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:** 12/4/2025

2. **Primary contact person and Department requesting agenda item:** Carly K. Gillingham, Assistant City Attorney, Legal Department

3. **Requested Council meeting date:** 1/13/2026

4. **Subject:** Amendment to Section 7-7-7 of the Asheville Code of Ordinances

5. **Action Requested:** Public hearing to consider amendments to Chapter 7 of the Asheville Code of Ordinances, to strike Section 7-7-7 ("Waiting period for subsequent applications") to bring the UDO into compliance with new state legislation.

6. **Note if time sensitive, and why:** New state legislation prohibits waiting periods for refiling withdrawn or denied development applications. Section 7-7-7 of the UDO currently imposes a 12-month waiting period for refiling denied applications for zoning amendments. This amendment is required to bring this section into compliance with state law.

7. **Potential fiscal impact(s) - if known by staff at time of request:**
   - N/A

8. **Identify all vendor outreach for Minority & Women Owned Business Enterprises (MWBE).**
   - N/A

9. **Identify all Boards, Commissions and Council Committees with tentative dates - add in the vote and recommendation from each Board:**
   - Planning & Zoning Commission - December 3, 2025 - adopted unanimously on a 6-0 vote with condition to strike the entirety of the Waiting Period section.

10. **Identify key issues:**
    - HB 926 was recently passed by the state legislature and became Session Law 2025-94, "An Act to Provide Regulatory Relief to the Citizens of North Carolina."
    - SL 2025-94 contains the following amendment to Chapter 160D of the North Carolina General Statutes, "Local Planning and Development Regulation:"

> **PROHIBIT WAITING PERIODS FOR REFILING OF DEVELOPMENT APPLICATIONS**
>
> **SECTION 11.** G.S. 160D-601 is amended by adding a new subsection to read:
>
> "(e) Withdrawn or Denied Applications. – A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or

applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."

- This section conflicts with Sec. 7-7-7 of the UDO, which imposes a 12-month waiting period for resubmitting applications for a zoning amendment that are approved or denied by by City Council.
- Proposed amendment will strike Section 7-7-7 in its entirety to comply with new legislation.