

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE Subdivision ORDINANCE, SECTION 2.04. REVIEW PROCEDURES BY REVISING SUBSECTION F. EXPEDITED SUBDIVISION AND SUBSECTION. I. MINOR SUBDIVISION TO AMEND THE REQUIREMENTS FOR EXPEDITED AND MINOR SUBDIVISIONS IN THE CITY OF HENDERSONVILLE.

WHEREAS, the City of Hendersonville's Planning Board has reviewed and recommended, voting 8-0 in support of the adoption, a subdivision text amendment to requirements for expedited and minor subdivisions within the City of Hendersonville's jurisdiction; and

WHEREAS, the proposed amendment is intended to encourage compatible infill development by reducing the upfront infrastructure costs of low impact subdivisions; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 2.04. Review Procedures, Subsection F. Expedited Subdivision and Subsection. I. Minor Subdivision of the Subdivision Ordinance of the City of Hendersonville be amended as follows:

Sec. 2.04. Review procedures.

F. Expedited subdivision.

1. **Purpose and intent.** The purpose for this expedited subdivision review procedure is to allow certain land divisions to be reviewed via an expedited review procedure based on their ~~small size and~~ limited likelihood to create significant impacts on surrounding lands.

Figure 2.04.D F: Conservation Expedited Subdivision Procedure	
STEP	ACTION
1	FILE APPLICATION Filed with Development Assistance Department <u>Community Development Department</u> -Required prior to conveyance of lots
2	COMPLETENESS DETERMINATION See Section 2.03.D.5, completeness Determination -Application shall include copies of any protective covenants or deed restrictions -Plat shall include all required certification language
3	STAFF REVIEW
4	CITY MANAGER DECISION Decision shall be made in writing
5	NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1st class mail
6	RECORDATION With the Henderson County Register of Deeds within 10 days of approval

2. **Applicability.**

- a. The standards in this section shall apply to divisions of land meeting all the following criteria:
 - i. The proposed division of land is not exempted from the subdivision standards of this ordinance in accordance with G.S. 160D-802; and
 - ii. The proposed division will not result in more than three lots (including any residual or "parent" parcel); and
 - iii. The area of land subject to the division shall be comprised of ~~at least five more than~~ two (2) acres under common ownership; and
 - iv. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years; and
 - v. The use of all lots is in conformity with the zoning district where located; and
 - vi. No extension of public streets is proposed.
 - b. Divisions of land not meeting all these standards shall be reviewed as a minor subdivision or major subdivision, as appropriate.
 - c. Lots within an expedited subdivision are not exempted from any applicable zoning district dimensional requirements.
3. **Expedited subdivision review procedure.**
- a. **Application submittal.**
 - i. Applicable (see section 2.03.D, application filing and acceptance).
 - ii. Expedited subdivision plats shall be prepared by a licensed professional authorized by the state to prepare such documents.
 - iii. ~~Applications for an expedited subdivision shall include an evaluation from Henderson County Environmental Health indicating that an on-site wastewater system and on-site potable water system may be used on each lot not connected to the public potable water or sanitary sewer systems.~~
 - b. **Staff review and action.**
 - i. Applicable (see section 2.03.E, staff review and action).
 - ii. The city manager shall review and make an administrative decision/determination regarding the application in accordance with section 2.04.F.4, expedited subdivision review standards. Notice of the administrative decision/determination shall be given in accordance with section 2.03.~~K~~ J.1.
 - iii. If an expedited subdivision application is denied, then the reasons for denial shall be stated in writing. The applicant may revise and resubmit an expedited subdivision application that has been denied. Alternatively, the applicant may appeal the city manager's administrative decision or determination to the zoning board of adjustment in accordance with section 2.04 F.9. appeal.
4. **Expedited subdivision review standards.**
- a. An expedited subdivision shall be approved if the application complies with the following:

- i. The expedited subdivision plat is on a sheet or sheets suitable for recording with the Register of Deeds in Henderson County;
 - ii. The expedited subdivision plat is prepared and sealed by a licensed professional authorized by the state to prepare such documents;
 - iii. The expedited subdivision plat complies with all applicable standards in this ordinance and G.S. 47-30;
 - iv. The expedited subdivision plat includes all required certifications;
 - v. ~~The applicant has secured all required state and federal permit approvals;~~
 - vi. ~~All lots have been certified by Henderson County Environmental Health as capable of accommodating the wastewater generated from the proposed use, in cases when the lots are not served by a centralized wastewater system;~~
 - vii. ~~All lots have been certified by Henderson County Environmental Health as served by an acceptable source of potable water in cases when the lots are not served by a centralized potable water system;~~
 - viii. All lots in the expedited subdivision comply with the applicable dimensional requirements for the zoning district where located;
 - ix. ~~The lots are served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with city standards; and~~ A permanent means of ingress and egress is recorded for each lot.
 - x. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years.
- b. Subdivisions of land located within a special flood hazard area shall comply with all applicable city standards for flood damage prevention, and include the following statement:

"Use of land within a floodplain or a special flood hazard area is substantially restricted by the City of Hendersonville."

5. **Recordation.**

- a. Once an expedited subdivision plat is approved, a signed statement by the city manager shall be entered on the face of the plat. The expedited subdivision plat may not be recorded without this and all other required certifications.
- b. Land may not be conveyed or construction started until the expedited subdivision plat is recorded.

6. **Effect.**

- a. Approval of the expedited subdivision plat allows the sale or conveyance of lots within the subdivision.
- b. Building permits may be issued following recordation of the expedited subdivision plat.
- c. Land subject to an expedited subdivision approval shall not be further subdivided as an expedited subdivision within ten years of the date of the prior expedited subdivision approval.

7. **Amendment.** Amendment of an expedited subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
8. **Expiration.** The period of validity for an expedited subdivision plat shall be determined in accordance with chapter 40 of the City of Hendersonville Code of Ordinances.
9. **Appeal.** Appeal of an administrative decision or determination by staff under this section 2.04.F. expedited subdivisions, shall be reviewed and decided by the BOA in accordance with section 2.04.C, appeal.

I. Minor subdivision.

1. **Purpose and intent.** The purpose for this minor subdivision review procedure is to allow certain land divisions to be reviewed via an administrative review procedure based on the limited number of new lots and no extension of or changes to existing public streets is required.
2. **Applicability.**
 - a. Subdivisions of land that include ~~up to~~ four to eight lots (including the parent parcel) with no extension of or changes to public streets are minor subdivisions and shall be reviewed in accordance with the standards in this section.

Figure 2.04.I: Minor Subdivision Procedure

STEP	ACTION
1	PRE-APPLICATION CONFERENCE Optional
2	FILE APPLICATION Filed with Development Assistance Department <u>Community Development Department</u> -Required prior to conveyance of lots
3	COMPLETENESS DETERMINATION See Section 2.03.D.5, Completeness Determination -Application shall include copies of any protective covenants or deed restrictions -Plat shall include all required certification language
4	STAFF REVIEW
5	CITY MANAGER DECISION Decision shall be made in writing
6	NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1st class mail
7	RECORDATION With the Henderson County Register of Deeds within 30 days of approval

- b. All lots shall connect to the public potable water and sanitary sewer systems as part of the establishment of the minor subdivision. However, connection to the public water or sewer system shall not require the subdivision to be reviewed as a major subdivision.
- c. No lot within a minor subdivision (including the parent parcel) shall be the subject of another minor subdivision application for a period of three years from the date the minor subdivision is approved.

3. **Minor subdivision review procedure.**

- a. **Pre-application conference.** Applicable (see section 2.03.C, pre-application conference).
- b. **Application submittal.**
 - i. Applicable (see section 2.03.D, application filing and acceptance).
 - ii. Applications shall be prepared by a licensed professional authorized by the state to prepare such documents.
 - iii. In cases where a minor subdivision is part of a larger phased development, the application materials shall illustrate all various stages and phases of the development as well as the schedule for completion of public and private improvements associated with the development.
- c. **Staff review and action.**
 - i. Applicable (see section 2.03.E, staff review and action).
 - ii. The city manager shall review the application and may submit it to technical staff or to other outside agencies, as appropriate, for further technical review, as appropriate.
 - iii. Following receipt of comments from technical review, if conducted, the city manager shall review and make an administrative decision/determination regarding the application in accordance with section 2.04.I.4, minor subdivision review standards. Notice of the administrative decision or determination shall be given as required by section 2.03.K.1.
 - iv. If a minor subdivision application is denied, then the reasons for denial shall be stated in writing. The applicant may revise and resubmit a minor plat that has been denied. Alternatively, the applicant may appeal the denial in accordance with section 2.04.I.9 appeal, below.

4. **Minor subdivision review standards.**

- a. A minor subdivision shall be approved if the application complies with the following:
 - i. The minor subdivision plat is on a sheet or sheets suitable for recording with the Henderson County Register of Deeds;
 - ii. The minor subdivision plat is prepared and sealed by a licensed professional authorized by the state to prepare such documents;
 - iii. The minor subdivision plat complies with the applicable standards in G.S. 47-30;
 - iv. The minor subdivision plat includes all required certifications;
 - v. All lots shall be served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with NCDOT or city standards, as appropriate;
 - vi. The applicant has secured all required state, federal, and other applicable permit approvals;
 - vii. The minor subdivision is in substantial conformance with all applicable requirements in this ordinance;

- viii. All lots in the minor subdivision shall maintain minimum lot widths in accordance with the requirements for the zoning district where located;
 - ix. All required improvements depicted on the minor subdivision plat are installed and inspected by the city, or are subject to a performance guarantee (see section 2.05, performance guarantees); and
 - x. The minor subdivision complies with all standards and conditions of any applicable permits and development approvals.
 - b. Minor subdivisions of land located within a special flood hazard area shall comply with all applicable city standards for flood damage prevention, and include the following statement:

"Use of land within a floodplain or a special flood hazard area is substantially restricted by the City of Hendersonville."
- 5. **Recordation.**
 - a. Once a minor subdivision is approved, a signed statement of approval by the city manager shall be entered on the face of the plat. The minor subdivision plat may not be recorded without this certification.
 - b. A minor subdivision plat shall not be recorded until after the city manager receives confirmation that the proposed subdivision has been approved by the appropriate United States Postmaster, or evidence that the applicant has addressed comments submitted by the postmaster.
- 6. **Effect.** Approval of a minor subdivision allows the sale or conveyance of lots within the subdivision. Building permits may be issued following recordation of the minor subdivision plat.
- 7. **Amendment.** Amendment of a minor subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
- 8. **Expiration.** The period of validity of a minor subdivision approval shall be determined in accordance with chapter 40 of the City of Hendersonville Code of Ordinances.
- 9. **Appeal.** Appeal of an administrative decision or determination by staff under this section 2.04.I. minor subdivision, shall be reviewed and decided by the BOA in accordance with section 2.04.C, appeal.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of March 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney