



CITY OF HENDERSONVILLE
PLANNING BOARD - REGULARLY SCHEDULED
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, October 12, 2023 – 4:00 PM

AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. Minutes of September 14, 2023

4. OLD BUSINESS

5. NEW BUSINESS

A. Subdivision Text Amendment: Street Design Updates (P23-78-STA) –*Tyler Morrow, Planner II*

B. Zoning Text Amendment: Addition of Definitions (P23-080-ZTA) –*Alexandra Hunt, Planner I*

6. OTHER BUSINESS

7. ADJOURNMENT

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the Community Development Department no later than 24 hours prior to the meeting at 828-697-3010.

**Minutes of the Planning Board
Regular Meeting - Electronic
September 14, 2023**

Members Present: Jim Robertson (Chair), Yolanda Robinson, Andrea Martin, Peter Hanley, Neil Brown, Tamara Peacock (Vice-Chair), Beth Robertson, Donna Waters

Members Absent: Barbara Cromar

Staff Present: Matthew Manley, Planner III/Strategic Projects Manager and Tyler Morrow, Planner II, Lew Holloway, Community Development Director (Zoom)

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Hanley moved to approve the agenda. The motion was seconded by Ms. Robinson and passed unanimously.***
- III Approval of Minutes for the meeting of August 10, 2023. *Mr. Brown moved to approve the Planning Board minutes of the meeting of August 10, 2023. The motion was seconded by Mr. Hanley and passed unanimously.***
- IV Old Business**
- V New Business**

Chair talked about the Gen H survey and asked the folks in the room to participate in the survey.

V(A) Administrative Review (Preliminary Site Plan and Plat) – 1202 Greenville Highway Townhome project (A23-59-SPR) (A23-60-MAJ SUB). Mr. Morrow gave the following background:

The City of Hendersonville is in receipt of an application for preliminary administrative site plan review for the 1202 Greenville Highway Townhome project at 1202 Greenville Highway. Mr. Morrow stated this is an administrative review and the term administrative is defined as decisions made in the implementation, administration or enforcement of the Zoning Ordinance that involve the determination of facts and the application of objective standards in the Zoning Ordinance.

Mr. Morrow stated these are two sperate applications but he has combined it into one presentation. The Board will need to make two decisions on it and there will be two separate motions when the time comes.

Mr. Morrow stated there are two administrative reviews tonight, he explained the process and the role of the Planning Board in this review. The Planning Board's role in the review is to ensure that the preliminary site plan and plat meets all applicable requirements. If the project meets all the applicable requirements, then the Planning Board must grant approval. The Planning Board can determine three possible outcomes; approval of the preliminary site plan as presented, approval of the preliminary site plan with conditions, or the Planning Board can vote to deny the application but must provide the reasoning for denial and specifically state which sections of the ordinance are not being met which must be included in the denial motion.

Mr. Morrow explained this review. He stated Preliminary plan review is required of all developments adding more than 30 parking spaces. Preliminary site plans must be reviewed by the Planning Board. Planning Board must administratively review the preliminary site plan to ensure compliance with the zoning ordinance. Approval of a preliminary site plan shall not entitle the applicant to the issuance of a zoning compliance permit. The developer will be required to submit final site plan to staff for review. This project would retain the current zoning of GHMU if approved.

Mr. Morrow stated this project also requires a major subdivision. Major Subdivisions include all divisions of land involving eight or more lots; and/or involve the dedication of a new street or change in existing streets. The Planning Board must review and issue an administrative decision regarding the preliminary plat's compliance with the Subdivision Ordinance. The Planning Board's decision shall not constitute the final approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots.

A background of the project was given in the presentation and is included in the staff report.

The current Zoning and Land Use Map was shown and is explained in the staff report.

Site photos were shown and are included in the staff report. These are from the original submittal from the meeting in March.

Mr. Morrow explained the previous project proposal. The information is included in the staff report and the presentation. The Planning Board recommended denial of this project in March and the application for the CZD was withdrawn by the applicant.

The preliminary site plan was shown and is included in the staff report and presentation. Mr. Morrow explained the site plan requirements concerning sidewalks, roads, rights-of-way and wetlands. There were no outstanding comments for the preliminary site plan.

Mr. Morrow stated based on the review by staff, the submitted preliminary site plan for the 1202 Greenville Highway Townhome Project meets the Zoning Ordinance standards established for Greenville Highway Mixed Use (Section 5-22) and Preliminary Site Plan Review (Section 7-3-3.2).

The preliminary plat was shown and is included in the staff report and presentation. The preliminary plat comments were discussed and are included in the staff report and presentation.

Mr. Morrow stated based on the review by staff, the submitted preliminary plat for the 1202 Greenville Highway Townhome Project generally meets the Subdivision Ordinance standards established for Major Subdivisions (Section 2.04 H). Mr. Morrow discussed the conditions to the plat and these conditions are included in the staff report.

Chair asked if there were any questions for staff.

Mr. Brown asked what the fee in lieu of the public parkland would be. Mr. Morrow stated the fee is based off of the value of the land. He believes the Subdivision Ordinance bases it off of the land appraisal. Chair stated it would be based on the value of little over half an acre for this property. Chair asked if that was before or after the infrastructure is built. Mr. Manley stated it says after the subdivision. .

There were no further questions for staff.

Chair stated before he brings the applicant up does anyone have any questions for the applicant? This is a site plan review and this is an administrative process. City staff has gone over this to make sure it meets two different ordinances, the Zoning Ordinance and the Subdivision Ordinance. Staff showed what they

found including the street with too sharp of a bend and they can put a stop sign on either corner and eliminate that problem. Mr. Morrow pointed out the intersection and stated it currently does not meet the radii for a public street but the applicant is proposing to make that a stop condition, like what you see on Williams Street where you have a sharp curve with two stop signs. But with stop conditions these are public streets so that does have to be reviewed by the Public Works Department. You would either have the corrected radii or a stop conditions which would be required to meet public street standards and that is how the condition is written. That kind of design detail would come during final site plan approval on which would be the better option and on the Subdivision Ordinance also requires that the streets be named by the time it comes to the Board. The streets have not been named so that also is encompassed with that as well.

Ms. Peacock asked if they did dedicate half an acre for park space would it come out of their open area that is right now at a minimum on their site plan. Mr. Morrow stated he thinks the way it is written it can come from general open space, that is how it is determined. Mr. Manley stated he does not know if they have determined that. Mr. Morrow stated since it is not being currently shown, staff would have to figure out how that is worked out. They were not able to pull out where this area would be located. Mr. Manley stated since it is not clear they would have to make an administrative decision, an interpretation on whether open space can be dedicated as a public park. It is under review right now.

Mr. Hanley asked if NCDOT would provide input on the ingress and egress. Mr. Morrow stated correct, they would have to get driveway permits from NCDOT.

Mr. Brown asked about there being no vegetation in the middle of this development. Mr. Morrow showed the landscape plan and explained the landscaping.

Discussion was made on the wetlands.

Ms. Flores asked about the percentage of trees being removed and what is to stay. Mr. Morrow stated he currently does not know.

Chair asked if there were any questions for the applicant. There were no questions for the applicant.

Chair stated they would move to public comment. He stated the Board has two legislative items on the agenda which are text amendments and he asked that if you come up and speak it needs to be related to why this project does not meet one of the ordinances, the Zoning Ordinance or the Subdivision Ordinance. This development is allowed to put the 50 homes on the property as long as they meet all the requirements.

Brian Gulden, Attorney with Van Winkle Law Firm stated the applicant is here to answer any question you may have and he appreciates the explanation of the administrative decision which gives this Board very little leeway. He is also happy to answer any questions. The agent for the property, himself and Warren Sugg, the engineer are all here.

Eric Minduski stated he was the agent for Lock 7 Development. He stated they started working on this project in August of 2022. They had originally proposed 185 apartment units in three story buildings which had been going through the conditional zoning process, had a Neighborhood Compatibility meeting, gone before Tree Board, had a TIA conducted and spoke with Council members to get their opinion on the project. The most common feedback was increased traffic, stormwater concerns, the project being too tall and too dense, the impact to wildlife and not enough parking. The majority of the comments had to do with the scale of the project. Based on all that feedback they decided the best recourse was to withdraw that project. They reworked the project to be more compatible with the surrounding context. They scaled the project down with most every aspect and worked with Planning staff to ensure that it was a better fit for the

community. That is what they are coming to you with today. These townhomes will be two stories in height and each will have a one car garage as well as a dedicated parking spot in the driveway. He discussed the amenities being green space, walking trail, dog park etc. They feel this project is overall more compatible with the surrounding neighborhood. They scaled the project down 70% and went from 185 units to 50 units and that decrease in density will also lessen the traffic impact, which was the number one concern from the previous proposal. They did have a TIA with the 185 units and it was found there would be no negative impact with the 185 units so taking it down to 50 units they are pretty confident there will be minimal impact. As far as stormwater concerns they have increased the pervious area from 3.4 acres to 4.5 acres, that is 49% to 65%. That also includes more habitat for the wildlife in addition to the perimeter tree buffer they are maintaining from the last plan. They are decreasing the height from three stories to two stories. They have increased the parking from 1.3 spaces per unit to 2 spaces per unit. These changes are from the feedback from Council members, the Planning Board and the community. He thanked the Planning staff and the community.

Ken Fitch (Zoom) 1046 Patton Street stated the previous proposal was rejected because it was out of character with the area now this proposal is somewhat smaller but equally intrusive and incompatible in which serious issues still remain. He discussed the dedication of parkland and the fee in lieu. He was concerned about the loss of green space. He discussed the preservation of some national parks not being accessible but serving as a habitat for wildlife and being essential to communities.

Chair stated when speaking make a reference to why this does not meet the ordinance.

Lynne Williams, Chadwick Avenue stated the neighbors spoke out against the first proposal and the Planning Board denied it now and this time their hands are tied. This is a loss of animal habitat and beautiful historic forest. Things that are not in compliance there was talk about encroachment on the stream buffer. It says it is for sewer but it is right into the stream. There is no public park space designation and we ask for the public park space to be designated preferably to preserve more trees. If the developer would decrease the footprint and increase the buffer this would greatly reduce the impacts on the neighborhood. As far as the Subdivision Ordinance goes, the roads are not in compliance. The turning radius is not in compliance so no large vehicles can turn around. The connectivity to Garden Lane is not realistic. It is a private road which could put stress on the neighborhood. The parking is inadequate. Yes, it is within the Zoning Ordinance requirements but where is all the overflow parking going. She submits for the record the previous public comments that are on file as well as the comments from the NCM and the previous comments from the Planning Board meeting and today's comments. She stated they need Lock 7 to be a good neighbor even though the developers will not be living here.

Chair asked if there was anyone else on the call that would like to speak named Gayle. There was no one else on the call.

Chair closed public comment.

Chair stated he is a little concerned about there not being a dedication yet. There are provisions for a dog park that might be a benefit for the Brookdale community. How much land is back there? It is going to require 25,000 sq. ft. He discussed there being a little over half an acre and does this come away from the open space. Ms. Peacock stated when she worked on site plans whatever you dedicate, you do upfront and then you do your site plan calculations after. They would have to do it the way the Subdivision Ordinance is written it is more of a legal question than a standard of design.

Chair reopened the public comment.

Sandra Williams, Chadwick Avenue asked if the entrance was on Greenville Highway. Chair stated it is on Greenville Highway. There are two entrances and exits. She asked if they would exit onto Greenville

Highway. Chair stated yes and that is a NCDOT issue and not a Planning Board issue. She discussed the traffic issues and Greenville Highway being a historic highway. Chair stated it is a state maintained road and a major thoroughfare. She was also concerned about the safety of children and school buses.

Chair closed public comment. And stated the dedication is one of his concerns. He stated there is a fee in lieu option and he is not sure that has to be decided today. Mr. Brown was also concerned about the dedication and thought it should be decided on. Chair stated City staff can work that out. Mr. Brown stated this plan is why they need an improved city Tree Ordinance. Chair stated the Tree Board is working on an ordinance and he knows how ordinances work. Mr. Brown stated he wasn't convinced the fees in lieu of are being deployed appropriately and that is why he has a real problem going forward without a firm dedication of public land (3.09).

Ms. Peacock asked the developer what their intentions are.

Warren Sugg, Civil Design Concepts stated there is an open space of 40% and a common open space of 10% and that equals 50% of the site. There is 50% of the site that is available to do whatever they like. They have asked staff and staff is still evaluating how to dedicate and where to dedicate. He doesn't know that it is clear in the code or clear in the comments thus far. They are not opposed to dedicate it is just that no one knows where to dedicate. Ms. Peacock stated so your intention is to dedicate and not to do fee in lieu. Mr. Sugg stated yes, they have land there, they just need to know where to put 25,000 sq. ft. Is it all in one spot, is there a minimum length, can it be close to something, does it have to have a public access? There are a lot of questions that need to be answered. He doesn't think there is an opposition to it, he just doesn't think it is clear where it needs to be. They are planning to work with city staff on where to put it. He has already had conversations with Mr. Morrow. Ms. Peacock stated they could make that a condition on the motion. Mr. Brown stated if they make that a condition can it be flipped to a fee in lieu? Chair stated City Council gets the final decision on that. Mr. Brown stated City Council does not weigh in on this. Chair stated on the dedication of land they get the final say so, on whether they want that land to be dedicated to them or they want payment in lieu. Is that correct? Mr. Gulden stated according to the City Attorney that is correct. He stated the Board can approve this with conditions that they have to comply with 3.09 for the dedication of public land and if the city decided they don't want it, then it's a fee in lieu.

Chair stated there was discussion on an encroachment on the stream buffer. Mr. Minduski stated that is where the sewer manhole is tied in. Chair stated they are allowed utilities but no other disturbance. Mr. Minduski stated yes and they have a storm out in that location as well.

Discussion was made on the right-of-way and widening of Greenville Highway and how this would affect the public land. Mr. Gulden explained the condemnation of land. Mr. Morrow also explained that the parkland itself would be its own separate parcel so it would not be in the right-of-way, it would be its own parcel that the city would then own and maintain as a public park. It basically would be subdivided out and given to the city. Mr. Morrow stated this is the first time a piece of land has met the requirements for a dedication of public land and they are working through it with legal staff. Mr. Manley stated staff is trying to figure out with the plan showing open space and common open space, can part of that open space requirement be counted as the parkland.

Ms. Peacock moved the Planning Board grant preliminary site plan approval, based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-22 Greenville Highway Mixed Use and 7-3-3 Review of Preliminary Site Plans) for the 1202 Greenville Highway Townhome project. Mr. Hanley seconded the motion which passed unanimously.

Ms. Peacock further moved that the Planning Board grant preliminary plat approval based on the requirements of the City of Hendersonville Subdivision Ordinance (with primary consideration of section 2.04 h Major Subdivision), for the 1202 Greenville Highway Townhome project subject to the following conditions: All proposed streets shall meet all applicable requirements for local streets in accordance with the subdivision ordinance. The development shall meet all requirements for public parkland in accordance with section 3.09, whether being through dedication or the payment of a fee in lieu. Mr. Hanley seconded the motion which passed 6 in favor and 2 opposed. The opposing votes were Ms. Waters and Mr. Brown. The dissenting votes were based on the parkland dedication (Section 3.09). The motion passed.

Mr. Morrow explained the option of fee in lieu to the Board and the review process for this.

Ms. Peacock left at 4:55 pm.

V(B) Zoning Text Amendment – Mobile Food Vendor Updates– (P23-50-ZTA). Mr. Morrow gave the following background:

This is a city-initiated text amendment brought to you by city staff for mobile food vendors. We currently have an ordinance but are just updating it. Staff is proposing a new approach to mobile food vendors.

Mr. Morrow gave a complete overview and analysis for the text amendment. This is included in the staff report.

Staff recommended changes were explained and defined and are included in the staff report and presentation. Setbacks, landscaping requirements, and signage were discussed.

Staff rationale for the changes were discussed and are included in the staff report.

The Legislative Committee met on August 15, 2023. Meeting takeaways were: Supportive for proposal. Recommended adding language to exempt mobile food vendors associated with special events. Recommended reducing the setback for mobile food vendors and permanent structures. Supported allowing mobile food vendors to operate within 100' of residential with hours of operation stipulation. Adding language that mobile food vendor sign illumination shall be downward facing.

The current Comp Plan does not touch on mobile food vendors once. He looked through the Comp Plan and tied some sections to mobile food vendors. The Gen H Comprehensive Plan will tie in mobile food vendors.

Comprehensive Plan Consistency was discussed and is included in the presentation and staff report.

General amendment standards were discussed and are included in the staff report.

A draft consistency statement is included in the staff report.

Rationale for approval and denial were included in the staff report.

Chair asked if there were any questions for staff.

Ms. Flores asked what would happen if ownership changes. Mr. Morrow stated as long as the use doesn't change there would be no problem. As long as the use doesn't change and they are still doing that same use the zoning compliance permit would still be active. Chair stated if a property transfer happened it would still stay with the property. Mr. Morrow stated it all depends on accessory verses principal use.

Mr. Brown asked about not being located within 100 feet of a residential structure unless certain times. Is this the first time we have used time frames. Chair stated no, the animated sign ordinance has time limits.

Discussion was made on the distance from combustible materials. Mr. Morrow stated he thought that was for external, such as there would a distance requirement for an external propane tank.

Chair stated he would open public comment. There was no one in the room that wanted to speak. No one on zoom spoke.

Chair closed public comment.

Mr. Brown moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 16-4-17 Mobile food vendor, Section 8-1-1 Exceptions to setback regulations, Section 13-1-10- Supplementary standards for mobile food vendors, and Section 13-1- 11- Noncommercial messages, based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning mobile food vendors. 2. We find]this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. The proposed text amendment creates flexibility for property owners and mobile food vendor operators while still limiting potential impacts to the greater community. 2. The proposed text amendment reflects real world conditions and potentially allows non-conforming mobile food vendors to come into compliance. 3. The proposed text amendment reduces duplicated standards and focuses primarily on zoning/site specific requirements. Mr. Hanley seconded the motion which passed unanimously.

VI(C) Zoning Text Amendment – Transportation Standards in CHMU (P23-51-ZTA). Mr. Manley gave the following background:

Mr. Manley stated this is an application from the City of Hendersonville as it is a staff initiated text amendment. This is to add transportation standards to the CHMU, Commercial Highway Mixed Use zoning district. The rationale for this text amendment is for improved connectivity; reduced congestion; improved vehicular, pedestrian and bicycle circulation; supported by Comprehensive Plan & aligns with HMU Standards.

The CHMU zoning was created for the Upward Road corridor. This corridor has experienced significant growth in the last three years. No other area has seen this scale of development requests in the city. It was designated as a boulevard in the 2030 Comprehensive Plan. Mr. Manley explained the recommended changes and the reasons for them.

Photos of existing connections were shown and included in the staff report.

Photos of potential connections were shown and included in the staff report.

Mr. Manley discussed inner connectivity.

This zoning text amendment was ranked as the second highest priority in the 2022-2024 Text Amendment Priority List.

The Legislative Committee met on June 20, 2023. There were some recommended clarifications made.

Staff recommend changes were discussed including adding a new section in the zoning ordinance. This is included in the prestatation and staff report.

Comprehensive Plan Consistency was discussed and included in the staff report and presentation.

General rezoning standards were discussed and are included in the staff report and presentation.

A draft consistency statement was shown and included in the staff report.

Draft rationale for approval and denial was included as well and is in the staff report.

Chair asked if there were any questions for staff. There were no questions.

Chair explained connectivity and not having to pull out onto the major thoroughfare to get to different businesses.

Chair opened the meeting for public comment. There was no public comment.

Chair closed the public comment.

Ms. Flores moved the Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-27 CHMU Commercial Highway Mixed Use Zoning District, based on the recommendations presented by staff and based on the following: 1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The petition aligns with Goal TC-3 of the Transportation and Circulation Chapter of the Comprehensive Plan which calls for providing a safe and efficient roadway system that meets adequate vehicular level-of-service requirements in order to support business activity and residential quality of life. We 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: 1. The text amendment would help address access management, congestion management and transportation circulation in the Upward Road corridor. 2. The text amendment will impact a rapidly growing area of the City. Mr. Hanley seconded the motion which passed unanimously.

VI Other Business.

VII Adjournment – *The meeting was adjourned at 5:54 pm.*

Jim Robertson, Chair



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Tyler Morrow **MEETING DATE:** October 12th 2023

AGENDA SECTION: New Business **DEPARTMENT:** Community Development

TITLE OF ITEM: Subdivision Text Amendment: Street Design Updates (P23-78-ST A) –Tyler Morrow, Planner II

SUGGESTED MOTION(S):

<u>For Recommending Approval:</u>	<u>For Recommending Denial:</u>
<p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 4.03. Streets by revising subsection C. Street configuration., based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition aligns with the Comprehensive Plan’s Strategy to Implement local policies and practices that complement and expand upon the State’s access management standards (Strategy TC-3.3) and because it incorporates some of the complete street goals outlined in figure 7.3a.</p> <p>2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed text amendment creates flexibility for subdivision developers to work with the existing terrain and slope of the property when designing their development and public street system.2. The proposed text amendment has the potential to reduce the amount of land disturbed within a proposed subdivision which could decrease environmental impacts.	<p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 2.04. Review Procedures by revising subsection F. Expedited subdivision and subsection. I. Minor subdivision, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition aligns with the Comprehensive Plan’s Strategy to Implement local policies and practices that complement and expand upon the State’s access management standards (Strategy TC-3.3) and because it incorporates some of the complete street goals outlined in figure 7.3a.</p> <p>2. We <u>do not find</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed text amendment reduces the required horizontal curve radius for public street within a subdivision.2. The proposed text amendment lowers the required K value for public streets within a subdivision.3. The proposed text amendment increases the maximum road grade for public streets within a subdivision.

<div>3. The proposed text amendment aligns the ordinance with existing local public street conditions and NCDOT standards.</div> <div>[DISCUSS & VOTE]</div>	<div>[DISCUSS & VOTE]</div>
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***SUMMARY:** City staff is proposing to align the City’s public street standards for subdivisions with standards set forth by the NCDOT for this region. It has been discovered that some of City’s current subdivision standards do not take into account the topography of the region and are better suited for piedmont or coastal areas. Staff is recommending that the street design standards for subdivisions be a hybrid of NCDOT’s requirements for rolling and mountainous terrain. It is staffs hope that by making these corrections, it will eliminate the need for additional grading/land disturbance and will better align new public street design with the existing conditions found around the City.*

PROJECT/PETITIONER NUMBER:	P23-78-STA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<div>1. Staff Report</div> <div>2. Draft Recorded Ordinance</div>

SUBDIVISION TEXT AMENDMENT: STREET DESIGN UPDATES
(P23-78-STA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY..... 2

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW..... 3

SUBDIVISION TEXT AMENDMENT – STREET DESIGN UPDATES..... 4

LEGISLATIVE COMMITTEE OF THE PLANNING BOARD..... 8

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 9

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 10



PROJECT SUMMARY

- Project Name & Case #:
 - Street Design Updates
 - P23-78-STA
- Applicant:
 - City of Hendersonville
- Subdivision Ordinance Articles Amended:
 - Section 4.03. Streets
 - Amendment to Section C. Street configuration.
- Planning Board - Legislative Committee Meeting
 - October 2nd, 2023
- Summary Basics:
 - City staff is proposing to align the City's public street standards for subdivisions with standards set forth by the NCDOT for this region. It has been discovered that some of City's current subdivision standards do not take into account the topography of the region and are better suited for piedmont or coastal areas. Staff is recommending that the street design standards for subdivisions be a hybrid of NCDOT's requirements for rolling and mountainous terrain. It is staffs hope that by making these corrections, it will eliminate the need for additional grading/land disturbance and will better align new public street design with the existing conditions found around the City.



Amendment Overview:

City staff is proposing several changes to the current street design standards found in the City Subdivision Ordinance. The City's subdivision ordinance was adopted by City Council on March 5, 2020. The current subdivision ordinance was a complete rewrite and modernization from the City's previous subdivision ordinance. The modernization of the subdivision ordinance brought forth new design standards which were not represented in the previous ordinance. The new design standards aimed to provide the City and its citizens the best design product possible and to limit the impact on existing land uses. It has been 3 years since adoption and staff have worked through a good number of subdivisions in various capacities. Through this work staff have found items that prove problematic or that are meant to serve a certain purpose but unknowingly create unforeseen obstacles. It was understood that with this large of an overhaul to an ordinance, that there would be fine tuning smaller amendments to follow the adoption.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

The current street design standards have proven difficult for staff to apply to subdivisions and for developers to adhere to due to the topography and terrain of the area. Staff has reviewed many subdivisions with various topography, housing type, location, access etc. and the street design standards continue to prove difficult to achieve for many of the developments while retaining many of the City's other goals (tree preservation, less impactful development, pedestrian friendly development, etc.). In most circumstances the City's standards exceed NCDOT requirements and better reflect requirements that would be found in the piedmont or coastal regions. For example, the recent subdivision projects below had obstacles adhering to one or more aspects of the City's street design standards.

- K-Values
 - Half Moon Heights (also maximum street grade)
 - Townes at Martha Kate
- Curve Radii
 - 1202 Greenville Highway Townhome Project
 - Signal Hill Subdivision Project (Variance requested).

The design standards that are in the current ordinance were placed in the ordinance with good design intentions but have created unforeseen issues. For example, the road radius requirement for horizontal curves in the subdivision ordinance is 150'. This requirement greatly broadens curves and makes the road easier to navigate due to it not having sharp curves. The intention of this requirement was to make the road safer by making it easier to navigate. Staff have found out through conversations with NCDOT, Public Works, and research that the increased radii can increase speeding through the streets and create an unsafe pedestrian environment. The wider radius of the curve requires more land disturbance to accommodate the flatter curves. This requires more grading to occur which could impact mature tree preservation and other environmental aspects. The proposed 90' centerline curve radius reflects NCDOT mountainous standards as well as Henderson County's Land Development Codes private subdivision street design standards.

The K value has also created unintended consequences. In order for developments to meet the requirements of the K value (vertical curve) standards, the developers are having to grade additional land to come into compliance. K values involve the vertical curve and sight distance of a roadway. The intent of the ordinance is to ensure that roads are as flat as possible so that site visibility is optimal. In most cases, to accomplish the K value requirement, developments must grade a greater land area to accomplish the desired flat condition. The additional land disturbance impacts the number of mature trees that can be preserved. The requirement also does not allow some flexibility to follow the natural slope of the property in the way that many of our older neighborhoods do. These types of development practices lend themselves to developers clearing and flattening once natural sloped terrain, i.e., mass grading.

The proposed changes would allow new subdivisions to develop in a way that reflects how our community has historically developed. New public streets would better reflect the mountain roads that we travel on every day instead of being more representative of our piedmont/coastal counterparts.

SUBDIVISION TEXT AMENDMENT – STREET DESIGN UPDATES

Additions to the Ordinance**~~Deletions from the Ordinance~~****Sec. 4.03. Streets.****C. Street configuration.****1. Street rights-of-way.**

- a. All new streets established in the city's jurisdiction after March 5, 2020 shall include a minimum street right-of-way configured in accordance with Table 4.03.C.1: Minimum Street Right-of-Way Requirements.

TABLE 4.03.C.1: MINIMUM STREET RIGHT-OF-WAY REQUIREMENTS		
TYPE OF STREET	CONFIGURATION	MINIMUM RIGHT-OF-WAY (FEET) [1] [2]
Expressway	8 lanes, raised median	160
	4 lanes, grass median	150
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Boulevard	8 lanes, raised median	160
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Major Thoroughfare	7 lanes	120
	5 lanes	100
	4 lanes	90
	3 lanes	80
Minor Thoroughfare	2 lanes, parking on each side	80
	2 lanes, parking on one side	70
	2 lanes, paved shoulder	70
Local	45	
Cul-de-Sac	45 [3]	
Alley	20	
NOTES:		
[1] The street right-of-way shall include curb and gutter, sidewalks, multi-use paths, bicycle lanes (where indicated), and associated utility strips.		
[2] Minimum rights-of-way may need to be wider to accommodate all forms of planned infrastructure in accordance with the city's adopted policy guidance.		
[3] Radius will be wider.		

- b. In cases where an existing street is depicted on the city's adopted policy guidance, but is not configured to the required width or cross section, the roadway shall be improved in accordance with the city's adopted policy guidance as part of the development.

2. Street intersections. Street intersections shall be configured in accordance with the following standards:

- a. Not more than two streets shall intersect at any one point unless the city or NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.
- b. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.
- c. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.

- d. Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
- e. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is an expressway or boulevard, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.
- f. Property lines at street intersections shall be shown as a chord connecting points not less than 15 feet back from the street intersection along each street right-of-way line. Longer setbacks for chord connections for property lines may be required by the DRC as needed for public safety.
- g. In commercial developments the city may assign traffic control to thru traffic within 500 feet of the point of access to the public right-of-way.
- h. All internal intersections shall have minimum 30' radii. Radii less than 30' must be approved by the Public Works Director.

3. Development entry points

- a. Unless exempted in accordance with subsection (d) below, all subdivisions shall provide streets from the development to the street system outside the development in accordance with Table 4.03.C.3, Required Points of Access:

TABLE 4.03.C.3: REQUIRED POINTS OF ACCESS [1]		
TYPE OF DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS POINTS [2]
Residential and Mixed-Use Development [3]	30 or fewer lots	1
	31 or more	2
Non-residential Development, other than Industrial [4]	Less than 5 acres or fewer than 10 lots	1
	More than 5 acres	2
NOTES:		
[1] Points of access shall refer to streets, not driveways.		
[2] Additional vehicular access points may be required where determined necessary by the city.		
[3] Multi-family or mixed-use developments of 100 dwelling units or more shall provide at least two points of access regardless of the number of lots.		
[4] The Fire Code may require a minimum of two points of access.		

- b. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable street connectivity standards.
 - c. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single expressway, boulevard, or thoroughfare street.
 - d. Development shall be exempted from these standards if it is demonstrated the following conditions apply:
 - i. A transportation impact analysis allows a deviation;
 - ii. No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
 - iii. NCDOT will not authorize the required number of entrances; or
 - iv. Alternative access can be provided in a manner acceptable to the city that is supported by a transportation impact analysis.
4. **Turn lanes.** Turn lanes for either or both left and right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. When provided, turn lanes shall be configured in accordance with the following:

- a. The final determination for the need, location, and design of a turn lane is the responsibility of the NCDOT, or the city, as appropriate.
- b. Left and right turn lanes shall be constructed in accordance with NCDOT standards and specifications.
- c. Right-turn lanes shall be constructed entirely within the frontage of the property being served, since an adjacent development might subsequently require an entrance that would otherwise encroach into the turn lane.
- d. The NCDOT may require a undivided street to be widened when the median has an inadequate width for a left turn lane.

5. **Deceleration lanes.**

- a. Any use capable of generating more than 60 trips per peak hour, as estimated by using NCDOT guidelines or the Institute of Traffic Engineers Trip Generation Manual, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along an expressway or boulevard street.
- b. Deviations from these requirements may only be authorized when the NCDOT indicates that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.

6. **Cul-de-sac and dead-end streets.**

- a. No permanently designed cul-de-sac or other dead-end street shall be longer than 800 linear feet, except where land cannot otherwise be subdivided practicably in the opinion of the city manager.
- b. In cases where one cul-de-sac is accessed from another cul-de-sac, the maximum length for all cul-de-sacs accessed from one another shall be 500 linear feet.
- c. All permanent cul-de-sacs or other dead-end streets shall be provided at the closed end with a turn-around configured in accordance with the city's minimum requirements.
- d. Dead-end streets intended to be continued at a later time shall be provided with a turn-around as required for a dead-end street when required by the city manager.
- e. Only that portion to be required as right-of-way when the street is continued shall be dedicated and made a public street.

7. **Street grade.** Street grades shall comply with the following standards:

- a. Streets and their associated gutters shall maintain grade levels in accordance with Table 4.03.C.7, Maximum and Minimum Street Grade.

TABLE 4.03.C.7: MAXIMUM AND MINIMUM STREET GRADE		
STREET TYPE	MAXIMUM GRADE	MINIMUM GRADE
Expressways and Boulevards	6%	Not less than 1%
Major and Minor Thoroughfares	8% 9%	Not less than 1%
Local Streets	10% 12%	

- b. Street and intersection approaches shall not have grades in excess of ~~three~~ five percent for a distance of 100 feet from the intersection of center lines in all directions for all streets.
- c. All changes in grades for local streets and thoroughfares shall be connected by a vertical curve of a minimum length of ~~40~~ 20 times the algebraic difference in the percents of grade ("K" value). Stop conditions shall have a minimum "K" value of ~~14~~ 9 times the algebraic difference of the percents of grade. "K" values for arterials shall be per the AASHTO Geometric Design of Highways and Streets based on design speed.
- d. The city manager may consider deviations from these standards based on topographic conditions or public safety concerns: ~~for Local Streets when natural site slope exceeds 15%. Vertical curves with 10 times the algebraic difference in the percents of grade ("K" value) and stop conditions with 5 times the algebraic difference in the percents of grade ("K" value) may be permitted under this condition.~~

8. **Street curves.** Street curves shall maintain the minimum radii established in Table 4.03.C.8: Minimum Curve Radii and Tangents:

TABLE 4.03.C.8: MINIMUM CURVE RADII AND TANGENTS

STREET TYPE	MINIMUM RADII (FEET)	MINIMUM TANGENT DISTANCE BETWEEN REVERSE CURVES ON THE SAME STREET (FEET)
Expressways and Boulevards	600	150
Major and Minor Thoroughfares	400 230	100
Local Streets	150 90	0

9. **Street drainage.**

- a. All required drainage facilities associated with a street right-of-way shall be constructed prior to consideration of a final plat.
- b. Storm sewers, drains, and structures installed by the subdivider shall be installed of a size, type, and in locations as approved by the city manager, or NCDOT, as appropriate.
- c. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.
- d. The city shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publically-maintained drainage facilities, streams, or other outlets having constant flow.

10. **Sight distance triangles.**

- a. **Sight distance triangles established.**
 - i. Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection.
 - ii. Required sight distance triangles shall be configured in accordance with Table 4.03.C.10: Sight Distance Triangle Requirements.
 - iii. Land within a required sight distance triangle shall comply with the standards in Section 4.03.C.10.c, limitations on obstructions within required sight distance triangles.

TABLE 4.03.C.10: SIGHT DISTANCE TRIANGLE REQUIREMENTS

TYPE OF STREET, INTERSECTION, OR DRIVEWAY		MINIMUM REQUIRED SIGHT DISTANCE TRIANGLE [1] [2] [3]
Intersections of Streets [4]		10/70
Driveways Serving Parking Lots		10/70
Driveways Serving Land Uses Without Parking Lots	Residential	None
	All Other Uses of Land	10/70 wherever possible

NOTES:

[1] See Figure 4.03.C.10, Sight Distance Triangles, for the 10/70 configuration.

[2] The NCDOT may require an alternate configuration.

[3] AASHTO requirements shall be applied to streets with curves.

[4] Includes all streets, including public streets.

- b. **Measurement of sight distance triangle.** Sight distance triangles shall be an area between a point at the edge of a street right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing street right-of-way located ten feet from the intersection (see Figure 4.03.C.10, Sight Distance Triangles).

LEGISLATIVE COMMITTEE OF THE PLANNING BOARD

Meeting Date—October 2nd, 2023

The Legislative Committee reviews all text amendments prior to consideration by the Planning Board. The committee members in attendance were:

- Jim Robertson
- Neil Brown
- Peter Hanley

Committee members discussed the proposed changes with staff and the reasoning behind the changes. The legislative committee had a general consensus supporting the proposed text amendment. The committee did not propose any changes to the text amendment language.

One member of the general public was present during the meeting. No public comments or questions were received for this proposed text amendment during this meeting.

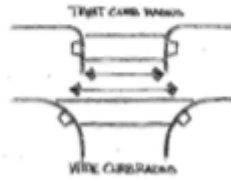
AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	Strategy LU-3.6. Update the Zoning Code (or Subdivision Ordinance) to ensure conformance with the Comprehensive Plan.
	Strategy LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses.
	Strategy LU-3.4. Promote fiscal responsibility for the City with the expansion of infrastructure and services.
Population & Housing	Goal PH-3. Promote safe and walkable neighborhoods. Strategy PH-3.1. Establish neighborhood design guidelines that promote safe, walkable and bikeable neighborhoods while accommodating the automobile. Action PH-3.1.2. Encourage public space design features that calm traffic and provide space for pedestrian gathering and circulation. Examples include sidewalks, bike lanes, village greens, narrow streets, traffic mini-circles, and curb extensions.
Natural & Environmental Resources	Steep Slopes-Hendersonville's mountainous terrain is a unique asset that defines the City's scenic character and attracts residents and visitors. Strategy NR-1.4. Control development on steep slopes in order to protect life and property from erosion and landslides and preserve the natural appearance of hillsides. Goal NR-3. Reduce the ecological footprint of developed and developing areas in order to reduce the impact on natural resources, create a healthy, sustainable community and reduce energy costs.
Cultural & Historic Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Community Facilities	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Water Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Transportation & Circulation	Goal TC-1. Develop a multi-modal transportation system that encourages pedestrian and bicycle usage in order to promote pedestrian safety, reduce vehicle miles travelled and encourage community interaction. Action TC-1.3.3 Implement traffic calming techniques in existing or planned mixed-use, high-density locations including the Downtown Core, Downtown Support, Urban Institutional, Neighborhood Activity Center, and Regional Activity Center categories on the Future Land Use Map. Strategy TC-3.2. Coordinate with the NC Department of Transportation and French Broad River Metropolitan Planning Organization (MPO) on localized transportation planning. Strategy TC-3.3. Implement local policies and practices that complement and expand

upon the State's access management standards.

Figure 7.3a: Complete Streets, continued

Tightened curb radii slow vehicle turning movements.



GENERAL REZONING STANDARDS

Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	<i>The proposed text amendment allows public streets and major subdivisions to be developed in such a way that reflects existing conditions and historical development trends. The proposed street design changes allows for rolling/mountainous terrain to retain its character and not be greatly disturbed or impacted in order to meet street design standards. The proposed changes do reduce the standards for public street design in subdivisions, they do follow the guidelines set forth by the NCDOT for areas with similar terrain as Hendersonville.</i>
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	<i>The City's subdivision ordinance was adopted by City Council on March 5, 2020. The current subdivision ordinance was a complete rewrite and modernization from the City's previous subdivision ordinance. The modernization of the subdivision ordinance brought forth new design standards which were not represented in the previous ordinance. The new design standards aimed to provide the City and its citizens the best design product possible and to limit the impact on existing land uses. It has been 3 years since adoption and staff have worked through a good number of subdivisions in various capacities. Through this work staff have found items that prove problematic or that are meant to serve a certain purpose but unknowingly create unforeseen obstacles.</i>
Public Interest	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 -
	<i>Retaining community character and environmental sensitivity continue to be main points of emphasis with Hendersonville citizens discussing Hendersonville's development future. This text amendment could allow developers to reduce the required land disturbing activity and allow them to better work within the natural slope of the land. New subdivision would not be planned through the lens of road design as heavily, and could take in more account the natural lay of the land and working within those parameters.</i>
Public Facilities	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><i>The proposed text amendments are a hybrid of NCDOT’s street design standards. The standards provided were set by North Carolina’s largest road design and maintenance entity. The standards were set forth by NCDOT with practical design and safety at the forefront. By aligning the City’s standards with the standards of the NCODT, we can assure that we are representative of the latest applicable trends for roadways in the region.</i></p>
Effect on Natural Environment	<p>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 -</p>
	<p><i>The proposed text amendment allows developers more flexibility when designing their street system to better work with the natural slope of the land, instead of requiring that they create a new slope/terrain of the property. The decrease in land disturbance will have a positive impact on grading, soil and erosion control, stream protection, and tree preservation. Street design would not be leading the design factor of subdivisions and could lead to more creative designs that take natural resources into account.</i></p>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's Strategy to Implement local policies and practices that complement and expand upon the State's access management standards (Strategy TC-3.3) and due to the fact that it incorporates some of the complete street goals outlined in figure 7.3a.

We [find] this proposed subdivision text amendment 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 text amendment creates flexibility for subdivision developers to work with the existing terrain and slope of the property when designing their development and public street system.*
- *The proposed text amendment has the potential to reduce the amount of land disturbed within a proposed subdivision which could decrease environmental impacts.*
- *The proposed text amendment aligns the ordinance with existing local public street conditions and NCDOT standards.*

DRAFT [Rational for Denial]

- *The proposed text amendment reduces the required horizontal curve radius for public street within a subdivision.*
- *The proposed text amendment lowers the required K value for public streets within a subdivision.*
- *The proposed text amendment increases the maximum road grade for public streets within a subdivision.*

Ordinance # ____ - ____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND
THE CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, SECTION
4.03. STREETS BY REVISING SUBSECTION C. STREET CONFIGURATION TO AMEND
THE PUBLIC STREET DESIGN STANDARDS FOR SUBDIVISIONS IN THE CITY OF
HENDERSONVILLE.**

WHEREAS, the City of Hendersonville’s Planning Board has reviewed and recommended/not recommended for adoption a subdivision text amendment to the public street design standards for subdivisions within the City of Hendersonville’s jurisdiction; and

WHEREAS, the proposed amendment is intended to create compatible street design standards that reflects existing conditions while maintaining a safe and effective street system; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 4.03. Streets and subsection C. Street configuration of the Subdivision Ordinance of the City of Hendersonville be amended as follows:

Sec. 4.03. Streets.

C. Street configuration.

1. Street rights-of-way.

- a. All new streets established in the city's jurisdiction after March 5, 2020 shall include a minimum street right-of-way configured in accordance with Table 4.03.C.1: Minimum Street Right-of-Way Requirements.

TABLE 4.03.C.1: MINIMUM STREET RIGHT-OF-WAY REQUIREMENTS		
TYPE OF STREET	CONFIGURATION	MINIMUM RIGHT-OF-WAY (FEET) [1] [2]
Expressway	8 lanes, raised median	160
	4 lanes, grass median	150
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Boulevard	8 lanes, raised median	160
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Major Thoroughfare	7 lanes	120
	5 lanes	100
	4 lanes	90
	3 lanes	80
Minor Thoroughfare	2 lanes, parking on each side	80
	2 lanes, parking on one side	70

	2 lanes, paved shoulder	70
Local	45	
Cul-de-Sac	45 [3]	
Alley	20	
NOTES:		
[1] The street right-of-way shall include curb and gutter, sidewalks, multi-use paths, bicycle lanes (where indicated), and associated utility strips.		
[2] Minimum rights-of-way may need to be wider to accommodate all forms of planned infrastructure in accordance with the city's adopted policy guidance.		
[3] Radius will be wider.		

- b. In cases where an existing street is depicted on the city's adopted policy guidance, but is not configured to the required width or cross section, the roadway shall be improved in accordance with the city's adopted policy guidance as part of the development.
2. **Street intersections.** Street intersections shall be configured in accordance with the following standards:
 - a. Not more than two streets shall intersect at any one point unless the city or NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.
 - b. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.
 - c. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.
 - d. Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
 - e. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is an expressway or boulevard, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.
 - f. Property lines at street intersections shall be shown as a chord connecting points not less than 15 feet back from the street intersection along each street right-of-way line. Longer setbacks for chord connections for property lines may be required by the DRC as needed for public safety.
 - g. In commercial developments the city may assign traffic control to thru traffic within 500 feet of the point of access to the public right-of-way.
 - h. All internal intersections shall have minimum 30' radii. Radii less than 30' must be approved by the Public Works Director.
3. **Development entry points**

- a. Unless exempted in accordance with subsection (d) below, all subdivisions shall provide streets from the development to the street system outside the development in accordance with Table 4.03.C.3, Required Points of Access:

TABLE 4.03.C.3: REQUIRED POINTS OF ACCESS [1]		
TYPE OF DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS POINTS [2]
Residential and Mixed-Use Development [3]	30 or fewer lots	1
	31 or more	2
Non-residential Development, other than Industrial [4]	Less than 5 acres or fewer than 10 lots	1
	More than 5 acres	2
NOTES:		
[1] Points of access shall refer to streets, not driveways.		
[2] Additional vehicular access points may be required where determined necessary by the city.		
[3] Multi-family or mixed-use developments of 100 dwelling units or more shall provide at least two points of access regardless of the number of lots.		
[4] The Fire Code may require a minimum of two points of access.		

- b. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable street connectivity standards.
- c. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single expressway, boulevard, or thoroughfare street.
- d. Development shall be exempted from these standards if it is demonstrated the following conditions apply:
- A transportation impact analysis allows a deviation;
 - No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
 - NCDOT will not authorize the required number of entrances; or
 - Alternative access can be provided in a manner acceptable to the city that is supported by a transportation impact analysis.
4. **Turn lanes.** Turn lanes for either or both left and right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. When provided, turn lanes shall be configured in accordance with the following:
- a. The final determination for the need, location, and design of a turn lane is the responsibility of the NCDOT, or the city, as appropriate.

- b. Left and right turn lanes shall be constructed in accordance with NCDOT standards and specifications.
 - c. Right-turn lanes shall be constructed entirely within the frontage of the property being served, since an adjacent development might subsequently require an entrance that would otherwise encroach into the turn lane.
 - d. The NCDOT may require a undivided street to be widened when the median has an inadequate width for a left turn lane.
5. **Deceleration lanes.**
- a. Any use capable of generating more than 60 trips per peak hour, as estimated by using NCDOT guidelines or the Institute of Traffic Engineers Trip Generation Manual, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along an expressway or boulevard street.
 - b. Deviations from these requirements may only be authorized when the NCDOT indicates that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.
6. **Cul-de-sac and dead-end streets.**
- a. No permanently designed cul-de-sac or other dead-end street shall be longer than 800 linear feet, except where land cannot otherwise be subdivided practicably in the opinion of the city manager.
 - b. In cases where one cul-de-sac is accessed from another cul-de-sac, the maximum length for all cul-de-sacs accessed from one another shall be 500 linear feet.
 - c. All permanent cul-de-sacs or other dead-end streets shall be provided at the closed end with a turn-around configured in accordance with the city's minimum requirements.
 - d. Dead-end streets intended to be continued at a later time shall be provided with a turn-around as required for a dead-end street when required by the city manager.
 - e. Only that portion to be required as right-of-way when the street is continued shall be dedicated and made a public street.
7. **Street grade.** Street grades shall comply with the following standards:
- a. Streets and their associated gutters shall maintain grade levels in accordance with Table 4.03.C.7, Maximum and Minimum Street Grade.

TABLE 4.03.C.7: MAXIMUM AND MINIMUM STREET GRADE		
STREET TYPE	MAXIMUM GRADE	MINIMUM GRADE
Expressways and Boulevards	6%	Not less than 1%
Major and Minor Thoroughfares	8% 9%	Not less than 1%
Local Streets	10% 12%	

- b. Street and intersection approaches shall not have grades in excess of ~~three~~ five percent for a distance of 100 feet from the intersection of center lines in all directions for all streets.
- c. All changes in grades for local streets and thoroughfares shall be connected by a vertical curve of a minimum length of ~~40~~ 20 times the algebraic difference in the percents of

- grade ("K" value). Stop conditions shall have a minimum "K" value of ~~14~~ 9 times the algebraic difference of the percents of grade. "K" values for arterials shall be per the AASHTO Geometric Design of Highways and Streets based on design speed.
- d. The city manager may consider deviations from these standards based on topographic conditions or public safety concerns: **for Local Streets when natural site slope exceeds 15%. Vertical curves with 10 times the algebraic difference in the percents of grade ("K" value) and stop conditions with 5 times the algebraic difference in the percents of grade ("K" value) may be permitted under this condition.**
8. **Street curves.** Street curves shall maintain the minimum radii established in Table 4.03.C.8: Minimum Curve Radii and Tangents:

TABLE 4.03.C.8: MINIMUM CURVE RADII AND TANGENTS		
STREET TYPE	MINIMUM RADII (FEET)	MINIMUM TANGENT DISTANCE BETWEEN REVERSE CURVES ON THE SAME STREET (FEET)
Expressways and Boulevards	600	150
Major and Minor Thoroughfares	400 230	100
Local Streets	150 90	0

9. **Street drainage.**
- a. All required drainage facilities associated with a street right-of-way shall be constructed prior to consideration of a final plat.
- b. Storm sewers, drains, and structures installed by the subdivider shall be installed of a size, type, and in locations as approved by the city manager, or NCDOT, as appropriate.
- c. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.
- d. The city shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publically-maintained drainage facilities, streams, or other outlets having constant flow.
10. **Sight distance triangles.**
- a. **Sight distance triangles established.**
- i. Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection.
- ii. Required sight distance triangles shall be configured in accordance with Table 4.03.C.10: Sight Distance Triangle Requirements.
- iii. Land within a required sight distance triangle shall comply with the standards in Section 4.03.C.10.c, limitations on obstructions within required sight distance triangles.

TABLE 4.03.C.10: SIGHT DISTANCE TRIANGLE REQUIREMENTS		
TYPE OF STREET, INTERSECTION, OR DRIVEWAY		MINIMUM REQUIRED SIGHT DISTANCE TRIANGLE [1] [2] [3]
Intersections of Streets [4]		10/70
Driveways Serving Parking Lots		10/70
Driveways Serving Land Uses Without Parking Lots	Residential	None
	All Other Uses of Land	10/70 wherever possible
NOTES:		
[1] See Figure 4.03.C.10, Sight Distance Triangles, for the 10/70 configuration.		
[2] The NCDOT may require an alternate configuration.		
[3] AASHTO requirements shall be applied to streets with curves.		
[4] Includes all streets, including public streets.		

- b. **Measurement of sight distance triangle.** Sight distance triangles shall be an area between a point at the edge of a street right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing street right-of-way located ten feet from the intersection (see Figure 4.03.C.10, Sight Distance Triangles).

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of November 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Alexandra Hunt **MEETING DATE:** October 11th 2023

AGENDA SECTION: New Business **DEPARTMENT:** Community Development

TITLE OF ITEM: Zoning Text Amendment: Addition of Definitions (P23-080-ZTA) –*Alexandra Hunt, Planner I*

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2 Definition of Commonly Used Terms and Words; and Section 4-5 “Table of Uses” by adding definitions for existing uses, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition aligns with the Comprehensive Plan’s goals to Promote conformance and consistency between the City’s Zoning Ordinance and Comprehensive Plan (Strategy LU-3.6)</p> <p>2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed text amendment provides clarification for the uses listed in the zoning ordinance.2. The proposed text amendment promotes transparency and better customer service for the public. <p style="text-align: center;">[DISCUSS & VOTE]</p>	<p><u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 12-2 Definition of Commonly Used Terms and Words; and Section 4-5 “Table of Uses” by adding definitions for existing uses, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition aligns with the Comprehensive Plan’s goals to Promote conformance and consistency between the City’s Zoning Ordinance and Comprehensive Plan (Strategy LU-3.6)</p> <p>2. We [<u>do not find</u>] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed text amendment provides clarification for the uses listed in the zoning ordinance.2. The proposed text amendment promotes transparency and better customer service for the public. <p style="text-align: center;">[DISCUSS & VOTE]</p>
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SUMMARY:

City staff is proposing to add missing definitions for uses found in the City’s Zoning Ordinance. This proposed amendment is part of a larger, ongoing effort by City staff to audit the existing zoning ordinance and identify inconsistencies between ordinance sections, alongside spelling and grammatical errors. Through this effort, staff identified and developed a list of existing permitted uses that did not have a corresponding definition.

Staff also identified uses that are no longer permitted and that needed to be removed from the Table of Uses found in Section 4-5 of the zoning ordinance. This required making updates to the Use Table which is used as a quick reference guide to determine which uses are permitted or not permitted in each zoning district.

The overall goal of this zoning ordinance audit or “clean up” is to provide property owners, businesses, and the community continued transparency and better customer service via accurate and complete information.

PROJECT/PETITIONER NUMBER:	P23-080-ZTA
PETITIONER NAME:	City Staff
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Staff Report 2. Table of Uses

ZONING ORDINANCE TEXT AMENDMENT: ADDITION OF DEFINITIONS
(P23-080-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY..... 2

DEFINITIONS UPDATE TEXT AMENDMENT – STREET DESIGN UPDATES..... 3

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) 18

..... 21

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS
STATEMENT 21

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 21

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 21

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 21



PROJECT SUMMARY

- Project Name & Case #:
 - Addition of Definitions
 - P23-080-ZTA
- Applicant:
 - City of Hendersonville
- Subdivision Ordinance Articles Amended:
 - Section 12-2 Definition of Commonly Used Terms and Words
 - Section 4-5 Table of Uses
- Planning Board - Legislative Committee Meeting
 - October 2nd, 2023
- Summary Basics:
 - City staff is proposing to add definitions to the existing uses in zoning districts that currently do not have corresponding definitions. Additionally, City staff is also proposing to remove definitions for uses that are no longer permitted or that have been replaced with a new use and definition rendering them no longer necessary.



Amendment Overview:

City staff is proposing to add missing definitions for uses found in the City's Zoning Ordinance. This proposed amendment is part of a larger, ongoing effort by City staff to audit the existing zoning ordinance and identify inconsistencies between ordinance sections, alongside spelling and grammatical errors. Through this effort, staff identified and developed a list of existing permitted uses that did not have a corresponding definition.

Staff also identified uses that are no longer permitted and that needed to be removed from the Table of Uses found in Section 4-5 of the zoning ordinance. This required making updates to the Use Table which is used as a quick reference guide to determine which uses are permitted or not permitted in each zoning district.

The overall goal of this zoning ordinance audit or "clean up" is to provide property owners, businesses, and the community continued transparency and better customer service via accurate and complete information.

DEFINITIONS UPDATE TEXT AMENDMENT – STREET DESIGN UPDATES

Additions to the Ordinance

~~Deletions from the Ordinance~~

Sec. 4-5 Classification of uses. See attached “Use Matrix”

Sec. 12-2. Definition of commonly used terms and words.

Accessory use or structure: A use or structure on the same lot with, and of nature customarily incidental or subordinate to the principal use or structure.

Accessory dwelling unit: A separate and complete dwelling unit which is contained on the same lot as the structure of a single-family dwelling or business.

Adaptive reuse: the development of a new use for an older building or buildings.

Administrative officer: The official charged with the enforcement of the zoning ordinance.

Adult care center: A facility where an individual, agency, or organization provides supervision or care for more than six adults in a place other than their usual place of abode.

Adult care home: A home where an individual provides supervision or care for no more than six adults in the individual's home.

Adult establishment: Any structure or use of land which is an adult establishment as defined in G.S. 14-202-10 (or any successor thereto) and G.S. 160D-902. Provided, however, the term shall not include massage therapy establishments or the provision of massage therapy as regulated under chapter 16, City Code.

Agriculture: Means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. The term shall not include agricultural industries such as commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial greenhouses, commercial fish or poultry hatcheries, and other similar activities.

Alley: A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Animal boarding facility: A facility whose primary purpose is the boarding of household pets. This term includes animal kennels, which are commercial establishments where the grooming, boarding, training, and selling of animals may be conducted, and animal shelters, which are typically governmental or nonprofit organizations devoted to the welfare, protection and humane treatment of animals. The term shall not be construed to include facilities where the boarding of animals is an incidental use, such as animal hospitals or clinics and pet stores.

Antenna: Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services per G.S. 160D-931(1).

Antenna, concealed: An antenna that is designed and erected on or in a building in such a way that it blends in with the existing facade and/or is located such that it is not readily visible to an individual at adjacent street level.

Automotive sales & service establishments: Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicle sales includes motor vehicle retail or wholesale sales.

Architectural lighting: Lighting designed to illuminate building design and form for the purpose of decoration, ornamentation, creation of visual hierarchy, sense of liveliness or other purpose unrelated to safety, business operation, or essential lighting function.

Backlight: For an exterior light fixture, light output emitted into the lower rear quarter sphere behind the fixture and opposite the intended aiming direction of the fixture. For a light fixture with a symmetric light output pattern, the backlight is the same as the forward light. (see figure 1)

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year, that is, the 100-year flood.

Bed and breakfast facilities: An establishment that supplies temporary accommodations and breakfast to overnight guests for a fee.

Bedroom: See "sleeping room".

Berm: A mound of earth.

Breweries: An establishment that engages in the production of malt beverages as defined in G.S. 18B-101.

Broadleaf: Leaves which are broad, not needle or scalelike.

Buffer: A specified land area together with the planting, landscaping and improvements required on the land used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

Buildable area: The portion of a lot remaining after required yards have been provided.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, accessory: A building subordinate to the main building on a lot and used for the purposes customarily incidental to those of the main building.

Building, height of: The vertical distance measured from the average grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Building materials: Any material or inventory which is used for the construction, alteration, or repair of a building or structure and is physically incorporated into the building or structure.

Building permit: An official administrative authorization issued by the local government prior to beginning construction consistent with the provisions of G.S. 160D-1110.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, setback line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutter and similar fixtures) and the street or highway right-of-way when measured perpendicularly thereto.

Bus station: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Business services: Establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.

Canopy tree: A tree with a large, broad spreading crown, usually broadleaf and deciduous with a minimum mature height of 40 feet.

Camps: A tract of land designed to be used for an establishment consisting of a permanent building or group of permanent buildings (not including recreational vehicles or mobile homes) used for seasonal accommodation of individuals or members of groups or associations for outdoor recreational activities or educational purposes and accommodating four or more people for two or more days.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

Certificate of appropriateness (COA): A document issued by the Hendersonville Historic Preservation Commission indicating that proposed work is appropriate for the historic district/landmark and meets criteria in the local code. Exterior portions of any building or structure on property which lies within historic district boundaries, or has been listed as a locally designated landmark, may not be materially altered, restored, moved or demolished unless a COA has been issued per G.S. 160D-947 (certificate of appropriateness required).

Child care center: An individual, agency or organization providing supervision or care on a regular basis to more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Child care home: A facility run by an individual that provides supervision or care on a regular basis in the individual's home for not more than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Cideries, hard: An establishment that engages in the production of hard ciders classified as unfortified wine as defined in G.S. 18B-101.

Civic club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and whose members meet certain prescribed qualifications for membership. Civic clubs by definition shall be limited to those clubs, associations, organizations or corporations which are not operated for profit.

Collocation: The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term does not include the installation of new utility poles, city utility poles, or wireless support structures per G.S. 160D-931(8).

Common space: Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects.

Community association: A homeowners association, condominium association, or similar organization, organized to own, maintain and operate common facilities and to enhance and protect their common interests.

Conditional zoning (district): A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment per G.S. 160D-102(7).

Condominium: A single-dwelling unit in a multiunit dwelling or structure, that is separately owned, or rented from owner, and may be combined with an undivided interest in the common areas and facilities of the property. Also see "dwelling unit".

Congregate care facility: A facility composed of residential and congregate areas and affording health-sustaining services to assist the residents. The residential components shall be considered as self-contained dwelling units as defined in the NC Building Code. The facility shall also have congregate areas for use by or service to the residents which may include dining, recreation and medical areas. In addition, services may be provided such as custodial care, physical therapy, social, and recreation coordination.

Construction trades facility: An establishment primarily engaged in construction, including new work, additions, alterations, reconstruction, and repairs. Offices for construction trades which are separate from and do not include construction plants or storage should be classified as offices for purposes of this ordinance.

Color rendering index (CRI): A method to describe the effect a light source (from 0 poor to 100 best) has on the observer's ability to differentiate the true color of objects being illuminated (high pressure sodium 27, metal halide 65-80, LED 70-90, sunlight 100).

Correlated color temperature (CCT): A description of the color appearance of a light source in terms of warmth (lower temperatures) or coolness (higher temperatures), as measured on the Kelvin (K) scale (i.e. high pressure sodium 2200K, metal halide 3000-4200K, moonlight 4100K).

Cultural arts building: A building which may include "live" or legitimate theater, art galleries, museums and/or offices for related groups and societies operated by non-profit organizations. Only incidental retail sales of tickets or admission to displays or performances and sale of refreshments are permitted.

Day centers: An establishment that provides a combination of case management, resources or a range of like services to aid persons who are primarily indigent, needy, homeless, or transient.

Decision, administrative: Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this chapter or local government development regulations per G.S. 160D-102(1).

Decision, legislative: The adoption, amendment, or repeal of a regulation under G.S. 160D or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement per G.S. 160D-102(19).

Decision, quasi-judicial: A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board per G.S. 160D-102(28).

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer: A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property per G.S. 160D-102(11). As used herein, developer may also refer to the applicant.

Development: Any of the following, per G.S. 160D-102(12):

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

Development approval or development permit: An administrative or quasi-judicial approval made pursuant to G.S. 160D-102(13) that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by land development regulations adopted pursuant to G.S. ch. 160D, including but not limited to plat approvals, permits issued, development agreements entered into, and building permits issued. Unless expressly stated otherwise in this ordinance, applications for development approvals reviewed under this ordinance may be filed by the landowner(s), a lessee, or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner(s). A easement holder may also apply for development approval if authorized by easement. Applications by any person other than the landowner(s) shall require the written consent of the landowner(s). The form of such written consent shall be approved by the city attorney.

Development regulation: A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D-102(14), or a local act or charter that regulates land use or development.

Dish antenna: A dish antenna, or earth station, or satellite TV antenna is defined as an accessory structure and shall mean a combination of 1) an antenna or dish antenna whose purpose is to receive communication or other signal from orbiting satellites and other extraterrestrial sources; 2) a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and 3) a coaxial cable whose purpose is to carry the signals into the interior of the building.

Dish antenna height: The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.

Dish antenna setback: The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.

Display area, outdoor: That portion of a lot used for the display of inventory available for immediate purchase from a business located on that same lot and not in an enclosed building or under a permanent roof structure. For purposes of this definition, the parking or display of vehicles, recreational vehicles, campers, travel trailers, toy haulers, boats, trailers, rental equipment, building materials, bulk landscaping materials, and prefabricated buildings associated with a legally established business, and, salvage

building materials [and second hand appliances] displayed for sale on the premises of a commercial enterprise whose principal business is the sale of salvage building materials from stock shall be excluded. Permanent garden centers associated with a retail establishment which are located within a fenced self-contained area shall not be considered outdoor retail display or outdoor retail storage.

Distilleries: An establishment that engages in the production of spirituous liquors or liquors as defined in G.S. 18B-101.

District: A defined section of the City of Hendersonville or its extraterritorial jurisdiction (ETJ) area.

Dry cleaning establishment, limited: A dry cleaning establishment which occupies a space of no greater than 2,000 square feet of ground area, has a volume of no more than 40,000 cubic feet, all operations are contained on premises within the structure, which may have a pick-up and drop-off window for customer service and provided the dry cleaning operation and all chemicals related thereto shall be in compliance with all applicable standards and requirements of the Environmental Protection Agency (EPA) and all other applicable agencies.

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith per G.S. 160D-102(15). For the purposes of G.S. ch. 160D, art. 12, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling, apartment: A structure of at least two stories where dwelling units are located above other units.

Dwelling, multi-family: A building arranged to be occupied by three or more families living independently of each other.

Dwelling, single-family attached: A one-family dwelling attached to two or more one-family dwellings by common vertical walls. No dwelling unit may be located above another unit.

Dwelling, single-family detached: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, two-family: A building arranged to be occupied by two families living independently of each other, the structure having two dwelling units.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Occupation of property can be under condominium or fee simple ownership, or rental status.

Electronic gaming operation: Any business enterprise, whether as a principal or accessory use, where persons use electronic machines to conduct games of chance and where money, credit, merchandise or other items or allowance of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. "Electronic Gaming Operation" as used herein shall not include (1) any lottery operated pursuant to G.S. ch. 18C or any other like operation expressly permitted to operate in North Carolina by applicable statute or (2) any game, machine, operation or device permitted to be operated by virtue of G.S. 14-306(b) or any successor provision.

Evergreen: A plant which has green foliage throughout the year.

Exhibition buildings: A commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or nonprofit groups that are primarily used by group members.

Fall zone: The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards per G.S. 160D-931(14).

Fair grounds: An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc. and/or for carnival-like entertainment.

Farm equipment sales & service: Establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, the planning and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Feed and grain storage: A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agrichemicals.

Fee simple: Owning all interests in real estate, both building and land underneath a given building.

Flood insurance rate map (FIRM): An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Food pantry: A nonprofit establishment that primarily distributes food but may also distribute non-food items and other resources to needy individuals and families.

Food processing establishment: A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

Footcandle (FC): A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

Freight terminals (SIC Groups 40, 41, 42): A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

Funeral homes: A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for the purposes of this code, includes a funeral chapel.

General statutes, or G.S., or G.S.: The North Carolina General Statutes.

Golf course and related activities: A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities but excluding miniature golf.

Golf driving ranges: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf course and “putt-putt” courses.

Government facilities: A building or structure owned, operated, or occupied by a governmental agency to provide governmental service to the public.

Greenhouse: A permanent structure, designed to protect plants. This structure may or may not have a permanent heating system installed in it. For the purposes of this ordinance, cold frames (temporary structures covered with plastic or other materials, supported by metal pipes) are included in this definition.

Hazardous waste facility: All contiguous land, and structures, other appurtenances, and improvements on the land, used for treating or disposing of hazardous waste. A facility may consist of several treatment or disposal operation units (e.g. one or more landfills, surface impoundments, or combinations of them) (from 15A NCAC 13A - Part 260.10 at (32)).

Health clubs and athletic facilities: An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Hearing, administrative: A proceeding to gather facts needed to make an administrative decision per G.S. 160D-102(2). This may also be referred to as administrative review, per G.S. 160D-935(c).

Hearing, evidentiary: A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation per G.S. 160D-102(16).

Hearing, legislative: A hearing to solicit public comment on a proposed legislative decision per G.S. 160D-102(20).

Heavy equipment sales, rentals, leases, and service: An establishment providing the rental of movable or transportable vehicles or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more including incidental maintenance.

Heavy equipment storage: Establishments primarily used for the storage of equipment commonly used in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

Home occupation: An occupation conducted in a dwelling unit provided that:

- a) No person other than members of the family residing on the premises shall be engaged in such occupation.

- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the principal structure or 1,000 square feet, whichever is smaller, shall be used in the conduct of the home occupation.
- c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- d) No accessory structures or outside storage of materials or equipment shall be allowed in connection with the home occupation.
- e) There shall be no sales on the premises in connection with such home occupation.
- f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.
- g) Only vehicles used primarily as passenger vehicles (passenger automobiles, passenger vans and passenger pick-up trucks, each having a load capacity of one ton or less) shall be permitted in connection with the home occupation.
- h) Home occupations may be in operation only between the hours of 7:00 a.m. and 9:00 p.m.

Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house.

Illuminating engineering society (IES): Established in 1906, the IES is the recognized technical and educational authority on illumination. Their mission is to improve the lighted environment by bringing together those with lighting knowledge and by translating that knowledge into actions that benefit the public.

Inventory: Goods, other than farm products, which:

- a) Are held by a person for sale or to be furnished under a contract of service;
- b) Are furnished by a person under a contract of service; or
- c) Consist of raw materials, work in process, or materials used or consumed in a business.

Laboratories: A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

Land development regulation: See "development regulation".

Land disturbing activity: Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity which alters land topography or vegetative cover.

Landowner or owner: The holder of the title in fee simple. Absent evidence to the contrary, the city will rely on the tax records for Henderson County to determine who is the landowner. As used herein, "landowner" refers to all holders of the title in fee simple of a parcel of real property. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his/her agent or representative for the purpose of making applications for development approvals.

Laundries, coin operated: A facility where patrons wash, dry clothing or other fabrics in a machines operated by the patron.

Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belong to the same.

Lot, corner: A lot which occupies the interior angle at the intersection of two street lines. The street lines forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.

Lot, depth: The depth of a lot is the mean distance of the side lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Henderson County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot width: The distance between side lot lines measured at the building setback line.

Lumen: The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).

Mini-warehouse: A building containing separate storage units of varying sizes leased or rented on an individual basis for the dead storage of customers' goods.

Maintained lumens: The lumen output remaining, at a selected operating time, expressed as a percentage of the initial lumen output of a fixture.

Manufactured/mobile home: A structure, transported in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein, and which is regulated as outlined in the "North Carolina Regulations for Manufactured/Mobile Homes" published by the NC Department of Insurance and per G.S. 160D-102(23) and G.S. 143-145(7).

Manufactured home park: A contiguous parcel of land under single ownership which has been developed for the placement of manufactured/mobile homes for non-transient use. This definition shall not include manufactured/mobile home sales lots on which unoccupied manufactured/mobile homes are parking for purposed of inspection and sale.

Manufacturing, heavy: Any manufacturing other than light manufacturing as defined herein.

Manufacturing, light: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Merchandise gaming operation: Any game, machine, operation or device permitted to be operated by virtue of G.S. 14-306(b) or any successor provision.

Microbreweries, micro-distilleries, micro-cideries, and micro-wineries: An establishment that engages in the production of malt beverages or spiritous liquors or hard cider or wine as defined in G.S. 18B-101. Annual production shall be less than 775,000 gallons per calendar year of final product.

Mini warehouses: Storage units designed for individual storage that do not contain facilities for utility service and are not used for sales or service, or for habitation by humans or animals.

Miscellaneous repair services: Establishments primarily engaged in miscellaneous repair services, such as radio and television repair, refrigeration and air conditioning repair, electrical and electronic repair, reupholstery and furniture repair, watch repair, etc.

Mobile food vendor: Are licensed motor vehicles or mobile food units which offer for sale and consumption food and beverages (excluding alcohol). This definition shall not apply to approved vendors during a permitted special event or as an accessory use to an approved primary use.

Motel: A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

Motor freight terminal: A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

Neighborhood community center: A facility used for recreational, social, educational and cultural activities, owned and operated by a community association, as defined herein, a non-profit corporation recognized as a charitable, religious or education organization pursuant to Section 501c(3) of the Internal Revenue Code, or a public group or agency and integral to and serving the residents of an identified neighborhood. The term shall not include facilities owned or operated by a fraternal organization.

Nonconforming use: A legal use of a building and/or land that antedates the adoption of future amendments of these regulations and does not conform to the regulations for the district in which it is located.

Nonresidential floor area: Nonresidential floor area is the sum of enclosed areas on all floors of a nonresidential building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor areas used for access and storage. Not countable as floor area are:

- a) Open terraces, patios, atriums, or balconies;
- b) Carports, garages;
- c) Breezeways;
- d) Below-grade areas with no external access which are used for storage.

Nonresidential floor area allowance: Nonresidential floor area allowance (NFAA) is the amount of nonresidential floor area which may be permitted on any lot. It shall be determined by applying the factors for any given zoning district classification to the gross area of a development lying within the roadway corridor and the gross area of any portion of a development lying outside the roadway corridor.

Nursing home: A facility for chronic or convalescent patients. It is designed to provide long-term care for persons who require medical or nursing care. Nursing homes require skilled nursing personnel and life-support systems and are licensed by the State of North Carolina.

Open space: The total gross land area on a development site which is not covered by buildings or vehicular use areas. Portions of a development site which qualify as common space, as defined herein, shall also qualify as open space. Open space is essentially unimproved pervious area but does include common space and pedestrian facilities. Minimum open space required shall be the number of square feet derived by multiplying gross land area by the applicable open space ratio (OSR). Also defined per G.S. 160D-1307(2): Any undeveloped or predominantly undeveloped land in an urban area that has value for or is used for one or more of the following purposes:

- a. Park and recreational purposes.
- b. Conservation of land and other natural resources.
- c. Historic or scenic purposes. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Open storage: Unroofed storage areas, whether fenced or not.

Ornamental lighting: Lighting fixtures designed to adorn a building or structure and have stand-alone aesthetic appeal. The fixtures themselves are decorative in nature and provide ornamentation in addition to their function as a light source.

Owner: See "landowner".

Parking space: A storage space of not less than nine feet by 18 feet for one automobile, plus the necessary access space. It shall always be located outside the street right-of-way.

Parking lots and parking garages:

Parking lot: An open, hard-surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking garage: A detached accessory building or portion of a principal building intended to be used for the parking and storage of motor vehicles operated by the customers, visitors, and employees of the premises on which the garage is located.

Parks: A noncommercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Such facilities include subdivision recreation facilities (neighborhood parks), community parks, regional parks, and special use facilities. Such facilities may also include but shall not be limited to school and religious institution ballfields, football fields, and soccer fields, if they meet the above definition. Commercial amusement facilities, and miniature golf courses shall not be considered parks.

Permitted by right: This term refers to the process within zoning that permits development "by right", meaning that a proposed land use is allowed in a zoning district subject only to administrative (i.e. professional city staff) review and approval. Under "by right zoning", it requires no additional discretionary review by the planning board, board of adjustment, or city council.

Permitted by right, subject to supplementary standards: See "supplementary standards".

Personal services: Establishments primarily engaged in providing services generally to individuals, such as dry-cleaning and laundry pick-up facilities, portrait photographic studios, beauty and barber shops, seamstress shops, shoe repair shops, and clothing rental shops.

Pet-sitting: The temporary boarding of no more than six household pets at one time in a dwelling unit.

Planned unit development: A residential or commercial development which promotes the efficient and well-planned use of land through unified development while providing the city with open space, compatible uses, optimum service of community facilities and adequate vehicular access and circulation.

Principal structure: A structure containing the principal or primary use on the lot.

Private club: Any person, firm, corporation or association, key club, bottle club, locker club, pool club or any other kind of club or association having, possessing or requiring membership and excluding the general public from its premises or place of meeting, or congregating, or operating, or exercising control over any other place where persons are permitted to drink alcoholic beverages, consume food, observe entertainment, live or otherwise, play at video, mechanical or electronic games and/or dance, other than in a private home. Nothing in this definition or elsewhere in this ordinance permits a private club to conduct, contain or house an electronic gaming operation in any district in which it is not otherwise expressly permitted by this ordinance.

Public utility facility: Any structure or facility transmitting a service provided by a government or public utility, including, without limitation, fire stations, emergency medical service centers, telephone and repeater stations, pumping substations, and water towers, but not including telecommunication towers, antennas, and other telecommunication devices.

Public and semi-public structures: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner that is owned or rented and operated by a federal, state, or local government agency.

Recreational facilities, outdoor, commercial. Any business establishment operating for profit, which is primarily engaged in providing outdoor recreational activities to the general public. "Commercial outdoor recreation" includes such uses as miniature golf courses, skateboard courses, water slides, mechanical rides, fish ranches or other similar uses.

Recreational facility, indoors: An establishment providing amusement, entertainment or recreation indoors typically for an admission charge. Types of indoor recreational facilities include, but are not limited to: dance halls, studios, live theater, bands, bowling. An establishment is not an indoor recreational facility under this definition solely because it conducts, contains or houses an electronic gaming operation, whether as a principal or accessory use.

Religious institutions: To include churches, synagogues, temples, or other buildings or site designated as a place of worship on a continuous, reoccurring basis.

Residential care facility: Establishments primarily engaged in the provision of residential, social and personal care for children, the aged and special categories of persons with some limits on ability for self-care but where medical care is not a major element. Such facilities include homes for the aged and infirm and other similar residential care uses not otherwise defined in this ordinance.

Rest homes: A facility for the care of the aged and infirm whose principal need is a home with such sheltered and custodial care as their age and infirmities require. Medical care is only occasional, such as may be required in the home of any individual. The residents of such homes will not, as a rule, have remedial ailments for which continuing skilled planned medical and nursing care is indicated.

Restaurant: An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages. Unless specifically noted otherwise, this term shall not include establishments with drive-in or drive-through facilities.

Restaurant with drive-through facility: A building or portion thereof where food and/or beverages are sold, and where a driveway is located so that vehicles may drive up to a window and received food and/or beverages for consumption either on the premises or elsewhere.

Retail sales, outdoor: The use of an area not in an enclosed building or under a permanent roof structure for the display of inventory.

Retail sales, seasonal outdoor: Temporary outdoor use of an area for the display of inventory related to a holiday, season of the year or otherwise not offered on a regular basis.

Retail storage, outdoor: Outdoor storage of goods for retail sale.

Retail store: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Such use may process some of the products which it sells so long as such processing is incidental to such retail sales. The term shall not be deemed to include establishments in which the sale of goods or merchandise is incidental to another use, such as junk yards and wrecking yards as defined by G.S. 136-143.

Roadway corridor: Roadway corridors are areas established adjacent to principal roadways the purpose of which is to assist in establishing the nonresidential floor area allowance for any development. Unless otherwise specified, the roadway corridor shall contain all land situated within 250 feet of the right-of-way line for the roadway.

Salvage building materials: Any article or material that has been reclaimed or salvaged from a building or permanent structure and that constituted real property or fixtures at the time of such reclamation or salvage.

Search ring: The area within which a wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

Setback: An open, unobstructed area that is required by this zoning ordinance to be provided from the furthestmost projection of a structure to the property line of the lot on which the building is located.

Shelter facility: A building or group of buildings owned or operated by a governmental or non-profit organization used for the purpose of providing boarding and/or lodging and ancillary services on the premises to primarily indigent, needy, homeless, or transient persons.

Shrub: A woody plant, usually multi-stemmed or well-branched from the base, the branches being retained to the ground. When used for buffer plantings, shrubs must also reach a mature height between four and 15 feet.

Sign: Any outdoor notice containing words, letters, figures, numerals, emblems, devices, trademarks or trade names or combination thereof.

Sign, advertising: Any sign or display, pictorial or otherwise, including any standard poster panel, painted bulletin or billboard, either free-standing or attached to a structure, which advertises or directs attention to any business commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises on which the sign is located, or which is conducted, sold or offered on such premises only incidentally, if at all.

Sign area: The area of a sign shall be considered to be that of the smallest rectangular figure which encompasses all lettering, wording, design or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of a sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

Sign, animated: A sign that uses mechanical, electrical or illuminating devices that blink, flash, flicker, scintillate, scroll, vary in intensity, brightness or color that depicts or gives the appearance of action, motion, movement or rotation of a sign image or text.

Sign, business identification: A sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered on the premises upon which the sign is located.

Sign, changeable message: A sign that is designed for displaying words, numbers, symbols, figures, or images that can be changed to indicate a different message.

Sign, electronic: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Sign, ground: Any sign placed upon or supported by the ground independent of any other structure.

Sign, monument: A ground sign that is monolithic, with a solid-appearing base that is flush with the ground.

Sign, off-premises: Any sign used for the purpose of displaying, advertising, identifying or directing attention to business products, operations or services sold or offered at a site other than the site where such sign is displayed.

Sign, pole: A ground sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is six feet or more above grade.

Sign, portable: Any permanent or temporary sign which is affixed to or placed in or upon any parked vehicle, trailer or other parked device designed or capable of being towed or transported, the primary purpose of which is to direct attention to a business, commodity, service, entertainment or other activity.

Sign, projecting: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, roof: A sign that is mounted on the roof of a building or which is wholly dependent for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign, wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Sign, window: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Significant negative environmental impact: (Applicable to the PMDCZD District.) Any use of a building, structure or land producing an effect, exceeding the following standards:

- a) Electrical disturbance or interference.
 - 1) Electrical disturbance that adversely affects any operations or equipment, as measured at the boundary of the zoning lot.
 - 2) Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- b) Noise. Any use generating noise levels greater than 67 decibels (dBa), as measured at the boundary of the nearest residential zoning district.
- c) Vibration. Any use generating transmitted vibration that is perceptible to the human sense of touch, as measured at the boundary of the zoning lot.
- d) Air pollution. Any use that emits any "air contaminant" including any odorous emissions, as defined in G.S. 143-213, that exceeds applicable State of North Carolina standards concerning air pollution.

Site plan: A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Sleeping room: A room designated as sleeping or bedroom on the plans and permit application. NOTE: 2018 North Carolina State Building Code - Residential Code, uses the term Sleeping Room; G.S. 160D-706(b) uses the term Sleeping Unit, and these two terms are substantially the same.

Small scale manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noxious noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly fabrication, or processing takes place. And where such processes are housed entirely within a building. And where such processes do not require frequent shipping and receiving activities by a truck rated class 8 or above in the Federal Highway Administration's vehicle class system.

Special flood hazard area: The land in the floodplain subject to a one percent or greater chance of being flooded in any given year.

Special use: City-designated uses that require site-specific approvals via a quasi-judicial process (board of adjustment). This process is used for uses that might only fit a particular area in certain situations, or for which additional scrutiny is desired. These standards generally involve some discretion, so the City of Hendersonville uses a quasi-judicial process to help ensure the rights of all parties to a fair hearing are protected. Some zoning districts allow certain uses only as "special uses," and the process for approving these special uses requires the applicant to present—and the board of adjustment to consider—competent, material, and substantial evidence that the proposed use meets certain standards outlined in the ordinance. If sufficient evidence is presented that the proposal meets the standards, the permit is issued; if sufficient evidence is not presented, the permit is denied.

Special use permit: A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions per G.S. 160D-102(30).

Standing [legal]: Referenced from § 160D-1402. Appeals in the nature of certiorari.

(c) Standing. - A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons have standing to file a petition under this section:

- (1) Any person possessing any of the following criteria:
 - a. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
 - b. An option or contract to purchase the property that is the subject of the decision being appealed.
 - c. An applicant before the decision-making board whose decision is being appealed.
- (2) Any other person who will suffer special damages as the result of the decision being appealed.
- (3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
- (4) A local government whose decision-making board has made a decision that the governing board believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of a development regulation adopted by the governing board.

Storage container: A structure towed or transported by vehicle and used for the storage of goods. The removal of the structure's wheels, if any, or any other alteration to the structure shall not eliminate or change any requirement pertaining to storage containers. For the purposes of this ordinance, a storage container is considered to be a temporary use.

Storage, outdoor: The storage of any inventory associated with the primary use, located outside a building and not under a permanent roof structure for a period of time exceeding 48 hours, the storage of which is not accessory to a residential use. For retail uses, outdoor storage areas are not readily accessible to the buying public. For purposes of this definition, the outdoor storage of vehicles, recreational vehicles, campers, travel trailers, toy haulers, boats, trailers, rental equipment, building materials, bulk landscaping materials, and prefabricated buildings associated with a legally established business, and, salvage building materials [and second hand appliances] displayed for sale on the premises of a commercial enterprise whose principal business is the sale of salvage building materials from stock shall be excluded.

Story: A space in a building between the upper surface of a floor and the upper surface of the floor or roof next above; provided, however, that where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story.

Story, half: A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than four and one-half feet above the floor of such story.

Street: A dedicated public or private right-of-way for vehicular traffic which affords the principal means of access to abutting property.

Street line: The dividing line between a right-of-way and the contiguous property.

Structure: A combination of material assembled, constructed or erected at a fixed location, including a building, the use of which required attachment to the ground or to something attached to the ground.

Supplementary standards: Additional standards required of certain permitted by right uses in certain zoning districts.

Telecommunications: The transmittal or reception of signals over the airwaves as a commercial or public service, including, without limitation, telephonic, radio, television, cable television, or microwave signals. For purposes of this ordinance, the term shall not include a non-commercial individual use such as residential television antennas, satellite dishes, or ham radio antennas, or a commercial use that is purely incidental to other business activities of the owner.

Telecommunications tower: A tower, pole, or similar structure, exceeding 20 feet in height, which supports or incorporates, or is intended to support or incorporate, one or more telecommunications antennas operated for commercial or public purposes above ground, whether freestanding, guyed, or affixed to a building. The term shall include mobile towers.

Telecommunications tower, concealed: A telecommunications tower designed and installed in a manner such that the antenna(s), supporting apparatus and associated structures are aesthetically and architecturally appropriate with regards to an existing structure or immediate environment in which the tower is located.

Temporary use: Any building, structure or use of land which is designated by this ordinance as temporary in nature and subordinate to a primary building, structure or use of land. A temporary use shall require a building permit issued for a specified period of time given in this ordinance.

Theater, indoor & outdoor: An outdoor or indoor area, building, part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or live performances.

Tower height: The vertical distance measured from the ground to the uppermost point of the telecommunications tower and any antenna affixed thereto.

Tree: A living, woody, self-supporting perennial plant, ten feet or more in height when mature, usually having a single elongated main stem and distinct crown.

Understory tree: A small (approximately ten to 25 feet high when mature), usually shade tolerant tree, capable of thriving in the lower light intensities found under the canopy of tall trees.

Uplight: For an exterior light fixture, light output emitted into the hemisphere above the horizontal plane of the light emitting light opening (i.e. above 90 from straight down) (see figure 1)

Utility pole: A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Variance: Variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance allows changes to zoning/development standards greater than ten percent during plan/project review, subject to quasi-judicial review and approval with the board of adjustment. The following standards are authorized for a variance:

- min. setbacks
- min. lot size
- min. lot width
- min. lot depth
- max. lot coverage
- min. off-street parking
- max. height

These are not applicable to changes in base zoning, use, or density.

Vehicular use area: All portions of a site or property designed to receive vehicular traffic, including parking, driveways, loading or unloading areas, which have an improved surface such as gravel, asphalt, brick, or concrete pavement.

Wineries: An establishment that engages in the production of unfortified wines as defined in G.S. 18B-101.

Wireless facility: The set of equipment and network components, exclusive of the underlying support structure of tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and telecommunications services to a discrete geographic area.

Wireless support structure: A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

Yard: An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

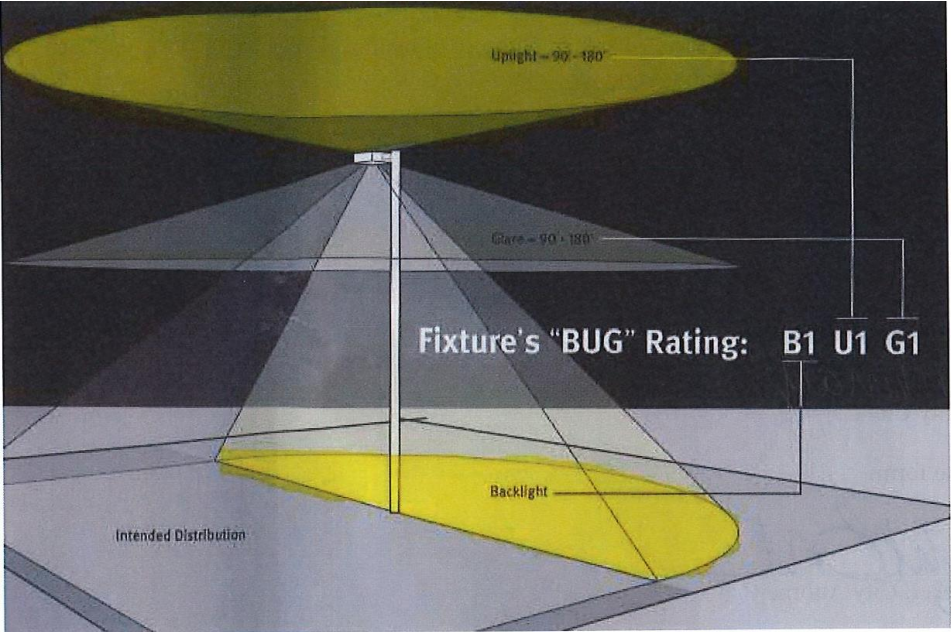
Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building, projected to the side lines of the lot.

Yard, rear: An open, unoccupied space on the same lot with the principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), extending the full width of the lot and situated between the rear line of the lot and the rear line of the building to the side lines of the lot.

Yard, side: An open, unoccupied space on the same lot with a principal building (excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures), situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zero lot line: The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

Zoning district: Any section of the City of Hendersonville or its extraterritorial area in which zoning regulations are uniform per G.S. 160-703(c).



(Figure 1, provided by International Dark Sky Association & Illuminating Engineering Society)

(Ord. No. 21-44, 9-22-21; Ord. No. 19-1289 , § 1, 12-5-19; Ord. No. 22-11 , 2-10-22; Ord. No. 22-50 , 8-4-22; Ord. No. 23-05 , 2-8-23)

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	<i>Strategy LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan.</i>
Population & Housing	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Natural & Environmental Resources	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Cultural & Historic Resources	<i>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</i>
Community Facilities	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Water Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.

GENERAL REZONING STANDARDS	
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	<i>This zoning text amendment clarifies the meaning of existing uses.</i>
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	<i>This zoning text amendment addresses the lack of clarification of the meaning of existing uses.</i>
Public Interest	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 -
	<i>This zoning text amendment is in the public interest in that it provides additional clarification and transparency of existing uses within the City's Zoning Ordinance.</i>
Public Facilities	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
	<i>There are not any direct connections between this text amendment and public facilities.</i>
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 -

	<i>There are not any direct connections between this text amendment and the environment/ natural resources.</i>
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DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan’s goals to Promote conformance and consistency between the City’s Zoning Ordinance and Comprehensive Plan.

We [find] this proposed zoning text amendment 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 text amendment provides clarification for the uses listed in the zoning ordinance.*
- The proposed text amendment promotes transparency and better customer service for the public.*

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 of the following development or redevelopment shall require a rezoning to a conditional zoning district which allows 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) for requiring a rezoning to a conditional zoning district are subject to any exemptions established in article V, zoning district classifications.

USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	PMHCZD	RCT	MIC	C-1	C-2	C-3	C-4	CMU	PCDCZD	I-1	PMDZD	PIDZD	GHMU	HMU	UVCZD	URCZD	CHMU
Accessory dwelling units	SS	SS	SS	SS	SS	-	-	SS	SS	SS	SS	SS	SS	P	-	SS	P	-	P	SS	SS	-	SS
Accessory uses and/or structures	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	L	P
Adaptive reuse						-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Adult care centers	-	-	-	-	-	P	P	SS	SS	SS	SS	SS	SS	SS	P	-	-	P	SU	SS	SS	L	P
Adult care homes	SS	SS	SS	SS	SS	P	P	SS	SS	-	-	-	-	P	-	-	-	-	SU	P	P	-	P
Adult establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SU	P	-	-	-	-	-	-
Agriculture	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Agricultural supplies, bulk	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Amphitheaters, outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Animal hospitals & clinics	-	-	-	-	-	-	-	SS	-	-	SS	SS	-	SS	P	SS	P	-	-	SS	SS	-	P
Animal boarding facilities	-	-	-	-	-	-	-	-	-	-	SU	SU	-	-	P	SU	P	-	-	-	-	-	-
Automobile car washes	-	-	-	-	-	-	-	SS	-	-	P	P	SS	P	P	P	P	-	-	P	-	-	P
Automobile sales & service	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	-	-	-	-	-	P

Automotive paint & body work	-	-	-	-	-	-	-	-	-	-	SU	P	-	-	P	P	P	-	-	-	-	-	-
Banks & other financial institutions	-	-	-	-	-	-	-	SS	P	P	P	P	P	P	P	-	-	-	P	P	P	L	P
Bed & breakfast facilities	SU	SU	SU	SU	SU	-	-	SU	SU	P	P	P	SU	P	SS	-	-	-	P	P	P	P	-
Bottling plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Breweries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Bus stations	-	-	-	-	-	-	-	-	-	-	SU	SU	-	P	-	P	P	-	-	SU	-	-	SU
Business services	-	-	-	-	-	-	-	SS	-	P	P	P	P	P	P	P	P	-	P	P	P	L	P
Camps	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Cemeteries, mausoleums, columbariums, memorial gardens, crematoriums	-	SU	SU	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Child care centers	-	-	-	-	-	P	P	SU	SU	SU	SU	SU	SU	SU	P	-	-	P	SU	SS	SS	L	SS
Child care home	SS	SS	SS	SS	SS	P	P	SS	SS	-	-	-	-	P	-	-	-	-	SU	P	P	-	P
Cideries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Cideries, hard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Civic centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Civic clubs & fraternal organizations	-	-	-	-	-	-	-	SU	SU	SU	SU	SU	SU	SU	P	SU	P	P	-	SS	SU	L	SS
Concrete plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Congregate care facilities	-	-	-	-	-	-	-	-	SS	-	SS	SS	-	SS	P	SS	P	P	-	SS	SS	-	SS
Construction trades facilities	-	-	-	-	-	-	-	-	-	-	SS	SS	-	P	P	P	P	-	-	SS	-	-	P

Convenience stores with or without gasoline sales	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	P
Convenience stores without gasoline sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P
Copy centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-
Cultural arts buildings	-	-	-	-	-	-	-	-	SU	SU	P	P	-	P	-	-	-	P	P	P	P	L	P
Day care facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P
Day centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dance & fitness facilities	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	P	P	L	P
Distilleries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Dry cleaning & laundry (≤2,000SF)	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	P	P	P	-	-
Dry cleaning & laundry (≤6,000SF)	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	P	P	-	P
Dry cleaning & laundry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Dry cleaning & laundry (pickup & drop off only)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-
Electronic gaming operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SU	-	-	-	-	-	-	-
Equipment rental & sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Exhibition buildings	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Exterminators	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Fairgrounds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-

Farm equipment sales & service	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	-	-	-	-	-	-
Feed & grain stores	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Freight terminals (SIC groups 40, 41, 42)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Food pantries	-	-	-	-	-	-	-	-	-	-	SS	SS	-	-	-	-	-	-	-	-	-	-	-
Food processing establishments	-	-	-	-	-	-	-	-	-	-	-	SS	-	-	P	SS	P	-	-	-	-	-	-
Funeral homes	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	P	P	P	-	P
Garage apartments	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Golf courses	-	-	-	-	-	P	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Golf driving ranges, par 3 golf	SU	-	-	-	-	P	-	-	-	-	P	P	-	-	P	P	P	-	-	-	-	-	-
Government facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Greenhouses & nurseries, commercial	-	-	-	-	-	-	-	SS	-	-	P	P	-	-	-	P	P	-	-	P	-	-	P
Health clubs & athletic facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P
Heavy equipment, sales, rentals, leases & service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Heavy equipment storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	L	P
Hospitals	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	P	-	-	-	-	-
Hotels	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	-
Hotels & motels	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

Laboratories, with or without outdoor storage or operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Laundries, coin-operated	-	-	-	-	-	-	-	SS	P	P	P	P	P	P	P	P	-	-	-	P	P	P	-	P
Laundries, coin-operated, for the sole use of the occupants of the building within they are located	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lawn & garden centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SU	P	P	-	P
Manufactured homes	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacturing (select industries)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Manufacturing, light	-	-	-	-	-	-	-	-	-	-	-	SU	-	-	-	-	P	P	-	-	-	-	-	-
Merchandise gaming operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Microbreweries	-	-	-	-	-	-	-	-	-	-	SS	SS	SS	-	SS	P	P	P	-	SS	SS	-	-	-
Mini-warehouses	-	-	-	-	-	-	-	-	-	-	-	-	SU	-	-	P	P	P	-	-	-	-	-	-
Mobile food vendors	-	-	-	-	-	-	-	-	-	-	SS	SS	-	SS	-	SS	-	-	-	SS	-	-	-	-
Mobile homes	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile home sales	-	-	-	-	-	-	-	-	-	-	-	SS	-	-	-	-	-	-	-	-	-	-	-	-
Motels	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P	P	-	P	P	P	P	-
Motor freight terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-

Movie theaters, indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-
Music & art studios	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	P	P	P	P	L	P
Neighborhood community centers	-	-	-	-	P	-	-	P	P	-	P	-	-	-	-	-	-	P	P	P	P	-	P	
Newspaper office & printing establishments	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	P	P	-	P	
Nursing homes	-	-	-	-	-	P	-	-	SS	-	SS	SS	-	SS	P	SS	P	P	-	SS	-	-	SS	
Offices	-	-	-	-	-	SS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Offices, business, professional & public	-	-	-	-	-	-	-	SS	P	P	P	P	P	P	P	P	-	-	P	P	P	P	P	
Parking lots & parking garages	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	P	P	-	P	
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Passenger transportation terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	
Personal services	-	-	-	-	-	-	-	SS	SS	P	P	P	P	P	P	P	-	-	P	P	P	L	P	
Pet-sitting	-	-	-	-	-	-	-	SU	-	-	-	-	SU	-	-	-	-	-	-	-	-	-	-	
Planned residential development (minor)	SS	SS	SS	SS	SS	-	-	SS	SS	-	SS	SS	-	SS	-	SS	SS	-	-	-	SS	-	-	
Planned residential development (major)	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Private clubs	-	-	-	-	-	-	-	-	-	SU	SU	SU	-	SU	-	SU	P	-	-	-	-	L	-	
Progressive care facilities	-	-	-	-	-	SS	-	-	SS	-	SS	SS	-	SS	SS	SS	SS	SS	-	SS	-	-	SS	

Public & private recreational facilities, indoor & outdoor, including uses accessory to the recreational facility such as snack bars, cabanas, etc.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	CV	
Public & semi-public buildings	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P
Public utility facilities	SU	SU	SU	SU	SU	P	P	SU	SU	SU	SU	SU	SU	SU	P	SU	P	-	SU	SU	SU	P	SU	
Publishing & printing establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	
Radio & television broadcasting studios	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	
Recreational facilities, indoors	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	P	
Recreational facilities, outdoors, commercial	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	-	-	P	-	-	P	
Recycling centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	
Religious institutions	SS	SS	SS	SS	SS	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	L	P	
Repair services, miscellaneous	-	-	-	-	-	-	-	-	-	SS	P	P	-	P	P	P	P	-	-	P	P	-	P	
Repair services, (non-automotive) miscellaneous, so long as the use is contained within an enclosed building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	

Research & development with or without outdoor storage and operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P
Residential care facilities	-	-	-	-	SU	-	-	SU	SS	-	P	P	-	-	-	-	-	-	-	P	P	-	P
Residential dwellings, single-family	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P
Residential dwellings, multi-family	-	-	-	-	-	P	-	-	-	SS	SS	-	P	SS	P	-	-	P	P	P	P	P	P
Residential dwellings, two-family	-	P	P	P	P	P	-	P	P	P	P	P	-	P	P	-	-	P	P	P	P	-	P
Rest homes	-	-	-	-	-	P	-	-	SS	-	SS	SS	-	SS	P	SS	P	P	-	-	-	-	-
Restaurants	-	-	-	-	-	-	-	SU	SU	P	P	P	SU	P	P	P	P	-	P	P	P	L	P
Restaurants, drive-in	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-	-	P	-	-	P
Retail stores	-	-	-	-	-	-	-	SS	SS	P	P	P	SS	P	P	P	P	-	SS	P	SS	L	P
School, post secondary, business, technical & vocational	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	P	SU	P	P	L	P
Schools, primary & secondary	SU	SU	SU	SU	SU	P	-	-	-	-	P	P	-	P	-	-	-	P	SU	P	P	P	P
Service stations	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	P	-	-	P
Shelter facilities	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	-	-	-	-
Signs	SS	SS	SS	SS	SS	-	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS
Storage yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-

Telecommunications antennas	SS	SS	SS	SS	SS	SS	-	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS
Telecommunications towers	-	-	-	-	-	SS	-	-	-	-	-	SS	-	-	SS	SS	SS	-	-	-	-	-	-	-
Theaters, indoor	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	P	P	L	P	
Theaters, outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SS	P	-	
Travel trailer sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Treatment plants, water & sewer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Vehicle repair shops with or without outdoor operations & storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Vehicle repair & service, without outdoor operations	-	-	-	-	-	-	-	-	-	-	-	-	-	SU	-	-	-	-	-	-	-	-	-	-
Vehicle storage areas, not to include junk yards and wrecking yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Veterinary clinics	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
Warehouses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Wineries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Wholesale businesses	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	-	-	-	-	-	-	-

(Ord. No. 22-06 , 1-6-22; Ord. No. 22-22 , 5-5-22)