

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 20, 2021

SUBJECT: Set Public Hearing for Land Development Code (LDC) Text Amendments (TX-2021-07) Removing Private Driveway Easement Option in Major Subdivisions

PRESENTER: Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Draft Text Amendment

SUMMARY OF REQUEST:

During the August 19th Planning Board meeting, the Board requested staff to draft a text amendment to remove the private driveway easement option in major subdivisions. This concern was due to emergency access in these larger developments if roads did not minimum standards under the LDC for local roads.

The Henderson County Planning Board discussed the draft text amendment and voted unanimously to send forward a favorable recommendation. Attached is the draft text amendment recommended by the Planning Board.

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. Staff requests the Board set a public hearing for Wednesday, November 17, 2021, at 9:30 a.m.

Suggested Motion:

I move that the Board set a public hearing on the proposed Land Development Code Text Amendment (TX-2021-07) for Wednesday, November 17, 2021 at 9:30 a.m.

LDC Text Amendment – TX-2021-07

Removing the Private Driveway Easement Option for Major Subdivisions

Recommended changes are highlighted in red.

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§42-109. Residential Private Road Standards by Road Classification

- D.** Private Driveway Easements. A private “*driveway easement*” shall be permitted where the driveway serves no more than five (5) *lots* (the *lots* served by the easement shall be identified on all plans and plats). *Final plats* must contain a note conveying maintenance responsibility of the *easement* to the homeowners’ utilizing it to access their property. The note shall state *easement(s)* must be maintained to allow clear passage for emergency response *vehicles*. **Private driveway easements shall not be allowed in major subdivisions.**