

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V. –
ZONING DISTRICT CLASSIFICATIONS, ARTICLE VI. GENERAL PROVISIONS
AND ARTICLE XII. DEFINITION OF TERMS**

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on March 13, 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 May 1, 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, due to a lack of affordable and attainable housing in the City, City Council has formed a Strategic Housing Committee to evaluate the need for revisions to the City’s Zoning Ordinance to improve opportunities for increased housing stock, and

WHEREAS, the proposed revisions to the City’s Zoning Ordinance are intended to improve regulatory conditions under which the housing stock may be increased, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on May 1, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Article VI. General Provisions and Article XII. Definition of Terms

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

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

	Rear: 10
Maximum height in feet:	35

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

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

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

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

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

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

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

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

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

Minimum lot area in square feet:	8,000 (6,000 for residential use).
Lot area per dwelling unit in square feet:	6,000 for the first dwelling unit; 4,000 square feet for one additional dwelling unit in any one building.
Minimum lot width at building line in feet:	None except for structures containing dwelling units which shall have a minimum lot width at building line of 50 feet.
Minimum yard requirements in feet:	<p>Front: 15 except for structures containing dwelling units which shall have a minimum front yard of 20 feet.</p> <p>Side: 5 (Side yards are not required, but when provided must be a minimum of five feet. Common wall construction is permitted in the C-2 Zoning District Classification. On all corner lots, a ten-foot side yard setback is required.)</p> <p>Rear: None except for structures containing dwelling units which shall have a minimum setback of ten feet. Otherwise, rear yards are not required unless the C-2 Zoning District Classification abuts an established residential district. In this case, the rear yard setback requirement shall be a minimum of ten feet.</p>
Maximum height in feet:	48

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

For lots containing only residential uses	
Minimum lot area in square feet:	6,000
Lot area per dwelling unit in square feet:	6,000 for the first; 4,000 square feet for one additional dwelling unit in any one building.
Minimum lot width at building line in feet:	50
Minimum yard requirements in feet:	Front: 20
	Side: 8
	Rear: 10
Maximum height in feet:	35
For lots containing other uses	
Minimum lot area in square feet:	10,000
Lot area per dwelling unit in square feet:	N/A
Minimum lot width at building line in feet:	80
Minimum yard requirements in feet:	Front: 35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary

	structure or use conforms to the established setback requirements.)
	Side: 15
	Rear: 20
Maximum height in feet:	48

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

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

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

Residential dwellings, single-family

[Residential dwellings, two-family](#)

[Residential dwellings, three-family](#)

[Residential dwellings, four-family](#)

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

[Planned residential developments \(minor\), subject to the requirements of article VII, below](#)

5-9-3. Dimensional requirements.

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

MIC | 5-10-3. Dimensional requirements.

Minimum lot area in square feet:	8,000 6,000
Minimum lot width at building line in feet:	50 45
Minimum yard requirements in feet:	Front: 10 8

	Side: 20 <u>15</u> total for lot; <u>may be allocated amongst all sides</u> with <u>a</u> minimum of 5 ; on any side
	Rear: 20 <u>10</u>
Accessory structure minimum setbacks	Front: Shall be located to the side or rear of principal structure
	Side and rear: 5
Maximum height in feet:	50

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

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

5-12-1. Permitted uses.

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

~~Residential dwellings~~

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

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

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

Adaptive Reuse for multi-family residential units subject to supplementary standards in Section 16-4-2

Day centers

Shelter facilities

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

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

ARTICLE VI. – GENERAL PROVISIONS

6-1-2 - Height and density.

No building shall hereafter be erected or altered so as to exceed the height limit or to exceed the density regulations of this ordinance for the district in which it is located. Residential units under 1,200 square feet in gross floor area shall count as one-half unit (0.5 units) for the purposes of calculating density allotments in all zoning districts which regulate density. Unit counts will remain as whole numbers for the purposes of applying other aspects of the zoning code such as determining level of review, applying minimum parking requirements, etc.

6-1-7 Corner lots.

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

ARTICLE VIII. EXCEPTIONS & MODIFICATIONS

Sec. 8-1. ~~Minimum required front yard for dwellings.~~ Exceptions to minimum setback regulations

8-1-1. – Exception to front yard setbacks. The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within ~~100~~ 350 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, front yard on such lot may be less than the required front yard, but not less than the average of the front yards of the aforementioned existing buildings.

8-1-~~1~~2 Exceptions to other setback regulations.

The following features shall not be subject to the required minimum setbacks:

Bridges

Doghouses

Driveways, walks and parking areas

Fences and walls not exceeding nine feet in height

Landscape features such as entrance piers, columns, gates, planters and gardens

Mobile food vendors

Playhouses, not exceeding 64 square feet in floor area

Required building entry ramps

Retaining walls

Stormwater management facilities such as head walls and culverts

The outermost five feet of any porches, steps, eaves, gutters and similar fixtures on the front of a structure

The outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures on the side and/or rear of a structure

ARTICLE XII. - DEFINITION OF TERMS

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

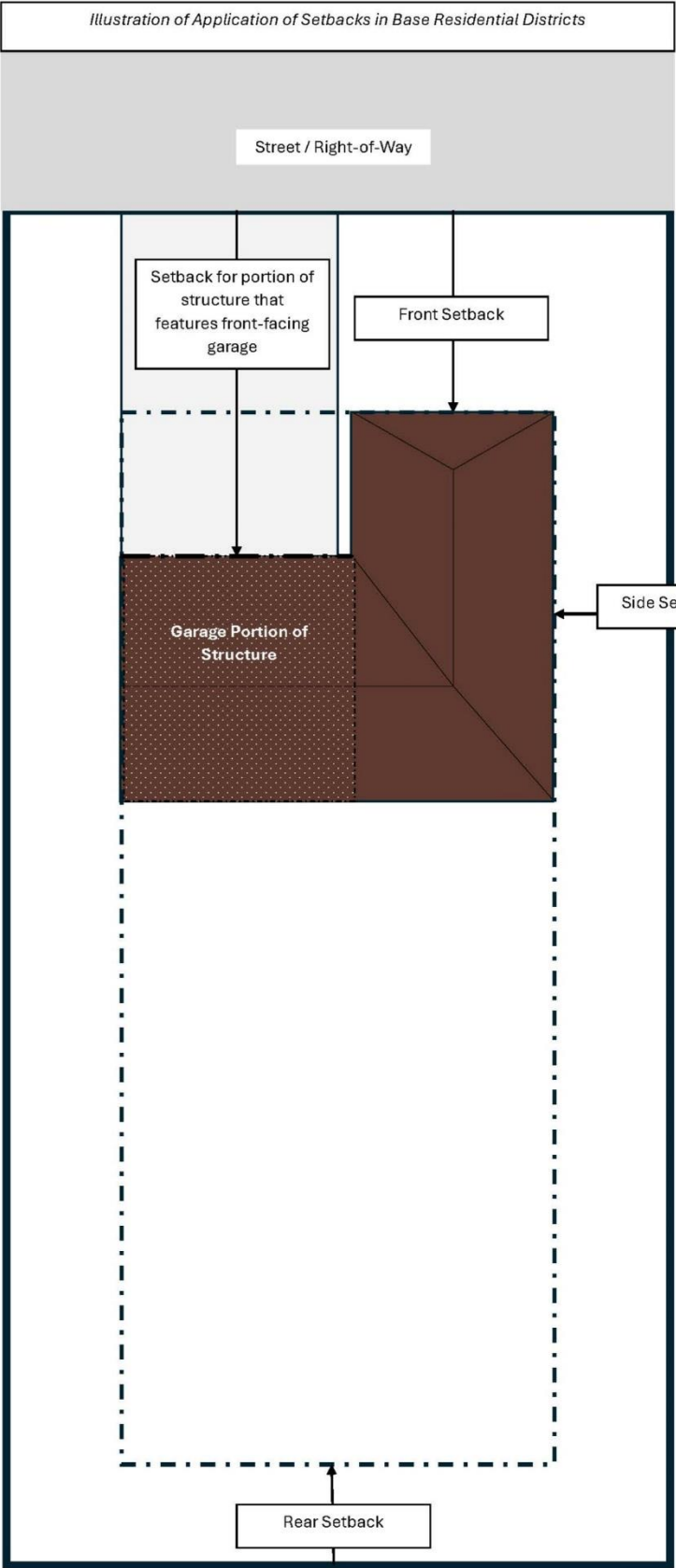
Dwelling, four-family: A type of multi-family building arranged to be occupied by four families living independently of each other, the structure having four dwelling units. Commonly referred to as a quad-plex.

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

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

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

Setback: An open, unobstructed area that is required by this zoning ordinance to be provided from the furthestmost projection of a structure to the property line of the lot on which the building is located. See illustration.



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

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

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

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

ARTICLE XVI. – SUPPLEMENTARY STANDARDS

16-4-1 Accessory dwelling units.

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

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

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

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

parcel (detached multi-family) constructed subject to N.C. Residential Code for One- and Two-Family Dwellings.

Sec. 4-5. Classification of uses.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of May, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney