

ARTICLE III

ZONING DISTRICT REGULATIONS

300 The purpose of these district regulations is to provide a comprehensive plan for the use of land and buildings in conditions of public safety and orderly community growth. Within the districts indicated on the Zoning Map, no building shall be used in whole or in part of any purpose other than those listed as permitted uses for that district. The Zoning Districts are:

- R-1 Rural Residential and Agricultural District (low density)
- R-2 Low Density Residential District
- R-2A Low Density Residential/Office District
- R-3 Medium Density Residential District
- R-3A Medium Density Residential/Office District
- T Mobile Home Park District
- C-1 Central Business District
- C-2 Highway Business District
- I Industrial District
- IS Institutional District

301 Rural Residential and Agricultural District (R-1)

301.1 Intent – This district is established to protect areas in which the primary use of the land is low-density, single-family dwellings and agricultural uses. Municipal water and wastewater systems may not be available to properties in this district. Any use which would interfere with the low-density and agricultural nature of the area is excluded.

301.2 Permitted Uses

- Single family dwellings
- Farms and agricultural enterprises
- Family care facilities
- Public facilities (substations, pump stations, transmission lines, etc.)
- Basement or garage apartments (limited to 1 accessory apartment per lot)
- Home occupations (see Section 415)
- Customary accessory uses (private garages or workshops, swimming pools, etc.)
- Signs (See Article X)

301.3 Conditional Uses

- Cultural and community facilities (churches, schools, civic, and fraternal meeting halls)
- Open recreational uses (golf courses, summer camps, etc.)

301.4 Dimensional Requirements (Minimum)

Minimum Lot Size	15,000 square feet
Front Yard Setback	30 feet from edge of pavement (or traveled roadway of unpaved roads)
Side Yard	15 feet
Rear Yard	25 feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet

302 Low Density Residential (R-2)

302.1 Intent – This district is established to protect areas in which the primary use of land is for low-density single-family and unconcentrated two-family dwellings and related accessory uses. Any use which would be detrimental to or interfere with the development of the residential character of the district is excluded.

302.2 Permitted Uses

Single-family dwellings
Two-family dwellings (duplex) (See Amendment/Page 7)
Family care facilities
Public facilities and uses
Basement or garage apartments (limited to 1 accessory apt. per lot)
Home occupations (See Section 415)
Customary accessory uses
Signs (See Article X)

302.3 Conditional Uses

Cultural and community facilities

302.4 Dimensional Requirements (Minimum)

Lot Size	10,000 square feet
Front Yard	25 feet from edge of pavement
Side Yard	10 feet
Rear Yard	20 feet
Minimum Lot Width	60 feet
Minimum Lot Depth	80 feet

302-A Low Density Residential/Office District (R-2A)

302A.1 Intent – This district is established to protect areas in which the primary use of land is for low-density single-family and unconcentrated two-family dwellings, but which is also suitable for business and professional

offices, including the offices of doctors and dentists. Any use which would be detrimental to or interfere with the development of character of the district is excluded.

302A.2 Permitted Uses

- Single-family dwellings
- Two-family dwellings (duplex) (See Amendment/Page 7)
- Public facilities and uses
- Basement and garage apartments (limited 1 accessory apt. per lot)
- Home occupations (See Sections 415)
- Customary accessory uses
- Signs (See Article X)
- Professional and business offices (including offices of doctors and dentists)

302A.3 Conditional Use

- Cultural and community facilities

302A.4 Dimensional Requirements (Minimum)

Lot Size	10,000 square feet
Front Yard	25 feet from edge of pavement
Side Yard	10 feet
Rear Yard	20 feet
Minimum Lot Width	60 feet
Minimum Lot Depth	80 feet

303 Medium Density Residential (R-3)

303.1 Intent – This district is established to provide for the development of land at higher densities. This district will include multiple-unit dwellings consisting of up to eight (8) units.

303.2 Permitted Uses

- Single-family dwellings
- Two-family dwellings (See Amendment/Page 7)
- Multi-family dwellings up to 8 units
- Family care facilities
- Public facilities and uses
- Home Occupations (see Section 415)
- Customary accessory uses
- Parking and loading areas (off-street)
- Signs (See Article X)

303.3 Conditional Uses

Boarding houses, tourist homes, bed and breakfast facilities
Kindergartens and day care centers

303.4 Dimensional Requirements

Lot Size	8,000 square feet*
Front Yard	20 feet; Multi-family 30 feet
Side Yard	8 feet; Multi-family 25 feet
Rear Yard	15 feet; Multi-family 25 feet
Minimum Lot Width	70 feet
Minimum Lot Depth	80 feet

*8,000 square feet for first unit, 2,000 square feet for second unit, 5,000 square feet for each additional unit up to eight (8) units per acre. In areas where public wastewater service is not available, additional lot area may be required by the County Health Department in order to meet on-site sewage disposal requirements.

303A Medium Density Residential/Office District (R-3A)

303A.1 Intent – This district is established to provide for the development of land at higher densities. This district will include multiple-unit dwellings consisting of up to eight (8) units and professional and business offices, including offices of doctors and dentists.

303A.2 Permitted Uses

- Single-family dwellings
- Two-family dwellings (See Amendment/Page 7)
- Multi-family dwellings up to 8 units
- Family care facilities
- Public facilities and uses
- Home occupations (See Section 415)
- Customary accessory uses
- Parking and loading areas (off-street)
- Signs (Article X)
- Professional and business offices, including offices of doctors & dentists

303A.3 Conditional Uses

Boarding houses, tourist home, bed and breakfast facilities
Kindergartens and day care centers

303A.4 Dimensional requirements (Minimum)

Lot Size	8,000 square feet*
----------	--------------------

Front Yard	20 feet; Multi-family 30 feet
Side Yard	8 feet; Multi-family 25 feet
Rear Yard	15 feet; Multi-family 25 feet
Minimum Lot Width	70 feet
Minimum Lot Depth	80 feet

*8,000 square feet for first unit, 2,000 square feet for second unit, 5,000 square feet for each additional unit up to eight (8) units per acre. In areas where public wastewater service is not available, additional lot area may be required by the County Health Department in order to meet on-site sewage disposal requirements.

**ZONING ORDINANCE AMENDMENT
Two Family Dwelling (Duplex)**

Definition of "Duplex" (Two-Family Dwelling): A single dwelling consisting of two dwelling units (other than a two-family dwelling-including accessory apartment), providing the two dwelling units are not simply attached by an unenclosed passageway (e.g., covered walkway) and provided that each dwelling unit contains no more than three bedrooms per unit. A duplex structure with more than three bedrooms within either dwelling unit shall be classed as a "Rooming House."

Duplexes are allowed as a *conditional use* in R-2, R-2A, R-3 and R-3A, using the performance standards that are listed below as well as the conditions listed in Article VI. These performance standards shall apply to new construction as well as to existing single-family residences that are being converted to duplexes. Performance standards as follows:

- A. The minimum lot area for a duplex in the designated districts shall be 125 percent larger than that required for a single residential unit in the respective district, which will allow more room for on-site parking and increased setbacks. This would increase the minimum lot size from 10,000 square feet to 12,500.
- B. Increase side and rear setbacks by five additional feet (i.e., in R-2, the side setback will be 15 feet and the rear 25 feet; the front setback will stay the same at 25 feet.)
- C. Off-street parking shall be provided at one space per bedroom plus one additional space for each structure.
- D. Parking shall be located in the rear and/or side of the lot; no parking shall be allowed in the front yard.
- E. Duplexes that have more than four parking spaces, when all the spaces are located adjacent to each other, shall be screened with vegetation. The recommendation for buffering is a hedge of evergreen trees or shrubs planted in

a buffer strip 10 feet wide along the side or rear property lines where parking is to be located.

- F. There shall be a 200-foot separation between one duplex and another.
- G. Composition of Buffer Plantings shall be as follows: A buffer yard consisting of two staggered rows of evergreen shrubs or sheared trees, planted four feet apart (as measured from the central stem) in a 10 feet wide strip shall be installed to screen the parking area from neighboring properties. The shrubs shall be installed at a three-gallon minimum size, between 24" and 30" in height.

305 Mobile Home Park District (T)

305.1 Intent – This district is established to provide for the concentration of mobile homes in an efficiently designed and operated mobile home park and to insure that such parks will provide pleasant living conditions for residents while protecting adjacent property values.

305.2 Permitted Uses

Exclusively for mobile homes and accessory uses related to mobile home parks
 Mobile Home Park identification sign. Maximum size – 32 square feet
 (See Article X)

305.3 Dimensional Requirements (Minimum)

Lot Size	1 acre
Maximum number of mobile homes per acre	6*

(*Provided State Board of Health soil percolation tests are met.)

305.4 Area Regulations – No building shall be erected or mobile home parked at a distance of less than forty feet (40') from the centerline of any minor street or sixty feet (60') from the center line of any major street on which the lot abuts nor less than fifteen feet (15') from any other mobile home.

305.5 Application for Use Permit – Application for a use permit to create T – Mobile Home Park District – shall be accompanied by a plan or plans for the overall development of the tract of land to be rezoned, which plan or plans shall be in the form and contain the information required below. The plan must be approved by the Planning Board.

- A. The scale of the map shall be not less than one inch (1") to fifty feet (50') with contours at five-foot intervals showing pertinent topographical features.

- B. The location, use, plan, and dimension of each building or structure to be constructed and the location of each mobile home space.
- C. The location, dimension and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets, and sidewalks.
- D. Parking provided for each unit (two spaces per unit).
- E. Location and description of all facilities to be used for sewage disposal, water supply, and storm water drainage.
- F. Provision for a buffer strip where the park is adjacent to a residential district. (See definition of Landscaped Buffer.)

305.6 Issuance of Permit – No permit shall be issued until both the Zoning Enforcement Officer and planning Board have reviewed the application and find it to conform to the above requirements.

306 Central Business District (C-1)

306.1 Intent- Mars Hill can be best served by the development and maintenance of a compact downtown commercial area which retains the pedestrian-oriented village atmosphere of the downtown. Retail businesses and services are encouraged to locate in the C-1 district. Expansion of this district should be limited to lands adjacent to the existing C-1 district.

306.2 Permitted Uses

- Retail businesses and services, except automobile repair garages and self service laundries
- Banks and other financial institutions
- Professional offices
- Any retail business making products for retail sale on the premises, provide such manufacturing is incidental to the retail business or service, occupies less than forty percent (40%) of the gross floor area, and employs not more than five (5) operators
- Public buildings and uses
- Off-street parking areas
- Dwelling units located only in the upper floors of commercial buildings
- Signs (See Article X)

306.3 Dimensional Requirements (Minimum) (See Section 604)

Lot Size	None
Minimum Lot Width	25 feet

Rear Yard Fire Lane	15 feet plus loading and maneuvering space for each loading door (See Article IX, Section 501). The rear yard shall be kept free of obstructions which would hinder access by firefighting vehicles and apparatus.
Side Yard	None if adjacent to commercially zoned property*. Ten feet (10') if adjacent to residentially zoned property.

*Any building which is a place of public assembly must have a side yard of at least ten feet (10').

307 Highway Business District (C-2)

307.1 Intent – Some businesses are largely dependent on automotive traffic and do not need to take up large land area in the downtown. Because of the limited buildable area left in the downtown, the following uses can serve the community from a location outside the downtown, and are encouraged to do so within this district. This district shall likewise apply to Appalachian Corridor interchanges within the jurisdiction. The C-2 district should have frontage on major highways.

307.2 Permitted Uses

Automobile sales and services
Automobile service stations
Mobile home sales and services
Farm equipment sales
Retail sales and service businesses
Motels, hotels
Restaurants
Banks, financial services
Professional offices
Funeral homes
Animal hospitals
Taxi and bus stations
Car washing establishments
Laundries
Construction contractors
Electrical and automotive repair
Tire recapping and retreading
Public facilities and uses
Signs (See Article X)

307.3 Conditional Uses (See Article VI)
Shopping centers

307.4 Dimensional Requirements (Minimum) (See Section 604)

Lot Size	20,000 square feet
Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet
Front Yard	20 feet or right-of-way line, whichever is greater
Rear Yard	15 feet (if adjacent to residential, 35 feet buffer)
Side Yard	10 feet (if adjacent to residential, 25 feet buffer)

308 Industrial District (I)

308.1 Intent – This district is provided to encourage the location of non-polluting light industry within the community. This district is designed to protect existing and potential industrial sites by excluding incompatible uses.

308.2 Permitted Uses – The following uses shall be permitted in the Industrial District subject to approval of site plans by the Planning Board as provided in Article VI.

- Light, clean industry
- Electrical and automotive repair
- Storage yards, except junkyards
- Commercial uses such as tire retreading and recapping, oil and gas distributors
- Public works and public utility substations
- Monument works and sales
- Construction headquarters and storage yards

308.3 Dimensional Requirements (Minimum)

Lot Size	2 acres
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Front Yard	75 feet from right-of-way
Side Yard	20 feet; 50 feet when contiguous to residential district
Rear Yard	20 feet; 50 feet when contiguous to residential district

309 Institutional District (IS)

309.1 Intent – This district is established primarily for uses associated with Mars Hill College and other non-profit and public facilities.

309.2 Permitted Uses

- Single-family dwellings
- Two-family dwellings (duplex)
- Multi-family dwellings (See Section 419)
- Educational facilities, including classrooms, dormitories, administrative offices, cultural and athletic facilities and related educational uses
- Churches and community facilities
- Public facilities and uses

309.3 Dimensional Requirements (Minimum)

Lot Size	10,000 square feet*
Front Yard	20 feet
Side Yard	
Abutting residential district	15 feet
Abutting all other districts	10 feet
Rear Yard	
Abutting residential district	20 feet
Abutting all other districts	15 feet
Minimum Lot Width	60 feet*
Minimum Lot Depth	80 feet*

*Contiguous land owned by Mars Hill College which constitutes the central campus shall not be subject to the lot size width or depth requirements; however, structures shall be located no closer than twenty-five feet (25') apart.

