STAFF REPORT

City Council Date: January 13, 2026

Subject: Amendment to Chapter 7 of the City's Unified Development Ordinance ("UDO") related to Development Application Waiting Periods.

Staff Resources: Carly K. Gillingham, Assistant City Attorney

Action Requested: Adoption of an ordinance to amend 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.

Background:

- On October 6, 2025, House Bill 926 was enacted into law by the state legislature and became Session Law 2025-94, "An Act to Provide Regulatory Relief to the Citizens of North Carolina."
- In pertinent part, 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 "(e) Withdrawn or Denied Applications.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ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."

- The current language of the UDO, in Section 7-7-7, imposes a 12-month waiting period for resubmitting certain development applications in violation of the new legislation. Specifically, the language of Section 7-7-7 currently reads:

> **Sec. 7-7-7. Waiting period for subsequent applications.**
>
> (a) *Waiting period - general.* When an application for a zoning amendment has been approved or denied by the Asheville City Council, no rezoning application covering the same property shall be accepted or considered within 12 months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.
>
> (b) *Waiting period - waiver.* The waiting period required by this section may be waived by a three-fourths vote of Asheville City Council if it determines that there have been substantial changes in conditions or circumstances which may relate to the request.

- The proposed text amendment will strike Section 7-7-7 in its entirety to bring the UDO in compliance with the new legislation.

Council Goal(s):

- A Well-Planned & Livable Community

Committees:
- Planning & Zoning Commission (PZC) - December 3, 2025. Adopted unanimously on a 6-0 vote with condition to strike the entirety of Section 7-7-7. Originally, staff proposed striking only some of the language to keep waiting periods in place for approved—rather than withdrawn or denied—zoning amendment applications, which would have been the minimum to comply with the new legislation. Planning staff and Legal staff agree with PZC's recommendation to strike the section in its entirety.

Pros:
- Allows for statutory compliance with NC Session Law 2025-94's modifications to Chapter 160D of the North Carolina General Statutes.
- Eliminates provisions of the UDO that conflict directly with state law.
- Reduces the possibility of confusion or inefficiency that could result from UDO inconsistency with state law.

Cons:
- None.

Staff Recommendation:
- Staff recommends approval of this zoning text amendment.

Suggested Motion:
- Motion to approve the proposed text amendments to Chapter 7, Development, of the City Code of Ordinances (the "UDO") to repeal Section 7-7-7, related to waiting periods for filing subsequent rezoning applications following approval or denial by City Council of an initial application, in its entirety and find that the proposed amendments are reasonable and in the public interest in that the amendments are consistent with the City's comprehensive plan and will bring the UDO in compliance with new changes to state law Chapter 160D.

Attachment(s)
- Draft Ordinance
- Proposed Revisions to UDO Section 7-7-7
- PZC Draft Action Minutes (12/3/2025)
- PZC Recommendation