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:** Oct 1, 2025

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

3. **Requested Council meeting date:** Oct 28, 2025 - Continued to 1-27-26

4. **Subject:** Zoning Text Amendment to Section 7-14-1 to allow existing nonconforming structures to be converted into ADUs without BOA review.

5. **Action Requested:** Public hearing to consider approval of zoning text amendment to Article 7 that would allow existing nonconforming structures to be converted into Accessory Dwelling Units without Board of Adjustment review.

6. **Note if time sensitive, and why:** Not time sensitive

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:**
    - Planning & Zoning Commission (PZC) - May 1, 2024 (previously approved)
    - Planning & Zoning Commission (PZC) - August 6, 2025 - continuance
    - Planning & Zoning Commission (PZC) - October 1, 2025 - 4-1 to approve, with the condition that 7F parcels be exempt from this text amendment.
    - HCD - January 20, 2026 - Formal recommendation was not made.

10. **Identify key issues:**
    - From 2023 to present, the Board of Adjustment has heard 38 cases; of which, 16 have been to allow the conversion of existing non-conforming structures to ADU's. 15 of these variance requests have been approved.
    - This represents 42% of all zoning variance requests in this period of time. The percentage of ADU variances has also increased every year since 2022.
    - 37% of all structures in Asheville's residential zoning districts are identified to be nonconforming.
    - This proposed change was approved by the PZC on May 1, 2024 as part of larger proposed changes to ADU regulations.
    - Staff is only including these proposed changes as part of this current UDO cleanup ordinance.
    - Proposed new language to the ADU section (7-14-1) to allow for existing structures to be converted into ADUs without having to pursue a variance, specifically that ADUs "may occupy conforming or lawfully created non-conforming existing accessory structures, or lawfully created non-conforming primary residential structures".
    - This text amendment does not change how new ADUs are permitted, or where they are allowed. Since adoption of electronic recordkeeping, City staff have permitted 333 ADU's, 80 of

which have been in what are now known as “7F parcels”. These new buildings have to meet the 6’ setback requirements in order to be approved.

- This proposed change was initially recommended for approval by the PZC on May 1, 2024 as part of larger proposed changes to ADU regulations. Staff is only including these proposed changes as part of this current UDO cleanup ordinance.