

## ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS

### Sec. 5-28. – Downtown Design Overlay Zoning District

#### 5-28-1 Purpose and Intent

##### 5-28-1.1. Purpose

- a) The purpose of this Section is to establish design standards governing development within downtown districts in order to:
  - i. Promote pedestrian-oriented development.
  - ii. Preserve the traditional urban form and character of downtown by expanding upon locally-designated historic districts.
  - iii. Ensure compatibility of new construction with existing development patterns.
  - iv. Encourage high-quality architectural and site design.
  - v. Support active ground-floor uses and vibrant public spaces.

##### 5-28-1.2. Intent

- a) Development within the overlay district shall reinforce the historic block pattern, pedestrian environment, and traditional architectural rhythm typical of the downtown area in order to create and expand a walkable, economically-vibrant, and aesthetically-interesting built environment.
- b) Development within the overlay district will be consistent with the Downtown Master Plan adopted August 1, 2024. References to the Downtown Master Plan in this ordinance are specific to the 2024 plan.
- c) New construction, additions, and exterior renovations shall be designed to complement surrounding development while maintaining contemporary architectural integrity.
- d) While properties within the locally-designated historic districts are subject to certain architectural regulations and review, the following standards primarily target properties outside of historic districts to ensure they complement the character of Hendersonville's historic core.

##### 5-28-1.3. Applicability

- a) The standards of this Section shall apply to:
  - i. New development including additions to existing buildings
  - ii. Site redevelopment involving parking reconfiguration or new structures
  - iii. Exterior renovations affecting street-facing façades.

iv. Existing structures which do not conform to the standards of this ordinance may voluntarily comply with this ordinance as would be required under Section 6-2.

b) **Property Location.** The following districts and street types are maintained on the Downtown Design Overlay map. Standards will be applied based on a property's location along streetscape types, character districts, and building height districts.  
<https://experience.arcgis.com/experience/1de8b3df63fe429192409bcc041b6827>

i. **Streetscape Character Types.** Each public street right-of-way within the district is assigned a Streetscape Character Type. The Streetscape Character Type includes characteristics that are required to achieve the desired future condition as improvements are made to each street. The Streetscape Character Types are established in the Downtown Design Overlay Standards Map and Streetscape Character Type tables below. The fields in the Streetscape Character Type tables reflect a desired future condition within the public rights-of-way as established in the Downtown Master Plan. Each street type has corresponding standards for Public Realm (Sec. 5-28-6.1) and Site Design (Sec. 5-28-6.2). These standards shall be applied based on the Streetscape Character Type(s) which a property abuts.

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	STREET NAME	FROM	TO	STREETSCAPE CHARACTER	ROW WIDTH	TRAVEL LANE WIDTH	ON-STREET PARKING	SIDEWALK WIDTH	STREET TREE SPACING	PLANTING STRIP/ AMENITY ZONE WIDTH*	BICYCLE FACILITIES
	N Main St	Asheville Hwy	Locust St	Main St*	60'	11'	Angled/Parallel	10'	30'	Tree Grates 4.5'	Sharrows
	N Main St	Allen St	N King St	Main St*	100'	11'	Angled/Parallel	15'	30'	Tree Grates 4.5'	Sharrows
	S Main St	Spartanburg Hwy	S King St	Main St*	100'	11'	None	10'	30'	Tree Grates 4.5'	Multi-Use Path
	S Main St	Allen St	S King St	Festival Street	50'-100'	10'	Parallel/None	6'	30'	Tree Grates 4.5'	Sharrows
	Whited St	Dale St	Ecusta Trail	Festival Street	50'	10'	Parallel/None	6'	30'	Tree Grates 4.5'	Sharrows
	Whited St	Ecusta Trail	Lennox Park Dr+	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Maple St	9th Ave	8th Ave	Residential 1	45'	12'	Intermittent	6'	30'	4.5'	Sharrows
	Maple St	8th Ave	4th Ave	Festival Street	40***	10'	Parallel/None	6'	30'	Tree Grates 4.5'	Sharrows
	Asheville Hwy	N Main St	Oakland St	Boulevard	100'	11'	None	12'	40'	10'	Multi-Use Path
	Greenville Hwy	Chadwick Ave	Spartanburg Hwy	Boulevard	80'	11'	None	12'	40'	10'	Multi-Use Path
	Spartanburg Hwy	Nelson St	S Main St	Boulevard	110'	11'	None	12'	40'	10'	Multi-Use Path
	MLKJ Blvd (US64)**	N Grove St	Dana Rd	Boulevard*	60'-125***	11'	None	12'	40'	10'	Multi-Use Path
	Church St	S Main St	Asheville Hwy	Downtown One Way	60'	11'	Parallel Both	7.5'	30'	Tree Grates 4.5'	Multi-Use Path
	King St/N Main St	S Main St	Asheville Hwy	Downtown One-Way	60'	11'	Parallel Both	7.5'	30'	Tree Grates 4.5'	Multi-Use Path
	5th Ave	Oak St	Walnut Tree Cr	Downtown	60'	11'	Parallel One	6'	30'	Tree Grates 4.5'	Sharrows
	6th Ave	Fleming St	Buncombe St	Downtown	60'	11'	Parallel One	6'	30'	Tree Grates 4.5'	Sharrows
	6th Ave	Buncombe St	N Grove St	Downtown One-Way	50'	11'	Parallel One	7.5'	30'	Tree Grates 4.5'	Multi-Use Path
	7th Ave	N Grove St	Buncombe St	Downtown One-Way	50'	11'	Parallel One	7.5'	30'	Tree Grates 4.5'	Multi-Use Path
	7th Ave	Ashe St	N Grove St	Downtown	60'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	7th Ave	Dana Rd	Ashe St	Downtown	70'	11'	Parallel One	6'	30'	Tree Grates 4.5'	Sharrows
	8th Ave E	Maple St	N Grove St	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Barnwell St	S Grove St	S Washington St	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Bearcat Blvd	Locust St	Oakland St	Downtown	60'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Boxcar St	Jonas St	7th Ave	Downtown	40***	11'	Parallel One	6'	30'	Tree Grates 4.5'	Sharrows
	Caswell St	S Grove St	S Main St	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Copper Penny St	Greenville Hwy	Ingles	Downtown	40'	11'	Parallel One	6'	30'	Tree Grates 4.5'	Sharrows
	Grove St	Shady Drive	Bearcat Blvd	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Jbel Wright Dr	Greenville Hwy	Ingles	Downtown	40'	11'	Parallel One	6'	30'	Tree Grates 4.5'	Sharrows
	Kanuga Rd	S Main St	Willow Rd	Downtown	60'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Locust St	7th Ave	N Main St	Downtown	60'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Oakland St	6th Ave	Asheville Hwy	Downtown	60'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Washington St	Kanuga Rd	5th Ave	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	1st Ave	Williams St	Washington St	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	1st Ave	Washington St	Buncombe St	Residential 1	45'	12'	Intermittent	6'	30'	4.5'	Sharrows
	2nd Ave	N Grove St	Washington St	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	3rd Ave	N Grove St	Washington St	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	3rd Ave	Washington St	Buncombe St	Residential 1	45'	12'	Intermittent	6'	30'	4.5'	Sharrows
	4th Ave	Harris St	Washington St	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	4th Ave	Washington St	Buncombe St	Residential 1	45'	12'	Intermittent	6'	30'	4.5'	Sharrows
	Allen St	1st Ave	Lilly Pond Rd	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Fleming St	Powers Alley	Elks Alley	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	N Justice St	Powers Alley	Elks Alley	Downtown	50'	11'	Parallel Both	6'	30'	Tree Grates 4.5'	Sharrows
	Ashe St	MLKJ Blvd (US64)	Woodcock Dr	Connector	45'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Chadwick Ave	Greenville Hwy	S Grove St	Connector	45'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Hillview Blvd	Nelson St	Shady Dr	Connector	45'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Lilly Pond Rd	Kanuga Rd	W Allen Dr	Collector	45'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Nelson St	Spartanburg Hwy	Hillview Blvd	Connector	60'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Shady Dr	Hillview Blvd	S Grove St	Connector	45'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Spring St	Spring Village Ln	W Allen Dr	Connector	45'	12'	Parallel One	7.5'	40'	6'	Sharrows
	White St	Davis St	Greenville Hwy	Connector	60'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Willow Rd	Greentree Ln	Kanuga Rd	Connector	60'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Harris St	4th Ave	MLKJ Blvd (US64)	Connector	45'	12'	Parallel One	7.5'	40'	6'	Sharrows
	Buncombe St	1st Ave	4th Ave	Residential 1	45'	12'	Intermittent	6'	30'	4.5'	Sharrows
	Buncombe St	4th Ave	Bearcat Blvd	Residential 1	45'	12'	Intermittent	6'	30'	4.5'	Sharrows
	Lenox Park Dr	S Whitted St	Palmetto Way	Residential 1	45'	12'	Intermittent	6'	30'	4.5'	Sharrows
	N Oak St	Powers Alley	Elks Alley	Residential 1	40'	12'	Intermittent	6'	30'	4.5'	Sharrows
	Rhodes St	1st Ave	3rd Ave	Residential 1	40'	12'	Intermittent	6'	30'	4.5'	Sharrows
	Robinson Ter	7th Ave	Woodcock Dr	Residential 1	50'	12'	Intermittent	6'	30'	4.5'	Sharrows
	Woodcock Dr	Robinson Terrace	Ashe St	Residential 1	50'	12'	Intermittent	6'	30'	4.5'	Sharrows
	9th Ave E	Maple St	Locust St	Residential 2	30'	10'	None	5'	30'	5'	None
	B St	Harris St	Williams St	Residential 2	25'	10'	None	5'	30'	5'	None
	Barker St	Jonas St	7th Ave	Residential 2	40'	10'	None	5'	30'	5'	None
	Beech St	MLKJ Blvd (US64)	7th Ave	Residential 2	40'	10'	None	5'	30'	5'	None
	Cherry St	MLKJ Blvd (US64)	7th Ave	Residential 2	40'	10'	None	5'	30'	5'	None
	Dairy St	Willow Rd	Spring St	Residential 2	30'	10'	None	5'	30'	5'	None
	Dale St	Spring St	Dead End	Residential 2	40'	10'	None	5'	30'	5'	None
	Davis St	White St	Yarborough St	Residential 2	33'	10'	None	5'	30'	5'	None
	Elm St	MLKJ Blvd (US64)	7th Ave	Residential 2	30'	10'	None	5'	30'	5'	None
	Greentree Ln	Greentree Ln	Willow Rd	Residential 2	30'	10'	None	5'	30'	5'	None
	Jonas St	Cherry St	Jonas St	Residential 2	40'	10'	None	5'	30'	5'	None
	Pace St	Elm St	Barker St	Residential 2	40'	10'	None	5'	30'	5'	None
	Pine St	4th Ave	5th Ave	Residential 2	30'	10'	None	5'	30'	5'	None
	Rose St	Ecusta Trail	Dale St	Residential 2	40'	10'	None	5'	30'	5'	None
	Walnut Tree St/Cr	Dead End	Dead End	Residential 2	40'	10'	None	5'	30'	5'	None
	Summit Cir	Toms Hill Dr	Toms Park Cir	Residential 2	25'	10'	None	5'	30'	5'	None
	Toms Hill Dr	Kanuga Rd	N Cottage Ct	Residential 2	20'	10'	None	5'	30'	5'	None
	Toms Park Cir	Summit Cir	Summit Cir	Residential 2	20'	10'	None	5'	30'	5'	None
	Williams St	1st Ave	MLKJ Blvd (US64)	Residential 2	30'	10'	None	5'	30'	5'	None
	Edwards St	E Allen St	6th Ave East	Alley	20'	15****	None	5'	None	None	None
	Elks Aly	Justice St	Fleming St	Alley	20'	15****	None	5'	None	None	None
	Israel St	Davis St	Kanuga Rd	Alley	20'	15****	None	5'	None	None	None
	Lawn Ave/Lawn Ln	Chadwick Ave	Chadwick Ave	Alley	20'	15****	None	5'	None	None	None
	Lynn St	Locust St	Maple St	Alley	20'	15****	None	5'	None	None	None
	Powers Aly	Justice St	Fleming St	Alley	20'	15****	None	5'	None	None	None
	Short St	Kanuga Rd	Willow Rd	Alley	20'	15****	None	5'	None	None	None
	Track St	Maple St	Locust St	Alley	30'	15****	None	5'	None	None	None
	Wall St	W Allen St	6th Ave West	Alley	20'	15****	None	5'	None	None	None

\* Coordination among proposed street trees, lighting, and pedestrian amenities should take place to ensure an appropriate quantity and spacing of each

\*\* The right-of-way for US Hwy 64/4 Season Blvd ranges due to the elevated portion and separation of travel lanes

\*\*\* Boxcar St and Maple St have wider actual rights-of-way to accommodate the railroad

\*\*\*\* 1 Travel Lane

Private Streets: Kennedy Hill Ln, Kevin Ln, Kimbrell Farm Ln, Journey Ln, Jumping Jack Ln, and Walnut Tree Cr

Table 1: Future Streetscape Character Type

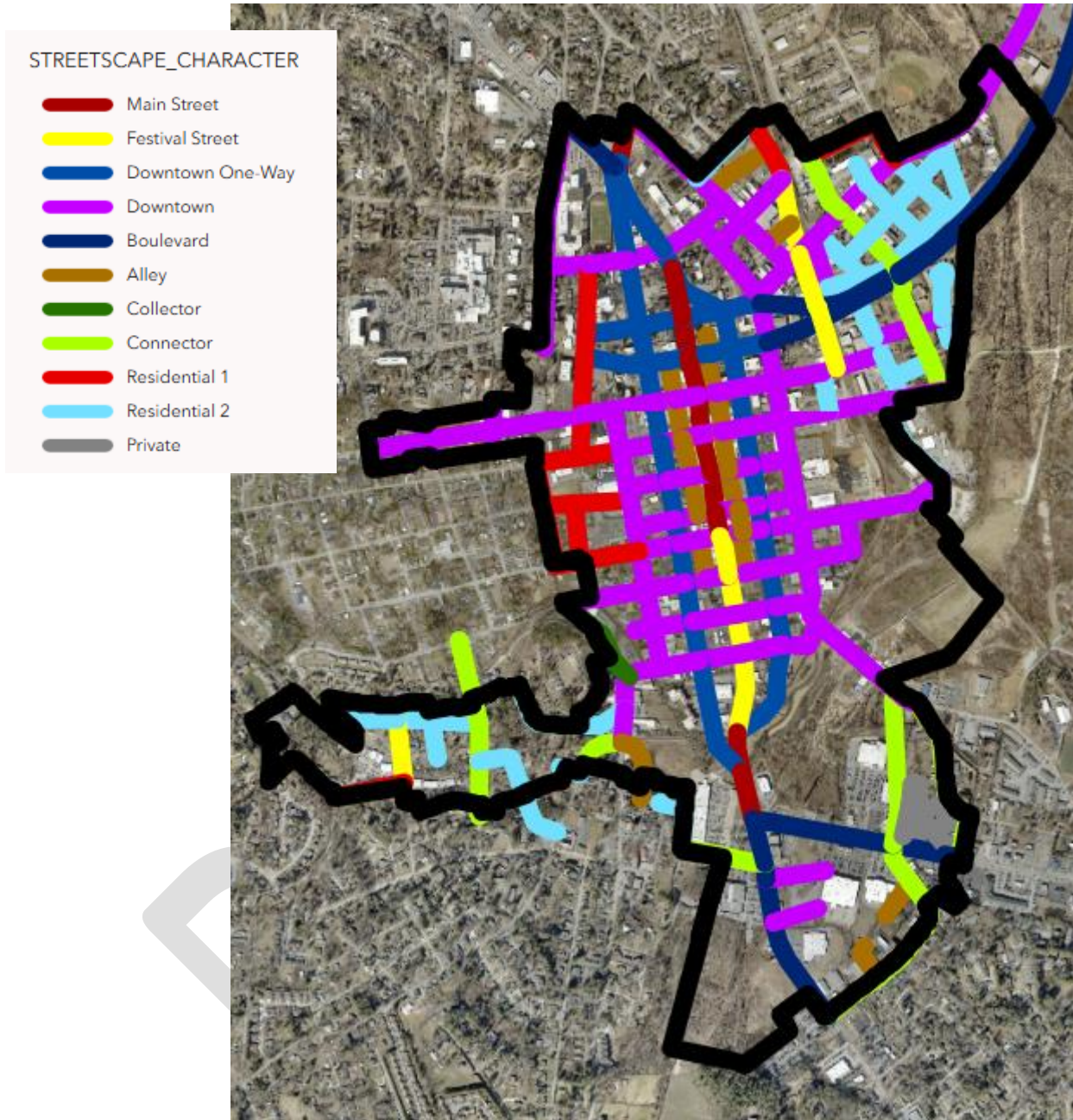
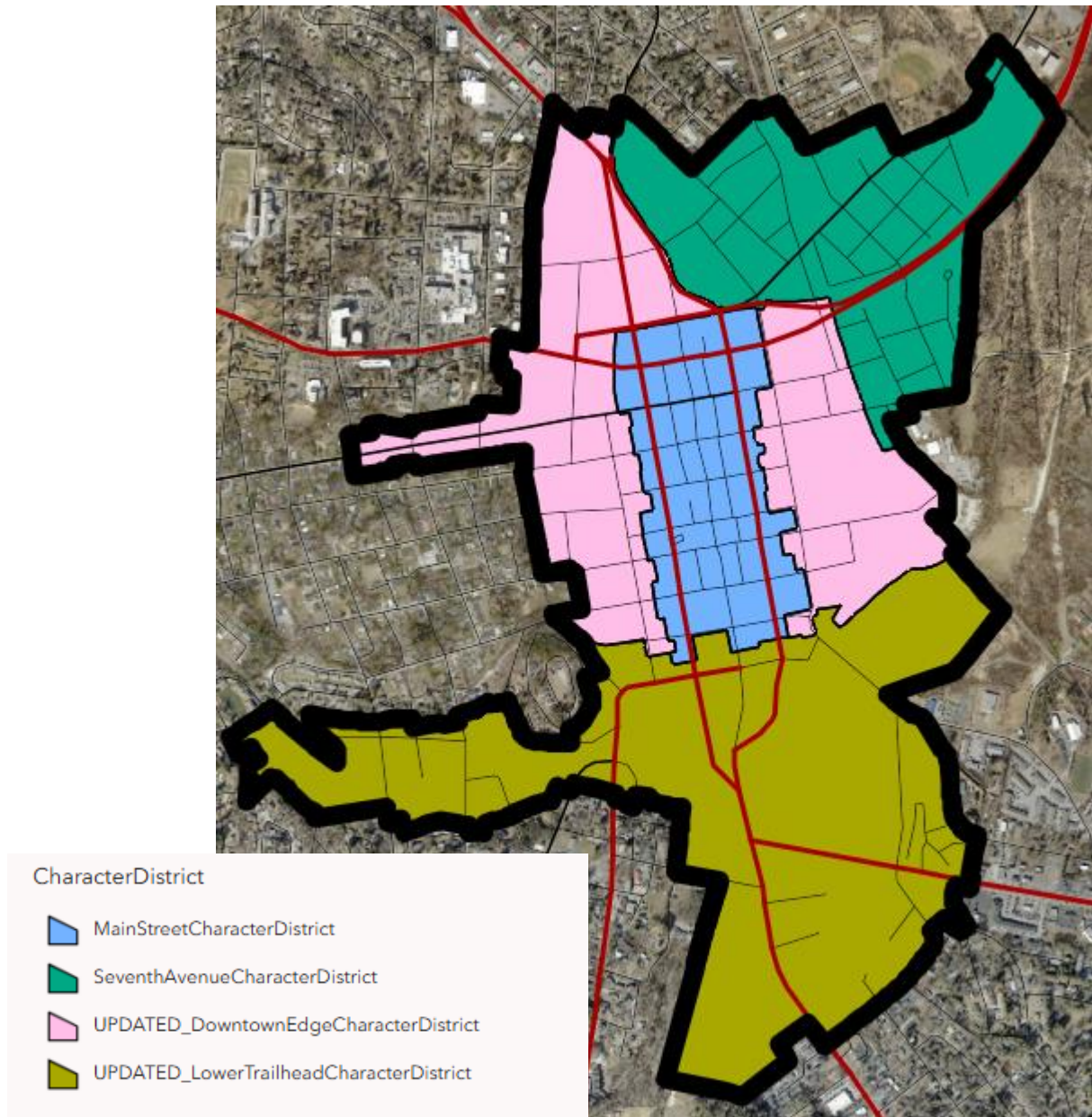


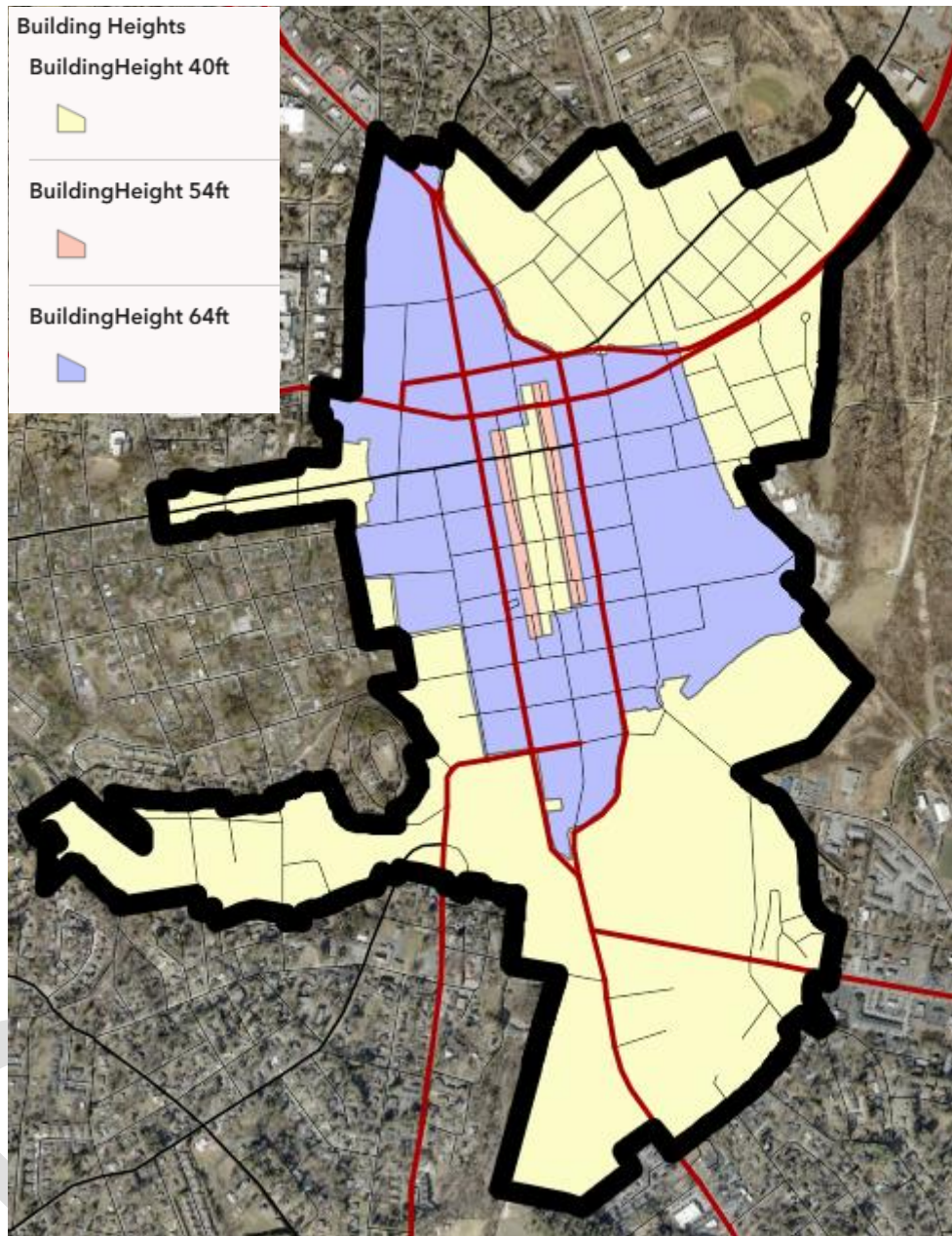
Figure 1: Streetscape Character Map

- ii. **Character Districts.** Within the Downtown Design Overlay there are four distinct Character Districts, the boundaries of which are established on the Downtown Design Overlay Standards Map. Standards for Site Design and Building Design will vary depending on the Character Area in which a property is located. Alignment with the conceptual vision for each Character Area, as established in the focus areas featured in the Downtown Master Plan, is encouraged.



*Figure 2: Downtown Design Overlay Character Districts Map*

- iii. **Building Height.** Maximum building heights within the Downtown Design Overlay are based on the boundaries established in the Downtown Design Overlay Standards Map.



*Figure 3: Building Height Districts Map*

- c) **Local Historic District.** Properties located within both a locally-designated historic district overlay and the Downtown Design Overlay District are subject to both sets of development standards. If a provision of the Downtown Design Overlay District standards are inconsistent with local-designated historic district design standards, the local-designated historic district design standards shall govern.
- d) **Zoning Standards.** If a provision of the Downtown Design Overlay District standards is inconsistent with another provision found in the Zoning Ordinance, the more restrictive provision shall govern, unless the terms of the more restrictive provision specify otherwise.

e) Routine maintenance and interior renovations shall be exempt.

**5-28-3 – Permitted Uses.**

Structured Parking Lots in accordance with Sec. 5-28-6.2.3 b)

Same as for underlying zoning district(s)

**5-28-4. – Special Uses.**

Same as for underlying zoning district(s)

**5-28-5. – Prohibited Uses**

- Same as underlying zoning district(s)
- Surface Parking Lots with exceptions outlined in Sec. 5-28-6.2.3 a)

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## 5-28-6. – Development Standards

**5-28-6.1 – Public Realm** - Development shall contribute positively to the public realm through the provision of pedestrian-oriented design features and streetscape improvements.

**5-28-6.1.1. Blocks.** New development shall maintain and improve upon the urban block pattern within downtown.

- a) Urban blocks shall be 300'-500' in length & width where feasible and in no case greater than 700'.
- b) New connections, both through the provision of new public streets & alleys and private streets & drives, shall be required to extend the historic block pattern throughout the entire district as illustrated in the Downtown Master Plan.
- c) Where vehicular connections cannot be made at minimum of five hundred feet (500'), pedestrian connections shall be implemented through the provision of mid-block walkways, passages, etc.

**5-28-6.1.2. Alleys** - New development shall utilize alleys for vehicular access to parking and service areas.

- a) Existing alleys shall be preserved.
- b) When located adjacent to an existing improved or unimproved public alley rights-of-way, new development shall utilize the existing right-of-way.
- c) Where no alley right-of-way is present, new development shall incorporate new public or private alleys.

### 5-28-6.1.3. Sidewalks and Pedestrian Circulation

- a) Sidewalks shall be provided on both sides along all public street frontages.
  - i. The placement and width of the required sidewalk shall be based on the cross-sections established in the Streetscape Character Type Table (**Table 1 & Error! Reference source not found.**) based on the corresponding Street Type(s) abutting the property.
  - ii. The placement of the pedestrian facilities within the required right-of-way will be based on cross-sections established in the Downtown Master Plan. Sufficient spacing shall be provided for planting strips needed to satisfy Street Tree standards (Sec. 5-28-6.1.6).

Downtown: 30'-60'



Figure 4: Example of Cross-Section from Downtown Master Plan for Streetscape Character Type "Downtown". Descriptions and cross-sections for each streetscape character type are found on pages 68-84 in the [Downtown Master Plan](#).

- b) External sidewalks shall connect building entrances to the public sidewalk system and to abutting multi-use trails, parks, and greenways.
- c) Pedestrian circulation routes shall remain unobstructed and shall maintain clear travel widths per City Code Sec. 46-81.
- d) Internal sidewalk connections should be provided between buildings and from buildings to all on-site facilities including parking areas, bicycle facilities, open spaces, and amenities.

#### 5-28-6.1.4. Trails, Greenways & Bicycle Facilities

- a) New construction abutting a proposed greenway/off-street trail, as established in the City's adopted plans and streetscape character type cross-sections, shall be platted and/or constructed or improved to City standards along the portion of the facility abutting the development. New facilities will be dedicated to the City.
  - i. The following alternatives are also provided for with approval authority granted to the City Manager:
    - a. A fee-in-lieu of construction can be requested by an applicant. The fee shall be based on a cost estimate by a licensed engineer.
    - b. Further, the public improvement standards, cost, scope, etc. may be adjusted by the City Manager when such public

improvements are not proportional (in cost, scope, etc.) to the impact created by a development due to its scale (ex. Proposed construction of 1 new duplex on a 6,000 SF parcel would not be proportional to require construction of 100 LF of a 14' wide off-street trail/greenway, but it would be proportional to require the installation of shared lane markings 'sharrows' along the street frontage).

- c. The requirement of 5-28-6.1.4. a) may be reduced / waived if the proposed trail/bicycle project has already received partial / full funding.
- b) For developments which abut public amenities, new access points to parks, greenways and open space shall be provided at a minimum of every 1,000' when authorized access is granted by approving authority.

#### **5-28-6.1.5. Streetscape Elements (Amenity Zone)**

- a) Streetscape elements shall include an amenity zone featuring the coordinated placement of Street Trees (in accordance with Sec. 5-28-6.1.5 below) and additional pedestrian-scaled amenities based on the Streetscape Character Type (Figure 4). **An amenity zone improvement plan illustrating quantity and placement of chosen elements must be reviewed and approved by the City's Public Works Department:**
  - i. Residential 1 & 2 and Connector Streets (Choose 1 per 50' of frontage)
    - a. Pedestrian lighting
    - b. Additional Landscape Features in Planting Strip
    - c. Bulb-outs with landscape features for on-street parking/improved pedestrian crossings where appropriate
  - ii. Downtown, Boulevard, (Choose 2 per 50' of frontage)
    - i. Benches or seating areas
    - ii. Bicycle racks in accordance with 5-28-6.2.3. f)
    - iii. Planters or landscaping features
    - iv. Bulb-outs with landscape features for on-street parking/pedestrian crossings where appropriate
    - v. Bioretention planting strips
  - iii. Main Street, Festival Street, and Off-Street Trails (Choose 3 per 50' of frontage)
    - i. Benches or seating areas
    - ii. Bicycle racks in accordance with 5-28-6.2.3. f)
    - iii. Planters or landscaping features
    - iv. Bulb-outs with landscape features for on-street parking/pedestrian crossings where appropriate
    - v. Plazas or gathering spaces

- vi. Public Art in accordance with City policies
- b) Streetscape elements shall be installed in the Amenity Zone based on the Street Type abutting the property in accordance with the adopted Downtown Master Plan Streetscape Zone.
- c) Public amenities will be provided in a manner consistent with City-approved designs, specifications and installation standards.
- d) Other “Placemaking” elements may be proposed in accordance with the City’s Downtown Master Plan.
- e) ADD STANDARD FOR MAINTENANCE (CAN WE SHIFT SOME TO PRIVATE? ENSURE BUY-IN FROM PUBLIC WORKS)

#### **5-28-6.1.6. Street Trees**

- a) Street trees shall be planted at regular 30’-40’ intervals along all public street frontages based on corresponding Street Type(s) abutting the property.
- b) A minimum of 70% of Street Trees shall be large-maturing trees (>50’ in height) with the remaining to be medium-maturing trees (25-50’ in height).
- c) Where streetscape improvement plans have been developed by the City, Street Trees will be planted according to those plans.
- d) Where bulb-outs are provided, Street Trees will be planted in the bulb-outs if the bulb out is not otherwise used for public art/monument, seating or similar public amenity.
- e) Outside of bulb-outs or other defined landscaping beds that may be planned within the Downtown Overlay District, Street trees shall be planted in tree wells with grates or appropriately-sized planting strips which correspond with the width and locations depicted for the cross-section for the Street Type(s) abutting the property.
- f) Tree wells or planting areas shall be designed to protect root systems and ensure long-term viability.
- g) Tree species shall be selected from the City’s approved street tree list.

#### **5-28-6.1.7. Outdoor Seating and Gathering Areas**

- a) Public outdoor seating areas, plazas, and gathering spaces shall be permitted and encouraged within downtown developments.
- b) Such spaces shall remain accessible from the public sidewalk and shall not impede pedestrian circulation in accordance with City Code of Ordinances Sec. 46-86.

## 5-28-6.2 – Site Design.

### 5-28-6.2.1. Frontage

- a) Frontage types are either Primary, Primary-Other, Secondary or Tertiary. The standards for Setback Line, Build-to-Zone, and Build-to-Percentage are based on the Frontage Type.
  - i. **Primary** – property frontage abutting the following Street Types: Main, Downtown One-Way, and Boulevard.
  - ii. **Primary-Other** – property frontage abutting existing or future public trails and open spaces such as parks, plazas, or path. Future public spaces refers to those indicated in a City-adopted plan.
  - iii. **Secondary** - property frontage abutting the following Street Types: Downtown and Festival.
  - iv. **Tertiary** – property frontage on all other streets within downtown that are not considered primary and include: Connector, Residential 1, and Residential 2
  - v. In cases where a lot has multiple frontage types, at least one frontage type must be designated as primary.
- b) Primary building façades shall face a public street or public trail / open space. Buildings shall maintain a strong visual relationship with the street, trail or open space with parking situated to the side or rear.

### 5-28-6.2.2. Building Placement

- a) Minimum Setback Line. The minimum setback line is based off of the edge of right-of-way in accordance with Streetscape Character Type. To establish the edge of right-of-way, first refer to the “ROW Width” column of the Streetscape Character Type table for the street segment which fronts the subject property. Then measure half of the stated ROW width from a point at the centerline of the existing right-of-way where it fronts the subject property.
  - i. The required Minimum Setback distance is established based on the Frontage Type of the property in accordance with the dimensional requirements table (Table 2) below.
    - a. Exception: When located adjacent to existing development which does not meet the minimum required setback line, the setback line for proposed development may be reduced to create cohesive pattern of development in alignment with the setbacks of existing buildings within a block. Adjusted setbacks shall not be detrimental to the other standards and objectives of this ordinance. Should the setback of existing adjacent buildings vary, Community

Development Director shall determine minimum setback line of infill development.

- b) **Maximum Setback Line.** The Maximum Setback is measured from the required frontage type setback line and establishes a range with a maximum setback as established in the table below.
  - i. **Exceptions:** For Primary frontages, a maximum setback of 10' is permitted only in cases where outdoor dining and/or other public outdoor space amenity is proposed.
- c) **Minimum Build-to-Percentage.** The Build-to-Percentage refers to the proportion of lot width frontage that must be occupied by the building façade. Ground-floor designs such as arcades, galleries, colonnades, outdoor plazas, or outdoor dining areas which are incorporated into the building façade are considered in meeting required build-to percentages. The minimum percentage is established in the table below.

Minimum Setback (From future edge of ROW established in Streetscape Table, measured from future centerline in ft)			
A	Frontage Type	Primary	0
		Primary-Other	0
		Secondary	0
		Tertiary	16
Maximum Setback (From setback line, measured in ft)			
B	Frontage Type	Primary*	0/ 10*
		Primary-Other	10
		Secondary	10
		Tertiary	20
Minimum Build-To-Percentage			
C	Frontage Type	Primary	80%
		Primary-Other	80%
		Secondary	80%
		Tertiary	60%
D	Side Setback Line (ft)	None, unless abutting singlefamily residential zoning, then 10'	
E	Rear Setback Line (ft)	None, unless abutting singlefamily residential zoning, then 20'	

\* Max. Setback of 10' is permitted if outdoor dining or other public open space amenity is proposed along frontage. To be approved by the Community Development Director

Table 2: Dimensional Requirements Table

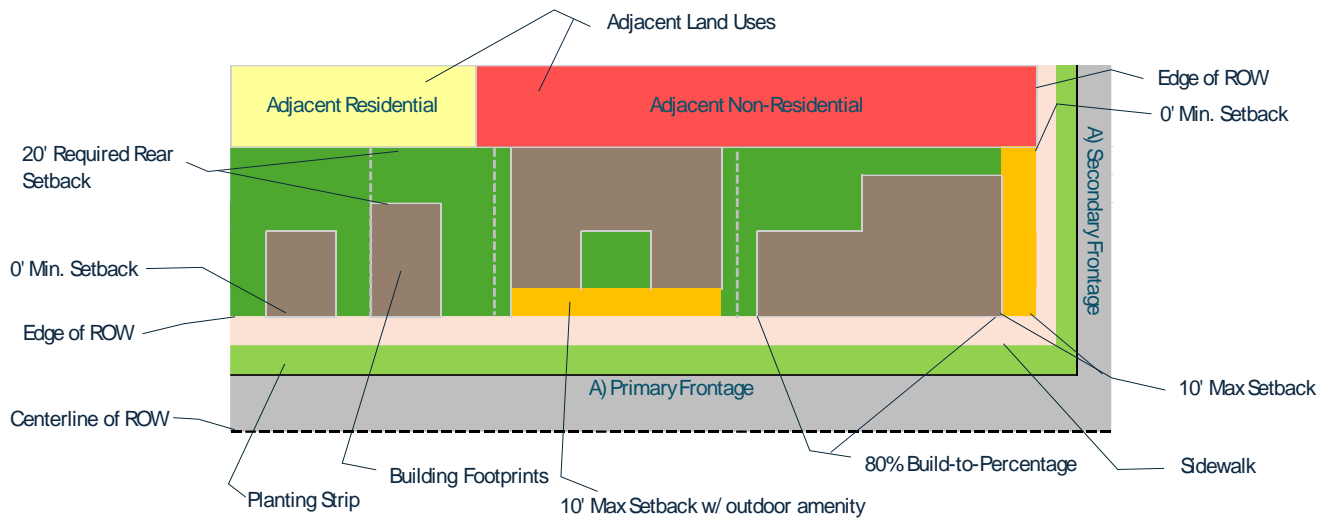


Figure 5: Example of building placement according to frontage type



Figure 6: Example of flexibility within max. setback. Allowing for range in maximum setback allows for the inclusion of public spaces and other features that add to the public realm.

### 5-28-6.2.3. Parking

#### a) Surface Parking

- i. Surface Parking areas are permitted as a standalone use only in the 7<sup>th</sup> Ave and Lower Trailhead Character Districts to serve as trailhead parking in accordance with 5-28-6.2.3 d), below.

- ii. Standalone Surface Parking for public use is permitted for governmental entities.
  - iii. In association with a multi-family residential and/or non-residential principal uses, surface parking areas shall be screened from public streets using at least one of the following methods:
    - a. Landscaping in accordance with Section 15-9
    - b. Decorative masonry walls a minimum of 5' in height
    - c. Buildings or liner structures.
  - iv. Surface parking shall not be located between the principal building and the primary street frontage.
  - v. Parking areas shall be located:
    - a. Behind buildings, or
    - b. To the side of buildings where rear placement is infeasible.
  - vi. With approval from the Stormwater Administrator, surface parking areas shall incorporate low-impact stormwater management methods such as pervious paving, bioretention, and vegetated landscape islands.
- b) Structured Parking
- i. Parking structures are encouraged within the downtown districts to reduce the footprint of surface lots.
  - ii. Developments requiring 150 vehicular parking spaces or more shall utilize structured and/or shared parking.



*Figure 7: Structured Parking screened by activated liner buildings*

- iii. Parking structures wrapped with liner buildings which accommodate active uses.
  - a. When adjacent to primary frontage, parking structures with over 50 parking spaces shall include liner building(s) along 80% of the ground floor building length excluding areas of required vehicular and pedestrian egress, and utility rooms.
  - b. When adjacent to secondary frontage, parking structures with over 50 parking spaces shall include liner building(s) along at least 60% of the ground floor building length excluding areas of functionally necessary vehicular and pedestrian egress, and utility rooms.
  - c. When adjacent to multiple frontage types, liner buildings are required on the primary frontage and at least one secondary frontage at the rates listed above.
- iv. Vertical and horizontal architectural elements should be designed in a manner to approximate the window openings on adjacent buildings including liner portions of a parking structure.
- v. All non-vehicular and/or non-pedestrian ground floor openings on or visible from a frontage shall be screened with architectural louvers and/or panels.
- vi. Refer to Section 6-5-5 for minimum parking space and drive aisle design requirements.
  - a. Exception: Compact Vehicle Parking
    - 1. Reduced-width 8' wide parking spaces are permissible at a rate of 1 reduced-width parking space per every 50 standard-width parking spaces (1:50).
    - 2. Reduced-width parking spaces are permissible in single-level subterranean parking lots and on upper levels of multi-story parking structures.
    - 3. Reduced-width parking spaces shall be signed and designated for the parking of motorcycles and compact vehicles.

c) Parking Space Requirements

- i. Parking Minimums.

- a. Within the Downtown Edge, 7th Avenue, and Lower Trailhead character districts, minimum parking space requirements are per the uses established in Section 6-5-2.
- b. Within the Main Street character district, minimum parking spaces may be provided or a fee-in-lieu of parking may be paid to the City's Parking Enterprise fund at a rate established in the City's fee schedule.
- c. On-Street Parking.
  - 1. Eligible on-street parking spaces may be utilized to meet parking requirements. To be eligible, an on-street parking space shall be:
    - a. An existing delineated parking space within the right-of-way directly abutting the frontage of the development or a newly-delineated on-street parking space within the right-of-way directly abutting the frontage of the development subject to the following:
      - 1) Newly-delineated on-street parking spaces shall meet MUTCD Standards.
      - 2) Proposed newly-delineated on-street parking shall be illustrated in a site plan in accordance with Article VII and reviewed and approved by NCDOT (for state-maintained roads) or the City of Hendersonville Public Works Department (for locally-maintained streets).
      - 3) Installation of newly-delineated on-street parking spaces shall be the responsibility of the developer.
  - ii. Parking Maximums. The following off-street parking maximums apply to properties within each of the character districts.

Maximum Vehicle Parking Requirements	Main Street Character District	Downtown Edge Character District	7th Avenue Character District	Lower Trailhead Character District
Single-Family Attached & Detached	No Limit	No Limit	No Limit	No Limit
Multi-Family	1 / bedroom	1 / bedroom	1 / bedroom	2 / bedroom
Commercial Use	3 / 1,000 sf GSF	3 / 1,000 sf GSF	3 / 1,000 sf GSF	4 / 1,000 sf GSF
Civic Use	2 / 1,000 sf GSF	2 / 1,000 sf GSF	2 / 1,000 sf GSF	3 / 1,000 sf GSF

a. Exceptions:

- 1) Proposed structured parking may exceed parking maximums in conjunction with shared parking objectives.
- 2) If minimum parking requirements exceed maximum parking requirements, the maximum parking shall apply.

d) Trailhead Parking

- i. Trailhead parking is not permitted within a National Register or locally-designated historic district.
- ii. Trailhead parking lots must be spaced a minimum 350' from each other.
- iii. These parking lots shall hold 10 spaces or fewer, including ADA spaces.
  - a. Exception: Floodplain
- iv. Trailhead parking lots may incorporate amenities such as water fountains, trash/recycling receptacles, and benches.
- v. Regardless of size of vehicular use area, all parking lots shall be screened from the trail and any public street other than an alley in accordance with Article 15-9 c).
- vi. Trailhead parking is encouraged to be constructed of pervious surfaces.

e) Shared Parking

- i. Shared parking allows for the reduction of required on-site parking in order to meet minimum parking space requirements.
- ii. Shared parking between private property owners is encouraged and permitted in accordance with Sec. 6-5-3 of the Zoning Ordinance.
- iii. Shared parking which proposes to utilize spaces within public parking lots shall be permitted through a formal parking agreement. The City of

Hendersonville City Manager shall review and approve all public-private parking agreements.

- iv. For commercial and institutional/semi-public uses with 50 or more parking spaces within the Downtown Design Overlay District, a minimum of 10% of the total parking spaces should allow for public use during off-peak business hours.

f) Bicycle Parking

- i. For multi-family uses, bicycle parking/storage shall be provided at a ratio of 1 bicycle storage space per every 5 dwelling units. These spaces may be provided in internal or external storage areas as long as they are secure from theft and weather. (see example below)



*Figure 8: Example of bicycle storage by BikeDockSolutions*

- ii. For each commercial use, bicycle racks shall be provided at a rate of 2 bicycle parking spaces per 5,000 square feet of gross floor area and/or outdoor seating area with a maximum requirement of 4 bicycle spaces per commercial use.
  - a. Bicycle racks may be placed in the public right-of-way if feasible.
  - b. Bicycle racks placed in the public right-of-way shall meet City designs and specifications.

- c. Private bicycle racks placed near the public right-of-way are encouraged to provide two-points of contact and to meet other City designs and specifications.



*Figure 9: Example City of Hendersonville "leaf" bike rack. Bike racks of this nature provide two points of contact and accommodate two bicycle parking spaces each*

#### **5-28-6.2.4 Access and Driveways**

- a) As may be required by other codes and ordinances, minimum driveway widths shall also serve as maximum widths to reduce pedestrian conflicts.
- b) There shall be a maximum of 1 driveway per three hundred and fifty feet (350') of linear feet of frontage
- c) Where off-street parking is provided, shared driveways, stub outs and/or cross-access easements between adjacent properties shall be required.
  - i. Exception: Where no future access is feasible, the Community Development Director may waive this requirement.
- d) Developments abutting existing unimproved public rights-of-way shall prioritize, utilize and improve the rights-of-way to accommodate pedestrian and bicycle circulation in addition to or in lieu of vehicular use. Improvements include pavement, signage, markings, etc.

#### **5-28-6.2.5. Service Areas**

- a) Loading docks, solid waste containers, and service areas shall be located to the rear of buildings or, where multiple frontage are present, the non-primary street frontage side.

- b) Service areas shall be screened from public view using masonry walls, landscaping, or architectural features.

#### **5-28-6.2.6. On-Site Open Space**

- a) All proposed developments are required to provide on-site open space except for developments on parcels one-quarter acre (10,890 square feet) or less in size.
- b) Amount of On-Site Open Space. A percentage of the development site shall be dedicated to on-site open space in accordance with the Character District location:
  - i. Main Street: 5%
  - ii. Downtown Edge: 10%
  - iii. 7th Avenue: 10%
  - iv. Lower Trailhead: 15%
- c) Public Use of On-Site Open Space. Development in the Downtown Overlay District shall provide a minimum public use of on-site open space in accordance with the following table based on the proposed land use:
  - i. Commercial– 50% of required on-site open space shall be publicly accessible
  - ii. Mixed-Use - 25% of required on-site open space shall be publicly accessible
  - iii. Residential – not required
- d) On-Site Open Space shall be provided in the following types per Character District. Descriptions of on-site open space types are included in the adopted Downtown Master Plan.

ON-SITE OPEN SPACE	MAIN STREET			DOWNTOWN EDGE			7TH AVENUE			LOWER TRAILHEAD		
	Commercial	Residential	Mixed-Use	Commercial	Residential	Mixed-Use	Commercial	Residential	Mixed-Use	Commercial	Residential	Mixed-Use
Plazas	●		●	●		●	●		●	●		●
Courtyards	●	●	●	●	●	●		●			●	
Greens	●		●	●		●		●	●		●	●
Close	●	●	●	●	●							
Pocket Parks						●	●		●	●		●
Linear Parks	●	●	●	●	●	●		●			●	
Greenways	●	●	●	●	●	●	●	●	●	●	●	●
Outdoor Amenities and/or Recreation Spaces	●	●	●	●	●	●		●			●	
Outdoor Dining	●		●	●		●	●		●	●		●
Rooftops	●	●	●	●	●	●	●	●	●	●	●	●

Table 3: On-Site Open Space Types

## Section 5-28-6.3 Building Design Standards

### 5-28-6.3.1 Building Height Standards

#### a) Intent

- i. Reinforce the character of downtown districts.
- ii. Maintain pedestrian scale.
- iii. Ensure appropriate transitions between areas.

b) **Height Limits by District** (reference [Figure 3: Building Height Districts Map – Sec. 5-28-1 c\) 4](#)). Generally, 22' represents 2-stories, 40' represents 3-stories, 54' represents 4-stories, and 64' represents 5-stories as well as alignment with Senate Bill 649.

District	Minimum Height	Maximum Height
Main Street*^	22'	64' / 40' / 54'
Downtown Edge	22'	64'
7th Avenue^	22'	40'
Lower Trailhead	22'	40'

\*With the exception of buildings facing Main Street within the Main Street Historic District. Building frontages along Main St are not to exceed 3 stories (40') to the midpoint between Main St and the alley to the rear where rear portion of buildings may extend up to a height of 54' (see Figure 12 below).

^ Architectural features may extend up to 5 feet above height limit. For corner buildings, prominent architectural features at the corner may exceed the maximum height by an additional 20% of the proposed building height.

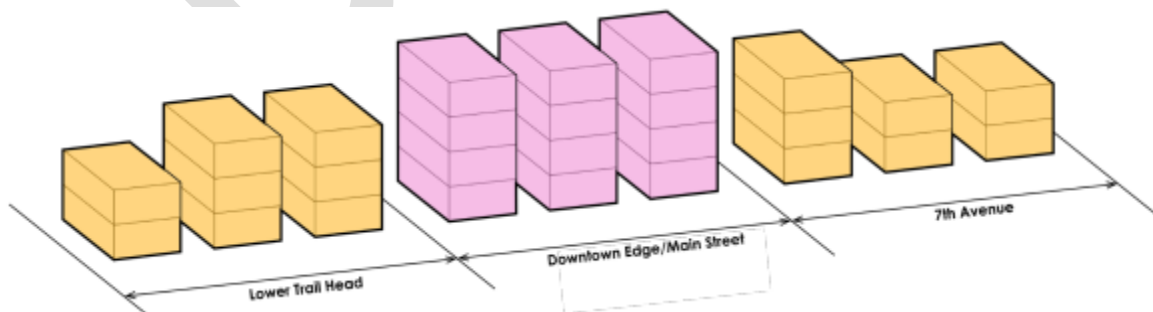


Figure 10: Building Heights by Character Area

### c) Height Measurement

- i. Measured in accordance with the definition of 'height of building' found in Article XII.

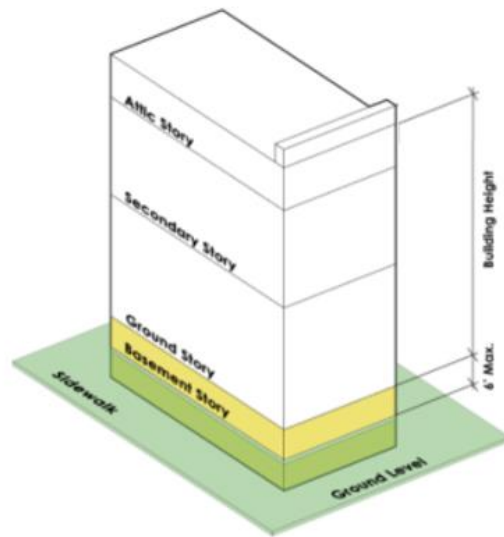


Figure 11: Calculating Building Height

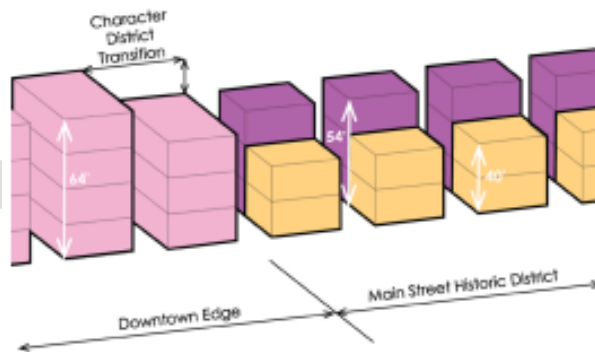


Figure 12: Building Height Transitions – examples of character area transition and Main St Historic District frontage transition

#### d) Upper Story Step-backs

- i. **Character District Transitions** – When the location of a proposed development, subject to these standards, abuts a property located in a building height district with a lower maximum height, the height of the proposed development shall not exceed the height maximum of the abutting district for the first fifty feet (50') measured from the shared property line. This may be achieved by separating a structure(s) a minimum of fifty-feet (50') from the property line or stepping back the height of the structure if built within 50' of the property line. See Figure 13 below.
- ii. **Residential Transitions** - When the location of a proposed development, subject to these standards, abuts a property with a single-family/two-family residential zoning district and/or uses, the proposed development shall have no more than twelve feet (12') height differential for the first fifty feet (50') measured from the shared property line. This may be achieved by separating a structure(s) a minimum of fifty feet (50') from the property line or stepping back the height of the structure if built within fifty feet (50') of the property line. See Figure 13 below.

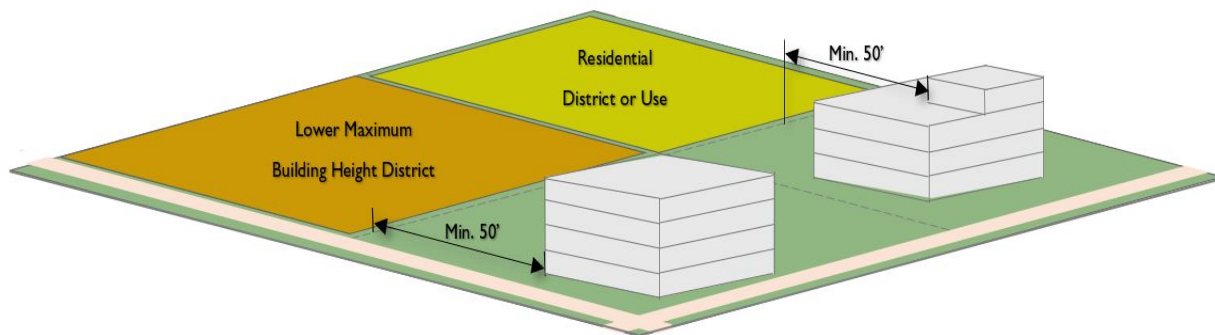


Figure 13: Building Step-backs / Residential Transitions

#### 5-28-6.3.2 Façade Articulation

- a) Buildings over one hundred feet (100') in length shall include façade modulation to help distribute mass and scale.
- b) Facades shall be divided into segments with modulation occurring in intervals of no more than forty feet (40') with offsets that are a minimum depth of two foot (2').
- c) Buildings over one hundred and fifty feet (150') in length shall include a courtyard, with a minimum width and depth of fifty feet (50'), which shall be visible from the street on primary frontages.

- d) Ground-floor designs such as arcades, galleries, colonnades, outdoor plazas, or outdoor dining areas shall be incorporated into the building façade and are considered in meeting required build-to percentages.
  - i. The first two floors above the street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment.
  - ii. Special interest to the ground-floor of the building shall be provided by incorporating elements such as corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base.
- e) Buildings on a corner or at an axial terminus should be designed with additional height or architectural embellishment. Examples include:
  - i. Chamfered or rounded corners
  - ii. Projecting and recessed balconies and entrances
  - iii. Enhanced window designs
- f) No building shall be longer than three hundred feet (300')

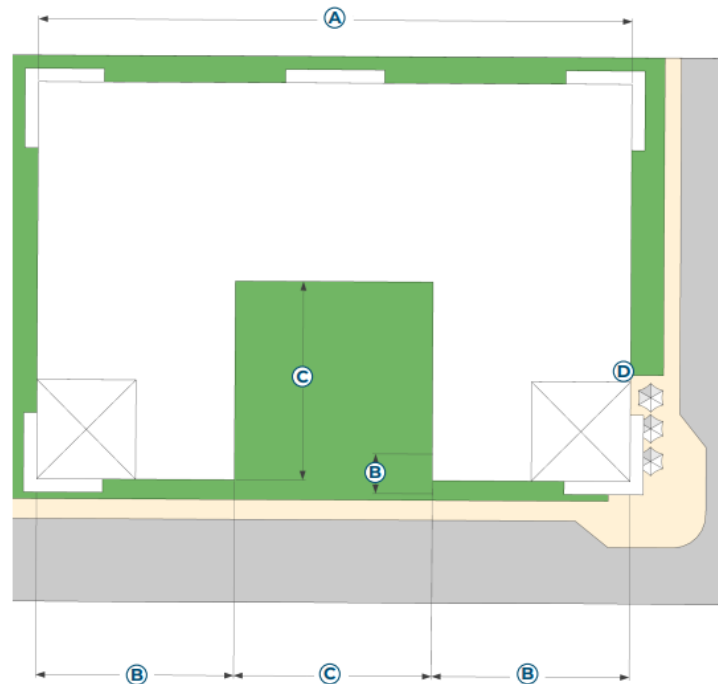


Figure 14: Diagram of façade articulation. Letters A-D correspond with standards found in 5-28-5.3.3

### 5-28-6.3.3 Building Elements

- a) Entrances.
  - i. The primary pedestrian entrance shall be located on the primary frontage.
  - ii. Entrances shall be architecturally prominent and clearly identifiable.
  - iii. Corner buildings shall provide either:
    - a. A corner entrance; or
    - b. Entrances on both frontages.
- b) Windows.

- i. Upper floor windows shall be vertically proportioned (ex. A window that is 3 feet wide and 5 feet tall would be vertically proportioned. A window that is 5 feet wide and 3 feet tall would be horizontally proportioned and would not meet this requirement).
  - ii. Windows shall be consistent with the architectural style of the building.
  - iii. Windows shall be recessed a minimum of four (4) inches and a maximum of six (6) inches from the façade.
  - iv. Minimum façade transparency (window coverage) requirements:
    - a. Main Street : 60%
    - b. Downtown Edge: 60%
    - c. 7th Avenue District: 40%
    - d. Lower Trailhead: 40%
- c) Roofs.
- i. Main Street District: Flat roofs or barrel roof which present as flat roofs or a rectangular facade, shall be required.
  - ii. 7<sup>th</sup> Ave District: Flat roofs shall be required for non-residential and mixed-use buildings fronting on 7<sup>th</sup> Ave only.
  - iii. Other districts: Flat or pitched roofs are permitted.
- d) Doors.
- i. Doors shall not swing into the public sidewalk or pedestrian zone.
  - ii. Recessed doorways are encouraged. When utilized, recessed doorways shall not exceed five (5) feet in depth.

#### **5-28-6.3.4 Ground Floor Activation**

A. Ground floor design shall promote pedestrian activity and transparency.

B. Ground floor façades shall:

- 1. Be composed primarily of transparent glass; and
- 2. Provide visual access into active interior uses.

C. Ground floor design shall incorporate at least two (2) of the following:

- 1. Display windows
- 2. Outdoor seating
- 3. Planters or landscaping
- 4. Awnings or canopies
- 5. Public art

D. Residential entries outside of the Main Street Character Area shall include features such as stoops or porches.

#### **5-28-6.3.5 Building Materials**

A. Materials shall be compatible with surrounding development but not identical.

B. Permitted primary façade materials include:

1. Brick
2. Stone
3. Wood
4. Concrete-based stucco
5. Architectural metal panels
6. Horizontal wood siding
7. Wood shingles

C. Main Street and Downtown Edge Districts:

1. Brick shall constitute a minimum of fifty percent (50%) of non-glazed façade surfaces.

D. The following materials are prohibited:

1. EIFS
2. Concrete block (unfinished)
3. Corrugated metal panels
4. Vinyl siding
5. Fiber cement board (as primary façade material)

#### **5-28-6.3.6 Franchise Architecture**

A. Standardized corporate franchise architecture shall be prohibited.

B. Buildings associated with national brands shall:

1. Be modified to conform to district character; and
2. Comply with all provisions of this Section.

#### **5-28-6.3.7 Drive-Throughs**

A. Where permitted, Drive-through windows shall meet the following requirements:

1. Shall not be located along primary frontages; and
2. Shall be located to the side or rear of buildings.

B. Walk-up service windows are permitted and encouraged.

**5-28-7 Signs.** Signage in the Downtown Design Overlay shall comply with standards found in Article XIII of this Zoning Ordinance.

**Additional revisions for:**

## **ARTICLE V. ZONING DISTRICT CLASSIFICATIONS**

### **Sec. 5-3. - R-15 Medium-Density Residential Zoning District Classification.**

#### **5-3-2. - Special uses.**

The following uses shall be permitted in the R-15 Medium Density Residential Zoning District Classification only upon issuance of a special use permit pursuant to article X and shall be subject to special use requirements contained in [section 16-4](#), below:

- Bicycle Retail and/or Service Shops
- Personal or Professional Office
- Surface Parking Lots
- Residential, Small-Scale Multi-Family
- Specialty services such as bicycle rental, shuttle services, guided tours

#### **5-3-3. Dimensional Standards**

Setbacks & Height – 35' with the exception of properties located within the Downtown Design Overlay which shall be governed by the limitations of Section 5-28

### **Sec. 5-5. - R-6 High-Density Residential Zoning District Classification**

#### **5-5-2. - Special uses.**

The following uses shall be permitted in the R-6 High Density Residential Zoning District Classification only upon issuance of a special use permit pursuant to article X and shall be subject to special use requirements contained in [section 16-4](#), below:

- Bicycle Retail and/or Service Shops
- Personal or Professional Office
- Surface Parking Lots
- Residential, Small-Scale Multi-Family
- Specialty services such as bicycle rental, shuttle services, guided tours

#### **5-5-3. Dimensional Standards**

Setbacks & Height – 35' with the exception of properties located within the Downtown Design Overlay which shall be governed by the limitations of Section 5-28

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

#### **5-6-1. - Permitted uses**

- **Parking lots and** parking garages
- Residential dwellings, single-family on upper floors only
- Residential dwellings, two-family, on upper floors only
- Residential dwellings, multi-family, ~~subject to Supplementary Standards contained in this section~~ on upper floors only

**5-6-3. Development standards. RESERVED**

~~The following standards shall apply to development within the C-1 Central Business Zoning District Classification and Central Business Conditional Zoning District Classification in addition to all other applicable standards contained in this appendix.~~

~~**5-6-3.1. Parking and Loading.** For non-residential developments and residential developments containing fewer than five dwelling units, no off-street parking is required. For residential developments containing five or more dwelling units, off-street parking of one space per dwelling unit shall be provided.~~

~~As far as practicable, off-street parking, when provided, shall be accessed by means of east-west streets or alley ways and shall be designed so that it is screened, as far as practicable, to minimize motor vehicles and parking areas from view from Main, Church and King Streets. This provision is not intended to require that buildings be screened from view.~~

~~**5-6-3.2. Dimensional requirements:**~~

<del>Minimum lot area in square feet:</del>	<del>None</del>
<del>Lot area per dwelling unit in square feet:</del>	<del>N/A</del>
<del>Minimum lot width at building line in feet:</del>	<del>85</del>
<del>Minimum yard requirements in feet:</del>	<del>Front: None</del>
	<del>Side: None</del>
	<del>Rear: None</del>
<del>Maximum height in feet:</del>	<del>64 feet</del>

~~**5-6-3.3. Streetscape design.** The relationship between a building and areas for pedestrian or vehicular circulation shall be carefully planned in order to avoid negative impacts of one upon the other. All buildings and uses developed in this zoning district classification shall meet the following minimum standards; provided, however, buildings undergoing renovation and rehabilitation, in which the footprint of existing structures is not being increased or altered, may be exempted from regulations regarding street walls and urban open spaces if site conditions make compliance therewith impractical.~~

~~a) **Street walls.** The first floors of all buildings, including structured parking, shall be designed to encourage and complement pedestrian-scale interest and activity.~~

~~To the extent practicable, in consideration of the nature of the uses proposed, this is to be accomplished in part by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on the first floor street frontage.~~

~~In addition, a combination of design elements shall be used on the building facade and/or in relationship to the building at street level to animate and enliven the streetscape. These design elements may include, but are not limited to, the following: ornamentation, molding, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, landscaping and garden areas, and display areas.~~

Any design elements which extend into the public right-of-way on city or state maintained streets require an encroachment agreement with the City of Hendersonville Department of Public Works or the NC Department of Transportation (NCDOT), as appropriate.

Where expanses of blank wall are necessary, they may not exceed 20 feet in length. A blank wall is a facade which does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation as listed in the above paragraph.

The first floor and street level shall be designed with attention to adjacent public or private open spaces and existing streetscape improvements. The provision of multiple entrances from the public sidewalk or open spaces is encouraged.

b) **Structured parking facilities.** In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked cars. The remainder of the street level frontage shall be either commercial space or an architecturally articulated facade designed to minimize the visibility of parked cars.

All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.

The design requirements of paragraph (b) apply to all building facades which are visible from any public right-of-way.

c) **Screening.** All structures and facilities for trash, loading, outdoor equipment, and storage, including the storage of inventory, shall be screened so as not to be visible from the street and pedestrian circulation areas. Solar technology components including solar panels and solar thermal collectors used for on-site private purposes are exempt from this provision provided that no other functional location exists for optimized performance that is not visible from the street and pedestrian circulation areas. This determination may be made either by the community development director or a designee.

Solid walls shall be faced with brick, stone or other decorative finish with the decorative side adjacent to the public right-of-way. Fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable.

Trees used to fulfill this requirement shall be located on private property in planters, a planting strip, berm or tree lawn, any of which shall be at least eight feet wide and at least two feet deep. The trees shall be of a small maturing evergreen variety and be at least ten feet tall at the time of planting. All shrubs shall be between 24 inches and 36 inches tall at time of planting. All plant material shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen. Trees employed to meet the screening requirement may not be counted toward the street tree planting or urban open space tree requirements.

Any lot which becomes vacant through the removal of a structure for any reason shall be screened from all abutting public street rights-of-way in accordance with the provisions of this section or cleared of rubbish and debris and seeded with grass. However, if the lot is to be used for parking either as a transitional or permanent use, it shall meet all the minimum requirements for that use as established by this appendix.

Maintenance of screening required under these provisions shall conform to the requirements of article XV of this appendix, including the requirement to promptly replace dead vegetation with healthy, living plantings.

d) **Street trees.** In addition to all other requirements of this section, at least one tree of three to three and one-half inches caliper minimum, measured six inches above ground, shall be planted for each 25 feet for small maturing trees and for each 35 feet for large maturing trees of the entire building lot which abuts any public street right-of-way with a minimum of one tree required for any distance up to 35 feet. Trees shall not be planted closer than two feet, nor more than ten feet, from the back of the curb. Street trees shall not be required within the boundaries of the Downtown Municipal Services District.

~~For the purposes of this paragraph, all specifications for measurement and quality of trees shall be in accordance with the American Standard for Nursery Stock published by the American Association of Nurserymen. All trees planted to meet this requirement shall be well-matched specimen grade and shall be limbed up six feet. Trees used to fulfill this requirement may be located on public or private property. Maintenance of street trees required under these provisions shall conform to the requirements of section 15-5 of this appendix, including the requirement to promptly replace dead vegetation with healthy, living plantings.~~

~~e) **Reflective surfaces.** No development subject to these provisions may have exterior walls with a reflectivity value in excess of 36 percent, as measured under the applicable provisions of ASTM-C 1036. No reflective surfaces may be used on street level exterior facades.~~

~~f) **Urban open spaces.** Open spaces for public congregation and recreational opportunities are required for non-residential developments and shall be equipped or designed to allow pedestrian seating and to be easily observed from the street or pedestrian circulation areas. All urban open spaces shall comply with the minimum required design standards of this ordinance. In light of the requirement for urban open space, development in the C-1 Central Business Zoning District Classification is excused from complying with the requirements for common open space contained in section 6-16 of this appendix.~~

~~1) **Urban open space size.** Buildings shall be provided with public open space behind the required setback and on private property on the basis of five square feet of urban open space per 100 square feet of gross floor area (5/100). A maximum of 30 percent of this required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all other requirements of these provisions.~~

~~2) **Accessibility to the street.** Urban open space shall be designed so that it is accessible to and visible from the street.~~

~~3) **Trees.** Within the open space area(s), one tree shall be planted for each 500 square feet. Trees shall have a minimum caliper of three to three and one-half inches measured six inches above ground at the time of planting.~~

~~4) **Amenities.** The following amenities are permitted within an urban open space area: ornamental fountains, stairways, seating, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, and similar structures.~~

~~5) **Maintenance.** The building owner, lessee, management entity or authorized agent are jointly and severally responsible for the maintenance of the urban open space area including litter control and care and the replacement of trees and shrubs, as required by section 15-4.~~

~~6) **Utilities.** All utilities service lines and connections shall be underground.~~

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

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

### C-2 – Address setbacks

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

### 5-19-1 - Permitted uses.

Parking lots & p Parking garages

Residential dwellings, single family with exception for in Downtown Edge Character District of Downtown Design Overlay (Sec. 5-28) where residential uses on ground floors are prohibited except for townhomes, brownstones, and upper floor entry foyers.

Residential dwellings, multi-family, with exception for in Downtown Edge Character District of Downtown Design Overlay (Sec. 5-28) where residential uses on ground floors are prohibited except for townhomes, brownstones, and upper floor entry foyers.

Residential dwellings, two-family, with exception for in Downtown Edge Character District of Downtown Design Overlay (Sec. 5-28) where residential uses on ground floors are prohibited except for townhomes, brownstones, and upper floor entry foyers.

#### **5-19-2 - Special uses.**

Surface Parking Lots

#### **5-19-3 - Development standards.**

The following standards shall apply to development within the CMU Central Mixed Use Zoning District Classification in addition to all other applicable standards contained in this ordinance. For properties also located in the Downtown Design Overlay Zoning District, if a provision of the CMU Zoning District standards are inconsistent with the Downtown Design Overlay District Design Standards, the more restrictive provision shall govern.

### **ARTICLE XIII. - SIGN REGULATION, MAINTENANCE, AND ENFORCEMENT**

#### **13-1-8 ~~Supplementary standards for signs in Downtown Special Tax District.~~ Standards for signs in Downtown Design Overlay Signage**

- a) Signage for properties located within the Downtown Design Overlay, as established under Section 5-28, is subject to the following standards.
- b) Signs shall be integrated into the building architecture and contribute to streetscape character.
- c) Prohibited signs include:
  - 1) Flashing or digital message signs
  - 2) Freestanding signs where buildings are present
  - 3) Internally illuminated box signs
  - 4) Roof-mounted signs
  - 5) Businesses shall not paint over awning signs;
- d) Permitted signs include:
  - 1) Wall-mounted Projecting Signs

- a) Shall be hung perpendicular to the building wall
  - b) Shall be scaled for pedestrians
  - c) Shall be hung below the second floor providing no less than 8' of clearance from sidewalk.
- 2) Hanging Signs
- a) Shall be hung parallel to the building façade
  - b) Shall be hung from a second-floor arcade or balcony or within a first-floor entry alcove.
- 3) Window signs
- 4) Awning or canopy signs
- a) Existing awnings must be replaced or professionally redone so there is no remnant of old signs on the fabric awning.
- 5) Painted wall signs
- a) Shall be compatible with architectural style
  - b) Shall not be painted on architectural features such as windows, doors, or cornices;
- e) Landmark signs that contribute to the historical or cultural character of the area or the community, shall be preserved. Landmark signs are subject to City Council approval.
- 1) Landmark signs may include historic painted wall signs on a building façade; even if that business or product is no longer on site, the sign adds character to the area, and should be considered a landmark sign.
- f) Sign Lighting
- 1) Externally illuminated signs
    - a) Shall be downward directed and shielded
    - b) White or colored halo lighting, with opaque letters/symbols are displayed in front of a background which reflects a hidden light source, is permitted.
    - c) Lighting shall be less than or equal to 3000 kelvin
- g) Sidewalk signs
- 1) Permitted during business hours.
  - 2) Sidewalk signs shall be placed in accordance with City Code Sec. 46-81 and shall not block the pedestrian zone

~~The following supplementary standards apply to signs in the Downtown Special Tax District.~~

- ~~a) — Only one projecting sign per business is allowed.~~

~~b) — The maximum projection of a sign over the sidewalk shall be no greater than seven feet, but shall not project nearer than 18 inches to the front or side curb line and shall be at least ten feet above the level of any walkway it may overhang.~~

~~c) — Should lighting be provided, signs shall be lit in such a way as to prevent direct lighting from shining onto streets or adjacent properties. Lighting shall not interfere with the possible residential use of upper floors. No flashing, rotating or intermittent illumination shall be permitted.~~

~~d) — No permit for a sign shall be issued until it has been reviewed by the, community development director or a designee following the guidelines set forth in the section 13-1-9, below. In order to review the design, the applicant shall submit a drawing of the sign indicating materials, color, message and dimensions; a drawing or photograph of the building facade and proposed sign location on the building, and a drawing or photograph of the site and adjoining properties' existing graphics. The community development director or a designee shall have ten days to review the sign; if it has not been reviewed within this time, then it shall be considered to have been reviewed.~~

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### **13-1-9 ~~Design guidelines for signs in Downtown Special Tax District.~~ RESERVED**

~~The following design guidelines shall guide decisions of the community development director, or a designee appointed by the community development director, regarding applications for signs in the Downtown Special Tax District.~~

- ~~a) — Signs should be regarded as an integral and complimentary element of the overall architectural and streetscape composition and should be integrated with the buildings and landscape design.~~
- ~~b) — Signs should not obscure distinctive architectural features, such as cornices and windows.~~
- ~~c) — Signs should be placed so they fit into the originally designated areas on the building, such as above the first floor lintel, or on the transom, or on the wall space above the storefront.~~
- ~~d) — Signs projecting out from the building should be hung just above the lintel.~~
- ~~e) — Signs should not be so large that they overwhelm the building.~~
- ~~f) — Signs on a single building should provide a coherent and harmonious appearance.~~
- ~~g) — Signs are encouraged to be at a consistent height along the street, so they respect the existing "sign line" established by signs on adjacent stores.~~
- ~~h) — Signs are encouraged to coordinate with neighboring store fronts, so that the sign relates well to its own storefront as well as to other signs and storefronts along the block.~~
- ~~i) — The community development director or a designee shall judge signs according to style, color, location, ornamentation, materials, and the architecture of the building on which it is to be placed. In order to review the design, the applicant shall submit a drawing or photograph of the site and adjoining properties' existing graphics.~~

## ARTICLE VI. - GENERAL PROVISIONS

### Sec. 6-6. Off-street loading and unloading space.

Development and redevelopment projects in all districts except ~~the C-1 Central Business~~ within the Downtown Design Overlay District shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purposes of this section, an off-street loading space shall have a minimum dimension adequate to accommodate the largest vehicles expected to be served and, in any event, no less than 12 feet by 40 feet and an overhead clearance of 14 feet in height above the alley or street grade.

## ARTICLE XV. - BUFFERING, SCREENING AND LANDSCAPING

### Sec. 15-9. Landscaping for vehicular use areas.

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- b) Planting strips. When a vehicular use area lot is located within 100 feet of an abutting property, including trails/greenways, and no bufferyard is required, a planting strip which is a minimum of five feet wide shall be planted between the vehicular use area and the abutting property, except along approved driveway openings which run perpendicular to the planting strip. One large evergreen or deciduous tree and five evergreen or deciduous shrubs shall be planted for every 40 linear feet of property line that parallels the vehicular use area. Fifty percent of these trees and shrubs may be counted toward the parking lot trees and shrubs required in paragraph a), above, if the planting strip is located within 20 feet of the vehicular use area. Adjacent businesses on separate lots which share parking or driveways shall be exempt from this requirement provided that the required planting strip would interfere with the reasonable use of the shared parking or driveway. Vehicular use areas located behind buildings and screened from view from public rights-of-way shall be exempt from this requirement.
- c) **Buffering from street and/or trail/greenway**. Vehicular use areas greater than 4,000 square feet any portion of which is located within 50 feet of the right-of-way of a street or trail/greenway must be buffered from the street. The buffer shall be at least three feet high at maturity and can consist of plant material alone, or berms, fences, walls, or grade changed combined with plant material. A vegetative buffer shall consist of at least one evergreen or deciduous shrub planted for every five linear feet of buffer required. If a fence or wall is used, it must be constructed of wood, brick, stone or other masonry and be architecturally compatible with the proposed structure. Seventy-five percent of the fence or wall must be opaque with any spaces evenly distributed. The

finished side of the fence or wall shall face the street. At least one shrub shall be planted on the street side for each eight linear feet of fence or wall. Berms and grade changes must be completely covered with vegetation. All shrubs planted can count toward the parking lot landscaping requirements.

## ARTICLE XVI. - SUPPLEMENTARY STANDARDS FOR CERTAIN USES

### Sec. 16-4. - Standards.

- **16-4-29 – Telecommunications Towers, ~~and~~ antennas, and small wireless facilities**

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### 16-4-29.5 Small Wireless Facility Design and Placement Standards **INSERT FROM SEPARATE DOCUMENT**

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

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- a) Shall only be permitted within residential zoning districts for properties located within the Downtown Design Overlay Zoning District (Sec. 5-28) and directly abutting a trail/greenway right-of-way.
- **16-4-32 - Bicycle Retail and/or Service Shops**
  - a) Shall only be permitted within residential zoning districts when located within the Downtown Design Overlay Zoning District (Sec. 5-28) and directly abutting a trail/greenway right-of-way.
  - b) Shall not exceed 2,000 Square Feet in Gross Floor Area
- **16-4-33 - Personal or Professional Office**
  - a) Shall only be permitted within residential zoning districts when located within the Downtown Design Overlay Zoning District (Sec. 5-28) and directly abutting a trail/greenway right-of-way.
  - b) Shall be located within a former residential structure
  - c) The essential residential character of the structure shall be maintained.
  - d) Shall not exceed 1,200 Square Feet in Gross Floor Area
- **16-4-34 – Surface Parking Lots (Trailhead Parking)**

- a) Standalone surface parking lots are only permissible within the Lower Trailhead & 7<sup>th</sup> Ave Character Areas of the Downtown Design Overlay Zoning District (Sec. 5-28).
  - b) Shall be developed in accordance with Sec. 5-28-6.2.3 d) & Article XV
- 16-4-35 - Specialty services such as bicycle rental, shuttle services, guided tours
- a) Shall only be permitted within residential zoning districts when located within the Downtown Design Overlay Zoning District (Sec. 5-28) and directly abutting a trail/greenway right-of-way.
  - b) Shall not exceed 1,200 Square Feet in Gross Floor Area.
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**Fee Schedule:** The Fee-in-Lieu of Sidewalks rate shall be updated to be based per square foot rather than per linear foot in order to allow for it to be applied to varying sidewalk widths. The current linear foot rate assumes a 5' sidewalk. By way of example, the current fee is \$130/LF. The new fee would be

**For the City Council Ordinance:**

The Official Zoning Map of the City of Hendersonville is hereby amended to create a Downtown Design Overlay for all properties located within the boundaries depicted in the map below as based on the Downtown Master Plan in the Gen H Comprehensive Plan adopted August 1, 2024.

Furthermore, within the Downtown Design Overlay District there are various standards for properties based on their location in corresponding maps which depict Street Types, Character Areas, and Building Height districts.