THE CITY OF ASHEVILLE

STAFF REPORT

City Council Date: May 9, 2023

Subject: Open Space Minor Unified Development Ordinance (UDO)Text Amendments

Staff Resource(s): Ben Woody, Assistant City Manager; Will Palmquist, AICP, Principal Planner

Action Requested: Adoption of an ordinance to amend Chapter 7 of the Asheville Code of Ordinances to make changes to open space requirements.

Background:

- The UDO section regulating open space was amended and adopted on July 26, 2022 with the purpose of reducing open space requirements for projects on sites less than 1 acre in size, as well as incentivizing higher quality open space.
- The amendment also incentivized development projects on 1 or more acres to either: 1) provide a minimum amount of affordable housing, or 2) upgrade sites to meet current stormwater standards.
- The current code provides exemptions in cases where open space standards are not required to be met, including for new construction or additions of less than 1,500 square feet. This has become apparent as too restrictive for large sites (over one acre) seeking to add an addition of greater than 1,500 square feet.
- These sites are not able to meet the 50% open space requirement, nor are they able to reduce the required open space to 20% as they are not able to meet the affordable housing incentive due to the nature of the land use, nor the stormwater compliance incentive without redeveloping the entire site to add stormwater infrastructure.
- This change would support the intent of the ordinance to support adaptive reuse of properties by changing the exemption for new expansions or additions to 50% of the building's pre-expansion gross floor footage, which aligns with Sec 7-11-1 of the code regarding site compliance thresholds.
- This amendment would also clarify the intent of UDO Sec. 7-11-4(d)(1)(b), in that "natural open space" is allowed to meet up to 50% of the total open space requirement, regardless of the type of natural feature identified.
- This amendment would also remove "historic resources" from subsection (d) regarding "Open space typologies" as "properties with historic landmark designations" are exempted from open space requirements in subsection (c).

Comprehensive Plan Consistency:

- This proposal supports a number of goals in the *Living Asheville Comprehensive Plan*, including:
    - **Increase and Diversify the Housing Supply** - by reducing administrative barriers to housing development and diversification (p. 179).
    - **Celebrate the Unique Identity of Neighborhoods Through Creative Placemaking** - by supporting contextually appropriate infill development and a variety of housing types (p. 153)
    - **Promote Great Architecture and Urban Design to Enhance Placemaking** - by promoting adaptive reuse as a means of conserving materials, history, and embodied energy in buildings (p. 140).

Council Goal(s):

- A Well-Planned and Livable Community.

Committees:

- Planning & Zoning Commission (PZC) - April 5, 2023 - Approved, 5:0.

Pros:

- Allows for the additions and expansions of existing buildings up to 50% of the pre-expansion floor area, which matches the threshold for full site compliance as cited in UDO Sec. 7-11-1.
- Provides clarity regarding how much “natural open space” can count towards a site’s total open space requirement, regardless of the type of natural feature.
- Removes duplicative code regarding historic resources as properties with historic landmark designation are already exempted from open space requirements.

Cons:

- Some sites now would not be required to meet the new open space standards nor be incentivized to redevelop to meet affordable housing or stormwater standards.

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 amendments will: 1) reduce administrative barriers to housing development and diversification; 2) support contextually appropriate infill development and a variety of housing types; and, 3) promote adaptive reuse as a means of conserving materials, history, and embodied energy in buildings.

Attachments

1. Draft Code
2. Draft Ordinance
3. PZC Recommendation
4. PZC Draft Action Minutes (4/5/23)