

ZONING TEXT AMENDMENT: MULTI-FAMILY AND DIMENSIONAL  
STANDARDS IN THE MIC (P22-64-ZTA)  
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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## PROJECT SUMMARY

- Project Name & Case #:
  - Multi-family and Dimensional Standards in the MIC
  - P22-64-ZTA
- Applicant:
  - City of Hendersonville
- Articles Amended:
  - Section 5-10 (MIC)
    - 5-10-1
    - 5-10-3
  - Section 5-14-7 (PRD – Minor PRD)
- Applicable Zoning District(s):
  - MIC, Medical, Institutional, & Cultural Zoning District



### *Summary of Amendment Petition:*

*The City of Hendersonville is initiating an amendment to the list of Permitted Uses and Dimensional Standards in the MIC (Medical, Institutional, & Cultural) Zoning District.*

*Sec. 5-10-1 would be amended to include, as a permitted use, “Residential, Multi-family” with a maximum density of 12 units/acre. Section 5-10-3 would be amended to reduce front setbacks from 30’ to 10’ on local streets and 0’ on major and minor thoroughfares (6<sup>th</sup> Ave (US 64), 5<sup>th</sup> Ave & N. Justice St). As well as to reduce the minimum lot size and side and rear setbacks. Amendments to this section would include a provision to locate parking to the side or rear of a lot and to set residential density based on the amount of open space provided by a proposed development.*

*Section 15-4-7 would also be amended to adjust the density of a Minor PRD in the MIC from 5.5 to 8.5 Units/Acre.*

*Background on Multi-Family in the MIC:*

The MIC Zoning District allowed for Multi-Family residential when it was initially adopted in 1965. It was later removed as a permitted use. In 1988 Nursing Homes, Rest Homes, Congregate Care Facilities and Progressive Care Facilities were added to the MIC because it was believed that “higher density housing is a compatible use in the MIC District”. In 1995, Planned Unit Developments including Multi-Family Residential were permitted in the MIC. Staff was able to determine that as early as 1997, Multi-family was no longer a permitted use within the MIC. The exact date and rationale for the removal of the use has not been determined.

The MIC Zoning District contains land uses which include a wide range of medical; institutional; commercial office and retail; recreational; single-family, two-family and multi-family residential uses; and vacant land. In particular, the medical facilities generate a significant amount of traffic, light and other indicators of an intense use.

*Background on Dimensional Standards in the MIC:*

The MIC District contains a segment of a Major Thoroughfare, US 64, as it approaches Downtown Hendersonville. This is a highly urbanized area that compliments downtown and features the West Side National Register Historic District. Redevelopment in this area has resulted in a number of parcels developed in a conventional suburban fashion as opposed to the original early-suburban Traditional Neighborhood Design that remains in part. The traditional neighborhood design would feature a mix of single-family and multi-family residential and neighborhood-scale commercial uses on a parcel or group of parcels typically defined by 60' x150' lots totaling 9,000 Sq Ft. These parcels would typically feature structures set back 15-20' from the sidewalks. They predominantly feature(d) front porches and parking in the rear of the lot that was accessed either by alleys or long, narrow driveways running along the side of the lot.

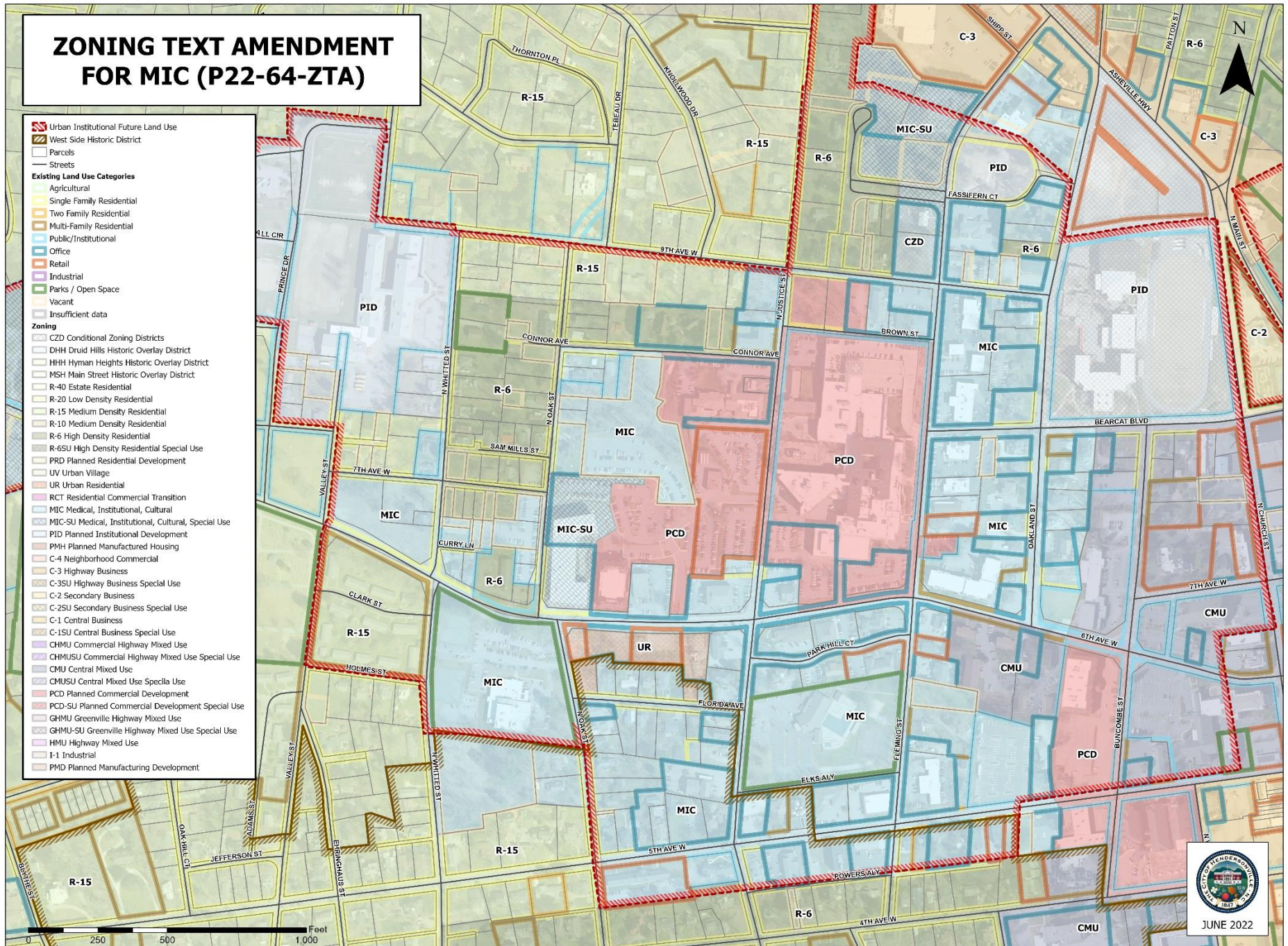
In order to promote additional opportunities for housing and to permit the type of urban form that defined this areas since it was developed and in order to promote a pedestrian-friendly atmosphere, a reduction in minimum lot size and setbacks and a requirement for parking to be situated to the rear is necessary. Additional traditional neighborhood design standards could be considered to ensure compatibility with the West Side Historic District.

*Map:* The following map illustrates the Future Land Use designation of Urban Institutional in relationship to existing Zoning and Land Use along with the West Side Historic District. A full version of this map is attached to your packet. The zoning is displayed by the color of the parcel and labeling. The land use is displayed by an outline of parcels. The Future Land Use and West Side Historic District are displayed as an outline of the entire district.



# ZONING TEXT AMENDMENT FOR MIC (P22-64-ZTA)

- Urban Institutional Future Land Use
- West Side Historic District
- Parcels
- Streets
- Existing Land Use Categories**
  - Agricultural
  - Single Family Residential
  - Two Family Residential
  - Multi-Family Residential
  - Public/Institutional
  - Office
  - Retail
  - Industrial
  - Parks / Open Space
  - Vacant
  - Insufficient data
- Zoning**
  - CZD Conditional Zoning Districts
  - DHH Druid Hills Historic Overlay District
  - HHH Hyman Heights Historic Overlay District
  - MSH Main Street Historic Overlay District
  - R-40 Estate Residential
  - R-20 Low Density Residential
  - R-15 Medium Density Residential
  - R-10 Medium Density Residential
  - R-6 High Density Residential
  - R-6SU High Density Residential Special Use
  - PRD Planned Residential Development
  - UV Urban Village
  - UR Urban Residential
  - RCT Residential Commercial Transition
  - MIC Medical, Institutional, Cultural
  - MIC-SU Medical, Institutional, Cultural, Special Use
  - PID Planned Institutional Development
  - PMH Planned Manufactured Housing
  - C-4 Neighborhood Commercial
  - C-3 Highway Business
  - C-3SU Highway Business Special Use
  - C-2 Secondary Business
  - C-2SU Secondary Business Special Use
  - C-1 Central Business
  - C-1SU Central Business Special Use
  - CHMU Commercial Highway Mixed Use
  - CHMUSU Commercial Highway Mixed Use Special Use
  - CMU Central Mixed Use
  - CMUSU Central Mixed Use Special Use
  - PCD Planned Commercial Development
  - PCD-SU Planned Commercial Development Special Use
  - GHMU Greenville Highway Mixed Use
  - GHMU-SU Greenville Highway Mixed Use Special Use
  - HMU Highway Mixed Use
  - I-1 Industrial
  - PMD Planned Manufacturing Development





SITE IMAGES



*Multi-family on US 64 in the MIC*



*Multi-family on US 64 adjacent to MIC*



SITE IMAGES



*Multi-family in the MIC*



*Conventional Suburban Development in MIC with parking in front and 50+' setback at Fleming St and 30' setback on 5<sup>th</sup> Ave*



## SITE IMAGES



*Traditional multi-family with 15' setback in the MIC*



*Contrast of setbacks: Mixed-use with multi-family apartments on upper floors and 0' setback (far) adjacent to medical office with parking in front and 65' front setback (near)*

## 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:\_\_\_\_\_. The petitioner was also present for the discussion. In general, the Committee members were \_\_\_\_\_ of the proposed text changes along with suggestions from staff. A primary consideration was \_\_\_\_\_

## STAFF ANALYSIS

After additional review and consideration staff are recommending the following revisions to the zoning code.

### **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

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

Residential dwellings, multi-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

### 5-10-3. Dimensional requirements.

Minimum lot area in square feet:	<del>8</del> 6,000
Lot area per dwelling unit in square feet:	<del>10</del> 6,000 for the first; 5,000 square feet for each additional dwelling unit in one building.
Minimum lot width at building line in feet:	<del>7</del> 50
Minimum yard requirements in feet:	Front: <del>30</del> 10 (Front yards may be reduced to 0 feet along Major & Minor Thoroughfares in cases where parking is located only in the rear yard).
	Side: <del>10</del> 8
	Rear: <del>20</del> 10
Maximum height in feet:	50 (No building shall exceed 50 feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one foot for each two feet, or fraction thereof, of building height in excess of 50 feet.)

#### 5-10-3.1 Development Standards.

Off-street parking lots shall be provided at the side or rear of buildings or the interior of a block of

buildings and not closer to the street than the edge profile of the structures. For corner lots, all sides fronting a street shall be considered the front.

**5-10-3.2 Residential density.** The number of residential dwellings permitted on any development tract varies with regard to the open space ratio provided as noted on the following table.

Open Space Ratio	Maximum Dwelling Units/Acre
0.40	8
0.50	10
0.60	12

**5-14-7. Minor planned residential developments.**

An applicant may elect to have a development processed as a minor planned residential development so long as the proposed development, including all phases, does not exceed 50 dwelling units and so long as no accessory commercial development is requested for the project. A minor planned residential development may be located in one or more of the following zoning district classifications: R-40, R-20, R-15, R-10, R-6, MIC, RCT, C-2, C-3, I-1.

**5-14-7.1 Density.** The maximum number of dwelling units which may be constructed in a minor planned residential development shall be 50 or a number computed on the basis of the following table, whichever is less:

Use District	Dwelling Units Per Acre
R-40	1.0
R-20	2.5
R-15	3.75
R-10	5.5
R-6	8.5
MIC	<del>5.5</del> <u>8.5</u>
RCT	5.5
C-2	8.5
C-3	8.5
I-1	8.5



COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	<b>Goal LU-12.</b> <i>Urban Institutional: Create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses, that is integrated with Downtown.</i>
	<i>Strategy LU-12.1. Locations: Area surrounding Pardee Memorial Hospital</i>
	<i>Strategy LU-12.3. Secondary recommended land uses:</i> <ul style="list-style-type: none"> <li>• <i>Single-family attached residential</i></li> <li>• <i>Multi-family residential</i></li> <li>• <i>Live-work units</i></li> <li>• <i>Limited retail and services</i></li> </ul>
	<i>Strategy LU-12.4. Development guidelines:</i> <ul style="list-style-type: none"> <li>• <i>Similar development standards to <u>Downtown Support</u></i></li> <li>• <i>Encouragement of neighborhood master-planning that links hospital with offices, services and Downtown</i></li> <li>• <i>Development and maintenance of traffic calming improvements</i></li> </ul>
	<i>Strategy LU-11.4. (Downtown Support) Development guidelines:</i> <ul style="list-style-type: none"> <li>• <i>Minimal front setback</i></li> <li>• <i>Rear or limited side parking only</i></li> <li>• <i>Façade articulation</i></li> <li>• <i>Development and maintenance of traffic calming improvements</i></li> <li>• <i>Ground-floor storefronts and/or architectural detailing on parking structures</i></li> </ul>
	<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.</i>
	<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.</i>
	<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.</i>

Population & Housing	Strategy PH-1.1 – Promote compatible infill development
	Strategy PH-1.4. Allow redevelopment and/or reuse of single-family homes that directly front on arterials into office or high-density residential uses in coordination with the Future Land Use Map.
	<b>Goal PH-2.</b> Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.
	<b>Goal PH-3.</b> Promote safe and walkable neighborhoods.
	Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.
Natural & Environmental Resources	<b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>
Cultural & Historic Resources	<b>Portions of the MIC Zoning District are located within the West Side National Register Historic District</b>
	<b>Goal CR-1.</b> Preserve the viability and individuality of Hendersonville’s historic neighborhoods in order to maintain their role in supporting community pride, livability and identity.
	Strategy CR-1.3. Promote investment in and adjacent to Historic Districts through compatible infill development, particularly on currently underutilized, non-historic properties.
Community Facilities	<b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>
Water Resources	<b>There are no Goals, Strategies, or Actions that are directly applicable to this petition.</b>
Transportation & Circulation	Strategy TC-1.1. Encourage mixed-use, pedestrian-friendly development that reduces the need to drive between land uses.



## 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>
	Multi-family: The MIC Zoning District contains land uses which include a wide range of medical; institutional; commercial office and retail; recreational; single-family, two-family and multi-family residential uses; and vacant land. In particular, the medical facilities generate a significant amount of traffic, light and other indicators of an intense use. Setbacks: A more walkable urban form is achieved by shifting parking to the rear of a lot and allowing for buildings to be brought closer to the road. Reduction in setbacks allows for greater flexibility and more efficient utilization of land.
Changed Conditions	<b>Whether and the extent to which there are changed conditions, trends or facts that require an amendment -</b>
	Request for Residential Development / Redevelopment have risen steadily over the last year. There is a well-documented growth in demand and undersupply of housing in our region.
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>
	Multi-family: As is well documented in the City's Comprehensive Plan, there is a need for compatible infill development in areas of the City where utilization of existing infrastructure can be realized and in areas that place residents in close walking distance to goods and services. The addition of multi-family residential would help to address this need. Setbacks: Reducing front setbacks and shifting parking to the rear of lots supports a built environment that is more friendly to pedestrians by creating a greater sense of enclosure as is found in areas such as Main St and the 7 <sup>th</sup> Ave District.
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 minimal front setbacks and recommends multi-family as a secondary use for properties within the Urban Institutional Future Land Use Designation.*

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]*

- 1) The addition of multi-family residential as a permitted use will allow for greater infill development in a zoning district with a mix of intense land uses.*
- 2) The addition of multi-family residential as a permitted use will place more residents within close proximity to goods and services.*
- 3) The reduction of setbacks will allow for more efficient use of land and provide more opportunities for infill development.*
- 4) The shifting of parking to the side or rear will accommodate a more pedestrian-friendly environment.*

### *DRAFT [Rational for Denial]*

- 1) The allowance of additional density would be incompatible with single-family uses in the MIC zoning district.*
- 2) The reduction of front setbacks would permit a more distinctly urban form.*