

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V. –
ZONING DISTRICT CLASSIFICATIONS, ARTICLE VI. GENERAL PROVISIONS,
ARTICLE VII. DEVELOPMENT REVIEW, & ARTICLE XVIII MIXED USE
DISTRICTS TO COMPLY WITH GENERAL STATUTE & CITY OF
HENDERSONVILLE FY26 FEE SCHEDULE**

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on August 14, 2025; voting **7-0** 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 September 4, 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, General Statute (HB 488) now states that residential buildings with four units or less may be constructed under the minimum standards of the Residential Building Code rather than the Commercial Building Code, and

WHEREAS, General Statute 160D-702 states that regulations of building design elements may not be applied to any structures subject to the Residential Building Code, and

WHEREAS, General Assembly Session Law 2024-57 required the City of Hendersonville Zoning Ordinance to come into compliance with these changes to state law effective July 1, 2025, and

WHEREAS, on July 1, 2025 the City of Hendersonville updated the Fee Schedule for Fiscal Year 2026 and increased the Fee-in-Lieu of Sidewalks to \$130 per linear foot, and

WHEREAS, the City of Hendersonville Zoning Ordinance needs to reflect these timely updates, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on September 4, 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 VI. General Provisions, Article VII. Development Review, & Article XVIII. Mixed Use.

ARTICLE V. ZONING DISTRICT CLASSIFICATIONS

Sec. 5-6. C-1 Central Business Zoning District Classification.

5-6-3. Development standards.

- g) Exceptions for single-~~family and~~ two-~~family~~ three-, and four-family residences. Single-~~family and~~ two-~~family~~ three-, and four-family residential dwellings shall not be required to comply with ~~the streetscape design regulations contained in~~ subsection 5-6-4.3 e) Reflective Surfaces.

Sec. 5-18. - EC Entry Corridor Overlay Districts.

5-18-4.9. Exceptions.

~~a) Single family and two family residential dwellings shall be required to comply with the provisions of sections 5-18-4.1—5-18-4.4, above, but they shall not be required to comply with the remaining regulations of the EC Entry Corridor Overlay Zoning Classification.~~

~~b)~~ Small lots, defined as lots with less than 100 feet of frontage on an entry corridor roadway or with less than 100 feet of depth, may have site constraints which make strict compliance with the regulations contained in this section a hardship. In such cases, the approving authority for the city may approve deviations from such regulations so long as the plans of development are consistent with the goals and objectives stated herein.

Sec. 5-19. CMU Central Mixed Use Zoning District Classification.

- g) Exceptions for single-~~family, and~~ two-~~family, three-, and four-family~~ residences. Single-~~family and~~ two-~~family, three-, and four-family~~ residential dwellings ~~shall not be~~ are encouraged to, but not required to comply with the ~~streetscape~~ architectural design regulations contained in ~~this~~ section 5-19-3.3 a) & e) above per G.S. 160D-702(b).

Sec. 5-22. GHMU Greenville Highway Mixed Use Zoning District Classification.

5-22-4 Design standards.

These standards are intended to apply to all development and redevelopment within the Greenville Highway Mixed Use Zoning District Classification. Applicants for authorization to undertake development or redevelopment within such zoning district must demonstrate compliance with these standards or must undergo alternative design review.

NOTE: "Building design element" sub-sections noted below are encouraged but not required for one-, ~~and~~ two-, three & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-22-4.1.5 Architectural details. NOTE: ~~Section 5-22-4.1.5 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). The appearance of all exposed façades (not just the streetside façade) is important and shall be addressed in development design. Architectural elements like openings, sill details, bulkheads, posts, and other architectural features shall be used to establish human scale at the street level. On corner lots, the applicant shall provide distinctive architectural elements at the corner of buildings facing the intersection. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically aligned.

All buildings other than one-, ~~and~~ two-family, three-, & four-family dwellings shall provide detailed design along all elevations. Detailed design shall be provided by using at least three of the following architectural features on all elevations. Features may be varied on rear/side/front elevations.

5-22-4.1.6 Building façades. NOTE: ~~Section 5-22-4.1.6 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). Façades of buildings shall contain at least two building materials which shall contrast in color and texture. At least 15 percent of the façade, exclusive of windows, doors and trim, shall consist of stone, brick or decorative block.

5-22-4.1.7 Windows. NOTE: ~~Section 5-22-4.1.7 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

5-22-4.1.8 Building scale. NOTE: ~~Section 5-22-4.1 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). The scale of a building is a function of the size of the individual pieces of a building and their relationship to each other. The scale of a building is important in order to contribute to the overall diversity of building types, to give visual interest, and to maintain compatibility between buildings. These design standards regulate scale by means of offsets that is protrusions or breaks in the plane of façades.

5-22-4.1.10 Building materials. NOTE: ~~Section 5-22-4.1.10 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). Building materials shall be used consistently on the exterior of the building and shall comply with the lists of prohibited and restricted materials contained herein.

5-22-4.2 General standards for residential developments. NOTE: ~~Section 5-22-4.2 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). The following standards shall apply to developments containing only residential uses with the exception that multi-family buildings must comply with the general standards contained in section 5-22-5.3, below.

Sec. 5-23. HMU Highway Mixed Use Zoning District Classification.

5-23-4 Design standards.

NOTE: "Building design element" sub-sections noted below are not required for one-, two-, three-, & four-~~and two-~~family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). These standards are intended to apply to all development and redevelopment (excluding one-, two-, three-, and two four-family dwellings) within the HMU Highway Mixed Use Zoning District Classification. Applicants for authorization to undertake development or redevelopment within such zoning district must demonstrate compliance with these standards or must undergo alternative design review.

5-23-4.1.5 Architectural details. NOTE: ~~Section 5-23-4.1.5 is not required for one- and two-family dwellings~~ This section is encouraged but not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-23-4.1.6 Building façades. NOTE: ~~Section 5-23-4.1.6 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-23-4.1.7 Windows. NOTE: ~~Section 5-23-4.1.7 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-23-4.1.8 Building scale. NOTE: ~~Section 5-23-4.1.8 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-23-4.1.10 Building Materials. NOTE: ~~Section 5-23-4.1.10 is not required for one- and two-family dwellings~~ This section is encouraged but not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

~~**5-23-4.1.11 Certain exemptions for single-family detached homes.** Detached single-family homes shall be exempt from the requirements contained in sections 5-23-5.1.4 (common space) and 5-23-5.1.8 (building scale).~~

5-23-4.2 General standards for residential developments. NOTE: ~~Section 5-23-4.2 is not required for one- and two- family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

The following standards shall apply to developments containing only residential uses with the exception that apartment buildings must comply with the general standards contained in section 5-23-5.3, below.

5-23-4.2.1 General appearance. NOTE: ~~Section 5-23-4.2.1—5-23-4.2.3 is not required for one- and two- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).~~

Sec. 5-24. UV Urban Village Conditional Zoning District Classification.

5-24-3 Development standards.

NOTE: ~~Section 5-24-3 and subsections are not required for one- and two- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).~~

5-24-3.8 Design considerations. NOTE: "Building design element" sub-sections noted below are encouraged but not required for one- ~~and~~ two-, three- & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-24-3.8.4 Architectural character. NOTE: ~~Section 5-24-3.8.4~~ This Section is not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-24-3.8.8 Architectural details. NOTE: ~~Section 5-24-3.8.8~~ This Section is not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-24-3.8.9 Building walls. NOTE: ~~Section 5-24-3.8.9~~ This Section is not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

Sec. 5-25. UR Urban Residential Conditional Zoning District Classification.

5-25-5 Design considerations.

NOTE: "Building design element" sub-sections noted below are encouraged but not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-25-5.4 Architectural character. NOTE: ~~Section 5-25-5.4~~ This Section is not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-25-5.8 Architectural details. NOTE: ~~Section 5-25-5.8~~ This Section is not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-25-5.9 Building walls. NOTE: ~~Section 5-25-5.9~~ This Section is not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-25-5.12 Building scale. NOTE: ~~Section 5-25-5.12~~ This Section is not required for one- ~~and~~ two-, three-, & four- family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

Sec. 5-27. CHMU Commercial Highway Mixed Use Zoning District Classification.

5-27-4 Design standards.

NOTE: "Building design element" sub-sections noted below are encouraged but not required for one- ~~and~~ two-, three-, & four- family dwellings.

5-27-4.1.5 Architectural details. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). The appearance of all street side façades is important and shall be addressed in development design. Architectural elements like openings, sill details, posts, and other architectural features shall be used to establish human scale at the street level. On corner lots, the applicant shall provide distinctive architectural elements at the corner of buildings facing the intersection. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically aligned.

5-27-4.1.6 Building façades. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). Front, rear and side façades of buildings shall contain at least two building materials which shall contrast in color and texture. At least 15 percent of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block.

5-27-4.1.7 Windows. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). Windows shall either

be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

5-27-4.1.8 Building scale. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). The scale of a building is a function of the size of the individual pieces of a building and their relationship to each other. The scale of a building is important in order to contribute to the overall diversity of building types, to give visual interest, and to maintain compatibility between buildings. These design standards regulate scale by means of offsets, that is, protrusions or breaks in the plane of façades.

5-27-4.1.10 Building materials. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-27-4.2 General standards for residential developments. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

The following standards shall apply to developments containing only residential uses with the exception that multi-family buildings must comply with the general standards contained in section 5-27-5.3, below.

5-27-4.2.1 General appearance. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

Residential development shall contain a variation of façades and materials so that there shall not be a row or strip housing appearance. Means to accomplish this goal may include the use of dormers, gables, recessed entries, covered porch entries, bay windows, cupolas or towers, and a variation in the depth and height of walls, among others.

5-27-4.2.2 Architectural. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-27-4.2.3 Configurations. NOTE: This Section is not required for one- two-, three-, & four-family dwellings, property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

ARTICLE VI. GENERAL PROVISIONS

6-2-3 - Nonconforming vacant lots.

c) With regard to residential dwellings, variances authorized pursuant to subsection b), above, shall be limited to single-~~family dwellings. Two-family, three-, and four-family dwellings.~~ ~~or~~ Multi-family residential dwellings shall not be entitled to such a variance.

6-12-3 Payment of fee in lieu of construction of sidewalks.

In lieu of requiring construction of the sidewalks, the city manager may allow the applicant to pay a fee ~~of \$75.00~~ per linear foot of sidewalk not constructed, which is hereby determined to be the cost of constructing sidewalks, into the city sidewalk fund when one or more of the following conditions exist.

- a) An administrative decision is made determining that construction of sidewalks will not result in useful pedestrian walkways due to one or more of the following:
 - 1) Topographical features will result in impractical design.
 - 2) The lack of adjacent right-of-way for the construction of future sidewalk on adjacent properties.

- b) The sidewalk location is not identified as a short-term recommendation, long-term recommendation or included as part of the comprehensive recommended pedestrian network in the most recently adopted City of Hendersonville Pedestrian Plan.

* In the event that the City of Hendersonville includes the fee for this Section 6-12-3 in the city's fee schedule, the fee as stated in the fee schedule shall be deemed to control.

- c) As an alternative to a payment in lieu of the installation and construction of sidewalks or a portion thereof, the city manager may approve the applicant constructing an equivalent linear footage of sidewalk off site. The specific location for the sidewalk construction shall be at the city manager's discretion. The off-site sidewalk construction shall be completed, inspected and approved prior to a certificate of occupancy being issued.

ARTICLE VII. DEVELOPMENT REVIEW

Sec. 7-8. - Planned developments.

This section applies to all planned developments regardless of use district or classification and regardless of the development review process required. A planned development consists of land that is under unified control and planned and developed as a whole and which includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development shall be constructed according to comprehensive and detailed plans which include not only streets, utilities, lots or building sites, and the like, but also site plans and floor plans for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings, provided that floor plans shall not be required ~~for single family or two-family dwelling units~~ unless consented to by the applicant.

A planned development shall include a program for the provision, operation, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

ARTICLE XVIII. MIXED USE ZONING

18-6-4.1 Architectural character. NOTE: Section 18-6-4.1 is not required for one-, ~~and two-family~~, three-, and four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

18-6-4.5 Architectural details. NOTE: Section 18-6-4.5 is not required for one-, ~~and two-family~~, three-, and four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

18-6-4.7 Building walls. NOTE: Section 18-6-4.7 is not required for one-, ~~and two-family~~, three-, and four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

18-6-4.8 Building materials. NOTE: Section 18-6-4.8 is not required for one-, ~~and two-family~~, three-, and four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney