THE CITY OF ASHEVILLE

STAFF REPORT

City Council Meeting Date: May 25, 2021

Subject: 160D Zoning Text Amendment

Staff Resources: Todd Okolichany, Planning & Urban Design Director; Shannon Tuch, Principal Planner; Brad Branham, City Attorney; Jannice Ashley, Senior Assistant City Attorney; Aarin Miles, Assistant City Attorney

Action Requested: Adopt a zoning text amendment to align the City's Unified Development Ordinance ("UDO") with North Carolina Session Law 2019-111, commonly referred to as "160D".

Background:

- 160D refers to a new chapter in the North Carolina General Statutes (NCGS) that reorganizes the land use regulatory laws of the State and came into effect through Session Law 2019-111 "AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE.", adopted July 11, 2019.
- The purpose of 160D is to clarify and reorganize the land use regulatory laws of the State and is the first major recodification and modernization of city and county development regulations since 1905.
- The new 160D also consolidates these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties (formerly found in Chapter 160A for cities and Chapter 153 for counties).
- Per Session Law 2020-25, local governments are required to enact zoning text amendments that align with 160D by July 1, 2021.
- 160D is comprehensive; therefore, City staff are addressing these revisions in sections, expecting to complete all necessary revisions by the deadline.
- This zoning text amendment is the fourth in a series of amendments and seeks to align the City's UDO (Chapter 7) with 160D.
- **Summary of changes:**
    - Amendment to **Article III** to include 160D statutory references and clarify the requirements for PZC member appointments by the County as per NC Session Law 2013-30.
    - Amendment to **Article V** includes a revision to section 7-5-20 notice procedures for public hearings. The revisions include separating the notice procedures for legislative and quasi-judicial hearings. 160D- 601 provides that the for public hearings on development approvals notice only needs to be mailed to abutting properties;
    - Amendment to **Article VI** includes revisions to each section to provide clarity and bring the section into compliance with 160D terminology.
    - Amendment to **Article VII** includes
        (a) the revision of language to 7-7-4 to bring in compliance with 160D-604 and include the current procedures being implemented with the Planning and Zoning Commission;
        (b) the revision to language in 7-7-5 to clarify City Council procedures for development approvals;
        (c) the removal to 7-7-6 as provided in a 2015 session law
- Additional, non-statutory related amendments to the Rules of Procedure have also been in order to clarify current procedures.

Comprehensive Plan Consistency: This proposal best aligns with the Living Asheville Comprehensive Plan theme of *Responsible Regionalism* that seeks to "improve Regional Collaboration, Coordination and Communication" by aligning the City's development code with state statutes. (p. 288)

Council Goal(s):

- A Well-Planned & Livable Community

Committee(s):

- The Planning & Zoning Commission reviewed this proposed amendment at their April 7, 2021 (public hearing) and May 5, 2021 (vote) meetings and voted unanimously (6:0) to approve the amendment (formal recommendation attached).

Suggested Motion:

- I move to approve the proposed wording amendments to Chapter 7 Articles III, V, VI, and VII of the UDO 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) promote responsible growth based on holistic decision making; and, 2) bring City ordinances into compliance with the new North Carolina General Statute Chapter 160D, regarding land use development.

Attachment(s)

- Ordinance
- PZC Recommendation