

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** June 6, 2022

**SUBJECT:** Public Hearing for Land Development Code (LDC) Text Amendments (TX-2022-02) – Personal Storage Structures

**PRESENTER:** Autumn Radcliff, Planning Director  
Matt Champion, Zoning Administrator

**ATTACHMENTS:** 1. Draft Text Amendment  
2. Certification of Public Notices  
3. Resolution of Consistency

#### **SUMMARY OF REQUEST:**

The Planning Board requested that staff provide a text amendment to allow for personal storage structures (for noncommercial uses) on vacant parcels. The LDC allows for accessory structures with a principal home or business but does not allow for these types of structures on vacant parcels. This amendment would allow a property owner to build a structure, for example a garage, for personal storage.

The Planning Board discussed the issue at its March, April, and May meetings and on May 27, 2022, voted unanimously to send forward a favorable recommendation on the draft text amendment (see attached).

#### **PUBLIC NOTICE:**

The required public notice of this hearing was published in the Hendersonville Lightning on May 25<sup>th</sup>, 2022, and June 1<sup>st</sup>, 2022 (see attached certification of public notice).

#### **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.

#### **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 text amendments to the Land Development Code (#TX-2022-02).*

## LDC Text Amendment (TX-2022-02)

Recommended changes are highlighted in red.

### Personal Storage Structures

**Summary:** The Planning Board request an amendment to allow for personal storage structures (not for commercial uses) on vacant parcels. The LDC allows for accessory structures with a principal home or business but does not allow for these types of structures on vacant parcels. This amendment would allow a property owner to build a structure, for example a garage, for personal storage.

Amend the Table of Permitted and Special Uses as follows.

1. Residential Uses	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
Personal Storage Structure	P	P	P	P	P	P	P	P	P	P	1.14

#### §42-62. Supplemental Requirements to the Table of Permitted and Special Uses

##### **SR 1.14. Personal Storage Structure**

- (1) Any lot may have a personal storage structure. If a lot is two (2) or more acres in size, there can be one such structure per acre.
- (2) A personal storage structure may include one (1) bathroom facility and may not include a kitchen facility or be used as a residence or for the purpose of operating a business.
- (3) Personal storage structure footprint may not exceed 24% total parcel size.
- (4) Personal storage structures shall only be for the use by the property owner.
- (5) The use shall meet the front or ROW setback of the applicable zoning district (without a principal structure or use) and must be setback a minimum of 15 (fifteen) feet from the *side* and *rear* property lines.

**Certification of Notice of Public Hearing**

In accordance with NCGS 160D-323 and 160D-343 the Planning Department certifies notices of the June 6<sup>th</sup>, 2022, hearing regarding the proposed Henderson County Land Development Code Text Amendments (TX-2022-02)), were:

- 1. Submitted to the Hendersonville Lightning on May 20, 2022 to be published on May 25, 2022 and June 1, 2022 by Matt Champion;

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

- 1. Matt Champion

STATE OF North Carolina

COUNTY OF Henderson

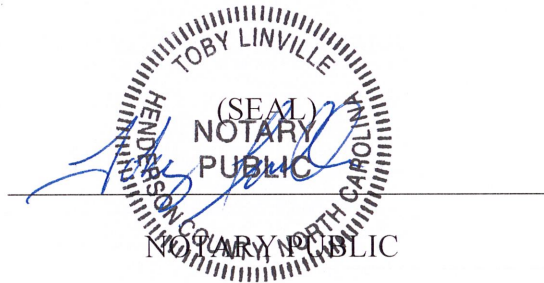
I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that Matt Champion

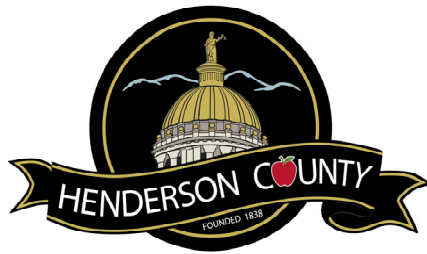
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 20<sup>th</sup> day of May, 2022.

My commission expires:

6/29/26





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

**WHEREAS**, pursuant to N.C. General Statute §160D, Article 1, 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-2022-02; and

**WHEREAS**, pursuant to N.C. General Statute §160D-601, the Planning Department provided the prescribed public notice and the Board held the required public hearing on June 1, 2022; and

**WHEREAS**, N.C. General Statute §160D-605 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 text amendments related to (#TX-2022-02 to the Land Development Code) 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 6<sup>th</sup> day of June, 2022.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:** \_\_\_\_\_  
**WILLIAM LAPSLEY, Chairman**  
**Henderson County Board of Commissioners**

**ATTEST:**

\_\_\_\_\_  
**DENISA LAUFFER**  
**Clerk to the Board of Commissioners**

**[COUNTY SEAL]**