

Sec. 7-8-1. Enumeration and description of districts; designation of districts on official zoning maps.

(a) *Criteria for zoning districts.* For the purposes set forth in article I, the City of Asheville and its extraterritorial jurisdiction are divided into zoning districts taking into account the design, size, and/or location of one or more of the following:

- (1) Transportation facilities, including streets, sidewalks, and bridges;
- (2) Schools, parks, greenways, and other public facilities and requirements;
- (3) Police protection;
- (4) Fire protection;
- (5) Sanitary sewer and stormwater drainage structures;
- (6) Water supplies for purposes of fire protection and consumption;
- (7) Access and location to other utility services;
- (8) Potential hazards from fire, flooding, and diseases;
- (9) Access to light and air from buildings;
- (10) Access for fire and police protection and refuse collection;
- (11) Protection for occupants of dwellings from noise, dust, and gases caused by traffic and other uses;
- (12) Topography and other natural features; and/or
- (13) Current uses of land and buildings for residences, businesses, industries, places of worship, schools, and for other uses and heights of buildings, the size and location of yards, and the density of population in each of the zoning districts hereinafter mentioned.

(b) *Enumeration and descriptions of zoning districts.* There are three types of zoning districts:

- (1) General use districts are those in which a variety of uses are permitted. The general use districts established in this article are classified from "highest" to "lowest" in the following order:

"Highest"

RS-2 Residential Single-Family Low-Density District
RS-4 Residential Single-Family Medium Density District
RS-8 Residential Single-Family High Density District
RM-6 Residential Multi-Family Low Density District
RM-8 Residential Multi-Family Medium Density District
RM-16 Residential Multi-Family High Density District
Neighborhood Business District
Office District
Office II District
Office/Business District
Community Business I District
Community Business II District
Urban Residential District
Neighborhood Corridor District
Haywood Road Form District
River Arts Form District
Urban Village District
Urban Place District
Resort District
Institutional District
Highway Business District
Regional Business District
Central Business District
River District
Commercial Industrial District
Light Industrial District
Industrial District

"Lowest"

For any district where an overlay district is found, the overlay district shall have the same order as the general use district for the purpose of determining its hierarchy under the table.

- (2) Overlay districts are zoning districts which overlap one or more general use districts. Overlay districts (article IX) involve additional regulations on some or all property within underlying general use districts. The following overlay districts are established:
 - a. Reserved.
 - b. *Historic preservation overlay district(s).* Asheville's historic areas are important assets to the city. The protecting and conserving of the historic areas is encouraged through the establishment of historic preservation overlay districts. Designation of an area as a historic district and the development of design standards for the area help preserve the architectural integrity of the area and stabilize and enhance property values. Historic districts, protected by designation as preservation overlays, serve as valuable educational tools and as tourist attractions.
 - c. *Downtown design review overlay district.* Urban design review assists in protecting the downtown local architectural heritage and in the preservation of the considerable economic investments that have occurred over the years. The downtown design review process seeks to encourage renovation and new development in a manner that will promote visual harmony, enhance the historical integrity, and develop creative design solutions. While the design guidelines will not dictate architectural styles, they will suggest a variety of design options for achieving compatibility within the designated boundaries.
 - d. *Manufactured housing and manufactured housing community overlay districts.* The manufactured housing and manufactured housing community overlay districts are established to provide a procedure for identifying areas in which manufactured housing may be located and to establish standards for individual manufactured homes and for the development of communities. These overlay districts are intended to expand the range of housing opportunities available to residents of Asheville while assuring that manufactured housing is compatible with existing development.
 - e. *Blue Ridge Parkway Overlay District.* Realizing the importance of the Blue Ridge Parkway to the economy of Asheville and western North Carolina, the Blue Ridge Parkway Overlay District is created to protect and preserve the unique features of this asset to the city. The standards established in this district will protect the scenic quality of the parkway and reduce encroachment on its rural setting.
 - f. *Transition overlay district.* Several areas in the City of Asheville are experiencing development pressures which are pushing the areas toward change. The location of most of these areas on the edge of residential neighborhoods means that changes in these areas could have a significant impact on the adjacent neighborhoods. Transition overlay districts are established to allow these areas to change while assuring that the change is compatible with adjacent areas. Standards are developed individually for each area and designed to meet each area's unique needs. Involvement of area property owners and residents in the preparation of development standards is encouraged.
- (3) Conditional districts are zoning districts which provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning districts are available for any of the general use zoning classifications enumerated in this ordinance; moreover, there are certain conditional districts that are not associated with an existing general use district and may only be considered with Level III developments. These districts include:

A use permitted only through approval of the City Council subject to special standards in Sec.7-16-2, that must also meet all regulatory standards for the applicable district in Sec. 7-8.
Expressly Prohibited = EXP
Use is expressly prohibited in any indicated districts.
Tan - adding or changing category
Accessory Use Only = AP
RES = Residential Zones
MU = Mixed Use Zones
IND = Industrial Zones
S = Special Zones
FN #1 - Living Quarters uses prohibited
FN #2 - Excluding protection service
FN #3 - Allowed as accessory use only
FN #4 - Allowed if no gasoline sales
FN #5 (XP) - Expressly Prohibited
FN #6 - Allowed if indoors only

(1) Any use not listed is not allowed unless the planning and development director determines that the use is similar to a listed use. When determining whether a proposed use is similar to a listed use, the planning and development director will consider the following:

- a. The actual or projected characteristics of the proposed use.
- b. The relative amount of site area or floor area and equipment devoted to the proposed use.
- c. Relative amounts of sales.
- d. The customer type.
- e. The relative number of employees.
- f. Hours of operation.
- g. Building and site arrangement.
- h. Types of vehicles used and their parking requirements.
- i. The number of vehicle trips generated.
- j. How the proposed use is advertised.
- k. The likely impact on surrounding properties.
- l. Whether the activity is likely to be found independent of the other activities on the site.

(2) Where a use is determined not to be similar to any listed use, a text amendment is required prior to establishment of that use.

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 3156, § 1, 8-24-04; Ord. No. 3157, § 1(a)(2), 8-24-04; Ord. No. 3328, § 1(i), 1-24-06; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3700, § 1c, 2-10-09; Ord. No. 3959, § 1b, 4-12-11; Ord. No. 4007, § 1b, 9-13-11; Ord. No. 4233, § 1c, 9-24-13; Ord. No. 4342, § 1c, 9-9-14; Ord. No. 4417, § 1, 5-26-15; Ord. No. 4431, §§ 1b, c, 6-23-15; Ord. No. 4448, § 1b, 9-8-15; Ord. No. 4470, § 1b, 11-17-15; Ord. No. 4560, §§ 1j, k, 2-14-17; Ord. No. 4608, § 1(b—d), 8-22-17; Ord. No. 4646, § 1(c), 11-14-17; Ord. No. 4637, § 1h, 1-9-18; Ord. No. 4836, § 1(d), 10-27-20; Ord. No. 4855, § 1(n), 2-23-21; Ord. No. 4361, § 1i, 3-23-21; Ord. No. 4978, § 1, 10-25-22; Ord. No. 5010, § 1(a), 4-25-23)

Sec. 7-8-16. Highway Business District.

(a) *Purpose.* The Highway Business District is established to address the needs of commercial development along major thoroughfares. Automobile oriented development is prevalent within this district and a wide range of commercial uses is permitted. Due to the dominance of the automobile, a major objective within this district is to preserve the traffic capacity of the thoroughfare. This is attempted through minimizing the number of access points onto the thoroughfare, encouraging zero-lot line development, and promoting shared parking and access between adjacent businesses. Development which enhances the function of the thoroughfare and is sensitive to the appearance of the corridor is essential within this district. These major corridors are the gateways to Asheville and often define the first image of the city.

(b) *Allowable land uses.* All permitted uses, special uses, conditional uses and uses expressly prohibited are identified in subsection 7-8-1(d), Table of Permitted Uses. Standards for special uses and conditional uses can be found in article XVI of this chapter.

(c) Reserved.

(d) Reserved.

(e) Reserved.

(f) *Development standards.*

(1) *Density standards.* The maximum residential density per acre within the Highway Business District shall be 35 dwelling units; or 70 dwelling units if 20 percent 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 years after completion, increasing by no more than three percent 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) *Structure size standards.* New developments in the highway business district shall not exceed a total of 200,000 square feet in gross floor area for multiple tenant developments and 100,000 square feet in gross floor area for single tenant development; existing developments shall not be expanded to exceed these limits. In multi-tenant developments, no single retailer may exceed those limits set forth in subsection 7-16-2(c)(10) and shall not constitute more than 75 percent of the total gross floor area of the development in order to receive a multi-tenant square footage allowance.

(3) *Lot size standards.* None.

(4) *Lot width standards.* There shall be no minimum lot width standards, however, the minimum lot frontage shall be 100 lineal feet or meet access requirements for non-residential lots as set forth in subsection 7-11-2(k). For through and corner lots, the minimum street frontage shall be required along the property line abutting the larger thoroughfare.

(5) *Setback standards.* The following minimum setbacks shall be required for uses in the Highway Business District.

Front: 35 feet, except that the minimum setback may be reduced to five feet in pedestrian-oriented areas where road widening is not anticipated provided that all parking is located to the side or rear and not closer to the street than the façade of the principal structure, and where pedestrian-oriented design features are incorporated in building and site design.

Side: None required

Rear: 10 feet.

Corner lot, street side: 25 feet.

The landscape and buffering standards (section 7-11-3) may require additional setback; if so, the most restrictive requirement shall apply.

The minimum spacing between structures shall, in addition, be as per the Asheville Fire Prevention Code.

(6) *Impervious surface standards.* None.

(7) *Height standards.* The maximum height of structures in the Highway Business District shall be 60 feet.

(8) *Landscaping/buffering standards.* Landscaping and/or buffering shall be provided as required by section 7-11-3 of this chapter.

(9) *Parking/loading standards.* Parking and loading facilities shall be provided as required by section 7-11-2 of this chapter.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section 7-11-8 of this chapter.

(11) *Access standards.* Points of access to the street shall be determined by the city traffic engineer following review of the site plan and other relevant information.

(12) *Open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter.

(13) *Design and operation standards.* None required.

(14) *Emergency wireless communications.* Communication requirements shall be provided as required by section 7-11-9 of this chapter.

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 2462, §§ 1(a), 2, 4-14-98; Ord. No. 2539, § 1, 1-26-99; Ord. No. 2649, § 1(a), 12-21-99; Ord. No. 2663, § 1(g), 2-8-00; Ord. No. 2664, § 1(p), 2-8-00; Ord. No. 2904, § 1(p), 3-12-02; Ord. No. 3002, § 1b, 2-25-03; Ord. No. 3010, § 1(c), 3-25-03; Ord. No. 3156, § 1, 8-24-04; Ord. No. 3209, § 1b, 1-25-05; Ord. No. 3272, § 1(b), 7-26-05; Ord. No. 3337, § 1(b), (c), 2-28-06; Ord. No. 3390, § 1(b), 9-12-06; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3582, § 1(b), 2-12-08; Ord. No. 3583, § 1(a), 2-12-08; Ord. No. 3643, § 1a, 7-22-08; Ord. No. 3685, §§ 1b, c, 1-13-09; Ord. No. 3711, § 1, 3-10-09; Ord. No. 3743, § 1a, 6-9-09; Ord. No. 3856, § 1b, 5-25-10; Ord. No. 3908, § 1b, 10-26-10; Ord. No. 3959, §§ 1n, p, 4-12-11; Ord. No. 4374, § 1g, 12-9-14; Ord. No. 4361, § 1m, 3-23-21; Ord. No. 4961, § 1a, 7-26-22)