

Thursday - April 10, 1997 - 5:00 p.m.

Banquet Room - Asheville Civic Center

Continuation of Unified Development Ordinance Meeting on Text
from April 8, 1997

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman James J. Skalski; Councilman Thomas G. Sellers; and Councilman Charles R. Worley; City Attorney Robert W. Oast Jr.; Assistant City Manager S. Douglas Spell; and City Clerk Magdalen Burleson

Absent: City Manger James L. Westbrook Jr.

Mayor Martin explained that this will be the last meeting of City Council on the text portion of the UDO. City Council will be holding joint public hearings with the Planning & Zoning Commission on the mapping of the UDO beginning at 5:00 p.m. in the Banquet Room in the Asheville Civic Center on April 23, 1997, and April 24, 1997. On April 23 Council will plan to focus primarily on the new zoning district maps for the "East Area" and the "Central Area." On April 24 Council will focus primarily on the new zoning district maps for the "North Area," "West Area," and "South Area." After Council has reviewed the mapping, held their public hearings and made final recommendations on any mapping issues, the entire UDO will be adopted on May 27, 1997.

Councilman Worley moved to re-open the public hearing at 5:20 p.m. This motion was seconded by Vice-Mayor Field and carried unanimously.

Ms. Carolyn Harris, representative from the Canine Country Club, questioned the wording of the prohibited uses in the River District, or does it still say "those not specifically listed are prohibited." In Sec. 7-8-18 said that since gasoline and storage was brought back, she asked if there is some regulation that will define it's proximity to the river.

Mr. Gerald Green, Senior Planner, said that federal and state standards would govern the location and safety factors regarding the storage of gasoline.

Mr. George Watt, Treasurer of Wilshire Park Community Club, asked that there be no encroachment on the RS-8 by allowing multi-family dwellings in that area.

Mr. Carl Ricker felt that the thresholds as they are currently written are reasonable, fair and strict. He did not think they need to be lowered.

Mr. Lloyd Sigman, Chairman of RiverLink, read the following resolution recently passed by RiverLink Board of Directors: "RiverLink's mission is the economic and environmental revitalization of the French Broad River and its tributaries. The RiverLink Board, realizing the River District is an evolving area, endorses the River UDO with permitted and non-permitted uses, as proposed by the Asheville Planning Department and the Asheville Planning and Zoning Commission. In this mixed use district, uses that are neither permitted or not permitted should be considered conditional uses."

Mr. Leo Borregard, resident on Kimberly Avenue, voiced strong opposition in allowing duplexes in RS-4 zones. He felt that to allow duplexes in RS-4 zones, would taint the single-family zones.

Ms. Leni Sitnick said that she was glad to hear that the Council has considered a review mechanism in the document. She asked if Council would consider creating a document of intent when the text and mapping are completed. This document does not need to be a lengthy or complicated document, but more of a mission statement. It will allow the future residents to understand the essence of what Council has done and the essence of Asheville that Council is attempting to maintain and create.

Ms. Hazel Fobes asked if one citizen could be appointed to the all City staff Technical Review Committee ("TRC"). She understands that the citizens have a right to come to the meetings but was unsure if they had the right to speak.

Mr. Green explained that City Council has revised the make-up of the TRC to include two representatives of the Tree/Greenway Commission - one will be a voting member and the other an alternate. He said the purpose of the TRC is to review the plans for their compliance with the technical requirements set forth in the ordinance. There is no leeway for opinion or for consideration of items which are not listed in the rules and regulations of the City, so therefore, the technical expertise of the City staff is what is required at that point. He said that any aggrieved citizen can appeal the decision of the TRC to the Board of Adjustment.

Ms. Fobes, speaking on behalf of the League of Women Voters of Asheville-Buncombe County and Citizens for Safe Drinking Water, asked that Level II and Level III be combined. She also supported Ms. Sitnick's suggestion for a document of intent.

Mr. Joe Adams thanked Council for deleting the bed and breakfasts from the RS-4 permitted uses. He asked Council to delete duplexes in RS-4.

Mr. Mike Lewis, representing the Coalition of Asheville Neighborhoods, asked Council to keep the current thresholds for public hearings where they are. He hoped that Council would keep the discretionary power within City Council and think about the impact that development will have in certain areas.

Mr. Richard Green said that he was in agreement with Councilman Skalski's suggested revisions. He asked that the thresholds for public hearings remain where they're presently at, however, he would like to see them a little lower than 30 residential and the 50,000 square feet. He was in favor of prohibiting speculative grading in residential districts. He was not opposed to speculative grading in commercial districts, however, there needs to be some time limits put on how long a developer can use a site as a "borrow pit" if it's alongside a major thoroughfare in the City. He preferred the multi-family uses not be allowed in the single-family districts. He hoped that school capacity concerns can be addressed when projects are approved.

Ms. Beth Maczka said that the Affordable Housing Coalition is very concerned about the significant reduction in land for multi-family housing, the overall reduction of density in the City and the segregation of housing types by use. They feel that all those will greatly impact the availability of affordable housing in our community. She reminded Council that there are tools to educate the public, such as a visual preference survey that have been used in other communities so that citizens can compare examples of housing types and different types of development so that they can make visual choices of what they want to see in their neighborhood - which has led them to be more comfortable -3-

with higher density and has prevented urban sprawl. She supported Ms. Sitnick's suggestion for a document of intent. In Sec. 7-2-1, she suggested including "to provide a wide range of housing options that lead to thriving safe

neighborhoods and individual and family self-sufficiency", a similar statement from the VISION regarding transportation, and a statement that we have a commitment to sustainable and walkable communities.

Mr. Ben Slosman, member of the Board of Directors of the Council of Independent Business Owners, read the following statement "Our organization is closely followed the UDO since its inception. Many of our members have participated on committees and subcommittees throughout this entire process. The business community was told from the beginning that this document would provide upfront guidance for anyone developing in the City of Asheville and at the same time the community would be protected with adequate rules and regulations on development. In addition, the business community was sold on the idea that the subjective nature of the present zoning ordinance would be eliminated. As you are aware, the UDO document has been long touted as the document that would streamline the entire development process in the City of Asheville. By and large the UDO draft strives to meet these stated objectives. However, the Council of Independent Business Owners would like to express some concerns that we feel need to be addressed. (1) In Sec. 7-5-6 1 of the Planned Unit Developments section, we are concerned over the potentially lengthy appeal process of the PUD preliminary master plan. As the UDO is developed, the PUD concept has been a very forward thinking development tool as proposed by staff and City Council. However, if a developer gets bogged down in the mire of the political arena, the City may never be able to see this concept to full fruition. We feel that allowing anyone to appeal the decision of Council to approve the PUD master plan is wrong. Furthermore we feel that allowing 30 days after a project has been approved for any aggrieved party to appeal the decision to the City Council is wrong. Giving a petitioner the right to appeal any decision by City Council is only democratic, but to allow any person other than the petitioner the right to appeal does not streamline the process. (2) In Secs. 7-5-9 A.1.a. and 7-5-9 B.1.a., the threshold standards for Level II and Level III developments should remain as proposed in the draft UDO. Many individuals from a broad cross-section of the community worked on creating these standards. (3) In Sec. 7-5-9 B.1.b. - don't create a situation where a large existing business will be unable to expand. (4) In Sec. 7-8-2 F.10. referencing sidewalks in new developments. We recommend that you only require sidewalks to be constructed in new expansion areas of existing subdivisions. (5) In Sec. 7-8-18 referencing the River District - allow the River District to remain mixed use as proposed in the draft UDO. This provision was studied thoroughly on many different occasions by property owners along the river as well as river advocates. These individuals agreed on the mixed use concept. To change the whole concept defeats the purpose of creating a vital, vibrant and diverse river community."

Mr. Ron Lambe, West Asheville resident, suggested Council setting up standing community-based review boards to alleviate the fears of no public participation.

Ms. Laurel Eide was concerned that Asheville did not require impact studies, which are required in many states, but not in Asheville.

Mr. Albert Sneed said that a major flaw in the existing ordinance is the discretionary public hearing. He felt the business community could live with the over-regulations, if this flaw was deleted. He also urged Council to set the thresholds high for discretionary public -4-

hearings because the rules are strict. He felt the business community helped move the UDO along was because of the compromise made on the river. The business community and others arrived at a compromise that the River District would be open to everything - if it wasn't prohibited, you could do it. He

urged Council to keep the compromise.

Ms. Margaret Sexton, resident on Wilshire Park, urged Council to look at the density of the multi-family dwellings proposed in the UDO. She hoped Council would keep the 500 square foot requirement. They have no problem with duplexes, triplexes or quadraplexes in their neighborhood - they just don't want a large development that would do away with the single-family values of that neighborhood.

Mayor Martin asked if there was any further comment from the public at this time. No one responded. Vice-Mayor Field then moved to close the public hearing at 6:06 p.m. This motion was seconded by Councilman Skalski and carried unanimously.

City Council then discussed each section and arrived at the following motions:

It was the consensus of Council that wherever "Studios, galleries, and workshops for artists, designers, photographers" appears for permitted uses, that the word "craftspersons" be added.

7-1-2 Vice-Mayor Field moved to amend the purpose statement that was agreed upon by the entire Council on April 8, 1997, to delete the words "to provide for housing choices for it's citizens" in substitute in lieu thereof "to provide a wide range of housing options that lead to thriving safe neighborhoods and individual and family self-sufficiency." This motion was seconded by Councilman Hay and carried unanimously.

7-3-2 B.1 Vice-Mayor Field moved to revise the last sentence to read: "The Chairperson of the Planning and Zoning Commission shall be a city resident." This motion died for a lack of a second.

Councilman Cloninger moved to accept the Planning and Zoning Commission recommendation to revise the last sentence to read: "The Chairperson of the Planning and Zoning Commission shall be selected from among those members appointed by the Asheville City Council." This motion was seconded by Councilman Skalski. Said motion failed on a 3-4 vote, with Councilmen Cloninger, Hay and Skalski voting "yes" and Mayor Martin, Vice-Mayor Field, and Councilmen Sellers and Worley voting "no".

Councilman Hay moved to revise the last sentence to read: "The Chairperson of the Planning and Zoning Commission shall be a city resident." This motion was seconded by Vice-Mayor Field. Said motion failed on a 3-4 vote, with Vice-Mayor Field and Councilmen Hay and Worley voting "yes" and Mayor Martin and Councilmen Cloninger, Sellers and Skalski voting "no".

City Attorney Oast stated that since there has not been a successful motion to make the change in the current text, the current text language remains.

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7-3-3 B.1 Councilman Worley moved to leave the current text as is. This motion was seconded by Councilman Sellers. Said motion failed on a 3-4 vote, with Mayor Martin and Councilmen Sellers and Worley voting "yes" and Vice-Mayor Field and Councilmen Cloninger, Hay, Skalski voting "no".

Vice-Mayor Field moved to revise the last sentence to read: "The Chairperson of the Board of Adjustment shall be a city resident." This motion was seconded by Councilman Hay. Said motion failed on a 2-5 vote, with Vice-Mayor Field and Councilman Hay voting "yes" and Mayor Martin and Councilmen Cloninger, Sellers, Skalski and Worley voting "no".

Councilman Cloninger moved accept the Planning and Zoning Commission recommendation to revise the last sentence to read: "The Chairperson of the Board of Adjustment shall be selected from among those members appointed by the Asheville City Council." This motion was seconded by Councilman Skalski. Said motion failed on a 3-4 vote, with Councilmen Cloninger, Hay and Skalski voting "yes" and Mayor Martin, Vice-Mayor Field, and Councilmen Sellers and Worley voting "no".

City Attorney Oast stated that since there has not been a successful motion to make the change in the current text, the current text language remains.

7-4-2 B.2. Councilman Skalski moved to delete B.2. and the following language (to the effect) be substitute in its place: "That for the Asheville City Council to consider making any changes whatsoever to the Comprehensive Plan (the 2010 Plan), that they hold City-wide hearings periodically (every five years)." This motion died for a lack of a second.

7-5-4 E. Councilman Skalski moved to delete E. and substitute in its place the following: "E. Notice of an application for a permit for a use by right, subject to special requirements, shall be mailed to the contact person(s) for the neighborhood(s) is (are) known to the Planning and Development Department. This notice shall be mailed at least ten (10) days before the date on which the request is to be considered by the Planning and Development Director." This motion was seconded by Councilman Sellers.

Councilman Skalski moved to amend his motion to delete E. and substitute in its place the following: "E. Notice of an application for a permit for a use by right, subject to special requirements, shall be mailed to the contact person(s) for the neighborhood(s) is who has put his/her name on file with the Planning and Development Department. This notice shall be mailed at least five (5) days before the date on which the request is to be considered by the Planning and Development Director." This amended motion was accepted by Councilman Sellers. This motion failed on a 2-5 vote, with Councilmen Sellers and Skalski voting "yes" and Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay and Worley voting "no".

7-5-5 B.2. Councilman Skalski moved to add the following four paragraphs:

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"The Planning and Development Director shall confirm with the contact person(s) for the neighborhood whether the developer met with the representatives of the neighborhood.

If developer chooses not meet with the representatives of the neighborhood in which the proposed conditional use will be located, the staff with the Planning and Development Department shall meet with representatives of the neighborhood and shall explain the proposed development. This meeting shall be held prior to the Technical Review Committee meeting.

Notice of any neighborhood meeting, either with the developer or staff, shall be mailed to the owners of abutting property and any other property located within four hundred (400) feet of the property proposed for development at least ten (10) days before the Technical Review Committee meeting.

Notice of any neighborhood meeting, either with the developer or staff, shall be mailed to the contact person(s) for the neighborhood(s) in which the project will be located if the contact person(s) has put his/her name on file with the Planning and Development Department. This notice shall be mailed at least ten (10) days before the Technical Review Committee meeting."

This motion died for a lack of a second.

7-5-5 E. Councilman Skalski moved to amend the third and fourth paragraphs as follows:

"This notice of the City Council meeting shall also be mailed to the owners of abutting property and any other property located within four hundred (400) feet of the property proposed for development at least twenty (20) days before the date on which the request is to be considered.

This notice of the City Council meeting shall also be mailed to the contact person(s) for the neighborhood(s) in which the project is located if the contact person(s) has put his/her name on file with the Planning and Development Department. This notice shall be mailed at least twenty (20) days before the date on which the request is to be presented."

This motion died for a lack of a second.

7-5-5 F.4. Councilman Skalski moved to add the following two criteria to the second paragraph:

"That the proposed use or development will not cause substantial overcrowding of affected public schools;

That the proposed use or development will not substantially disrupt the City's unique scenic nature, nor substantially injure the natural and historic resources and the environmental quality of the City."

This motion was seconded by Councilman Sellers. This motion failed on a 1-6 vote, with Councilman Skalski voting "yes" -7-

and Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley voting "no".

7-5-6 B.2. Councilman Skalski moved to add the following four paragraphs:

"The Planning and Development Director shall confirm with the contact person(s) for the neighborhood whether the developer met with the representatives of the neighborhood.

If developer chooses not meet with the representatives of the neighborhood in which the proposed conditional use will be located, the staff with the Planning and Development Department shall meet with representatives of the neighborhood and shall explain the proposed development. This meeting shall be held prior to the Technical Review Committee meeting.

Notice of any neighborhood meeting, either with the developer or staff, shall be mailed to the owners of abutting property and any other property located within four hundred (400) feet of the property proposed for development at least ten (10) days before the Technical Review Committee meeting.

Notice of any neighborhood meeting, either with the developer or staff, shall be mailed to the contact person(s) for the neighborhood(s) in which the project will be located if the contact person(s) has put his/her name on file with the Planning and Development Department. This notice shall be mailed at least ten (10) days before the Technical Review Committee meeting."

This motion died for a lack of a second.

7-5-6 E. Councilman Skalski moved to amend the third and fourth paragraphs as

follows:

"This notice shall also be mailed to the owners of abutting property and any other property located within four hundred (400) feet of the property proposed for development at least twenty (20) days before the date on which the request is to be considered.

This notice shall also be mailed to the contact person(s) for the neighborhood(s) in which the project is located if the contact person(s) has put his/her name on file with the Planning and Development Department. This notice shall be mailed at least twenty (20) days before the date on which the request is to be presented."

This motion died for a lack of a second.

7-5-6 F. Councilman Skalski moved to add a new number 4 as follows:

"4. Standards for Review

The Asheville Planning and Zoning Commission and the Asheville City Council shall not approve the Preliminary Master Plan or the PUD District Designation unless each body makes the following findings, based on the evidence and -8-

testimony received at the public hearing or otherwise appearing in the record of this case:

That the proposed use or development of the land will not materially endanger the public health or safety;

That the proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region;

That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;

That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;

That the proposed use or development of the land will generally conform with the Comprehensive Plan and other official plans adopted by the City;

That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities;

That the proposed use will not cause undue traffic congestion or create a traffic hazard;

That the proposed use or development will not cause substantial overcrowding of affected public schools; and

That the proposed use or development will not substantially disrupt the City's unique scenic nature, nor substantially injure the natural and historic resources and the environmental quality of the City."

This motion died for a lack of a second.

7-5-7 B.2. Councilman Skalski moved to add the following four paragraphs:

"The Planning and Development Director shall confirm with the contact person(s) for the neighborhood whether the developer met with the representatives of the neighborhood.

If developer chooses not meet with the representatives of the neighborhood in which the proposed conditional use will be located, the staff with the Planning and Development Department shall meet with representatives of the neighborhood and shall explain the proposed development. This meeting shall be held prior to the Technical Review Committee meeting.

Notice of any neighborhood meeting, either with the developer or staff, shall be mailed to the owners of abutting property and any other property located within four hundred (400) feet of the property proposed for development -9-

at least ten (10) days before the Technical Review Committee meeting.

Notice of any neighborhood meeting, either with the developer or staff, shall be mailed to the contact person(s) for the neighborhood(s) in which the project will be located if the contact person(s) has put his/her name on file with the Planning and Development Department. This notice shall be mailed at least ten (10) days before the Technical Review Committee meeting."

This motion died for a lack of a second.

7-5-9 A.1. Councilman Skalski moved to combine Level II and Level III site plan review, eliminate Level III site plan review, and Level II developments would require a Conditional Use Permit. Said motion would amend Secs. 7-5-9.A.1.a and 7-5-9.A.1.b. as follows:

"Level II Site Plan Review Process.

1. Purpose.

The Level II site plan review process is required for development projects within the City of Asheville and its extraterritorial jurisdiction which, due to their size, could have a significant impact upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the city as a whole. Proposed developments involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the Level II site plan review process:

a. New construction, renovations, and changes of use.

(1) Industrial building(s) or structure(s) with a gross floor area of more than 50,000 square feet or an industrial development containing more than fifteen (15) acres;

(2) Commercial buildings, structures, or developments with a gross floor area of more than 25,000 square feet;

(3) Office or Institutional building(s) with a gross floor area of more than 25,000 square feet; or

(4) Any manufactured housing community, camper/trailer park, or residential development containing more than eight (8) individual units.

b. Additions with a gross floor area of fifty percent (50%) or more of the above threshold for new construction for that land use. In the case of manufactured housing parks, camper/trailer parks, or residential development, additions of five (5) or more units on one parcel of land."

Said motion would amend Section 7-5-9 A.2 as follows:

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"2. Conditional Use Permit Required.

All developments subject to the Level II site plan review process shall require a Conditional Use Permit and shall comply with the provisions for Conditional Use approval as set forth in Sec. 7-5-5."

Said motion would delete Section 7-5-9 B. in its entirety.

Said motion would amend Section 7-5-9 C. to be re-lettered to 7-5-9 B.

Said motion would amend Section 7-5-9 B.1. "Purpose" to read as follows: "The Level I site plan review process is required for development projects within the City of Asheville and its extraterritorial jurisdiction involving new construction, additions, renovations, and changes, or use which do not meet the requirements of the Level II site plan review processes as set forth in Sec. 7-5-9 A. but do fall into one or more of the following categories:"

This motion died for a lack of a second.

7-5-9 A.1. Vice-Mayor Field moved to accept the Planning & Zoning Commission recommendation for Sec. 7-5-9 A.1.a.1 to read as follows: "Industrial developments containing more than fifteen (15) acres." This motion was seconded by Councilman Worley and carried unanimously.

7-5-9 A.1. Councilman Cloninger moved to revise Sec. 7-5-9 A.1.a.2 as follows: "Commercial buildings, structures, or developments, with a gross floor area of more than 50,000 square feet." This motion was seconded by Councilman Hay. This motion failed on a 2-5 vote, with Councilmen Cloninger and Hay voting "yes" and Mayor Martin, Vice-Mayor Field and Councilmen Sellers, Skalski and Worley voting "no".

Mayor Martin noted that because there was no successful motion to modify the recommendations of the Planning & Zoning Commission, the Planning and Zoning Commission's recommendation becomes the text. Therefore, Sec. 7-5-9 A.1.a.2 reads "Commercial buildings, structures, or developments, with a gross floor area of more than 100,000 square feet."

7-5-9 A.1. Councilman Cloninger moved to revise Sec. 7-5-9 A.1.a.3 as follows: "Office or institutional buildings, structures, or developments with a gross floor area of more than 50,000 square feet." This motion was seconded by Councilman Hay. This motion failed on a 3-4 vote, with Councilmen Cloninger, Hay and Sellers voting "yes" and Mayor Martin, Vice-Mayor Field and Councilmen Skalski and Worley voting "no".

Mayor Martin noted that because there was no successful motion to modify the recommendations of the Planning & Zoning Commission, the Planning and Zoning Commission's recommendation becomes the text. Therefore, Sec. 7-5-9 A.1.a.3 reads "Office or institutional buildings, structures, or developments with a gross floor area of more than 100,000 square feet."

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7-5-9 A.1. Councilman Cloninger moved to revise Sec. 7-5-9 A.1.a.4 as follows: "Any manufactured housing community, camper/trailer park, or residential development containing more than thirty (30) individual units." This motion was seconded by Councilman Hay. This motion failed on a 2-5 vote, with Councilmen Cloninger and Hay voting "yes" and Mayor Martin, Vice-Mayor Field and Councilmen Sellers, Skalski and Worley voting "no".

7-5-9 A.1. Councilman Sellers moved to revise Sec. 7-5-9 A.1.a.4 as follows: "Any manufactured housing community, camper/trailer park, or residential development containing more than fifty (50) individual units." This motion was seconded by Councilman Worley and carried on a 6-1 vote, with Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley voting "yes" and Councilman Skalski voting "no".

7-5-9 B.1. Councilman Worley moved to accept the recommendations of the Planning & Zoning Commission for Secs. 7-5-9 B.1.a.1, 7-5-9 B.1.a.2 and 7-5-9 B.1.a.3 as follows:

Sec. 7-5-9 B.1.a.1 as follows: "Industrial building(s) or structure(s) with a gross floor area of 100,000 square feet to an industrial development containing fifteen (15) acres."

Sec. 7-5-9 B.1.a.2 as follows: "Commercial building(s) or structure(s) with a gross floor area of 35,000 square feet to 100,000 square feet."

Sec. 7-5-9 B.1.a.3 as follows: "Office or institutional buildings, structures, or developments with a gross floor area of 35,000 square feet to 100,000 square feet."

Said motion would also amend Sec. 7-6-9 B.1.a.4 as follows: "Any manufactured housing community, camper/trailer park, or residential development containing eight (8) to fifty (50) individual units."

This motion was seconded by Vice-Mayor Field and carried on a 6-1 vote, with Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley voting "yes" and Councilman Skalski voting "no".

7-5-9 B.8. Councilman Hay moved to amend Sec. 7-5-9 B.8. to read as follows: "8. Appeals. Appeals of decisions of the Technical Review Committee regarding Level II site plan review process shall be heard by the Board of Adjustment in accordance with the procedures set forth in Sec. 7-6-2." Said motion would also delete the second paragraph in the current text. This motion was seconded by Councilman Worley and carried unanimously.

7-8-2 D. Councilman Worley moved to add "townhouses" in the following sections: 7-8-2 D., 7-8-3 D., 7-8-4 D., 7-8-5 D., 7-8-6 D., 7-8-7 D., 7-8-11 D., 7-8-15 D., 7-8-16 D., 7-8-17 D., and 7-8-19 D. This motion was seconded by Vice-Mayor Field and carried unanimously.

7-8-2 F.10. Councilman Cloninger moved to (1) delete language in Sections 7-8-2 F.10, 7-8-3 F.10, and 7-8-4 F.10, and replace with the following: "Sidewalks shall be provided as -12-

required by and pursuant to the standards for subdivisions contained in Article 15." (2) amend Sections 7-8-5 F.10, 7-8-6 F.10, and 7-8-7 .10 to read as follows: "New multi-family development incorporating ten (10) or more units shall provide sidewalks as specified in the Public Improvements Design Manual. For single family developments, sidewalks shall be provided as required by and pursuant to the standards for subdivisions contained in Article 15." and (3) amend Section 7-15-1 K.6 to read as follows:

"Sidewalks.

Sidewalks shall be provided as follows:

- a. On both sides of all thoroughfares, except those thoroughfares designated as 'limited access.'
- b. On one side of all collector streets having an average daily traffic (ADT) count of more than 2,000 vehicles per day, as determined by the Director of Public Works.
- c. On one side of any street (new or existing) that is located within or adjacent to residential developments subject to this Article.
- d. On one side of all streets (new or existing) located within or adjacent to a development subject to this Article when such streets are within 1/2 mile (measured along the street) of a pedestrian generating facility, as determined by the Planning Director, and such streets are not otherwise required to have sidewalks. Such facilities include, but are not limited to: schools, churches, recreational facilities, community centers, commercial areas, transit facilities.
- e. Where a new subdivision will abut or be adjacent to an area where sidewalks exist within 100 feet of the new subdivision and there is sufficient right of way, sidewalks in the new subdivision shall be connected to the existing sidewalks.
- f. Elsewhere within the subdivision where necessary to facilitate the distribution of population of traffic in a manner that will avoid congestion and overcrowding, and the creation of conditions essential to the public health, safety and general welfare.

All sidewalks required by this Section shall be constructed in accordance with the standards contained in the Public Improvements Design Manual.

No irregularly shaped lots, strips, lots or flag lots shall be created for the purpose of avoiding the application of this Section."

This motion was seconded by Councilman Sellers and carried unanimously.

7-8-2 F.13. Councilman Cloninger moved to prohibit grading without an approved development plan in all residential districts. -13-

This motion was seconded by Councilman Sellers and carried on a 4-3 vote, with Councilmen Hay, Cloninger, Sellers and Skalski voting "yes" and Mayor Martin, Vice-Mayor Field and Councilman Worley voting "no".

7-8-3 D. See Sec. 7-8-2 D. above.

7-8-3 F.10. See Sec. 7-8-2 F.10. above.

7-8-3 F.13 See Sec. 7-8-2 F.13. above.

7-8-4 D. See Sec. 7-8-2 D. above.

7-8-4 F.10. See Sec. 7-8-2 F.10. above.

7-8-4 F.13 See Sec. 7-8-2 F.13. above.

7-8-5 D. See Sec. 7-8-2 D. above.

7-8-5 F.10. See Sec. 7-8-2 F.10. above.

7-8-5 F.13 See Sec. 7-8-2 F.13. above.

7-8-6 D. See Sec. 7-8-2 D. above.

7-8-6 F.10. See Sec. 7-8-2 F.10. above.

7-8-6 F.13 See Sec. 7-8-2 F.13. above.

7-8-7 D. See Sec. 7-8-2 D. above.

7-8-7 F.10. See Sec. 7-8-2 F.10. above.

7-8-7 F.13 See Sec. 7-8-2 F.13. above.

7-8-8 Councilman Skalski moved to prohibit grading without an approved development plan in the following districts: Neighborhood Business District, Office District, Office Business District, Community Business I, Community Business II, and Resort District. This motion died for a lack of a second.

7-8-9 Office District - See Sec. 7-8-8 above.

7-8-10 Office Business District - See Sec. 7-8-8 above.

7-8-11 Community Business I District - See Sec. 7-8-8 above.

7-8-11 D. See Sec. 7-8-2 D. above.

7-8-12 Community Business II District - See Sec. 7-8-8 above.

7-8-13 Resort District - See Sec. 7-8-8 above.

7-8-15 D. See Sec. 7-8-2 D. above.

7-8-16 D. See Sec. 7-8-2 D. above.

7-8-17 D. See Sec. 7-8-2 D. above.

7-8-18 Councilman Cloninger moved to accept the Planning & Zoning Commission's recommendation except to amend the first -14-

sentence of Sec. 7-8-18 C. as follows and add the following language to Sec. 7-8-18 E. as follows: "Any use not listed as either a permitted or prohibited use in the River District may be permitted as a conditional use so long as such use is permitted in any other section of the UDO." This motion was seconded by Councilman Sellers. This motion carried on a 4-3 vote with Councilmen Hay, Cloninger, Sellers and Skalski voting "yes" and Mayor Martin, Vice-Mayor Field and Councilman Worley voting "no".

7-8-18 B. Councilman Cloninger moved that we defer this issue of adding to the list of permitted uses to the River District until a worksession so that Council can adequately review the pro and con factors and get some public input. This motion was seconded by Councilman Sellers and carried on a 6-1 vote, with Vice-Mayor Field voting "no".

7-8-18 F.12 Councilman Worley moved to amend the design and operation standards as follows:

"The speculative grading of land within the River District is prohibited.

Natural slopes in excess of forty-five degrees (45 deg.) shall not be graded and the existing vegetation shall not be removed.

River Resource Yard - A river resource yard equal to twenty percent (20%) of the lot depth, with a maximum depth of fifty (50) feet and a minimum depth of twenty (20) feet shall be required of those properties fronting the French Broad River and Swannanoa River banks for all new development on these lots. This river resource yard is to be measured from the top of the banks of the rivers. Existing continuous tree stands shall be preserved to stabilize the river banks. Selective pruning or removal of diseased trees and shrubs in the river resource yard is permissible, provided that a live root system stays intact to provide for bank stabilization, erosion control, and improved water quality.

Uses located within the River District shall be subject to the noise standards set forth in the City's Noise Ordinance (Article IV of the Code of ordinances of the City of Asheville, Sec. 10-81 through Sec. 10-83). No new outdoor loud systems shall be allowed within the River District.

Exposed sources of light shall be shielded so no direct beam of light crosses lot lines. The top of light fixtures shall not exceed thirty (30) feet in height in parking lots and free standing poles, and, where affixed to structures, shall not exceed the top of such structures.

Outdoor storage of materials is prohibited in the required front setback and within fifty (50) feet of a residential district.

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River District Design Guidelines: All construction work requiring building, sign, demolition, and zoning permits and projects requesting a variance within the River District shall be subject to a mandatory review/voluntary compliance procedure to address compliance with the River District Design Guidelines as set forth in the adopted Riverfront Plan and the Riverfront Open Space Guidelines."

This motion was seconded by Vice-Mayor Field and carried unanimously.

7-8-19 D. See Sec. 7-8-2 D. above.

7-12-2 F. Councilman Worley moved revise 7-12-2 F.5.b. to read as follows: "Grading is permitted in the buffer area and the developer is required to plant trees and shrubs which are twenty-five percent (25%) larger than normally required in order to quickly reestablish a visual buffer." This motion died for a lack of a second.

7-12-2 F.3. See Sec. 7-8-2 F.13. above.

7-15-1 K.6. See Sec. 7-8-2 F.10. above.

7-15-1 K.10 Councilman Cloninger moved to add a new subsection e. as follows: e. Electrical Utilities. Unless otherwise inconsistent with requirements set forth in this chapter or other regulations of the City of Asheville, electrical lines shall be installed underground." This motion was seconded by Councilman Skalski and carried on a 6-1 vote with Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Skalski voting "yes" and Councilman Worley voting "no."

7-16-1 C. Councilman Cloninger moved to make duplexes conditional uses in RS-2 and duplexes, triplexes and quadraplexes conditional uses in RS-4 and RS-8.

This motion was seconded by Councilman Hay. This motion failed on a 3-4 vote, with Councilmen Cloninger, Hay and Sellers voting "yes" and Mayor Martin, Vice-Mayor Field and Councilmen Skalski and Worley voting "no".

Councilman Worley moved for the following:

"18. Duplexes.

a. Use Districts: RS-4, RS-8

b. Duplexes shall be located a minimum of 500 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in RS-4 districts and 300 feet in RS-8 districts.

c. Minimum lot area shall be one hundred and twenty-five percent (125%) of that required for a single residential unit in the respective district.

d. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

e. The structure shall have a single front entrance and other entrances as required.

Make Duplexes a Conditional use in the RS-2 District."

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This motion was seconded by Vice-Mayor Field.

Councilman Worley moved to withdraw his prior motion. Vice-Mayor Field withdrew her second.

Councilman Worley moved to permit duplexes in RS-2 as a conditional use with the following requirements:

a. Duplexes shall be located a minimum of 500 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in RS-4 districts and 300 feet in RS-8 districts.

b. Minimum lot area shall be one hundred and twenty-five percent (125%) of that required for a single residential unit in the respective district.

c. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

d. The structure shall have a single front entrance and other entrances as required.

This motion was seconded by Councilman Cloninger and carried unanimously.

Councilman Worley moved to adopt the following:

"18. Duplexes.

a. Use Districts: RS-4, RS-8

b. Duplexes shall be located a minimum of 500 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in RS-4 districts and 300 feet in RS-8 districts.

c. Minimum lot area shall be one hundred and twenty-five percent (125%) of that required for a single residential unit in the respective district.

d. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

e. The structure shall have a single front entrance and other entrances as required.

55. Triplexes.

a. Use Districts: RS-8

b. Triplexes shall be located a minimum of 300 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in the single-family district.

c. Minimum lot area shall be one hundred and fifty (150%) percent of that required for a single residential unit in the respective district.

d. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

e. The structure shall have a single front entrance and other entrances as required.

33. Quadraplexes.

a. Use Districts: RS-8

b. Quadraplexes shall be located a minimum of 300 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in the single-family district. -17-

c. Minimum lot area shall be two hundred (200%) percent of that required for a single residential unit in the RS-8 district.

d. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

e. The structure shall have a single front entrance and other entrances as required."

This motion was seconded by Vice-Mayor Field.

Councilman Skalski made a substitute motion to make duplexes, triplexes and quadraplexes as conditional uses in RS-2, RS-4 and RS-8 with the following requirements:

for duplexes:

a. Duplexes shall be located a minimum of 500 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in RS-4 districts and 300 feet in RS-8 districts.

b. Minimum lot area shall be one hundred and twenty-five percent (125%) of that required for a single residential unit in the respective district.

c. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

d. The structure shall have a single front entrance and other entrances as required.

for triplexes:

a. Triplexes shall be located a minimum of 300 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in the single-family district.

b. Minimum lot area shall be one hundred and fifty (150%) percent of that required for a single residential unit in the respective district.

c. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

d. The structure shall have a single front entrance and other entrances as required.

for quadraplexes:

a. Quadraplexes shall be located a minimum of 300 feet from all other multi-family uses (excluding dwellings with accessory apartments) on the same street in the single-family district.

b. Minimum lot area shall be two hundred (200%) percent of that required for a single residential unit in the RS-8 district.

c. Parking shall be located in the rear and screened with vegetation from adjacent single family uses.

d. The structure shall have a single front entrance and other entrances as required.

This motion was seconded by Councilman Cloninger. This motion carried on a 4-3 vote, with Councilmen Cloninger, Hay, Sellers and Skalski voting "yes" and Mayor Martin, Vice-Mayor Field and Councilman Worley voting "no".

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Since the substitute motion passed, there was no need for a vote on the main motion made by Councilman Worley and seconded by Vice-Mayor Field.

Councilman Worley moved to approve all sections of text of proposed Unified Development Ordinance for which no changes have been recommended by the Asheville Planning and Zoning Commission or the City Council. This motion was seconded by Councilman Hay.

Councilman Worley withdrew his motion to approve all sections of text of proposed Unified Development Ordinance for which no changes have been recommended by the Asheville Planning and Zoning Commission or the City Council so that Councilman Skalski could present his suggested revisions. Councilman Hay withdrew his second.

Councilman Worley moved to approve all sections of text of proposed Unified Development Ordinance for which no changes have been recommended by the Asheville Planning and Zoning Commission or the City Council. This motion was seconded by Councilman Cloninger. This motion carried on a 6-1 vote, with Mayor Martin and Councilmen Cloninger, Hay, Sellers, Skalski and Worley voting "yes" and Vice-Mayor Field voting "no".

Vice-Mayor Field moved to rescind the vote in order to receive additional public comment. This motion was seconded by Councilman Skalski and carried unanimously.

Councilman Hay moved to re-open the public hearing at 9:30 p.m. This motion was seconded by Councilman Sellers and carried unanimously.

Ms. Leni Sitnick felt that if City Council continues its policy of appointing City residents to boards and commissions, then clearly the language that says that a City Council appointee will serve as Chair makes the Chair a resident of the City. She thanked Council for leaving the door open for some creative uses of materials for sidewalks that can be cost effective and stormwater intelligent. She urged Council to consider a generic statement to prohibit polluting poison-spewing industries of any kind (for instance, nuclear power plants). She hoped Council will have a serious worksession on participation fees, because until there is a fair assessment of fees, we will never get ahead of the infrastructure monster that we face. She hoped that variances won't set precedences. She hoped that Council would consider a way to require the Board of Adjustment, the Planning and Zoning Commission and the City Council to formally inform the Tree Commission when they are considering an issue involving trees.

Mr. Joe Adams suggested that the Chairperson of the Planning and Zoning Commission and the Board of Adjustment shall be a City resident and shall be selected from among those members appointed by the City Council.

Mayor Martin asked if there was any further comment from the public. There was no response. Councilman Cloninger then moved to close the public hearing at 9:44 p.m. This motion was seconded by Councilman Hay and carried unanimously.

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Councilman Cloninger moved to approve all sections of text of proposed Unified Development Ordinance for which no changes have been recommended by the Asheville Planning and Zoning Commission or the City Council. This motion was seconded by Councilman Sellers. This motion

carried on a 6-1 vote, with Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley voting "yes" and Councilman Skalski voting "no".

Councilman Worley moved to approve all changes to the proposed text of the Unified Development Ordinance contained in the document entitled "UDO Revisions Agreed Upon by Asheville City Council needing no further discussion," dated April 10, 1997, which includes the following: (a) All changes to the proposed text of the Unified Development Ordinance recommended by the Asheville Planning and Zoning Commission and concurred in by the City Council without modification; (b) All changes to the proposed text of the Unified Development Ordinance recommended by the Asheville Planning and Zoning Commission and modified and concurred in by the Asheville City Council; and (c) All changes to the proposed text of the Unified Development Ordinance considered and concurred in by the Asheville City Council, not arising from recommendations by the Asheville Planning and Zoning Commission. This motion was seconded by Councilman Cloninger.

Vice-Mayor moved to amend Councilman Worley's motion to include the first sentence of Sec. 7-9-1 E.1.d. to read that if there is more than 50% affordability, it's a 100% density bonus; if it's a 41%-50% affordability, it's a 75% density bonus; if it's a 31%-40%, it's a 50% density bonus; and if it's a 20%-30%, it's a 25% density bonus. This motion was seconded by Councilman Hay

and carried unanimously.

Councilman Worley's motion, which was seconded by Councilman Cloninger, carried on a 6-1 vote, with Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley voting "yes" and Councilman Skalski voting "no".

Councilman Worley moved to approve all changes to the proposed text of the Unified Development Ordinance made by Council action at this April 10, 1997, meeting, including changes related to those items contained in the document entitled "UDO Revisions for Further Discussion on April 10, 1997," and any other changes made as a result of Council action at this April 10, 1997, meeting. This motion was seconded by Councilman Hay and carried on a 6-1 vote, with Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley voting "yes" and Councilman Skalski voting "no".

At 9:50 p.m., Councilman Worley moved to adjourn the meeting. This motion was seconded by Councilman Cloninger.

Councilman Worley moved to withdraw his motion to adjourn the meeting. Councilman Cloninger withdrew his second.

Councilman Cloninger said that the intention of Council's action is to finalize the text of the proposed Unified Development Ordinance, to be compiled into one integrated document for final consideration by the Council at the time of final action on the proposed revisions to the City of Asheville zoning classification maps, anticipated to occur on May 27, 1997. To that end, he moved that Council debate on this item be closed, subject to being reopened only upon a 3/4 vote of the entire Council. This motion was seconded by Councilman Sellers.

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Councilman Worley moved to amend Councilman Cloninger's motion that "Council debate on this item be closed, subject to being reopened only upon a 2/3 vote of the entire Council." This motion was seconded by Councilman Sellers and carried unanimously.

Councilman Cloninger's motion, which was seconded by Councilman Sellers, carried on a 6-1 vote, with Mayor Martin, Vice-Mayor Field and Councilmen Cloninger, Hay, Sellers and Worley voting "yes" and Councilman Skalski voting "no".

Councilman Hay said that in order to facilitate further action, if necessary, he moved that this meeting and Council's consideration of the final draft of the Unified Development Ordinance be continued to April 23, 1997, at 5:00 p.m., in the Banquet Room of the Civic Center, at which time Council will begin its consideration of the proposed amendments to the City of Asheville zoning classification maps. This motion was seconded by Councilman Worley and carried unanimously.

At 9:57 p.m., Councilman Worley moved to adjourn the meeting. This motion was seconded by Councilman Sellers and carried unanimously.

CITY CLERK MAYOR
