

ZONING TEXT AMENDMENT: FLAG LOTS & SMALL LOTS (P24-89-ZTA)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY



- Project Name & Case #:
 - Flag Lots & Small Lots
 - P24-89-ZTA

- Applicant:
 - Barry Bialik

- Articles Amended:
 - Zoning Ordinance
 - Article V Zoning District Classifications: *Cross-references*
 - Article VIII Exceptions & Modifications: *Primary changes*
 - Article XII Definition of Terms: *New definitions*
 - Subdivision Ordinance
 - Article 3. Configuration
 - Article 8. Measurements
 - Article 9. Definitions

- Zoning Districts Impacted:
 - Residential districts + MIC + RCT

- Future Land Use Designations:
 - Rural Residential
 - Family Neighborhood Living
 - Multi-Generational Living

Summary

The City of Hendersonville has received an application from Barry Bialik to amend the City’s Zoning and Subdivision Ordinances to introduce exceptions that would allow for the greater utilization of underdeveloped land for small houses in an effort to increase the stock of “attainable”, for sale houses.

The proposed changes would allow for reduced minimum lot sizes, lot widths, and setbacks for lots created to establish homes that are no greater in size than 1,200 Sq Ft Gross Floor Area (GFA). The proposed allowances come in two forms:

1) Reduced Pole Flag Lots and 2) Small Lots

In each case the minimum lot size would be reduced to 2,000 Sq Ft and limited to the allowance of a single-family home, two-family home, accessory dwelling unit or any combination thereof with a total square footage no greater than 1,200 Sq Ft in Gross Floor Area. The minimum setbacks and lot widths for these compact lots would also be reduced. In combination, you would be permitted up to a maximum of 6 lots (reduced pole flag lots + small lots) on any parcel less than 2 acres in size.

The proposed changes align with the City’s recently adopted Gen H Comprehensive Plan and address needs identified by the City’s Strategic Housing Committee. The proposal was unanimously supported by the Planning Board.

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS

For the purposes of this staff report, references to “Affordable Housing” are made in regards to the larger crisis of the lack of housing stock that is available to those making 120% of the Area Median Income (AMI) or less. References to “attainable housing” are made in regards to market rate solutions for the provision of dwelling units made available to those that do not income qualify for subsidized housing, but are still in need of housing at a lower price point than the median home price.

In response to the affordable housing crisis in Hendersonville and across Western North Carolina, and indeed across many portions of our country, elected officials, planners and developers have been attempting to innovate and [reform Zoning codes](#) to allow for increased housing supply. In basic economic theory, increased housing supply will offset demand and lead to price stabilization or even reductions in housing costs. The proposed text amendments put forth by the applicant are intended to do just that.

A key distinction of the proposal is that it specifically targets small residential units (1,200 Sq Ft Gross Floor Area max). By the very nature of their limited size, these units would be more affordable and fill the gap in “starter home” availability that has persisted for a number of years.

Not only does the proposed text amendment make way for additional market-rate “attainable” housing supply and allow for a more efficient use of property, it specifically targets an increase in fee simple real estate. In other words, the proposal allows for an increase in individually platted parcels which can feature owner-occupied dwellings and thus can be utilized for equity generation and wealth building. This type of “attainable housing” is a [major gap in the overall affordable housing equation](#). A large portion of the dwelling units that have been approved by the City over the last 4 years have been for market rate apartments (2,269 rental units vs 977 single-family units). Increasing housing supply of not only rental units but “for sale” units is a key distinction provided by this proposal.

The proposed text amendment, in short, allows for reduced lot sizes (min. 2,000 Sq Ft) for properties that are established specifically for the construction of residential dwellings that do not exceed 1,200 Sq Ft in Gross Floor Area (GFA). This would come in two forms: 1) the establishment of “reduced flag pole lots” and 2) the establishment of “small lots”. Both of these configurations would have a minimum lot size of 2,000 Sq Ft and have similar reductions in setbacks and lot widths. The distinction between the two is that the reduced pole flag lot would have a narrow strip of land (the “pole”) that provides street frontage, ranging from 12’ down to 5’, and extends to the rear to create a lot or lots located behind other lots. These reduced pole flag lots would be accessed by a drive established in the “pole” that extends from the public right-of-way or along a cross-access easement. The maximum number of reduced flag pole lots on any one parcel under 2 acres in size is 5. Small Lots are similar to a traditional lot that has frontage along a street and, therefore, does not need to establish a “pole” to gain access to the lot. The maximum number of Small Lots is 6. And using these provisions in combination, the maximum number of lots that can be created on a parcel that is 2 acres or less is 6.

LEGISLATIVE COMMITTEE RECOMMENDATION

The proposed amendment was reviewed by the Legislative Committee at their meeting on January 21, 2025. The Legislative Committee provided feedback to Planning Staff which resulted in various clarifications. Some considerations of material modifications were discussed but in general the proposal was supported as presented. The most significant feedback was to make it clear that the “remnant lots” must meet minimum lot size for the zoning district in which it is located if there is an existing structure on the remnant lot and the structure exceeds 1,200 Sq Ft in GFA.

The following revisions to the zoning code are presented for your consideration. The highlighted portions have been revised based on feedback from the Development Review Committee (DRC) after having already been reviewed by Planning Board:

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. – EXECPTIONS 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]

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

8-4-1. - Purpose: The purpose of this section is to provide greater flexibility in the development of housing units and use of available land by allowing small footprint housing on small lots and reduced pole flag lots to encourage residential infill development, provide missing middle housing, and allow more opportunities for the construction of workforce housing, all within parameters that will preserve the identity and character of the community.

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. Residential uses shall be allowed subject to the applicable zoning district's Permitted Uses.

8-4-3. - Dimensional Requirements:

Reduced Pole Flag Lots	
<u>Minimum lot area in square feet:</u>	<u>2,000</u>
<u>Minimum flag portion of lot width in feet:</u>	<u>25</u>
<u>Minimum pole portion of lot width in feet*:</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 >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>

Small Lots	
<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>
<u>Residual Lots with existing structures:</u>	
<u>Existing structure > 1200 SF gross floor area</u>	<u>Must comply with dimensional requirements of underlying zoning</u>

	<u>district.</u>
<u>Existing structure < 1200 SF gross floor area</u>	<u>May use Small Lot standards.</u>
<u>Reduced Pole Flag Lot Developments:</u>	
<u>Maximum total number of lots permitted:</u>	<u>6</u>
<u>Maximum number of reduced pole flag lots permitted:</u>	<u>5</u>
<u>Maximum total acreage:</u>	<u>2.0 acres</u>
<u>Small Lot Developments:</u>	
<u>Maximum total number of lots permitted:</u>	<u>6</u>
<u>Maximum number of reduced pole flag lots permitted:</u>	<u>5</u>
<u>Maximum total acreage:</u>	<u>2.0 acres</u>

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

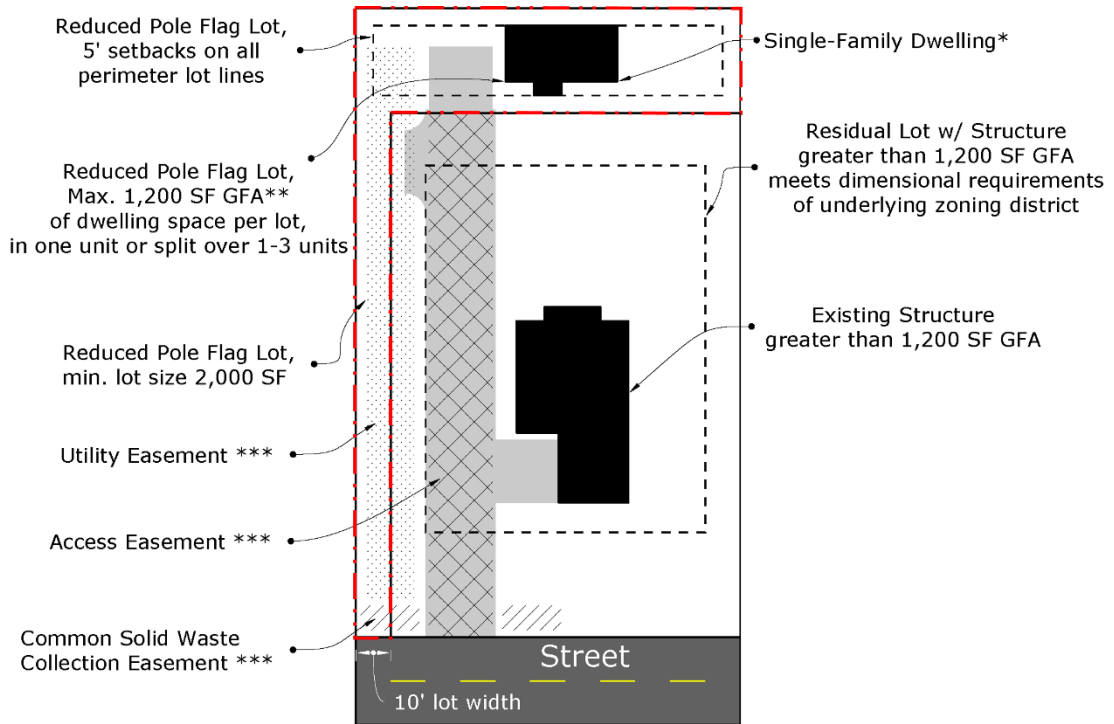
** 1,200 SF GFA may be allocated to one dwelling unit or split over 1-3 units (i.e. ADU, Single-Family, or Two-Family). Accessory dwelling units on a small lot or flag lot shall remain subject to the requirements of Section 16-4-1.

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

See Article XII for definition of “flag” and “pole”.

NOTE: This section contains zoning requirements only. Compliance with zoning requirements does not guarantee compliance with private restrictions. Developers are encouraged to consult with an attorney concerning private restrictions



*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

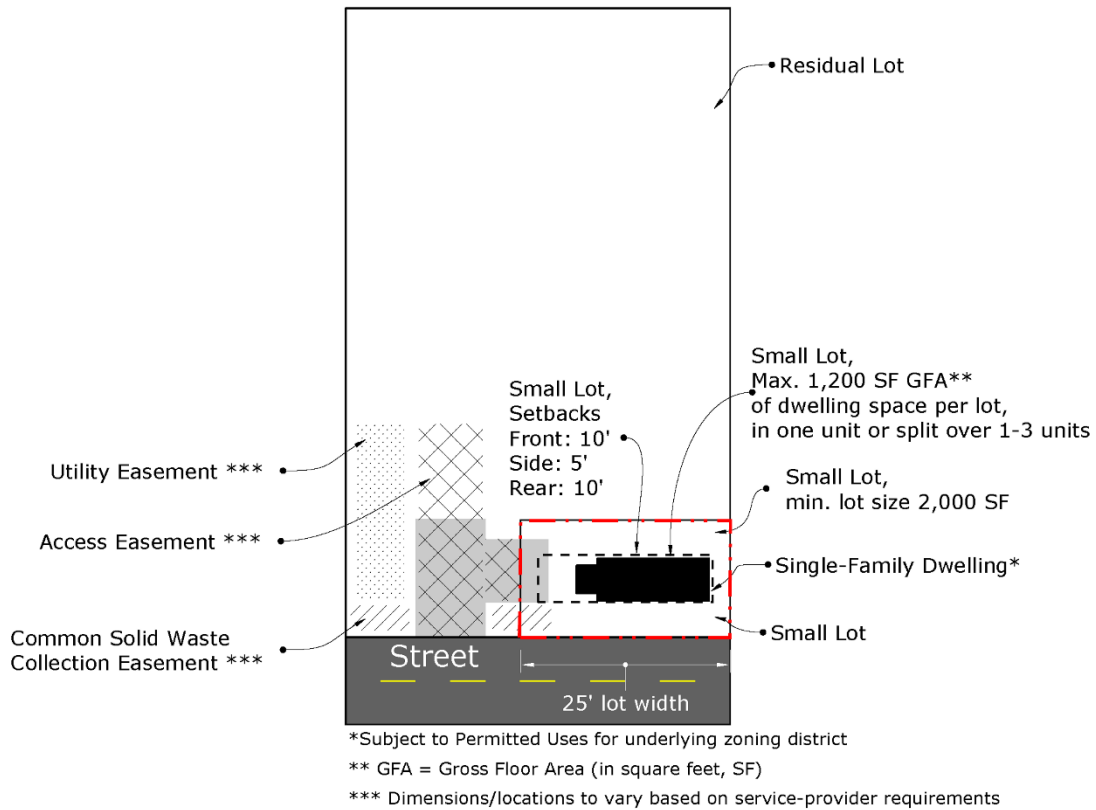


Figure 2: Small Lot

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) Shared Driveways:
 - a. Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)
 - b. Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).
 - c. Shared driveways must meet the following standards:
 - i. The shared driveway must have a minimum of unobstructed width of 10 feet,
 - ii. The shared driveway must be shown on the recorded plat, and
 - iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared

driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

- a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on “pole’ and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:
 - i. The shared utility easement must have a minimum of width of 10 feet,
 - ii. The shared utility easement must be shown on the recorded plat, and
 - iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office
- b. Utility meters and associated infrastructure shall be located according to service-provider requirements.
(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

- a. Appropriately-sized ‘Common Solid Waste Collection Easements’ are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. 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., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.
- b. Solid Waste Collection Easements must be shown and identified as a ‘Common Solid Waste Collection Easement’ on the plat and shall require review and approval from Planning staff and the City Public Works Director.

e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lot Developments and Small Lot Developments.

8-4-5. –Reduced Pole Flag Lot Developments: In all Reduced Pole Flag Lot Developments or Small Lot Developments containing more than one Reduced Pole Lot, the following provisions shall apply:

a) Each lot within the Development shall have at least 10 feet of street frontage. The pole

of a Reduced Pole Flag Lot may serve as the street frontage.

- b) A shared driveway shall be used as the sole access to Reduced Pole Flag Lots whose poles are adjacent.
- c) Reduced Pole Flag Lot Developments and/or Small Lot Developments consisting of two or more lots, shall not abut another Reduced Pole Flag Lot Development or Small Lot Development consisting of two or more 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.

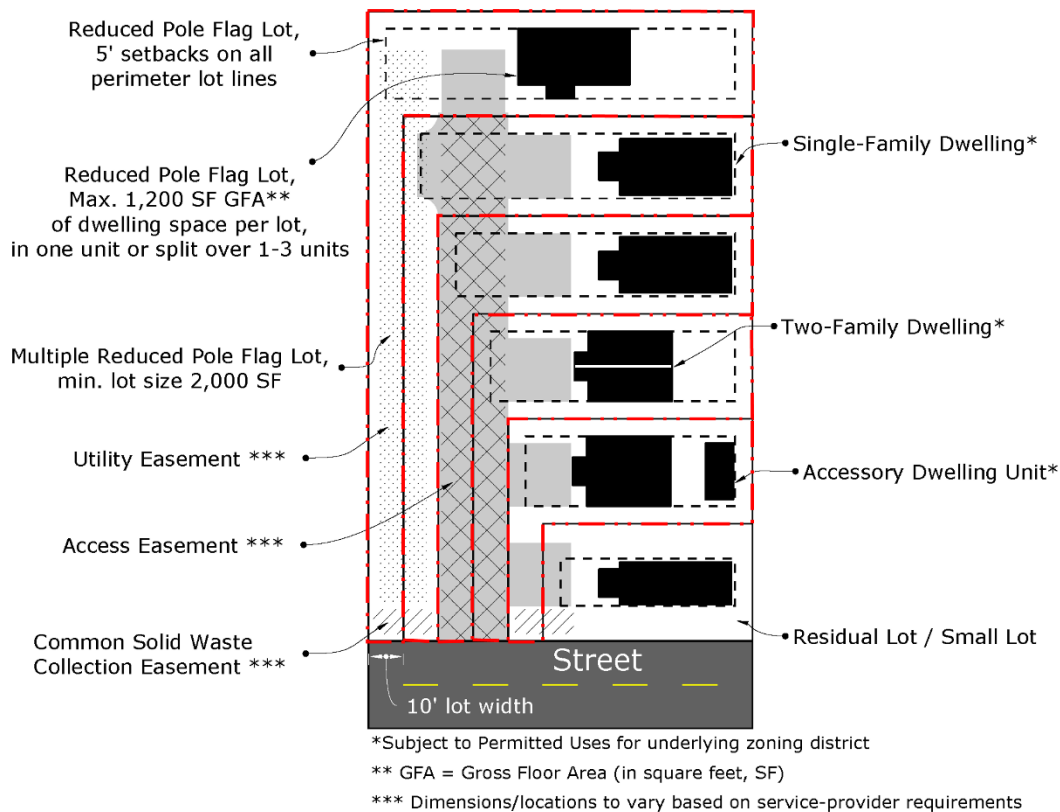


Figure 3: Reduced Pole Flag Lot + Small Lot Development

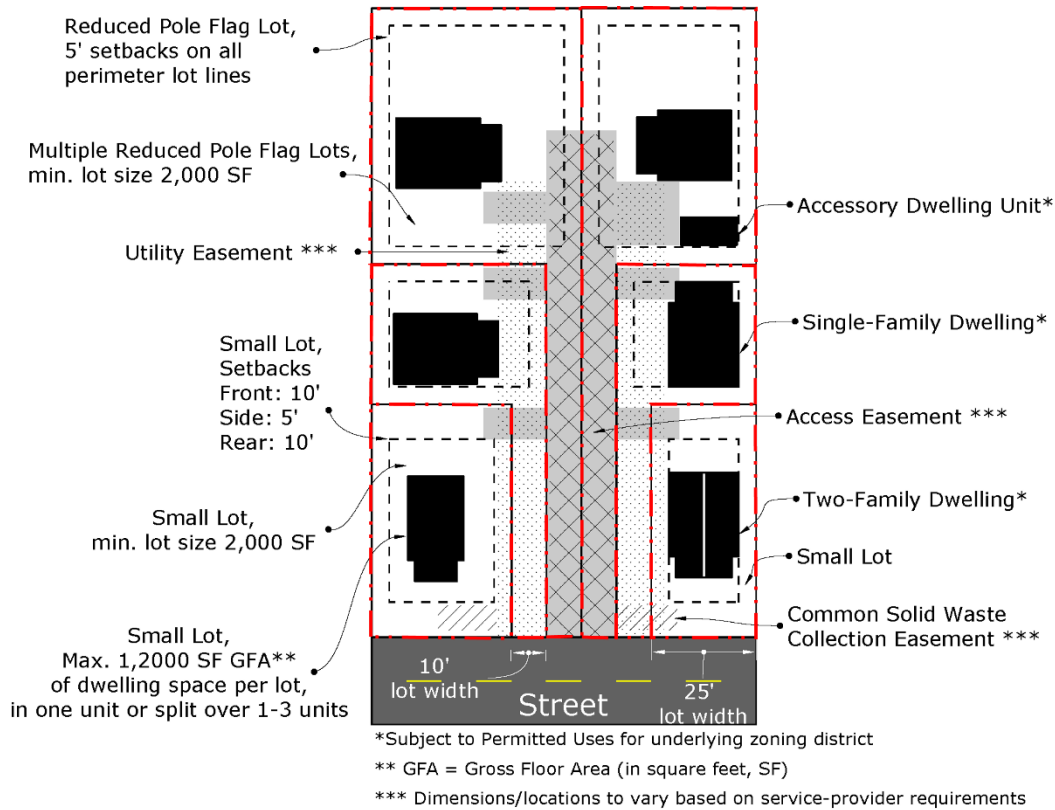
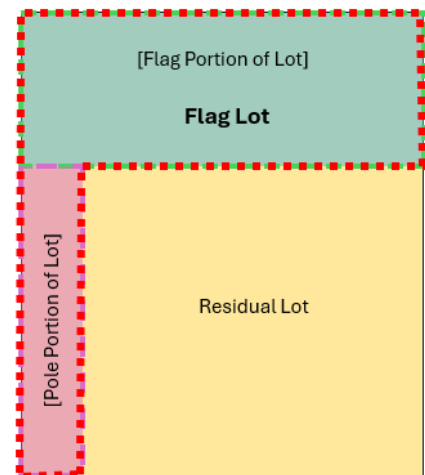


Figure 4: Small Lot combined with Reduced Pole Flag Lot Development, six (6) lot maximum

Article XII. Definition of Terms:

Flag Lot: A lot with two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.



Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements created pursuant to Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lots

feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

Gross Floor Area (GFA): The total enclosed area of the horizontal surface of all floors of a building or buildings measured to the outside face of the structural members in exterior walls.

Lot Area: The total area within the lot lines of a platted 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; and iii. Land that is submerged or regularly underwater and jurisdictional wetlands..

Reduced Pole Flag Lot Development: any development creating two or more Reduced Pole Flag Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Reduced Pole Flag Lot Developments may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

Residual Lot: A remaining lot resulting from the creation of a Reduced Pole Flag Lot or Small Lot pursuant to Section 8.4 – Reduced Pole Flag Lots & Small Lots.

Small Lot: A lot with reduced dimensional requirements with a maximum square footage per Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots. Small Lots feature dwelling(s) with a total of 1,200 square feet of Gross Floor Area.

Small Lot Development: any development creating two or more Small Lots created pursuant to Section 8.4—Reduced Pole Flag Lots & Small Lots. Small Lot Developments may also include Reduced Pole Flag Lots created pursuant to Section 8.4. Small Lot Developments shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the development.

SUBDIVISION ORDINANCE AMENDMENTS

ARTICLE 3. – CONFIGURATION Sec. 3.03 of the Subdivision Ordinance, – **Lots:**

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

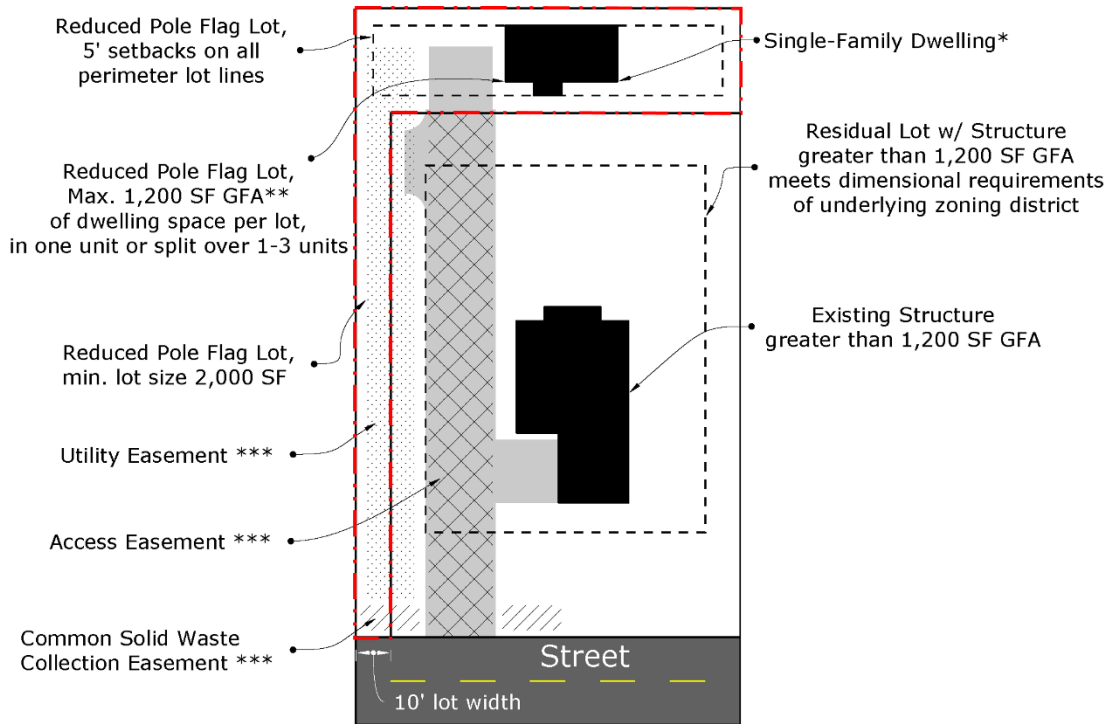
1. Except where topographic conditions or environmental constraints make lot access impractical, no more than five percent of the lots within a subdivision (or individual phase of a subdivision) may be configured as flag lots.
2. New flag lots may be established along any type of street. When located 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 Hendersonville Zoning Ordinance, Sec. 8-4. – Reduced Pole Flag Lots & Small Lots)

1. **Purpose:** The purpose of this subsection 3.03D is to provide standards for the development of subdivisions containing Reduced Pole Flag Lots and/or Small Lots.
2. **Applicability:** The provisions of this Subsection 3.03D. shall apply to any subdivision containing a Reduced Pole Flag Lot or Small Lot that is being developed in accordance with Section 8.4 of the City of Hendersonville Zoning Ordinance—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.
3. **Dimensional Requirements:** All Reduced Pole Flag Lot Subdivisions and All Small Lot Subdivisions must comply with Section 8-4 of the City of Hendersonville Zoning Ordinance—Reduce Pole Flat Lots & Small Lots.

<u>Reduced Pole Flag Lot Minor Subdivision:</u>	
<u>Maximum total number of lots permitted:</u>	<u>6</u>
<u>Maximum number of reduced pole flag lots permitted:</u>	<u>5</u>
<u>Maximum total acreage:</u>	<u>2.0 acres</u>
<u>Small Lot Minor Subdivision:</u>	
<u>Maximum total number of lots permitted:</u>	<u>6</u>
<u>Maximum number of reduced pole flag lots permitted:</u>	<u>5</u>
<u>Maximum total acreage:</u>	<u>2.0 acres</u>



*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) Shared Driveways:

a. Use of a shared driveway to serve one Reduced Pole Flag Lot and one or more adjoining Small Lots, Residual Lots, or conventional lots is permitted. When using a shared driveway, placing the driveway within the pole(s) is encouraged but not required. (ref. Figures 1 and 2)

b. Where the poles of two or more Reduced Flag Pole Lots adjoin, use of a shared driveway to serve the Reduced Pole Flag Lots is required. The shared driveway must be located within the adjoining pole(s) (ref. Figure 3).

c. Shared driveways must meet the following standards:

i. The shared driveway must have a minimum of unobstructed width of 10 feet.

ii. The shared driveway must be shown on the recorded plat, and

iii. The shared driveway must be memorialized in a recorded* access easement containing provisions for the maintenance of the shared driveway. If utility infrastructure (e.g. water, sewer, electric, etc.) is located within a shared driveway, the recorded access easement shall also allow access within the easement for repair, maintenance and placement of the utility infrastructure. *recorded in the Henderson County Register of Deeds Office

c) Utility Easements:

a. Where utility service lines and/or equipment serving a Reduced Pole Flag Lot, Small Lot or Residual Lot are located on or cross another lot, a shared utility easement is required. Shared utility easements may be placed on “pole’ and other alternative site locations including within a shared driveway. Shared utility easements must meet the following standards:

i. The shared utility easement must have a minimum of width of 10 feet,

ii. The shared utility easement must be shown on the recorded plat, and

iii. The shared utility must be memorialized in a recorded* easement and must contain provisions allowing the repair, maintenance and placement of utility infrastructure, and access for the foregoing purposes. *recorded in the Henderson County Register of Deeds Office

b. Utility meters and associated infrastructure shall be located according to service-provider requirements.

(Please see Chapter 52 of the Hendersonville Code of Ordinances for additional requirements.)

d) Solid Waste Collection Easements:

- a. Appropriately-sized 'Common Solid Waste Collection Easements' are required for the orderly placement of, and access to, solid waste containers and bulk item / brush collection. 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., and shall comply with any additional locational or sizing standards contained within Chapter 44 of the Hendersonville Code of Ordinances.
- b. Solid Waste Collection Easements must be shown and identified as a 'Common Solid Waste Collection Easement' on the plat and shall require review and approval from Planning staff and the City Public Works Director.
- e) Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) shall apply to all Reduced Pole Flag Lots, Small Lots and Residual Lots.

5. Reduced Pole Flag Lot & Small Lot Minor Subdivisions:

- a) The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.
- b) Reduced Pole Flag Lot' Minor Subdivisions and Small Lot Minor Subdivisions containing more than 3 total lots are not exempted from the standards of Article 6. 'Owners Associations'.
- c) In no case shall each subdivided lot have less than 10 feet of street frontage. The pole can serve as the street frontage.

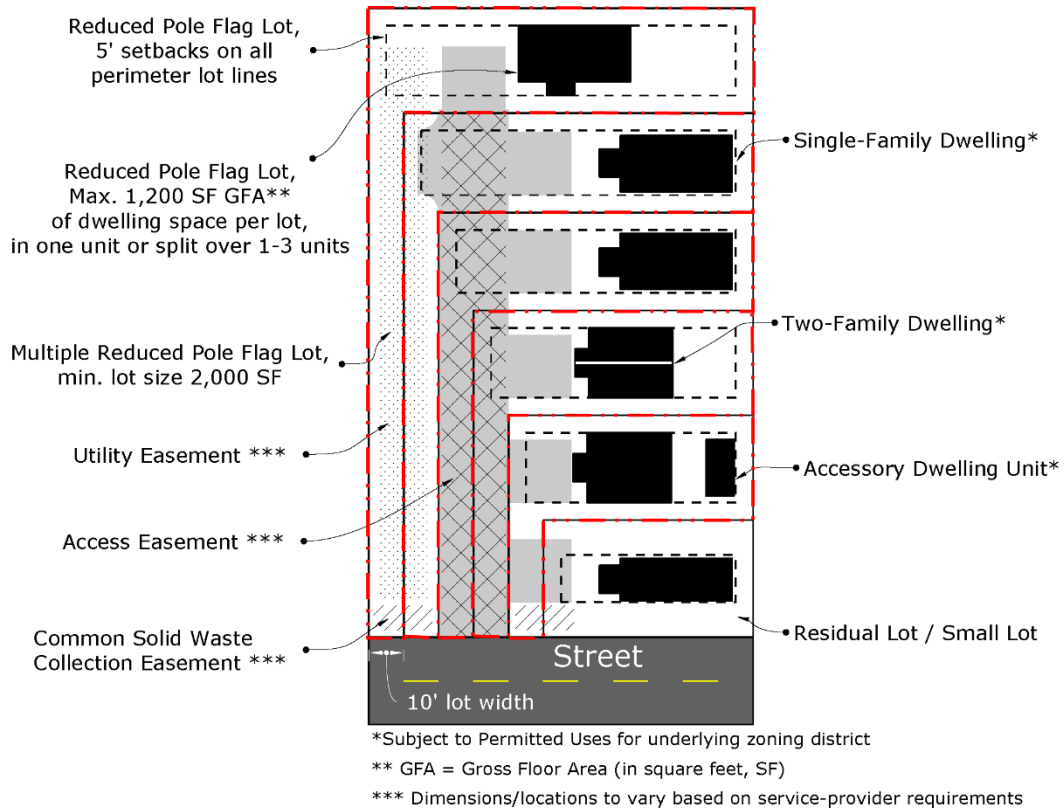


Figure 2: Reduced Pole Flag Lot / Small Lot Development

D. E. Double or reverse frontage lots.

E. F. Corner lots.

F. G. Drainage and flood prevention.

ARTICLE 3. – CONFIGURATION Sec. 3.04. of the Subdivision Ordinance, Access to lots:

Sec. 3.04. - Access to lots.

A. Every lot must maintain access.

I. 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.

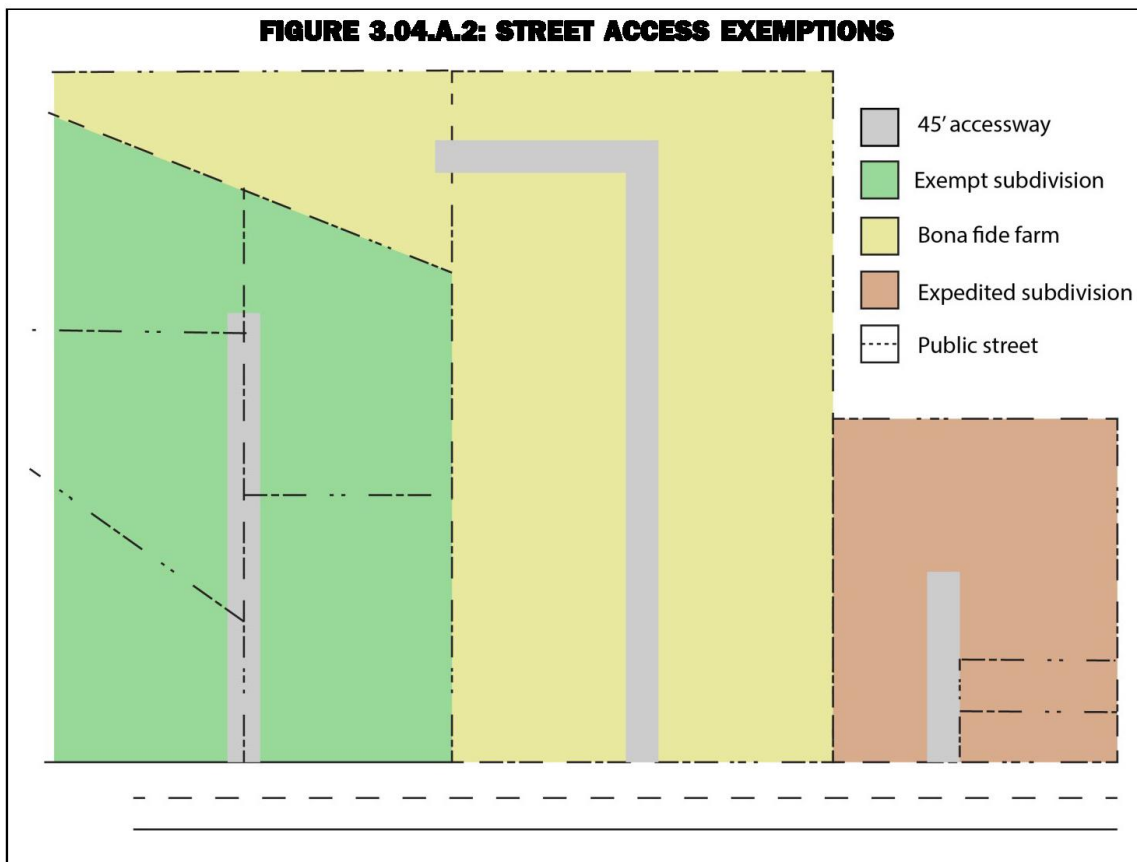
2. Street access exemptions.

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. 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 Minor Subdivisions and/or Small Lot Minor Subdivisions containing more than three lots, accessways serving more than three lots shall be designed, built, and maintained to public street standards.



ARTICLE 6 – OWNER ASSOCIATIONS Section 6.02 of the Subdivision Ordinance, Applicability::

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 Lot Minor Subdivisions and/or Small Lot Minor Subdivisions, 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 Section 8.02 of the Subdivision Ordinance, Rules of Measurement:

Sec. 8.02. - Rules of measurement.

C. Lot Dimensions

I. 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 Section 9.01 of the Subdivision Ordinance, Definitions:

Sec. 9.01. - Definitions.

Flag Lot: ~~An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.~~ A lot with

two distinct parts: (1) The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and (2) the pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.

Flag Lot, Reduced Pole: A flag lot with reduced dimensional requirements created pursuant to the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Lot Area: The total area within the lot lines of a platted lot. Lot Area shall be calculated according to Section 8.02.C.1.a. Minimum lot area of this Subdivision Ordinance.

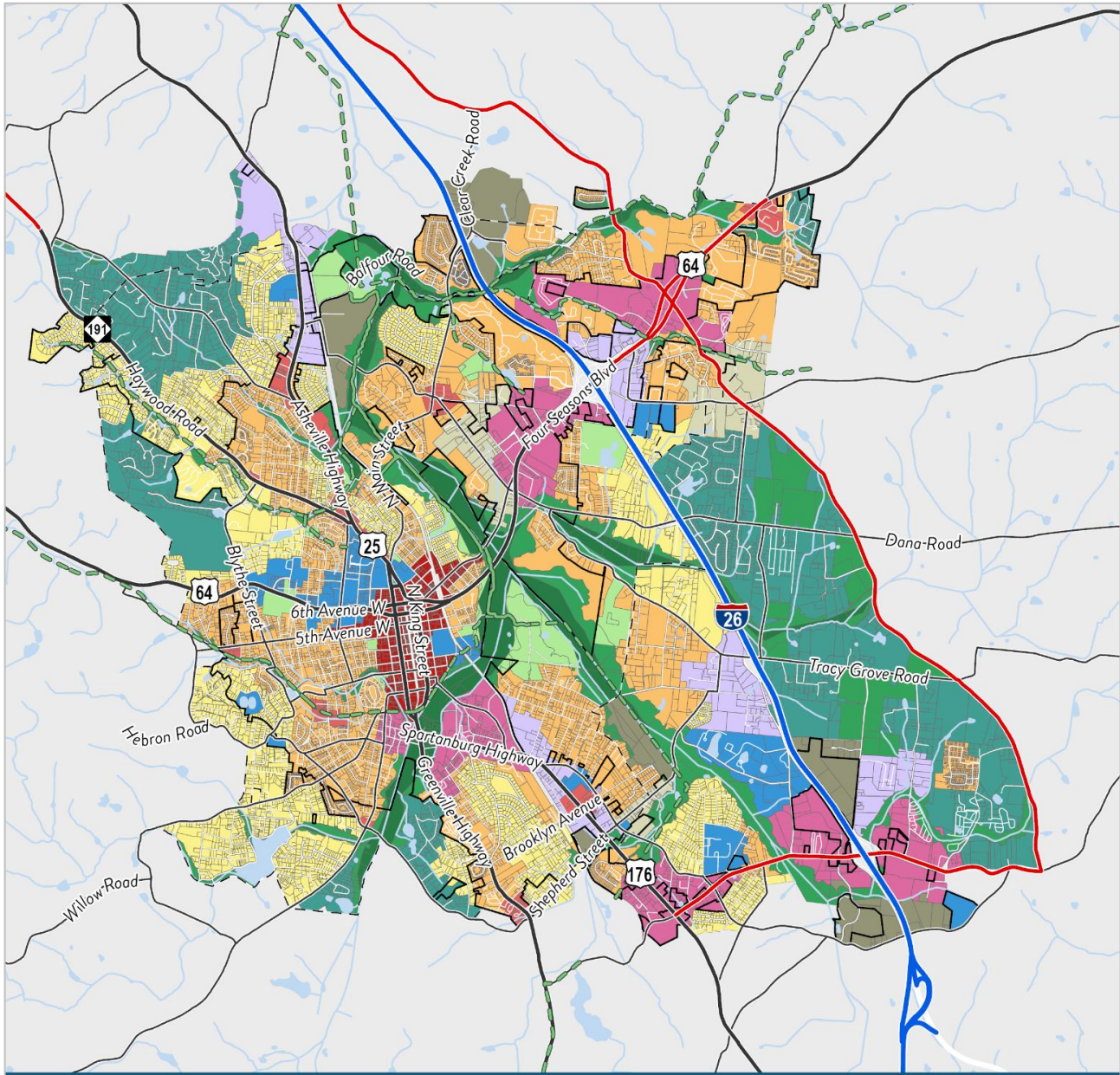
Reduced Pole Flag Lot Minor Subdivision: A Minor Subdivision containing two or more Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Reduced Pole Flag Lot Minor Subdivisions may also include Small Lots created pursuant to Section 8.4. Reduced Pole Flat Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

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 with a maximum square footage per the Hendersonville Zoning Ordinance Sec. 8.4 – Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

Small Lot Minor Subdivision: A minor subdivision containing two or more Small Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4—Reduced Pole Flag Lots & Small Lots and this Subdivision Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole. Small Lot Minor Subdivisions may also include Reduced Pole Flag Lots created pursuant to Hendersonville Zoning Ordinance Section 8.4. Small Lot Minor Subdivisions shall be deemed to include all Reduced Pole Flag Lots, Small Lots and Residual Lots created as part of the minor subdivision.

GEN H COMPREHENSIVE PLAN -FUTURE LAND USE AND CONSERVATION MAP



Future Land Use & Conservation Map (DRAFT)

0 4,500
Feet



- | | |
|---|-------------------------------|
| Open Space - Conservation 1 (Regulated) | Mixed Use - Commercial |
| Open Space - Conservation 2 (Natural) | Neighborhood Center |
| Open Space - Recreation | Mixed Use - Employment |
| Rural Residential | Institutional |
| Family/Neighborhood Living | Innovation |
| Multi-Generational Living | Production |
| Downtown | Existing Greenways and Trails |
| | Proposed Greenways and Trails |

- CTP Highway Classification
- Freeway
 - Boulevard
 - Other Major Thoroughfare
 - Minor Thoroughfare
 - Hendersonville City Limits
 - Hendersonville ETJ

Source: City of Hendersonville, Henderson County, NCDOT

GEN H COMPREHENSIVE PLAN -CHARACTER AREA PERCENTAGES

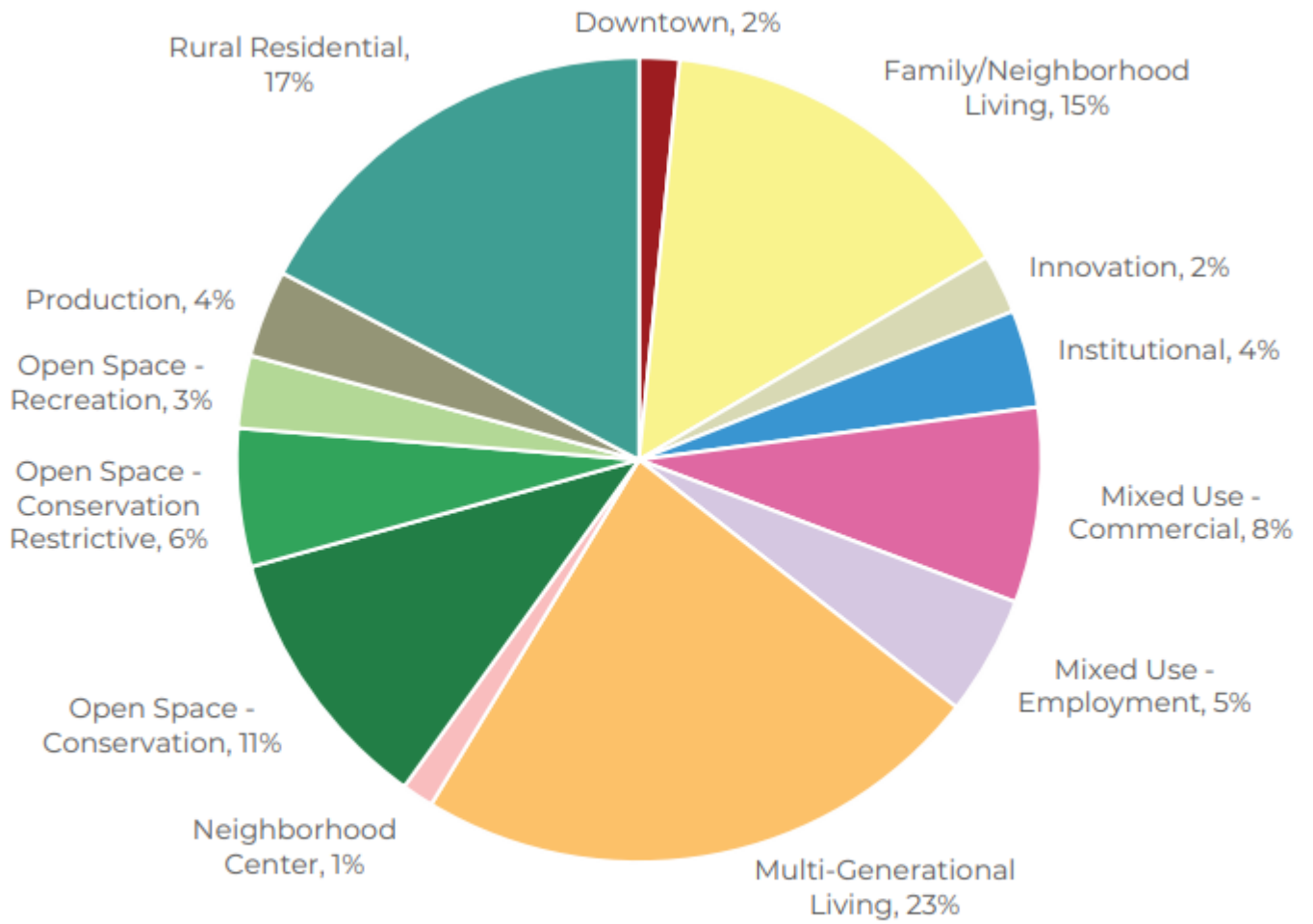


Figure 4.13.1 - Character Area percentages (rounded to whole percent) for study area. ROW is not included acreage percentages.



GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><u>LAND SUPPLY, SUITABILITY & INTENSITY</u> Supply: The Land Supply Map shows an abundance of “Underdeveloped” land in the City’s zoning jurisdiction. Suitability: Land Suitability Maps show that a majority of the land supply is ‘most suitable’ for Residential development. Intensity: The proposal aligns with the development pattern of Option 2 in Figure 4.9 – Alternative Growth Map</p>
	<p><u>FUTURE LAND USE & CONSERVATION MAP</u> Character Area Designations: Rural Residential, Family Neighborhood Living, Multi-Generational Living Character Area Descriptions: Somewhat Consistent Zoning Crosswalk: Consistent Focus Area: N/A</p>
2) COMPATIBILITY	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p>
	<p><i>[In addition to the general analysis below, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating the zoning text amendment’s compatibility. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan.]</i></p>
	<p><u>EXISTING CONDITIONS</u> The proposed amendments update the City’s Zoning Code to allow for smaller detached units on smaller lot sizes in all residential zoning districts that permit Single-family / Two-family uses and Accessory Dwelling Units by right. The permitted uses of these zoning districts would not be changed nor would the height limitations be altered. These are key factors when considering the potential impacts of infill development. When infill development is allowed to be greatly out of scale with existing conditions (i.e. lacking transition and context-sensitive design) and when the intensity of a newly introduced use is out of character with existing land uses, then the development is often judged to be incompatible. For these reasons, maintaining consistency with height limits and permitted land uses is integral to ensuring compatibility. With the exception of larger, more recently constructed planned communities, factors such as lot size and house size tend to vary throughout the city, from block to block and even within the same block. This is due to changes in zoning requirements and housing trends over time. As proposed, the text amendments would allow for more variation in lot size in exchange for capping the square footage of the new dwellings that can be located on them. The proposed limitations on square footage of the dwellings ensures that new units constructed under these allowances do not out-scale</p>

	<p>existing homes.</p> <p>GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) Vibrant Neighborhoods: Consistent Abundant Housing Choices: Consistent Healthy and Accessible Natural Environment: Somewhat Consistent Authentic Community Character: Consistent Safe Streets and Trails: Consistent Reliable & Accessible Utility Services: Consistent Satisfying Work Opportunities: Consistent Welcoming & Inclusive Community: Somewhat Consistent Accessible & Available Community Uses and Services: N/A Resilient Community: Consistent</p> <p>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) Mix of Uses: N/A Compact Development: Consistent Sense of Place: Consistent Conserved & Integrated Open Spaces: Inconsistent Desirable & Affordable Housing: Consistent Connectivity: Consistent Efficient & Accessible Infrastructure: Consistent</p>
3) Changed Conditions	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p> <p>The primary changed condition affecting this amendment is the persistent lack of housing availability in Hendersonville and throughout the region. In particular, starter homes and “attainable housing” supply are lacking and needed to accommodate the city’s workforce and next generation of city residents. Additional localized findings related to the community’s housing needs can be found here.</p>
4) Public Interest	<p>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</p> <p>The proposed amendment would allow for a compatible infill development with a mix of housing types and increased density of market-rate attainable housing. This would allow for property owners to become “micro developers” and better utilize their property. The potential change to development patterns also lends itself to creating more walkable neighborhoods across the City.</p>
5) Public Facilities	<p>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</p>

	The proposed text amendment would allow for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance.
6) Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	There is no immediate development proposed. However, there is the potential for some loss of trees where new units are placed on existing undeveloped land. However, due to the small footprint of the structures and reduced setbacks, there will be flexibility in where structures are located – lending itself to more options in placement to avoid mature canopy trees.

REZONING STANDARDS ANALYSIS & CONDITIONS

Staff Analysis

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be consistent with the *Gen H Comprehensive Plan's* Land Supply, Land Suitability, and Alternative Growth Trend maps. Additionally, the text amendment aligns with the Gen H Character Area Descriptions – in particular the Multi-Generational Living (MGL) Character Area which accounts for the greatest percentage of land area in the city.
2. Compatibility - The proposed text amendment is not incompatible with the existing development pattern in the city. The reduced scale of the dwellings permitted by the proposed allowance ensures that existing homes will not be out-scaled by the Small Lot and Reduced Pole Flag Lot infill development.
3. Changed Conditions - The text amendment is a response to the need for additional “attainable housing” in the city.
4. Public Interest – Increased housing stock and expanded utilization of existing land provides benefits to those in need of housing and property owners who can see a greater return on investment with their property.
5. Public Facilities - Allows for greater utilization of existing infrastructure
6. Effect on Natural Environment – Potential for some mature tree loss on existing lots, but flexibility in siting new structures would allow for canopy preservation while also increasing housing stock.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be **consistent** with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions.

We **[find/do not find]** this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- *The proposed amendment creates an opportunity to address the need for additional “attainable housing” in the city.*
- *The proposed amendment allows for property owners to better utilize their property and earn additional revenue*
- *The proposed amendment ensures compatibility by limiting the size and scale of new construction resulting from the proposed allowances*

DRAFT [Rational for Denial]

- *The proposed amendment is incompatible with existing residential districts*
- *The proposed amendment will create traffic congestion*
- *The proposed amendment will result in substantial loss of privacy*