

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 4 - ESTABLISHMENT OF DISTRICTS: SECTION 4-5; ARTICLE 5 – ZONING DISTRICT CLASSIFICATIONS: SECTIONS 5-1-4, 5-2-4; 5-3-4; 5-4-4; 5-5-4; 5-6-5; 5-7-4; 5-8-4; 5-9-1; 5-9-5; 5-10-4; 5-12-4; 5-13-5; 5-19-4; 5-22-5; 5-23-6 AND 5-27-5 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ESTABLISH A CONDITIONAL ZONING REQUIREMENT FOR DEVELOPMENT AND REDEVELOPMENT OF 50,000 SQUARE FEET AND/OR 51 DWELLING UNITS OR MORE**

**WHEREAS**, the City of Hendersonville’s Planning Board reviewed this City initiated zoning text amendment establishing a conditional zoning requirement for development and redevelopment of 50,000 square feet and/or 51 dwelling units or more at its regular meeting on April 11<sup>th</sup>, 2022; voting 8-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

**WHEREAS**, City Council desires to provide for the consistent application of conditional zoning requirements across the Zoning District Classifications, and

**WHEREAS**, City Council took up this application at its regular meeting on May 5th, 2022, and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina that Article 4 – Establishment of Districts: Section 4-5; Article 5 – Zoning District Classifications: Sections 5-1-4, 5-2-4; 5-3-4; 5-4-4; 5-5-4; 5-6-5; 5-7-4; 5-8-4; 5-9-1; 5-9-5; 5-10-4; 5-12-4; 5-13-5; 5-19-4; 5-22-5; 5-23-6 and 5-27-5 be amended as follows to establish a Conditional Zoning Requirement for Development and Redevelopment of 50,000 square feet and/or 51 dwelling units or more:

**ARTICLE IV ESTABLISHMENT OF DISTRICT CLASSIFICATIONS**

**Sec. 4-5. Classification of uses.**

The range of uses allowed in each district established in this ordinance is summarized in Table 4-5 Table of Permitted Uses, which is a part of this section. In the event of a conflict between Table 4-5 and the text of this appendix, the text shall control.

The Table of Uses orders uses into the following four classifications. All uses must comply with regulations of general application in the zoning ordinance, including, without limitation, those in articles VI, VII, and XV. In addition, uses must comply with specific development standards as noted below:

- a) **Permitted by right (P).** A use which is permitted by right must comply with the development standards for the relevant zoning district. This process requires administrative (i.e. professional city staff) review leading to an administrative decision.
- b) **Permitted by right subject to supplementary standards (SS).** Same as above except that the use must comply with one or more additional standards not required of other permitted uses in the district. These additional standards are either incorporated into the description of the use or, when they are too lengthy, a reference is given to their location in the ordinance. This process requires administrative (i.e. professional city staff) review leading to an administrative decision.
- c) **Special Use (SU).** A use which may be authorized only by means of a special use permit (SUP) issued by the board of adjustment pursuant to article X, below. This process requires initial administrative review (i.e. professional city staff) and a final quasi-judicial decision by the board of adjustment (quasi-judicial process).

d) **Limited (L).**

e) **Uses permitted only pursuant to a rezoning to a conditional zoning district.**

- 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
- 2) Any ~~building of the following development or structure that is more than 50,000 square feet of gross floor area~~ redevelopment shall be required a rezoning to a conditional zoning district which allows the ~~proposed gross square footage for the building it:~~
  - (a) Any nonresidential development or redevelopment that includes a cumulative total gross floor area for all buildings combined for all phases combined of the development or redevelopment of 50,000 square feet or more;
  - (b) Any mixed-use development or redevelopment that includes a cumulative total gross floor area for all buildings combined (including both residential and nonresidential) for all phases combined of the development or redevelopment of 50,000 square feet or more;
  - (c) Any amendment to an approved nonresidential or mixed-use development or redevelopment that, when added to the approved development or redevelopment for all phases of the development or redevelopment combined, brings the development or redevelopment (including the amendment) within the parameters of (a) or (b) above.
  - (d) Any single, two or multi-family residential development or redevelopment that includes 51 or more residential dwelling units for all phases combined; or
  - (e) Any amendment to an approved single, two or multi-family residential development or redevelopment that, when added to the approved number of dwelling units for all phases combined, brings the total number of dwelling units (including the amendment) for all phases of the development or redevelopment combined to 51 or more dwelling units.
- 3) The provisions in this Section 4-5(e) ~~The 50,000 square foot gross floor area threshold~~ for requiring a rezoning to a conditional zoning district ~~is~~ are subject to any exemptions established in article V, zoning district classifications.

## **ARTICLE V ZONING DISTRICT CLASSIFICATIONS**

### **5-1-4. R-40 CZD Estate Residential Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-40 Estate Residential Zoning District Classification except that rezoning to R-40 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-40 Estate Residential Conditional Zoning District Classification ~~only~~ only upon rezoning to R-40CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-40, Estate Residential Zoning District Classification as specified in subsection 5-1-1, above.

Special uses for the R-40, Estate Residential Zoning District Classification as specified in subsection 5-1-2, above.

### **5-2-4. R-20CZD Low-Density Residential Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-20 Low-Density Residential Zoning District Classification except that rezoning to R-20 Conditional Zoning

District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-20 Low-Density Residential Conditional Zoning District Classification only upon rezoning to R-20CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-20, Low-Density Residential Zoning District Classification as specified in subsection 5-2-1, above.

Special Uses for the R-20, Low Density Residential Zoning District Classification as specified in subsection 5-2-2 above.

#### **5-3-4. R-15CZD Medium-Density Residential Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-15 Medium-Density Residential Zoning District Classification except that rezoning to R-15 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-15 Medium-Density Residential Conditional Zoning District Classification only upon rezoning to R-15CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-15 Medium-Density Residential Zoning District Classification as specified in subsection 5-3-1, above.

Special Uses for the R-15 Medium-Density Residential Zoning District Classification as specified in subsection 5-3-2, above.

#### **5-4-4. R-10 CZD Medium-Density Residential Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-10 Medium-Density Residential Zoning District Classification except that rezoning to R-10 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the R-10 Medium-Density Residential Conditional Zoning District Classification only upon rezoning to R-10CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-10 Medium-Density Residential Zoning District Classification as specified in subsection 5-4-1, above.

Special uses for the R-10 Medium-Density Residential Zoning District Classification as specified in subsection 5-4-2, above.

#### **5-5-4. R-6 CZD High-Density Residential Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the R-6 High-Density Residential Zoning District Classification except that rezoning to R-6 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses

shall be permitted in the R-6 High-Density Residential Conditional Zoning District Classification ~~only~~ upon rezoning to R-6CZD, regardless of the square footage or number of residential units for the use:

Adaptive reuses

Telecommunications towers

Permitted uses for the R-6 High-Density Residential Zoning District Classification as specified in subsection 5-5-1, above.

Special Uses for the R-6 High-Density Residential Zoning District Classification as specified in subsection 5-5-2, above.

#### **5-6-5. C-1 CZD Central Business Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the C-1 Central Business Zoning District Classification except that rezoning to C-1 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-1 Central Business Conditional Zoning District Classification ~~only~~ upon rezoning to C-1CZD, regardless of the square footage or number of residential units for the use:

~~a) Any development or redevelopment involving more than 50,000 square feet of gross floor area.~~

b) Shelter facilities, subject to supplementary standards contained in section 16-4, below.

c) Permitted uses for the C-1 Central Business Zoning District Classification as specified in subsection 5-6-1, above.

~~d) Special uses for the C-1 Central Business Zoning District Classification as specified in subsection 5-6-2, above.~~

#### **5-7-4. C-2 CZD Secondary Business Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the C-2 Secondary Business Zoning District Classification except that rezoning to C-2 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-2 Secondary Business Conditional Zoning District Classification ~~only~~ upon rezoning to C-2CZD, regardless of the square footage or number of residential units for the use:

Day center.

Shelter facilities.

Telecommunications towers.

~~Development or redevelopment involving more than 50,000 square feet of floor area.~~

Permitted uses for the C-2 Secondary Business Zoning District Classification as specified in subsection 5-7-1, above.

Special uses for the C-2 Secondary Business Zoning District Classification as specified in subsection 5-7-2, above.

#### **5-8-4. C-3CZD Highway Business Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the C-3 Highway Business Zoning District Classification except that rezoning to C-3 Conditional Zoning District as provided for in Article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-3 Highway Business Conditional Zoning District Classification ~~only~~ upon rezoning to C-3CZD, regardless of the square footage or number of residential units for the use:

Day centers

Shelter facilities

~~Development or redevelopment involving more than 50,000 square feet of floor area~~

Permitted uses for the C-3, Highway Business Zoning District Classification as specified in subsection 5-8-1, below)

Special uses for the C-3, Highway Business Zoning District Classification as specified in subsection 5-8-2, below

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

The purpose of this zoning district classification is to provide for the most frequent daily needs of residents of an immediate neighborhood. Because these shops and stores will be most closely associated with residential uses, more restrictive requirements for light, air, open space, etc., are necessary.

#### **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:

Accessory dwelling units

Accessory uses and structures

Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area

Garage apartments

Home occupations

Parks

Residential dwellings, single-family

Signs, subject to the provisions of article XIII

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

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 and have no more than 10,000 gross square feet of floor area, including all proposed phases of development or redevelopment. Expansions of any of the following uses which, when added to the gross floor area of the existing use, bring the total gross square footage of floor area, for all existing and planned phases to more than 10,000 square feet are prohibited.

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

Automobile car washes so long as no attendants are employed on the premises

Banks and other financial institutions

Business services

Convenience stores with or without gasoline sales

Dance and fitness facilities

~~Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area~~

~~Garage apartments~~

~~Home occupations~~

Laundries, coin-operated

Music and art studios

Offices, business, professional and public

~~Parks~~

Personal services

Religious institutions

~~Residential dwellings, single family~~

Retail stores customarily serving neighborhoods and designed to serve a neighborhood

Service stations

Signs, subject to the provisions of article XIII

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

#### **5-9-5. C-4CZD Neighborhood Commercial Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this district are identical to the C-4 Neighborhood Commercial Zoning District Classification except that a rezoning to C-4 Conditional Zoning District, as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the C-4 Neighborhood Commercial Conditional Zoning District Classification ~~only~~ upon rezoning to C-4CZD, regardless of the square footage or number of residential units for the use:

Permitted uses for the C-4 Neighborhood Commercial Zoning District classification as specified in subsection 5-9-1, above.

Special uses for the C-4 Neighborhood Commercial Zoning District classification as specified in subsection 5-9-2, above.

~~Development or redevelopment involving more than 10,000 square feet of floor area.~~

#### **5-10-4. MICCZD Medical, Institutional, Cultural Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the MIC Medical, Institutional and Cultural Zoning District Classification except that rezoning to MIC Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the MIC Medical, Institutional and Cultural Zoning District Classification ~~only~~ upon rezoning to MICCZD, regardless of the square footage or number of residential units for the use:

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

~~Any development or redevelopment involving more than 50,000 square feet of gross floor area.~~

Permitted uses for the MIC, Medical, Institutional, Cultural Zoning District Classification as specified in subsection 5-10-1, above

Special Uses for the MIC, Medical, Institutional, Cultural Zoning District Classification as specified in subsection 5-10-2, above

#### **5-12-4. I-1CZD Industrial Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification ~~only~~ upon rezoning to I-1CZD, regardless of the square footage or number of residential units for the use:

Day centers

Shelter facilities

Permitted uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-1, above

Special uses for the I-1 Industrial Zoning District Classification as specified in subsection 5-12-2, above

~~Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in section 5-12-1(b), above~~

#### **5-13-5. RCTCZD Residential Commercial Transition Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this classification are identical to the RCT Residential Commercial Transition Zoning District Classification except that rezoning to RCT Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the RCTCZD Residential Commercial Transition Conditional Zoning District Classification ~~only~~ upon rezoning to RCTCZD, regardless of the square footage or number of residential units for the use:

Permitted uses for the RCT, Residential Commercial Transition Zoning District Classification as specified in subsection 5-13-1, below)

~~Conditional~~ Special uses for the RCT, Residential, Commercial Transition Zoning District Classification as specified in subsection 5-13-2, below

#### **5-19-4 CMUCZD Central Mixed Use Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this classification are identical to the CMU Central Mixed Use Zoning Classification except that a, rezoning as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the CMU Central Mixed Use Conditional Zoning District Classification ~~only~~ upon rezoning to CMUCZD, regardless of the square footage or number of residential units for the use:

~~Any development involving more than 50,000 square feet of gross floor area and/or 50 residential dwelling units.~~

Day centers, subject to the supplementary standards contained in section 16-4, below.

Shelter facilities, subject to the supplementary standards contained in section 16-4, below.

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

Permitted uses for the CMU Central Mixed Use Zoning District Classification as specified in section 5-19-1, above.

Conditional uses for the CMU Central Mixed Use Zoning District Classification as specified in section 5-19-2, above.

#### **5-22-5 GHMUCZD Greenville Highway Mixed Use Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the Greenville Highway Mixed Use Zoning District Classification except that rezoning to GHMU Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the GHMU Greenville Highway Mixed Use Conditional Zoning District Classification ~~only~~ upon rezoning to GHMUCZD, regardless of the square footage or number of residential units for the use:

Telecommunications towers, subject to supplementary standards contained in section 17-4 below.

Structures with a footprint greater than the maximum allowed under section 5-22-3.2 dimensional ~~requirements, above.~~

Permitted uses for the GHMU Zoning District Classification as specified in 5-22-1, above.

Special uses for GHMU Zoning District Classification as specified in 5-22-2, above.

#### **5-23-6 HMUCZD Highway Mixed Use Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this zoning district classification are identical to the Highway Mixed Use Zoning District Classification except that rezoning to HMU Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the HMU Highway Mixed Use Conditional Zoning District Classification ~~only~~ upon

rezoning to HMUCZD, regardless of the square footage or number of residential units for the use:

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

Structures with a footprint greater than the maximum allowed under section 5-23-3.2 dimensional  
~~Requirements, above.~~

Permitted uses for the GHMU Zoning District Classification as specified in 5-23-1, above.

Special uses for GHMU Zoning District Classification as specified in 5-23-2, above.

**5-27-5 CHMUCZD Commercial Highway Mixed Use Conditional Zoning District Classification.**

The purpose, ~~and~~ requirements and standards of this classification are identical to the CHMU Commercial Highway Mixed Use Zoning District Classification except that a rezoning to CHMU Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the CHMU Commercial Highway Mixed Use Conditional Zoning District Classification ~~only~~ upon rezoning to CHMUCZD, regardless of the square footage or number of residential units for the use:

~~Development or redevelopment exceeding 50,000 square feet of gross floor area.~~

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

Permitted uses for the CHMU Commercial Highway Mixed Use Zoning District Classification as specified in section 5-27-1, above.

Special uses for the CHMU Commercial Highway Mixed Use Zoning District Classification as specified in section 5-27-1, above.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5<sup>th</sup> day of May, 2022.

Attest:

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

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Angela L. Reece, City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney