit, however, shall be denied pending appeal under § 41-17 of this chapter.
- D. Officials of the following Henderson County departments may issue warning notices: Fire Marshal, Emergency Management, Property Address Coordinator and the Sheriff's Department.

§ 41-17. Appeals.

Action taken by the Property Address Coordinator or under guidelines set forth in this chapter may be appealed by the property owner(s) to the Henderson County Board of Commissioners. Such an appeal must be filed in writing within 30 working days of written notification of required owner

action with the Clerk to the Board of Commissioners.

§ 41-18. Prohibited Acts.

It shall be unlawful for any person(s) to:

- A. Name or designate the name of any public road, neighborhood public road, private subdivision street or private manufactured home park road in the areas of the County's jurisdiction pursuant to § 41-4 of this chapter without compliance with this chapter.
- B. Erect any street sign on any public road, neighborhood public road, private subdivision street or private manufactured home park road in the areas of the County's jurisdiction pursuant to § 41-4 of this chapter without compliance with this chapter.
- C. Erect any street sign on any roadway, public or private, in the areas of the County's jurisdiction pursuant to § 41-4 of this chapter, which does not meet the current County sign specifications.
- D. Remove, deface, damage or obscure a street sign in the jurisdiction of this chapter.
- E. Number or assign a number to any structure without compliance with this chapter.
- F. Name a private street or road which duplicates or is substantially similar to the name of an existing street or road within the areas of the County's jurisdiction pursuant to § 41-4 of this chapter.

§ 41-19. Violations and Penalties.

Any person violating the provisions of this chapter shall be subject to the penalty set forth in Chapter 1, General Provisions, Article II.

§ 41-20. Amendments.

This chapter may be amended from time to time by the Henderson County Board of Commissioners, as specified under Board policy for amending County ordinances.

§ 41-21. Conflict with Other Provisions.

Insofar as the provisions of this chapter are inconsistent with the provisions or any other local laws, the provisions of this chapter shall control. Insofar as the provisions of this chapter are inconsistent with the provisions of any state or federal law, the state or federal law shall control.

§ 41-22. Through 41-50. (Reserved)