

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

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

- Project Name & Case #:
 - Addition of Definitions
 - P23-080-ZTA
- Applicant:
 - City of Hendersonville
- Zoning Ordinance Articles Amended:
 - Section 12-2 Definition of Commonly Used Terms and Words
 - Section 4-5 Table of Uses
 - Section 5-7-1 C-2 Secondary Business
 - Section 5-8-1 C-3 Highway Business
 - Section 5-15-1 PCD Planned Commercial Development CZD
 - Section 5-11-1 PMD Planned Manufacturing Development CZD
 - Section 5-12-1 I-1 Industrial
 - Section 5-27-1 CHMU
- Planning Board - Legislative Committee Meeting
 - October 2nd, 2023
- Summary Basics:
 - City staff is proposing to add definitions to the existing uses in zoning districts that currently do not have corresponding definitions. Additionally, City staff is also proposing to remove definitions for uses that are no longer permitted or that have been replaced with a new use and definition rendering them no longer necessary.



Amendment Overview:

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

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

Additions to the Ordinance

Staff Notes on Definitions

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

Automobile sales & service establishments: Storage and display for sale of more than two motor vehicles or unoccupied trailers, and including repair or body work incidental to the operation of the new or used vehicle sales. Motor vehicle sales includes motor vehicle retail or wholesale sales.

***Automobile service and repair shop:** An establishment primarily engaged in providing a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans and all trailers or engine repair or replacement.

***Proposed new use to be added in the same districts that Automotive sales & service establishments: C-2, C-3, PCDCZD, I-1, PMDCZD, CHMU**

Exhibition buildings: Facilities whose primary purpose is to provide exhibition space for the temporary display of goods, art, technology, demonstrations, vehicles or other items of interest for viewing by the public or a specific group of people. Sale of the items on display as part of the exhibition shall not disqualify a building from being considered an exhibition building. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or nonprofit groups that are primarily used by group members.

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

Feed and grain store: A retail store selling primarily agricultural products, including but not limited to the bulk storage and sales of feeds, grains, fertilizers and related agrichemicals.

Funeral homes: An establishment used for the cremation and/or preparation of the deceased for burial, including on site viewing of the deceased and services or rituals connected therewith before burial or cremation. A funeral home, as defined for the purposes of this code, includes a funeral chapel.

Golf course and related activities: A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities, including clubhouses, snack bars, pro shops and other amenities, but excluding miniature golf.

Hotel: An establishment consisting of one or more buildings in which more than five rooms or temporary lodging units are provided and offered to the public for a fee, which is open to transient guests and is not a rooming or boarding house or a bed and breakfast facility. Hotels may also offer food and beverage services, conference rooms, convention services and parking facilities or decks primarily for the use of their guests.

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

Mini warehouses: Establishments consisting of one or more buildings, divided into individual storage units designed for storage by individuals that typically do not contain facilities for utility service unless they are climate controlled, and are not used for sales or service, or for habitation by humans or animals.

Motel: An establishment consisting of one or more buildings in which more than five rooms or lodging units are provided and offered to the public for a fee, which is open to transient guests and is not a rooming or boarding house or a bed and breakfast facility, and in which access to and from each room or unit is through an exterior door.

Parking lots and parking garages:

Parking garage: A building or portion of a building intended to be used for the parking and storage of motor vehicles. As used herein, parking garages include a principal use of a lot. Parking garages that are accessory to another use shall be considered part of that use, for example a parking garage that is accessory to a hotel shall be considered part of the hotel.

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

Sec. 5-7. C-2 Secondary Business Zoning District Classification.

This zoning district classification is designed primarily to accommodate a) existing developments of mixed commercial and light industrial uses, and b) certain commercial and light industrial uses compatible with one another but inappropriate in certain other zoning district classifications.

5-7-1. Permitted uses.

The following uses are permitted by right in the C-2 Secondary Business Zoning District Classification, provided that they meet all requirements of this section and all other requirements established in this appendix:

Automobile service and repair shop

Sec. 5-8. C-3 Highway Business Zoning District Classification.

This zoning district classification is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance, ample parking, and be designed to minimize traffic congestion.

5-8-1. Permitted uses.

The following uses are permitted by right in the C-3 Highway Business Zoning District Classification, provided that they meet all requirements of this section and all other requirements established in this appendix:

Automobile service and repair shop

Sec. 5-12. I-1 Industrial Zoning District Classification.

This zoning district classification is established for those areas of the city where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

5-12-1. Permitted uses.

5-12-1(a) Permitted uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in section 4-5(e)(2) of this ordinance, provided that they meet all requirements of this section and all other requirements established in this ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Automobile service and repair shop

Sec. 5-15. PCD Planned Commercial Development Conditional Zoning District Classification.

This classification is designed to accommodate the development of shopping centers and retail establishments larger than 50,000 square feet of floor area or which contain commercial uses which are proposed to be developed in conjunction with residential uses. A rezoning of the property to a Planned Commercial Development Conditional Zoning District is required. Such rezoning shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the rezoning for a planned commercial development conditional zoning district, city council may

impose such additional reasonable and appropriate safeguards upon such approval as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

5-15-1. Application.

The reclassification of property to PCD Planned Commercial Development Conditional Zoning District shall constitute an amendment of the official zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Such amendment shall be initiated by means of an application for rezoning to a PCD Planned Commercial Development District Conditional Zoning District. No permit shall be issued for any development within a PCD Planned Commercial Development Conditional Zoning District except in accordance with an approved rezoning.

5-15-2. Permissible uses, subject to rezoning to a Planned Commercial Development Conditional Zoning District.

A building or land shall be used only for those purposes specified in the rezoning for the project which may include one or more of the following:

Automobile service and repair shop

Sec. 5-27. CHMU Commercial Highway Mixed Use Zoning District Classification.

The Commercial Highway Mixed Use Zoning District Classification is intended to encourage a mix of high density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodations services and similar uses. Development design becomes a critical consideration when establishing regional activity centers that create attractive and functional roadway corridors which also encourage mixed-use and walkable design. In addition to the general dimensional and use provisions, the regulations contained herein, along with those in article XVIII which apply to mixed use zoning district classifications generally, address the design of buildings and development sites.

5-27-1 Permitted uses.

The following uses are permitted by right in the CHMU Commercial Highway Mixed Use Zoning District Classification, provided they meet all requirements of this section and all other requirements established in this ordinance:

Automobile service and repair shop

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

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

GENERAL REZONING STANDARDS

| | |
|--------------------------------------|---|
| Compatibility | Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property - |
| | <i>This zoning text amendment clarifies the meaning of existing uses.</i> |
| Changed Conditions | Whether and the extent to which there are changed conditions, trends or facts that require an amendment - |
| | <i>This zoning text amendment addresses the lack of clarification of the meaning of existing uses.</i> |
| Public Interest | Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare - |
| | <i>This zoning text amendment is in the public interest in that it provides additional clarification and transparency of existing uses within the City's Zoning Ordinance.</i> |
| Public Facilities | Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment |
| | <i>There are not any direct connections between this text amendment and public facilities.</i> |
| Effect on Natural Environment | Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife - |

| | |
|--|--|
| | <p><i>There are not any direct connections between this text amendment and the environment/ natural resources.</i></p> |
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The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

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

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

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