

**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









(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—Downtown.* The following development standards apply to all parcels zoned Central Business District for new construction and/or changes that modify the exterior walls and/or roof of an existing building that are located within the boundaries of the Downtown Design Review Overlay District, as described in section 7-9-3 of this chapter. Routine maintenance, repairs or replacement of same or similar materials on existing buildings are exempt from these requirements.

(1) *Density standards.* None.

(2) *Structure size standards.* Structure size shall not be limited except that height and design and operational standards shall apply.

(3) *Lot size standards.* None.

(4) *Lot width standards.* None.

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

Front:

Minimum setback: Zero feet from the right-of-way line. For corner lots buildings are to be placed at the corner.

Maximum setback: Zero feet from the right-of-way line. The following exceptions to the maximum setback may be permitted. The agency or official responsible for project review may consider allowing greater setbacks under one or more of the following circumstances:

a. A setback of up to 50 feet from the edge of the curb may be approved for places of worship, civic and governmental buildings, and residential projects that will provide a public space, such as a courtyard or plaza space.

b. A setback of up to 20 feet for uses in the district providing courtyard or plaza spaces in the setback area.

Courtyard and plaza areas should meet definitions located in 7-2-5 of this chapter which describe form and purpose. The main façade of the building must face this setback area.

c. An adopted plan or other official document of the city recommends a greater setback.

d. A greater setback is determined as part of a design review process or is the result of an addition (that is otherwise compliant with this article) to an existing building.

Side: None required, except that a 15-foot setback will be required when adjacent to residentially zoned property.

Rear: None required, except that a 15-foot setback will be required when adjacent to residentially zoned property.

(6) *Impervious surface standards.* None.

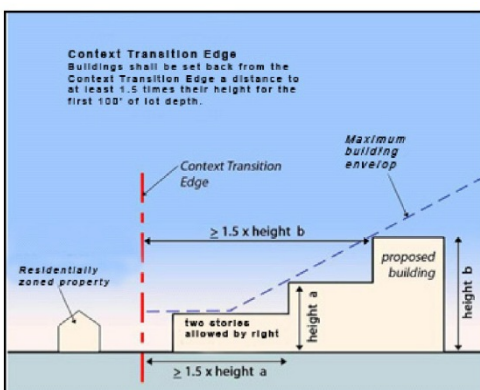
(7) *Height standards.* For the definition of height see building height in section 7-2-5 of this chapter. The minimum height for new structures in the Central Business District will be two stories (a minimum of 24 feet). Maximum building height will be determined according to the context transition edge map, the height zone map, the height zone edge setback and shadow impacts described below and with maps following this section.

a. The two-story requirement for new construction will mean that:

1. A second floor is provided as a full occupiable floor and a mezzanine level will not be sufficient to meet this requirement; and

2. Civic uses such as places of worship, arenas, auditoriums, and performance centers will not be required to meet the two-story requirement described in subsection 1. above.

b. *Context transition edge:* The first step in determining the height permitted for a structure is to review the context transition edge map found at the end of this section to determine if it is applicable to the specific property. This map shows areas where a gradual scale transition is required for new downtown construction from nearby established residential neighborhoods. The map reflects a specific height overlay for properties located near the context transition edge (a 100-foot-wide area measured from the transition line). Buildings located within this transition edge will have their actual height determined by using the formula for height:  $H = D/1.5$ ; (where H is the height of the building and D is the distance from the transition edge). The one exception is that a two-story structure with a 15-foot setback when adjacent to residentially zoned property is exempt from the formula requirements.



c. *Height zones:* Measurement of height: The second step in determining the height permitted for a structure is to review the building height zone map located at the end of this section.

(1) The intermediate height zone is 145 feet and the tallest height zone is 265 feet.

(2) Actual building heights may exceed this height by an additional overall amount of 50 feet to accommodate such uses as the final occupied floor, mechanical penthouses and roof cap features.

d. *Height zone edge setback from the right-of-way:* To protect certain views in downtown, as illustrated on the height zone map by a dashed line (specific to portions of four streets listed below), a height zone edge setback is established. The height zones for the intermediate height zone and the tallest height zone follow property lines except for the following streets where a height transition between these two zones 40 feet wide measured from the right-of-way line edge will be observed:

(1.) College Street between the tunnel and Town Mountain Road.

(2.) Haywood Street between Battery Park Avenue and N. French Broad Avenue (south side).

(3.) Patton Avenue from Pearl Street to Otis Street (both sides of street) and continuing from Otis Street to the point of Pritchard Park (south side).

(4.) Hilliard Avenue between Clingman Avenue and Pearl Street (north side).

e. *Shadow impact limits:* Shadows from new construction on large or small public parks or public plazas are limited by the following standard:

(1.) Shadows impacts on any one point are limited to no more than two hours between the hours of 10:00 a.m. and 2:00 p.m. on the spring or fall equinox at ground level; March 21 or September 21 respectively.

(2.) Where no right-of-way exists between the proposed project and the public park or plaza, a 50-foot buffer free of any shadow limitations will be

observed.

This shadow impact standard will not apply to smaller public spaces such as pocket parks or private plazas, parks and courtyards. See the definition for parks specific to the Central Business District in section 7-2-5 of this chapter for further clarification.

f. One story additions to existing buildings are approved under the following circumstances:

1. Additions are permitted when they are:
  - a. 1,000 square feet or less, or
  - b. The addition does not expand the footprint of the existing building by more than 20 percent; and
  - c. The addition is located no closer than five feet of the primary façade of an existing contributing structure in the Downtown National Register District, or is located at the rear of the existing building so there is no affect on the primary façade, or for non-contributing structures is placed to make the existing building either equal to or more compliant with setback requirements; and
  - d. As measured from the primary street façade, the width of the addition shall not exceed 50 percent of the width of the existing building, and
  - e. Other fenestration and design requirements if any, apply.
2. One-story accessory structures, that are in support of a primary use on a site are allowed when:
  - a. Placement of the accessory structure is behind or to the side of the primary building or in the case of outside dining spaces for restaurants, may be placed at the front of the lot to enhance activity at the sidewalk level, and
  - b. Fenestration and design requirements if any, apply.

Other additions that fall outside of these provisions may be considered by the planning and zoning commission following the usual process for variances, which includes a recommendation from the downtown commission.

(8) *Landscaping/buffering standards.* Landscaping and/or buffering shall be provided as required by section7-11-3 of this chapter.

(9) *Parking/loading standards.* If provided, loading facilities shall be placed along alleys or streets not identified on the Key Pedestrian Streets map (found at the end of this section) when available. There shall be no requirements for off-street parking in the Central Business District except for hotels with all required parking to be provided on-site. No parking is allowed between the building and any abutting street.

Parking garages placed on a key pedestrian street shall provide a full habitable story and use along the street-side facade(s) with a minimum depth of 15 feet and an average minimum depth of 20 feet, or shall comply with the design and operation standards for openings and design organization requirements for new construction.

(10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in section7-11-8 of this chapter.

(11) *Access standards.* Vehicular entries shall be a maximum of 24 feet in width. In addition driveway curb cuts are limited to a single standard driveway per 200 feet along a block face per development. Automobile access and services from a rear alley is encouraged.

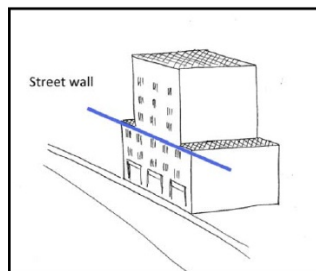
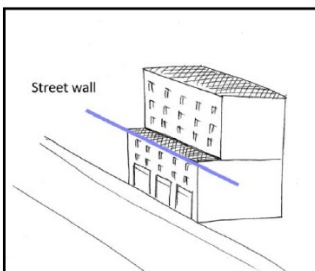
(12) *Open space standards.* Open space shall be provided as required by section7-11-4 of this chapter.

(13) *Design and operational standards.*

a. The following requirements apply to all buildings in the CBD:*Street wall and step-back requirements:* In order to enhance the traditional scale of downtown and ensure adequate air and light at the sidewalk level and neighboring properties, a visual demarcation will be established across the façade of the building at a height that is defined as the street wall. Corresponding to this elevation on the façade a step-back across the front or side(s) will be provided and in limited circumstances described below, other alternatives may apply to ensure variety in new construction.

(1.) *Street wall height:* The street wall height and specific alternatives are established in the following ways:

- a. If the property is located within the Traditional Downtown Core area as illustrated on the map following this section, the street wall will be set at between two and four stories with a recommendation to reflect the height of neighboring buildings;
- b. If the property is located outside the Traditional Downtown Core the street wall will be established by a one-to-one relationship to the width of the right-of-way (ROW). For example, a ROW of 50 feet would result in a maximum street wall height of 50 feet. Depending on the site the following scenarios may apply:
  1. If a parcel fronts on more than one street, the street wall shall be established by:
    - a. The ROW width of the key pedestrian street if applicable; or
    - b. Measuring the ROW from the side of the building with the primary pedestrian entrance.
  2. The street wall may wrap around to the side(s) at the same height or be re-established based on the ROW of the side street. For the purposes of this section frontage on a service alley will be treated the same as an internal property line and therefore would not require a street wall step-back, or;
- c. Throughout the CBD, a building that provides a setback along the frontage line to create a plaza or courtyard area (minimum depth ten feet), will not be required to establish a street wall. This setback area must exceed two-thirds of the building width along the frontage line; or
- d. For areas outside the Traditional Downtown Core where the ROW area is greater than 75 feet, a building is not required to provide a street wall step-back or side step-back. Buildings in these situations will be required to meet other design and operational standards as applicable; or
- e. Throughout the CBD, a variance may be sought as set forth in section7-5-9.1 from the step-back requirements by meeting design guidelines that specify a clear visual demarcation provided between the base of the building and upper floors corresponding to the height of the street wall. The requested variance shall not result in conflict with building code requirements; or
- f. Throughout the CBD, buildings determined to be signature buildings or proposed for landmark locations may seek a variance as set forth in section 7-5-9.1 from street wall and step-back requirements when they meet design guidelines specific to landmarks. See the Public View Corridors map for recommended landmark locations.
- g. When an existing one-story building that is a contributing structure in the downtown national register district will be incorporated into a development proposal that may include a single or multi-story addition, it will be deemed to satisfy the requirement or that portion of the requirement for the streetwall.



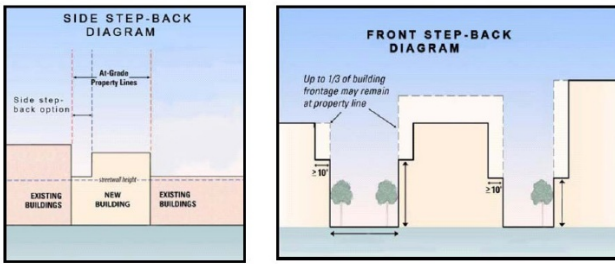
(2.) *Step-back requirement:* In order to enhance the traditional scale of downtown and ensure adequate air and light at the sidewalk level and neighboring properties a step-back at the street wall height is required according to the following standards. In no case shall the required step-back(s) decrease the buildable area by more than ten percent:

- a. At the street wall height a minimum ten-foot-wide step-back is observed along at least two-thirds of the length of the street-side façade (the remaining one-third may be provided at up to two hundred percent (2 x) of the street wall height); or
- b. A side step-back may be provided as an alternative according to the following requirements as applicable.

1. At the street wall height, a 40-foot-wide step-back is provided along the side of the proposed structure. This 40-foot-wide step-back may be split between two sides (such as 20 feet each side);
2. Buildings taller than 75 feet shall provide a side step-back that equals one-half of the width of the façade above 75 feet\*.

\* The step-back amount may be split between two sides.

\* See street wall height description to determine the height of the corresponding street wall.



(3.) *Design organization:* Buildings shall demonstrate a building design organization on each façade such as but not limited to a base-middle-cap organization, vertical articulation or other organizing principle.

**Building caps:** Downtown Asheville has a wealth of buildings with distinctive caps that use special forms and materials. The unique diversity of building caps has become a defining feature of the downtown skyline. In order to frame views and provide attractive landmarks that enhance the skyline of the downtown area, building caps are required. See the design guidelines regarding building caps for recommendations in addition to the following requirements:

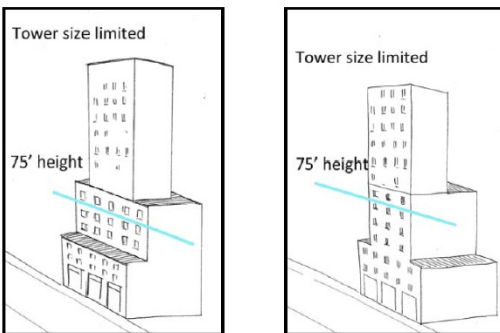
- a. Provide a cap to enhance a base-middle-cap oriented design; or
- b. Provide a cornice or other decorative band for flat roofs to serve as a cap.

(4.) *Pedestrian entrances:* All buildings shall have their primary pedestrian entrance on a frontage line. If the site is located on a key pedestrian street then the primary pedestrian entrance shall be located along that street. See the Asheville Downtown Design Guidelines for additional recommendations.

(5.) *Windows, doors and other openings.* Building fenestration is required because it enhances the character of downtown Asheville by providing features of visual interest at the sidewalk for the benefit of pedestrians, by defining the scale of buildings between the ground floor and upper floors and by improving the skyline vista of Asheville. The following requirements apply:

- a. For buildings along streets designated as key pedestrian streets (see map at the end of this section), at least 70 percent of the street-level façade is composed of windows, doors and other openings.
- b. For buildings along streets that are not designated as key pedestrian streets, at least 50 percent of the street-level façade is composed of windows, doors and other openings.
- c. Residential buildings shall provide at least 30 percent (40 percent for live/work units) windows, doors or other openings along the street-level façade unless located along a key pedestrian street where it will be required to meet the 70 percent standard noted above.
- d. All buildings are required to provide a minimum of 20 percent of the upper story areas as windows, doors or other openings with each face calculated independently. This requirement applies to exposed building sides unless otherwise restricted by the NC State Building Code.
- e. At street-level, areas of opaque wall may extend no more than 20 feet horizontally before beginning a window, door or other opening.
- f. Glass may be tinted but shall not be reflective.
- g. When the façade of a building follows the natural grade of a sloping site, windows and other openings which may start out at pedestrian-level quickly go overhead and no longer relate to the sidewalk; in these situations where the surface level of the floor reaches six feet or more above the sidewalk, that floor will be deemed to no longer be at the pedestrian level. Requirements for windows, doors or other openings will be reassessed for the remaining ground level façade length.

b. The following requirements apply to buildings taller than 75 feet for additional floors extending above this point:



(1.) *Floor plate limited:*

- a. For parcels 20,000 square feet and larger, the gross floor plate area is limited to 40 percent of the lot area;
- b. For parcels smaller than 20,000 square feet, gross floor plate area may not exceed 8,000 square feet.
- c. For parcels greater than 16,000 square feet, the agency or official responsible for project review may consider floor plates up to 50 percent if it is surrounded by substantial permanent public or private open space that allows for views and access to direct sunlight.

(2.) *Maximum dimension defined:* The maximum horizontal wall dimension in any direction is limited to 145 feet for additional floors above the 75 feet.

(3.) *External vista points:* Photomontages modeling the proposed building are required from each of the established external vista points as a tool to evaluate development proposals:

Merrimon Avenue at Gracelyn Street

College Street at the west side of the tunnel

Stephens-Lee Recreation Center

Biltmore Avenue at Short Coxe Avenue

I-240 at the Smokey Park Bridge

Town Mountain Road at the bridge over I-240

(4.) *Public view corridors:* If a project lies within a public view corridor based on the map following this section a photomontage from the internal vista point is required and where possible, building mass should be oriented to preserve views and roof forms should help to frame views.

c. *Additional site related standards for all projects:* Street furnishings: Street furnishings placed in the public right-of-way shall be approved by the department of public works and will include but not be limited to benches, tree grates, lighting fixtures and waste receptacles.



Mechanical equipment and appurtenances necessary for the function of the building shall be enclosed and screened or otherwise designed to be integral with the overall building design, including but not limited to elevators, stairs, cooling towers and vent stacks.

The design of the base of a building, as well as the quality and durability of its materials, shall be emphasized at the first floor of structures. Exterior insulation and finish systems (EIFS) are prohibited as a base material.

Private dumpsters and freestanding service equipment shall be screened by solid partitions or other screening.

Development on key pedestrian streets shall meet the following requirements:

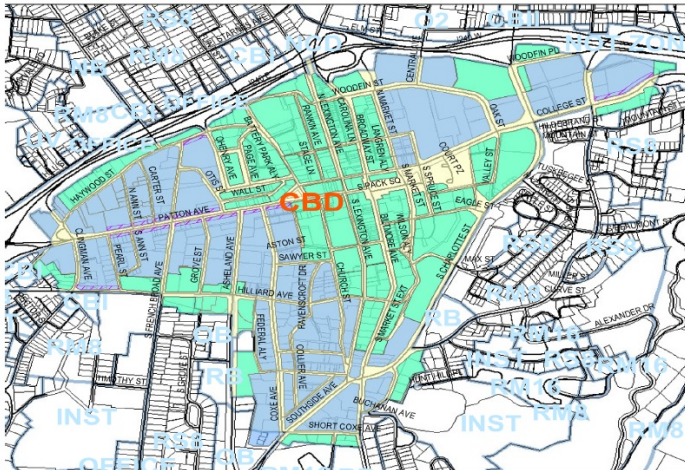
For new construction along key pedestrian streets, buildings are required to be constructed along a minimum of 80 percent of the frontage line of the lot. This standard is not intended to restrict site access especially for smaller lots. Access is covered under access standards above. On corner lots the 80 percent frontage requirement applies to the primary street.

(14) *Downtown design review guidelines.* All construction work requiring building, sign, demolition, and zoning permits and projects requesting a variance, within the downtown boundaries designated by the Asheville City Council, shall be submitted for mandatory review, voluntary compliance with the adopted Downtown Asheville Design Review Guidelines, with the exception of locally designated historic landmarks which shall be reviewed by the Historic Resources Commission of Asheville and Buncombe County in accordance with the applicable review procedures of the historic resources commission.

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



**City of Asheville  
Downtown Master Plan Maps  
Height Zones**



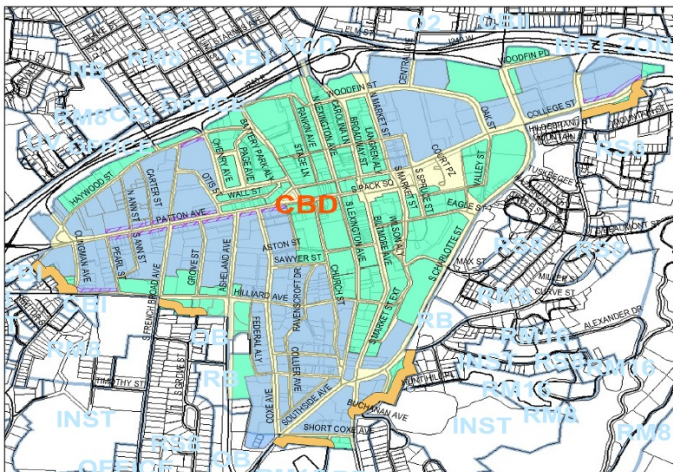
- Legend**
- Building Height Buffer Zone
  - Intermediate Height Zone
  - Tallest Height Zone
  - Central Business District
  - Parcels
  - Streets
  - Zoning Districts

This is the updated height zone map. This map includes the height zone areas for the Tallest Height Zone, the Intermediate Height Zone, and the Building Height Buffer Zone.

City of Asheville Planning and Urban Design Department - July 2014



**City of Asheville  
Downtown Master Plan Maps  
Context Edge and Height Zones**

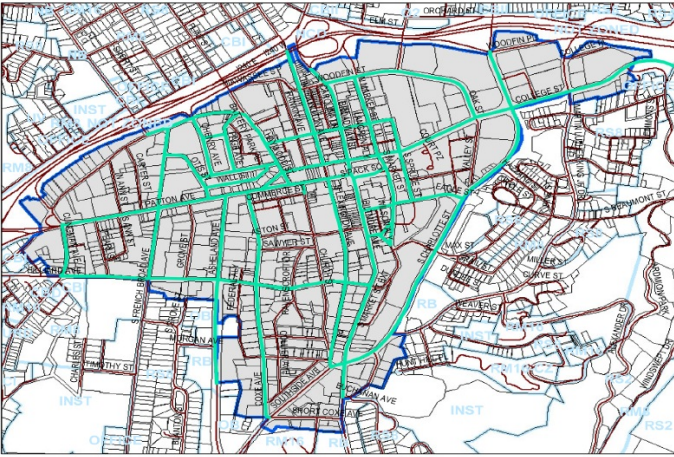


- Legend**
- Context Transition Edge
  - Building Height Buffer Zone
  - Intermediate Height Zone
  - Tallest Height Zone
  - Central Business District
  - Parcels
  - Streets
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This is the updated height zone map. This map includes the height zone areas for the Tallest Height Zone, the Intermediate Height Zone, Building Height Buffer Zone and the Context Transition Edge.

City of Asheville Planning and Urban Design Department - July 2014

**City of Asheville  
Key Pedestrian Streets**



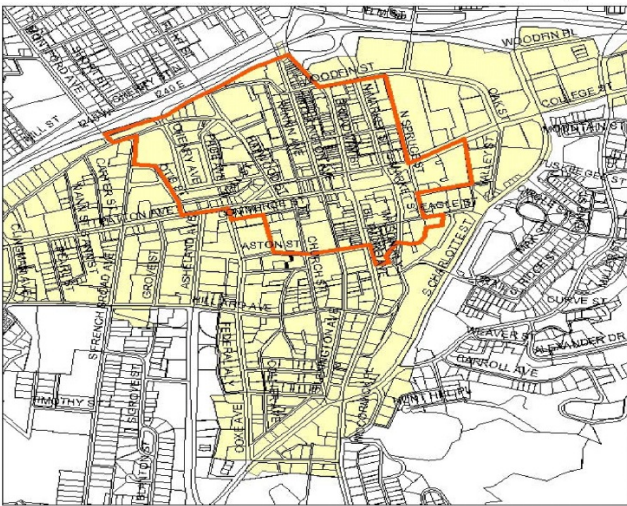
**Key Pedestrian Streets:** Hilliard Ave., French Broad Ave., Clingman Ave., Otis St., O'Henry Ave., North and South, Lexington Ave., Oak-Woodfin Sts., Eagle St., N. Market St., Charlotte St., a portion of Haywood Street, Patton Ave., Asheland Ave., Cox Ave., Biltmore Ave., Market St., College St., Spruce St., Battery Park Ave., Wall St., Broadway, Walnut St.

- Legend**
- Key Pedestrian Streets
  - Streets
  - Central Business District
  - Parcels
  - Zoning Districts

City of Asheville Planning and Urban Design Department - July 2014

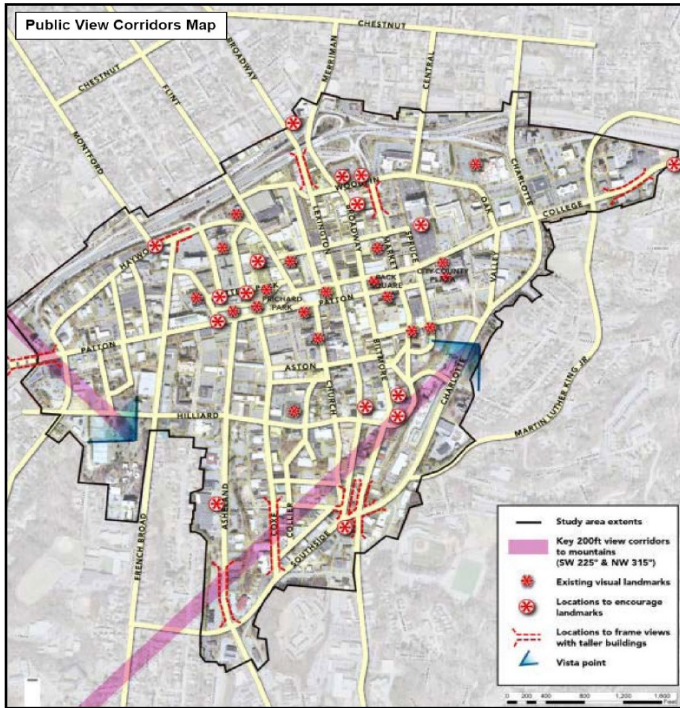


**City of Asheville - Traditional  
Downtown Core**



- Legend**
- Traditional Downtown Core
  - Parcels
  - Streets
  - Central Business District

City of Asheville Planning and Development Department - 10.20.2009



(16) *Balconies.* A balcony encroachment which extends into the public right-of-way beyond three feet must be approved by the city council.

(17) *Skywalks and pedestrian bridges.*

- a. Skywalks and pedestrian bridges over key pedestrian streets are not permitted in the district.
- b. Skywalks and pedestrian bridges when crossing over alleys or private property are permitted with the approval of the director.
- c. Skywalks and pedestrian bridges when crossing over streets not included on the key pedestrian streets map are permitted with the approval of the director.

(18) *Outdoor storage.* Outdoor storage or outdoor warehousing, excluding automobile or cycle sales and leasing, is prohibited in this district.

(g) Reserved.

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 2539, § 1, 1-26-99; Ord. No. 2589, § 1(b), 7-13-99; Ord. No. 2663, § 1(g), 2-8-00; Ord. No. 2664, § 1(r), 2-8-00; Ord. No. 2792, § 1(b), 2-13-01; Ord. No. 2872, § 1(b), 11-27-01; Ord. No. 2904, § 1(r), 3-12-02; Ord. No. 3002, § 1b, 2-25-03; Ord. No. 3156, § 1, 8-24-04; Ord. No. 3157, § 1(a)(4), 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. 3350, § 1, 7-25-06; Ord. No. 3390, § 1(b) 9-12-06; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3572, § 1(k), 1-8-08; Ord. No. 3583, § 1(a), 2-12-08; Ord. No. 3643, § 1b, 7-22-08; Ord. No. 3685, § 1a, 1-13-09; Ord. No. 3743, § 1a, 6-9-09; Ord. No. 3856, § 1b, 5-25-10; Ord. No. 3874, § 1f, 6-8-10; Ord. No. 3929, §§ 1a, b, 11-23-10; Ord. No. 3959, §§ 1g—i, n, p, 4-12-11; Ord. No. 4168, § 1b—g, 2-26-13; Amend. of July 2014; Ord. No. 4342, § 1d, 9-9-14; Ord. No. 4361, § 1m, p, 3-23-21; Ord. No. 4920, § 1(b), 12-14-21; Ord. No. 4961, § 1a, 7-26-22)