Town of Montreat Planning and Zoning Commission Meeting Agenda February 20, 2020 – 10:30 a.m. Walkup Building

- I. Call to Order
 - Welcome
 - Moment of Silence/Invocation
- II. Agenda Adoption
- **III.** Minute Adoption
 - A. February 6, 2020 Meeting Minutes
- IV. Old Business
- V. New Business
 - A. New Ordinance Sections
 - 1. Draft: Article IV Establishment of Zoning Districts
 - 2. Draft: Article V Zoning District Regulations
 - B. Future Topics Next Meeting, March 5, 2020
 - 1. Current Parking Regulations Discussion
 - 2. Current Sign Regulations Discussion
- VI. Public Comment
- IX. Adjournment

Town of Montreat Planning and Zoning Commission Meeting Minutes February 6, 2020 - 10:30 a.m. Walkup Building

Board members present: Bill Scheu

Allen Crawford Sally Stancil Mason Blake Wade Burns Dan Dean Bill Roberts

Board members absent: David Holcomb

<u>Town staff present</u>: Angie Murphy, Town Clerk

Adrienne Isenhower, Zoning Administrator

Stuart Bass, Regional Planner, Land-of-Sky Regional Council

Four members of the public were present. Mr. Scheu called the meeting to order at 10:30 a.m., and led the group in a moment of silence.

Agenda Approval

Mr. Blake moved to adopt the agenda as presented. Mr. Burns seconded and the motion carried 7/0.

Meeting Minutes Adoption

Mr. Dean moved to approve the minutes as amended. Mr. Blake seconded and the motion carried 7/0.

Old Business

A. <u>Discussion and Review: Accessory Dwelling Units:</u> Mr. Bass led a discussion about accessory dwelling units (ADUs). Mr. Bass stated there was nothing in the ordinance currently for ADUs and reviewed a proposed definition that was discussed at the January meeting. The proposed procedure would be approval by a special use permit with some situational standards as well. Mr. Blake moved to approve the definition of ADUs. Ms. Stancil seconded and the motion carried 7/0.

Mr. Scheu briefly discussed Mr. Dixon Cunningham's home on Quillan Lane. Mr. Cunningham wants to build an additional room and a hallway onto the left and he would be in the side setback. Mrs. Isenhower stated that by extending any part of the house into the side setback

would not be allowed by ordinance and Mr. Cunningham would have to prove a hardship and go for a variance in front of the Board of Adjustment.

The Commission then discussed General Provisions Article 1. After a few typographical changes Mr. Dean moved to approve General Provisions Article 1 as presented thus far. Mr. Burns seconded and the motion carried 6/0. The next topic was Definitions: Article 2. The only comments were to make sure they were put in order alphabetically. Mr. Dean moved to approve Definitions: Article 2 as presented thus far. Mr. Burns seconded and after a few typographical changes the motion carried 6/0. The next topic was Administrative Provisions. Mr. Burns moved to approve Administrative Provisions. Mr. Dean seconded and with a few typographical changes the motion carried 6/0. The next topic was Conditional Zoning Usage District. Ms. Stancil moved to approve Conditional Zoning Usage District thus far. Mr. Burns seconded and the motion carried 6/0. The next topic was Planned Unit Development District. After some typographical changes Ms. Stancil moved to approve as presented thus far. Mr. Blake seconded and the motion carried 6/0.

New Business

111	
None	
The next meeting will be held on February 20th	1.
<u>Adjournr</u>	<u>nent</u>
Mr. Blake moved to adjourn the meeting. Ms. Smeeting was adjourned at 12:25 p.m.	Stancil seconded and the motion carried 6/0. The
Bill Scheu, Chair	Angie Murphy, Town Clerk

Planning and Zoning Commission Meeting Minutes February 6, 2020

TOWN OF MONTREAT

ZONING ORDINANCE

ARTICLE IV - ESTABLISHMENT OF ZONING DISTRICTS

- 400 <u>Jurisdiction</u>. The provisions of this Ordinance shall be applicable to all property within the town limits of Montreat, North Carolina and within the Town's Extraterritorial Jurisdiction.
- 401 <u>Establishment of Districts</u>. For the purposes of this Ordinance, the Town of Montreat is divided into Zoning Districts as follows:

R-1: Low Density Residential District

R-2: Medium Density Residential District

R-3: Low Density Residential District

I/R: Institutional/Residential District

I: Institutional District

WL: Woodlands District

TCO: Town Center Overlay District

RPO: Ridge Protection Overlay District

CD: Conservation District

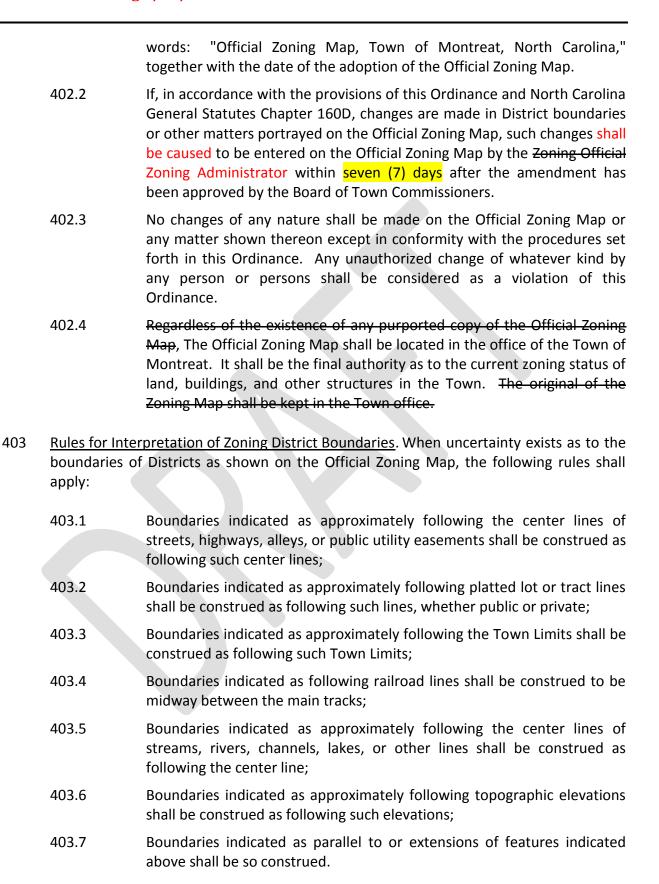
PUD: Planned Unit Development District

In addition to the general zoning districts delineated above, a Conditional Zoning District (bearing the designation CZ) corresponding to the general use zoning districts may be established as authorized in this ordinance. Accordingly, the following conditional zoning districts may be designated upon approval by the Board of Commissioners of a petition to establish a conditional zoning district:

R-1: (CZ) Low Density Residential District
R-2: (CZ) Medium Density Residential District
R-3: (CZ) Low Density Residential District
I/R: (CZ) Institutional/Residential District

I: (CZ) Institutional District

- 402 <u>District Boundaries</u>. The boundaries of the above Zoning Districts are hereby established as shown on the Official Zoning Map of the Town of Montreat, North Carolina, which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
 - 402.1 The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the Seal of the Town under the



Where a District boundary appears to divide a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale on the map. In the event that a District boundary line on the Zoning Map divides a platted lot held in one ownership on the date of passage of this Ordinance, the District requirements for the least restrictive portion of said lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such lot more than thirty-five feet (35') beyond the District boundary line;

If the boundary location cannot be resolved according to any of the above criteria, the Board of Adjustment shall interpret the intent of the map as to the location of District boundaries.



ARTICLE V - ZONING DISTRICT REGULATIONS

500 <u>Permitted Uses Table.</u>

- 500.1 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.
- 500.2 When shown with an S asterisk (*), the use is permitted only as a "Conditional Special Use Permit" 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 CATEGORY	PERMITTED USES								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	тсо
RESIDENTIAL									
Single Unit Dwelling	Р	Р	Р	Р					р
Two Unit Dwelling (Duplex)	Р	Р	Р	Р					S
Multi-Unit Dwelling		S		Р					S
Dormitory					Р				Р
Family Care Homes	Р	Р	Р	Р					Р
Group Care Facility (Nursing Homes, Rest Homes, Congregate Care, and Similar Facilities.)				S	Р				
Manufactured Home, Class A	Р								
Manufactured Home, Class B	S								
ACCESSORY USES AND STRUCTURES	S								
Accessory Buildings or Uses	Р	Р	Р	Р	Р				Р
Accessory Dwelling Unit	S	S	S	S					S
Home Occupation	Р	Р	Р	Р					Р
Studios	S	S	S	Р					
Swimming Pools, Private	Р	Р	Р	Р	Р				Р

USE CATEGORY	PERMITTED USES								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	тсо
PUBLIC & INSTITUTIAL									
Auditorium				Р	Р				Р
College				Р	Р				Р
Conference Center				S	Р				Р
Churches				S	Р				Р
Columbarium				S	S				S
Community Facility		S		S	Р				Р
Educational Facility				Р	Р				Р
Libraries, Public				Р	Р				Р
Municipal Government Facilities				Р	Р				Р
Museums, Public				Р	Р				Р
Parks or other Public Recreational Facilities	S	S	S	S	S	S		S	S
Public Works Maintenance Facility	S	S	S	Р	Р				Р
Commercial									
Bed and Breakfast		S		S					
Boarding Houses		S		S	Р				Р
Camps, Summer						S			Р
Campgrounds						S			
Convenience Store				S	S				
Day Care, Home	S	S							
Day Care Center				S	Р				
Drug Stores and Pharmacies				S	Р				Р
Eating Establishments (Excluding Drive-ins)				S	Р				Р
General Merchandise and Sales Retail				Р	Р				Р

USE CATEGORY	PERMITTED USES								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	тсо
Hospitals				S	S				S
Inn				S	Р				Р
Lodge				S	Р				Р
Professional Offices, including but not limited to medical, dental, law, or real estate				S	P				Р
Professional Services				Р	Р				
Riding Stables						S			
Swimming Pools, Public				S	S				S
Theaters, Privately Operated					S				S
Theaters, Public Outdoor					S				S
Other									
Agriculture excluding logging and timber harvest						Р	Р	S	
Telecommunication Tower					S				S

501 R-1 Residential Districts.

501.1 <u>Purpose</u>. 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 prohibited.

- 501.2 <u>Permitted Uses</u>. See Section 500.
- 501.3 Special Uses. See Section 500 and Article VIII.
- 501.4 Minimum Lot Area.
 - Ten thousand (10,000) square feet for all Single-family Dwellings.
 - Fifteen thousand (15,000) square feet for Two-family Dwellings.
 - Fifteen thousand (15,000) square feet for other uses.
- 501.5 <u>Minimum Lot Width</u>. Seventy-five feet (55').
- 501.6 Minimum Lot Depth. One hundred feet (100').
- 501.5 Minimum Front Yard. Thirty feet (30').
- 501.8 Minimum Side Yard.
 - 501.81 Single-family and Two-family Dwelling Units: Fifteen feet (15')
 - 501.82 All Other Uses: Twenty-five feet (25').
 - 501.82 Lots abutting Woodland District: 10 feet (10')
- 501.9 <u>Minimum Rear Yard</u>. 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').
 - 501.91 Lots abutting Woodland District: 10 feet (10')
- 501.10 Maximum Building Height. Thirty-five feet (35').
- 501.11 Off-Street Parking and Loading Regulations. See Article IX.
- 501.12 Accessory Buildings. See Section 612 and 500.
- 501.13 Signs. See Article X.

Water System and Sewerage Disposal System Approval Required. The Zoning Administrator 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. NOTE: Not appropriate for a zoning ordinance. Governed by town utility and MSD regulations and policies.

502 <u>R-2 Residential Districts.</u>

- 502.1 <u>Purpose</u>. 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.
- 502.2 <u>Permitted Uses</u>. See Section 500.
- 502.3 Special Uses. See Section 500 and Article VIII.
- 502.4 Minimum Lot Area.
 - 502.41 Eight thousand (8,000) square feet for all Single-family Dwellings.
 - 502.42 Twelve thousand (12,000) square feet for all Two-family Dwellings.
 - 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).
 - Twelve thousand (12,000) square feet for all other uses.
- 502.5 Minimum Lot Width. Sixty feet (60').
- 502.6 Minimum Lot Depth: One hundred feet (100').
- 502.5 Minimum Front Yard. Thirty feet (30').
- 502.8 Minimum Side Yard.
 - 502.81 Single-family Dwellings: Ten feet (10').
 - 502.82 All Other Uses: Twenty feet (20').
 - Lots abutting Woodland District: Ten feet (10').
- 502.9 <u>Minimum Rear Yard</u>. Twenty percent (20%) of the mean lot depth, provided that such rear yards used for dwellings need not exceed thirty feet (30').
 - 502.91 Lots abutting Woodland District: 10 feet (10')
- 502.10 Maximum Building Height. Thirty-five feet (35').
- 502.11 Off-Street Parking and Loading Regulations. See Article IX.

502.12 Accessory Buildings. See Section 612 and 500.

502.13 Signs. See Article X.

503 R-3 Residential District.

- 503.1 <u>Purpose</u>. 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.
- 503.2 <u>Permitted Uses</u>. See Section 500.
- 503.3 Special Uses. See Section 500 and Article VIII.
- 503.4 Minimum Lot Area.
 - Twenty thousand (20,000) square feet for all Single-family Dwellings.
 - Thirty thousand (30,000) square feet for Two-family Dwellings.
 - Thirty thousand (30,000) square feet for all other uses.
- 503.5 Minimum Lot Width. Seventy-five feet (55').
- 503.6 Minimum Lot Depth. One hundred feet (100').
- 503.5 Minimum Front Yard. Thirty feet (30').
- 503.8 Minimum Side Yard.
 - 503.81 Single-family and Two-family Dwelling units: Fifteen (15) feet.
 - 503.82 All Other Uses: Twenty-five (25) feet.
 - Lots abutting Woodland District: 10 feet (10')
- 503.9 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.
 - 503.91 Lots abutting Woodland District: 10 feet (10')
- 503.10 Maximum Building Height. Thirty-five feet (35').
- 503.11 Off-Street Parking and Loading Regulations. See Article IX.
- 503.12 Accessory Buildings. See Section 612 and 500.

503.13 Signs. See Article X.

SO3.14 Water System and Sewerage Disposal System Approval Required. The Zoning Administrator 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. Again, not appropriate for a zoning ordinance. Governed by town utility and MSD regulations and policies.

504 <u>I/R Institutional/Residential District.</u>

- 504.1 <u>Purpose</u>. 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.
- 504.2 Permitted Uses. See Section 500.
- 504.3 Special Uses. See Section 500 and Article VIII.

504.4 Minimum Lot Area.

504.41	Single-family Dwellings.	Six thousand (6,000) square feet.
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- Two-family Dwellings. Ten thousand (10,000) square feet.
- 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).
- Ten thousand (10,000) square feet for all other uses.

504.5 Minimum Lot Width.

504.51	Single-family I	Dwellings.	Sixty-five feet (65').
504.52	Two-family D	wellings.	Eighty feet (80').
504.53	Multi-family D	Wellings.	One Hundred feet (100').
504.54	Other uses.	One Hundred	feet (100') at front Building line.

- 504.6 Minimum Lot Depth. One Hundred feet (100').
- 504.5 Minimum Front Yard. Twenty-five feet (25').
- 504.8 Minimum Side Yard.
 - 504.81 Interior Side. Twelve feet (12').
 - 504.82 Street side at corner lot. Seventeen and one-half feet (15.5').
- 504.9 Minimum Rear Yard. Twenty-five feet (25').
- 704.10 <u>Maximum Building Height</u>. 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.
- 504.11 Off-Street Parking and Loading Regulations. See Article IX.
- 504.12 <u>Screening Regulations</u>. It shall be the responsibility of the property owner or lessee to provide the following screening measures:
 - 504.121 Like or similar uses abutting each other in different Districts: None.
 - 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.
 - 504.13 Signs. See Article X.
- 505 <u>I Institutional.</u>
 - 505.1 <u>Purpose</u>. The Institutional Zoning District is established to permit certain institutional uses as defined in Article V, Definitions, <u>Educational Facility</u>.
 - 505.2 <u>Permitted Uses</u>. See Section 500 and Article V, Definitions, <u>Educational</u> Facility.
 - 505.3 Special Uses. See Section 500 and Article VIII.
 - 505.4 Minimum Lot Area. Seven thousand five hundred (5,500) square feet.
 - 505.5 Minimum Lot Width. Seventy-five feet (55').
 - 505.6 Minimum Lot Depth. One hundred feet (100').
 - 505.5 <u>Yard Requirements</u>.
 - 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.

- 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.
- 505.8 <u>Maximum Building Height</u>. 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.
- 505.9 Off-Street Parking and Loading Regulations. See Article IX.
- 505.10 <u>Screening Regulations</u>. It shall be the responsibility of the property owner or lessee to provide the following screening measures:
 - 505.101 Like or similar uses abutting each other in different Districts: None.
 - 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.

505.11 <u>Signs</u>. See Article X.

- 506 <u>WL Woodland District</u>. 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.
 - 506.1 <u>Purpose</u>. 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.
 - 506.2 Permitted Uses. Agricultural uses and enterprises. (See Section 500).
 - 506.3 Special Uses. See Section 500.
- 505 <u>RPO Ridge Protection Overlay District</u>. 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.
 - 505.1 <u>Purpose</u>. 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.

- 505.2 <u>Permitted Uses</u>. Agricultural uses and enterprises except logging and timber harvest. (See Section 500.)
- 505.3 Special Uses. None allowed.
- 508 <u>TCO Town Center Overlay District</u>. That core area centered on Lake Susan which encompasses the majority of seasonal, community activity and Institutional facilities and uses 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(s). In case of conflict between the requirements of this section and any other law or regulation the more stringent provision shall apply.
 - 508.1 <u>Purpose</u>. This Zoning District is established to support and encourage specific permitted uses representative of the core Institutional and Institutional/Residential Districts of Town. The Town Center of Montreat contains many significant historical buildings and other architectural features of interest. These touchstones define the unique character and rich heritage that residents and visitors alike have come to cherish.
 - 508.2 Permitted Uses. See Section 500.
 - 508.3 Special Uses. See Section 500.
 - 508.4 Signs. See Article X (Note Section 1005.26 specific provisions).
- 509 <u>CD Conservation District</u>. 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.
 - 509.1 <u>Purpose</u>. 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.
 - 509.2 Signs. See Article X, Section 1004.9.

510 Lot Requirements Summary Table.

Zoning District and Use	Minimu	ım Lot Dimensio	ons	Minim	ick			
	Size	Width	Depth	Front	Side	Rear		
	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)		
R-1								
Single Family, Group	10,000	55	100	30	15	**		
Two Family	15,000	55	100	30	15	**		
Other uses	15,000	55	100	30	25	**		
R-2								
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	**		
Side and rear yard set	backs for lots in	n R-1, R-2, and R-3	District al	outting Woodla	nd District: 10 fee	et (10')		
R-3 (septic)								
Single Family	20,000	55	100	30	15	**		
Two Family	30,000	55	100	30	15	**		
Other uses	30,000	55	100	30	25	**		
I/R								
Single Family	6,000	65	100	25	12/15.5	25		
Two Family	10,000	80	100	25	12/15.5	25		
Multifamily***	15,000	100	100	25	12/15.5	25		
Other uses	10,000	100	100	25	12/15.5	25		
				interior/corner				
l								
All permitted uses	5,500	55	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.

