

**Town of Montreat  
Planning and Zoning Commission  
Meeting Agenda  
February 21, 2019 – 5:00 p.m.  
Walkup Building**

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**I. Call to Order**

- Welcome
- Moment of Silence/Invocation

**II. Agenda Adoption**

**III. Meeting Minutes Adoption**

A. January 17, 2019 Meeting Minutes

- **Suggested Motion:** To adopt the January 17, 2019 Meeting Minutes as presented/amended

**IV. Public Comment**

**V. Old Business**

**VI. New Business**

- A. Oath of Office for Dan Dean, Regular Member
- B. Oath of Office for ETJ Member
- C. Oath of Office for Alternate Member
- D. Oath of Office for Alternate Member
- E. Appointment of Chair and Vice Chair
- F. Discussion and Overview of Zoning Ordinance Review

**VII. Public Comment**

**VIII. Adjournment**

**Town of Montreat  
Planning and Zoning Commission  
Meeting Minutes  
January 17, 2018 – 7:00 p.m.  
Walkup Building**

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Board members present: Chairman Bill Roberts  
Bill Scheu  
Mason Blake  
David Holcomb  
Dan Dean

Board members absent: None

Town staff present: Adrienne Isenhower, Zoning Administrator (via phone)  
Alex Carmichael, Town Administrator  
Angie Murphy, Town Clerk

Thirteen members of the public were present. Mr. Roberts called the meeting to order at 7:03 p.m., and led the group in a moment of silence.

**Agenda Approval**

Mr. Blake moved to adopt the agenda as presented. Mr. Scheu seconded and the motion carried 5/0.

**Meeting Minutes Adoption**

Mr. Scheu moved to adopt the September 27<sup>th</sup> and November 15<sup>th</sup> Meeting Minutes as presented. Mr. Dean seconded and the motion carried 5/0.

**Staff Communications**

There were no Staff Communications at this time.

**Public Comment**

There were no comments from the public.

**Old Business**

There was no old business to discuss.

**New Business**

A. Discussion of Time Change for Future Planning and Zoning Commission meetings: Chairman Roberts brought up a discussion about a meeting time change for future Planning and Zoning Commission meetings. Mr. Carmichael stated that although staff gets off work at 5:00 p.m. they are open to whatever the Commission suggests. Mr. Scheu moves to hold future meetings at 5:00 p.m. Mr. Dean seconded and the motion carried 5/0.

B. Discussion of the Schedule and Process for the Zoning Ordinance Review: Mr. Carmichael reviewed with the Commission that the Montreat Board of Commissioners had asked for a review of the Zoning Ordinance. The Board would like a report by the August 2019 meeting. Mrs. Isenhower stated there will be seven meetings to the process. This first meeting tonight is a public input session to allow the public to voice their concerns and suggestions. Mrs. Isenhower stated that this process will mainly focus on just the Zoning Ordinance at this time. The meetings are broken down categorically by the Zoning Ordinance rather than chronologically. Mrs. Isenhower reviewed the tentative schedule.

C. Public Input Session:

Mrs. Martha Campbell of 149 Maryland Place thanked the Commission for the work they have ahead of them. Mrs. Campbell reflected on two committees that she served on in the past and she hoped those reports would be available for this Commission for historical reference.

Mr. Wade Burns of 232 North Carolina Terrace stated that it seems in order to be effective that the Commission needs to look at two different perspectives: one as the homeowner and one as a lot owner that wants to be a homeowner. With every issue that arises comes the question of fairness: fairness to the Community and fairness to the property owner. Mr. Burns provided some exhibits that he prepared as Chairman of Planning and Zoning when he served. Mr. Burns felt that the Commission should balance fairness between the individual and the community. He posed the questions of where are the areas that prevent us from using property in a fair way and what are the areas we need to watch out for? Mr. Burns encouraged the Commission to not get lost "in the weeds".

Ms. Laura Wolfe of 324 Texas Road stated that she lived in the carriage house across from the playground in a 100 year old home on a non-conforming lot. She stated that next door to her a neighbor is building a modular home on a small steep narrow lot. Ms. Wolfe does not believe this home is in good character with the community. Ms. Wolfe mentioned a home in Maggie Valley that was built similar to her neighbors which was washed away in a landslide and as a result the ordinances ended up in a lawsuit. Ms. Wolfe stated that she has not read the Zoning Ordinance but would be interested in doing so.

Mr. Gil Campbell of 149 Maryland Place spoke on the subject of storm water in general. Due to the increased rainfall during the past 2-3 years there is lots more water appearing on a more regular

**Planning and Zoning Commission**  
**Meeting Minutes**  
**January 17, 2019**

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basis even on non-steep lots. Mr. Campbell stated that water is being directed out of lots onto roads and onto other lots. Mr. Campbell advised that the Commission needed to be very careful about storm water and water control. Mr. Campbell felt while fairness is important that creativity will also be a factor because people want to build in unbuildable places.

Mr. Richard DuBose of 160 Woodland Road/President of the MRA stated that the MRA owns more land than any other entity in the valley. Mr. DuBose thanked the Commission for taking the time to have these meetings. Mr. DuBose has become very familiar with the non-conformity of Montreat real estate. Mr. DuBose suggested that the Commission think about the long term implications of changes to the Zoning Ordinance.

Mr. John Hinkle of 121 Mecklenburg Circle stated that he served on Planning and Zoning for six years when they reviewed the ordinances previously and during that time only three people showed up to the meetings. Mr. Hinkle was encouraged to see participation this evening.

Mr. Scheu stated that he had started reading the Zoning Ordinance but had been bogged down by bad grammar among other things. Mr. Scheu questioned what the original template was that was used because he does not feel it is small town Western North Carolina. Mr. Scheu stated that he had asked Mrs. Isenhower for historical data to see if he could speak with the original Board of Commissioners who were in office during the original Zoning Ordinance adoption. Mr. Scheu does not want to just mark-up sentences but wants to make changes in an orderly fashion.

Mr. Blake stated that he would like to review and relate the Comprehensive Plan to the Zoning Ordinance.

Mrs. Judy Shuford of 613 Greybeard Trail stated that she had never been to a Planning and Zoning meeting before. She felt that the Town does a wonderful job with communication but was wondering if something could be designed to involve summer residents. Mrs. Shuford suggested a survey similar to the Town Hall survey.

Mr. Brad Hestir of 192 Mississippi Road recently came upon an official Montreat map from 1906. Mr. Hestir really hopes the commission takes into consideration the context of the ordinances: why they are here? He posed the question that maybe there are things that should not be thrown out. Mr. Hestir wonders if seven months will be enough time since the topics are terribly complex and there is a lot to consider. Mr. Hestir hopes that an ongoing attempt to include the public will be continued. Mr. Hestir also asked about the make-up of the Commission.

Mrs. Isenhower stated that the Board is a seven member board with two ETJ members. Cities and Towns have the option to implement their planning and zoning regulations within a mile of their boundaries. Montreat has three ETJs: there's no police, they do not collect taxes and the ordinances do not apply.

Mr. Dean suggested an introductory meeting because seven meeting in seven months is very daunting.

Mrs. Isenhower mentioned that it is only the Zoning Ordinance at this time that is being reviewed. She feels that another meeting might be beneficial for an overview. Mrs. Isenhower recommended keeping the schedule as it is for now with the next meeting being an overview.

**Public Comment**

There was no public comment at this time.

**Adjournment**

Mr. Blake moved to recess the meeting. Mr. Scheu seconded and the motion carried 5/0. The meeting was recessed at 8:04 p.m.

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Bill Roberts, Chair

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Angie Murphy, Town Clerk

MEMORANDUM

To: Planning and Zoning Commission  
From: Adrienne Isenhower, Zoning Administrator  
Re: Overview of Zoning Ordinance Review  
Date: February 14, 2019

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At the last Planning and Zoning Commission meeting we received feedback from several Town residents and had a brief discussion on the process for reviewing the zoning ordinance. There were many great ideas offered by the residents and commission members about the future of the Town on numerous topics from wayfinding signage to stormwater management. There is a shared appreciation for the Town of Montreat and a desire to sustain its character and beauty for future generations. The participation is very much appreciated and hopefully we can put some of these ideas into action.

I wanted to take a step back and focus on the task requested of us by the Board of Commissioners so we do not get overwhelmed in our efforts and are able to focus on our main topic of zoning. This meeting is meant to be an overview of basic zoning principles and the review of our current ordinance. The documents listed below are included for your review prior to the meeting that will hopefully give you a better idea of the task at hand.

- Ordinance Review Schedule – This schedule provides more detail on what will be reviewed at each meeting.
- Basic Zoning Concepts – This document includes basic zoning concepts we will be discussing during this review. Much of the information came from the UNC School of Government.
- Ordinance Comparison Examples – This document provides example comparisons to similar ordinance sections of other municipalities. The four example jurisdictions chosen are Seven Devils, Mars Hill, Biltmore Forest and Webster.

Please review these documents prior to the meeting and come prepared to discuss the schedule, our approach to this review, and basic zoning questions you may have. It would be helpful to identify municipalities with similarities to Montreat we could reference for comparison. The four listed above are simply for example purposes.

Let me know if you have any thoughts or questions. I look forward to seeing everyone next week!

**Meeting #1**

Review of General Provisions – Article VI (Section 600-632)

Definitions A-D

**General Requirements**

Compliance with the Zoning Ordinance  
Lot Reduction Prohibited  
Street Access  
Lot area, height and density  
One Principle Building per Lot  
Corner and Double Frontage Lots  
Special Front Yard Requirements  
Uses of Right  
Land Covenants  
Minimum Regulations/Most Restrictive Applies  
Unregistered Vehicles  
Nuisances and Hazards at Building Sites  
Slopes and Drainage  
Construction in the Right-of-Way  
Driveway Connections

**Specific Requirements**

Accessory Buildings  
Non-conformities  
Manufactured Homes  
Parking/Storage of Recreational Vehicles  
Landscaping Requirements  
Fences

**Meeting #2**

Review of Parking and Loading – Article IX (Section 900-907)

Signs – Article X (Section 1000-1006.4)

Definitions E-I

**Parking and Loading**

Off-street parking and Loading  
Driveway Widths  
Surfacing and Curbing  
Signage  
Landscaping  
Bicycle Parking

**Signs**

Area, Height and Setback Requirements  
Prohibited, Exempt and Required Signs  
Ground signs, wall signs, etc.  
Non-conforming signs  
Signs allowed by zoning district

**Meeting #3**

Zoning District Regulations – Article VII (Section 700-710)

Purpose – Article III

Establishment of Zoning Districts - Article IV (Section 400-403)

Definitions J-P

**Zoning District Regulations**

Review of Residential Districts (R1, R2, R3)  
Lot Area, Lot Width, Setbacks, Building Height  
Permitted Uses Table

**Purpose/Establishment of Zoning Districts**

Purpose of Zoning Ordinance  
District Boundaries  
Rules for Interpretation

**Meeting #4**

Zoning District Regulations - Article VII (Section 700-710)

Definitions R-Z

**Zoning District Regulations**

Review of All Other Districts (I, IR, WL, CD, Overlay Districts)  
Permitted Uses  
Lot Area, Lot Width, Setbacks, Building Height

**Meeting #5**

Conditional Uses Article VIII (Section 800-802)

Planning and Zoning Commission, Article XI (Section 1100-1102)

Zoning Board of Adjustment, Article XII (Section 1200-1207)

Amendments, Article XIII (Section 1300-1303)

**Conditional Uses**

Purpose, Standards for  
Approval, Application  
Procedure

**P&Z Commission**

Representation,  
Proceedings, Power  
and Duties

**Board of Adjustment**

Representation,  
Proceedings, Appeals,  
Variances, Powers and  
Duties, Application  
Procedure

**Amendments**

Procedure, Zoning  
Ordinance and Map  
Amendments

**Meeting #6**

Recommendations and Report

**What is Zoning?**

A power of the State delegated to cities and counties to create districts with specific rules on land use which define how permitted uses can be carried out.

**What is the content and structure of a zoning ordinance?**

1. Text and Map - The map is part of the ordinance and portrays the districts explained in the text. The text defines the districts, describes rules that apply to development and the structure for enforcing the rules.
2. Districts and Uniformity - Local governments may create as many districts as deemed necessary and the rules for each district are uniform to all lots in that district. The rules generally include setback requirements, lot sizes, and structure height.
3. Use Regulation – Generally, the ordinance will specify three standards for each district: permitted uses, prohibited uses, and conditional uses.
4. Other Standards – Zoning ordinances also include standards for all lots regarding landscaping, parking and loading, and signs.

**Who are the key players in zoning?**

Board of Commissioners	Planning and Zoning Commission	Board of Adjustment	Town Staff
Responsible for making final policy decisions, amending ordinances, and making appointments for advisory and quasi-judicial boards	Responsible for providing advice to government board on zoning issues, reviewing all proposed ordinance amendments, and review of conditional use permits. The Commission must be comprised of 3 or more members and all members are appointed by governing board.	Responsible for interpreting and applying standards. Hears and decides upon all appeals, variances, and conditional use permits. The Board must include at least 5 members with set 3-year terms.	Responsible for inspections, drafting ordinances, processing permits, keeping records of advisory and quasi-judicial board activity.

**What are the types of districts?**

**Conventional** – Typical zoning districts with permitted uses and conditional uses such as residential, office-institutional or business.

**Overlay** – Zones with special requirements in addition to conventional district requirements.

**Conditional** - Two types. Both only implemented at the request of the property owner.

1. Conditional Use District – No permitted uses, all development requires a conditional use permit.
2. Conditional Districts – Purely legislative with site specific plans and conditions incorporated into the ordinance.

**What types of decisions are made? (Handout Included)**

Legislative – These decisions involve adopting, amending, or repealing the ordinance. The final decisions are made by the governing board and require broad public notice and hearing requirements due to impact on the public. Example: rezoning an individual parcel and amending the zoning map or changing the requirement of planning board members from 7 to 5.

Quasi-Judicial – These decisions include variances, conditional use permits and appeals. Involves strict procedural requirements to protect legal rights of parties involved. These decisions involve applying requirements to individual situations.

Advisory – An example is the planning board providing advice to the governing board on the zoning ordinance. No final decision is made but the work is necessary to the successful decisions of the governing board.

Administrative – These decisions are made by staff and include zoning permits, ordinance interpretation, and enforcement.

**What is the Extraterritorial Jurisdiction (ETJ)?**

A power granted by the General Assembly in 1959 giving municipalities the authority to apply their land use ordinances to unincorporated areas just outside their corporate limits. For cities with a population under 10,000, the extraterritorial jurisdiction may be up to a mile from the corporate limits boundary. The ordinances applied to this area fall under N.C.G.S Article 19 of Chapter 160A, Planning and Regulation of Development. Regulations adopted under the general ordinance-making power are under the jurisdiction of the county.

**What is a Conditional Use Permit?**

A permit for uses not automatically permitted but allowed if certain conditions are met. Decision on these permits is quasi-judicial so the requests are heard by the Board of Adjustment. There are typically five general standards incorporated into the zoning ordinance. They are that the project:

1. Not materially endanger the public health and safety
2. Meet all required conditions/specifications
3. Not substantially injure the value of adjacent property
4. Be in harmony with the surrounding neighborhood
5. Be in general conformance with adopted plans

**What is a variance?**

A mechanism for property owners to seek relief from strict application of the ordinance. These decisions are quasi-judicial so they are heard by the Board of Adjustment. The applicant must present an unnecessary hardship caused by strict application of the ordinance. NC General Statutes dictate the standards for which an unnecessary hardship must follow. The hardship must result from strict application of the ordinance, the hardship must result from site specific conditions peculiar to the property, the hardship cannot have been created by the property owner, and the hardship cannot be based on personal circumstances.

**What is a non-conformity?**

A use, a lot, or a structure that was in place prior to adoption of the zoning ordinance and does not comply with the requirements of the ordinance. Most ordinances allow non-conformities to continue but may place limits on them. For example, an ordinance may state a non-conforming building may not be expanded or enlarged. It is important to note that restrictions on non-conformities are enforceable, but if questions ever arise, courts generally decide in favor of continued use of the building, lot, or use.

Purpose

**Town of Montreat**

This Ordinance shall be enacted for the purposes of promoting the health, safety, morals and general welfare of the inhabitants of the Town of Montreat, North Carolina; facilitating the adequate provision of transportation, sewerage, water, schools, parks, and other public improvements; regulating the location and uses of Buildings, Structures and land for trade, industry, residence or other purposes; regulating the height and number of stories of Buildings, and the size of yards and open spaces surrounding Buildings; regulating the density of population; and dividing the Town into Districts of such number, shape and area as may be best suited to carry out the purposes.

**Town of Seven Devils**

In accordance with North Carolina G.S. 160A-383, the Town Council affirms that adopting this Ordinance is consistent with the adopted Town of Seven Devils Comprehensive Land Use Plan. The Council considers periodically reviewing, updating and revising the Ordinance to be reasonable and in the public interest.

General Provisions – Corner Lots

**Town of Montreat**

Corner Lots. Any Structure on any corner lot shall comply with the minimum setback (front yard) requirements of the street which it faces, and shall comply with fifty percent (50%) of the minimum front yard setback requirements on any other street which the corner lot abuts. The yard opposite the designated front yard shall meet the minimum rear yard requirements and the remaining yard shall meet the minimum side yard requirements.

Where a Structure faces a corner formed by two (2) streets having different setback requirements, the Structure shall comply with the more restrictive requirements. In case of doubt as to which street a Structure faces, or if a Structure is built so as not to face any street, the Zoning Official shall determine which setback, side yard and rear yard requirements apply.

**Town of Mars Hill**

Corner Lots – In any residential district the side yard requirements for corner lots along the side street line shall have an extra width of ten feet (10'). Accessory buildings shall observe all setback requirements as required in each district.

Signs

**Town of Montreat**

Sign Setback Requirements. No projecting portion of any free-standing sign may be located closer than two feet (2') to any vehicular or pedestrian traveled way. For the purposes of this Ordinance, house numbers and nameplates shall be exempt from this setback requirement.

**Town of Mars Hill**

Sign Setback Requirements – No portion of any free standing sign may be located closer than ten feet (10') to any street right-of-way except in the C-1 and C-2 districts. Setbacks in the C-1 and C-2 districts shall be no closer than five feet (5') to any street right-of-way. No portion of any free standing sign shall be located any closer than twelve feet (12') to any side or rear property line. No sign shall be located in such a manner as to constitute a traffic or safety hazard.

General Provisions – Accessory Structures

**Town of Montreat**

- 1) Accessory buildings shall not be used as a dwelling unit.
- 2) In residential zoning districts, no more than two (2) accessory buildings or uses shall be permitted per lot.
- 3) Accessory buildings larger than six hundred (600) square feet including entrance and/or outside covered areas and/or exceed ten (10) feet in height at eave line shall be permitted by Conditional Use permit only.
- 4) Accessory buildings or uses must meet the minimum setbacks required by the respective zoning district. Garages shall be located only in the side or rear yards and must meet the minimum setbacks required by the respective zoning district except under the provisions found in Section 612.2.
- 5) Accessory buildings with any dimension greater than twelve feet (12') must meet the provisions of current NC State Residential Building Code.

**Town of Mars Hill**

Number of Accessory Buildings – In residential districts, no more than two (2) accessory buildings or uses shall be permitted per lot, except for farm enterprises.

Location of Accessory Buildings – Accessory buildings shall be located only in side or rear yards for non-corner residential lots. On corner lots accessory buildings shall be located a minimum of twenty-five feet (25') from any street right-of-way.

Lot Coverage – Accessory buildings shall not cover more than thirty percent (30%) of the required side or rear yard.

Parking and Loading

**Town of Montreat**

Single and Two-Family Residential. The total number of required parking spaces for residential structures shall be calculated by considering both heated square footage and sleeping accommodations (bedrooms) provided, and shall be the greater of the two. The number of parking spaces based on square footage is as follows: Two (2) spaces required per dwelling unit up to 2000 square feet. One (1) additional space required for each additional 500 square feet above 2000. For existing residential structures out of compliance with this Ordinance, one (1) additional parking space shall be required for each 500 square feet that is added to the structure. The number of parking spaces based on bedrooms is as follows: For dwelling units there shall be one (1) parking space for each bedroom. For existing residential structures out of compliance with this Ordinance, one (1) additional parking space shall be required for each bedroom that is added to a structure.

**Town of Webster**

Any residential use consisting of one or more dwelling units: Two spaces for each dwelling unit

Nonconforming Lots

**Town of Montreat**

If a non-conforming vacant lot adjoins one or more lots in the same ownership at any time since November 14, 1985, then the provisions of this Section shall not apply to such non-conforming vacant lot until the owner of the non-conforming vacant lot combines the non-conforming vacant lot with the adjoining lot or lots to create one lot. The intent of this Subsection is to require non-conforming lots to be combined with other lots to create conforming lots under the circumstances specified herein; and All other minimum requirements for the zoning district in which the non-conforming vacant lot is located must be met or a variance obtained from the Zoning Board of Adjustment.

**Town of Webster**

Non-conforming Lots: Any single lot that does not meet the minimum density and set-back requirements described in Section 3.1.2 and 3.1.3 may nevertheless be used as a building site provided that the lot was in existence at the time of the adoption of this ordinance, or, alternatively, complied with the single family site density requirements of the ordinance in effect at the time it was recorded, as evidenced by a recorded plat or as described in a conveyance recorded among the public records of Jackson County.

Zoning District Regulations

Low Density Residential

<b>Town of Montreat</b>	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Lot Width	Maximum Height	Max. Lot Coverage	Min. Lot Size
	30 feet	15 feet	20% mean lot depth (<35')	75 feet	35 feet	N/A	10,000 square feet

<b>Town of Seven Devils</b>	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Lot Width	Maximum Height	Max. Lot Coverage	Min. Lot Size
	30 feet	15 feet	15 feet	100 feet	35 feet	25%	1 acre

Medium Density Residential

<b>Town of Montreat</b>	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Lot Width	Maximum Height	Max. Lot Coverage	Min. Lot Size
	30 feet	10 feet	20% mean lot depth (<35')	60 feet	35 feet	N/A	8,000 square feet

<b>Town of Biltmore Forest</b>	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Lot Width	Maximum Height	Max. Lot Coverage	Min. Lot Size
	50 feet	15 feet	20 feet	100 feet	40 feet	Depends on acreage	20,000 square feet