THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: July 26, 2022

Subject: Open Space Zoning Text Amendment

Staff Resources: Todd Okolichany, AICP, LEED AP ND, Planning & Urban Design Director; Vaidila Satvika, AICP, Urban Planner III

Action Requested: Adoption of a zoning text amendment to Chapter 7 of the Unified Development Ordinance (UDO) to update open space requirements for residential and commercial development.

Background:

- The Planning & Urban Design Department proposes to amend the Unified Development Ordinance (UDO) to update open space requirements for residential and commercial development.
- This ordinance supports affordable housing by providing greater flexibility in the quantity of open space required, which allows for a greater number of units on smaller parcels of land while creating higher quality open spaces.
- The proposed text is implementing the City's comprehensive plan, *Living Asheville*, by 1) reducing regulatory barriers to infill housing, 2) promoting higher quality and more accessible open spaces, 3) simplifying regulations, 4) incentivizing enhanced stormwater management for larger developments, and 5) strengthening open space protections in the River Arts District.
- The following chart compares the current open space standards with the proposed standards:

Topic	CURRENT	PROPOSED
Residential	500 SF/unit or 15% of parcel, whichever is greater	8-19 units: 5-10%; 20-49 units: 10-15%; 50+ units: 15-20%
Subdivisions	20% open space required	10-15% open space required
Commercial	5-15% open space required	5-10% open space required
Stormwater	Stormwater mitigation is not required for infill projects	Large sites (1 acre+) incentivized to provide stormwater management
Affordable Housing	No incentive	Large sites (1 acre+) with affordable housing are exempt from more restrictive open space standards
Fee in lieu	Available for <5,000 SF open space	Available for <5,000 SF open space
RAD-OSP Building Coverage (Max)	80%	7%
RAD-OSP Impervious Surfaces (Max)	0%	12% (Not including impervious paths or trails

- The draft zoning standards have been reviewed by various City of Asheville departments and boards and commissions, members of the design/build community (architects, landscape architects, designers and engineers), a volunteer Open Space Task Force consisting of representatives from eight boards and commissions, and other community members.
- The Open Space Task Force began meeting in February 2021 and included representatives from the Asheville Area Riverfront Redevelopment Commission (AARRC), Affordable Housing Advisory Committee (AHAC), Development Customers Advisory Group (DCAG), Downtown Commission (DTC),

Neighborhood Advisory Committee (NAC), Planning & Zoning Commission (PZ), Sustainability Advisory Committee on Energy and the Environment (SACEE), and Urban Forestry Commission (UFC). The task force met 15 times over the course of nine months to refine the proposed open space code collaboratively.

Comprehensive Plan Consistency:

- This proposal best aligns with the *Living Asheville* Comprehensive Plan themes of a Livable Built Environment, by encouraging responsible growth that provides greater flexibility for development while balancing other needs, and Harmony with the Natural Environment, by promoting more accessible open spaces and incentivizing green infrastructure on larger (over one acre) parcels.
- Specifically, the proposed amendments are consistent with the following comprehensive plan goals:
    - *Goal 21: Promote Access to Well Maintained Parks and Open Space for All* in that it improves upon open space design to create more accessible and usable open spaces with more amenities.
    - *Goal 22: Mitigate Flooding and Erosion* in that better stormwater management is incentivized for multifamily, non-residential and mixed-use projects.
    - *Goal 13: Increase and Diversify the Housing Supply* by removing conflicts that currently inhibit the utilization of recently-passed infill housing standards due to excessive regulatory requirements for open space that also add to housing costs.

Council Goal(s):

- A Well-Planned & Livable Community

Committees:

- Staff facilitated a City Council Work Session on March 8, 2022. That presentation is attached.
- In total, staff presented or had meetings to further develop the draft open space code 36 times.
- These meetings included various Boards, Commissions, or the Open Space Task Force.
- The attached chart shows the dates staff met with each group.

Pro(s):

- Reduces code conflicts that inhibit the utilization infill housing standards
- Increases stormwater mitigation for parcels over one acre in size
- Creates more functional, better-designed open spaces citywide
- Supports affordable housing by reducing land requirements for development
- Improves preservation of open space in the River Arts Form district
- Allows for a greater potential for smaller infill housing units to be built

Con(s):

- In some projects open space quantity will decrease that may lead to increased impervious surfaces that come with related stormwater runoff impacts.
- Note, however, that increased runoff is counterbalanced by new proposed requirements that will increase stormwater treatment on sites over one acre in size.

Fiscal Impact:

- None

Staff Recommendation:

- Staff recommends amending zoning text in Chapter 7 of the UDO related to open space standards as the proposal:
    - Is consistent with the *Living Asheville* Comprehensive Plan, particularly with Goals 13, 21 and 22;
    - Improves upon open space design to create more accessible and usable open spaces with amenities;
    - Removes regulatory barriers to infill housing;

- Incentivizes stormwater management on larger parcels; and,
- Balances development requirements to support walkable, transit-supported neighborhoods by encouraging more efficient land use.

Suggested Motion:

- Motion to approve the proposed wording amendments to Chapter 7 of the UDO and find that the proposed amendments are reasonable, are in the public interest, are consistent with the city's comprehensive plan in that the changes 1) improve open space regulations by creating more usable open spaces; 2) remove conflicts that inhibit a greater production of infill housing; 3) incentivize better stormwater management for larger parcels; and, 4) support walkable, transit-supported neighborhoods by encouraging more efficient land use without increasing the cost of development.

Attachment(s)

(1) Open Space Presentations and Meetings Chart
(2) Planning & Zoning Commission Recommendation
(3) Draft Ordinance
(4) City Council Work Session March 8, 2022 Presentation