CONDITIONAL ZONING

What is the purpose of a Conditional Zoning Permit? Conditional permits are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration of their location, design, configuration, or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.

When is it appropriate to apply for a Conditional Zoning Permit? This zoning tool is available to promote land uses and activities that benefit the public in general. If there is only private benefit, the tool should not be used. However, public benefits should be broadly construed and take into consideration uses that: Support City plans and programs (Asheville City Development Plan 2025, Pedestrian/Bike Plan, HUD Consolidated Plan; Greenway Plan, City CIP program, Smart Growth policies, Sustainable Economic Development Task Force Report, etc.); Promotes or protects community character; Preserves historic or environmental resources; Promotes transportation connectivity, Promotes multimodal transportation; Provides for affordable housing; Resolves neighborhood land use disputes; Promotes City urban design goals; etc.

*** The basic rule here is that these tools are a mechanism to negotiate development activities in a way that benefits the public.**

How do I find out if my Conditional Zoning Permit proposal will meet the guidelines?
It is important that potential applicants have a meeting with a representative of the Planning and Development Department to discuss the merits of the request and to gain an understanding of what the expectations of the City will be. A Conditional Zoning request will require submittal of conceptual plans that provide details of the site layout, landscaping, and proposed grading, erosion control and stormwater measures.

Prior to submittal of an application, a formal pre-application conference with a representative from the Planning and Development Department will be required. At this meeting, the applicant will be presented with a TRC submittal packet that includes the application and plan development checklists.

Pre-application conferences can be scheduled with the Planning Department or presented at the conclusion of a scheduled Technical Review Committee (TRC) meeting where representatives from the Planning Department, Engineering Department, Public Works Department, Water Resources, Building Safety, Tree Commission and Metropolitan Sewerage District are present.

What type of process do I have to go through to seek approval and how long will it take?
The Conditional Zoning process is a 3- 4-month minimum process. The application is first reviewed by the City's Technical Review Committee (TRC) to ensure that the proposed project

has the ability to comply with all UDO requirements and specifications, and existing federal, state, and local regulations. Once the project gains conditional approval from the TRC, the application is scheduled for a public hearing and review of the project by the Planning and Zoning Commission. Upon review of the project and a recommendation from the Planning and Zoning Commission, the project is then scheduled for a public hearing before the Asheville City Council. At this meeting, the City Council will determine whether the project receives approval or denial. If the project is approved, the applicant will be required to present detailed site plans for review by the TRC.

For each public meeting/hearing described above, the City is required to notify (by letter) property owners within 200-feet of the proposed project. In addition, the site will be posted with a sign signaling that a public meeting or public hearing is taking place for the site posted. Staff will also place a legal ad in the Asheville Citizen- Times noting the time and location of the public meeting or hearing. ***It is highly recommended that applicants make an effort to contact the owners of nearby properties and inform them of the scope and plans of the proposed project prior to the submittal of a formal application. ***

Conditional Use Guidelines for Evaluation of a Conditional Zoning Request

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

2) That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant;

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

4) 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;

5) That the proposed use or development of the land will generally conform with the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City;

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

7) That the proposed use will not cause undue traffic congestion or create a traffic hazard.