

**Town of Montreat  
Planning and Zoning Commission  
Meeting Agenda  
May 26, 2020 – 10:30 a.m.  
Walkup Building and Zoom Attendance**

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**I. Call to Order**

- Welcome
- Moment of Silence/Invocation

**II. Agenda Adoption**

**III. Minute Adoption**

- A. May 12, 2020 Meeting Minutes

**IV. Old Business**

- A. Ordinance Review Sections

1. Definitions – Continued Discussion and Tentative Finalization
2. Finalize Signage Regulation – Clarification (Note: Signage was discussed at the last regularly held Planning Board meeting on March 5<sup>th</sup>).
3. Parking Regulations – Discussion/Review
4. Where are we?      Review: Current Status of Zoning Ordinance Changes.  
Note: Attached is a Draft Table of Contents to aid in the discussion).

**V. New Business**

1. Remaining Work
  - a. Remainder of Zoning Ordinance
    - i. Development Provisions – Article VI
  - b. Steep Slope and Stormwater Regulations
2. Review Setbacks – Discussion

**VI. Public Comment**

**VII. Discussion: Next Meeting Dates**

**VIII. Adjournment**

**Town of Montreat  
Planning & Zoning Commission  
Meeting Minutes  
May 12, 2020 – 10:30 p.m.  
Walkup Building & Zoom**

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Board members present: Wade Burns  
Mason Blake  
Dan Dean  
Bill Scheu  
David Holcomb (via Zoom)

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator  
Adrienne Isenhower, Zoning Administrator  
Stuart Bass (via Zoom)

No members of the public were present but two members were watching via Zoom. Mr. Scheu called the meeting to order at 10:30 a.m., and led the group in a moment of silence.

**Agenda Approval**

Wade Burns moved to allow virtual participation by Zoom. Dan Dean seconded and the motion carried 4/0. Mason Blake moved to adopt the agenda as presented. Dan Dean seconded and the motion carried 4/0.

**Meeting Minutes Adoption**

The March 5, 2020 minutes were adopted without alteration by Dan Dean with a second by Mason Blake. The motion carried 4/0.

**Old Business**

**A. Ordinance Review Sections:**

**1. Review Article II Definitions – Discussion**

Section 201: Accessibility Features. Mason Blake suggested changes in order to read more smoothly. There were some minor capitalization issues throughout the entire document. Mason Blake suggested capitalizing defined terms more uniformly. Dan Dean suggested under “Building” to strike “...and isolated by exterior walls..”. Under “Buffer” Mason Blake suggested adding the verbiage “or vegetative area”. Bill Scheu suggested keeping the definition for Day Care Center but asked Mrs. Isenhower and Mr. Bass to

look at the statutes regarding adult day care. There was a lengthy discussion about decks in which Mason Blake asked Mr. Bass to draft new definition. Bill Scheu suggested adding “elevated” before structural in first line as well as adding setback language. Under “dormitory” it was suggested to add “..or conference center staff”. Dan Dean was assigned the task of defining “dwelling” and “family” definitions for the next meeting. Mason Blake suggested changes to “floor area” with regards to gross and net. Under “Convenience Stores” Mr. Bass will review stock definitions. “Natural Grade” will require some work from Mrs. Isenhower and Mr. Bass on the definition. Mr. Bass and Mrs. Isenhower will incorporate Mason Blake and Dan Dean’s changes in non-conformities. It was suggested to remove the “regulated tree definition” and review with Mr. Bass. Under “wayfinding” the commission wants to review Bill Robert’s comments.

The next meeting will be held May 26<sup>th</sup> at 10:30 a.m.

**Public Comment**

There was no Public Comment.

**Adjournment**

Mason Blake moved to adjourn the meeting. Dan Dean seconded and the meeting was adjourned at 12:00 p.m.

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Bill Scheu, Chair

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Angie Murphy, Town Clerk

## **Montreat P and Z Committee**

### **Proposed Language**

#### **Article II. Definitions**

**Dwelling:** Any Building, or portion thereof, containing sleeping, kitchen and bathroom facilities, and which is designed and/or used for living and sleeping purposes for one or more Families.

**Dwelling Unit:** A Dwelling designed and used, or held ready for use, as a permanent, separate residence for one (1) Family only.

**Dwelling, Single-Family:** A single, detached Building, other than a Manufactured Home, containing one (1) Dwelling Unit.

**Dwelling, Two-Family (Duplex):** A single, detached Building, other than a Manufactured Home, containing two (2) separate Dwelling Units.

**Dwelling, Multi-Family:** A single, detached Building, other than a Manufactured Home, containing three (3) or more separate Dwelling Units,

**Family:** One or more persons living together as a single housekeeping unit; provided, however, that unless all such persons are related by blood, adoption, marriage, legal guardianship or other such legal family relationship, then such housekeeping unit shall contain no more than four (4) unrelated persons, unless specifically allowed by other provisions of this ordinance.

**ARTICLE II – DEFINITIONS**

200 Interpretation of Certain Words or Terms. Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms used herein are defined as follows:

200.1 Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular;

200.2 The word "shall" is always mandatory;

200.3 The word "may" is permissive;

200.4 The word "Lot" includes the word "plot" or "parcel";

200.5 The word "person" includes a firm, association, organization, partnership, trust company, limited liability company, or corporation as well as an individual;

200.6 The word "used" or "occupies" as applied to any land or Building shall be construed to imply that said land or Building is actually "arranged" or "designed" to be used or occupied;

200.7 The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Montreat, North Carolina;

200.8 The term "Planning Commission" refers to the Montreat Planning and Zoning Commission. The terms "Town Commissioners" "Town Board of Commissioners" or "Mayor and Town Commissioners" refer to the legally constituted and elected governing body of the Town of Montreat. The term "Board of Adjustment" refers to the Zoning Board of Adjustment for the Town of Montreat.

201 Definitions.

Accessibility Feature: ~~An separate structure or attached Building appurtenance, or any combination thereof,~~ improved accessible walkway and/or path of travel from the parking/passenger loading area of a Building to the Building entrance, in the form of a Separate Structure or attached Building appurtenance or any combination thereof, which provides an increased level of accessibility for Building occupants or members of the public ~~constituting an improved accessible path of travel from the parking/passenger loading area to a building entrance.~~ Accessibility Features may include, but are not limited to: tramways, ramps, stairs and stairway landings, chair lifts, stair lifts and elevators.

Accessory Building or Use: A Building or use that: 1) is clearly incidental to and customarily found in connection with a Principal Building or use; 2) is subordinate to and serves a Principal Building or a Principal use; 3) is subordinate in area, extent, or purpose to the Principal Building or Principal use served; 4) contributes to the comfort, convenience, or necessity of occupants in

the Principal Building or Principal use served; and 5) is located on the same Lot as the Principal Building or use served.

Alley: A service roadway which provides secondary access to the side or rear of abutting property and not intended for general traffic circulation.

Antenna: Any device installed for more than three days which is primarily intended to receive or to transmit airway communication signals.

Antenna Dimensions: The length, width, or depth of an Antenna, not including any part of its support Structure.

~~Bed and Breakfast, Home: A private owner-occupied residence with one to four guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed and breakfast use is subordinate and incidental to the main residential use of the Building. The homeowner shall reside on site and employment shall not exceed one full-time employee in addition to the owner.~~

~~Bed and Breakfast, Inn: A private owner-occupied residence with five to twelve guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the Bed and Breakfast Inn is operated primarily as a business. The homeowner shall reside on site and employment shall not exceed the equivalent of three full-time employees in addition to the owner.~~

Bed and Breakfast – An owner-occupied lodging establishment, located in what would ordinarily be considered a Single-Family Dwelling, in which overnight lodging is provided for the general public and in which a breakfast is served to overnight guests.

Boarding House: A Dwelling Unit of part thereof where, for compensation, lodging and meals are provided.

Buffer: An area of natural or planted vegetation, typically established to separate types of use or to provide a protected or vegetative area for environmental or aesthetic purposes. ~~quality.~~

Buildable Area: That portion of any Lot which may be used or built upon in accordance with the regulations governing the Zoning District within which the Lot is located when the front, side, and rear Yard requirements for the Zoning District have been subtracted from the total area.

Building: Any Structure, fully or partially enclosed, and ~~isolated by exterior walls~~ constructed or used for residence, business, industry or other public or private purposes, or ~~purposes~~ accessory thereto, and including ~~without limitations~~ tents, Trailers, mobile homes, and similar Structures whether stationary or movable. Appurtenant features, or exterior structural elements requiring permanent attachment to a Building, are considered part of the Building for

the purposes of this Section unless otherwise expressly permitted.

**Building Height:** The vertical distance measured from the average Natural Grade encompassing the living areas of a Structure to the highest point of its roofline, or from the top of the parapet or roof surface for flat-roofed Structures.

**Cemetery:** A parcel or land used for interment of the dead in the ground or in mausoleum.

**Certificate of Zoning Compliance:** A certification **issued by the Zoning Administrator** that plans and premises conform to the provisions of the Zoning Ordinance.

**Clinic:** An establishment where medical, mental or dental patients, who are not lodged overnight, are given examinations and treatment.

**Columbarium:** A Structure containing niches for the deposit of urns containing cremains or an ash garden for the scattering of cremains.

**Community Facilities:** Facilities designed to serve the community such as libraries, and community centers, provided that such facilities are not operated for profit.

**Day Care Center:** A child day care facility includes child care centers, family child care homes, and any other child care arrangement for three or more pre-school aged children as defined in NCGS 110-86(3); Also a center providing day care on a regular basis for more than two hours per day for four or more adults in accordance with NCGS 131 D-6.

**Deck:** An elevated structural platform, which may be constructed of any materials, either free standing or attached to a Building, connected by structural supports at grade.

**Dedication:** The **voluntary donation** ~~appropriation~~ of land or an Easement ~~therein~~ **over, under, across, and/or through a parcel of land** by the owner **thereof** for use by the public as evidenced by the recording of a legal instrument (title transfer, deed restriction, etc.). The area is usually a strip of land, a Street Right-of-Way or utilities easement, within which there is to be or may be located Streets, sidewalks, utility systems and drainage Structures or a Lot intended to be used for a public purpose such as a Park, playground, or other public facility.

**Density:** The number of Dwelling Units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, Density requirements in this Ordinance are expressed in Dwelling Units per acre of land devoted to residential Use; exclusive of land utilized for Streets, Alleys, Parks, playgrounds, school grounds, or other public Uses.

**Diameter Breast Height (DBH):** The diameter of the trunk of a tree four and one-half feet above average grade.

**District:** Any section of the Town of Montreat in which zoning regulations are uniform.

**Dormitory:** A Building used as group living quarters for a student body or religious order **or staff** as an Accessory Use for a college, boarding school, **conference center**, monastery or other similar institutional Use. Dormitories may contain common, shared kitchen facilities and bathrooms but shall not contain individual kitchen facilities ~~and private bathrooms.~~

**Dwelling:** Any Building, or portion thereof, which is designed for living and/or sleeping purposes for one or more families.

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons including permanent facilities for living, sleeping, eating, cooking, and sanitation.

**Dwelling Unit, Accessory (ADU):** A residential Dwelling Unit located on the same Lot as a Single-Family Dwelling Unit, either as a separate Structure, an attached extension, or located within the Principal Dwelling Unit; and is set up as a separate, complete housekeeping unit, and is subordinate to the Principal Single-Family residence. ADU's are permitted in accordance with Article \_\_\_\_.

**Dwelling, Multi-Family:** A Dwelling intended or used for occupancy by three or more families living independently of each other, with the number of families in residence not exceeding the number of Dwelling Units provided.

**Dwelling, Single-Family:** A detached Dwelling Unit, other than a ~~mobile~~ **Manufactured Home**, designed for or occupied exclusively by one Family. **except for Vacation/Conference Rentals as allowed in Chapter H, Article II of the General Ordinances of the Town of Montreat.**

**Dwelling, Two-Family (Duplex):** A residential Building designed and built as a single Structure, but containing two separate living units under one roof sharing a common wall, each of which is designed to be occupied independently as a separate residence.

**Easement:** A grant of one or more of the property rights by the property owner to and/or for use by the public or another person or entity for a particular purpose or purposes. Examples include access easements, drainage easements or utility easements.

**Educational Facility:** ~~An Educational Facility includes, but is not limited to the following:~~  
A Building ~~and equipment~~ used primarily for the education of children and/or adults, instructional research, conferences, administrative purposes, and supporting service operations. An Educational Facility includes classroom Buildings, laboratories, lecture halls, libraries, administration Buildings, conference centers, gymnasiums, field houses, dormitories, **and** counseling centers. ~~and Buildings for the storage of transportation and maintenance equipment, office machines and furniture.~~

**Family:** One or more persons occupying a single Dwelling Unit, **and living as a single housekeeping unit.** ~~provided that unless all members are related by blood, adoption, marriage or legal guardianship, no such family shall contain over four (4) unrelated people.~~



Family Care Home: ~~A home that provides room and board, and personal care and rehabilitation services to people with special needs for no more than six (6) residents. Persons with special needs are those with physical, emotional, or mental disabilities or are elderly. No Family Care Home shall be located closer than one mile from any other Family Care Home.~~ A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a Family environment for six or less resident handicapped persons, pursuant to NCGS 168-21.

Farm, Bona Fide: ~~A tract of land generally composed of one (1) acre or more, usually with a house, barn, and other accessory Buildings, on which crops and/or livestock are raised for livelihood. A farm may consist of land or water devoted to the raising of livestock or crops.~~ Agricultural activities as set forth in G.S.160D-9-3.

Fence: A physical barrier or enclosure intended to prevent escape or intrusion or to mark a boundary.

- 1) ~~Fence, Closed:~~ A fence in which the opening through which clear vision is possible from one side to the other on a horizontal plane comprise thirty percent (30%) or less of the total side area of the fence.
- 2) ~~Fence, Open:~~ A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane comprise seventy percent (70%) or more of the total side area of the fence. {Difficult to discern.}

Flammable Liquids: A liquid having a flash point below one hundred degrees (100°) Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch absolute at one hundred degrees Fahrenheit as defined by the National Fire Codes of the National Fire Protection Association as amended.

Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the watercourse. Eliminate, definitions are located in the Flood Prevention Ordinance.

Floodway: That portion of the channel and flood plain of a stream designated as a minimum area to provide passage for the Regional Flood, without increasing the elevation of that flood at any point by more than one foot. For the purposes of the Ordinance, the Floodway shall be along Flat Creek and its tributaries as defined on the Official Zoning Map of the Town of Montreat, as amended.

Floodway Encroachment Lines: Lateral limits of a Floodway along streams or other bodies of water, within which, in the direction of the stream or other body of water, no Structure or fill may be added, nor flammable liquids stored, unless specifically permitted herein. The purpose is to preserve the flood carrying capacity of the Floodway. The location of the Floodway Encroachment Lines is such that the floodway between them, including the channel, will handle the Regional Flood flow without increasing the flood stage by more than one foot.

Flood Fringe Area: The land area located between the Floodway Encroachment Lines of a Floodway and maximum elevation subject to inundation by the Regional Flood as defined herein.

Flood, Regional: A flood which is representative of the largest floods to have occurred on a particular stream or a similar stream in the same geographical area.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a Building ~~measured~~ from the exterior face of exterior walls, or from the centerline of a wall separating two Buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Floor Area, Net: The ~~Gross Floor Area of a Building less and excluding the total of all~~ floor areas of a ~~such~~ Building, ~~excluding attributable to~~ stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading ~~areas, any space where the floor-to-ceiling height is less than six feet, and all floors below the first or ground floor, except when~~ ~~where such floors are~~ used or intended to be used for human habitation or service to the public.

Front Building Line: A line extended from side Property Lines which runs parallel to a Street or Streets and which shall be situated the same distance from said Street or Streets as the shortest distance between said Street or Streets and the primary Building on the Lot. Where a Lot is situated at an intersection of two Streets the Lot shall be considered to have two Front Building Lines, each as separately delineated by the definition herein.

Garage, Private: An Accessory Building or portion of a Principal Building used for the storage of private motor vehicles, in which no business, occupation, or service for profit is in any way connected. The term "garage" shall include the term "carport."

Garage, Repair Commercial: Any garage which ~~for consideration~~ is used for storage, repair, rental, ~~maintenance~~, servicing, washing, adjusting, or equipping of automobiles or other vehicles. ~~Notwithstanding the preceding sentence, a garage exceeding 850 square feet in area or used to store more than four (4) automobiles, shall be deemed a Repair Commercial Garage.~~

Greenspace: Strips of publicly owned and maintained land, generally (but not always) following the Rights-of-Way of public Streets, that are ~~designated~~ ~~used only for the recreation, fishing, greenspaces~~ ~~natural areas~~, and beautification of the Town as defined by the "Greenspace Resolution" ~~unanimously adopted by the Town Commission on July 1, 1983.~~ **Note: Resolution will be incorporated into the ordinance as an Appendix item.**

Grocery Store (Major): An establishment which deals principally in a variety of food ~~for home preparation and consumption~~ and general supplies for household uses. Characteristics of this type of establishment include a Building of a large physical size, a high volume of business, and a wide variety of products.

Grocery Store (Convenience): An ~~retail~~ establishment which deals principally in a limited selection of ~~a variety of convenience~~ ~~common~~ items including household goods, automobile supplies, ~~beverages~~, and ~~packaged dry~~ goods. In addition, the Building in which such an

establishment is housed is generally smaller and **typically** designed for easy **vehicular** access with an emphasis on serving the customer as quickly as possible.

**Group Care Facility:** A facility which provides services to seven (7) or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, ~~are undergoing rehabilitation~~, and are provided services to meet their needs. This category includes uses that are licensed or supervised by any Federal, State, or County Health/Welfare Agency, or any group Dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes, so long as they provide care for seven (7) or more individuals.

~~Customary Home Occupation: Any occupation conducted in a Dwelling Unit or accessory Building provided that:~~ **Any Use conducted entirely within a Dwelling or an Accessory Building and carried on by the occupants thereof, which Use is incidental and secondary to the Use of the Dwelling for residential purposes and does not change the character thereof. Specific regulations concerning Home Occupations are delineated in Section -----.**

- 1) No person other than members of the family residing on the premises shall be engaged in such occupation;
- 2) The use of the Dwelling Unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty percent (50%) of the floor area of the Dwelling Unit shall be used in the conduct of the home occupation;
- 3) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding a four (4) square foot area, non-illuminated, and mounted flat against the wall of the Principal Building;
- 4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. **Move these to the Development Provision standards.**

**Honorarium Sign:** A plaque or small Sign located so as to provide recognition of a donor for contributions given toward capital projects or specific improvements to existing facilities.

**Hotel-** A Building or Buildings in which sleeping accommodations are provided and offered to the public for compensation, in which the rooms are usually occupied singularly for hire, and in which there is usually a kitchen and public dining room for the preparation and service of meals. The terms "lodge" or "inn" usually refer to types of Hotels which are more rustic or scenic by nature. A "motel" is a type of Hotel, but ordinarily does not include kitchen or dining facilities.

Hospital: ~~— An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient facilities, and staff offices which are in an integral part of the facility.~~

Inn: ~~— A commercial facility for the housing and feeding of transients. (Revised 10/12/06)~~

Livestock: Animals which are generally domesticated and confined to farms. Such animals shall include cattle, sheep, goats, swine, horses, mules, fish and poultry.

Loading Space, Off-Street: Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles even when required off-street Parking Spaces are filled.

Lodge: ~~— A Building or group of Buildings under single management containing both rooms and Dwelling Units available for temporary rental to transient individuals or families.~~

Lot: A parcel of land occupied or capable of being occupied by a main Building or group of main Buildings and Accessory Buildings, together with such Yards, open spaces, Lot width and Lot area as are required by this Ordinance, and having not less than the minimum required Lot width upon a Street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

- 1) Lot, Corner: A Lot located at the intersection of two or more Streets or located where one Street makes a sharp angle of eighty to one hundred and twenty degrees (80°-120°).
- 2) Lot, Double Frontage: A Lot which has two Street frontages; however, no Corner Lot shall qualify as a double frontage Lot unless said Corner Lot has frontage on three or more Streets.
- 3) Lot Frontage: The **portion of a Lot that abuts a public Street or right of way (but not an Alley).** ~~frontage of a Lot shall be construed to be the portion nearest the street.~~
- 4) Lot, Interior: A Lot which has ~~frontage on~~ only one (1) **Lot Frontage.** ~~other than an alley.~~

### Lot Measurements:

- 1) Depth of a Lot shall be considered to be the average of the distances from the front Property Line to the rear Property Line. Also see Section 614.
- 2) Width of a Lot shall be considered to be the horizontal distance between side Property Lines measured at the projected front line of the Principal Building or proposed Principal Building.

**Lot of Record:** A Lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Buncombe County, prior to the adoption of this Ordinance, or a Lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

**Manufactured Home:** A Dwelling Unit, designed for Use as a permanent residence, that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the Building site.

**Manufactured Home, Class A.** A Dwelling Unit that:

- (i) is not constructed in accordance with the requirements of the North Carolina Uniform Residential Building Code as amended, and
- (ii) is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site, and
- (iii) meets or exceeds the construction standards of the US Department of Housing and Urban Development, and (iv) conforms to the following appearance criteria:
  - (A) the Manufactured Home has a minimum width, as assembled on the site, of twenty feet;
  - (B) the pitch of the Manufactured Home's roof has a minimum nominal vertical rise of three inches for each 12 inches of horizontal run and the roof is finished with asphalt or fiberglass shingles;
  - (C) a continuous, permanent curtain wall, unpierced except for required ventilation and access, is installed under the Manufactured Home; and
  - (D) the tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the Lot and before occupancy.

**Manufactured Home, Class B.** A manufactured home constructed after July 1, 1996 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify as a Class A Manufactured Home but meets the following standards:

(A) skirting or a curtain wall, unpierced except for required ventilation and access, is installed under the Manufactured Home and may consist of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation and

(B) stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the NC Department of Insurance and attached firmly to the primary Structure and anchored securely to the ground.

**Manufactured Home, Class C.** Any Manufactured Home that does not meet the definitional criteria of a Class A or Class B Manufactured Home. Manufactured homes that do not meet the definitional criteria of Class A, B, or C Manufactured Homes are classified as recreational vehicles.

~~**Manufactured Home:** A Dwelling Unit, transportable in one or more sections, which is NOT constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, is eight feet or more in width and is 40 feet or more in length, and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.~~

**Modular Home:** A Dwelling Unit constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings and composed of components substantially assembled in a manufacturing plant and transported to the Building site for final assembly and placement on a permanent foundation. For the purposes of this Ordinance, Modular Homes shall be considered equivalent to site-built homes.

~~**Motel:** An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the Building.~~

**Municipal Government Facilities:** Facilities used for or pertaining to activities associated with local municipal government operations including, but not limited to: administrative offices, public meeting facilities, Designated Critical Operations Area (DCOA) facilities, emergency communications facilities, fire protection service facilities, and public safety facilities.

**Natural Grade:** The existing slope of land which may have been cleared, but with no major disturbance of soil, prior to grading, excavation or filling.

**Natural Grade, (Average):** The average grade calculated from the grade elevations at the four points where an imaginary line parallel to the front and rear yard setback lines and touching the proposed structure intersects the required side yard setback lines.

Nonconforming Lot: A Lot of Record that does not conform to the dimensional requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Structure: A Structure which does not conform with the requirements of the Zoning District in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

Nonconforming Use: A legal Use of a Building and/or land that antedates the adoption or future amendments of this Ordinance and does not conform to the requirements for the Zoning District in which it is located.

~~Nonconformity, Dimensional: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing Building or Buildings and other Buildings or Lot lines does not conform to the regulations applicable to the district in which the property is located.~~

~~Nursery School: A privately owned and operated school designed to provide daytime care or instruction for two (2) or more preschool children, and operated on a regular basis. The term "nursery school" shall include the terms "day care center" and "child care center."~~

Open Storage: Unroofed storage areas, whether enclosed or not.

Overlay District: A Zoning District that adds requirements to the Zoning District over which it lies. Uses or proposed Uses within an Overlay District must comply with all requirements of both the Overlay District and the underlying Zoning District. Where conflicts appear to exist between the requirements of ~~the~~ **an Overlay two Districts and its underlying Zoning District**, the more restrictive requirements shall apply.

Park: A public facility for recreation, which may have commercial activities for recreational Uses only.

Parking Space: A storage space of not less than nine feet (9') by eighteen (18') for one (1) automobile, plus the necessary access space. (See Section 900.2).

**Planned Unit Development (PUD): An area of land under unified ownership or control to be developed and improved as a single entity under a master plan in accordance with and subject to the requirements of this Ordinance.**

Portable Storage Container: A transportable, fully enclosed, box-like container that is designed for temporary storage of materials and/or equipment. Such containers are uniquely designed for their ease of loading to and from a transport vehicle and moved to various locations on demand. For the purposes of this Ordinance, the Trailer portion of a tractor trailer shall be considered a Portable Storage Container when expressly used for the purpose of on-site storage.

Potable Water Supply: A source of water that contains no objectionable pollution, contamination, minerals or infectious agents and is considered by the Town to be **safe** ~~satisfactory~~ for human **consumption** ~~drinking~~.

Principal Building: A Building in which is conducted the principal Use of the parcel on which it is situated.

Professional Office: The office of persons performing professional services such as doctors, lawyers, architects, engineers, accountants, real estate brokers, and insurance salesmen.

Property Line: The legally established boundary of a Lot, which boundary shall be considered coincident with any abutting public Street Right-of-Way line unless the metes and bounds description contained in a recorded deed for a Lot clearly and specifically establishes the Lot boundary at some other location.

Public Works Maintenance Facility: A Building or group of Buildings designated to house equipment and materials ~~stock~~ utilized in the various activities associated with improvements to, and maintenance of, Streets and public utility systems for the Town.

~~Regulated Tree: A Regulated Tree shall be any self-supporting woody perennial plant located within the right of way lines of any private property as established by the Town of Montreat, or twenty five (25') feet of either side of the center line of any street, whichever is more restrictive. Further, all trees on public street rights of way or public property owned by the Town of Montreat shall be considered to be Regulated Trees.~~

~~Removal of a Regulated Tree: The cutting down of any Regulated Tree and all other acts which cause premature death or destruction of any Regulated Tree. **Terms referred to .....**~~

Religious Complex: A Building or group of Buildings for the purpose of religious worship including the sanctuary(s), education Building(s), recreation Building(s), child care facilities, and parsonage.

Right-of-Way: A dedicated or condemned strip of land reserved for a specific use, such as for a Street or utility easement.

Setback: The distance from any Property Line to the closest edge of a Principal or Accessory Building.

Setback Line: A line establishing the minimum allowable distance between the nearest portion of any Principal or Accessory Building, excluding the outermost **four** ~~three~~ feet (**4'**) of any attached steps, roof, gutters and similar fixtures, and the Property Line when measured perpendicular thereto. Covered porches, whether enclosed or not, shall be considered as part of the Building and shall not extend beyond the Setback Line. Decks, whether free-standing or not, shall not extend beyond the Setback Line unless otherwise permitted in accordance with **Section 612.4**.



Senior Citizens' Center: A privately or publicly owned and operated facility designed to provide daytime care and/or instruction for two (2) or more senior citizens, and operated on a regular basis.

Sign: Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, including any surface fabric or other material or Structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which is exposed to public view and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit. (See Article X)

Special Conditional Use: A specific Use which may be permitted in a Zoning District by the Board of Adjustment subject to the Board's findings that the Use would not adversely affect adjacent property or the health, safety or general welfare of persons in the area adjacent to the Use. Such Use may be permitted only in a Zoning District where said Use is specifically listed as a Special Use.

Special Use Permit: A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance and any additional requirements imposed by the Board of Adjustment.

Street: A dedicated Right-of-Way for vehicular traffic which affords the principal means of access to abutting property.

Street Line: The dividing line between a Street Right-of-Way and the contiguous property.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, retaining walls, exterior stairways, Fences, and business Signs.

Studio: The workshop of an artist, sculptor, photographer or craftsman.

Subdivision: All divisions of a tract or parcel of land into two (2) or more Lots, Building sites, or other divisions for the purposes of sale or Building development (whether immediate or future) including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Section:

- 1) The combination or recombination of portions of previously subdivided and recorded Lots where the total number of Lots is not increased and the resultant Lots are equal to or exceed the standards of the Town as shown in the Subdivision Regulations;

- ~~2) The division of land into parcels greater than ten (10) acres where no new street right of way dedication is involved;~~
- ~~3) The public acquisition by purchase of strips of land for the widening or opening of streets or other public uses; and~~
- ~~4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) Lots, where no street right of way dedication is involved and where the resultant Lots are equal to or exceed the standards of the Town as shown in the Subdivision Regulations. The Subdivision Ordinance is the controlling definition, eliminate here.~~

Antenna Support: Any Structure that an Antenna is connected to which is intended to provide structural competency. Support shall include any associated guy wires, poles, beams, foundations, anchors or other devices which attach Antenna to the ground or to a Structure capable of accommodating additional engineering demands resulting from Antenna and support parts.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing purposes.

Trailer: Any vehicle or Structure capable of moving or being moved, over Street and highways on its own wheels or on flat beds or other carriers, which is designed to be utilized to:

- 1) Provide temporary quarters for the conduct of a business, profession, trade or occupation; or
- 2) Serve as a carrier of people, new or used goods, products, or equipment;

Use: The purpose or activity for which land or Buildings are designed, arranged, or intended or for which land or Buildings are occupied or maintained.

Use by Right: ~~A use that is primary and is permitted as a matter of right on any Lot within a Zoning District as expressly listed in Section 700 of this Ordinance.~~

Variance: An exception to the terms of the Zoning Ordinance as authorized in **Section 1203 B**. As used in this Ordinance, a Variance is authorized only for height, area, size of Structure, size of Yards, and open spaces (**See Section 1204** for Variance Application Process).

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

Wayfinding: Signs, maps, and other graphic or audible methods used to convey location and directions to travelers, normally consisting of roadside Structures, informational kiosks or other visual means of providing orientation.

Yard: A space on the same Lot with a Principal Building which is open, unoccupied, and unobstructed by Buildings or Structures from ground to sky except where encroachments are expressly permitted.

- 1) Minimum Front Yard: A required open space on the same Lot with a Principal Building, between the front Setback Line and the front Property Line and extending the full width of the Lot.
- 2) Minimum Rear Yard: A required open space on the same Lot with a Principal Building, between the rear Setback Line ~~of the Building~~ and the rear Property Line extending the full width of the Lot.
- 3) Minimum Side Yard: A required open space on the same Lot with a Principal Building, between the side Setback Line ~~of the Building~~ and the side Property Line of the Lot and extending from the front Property Line to the rear Property Line.

Zoning Official **Administrator**: The officer or other designated authority charged with the administration and enforcement of this Ordinance.

Zoning District: The term applied to various geographical areas of the Town of Montreat for the purpose of interpreting the provisions of the Ordinance. The Zoning Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various Zoning Districts within the Town of Montreat are set forth in Article VII of this Ordinance.

**Figure 1. Yards and Setbacks** **Include an illustration with standards.**

**TOWN OF MONTREAT**

**ZONING ORDINANCE**

**ARTICLE X - SIGN REGULATIONS***(Revised 6/10/2004); (Revised 7/13/06); (Revised 8/14/2008); (Revised 5/8/2014)*

- 1000 Purpose. The purposes of this Article are: (i) to permit such signs in the Town of Montreat that will not, by their reason, size, location, construction, or manner of display, confuse or mislead the public, obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety; and (ii) to permit and regulate signs in such a way as to support and complement land-use objectives set forth in the Zoning Ordinance for the Town of Montreat.
- 1001 General Regulations. The following regulations shall apply to all signs in all Zoning Districts:
- 1001.1 Compliance. No sign of any type shall be constructed, erected, painted, posted, placed, replaced, or hung in any District except in compliance with this Ordinance.
- 1001.2 Maintenance. All signs, together with braces, guys and supports shall at all times be kept in good repair. If at any time a sign should become unsafe or poorly maintained, the Building Inspector shall send written notice to the owner or lessee of the sign that the sign must be repaired and maintained or removed. Upon failure of the owner or lessee to correct such condition within thirty (30) days, the Building Inspector shall order the removal of such sign. The expense of the removal of the sign shall be billed to the owner or lessee of said sign in accordance with Section 1001.94.
- 1001.3 Removal of Obsolete Signs. Signs identifying establishments no longer in existence, products no longer being sold, and service no longer being rendered shall be removed from the premises within ten (10) days from the date of termination of such activities. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the Building Inspector shall order their removal subject to the terms of Section 1001.94. Temporary signs, pole-mounted banners giving notice of seasonal or special events, and political signs shall be removed within two (2) days after termination of the event or election advertised. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the Building Inspector shall order their removal and any expense of removal shall be billed to the owner or lessee of said sign(s) in accordance with Section 1001.95.

- 1001.4      Measurement of Area; Height.      Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the entire advertising copy or art designed to attract attention including borders and other architectural embellishments.
- Sign height shall be measured from the street grade of the closest point in the street along which the sign is located or the average grade at the base of the sign, whichever is higher, to the highest point of the sign Structure.
- 1001.5      Building Code Compliance.      All signs shall fully comply with the requirements of the North Carolina State Building Code and National Electrical Code (NEC). A building permit shall be required for any projecting sign attached to a building or structure which has a surface area in excess of six (6) square feet. An electrical permit is required for any internally or externally illuminated sign powered by electrical sources regulated by requirements of the NEC.
- 1001.6      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.
- 1001.7      Illumination of Signs.      Unless otherwise expressly prohibited, signs may be illuminated from above at a downward angle provided that lighting directed toward a sign shall be shielded in such a manner as to illuminate only the face of the sign, and shall not project light into any portion of the traveled roadway or toward neighboring buildings.
- 1001.8      Sign Permit Required.      A sign permit, issued by the Zoning Administrator shall be required for all signs except those specified in Section 1003 and 1004. No permit shall be issued until the Zoning Administrator inspects plans for such signs and determines that they are in accordance with the requirements contained in this Article. The fee schedule for sign permits shall be set forth in the Town of Montreat Fee Schedule.
- 1001.9      Enforcement of Regulations.      Any non-conforming sign constructed after the date of enactment of this Article or any sign maintained in a non-conforming manner shall be subject to the following actions.
- 1001.91      Notice.      The Building Inspector shall notify in writing the following persons of the non-conforming sign:
- 1)      The owner or lessee of the sign;

- 2) The owner of the property on which the sign is located; and;
- 3) The occupant of the property on which the sign is located.

Notice shall be given to the above persons that the non-conforming condition shall be corrected within fifteen (15) days from the date of notification.

- 1001.92 Penalties. Refer to Article XIV – Legal Status Provisions.
- 1001.93 Appeals. Any person having an interest in a sign found to be non-conforming or the property on which it is located may appeal a determination by the Building Inspector ordering removal or compliance as provided in Article XII of this Ordinance.
- 1001.94 Removal. If the non-conforming sign has not been brought into compliance with the provisions of this Ordinance or removed within the allotted fifteen (15) days as specified above, then said sign shall be removed by the Town and the cost of removal shall be billed to the owner or lessee of the sign.
- 1001.95 Failure to Pay Removal Costs. Pursuant to N.C.G.S. § 160A-193, if the Zoning Administrator determines that a sign removed by the Town was dangerous or prejudicial to the public health or safety and the owner of the sign has not paid the costs of removal, then a lien shall be placed on the real property where the removed sign was located in the amount of the costs of the removal and shall be collected as unpaid taxes.
- 1001.96 Failure to Pay Removal Costs of Other Signs. If the owner or lessee of a non-conforming sign that has been removed by the Town fails to pay for the costs of removal within thirty (30) days of the billing date, then the costs for removal shall be collected by the Town in a civil action in the nature of a debt.

1002 Prohibited Signs. The following signs are prohibited:

- 1002.1 Signs Constituting Traffic Hazards. Any sign located in a manner or place so as to constitute a hazard to vehicular or pedestrian traffic as determined by the Building Inspector.
- 1002.2 Signs in Street Right-of-Way. Any free-standing sign located in a street right-of way, or projecting over into a street right-of-way. One house number and/or name plate shall be permissible.
- 1002.3 Signs Obstructing Passages. Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any Building.

- 1002.4      Off-Premises Advertising Signs.      Billboards and other types of off-premises advertising signs.
- 1002.5      Flashing Devices.      Any flashing device or sign displaying flashing or intermittent lights or lights of changing degrees of intensity.
- 1002.6      Moving Devices.      Any commercial use of moving signs or device to attract attention, all or any part of which moves by any means, including motion by the movement of the atmosphere or by electrical or other means, including but not limited to, pennants, flags, propellers, or discs, whether or not any said device has a written message.
- 1002.7      Posted Signs.      Any sign posted to utility poles, trees, fences, rocks or other signs. Honorarium Signs meeting the requirements of 1005.25 are not prohibited under this section. House Number and Nameplate Signs meeting the requirements of 1004.6 are not prohibited under this section.
- 1002.8      Copies of Official Signs.      Any sign which is a copy or an imitation of an official sign, or which purports to have official status but does not have an official purpose.
- 1002.9      Portable Signs.      A sign that is not permanent, affixed to a Building, Structure or the ground.
- 1002.10      Roof Signs.      Roof signs are prohibited in all districts.
- 1002.11      Signs Not Permitted.      Any sign not expressly permitted elsewhere in this Ordinance.
- 1003      Exempt Signs.      The following signs are exempt from the provisions of this Ordinance:
- 1003.1      Governmental Agency Signs.      Signs erected or maintained by a governmental agency to regulate, control or direct traffic including Wayfinding signs, signs indicating bus stops, parking areas, , and similar transportation facilities, or signs employed to serve as a directory for services that may be found within the Town. Informational kiosks that provide maps and locational information. Such signs may be illuminated, flashing, or moving as required for public safety. Furthermore, signs erected by a governmental agency which convey information regarding a public service or the location of a public facility may also be illuminated as necessary.
- 1003.2      Signs Required by Law.      Signs erected pursuant to federal, state, or local laws or ordinances.
- 1003.3      Warning Signs.      Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment, explosives and the like.

- 1004 Signs Permitted or Required Without a Permit. The following types of signs shall be permitted in any Zoning District without the issuance of a sign permit provided they meet the stated requirements:
- 1004.1 Temporary Real Estate Signs. Temporary real estate signs advertising a specific piece of property for sale, lease, rent, or development, located on said property, provided such signs shall not exceed six (6) square feet in surface area per side of sign up to a maximum of twelve (12) square feet of aggregate surface area. Signs shall not be illuminated and shall not exceed one (1) per parcel of land unless such land is located at an intersection of two streets; in such a case, two signs shall be allowed, one facing each street.
- 1004.2 Signs on Window Glass. Signs on window glass, regardless of size.
- 1004.3 Private Regulatory Signs. Private, unofficial regulatory signs not exceeding two (2) square feet in surface area per side of sign up to a maximum of four (4) square feet of aggregate surface area per sign, which indicate directions, entrances and exits, available parking facilities, no smoking, control of pets and other similar requirements. Such signs shall be located entirely on the property to which they pertain and shall not contain any advertising message.
- 1004.4 Construction Signs. One (1) construction sign per construction project not exceeding sixteen (16) square feet of sign area in residential Zoning Districts or thirty two (32) square feet in the Institutional or Institutional/Residential Zoning Districts, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid Building Permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy.
- 1004.5 Public Notice. Official notices posted by public officers or employees in the performance of their duties.
- 1004.6 House Number Signs. Street address numbers must be clearly displayed so that the location can be identified easily from the road. Every property owner of improved property shall purchase and display in a conspicuous place on said property the number assigned.
- 1004.61 The official address number must be displayed on the front of a Building or at the entrance to a Building which is most clearly visible from the street or road during both day and night.
- 1004.62 If a Building is more than seventy-five feet (75') from any road or if two or more homes use the same entrance, the



- address number(s) shall be displayed at the end of the driveway or easement nearest the road which provides access to the Building(s)
- 1004.63 Numerals indicating the address number shall be at least three (3) inches in height and shall be posted and maintained so as to be legible from the road.
- 1004.64 Numerals must be of contrasting color to the background. Reflective numbering or placing reflective dots at the sign to direct attention to it is encouraged.
- 1004.65 The Zoning **Administrator** will have the right to authorize and approve alternate methods of displaying house numbers which meet the intent of this Ordinance when strict adherence to these standards cannot reasonably be met.
- 1004.7 Residential Nameplate Signs. Residential Nameplate Signs are permitted and may include House Numbers. Residential Nameplate Signs shall not exceed six (6) square feet in area.
- 1004.8 Political Signs. Political signs shall, with the permission of the property owner, be allowed on private property more than five (5) feet from the traveled portion of the roadway, sixty (60) days before and on the date of the election or referendum. Political signs are defined as signs for candidates for election or for issues on the ballot, and such signs shall not exceed eight (8) square feet in area per display side, shall not have more than two (2) display sides per sign, and shall be removed within seven (7) days after the election or referendum. Political signs may not be illuminated.
- 1004.9 Special Event/Public Interest Signs. Signs providing notice of upcoming events or gatherings of special interest to the public, meeting dates and locations, etc. may be displayed within the four (4) designated changeable-copy sign structures located along Assembly Drive which are maintained by the Town. Signs shall be limited to informational material only, no commercial advertisements or for-profit endorsements shall be permitted. Signs shall be of standard dimensions designed to be easily inserted within, and removed from, the sign structure.
- 1005 Signs Allowed with Permits. The following types of signs shall be allowed within the Town of Montreat upon the issuance of a sign permit for each proposed sign and subject to the regulations set forth below:

- 1005.1      Signs Allowed in Residential Zoning Districts (R-1, R-2, and R-3).      The following types of signs shall be allowed in all of the residential Zoning Districts subject to the accompanying restrictions and the issuance of a sign permit:
- 1005.11      Home Occupation Signs.      Each home occupation shall be allowed one (1) sign for purposes of identification. Said sign shall not exceed four (4) square feet of surface area and shall be attached to the residence. Signs shall not be illuminated.
- 1005.12      Subdivision Signs.      One (1) ground sign per entrance to a subdivision. Said sign(s) shall be no larger than sixteen (16) square feet of surface area per side of sign up to a maximum of thirty two (32) square feet of aggregate surface area per sign. Signs shall not exceed six feet (6') in height and may not be illuminated.
- 1005.13      Non-Residential Uses.      Non-residential uses permitted as a special use in residential Districts shall be allowed one (1) free-standing or wall identification sign per street fronted on by the permitted use. Said sign shall be no larger than eight (8) square feet of surface area per side of sign up to a maximum of sixteen (16) square feet of aggregate surface area for said sign. Signs shall not exceed eight feet (8') in height and shall not be illuminated.
- 1005.2      Signs Allowed in the Institutional/Residential and Institutional Zoning Districts.      The following types of signs shall be allowed in the above Zoning Districts for uses permitted by the conditional use permitting process or for a use-by-right for that Zoning District subject to the accompanying restrictions and the issuance of a sign permit:
- 1005.21      Ground or Free-Standing Signs.      One (1) ground sign not to exceed the following surface area limitations: Sixteen (16) square feet in surface area per side of sign, up to a maximum of thirty two (32) square feet of aggregate surface area for the entire sign.
- 1005.22      Wall Signs.      Each establishment located in the Zoning Districts set forth in Section 1005.2 shall be allowed wall signs in accordance with the following provisions: One (1) wall sign located on the street frontage side of the Building not to exceed sixteen (16) square feet. Existing or newly engraved permanent wall signs consisting of chiseled or hewn stone which identify the current use or occupancy of an associated structure are permitted to serve as one (1) allowable wall sign on the street frontage side of the building. Should the use or occupancy change such that the

chiseled or engraved sign no longer serves to indicate the current use or occupancy of the structure, one (1) new wall sign shall be permitted.

1005.23     Multi-Tenant Signs. Buildings occupied by two or more tenants, regardless of individual or shared ownership, are permitted to have one (1) free-standing sign on the property on which the building is located. Maximum size of such free-standing signs shall not exceed sixteen (16) square feet in surface area per side of sign up to a maximum of thirty two (32) square feet of aggregate surface area. In addition, each multi-tenant building shall be allowed one (1) wall sign, per tenant, not to exceed eight (8) square feet of surface area. The sign structure(s) may be designed to allow the addition or removal of copy elements as tenants change in the case of multi-tenant buildings.

1005.24     Buildings Located on Corner Lots. In cases where a building is located on a corner or double-frontage lot, then said building is allowed two (2) wall and two (2) free-standing signs - one (1) of each sign type facing each street that borders the lot.

1005.25     Honorarium Signs. Honorarium Signs shall be permitted if the size and scale are deemed proportionate to the structure and location whereon displayed. Signs may be located on existing rocks, buildings or other structures as approved by the lead entity. Signs shall be constructed of stone or bronze and securely anchored so as to prevent dislocation by weathering or impact. Signs erected above walkways or other areas of public assembly shall be subject to approval by the Building Inspector for adequate anchorage and structural support.

1005.26     Educational Signs. Signs that supply information about people, facilities, natural features or other areas of educational or historical interest shall be permitted as Educational Signs. The content of educational signs is subject to review and approval by the Town. Maximum size of such free-standing signs shall not exceed twelve (12) square feet in surface area for pedestal-mounted structures.

1005.3     Temporary Signs Allowed in All Zoning Districts. Temporary signs, flags, or banners advertising the initial openings of businesses, establishments, special

events or special sales may be permitted provided the location of such signs is approved by the Zoning Administrator. Such signs may be free-standing or attached to any part of the Building wall and said sign shall not exceed thirty (30) square feet in aggregate surface area and shall meet all other requirements.

- 1005.4 Recreational Signs. Sign structures designed to identify the location of specific recreational features through maps, such as hiking trail-head and course markers, bicycle paths, and walking trails are permitted in all zoning districts. Such signs are to be limited to the location of the associated feature(s) and are subject to approval by the lead agency in responsible charge of the property whereon the sign is located. Maximum size of such free-standing signs shall not exceed twenty-four (24) square feet in surface area for multi-base frame structures. Sign structures are to be fabricated of naturally-durable species of wood in the form of logs and rough-hewn dimensional timbers that cohere with the adjacent natural setting and location. Sign structures may be allowed with small roof or canopy features to provide weather-protective cover for viewers, subject to approval by the Building Inspector. Roof coverings shall also be constructed of naturally-durable species of wood such as cedar, redwood, black locust or black walnut.
- 1006 Non-Conforming Signs. No person shall erect any sign which does not conform to the requirements of this Article.
- 1006.1 Maintenance of Non-Conforming Signs. All non-conforming signs shall be maintained in accordance with the requirements of this Article, provided, however, that no repainting of the sign shall alter the design of the sign in any fashion. If the design or dimensions of a non-conforming sign are altered, the non-conforming sign shall be removed or conformed to this Article at the time of the redesign.
- 1006.2 Replacement of Non-Conforming Signs. If a non-conforming sign is destroyed by vandals or adverse weather conditions, such sign may be replaced. If it is replaced, it shall conform to the requirements in this Article. Normal weathering does not constitute destruction by adverse weather conditions which would permit replacement of a non-conforming sign. If a sign is allowed to deteriorate, it shall not be replaced under this Section.
- 1006.3 Relocation of Non-Conforming Signs. A non-conforming sign may be relocated on the same premises on which it is located and the relocation brings the sign into conformity.

1006.4      Removal of Non-Conforming Signs. Any non-conforming sign existing on the effective date of this Article shall be removed within the following time limits:

1. Any existing permanent sign made non-conforming through adoption of this amended Section shall be allowed five (5) years to either be removed or brought into compliance;
2. Any permanent non-conforming sign existing prior to adoption of this amended Section shall be allowed three (3) years to be removed or brought into compliance;
3. Non-exempt temporary signs located on private property shall be removed within sixty (60) calendar days;
4. Exempt or non-conforming temporary signs located within public right-of-way may be removed by the Town if they are found to be in violation of Article X and the cost of removal billed to the owner or lessee of the sign.

Any non-conforming sign erected after the effective date of this Article shall be removed immediately. Upon the failure of the owner or lessee of the non-conforming sign to remove it, the Building Inspector shall order its removal and any expense of removal shall be billed to the owner or lessee of the non-conforming sign in accordance with Section 1001.9.

## **TOWN OF MONTREAT**

### **ZONING ORDINANCE**

#### **ARTICLE IX - PARKING AND LOADING REGULATIONS**

*(Revised 6/14/2001); (Revised 11/14/2002); (Revised 9/10/2009)  
(Revised 1/14/2010); (Revised 1/10/2013)*

#### **900     Parking Regulations.**

900.1 General.       Areas suitable for parking or storing automobiles and bicycles in off-street locations shall hereafter be required in all Zoning Districts, unless the property meets the requirements for a combination of on-street and off-street parking in accordance with the provisions of this Article. Off-Street Parking areas shall be required at the time of initial construction of any principal Building or at the time of any expansion of an existing Building that produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Such off-street parking areas shall be provided and maintained in accordance with the requirements set forth herein.

900.2 The requirement for additional off-street parking areas to supplement existing parking shall apply to new construction or modifications to existing Buildings resulting in increases in area or changes in use or occupancy classification as defined by N.C. State Building Code. The requirement for additional parking shall be based upon the increased area or change only.

Unless a change in the layout or number of parking spaces occurs, resurfacing and/or re-striping of existing parking facilities shall not be required under the provisions of this Ordinance.

901     Parking Area Construction Standards.       With the exception of Sections A and F below, single- and two-family residential uses shall be exempt from the parking area construction standards unless specifically referenced. Entrances, parking spaces/areas, aisles or driveways in existence prior to adoption of this Ordinance which do not meet the specific provisions contained herein shall be considered existing non-conforming uses, and may be continued or maintained in accordance with Section 616 of this Ordinance.

A.     Parking Space Requirements.       For the purpose of this Ordinance, parking space dimensions (other than those designed to be handicap accessible) shall be as follows:

1. A standard car parking space is nine feet (9') wide and eighteen feet (18') long.
  2. A compact car parking space is eight feet (8') wide and sixteen feet (16') long.
  3. Parallel parking space dimensions shall be a minimum of eight feet (8') wide and twenty feet (20') long.
- B. Aisle and Driveway Widths. No two-way entrance or aisle shall be greater than twenty-four feet (24') wide. In no event shall an entrance be greater than twelve feet (12') for one-way traffic.
- C. Surfacing.
1. All vehicular parking spaces shall be constructed of durable, dustless surface as defined herein unless otherwise approved by the Zoning **Administrator** and shall comply with the remaining requirements of this section for durable, dustless surfaces.
  2. The installation of a durable, dustless surface may be temporarily delayed upon approval of the Zoning **Administrator** whenever it can be shown by the property owner or developer that the permanent size, shape or location of the parking area cannot be determined until the construction of a Building or permanent development of the property is completed. In those instances where a nondurable, non-dustless surface is approved, such surface shall at all times be maintained in good condition and free of ruts, potholes and vegetation. Failure to properly maintain such area shall be sufficient cause for the Zoning **Administrator** to require the owner to construct a durable, dustless surface.
  3. For the purposes of this Section, a durable, dustless surface shall be constructed of concrete, asphalt, macadam, brick or similar material or special paving brick or block or structural grid material of such design as to permit the passage of water freely through the brick or block or permit the cultivation of grass within the voids thereof.
  4. Loose stone or compacted stone without a suitable bonding agent may be acceptable as a durable, dustless surface if incorporated as part of an approved engineered pervious surface designed to accept the associated vehicular loads.
- D. Curbing Required. The Town of Montreat encourages Low Impact Development (LID) and other innovative stormwater management techniques. Conventional curbing may be waived by the Town if alternative designs are

approved and incorporated to encourage sheet flow drainage into pervious areas, or otherwise designed as part of an overall engineered stormwater retention/treatment system. All non-exempt residential and non-residential paved parking areas not utilizing approved alternative techniques shall be curbed using a standard curb with a minimum width of 1'-6".

Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or allow vehicles to strike against or damage any wall, vegetation, utility, or other structure. Such off-street parking areas shall be provided and maintained in accordance with the requirements set forth herein.

- E. Markings and Signage. All non-exempt residential and non-residential paved parking spaces/areas shall be clearly delineated and identified by use of reflective paint, signage or other durable surface treatment as approved by the Town. Signage shall be Engineering Grade Prismatic (EGP) reflective finish designed in compliance with the current effective Manual on Uniform Traffic Control Devices (MUTCD) available for review at the Town Services Office. Accessible spaces for use by persons with disabilities shall be provided in conformity with the current effective North Carolina State Building Code and ADA standards. Compact car, bicycle, and other special-use parking spaces shall be clearly identified and located to facilitate use by residents and/or the public.

Parking areas shall be constructed with a well-maintained traffic directional system and proper drainage.

- F. Stormwater Management. All newly-installed parking lots, regardless of surfacing, shall retain stormwater onsite or direct flows to systems designed to effectively remove pollutants and promote infiltration and recharge of the subsurface aquifer.
- G. Landscaping. No parking area shall be closer than eight feet (8') to the traveled portion of the roadway and said area shall be maintained as a landscaped buffer, unless the Zoning Administrator determines an alternate layout/design provides an equivalent safety factor. No vegetation in this landscaped area shall exceed two and one-half feet (2 1/2') in height nor shall it obstruct visibility at any traffic intersection or entrance. Refer to Article VI, Section 632 of this Ordinance for additional Landscaping requirements.
- H. Permitted Slope. No grade within a commercial or institutional parking area shall exceed sixteen percent (16%) slope. Residential parking areas shall not exceed twenty percent (20%) maximum grade. Driveway areas that exceed 20%



slope and/or which do not provide adequate turnaround width for parked vehicles shall not be included in calculation of required parking spaces. Accessible parking spaces, as defined by the current effective North Carolina State Building Code and ADA standards shall not exceed a surface slope of two percent (2%) at any point.

902 Off-Street Parking Space Requirements. Off-street parking space shall be provided for uses listed below as specified. Refer to Section 903 of this Ordinance for additional bicycle parking requirements.

A. Residential Use.

1. Residential and Institutional/Residential District.

a) 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.

i. 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.

ii. 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.

2. Multi-Family Dwellings, Lodges and Boarding Houses. A minimum of one (1) standard car parking space for resident owner or manager is required, with a minimum of one (1) standard space per dwelling unit or rooming unit. In addition, one (1) compact car space and one (1) long-term bicycle space are required for each multiple of four (4) dwelling or rooming units (or fraction thereof). If sixteen (16) or more dwelling/rooming units are provided, one (1) short-term space shall be required for every four (4) long-term spaces required. A maximum of two (2) standard car spaces is permitted per dwelling or rooming unit.

3. Institutional District Use Requirements.

- A. Inns and Motels/Hotels. One (1) standard space per rooming unit is required with one (1) standard space per manager/staff member. In addition, one (1) compact car space and one (1) long-term bicycle space is required for each multiple of five (5) rooming units. A maximum of 1.25 auto spaces is permitted per rooming unit (rounded to the nearest whole number).
- B. Dormitories. One (1) standard space is required per each two (2) persons in the dorm based on full occupancy. Ten percent (10%) of the total number of required standard spaces may be met through installation of compact spaces. One (1) long-term and two (2) short-term bicycle parking spaces are required for every ten (10) occupants (or fraction thereof) based on full capacity.
- C. Other Occupancies/Uses. One (1) standard space is required per 1,000 square feet of gross floor area. One (1) compact car space is required per each twenty (20) standard spaces (or fraction thereof). One (1) long-term and two (2) short-term bicycle parking spaces are required for every twenty (20) automobile spaces installed (or fraction thereof).

903 Bicycle Parking. Single- and two-family residential buildings shall be exempt from requirements for bicycle parking. Bicycle parking standards are based upon the number of vehicular parking spaces required for each use, and the estimated parking needs of cyclists. Every other use shall include an area for parking bicycles in accordance with the provisions of Section 902. The bicycle parking area may be designated parking space(s) within the required automobile parking area, or an area outside the parking area and adjacent to the Building. The bicycle parking area shall include a bicycle rack. Bicycle parking areas shall be classified as either short-term or long-term use spaces. Short-term use is defined as being readily accessible to cyclist visiting a building or area for less than twenty-four hours; long-term use provides parking spaces for cyclist using overnight facilities for one or more days.

Required short-term bicycle parking spaces (i) shall be located in a convenient and visible area within one hundred (100) feet of a principal entrance; (ii) shall permit the locking of the bicycle frame and one (1) wheel to the rack; and (iii) shall support a bicycle in a stable position. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to bicycle owners using the parking spaces.

Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas, as this may interfere with required means of egress. Private storage areas accessory to dwelling units may be used if access is provided to the tenants or occupants, and approved by the Zoning Administrator as designated bicycle storage. With permission of the Zoning Administrator, long-term bicycle parking spaces for nonresidential uses may be located off-site within three hundred (300) feet of the site. All bicycle parking requirements (short- and long-term) shall be shown on site plans and final plats for development.

The minimum number of bicycle parking spaces per any non-exempt residential or non-residential use, when required, is two (2) spaces or one rack. A single “inverted-U” bicycle parking rack will count as two (2) bicycle parking spaces. The maximum required short-term bicycle spaces shall be twenty (20) (or ten (10) “inverted-U” racks) for any single Building.

- 904    Shared Parking.            Shared parking may be approved under the following conditions:
- A.     Adjacent parking areas serving non-residential buildings must be interconnected.
  - B.     Only two (2) facilities/buildings that meet the conditions stated in this section may request shared parking for a given parking lot/area.
  - C.     Where vehicular access is provided between adjoining non-residential uses and the operating hours of adjoining uses do not overlap, all of the required parking spaces (up to 100%) may be shared. For example, if a church, theater, assembly hall or other use with peak hours of attendance at night or on Sundays, is located next to another use or uses that are closed at night or on Sundays, both uses may be able to take advantage of this option.
  - D.     If the operating hours of two (2) adjoining non-residential uses overlap five or fewer hours each day, half of the required parking spaces (up to 50%) may be shared.
  - E.     The joint use of shared off-street parking between two uses must be guaranteed by a contract or other legally binding document between two or more adjacent property owners.
- 905    Use of Public Streets for Parking.    When determining parking area requirements for individual uses, portions of public streets may not be considered as permissible for parking unless part of an overall parking plan developed to accommodate new construction, alterations to, or changes in use of, existing buildings.

- A. Parallel parking is currently permitted only along select streets in the Institutional (I) or Institutional/Residential (I/R) Districts, as delineated on the official zoning map, due to historic use of these locations for parking. Requests for approval of newly-created parallel or diagonal parking spaces in the I and I/R Districts of Town shall be reviewed for approval on a case-by-case basis by the Town ~~Administrator, Public Works Director and Zoning Administrator.~~ **Administrator.**
- B. Residential buildings may meet or contribute to meeting motor vehicle parking requirements with on-street parking if individual driveways are minimized and the fronting street is sized or specifically designed to accommodate the parking needs of residential buildings. On-street parking shall be permitted by means of an Administrative Approval. Owners of residential buildings who use public street parking spaces are subject to the following provisions: (i) their use of public street parking spaces is non-exclusive and continued access by the public shall be maintained; and (ii) no private signage shall be permitted that restricts public use of designated on-street parking spaces or areas.

906 Structured Parking. Above-ground structured parking shall be screened in such a way to limit visibility of the parking structure from adjacent buildings or pedestrian ways. Locating structured parking at the interior of the block or developed area, surrounded by buildings, is the preferred method.

907 Off-Street Loading Regulations.

- A. Loading Spaces. Every Building, excluding single family, two family and group dwellings, shall provide space indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley or if there is no alley, to a street. For the purposes of this Section, an off-street loading space shall have the minimum dimensions of twelve feet (12') by forty feet (40') and be free and clear of obstruction at all times. However, the minimum loading requirements shall meet the needs of each individual use. Required space shall be considered as follows:
1. Multi-family dwellings with more than ten dwelling units and large group dwellings: One (1) loading space.
  2. All other uses:

<u>Square Feet</u>	<u>Number of Spaces</u>
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**Montreat Zoning Ordinances**  
**Parking**

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01-25,000	1
25,000 – 99,000	2
100,000 – 159,000	3
160,000 – 239,000	4
239,000 – 349,000	5
Additional 100,000 or fraction thereof	1 additional

- B. Loading Spaces Adjacent to Sidewalks. Where a loading space is adjacent to a public sidewalk or other public walkway, it shall be so located, arranged and improved with curbs or other barriers, as to provide adequate protection for pedestrians.
- C. Maneuvering Areas. All off-street loading spaces shall be allowed to use public rights-of-way for maneuvering areas incidental to parking, but loading spaces shall be so located that no vehicle will obstruct traffic or be parked on a street while loading or unloading is taking place.

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Appendix A – Recommended Species for Landscaping

Appendix B – Greenspace Agreement

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