



MINUTES

April 3, 2025

REGULAR MEETING OF THE CITY COUNCIL

CITY HALL-2ND FLOOR MEETING ROOM | 160 6TH AVE. E. | 5:45 p.m.

Present: Mayor Barbara Volk; Mayor Pro Tem Dr. Jennifer Hensley and Council Members: Lyndsey Simpson, Melinda Lowrance and Gina Baxter

Staff Present: City Manager John Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Becker, Budget & Evaluation Director Adam Murr, Communications Director Allison Justus, Communications Coordinator Brandy Heatherly and others

1. **CALL TO ORDER**

Mayor Barbara Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

The City Council observed a moment of silence for prayer or reflection followed by the Pledge of Allegiance to the Flag.

3. **PUBLIC COMMENT** *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*

In Person:

Glenn Lange spoke as a member of the Tree Board and wanted to let everyone know about Bradford Pear Bounty Day on April 12th and wanted to encourage everyone to cut down the Bradford Pears as it is devastating to our natural environment so are encouraging people to cut them down and take a photo of it, register online and we will give you a free native tree to put in its place. You can do up to five trees, if you cut down five Bradford Pears, we will give you five replacement trees.

Katie Gash spoke about being born in Barbados and moving here with her husband and three children in 2008. She became a school teacher and he became a principal. As a school teacher, a green card immigrant and a woman, she has never felt more maligned, discouraged and dehumanized. The current direction of our Government has caused this and our nation is in crisis and these are not normal times. There are threats to the American people. My teacher heart breaks to see these policy decisions coming from the top. We can't just hope for the best. I just ask that you do all that you can through the power of your elected position.

Council Member Lowrance asked if we could have a moment of silence for Roger Snyder, the former Mayor of Mills River who recently passed away.

4. **CONSIDERATION OF AGENDA**

Council Member Lyndsey Simpson moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

5. **CONSENT AGENDA**

Council Member Jennifer Hensley moved that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

A. Adoption of City Council Minutes – Jill Murray, City Clerk

City Council Budget Retreat Part 1 – February 27, 2025

City Council Budget Retreat Part 2 – February 28, 2025

City Council Regular Monthly Meeting – March 6, 2025
City Council Second Monthly Meeting – March 26, 2025

B. Cherry and Beech St. Sidewalk Construction Tentative Award – Richard Shook, Civil Engineer III

Resolution #R-25-26

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF CHERRY AND BEECH ST SIDEWALKS PROJECT

WHEREAS, the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Cherry and Beech St Sidewalks Project, and

WHEREAS, the City Engineer reviewed each bid for completeness and accuracy; and

WHEREAS, Trace and Company was the lowest bidder for the Cherry and Beech St Sidewalks Project, and

WHEREAS, the City Engineer therefore recommends **TENATIVE AWARD** to the lowest bidder for the bid project cost.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that

1. The City Manager is authorized to execute a contract for the construction of the Cherry and Beech St Sidewalks Project to Trace and Company in the total amount of \$303,338.50.
2. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of \$303,338.50, provided that any necessary amendments must be brought to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

C. City Operations Building Finish Renovations Tentative Award – Richard Shook, Civil Engineer III

Resolution #R-25-27

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF CITY OPERATIONS BUILDING FINISH RENOVATIONS

WHEREAS, the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the City Operations Building Finish Renovations, and

WHEREAS, the City Engineer reviewed each bid for completeness and accuracy; and

WHEREAS, Enterprises G, Inc. was the lowest bidder for the City Operations Building Finish Renovations, and

WHEREAS, the City Engineer therefore recommends **TENTATIVE AWARD** to the lowest bidder for the bid project cost including base bid, alternate 1, and alternate 2.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that

1. The City Manager is authorized to execute a contract for the construction of the City Operations Building Finish Renovations to Enterprises G, Inc. in the total amount of \$427,182.00 including the following items:
 - a. Base bid: \$286,000.00
 - b. Alternate 1: \$120,000.00
 - c. Alternate 2: \$21,182.00
2. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of \$427,182.00 provided that any necessary amendments must be brought to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

D. Henderson County Tax Adjustments – Amanda Lofton, Deputy Tax Collector

E. 7th Avenue Streetscape Project Close-Out – Brendan Shanahan, City Engineer

F. April 2025 Budget Amendments – Adan Murr, Budget & Evaluation Director

TO MAYOR & COUNCIL

APPROVAL: April 03, 2025

FISCAL YEAR 2025

FORM: 04032025-01

BUDGET AMENDMENT

FUND 010 | 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	669,506	443,250	-	1,112,756
010-0000-598901	Transfer Out (to 410, #17126)	1,702,176	443,250	-	2,145,426
FUND 010	TOTAL REVENUES	669,506	443,250	-	1,112,756
General Fund	TOTAL EXPENDITURES	1,702,176	443,250	-	2,145,426
410-0000-470010-17126	Transfer In (from 010, FY24)	34,700	-	-	34,700
410-0000-470010-17126	Transfer In (from 010, FY25)	-	443,250	-	443,250
410-1014-550103-17126	Capital - CIP	34,700	443,250	-	477,950
FUND 410	TOTAL REVENUES	34,700	443,250	-	477,950
Gov. Project Fund	TOTAL EXPENDITURES	34,700	443,250	-	477,950
460-0000-470100-17126	Debt Proceeds ('28 Rev. Bond)	3,750,000	-	-	3,750,000
460-1014-550103-17126	Capital - CIP	3,750,000	-	-	3,750,000
FUND 460	TOTAL REVENUES	3,750,000	-	-	3,750,000
W&S Project Fund	TOTAL EXPENDITURES	3,750,000	-	-	3,750,000

An amendment increasing the White & S. Main St. Project, #17126 by \$443,250 through a transfer in from the General Fund. A \$443,250 property sale revenue from NCDOT was recorded in the General Fund at mid-year.

The City Manager and City Clerk certify budget ordinance amendment 04032025-01 was approved by City Council on April 03, 2025.

TO MAYOR & COUNCIL

APPROVAL: April 03, 2025

FISCAL YEAR 2025

FORM: 04032025-03

BUDGET AMENDMENT

FUND 301 360					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
310-0000-420050-H2404	Grant Revenue (FEMA - Helene 2024)	5,000,000	-	5,000,000	-
310-H2024	FEMA Reimb. Expenditures	5,000,000	-	5,000,000	-
FUND 301	TOTAL REVENUES	5,000,000	-	5,000,000	-
Helene Recovery, #H2024	TOTAL EXPENDITURES	5,000,000	-	5,000,000	-
360 - Revenues	FEMA Grants (Helene)	-	5,000,000	-	5,000,000
360 - Expenditures	FEMA Reimb. Expenditures	-	5,000,000	-	5,000,000
FUND 360	TOTAL REVENUES	-	5,000,000	-	5,000,000
FEMA	TOTAL EXPENDITURES	-	5,000,000	-	5,000,000
360 - Revenues	NCEM Loan	-	1,172,004	-	1,172,004
360 - Expenditures	NCEM Loan Expenditures	-	1,172,004	-	1,172,004
FUND 360	TOTAL REVENUES	-	1,172,004	-	1,172,004
Insurance	TOTAL EXPENDITURES	-	1,172,004	-	1,172,004
Total Project Revenues (Helene, Fund 360)					6,172,004
Total Project Expenditures (Helene, Fund 360)					6,172,004
An amendment reflecting a change in accounting structure for the Helene Response and Recovery Project #H2024. The amendment changes the fund code from 301 to 360. The amendment also reflects loan proceeds from the NC Department of Emergency Management (NCEM): \$1,172,004 being appropriated for Helene Response and Recovery Activities. The total project appropriation in fund 360 is increased from \$5,000,000 by \$1,172,004 to a total of \$6,172,004.					
The City Manager and City Clerk certify budget ordinance amendment 04032025-03 was approved by City Council on April 03, 2025.					

TO MAYOR & COUNCIL

APPROVAL: April 03, 2025

FISCAL YEAR 2025

FORM: 04032025-04

BUDGET AMENDMENT

FUND 010 | 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1014-519104	Professional Services - ENG	45,300	-	5,000	40,300
010-0000-598901	Transfer Out (to 410, #24011)	1,702,176	5,000	-	1,707,176
FUND 010	TOTAL REVENUES	-	-	-	-
General Fund	TOTAL EXPENDITURES	1,747,476	5,000	5,000	1,747,476
410-0000-420050-24011	Grant (RAISE/BUILD Grant)	75,000	-	-	75,000
410-0000-470010-24011	Transfer In (from 010, FY25)	-	5,000	-	5,000
410-1014-519200-24011	Contracted Services	75,000	5,000	-	80,000
FUND 410	TOTAL REVENUES	75,000	5,000	-	80,000
Above The Mud, #24011	TOTAL EXPENDITURES	75,000	5,000	-	80,000

An amendment increasing the Above the Mud Project #24011 using a transfer in from the General Fund. The amendment covers cost increases as a result of changes to federal government grant requirements.

The City Manager and City Clerk certify budget ordinance amendment 04032025-04 was approved by City Council on April 03, 2025.

TO MAYOR & COUNCIL

APPROVAL: April 03, 2025

FISCAL YEAR 2025

FORM: 04032025-05

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470030	Insurance Proceeds (VFIS-Helene)	1,558,882	44,864	-	1,603,746
010-1400-524030	R&M Trucks	105,000	44,864	-	149,864
FUND 010	TOTAL REVENUES	1,558,882	44,864	-	1,603,746
General Fund	TOTAL EXPENDITURES	105,000	44,864	-	149,864

An amendment increasing insurance proceeds to reflect the receipt of a Helene-related check from VFIS. The increased insurance proceeds will be used by the Fire Department to repair equipment and vehicles damaged during Helene response activity.

The City Manager and City Clerk certify budget ordinance amendment 04032025-05 was approved by City Council on April 03, 2025.

TO MAYOR & COUNCIL
APPROVAL: April 03, 2025

FISCAL YEAR 2025
FORM: 04032025-06

BUDGET AMENDMENT					
FUND 020					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-410001	Local Sales & Use Tax	316,000	20,375	-	336,375
020-2102-532105	Incentive Program (Econ. Dev.)	-	20,375	-	20,375
FUND 020	TOTAL REVENUES	316,000	20,375	-	336,375
Main St. MSD Fund	TOTAL EXPENDITURES	-	20,375	-	20,375
An amendment increasing the FY25 Main St. MSD Fund economic incentive budget for a final payment for development within the downtown district. The recommended increase is supported by local sales and use tax revenues.					
The City Manager and City Clerk certify budget ordinance amendment 04032025-06 was approved by City Council on April 03, 2025.					

TO MAYOR & COUNCIL
APPROVAL: April 03, 2025

FISCAL YEAR 2025
FORM: 04032025-07

BUDGET AMENDMENT					
FUND 067					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
067-0000-470030	Insurance Proceeds	-	43,517	-	43,517
067-1005-519200	Contracted Services	-	43,517	-	43,517
FUND 067	TOTAL REVENUES	-	43,517	-	43,517
Stormwater Fund	TOTAL EXPENDITURES	-	43,517	-	43,517
An amendment increasing insurance proceeds in the Stormwater Fund and appropriating \$43,517 for the completion of a contracted stormwater project (Nu-Pipe) on 3rd Avenue.					
The City Manager and City Clerk certify budget ordinance amendment 04032025-07 was approved by City Council on April 03, 2025.					

TO MAYOR & COUNCIL
APPROVAL: April 3, 2025

FISCAL YEAR 2025
FORM:04032025-08

BUDGET AMENDMENT					
FUND 301 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	300,000	-	-	300,000
459-0000-598901	Transfer Out (to 460, #22013)	300,000	-	-	300,000
FUND 459	TOTAL REVENUES	300,000	-	-	300,000
W&S Capital Reserve Fund	TOTAL EXPENDITURES	300,000	-	-	300,000
460-0000-470010-22013	Debt Proceeds ('26 Revenue Bond)	2,342,000	-	-	2,342,000
460-0000-470100-22013	Transfer In (from 459)	300,000	-	-	300,000
460-7035-550103-22013	Capital Outlay-CIP	2,642,000	-	-	2,642,000
FUND 460 (#22013)	TOTAL REVENUES	2,342,000	-	-	2,642,000
WTP Residuals	TOTAL EXPENDITURES	2,342,000	-	-	2,642,000
460-0000-470100-16036	Transfer In (from 301, #G2402)	-	-	-	-
460-0000-420050-16036	Grant Revenue (FY24 State Appropriation)	14,528,750	-	-	14,528,750
460-0000-470010-16036	Debt Proceeds ('25 Revenue Bond)	3,494,788	363,535	-	3,858,323
460-7002-560900-16036	Cost of Issuance	-	363,535	-	363,535
460-7135-550103-16036	Capital Outlay-CIP	18,023,538	-	-	18,023,538
FUND 460 (#16036)	TOTAL REVENUES	18,023,538	363,535	-	18,387,073
Biosolids Dryer	TOTAL EXPENDITURES	18,023,538	363,535	-	18,387,073
This amendment increases Bond Proceeds and Cost of Issuance to cover administrative costs associated with the FY25 Revenue Bond.					
The City Manager and City Clerk certify budget ordinance amendment 4032025-08 was approved by City Council on April 3, 2025.					

TO MAYOR & COUNCIL
APPROVAL: April 3, 2025

FISCAL YEAR 2025
FORM: 04032025-09

BUDGET AMENDMENT					
FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1010-501002	Salaries- Board/ Part Time/Temp/Aux	-	4,500	-	4,500
010-1010-502001	Fica Tax Expense	450	344	-	794
010-1010-502091	Worker's Comp Ins	-	73	-	73
010-1010-531210	Permits, Licenses, and Fees	191,976	-	2,217	189,759
010-1010-524020	R&M Equipment	2,700	-	2,700	-
FUND 010	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	195,126	4,917	4,917	195,126
An amendment to increase salaries and benefits for a part time summer IT worker					
The City Manager and City Clerk certify budget ordinance amendment 04032025-09 was approved by City Council on April 3, 2025.					

6. PRESENTATIONS

A. Annual Environmental Sustainability Board Sustainability Hero Award Recognition – Virginia Tegal, Environmental Sustainability Board Chair

Virginia Tegal explained that the Hendersonville Environmental Sustainability Board created the Hendersonville Sustainability Hero Award in 2023. The Sustainability Hero Award celebrates outstanding achievement in the pursuit of the City’s commitment to lead by example in pursuing environmentally sustainable practices critical to preserving the community for future generations. The Sustainability Hero award honors an individual City employee or team that is a champion for change and is responsible for development and implementation of sustainability practices in Hendersonville and the surrounding community. The Third Annual Sustainability Hero Award goes to the City of Hendersonville’s Water & Sewer Department and Utility Director Adam Steurer.



B. Food Connection Presentation – *Marisha MacMorran, Executive Director of the Food Connection*

Marisha MacMorran, Executive Director of the Food Connection spoke about the Food Connection and what they do and gave the following PowerPoint presentation.



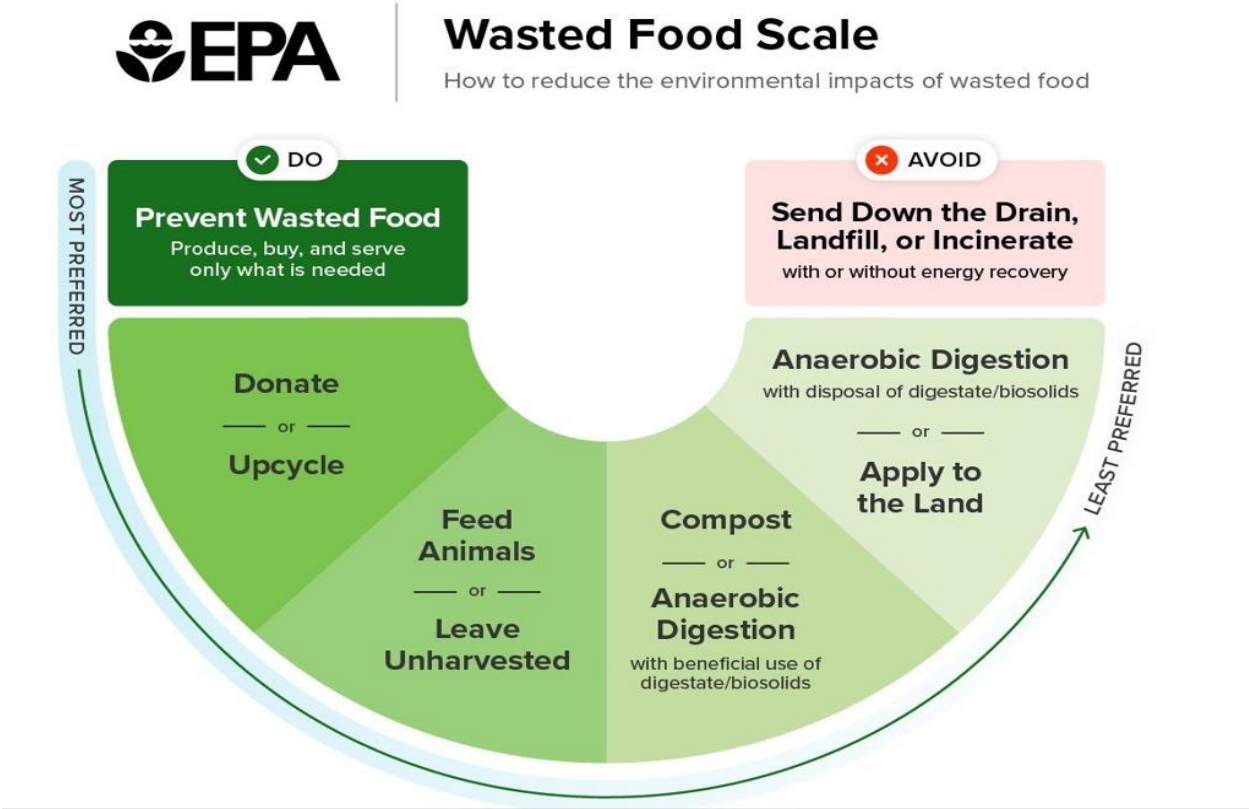


Food waste statistics in the US

In the United States, people waste 92 billion pounds of food annually, equal to 145 billion meals. They throw away over \$473 billion worth of food annually. Shockingly, they waste 38% of all the food in America.



We believe that no fresh food should end up in the landfill while some of our neighbors don't have enough to eat.



Food Connection reduces food waste and eases hunger by rescuing surplus chef prepared food and distributing it to our neighbors in need!



Federal Protection for food donors

The Bill Emerson Good Samaritan Food Donation Act was passed in 1996 during the Clinton Administration.

Few people knew about it.

This law has never been contested in the courts.

Bulk pans of food go directly to agency partners who serve the community.



Sharing food with agency partners frees up their funding for other critical programs like housing, recovery support and mental health services.

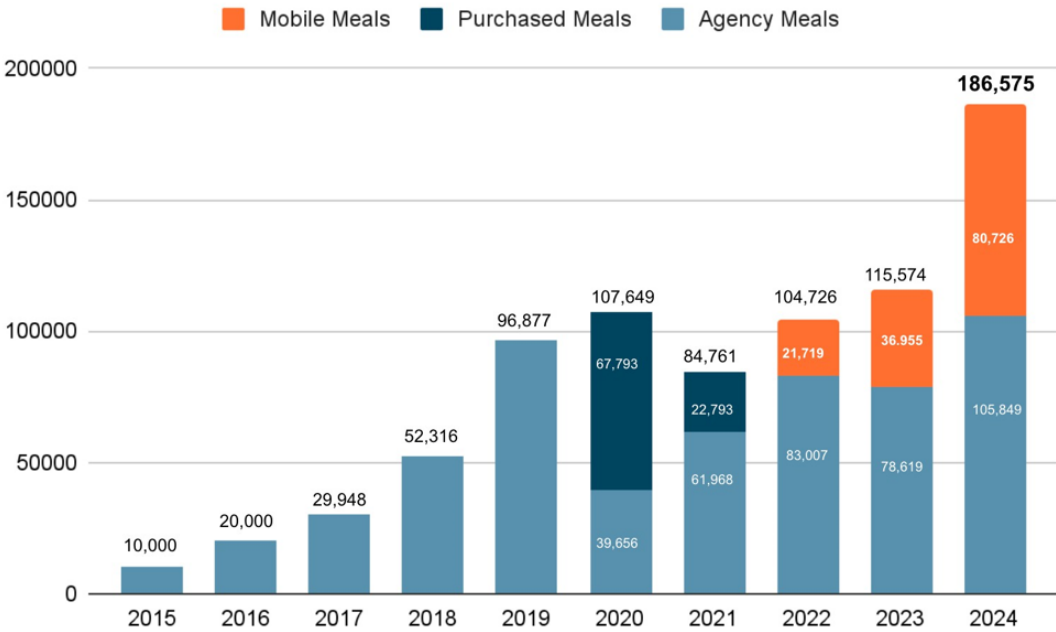


Our Mobile Meals Truck delivers individually packaged, nutritionally balanced meals directly to communities who do not have enough to eat.





Historical Meals Distributed by Type



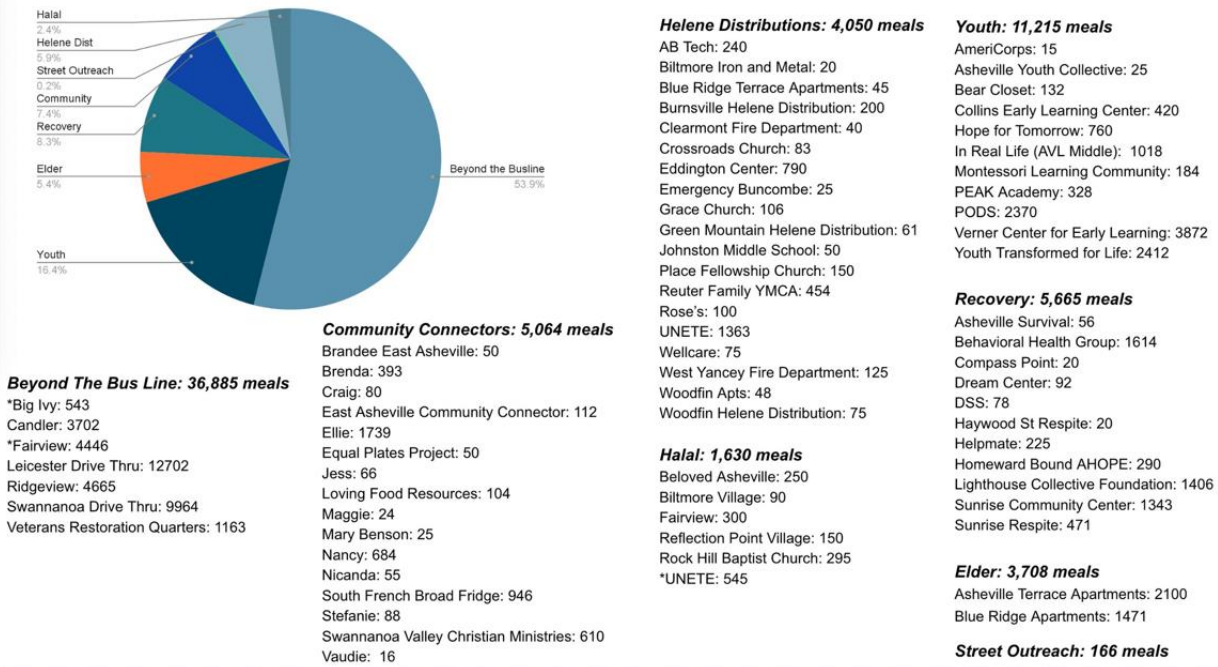
Food Donor Partners

Institutional Donors <div>Asheville Academy</div> <div>Asheville School</div> <div>Behavioral Health Group</div> <div>Belfor Property Restoration</div> <div>Biltmore Church</div> <div>Blue Ridge Assembly</div> <div>Blue Ridge Power</div> <div>Bounty & Soul</div> <div>Caiyalynn Burrell Child Crisis Center</div> <div>Care Partners</div> <div>Cragmont Assembly</div> <div>Deerfield</div> <div>Enka High School</div> <div>Evergreen Charter School</div> <div>Game of Throwing Leicester</div> <div>Givens Highland Farm</div> <div>Grace Episcopal Church</div> <div>Gwynn Valley</div> <div>Haw Creek Commons</div> <div>HCA Healthcare</div>
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Food Recipient Partners

12 Baskets	Compass Point	Regina's
ABCCM Daily Meal	Chop Shop	Rosetta's
ABCCM Hominy Valley Crisis Ministry	Dream Center	Taqueria Munoz
ABCCM South Crisis Ministry	East Asheville Welcome Table	Unete's MANOS Program
ABCCM Transformation Village	Equal Plates Project	Sage and Spice
ABCCM Veterans Restoration Quarter	Food Waste Solutions	Salvation Army
Asheville Terrace Apartments via Meals on Wheels	Foothills Food Hub	Search and Rescue
BEAR Closet in Marion	Francis Asbury United Methodist Church	South French Broad Free Fridge
Behavioral Health Group	Givens Gerber Park	St. James Church Food Pantry
Bell Church UMC	Grass Roots	Swannanoa Valley Christian Ministry
Big Ivy Community Center	Haywood Respite	Sunrise Community Center
Black Mountain Helene Distribution Center	Homeward Bound's AHOPE Day Center	Sunrise Respite
Black Mountain Home for Children	Hope for Tomorrow	Western Carolina Rescue Mission
Black Mountain Open Table	Loving Food Resources	YMI Cultural Center
Blue Ridge Apartments	Lutheran Church	
Bounty and Soul	Mercy Chefs	Henderson County Agency Recipients:
Bountiful Cities	Mi Kasa Criolla	Back on Track Addiction Ministries
Bread of Life	Montessori Learning Community Of Asheville	Hope United Methodist Church
Collins Center	PODS	Lighthouse Foundation
Community Pick-up (Squashgate)	Place Church	Providence Baptist Church

2024 Mobile Meals Distributions by Program



Environmental Partners & Initiatives



Compost Partners

- Compost NOW
- Warren Wilson
- 12 Baskets



Recycling Initiatives

- Pan recycling - now a measurable miscellaneous income
- Recycling plastic cutlery and togo boxes from restaurant partners
- Paper/plastic recycling on site for meal packing shifts

2024 Environmental Numbers

2024 --> 160,232 lbs diverted from the Buncombe County Landfill

That converts to:

- 416,603 lbs CO₂ avoided
- 608,881.6 lbs Methane avoided
**25 times more potent than CO₂*
- 481,218 miles driven



**Partnering with St. James Episcopal Church
at 766 N. Main St.**

**Our refrigerated trailer acts as
both a drop off and pick up location!**

**Food donor partners or volunteers
can donate prepared food at any time.**

**The food is kept at a safe holding
temperature while we arrange for a
volunteer or recipient partner to deliver it
to where it is needed most.**



Hendersonville soft launch

Current Food Donors:

- Gwen Valley Summer Camp

Food Prospect Donors:

- Kanuga Conference Center
- Fallen Creek
- Eagle's Nest Camp
- Bonclarken Center
- Kenmore Country Club
- Hendersonville Country Club
- Lake Pointe Landing Retirement Center
- Carolina Village Retirement Center

Location for Trailer: St. James Episcopal

(Food Connection Board Member donated money for the Hendersonville Trailer!)

Hendersonville Volunteers Committed: 10+

Current Food Recipients:

- Back on Track Addiction Ministries
- Hope United Methodist Church
- Lighthouse Foundation
- Providence Baptist Church

**Food Connection stats:**

Total Chef prepared meals served to our neighbors in need:

808,000+

Total amount kept out of the landfill:

350+ TONS

C. Recognition of Trae Laws for Graduation from the FBI National Academy – Blair Myhand, Chief of Police

Chief Myhand said that the Hendersonville Police Department recognizes Police Captain, Trae Laws, for his graduation from the FBI National Academy. On March 13, 2025, Captain Laws was among 244 law enforcement professionals graduating from the 293rd session of the FBI National Academy in Quantico, Virginia. This elite program included participants from 48 U.S. states, the District of Columbia, 24 countries, eleven military organizations, and four federal civilian agencies. "I would like to extend a heartfelt thanks to City Council, City Manager Connet, and Chief Myhand for the incredible opportunity to attend the prestigious FBI National Academy," said Captain Laws. "The training provided was exceptional and will significantly enhance my ability to serve the citizens of Hendersonville." Internationally known for its academic excellence, the National Academy offers ten weeks of advanced leadership, communication, and fitness training. Participants must have proven records as professionals within their agencies to attend. On average, these officers have 21 years of law enforcement experience and usually return to their agencies to serve in executive-level positions. The graduation featured remarks from FBI Director Kash Patel, while Class Spokesperson Joses Walehwa of the Brea Police Department in California represented the graduating officers. FBI Academy instructors, special agents, and other staff with advanced degrees provide the training; many instructors are recognized internationally in their fields. Since 1972, National Academy students have been able to earn undergraduate and graduate credits from the University of Virginia, which accredits all the National Academy courses offered. A total of 55,941 graduates have completed the FBI National Academy since it began in 1935. The National Academy is held at the FBI Training Academy in Quantico, the same facility where the FBI trains its new special agents and intelligence analysts. Captain Trae Laws continues the legacy of National Academy graduates from the Hendersonville Police Department, joining the ranks of former Police Chiefs John Nicholson and Donnie Parks, as well as current Chief Blair Myhand.



D. HR Performance System Update – Brian Pahle, Assistant City Manager

City Manager John Connet asked the HR team to come up to the podium and explained that the agenda says we are going to talk about the performance system update, however, we are recognizing LuAnn Welter who has been with us for 25 years, she is retiring at the end of May. LuAnn has been one of the most valuable teammates that we have and I have enjoyed my twelve years with her and I really appreciate the job she’s done for our community and the city and the Mayor presented her with the following resolution.

Resolution #R-25-29

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL NAMING THE SERVICE EXCELLENCE MVP AWARD AFTER LU ANN WELTER

WHEREAS, Lu Ann Welter has served the City of Hendersonville since January 2000 and she will be retiring on May 31, 2025; and

WHEREAS, Lu Ann Welter has served the City of Hendersonville in a variety of full and part time capacities over the past twenty-five years; and

WHEREAS, during Lu Ann Welter’s time she has been responsible for the development and implementation of the following programs and activities: Tour of Historic Homes, Historic District Banner Program, Employee Wellness Program, Service Excellence Program, New Employee Performance Evaluation Program, Annual Turkey Trot 5K Race, City of Hendersonville Academy, the city’s current Safety Program, Employee Wellness Clinic, plus many more; and

WHEREAS, Lu Ann Welter has been dedicated teammate and improved the quality of life for the City of Hendersonville team and the citizens we serve; and

WHEREAS, Lu Ann Welter’s leadership and work ethic will be greatly missed by the City of Hendersonville.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The Service Excellence MVP of the Year Award be renamed the Lu Ann Welter Service Excellence MVP of the Year Award.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District – First Avenue Villas (P24-86-CZD) – Sam Hayes, Planner II

Sam Hayes explained that the City of Hendersonville is in receipt of an application for a Conditional Zoning District from ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is requesting to rezone the property to Urban Residential Conditional Use District (UR-CZD). There will be open space located at the front of the property. The parking is located at the rear of the property and along the street, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage. The project is two stories and has twelve units. This site received Central Mixed Use, Conditional Zoning District (CMU-CZD) approval in August 2020 with an amendment in August 2021. The property sold to a new owner, who initiated a new request for CMU-CZD in 2024, which city council denied in November 2024.

FIRST AVE VILLAS

(P24-86-CZD)

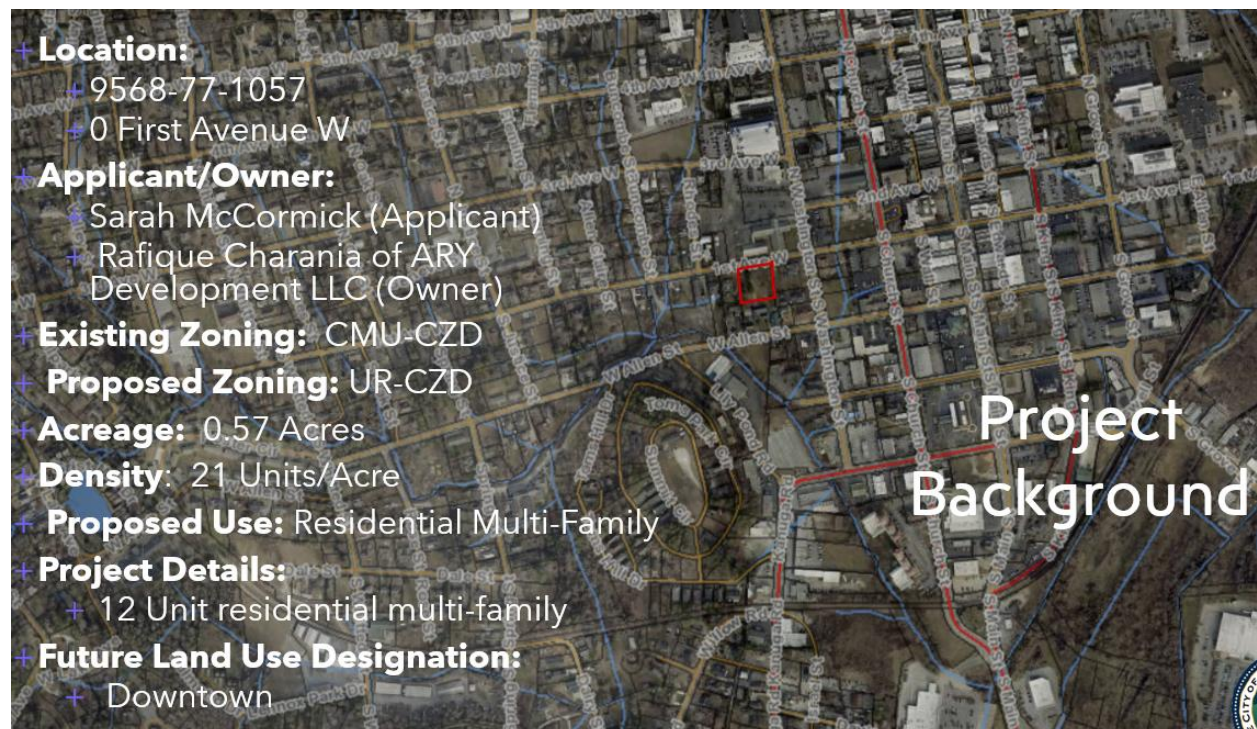
Conditional Rezoning

City of Hendersonville City Council

April 3rd, 2025

Community Development | Planning Division

Sam Hayes | Planner II



+ Location:

- + 9568-77-1057
- + 0 First Avenue W

+ Applicant/Owner:

- + Sarah McCormick (Applicant)
- + Rafique Charania of ARY Development LLC (Owner)

+ Existing Zoning: CMU-CZD

+ Proposed Zoning: UR-CZD

+ Acreage: 0.57 Acres

+ Density: 21 Units/Acre

+ Proposed Use: Residential Multi-Family

+ Project Details:

- + 12 Unit residential multi-family

+ Future Land Use Designation:

- + Downtown

Project Background

Neighborhood Compatibility Meeting

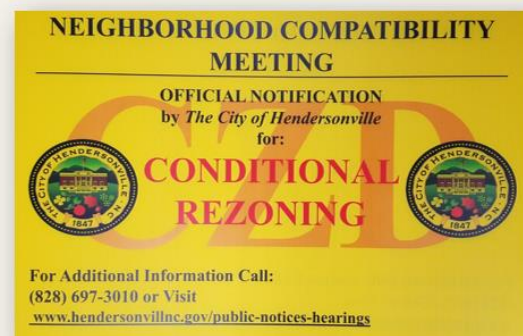
+ Dates: December 12th, 2024

+ Attendees:

- + In-person - 4 residents
- + Online - 4 residents

+ Topics Discussed:

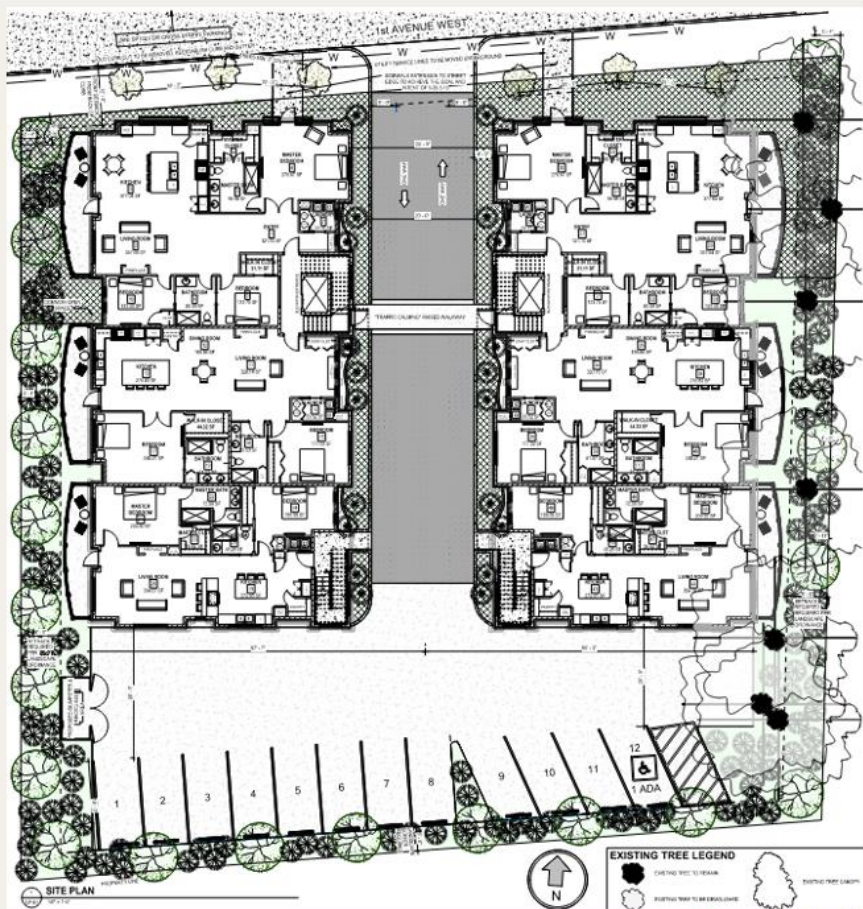
- + Dimensions of the buildings
- + Tree protection
- + Buffering between the properties
- + Parking for mail and delivery trucks
- + Location of three different parking areas



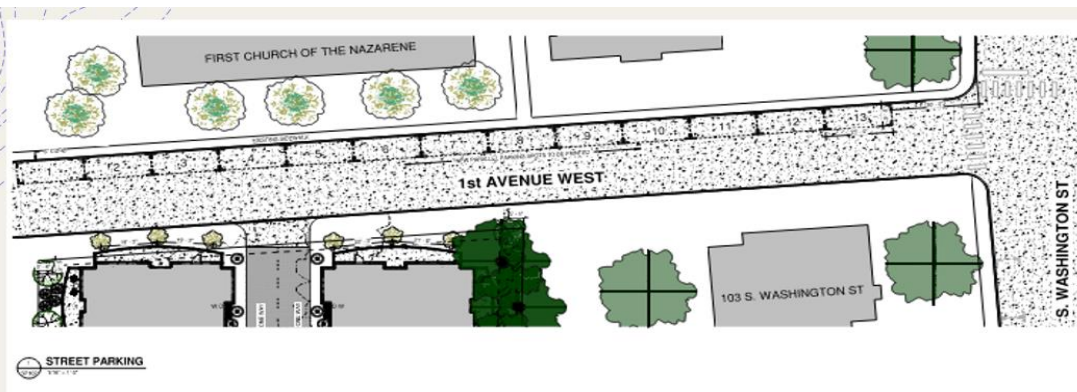


Previous Rezoning

- + August 2020 - Conditional Rezoning (R-6 to CMU-CZD) - 10 Units (Two Quad-plex - 1,742 Sq Ft Buildings + Two Garage Apts) - **APPROVED**
- + August 2021 - Conditional Rezoning (CMU-CZD Amended) - 11 UNITS (Two Quad-plex - 1,742 Sq Ft Buildings + Three Garage Apts) 340 Sq Ft Total Increase - **APPROVED**
- + November 2024 - Conditional Rezoning (CMU-CZD) - 16 UNITS (Two 2,432 Sq Ft Buildings, three stories tall) - **DENIED**



Site Plan



Site Plan



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



COURTYARD ELEVATION

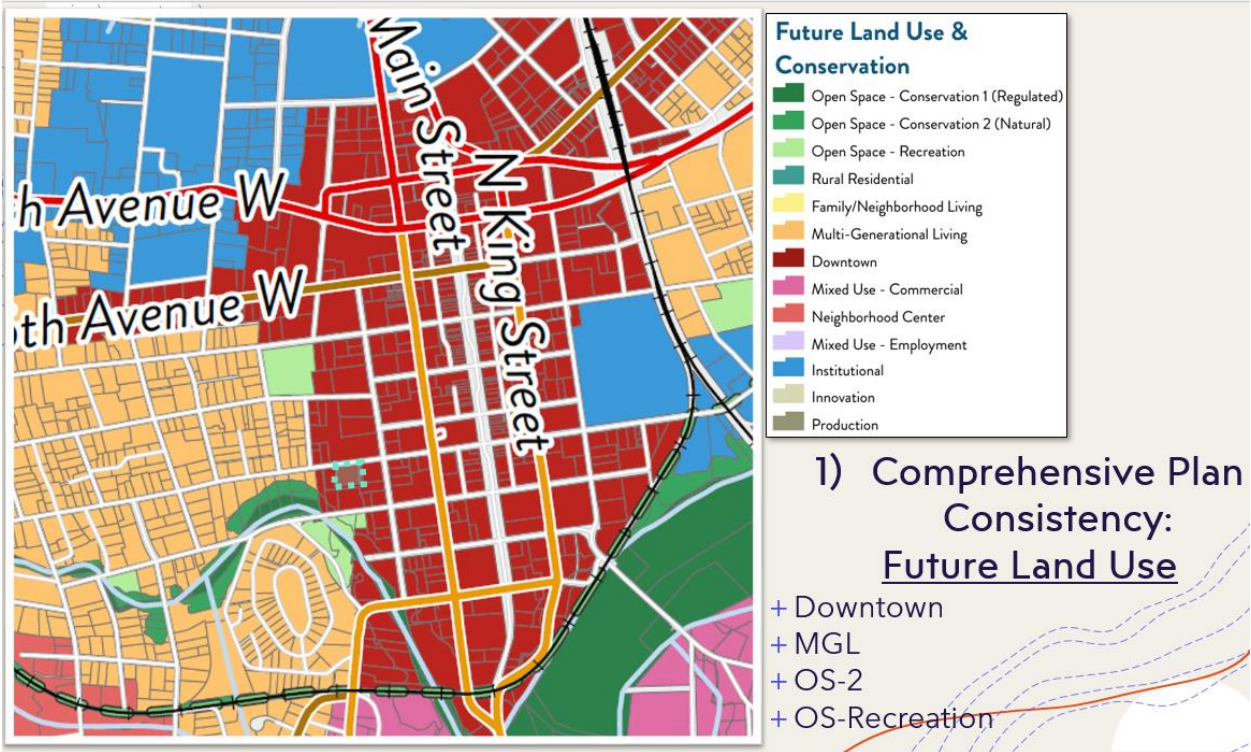
Elevations

Elevations

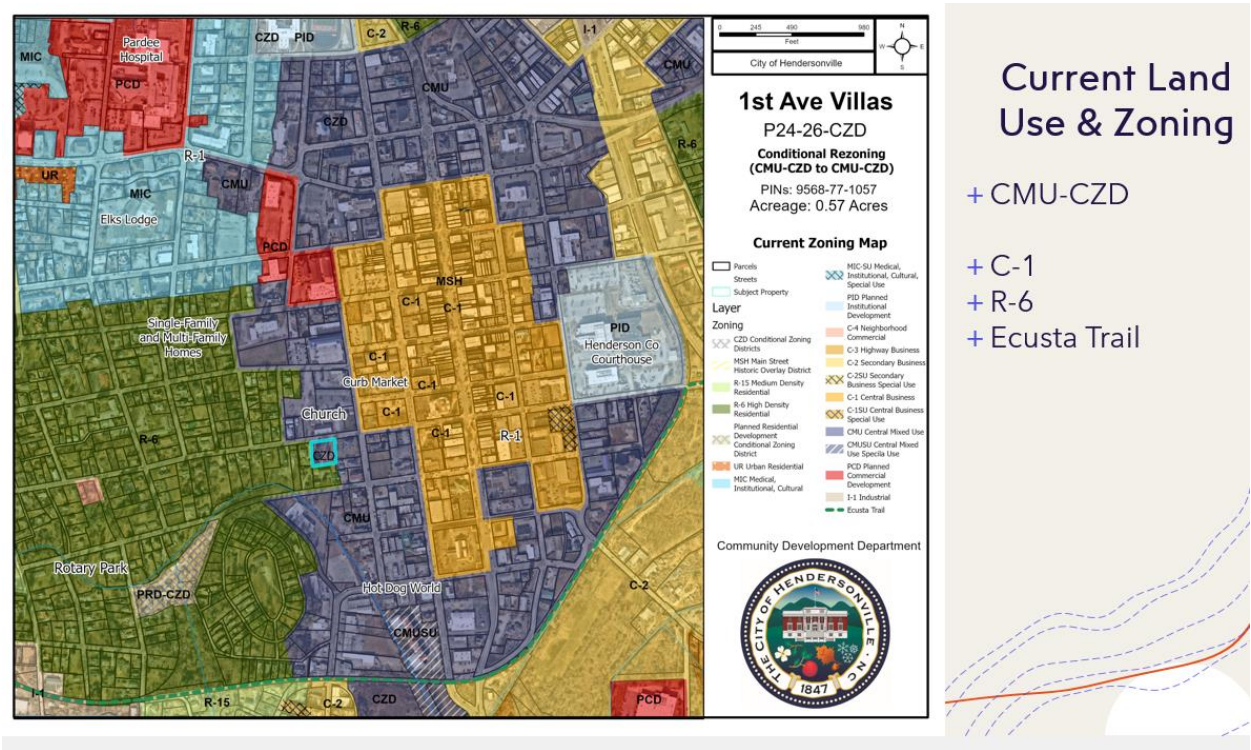
Proposed Conditions

Developer Proposed Conditions:

1. Developer to pay Fee-in-Lieu of 7' Sidewalks in accordance with Sec. 6-12-3 and Sec. 5-25-5.15 of the Zoning Code.
2. Developer requests to be granted relief to provide a 12' front setback instead of 14; front setback required per Sec. 5-25-4 of Zoning Code.
3. Developer requests a waiver of TIA requirement.
4. Within the center driveway accessing the site, the developer shall install a differentiated material for the outer 5' along both building edges to establish a pedestrian zone and distinguish it from the primary drive lane. This will achieve the goal and intent of 5-25-5.13.
5. The sidewalks leading to the front porches on the front façade shall extend to the street edge. This will achieve the goal and intent of 5-25-5.15.
6. The developer shall attempt to preserve all existing noninvasive vegetation within the proposed Type A buffer along the eastern side of the property. This existing vegetation will be allowed to be used as credits towards the required buffer plantings. Additionally, if any of those trees are not able to be protected by the standards in 15-4d, then the developer agrees to replace them at the rate specified in Section 15-4b if any of those trees die within 10 years post-construction.



General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	LAND SUPPLY, SUITABILITY & INTENSITY	<ul style="list-style-type: none">The subject property is located on an underdeveloped property in the Land Supply Map.
	FUTURE LAND USE & CONSERVATION MAP	<ul style="list-style-type: none">Designation: DowntownCharacter Area Description: ConsistentZoning Crosswalk: ConsistentFocus Area Map: N/A



General Rezoning Standards: 2) COMPATIBILITY	EXISTING CONDITIONS	The subject property is currently vacant. It is surrounded by single-family and multi-family residential homes. Directly across 1st Avenue from the subject property is Hendersonville First Church of Nazarene. To the northwest of the property is the West End National Register Historic District, which primarily consists of single-family homes on varying sized lots. There are also a mix of multi-family units in small apartment buildings or in homes that have been converted into multi-family. To the east of the property is Downtown - the city's core commercial business district.
	RELEVANT GEN H GOALS	Vibrant Neighborhoods: [Consistent] Abundant Housing Choices: [Consistent] Healthy and Accessible Natural Environment: [Somewhat Consistent] Authentic Community Character: [Somewhat Consistent] Safe Streets and Trails: [Consistent] Reliable & Accessible Utility Services: [Consistent] Welcoming & Inclusive Community: [Consistent]
	GEN H GUIDING PRINCIPLES	Mix of Uses: [Consistent] Compact Development: [Somewhat Consistent] Sense of Place: [Somewhat Consistent] Conserved & Integrated Open Spaces: [Somewhat Consistent] Desirable & Affordable Housing: [Consistent] Connectivity: [Consistent] Efficient & Accessible Infrastructure: [Consistent]

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)	<p>Site Design - Many aspects of the site plan align with the Design Guidelines in Chapter 5 of the Comprehensive Plan including: building placement, landscaping, parking and on-site open space. One area of concern is the buildings do not parallel the street edge.</p> <p>Height - The applicant has revised the proposal to reduce the overall height to 29' which aligns with the Downtown Design Guidelines in Chapter 5 of the Comprehensive Plan for both maximum height and residential transitions. It is also not out of scale with existing adjacent residential structures.</p> <p>Architectural Design - Many aspects of the building design align with the design guidelines, notably the inclusion of an activated front stoop.</p>
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General Rezoning Standards	3) CHANGED CONDITIONS	<ul style="list-style-type: none">• The property has previously been rezoned to accommodate 11 units on the property.• Additionally, the Ecusta trail, which will be partially completed by the end of this year, is a new transportation and recreation facility located less than 1/2 mile from the subject property.
	4) PUBLIC INTEREST	<ul style="list-style-type: none">• The status of the region's affordable housing crisis is well documented from reports such as the <u>Bown</u> Study. The City of Hendersonville is currently engaged in a Strategic Housing Plan to further address this issue.• The provision of 12 additional housing units on a relatively small, infill parcel will put residents within <u>close proximity</u> to employment, shopping, recreation, etc. The proposed development would utilize existing infrastructure and city services.

General Rezoning Standards	5) PUBLIC FACILITIES	<ul style="list-style-type: none">• The subject property will be served by City of Hendersonville services. The subject property is located within the City's existing interconnected street grid, which facilitates the disbursement of additional automobile traffic, and is <u>in close proximity</u> to the Ecusta trail, and less than a 5-minute walk to historic Main St, both of which facilitate a reduction in typical per household vehicular miles traveled.
	6) EFFECT ON NATURAL ENVIRONMENT	<ul style="list-style-type: none">• <u>Mature Trees</u>: There are a <u>number of</u> mature trees and vegetation around the subject property. Tree canopy in the center of the property is proposed to be removed. Some of the trees on the east side of the property are proposed to be removed while others will be preserved and incorporated into the required buffer.• <u>Stormwater</u>: Stormwater management standards are not triggered by this development due to the disturbed area being less than 1 acre. The developer proposes to utilize pervious pavers for the center drive aisle.

DRAFT: Comprehensive Plan Consistency Statement

The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with the Future Land Use and Conservation Map Designation of 'Downtown' and the corresponding Character Area Description found in Chapter IV of the Gen H Comprehensive Plan.

Draft: Reasonableness Statement

We 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:

[Rationale for Approval]

- +The petition incorporates a mix of housing types into an existing urban neighborhood.
- +The petition provides an efficient use of property in the core of the city.
- +The petition would place residents within an area of existing city services and Infrastructure.
- +The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.
- +The petition provides walkable neighborhood design characteristics.
- +The petition proposes to have a vibrant interface with the public realm.

DRAFT: Reasonableness Statement

We **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:

[Rationale for Denial]

- The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.
- The petition proposes a density that is out of character with the surrounding neighborhood
- The petition would generate excessive traffic, noise and light in an existing residential neighborhood.

Attorney Brian Gulden spoke and said the issues before were three stories and some privacy issues, now we've made some changes, we've reduced it, fixed the front issue, however, we are going from 16 units to 12. The parking requirement is met, we have 12 parking spaces for the 12 units and we are going to paint new spaces on 1st Avenue out front so there will an additional new 13 spaces and we also have a letter of intent from the church across the street to lease us long term through a licensing agreement for an additional 25 spaces.

The public hearing was opened at 6:33 p.m.

In Person:

Ken Fitch spoke briefly and positively about the project and hopes that it brings everything promised and doesn't chase away the cardinals and angels.

Via Zoom:

Helen Waldrop Youngblood spoke positively about the project.

The public hearing was closed at 6:46 p.m.

City Council Member Lyndsey Simpson moved City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant dated 4-1-2025, and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses:

*a) **Residential, Multi-Family***

- *12, 2-3 Bedroom Units*

2.. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and because:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

3. We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

- 1. The petition incorporates a mix of housing types into an existing urban neighborhood.*
- 2. The petition provides an efficient use of property in the core of the city.*
- 3. The petition would place residents within an area of existing city services and infrastructure.*
- 4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.*
- 5. The petition provides walkable neighborhood design characteristics.*
- 6. The petition proposes to have a vibrant interface with the public realm.*

A 4-1 vote of the Council followed with Council Member Lowrance voting nay. Motion carried.

Ordinance #25-16

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9568-77-1057 BY CHANGING THE ZONING DESIGNATION CMU-CZD (CENTRAL MIXED USE CONDITIONAL ZONING DISTRICT) TO UR-CZD (URBAN RESIDENTIAL - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-77-1057
 Addresses: 0 1st Ave West
 1st Ave Villas: (File # P24-86-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Rafique Charania of ARY Development LLC, for the development of 12 multi-family residential units on 1st Ave W; and

WHEREAS, the Planning Board took up this application at its regular meeting on March 25, 2025; voting 7-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on April 3, 2025, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

- Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9568-77-1057, changing the zoning designation from CMU-CZD (Central Mixed Use Conditional Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District)
- Development of the parcel pursuant to this Ordinance is subject to the following.

 - Development shall comply with the site plan submitted by the applicant dated February 26, 2025, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant’s execution of this Ordinance].
 - Permitted uses shall include:

 - Residential, Multi-Family - 12 Units

- c. Additional conditions that shall be satisfied prior to final site plan approval include:
- i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 3rd day of April 2025.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

B. Zoning/Subdivision Text Amendment: Flag Lots & Small Lots (P24-89-ZTA) –
Matthew Manley, AICP, Long-Range Planning Manager

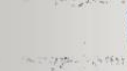
Matt Manley explained that the City of Hendersonville has received an application from Barry Bialik to amend the City’s Zoning and Subdivision Ordinances to introduce exceptions that would allow for the greater utilization of underdeveloped land for small houses in an effort to increase the stock of “attainable”, for sale houses. The proposed changes would allow for reduced minimum lot sizes, lot widths, and setbacks for lots created to establish homes that are no greater in size that 1,200 Sq Ft Gross Floor Area (GFA). The proposed allowances come in two forms:

1) Reduced Pole Flag Lots and 2) Small Lots


In each case the minimum lot size would be reduced to 2,000 Sq Ft and limited to the allowance of a single-family home, two-family home, accessory dwelling unit or any combination thereof with a total square footage no greater than 1,200 Sq Ft in Gross Floor Area. The minimum setbacks and lot widths for these compact lots would also be reduced. In combination, you would be permitted up to a maximum of 6 lots (reduced pole flag lots + small lots) on any parcel less than 2 acres in size. The proposed changes align with the City’s recently adopted Gen H Comprehensive Plan and address needs identified by the City’s Strategic Housing Committee. The Legislative Committee of the Planning Board reviewed the item on January 21st and the Strategic Housing Committee reviewed the proposed changes on February 17th. The Planning Board voted unanimously to recommend approval of the proposal at their special called meeting on March 25th.

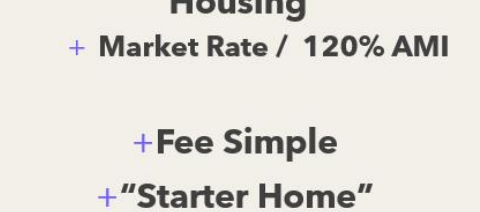


- + **Project Name:**
 - + Flag Lots + Small Lots (P24-89-ZTA)
- + **Applicant/Owner:**
 - + Barry Bialik (Compact Cottages)
- + **Articles Amended:**
 - + **Zoning Ordinance**
 - + Article V. Zoning District Classifications
 - + Article VIII. Exceptions & Modifications
 - + Article XII. Definition of Terms
 - + **Subdivision Ordinance**
 - + Article 3. Configuration
 - + Article 8. Measurements
 - + Article 9. Definitions
- + **Zoning Districts Impacted:**
 - + Residential districts + MIC + RCT
- + **Future Land Use Designations:**
 - + Rural Residential
 - + Family Neighborhood Living
 - + Multi-Generational Living



Project Background






- + "Affordable Housing"
- + 30% of Income or Less

- + "Low Income Housing"
- + Subsidized Housing

- + "Attainable Housing" / "Workforce Housing"
- + Market Rate / 120% AMI

- + Fee Simple
- + "Starter Home"

Project Background



VACANT LOT

Current Standards

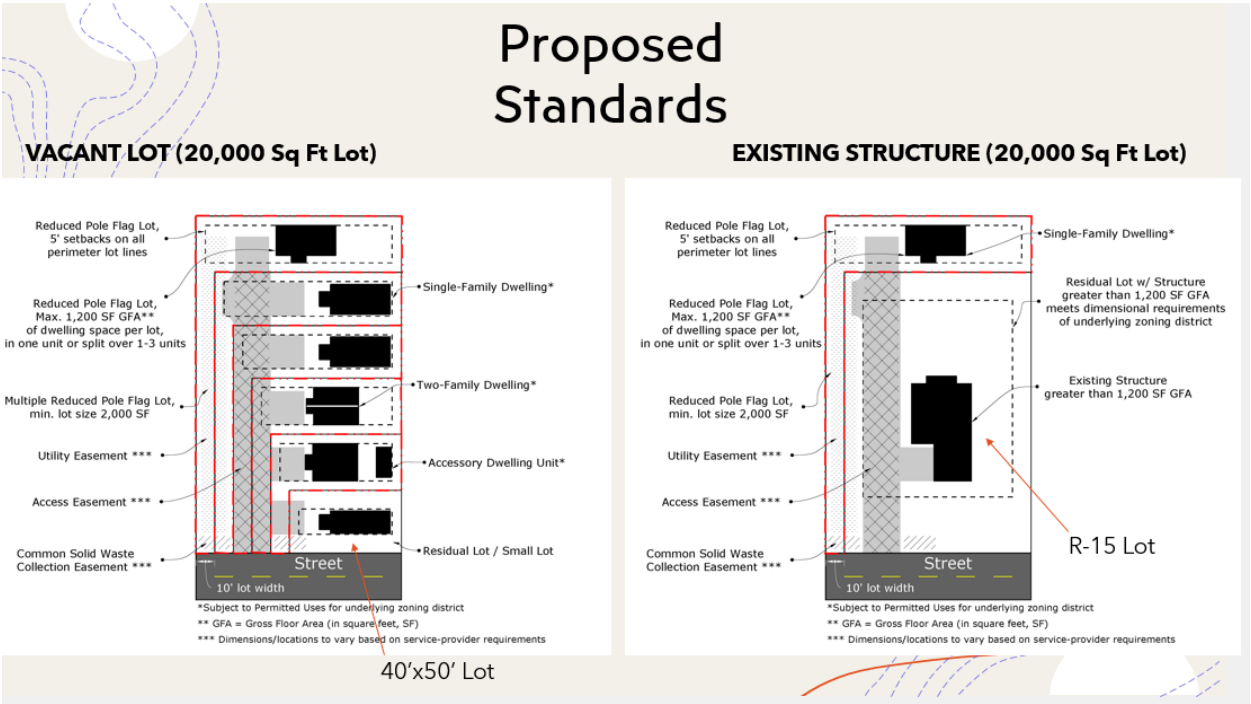
Easiest way to generate revenue from existing land without incurring the expense of building a City Street?

Add ADU up to 800 Sq Ft >

You can do this on any Residential lot >

- < Up to 3 Lots on 45' Accessway
- < Each Lot must meet Min Lot Size
- < No Maximum Dwelling Size
- < 3 Lots or less to be "exempt subdivision" (this ex. would be a "minor subdivision")
- < Under R-15 you would need over an acre to do this

EXISTING STRUCTURE





Proposed Amendments:
Zoning Ordinance

ZONING ORDINANCE

The following language will be added as a cross reference for the list of zoning districts below:

Subject to the zoning district's Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXCEPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

- 5-1-3. - Dimensional requirements. [R-40 Estate Residential District]
- 5-2-3. - Dimensional requirements. [R-20 Low-Density Residential Zoning District]
- 5-3-3. - Dimensional requirements. [R-15 Medium-Density Residential Zoning District]
- 5-4-3. - Dimensional requirements. [R-10 Medium-Density Residential Zoning District]
- 5-5-3. - Dimensional requirements. [R-6 High-Density Residential Zoning District]
- 5-10-3. - Dimensional requirements. [MIC Medical, Institutional and Cultural Zoning District]
- 5-13-3. - Dimensional requirements. [RCT Residential Commercial Transition Zoning District]

Article VIII – Exceptions & Modifications

Sec. 8-4. – Reduced Pole Flag Lots & Small Lots

8-4-1. - Purpose: The purpose of this section is to provide greater flexibility in the development of housing units and use of available land by allowing small footprint housing on small lots and reduced pole flag lots to encourage residential infill development, provide missing middle housing, and allow more opportunities for the construction of workforce housing, all within parameters that will preserve the identity and character of the community.

8-4-2. - Applicability: In applicable zoning districts (reference Article V. – Zoning District Classifications for applicable zoning districts), Reduced Pole Flag Lots or Small Lots or a combination thereof can be applied to any Lot of Record two acres in size or less. Residential uses shall be allowed subject to the applicable zoning district's Permitted Uses.

8-4-3. - Dimensional Requirements:

Reduced Pole Flag Lots	
Minimum lot area in square feet:	2,000
Minimum flag portion of lot width in feet:	25
Minimum pole portion of lot width in feet*:	10
Driveways and Accessways	See Sec. 8-4-4 – Access and Frontage Improvements.
Minimum yard requirements in feet:	5 from all perimeter lot lines
Maximum structure size in square feet (SF), Gross Floor Area (GFA):	
New lot with new structure	1,200**
Existing structure on existing lot	No structure size limit. Structures >1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures <1,200 SF GFA may use Reduced Pole Flag Lot or Small Lot.
Structure location:	All structures shall be located in compliance with fire code requirements.***
Maximum structure height in feet:	Subject to the height limit of the underlying zoning district.

Small Lots	
Minimum lot area in square feet:	2,000
Minimum lot width* in feet:	25
Minimum yard requirements in feet:	
Front:	10
Side	5
Rear	10
Maximum structure size in square feet (SF), Gross Floor Area (GFA)	1,200** for new construction
Structure location:	All structures shall be located in compliance with fire code requirements.***
Maximum structure height in feet:	Subject to the height limit of the underlying zoning district.
Residual Lots with existing structures:	
Existing structure > 1200 SF gross floor area	Must comply with dimensional requirements of underlying zoning district.
Existing structure < 1200 SF gross floor area	May use Small Lot standards.
Reduced Pole Flag Lot Developments:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres
Small Lot Developments:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres

* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water and sewer connections for the unit.

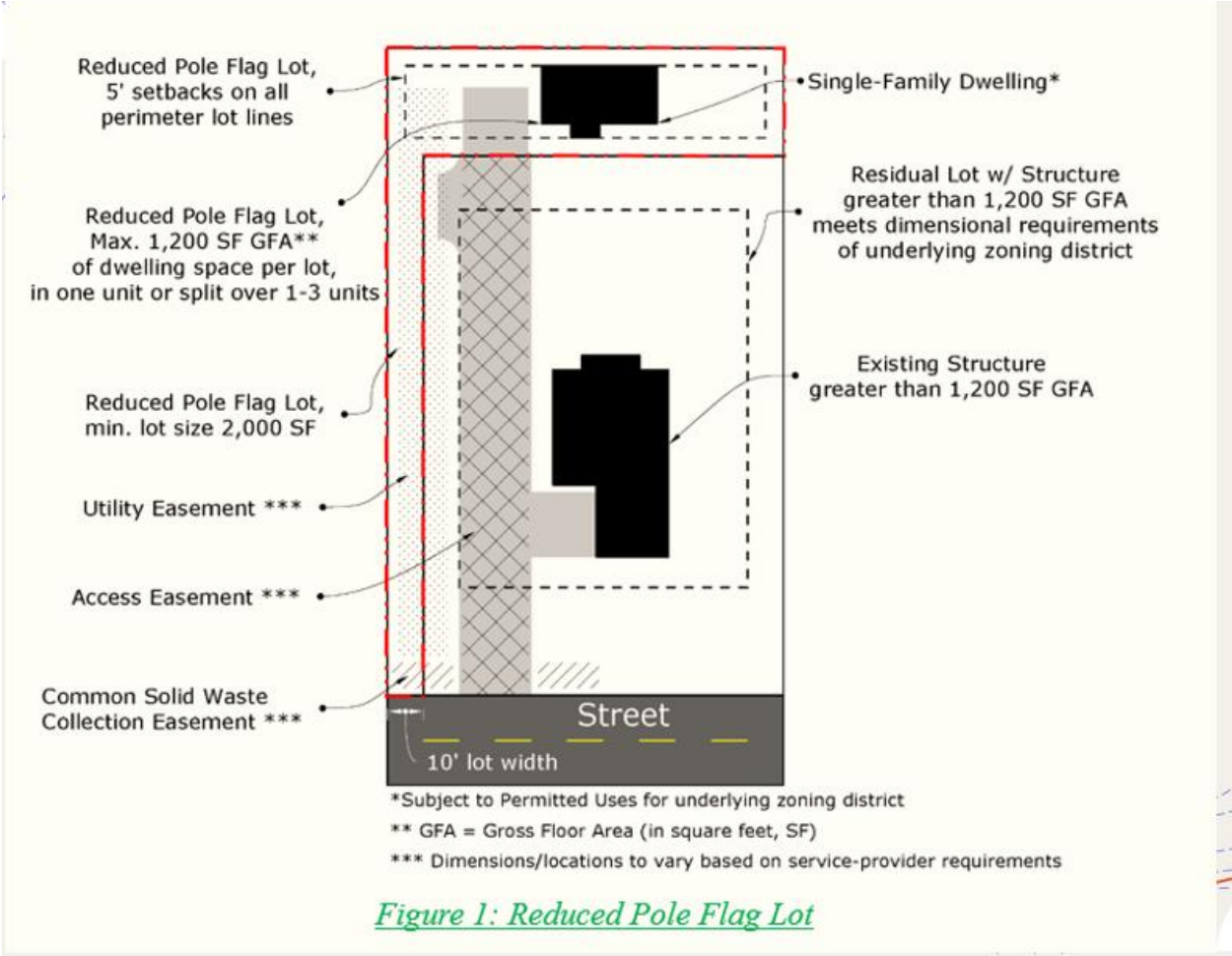
** 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. ADU, Single-Family, or Two-Family). Accessory dwelling units on a small lot or flag lot shall remain subject to the requirements of Section 16-4-1.

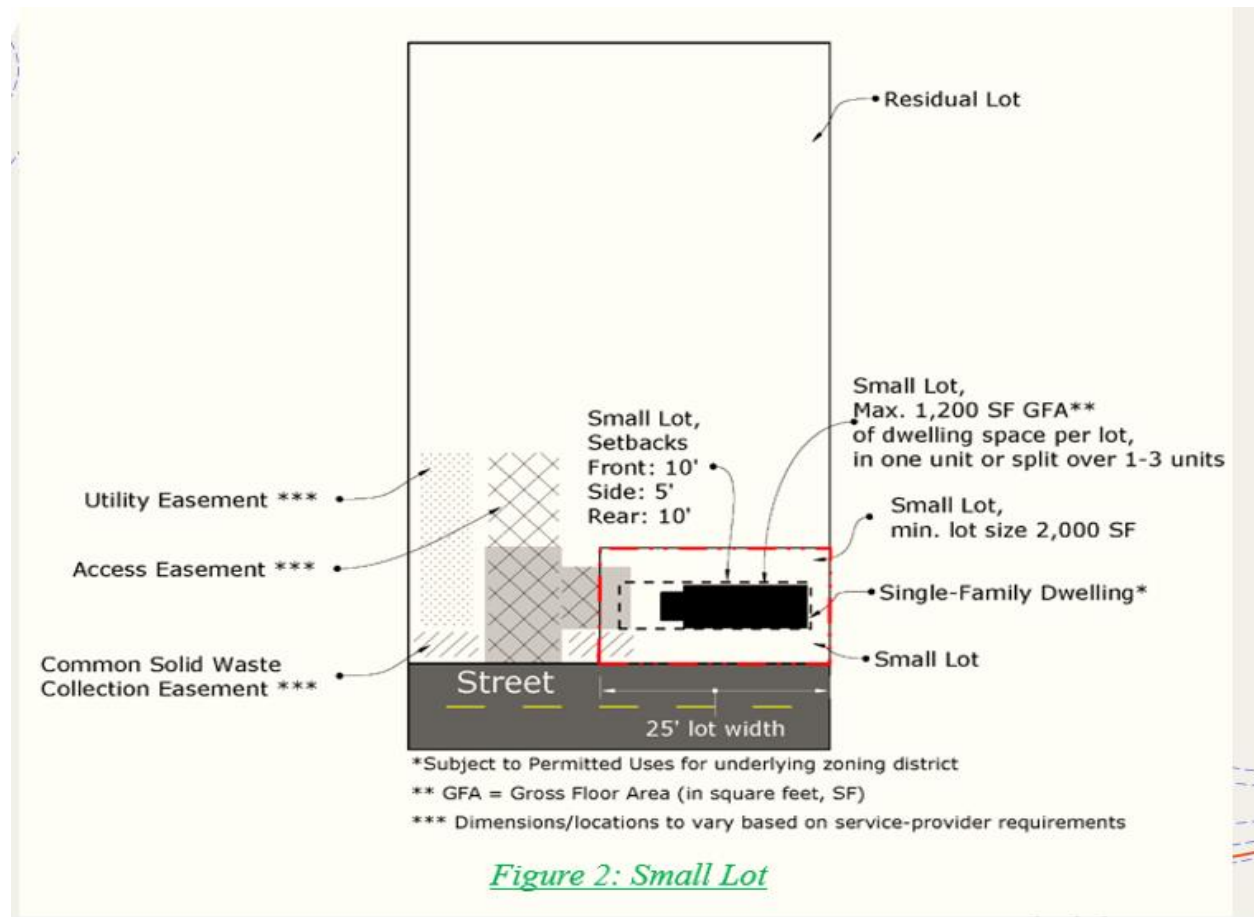
NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

*** City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus

See Article XII for definition of “flag” and “pole”.

NOTE: This section contains zoning requirements only. Compliance with zoning requirements does not guarantee compliance with private restrictions. Developers are encouraged to consult with an attorney concerning private restrictions





8-4-4. – Access and Frontage Improvements:

- a) Driveways, Utilities and Accessways may be placed within the “pole” or an alternate site location via ‘access’ and/or ‘utility’ easements.
- b) Shared Driveways:
 - a. Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)
 - b. Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).
 - c. Shared driveways must meet the following standards:
 - i. The shared driveway must have a minimum of unobstructed width of 10 feet,
 - ii. The shared driveway must be shown on the recorded plat, and
 - iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

- a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on "pole" and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:
 - i. The shared utility easement must have a minimum of width of 10 feet.
 - ii. The shared utility easement must be shown on the recorded plat, and
 - iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office
- b. Utility meters and associated infrastructure shall be located according to service-provider requirements.
(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

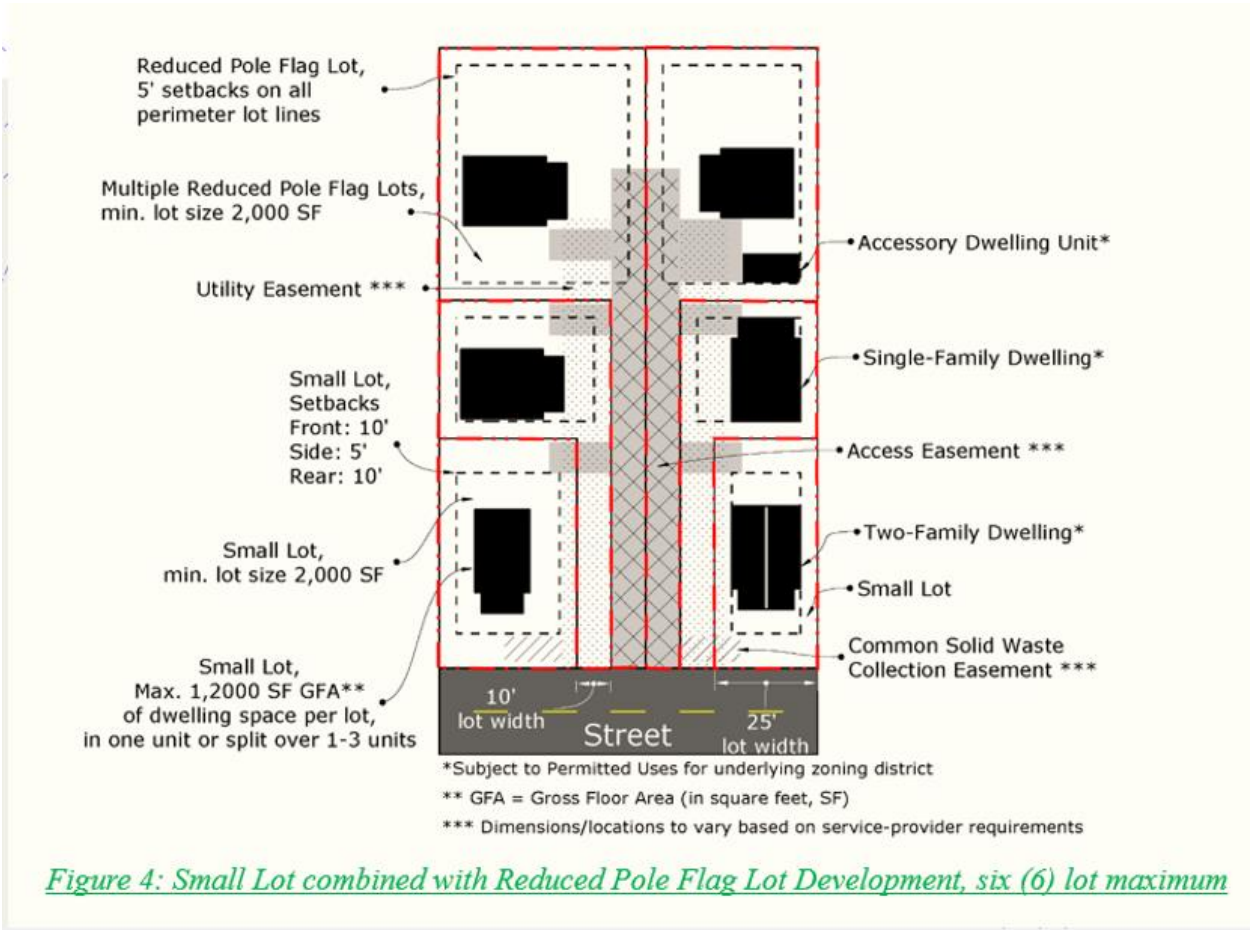
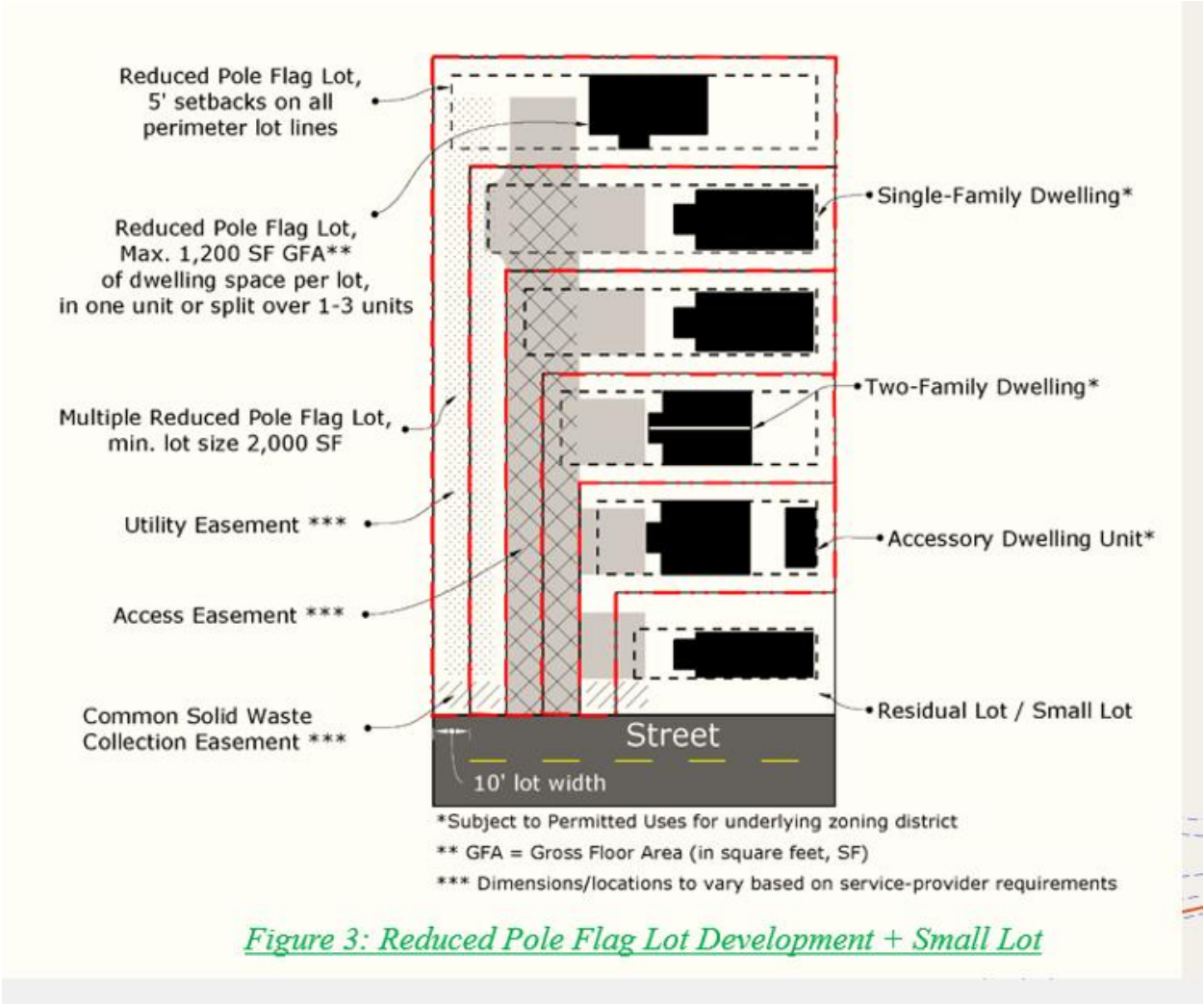
d) Solid Waste Collection Easements:

- a. Appropriately-sized 'Common Solid Waste Collection Easements' are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.
- b. Solid Waste Collection Easements must be shown and identified as a 'Common Solid Waste Collection Easement' on the plat and shall require review and approval from Planning staff and the City Public Works Director.
- e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lot Developments and Small Lot Developments.

8-4-5. –Reduced Pole Flag Lot Developments: In all Reduced Pole Flag Lot Developments or Small Lot Developments containing more than one Reduced Flag Pole Lot, the following provisions shall apply:

- a) Each lot within the Development shall have at least 10 feet of street frontage. The pole of a Reduced Pole Flag Lot may serve as the street frontage.
- b) A shared driveway shall be used as the sole access to Reduced Pole Flag Lots whose poles are adjacent.
- c) Reduced Pole Flag Lot Developments and/or Small Lot Developments shall be subject to Section 7-12. 'Aggregation'.

8-4-6 – Landscaping: In addition to required street trees, at least one large maturing and one small maturing tree shall be planted or preserved on all lots established under these provisions.



Flag Lot: A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.

Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements created pursuant to Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

Gross Floor Area (GFA): The total enclosed area of the horizontal surface of all floors of a building or buildings measured to the outside face of the structural members in exterior walls.

Lot Area: The total area within the lot lines of a platted lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area: i. Public street rights-of-way; ii. Private street area; and iii. Land that is submerged or regularly underwater and jurisdictional wetlands.

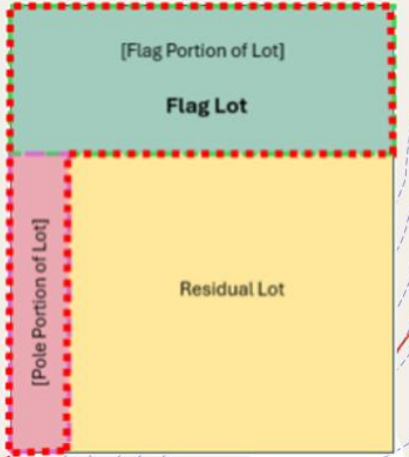
Reduced Pole Flag Lot Development: any development creating two or more Reduced Pole Flag Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lot Developments may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

Residual Lot: A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot pursuant to Section 8.4 – Reduced Pole Flag Lots & Small Lots.

Small Lot: A lot with reduced dimensional requirements with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Small Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

Small Lot Development: any development creating two or more Small Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Small Lot Developments may also include Reduced Pole Flag Lots created pursuant to Section 8.4. Small Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

Article XII –
Definition of Terms



ARTICLE 3. – CONFIGURATION Sec. 3.03

Proposed
Amendments:
Subdivision
Ordinance

- C. **Flag lots.** New flag lots may be established, subject to the following requirements:
1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
 2. New flag lots may be established along any type of street. When located along an expressway or boulevard street ~~only in cases where~~ access to the street ~~is~~ shall be shared with an adjacent lot (see Figure 3.03.C, Flag Lot Access).
 3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 20 feet: except as provided under Section 3.03. Reduced Pole Flag Lots.
 4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

D. Reduced Pole Flag Lots (requirements below are cross-referenced from Hendersonville Zoning Ordinance, Sec. 8-4, – Reduced Pole Flag Lots & Small Lots)

1. **Purpose:** The purpose of this subsection 3.03D is to provide standards for the development of subdivisions containing Reduced Pole Flag Lots and/or Small Lots.
2. **Applicability:** The provisions of this Subsection 3.03D, shall apply to any subdivision containing a Reduced Pole Flag Lot or Small Lot that is being developed in accordance with Section 8.4 of the City of Hendersonville Zoning Ordinance—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.
3. **Dimensional Requirements:** All Reduced Pole Flag Lot Subdivisions and All Small Lot Subdivisions must comply with Section 8-4 of the City of Hendersonville Zoning Ordinance—Reduce Pole Flat Lots & Small Lots.

Reduced Pole Flag Lot Minor Subdivision:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres
Small Lot Minor Subdivision:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres



4. **Access and Frontage Improvements:**
- a) **Driveways, Utilities and Accessways** may be placed within the “pole” or an alternate site location via ‘access’ and/or ‘utility’ easements.
- b) **Shared Driveways:**
- a. Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)
- b. Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).
- c. Shared driveways must meet the following standards:
- i. The shared driveway must have a minimum of unobstructed width of 10 feet.
- ii. The shared driveway must be shown on the recorded plat and
- iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

- a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on "pole" and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:
 - i. The shared utility easement must have a minimum of width of 10 feet,
 - ii. The shared utility easement must be shown on the recorded plat, and
 - iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office
- b. Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

- a. Appropriately-sized 'Common Solid Waste Collection Easements' are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.
- b. Solid Waste Collection Easements must be shown and identified as a 'Common Solid Waste Collection Easement' on the plat and shall require review and approval from Planning staff and the City Public Works Director.
- e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lots, Small Lots and Residual Lots.

5. Reduced Pole Flag Lot & Small Lot Minor Subdivisions:

- a) The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.
- b) Reduced Pole Flag Lot' Minor Subdivisions and Small Lot Minor Subdivisions containing more than 3 total lots are not exempted from the standards of Article 6. 'Owners Associations'.
- c) In no case shall each subdivided lot have less than 10 feet of street frontage. The pole can serve as the street frontage.

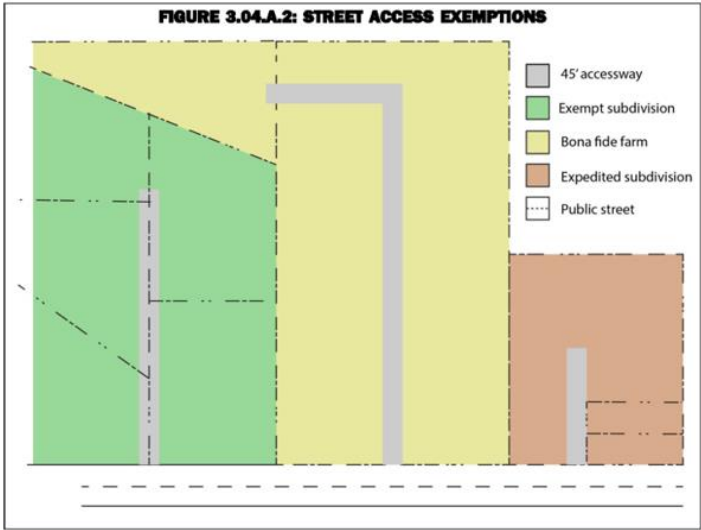
~~D.~~ **E. Double or reverse frontage lots.**

~~E.~~ **F. Corner lots.**

~~F.~~ **G. Drainage and flood prevention.**

ARTICLE 3. – CONFIGURATION Sec. 3.04

3. Access serving more than three lots. With the exception of Reduced Pole Flag Lots Minor Subdivisions and/or Small Lot Minor Subdivisions containing more than three lots, accessways serving more than three lots shall be designed, built, and maintained to public street standards.



Proposed
Amendments:
Subdivision
Ordinance

ARTICLE 6. – OWNERS ASSOCIATION Sec. 6.02

- B. With the exception of Multiple Reduced Pole Flag Lot Minor Subdivisions and/or Small Lot Minor Subdivisions, establishment of an owners' association shall not be required for minor subdivisions (see section 2.04.I, minor subdivision), or expedited subdivisions (see section 2.04.F, expedited subdivision), but the responsible party for any private infrastructure shall be identified in the subdivision approval.

Proposed
Amendments:
Subdivision
Ordinance

ARTICLE 8. – MEASUREMENT Sec. 8.02

Sec. 8.02. - Rules of measurement.
C. Lot Dimensions

1. Lot Measurements.

- a. Minimum lot area ~~is~~ Murray, Jill (jmurray@hvlnc.gov) is signed in red land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:
- i. Public street rights-of-way;
 - ii. Private street area;
 - iii. ~~The "pole," "arm," or "pan-handle" portion of a flag lot; and~~
 - iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

ARTICLE 9. – DEFINITIONS Sec. 9.01

Sec. 9.01. - Definitions.

Flag Lot: An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width. A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.

Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements created pursuant to the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Lot Area: The total area within the lot lines of a platted lot. Lot Area shall be calculated according to Section 8.02.C.1.a. Minimum lot area of this Subdivision Ordinance.

Reduced Pole Flag Lot Minor Subdivision: A Minor Subdivision containing two or more Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Reduced Pole Flag Lot Minor Subdivisions may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

Proposed
Amendments:
Subdivision
Ordinance



ARTICLE 9. – DEFINITIONS Sec. 9.01

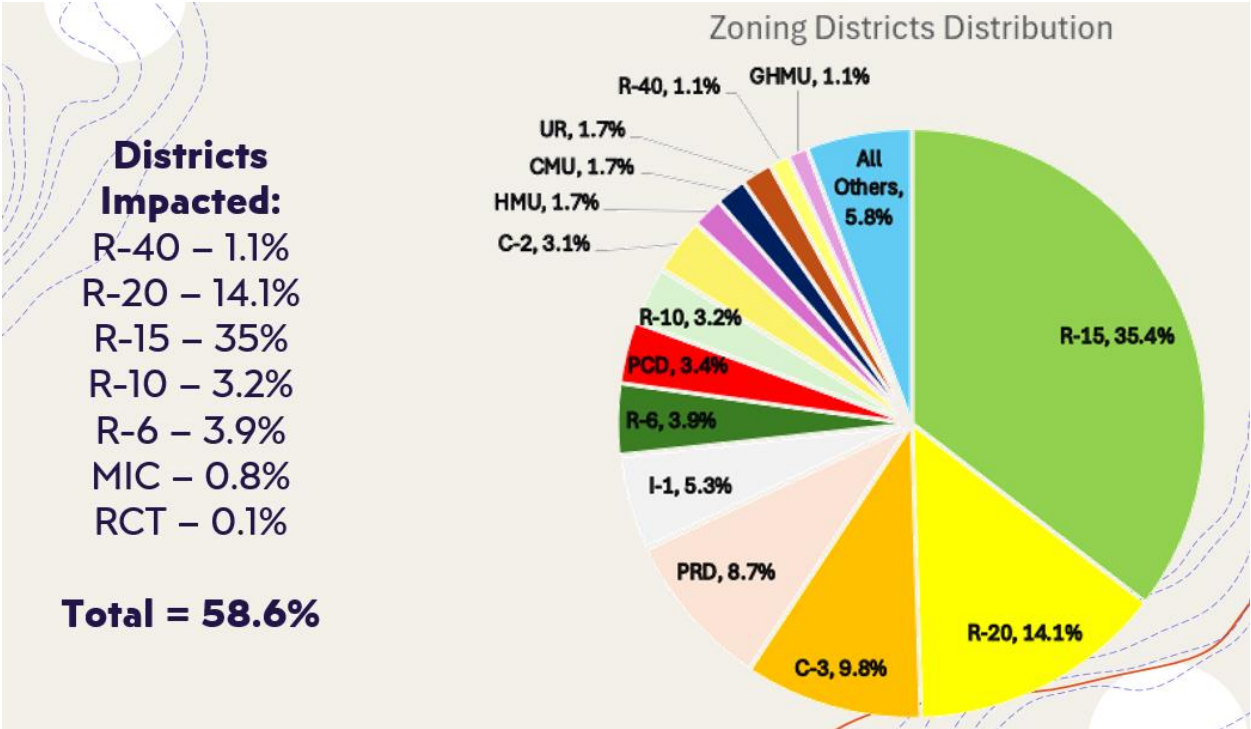
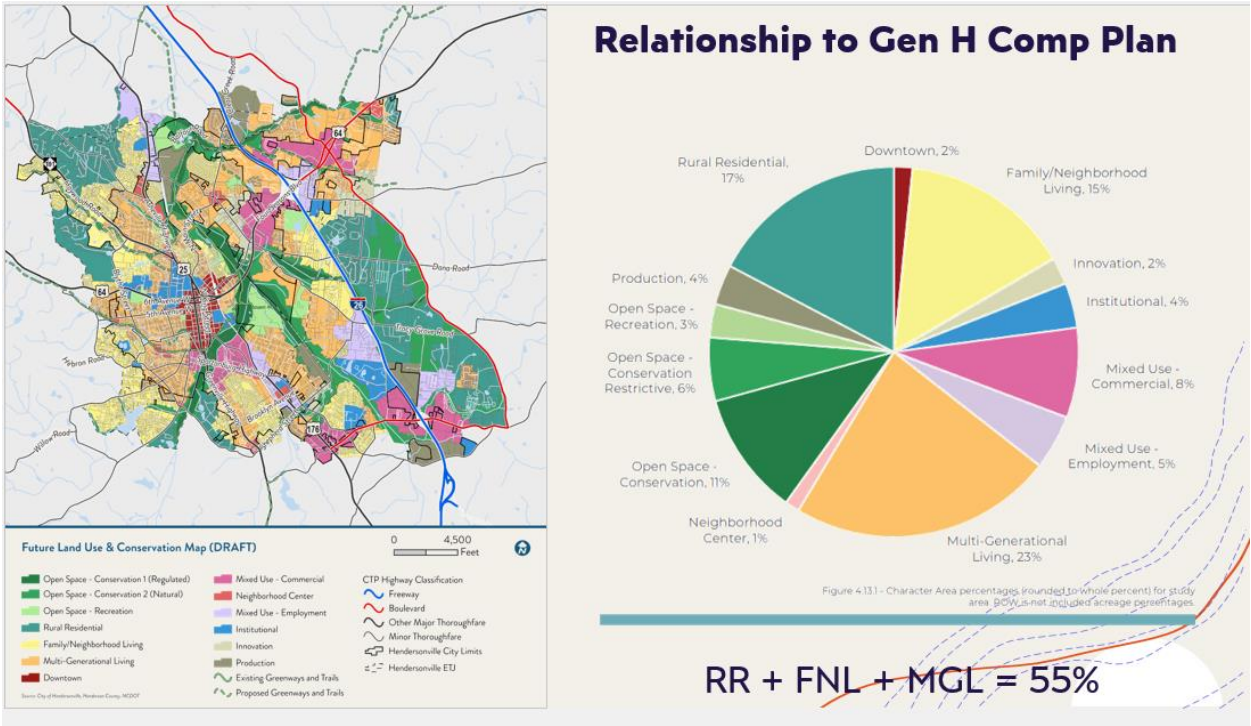
Residual Lot: A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

Small Lot: A lot with reduced dimensional requirements with a maximum square footage per the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Small Lot Minor Subdivision: A minor subdivision containing two or more Small Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Small Lot Minor Subdivisions may also include Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4. Small Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	COMMITTEE/BOARD RECOMMENDATION	The Legislative Committee reviewed item on 1/21/2025 The Planning Board recommended Approval on 3/25/25
	LAND SUPPLY, SUITABILITY & INTENSITY	Supply: The Land Supply Map shows an abundance of “Underdeveloped” land in the City’s zoning jurisdiction. Suitability: Land Suitability Maps show that a majority of the land supply is ‘most suitable’ for Residential development. Intensity: The proposal aligns with the development pattern of Option 2 in Figure 4.9 – Alternative Growth Map
	FUTURE LAND USE & CONSERVATION MAP	<ul style="list-style-type: none">• Designation: Rural Residential, Family Neighborhood Living, Multi-Generational Living• Character Area Description: Somewhat Consistent• Zoning Crosswalk: Consistent• Focus Area Map: N/A

Comp Plan Character Areas	<p>RURAL RESIDENTIAL LIVING (RR)</p> <p>Characterized by low-density residential development, this area is comprised of single-family detached homes on a lot size of one acre or greater. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be a preferred approach to residential development, especially if higher gross densities can be achieved. Golf course communities can also be found in these areas.</p>	<p>FAMILY/NEIGHBORHOOD LIVING (FNL)</p> <p>This area is characterized by moderate-density residential development. It is comprised of single-family detached homes on lots typically ranging from 1/3 acre to 1/8 acre. Improved open spaces in the form of pocket and neighborhood parks are interspersed, and greenway trails within are located to connect such parks as well as provide links to trails and walkways in neighboring development. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be a preferred approach to residential development, especially if higher gross densities can be achieved.</p>	<p>MULTI-GENERATIONAL LIVING (MGL)</p> <p>This area is characterized by mixed residential development and a limited amount of small scaled neighborhood-serving commercial. It is comprised of a variety of homes, mixing detached and attached (e.g., townhomes and duplexes) units with a lesser amount of multi-family units. The combination of housing types are intended to create intergenerational neighborhoods. Improved open spaces in the form of greens, pocket parks, and neighborhood parks are interspersed.</p> <p>Lot sizes are similar to those in FNL, but with increased densities.</p>
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General Rezoning Standards: 2) COMPATIBILITY	EXISTING CONDITIONS	The proposed limitations on square footage of the dwellings ensures that new units constructed under these allowances do not out-scale existing homes.
	RELEVANT GEN H GOALS	Vibrant Neighborhoods: [Consistent] Abundant Housing Choices: [Consistent] Healthy and Accessible Natural Environment: [Somewhat Consistent] Authentic Community Character: [Consistent] Safe Streets and Trails: [Consistent] Satisfying Work Opportunities: [Consistent] Welcoming & Inclusive Community: [Consistent] Accessible & Available Community Services: N/A Resilient Community: [Consistent]
	GEN H GUIDING PRINCIPLES	Mix of Uses: N/A Compact Development: [Consistent] Sense of Place: [Consistent] Conserved & Integrated Open Spaces: [Inconsistent] Desirable & Affordable Housing: [Consistent] Connectivity: [Consistent] Efficient & Accessible Infrastructure: [Consistent]

COMPACT DEVELOPMENT

Along with the mix of land uses, the intensity of development in a community can have a significant impact on its ability to provide affordable housing options, reduce traffic congestion, make efficient use of infrastructure, deliver services, and generally create livable communities. Building up with taller buildings in the appropriate places is one way to accommodate more uses in fewer locations

MISSING MIDDLE HOUSING

“Missing middle” housing refers to small- to medium-sized homes that are available at various price points and are compatible in scale and character with the surrounding neighborhood. These homes can be built as part of infill development projects or used to transition between land uses and densities in a new activity center. Examples of missing middle housing include **duplexes**, triplexes, quadplexes, courtyard apartments, live-work units, cottage courtyards, **townhomes**, and small-scale apartments.

DESIRABLE AND AFFORDABLE HOUSING

The preferences for different types of housing vary depending on the locality within the community, and are influenced by factors such as income, age, household size, and available financing. Single-family homes on large lots are simply one of many products demanded in today’s market. Housing diversity can address housing prices and differences in lifestyles. It is accomplished first by recognizing the varying needs and preferences of the existing and future population, and finding ways to facilitate the expansion of the housing supply (types and quantity) to satisfy current and anticipated demand.

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)	Public Realm – [Consistent]
		Site Design – [Consistent]
		Building Design – [Consistent]

General Rezoning Standards	3) CHANGED CONDITIONS	<ul style="list-style-type: none">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.
	4) PUBLIC INTEREST	<ul style="list-style-type: none">The proposed amendment would allow for a compatible infill development with a mix of housing types and higher density, walkable developments in key locations across the City.

General Rezoning Standards	5) PUBLIC FACILITIES	<ul style="list-style-type: none">• The proposed text amendment would allow for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance.
	6) EFFECT ON NATURAL ENVIRONMENT	<ul style="list-style-type: none">• 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 the small footprint of the structures and reduced setbacks, there will be flexibility in where structures are located – lending itself to more options in placement to avoid mature canopy trees.

PLANNING BOARD: Comprehensive Plan Consistency Statement

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

The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions

PLANNING BOARD: Reasonableness Statement

We 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:

[Rationale for Approval]

- The proposed amendment creates an opportunity to address the need for additional “attainable housing” in the city.
- The proposed amendment allows for property owns to better utilize their property and earn additional revenue
- The proposed amendment ensures compatibility by limiting the size and scale of new construction resulting from the proposed allowances

DRAFT: Reasonableness Statement

We 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:

[Rationale 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

The petitioner, Barry Bialik spoke briefly and said that he grew up in affordable housing in New York City. I chaired the affordable housing committee for the City of Asheville for 6 years. Building affordable housing and workforce housing is a huge passion for me. I own a construction company and I own the Thirsty Monk in Asheville and my goal with my construction company is to build affordable housing for people like who work at the Thirsty Monk. We’ve built 300 affordable houses in the City of Asheville without taking any funds from the city to do so. I did a filter on Realtor.com that showed the amount of new housing in Durham for less than \$350,000 and there are 17 houses. In Asheville? Zero. Hendersonville? One.

The public hearing was opened at 7:11 p.m.

In Person:

Virginia Tegal speaking as a citizen and taxpayer of the City of Hendersonville and she spoke in favor of the proposed Flag Lots.

Ken Fitch spoke about potential negative impacts the text amendment may cause.

Sarah Cosgrove said that has currently found herself in transitional housing and spoke about the importance of attainable housing and this text amendment will add to the supply, not cost one thing to the city while diversifying the options for attainable housing.

The public hearing was closed at 7:24 p.m.

City Council Member Gina Baxter moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V ‘Zoning District Classifications’, Article VIII ‘Exceptions & Modifications’, and Article XII ‘Definition of Terms’ and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. ‘Configurations’, Article 8. ‘Measurements’, and Article 9. ‘Definitions’, based on the following:

1. 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.

2. We [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:

- 1. The proposed amendment creates an opportunity to address the need for additional “attainable housing” in the city.***
- 2. The proposed amendment allows for property owners to better utilize their property and earn additional revenue***
- 3. The proposed amendment ensures compatibility by limiting the size and scale of new construction resulting from the proposed allowances.***

A unanimous vote of the Council followed. Motion carried.

Ordinance #25-17

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V ‘ZONING DISTRICT CLASSIFICATIONS’, ARTICLE VIII ‘EXCEPTIONS & MODIFICATIONS’, AND ARTICLE XII ‘DEFINITION OF TERMS’ AND FURTHER AMENDING THE OFFICIAL CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, ARTICLE 3. ‘CONFIGURATIONS’, ARTICLE 8. ‘MEASUREMENTS’, AND ARTICLE 9. ‘DEFINITIONS’

WHEREAS, the Planning Board reviewed this petition for a zoning and subdivision text amendment at its Special Called meeting on March 25, 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 April 3, 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, City Council finds that this zoning text amendment will support the provision of workforce housing and missing middle housing in the City by providing flexibility to allow smaller homes to be built on smaller lots, but within parameters that will preserve the identity and character of the community; and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on April 3, 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 VIII ‘Exceptions & Modifications’, and Article XII ‘Definition of Terms’ and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. ‘Configurations’, Article 6. Homeowners Associations, Article 8. ‘Measurements’, and Article 9. ‘Definitions’ as follows:

ZONING ORDINANCE TEXT AMENDMENTS

SECTION 1. ARTICLE V of the Zoning Ordinance, ZONING DISTRICT CLASSIFICATIONS, is hereby amended as follows:

5-1-3. - Dimensional requirements. [R-40 Estate Residential District]

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

5-2-3. - Dimensional requirements. [R-20 Low-Density Residential Zoning District]

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

5-3-3. - Dimensional requirements. [R-15 Medium-Density Residential Zoning District]

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

5-4-3. - Dimensional requirements. [R-10 Medium-Density Residential Zoning District]

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

5-5-3. - Dimensional requirements. [R-6 High-Density Residential Zoning District]

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

5-10-3. - Dimensional requirements. [MIC Medical, Institutional and Cultural Zoning District]

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

5-13-3. - Dimensional requirements. [RCT Residential Commercial Transition Zoning District]

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXECPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots & Small Lots.

SECTION 2. Article VIII of the Zoning Ordinance, EXCEPTIONS & MODIFICATIONS, is hereby amended to add a new Section 8-4 as follows:

Sec. 8-4. – Reduced Pole Flag Lots & Small Lots

8-4-1. - Purpose: The purpose of this section is to provide greater flexibility in the development of housing units and use of available land by allowing small footprint housing on small lots and reduced pole flag lots to encourage residential infill development, provide missing middle housing, and allow more opportunities for the construction of workforce housing, all within parameters that will preserve the identity and character of the community.

8-4-2. - Applicability: In applicable zoning districts (reference Article V. – Zoning District Classifications for applicable zoning districts), Reduced Pole Flag Lots or Small Lots or a combination thereof can be applied to any Lot of Record two acres in size or less. Residential uses shall be allowed subject to the applicable zoning district’s Permitted Uses.

8-4-3. - Dimensional Requirements:

<u>Reduced Pole Flag Lots</u>	
<u>Minimum lot area in square feet:</u>	<u>2,000</u>
<u>Minimum flag portion of lot width in feet:</u>	<u>25</u>
<u>Minimum pole portion of lot width in feet*:</u>	<u>10</u>
<u>Driveways and Accessways</u>	<u>See Sec. 8-4-4 – Access and Frontage Improvements.</u>
<u>Minimum yard requirements in feet:</u>	<u>5 from all perimeter lot lines</u>
<u>Maximum structure size in square feet (SF), Gross Floor Area (GFA):</u>	

New lot with new structure	1,200**
Existing structure on existing lot	No structure size limit. Structures >1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures ≤1,200 SF GFA may use Reduced Pole Flag Lot or Small Lot.
Structure location:	All structures shall be located in compliance with fire code requirements.***
Maximum structure height in feet:	Subject to the height limit of the underlying zoning district.
Small Lots	
Minimum lot area in square feet:	2,000
Minimum lot width* in feet:	25
Minimum yard requirements in feet:	
Front:	10
Side	5
Rear	10
Maximum structure size in square feet (SF), Gross Floor Area (GFA)	1,200** for new construction
Structure location:	All structures shall be located in compliance with fire code requirements.***
Maximum structure height in feet:	Subject to the height limit of the underlying zoning district.
Residual Lots with existing structures:	
Existing structure > 1200 SF gross floor area	Must comply with dimensional requirements of underlying zoning district.
Existing structure < 1200 SF gross floor area	May use Small Lot standards.
Reduced Pole Flag Lot Developments:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres
Small Lot Developments:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres

* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water and sewer connections for the unit.

** 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. ADU, Single-Family, or Two-Family). Accessory dwelling units on a small lot or flag lot shall remain subject to the requirements of Section 16-4-1.

NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

*** City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus

See Article XII for definition of “flag” and “pole”.

NOTE: This section contains zoning requirements only. Compliance with zoning requirements does not guarantee compliance with private restrictions. Developers are encouraged to consult with an attorney concerning private restrictions

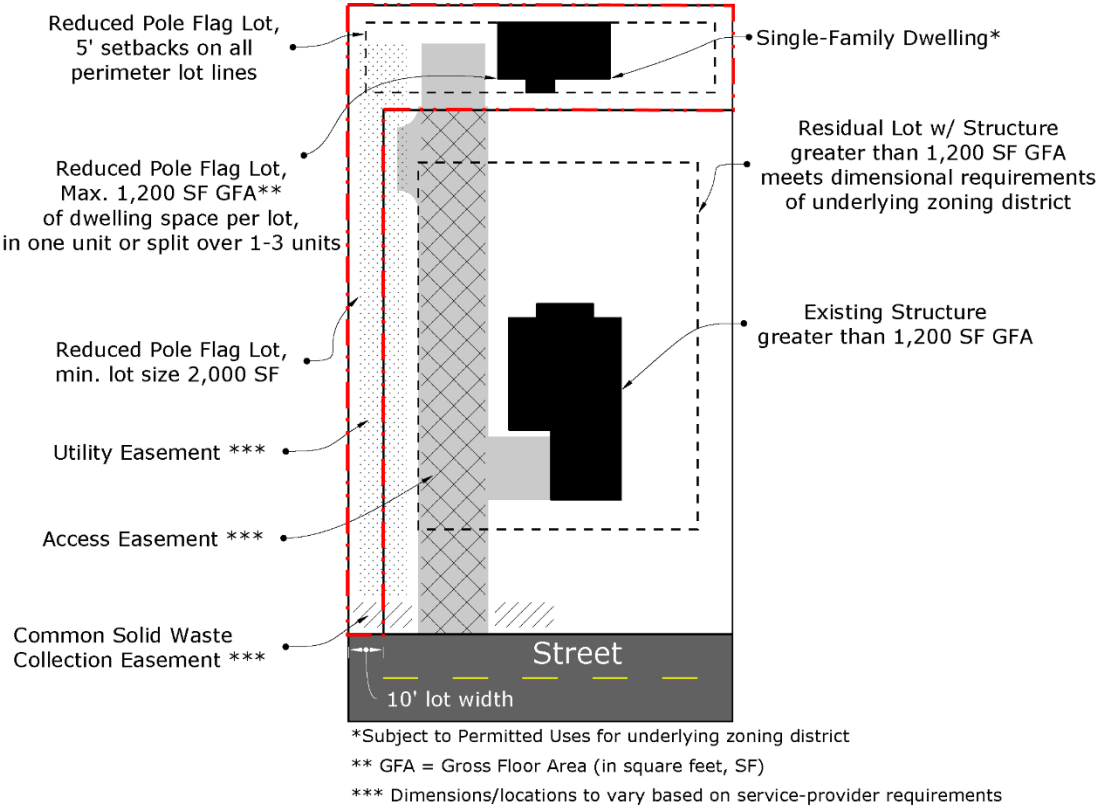


Figure 1: Reduced Pole Flag Lot

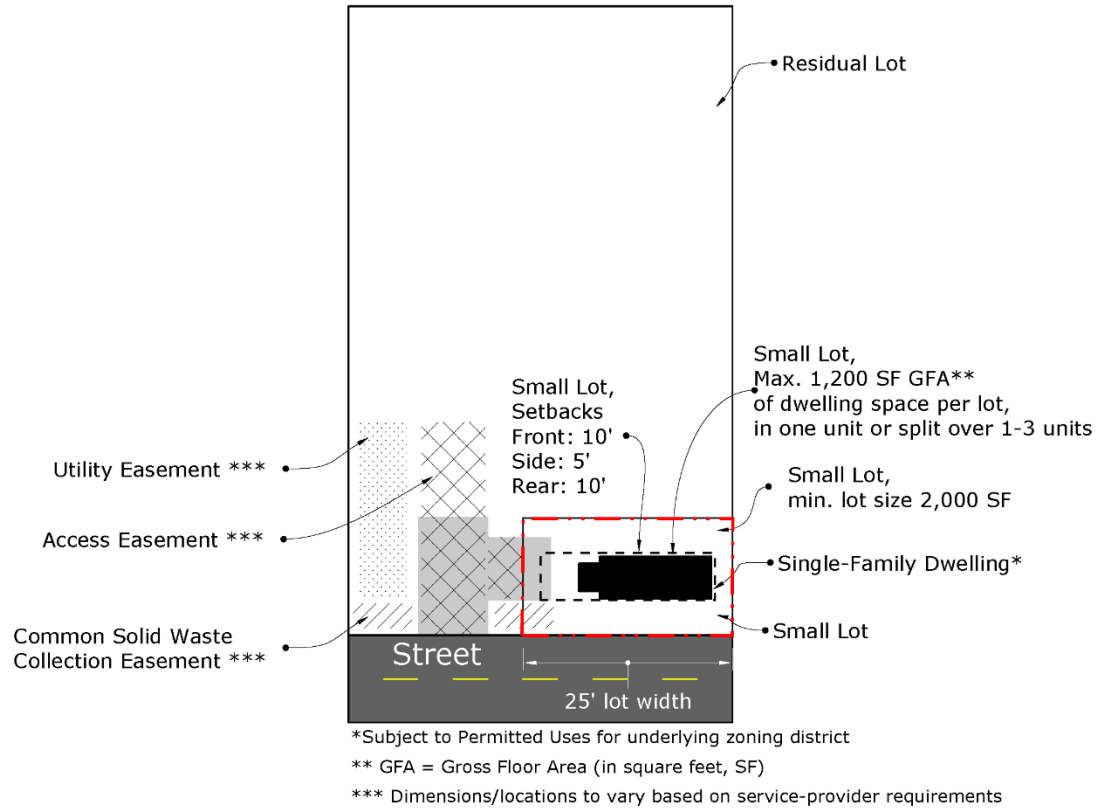


Figure 2: Small Lot

8-4-4. – Access and Frontage Improvements:

- a) Driveways, Utilities and Accessways may be placed within the “pole” or an alternate site location via ‘access’ and/or ‘utility’ easements.
- b) Shared Driveways:
 - a- Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)
 - b- Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).

- e- Shared driveways must meet the following standards:
 - i. The shared driveway must have a minimum of unobstructed width of 10 feet,
 - ii. The shared driveway must be shown on the recorded plat, and
 - iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office
- c) Utility Easements:
 - a- Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on “pole” and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:
 - i. The shared utility easement must have a minimum of width of 10 feet,
 - ii. The shared utility easement must be shown on the recorded plat, and
 - iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office
 - b- Utility meters and associated infrastructure shall be located according to service-provider requirements.
(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)
- d) Solid Waste Collection Easements:
 - a- Appropriately-sized ‘Common Solid Waste Collection Easements’ are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.
 - b- Solid Waste Collection Easements must be shown and identified as a ‘Common Solid Waste Collection Easement’ on the plat and shall require review and approval from Planning staff and the City Public Works Director.
- e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lot Developments and Small Lot Developments.

8-4-5. –Reduced Pole Flag Lot Developments: In all Reduced Pole Flag Lot Developments or Small Lot Developments containing more than one Reduced Flag Pole Lot, the following provisions shall apply:

- a) Each lot within the Development shall have at least 10 feet of street frontage. The pole of a Reduced Pole Flag Lot may serve as the street frontage.
- b) A shared driveway shall be used as the sole access to Reduced Pole Flag Lots whose poles are adjacent.
- c) Reduced Pole Flag Lot Developments and/or Small Lot Developments consisting of two or more lots, shall not abut another Reduced Pole Flag Lot Development or Small Lot Development consisting of two or more lots.

8-4-6 – Landscaping: In addition to required street trees, at least one large maturing and one small maturing tree shall be planted or preserved on the lot.

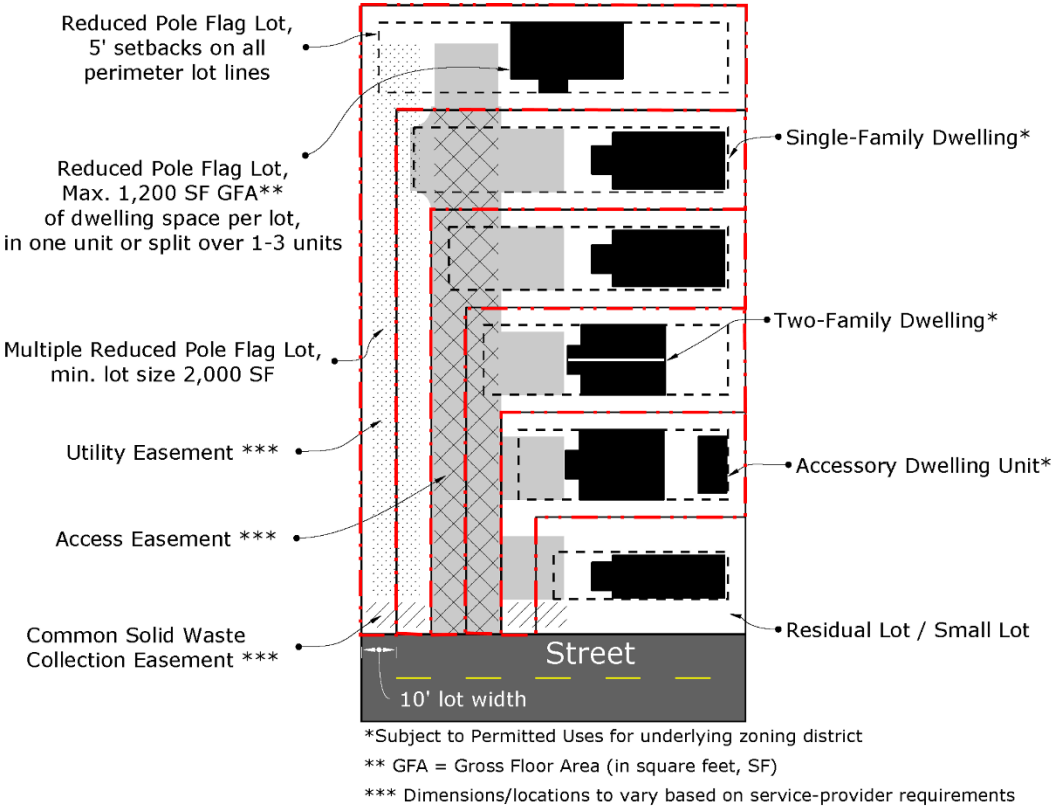


Figure 3: Reduced Pole Flag Lot Development + Small Lot

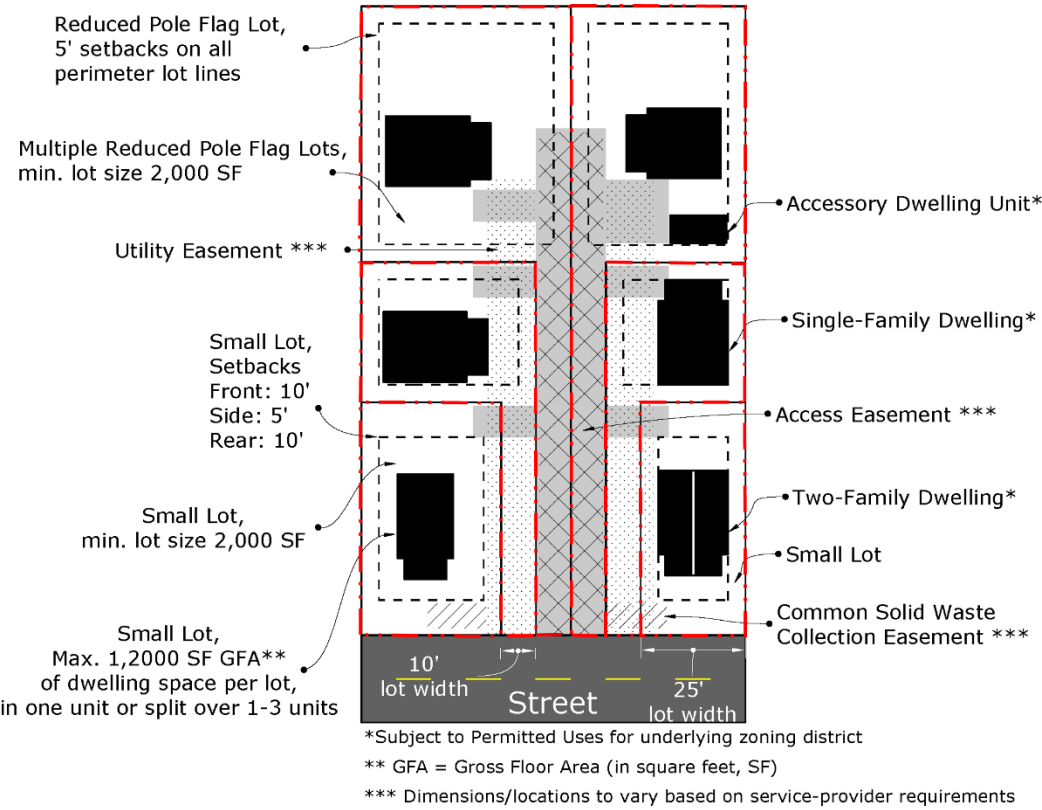
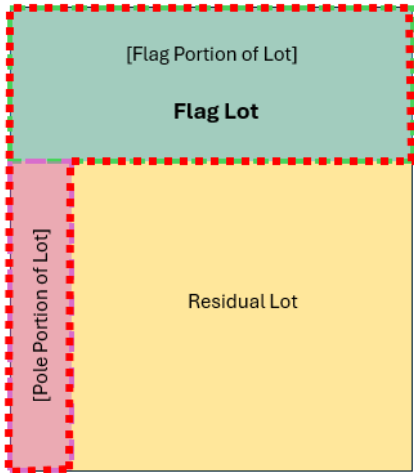


Figure 4: Small Lot combined with Reduced Pole Flag Lot Development, six (6) lot maximum

SECTION 3. Article XII, - of the Zoning Ordinance, Definition of Terms, is amended to add the following definitions:

Flag Lot: A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.



Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements created pursuant to Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

Gross Floor Area (GFA): The total enclosed area of the horizontal surface of all floors of a building or buildings measured to the outside face of the structural members in exterior walls.

Lot Area: The total area within the lot lines of a platted lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area: i. Public street rights-of-way; ii. Private street area; and iii. Land that is submerged or regularly underwater and jurisdictional wetlands..

Reduced Pole Flag Lot Development: any development creating two or more Reduced Pole Flag Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lot Developments may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

Residual Lot: A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot pursuant to Section 8.4 – Reduced Pole Flag Lots & Small Lots.

Small Lot: A lot with reduced dimensional requirements with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Small Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

Small Lot Development: any development creating two or more Small Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Small Lot Developments may also include Reduced Pole Flag Lots created pursuant to Section 8.4. Small Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

SUBDIVISION ORDINANCE AMENDMENTS

SECTION 4. ARTICLE 3. – CONFIGURATION Sec. 3.03 of the Subdivision Ordinance, – Lots, is amended as follows:

C. Flag lots. New flag lots may be established, subject to the following requirements:

1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
2. New flag lots may be established along any type of street. When located along an expressway or boulevard street only in cases where access to the street is shall be shared with an adjacent lot (see Figure 3.03.C, Flag Lot Access).
3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 20 feet; except as provided under Section 3.03. Reduced Pole Flag Lots.
4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

D. Reduced Pole Flag Lots (requirements below are cross-referenced from Hendersonville Zoning Ordinance, Sec. 8-4. – Reduced Pole Flag Lots & Small Lots)

1. Purpose: The purpose of this subsection 3.03D is to provide standards for the development of subdivisions containing Reduced Pole Flag Lots and/or Small Lots.
2. Applicability: The provisions of this Subsection 3.03D. shall apply to any subdivision containing a Reduced

Pole Flag Lot or Small Lot that is being developed in accordance with Section 8.4 of the City of Hendersonville Zoning Ordinance—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

3.
- Dimensional Requirements:** All Reduced Pole Flag Lot Subdivisions and All Small Lot Subdivisions must comply with Section 8-4 of the City of Hendersonville Zoning Ordinance—Reduce Pole Flat Lots & Small Lots.

Reduced Pole Flag Lot Minor Subdivision:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres
Small Lot Minor Subdivision:	
Maximum total number of lots permitted:	6
Maximum number of reduced pole flag lots permitted:	5
Maximum total acreage:	2.0 acres

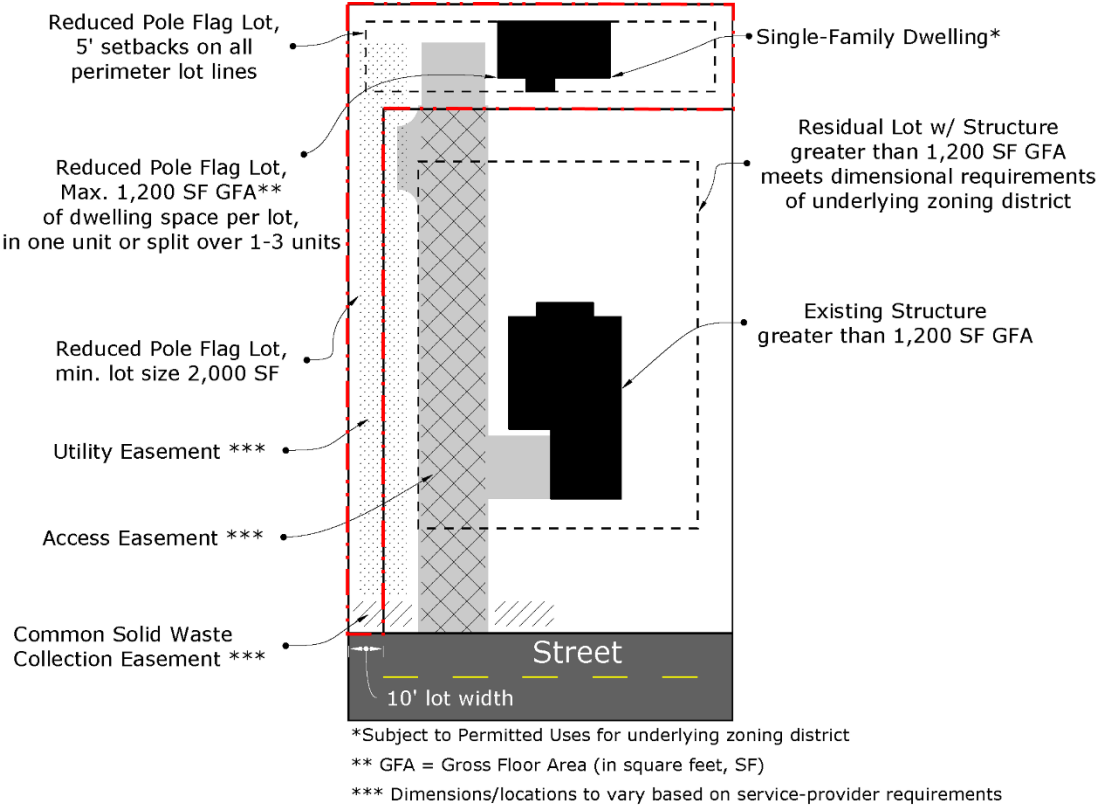


Figure 1: Reduced Pole Flag Lot

4.
- Access and Frontage Improvements:**
- a)

Driveways, Utilities and Accessways may be placed within the “pole” or an alternate site location via ‘access’ and/or ‘utility’ easements.
- b)

Shared Driveways:

a.

Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)

b.

Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).

c.

Shared driveways must meet the following standards:

i.

The shared driveway must have a minimum of unobstructed width of 10 feet.

ii.

The shared driveway must be shown on the recorded plat, and

iii.

The shared driveway must be memorialized in a recorded* access easement containing

provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

- a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on “pole” and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:
 - i. The shared utility easement must have a minimum of width of 10 feet.
 - ii. The shared utility easement must be shown on the recorded plat, and
 - iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office
- b. Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

- a. Appropriately-sized ‘Common Solid Waste Collection Easements’ are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.
 - b. Solid Waste Collection Easements must be shown and identified as a ‘Common Solid Waste Collection Easement’ on the plat and shall require review and approval from Planning staff and the City Public Works Director.
- e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lots, Small Lots and Residual Lots.

5. Reduced Pole Flag Lot & Small Lot Minor Subdivisions:

- a) The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.
- b) Reduced Pole Flag Lot’ Minor Subdivisions and Small Lot Minor Subdivisions containing more than 3 total lots are not exempted from the standards of Article 6. ‘Owners Associations’.
- c) In no case shall each subdivided lot have less than 10 feet of street frontage. The pole can serve as the street frontage.

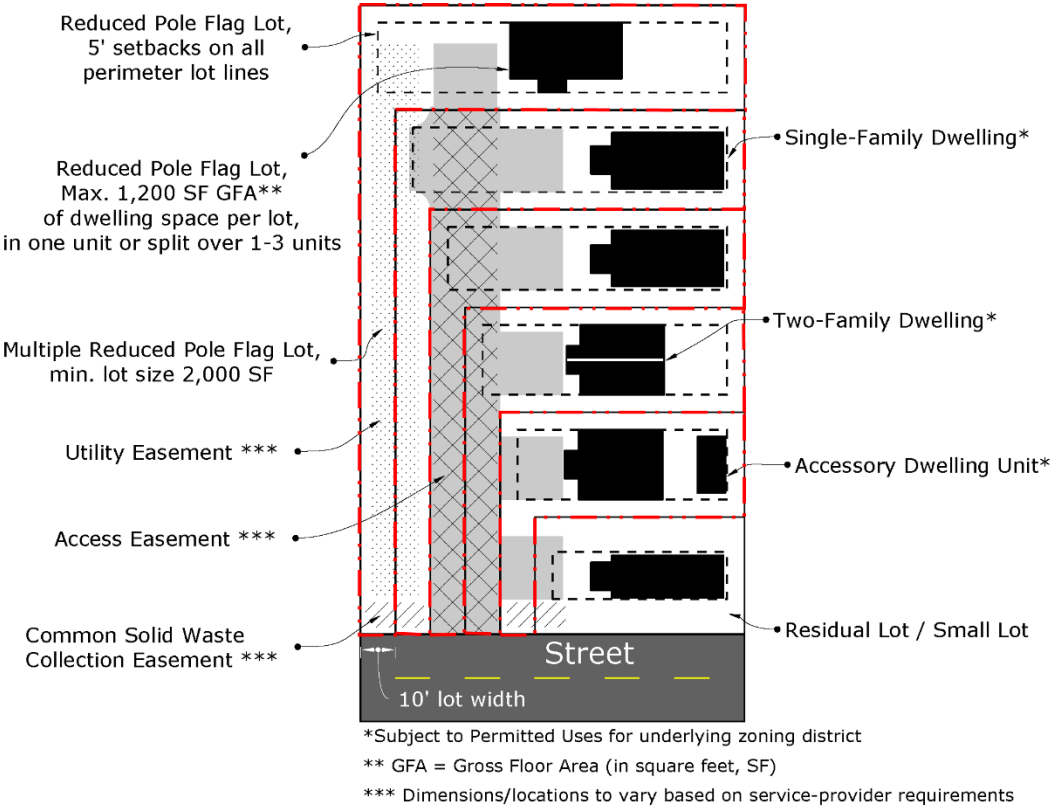


Figure 2: Reduced Pole Flag Lot Development + Small Lot

- E.

Double or reverse frontage lots.

F.

Corner lots.

G.

Drainage and flood prevention.

- SECTION 5. ARTICLE 3. – CONFIGURATION Sec. 3.04. of the Subdivision Ordinance, Access to lots, is amended to read as follows:
- Sec. 3.04. - Access to lots.
- A. Every lot must maintain access.
1. **Generally.** Except for lots within bona fide farms, exempt subdivisions, or in accordance with section 3.04.A.2, street access exemptions, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to city or state standards, as applicable.

2. **Street access exemptions.**

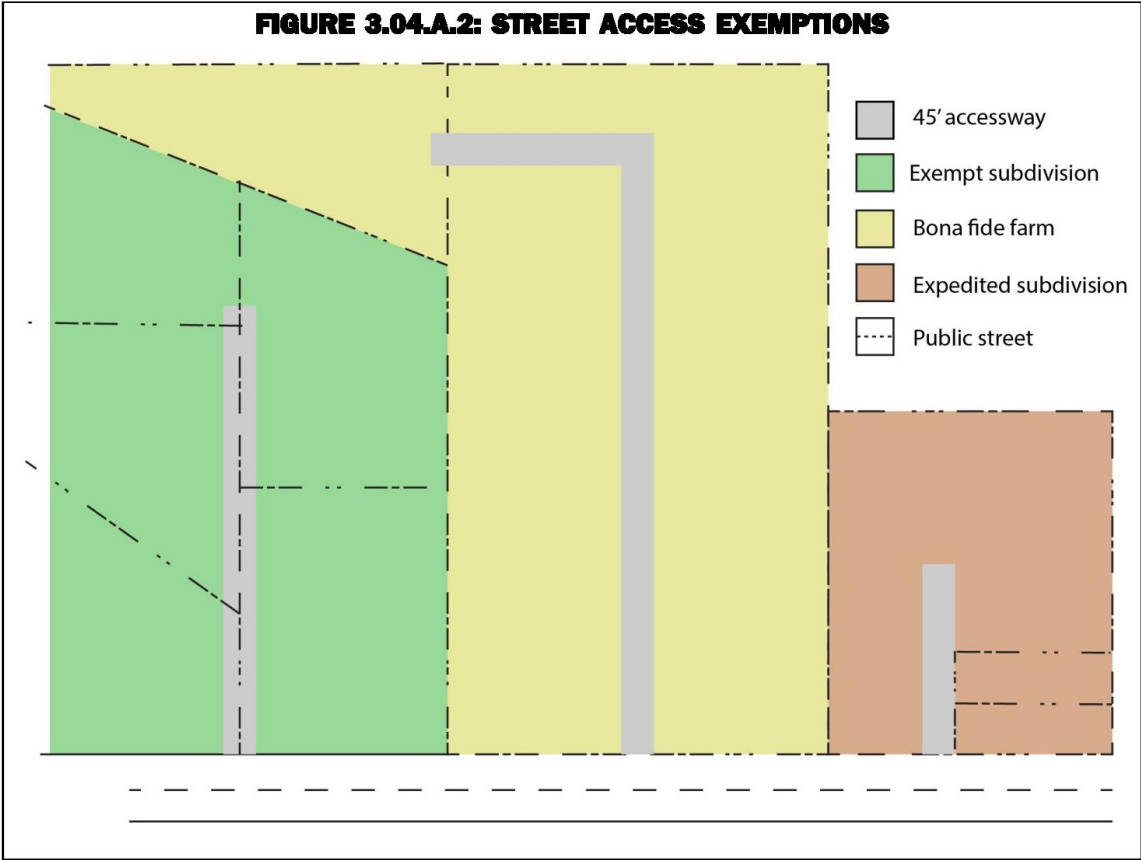
a. Lots in any of the following forms of development are not required to be served by a street meeting city or state standards:

i) Up to three lots in an expedited subdivision; or

ii) Up to three lots without roadway frontage that are served by a single, shared accessway.

b. Any lots not required to abut a street designed, built, and maintained to city or state standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles (see Figure 3.04.A.2, Street Access Exemptions).

3. **Access serving more than three lots.** With the exception of Reduced Pole Flag Lots Minor Subdivisions and/or Small Lot Minor Subdivisions containing more than three lots, accessways serving more than three lots shall be designed, built, and maintained to public street standards.



SECTION 6. ARTICLE 6 – OWNER ASSOCIATIONS Section 6.02 of the Subdivision Ordinance, Applicability, shall be amended as follows:

Sec. 6.02. Applicability.

- A. The standards in this section shall apply to subdivisions with open space set-aside(s), lands held under common ownership, or shared responsibility for common infrastructure including, but not limited to streets or stormwater management facilities.
- B. With the exception of Multiple Reduced Pole Flag Lot Minor Subdivisions and/or Small Lot Minor Subdivisions, establishment of an owners' association shall not be required for minor subdivisions (see section 2.04.I, minor subdivision), or expedited subdivisions (see section 2.04.F, expedited subdivision), but the responsible party for any private infrastructure shall be identified in the subdivision approval.

SECTION 7. ARTICLE 8. – MEASUREMENT Section 8.02 of the Subdivision Ordinance, Rules of Measurement, is amended as follows:

Sec. 8.02. - Rules of measurement.

- C. Lot Dimensions
1. Lot Measurements.
- a. Minimum lot area. The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:
- i. Public street rights-of-way;
 - ii. Private street area;
 - iii. ~~The “pole,” “arm,” or “pan-handle” portion of a flag lot; and~~
 - iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

SECTION 8. ARTICLE 9. – DEFINITIONS Section 9.01 of the Subdivision Ordinance, Definitions, is amended to amend and add the following definitions:

Sec. 9.01. - Definitions.

Flag Lot: ~~An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.~~ A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.

Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements created pursuant to the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Lot Area: The total area within the lot lines of a platted lot. Lot Area shall be calculated according to Section 8.02.C.1.a. Minimum lot area of this Subdivision Ordinance.

Reduced Pole Flag Lot Minor Subdivision: A Minor Subdivision containing two or more Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Reduced Pole Flag Lot Minor Subdivisions may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

Residual Lot: A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

Small Lot: A lot with reduced dimensional requirements with a maximum square footage per the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Small Lot Minor Subdivision: A minor subdivision containing two or more Small Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Small Lot Minor Subdivisions may also include Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4. Small Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

SECTION 9. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 10. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 11. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

~Mayor Volk asked for a brief break at 7:26 p.m. and returned to session at 7:32 p.m.~

C. Rezoning: Conditional Zoning District – Henderson County Courthouse and Detention Center Expansion (25-06-CZD) – Tyler Morrow, Current Planning Manager

Tyler Morrow explained that the City of Hendersonville received an application for a Conditional Rezoning from Christopher Todd (Assistant County Manager) of Henderson County Government, applicant and William Lapsley (County Commissioner Chairman) of Henderson County Government, property owner. The applicant is requesting to rezone the subject property, PIN 9568-97-1859 and located at 200 N. Grove Street, from PID, Planned Institutional Development to PID-CZD, Planned Institutional Development Conditional Zoning District for the construction and expansion of the existing courthouse campus and detention center. The planned courthouse addition will span 90,859 square feet, while the detention center expansion will cover 53,443 square feet. The courthouse is proposed to reach a height of 92.75 feet to the roof coping, with the detention center proposed at 25.5 feet. The development includes a total of 579 parking spaces, marking a 117-space increase compared to existing conditions.

Assistant City Manager Chris Todd spoke and introduced Steve White from Fentress Architects who gave the following PowerPoint presentation.

HENDERSON COUNTY JUDICIAL CENTER

CITY OF HENDERSONVILLE
CITY COUNCIL MEETING

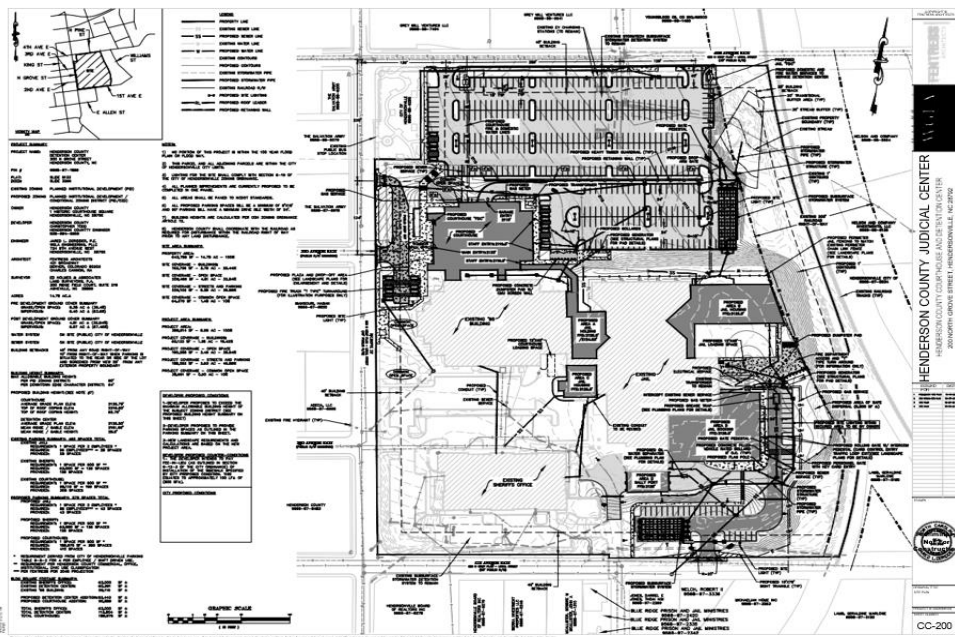
April 3, 2025

200 N Grove St
Hendersonville, NC 28792



FENTRESS
ARCHITECTS

mcmillan
pazdan
smith
ARCHITECTURE

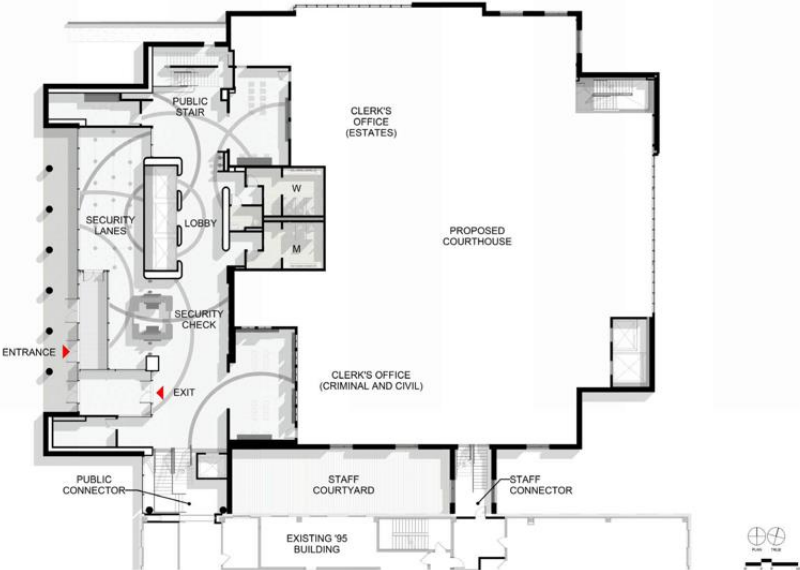


April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

SITE PLAN

FENTRESS
ARCHITECTS

mcmillan
pazdan
smith
ARCHITECTURE



April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

FIRST FLOOR PLAN

FENTRESS
ARCHITECTS

mcmillan
pazdan
smith
ARCHITECTURE



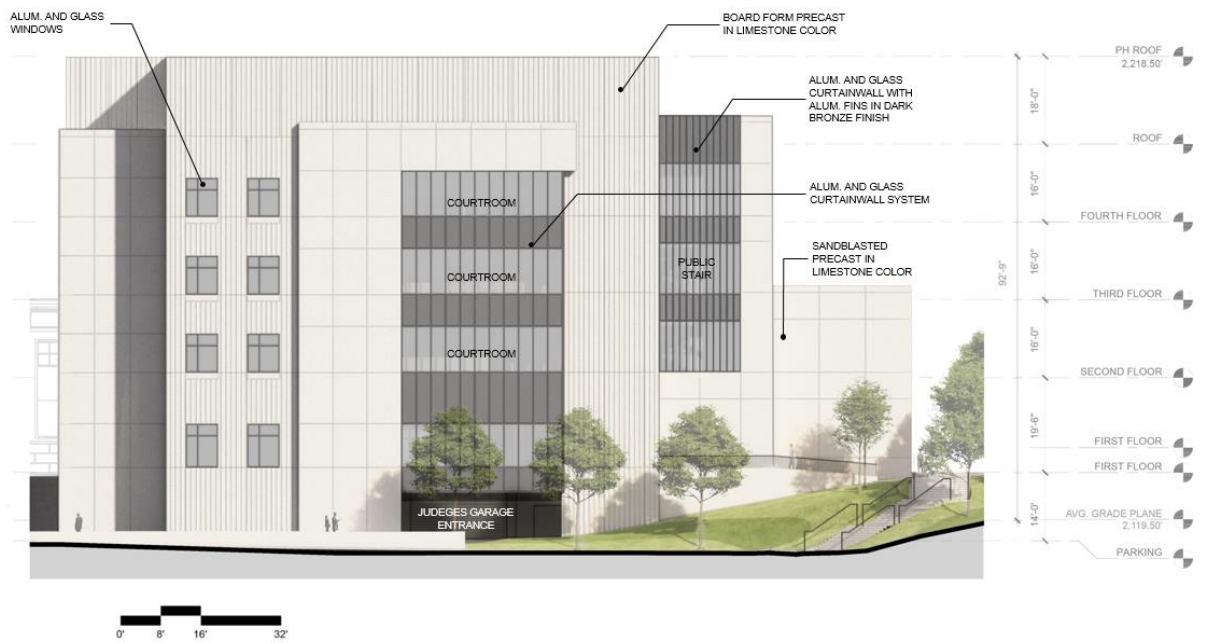


April 19, 12022025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

WEST ELEVATION

FENTRESS ARCHITECTS

mcmillan
pazdan
smith
ARCHITECTURE

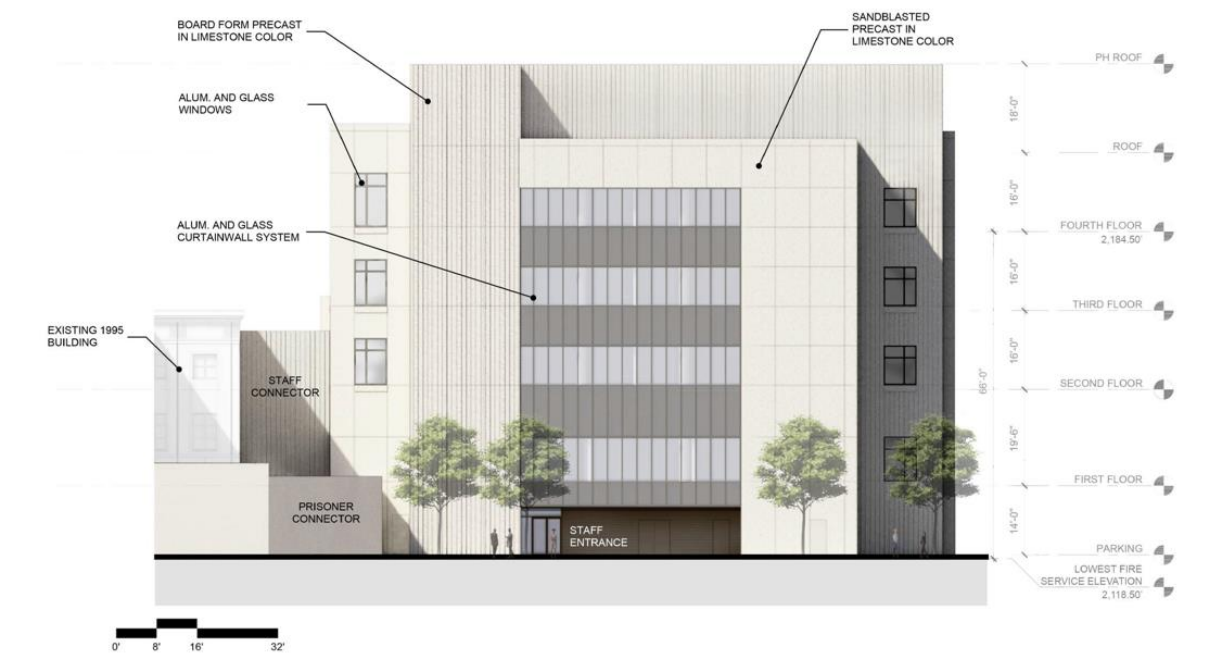


April 19, 12022025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

NORTH ELEVATION

FENTRESS ARCHITECTS

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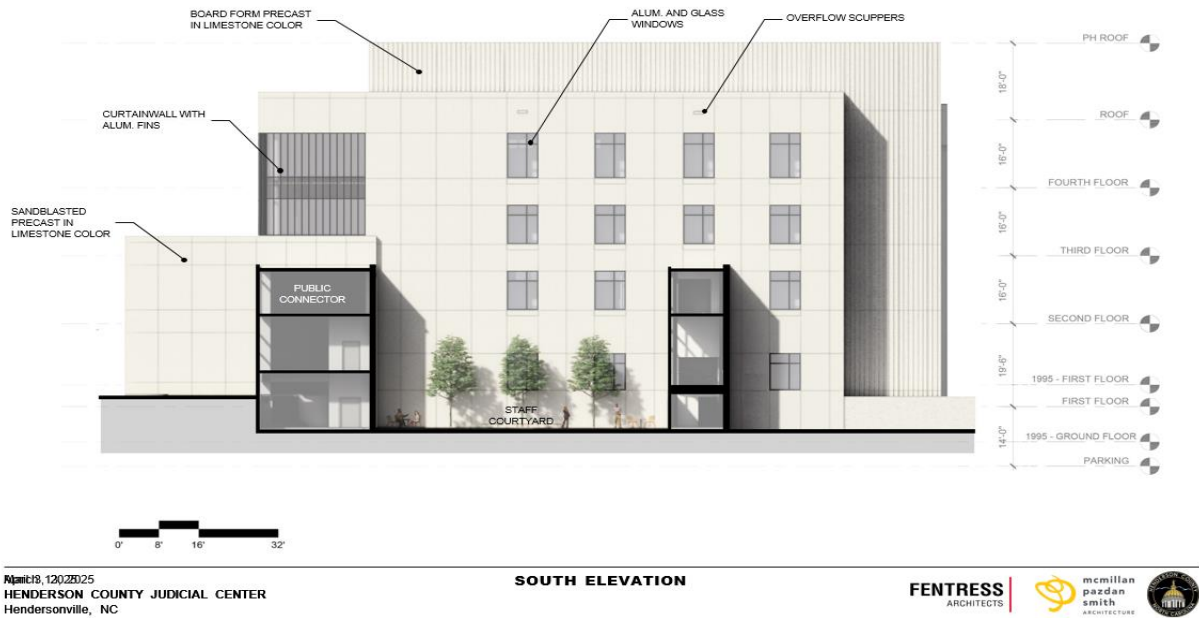


April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

EAST ELEVATION

FENTRESS ARCHITECTS

mcmillan
pazdan
smith
ARCHITECTURE





April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

PERSPECTIVES
North-East Corner View

FENTRESS ARCHITECTS

mcmillan pazdan smith ARCHITECTURE



April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

PERSPECTIVES
Third Avenue Looking East View

FENTRESS ARCHITECTS

mcmillan pazdan smith ARCHITECTURE



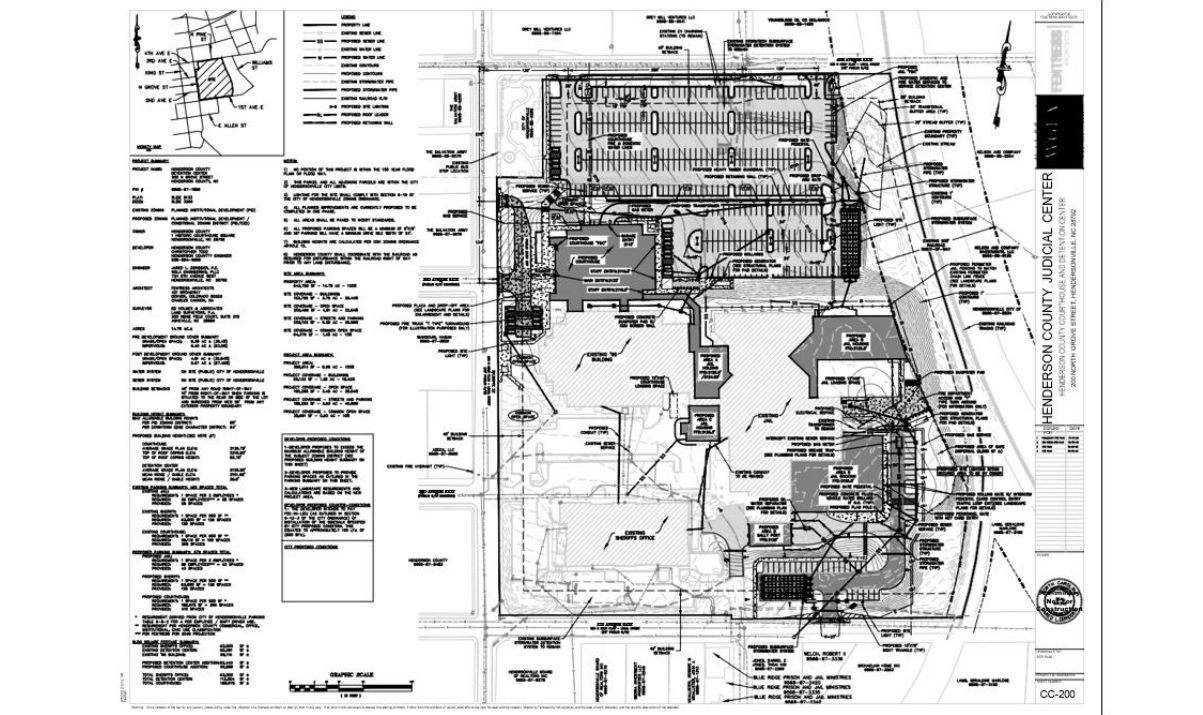
Aluminum with a Dark Bronze finish



Clear Insulated Glazing



Precast Concrete in Rustic Buff Limestone color and sandblasted finish

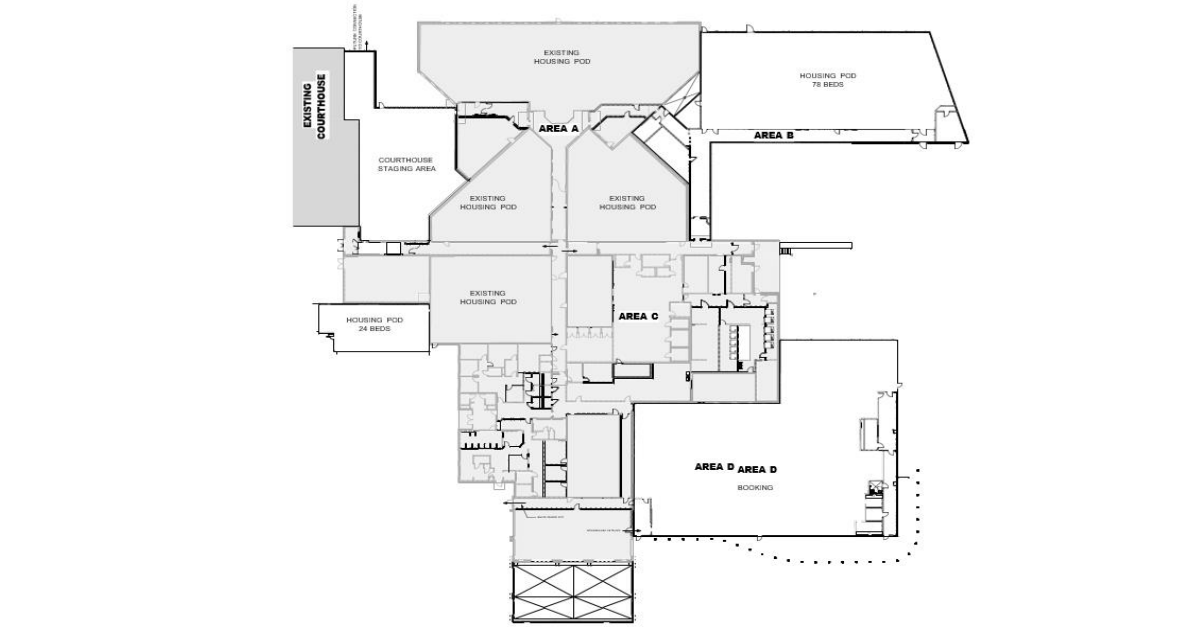


April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

SITE PLAN

FENTRESS ARCHITECTS

mcmillan padan smith ARCHITECTURE



April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

DETENTION CENTER OVERALL PLAN

FENTRESS ARCHITECTS

mcmillan padan smith ARCHITECTURE



DETENTION CENTER - NEW VEHICULAR SALLYPORT



DETENTION CENTER - NEW ENTRANCE AT AREA "D"

April 3, 2025
HENDERSON COUNTY JUDICIAL CENTER
Hendersonville, NC

DETENTION CENTER RENDERINGS

FENTRESS ARCHITECTS

mcmillan padan smith ARCHITECTURE

The public hearing was opened at 8:05 p.m.

In Person:

Ken Fitch spoke in favor of the rezoning and the fact that it is an important project, however mentioned the stairs to get in and should have easier access and deserves further attention. The other issues was parking spaces and whether the lots in the plan are adequate.

Lynne Williams spoke about building height and stream buffer protections and mentioned a few other concerns.

The public hearing was closed at 8:18 p.m.

Council Member Simpson said she would like to see them build a sidewalk instead of paying a fee in lieu. Also, it would be helpful to understand why the commissioners chose the parking option and not a parking deck.

Chris Todd said the cost of a parking deck pushed the cost of the project to be more expensive than they were comfortable with. The question the public asked was “will this have sufficient parking when it’s done?” and the answer is yes. The blue line stream straddles both of our properties and we are happy to work with the city and any other groups to see if they want to have a voluntary clean-up day. As for the sidewalk, there was some rationale as to why we wanted to do the fee in lieu and one of them is that it would dead-end into the end of a rail line and at the time, we didn’t feel like that was the most prudent thing to do. Also, in order to meet the ADA standard, that sidewalk would have to extend past our property line to the other side of the railway.

Lew Holloway so we did look into the sidewalk having to extend beyond the railway and we do believe that we have right-of-way along 4th Avenue for that entirety and that the sidewalk can be placed within that right-of-way. We would suggest a minor modification allowance that could be reduced to our standard 5 feet at or beyond the railway itself so we believe everything is in place to facilitate the construction of the sidewalk.

Chris Todd said everything is contingent upon the vote of the County Commissioners

Mayor Volk said that it seems like a relatively minor concession considering that we would be going 50% beyond our maximum height if we say yes to this. That’s a pretty big concession so we think a little consideration for a sidewalk, they should think seriously about that as our ask.

Council Member Hensley asked Mr. Todd if they intend to preserve the walkavator? Mr. Todd said the simple answer is no. It will be removed. They’re removing the entire staircase.

City Council Member Gina Baxter moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-97-1859) from PID, Planned Institutional Development to PID-CZD, Planned Institutional Development Conditional Zoning District, for the construction of a 90,859 square foot courthouse and 53,443 square foot detention center based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 3-6-25] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses

Permitted Uses:

i. Public & quasi-public buildings

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

i. Additional conditions that shall be satisfied prior to final site plan approval include:

a. The project shall extend their sidewalks along 4th Ave within the railroad right of way up to their property line, or beyond as required. The sidewalk will maintain the same “park street” design of an 8’ wide concrete sidewalk and 2’ wide utility/planting strip as the existing sidewalk along this property frontage on 4th Ave.

3. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

4. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

- 1. This expansion would give the County the additional space needed to improve operational efficiency and enhance the services currently provided to its citizens.*
- 2. The proposed expansion of the detention center and courthouse builds upon a longstanding use established at this site for over three decades.*
- 3. Expanding the courthouse is a long-term investment in the community, ensuring that the infrastructure is capable of handling future needs without requiring another expansion in the near future.*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-18

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A PARCEL POSSESSING PIN NUMBER: 9568-97-1859 BY CHANGING THE ZONING DESIGNATION FROM PID, PLANNED INSTITUTIONAL DEVELOPMENT TO PID-CZD, PLANNED INSTITUTIONAL DEVELOPMENT CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9568-97-1859
Address: 200 N. Grove Street
Henderson County Courthouse and Detention Center Expansion: (File # 25-06-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Christopher Todd (Assistant County Manager) of Henderson County Government, and property owner, William Lapsley (County Commissioner Chairman) of Henderson County Government, for the construction of a of a 90,859 square foot courthouse and 53,443 square foot detention center on approximately 14.78 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on March 13th, 2025; voting 7-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on April 3rd, 2025, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9568-97-1859, changing the zoning designation from PID, Planned Institutional Development to PID-CZD, Planned Institutional Development Conditional Zoning District.
2. Development of the parcel pursuant to this Ordinance is subject to the following.
 - d. Development shall comply with the master site plan submitted by the applicant dated March 6th, 2025, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant’s execution of this Ordinance].
 - e. Permitted uses shall include:
 - i. Public & quasi-public buildings
 - f. Additional conditions that shall be satisfied prior to final site plan approval include:
 - ii. The project shall extend their sidewalks along 4th Ave within the railroad right of

way up to their property line, or beyond as required. The sidewalk will maintain the same “park street” design of an 8’ wide concrete sidewalk and 2’ wide utility/planting strip as the existing sidewalk along this property frontage on 4th Ave.

3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 3rd day of April, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

Approved as to form: /s/ Angela S. Beeker, City Attorney

D. Rezoning: Standard Rezoning – LBH Property Holdings, LLC (Lyndon Hill) (25-10-RZO) – *Sam Hayes, Planner II*

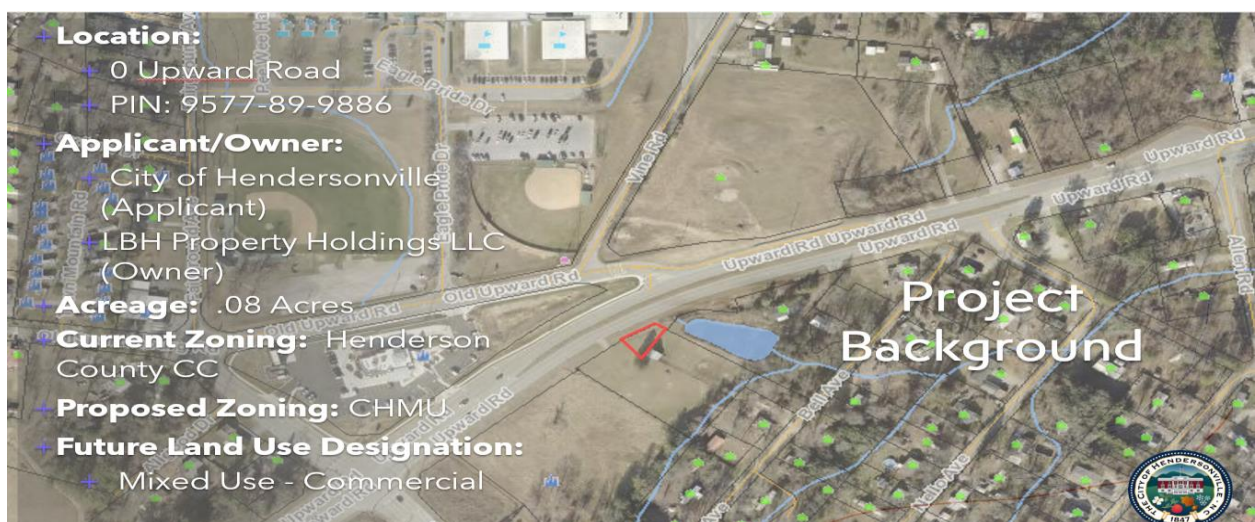
Sam Hayes explained that the he City of Hendersonville approved an annexation petition from Lyndon Hill (property owners) for one parcel totaling .08 acres located along Upward Road. The applicant did not request zoning, therefore the City is initiating zoning. The County zoning remains in effect until municipal zoning is applied or a period of 60 days has elapsed after annexation. The City is proposing Central Highway Mixed Use as the proposed zoning district for this property. CHMU permits a range of commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved. In 2011, City planning staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Additionally, City Council created the Upward Road Planning District in line with the City's sewer extension policy.

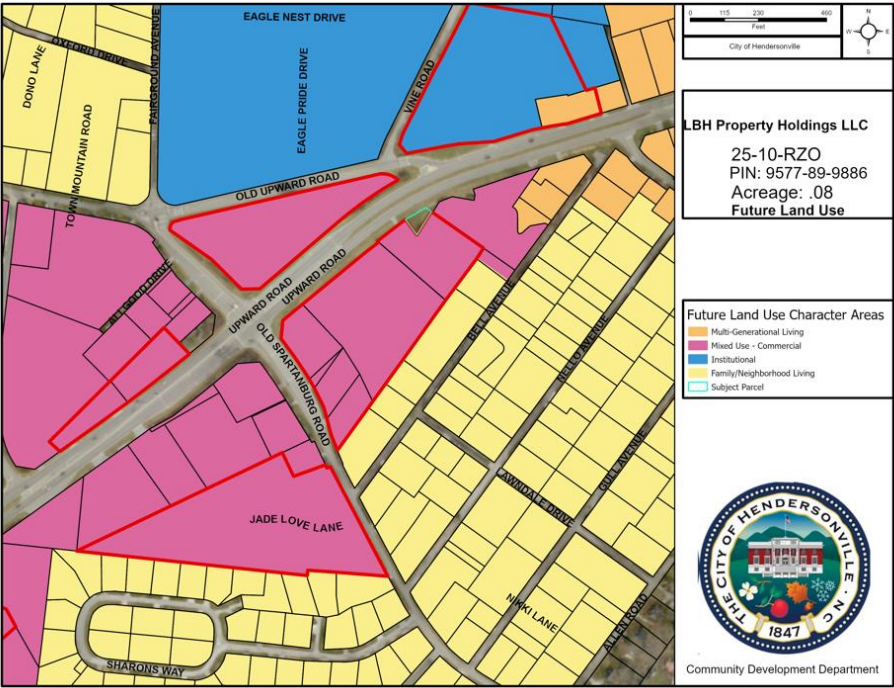
LBH Property Holdings LLC (Lyndon Hill)
Henderson County CC to CHMU
 (25-10-RZO)

Standard Rezoning

City of Hendersonville City Council
April 3rd, 2025

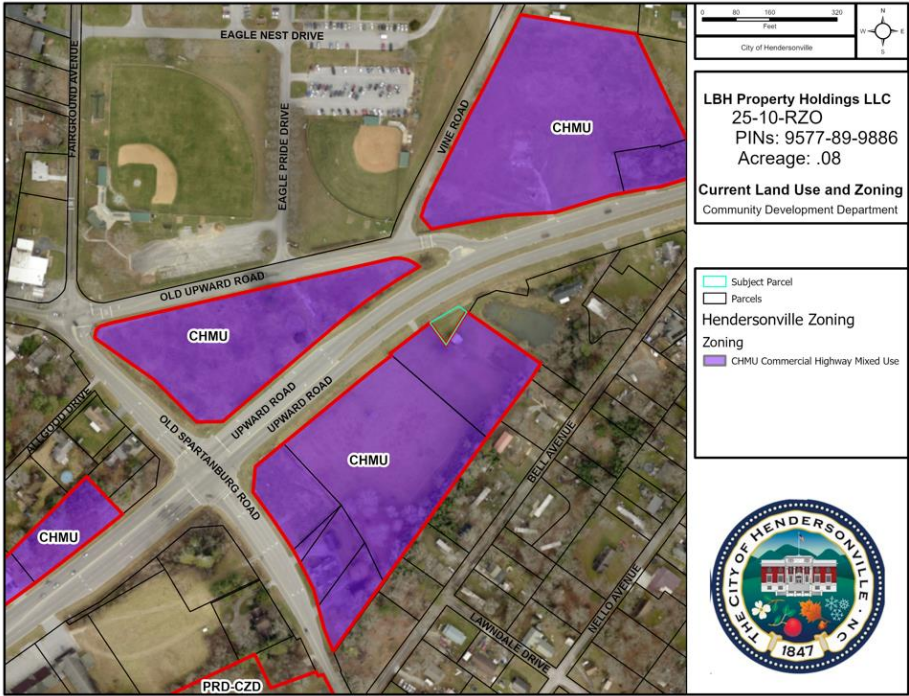
Community Development | Planning Division
Sam Hayes | Planner II





1) Comprehensive Plan
Consistency:
Future Land Use

+ Mixed Use - Commercial



Current Land Use & Zoning

+ Henderson County Community Commercial (CC)

Surrounding Zoning:

+ Commercial Highway Mixed Use (CHMU)

DRAFT: Comprehensive Plan Consistency Statement

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

The proposed zoning of CHMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area designations in the areas adjacent to the subject parcel.

DRAFT: Reasonableness Statement

We 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:

[Rationale for Approval]

- Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area.
- The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area.

DRAFT: Reasonableness Statement

We 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:

[Rationale for Denial]

- CHMU Zoning is inconsistent with the character of the surrounding area.

The public hearing was opened at 8:39 p.m.

There were no public comments.

The public hearing was closed at 8:39 p.m.

City Council member Jennifer Hensley moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property, PIN: 9577-89-9886 from Henderson County CC to City of Hendersonville Central Highway Mixed Use and designating the Future Land Use classification as “Mixed Use – Commercial” based on the following:

1. The petition is found to be consistent with the City of Hendersonville GenH Comprehensive Plan based on the information from the staff analysis and because:

The proposed zoning of CHMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area designations in the areas adjacent to the subject parcel.

2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing, and because:

- 1. Commercial Highway Mixed Use is the zoning district established for the Upward Road Planning Area.*
- 2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area.*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-19

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A CERTAIN PARCEL (POSSESSING PIN NUMBER 9577-99-0735) BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE) ZONING DISTRICT

IN RE: Parcel Numbers: 9577-99-0735
Upward Road - Hill (File # P24-36-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on July 11th, 2024; voting 7-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on August 1st, 2024, and

WHEREAS, City Council has found that this zoning map 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 has conducted a public hearing as required by the North Carolina General Statutes on August 1st, 2024,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

- Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9577-99-0735 from Henderson County CC (Community Commercial) Zoning District to City of Hendersonville CHMU (Commercial Highway Mixed Use) Zoning District.
- Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
- This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 3rd day of April, 2025.

Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

E. Zoning Text Amendment: BOA Quorum Adjustment (P24-088-ZTA0 – Sam Hayes, Planner II

Sam Hayes explained that City staff is proposing changes to the Board of Adjustment's membership structure, reducing the number of regular members from ten to five and establishing five alternate members. These changes would simultaneously limit the number of members required for quorum while maintaining the pool of members that would be eligible to participate. Additionally, staff recommends that the approval threshold for variance requests be set at four-fifths of the board, in alignment with state legislation.

Board of Adjustment Member and Quorum Changes

(P24-088-ZTA)

Zoning Text Amendment

City of Hendersonville City Council
April 3rd, 2025

Community Development | Planning Division

Sam Hayes |Planner II

Project Background

- + **Applicant:** City of Hendersonville Planning Staff
- + **Proposed Changes:** City staff are proposing changes to our zoning ordinance to decrease the number of regular members on the board in Section 10-1 and adjusting the number of members needed to grant a variance in Section 10-6.
- + **Applicant/Staff Reasoning:**
 - + City staff has recognized a trend of decreasing board membership and participation over the years. The goal is to lessen the number of members required to hear applications in hopes of enabling fewer applications to be delayed.

Staff Recommended Code Revisions

Sec. 10-1. Establishment of board of adjustment and qualifications of members.

A board of adjustment is hereby established. Said board of adjustment shall consist of ~~-ten members~~ **five regular members and five alternate members. seven** ~~Four regular members and four alternate members~~ of the board of adjustment shall be citizens of the City of Hendersonville and shall be appointed by city council. ~~and three~~ **One regular member and one alternate** members ~~of the board of adjustment~~ who reside in the city's area of extraterritorial jurisdiction shall be appointed by the Board of Commissioners of Henderson County.

Terms shall be three years; however, city council and the Henderson County Board of Commissioners may appoint members for a lesser term ~~in order to~~ achieve a balanced system of overlapping terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board of adjustment. Notwithstanding the foregoing, the city council may remove any member of the board of adjustment for the exhibition of a pattern of conduct that materially impairs or seriously threatens the ability of the board of adjustment to carry out its designation functions.

~~The three m~~**Members** appointed to the board of adjustment by the board of county commissioners as representatives of the City of Hendersonville's Extraterritorial Jurisdiction shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the regulation of the zoning ordinance in the city and its extraterritorial jurisdiction.

~~City council or the county board of commissioners, as appropriate, may appoint a~~**Alternate** members ~~to shall~~ serve on the board of adjustment in the absence of any regular members. Alternate members shall be appointed for the same term and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board of adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

- + Decrease total membership from 10 to 5 members

Regular Members (5 total)		Alternates (5 total)	
City - 4	ETJ - 1	City - 4	ETJ - 1

Staff Recommended Code Revision

Sec. 10-6. Quorum and voting.

In accordance with G.S. 160D-406(i), ~~T~~the concurring vote of ~~seven~~ four-fifths ~~majority of the members~~ of the board of adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board of adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board of adjustment for the calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Other Changes

Name	Residence	Current Status	Amended Status
Reid Barwick	City	Regular Member	Regular Member
Libby Collina	City	Regular Member	Regular Member
Laura Flores	City	Regular Member	Regular Member
Rhona Reagan	City	Regular Member	Regular Member
Kyle Gilgis	City	Alternate Member	Alternate
Brett Werner	City	Regular Member	Alternate
Steven Collins	City	Regular Member	Alternate
[Vacant]	City	[New Position]	Alternate
Charles Webb	ETJ	Regular Member	[To be determined by Henderson County]
Ernest Mowell	ETJ	Regular Member	[To be determined by Henderson County]
Mark Russell	ETJ	Regular Member	[To be determined by Henderson County]

1) COMPREHENSIVE PLAN CONSISTENCY	2) Compatibility	EXISTING CONDITIONS The existing board membership and quorum requirements makes it very difficult to get enough members to hold meetings, resulting in applicants having to wait several months to have their applications heard.
		GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) Vibrant Neighborhoods: N/A Abundant Housing Choices: N/A Healthy and Accessible Natural Environment: N/A Authentic Community Character: N/A Safe Streets and Trails: N/A Reliable & Accessible Utility Services: N/A Satisfying Work Opportunities: N/A Welcoming & Inclusive Community: N/A Accessible & Available Community Uses and Services: N/A Resilient Community: N/A
		GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) Mix of Uses: N/A Compact Development: N/A Sense of Place: N/A Conserved & Integrated Open Spaces: N/A Desirable & Affordable Housing: N/A Connectivity: N/A Efficient & Accessible Infrastructure: N/A

1) COMPREHENSIVE PLAN CONSISTENCY	3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
		As development and redevelopment increases in Hendersonville, the board of adjustment receives more applicants as there are requests for special use permits and variances.
	4) Public Interest	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 -
		Staff has worked to craft revisions to this ordinance that will help the board of adjustment run more smoothly, thereby creating a more efficient board.
	5) Public Facilities	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
		This amendment will have no impact on public facilities.
	6) Effect on Natural Environment	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 -
		There is no impact on the natural environment.

Planning Board

+ Legislative Committee

+ December 17th, 2025

+ 4 Member in attendance + Staff

+ Introduced proposed text amendment

+ Generally no concerns

+ One member expressed disagreement with lowering the threshold for a variance from 7

+ Planning Board

+ February 13th, 2025

+ Unanimously voted to recommend for approval.

The public hearing was opened at 8:45 p.m.

In Person:

Lynne Williams said she was concerned about checks and balances. Right now you have three Planning Board members on the Board of Adjustment and it only takes four in order to have a vote so I'm just thinking maybe consider how many Planning Board members can be on the Board of Adjustment.

The public hearing was closed at 8:46 p.m.

City Council member Gina Baxter moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 10-1. Establishment of board of adjustment and qualifications of members., Section 10-6. Quorum and voting., Section 10-8-2 Preliminary site plan., and Section 10-8-3 Evidentiary hearings on applications for special use permits. based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to provide efficient government services.

2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

1. Changing the number of members on the Board of Adjustment will assist with ensuring applications will be heard in a timely manner.

A unanimous vote of the Council followed. Motion carried.

ORDINANCE

8. NEW BUSINESS

A. Rotary Club Request to Install Peace Pole at Lennox Park – Lynn Marks, Rotary Club President

City Manager Connet said Lynn could not join us tonight so he would explain the request. The goal of the Rotary Club is to install a large number of Peace Poles around our country with the theme of May Peace Prevail On Earth. They wanted to do one close to the Ecusta Trail and the closest public property would be Lennox Park so they have requested to put a Peace Pole there which will be similar to the one outside of City Hall and we have one at Patton Park as well.

Council Member Lyndsey Simpson moved the City Council to approve the placement of a Rotary Peace Pole at Lennox Park on S. Whitted Street.. A unanimous vote of the Council followed. Motion carried.

B. Medical Insurance Plan Selection – Brian Pahle, Assistant City Manager

Assistant City Manager Pahle explained that we have the selection of our new health insurance provider for the city which is Blue Cross.

Council Member Jennifer Hensley moved the City Council to approve the Resolution Authorizing the City Manager to Negotiate a Contract with the Firm Submitting the Best Overall Proposal for the City's Health Insurance Plan. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-28

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE FIRM SUBMITTING THE BEST OVERALL PROPOSAL FOR CITY'S HEALTH INSURANCE PLAN

WHEREAS, the City requested proposals on its current health insurance plan in January of 2025; and

WHEREAS, the City received five (5) proposals, with the low bid being a +14.1% increase and the high bid being a +43.0% increase; and

WHEREAS, three (3) of the bids were all within one percentage point of each other at +33.0%; and

WHEREAS, only one bid received was for a pooled self-insured option, while the rest were fully insured options; and

WHEREAS, based on staff review the Blue Cross Carolina Public Entity Cooperative (CPEC) is the recommended best option for the City of Hendersonville, at a +33.9% increase, based on its comprehensive proposal and plan design;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. The City Manager is authorized to enter into a contract with Blue Cross CPEC for their proposal for the City’s health insurance plan for the fiscal year 2026.
- Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

9. **CITY MANAGER REPORT**

A. March 2025 Contingency and Adjustment Report – John Connet, City Manager

In accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2024 - 2025 (FY25)									
BUDGET AMENDMENTS AND ADJUSTMENTS									
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	Completed		REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
			Proposed	Denied					
010-1300-523003	Utilities Telephone & Internet	51,000	-	5,200	45,800	Tablets- T-mobile	yes	Adjustment	3/7/2025
010-1010-534000	Non-Capital Equipment	68,601	5,200	-	73,801	Tablets- T-mobile	yes	Adjustment	3/7/2025
060-1008-519200	Contracted Services	253,000	-	19,000	234,000	MuniLink	yes	Adjustment	3/11/2025
060-1008-531210	Permits, Licences, Fees	66,000	19,000	-	85,000	Munilink	yes	Adjustment	3/11/2025
010-1002-519200	Contracted Servies	45,922	-	5,000	40,922	Communicaiton AV	yes	Adjustment	3/19/2025
010-1002-521001	Supplies & Materials	413	5,000	-	5,413	Communicaiton AV	yes	Adjustment	3/19/2025
010-1002-519200	Contracted Servies	40,922	-	5,095	35,827	Eli Lilly and Jabil Incentive	yes	Adjustment	3/19/2025
010-1002-532105	Incentive Program	171,605	5,095	-	176,700	Eli Lilly and Jabil Incentive	yes	Adjustment	3/19/2025

10. **CITY COUNCIL COMMENTS**

Council Member Simpson said that Lew and I participated in a meeting with our downtown staff and folks from out of state that are involved in small business incubators and they were working on the feasibility for us to do some stuff here in our community and I have to say it was a really fun discussion to be a part of and I think that there’s going to be some really cool stuff that comes out of it.

11. **ADJOURN**

There being no further business, the meeting adjourned at 8:53 p.m. upon unanimous assent of the Council.

ATTEST:

Barbara G. Volk, Mayor

Jill Murray, City Clerk