PUBLIC INPUT
SIGN UP SHEET

PUBLIC INPUT SHALL BE LIMITED TO
THREE (3) MINUTES PER PERSON.
EACH PERSON SHOULD:
(1) STATE YOUR NAME
(2) IN WHAT AREA OF THE COUNTY YOU
LIVE
(3) SPEAK IN A CLEAR AND COURTEOUS
MANNER.

Please Print:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>ISSUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.new Brannon</td>
<td>874 Brannon Rd, Etowah</td>
<td>Horse Board Small Area</td>
</tr>
<tr>
<td>Angela Fennelli</td>
<td>P.O. Box 775 Horse Shoe LDC, Etowah Horse Board</td>
<td></td>
</tr>
<tr>
<td>Brigitte Warren</td>
<td>Crooked Creek</td>
<td>Conservation Clause on R-40 property</td>
</tr>
<tr>
<td>W.W. Forteswe</td>
<td>1622 Jerneui Rd</td>
<td></td>
</tr>
</tbody>
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§200A-37. Estate Residential District (R-40)

A. Purpose. The Estate Residential District (R-40) is established to maintain the zoning in place prior to the adoption of this Chapter 200A. This district is established as a district in which the principal use of the land is for low-density residential use. This district is intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. This district is also intended to be a quiet, low-density neighborhood consisting of single-family residences. The R-40 District shall not be extended from the locations designated on the Official Zoning Map, nor shall new R-40 District areas be designated except where initiated by the Board of Commissioners or Planning Board. The R-40 District may be altered or removed with the completion of Community Plans.

B. Dimensional Requirements. Each use allowed in this district shall at a minimum conform to the following requirements. In some cases a specific use may be required to meet the Supplemental Requirements as set forth in §200A-63 (Supplemental Requirements). The Conservation Subdivision option shall not be available in the R-40 District.

<table>
<thead>
<tr>
<th>Table 2.11. R-40 Dimensional Requirements</th>
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</thead>
<tbody>
<tr>
<td>(1) Minimum Lot Area (sq ft)</td>
</tr>
<tr>
<td>Minimum Lot Area Per Dwelling (Family Unit) (sq ft)</td>
</tr>
<tr>
<td>Front or ROW</td>
</tr>
<tr>
<td>All Others</td>
</tr>
<tr>
<td>Rear</td>
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</tbody>
</table>

(1) The minimum lot area for portions of the tract with a slope of 60 percent or greater (where such slope areas of the tract account for ten (10) percent or more of the tract) shall be twice the minimum lot area of the district.

(2) Major roads shall include: Interstate 26, US Highway 64, US Highway 25, US Highway 176, NC Highway 280, NC Highway 191, Kanuga/ Crab Creek Road (SR 1127), Clear Creek Road (SR 1503), Upward Road (SR 1722), and the Upward Road Connector (SR 1783).

(3) Yard setbacks shall be measured from the centerline of right-of-way. Where the road is a major road and is more than two (2) lanes (including parking lanes), the yard setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved road abutting the property in subject.

C. Permitted Uses. Within the R-40 District, the following uses are permitted:

(1) Dwelling, single-family, excluding manufactured homes (See SR 1.8 (Dwelling, Single Family Detached)).

(2) Church, provided that:
   a. The structures are placed not less than 50 feet from any property line;
HENDERSON COUNTY, NORTH CAROLINA

RECOMMENDATION
FOR THE ADOPTION OF THE LAND DEVELOPMENT CODE
BY THE HENDERSON COUNTY PLANNING BOARD

WHEREAS Henderson County is a body politic promoting the health, safety, and general welfare of the community;

WHEREAS Henderson County is experiencing substantial growth with an influx of new construction and additional residents;

WHEREAS this growth enhances the County's economy, fosters new jobs, and encourages new industries to this area;

WHEREAS North Carolina General Statute §153A-321 authorizes the creation of a planning board;

WHEREAS the Henderson County Planning Board studies existing conditions and future development to best promote public health, safety, morals, convenience, efficiency, and economic growth in Henderson County;

WHEREAS ordinances proposed by the Planning Board shall consider good civic design and arrangement, and the wise and efficient expenditure of public funds;

WHEREAS the Henderson County Planning Board shall have the power and duty to propose to the Board of Commissioners ordinances promoting orderly development in accordance with the Comprehensive Plan;

WHEREAS the Henderson County Planning Board recommended approval of the Henderson County 2020 Comprehensive Plan which was later adopted by the Board of Commissioners on July 6, 2004;

WHEREAS the Henderson County 2020 Comprehensive Plan recommended the creation of a Land Development Code for Henderson County;

NOW, THEREFORE, BE IT RECOMMENDED by the Planning Board of Henderson County, as follows:

1. That Henderson County has the authority to create and enforce a land use ordinance pursuant to N.C.G.S. §153A-340 and Henderson County Code §200-72.

2. That Henderson County has the authority to modify its zoning map as per N.C.G.S. §153A-340 and Henderson County Code §200-72.

3. That the Planning Board finds that the Land Development Code and Zoning Map are reasonable, in the public interest, and consistent with the Henderson County 2020 Comprehensive Plan in accordance with N.C.G.S §153A-341.

4. The Planning Board presented the Board of Commissioners with a draft Land Development Code and a zoning map as per N.C.G.S. §153A-344 on December 19, 2006 after unanimously approving it at their November 15, 2006 meeting in accordance with Henderson County §170-50 and §200-73.

5. That the process for the adoption of this Land Development Code followed both the procedures established in the Henderson County Code §200-72, §200-73, §200-74, §200-75, §200-76 for the

6. After the public hearing, the Board of Commissioners referred the revised draft with the Board’s amendments including the full text of the Land Development Code and a zoning map with the proposed district boundaries back to the Planning Board in accordance with Henderson County Code §170-50 and §200-75.

7. That a special meeting of the Henderson County Planning Board was held on September 19, 2007. This meeting was properly noticed.

8. In accordance with N.C.G.S. §153A-344 the Henderson County Planning Board recommended the final draft of the Land Development Code on September 18, 2007. This recommendation included the proposed zoning map.

9. The Planning Board voted 7-0 to send the draft Land Development Code, zoning map, and the additional recommendations to the Board of Commissioners.

10. That the Planning Board shall present these recommendations, draft Land Development Code and zoning map to the Board of Commissioners for decision at it’s regularly scheduled meeting on September 19, 2007.

11. That this Resolution be effective upon adoption.

RECOMMENDED this the 18th day of September, 2007.

HENDEEERSON COUNTY PLANNING BOARD

BY: [Signature]
TEDD PEARCE, Chairman

ATTESTED BY:

[Signature]
ANTHONY STARR, Planning Director
HENDESON COUNTY, NORTH CAROLINA

RESOLUTION
FOR THE ADOPTION OF THE LAND DEVELOPMENT CODE
BY THE BOARD OF COMMISSIONERS FOR HENDERSON COUNTY

WHEREAS Henderson County is a body politic promoting the health, safety, and general welfare of the community through responsible development in the County;

WHEREAS Henderson County is experiencing exponential growth with an influx of new construction and additional residents;

WHEREAS this increased growth stresses County infrastructure and requires updated zoning and new land use regulations to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public amenities;

WHEREAS approving community planning that is based on established planning methods and public input is essential to create sustainable growth in Henderson County to prevent the overcrowding of land and undue concentration of the population;

WHEREAS promoting the rural character of parts of Henderson County is important to both local residents and those immigrating to the County;

WHEREAS environmental protection through public policy must be put in place in order to protect the unique local beauty of the area;

WHEREAS the Henderson County Board of Commissioners adopted the Henderson County 2020 Comprehensive Plan on July 6, 2004;

WHEREAS the Henderson County 2020 Comprehensive Plan recommended the creation of a Land Development Code for Henderson County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Henderson County, as follows:

1. That Henderson County has the authority to create and enforce a land use ordinance pursuant to North Carolina General Statute §153A-340 and Henderson County Code §200-72.

2. That Henderson County has the authority to modify its zoning map as per North Carolina General Statute §153A-340 and Henderson County Code §200-72.

3. That the Board of Commissioners finds that the Land Development Code and Zoning Map are reasonable, in the public interest, and consistent with the Henderson County 2020 Comprehensive Plan in accordance with N.C.G.S §153A-341.
4. That Henderson County will enforce the Code in all areas within the County except those located within municipal jurisdictions.

5. That the process for the adoption of this Land Development Code followed both the procedures established in the Henderson County Code §200-72, §200-73, §200-74, §200-75, §200-76 for the adoption of zoning ordinances and North Carolina General Statute §153A-323, §153A-343, and §153A-344, through the following methods:

a. The Planning Board presented the Board of Commissioners with a draft Land Development Code as per N.C.G.S. §153A-344 on December 19, 2006 after unanimously approving it at their November 15, 2006 meeting in accordance with Henderson County §170-50 and §200-73.

b. Public input meetings were held on, March 20 and 27, April 3, 10, and 17, 2007, in locations throughout the County.

c. Drafts of the Land Development Code and the zoning map for the County were available at the Henderson County Board of Commissioners Office, Henderson County Planning Department, the Main Henderson County Library in Hendersonville, the branch library locations in Fletcher, Edneyville, Etowah, Green River, and Mills River, and on the Henderson County website.

d. Board of Commissioners workshops were held on February, 20, April 24, June 12, August 2, 23, and 28, and September 11, 2007. All these workshops were advertised and open to the public.

e. A public hearing on the Code and zoning map was held on August 30, 2007 in accordance with Henderson County Code §170-50 and §200-76 and North Carolina General Statute §153A-323.

f. Notice regarding this public hearing was placed in the Henderson Times-News on August 1, 8, 15, and 22, 2007 in a half page advertisement in accordance with N.C.G.S. §153A-323 and §153A-343. In addition, notices were posted on August 14, and 15, 2007 and mailed notifications were sent on August 10, 2007 in accordance with N.C.G.S. §153A-343 and Henderson County Code §200-76 and §170-50.

g. After the public hearing, the Board of Commissioners referred the revised draft back to the Planning Board in accordance with N.C.G.S. §153A-344 and Henderson County Code §170-50 and §200-75. The Henderson County Planning Board made additional recommendations regarding the final draft of the Land Development Code on September 18, 2007. This recommendation included the proposed zoning map.
h. The final draft of the Land Development Code, zoning map, and the recommendations of the Planning Board were received by the Board of Commissioners at its regularly scheduled meeting on September 19, 2007.

6. That the Board of Commissioners of Henderson County hereby adopts the Land Development Code and is made part of the County Code.

7. That the Board of Commissioners of Henderson County hereby amends the Official Zoning Map by adopting the Official Zoning Map dated September 19, 2007.

8. That the Board of Commissioners of Henderson County hereby repeals the following chapters of the Henderson County Code: Chapter 81, Communication Towers; Chapter 90, Erosion and Sedimentation Control; Chapter 102, Flood Damage Prevention; Chapter 114, Manufactured Home Parks; Chapter 121, Mountain Ridge Protection; Chapter 156, Signs; Chapter 170, Subdivision, Chapter 189, Vested Rights; Chapter 192, Part 1 only, Watershed Protection; and Chapter 200, Zoning. These sections shall hereby be replaced with provisions in the new Land Development Code which shall be Chapter 200A of the Henderson County Code. Authority to combine ordinances into a unified ordinance is found in N.C.G.S. §153A-322(d).

9. That the Board of Commissioners of Henderson County hereby order that that the Land Development Code and Official Zoning Map become effective at 11:59 p.m., September 19, 2007.

10. That this Resolution be effective upon adoption.

UNANIMOUSLY ADOPTED this the 19th day of September, 2007.

HENDERSON COUNTY BOARD OF COMMISSIONERS

WILLIAM MOYER, Chairman
LARRY YOUNG, Commissioner
MARK WILLIAMS, Commissioner

CHARLIE MESSER, Vice-Chairman
CHUCK MCGRADY, Commissioner

ATTESTED BY:

Elizabeth Corn, Clerk to the Board
STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Notary Public of the County and State aforesaid certify that ELIZABETH CORN, personally came before me this day and acknowledged that she is the Clerk for the Henderson County Board of Commissioners, a body politic and corporate, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by the Chairman of the Board of Commissioners and attested by herself as its Clerk.

WITNESS my hand and notarial seal this 19th day of September, 2007.

_ Margaret Street_
Notary Public

Print or type name: Margaret Street

My Commission Expires: Sept. 17, 2012

******
A RESOLUTION OF THE HENDERSON COUNTY
BOARD OF COMMISSIONERS
DECLARING SATURDAY, SEPTEMBER 22, 2007
AS BIG SWEEP DAY

WHEREAS, Henderson County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and,

WHEREAS, trash fouls our waterways as well as our landscapes; and,

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and,

WHEREAS, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina’s waterways and landscapes; and,

WHEREAS, this statewide effort, now in its 20th year, is coordinated in Henderson County by the Environmental and Conservation Organization;

NOW, THEREFORE, BE IT RESOLVED that the Henderson County Board of Commissioners, meeting on September 19, 2007, does hereby declare September 22, 2007, as BIG SWEEP DAY, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

In witness whereof I have hereunto set my hand and caused the seal of the Henderson County Board of Commissioners to be affixed.

[Signature]
William L. Moyer, Chairman

ATTEST:
(seal) [Signature]
Elizabethe W. Corn, Clerk
HENDERSON COUNTY, NORTH CAROLINA

RESOLUTION
FOR THE ADOPTION OF THE LAND DEVELOPMENT CODE
BY THE BOARD OF COMMISSIONERS FOR HENDERSON COUNTY

WHEREAS Henderson County is a body politic promoting the health, safety, and general welfare of the community through responsible development in the County;

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2. That Henderson County has the authority to modify its zoning map as per North Carolina General Statute §153A-340 and Henderson County Code §200-72.

3. That the Board of Commissioners finds that the Land Development Code and Zoning Map are reasonable, in the public interest, and consistent with the Henderson County 2020 Comprehensive Plan in accordance with N.C.G.S §153A-341.
h. The final draft of the Land Development Code, zoning map, and the recommendations of the Planning Board were received by the Board of Commissioners at its regularly scheduled meeting on September 19, 2007.

6. That the Board of Commissioners of Henderson County hereby adopts the Land Development Code and is made part of the County Code.

7. That the Board of Commissioners of Henderson County hereby amends the Official Zoning Map by adopting the Official Zoning Map dated September 19, 2007.

8. That the Board of Commissioners of Henderson County hereby repeals the following chapters of the Henderson County Code: Chapter 81, Communication Towers; Chapter 90, Erosion and Sedimentation Control; Chapter 102, Flood Damage Prevention; Chapter 114, Manufactured Home Parks; Chapter 121, Mountain Ridge Protection; Chapter 156, Signs; Chapter 170, Subdivision, Chapter 189, Vested Rights; Chapter 192, Part 1 only, Watershed Protection; and Chapter 200, Zoning. These sections shall hereby be replaced with provisions in the new Land Development Code which shall be Chapter 200A of the Henderson County Code. Authority to combine ordinances into a unified ordinance is found in N.C.G.S. §153A-322(d).

9. That the Board of Commissioners of Henderson County hereby order that that the Land Development Code and Official Zoning Map become effective at 11:59 p.m., September 19, 2007.

10. That this Resolution be effective upon adoption.

UNANIMOUSLY ADOPTED this the 19th day of September, 2007.

HENDERSON COUNTY BOARD OF COMMISSIONERS

[Signatures]

WILLIAM MOYER, Chairman

CHARLIE MESSER, Vice-Chairman

LARRY YOUNG, Commissioner

CHUCK MCGRADY, Commissioner

MARK WILLIAMS, Commissioner

ATTESTED BY:

Elizabeth Corn, Clerk to the Board