



CITY OF HENDERSONVILLE
PLANNING BOARD MEETING (SPECIAL CALLED)
City Hall – 2nd Floor Meeting Room | 160 6th Ave. E. | Hendersonville, NC 28792
Tuesday, March 25, 2025 – 3:00 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
4. **OLD BUSINESS**
5. **NEW BUSINESS**
 - A. Zoning/Subdivision Text Amendment: ‘Flag Lots & Small Lots’ (P24-89-ZTA) – *Matthew Manley, AICP – Long-Range Planning Manager*
 - B. Zoning Text Amendment: Board of Adjustment Member and Quorum Changes (P24-088-ZTA) –*Sam Hayes, Planner II*
 - C. Rezoning: Conditional Zoning District – First Ave Villas (P24-86-CZD) – *Sam Hayes – Planner II*
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.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Matthew Manley **MEETING DATE:** March 25, 2025

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

TITLE OF ITEM: Zoning/Subdivision Text Amendment: ‘Flag Lots & Small Lots’ (P24-89-ZTA) – *Matthew Manley, AICP – Long-Range Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council **adopt** an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V ‘Zoning District Classifications’, Article VIII ‘Exceptions & Modifications’, and Article XII ‘Definition of Terms’ and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. ‘Configurations’, Article 8. ‘Measurements’, and Article 9. ‘Definitions’, based on the following:

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

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

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

[DISCUSS & VOTE]

For Recommending Denial:

I move City Council **deny** an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V ‘Zoning District Classifications’, Article VIII ‘Exceptions & Modifications’, and Article XII ‘Definition of Terms’ and further amending the official City of Hendersonville Subdivision Ordinance, Article 3. ‘Configurations’, Article 8. ‘Measurements’, and Article 9. ‘Definitions’, based on the following:

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

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

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

1. The proposed amendment is incompatible with existing residential districts
2. The proposed amendment will create traffic congestion
3. The proposed amendment will result in substantial loss of privacy

[DISCUSS & VOTE]

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

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

1) Reduced Pole Flag Lots and 2) Small Lots

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

The proposed changes align with the City’s recently adopted Gen H Comprehensive Plan and address needs identified by the City’s Strategic Housing Committee. The Legislative Committee of the Planning Board reviewed the item on January 21st and the Strategic Housing Committee reviewed the proposed changes on February 17th.

PROJECT/PETITIONER NUMBER:	P24-89-ZTA
PETITIONER NAME:	Barry Bialik
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Comprehensive Plan Consistency & Criteria Evaluation3. Draft Ordinance4. Application5. Application Supplement

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

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PROJECT SUMMARY

- Project Name & Case #:
 - Flag Lots & Small Lots
 - P24-89-ZTA
- Applicant:
 - Barry Bialik
- Articles Amended:
 - Zoning Ordinance
 - Article V Zoning District Classifications: *Cross-references*
 - Article VIII Exceptions & Modifications: *Primary changes*
 - Article XII Definition of Terms: *New definitions*
 - Subdivision Ordinance
 - Article 3. Configuration
 - Article 8. Measurements
 - Article 9. Definitions
- Zoning Districts Impacted:
 - Residential districts + MIC + RCT
- Future Land Use Designations:
 - Rural Residential
 - Family Neighborhood Living
 - Multi-Generational Living

Summary

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

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

1) Reduced Pole Flag Lots and 2) Small Lots

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

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

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS

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

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

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

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

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

LEGISLATIVE COMMITTEE RECOMMENDATION

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

PROPOSED TEXT REVISIONS

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

ZONING ORDINANCE

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

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

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

Article VIII – Exceptions & Modifications

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

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

8-4-2. - Applicability: In applicable zoning districts (reference Article V. – Zoning District Classifications for applicable zoning districts), Reduced Pole Flag Lots or Small Lots or a combination thereof can be applied to any Lot of Record two acres in size or less as long as the land has not been the subject of an exempt subdivision, of a recombination of land or of any subdivision application approval within the preceding three years. All residential uses shall be permitted subject to a zoning district’s Permitted Uses. Residual Lots result from the creation of a Reduced Pole Flag Lot or Small Lot.

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

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

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

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

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

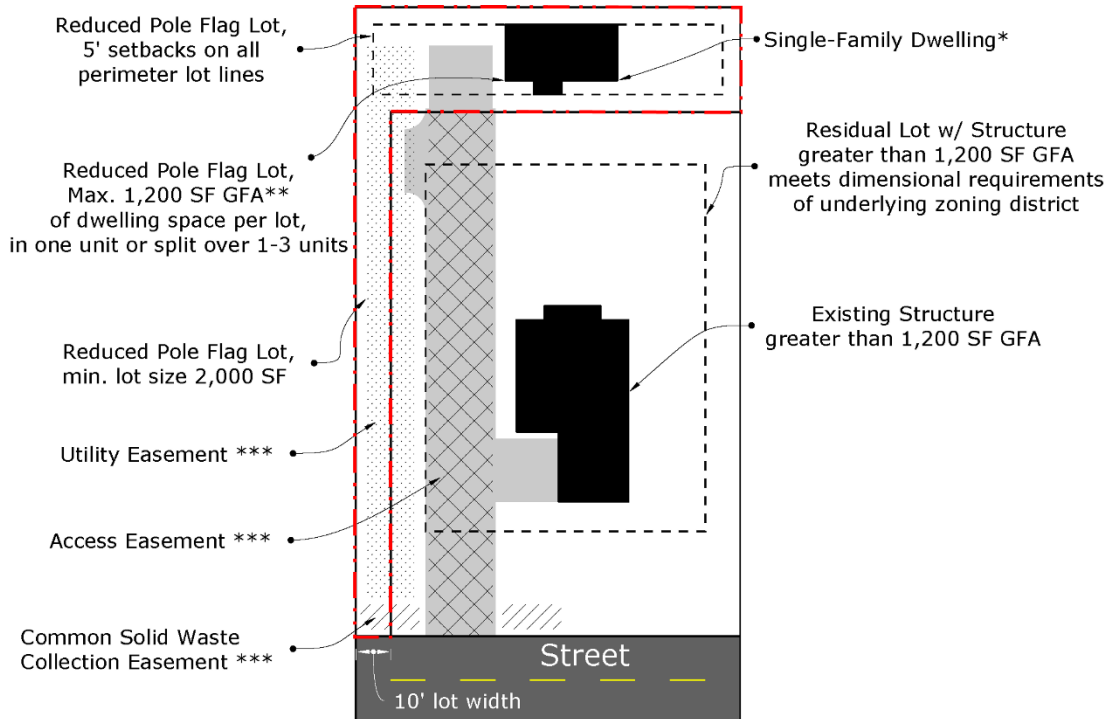
NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

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

Residual Lot Requirements:

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

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



*Subject to Permitted Uses for underlying zoning district

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

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

Figure 1: Reduced Pole Flag Lot

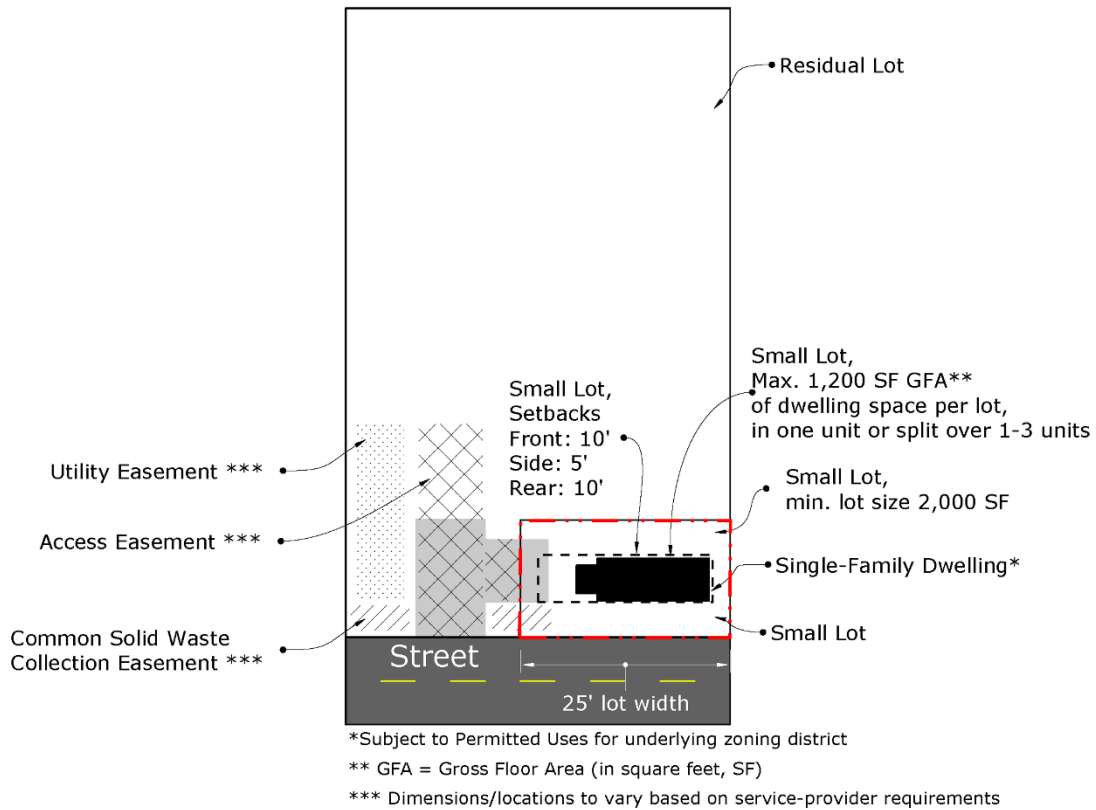


Figure 2: Small Lot

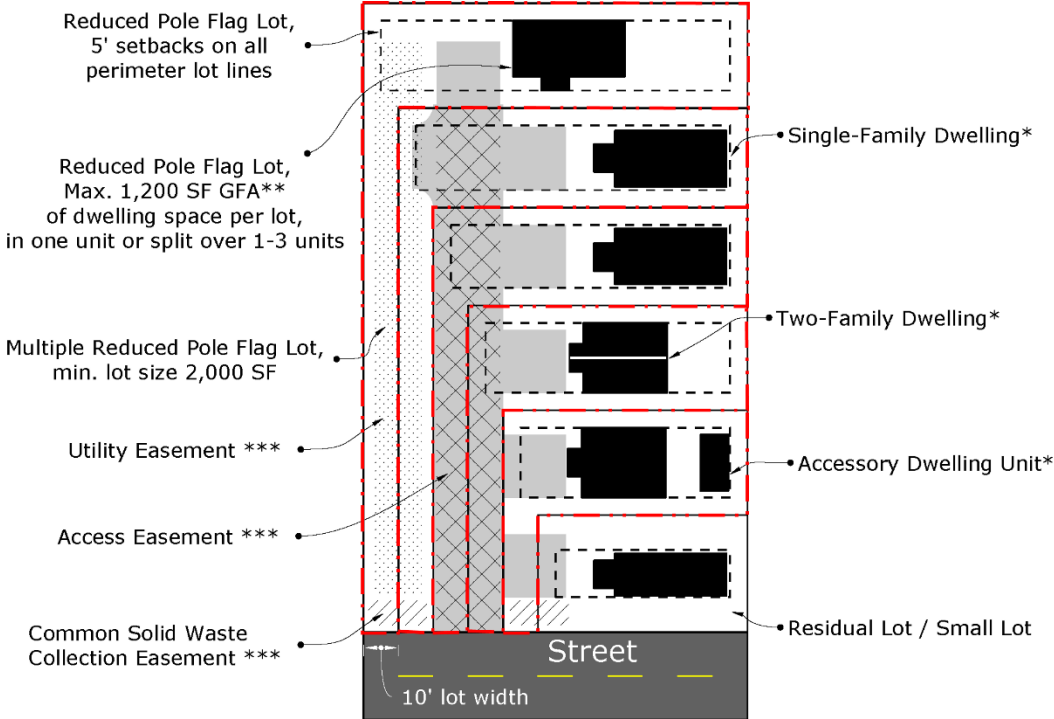
8-4-4. – Access and Frontage Improvements:

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

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

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

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



*Subject to Permitted Uses for underlying zoning district
 ** GFA = Gross Floor Area (in square feet, SF)
 *** Dimensions/locations to vary based on service-provider requirements

Figure 3: Multiple Reduced Pole Flag Lots + Small Lot

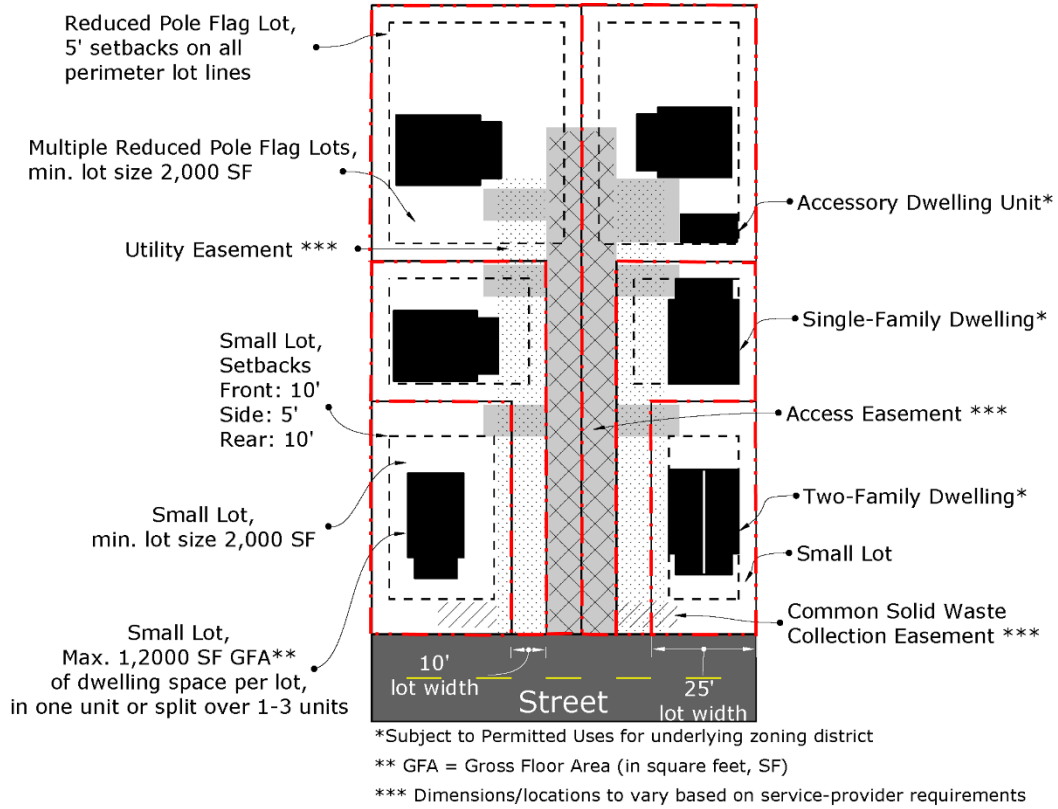


Figure 4: Small Lot combined with Multiple Reduced Pole Flag Lots, six (6) lot maximum

Article XII, - Definition of Terms

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

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

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

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

SUBDIVISION ORDINANCE

ARTICLE 3. – CONFIGURATION [re: Flag Lots]

Sec. 3.03. - Lots.

A. Dimensional requirements.

B. Side lot lines.

C. Flag lots.

D. Reduced Pole Flag Lots

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

~~E.~~ **F. Corner lots.**

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

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

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

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

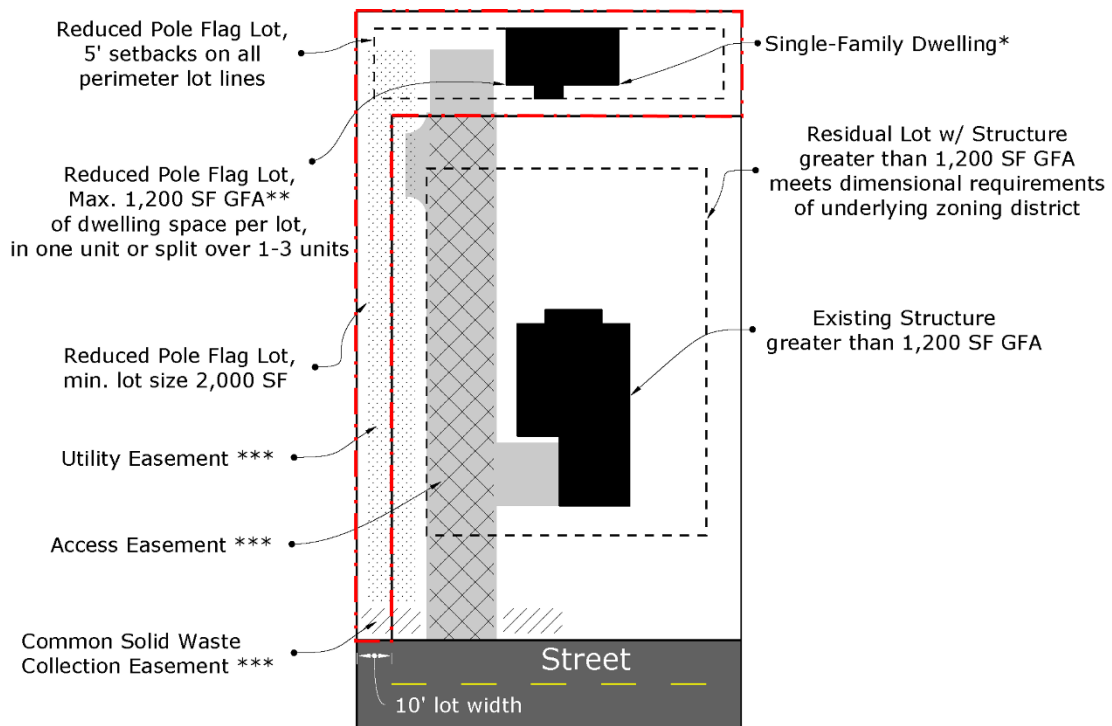
1. **Purpose:** The purpose of this lot configuration option is to allow small footprint housing on small lots as a means to increase the stock of housing affordable at "Workforce" and "Attainable" housing levels.
2. **Applicability:** A Reduced Pole Flag Lot can be applied to any Lot of Record in an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

3. Dimensional Requirements:

Reduced Pole Flag Lots	
Zoning dimensional requirements (i.e. lot area, setbacks, structure size)	see Zoning Ordinance Sec. 8-4-3 – Reduced Pole Flag Lot
Minimum lot width/pole width in feet*:	
Single water service OR single sewer service line	5
Single water service AND single sewer service line	10
Single gravity sewer service; additional width may be required depending on pipe depth	10
Driveways and Accessways	See 4. Access and Frontage Improvements (next page)
Structure location:	All structures shall be located in compliance with fire code requirements.**

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

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



*Subject to Permitted Uses for underlying zoning district

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

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

Figure 1: Reduced Pole Flag Lot

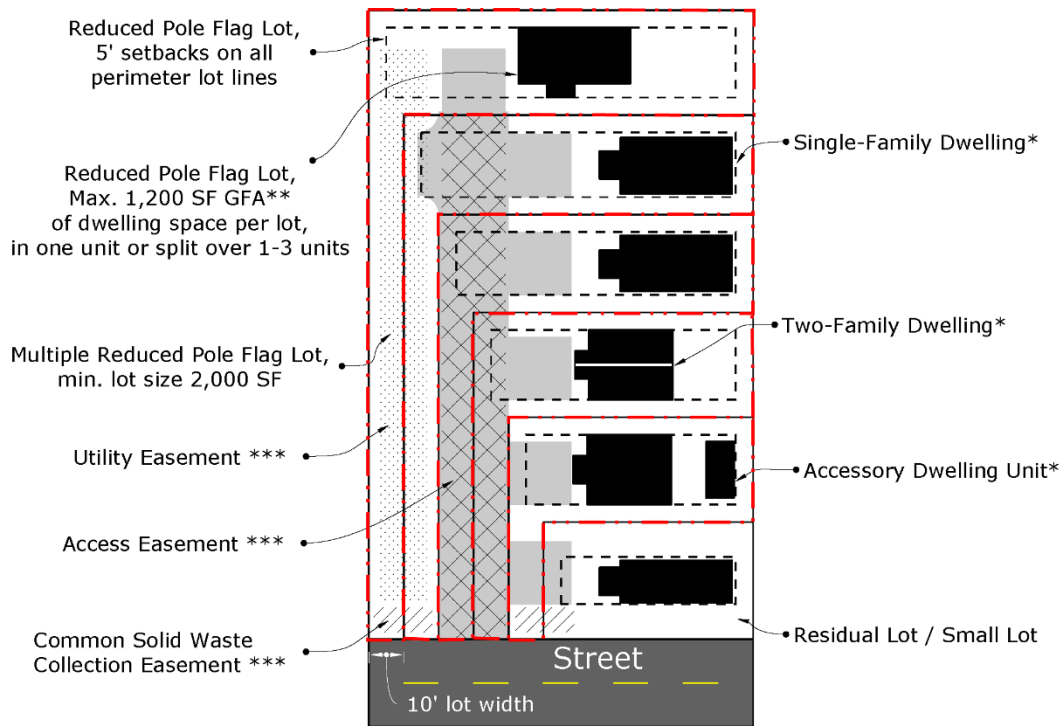
4. Access and Frontage Improvements:

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

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

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

In no case shall each subdivided lot have less than 5 feet of street frontage. A shared driveway shall be used as the sole access to all such lots.



*Subject to Permitted Uses for underlying zoning district

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

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

Figure 2: Multiple Reduced Pole Flag Lot

Sec. 3.04. - Access to lots.

A. Every lot must maintain access.

1. **Generally.** Except for lots within bona fide farms, exempt subdivisions, or in accordance with section 3.04.A.2, street access exemptions, all lots intended to contain a building or structure shall abut a street designed, built, and maintained to city or state standards, as applicable.

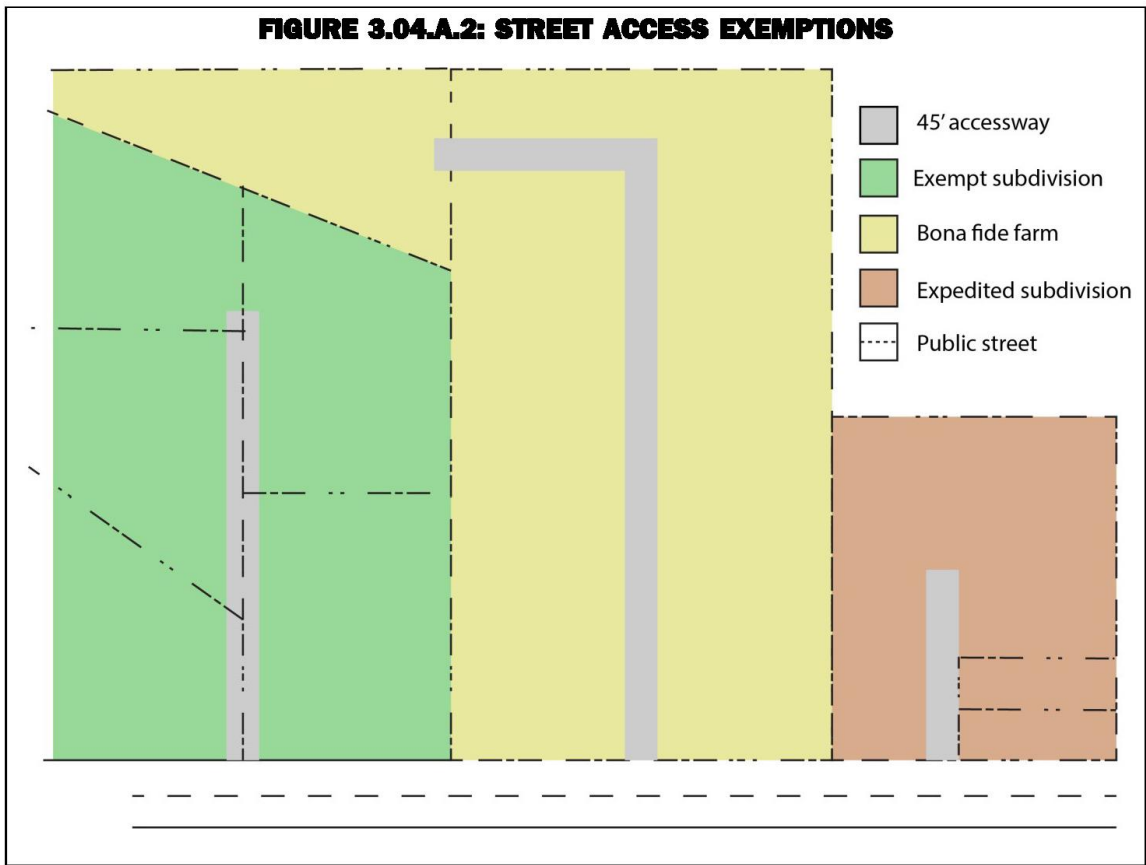
2. **Street access exemptions.**

a. Lots in any of the following forms of development are not required to be served by a street meeting city or state standards:

- i) Up to three lots in an expedited subdivision; or
- ii) Up to three lots without roadway frontage that are served by a single, shared accessway.

b. With the exception of Reduced Pole Flag Lots. Any any lots not required to abut a street designed, built, and maintained to city or state standards shall maintain an access with a minimum width of 45 feet that is adequately maintained to afford a reasonable means of ingress and egress for emergency vehicles (see Figure 3.04.A.2, Street Access Exemptions).

3. **Access serving more than three lots.** With the exception of Reduced Pole Flag Lots. Accessways serving more than three lots outside a bona fide farm or exempt subdivision shall be designed, built, and maintained to public street standards.



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

1) All subdivisions abutting an expressway, boulevard, thoroughfare, or any street with an Average Annualized Daily Traffic of greater than or equal to 300 are required to provide access in compliance with this Sec. 3.04.B

a. AADT shall refer to the most recent data collection performed by the Public Works Department. If no data is available at the time of subdivision application, the City shall cause a measure of AADT to be

performed.

b. A subdivider may cause their own measure of AADT to be performed by a licensed traffic engineer or other professional. If there is a conflict between the City's measure of AADT and the subdivider's, the City shall seek the opinion of a licensed traffic engineer, whose decision shall be binding.

- 2) In cases where a tract or site abutting an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street ~~or~~ alley or drive, either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 (see Figure 3.04.8, Lots Abutting expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300).

ARTICLE 6 – OWNER ASSOCIATIONS

Sec. 6.01. Purpose.

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

Sec. 6.02. Applicability.

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

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

ARTICLE 8. – MEASUREMENT

Sec. 8.02. - Rules of measurement.

C. Lot Dimensions

I. Lot Measurements.

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

- i. Public street rights-of-way;
- ii. Private street area;
- iii. ~~The “pole,” arm,” or “pan handle” portion of a flag lot; and~~
- iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

ARTICLE 9. – DEFINITIONS

Sec. 9.01. - Definitions.

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

Ordinance Sec. 3.03 – Lots, D. Flag Lots, Reduced Pole.

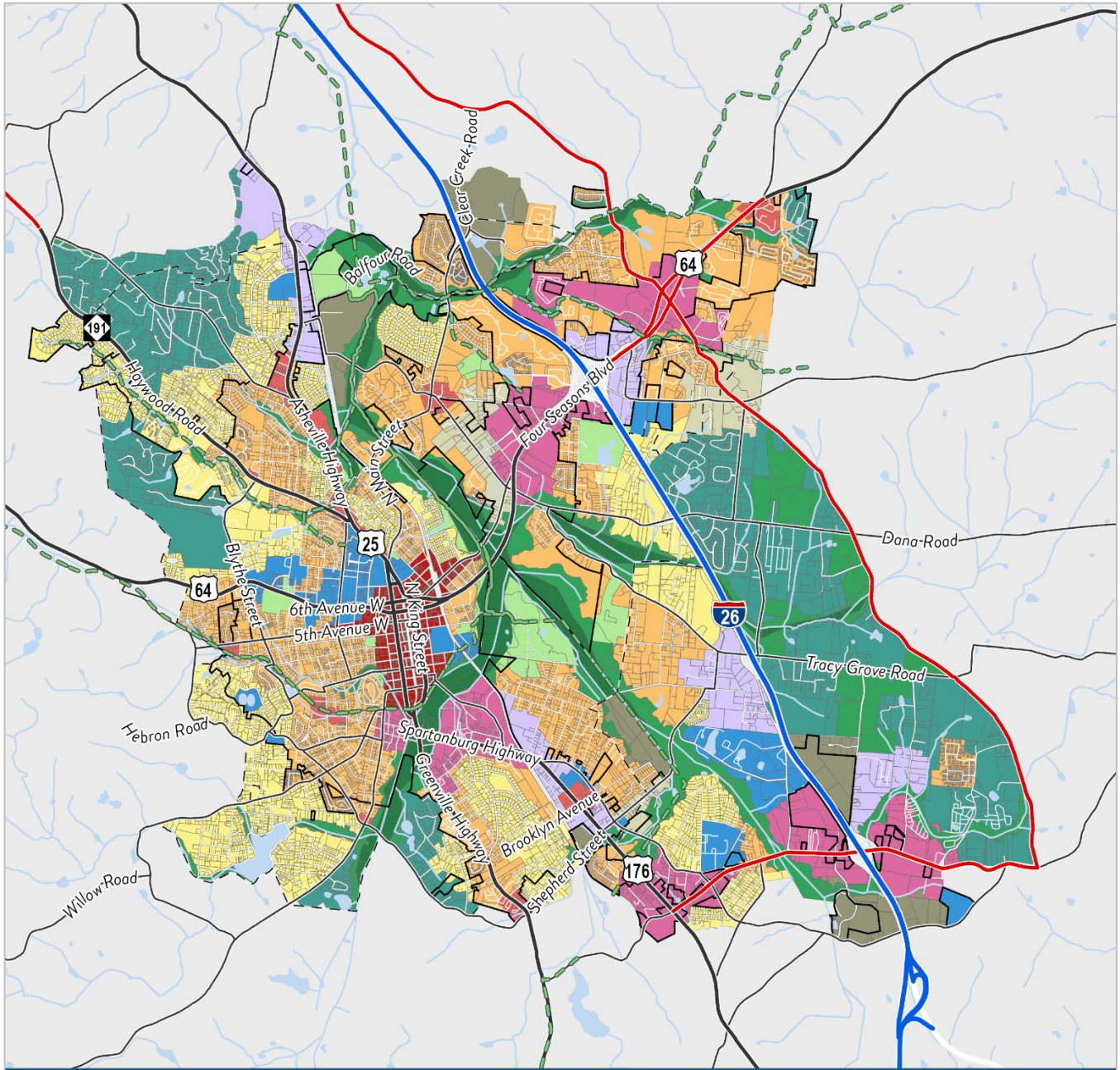
Lot Area: The total area within the lot lines of a platted lot.

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

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

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

GEN H COMPREHENSIVE PLAN -FUTURE LAND USE AND CONSERVATION MAP



Future Land Use & Conservation Map (DRAFT)

0 4,500
Feet



- Open Space - Conservation 1 (Regulated)
- Open Space - Conservation 2 (Natural)
- Open Space - Recreation
- Rural Residential
- Family/Neighborhood Living
- Multi-Generational Living
- Downtown

- Mixed Use - Commercial
- Neighborhood Center
- Mixed Use - Employment
- Institutional
- Innovation
- Production
- Existing Greenways and Trails
- Proposed Greenways and Trails

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

Source: City of Hendersonville, Henderson County, NCDOT

GEN H COMPREHENSIVE PLAN -CHARACTER AREA PERCENTAGES

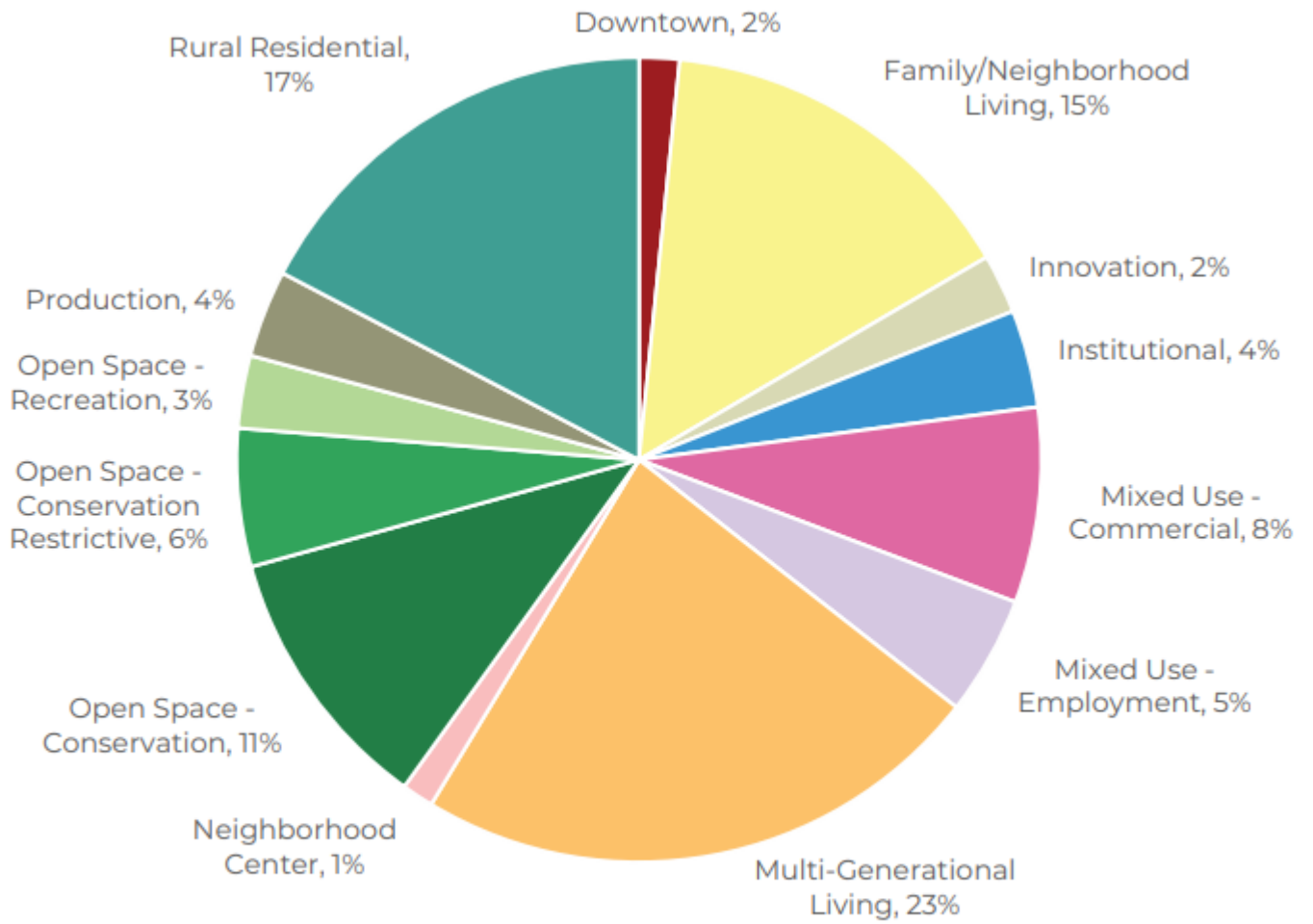


Figure 4.13.1 - Character Area percentages (rounded to whole percent) for study area. ROW is not included acreage percentages.

AMENDMENT STANDARDS (ARTICLE 11-4)

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

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

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

REZONING STANDARDS ANALYSIS & CONDITIONS

Staff Analysis

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

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

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

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

DRAFT [Rationale for Approval]

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

DRAFT [Rational for Denial]

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

Flag Lots + Small Lots P24-89-ZTA		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
SUPPLY, SUITABILITY, & INTENSITY		
Land Supply Map (Pg. 81, Figure 4.4)	N/A	
Land Suitability Map (Pg. 84-86, Figure 4.5-4.7)	N/A	
Development Intensity Map (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	RR/FNL / MGL	
Character Area Description (Pg. 122-131)	Somewhat Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	N/A	
Focus Area (Map on Pg. 135 - Details follow)	N/A	

Flag Lots + Small Lots P24-89-ZTA		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
GOALS		
<u>Vibrant Neighborhoods (Pg. 93)</u>		
Promote lively neighborhoods that increase local safety.	Consistent	
Enable well-maintained homes, streets, and public spaces.	Somewhat Consistent	
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent	
The design allows people to connect to nearby destinations, amenities, and services.	Consistent	
<u>Abundant Housing Choices (Pg. 93)</u>		
Housing provided meets the need of current and future residents.	Consistent	
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent	
Housing condition/quality exceeds minimum standards citywide	Consistent	
<u>Healthy and Accessible Natural Environment (Pg. 94)</u>		
Recreational (active and passive) open spaces are incorporated into the development.		Inconsistent
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	N/A	
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Somewhat Consistent	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent	
<u>Authentic Community Character (Pg. 94)</u>		
Downtown remains the heart of the community and the focal point of civic activity	Consistent	
A development near a gateway sets the tone, presenting the image/brand of the community.	N/A	
Historic preservation is utilized to maintain the city's identity.	N/A	
City Centers and neighborhoods are preserved through quality development.	Consistent	
<u>Safe Streets and Trails (Pg. 95)</u>		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	N/A	
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.	Consistent	

Reliable & Accessible Utility Services		
Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent	
Satisfying Work Opportunities (pg. 96)		
The development promotes quality job options.	Consistent	
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	Consistent	
Welcoming & Inclusive Community		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.		Inconsistent
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	Consistent	
Accessible & Available Community Uses and Services (Pg. 97)		
Private development is plentiful, meeting the demands of current and future populations.	N/A	N/A
Resilient Community		
Adaptation to a changing world (e.g., economic, technological, social, environmental, etc.) is a priority of City leaders.	Consistent	
A fiscally sound government ensures the City's ability to function efficiently and remain competitive, particularly in the face of unexpected challenges.	Consistent	
GUIDING PRINCIPALS (pg. 98)		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas	N/A	
New business and office space promotes creative hubs.	N/A	
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent	
The infill project is context sensitive [Small Infill Site].	Consistent	
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]	Consistent	
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.		Inconsistent
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.	Consistent	
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.	Consistent	

Efficient & Accessible Infrastructure (Pg. 114)

The development utilizes existing infrastructure

Consistent

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

WHEREAS, the Planning Board reviewed this petition for a zoning and subdivision text amendment at its Special Called meeting on March 25, 2025; voting **7-0** to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on April 3, 2025, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on April 3, 2025,

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

ZONING ORDINANCE

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

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

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

Article VIII – Exceptions & Modifications

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

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

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

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

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

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

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

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

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

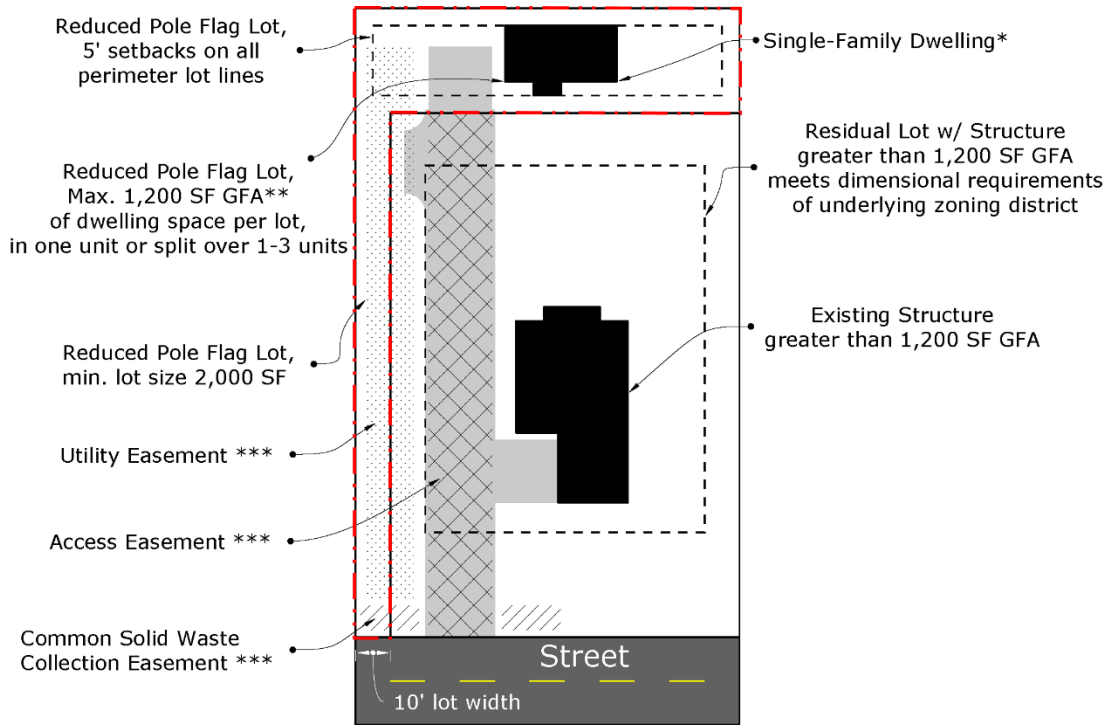
NOTE: Any plat created for this option shall require a note stipulating a maximum home size of 1,200 SF GFA.

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

Residual Lot Requirements:

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

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



*Subject to Permitted Uses for underlying zoning district
** GFA = Gross Floor Area (in square feet, SF)
*** Dimensions/locations to vary based on service-provider requirements

Figure 1: Reduced Pole Flag Lot

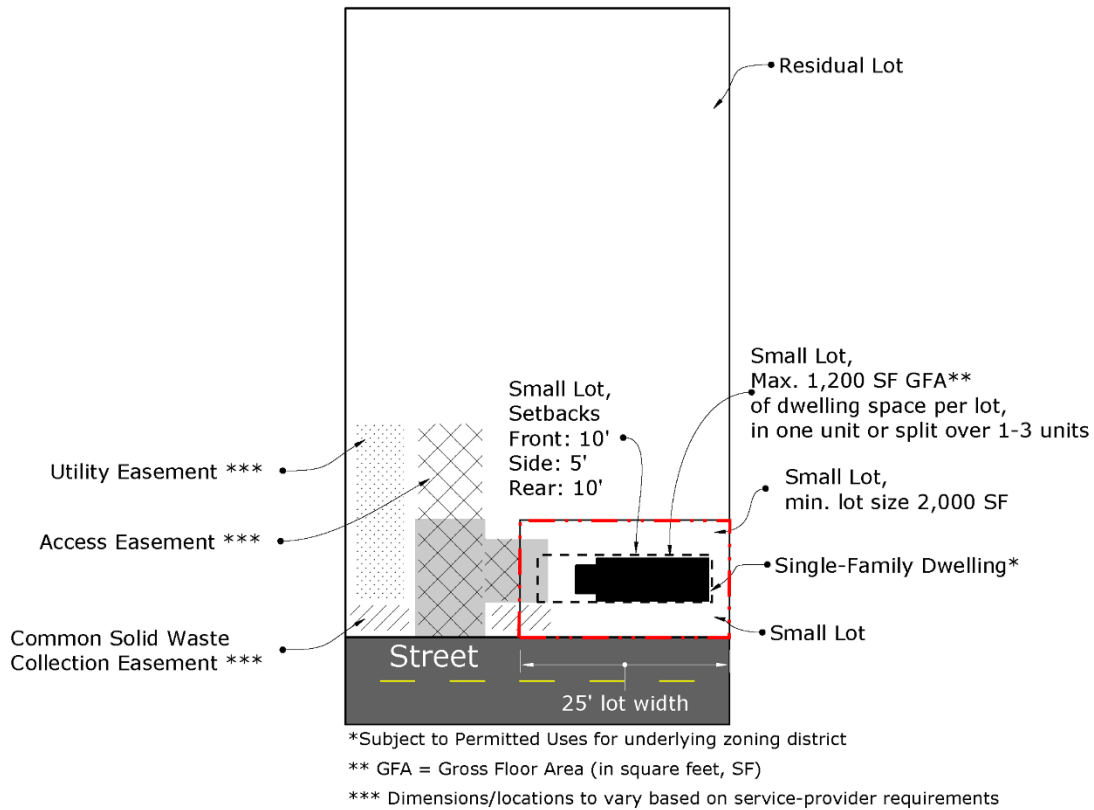


Figure 2: Small Lot

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

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

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

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

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

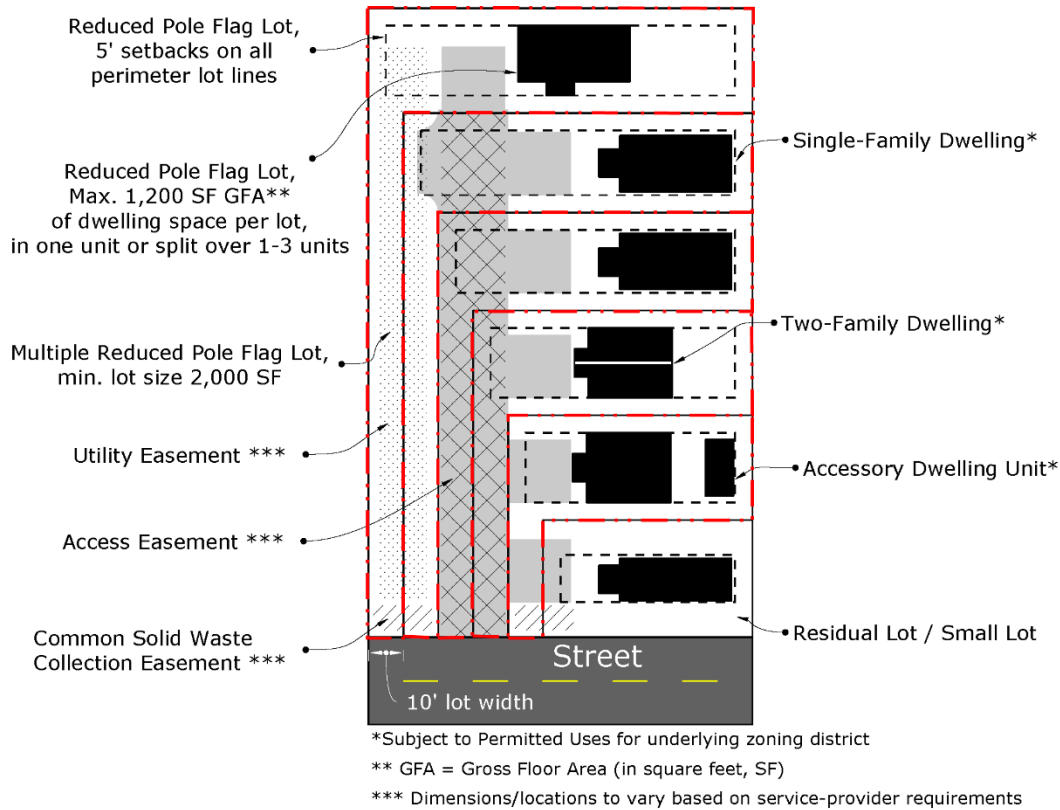


Figure 3: Multiple Reduced Pole Flag Lots + Small Lot

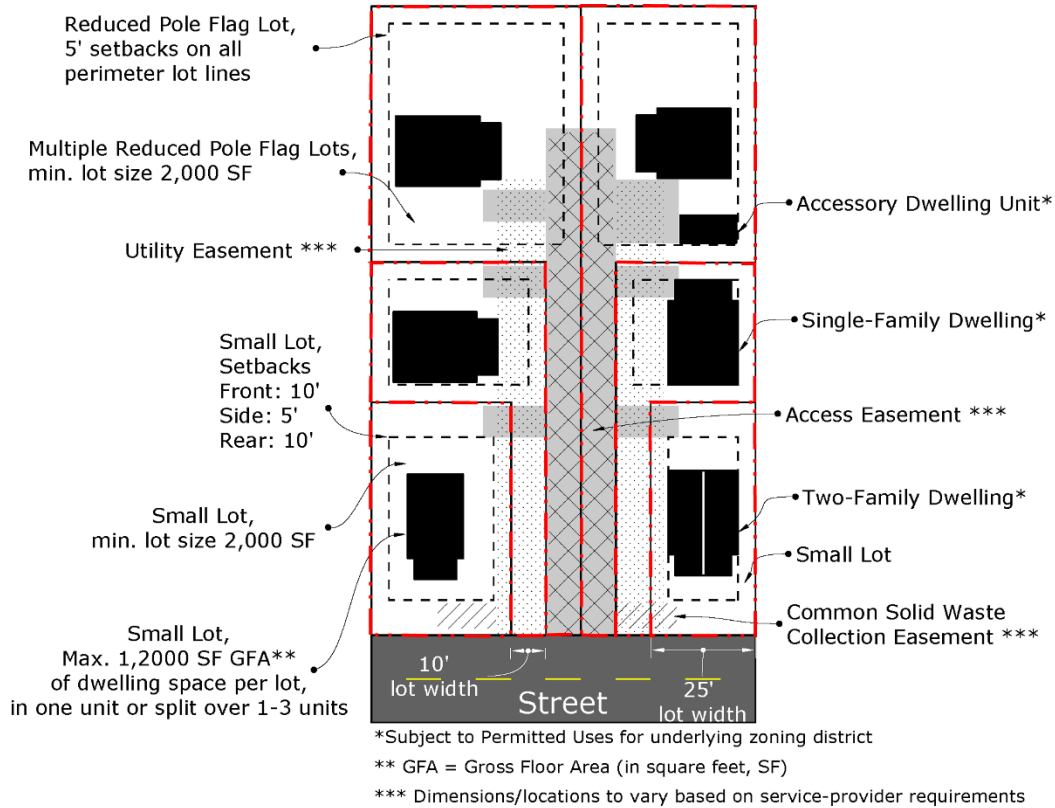


Figure 4: Small Lot combined with Multiple Reduced Pole Flag Lots, six (6) lot maximum

Article XII, - Definition of Terms

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

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

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

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

ARTICLE 3. – CONFIGURATION [re: Flag Lots]

Sec. 3.03. - Lots.

A. Dimensional requirements.

B. Side lot lines.

C. Flag lots.

D. Reduced Pole Flag Lots

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

~~E. F. Corner lots.~~

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

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

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

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

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

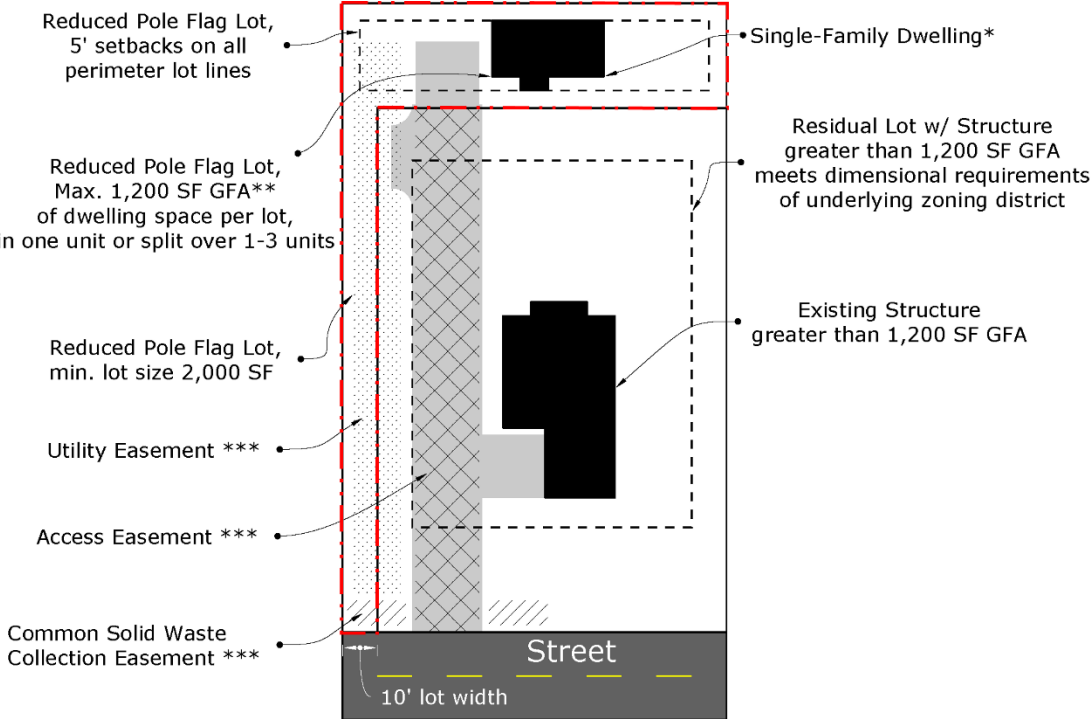
3. Dimensional Requirements:

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

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

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

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



*Subject to Permitted Uses for underlying zoning district
 ** GFA = Gross Floor Area (in square feet, SF)
 *** Dimensions/locations to vary based on service-provider requirements

Figure 1: Reduced Pole Flag Lot

4. Access and Frontage Improvements:

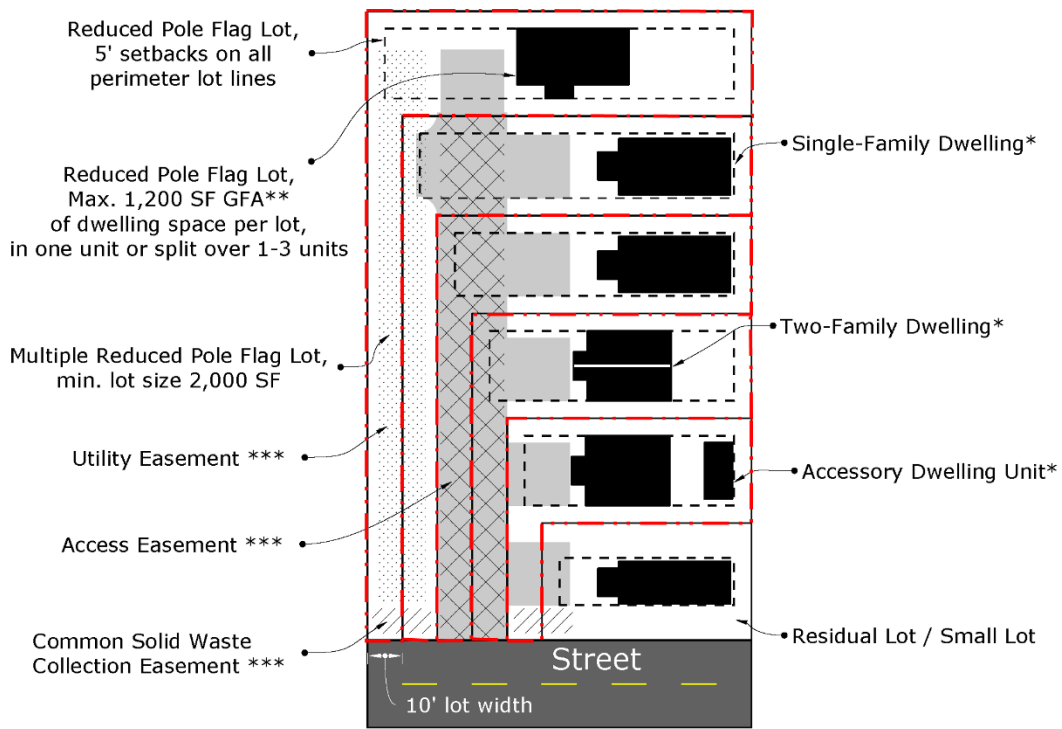
- a) Driveways, Utilities and Accessways may be placed within the “pole” or an alternate site location via ‘access’ and/or ‘utility’ easements.
- b) Use of a single driveway to serve an adjoining Reduced Pole Flag Lot or to serve Reduced Pole Flag Lots and an adjoining conventional lot may be required.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

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

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

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

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



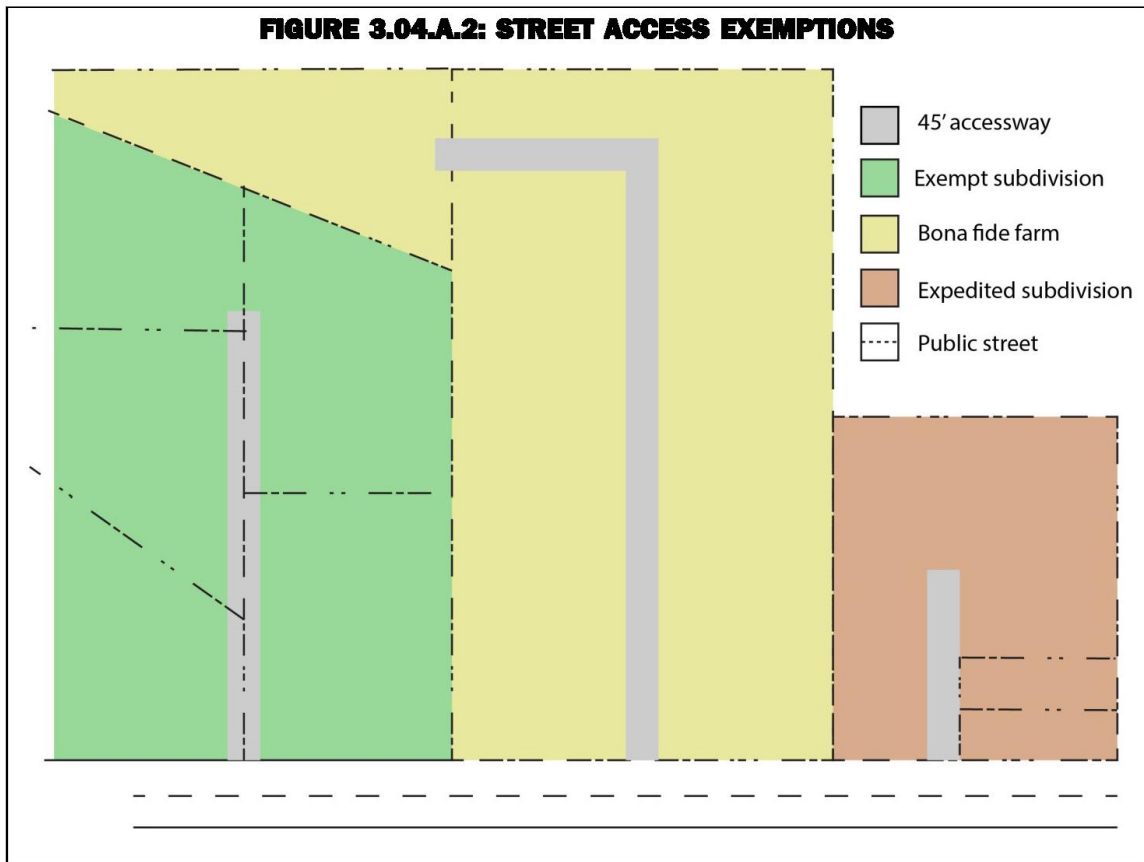
*Subject to Permitted Uses for underlying zoning district
** GFA = Gross Floor Area (in square feet, SF)
*** Dimensions/locations to vary based on service-provider requirements

Figure 2: Multiple Reduced Pole Flag Lot

Sec. 3.04. - Access to lots.

A. Every lot must maintain access.

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



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

- 1) All subdivisions abutting an expressway, boulevard, thoroughfare, or any street with an Average Annualized Daily Traffic of greater than or equal to 300 are required to provide access in compliance with this Sec. 3.04.B
 - a. AADT shall refer to the most recent data collection performed by the Public Works Department. If no data is available at the time of subdivision application, the City shall cause a measure of AADT to be performed.
 - b. A subdivider may cause their own measure of AADT to be performed by a licensed traffic engineer or other professional. If there is a conflict between the City's measure of AADT and the subdivider's, the City shall seek the opinion of a licensed traffic engineer, whose decision shall be binding.

- 2) In cases where a tract or site abutting an expressway, boulevard ,thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street ~~or~~, alley or drive, either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 (see Figure 3.04.8, Lots Abutting expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300).

ARTICLE 6 – OWNER ASSOCIATIONS

Sec. 6.01. Purpose.

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

Sec. 6.02. Applicability.

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

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

ARTICLE 8. – MEASUREMENT

Sec. 8.02. - Rules of measurement.

C. Lot Dimensions

1. Lot Measurements.

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

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

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

ARTICLE 9. – DEFINITIONS

Sec. 9.01. - Definitions.

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

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

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

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

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

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

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

City of Hendersonville, Text Amendment Application

12/5/24

Summary information provided in online form, below.

Proposed change:

Summary of proposed changes listed below; detailed PDF document will be e-mailed to Matt Manley, Community Development Department

Adds the following options for lot creation (Sec. 3.03):

- Flag Lots, Reduced Pole (including Multiple Flag Lots)
- Small Lot Option

Modifies existing Flag Lot standards to allow calculation of Lot Area to include flag pole area (Sec. 8.02)

Adds definitions for the following terms (Sec. 9.01):

- Flag Lot, Reduced Pole
- Lot Area
- Small Lot Option

Reason for change:

Sec. 3.03

Workforce Housing and Affordable Housing are City priorities, so Reduced Pole Flag Lots and Small Lot Option allow greater site feasibility and flexibility for small footprint housing on individual lots at lower price points. Shallow setbacks improve building placement feasibility on narrow and/or long/deep urban lots. The change is also key for fee-simple lot and home mortgage financing, plus water and sewer utility connection requirements (City of Hendersonville Utilities policy only allows a utility easement crossing of one other property).

Sec.8.02

Removing this clause will reduce confusion and improve fairness and consistency for calculating lot area for Flag Lots and Reduced Pole Flag Lots.

Sec. 9.01

Adding these definitions adds clarity and predictability for the use of these configuration options for small affordable lot and housing development.

Section 11-4 Standards. The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

a) Comprehensive Plan Consistency. Consistency with the Comprehensive Plan and amendments thereto.

Applicant Response:

These text amendments support several elements of the Gen H Comprehensive Plan (Aug. 1, 2024) as follows:

- Pg. 74-76 notes 20-year population and housing projections (2025-2045), with a low estimate of 2,000 housing units, or 110 units/year needed in that timeframe. City and County permitting data indicates the potential for higher population and resulting housing demand. Henderson County data indicates a potential demand for 5,400 housing units, or 270 units/year needed, while City of Hendersonville data indicates a potential demand for 16,000 housing units, or 800 units/year. Reduced Pole Flag Lots and Small Lot Option lots have the potential to create thousands of housing units through small, incremental projects across broad geographic areas of the city. Additionally, the UNC School of Government Development Finance Initiative (DFI) conducted a housing needs assessment for the City of Hendersonville and noted on November 18, 2024 that the City likely needs 10,000 units over the next 5 years, or 2,000 units/year.
- Pg. 78-79 notes an inventory of land within City limits as Underdeveloped (71%) and Undeveloped (16%). Reduced Pole Flag Lots and Small Lot Option lots are proven tools in creating abundant, affordable housing in urban infill areas with these land typologies.
- Pg. 86 has the following heading: What Kind of Development Should Be Supported? Survey respondents noted "Housing (in various forms)" as the top-listed response.
- Pg. 287 lists Implementation Project topics including "Abundant Housing Choices". Specific projects within this topic include:
 - o Project 2.03: Explore code provisions in the new UDO (Project 4.01) to diversify housing stock to promote life cycle housing and more neighborhood age diversity
 - o Project 2.05: Support development proposals that mix subsidized housing with market-rate housing

Reduced Pole Flag Lots and Small Lot Option lots both have the potential support more diverse housing stock and more diverse housing price points due to their lower costs per unit for both land and buildings.

b) [misspelled on form Compatibility] Compatibility with surrounding uses. Whether and to the extent which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Applicant Response:

These text amendments stem from development concepts for a specific subject property (534 Fle Hendersonville, NC 28379; PIN: 9568682752) and the proposed small home cluster for this site (Medical, Institutional, Cultural – MIC zoning district) would be compatible with its surrounding context as follows: dental office to north of site, cottage cluster and apartment to south of site, fraternal order lodge campus (Elk’s Lodge) to west of site, apartment complex and church parking lot to east of site.

More generally, the application of Reduced Pole Flag Lots and Small Lot Option lots across the city in zoning districts that allow single-family detached homes would be compatible with zoning districts that have existing or proposed residential uses.

c) Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

Applicant Response:

“Trends or facts” that require the amendment are detailed under item a of this application (Comprehensive Plan Consistency), notably the city’s need for thousands of additional housing units over the next 5-10 years.

“Changed conditions” have likely resulted from Hurricane Helene, which has damaged and destroyed thousands of homes across WNC. As of Nov. 27, 2024, FEMA reported 752 displaced persons sheltering in 325 hotel rooms across Henderson County. And the Hendersonville Housing Authority reported that 48 out of its 375 units, 13% of units, were lost in the storm. (“FEMA extends hotel stays for the displaced, but longer-term solution is elusive”, Hendersonville Times-News, 11/27/24). These numbers, paired with pre-storm housing demand, illustrate the need for more housing of all types at all price points.

Reduced Pole Flag Lots and Small Lot Option lots are two tools to quickly and flexibly create permanent and attainable housing in preferred growth areas (i.e. avoiding natural hazard and agricultural areas) identified by the Comprehensive Plan.

d) 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.

Applicant Response:

Reduced Pole Flag Lots and Small Lot Option lots are a logical development tool for small, urban infill sites that are otherwise difficult to develop with larger residential typologies like tract-home subdivisions or large multi-family buildings. They offer a lot-configuration tool to create fee-simple lots with homes that are easily bank-financed and have the urban design potential for Cottage Development layouts.

e) [misspelled on form Public facilites.] 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.

Applicant Response:

Reduced Pole Flag Lots and Small Lot Option lots encourage the efficient use of limited urban land and can achieve greater efficiencies of scale than conventional development for public facilities (i.e. water and wastewater) and public services (i.e. police, fire, public transit). When homes on these types of lot configurations are built in urban areas with existing infrastructure, including sidewalks and close proximity to jobs and services, alternatives to driving like walking, bicycling, and transit become more feasible. Trip-generation may be the same or increase, but transportation mode-choice alternatives also increase with urban

infill development. Provision of services like water/wastewater and trash/recycling can occur via s master metering for utilities and clustered waste bins or dumpsters similar to multi-family residential sites.

f) Effect on natural environment. Whether and the extent to which the proposed amendment would result *[misspelled on form reult]* in significantly adverse impacts on the natural environment including but not limited to water, air, noise, stormwater management, streams, vegetation, wetlands and wildlife.

Applicant Response:

Reduced Pole Flag Lots and Small Lot Option lots encourage the efficient use of limited urban land, limiting impacts to outlying “greenfield sites” compared to traditional development patterns. And greenfield sites tend to be natural areas that provide wildlife habitat and “ecosystem services” (i.e. wetlands that mitigate flooding and filter stormwater) or prime agricultural lands.

By their nature, these two lot-configuration options tend to develop in urban infill areas that have been previously developed because of their location away from natural hazard areas (i.e. floodplains, steep slopes) and proximity to existing utility and transportation infrastructure (i.e. existing water and wastewater lines, existing streets and sidewalks).

Zoning Ordinance Text Amendment

Thank you for filling out the form. Your application has been submitted.

Date:

12/5/2024

Section of Ordinance proposed to be changed:

Subdivision Ord.: Sec. 3.03, Sec.8.02, Sec. 9.01

Proposed change:

Summary of proposed changes listed below; detailed PDF document will be e-mailed to Matt Manley, Community Development Department Adds the following options for lot creation (Sec. 3.03): - Flag Lots, Reduced Pole (including Multiple Flag Lots) - Small Lot Option Modifies existing Flag Lot standards to allow calculation of Lot Area to include flag pole area (Sec. 8.02) Adds definitions for the following terms (Sec. 9.01): - Flag Lot, Reduced Pole - Lot Area - Small Lot Option

Reason for change:

Sec. 3.03 Reduced Pole Flag Lots and Small Lot Option would allow greater site feasibility and flexibility for small footprint housing on individual lots at lower price points. Shallow setbacks improve building placement feasibility on narrow and/or long/deep urban lots. The change is also key for fee-simple lot and home mortgage financing, plus water and sewer utility connection requirements (City of Hendersonville Utilities policy only allows a utility easement crossing of one other property). Sec.8.02 Removing this clause will reduce confusion and improve fairness and consistency for calculating lot area for Flag Lots and Reduced Pole Flag Lots. Sec. 9.01 Adding these definitions adds clarity and predictability for the use of these configuration options for small affordable lot and housing development.

Applicant Name:

Barry Bialik

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Signature

Barry Biglik

Official Use:

Date Received:

Received By:

Fee Received:

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b) Compatibility with surrounding uses. Whether and to the extent which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

These text amendments stem from development concepts for a specific subject property (534 Fleming St., Hendersonville, NC 28379; PIN: 9568682752) and the proposed small home cluster for this site (Medical, Institutional, Cultural – MIC zoning district) would be compatible with its surrounding context as follows: dental office to north of site, cottage cluster and apartment to south of site, fraternal order lodge campus (Elk’s Lodge) to west of site, apartment complex and church parking lot to east of site. More generally, the application of Reduced Pole Flag Lots and Small Lot Option lots across the city in zoning districts that allow single-family detached homes would be compatible with zoning districts that have existing or proposed residential uses.

c) Changed conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

“Trends or facts” that require the amendment are detailed under item a of this application (Comprehensive Plan Consistency), notably the city’s need for thousands of additional housing units over the next 5-10 years. “Changed conditions” have likely resulted from Hurricane Helene, which has damaged and destroyed thousands of homes across WNC. As of Nov. 27, 2024, FEMA reported 752 displaced persons sheltering in 325 hotel rooms across Henderson County. And the Hendersonville Housing Authority reported that 48 out of its 375 units, 13% of units, were lost in the storm. (“FEMA extends hotel stays for the displaced, but longer-term solution is elusive”, Hendersonville Times-News, 11/27/24). These numbers, paired with pre-storm housing demand, illustrate the need for more housing of all types at all price points. Reduced Pole Flag Lots and Small Lot Option lots are two tools to quickly and flexibly create permanent and attainable housing in preferred growth areas (i.e. avoiding natural hazard and agricultural areas) identified by the Comprehensive Plan.

d) 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.

Reduced Pole Flag Lots and Small Lot Option lots are a logical development tool for small, urban infill sites that are otherwise difficult to develop with larger residential typologies like tract-home subdivisions or large multi-family buildings. They offer a lot-configuration tool to create fee-simple lots with homes that are easily bank-financed and have the urban design potential for Cottage Development layouts.

e) 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.

Reduced Pole Flag Lots and Small Lot Option lots encourage the efficient use of limited urban land and can achieve greater efficiencies of scale than conventional development for public facilities (i.e. water and wastewater) and public services (i.e. police, fire, public transit). When homes on these types of lot configurations are built in urban areas with existing infrastructure, including sidewalks and close proximity to jobs and services, alternatives to driving like walking, bicycling, and transit become more feasible. Trip-generation may be the same or increase, but transportation mode-choice alternatives also increase with urban

infill development. Provision of services like water/wastewater and trash/recycling can occur via master metering for utilities and clustered waste bins or dumpsters similar to multi-family residential sites.

f) 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, stormwater management, streams, vegetation, wetlands and wildlife.

Reduced Pole Flag Lots and Small Lot Option lots encourage the efficient use of limited urban land, limiting impacts to outlying “greenfield sites” compared to traditional development patterns. And greenfield sites tend to be natural areas that provide wildlife habitat and “ecosystem services” (i.e. wetlands that mitigate flooding and filter stormwater) or prime agricultural lands. By their nature, these two lot-configuration options tend to develop in urban infill areas that have been previously developed because of their location away from natural hazard areas (i.e. floodplains, steep slopes) and proximity to existing utility and transportation infrastructure (i.e. existing water and wastewater lines, existing streets and sidewalks).

Dirt and Sticks, Inc. / Compact Cottages
PO Box 475, Skyland, NC 28776
Barry Bialik / 828-712-3781
barry@dirtyandsticks.com

January 31, 2025

City of Hendersonville
Community Development Department
100 N. King St.
Hendersonville, NC 28792

Dear Community Development Staff,

We are proposing the following text amendments to various sections of the City's Zoning and Subdivision Ordinances with a focus on **Code Amendments For Affordability (CAFA)**. These amendments foster flexibility and affordability for small-scale and urban infill housing development.

Amendments reflect our direct experience with small-scale, attainable housing development and research/Best Practices from Durham, NC's [Expanding Housing Choices \(EHC\)](#) and [Simplifying Codes for Affordable Development \(SCAD\)](#) series of code reforms. Our amendments also stem from problem-solving a specific small urban infill site we're working at 534 Fleming St., Hendersonville, NC 28379 [site is 0.43 AC / 18,731 SF: zoning district is Medical, Institutional, and Cultural (MIC)].

Proposed text amendments are listed below with the following headings:

- **Existing Text / Standards**
- **Proposed Text / Standards,**
~~Deletions are noted with strikethroughs;~~ additions/changes are noted with underlines. These proposals also denote ***Rationale for Proposed Changes*** (italicized text) where applicable. (i.e. This is explanatory text, but not intended as ordinance text.)

Thanks for your review of these, and we look forward to helping move these through interdepartmental review, Planning Board, and on to City Council.

Cheers,

Barry Bialik
CEO
Dirt and Sticks, Inc. / Compact Cottages

CC:

Scott Adams, AICP
Land Development Planner
Dirt and Sticks, Inc. / Compact Cottages
615-613-1952, cell
scott@dirtyandsticks.com

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Summary of Proposed Text Amendments

Zoning Ordinance amendments

- Modifies ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS, adding cross-references for alternative dimensional standards found in Sec. 8-4 Reduced Pole Flag Lot (new) and Sec. 8-5 Small Lot (new) within ARTICLE VIII. - EXCEPTIONS AND MODIFICATIONS.

- Modifies ARTICLE VIII. - EXCEPTIONS AND MODIFICATIONS, adding new sections as follows
 - Sec. 8-4 Reduced Pole Flag Lot
 - Sec. 8-5 Small Lot

- Modifies ARTICLE XII. - DEFINITION OF TERMS, adding the following terms and definitions:
 - Flag Lot, Reduced Pole
 - Lot Area
 - Residual Lot
 - Small Lot

Subdivision Ordinance amendments

- Adds the following options for lot creation (Sec. 3.03, Lots):
 - D. Flag Lots, Reduced Pole (including Multiple Flag Lots)

- Modifies existing Flag Lot standards to allow calculation of Lot Area to include flag pole area (Sec. 8.02, Rules of Measurement, C. Lot Dimensions)

- Adds definitions for the following terms (Sec. 9.01, DEFINITIONS):
 - Flag Lot, Reduced Pole
 - Lot Area
 - Residual Lot
 - Small Lot

ARTICLE V.- ZONING DISTRICT CLASSIFICATIONS [re: dimensional standards in zoning districts]

Dimensional requirements for zoning districts listed below will need cross-references to newly proposed sections **Sec. 8-4 Reduced Pole Flag Lot** and **Sec. 8-5 Small Lot** within **ARTICLE VIII. - EXCEPTIONS AND MODIFICATIONS**. Permitted Uses are those listed within a zoning district and within Sec. 4-5 Classification of Uses, Table 4-5 Table of Permitted Uses.

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

NOTE: The following zoning districts are not being considered for Reduced Pole Flag Lot and Small Lot at this time due to their site requirement criteria (i.e. site over three acres, location on collector/arterial street), intended land use goals, and/or Conditional Zoning review process.

- 5-6 - [C-1 Central Business Zoning District]
- 5-7 - [C-2 Secondary Business Zoning District]
- 5-8 - [C-3 Highway Business Zoning District]
- 5-9 - [C-4 Neighborhood Commercial Zoning District]
- 5-11. – [PMD Planned Manufacturing Development Conditional Zoning District]
- 5-12 - [I-1 Industrial Zoning District]
- 5-14. – [PRD Planned Residential Development Conditional Zoning District]
- 5-15. – [PCD Planned Commercial Development Conditional Zoning District]
- 5-16. – [PMH Planned Manufactured Housing Development Conditional Zoning District]
- 5-19- [CMU Central Mixed Use Zoning District]
- 5-21. – [PID Planned Institutional Development Conditional Zoning District]
- 5-22- [GHMU Greenville Highway Mixed Use Zoning District]
- 5-23- [HMU Highway Mixed Use Zoning District]
- 5-24. – [UV Urban Village Conditional Zoning District]
- 5-25. – [UR Urban Residential Conditional Zoning District]
- 5-27- [CHMU Commercial Highway Mixed Use Zoning District]

Existing Text /Standards

Each zoning district’s dimensional requirements section contains a table of dimensional requirements and no cross-reference text to alternative dimensional requirements.

Proposed Text /Standards

The following text is proposed for insertion under each zoning district’s Dimensional requirement heading:

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

Rationale for Proposed Changes: *Reduced Pole Flag Lots and Small Lots would allow greater site feasibility and flexibility for small footprint housing on individual lots at lower price points. Shallow setbacks improve building placement feasibility on narrow and/or long/deep urban lots. The change is also key for fee-simple lot and home mortgage financing, plus water and sewer utility connection requirements (City of Hendersonville Utilities policy only allows a utility easement crossing of one other private property).*

ARTICLE VIII.- EXCEPTIONS AND MODIFICATIONS.

Existing Text /Standards

This Article currently contains no sub-sections with optional standards for building small footprint housing on small lots as a means to increase the stock of housing affordable at “Workforce” and “Attainable” housing levels.

Proposed Text /Standards

Sec. 8-4. – Reduced Pole Flag Lot

8-4-1. - Purpose: The purpose of this lot configuration option is to allow small footprint housing on small lots as a means to increase the stock of housing affordable at "Workforce" and "Attainable" housing levels.

8-4-2. - Applicability: A Reduced Pole Flag Lot can be applied to any Lot of Record in an applicable zoning district. (see ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS for applicable zoning districts). Accessory Dwelling Units, Single-Family Dwellings and Two-Family Dwellings shall be permitted subject to a zoning district’s Permitted Uses. Residual Lots result from the creation of a Reduced Pole Flag Lot or Small Lot lot. (see Dimensional Standards below).

8-4-3. - Dimensional Requirements:

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

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

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

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

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

Residual Lot Requirements

- Residual Lots with existing structures greater than 1,200 SF GFA shall meet dimensional requirements of the underlying zoning district.
- Residual Lots with existing structures 1,200 SF GFA or less may use Reduced Pole Flag Lot or Small Lot standards.

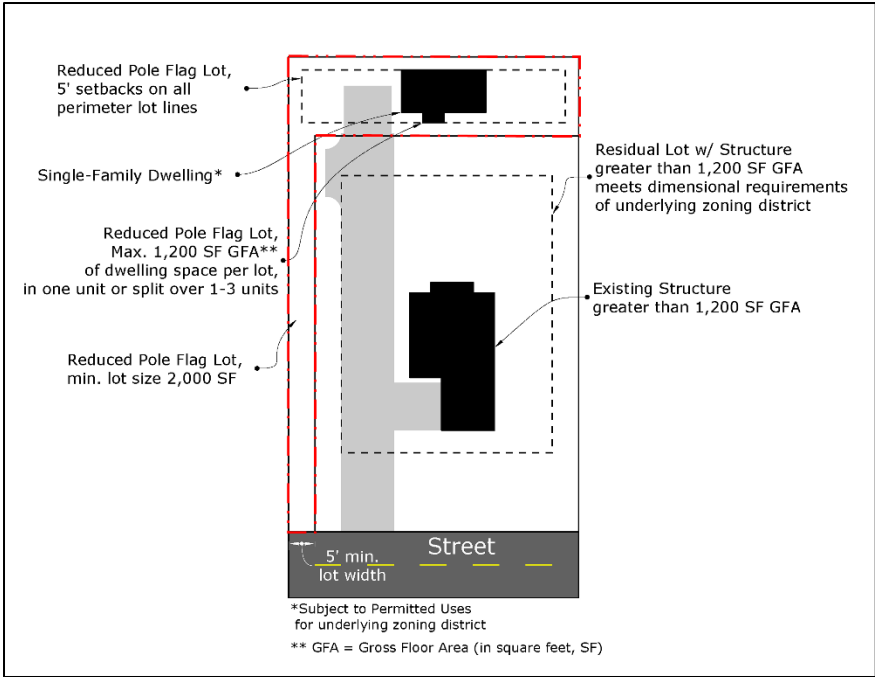


Figure 1: Reduced Pole Flag Lot

8-4-4. – Access and Frontage Improvements: Driveways and Accessways may be placed within the “pole” or an alternate site location via access easements. Use of a single driveway to serve an adjoining Reduced Pole Flag Lot or to serve Reduced Pole Flag Lots and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the “pole” portion of the Reduced Pole Flag Lots, with the conventional lot granted an access easement over the “pole”. Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) may be required on lot frontages.

8-4-5. – Multiple Reduced Pole Flag Lots: A maximum of five (5) Reduced Pole Flag Lots are permitted to subdivide off of an existing Lot of Record two (2) acres or less in size. In no case shall each subdivided lot have less than 5 feet of street frontage. A shared driveway shall be used as the sole access to all such lots. The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

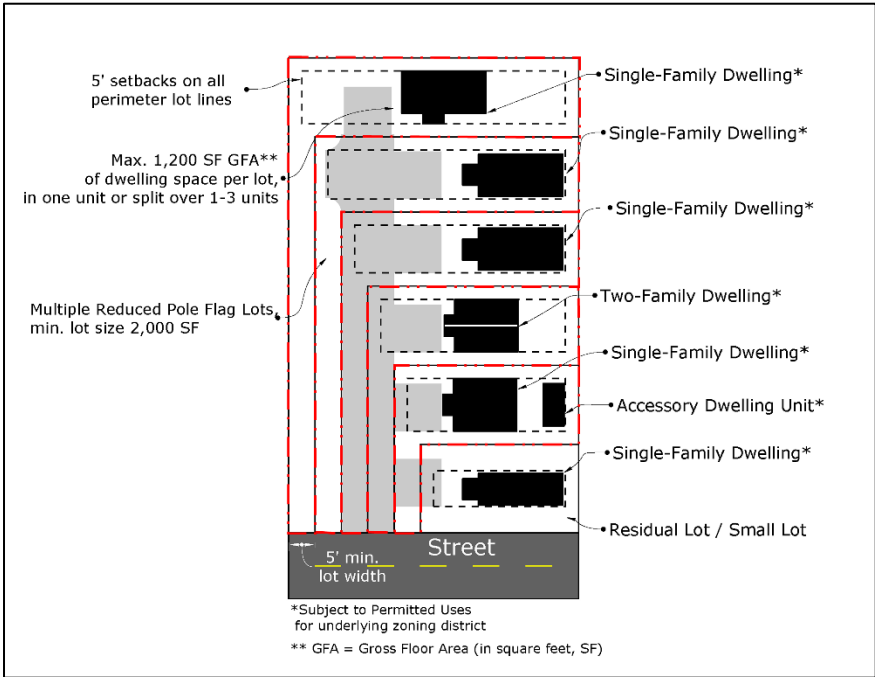


Figure 2: Multiple Reduced Pole Flag Lots

Sec. 8-5. – Small Lot

8.5.1. - Purpose: The purpose of this lot configuration option is to allow small footprint housing on small lots as a means to increase the stock of housing affordable at "Workforce" and "Attainable" housing levels.

8.5.2. - Applicability: Small Lots may be used in combination with Reduced Pole Flag Lots, with a limit of six (6) total lots. Small Lots are permitted to subdivide off of an existing Lot of Record two (2) acres or less in size and can be applied any applicable zoning district. (see ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS for applicable zoning districts). Accessory Dwelling Units, Single-Family Dwellings and Two-Family Dwellings shall be permitted subject to a zoning district’s Permitted Uses. Residual Lots result from the creation of Small Lot lots or Reduced Pole Flag Lots. (see Dimensional Standards below)..

8-5-3. - Dimensional Requirements:

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

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

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

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

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

Residual Lot Requirements

- Residual Lots with existing structures greater than 1,200 SF GFA shall meet dimensional requirements of the underlying zoning district.
- Residual Lots with existing structures 1,200 SF GFA or less may use Small Lot or Reduced Pole Flag Lot requirements.

8-5-4. – Access and Frontage Improvements: Use of a single driveway to serve an adjoining Small Lot lot/Reduced Pole Flag Lot or to serve Small Lot lots/Reduced Pole Flag Lots and an adjoining conventional lot is encouraged. In the case of a driveway shared between lots, an access easement shall be recorded for each lot sharing that access. Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) may be required on lot frontages.

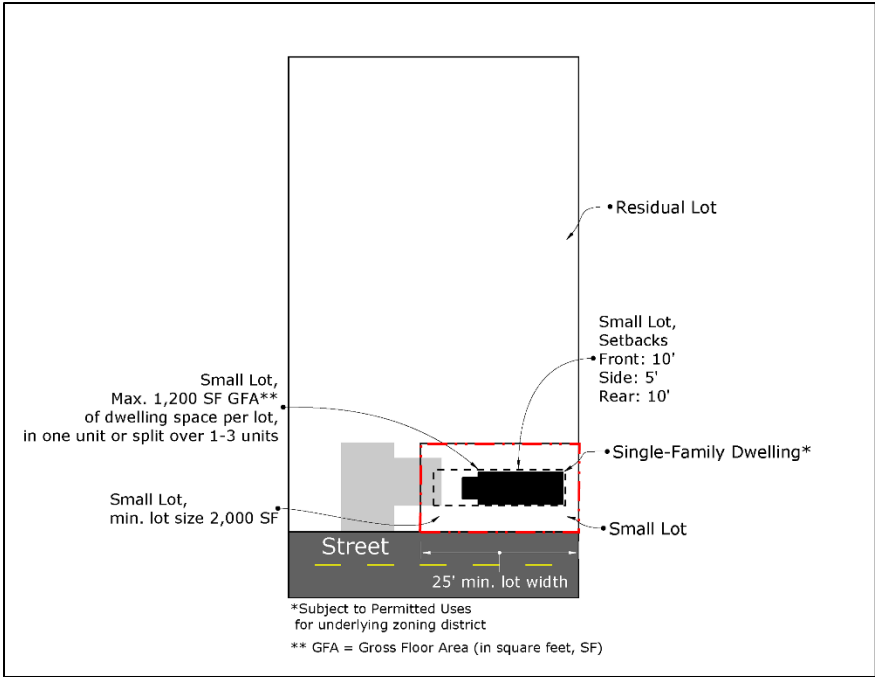


Figure 3: Small Lot

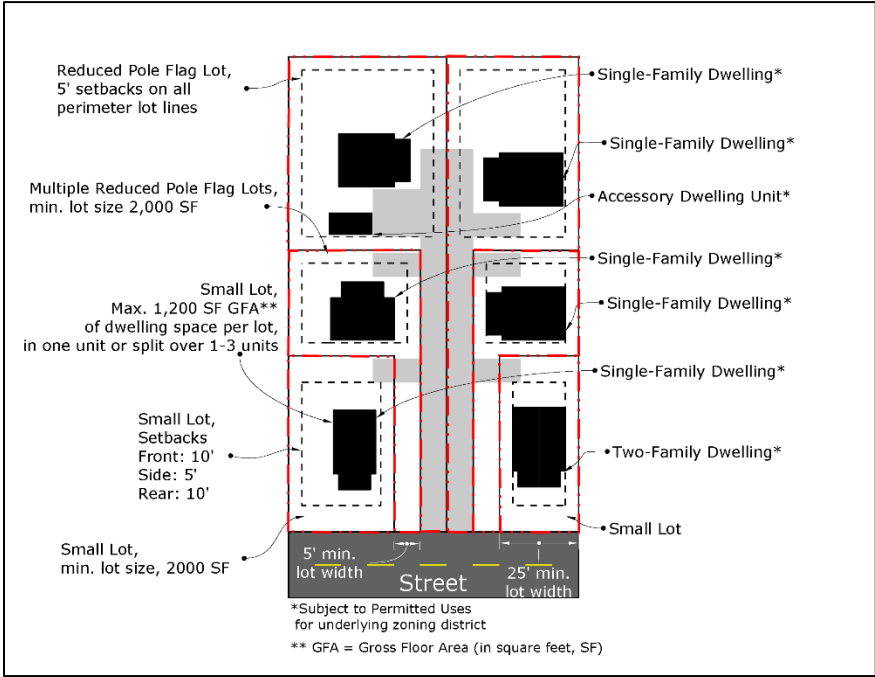


Figure 4: Small Lot combined with Multiple Reduced Pole Flag Lots, six (6) lot maximum

Zoning Ordinance text amendments contd.

ARTICLE XII.- DEFINITION OF TERMS

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

Existing Text /Standards

There are no current definitions within the Zoning Ordinance for the following terms:

- Flag Lot, Reduced Pole
- Lot Area
- Small Lot
- Residual Lot

Proposed Text / Standards

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

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

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

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

Rationale for Proposed Changes: Adding these definitions adds clarity and predictability for the use of these configuration options for small attainable lot and housing development.

ARTICLE 3. – CONFIGURATION [re: Flag Lots]

Sec. 3.03.- Lots.

Existing Text /Requirements

Headings A-F (below) currently do not include any provisions for reduced size dimensional requirements indexed to reduced size homes.

A. Dimensional requirements.

B. Side lot lines.

C. Flag lots.

D. Reduced Pole Flag Lots

~~**E. Double or reverse frontage lots.**~~

~~**F. Corner lots.**~~

~~**G. Drainage and flood prevention.**~~

Proposed Text /Requirements

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

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

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

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

Dimensional Requirements contd. on next page

3. Dimensional Requirements:

Reduced Pole Flag Lots	
Zoning dimensional requirements (i.e. lot area, setbacks, structure size)	see Zoning Ordinance Sec. 8-4-3 – Reduced Pole Flag Lot
Minimum lot width/pole width in feet*:	
Single water service OR single sewer force main	5
Single water service AND single sewer force main	10
Single gravity sewer service; additional width may be required depending on pipe depth	10
Driveways and Accessways	See 4. Access and Frontage Improvements (next page)
Structure location:	All structures shall be located in compliance with fire code requirements.**

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

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

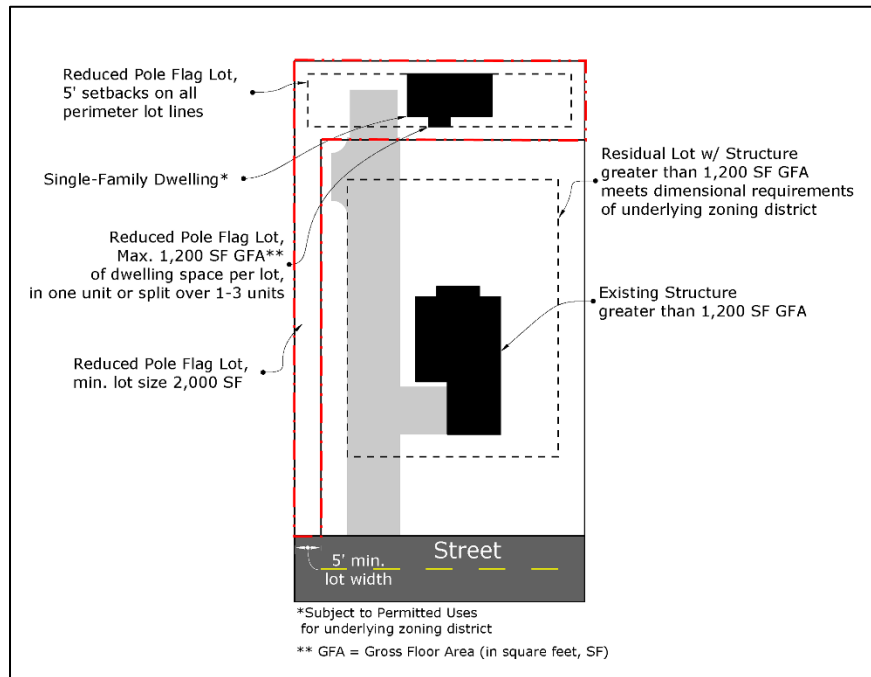


Figure 1: Reduced Pole Flag Lot

4. Access and Frontage Improvements: Driveways and Accessways may be placed within the “pole” or an alternate site location via access easements. Use of a single driveway to serve an adjoining Reduced Pole Flag Lot or to serve Reduced Pole Flag Lots and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the “pole” portion of the Reduced Pole Flag Lots, with the conventional lot granted an access easement over the “pole”. Sidewalks (Sec. 6-12) and Street Trees (Sec. 15-15) may be required on lot frontages.

5. **Multiple Reduced Pole Flag Lots:** A maximum of five (5) Reduced Pole Flag Lots are permitted to subdivide off of Record two (2) acres or less in size. In no case shall each subdivided lot have less than 5 feet of street frontage. A shared driveway shall be used as the sole access to all such lots. The provisions of this section may be used in combination with Small Lots, with a limit of six (6) total lots.

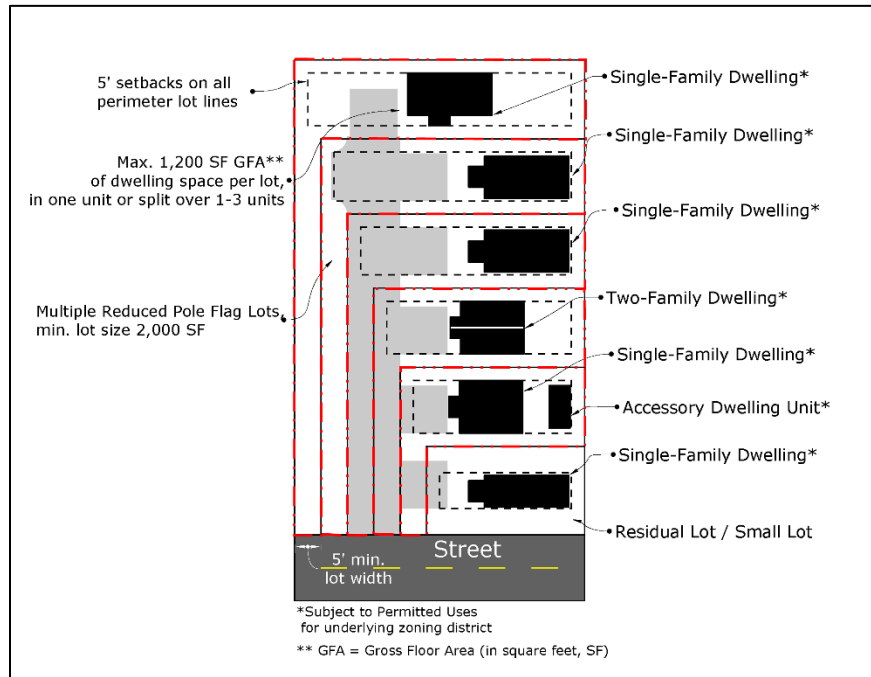
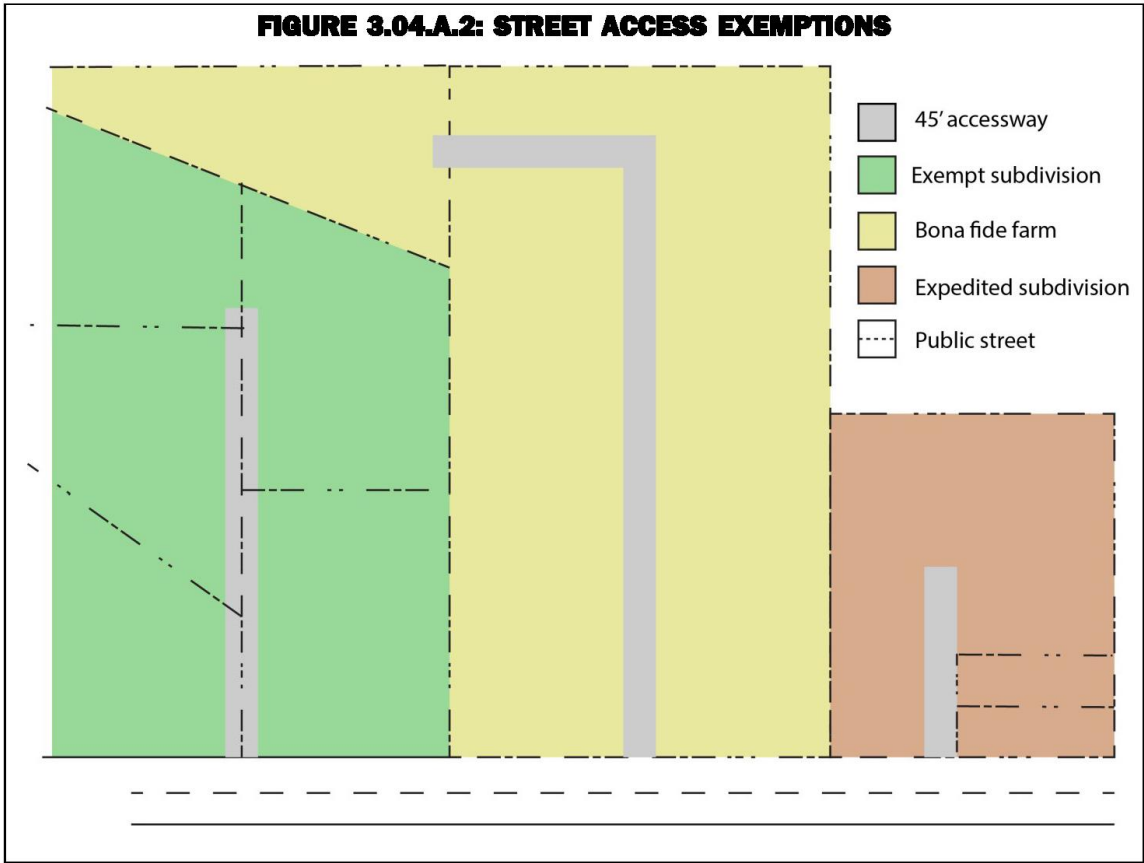


Figure 2: Multiple Reduced Pole Flag Lot

Sec. 3.04.- Access to lots.

A. Every lot must maintain access.

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



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

- 1) All subdivisions abutting an expressway, boulevard, thoroughfare, or any street with an Average Annualized Daily Traffic of greater than or equal to 300 are required to provide access in compliance with this Sec. 3.04.B
 - a. AADT shall refer to the most recent data collection performed by the Public Works Department. If no data is available at the time of subdivision application, the City shall cause a measure of AADT to be performed.

b. A subdivider may cause their own measure of AADT to be performed by a licensed traffic engineer or other professional. If there is a conflict between the City's measure of AADT and the subdivider's, the City shall seek the opinion of a licensed traffic engineer, whose decision shall be binding.

- 2) In cases where a tract or site abutting an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 is proposed for subdivision (whether residential or otherwise), then all lots created shall maintain sufficient frontage on a different street ~~or~~ alley or drive, either pre-existing or created as part of the subdivision, so that direct access to lots need not be provided by an expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300 (see Figure 3.04.8, Lots Abutting expressway, boulevard, thoroughfare, or any street with an AADT of greater than or equal to 300).

ARTICLE 8. – MEASUREMENT [re: Flag Lots lot area calculation]

Sec. 8.02.- Rules of measurement.

Existing Text /Standards

C. Lot Dimensions

1. Lot Measurements.

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

- i. Public street rights-of-way;
- ii. Private street area;
- iii. The “pole,” arm,” or “pan handle” portion of a flag lot; and
- iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

Proposed Text /Standards

C. Lot Dimensions

1. Lot Measurements.

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

- i. Public street rights-of-way;
- ii. Private street area;
- ~~iii. The “pole,” arm,” or “pan handle” portion of a flag lot; and~~
- iv. Land that is submerged or regularly underwater and jurisdictional wetlands.

Rationale for Proposed Changes: Removing this clause will reduce confusion and improve fairness and consistency for calculating lot area for Flag Lots and Reduced Pole Flag Lots. (see proposed definition of “Lot Area”)

ARTICLE 9. – DEFINITIONS [re: Flag Lots, Reduced Pole Flag Lots, Lot Area, Small Lot]

Sec. 9.01.- Definitions.

Existing Text /Standards

There are no current definitions within the Subdivision Ordinance for the following terms:

- Flag Lot, Reduced Pole
- Lot Area
- Small Lot
- Residual Lot

There is an existing definition within the Subdivision Ordinance for **Parent Parcel** (A lot or tract that is further subdivided.) but adding a definition for **Residual Lot** will clarify that these are lots specifically resulting from the creation of **Reduced Pole Flag Lot** and **Small Lot** lots. Standard/conventional lots result from the creation of Flag Lots (i.e. not Reduce Pole Flag Lots) or other standard Exempt Subdivisions and Subdivisions.

Proposed Text / Standards

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

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

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

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

***Rationale for Proposed Changes:** Adding these definitions adds clarity and predictability for the use of these configuration options for small attainable lot and housing development.*



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: City of Hendersonville **MEETING DATE:** March 25th, 2025

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

TITLE OF ITEM: Zoning Text Amendment: Board of Adjustment Member and Quorum Changes (P24-088-ZTA) –*Sam Hayes, Planner II*

SUGGESTED MOTION(S):

<u>For Recommending Approval:</u>	<u>For Recommending Denial:</u>
<p>I move Planning Board recommend City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 10-1. Establishment of board of adjustment and qualifications of members., Section 10-6. Quorum and voting., Section 10-8-2 Preliminary site plan., and Section 10-8-3 Evidentiary hearings on applications for special use permits. based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H 2045 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 City’s adopted plan’s policy guidance to provide efficient government services.</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. Changing the number of members on the Board of Adjustment will assist with ensuring applications will be heard in a timely manner. <p style="text-align: center;">[DISCUSS & VOTE]</p>	<p>I move Planning Board recommend City Council deny an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 10-1. Establishment of board of adjustment and qualifications of members., Section 10-6. Quorum and voting., Section 10-8-2 Preliminary site plan., and Section 10-8-3 Evidentiary hearings on applications for special use permits. based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H 2045 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 City’s adopted plan’s policy guidance to provide efficient government services.</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. Decreasing the number of board members will adversely impact the Board of Adjustment and the City operations. <p style="text-align: center;">[DISCUSS & VOTE]</p>

SUMMARY:

City staff is proposing changes to the Board of Adjustment's membership structure, reducing the number of regular members from ten to five while increasing the number of alternates to four. This would bring the total number of appointees to nine, while also lowering the number of members required to establish a quorum. Additionally, staff recommends that the approval threshold for variance requests be set at four-fifths of the board, in alignment with state legislation.

PROJECT/PETITIONER NUMBER:	P24-088-STA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Comprehensive Plan Consistency Worksheet

ZONING TEXT AMENDMENT: BOARD OF ADJUSTMENT MEMBER AND QUORUM CHANGES (P24-088-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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DRAFT COMPREHENSIVE PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT9



PROJECT SUMMARY



- Project Name & Case #:
 - Board of Adjustment Member and Quorum Changes
 - P24-088-ZTA
- Applicant:
 - City of Hendersonville
- Zoning Ordinance Articles Amended:
 - Sec. 10-1. Establishment of board of adjustment and qualifications of members.
 - Sec. 10-6. Quorum and voting.
 - Sec. 10-8-2. Preliminary site plan.
 - Section 10-8-3. Evidentiary hearings on applications for special use permits.
- Planning Board - Legislative Committee Meeting
 - December 17th, 2024

Summary of Amendment Petition:

City staff is proposing changes to the Board of Adjustment's membership structure, reducing the number of regular members from ten to five while increasing the number of alternates to four. This would bring the total number of appointees to nine, while also lowering the number of members required to establish a quorum. Additionally, staff recommends that the approval threshold for variance requests be set at four-fifths of the board, in alignment with state legislation.

AMENDMENT ANALYSIS – AMENDMENT OVERVIEW

The board of adjustment is responsible for the following according to I60D-302:

- Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of the Zoning Ordinance or the Subdivision Ordinance.
- Hear and decide requests for variances from the requirements of the Zoning Ordinance.
- Review applications for conditional use permits and to issue conditional use permits in accordance with the provisions of the Zoning Ordinance.
- Make interpretations of the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions as arise in the administration of the Zoning Ordinance.
- Enter, at reasonable times, upon private lands and make examinations or surveys as necessary for the performance of its official duties.
- Request City Council to hold public hearings on matters within the purview of the Board.
- Hear and decide any other matter as required by the provisions of the Zoning Ordinance and the Code of the City of Hendersonville.
- Adopt rules consistent with the Zoning Ordinance or General Statutes governing the organization of the Board and proceedings before the Board.

Given the Board of Adjustment's important responsibilities, staff has proposed a text amendment aimed at addressing attendance challenges and ensuring that applicants can have their applications heard in a timely manner.

Over the past three years, attendance at Board of Adjustment meetings has steadily declined. In 2022, an average of 8 members attended each meeting. In 2023, that number dropped to 7, and in 2024, it further decreased to 6 members per meeting.

This decline is particularly problematic when the board needs to hear variance applications. Currently, our ordinance requires 7 members to be present and able to vote. We recently had to cancel meetings for two consecutive months because we lacked the necessary quorum to hear a variance request.

To address this issue, city staff has proposed practical solutions, including reducing the total number of board members to 5 and changing the threshold for approving variance requests to 4/5ths of the board. This means that if all 5 members are present, at least 4 out of 5 members would need to vote in favor of the variance for it to be approved.

ZONING TEXT AMENDMENT – NONCONFORMING STRUCTURES

The following language is recommended for addition / ~~deletion~~.

ARTICLE X. BOARD OF ADJUSTMENT

Sec. 10-1. Establishment of board of adjustment and qualifications of members.

A board of adjustment is hereby established. Said board of adjustment shall consist of ~~ten members~~ five regular members and five alternate members. ~~seven~~ Four regular members and four alternate members of the board of adjustment shall be citizens of the City of Hendersonville and shall be appointed by city council. ~~and three~~ One regular member and one alternate members of the board of adjustment who reside in the city's area of extraterritorial jurisdiction shall be appointed by the Board of Commissioners of Henderson County.

Terms shall be three years; however, city council and the Henderson County Board of Commissioners may appoint members for a lesser term in order to achieve a balanced system of overlapping terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board of adjustment. Notwithstanding the foregoing, the city council may remove any member of the board of adjustment for the exhibition of a pattern of conduct that materially impairs or seriously threatens the ability of the board of adjustment to carry out its designation functions.

~~The three m~~Members appointed to the board of adjustment by the board of county commissioners as representatives of the City of Hendersonville's Extraterritorial Jurisdiction shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the regulation of the zoning ordinance in the city and its extraterritorial jurisdiction.

~~City council or the county board of commissioners, as appropriate, may appoint a~~Alternate members ~~to~~shall serve on the board of adjustment in the absence of any regular members. Alternate members shall be appointed for the same term and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board of adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

Sec. 10-6. Quorum and voting.

In accordance with G.S. 160D-406(i), ~~T~~he concurring vote of ~~seven~~ four-fifths ~~majority of the members~~ of the board of adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board of adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board of adjustment for the calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

A member of any board of adjustment exercising quasi-judicial functions pursuant to this article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Sec. 10-8-2. Preliminary site plan.

The application for a special use permit shall be accompanied by ~~seven copies of~~ a preliminary site plan showing the following:

Sec. 10-8-3. Evidentiary hearings on applications for special use permits.

Once the administrative officer is in receipt of a complete application and ~~seven copies of~~ a complete site plan, the administrative officer will schedule the application for an evidentiary hearing before the board of adjustment.

PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board – December 17th, 2024

Planning Board Members Present: Donna Waters, Peter Hanley, Bob Johnson, and Jim Robertson

The Legislative Committee reviewed the text amendment and expressed minimal concern. One member disagreed with staff regarding the need to lower the variance threshold, but the other members were supportive.

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

GENERAL ZONING TEXT AMENDMENT STANDARDS	
1) COMPATIBILITY	<p><u>EXISTING CONDITIONS</u> The existing board membership and quorum requirements makes it very difficult to get enough members to hold meetings, resulting in applicants having to wait several months to have their applications heard.</p>
	<p><u>GEN H COMPREHENSIVE PLAN GOALS</u> (Chapter IV) Vibrant Neighborhoods: N/A Abundant Housing Choices: N/A Healthy and Accessible Natural Environment: N/A Authentic Community Character: N/A Safe Streets and Trails: N/A Reliable & Accessible Utility Services: N/A Satisfying Work Opportunities: N/A Welcoming & Inclusive Community: N/A Accessible & Available Community Uses and Services: N/A Resilient Community: N/A</p>
	<p><u>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</u> (Chapter IV) Mix of Uses: N/A Compact Development: N/A Sense of Place: N/A Conserved & Integrated Open Spaces: N/A Desirable & Affordable Housing: N/A Connectivity: N/A Efficient & Accessible Infrastructure: N/A</p>
2) Changed Conditions	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</p>
	<p>As development and redevelopment increases in Hendersonville, the board of adjustment receives more applicants as there are requests for special use permits and variances.</p>
3) Public Interest	<p>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -</p>
	<p>Staff has worked to craft revisions to this ordinance that will help the board of adjustment run more smoothly, thereby creating a more efficient board.</p>
4) Public Facilities	<p>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</p>

	This amendment will have no impact on public facilities.
5) Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	There is no impact on the natural environment.

DRAFT ADOPTED PLAN CONSISTENCY AND TEXT AMENDMENT REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to provide efficient government services.

We [find/do not 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]

- *Changing the number of members on the Board of Adjustment will assist with ensuring applications will be heard in a timely manner.*

DRAFT [Rational for Denial]

- *Decreasing the number of board members will adversely impact the Board of Adjustment and the City operations.*

Ordinance # _____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE X – BOARD OF ADJUSTMENT, SECTIONS 10-1, 10-6, 10-8-2, AND 10-8-3 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO MODIFY MEMBERSHIP OF THE BOARD OF ADJUSTMENT.

WHEREAS, The City of Hendersonville has authority pursuant to N.C.G.S. 160D-302 to appoint a Board of Adjustment; and

WHEREAS, Ordinarily, N.C.G.S. 160D-406 requires the concurring vote of a four-fifths majority of the Board of Adjustment to grant a variance, however, Session Law 1983-161 permits the City of Hendersonville to authorize the Board of Adjustment to decide matters upon a vote of seven members; and

WHEREAS, The authority conferred upon the City of Hendersonville by Session Law 1983-161 is permissive and not mandatory; and

WHEREAS, Currently the Board of Adjustment is comprised of ten seats; and

WHEREAS, Due to the availability of willing and able Board of Adjustment members, it is often difficult to get seven or more members available for a meeting; and

WHEREAS, the City now desires to amend the size and membership of the Board of Adjustment.

NOW, THEREFORE, BE IT ORDAINED by City Council of the City of Hendersonville, North Carolina that:

SECTION 1. This Ordinance shall be known as “An Ordinance to Amend the Size and Membership of the Hendersonville Board of Adjustment.”

SECTION 2. Article X. Board of Adjustment is hereby amended as follows:

Sec. 10-1. Establishment of board of adjustment and qualifications of members.

A board of adjustment is hereby established. Said board of adjustment shall consist of ~~ten members~~ five regular members and five alternate members. ~~seven~~ Four regular members and four alternate members of the board of adjustment shall be citizens of the City of Hendersonville and shall be appointed by city council. ~~and three~~ One regular member and one alternate members of the board of adjustment who reside in the city's area of extraterritorial jurisdiction shall be appointed by the Board of Commissioners of Henderson County.

Terms shall be three years; however, city council and the Henderson County Board of Commissioners may appoint members for a lesser term in order to achieve a balanced system of overlapping terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board of adjustment. Notwithstanding the foregoing, the city council may remove any member of the board of adjustment for the exhibition of a pattern of conduct that materially impairs or seriously threatens the ability of the board of adjustment to carry out its designation functions.

~~The three m~~Members appointed to the board of adjustment by the board of county commissioners as representatives of the City of Hendersonville's Extraterritorial Jurisdiction shall have equal rights, privileges and duties with other members of the board in all matters pertaining to the regulation of the zoning ordinance in the city and its extraterritorial jurisdiction.

~~City council or the county board of commissioners, as appropriate, may appoint~~
aAlternate members ~~to~~shall serve on the board of adjustment in the absence of any regular members. Alternate members shall be appointed for the same term and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board of adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

Sec. 10-6. Quorum and voting.

In accordance with G.S. 160D-406(i), ~~T~~he concurring vote of ~~seven~~ four-fifths majority ~~of the members~~ of the board of adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board of adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board of adjustment for the calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

A member of any board of adjustment exercising quasi-judicial functions pursuant to this article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Sec. 10-8-2. Preliminary site plan.

The application for a special use permit shall be accompanied by ~~seven copies of~~ a preliminary site plan showing the following:

Sec. 10-8-3. Evidentiary hearings on applications for special use permits.

Once the administrative officer is in receipt of a complete application and ~~seven copies of~~ a complete site plan, the administrative officer will schedule the application for an evidentiary hearing before the board of adjustment.

SECTION 3. The membership of the Board of adjustment is amended as follows:

Name	Residence	Current Status	Amended Status
Reid Barwick	City	Regular Member	Regular Member
Libby Collina	City	Regular Member	Regular Member
Laura Flores	City	Regular Member	Regular Member
Rhona Reagan	City	Regular Member	Regular Member
Kyle Gilgis	City	Regular Member	Alternate
Brett Werner	City	Regular Member	Alternate
Steven Collins	City	Regular Member	Alternate
[Vacant]	City	[New Position]	Alternate
Charles Webb	ETJ	Regular Member	[To be determined by Henderson County]
Ernest Mowell	ETJ	Regular Member	[To be determined by Henderson County]
Mark Russell	ETJ	Regular Member	[To be determined by Henderson County]

Nothing contained herein shall amend the existing terms of Board of Adjustment members above.

SECTION 4. The City Council requests that the Henderson County Board of Commissioners make appointments to the City of Hendersonville Board of Adjustment consistent with this Ordinance.

SECTION 5. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 6. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 7. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____ 202__.

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: Sam Hayes, Planner II

MEETING DATE: March 25th, 2025

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – First Ave Villas (P24-86-CZD) – *Sam Hayes – Planner II*

SUGGESTED MOTION(S):

For Recommending Approval:

I move Planning Board recommend City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning - designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant [dated 2/26/25], and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses:

- a) Residential, Multi-Family
 - 12, 2-3 Bedroom Units

[for amendments to uses or conditions discussed and agreed upon in the meeting (between City & Developer) and not yet represented on the site plan, please use the following language. Disregard #2 if not needed.]

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

3(2). The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and because:

For Recommending Denial:

I move Planning Board recommend City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District) based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan, based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

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

- 1. The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.
- 2. The petition proposes a density that is out of character with the surrounding neighborhood
- 3. The petition would generate excessive traffic, noise and light in an existing residential neighborhood.

<p>The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.</p> <p>4(3). We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:</p> <ol style="list-style-type: none"> 1. The petition incorporates a mix of housing types into an existing urban neighborhood. 2. The petition provides an efficient use of property in the core of the city. 3. The petition would place residents within an area of existing city services and infrastructure. 4. The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation. 5. The petition provides walkable neighborhood design characteristics. 6. The petition proposes to have a vibrant interface with the public realm. <p style="text-align: center;">[DISCUSS & VOTE]</p>	<p>[DISCUSS & VOTE]</p>
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SUMMARY: The City of Hendersonville is in receipt of an application for a Conditional Zoning District from ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is requesting to rezone the property to Urban Residential Conditional Use District (UR-CZD).

There will be open space located at the front of the property. The parking is located at the rear of the property and along the street, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage. The project is two stories and has twelve units.

This site received Central Mixed Use, Conditional Zoning District (CMU-CZD) approval in August 2020 with an amendment in August 2021. The property sold to a new owner, who initiated a new request for CMU-CZD in 2024, which city council denied in November 2024.

PROJECT/PETITIONER NUMBER:	P24-086-CZD
PETITIONER NAME:	Sarah McCormick [applicant]

	Rafique Charania of ARY Development LLC [owner]
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Comprehensive Plan & FLUM Consistency Worksheet3. Goals & Guiding Principles Evaluation Worksheet4. Downtown Design Guidelines Evaluation Worksheet5. Proposed Site Plan6. Neighborhood Compatibility Summary7. Draft Ordinance8. Application / Owner Signature Addendum / LLC Record

STANDARD REZONING: 1st Avenue Villas (P24-86-CZD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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EXISTING ZONING & LAND USE **Error! Bookmark not defined.**

FUTURE LAND USE 8

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS 9

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS: 11

DEVELOPER-PROPOSED CONDITIONS: **Error! Bookmark not defined.**

REZONING STANDARDS (ARTICLE 11-4) 12

REZONING STANDARDS ANALYSIS & CONDITIONS 15

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 15



PROJECT SUMMARY

- Project Name & Case #:
 - First Ave Villas
 - P24-086-CZD

- Applicant & Property Owner:
 - Sarah McCormick [applicant]
 - Rafique Charania of ARY Development LLC [Owner]

- Property Address:
 - 320 1st Ave W, Hendersonville, NC 28792

- Project Acreage:
 - 0.57 Acres

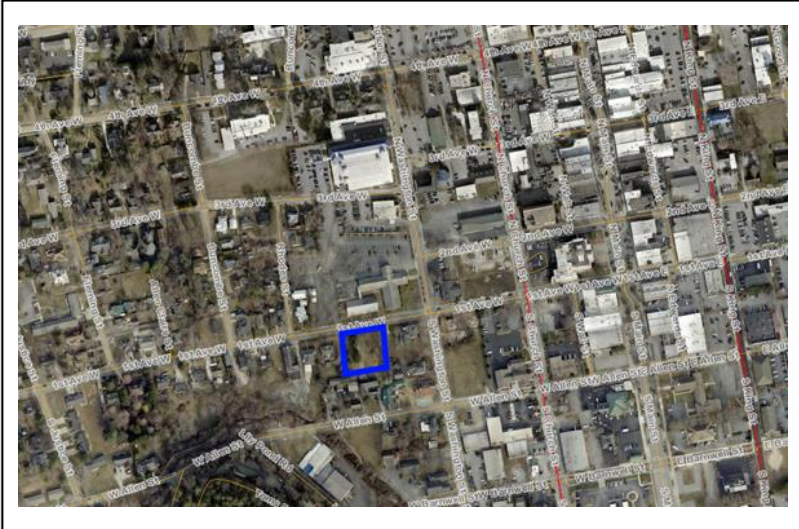
- Parcel Identification (PIN):
 - 9568-77-1057

- Current Parcel Zoning:
 - CMU-CZD - Central Mixed Use Conditional Zoning District

- Requested Zoning:
 - UR-CZD - Urban Residential Conditional Zoning District

- Future Land Use Designation:
 - Downtown

- Neighborhood Compatibility Meeting:
 - December 12, 2025



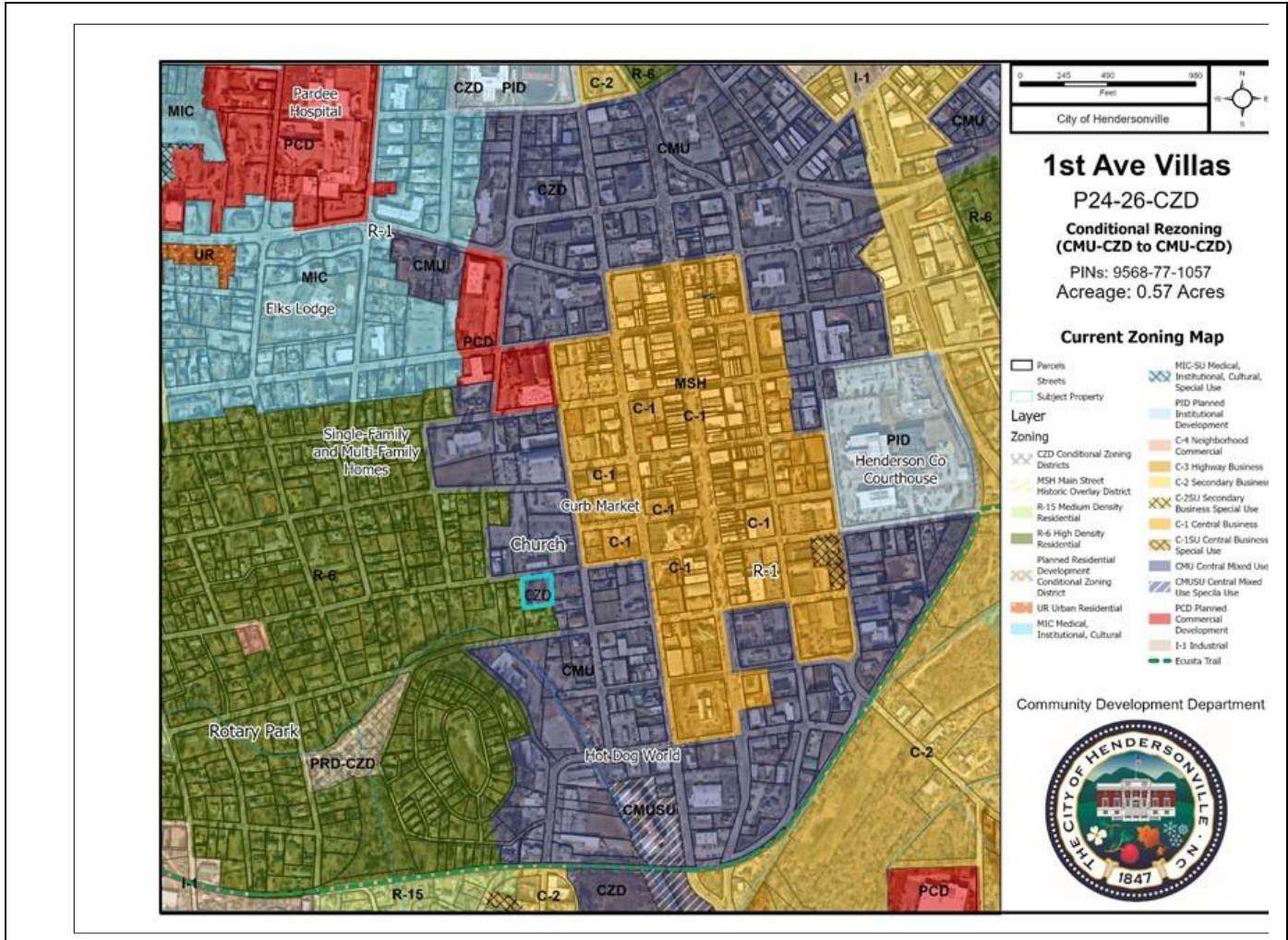
SITE VICINITY MAP

The City of Hendersonville is in receipt of an application for a Conditional Zoning District from ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is requesting to rezone the property to Urban Residential Conditional Use District (UR-CZD).

There will be open space located at the front of the property. The parking is located at the rear of the property and along the street, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage. The project is two stories and has twelve units.

This site received Central Mixed Use, Conditional Zoning District (CMU-CZD) approval in August 2020 with an amendment in August 2021. The property sold to a new owner, who initiated a new request for CMU-CZD in 2024, which city council denied in November 2024.

EXISTING ZONING & LAND USE



City of Hendersonville Current Zoning & Land Use Map

The subject property is currently zoned CMU - CZD and is located within city limits. The property is on the edge of the CMU zoning, which is located around the periphery of downtown. The CMU zoning is immediately adjacent to the east and north of the subject property. The CMU zoned property to the north of 1st Ave is the location of the 1st Church of the Nazarene. The property to the east at the corner of Washington St is an historic single-family home constructed circa 1882. A small portion of the lot at the very southeast corner is shared by another historic single-family home constructed in 1902. The adjacent parcels to the immediate south and west are zoned R-6. The R-6 property to the south is a multi-family property featuring 5 residential units. The R-6 property to the west is single-family structure built in 1910.

SITE IMAGES



View of subject property from First Avenue W (facing south). The building visible at the back of the property is a multi-family unit located on an adjacent property.



Mature trees located on subject property (view from First Avenue W facing southeast).

SITE IMAGES



View of adjacent property to the west.



Tree buffer to adjacent property (facing east).

SITE IMAGES



View of right of way looking east.



View of right of way looking west.

SITE IMAGES

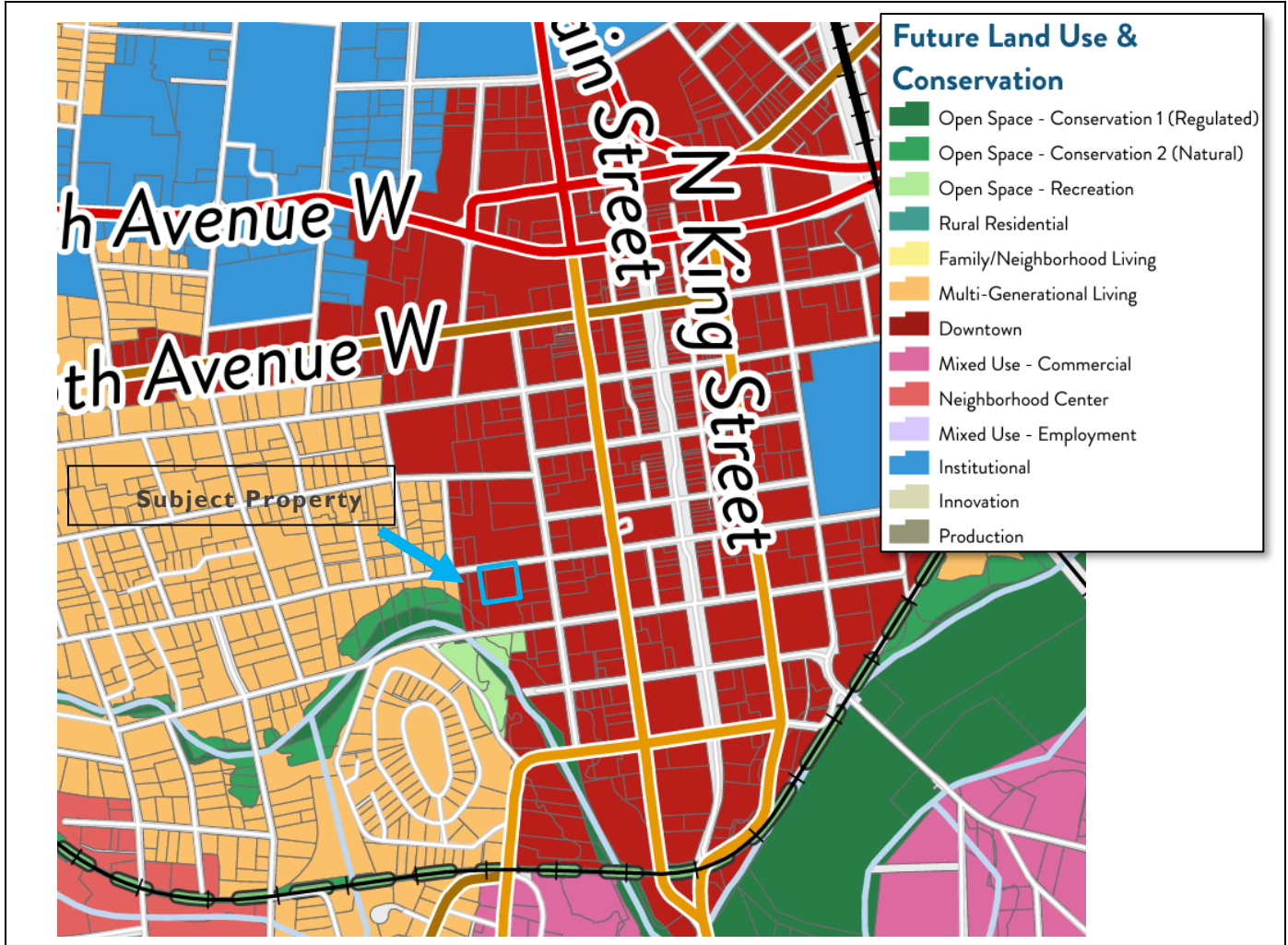


Existing driveway running through property.



View of 1st Church of the Nazarene and 1st Ave from frontage of subject property

FUTURE LAND USE



City of Hendersonville Future Land Use

The subject property is designated as Downtown in the Gen H comprehensive plan. The Downtown designation encompasses all of the properties to the east of the subject parcel. Parcels to the west of the subject property are designated Multi-Generational Living. Open Space – Conservation 1 (Regulated) is to the south of the subject property following the Wash Creek floodplain.

REZONING HISTORY

West Ave Villas Proposal Timeline:

August 2020 – Conditional Rezoning (R-6 to CMU-CZD) - 10 Units (Two 1,742 Sq Ft Buildings + Two Garage Apts) – APPROVED

August 2021 – Conditional Rezoning (CMU-CZD Amended) - 11 UNITS (Two – 1,742 Sq Ft Buildings + Three Garage Apts) 340 Sq Ft Total Increase – APPROVED

November 2024 – Conditional Rezoning (CMU-CZD) – 16 UNITS (Two 2,432 Sq Ft Buildings, three stories tall) – DENIED

Note:

With the adoption of the new Gen H Comprehensive Plan, the future land use for this property is now considered Downtown.



Full Minutes or Recording from City Council Meeting:

August 2020 Adoption of CMU-CZD Rezoning:

<https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-742cc7de0f094b0f9d6754d8941c3eeb.pdf>

August 2021 Update to CZD:

<https://mccmeetings.blob.core.usgovcloudapi.net/hvlnc-pubu/MEET-Minutes-3cb3462df8a840ff9b290d0d871faa1d.pdf>

November 2024 CMU-CZD Rezoning:

<https://hendersonville-nc.municodemeetings.com/citycouncil/page/city-council-regular-meeting-54>

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Use: Residential, multi-family
- Total Dwelling Units: 12
- Site: .57 acres
- Density: 21 Units / Acre
- Buildings:
 - Total Footprint – 9,620 SF
 - Building 1 – 4,810 SF
 - Building 2 – 4,810 SF
 - Height:
 - Mid-point of gable between ridge and eaves (height by definition) = max 29'
- Open Space: 7,972
- Common Open Space: 2,520
- Transportation:
 - 1 centrally located vehicular access point off 1st Avenue
 - The projected Average AM Peak Trips = 6.12 (Threshold for TIA = 100)
The projected Average PM Peak Trips = 7.44 (Threshold for TIA = 100)
 - The projected Daily Trips = 79.08 (Threshold for TIA = 1,000)
 - A TIA is required for zoning compliance per Section 5-25-2.3.1.
- Sidewalks:
 - Staff is proposing that a Fee-in-Lieu of sidewalk be provided given the existing continuous sidewalk on the north side of 1st Ave and the right-of-way limitations for providing a continuous sidewalk on the south side of 1st Ave.
- Lighting:
 - All site lighting will be required to conform to the City's lighting standards for multi-family developments. The lighting plan is a component of the final site plan review.
- Parking:
 - Off-Street Parking
 - Required: 1 per unit (1&2-bedroom units) and 1.5 per unit (3+ bedroom units) = 13 spaces
 - Provided: 12 spaces
 - 11 spaces onsite and 1 ADA space onsite
 - On-Street Parking
 - 13 on-street parallel parking spaces provided on north side of 1st Ave to alleviate concerns of under parking and to provide buffer for pedestrians.
 - A cross-parking agreement is proposed with the church on the opposite side of 1st Ave to provide 25 parking spaces
 - Drive Aisle
 - The center drive aisle is 20' wide.
 - The parking lot drive aisle ranges from 20' to 26' 5".
- Landscaping:

- This development will be required to plant:
 - Vehicular Use Landscaping
 - Interior parking lot plantings (Sec. 15-9a)
 - Planting strip to buffer from rear property (Sec. 15-9 b)
 - Street Trees (Sec. 15-15)
 - Common space plantings
 - Trees (Sec. 5-25-5.2b)
 - A detailed Landscaping Plan will be provided at final site plan
- Building Design:
 - 2-Story design
 - Building Materials – more information needed
 - Balconies proposed for 2nd floors on front facade
 - Balconies and patios proposed for all floors on side facades
 - Roof line features a variety of gables and false gables
- Floodplain: N/A
- Stream Buffer: N/A

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT:

Preliminary Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for UR-CZD.
- These outstanding items shall need to be resolved as part of the CZD process.
 - Clarify developer's proposed condition to defer the Traffic Impact Analysis until after the final site plan is approved.
- These outstanding items shall be resolved at the time of Final Site Plan and/or Preliminary Plat.
 - Create a connection from the site's interior to the exterior through sidewalks extending to the street.
- The following comments need to be addressed to improve clarity or improve site design and function [Resolved/Unresolved]:
 - Correct or clarify discrepancies in site statistics table pertaining to building square footage.
 - Height in site statistics table should match what is shown on the elevation (29ft).
 - Acreage labeled as 57 acres. This should be corrected to reflect site size of .57 acres.

Proposed City-Initiated Conditions:

1. Within the center driveway accessing the site, the developer shall install a differentiated pervious material, color, or pattern for the outer 5' along both

building edges to establish a pedestrian zone and distinguish it from the primary drive lane. This will achieve the goal and intent of 5-25-5.13.

2.The sidewalks leading to the front porches on the front façade shall extend to the street edge. This will achieve the goal and intent of 5-25-5.15.

3. With the exception of invasive species, the developer shall attempt to preserve all existing vegetation within the proposed Type A Buffer along the eastern side of the property. This existing vegetation will be allowed to be used as credits towards the required buffer plantings. Additionally, if any of those trees are not able to be protected by the standards in 15-4d, then the developer agrees to replace them at the rate specified in Sec. 15-4b if any of those trees die within 10 years post-construction.

DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The Development Review Committee consist of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City’s Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff has provided only the relevant/outstanding comments / conditions below:

PUBLIC WORKS:

Preliminary Site Plan Comments:

- 1. Trees in the right of way
 - If the trees are allowed to be placed in the right of way, they should be placed at the back edge of the right of way to allow for future sidewalk/future utility improvements/repairs. (Resolve at Final Site Plan)
- 2. Parking
 - Clarification on the number of parking spaces and where they will be located. (Resolved)
 - The developer must install the on-street parking per City specifications. (Resolve at Final Site Plan)
 - The site plans should show the drive entrance into the church. There appears to be a conflict with the parking and the drive. They should show a measurement between the last space and the drive showing that any separation required by ordinance is met. (Resolve at Final Site Plan)

Proposed City-Initiated Conditions:

- 1. None

Developer Proposed Conditions

- 1. Developer to pay Fee-in-Lieu of 7’ Sidewalks in accordance with Sec. 6-12-3 and Sec. 5-25-5.15 of the Zoning Code.
- 2. Developer to be granted relief to provide a 12’ front setback instead of 14; front setback required per Sec. 5-25-4 of Zoning Code.
- 3. The developer requests a waiver for the TIA requirement.

On the site plan, the developer has proposed absorbing the city-initiated conditions into their conditions.

REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<p><u>LAND SUPPLY, SUITABILITY & INTENSITY</u> The subject property is located on an underdeveloped property in the <u>Land Supply Map</u>. It ranks as “Highly Suitable” for residential development in the <u>Suitability Assessment</u>. The subject property is in a Focused Intensity Node centered at the intersection of Greenville Highway and Spartanburg Highway</p>
	<p><u>FUTURE LAND USE & CONSERVATION MAP</u> Character Area Designation: Downtown Character Area Description: Consistent Zoning Crosswalk: Consistent Focus Area Map: N/A</p>
2) COMPATIBILITY	<p><i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i></p>
	<p>In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to “compatibility”. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV of the Gen H Plan. Additionally, because this project is located within the boundaries of the Downtown Master Plan, staff evaluated the project according to the Design Guidelines found in Chapter V of the Gen H Plan.</p>
	<p><u>EXISTING CONDITIONS</u> The subject property is currently vacant. It is surrounded by single-family and multi-family residential homes. Directly across 1st Avenue from the subject property is Hendersonville First Church of Nazarene. To the northwest of the property is the West End National Register Historic District, which primarily consists of single-family homes on varying sized lots. There are also a mix of multi-family units in small apartment buildings or in homes that have been converted into multi-family. To the east of the property is Downtown - the city’s core commercial business district.</p>
	<p><u>GEN H COMPREHENSIVE PLAN GOALS</u> (Chapter IV) Vibrant Neighborhoods: Consistent Abundant Housing Choices: Consistent Healthy and Accessible Natural Environment: Somewhat Consistent Authentic Community Character: Somewhat Consistent Safe Streets and Trails: Consistent Reliable & Accessible Utility Services: Consistent Satisfying Work Opportunities: N/A Welcoming & Inclusive Community: Consistent Accessible & Available Community Uses and Services: N/A Resilient Community: N/A</p>

	<p>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) Mix of Uses: Consistent Compact Development: Somewhat Consistent Sense of Place: Somewhat Consistent Conserved & Integrated Open Spaces: Somewhat Consistent Desirable & Affordable Housing: Consistent Connectivity: Consistent Efficient & Accessible Infrastructure: Consistent</p> <hr/> <p>DESIGN GUIDELINES ASSESSMENT (Chapter V): Key compatibility concerns for infill development of this scale can be addressed through the application of design guidelines such as those found in Chapter 5 of the Comprehensive Plan. Primary areas of concern for compatibility are site design, building height and architectural design. <u>Site Design</u> - Many aspects of the site plan align with the Design Guidelines in Chapter 5 of the Comprehensive Plan including: building placement, landscaping, parking and on-site open space. One area of concern is the buildings do not parallel the street edge. <u>Height</u> - the applicant has revised the proposal to reduce the overall height to 29' which aligns with the Downtown Design Guidelines in Chapter 5 of the Comprehensive Plan for both maximum height and residential transitions. It is also not out of scale with existing adjacent residential structures. <u>Architectural Design</u> - Many aspects of the building design align with the design guidelines, notably the inclusion of an activated front stoop.</p>
<p>3) Changed Conditions</p>	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment - The property has previously been rezoned to accommodate 11 units on the property. Additionally, the Ecusta trail, which will be partially completed by the end of this year, is a new transportation and recreation facility located less than 1/2 mile from the subject property.</p>
<p>4) Public Interest</p>	<p>Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare - The status of the region's affordable housing crisis is well documented from reports such as the Bowen Study. The City of Hendersonville is currently engaged in a Strategic Housing Plan to further address this issue. The provision of 12 additional housing units on a relatively small, infill parcel will put residents within close proximity to employment, shopping, recreation, etc. The proposed development would utilize existing infrastructure and city services.</p>
<p>5) Public Facilities</p>	<p>Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment</p>

	<p>The subject property will be served by City of Hendersonville services. The subject property is located within the City’s existing interconnected street grid, which facilitates the disbursement of additional automobile traffic, and is in close proximity to the Ecusta trail, and less than a 5-minute walk to historic Main St, both of which facilitate a reduction in typical per household vehicular miles traveled.</p>
<p>6) Effect on Natural Environment</p>	<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>Mature Trees: There are a number of mature trees and vegetation around the subject property. Tree canopy in the center of the property is proposed to be removed. Some of the trees on the east side of the property are proposed to be removed while others will be preserved and incorporated into the required buffer.</p> <p>Stormwater: Stormwater management standards are not triggered by this development due to the disturbed area being less than 1 acre. The developer proposes to utilize pervious pavers for the center drive aisle and parking area.</p>

REZONING STANDARDS ANALYSIS & CONDITIONS

Staff Analysis

- 1) Comprehensive Plan Consistency - Staff finds the petition and site plan to be generally consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.
- 2) Compatibility - Staff finds that the general location of the project and its proximity to a mix of land uses is compatible with the city’s overall growth strategies.
- 3) Changed Conditions - Staff finds that the changed conditions related to construction of the nearby Ecusta Trail supports increased density in areas located in close, walkable proximity to off-street trails.
- 4) Public Interest - Staff finds that the provision of additional higher density housing facilitates the provision of increased housing stock.
- 5) Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure. Staff would highlight that the existing interconnected street grid, pedestrian facilities and nearby off-street trails combine to create opportunities to disperse automobile traffic and reduce vehicular trips.
- 6) Effect on Natural Environment – While some tree removal and an overall reduction in pervious area is proposed, the proposal does include the preservation of some mature trees and shrubs and proposes to utilize pervious pavers to reduce the overall use of impervious materials.

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

The petition is consistent with the Future Land Use and Conservation Map Designation of 'Downtown' and the corresponding Character Area Description found in Chapter IV of the Gen H Comprehensive Plan.

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

DRAFT [Rationale for Approval]:

- The petition incorporates a mix of housing types into an existing urban neighborhood.*
- The petition provides an efficient use of property in the core of the city.*
- The petition would place residents within an area of existing city services and Infrastructure.*
- The petition would place residents within walkable / bikeable proximity of a range of destinations including employment, shopping, and recreation.*
- The petition provides walkable neighborhood design characteristics.*
- The petition proposes to have a vibrant interface with the public realm.*

DRAFT [Rational for Denial]

- The petition proposes a development that is incompatible with the existing neighborhood due to height, scale, and architectural design.*
- The petition proposes a density that is out of character with the surrounding neighborhood.*
- The petition would generate excessive traffic, noise and light in an existing residential neighborhood.*

Chapter 4 - The Vision for the Future	Consistent	Inconsistent
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	Consistent	
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	Consistent	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	Downtown	
Character Area Description (Pg. 122-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent	
Focus Area Map (Pg. 134-159)	NA	NA

Chapter 4 - The Vision for the Future	Consistent
GOALS	
VIBRANT NEIGHBORHOODS (Pg. 93)	
Promote lively neighborhoods that increase local safety.	Consistent
Enable well-maintained homes, streets, and public spaces.	Consistent
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent
The design allows people to connect to nearby destinations, amenities, and services.	Consistent
Abundant Housing Choices (Pg. 93)	
Housing provided meets the need of current and future residents.	Consistent
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent
Housing condition/quality exceeds minimum standards citywide	Consistent
Healthy and Accessible Natural Environment (Pg. 94)	
Recreational (active and passive) open spaces are incorporated into the development.	Consistent
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Somewhat Consistent
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Somewhat Consistent
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	NA
Authentic Community Character (Pg. 94)	
Downtown remains the heart of the community and the focal point of civic activity	Consistent
A development near a gateway sets the tone, presenting the image/brand of the community.	NA
Historic preservation is utilized to maintain the city's identity.	
A development is considered a quality development that preserves the city center or neighborhood.	Somewhat Consistent
Safe Streets and Trails (Pg. 95)	
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent
Design embraces the principles of walkable development.	Somewhat Consistent
Reliable & Accessible Utility Services	
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent
Satisfying Work Opportunities (pg. 96)	
The development promotes quality job options.	NA
Welcoming & Inclusive Community	

Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent
Accessible & Available Community Uses and Services (Pg. 97)	
Private development is plentiful, meeting the demands of current and future populations.	N/A
Resilient Community	
N/A	
GUIDING PRINCIPALS (pg. 98)	
Mix of Uses (Pg. 98)	
Revitalization of Outdated Commercial Areas	Consistent
New business and office space promotes creative hubs.	NA
Compact Development (Pg. 100)	
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent
The infill project is context sensitive.	Somewhat Consistent
Sense of Place (Pg. 102)	
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements.	Somewhat Consistent
Conserved & Integrated Open Spaces (Pg. 106)	
A diverse range of open space elements are incorporated into the development.	Somewhat Consistent
Desirable & Affordable Housing (Pg. 108)	
Missing middle housing concepts are used in the development.	Consistent
Connectivity (Pg. 112)	
The development encourages multimodal design solutions to enhance mobility.	Consistent
Efficient & Accessible Infrastructure (Pg. 114)	
The development utilizes existing infrastructure	Consistent

Inconsistent
NA
NA
Inconsistent
NA

N/A
NA

Chapter 5 - Downtown Design Guidelines	Consistent
PUBLIC REALM	
Blocks (Pg. 212)	
Provide vehicle access to nearby buildings via alleyways or shared driveways.	Consistent
Utilize smaller curb radii to shorten crossing distances for pedestrians.	
Extend the historic downtown block pattern throughout the entirety of the downtown character districts.	Consistent
Implement interior pedestrian cut throughs as necessary to achieve the ideal block size (300-500').	Consistent
Main Street & Downtown Edge Character Districts (Pg. 213)	
Any future development or redevelopment within the Main Street and Downtown Edge character districts should maintain consistent with the existing block size and grid layout along Main Street and in the downtown core.	Consistent
New connector streets and alleys should be considered where appropriate to increase better access and circulation.	NA
Streetscape Character (Pg. 218-222)	
The streetscape character matches the street classification the development is located on. (Pg. 218-219)	Consistent
The streetscape zones are sufficient for the street classification. (Pg. 224-234)	Consistent
Pedestrian & Bike Infrastructure (Pg. 238-243)	
Sidewalks (Pg. 238)	
Internal sidewalk connections should be provided between buildings and from buildings to all on-site facilities including parking areas, bicycle facilities, open spaces, and amenities.	Consistent
External sidewalks should be provided from all buildings onsite to the existing or proposed sidewalk system and to abutting multi-use trails, parks, and greenways.	
Greenways & Trails (Pg. 238)	
Expand and improve greenway and trail networks to create connections between neighborhoods, parks, and destinations.	NA
On-Road Facilities	
Sidewalks (Pg. 240)	
Expand existing sidewalk network to fill gaps in connectivity. Downtown sidewalks, where feasible, should be a minimum of 10' in width to promote walkability.	Consistent
Incorporate buffer zones, such as landscaped areas or street furniture, between sidewalks and vehicular traffic	Consistent
SITE DESIGN (Pg. 254-265)	
Frontage Types (Pg. 254)	
Identify which Frontage Type the development is and write in cell to the right.	Sec
Building Placement & Setback Character (Pg. 254-255)	
Orientation (Pg. 254-255)	
Building faces the street and is accessible from the sidewalk.	Somewhat Consistent

Site layout shall prioritize placing buildings towards the front of the lot, with parking situated to the side and/or rear of the building	Consistent
Buildings located on a corner should have one of the following architectural features: Two entrances, one primary and one secondary, located on each frontage. Architecturally prominent corner entry with vertical emphasis through building height or architectural elements like porches, colonnades, etc.	NA
Setback Line (Pg. 255)	
The setback line is based off of the future back of curb - based on Frontage Type (Pg. 256, refer to Figure 5.26)	Consistent
Build-To-Zone	
The Build-to-Zone begins at the required Frontage Type setback line (Pg. 256, refer to Figure 5.26)	Consistent
Build-To-Percentage	
The Build-To-Percentage refers to the proportion of a lot's frontage that must be occupied by the building façade. (Pg. 256, refer to Figure 5.26)	Consistent
Setback Exceptions (Pg. 255)	
Refer to this section for setback exceptions for Primary and Primary-Other classification. (Pg. 255)	NA
Building Height Story (Pg. 257)	
New downtown buildings must be at least two stories tall, with exceptions for certain accessory structures like retail kiosks or public restrooms	Consistent
Building Height by District	
The permitted building height varies according to the specific character district. Refer to Figure 5.28	Consistent
The building height is appropriate based off of the maximum heights set by the Building Heights Map (Figure 5.31, Pg. 259).	Consistent
Rear and Side Setbacks for Development Character District Transitions (Pg. 260)	
When development is located next to a district with a lower height restriction, the development should be no more than one-story differential for the first 50 feet of building width.	Consistent
Residential Transitions (Pg. 260)	
Development adjacent to residentially zoned land and/or historic structure should be no more than one-story differential for the first 50 feet of building width.	Consistent
Greenway & Trail Frontage (Pg. 260)	
When future development is planned along a proposed trail as outlined on any adopted plans, it is the responsibility of the development to construct the portion of the trail along the development frontage.	NA
Connections to Parks and Greenways (Pg. 261)	
When a development abuts an existing or future greenway, park, or open space area, pedestrian/bicycle accessways must be provided at a minimum of every 1000 feet when feasible as determined by City staff.	NA

Landscape (Pg. 261)	
Design landscaping, fencing, and retaining walls to be integrated into the site and its architecture.	Consistent
Screen service areas, utilities, and parking areas with trees, shrubs, and other landscaping.	Consistent
Install pedestrian bulbouts at street intersections within the downtown districts to reduce pedestrian crossing distance and expand public space. Integrate plantings, monumentation, public art, and seating within these spaces	NA
Stormwater Management (Pg. 261)	
Underground stormwater detention should be utilized within the downtown districts versus surface detention facilities.	NA
Low impact stormwater management methods such as pervious paving, bioretention, and vegetated landscape islands shall be utilized in surface parking lots.	Consistent
Utilize innovative stormwater management methods such as the use of bioretention in planting strips along nonprimary streets.	NA
Parking (Pg. 262)	
Surface parking lots shall not be a principal use in any character district	Consistent
For commercial and institutional/semi-public uses within the character districts, 5% of the total parking spaces should allow for public use during offpeak business hours.	NA
Shared parking is encouraged.	Consistent
Structured Parking (Pg. 262)	
Parking structures are encouraged within the downtown districts to reduce the footprint of surface lots.	NA
Developments requiring 200 vehicular parking spaces or more must build structured parking.	NA
Parking structures may be a principal use in the character districts.	NA
Parking structures should be wrapped with liner buildings and follow these design guidelines: When adjacent to a frontage, parking structures shall include active uses along 80% of the primary frontage and 60% of the ground floor building length along any seconding frontage, excluding areas of required vehicular and pedestrian egress, and utility rooms. Vertical and horizontal architectural elements should be designed in a manner to approximate the window openings on adjacent habitated portions of the building. 60% of all openings on or visible from a frontage shall be screened with architectural louvers and/or panels.	NA
Parking Requirements (Pg. 262-263)	
Within the Main Street character district, parking requirements are optional with the provision of a fee in lieu of.	NA
Within the Downtown Edge, 7th Avenue, and Lower Trailhead character districts, minimum parking requirements are per the underlying zoning district.	Consistent
The following parking maximums apply to properties within each of the character districts regardless of the underlying zoning designation (Figure 5.33, Pg. 263).	Consistent
Trailhead Parking (Pg. 263)	
Surface lots for trailhead parking are allowed within the 7th Avenue and Lower Trailhead character districts.	NA

Trailhead parking lots must be spaced a minimum ½ mile from each other.	NA
These parking lots shall hold 10 spaces or fewer, including ADA spaces.	NA
Trailhead parking lots may incorporate amenities such as restrooms, water fountains, trash/recycling receptacles, and benches.	NA
Parking lots must be screened from the trail and the public street utilizing landscaping at a minimum width of a 10' landscape buffer.	NA
On-Site Open Space (Pg. 264)	
All proposed developments are required to provide onsite open space except for developments on parcels one-fourth acre or less in size.	Consistent
Developments shall provide a minimum of on-site open space in accordance with the following: Main Street: 5%, Downtown Edge: 10%, 7th Avenue: 10%, Lower Trailhead: 15%	Consistent
Public On-Site Open Space (Pg. 264)	
Public on-site open space should be provided in accordance with Table 5.34 on Pg. 264.	Consistent
On-Site Open Space Types (Pg. 264)	
Appropriate on-site open space is provided in accordance with Figure 5.36 Pg. 265.	Consistent
BUILDING DESIGN	
Architectural Character (Pg. 266)	
Development design fits into the existing architectural character of the character district its located in.	Somewhat Consistent
Façade Articulation and Massing (Pg. 268-269)	
For buildings 150 feet in length or longer: Façades shall be divided into shorter segments by means of modulation; such modulation shall occur at intervals of no more than 60 feet and shall be no less than 2 feet in depth. A courtyard, with a minimum width and depth of 60 feet, shall be visible from the street on primary frontages spaced no more than 150 feet.	Consistent
Ground-floor designs such as arcades, galleries, colonnades, outdoor plazas, or outdoor dining areas shall be incorporated into the building façade and are considered in meeting required build-to percentages. The first two floors above the street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance pedestrian environment. Special interest to the base shall be provided by incorporating elements such as corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting, and other sculpturing of the base. Buildings on a corner or at an axial terminus should be designed with additional height or architectural embellishment. Examples include: Chamfered or rounded corners. Projecting and recessed balconies and entrances. Enhanced window designs	Somewhat Consistent
Building Elements (Pg. 270-275)	
Entry	
The main pedestrian entry shall be a prominent entrance on the primary frontage	
For corner buildings with two frontages, the main pedestrian entry can be located on the corner.	NA

Enhance the design of entry areas with materials, as well as architectural and landscape features, that will naturally guide pedestrians	Somewhat Consistent
Windows	
Shopfront windows shall not be lower than 2 feet from the ground plane except where architectural elements like floor or ceiling glass curtain walls or glass roll up doors are utilized.	NA
Windows should comprise more than 60% of the building façade in the Main Street and Downtown Edge districts.	
Windows should comprise more than 40% of the building façade in the 7th Avenue and Lower Trailhead districts.	NA
Windows shall be set back 4-6 inches from the façade rather than flush.	
Roof	
Infill development in the Main Street district shall have flat roofs to match the existing architecture of Main Street.	NA
Pitched roofs are permitted in the Downtown Edge, 7th Avenue, and Lower Trailhead districts.	Consistent
Recessed Doorways	
Recessed doorways are encouraged with 5 feet as the maximum distance of recess from the front wall.	Consistent
No glass shall be positioned lower than two feet above ground level.	Consistent
Doors are not permitted to swing into the sidewalk/ pedestrian zone	Consistent
Activated Ground Floor	
Ground floor façades should be composed primarily of glass to allow views of the use and activity within the buildings	Somewhat Consistent
Within the Main Street and Downtown Edge districts, the ground floor shall be composed of commercial uses.	Consistent
Private residences are prohibited on primary frontages within Main Street and Downtown Edge districts.	Consistent
Primary residence entries, including those for townhomes and brownstones, should incorporate features such as stoops, porches, etc.	
Ground floor design should incorporate elements such as retail displays, planters, art, and canopy coverings to encourage pedestrian activity.	Somewhat Consistent
Materiality	
Materials chosen for building façades, balconies, windows, or roof should be compatible with the surrounding context of the district but should not be identical as to not allow for any diversity.	Consistent
All façades visible from a primary frontage shall utilize high-quality finish materials such as: brick, wood, stone, concrete-based stucco, horizontal wood siding, architectural metal panel, or wood shingle.	Consistent
Within the Main Street and Downtown Edge districts, brick shall be the primary building material. Predominant shall mean more than (50%) of the non-glasses wall surface	
The following materials are prohibited within any of the downtown districts: EFIS, concrete board, concrete block, pre-engineered corrugated metal panels, and vinyl.	Consistent
Franchise Architecture	

Franchise architecture, a standardized architectural building style used as part of a standardized program to promote brand identity through visual recognition, is not permitted within the character districts.	NA
Franchise architecture should be modified as necessary to be in line with the existing character district in which it is proposed.	NA
Franchise architecture must conform with all Downtown Design Guidelines.	NA
Drive-Throughs	
Drive-through facilities or services are not permitted within the Main Street, Downtown Edge, or 7th Avenue districts. • This applies to any type of drive-through facility or service including restaurants and financial institutions. Walk-up service windows are the preferred service window in a downtown pedestrian-oriented district	NA
Within the Lower Trailhead District, drive-throughs are permitted but cannot be along the primary frontage. They shall be located to the rear of the building.	NA
Signs	
Landmark signs may include historic painted wall signs on a building façade; even if that business or product is no longer on site, the sign adds character to the area, and should be considered a landmark sign.	NA

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project design team:
 the tamara peacock co. architects
 129 3rd ave w
 HENDERSONVILLE, NC 28792
 Phone: 828.696.4000
 LICENSE #12289

owner:

project name:
FIRST AVE VILLAS

**320 1ST AVE W
 HENDERSONVILLE,
 NC 28792**

Tamara Peacock, R.A.
 Registration No. 12289

issued for:

date:

sheet name:
COVER SHEET

revisions:

This document is property of Tamara Peacock Company and no part herein shall be used except for the specific project without consent of The Tamara Peacock Company. This document was prepared by The Tamara Peacock Company according to the terms of general conditions of the contract for construction. This document does not either in whole or in part constitute any direction or instruction to any contractor with regards to construction means, methods or techniques. By this document the Architect does not intend to express any opinion, direction or instruction of any kind whatsoever as to the manner in which the construction work is to be accomplished.

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 drawn by: AUTHOR
 Prg Mng: DESIGNER
 revised by: CAPT.
 CHECKER APPROVER

sheet no.:

A001

ARY Development LLC

FIRST AVE VILLAS

Hendersonville, NC

OWNER

ARY DEVELOPMENT LLC
 17 OLDE EASTWOOD VILLAGE BLVD
 ASHEVILLE NC, 28803

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 RAFIQUE CHARANIA

DEVELOPER

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 TAMARA PEACOCK
 PRINCIPAL

CIVIL ENGINEER

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 7 GLENN BRIDGE RD, STE H
 ARDEN, NC 28704

828.696.0807
 TYLER WAGNER
 TWAGNER@FEICONSLTING.COM
 PROJECT MANAGER

BUILDING STATISTICS

BUILDING TYPE:	IIIB
GROSS SF:	19,240 SF
OCCUPANCY TYPE:	R-2
ALLOWABLE AREA (SM)	48,000 SF
SPRINKLERED:	YES
SEPARATED USE:	N/A
SEPARATION REQUIRED:	1/2 HR
INCIDENTAL USE:	NONE
OCCUPANCY LOAD:	R-2:93
PLUMBING REQUIREMENTS:	1 SINK, 1 TOILET, 1 SHOWER PER UNIT
PLUMBING PROPOSED:	2 SINKS, 2 TOILETS, 2 SHOWERS PER UNIT
LIFE SAFETY REQUIREMENTS:	SEE A005

SITE STATISTICS

	PROVIDED	REQUIRED
PROP LOC:	320 FIRST AVE. W.	
BLOCK:	--	
PIN:	9568771057	
OWNER:	ARY Development LLC	
ZONING:	UR-CZD	
PROPOSED USE:	12 MULTI-FAMILY UNITS	
FLOOD DISTRICT:	N	
DOMESTIC WASTEWATER:	PUBLIC SEWER	
WATER:	PUBLIC	
ADA PARKING:	1 ADA	1 ADA
PARKING:	25 SPACES	12 SPACES
FRONT SETBACK (FIRST AVE)	12' 0" FROM CURB	14' 0" FROM CURB
SIDE SETBACK (CMU)	8' 0"	5' 0"
REAR SETBACK	5' 0"	10' 0"
SIDE SETBACK (R-6)	8' 0"	5' 0"
OVERALL HEIGHT	24'	64'

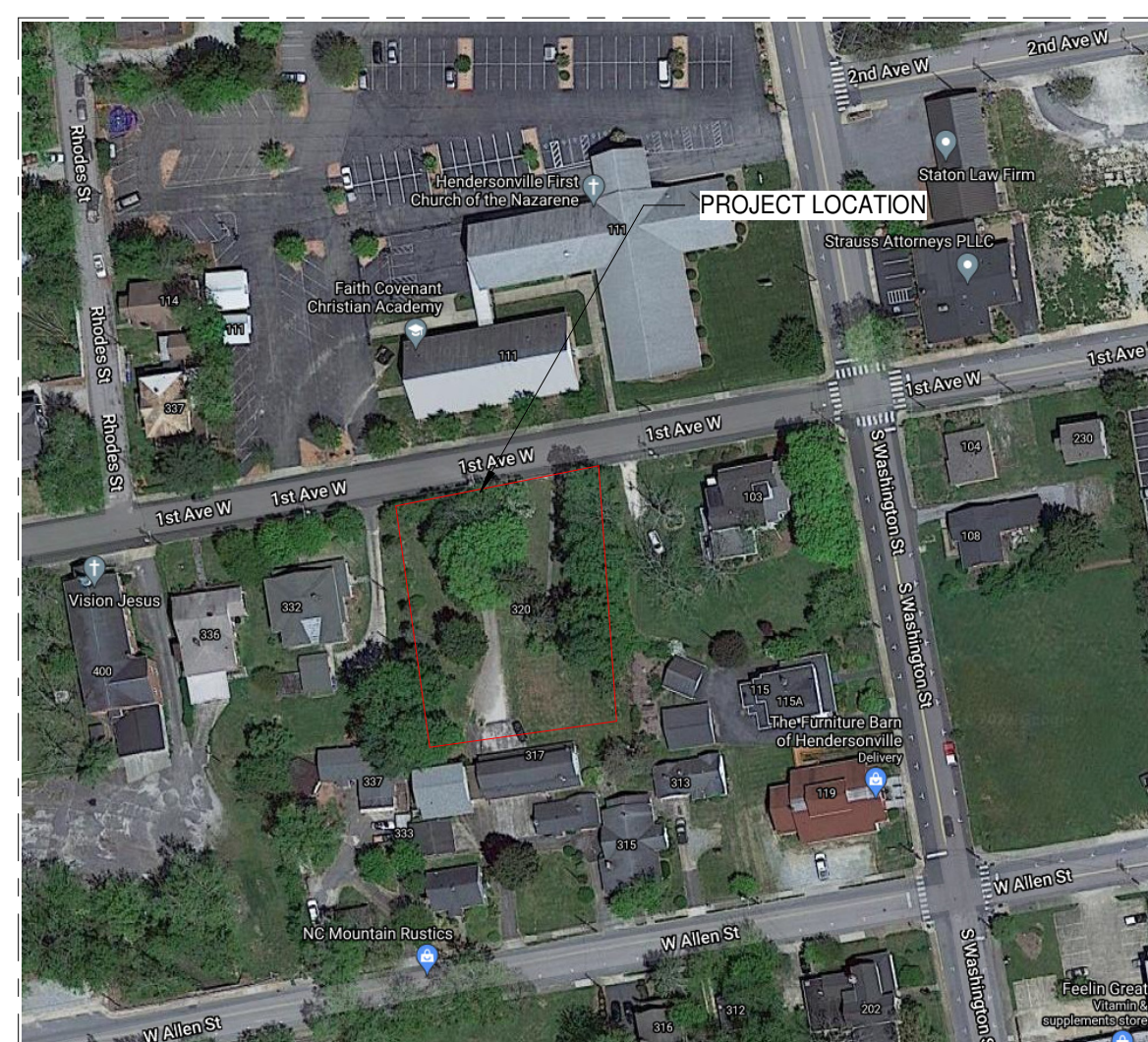
SITE COVERAGE

TOTAL PROJECT AREA	57 acres
PROPOSED LOT AREAS	5,691.49 SF
BUILDINGS	11,600 sq ft
OPEN SPACE	7,972 sq ft
STREETS AND PARKING	7,833 sq ft
COMMON OPEN SPACE	2,364 sq ft

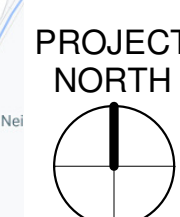
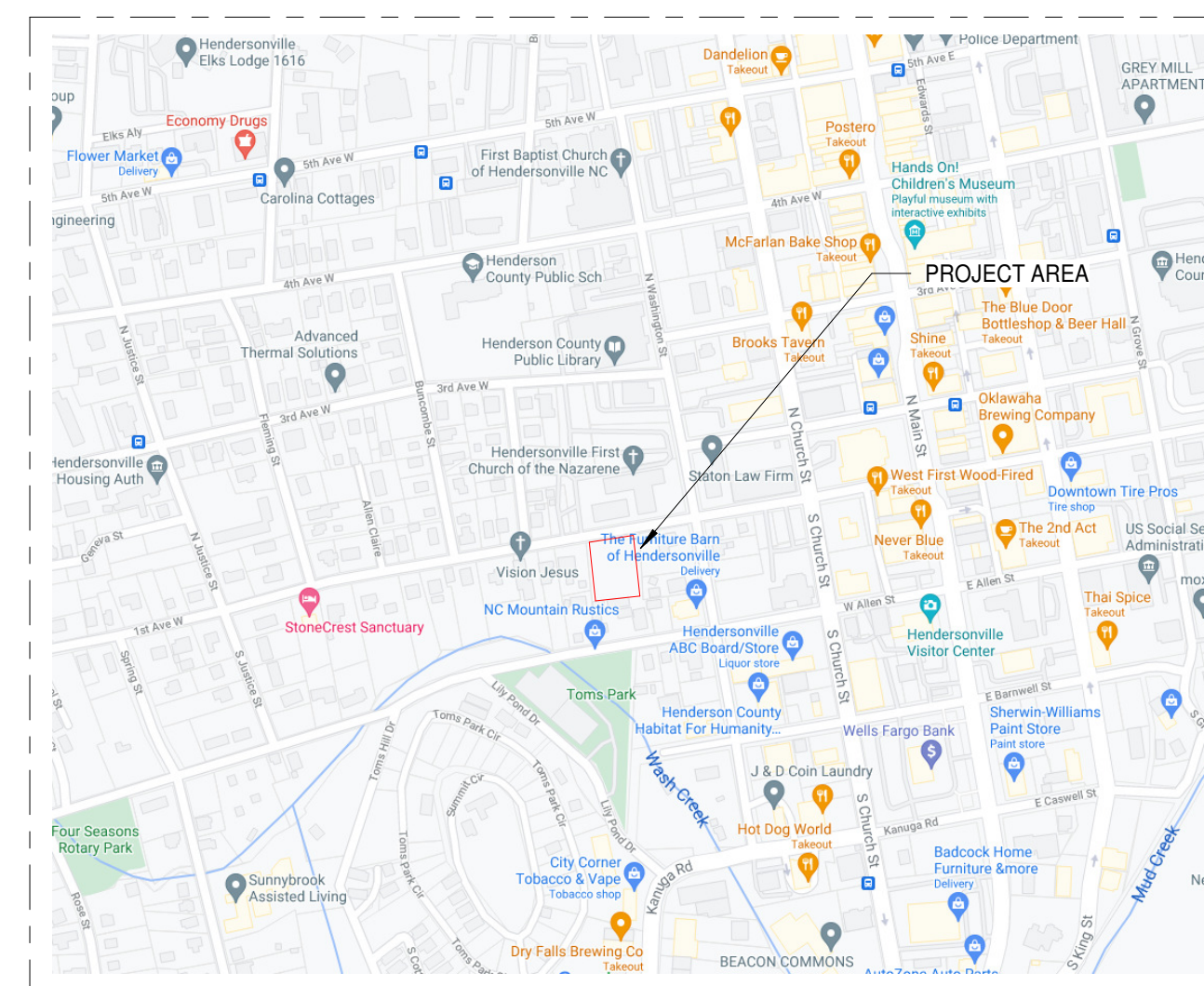
SCOPE OF WORK:

FIRST AVE UNITS:
 1. 2 NEW CONDO BUILDINGS WITH 6 NEW UNITS EACH

SITE MAP



VICINITY MAP



Sheet List	
Sheet Number	Sheet Name
A603	Unnamed
A001	COVER SHEET
G-17-300	SITE SURVEY
H4D054	TREE SURVEY
SP 101	PRELIMINARY SITE PLAN
SP 101 (1)	PRELIMINARY SITE PLAN
SP102	DETAILS
A104	SECOND LEVEL FLOOR PLAN
A401	EXTERIOR ELEVATIONS
A402	EXTERIOR ELEVATIONS
A601	RENDERINGS

DEVELOPER PROPOSED CONDITIONS

- Developer to pay Fee-in-Lieu of 7' Sidewalks in accordance with Sec. 6-12-3 and Sec. 5-25-5.15 of Zoning Code
- Developer to be granted relief to provide a 12' front setback instead of 14' front setback required per Sec. 5-25-4 of Zoning Code
- Developer to be granted waiver of TIA until Final Site Plan is approved.
- The existing trees slated for protection that do not meet the 1" per 1" dbh protection zone standard will be replaced should they die within 5 years of construction.

SESC plan approval not required by Henderson County Site Development because proposed land disturbance is less than 1 acre.

NORTH CAROLINA
HENDERSON COUNTY

I, Sharon M. McCall, REVIEW OFFICER
OF HENDERSON COUNTY, CERTIFY THAT THE MAP OR
PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR
RECORDING.

Sharon M. McCall 2/12/19
REVIEW OFFICER DATE

NORTH CAROLINA
HENDERSON COUNTY

THIS INSTRUMENT WAS FILED FOR REGISTRATION THIS
THE 12TH DAY OF FEBRUARY, 2019
AT 2:13 PM O'CLOCK
IN PLAT SLIDE NUMBER 11633

William Lee King
REGISTER OF DEEDS

BY: William Lee King DEPUTY

BOOK 2019 PAGE 11633 (1)

898307



This document presented and filed:
02/12/2019 02:13:50 PM

WLK

WILLIAM LEE KING, Henderson COUNTY, NC

LEGEND

- DB - DEED BOOK
- PG - PAGE
- MNS - MAG NAIL SET
- RBF - REBAR FOUND
- OTF - OPEN TOP PIPE FOUND
- UP - UTILITY POLE
- W - WATER METER
- CO - CLEAN OUT
- S - SEWER MANHOLE
- - IRON FOUND OR SET AS NOTED
- - CALCULATED POINT - NOT SET

REFERENCES

- DB 3151 PG 595
- DB 1086 PG 482
- DB 1459 PG 198
- SLIDE - 6250
- SLIDE - 6244
- DB 572 PG 589
- DB 1088 PG 386
- DB 1182 PG 508
- DB 874 PG 788

NOTES

- SUBJECT PROPERTY TIED TO NC GRID NAD '83 (2011) BY GPS OBSERVATION.
- ORIGINAL BOUNDARY SURVEY COMPLETED ON MARCH 6, 2017. THIS SURVEY IS TO SUBDIVIDE PARENT TRACT.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS SURVEY.
- THE LOCATIONS OF UNDERGROUND UTILITIES ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF OTHER UNDERGROUND UTILITIES/STRUCTURES MAY BE PRESENT AND NOT SHOWN. PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.
- ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY.
- NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- AREA BY COORDINATE COMPUTATION.
- PROPERTY LINES SHOWN AS DASHED WERE NOT FIELD SURVEYED. THEY WERE PLOTTED FROM RECORD DOCUMENTS.
- THERE IS A POSSIBLE 2.5' BUILDING ENCROACHMENT, SHOWN HEREIN AS "NOTE A."
- THERE IS A POSSIBLE 0.5' DRIVEWAY ENCROACHMENT, SHOWN HEREIN AS "NOTE B."
- PIN 9568761959 CURRENTLY ZONED R-8 BY THE CITY OF HENDERSONVILLE.
- SETBACKS: FRONT - 20' REAR - 10' SIDE - 5'
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

PIN 9568699959
FOX
DB 1068 PG 396

Lot 2
24786 Sq. Feet ±
0.57 Acres
PIN 9568761959
Total Area
1.16 ACRES
R-8 ZONING

Lot 1
25703 Sq. Feet ±
0.58 Acres

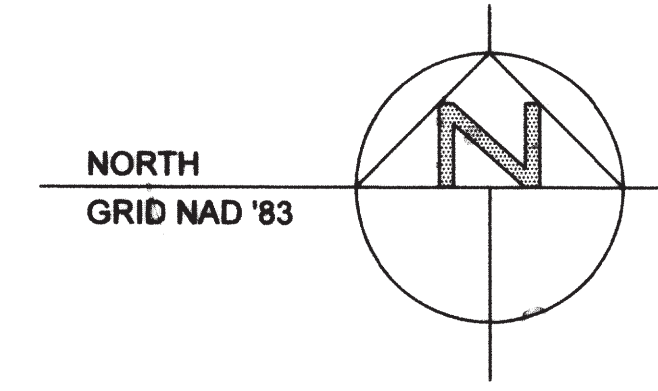
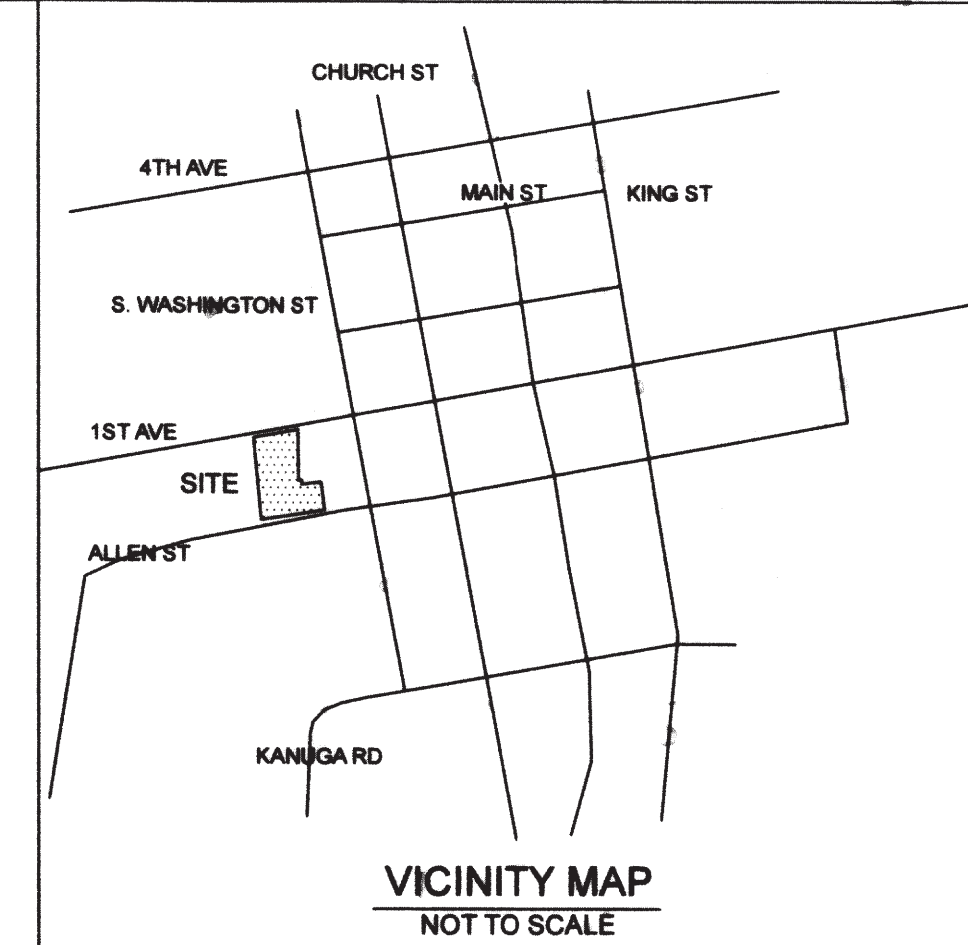
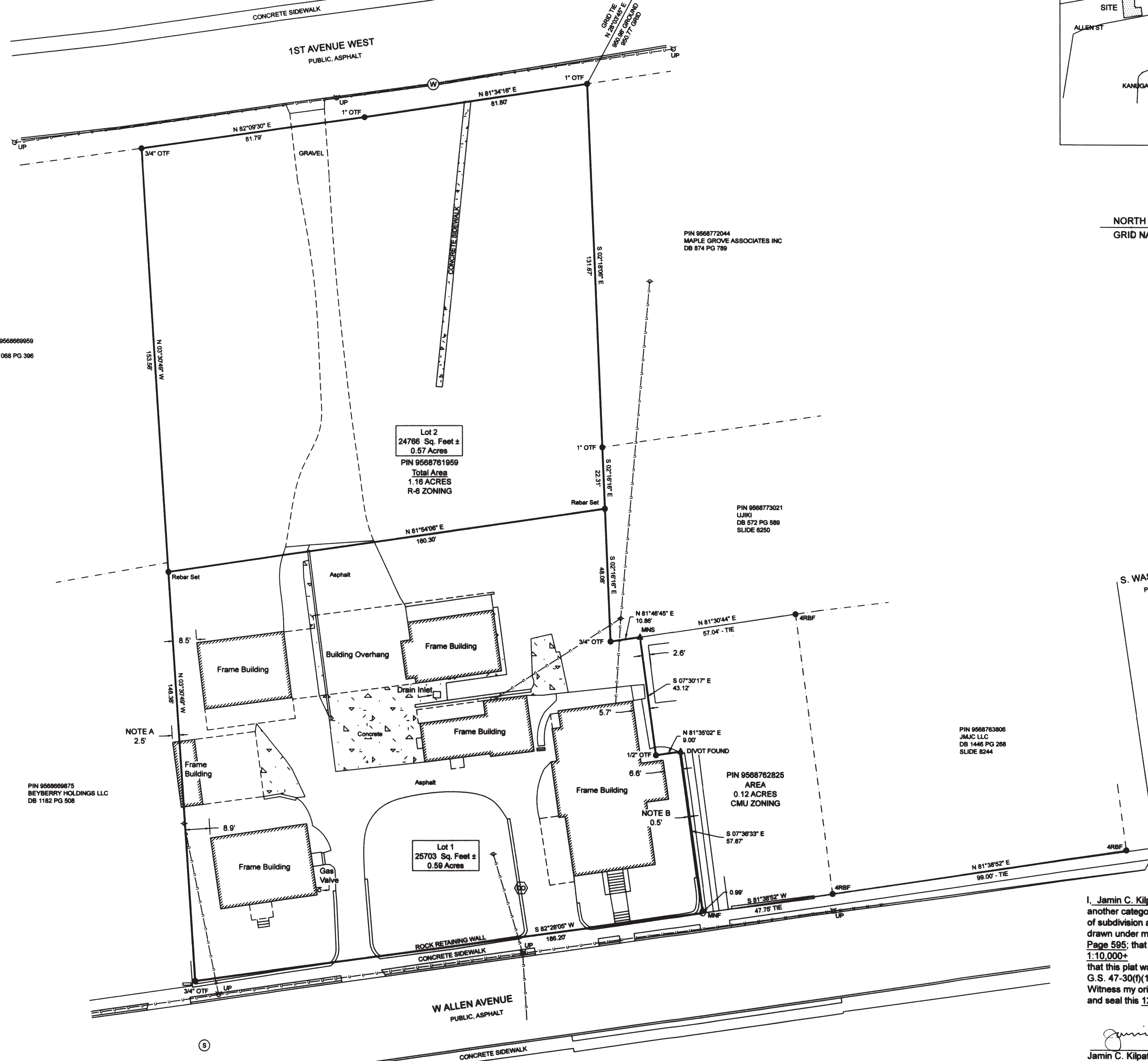
NCGS GRID MONUMENT
"POST OFFICE 2"
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N 587.993.36
E 967.676.36
CF 0.99977725

PIN 956872044
MAPLE GROVE ASSOCIATES INC
DB 874 PG 789

PIN 9568773021
LJRK
DB 572 PG 589
SLIDE 6250

PIN 9568763806
JMJC LLC
DB 1446 PG 268
SLIDE 6244

PIN 9568699975
BEYBERRY HOLDINGS LLC
DB 1182 PG 508

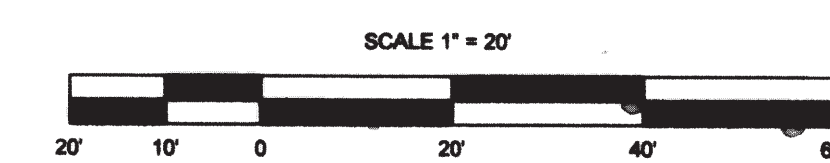


Section 5, Item C.
KILPATRICK LAND SURVEYING PLLC
PO BOX 2705, HENDERSONVILLE, NC 28754
828-606-4787 www.kilpatrick.com P-0508

SUBDIVISION OF PROPERTY FOR:
RIDDLE DEVELOPMENT, LLC
CURRENT OWNER: RIDDLE DEVELOPMENT LLC
City of Hendersonville, Hendersonville Township
Henderson County, North Carolina
PIN 9568761959

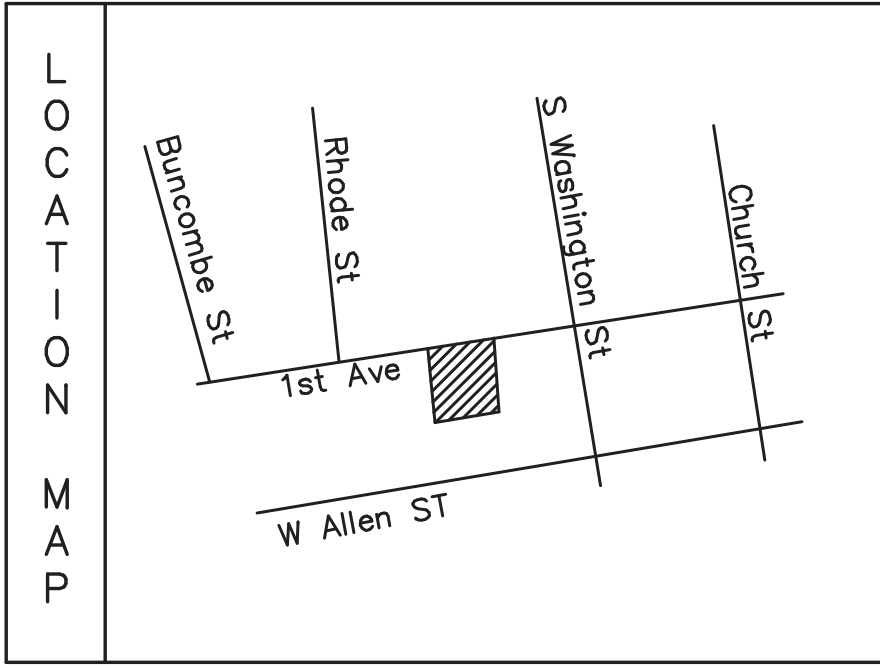
I, Jamin C. Kilpatrick, certify that this survey is of another category or other exception to the definition of subdivision and I further certify that this plat was drawn under my supervision from Deed Book 3131, Page 595; that the ratio of precision as calculated is 1:10,000+ that this plat was prepared in accordance with G.S. 47-30(f)(1)(d).
Witness my original signature, registration number and seal this 12th day of February, A.D., 2019.

Jamin C. Kilpatrick L-4602
Jamin C. Kilpatrick, PLS



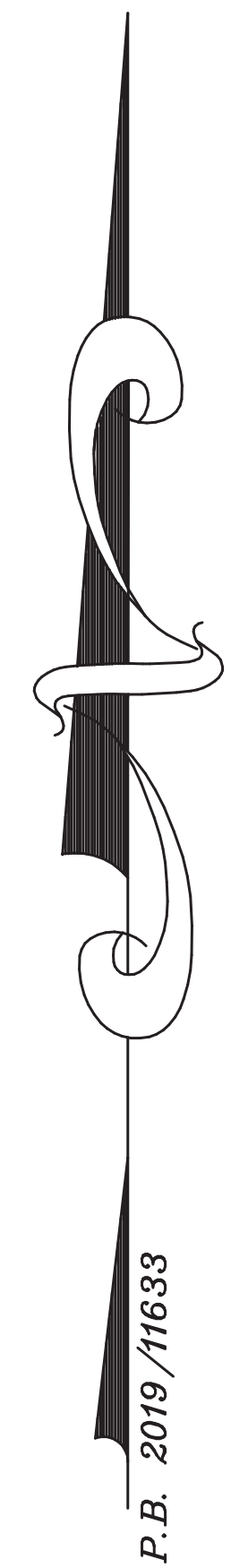
Date 6 MARCH 2017
Drawn By JCK
Scale 1" = 20'
Revision 02-12-19
Dwg No. G-17-300

SLIDE 11633



LEGEND:

○	NIP	NEW IRON PIN
○	EIP	EXISTING IRON PIN
○	CP	CALCULATED POINT ONLY
⊙		POWER POLE
⊙		LIGHT POLE
⊙		WATER VALVE
⊙		GAS VALVE
⊙		WATER METER
⊙		FIRE HYDRANT
⊙		SANITARY SEWER MANHOLE
⊙		STORM DRAIN MANHOLE
⊙		CATCH BASIN
⊙		CLEANOUT
⊙		CURB INLET
⊙		TRANSFORMER
ohp		OVERHEAD POWER
-X-X-X-		FENCE LINE



Plat of Boundary Survey for

Andrew Riddle

1st Avenue West

Hendersonville Township, Henderson County, N.C.

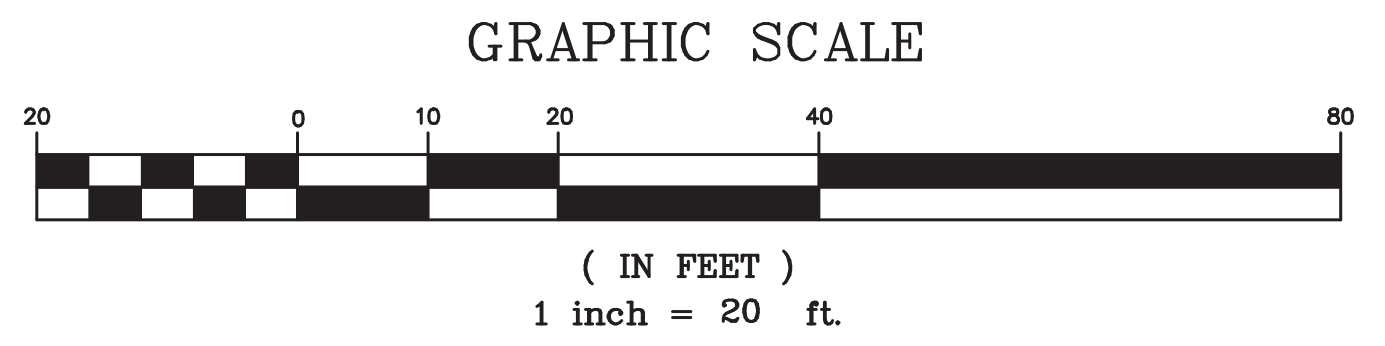


Not valid without the signature and the original seal of a North Carolina licensed land surveyor.

Not For Recordation

The original drawing and/or all copies of it are not transferable to any future owner(s) of the platted property and shall not be used or relied upon by future owner(s) and/or their representatives for any reason without written release by the professional surveyor.

This is to certify that the property shown on this plat was surveyed under my direct supervision. Property lines and improvements are located correctly and that no visible encroachments exist unless otherwise shown.



FREELAND - CLINKSCALES & ASSOCIATES, INC. OF N.C. ENGINEERS * LAND SURVEYORS 201 2nd AVE. EAST HENDERSONVILLE, N.C. 28792 fcaofnc@outlook.com (828) 697-6539 Fax (828)-697-4195 Firm No. C-1562	REF. PLAT BOOK 2019/11633
	REF. DEED. BOOK 3131/595
	TAX MAP 9568-77-1057
	PARTY CHIEF FVC
	DRAWN BLB
	DATE January 27, 2020
	DWG.NO. H40054



project design team:
 the tamara peacock co. architects
 129 3rd ave w
 HENDERSONVILLE, NC 28792
 Phone: 828.696.4000
 LICENSE #12289

owner:

project name:
FIRST AVE VILLAS

**320 1ST AVE W
 HENDERSONVILLE,
 NC 28792**

Tamara Peacock, R.A.
 Registration No. 12289

issued for:

date:

sheet name:
**PRELIMINARY
 SITE PLAN**

revisions:

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 drawn by: AUTHOR
 revised by: DESIGNER
 CHECKER APPROVER

sheet no.:

SP 101

SITE STATISTICS CONT.

BUILDING FOOTPRINT	EACH BUILDING: 4,810 SF TOTAL FIRST FLOOR FOOTPRINT: 9,620 SF
NUMBER OF UNITS:	12 TOTAL; 6 PER BUILDING
TOTAL SQUARE FOOTAGE:	19,240 SF PER BUILDING 38,480 SF TOTAL
STREETS AND PARKING	7,713 SF
TOTAL PERVIOUS AREA	7,576 SF
COMMON OPEN SPACE	2,520 SF (2,483 SF REQ'D - 10%)
PHASING	TO BE COMPLETED IN ONE PHASE

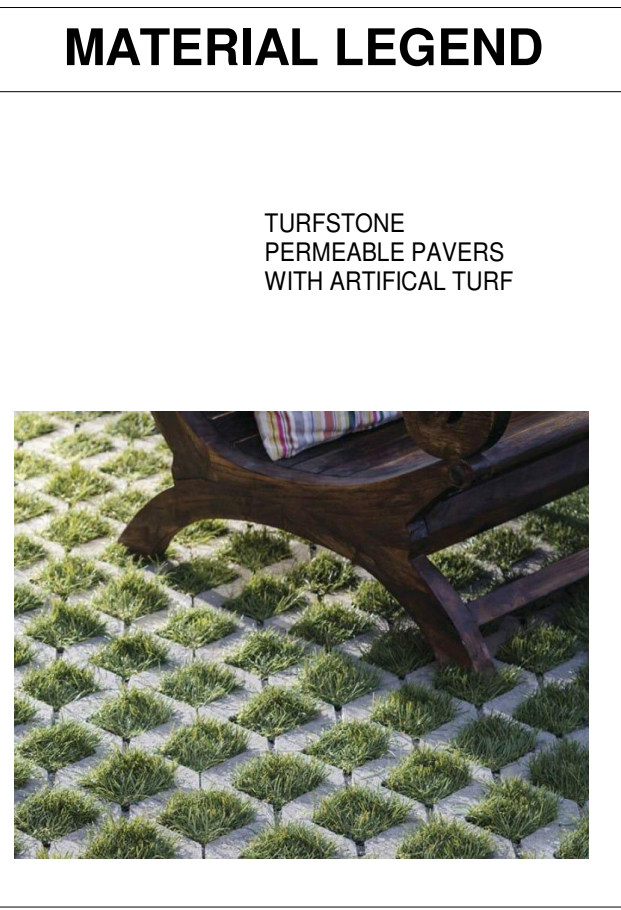
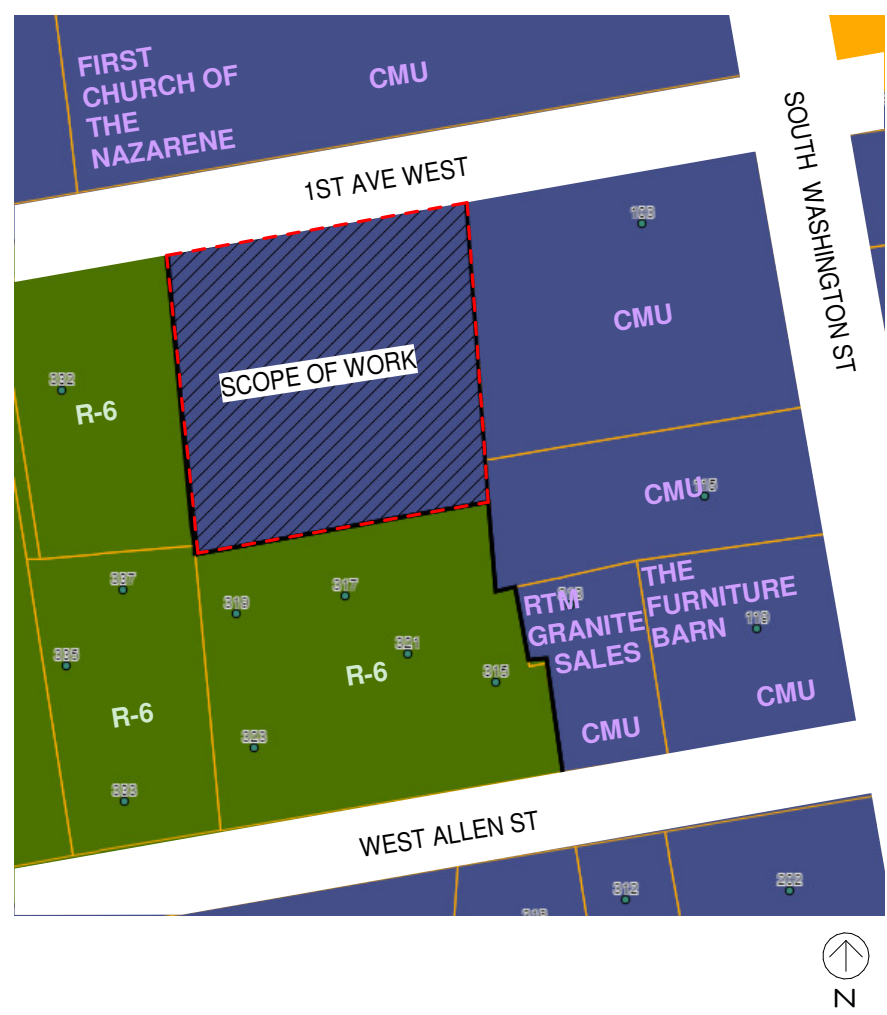
SITE STATISTICS

	PROVIDED	REQUIRED
PROP LOC:	320 FIRST AVE. W.	
BLOCK:		
PIN:	9568771057	
OWNER:	ARY Development LLC	
ZONING:	UR-CZD	
PROPOSED USE:	12 MULTI-FAMILY UNITS	
FLOOD DISTRICT:	N	
DOMESTIC WASTEWATER:	PUBLIC SEWER	
WATER:	PUBLIC	
ADA PARKING:	1 ADA	1 ADA
PARKING:	25 SPACES	12 SPACES
FRONT SETBACK (FIRST AVE)	12' 0" FROM CURB	14' 0" FROM CURB
SIDE SETBACK (CMU)	8' 0"	5' 0"
REAR SETBACK	5' 0"	10' 0"
SIDE SETBACK (R-6)	8' 0"	5' 0"
OVERALL HEIGHT	24'	64'

SITE COVERAGE

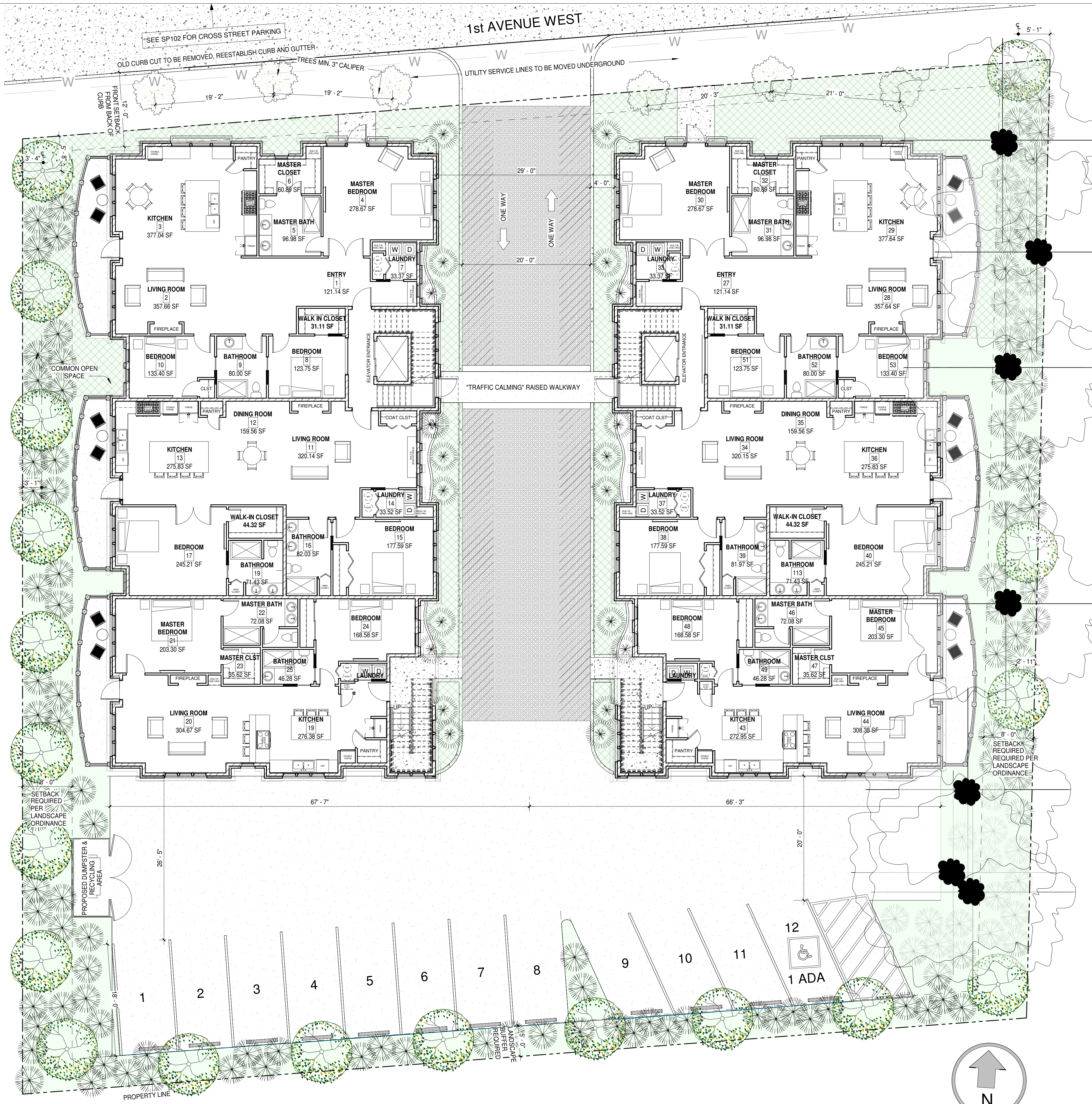
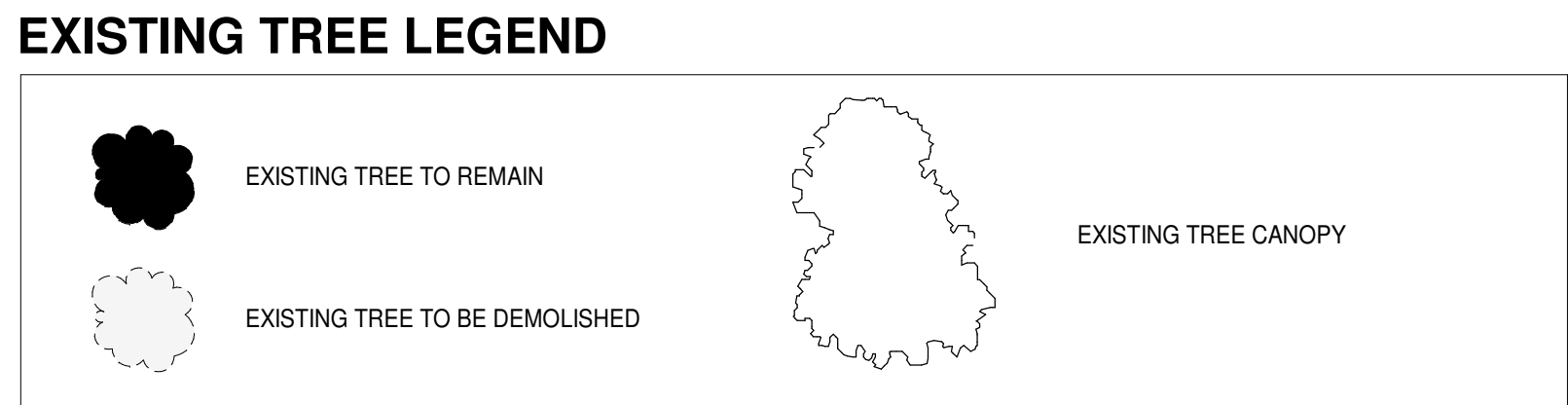
TOTAL PROJECT AREA	57 acres
PROPOSED LOT AREAS	5,691.49 SF
BUILDINGS	11,600 sq ft
OPEN SPACE	7,972 sq ft
STREETS AND PARKING	7,833 sq ft
COMMON OPEN SPACE	2,364 sq ft

- NOTES:**
- SITE LIGHTING WILL BE ADDRESSED AT FINAL SITE PLAN AND WILL BE COMPLIANT WITH SECTION 6-19 OF THE ZONING CODE
 - HOA WILL BE RESPONSIBLE FOR MAINTENANCE OF URBAN OPEN SPACE AND COMMON AREAS
 - DETAILED LANDSCAPING PLAN WILL BE PROVIDED WITH THE FINAL SITE PLAN
 - DUMPSTER AND RECYCLING AREA TO MEET THE SCREENING REQUIREMENTS OF 15-19-3.3c



ADJACENT PROPERTIES:

ADJACENCY	ADDRESS	ZONING	PROPERTY OWNER
NORTH	111 N WASHINGTON ST	CMU	FIRST CHURCH OF THE NAZARENE
EAST	103 S WASHINGTON ST	CMU	MAPLE GROVE ASSOC INC
EAST	115 S WASHINGTON ST	CMU	NENON L. UJIKI
SOUTHEAST	119 S WASHINGTON ST	CMU	JMJC, LLC
SOUTHEAST	313 W ALLEN ST	CMU	MATT JOHNES, LLC
SOUTH	315 W ALLEN ST	R-6	MATT JOHNES, LLC
SOUTHWEST	337 W ALLEN ST	R-6	BEYBERRY HOLDINGS, LLC
WEST	332 1ST AVE W	R-6	JOHN E. FOX, HARRIETT W. FOX



1 SITE PLAN
 SP 101 1/8" = 1'-0"



PROJECT DESIGN TEAM:
THE TAMARA PEACOCK CO. ARCHITECTS
129 3RD AVE W
HENDERSONVILLE, NC 28792
PHONE: 828.696.4000
LICENSE #12289



OWNER:

PROJECT NAME:

**FIRST AVE
VILLAS**

**320 1ST AVE W
HENDERSONVILLE,
NC 28792**

TAMARA PEACOCK, R.A.
REGISTRATION NO. 12289

ISSUED FOR:

DATE:

SHEET NAME:

DETAILS

REVISIONS:

THIS DOCUMENT IS PROPERTY OF TAMARA PEACOCK COMPANY AND NO PART HEREIN SHALL BE USED EXCEPT FOR THE SPECIFIC PROJECT WITHOUT CONSENT OF THE TAMARA PEACOCK COMPANY.
THIS DOCUMENT WAS PREPARED BY THE TAMARA PEACOCK COMPANY ACCORDING TO THE TERMS OF GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION.
THIS DOCUMENT DOES NOT EITHER IN WHOLE OR IN PART CONSTITUTE ANY DIRECTION OR INSTRUCTION TO ANY CONTRACTOR WITH REGARD TO CONSTRUCTION MEANS, METHODS OR TECHNIQUES. BY THIS DOCUMENT THE ARCHITECT DOES NOT INTEND TO EXPRESS ANY OPINION, DIRECTION OR INSTRUCTION OF ANY KIND WHATSOEVER AS TO THE MANNER IN WHICH THE CONSTRUCTION WORK IS TO BE ACCOMPLISHED.

DATE: 11/19/2024 6:08:36 PM

PROJ. NO.:

CHECKER

AUTHOR

CHECKER

PROJ. PHASE:

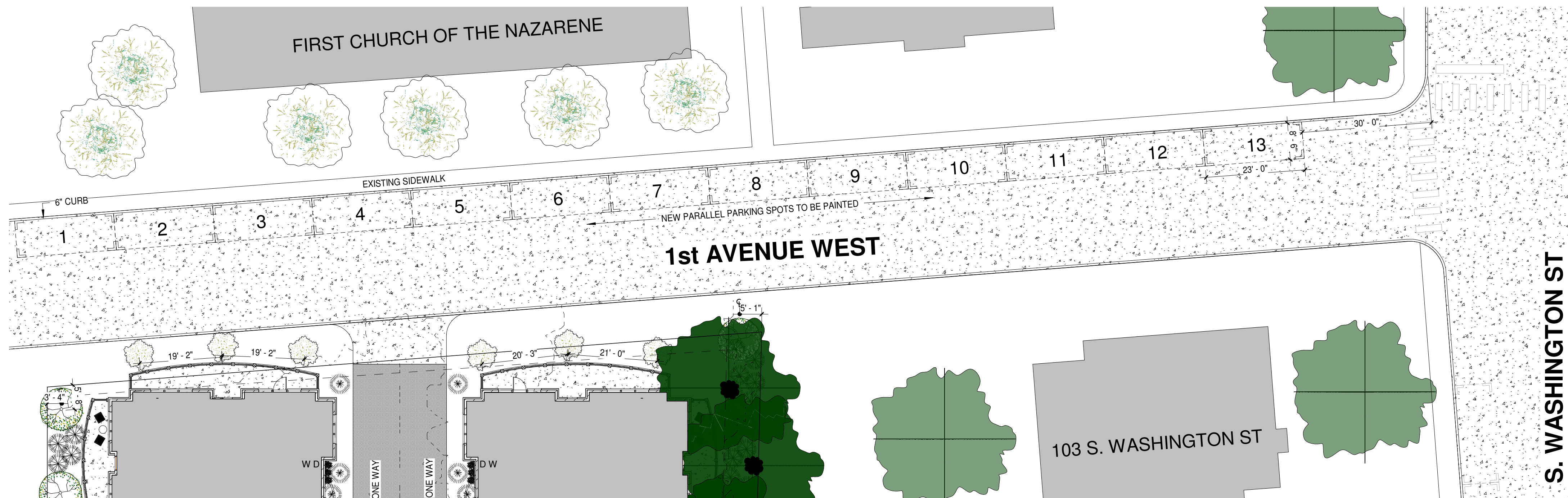
DESIGNER

CAPT.

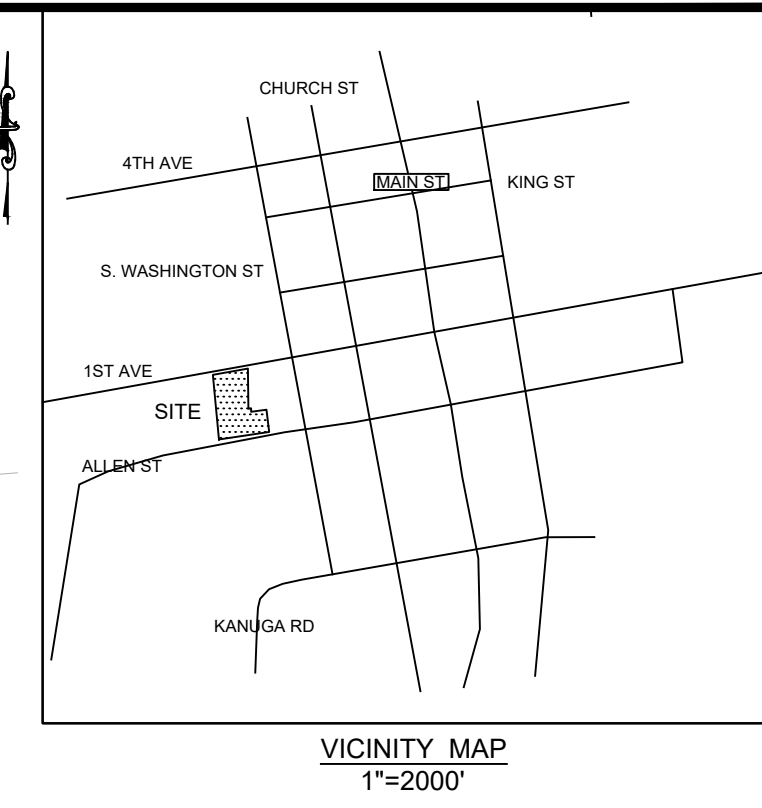
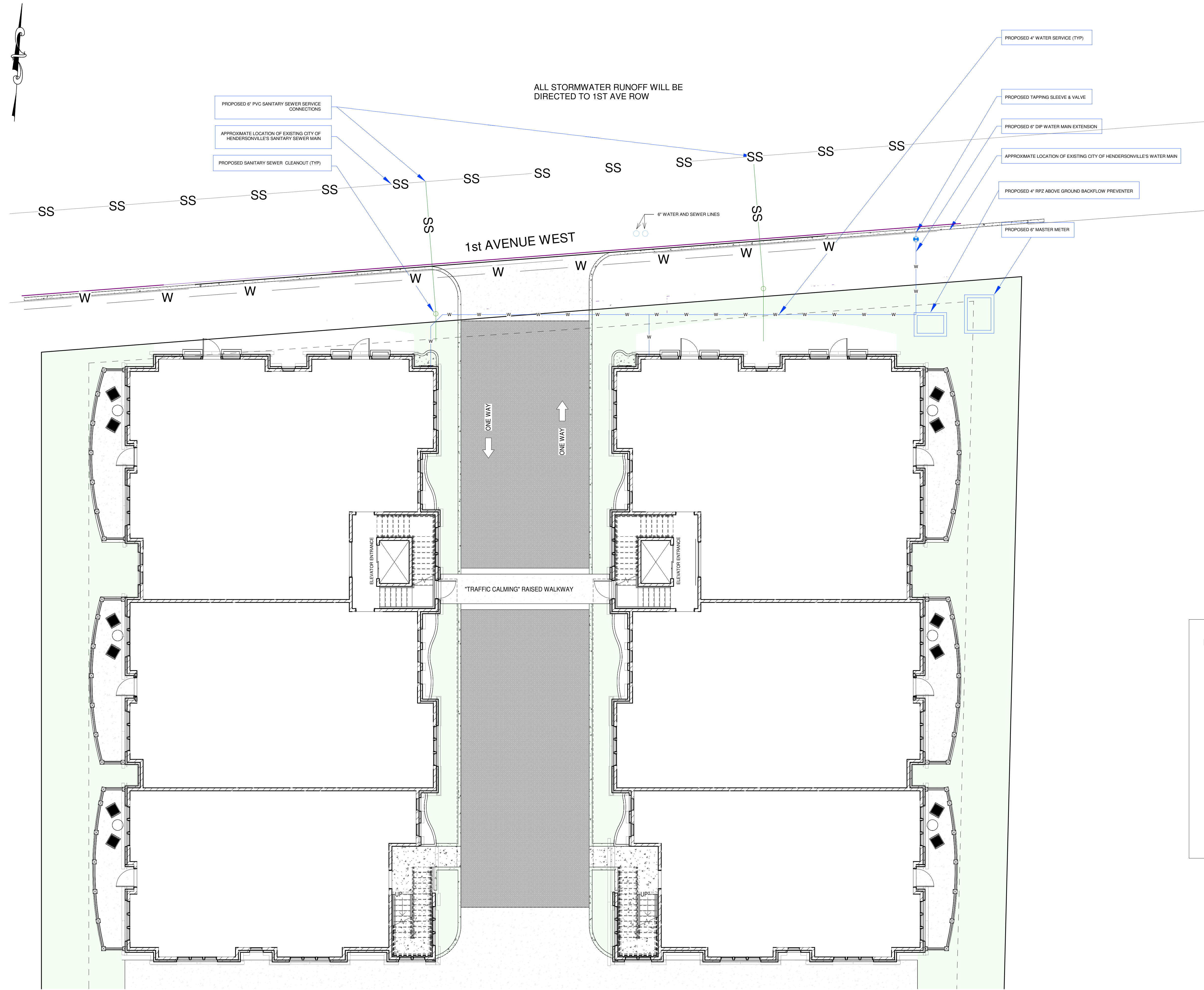
APPROVER

SHEET NO.:

SP102



1 STREET PARKING
SP102 1/16" = 1'-0"



Civil Engineers and Land Surveyors
 7 Glenn Bridge Rd, Suite H
 Arden, NC 28704
 (828) 676-0607
 www.feiconsulting.com
 License No. C-0950

FIRST AVE VILLAS
 UTILITY PLAN

DEVELOPER INFORMATION:
 ARY DEVELOPMENT LLC
 17 OLDE EASTWOOD VILLAGE BLVD
 ASHEVILLE, NC 28803

PROJECT LOCATION:
 CITY: HENDERSONVILLE
 COUNTY: HENDERSON
 STATE: NORTH CAROLINA

DELIVERY OF ELECTRONIC FILES:

THIS DATA IS PROVIDED IN ELECTRONIC MEDIA FORMAT ONLY FOR THE CONVENIENCE OF THE PARTIES INVOLVED. UPON TRANSFER, THE CLIENT, CONTRACTOR, SUBCONTRACTOR OR AGENT AGREES TO WAIVE ALL CLAIMS AGAINST FEI. (OR ITS CONSULTANTS) RESULTING IN ANY WAY FROM THE USE OF THIS DATA.

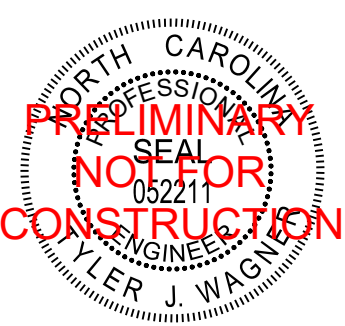
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NO.	DATE	REVISION NOTE
1	6-21-2024	REVISED PER CITY COMMENTS
2	8-14-2024	REVISED PER CITY COMMENTS

DRAWN BY: LBC/MPR
 CHECKED BY: TJW
 DATE: 06/13/2024
 PROJECT NO.: 01039.001
 REF. NO.:
 SCALE: 1"=10'

- SITE DATA:**
 OWNER: ARY DEVELOPMENT LLC
 SITE ADDRESS: 320 FIRST AVE. W.
 SITE PIN: 9568771057
- NOTES:**
1. THE PROPOSED DEVELOPMENT IS ANTICIPATED TO BE SERVED BY CITY OF HENDERSONVILLE'S SEWER & WATER.
 2. THE SITE LAYOUT HAS BEEN PREPARED BY PEACOCK ARCHITECTS AND HAS BEEN UTILIZED AS A DESIGN BASIS FOR THE PROPOSED UTILITY IMPROVEMENTS.
 3. UTILITY INFORMATION SHOWN HEREIN HAS BEEN PREPARED BY FEI AND IS SUBJECT TO CHANGE. ALL LOCATIONS ARE APPROXIMATE.
 4. ALL PROPOSED UTILITY SERVICE LINES WILL BE LOCATED UNDERGROUND.
 5. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.



SHEET
C-100

1
 A603
PRELIM UTILITY PLAN
 1/8" = 1'-0"

LARGE EVERGREEN TREES - TOTAL COUNT: 25					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS (ALL PLANTS TO MEET ANSI Z60.1 STNDS.)
SO	25	Gleditsia triacanthos	Honey Locust	2" CALIPER, 12' HEIGHT	B&B, SINGLE STRAIGHT LEADER

EVERGREEN SHRUBS - TOTAL COUNT: 143					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS (ALL PLANTS TO MEET ANSI Z60.1 STNDS.)
LB	143	Ilex crenata 'Convexa'	Convexa Japanese Holly	3 GALLON, 18" HEIGHT	FULL PLANT

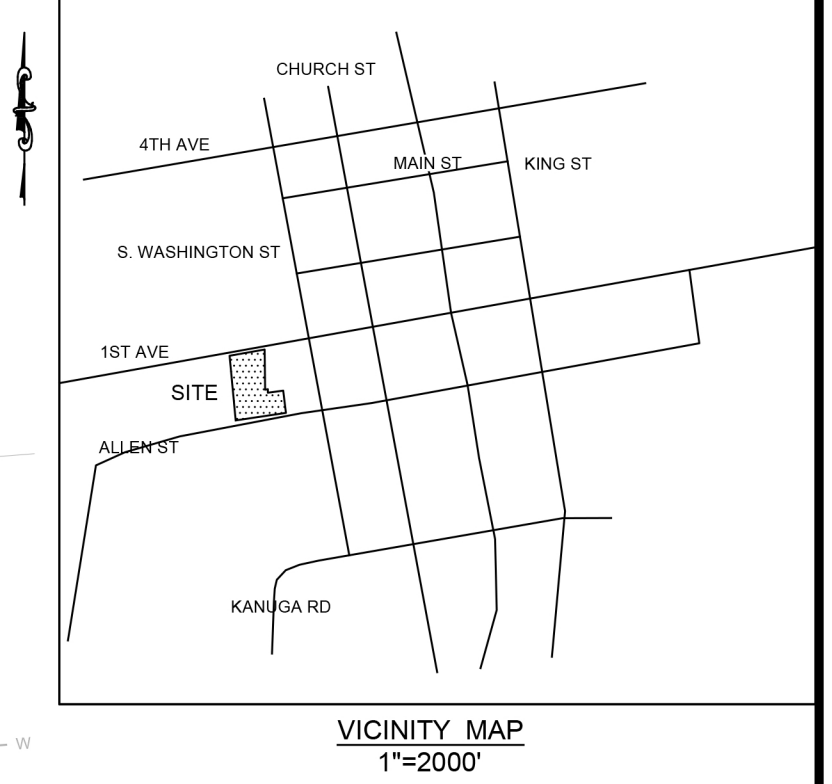
FLOWERING SHRUBS - TOTAL COUNT: 185					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS (ALL PLANTS TO MEET ANSI Z60.1 STNDS.)
WS	185	Rhododendrons	Rhododendron spp.	3 GALLON, 18" HEIGHT	FULL PLANT

TOTAL LANDSCAPING CALCULATIONS:

VEHICULAR USE AREA → 1 TREE & 2 SHRUBS PER 4,000 SF
 10,175.38 SF / 4,000 SF = 2.55 → x3 = 3 TREES & 6 SHRUBS REQUIRED
 3 TREES (1 PROPOSED & 2 EXISTING), 3 EVERGREEN SHRUBS & 3 FLOWERING SHRUBS PROVIDED

TYPE "A" BUFFER AREA → 3 CANOPY TREES, 20 EVERGREEN SHRUBS AND 25 FLOWERING SHRUBS PER 100 LF
 154.37 LF / 100 LF = 1.54 → x2 = 6 TREES, 40 EVERGREEN SHRUBS & 50 FLOWERING SHRUBS REQUIRED
 6 (2 PROPOSED & 4 EXISTING) TREES, 40 EVERGREEN SHRUBS & 50 FLOWERING SHRUBS PROVIDED

TYPE "B" BUFFER AREA → 4 CANOPY TREES, 25 EVERGREEN SHRUBS AND 33 FLOWERING SHRUBS PER 100 LF
 315.98 LF / 100 LF = 3.16 → x4 = 16 TREES, 100 EVERGREEN SHRUBS & 132 FLOWERING SHRUBS REQUIRED
 16 TREES, 100 EVERGREEN SHRUBS & 132 FLOWERING SHRUBS PROVIDED



Civil Engineers and Land Surveyors
 7 Glenn Bridge Rd., Suite H
 Arden, NC 28704
 (828) 676-0807
 www.feiconsulting.com
 License No. C-0950

FIRST AVE VILLAS
 LANDSCAPING PLAN

DEVELOPER INFORMATION:
 ARY DEVELOPMENT LLC
 1000 WOOD VILLAGE BLVD
 ASHEVILLE, NC 28906

PROJECT LOCATION:
 CITY: HENDERSONVILLE
 COUNTY: HENDERSONVILLE
 STATE: NORTH CAROLINA

NO.	DATE	REVISION NOTE
1	6-21-2024	REVISED PER CITY COMMENTS
2	8-14-2024	REVISED PER CITY COMMENTS

DRAWN BY: LBC/MPR
 CHECKED BY: TJW
 DATE: 06/13/2024
 PROJECT NO.: 01039.001
 REF. NO.:
 SCALE: 1"=10'

PROFESSIONAL SEAL
 JEFFERSON W. WAGNER
 ENGINEER
 05221

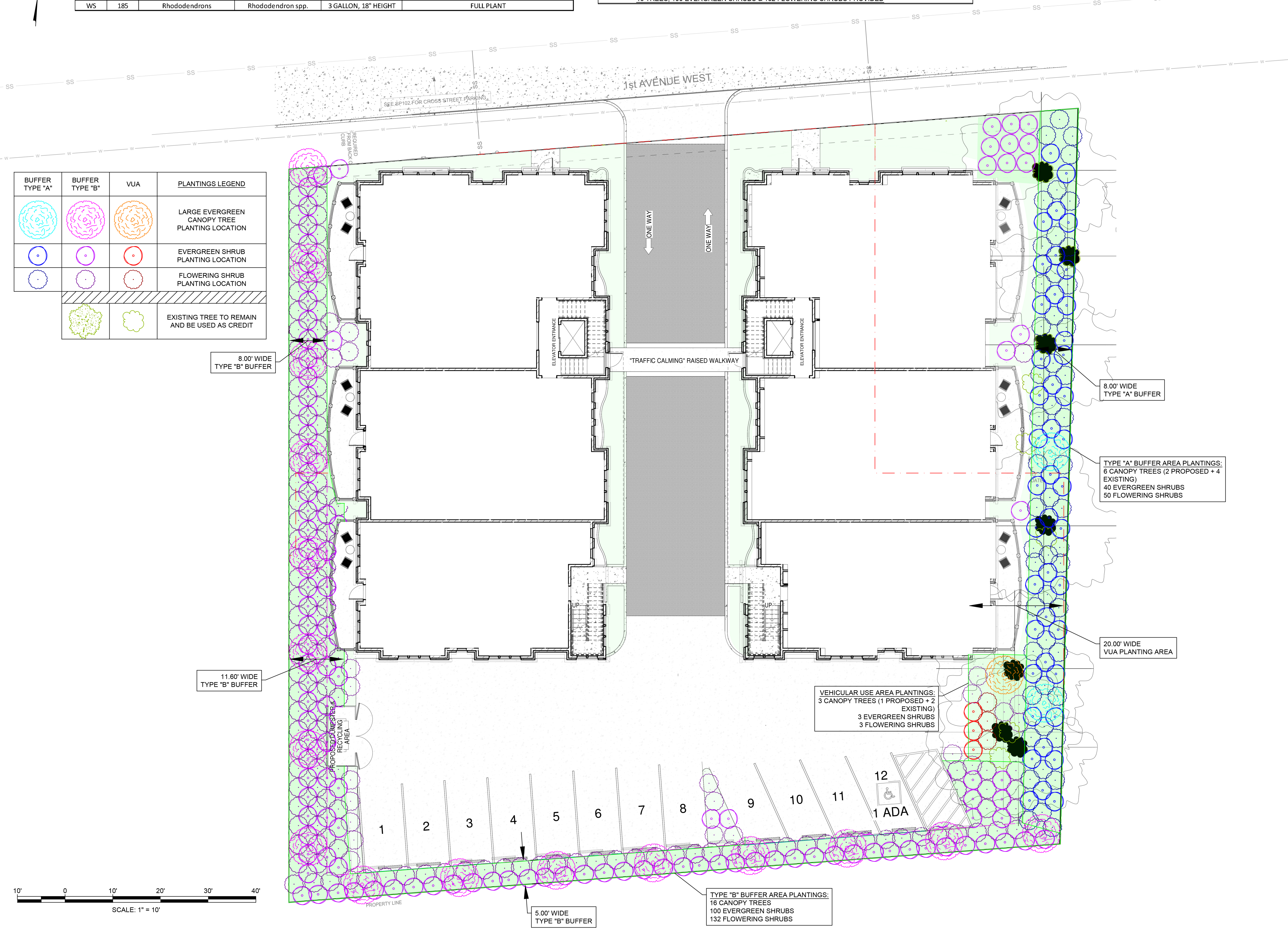
PRELIMINARY - NOT FOR CONSTRUCTION

SHEET
 C-101

SITE DATA:
 OWNER: ARY DEVELOPMENT LLC
 SITE ADDRESS: 320 FIRST AVE. W.
 SITE PIN: 3568771057

NOTES:
 1. THE SITE LAYOUT HAS BEEN PREPARED BY PEACOCK ARCHITECTS AND HAS BEEN UTILIZED AS A DESIGN BASIS FOR THE PROPOSED LANDSCAPING IMPROVEMENTS.
 2. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION.

BUFFER TYPE "A"	BUFFER TYPE "B"	VUA	PLANTINGS LEGEND
			LARGE EVERGREEN CANOPY TREE PLANTING LOCATION
			EVERGREEN SHRUB PLANTING LOCATION
			FLOWERING SHRUB PLANTING LOCATION
			EXISTING TREE TO REMAIN AND BE USED AS CREDIT





project design team:
 the tamara peacock co. architects
 129 3rd ave w
 HENDERSONVILLE, NC 28792
 Phone: 828.696.4000
 LICENSE #12289

owner:

project name:
FIRST AVE VILLAS

**320 1ST AVE W
 HENDERSONVILLE,
 NC 28792**

Tamara Peacock, R.A.
 Registration No. 12289

issued for:

date:

sheet name:
**SECOND
 LEVEL
 FLOOR
 PLAN**

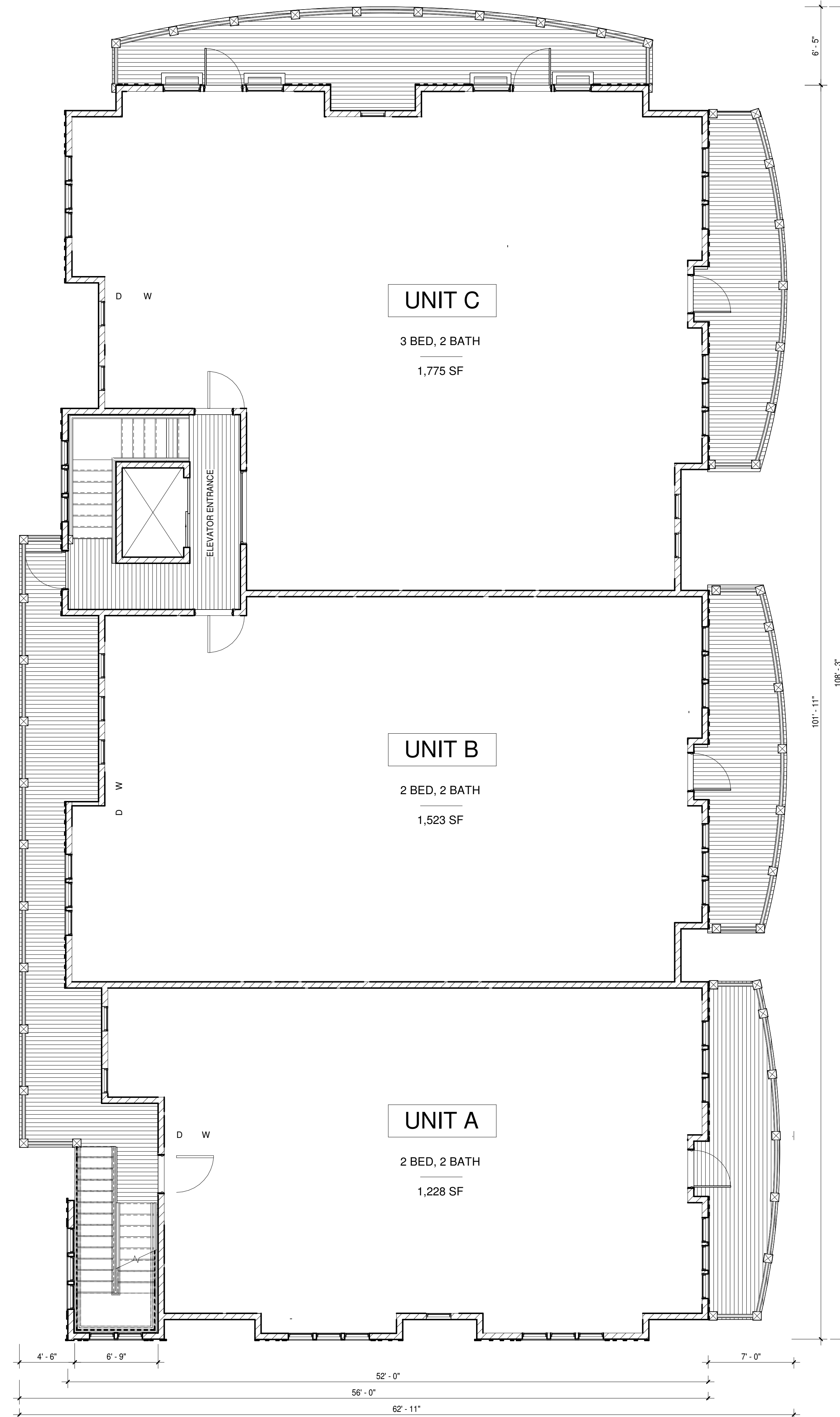
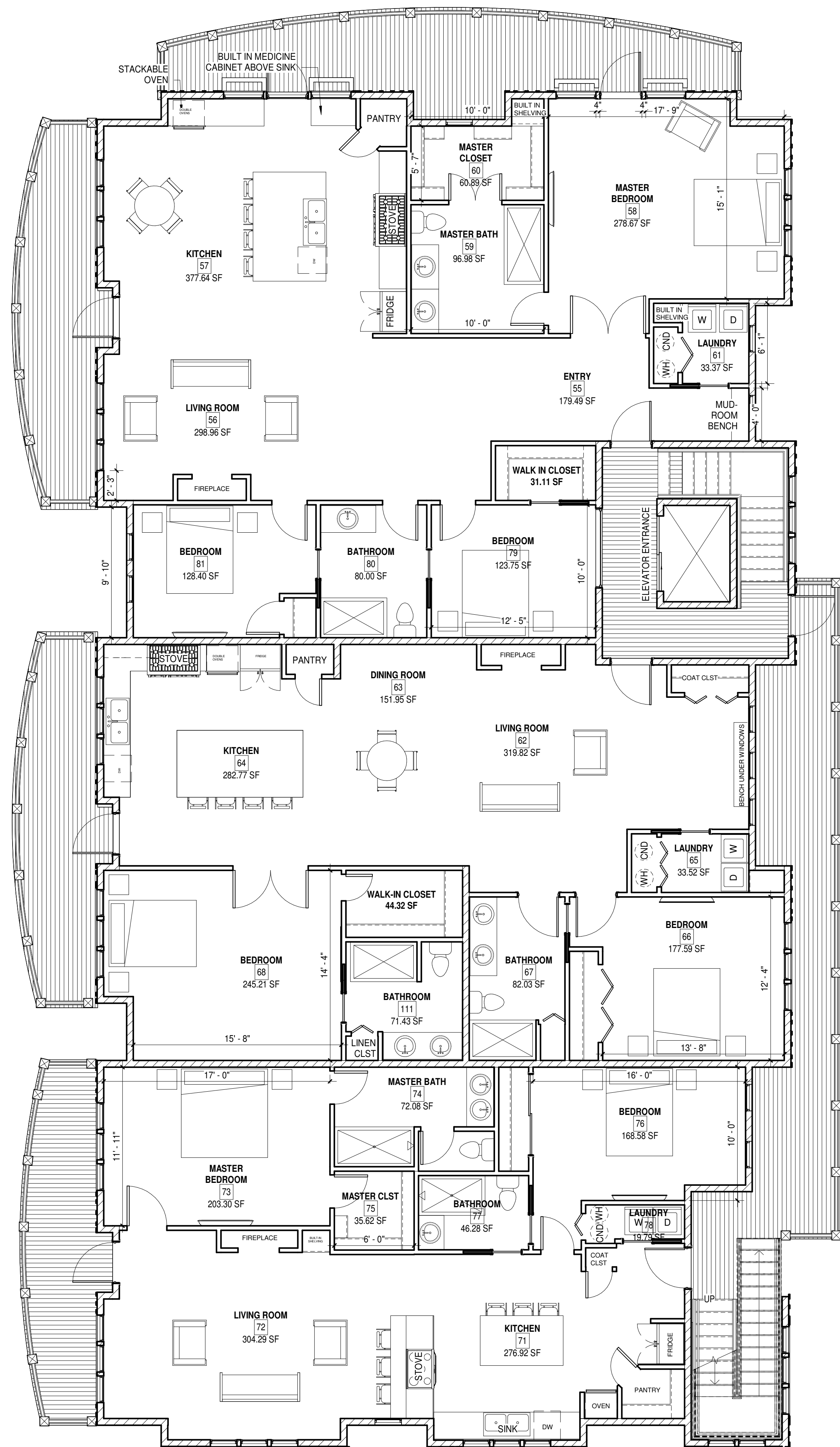
revisions:

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 drawn by: AUTHOR
 DESIGNER
 revised by: CAPT.
 CHECKER APPROVER

sheet no.:

A104





project design team:
the tamara peacock co. architects
129 3rd ave w
HENDERSONVILLE, NC 28792
Phone: 828.696.4000
LICENSE #12289

owner:

project name:
FIRST AVE VILLAS
**320 1ST AVE W
HENDERSONVILLE,
NC 28792**

Tamara Peacock, R.A.
Registration No. 12289

issued for:

date:

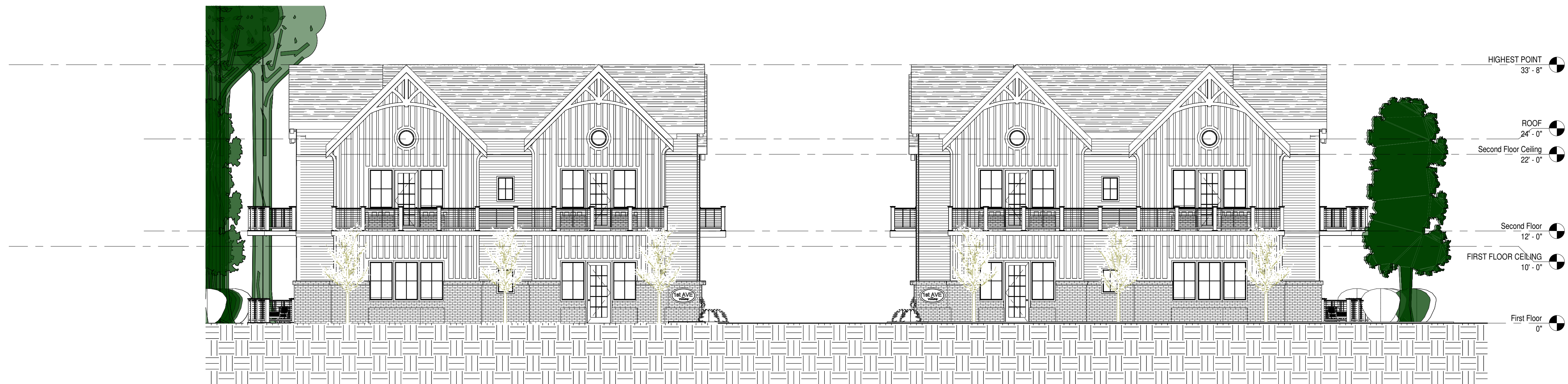
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EXTERIOR ELEVATIONS

revisions:

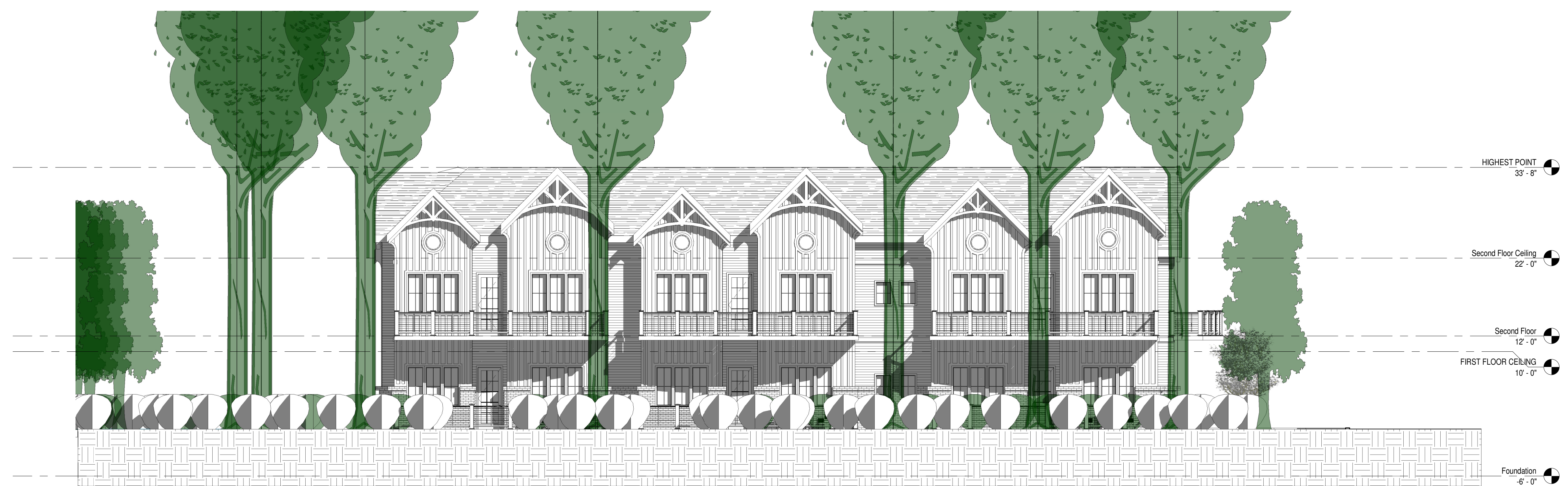
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date: 2/11/2025 8:47:35 PM
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revised by: CHECKER
APPROVER

sheet no.:
A401



1 NORTH ELEVATION
A401 1/8" = 1'-0"



2 EAST ELEVATION
A401 1/8" = 1'-0"



project design team:
the tamara peacock co. architects
129 3rd ave w
HENDERSONVILLE, NC 28792
Phone: 828.696.4000
LICENSE #12289

owner:

project name:
**FIRST AVE
VILLAS**

**320 1ST AVE W
HENDERSONVILLE,
NC 28792**

Tamara Peacock, R.A.
Registration No. 12289

issued for:

date:

sheet name:
**EXTERIOR
ELEVATIONS**

revisions:

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date: 2/4/2025 8:47:56 PM

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drawn by: AUTHOR

checked by: CHECKER

Proj Mgr: -

DESIGNER

Cap: -

APPROVER

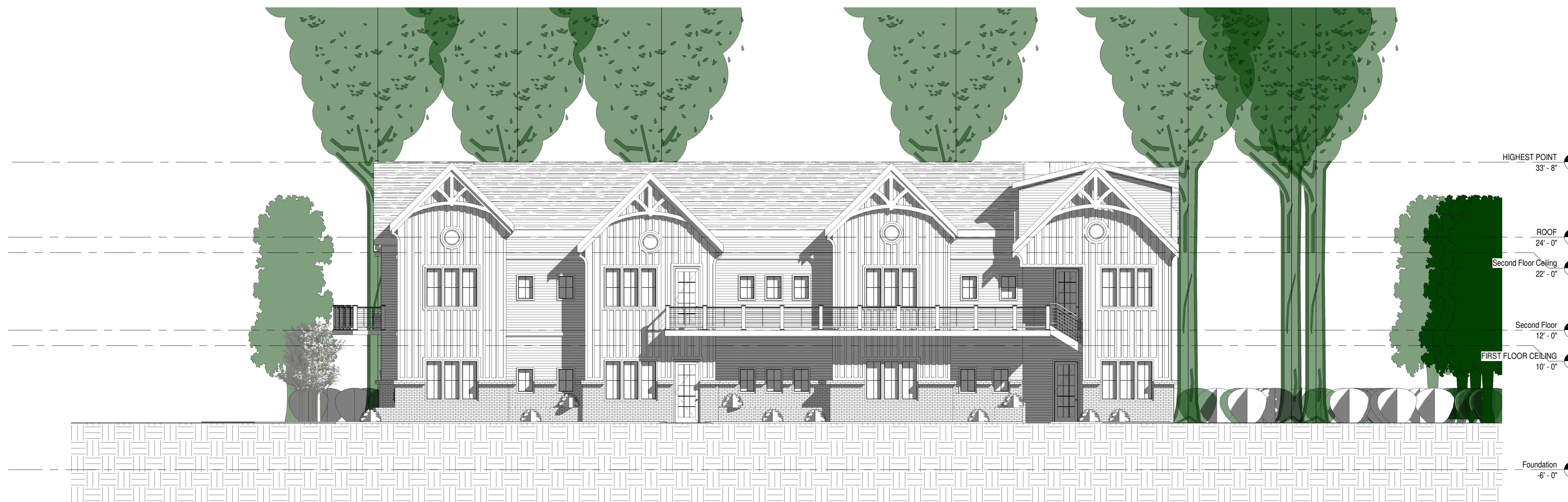
sheet no.:

A402



1 SOUTH ELEVATION

A402 1/8" = 1'-0"



2 COURTYARD ELEVATION

A402 1/8" = 1'-0"

NEIGHBORHOOD COMPATIBILITY MEETING REPORT

FIRST AVE VILLAS (P24-86-CZD)

NCM MEETING DATES: DECEMBER 12TH, 2024



PETITION REQUEST: Rezoning: First Ave Villas- Urban Residential (UR-CZD)

APPLICANT/PETITIONER: ARY Development LLC (Applicant)

NEIGHBORHOOD COMPATIBILITY MEETING SUMMARY:

A Neighborhood Compatibility Meeting was held for this project on December 12th, 2024, at 2pm in the Old Council Chambers at City Hall, 160 6th Avenue E and via Zoom. The meeting lasted approximately 1 hour and 30 minutes.

There were 4 members of the public in attendance in-person while 4 attended virtually. The applicant and their development team were present with a total of 4 attendees. The City was represented with 2 members Planning staff.

Staff gave the formal introduction and a brief overview of the request.

There was one pre-submitted comment which was provided to the developer at the meeting. The developer was able to respond to the comments and questions.

The development team was allowed to present their project proposal for the proposed apartment development.

Concerns and questions from the public related to:

- Question regarding the dimensions of buildings.
- Questions regarding the price of the condos.
- Questions and comments regarding the protection of trees, adequate tree buffering to preserve existing trees, and the replacement of trees if they are damaged or killed.
- Concern over buffer between properties. Resident suggested building a fence. Developer stated there is only the possibility of maintaining existing trees or building a fence, but not both.
- Explanation of the elevator locations in the building.
- Parking of mail and delivery trucks that would block 1st Avenue expressed as a concern by residents.
- General was raised as a concern. The Developer spoke to the three different areas of parking (rear, street, and in an adjacent parking lot).
- Question regarding the rear parking area pavement material.

Full minutes from the Neighborhood Compatibility Meeting and pre-submitted public comments are available for review by request.

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9568-77-1057 BY CHANGING THE ZONING DESIGNATION CMU-CZD (CENTRAL MIXED USE CONDITIONAL ZONING DISTRICT) TO UR-CZD (URBAN RESIDENTIAL - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-86-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Rafique Charania of ARY Development LLC, for the development of 12 multi-family residential units on 1st Ave W; and

WHEREAS, the Planning Board took up this application at a special called meeting on March 25, 2025; voting **X-X** to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on **April 3, 2025**, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9568-77-1057, changing the zoning designation from CMU-CZD (Central Mixed Use Conditional Zoning District) to UR-CZD (Urban Residential - Conditional Zoning District)
2. Development of the parcel pursuant to this Ordinance is subject to the following.
 - a. Development shall comply with the site plan submitted by the applicant dated **Month Date, 2025**, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant’s execution of this Ordinance].
 - b. Permitted uses shall include:
 - i. Residential, Multi-Family - 12 Units
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:**
 - i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this **6th day of March 2025**.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9568-77-1057
Addresses: 0 1st Ave West
1st Ave Villas: (File # P24-26-CZD)

Applicant/Developer: Sarah McCormick,
Peacock Architects

Property Owner: Rafique Charania, ARY
Development LLC

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Entry #: 14 - 11/13/2024

Status: Submitted

Submitted: 11/13/2024 5:08 PM

Date:
11/13/2024

Address/Location of Property:
9568771057

Current Zoning:
CMU-CZD

Proposed Zoning:
UR-CZD

List the adjacent property parcel numbers and uses.

PIN or PID #
9568772044

Adjacent Property Use:
CMU

PIN or PID #
9568770237

Adjacent Property Use:
CMU

PIN or PID #
9568770025

Adjacent Property Use:
R-6

PIN or PID #
9568761961

Adjacent Property Use:
R-6

Applicant Name:
Sarah McCormick

Address
129 3rd Ave W, Hendersonville, North Carolina 28792

Phone
(828) 696-4000

Email
sarah@peacockarchitect.com

Property Owner Name:
Rafique Charania for ARY Development LLC

Address
17 Olde Eastwood Village Blvd, Asheville, North Carolina 28803

PIN or PID #

Signature

Rafique Charania

Printed Name:

Rafique Charania

Official Use Only:

Date Recieved:

Received By:

Fee Received:

Section 11-4 Standards: The advisability of amending the text of the Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

a) Comprehensive Plan Consistency. Consistency with the Comprehensive Plan and amendments thereto.

The comprehensive plan emphasizes the need to alleviate the current housing shortage by developing a variety of housing types walkable to downtown. We are helping preserve the city center and neighborhood through mid-density, quality, user-conscious design. This is a compact development that reduces traffic congestion and maximizes the use of the available land, helping preserve the agricultural land by reducing suburban sprawl

b) Compatibility with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

In the future land use of downtown, our site is earmarked for multi-generational living and within walking distance of the neighborhood center where most primary activity occurs. We are part of the downtown edge district, made up of civic buildings and commercial businesses. In addition, we are surrounded by a church and residential properties. The use of our building is multi-family residential, therefore compatible with the surrounding properties.

c) Changed Conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

We would be requesting a variance in the front setback line from 14' to 12'. We would also be utilizing the exemption for front porches/patios to extend over the setback line.

d) Public Interest. Whether and the extent to which the proposed amendment would result in a logical and development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

A courtyard between the two buildings creates a pocket park with opportunities for public interaction, adding value to the community as a whole. This courtyard, clad in turf-stone and landscaping, offers the perfect setup for community interactions. Not only will this type of high-density development so close to downtown help traffic congestion by providing opportunities for walking and cycling as a means of transportation, but we provide 13 extra parallel parking spots across the street that are available to the public.

e) Public facilities. Whether and to the extent 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.

The site plan is designed to meet all the fire code requirements. This development would require tapping into the city of Hendersonville water and sewer main lines.

f) 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, stormwater management, streams, vegetation, wetlands and wildlife.

There would be no significant impact other than the removal of existing trees. We propose a new landscaping buffer which would replace more trees than we are proposing to remove.