

STAFF REPORT

To: Mayor and City Council Date: 4-15-08
From: Shannon Tuch, Interim Director - Planning & Development
Via: Gary Jackson, City Manager
Subject: Unified Development Ordinance Direction

Summary Statement: The consideration of options for updating and streamlining the Unified Development Ordinance (UDO).

Review: A considerable amount of Mayor and Council Member interest has been expressed regarding a comprehensive update and review of the UDO. For some time, Planning staff has been identifying areas of need and have incrementally been addressing a number of concerns through a series of wording amendments. Most recently, focus has been directed to the creation of new standards accommodating new practices and technology in addition to those amendments that address identified shortcomings (commonly referred to as “housekeeping amendments”). See attached schedule for reference.

While staff is comfortable working towards resolving existing conflicts and shortcomings found in the UDO, the accumulated effect of many amendments over the last ten years has resulted in a less fluid and straightforward document. Additionally, the desire to accommodate many interests by incorporating a variety of exceptions and special circumstances into the code has resulted in a set of standards that are confusing and challenging to follow.

Asheville’s UDO is described as predominately “Euclidian”, also commonly known as “Traditional”. In addition, it also contains certain districts that are more form based in nature (Neighborhood Corridor, Urban Village, Urban Place, etc.) resulting in a hybrid document. Interestingly, more municipalities continue to employ a traditional code while some have followed a similar path as Asheville, incorporating elements of a form based code. To date, more municipalities do not use a form based code; however, interest and popularity in form based code is growing.

At present, the City has initiated a master planning process for the downtown area which includes a series of information gathering sessions, public charettes, and other consensus building techniques to develop a shared vision for Asheville’s downtown. Ultimately, this vision will be reflected in a series of recommendations and a set of form based development standards. A similar process could be employed for other parts of the City with the creation of a form based document to guide development in those areas. Another alternative could be the consideration of maintaining the existing traditional code with significant efforts at re-write and consolidation; this effort could include the development of many more illustrative examples to help demonstrate specific concepts or standards. Either option would benefit from some work to strengthen the integrity of the existing code in order to have a sound document from which to evolve.

The City Council’s 08’-09’ Strategic Operating Plan included a commitment to sustainability and long-range planning. Having a clear, comprehensive and streamlined UDO is necessary for long range planning and maintaining sustainable development activity.

Pros:

- Create a simpler and easier to follow code
- De-emphasize land uses, allowing a market driven mix (viewed as a con by some)
- Emphasizes building form for more unified and consistent development pattern (viewed as a con by some)

Cons:

- Changes to development standards results in some uncertainty and instability (may have unintended consequences and could require correction)
- Process can be lengthy (12 to 18 months, depending on desired product and level of public involvement)
- Requires a strong public commitment
- Requires financial resources beyond standard budget for professional services

Fiscal Impact: Dependant on desired product and level of public involvement – consulting fees are estimate to be between \$80,000 - \$150,000. The potential cost of the professional service is unbudgeted.

Recommendation: City staff recommends City Council allow staff to focus on repairing the existing code, and postpone consideration of the consulting services until the financial outlook improves.

Attachment:
(1) UDO Amendment Schedule

Amendments

(Updated April 2008)

	Nov	Dec	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Merrimon Ave. Zoning ***	(on going from													
Parking Garages **	(on going, tied with Merrimon)													
TRC Rules and Regs **	(on going, from '07)													
Digital Billboards **														
Housekeeping II **														
Housekeeping III**														
Lighting **	on going meetings with focus group													
Signs ***	initiate meetings with focus group													

- * Minor initiative (less than 100 hours)
- ** Moderate initiative (100-300 hours)
- *** Major initiative (300 + hours)

Completed in Last 6 months

- Changes to the River District
- Standards Regulating the Display of Flags
- Large Retail Structures
- Changes to UV Height Standards
- Wireless Communications (emergency communications)
- Housekeeping I

Legend

- Focus Group
- Staff Meeting/Review
- P&Z
- CC - formal session