

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** August 15, 2018

**SUBJECT:** Public Hearing for Land Development Code (LDC) Text Amendment (TX-2018-04) – RV Parks and Park Model RV Parks

**PRESENTER:** Autumn Radcliff, Planning Director

**ATTACHMENTS:** 1. Draft Amendments – TX-2018-04  
2. Certification of Public Notice  
3. Resolution of Consistency with County Comprehensive Plan  
4. PowerPoint

### **SUMMARY OF REQUEST:**

Due to recent application for new recreational vehicle (RV) parks, the Planning Board was directed to review the current standards and provide draft recommendations to the Commissioners to address certain issues that arose during these application reviews. The Planning Board has been discussing the proposed amendments for several months. At the June 21, 2018 meeting, the Planning Board voted to send forward a favorable recommendation on the draft amendments to the existing RV Parks and proposed new language to address park model RV parks (see attached draft text amendment).

The proposed text amendment includes:

- Amendments to the existing RV Park requirements such as: duration, density, buffer requirements, permanent structures such as storage buildings, porches or decks would not be permitted (covered picnic areas are allowed), requires a 50 foot setback from perennial streams, minimum road standards, and limits permanently placed park models to no more than 10% of the park. The amendment also clarifies allowed sewage disposal systems, standards for the park model spaces, and requires that RV's have a current tag, no underpinning and tires must be operational.
- The proposed park model RV park use requires similar restrictions as those found in the traditional RV Park, but includes allowances for covered porches, decks and storage buildings, a minimum of 5 contiguous acres, a separation of 20 feet for fire safety, provide 2 parking spaces, and 25% open space. The amendment also provides some density options for park model RV parks for the Board's consideration. Traditional RV's are not permitted in these parks.

### **PUBLIC NOTICE:**

The required public notice of this hearing was published in the Hendersonville Times News on August 4, 2018 and August 11, 2018 (see attached Certification of Notice of Public Hearing).

### **BOARD ACTION REQUESTED:**

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment and adopt a written statement of consistency with the County Comprehensive Plan.

#### **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 proposed LDC text amendments as discussed.*

## Draft Text Amendments: RV Parks and Park Model RV Parks

**Recommended changes are highlighted in red.**

**Amendment Options are in blue.**

**Issue:** Questions and concerns have been raised with recent applications for new RV Parks as to the current standards. The Board of Commissioners directed the Planning Board to review these issues. The Planning Board discussed the draft amendments over several meetings and recommended the following changes.

### **Text Amendment A: RV (Recreation Vehicle) Park**

**Recommendation:** Amend the SR standards for RV Parks.

#### **SR 4.15. Recreational Vehicle Park**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Perimeter Setback. Fifty (50) feet.
- (4) **Buffer. A B2 buffer is required per Table 5.2 Buffer Width and Plant Material Requirements.**
- (5) Recreational Vehicle Spaces. *Recreational vehicle* spaces shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet. A *recreational vehicle* space may contain up to **two (2)** ~~four (4)~~ campsites for tent set-up. No *recreational vehicle* space is permitted in the ~~100-year floodplain~~ **floodway and in accordance with §42-235.2 (F).**
- (6) Common Area. A *common area* shall be provided, that is equivalent in square footage to 25 percent the total square footage in: *recreational vehicle/park model home* spaces, *structures* on site, parking areas and *driveways*. *Common area* shall be accessible for the use and enjoyment of *recreational vehicle park* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
- (7) Operations. The *recreational vehicle park*:
  - a. Shall provide rental spaces:
    1. For the location of *recreational vehicles*, ~~park model homes~~ and/or tent set-up,
    2. Which may contain an open or covered ~~porch~~ **picnic area** not exceeding 15 feet in height and not to exceed ~~400~~ **100** square feet in area, and
    3. Which have no point of direct access not indicated on the *site plan*, **and**
    4. **Which have no accessory storage structures, porches, or decks,**
    5. **Which are setback fifty (50) feet from perennial streams;**
  - b. May contain *structures* ancillary to the ~~use~~ **RV Park**;
  - c. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and
  - d. Shall provide, at the time of application, an evacuation plan for a natural disaster event.
  - e. **Shall be permitted one (1) designated fire pit.**
- (8) **Recreational Vehicles. All recreational vehicles, excluding park models, must have a current tag, have no underpinning, and tires must be operational.**
- (9) **Park Models. A recreational vehicle park may contain park model RV's that are for overnight or seasonal accommodations. Only 10% of the RV Park spaces may contain**

- a park model unit. Park models may contain an open or covered porch not to exceed 150 square feet. Park models shall not be located in the 100-year floodplain and must have a minimum separation of twenty (20) feet between units.
- (10) Roads. Roads located in the RV Park shall be a minimum of sixteen (16) feet wide for two-way roads or twelve (12) feet wide for one-way roads.
- (11) Duration. Recreational vehicles shall not be located in the RV Park longer than 180 consecutive days. The owner of the RV Park shall maintain the approved site plan of the park spaces and provide the County with a report to confirm duration requirement. Such report shall be submitted to the County annually or as requested to determine a violation status. A temporary use permit may be issued by the zoning administrator allowing for a longer duration period of select RV vehicles for the purpose of; FEMA related projects or other natural disaster relief, or for workforce housing related to a specific construction project.
- (12) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 165 of the Henderson County Code, *Solid Waste*) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).
- (13) Sewage System. ~~Recreational vehicle/park model home spaces shall not be provided individual hookups to a septic tank, approved public or community sewage disposal system or municipal sewage disposal system; instead, a central dump station shall be provided for the use of all occupants.~~ A recreational vehicle park shall provide one of the following: a central holding tank, individual hookup to a septic tank(s), or approved *public, community or municipal sewage disposal system*. A recreational vehicle park shall connect to a *municipal sewage disposal system* when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces proposed for the *recreational vehicle park*. If a *park* is located more than 2,500 feet from an existing *municipal sewage disposal system*, such connection shall not be required. All sewage systems must be approved by the applicable review agency.
- (14) *Common Area Recreation and Service Facilities*. Those facilities within the *recreational vehicle park* shall be for the sole purpose of serving the overnight guests in the *park*, and shall adhere to the development standards established in SR 4.6 (*Common Area Recreation and Service Facilities*).
- (15) Density. Recreational vehicle parks that utilize a central holding tank or septic tank(s) shall be allowed a density of ten (10) spaces per acre, and twenty (20) spaces per acre with an approved *public, community or municipal sewage disposal system*.

**Text Amendment B: Park Model Recreational Vehicle Park**

**Recommendation:** Add a new use to the LDC to allow Park Model Recreational Vehicle Parks. Add Park Model RV Parks to the permitted use table and add a new SR standard for Park Model RV Parks.

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<b>1. RECREATIONAL USES</b>												
<i>Recreational Vehicle Park</i>	S	S	S	S	S		P	P	P			4.15
<i>Recreational Vehicle Park, Park Model</i>	S	S	S	S	S		S	S				4.16

**SR 4.16 Park Model Recreational Vehicle Park**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Perimeter Setback. Fifty (50) feet.
- (4) Minimum Size. A park model RV park must be a minimum of five (5) contiguous acres.
- (5) Buffer. A B2 buffer is required per Table 5.2 Buffer Width and Plant Material Requirements.
- (6) Park Model Spaces. *Park model home* space shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet, and have a minimum separation of twenty (20) feet between units. No *park model home* space is permitted in the 100-year floodplain or floodway.
- (7) Open Space. A minimum of twenty-five (25) percent of the project area must be designated as open space or *common area*. *Common area* shall be accessible for the use and enjoyment of *park* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
- (8) Park Model Units. Each individual park model unit:
  - a. May contain one (1) accessory storage structure not to exceed to 144 square feet;
  - b. May contain an open or covered porch or deck, which may be screened but not enclosed, and not exceeding 15 feet in height and not to exceed 400 square feet in area;
  - c. May provide underpinning;
  - d. Shall clearly display the space number as shown on the approved site plan for the park; and
  - e. Shall not contain other types of recreational vehicles other than park models.
- (9) Layout. Park model spaces shall be arranged to allow a minimum of two (2) parking spaces for each unit, and must be oriented in a uniform manner along roads either parallel, horizontal or angled so long as all units on a single road are positioned in a like fashion.
- (10) Roads. Roads located in the Park shall be a minimum of sixteen (16) feet wide for two-way roads or twelve (12) feet wide for one-way roads.
- (11) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 165 of the Henderson County Code,

- Solid Waste*) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).
- (12) Sewage System. The park shall provide one of the following; a central holding tank, individual hookups to a septic tank(s), or approved *public, community or municipal sewage disposal system*. The park shall connect to a *municipal sewage disposal system* when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces. If a park is located more than 2,500 feet from an existing *municipal sewage disposal system*, such connection shall not be required. All sewage systems must be approved by the applicable review agency.
- (13) *Common Area Recreation and Service Facilities*. Those facilities within the Park shall be for the park owners or their guests, and shall adhere to the development standards established in SR 4.6 (*Common Area Recreation and Service Facilities*).
- (14) Density. Parks that utilize a central holding tank or septic tank(s) shall be allowed a density of ten (10) spaces per acre, and twenty (20) spaces per acre with an approved *public, community or municipal sewage disposal system*.  
(OPTION 1: The maximum density shall be 4 units per acre.)  
(OPTION 2: The standard density of the zoning district shall apply.)

**Certification of Notice of Public Hearing**

In accordance with NCGS 153A-323 and 153A-343 the Planning Department certifies notices of the August 15th, 2018 hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2018-04, and TX-2018-05), were:

1. Submitted to the Hendersonville Times News on August 1, 2018 to be published on August 4, 2018 and August 11, 2018 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, Lisa N Stepp, 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 1st day of August, 2018.

My commission expires:

September 5, 2021

  
NOTARY PUBLIC



**RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, 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-2018-04 and TX-2018-05; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Department provided the prescribed public notice and the Board held the required public hearings on August 15, 2018; and

**WHEREAS**, N.C. General Statute §153-341 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 LDC text amendment (TX-2018-04 and TX-2018-05) 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 15<sup>th</sup> day of August, 2018.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**MICHAEL EDNEY, Chairman**  
**Henderson County Board of Commissioners**

**ATTEST:**

\_\_\_\_\_  
**TERESA L. WILSON**  
**Clerk to the Board of Commissioners**

**[COUNTY SEAL]**

# Land Development Code Text Amendment TX-2018-04 – RV Parks and Park Model RV Parks

*Henderson County Planning Department*

## Land Development Code Text Amendments

### **Background:**

- Questions and concerns were raised with recent applications for new RV Parks
- BOC directed the Planning Board to review these issues and concerns
- Planning Board discussed the draft amendments over several meetings and recommended draft text amendments to the LDC

*Henderson County Planning Department*



## Land Development Code Text Amendments

### What is a Tiny Home?

- A home that is typically around 400 sq. ft.
- Tiny Homes can be:
  - Stick built on a permanent foundation (meets State Building Codes)
  - Modular unit
  - HUD certified
  - Hand Crafted by an individual (typically there are no set standards)
  - Meet RVIA standards (Recreation Vehicle Industry Association)
- Tiny Homes are permitted based on the type of unit  
(Single family dwelling, manufactured home, RV or Park Model RV)

*Henderson County Planning Department*

## Land Development Code Text Amendments

### What is an RV?

- Meets RVIA standards
- NCDMV requires a tag and registration
- U.S. DOT categorizes RV's by class:
  - Class A: Large motor homes and converted commercial passenger vehicles (bus)
  - Class B: Campervans
  - Class C: RV's that are attached to a truck or hauled behind
  - Other RV Types: Truck campers, pop-ups, light weight travel trailers

*Henderson County Planning Department*

## Land Development Code Text Amendments

### What is a Park Model RV?

- Meets RVIA standards (must meet or exceed ANSI Standard A119.5)
- Designed for temporary or seasonal use, not intended as a permanent residence
- Vacation type use purposes
- Not designed to be moved frequently
- Does not require a DMV tag
- Federal law requires the RV Park Model tag at door with the serial number
- Does not have a septic holding tank like a traditional RV and requires connection to a sewage disposal system

*Henderson County Planning Department*

### Traditional RV Pictures



*Henderson County Planning Department*

## Park Model RV Pictures



*Henderson County Planning Department*

## Land Development Code Text Amendments

### **Draft Text Amendments:**

- The proposed text amendments split the uses into two types
  1. Traditional Recreational Vehicle Parks (RV Parks)
  2. Park Model RV Parks
- Each use has specific requirements and restrictions

*Henderson County Planning Department*

## LDC Text Amendment A: RV (Recreation Vehicle) Park

### Proposed changes to the existing RV Park regulations:

- B2 buffer required (30 ft planted buffer)
- Only 2 campsites per RV space
- No recreational vehicle permitted in the floodway
- Covered porch, deck or accessory structure is not allowed (covered picnic area and fire pit is allowed)
- RV space must be 50 feet from perennial streams
- RV's shall:
  - Not be located in the park longer than 180 consecutive days (temporary use permit may apply)
  - Have a current tag, no underpinning, and tires must be operational
- Minimum of 16 ft wide roads for 2-way streets and 12 ft wide for 1-way streets

*Henderson County Planning Department*

## LDC Text Amendment A: RV (Recreation Vehicle) Park

### Proposed changes to the existing RV Park regulations continued:

- Provide a sewage disposal system (central holding tank, septic system, or approved public, community or municipal sewage disposal system)
- Density restrictions as follow:
  - 10 spaces per acre with a central holding tank or septic system
  - 20 spaces per acre with an approved public, community or municipal sewage disposal system
- 10% of the RV Park may contain a park model provided:
  - It is not located in the 100 yr. floodplain
  - May contain a covered porch or deck not to exceed 150 sq. Ft.
  - Have a minimum separation of 20 ft between units
  - Must be for overnight or seasonal accommodations

*Henderson County Planning Department*

## LDC Text Amendment B: Park Model RV Parks

**Add Park Model RV Parks to the permitted use table.**

USE TYPE	GENERAL USE DISTRICT											
	P=Permitted; S=Special Use Permit											
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
<i>Recreational Vehicle Park</i>	S	S	S	S	S		P	P	P			4.15
<i>Recreational Vehicle Park, Park Model</i>	S	S	S	S	S		S	S				4.16

*Henderson County Planning Department*

## LDC Text Amendment B: Park Model RV Parks

**Proposed regulations for Park Model RV Parks are similar to RV Parks with the following exceptions:**

- Park must have a minimum of 5 contiguous acres
- Contain a minimum of 25% open space
- Each park model unit:
  - Shall a minimum of 2 parking spaces and be positioned in a like fashion
  - Shall clearly display the space number as shown on the approved site plan
  - May contain an open or covered porch that may be screened but not enclosed, not more than 15 ft in height or 400 sq. ft. in area
  - May provide underpinning
  - May contain an 1 accessory storage structure not to exceed 144 sq. ft. (12 x 12)
  - Must have a minimum separation of 20 ft. between units
- Park shall not contain other recreational vehicles other than park models

*Henderson County Planning Department*

## LDC Text Amendment B: Park Model RV Parks

### Density allocation for park model RV parks:

- 10 spaces per acre for parks utilizing a central holding tank or septic system
- 20 spaces per acre with an approved public, community or municipal sewage disposal system
- **OPTION 1:** The maximum density shall be 4 units per acre
- **OPTION 2:** The standard density of the zoning district shall apply

*Henderson County Planning Department*

## Questions or Discussion

*Henderson County Planning Department*