Table of Permitted Uses
Proposed Unification

UDO Text Amendment

Asheville City Council
July 25, 2023

THE CITY OF ASHEVILLE

Background and Context

1. Comprehensive UDO update is planned in the future.
2. Substantive changes deserve and require significant engagement.
3. Structural and maintenance updates are equally important.
4. Changes can and should be undertaken if improvements to customer service and operations result.

Table of Use Unification Qualifies:

- There are 4 separate existing tables.
- There are 3 additional lists of uses.
- Unification can occur without changing the substance of the UDO.
- Unification improves consistency and access to our UDO for all.
- Staff were able to complete the project internally.

Issues Identified

1. Separate tables of permitted uses and lists creates confusion for customers and landowners.
2. Separate tables has created redundancy and confusing subsequent amendments.
3. A single unified table promotes consistency.
4. A single unified table allow for future changes to be more effective and efficient.

Proposed Changes

1. The change expands the primary Table of Permitted Uses to be the only table of permitted uses in the UDO.
2. All uses and references to special standards for all districts will now be located in one table in a single section of the UDO.
3. The list of land use impacts by type, used when determining non-conforming use replaced, will now be located in this one unified table with similar format.
4. All redundant tables, lists, and text will be eliminated in many sections of the UDO.

Pros & Cons

Pros:

1. The amendment reduces redundancy and complexity while correcting formatting and typographical errors.
2. A new unified table provides easy access and understandability for property owners and customers.
3. A single, unified table makes future amendments more efficient.

Cons:

1. None.

Comprehensive Plan and Council Goals

Comprehensive Plan Consistency:

- This proposal aligns with a number of themes within the *Living Asheville Comprehensive Plan* as a foundation for current and future UDO use and updating. Primarily, this update supports the theme "Resilient Economy". Although the amendment makes no substantive changes to the code, the following goals of the Future Land Use section are applicable to this zoning amendment:
  - Goal 19: Facilitate real estate development that maximizes public benefit.
    - Goal 19 Strategies:
    - Ensure consistency in the enforcement of development regulations.
    - Update the land use plan periodically to ensure all necessary land use types are provided for. (Asheville Comprehensive Plan, pgs 200-201.)

Council Goal(s):

- *Improve/Expand Core Services.*
  - Provide greater land use predictability and transparency with a more coherent UDO document for administration and use.
  - Create a logical framework for future zoning and development by ensuring that future substantive amendments are applied in a strategic and coherent fashion while avoiding piecemeal changes that can cause confusion.

Staff Recommendation

- Staff concurs with the Planning & Zoning Commission and recommends **approval** of the proposed zoning text amendment.

Recommendation* of the Asheville Planning and Zoning Commission

SUBJECT: Table of Use Unification - Zoning Text Amendment

REQUEST: To consider a proposed zoning text amendment to Chapter 7 of the Unified Development Ordinance (UDO) to revise the Table of Uses as a single unified table incorporating separate similar tables in the Haywood Road and River Arts District Form Code and the Land Use Impact table.

RECOMMENDATION: *The Planning and Zoning Commission recommended approval and voted 6-0.*

FINDINGS AND REASONS CONCERNING PLAN CONSISTENCY: *The motion was made that the Planning and Zoning Commission would recommend approval of the proposed zoning text amendment to Chapter 7 of the Unified Development Ordinance (UDO) to revise several separate sections of the UDO into into a single unified table of use, add mobile food vending to the permitted uses in the Haywood Road Form District, correct internal references to all tables, and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that the changes: 1) help promote transparency and clarity for all users of the UDO; 2) increase ease of amendment in the future related to use definitions and applicability; and, 3) create a clear and coherent unified table of uses.*

Case History
Staff Coordinator: *Clay Mitchell, Urban Planner II*
Heard by Planning and Zoning Commission: *June 21, 2023*
Vote: *6-0*
Motion: *Vice-chair Levi*
Second: *Chair Archibald*
In Favor: *Chair Archibald, Vice-chair Levi, Commissioners Barton, Bubenik, Faircloth, and Hoke*
Opposed: *None*

This document is a true and accurate statement of the findings and recommendations of the Asheville Planning and Zoning Commission.

Digitally signed by Joe Archibald
Date: 2023.06.22 17:00:11 -04'00'

Joe Archibald, Chair

06.22.23
Date

Asheville Planning and Zoning Commission

*This recommendation is being made pursuant to NCGS 160A-383 requiring the planning board to provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board.

THE CITY OF ASHEVILLE