



ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828) 669-8002, ext. 3030
www.townofmontreat.org

INITIAL ZONING/DEVELOPMENT COMPLIANCE – APPLICATION

Fee: \$35

(NOTE: May require addendum forms (i.e. Variance, Special Use Permit, etc.)

Project Address(s): _____

Parcel Identifier Number(s) (PIN #): _____

Zoning District(s): _____

Owner Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____

Owner Phone: _____ E-mail: _____

Short description of proposed project and intended use: _____

Special Conditions (Variance or Special Use Permit required?) Yes (see attached) No

NOTE: Where a Variance or Special Use Permit (SUP) is required, the Zoning Official shall not issue a Certificate of Zoning/Development Compliance until such Variance or SUP shall be approved by the Board of Adjustment.

Page 2 and 3 provide summary information on the Town of Montreat’s **Zoning, Stormwater** (Erosion & Sediment Control and Stormwater Management), **and Hillside Development standards**. Please see page 4 for a **Zoning Checklist for Permit Applications**, page 5 for **Additional Information About Zoning Compliance**, and pages 6-8 for **Montreat Zoning/Development Standards Reference List**.



Zoning Districts – Dimensional Standards

District	Min. Lot Area*	Min. Lot Width	Min. Lot Depth	Front Setback**	Side Setback	Rear Setback
R-1: Low-Density Residential	10,000 SF (SFD) 15,000 SF (TFD and other uses)	75'	100'	30'	15' (SFD) 25' (All other uses)	20% of mean lot depth, or 35' max.
R-2: Medium Density Residential	8,000 SF (SFD) 12,000 SF (TFD and all other uses) MFD (3 or more units), 20,000 SF, plus 3,500 SF per unit in excess of 4 units	60'	100'	30'	10' (SFD) 20' (All other uses)	20% of mean lot depth, or 30' max.
R-3: Low-Density Residential (Septic)	20,000 SF (SFD)*** 30,000 SF (TFD and all other uses)	75'	100'	30'	15' (SFD) 25' (All other uses)	20% of mean lot depth, or 35' max.
I/R: Institutional/Residential District	6,000 SF (SFD)	65'	100'	25' for all uses	12'/17.5' interior/corner	25'
	10,000 SF (TFD and all other uses)	80'	100'			
	15,000 SF (MFD)	100'	100'			
I: Institutional District	7,500 (all uses)	75'	100'	N/A - 25' from right-of-way and when adjacent to a different Zoning District		

SFD = Single-Family Dwelling

TFD = Two-Family Dwelling

MFD = Multi-Family Dwelling

* **Min. Lot Size for New Lots.** If lot already exists, it's a **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, or a lot described by metes and bounds, prior to the adoption of this Ordinance. (November 14, 1985) No newly created lot shall be reduced in dimension/area below the min. requirement. (Sec. 607)

**** Front Setback Reductions**

- Corner lots may have a fifty percent (50%) setback reduction on one front setback (Sec. 607).
- Lots in developed areas may use the average front setback of surrounding lots, min. 15' front setback. (Sec. 609).
- On lots ≥40% slope, front setbacks may be reduced up to fifty (50%) based on Zoning and Town Administrator approval.

*** **Septic Service** In areas not served by a public or community sewer system, the minimum lot area shall be determined by the Buncombe County Health Department. This minimum lot area shall be that necessary for safe on-site waste disposal system, but in no case, shall the lot be smaller than the required area for the Zoning District in which it is located. (Sec. 603)



Other Development Standards

Please see **Montreat Zoning/Development Standards Reference List** (page 6) for standards which may apply to your project. The list immediately below highlights common home-construction related standards.

NOTE: Erosion & Sediment Control (ESC) measures are required for any amount of land disturbance.
See *Buncombe County Erosion & Sediment Control* documents under "Forms" on Town of Montreat website.

Is an Erosion & Sediment Control Permit Required? (see General Ordinances) Yes No

A permit is required when:

- Any land disturbance >1 acre on a tract, or
- Any land disturbance >0.25 acre on a lot, parcel, or tract with average natural slope >25%

Is a Stormwater Permit Required? (see General Ordinances) Yes No

A permit is required when:

- Disturbing ≥ 5,000 SF on lot area; or
- Adding impervious surface on ≥ 24% on lot area; or
- Adding ≥ 2,500 SF of impervious surface on lot area.

Is a Hillside Development Permit Required? (see General Ordinances) Yes No

A permit is required when the average slope of the lot is ≥ 40%.

Steep Slope Calculator: <https://www.mapwnc.org/>

Applicant's Acknowledgement

I, _____, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Date: _____ Applicant's Signature: _____

Applicant's Name (PLEASE PRINT): _____

FOR OFFICE USE ONLY

Approved Application deemed Complete (Board approval required) Denied

Date: _____ Zoning Administrator's Signature: _____

Zoning Administrator's Name (PLEASE PRINT): _____

Permit Fee: \$ _____ Cash: \$ _____ Check #: _____ Date Paid: _____

NOTE: Certificate of Zoning Compliance (later on) must be APPROVED before Building Permit can be issued.

Zoning Checklist for Permit Applicants

NO building permit shall be issued for new construction, addition to, or the alteration of, existing structure footprints or use, without first applying for a Certificate of Zoning Compliance with the Town of Montreat. Please provide two (2) copies of each item listed below.

- A **Site Plan** must provide complete details of the driveway location and dimensions, as well as compliance with required parking accommodations. (Requests for on-street parking intended to meet a portion of the overall required parking accommodations for the site shall be considered on a case-by-case basis by the Town Administration).

A **complete Site Plan** includes:

- Orientation referencing north meridian (i.e. a NORTH arrow);
 - Scale of the drawing (i.e. 1" = 20');
 - Boundaries and acreage (or square feet) of the parcel and parcel dimensions, incl. PIN #;
 - Adjacent streets and any easements;
 - Existing and/or proposed structures including clearly delineated setback lines;
 - Location of all underground and above ground utilities; – existing or proposed;
 - Location of all utility easements, rights-of-way, culverts and drainage ways – existing or proposed;
 - Contour interval – showing pre- and post-construction contours (if applicable); and
 - Clear graphic representation of any proposed alterations, additions or details indicating changes to the topography or site characteristics. This includes the location and details of any existing or proposed Stormwater Control Measures (SCM's) associated with the parcel.
- An **as-built survey** must be provided for any construction project where a finished structure is located at or near the required setback line(s). This must be prepared by a Professional Land Surveyor (PLS).
 - A **landscaping plan** must be submitted for all commercial projects and – at the discretion of the Zoning Administrator – may be required for residential projects as well;
 - The project must be evaluated for additional requirements under the **Hillside Development Ordinance** and **Stormwater Management Ordinance**, which may involve the applicant hiring a *N.C. Registered Design Professional* to prepare supplemental calculations and project specifications to achieve compliance. An Erosion and Sediment Control Plan must be included with the permit application submittal if there is to be any grading associated with the proposed scope of work.
 - The proposed project must be a permitted use in the zoning district associated with the structure location(s) - **NO** use Variances are permitted. (See Montreat Zoning Ord. – Table 500)
 - No expansion of an existing non-conforming structure is permitted without first securing a Variance from the Zoning Board of Adjustment. (See Montreat Zoning Ord. Sec. 1000.2 Non-Conformities)

Additional Information About Zoning Compliance

301.3 CERTIFICATE OF ZONING COMPLIANCE LIMITED TO TWELVE MONTHS PLUS ONE EXTENSION.

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

301.4 PRIOR APPROVAL REQUIRED FOR PLAN CHANGES.

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

301.5 RE-SUBMISSION OF APPLICATION FOR ZONING COMPLIANCE.

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

Montreat Zoning/Development Standards Reference List

References below highlight standards found in Montreat's Zoning Ordinance and General Code of Ordinances. Ordinances are available via PDF on the Town of Montreat's website: www.townofmontreat.org
Italicized text provides prompts for and brief explanations of standards.

ZONING ORDINANCE

COMPREHENSIVE PLAN – CONSISTENCY STATEMENT

Please describe how the proposed project is consistent or inconsistent with the Montreat Comprehensive Plan.

ARTICLE V – ZONING DISTRICT REGULATIONS

Please describe how the proposed project is a Permitted Use per Sec. 500. (Table of Permitted Uses).

Zoning District Site and Dimensional Standards and Overlay Zoning District Uses/Standards
(includes setbacks, minimum lot size, screening, and sign standards for specific Zoning Districts)

ARTICLE VI – DEVELOPMENT PROVISIONS

- 600. Use
- 601. Lot Reduction Prohibited
- 602. Every Lot Must Have Access to a Street
- 603. Minimum Lot Area
- 604. Height and Density
- 605. One Principal Building per Lot (n/a in Institutional Zoning District)
- 606. 606.1 Accessory Buildings and Uses
- 606.2 Garages in Front Yard
- 606.3 Portable Storage Container
- 606.4 Reasonable Accommodation (ADA)
- 607. Corner Lots
- 608. Double Frontage Lots
- 609. Special Front Yard Requirements in Developed Areas. (setback reductions allowed)
- 610. Nuisances and Hazards at Building Sites.
- 611. Manufactured Homes
- 612. Regulations for Cut and Fill Slopes.
- 613. Drainage (Note: The Stormwater Management Ordinance may have additional regulations.)
- 613.1 Sedimentation Control. All land disturbing activity is to be planned and conducted so as to prevent off-site sedimentation and storm water runoff damage.
- 614. Agricultural Uses
- 615. Parking and Storage of Travel Trailers, Campers and Recreational Vehicles.
- 616. Approval for Construction in Rights-of-Way.
- 617. Driveway and Walkway Connections.
- 618. Fences
- 619. Accessory Dwelling Units (ADUs)
- 620. Home Occupations

ARTICLE VII – PARKING AND LOADING REGULATIONS

- 701. Parking Area Construction Standards.
 - 701.1 Parking Space Requirements
 - 701.2 ENTRANCES (SOMETIMES “AISLE”) AND DRIVEWAY WIDTHS.
 - 701.3 SURFACING.
 - 701.4 CURBING.
 - 701.5 MARKINGS AND SIGNAGE.
 - 701.6 STORMWATER MANAGEMENT.
 - 701.7 LANDSCAPING. Landscaping requirements are in Section 903 of this Ordinance Code.
 - 701.8 PERMITTED SLOPE.
- 702. Off-Street Parking Space Requirements.
- 703. Bicycle Parking.
- 704. Shared Parking.
- 705. Use of Public Streets for Parking.
- 706. Structured Parking.
- 707. Off-Street Loading Regulations.

ARTICLE VIII – SIGNAGE

ARTICLE IX – LANDSCAPING

ARTICLE X – NONCONFORMITIES

“Non-conformities” are uses, lots (vacant or built upon), and structures (i.e. houses, garages, fences) that do not conform to the standards of the current Zoning Ordinance and related development ordinances. Non-conformities are typically older/historic properties and structures.

NOTE: *The Town of Montreat does not permit the expansion or change in use of non-conformities if their expansion or change in use conflicts with current zoning/development standards. Properties and structures are not granted “legacy status” (formerly known as “grandfathered/ing” status).*

TOWN OF MONTREAT CODE OF GENERAL ORDINANCES

CHAPTER C - FIRE PROTECTION AND PREVENTION

Consult this section for required documentation from fire/life safety authorities (Town of Black Mountain) when applicable.

CHAPTER D - STREETS AND PUBLIC WALKWAYS

ARTICLE IV: STREET STANDARDS

Consult this if your project requires construction of a new street (public or private).

CHAPTER E – UTILITIES

Consult this section for required documentation of water (Town of Montreat) and sewer (Metropolitan Sewerage District, MSD) availability when applicable.

ARTICLE I: WATER & SEWER

CHAPTER K – ENVIRONMENT

Consult these sections if your project falls within a flood or hillside area and/or if your project triggers erosion and stormwater standards.

ARTICLE I: FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE II: SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

ARTICLE III: STORMWATER MANAGEMENT

ARTICLE IV: HILLSIDE DEVELOPMENT

Steep Slope Calculator: <https://www.mapwnc.org/>

ARTICLE V: TREES

This article applies to all Town Property, all public rights of way within the Town, and those areas designated as Greenspace in the Offer of Dedication dated May 12, 1983 from the Mountain Retreat Association to the Town of Montreat. This article also applies to private property, primarily in relation to mitigation of unsafe trees on private property in proximity to public property.

CHAPTER M - EXTENSIONS OF PUBLIC UTILITIES AND STREETS

TOWN OF MONTREAT SUBDIVISION ORDINANCE

Consult the Subdivision Ordinance if your project involves subdivision. Frequently consulted sections of the ordinance are listed below for reference, but the entire ordinance should be consulted for any subdivision.

Per N.C.G.S. 160D-802, a "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this part:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
- 2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- 3) The public acquisition or purchase of strips of land for the widening or opening of streets, and;
- 4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

ARTICLE V - GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

- 500: SUITABILITY OF LAND
- 501: CONSERVATION DESIGN
- 502: STREETS
- 503: WATER AND SEWER SYSTEMS
- 504: STORMWATER DRAINAGE
- 505: SEDIMENTATION CONTROL
- 506: SURVEYING AND PLACEMENT OF MONUMENTS
- 507: PRESERVATION OF NATURAL ENVIRONMENT
- 508: LOTS
- 509: EASEMENT

ARTICLE VI - PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

- 600: GENERAL
- 601: MINOR SUBDIVISIONS
- 602: SKETCH PLAN REQUIREMENTS
- 603: PRELIMINARY PLAN
- 604: IMPROVEMENTS INSTALLATION AND GUARANTEES
- 605: FINAL PLAT
- 606: VARIANCES
- 607: APPEALS
- 608: AMENDMENTS