

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V ‘ZONING DISTRICT CLASSIFICATIONS’, ARTICLE VIII ‘EXCEPTIONS & MODIFICATIONS’, AND ARTICLE XII ‘DEFINITION OF TERMS’ AND FURTHER AMENDING THE OFFICIAL CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, ARTICLE 3. ‘CONFIGURATIONS’, ARTICLE 8. ‘MEASUREMENTS’, AND ARTICLE 9. ‘DEFINITIONS’**

**WHEREAS**, the Planning Board reviewed this petition for a zoning and subdivision text amendment at its Special Called meeting on March 25, 2025; voting **7-0** 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 April 3, 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 has conducted a public hearing as required by the North Carolina General Statutes on April 3, 2025,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Article V ‘Zoning District Classifications’, Article VIII ‘Exceptions & Modifications’, and Article XII ‘Definition of Terms’ and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. ‘Configurations’, Article 8. ‘Measurements’, and Article 9. ‘Definitions’

**ZONING ORDINANCE**

The following language will be added as a cross reference for the list of zoning districts below:

Subject to the zoning district’s Permitted Uses, Accessory Dwelling Units (ADU), Single-Family Dwellings and Two-Family Dwellings may be developed using alternative dimensional requirements. See ARTICLE VIII. – EXCEPTIONS AND MODIFICATIONS, Sec. 8-4. – Reduced Flag Pole Lots and Sec. 8.5. – Small Lot.

- 5-1-3. - Dimensional requirements. [R-40 Estate Residential District]
- 5-2-3. - Dimensional requirements. [R-20 Low-Density Residential Zoning District]
- 5-3-3. - Dimensional requirements. [R-15 Medium-Density Residential Zoning District]
- 5-4-3. - Dimensional requirements. [R-10 Medium-Density Residential Zoning District]
- 5-5-3. - Dimensional requirements. [R-6 High-Density Residential Zoning District]
- 5-10-3. - Dimensional requirements. [MIC Medical, Institutional and Cultural Zoning District]
- 5-13-3. - Dimensional requirements. [RCT Residential Commercial Transition Zoning District]

**Article VIII – Exceptions & Modifications**

**Sec. 8-4. – Reduced Pole Flag Lots & Small Lots**

**8-4-1. - Purpose:** The purpose of these lot configuration options is to allow small footprint housing on small lots to increase the stock of "Workforce" and "Attainable" housing.

**8-4-2. - Applicability:** In applicable zoning districts (reference Article V. – Zoning District Classifications for

applicable zoning districts), Reduced Pole Flag Lots or Small Lots or a combination thereof can be applied to any Lot of Record two acres in size or less as long as the land has not been the subject of an exempt subdivision, a recombination of land or any subdivision application approval within the preceding three years. All residential uses shall be permitted subject to a zoning district's Permitted Uses. Residual Lots result from the creation of a Reduced Pole Flag Lot or Small Lot.

**8-4-3. - Dimensional Requirements for Reduced Pole Flag Lots & Small Lots:**

<b>Reduced Pole Flag Lots</b>	
<u>Minimum lot area in square feet:</u>	<u>2,000</u>
<u>Minimum lot width/pole width in feet*:</u>	
<u>Single water service OR single sewer service line</u>	<u>5</u>
<u>Single water service AND single sewer service line</u>	<u>10</u>
<u>Single gravity sewer service; additional width may be required depending on pipe depth</u>	<u>10</u>
<u>Driveways and Accessways</u>	<u>See Sec. 8-4-4 – Access and Frontage Improvements.</u>
<u>Minimum yard requirements in feet:</u>	<u>5 from all perimeter lot lines</u>
<u>Maximum structure size in square feet (SF), Gross Floor Area (GFA):</u>	
<u>New lot with new structure</u>	<u>1,200**</u>
<u>Existing structure on existing lot</u>	<u>No structure size limit. Structures &gt;1,200 SF GFA, lot shall meet underlying zoning district dimensional standards; structures ≤1,200 SF GFA may use Reduced Pole Flag Lot or Small Lot.</u>
<u>Structure location:</u>	<u>All structures shall be located in compliance with fire code requirements.***</u>
<u>Maximum structure height in feet:</u>	<u>Subject to the height limit of the underlying zoning district.</u>

<b>Small Lots</b>	
<u>Minimum lot area in square feet:</u>	<u>2,000</u>
<u>Minimum lot width* in feet:</u>	<u>25</u>
<u>Minimum yard requirements in feet:</u>	
<u>Front:</u>	<u>10</u>
<u>Side</u>	<u>5</u>
<u>Rear</u>	<u>10</u>
<u>Maximum structure size in square feet (SF), Gross Floor Area (GFA)</u>	<u>1,200** for new construction</u>
<u>Structure location:</u>	<u>All structures shall be located in compliance with fire code requirements.***</u>
<u>Maximum structure height in feet:</u>	<u>Subject to the height limit of the underlying zoning district.</u>

\* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water and sewer connections for the unit.

\*\* 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. ADU, Single-Family, or Two-Family)

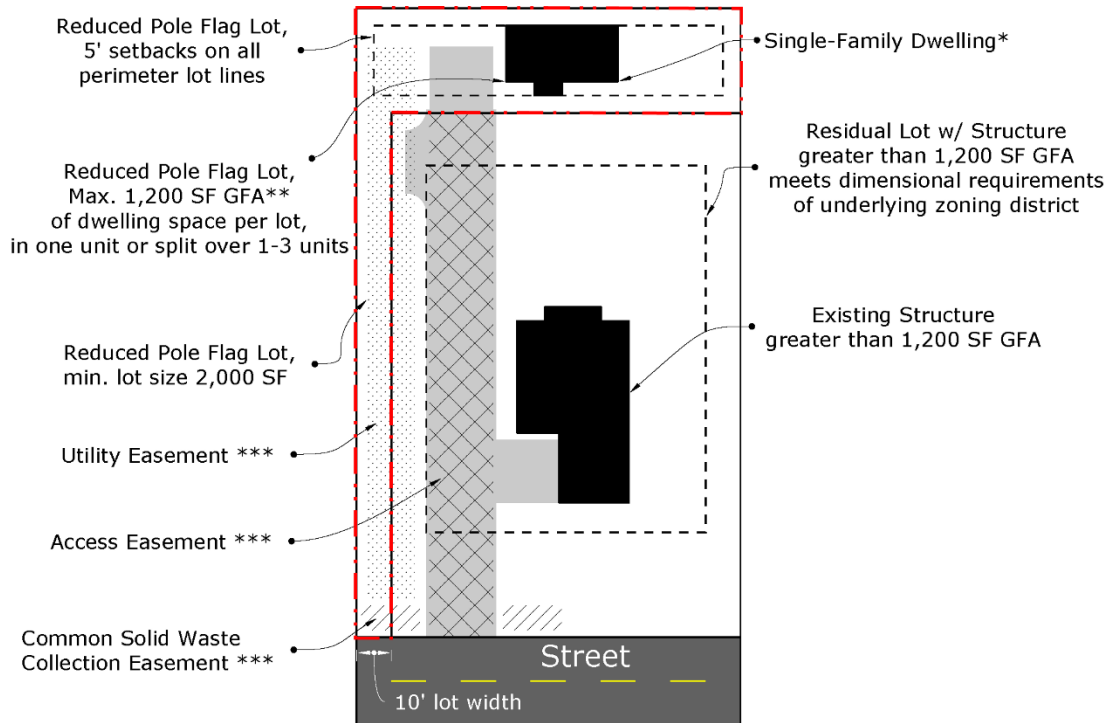
NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

\*\*\* City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus

Residual Lot Requirements:

Residual Lots with existing structures greater than 1,200 SF GFA shall meet dimensional requirements of the underlying zoning district.

Residual Lots with existing structures 1,200 SF GFA or less may use Reduced Pole Flag Lot or Small Lot standards.

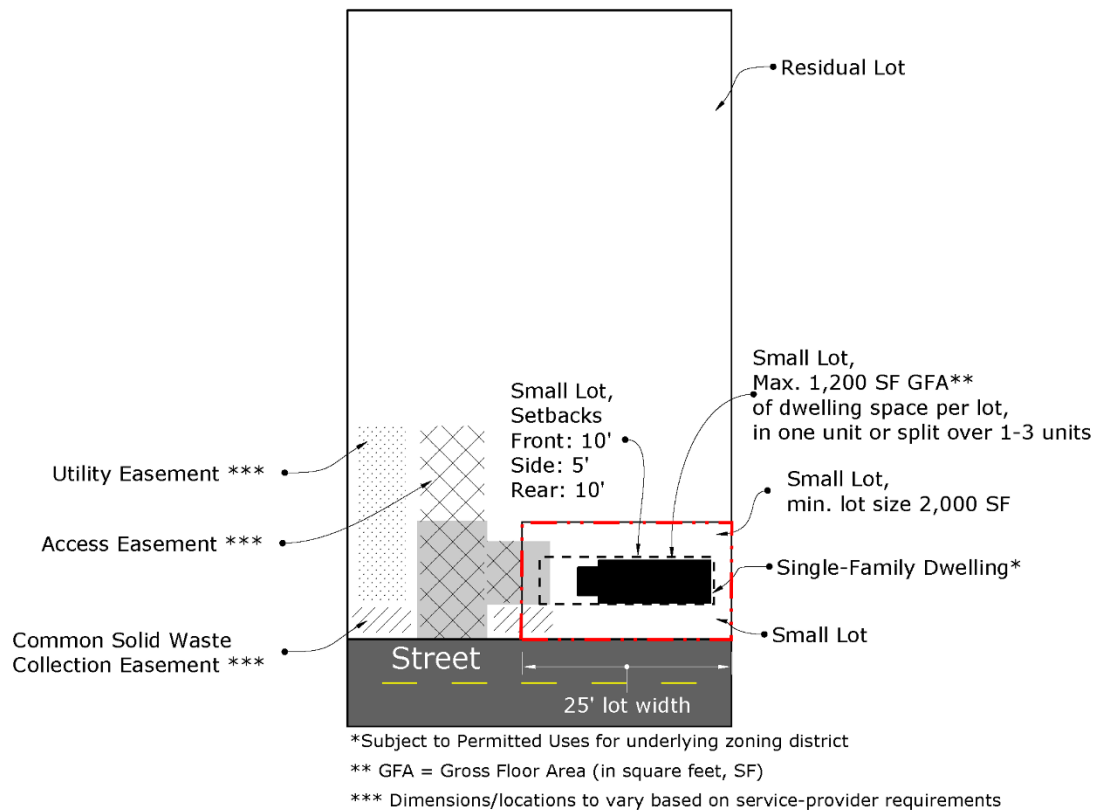


\*Subject to Permitted Uses for underlying zoning district

\*\* GFA = Gross Floor Area (in square feet, SF)

\*\*\* Dimensions/locations to vary based on service-provider requirements

Figure 1: Reduced Pole Flag Lot



*Figure 2: Small Lot*

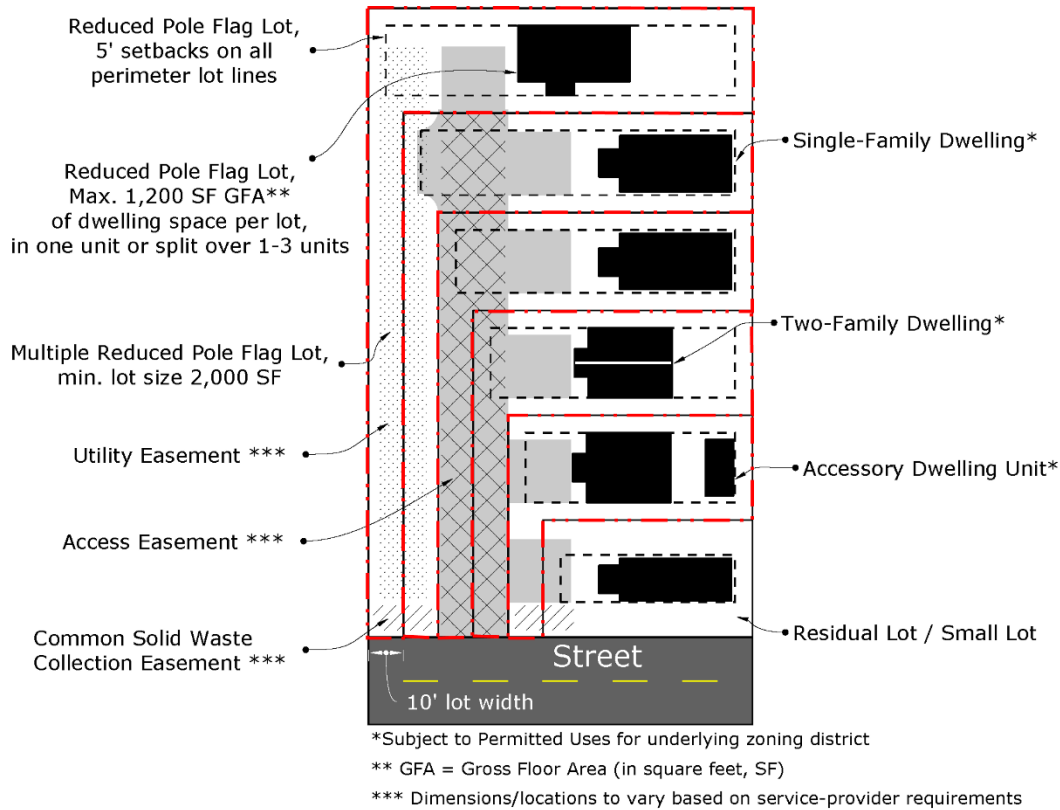
8-4-4. – Access and Frontage Improvements:

- a) Driveways, Utilities and Accessways may be placed within the “pole” or an alternate site location via ‘access’ and/or ‘utility’ easements.
- b) Use of a single driveway to serve an adjoining Reduced Pole Flag Lot or to serve Reduced Pole Flag Lots and an adjoining conventional lot may be required. In the case of a driveway shared with a conventional lot, the preferred location for the driveway, when feasible, is on the “pole” portion of the Reduced Pole Flag Lots, with the conventional lot granted an ‘access easement’ over the “pole”. Access easements shall state that they are part of the property’s curtilage and accessible for the purposes of public health and safety.
- c) Utility easements may be placed on “pole’ and other alternative site locations including within an ‘access’ easement in which case an ‘access and utility easement’ may be established for both physical access and utility maintenance across property boundaries.
- d) Utility meters and associated infrastructure shall be located according to service-provider requirements. The use of Utility Easements for the purposes of placing meters on adjacent property may be applicable.
- e) Appropriately-sized ‘Common Solid Waste Collection Easements’ shall be identified for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. Provisions for solid waste shall be graphically identified as a ‘Common Solid Waste Collection Easement’ on the plat and shall require review and approval from Planning staff. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc.
- f) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) may be required on lot frontages.

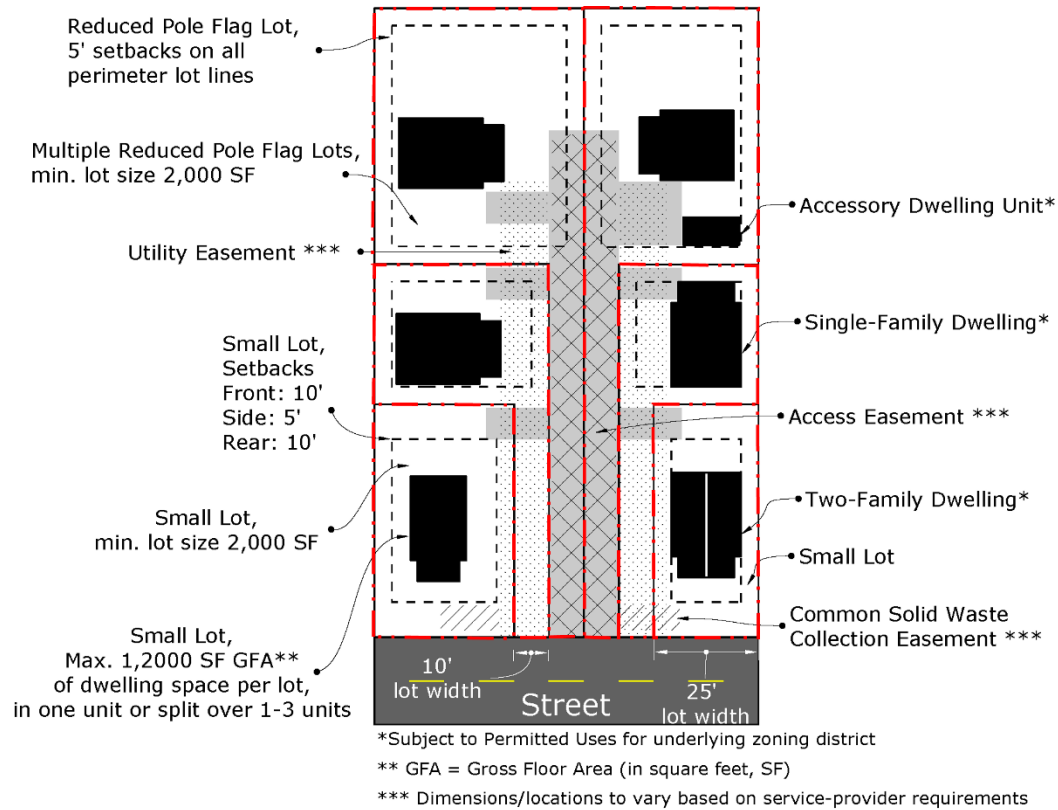
**8-4-5. – Multiple Reduced Pole Flag Lots:** A maximum of five (5) Reduced Pole Flag Lots are permitted to subdivide off of an existing Lot of Record two (2) acres or less in size.

- a) In no case shall each subdivided lot have less than 5 feet of street frontage.
- b) A shared driveway shall be used as the sole access to all such lots.
- c) The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

**8-4-6 – Landscaping:** In addition to required street trees, at least one large maturing and one small maturing tree shall be planted or preserved on the lot.



*Figure 3: Multiple Reduced Pole Flag Lots + Small Lot*



*Figure 4: Small Lot combined with Multiple Reduced Pole Flag Lots, six (6) lot maximum*

## Article XII, - Definition of Terms

**Flag Lot, Reduced Pole:** A flag lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

**Lot Area:** The total area within the lot lines of a platted lot.

**Residual Lot:** A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

**Small Lot:** A lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.5 – Small Lot.

# SUBDIVISION ORDINANCE

## ARTICLE 3. – CONFIGURATION [re: Flag Lots]

### Sec. 3.03. - Lots.

#### A. Dimensional requirements.

#### B. Side lot lines.

#### C. Flag lots.

#### D. Reduced Pole Flag Lots

#### ~~D. E. Double or reverse frontage lots.~~

#### ~~E. F. Corner lots.~~

#### ~~F. G. Drainage and flood prevention.~~

#### C. Flag lots. New flag lots may be established, subject to the following requirements:

1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
2. New flag lots may be established along any type of street. When located along an expressway or boulevard street ~~only in cases where~~ access to the street is shall be shared with an adjacent lot (see Figure 3.03.C, Flag Lot Access).
3. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 20 feet. except as provided under Section 3.03. Reduced Pole Flag Lots.
4. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

#### D. Reduced Pole Flag Lots (requirements below are cross-referenced from Zoning Ordinance, Sec. 8-4. – Reduced Pole Flag Lots)

1. Purpose: The purpose of this lot configuration option is to allow small footprint housing on small lots as a means to increase the stock of housing affordable at "Workforce" and "Attainable" housing levels.
2. Applicability: A Reduced Pole Flag Lot can be applied to any Lot of Record in an applicable zoning district. (see ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS for applicable zoning districts). Accessory Dwelling Units, Single-Family Dwellings and Two-Family Dwellings shall be permitted subject to a zoning district's Permitted Uses.

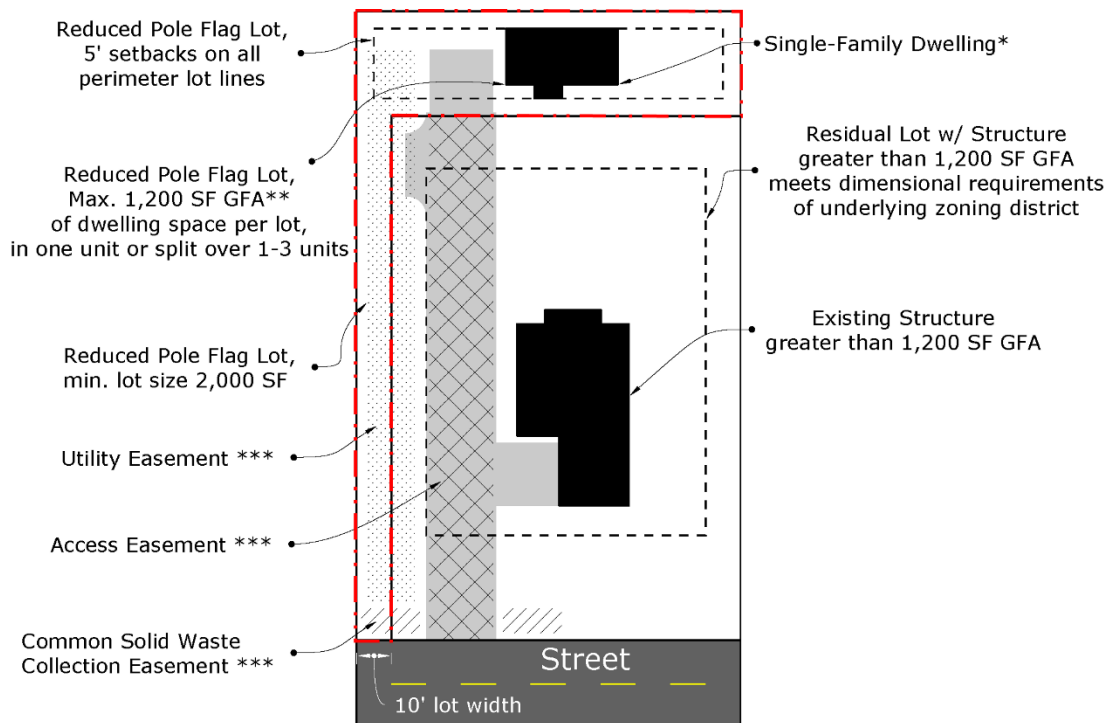
### 3. Dimensional Requirements:

<b><u>Reduced Pole Flag Lots</u></b>	
<u>Zoning dimensional requirements (i.e. lot area, setbacks, structure size)</u>	<u>see Zoning Ordinance Sec. 8-4-3 – Reduced Pole Flag Lot</u>
<u>Minimum lot width/pole width in feet*:</u>	
<u>Single water service <b>OR</b> single sewer service line</u>	<u>5</u>

<u>Single water service AND single sewer service line</u>	<u>10</u>
<u>Single gravity sewer service; additional width may be required depending on pipe depth</u>	<u>10</u>
<u>Driveways and Accessways</u>	<u>See 4. Access and Frontage Improvements (next page)</u>
<u>Structure location:</u>	<u>All structures shall be located in compliance with fire code requirements.**</u>

\* Accessory Dwelling Unit (ADU) conversions to fee-simple lots shall install independent water and sewer connections for the unit.

\*\* City of Hendersonville, Code of Ordinances, Chapter 22 – Fire Prevention and Protection, Sec. 22-6 – Access requirements for fire apparatus



\*Subject to Permitted Uses for underlying zoning district

\*\* GFA = Gross Floor Area (in square feet, SF)

\*\*\* Dimensions/locations to vary based on service-provider requirements

Figure 1: Reduced Pole Flag Lot



**4. Access and Frontage Improvements:**

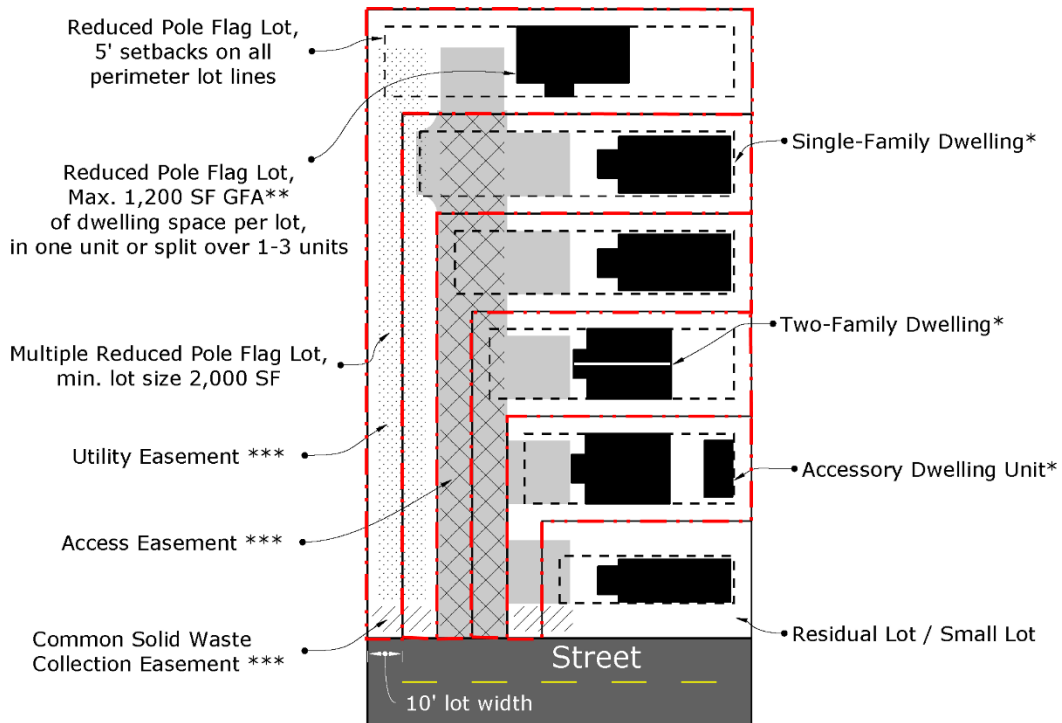
- a) Driveways, Utilities and Accessways may be placed within the “pole” or an alternate site location via ‘access’ and/or ‘utility’ easements.
- b) Use of a single driveway to serve an adjoining Reduced Pole Flag Lot or to serve Reduced Pole Flag Lots and an adjoining conventional lot may be required. In the case of a driveway shared with a conventional lot, the preferred location for the driveway, when feasible, is on the “pole” portion of the Reduced Pole Flag Lots, with the conventional lot granted an ‘access easement’ over the “pole”. Access easements shall state that they are part of the property’s curtilage and accessible for the purposes of public health and safety.
- c) Utility easements may be placed on “pole” and other alternative site locations including within an ‘access’ easement in which case an ‘access and utility easement’ may be established for both physical access and utility maintenance across property boundaries.
- d) Utility meters and associated infrastructure shall be located according to service-provider requirements. The use of Utility Easements for the purposes of placing meters on adjacent property may be applicable.
- e) Appropriately-sized ‘Common Solid Waste Collection Easements’ shall be identified for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. Provisions for solid waste shall be graphically identified as a ‘Common Solid Waste Collection Easement’ on the plat and shall require review and approval from Planning staff. These easements shall be sized according to container dimensions and the number of containers serving the development along with sufficient space to meet brush collection standards. These easements shall be located in accordance with best practices and avoid being placed on/near/under water meters, sewer cleanouts, power lines, guy wires, fire hydrants, etc.

**5. Multiple Reduced Pole Flag Lots:** A maximum of five (5) Reduced Pole Flag Lots are permitted to subdivide off of an existing Lot of Record two (2) acres or less in size. The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

To ensure the common facilities necessary for these types of developments are maintained, ‘Multiple Reduced Pole Flag Lot’ Minor Subdivisions are not exempted from the standards of Article 6. ‘Owners Associations’.

In no case shall each subdivided lot have less than 5 feet of street frontage.

A shared driveway shall be used as the sole access to all such lots.



\*Subject to Permitted Uses for underlying zoning district

\*\* GFA = Gross Floor Area (in square feet, SF)

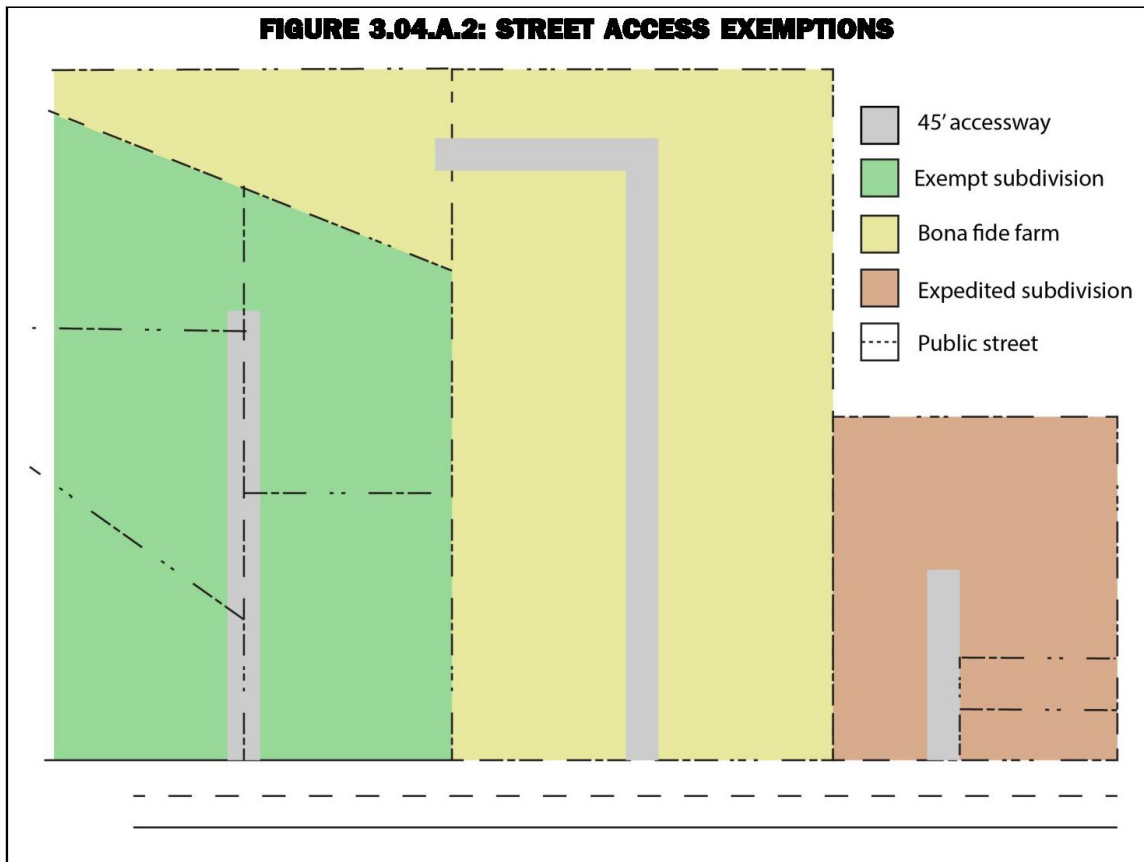
\*\*\* Dimensions/locations to vary based on service-provider requirements

*Figure 2: Multiple Reduced Pole Flag Lot*

Sec. 3.04. - Access to lots.

A. Every lot must maintain access.

1. **Generally.** Except for lots within bona fide farms, exempt subdivisions, or in accordance with section 3.04.A.2, street access exemptions, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to city or state standards, as applicable.
  
2. **Street access exemptions.**
  - a. Lots in any of the following forms of development are not required to be served by a street meeting city or state standards:
    - i) Up to three lots in an expedited subdivision; or
    - ii) Up to three lots without roadway frontage that are served by a single, shared accessway.
  
  - b. With the exception of Reduced Pole Flag Lots, Any any lots not required to abut a street designed, built, and maintained to city or state standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles (see Figure 3.04.A.2, Street Access Exemptions).
  
3. **Access serving more than three lots.** With the exception of Reduced Pole Flag Lots, Accessways serving more than three lots outside a bona fide farm or exempt subdivision shall be designed, built, and maintained to public street standards.



B. Access on lots abutting expressways, boulevards, thoroughfares, or other streets.

- 1) All subdivisions abutting an expressway, boulevard, thoroughfare, or any street with an Average Annualized Daily Traffic of greater than or equal to 300 are required to provide access in compliance with this Sec. 3.04.B
  - a. AADT shall refer to the most recent data collection performed by the Public Works Department. If no data is available at the time of subdivision application, the City shall cause a measure of AADT to be performed.
  - b. A subdivider may cause their own measure of AADT to be performed by a licensed traffic engineer or other professional. If there is a conflict between the City's measure of AADT and the subdivider's, the City shall seek the opinion of a licensed traffic engineer, whose decision shall be binding.
  
- 2) In cases where a tract or site abutting an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street ~~or~~, alley or drive, either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 (see Figure 3.04.8, Lots Abutting expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300).

## ARTICLE 6 – OWNER ASSOCIATIONS

### Sec. 6.01. Purpose.

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

### Sec. 6.02. Applicability.

A. The standards in this section shall apply to subdivisions with open space set-aside(s), lands held under common ownership, or shared responsibility for common infrastructure including, but not limited to streets or stormwater management facilities.

B. With the exception of Multiple Reduced Pole Flag Lots, establishment of an owners' association shall not be required for minor subdivisions (see section 2.04.I, minor subdivision), or expedited subdivisions (see section 2.04.F, expedited subdivision), but the responsible party for any private infrastructure shall be identified in the subdivision approval.

## ARTICLE 8. – MEASUREMENT

### Sec. 8.02. - Rules of measurement.

#### C. Lot Dimensions

##### 1. Lot Measurements.

a. Minimum lot area. The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area. The following features shall not be included in calculating minimum lot area:

- i. Public street rights-of-way;
- ii. Private street area;
- ~~iii. The "pole," "arm," or "pan handle" portion of a flag lot; and~~

iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

ARTICLE 9. – DEFINITIONS

Sec. 9.01. - Definitions.

**Flag Lot, Reduced Pole:** A flag lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

**Lot Area:** The total area within the lot lines of a platted lot.

**Residual Lot:** A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

**Small Lot:** A lot with reduced dimensional requirements containing a dwelling with a maximum square footage per Zoning Ordinance Sec. 8.5 – Small Lot.

**Residual Lot:** A lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of April 2025.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Jill Murray, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney