THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: October 27, 2020

Subject: Open Space Zoning Text Amendment

Staff Resources: Todd Okolichany, AICP, LEED AP ND, Planning & Urban Design Director
Shannon Tuch, Principal Planner
Vaidila Satvika, AICP, Urban Planner II

Action Requested: Consideration of a zoning text amendment for Unified Development Ordinance (UDO) Section 7-11-4 (Open Space)

Background:

- The Planning & Urban Design Department proposes to amend the Unified Development Ordinance (UDO) to reduce open space requirements for residential and commercial development.
- This proposed text amendment is implementing the city's comprehensive plan, Living Asheville, by reducing regulatory barriers to infill housing, promoting better access to open space and incentivizing open space amenities (e.g. seating) while decreasing the cost of development.
- 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 greater	8-19 units: 10%; 20-49 units: 15%; 50+ units: 20% (5% if meeting standards for good design)
Subdivisions	20% open space required	5-15% open space required
Commercial	5-15% open space required	5-15% open space required
Stormwater	No requirement	Large sites incentivized to provide stormwater management
Greenways	Supports greenway development	Supports greenway development
Fee in lieu option	Available for <10,000 SF open space	Available for <5,000 SF open space

- The draft zoning standards have been reviewed by various City of Asheville departments and members of the design/build community (architects, engineers and landscape designers).
- This ordinance supports affordable housing-- providing a greater flexibility in open space **quantity** allows for a greater number of units while preserving compatible, higher **quality** open spaces.

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.
- Specifically, the proposed amendments are consistent with 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.
- The proposal aligns with Goal 22: Mitigate Flooding and Erosion in that better stormwater management is incentivized for multifamily, non-residential and mixed-use projects.

- The amendments are consistent with 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 add to housing costs.

Council Goal(s):
- A Well-Planned & Livable Community

Committees:
- On October 3, 2019, the Affordable Housing Advisory Committee (AHAC) unanimously recommended support for the proposed text amendment to UDO Section 7-11-4 (Open Space).
- On January 20, 2020, the Urban Forestry Commission reviewed this proposal for a second time. Staff highlighted that it does not conflict with the upcoming tree preservation ordinance.
- Planning & Zoning Commission - February 5, 2020 - unanimous approval
- PED Committee recommended unanimous support - March 9, 2020
- Planning & Zoning Commission - Feb 5 & July 1, 2020 - Staff returned to P&Z after integrating comments from the Urban Forestry Commission (15 revisions incorporated) - approved (5:2)
- Urban Forestry Commission - June 8, Sept 21 & Oct 19, 2020 - Multiple meetings to listen to UFC to seek to address comments & concerns - No vote was taken
- Downtown Commission reviewed the proposal and agreed that the CBD should continue to be exempted from open space requirements though they expressed that the future Downtown Master Plan update should review public open space needs.

Pro(s):
- Reduces requirements that inhibit the utilization of recently-passed infill housing standards.
- Increases stormwater mitigation for parcels over one acre in size via incentives.
- Creates more functional, better-designed open spaces citywide.
- The Tree Preservation Ordinance (TPO) does not conflict with the proposed Open Space updates as the TPO is based on a canopy approach whereas Open Space standards are based on the ground; they are reviewed on different planes.
- Supports affordable housing by reducing land requirements for development.

Con(s):
- In some cases the quantity of regulated open space and pervious surfaces may decrease (note: this impact is proposed to be offset by incentives for improved quality of open space and stormwater mitigation).

Fiscal Impact:
- None

Staff Recommendation:
- Staff supports the proposed zoning text amendments to Article XI, Open Space standards, because:
    - The proposal is consistent with several goals of the *Living Asheville* Comprehensive Plan, including Goals 13, 21 and 22.
    - The proposal improves upon open space design to create more accessible and usable open spaces with more amenities, incentivizes the use of better stormwater management,
    - Removes regulatory barriers to infill housing, and
    - Balances development requirements in such a way that supports walkable, transit-supported neighborhoods by encouraging more efficient land use.

Suggested Motion:
- Motion to approve the proposed wording amendments to Article XI of the UDO, Open Space standards, and find that the proposed amendments are reasonable, are in the public interest, are consistent with the city's comprehensive plan, and meets the development needs of the community 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; and, 3) support walkable, transit-supported neighborhoods by encouraging more efficient land use without increasing the cost of development.

Attachment(s)

1. Presentation
2. PZC Recommendation
3. PZC Minutes (Portion Of) Feb 5, 2020
4. PZC Minutes (Portion Of) July 1, 2020
5. Draft Ordinance