

# TOWN OF MONTREAT

## SUBDIVISION ORDINANCE

### ARTICLE I - AUTHORITY AND PURPOSE

This Ordinance is entitled Subdivision Ordinance for the Town of Montreat and may be cited as the "Subdivision Ordinance", or as the "Subdivision Regulations". This Ordinance is adopted pursuant to Chapter 160A-371 through 160A-376 of the General Statutes of North Carolina for the purpose of guiding the proper subdivision and re-subdivision of land within the town limits of the Town of Montreat in order to promote the orderly growth of the Town.

### ARTICLE II - JURISDICTION

This Ordinance shall govern all subdivisions of land within the corporate limits of the Town of Montreat and within the Town's extraterritorial jurisdiction.

### ARTICLE III - DEFINITIONS

Subdivision. As used in this Ordinance, the definition of the word "Subdivision" is defined in Chapter 160A-376 of the North Carolina General Statutes, as now or hereafter amended. The definition is as follows:

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.

A "*subdivider*" is defined as any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

An "*alley*" is a strip of land owned publicly or privately, set aside primarily for vehicular service access to the back side of properties otherwise abutting on a street. An alley shall be provided for all lots designed for commercial or industrial purposes.

A "*minor subdivision*" is the division of a tract of land into no more than four (4) lots with access to be provided from an existing town street and which involves no new public streets, no right-of-way dedications and no easements.

#### ARTICLE IV - COMPLIANCE

400 No Conveyance Without Approval. No real property lying within the planning and regulation jurisdiction of the Town of Montreat now or hereafter fixed shall be subdivided until it conforms to all applicable sections of this chapter. Violations of this article shall be subject to the penalties set forth in Article VIII. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this Article.

401 Approval of Plats. No subdivision plat of land within the town limits of the Town of Montreat shall be filed or recorded by the Register of Deeds of Buncombe County until it shall have been submitted and approved in accordance with this Ordinance and until such approval is entered on the face of the Final Plat by the Chairman of the Planning and Zoning Commission of the Town of Montreat. The county Register of Deeds shall not file or record a plat of a subdivision of land located within the planning jurisdiction of the Town of Montreat that has not been approved in accordance with these provisions, nor shall the clerk of court order or direct the recording of a plat if the recording would be in conflict with this Ordinance. Plats shall be prepared and approved pursuant to the provisions of this Ordinance whenever land is subdivided. A final plat must be prepared and approved, and recorded pursuant to this chapter whenever a subdivision of land occurs.

402 Permits and Construction. No land disturbing or construction activity with the exception of utility testing, engineering testing and surveying to be carried out in conjunction with the subdivision of land shall be commenced until the Preliminary Plan has been approved by the Planning and Zoning Commission. No building permits shall be issued for, nor shall water, sewer, or other facilities or services be extended to or connected with, any subdivision for which a plat is required to be approved until the Preliminary Plan has been approved by the Planning and Zoning Commission of the Town of Montreat.