

# Notification & Hearing Procedures

# City of Asheville

# Neighborhood Guide to the Development Process

Zoning is a public process and public participation is strongly encouraged. State law establishes specific notification standards and public hearing procedures that communities must meet. Asheville has chosen to go beyond those requirements in an effort to promote increased public participation, including posting property, using an increased notice area and employing a variety of web-based and e-mail systems to share information regarding specific zoning actions.

There are two general types of public hearings. The first type is a legislative hearing; a type of hearing that is relatively informal and is used for zoning changes, conditional zoning requests, and code text amendments. The second type of hearing is a quasi-judicial hearing which is used for particular type circumstances, including conditional use permits and variances. Under quasi-judicial hearings, communication about the case is not allowed outside the hearing (often called ex parte communication) and the hearing is conducted under judicial proceedings including swearing in and cross-examination of witnesses. Both types of hearings allow for public comment during the hearing. All public bodies have rules and procedures that they follow which include opportunities for public input.

The City of Asheville reviews many different types of development applications. Approval of these projects can occur at staff level or through a process of public hearings by the Technical Review Committee (TRC), the Planning & Zoning Commission, and City Council. The level of review depends on the size and scope of the project.

### Zoning Districts

The City has numerous residential, commercial and industrial zoning districts. Each district has a defined list of permitted uses for that district as well as uses that have special requirements or require a conditional use permit. The zoning standards (lot size, lot width, setbacks, etc.) are also specific to each zoning district. Information about the zoning districts may be found on the Planning Department website.

Level III projects are greater than 100,000 square feet or 50 or more residential units. All Level III projects require a conditional use permit. Level III projects will be heard by the TRC, Planning & Zoning Commission and City Council. The public will be notified of all three meetings.

*For more information about Conditional Use Permits and Conditional Zoning, please see inside this publication.*

### Subdivisions

Minor Subdivisions (no new streets or infrastructure created) are reviewed at a staff level. Major Subdivisions (new streets and/or infrastructure) are reviewed by TRC and also by the Planning & Zoning Commission and City Council if the subdivision is more than 50 lots.

### When Application Information Becomes Public

Information becomes public when the project application is accepted by a city department for review. Level I applications are submitted at the Permit Center on South Charlotte Street. All other applications are submitted to the Planning Department on the 5th floor of City Hall. Larger projects are tracked through the Development Mapper on the city's website. Using this tool ([www.gis.ashevilenc.gov](http://www.gis.ashevilenc.gov)), you can find what applications have been submitted for review in your neighborhood and where those projects are in the review process.

### Project Levels

Level I projects are less than 35,000 square feet or less than 20 residential units. The projects are reviewed at staff level with input from all applicable City departments including Planning & Development, Fire, Public Works, Engineering, Building Safety and Water.

Level II projects are 35,000 to 100,000 square feet or 20-49 residential units. Level II projects are reviewed by TRC. The TRC meeting is open to the public and adjacent property owners will be notified of the meeting. If the project also requires a conditional use permit or a conditional zoning, it will be heard by the Planning & Zoning Commission and City Council.

**City of Asheville Project Review Matrix**

Project Type	Plans Submitted To:		Project Reviewed By:						
	Permit Center	Planning Department	Staff	Technical Review Committee	Planning & Zoning Commission	City Council	HRC	Downtown Design Review	River District Design
Level I ①	✓		✓				✓*	✓⊛	✓★
Level II ②		✓	✓	✓			✓*	✓⊛	✓★
Level III ③		✓	✓	✓	✓	✓	✓*	✓⊛	✓★
Conditional Use		✓	✓	✓	✓	✓	✓*	✓⊛	✓★
Conditional Zoning		✓	✓	✓	✓	✓	✓*	✓⊛	✓★
Rezoning		✓	✓		✓	✓			
Major Subdivision		✓	✓	✓	✓-if more than 50 lots	✓-if more than 50 lots			
Minor Subdivision		✓	✓						
Subdivision Modification		✓	✓	✓					

\* Projects are reviewed by the Historic Resources Commission only if they are located in an historic district.  
 ⊛ Projects are reviewed by the Downtown Commission only if they are located in the downtown design review district.  
 ★ Projects are reviewed by the River District Design Review Committee only if they are located in the river district.  
 ① Level I projects are less than 35000 sq. feet or less than 20 residential units.  
 ② Level II projects are 35000 to 100,000 sq. feet or 21-50 residential units.  
 ③ Level III projects are greater than 100,000 square feet, more than 50 residential units or any conditional use permit.

# Planning Related Boards & Commissions

# Zoning Tools

Several Boards and Commissions could review a project application depending on the scope and location of the project. See the Project Review Matrix on back page for a graphic representation of this text.

### Technical Review Committee (TRC)

TRC is composed of representatives of city departments as well as the Metropolitan Sewerage District and the Tree Commission. The responsibilities of TRC are to review all Level II projects, Major Subdivisions, requests for Subdivision Modifications based on the *technical* aspects of the project. After application submission, the TRC meeting is the first stop for project review. TRC meetings are held twice monthly, on the first and third Mondays.

### Planning & Zoning Commission

After being heard by TRC, some projects will move on to the Planning & Zoning Commission. The responsibilities of the Commission are to review all conditional use permits and condition zoning requests, review all rezoning requests, review and give recommendation to City Council on proposed ordinance amendments, and give recommendations on the Comprehensive Plan. The Commission is composed of seven members, five members appointed by City Council and two members appointed by the Buncombe County Commissioners. Members serve three year terms. The Commission meets once a month on the first Wednesday and if needed on the fourth Thursday.

### City Council

The City Council reviews projects requiring conditional use permits, conditional zoning, or rezoning, hears proposals for ordinance amendments, and adopts the comprehensive plan and the River District Design Guidelines. The Council will also hear all projects that are greater than 50 residential units or lots. The members are elected by the public and serve four year terms.

### Board of Adjustment

The Board of Adjustment hears applications for variances from the standards set forth in the Unified Development Ordinance. The Board can also hear applicant appeals of interpretations made by City officials. The Board is composed of five regular members and 7 alternate members. Four of the regular members are appointed by City Council; one member is appointed by the Buncombe County Commission. Members serve three year terms. The Board meets monthly on the fourth Monday.

### Location Specific Reviews

If a project is located in downtown, the river district or in an historic district, it will require review by the Downtown Commission, the River District Design Review Committee or the Historic Resources Commission respectively. These location specific reviews are in addition to the reviews by other Boards and Commissions.

Zoning regulations are subject to changing circumstances, technology, attitudes about development, and other factors result in the need to make adjustments. Asheville's zoning regulations contain a number of tools that are useful in addressing these types of issues. Some of the most important of these tools are described below.

### Rezoning

This is a change from one zoning district to another. Rezoning can be initiated by the property owner or by the City.

### Conditional Zoning

This is a rezoning that is pursuant to a particular development plan. Conditional zonings can only be initiated by the property owner. This zoning tool is useful when the full range of land uses allowed under a particular zoning district is inappropriate for the proposed location, but

where the specific use being proposed under the development plan would be appropriate.

### Conditional Use Permits

This zoning tool allows conditionally-appropriate uses to be considered through a public hearing process.

### Zoning Overlay Districts

These are districts where specific development requirements are imposed through a planning process. For example, the Charlotte Street area has an overlay district that allows larger buildings than the underlying zoning if certain design requirements are met.

### Flexible Development Standards

Staff and official design review boards are authorized to allow deviations from standard zoning code requirements under certain circumstances.

### Public Notification & Project Information

For all projects to be heard by TRC, the Planning & Zoning Commission, City Council, Historic Resources Commission, and Board of Adjustment, meeting notices will be mailed no later than 10 days before the meeting date to property owners within 200 feet of the subject property. The property will be posted with an agenda for the meeting as well as contact information for the planner that is reviewing that project. The public may see the site plans by making an appointment with that planner to view them in the Planning & Development Department on the 5th floor of City Hall. Copies of the site plans may be made at the cost of the customer.

Agendas for the meetings are also posted on the Planning Department website. Agendas for City Council meetings are posted on the City Council website. The Development Mapper also has information including maps and staff reports for larger projects and where those projects are in the review process. The development mapper utility is found at [www.gis.ashevillenc.gov](http://www.gis.ashevillenc.gov).

### Planning & Development Department Contact Information

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### [www.ashevillenc.gov/planning](http://www.ashevillenc.gov/planning)

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