

ZONING TEXT AMENDMENT: ZONING REFORMS FOR HOUSING (25-01-ZTA)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY



- Project Name & Case #:
  - Zoning Reforms for Housing
  - 25-01-ZTA
  
- Applicant:
  - City of Hendersonville
  
- Articles Amended:
  - Zoning Ordinance
    - Article IV
    - Article V
    - Article VI
    - Article VIII
    - Article XII
    - Article XVI
  
- Zoning Districts Impacted:
  - R-40/R-20/R-15/R-10/R-6
  - C-2/C-3/C-4
  - MIC
  - PRD
  
- Future Land Use Designations:
  - Rural Residential
  - Family Neighborhood Living
  - Multi-Generational Living

**Summary**

*The City of Hendersonville has initiated an amendment to the City's Zoning Ordinance to make changes that would allow for the greater utilization of land for housing and improved clarity.*

*The proposed changes address a range of issues that will relax standards, create additional flexibility and establish new opportunities for needed infill housing. These proposed changes include: reductions in dimensional standards (minimum lot widths, setbacks, and minimum lot size for two-family dwellings) across the city's base residential and commercial zoning districts, scaling setbacks for corner lots, providing clarity with new and revised definitions, and incorporation of new permitted uses.*

*The more impactful revisions include those to the Planned Residential Development (PRD) Conditional Zoning District which are designed to tailor PRD to single-family / two-family/three-family / four-family developments as opposed to large apartment developments. These changes also translate to greater flexibility for minor PRDs. Additionally, there is a proposal to allow units that are under 1,200 Sq FT to count as .5 units in density calculations. This change aims to create more affordable housing options by removing disincentives that restrict the construction of smaller sized units. Lastly, changes in the size allowances for ADUs will allow for slightly larger units in some cases.*

Introduction - For the purposes of this staff report, references to “Affordable Housing” are made in regards to the larger crisis of the lack of housing stock that is available at a cost totaling 30% of a Household Income or less and specifically for those making 120% of the Area Median Income (AMI) or less. References to “attainable housing” are made in regards to market rate solutions for the provision of dwelling units that may be made available to those that do not income qualify for subsidized housing but are still in need of housing at lower price points than the median home price in the area.

In response to the affordable housing crisis in Hendersonville and across Western North Carolina, and indeed across many portions of our country, elected officials, planners and developers have been attempting to innovate and reform Zoning codes to allow for increased housing supply. In theory, increased housing supply will offset demand and lead to price stabilization or even reductions in housing costs. The proposed text amendments put forth by staff are intended to do just that. Staff considers these changes to be Phase I of the housing reforms that are needed. Furthermore, staff would qualify these provisions as the “low hanging fruit” in the sense that these revisions are not overly complex and represent moderate adjustments that have been needed for some time.

The following sections of the amendment are broken into components so that simpler changes can be on a different track than more complex changes should there be a need to spend more time refining the complex proposals.

### **Phase I (for March 13 Planning Board)**

Dimensional Standards - A primary focus of these revisions is to adjust dimensional requirements for all of the city’s residential districts and all of the commercial districts (except C-1). These adjustments reduce the minimum setbacks and lot widths, providing greater flexibility for the creation of new lots and for new construction. They also eliminate the need for additional lot size for two-family dwellings.

Corner Lots - Additional amendments include revisions to the setbacks applied to Corner Lots. The proposed language allows for the setback to scale up or scale down based on the zoning district as opposed to having a set number for all zoning districts.

Definitions - The proposal goes on to clarify and add definitions. Clarifications are made to the definitions for ADUs, Two-Family Residential Dwellings and Small-Scale Multi-Family to assist in the application of these uses. New definitions are proposed for Four-Family and Three-Family residential dwellings in order to define and encourage these missing middle housing types. These new uses are proposed to be added to PRD. A new definition is proposed for Double Frontage Lots as well. This is intended to help code users define one side of the lot as the front so that the other sides can be established for the side and rear for the application of setbacks. Lastly, provisions for exceptions to setbacks on the side and rear is proposed to be extended to front setbacks as well in order to incentive front porches and deep eaves which reflect traditional forms of residential architecture.

Permitted Uses - In addition to dimensional adjustments in the residential and commercial districts, the text amendment also addresses uses. The first use change is for Small-Scale Multi-Family to be added to the C-4 Neighborhood Commercial Zoning District. This will allow an uptick in density in areas that are neighborhood hubs and transition zones.

Specifying that only single-family and two-family residential uses are permitted I-I Industrial Zoning District – As currently written, the list of permitted uses in I-I simply states “residential dwellings” – leaving it open to interpretation. At this time staff believes that separating multi-family from industrial uses is advisable. However, to make way for possible adaptive reuse of former industrial buildings, multi-family has been added as an adaptive reuse under I-I CZD.

ADUs - The Supplementary Standards for Accessory Dwelling Units has been modified to allow the size of the structure to scale up or scale down depending on the size of the principal dwelling (with some minimum allowances guaranteed for properties with smaller scale principal structures).

Density for Small Units – Staff is proposing that a general standard be set that smaller sized units do not count the same as larger units when it comes to density limitations.

## **Phase 2 (for future Planning Board meeting)**

Planned Residential Development Standards - PRD is proposed to be modified with a series of simplifications and adjustments that would allow for greater flexibility while incentivizing smaller, attainable units. The first change is the removal of Multi-Family Residential from the Planned Residential Development (PRD) – Despite how it may appear, this change is not to target a reduction in density in PRD but rather to streamline the options available for different types of residential developments in the City. With this change, PRD would become a tool for single-family and small-scale multi-family development while Urban Residential would become the City’s primary multi-family Conditional Zoning District (while also allowing a mix of housing types). Like PRD, Urban Residential is not a geographically specific district (i.e. Greenville Highway Mixed Use Zoning District) and can be applied in various locations with the approval of a CZD. Other changes to PRD uses include the addition of Accessory Dwelling Units (ADUs), Tri-plexes, Quad-plexes and some neighborhood-scale commercial uses. These additions are intended to allow PRD to reflect the Multi-Generational Living character area description from the Gen H Comprehensive Plan.

With these proposed changes in place, the “Density Bonus” section is proposed to be removed as well. This leaves the base density at 10 units/acre and does not allow a bonus up to 18 units/acre. Keep in mind that units 1,200 Sq Ft or less are proposed to be counted as ½ unit.

PRD revisions also include adjusting the requirements for Max. Footprint and Open Space. With a shift away from multi-family and the elimination of the density bonus, the 60% Open Space requirement was set to become the principal regulation dictating land use within a PRD development. Staff is suggesting a more balanced approach which would increase the footprint allowance and reduce the open space allowance while reserving the additional space for vehicular uses areas. This allows the permitted uses (1-4 family units max), the density allotment (10 u/a max) and incentives for units with smaller footprints (>1200 SF = .5 unit) to be coupled with other standards, such as Tree

Canopy preservation and landscape plantings, to drive the distribution of land use within a development. If the standard were to stay at 60% Open Space, then staff believes the proposed density would need to be increased.

To further simplify the PRD section, the setback standards were converted to a table form. The most significant change to setbacks was to eliminate the 30' setback from all perimeter property lines. This allows for greater flexibility – especially when used in conjunction with the Minor Planned Residential Development.

The other significant changes to PRD include:

- 1) Ensuring that the language around vehicular circulation aligns with the standards in other portions of the zoning code and with the Gen H Comprehensive Plan – reflecting goals related to walkability, bikeability and interconnectivity.
- 2) Eliminating the Building Height Bonus since multi-family uses were removed,
- 3) Removing sections with duplicative standards for parking and buffer requirements since these standards are found in Chapters 6 and 15 respectively,
- 4) Adjusting the density standards for Minor PRDs. These adjustments were based on taking the minimum lot size for each zoning district (square feet) and converting it to a units/acre (ex. R-40 | 40,000 Sq Ft per unit = 1 unit/acre) and then add 1 to come up with the standard for each district (ex. R-40 | 1 unit/acre + 1 = 2 units/acre Minor PRD Density). Furthermore, the density allotment would be doubled for units that are 1,200 Sq Ft or less.

#### LEGISLATIVE COMMITTEE RECOMMENDATION

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The proposed amendment was reviewed by the Legislative Committee at their meeting on January 21<sup>st</sup>. The Legislative Committee provided feedback to Planning Staff which resulted in various clarifications. Some considerations of material modifications were discussed but in general the proposal was supported as presented.

#### PROPOSED TEXT REVISIONS

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The following revisions to the zoning code are presented for your consideration. The items that have been modified since the February Planning Board are highlighted in a blue box in the pages below. These items should be the focus of your review. The remaining items, not in a blue box, were already covered at the February Planning Board meeting and they were recommended for approval by the Planning Board. These unhighlighted items do not need to be the focus of your review. These items are being packaged as a single item to be presented to City Council.

## Phase I

### R-40 | 5-1-3. Dimensional requirements.

Minimum lot area in square feet:	40,000
Lot area per dwelling unit in square feet:	40,000
Minimum lot width at building line in feet:	<del>150</del> <u>125</u>
Minimum yard requirements in feet:	
Principal structure	Front: <del>40</del> <u>20</u> . Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet.
	Side: <del>25</del> <u>10</u>
	Rear: <del>35</del> <u>25</u>
Accessory structures	Front: 40
	Side: 10
	Rear: 10
Maximum height in feet:	35

### R-20 | 5-2-3. Dimensional requirements.

Minimum lot area in square feet:	20,000
<del>Lot area per dwelling unit in square feet:</del>	<del>20,000 for the first; 10,000 for the second unit for a two-family dwelling.</del>
Minimum lot width at building line in feet:	<del>100</del> <u>80</u>
Minimum yard requirements in feet:	
Principal structure	Front: <del>35</del> <u>15</u> . Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet.
	Side: <del>15</del> <u>10</u>
	Rear: 20
Accessory structures	Front: <u>To side or rear of principal structure</u>
	Side: <del>10</del> <u>5</u>
	Rear: <del>10</del> <u>5</u>
Maximum height in feet:	35

**R-15 | 5-3-3. Dimensional requirements.**

Minimum lot area in square feet:	15,000
<del>Lot area per dwelling unit in square feet:</del>	<del>15,000 for the first; 7,500 for one additional dwelling unit in one building.</del>
Minimum lot width at building line in feet:	<del>85</del> <u>70</u>
Minimum yard requirements in feet:	
Principal structure	Front: <del>30</del> <u>15</u> . Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet.
	Side: <del>10</del> <u>8</u>
	Rear: 15
Accessory structures	Front: <del>30</del> <u>To side or rear of principal structure</u>
	Side: 5
	Rear: 5
Maximum height in feet:	35

**R-10 | 5-4-3. Dimensional requirements.**

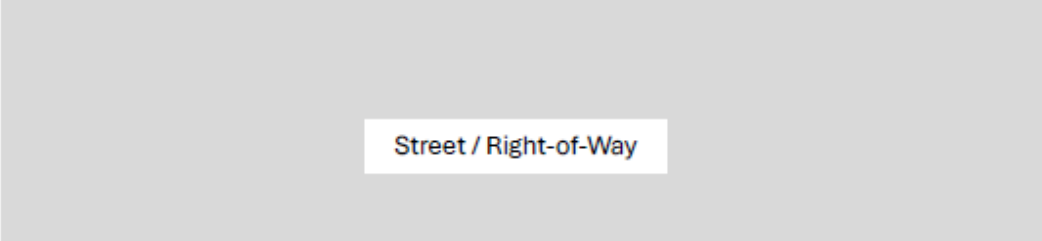
Minimum lot area in square feet:	10,000
<del>Lot area per dwelling unit in square feet:</del>	<del>10,000 for the first; 5,000 for one additional dwelling unit in any one building.</del>
Minimum lot width at building line in feet:	<del>75</del> <u>55</u>
Minimum yard requirements in feet:	
Principal structure	Front: <del>25</del> <u>10</u> . Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet.
	Side: <del>10</del> <u>5</u>
	Rear: <del>10</del> <u>15</u>
Accessory structures	Front: <del>25</del> <u>Located to side or rear of principal structure</u>
	Side: 5
	Rear: 5
Maximum height in feet:	35

**R-6 | 5-5-3. Dimensional requirements.**

Minimum lot area in square feet:	6,000
<del>Lot area per dwelling unit in square feet:</del>	<del>6,000 for the first; 4,000 for one additional dwelling unit in any one building.</del>
Minimum lot width at building line in feet:	<del>50</del> <u>45</u>
Minimum yard requirements in feet:	
Principal structure	Front: <del>20</del> <u>8</u> . <u>Any portion of a building envelope featuring a front-facing garage shall be setback a minimum of 25 feet.</u>
	Side: <del>8</del> <u>5</u>
	Rear: 10
Accessory structures	Front: <del>20</del> <u>Located to side or rear of principal structure</u>
	Side: 5
	Rear: 5
Maximum height in feet:	35



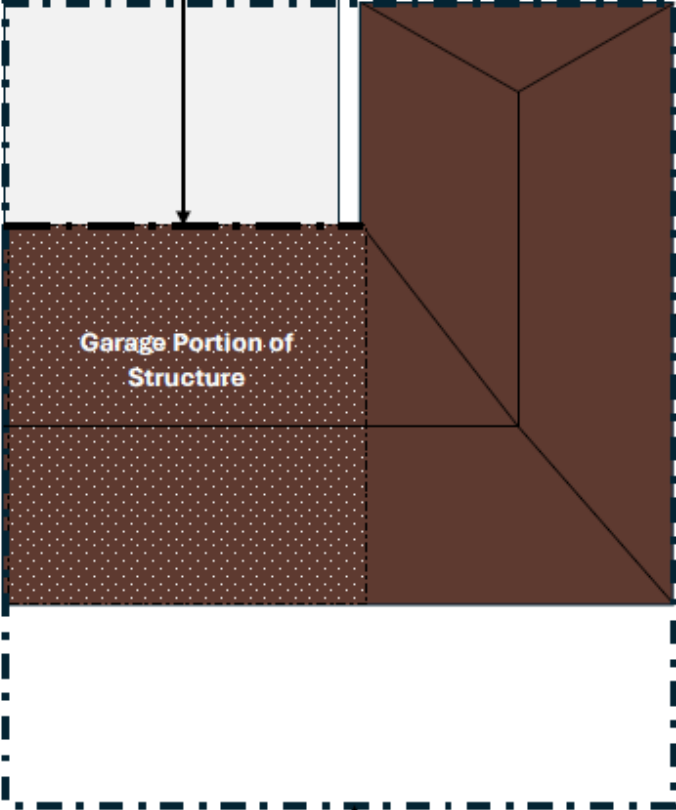
Illustration of Application of Setbacks in Base Residential Districts – Example R-15



Street / Right-of-Way

25' Setback for portion of structure that features front-facing garage

15' Front Setback



8' Side Setback

15' Rear Setback

**C-2 | 5-7-3. Dimensional requirements.**

Minimum lot area in square feet:	8,000 (6,000 for residential use).
<del>Lot area per dwelling unit in square feet:</del>	<del>6,000 for the first dwelling unit; 4,000 square feet for one additional dwelling unit in any one building.</del>
Minimum lot width at building line in feet:	None except for structures containing dwelling units which shall have a minimum lot width at building line of 50 feet.
Minimum yard requirements in feet:	<p>Front: 15 <del>except for structures containing dwelling units which shall have a minimum front yard of 20 feet.</del></p> <p>Side: 5 (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. On all corner lots, a ten-foot side yard setback is required.)</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

**C-3 | 5-8-3. Dimensional requirements.**

<b>For lots containing only residential uses</b>	
Minimum lot area in square feet:	6,000
<del>Lot area per dwelling unit in square feet:</del>	<del>6,000 for the first; 4,000 square feet for one additional dwelling unit in any one building.</del>
Minimum lot width at building line in feet:	50
Minimum yard requirements in feet:	Front: 20
	Side: 8
	Rear: 10
Maximum height in feet:	35
<b>For lots containing other uses</b>	
Minimum lot area in square feet:	10,000
Lot area per dwelling unit in square feet:	N/A
Minimum lot width at building line in feet:	80

Minimum yard requirements in feet:	Front: 35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.)
	Side: 15
	Rear: 20
Maximum height in feet:	48

**C-4 | 5-9-1. Permitted uses.**

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix:

Accessory dwelling units [subject to supplementary standards contained in section 16-4, below](#)

Residential dwellings, single-family

[Residential dwellings, two-family](#)

[Residential dwellings, three-family](#)

[Residential dwellings, four-family](#)

[Residential dwellings, small-scale multi-family subject to supplementary standards contained in section 16-4, below](#)

**5-9-3. Dimensional requirements.**

Minimum lot area in square feet:	<del>40,000</del> <a href="#">8,000</a>
Lot area per dwelling unit in square feet:	N/A
Minimum lot width at building line in feet:	None
Minimum yard requirements in feet:	<del>Front: 40 (Front yard requirements may be reduced to 15 feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use conforms to the established setback requirements.)</del> <a href="#">10</a>
	Side: 15
	Rear: 20
Maximum height in feet:	35

**MIC | 5-10-3. Dimensional requirements.**

Minimum lot area in square feet:	<del>8,000</del> <u>6,000</u>
Minimum lot width at building line in feet:	<del>50</del> <u>45</u>
Minimum yard requirements in feet:	Front: <del>10</del> <u>8</u>
	Side: <del>20</del> <u>15</u> total for lot; <u>may be allocated amongst all sides</u> with <u>a</u> minimum of 5; on any side
	Rear: <del>20</del> <u>10</u>
Accessory structure minimum setbacks	Front: Shall be located to the side or rear of principal structure
	Side and rear: 5
Maximum height in feet:	50

**I-1 | 5-12. Industrial Zoning District Classification**

This zoning district classification is established for those areas of the city where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

**5-12-1. Permitted uses.**

5-12-1(a) Permitted uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in section 4-5(e)(2) of this ordinance, provided that they meet all requirements of this section and all other requirements established in this ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Residential dwellings, [single-family](#)

[Residential dwellings, two-family](#)

[Residential dwellings, three-family](#)

[Residential dwellings, four-family](#)

**5-12-4. I-1 CZD Industrial Conditional Zoning District Classification.**

The purpose, requirements and standards of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification upon rezoning to I-1CZD, regardless of the square footage or number of residential units for the use:

[Adaptive Reuse for multi-family residential units subject to supplementary standards in Section 16-4-2](#)

Day centers

Shelter facilities

Permitted uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-1, above

Special uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-2, above

## ARTICLE VI. – GENERAL PROVISIONS

### 6-1-2 - Height and density.

No building shall hereafter be erected or altered so as to exceed the height limit or to exceed the density regulations of this ordinance for the district in which it is located. Residential units under 1,200 square feet in gross floor area shall count as 0.5 units for the purposes of density allotments in all zoning districts which regulate density.

### 6-1-7 Corner lots.

In any residential district, the side yard requirements for corner lots along the side street shall be increased ~~by ten feet.~~ 150% (1.5x) the required side yard setback for the zoning district in which the property is located. Accessory buildings shall observe all setback requirements. A property not at the intersection of two publicly-maintained rights-of-way shall not be considered a corner lot for the purposes of this section.

## ARTICLE VIII. EXCEPTIONS & MODIFICATIONS

Sec. 8-1. Minimum required front yard for dwellings.

The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within ~~100~~ 350 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, front yard on such lot may be less than the required front yard, but not less than the average of the front yards of the aforementioned existing buildings.

## ARTICLE XII. - DEFINITION OF TERMS

**Accessory dwelling unit:** A separate and complete dwelling unit which is subordinate to and contained on the same lot as ~~the structure of a single family dwelling or business.~~ a principal structure.

**Dwelling, four-family:** A type of multi-family building arranged to be occupied by four families living independently of each other, the structure having four dwelling units. Commonly referred to as a quad-plex.

**Dwelling, sSmall-scale multi-family:** A building or a group of detached buildings on a single lot with three to eight ~~or fewer~~ dwelling units designed and arranged to be occupied by multiple families living independently of each other.

**Dwelling, three-family:** A type of multi-family building arranged to be occupied by three families living independently of each other, the structure having three dwelling units. Commonly referred to as a tri-plex.

**Dwelling, two-family:** A building arranged to be occupied by two families living independently of each other, the structure having two dwelling units. Commonly referred to as a duplex.

**Yard, front:** An open, unoccupied space on the same lot with a principal building (excluding the outermost five feet of any porches, steps, eaves, gutters and similar fixtures), extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side lines of the lot.

**Yard, rear:** An open, unoccupied space on the same lot with the principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), extending the full width of the lot and situated between the rear line of the lot and the rear line of the building to the side lines of the lot.

**Yard, side:** An open, unoccupied space on the same lot with a principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

**Lot, Double Frontage:** A lot with frontages on more than one non-intersecting street or a corner lot having frontage on more than two streets. The architectural front of a structure, the front orientation of a structure and/or the presence of primary access shall determine the front lot line for the purposes of applying dimensional requirements. Lots which cannot be accessed by one of the two adjoining streets, due to topography or street classification, shall not be considered double frontage lots. For the purposes of this definition, lots located on alleys shall not be considered double frontage lots.

## ARTICLE XVI. – SUPPLEMENTARY STANDARDS

### 16-4-1 Accessory dwelling units.

- a) Accessory dwelling units may only be situated on a lot on which a principal ~~residential dwelling unit structure~~ is also situated and shall be clearly incidental or accessory to such principal ~~residential~~ structure.
- b) No more than one accessory dwelling unit may be situated on any lot.
- c) Accessory dwelling units may not exceed ~~800~~ the square feet of heated floor area as outlined below:
  - 1) all properties with principal structures 1,200 square feet or less are permitted to have an accessory dwelling unit up to a maximum of 100% of the size of the principal structure and
  - 2) all properties with principal structures greater than 1,200 square feet are permitted an accessory dwelling up to a maximum of 1,200 square feet in heated floor area.

Examples. If a principal structure is 900 Sq Ft, the maximum heated floor area of the accessory dwelling unit is 900 Sq Ft. If a principal structure is 2,600 square feet, the maximum heated floor area of the accessory dwelling is 1,200 square feet.

### 16-4-31 Residential dwellings, small-scale multi-family.

- a) For the purposes of these standards, small-scale multi-family shall include all developments not subject to the N.C. Residential Code for One- and Two-Family Dwellings including triplexes, quadplexes, and other small apartment buildings. ~~The~~ Any of the architectural design standards below may be implemented voluntarily for single-family attached (townhomes) and multiple detached units on a single parcel (detached multi-family) constructed subject to N.C. Residential Code for One- and Two-Family Dwellings.

## **PHASE 2 DRAFT**

### **Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.**

This zoning district classification is designed to accommodate planned residential developments with a rezoning to a Planned Residential Development Conditional Zoning District in accordance with article VII herein. Such rezoning to a Planned Residential Conditional Zoning District is required as a prerequisite to any use or development in the PRD Zoning District Classification, and no use shall be permitted except pursuant to such permit. The rezoning shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the rezoning for a planned residential district, city council may impose such additional reasonable and appropriate safeguards upon such approval as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

#### **5-14-1. Application.**

The reclassification of property to PRD Planned Residential Development Conditional Zoning District shall constitute an amendment of the official zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Such amendment shall be initiated by means of an application for rezoning to a PRD Planned Residential Development Conditional Zoning District. No permit shall be issued for any development within a PRD Planned Residential Development Conditional Zoning District except in accordance with an approved rezoning.

#### **5-14-2. Permissible uses subject to rezoning to a Planned Residential Development Conditional Zoning District.**

A building or land shall be used only for those purposes specified in the rezoning for the project which may include one or more of the following:

Accessory structures

[Accessory dwelling units subject to supplementary standards contained in section 16-4, below](#)

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Adult care homes

Camps

Child care centers subject to supplementary standards contained in section 16-4, below

Child care homes

Congregate care facilities, subject to supplementary standards contained in section 16-4, below

Customary accessory uses

~~Golf courses~~

~~Golf driving ranges and par three golf courses~~

Home occupations

[Neighborhood-oriented Personal services consistent with the purposes of this classification, such as barber and beauty shops, medical and dental labs and clinics, opticians and optical services and prosthetics & orthopedics](#)

[Neighborhood-oriented Retail stores consistent with the purposes of this classification, such as gift shops, florist shops and pharmacies](#)

Nursing homes, subject to supplementary standards contained in section 16-4, below

Offices located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which they are to be located

Parks

~~Planned residential developments (major)~~

Progressive care facilities, subject to supplementary standards contained in section 16-4, below

Public utility facilities, subject to supplementary standards contained in section 16-4, below

Religious institutions

~~Residential dwellings, multi-family~~

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, three-family

Residential dwellings, four-family

Neighborhood-oriented Restaurants, consistent with the purposes of this classification (no drive-thrus)

Rest homes, subject to supplementary standards contained in section 16-4, below

Schools, primary, elementary and secondary

Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

Telecommunications towers, subject to supplementary standards contained in section 16-4, below

### **5-14-3. Site requirements.**

~~Planned residential development conditional zoning districts shall have the following site requirements:-~~

- ~~a) — The total land area of the district shall be at least three acres; and~~
- ~~b) — Access to the planned residential development shall be by means of a boulevard or thoroughfare (major or minor) designated as such in the comprehensive transportation plan. Alternatively, access may be provided by means of streets other than major or minor thoroughfares when it is clearly demonstrated that the planned residential development will not result in a significant increase in traffic on any such street.~~

### **5-14-43. Density.**

~~The density for a planned residential development shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development. Unless a planned residential development qualifies for a density bonus as provided in subsection 5-14-6, below, the density authorized for the district shall not exceed ten units per acre.~~

### **5-14-5. Density bonus.**

~~A density bonus over and above the maximum density specified in subsection 5-14-4, above, may be approved by city council only upon determining that the proposed planned residential development complies with the general considerations listed in subsection 5-14-5 provisions and standards of this Article as well as the following additional considerations:-~~

- ~~a) — The property on which the development is proposed to be situated shall be located in close proximity to within 350 feet of a boulevard or thoroughfare designated as such in the comprehensive transportation plan;~~
- ~~b) — Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the comprehensive transportation plan;~~
- ~~c) — The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service grade of such roadway;~~
- ~~d) — The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;~~
- ~~e) — The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by subsection 6-16-2, below, or one percent of the land area of the development for each dwelling unit per acre proposed.~~

~~Any density authorized by city council pursuant to this section shall not exceed 18 dwelling units per acre.~~

### **5-14-64. Development standards.**

Unless noted otherwise, the following development standards shall apply to all planned residential developments, whether major or minor. In addition, planned residential developments shall meet all applicable standards contained in article VI, below



**5-14-64.1. Open space and footprint requirements.** Planned residential developments shall have a maximum footprint of ~~20~~ 40 percent of the site and shall have, as a minimum, ~~60~~ 40 percent of the site as open space. In addition, planned residential developments shall meet the common open space requirements of section 6-16.

~~5-14-64.2. Dimensional Standards Setbacks.~~ All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.

~~The planning board or c~~ City council, ~~as the case may be, shall~~ may require reservations of rights-of-way, as well as increased setbacks, for roads identified in the comprehensive transportation plan, including existing roads to be widened as well as corridors of new roads.

~~All dwellings and their accessory structures shall be located at least ten feet from the edge of the paving for any street or drive and at least five feet from the edge of the paving for any area devoted principally to parking. Carports shall be situated at least ten feet from the edge of the paving for any street or drive and may be physically connected to the principal structure which they serve. In addition, dwellings and accessory structures abutting a street intended to serve more than 32 dwelling units or intended to be dedicated as a public street must be set back a minimum of 35 feet from the center line of such street. The approved setback lines shall be shown on the plan of development and on any recorded subdivision plat.~~

~~In addition to the foregoing setback requirements, minimum spacing between buildings shall be provided as per the NC State Building Code Volume V Fire Prevention.~~

<u>Minimum lot area in square feet:</u>	<u>0</u>
<u>Minimum lot width at building line in feet:</u>	<u>None</u>
<u>Minimum yard requirements for Principal Structures in feet:</u>	<u>Front: 40, reduced to 10 when parking is situated to the side or rear of the lot and screened from view from public right of way</u>
	<u>Side: 0 with exception of corner lots where setback shall be 7.5 from side street right-of-way</u>
	<u>Rear: 20</u>
<u>Maximum height in feet:</u>	<u>35</u>
<u>Minimum yard requirements for Accessory Structure in feet:</u>	<u>Front: Located to side or rear of principal structure</u>
	<u>Side: 0 with exception of corner lots where setback shall be 7.5 from side street right-of-way</u>
	<u>Rear: 0</u>

**5-14-64.3 Subdivision of planned residential developments.** Planned residential development projects may be subdivided provided that arrangements for such subdivision are made at the time of the planned residential development application.

Zero lot lines may be permitted on one or more lot lines of each lot ~~in accordance with these standards:~~

- ~~a) — Any wall constructed on the lot line shall be a solid, windowless wall. If there is an offset of the wall from the lot line, the offset must be at least six feet.~~
- ~~b) — A five foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.~~

**-14-64.4. Circulation and access.** Internal streets, drives and parking areas shall provide safe and convenient access to dwelling units and recreation facilities, and for service and emergency vehicles. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Planned Residential Development Conditional Zoning development shall be established where possible. The site shall be traversed by a network of internal streets built according to

city standards. Internal streets should seek to avoid cul-de-sacs and dead-end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or green space. In such cases a sidewalk or other connection shall be provided to ensure the goals of connectivity. In addition, internal streets shall have sidewalks and street trees. If a bus line serves, or is expected to serve, the district, a bus shelter is required. Larger projects may require more shelters as determined by traffic impact analysis.

~~Streets shall not be designed to encourage outside traffic to traverse the planned residential development on local streets.~~

~~Sidewalks shall be required along streets adjacent to the planned residential development. Sidewalks shall form a logical, safe, and convenient system for pedestrian access to all dwelling units and appropriate project facilities and shall be required along such streets, drives and parking areas within the planned residential development as is necessary to accomplish this. Pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate.~~

~~Streets intended to serve more than 32 dwelling units as well as those intended to be dedicated as public streets shall meet the design and construction standards of the NCDOT. All other streets and drives need not comply with NCDOT's pavement width and road right-of-way standards, but they shall comply with its pavement structure requirements. All dead-end streets and drives shall terminate in a cul-de-sac or other adequate means of reversing vehicular direction. It shall be the responsibility of the developer to submit to the director of public works core samples taken by a licensed testing firm demonstrating that completed streets or drives meet such pavement structure requirements.~~

~~Internal streets with minimum setbacks measuring less than 35 feet from center line shall be private streets and are not acceptable for dedication to, or maintenance by, the city. Developments containing such private internal streets with setbacks measuring less than 35 feet from center line shall have the following disclaimer in large type placed in a prominent position on the following applicable documents for the development including the site plan, the plat, the restrictive covenants, the condominium documents, and any contracts used in the sale of properties.~~

~~"Some or all of the streets and/or drives in this development do not meet minimum right-of-way requirements for the City of Hendersonville. You are notified that these are proposed as private streets and that the City of Hendersonville will not accept them for maintenance."~~

~~**5-14-6.5 Building height.** A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the city council. Upon application, the council may grant a height limitation exemption upon finding that:~~

- ~~a) — Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.~~
- ~~b) — Such building is adequately designed and served from the standpoint of safety, and the city fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.~~
- ~~c) — The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.~~

~~**5-14-6.6 Buffering, screening and landscaping.** The applicant shall propose and plant, construct and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed development. Parking and service areas and dumpsters shall be screened from view by adjacent single family residences. Existing vegetation shall be preserved whenever possible. In addition, the developer shall provide an appropriate landscaping plan within the project.~~

~~**5-14-6.7 Off street parking.** Off street parking requirements for planned residential developments shall be as follows:  
A minimum of one space per residential unit containing one or two bedrooms. A minimum of one and one half spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.~~

~~**5-14-6.8.5. Maintenance of common facilities.** The developer, project owner, or a properly established homeowners association shall provide for the continuing maintenance of common open space, recreational facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project.~~

## 5-14-75. Minor planned residential developments.

An applicant may elect to have a development processed as a minor planned residential development so long as the proposed development, including all phases, is greater than 2 dwelling units but does not exceed 50 dwelling units. Minor planned residential developments may consist of any residential uses permitted under Sec. 5-14-2, regardless of the underlying zoning district, and so long as no accessory No commercial development may be part of a minor planned residential development. is requested for the project. A minor planned residential development may be located in one or more of the following zoning district classifications: R-40, R-20, R-15, R-10, R-6, MIC, RCT, C-2, C-3, I-1.

### 5-14-75.1 Density.

- a) The maximum number of dwelling units which may be constructed in a minor planned residential development shall be 50 or a number computed on the basis of the following table, whichever is less.
- b) Units under 1,200 square feet in gross floor area shall count as 0.5 units for the purposes of the density allotted in the table below:

Use District	Dwelling Units Per Acre
R-40	<del>1.0</del> <u>2.0</u>
R-20	<del>2.5</del> <u>3.0</u>
R-15	<del>3.75</del> <u>4.0</u>
R-10	5.5
R-6	8.5
MIC	<del>5.5</del> <u>8.5</u>
RCT	<del>5.5</del> <u>8.5</u>
C-2	<del>8.5</del> <u>10.0</u>
C-3	<del>8.5</del> <u>10.0</u>
I-1	<del>8.5</del> <u>10.0</u>

**5-14-75.2 Development standards for minor planned residential developments.** Except as otherwise noted herein, minor planned residential developments shall be governed by the development standards for planned residential developments contained in subsection 5-14-6, above.

~~Unlike major planned residential developments, there is no minimum site requirement for a minor planned residential development, nor is there a requirement that access be by means of a designated thoroughfare.~~

**5-14-75.3 Procedures for reviewing.** Unlike other planned developments which undergo rezoning to a conditional zoning district, minor planned residential developments undergo site plan review pursuant to section 7-3.

## PCD | 5-15-2. - Permissible uses.

### ~~Residential dwellings, Multi-Family~~

~~**5-15-4.6. Density.** The density for a residential development planned as part of a PCD-Planned Commercial Development Conditional Zoning district shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including, without limitation, water, wastewater, solid waste, stormwater, roads and parks, to serve the development. A planned commercial development may qualify for a density bonus in the manner specified in subsection 5-14-5, above. Otherwise, the density authorized for the district shall not exceed ten units per acre.~~

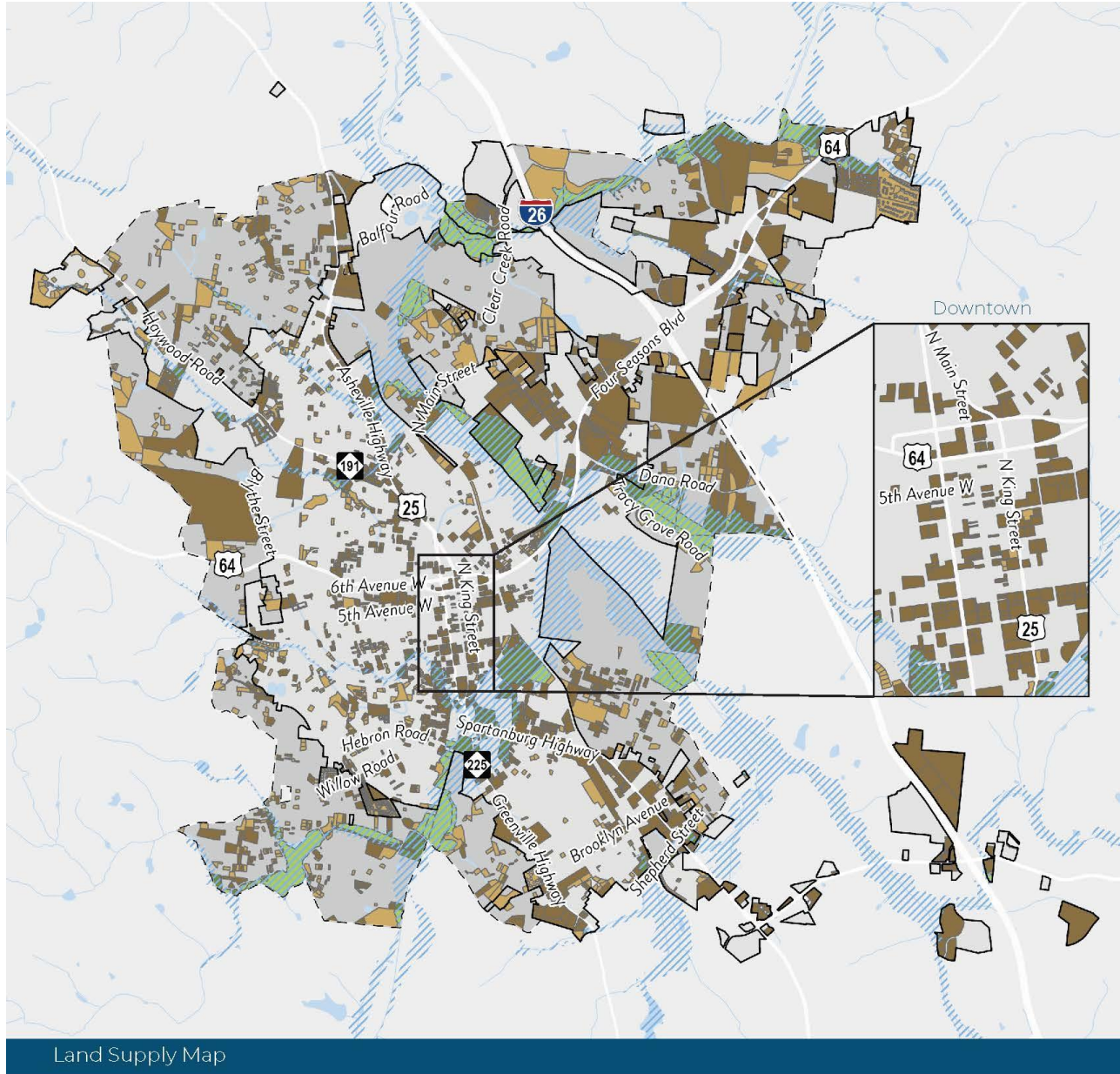
## PID | 5-21-2 - Permissible uses.

### ~~Residential dwellings, multi-family~~

**Sec. 4-5. Classification of uses.**

USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	MIC	C-4	PCDCZD	I-1	PIDCZD	URCZD
Accessory dwelling units	SS	SS	SS	SS	SS	<u>SS</u>	SS	SS	-	SS	-	-
Adaptive reuse	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	-	-	-	-	<u>L</u>	-	-
Golf courses	-	-	-	-	-	P	-	-	P	P	-	-
Golf driving ranges, par 3 golf	SU	-	-	-	-	P	-	-	P	P	-	-
Planned residential development (minor)	SS	SS	SS	SS	SS	-	SS	-	-	SS	-	-
<del>Planned residential development (major)</del>	-	-	-	-	-	P	-	-	-	-	-	-
Residential dwellings, single-family	P	P	P	P	P	P	P	P	P	P	P	<u>L</u>
Residential dwellings, multi-family	-	-	-	-	-	P	-	P	P	-	P	P
Residential dwellings, two-family	-	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>	P	-
<u>Residential dwellings, three-family</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>
<u>Residential dwellings, four-family</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>
<u>Residential dwellings, small-scale multi-family</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
Personal services	-	-	-	-	-	<u>L</u>	SS	P	P	P	-	L
Retail stores	-	-	-	-	-	<u>L</u>	SS	SS	P	P	-	L
Restaurants	-	-	-	-	-	<u>L</u>	SU	SU	P	P	-	L

**GEN H COMPREHENSIVE PLAN -LAND SUPPLY MAP**







Land Supply Map

0 4,000  
Feet



**Land Supply by Category**

-  Underdeveloped
-  Undeveloped
-  Constrained, underdeveloped
-  Constrained, undeveloped

-  100 Year Floodplain and Floodway
-  Hendersonville City Limits
-  Hendersonville ETJ

Source: City of Hendersonville, Henderson County, NCDOT

GEN H COMPREHENSIVE PLAN -CHARACTER AREA PERCENTAGES

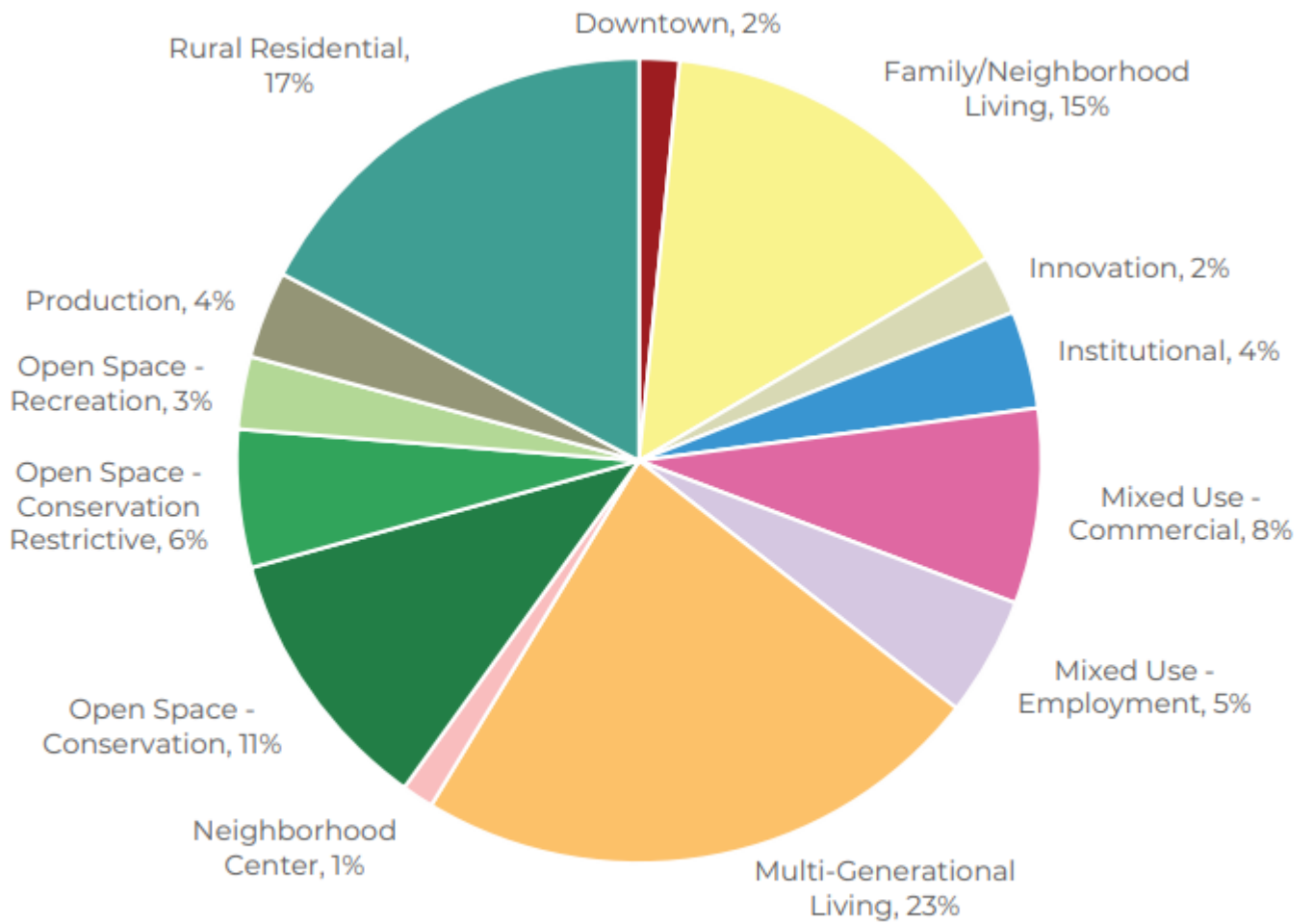


Figure 4.13.1 - Character Area percentages (rounded to whole percent) for study area. ROW is not included acreage percentages.



<b>GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY</b>	
<b>1) COMPREHENSIVE PLAN CONSISTENCY</b>	<p><b><u>LAND SUPPLY, SUITABILITY &amp; INTENSITY</u></b>  <b>Supply:</b> The Land Supply Map shows an abundance of “Underdeveloped” land in the City’s zoning jurisdiction.  <b>Suitability:</b> Land Suitability Maps show that a majority of the land supply is ‘most suitable’ for Residential development.  <b>Intensity:</b> The proposal aligns with the development pattern of Option 2 in Figure 4.9 – Alternative Growth Map</p>
	<p><b><u>FUTURE LAND USE &amp; CONSERVATION MAP</u></b>  <b>Character Area Designations:</b> Rural Residential, Family Neighborhood Living, Multi-Generational Living  <b>Character Area Descriptions:</b> Somewhat Consistent  <b>Zoning Crosswalk:</b> N/A  <b>Focus Area Map:</b> N/A</p>
<b>2) COMPATIBILITY</b>	<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><i>In addition to a general analysis, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating the zoning text amendment’s compatibility. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan.</i></p>
	<p><b><u>EXISTING CONDITIONS</u></b>  According to the UNC School of Government Development Finance Initiative study performed for the City of Hendersonville Strategic Housing Committee, they found that “to meet current and future housing demand, Henderson County needs an estimated 10,000 new housing units within the next five years. At least 2,000 of these units are needed in Hendersonville for low-to-moderate income households.”  In addition to the efforts of the Strategic Housing Committee, better utilization of land has been an ongoing goal for the City according to the last two 20-year Comprehensive Plans. The objective behind this effort is to reduce growth pressures from development sprawling into forest and farmland and to create more walkable/bikeable compact communities which reduce automobile traffic and improve quality of life. However, efforts to support infill development have been limited by existing zoning district standards. In addition to minimum lot sizes, minimum lot widths and setbacks also contribute to restricting better utilization of land and/or creation of new lots on underutilized properties.  Additionally, an undersupply of smaller sized ‘starter homes’ has also been an issue. Current zoning standards requiring larger lots and high development cost (roads, sidewalks, utilities, etc.) combine with market forces to incentivize the construction of larger-scaled units. For density-based regulations, there is no difference between a 3,000 Sq Ft unit and a 1,000 Sq Ft unit. Both count as 1 unit in the</p>

	<p>allotted units per acre. To incentivize more attainable units and combat the lack of nuance in the density standards, this amendment aims to acknowledge the differences between small units and large units and treat them accordingly.</p> <p><b>GEN H COMPREHENSIVE PLAN GOALS</b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy and Accessible Natural Environment:</b> Somewhat 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)  <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>3) <b>Changed Conditions</b></p>	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p> <p>The primary changed condition relates to the persistent lack of housing availability in Hendersonville and throughout the region. In particular, starter homes and “attainable housing” supply are lacking and needed to accommodate the city’s workforce and next generation of city residents.</p>
<p>4) <b>Public Interest</b></p>	<p>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 -</p> <p>The proposed amendment would allow for a compatible infill development with a mix of housing types and increased density of market-rate attainable housing. This would allow for property owners to become “micro developers” and better utilize their property. The potential change to development patterns also lends itself to creating more walkable neighborhoods across the City.</p>
<p>5) <b>Public Facilities</b></p>	<p>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</p>



	<p>The proposed text amendment would allow for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance.</p>
<p>6) Effect on Natural Environment</p>	<p>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 -</p>
	<p>There is no immediate development proposed. However, there is the potential for some loss of trees where new units are placed on existing undeveloped land. However, due to reduced setbacks, there will be flexibility in where structures are located – lending itself to more options in placement to avoid mature canopy trees.</p>

### Staff Analysis

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be consistent with the Gen H Comprehensive Plan Character Area Descriptions – in particular the Multi-Generational Living Character Area which accounts for the greatest percentage of land area in the city.
2. Compatibility - The proposed text amendment is not incompatible with the existing development pattern in the city. The reduced scale of the dwellings permitted by the proposed allowance ensures that existing homes will not be out-scaled.
3. Changed Conditions - The text amendment is a response to the need for additional “attainable housing” in the city.
4. Public Interest – Increased housing stock and expanded utilization of existing land provides benefits to those in need of housing and property owners who can see a greater return on investment with their property.
5. Public Facilities - Allows for greater utilization of existing infrastructure
6. Effect on Natural Environment – Potential for some mature tree loss on existing lots, but flexibility in siting new structures would allow for canopy preservation while also increasing housing stock.

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 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions.*

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 creates an opportunity to address the need for additional, dispersed, “attainable” infill housing.*
- *The proposed amendment allows for property owners to better utilize their property and earn additional revenue*
- *The proposed amendment will incentive the construction of smaller, more affordable dwellings (“starter homes”).*

*DRAFT [Rational for Denial]*

- *The proposed amendment is incompatible with existing residential districts*
- *The proposed amendment will create traffic congestion*
- *The proposed amendment will result in substantial loss of privacy*