

**TOWN OF MONTREAT**

**ZONING ORDINANCE**

**ARTICLE VII - ZONING DISTRICT REGULATIONS**

*(Revised 6/14/2001)*

*(Revised 5/10/2007)*

*(Revised 3/10/2005)*

*(Revised 11/30/2009)*

700 Permitted Uses Table.

700.1 The following table establishes what principal uses will be allowed in which Zoning Districts in the Town of Montreat. The uses in this table will be permitted as indicated and shall conform to all regulations of the applicable Zoning District. Uses which are not listed in the Table are not permitted in the Town of Montreat.

700.2 When shown with an asterisk (\*), the use is permitted only as a "Conditional Use" and will be approved in accordance with the provisions of Article VIII of this Ordinance. When shown with a double asterisk (\*\*), the use is permitted only as an "Accessory Use."

USE	DISTRICT							
	R-1	R-2	R-3	IR	I	WL	RPO	CD
Accessory Buildings or Uses	X	X	X	X	X			
Agriculture excluding logging and timber harvest						X	X	X*
Amusements, Commercial: including, but not limited to miniature golf, bowling lanes, indoor theaters, dance halls, skating rinks, swimming pools, and tennis courts					X*			
Art Galleries				X*	X*			
Auditorium				X*	X*			
Bakeries				X*				
Banks				X*				
Barber and Beauty Shops				X*				
Bed and Breakfast, Home		X*		X*	X			
Bed and Breakfast, Inn		X*		X*	X			
Boarding Houses		X*		X*	X			
Camps, Summer					X*	X*		

USE	DISTRICT							
	R-1	R-2	R-3	IR	I	WL	RPO	CD
Campgrounds					X*	X*		
Conference Center				X*	X			
Churches				X*	X			
Columbarium			X*	X*	X*	X*		X*
Copying and Duplicating Services				X*	X			
Community Facility		X*		X*	X			
Customary Home Occupations	X**	X**	X**	X**				
Dancing Instruction				X*				
Dormitory					X			
Drug Stores and Pharmacies				X*	X			
Dwellings:								
Single-family	X	X	X	X				
Two-Family	X	X	X	X				
Multi-Family		X*		X				
Group	X*	X*			X			
Large Group		X*		X*	X*			
Eating Establishments (Excluding Drive-ins)				X*	X			
Educational Facility				X	X			
Family Care Homes	X	X	X	X				
General Merchandise Retail				X*	X			
Grocery Stores – Convenience				X*	X			
Group Care Facility		X*		X*				
Hospitals				X*	X*			
Inn				X*	X			
Laundries, Dry Cleaning, Linen Supply Services				X*	X			
Laundries, Self-Service		X*		X*	X			
Libraries, Public				X*	X*			
Lodge				X*	X			
Medical and Dental Clinics					X*			

USE	DISTRICT							
	R-1	R-2	R-3	IR	I	WL	RPO	CD
Manufactured Homes (See Section 623)	X*							
Motel					X			
Museums, Public				X	X			
Nursing Homes, Rest Homes, Homes for the Aged and Similar Establishments (See Group Care Facility)								
Professional Offices, including but not limited to medical, dental, law, or real estate				X*	X*			
Parks or other Public Recreational Facilities	X*	X*	X*	X*	X*	X*		X*
Printing, Publishing, Blue-Printing, Photostatting, Newspaper and Job Printing				X*	X*			
Public Streets and Utilities	X	X	X	X	X	X		X*
Riding Stables						X*		
Signs: Subject to Article X								
Studios	X**	X**	X**	X**	X			
Swimming Pools, Private	X**	X**	X**	X**				
Swimming Pools, Public				X*	X*			
Theaters, Privately Operated					X*			
Theaters, Public Outdoor					X*			
Veterinarians				X*				

701 R-1 Residential Districts.

701.1 Purpose. This Zoning District is established to protect areas in which the principal use of the land is for low density, single- and two-family dwellings as well as for the related recreational facilities normally required to provide for an orderly and attractive residential area. Any use, which, because of its characteristics, would interfere with the development of or be detrimental to the residential nature if the area is excluded.

701.2 Permitted Uses. See Section 700.

701.3 Conditional Uses. See Section 700 and Article VIII.

- 701.4 Minimum Lot Area.
- 701.41 Ten thousand (10,000) square feet for all Single-family Dwellings.
- 701.42 Fifteen thousand (15,000) square feet for Two-family Dwellings.
- 701.43 Fifteen thousand (15,000) square feet for other uses.
- 701.5 Minimum Lot Width. Seventy-five feet (75').
- 701.6 Minimum Lot Depth. One hundred feet (100').
- 701.7 Minimum Front Yard. Thirty feet (30').
- 701.8 Minimum Side Yard.
- 701.81 Single-family and Two-family Dwelling Units: Fifteen feet (15').
- 701.82 All Other Uses: Twenty-five feet (25').
- 701.9 Minimum Rear Yard. Twenty percent (20%) of the mean lot depth provided that rear yards on lots used for dwelling purposes need not exceed thirty five feet (35').
- 701.10 Maximum Building Height. Thirty-five feet (35').
- 701.11 Off-Street Parking and Loading Regulations. See Article IX.
- 701.12 Accessory Buildings. See Section 612 and 700.
- 701.13 Signs. See Article X.
- 701.14 Water System and Sewerage Disposal System Approval Required. The Zoning Official shall not issue a Certificate of Zoning Compliance for any new Structure in the R-1 Residential District unless and until the applicant provides evidence that a connection to the Town water system has been approved and a sewer service application has been approved by Metropolitan Sewerage District (MSD) of Buncombe County. For existing structures utilizing septic systems or wells approved and in service before adoption of Montreat Code of General Ordinances Chapter E – Utilities, Article I: Water & Sewer, nothing in this Section shall prohibit the continued use of such systems in accordance with provisions of the Code. Neither addition to, nor expansion of, an existing structure within the R-1 Residential District shall be permitted that would result in an increase in the required capacity of such system(s) and subsequent modification. Owners of existing well and septic systems shall be required to connect to Town utility services when such modifications are necessary.

702 R-2 Residential Districts.

702.1 Purpose. This Zoning District is established to protect areas in which the principal use of the land is for medium density, single-family, multi-family and group dwellings as well as for the related recreational, religious, and educational facilities normally required to provide for an orderly, attractive residential area. Any use which, because of its characteristics, would interfere with the development of, or be detrimental to the residential nature of the area is excluded.

702.2 Permitted Uses. See Section 700.

702.3 Conditional Uses. See Section 700 and Article VIII.

702.4 Minimum Lot Area.

702.41 Eight thousand (8,000) square feet for all Single-family Dwellings.

702.42 Twelve thousand (12,000) square feet for all Two-family Dwellings.

702.43 Multi-family Dwellings having three (3) or more units shall have a minimum of twenty thousand (20,000) square feet, plus an additional three thousand, five hundred (3,500) square feet for each dwelling unit in excess of four (4).

702.44 Twelve thousand (12,000) square feet for all other uses.

702.5 Minimum Lot Width. Sixty feet (60').

702.6 Minimum Lot Depth. One hundred feet (100').

702.7 Minimum Front Yard. Thirty feet (30').

702.8 Minimum Side Yard.

702.81 Single-family Dwellings: Ten feet (10').

702.82 All Other Uses: Twenty feet (20').

702.9 Minimum Rear Yard. Twenty percent (20%) of the mean lot depth, provided that such rear yards used for dwellings need not exceed thirty feet (30').

702.10 Maximum Building Height. Thirty-five feet (35').

702.11 Off-Street Parking and Loading Regulations. See Article IX.

701.12 Accessory Buildings. See Section 612 and 700.

702.13 Signs. See Article X.

703 R-3 Residential District.

703.1 Purpose. This Zoning District is established to protect areas in which the principal use of the land is for low density, single- and two-family dwellings as well as for the related recreational facilities normally required to provide for an orderly an attractive residential area. Any use, which, because of its characteristics would interfere with the development of or be detrimental to the residential nature of the area is excluded. The R-3 Residential District is similar to the R-1 District except that minimum lot sizes are increased due to the limited availability of Town services and the environmentally sensitive nature of the land within these outlying regions.

703.2 Permitted Uses. See Section 700.

703.3 Conditional Uses. See Section 700 and Article VIII.

703.4 Minimum Lot Area.

703.41 Twenty thousand (20,000) square feet for all Single-family Dwellings.

703.42 Thirty thousand (30,000) square feet for Two-family Dwellings.

703.43 Thirty thousand (30,000) square feet for all other uses.

703.5 Minimum Lot Width. Seventy-five feet (75').

703.6 Minimum Lot Depth. One hundred feet (100').

703.7 Minimum Front Yard. Thirty feet (30').

703.8 Minimum Side Yard.

703.81 Single-family and Two-family Dwelling units: Fifteen (15) feet.

703.82 All Other Uses: Twenty-five (25) feet.

703.9 Minimum Rear Yard. Twenty percent of the mean lot depth provided that rear yards on lots used for dwelling purposes need not exceed thirty-five feet.

703.10 Maximum Building Height. Thirty-five feet (35').

703.11 Off-Street Parking and Loading Regulations. See Article IX.

703.12 Accessory Buildings. See Section 612 and 700.

703.13 Signs. See Article X.

703.14 Water System and Sewerage Disposal System Approval Required. The Zoning Official shall not issue a Certificate of Zoning Compliance for any new Structure in the R-3 Residential District unless and until the applicant provides evidence that a connection to the Town water system has been approved and a sewer service application has been approved by Metropolitan Sewerage District (MSD) of Buncombe County. For existing structures utilizing septic systems or wells approved and in service before adoption of Montreat Code of General Ordinances Chapter E – Utilities, Article I: Water & Sewer, nothing in this Section shall prohibit the continued use of such systems in accordance with provisions of the Code. Neither addition to, nor expansion of, an existing structure within the R-3 Residential District shall be permitted that would result in an increase in the required capacity of such system(s) and subsequent modification. Owners of existing well and septic systems shall be required to connect to Town utility services when such modifications are necessary.

704 I/R Institutional/Residential District.

704.1 Purpose. The purpose of the Institutional/Residential Zoning District is to provide for a zone of transition between purely residential and purely institutional Districts or to serve as a residential District to accommodate a mixture of residential, office, and institutional uses in conditions of good health and safety, and to provide for protected property values in areas which are predominately residential in character.

704.2 Permitted Uses. See Section 700.

704.3 Conditional Uses. See Section 700 and Article VIII.

704.4 Minimum Lot Area.

704.41 Single-family Dwellings. Six thousand (6,000) square feet.

704.42 Two-family Dwellings. Ten thousand (10,000) square feet.

704.43 Multi-family Dwellings. Fifteen thousand (15,000) square feet plus three thousand (3,000) square feet for each dwelling unit in excess of two (2).

704.44 Ten thousand (10,000) square feet for all other uses.

704.5 Minimum Lot Width.

- 704.51 Single-family Dwellings. Sixty-five feet (65').
- 704.52 Two-family Dwellings. Eighty feet (80').
- 704.53 Multi-family Dwellings. One Hundred feet (100').
- 704.54 Other uses. One Hundred feet (100') at front Building line.
- 704.6 Minimum Lot Depth. One Hundred feet (100').
- 704.7 Minimum Front Yard. Twenty-five feet (25').
- 704.8 Minimum Side Yard.
- 704.81 Interior Side. Twelve feet (12').
- 704.82 Street side at corner lot. Seventeen and one-half feet (17.5').
- 704.9 Minimum Rear Yard. Twenty-five feet (25').
- 704.10 Maximum Building Height. Forty feet (40'). All proposed Buildings, other than single family, must be approved by the authority having jurisdiction for fire code enforcement. Structures over thirty five feet (35') will require special fire protection systems.
- 704.11 Off-Street Parking and Loading Regulations. See Article IX.
- 704.12 Screening Regulations. It shall be the responsibility of the property owner or lessee to provide the following screening measures:
- 704.121 Like or similar uses abutting each other in different Districts: None.
- 704.122 Unlike or dissimilar uses abutting each other in same or different Districts: Six foot (6') high closed fence or evergreen vegetation of sufficient density to serve the purpose of a solid fence.
- 704.13 Signs. See Article X.
- 705 I – Institutional.
- 705.1 Purpose. The Institutional Zoning District is established to permit certain institutional uses as defined in Article V, Definitions, Educational Facility.
- 705.2 Permitted Uses. See Section 700 and Article V, Definitions, Educational Facility.

- 705.3 Conditional Uses. See Section 700 and Article VIII.
- 705.4 Minimum Lot Area. Seven thousand five hundred (7,500) square feet.
- 705.5 Minimum Lot Width. Seventy-five feet (75').
- 705.6 Minimum Lot Depth. One hundred feet (100').
- 705.7 Yard Requirements.
- 705.71 Adjacent lots within the Institutional District shall have no front, side, or rear yard requirements except that a twenty five foot (25') Building setback shall be required from the right-of-way lines of any adjacent streets.
- 705.72 Lots within the Institutional District and abutting a different Zoning District shall be required to provide a twenty five foot (25') side, rear, and/or front yard on the perimeter facing the different Zoning District.
- 705.8 Maximum Building Height. Sixty feet (60'). All proposed Buildings, other than single family, must be approved by the authority having jurisdiction for fire code enforcement. Structures over 35 feet will require special fire protection systems.
- 705.9 Off-Street Parking and Loading Regulations. See Article IX.
- 705.10 Screening Regulations. It shall be the responsibility of the property owner or lessee to provide the following screening measures:
- 705.101 Like or similar uses abutting each other in different Districts: None.
- 705.102 Unlike or dissimilar uses abutting each other in same or different Districts: Six feet (6') high closed fence or evergreen vegetation of sufficient density to serve the purpose of a solid fence.
- 705.11 Signs. See Article X.
- 706 WL - Woodland District. That area outside the high and low pressure water service areas of the Town of Montreat that is indicated as Woodland District on the Official Zoning Map of the Town.
- 706.1 Purpose. This Zoning District is established to provide for agricultural uses including, but not limited to, grazing and fishing, but because of extremes in topography and soils, is unsuitable for residential, commercial, institutional or related development.

706.2 Permitted Uses. Agricultural uses and enterprises. (See Section 700).

706.3 Conditional Uses. See Section 700.

707 RPO - Ridge Protection Overlay District. That area extending 500 feet on all sides of the summit of certain ridges in the Town as indicated on the official zoning map of the Town of Montreat. The requirements of this section shall supplement the requirements of the underlying Zoning District as well as the provisions of the North Carolina Mountain Ridge Protection Act (N.C. G.S. § 113A). In case of conflict between the requirements of this section and any other law or regulation the more stringent provision shall apply.

707.1 Purpose. This Zoning District is established to protect sensitive woodlands on the ridge tops in and around the Flat Creek Basin which contains the Town of Montreat. Special protection is needed in these areas because of their high elevation, steep slopes and susceptibility to erosion that may adversely affect water supplies and aquatic life in the Town. Special protection is also needed to protect and preserve vistas in the Flat Creek Basin which are vital to the tourism component of the town economy and which are highly valued by residents of the Town as well.

707.2 Permitted Uses. Agricultural uses and enterprises except logging and timber harvest. (See Section 700.)

707.3 Conditional Uses. None allowed.

708 CD – Conservation District. That area along Flat Creek from the Montreat Gate to Lookout Road and delineated on the Official Zoning Map of the Town of Montreat as Conservation District.

708.1: Purpose. This Zoning District is established to protect tracts of land from residential, commercial, and institutional development and to preserve land for parks, open space, recreational areas, greenways, trails, waterways and flood plain areas.

709 Lot Requirements Summary Table.

Zoning District and Use	Minimum Lot Dimensions			Minimum Yard/Setback		
	Size	Width	Depth	Front	Side	Rear
	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)
<b>R-1</b>						
Single Family, Group	10,000	75	100	30	15	**
Two Family	15,000	75	100	30	15	**
Other uses	15,000	75	100	30	25	**

Zoning District and Use	Minimum Lot Dimensions			Minimum Yard/Setback		
	Size	Width	Depth	Front	Side	Rear
	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)
<b>R-2</b>						
Single Family, Group	8,000	60	100	30	10	**
Two Family	12,000	60	100	30	10	**
Multifamily*	20,000	60	100	30	20	**
Other uses	12,000	60	100	30	20	**
<b>R-3 (septic)</b>						
Single Family	20,000	75	100	30	15	**
Two Family	30,000	75	100	30	15	**
Other uses	30,000	75	100	30	25	**
<b>I/R</b>						
Single Family	6,000	65	100	25	12/17.5	25
Two Family	10,000	80	100	25	12/17.5	25
Multifamily***	15,000	100	100	25	12/17.5	25
Other uses	10,000	100	100	25	12/17.5	25
					interior/corner	
<b>I</b>						
All permitted uses	7,500	75	100	N/A - 25' from street right-of-way and when adjacent to a different Zoning District		

\* For each unit in excess of four, an additional 3,500 sq. ft. is required per unit.

\*\* Minimum rear yard is 20% of the mean lot depth and less than or equal to 35' in R-1 and R-3, or less than or equal to 30' in R-2 for residential uses.

\*\*\* For each unit in excess of two, an additional 3,000 sq. ft. is required per unit.