



**CERTIFICATE OF ZONING COMPLIANCE**

Applicant hereby requests a permit to build a: \_\_\_\_\_

Located at: \_\_\_\_\_ PIN #: \_\_\_\_\_  
Street Address

Subdivision Name: \_\_\_\_\_ Lot #: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Builder Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Is any portion of the property located in a floodplain area? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Applicant hereby certifies that he/she has reviewed and will comply with all requirements contained in Sections 606, 608, 1402 and 1406 of the Village of Flat Rock Land Development Ordinance #96 and that the information submitted with this application is complete and correct to the best of his/her knowledge. (Signature must be of the land owner(s) or notarized authorization by the land owner(s) for an agent to sign the application)

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**If no building permit has been issued within six (6) months of the date of issuance of this Certificate of Zoning Compliance, or if the work authorized is suspended for a period of one (1) year, this certificate becomes null and void.**

**One copy of this Zoning Compliance Certificate shall be posted in a weather proof clear display on the site until issuance of a certificate of occupancy.**

(Approval Stamp)	Amount Paid: _____ Receipt # _____
	<p>Rejected by: _____ Date _____ (Zoning Official)</p> <p>Reason(s) for rejection: _____ _____ _____</p> <p>Remarks: _____ _____ _____</p>

**CERTIFICATE OF ZONING COMPLIANCE, PAGE 2**

Property Owner: \_\_\_\_\_

PIN #: \_\_\_\_\_

**Zoning District Dimensional Requirements Compliance**

**Set Backs:** Front \_\_\_\_\_ / \_\_\_\_\_ Side(s) \_\_\_\_\_ / \_\_\_\_\_ Rear \_\_\_\_\_ / \_\_\_\_\_  
(Per Article VIII) Requirement / Proposed Requirement / Proposed Requirement / Proposed  
See Ordinance

**Structure Height:** \_\_\_\_\_ / \_\_\_\_\_ **Lot Size:** \_\_\_\_\_ / \_\_\_\_\_  
(per Article VIII) Requirement / Proposed Requirement / Proposed

The Applicant guarantees compliance with Village Land Development Ordinance regulations. The granting of a permit does not relieve the Applicant of complying with all applicable Ordinances of the Village of Flat Rock, Henderson County and the Laws of the State of North Carolina regulating such work. **Agree** \_\_\_\_\_ (Applicant's Initials)

This application requires supporting documentation as specified in Section 1402 to include but not limited to: 1) a survey prepared by and containing the seal and signature of a professional licensed in North Carolina containing the information per Section 1402, 2) a front elevation drawing of the proposed structure, 3) a construction waste holding and disposal plan. **Agree** \_\_\_\_\_ (Applicant's Initials)

Upon satisfactory completion of all inspections required by the Henderson County Inspections Department, a Certificate of Occupancy will be issued by the Village of Flat Rock after the Village Zoning Administrator has determined that all site work has been satisfactorily completed in accordance with Section 1406 and as evidenced by an "As Built Survey" prepared by and containing the seal and signature of a qualified professional as defined by Section 501 of the Land Development ordinance and licensed in North Carolina. **Agree** \_\_\_\_\_ (Applicant's Initials)

Property owner's e-mail address: \_\_\_\_\_

Builder's e-mail address: \_\_\_\_\_

Applications and supporting documentation to be submitted to the Zoning Administrator for determination of compliance with the requirements of the land Development Ordinance shall be submitted in both paper and digital forms, the digital format to be Adobe Acrobat (.PDF). Excepted from such requirement for submission in digital form are applications for certificates of compliance for additions and other small projects for which the Zoning Administrator does not require a current survey or site plan prepared by a qualified professional. See section 608 of the Land Development Ordinance.

Note: Flat Rock ordinances and application forms may be accessed on the Village website at [www.villageofflatrock.org](http://www.villageofflatrock.org).

# EXCERPTS FROM LAND DEVELOPMENT ORDINANCE

## **Section 606. Certificate of zoning compliance requirements.**

Prior to any land disturbing activities, including on forestland, excavation or filling of any lot or the erection, construction, relocation, removal, enlargement or other alteration of any building or structure on a lot, a property owner shall comply with Section 1402 to determine if a certificate of zoning compliance from the Zoning Administrator is required for such work. The Zoning Administrator may withhold the issuance of a certificate of zoning compliance for land disturbing activities, excavation or construction begun before the certificate is issued and that does not comply with the requirements of this ordinance. Civil penalties may apply under Section 1409 and shall, when owed, be paid in full prior to the release of the certificate of zoning compliance.

## **Section 608. Applications; requirements for submission.**

Applications and supporting documentation to be submitted to the Zoning Administrator for determination of compliance with the requirements of this ordinance shall be submitted in accordance with this section.

- (A) *Applications.* Applications must be filed with the Zoning Administrator. Applications that are not complete shall be returned to the applicant with a notation of the deficiencies in the application. The timing for review and approval of an application shall not begin to run until a complete application has been accepted by the Zoning Administrator. Only one application is required for a project. For example, an application for a special use or conditional overlay district rezoning, where the project includes a subdivision of land, shall also include the documentation required for a subdivision application.
- (B) *Authorized signatories.* Except for an application for general use district rezoning under Article XVI, a completed application must be signed by all of the property owners of the property that is the subject of the application, or supported by an affidavit signed by all property owners giving the applicant the permission to file the application, or signed by an authorized agent of all of the property owners who has authority to bind the property to the proposal and to conditions that the reviewing board might impose.
- (C) *Required support documentation and fees.* The application shall include all documentation and fees required by this ordinance, and shall include any other information and documentation deemed by the Zoning Administrator to be sufficient to review the application.
- (D) *Form of applications and copies.* Applications shall be submitted in paper and digital forms, the digital format to be Adobe Acrobat (.PDF). The digital form is not required for applications for certificates of zoning compliance for additions and small projects which do not require a current survey or site plan prepared by a qualified professional. The Zoning Administrator shall determine the number of copies to be submitted by the applicant to ensure that there are sufficient copies for review and comment.
- (E) *Changes in use.* Applicants should be aware that any change in use may require a permit or certificate of occupancy issued by the Henderson County Building Permit Office.
- (F) *Effect of approval.* An approved application and all conditions that may be attached thereto are binding on the property.

**Section 1402. Certificate of zoning compliance requirements.**

- (A) *Procedure.* The Village coordinates the enforcement of this ordinance with the Henderson County Inspections Department and building permit system. The Village enforces this ordinance primarily through the issuance of certificates of zoning compliance. The Henderson County Inspections Department is authorized to issue building permits and enforce all applicable state building codes in the Village. A certificate of zoning compliance must be obtained from the Zoning Administrator prior to obtaining a building permit from the inspections department.
- (B) *Certificate of zoning compliance; development.* No building or other structure may be erected, moved, removed, demolished, extended, enlarged or otherwise structurally altered, no use or development of land initiated, including the installation of infrastructure, nor the excavation or filling of any lot for the construction of any building or use of the land be commenced until the Zoning Administrator has determined that the activity complies with all requirements of this ordinance and has issued a certificate of zoning compliance for such work, and the Henderson County Inspections Department has issued a building permit. A temporary use structure shall require a temporary certificate of zoning compliance from the Zoning Administrator for a maximum period of one year, with renewal extensions of six months each.
- (C) *Certificate of zoning compliance; forestland.* No land disturbing activities shall be commenced on forestland until the Zoning Administrator has determined that the activity complies with all requirements of this ordinance and the Tree Preservation Ordinance and has issued a certificate of zoning compliance under this ordinance or the applicant has received a permit under the Tree Preservation Ordinance. However, if the Zoning Administrator determines that the activity is not in preparation for development and qualifies as forestry activity as specified in NCGS Section 160A-458.5 (b) and otherwise complies with this ordinance, the Zoning Administrator shall provide the landowner with a written statement that a certificate of zoning compliance is not required for such activity.
- (D) *Application for certificate of zoning compliance required.* All applications for certificates of zoning compliance shall be submitted to the Zoning Administrator. The application and supporting documentation shall indicate or include the following as deemed necessary by the Zoning Administrator to determine compliance with the standards and requirements of this ordinance:
- (1) A front elevation drawing of the proposed structure to scale.
  - (2) A survey on a scale of at least 1" = 100', prepared by and containing the seal and signature of a qualified professional, that accurately shows the information required by this section, and which shall not be more than twenty-five years old. The Zoning Administrator may accept a tax map in lieu of a survey for a single-family development on a lot of five acres or more.
  - (3) Property lines and corners.
  - (4) Setbacks. The setbacks shall include any applicable setbacks required by Article VI, Article VIII and Article IX of this ordinance.
  - (5) Existing buildings and structures.
  - (6) All utility easements, rights-of-way, culverts and drainage ways.
  - (7) The location of all utility lines, septic tank and drain field, and other facilities

on the lot, including a permit from the Health Department to construct a septic tank and drain field if applicable.

- (8) The shape, size, use, and location of all proposed buildings and structures, including driveways and parking areas, to be erected or altered, accurately drawn to scale and dimensioned from the property corners or lines.
  - (9) Signatures of the land owner(s) on the application or notarized authorization by the owner(s) for an agent to sign the application.
  - (10) The extent and location of any lake, perennial stream, wetland, floodplain, floodway, or any slope of sixty percent or greater, as well as buffer area setbacks as required by Section 911.
  - (11) A certification that the property is not in a floodplain or floodway as determined from the latest Flood Insurance Rate Maps, or a floodplain development permit issued by the Floodplain Administrator.
  - (12) A plan for handling and disposal of construction debris.
  - (13) Other information required or as may be necessary to provide for the determination of compliance and enforcement of the provisions of this ordinance.
- (E) *Review procedures for certificate of zoning compliance.* The Zoning Administrator shall review the application and all supporting documentation for conformance with the provisions of the ordinance and shall inspect the site to verify that the building or structure will meet all the area and dimensional requirements. In order to perform such verification, it will be necessary that:
- (1) Property corners shall be permanently marked with iron pins or concrete monuments by a qualified professional.
  - (2) The corners of the building location and any riparian buffer setbacks shall be flagged or marked for easy identification and verification by the Zoning Administrator.
- (F) *Issuance of certificate of zoning compliance.* When the Zoning Administrator has verified that both the application and site meet all requirements, a certificate of zoning compliance shall be issued. One copy of all the documents submitted shall be retained by the Zoning Administrator. One copy of the certificate of zoning compliance shall be posted by the owner in a weatherproof clear display on the site until issuance of a certificate of occupancy.
- (G) *Expiration of certificate.* A certificate of zoning compliance issued by the Zoning Administrator shall become null and void:
- (1) If after six months from the date of issuance a valid building permit has not been Issued, or
  - (2) If the building permit is revoked or expires prior to the completion of the construction to which the permit pertains, or
  - (3) If the work authorized is suspended for a period of one year, or

- (4) If all construction to which a building permit pertains is not completed and a certificate of occupancy has not been issued within eighteen months from the date of the building permit, unless the building permit remains valid.

When such certificate has expired, construction on the property in question cannot proceed until a new certificate of zoning compliance and building permit have been issued.

**Section 1406. Certificate of occupancy required.**

- (A) *Occupancy of new construction.* A certificate of occupancy issued by the Henderson County Inspections Department and approved by the Zoning Administrator is required in advance of occupancy or use of a building erected, altered or moved, unless the structure is less than 150 square feet.
- (B) *Change of use.* A certificate of occupancy issued by the Zoning Administrator is required in advance of a change in use of any building or land.
- (C) *Issuance of a certificate of occupancy for new construction.* A certificate of occupancy, either for the whole or part of a building, will be issued after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance, and all construction inspections by the Henderson County Inspections Department have been satisfactorily completed. Upon receipt of the final inspection notification from the county, and the receipt of an as-built survey, prepared by and containing the signature and seal of a qualified professional and indicating the date of the survey, the Zoning Administrator shall inspect the property solely for compliance with this ordinance. Portable toilet facilities must either be removed prior to this inspection or within thirty days after the inspection. For buildings or land uses on tracts five acres or larger, the applicant may submit a tax map with the building drawn to scale. The as-built survey shall include all setbacks. All such documentation, including the as-built survey, shall be submitted to the office of the Zoning Administrator at least seven days before the issuance of the certificate of occupancy. The Zoning Administrator shall verify that the building meets all applicable provisions of this ordinance and the site has been cleared of all construction debris and materials and that all soils are stabilized or permanent vegetation is installed. A certificate of occupancy shall not be approved by the Zoning Administrator unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of occupancy is denied, the Zoning Administrator shall state in writing the reasons for denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the Zoning Administrator.
- (D) *Remedies.* In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ordinance, the Zoning Administrator, or any other appropriate Village authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, mandamus, or other appropriate action or proceeding to remedy such violation.