

## ORDINANCE NO. 4374

### ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING MAXIMUM RESIDENTIAL DENSITIES ALLOWED IN CERTAIN ZONING DISTRICTS

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WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides residential density limits for most zoning districts; and

WHEREAS, it has been determined that existing density limits in selected districts warrant reconsideration; and

WHEREAS, providing greater opportunities for construction of multi-family housing in commercial areas and near corridors is beneficial for the City of Asheville; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the following reasons: 1) References to the benefits of higher-density residential development in corridors closer to jobs are found throughout the 2025 Comprehensive Plans; 2) Encouraging more density on transit routes is also a stated objective in the Comprehensive Plan; 3) Affordable housing, a goal of both the Comprehensive Plan, City Council Strategic Plan and multiple other adopted plans would be furthered; 4) The goal of promoting more mixed-use infill development figures prominently in the Comprehensive Plan as as the City Council Strategic Plan and increased density allows for more of this type of development; ; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

- a. It will encourage infill development in areas where current density limits may have inhibited desirable high-impact projects.
- b. It is intended to stimulate construction of mixed-income housing (including affordable) on location-efficient corridors.
- c. It will prevent residential development of land with industrial potential while study of industrial land is conducted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE UNIFIED DEVELOPMENT ORDINANCE IS MODIFIED AS NOTED BELOW:

1. Chapter 7, Article 8 (General Use Districts) of the Asheville Code of Ordinances be amended by:

a. Sec. 7-8-9(f)(1). Office District – Development Standards - Density standards to read:

1. Density standards. The maximum residential density per acre within the Office District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling

units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

b. Sec. 7-8-10(f)(1). Office II District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Office II District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

c. Sec. 7-8-11(f)(1). Office Business District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Office Business District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

d. Sec. 7-8-12(f)(1). Community Business I District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Community Business I District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

e. Sec. 7-8-13(f)(1). Community Business II District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Community Business II District shall be twenty-five (25) dwelling units; or fifty (50) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

f. Sec. 7-8-15(f)(1). Institutional District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Institutional District shall be thirty (30) dwelling units; or sixty (60) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney. This density standard shall not apply to dormitories constructed on the campus of an educational institution.

g. Sec. 7-8-16(f)(1). Highway Business District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Highway Business District shall be thirty-five (35) dwelling units; or seventy (70) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

h. Sec. 7-8-17(f)(1). Regional Business District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Regional Business District shall be thirty-five (35) dwelling units; or seventy (70) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

i. Sec. 7-8-19(f)(1). River District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the River District shall be thirty (30) dwelling units; or sixty (60) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

j. Sec. 7-8-20(f)(1). Commercial Industrial District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Commercial Industrial District shall be eight (8) dwelling units.

k. Sec. 7-8-24(f)(1). Neighborhood Corridor District – Development Standards – Density Standards to read:

1. *Density standards.* Maximum residential density shall be thirty-five (35) dwelling units per acre but may be increased up to a maximum of seventy (70) dwelling units per acre if affordability incentives are met according to the Community Incentive Table. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

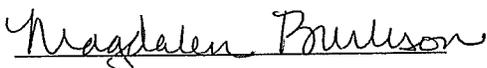
l. Sec. 7-8-24(f)(14). Neighborhood Corridor District – Development Standards – Community Incentive Table to read:

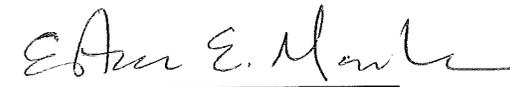
Incentives	Mixed Use	Residential	Existing Historic Structures
Density greater than 35 units per acre	Buildings more than eighty (80) feet wide fronting on corridor must incorporate retail or office uses into the street-level façade.	In combination with: twenty percent (20%) of units provided are designated affordable	Compatible adaptive reuse and/or additions to historic structures
Building square footage greater than 24,000 square feet	Minimum of 50 percent of street level gross square footage is used for retail and building setbacks adjacent to residentially zoned properties are a minimum of 40 feet	In combination with: a minimum of 25 percent of the building square feet is residential uses and a minimum of 25 percent of the units are less than or equal to 700 square feet each	Compatible adaptive reuse and/or additions to historic structures
Height greater than 3 stories to a maximum of four stories (45')	Minimum of 50 percent of street level gross square footage is used for retail and building setbacks adjacent to residentially zoned properties is expanded to a minimum of 40 feet	In combination with; a minimum of 25 percent of the building square feet are residential units and building setbacks adjacent to residentially zoned properties is expanded to a minimum of 40 feet	Compatible adaptive reuse and/or additions to historic structures

m. Sec. 7-8-25(f)(1). Urban Residential District – Development Standards – Density Standards to read:

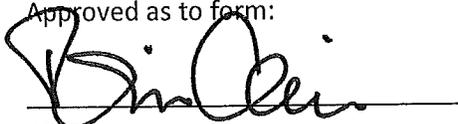
1. *Density standards.* Maximum residential density shall be thirty-five (35) dwelling units; or seventy (70) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.
2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.
4. This ordinance will become effective upon adoption.

Read, approved and adopted this 9th of December, 2014.

  
City Clerk

  
Mayor

Approved as to form:

  
City Attorney