THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: April 27, 2021

Subject: Amendment to Chapter 2, Article 3 of the Code of Ordinances for the City of Asheville

Staff Resource(s): Todd Okolichany, AICP, LEED AP ND, Planning & Urban Design Director;
Shannon Tuch, RLA, Principal Planner
Jannice Ashley, Assistant City Attorney

Action Requested: Adoption of an amendment to Chapter 2, Article 3 of the City's Code of Ordinances updating the roles and responsibilities of the Downtown Commission and Asheville Area Riverfront Redevelopment Commission related to design review.

Background:

- The Asheville City Council adopted Ordinance No. 4855 on February 23, 2021 which amended Chapter 7 (the Unified Development Ordinance "UDO") to expand design review to include hotels and established a new Design Review Committee to perform design review for all projects located within a design review area (Hotel Overlay, Downtown and Riverfront areas).
- Prior to Ordinance No. 4855, design review had been performed by designated subcommittees of both the Asheville Downtown Commission and the Asheville Area Riverfront Redevelopment Commission with a final vote performed by the applicable full Commission.
- Chapter 2, Article 3 of the City of Asheville Code of Ordinances should be updated to reflect that design review is no longer a responsibility of these respective commissions.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s) and Commission(s):

- None

Pro(s):

- Makes Chapter 2 of the City's Code of Ordinances consistent with Chapter 7

Con(s):

- None

Suggested Motion:

- Motion to approve the proposed amendments to Chapter 2, Article 3 of the City's Code of Ordinances related to the roles and responsibilities of the Downtown and Asheville Area Riverfront Redevelopment commissions related to design review.

Attachment(s):

- Ordinance
- Ordinance No. 4855

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 2, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE IN ORDER TO ALIGN ROLES AND RESPONSIBILITIES OF THE DOWNTOWN AND ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSIONS WITH THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO DESIGN REVIEW.

WHEREAS, the City of Asheville has the authority pursuant to Article III of Chapter 160D of the North Carolina General Statutes to establish boards to perform various functions related to municipal governance; and

WHEREAS, the City of Asheville has established the need for a design review committee to provide design related feedback on development projects located within design review areas; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) (herein "UDO") was amended via Ordinance No. 4588 adopted on February 27, 2021, to establish the design review committee and to specify standards and processes for design review; and

WHEREAS, the aforementioned ordinance necessitates and amendment to Chapter 2, Article III of the City Code related to the duties of the Asheville Downtown Commission and the Asheville Area Redevelopment Commission to make the this section of the Code consistent with the newly revised UDO; and

WHEREAS, this revision aligns with the City Council goals to update the Unified Development Ordinances and other Chapters in order to reflect recommendations in the Living Asheville Comprehensive Plan;

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

Section 1: Chapter 2, Article III of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend Division 3, Asheville Downtown Commission, Sec. 2-77, Purposes and Powers, item(a)(3) to read as follows:

   (3) Carry out the powers and duties assigned to the commission as described in section 7-3-8 of this Code.

b. Amend Division 13, Asheville Area Riverfront Redevelopment Commission, Sec. 2-185.21, Purposes and Powers, item (a)(2) to read as follows:

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

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 27th day of April, 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney