

## MEMO

REF: Zoning on 16 Ridgelawn Rd, Asheville NC 28806 (the “**Property**”)

Date: 16 October 2019

The Property is zoned RM-8 per the City of Asheville UDO but is currently in commercial use and the interior of the building on the Property is configured for commercial use. Permitted Uses in RM8 as of October 2019 are attached at Exhibit A to this memo.

The Seller has most recently used the Property as office and storage space supporting its healthcare operations and previous to that (early 2000’s) the Property was used as an adult day care center. Please see Exhibit B to this Memo regarding that day care use.

So far as the listing firm Keller Williams Professionals Realty (the “Firm”) and Carla Barnard (the “Listing Broker”) are aware, the Seller has not made any re-zoning or other such zoning applications to the City of Asheville in its period of ownership. The City of Asheville does not have an online record of the permit and inspection history for the Property.

To assist in resolution of the zoning question, the Listing Broker has submitted a Research Application to the City of Asheville Development Services Dept (Planning & Zoning) asking the City to research and confirm how and when the building came to be in commercial use i.e. to confirm whether or not the current use is a legal non-conforming use. The results of that request will be available by the end of October 2019 and made available to any potential Buyer.

The Seller will work with any Buyer to help resolve questions about zoning and future uses for this Property.

Code of Ordinances (3) Conditional districts are zoning districts which provide for flexibility in the development of... while ensuring that the development is compatible with neighboring uses. Conditional zones are available for any of the general use zoning classifications enumerated in this ordinance. There are certain conditional districts that are not associated with an existing general use zone; they may only be considered with Level III developments. These districts include:

Central Business Expansion District

Institutional Expansion District

Commercial Expansion District

Residential Expansion District

Industrial Expansion District

Lodging Expansion District

Mixed Use Expansion District

(c) *Designation of districts on official zoning maps.* Each district shall be shown on the official zoning maps of the City of Asheville, North Carolina, a copy of which is located in the city planning and development department. Said set of maps, and all district designations, boundaries, figures, letters, and symbols shown on such maps are hereby declared to be a part of this chapter.

(d) *Table of Permitted Uses.* The table is a summary listing of uses that are fully defined in [section 7-2-5](#).

Zones	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB
<b>Residential Uses</b>								P	P	P	P	P
Accessory dwelling unit	P	P	P	P	P	P		P	P	P	P	P
Accessory dwelling commercial caretaker												
Dwellings, Duplex				P	P	P		P	P	P	P	P
Dwelling, Townhouse			P	S	S	S		S	S	S	S	S
Dwellings, Multi-family				P	P	P	S	P	P	P	P	P

Code of Ordinances	P	P	P	P	P	P		P	P	☰	Q	☰
Dwelling, single family detached												
Cottage Development			S	S	S	S						
Sustainable Development Projects				S	S	S		S	S	S	S	S
<b>Public and Institutional Uses</b>	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB
<b>Institutional Uses</b>												
Armories												
Assisted living facilities						S		P	P	P	P	P
Civic, social service & fraternal organizations						S		P	P	P	P	P
Convention, Conference, and/or Exhibit Centers												P
Colleges and Universities												
Day Care Center, Adult						S		S	S	P	P	P
Day Care Center, Child						S		S	S	P	P	P
Day Care Home, Adult	S	S	S	S	S	S		P	P	P	P	P
Day Care Home, Child	S	S	S	S	S	S		P	P	P	P	P
Detention, jails & correctional facilities												
Dormitories												
Family Care Homes	S	S	S	S	S	S		P	P	P	P	P
Fire/Police stations	P	P	P	P	P	P	P	P	P	P	P	P

Code of Ordinances								S	S	SS	QS	IS
Government buildings and uses												
Group homes			C	C	C	S			P	P	P	P
Hospitals/medical centers												
Libraries	P	P	P	P	P	P	P	P	P	P	P	P
Museums											P	P
Orphanages						P				P	P	P
Performance centers												P
Places of Worship	S	S	S	S	S	S		P	P	P	P	P
Post offices without distribution facility							P	P	P		P	P
Post office distribution facilities												
Public Utilities & related facilities	S	S	S	S	S	S	P	P	P	P	P	P
Schools	S	S	S	S	S	S		P	P	P	P	P
Shelters									P	P	P	
Stadiums & arenas												
Transportation terminals												
Vocational or Technical School												P
<b>Recreational Uses</b>	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB
Arboretums	P	P	P	P	P	P	P	P	P	P	P	P

Code of Ordinances	P	P	P	P	P	P	P	P	P	P	☰	Q	☰	P
Community Centers	P	P	P	P	P	P								
Golf Courses	P	P	P	P	P	P					P			
Parks, Passive and greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreational uses, governmental such as, but not limited to, parks for active use	P	P	P	P	P	P			P	P	P	P	P	P
Recreational uses, restricted to membership, non-profit	S	S	S	S	S	S				P	P	P	P	P
Recreational uses accessory to residential uses	P	P	P	P	P	P					P	P	P	P
<b>Commercial/Business Uses</b>	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB		
<b>Food, Beverage, Entertainment Uses</b>														
Adult establishments														
Eating/drinking establishments (drive-through facility permitted separately)							S	S	S	S	P	P		
Nightclubs												P	P	
Microbrewery								S	S	S	P	P		
Mobile food vending								S	S	S	S	S		
Movie theaters												S	S	

Code of Ordinances												
Recreational uses, commercial indoor												
Recreational uses, commercial outdoor												P
<b>Lodging</b>												
Bed & breakfast inns				S	S	S			S	S	S	S
Boardinghouses						S					S	S
Campground												
Homestays	S	S	S	S	S	S	S	S	S	S	S	S
Hotel, extended stay												
Hotel, large												
Hotel, small												
Short-term vacation rental												
<b>Office Uses</b>												
Business incubator												
Call Center												
Home Occupations	S	S	S	S	S	S	P	P	P	P	P	P
Instructional services									P	P	P	P
Offices							P	P	P	P	P	P
Radio/Television studios										P	P	P
Research & technology production uses									P	P		P

Code of Ordinances										☰	🔍	⋮
Retail/Service Uses												
Barber shops & beauty salons							P	P	P	P	P	P
Car washes											P	P
Cat café												
Clinics								P	P	P	P	P
Clinics, veterinary								P	P	P	P	P
Commercial use accessory to residential use					S	S	S	S	S	P	P	P
Equipment rental business											S	S
Farm Products Market							P			P	P	P
Financial institutions (drive-through permitted separately)										P	P	P
Flea markets												
Funeral establishments										P	P	P
Gasoline sales											P	P
Grocery stores (outdoor storage and gasoline sales uses permitted separately)							P				P	P
Hardware/garden supply stores (outdoor storage permitted separately)							P				P	P
Health & fitness facilities							P			P	P	P

Code of Ordinances										☰	🔍	⋮
heavy equipment & specialized vehicle sales, rental & service												
Industrial equipment sales												
Kennels												
Laundry/dry cleaning establishments (drivethrough facility permitted separately)							P			P	P	P
Manufactured home sales and servicing												
Recreational vehicle sales, service & repair												
Motor vehicle and boat sales new & used												
Motor vehicle and boat service & repair business (outdoor storage permitted separately)											S	S
Motor vehicle and utility trailer rental												
Motor vehicle service facility (outdoor storage and gasoline sales permitted separately)											P	P
Pharmacies (drive-through facility permitted separately)							P	S		P	P	P
Plant sales, nurseries and greenhouses											P	P



Code of Ordinances											☰	Q	☰	P
Printing & publishing														
Retail sales (outdoor storage, gasoline sales, drive-through facility uses permitted separately)							S					P	P	P
Self-service storage facilities														
Single tenant retail structures, multi-tenant retail structures with GFA of more than 100,000 sq. ft.														
Small Engine service and repair							P					P	S	S
Studios, galleries & workshops for artists, artisans, and craftspeople - low impact								P	P			P	P	P
Studios, galleries & workshops for artists, artisans and craftspeople - high impact														
Tailors/dressmaker shops							P					P	P	P
Taxi stands														
Tattoo Parlors													P	P
<b>Industrial Uses</b>	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB		
Concrete plant														
Crematories - animal														

Code of Ordinances								S	S	☰	QS	⋮ S
Crematoriums - Human												
Industrial uses												
Industrial uses, light											S	S
Recycling operation												
Recycling plant												
Lumber yards												
Motor freight terminals												
Wholesale sales												
Warehousing and storage												
<b>Aeronautical—Airport Uses</b>	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB
Aerospace and aviation-related training facilities												
Air cargo/freight terminals, operations and activities												
Aircraft hangars, servicing and repair facilities												
Aircraft sales and leasing facilities and services												
Aircraft servicing, manufacturing and retrofitting facilities												
Airport administration and maintenance facilities												

Code of Ordinances												
Airport facilities to include runways, aprons, taxiways, weather monitoring facilities, control tower, navigational/communication facilities, airfield lighting, signs & associated structures												
Airport passenger terminal with associated ticket sales, restaurant/lounge/food services, retail sales & services, car rental services, other incidental services and associated short and long-term parking lots												
Airport services												
General aviation services and facilities, including aircraft tie-down & parking areas, support & maintenance shops, concessions, aviation fuel storage & dispensing facilities												
Offices and other facilities that specifically support airport, aviation and aeronautical activities												
<b>Other Use Types</b>	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB
Accessory structures	S	S	S	S	S	S		P	P		P	P

Code of Ordinances	S	S	S	S	S	S	P	P	P	☰	Q	P	☰
Agriculture	S	S	S	S	S	S	P	P	P				
Ancillary non-residential uses	C	C	C	C	C	C							
Antenna	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial satellite dishes & related equipment													
Cemeteries, animal												S	S
Cemetaries/Columbariums	P	P	P	P	P	P						P	P
Drive-through facilities or uses							EXP	S	S	S	EXP		
Interim uses on vacant lots								S	S	S	S	S	S
Level III Development													
Live-work units							P	P	P	P	P	P	P
Outdoor storage							EXP					S	S
Parking Decks, Garages, Structures													
Parking Lots												P	P
Recycling collection centers												S	S
Stables													
Telecommunication towers											C		C
Telecommunication tower/support structure concealed	C	C	C	C	C	C	C	C	C	C	C	C	C

Code of Ordinances	P	P	P	P	P	P	P	P	P	P	☰	Q	☰
Telecommunication tower/support structure— Replacement tower													
Wireless telecommunication facilities, microcell	S	S	S	S	S	S	S	S	S	S	S	S	S
Wireless telecommunication facilities, co-location	S	S	S	S	S	S	S	S	S	S	S	S	S
Wireless telecommunication facilities (concealed)				S	S	S	S	S	S	S	S	S	S
<b>Uses Expressly Prohibited</b>	RS2	RS4	RS8	RM6	RM8	RM16	NB	OFF I	OFF II	OB	CBI	CB	
Adult establishments													
Asphalt plants													
Chemical storage facilities													
Detention, jails & correctional facilities													
Drive-through facilities or uses							EXP					EXP	
Gas manufacturing													
Gasoline sales													
Gated communities	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EX
Hazardous waste management facilities													
Hazardous materials (H1) manufacturing or storage													



Code of Ordinances  
 Uses 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

(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)

**Sec. 7-8-2. - RS-2 Residential Single-Family Low Density District.**



- (a) *Purpose.* It is the intent of the RS-2 Residential Single-Family Low Density District to establish a low density for single-family dwellings and other compatible uses in recognition of environmental constraints such as, but not limited to, steep slopes,

## Sec. 7-8-6. - RM-8 Residential Multi-Family Medium Density District.

- (a) *Purpose.* It is the intent of the RM-8 Residential Multi-Family Medium Density District to permit a full range of medium density multi-family housing types along with single-family detached and attached residences. This district is intended to provide a transitional area between high density single-family and multi-family areas, and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate. Non-residential development normally required to provide the basic elements of a balanced and attractive residential area is also permitted.
- (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) *Prohibited uses.* Any use not specifically listed as a permitted use or a use by right, subject to special requirements, or a conditional use in the RM-8 Residential Multi-Family Medium Density District shall be prohibited.

Gated communities. This shall not include those gated communities lawfully established prior to June 12, 2007, or extend to those properties acquired as part of such communities prior to June 12, 2007, provided it can be demonstrated that these properties were included in a documented community masterplan.

- (d) Reserved.
- (e) Reserved.
- (f) *Development standards.*
  - (1) *Density standards.* The maximum residential density in the RM-8 District shall be two dwelling units for the first 4,000 square feet of lot area and an additional dwelling unit may be provided for each 1,000 square feet of lot area in excess of the minimum lot standard.
  - (2) *Structure size standards.* New multifamily structures shall have a building footprint of not more than 4,000 square feet and a gross floor area of not more than 12,000 square feet.
  - (3) *Lot size standards.* The minimum lot size in the RM-8 District shall be 4,000 square feet.
  - (4) *Lot width standards.* Lots in the RM-8 District shall have a minimum width of 40 feet.
  - (5) *Setback standards.* The following minimum setbacks shall be required for uses in the RM-8 District.

*Front:* 15 ft.

*Side:* 6 ft.

*Rear:* 15 ft.



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 RM-8 District shall be 40 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. No parking shall be permitted in any required front setback other than that which would occur on an approved driveway.
- (10) *Sidewalk standards.* Sidewalks shall be provided as required by and pursuant to the requirements for sidewalks as set forth in subsection 7-11-8 of this chapter.
- (11) *Access standards.* None.
- (12) *Recreational/open space standards.* Open space shall be provided as required by section 7-11-4 of this chapter.
- (13) *Design and operation standards.* Multifamily development in RM-8 shall comply with design standards as required in section 7-10-8.
- (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. 2506, § 1, 8-11-98; Ord. No. 2527, § 1, 11-10-98; Ord. No. 2584, § 1(e), 6-22-99; Ord. No. 2663, § 1(e), 2-8-00; Ord. No. 2664, § 1(f), 2-8-00; Ord. No. 2735, § 1d., 8-22-00; Ord. No. 2772, § 1(b), 11-28-00; Ord. No. 2871, § 1(e), 11-27-01; Ord. No. 2904, § 1(f), 3-12-02; Ord. No. 3031, § 1(e), 6-10-03; Ord. No. 3052, § 1(a), (b), 8-26-03; Ord. No. 3064, § 1(d), 10-14-03; Ord. No. 3156, § 1, 8-24-04; Ord. No. 3205, § 1, 1-25-05; Ord. No. 3412, § 1(b), 12-12-06; Ord. No. 3483, § 1(b), 6-2-07; Ord. No. 3489, § 1(b), 6-19-07; Ord. No. 3583, § 1(a), 2-12-08; Ord. No. 3643, § 1a, 7-22-08; Ord. No. 3908, §§ 1b, e, 10-26-10; Ord. No. 3959, §§ 1n, p, 4-12-11; Ord. No. 4608, § 1(j), 8-22-17; Ord. No. 4621, § 1(e), 10-24-17)



January 21, 1999

**Carlos M. Gomez**  
**Executive Director**  
**WNC Community Health Services**  
**PO Box 338**  
**Asheville, NC 28802**

**RE: 9638.15-74-2083**

**Dear Mr. Gomez:**

**The current zoning for the above mentioned parcel is RM8. The use of an adult day care home (refer to the UDO definition) is not a permitted use but a "Use By Right, Subject to Special Requirements" (USSR) and therefore is subject to special developmental requirements in addition to the development standards outlined in the RM8 district (which includes landscaping and parking). Those special requirements include a) maximum building size of 2000 sq. ft., b) client drop-off and pick-up shall not obstruct traffic flow on the adjacent public street, and c) parking shall not be located in the front yard.**

**For review of this project, please submit seven (7) copies of a site plan along with a zoning permit application. If you have any questions, please let us know.**

Sincerely,

**Carl H. Ownbey, Jr.**  
**Urban Planner II**

PLANNING AND DEVELOPMENT

CITY OF ASHEVILLE  
POST OFFICE BOX 7148  
ASHEVILLE, NC 28802  
(828) 259-5800

29