



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER:	Matthew Manley	MEETING DATE:	November 13, 2025
AGENDA SECTION:	New Business	DEPARTMENT:	Community Development
TITLE OF ITEM:	Zoning Text Amendment: Elimination of Waiting Period (25-80-ZTA) – Matthew Manley, AICP – Long-Range Planning Manager		

SUGGESTED MOTION(S):

<u>For Approval:</u>	<u>For Denial:</u>
<p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance Article IX. ‘Amendments’ to align with NC General Statute based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The proposed amendments aligns with the Gen H Comprehensive Plan</p> <p>2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute with the elimination of waiting periods for denied rezoning applications2. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by eliminating the provisions for protest petitions <p style="text-align: center;">[DISCUSS & VOTE]</p>	<p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article IX. ‘Amendments’ to align with NC General Statute based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The proposed amendments aligns with the Gen H Comprehensive Plan</p> <p>2. We <u>do not find</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed changes will allow for recurring rezoning request for the same property. <p style="text-align: center;">[DISCUSS & VOTE]</p>

***SUMMARY:** The City of Hendersonville is initiating a zoning text amendment to update language in Article IX which addresses procedures for rezonings (zoning map amendments). The updates are based on recent changes to State Law (HB 926) which state the following: “A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.”*

Additionally, language is proposed to be stricken as it relates to “Protest Petitions” which were prohibited by state law in 2015. More information on this is available here:

<https://www.sog.unc.edu/resources/legal-summaries/protest-petitions>

PROJECT/PETITIONER NUMBER:	25-80-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Draft Ordinance Changes