

**Town of Montreat
Board of Commissioners Meeting – Public Forum
June 10, 2021 – 6:30 p.m.
Town Hall & Zoom Software**

I. Call to Order

- Welcome
- Moment of Silence

II. Agenda Adoption

III. Public Comments

IV. Adjournment

**Town of Montreat
Board of Commissioners
Town Council Meeting
June 10, 2021 – 7:00 p.m.
In person and Zoom software**

I. Call to Order

- Pledge of Allegiance
- Moment of Silence

II. Agenda Adoption

III. Public Hearing: FY 2021-2022 Budget

IV. Presentation & Reports: Mary Roderick, Stormwater Study

IV. Mayor's Communications

V. Consent Agenda

A. Meeting Minutes Adoption

- May 13th Town Council Public Forum Meeting Minutes
- May 13th Town Council Meeting Minutes
- May 26th Special Meeting Minutes

All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.

VI. Town Administrator's Communications

- Consent Agenda Review
- Other Items

VII. Administrative Reports

- Administration
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets

VIII. Public Comment

Public comments will be heard during this period for any and all items.

IX. Old Business

X. New Business

A. FY 2021-2022 Budget Ordinance

- **Suggested Motion:** Move to approve/deny the FY 2021-2022 Budget Ordinance as presented.

B. Montreat Zoning Ordinance Amendments

- **Suggested Motion:** Move to approve/deny the Montreat Zoning Ordinance Amendments as presented.

C. Budget Amendment #5 Sanitation

- **Suggested Motion:** Move to approve/deny Budget Amendment #5 in the amount of \$5,023.00 from Streets to Sanitation to pay for dumpster services.

D. Appointment of John Hinkle to Planning & Zoning Commission

- **Suggested Motion:** Move to approve/deny John Hinkle as a regular member of the Planning & Zoning Commission to fill a vacancy that will expire on January 31, 2022.

E. Appointment of Wade Burns to Planning & Zoning Commission

- **Suggested Motion:** Move to approve/deny Wade Burns as a regular member of the Planning & Zoning Commission to fill a vacancy that will expire on January 31, 2022.

F. American Rescue Plan Act Resolution

- **Suggested Motion:** Move to approve/deny Resolution #21-06-001 for receiving Federal Funds under the American Rescue Plan Act (ARPA)

G. Budget Amendment #6

- **Suggested Motion:** Move to approve/deny Budget Amendment #6 in the amount of \$8,565.72 from Contribution Accounts to Public Buildings.

XII. Public Comment

Public comments will be heard during this period for any and all items.

XIII. Commissioner Communications

XIV. Dates to Remember

- **Montreat Tree Board June 22, 2021 9:30 a.m. by Zoom Software and in person attendance**
- **Friday July 2, 2021 Town Hall Closed for July 4th Holiday**
- **Bulk Pickup July 6, 2021**
- **Planning & Zoning Commission July 8, 2021 10:30 a.m. by Zoom Software and in person attendance**
- **Town Council Meeting July 8, 2021 7:00 p.m. by Zoom Software and in person attendance**
- **Montreat Tree Board July 27, 2021 9:30 by Zoom Software and in person attendance**

XV. Closed Session

- **Suggested Motion: Move to enter into Closed Session in accordance with NCGS §143-318.11(6) for discussion of a personnel matter”**

XVI. Adjournment

Town of Montreat Fiscal Year 2021-2022 Budget



Introduction

BUDGET MESSAGE

May 19, 2021

TO: Mayor Tim Helms
Mayor Pro Tem Tom Widmer
Commissioner Jane Alexander
Commissioner Kitty Fouche
Commissioner Alice Lentz
Commissioner Kent Otto

FR: Alex Carmichael, Town Administrator

Honorable Mayor and Members of the Town Commission,

Pursuant to North Carolina General Statutes §159-11, I hereby submit for your approval the Town of Montreat Budget for the FY 2021-2022 (fiscal year.) This budget is presented in accordance with the North Carolina Local Government Budget & Fiscal Control Act and is balanced as required by North Carolina General Statutes.

The proposed FY 21-22 General Fund budget totals \$1,810,952. This is a 2%, increase from the current year budget, but an 8.34% decrease over the prior fiscal year. The proposed budget does not include any fund balance appropriation.

This year was a revaluation year for Buncombe County. The ad valorem tax rate in the proposed budget remains at 43 cents per \$100 valuation. However, the rate that is estimated to produce revenue for the next fiscal year equal to the revenue that would have been produced for the next fiscal year by the current tax rate if no reappraisal had occurred is 41 cents per \$100 valuation.

The proposed budget does not include potential American Rescue Act Plan (A.R.P.A.) money. As project eligibility becomes clear staff will present a budget amendment to accept and appropriate A.R.P.A. funds.

The proposed FY 21-22 Water Fund budget totals \$344,041, which is a 10.54% increase over the current year, but a 15.51% decrease from the previous year's budget. The Water Fund budget does not include any appropriation from fund balance.

The General Fund and Water Fund proposed budgets combined total \$2,154,993 which represents a 3.23% increase over the current year, and a 9.52% decrease over the prior fiscal year.

Economic Conditions and Assumptions

Budget development for the upcoming fiscal year remains a moving target. Though the forecast has improved since last year, the lingering impact of the Covid-19 pandemic remains a challenge to predict. Revenues in FY 20-21 have been better than expected, but still fall short of pre-pandemic levels.

The proposed budget protects the existing general fund balance but requires difficult decisions. The Capital Improvement Plan (C.I.P.) is only partially implemented in this budget and continues to defer needed projects and purchases. Relief may come in the form of A.R.P.A. funds for which Montreat may qualify for a reported \$250,000, but project eligibility has not been determined yet.

Overview

The proposed General Fund budget for FY 21-22 is \$1,810,952. The tax rate proposed in this budget is 43 cents. I believe that the data as presented are accurate in all material aspects and fairly depict the financial position and operations of the Town as measured by the financial activity of its various funds. I also believe that all disclosures necessary to enable the reader to gain the maximum understanding of the Town's financial affairs have been included.

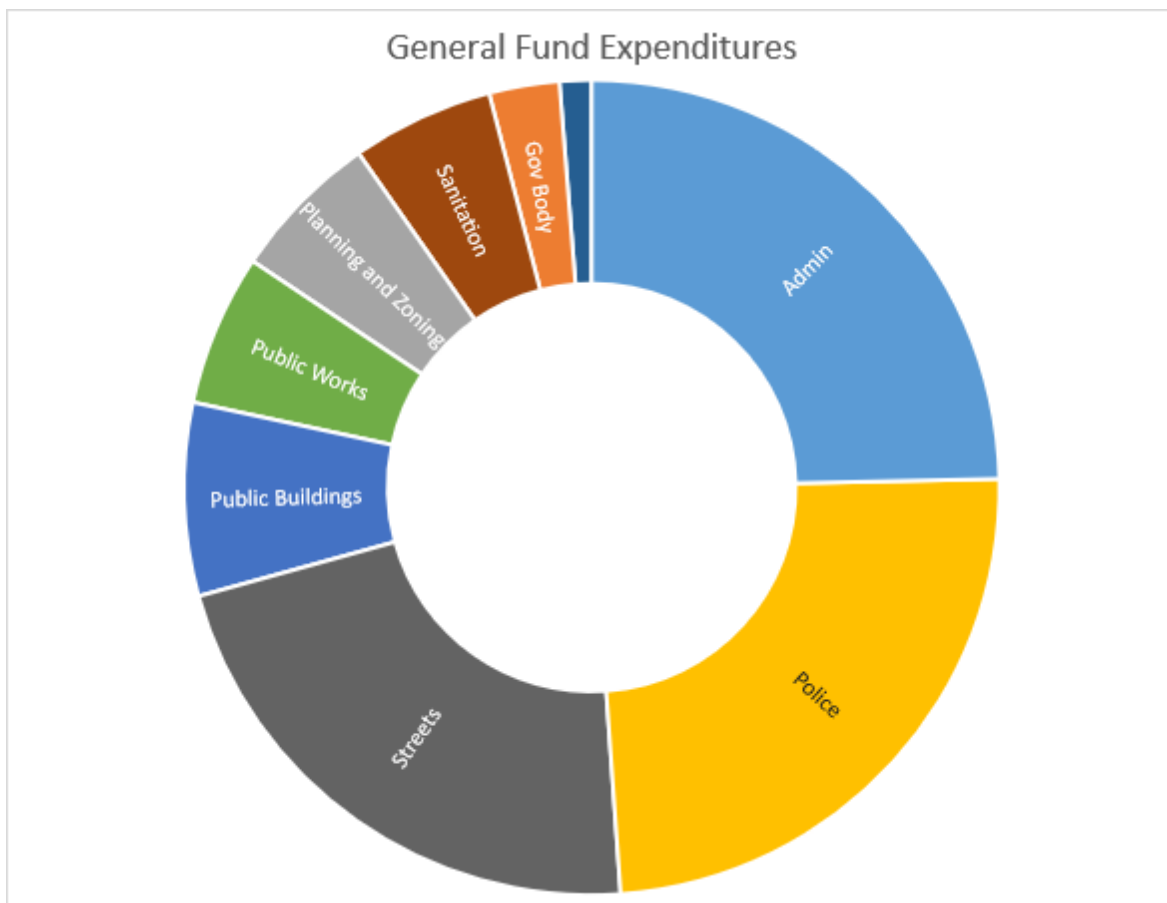
In accordance with North Carolina State Law, the Town's budget is prepared on the modified accrual basis, and its accounting records also are maintained on that basis. Under modified accrual accounting, revenues are recorded when they are measurable and available. Expenditures are recorded when a liability is incurred, except for interest on a long-term debt and accrued vacation benefits.

The proposed General Fund budget for FY 21-22 includes the revenues and expenditures as outlined in the following tables:

Revenue	FY 20-21	FY 21-22	Percent Change
Water Fund Revenue	\$311,340	\$344,041	10.54%
General Fund Revenue	\$1,775,072	\$1,810,952	2%
Combined	\$2,086,412	\$2,154,993	3.29%

*Note that the FY 20-21 budgeted revenues included a fund balance appropriation and FY 21-22 do not.

Expense - GF	FY 20-21	FY 21-22	Percent Change
Admin	\$ 451,465	\$ 446,567	-1.08%
Gov Body	\$ 53,562	\$ 50,471	-5.77%
Planning and Zoning	\$ 76,310	\$ 107,506	40.88%
Police	\$ 438,914	\$ 438,373	-0.12%
Public Buildings	\$ 201,985	\$ 138,557	-31.40%
Public Works	\$ 249,157	\$ 109,020	-56.24%
Recreation and Env.	\$ 22,100	\$ 22,900	3.62%
Sanitation	\$ 122,982	\$ 102,096	-16.98%
Streets	\$ 252,346	\$ 395,462	56.71%
Subtotal	\$ 1,868,821	\$ 1,810,952	-3.10%
Expense - Water	\$ 311,250	\$ 344,041	10.54%
Subtotal	\$ 311,250	\$ 344,041	10.54%



General Fund Revenue Highlights

The Town's revenue sources are still being impacted by the COVID-19 pandemic. In the bullets that follow, I provide general overviews for significant revenue sources and provide preliminary projections for the fiscal year. Ad valorem property taxes and local government sales taxes are the largest source of revenue for the Town. Ad valorem taxes are increasing for two reasons, the property reevaluation completed by Buncombe County and the anticipated higher collection rate over the current fiscal year.

❖ Ad Valorem Taxes

The proposed budget is based on a tax rate of \$0.43 per \$100 valuation, at a collection rate of 99%. With the rate and reevaluation mentioned above, we predict an increase on 13.54% over the current fiscal year.

❖ Local Government Sales Taxes

Sales tax revenues remain difficult to predict. The proposed budget includes an estimated \$421,500 in sales tax revenue. This represents a 12% increase over the current year, though still not rebounding to pre-pandemic levels.

❖ Community Service Fee

Due to the impact of repressed travel and mass gathering restrictions on the Mountain Retreat Association, we have seen a significant decrease in Community Service Fees, even below predicted levels.

❖ Sale of Fixed Assets

In FY 20-21 we put up for auction a number of smaller fixed assets. In FY 21-22 we anticipate no such sales.

❖ Powell Bill Grant

We predict a slight increase in Powell Bill funds over the current fiscal year.

❖ Powell Bill Fund Balance Appropriation

In FY 19-20 the Town of Montreat spent down the Powell Bill reserves that it had accumulated over the years. This allowed for a surge in funding to triple the number of road projects for that year. Powell Bill fund balance is therefore not currently available to spend.

General Fund Expenditures**Highlights**

The proposed budget accomplishes several key goals:

- Allocates funding for the Town portion of the remaining Alberto projects at Texas Road Extension and Arbor Lane bridge.
- Allocates funding for the Texas Road bridge conversion.
- Allocates funding for a Comprehensive Plan update.
- Allocates funding for a 2.25% C.O.L.A. and up to 3% merit increase for Town staff. Allocates funding for increased budget requests for the Landcare Committee and the Tree Board.

However, the budget does not appropriate funding for several capital projects identified in the Capital Improvement Plan:

- Finance Software update
- Local street paving (Oklahoma Road)
- New road paving (upper Oklahoma Road)
- Street's tractor replacement
- Waterline extension (Oklahoma Road)

Water Fund

Operating revenues for the Water Fund are budgeted for \$344,041, a 10.54% increase over the current fiscal year and a 15.51% decrease over the previous year. Staff recommends that user rates and water access fees remain flat this year. The Water Fund will also reimburse the General Fund for shared expenses again this year through indirect cost allocation of 8%.

Conclusion

We are projecting a slow recovery in FY 21-22, though we do not anticipate reaching pre-pandemic levels in most areas. We continue to have to make hard decisions prioritizing capital projects. However, depending on project eligibility, we anticipate up to \$250,000 in A.R.P.A. funds that will allow more projects to be added during the year.

I feel that this recommendation is a responsible budget given the uncertainty of this era. The budget fulfills obligations that either this Board has made or legal obligations imposed by other levels of government. The FY 21-22 recommended budget is hereby respectfully submitted for your review and consideration.

Alex Carmichael
Town Administrator

TOWN OF MONTREAT

2021-2022 BUDGET ORDINANCE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MONTREAT, NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the Town Government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022 in accordance with the chart of accounts heretofore established for this Town:

Governing Board	\$50,471
Administration	\$446,567
Public Buildings	\$138,557
Police	\$438,373
Planning and Zoning	\$107,506
Public Works	\$109,020
Streets and Powell Bill	\$395,462
Sanitation	\$102,096
Recreation	\$22,900
Total Expenditures	\$1,810,952

Section 2. It is estimated that the following revenues will be available to the General Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

Taxes, Ad Valorem – Prior	\$0
Taxes, Ad Valorem – Current	\$1,180,346
Penalties and Interest	\$0
NC Sales & Use Tax	\$421,500
Taxes, Personal	\$22,387
NC Franchise Tax	\$88,200
Beer & Wine Tax	\$3,650
Solid Waste Disposal Tax	\$665
Contributions	\$1,200
Contributions-Landcare	\$235
Community Service Fee	\$9,058
Interest on Investments	\$444
Interest on Powell Bill	\$36
Miscellaneous Revenues	\$0
Sale of Fixed Assets	\$0
Fund Balance Appropriated	\$0
Transfer to Water Fund	\$0
Proceeds from Debt Service	\$0
Public Safety Charges	\$3,371
Arrest Fees and Fines	\$0
Fire Inspection Fees	\$0

Building Permits	\$36,120
Zoning Permits	\$140
Sanitation Fees	\$3,740
Special Pick Up	\$1,200
Back Door Pickup	\$700
PATY	\$960
Powell Bill Grant	\$37,000
Cash Over/Cash Short	\$0
Powell Bill Fund Balance App.	\$0

Total Revenues **\$1,810,952**

Section 3. The following amounts are hereby appropriated in the Water Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022, in accordance with the chart of accounts heretofore approved for the Town:

Water Fund	\$344,041
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Total Expenditures	\$344,041
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Section 4. It is estimated that the following Revenues will be available in the Water Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

MSD Billing Fees Revenue	\$20,475
Water Sales	\$120,300
Water Access Fees	\$170,000
Billing Fee Revenue	\$1,100
Water Taps	\$0
Water Transfer Fees	\$600
Special Assessment	\$27,330
Interest on Investments	\$36
Miscellaneous Revenue	\$0
Late Fees	\$4,200
Interfund Transfer from General	\$0
Fund Balance Appropriated	\$0
Total Revenue	\$344,041

Section 5. The Budget Officer/Finance Officer is hereby authorized to distribute department funds upon the line item budget and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.

Section 6. The Budget Officer/Finance Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- A. He/she may transfer amounts between line items, expenditures and revenues, within a department without limitation and without a report being required.

- B. He/she may transfer amounts up to \$2,500 between departments within any one division, including contingency appropriations, within the same fund during any month. For the purpose of this ordinance, the Town of Montreat has the following divisions: Public Works (Streets and Sanitation), Police, Governing Body, Administration, Public Buildings, Planning and Zoning, and Recreation. The Budget Officer/Finance Officer must make an official report on such transfers at the next regular meeting of the Governing Board. Transfers between divisions would require action of the Governing Board.
- C. He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 7. There is hereby levied a tax at the rate of forty three cents (0.43) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2021 for the purpose of raising the revenue listed as "Taxes Ad Valorem - Current Year" in the General Fund in Section 2 of this Ordinance. The estimated rate of collection is 97.5%..

Section 8. The Town of Montreat Fee Schedule, FY 2021-2022, as attached, is hereby incorporated into this annual budget ordinance, and such fees shall become effective on July 1, 2021.

Section 9. Copies of the Budget Ordinance shall be furnished to the Mayor, to the Board of Commissioners and to the Clerk of the Town to be kept on file for their direction in the disbursement of funds.

ADOPTED AND APPROVED THIS, THE ---- DAY OF JUNE, 2021

TIM HELMS
MAYOR

ATTEST:

ANGIE MURPHY
TOWN CLERK

FISCAL YEAR 2021-2022 FEE SCHEDULE

Town of Montreat Fiscal Year 2021-2022 Fee Schedule

Administration

Taxes

Property Tax Rate: \$0.43/\$100 of Assessed Valuation

Miscellaneous

Copies (B&W)	\$0.10 per page
Copies (Color)	\$0.25 per page
Faxes Sent	\$1.00 per page
Faxes Received	\$0.10 per page
Documents	Actual Cost
Returned Check Fee	\$25.00 (per event)

Privilege Licenses

Repealed March 8, 2007

Water Rates

Residential

Water Access Fee	\$14.35
Water Rate (per 1,000 gallons)	\$4.95
Meter Set	\$50.00
Meter Tap	\$900.00

Institutional

Water Access Fee – 1” Line	\$92.25
Water Access Fee – 2” Line	\$225.50
Water Rate (per 1,000 gals)	\$4.95
Meter Set	\$50.00
Meter Tap	\$1,500.00

Other Fees

Reconnection Fee	\$100.00
Water Service Transfer Fee	\$25.00
Late Fee	5% per month on past due balances

Sewer Rates

Determined by the
Metropolitan Sewerage District Fee Schedule

Building Permits and Inspection Fees

Non-Residential Permits

New Construction or Renovation (up to \$1,000,000 in Valuation)	\$300.00; or \$10.00 per \$1,000.00 gross construction value, whichever is greater
New Construction or Renovation (over \$1,000,000 in Valuation)	0.30% of each additional \$1,000,000 or value or portion thereof
Engineering Services Review Fee	\$75.00 per hour

Non-Residential Electrical, Mechanical & Plumbing Inspection Fees

Per Inspection, Per Trade Discipline	\$100.00
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Other (Non-Residential)

Modular Offices	\$250.00
Day Care Centers	\$80.00 per trade discipline
ABC License	\$80.00 per trade discipline
Certificate of Occupancy	\$150.00

Residential Construction Permits (New)

Site-Built Homes	Fees based on Estimated Construction Cost x 0.006
Covered Heated Areas	\$132.00 per sq. ft.
Covered Unheated Areas	\$60.00 per sq. ft.
Porches, Decks, Patios, etc.	\$44.00 per sq. ft.
Concrete Slabs, Walks, Drives, etc.	\$4.00 per sq. ft.
Manufactured Homes	\$88.00 per sq. ft.

Residential Construction Permits (Remodel or Renovation)

\$0 - \$999.99	\$30.00
\$1,000 - \$1,999.99	\$40.00
\$2,000 - \$4,999.99	\$50.00
\$5,000 or more	Actual Cost of Construction x 0.006 Or \$50.00 whichever is greater

Residential Electrical, Mechanical & Plumbing Inspection Fees

Per Inspection, Per Trade Discipline	\$100.00
Mechanical Appliance Change Out	\$100.00
LP Gas Piping/System (per inspection required)	\$75.00

<u>Residential Certificate of Occupancy Fee</u>	\$60.00
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Miscellaneous Inspection & Administration Fees

Demolition Permit	\$100.00
Driveway Permit	\$100.00
Fire Inspection	Per Town of Black Mountain Fee Schedule
Grading Permit	\$150.00
Homeowners Recovery Fee	\$10.00
Re-Inspection Fee	\$100.00
Residential Retaining Walls (<48" unbalanced backfill)	\$100.00

Engineered Retaining Walls (>48" unbalanced backfill or commercial projects)	\$300.00 Minimum Fee or 0.006 x Project Cost (including design work), whichever is greater
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Work Performed Without Building and Zoning Permits Double Permit Fee

Right-of-Way Cut Permit Fees

Minimum	\$50.00 < 25 square feet.
Normal Fee	\$2.00 per square foot
Maximum	\$2,500.00
Full Width Overlay (Master Permit – must be requested at time of cut application)	\$50.00
Street/Sidewalk/Dirt Cut Permit Length	10 working days (excluding weather delays)
Additional Re-Inspections	\$50.00 each
Additional Re-Inspections for Warranty Work	\$50.00 each

Penalties/Fines

Failure to obtain permit	\$50.00 per day
Exceeding time (past 10 working days)	\$50.00 per day

Miscellaneous

30-Day Extensions (must be requested prior to permit expiration)	No Charge
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Planning/Zoning

Board of Adjustment Fees

Appeals or Interpretations	\$50.00
Rezoning Requests	\$200.00
Variance Applications	\$350.00
Zoning Ordinance Amendment Applications	\$50.00

Permit Fees

Zoning Permit	\$35.00
Conditional Use Permit	\$300.00

Subdivision Plat Review Fees

Minor Subdivision	\$50.00
Major Subdivision	\$100.00

Sign Permit Fees

Free-Standing Signs	\$25.00
Wall Signs	\$20.00
Projection Signs	\$20.00
Suspended Signs	\$10.00

Home Occupation Signs	\$10.00
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Other Permits

Wireless Communications Facility - Plan Review Fee	\$500.00
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Wireless Communications Facility - Intermodulation Study	\$500.00
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Stormwater Permit	\$400 per acre, or portion thereof, for total disturbed acreage equal to or exceeding 12,000 square feet. Below 12,000 square feet disturbed area, a \$100 flat rate shall be applied to all development and qualified redevelopment requiring a permit as described in the Stormwater Management Ordinance
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Base Application Fee for Development in a Special Flood Hazard Area (SFHA)	\$100.00
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Fire Permits (Operational or Construction)	\$25.00
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Sanitation

Back Door Collection – Three Months	\$47.50
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Back Door Collection - Annual	\$131.25
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Special Pick Up	\$25.00 minimum
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ETJ Collection Rate	\$300.00 annually
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Mattress Disposal Fee	\$5 per item
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Leaf Collection Fee (outside normal collection period)	\$25.00
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Brush/ Yard Waste Collection Fee (over 3 cubic yards)	\$25.00 per each additional 3 cubic yards
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Town Seal Imprinted Bags (Blue and Green)	\$1.00 per bag
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Police Department

Parking Fines

Overtime Parking	\$2.00
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Illegal Parking	\$30.00
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Handicap Parking (Unauthorized)	\$75.00
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Late Fee for Parking Fines	Additional \$10.00 if not paid within 15 days
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Immobilization Fees	\$50.00
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Town Ordinance Violation Fees

First Offense	Verbal Warning
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Second Offense	\$250.00
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Third and Subsequent Offenses	\$500.00
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<u>Life Safety Code Violations</u>	\$100.00
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<u>Non-Conforming Sign Violations</u>	\$50.00 if not removed within 15 days
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All fees are subject to change at any time with approval by the Board of Commissioners.

General Fund

Schedule of Revenues

Account Number	Account Name	Current Year			Administrator Recommended FY 21-22	Board Approved FY 21-22
		Budget FY 20-21	Actual 4/22/21	@ Estimated @ 6-30-21		
10-00-3004-100	Taxes, Ad Valorem - Prior	0	0	0	0	
10-00-3005-100	Taxes, Ad Valorem - Current	1,030,611	1,048,386	1,051,000	1,180,346	
10-00-3050-100	Penalties and Interest	0	0	0	0	
10-00-3065-100	NC Sales & Use Tax	375,900	259,063	421,523	\$421,500	
10-00-3194-100	Taxes, Personal	18,425	16,767	21,000	22,387	
10-00-3205-200	NC Franchise Tax	95,400	49,820	91,000	88,200	
10-00-3220-200	Beer & Wine Tax	3,650	0	3,650	3,650	
10-00-3235-200	Solid Waste Disposal Tax	672	361	658	665	
10-00-3300-300	Contributions	1,200	3,824	3,824	1,200	
10-80-3330-340	Contributions-Landcare	250	235	235	235	
10-00-3550-800	Community Service Fee	21,373	0	4,529	9,058	
10-00-3800-800	Interest on Investments	2,280	182	330	444	
10-00-3805-800	Interest on Powell Bill	20	26	38	36	
10-00-3815-800	Miscellaneous Revenues	0	127	127	0	
10-00-3820-800	Sale of Fixed Assets	3,000	2,111	2,611	0	
10-00-3905-900	Fund Balance Appropriated	135,308	142,749	142,749	0	
10-00-3915-900	Transfer to Water Fund	0	0	0	0	
10-00-3920-900	Proceeds from Debt Service	0	0	0	0	
10-10-3305-300	Public Safety Charges	3,371	2,528	3,371	3,371	
10-10-3405-400	Arrest Fees and Fines	100	9	9	0	
10-10-3425-400	Fire Inspection Fees	2,000	0	0	0	
10-10-3430-400	Building Permits	40,000	30,105	36,125	36,120	
10-10-3434-400	Zoning Permits	800	455	455	140	
10-10-3435-400	Sanitation Fees	3,360	3,520	3,740	3,740	
10-10-3435-420	Special Pick Up	1,130	1,005	1,200	1,200	
10-10-3435-410	Back Door Pickup	1,380	970	1,045	700	
10-10-3435-430	PATY	1,200	821	960	960	
10-20-3325-300	Powell Bill Grant	33,642	40,087	40,087	37,000	
10-00-3825-800	Cash Over/Cash Short	0	0	0	0	
10-20-3925-900	Powell Bill Fund Balance App.	0	0	0	0	
General Fund Totals		\$1,775,072	\$1,603,151	\$1,830,266	\$1,810,952	\$0
				\$55,194	\$35,880	

Water Fund**Schedule of Revenues**

Account Number	Account Name	Current Year Budget FY 20-21	Actual at 4/22/21	Estimated at 6-30-21	Administrator Recommended FY 21-22	Board Approved FY 21-22
30-91-3400-400	MSD Billing Fees Revenue	19,500	14,903	19,500	20,475	
30-91-3500-500	Water Sales	108,480	99,052	120,300	120,300	
30-91-3500-600	Water Access Fees	152,000	141,688	170,000	170,000	
30-91-3500-800	Billing Fee Revenue	1,100	914	1,100	1,100	
30-91-3505-500	Water Taps	950	0	900	0	
30-91-3505-700	Water Transfer Fees	200	503	600	600	
30-91-3610-600	Special Assessment	27,790	27,331	27,331	27,330	
30-91-3805-800	Interest on Investments	320	23	35	36	
30-91-3810-800	Miscellaneous Revenue	0	0	0	0	
30-91-3815-800	Late Fees	1,000	3,760	4,200	4,200	
30-91-3550-800	Interfund Transfer from General	0	0	0	0	
30-91-3905-900	Fund Balance Appropriated	0	0	0	0	
Water Fund Totals		\$311,340		\$343,966	\$344,041	\$0

Fiscal Year 2019-2020

Ad Valorem Taxes

2019 Estimated Valuation	243,446,169
2019 Estimated Valuation @.41 Tax Rate	998,129
2019 Estimated Revenue @ 99.99%	998,029

Real Property	241,074,769
Personal Property	759,142
Public Utility	1,612,258
Total Property	243,446,169

DMV (Vehicle) Taxes

2019 Estimated Valuation	4,871,917
2019 Estimated Valuation @ .41 Tax Rate	19,975
2019 Estimated Revenue @ 99.99%	19,973

Total 2019 Value	248,318,086
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Fiscal Year 2020-2021

Ad Valorem Taxes

2020 Estimated Valuation	245,822,459
2020 Estimated Valuation @.43 Tax Rate	1,057,037
2020 Estimated Revenue @ 97.5%	1,030,611

Real Property	243,459,789
Personal Property	720,869
Public Utility	1,641,801
Total Property	245,822,459

DMV (Vehicle) Taxes

2020 Estimated Valuation	4,510,502
2020 Estimated Valuation @ .43 Tax Rate	19,395
2020 Estimated Revenue @ 95%	18,425

Total 2020 Value	250,332,961
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Fiscal Year 2021-2022

Ad Valorem Taxes

2021 Estimated Valuation	277,271,817
2021 Estimated Valuation @.43 Tax Rate	1,192,269
2021 Estimated Revenue @ 99%	1,180,346

Real Property	275,129,164
Personal Property	677,672
Public Utility	1,464,981
Total Property	277,271,817

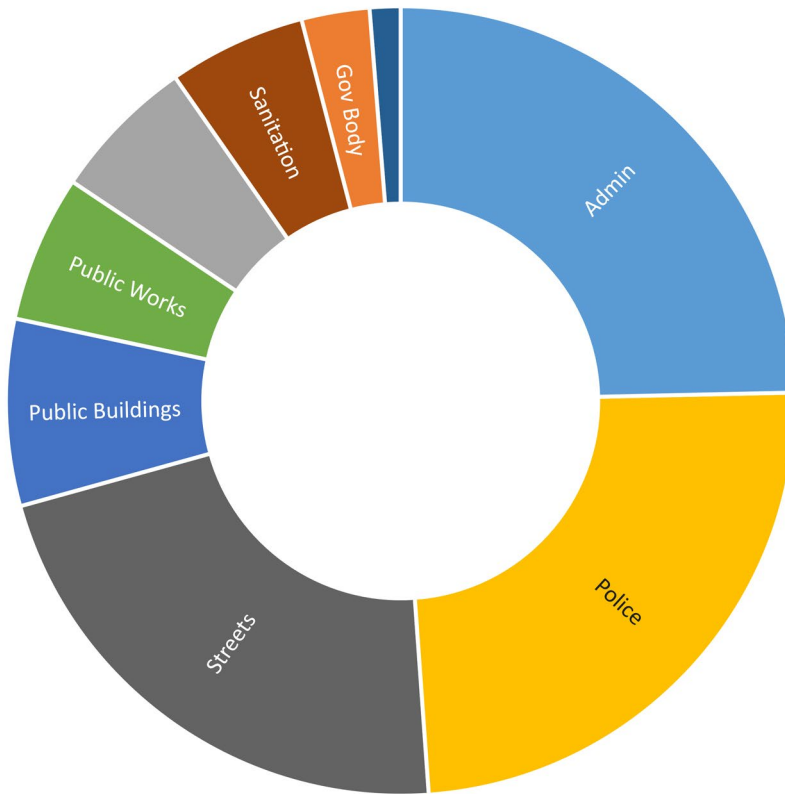
DMV (Vehicle) Taxes

2021 Estimated Valuation	5,339,699
2021 Estimated Valuation @ .43 Tax Rate	22,961
2021 Estimated Revenue @ 97.5%	22,387

Total 2020 Value	282,611,516
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Expense - GF	FY 20-21	FY 21-22	Percent Change
Admin	\$ 451,465	\$ 446,567	-1.08%
Gov Body	\$ 53,562	\$ 50,471	-5.77%
Planning and Zoning	\$ 76,310	\$ 107,506	40.88%
Police	\$ 438,914	\$ 438,373	-0.12%
Public Buildings	\$ 201,985	\$ 138,557	-31.40%
Public Works	\$ 249,157	\$ 109,020	-56.24%
Recreation and Env.	\$ 22,100	\$ 22,900	3.62%
Sanitation	\$ 122,982	\$ 102,096	-16.98%
Streets	\$ 252,346	\$ 395,462	56.71%
Subtotal	\$ 1,868,821	\$ 1,810,952	-3.10%
Expense - Water	\$ 311,250	\$ 344,041	10.54%
Subtotal	\$ 311,250	\$ 344,041	10.54%
	\$ 2,180,071	\$ 2,154,993	-1.15%
Revenue	FY 20-21	FY 21-22	Percent Chang
Water Fund Revenue	\$ 311,340	\$ 344,041	10.50%
General Fund Revenue	\$ 1,775,072	\$ 1,810,952	2.02%
Combined	\$ 2,086,412	\$ 2,154,993	3.29%

General Fund Expenditures



GOVERNING BODY

Governing Body

The Board of Commissioners will seek ways to maintain and improve the quality of life, preserve the natural beauty and promote responsible growth while maintaining our community image, heritage and traditions.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Department Action Items

1. Provide responsive and transparent communication with the community
2. Plan, fund, and oversee capital projects. Communicate progress with frequency and transparency
3. Support ongoing ordinance review. Pursue development fee evaluations
4. Pursue evaluation of stormwater and flooding vulnerabilities in Montreat
5. Continue building relationships with organizations and community members. Seek to understand perspectives, challenges, and needs of the community
6. Pursue updates to emergency plans. Participate in ICS training
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat through communication and relationship development with the United States Postal Service, Buncombe County Government and various relevant departments, and technology providers that impact mapping services.

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-1-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
10-00-4100-020	SALARIES & WAGES	9,800	9,800	9,800	9,800	9,800	9,800	
10-00-4100-050	FICA EXPENSE	750	750	750	750	750	750	
TOTALS:	PERSONNEL SERVICES	\$10,550	\$10,550	\$10,550	\$10,550	\$10,550	\$10,550	
OPERATING EXPENSES:								
10-00-4100-040	PROFESSIONAL SERVICES	100,149	27,000	17,475	27,000	27,525	27,525	
10-00-4100-110	TELEPHONE	524	0	25	25	0	0	
10-00-4100-120	RENT	500	100	50	50	0	0	
10-00-4100-140	TRAVEL AND TRAINING	55	1,000	150	150	1,000	1,000	
10-00-4100-260	ADVERTISING	88	2,000	270	1,500	1,500	1,500	
10-00-4100-330	DEPARTMENT SUPPLIES	1,293	1,300	644	1,000	1,300	1,300	
10-00-4100-331	CONTINGECY	0	0	-	0	0	0	
10-00-4100-332	SALARY CONTINGENCY	3,344	10,160	0	8000	10,160	10,160	
10-00-4100-335	DUPLICATING AND PRINTING	196	0	0	0	0	0	
10-00-4100-450	CONTRACT SERVICES	1,218	2,200	385	385	2,200	2,200	
10-00-4100-480	INDIRECT COST ALLOCATION - WF	-3,300	-1,373	-343	-1,373	-4,389	-4,389	
10-00-4100-520	CONTRIBUTIONS	0	500	0	500	500	500	
10-00-4100-530	DUES AND SUBSCRIPTIONS	1,917	125	120.28	121	125	125	
10-00-4100-570	INTER-FUND TRANSFER	0	0	0	0	0	0	
TOTALS:	OPERATING EXPENSES	\$105,983	\$43,012	\$18,776	\$37,358	\$39,921	\$39,921	
CAPITAL OUTLAY:								
10-00-4100-730	CAPITAL OUTLAY	0	0	0	0	0	0	
TOTALS:	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0	
DEBT PAYMENT:								
10-00-4100-900	DEBT PAYMENT	0	0	0	0	0	0	
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	
GOVERNING BODY DEPARTMENT TOTAL:		\$116,533	\$53,562	\$29,326	\$47,908	\$50,471	\$50,471	\$0

<u>.020 SALARIES AND WAGES</u>	FY 20-21	FY 21-22
Mayor and five Commissioners	9,800	9,800
<u>.040 PROFESSIONAL SERVICES</u>	27,000	27,525
Audit Services		
<u>.050 FICA EXPENSE</u>	750	750
Mayor and five Commissioners		
<u>.110 TELEPHONE</u>	-	-
Mifi		
<u>.120 RENT</u>	100	-
Rental of meeting space		
<u>.140 TRAVEL AND TRAINING</u>	1,000	1,000
Educational Workshop Meetings		
Miscellaneous		
<u>.260 ADVERTISING</u>	2,000	1,500
Postcard Printing		
Montreat Business Patron Program		
<u>.330 DEPARTMENT SUPPLIES</u>	1,300	1,300
Event Costs		
Miscellaneous		
<u>.331 CONTINGENCY</u>	-	-
Contingency		
<u>.332 SALARY CONTINGENCY</u>	10,160	10,160
Salary Costs		
<u>.335 DUPLICATING AND PRINTING</u>	-	-
Printing		
<u>.450 CONTRACT SERVICES</u>	2,200	2,200

<u>.480 INDIRECT COST ALLOCATION - WF</u>	FY 20-21	FY 21-22
Water Fund - Cost Allocation	\$ (1,373)	\$ (4,389)
<u>.520 CONTRIBUTIONS</u>	\$ 500	\$ 500
Chamber of Commerce		
School of Government Foundation		
Open Space Conservation Fund		
<u>.530 DUES AND SUBSCRIPTIONS</u>	\$ 125	\$ 125
<u>.570 INTERFUND TRANSFER TO WATER</u>	\$ -	\$ -
Interfund Transfer to Water Fund		
<u>.730 CAPITAL OUTLAY</u>	\$ -	\$ -
<u>.900 DEBT PAYMENT</u>	\$ -	\$ -

Election Expense

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-00-4100-020	SALARIES & WAGES	9,800	9,800	-	0%	
10-00-4100-050	FICA EXPENSE	750	750	-	0%	
10-00-4100-040	PROFESSIONAL SERVICES	27,000	27,525	525	2%	Audit Services; based on contract
10-00-4100-110	TELEPHONE	0	0	-	#DIV/0!	
10-00-4100-120	RENT	100	0	(100)	-100%	No longer needed with new building
10-00-4100-140	TRAVEL AND TRAINING	1,000	1,000	-	0%	
10-00-4100-260	ADVERTISING	2,000	1,500	(500)	-25%	Based on usage
10-00-4100-330	DEPARTMENT SUPPLIES	1,300	1,300	-	0%	
10-00-4100-331	CONTINGENCY	0	0	-	0%	
10-00-4100-332	SALARY CONTINGENCY	10,160	10,160	-	0%	
10-00-4100-335	DUPLICATING & PRINTING	0	0	-	0%	
10-00-4100-450	CONTRACT SERVICES	2,200	2,200	-	0%	
10-00-4100-480	INDIRECT COST ALLOCATION	-1,373	-4,389	(3,016)	220%	
10-00-4100-520	CONTRIBUTIONS	500	500	-	0%	

10-00-4100-530	DUES AND SUBSCRIPTIONS	125	125	-	0%
10-00-4100-570	INTERFUND TRANSFER	0	0	-	0%
10-00-4100-730	CAPITAL OUTLAY	0	0	-	0%
10-00-4100-900	DEBT PAYMENT	0	0	-	0%
TOTALS		53,562	50,471	(3,091)	-6%

Administration

DEPARTMENTAL GOAL

The Administration Department of the Town of Montreat provides a support role to the Board of Commissioners as well as managing the day-to-day activities of the town government by providing citizens quality customer service and cost effective, innovative problem solving.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Department Action Items

1. Continue to provide positive, quality customer service
2. Post remaining RFPs for Tropical Storm Alberto repairs. Manage these with emphasis on timeliness and quality
3. Pursue grant funding to connect Town Hall sidewalk to Montreat trails, Greenway, and bike lane.
4. Continue partnership for stormwater/hydrology study
5. Continue to foster organizational relationships; seek opportunities for partnership
6. Review, update, and disseminate emergency plan; Conduct ICS training for Commission and staff
7. Continue collaboration with local and regional post office representatives; continue working with regional GIS managers at Buncombe County, and the Land of Sky
8. Manage conversion to new municipal software while maintaining quality of service

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 20-21	BOARD APPROVED FY 20-21
PERSONNEL SERVICES:								
10-00-4200-020	SALARIES & WAGES	195,356	207,900	132,080	207,900	223,100	223,100	
10-00-4200-050	FICA EXPENSE	26,166	16,000	10,204	16,000	17,100	17,100	
10-00-4200-060	GROUP HEALTH INSURANCE	36,114	33,600	22,205	33,600	33,600	33,600	
10-00-4200-070	RETIREMENT	27,046	29,900	19,266	29,900	33,900	33,900	
TOTALS:	PERSONNEL SERVICES	\$284,682	\$287,400	\$183,755	\$287,400	\$307,700	\$307,700	\$0
OPERATING EXPENSES:								
10-00-4200-040	PROFESSIONAL SERVICES	44,313	45,000	16,426	45,000	45,000	45,000	
10-00-4200-080	INSURANCE	20,609	21,559	17,749	21,559	21,559	21,559	
10-00-4200-081	MEDICAL CERTIFICATION	0	0	0	0	-	-	
10-00-4200-100	POSTAGE	1,987	1,900	764	1,900	1,900	1,900	
10-00-4200-110	TELEPHONE	6,633	9,217	5,676	9,217	9,350	9,350	
10-00-4200-140	TRAVEL & TRAINING	11,044	10,500	3,180	4,180	10,000	10,000	
10-00-4200-260	ADVERTISING	315	1,000	1,000	1,000	1,000	1,000	
10-00-4200-320	OFFICE EXPENSE	612	2,000	325	1,000	1,500	1,500	
10-00-4200-321	IT SUPPORT	26,097	41,300	30,219	45,000	45,000	45,000	
10-00-4200-330	DEPARTMENTAL SUPPLIES	3,563	4,300	2,112	3,500	4,000	4,000	
10-00-4200-330	DUPLICATING AND PRINTING	503	2,860	1,364	2,860	2,890	2,890	
10-00-4200-342	BANK SERVICE CHARGES	1,338	1,500	597	1,100	1,500	1,500	
10-00-4200-343	PENALTIES	25	1,000	145	290	500	500	
10-00-4200-450	CONTRACT SERVICES	26,015	30,100	24,251	30,100	30,000	30,000	
10-00-4200-480	INDIRECT COST ALLOCATION	-22,134	-11,671	-2,918	-11,671	(38,832)	(38,832)	
10-00-4200-520	CONTRIBUTIONS	0	0	0	0	-	0	
10-00-4200-530	DUES & SUBSCRIPTIONS	1,566	3,200	1,226	3,200	3,200	3,200	
10-00-4200-550	SUPERVISOR'S EXPENSE	189	300	102	300	300	300	
10-00-4200-572	INTERFUND TRANSFER	-1,894	-	0	0	-	-	
TOTALS:	OPERATING EXPENSES	\$120,781	\$164,065	\$102,218	\$158,535	\$138,867	\$138,867	\$0
CAPITAL OUTLAY:								
10-00-4200-730	CAPITAL OUTLAY	0		0	0	0	0	0
TOTALS:	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DEBT PAYMENT:								
10-00-4200-900	DEBT PAYMENT	0	0	0	0	0	0	0
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0
ADMINISTRATION DEPARTMENT TOTAL:		\$405,463	\$451,465	\$285,973	\$445,935	\$446,567	\$446,567	\$0

	FY 20-21	FY 21-22
<u>.020 SALARIES AND WAGES</u>	207,900	223,100
Salaries and Wages		
<u>.040 PROFESSIONAL SERVICES</u>	45,000	45,000
Legal Services		
<u>.050 FICA</u>	16,000	17,100
Federal Income Contributions Account		
<u>.060 GROUP HEALTH INSURANCE</u>	33,600	33,600
Group Health, Vision, Dental, and Life		
<u>.070 RETIREMENT EXPENSE</u>	29,900	33,900
LGERS		
Prudential 401K		
<u>.080 INSURANCE</u>	21,559	21,559
Workers Comp.		
Bond Insurance		
<u>.081 MEDICAL CERTIFICATION</u>	0	0
Pre-Employment Drug Test		
<u>.100 POSTAGE</u>	1,900	1,900
General Postage Expenses		
(i.e. Accounts Payable Checks,		
Payroll, Correspondence)		
<u>.110 TELEPHONE</u>	9,217	9,350
Telephone Service		
Internet Service		
Town Administrator cell phone		
<u>.140 TRAVEL AND TRAINING</u>	10,500	10,000
Workshop Meetings		
Water software training		
Finance Officer Certification		
Conferences		
<u>.260 ADVERTISING</u>	1,000	1,000
MaxWeb Gear Hosting		
Legal Ads/Classifieds		
Gov Deals		
<u>.320 OFFICE EXPENSE</u>	2,000	\$ 1,500
Computer Replacement		
Other Equipment		

	FY 20-21	FY 21-22
<u>.321 IT Support</u>	41,300	45,000
Server Replacement		
ICS Annual Maintenance Agreement		
Gemini Off-Site Backup and Recovery		
Electronic Office Support Contract		
Website Hosting		
Constant Contact		
Survey Monkey		
Zoom		
<u>.330 DEPARTMENTAL SUPPLIES</u>	4,300	4,000
Office Supplies (i.e. pens, folders, envelops)		
Forms - Checks, etc.		
Professional Publications		
<u>.335 DUPLICATING AND PRINTING</u>	2,860	2,890
Printing expense		
Copier contract		
<u>.342 BANK SERVICE CHARGES</u>	1,500	1,500
Bank Service Charges		
<u>.343 PENALTIES</u>	1,000	500
Penalties		
<u>.450 CONTRACT SERVICE</u>	30,100	30,000
Cleaning Service		
Mailing Solutions		
<u>.480 INDIRECT COST ALLOCATION - WF</u>	(11,671)	(38,832)
Water Fund - Cost Allocation		
<u>.520 CONTRIBUTIONS</u>	0	-
Contributions for Specific Expenses		
<u>.530 DUES AND SUBSCRIPTIONS</u>	3,200	3,200
NCLM, NCCMA, ICMA		
NCAMC, IAMC		
GFOA, NCGFOA		
<u>.550 SUPERVISOR'S EXPENSE</u>	300	300
Miscellaneous Expense		
<u>.572 INTERFUND TRANSFER</u>	-	-
From Special Revenue to General		

.730 CAPITAL OUTLAY

Computer System Software Update

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ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-00-4200-020	SALARIES & WAGES	207,900	223,100	15,200	7%	Includes COLA and Merit
10-00-4200-050	FICA EXPENSE	16,000	17,100	1,100	7%	Includes COLA and Merit
10-00-4200-060	GROUP HEALTH INSURANCE	33,600	33,600	-	0%	
10-00-4200-070	RETIREMENT - LOCAL GOVT.	29,900	33,900	4,000	13%	Includes State mandated increases, COLA, and Merit
10-00-4200-080	INSURANCE	21,559	21,559	-	0%	
10-00-4200-081	MEDICAL CERTIFICATION	0	0	-	#DIV/0!	
10-00-4200-040	PROFESSIONAL SERVICES	45,000	45,000	-	0%	
10-00-4200-100	POSTAGE	1,900	1,900	-	0%	
10-00-4200-110	TELEPHONE	9,217	9,350	133	1%	
10-00-4200-140	TRAVEL & TRAINING	10,500	10,000	(500)	-5%	
10-00-4200-260	ADVERTISING	1,000	1,000	-	0%	
10-00-4200-320	OFFICE EXPENSE	2,000	1,500	(500)	-25%	Decrease based on anticipated need

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-00-4200-321	IT SUPPORT	41,300	45,000	3,700	9%	Increase based on usage
10-00-4200-330	DEPARTMENTAL SUPPLIES	4,300	4,000	(300)	-7%	
10-00-4200-335	DUPLICATING AND PRINTING	2,860	2,890	-	0%	
10-00-4200-342	BANK SERVICE CHARGES	1,500	1,500	-	0%	
10-00-4200-343	PENALTIES	1,000	500	(500)	-50%	Decreased based on usage
10-00-4200-450	CONTRACT SERVICES	30,100	30,000	(100)	0%	
10-00-4200-480	INDIRECT COST ALLOCATION	-11,671	-38,832	(27,161)	233%	
10-00-4200-520	CONTRIBUTIONS	0	0	-	0%	
10-00-4200-530	DUES & SUBSCRIPTIONS	3,200	3,200	-	0%	
10-00-4200-550	SUPERVISOR'S EXPENSE	300	300	-	0%	
10-00-4200-572	INTERFUND X FROM SPEC REV TO GEN	0	0	-	0%	
10-00-4200-730	CAPITAL OUTLAY	0	0	-		
TOTALS		451,465	446,567	(4,928)	-1%	

PUBLIC BUILDINGS

PUBLIC BUILDINGS

The Public Buildings Department of the Town of Montreat provides and maintains public use facilities at the Town Services Building and provides adequate insurance protection for the Town.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Department Action Items

1. Provide community and staff with safe, pleasant, and clean facilities to support the services and mission of the Town
2. Support the construction and maintenance of capital projects and existing buildings
3. Seek ways to make public buildings more resilient to stormwater and flooding
4. Evaluate opportunities for Town facilities to support the people and organizations of Montreat
5. Evaluate and prepare for opportunities where Town facilities can support emergency operations in crises
6. Utilize the opportunities of new construction as points of access to clarify physical, postal, and digital address concerns

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	Board Approved FY 21-22
PERSONNEL SERVICES:		0	0	0	0	0	0	
TOTALS:	PERSONNEL SERVICES	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OPERATING EXPENSES:								
10-00-5000-080 INSURANCE		21,274	39,000	19,286	39,000	41,377	41,377	
10-00-5000-130 UTILITIES		2,756	10,000	4,571	8,000	10,000	10,000	
10-00-5000-150 M&R BUILDINGS & GROUNDS		2,407	2,000	0	0	2,000	2,000	
10-00-5000-160 M&R EQUIPMENT		2,208	6,000	0	0	0	0	
10-00-5000-330 DEPARTMENTAL SUPPLIES		1,896	1,500	717	718	1,000	1,000	
10-00-5000-450 CONTRACT SERVICES		2,570	2,000	0	0	0	2,000	
10-00-5000-480 INDIRECT COST ALLOCATION		-1,921	-9,923	-2,481	-9,923	-11874	-11,874	
10-00-5000-571 INTERFUND TRANSFER		380,388	151,408	151,408	151,408	94,054	94,054	
TOTALS:	OPERATING EXPENSES	\$411,579	\$201,985	\$173,501	\$189,203	\$136,557	\$138,557	\$0
CAPITAL OUTLAY:								
10-00-5000-730 CAPITAL OUTLAY		0	0	0	0	0	0	0
TOTALS:	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DEBT PAYMENT:								
10-00-5000-900 DEBT SERVICING		0	0	0	0	0	0	0
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PUBLIC BUILDINGS DEPARTMENT TOTAL:		\$411,579	\$201,985	\$173,501	\$189,203	\$136,557	\$138,557	\$0

	FY 20-21	FY 21-22
<u>.080 Insurance</u>	39,000	41,377
Liability, Property, Auto, Flood etc.		
<u>.130 UTILITIES</u>	10,000	10,000
Progress Energy		
Heating Expense		
<u>.150 M&R BUILDINGS AND GROUNDS</u>	2,000	2,000
Pest Control		
Maintenance Supplies		
Equipment and Furnace Repairs		
Building Maintenance		
Parking Lot Maintenance		
<u>.160 M&R EQUIPMENT</u>	6,000	-
<u>.330 DEPARTMENTAL SUPPLIES</u>	1,500	1,000
Building Supplies		
<u>.450 CONTRACT SERVICES</u>	2,000	2,000
<u>.480 INDIRECT COST ALLOCATION</u>	(9,923)	(11,874)
Indirect Cost Allocation		
<u>.571 INTERFUND TRANSFER</u>	151,408	94,054
<u>.730 CAPITAL OUTLAY</u>	-	-
<u>.900 DEBT SERVICING</u>	-	-

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 20-21 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-00-5000-080	INSURANCE	39,000	41,377	2,377	6%	Increased Property and Liability
10-00-5000-130	UTILITIES	10,000	10,000	-	0%	
10-00-5000-150	M&R BUILDINGS & GROUNDS	2,407	2,000	(407)	-17%	Based on usage
10-00-5000-160	M&R EQUIPMENT	6,000	-	(6,000)	-100%	
10-00-5000-450	CONTRACT SERVICES	2,000	2,000	-	0%	
10-00-5000-330	DEPARTMENTAL SUPPLIES	1,500	1,000	(500)	-33%	Based on usage
10-00-5000-480	INDIRECT COST ALLOCATION	(9,923)	(11,874)	-	0%	
10-00-5000-571	INTERFUND TRANSFER	151,408	94,054	(57,354)		Based on debt schedule
10-00-5000-730	CAPITAL OUTLAY	-	-	-		
10-00-5000-900	DEBT SERVICING	0	0	-		Town Hall debt budgeted in Interfund Transfer to Capital Project Fund
TOTALS		202,393	138,557	(64,262)	-32%	

POLICE

POLICE DEPARTMENT

The Police Department is committed to providing competent, efficient, diligent, personalized and accountable law enforcement services to residents and visitors of the Town of Montreat. The department strives to become an example of a high degree of police professionalism in all aspects of our function. The mission of the Police Department is to reduce crime and maintain the high standard of quality of life in the Town by providing personalized police service to the residents and visitors of the Town of Montreat.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Department Action Items

1. Continue to conduct public outreach and community oriented policing efforts including house checks, Safety Saturday.
2. Work to keep lines of communications open with the community and organizations within Montreat and other communities. Assist whenever possible
3. Conduct ICS training for staff and Commission members; evaluate and update Emergency Plan

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
10-10-5100-020	SALARIES & WAGES	260,777	253,941	167,537	253,941	257,700	257,700	
10-10-5100-021	SEPERATION ALLOWANCE	20,590	20,600	13,733	20,600	20,600	20,600	
10-10-5100-050	FICA EXPENSE	21,345	21,400	13,814	21,400	21,300	21,300	
10-10-5100-060	GROUP HEALTH INSURANCE	60,222	56,000	26,881	56,000	55,600	55,600	
10-10-5100-070	RETIREMENT - LOCAL GOVT.	35,638	30,200	24,167	30,200	39,000	39,000	
TOTALS:	PERSONNEL SERVICES	\$398,572	\$382,141	\$246,131	\$382,141	\$394,200	\$394,200	\$0
OPERATING EXPENSES:								
10-10-5100-100	POSTAGE	15	0	7.63	8	0	0	
10-10-5100-110	TELEPHONE	2,695	2,500	1,414	900	2,500	2,500	
10-10-5100-140	TRAVEL & TRAINING	750	1,000	100	1,000	1,000	1,000	
10-10-5100-160	M & R EQUIPMENT	197	4,500	2,026	4,500	4,500	4,500	
10-10-5100-170	M & R AUTO	8,085	5,500	1,289	5,500	5,500	5,500	
10-10-5100-234	PUBLIC SAFETY EDUCATION	0	0	0	0	0	0	
10-10-5100-310	AUTO SUPPLIES	6,279	10,800	4,880	10,800	10,800	10,800	
10-10-5100-320	MEDICAL CERTIFICATION	1,380	1,000	310	1,000	1,000	1,000	
10-10-5100-330	DEPARTMENT SUPPLIES	2,823	2,500	1,507	2,500	2,500	2,500	
10-10-5100-335	DUPLICATING AND PRINTING	50	0	0	0	0	0	
10-10-5100-360	UNIFORMS	4,394	3,300	1,773	3,300	3,300	3,300	
10-10-5100-530	DUES & SUBSCRIPTIONS	2,005	2,005	130	2,005	2,005	2,005	
10-10-5100-735	MACHINERY AND EQUIPMENT	4,675	2,500	2,436	2,500	900	900	
10-10-5100-740	AUXILARY	0	0	0	0	0	0	
10-10-5100-760	DISPATCHER SERVICES	19,950	21,168	9,975	21,168	10,168	10,168	
TOTALS:	OPERATING EXPENSES	\$53,285	\$56,773	\$25,840	\$55,173	\$44,173	\$44,173	\$0
CAPITAL OUTLAY:								
10-10-5100-730	CAPITAL OUTLAY	7,077	0	0	0	0	0	
TOTALS:	CAPITAL OUTLAY	\$7,077	\$0	\$0	\$0	\$0	\$0	\$0
DEBT PAYMENT:								
10-10-5100-900	DEBT PAYMENT	0	0	0	0	0	0	
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0
POLICE DEPARTMENT TOTAL:		\$458,933	\$438,914	\$271,970	\$437,314	\$438,373	\$438,373	\$0

	FY 20-21	FY 21-22		FY 20-21	FY 21-22
<u>.020 SALARIES AND WAGES</u>	253,941	257,700	<u>.330 DEPARTMENTAL SUPPLIES</u>	2,500	2,500
Police Chief, Police Officers (4)			General Office Supplies		
			Law Enforcement Supplies		
<u>.021 SEPERATION ALLOWANCE</u>	20,600	20,600	Miscellaneous Supplies		
Separation Allowance (1)					
<u>.050 FICA</u>	21,400	21,300	<u>.335 DUPLICATING AND PRINTING</u>	0	0
Federal Insurance Contributions Act			Printing expense		
<u>.060 Group Health Insurance</u>	56,000	55,600	<u>.360 UNIFORMS</u>	3,300	3,300
Health, Vision, Dental, Life			Uniform Supplies for 5 officers		
<u>.070 Retirement</u>	30,200	39,000	<u>.530 DUES & SUBSCRIPTIONS</u>	2,005	2,005
LGERS			Professional Dues		
Prudential 401K					
<u>.110 TELEPHONE</u>	2,500	2,500	<u>.760 DISPATCHER SERVICE</u>	21,168	10,168
Telephone service			Town of Black Mountain		
<u>.140 TRAVEL AND TRAINING</u>	1,000	1,000	<u>.730 CAPITAL OUTLAY</u>	-	
Workshops/Training Seminars			Radio Replacement		
<u>.160 M & R EQUIPMENT</u>	4,500	4,500	<u>.735 MACHINARY AND EQUIPMENT</u>	2,500	900
Radar Certification/Maintenance			Police Vehicle		
Radio Maintenance			<u>.740 AUXILARY</u>	-	-
Miscellaneous Repairs			Part Time Officers		
Computer Hot Spots					
Code Red					
<u>.170 M&R AUTO</u>	5,500	5,500			
Maintenance costs for 4 vehicles					
<u>.234 PUBLIC SAFETY EDUCATION</u>	-	-			
Public Education					
<u>.310 AUTO SUPPLIES</u>	10,800	10,800			
Gas, Tires, and Oil for 4 vehicles					
<u>.320 MEDICAL CERTIFICATION</u>	1,000	1,000			
Physical Fees					
Drug and Psychological Screenings					

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-10-5100-020	SALARIES & WAGES	253,941	257,700	3,759	1%	Includes COLA and Merit
10-10-5100-021	SEPERATION ALLOWANCE	20,600	20,600	-	0%	
10-10-5100-050	FICA EXPENSE	21,400	21,300	(100)	0%	Includes COLA and Merit
10-10-5100-060	GROUP HEALTH INSURANCE	56,000	55,600	(400)	-1%	
10-10-5100-070	RETIREMENT - LOCAL GOVT.	30,200	39,000	8,800	29%	Includes state mandated increases, COLA, and merit
10-10-5100-110	TELEPHONE	2,500	2,500	-	0%	
10-10-5100-140	TRAVEL & TRAINING	1,000	1,000	-	0%	
10-10-5100-160	M & R EQUIPMENT	4,500	4,500	-	0%	
10-10-5100-170	M & R AUTO	5,500	5,500	-	0%	
10-10-5100-234	PUBLIC SAFETY EDUCATION	0	0	-	#DIV/0!	
10-10-5100-310	AUTO SUPPLIES	10,800	10,800	-	0%	
10-10-5100-320	MEDICAL CERTIFICATION	1,000	1,000	-	0%	

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-10-5100-330	DEPARTMENT SUPPLIES	2,500	2,500	-	0%	
10-10-5100-335	DUPLICATING AND PRINTING	0	0	-		
10-10-5100-360	UNIFORMS	3,300	3,300	-	0%	
10-10-5100-530	DUES & SUBSCRIPTIONS	2,005	2,005	-	0%	
10-10-5100-735	MACHINERY AND EQUIPMENT	2,500	900	(1,600)	-64%	Decreased based on radio purchases in previous year
10-10-5100-740	AUXILARY	0	0			
10-10-5100-760	DISPATCHER SERVICES	21,168	10,168	(11,000)	-52%	Deacreased based on contract with the County
10-10-5100-730	CAPITAL OUTLAY	0	0	-		
TOTALS		438,914	438,373	(541)	0%	

PLANNING AND ZONING

PLANNING AND ZONING

The Planning and Zoning Department of the Town of Montreat provides for the health, safety and welfare of Montreat by assuring fair application of all applicable federal, state and local laws regulating land uses, building construction and code compliance.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Department Action Items

1. Provide quality customer service with issues or requests
2. Continue Zoning Ordinance review focusing on issues relevant to difficulty in development as presented by contractors, residents, and staff
3. Identify possible partnerships, locally and regionally, related to stormwater
4. Identify town wide infrastructure opportunities to address stormwater issues
5. Pursue staff training related to stormwater and floodplain management
6. Implement stormwater management plan; specifically public education and participation to assist residents in identifying measures they may take to assist in stormwater management

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
10-10-5400-020	SALARIES & WAGES	0	0	0	0	0	0	
10-10-5400-040	PROFESSIONAL SERVICES	1,208	0	0	0	0	0	
10-10-5400-050	FICA EXPENSE	122	0	0	0	0	0	
10-10-5400-060	GROUP HEALTH INSURANCE	0	0	0	0	0	0	
10-10-5400-070	RETIREMENT - LOCAL GOVT.	0	0	0	0	0	0	
TOTALS:	PERSONNEL SERVICES	\$1,330	\$0	\$0	\$0	\$0	\$0	\$0
OPERATING EXPENSES:								
10-10-5400-100	POSTAGE	0	0	30.10	30	50		
10-10-5400-110	TELEPHONE	0	0	0	0	-	0	
10-10-5400-140	TRAVEL AND TRAINING	180	1,000	522	522	500	500	
10-10-5400-160	M&R EQUIPMENT	6,380	3,550	0	3,000	3,550	3,550	
10-10-5400-170	M&R AUTO	0	0	0	0	-	0	
10-10-5400-260	ADVERTISING	0	500	0	500	500	500	
10-10-5400-310	AUTO SUPPLIES	187	0	34	34	-	0	
10-10-5400-320	OFFICE EXPENSE	0	350	0	0	200	200	
10-10-5400-330	DEPARTMENT SUPPLIES	302	100	0	100	100	100	
10-10-5400-331	PLANNING BOARD	0	500	0	0	500	500	
10-10-5400-332	BOARD OF ADJUSTMENT	0	500	0	0	500	500	
10-10-5400-335	DUPLICATING AND PRINTING	2	0	0	0	-	0	
10-10-5400-450	CONTRACT SERVICES - BLDG. INSP.	10,840	12,000	5,185	12,000	13,000	13,000	
10-10-5400-451	CONTRACT SERVICES - FIRE INSP.	0	2,500	0	0	-	0	
10-20-5400-452	CONTRACTED SERVICES - ZONE	88,305	54,810	36,540	54,810	58,656	58,656	
10-10-5400-530	DUES & SUBSCRIPTIONS	0	500	0	500	-	0	
TOTALS:	OPERATING EXPENSES	\$106,195	\$76,310	\$42,282	\$71,467	\$77,506	\$77,506	\$0
CAPITAL OUTLAY:								
10-10-5400-730	CAPITAL OUTLAY	0	0	0	0	30,000	30,000	30,000
TOTALS:	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$30,000	\$30,000	\$30,000
DEBT PAYMENT:								
10-10-5400-900	DEBT PAYMENT	0	0	0	0	0	0	0
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PLANNING AND ZONING DEPARTMENT TOTAL:		\$107,525	\$76,310	\$42,282	\$71,467	\$107,506	\$107,506	\$30,000

	FY 20-21	FY 21-22		FY 20-21	FY 21-22
<u>.020 SALARIES AND WAGES</u>	-	-	<u>.330 DEPARTMENT SUPPLIES</u>	100	100
Salaries and Wages (1)			General Office Supplies		
<u>.040 PROFESSIONAL SERVICES</u>	-	-	<u>.331 PLANNING BOARD</u>	500	500
Professional Services			Miscellaneous Expense		
<u>.050 FICA</u>	-	-	<u>.332 BOARD OF ADJUSTMENT</u>	500	500
FICA			Training and Miscellaneous Expense		
<u>.060 Group Health Insurance</u>	-	-	<u>.335 DUPLICATING AND PRINTING</u>	-	-
Health, Vision, Dental, Life			Training and Miscellaneous Expense		
<u>.070 Retirement</u>	-	-	<u>.450 CONTRACT SERVICES - BLDG. INSP.</u>	12,000	13,000
LGERS			Contract for Building Inspections		
Prudential 401K			<u>.451 FIRE INSPECTIONS</u>	2,500	-
<u>.110 TELEPHONE</u>	-	-	Contract with Town of Black Mountain		
Telephone			<u>.452 CONTRACT SERVICES - ZONING</u>	54,810	58,656
<u>.140 TRAVEL AND TRAINING</u>	1,000	500	Contract with Land of Sky		
Zoning Administrator			<u>.530 DUES & SUBSCRIPTIONS</u>	500	-
<u>.160 M & R EQUIPMENT</u>	3,550	3,550	Professional Dues		
Annual GIS Software/Service Renewal			<u>.730 CAPITAL OUTLAY</u>	-	
Permitting Software Support			Comprehensive Plan Update		
<u>.170 M & R AUTO</u>	-	-			
Maintenance costs for 1 vehicle					
<u>.260 ADVERTISING</u>	500	500			
<u>.310 AUTO SUPPLIES</u>	-	-			
Gas, Oil and Tires for 1 vehicle					
<u>.320 Office Expense</u>	350	200			

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-10-5400-020	SALARIES & WAGES	0	0	-	#DIV/0!	
10-10-5400-040	PROFESSIONAL SERVICES	0	0	-	#DIV/0!	
10-10-5400-050	FICA EXPENSE	0	0	-	#DIV/0!	
10-10-5400-060	GROUP HEALTH INSURANCE	0	0	-	#DIV/0!	
10-10-5400-070	RETIREMENT - LOCAL GOVT.	0	0	-	#DIV/0!	
10-10-5400-110	TELEPHONE	0	0	-	#DIV/0!	
10-10-5400-140	TRAVEL AND TRAINING	1,000	500	(500)	-50%	Based on usage
10-10-5400-160	M&R EQUIPMENT	3,550	3,550	-	0%	
10-10-5400-170	M&R AUTO	0	0	-	#DIV/0!	
10-10-5400-260	ADVERTISING	500	500	-	0%	
10-10-5400-310	AUTO SUPPLIES	0	0	-	#DIV/0!	
10-10-5400-320	OFFICE EXPENSE	350	200	(150)	-43%	Based on usage

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-10-5400-330	DEPARTMENT SUPPLIES	100	100	-	0%	
10-10-5400-331	PLANNING BOARD	500	500	-	0%	
10-10-5400-332	BOARD OF ADJUSTMENT	500	500	-	0%	
10-10-5400-335	DUPLICATING AND PRINTING	0	0	-		
10-10-5400-450	CONTRACT SERVICES - BUILDING INSPECTIONS	12,000	13,000	1,000	8%	Based on growth
10-10-5400-451	CONTRACT SERVICES - FIRE INSPECTIONS	2,500	0	(2,500)		Outsourced to Black Mountian
10-10-5400-452	CONTRACT SERVICES - ZONING	54,810	58,656	3,846	7%	Due to increased contrat costs
10-10-5400-530	DUES & SUBSCRIPTIONS	500	0	(500)	-100%	Based on usage
10-10-5400-730	CAPITAL OUTLAY	0	30,000	30,000		Comprehensive Plan Update
TOTALS		76,310	107,506	31,196	41%	

PUBLIC WORKS

PUBLIC WORKS

The Public Works Department receives, processes and monitors all public work services including streets, sanitation and water.

Commission Vision and Goals

1. Foster peaceful, collaborative community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovating in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Department Action Items

1. Respond to the questions and needs of the community with timeliness, accuracy, and honesty
2. Prepare and post bids earlier in the year; manage completion requirements in contracting process; schedule in-house work earlier in the year
3. Work to keep communications open with the community, with organizations within Montreat, and with other communities; assist whenever possible
4. Continue staff training on emergency and safety procedures to better serve the community. Work with other departments and organizations to update emergency procedures

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
10-20-5550-020	SALARIES & WAGES	62,752	53,800	35,636	53,800	56,500	56,500	
10-20-5550-021	SEPERATION ALLOWANCE	12,831	12,900	8,554	12,900	12,900	12,900	
10-20-5550-040	PROFESSIONAL SERVICES	0	0	0	0	0	0	
10-20-5550-050	FICA EXPENSE	5,782	5,100	3,381	5,100	5,300	5,300	
10-20-5550-060	GROUP HEALTH INSURANCE	12,539	12,000	7,698	12,000	11,600	11,600	
10-20-5550-070	RETIREMENT - LOCAL GOVT.	12,422	8,200	5,415	8,200	9,300	9,300	
TOTALS:	PERSONNEL SERVICES	\$106,325	\$92,000	\$60,684	\$92,000	\$95,600	\$95,600	\$0
OPERATING EXPENSES:								
10-20-5550-081	MEDICAL CERTIFICATION	0	0	0.00	0	0	0	
10-20-5550-110	TELEPHONE	1,179	1,000	1,019	2,000	1,500	2,000	
10-20-5550-140	TRAVEL & TRAINING	3,585	3,500	560	1,000	3,500	3,500	
10-20-5550-170	M & R TRUCKS	0	0	0	0	0	0	
10-20-5550-310	AUTO SUPPLIES	148	5,000	1,264	1,000	5,000	5,000	
10-20-5550-330	DEPARTMENT SUPPLIES	4,468	4,400	2,569	1,500	4,400	4,400	
10-20-5550-335	DUPLICATING AND PRINTING	50	0	0	0	0	0	
10-20-5550-360	UNIFORMS	590	500	397	500	500	500	
10-20-5550-370	STORMWATER PROGRAM	3,720	2,500	0	0	2,500	2,500	
10-20-5550-735	MACHINERY AND EQUIPMENT	4,773	5,000	626	2,000	5,000	5,000	
10-20-5550-480	INDIRECT COST ALLOCATION	-9,158	-5,496	-1374	-5,496	-9,480	-9,480	
10-20-5550-572	INTERFUND XFER TO SPEC. REV.	0	140,753	140,753	140,753	0	0	
TOTALS:	OPERATING EXPENSES	\$9,355	\$157,157	\$145,814	\$143,257	\$12,920	\$13,420	\$0
CAPITAL OUTLAY:								
10-20-5550-730	CAPITAL OUTLAY	43,800	0	0	0	0		
TOTALS:	CAPITAL OUTLAY	\$43,800	\$0	\$0	\$0	\$0	\$0	\$0
DEBT PAYMENT:								
10-20-5550-900	DEBT PAYMENT	0	0	0	0	0	0	
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PUBLIC WORKS DEPARTMENT TOTAL:		\$159,480	\$249,157	\$206,497	\$235,257	\$108,520	\$109,020	\$0

<u>.020 SALARIES AND WAGES</u>	FY 20-21	FY 21-22	<u>.360 UNIFORMS</u>	FY 20-21	FY 21-22
Public Works Personnel	\$ 53,800	\$ 56,500	Uniforms for 1 employee	\$ 500	\$ 500
<u>.021 SEPERATION ALLOWANCE</u>	\$ 12,900	\$ 12,900	<u>.370 STORMWATER PROGRAM</u>	\$ 2,500	\$ 2,500
Public Works Personnel			Phase II, Year 4 Stormwater Program		
<u>.040 PROFESSIONAL SERVICES</u>	\$ -	\$ -	<u>.480 INDIRECT COST ALLOCATION</u>	\$ (5,496)	\$ (9,480)
Engineering			Indirect Cost Allocation		
<u>.050 FICA</u>	\$ 5,100	\$ 5,300	<u>.572 INTERFUND XSFER TO SPEC. REV.</u>	\$ 140,753	\$ -
Public Works Personnel					
<u>.060 GROUP HEALTH</u>	\$ 12,000	\$ 11,600	<u>.730 CAPITAL OUTLAY</u>	\$ -	\$ -
Public Works Personnel					
<u>.070 RETIRMENT EXPENSE</u>	\$ 8,200	\$ 9,300	<u>.735 MACHINERY AND EQUIPMENT</u>	\$ 5,000	\$ 5,000
Public Works Personnel					
<u>.081 MEDICAL CERTIFICATION</u>	\$ -	\$ -	<u>.900 DEBT SERVICING</u>	\$ -	\$ -
Public Works Personnel					
<u>.110 TELEPHONE</u>	\$ 1,000	\$ 2,000			
Telephone					
<u>.140 TRAVEL AND TRAINING</u>	\$ 3,500	\$ 3,500			
Workshop Meetings					
<u>.170 M & R TRUCKS</u>	\$ -	\$ -			
Maintenance costs for 1 vehicle					
<u>.310 AUTO SUPPLIES</u>	\$ 5,000	\$ 5,000			
Gas, Oil and Tires for 1 vehicle					
<u>.330 DEPARTMENT SUPPLIES</u>	\$ 4,400	\$ 4,400			
General Office Supplies					
Miscellaneous Supplies					
<u>.335 DUPLICATING AND PRINTING</u>	\$ -	\$ -			
Printing expenses					

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-20-5550-020	SALARIES & WAGES	53,800	56,500	2,700	5%	Includes COLA and merit
10-20-5550-021	SEPERATION ALLOWANCE	12,900	12,900	-	0%	
10-20-5550-040	PROFESSIONAL SERVICES	0	0	-	0%	
10-20-5550-050	FICA EXPENSE	5,100	5,300	200	4%	Includes COLA and merit
10-20-5550-060	GROUP HEALTH INSURANCE	12,000	11,600	(400)	-3%	
10-20-5550-070	RETIREMENT - LOCAL GOVT.	8,200	9,300	1,100	13%	Includes state mandated increase, COLA, and merit
10-20-5550-081	MEDICAL CERTIFICATION	0	0	-	0%	
10-20-5550-110	TELEPHONE	1,000	2,000	1,000	100%	Phone and internet costs for public works building
10-20-5550-140	TRAVEL & TRAINING	3,500	3,500	-	0%	
10-20-5550-170	M & R TRUCKS	0	0	-	0%	
10-20-5550-310	AUTO SUPPLIES	5,000	5,000	-	0%	
10-20-5550-330	DEPARTMENT SUPPLIES	4,400	4,400	-	0%	
10-20-5550-335	DUPLICATING AND PRINTING	0	0	-		
10-20-5550-360	UNIFORMS	500	500	-	0%	
10-20-5550-370	STORMWATER PROGRAM	2,500	2,500	-	0%	

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-20-5550-480	INDIRECT COST ALLOCATION	-5,496	-9,480	(3,984)	72%	
10-20-5550-572	INTERFUND TO SPEC REV	140,753	0	(140,753)	0%	
10-20-5550-735	CAPITAL OUTLAY	0	0	-		
10-20-5550-731	MACHINERY AND EQUIPMENT	5,000	5,000	-	0%	
TOTALS		249,157	109,020	(140,137)	-56%	

STREETS AND POWELL BILL

STREETS AND POWELL BILL

The Street Department provides street services and upgrades to the residents of Montreat and preserves the street infrastructure in order to promote safe travel. The Street Department is responsible for storm water management, road repair and resurfacing, mowing and right-of-way maintenance.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Departmental Action Items

1. Keep roadways safe and clean
2. Work with other departments to help ensure project success
3. Keep roads clearly identified and intersections clear so traffic can move freely in an emergency

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
10-20-5600-020	SALARIES & WAGES	77,206	76,600	50,331	76,600	80,700	80,700	
10-20-5600-050	FICA EXPENSE	5,868	5,900	3,824	5,900	6,200	6,200	
10-20-5600-060	GROUP HEALTH INSURANCE	23,172	22,300	14,803	22,300	22,300	22,300	
10-20-5600-070	RETIREMENT - LOCAL GOVT.	10,864	11,700	7,649	11,700	13,300	13,300	
TOTALS:	PERSONNEL SERVICES	\$117,110	\$116,500	\$76,607	\$116,500	\$122,500	\$122,500	\$0
OPERATING EXPENSES:								
10-20-5600-110	TELEPHONE	0	0	0	0	0	0	
10-20-5600-140	TRAVEL & TRAINING	389	1,500	165	1,000	1,500	1,500	
10-20-5600-160	M & R EQUIPMENT	2,445	2,000	233	1,500	2,000	2,000	
10-20-5600-170	M & R AUTO	6,564	7,000	18	3,518	7,000	7,000	
10-20-5600-310	AUTO SUPPLIES	4,153	7,000	3,500	5,262	7,000	7,000	
10-20-5600-330	DEPARTMENT SUPPLIES	10,946	11,000	4,107	8,107	11,000	11,000	
10-20-5600-335	DUPLICATING AND PRINTING	40	0	0	0	0	0	
10-20-5600-340	REPAIR AND WIDENING	0	30,000	3,228	28,228	30,000	46,225	
10-20-5600-360	UNIFORMS	1,901	1,800	805	1,705	1,800	1,500	
10-20-5600-450	CONTRACT SERVICES	3,541	9,000	2,213	3,977	9,000	9,000	
10-20-5600-480	INDIRECT COST ALLOCATION	-35,351	-15,054	-3,764	-15,054	-31,271	-31,271	
10-20-5600-540	INTEREST EXPENSE	2,437	2,100	2,095	2,100	1,742	1,742	
10-20-5600-572	INTERFUND TO SPECIAL REV		0	0	0	0	46,164	
10-20-5600-740	STREET LIGHTING	19,600	21,000	11,438	19,000	19,000	19,000	
10-20-5600-745	STORMWATER IMPROVEMENTS	3,178	15,000	-290	11,403	8,000	8,000	
10-20-5600-750	ROAD MAINTENANCE	13,844	10,000	-852	3,148	10,000	10,000	
10-20-5600-755	SIGNS AND PAINTING	4,252	4,000	53	3,000	4,000	3,000	
10-20-5600-760	BRIDGE INSPECTIONS	1,602	2,000	0	0	2,000	2,000	
10-20-5600-765	SURVEYS/MAPPING	2,340	2,300	500	500	2,300	2,300	
10-20-5600-770	SNOW REMOVAL	4,589	9,000	2,072	3,035	8,000	8,000	
TOTALS:	OPERATING EXPENSES	\$46,469	\$119,646	\$25,523	\$80,429	\$93,071	\$154,159	\$0
CAPITAL OUTLAY:								
10-20-5600-730	CAPITAL OUTLAY	350,479	0	0	0	0	102,603	
TOTALS:	CAPITAL OUTLAY	\$350,479	\$0	\$0	\$0	\$0	\$102,603	\$0
DEBT PAYMENT:								
10-20-5600-900	DEBT PAYMENT	16,200	16,200	16,200	16,200	16,200	16,200	
TOTALS:	DEBT PAYMENT	\$16,200	\$16,200	\$16,200	\$16,200	\$16,200	\$16,200	\$0
STREET DEPARTMENT TOTAL:		\$530,258	\$252,346	\$118,330	\$213,129	\$231,771	\$395,462	\$0

	FY 20-21	FY 21-22
<u>.020 SALARIES AND WAGES</u>	76,600	80,700
Utility Maintenance Worker		
<u>.050 FICA EXPENSE</u>	5,900	6,200
FICA		
<u>.060 GROUP HEALTH INSURANCE</u>	22,300	22,300
Insurance		
<u>.070 RETIREMENT</u>	11,700	13,300
LGERS		
PRUDENTIAL 401K		
<u>.110 TELEPHONE</u>	-	-
Telephone		
<u>.140 TRAVEL AND TRAINING</u>	1,500	1,500
Licenses and Certifications		
TRAQ		
<u>.160 M & R EQUIPMENT</u>	2,000	2,000
Routine Equipment Maintenance		
Miscellaneous Repairs		
<u>.170 M&R AUTO</u>	7,000	7,000
Maintenance costs for vehicles		
and equipment		
<u>.310 AUTO SUPPLIES</u>	7,000	7,000
Gas, Tires, and Oil for 3 vehicles		
and equipment		
<u>.330 DEPARTMENTAL SUPPLIES</u>	11,000	11,000
General Office Supplies		
Street Supplies and Tools		
Miscellaneous Supplies		
<u>.335 DUPLICATING AND PRINTING</u>	-	-
Duplicating and Printing		
<u>.340 REPAIR AND WIDENING</u>	30,000	46,225
Smaller Repaving Projects		
<u>.360 UNIFORMS</u>	1,800	1,500
Uniform Supplies for 3 employees		

	FY 20-21	FY 21-22
<u>.450 CONTRACT SERVICES</u>	9,000	9,000
Road Maintenance		
<u>.480 INDIRECT COST ALLOCATION</u>	(15,054)	(31,271)
Indirect Cost Allocation		
<u>.540 INTEREST EXPENSE</u>	2,100	(31,271)
<u>.572 INTERFUND TO SPECIAL REVENUE</u>	-	46,164
Alberto Projects: Texas Rd Ex Barrel 1,		
Arbor Lane Bridge Repair		
<u>.740 STREET LIGHTING</u>	21,000	19,000
Street Lights		
<u>.745 STORMWATER IMPROVEMENTS</u>	15,000	8,000
Culverts and Stormwater Repairs		
<u>.750 ROAD MAINTENANCE</u>	10,000	10,000
General Maintenance to Roads		
<u>.755 SIGNS AND PAINTING</u>	4,000	3,000
General Maintenance to Road Signs		
<u>.760 BRIDGE INSPECTIONS</u>	2,000	2,000
Inspections for Bridges		
<u>.765 SURVEYS/MAPPING</u>	2,300	2,300
Powell Bill Map		
Right-of-Way Surveying		
<u>.770 SNOW REMOVAL</u>	9,000	8,000
Salt, Sand and Snow Removal Costs		
<u>.730 CAPITAL OUTLAY</u>	-	102,603
Texas Rd Bridge Conversion		
<u>.900 DEBT PAYMENT</u>	16,200	16,200
Upper Kentucky Street Assessment		
ARRA		

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-20-5600-020	SALARIES & WAGES	76,600	80,700	4,100	5%	Increased for COLA and Merit
10-20-5600-050	FICA EXPENSE	5,900	6,200	300	5%	Increased for COLA and Merit
10-20-5600-060	GROUP HEALTH INSURANCE	22,300	22,300	-	0%	
10-20-5600-070	RETIREMENT - LOCAL GOVT.	11,700	13,300	1,600	14%	Increased dictated by state, also includes COLA and merit
10-20-5600-110	TELEPHONE	0	0	0	0%	
10-20-5600-140	TRAVEL & TRAINING	1,500	1,500	-	0%	
10-20-5600-160	M & R EQUIPMENT	2,000	2,000	-	0%	
10-20-5600-170	M & R AUTO	7,000	7,000	-	0%	
10-20-5600-310	AUTO SUPPLIES	7,000	7,000	-	0%	
10-20-5600-330	DEPARTMENT SUPPLIES	11,000	11,000	-	0%	
10-20-5600-335	DUPLICATING AND PRINTING	0	0	-		
10-20-5600-340	REPAIR AND WIDENING	30,000	46,225	16,225	54%	Increased for project availability
10-20-5600-360	UNIFORMS	1,800	1,500	(300)	-17%	

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-20-5600-450	CONTRACT SERVICES	9,000	9,000	-	0%	
10-20-5600-480	INDIRECT COST ALLOCATION	-15,054	-31,271	16,217	-108%	
10-20-5600-540	INTEREST EXPENSE	2,100	1,742	(359)	-17%	Per debt schedule
10-20-5600-572	INTERFUND TO SPECIAL REV	0	46,164	46,164		Texas Rd. culvert barrel 1; Arbor Lane bridge repair
10-20-5600-740	STREET LIGHTING	21,000	19,000	(2,000)	-10%	Based on actual use
10-20-5600-745	STORMWATER IMPROVEMENTS	15,000	8,000	(7,000)	-47%	Decrease due to completion of stormwater study
10-20-5600-750	ROAD MAINTENANCE	10,000	10,000	-	0%	
10-20-5600-755	SIGNS AND PAINTING	4,000	3,000	(1,000)	-25%	Decrease based on need
10-20-5600-760	BRIDGE INSPECTIONS	2,000	2,000	-	0%	
10-20-5600-765	SURVEYS/MAPPING	2,300	2,300	-		
10-20-5600-770	SNOW REMOVAL	9,000	8,000	(1,000)	-11%	
10-20-5600-730	CAPITAL OUTLAY	0	102,603	102,603	#DIV/0!	Texas Rd bridge conversion
10-20-5600-900	DEBT PAYMENT	16,200	16,200	-	0%	

TOTALS

252,346

395,462

175,550

70%

SANITATION

SANITATION DEPARTMENT

The Sanitation Department is responsible for the collection and disposal of solid waste, recyclables, yard waste and white goods within the Town of Montreat.

KEY ACTION ITEMS

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

DEPARTMENT ACTION ITEMS

1. Continue to provide positive, responsive service to the community
2. Onboard and train new hire while maintaining high quality of service
3. Participate in ICS training

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR ACTUAL FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
10-30-5800-020	SALARIES & WAGES	38,853	55,988	29,137	29,137	33,200	33,200	
10-30-5800-050	FICA EXPENSE	2,972	3,500	2,229	2,229	2,600	2,600	
10-30-5800-060	GROUP HEALTH INSURANCE	11,625	11,200	7,154	7,154	11,200	11,200	
10-30-5800-070	RETIREMENT - LOCAL GOVT.	5,477	6,900	3,935	6,900	5,500	5,500	
TOTALS:	PERSONNEL SERVICES	\$58,927	\$77,588	\$42,455	\$45,420	\$52,500	\$52,500	\$0
OPERATING EXPENSES:								
10-30-5800-110	TELEPHONE	405	450	172	300	300	300	
10-30-5800-130	UTILITIES	2,143	1,506	443	1,506	1,506	1,506	
10-30-5800-160	M & R EQUIPMENT	388	400	0	800	400	400	
10-30-5800-170	M & R TRUCKS	1,744	1,500	500	500	1,500	1,500	
10-30-5800-310	AUTO SUPPLIES	3,909	4,200	2,264	1,000	4,200	4,200	
10-30-5800-330	SUPPLIES/TOOLS	1,433	1,300	1,149	1,300	1,800	1,800	
10-30-5800-335	DUPLICATING AND PRINTING	0	0	0	0	0	0	
10-30-5800-360	UNIFORMS	436	584	0	550	584	500	
10-30-5800-450	CONTRACT SERVICES - SANITATION	8,915	1,012	1,404	2,364	1,800	2,364	
10-30-5800-451	CONTRACT SERVICES-DUMPSTER	23,993	21,500	19,345	25,746	21,500	24,084	
10-30-5800-480	INDIRECT COST ALLOCATION	0	0	0	0	0	0	
10-30-5800-550	TIPPING FEES	11,463	12,942	8,588	12,738	12,942	12,942	
TOTALS:	OPERATING EXPENSES	\$54,827	\$45,394	\$33,864	\$46,804	\$46,532	\$49,596	\$0
CAPITAL OUTLAY:								
10-30-5800-730	CAPITAL OUTLAY	0	0	0	0	0	0	0
TOTALS:	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DEBT PAYMENT:								
10-30-5800-900	DEBT PAYMENT	0	0	0	0	0	0	0
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SANITATION DEPARTMENT TOTAL:		\$113,754	\$122,982	\$76,319	\$92,224	\$99,032	\$102,096	\$0

<u>.020 SALARIES AND WAGES</u>	FY 20-21	FY 21-22	<u>.451 CONTRACT SERVICES-COMPACTORS</u>	FY 20-21	FY 21-22
Utility Maintenance Worker	55,988	33,200	Rental and Hauling of 2 Compactors	21,500	24,084
<u>.050 FICA</u>	3,500	2,600	<u>.550 TIPPING FEES</u>	12,942	12,942
FICA			Buncombe County Tipping Fees		
<u>.060 GROUP HEALTH</u>	11,200	11,200	<u>.730 CAPITAL OUTLAY - SANITATION</u>	0	0
Health, vision, dental, and life insurance			Sanitation Truck		
<u>.070 RETIREMENT EXPENSE</u>	6,900	5,500	<u>.900 DEBT SERVICE</u>	0	0
LGERS and Prudential 401K			Sanitation Truck		
<u>.450 CONTRACT SERVICES</u>	1,012	2,364			
Part-Time Laborers					
<u>.110 TELEPHONE</u>	450	300			
Cell Phone					
<u>.130 UTILITIES</u>	1,506	1,506			
Two Compactors					
<u>.170 M & R EQUIPMENT</u>	400	400			
Maintenance costs for Equipment					
<u>.170 M & R TRUCKS</u>	1,500	1,500			
Maintenance costs for 2 vehicles					
<u>.310 AUTO SUPPLIES</u>	4,200	4,200			
Gas, Oil and Tires for 2 vehicles					
<u>.330 DEPARTMENT SUPPLIES</u>	1,300	1,800			
General Supplies/Tools					
Convenience Center					
<u>.335 DUPLICATING AND PRINTING</u>	-	-			
Printing expense					
<u>.360 UNIFORMS</u>	584	500			
Uniforms for 1 employee					

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-30-5800-020	SALARIES & WAGES	55,988	33,200	(22,788)	-41%	Decrease due to staffing change
10-30-5800-050	FICA EXPENSE	3,500	2,600	(900)	-26%	Decrease due to staffing change
10-30-5800-060	GROUP HEALTH INSURANCE	11,200	11,200	-	0%	
10-30-5800-070	RETIREMENT - LOCAL GOVT.	6,900	5,500	(1,400)	-20%	Decrease due to staffing change
10-30-5800-110	TELEPHONE	450	300	(150)	-33%	Based on usage
10-30-5800-130	UTILITIES	1,506	1,506	-	0%	
10-30-5800-160	M & R EQUIPMENT	400	400	-	0%	
10-30-5800-170	M & R TRUCKS	1,500	1,500	-	0%	
10-30-5800-310	AUTO SUPPLIES	4,200	4,200	-	0%	
10-30-5800-330	SUPPLIES/TOOLS	1,300	1,800	500	38%	Due to increase in bags and dumpster fair
10-30-5800-335	DUPLICATING & PRINTING	0	0	-	0%	
10-30-5800-360	UNIFORMS	584	500	(84)	-14%	

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-30-5800-450	CONTRACT SERVICES - SANITATION	1,012	2,364	1,352	134%	Based on usage
10-30-5800-451	CONTRACT SERVICES - DUMPSTER	21,500	24,084	2,584	12%	Based on usage
10-30-5800-550	TIPPING FEES	12,942	12,942	-	0%	
10-20-5550-730	CAPITAL OUTLAY	0	0	-		
10-20-5550-900	DEBT PAYMENT	0	0	-		
TOTALS		122,982	102,096	(20,886)	-17%	

ENVIRONMENT, CONSERVATION AND RECREATION

ENVIRONMENT, CONSERVATION, AND RECREATION

The Environment, Conservation, and Recreation Department of the Town of Montreat recommends plans, policies and community actions that meet the desires, needs and opinions of the citizens of Montreat for the protection of greenspace and the safety of walkers, joggers, hikers, bicyclists, bird-watchers and nature lovers.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Departmental Goals

1. Promote a high quality of life for the Montreat community by providing opportunities in the natural environment
2. Promote and support the Tree City USA, Open Space Conservation and Montreat Landcare program initiatives
3. Investigate ways to make Montreat more resilient to stormwater and flooding through the natural environment

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR Actuals FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
		0	0	0	0	0	0	0
TOTALS:	PERSONNEL SERVICES	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OPERATING EXPENSES:								
10-80-6190-335	DUPLICATING AND PRINTING	0	100	0	100	100	100	
10-80-6190-340	LANDCARE COMMITTEE	2,923	1,000	125	1,000	2,500	2,500	
10-80-3340-452	LANDCARE GRANT - HEMLOCKS	0	0	0	0	0	0	
10-80-6190-450	GREENWAY DEVELOPMENT	0	0	0	0	0	0	
10-80-6190-710	OPEN SPACE CONSERVATION	5,000	0	-5,000	-5,000	0	0	
10-80-6190-753	TREE MAINTENANCE	23,778	21,000	5,575	15,475	20,300	20,300	
TOTALS:	OPERATING EXPENSES	\$31,700	\$22,100	\$700	\$11,575	\$22,900	\$22,900	\$0
CAPITAL OUTLAY:								
10-80-6190-730	CAPITAL OUTLAY	0	0	0	0	0	0	0
TOTALS:	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0	\$0
DEBT PAYMENT:								
10-80-6100-900	DEBT PAYMENT	0	0	0	0	0	0	0
TOTALS:	DEBT PAYMENT	\$0	\$0	\$0	\$0	\$0	\$0	\$0
RECREATION DEPARTMENT TOTAL:		\$31,700	\$22,100	\$700	\$11,575	\$22,900	\$22,900	\$0

	FY 20-21	FY 21-22
<u>.335 Duplicating and Printing</u>	100	100
Duplicating and Printing		
<u>.340 LANDCARE COMMITTEE</u>	1,000	2,500
Landcare website support		
Miscellaneous Expense		
Native Plant Sale		
Leadership Luncheon		
Community Education		
Firewise		
Community Wildlife Habitat Recertification		
<u>.450 GREENWAY DEVELOPMENT</u>	-	-
<u>.452 LANDCARE GRANT - HEMLOCKS</u>	-	
Hemlock Program		
<u>.710 OPEN SPACE CONSERVATION</u>	-	-
Legal Fees, Surveys and Associated Costs		
<u>.753 TREE MAINTENANCE</u>	21,000	20,300
Tree Planting, Pruning, or Removal		
<u>.730 CAPITAL OUTLAY</u>	-	-

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
10-80-6190-335	DUPLICATING AND PRINTING	100	100	-	0%	Request from Tree Board for printed materials
10-80-6190-340	LANDCARE COMMITTEE	1,000	2,500	1,500	150%	Request from Landcare
10-80-6190-450	GREENWAY DEVELOPMENT	0	0	-		
10-80-6190-452	LANDCARE GRANT - HEMLOCK	0	0	-	0%	
10-80-6190-710	OPEN SPACE CONSERVATION	0	0	-	#DIV/0!	Based on past usage
10-80-6190-730	CAPITAL OUTLAY	0	0	-	0%	
10-80-6190-753	TREE MAINTENANCE	21,000	20,300	(700)	-3%	Lower based on past usage, but includes \$300 for American Chestnut Society membership
TOTALS		22,100	22,900	800	4%	

WATER

WATER DEPARTMENT

The Water Department of the Town of Montreat provides a continuous supply of high quality water at a reasonable cost and provides professional quality customer service, effective communication and accurate administration of the water system records.

Commission Vision and Goals

1. Foster peaceful, happy community environment
2. Complete capital projects with efficiency and timeliness
3. Seek ways to remove obstacles to building and renovation in Montreat
4. Seek ways to make Montreat property and infrastructure more resilient to stormwater and flooding
5. Seek ways to support the people and organizations of Montreat
6. Evaluate emergency planning and individual roles during crises
7. Continue to pursue clarification and correction of the mailing and physical address issue in Montreat
8. Systematically assess community needs and wants for future planning and development

Departmental Action Items

1. Provide high quality water to the community and answer calls for service quickly and effectively
2. Schedule projects sooner in the year
3. Work with the community and organizations within Montreat on water and water meter related questions or problems
4. Evaluate emergency preparedness yearly to ensure the safety and continued service of the water system

ACCOUNT NUMBER	DESCRIPTION	PRIOR YEAR Actuals FY 19-20	CURRENT YEAR BUDGET	ACTUAL @ 2-1-21	ESTIMATE @ 6-30-21	DEPT REQUEST FY 21-22	ADMINISTRATOR RECOMMENDED FY 21-22	BOARD APPROVED FY 21-22
PERSONNEL SERVICES:								
*30-91-8100-020	SALARIES & WAGES	46,779	47,000	30,816	46,779	49,600	49,600	
*30-91-8100-050	FICA	3,578	3,600	2,354	3,578	3,800	3,800	
*30-91-8100-060	GROUP HEALTH INSURANCE	12,028	11,200	7,402	11,200	11,200	11,200	
*30-91-8100-070	RETIREMENT	3,027	7,200	4,678	7,200	8,200	8,200	
TOTALS:	PERSONNEL SERVICES	\$65,413	\$69,000	\$45,250	\$68,757	\$72,800	\$72,800	\$0
OPERATING EXPENSES:								
30-91-8100-030	WATER SAMPLES	4,198	10,000	1,215	7,000	10,000	10,000	
30-91-8100-040	PROFESSIONAL SERVICES	0	1,282	0	0	1,282	1,282	
30-91-8100-100	POSTAGE	1,788	2,400	2,325	2,346	2,000	2,400	
30-91-8100-110	TELEPHONE	1,011	1,014	574	1,014	1,014	1,014	
30-91-8100-130	UTILITIES	40,068	31,200	19,722	31,200	31,200	31,200	
30-91-8100-135	WATER/SEWER	207	300	400	650	650	650	
30-91-8100-140	TRAVEL AND TRAINING	672	1,800	120	200	1,800	2,111	
30-91-8100-150	M&R WELLS	40,128	36,566	10,583	25,000	45,066	45,066	
30-91-8100-160	M&R EQUIPMENT	4,890	14,866	65	3,000	14,866	14,866	
30-91-8100-170	M&R TRUCKS	856	1,400	0	500	1,400	1,400	
30-91-8100-310	AUTO SUPPLIES	4,558	4,400	2,310	4,400	4,400	4,400	
30-91-8100-330	DEPARTMENTAL SUPPLIES	8,659	15,609	2,808	2,846	7,100	7,100	
30-91-8100-335	DUPLICATING AND PRINTING	16	0	0	0	0	0	
30-91-8100-340	SPECIAL ASSESSMENT EXPENSE	556	1,000	539	1,000	1,000	1,000	
30-91-8100-480	INDIRECT COST ALLOCATION	71,864	43,517	10,879	43,517	95,847	95,847	
30-91-8100-530	DUES & SUBSCRIPTIONS	1,070	1,600	1,335	1,600	1,600	1,600	
30-91-8100-540	INTEREST EXPENSE	8,958	6,975	3,530	6,975	4,983	4,983	
TOTALS:	OPERATING EXPENSES	\$189,499	\$173,928	\$56,405	\$131,248	\$224,208	\$224,919	\$0
CAPITAL OUTLAY:								
30-91-8100-730	CAPITAL OUTLAY	22,400				0	0	
30-91-8100-770	WATER PROJECT					0	0	
TOTALS:	CAPITAL OUTLAY	\$22,400	\$0	\$0	\$0	\$0	\$0	\$0
DEBT PAYMENT:								
30-91-8100-900	DEBT PAYMENT	68,322	68,322	13,800	68,322	46,322	46,322	
TOTALS:	DEBT PAYMENT	\$68,322	\$68,322	\$13,800	\$68,322	\$46,322	\$46,322	\$0
WATER DEPARTMENT TOTAL:		\$345,634	\$311,250	\$115,456	\$268,328	\$343,331	\$344,041	\$0

	FY 20-21	FY 21-22		FY 20-21	FY 21-22
<u>.020 SALARIES AND WAGER</u>	47,000	\$ 49,600	<u>.170 M&R TRUCKS</u>	1,400	1,400
Salaries and Wages			M&R Trucks		
<u>.050 FICA EXPENSE</u>	3,600	\$ 3,800	<u>.310 AUTO SUPPLIES</u>	4,400	4,400
FICA			Gas, Tires and Oil for 1 vehicle and equipment		
<u>.060 GROUP HEALTH INSURANCE</u>	11,200	\$ 11,200	<u>.330 DEPARTMENTAL SUPPLIES</u>	15,609	7,100
Health, Dental, Vision, and Life			General Office Supplies		
<u>.070 RETIREMENT</u>	7,200	\$ 8,200	Water Bills		
LGERS			Water Supplies and Tools		
PRUDENTIAL 401K			<u>.335 DUPLICATING AND PRINTING</u>	-	-
<u>.030 WATER SAMPLES</u>	10,000	10,000	Duplicating and Printing		
Water Testing			<u>.340 SPECIAL ASSESMENT EX</u>	1,000	1,000
<u>.040 PROFESSIONAL SERVICES</u>	1,282	1,282	Fee Paid to Tax Collector's Office		
Engineering Fees			<u>.530 DUES & SUBSCRIPTIONS</u>	1,600	1,600
<u>.100 POSTAGE</u>	2,400	2,400	Water Organizational Dues		
Water Bill Postage			<u>.480 INDIRECT COST ALLOCATION</u>	43,517	95,847
<u>.110 TELEPHONE</u>	1,014	1,014	Costs Shared		
Cell Phone - Senior Water Operator			<u>.540 INTEREST EXPENSE</u>	6,975	4,983
<u>.130 UTILITIES</u>	31,200	31,200	<u>.730 CAPITAL OUTLAY</u>	-	-
Wells/Booster Stations/Tanks			Waterline Replacement		
<u>.140 TRAVEL AND TRAINING</u>	1,800	2,111	Water Billing Software Module		
Licenses/Certifications			<u>.770 WATER PROJECT</u>	-	-
Workshops/Training Seminars			<u>.900 DEBT PAYMENT</u>	68,322	46,322
<u>.150 M&R WELLS</u>	36,566	45,066	Upper Kentucky Road Assessment		
Repair to Wells/Generator Wiring					
Chemicals					
Miscellaneous Maintenance/Repair					
<u>.160 M&R EQUIPMENT</u>	14,866	14,866			
Repair to Pumps, Backhoe and Other Equipment					
Miscellaneous Maintenance/Repair					

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
30-91-8100-020	SALARIES AND WAGES	47,000	49,600	2,600	6%	Increase includes COLA and merit
30-91-8100-050	FICA	3,600	3,800	200	6%	Increase includes COLA and merit
30-91-8100-060	GROUP HEALTH INSURANCE	11,200	11,200	-	0%	
30-91-8100-070	RETIREMENT	7,200	8,200	1,000	14%	Increase includes state mandated increase, COLA, and merit
30-91-8100-030	WATER SAMPLES	10,000	10,000	-	0%	
30-91-8100-040	PROFESSIONAL SERVICES	1,282	1,282	-	0%	
30-91-8100-100	POSTAGE	2,400	2,400	-	0%	
30-91-8100-110	TELEPHONE	1,014	1,014	-	0%	
30-91-8100-130	UTILITIES	31,200	31,200	-	0%	
30-91-8100-135	WATER/SEWER	300	650	350	117%	Increase based on usage
30-91-8100-140	TRAVEL AND TRAINING	1,800	2,111	311	17%	
30-91-8100-150	M&R WELLS	36,566	45,066	8,501	23%	

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
30-91-8100-160	M&R EQUIPMENT	14,866	14,866	1	0%	

ACCOUNT NUMBER	DESCRIPTION	CURRENT YEAR BUDGET	FY 21-22 REQUEST	INC/(DEC)	%	JUSTIFICATION
30-91-8100-170	M&R TRUCKS	1,400	1,400	-	0%	
30-91-8100-310	AUTO SUPPLIES	4,400	4,400	-	0%	
30-91-8100-330	DEPARTMENTAL SUPPLIES	15,609	7,100	(8,509)	-55%	
30-91-8100-335	DUPLICATING AND PRINTING	0	0	-	#DIV/0!	
30-91-8100-340	SPECIAL ASSESMENT EXPENSE	1,000	1,000	-	0%	
30-91-8100-530	DUES & SUBSCRIPTIONS	1,600	1,600	-	0%	
30-91-8100-540	INTEREST EXPENSE	6,975	4,983	(1,992)	-29%	Based on debt schedule
30-91-8100-480	INDIRECT COST ALLOCATION	43,517	95,847	52,330	120%	
30-91-8100-730	CAPITAL OUTLAY	0	0	-	#DIV/0!	
30-91-8100-770	WATER PROJECT	0	0	-	0%	
30-91-8100-900	DEBT PAYMENT	68,322	46,322	(22,000)	-32%	Based on debt schedule
TOTALS		311,250	344,041	32,791	11%	

Montreat Stormwater Inventory & Steep Slope Stormwater Management Concept Plan

Planning and Zoning Meeting
May 13, 2021



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OUTLINE

- 1) Purpose & Goals of the Project
- 2) Inventory
- 3) Resident Survey
- 4) Flat Creek Survey & Assessment
- 5) Resident Survey Follow-up
- 6) Watershed Assessment
- 7) SCM Opportunities
- 8) Next Steps

PURPOSE AND GOALS

Stormwater Permit Requirements

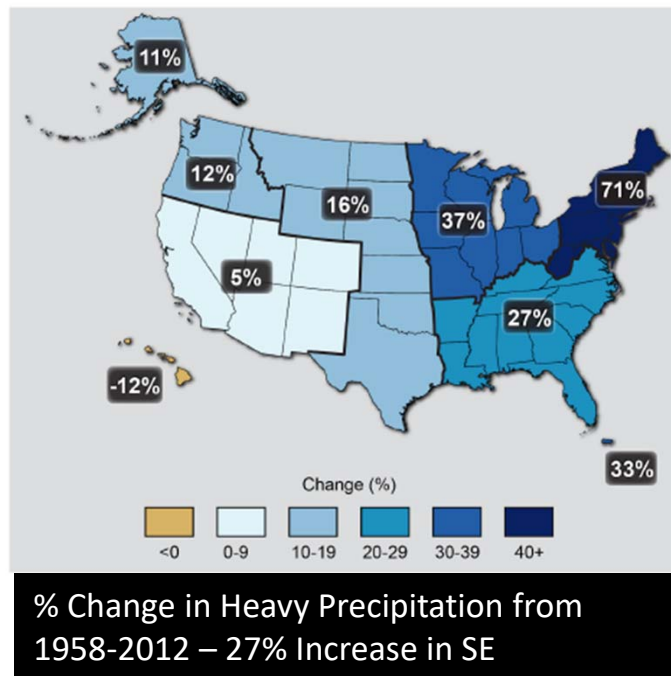
- A stormwater system inventory is required for NPDES Phase II permit (Montreat's audit is in 2022).
- LOSRC has been developing stormwater inventories using 205j funding since 2015.

Watershed Planning

- The Swannanoa River is on the 303d list for water quality impairment.
- LOSRC funded the Upper Swannanoa River Watershed Plan in 2014, which covers Montreat; however, all of the proposed projects are in Black Mountain and do not address steep slopes.

Infrastructure Protection

- Tropical Storm Alberto caused significant infrastructure damage (estimated \$900K).
- Heavy rainfall events are becoming more frequent and intense.

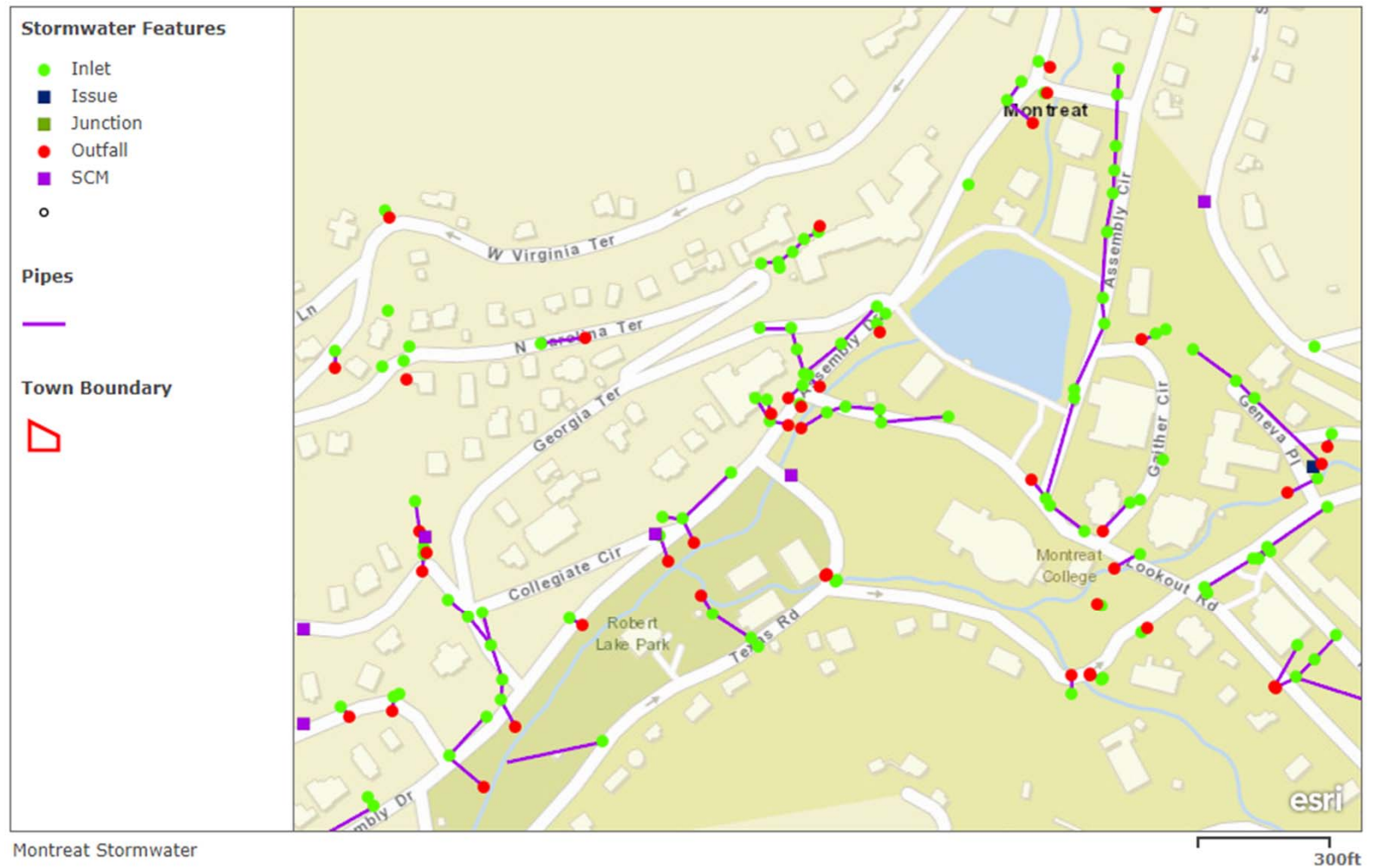


Damage from Tropical Storm Alberto in 2018

INVENTORY

Stormwater System
Inventory Excerpt

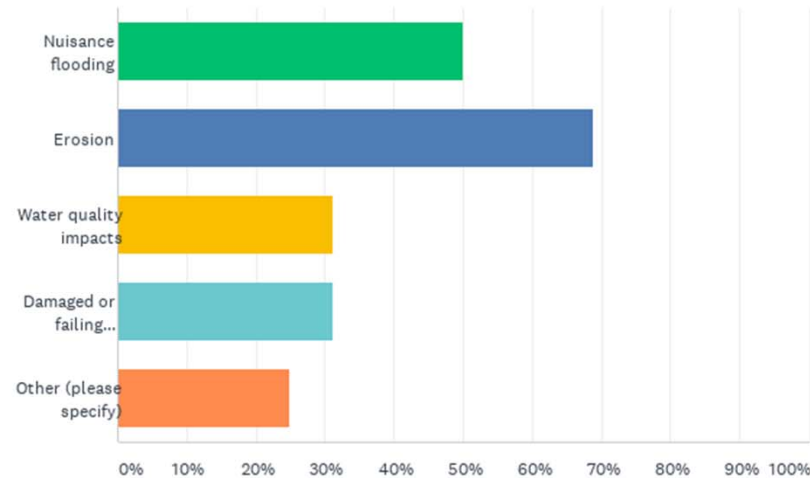
<http://arcg.is/1vmD5H>



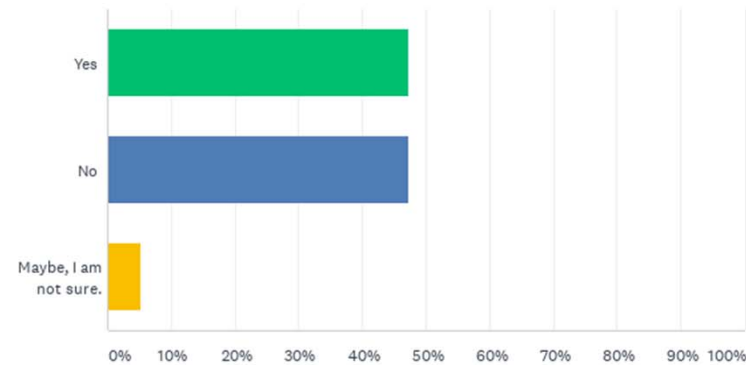
Buncombe County, NC, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NG, USGS

RESIDENT SURVEY

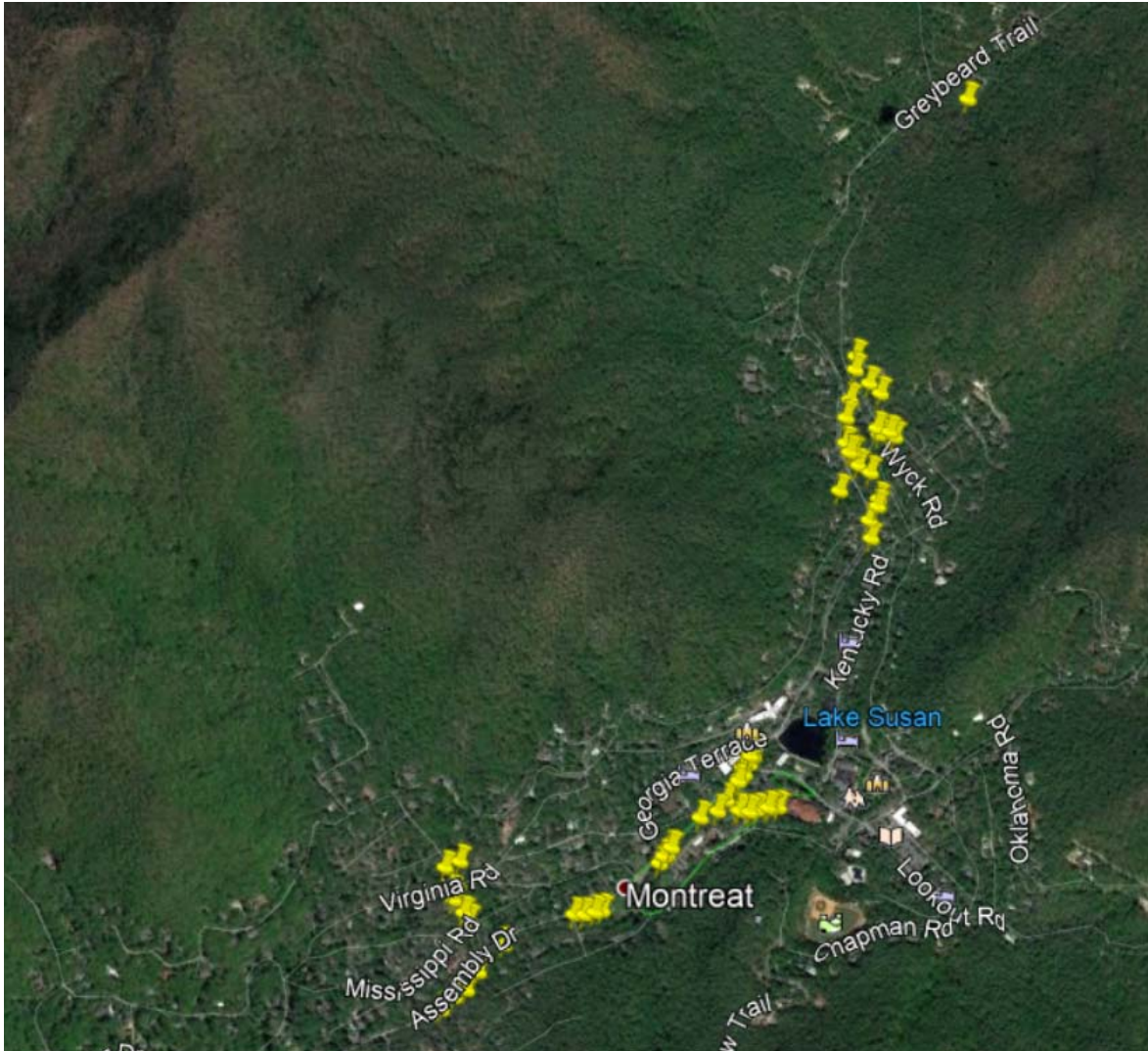
Q1 Have you seen any of the following issues during or after it rains? Select all that apply.



Q3 Do you manage stormwater on your property, i.e. with a rain barrel, rain garden, bioswale, green roof, etc...?



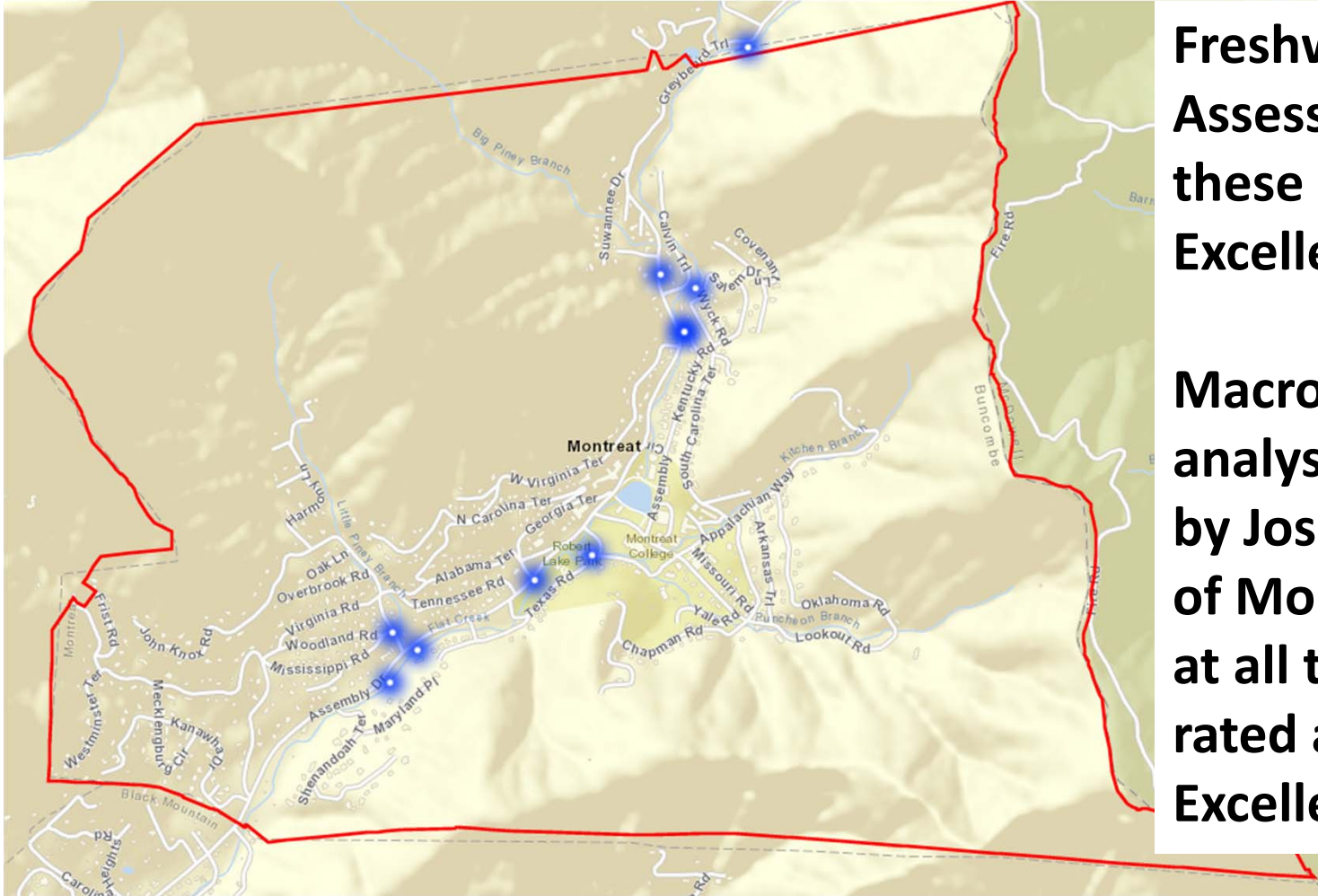
FLAT CREEK ASSESSMENT



In June 2020, 62 stream and stormwater system observations were made and over 4,200 feet of stream conditions were assessed for stream habitat and bank stability.

Little bank instability was found along Flat Creek.

FLAT CREEK ASSESSMENT



Freshwater Habitat Assessments rated these sites Good to Excellent.

Macroinvertebrate analysis performed by Joshua Holbrook of Montreat College at all three sites rated as Good to Excellent.

RESIDENT SURVEY FOLLOW-UP

Have you seen any of the following issues during or after it rains? Select all that apply.					If you selected one or more of the above, please describe where you have seen these issues as best you can using addresses, streets, and/or landmarks.	Do you manage stormwater on your property, i.e. with a rain barrel, rain garden, bioswale, green roof, etc...?
Nuisance flooding	Erosion	Water quality impacts	Damaged or failing stormwater inlet or pipe	Other (please specify)	Open-Ended Response	Response
	Erosion	Water quality impacts	Damaged or failing stormwater inlet or pipe	Erosion has been an issue along Greybeard Trail. Water turbidity increases after high rainfall throughout the drainage, but particularly above Lake Susan.		No
	Erosion	Water quality impacts			Erosion - on some building sites, from the front and sides of the Auditorium into the adjacent parking lot, then running directly into the creek with no stormwater management from all that paving. Water quality impacts have been documented by water testing results as well as by visual observation. Water quality in the creek is documented and an extra test was run after rain. The lake is dramatically filling with silt from erosion - needs to be addressed. Also, water running down Shenandoah Terrace into the creek below. Water constantly runs down Texas Road across the intersection with Community Center Circle, then on down Texas Rd - perhaps a spring that needs to be managed.	No
Nuisance flooding	Erosion	Water quality impacts			excess soil runoff from construction sites on flat creek and tributaries. Water from uphill property down my driveway, however this has recently been mitigated by the town(many thanks).	Yes
Nuisance flooding	Erosion	Water quality impacts	Damaged or failing stormwater inlet or pipe		Numerous erosion hotspots on college campus (road below Davis dorm, Lake Susan path across from Howerton, conference center, and street right of way.	Yes
				Gravel placed by the town to fill a trench left by re-paving our street washes away.	Kentucky rd at 434 and surrounding houses	No
						No
						Yes
						Yes
Nuisance flooding	Erosion	Water quality impacts	Damaged or failing stormwater inlet or pipe		221 Assembly Drive My 2 long driveways are always turned into streams. The gravel has washed away into the street and garden areas. Dirt from behind the house flows down freely; and I lose the top soil. Bulbs that were in my back door neighbor's front yard have been transported down to my stone wall. The gutters can't hold all the rain.	No
Nuisance flooding					Our neighbor on the southern end of Suwanee does not have any way to divert rain water as it flows down his steep driveway.	Yes
	Erosion			Pebbles from the incomplete paving of Frist Road being washed down to the paved part of road en masse.	Frist Road where the unfinished road meets the finished road. I have a photo/s that I am able to share.	No
	Erosion		Damaged or failing stormwater inlet or pipe		NC terrace in William Black vicinity.	No
	Erosion				On West Virginia behind the William Black Home, in front of the little house, stormwater is making a rut beside the road. Easy to fix with a little ditch to divert the water down the mountain earlier. Also have seen a new concrete driveway put in and later a wall down mountain blows out (that's my theory). Need less impervious surfaces.	Yes
	Erosion				Large gravel and debris from steep drive at 437 West Virginia washes into West Virginia regularly	No
						Yes
Nuisance flooding				Constant flow of water from spring across road causing potential slippery surface and icy in winter for both vehicles and pedestrians. A nuisance that developed from reconstruction of carport two years ago. Need to hold homeowner or town, which granted variance, responsible. Holding pond underground has pump to move water out.	427 W. Virginia Terrace Needs storm drain and understreet culvert near carport.	
Nuisance flooding	Erosion				130 Kanawha Drive, Montreat. We bought our house 1 1/2 years ago and have lived through 2 horrental rains that have eroded behind large rocks lining our driveway. We have spent over \$4500 trying to control the water that runs from Mecklenburg Circle above us down through our yard.	Maybe, I am not sure.
	Erosion		Damaged or failing stormwater inlet or pipe		Oklahoma Road, Appalachain, Arkansas, Lookout	Yes
Nuisance flooding					Following a particularly heavy rainfall this summer, I had water in my garage coming from the area behind my house. I live at 130 Eastminster Terrace and have only wilderness and a steep incline behind my house. I don't feel this is really a town issue but wanted to include it in the survey.	No
Nuisance flooding					On Virginia Road, behind my house at 155 Woodland Road, there is no storm water collection at all. It floods down hill to all houses on Woodland. It causes road damage and property damage.	Yes

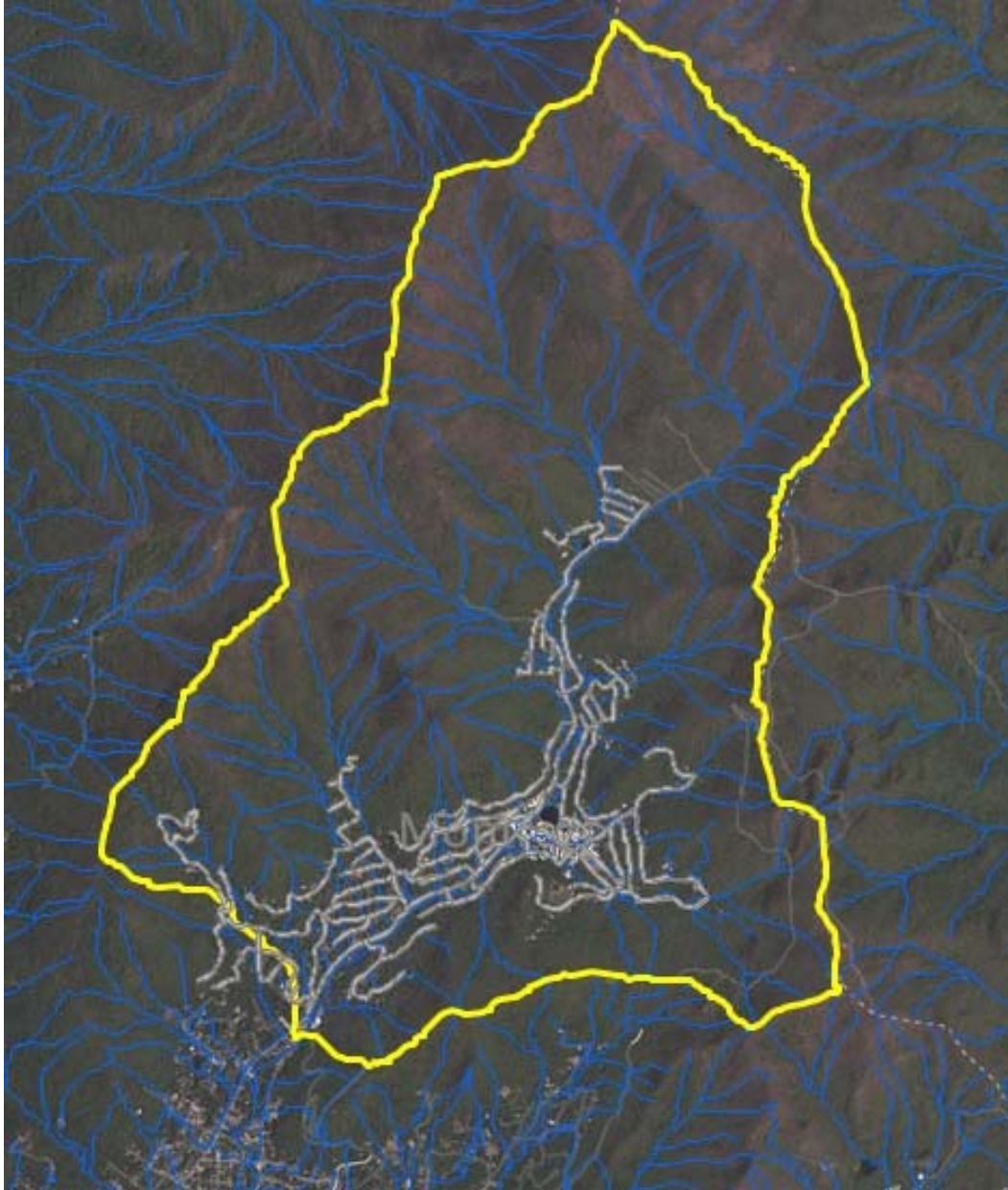
- Field investigation conducted of each problem site
- Localized problems
- Need for identification of potential storage in public ROW for a watershed-based approach



WATERSHED ASSESSMENT

- **Watershed Overview**
- **Terrain Analysis**
- **SWMM Model**
- **Potential Storage Evaluation**
- **Field Observations and Findings**

WATERSHED ASSESSMENT



- Flat Creek Watershed to Town limits
- 4.8 square miles

DIGITAL ELEVATION MODEL



- **High-resolution Digital Elevation Model (DEM)**
- **NC Floodplain Mapping Program**

WATERSHED DELINEATION



- **158 subwatersheds**
- **Avg area ~ 20 acres**

SOILS DATA & IMPERVIOUSNESS



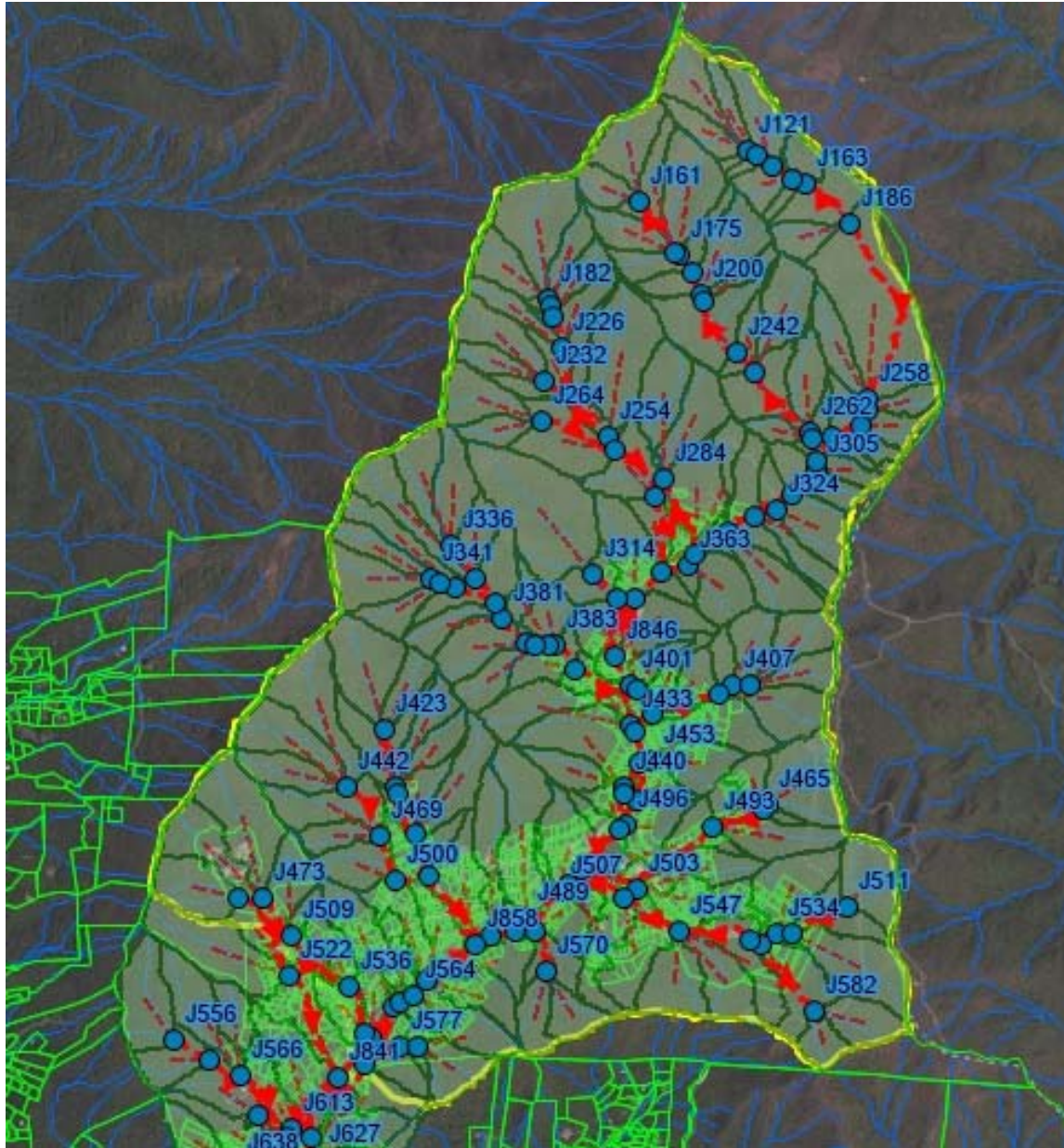
- Soils data from USDA NRCS soils survey
- Informs hydrology

HYDROLOGIC SOIL GROUPS



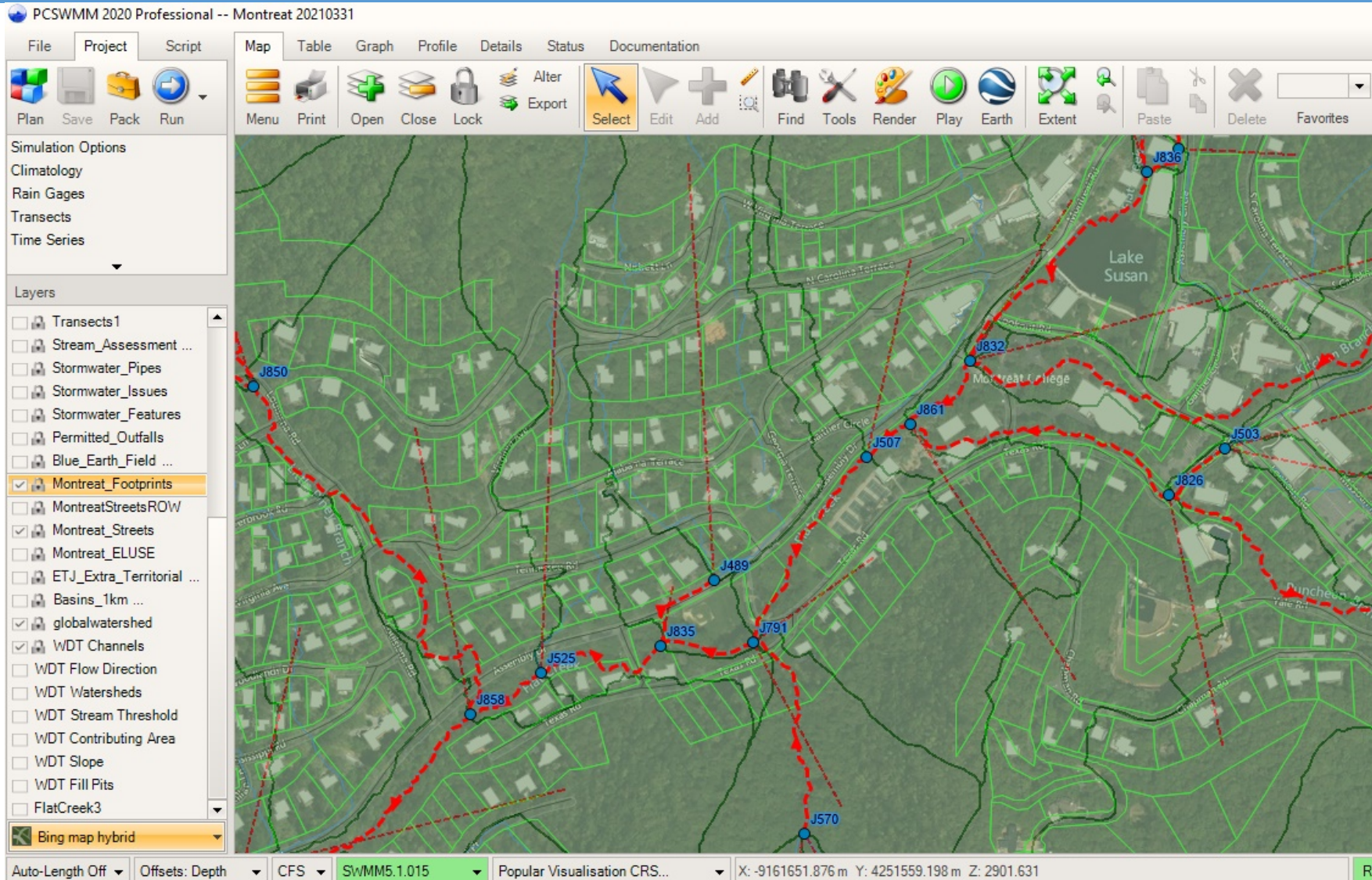
- Hydrologic Soil Groups
- 4 groupings from A (highest infiltration) to D (lowest infiltration)
- Type A = light green
- Type B = dark green
- Type C = yellow
- Urban = red

WATERSHED MODEL

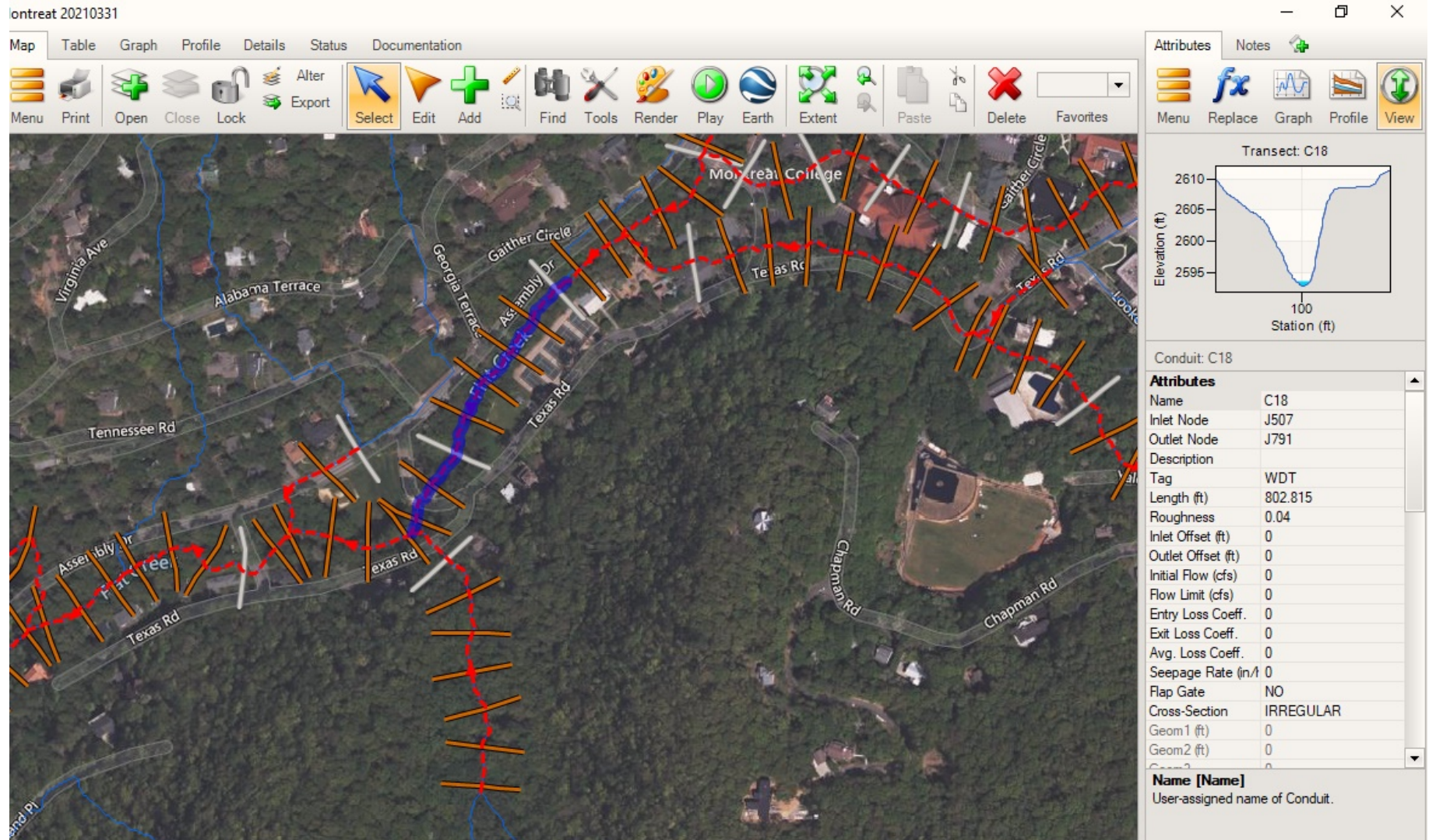


- **SWMM (Stormwater Management Model)**
- **Developed by EPA**
- **Detailed Hydrology (rainfall-runoff)**
- **And Hydraulics (streams and pipes)**
- **129 conduits representing stream reaches**

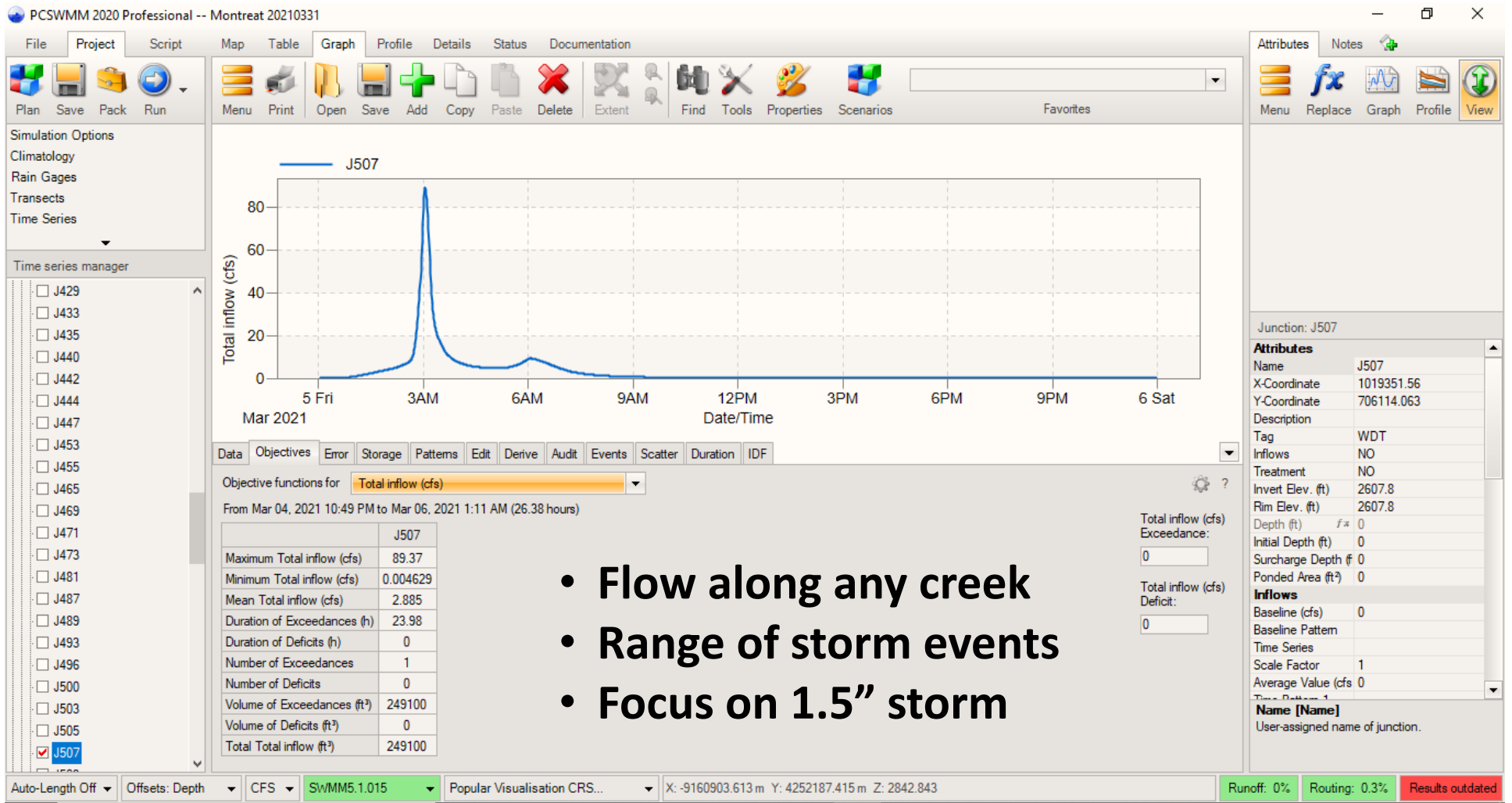
WATERSHED MODEL



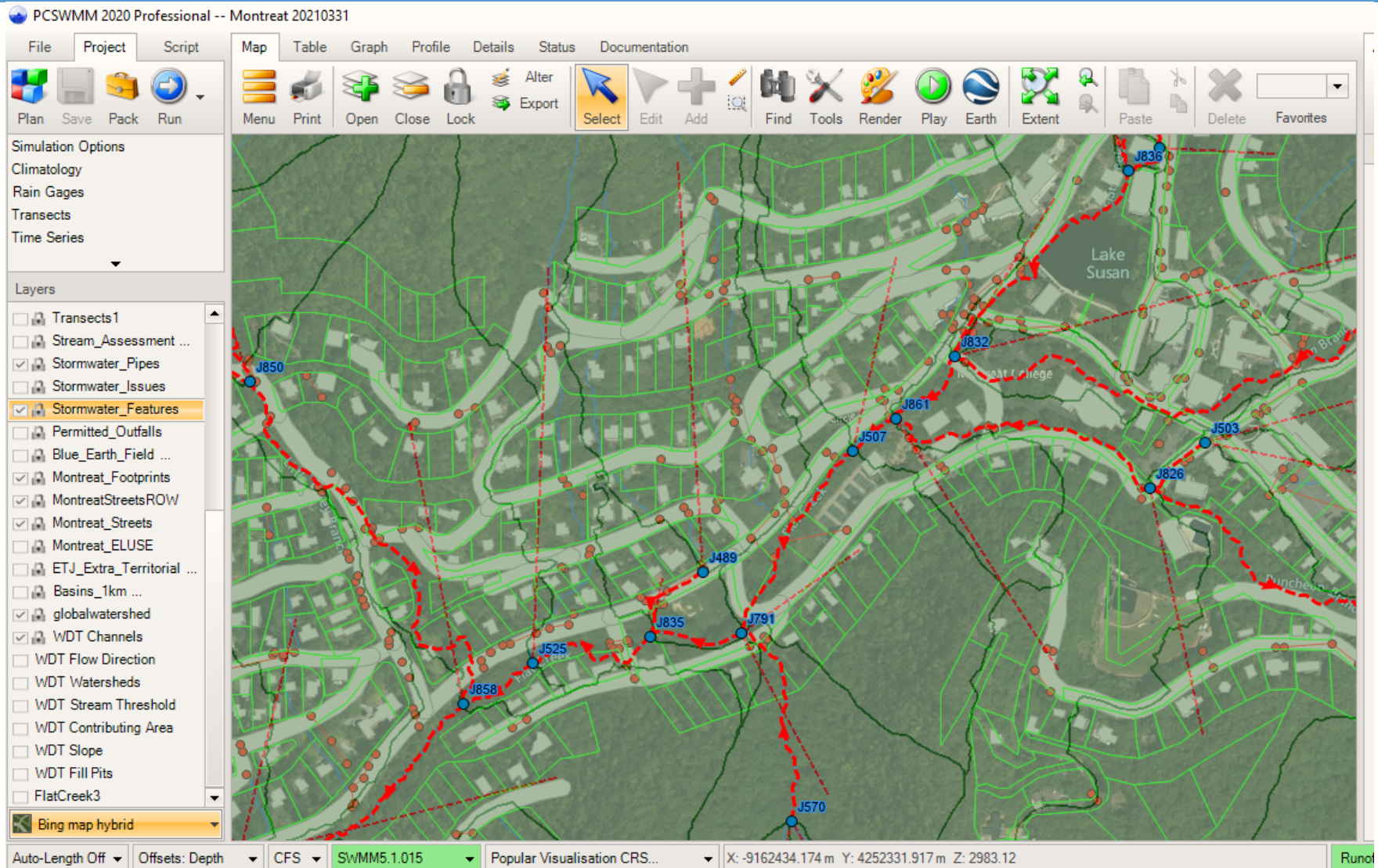
CREEK GEOMETRY



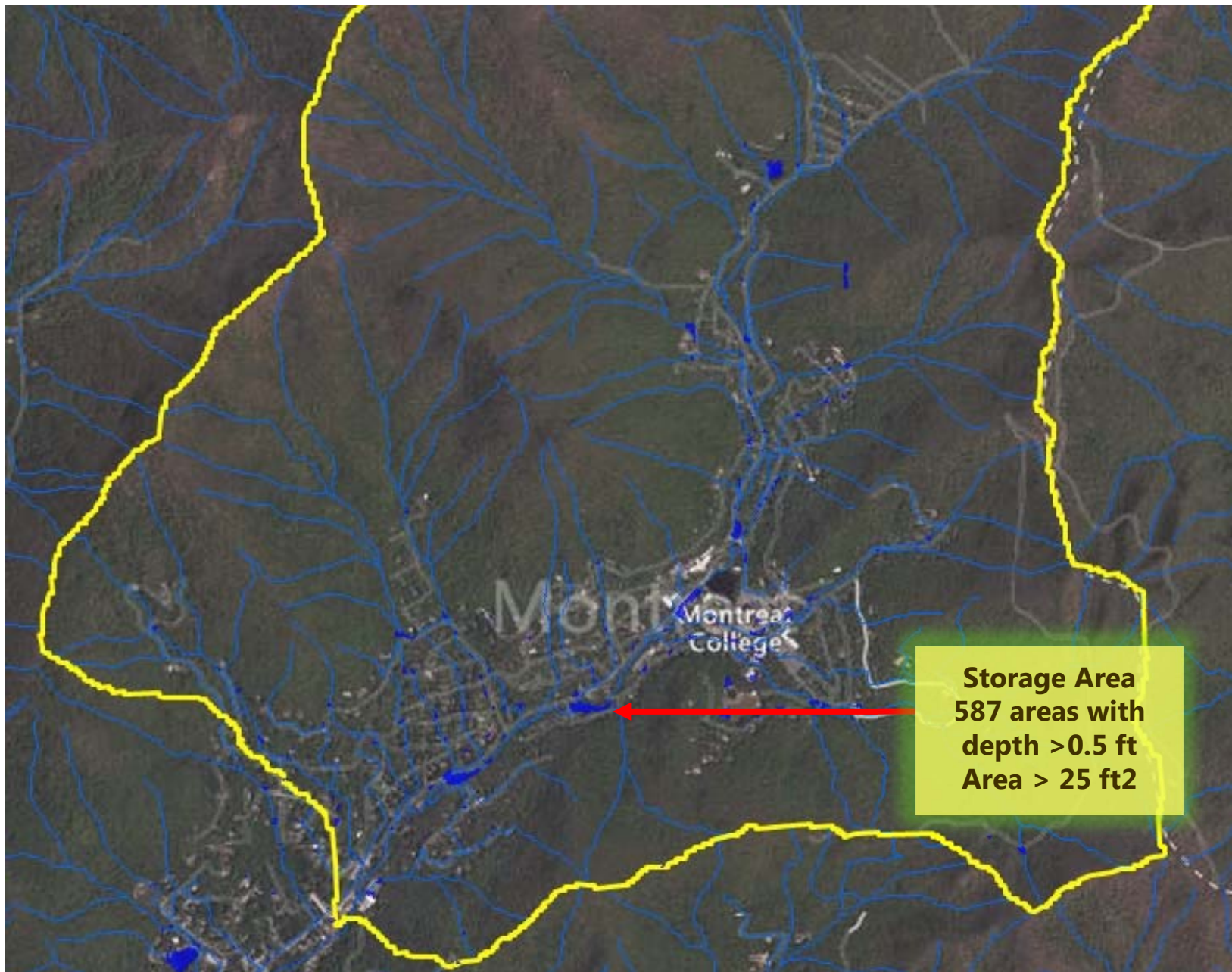
MODEL RESULTS



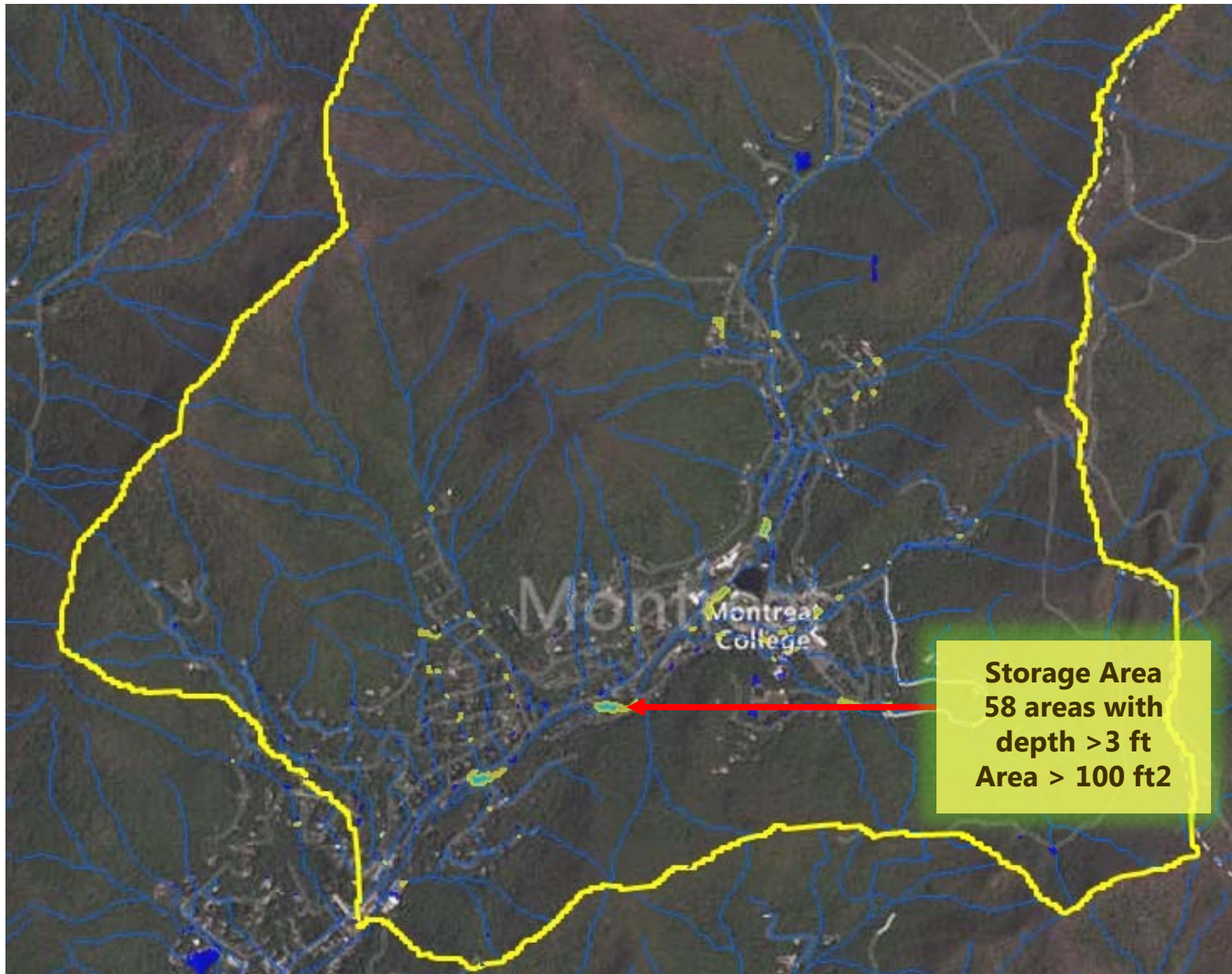
MODEL AND GIS LAYERS



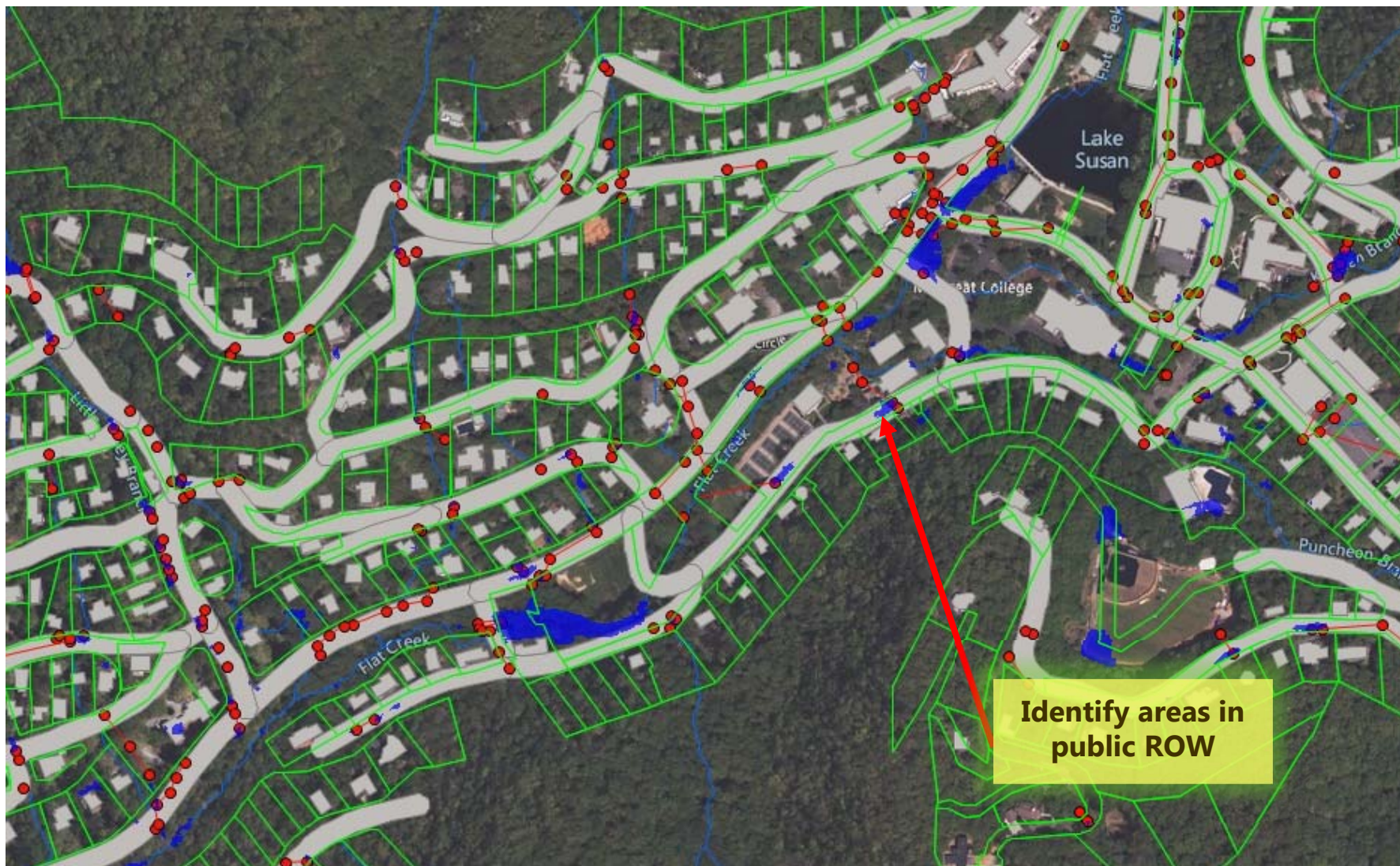
STORAGE EVALUATION



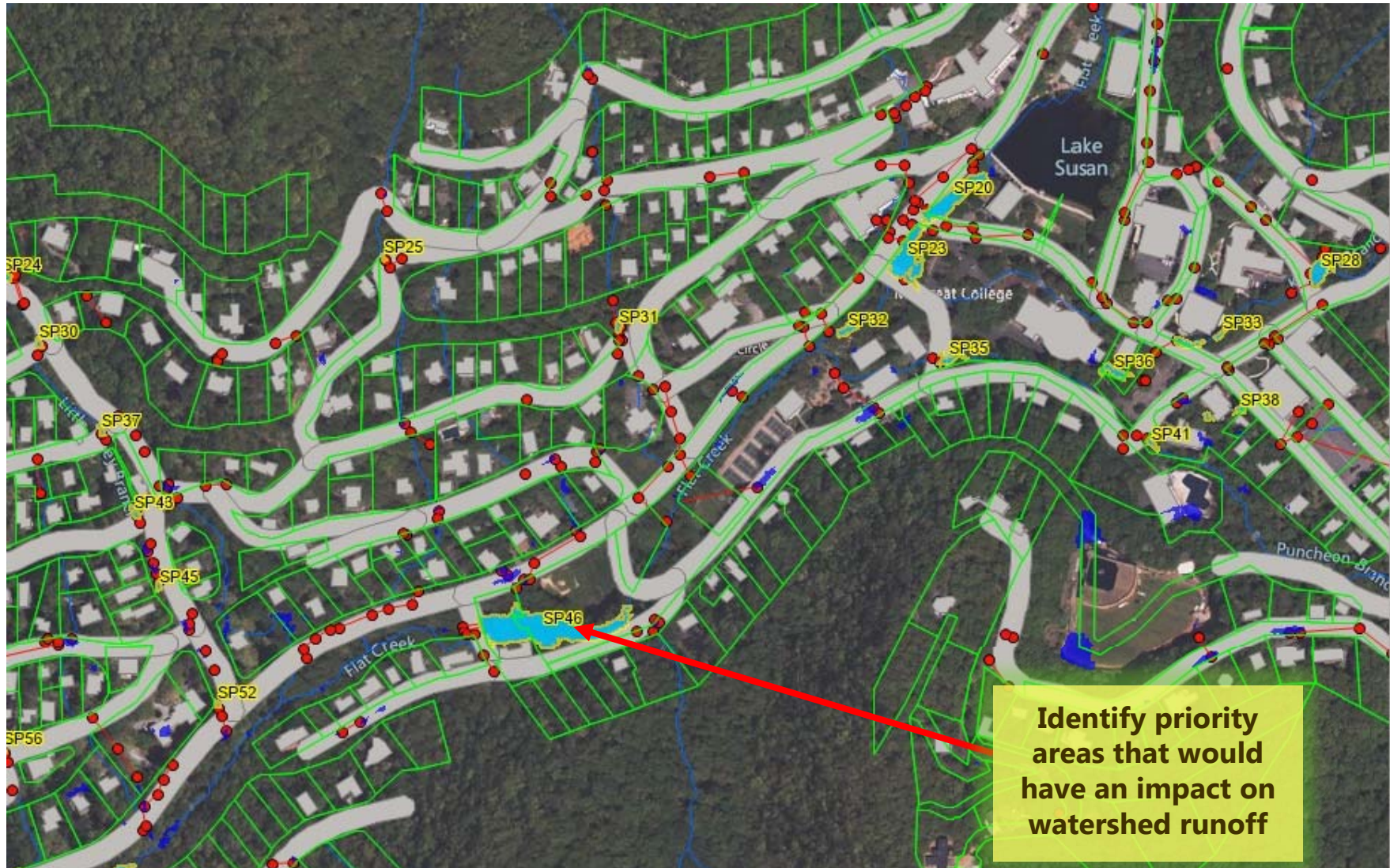
STORAGE EVALUATION



STORAGE EVALUATION



STORAGE EVALUATION



STORAGE EVALUATION

Name	Minimum Elev. (ft)	Maximum Elev. (ft)	Depth (ft)	Area (ft²)	Volume (ft³)	Nearest Model Node	Upstream Watershed Area (ac)	Public/Private/Combination	Intersection	Near Complaint Area	Near Storm Infrastructure	1.5-inch Storm Volume (ft³)	Ratio of Storage to 1.5-inch Volume	Subcatchment Area (ac)	1.5-inch Subcatchment Runoff (ft³)	Ratio of Storage to 1.5-inch Subcatchment Runoff	Field Priority (Y/N)	Secondary Priority (Y/N)
SP1	3014.53	3019.96	5.43	762	1393	J872	1083	Public	Greybeard/Lapsley	No	48-inch	46,978	3%	10	1556	90%	N	Yes
SP2	2940.89	2944.94	4.05	508	731	J373	88	Combination	Greybeard Trail	No	36-inch	3,111	23%	14	4,667	16%	Yes	Yes
SP3	3343.08	3346.62	3.53	3555	8051	None			No access									
SP4	3340.57	3346.27	5.70	4883	17408	None			No access									
SP5	2915.06	2924.62	9.56	8262	24922	J405	255	Combination	Suwanee	No	60-inch	4,978	501%	12	7,778	320%	Yes	Yes
SP6	2825.91	2834.80	8.89	2910	8756	J401	1238	Combination	Calvin Trail	No	96-inch	72,334	12%	14	7,778	113%	Yes	Yes
SP7	2843.67	2847.38	3.71	557	751	J433	291	Public	Greybeard and Big Piney	No	16-inch	19,911	4%	12	7,778	10%	N	Yes
SP8	2934.70	2942.37	7.67	1680	2246	J823	1350	Public	Providence/Peace Lane	No	36-inch	81,979	%	13	4,667	48%	N	Yes
SP9	2895.37	2902.67	7.31	566	1802	J823	1350	Unknown	Providence/Peace Lane	No	36-inch	81,979	2%	13	4,667	39%	N	Yes
SP10	2789.52	2794.10	4.59	1230	2067	J433	291	Combination	Greybeard and Calvin	No	40-inch	19,911	10%	12	7,778	27%	Yes	Yes
SP11	2904.47	2908.02	3.54	674	593	J444	1676	Public	Peace Ln	No	30-inch	121,646	0.5%	30	18,667	3%	N	N
SP12	2857.36	2862.57	5.20	1348	2362	J444	1676	Public	Kentucky Rd	No	36-inch	121,646	2%	30	18,667	13%	N	Yes
SP13	2802.46	2807.41	4.96	908	1928	J444	1676	Combination	Wycke Rd	No	30-inch	121,646	2%	30	18,667	10%	N	Yes
SP14	2763.47	2767.18	3.71	322	335	J873	1645	Public	Greybeard/West Virginia (US)	No	15-inch	103,134	0.3%	30	18,667	2%	N	N
SP15	2909.02	2913.94	4.92	1387	1956	J481	134	Private	Harmony Rd Ext.	No	80-inch	7,311	27%	16	4,667	42%	Yes	Yes
SP16	2672.98	2684.27	11.29	10586	38672	J836	1779	Combination	Greybeard @ Kentucky	No	Bridge	160,224	24%	7	4,667	829%	Yes	Yes
SP17	3076.94	3080.68	3.74	215	308	J487	44	Public	Appalachian Way	No	36-inch	3,422	9%	11	3,111	10%	Yes	Yes
SP18	3021.35	3026.73	5.38	488	719	J493	78	Private	Appalachian Way	No	24-inch	16,333	4%	11	4,667	15%	N	Yes
SP19	2862.83	2866.99	4.16	313	646	J832	1893	Public	Appalachian Way	No	12-in/36-in	199,113	0.3%	22	14,000	5%	N	N
SP20	2629.80	2640.12	10.33	8340	33856	J832	1893	College	Assembly/Lookout	No	Bridge	199,113	17%	13	9,333	363%	Yes	Yes
SP21	3026.02	3029.55	3.53	508	749		None		No access									
SP22	2768.53	2774.66	6.14	1631	3728	J832	1893	Public	Appalachian Way	No	12-in/36-in	199,113	2%	22	14,000	27%	N	N
SP23	2623.52	2633.26	9.74	9043	30085	J832	1893	Public	Community Ctr/Assembly	No	Bridge	199,113	15%	22	14,000	215%	Yes	Yes
SP24	2708.48	2713.72	5.24	1318	2399	J850	286	Combination	Louisiana near Harmony	No	48-inch	16,645	14%	18	6,222	39%	Yes	Yes
SP25	2730.73	2733.99	3.26	166	262	J525	2376	Public	Virginia	No	12-inch	342,225	0.1%	25	15,556	2%	N	N
SP26	3035.25	3039.42	4.17	703	1306		None		No access									
SP27	3036.65	3039.76	3.10	254	373		None		No access									
SP28	2726.63	2736.91	10.28	3379	11768	J832	1893	Public	Appalachian Way/Geneva Pl	Erosion	60-inch	199,113	6%	22	14,000	84%	Yes	Yes
SP29	2715.02	2722.24	7.22	4902	11531	J500	134	Combination	John Knox @ Harmony	No	42-inch	3,733	309%	18	6,222	185%	Yes	Yes
SP30	2682.40	2687.40	5.00	420	958	J850	286	Public	Louisiana	No	60-inch	16,645	6%	28	17,111	6%	Yes	Yes
SP31	2655.50	2659.76	4.26	527	887	J489	30	Private	Georgia @ Alabama	No	24-inch	24,578	4%	40	24,889	4%	N	N
SP32	2616.05	2619.50	3.45	1348	1950	J861	2222	College	Assembly/Collegiate	No	Stream	272,225	1%	26	17,111	11%	N	Yes

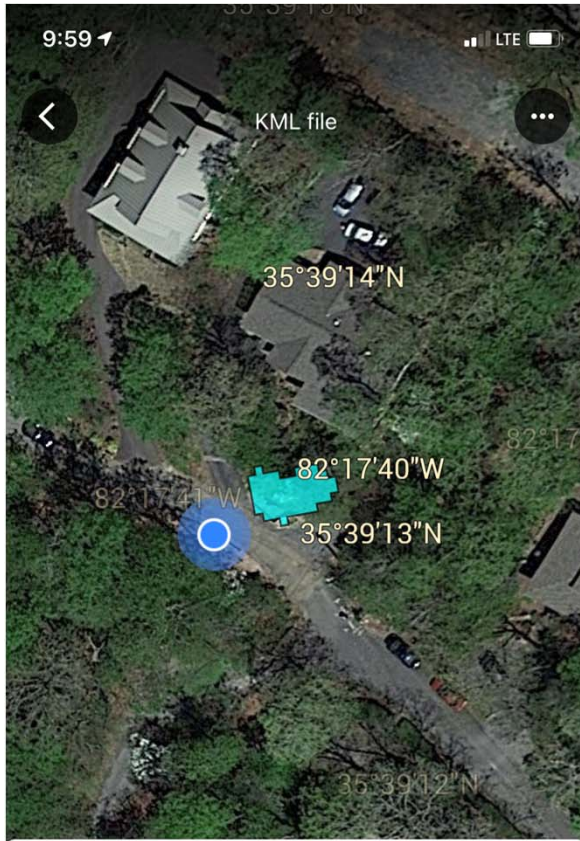
STORAGE EVALUATION



SP12
MINELEV=2857.364
MAXELEV=2862.565
DEPTH=5.201
AREA=1347.656
VOLUME=2362.177
PRIOR1=N
PRIOR2=Yes
OWNER=Public
CAPTURE=2



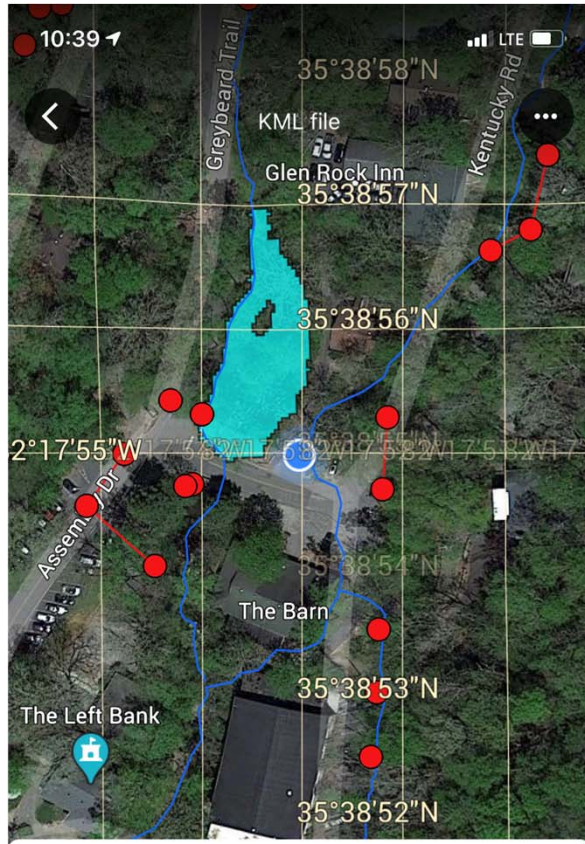
STORAGE EVALUATION



SP9
MINELEV=2895.367
MAXELEV=2902.673
DEPTH=7.307
AREA=566.406
VOLUME=1801.686
PRIOR1=N
PRIOR2=YES
OWNER=Unknown
CAPTURE=2



STORAGE FINDINGS



SP16
MINELEV=2672.98
MAXELEV=2684.265
DEPTH=11.285
AREA=10585.938
VOLUME=38671.596
PRIOR1=YES
PRIOR2=YES
OWNER=Comb
CAPTURE=24

- Most storage opportunities along creeks at road crossings
- Ecological and habitat impacts when altering streams
- Permitting issues
- Very few storage areas in public ROW outside of streams
- Current system functions well; Damage during extreme events.
- Benefits of finding other opportunities for distributed SCMs, including private property

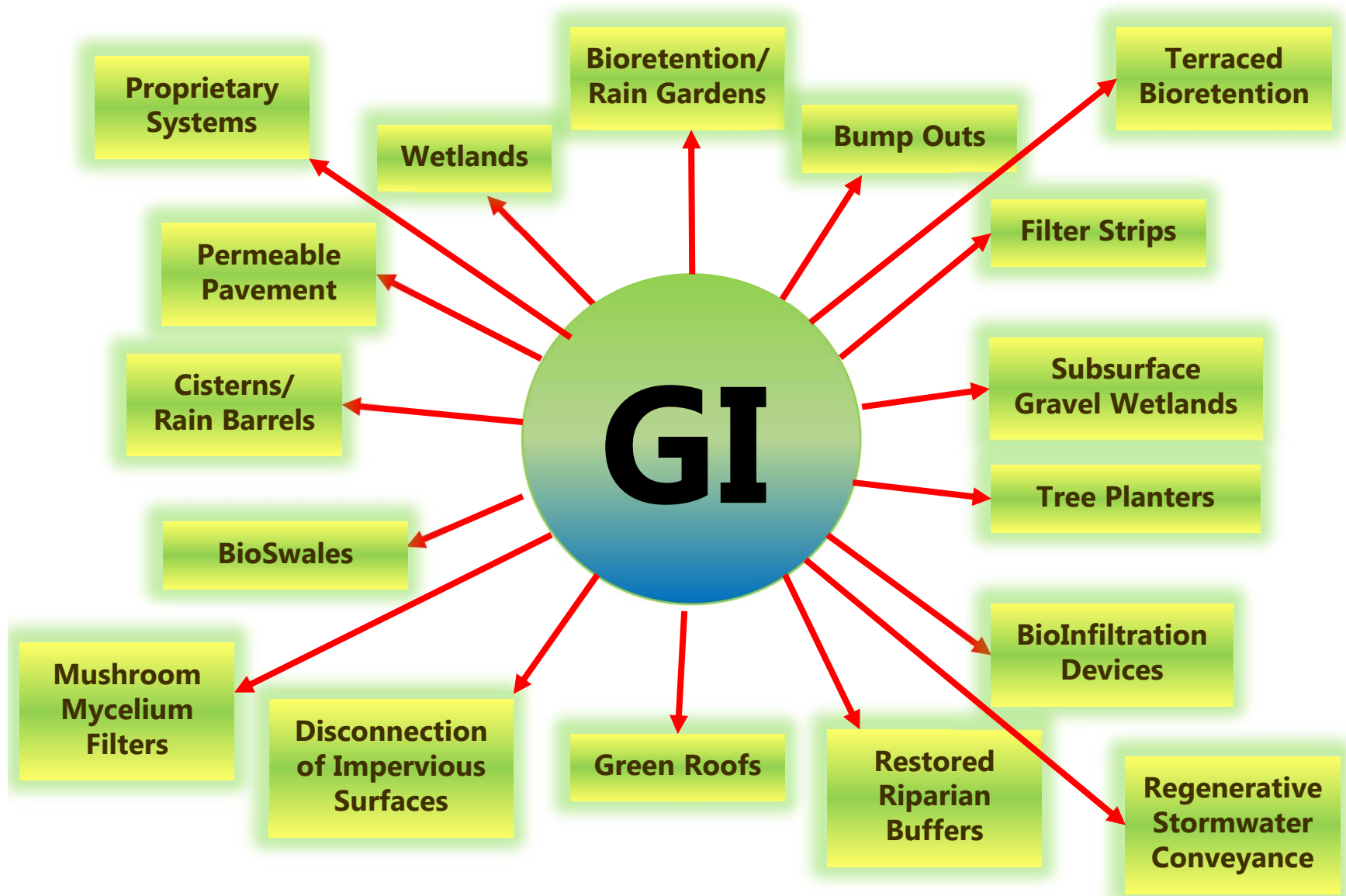
PROJECT OPPORTUNITIES

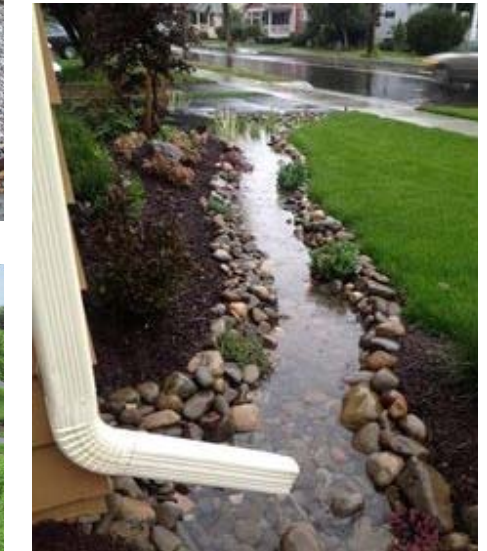
- **Distributed SCMs (Stormwater Control Measure)**
- **Homeowner Assistance Program**
- **Rainbow Terrace & Parking Lot**
- **Lake Susan**
- **Montreat Lodge**

DISTRIBUTED SCMs



GREEN INFRASTRUCTURE - SCMs





BEFORE GREEN INFRASTRUCTURE



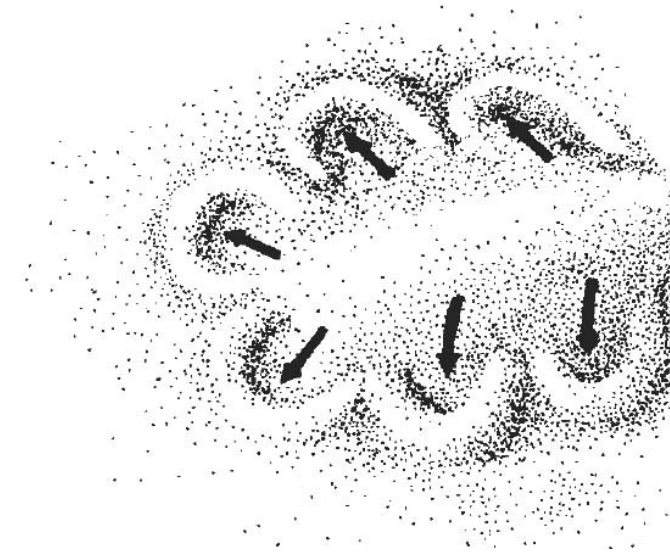
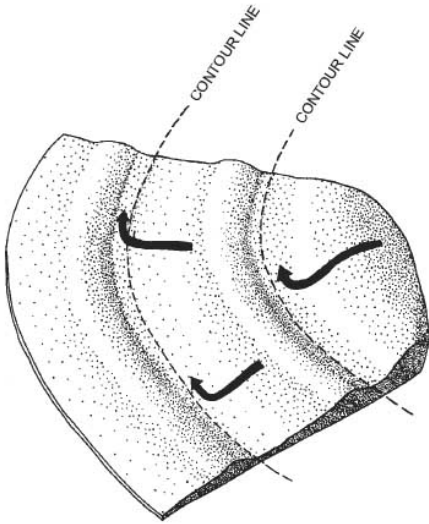
AFTER GREEN INFRASTRUCTURE



STEEP SLOPE BIORETENTION



DIS STRATEGIES



- Terraces
- Earth works
- Berms
- Swales
- Basins
- Planted with native and edible vegetation



HOMEOWNER ASSISTANCE

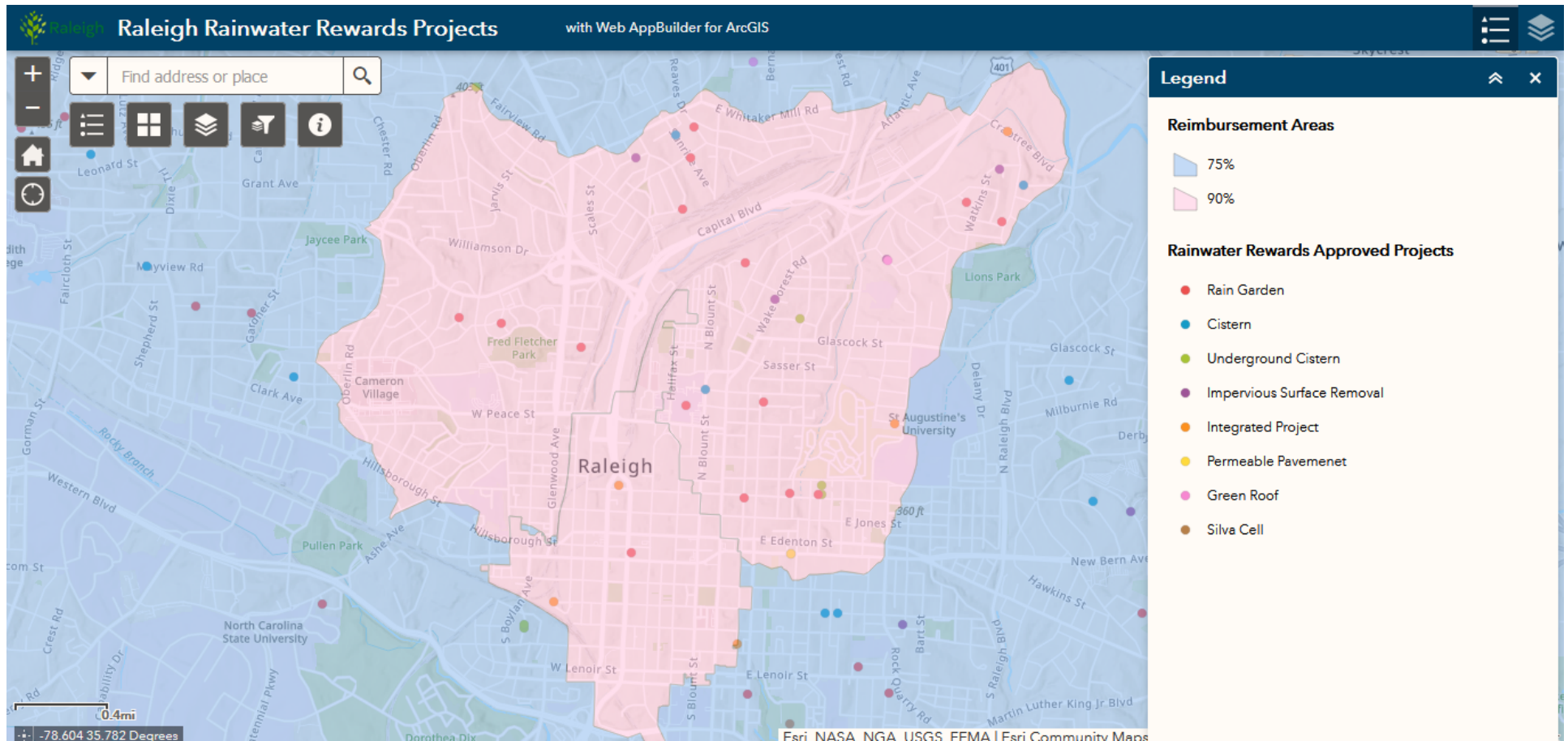


Apply for Raleigh Rainwater Rewards

Capture and recycle stormwater runoff that comes from your property



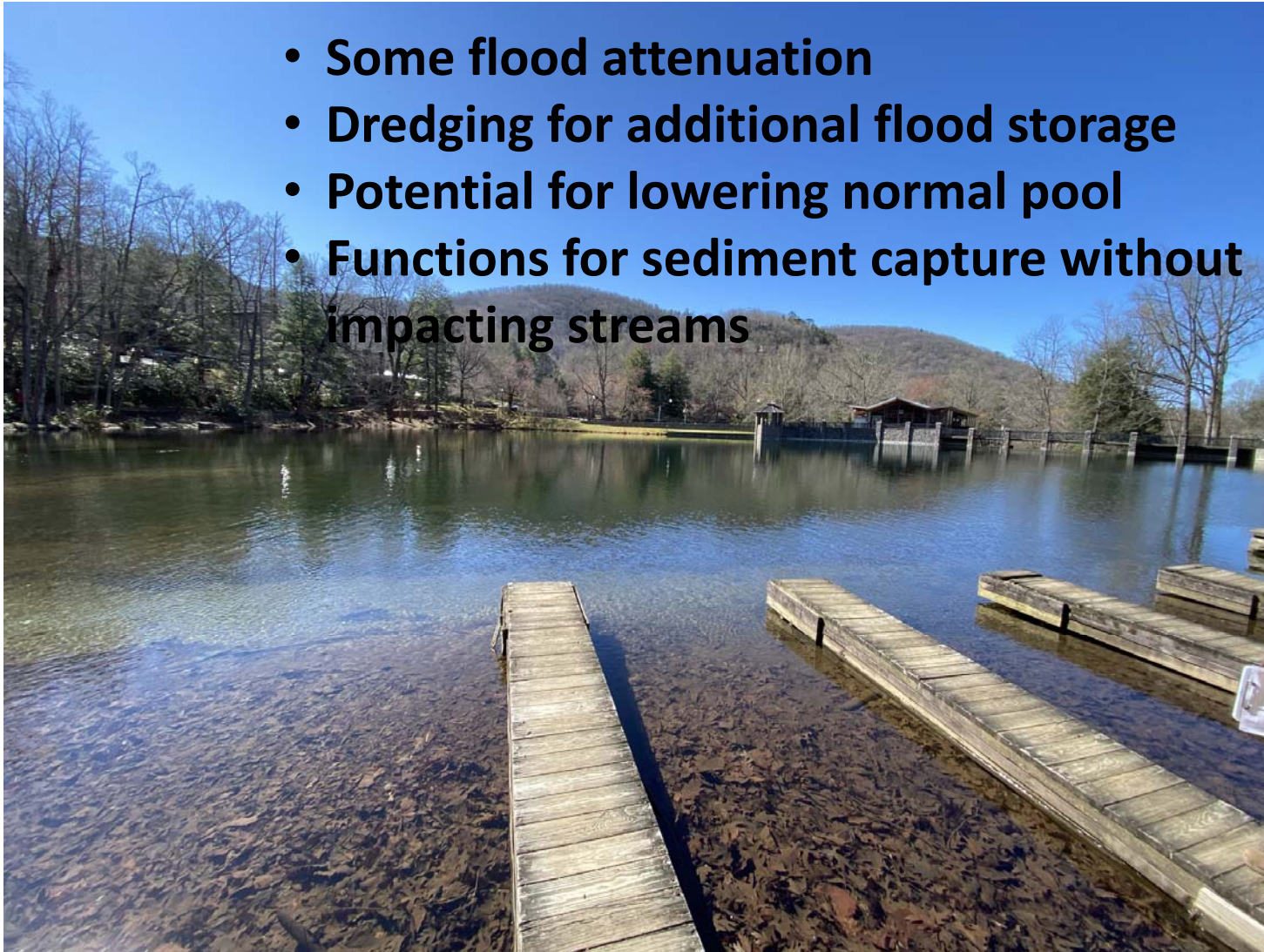
HOMEOWNER ASSISTANCE



BlueEarth
PLANNING • ENGINEERING • DESIGN

LAKE SUSAN

- Some flood attenuation
- Dredging for additional flood storage
- Potential for lowering normal pool
- Functions for sediment capture without impacting streams



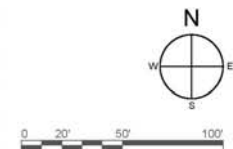
MONTREAT LODGE

GENERAL LEGEND

- 1 GUEST ARRIVAL LOOP & WEST ENTRANCE
- 2 NORTH ENTRANCE
- 3 SOUTH PORCH
- 4 LAWN
- 5 GARDEN TERRACE
- 6 EVENT TERRACE
- 7 ADA PATH TO UPPER LEVEL
- 8 UPPER LEVEL EGRESS
- 9 BOULDER/LANDSCAPE RETAINING
- 10 WALNUT LODGE
- 11 HICKORY LODGE
- 12 REYNOLDS LODGE
- 13 REMOVED PAVILION
- 14 SCREENED TRASH ENCLOSURE
- 15 PRIVATE RESIDENCE
- 16 PEDESTRIAN PATH
- 17 FLAT CREEK & ROBERT LAKE PARK
- 18 'WEDGE' PARCEL

PARKING LEGEND

- PA BUILDING LL: 30 SPACES
 PB BACK OF HOUSE: 7
 PC GEORGIA TERRACE: 12
 PD WALNUT LODGE: 5
 PE COLLEGIATE: 16
 PF WEDGE PARCEL: 15
 TOTAL: 85 SPACES
 (29 FOR EXIST, (3) LODGES /
 56 FOR NEW LODGE)



CONCEPT SITE PLAN

CONCEPT PHASE

20.12 | MONTREAT LODGE | 9/2/20

SAMSEL ARCHITECTS

- Optimize stormwater management

RAINBOW TERRACE & PARKING LOT



RAINBOW TERRACE & PARKING LOT

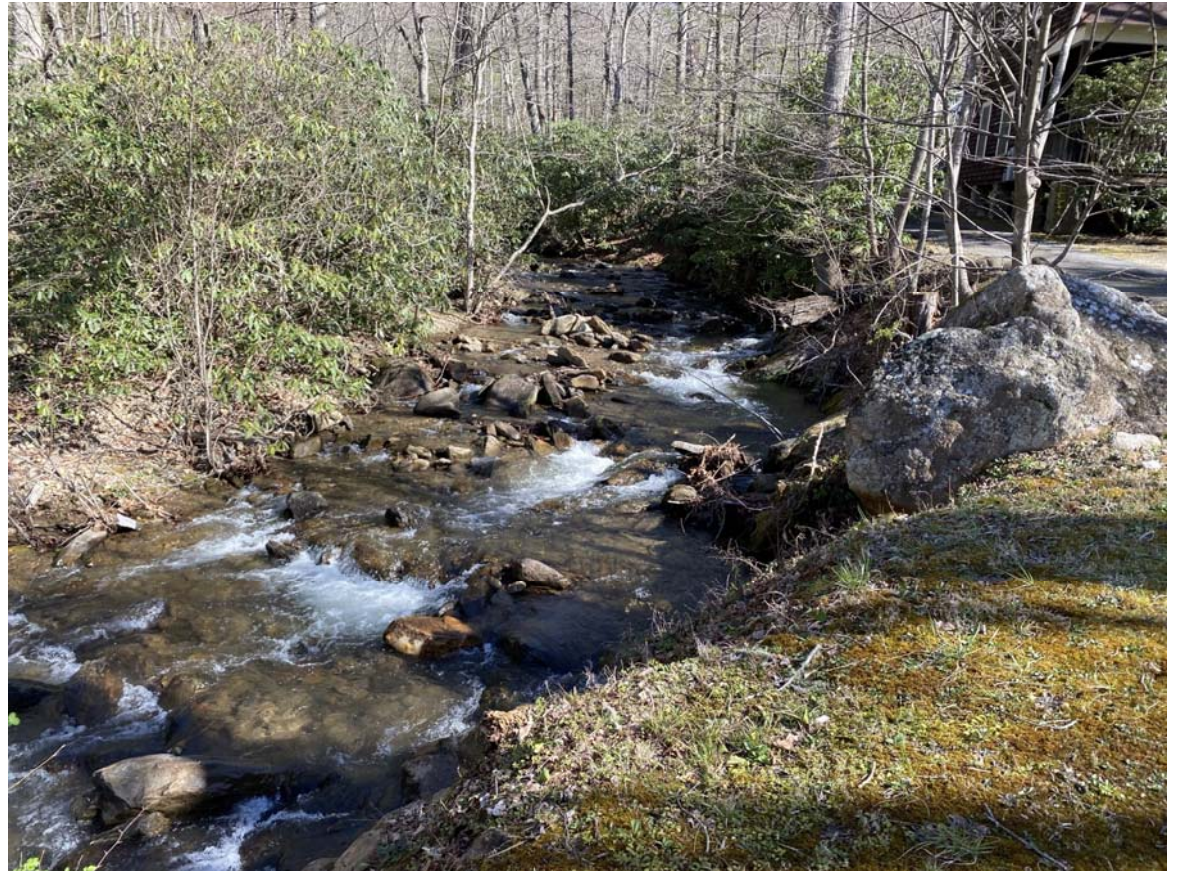


NEXT STEPS

- Apply for grant funding to support Homeowner Assistance Program
- Assist Montreat with developing a stormwater utility
- Seek funding for mountain region stormwater management guide
 - NC Stormwater Design Manual does not address steep slopes
 - Will incorporate results from other steep slope projects in the region (e.g. Givens Estate, Mars Hill Town Hall, DIS in the Mountain Pilot Project)

MONTREAT STORMWATER

**THANK
YOU!**



**Town of Montreat
Board of Commissioners
Public Forum Meeting Minutes
May 13, 2021 – 6:30 p.m.
Town Hall & Zoom**

Board members present: Mayor Tim Helms
Commissioner Kitty Fouche (attending via Zoom)
Commissioner Alice Lentz
Commissioner Kent Otto
Commissioner Jane Alexander

Board members absent: Mayor Pro Tem Tom Widmer

Town staff present: Alex Carmichael, Town Administrator
Angie Murphy, Town Clerk

Several members of the public were present. Mayor Helms called the meeting to order at 6:30 p.m., and led the group in a moment of silence.

Agenda Approval

Commissioner Jane Alexander moved to adopt the agenda as presented. Commissioner Alice Lentz seconded and the motion carried 4/0.

Public Forum

Town Clerk Angie Murphy read an emailed comment from Dr. Mary Standaert of 118 Shenandoah Terrace. Dr. Standaert stated that Senator Chuck Edwards has introduced a bill in the NC General Assembly that would eliminate single family residential zoning in NC municipalities including Montreat. If passed as written, duplex, triplex and 4-plex units could be built in districts that are now zoned for single family homes. Dr. Standaert urged the elected representatives of Montreat to put it on the evening's agenda to indicate the council's support or opposition. Mayor Helms responded and said that he had asked Town Administrator Alex Carmichael to look into this matter for the June Town Council Meeting.

Bob Wynne of 221 North Carolina implored the Council to vote down the proposed driveway on North Carolina Terrace at Wynne Lithia Springs. Mr. Wynne stated that the public had only been made aware of this proposal for one week and he asked Council to at least postpone the decision to allow more residents to state their opinions. Mr. Wynne reflected on the historical memories at the Springs.

Mari Gramling of 216 Alabama Terrace expressed her dismay and disbelief at the proposed driveway project on North Carolina Terrace at Wynne Lithia Springs. Ms. Gramling stated that the Springs have been around for 110 years and thousands of people have enjoyed them and continue

to enjoy them. Ms. Gramling referenced environmental and safety concerns as well as parking. She also stated that she feels this proposal goes against the Town's own Open Spaces Conservation Plan.

Mike Bowden, son of Jim and Jere Bowden, stated that his parents were long time supporters of Montreat. Mr. Bowden stated that the Bowden's have no intention of creating an issue with the environment. Mr. Bowden asked the Commission to be fair in their decision.

Robert Hope of 218 North Carolina Terrace felt that the driveway proposal was to use town land for a private driveway and private use. Mr. Hope stated that the Wynne Lithia Spring and Creek was a sacred place for Montreaters. Mr. Hope stated his concerns with safety due to the increase of vehicles near the public gathering place. Mr. Hope stated that part time residents should not ask the whole community to alter what they have held dear for a century so that they can get better parking for a little while.

Ellen Henschen of 215 North Carolina Terrace expressed her opposition to the proposed easement. Mrs. Henschen felt that there has been insufficient public notice for this proposal and it goes against the Town's Tree Management Plan which requires any tree removal or planting in Town right-of-way to receive a sign off from the Town Public Works Director.

AnnKelso Hewitt of 525 Suwannee Drive reflected on her history living on North Carolina Terrace as a child. Mrs. Hewitt asked the Council to consider a "no" vote to preserve the safe, secure, and inviting place which deserves an unaltered future.

Jim Bowden of 287 North Carolina Terrace advised Council that the proposed driveway would help him and his wife Jere access their home better. The house currently has 42 steps to access entrance/exit. Mr. Bowden believes the driveway will assist in his rentals for youth groups this summer.

Clary Phipps of 106 John Knox Road loves Wynne Lithia Springs and stated it is a part of her childhood. Mrs. Phipps pleaded with Council to keep the peace in her valley for her future.

Adjournment

Commissioner Lentz moved to adjourn the meeting. Commissioner Alexander seconded and the motion carried 4/0. The meeting was adjourned at 6:59 p.m.

Tim Helms, Mayor

Angie Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Meeting Minutes
May 13, 2021 – 7:00 p.m.
Zoom Meeting with limited in person attendance**

Board members present: Mayor Tim Helms
Commissioner Jane Alexander
Commissioner Kent Otto
Commissioner Alice Lentz

Board members present via
Zoom: Commissioner Kitty Fouche

Board members absent: Mayor Pro Tem Tom Widmer

Town staff present: Alex Carmichael, Town Administrator
Angie Murphy, Town Clerk
David Arrant, Chief of Police
Barry Creasman, Public Works Director
Scott Adams, Zoning Administrator

Town staff present via Zoom: None

Several members of the public were present at Town Hall and several more were watching via Zoom. Mayor Helms called the meeting to order at 7:00 p.m., and led the group in the pledge of allegiance and a moment of silence.

Agenda Approval

Commissioner Alice Lentz moved to adopt the agenda as presented. Commissioner Jane Alexander seconded and the motion carried 4/0.

Public Hearing: Zoning Ordinance Update

Mayor Helms opened the floor to public comment regarding the Zoning Ordinance Update.

Bill Scheu, Chairman of the Planning & Zoning Commission, stated that they had been working on these revisions for the past two years and had recently submitted an amended version to Town Council. These revisions came about after talking to members of the community at length. Mr. Scheu reminded Council that these updates have to be acted upon by July 1st.

After hearing no public comment Mayor Helms closed the Public Hearing.

Mayor's Communications

Mayor Helms reminded everyone of the importance of receiving the COVID-19 vaccinations. He advised that depending on Governor Roy Cooper executive orders that the Town hopes to open Town Hall to the public soon.

Meeting Minutes Adoption

- April 8th Town Council Public Forum Minute
- April 8th Town Council Meeting Minutes

Town Administrator's Communications

Mr. Carmichael made the Council aware that the Treasury Department had issued their guidelines for the American Rescue Plan Act Funds. The ARPA Fund is the stimulus money from the Federal Government that Montreat is eligible for a portion. The NC League of Municipalities held a webinar earlier this week, which Mr. Carmichael participated in, outlining the setup paperwork for eligibility.

Administrative Reports

- Administration – This report was given in written format.
- Planning & Zoning – This report was given in written format.
- Police – This report was given in written format.
- Public Works and Water – This report was given in written format.
- Sanitation – This report was given in written format.
- Streets – This report was given in written format.

Public Comment

Harriss Ricks of 165 Oak Lane feels that the Council will be setting a precedent if they approve tonight's driveway easement proposal.

Heath Tinsley of 363 Nisbet Lane stated that there is already a driveway off Nisbet Lane leading to the Bowden property and questioned whether regulations allowed for another driveway. She also questioned whether there are buffer requirements near the creek. Ms. Tinsley reflected on stormwater ramifications as well as preserving the natural environment of the Spring. She asked the Council to deny the proposal for a second driveway.

David Hope of 218 North Carolina Terrace complimented Town Council on the new rain garden which can be found in the back of the Town Hall. Mr. Hope reflected on the environmental impact of the concrete driveway and water flowing into the creek. Mr. Hope expressed his opposition to

the driveway project.

Mary Rouse, a long-time Montreat resident and resident of Clemson, read a poem expressing her views on Wynne Lithia Spring and the creek.

Liz Bryan of 139 Holston Lane suggested that a chair lift might be a viable option for the Bowdens.

Jere Bowden of 287 North Carolina Terrace mentioned the heartbreak that led to the purchase of the home on North Carolina Terrace. She expressed her wishes to have level access to the house.

Deborah Seyle, a member of the Hope family, was horrified to hear of the driveway proposal to be placed near Wynne Lithia. Ms. Seyle invited the Council to vote no to this special place.

The following public comments were read into record by Town Clerk Angie Murphy.

Michael Peters, Jr. of 319 North Carolina Terrace felt that marring the creek with further development around the site seems against all that Montreat means to represent. Mr. Peters suggested that development should not come at the expense of what makes Montreat unique and was afraid that this driveway near Wynne Lithia Springs does just that.

Annelise Collmus stated that she opposed allowing a driveway to be built next to the Spring.

W. Powell Jones of 314 NC Terrace reflected on his past Montreat experience visiting the Spring. Mr. Jones sympathized with the Bowdens but stated his opposition to the driveway project.

Eleanor Frith Peters of 317/319 NC Terrace felt that the proposed driveway would do irreversible environmental damage to the area and undermine a peaceful destination enjoyed by generations of Montreaters.

Thomas & Pamela Proctor of 539 Suwanee Drive felt that the current driveway proposal would greatly diminish the special nature of the pristine Wynne Lithia Spring. The Proctors urged Town Council to focus on a solution which uses the Bowdens' own property rather than public land.

Anne E.L. Stone of 294 NC Terrace stated her opposition of the proposed driveway on North Carolina Terrace between the Wynne Lithia Spring and existing Creek. She questioned whether an environmental impact study had been completed. She also questioned whether a water remediation plan was in place. Mrs. Stone felt there were a lot of unanswered questions to this proposal.

Kate Hayner of 319 Assembly Drive expressed her concern over the proposal to build a driveway along Wynne Lithia Spring and hoped the Council would reject this proposal.

Susanne & Bill McCaskill of 114 John Knox Road wanted to go on record as being against any destruction, modification or rearrangement of Wynne Lithia Springs and surrounding areas.

Heather Williams of 319 Assembly Drive stated that a sacred, prayer-filled space that is part of the Town's cherished heritage will be lost. She urged the Council to consider the general welfare of the Town and future generations.

Aaron Maret wanted to state his opposition to the permit for a driveway to be constructed on the creek adjacent to the Wynne Lithia Springs. Mr. Maret believes a project of this nature would have an irreversible negative impact on this significant and important natural resource.

Beth & John Casper of 92 Kanawha Drive advised the Council not to allow Wynne Lithia Spring to be destroyed and suggested replacing the lead pipe.

Henry & Cis Wilde of 424 West Virginia Terrace expressed their opposition to the Wynne Lithia Spring driveway proposal.

Ginny Newell of 431 Greybeard Trail stated her opposition and questioned why anyone would create potential traffic/safety issues and cause damage to the environment when the property in question can be accessed from above the house from Nisbet Lane.

Russ Jeter stated that there is parking available to the Bowden house and a driveway would destroy the plants and dirt that currently absorb storm water and replace them with a hard surface that collects and concentrates storm water. Mr. Jeter felt that it would be a bad idea and damaging to a Montreat institution.

Tres Ricks felt that whatever benefit or utility this driveway will bring to the Bowdens would be vastly outweighed by the damage it would to Wynne Lithia, the community and the future generations of Montreaters.

Richard McKee of West Virginia Terrace stated that approving the driveway proposal will set a terrible precedent.

Russell Jeter felt that the driveway proposal was a selfish request and should be declined.

William Jeter of West Virginia/N Carolina Terrace reflected on visiting the spring and filling up pitchers of water for the day. Mr. Jeter strongly opposed anything that might affect the spring.

Ervin Grove opposed the construction of the proposed driveway on public lands.

Frank Spencer of 217 NC Terrace feels that it is completely unreasonable for the Bowden's to ask the community to suffer the destruction of the Creekside and creek bed for drive up parking. Mr.

Spencer feels that their parking is already publicly accommodated.

Perrin Mayne feels that it would be a travesty to damage the Wynne Lithia Spring.

BJ Harden Jones of Swannanoa formally requested that the driveway permit adjacent to Wynne Lithia Spring be denied.

Gregg Legerton pleaded with Council to not allow this driveway proposal to happen.

Anne Scott of 319 NC Terrace asked Council to preserve Wynne Lithia's wild beauty by voting against the proposed driveway.

Aly Spencer implored the Council to protect the area as public, open land and decline the request to construct a driveway.

Anne Frith Hullinger Eshelman of NC Terrace asked Council to not grant the permit to build a driveway between Wynne Lithia Spring and the Creek. Mrs. Eshelman felt that there would be a more responsible solution that compromising public land and a beloved and historic spring.

Catherine Moffett of 317/319 NC Terrace sympathizes with the Bowden's parking issues but is opposed to a project that would diminish and potentially destroy a Montreat landmark.

Ernie Reigel of 373 Nisbet Lane questioned other viable options to access the Bowden's property and wondered if the risks to the Wynne Lithia Spring had been factored into this decision.

Sarah Purvis Williams asked Council to deny this request for a driveway between the creek and the spring due to the fact that the home has a driveway off Nisbet Lane.

Becky Garrity of 317 NC Terrace felt that the driveway was unnecessary and would disrupt the purity of the creek and potentially the spring.

Margaret & Emmett Berry of 314 NC Terrace expressed their opposition to the proposed private driveway on public land around Wynne Lithia Spring.

Jay Pfeil of Black Mountain felt that the Wynne Lithia Spring is an asset to the entire community and should be kept open to all the public.

James Frith of 287 NC Terrace felt that the driveway request is a proposed expansion of private property into cherished landmark public green space and the destruction of what has been a key feature of Montreat for many generations.

Nancy Thomas of 202 Louisiana Road begged the Council to save Wynne Lithia Spring versus

allowing a second driveway of its next door neighbor.

Julian Mims IV stated he was against the proposed driveway at 287 NC Terrace.

John McCrady Williams at 226 NC Terrace felt that the construction would not only jeopardize the springs themselves but also the tranquility and history of Wynne Lithia.

Robert Warner of Chapman Road opposed the driveway development at the Wynne Lithia Spring. Mr. Warner felt that it goes against the 2008 Comprehensive Plan.

Elizabeth Henschen of 215 NC Terrace voiced her concerns against the driveway proposed near Wynne Lithia due to safety, environmental and historic preservations reasons.

Nancy Smith Midgette of Oak Lane encouraged the Town Council to support the Montreat Open Space Preservation Plan, encourage the owners to seek other solutions for their accessibility issue, and disapprove the plan for this new driveway and parking area.

Nancy Hullinger urged Council to abide by the Town's 2008 Comprehensive Plan and dent the request for permission to build a driveway through the greenspace.

Jane Warner of 346 Chapman Road felt that Town right-of-way exists for the benefit of all of Montreat. The character of Montreat is more important that this unnecessary driveway.

Dr. Mary McPhail Standaert of 118 Shenandoah Terrace wrote in opposition to the request for an easement across the right-of-way adjacent to Wynne Lithia Springs.

Travis Warner of 346 Chapman Road felt that the proposed driveway should be rejected because the development violates the Order of Dedication and the Town's own Comprehensive Plan.

Mary de Luzuriaga of NC Terrace/Kentucky Road feels that the driveway will not be in harmony with the area in which it is to be located and it will be injurious to the use and enjoyment of the Spring for all of the people who frequent it to collect water and enjoy nature.

Priscilla Hayner of 319 Assembly Drive felt that the idea of building a driveway immediately next to one of Montreat's treasures-the Wynne Lithia Spring-works against the very spirit of the Town and the people who so love it.

Larry Moffett of 319 NC Terrace felt that the request is a want not a need since ingress/egress to this home currently exists. Mr. Moffett asked for this request to be denied.

Jennifer Wilde Fitzgerald strongly disagreed with the proposed easement of right-of-way and felt the damage caused by the proposed construction would forever ruin Wynne-Lithia and this

segment of NC Terrace.

Mitzi Legerton of NC Terrace felt that the Wynne Lithia Spring was a unique and special place and pleaded with Council to not allow the destruction of this historic area.

Chip Legerton of 122 Eastminster Terrace felt that building a driveway in this location will cause irreversible harm.

Carley Fowler of NC Terrace urged the Council to protect the earth, water and mountain.

Beth & Ross O'Shea of NC Terrace vehemently opposed the proposed driveway by the Spring citing the creation of soil erosion, water pollution and disruption of the natural flora and fauna as reasons.

Kelly Scott felt that the Spring is an important landmark that ought to be protected.

Gina Wilde of 417 W Virginia Terrace felt that it would be travesty to disturb the natural sanctuary of Wynne Lithia Spring.

Bryant McEntire felt that granting the driveway proposal would set a precedent that will haunt proceedings for a long time to come.

Old Business

There was no old business.

New Business

- A. Request for Easement of Right-of-Way at Wynne-Lithia Springs: Mr. Wade Burns gave a brief presentation in favor of the Bowden's driveway proposal. Mr. Burns cited some instances in Town where neighbors helped neighbors with driveway access. Mr. Burns stated that this proposal is simply a case of one neighbor (the Town) helping another neighbor (the Bowden's) gain access to their property. Mr. Burns feels that the driveway is needed due to the inadequate access to the home. Commissioner Kent Otto moved to deny granting an easement of right-of-way at Wynne-Lithia Springs. Commissioner Jane Alexander seconded the motion. Commissioner Otto stated that this was a very hard decision that would basically pit neighbor against neighbor. Commissioner Otto ultimately said no due to the fact that the Community had deemed the land as useful to the Town. Commissioner Alexander stated that she feels that the land on which the Spring sets belongs to the Community and the Community needs the land for its history. Commissioner Kitty Fouche wished Mr. Burns had foreseen the opposition that his design was going to ignite into the Community and looked for another solution.

Commissioner Alice Lentz felt that every possibility for level and easy access into the house had not been exhausted. The motion passed 4/0 with the request for the driveway being denied.

- B. Upgrade to Water Meter Reading System: Public Works Director Barry Creasman advised this purchase would be for the software/computer that goes in the vehicles for meter reads. Currently the meters and antennas in the ground are obsolete and newer models are sent to replace them which requires manual reads. Commissioner Kent Otto moved to approve the quote from Water Works Inc. in the amount of \$6,061.93. Commissioner Alice Lentz seconded and the motion carried 4/0.
- C. Repair Project on Missouri Road: Mr. Barry Creasman advised that the Town needs road repairs everywhere but he has narrowed down where we can get the most asphalt for our money. Mr. Creasman stated that Missouri Road up to the parking area behind the library would be a great place to remove and repave asphalt. Commissioner Alice Lentz moved to approve the quote from C&T Paving, INC. in the amount of \$37,669.16 for repair project on Missouri Road. Commissioner Alexander seconded and the motion carried 4/0.
- D. NCLM Group Insurance Renewal: Town Administrator Alex Carmichael advised that medical rates remained unchanged while life insurance decreased nominally and dental rates increased slightly. Commissioner Kent Otto moved to approve NCLM Group Insurance Renewal at presented rates for 2021-2022. Commissioner Alice Lentz seconded and the motion carried 4/0.
- E. Property and Liability Insurance Renewal: There will be an increase in this renewal due to the addition of two new buildings. Commissioner Kent Otto moved to approve NCLM Property and Liability Insurance renewal in the amount of \$21,662 for FY 2021-2022. Commissioner Jane Alexander seconded and the motion carried 4/0.
- F. Workers Compensation Insurance Renewal: There will be a decrease in this premium this year. Commissioner Kent Otto moved to approve NCLM Workers Compensation Insurance Renewal in the amount of \$13,421.95 for FY 2021-2022. Commissioner Kitty Fouché seconded and the motion carried 4/0.

Public Comment

Anne Hayner of 319 Assembly Drive appreciated the fact that the Council is open to Public Comment. Ms. Hayner also expressed her thanks for all the hard work regarding the audio system improvements. Ms. Hayner is happy to see that people are interested in the preservation of our history and our environment.

Commissioner Communications

Commissioner Jane Alexander encouraged the community to look into the Planning & Zoning Ordinance Update which will be voted upon at the June meeting.

Dates to Remember

- Montreat Tree Board May 25, 2021 9:30 a.m. by Zoom Software and limited attendance
- Montreat Landcare June 3, 2021 9:00 a.m. location to be determined
- Planning & Zoning Commission June 10, 2021 10:30 a.m. by Zoom Software and limited attendance
- Town Council Meeting June 10, 2021 7:00 p.m. by Zoom Software and limited attendance Public Forum will begin at 6:30 p.m.
- Montreat Tree Board June 22, 2021 9:30 a.m. by Zoom Software and limited attendance

Adjournment

Commissioner Kent Otto moved to adjourn the meeting. Commissioner Jane Alexander seconded and the motion carried 4/0. The meeting was adjourned at 9:06 p.m.

Tim Helms , Mayor

Angie Murphy, Town Clerk

**Town of Montreat
Board of Commissioners
Special Meeting Minutes
May 26, 2021 – 7:00 p.m.
Zoom Meeting with limited in person attendance**

Board members present: Mayor Tim Helms
Mayor Pro Tem Tom Widmer
Commissioner Jane Alexander
Commissioner Kent Otto
Commissioner Alice Lentz
Commissioner Kitty Fouché

Board members present via
Zoom: None

Board members absent: None

Town staff present: Alex Carmichael, Town Administrator
Angie Murphy, Town Clerk

Town staff present via Zoom: None

Several members of the public were present at Town Hall and several more were watching via Zoom. Mayor Helms called the meeting to order at 7:00 p.m., and led the group in the pledge of allegiance and a moment of silence.

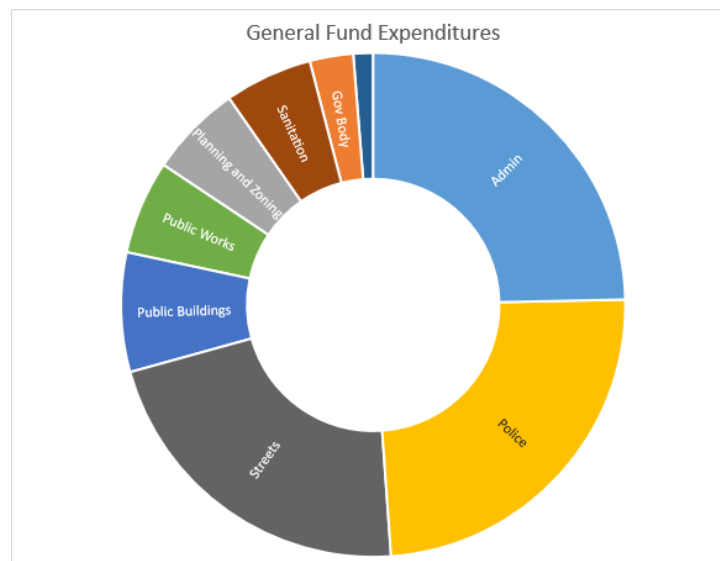
Agenda Approval

Commissioner Kitty Fouché moved to approve the agenda as presented. Mayor Pro Tem Tom Widmer seconded and the motion carried 5/0.

Presentations & Reports: FY 21-22 Budget Presentation

Mr. Carmichael advised that the balanced FY 21-22 Budget was published last week. The proposed FY 21-22 General Fund budget totals \$1,810,952. This is a 2% increase from the current year budget, but an 8.34% decrease over the prior fiscal year. The proposed FY 21-22 Water Fund Budget totals \$344,041, which is a 10.54% increase over the current year, but a 15.51% decrease from the previous year's budget. The combined budgets total \$2,154,993 which represents a 3.29% increase over the current year, and a 9.52% decrease over the prior fiscal year.

Expense - GF	FY 20-21	FY 21-22	Percent Change
Admin	\$ 451,465	\$ 446,567	-1.08%
Gov Body	\$ 53,562	\$ 50,471	-5.77%
Planning and Zoning	\$ 76,310	\$ 107,506	40.88%
Police	\$ 438,914	\$ 438,373	-0.12%
Public Buildings	\$ 201,985	\$ 138,557	-31.40%
Public Works	\$ 249,157	\$ 109,020	-56.24%
Recreation and Env.	\$ 22,100	\$ 22,900	3.62%
Sanitation	\$ 122,982	\$ 102,096	-16.98%
Streets	\$ 252,346	\$ 395,462	56.71%
Subtotal	\$ 1,868,821	\$ 1,810,952	-3.10%
Expense - Water	\$ 311,250	\$ 344,041	10.54%
Subtotal	\$ 311,250	\$ 344,041	10.54%



The chart presents the relative size of the budget by department. The unlabeled sliver represents the Recreation and Environment Department.

Capital Projects included are the Comprehensive Plan Update (\$30,000), the Texas Road Bridge Conversion (\$102,603), the Texas Culvert Barrel 1 (\$35,750) and the Arbor Lane Bridge (\$10,441). The last two projects only account for the Town's 25% of the project total and the remaining 75% would come from the State of North Carolina for Tropical Storm Alberto repairs.

Capital Projects not included are the Municipal Software Replacement (\$91,683) and Local Streets paving on Oklahoma Rd (\$150,700), New Road paving on Upper Oklahoma Rd (\$97,900), Waterline Replacement on Oklahoma Rd (\$57,820) and the Tractor Replacement (\$45,000).

Other accomplishments in the budget are a 2.25% COLA (cost of living adjustment) raise for staff, an up to 3% Merit raise for staff, fully funds increase budget requests from the Landcare Committee and fully funds increased budget requests from the Tree Board.

A note about the ARPA (American Rescue Plan Act) Funds, which are not included in this budget, are that it will be an estimated \$250,000. There are certain things the funds can be and cannot be used for and at this time it has not been published. Eligible projects will likely include: waterline infrastructure, revenue replacement (a specific formula will be provided to replace revenue lost during the pandemic), public safety salaries and possibly software replacement. ARPA funds cannot increase fund balance, cannot pay down debt or increase pension allotments.

Mayor Pro Tem Tom Widmer expressed his opinion regarding COLA and Merit Increases for staff. Mayor Pro Tem Widmer agrees on one or the other but not both. It raises the base salary rate by 2.25% which Mayor Pro Tem Widmer does not feel is right.

Commissioner Kent Otto asked about the stipulations for accepting ARPA Funds. Mr. Carmichael advised that there will be a lot of reporting stipulations. An example is that the funds cannot be commingled with general funds. Commissioner Otto also does not agree with the idea of a COLA either. Commissioner Otto stated that they had a fiduciary right to take care of the Town as well as the employees.

On June 10th a Public Hearing will be held to allow public comment on the budget.

Public Comment

Brendan Hayner-Slaterry of 319 Assembly Drive thanked everyone for their hard work on the budget preparation. Mr. Hayner-Slaterry was concerned about small percentage allotted in the Environment & Conservation Department. Mr. Hayner-Slaterry was concerned that the budget for Open Space Conservation was \$0 and Greenway Development was \$0. In his opinion this makes it clear that the Town cannot bear the costs of any damages that might be done to the environment by construction projects. Mr. Hayner-Slaterry stated that the Town can protect itself through ordinances. Mr. Hayner-Slaterry mentioned that the Town has the opportunity to add language to protect the Town, the people and the environment.

Priscilla Hayner of 319 Assembly Drive stated that budgets reflect priorities. Ms. Hayner also mentioned that the environment is at particular risk by upcoming construction. Ms. Hayner suggested for significant sized projects (over 5,000-10,000 feet for instance) that there should be a

requirement for an environmental impact study to be done. That could be inserted into the ordinance or it could be added onto the application process. Ms. Hayner feels that the historic built structures are part of what makes up the essence of Montreat. Ms. Hayner felt a symbolic amount could be added to the budget to show that Montreat and its Commissioners are paying attention or showing interest in historic preservation. Ms. Hayner stated that she felt something about historic preservation should be added into the Zoning Ordinance as well.

Anne Hayner of 319 Assembly Drive also feels that the Town is at risk if the environment is impacted by large scaled development. There are ways to think creatively to mitigate or prevent the risks to the Town. A fiscal impact statement could be required for any building permit for a developer to show what the fiscal impact would be on the Town.

Adjournment

Mayor Pro Tem Otto moved to adjourn the meeting. Commissioner Kent Otto seconded and the motion carried 5/0. The meeting was adjourned at 8:06 p.m.

Tim Helms , Mayor

Angie Murphy, Town Clerk

**ADMINISTRATIVE REPORTS:
ADMINISTRATION**

Town Administration report for the month of May 2021

Monthly Statistics	2020	2021
Public Meetings	6	7
Inter-Organizational /Intergovernmental Meetings	0	1
Agendas Prepared	6	5
Minutes Transcribed	3	4
Resolutions Drafted	1	0
Public Records Requests Processed	1	10
Water Bills Processed	674	674
Leak Adjustments	10	2
New Water Accounts Established	2	1
Purchase Orders	54	75
Professional Development Hours	0	4
Sunshine List Messages	12	12
Website Posts	16	12
Social Media Posts	0	0
Code Red Alerts	1	0
Workers Compensation Claims	0	0

Upcoming Events and Schedule Changes

0

Comments

N/A

Staff Communications

N/A



TOWN OF MONTREAT

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ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of May 2021

Monthly Statistics	2020	2021
Building Permits Issued	2	10
Pending Building Permits	0	0
Building Inspections Performed	28	24
Stop Work Orders Issued	0	0
Defective Building Posted	0	0
Denied Building Permits	0	0
Fire Inspections Performed	0	0
Fire Re-Inspections Performed	0	0
Fire Permits Issued	0	0

Comments

=Buildings '!A15:E16

Staff Communications

0



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ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of May , 2021

Monthly Statistics	2020	2021
Miles of Road Maintained	17.12	17.12
Miles of New Road Constructed	0	0
Public Trees Removed	5	5
Sand Applied to Roads (tons)	0	0
Ice Melt Applied to Roads (pounds)	0	0
Monthly Fuel Costs	239.75	281.03
Contracted Employee Staff Hours	111	0
Road Closures	2	3

Comments

Mowing continues as well as Road Maintenance . Please keep a watchful eye out for crews working in the roadways .Paving crews are also in town please be mindful of the large trucks traveling the roadways.

Staff Communications

0



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ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of May , 2021

Monthly Statistics	2020	2021
Mileage	2,781	2,148
Dispatched Calls	44	19
Officer-Initiated Calls	443	507
Fire Assistance Calls	0	1
EMS Assistance Calls	0	0
Motorist/Other Assistance Calls	16	30
Traffic Stops	19	26
Parking Issues	1	4
Burglar Alarm Responses	7	0
Fire Alarm Responses	0	2
Residential/Building Checks	385	435
Ordinance Violations	3	3
Law Enforcement Agency Assistance Calls	26	13
Animal Control Calls	0	3
Larcenies	0	0
Breaking & Entering Calls	1	1
Suspicious Person Investigations	7	2
Suspicious Vehicle Investigations	6	3
Disturbance Calls	12	1
Accident Responses	0	2
Auxiliary Hours Worked (Regular)	40	32
Auxiliary Hours Worked (Addittional)	0	78
Truck Turns at Gate	10	14
MPD Fuel Cost	\$ -	\$0.00
Professional Development Hours	0	42
Town Service	365	501
MRA Service	186	197
College Service	1	3

Comments

A reminder, our non-emergency number has changed. You can reach the MPD Officer on duty through Buncombe County Dispatch. 828-250-6670.



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ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of May , 2021

Monthly Statistics	2020	2021
Calls for Service	24	56
Water Leaks Repaired	0	0
New Water Lines Installed	0	0
Water Meters Read	674	674
Water Meter Replacements	0	0
Gallons of Water Produced	3417553	2,660,824
Monthly Fuel Cost	241.61	\$ 465.74
Hours Pumped (11 wells combined)	1389	1,178

Comments

Hydrant maintenance continues this month. Lead and copper test will be happening this month. Also our CCR (Consumer Confidence Reports) have been completed along with the Water supply Plan. Both have been submitted to the state for approval.



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ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of May , 2021

Monthly Statistics	2020	2021
Tons of Curbside Trash Collected	0	19.66
Pay-As-You-Throw Trash Bags Collected	0	29
Tons of Curbside Recycling Collected	0	3.44
Pay-As-You-Throw Recycling Bags Collected	0	26
Cardboard Recycling Collected	0	0.92
Unique Curbside Sanitation Stops	0	7
Bagged Leaf Pickup	0	168.00
Brush Pickup (cubic yards)	0	3 loads
Hauling Fees	0	\$2,007.96
Tipping Fees	0	\$796.94
Dumpster Rental Fees	0	\$203.92
Sanitation Fuel	0	\$ 216.83

Comments:

1598 sanitation stops



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ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zonning Administration report for the month of May , 2021

Monthly Statistics	2020	2021
Approved Zoning Permits	0	0
Denied Zoning Permits	0	0
Pending Zoning Permits	0	0
Variance/Interpretation Granted	0	0
Conditional Use Permits Granted	0	0
Permit Extensions Granted	0	0
Sign Permits Issued	0	1
Notices of Violation	0	0

Comments

Date of Deposit	Jul-19	Jul-20	% +/-	Aug-19	Aug-20	% +/-	Sep-19	Sep-20	% +/-	Oct-19	Oct-20	% +/-	Nov-19	Nov-20	% +/-	Dec-19	Dec-20	% +/-	Jan-20	Jan-21	% +/-
AdVal/RMV	3,542.46	1,392.91	-61%	2,634.16	1,017.11	-159%	80,133.07	46,660.36	-72%	75,461.31	116,236.34	35%	75,368.77	69,383.54	-8.63%	176,016.78	205,940.75	14.53%	370,296.11	383,509.82	3.45%
Sales	36,417.90	28,659.10	-27%	35,831.22	31,023.08	-15%	38,089.83	36,448.63	-5%	35,125.96	35,569.11	1%	36,185.99	34,853.46	-3.82%	36,360.64	36,690.89	0.90%	37,451.37	37,275.01	-0.47%
Solid Waste (Quarterly)				160.69	163.22	2%							172.90	175.32	1.38%						
Utility Fran (Quarterly)							19,394.89	17,308.49	-12%							25,460.86	24,515.92	-3.85%			
Wine/Beer (Annual-May)																					

NOTES:
 AdVal Tax is received the month after the tax is collected
 RMV Tax is received two months after the tax is collected
 Sales Tax is received three months after the tax is collected

SUMMARY NOTES AS OF 6/4/2021			
Collected:	FY20	FY21	Increase/ Decrease
Ad Val & RMV	\$1,020,948.76	\$1,080,706.69	\$59,757.93
Sales Tax	\$394,099.15	\$384,553.48	(\$9,545.67)
Solid Waste	\$680.88	\$707.46	\$26.58
Util Fran	\$68,768.56	\$62,888.56	(\$5,880.00)
Wine/Beer	\$3,873.39	\$4,029.72	\$156.33
TOTALS	\$1,488,370.74	\$1,532,885.91	\$44,515.17

Date of Deposit	Feb-20	Feb-21	% +/-	Mar-20	Mar-21	% +/-	Apr-20	Apr-21	% +/-	May-20	May-21	% +/-
AdVal/RMV	218,264.21	214,909.51	-1.56%	7,800.50	25,014.67	68.82%	8,579.70	9,782.68	12.30%	2,851.69	6,859.00	58.42%
Sales	37,275.53	37,770.31	1.31%	38,955.41	42,509.30	8.36%	31,840.44	34,395.20	7.43%	30,564.86	29,359.39	-4.11%
Solid Waste (Quarterly)	172.44	186.01	7.30%							174.85	182.91	4.41%
Utility Fran (Quarterly)				23,912.81	21,064.15	-11.91%						
Wine/Beer (Annual-May)										3,873.39	4,029.72	3.88%

NOTES:
AdVal Tax is received the month after the tax is collected
RMV Tax is received two months after the tax is collected
Sales Tax is received three months after the tax is collected

SUMMARY NOTES AS OF 6/4/2021			
Collected:	FY20	FY21	Increase/ Decrease
Ad Val & RMV	\$1,020,948.76	\$1,080,706.69	\$59,757.93
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Solid Waste	\$680.88	\$707.46	\$26.58
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TOTALS	\$1,488,370.74	\$1,532,885.91	\$44,515.17



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April 21, 2021

Mayor Tim Helms, in care of Town Clerk
Members of Montreat Board of Commissioners
Montreat, NC 28757

RE: April 2021 text updates to DRAFT 2021 Montreat Zoning Ordinance

Dear Mr. Mayor and Town Commissioners:

On behalf of the Montreat Planning & Zoning Commission, I am pleased to deliver to you a copy of the revised (revised) zoning ordinance which the Planning & Zoning Commission unanimously approved at its meeting on April 8, 2021. I have also included a copy of the revised (revised) ordinance redlined to show the changes made to the original revised ordinance which the Planning & Zoning Commission delivered to you in November 2020.

The Montreat Planning & Zoning Commission received several public comments (see attachments) on the DRAFT 2021 Montreat Zoning Ordinance at its April 8, 2021 regular meeting. The comments were primarily focused on the Special Use Permit (SUP) process (currently, this process is called a Conditional Use Permit (CUP). Despite the name change (per State law Chapter 160D) this quasi-judicial process (via the Board of Adjustment) remains substantially the same.

Certain uses within certain zoning districts are designated as "Special Uses" and will therefore require Special Use Permits to be reviewed and approved or denied by the Board of Adjustment. This differs from "Permitted Uses" in zoning districts, which are allowed by-right and only require administrative review by the Zoning Administrator.

The new statute permits the Town Council to designate as the reviewing body (by quasi-judicial process) one of either the Planning & Zoning Commission, the Board of Adjustment or the Town Council itself. We recommend continuing the Board of Adjustment as the reviewing body. While the statute does permit an additional public hearing by the Planning & Zoning Commission prior to consideration by the Board of Adjustment, neither the comments and documents in that public hearing nor the recommendations of the Planning & Zoning Commission may be reviewed by or even considered or reviewed by the Board of Adjustment. We therefore recommend that the public hearing option be deleted as a waste of resources both of the Town (and Planning & Zoning Commission members) and of the persons who speak or raise points at the public hearing.

At the April 8, 2021 Planning & Zoning Commission meeting several persons spoke, including representatives of the "Hayner Group", which submitted written comments and suggestions (which are included with this transmittal) to which the Commission had prepared (Mason Blake primary author) and filed in response to the "Hayner Memo". The Commission response is also included in

this transmittal. The public hearing was cordial for the most part, and much was accomplished as a result.

A few minor other changes from the last zoning ordinance draft that you received include:

- Revising Sections 510.58 and 510.57 in furtherance of suggestions made by Susan Taylor Rice, as modified by the Commission, and adding a new section 510.11.
- Correcting minor typos re: numerical order listing (i.e. 511.54, 511.55 instead of 512.55)
- Updating the term “Wayfaring” to “Wayfinding” (pdefinition for informational/directional signs, eg. “Lake Susan – 0.5 mi. / 10 min. walk”)
- Updating the Table of Uses to include headings on each page (i.e. Type of Use, Zoning District)

Sincerely,

A handwritten signature in blue ink, appearing to read "William E. Scheu".

William E. Scheu
For Mason Blake, Wade Burns, Allen Crawford, Dan Dean,
David Holcomb, and Sally Stansill

Attachments

Mason Blake then made a presentation [at March 17, 2021 Montreat Board of Commissioners retreat] about two new zoning classifications that the Commission provided for in the revised Zoning Ordinance, Conditional Zoning Districts and Planned Unit Development Districts. The following is a summary of his remarks:

A. Conditional Zoning Districts.

1. The Commission has provided for the creation of a new Conditional Zoning District category to address the need for flexibility due to the unique and non-uniform size, shape and topography of the lots in Montreat. The purpose of Conditional Zoning Districts is to permit the zoning and development of a parcel with modified zoning standards that are more suited to the specific parcel (due to topography and other characteristics) in exchange for the imposition of additional standards, regulations and/or restrictions that protect the surrounding properties and neighborhood.
2. Conditional Zoning Districts are available in the R-1, R-2, R-3, I/R and I zoning districts. Conditional Zoning Districts are "customized" districts that apply to an individual parcel. A Conditional Zoning District imposes both (i) the standards of the underlying, original zoning district, with one or more of those standards modified as requested by the applicant, and (ii) special conditions to mitigate the impact of the modified standards and protect the character of the surrounding properties and neighborhood. The Town and the applicant may agree upon a wide variety of various conditions in exchange for, and to mitigate the impact of, flexibility in specific standards.
3. A community-oriented process is required to establish a Conditional Zoning District:
 - a. A pre-application with Town staff is encouraged.
 - b. A community meeting is required prior to filing the application. Applicants must meet with property owners attending the meeting to explain their proposed Conditional Zoning District and obtain input and suggestions from those attending. Notice of the meeting is required to be mailed, at a minimum, to all property owners within 250 feet of the subject parcel. A report on the meeting is required to be submitted as part of the application.
 - c. The application must include, among other things, a schematic map and site plan showing the location of all proposed improvements.
 - d. Conditions to the approval will typically be proposed by the applicant as part of the application. Conditions may also be required by the Town as part of the approval process.
 - e. Hearings on applications are held before the Planning and Zoning Commission for advisory approval or denial and Town Council for legislative approval or denial.

4. Once approved, the schematic map and site plan and all conditions agreed to by the applicant are perpetually binding to the parcel as an integral part of the new approved Conditional Zoning District. Any owner of the parcel can only improve the property in accordance with the approved site plan and required conditions. The Planning and Zoning Commission can approve changes that do not significantly alter the approved plan or its conditions, provided the change does not have a significant impact on abutting properties. Any other changes require that a new Conditional Zoning District be created for the parcel.
5. To a large degree, Conditional Zoning Districts will take the place of variances. Variances from the Board of Zoning Adjustment are not the ideal tool to provide the needs of the Town for zoning flexibility. There are four major reasons:
 - a. From an applicant's perspective, the legal requirement for obtaining a variance under North Carolina law is strict and difficult to meet. An applicant must prove "unnecessary hardships would result from carrying out the strict letter of this Ordinance" and that such unnecessary hardship result from conditions that are peculiar to the property and not other factors such as actions taken by the applicant. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. For a Conditional Zoning District, an applicant does not have the burden of proving "unnecessary hardship" or meeting the other often difficult and restrictive legal requirements for a variance.
 - b. Also from an applicant's perspective, if a variance is requested it must be the "minimum Variance that will make possible the requested Use", which may not be the most desirable outcome under the particular circumstances for either the applicant or the neighborhood.
 - c. Finally, from an applicant's perspective, the approval of a variance requires a four-fifths majority vote by the members of the Board of Adjustment to approve it. This is obviously a high hurdle that is discouraging to an applicant and underscores how difficult it is to succeed in receiving a variance.
 - d. From the Town's perspective, variances allow the Town only limited tools to protect surrounding properties. If a variance is granted, the Board of Zoning adjustment can only impose "appropriate" conditions "in conformity with the ordinance," which presumably limits the scope of the conditions to ensuring that the variance is "the minimum Variance that will make possible the requested Use." Conditional Zoning Districts allow the Town to impose a wider variety of conditions that address additional matters that the proposal may require to protect the surrounding properties and neighborhood.

B. Planned Unit Development Zoning Districts.

1. The Commission has provided for the creation of a new Planned Unit Development Zoning District category to provide developers with flexible regulations and standards and to encourage innovative community design, the creation of open space amenities and the preservation of environmental resources. A Planned Unit Development Zoning District can be located anywhere within the Town. It is primarily useful for larger undeveloped parcels.
2. Planned Unit Development Zoning Districts allow applicants to propose a mix of housing types, a mix of uses, clustering of housing and other variations from typical suburban subdivision development standards. In exchange, developments are expected to be of exceptional design, character and quality, with planned open space, environmental resource preservation, compatibility with surrounding land uses, and efficient provision of roads, utilities and other infrastructure incorporated in the design process.
3. A Planned Unit Development Zoning District is a new zoning district that completely replaces the previously existing zoning classification. The application requires the creation of a very extensive and detailed PUD Master Plan that includes all of the zoning regulations and standards for the new district. A pre-application conference with the Town's staff is required, and the Town's preliminary expectations with respect to the application and the required PUD Master Plan are communicated at the conference. The various requirements and standards for a PUD Master Plan are too numerous to summarize and are set forth in proposed new section 511. Key elements that are or may be required in or to accompany the PUD Master Plan include the following:
 - (a) The Town Administrator or Town Council may require a traffic impact analysis to be submitted as part of the application.
 - (b) A stormwater plan must be included.
 - (c) Various natural resource maps must be included.
 - (d) Proposed development standards and regulations for the district must be included.
 - (e) A recreation and open space plan may be required.
 - (f) A boundary/buffer plan may be required.
4. A Planned Unit Development Zoning District is established utilizing the same procedural requirements for all rezonings, including hearings before the Planning and Zoning Commission and Town Council. Except as otherwise provided by the adopted PUD Master Plan, property within a Planned Unit Development Zoning District is subject to all applicable subdivision plan approvals, site plan approvals and other regulations, permits and approvals required by the Town's ordinances.

April 5, 2021

To the Montreat Planning and Zoning Commission:

We greatly appreciate the opportunity to discuss and suggest changes to the proposed zoning ordinance for Montreat, both here and at the Planning and Zoning Commission's meeting planned for April 8, 2021.

The proposed new ordinance (hereinafter the "2021 Ordinance"), which would replace the current one enacted in 1999 and most recently revised in 2016 (hereinafter the "1999 Ordinance"), would substantially diminish the rights of Montreat residents and property owners to oppose developments that would directly affect the use, enjoyment, and real value of their homes. First, the 2021 Ordinance replaces "Conditional Use Permits" in the 1999 Ordinance with "Special Use Permits." See generally 1999 Ordinance at Art. VIII and 2021 Ordinance at Sec. 310.6. The changes therein raise three concerns: (i) the reduction of opportunity for public hearing and comment; (ii) the weakening or elimination of protections for Montreat residents, property owners, and the community, including for public health and safety; and (iii) a shift in the burden of proof from Special Use applicants to parties standing in opposition. Second, the 2021 Ordinance does not contain conflict of interest provisions, as required by North Carolina law. Third, the 2021 Ordinance does not adequately ensure that historical preservation is a factor in zoning decisions. Finally, the 2021 Ordinance does not contain sufficient environmental safeguards. We address each of these points below and provide specific recommendations for changes to the current proposed text.

Special Use Permits

A. Reduction of Opportunity for Public Hearing and Comment

The proposed Special Use process would eliminate the role of the Montreat Planning and Zoning Commission, removing a major opportunity for public hearing and comment. Under the 1999 Ordinance, an application for a Conditional Use Permit must undergo review by the Planning and Zoning Commission, only going to the Board of Adjustment for final consideration if the

Planning and Zoning Commission recommends issuance of the permit. See 1999 Ordinance at Sec. 802.4. The Planning and Zoning Commission meetings are open to the public. The public has an explicit right to "appear" – that is, to be heard on the record. 1999 Ordinance at Sec. 802.41. At the Board of Adjustment's subsequent hearing, however, the public has no explicit right to "appear," suggesting that the Planning and Zoning Commission's review is the main opportunity for the public to raise objections to the application. See 1999 Ordinance at Sec. 802.42 and 802.6.

Under the 2021 Ordinance, as currently drafted, there would be no role for the Planning and Zoning Commission in the issuance of a Special Use Permit – instead the decision rests solely on the Board of Adjustment. The hearings of the Board of Adjustment are quasi-judicial proceedings, and thus the right to participate is limited. NC Statute 160D-406(d) requires that those *with standing* must be allowed to participate in an evidentiary hearing of the decision-making board; non-parties "may" be allowed to participate if they are to present competent, material, and substantial evidence that is not repetitive. This is clearly quite different from a public meeting of the Planning and Zoning Commission, where anyone in the community may make a public comment.

We thus recommend that the new zoning ordinance retain the required review and recommendation by the Planning and Zoning Commission before the Board of Adjustment can consider applications for Special Use Permits. We suggest inserting the language from the 1999 Ordinance contained in Sections 802.3, entitled "Applications for Conditional Use Permits," and 802.4, "Review by the Planning and Zoning Commission," as the second and third subsections in Section 310.6 of the 2021 Ordinance, entitled "Regulations for Special Use Permits." All references to "Conditional Use Permits" would be changed to "Special Use Permits." Likewise, we recommend that the language in Section 310.62 entitled "Procedures for Special Use Permits Approved by the Board of Adjustment" be changed as follows:

- deleting the sentence "Once the application has been determined complete, the Zoning Administrator shall forward the application to the Chair of the Board of Adjustment."
- replacing the sentence "In approving the permit, the Board of Adjustment shall find" with "The Board of Adjustment shall only approve a permit, and the

Planning Commission shall only recommend a permit, upon finding:"

B. Weakening and Elimination of Protections for Residents, Property Owners, and the Montreat Community

Under the Conditional Use process of the 1999 ordinance, the Planning and Zoning Commission must make certain findings before recommending issuance of a Conditional Use Permit which explicitly ensure the rights and safety of the public. Under the Special Use process of the proposed new ordinance, many of these requirements would be eliminated or substantially weakened.

The following requirements would be eliminated:

- "[t]he conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted ... " (1999 Ordinance Sec. 801(2));
- "[a]dequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided" (1999 Ordinance Sec. 801(5));
- "[a]dequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets" (1999 Ordinance Sec. 801(6));

The following requirements would be substantially weakened:

- The requirement that "the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare" (1999 Ordinance Sec. 801(1)) would be replaced with a requirement "[t]hat the Use will not *materially* harm the public health, safety or general welfare" (2021 Ordinance Sec. 310.621) (emphasis added). The use of the term "material[] harm," which is not defined in the 2021 Ordinance, weakens protections for public health and safety. Under the 1999 Ordinance, the requirement is unconditional. Under the 2021 Ordinance, it is a matter of degree.

- The requirement that “[t]he exterior architectural appeal and functional plan of any proposed Structure will not be so at variance with the exterior architectural appeal and functional plan of the Structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable District as to cause a substantial depreciation in the property values within the neighborhoods” (1999 Ordinance Sec. 801(4)) would be replaced by a requirement “[t]hat the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located” (2021 Ordinance Sec. 310.624). The 2021 Ordinance does not define the phrase “in harmony.”
- The requirement that “[t]he conditional use will not ... substantially diminish and impair property values *within the neighborhood*” (1999 Ordinance Sec. 801(2)) (emphasis added) would be replaced with a requirement “[t]hat the Use will not substantially injure the value of *adjoining or abutting property*” (2021 Ordinance Sec. 310.623) (emphasis added). The 2021 Ordinance does not define the term “injure.”

Therefore we recommend the following changes to the 2021 Ordinance:

- the addition under Sections 310.62 and 310.365 (which mirror each other) of these additional prerequisites for issuance of a Special Use Permit (which can be numbered according to where they are inserted in or added to the existing list):
 - o “the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted”;
 - o “adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided”;
 - o “adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets”;

- changing Section 310.621 to read "That the Use will not be detrimental to or endanger ~~materially harm~~ the public health, safety, comfort or general welfare if located where proposed and developed according to the plan as submitted and approved," and making a parallel change to Section 310.635(1) to read "Will be detrimental to or endanger ~~materially harm~~ the public health, ~~or~~ safety, comfort, or general welfare";
- changing Section 310.624 to read "That ~~the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located~~ the exterior architectural appeal and functional plan of any proposed Structure will not be so at variance with the exterior architectural appeal and functional plan of the Structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable District as to cause a depreciation in the property values within the neighborhoods, and in general will be in harmony with the area in which is it to be located" and making a parallel change to Section 310.635(3) to read "Will not be in harmony with the area in which it is to be located the exterior architectural appeal and functional plan of any proposed Structure will be so at variance with the exterior architectural appeal and functional plan of the Structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable District as to cause a depreciation in the property values within the neighborhoods, and in general will be in harmony with the area in which it is to be located";
- changing Section 310.623 to read "That the Use will not ~~substantially injure the value of adjoining or abutting property~~ diminish and/or impair property values within the neighborhood," and making a parallel change to Section 310.635(2) to read "Will ~~substantially injure the value of adjoining or abutting property~~ diminish and/or impair property values within the neighborhood."

Please note that the four proposed changes to Section 310.635 described immediately above would have to be conformed if the Planning and Zoning Commission were to accept our recommended

changes to Section 310.635 on burden of proof detailed on p. 8, *infra*.

C. Burden-Shifting from Developers to Concerned Residents

A further concern with the proposed Special Use process is the burden shifting from developers to Montreat residents and property owners who have concerns about land use that would devalue their properties and harm the community. Under the Conditional Use process, developers have to prove their projects will not harm nearby property owners or the community. Under the Special Use process, Montreaters have to prove that these projects will. As a matter of law, this is an enormous shift. The Special Use process essentially assumes that permits *should* be granted.

This presumption is evident in the respective purposes of the Conditional Use and Special Use processes. The stated purpose of the Conditional Use process is facially neutral:

to insure [sic] there is adequate review and control of various specific uses or developmental proposals that may have a direct influence or impact upon neighboring or contiguous land uses ... [t]his review is intended to aid in protecting the private and public values and interests in such land uses whether residential, institutional, or commercial in nature. (1999 Ordinance Sec. 800.)

By contrast, the stated purpose of the Special Use process concedes harm to the neighbors, but discounts this as a reason for denial of a permit, suggesting that the effects can be minimized:

Permitted Special Uses add flexibility to the Zoning Ordinance. Subject to good planning and design standards, certain Uses of property are allowed in specified Districts where those Uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, Uses of property, which would otherwise be undesirable in certain Districts, can be developed to minimize any harmful effects they might have on surrounding properties. (2021 Ordinance Sec. 310.61.)

The presumption is evident also in the wording of the prescriptive sections of the Special Use Section. The Section

provides that "[t]he Board of Adjustment *shall* approve the requested permit" unless the Board finds the permit non-jurisdictional, the application is incomplete or the development does not comply with the zoning ordinance. 2021 Ordinance Sec. 310.634. (Emphasis added). Then, the Board "*may* still deny the permit" (emphasis added) if it finds, by a preponderance of the evidence, that it will: (i) materially harm public health or safety; (ii) substantially injure the value of next-door properties; (iii) not be in harmony with the area; or (iv) not be in general conformity with other land-use plans by the Montreal Board of Commissioners. 2021 Ordinance Sec. 310.635. On its face, this language suggests that the Board does not *have* to deny the permit even if it finds that the proposed use would result in one of the four harms set out in the ordinance. We do note that immediately above, the 2021 Ordinance requires that the Board of Adjustment "*shall find*" that the proposed use would not cause one of these four harms. 2021 Ordinance Sec. 310.62. The mandatory language in Section 310.62 ought to be mirrored in Section 310.635.

Finally, the presumption is evident in the respective burdens of proof on the permit applicant and opponents. The permit applicant bears only the "burden of presenting a complete application to the Board of Adjustment ... " and "the burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of the Ordinance." 2021 Ordinance Sec. 310.636. By contrast, once the applicant meets these summary burdens, any party opposed to the application bears both the burden of production "to present[] competent, material and substantial evidence 'contra' [sic] to the application," but also the burden of persuasion "on the issue of whether the application should be turned down for any of the reasons set forth in Subsection 619.37."¹ 2021 Ordinance Sec. 311.637. This is a material shift in burden. As written, the applicant for a Special Use Permit does *not* have to prove by a preponderance of the evidence that its proposed use will *not* cause one of the four harms set out in Sec. 310.635. Rather, a party opposing issuance of the permit must prove by a preponderance of the evidence that it *will*. There are no such specific guidelines on the respective burdens of proof for the parties in the Conditional Use process set out in the 1999 Ordinance. The 1999 Ordinance simply sets out general guidelines for public meetings of the Planning and Zoning Commission and the public hearing by the Board of Adjustment. The 1999 Ordinance focuses on very specific prescription of the

¹ The reference to Section 619.37 appears to be a drafting error. See comment below.

findings required of the Planning and Zoning Commission, and by extension the Board of Adjustment. Those findings are designed to protect the interests of all parties. By contrast, the 2021 Ordinance Special Use process gives very short shrift to what the Board of Adjustment must find, and focuses instead in great detail on how the Board should go about finding it. This limits the Board's ability to consider the interests of the neighborhood residents and property owners and the community as a whole.

Regarding Section 311.637, we note that the 2021 Ordinance contains no Section 619.37. We believe, if Section 311.637 remains in the 2021 Ordinance at all, it should refer instead to the parallel provisions of Sections 310.62 and 310.635.

Therefore we recommend the following changes to the 2021 Ordinance:

- changing Section 310.61 to read "Permitted Special Uses add flexibility to the Zoning Ordinance, *while ensuring there is adequate review and control of proposals that may have a direct influence or impact upon neighboring or contiguous land uses.* Subject to good planning and design standards, certain Uses of property ~~are~~may be allowed in specified Districts where those Uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, ~~Uses of property, which would otherwise be undesirable in certain Districts,~~such uses can be *prohibited*, or developed to minimize any harmful effects they might have on surrounding properties."
- changing Section 310.635 to read "[e]ven if the Board of Adjustment finds that the application complies with all other provisions of this Ordinance, it ~~may~~must still deny the permit if it concludes, based upon the information submitted at the hearing, that *the applicant has failed to demonstrate that*, if completed as proposed, the development, more probably than not: (1) Will *not* harm the public health or safety; (2) Will *not* diminish the value of property in the neighborhood; (3) Will be in harmony with the area in which it is to be located; and (4) Will be in general conformity with the land development plan or other plans officially adopted by the Board of Commissioners.

- the deletion of Sections 310.636 and 311.637.

Conflict of Interest

The 2021 Ordinance contains absolutely no conflict of interest provisions. While the 1999 Ordinance included no conflict of interest provisions for Board of Adjustment members, at least it explicitly prohibited Planning and Zoning Commission members with a conflict of interest from reviewing Conditional Use permit applications. See 1999 Ordinance at Sec. 802.43. Ultimately, all decisionmakers and administrative staff involved in the Special Use process (or other aspects of zoning and land use) should explicitly be barred from considering matters that pose a conflict of interest. North Carolina law requires this. See generally N.C.G.S. 160D-109.

We recommend inserting the full text of N.C.G.S. 160D-109 in the 2021 Ordinance. While lengthy, it is also very clear, and this serves both the public and officials well. (We attach the text in Appendix A for easy reference.) It should also be stated that any 'zoning amendment' referred to therein includes Special Use permits.

Preservation of the Character of Montreat

The Comprehensive Plan of 2008 makes clear that a "top priority" that came through strongly in the surveys of Montreat residents was the protection of the character of the town, with a particular focus on preserving historical structures. This is a special and unique aspect of Montreat, and thus should be given specific mention in the zoning ordinance. The proposed new ordinance explicitly states that the ordinance is written in accordance with, and is intended to implement, the Comprehensive Plan (2021 Ordinance Sec. 104 and 106).

We therefore recommend that the following be added to Section 106: "Montreat's historical preservation interests shall be given strong consideration when evaluating new constructions or major alterations. In keeping with the Comprehensive Plan, the guiding presumption should be that historic structures should be preserved wherever possible."

In addition, the following sentence in Section 106 should be amended as follows:

In addition, when considering proposed amendments to the Ordinance or the Zoning Map, *and when recommending*

to the Board of Adjustment any Special Use Permit, the Planning and Zoning Commission shall note in written statements whether such amendment or Permit is consistent with such Comprehensive Plan.

This assumes that the 2021 Ordinance is changed to require the Planning and Zoning Commission to review and recommend to the Board of Adjustment applications for Special Use Permits, as it does currently for Conditional Use Permits. We suggest this, at p 2, *supra*.

Environmental Protections

The Comprehensive Plan also outlines a strong community desire for environmental protections, with "very high" levels of support for new guidelines that limit the impact of developments on the environment – in particular, stronger regulations for stormwater runoff from slopes. To address these concerns, the Plan recommends improving hillside development regulation language to further protect environmentally sensitive areas for proposed developments that are less than a 25% grade slope. Specifically, it proposes "establishing a maximum disturbance and maximum impervious cover similar to Buncombe County's Zoning Ordinance as outlined in the dimensional requirements (Section 78-642)."

The 2021 Ordinance does not include any such maximums. Montreat's Hillside Development Ordinance includes restrictions on disturbance and impervious cover, but only applies to slopes with a grade exceeding 40% and thus fails to address concern raised in the Comprehensive Plan.

Thus, we recommend that the 2021 Ordinance adopt limits for maximum disturbance and maximum impervious cover for new developments that are identical or similar to those listed in Footnote 7 of Section 78-642 of Buncombe County's Zoning Ordinance. Furthermore, to protect Montreat's uniquely vulnerable watershed we recommend that applicants for proposed developments exceeding two-thirds of those maximum areas be required to submit the results of an independent environmental impact study alongside any Landscape Plan required by Section 900.3 or Stormwater Management Plan required by Section 304.3 of Montreat's Stormwater Management Ordinance.

Conclusion

Allow us to reiterate again our appreciation for the work of the Planning and Zoning Commission, and the spirit of openness and consultation with which you have approached the process of revising the zoning ordinance. We look forward to discussing these points, or providing further clarification as needed.

Sincerely,

Priscilla Hayner
Brendan Hayner-Slattey
Evan Williams, Esq.
319 Assembly Drive, Montreat

Appendix A

N.C.G.S. 160D-109. Conflicts of interest.

(a) Governing Board. – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) Appointed Boards. – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff. – No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) Quasi-Judicial Decisions. – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection. – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship. – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

PROPOSED RESPONSE OF PLANNING AND ZONING COMMISSION TO MEMO
FROM PRISCILLA HAYNER ET AL. DATED APRIL 5, 2021 (THE "HAYNER MEMO")

Below are the proposed Planning and Zoning Commission responses to the various comments and recommendations made in the various sections of the Hayner Memo. The captions below are the same as in the Hayner Memo.

As a preliminary note, the term "conditional use permit" has been changed in the revised zoning ordinance to "special use permit" because of the new terminology mandated by the new North Carolina General Statutes, Chapter 160D, effective July 1, 2021. Many of the revisions made throughout the revised zoning ordinance, not just in the provisions governing special use permits, were the result of changes mandated by NCGS Chapter 160D. NCGS 160D-111(a) provides that NCGS Chapter 160D is applicable to all local zoning ordinances and regulations as well as "any other local ordinance that substantially affects land use and development."

A. REDUCTION OF OPPORTUNITY FOR PUBLIC HEARING AND COMMENT

The Hayner Memo recommends that "the new zoning ordinance retain the required review and recommendation of the Planning and Zoning Committee before the Board of Adjustment can consider applications for Special Use permits." This is not permitted by the provisions of new NCGS Chapter 160D. Your attention is directed to the following provisions of NCGS Chapter 160D:

(1) Under NCGS 160D-705(a), only one board can be granted the authority to hear and decide on special use permits. NCGS 160D-705(a) states that the "zoning . . . ordinance may provide that the board of adjustment, planning board, or governing board may hear and decide special use permits (emphasis supplied). Thus, a local government may choose among its board of adjustment, planning and zoning board and governing board in specifying, in its zoning ordinance, which body will hear and decide on special use permits. The Town is not empowered to require that the Planning and Zoning Commission recommend granting a special use permit as a prerequisite to the Board of Adjustment hearing and deciding on special use permits. That procedure effectively requires two boards to approve a special use permit. NCGS Chapter 160D does not sanction two required approvals.

(2) This conclusion is underscored by NCGS 160D-301, which allows a local government to provide in its regulations for its planning board to provide a "preliminary forum" for the consideration of special use permits. But it requires that a planning board's proceedings and any action taken by a planning board must be virtually ignored by the board of adjustment in making its decision. NCGS 160 D-301(b)(6) states that a planning board may be

assigned the duty to “provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis by the deciding board.” If a planning board’s action cannot be considered by a board of adjustment in making its decision, a local government certainly cannot require the recommendation of the planning board as a prerequisite to the board of adjustment taking action on the application.

Under NCGS 160D-301, the Town of Montreat could continue to have the Planning and Zoning Commission hold hearings as a “preliminary forum” on special use permit applications. But the Zoning Board of Adjustment could not consider the action taken by the Planning and Zoning Commission in deciding whether to approve the permit. The Zoning Board of Adjustment also could not consider any information given or statements made by the “public” at the Planning and Zoning Commission’s meeting. NCGS 160 D-301(b)(6) requires the Board of Adjustment to essentially ignore the entire Planning and Zoning Commission meeting as if it had not taken place.

Furthermore, the provisions of the current ordinance that allow for extensive public participation and comment during the Planning and Zoning Commission’s consideration of a special use permit application may not be permissible under the provisions of new NCGS Chapter 160D. NCGS 160D-406(a) seems to require that the planning board’s hearing under NCGS 160D-301 must be held using quasi-judicial procedure. NCGS 160D-406(a) states that “Boards shall follow quasi-judicial procedures in determining . . . special use permits.” Published notice, limitations on testimony and other procedural requirements provided for in NCGS 160D-406 are thus likely applicable to a planning board “preliminary forum” hearing. This conclusion is supported by NCGS 160D-705, which makes it clear special use permits are the result of quasi-judicial decisions.

Although the Hayner Memo suggests that the Planning and Zoning Commission’s review of a special use permit application is the “main opportunity for the public to raise objections to the application,” we do not concur given the requirements of NDGS Chapter 160D. The Planning and Zoning Commission’s failure to recommend an application cannot effectively constitute a denial of the application. The Planning and Zoning Commission’s recommendation or failure to recommend an application cannot be considered by the Board of Adjustment in making its determination on a special use permit. The Zoning Board of Adjustment also cannot consider any information given or statements made by the “public” at the Planning and Zoning Commission’s meeting. Finally, it is likely that a quasi-judicial procedure is now required to be applicable to "preliminary forum" hearings held by planning boards in accordance with NCGS 160D-301(b)(6).

Instead of a Planning and Zoning Commission hearing, the main and only real opportunity for opponents of a special use permit to prevail in opposing the permit is to present competent, substantial and material evidence that disproves or rebuts the evidence presented by the applicant at the hearing as to the findings required to be made by the Board of Adjustment under section 310.62 of the revised zoning ordinance. That is the inescapable result of the provisions of NCGS Chapter 160D governing special use permits and the proper result if special use permits are to be decided pursuant to a quasi-judicial process.

In conclusion, the continued involvement of the Planning and Zoning Commission in the Special Use Permit process, which was recommended by the Hayner Memo, is in effect a meaningless and therefore purposeless exercise. As a result, we have proposed in the revised zoning ordinance to eliminate any role on the part of the Planning and Zoning Commission in order to avoid wasted time and effort on the part of all parties (and the Town's staff), as well as frustrated expectations on the part of members of the public who participate in a meaningless process with the mistaken belief that their statements and comments will be heard and considered by the Board of Zoning Adjustment in making its decision on a Special Use Permit.

B. WEAKENING AND ELIMINATING PROTECTIONS

We believe the findings required in section 310.62 of the revised ordinance, as originally drafted, did not diminish but in fact expanded the testimony and burden of proof required to be presented by an applicant for a special use permit. The existing ordinance does not require the Zoning Board of Adjustment to make any of the findings set forth in section 801 of the existing ordinance. Only the Planning and Zoning Commission is required to make such findings, even though it is only a recommending body. The revised ordinance requires the Board of Adjustment to make all the required findings set forth in section 310.62 of the revised ordinance. In addition, subsection 310.622 of the revised ordinance requires the applicant to demonstrate compliance with all the development standards and conditions of the Town, subsection 310.624 requires the applicant to show the location and character of the proposed use will be in harmony with the area in which it is to be located, and subsection 310.625 requires the applicant to show the proposed use will be consistent with the Comprehensive Plan and other adopted policies and plans of the Town. None of these requirements are contained in the existing ordinance.

However, to address concerns that the Hayner Memo raises regarding the wording of certain provisions in section 310.62 of the revised ordinance, we propose to make the following revisions to section 310.62, inserting and

referencing various terms used in the existing ordinance, as well as adding a new subsection 310.626, to make sure that in substance all the findings required in the existing ordinance are included in the required findings of the revised ordinance (new language is underlined):

310.621 That the Use will not be detrimental to or endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;

310.622 That the Use meets or will meet all the required and applicable development standards and conditions of the Town of Montreat (including without limitation all development standards, conditions and requirements related to utilities, parking, access and storm water drainage and the applicable regulations of the Zoning District in which it is located, except as such regulations may, for each case, be modified by the Board of Adjustment);

310.623 That the Use will not substantially diminish and impair the value of any property any portion of which is located within two hundred fifty feet (250') of the boundary of the parcel on which the Use will be located;

310.624 That the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will not be injurious to the use and enjoyment of other property for the purposes already permitted^[SA1], within the area in which it is located;

310.625 That the location and character of the Use, if developed according to the plan as submitted and approved, will be in general conformity with the adopted policies and plans, including the Comprehensive Plan of the Town of Montreat; and

310.626 That adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize congestion in the public streets.

C. BURDEN SHIFTING

The revised ordinance does not “essentially assume the permits should be granted” or change the burdens of the parties at the hearing of the Board of Adjustment. It merely makes these burdens clear so that the parties are aware of the burdens they must meet to propose or oppose a special use permit. Specifically, we do not believe section 310.61 of the revised ordinance implies that any sort of presumption a permit should be granted. Nonetheless, we are willing to revise it to read essentially the same as section 800 of the existing ordinance. We propose to amend 310.61 to read as follows:

310.61 Objectives and Purpose. The purpose of this section 310.6 is to ensure there is adequate review and control of the issuance of Special Use Permits, which may have a direct influence or impact upon neighboring or contiguous land uses. This review is intended to aid in protecting the private and public values and interests in such land uses whether residential, institutional, or commercial in nature. The Uses for which Special Use Permits are required are listed in the Table of Permitted Uses.

Furthermore, we also agree that the wording of several provisions of section 310.63 of the revised ordinance regarding the burdens of the parties could use clarification and improvement. We therefore propose to amend sections 310.634, 310.635 and 310.636 in their entirety as follows:

310.634. The Board of Adjustment shall only approve the requested application if it concludes, based upon the information submitted at the hearing, that:

- (1) The requested permit is within its jurisdiction to grant according to the Table of Permitted Uses;
- (2) The application for the permit is complete; and
- (3) If completed as proposed in the application, the development will comply with all the requirements of this Ordinance.

310.635 Even if the Board of Adjustment finds that the application complies with all other provisions of this Ordinance, it shall deny the permit if it is unable to make all the findings required in section 310.62, based upon a preponderance of the evidence submitted at the hearing.

310.636 The burden of presenting a complete application to the Board of Adjustment shall be upon the applicant. However, unless the Board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the

application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete. Once a completed application has been submitted, the applicant shall have the burden to present competent, substantial and material evidence that would support findings by the Board of Adjustment in accordance with the requirements of section 310.62 (that is, the applicant has the burden to make a prima facia case sufficient to support the required findings), and that demonstrates the applicant has otherwise complied with all the requirements of this Ordinance applicable to the requested Special Use Permit. Upon such a showing by the applicant, those parties opposed to granting the Special Use Permit shall have the burden of presenting competent, substantial and material evidence that disproves or rebuts the evidence and information presented by the applicant.

D. CONFLICTS OF INTEREST

The conflict-of-interest provisions set forth in NCGS160D-109 are self-operative and do not require them to be repeated in the ordinance. NCGS 160D-109 also does not require zoning ordinances to include separate conflict of interest provisions. Nevertheless, we propose the following additions to the revised ordinance:

(1) To add the following sentence at the end of section 308.2 of the revised ordinance: "All members of the Planning Commission shall comply with NCGS 160D-109, and other applicable conflict of interest laws and requirements of the State of North Carolina."

(2) To add the following sentence at the end of section 310.3 of the revised ordinance: "All members of the Zoning Board of Adjustment shall comply with NCGS 160D-109, and other applicable conflict of interest laws and requirements of the State of North Carolina."

E. PRESERVATION OF CHARACTER OF MONTREAT

We have provided in section 310.625 of the revised ordinance that the applicant must prove the proposed use is in general conformity with the Comprehensive Plan and other policies and plans of the Town. This requirement is new and was not included in the prior ordinance.

F. ENVIRONMENTAL PROTECTIONS

The Town of Montreat has separate ordinances governing stormwater and steep slope development. The Planning and Zoning Commission anticipates that it will review these ordinances in the near future at the request of the Town Council. However, these ordinances are not a part of, and necessarily are separate from, the zoning ordinance. Section 310.622 of the revised zoning ordinance will, unlike the existing zoning ordinance, require the applicant to present evidence that the proposed use meets or will meet all the required and applicable development standards and conditions provided for in these separate ordinances.

ARTICLE 1 – GENERAL PROVISIONS

- 100 **AUTHORITY AND ENACTMENT.** Pursuant to the authority conferred by the North Carolina General Statutes Chapter 160D, the Board of Commissioners of the Town of Montreat, North Carolina, does hereby adopt this Ordinance: (a) establishing comprehensive zoning regulations for the Town of Montreat, a municipal corporation of the state of North Carolina, (b) providing for the administration, enforcement and amendment thereof, in accordance with the provisions of the North Carolina General Statutes, Chapter 160D, and (c) repealing all ordinances in conflict herewith, to be effective upon adoption.
- 101 **TITLE.** This Ordinance (herein the “Ordinance”) shall be known and may be cited as The Zoning Ordinance of the Town of Montreat, North Carolina.
- 102 **EFFECTIVE DATE.** The revisions of this Ordinance, including the Zoning Map, shall become effective , 2021.
- 103 **JURISDICTION.** The provisions of this Ordinance shall apply within the corporate limits of the Town of Montreat and within the adjacent Extraterritorial Jurisdiction (ETJ).
- 104 **PURPOSE.** This Ordinance has been adopted in accordance with the Comprehensive Plan for the Town of Montreat for the following purposes: to promote the public health, safety and general welfare; to accomplish a coordinated, balanced, and harmonious development of the land within the corporate limits of the Town of Montreat and the regulatory domain of the Extraterritorial Jurisdiction (ETJ); to provide for efficiency and economy in the process of development; to prevent the overcrowding of land; and to promote desirable living conditions and the sustained stability of neighborhoods; and to protect property against blight and depreciation
- 105 **PRIORITY AND PRECEDENCE OF ORDINANCE.** If provisions of the Zoning Ordinances are inconsistent with one another, or with provisions of other Ordinances of the Town, the more restrictive provision shall govern, except when the less restrictive provision is more specific in its applicability than the more restrictive provision or when it can be reasonably inferred that the less restrictive provision is intended to apply instead of, or as an exception to the more restrictive provision. If a federal or state law or regulation imposes a lesser limitation or requirement, this Ordinance shall govern. If a federal or state law or regulation imposes a more restrictive or greater limitation or requirement, the provisions of such federal or state law or regulation shall govern. If limitations or restrictions are imposed by third party agreement or declaration of restrictions or covenants, the provisions of the Zoning Ordinances shall nevertheless apply, but nothing herein shall affect the

applicability or enforceability of such third party agreement or declaration of restrictions or covenants as between the parties affected thereby.

- 106 **RELATIONSHIP TO THE COMPREHENSIVE PLAN.** The Board of Commissioners has adopted the Town of Montreat Comprehensive Plan setting forth the goals, policies and programs intended to guide the present and future development of the Town. It is the intention of the Town Board of Commissioners that this Ordinance implement the planning policies adopted by the Board as reflected in the Comprehensive Plan and other planning documents. While the Town Board of Commissioners reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Town Board of Commissioners hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

When acting on any proposed zoning amendment, the Board of Commissioners shall carefully consider its adopted Comprehensive Plan and shall approve a brief statement describing whether its action is consistent with the adopted Comprehensive Plan. In addition, when considering proposed amendments to the Ordinance or the Zoning Map, the Planning and Zoning Commission shall note in written statements whether such amendment is consistent with such Comprehensive Plan.

- 107 **NO USE OF LAND OR BUILDINGS EXCEPT IN CONFORMITY WITH ORDINANCE PROVISIONS.** Subject to Article X of this Ordinance (Non-conformities), no person shall use or occupy any land or Buildings, or authorize or permit the use of land or Buildings [except in conformity with this Ordinance](#). For purposes of this section, the "use" or "occupation" of Building or land relates to anything and everything that is done to, on, or in the Building or land.

No Building or land shall hereafter be used or occupied, and no Building or part thereof shall be erected, moved or structurally altered, except in conformity with this ordinance, or amendments thereto, for the District in which it is located. In all Districts, every main Building hereafter erected or altered shall be located on a separate Lot, as defined in this ordinance, and in no case shall there be more than one main Building and permitted Accessory Buildings on the Lot; provided that this requirement shall not apply to Multi-Family developments, Planned Unit Developments (PUDS), or certain Special Uses, nor to a bona fide rural farm Use.

Uses not designated as permitted by right or subject to additional conditions, shall be prohibited. Special Uses are permitted upon compliance with the additional regulations imposed by this Ordinance or the appropriate governing board.

- 108 **FEES.** Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, Special Use Permits, zoning amendments, Variances and other administrative relief. The amount of the fees charged shall be as set forth in the Town budget or as established by resolution of the Town Board of Commissioners and available from the Town Clerk. Fees established in accordance with the Town's fee schedule shall be paid upon submission of a signed application or notice of appeal, as the case may be.
- 109 **RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT.** The Zoning Administrator is charged with the responsibility for interpretation, administration and enforcement of this Ordinance.
- 110 **SEVERABILITY.** The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court or competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

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 "occupied" 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", "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.

200.9 Other specific terms are defined in pertinent provisions of this Ordinance (For example see Section 301.1)

201 **DEFINITIONS**

Accessibility Feature: A pedestrian means of access from the parking/passenger loading area of a Building to the Building entrance, in the form of a Structure and/or attached Building appurtenance, which provides an increased level of accessibility for Building occupants or members of the public. 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.

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 or part thereof where, for compensation, lodging and meals are provided, in which the occupants share a kitchen and no kitchens are located in individual rooms.

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

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 constructed or used for residence, business, industry or other public or private purposes, or purposes accessory thereto, including without limitation tents, Trailers, Manufactured Homes, Modular 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 as separate Structures.

Building Height: The vertical distance measured from the Average Natural Grade of the applicable Lot to the highest point of the roofline of the applicable Building, or from the top of the parapet or roof surface for flat-roofed Buildings.

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

Certificate of Zoning Compliance: A document issued by the Zoning Administrator certifying that plans submitted in accordance with Section 301 conform to the provisions of the Zoning Ordinance.

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.

Comprehensive Plan: A plan that sets forth goals, policies and programs intended to guide the present and future physical, social and economic development of the jurisdiction, as adopted by the Board of Commissioners on April 10, 2008 by Resolution 08-04-001, as amended.

Convenience Store: A retail establishment which deals principally in a limited selection of common items including without limitation food, household goods, automobile supplies, beverages, and packaged 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.

Day Care Center: A Day Care Center includes child day care facilities, family childcare homes, and any other childcare facility for three or more pre-school aged children as defined in N.C.G.S. Section 110-86(3). The term also includes a center providing day care on a regular basis for more than two hours per day for four or more adults in accordance with N.C.G.S. Section 131D-6.

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

Dedication: The voluntary donation of land or an Easement over, under, across, and/or through a parcel of land by the owner thereof for use by the public and the acceptance of the offer of dedication by the Town as evidenced by the recording of a legal instrument in the Office of the Register of Deeds for the county in which the land is located.

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 measured four and one-half feet (4.5') 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 of 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.

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 Unit, Accessory: A residential Dwelling Unit (i) 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; (ii) set up as a separate, complete housekeeping unit; and (iii) subordinate to the principal Single-Family Dwelling . Accessory Dwelling Units are permitted in accordance with and subject to Section 619.

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

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.

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: A Building 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.

Extraterritorial Jurisdiction (also referred to as "ETJ"): The area beyond the corporate limits of the Town over which the Town exercises planning and development powers in accordance with

N.C.G.S. 160D-202. A portion of the ETJ lies in Buncombe County and a portion of the ETJ lies in McDowell County.

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.

Family Care Home: A home meeting the North Carolina Residential Building Code requirements with support and supervisory personnel that provides room and board, personal care and habilitation services in a Family environment for not more than six resident persons with disabilities, pursuant to N.C.G.S. Section 160D-907.

Farm, Bona Fide: Agricultural activities as set forth in N.C.G.S. Section 160D-903.

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

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.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a Building measured from the interior 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 (6').

Floor Area, Net: The Gross Floor Area of a Building less and excluding the floor areas of such Building attributable to stairwells, elevator shafts, equipment rooms, interior vehicular parking or loading areas, and all floors below the first or ground floor, except where such floors are used or intended to be used for residential, business, commercial, institutional or governmental purposes .

Front Building Line: A line which runs parallel to the Street which a Lot faces and extends from one side Property Line across the Lot to the other side Property Line. The location of such Front Building Line shall be determined as specified in Section 512. The Principal Building on a Lot shall be no closer to the Street than the Front Building Line. 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, Commercial: Any Building, or portion of a Building, which for consideration is used for storage, repair, rental, maintenance, servicing, washing, adjusting, or equipping of automobiles or other vehicles.

Greenspace: Land dedicated to and accepted by the Town that is designated for recreation, fishing, natural areas, and beautification of the Town as defined by the "Greenspace Resolution" adopted by the Town Commission on May 12, 1983, recorded in Book 1443 at Page 144 in the Office of the Register of Deeds for Buncombe County, North Carolina.

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, 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.

Home Occupation: Any Use conducted entirely within a Dwelling or an Accessory Building and carried on by the occupants thereof (and up to one non-occupant employee), 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 621.

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 rent, and in which there is usually a kitchen and public dining room for the preparation and service of meals. The term Hotel includes "lodges", "inns" and "motels".

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.

Lot: A parcel of land occupied or capable of being occupied by a Principal Building 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 Lot Frontage on two separate streets. A Corner Lot shall qualify as a Double Frontage Lot if 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).
- 4) Lot, Interior: A Lot which has only one (1) Lot Frontage.

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.
- 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 (20');

- (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.

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 purposes of this Ordinance Modular Homes shall be considered equivalent to site-built homes.

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, emergency communications facilities, fire protection service facilities, and public safety facilities.

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

Natural Grade, (Average): The average of the Natural Grade elevations at the four points on a Lot at which the front and rear yard Setback Lines intersect with the two 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 that does not conform to the requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Nonconforming Use: A Use of a Building and/or land that does not conform to the requirements of the Zoning District in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Notice of Violation: A written notification from the Zoning Administrator that there is a violation of the provisions of this Ordinance.

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 an Overlay District 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 vehicle space of not less than nine feet (9') by eighteen feet (18') for one (1) automobile, plus the necessary access space. (See Section 701.1).

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.

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 utilized in the various activities associated with improvements to, and maintenance of, Streets and public utility systems for the Town.

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 point of a Principal or Accessory Building.

Setback Line: A line establishing the minimum allowable distance between an applicable Property Line (that is, front, side or rear Property Line) and the nearest portion of any Principal or Accessory Building, excluding the outermost four feet (4') of any attached steps, roof, gutters and similar fixtures. 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 606.4.

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 VIII)

Special 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 Signs provided, however, neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, nor a fence shall be considered a Structure for the purpose of Setback and minimum Yard requirements. Accessibility Features approved pursuant to Section 606.4 and also signs complying with the requirements and limitations of this Ordinance shall not be considered a Structure for the purpose of Setback and minimum Yard requirements.

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

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 (30) inches, designed, used and maintained for swimming and bathing purposes.

Trailer: Any vehicle or Structure capable of moving or being moved, over Streets 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.

Variance: An exception to the terms of the Zoning Ordinance as authorized in Section 310.42. As used in this Ordinance, a Variance is authorized only for height, area, size of Structure, size of Yards, and open spaces, as provided in Section 310.42 of this Ordinance.

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 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 and the side Property Line of the Lot and extending from the front Property Line to the rear Property Line.

Zoning Administrator: The person appointed by the Town Council and charged with interpretation, administration and enforcement of this Ordinance. In the absence of the Zoning Administrator, and if no other person has been designated by the Town Council to perform such duties, then the Town Administrator shall perform such duties.

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 V.

ARTICLE III – ADMINISTRATIVE PROVISIONS

300 **ADMINISTRATION OF THIS ORDINANCE.** The regulations set forth in this Ordinance shall be applicable to all Zoning Districts, shall be minimum regulations, and shall apply uniformly to each class or kind of Structure or land, except as may be provided for elsewhere in this Ordinance. The Zoning Administrator appointed by the Town of Montreat Board of Commissioners is duly charged with the administration of the provisions of this Ordinance. All questions arising in connection with this Ordinance shall be presented first to the Zoning Administrator who shall be responsible for the day to day administration of this Ordinance.

301 **CERTIFICATE OF ZONING COMPLIANCE REQUIRED.** No Building or other Structure shall be constructed, erected, moved, enlarged, or structurally altered, nor shall any land be cleared, graded, filled or excavated, nor shall any new Parking Spaces or parking lots be installed or constructed, nor shall any Building Permit be issued nor shall any change in the Use of any Building, Structure or land be made until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. No Certificate of Zoning Compliance shall be issued except in conformity with the provisions of this Ordinance. Replacement of roof shingles does not require Zoning Compliance. Where a Variance or Special Use Permit is required, the Zoning Administrator shall not issue a Certificate of Zoning Compliance until such Variance or permit shall be approved by the Board of Adjustment. A copy of all Certificates of Zoning Compliance shall be kept in the Town office.

301.1 **APPLICATIONS FOR ZONING COMPLIANCE CERTIFICATE.** All applications for zoning compliance certificates shall be accompanied by a plan drawn to scale (the “Development Plan”) showing:

- 1) the actual dimensions of the Lot to be built upon;
- 2) accurate dimensions and the Use of the proposed Building or Structure;
- 3) the location on the Lot of the Building or Structure proposed to be erected or altered, including an outline of all proposed Structures and the distances from all Structures to adjoining Property Lines;
- 4) the location of all underground and above ground utilities;
- 5) all utilities, rights-of-way, culverts and drainage ways;
- 6) the parcel identification number consistent with Buncombe County tax records;
- 7) evidence that ad valorem taxes on the property proposed for construction were paid prior to submitting the application;

- 8) such other information as may be necessary to provide for the enforcement of the provisions of this Ordinance, including the architectural or Building plans of the Structure proposed to be erected or altered; and
- 9) Deed or other evidence of title.

Prior to issuance of a Certificate of Zoning Compliance, the Zoning Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

301.2 **ZONING COMPLIANCE CERTIFICATE FEE.** All applications for a Certificate of Zoning Compliance shall be accompanied by an application fee based upon the number of principal Structures per application. The fee shall be set forth in the Town of Montreat Fee Schedule.

301.3 **CERTIFICATE OF ZONING COMPLIANCE LIMITED TO TWELVE MONTHS PLUS ONE EXTENSION.** If within twelve (12) months of the date on which a Certificate of Zoning Compliance is issued, construction has not begun on the Structure for which the certificate had been issued, the certificate shall expire; but the Zoning Administrator shall grant one (1) extension of six (6) months to the certificate if so requested by the applicant. Such request shall be granted without any requirement of any additional fee.

301.4 **PRIOR APPROVAL REQUIRED FOR PLAN CHANGES.** After a Certificate of Zoning Compliance has been issued, no deviations from the terms of the application or the Certificate of Zoning Compliance shall be made until the applicant has submitted a new application consistent with Section 301.1 to the Town Zoning Administrator describing the development including all proposed changes. No construction shall take place that is inconsistent with the approved Development Plan until amended plans are fully approved by the Zoning Administrator.

301.5 **RE-SUBMISSION OF APPLICATION FOR ZONING COMPLIANCE.** An application that has been denied by the Zoning Administrator but not appealed to the Board of Adjustment may be re-submitted not more than once, unless there is a material change in the application or a change in the zoning ordinances related to the application.

302 **BUILDING AND OCCUPANCY PERMITS REQUIRED.**

302.1 **BUILDING PERMIT REQUIRED.** Upon receiving a Certificate of Zoning Compliance, the property owner shall obtain a Building Permit from the Town of Montreat Building Inspector for the construction or structural alteration of any Building or Structure. A permit fee, as set by the Board of Commissioners, shall be paid to the Town.

- 302.2 **BUILDING PERMIT EXPIRATION.** A Building Permit shall expire six (6) months from the date it was issued if the work authorized by the Building Permit has not been commenced. In addition, a Building Permit shall immediately expire if the work authorized by the Building Permit has been commenced but has been discontinued for a period of twelve (12) months.
- 302.3 **CERTIFICATE OF OCCUPANCY REQUIRED.** No new Building or part thereof shall be occupied, and no addition to or enlargement of any existing Building shall be occupied, and no existing Building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing Building or part thereof, until the Building Inspector has issued a Certificate of Occupancy therefor. A temporary Certificate of Occupancy may be issued for a portion or portions of a Building which may safely be occupied prior to final completion and occupancy of the entire Building. Application for a Certificate of Occupancy may be made by the owner or his/her agent after all final inspections have been made for new Buildings, or, in the case of existing Buildings after supplying the information and data necessary to determine compliance with N.C.G.S. Chapter 160D, the appropriate regulatory codes and the Zoning Ordinance for the occupancy intended. The Building Inspector shall issue a Certificate of Occupancy when, after examination and inspection, the Building Inspector finds that the Building in all respects conforms to the provisions of N.C.G.S. Chapter 160D, the regulatory codes, and the Zoning Ordinance for the occupancy intended.
- 302.4 **CERTIFICATE OF COMPLIANCE.** At the conclusion of all work done under a Building Permit, the Building Inspector shall make a final inspection and if the Building Inspector finds that the completed work complies with the North Carolina Building Code, applicable local laws and with the terms of the Building Permit, the Building Inspector shall issue Certificate of Compliance. No new Building or part thereof may be occupied, no addition or enlargement of an existing Building may be occupied, and no existing Building that has been altered or moved may be occupied until the Building Inspector has issued a Certificate of Compliance. A temporary Certificate of Compliance may be issued permitting occupancy for a stated period of time of either the entire building or property or of specified portions of the Building that the Building Inspector finds may safely be occupied prior to final completion of the entire Building. Violations of this Section shall constitute a Class 1 misdemeanor.
- 303 **COMPLIANCE.** In case any Building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any Building or land is used in violation of this Ordinance, the Zoning Administrator or any other appropriate Town authority, or any person who would be damaged by such violation, in addition to other remedies (See Section

305), may institute an action for injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.

304 **CERTAIN APPEALS**

304.1 **APPEAL FROM THE ZONING ADMINISTRATOR.** All questions arising in connection with this Ordinance shall be presented first to the Zoning Administrator, and such questions shall be presented to the Board of Adjustment only as an appeal from a ruling of the Zoning Administrator. Any order, requirement, decision or determination made by the Zoning Administrator shall be recorded in writing and may be appealed to the Board of Adjustment pursuant to the procedure found in Section 310.41 of this Ordinance.

304.2 **APPEALS FROM THE BUILDING INSPECTOR.** Appeals from the Building Inspector decisions are made to the Commission of Insurance under N.C.G.S. 160D-1127

305 **NOTICE OF VIOLATION AND CITATION PROCEDURES.**

305.1 **NOTICE REQUIRED BEFORE PENALTY.** No penalty shall be assessed unless and until the holder of the Certificate of Zoning Compliance involved in the violation, as well as the owner of the affected property, have been notified of the violation in accordance with this section.

305.2 **NOTICE OF VIOLATION.** Whenever the Zoning Administrator determines that work or activity violates a Certificate of Zoning Compliance, or any plan, order, condition, permit or other developmental approval issued in accordance with N.C.G.S. Chapter 160D, Article 4 (a “Developmental Approval”), or any other provision of this Ordinance, the Zoning Administrator shall issue a Notice of Violation. The Zoning Administrator shall deliver such Notice of Violation to the holder of the Developmental Approval and to the property owner by personal delivery, electronic delivery or first-class mail. In addition, the Zoning Administrator may deliver the Notice of Violation to the occupant of the property or the person undertaking the work or activity, and the Zoning Administrator may post the Notice of Violation on the property. The Zoning Administrator shall certify to the Town that the Notice of Violation was provided in accordance with this Section and this certificate shall be deemed conclusive in the absence of fraud. Any person who has standing under N.C.G.S. § 160D-1402(c) may appeal the Notice of Violation in accordance with Section 310.41. The Zoning Administrator may include the following in the Notice of Violation:

- (1) that the land, Building, Sign, Structure, or Use is in violation of this Ordinance;
- (2) the nature of the violation, and citation of the Section of this Ordinance violated;
- (3) the measures necessary to remedy the violation; and,
- (4) a notification of owner and occupant’s right to appeal.

305.3 **APPEAL.** Any person or entity who receives a Notice of Violation may appeal in writing the decision of the Zoning Administrator in accordance with the provisions of Section 310.41 of this Ordinance. In the absence of an appeal, the remedies and penalties sought by the Zoning Administrator in the Notice of Violation shall be final.

305.4 **ORDER OF CORRECTIVE ACTION.** If, following a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall affirm the violation stated in the Notice of Violation, either in whole or in part., then it shall make an order in writing affirming the violation and ordering the compliance with the measures necessary to remedy the violation (“Order of Corrective Action”).

305.5 **FAILURE TO COMPLY WITH AN ORDER.** If the party or parties to whom the Notice of Violation is addressed shall fail to comply with: (a) Such Notice of Violation from which no appeal has been taken, or (b) An Order of Corrective Action following an appeal, then such party or parties shall be subject to such remedies and penalties as may be provided by Section 307 and North Carolina law. If such party or parties fail to comply with the remedies and penalties prescribed, then enforcement shall be sought through a court of competent jurisdiction.

306 **RESPONSIBILITY FOR VIOLATIONS.** Any person who constructs, erects, installs, expands, alters, repairs or maintains any Building or Structure in violation of this Ordinance; any person who clears or grades property in violation of this Ordinance; any person who uses any Building or Structure in violation of this Ordinance; or any person who owns the property where a person constructs, erects, installs, expands, alters, repairs or maintains a Building or Structure, or clears or grades property in violation of this Ordinance; (all such persons being individually a “Responsible Party” and collectively, “Responsible Parties”) shall be subject to civil and criminal penalties in accordance with Section 307 of this Ordinance as provided by N.C.G.S. § 160A-175 or other applicable law, and in addition thereto such violation may be enjoined and restrained as provided in N.C.G.S. § 160D-404.

307 **ENFORCEMENT PROCEDURES.** Once a violation of this Ordinance has been determined, then the following procedures may be used to address such violation and to enforce the provisions of this Ordinance.

307.1 **REVOCATION OF DEVELOPMENTAL APPROVALS** – In accordance with N.C.G.S. §160D-403(f), the Zoning Administrator may revoke a Certificate of Zoning Compliance or other Developmental Approval for any material departure from the approved application or Development Plan; for refusal by the Responsible Party to comply with this Ordinance; or for false statements or misrepresentations made in obtaining the Developmental Approval. The Zoning Administrator shall notify the holder of the

Developmental Approval in writing stating the reason for the revocation. The revocation may be appealed to the Zoning Board of Adjustment pursuant to N.G.C.S. §160D-405.

307.2 **STOP WORK ORDERS** – Whenever any work or activity subject to regulation pursuant to this Ordinance and Chapter 160D is undertaken in material violation of this Ordinance, the Zoning Administrator may order the specific work or activity that is in violation or presents a hazard to be immediately stopped pursuant to N.C.G.S. § 160D-404(b). The Order shall be in writing, directed to the person doing the work or activity to be stopped, and state the reasons for the Order and the conditions under which the work or activity may be resumed. The Zoning Administrator shall deliver a copy of the Order to the holder of the Developmental Approval and the owner of the property by personal delivery, electronic delivery or first-class mail. The Zoning Administrator shall certify to the Town that the Order was provided in accordance with this Section and this certificate shall be deemed conclusive in the absence of fraud. Any person who has standing under N.C.G.S. § 160D-1402(c) may appeal the Notice of Violation in accordance with Section 310.41.

307.3 **LEGAL ACTION** – If a civil penalty is not paid or violations cured or corrected within the time specified in the citation, the Board of Commissioners may institute a civil action in the nature of a debt in the General Court of Justice. If a violation that constitutes a criminal penalty is not cured or corrected within the time specified in the citation, the Board of Commissioners may refer the matter for institution of a criminal action.

307.4 **NORTH CAROLINA BUILDING CODE.** Enforcement of the North Carolina Building Code shall be in accordance with N.C.G.S. §§160D-1110 through 160D-1127.

307.5 **STATE AND COMMON LAW REMEDIES** - In addition to other enforcement provisions contained in this Article, the Town Board of Commissioners may exercise any and all enforcement powers granted to it by state law or common law.

307.6 **PENALTIES**

307.61 **CRIMINAL PENALTIES** – A violation of this Ordinance shall be a misdemeanor and the offender shall be subject to a fine not to exceed five hundred dollars (\$500.00) as provided by N.C.G.S. Section 14-4.

307.62 **CIVIL PENALTIES** – Any person who violates any provision of this Ordinance shall be subject to assessment of the maximum civil penalty in the amounts provided in Section 3, Chapter L, of the General

Ordinance of the Town of Montreat for violations of the General Ordinance. For each day that the violation is not corrected the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

307.63 **PENALTY CITATION** – If the Responsible Party does not comply with this Ordinance after having been given a Notice of Violation, then the Zoning Administrator shall send a written penalty citation to the Responsible Party by personal delivery or by first-class mail with delivery confirmation. The citation shall state the amount of the civil penalty or the applicable type of criminal penalty. A citation for civil penalty shall direct the Responsible Party to pay the civil penalty within fifteen (15) days of the date of the citation.

307.7 **REMEDIES**. The remedies and penalties provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order and can include:

- (A) **CIVIL PENALTY**. Violations of this Ordinance shall subject the offender to civil penalties provided in Section 307.262. The Town may recover the civil penalty, if not paid to the Town Administrator within thirty (30) days of the date the citation was issued, in a civil action in the nature of a debt pursuant to N.C.G.S. § 160A-175. Each day that any violation of the provisions of this Code continues shall constitute a separate and distinct offense.
- (B) **WITHHOLDING OF CERTIFICATE OF OCCUPANCY**. The Zoning Administrator or the Building Inspector may refuse to issue a certificate of occupancy for the Building constructed or being constructed on the property until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise cured the violations described therein.
- (C) **DISAPPROVAL OF SUBSEQUENT PERMITS AND DEVELOPMENT APPROVALS**. As long as a violation of this Ordinance continues and remains uncorrected, the Zoning Administrator or Building Inspector may withhold, and the Town Planning and Zoning Commission or Board of Adjustment may disapprove, any request for permit or development approval or authorization provided by this Ordinance for the property on which the violation occurs.
- (D) **INJUNCTION AND ORDER OF ABATEMENT**. The Zoning Administrator, with the written authorization of the Town Administrator, may institute an action in a court of competent jurisdiction for an injunction and order of

abatement to correct a violation of this Ordinance in accordance with N.C.G.S. § 160A-175. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

- (E) **CIVIL ACTION.** In accordance with N.C.G.S. §160d-404(c)(1), if a Building or Structure is constructed, erected, altered, reconstructed, converted, repaired or maintained, or any Building, Structure or land is used or developed in violation of this Ordinance, the Board of Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful construction, erection, alteration, reconstruction, conversion, repair, maintenance, use or development; to restrain, correct or abate the violation; to prevent occupancy of the Building, Structure or land; or to prevent any illegal act, conduct, business or use in the Building or Structure or on the land.
- (F) **ABATEMENT OF PUBLIC HEALTH NUISANCE.** If the violation is dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by N.C.G.S. § 160A-193, the Zoning Administrator, with written authorization of the Town Administrator, may remove, abate or remedy the violation and the costs, if not paid, shall be a lien against the property as provided in N.C.G.S. §160A-193.

308 **PLANNING AND ZONING COMMISSION.**

- 308.1 **COMPOSITION.** The Planning and Zoning Commission (also referred to as the Planning Commission) shall be composed of seven members selected by the Board of Commissioners for matters within the Town of Montreat and for extra-territorial jurisdiction (ETJ) matters. The seven-member Planning Commission shall be composed of six members residing in the Town of Montreat, and one member residing in the ETJ of the Town of Montreat. Two alternate members who reside in the Town of Montreat shall also be selected by the Town Board of Commissioners. Members shall serve a term of three years. No member shall serve more than two consecutive terms. When a vacancy occurs on the Board for the member representing the ETJ, the Town shall notify the applicable Board of County Commissioners and request a nomination within ninety (90) days. The Town Board of Commissioners shall appoint the person who is so nominated; or if no nomination is made during that period, the Town Board of Commissioners shall fill the vacancy.
- 308.2 **PROCEEDINGS.** The Planning and Zoning Commission shall elect from the members a chair and a vice-chair who shall serve for one (1) year or until reelected or until a successor is elected. The Planning Commission shall appoint a secretary

who may be a municipal officer, an employee of the Town, or a member of the Planning and Zoning Commission. The Planning Commission shall adopt rules for transaction of its business and shall keep records of its resolutions and discussions, findings and recommendations. Such records shall be public records and filed in the Town office. Meetings of the Planning Commission shall be held quarterly, at the call of the chair, and at other times as the Planning Commission may determine. There shall be a quorum of four (4) members for the purpose of taking an official action required by this Ordinance. The alternate member may vote in the absence of a regular member but his/her presence shall not be counted when establishing a quorum. All meetings of the Planning Commission shall be open to the public. [All members of the Planning Commission shall comply with NCGS 160D-109, and other applicable conflict of interest laws and requirements of the State of North Carolina.](#)

308.3 **POWERS AND DUTIES.** In addition to its powers and duties under the Subdivision Ordinance, it shall be the duty of the Planning Commission:

- (A) To acquire and maintain, in current form, such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in those conditions;
- (B) To prepare, review, maintain, monitor and periodically update and recommend to the Board of Commissioners a comprehensive plan for the physical development of the Town;
- (C) To prepare and recommend to the Board of Commissioners principles and policies for guiding action in the development of the Town;
- (D) To prepare and recommend to the Town Board of Commissioners Ordinances promoting orderly development in accordance with the comprehensive plan;
- (E) To receive and review all applications for amendment to this Zoning Ordinance and to make recommendations thereon to the Town Board of Commissioners;
- (F) To keep the Town Board of Commissioners and the general public informed and advised as to these matters;
- (G) To serve as the Stormwater Advisory Committee and assist the Town Board of Commissioners in meeting the mission and achieving the identified goals and objectives of the Town's Stormwater Management Program; and
- (H) To perform any other duties to which it may be lawfully assigned.

309 **AMENDMENTS TO ZONING ORDINANCE AND OFFICIAL ZONING MAP.** This ordinance and the Official Zoning Map of Montreat, North Carolina, may be amended from time to time by the Board of Commissioners in accordance with the provisions of this Section. When the public necessity, convenience, general welfare, or good zoning practices justify such action, and after the review and report by the Planning and Zoning Commission, the Board of Commissioners may undertake the necessary steps to amend the Zoning Ordinance or the Official Zoning Map.

309.1 **REQUESTS FOR AMENDMENT.**

309.11 **WHO MAY FILE A REQUEST.** A proposed change or amendment to the Zoning Ordinance or the Official Zoning Map may be requested by the Board of Commissioners, the Planning and Zoning Commission, the Board of Adjustment, or one or more owners of property within the area affected by the proposed amendment. For purposes of this Article only, the term “property owner” shall include the holder of a sales contract or option to purchase property affected by the proposed change.

309.12 **WRITTEN APPLICATION.** All applications for zoning amendments must be in writing. Application forms for amendment requests may be obtained from the Town Office. Completed application forms, plus any additional information that the Zoning Administrator or applicant feels to be pertinent, shall be filed with the Zoning Administrator at least thirty (30) days prior to the Planning and Zoning Commission’s scheduled meeting at which the application is to be considered. An application requesting a change in the Official Zoning Map shall include a description of the property in question. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the required form.

309.13 **APPLICATION FEE.** An application fee as set forth in the Town of Montreat Fee Schedule shall accompany each application and this fee shall be nonrefundable except in any case where the application is withdrawn prior to its consideration by the Planning and Zoning Commission. Provided, that no application fee shall be required for an application submitted by the Board of Commissioners, the Board of Adjustment or any other Town board or commission.

309.14 **COMMISSION MEETING SCHEDULED.** Once the Zoning Administrator has received the complete application and all other pertinent materials necessary for the consideration of the application, he/she shall forward the application and other materials to the Chair of the Planning and Zoning Commission who shall call for a meeting of the Planning and Zoning Commission to review said application within thirty (30) days of the date the completed application is received by the Chair. The regular meeting of the Planning and Zoning Commission may serve in the place of a called meeting if it falls within the time period set forth in this Subsection below.

309.2 **MEETING AND ACTION BY THE PLANNING AND ZONING COMMISSION.**

309.21 The Zoning Administrator shall transmit copies of the application and all documents and other data submitted by the applicant with respect to the amendment request to the members of the Planning and Zoning Commission prior to its meeting.

- 309.22 Following its meeting at which it considers the requested amendment, the Planning and Zoning Commission shall prepare a report, including its official recommendation to accept or reject the proposed amendment. The Planning and Zoning Commission shall deliver its written report, which shall address consistency with the Comprehensive Plan and other matters as deemed appropriate, with its official recommendation to the Board of Commissioners within ninety (90) days of the date of the meeting at which it considered the application. Failure of the Planning and Zoning Commission to submit its report and recommendations within the ninety (90) day period shall be deemed a favorable recommendation.
- 309.23 The Planning and Zoning Commission shall provide a written recommendation to the Board of Commissioners that addresses consistency with the Comprehensive Plan and other matters as deemed appropriate.
- 309.24 All meetings of the Planning and Zoning Commission shall be open to the public. At a meeting, any party may appear in person, by agent, or by attorney.
- 309.25 No member shall be excused from voting except upon matters involving the consideration of his/her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of compensation and allowances of members of the Planning and Zoning Commission is not a matter involving a member's own financial interest or official conduct.
- 309.3 **PUBLIC HEARING BY THE BOARD OF COMMISSIONERS.** Before adopting an amendment to the Ordinance, the Board of Commissioners shall hold a public hearing. Public hearings shall be held during the regularly scheduled meeting of the Board of Commissioners. Notice of the hearing shall be published in a newspaper of general circulation in Montreat once a week for two (2) consecutive weeks and the first publication date shall be not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. Citizen comments may be submitted in accordance with N.C.G.S. §160D-603. At the public hearing, the Board of Commissioners may adopt the proposed amendment, reject the proposed amendment, or refer the proposed amendment back to the Planning and Zoning Commission for further consideration.
- 309.4 **CHANGES IN THE OFFICIAL ZONING MAP.** Before enacting a change to the Official Zoning Map, the Board of Commissioners shall hold a public hearing. Public hearings shall be held during the regularly scheduled meeting of the Board of Commissioners.

309.41 If the proposed change to the Official Zoning Map affects fewer than fifty (50) different properties, the owners (as shown on county tax listing) of the parcel(s) of land affected by the proposed change in the zoning map and the owners (as shown on the county tax listings) of all parcels of land within two hundred fifty feet (250') of the affected parcel of land shall be mailed a notice of a public hearing on the proposed change by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The person(s) mailing such notices shall certify to the Board of Commissioners that the notices were mailed in accordance with this section, and such certificate shall be deemed conclusive in the absence of fraud.

309.42 If the proposed change to the Official Zoning Map affects at least fifty (50) different properties, then the Town may elect to mail notices as provided above or may, as an alternative, elect to publish once a week for four successive weeks in a newspaper having general circulation in Montreat an advertisement of the public hearing that shows the boundaries of the area affected by the proposed change to the Official Zoning Map and explains the nature of the proposed change. The final two advertisements shall comply with and be deemed to satisfy the provisions of N.C.G.S. §160D-601. The advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this ordinance. The person(s) mailing such notices shall certify to the Board of Commissioners that the notices were mailed in accordance with this section, and such certificate shall be deemed conclusive in the absence of fraud. In addition to the published notice, the Town shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed change in the Official Zoning Map. Citizen comments may be submitted in accordance with N.C.G.S. §160D-603.

309.43 At the public hearing, the Board of Commissioners may adopt the proposed change, reject the proposed change, or refer the proposed change back to the Planning and Zoning Commission for further consideration.

309.44 Following final action by the Board of Commissioners, the Zoning Administrator shall make any necessary changes in the Zoning Map and shall maintain a written record of the type and date of such changes. Action by the Board of Commissioners shall be considered official seven (7) days after the date the change was approved by the Board of Commissioners, even if the Zoning Administrator has failed to make the appropriate changes.

309.45 The Board of Commissioners shall not reconsider a proposed change to the Official Zoning Map if such change is for the same property or portion thereof, for a period of one (1) year from the date of final determination of the prior request. This waiting period may be waived by a three-fourths vote of the Board of Commissioners if it determines that there may have been substantial changes in conditions or circumstances which may relate to the request.

310 **ZONING BOARD OF ADJUSTMENT.**

310.1 **AUTHORITY.** The Zoning Board of Adjustment (sometimes referred to as the Board of Adjustment) shall have the authority to rule on matters of interpretation of this Ordinance, consider appeals from decisions of the Zoning Administrator, issue Special Use Permits, grant Variances and perform other duties as defined in this Ordinance. Any appeal from a decision of the Board of Adjustment shall be made in accordance with N.C.G.S. Section 160D-1402.

310.2 **COMPOSITION.** The Zoning Board of Adjustment shall be composed of seven members selected by the Board of Commissioners for matters within the Town of Montreat and for extra-territorial jurisdiction (ETJ) matters. The seven-member Board of Adjustment shall be composed of six members residing in the Town of Montreat, and one member residing in the ETJ of the Town of Montreat. Two alternate members who reside in the Town of Montreat shall also be selected by the Town Board of Commissioners. Members shall serve a term of three years. No member shall serve more than two consecutive terms. When a vacancy occurs on the Board of Adjustment for the member representing the ETJ, the Town shall notify the applicable Board of County Commissioners and request a nomination within 90 days. The Town Board of Commissioners shall appoint the person who is so nominated; or if no nomination is made during that period, the Town Board of Commissioners shall fill the vacancy.

310.3 **PROCEEDINGS.** The Zoning Board of Adjustment shall elect a chair and a vice-chair from its members who shall serve for one (1) year or until reelected or until their successors are elected. The Board of Adjustment shall appoint a secretary. The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of this Ordinance and N.C.G.S §160D-406. Meetings of the Board of Adjustment shall be held at the call of the chair and at other such times as the Board may determine. The chair, the vice-chair, or the clerk to the Board of Adjustment may administer oaths according to the procedures adopted in the rules of procedure of the Board of Adjustment. All meetings of the Board of Adjustment shall be open to the public. [All members of the Zoning Board of Adjustment shall comply with NCGS 160D-109, and other applicable conflict of interest laws and requirements of the State of North Carolina.](#)

310.4 **POWERS AND DUTIES.** The Zoning Board of Adjustment shall have the following powers and duties:

310.41 **APPEALS.** All questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator. A decision of the Zoning Administrator, as used in this section, refers to any final binding order, requirement, or determination made with respect to application of the Montreat Zoning Ordinance. The appeal shall proceed in accordance with N.C.G.S. §160D-405, Section 310.5 and the following procedures:

- (A) Written notice of a determination by the Zoning Administrator shall be given to the owner of the property that is subject to the determination and to the party who sought the determination (if different from the owner). The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. Constructive notice to all persons with standing to appeal the determination may be provided by posting a sign on the affected property for at least ten (10) days in accordance with the procedures established in N.C.G.S. 160D-403.
- (B) Any person who has standing under N.C.G.S. 160D-1402(c) or the Town may appeal a determination by the Zoning Administrator to the Board of Adjustment by filing a notice of appeal with the Town Clerk in accordance with Section 310.51 and Section 310.52. The notice of appeal shall state the grounds for the appeal.
- (C) The owner or other party shall have thirty (30) days from receipt of the written notice of determination within which to file an appeal.

Any other person with standing to appeal shall have thirty (30) days from receipt of actual or constructive notice of the decision within which to file an appeal.

- (D) An appeal of a Notice of Violation or other enforcement order stays enforcement of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal has been filed, that by reason of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the Zoning Administrator a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed Use of property is consistent with the ordinance shall not stay further review of an application for Development Approval to use such property; in these situations the appellant may request and the Board of Adjustment may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- (E) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing.
- (F) When hearing an appeal pursuant to N.C.G.S. Section 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record and the scope of review shall be as provided in N.C.G.S. Section 160D-1402(j).
- (G) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution in accordance with standards and procedures established and approved by the Board.

In exercising the above powers, the Board of Adjustment may, in conformity with the provisions of G.S. 160D-406, reverse or affirm wholly or in part, or may modify the decision appealed from and shall make any order, requirements, decision or determination and to that end, shall have all of the powers of the Zoning Administrator.

310.42 **VARIANCE.** When unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall grant a Variance upon showing of all the following:

- (A) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- (B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance
- (C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.
- (D) The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.
- (E) The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.
- (F) The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District .

The existence of a Non-Conforming Use of neighboring land, Building or Structures in the same Zoning District or of permitted or non-conforming Use in other Zoning Districts shall not constitute a reason for granting the requested Variance. In granting a Variance, the Board of Adjustment shall make written findings that all of the requirements listed above have been met. If a Variance is granted it shall be the least possible deviation from the requirements of this Ordinance. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of the provisions of the

Variance granted, including any conditions or safeguards, which are a part of the grant of the Variance, shall be deemed a violation of this Ordinance. The Board of Adjustment may hear appeals to grant a Variance arising out of any other ordinance that regulates land use or development. The ordinance(s) shall also provide consistent, clearly defined standards to establish findings through the Variance process as outlined in this section.

310.43 **SPECIAL USE PERMITS.** It shall be the duty of the Board of Adjustment to hear requests for Special Use Permits and grant said permits in accordance with the guidelines set forth by this Ordinance (see Section 310.6).

310.5 **APPEALS AND VARIANCE PROCEDURES.** The Board of Adjustment shall hear and decide appeals from any decision or determination made by the Zoning Administrator and all requests for Variances.

310.51 **FILING APPEALS AND APPLICATIONS.** All appeals and applications for Variance shall be filed with the Town Clerk, who shall refer such applications to the Board of Adjustment when all required materials have been submitted. All appeals and applications shall be made on the forms provided by the Town for that purpose. All information required on the form shall be completed and all required materials shall be submitted before an appeal or application shall be considered as having been filed. When the completed appeal or application has been filed with the Town Clerk, the Zoning Administrator shall immediately notify the Chair of the Board of Adjustment that such appeal or application has been filed.

310.52 **REQUIRED MATERIALS.** All appeals or applications for a Variance shall be filed together with the following materials:

- (A) A neatly drawn map of the property which is the subject of the appeal or variance, drawn to scale and showing the location of any Building and other improvement located on the property and showing any adjoining road;
- (B) If the appeal or Variance concerns the elevation of a Building, a drawing showing the elevation of all Buildings and improvements located on the property which is the subject of the appeal or application for a Variance;
- (C) A copy of the deed for the property which is the subject of the appeal or application for a Variance, a copy of the plat showing such property if one exists, and any contract to purchase or other relevant document; and
- (D) A fee set by the Town Board of Commissioners, with recommendations from the Board of Adjustment, which becomes nonrefundable when the Zoning Administrator gives notice to the Chair of the Board of Adjustment that the completed appeal or application has been filed; and

any other materials reasonably required by the Chair of the Board of Adjustment.

310.53 **TIME OF HEARING.** The Chairperson will set the date of hearing in accordance with an annual schedule published in January, maintained by the Clerk to the Board of Adjustment. This schedule will be made available to the Zoning Administrator in order that he/she may inform applicants of the current schedule. All cases shall be heard within a reasonable time.

310.54 **NOTICE OF HEARING.** The Board of Adjustment shall mail a notice of hearing (i) to the party whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing; (iii) to the owners of all parcels of land within 250' of the land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice under this Ordinance. The notice of hearing must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. The Town shall also prominently post a notice of the hearing on the property that is the subject of the hearing or on an adjacent Street Right-of-Way at least 10 days, but not more than 25 days, prior to the date of the hearing.

310.55 **SUBPOENAS.** The Board of Adjustment may subpoena witnesses and compel the production of evidence through the chair or acting chair. To request issuance of a subpoena, the applicant, Town and persons with standing (N.C.G.S. 160D-1402(c)) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas s/he determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to the proper parties.

310.56 **VARIANCE LIMITED TO TWELVE MONTHS.** Any Variance granted by the Board of Adjustment must be acted upon within 12 (twelve) months or it shall become null and void. The Board of Adjustment may grant one six-month extension of a Variance if so requested by the applicant.

310.57 **DECISION OF THE ZONING BOARD OF ADJUSTMENT.** The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to grant a Variance of any provision of this Ordinance. A majority of the members is required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. The Board of Adjustment shall determine contested facts, make decisions within a reasonable time, and base

quasi-judicial decisions on competent, material and substantial evidence in the record. Quasi-judicial decisions of the Board shall be in writing and shall reflect the Board's determination of contested facts and their application to standards found in this Ordinance. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board. The decision of the Board shall be delivered by personal delivery, electronic mail, or first-class mail to the applicant, the property owner, and any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

310.6 **REGULATIONS FOR SPECIAL USE PERMITS.** The issuance of Special Use Permits is subject to the requirements of this Section 310.6. Special Uses are subject to the standards or conditions designated with a "S" in the Table of Permitted Uses, Section 512. The development standards listed herein are additional to other requirements in this Ordinance. These development standards are Use specific and apply to those Uses requiring approval of a Special Use (designated with a 'S' in the Table of Permitted Uses, Section 500). Such Uses shall be subject to these standards as well as any additional standards or conditions required by the Special Use Permit.

310.61 **OBJECTIVES AND PURPOSE.** The purpose of this section 310.6 is to ensure there is adequate review and control of the issuance of Special Use Permits, which may have a direct influence or impact upon neighboring or contiguous land uses. This review is intended to aid in protecting the private and public values and interests in such land uses whether residential, institutional, or commercial in nature. The Uses for which Special Use Permits are required are listed in the Table of Permitted Uses. Permitted Special Uses add flexibility to the Zoning Ordinance. Subject to good planning and design standards, certain Uses of property are allowed in specified Districts where those Uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, Uses of property, which would otherwise be undesirable in certain Districts, can be developed to minimize any harmful effects they might have on surrounding properties.

The Uses for which Special Use Permits are required are listed in the Table of Permitted Uses.

310.62 **PROCEDURES FOR SPECIAL USE PERMITS APPROVED BY THE BOARD OF ADJUSTMENT.** A Special Use Permit may be issued by the Zoning Administrator after approval by the Board of Adjustment for the Uses as designated in the Table of Permitted Uses, Section 500. All

applications for Special Use Permits shall be submitted in accordance with application requirements. Once the application has been determined complete, the Zoning Administrator shall forward the application to the Chair of the Board of Adjustment.

The Board of Adjustment shall hold a public hearing prior to rendering a decision on the Special Use Permit, and if approved, shall include approval of such plans as may be required. In approving the permit, the Board of Adjustment shall find:

- 310.621 That the Use will not ~~materially harm~~ be detrimental to or endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;
- 310.622 That the Use meets or will meet all the required and applicable development standards and conditions of the Town of Montreat (including without limitation all development standards, conditions, and requirements related to utilities, parking, access, and stormwater drainage and the applicable regulations of the Zoning District in which it is located, except as such regulations may, for each case, be modified by the Board of Adjustment);
- 310.623 That the Use will not substantially ~~injure~~ diminish and impair the value of any property any portion of which is located within two hundred fifty feet (250') of the boundary of the parcel on which the Use will be located, adjoining or abutting property;
- 310.624 That the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will not be injurious to the use and enjoyment of other property, for the purposes already permitted, within the area in which it is located; and
- 310.625 That the location and character of the Use, if developed according to the plan as submitted and approved, That the Use will be in general conformity with the adopted policies and plans, including the Comprehensive Plan of the Town of Montreat; and

310.626 That adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize congestion in the public streets.

310.63 **PUBLIC HEARING.** Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land within two hundred fifty feet (250') of the parcel of land that is the subject of the hearing; and to other persons as may be required or necessary. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent Street or highway Right-of-Way.

310.631 The Zoning Administrator shall make every reasonable effort to comply with the notice provisions set forth in this Section.

310.632 At the conclusion of the public hearing, the Board of Adjustment may proceed to vote on the permit request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

310.633 The Board of Adjustment is not required to take final action on a Permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.

310.634 The Board of Adjustment shall only approve the requested application if it concludes, based upon the information submitted at the hearing, that:

- (1) The requested permit is within its jurisdiction to grant according to the Table of Permitted Uses;
- (2) The application for the permit is complete; and
- (3) If completed as proposed in the application, the development will comply with all the requirements of this Ordinance.~~The Board of Adjustment shall approve~~

~~the requested permit unless it concludes, based upon the information submitted at the hearing, that:~~

~~The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or~~

~~The application is incomplete; or~~

~~If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance.~~

310.635 Even if the Board of Adjustment finds that the application complies with all other provisions of this Ordinance, it shall deny the permit if it is unable to make all the findings required in section 310.62, based upon a preponderance of the evidence submitted at the hearing.~~Even if the Board of Adjustment finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:~~

~~(1) Will materially harm the public health or safety; or~~

~~(1) Will substantially injure the value of adjoining or abutting property; or~~

~~(1) Will not be in harmony with the area in which it is to be located; or~~

~~(1) Will not be in general conformity with the land development plan or other plans officially adopted by the Board of Commissioners.~~

310.636 The burden of presenting a complete application to the Board of Adjustment shall be upon the applicant. However, unless the Board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete. Once a completed application has been submitted, the applicant shall have the burden to present competent, substantial and material evidence that would support findings by the Board of Adjustment in accordance with the requirements of section 310.62 (that is, the applicant has the burden to make a prima facie case sufficient to support the required findings), and that demonstrates the applicant has otherwise complied with all the requirements of this Ordinance

~~applicable to the requested Special Use Permit. Upon such a showing by the applicant, those parties opposed to granting the Special Use Permit shall have the burden of presenting competent, substantial and material evidence that disproves or rebuts the evidence and information presented by the applicant. The burden of presenting a complete application to the Board of Adjustment shall be upon the applicant. However, unless the Board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete. Once a completed application has been submitted, which shall include a presentation by the applicant, if competent, material and substantial evidence that the applicant has complied with the requirements of the ordinance, made a "prima facie" (based on immediate impression) case with respect to Use, specific findings, and is entitled to a permit, the burden of presenting competent, material and substantial evidence "contra" to the application rests with those parties opposed to the application.~~

311.637 The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this Ordinance remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Subsection ~~619.37~~310.62 *et seq* rests on the party or parties urging that the requested permit should be denied.

310.64 **DECISION OF THE ZONING BOARD OF ADJUSTMENT.** The concurring vote of a majority of the members of the Board of Adjustment shall be necessary to grant a Special Use Permit. The Board of Adjustment shall determine contested facts, make decisions within a reasonable time, and base quasi-judicial decisions on competent, material and substantial evidence in the record. Quasi-judicial decisions of the Board shall be in writing and shall reflect the Board's determination of contested facts and their application to standards found in this Ordinance. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board. The decision of the Board shall be delivered by personal delivery, electronic mail, or first-class mail to the applicant, the property owner, and any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

310.641 If it approves the Special Use Permit, the Board of Adjustment may impose such conditions as will assure that

the Use in its proposed location will be harmonious and with the spirit and intent of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted and also onto the Special Use Permit and on the plans submitted therewith. All conditions shall run with the land and shall be binding on the original applicant for the Special Use Permit, its heirs, successors and assigns. In order to ensure that such conditions and requirements of each Special Use Permit will be fulfilled, the applicant for the Special Use Permit may be required to provide physical improvements required as a basis for the issuance of the Special Use Permit.

310.642 In addition to the specific conditions required and whatever additional conditions the Board of Adjustment deems to be reasonable and appropriate, Special Uses shall comply with the height, Yard, area and parking regulations of the Zoning District in which the property is located.

310.643 If the holder of the Special Use Permit fails to comply with the plans submitted with the application for the Special Use Permit or fails to comply with any conditions of the Special Use Permit, the Board of Adjustment may revoke the Special Use Permit by following the same process as required for approval of the Special Use Permit. See N.C.G.S. Section 160D-403(f). During the pendency of any such revocation proceedings, the Town and any person(s) operating under a Building Permit(s) shall be subject to the proceedings described in N.C.G.S. 160D-405.

310.7 **APPEALS FROM DECISIONS OF THE ZONING BOARD OF ADJUSTMENT.** Every quasi-judicial decision of the Board shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to N.C.G.S. 160D-1402. Any party with standing under N.C.G.S. 160D-1402 may appeal by filing a petition for review with the Buncombe County Clerk of Superior Court. Appeals shall be filed within the times specified in N.C.G.S. §160D-1405(d).

ARTICLE IV – ESTABLISHMENT OF ZONING DISTRICTS

400 **ESTABLISHMENT OF DISTRICTS.** 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 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

401 **DISTRICT BOUNDARIES.** 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.

401.1 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 words: "Official Zoning Map, Town of Montreat, North Carolina," together with the date of the adoption of the Official Zoning Map.

401.2 If, in accordance with the provisions of this Ordinance and North Carolina General Statutes Chapter 160D, changes are made in District boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map by the Zoning Administrator promptly after the amendment has been approved by the Board of Town Commissioners.

401.3 No changes of any nature shall be made on the Official Zoning Map or any matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be void and a violation of this Ordinance.

401.4 The Official Zoning Map shall be located in the office of the Town of Montreat. It shall be the final authority as to the current zoning status of land, Buildings, and other Structures in the Town.

402 **RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES.** When uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Map, the following rules shall apply:

402.1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed as following such center lines;

402.2 Boundaries indicated as approximately following platted Lot or tract lines shall be construed as following such lines, whether public or private;

402.3 Boundaries indicated as approximately following the Town Limits shall be construed as following such Town Limits;

402.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

402.5 Boundaries indicated as approximately following the center lines of streams, rivers, channels, lakes, or other lines shall be construed as following the center line;

402.6 Boundaries indicated as approximately following topographic elevations shall be construed as following such elevations;

402.7 Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.

402.8 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 **PERMITTED USES TABLE** - The following table establishes what principal Uses will be allowed in a particular Zoning District within the Town of Montreat. The Uses in this table indicated by the letter “P” will be permitted by right but must conform to all regulations of the applicable Zoning District. The uses indicated by the letter “S” will be permitted but only as a “Special Use Permit” and must first be approved in accordance with the provisions of Section 310.6 of this Ordinance. Uses which are not listed in the Table are not permitted by the Town of Montreat.

USE CATEGORY	PERMITTED USES								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	TCO
RESIDENTIAL									
Single Family Dwelling	P	P	P	P					P
Two Family Dwelling (Duplex)	P	P	P	P					S
Multi-Unit Dwelling				P					S
Dormitory					P				P
Family Care Homes	P	P	P	P					P
Group Care Facility (Nursing Homes, Rest Homes, Congregate Care, and Similar Facilities.)				S	P				
Manufactured Home, Class A	S								
Manufactured Home, Class B	S								
ACCESSORY USES AND STRUCTURES									
Accessory Buildings or Uses	P	P	P	P	P				P
Accessory Dwelling Unit	S	S	S	S					S
Garage in Front Yard (See Section 606.2)	S	S	S	S					

(PRIVATE) USE CATEGORY	PERMITTED USES								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	TCO
ACCESSORY USES AND STRUCTURES cont.									
Home Occupation	P	P	P	P					P
Studios	S	S	S	P					
Swimming Pools, Private	P	P	P	P	P				P
PUBLIC & INSTITUTIONAL									
Auditorium				P	P				P
College				P	P				P
Conference Center				S	P				P
Churches				S	P				P
Columbarium				S	S				S
Community Facility		S		S	P				P
Educational Facility				P	P				P
Libraries, Public				P	P				P
Municipal Government Facilities				P	P				P
Museums, Public				P	P				P
Parks or other Public Recreational Facilities	S	S	S	S	S	S		S	S
Public Works Maintenance Facility				S	P				P
COMMERCIAL									
Bed and Breakfast		S		S					
Boarding Houses		S		S	P				P
Bookstore				S	P				
Camps, Summer						S			P

(PRIVATE) USE CATEGORY	PERMITTED USES								
	R-1	R-2	R-3	IR	I	WL	RPO	CD	TCO
COMMERCIAL cont.									
Campgrounds						S			
Convenience Store				S	S				
Day Care Center				S	P				
Drug Stores and Pharmacies				S	P				P
Eating Establishments (Excluding Drive-ins)				S	P				P
General Merchandise and Sales Retail				S	P				P
Hospitals				S	S				S
Inn				S	P				P
Lodge				S	P				P
Professional Offices, including but not limited to medical, dental, law, or real estate				S	P				P
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						P	P	S	
Telecommunication Tower					S				S

501 **R-1 RESIDENTIAL DISTRICT.**

501.1 Purpose. This Zoning District is established to protect areas in which the principal Use of the land is for low Density, Single- and Two-Family Dwellings and related Accessory Buildings or Uses. Any Use, which, because of its characteristics, would interfere with the development of or be detrimental to the residential nature of the area is prohibited.

501.2 Permitted Uses. See Section 500.

501.3 Special Uses. See Section 310.6.

501.4 Minimum Lot Area.

501.41 Ten thousand (10,000) square feet for all Single-Family Dwellings.

501.42 Fifteen thousand (15,000) square feet for Two-Family Dwellings.

501.43 Fifteen thousand (15,000) square feet for other Uses.

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

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').

501.83 Lots with side Yard abutting Woodland District (as to the side Yard abutting the Woodland District): Ten feet (10')

501.9 Minimum Rear Yard. Twenty percent (20%) of the mean Lot Depth provided that rear Yards on Lots used for Dwelling purposes need not exceed thirty-five feet (35').

501.91 Lots with rear Yard abutting Woodland District: Ten feet (10')

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

501.11 Off-Street Parking and Loading Regulations. See Article VII.

501.12 Accessory Buildings. See Section 606.

501.13 Signs. See Article VIII.

502 **R-2 RESIDENTIAL DISTRICT.**

502.1 Purpose. This Zoning District is established to protect areas in which the principal Use of the land is for medium Density, Single- and Two-Family Dwellings and related Accessory Buildings or Uses. Any Use which, because of its characteristics, would interfere with the development of, or be detrimental to the residential nature of the area is prohibited.

502.2 Permitted Uses. See Section 500.

502.3 Special Uses. See Section 310.6.

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.

502.43 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- and Two-Family Dwellings: Ten feet (10').

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

502.83 Lots with side Yard abutting Woodland District (as to the side Yard abutting the Woodland District): Ten feet (10').

502.9 Minimum Rear Yard. Twenty percent (20%) of the mean Lot Depth, provided that such rear Yards used for Dwellings need not exceed thirty feet (30').

502.91 Lots with rear yard abutting Woodland District: Ten feet (10')

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

502.11 Off-Street Parking and Loading Regulations. See Article VII.

502.12 Accessory Buildings. See Section 606.

502.13 Signs. See Article VIII.

503 **R-3 RESIDENTIAL DISTRICT.**

503.1 Purpose. This Zoning District is established to protect areas in which the principal Use of the land is for low Density, Single- and Two-Family Dwellings and related Accessory Buildings and Uses. Any Use, which, because of its characteristics would interfere with the development of or be detrimental to the residential nature of the area is prohibited. 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 Permitted Uses. See Section 500.

503.3 Special Uses. See Section 310.6.

503.4 Minimum Lot Area.

503.41 Twenty thousand (20,000) square feet for all Single-Family Dwellings.

503.42 Thirty thousand (30,000) square feet for Two-Family Dwellings.

503.43 Thirty thousand (30,000) square feet for all other Uses.

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

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 feet (15').

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

503.83 Lots with side Yard abutting Woodland District (as to the side Yards abutting the Woodland District): Ten 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 (35').

503.91 Lots with rear Yard abutting Woodland District: Ten feet (10').

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

503.11 Off-Street Parking and Loading Regulations. See Article VII.

503.12 Accessory Buildings. See Section 606.

503.13 Signs. See Article VIII.

504 **I/R INSTITUTIONAL/RESIDENTIAL DISTRICT.**

504.1 Purpose. The purposes of the Institutional/Residential Zoning District are (i) to provide for a zone of transition between purely residential and purely institutional Districts; (ii) to serve as a residential District to accommodate a mixture of residential, office, and institutional Uses in conditions of good health and safety; and (iii) 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 310.6.

504.4 Minimum Lot Area.

504.41 Single-Family Dwellings. Six thousand (6,000) square feet.

504.42 Two-Family Dwellings. Ten thousand (10,000) square feet.

504.43 Multi-Family Dwellings. Fifteen thousand (15,000) square feet plus three thousand (3,000) square feet for each Dwelling Unit in excess of two (2).

504.44 Ten thousand (10,000) square feet for all other Uses.

504.5 Minimum Lot Width.

504.51 Single-Family Dwellings. Sixty-five feet (65').

504.52 Two-Family Dwellings. Eighty feet (80').

504.53 Multi-Family Dwellings. 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').

504.7 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 (17.5').

504.9 Minimum Rear Yard. Twenty-five feet (25').

504.10 Maximum Building Height. Forty feet (40'). All proposed Buildings, other than Single-Family, must be approved by the authority having jurisdiction for fire code enforcement. Structures over thirty-five feet (35') in height will require special fire protection systems.

504.11 Off-Street Parking and Loading Regulations.See Article VII.

504.12 Screening Regulations. 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.

504.122 Unlike or dissimilar Uses abutting each other in same or different Districts: Six foot (6') high closed Fence or evergreen vegetation of sufficient Density to serve the purpose of a solid Fence.

504.13 Signs. See Article VIII.

505 **I – INSTITUTIONAL DISTRICT.**

505.1 Purpose. The Institutional Zoning District is established to permit certain institutional Uses.

505.2 Permitted Uses. See Section 500.

505.3 Special Uses. See Section 310.6.

505.4 Minimum Lot Area. Seven thousand five hundred (7,500) square feet.

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

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

505.7 Yard Requirements.

505.71 Adjacent Lots within the Institutional District shall have no front, side, or rear Yard requirements except that a twenty five foot (25') Building Setback shall be required from the Right-of-Way lines of any adjacent Streets.

505.72 Lots within the Institutional District and abutting a different Zoning District shall be required to provide a twenty five foot (25') side, rear, and/or front Yard on the perimeter facing the different Zoning District.

505.8 Maximum Building Height. Sixty feet (60'). All proposed Buildings, other than Single Family Dwellings, must be approved by the authority having jurisdiction for fire code enforcement. Structures over thirty-five feet (35') in height will require special fire protection systems.

505.9 Off-Street Parking and Loading Regulations.See Article VII.

505.10 Screening Regulations. It shall be the responsibility of the property owner to provide the following screening measures:

505.101 Like or similar Uses abutting each other in different Districts: None.

505.102 Unlike or dissimilar Uses abutting each other in same or different Districts: Six feet (6') high closed Fence or evergreen vegetation of sufficient Density to serve the purpose of a solid Fence.

505.11 Signs. See Article VIII.

506 **WL - WOODLAND DISTRICT.** That area outside the high and low pressure water service areas of the Town of Montreat that is indicated as Woodland District on the Official Zoning Map of the Town.

506.1 Purpose. This Zoning District is established to provide for agricultural Uses, including but not limited to grazing and fishing on land that 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 310.6.

507 **RPO - RIDGE PROTECTION OVERLAY DISTRICT.** That area extending five hundred feet (500') 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. Chapter 113A, Article 14). In case of conflict between the requirements of this section and any other law or regulation the more stringent provision shall apply.

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

507.2 Permitted Uses. Agricultural Uses and enterprises except logging and timber harvest. See Section 500.

507.3 Special Uses. None allowed.

508 **TCO - TOWN CENTER OVERLAY DISTRICT.** 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 **Purpose.** 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 310.6.

508.4 **Signs.** See Article VIII.

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

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

509.2 **Permitted Uses.** None.

509.3 **Special Uses.** See Section 310.6.

509.4 **Signs.** See Article VIII.

510 **CONDITIONAL ZONING DISTRICT**

In addition to the zoning Districts delineated above, a Conditional Zoning District (bearing the designation CZ) corresponding to the zoning Districts may be established as authorized in this ordinance.

- 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

Conditional Zoning Districts are Districts that correspond to the zoning Districts which are otherwise applicable. In addition to imposing the standards, restrictions and regulations provided for in the corresponding zoning District applicable to a parcel of property, a Conditional Zoning District may impose additional standards, restrictions and regulations as a condition to and as part of the legislative decision creating the District in exchange for reductions in otherwise applicable Setback and other site specific development standards and requirements of the applicable District.

510.1 **PURPOSE.** Conditional Zoning Districts are primarily intended to allow for the zoning and development of property in accordance with zoning District standards with additional and/or modified standards that enable the Use and development of the subject property in a manner which is better suited to the topography and other unique characteristics of the site and which is also consistent with the character of the Use and development of the neighboring properties.

The review process established in this Ordinance provides for accommodation of such development by a reclassification of property into a Conditional Zoning District, subject to specific conditions and standards, which promote and provide for the compatibility of the Use and development of the subject parcel with the Use and development of the neighboring properties. Zoning petitions to establish a Conditional Zoning District will be processed in accordance with the provisions of this zoning ordinance for zoning amendments as well as this section. A Conditional Zoning District classification will be considered only if the application is made by the owner of the property or his/her authorized agent.

510.2. **USES WITHIN DISTRICT.** Within a Conditional Zoning District, only those Uses listed as permitted Uses in the corresponding zoning District shall be permitted. Individual conditions and site specific standards are limited to those needed to bring a project into compliance with town ordinances and adopted plans. The applicant shall propose development standards to mitigate the impacts reasonably expected to be generated, especially with regard to property adjacent to

the Conditional Zoning District. Special Uses shall require a Special Use Permit as required for the applicable zoning District.

510.3 CONDITIONS.

510.31 In a Conditional Zoning District, conditions may specify the Uses proposed for the District; the location on the property of the proposed Use; the number of Dwelling Units or other Structures; the location and extent of supporting facilities such as parking areas, driveways, and access Streets; design elements of the proposed Use; the location and extent of Buffer areas and other special purpose areas; the timing of development; the location and extent of Right-of-Way and other areas to be dedicated for public purposes; the alteration of Streets to mitigate traffic and environmental impacts; Use limitations; and other matters the applicant proposes, or agrees to and which the town requests.

510.32 In considering a reclassification of property to a Conditional Zoning District, the Town Board of Commissioners may request that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed Use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and Buffer areas, the timing of development, Street and Right-of-Way improvements, water and sewer improvements, stormwater, the provision of open space, and other matters that the Town Board of Commissioners may find appropriate or the applicant may propose.

510.33 Such conditions to approval of the rezoning may include Dedication to the Town or State or a recognized legal entity, as appropriate, of any rights-of-way or Easements for roads, water, and sewer or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Board of Commissioners.

510.34 Before filing an application for a Conditional Zoning District, the application(s) is encouraged to meet with the Zoning Administrator to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

510.35 All applications must include an exhibit map/schematic plan and supporting text which will become a part of the ordinance amendment, including the items listed below:

- (1) A site plan drawn to scale locating all proposed improvements, showing the total acreage, present zoning classifications and Uses for the subject property and adjacent properties, date, and north arrow.
- (2) The owners' names, addresses, and the tax parcel numbers of all adjoining properties.
- (3) All existing Easements, reservations, rights-of way, and all Yards required for the Conditional Zoning District requested.
- (4) Delineation of areas within the regulatory floodplain as shown on official Flood Hazard Boundary Maps for the Town of Montreat including delineation of streams and associated stream Buffers.
- (5) Proposed Uses of land and Structures. For residential Uses this includes the number of units and an outline of area where the Structure will be located and appropriate Setbacks. For nonresidential Uses, this includes the approximate square footage of all Structures and an outline of the area where the Structures will be located.

510.36 The Planning and Zoning Commission and/or Town Board of Commissioners may request additional information as they deem necessary. This information may include:

- (1) Proposed screening, including walls, Fences, or planting areas as well as treatment of any existing natural features.
- (2) Existing and proposed topography at five-foot contour intervals or less.
- (3) Generalized information on the number, height, and size or, in especially critical situations, the location of Structures.
- (4) Proposed number and location of detached Signs
- (5) Approximate completion time of the project and proposed phasing, if any.
- (6) Transportation plan with provisions for internal vehicular, transit, bicycle, and pedestrian circulation and parking
- (7) Conditions proposed to be incorporated in the Conditional Zoning District.

510.37 In approving a Conditional Zoning District, the Town Board of Commissioners may, impose more restrictive requirements than would otherwise be required by this ordinance and those in the application, as

deemed necessary to ensure that the purposes and intent of this ordinance are met.

510.38 Other than Use conditions, no proposed condition can be a mere repetition of an already applicable requirement of this ordinance. The Zoning Administrator may order the removal of any such condition.

510.4 **COMMUNITY MEETING.** With respect to all Districts, the applicant is required to hold a community meeting prior to the application deadline for a Conditional Zoning District rezoning. Notice of the meeting shall be provided to owners of property within 250' of subject property, as listed with the Buncombe County Tax Department. Notice may be sent to additional properties by the applicant. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of public notice may be provided by the applicant.

510.41 A written report of the community meeting shall be included as part of the application packet. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

510.42 Revisions to an approved Conditional Zoning District necessitating a Public Hearing applicable to the Institutional/ Residential (I/R) and the Institutional (I) Districts shall also require a community meeting.

510.5 **SCOPE OF APPROVAL.**

510.51 Any conditions approved in association with a Conditional Zoning District and so authorized shall be perpetually binding unless subsequently changed or amended as provided for in this Article. The applicant shall obtain certification of the approval of the Conditional Zoning District from the Town Clerk and shall record the certification and accompanying map exhibit/site plan in the office of the Register of Deeds of Buncombe County. The applicant shall return a certified copy of the recorded documents to the Town Clerk.

510.52 If for any reason any condition established pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the approval of the Conditional Zoning District may be deemed null and void and the governing body may initiate proceedings to rezone the property to its previous zoning classification. Continued or repeated

violations of the conditions in an approved Conditional Zoning District shall constitute an applicant's failure to accept said conditions.

- 510.53 Any violations of a condition in an approved Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.
- 510.54 The approval of a zoning map or text amendment does not authorize any development activity. A Certificate of Zoning Compliance and any other administrative permits required by this ordinance shall be required, before the initiation of any development activity.
- 510.55 If an application for conditional zoning is approved, thereafter the development and Use of the property shall be governed by the standards, restrictions and regulations provided for in the corresponding zoning District, together with such changes, standards and conditions imposed by the Town Board of Commissioners.
- 510.56 If an application is approved, only those Uses and Structures indicated in the approved application and exhibit map/schematic plan shall be allowed on the subject property. A change of location of any Structures may be authorized pursuant to applicable provisions of the ordinance.
- 510.57 Following the approval of a rezoning application for a Conditional Zoning District, the subject property shall be identified on the Zoning Map by the appropriate District designation.
- 510.58 If requested by the applicant, an approved Conditional Zoning District plan shall be a Site-Specific Vesting Plan under N.C.G.S. Section 160D-108.1. A vested right in a development plan established pursuant to Section 510 of this Ordinance shall run for a period of two (2) years from the effective date of the approval of the Conditional Zoning District plan and may be extended for up to an additional two (2) years as recommended by the Zoning Administrator and approved by the Montreat Board of Commissioners.

~~If requested by the applicant, an approved Conditional Zoning District plan may be a Site Specific Vesting Plan under N.C.G.S. Section 160D-108.1. A vested right in a development plan established pursuant to Section 510 of this Ordinance shall run for a period of two (2) years from the effective date of the approval of the Conditional Zoning District plan, and may be extended for up to an additional two (2) years as recommended by the Zoning Administrator and approved by the Montreat Board of Commissioners.~~

510.6 **ALTERATIONS TO APPROVAL.**

510.61 Except as provided herein, changes to an approved Conditional Zoning District or to the conditions attached to the approval shall be treated the same as a new application for a Conditional Zoning District and shall be processed in accordance with the original procedures.

510.62 The Planning and Zoning Commission shall have the authority to approve an administrative change to an approved Conditional Zoning District application. The standard for approving or denying such a requested change shall be that the change does not significantly alter the approved plan or its conditions and that the change does not have a significant impact upon abutting properties. Changes that increase the Density of nonresidential development up to 10% of the approved Building square footage, but not more than 5,000 square feet, may be considered. For residential development, increases in Density are not allowed as an administrative change.

510.63 The Planning and Zoning Commission shall always have the discretion to decline to exercise this delegated authority if it believes a requested change should be deemed a rezoning application requiring a public hearing and Town Board of Commissioners approval under the circumstances. If the Planning and Zoning Commission declines to exercise this authority, then the applicant may only file a rezoning application in accordance with the applicable provisions of this Ordinance.

510.7 **PROCEDURE.** A Conditional Zoning District shall be established in accordance with all of the requirements and provisions of Section 510 of this Ordinance pursuant to the procedures for amendments as set forth in Section 309 of this Ordinance, so long as such procedures are consistent with and include the specific procedural requirements set forth in said Section 510. In the event of a conflict between the provisions of Section 309 and Section 510, those contained in Section 510 shall control.~~PROCEDURE. A Conditional Zoning District shall be established~~

~~in accordance with all of the requirements and provisions of Section 510 of this Ordinance – pursuant to the procedures for amendments as set forth in Section 309 of this Ordinance, so long as such procedures are consistent with and include the specific procedural requirements set forth in said Section 510. In the event of a conflict between the provisions of Section 309 and Section 510, those contained in Section 510 shall control.~~

511 **PLANNED UNIT DEVELOPMENT DISTRICT (“PUD”)**

511.1 This District allows projects of innovative design and layout that may not otherwise be permitted under this ordinance because of the strict application of zoning District regulations and/or general development standards. Variations from otherwise applicable regulations and standards may be granted with the adoption of the required Planned Unit Development District Master Plan (PUD Master Plan).

In return for greater flexibility, Planned Unit Developments are expected to deliver exceptional design, character and quality that preserve critical environmental resources and provide open space amenities. Such development shall incorporate creative design in the layout of Buildings, open space, and circulation; assure compatibility with surrounding land Uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

511.2 The PUD District encourages innovative land planning and design concepts by:

511.21 Providing flexibility in the application of zoning and development standards or regulations that were designed primarily for individual Lots;

511.22 Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;

511.23 Allowing greater freedom for a broad mix of various land Uses in the same development;

511.24 Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land Uses;

511.25 Encouraging quality design by allowing higher densities when such increases are supported by superior standards or the provision of additional amenities; and

511.26 Protecting health, safety and general welfare without unduly inhibiting the development of property.

511.3 A Planned Unit Development shall be a new zoning District that replaces the existing zoning District. The development standards and land Uses in the approved

PUD Master Plan are the zoning regulations, standards, and land Uses for a PUD in the PUD District. The Official Zoning Map shall identify the area covered by each PUD District.

511.31 All Uses that are set out in the approved PUD Master Plan shall be treated as a permitted Use within the District.

511.32 Except as otherwise provided by the adopted PUD Master Plan, property within an approved PUD shall be subject to all applicable regulations, subdivision plan approvals, site plan approvals, and other permits and approvals required by Town ordinances.

511.33 There is no minimum acreage required. However, the size of the PUD shall be evaluated by the Planning and Zoning Commission as warrants the location of the specific proposal.

511.34 The PUD Master Plan shall identify the total number of residential units and the maximum square footage for non-residential Uses. The form for presenting these quantities shall be clearly presented and easy to track. If the measure used includes Density, gross density is the applicable standard.

511.35 Development standards established by the approved PUD Master Plan shall be the applicable development standards within the PUD. Such standards shall include, but are not limited to, Building Height, building separations, building Setbacks, parking requirements, Lot size, Yard, Buffer and landscape requirements or other dimensional standards.

511.36 Development of property within a PUD is subject to all applicable Town regulations such as: subdivision plan approvals, site plan approvals, and other permits and approvals required by Town ordinances. The installation of transportation infrastructure shall be required in developing areas of the PUD as needed to serve that portions of the PUD.

511.4 **PROCEDURE.** A PUD zoning District shall be established through the process for rezoning property pursuant to the procedures for amendments as set forth in Section 309 of this ordinance. A pre-application meeting with the appropriate Town staff is required prior to formal submission of the application.

511.5 **REQUIREMENTS**

511.51 Submittal of an application to rezone property to a PUD shall include submission of a Planned Unit Development District Master Plan (PUD Master Plan). The PUD and the PUD Master Plan shall be treated as a single item when acted on by the Town Board of Commissioners. The PUD Master Plan shall include the following:

- a. a map, including parcel numbers, showing the parcels proposed for the PUD;
- b. a topographic map(s) for the property included in the proposed PUD;
- c. a list of permitted Uses proposed in the PUD;
- d. the locations of the proposed Uses;
- e. a summary of the amount, quantity, or gross density of those Uses proposed in the PUD;
- f. a map(s) showing the locations of water bodies appearing on USGS or NRCS Soil Survey maps within or adjacent to the boundary of the proposed PUD;
- g. a map(s) showing the locations of wetlands, stream Buffers, the 100 year floodplain, and slopes greater than 30%;
- h. a utility plan that includes the type and general location of the proposed public utilities;
- i. a plan addressing stormwater within the proposed PUD;
- j. proposed land development standards/regulations for the PUD,

511.52 The PUD Master Plan may include the following, as appropriate:

- a. a public service plan for the PUD that evaluates potential impacts on: police service, fire service, schools;
- b. a multi-modal transportation plan for the PUD that includes the location of existing and proposed major roads in and adjacent to the PUD. To the extent practicable, the on-site transportation system shall be integrated with the off-site transportation system shown on any adopted adjacent Comprehensive Transportation Plan.
- c. a plan for an on-site transportation systems that addresses vehicular, bicycle, transit and pedestrian circulation;
- d. the location of known historic Structures or sites within the PUD;
- e. a recreation and open space plan(s) that includes the locations and standards for open space and recreation areas within the PUD;
- f. a boundary Buffer plan showing transition treatments between the proposed PUD and adjacent properties;
- g. a plan for development phasing within the PUD.

511.53 In addition the applicant may choose to include other items or plans. The elements of the PUD Master Plan may be presented in various forms and can include a combination of text and illustrations. The form(s) chosen shall clearly illustrate the elements of the PUD Master Plan being presented.

511.54 The Town Administrator or Board of Commissioners may require a Traffic Impact Analysis (TIA) to be conducted by the applicant and submitted as part of the rezoning application.

~~512.55~~511.55 A mix of land Uses and/or residential character types may be included in the PUD zoning District. The PUD Master Plan shall identify how Uses will be mixed within the PUD. Uses may vary for and within areas or phases of the PUD and it is acknowledged that the mix of Uses may need to change over time.

511.6 **RECREATION AREAS AND OPEN SPACE**

511.61 General Requirement: The location and proposed amount of open space and recreation space shall be identified in the PUD Master Plan. The open space within a PUD may contain areas for both active and passive Uses. The PUD Master Plan shall consider adopted Town plans for greenways, recreation space, and open space, but may propose revisions, alternatives, and/or clarifications to this plan.

511.62 Conservation and/or Preservation Areas: The PUD Master Plan shall provide for utilization of portions of the PUD that are subject to conservation Easements or otherwise set aside for preservation, open space and/or recreation.

511.63 Management of Recreation Areas and Open Space: Because these areas may be placed under the control of a public entity such as the Town, or a private entity, such as a property owners association or the Montreat Retreat Association, the PUD Master Plan shall identify which area are to be public and which are to be private. The PUD Master Plan shall include a management plan for those areas that will be privately controlled addressing long-term maintenance responsibility for these areas.

511.7 **LANDSCAPING AND BUFFERS**

511.71 Compliance with General Landscaping Requirements: Landscaping shall comply with the standards of Article IX of this ordinance, except that variations from or modifications to these standards may be permitted in accordance with the PUD Master Plan or when a site plan or subdivision plan is presented for approval. The proposed landscaping should ensure compatibility with land Uses on surrounding properties, create attractive Streetscapes and parking areas, and be consistent with the urban design objectives and/or character of the PUD.

511.72 Boundary Transitions: The PUD Master Plan shall include a plan(s) for the transition between those land Uses proposed within the PUD and those land

Uses adjacent to the outer boundary of the PUD. These may include Buffers, specific compatible land Uses, and/or other transitions. These boundary transitions may be varied over their length and/or width.

511.8 **INTERPRETING THE PUD MASTER PLAN** The Town Administrator, or Town Administrator's designee is authorized, when necessary, to interpret the development standards and/or plans contained in the PUD Master Plan. In such cases, the interpretation should be applied in a way that most closely meets the original intent of the PUD Master Plan.

511.9 **AMENDMENTS TO THE PUD AND PUD MASTER PLAN** The Planned Unit Development District (PUD) and the Planned Development District Master Plan (PUD Master Plan) may be amended by the approval of a request to the Town Council. Amendments shall be established through the process for rezoning property pursuant to the procedures for amendments as set forth in Section 309 of this Ordinance.

511.10 **SITE SPECIFIC VESTING.** If requested by the applicant, an approved PUD Master Plan shall be a Site-Specific Vesting Plan under N.C.G.S. Section 160D-108.1. A vested right in a PUD Master Plan established pursuant to Section 511 of this Ordinance shall run for a period of two (2) years from the effective date of the approval of the PUD Master Plan and may be extended for up to an additional two (2) years as recommended by the Zoning Administrator and approved by the Montreat Board of Commissioners.

Zoning District and Use	Minimum Lot Dimensions			Minimum Yard/Setback		
	Size	Width	Depth	Front	Side	Rear
	(sq. ft.)	(feet)	(feet)	(feet)	(feet)	(feet)
R-1						
Single-Family	10,000	75	100	30	15	**
Two-Family	15,000	75	100	30	15	**
Other Uses	15,000	75	100	30	25	**
R-2						
Single-Family	8,000	60	100	30	10	**
Two-Family	12,000	60	100	30	10	**
Other Uses	12,000	60	100	30	20	**
R-3						
Single-Family	20,000	75	100	30	15	**
Two-Family	30,000	75	100	30	15	**
Other Uses	30,000	75	100	30	25	**
Side/rear Yard Setbacks for Lots in R-1, R-2, and R-3 District with respect to the Frontage bordering the Woodland District:ten feet (10').						
I/R						
Single-Family	6,000	65	100	25	12/17.5	25
Two-Family	10,000	80	100	25	12/17.5	25
Multi-Family	15,000***	100	100	25	12/17.5	25
Other Uses	10,000	100	100	25	12/17.5	25
					interior/corner	
I						
All permitted Uses	7,500	75	100	None except 25' from Street Right-of-Way and when adjacent to a different Zoning District		

** Minimum Rear Yard is 20% of the mean Lot Depth but no more than 35' in R-1 and R-3, or no more than 30' in R-2 for residential Uses.

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

ARTICLE VI – DEVELOPMENT PROVISIONS

600 **USE.** No Building, Structure or land shall hereafter be used or occupied and no Building or Structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this Ordinance for the Zoning District in which it is located.

600.1 No part of a Yard, off-street Parking or Loading Space, or other open space required in connection with any Building for the purpose of complying with this Ordinance shall be used and included as part of a Yard, open space, or off-street Parking or Loading Space similarly required for any other Building.

600.2 Rights-of-way or access Easements shall not be considered a part of a Lot or open space, or front, side, or rear Yard for the purpose of meeting Yard requirements.

601 **LOT REDUCTION PROHIBITED.** No Yard or Lot existing at the time of the passage of this Ordinance shall be reduced in dimension or area below the minimum requirement set herein. Yards or Lots created after the effective date of this Ordinance shall meet at least the minimum requirements set by this Ordinance.

602 **EVERY LOT MUST HAVE ACCESS TO A STREET.** No Building, Structure or Use of land shall be established on a Lot within the Town limits which does not have legal and physical vehicular access to a dedicated and accepted public Street.

In the Extraterritorial Jurisdiction, no Building, Structure or Use of land for other than agricultural purposes shall be established on a Lot which does not have legal and physical vehicular access to a dedicated and accepted public Street or to a platted roadway connected to a public Street.

For any Lot that does not abut a public Street or, in the case of the Extraterritorial Jurisdiction for any Lot that does not abut a public Street or platted roadway, no Building, Structure or Use of land shall be established on such Lot unless it has a legal Easement connecting such Lot with a public Street, which Easement must:

1. Have a minimum width of twelve feet (12’):
2. Be physically passable for vehicular traffic; and
3. Be an Easement of record and appurtenant to the Lot for which it provides access.

If the Street or platted roadway providing access to a proposed development does not meet the Town street standards for public Streets, the developer shall make the necessary improvements to bring the Street or road up to such Town standards.

603 **MINIMUM LOT AREA.** The minimum Lot area shall be as specified in Article V for each Zoning District. In areas not served by a public or community sewer system, the minimum Lot area shall be determined by the Buncombe County Health Department. This minimum Lot area shall be that necessary for safe on-site waste disposal system, but in no case, shall the Lot be smaller than the required area for the Zoning District in which it is located.

604 **HEIGHT AND DENSITY.** No Structure shall hereafter be erected or altered so as to exceed the Density and height regulations of this Ordinance for the District in which it is located.

605 **ONE PRINCIPAL BUILDING PER LOT.** Every Building hereafter erected, moved or structurally altered shall be located on a Lot and in no case shall there be more than one (1) Principal Building and its Accessory Buildings on the Lot. This section shall not apply to the Institutional District.

606 **ACCESSORY BUILDINGS AND USES.**

606.1 **GENERAL REQUIREMENTS.**

606.11 Accessory Buildings, other than Accessory Dwelling Units, as defined herein, shall not be used as a Dwelling Unit.

606.12 In residential zoning Districts, no more than two (2) Accessory Buildings or Uses shall be permitted per Lot.

606.13 Accessory Buildings larger than six hundred (600) square feet including entrance and/or outside covered areas or exceeding ten feet (10') in height at eave line shall only be permitted by Special Use Permit.

606.14 Accessory Buildings or Uses must meet the minimum Setbacks required by the applicable zoning District. Garages shall be located only in the side or rear Yards, unless as permitted in Section 606.2, and must meet the minimum Setbacks required by the applicable zoning District except under the provisions found in Section 606.2.

606.15 Accessory Buildings with any dimension greater than twelve feet (12') must meet the provisions of current NC State Residential Building Code.

606.2 **GARAGES IN FRONT YARD.** An owner of property in a residential District may apply for a Special Use Permit to build a Garage within the front Yard Setback subject to meeting all the following conditions:

606.21 The Zoning Administrator determines this will reduce damage to the natural topography, trees and natural green space, or where the topography will

create a hardship that would result in significant damage to the topography, trees and plant life without such relief;

606.22 The Garage will be constructed of materials that meet or exceed the quality and appearance of the principal Building.

606.23 The Garage must be enclosed by an operable Garage door to be maintained in good working order, excluding carports.

606.24 The Garage doors shall be kept closed when the house is unoccupied for more than one day; and

606.25 The property owner shall maintain the Garage and its appearance to reasonably remain in the condition it is in when completed and approved by the Building Inspector. The Zoning Administrator shall determine when this provision has been violated.

606.3 **PORTABLE STORAGE CONTAINER.** In addition to meeting the general requirements found in Section 606.1, Portable Storage Containers shall meet the following conditions:

606.31 Portable Storage Containers shall not be located or placed within any Easements or Street Rights-of-Way without the written permission and authorization of the Town.

606.32 Portable Storage Containers shall be used for storage incidental to the principal Use on the same Lot. Storage containers shall not be used for retail sales or any other principal Use.

606.33 A Portable Storage Container shall be allowed on a property for a continuous period of no more than one hundred and eighty (180) days per twelve-month period. Exceptions to this time limit may be made by the Zoning Administrator.

606.34 In Residential Districts (R-1, R-2, R-3), Portable Storage Containers shall not be more than eight feet (8') in width and not more than twenty-four feet (24') in length.

606.35 For an active construction project in the Institutional/Residential (IR) and Institutional (I) Districts, Portable Storage Containers shall not be more than ten feet (10') in width and not more than forty feet (40') in length and shall be allowed on a property for a continuous period of no more than two hundred and ten (210) days per twelve-month period.

606.4 **REASONABLE ACCOMMODATION.** In addition to meeting the general requirements of Section 606.1, a property owner may erect or install Accessibility Features within the required Yard Setback, subject to meeting all the following conditions:

606.41 The proposed accessibility improvements shall provide “reasonable accommodations” to avoid discrimination against individuals with disabilities. The intrusion upon the Setback will not exceed that which is practically required as determined by the Zoning Administrator.

606.42 Expansion of, or addition to, Decks and other appurtenant Structures beyond what is deemed necessary by the Zoning Administrator to provide reasonable accommodation for accessibility shall not be permitted.

606.43 Accessibility improvements designed and sited to occupy a portion of Street Right-of-Way fronting the property served are also subject to review for Administrative Approval by the Town Administrator prior to application for the associated construction permits.

607 **CORNER LOTS.** Any Structure on any Corner Lot abutting two Streets shall comply with the Minimum Front Yard Setback requirement for the Lot Frontage abutting the Street which the front of the Structure faces. Such Structure shall comply with fifty percent (50%) of the Minimum Front Yard Setback requirement for the Lot Frontage abutting the other Street. The Yard opposite the Yard for which the Minimum Front Yard Setback requirement is applicable shall meet the Minimum Rear Yard Setback requirement, and the remaining Yard shall meet the Minimum Side Yard Setback requirement. In case of doubt as to which Street the front of a Structure faces, or if a Structure is built so as not to face any Street, the Zoning Administrator shall determine the sides of the Structure for which the Minimum Front Yard, Minimum Rear Yard and Minimum Side Yard Setback requirements apply. The Setback requirements for Corner Lots having frontage on more than two Streets are set forth in Section 608 below.

608 **DOUBLE FRONTAGE LOTS.** For any Double Frontage Lot abutting two Streets that is not located on a corner, the minimum Front Yard Setback requirement shall be applicable to the Lot Frontage for each Street abutting such Lot. For any Double Frontage Lots abutting more than two Streets and any Corner Lot abutting more than two Streets, the Minimum Front Yard Setback requirement shall be applicable to at least two of the Lot Frontages of such Lot. The Setback requirements applicable to the Lot Frontage for the remaining Street or Streets shall be the Minimum Side Yard Setback. In cases of uncertainty, the Zoning Administrator shall determine which Minimum Yard Setback (side or rear) applies to which Lot Frontage. Provided, however, in the event that the Zoning Administrator determines that the application of either of the first two sentences of this Section 608 renders a Lot unusable, then the Zoning Administrator may grant up to a fifty percent (50%) reduction in

the Minimum Front Yard Setback requirement applicable to one of the two Lot Frontages. Such reduction shall only be applied to a Lot Frontage along a local Street, cul-de-sac or unpaved road, and shall not be applied to the Lot Frontage along an arterial or collector road.

- 609 **SPECIAL FRONT YARD REQUIREMENTS IN DEVELOPED AREAS.** The front Setback requirements of this Ordinance shall not apply to any Lot where the average front Setback of already built-upon Lots located directly adjacent to, on either side of, and fronting on the same side of the Street as such Lot, is less than the minimum required front Setback for the District in which the Lot is located. In such case, the front Setback for such Lot may be less than the minimum required front Setback but not less than the average of the existing front Setbacks for the Lots located on each side of the subject Lot.

Should only one of the adjacent Lots have an existing Structure located upon it, which Structure is located less than the minimum required front Setback, and the other adjacent Lot either (a) has no Structure located upon it, or (b) has a Structure upon it which is located more than the minimum required Setback from the front Property Line, then, for averaging purposes, the minimum required front Setback shall be used for such other adjacent Lot

Should there be only one buildable Lot adjacent to the subject Lot (for example, the subject Lot is a Corner Lot, or adjoins a public space, etc.) and should the sole adjacent Lot have an existing Structure located upon it, which Structure is located less than the minimum required front Setback, then the minimum required front Setback for the subject Lot shall be the same as the existing front Setback for the sole adjacent Lot.

Provided, however, in no event shall the minimum required front Setback be less than fifteen (15) feet.

- 610 **NUISANCES AND HAZARDS AT BUILDING SITES.** The holder of any Building Permit issued by the Town Building Inspector shall be responsible for maintaining the corresponding construction site free of rubbish, hazards, and unsightly conditions from the beginning of construction until occupancy. The Zoning Administrator (or his or her designee) or the Building Inspector shall determine if a hazardous or unsightly condition exists and notify the holder of the Building Permit of a violation of this ordinance in accordance with Section 307. The Town shall begin enforcement action if the situation is not corrected to the satisfaction of the Zoning Administrator within seven (7) days of notification. (For General Nuisances refer to the Montreat Code of General Ordinances, Chapter I, Article I.)

611 **MANUFACTURED HOMES.**

611.1 **PURPOSE.** To establish review guidelines for manufactured homes in order to insure that such homes will meet certain specifications and will provide pleasant living conditions while protecting adjacent property.

611.2 **LOCATION.** Any manufactured home established as a residence within the Town of Montreat after the adoption of this Ordinance may be located on a Lot in the R-1 Residential Zoning District. Manufactured homes used as residences on individual Lots shall be considered principal Uses for the purposes of this Ordinance and shall be subject to the criteria set forth in Section 611.4-611.5 below.

611.3 **EXEMPTIONS.** Manufactured homes on Lots may be exempt from the criteria in Section 611.4-611.5 providing that a valid Temporary Manufactured Home Placement permit is obtained from the Zoning Administrator. Each permit, when granted, shall be for one (1) calendar month, after which said permit can be renewed provided the below criteria are met.

611.31 When fire, flood, or other natural catastrophe makes an existing Single-Family Dwelling uninhabitable, the Zoning Administrator shall allow a manufactured home to be used on the same Lot as a temporary residence for a period not to exceed six (6) months.

611.32 During the active construction period of any construction project, the Zoning Administrator shall allow a manufactured home on the same Lot by the owner of the Lot for a period not to exceed twelve (12) months or the active construction period, whichever is less.

611.4 **CLASSES OF MANUFACTURED HOMES.** For the purposes of this Ordinance, manufactured homes shall be classed as follows: A manufactured home must meet all of the restrictions outlined under a particular class before it may be classified either A, B, or C.

611.41 **Class A.** This class of manufactured home shall be allowed as a Special Use in the R-1 Zoning District. In order for a manufactured home to be placed within this class, it must adhere to the following standards:

- 1) The unit must comply with National Manufactured Home Construction and Safety Standards adopted by the U. S. Department of Housing and Urban Development;
- 2) The unit must comply with the appearance criteria set forth in Section 611.5; and
- 3) The unit must not exceed a length to width ratio of 3:1.

611.42 Class B. This class of manufactured home shall be allowed as a Special Use in the R-1 Zoning District. In order for a manufactured home to be placed within this class, it must adhere to the following standards:

- 1) The unit must comply with National Manufactured Home Construction and Safety Standards adopted by the U. S. Department of Housing and Urban Development;
- 2) The unit must comply with the appearance criteria set forth in Section 623.5; and
- 3) The unit must not exceed a length to width ratio of 4:1.

611.43 Class C. This class shall not be allowed in the Town of Montreat and shall include all manufactured homes which cannot be classified as either Class A or Class B manufactured home.

611.5 APPEARANCE CRITERIA. Class A and Class B manufactured homes must meet the following criteria. Before issuing a Certificate of Occupancy for a Class A or a Class B manufactured home, the Zoning Administrator must certify the home meets the following appearance criteria.

611.51 Chassis Removal. The home shall have wheels, axles, transporting lights and towing apparatus removed.

611.52 Foundation. A continuous primarily masonry foundation, unpierced except for required ventilation and access shall be installed under all elements of the Structure. Footings for walls shall be below the frost line. The ground surface below the foundation shall be protected with a poly vapor barrier. Installation shall include positive surface water drainage away from the home.

611.53 Roofing. The home shall have a pitched roof and the roofing material must be compatible with residential construction within the area in which it is located.

611.54 Exterior Finish. The exterior materials shall be of a color, material, and scale comparable with those existing in residential construction within the area which it is located and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint. Siding, trim, and features should be compatible with those existing in residential construction within the District in which it is located.

612 REGULATIONS FOR CUT AND FILL SLOPES. Cut and fill slopes shall not exceed a 1:1 cut and 1.5:1 (horizontal distance: vertical distance). However, if stable exposed rock is the intended result, the cut and/or fill slope may be increased with approval of the Zoning

Administrator and supporting recommendation from a North Carolina-registered professional engineer. (Note. The Hillside Development Ordinance applies to certain cut and/or fill slopes.)

- 613 **DRAINAGE.** A culvert of sufficient capacity or other means of drainage to control storm water runoff is required for each driveway or roadway connected to any public or private road in the Town of Montreat. Consultation is required with the Public Works Director regarding the type, material, placement, and method of installation of each such drainage facility. Written plans for drainage will be submitted to the Zoning Administrator for zoning compliance approval. (Note. The Stormwater Management Ordinance may have additional regulations.)

613.1 **Sedimentation Control.** All land disturbing activity is to be planned and conducted so as to prevent off-site sedimentation and storm water runoff damage.

- 614 **AGRICULTURAL USES.** Agricultural enterprises are allowed in certain Districts in the Town. Such Uses are allowed with the understanding by the Town that the land will be managed in such a way as to generate no off-site adverse effects such as sedimentation or other water pollution. As a general rule, grazing a horse on less than two acres is likely to produce such adverse effects. The Town Zoning Administrator is authorized to investigate reports of adverse off-site impacts of any land Use and to report such activities to appropriate regulatory agencies.

- 615 **PARKING AND STORAGE OF TRAVEL TRAILERS, CAMPERS AND RECREATIONAL VEHICLES.**

615.1 **PARKING ON PRIVATE PROPERTY.** No travel trailer, camper or recreational vehicle shall be used as a residence in the Town.

- 1) Exceptions to the requirements of this section shall be made for any visitor of a property owner of the Town when the visitor parks the travel trailer, camper, or recreational vehicle on property of such owner, with the permission of the owner and for a period not to exceed seven (7) days per year. No more than one such travel trailer, camper, or recreational vehicle occupied by visitors shall be allowed to park on any Lot in the Town.
- 2) The provisions of this section shall not be interpreted to prevent the storage or occasional use of a vacant travel trailer, camper, or recreational vehicle at a residence in the Town by the owner of that residence. Occasional use shall mean not more than seven days in succession nor more than four times in a twelve month period.
- 3) No travel trailer, camper, or recreational vehicle shall be offered for rent or lease on a short or long term basis in the Town.

615.2 **PARKING ON PUBLIC PROPERTY PROHIBITED.** No person shall park a travel trailer, camper, or recreational vehicle for the purpose of overnight habitation on any public property in the Town including but not limited to public Streets, Street rights-of-way, walkways, sidewalks, parking Lots, and any other public area.

616 **APPROVAL FOR CONSTRUCTION IN RIGHTS-OF-WAY.** Town Rights-of-Way are reserved for public purposes such as Streets, Street shoulders, utility facilities, Alleys, future Street improvements, bikeways, walkways, driveway connections, drainage, and plantings for beautification. Any and all construction in Town Rights-of-Way is prohibited without the prior written permission of the Town Administrator. At the discretion of the Zoning Administrator and the Town Administrator, private construction projects that produce a public benefit may be allowed in Town Rights-of-Way (for example: a retaining wall that keeps a drainage ditch clear.) No private improvements on Town Rights-of-Way shall be allowed which will interfere with existing or future public benefits of Town Rights-of-Way.

617 **DRIVEWAY AND WALKWAY CONNECTIONS.** To the greatest extent practicable, and unless otherwise approved by the Town, driveway and walkway connections to public Streets shall be made within the Right-of-Way adjacent to the front of the Lot in the area located between the lines extending perpendicular from the existing roadway to each side Property Line at the corners closest to the Street. If existing conditions or other factors, including but not limited to excessively steep gradient or stormwater control considerations pose inordinate difficulty for, or preclude, a driveway connection to the public Street solely within the frontage area described above, application shall be made to the Board of Adjustment seeking a Variance from the provisions stated herein. The Variance requirement shall be waived if an Easement is granted by the neighboring landowners(s) permitting driveway access through the neighboring owner's Lot.

618 **FENCES.**

618.1 **NEW FENCE REQUIREMENTS.** All new Fences installed after the effective date of this Ordinance shall comply with the following requirements:

618.11 Except for front yard Fences permitted by subsection 2) below, Fences shall be installed in the area comprised by (a) the rear yard of a Lot, and (b) that portion of the side yards of the Lot extending from (i) lines drawn from each of the front corners of the Principal Building on the Lot to the nearest side Property Line at its nearest point, to (ii) the rear Property Line. Provided, however, that in the event the rear Property Line or the side Property Line of a Lot is adjacent to a Street, no portion of the Fence shall be located in the Minimum Rear Yard or Minimum Side Yard, as applicable.

- 618.12 Decorative Fences shall be permitted in front yards provided (a) they are of picket construction, and (b) they are not constructed higher than thirty-six inches (36") above natural grade. In Institutional and Institutional/ Residential Zoning Districts, the Zoning Administrator may approve opaque Fences constructed higher than thirty-six inches (36") in front yards which screen propane tanks, HVAC equipment and similar unsightly Building appurtenances so long as landscaping is installed in accordance with the requirements set forth in subsection 618.13 below to provide a visual buffer from public view.
- 618.13 For Fences facing Streets (including without limitation Fences constructed in side yards facing Streets), landscaping vegetation shall be installed so that no more than one-third ($1/3^{\text{rd}}$) of the exterior Fence surface area shall be visible from the Street within three (3) years. No more than forty percent (40%) of the landscaping material may be deciduous. Decorative Fences that are at least thirty percent (30%) open shall be exempt from this landscaping requirement.
- 618.14 Fences shall be constructed of the following materials: (i) wood of natural color, white (or other light color matching the exterior of the Dwelling on the applicable Lot), black, dark green or brown, (ii) metal (except for chain link or wire), plastic or composite materials designed for residential fencing purposes and colored white (or other light color matching the exterior color of the Dwelling on the applicable Lot), black, dark green or brown, (iii) chain link or other wire material designed for residential fencing purposes and colored black, dark green or brown, or (iv) brick, stone, cast-stone or decorative block. Colors other than white (or other light color matching the exterior color of the Dwelling on the applicable Lot), black, dark green and brown may be utilized if approved by the Zoning Administrator.
- 618.15 Fences shall not be constructed higher than five feet (5') above natural grade, except and provided that in Institutional and Institutional/ Residential Zoning Districts, the Board of Adjustment may approve as a Special Use Fences constructed higher than constructed five feet (5') either (i) in front yards as provided in subsection 2) above, or (ii) in side or rear yards to screen propane tanks, HVAC equipment and similar unsightly Building appurtenances or for special security or safety needs, so long as landscaping is installed in accordance with the requirements set forth in subsection 618.13 above to provide a visual buffer.
- 618.16 No Fence shall be constructed in a drainage easement without the permission of the Zoning Administrator.

618.17 No Fence shall be constructed in a utility easement without the permission of all utility companies that operate and maintain lines and/or facilities in the easement.

618.18 Notwithstanding anything herein to the contrary, no Fence shall be located, constructed or maintained in such a way as to obstruct the view of motorists or pedestrians using any streets, private driveways, parking aisles or the approach to any street intersection, or otherwise so as to constitute a traffic hazard.

618.2 **PROHIBITED FENCES.** Electrically charged Fences and sharp metal or glass Fences are prohibited. Barbed wire Fences are prohibited except only for special security or safety needs (such as to limit access to high towers, electrical high voltage sites, hazardous equipment and the like).

618.3 **EXISTING FENCES.** All existing fencing that is replaced shall meet the requirements for new fencing.

619 **ACCESSORY DWELLING UNITS.** The purpose of an Accessory Dwelling Unit is to:

- (a) Provide flexible housing options for residents and their families:
- (b) Integrate affordable housing into the community with minimal negative impact:
- (c) Provide elderly citizens with the opportunity to retain their homes and age in place.

619.1 **STANDARDS**

- 1. An Accessory Dwelling Unit shall be located only on a residential Lot containing one Single-Family detached Structure. The residential Lot may contain other accessory Structures as provided in this ordinance.
- 2. Only one Accessory Dwelling Unit shall be permitted per Lot.
- 3. No Accessory Dwelling Unit shall exceed the height of the principal Structure.
- 4. The Accessory Dwelling Unit shall meet the appropriate Setbacks.
- 5. The Accessory Dwelling Unit shall be clearly subordinate to the main Structure.
- 6. The Accessory Dwelling Unit must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).
- 7. At least one Parking Space shall be provided in addition to those required for the principal Dwelling.
- 8. Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for Use as an Accessory Dwelling Unit.
- 9. An Accessory Dwelling Unit shall be occupied by no more than four (4) persons.

620 **HOME OCCUPATION.**

- 620.1 No person other than members of the Family residing on the premises shall be engaged in such occupation; except one non-resident employee may work in the Home Occupation.
- 620.2 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;
- 620.3 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) non-illuminated sign, not exceeding a four (4) square foot area.
- 620.4 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 Setback.

ARTICLE VII – PARKING AND LOADING REGULATIONS

700 **GENERAL STATEMENT.** The Town of Montreat is a unique community that features and includes: (i) a conference center; (ii) a college, (ii) inns, (iii) gymnasiums, playgrounds, tennis courts and other athletic and recreational facilities; (iv) scenic areas and trails; (v) offices and other supporting facilities; and (vi) residential areas for Single-Family and Multi-Family Use, dormitories and apartments (collectively the “Usages”). Many of these facilities and the parking lots, spaces, Structures and facilities that support them have existed for decades and it would be difficult and expensive for the owners and/or operators thereof to add or reconfigure onsite and offsite parking beyond that which is presently in use and serving such facilities. Therefore, it is the intention of the Town of Montreat that as to all of the Usages existing on the Effective Date, the parking serving such Usages shall be Non-Conforming Uses of a Structure allowed in accordance with Article X of this Ordinance, and only with respect to construction of additional Structures or substantial expansion, modification or alteration of existing Usages, shall the additional parking be required by this Article. It is also noted that in many cases parking facilities for conference center and college buildings can be combined to support more than one facility or Usage, instead of new or additional spaces being required for each separate Building or facility. It is the intention of the Town of Montreat that off-street parking areas shall be required at the time of initial construction of any new 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.

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 Net Floor Area or changes in Use or occupancy classification. The requirement for additional parking shall be based upon the increased Net Floor Area or change only and related solely to the need for increased parking resulting from the increases in Net Floor Area or changes in Use or occupancy classification.

701 **PARKING AREA CONSTRUCTION STANDARDS.** With the exception of Sections 701.1 and 701.6 below, Single-Family and Two-Family residential Uses shall be exempt from the parking area construction standards unless specifically referenced. As stated in Section 700 above, entrances, Parking Spaces/areas, aisles or driveways in existence on the Effective Date which do not meet the specific provisions contained herein shall nevertheless be Non-Conforming Uses of a Structure in accordance with Article X of this Ordinance.

701.1 **PARKING SPACE REQUIREMENTS.** For the purpose of this Ordinance, Parking Space dimensions (other than those designed to be handicap accessible) shall be as follows:

701.11 A standard car Parking Space is nine feet (9') wide and eighteen feet (18') long.

701.12 A compact car Parking Space is eight feet (8') wide and sixteen feet (16') long.

701.13 Parallel Parking Space dimensions shall be a minimum of eight feet (8') wide and twenty feet (20') long.

701.2 **ENTRANCES (SOMETIMES "AISLE") AND DRIVEWAY WIDTHS.** No two-way entrance aisle or driveway 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.

701.3 **SURFACING.**

701.31 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.

701.32 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.

701.33 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.

701.34 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.

701.4 **CURBING.** 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 six inches (6") and may include a horizontal drain support/gutter having a minimum width of one foot (1').

Off-street parking areas shall be designed so that (i) parked vehicles do not encroach upon or extend onto Town Rights-of-Way, or sidewalks, and (ii) vehicles do not 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.

701.5 **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, if constructed or erected, 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.

701.6 **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. (Note. The Stormwater Management Ordinance may also apply to parking spaces)

701.7 **LANDSCAPING.** Landscaping requirements are set forth in Section 903 of this Ordinance Code.

701.8 **PERMITTED SLOPE.** With respect to new construction: (i) no grade within a commercial or institutional parking area (excluding portions thereof used for driveway purposes) shall exceed sixteen percent (16%) slope; and (ii) residential parking areas shall not exceed twenty percent (20%) slope. 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. (Note. The Hillside Development Ordinance may also apply to slope)

702 **OFF-STREET PARKING SPACE REQUIREMENTS.** Off-street Parking Spaces shall be provided for the Uses listed below as specified.

702.1 **SINGLE-FAMILY DWELLINGS, TWO FAMILY DWELLINGS, AND MULTI-FAMILY DWELLINGS.** The total number of required Parking Spaces for residential Structures shall be calculated by considering heated square footage as follows: Two (2) spaces required per Dwelling Unit up to 2500 square feet. One (1) additional space required for each additional 1000 square feet or portion thereof above 2500. For existing residential Structures as of the date of adoption of this Ordinance, one (1) additional Parking Space shall be required for each 1000 square feet (or portion thereof in excess of 500 square feet) that is added to the Structure. By way of example, if 500-1499 square feet is added, one (1) additional space is required; if 1500-2499 square feet is added, two (2) additional spaces are required.

702.2 **BED AND BREAKFASTS, BOARDING HOUSES, AND HOTELS.** A minimum of one (1) standard car Parking Space for resident owner or manager is required, and a minimum of one (1) standard space per Dwelling Unit or rooming unit. Ten percent (10%) of the total number of required standard spaces may be met through installation of compact car spaces.

702.3 **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.

702.4 **OTHER OCCUPANCIES/USES.** One (1) standard space is required per 1,000 square feet of Gross Floor Area. Ten percent (10%) of the total number of required standard spaces may be met through installation of compact car spaces.

703 **BICYCLE PARKING.** Providing for bicycle parking is encouraged but not required.

704 **SHARED PARKING.** Shared parking may be approved under the following conditions:

704.1 Adjacent parking areas serving non-residential Buildings must be interconnected.

704.2 Ordinarily only two (2) facilities/Buildings that meet the conditions stated in this section may utilize shared parking for a given parking lot/area, but the Zoning Administrator may approve shared parking for more than two (2) Buildings pursuant to an approved Development Plan.

- 704.3 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.
- 704.4 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.
- 704.5 Where shared parking is being utilized to satisfy the parking requirements for new construction or the expansion of existing facilities/Buildings, the owners of the adjoining Uses shall have shared parking Easements or agreements in place providing them with an enforceable legal right to use the shared spaces as represented to the Town.
- 705 **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, and as provided for below:
- 705.1 Requests for approval of new parallel parking or diagonal Parking Spaces in the I and I/R Districts of Town are subject to review and approval on a case-by-case basis by the Town Administrator
- 705.2 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 the Town Administrator. 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.
- 706 **STRUCTURED PARKING.** Any above or below-ground Structure, covered or uncovered, constructed for the purpose of providing parking for one or more cars, shall be considered a Structure for all purposes of this Ordinance, specifically including Article III.
- 707 **OFF-STREET LOADING REGULATIONS.** Every Building, excluding Single-Family and Two-Family, shall provide space 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. Required space shall be considered as follows:

- 707.1 Multi-Family Dwellings with more than ten Dwelling Units: One (1) Loading Space.
- 707.2 All other Uses: Each applicant shall submit a Loading Space and driveway plan with data demonstrating the adequacy of the facilities proposed in the plan. The plan is subject to approval of the Zoning Administrator.

ARTICLE VIII – SIGNAGE

800 **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.

801 **GENERAL REGULATIONS.** The following regulations shall apply to all Signs in all Zoning Districts:

801.1 **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.

801.2 **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 Zoning Administrator shall send written notice to the owner of the Sign that the Sign must be repaired, maintained or removed. Upon failure of the owner to correct such condition within thirty (30) days of such notice, the Zoning Administrator shall proceed with enforcement action pursuant to Section 801.9.

801.3 **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. 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 of these Signs to remove such Signs within the prescribed time period, the Zoning Administrator shall proceed with enforcement action pursuant to Section 810.9.

801.4 **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.

801.5 **BUILDING CODE COMPLIANCE.** All commercial 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.

801.6 **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.

801.7 **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.

801.8 **SIGN PERMIT REQUIRED.** A Sign permit, issued by the Zoning Administrator shall be required for all Signs except those specified in Section 803 and Section 804. 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.

801.9 **ENFORCEMENT OF REGULATIONS.** Any Sign constructed after the Effective Date or any Sign maintained in a non-conforming manner shall be subject to the following actions:

801.91 **Notice.** The Zoning Administrator shall notify in writing the following persons of the non-conforming Sign:

1. The owner 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.
4. Notice shall be given to the above persons that the non-conforming condition must be corrected within thirty (30) days from the date of notification.

801.92 **Penalties.** Penalties for these requirements are specified in Section 307.

801.93 **Appeals.** Any person having an interest in a Sign found to be non-conforming, or the property on which it is located, may appeal to the Board of Adjustment a determination by the Zoning Administrator ordering removal or compliance, as provided in Section 310 of this Ordinance.

801.94 **Removal.** If the non-conforming Sign has not been removed or brought into compliance with the provisions of this Ordinance within the allotted thirty (30) days and if no appeal has been taken, as specified above, then said Sign

shall be removed by the Town and the cost of removal shall be billed to the owner of the Sign.

801.95 Failure to Pay Removal Costs. (a) 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 within thirty (30) days of the billing date, then a lien in the amount of the costs of removal shall be placed on the real property where the removed Sign was located, and shall be collected as unpaid ad valorem property taxes. (b) If no determination of danger or prejudice to the public health or safety is made, then the costs of removal shall be collected by the Town in a civil action in the nature of a debt.

802 **PROHIBITED SIGNS.** The following Signs are prohibited, unless otherwise expressly permitted in this Ordinance:

802.1 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 Zoning Administrator.

802.2 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 for each Dwelling.

802.3 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.

802.4 Off-Premises Advertising Signs. Billboards and other types of off premises advertising Signs.

802.5 Flashing Devices. Any flashing device or Sign displaying flashing or intermittent lights or lights of changing degrees of intensity.

802.6 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.

802.7 Posted Signs. Any Sign posted to utility poles, trees, Fences, rocks or other Signs. Honorarium Signs meeting the requirements of 805.25 are not prohibited under this

section. House Number and Nameplate Signs meeting the requirements of 804.7 are not prohibited under this section.

802.8 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.

802.9 Portable Signs. A Sign that is not permanently affixed to a Building, Structure or the ground.

802.10 Roof Signs. Any Sign which is affixed to the roof of a Building or Structure.

802.11 Signs Not Permitted. Any Sign not expressly permitted or exempted elsewhere in this Ordinance.

803 **EXEMPT SIGNS.** The following Signs are exempt from the provisions of this Ordinance:

803.1 **GOVERNMENTAL AGENCY SIGNS.** (i) 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; and (ii) 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.

803.2 **SIGNS REQUIRED BY LAW.** Signs erected pursuant to federal, state, or local laws or ordinances.

803.3 **WARNING SIGNS.** Signs which warn of hazards to life, limb, and property such as high voltage electrical equipment, explosives and the like.

803.4 **MONTREAT CONFERENCE CENTER SIGN STRUCTURE NEAR GATE.** The longstanding Montreat Conference Center Sign Structure containing approximately five sign panels is permitted. Sign panels may be changed as and when necessary. If destroyed by casualty or other cause, such sign structure may be reconstructed consistent with its previous size and design. A change in the design or size of the Montreat Conference Center sign structure is subject to approval of the Zoning Administrator.

804 **SIGNS PERMITTED 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:

804.1 **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. 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.

804.2 **SIGNS ON WINDOW GLASS.** Signs on window glass, regardless of size.

804.3 **PRIVATE REGULATORY SIGNS.** Private, unofficial regulatory Signs not exceeding two (2) square feet in surface area per side, 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.

804.4 **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.

804.5 **PUBLIC NOTICE.** Official notices posted by public officers or employees in the performance of their duties.

804.6 **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.

804.61 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.

804.62 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)

804.63 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.

804.64 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.

804.65 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.

804.7 **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.

804.8 **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, and shall be removed within one day after said 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. Political Signs may not be illuminated.

804.9 **TEMPORARY SPECIAL EVENT/PUBLIC INTEREST SIGNS.** Signs providing notice of upcoming events or gatherings of special interest to the public, including meeting dates and locations, etc. may be displayed, but only in accordance with the following requirements:

804.91 Such Signs shall be no larger than four (4) square feet of surface area per side;

804.92 Such Signs must be located at least two (2) feet from the paved or traveled portion of the road or sidewalk along which they are placed;

804.93 Such Signs shall be placed no earlier than fifteen (15) days before the event to which they refer; and

804.94 Such Signs must be removed no later than two (2) days after the conclusion of the event to which they refer. Signs shall be limited to informational material only; no commercial advertisements or for-profit endorsements shall be permitted.

805 **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:

805.1 **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:

805.11 **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. Signs shall not be illuminated.

805.12 **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. Signs shall not exceed six feet (6') in height and may not be illuminated.

805.13 **NON-RESIDENTIAL USES.** Non-residential Uses permitted as a Special Use in residential Zoning Districts shall be allowed one (1) freestanding 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. Signs shall not exceed eight feet (8') in height and shall not be illuminated.

805.2 **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 in accordance with the Special 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:

805.21 **GROUND OR FREE-STANDING SIGNS.** For each Principal Building on a Lot, one (1) ground Sign not to exceed the following surface area limitations: Sixteen (16) square feet in surface area per side of Sign.

805.22 **WALL SIGNS.** For each Principal Building on a Lot, 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.

805.23 **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. The maximum size of such free-standing Signs shall not exceed sixteen (16) square feet in surface area per side of Sign. 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.

805.24 **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) freestanding Signs - one (1) of each Sign type facing each Street that borders the Lot.

805.25 **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 property owner. 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.

805.26 **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. Maximum size of such free-standing Signs shall not exceed twelve (12) square feet in surface area for pedestal mounted Structures.

806 **TEMPORARY SIGNS ALLOWED IN ALL ZONING DISTRICTS.** In addition to the provisions of 804.9, temporary Signs, flags, or banners advertising the initial openings of businesses, establishments, special events or special sales may be permitted provided the size, location and duration of such Signs is approved by the Zoning Administrator. Such Signs may be freestanding or attached to any part of a Building, wall, or other Structure and shall meet all other applicable requirements. An example of a Sign permitted hereunder is the “Welcome” wall Sign hung by Montreat College (approximately 23’ x 7’) below the wall of the Howerton Building at the beginning of academic terms.

807 **RECREATIONAL SIGNS.** Sign Structures designed to identify the location of, and provide other information concerning, specific recreational features, such as hiking and walking trails and bicycle paths, through maps and trail-head informational displays, 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 owner of the land on which the Sign and recreational feature(s) are 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 roughhewn 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.

808 **UTILITY POLE BANNERS IN TOWN CENTER OVERLAY DISTRICT.** Upon receipt of a sign permit, Owners of property located in the Institutional Use Zoning District and within the Town Center Overlay District may, in accordance with this section install temporary banners on utility poles located on their property for the purposes of (i) identifying the campus or buildings on the owner's property, or (ii) identifying special events occurring at or being celebrated on the owner's property.

808.1 The location, size and period of time the banners may be displayed and total number of banners proposed shall be approved in advance by the Zoning Administrator, in her or his reasonable discretion; and in addition, the following requirements must be met: (a) the owner of the property shall obtain the prior written consent of the owner of the utility pole to the placement of the banner thereon; (b) the maximum size of each banner shall be 30 inches in width by six feet (6') in length; (c) the bottom of the banner shall be no less than eleven feet (11') above the ground surface (measured from the base of the applicable utility pole); (d) if the utility pole is within three feet (3') of the back of the curb (or if there is no curbing, within three feet (3') of the edge of the pavement) of an adjoining Street, the banner shall not be installed on the street side of the utility pole; (e) banners promoting special events shall not be permitted to be installed longer than one (1) month; and (f) any banner on a particular utility pole shall not be displayed from such pole more than eight (8) months during any calendar year.

808.2 Upon receipt of a sign permit, Owners of property located in the Institutional Use Zoning District and within the Town Center Overlay District may install banners for limited time periods on utility poles located within a Town Street Right-of-Way adjacent to the Owner's property for the purposes of identifying the campus or buildings on the Owner's property or special events occurring at or being celebrated on the owner's property, provided (i) the owner obtains the prior written consent of the Zoning Administrator upon such conditions as the Zoning Administrator may require in her or his sole discretion, including without limitation the execution of a written agreement setting forth any restrictions as to the location, size, number and permitted time periods for such banner(s), and (ii) requirements (a) through (f) provided for in the immediately preceding grammatical paragraph of this section are complied with in all respects.

809 **WAYFARING-WAYFINDING SIGNS.** Government agency-owned [WayfaringWayfinding](#) Signs are exempt from the provisions of this Ordinance as provided in Section 803.1 above. Privately owned [WayfaringWayfinding](#) Signs which do not exceed four (4) square feet in surface area are permitted in all Zoning Districts except R-1, R-2 and R-3, provided the location of such Signs is approved by the Zoning Administrator. Privately owned [WayfaringWayfinding](#) Signs that are part of a community [WayfaringWayfinding](#) system approved and adopted by the Town may be greater than four (4) square feet in surface area and may be in any Zoning District if and to the extent such is provided for in the ordinance adopting such community [WayfaringWayfinding](#) system. No [WayfaringWayfinding](#) Signs

other than government agency-owned ~~Wayfaring~~Wayfinding Signs may be placed on Town Rights-of-Way or other Town property without obtaining the permission and approval of the Town, which approval or permission may be withheld or conditioned by the Town in its sole and complete discretion. As used in this ordinance, the term “~~Wayfaring~~Wayfinding Sign” means a Sign designed and intended to help to direct a person from point to point or confirming a person’s progress along a route.

810 **NON-CONFORMING SIGNS.** Any Sign which existed on the Effective Date, but which does not meet the requirements of the Ordinance shall be deemed a non-conforming Sign and may continue to be used, but only in accordance with the following provisions:

810.1 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.

810.2 Replacement of Non-Conforming Signs. If a non-conforming Sign is destroyed by vandals, accident, 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.

810.3 Relocation of Non-Conforming Signs. A non-conforming Sign may be relocated on the same premises on which it is located if the relocation brings the Sign into conformity.

810.4 Removal of Non-Conforming Signs. All non-conforming Signs must be removed or brought into compliance with this Ordinance no later than five (5) years after the date of adoption of this Ordinance.

ARTICLE IX – LANDSCAPING

900 **LANDSCAPING REQUIREMENTS.**

900.1 The intent of this section is to improve the appearance, quality and quantity of landscaped areas that are visible from public roadways and within parking lots, in accordance with the following purposes:

900.11 To assist in providing adequate light and air and in preventing overcrowding of land;

900.12 To provide visual Buffering and to enhance the beautification of the Town;

900.13 To safeguard and enhance property values and to protect public and private;

900.14 To preserve, protect and restore the unique identity and environment of the Town of Montreat;

900.15 To encourage the preservation of existing trees and vegetation;

900.16 To aid in stabilizing the environment by contributing to the process of air purification, ground water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, and heat reduction;

900.17 To conserve energy; and

900.18 To protect the public health, safety and general welfare of the Town.

900.2 **APPLICABILITY.** The requirements of this Section shall apply to all land zoned Institutional, Institutional/Residential and any proposed Planned Unit Development.

900.3 **LANDSCAPE PLAN REQUIRED.** The landscape plan as required by this Section shall accompany any request for a Building Permit from or plat approval by the Town of Montreat. No Building Permit shall be issued nor plat approved until the landscape plan is approved by the Zoning Administrator. The Zoning Administrator may request any additional information needed to determine compliance with this Section.

900.4 **GENERAL PROVISIONS.**

900.41 All plant materials used to comply with the requirements of this Section shall be native or appropriate species for this geographic area.

900.42 A temporary Certificate of Occupancy may be issued to a developer/owner if the landscaping cannot be planted at the time the Use opens or is re-established due to inappropriate timing for the growing season. A temporary Certificate of Occupancy shall specify the date that the landscaping will be planted. The Building Inspector shall have the authority to revoke the temporary Certificate of Occupancy if the landscaping is not planted by the date specified. The developer/owner shall also agree in writing that he/she or his/her successors, shall provide the required landscaping within the time period specified in the temporary Certificate of Occupancy.

900.43 Landscaping shall not obstruct the view of motorists using any Street, private driveway, parking aisles, or the approach to any Street intersection so as to constitute a traffic hazard.

900.44 All landscape planting areas shall be stabilized from dust and soil erosion immediately upon planting and shall be so maintained for the duration of the premises.

900.45 The property owner is responsible for maintaining all required plant material in good health.

900.46 The Zoning Administrator may waive the requirement to provide the new trees required by this ordinance if trees existing on the site are protected and maintained before, during and after construction in accordance with sound conservation practices. If a saved tree dies at any time, it shall be replaced with a tree (or trees) that will provide similar screening or shading.

900.47 The Zoning Administrator is authorized to waive specific landscape requirements, or portions thereof, if meeting the requirements will cause insurmountable difficulties for a development proposal.

901 **LANDSCAPE PLAN CONTENTS.** The landscape plan shall contain the following elements:

901.1 Existing and proposed landscaping;

901.2 Any screening required by Sections 504.12 and 505.10;

901.3 Existing and proposed land Uses within 200 feet of the site and the zoning of those properties;

901.4 Existing vegetation intended to be saved under the provisions of 904; and

901.5 Topographic contours at intervals of not more than five feet, indication of the direction of storm water flow, and a description of all storm water control facilities.

902 **LANDSCAPING REQUIRED FOR ALL SITES.** No less than five percent (5%) of the Lot or parcel which is the subject of the required landscape plan shall be landscaped. This requirement may be met with both existing and new plants and trees. This requirement shall be met in addition to any area required for screening, provided that the total area of the site devoted to landscaping shall not be required to exceed forty percent (40%) of the site.

903 **OFF-STREET PARKING AND LOADING AREAS.** Landscaping shall be required in and around all new or redesigned off-street parking and loading areas. Landscaping shall be provided in these areas as follows:

903.1 For parking lots less than 2,500 square feet in parking area, no landscaping is required by this subsection. For parking lots greater than 2,500 square feet in size, the following overall requirements apply:

Total area of parking lot <u>(square feet)</u>	Percent of parking lot area <u>(square feet)</u> <u>that must be landscaped</u>
2,500 to 9,999	5%
10,000 to 49,999	8%
50,000 to 149,999	10%

903.2 Notwithstanding the above, an owner shall be entitled to a credit against the percent of parking lot area required to be landscaped for that portion of any rain garden or other landscape buffer area proposed to be located immediately adjacent to the perimeter of the parking area.

903.3 At least 50% of the required parking lot landscaping shall be provided as islands within the parking lot. One planting island is recommended for every 10 to 15 spaces, provided that the Zoning Administrator may authorize a reduction in the percentage of landscape area required to be provided as islands in the event the owner demonstrates the either (i) the size, configuration or other characteristics of the parking lot area make the application of the 50% requirement impractical or onerous, or (ii) the requested reduction in landscape islands and resulting increase in the perimeter landscaped area required to be provided will facilitate the owner retaining existing flora as encouraged by section 904 below or to provide rain garden or other potentially more ecologically valuable landscape areas along the perimeter of the parking area.

- 903.4 One tree of at least one and one half inch (1½”) caliper (measured as the diameter of the tree trunk at four and one-half feet about the ground) and an initial height of at least six feet shall be provided for each fifteen Parking Spaces. The expected height at maturity of these trees shall be at least eight feet.
- 903.5 No Parking Space shall be more than 75 feet from a tree or 100 feet from plantings of more than one tree, provided such tree and plantings or more than one tree may be located in landscaped areas located around the perimeter of the parking area.
- 903.6 Shrubs and other types of plant materials shall be used which will complement the tree plantings subject to approval by the Zoning Administrator.
- 904 **EXISTING FLORA**. All developers of public and private property shall make every effort to protect and retain existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage-ways, Building foundation sites, private driveways, paths and public walkways wherever possible. Trees are to be protected and preserved during construction in accordance with sound conservation practices. All such trees may be preserved by well islands or retaining walls wherever abutting grades are altered.

ARTICLE X – NONCONFORMITIES

1000 **NON-CONFORMITIES.** Any Use, Structure, or Lot which lawfully existed as of November 14, 1985, the date the predecessor of this Ordinance was originally adopted, which does not meet the requirements of this Ordinance, may be continued or maintained in accordance with the following provisions. A lawful nonconformity involving a Use, Structure or Lot constructed or created in conformity with the then-applicable Town Ordinances, but subsequently made nonconforming through an amendment to the Town Ordinances, may be continued or maintained in accordance with this Article. Nonconformities associated with Signs are addressed in Section 810 of this Ordinance.

1000.1 **NON-CONFORMING LOTS – VACANT AND IMPROVED.** A Non-Conforming Vacant Lot is any legally established Lot (i) upon which no Structure is located; (ii) which does not meet the dimensional requirements for the District in which it is located and (iii) which lawfully existed as of November 14, 1985, or was created in conformity with the then-applicable Town Ordinances. A non-conforming vacant Lot may be used as a building site without regard for the dimensional requirements of the zoning District in which it is located, but the nonconforming vacant Lot shall be subject to the Setback and other requirements of such District.

A Non-Conforming Improved Lot is a Lot (a) upon which a Structure was located as of November 14, 1985, or constructed in conformity with the then-applicable Town Ordinances and (b) which does not meet the minimum dimensional and/or Setback requirements of the zoning District in which it is located. Such a Structure and Lot may continue to be used, maintained and renovated to the extent of its existing footprint, notwithstanding the dimensional and Setback requirements of this Ordinance, and such a Structure may be expanded but only in accordance with all Setback and other dimensional requirements of this Ordinance or pursuant to a Variance obtained from the Zoning Board of Adjustment.

1000.2 **NON-CONFORMING STRUCTURES** A Non-Conforming Structure is a Structure which was in existence as of November 14, 1985, or constructed in conformity with the then-applicable Town Ordinances and which does not meet the minimum requirements of the zoning District in which it is located. Such non-conforming Structure may continue to be used, maintained and renovated in accordance with Section 1000.3 of this Ordinance, notwithstanding the dimensional and Setback requirements of this Ordinance, and may be expanded but only in accordance with all Setback and other requirements of this Ordinance or pursuant to a Variance obtained from the Zoning Board of Adjustment.

1000.3 **MAINTENANCE AND REPAIR OF NON-CONFORMING STRUCTURES.** Routine maintenance, repairs, renovations and structural alterations to Non-Conforming Structures shall be permitted as follows:

- (A) Repairs, renovations and structural alterations required by law or ordered by an authorized public officer shall be permitted.
- (B) Routine maintenance, repairs, renovations and structural alterations of Non-Conforming Structures shall be permitted so long as no expansion of the non-conformity occurs as a result of the maintenance, repairs, renovations or alterations.
- (C) A Non-Conforming Structure which is damaged by fire or natural disaster may be repaired subject to the following requirements:
 - i. The square footage of the Structure shall not be increased, and the footprint of the Structure shall not be enlarged;
 - ii. The repair of the Structure must be initiated within one year of the date of the fire or natural disaster; and
 - iii. The Use of the Structure after repair shall not result in a non-conforming Use or a change from one non-conforming Use to another non-conforming Use.

1000.4 **NON-CONFORMING USES OF STRUCTURES.** A non-conforming Use of a Structure is a Use which was in existence on November 14, 1985, or which began in conformity with the then-applicable Town Ordinances, but which would not now be permitted by the Ordinance in the zoning District in which it is located. Such a non-conforming Use of a Structure may be continued subject to the following limitations:

1000.41 The non-conforming Use of a Structure shall not be changed to another non-conforming Use;

1000.42 When a non-conforming Use of a Structure has been changed to a conforming Use, it may not later be used for any non-conforming Use.

1000.43 A non-conforming Use of a Structure may be enlarged or extended only into portions of the Structure which existed at the time the Use became non-conforming. No structural alterations are allowed to any Structure containing a non-conforming Use except (i) where such alteration does not enlarge the Structure, or (ii) where such alteration is required by law or by an order of the Building Inspector or Fire Chief to ensure the safety of the Structure.

~~1001.44~~ 1000.44 A non-conforming Use of a Structure which is abandoned for a continuous period of one year shall not be reestablished and all subsequent Uses of the Structure must be in conformance with the applicable zoning District requirements.

**TOWN OF MONTREAT
FISCAL YEAR 2021
BUDGET AMENDMENT # 5**

Be it ordained by the Town of Montreat Board of Commissioners that the following amendment be made to the Budget Ordinance for the fiscal year ending June 30, 2021.

Department(s): GENERAL FUND

Purpose: TO TRANSFER FUNDS FROM STREETS TO SANITATION TO PAY FOR DUMPSTER SERVICES

Section 1. To amend the General Fund as follows:

Line Item	Account Number	Increase Change (DR)	Decrease Change (CR)	Amended Budget
CONTRACT SERVICES-DUMPSTER	10-30-5800-451	\$5,023.00		\$878.41
CONTRACT SERVICES	10-20-5600-450		\$5,023.00	\$0.00

Section 2. I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:


Finance Officer

6-3-2021
Date

Section 3. Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this _____ day of _____.

Recorded and filed:

Budget Officer/Town Administrator

Town Clerk

Date

Date

MAPS (<https://townofmontreat.org/maps/>) FAQ (<https://townofmontreat.org/faq/>) FEES (<https://townofmontreat.org/fees/>)

CAREERS (<https://townofmontreat.org/careers/>) BIDS (<https://townofmontreat.org/bid-opportunities/>)

PAYMENT CENTER (<https://client.pointandpay.net/web/TownofMontreatNC/>) FORMS (<https://townofmontreat.org/forms/>)

CODE RED / EMERGENCY INFO (<https://townofmontreat.org/code-red/>)



(<https://townofmontreat.org/>)

Follow

Board Application Form

Full Legal Name *

John

First

Middle

Hinkle

Last

Physical Address *

121 Mecklemburg Cr

Street Address

P.O. Box 246

Address Line 2

Montreat

City

NC

State / Province / Region

28757

ZIP / Postal Code

United States

Country

Same as Mailing Address? *

Yes

Follow

Phone *

8286699134

Email *

johndora@charter.net

On Which Committee Would You Like to Serve? *

Planning and Zoning Commission

Please Explain Why You Wish to Join This Committee *

As a full time resident of Montreat and having served on the P/Z Com. both here in Montraet and Dalton, Georgia I believe I would bring both experience and knowledge to this committee.

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe serving on the selected board/committee can play a role in addressing each issue: *

As our community continue to grow I believe being both a visionary and realist are important as we address growth, infrastructure and environmental issues

155 of 1000 max characters

List any abilities, skills, specialized training or interest you have which are applicable to this board/committee: *

Served six years on the P/Z Com. in Montreat (three years as chair).

Served on the Montreat signage com.

Served three years on the Dalton, Georgia P/Z Com

Have you ever attended a regularly scheduled meeting of the selected board/committee? *

Yes

Follow

How much time are you able to devote to fulfill this obligation? *

What ever it takes

Attachments

Drop files here or

Select files

Accepted file types: jpg, pdf, gif, png, Max. file size: 50 MB.

Upload any additional documents here. Accepted formats are jpg, pdf, gif, png

Submit

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TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

BOARD OF COMMISSIONERS & ADVISORY BOARD/COMMITTEE MEMBERSHIP APPLICATION

Full Legal Name: BURNS WADE DoBose
(Last) (First) (Middle)
Physical Address: 232 N. CAROLINA TERRACE, MONTREAT
Mailing Address: P.O. Box 610 MONTREAT 28757
Home Phone: 828-231-0650 Alternate Phone: 828-231-0650
Email Contact Information: WDBMOUNTAINLIVING@gmail.com

On which Board or Committee do you wish to serve?

- ☐ Board of Adjustment ☒ Planning and Zoning Commission
☐ Comprehensive Plan Steering Committee ☐ Board of Commissioners
☐ Montreat Landcare Committee ☐ Tree Board
☐ Open Space Conservation Committee

Please explain why you want to be a member of this board/committee:

TO CONTINUE THE WORK OF THE P&Z OVER THE LAST 2 YEARS
IN UPDATING AND REVIEWING OUR ZONING & GENERAL
ORDINANCES REGARDING BUILDING REGULATIONS

Briefly explain what you believe are the three most important issues facing our community at this time and how you believe serving on the selected board/committee can play a role in addressing each issue:

SPECIAL USE
SETBACKS
UNDERSTANDING OUR PUBLIC SPACES

List any abilities, skills, specialized training or interest you have which are applicable to this board/committee:

1964-1973: 5 YR. ARCHITECTURE DEGREE 1973-2021 LICENSED ARCHITECT
SPECIALIZING IN TOWN PLANNING. ALSO A LICENSED GENERAL CONTRACTOR
OVER 6,000 HOURS COMMUNITY SERVICE VOLUNTEER FOR NON-PROFITS
& MUNICIPAL COMMISSIONS.

Have you ever attended a regularly scheduled meeting of the selected board/committee? YES

How much time are you able to devote to fulfill this obligation? AS NEEDED



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

RESOLUTION #21-06-001 RESOLUTION FOR RECEIVING FEDERAL FUNDS UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)

WHEREAS, the State of North Carolina will be appropriated funding from the federal American Rescue Plan Act (ARPA) to fund necessary Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible municipal corporations, and townships; and

WHEREAS, before receiving a payment, a subdivision is required to adopt a resolution affirming that the subdivision will spend funding only on federal guidance related expenses as required under the ARP Act; and

WHEREAS, revenue received under the ARP Act will be kept in a separate fund and will not be comingled with other revenue; and

WHEREAS, the Town of Montreat will provide to the State of North Carolina and the US Treasury any unspent balance of the funds received.

NOW, THEREFORE, BE IT RESOLVED by the Town of Montreat Board of Commissioners that we do hereby request ARP Act funding to be distributed by the State of North Carolina and by adopting this resolution affirm that the revenue will only be used for the purposes prescribed in the ARP Act guidance as described in 31 CFR, Part 35, and any applicable regulations, for necessary expenditures incurred due to the public health emergency connected with the COVID-19 pandemic, budget and certify such to the State Director of Office of Budget and Management and the Town of Montreat Finance Officer; and

BE IT FURTHER RESOLVED that the Town of Montreat will comply with the procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act.

READ, APPROVED, AND ADOPTED, this the 10th day of June, 2021.

Tim Helms, Mayor

Alex Carmichael, Town Administrator

ATTEST:

I, hereby certify this is a true and correct copy of this Resolution, duly adopted by the Town of Montreat on the 10th day of June, 2021, as it appears of record in the official minutes.

Angie Murphy, Town Clerk

**TOWN OF MONTREAT
FISCAL YEAR 2021
BUDGET AMENDMENT # 6**

Be it ordained by the Town of Montreat Board of Commissioners that the following amendment be made to the Budget Ordinance for the fiscal year ending June 30, 2021.

Department(s): TOWN HALL

Purpose: TO TRANSFER FUNDS FROM CONTRIBUTION ACCOUNTS TO PUBLIC BUILDINGS TO PAY TOWN HALL EXPENSES

Section 1. To amend the Capital Projects Fund as follows:

Line Item	Account Number	Increase Change (DR)	Decrease Change (CR)	Amended Budget
CONTRACT SERVICES	13-00-5000-450	(DR) \$1,692.69		
BUILDINGS	13-00-5000-733	(DR) \$6,806.81		
DEPARTMENTAL SUPP	13-00-5000-330	(DR) \$66.22		
LAND-TH-UNDESIGN	13-00-5982-731		\$1,692.69 (CR)	
LAND-TH-EXTERIOR	13-00-5981-731		\$6,806.81 (CR)	
LAND-TH-EXTERIOR	13-00-5981-731		\$66.22 (CR)	

Section 2. I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Darlene Carrasquillo
Finance Officer

6-7-21
Date

Section 3. Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this _____ day of _____.

Recorded and filed:

Budget Officer/Town Administrator

Date

Town Clerk

Date