

ZONING TEXT AMENDMENT: ANIMAL HOSPITALS & CLINICS IN MIC (P22-58-ZTA)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - Animal Hospitals & Clinics in MIC
  - P22-58-ZTA
- Applicant:
  - Andrew Riddle
- Articles Amended:
  - Section 5-10-1 Permitted Uses
  - Section 5-12-1 Permitted Uses
  - Section 12-2. - Definition of commonly used terms and words.
- Applicable Zoning District(s):
  - The petition proposes to add this use to the Medical, Institutional, Cultural (MIC) Zoning District.
  - Other districts which currently permit this use:
    - CMU / CMU-CZD
    - C-2 / C-2-CZD
    - C-3 / C-3-CZD
    - I-1 / I-1-CZD
    - PMD (CZD)
    - RCT / RCT-CZD
    - PCD (CZD)
    - HMU / HMU-CZD
    - Urban Village (CZD)
    - CHMU / CHMU-CZD



### *Summary of Amendment Petition:*

*The City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Andrew Riddle for an amendment to the list of Permitted Uses in the MIC (Medical, Institutional, & Cultural) Zoning District (Sec. 5-10-1) to include the use of Animal Hospital & Clinic.*

*Currently Animal Hospitals & Clinics are not permitted in the MIC Zoning District.*

*Staff is also proposing to make clarifications and corrections related to Animal Hospitals & Clinics and Animal Boarding Facilities elsewhere in the zoning code.*

*Animal Hospitals & Clinics* are a permitted use in 10 zoning districts within the City of Hendersonville’s zoning jurisdiction. In all cases, but one, the permitted use of *Animal Hospital & Clinics* is limited by “*having no outdoor kennels*”. It is currently not a permitted use in the MIC (Medical, Institutional, & Cultural) Zoning District.

Article XII of the Zoning Code does not define *Animal Hospitals & Clinics*. However, the use is referenced in the definition for *Animal Boarding Facilities* as follows:

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

Furthermore, the stated use is not subject to Supplementary Standards (though it is incorrectly referenced in the I-1 Zoning District as being subject to supplementary standards). *Animal boarding facilities*, however, are subject to Supplementary Standards. Under Section 16-4-4 *Animal boarding facilities*, the text states: *It shall not apply to boarding facilities incidental to the operation of an animal hospital or clinic or to pet stores.*

As part of the analysis, Staff gave consideration to the following:

- *Animal Hospitals & Clinics* is a medical use with similar impacts as a medical office (personal services), hospitals, and other permitted uses within the MIC;
- There are ten other zoning districts which permit *Animal Hospitals & Clinics*; and
- There are a number of similarities in the mix of permitted uses when comparing the MIC Zoning District and the other ten zoning districts where *Animal Hospitals & Clinics* are permitted.

## LEGISLATIVE COMMITTEE RECOMMENDATION

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The Legislative Committee of the Planning Board met to discuss this petition at their recurring meeting on Tuesday, June 21, 2022. The members of the committee that were present were: Jim Robertson and Neil Brown. The petitioner was also present for the discussion. In general, the Committee members were supportive of the proposed text revisions with no proposed alterations. A primary consideration was ensuring that no outdoor kennels were permitted.

### STAFF ANALYSIS

After additional review and consideration Staff is recommending the following revisions to the zoning code. The following amendments and revisions reflect these proposed changes:

## **ARTICLE V. - ZONING DISTRICT CLASSIFICATIONS**

### **Section 5-10. - Medical, Institutional and Cultural Zoning District Classification (MIC).**

#### **5-10-1. Permitted uses.**

The following uses are permitted by right in the MIC Medical Institutional Cultural Zoning District Classification, provided they meet all requirements of this section and all other requirements established in this appendix:

Accessory dwelling units subject to supplementary standards contained in section 16-4 below

Accessory uses and structures

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

Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Animal hospitals and clinics as long as they contain no outdoor kennels

Banks and other financial institutions

Child care centers subject to supplementary standards contained in section 16-4, below

Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling

Congregate care facilities subject to supplementary standards contained in section 16-4, below

Home occupations

Hospitals

Laundries, coin-operated

Music and art studios

Neighborhood community centers

Nursing homes subject to supplementary standards contained in section 16-4, below

Offices, business, professional and public

Parking lots and parking garages

## Parks

Personal services consistent with the purposes of this classification, such as barber and beauty shops, medical and dental labs and clinics, opticians and optical services and prosthetics & orthopedics

Planned residential developments (minor)

Progressive care facilities subject to supplementary standards contained in section 16-4, below

Public and semi-public buildings

Religious institutions

Residential care facilities subject to supplementary standards contained in section 16-4, below

Residential dwellings, single-family

Residential dwellings, two-family

Rest homes subject to supplementary standards contained in section 16-4, below

Retail stores consistent within the purposes of this classification, such as gift shops, florist shops and pharmacies

Schools, post-secondary, business, technical and vocational

Signs, subject to the provisions of article XIII

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

## Section 5-12. - I-I Industrial Zoning District Classification

### 5-12-1. Permitted uses.

\* Animal hospitals and clinics ~~subject to supplementary standards contained in section 16-4, below~~ as long as they contain no outdoor kennels

## ARTICLE XII. - DEFINITION OF TERMS

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

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

*\* It should be noted that the I-I Zoning District states that 'Animal Hospitals & Clinics' are permitted subject to supplementary standards. However, there are no supplementary standards for 'Animal Hospitals & Clinics'. It should also be noted that while the text amendment clarifies that 'Animal Hospitals & Clinics' would be permitted in I-I as long as they do not include outdoor kennels, 'Animal Board Facilities' are a Special Use in the I-I which can be permitted by the Board of Adjustment as long as specific supplementary standards are satisfied.*

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	<p><i>Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development.</i>  <i>Action LU-1.1.1. Review zoning standards and revise as necessary to enable compatible infill projects. [CONSISTENT]</i></p>
	<p><i>Strategy LU-3.5 Minimize negative impacts from growth and land use changes on existing land uses. Some zoning map changes and other development applications may create short-term incompatibilities with existing neighborhoods, even if they are consistent with the Future Land Use Plan. It is critical that City officials consider the full range of impacts of all development applications, in addition to conformance with the Future Land Use Plan.</i>  <i>Action LU-3.5.1 Consider a full range of short- and long-term impacts when reviewing zone change applications and other proposals that introduce land use changes. When reviewing zone change applications, the City should consider whether applications demonstrate a clear public purpose as well as the criteria listed in Figure 8.3a.[CONSISTENT]</i></p>
	<p><i>Strategy LU-3.6. - Update the Zoning Code to ensure conformance with the Comprehensive Plan. The Zoning Code is the City's primary regulatory tool in implementing the Comprehensive Plan. Amendments to the Zoning Code and Map will be necessary to reflect Comprehensive Plan recommendations and ensure orderly growth and development.[CONSISTENT]</i></p>
Population & Housing	<p><i>Strategy PH-1.1 – Promote compatible infill development</i></p>
	<p><i>Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.</i></p>
Natural & Environmental Resources	<p><b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b></p>
Cultural & Historic Resources	<p><b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b></p>
Community Facilities	<p><b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b></p>
Water Resources	<p><b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b></p>
Transportation & Circulation	<p><i>Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.</i></p>

## GENERAL REZONING STANDARDS

Compatibility	<b>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –</b>
	Given that ‘Animal Hospitals & Clinics’ is a medical use with similar impacts as a medical office (personal services), hospitals, and other permitted uses within the MIC; and considering the range of zoning districts which permit this use; and further considering the similarities between the MIC Zoning District and the ten other zoning districts where ‘Animal Hospitals & Clinics’ are permitted, staff finds that adding this use to the MIC Zoning District’s list of permitted uses would be appropriate and in alignment with other aspects of the zoning ordinance.
Changed Conditions	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	Population within the City of Hendersonville and the surrounding area has steadily increased is expected to continue to grow. As population growth occurs, so does the demand for services such as veterinarians.
Public Interest	<b>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 -</b>
	The expansion of Animal Hospitals & Clinics to the MIC would place the use within an area already serving medical needs for humans. The location of the MIC would place this use in close walkable proximity to residential uses and other services.
Public Facilities	<b>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</b>
	The MIC Zoning District is in an urban location that is well served by public facilities.
Effect on Natural Environment	<b>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 -</b>
	There are no known or anticipated negative environmental impacts associated with the petition.

## DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

*The 2030 Comprehensive Plan Land Use and Development Chapter calls for the City to consider short- and long-term impacts on compatibility with existing development and further recommends the consideration be given to determine if an application demonstrates a clear public purpose.*

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:

### *DRAFT [Rationale for Approval]*

- *The petition addresses additional opportunities for the provision of services for pets and other animals within the City of Hendersonville's zoning jurisdiction.*
- *The proposed use aligns with the intent of the MIC Zoning District to serve as a medical district.*

### *DRAFT [Rational for Denial]*

- *The text amendment would permit an incompatible use in closer proximity to residential uses / residential zoning districts.*