Zoning Text Amendment - 160D

Asheville City Council

October 13, 2020

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What is 160D?

- A chapter in the NC General Statutes adopted as part of Session Law 2019-111 and which became effective June 20, 2020
- Replaces existing 160A (municipal) and 153A (county) chapters
- Purpose is to *Clarify*, *Consolidate*, and *Reorganize* the land use laws of the state
- A collaboration between NC land use attorneys, the UNC-SOG & NC legislators

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Timing of 160D

- Currently effective but local governments have until July 1, 2021 to make any necessary amendments to be in alignment with 160D
- Staff will bring forward a series of amendments to modify the City of Asheville's UDO to be consistent with 160D.
- The first two amendments are on this evening's agenda:

  - Updates to standards related to Historic Preservation

  - Changes to Enforcement and Definitions

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Amendment #1 - Historic Preservation

Two “musts” and a “may”

- ***Must*** **follow quasi-judicial proceedings**
- ***Must*** **describe preservation requirements as “standards” and not “guidelines”**
- ***May*** **choose to have appeals from an HRC decision move directly to Superior Court, rather than the city’s Board of Adjustment.**

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Reviewed w/ both HRC & BOA

HRC
August 12, 2020

BOA
August 24, 2020

Unanimously Supported by both bodies

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Amendment #2 - Enforcement & Definitions

Enforcement - A Series of “musts” and a “mays”

- Clarifies enforcement practices protecting property owners - “musts”
- Clarifies enforcement practices providing officers flexibility - “mays”

Definitions - changes to existing, adding new, replacing old

- Update existing terms - clarifying the types of decisions
- Add some new terms
- Replaced Conditional Use Permit w/ Special Use Permit

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