THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: July 25, 2023

Subject: Table of Use Unification Update - Unified Development Ordinance (UDO) Text Amendments

Staff Resources: Ben Woody, Assistant City Manager; Will Palmquist, AICP, Principal Planner; Clay Mitchell, PhD, Urban Planner II

Action Requested: Adoption of an amendment to the Unified Development Ordinance zoning to establish a single unified table of permitted uses that merges several disparate tables in the Haywood Road Form Code, the River Arts District Form Code, as well as the Land Use Impact Table.

Background:

- The UDO currently has several disparate and separate locations where permitted uses, special conditions and expressly prohibited uses are located.
- Changes that occurred in these separate locations resulted in confusion over use definitions and terminology and increasing concerns regarding administration of the table of land use impacts - which govern changes in use and non-conforming rights.
- Creating a unified table of uses has been considered as part of several City staff amendment lists for years but has not been implemented to date.
- Following several internal meetings among Development Services and Planning and Urban Design, the project was initiated to complete the modification as a non-substantive formatting amendment to align all tables of uses into one central table.
- During the project, staff noted uses that were redundant or not defined.
- These uses were merged with existing defined uses to eliminate confusion.
- An additional minor change includes the addition of the use of Mobile Food Vending, to the Haywood Road Form Code.
- This change corrects an error in the original drafting of the table and has been consistently interpreted as applicable since the table's adoption pursuant to a formal zoning interpretation issued on October 1, 2014.

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. (Asheville Comprehensive Plan, pgs 200-201).
    - Goal 19 Strategies:
        - Ensure consistency in the enforcement of development regulations. (Id).
        - Update the land use plan periodically to ensure all necessary land use types are provided for. (Id.).
    - "Provide greater land use predictability and transparency" with a more coherent UDO document for administration and use. (Asheville Comprehensive Plan, pg. 338).
    - 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. (Id.).

Council Goal(s):

- *Improve/Expand Core Services.*

Committees:

- Planning & Zoning Commission: Informal Introduction: 050323, Formal Hearing: 060523 (continued to 062123), Formal Hearing: 062123 - Approved, 6:0 .

Pros:

- Improves the consistency, clarity and access to UDO for applicants, the public and staff.
- Supports the goals of the comprehensive plan aimed at providing greater predictability and transparency in Asheville's regulatory process.
- Supports the Council goal of *Improve/Expand Core Services.*
- Creates a single-point of access for all use related matters that avoids confusion for the public and staff alike.

Cons:

- N/A

Staff Recommendation:

- Staff recommends approval of this zoning text amendment request based on the reasons stated above.

Suggested Motion:

- Motion to approve the proposed wording amendments to Chapter 7 of the Asheville Code of Ordinances and find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan and meet the development needs of the community in that the amendment will: 1) help promote transparency and clarity for all users of the UDO; 2) simplify future amendments related to uses, definitions, and applicability; and, 3) create a clear and coherent unified table of uses.

Attachments

- Draft Ordinance
- Index Sheet of Proposed Table in Ordinance
- PZC Recommendation
- PZC Draft Action Minutes (6/21/23)
- Markup full version of unified Table of Permitted Uses
- Final proposed full version of unified Table of Permitted Uses