

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 4 -ESTABLISHMENT OF DISTRICTS: SECTION 4-5 (e)(2); ARTICLE 5 - ZONING DISTRICT CLASSIFICATIONS: SECTION 5-12, SECTION 5-12-1. SECTION 5-12-4; OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ALLOW CERTAIN USES WHICH EXCEED 50,000 SQUARE FEET TO PROCEED WITHOUT REQUIRING REZONING TO I-1CZD.

WHEREAS, the City of Hendersonville's Planning Board Legislative Committee and Planning Board have reviewed and recommended for adoption a zoning text amendment to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD to the City of Hendersonville Zoning Ordinance: and

WHEREAS, the proposed amendment is reflective of identified obstacles that the CZD process has previously presented in the recruitment of manufacturers to the City; and

WHEREAS, City Council desires to promote a diverse local economy which promotes and supports job creation; and

WHEREAS, amending the I-1 uses that require going through the conditional zoning district process represents a response to changing trends and opportunities within manufacturing and economic development in the City of Hendersonville.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 4 -Establishment of Districts: Section 4-5 (e)(2); Article 5 -Zoning District Classifications: Section 5-12, Section 5-12-1 and, Section 5-12-4; of the City of Hendersonville Zoning Ordinance to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD:

ARTICLE IV Establishment of Districts

Section 4-5 Classification of Uses.

4-5 e) Uses Permitted Only Pursuant to a Rezoning to a Conditional Zoning District.

- 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
- 2) Any building or structure that is more than 50,000 square feet of gross floor area shall be required a rezoning to a conditional zoning district which allows the proposed gross square footage for the building. The 50,000 square foot gross floor area threshold for requiring a rezoning to a conditional zoning district is subject to any exemptions established in Article V Zoning District Classifications.

ARTICLE V Zoning District Classifications

Section 5-12 I-1 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.

- Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below
- Accessory uses & structures
- Agricultural supplies, bulk
- Animal hospitals & clinics subject to Supplementary Standards contained in Section 16-4, below.
- Automobile car washes
- Automobile sales & service
- Automobile paint & body work
- ~~Bottling plants~~
- ~~Breweries~~
- Bus stations
- Business services
- Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums
- ~~Cideries~~
- ~~Cideries, hard~~
- Civic centers
- Concrete plants
- Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below
- Construction trades facilities
- Convenience stores with or without gasoline sales
- Day care facilities
- ~~Distilleries~~
- Dry cleaning & laundry
- Exhibition buildings
- Exterminators
- Fairgrounds
- Farm equipment sales & service

Feed and grain storage
 Freight terminals (SIC Groups 40, 41, 42)
~~Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants~~
 Funeral homes
 Golf courses and related activities Government facilities
~~Greenhouses & commercial nurseries~~
 Health clubs and athletic facilities
 Heavy equipment, sales, rentals, leases, and service
 Heavy equipment storage
 Hospitals
 Hotels
 Laboratories with or without outdoor storage or operations
~~Manufacturing (selected industries) — Those manufacturing industries defined by the following SIC Codes are permitted:~~

| Standard Industrial Classification | Industries Excluded | Short Title |
|---|-------------------------------------|---|
| 202 | | Food processing: dairy products |
| 203 | | Food processing: canned, frozen & preserved fruits, vegetable & food specialties |
| 2043 | | Food processing: cereal breakfast foods |
| 2045 | | Food processing: prepared flour mixes & doughs |
| 205 | | Food processing: bakery products |
| 206 | | Food processing: sugar & confectionery products |
| 207 | 2077 | Food processing: fats & oils |
| 208 | | Food processing: beverages |
| 2095 | | Roasted coffee |
| 2096 | | Potato chips, corn ships & similar snacks |
| 2097 | | Manufactured ice |
| 2098 | | Macaroni, spaghetti, vermicelli & noodles |
| 2099 | | Food preparations, not elsewhere classified |
| 22 | 226 | Textile Mill Products |
| 23 | | Apparel and other textile products |
| 24 | 241, 242, 2435, 2436, 2491, 2492 | Lumber and wood products |
| 25 | | Furniture and fixtures |
| 265 | | Paperboard containers & boxes |
| 267 | | Converted paper and paperboard products, except containers and boxes |
| 27 | | Printing, publishing & allied industries |
| 283 | | Drugs |

| Standard Industrial Classification | Industries Excluded | Short Title |
|---|--------------------------------|--|
| 2844 | | Perfumes, cosmetics & other toilet preparations |
| 30 | 301 | Rubber & plastic products |
| 323 | | Glass products, made of purchased glass |
| 326 | | Pottery & related products |
| 3271 | | Concrete block & brick |
| 3272 | | Concrete products, except block & brick |
| 3273 | | Ready-mixed concrete |
| 3297 | | Non-clay refractories |
| 34 | 3443, 3449, 345, 346, 347, 348 | Fabricated metal products |
| 35 | | Industrial equipment |
| 36 | | Electronic & electric equipment |
| 3714 | | Motor vehicle parts & accessories |
| 3715 | | Truck trailers |
| 3732 | | Boat building & repairing |
| 38 | | Instruments & related products |
| 39 | | Miscellaneous manufacturing |

Merchandise gaming operations

Microbreweries

Mini-warehouses

Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below

Motels

Motor freight terminals

Nursing homes, subject to Supplementary Standards contained in Section 16-4, below

Parking lots and parking garages

Parks

Passenger transportation terminals

Personal Services

Planned residential developments (minor), subject to the requirements of Article VII, below

Progressive care facilities, subject to Supplementary Standards contained in Section 16-4, below

Public and semi-public structures

Publishing and printing establishments

Radio and television broadcasting studios

Recreational facilities, commercial, indoor

Recreational facilities, commercial, outdoor

Recycling centers
Religious institutions
Repair services, miscellaneous
Research and development with or without outdoor storage and operations
Residential dwellings
Rest homes, subject to Supplementary Standards contained in Section 16-4, below
Restaurants
Restaurants, drive-in
Retail stores
Service stations
Signs, subject to the provisions of Article XIII
Storage yards
Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below.
Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below.
Travel trailer sales
Treatment plants, water and sewer
Vehicle repair shops with or without outdoor operations and storage
Vehicle storage areas, not to include junk yards and wrecking yards as defined by NCGS 136-143
Warehouses
~~Wineries~~
Wholesaling establishments

5-12-1 (b) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are exempt 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:

Accessory uses & structures, when accessory to another permitted use that is also exempt from Section 4-5(e)(2) of the Zoning Ordinance

Bottling Plants

Breweries

Cideries

Cideries, hard

Distilleries

Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants

Greenhouses and commercial nurseries

Microbreweries

Wineries

Manufacturing (selected industries) – Those manufacturing industries defined by the following SIC Codes are permitted:

| <u>Standard Industrial Classification</u> | <u>Industries Excluded</u> | <u>Short Title</u> |
|---|---|---|
| <u>202</u> | | <u>Food processing: dairy products</u> |
| <u>203</u> | | <u>Food processing: canned, frozen & preserved fruits, vegetable & food specialties</u> |
| <u>2043</u> | | <u>Food processing: cereal breakfast foods</u> |
| <u>2045</u> | | <u>Food processing: prepared flour mixes & doughs</u> |
| <u>205</u> | | <u>Food processing: bakery products</u> |
| <u>206</u> | | <u>Food processing: sugar & confectionery products</u> |
| <u>207</u> | <u>2077</u> | <u>Food processing: fats & oils</u> |
| <u>208</u> | | <u>Food processing: beverages</u> |
| <u>2095</u> | | <u>Roasted coffee</u> |
| <u>2096</u> | | <u>Potato chips, corn ships & similar snacks</u> |
| <u>2097</u> | | <u>Manufactured ice</u> |
| <u>2098</u> | | <u>Macaroni, spaghetti, vermicelli & noodles</u> |
| <u>2099</u> | | <u>Food preparations, not elsewhere classified</u> |
| <u>22</u> | <u>226</u> | <u>Textile Mill Products</u> |
| <u>23</u> | | <u>Apparel and other textile products</u> |
| <u>24</u> | <u>241, 242, 2435, 2436, 2491, 2492</u> | <u>Lumber and wood products</u> |
| <u>25</u> | | <u>Furniture and fixtures</u> |
| <u>265</u> | | <u>Paperboard containers & boxes</u> |
| <u>267</u> | | <u>Converted paper and paperboard products, except containers and boxes</u> |
| <u>27</u> | | <u>Printing, publishing & allied industries</u> |
| <u>283</u> | | <u>Drugs</u> |
| <u>2844</u> | | <u>Perfumes, cosmetics & other toilet preparations</u> |
| <u>30</u> | <u>301</u> | <u>Rubber & plastic products</u> |
| <u>323</u> | | <u>Glass products, made of purchased glass</u> |
| <u>326</u> | | <u>Pottery & related products</u> |
| <u>3271</u> | | <u>Concrete block & brick</u> |
| <u>3272</u> | | <u>Concrete products, except block & brick</u> |
| <u>3273</u> | | <u>Ready-mixed concrete</u> |
| <u>3297</u> | | <u>Non-clay refractories</u> |
| <u>34</u> | <u>3443, 3449, 345, 346, 347, 348</u> | <u>Fabricated metal products</u> |

| <u>Standard Industrial Classification</u> | <u>Industries Excluded</u> | <u>Short Title</u> |
|---|--------------------------------|--|
| <u>35</u> | | <u>Industrial equipment</u> |
| <u>36</u> | | <u>Electronic & electric equipment</u> |
| <u>3714</u> | | <u>Motor vehicle parts & accessories</u> |
| <u>3715</u> | | <u>Truck trailers</u> |
| <u>3732</u> | | <u>Boat building & repairing</u> |
| <u>38</u> | | <u>Instruments & related products</u> |
| <u>39</u> | | <u>Miscellaneous manufacturing</u> |

Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification. The purpose and requirements 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 only upon rezoning to I-1CZD.

Day centers

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

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

Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in Section 5-12-1 (b), above

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of January 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney