

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE XVI. – ‘SUPPLEMENTARY STANDARDS FOR CERTAIN USES’, SECTION 16-4-24 ‘RESIDENTIAL DWELLING, MULTI-FAMILY’ OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO INCLUDE MULTI-FAMILY RESIDENTIAL USES WITHIN THE SEVENTH AVENUE MUNICIPAL SERVICE DISTRICT AND TO ADDRESS OTHER RELATED SUPPLEMENTARY STANDARDS**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on September 12, 2022; voting 5-1 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 November 3, 2022, 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 opened the public hearing on October 6, 2022, continued the public hearing to November 3, 2022 and has conducted a public hearing as required by the North Carolina General Statutes on November 3, 2022,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville to amend Article XVI. – ‘Supplementary Standards for Certain Uses’, Section 16-4-24 ‘Residential dwelling, multi-family’ to permit multi-family residential uses within the Seventh Avenue Municipal Service District and to address other related Supplementary Standards.

**16-4-24 Residential dwellings, multi-family.**

- a) The property must be within the Seventh Avenue ~~Depot National Register Historic District~~ **Municipal Service District**
- b) Multi-family dwellings may only be permitted on the ~~second~~ **upper** floors **within the Seventh Avenue Depot National Register Historic District.**
- c) **Any building fronting Seventh Avenue within the Seventh Avenue Municipal Service District, but outside of the Seventh Avenue Depot National Register Historic District, shall primarily reserve ground floor space along the Seventh Avenue street-frontage for non-residential uses. Alternatively, ground-floor residential dwellings may be permitted as an accessory use in the following special circumstances:**
  - i. **Size: A maximum of 50% of Square Footage on ground floor may be utilized for residential uses**
  - ii. **Access: Access points to ground or upper floor residential spaces may be located at any point on the front, side, or rear of a building, which may include an access point adjacent to any ground floor non-residential space along the primary street front.**
  - iii. **Frontage: Ground floor residential dwellings may front upon an alley and/or private or non-street public spaces under the following circumstances:**

- a. **Notwithstanding any building code provisions, frontage upon private property shall provide a permanent access easement to the closest public right-of-way.**

~~e~~ **d)** There shall be no maximum density other than the minimum dwelling size is 400 square feet.

~~d) Multi-family dwellings must be occupied by three or more families living independently of each other.~~

**e) The minimum front setback may be reduced to 0' within the 7<sup>th</sup> Ave Municipal Service District. Any off-street parking provided shall be located to the side or rear of a building.**

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3<sup>rd</sup> day of November 2022.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

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Daniel Heyman, Deputy City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney