

Town of Montreat
Planning & Zoning Commission (P&Z)
Meeting Agenda
January 15, 2026, 10:30 a.m.
Town Hall 1210 Montreat Road, Montreat, NC 28757

I. CALL TO ORDER

- Welcome
- Moment of Silence

II. ADOPTION OF AGENDA

- **Suggested Motion:** To adopt the meeting agenda as presented/amended
- **ADOPTION OF OCTOBER 23, 2025, MEETING MINUTES** **Suggested Motion:** To adopt the October 23, 2025, Meeting Minutes as drafted/amended.

III. ORGANIZATION OF PLANNING AND ZONING COMMISSION

Rule 3. P&Z Rules of Procedure: During the first regular meeting of each calendar year, the Commission shall. As the first item of new business, and pursuant to Section 308.2 of the Montreat Zoning Ordinance, elect a Chair and Vice-Chair, and appoint a Secretary. The Chair and Vice-Chair shall be a member of the Commission, but the Secretary may be an employee of the Town or a member of the Commission.

- Election of Officers:
 - i. Chairperson (current: Julie Schell)
 - ii. Vice-Chairperson (current: Clay Hamilton)
 - iii. Secretary (current: Town Clerk Angie Murphy)

IV. ADOPTION OF 2026 REGULAR MEETING SCHEDULE

Rule 1. P&Z Rules of Procedure: During the first regular meeting of each calendar year, the Commission shall adopt a schedule of regular meetings. Unless otherwise adopted, the Commission shall hold a regular meeting quarterly on the third Thursday of January, April, July and October. Regular meetings shall begin at 10:30 am unless otherwise stated in the adopted schedule of regular meetings. A copy of the Commission's current meeting schedule shall be files with the Town Clerk.

- Proposed Meeting Calendar for 2026
 - i. April 16th
 - ii. July 16th
 - iii. October 16th
- **Suggested Motion:** To adopt the 2026 Planning and Zoning Commission Meeting Schedule as drafted/amended.

V. CONSIDERATION OF RECOMMENDATION TO SUBMIT REVISED SIGN ORDINANCE TO THE BOARD OF COMMISSIONERS

- Presented by Interim Zoning Administrator Alexis Baker and Sign Ordinance Sub Committee Chair Gayle Sawyer
- Revised Sign Ordinance Document/Staff Report
- **Suggested Motion:** See motion on Staff Report

VI. UPDATE ON WADE & SUSIE BURNS CONDITIONAL ZONING APPLICATION

- [December Town Council Meeting 12/11/25](#)
- [January Town Council Meeting 1-8-26](#)

VII. DISCUSSION TO CONSIDER REINSTITUTING HILLSIDE ORDINANCE UPDATE

VIII. REVIEW COMPREHENSIVE PLAN ASSIGNMENTS FOR CONSIDERATION IN 2026

IX. INTERIM ZONING ADMINISTRATOR UPDATES & DISCUSSION

X. REMINDER OF NEXT MEETING DATE

XI. PUBLIC COMMENT

XII. ADJOURNMENT

Planning & Zoning Commission Meeting

October 23, 2025, 10:30 a.m.

Meeting Minutes

Commission Members in Attendance:

Julie Schell, Chair
Clay Hamilton, Vice-Chair
Eleanor James
Allen Crawford
Mike Broussard
Gayle Sawyer, Alternate Member

Town Staff in Attendance:

Savannah Parrish, Town Manager
Angie Murphy, Town Clerk
Alexis Baker, Interim Zoning Administrator
Brandon Freeman, Town Attorney

Members of the Public in Attendance:

Approximately 10 people

Call to Order

The meeting was called to order at 10:32 AM. Chair Julie Schell welcomed everyone, specifically acknowledging Alexis Baker as the Interim Zoning Administrator and expressing appreciation for her service.

Following the welcome, a moment of silence was observed.

Adoption of Agenda

The agenda was adopted without changes.

Motion to adopt the meeting agenda as presented.

Moved by Eleanor James, Seconded by Clay Hamilton.

Vote: Approved unanimously.

Adoption of July 17, 2025, Meeting Minutes

Chair Schell suggested two changes to the meeting minutes:

- On packet page three, adding the word "town" before "attorney Brandon Freeman" to clarify his role
- On packet page four, changing the reference to "problems between the college and their insurance company" to "issues under discussion between the college and their insurance company"

Motion to adopt the July 17, 2025, meeting minutes as amended.

Moved by Eleanor James, Seconded by Allen Crawford.

Vote: Approved unanimously.

Old Business

No old business was discussed.

New Business

Conditional Zoning Request & Public Hearing

The Chair noted Commission Member Daniel Hewitt's presence but clarified that he would not be participating in the vote. The Chair also announced that due to the volume of material, public comments would be limited to three minutes per speaker.

Town Attorney Brandon Freeman provided an overview of conditional zoning, explaining that it is a legislative process where an applicant requests a change to the zoning of a specific property. He clarified that the role of the Planning & Zoning Commission is to make a recommendation to the Board of Commissioners about whether the conditional zoning should be approved.

Commission Member Mike Broussard raised questions about a pending court case related to the property. Town Attorney Brandon Freeman explained that the court case was before the North Carolina Court of Appeals but believed it would not impact the current proceedings. He explained the difference between the quasi-judicial process (Board of Adjustment) and the legislative process (conditional zoning) currently under consideration, noting they were separate tracks.

Commission Member Broussard expressed concern about the town potentially having "two legal issues cooking" simultaneously and questioned whether it was in the town's best interest. Mr. Freeman advised that the board should evaluate the conditional zoning application on its merits, independent of other legal proceedings.

Alexis Baker, Interim Zoning Administrator, presented the conditional zoning request for 779 Foreman Siding Road. She noted that the application was submitted by property owners Wade and Susie Burns to change the zoning from R3 to R3-CZ to accommodate a single-family residential structure. The property is located within Montreat's extra-territorial jurisdiction.

Ms. Baker explained that while the lot area (0.26 acres/11,326 square feet) is smaller than the R3 minimum (20,000 square feet), it is legally allowed to be developed as a lot of record. She detailed that the lot dimensions generally meet R3 requirements except for setbacks. The property is a double-front lot requiring 30-foot setbacks, but the applicant's plan proposes a 19-foot setback to the north on Foreman Siding Road and an 82-foot setback to the south on Gilcrest Court. The side setback is 13 feet rather than the required 15 feet.

Ms. Baker confirmed that single-family dwellings are permitted by right in R3, and that hillside development ordinances, floodplain ordinances, and soil and erosion control were not applicable to this site. She noted that a stormwater management plan had been previously submitted and approved, and utilities were already existing on the site.

Wade Burns, the applicant, provided extensive testimony about the property. He presented his background as an architect specializing in town planning with over 50 years of experience. Mr. Burns explained that the house was designed and constructed based on permits and approvals received from the town. He detailed how the setbacks were originally determined, noting that the Board of Adjustment had previously granted variances allowing the 19-foot front setback (instead of 30 feet) and permission for the chimney to extend two feet into the side setback.

Mr. Burns provided a detailed explanation of the stormwater management system he designed for the property, emphasizing that he built the house to function as a stormwater management tool. He described installing boulders to reinforce the stream banks, creating a concrete bulkhead as a weir to control water flow, adding an additional 16-inch culvert, and installing 3,000-gallon underground tanks to capture and slowly release roof water.

Mr. Burns addressed concerns raised by his neighbor, Mr. James "Jim" Hamilton, arguing that his engineering designs had effectively protected both properties during Hurricane Helene. He emphasized that the stream on his property is an ephemeral stream (containing water only when it rains), not a perennial or intermittent stream, and therefore should not require a 30-foot setback. He noted that his stormwater management system had been tested during Hurricane Helene and worked effectively.

Mr. Burns explained the personal circumstances driving his request, noting that he and his wife are relocating to Hartsville, South Carolina, and cannot sell the property or borrow against it with the uncertain legal status.

In response to Commission Member Eleanor James's questions, Mr. Burns confirmed that the stream has not been re-designated from ephemeral to intermittent, and that all of his stormwater management solutions had been approved by the town.

The Chair asked about the swale on the west side of the house and the easement for future sewer placement, and Mr. Burns confirmed that nothing can be built on top of it that would obstruct access for maintenance.

Susie Burns provided additional testimony about their experience during Hurricane Helene, emphasizing that their stormwater management system functioned perfectly during the storm and actually protected their neighbor's property. She presented photos showing that water runoff issues were coming from other properties, not from their property.

Public comments were received from:

- Elizabeth Deibert, who spoke to the integrity of Wade and Susie Burns and their efforts to meet requirements
- Shirley Mitchell, who expressed her trust in Wade Burns' character
- Beth Barker, who expressed frustration with neighbors suing neighbors
- Allen Crawford, a Planning and Zoning Committee member representing the ETJ area, who spoke about the extensive efforts made by Mr. Burns to accommodate both environmental concerns and home efficiency

During commission deliberations, members wrestled with the relationship between the conditional zoning process and the ongoing Board of Adjustment appeal. Commission Member Broussard and Commission Member James expressed concerns about whether approving the conditional zoning would undermine the Board of Adjustment process.

The Chair noted that the application had been duly submitted, and the commission needed to focus on whether to recommend approval to the Board of Commissioners. Commission Member Clay Hamilton confirmed that the stream classification as ephemeral meant it wasn't subject to the same setback requirements as perennial or intermittent streams.

The commission discussed the improvements made to the stream bed and how they benefited the town's interests in stormwater management, particularly in light of the town's comprehensive plan that emphasized stream protection and stormwater controls.

Alexis Baker confirmed that the applicant had filed an Operations and Maintenance Agreement that had been recorded with the Register of Deeds, which requires periodic inspection of the stormwater management features.

Chair Schell called for a ten-minute break.

The Planning & Zoning Commission meeting resumed after a brief break. Chair Julie Schell called the meeting back to order and asked if there were any further questions from the Commission regarding the conditional zoning request that had been under discussion.

This item was not specifically addressed in the resumed session.

The Chair moved to close the public hearing portion and transition into discussion and potential voting on the conditional zoning application. The Commission needed to address two separate questions: first, whether the application was consistent with the Town Plan, and second, whether to approve, approve with conditions, or deny the application.

Interim Zoning Administrator Alexis Baker directed the Commission to page 7 of the staff report (packet page 12), which included relevant information from "Montreat Tomorrow," the Town's 2023 comprehensive plan. She read a section about development in the ETJ (Extraterritorial Jurisdiction), noting that while most ETJ land

is protected from development, some privately-owned properties could be developed, raising concerns about environmental impact and municipal services like roads and stormwater management.

Town Attorney Brandon Freeman advised on how to structure the motion regarding consistency with the town plan. Commission Member Clay Hamilton moved that the application be deemed consistent with the Town's comprehensive plan as it "manages growth in the outlying areas in a manner that protects views and the character of the natural environment while providing opportunities for variations in housing form and layout."

The Town Attorney suggested a friendly amendment to add that the application also meets considerations outlined in the comprehensive plan section read by the Zoning Administrator. This amendment was moved by Commission Member Clay Hamilton, and the motion was seconded by Commission Member Mike Broussard. The Commission unanimously approved the consistency statement.

For the second motion regarding the application itself, Chair Julie Schell moved that the Planning & Zoning Commission recommend approval of the conditional zoning district application to the Town's Board of Commissioners. The motion was seconded by Allen Crawford and passed unanimously.

Motion by Clay Hamilton, seconded by Mike Broussard, to adopt a consistency statement that the application for conditional zoning district is consistent with the Town of Montreat comprehensive plan in that it manages growth in the outlying areas in a manner that protects views and the character of the natural environment while providing opportunities for variations in housing form and layout, and that it meets considerations outlined in the portion of the plan read by the Zoning Administrator. Motion carried unanimously.

Motion by Chair Julie Schell, seconded by Allen Crawford, that the Planning & Zoning Commission recommend to the Town's Board of Commissioners that the application for a conditional zoning district be approved. Motion carried unanimously.

Zoning Administrator Updates & Discussion

Alexis Baker provided several updates on her work:

- Completed one zoning compliance review for 222 Louisiana Road (addition of stairs)
- Currently processing 11 incomplete applications, one of which is seeking a special use permit
- Conducted a stormwater inspection at 325 North Carolina Terrace on September 23, noting they still need to provide an operation and maintenance agreement and as-built stormwater plans due to changes in their underground stormwater tank

Next Meeting

January 15, 2026, at 10:30 am

The next regular meeting was confirmed for January 15, 2026, at 10:30 am.

The Commission also discussed upcoming subcommittee meetings:

- The Sign Subcommittee will meet on November 13 at 9:30 am at Town Hall
- The Hillside Subcommittee is currently on hold

It was announced that this conditional zoning application would next go before the Town Council at their meeting on November 14, 2025, with public comments starting at 5:30 pm and the meeting at 6:00 pm.

The Commission approved allowing the Chair to work with staff and the Town Attorney to prepare and sign the written recommendation to the Board of Commissioners.

Motion by Clay Hamilton, seconded by Eleanor James, to allow the Chair to work with staff and the Town Attorney to address the written recommendation to the Board and sign it. Motion passed.

Public Comment

No public comments were offered.

Adjournment

Motion by Eleanor James, seconded by Clay Hamilton, to adjourn. Motion carried unanimously and the meeting was adjourned at 1:04 pm.

Julie Schell, Chair

Angie Murphy, Town Clerk



Planning and Zoning Commission Date: January 15, 2026

Subject: A request to consider proposed text amendments to Article II, Definitions, and Article VIII, Signage, of the Montreat Zoning Ordinance

Staff/Committee Resources: Sign Ordinance Subcommittee (Gayle Sawyer, Julie Schell, Clay Hamilton)
Alexis Baker, AICP, Interim Zoning Administrator

Action Requested: Adoption of text amendments to update Article II, Definitions, and Article VIII, Signage, of the Montreat Zoning Ordinance.

Background:

- The Sign Ordinance Subcommittee, comprised of three members from the Planning and Zoning Commission, reviewed the current sign regulations. The goals of the review included better aligning the Town's sign regulations with state and federal law, making the ordinance more clear, and suggesting changes that meet the needs of the Town, its residents, and institutions.
- Representatives from Montreat College and the Mountain Retreat Association (MRA) attended the December 11, 2025, Sign Ordinance Subcommittee meeting and offered important feedback on the Subcommittee's working text amendment drafts. Feedback was also offered by Town Staff including Town Manager Savannah Parrish, Interim Zoning Administrator Alexis Baker, and Town Attorney Brandon Freeman.
- On December 11, 2025, the Sign Ordinance Subcommittee moved to forward their draft text amendments to the Planning and Zoning Commission for their recommendation to the Board of Commissioners

Committee(s): Sign Ordinance Subcommittee, December 11, 2025 – Approved 3 to 0.

Suggested Motion:

- Move that the Planning and Zoning Commission find that the proposed amendments are reasonable, are in the public interest, are consistent with the City's comprehensive plan, and meet the needs of the community in that the amendments 1) align Town regulations with state and federal requirements, 2) comply with the General Provisions of the Zoning Ordinance and, therefore, recommend adoption of the proposed text amendments to Article II, Definitions, and Article VIII, Signage, of the Montreat Zoning Ordinance.

Attachments: Proposed Amendments to Article II, Definitions, and Article VIII, Signage

The following revisions (shown in **red with underlines or strikethroughs**) are proposed to be made to Article II, Definitions, and Article VIII, Signage, of the Montreat Zoning Ordinance:

1. Amend Article II, Definitions, of the Montreat Zoning Ordinance as follows:

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.

Banner: A sign made of a flexible material which can be hung with or without a rigid structure.

Battery-Charged Security Fence: An alarm system and ancillary components, or equipment attached to that system, including a fence, a battery-operated energizer that is intended to periodically deliver voltage impulses to the fence, and a battery charging device used exclusively to charge the battery.

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.

Flag: Any fabric or other flexible material varying in color, design, pattern, or shape, which may display information such as an emblem, logo, insignia, or symbol of a government, political subdivision, nation, state, county, or municipality, or any religious, civic, charitable, patriotic, educational, fraternal or similar organization, and which is usually attached to a ground-mounted pole or pole attached to a Structure.

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 a

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.

Ground-Mounted Sign: ~~A Sign which is directly affixed to the ground meeting the definition of a Structure per this Ordinance.~~

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. Signs shall include Flags and Banners.~~ (See Article VIII)

Sign, Temporary: A Sign not meeting the definition of a Structure per this Ordinance.

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, for the purpose of Setback and minimum Yard requirements neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, a retaining wall, nor a fence shall be considered a Structure. 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.

Wall Sign: A Sign that is attached directly to an exterior wall of a Building and/or a Structure.

Window Sign: A Sign not meeting the definition of a Structure per this Ordinance that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building.

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.

2. Amend Article VIII, Signage, of the Montreat Zoning Ordinance as follows:

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 and with the consent of the property owner.

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 this Section 801.9 Subsection.

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) five (5) 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 this Section 810.9 Subsection.

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 **801.5 SIGN SETBACK REQUIREMENTS.** No projecting portion of any ~~free-standing Sign~~ Ground-Mounted 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 **801.6 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 **801.7 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 **801.8 ENFORCEMENT OF REGULATIONS.** Any Sign ~~which does not comply with the Ordinance, constructed erected~~ after the Effective Date or any Sign maintained in a ~~non-conforming non-compliant~~ manner shall be subject to the ~~following actions: provisions of Sections 305, 306, and 307 of this Ordinance.~~

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 except that one~~ house number and/or name plate shall be permissible for each Dwelling, subject to Section 804.2.
- 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. A Sign which is a Structure erected on behalf of a business, commodity, service, establishment, or other activity conducted sold or offered at a location other than the premises on which the sign is erected.

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 devices 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, except as permitted in Section 807, 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 ~~804.7 804.2~~ 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 ~~and/or maintained by a governmental agency and/or with the approval of the Town of Montreat~~ 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.~~ ~~official notices posted by public officers or Town employees in the performance of their duties;~~ and (iii) ~~informational Signs erected and/or maintained by and/or with~~

the approval of the Town of Montreat. Such Signs may be illuminated, flashing, or moving as required for public safety. Furthermore, Signs erected by a government 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 Allowed 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.

804.2 804.1 **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.~~

~~804.7 804.2 RESIDENTIAL HOUSE NUMBER AND NAMEPLATE SIGNS. Residential nameplate Signs are permitted and may include house numbers. Residential nameplate Signs shall not exceed six (6) square feet in area. House numbers Signs and nameplate Signs shall be displayed in a manner compliant with this Ordinance.~~

~~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.~~

~~804.9 804.3 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. Temporary signs must comply with the following requirements:~~

~~804.91 804.31 Such Each Signs shall be no larger than four (4) square feet of surface area per side and shall not exceed three (3) feet in height;~~

~~804.92 804.32~~ 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~~

~~804.94 804.33~~ Such Signs must be removed no later than ~~two (2) five (5)~~ 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 their purpose.~~

804.34 Such signs shall be promptly removed if they become torn, tattered or otherwise deteriorated.

804.35 Illumination of such Signs is prohibited.

804.5 FLAGS. Flags shall, with the permission of the property owner, be allowed on private property in accordance with the following provisions, and to the extent allowed by state and/or federal law:

804.51 No Flag shall exceed twenty-four (24) square feet in surface area.

804.52 Flags must otherwise comply with Section 801 and 802 of this Ordinance.

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.~~

~~805.13 805.11 NON-RESIDENTIAL USES. Non-residential Uses permitted as a Special Use in accordance with Article V in residential Zoning Districts shall be allowed one (1) freestanding ground-mounted 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 Article V~~ subject to the accompanying restrictions and the issuance of a sign permit:

805.21 **GROUND-MOUNTED OR FREE STANDING SIGNS.** ~~Unless otherwise noted in this Ordinance for each Principal Building on a Lot one (1) ground-mounted Sign not to exceed the following height and surface area limitations: Eight (8) feet in height measured from the ground under the Sign to the top of the sign and Sixteen (16) square feet in surface area per side of Sign.~~

805.22 **WALL SIGNS.** ~~For each Principal Building on a Lot, one (1) or more wall Signs whose combined surface area does not exceed sixteen (16) square feet. Historical, engraved or chiseled wall Signs are exempt. 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 **805.23 BUILDINGS LOCATED ON CORNER LOTS OR DOUBLE-FRONTAGE 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 one (1) Ground-Mounted Sign facing each Street, for a total of two Signs per Lot. Each Sign must comply with dimensional requirements in 805.21.~~

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.

805.24 BANNERS. Banners are permitted in the Institutional Zoning District, but only in accordance with the following provisions:

805.241 One (1) Banner per Lot Frontage shall be allowed for a maximum duration of thirty (30) days each time. Where a parcel has frontage on more than one road, one (1) Banner shall be allowed for each road.

805.242 No Banner shall exceed one hundred and sixty-five (165) square feet.

805.243 Banners must be attached to the wall of a Principal Building or securely anchored in a landscaped area outside of the Street Right-of-Way. No loose, non-secure attachments are allowed.

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.~~

808.806 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. The following regulations apply:~~

808.1 806.1 ~~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) t~~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 thirty inches (30") 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 through (f) provided for in the immediately preceding grammatical paragraph of this section are complied with in all respects.~~

806.2 The maximum size of each banner shall be thirty inches (30") in width by six feet (6') in length and in no event, shall a banner extend into the roadway.

806.3 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.

806.4 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.

806.5 Banners may be installed for no more than three (3) months and shall be removed within seven (7) days of their purpose being exhausted.

806.6 No particular utility pole shall display a banner for more than nine (9) months during any calendar year.

~~809~~ **Wayfinding Signs.** ~~Government agency-owned Wayfinding Signs are exempt from the provisions of this Ordinance as provided in Section 803.1 above. Privately owned Wayfinding 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 Wayfinding Signs that are part of a community Wayfinding 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 Wayfinding system. No Wayfinding Signs other than government agency-owned 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 "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~~ **807 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~~ **807.1 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~~ **807.2 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.

~~810.3 807.3 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.~~

VISION STATEMENT: ENVIRONMENT

Montreat will value and protect its tree canopy, streams, land, and natural beauty.

#	OBJECTIVE	TIME FRAME	PRIORITY	ENTITY	IMPLEMENTATION
3	grading permits and requirements for projects that currently are not covered by Buncombe County's Erosion and Sediment Control Ordinances.	Short-Term	High	PZ	10/18/23 Assigned to Zoning Ordinance Subcommittee for review; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
4	Explore the adoption of additional stream protection ordinances.	Long-Term	Medium	PZ	10/18/23 Assigned to full Planning and Zoning Commission for review; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
6	Explore conservation easements as an avenue for land protection.	Short-Term	Medium	PZ & OSC	10/18/23 Assigned to full Planning and Zoning Commission for review; 01/18/24 Assigned to Bill Tucker to pursue with staff assistance; 04/25/24 ZA & BT provided update to full PZC. Will present information at July meeting; 07/18/24 ZA & BT presented on objective at PZC meeting. PZC assigned two members to attend Montreat Landcare Committee meetings and report back to PZC at each meeting. PZC directed ZA, BT, & Liz Johnson to meet and work on developing purpose of objective and identifying mechanisms for implementation. ZA, BT, & LJ to meet before next PZC & return with this item
7	Implement the stormwater management plan as required and approved by Small MS4 NPDES Permit.	Long-Term	Medium	Town-wide	10/18/23 Revisit and assign once stormwater management plan is approved by state; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
9	Create a voluntary stormwater control measure and flood risk mitigation program with established goals that includes educational opportunities and outreach efforts.	Long-Term	Medium	PZ	10/18/23 Revisit and assign stormwater portion of objective once stormwater management plan is approved by state. Flood risk mitigation portion of objective assigned to full Planning and Zoning Commission for review; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
10	Investigate implementing viewshed protection regulations in Montreat.	Short-Term	Medium	PZ	10/18/23 Assigned to full Planning and Zoning Commission for review; 01/18/24 Assigned to Julie Schell to pursue with staff assistance, ZA gave presentation on viewsheds, full PZC voted to not make a recommendation on pursuing objective to the BOC at this time and to revisit this objective in January 2025; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
11	ensure that it is enforceable, practical, and sufficient for its purpose, with consideration to the responsibility placed on those building on property in Montreat.	Short-Term	High	PZ	10/18/23 Assigned to Hillside Development Ordinance Subcommittee for review; 02/07/24 HDO met (see minutes); 03/07/24 HDO met (see minutes); 04/24/24 HDO met (see minutes); 06/05/24 HDO met (see minutes); 07/11/24 HDO met (see minutes)
12	Support and implement the goals and recommendations for the Town of Montreat in the Buncombe and Madison County Regional Hazard Mitigation Plan.	Short-Term	Medium	Town-wide	10/18/23 Assigned to full Planning and Zoning Commission for review; 01/18/24 Assigned to Sally Stansill to pursue with staff assistance; 04/25/24 ZA & SS shared current tracker status with PZC. PZC voted to pursue the implementation strategies as proposed by ZA & SS; 07/18/24 Julie Schell assigned to take over SS duties. ZA & JS to meet & continue work before next PZC & return with this item

PZ = Planning & Zoning | OSC = Open Space Committee

VISION STATEMENT: DEVELOPMENT

Montreat will be a community that respects buildings with historic value, encourages new development to consider the surrounding architecture, and strives for resilience in the face of a changing climate.

#	OBJECTIVE	TIME FRAME	PRIORITY	ENTITY	IMPLEMENTATION
2	Investigate implementing a maximum lot coverage standard in the Montreat Zoning Ordinance to cap the percentage of a lot that can be developed	Short-Term	High	PZ	10/18/23 Assigned to full Planning and Zoning Commission for review; 01/18/24 Revised to assign to Zoning Ordinance Subcommittee for review; 04/25/24 No action; 07/18/24 No action
3	In cooperation with the Town, Montreat College, the Mountain Retreat Association, and local organizations, work to update and implement a wayfinding plan including educational signage.	Long-Term	High	PZ	10/18/23 Assigned to Sign Ordinance Subcommittee for review; 02/08/24 SSC met (see minutes); 03/06/24 SSC met (see minutes); 04/11/24 SSC met (see minutes); 04/25/24 SSC met (see minutes); 07/18/24 SSC reconvened to address outstanding revisions.
4	Preserve, protect, and enhance the character of Montreat by evaluating and improving existing allowable uses, densities, and dimensional regulations in each Zoning District	Short-Term	High	PZ	10/18/23 Assigned to Zoning Ordinance Subcommittee for review; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
5	Investigate development regulations per Zoning District for short-term rentals with consideration for existing short-term rentals and potential funding sources.	Short-Term	High	PZ	10/18/23 Assigned to full Planning and Zoning Commission for review; 01/18/24 Assigned to Bill Scheu to pursue with staff assistance; 04/25/24 PZC decided not to proceed with STR regulations at this time per conversations with BOC members. Will revisit if there is an update from state legislature; 07/18/24 No action
6	Support current and new activities with local, regional, and state partners to educate the public about the value of historic properties and landmarks.	Long-Term	Medium	PZ	10/18/23 No action by Planning and Zoning Commission needed at this time. PZC will serve as a resource as needed for entities (like PHC) who work with historic preservation; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
7	In the spirit of the long-term success of the Town of Montreat, and guided by the above vision statements and objectives, work collaboratively with citizens and the institutions of the Town, including, but not limited to, Montreat College and the Mountain Retreat Association, on any future development plans to support the vitality and future of the institutions and the Town.	Long-Term	High	PZ	10/18/23 No action by Planning and Zoning Commission needed at this time. PZC will discuss more details of how to proceed with this objective at the next regular meeting. Current strategy is to invite MRA & Montreat College representatives to present plans to PZC; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action

PZ = Planning & Zoning | OSC = Open Space Committee

VISION STATEMENT: TRANSPORTATION

Montreat will be accessible for people as they age, safe for children and families, and calm for those driving, biking, and walking.

#	OBJECTIVE	TIME FRAME	PRIORITY	ENTITY	IMPLEMENTATION
1	Calm traffic and lower speeds by partnering with regional transportation agencies to conduct a study of feasible options. This may include, but is not limited to, investigating posting advanced warning signs near the Montreat Gate, seasonal speed tables, or additional stop signs.	Short-Term	Medium	Town-wide	10/18/23 No action by Planning and Zoning Commission needed at this time. PZC will serve as a resource as needed work conducted under this objective; 01/18/24 Staff prepare a memo to BOC requesting action on this objective, Sally Stansill to assist, draft memo for regular April PZC meeting; 04/25/24 Full PZC reviewed memo and voted to have the memo placed on May BOC agenda; 05/09/24 BOC directed ZA (w/ SS & Commissioner Widmer) to begin working with MRA&MC on possible partnership for a traffic study; 07/18/24 Due to SS resignation, no action at 07/18 PZC meeting. New PZC member will be assigned at October PZC meeting
2	Periodically examine the availability and demand for parking in the Town of Montreat. Develop strategies as needed to address parking issues. Special consideration to seasonal parking needs should be included.	Long-Term	High	Town-wide	10/18/23 No action by Planning and Zoning Commission needed at this time. PZC will serve as a resource as needed work conducted under this objective; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
3	Investigate developing a freight plan in partnership with local and regional partners. This plan may include, but is not limited to, designated truck routes, drop/off/delivery zones, and a permit system for overweight vehicles to be charged a fee.	Long-Term	Medium	Town-wide	10/18/23 No action by Planning and Zoning Commission needed at this time. PZC will serve as a resource as needed work conducted under this objective; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action
4	Update and implement the Town's Bicycle, Pedestrian, and Greenways Master Plan.	Long-Term	Medium	Town-wide	10/18/23 No action by Planning and Zoning Commission needed at this time. PZC will serve as a resource as needed work conducted under this objective; 01/18/24 No action; 04/25/24 No action; 07/18/24 No action

PZ = Planning & Zoning | OSC = Open Space Committee

Environment

1

The Town of Montreat should develop regulations to encourage fire safety indoors and outdoors. These regulations should be customized to fit the needs of the community, weighing carefully the impact on public safety and natural areas as well as the likely responsibilities placed on property owners as such regulations are passed.



2

The Tree Board should collaborate with existing stakeholders and their representatives (the MRA wilderness committee, Montreat Cottagers, Southern Appalachian Highlands Conservancy) to identify and recommend to Town Council strategies for protection of our forests and for its health and resiliency, and to propose funding required for such strategies.



3

Create a local erosion and sediment control ordinance for grading permits and requirements for projects that currently are not covered by Buncombe County's Erosion and Sediment Control Ordinances.



4

Explore the adoption of additional stream protection ordinances.



5

Institute periodic review (i.e., every five years) by the Tree Board of the *Recommended Species List* (Montreat Zoning Ordinance, Appendix A) to ensure riparian species (those that are native to creeksides) are included.



6

Explore conservation easements as an avenue for land protection.



7 Implement the stormwater management plan as required and approved by Small MS4 NPDES Permit.



8 Inventory the Town's current stormwater infrastructure and identify opportunities for system improvements and expansions.



9 Create a voluntary stormwater control measure and flood risk mitigation program with established goals that includes educational opportunities and outreach efforts.



10 Investigate implementing viewshed protection regulations in Montreat.



11 Examine the existing Hillside Development Ordinance and ensure that it is enforceable, practical, and sufficient for its purpose, with consideration to the responsibility placed on those building on property in Montreat.



12 Support and implement the goals and recommendations for the Town of Montreat in the Buncombe and Madison County Regional Hazard Mitigation Plan.



Development

1

Support private property owners in the creation of conservation easements and/or deed restrictions on land with recreational value to the public.



2

Investigate implementing a maximum lot coverage standard in the Montreat Zoning Ordinance to cap the percentage of a lot that can be developed.



3

In cooperation with the Town, Montreat College, the Mountain Retreat Association, and local organizations, work to update and implement a wayfinding plan including educational signage.



4

Preserve, protect, and enhance the character of Montreat by evaluating and improving existing allowable uses, densities, and dimensional regulations in each Zoning District.



5

Investigate development regulations per Zoning District for short-term rentals with consideration for existing short-term rentals and potential funding sources.



6

Support current and new activities with local, regional, and state partners to educate the public about the value of historic properties and landmarks.



Transportation

1

Calm traffic and lower speeds by partnering with regional transportation agencies to conduct a study of feasible options. This may include, but is not limited to, investigating posting advanced warning signs near the Montreat Gate, seasonal speed tables, or additional stop signs.



2

Periodically examine the availability and demand for parking in the Town of Montreat. Develop strategies as needed to address parking issues. Special consideration to seasonal parking needs should be included.



3

Investigate developing a freight plan in partnership with local and regional partners. This plan may include, but is not limited to, designated truck routes, drop/off/delivery zones, and a permit system for overweight vehicles to be charged a fee.



4

Update and implement the Town's Bicycle, Pedestrian, and Greenways Master Plan.



5

Support private-public partnership opportunities to fund and support trail maintenance.

