City Council Agenda Item Request
Submit to Clerk's Office
No later than 30 days before proposed Council meeting

1. **Date submitted to Clerk's Office:** Jun 18, 2025

2. **Primary contact person and Department requesting agenda item:** Sam Starr-Baum , Planning and Urban Design

3. **Requested Council meeting date:** September 9, 2025

4. **Subject:** Zoning Text Amendment to Sections 7-3-3, 7-5-20, 7-6-1, and 7-6-2, to 1) better align with NCGS and Buncombe County Government practices by revising number of members, and appointments; 2) remove QJ public noticing; and, 3) make submitting BOA applications and administrative appeals more efficient by submitting them directly to PUD rather than the clerk's office.

5. **Action Requested:** Public hearing to consider approval of zoning text amendment to Article 7 that would allow for the BOA to operate more efficiently and in alignment with the NC General Statutes, and create more housing inventory in the City of Asheville

6. **Note if time sensitive, and why:** BOA-specific amendments were initially slated to go before PZC and council in spring/summer of 2024, and have been in the works for a year now. Both Council and the Planning and Zoning Commission have been expecting BOA changes since this item was first heard in February 2024.

7. **Potential fiscal impact(s) - if known by staff at time of request:** None.

8. **Identify all vendor outreach for Minority & Women Owned Business Enterprises (MWBE).** No vendors associated with the conditional zoning - not applicable.

9. **Identify all Boards, Commissions and Council Committees with tentative dates - add in the vote and recommendation from each Board:**
    - Board of Adjustment (BOA) - February 26, 2024 (previously approved)
    - Planning & Zoning Commission (PZC) - May 1, 2024 (previously approved)
    - Planning & Zoning Commission (PZC) - August 6, 2025 - approved unanimously, 6-0.

10. **Identify key issues:**
    - The General Assembly of North Carolina passed Session Law 20-13-276 entitled "An Act to Clarify and Modernize Statutes regarding Zoning Boards of Adjustment," effective October 1, 2013, which resulted in a number of modifications to N. C. Gen. Stat. sec. 160D-302 which governs the composition, duties and procedures of the Board of Adjustment.
    - City staff believe it is in the best interest to amend the membership terms to align them with N.C. Session Law 2013-30 regarding the Buncombe County Board of Commissioners appointments and to amend the location where appeals for zoning decisions are filed.
    - The amendment will revise the BOA membership to consist of a total of five regular members and three (was seven) alternate members. Four regular members (was three) and two (was four) alternate members to be appointed by City Council; and one regular member (was two) and one (was three) alternate members who reside within one mile of the municipal limits of the City of Asheville to be appointed by the Buncombe County Board of Commissioners.

- The amendment eliminates confusion and inefficiency by changing the location where appeals for zoning decisions are filed from the city clerk to the online permit system, or the Planning Director or their designee.
- The General Assembly in 2021 made updates to the required notices for quasi-judicial hearings, removing the requirement for published notices.
- Staff believe it is in the best interest to amend the requirement for the published notice for quasi-judicial boards and hearings especially because only those with standing may participate in the discussion so general notices may be confusing to the public.
- Staff is working internally and with the Communication & Public Engagement department to develop an improved means to provide public notice for these meetings.