

**ZONING TEXT AMENDMENT:**  
**C-2 DIMENSIONAL STANDARDS (25-92-ZTA)**  
**CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT**  
**STAFF REPORT**

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## PROJECT SUMMARY



### **Basics**

- Project Name & Case #:
  - C-2 Dimensional Standards
  - 25-92-ZTA
- Applicant:
  - City of Hendersonville
- Articles Amended:
  - Zoning Ordinance
    - Article V
    - Section 5-7
- Zoning Districts Impacted:
  - C-2, Secondary Business
- Relevant Future Land Use Designations:
  - Downtown
  - Mixed Use - Commercial

### **Summary**

*The City of Hendersonville has initiated a zoning text amendment to modify the dimensional standards of the C-2, Secondary Business Zoning District. The proposed updates to this zoning district are precipitated by changes to state law, specifically the 'downzoning' law which went into effect late last year. This law eliminated the City's authority to rezone property at its discretion. It requires property owner consent for any rezoning that would be deemed a "downzoning" according to the definition provided in the law.*

*According to the Comprehensive Plan the C-2 Zoning District has very limited applicability when it comes to achieving the vision set out in the Gen H Plan. There are multiple reasons for this, one of which is the requirement of a 15' front setback and a min. lot size of 8,000/6,000 Sq Ft. The C-2 Secondary Business zoning district is primarily located in the periphery of Downtown. Substantial front setbacks are contrary to the traditional urban pattern of development called for in the Gen H Plan. In large part C-2 has been replaced by CMU Zoning District. However, key portions of the City are still zoned C-2. While fully replacing C-2 with CMU zoning would help to guide future development in alignment with the vision established in the Gen H Plan, due to downzoning laws, this type of "area rezoning" is impractical if not infeasible. As a temporary fix to this, staff is proposing to reduce the min. lot size and front setback in C-2 in order to, at a minimum, not prohibit new development from aligning with the Downtown Design Standards found in Chapter 5 of the Gen H Plan.*

## AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS

The proposed changes will simply permit new development in the C-2 zoning district to align with the vision established for the 'Downtown' and 'Mixed-Use Commercial' Character Areas in the Gen H Plan. Current requirements for a minimum 15' front setback prohibit conformance with the Downtown Master Plan Design Guidelines which call for the creation/preservation of a walkable urban environment by having buildings / entrances abutting the sidewalk with parking situated to the side/rear. The current 6,000 Sq Ft minimum residential lot size also prevents the development of townhomes, which are a housing type called for in multiple Focus Areas highlighted in the Gen H Plan.

While the Gen H Downtown Master Plan Design Guidelines are not yet codified, those developers wishing to align their site / building designs with the plan's guidelines are currently prevented from doing so due to these dimensional standards. Allowing for reduced front setbacks and the development of townhomes is essential for meeting the goals in urban areas like the Kanuga Rd area and the 7<sup>th</sup> Ave Municipal Service District.

## COMMITTEE RECOMMENDATION

Due to the simplicity of this proposal, this item was not brought forward to the Legislative / Long-Range Planning Committee.

## PROPOSED TEXT REVISIONS

The following revisions to the zoning code are presented for your consideration. The following language in ~~red~~ will be removed and language in green will be added to the current zoning district language, shown in black, as illustrated below.

## **ZONING ORDINANCE**

### **ARTICLE V. ZONING DISTRICT CLASSIFICATIONS**

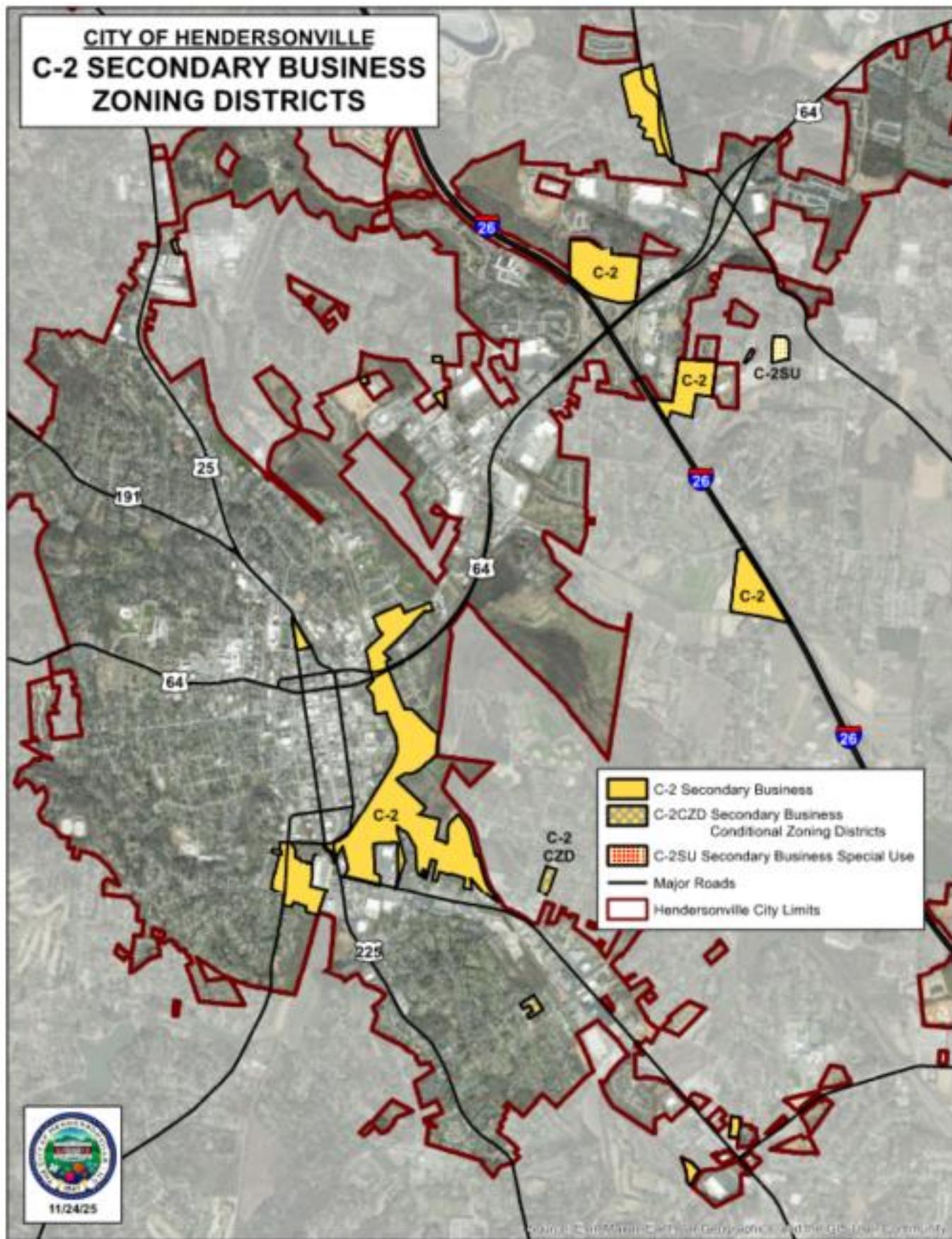
#### **Section 5-7 C-2, Secondary Business Zoning District**

##### **5-7-3. Dimensional requirements.**

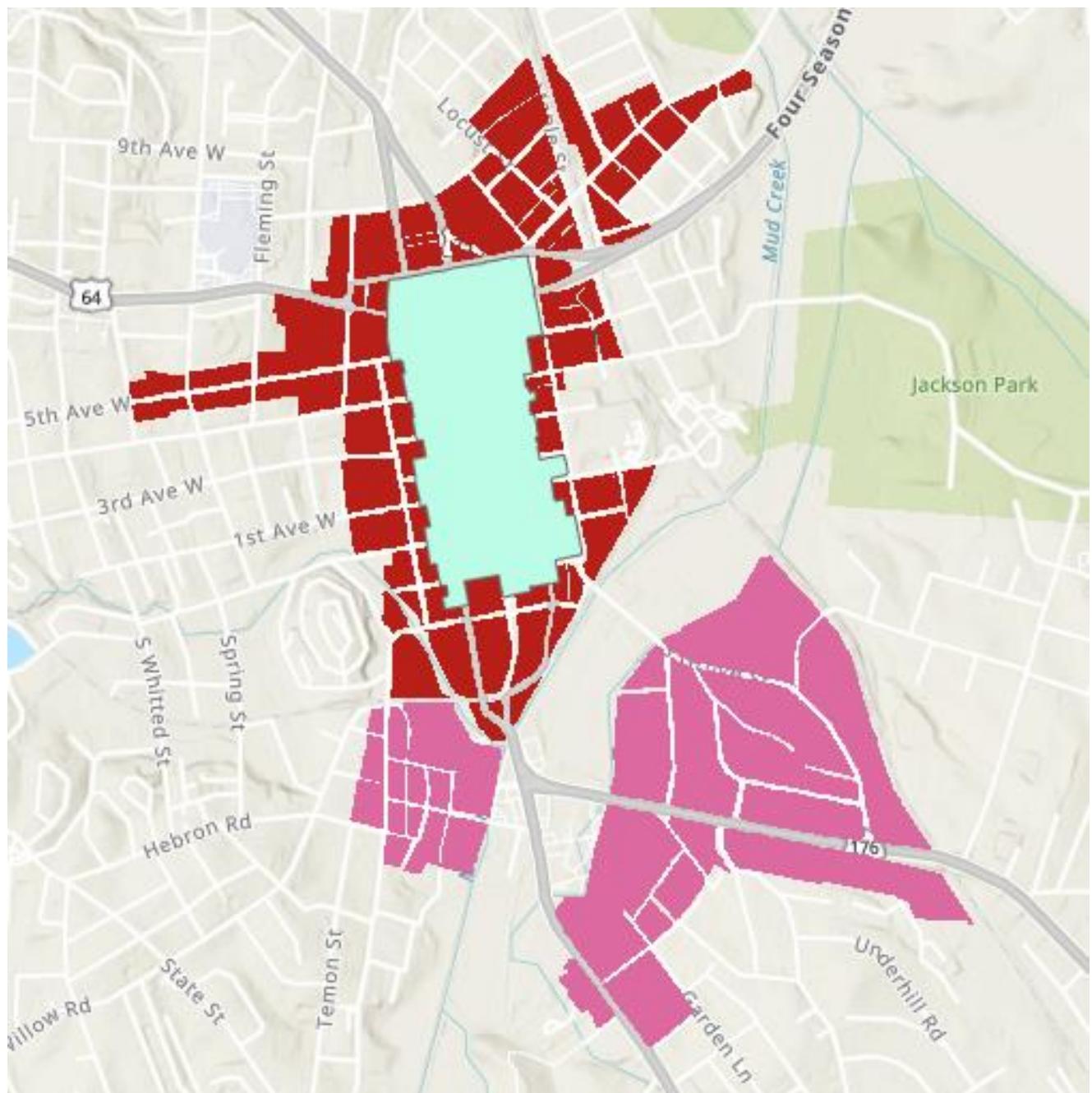
Minimum lot area in square feet:	<del>8,000 (6,000 for residential use)</del> <ins>0</ins>
Minimum lot width at building line in feet:	<del>None except for structures containing dwelling units which shall have a minimum lot width at building line of 50 feet.</del>
Minimum yard requirements in feet:	<ins>Front: +5 if sidewalk is 5' wide or less; 0 if sidewalks are greater than 5' wide</ins>

	<p>Side: <u>0 or 5</u> (Side yards are not required, but when provided must be a minimum of five feet. Common wall construction is permitted in the C-2 Zoning District Classification. <del>On all corner lots, a ten-foot side yard setback is required.</del>)</p>
	<p>Rear: None except for structures containing dwelling units which shall have a minimum setback of ten feet. Otherwise, rear yards are not required unless the C-2 Zoning District Classification abuts an established residential district. In this case, the rear yard setback requirement shall be a minimum of ten feet.</p>
Maximum height in feet:	48

ZONING MAP – C-2 ZONING DISTRICTS



## GEN H COMPREHENSIVE PLAN – NEIGHBORHOOD CENTER CHARACTER AREA



### Future Land Use Character Areas

- Downtown
- Mixed Use - Commercial

## AMENDMENT STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><b>LAND SUPPLY, SUITABILITY &amp; INTENSITY</b></p> <p><b>Supply:</b> N/A <b>Suitability:</b> N/A <b>Intensity:</b> N/A</p> <p><b>FUTURE LAND USE &amp; CONSERVATION MAP</b></p> <p><b>Character Area Designations:</b> Downtown &amp; Mixed Use Commercial <b>Character Area Descriptions:</b> Consistent <b>Zoning Crosswalk:</b> N/A <b>Focus Area:</b> N/A</p>
2) COMPATIBILITY	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p> <p><b>Existing Conditions:</b> Current C-2 Dimensional Standards would not allow for townhome development nor traditional urban development / walkable urban form.</p> <p><b>GEN H COMPREHENSIVE PLAN GOALS</b> (Chapter IV)</p> <p><b>Vibrant Neighborhoods:</b> Consistent <b>Abundant Housing Choices:</b> Consistent <b>Healthy &amp; Accessible Natural Environment:</b> Consistent <b>Authentic Community Character:</b> Consistent <b>Safe Streets and Trails:</b> Consistent <b>Reliable &amp; Accessible Utility Services:</b> Consistent <b>Satisfying Work Opportunities:</b> Consistent <b>Welcoming &amp; Inclusive Community:</b> Consistent <b>Accessible &amp; Available Community Uses and Services:</b> N/A <b>Resilient Community:</b> Consistent</p> <p><b>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</b> (Chapter IV)</p> <p><b>Mix of Uses:</b> Consistent <b>Compact Development:</b> Consistent <b>Sense of Place:</b> Consistent <b>Conserved &amp; Integrated Open Spaces:</b> Inconsistent <b>Desirable &amp; Affordable Housing:</b> Consistent <b>Connectivity:</b> Consistent <b>Efficient &amp; Accessible Infrastructure:</b> Consistent</p> <p><b>DOWNTOWN MASTER PLAN:</b> Consistent <b>BUILDING PLACEMENT &amp; SETBACK CHARACTER</b> Orientation</p> <ul style="list-style-type: none"><li>Buildings should face the street and be accessible from the sidewalk •</li><li>Site layout shall prioritize placing buildings towards the front of the lot, with parking situated to the side and/or rear of the building</li><li>Buildings located on a corner should have one of the following</li></ul>

	<p>architectural features:</p> <ul style="list-style-type: none"> <li>• Two entrances, one primary and one secondary, located on each frontage</li> <li>• Architecturally prominent corner entry with vertical emphasis through building height or architectural elements like porches, colonnades, etc.</li> </ul> <p>Setback Line</p> <ul style="list-style-type: none"> <li>• The setback line is based off of the future back of curb</li> </ul> <p>Build-To-Zone</p> <ul style="list-style-type: none"> <li>• The Build-to-Zone begins at the required frontage type setback line</li> </ul> <p>Build-To-Percentage</p> <ul style="list-style-type: none"> <li>• The build-to-percentage refers to the proportion of a lot's frontage that must be occupied by the building façade</li> </ul> <p>SETBACK EXCEPTIONS</p> <p>Primary</p> <ul style="list-style-type: none"> <li>• Infill development should match building setback line of adjacent properties</li> <li>• Should the setback of existing buildings vary, Community Development Director shall determine setback line of infill development</li> </ul> <p>Primary-Other</p> <ul style="list-style-type: none"> <li>• For property fronting on a public open space, the building setback line should be based on an adopted plan</li> <li>• If there is no adopted plan, the Community Development Director will determine the location of the building setback line</li> <li>• Infill residential shall match building setback, mass, and scale of adjacent properties</li> </ul>
<p>3) Changed Conditions</p>	<p><b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b></p> <p>Based on the City's Future Land Use and Conservation plans, the areas zoned C-2 should be rezoned to CMU or a similar mixed use zoning district. However, due to changes to state law making this large-scale rezoning difficult, staff is proposing changes to the dimensional standards in C-2 as a temporary measure until the zoning district and/or additional design standards can be codified. This is step one of a larger process to address quality urban development in the City's core.</p>
<p>4) Public Interest</p>	<p><b>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</b></p> <p>The proposed amendment would allow for developers to pursue implementation of the City's Downtown Master Plan Design Guidelines (Chapter 5).</p>

5) Public Facilities	<p><b>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</b></p>
	<p>The proposed text amendment would facilitate a infill commercial and residential development which allows for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance.</p>
6) Effect on Natural Environment	<p><b>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</b></p> <p>There are no known environmental impacts and no immediate development proposed.</p>

## REZONING STANDARDS ANALYSIS & CONDITIONS

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### Staff Analysis

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be consistent with the Gen H *Comprehensive Plan* Character Area designation.
2. Compatibility - The proposed text amendment is compatible with existing development patterns in the area surrounding downtown and aligns with Gen H Goals & Guiding Principles.
3. Changed Conditions - The text amendment is a response to changes in state law.
4. Public Interest – The revisions improve opportunities for developers to build in alignment with the City's Downtown Design Guidelines.
5. Public Facilities – The proposal allows for greater utilization of existing infrastructure.
6. Effect on Natural Environment – None.

## DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be **consistent** with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

*The proposed text amendment aligns with the Gen H Comprehensive Plan Future Land Use Map and Downtown Master Plan*

We [find/do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

### *DRAFT [Rationale for Approval]*

- *The proposed amendment allows for greater utilization of private property*
- *The proposed amendment creates an opportunity to accommodate infill development*
- *The proposed amendment allows for walkable, urban development*

### *DRAFT [Rational for Denial]*

- *The proposed amendment would no longer require a suburban pattern of development*
- *The proposed amendment would allow a traditional urban form*
- *The proposed amendment allows for townhome development in areas where there currently are few townhome developments.*