TOWN OF BLACK MOUNTAIN
STAFF REPORT: 1114 Montreat Rd.
July 13, 2026 Town Council Meeting

REQUEST

Applicant:
Paul Langston, Missions Mobilization Consultant, Baptists on Mission

Proposal:
March 17, 2026, request to Zoning Administrator for a one-year extension of the temporary use *Emergency Housing* at 1114 Montreat Rd. (071041779500000).

Ordinance Section:
Item ***C*** in Section 5.18.2 (General Provisions) of Section 5.18 (Emergency Housing) of the Land Use Code

DETAILS OF PROPOSAL

The following is a summary of the proposal:
1114 Montreat Rd. (071041779500000) is owned by North Carolina Baptist Men, according to the county's Property Record Card. As a representative of the property owner, on March 17, 2026, Paul Langston emailed the following to Planning & Development: "We would like to ask for the one year extension on this request when appropriate. Is there a formal process for this or does this result from communications we will have with your office?"

The use at 1114 Montreat Rd. is *Emergency Housing* in the context of the second of the two eligibility criteria:

A. Eligibility. Applicant must provide proof they:

1. Own, occupy or occupied, as their primary residence, a structure damaged or made inaccessible by the declared disaster; or,
2. Are assisting with disaster recovery efforts through a unit of government, agency, nonprofit, or company.

Section 1.2.3 (Definitions) of the Land Use Code has the following:

Emergency housing: The use of travel trailers, manufactured housing, building-code compliant structures for habitation, or other FEMA-approved shelters as a temporary use related to declared federal, state, or local disaster, for people:

1. Experiencing homelessness or inadequate shelter resulting from disaster-related damages; or
2. Assisting with disaster recovery efforts through a unit of government, agency, nonprofit, or company.

Zoning Determination for 1114 Montreat Road to North Carolina Baptist Men, from the Zoning Administrator, dated May 14, 2025, includes the following:

In the context of the late September 2024 emergency declaration, you've stated the project goal as hosting volunteers and volunteer groups for overnight stays ranging from one to 14 days, related to a declared federal, state, or local disaster. This corresponds with the use ***Emergency Housing*** [Section 5.18 (Emergency Housing) of Chapter 5].

We've received communication from the NC Department of Public Safety (DPS) stating that Baptists On Mission / North Carolina Baptist Men operates in collaboration with DPS, which meets the requirement stated in Section 5.18.2 (A) (2).

The one-year extension request was submitted in the context of the following:

C. Temporary use. Emergency housing shall be permitted for up to two years from the date of the declared disaster and may be extended by the Zoning Administrator for up to one additional year.

[*reference*: subsection 5.18.2 (General Provisions) of Section 5.18 (Emergency Housing)]

FEMA declaration FEMA-4827-DR ("Incident: Tropical Storm Helene") states that the disaster was declared on September 28, 2024.

ANALYSIS

CONSISTENCY WITH ADOPTED POLICY GUIDANCE:

North Carolina Baptist Men / Baptists on Mission has requested a one-year extension of the use *Emergency Housing at 1114 Montreat Rd.*

The use *Emergency Housing* is being established in the context of North Carolina Baptist Men / Baptists on Mission assisting with disaster recovery efforts through a unit of government.

FEMA declaration FEMA-4827-DR ("Incident: Tropical Storm Helene") states that the disaster was declared on September 28, 2024. Therefore, the use expires on September 28, 2026. If the one-year extension is granted, the use expires on September 28, 2027.

On May 30, 2026, Mr. Langston provided the following update on permit number BLG-25-0062 (Commercial Remodel): "It looks like we will have the temporary CO around the end of June. The other construction will be a few weeks after that but I need to get a more firm date for you there."

Emergency Housing was established on January 13, 2025 (Ord. No. O-25-01) in the context of many urgent disaster-response activities by the Town. Given the lack of grounds for the Zoning Administrator to consider a request for an extension, and given the possibility of the Town experiencing other declared disasters, staff are bringing the extension request to Council for consideration.

REASONABLENESS/PUBLIC INTEREST:

The use *Emergency Housing* is permitted in all zoning districts except Heavy Industrial (HI-0). It's permitted per the requirements for the use found in Section 5.18 of Chapter 5 (Additional Requirements for Specified Uses).

For any given zoning district, a use is not permitted, permitted by right, permitted per specific requirements, or permitted through Board of Adjustment approval of a Special Use Permit application.

The logic of permitting some uses not by right but per additional requirements is explained as:

> The Town of Black Mountain finds that there are certain uses that require specific additional standards to ensure compatibility with other uses and conformance to the town's comprehensive plan or other adopted plans. This chapter specifies requirements that must be met by each use listed as a "use permitted with additional requirements" in chapter 4 of this land use code.

[*reference*: subsection 5.1.1 (Purpose) of Chapter 5]

The phrase "requirements that must be met" refers to administrative (staff) review of the criteria listed in Chapter 5 for each use. In this regard, *Emergency Housing* is not unique; the list of per-additional-requirements uses is long:

- Boarding and Rooming House (Sec. 5.3)
- Day Care Center (Sec. 5.4)
- Family Care Home (Sec. 5.5)
- Home Occupation (Sec. 5.6)
- Manufactured Home on Individual Lot and Emergency Housing (Sec. 5.7)
- Farm Stand, Tailgate Market or "Garden Market" (Sec. 5.8)
- Neighborhood Fueling Facility (Sec. 5.9)
- Newspaper and Periodical Distribution Box (Sec. 5.10)
- Secondary Dwelling (Sec. 5.11)
- Wireless Communications (Sec. 5.12)
- Tattoo Parlor/Body Piercing Studio (Sec. 5.13)
- Recreation Services (Sec. 5.14)
- Mobile Food Vendor (Sec. 5.15)
- Mobile Food Vendor Court (Sec. 5.16)
- Mobile Retail Vendor (Sec. 5.17)
- Emergency Housing (Sec. 5.18)
- Sidewalk Seating (Sec. 5.19)
- Data Processing Facility (Sec. 5.20)

For all 18 of these per-additional-requirements uses, staff confirm that the applicant has met the criteria for the use, and the relevant permit is issued. This is similar to how ***by-right*** uses are reviewed. And it's quite different from how ***Special-Use-Permit*** uses are reviewed: Special Use Permit applications are reviewed by the Board of Adjustment, which approves, approves with conditions, or denies.

The relevant permit for 1114 Montreat Rd. happens to be commercial remodel, because the use is being established in a building that had been long-vacant and which the applicant needed to remodel.

For *Emergency Housing*, the relevant provision of the 13 provisions (provision ***C*** - extension of up to one year) is not grounded in any criteria to guide staff in approving or denying an extension request.

REPORT PREPARATION

This report was prepared by Planning Department staff member Russell Cate, Planner/Zoning Administrator, and reviewed by Michelle Kennedy, Planning Director.

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