

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND
THE CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE IV.
ESTABLISHMENT OF DISTRICTS & ARTICLE V. – ZONING DISTRICT
CLASSIFICATIONS AND TO AMEND THE CITY OF HENDERSONVILLE SUBDIVISION
ORDINANCE, SECTION 4.03. STREETS**

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on May 8, 2025; voting 8-0 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 June 5, 2025, 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 finds that this zoning text amendment will support the provision of workforce and missing middle housing in the City by providing opportunities for a mix of housing types such as duplexes, triplexes and quadplexes as well as single-family homes, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on June 5, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend the City of Hendersonville Zoning Ordinance, Article IV. Establishment of Districts & Article V. – Zoning District Classifications and to amend the City of Hendersonville Subdivision Ordinance, Section 4.03. Streets

ZONING ORDINANCE

Sec. 5-9. - C-4 Neighborhood Commercial Zoning District Classification

5-9-1. Permitted uses.

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix:

Planned residential developments (minor), subject to the requirements of article VII, below

Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

This zoning district classification is designed to accommodate planned residential developments with a rezoning to a Planned Residential Development Conditional Zoning District in accordance with article VII herein. Such rezoning to a Planned Residential Conditional Zoning District is required as a prerequisite to any use or development in the PRD Zoning District Classification, and no use shall be permitted except pursuant to such permit. The rezoning shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the rezoning for a planned residential district, city council may impose such

additional reasonable and appropriate safeguards upon such approval as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

5-14-1. Application.

The reclassification of property to PRD Planned Residential Development Conditional Zoning District shall constitute an amendment of the official zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Such amendment shall be initiated by means of an application for rezoning to a PRD Planned Residential Development Conditional Zoning District. No permit shall be issued for any development within a PRD Planned Residential Development Conditional Zoning District except in accordance with an approved rezoning.

5-14-2. Permissible uses subject to rezoning to a Planned Residential Development Conditional Zoning District.

A building or land shall be used only for those purposes specified in the rezoning for the project which may include one or more of the following:

Accessory structures

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

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

Adult care homes

Camps

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

Child care homes

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

Customary accessory uses

~~Golf courses~~

~~Golf driving ranges and par three golf courses~~

Home occupations

Neighborhood-oriented 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 where the gross floor area of any individual unit does not exceed 2,000 square feet. In combination, neighborhood-oriented nonresidential uses may not exceed a footprint of 8,000 square feet per building.

Neighborhood-oriented Retail stores consistent with the purposes of this classification, such as gift shops, florist shops and pharmacies where the gross floor area of any individual unit does not exceed 2,000 square feet. In combination, neighborhood-oriented nonresidential uses may not exceed a footprint of 8,000 square feet per building.

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

Neighborhood-oriented Offices located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which they are to be located

Parks

~~Planned residential developments (major)~~

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

Public utility facilities, subject to supplementary standards contained in section 16-4, below

Religious institutions

~~Residential dwellings, multi-family~~

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, three-family

Residential dwellings, four-family

Neighborhood-oriented Restaurants, consistent with the purposes of this classification (no drive-thrus) where the gross floor area of any individual unit does not exceed 2,000 square feet. In combination, neighborhood-oriented nonresidential uses may not exceed a footprint of 8,000 square feet per building.

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

Schools, primary, elementary and secondary

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

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

5-14-3. Site requirements.

Planned residential development conditional zoning districts shall have the following site and density requirements:

- a) ~~The total land area of the district shall be at least three acres; and~~ Sites should be located in one of the following Future Land Use designations as illustrated in the City's most recently adopted Comprehensive Plan: Rural Residential, Family Neighborhood Living, Multi-Generational Living.
- b) ~~Access to the planned residential development shall be by means of a boulevard or thoroughfare (major or minor) designated as such in the comprehensive transportation plan. Alternatively, access may be provided by means of streets other than major or minor thoroughfares when it is clearly demonstrated that the planned residential development will not result in a significant increase in traffic on any such street.~~ Density authorized for a Planned residential development conditional zoning district shall not exceed 10 units per acre. The following recommended maximum densities are based on the Future Land Use designation of the site:
 - i. Rural Residential = 2 units per acre
 - ii. Family Neighborhood Living = 6 units per acre
 - iii. Multi-Generational Living = 10 units per acre

5-14-4. Density.

~~The density for a planned residential development shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development. Unless a planned residential development qualifies for a density bonus as provided in subsection 5-14-6, below, the density authorized for the district shall not exceed ten units per acre.~~

5-14-5. Density bonus.

~~A density bonus over and above the maximum density specified in subsection 5-14-4, above, may be approved by city council only upon determining that the proposed planned residential development complies with the general considerations listed in subsection 5-14-5 provisions and standards of this Article as well as the following additional considerations:~~

- a) ~~The property on which the development is proposed to be situated shall be located in close proximity to within 350 feet of a boulevard or thoroughfare designated as such in the comprehensive transportation plan;~~
- b) ~~Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the comprehensive transportation plan;~~
- c) ~~The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service grade of such roadway;~~
- d) ~~The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;~~
- e) ~~The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by subsection 6-16-2, below, or one percent of the land area of the development for each dwelling unit per acre proposed.~~

~~Any density authorized by city council pursuant to this section shall not exceed 18 dwelling units per acre.~~

5-14-6. Development standards.

Unless noted otherwise, the following development standards shall apply to all planned residential developments, whether major or minor. In addition, planned residential developments shall meet all applicable standards contained in article VI, below

5-14-64.1. Open space and footprint requirements. Planned residential developments shall have a maximum footprint of ~~20~~ 40 percent of the site and shall have, as a minimum, ~~60~~ 40 percent of the site as open space. In addition, planned residential developments shall meet the common open space requirements of section 6-16.

5-14-64.2. Dimensional Standards Setbacks. ~~All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.~~

~~The planning board or e~~ City council, ~~as the case may be,~~ shall require reservations of rights-of-way, as well as increased setbacks, for roads identified in the comprehensive transportation plan, including existing roads to be widened as well as corridors of new roads.

~~All dwellings and their accessory structures shall be located at least ten feet from the edge of the paving for any street or drive and at least five feet from the edge of the paving for any area devoted principally to parking. Carports shall be situated at least ten feet from the edge of the paving for any street or drive and may be physically connected to the principal structure which they serve. In addition, dwellings and accessory structures abutting a street intended to serve more than 32 dwelling units or intended to be dedicated as a public street must be set back a minimum of 35 feet from the center line of such street. The approved setback lines shall be shown on the plan of development and on any recorded subdivision plat.~~

~~In addition to the foregoing setback requirements, minimum spacing between buildings shall be provided as per the NC State Building Code Volume V Fire Prevention.~~

<u>Minimum lot area in square feet:</u>	<u>0</u>
<u>Minimum lot width at building line in feet:</u>	<u>None</u>
<u>Minimum yard requirements for Principal Structures in feet:</u>	<u>Front: 40, reduced to 0 when parking is situated to the side or rear of the lot and screened from view from public right of way, provided, however, that front-facing garages shall be setback a minimum of 45 feet.</u>
	<u>Side: 0. If provided, setbacks shall be a minimum of 5 with exception of corner lots where setback shall be 7.5 from side street right-of-way</u>
	<u>Rear: 20</u>
<u>Maximum height in feet:</u>	35
<u>Minimum yard requirements for Accessory Structure in feet:</u>	<u>Front: Located to side or rear of principal structure</u>
	<u>Side: 0 with exception of corner lots where setback shall be 7.5 from side street right-of-way</u>
	<u>Rear: 0</u>

5-14-64.3 Subdivision of planned residential developments. Planned residential development projects may be subdivided provided that arrangements for such subdivision are made at the time of the planned residential development application.

~~Zero lot lines may be permitted on one or more lot lines of each lot in accordance with these standards:~~

- ~~a) Any wall constructed on the lot line shall be a solid, windowless wall. If there is an offset of the wall from the lot line, the offset must be at least six feet.~~
- ~~b) A five foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.~~

5-14-64.4. Circulation and access. Internal streets, drives and parking areas shall provide safe and convenient access to dwelling units and recreation facilities, and for service and emergency vehicles. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Planned Residential Development Conditional Zoning development shall be constructed.

- i. 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.
- ii. Internal streets shall have sidewalks and street trees.
- iii. 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 a traffic impact analysis.
- iv. Alleys providing access to the rear of lots are encouraged. Public alleys shall meet the specifications of relevant City standards. Where individual lots have frontage on another city street, private drives may be used as alleys, in which case they may be constructed within common space at the rear of lots or, in conjunction with the use of cross-access easements, they may be constructed within a series of rear setbacks. One-way alleys shall be a minimum of 8' wide. Two-directional alleys shall be a minimum of 16' wide.
- v. All new development with fewer than 10 dwelling units are required to provide stub-outs to adjacent property to extend and connect streets and drives with future streets and drives where feasible and practical.
- vi. All new development with more than 10 but fewer than 100 dwelling units are required to provide at least one stub-out to extend and connect streets and drives with future streets and drives on adjacent property. In the event that adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s). In the event that the proposed development is able to provide three or more points of access to the existing street network, this provision may be waived.
- vii. Residential developments containing 100 or more dwelling units shall provide required street connections and stub-outs at a ratio of one stub-out per 100 dwelling units to extend and connect streets and drives with future streets and drives on adjacent property. In the event adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s).

~~Streets shall not be designed to encourage outside traffic to traverse the planned residential development on local streets.~~

~~Sidewalks shall be required along streets adjacent to the planned residential development. Sidewalks shall form a logical, safe, and convenient system for pedestrian access to all dwelling units and appropriate project facilities and shall be required along such streets, drives and parking areas within the planned residential development as is necessary to accomplish this. Pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate.~~

~~Streets intended to serve more than 32 dwelling units as well as those intended to be dedicated as public streets shall meet the design and construction standards of the NCDOT. All other streets and drives need not comply with NCDOT's pavement width and road right-of-way standards, but they shall comply with its pavement structure requirements. All dead-end streets and drives shall terminate in a cul-de-sac or other adequate means of reversing vehicular direction. It shall be the responsibility of the developer to submit to the director of public works core samples taken by a licensed testing firm demonstrating that completed streets or drives meet such pavement structure requirements.~~

~~Internal streets with minimum setbacks measuring less than 35 feet from center line shall be private streets and are not acceptable for dedication to, or maintenance by, the city. Developments containing such private internal streets with setbacks measuring less than 35 feet from center line shall have the following disclaimer in large type placed in a prominent position on the following applicable documents for the development including the site plan, the plat, the restrictive covenants, the condominium documents, and any contracts used in the sale of properties.~~

~~"Some or all of the streets and/or drives in this development do not meet minimum right-of-way requirements for the City of Hendersonville. You are notified that these are proposed as private streets and that the City of Hendersonville will not accept them for maintenance."~~

5-14-6.5 Building height. A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the city council. Upon application, the council may grant a height limitation exemption upon finding that:

- a) ~~Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.~~

- b) ~~Such building is adequately designed and served from the standpoint of safety, and the city fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.~~
- e) ~~The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.~~

~~**5-14-6.6 Buffering, screening and landscaping.** The applicant shall propose and plant, construct and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed development. Parking and service areas and dumpsters shall be screened from view by adjacent single family residences. Existing vegetation shall be preserved whenever possible. In addition, the developer shall provide an appropriate landscaping plan within the project.~~

~~**5-14-6.7 Off-street parking.** Off-street parking requirements for planned residential developments shall be as follows:~~

~~A minimum of one space per residential unit containing one or two bedrooms. A minimum of one and one half spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.~~

5-14-~~64~~85. Maintenance of common facilities. The developer, project owner, or a properly established homeowners association shall provide for the continuing maintenance of common open space, recreational facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project.

5-14-4.6. Site Design.

- i. It is preferred that primary façades face the adjacent street or common space. A main entrance shall face a connecting walkway with a direct, safe, pedestrian connection to the street. Where the main entrance does not face the adjacent street, buildings should nonetheless be designed to provide an attractive streetside façade.
- ii. Buildings shall be situated with regard to pedestrian and vehicular connectivity. It is preferred that they be located close to the pedestrian street with off-street parking behind and/or beside the building. Important mountain vistas and/or views of significant historic sites shall be protected and accentuated to the extent practicable.
- iii. Front-facing garages should be recessed from the front façade of the house and visually designed to form a secondary building volume. Developers are encouraged to turn garages and carports so the openings or doors are not visible from the street.

5-14-~~75~~5. Minor planned residential developments.

An applicant may elect to have a development processed as a minor planned residential development so long as the proposed development, including all phases, is greater than 2 dwelling units but does not exceed 50 dwelling units. Minor planned residential developments may consist of any residential uses permitted under Sec. 5-14-2, regardless of the underlying zoning district. and so long as no accessory. ~~No commercial development may be part of a minor planned residential development. is requested for the project.~~ A minor planned residential development may be located in one or more of the following zoning district classifications: R-40, R-20, R-15, R-10, R-6, MIC, RCT, C-2, C-3, C-4 ~~1-1~~.

5-14-~~75~~5.1 Density.

The maximum number of dwelling units which may be constructed in a minor planned residential development shall be 50 or a number computed on the basis of the following table, whichever is less.

Use District	Dwelling Units Per Acre
R-40	1-0 <u>2.0</u>
R-20	2.5 <u>3.0</u>
R-15	3.75 <u>4.0</u>
R-10	5.5

R-6	8.5
MIC	5.5 8.5
RCT	5.5 8.5
<u>C-4</u>	<u>8.5</u>
C-2	8.5 <u>10.0</u>
C-3	8.5 <u>10.0</u>
I-1	8.5

5-14-~~7~~5.2 Development standards for minor planned residential developments. Except as otherwise noted herein, minor planned residential developments shall be governed by the development standards for planned residential developments contained in subsection 5-14-~~6~~4, above.

5-14-~~7~~5.3 Procedures for reviewing. Unlike other planned developments which undergo rezoning to a conditional zoning district, minor planned residential developments undergo site plan review pursuant to section 7-3.

Section 5-15 Planned Commercial Development Conditional Zoning District

5-15-2. - Permissible uses, subject to rezoning to a Planned Commercial Development Conditional Zoning District.

~~Residential dwellings, Multi Family~~

5-15-4. - Development standards

~~**5-15-4.6. Density.** The density for a residential development planned as part of a PCD Planned Commercial Development Conditional Zoning district shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including, without limitation, water, wastewater, solid waste, stormwater, roads and parks, to serve the development. A planned commercial development may qualify for a density bonus in the manner specified in subsection 5-14-5, above. Otherwise, the density authorized for the district shall not exceed ten units per acre.~~

Section 5-21. - PID Planned Institutional Development Conditional Zoning District Classification

5-21-2 - Permissible uses.

~~Residential dwellings, multi family~~

Sec. 4-5. Classification of uses

USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	MIC	C-4	PCDCZD	I-1	PIDCZD	URCZD
Accessory dwelling units	SS	SS	SS	SS	SS	<u>SS</u>	SS	SS	-	SS	-	-
Adaptive reuse	-	-	-	-	-	-	-	-	-	<u>P</u>	-	-
Golf courses	-	-	-	-	-	P	-	-	P	P	-	-
Golf driving ranges, par 3 golf	SU	-	-	-	-	P	-	-	P	P	-	-
Planned residential development (minor)	SS	SS	SS	SS	SS	-	SS	<u>P</u>	-	SS	-	-
Planned residential development (major)	-	-	-	-	-	P	-	-	-	-	-	-
Residential dwellings, single-family	P	P	P	P	P	P	P	P	P	P	P	<u>L</u>
Residential dwellings, multi-family	-	-	-	-	-	P	-	P	P	-	P	P
Residential dwellings, two-family	-	P	P	P	P	P	P	<u>P</u>	P	-	P	-
<u>Residential dwellings, three-family</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Residential dwellings, four-family</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Residential dwellings, small-scale multi-family</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Personal services	-	-	-	-	-	<u>L</u>	SS	P	P	P	-	L
Retail stores	-	-	-	-	-	<u>L</u>	SS	SS	P	P	-	L
Restaurants	-	-	-	-	-	<u>L</u>	SU	SU	P	P	-	L

SUBDIVISION ORDINANCE

Section 4.03. B. 2. a. ii. ii. Private streets shall not be constructed as part of development within the city's corporate limits with the exception of private alleys. Private alleys shall be considered drives and not subject to public street standards.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney