

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE V. – ‘ZONING DISTRICT CLASSIFICATIONS’, SECTION 5-10 ‘MEDICAL, INSTITUTIONAL AND CULTURAL ZONING DISTRICT CLASSIFICATION (MIC)’ AND ARTICLE XII. – ‘DEFINITION OF TERMS’ AND ARTICLE XVI. – ‘SUPPLEMENTARY STANDARDS FOR CERTAIN USES’ TO INCLUDE SMALL-SCALE MULTI-FAMILY RESIDENTIAL USES WITH SUPPLEMENTARY STANDARDS

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on August 10, 2023; voting **0-0** to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on September 7, 2023, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on September 7, 2023,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend Article V. – ‘Zoning District Classifications’, Section 5-10 ‘Medical, Institutional and Cultural Zoning District Classification (MIC)’ and Section 5-14-7. ‘Minor Planned Residential Developments’ and Article XVI. – ‘Supplementary Standards for Certain Uses’ to include small-scale multi-family residential uses with supplementary standards.

ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS

Section 5-10. - Medical, Institutional and Cultural Zoning District Classification (MIC).

5-10-1. Permitted uses.

The following uses are permitted by right in the MIC Medical Institutional Cultural Zoning District Classification, provided they meet all requirements of this section and all other requirements established in this appendix:

Accessory dwelling units subject to supplementary standards contained in section 16-4 below

Accessory uses and structures

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Banks and other financial institutions

Child care centers subject to supplementary standards contained in section 16-4, below

Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Congregate care facilities subject to supplementary standards contained in section 16-4, below

Home occupations

Hospitals

Laundries, coin-operated

Music and art studios

Neighborhood community centers

Nursing homes subject to supplementary standards contained in section 16-4, below

Offices, business, professional and public

Parking lots and parking garages

Parks

Personal services consistent with the purposes of this classification, such as barber and beauty shops, medical and dental labs and clinics, opticians and optical services and prosthetics & orthopedics

Planned residential developments (minor)

Progressive care facilities subject to supplementary standards contained in section 16-4, below

Public and semi-public buildings

Religious institutions

Residential care facilities subject to supplementary standards contained in section 16-4, below

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, small-scale multi-family subject to supplementary standards contained in section 16-4, below

Rest homes subject to supplementary standards contained in section 16-4, below

Retail stores consistent within the purposes of this classification, such as gift shops, florist shops and pharmacies

Schools, post-secondary, business, technical and vocational

Signs, subject to the provisions of article XIII

Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

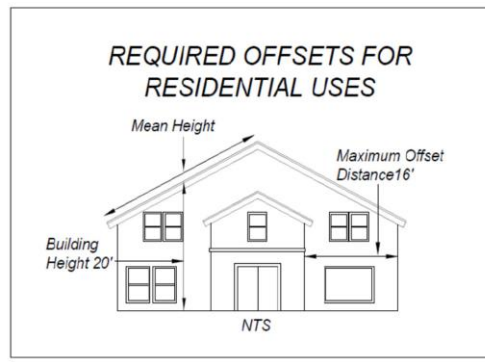
5-10-3. Dimensional requirements.

Minimum lot area in square feet:	8,000
Lot area per dwelling unit in square feet:	10,000 for the first; 5,000 square feet for each additional dwelling unit in one building.
Minimum lot width at building line in feet:	7 50
Minimum yard requirements in feet:	Front: 30 10
	Side: <u>20 total for lot; with minimum of 5; on any side</u>
	Rear: 20
<u>Accessory Structure Minimum Setbacks</u>	<u>Front: Shall be located to the side or rear of principal structure</u>
	<u>Side & Rear: 5</u>
Maximum height in feet:	50

ARTICLE XVI. - SUPPLEMENTARY STANDARDS FOR CERTAIN USES

16-4-31 – Residential Dwellings, Small-scale multi-family

- a) For the purposes of these standards, small-scale multi-family shall include all developments not subject to the N.C. Residential Code for One- and Two-Family Dwellings including triplexes, quadplexes, and other small apartment buildings. The standards below may be implemented voluntarily for single-family attached (townhomes) constructed subject to N.C. Residential Code for One- and Two-Family Dwellings.
- b) Maximum Height for any structure shall be 42'.
- c) Maximum footprint for any principal structure shall be 4,000 square feet.
- d) All street-facing sides of a corner lot are considered fronts
- e) Building Placement
 - a. Buildings shall be situated as close to the minimum front setback as practicable.
 - b. Buildings shall be situated to provide off-street parking to the rear and/or side of the building(s).
 - c. Buildings shall be situated to protect and accentuate important mountain vistas and views of significant historic sites.
 - d. Buildings shall be situated to provide well-defined, street-facing entrance(s) with a connecting walkway with a direct, safe, pedestrian connection to the street.
 - i. For buildings on corner lots, an entrance may be placed at the corner, thereby eliminating the need for side entrances.
 - e. Buildings shall offset front-loading garages and carports, if provided, behind the front façade by a minimum of 10'.
 - i. Front-loading garages and carports shall be visually designed to form a secondary building volume.
 - ii. The width of an attached garage shall not exceed 50 percent of the total building façade.
 - f. Canopies, awnings, cornices, balconies, front-facing covered porches and similar architectural accents are permitted to extend from the building up to five feet (5') into a required minimum setback and/or required Common Open Space.
- f) Architectural Design Standards
 - a. The following standards apply to all facades (front, rear and side) of buildings:
 - i. No wall shall exceed 16 feet in length without an offset. A building façade which is less than 16 feet in length shall not require an offset.
 - ii. Offsets shall have a minimum depth or projection of one and one half feet (1.5').



- iii. Each façade shall use fenestration and do so in a manner which is proportional to the overall scale of the building.

- iv. All building facades shall contain at least two building materials which shall contrast in color and texture.
- v. When multiple wall materials are combined on one façade, the designer is encouraged to place the heavier material(s) below
- vi. Building materials shall be used consistently on the exterior of the building. The following building materials are prohibited for exterior façade application:
 - 1) Plain concrete block (with or without paint);
 - 2) Reflective glass;
 - 3) More than 50 percent glass on any façade;
 - 4) Vinyl siding; and
 - 5) Any other materials not customarily used in conventional construction.
- vii. Exposed foundations shall consist of stone, stucco, brick or decorative block. If crawlspaces of porches are enclosed, they shall be enclosed with similar materials or lattice or any combination thereof.
- viii. Windows. Windows shall either be (1) recessed a minimum of three inches (3”) from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.
- b. The following standards apply to all street-facing facades (fronts) of buildings:
 - i. Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations.
 - i. Dormers
 - ii. Gables
 - iii. Recessed entries
 - iv. Cupolas or towers
 - v. Pillars, columns or posts
 - vi. Corbels
 - vii. Bay windows
 - viii. Balconies
 - ix. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation)
 - x. Parapets / Decorative cornices and roof lines (required for buildings with flat roofs)
 - xi. Wood siding with two and a half inch to four and a half inch reveal (2.5”- 4.5”)
- c. Pitched roofs on residential buildings shall have a pitch between 5:12 and 12:12. Eaves (with a minimum twelve-inch (12”) projection) shall be provided with a pitched roof.
- d. Useable porches and/or stoops, at least eight feet (8’) in width and six feet (6’) in depth, shall be located on the front and/or side of the home. Porches may encroach into front setback up to five feet (5’).
- e. Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure and with similar roof pitch.

- f. Walls and fences located in the front yard shall be no more than four feet (4') above grade. The use of chain link fencing is prohibited in front yards. For corner lots, both street-facing sides shall be considered fronts . Rear yard and side yard fences are not subject to these standards.
- g) **On-street parking.** On-street parking is encouraged for all local streets and thoroughfares.
 - a. On-street parking abutting the development parcel shall count toward meeting the off-street parking requirements for the district.
 - b. On-street parking may take the form of parallel or angle parking and shall be built according to city or state standards as applicable in order to count towards minimum parking requirements.
- h) **Off-street parking.**
 - a. All off-street parking lots shall be provided at the side or rear of buildings or the interior of a block of buildings and not closer to the street than the edge profile of the structures.
 - b. Off-street parking shall not be adjacent to street intersections.

ARTICLE XII. - DEFINITION OF TERMS

Sec. 12-2. - Definition of commonly used terms and words.

Dwelling, small-scale multi-family: A building with eight (8) or fewer dwelling units

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of September, 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney