

ZONING TEXT AMENDMENT: ALIGNMENT OF URBAN RESIDENTIAL & URBAN VILLAGE ZONING DISTRICTS WITH GEN H COMPREHENSIVE PLAN (P24-66-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY



- Project Name & Case #:
  - Urban Residential & Urban Village Alignment with Gen H Comp Plan
  - P24-66-ZTA
  
- Applicant:
  - City of Hendersonville
  
- Articles Amended:
  - Zoning Ordinance
    - Section 5-24
    - Section 5-25
  - Subdivision Ordinance
    - Section 1.07
  
- Zoning Districts Impacted:
  - Urban Village
  - Urban Residential
  
- Future Land Use Designations:
  - Multi-Generational Living
  - Neighborhood Center
  - Mixed Use-Commercial
  - Mixed Use-Employment
  - Downtown

**Summary**

*The City of Hendersonville is initiating an amendment to the City's Zoning Ordinance and Subdivision Ordinance to make updates which align with the City's newly adopted Gen H 2045 Comprehensive Plan.*

*The proposed changes would update the Future Land Use designations referenced in two zoning districts - Section 5-24 (Urban Village) and Section 5-25 (Urban Residential). Currently, these two zoning districts make reference to Future Land Use designations outlined in the 2030 Comprehensive Plan. The proposed amendment would update the Future Land Use designations to align with the Gen H 2045 Comprehensive Plan. The Future Land Use designations are used as a tool within these two zoning districts to guide the appropriate locations for this type of zoning.*

*Additionally, the 2030 Comprehensive Plan is specifically referenced in the City's Subdivision Ordinance. This update would be to make the Subdivision generally reference the currently adopted Comprehensive Plan rather than reference a specific plan by year or title.*

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS

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The Urban Residential and Urban Village Zoning Districts are two of the conditional zoning districts outline in Article V of the City’s Zoning Ordinance. In both Conditional Zoning Districts (Section 5-24 & Section 5-25), references under “Procedure” are made to Future Land Use designations found in the City’s *2030 Comprehensive Plan*. The purpose of referencing these designations found in the Future Land Use Map (FLUM) is to identify the appropriate locations in the City where Urban Village and Urban Residential zoning would be appropriate. Given that the new *Gen H 2045 Comprehensive Plan* has been adopted, these Future Land Use references are outdated and need to be aligned with the Character Area designations in City’s newly adopted Future Land Use & Conservation Map. The indirect relationship between the Future Land Use designations in the *2030 Comprehensive Plan* and the *Gen H Comprehensive Plan* are as follows:

<u>2030 FLUM</u>		<u>Gen H FLUM</u>
Medium Intensity Neighborhood	>	Multi-Generational Living
High Intensity Neighborhood	>	Neighborhood Center
Neighborhood Activity Center	>	Mixed Use Employment
Regional Activity Center	>	Mixed-Use Commercial
Business Center	>	Downtown

In addition to making these new references, staff is proposing to include language that supports the added density provided by the Urban Residential Zoning District within the “Focused Intensity Nodes” found on p. 119 of the *Gen H Comprehensive Plan*. The Focused Intensity Nodes are nearly 100% comprised of the Future Land Use Designations proposed for Urban Residential (listed above), but in cases where there is a Future Land Use designation, other than those listed but within one of these Focused Intensity Nodes, the proposed language to allow Urban Residential in these areas will provide clarity and align with the growth strategy proposed by the *Gen H Comprehensive Plan*.

Additionally, in an effort to further align with the goals of the Gen H Comprehensive Plan, staff is proposing to add additional residential uses to the list of permitted uses in the Urban Residential district. Currently, single-family (attached or detached) residential units are not permissible in the Urban Residential Zoning District, but are permitted in the Urban Village Zoning District. To provide opportunities for a range of housing types in new developments, it is proposed that single-family detached, single-family attached and two-family housing types be added to the list of permitted uses in the Urban Residential District. To ensure a mix of housing types other than just single-family detached, the proposed language limits the use of single-family detached housing to no more than 50% of the total units in the development.

Lastly, the City’s Subdivision Ordinance makes a reference to the *2030 Comprehensive Plan* in the list of adopted policies that shall provide guidance towards “administration, enforcement, and amendments” to the Subdivision Ordinance. Staff is proposing that the reference be made broadly to the “most-recently” adopted “Comprehensive Plan” rather than reference a Comprehensive Plan from a specific year.

LEGISLATIVE COMMITTEE RECOMMENDATION

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The proposed amendment was developed by staff after the August Legislative Committee meeting had already taken place. Therefore the Legislative Committee was unable to evaluate this proposal in advance of the September Planning Board meeting.

The following revisions to the zoning code are presented for your consideration:

## ZONING ORDINANCE

### Sec. 5-24. - UV Urban Village Conditional Zoning District Classification

#### 5-24-1 Procedure.

The reclassification of property to UVCZD Urban Village Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. UVCZD Urban Village Conditional Zoning Districts shall be created only in locales designated in the Comprehensive Plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center.~~ Notwithstanding the foregoing, an Urban Village District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Village Conditional Zoning District is located no more ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

### Sec. 5-25. - UR Urban Residential Conditional Zoning District Classification.

#### 5-25-2 Procedure.

The reclassification of property to Urban Residential Conditional Zoning District shall constitute an amendment of the zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Urban Residential Conditional Zoning Districts shall be created only in locales designated in the comprehensive plan as Multi-Generational Living, Neighborhood Center, Mixed Use-Commercial, Mixed Use-Employment, and Downtown and may be considered in Focused Intensity Nodes regardless of Character Area Designation. ~~Medium Intensity Neighborhood, High Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, and Business Center.~~ Notwithstanding the foregoing, an Urban Residential Conditional Zoning District may be located on a lot(s) all or part of which fall within locales designated as Multi-Generational Living ~~Medium Intensity Neighborhood~~ in the comprehensive plan only if any part of the boundary of the Urban Residential Conditional Zoning District is located no more than ~~100~~ 350 feet from the boundary of a zoning district having a non-residential zoning designation.

#### 5-25-3 Permitted uses.

The following uses are permitted within the UR Urban Residential Zoning District Classification.

Residential dwellings, multi-family

Residential dwellings, single-family, subject to the standards in Section 5-25-6

Residential dwellings, two-family

#### 5-25-5 - Design considerations.

5-25-5.13 Internal access and connectivity. The site shall be traversed by a network of internal streets built according to city standards. Internal streets should seek to avoid cul-de-sacs and dead end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or green space. In such cases a sidewalk or other connection shall be provided to ensure the goals of connectivity. In addition, internal streets shall have sidewalks and street trees. If a bus line

serves, or is expected to serve, the district, a bus shelter is required. Larger projects may require more shelters as determined by traffic impact analysis. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Urban Residential Conditional Zoning development should be created where possible. Only two driveways per block face are allowed. [Detached single-family housing and duplex housing are exempt from the driveway restriction.](#)

## **5-25-6 Limitations to Single-Family Detached Dwellings**

**5-25-6.1 Single-Family Detached.** Single-Family detached dwellings shall comprise no more than 50% of the total units of any development. The remaining balance of residential units may be any combination of single-family attached, two-family and multi-family residential dwellings.

**5-25-6.2 Single-Family Attached.** Single-family attached dwellings are permitted to comprise 100% of the total units of any development.

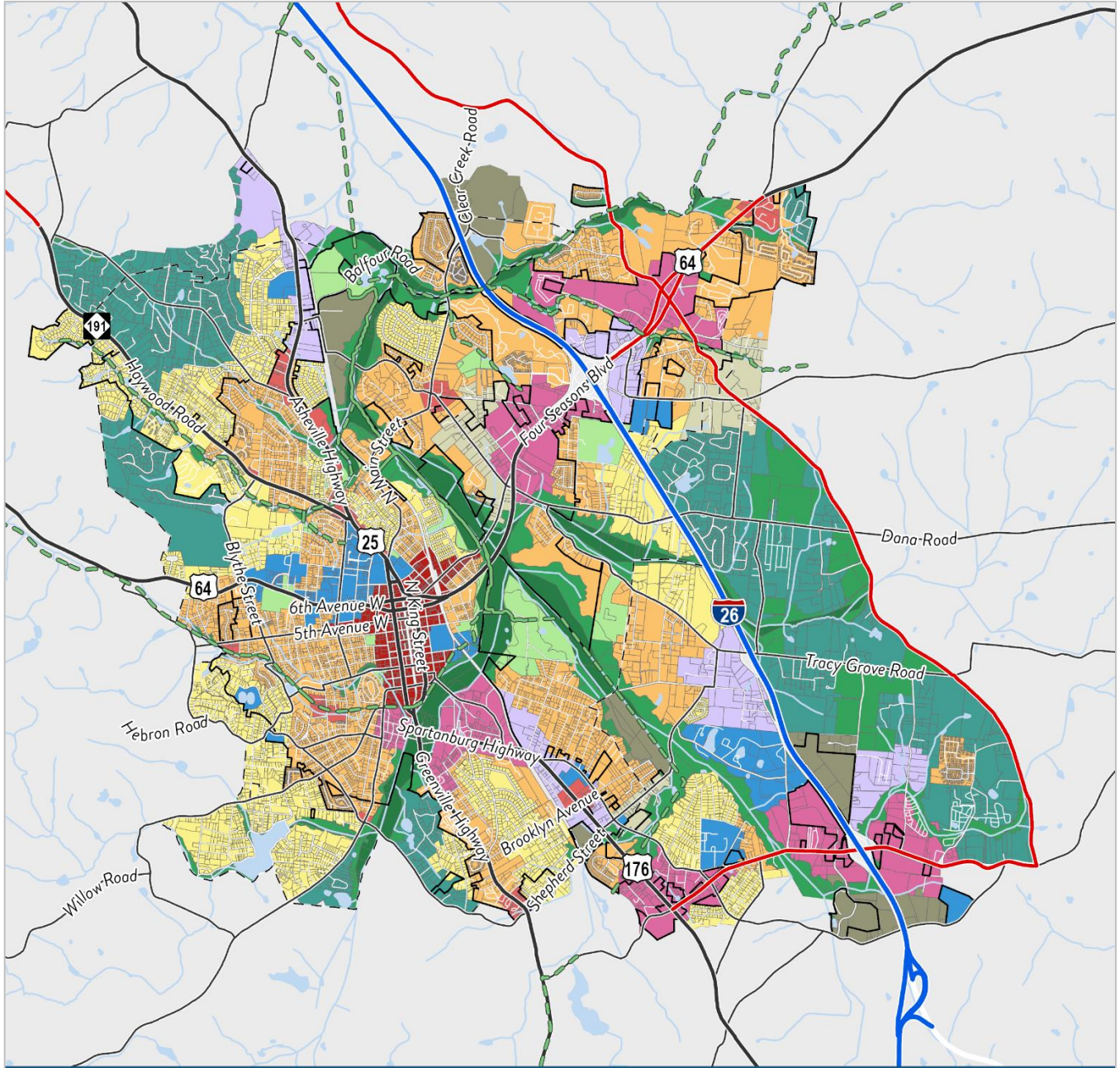
## **SUBDIVISION ORDINANCE**

### **Sec. 1.07. Relationship to other laws and policies.**

- A. **Adopted policy guidance.** The administration, enforcement, and amendment of this ordinance shall be accomplished in accordance with the city's [most-recently](#) adopted policy guidance. The city's adopted policy guidance includes, but is not limited to:
1. The ~~2030~~ Comprehensive Plan;
  2. The Parks and Greenspace Plan;
  3. The Pedestrian Plan;
  4. The Bicycle Plan; and
  5. Any other applicable city-adopted policy language



GEN H COMPREHENSIVE PLAN - FUTURE LAND USE AND CONSERVATION MAP



**Future Land Use & Conservation Map (DRAFT)**

0 4,500  
Feet



- Open Space - Conservation 1 (Regulated)
- Open Space - Conservation 2 (Natural)
- Open Space - Recreation
- Rural Residential
- Family/Neighborhood Living
- Multi-Generational Living
- Downtown

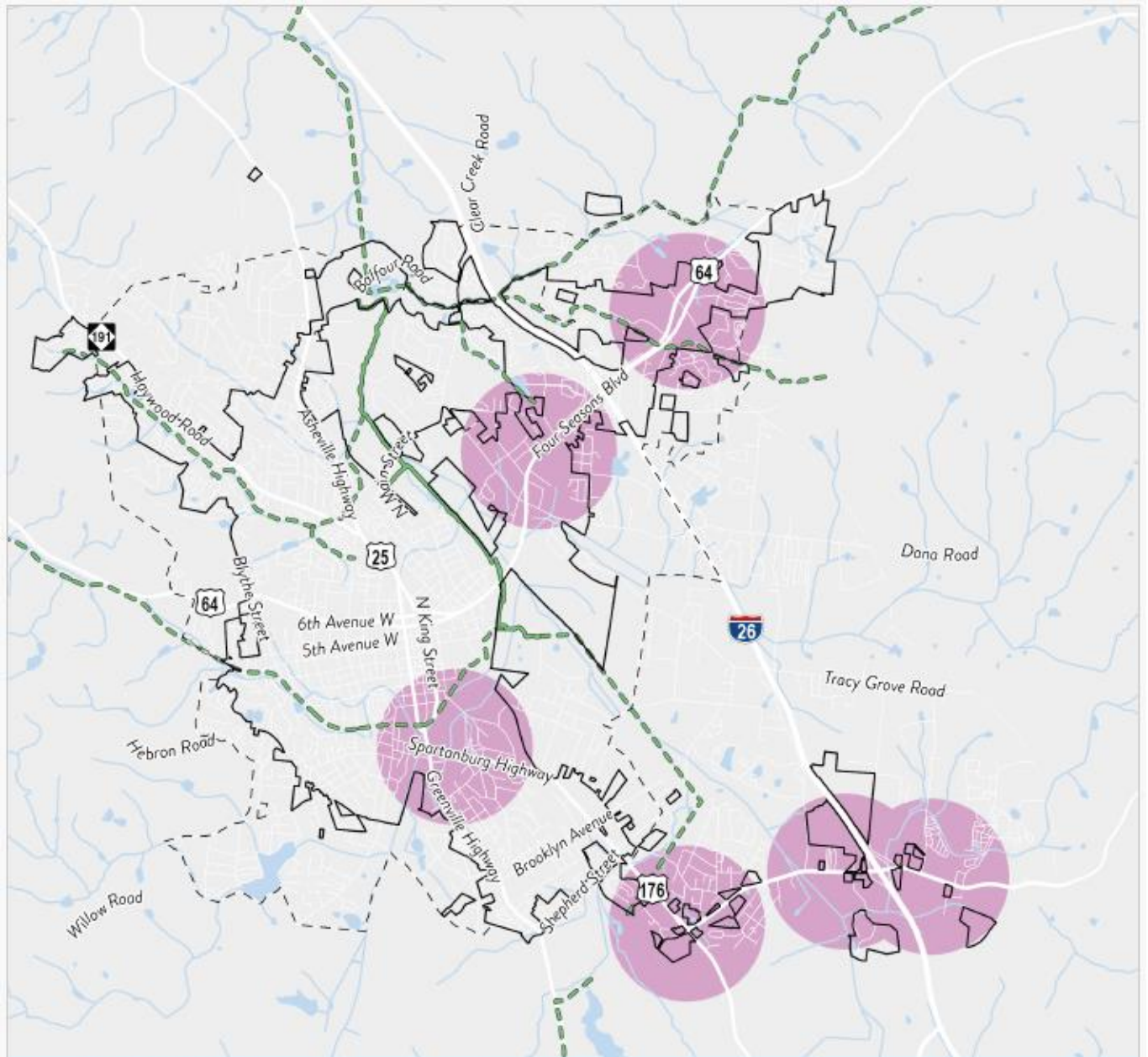
- Mixed Use - Commercial
- Neighborhood Center
- Mixed Use - Employment
- Institutional
- Innovation
- Production
- Existing Greenways and Trails
- Proposed Greenways and Trails

- CTP Highway Classification
- Freeway
  - Boulevard
  - Other Major Thoroughfare
  - Minor Thoroughfare
  - Hendersonville City Limits
  - Hendersonville ETJ

Source: City of Hendersonville, Henderson County, NCDOT



FUTURE LAND USE & CONSERVATION FOCUSED INTENSITY NODES MAP



Future Land Use & Conservation Focused Intensity Nodes Map



- |   |                               |  |
|---|-------------------------------|--|
| Open Space - Conservation 1 (Regulated) | Mixed Use - Commercial        | Hendersonville City Limits<br>Hendersonville ETJ |
| Open Space - Conservation 2 (Natural)   | Neighborhood Center           |  |
| Open Space - Recreation                 | Mixed Use - Employment        |  |
| Rural Residential                       | Institutional                 |  |
| Family/Neighborhood Living              | Innovation                    |  |
| Multi-Generational Living               | Production                    |  |
| Downtown                                | Existing Greenways and Trails |  |
|   | Proposed Greenways and Trails |  |

Source: City of Hendersonville, Henderson County, NCDOT

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><b><u>LAND SUPPLY, SUITABILITY &amp; INTENSITY</u></b> N/A</p>
	<p><b><u>FUTURE LAND USE &amp; CONSERVATION MAP</u></b>  <b>Character Area Designations:</b> Downtown  <b>Character Area Descriptions:</b> Consistent  <b>Zoning Crosswalk:</b> Inconsistent  <b>Focus Area Map:</b> N/A</p>
2) COMPATIBILITY	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p>
	<p>In addition to a general analysis, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating the zoning text amendment’s compatibility. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project the Downtown Character Areas, staff evaluated the project according to Chapter V of the Gen H Plan.</p>
	<p><b><u>EXISTING CONDITIONS</u></b>                      The proposed amendments update the City’s Zoning Code to align with the City’s new Gen H Comprehensive Plan. The addition of single-family uses to the Urban Residential Zoning District will assist in providing a mix of housing types which are compatible with existing land uses in areas of the City identified in the Future Land Use Map. Additionally, the development standards of the Urban Residential and Urban Village zoning districts help to promote pedestrian-friendly design, mixed uses, interconnectivity, and architectural standards that support compatible site and building design.</p>
	<p><b><u>GEN H COMPREHENSIVE PLAN GOALS</u></b> (Chapter IV)  <b>Vibrant Neighborhoods:</b> Consistent  <b>Abundant Housing Choices:</b> Consistent  <b>Healthy and Accessible Natural Environment:</b> Consistent  <b>Authentic Community Character:</b> Consistent  <b>Safe Streets and Trails:</b> Consistent  <b>Reliable &amp; Accessible Utility Services:</b> N/A  <b>Satisfying Work Opportunities:</b> Consistent  <b>Welcoming &amp; Inclusive Community:</b> Consistent  <b>Accessible &amp; Available Community Uses and Services:</b> N/A  <b>Resilient Community:</b> N/A</p>
	<p><b><u>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</u></b> (Chapter IV)  <b>Mix of Uses:</b> Consistent  <b>Compact Development:</b> Consistent</p>



	<p><b>Sense of Place:</b> Consistent  <b>Conserved &amp; Integrated Open Spaces:</b> Consistent  <b>Desirable &amp; Affordable Housing:</b> Consistent  <b>Connectivity:</b> Consistent  <b>Efficient &amp; Accessible Infrastructure:</b> Consistent</p>
	<p><b>DESIGN GUIDELINES ASSESSMENT</b> (Chapter V)  <b>Public Realm</b> - Consistent  <b>Site Design</b> - Consistent  <b>Building Design</b> - Consistent</p>
<p>3) Changed Conditions</p>	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -  The City’s Gen H Comprehensive Plan was recently adopted on August 1, 2024 making references from the 2030 Comprehensive Plan in the Zoning Code and Subdivision Ordinance out of date.</p>
<p>4) Public Interest</p>	<p>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -  The proposed amendment would allow for a compatible infill development with a mix of housing types and higher density, walkable developments in key locations across the City.</p>
<p>5) Public Facilities</p>	<p>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment    N/A</p>
<p>6) Effect on Natural Environment</p>	<p>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -    There is no immediate development proposed.</p>

## Staff Analysis

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description. One area of inconsistency is with the Zoning Crosswalk which only reflects Urban Residential and Urban Village as being appropriate zoning districts in the Multi-Generational Living Character Area. However, it is staffs' opinion that this zoning district can be applied in a range of Character Areas as one of the better tools to achieve the densities desired in certain areas of the city. One logical reason for Urban Residential not being more broadly applicable to other Character Areas, as identified in the Zoning Crosswalk, is due to the limitations on commercial uses as prescribed in 5-25-3. While Urban Village does not have these limitations on commercial uses and is more of a true mixed use zoning district, it is limited to developments that are 10 acres or greater in size.
2. Compatibility - The proposed text amendment would improve the compatibility of the Urban Residential Zoning District by expanding the mix of housing types permitted.
3. Changed Conditions - The text amendment is being prompted by the need for updated language in due to the newly adopted Gen H Comprehensive Plan which was adopted in early August 2024.
4. Public Interest - The text amendment maintains and improves the use of Urban Residential and Urban Village as critical zoning tools which advance the goals of the Gen H Comprehensive Plan.
5. Public Facilities - N/A
6. Effect on Natural Environment - N/A

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

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

We [**find/do not find**] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

*DRAFT [Rationale for Approval]*

- *Urban Residential and Urban Village Zoning Districts were outdated*
- *The Zoning Text Amendment updates the language in the Zoning Code to align with the newly adopted Gen H Comprehensive plan.*
- *The Subdivision Text Amendment updates outdated language referencing the 2030 Comprehensive Plan*

*DRAFT [Rational for Denial]*

- *Urban Residential and Urban Village zoning districts are incompatible with the list of permitted Character Areas*