

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V ‘ZONING DISTRICT CLASSIFICATIONS’, ARTICLE VIII ‘EXCEPTIONS & MODIFICATIONS’, AND ARTICLE XII ‘DEFINITION OF TERMS’ AND FURTHER AMENDING THE OFFICIAL CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, ARTICLE 3. ‘CONFIGURATIONS’, ARTICLE 8. ‘MEASUREMENTS’, AND ARTICLE 9. ‘DEFINITIONS’

WHEREAS, the Planning Board reviewed this petition for a zoning and subdivision text amendment at its regular meeting on February 13, 2025; voting 0-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on March 6, 2025, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on March 6, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Article V ‘Zoning District Classifications’, Article VIII ‘Exceptions & Modifications’, and Article XII ‘Definition of Terms’ and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. ‘Configurations’, Article 8. ‘Measurements’, and Article 9. ‘Definitions’

ZONING ORDINANCE

ARTICLE V – ZONING DISTRICT CLASSIFICATIONS

Sec. 5-1. - R-40 Estate Residential District

5-1-3. - Dimensional requirements.

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

Sec. 5-2. - R-20 Low-Density Residential Zoning District

5-2-3. - Dimensional requirements.

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

Sec. 5-3. - R-15 Medium-Density Residential Zoning District

5-3-3. - Dimensional requirements.

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

Sec. 5-4. - R-10 Medium-Density Residential Zoning District

5-4-3. - Dimensional requirements.

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

Sec. 5-5. - R-6 High-Density Residential Zoning District

5-5-3. - Dimensional requirements.

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

Sec. 5-10. - MIC Medical, Institutional and Cultural Zoning District

5-10-3. - Dimensional requirements.

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

Sec. 5-13. - RCT Residential Commercial Transition Zoning District

5-13-3. - Dimensional requirements.

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

ARTICLE VIII – EXCEPTIONS & MODIFICATIONS

Sec. 8-4. – Reduced Pole Flag Lot

8-4-1. - Purpose: The purpose of this lot configuration option is to allow small footprint housing on small lots as a means to increase the stock of housing affordable at "Workforce" and "Attainable" housing levels.

8-4-2. - Applicability: A Reduced Pole Flag Lot can be applied to any Lot of Record in an applicable zoning district. (see ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS for applicable zoning districts). Accessory Dwelling Units, Single-Family Dwellings and Two-Family Dwellings shall be permitted subject to a zoning district's Permitted Uses. Residual Lots result from the creation of a Reduced Pole Flag Lot or Small Lot. (see Dimensional Standards below).

8-4-3. - Dimensional Requirements:

Reduced Pole Flag Lots	
<u>Minimum lot area in square feet:</u>	<u>2,000</u>
<u>Minimum lot width/pole width in feet*:</u>	
<u>Single water service OR single sewer force main</u>	<u>5</u>
<u>Single water service AND single sewer force main</u>	<u>10</u>
<u>Single gravity sewer service; additional width may be required depending on pipe depth</u>	<u>10</u>
<u>Driveways and Accessways</u>	<u>See Sec. 8-4-4 – Access and Frontage Improvements.</u>
<u>Minimum yard requirements in feet:</u>	<u>5 from all perimeter lot lines</u>
<u>Maximum structure size in square feet (SF), Gross Floor Area (GFA):</u>	
<u>Existing structure on existing lot</u>	<u>No structure size limit. Structures >1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures ≤1,200 SF GFA may use Reduced Pole Flag Lot or Small Lot.</u>
<u>New lot with new structure</u>	<u>1,200**</u>
<u>Structure location:</u>	<u>All structures shall be located in compliance with fire code requirements.***</u>
<u>Maximum structure height in feet:</u>	<u>Subject to the height limit of the underlying zoning district.</u>

* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water/sewer connections for the unit.

** 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. ADU, Single-Family, or Two-Family)

NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

*** City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus

Residual Lot Requirements:

Residual Lots with existing structures greater than 1,200 SF GFA shall meet dimensional requirements of the underlying zoning district.

Residual Lots with existing structures 1,200 SF GFA or less may use Reduced Pole Flag Lot or Small Lot standards.

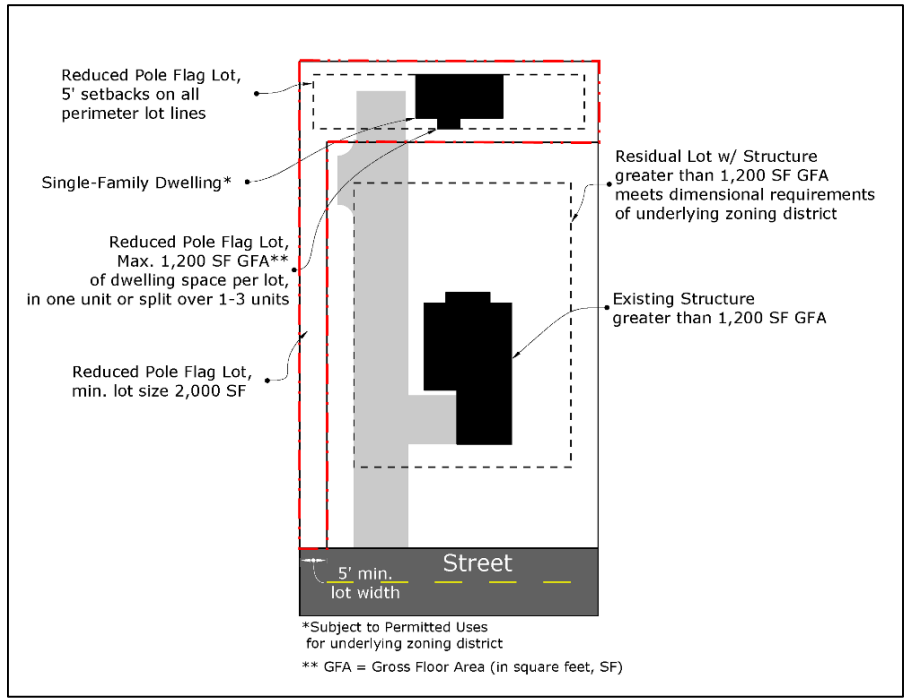


Figure 1: Reduced Pole Flag Lot

8-4-4. – Access and Frontage Improvements: Driveways and Accessways may be placed within the “pole” or an alternate site location via access easements. Use of a single driveway to serve an adjoining Reduced Pole Flag Lot or to serve Reduced Pole Flag Lots and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the “pole” portion of the Reduced Pole Flag Lots, with the conventional lot granted an access easement over the “pole”. Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) may be required on lot frontages.

8-4-5. – Multiple Reduced Pole Flag Lots: A maximum of five (5) Reduced Pole Flag Lots are permitted to subdivide off of an existing Lot of Record two (2) acres or less in size. In no case shall each subdivided lot have less than 5 feet of street frontage. A shared driveway shall be used as the sole access to all such lots. The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

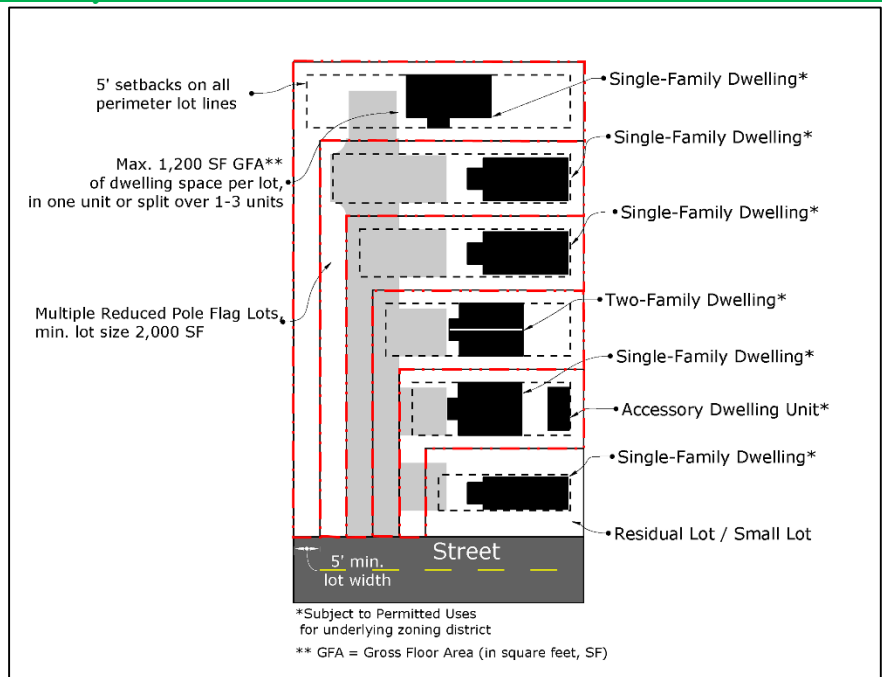


Figure 2: Multiple Reduced Pole Flag Lots

Sec. 8-5. – Small Lot

8.5.1. - Purpose: The purpose of this lot configuration option is to allow small footprint housing on small lots as a means to increase the stock of housing affordable at "Workforce" and "Attainable" housing levels.

8.5.2. - Applicability: Small Lots may be used in combination with Reduced Pole Flag Lots, with a limit of six (6) total lots. Small Lots are permitted to subdivide off of an existing Lot of Record two (2) acres or less in size and can be applied any applicable zoning district. (see ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS for applicable zoning districts). Accessory Dwelling Units, Single-Family Dwellings and Two-Family Dwellings shall be permitted subject to a zoning district’s Permitted Uses. Residual Lots result from the creation of Small Lot lots or Reduced Pole Flag Lots. (see Dimensional Standards below)..

8-5-3. - Dimensional Requirements:

<u>Small Lot</u>	
<u>Minimum lot area in square feet:</u>	<u>2,000</u>
<u>Minimum lot width* in feet:</u>	<u>25</u>
<u>Minimum yard requirements in feet:</u>	
	<u>Front: 10</u>
	<u>Side 5</u>
	<u>Rear 10</u>
<u>Maximum structure size in square feet (SF), Gross Floor Area (GFA)</u>	<u>1,200** for new construction</u>
<u>Structure location:</u>	<u>All structures shall be located in compliance with fire code requirements.***</u>
<u>Maximum structure height in feet:</u>	<u>Subject to the height limit of the underlying zoning district.</u>

* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water/sewer connections for the unit.

** 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. Single-Family, Two-Family, or ADU).

NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

*** City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus

Residual Lot Requirements

- Residual Lots with existing structures greater than 1,200 SF GFA shall meet dimensional requirements of the underlying zoning district.
- Residual Lots with existing structures 1,200 SF GFA or less may use Small Lot or Reduced Pole Flag Lot requirements.

8-5-4. – Access and Frontage Improvements: Use of a single driveway to serve an adjoining Small Lot lot/Reduced Pole Flag Lot or to serve Small Lot lots/Reduced Pole Flag Lots and an adjoining conventional lot is encouraged. In the case of a driveway shared between lots, an access easement shall be recorded for each lot sharing that access. Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) may be required on lot frontages.

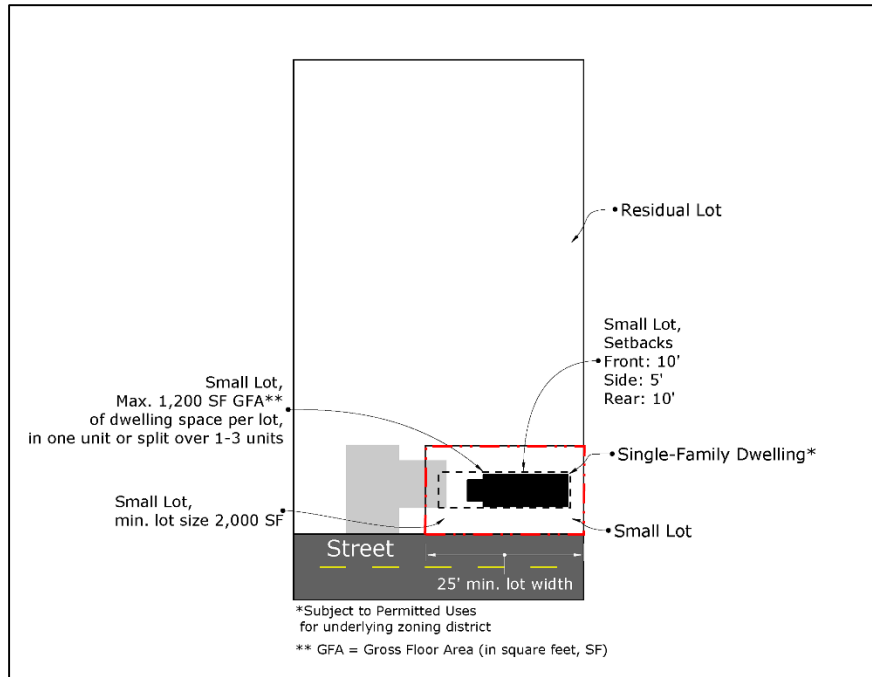


Figure 3: Small Lot

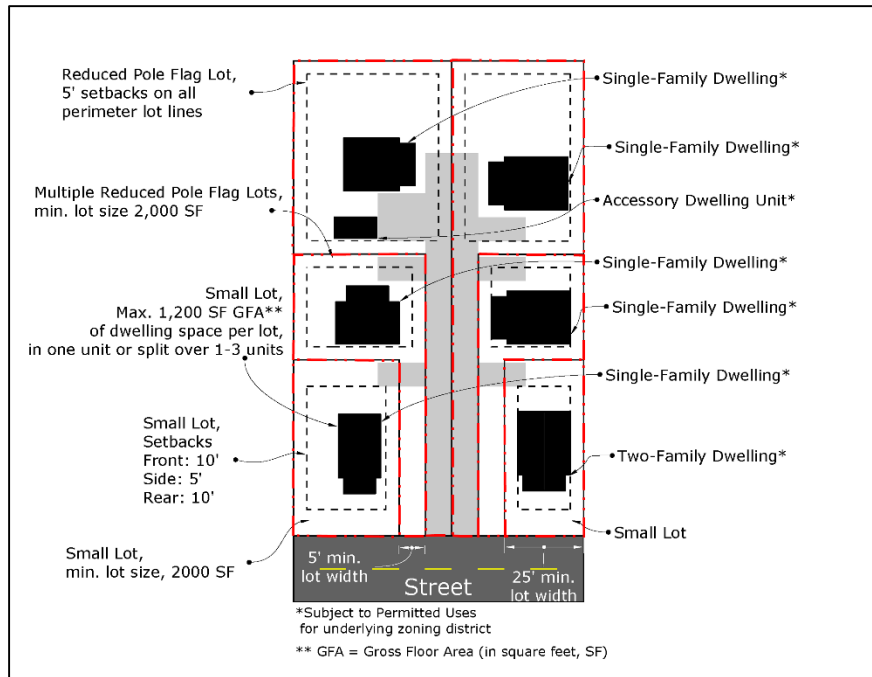


Figure 4: Small Lot combined with Multiple Reduced Pole Flag Lots, six (6) lot maximum

ARTICLE XII, - DEFINITION OF TERMS

Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Lot Area: The total area within the lot lines of a platted lot.

Residual Lot: A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

Small Lot: A lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.5 – Small Lot.

SUBDIVISION ORDINANCE

ARTICLE 3. – CONFIGURATION

Sec. 3.03. - Lots.

A. Dimensional requirements.

B. Side lot lines.

C. Flag lots.

D. Reduced Pole Flag Lots

~~D.~~ E. Double or reverse frontage lots.

~~E.~~ F. Corner lots.

~~F.~~ G. Drainage and flood prevention.

C. Flag lots. New flag lots may be established, subject to the following requirements:

1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
2. New flag lots may be established along any type of street. When located along an expressway or boulevard street ~~only in cases where~~ access to the street ~~is~~ shall be shared with an adjacent lot (see Figure 3.03.C, Flag Lot Access).
3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 20 feet: except as provided under Section 3.03. Reduced Pole Flag Lots.
4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

D. Reduced Pole Flag Lots (requirements below are cross-referenced from Zoning Ordinance, Sec. 8-4. – Reduced Pole Flag Lots)

1. **Purpose:** The purpose of this lot configuration option is to allow small footprint housing on small lots as a means to increase the stock of housing affordable at "Workforce" and "Attainable" housing levels.
2. **Applicability:** A Reduced Pole Flag Lot can be applied to any Lot of Record in an applicable zoning district. (see ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS for applicable zoning districts). Accessory Dwelling Units, Single-Family Dwellings and Two-Family Dwellings shall be permitted subject to a zoning district's Permitted Uses.

3. Dimensional Requirements:

Reduced Pole Flag Lots	
Zoning dimensional requirements (i.e. lot area, setbacks, structure size)	see Zoning Ordinance Sec. 8-4-3 – Reduced Pole Flag Lot
Minimum lot width/pole width in feet*:	
Single water service OR single sewer force main	5
Single water service AND single sewer force main	10
Single gravity sewer service; additional width may be required depending on pipe depth	10
Driveways and Accessways	See 4. Access and Frontage Improvements (next page)
Structure location:	All structures shall be located in compliance with fire code requirements.**

* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water/sewer connections for the unit.

** City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus

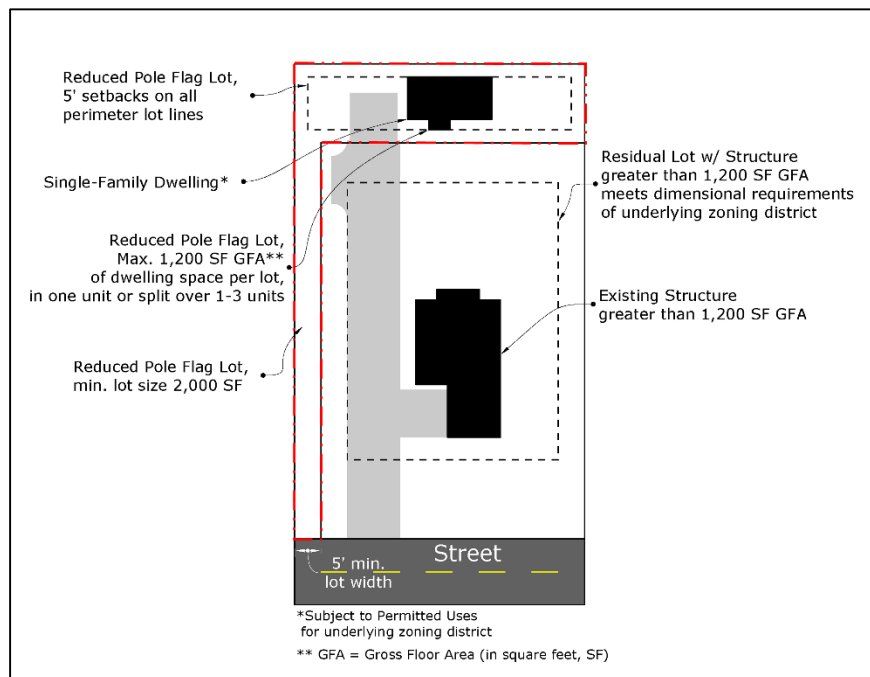


Figure 1: Reduced Pole Flag Lot

4. **Access and Frontage Improvements:** Driveways and Accessways may be placed within the “pole” or an alternate site location via access easements. Use of a single driveway to serve an adjoining Reduced Pole Flag Lot or to serve Reduced Pole Flag Lots and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the “pole” portion of the Reduced Pole Flag Lots, with the conventional lot granted an access easement over the “pole”. Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) may be required on lot frontages.

5. Multiple Reduced Pole Flag Lots: A maximum of five (5) Reduced Pole Flag Lots are permitted to subdivide off of an existing Lot of Record two (2) acres or less in size. In no case shall each subdivided lot have less than 5 feet of street frontage. A shared driveway shall be used as the sole access to all such lots. The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

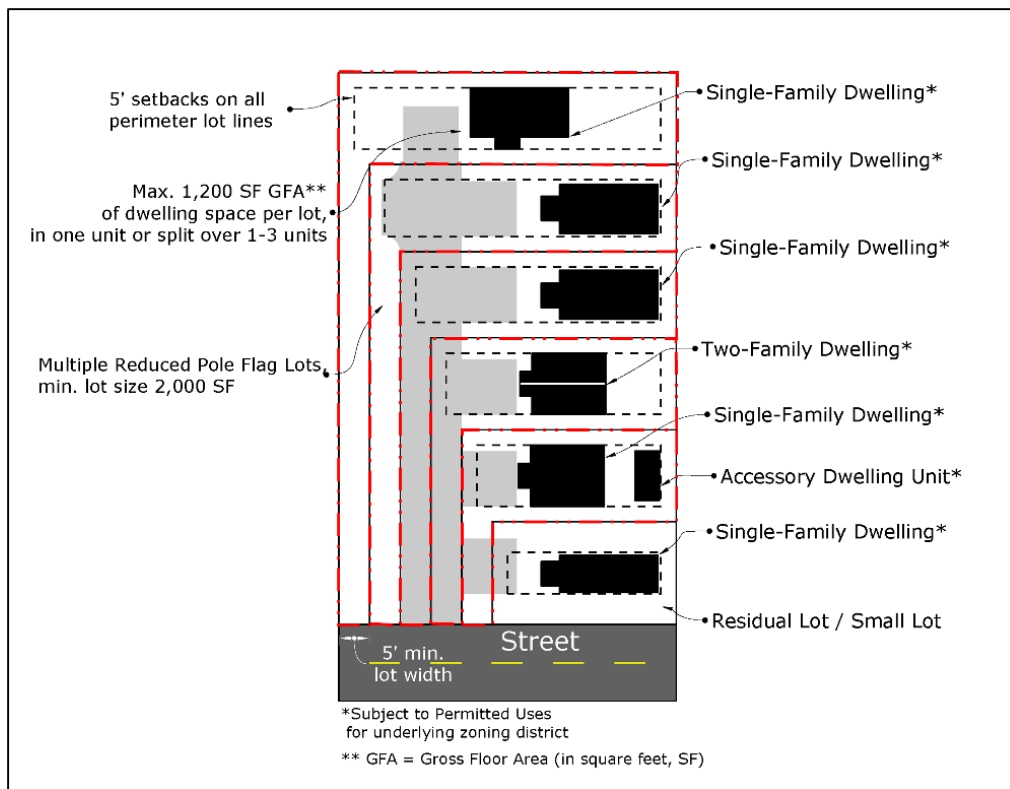


Figure 2: Multiple Reduced Pole Flag Lot

Sec. 3.04. - Access to lots.

A. Every lot must maintain access.

1. **Generally.** Except for lots within bona fide farms, exempt subdivisions, or in accordance with section 3.04.A.2, street access exemptions, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to city or state standards, as applicable.

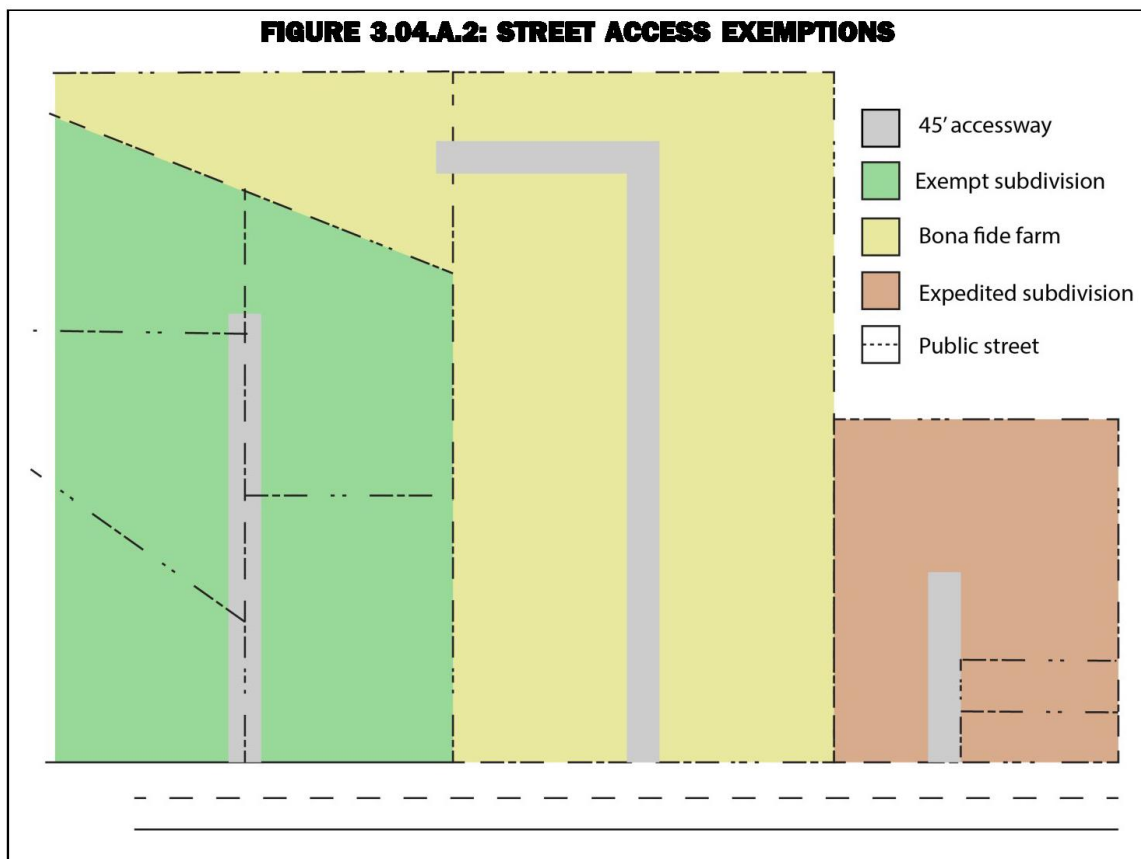
2. Street access exemptions.

a. Lots in any of the following forms of development are not required to be served by a street meeting city or state standards:

- i) Up to three lots in an expedited subdivision; or
- ii) Up to three lots without roadway frontage that are served by a single, shared accessway.

b. With the exception of Reduced Pole Flag Lots, ~~Any~~ any lots not required to abut a street designed, built, and maintained to city or state standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles (see Figure 3.04.A.2, Street Access Exemptions).

3. **Access serving more than three lots.** With the exception of Reduced Pole Flag Lots, Accessways serving more than three lots outside a bona fide farm or exempt subdivision shall be designed, built, and maintained to public street standards.



B. Access on lots abutting expressways, boulevards, thoroughfares, or other streets.

- 1) All subdivisions abutting an expressway, boulevard, thoroughfare, or any street with an Average Annualized Daily Traffic of greater than or equal to 300 are required to provide access in compliance with this Sec. 3.04.B
 - a. AADT shall refer to the most recent data collection performed by the Public Works Department. If no data is available at the time of subdivision application, the City shall cause a measure of AADT to be performed.
 - b. A subdivider may cause their own measure of AADT to be performed by a licensed traffic engineer or other professional. If there is a conflict between the City's measure of AADT and the subdivider's, the City shall seek the opinion of a licensed traffic engineer, whose decision shall be binding.
- 2) In cases where a tract or site abutting an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street ~~or~~, alley or drive, either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 (see Figure 3.04.8, Lots Abutting expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300).

ARTICLE 8. – MEASUREMENT

Sec. 8.02. - Rules of measurement.

C. Lot Dimensions

1. Lot Measurements.

- a. Minimum lot area. The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:
 - i. Public street rights-of-way;
 - ii. Private street area;
 - iii. ~~The “pole,” arm,” or “pan handle” portion of a flag lot; and~~
 - iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

ARTICLE 9. – DEFINITIONS

Sec. 9.01. - Definitions.

Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Lot Area: The total area within the lot lines of a platted lot.

Residual Lot: A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

Small Lot: A lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.5 – Small Lot.

Residual Lot: A lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney