THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: October 10, 2023

Subject: Proposal to Revise the Asheville Area Riverfront Redevelopment Commission Ordinance

Staff Resource(s): Steph Monson Dahl, Planning and Urban Design Director

Action Requested: Adoption of (1) an ordinance to amend Section 2-185.20 - 2-185-23 of the Code of Ordinances; and (2) an ordinance to amend Section 7-3-10 and 7-3-11 of the Code of Ordinances, both regarding the Asheville Area Riverfront Redevelopment Commission.

Background:

- The Asheville Riverfront Redevelopment Commission (AARRC), a regional advisory board, was established by City Ordinance in fall of 2009; the Commission began meeting in May of 2010.
- The Riverfront Commission's ordinance has been revised twice in the past 13 years; once to add the word "Area" to its name, and once to align with changes to state general statutes.
- The AARRC adopted "Perform a review of the purpose of the Riverfront Commission and discuss what changes may be appropriate and needed for us to continue as a successful civic body" as language to include in their 2022 Annual Report.
- The AARRC performed a review and now proposes a new ordinance (see attachments). The substantive changes made include:
    - Changing the Commission name to "The Asheville Buncombe Riverfront Commission"
    - An updated purpose that emphasizes planning for the sustainability of the riverfront area, including a regional look at improving river water quality, and less focus on redevelopment/revitalization policies.
    - Retaining the same number of members (and the same number of appointees from the City) yet expanding the diversity of membership by eliminating most property owner requirements and including representatives from Black Mountain, Swannanoa, Explore Asheville, the arts community, and traditionally underrepresented residents from neighborhoods like Pisgah View, Hillcrest, and Southside.
    - Clear guidance to existing (CIBO, City, County, Chamber of Commerce, Town of Woodfin) and new (Black Mountain, Explore Asheville) appointing boards about prioritizing diversity when making appointments.
    - A clarification that while the City will manage the boards activities, that all appointing boards are asked to annually consider the provision of resources such as transportation, staff time, programming and/or financial resources in order to support them being a successful civic body.
    - Changes to the membership will be made over time as vacancies arise. For example, as one of the CIBO appointees and one of the RiverLink appointees term's expire this year, new members from Black Mountain and Explore Asheville can be added.

Council Goal(s):

- An Equitable and Diverse Community
- A Connected and Engaged Community
- A Clean and Healthy Environment

Committee(s):

- Asheville Area Riverfront Redevelopment Commission - 8-10-23 - Commission voted unanimously to move ordinance to City Council
- Planning and Economic Development Committee - 8-14-23 - AARRC Chairperson Anne Keller presented information on this item

Pro(s):

- Updates the Commission's ordinance to better reflect the current planning context for the riverfront area.
- Expands regional partnership opportunities by adding new members.
- Includes specific language that enhances opportunities for diversity, equity, and inclusion on the Commission.

Con(s):

- None.

Fiscal Impact:

- This action requires no additional City resources and has no fiscal impact.

Suggested Motion:

- Motion to adopt (1) an ordinance to amend Section 2-185.20 - 2-185-23 of the Code of Ordinances; and (2) an ordinance to amend Section 7-3-10 and 7-3-11 of the Code of Ordinances, both regarding the Asheville Area Riverfront Redevelopment Commission.

Attachment(s)

- Chairperson's 8/14/23 Presentation to PED
- Ordinance - Section 2-185.20 - 2-185.23
- Ordinance - Section 7-3-10 and 7-3-11

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 2-185.20 - 2-182.23 OF THE ASHEVILLE CITY CODE OF ORDINANCES REGARDING THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, Sections 2-185.20 through 2-185.23 of the City of Asheville Code of Ordinances establishes the creation of the Asheville Area Riverfront Redevelopment Commission; and

WHEREAS, it is in the best interest of the City of Asheville to revise the ordinance to update the purpose of the Commission to have more emphasis on planning for the sustainability of the riverfront area, including a regional look at improving river water quality, and less focus on redevelopment/revitalization policies; to provide for a more inclusive membership on the Commission; and to change the name of the Commission to Asheville-Buncombe Riverfront Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Division 13 of the Code of Ordinances be and is hereby , and replaced with the following:

DIVISION 13. ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

Sec. 2-185.20. Creation; geography; membership; organization.

(a) Creation. It is hereby declared that the public welfare and interest of the citizens of the City of Asheville and County of Buncombe, North Carolina, will best be served by establishing and maintaining a commission for the sustainability and continued development of the Riverfront District, a vital area of western North Carolina's economic, cultural and visitor activity. To that end, there is hereby created and established a commission of the city to be known as the Asheville Area Riverfront Redevelopment Commission, referred to in this document as "the commission."

(b) Definitions and geographic area defined.

(1) The Riverfront District is defined as the area within the City of Asheville's corporate boundary or extraterritorial jurisdiction adjacent to the French Broad or Swannanoa Rivers, including non-adjacent yet nearby land having characteristics or features directly impacting the economic climate of the Riverfront District. This area is fluid and may change over time. The Riverfront District, especially the areas outlined in the Wilma Dykeman Riverway Master Plan, shall be the primary focus of the commission's work.

(2) The Regional Riverfront includes any similarly described land lying outside the city's jurisdictions but within Buncombe County's boundary. The Regional Riverfront shall be the general study area of the commission.

(3) The River District Design Review Area, as referenced in subsection 7-3-10(a)(1) of the city's Unified Development Ordinance, is contained solely within the City of Asheville's jurisdiction, and is illustrated by the adopted River District Design Review Area Map on file with the Development Services Department of the City of Asheville.

(c) Membership.

(1) Composition. The commission shall consist of 14 voting members appointed by various community boards. Each appointing board shall ensure that at least one-half of their appointees are an owner of real property or an owner of a business in the Regional Riverfront; design professional required to be appointed by the City of Asheville shall not count toward or against the city's ownership requirement. The

Town of Woodfin, having only one appointee, is exempted from the ownership requirement. The composition of the commission will be as follows:

a. Two members appointed by the Buncombe County Board of Commissioners, with one being a county commissioner;

b. Five members appointed by the city council, with one being a council member;

c. Two members appointed by the Asheville Area Chamber of Commerce;

d. Two members appointed by RiverLink;

e. Two members appointed by the Council of Independent Business Owners;

f. One member appointed by the Woodfin Board of Alderman.

(2) Representation and appointment process. Appointed members shall represent various segments of the Regional Riverfront community such as, but not limited to, property owners, merchants, residents, businesses and institutions, landscape architects, civil engineers or related specialties; and shall have a willingness to participate actively in commission efforts; and shall possess expertise and interest in the sustainability and development of the Riverfront district. The process used to make appointments to the commission is at the discretion of the appointing boards.

(3) Removal. Members of the commission shall be removed at the discretion of their appointing board. Appointing boards shall follow the City of Asheville's attendance standard as grounds for removal.

(4) Terms of office. Members of the commission shall serve staggered, three-year terms, with the exception of the city council member and county commission member, each of whom will serve according to the length of their respective terms of office (ex-officio with voting privileges).Members are eligible to serve up to two consecutive terms; partial (less than three-year) terms served due to the initial, (staggered) appointment structure or to fill a vacant seat shall not count toward two full terms of service.

(d) Organization and general operation.

(1) Bylaws. The commission shall operate under bylaws adopted by their membership. The bylaws shall be reviewed on a regular basis and updated when appropriate. The commission shall clearly outline the role of the Planning and Design Review Subcommittee, in the River District Design Review Process as outlined in section 7-5-18 of the UDO, in their adopted bylaws.

(2) Meetings. The commission shall adopt a regular meeting schedule. Special meetings may be called by the chairperson or, in her/his absence, by the vice-chairperson, and special meetings shall be called upon the request of a majority of the members of the commission.

(3) Selection of officers. The commission shall select annually from its members a chairperson and a vice- chairperson.

(4) Attendance. The failure of any commission member to attend 75 percent or more of the meetings of the commission held during a 12-month period, without an excused absence being approved by the chairperson of the commission, may be grounds for removal.

(5) Voting. A quorum shall be constituted by a simple majority of commission members, excluding vacancies. The chair or the presiding member of the commission shall vote on all matters of business considered by the commission, unless recused by a majority vote of the commission.

(6) Transaction of business. The commission shall act as a body in the transaction of all business, unless a committee or member is duly authorized by the commission for a specific purpose.

(7) Compensation. Members of the commission shall receive no compensation for their service, but shall be entitled to reimbursement for out-of-pocket expenses in connection with their official and authorized duties.

(8) Appointment of committees. The commission is authorized to appoint committees from its membership or the community at large. Committee functions shall be fixed by the commission at the time of appointment. Committees may be standing or ad hoc in nature and shall perform such duties as may be assigned by the commission.

(9) Periodic reviews and dissolution procedure. Periodic reviews of the progress of the commission will occur as deemed necessary by the city council and the county commission. The commission may be discharged or dissolved by a joint resolution of city council and the county commission.

Sec. 2-185.21. Purposes; powers; contracts.

(a) Purposes. Subject to such limitations as may be imposed by state law or by ordinance of the city and county, the commission shall be embodied for the following purposes:

(1) Recommend to the city and county an overall policy for the continued development and sustainability of the Regional Riverfront.

a. Develop and recommend to the city and county a comprehensive strategy as may be deemed appropriate for the Riverfront and Regional Riverfront districts. Conduct regular evaluations and updates for the City of Asheville comprehensive strategic plan, the Wilma Dykeman Riverway Master Plan and all other plans affecting the French Broad River and Swannanoa River areas within Buncombe County. Work toward the implementation of the city-adopted Wilma Dykeman Riverway Master Plan.

b. Recommend to the city and county appropriate land development policies for the Riverfront and Regional Riverfront districts. Conduct evaluations and updates for zoning, regulations and other policies for properties in the vicinity of both districts (including but not limited to watershed policies, floodway management and greenway acquisition).

c. Recommend to the city and county what assistance, if any, is needed from professional consultants for Riverfront and Regional Riverfront efforts.

d. Recommend and monitor implementation of planning efforts in both districts. Provide recommendations as a part of the regular project/permit review process as applicable for the benefit of city and county officials for projects in the districts.

(2) Carry out the powers and duties assigned to the commission under section 7-3-10 of this Code.

(3) Provide recommendations to the city and the county for effective management of the public resources for the districts and actively pursue and assist private sector investment in the districts for the welfare of the citizens of the city and county.

(4) Cooperate with, evaluate, and represent the recommendations of other organizations, including, but not limited to, property owners, merchants, residents, businesses, tenants, non-profits, institutions and other members of the Riverfront and Regional Riverfront district communities.

(b) Powers. In order to fulfill the purposes listed above, and subject to limitations as may be imposed by state law or by ordinance of the city and county, the commission shall perform those tasks necessary and convenient to carry out the purposes of the commission and public welfare, including:

(1) Develop financial tools for riverfront development.

(2) Evaluate existing plans and recommendations for riverfront development.

(3) Identify appropriate uses for the districts and identify developers/investors for development.

(4) Coordinate riverfront commercial, recreational and residential development with property owners, merchants, residents, businesses, tenants, and institutions within the riverfront district.

(5) Promote and facilitate the improvement of riverfront infrastructure, including but not limited to water, public safety, parks, parking, transportation, utilities, sidewalks, sewer, and streetscape.

(6) Promote and facilitate marketing and other programs that focus on the riverfront and meet the goals and mission statement of the commission, including:

a. Promote and facilitate a program to assist in business retention in the riverfront district.

b. Promote and facilitate a program to increase sales, visitors and awareness of the riverfront district.

c. Promote and facilitate riverfront district living.

d. Promote, facilitate and act as liaison to catalytic developments significantly affecting the riverfront areas.

(7) Assist city and county government with procuring representative community participation when plans and reports concerning the development of the riverfront districts are prepared or implemented.

(8) Make studies which further the implementation of its plans.

(9) Make recommendations to city council regarding the map geography and text description that defines the Riverfront, Regional Riverfront, and River District Design Review Area districts.

(10) Actively encourage and pursue the participation of the public sector and private capital in implementing approved projects.

(c) Contracts. The commission shall be authorized to enter into and to let contracts for necessary services provided to the commission in the manner provided by law for contracts, but shall not commit financial resources of either the city or county without prior approval from the funding agencies.

Sec. 2-185.22. Staffing; resources.

As the lead partner in the Asheville Area Riverfront Redevelopment Commission Initiative, staffing and other resources needed for the commission will be managed by the City of Asheville. The city recognizes that the study areas for the commission reach beyond Asheville corporate and extraterritorial boundaries; the promotion of a strong, regional, strategic partnership, including sharing the cost of staffing and resources, is required.

(a) Budget. An annual budget will be appropriated by the City of Asheville to achieve the mission and goals of the commission. Funding, in-kind services and other resources shall be provided by the strategic partners, including the City of Asheville, Buncombe County, Riverlink, Asheville Area Chamber of Commerce, the Town of Woodfin, Land-of-Sky Regional Council and private property owners.

(b) Staffing. The City of Asheville City Manager shall be responsible for providing staff support for the commission. The city manager shall assign an appropriate staff member who shall direct and carry out the annual work program of the commission and shall serve as secretary to the commission with no voting rights.

(c) Resources. Technical experts and consultants outside ordinary staff available to perform such services needed to complete the approved work program elements shall be recommended by the commission in accordance with the state and federal, state and municipal policy pertaining to such selection.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 10th day of October, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 7-3-10 and 7-3-11 OF THE ASHEVILLE CITY CODE OF ORDINANCES REGARDING THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, Section 7-3-10 and 7-3-11 of the City of Asheville Code of Ordinances describe the purpose, powers and duties of establishes the creation of the Asheville Area Riverfront Redevelopment Commission; and

WHEREAS, it is in the best interest of the City of Asheville to revise the ordinance to update the purpose of the Commission to have more emphasis on planning for the sustainability of the riverfront area, including a regional look at improving river water quality, and less focus on redevelopment/revitalization policies; to provide for a more inclusive membership on the Commission; and to change the name of the Commission to Asheville-Buncombe Riverfront Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Section 7-3-10 and 7-3-11 of the Code of Ordinances are be and is hereby rescinded, and replaced in their entirety with the following:

Sec. 7-3-10. Asheville-Buncombe Riverfront Commission.

(a) Powers and duties. The city's Asheville Area Riverfront Redevelopment Commission shall have the powers and duties as set forth in division 13 of article III of chapter 2 of the Code of Ordinances of the City of Asheville. In addition, for purposes of this chapter, the Asheville Area Riverfront Redevelopment Commission shall have the following powers and duties:

(1) Develop and recommend to the City and other appointing board partners a comprehensive vision and strategy as may be deemed appropriate for the Riverfront District and Regional Riverfront Corridors. Conduct regular evaluations and updates of the Wilma Dykeman Riverway Master Plan and all other adopted plans affecting the French Broad River and the Swannanoa River corridors within Buncombe County including the Living Asheville Comprehensive Plan and the 2043 Buncombe County Comprehensive Plan. Recommend topics that need to be considered as part of a broad and comprehensive approach to planning and design;

(2) Participate in selection of Asheville Design Review Committee members as outlined in Sections 7-3-11 of this chapter, and

(3) Such additional powers and duties as may be set forth for the Asheville-Buncombe Riverfront Commission elsewhere in this chapter and other regulations of the city.

(b) Membership; terms; vacancies. The Asheville-Buncombe Riverfront Commission shall follow the membership requirements set forth by city council in division 13 of article III of chapter 2 of the Code of Ordinances of the City of Asheville.

(c) Meetings. The City's Asheville-Buncombe Riverfront Commission shall hold meetings in accordance with division 13 of article III of chapter 2 of the Code of Ordinances of the City of Asheville.

(d) Rules and records. The Asheville-Buncombe Riverfront Commission shall follow procedures for review as outlined in section 7-5-18 of this chapter, and may adopt its own rules and procedures, including the requirements of this chapter. The staff member in charge of coordinating river district design review shall record relevant notes from the meetings.

Sec. 7-3-11. Asheville Design Review Committee.

(a) Powers and duties. The Asheville Design Review Committee shall be a joint committee of the Asheville Downtown Commission and the Asheville-Buncombe Riverfront Commission and have the following powers and duties, to be carried out in accordance with the terms of this chapter:

(1) Review and make comment on major works projects within designated design review areas in accordance with the respective design guidelines adopted for each area;

(2) Adopt and amend guidelines for alterations, demolitions, and new construction within designated design review areas;

(3) To perform studies and/or prepare plans for desirable standards and goals for the aesthetic enhancement of the city. These plans may include the entire city or any part thereof, and may include private as well as public property; and

(4) Such additional powers and duties as may be set forth for the Asheville Design Review Committee elsewhere in this chapter and in other laws and regulations.

(b) Membership; terms; vacancies.

(1) The Asheville Design Review Committee shall consist of nine members, the majority of which shall have demonstrated special interest, experience or education in architecture, historic preservation, landscape architecture, urban planning or related fields. All members shall have equal rights, privileges, and duties.

(2) All members shall serve three-year terms. All members shall serve a maximum of two terms.

(3) The Asheville City Council shall appoint nine members to the Asheville Design Review Committee with three members selected from the Downtown Commission, three members selected from the Asheville-Buncombe Riverfront Commission, and three members selected at

large, in accordance with the council's rules of procedure. In the event that there is insufficient interest from either of the respective commissions to fill the assigned committee seats, and after exhausting efforts to ensure equal representation by soliciting applications from the commissions to fill these seats, the City Council may appoint individuals at large. Vacancies shall be filled as they occur by the Asheville City Council.

(4) Preference will be given to applicants who represent at least one of the Asheville Design Review Committee's interest areas in addition to the seat requirements:

- Persons with disabilities
- Transit users
- Seniors

(c) Meetings. The Asheville Design Review Committee shall hold regular monthly meetings in accordance with the published schedule for the committee.

(d) Rules and records. The Asheville Design Review Committee shall follow the rules of procedure for the respective commissions. The Asheville Design Review Committee shall keep minutes of its proceedings.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 10th day of October, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney