

Chapter 1: General and Legal Provisions

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This chapter sets forth general and legal details which establish the purpose, jurisdiction and applicability of the ordinance, as well as its incorporated maps. Legal provisions are included to define how this ordinance interacts with local, state, and federal laws and details the replacement of the traditional “stand alone” ordinances with a Land Development Code (LDC).

Section 1.1 Purpose

The regulations contained in this ordinance address the myriad facets of land development. They are designed to, among other things:

- A. In accordance with a Comprehensive Plan, promote and protect the public health and general welfare, facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- B. Establish procedures and standards for the development of land, promote orderly growth and development, coordinate new roads and highways within subdivisions, and facilitate the further re-subdivision of larger tracts into smaller parcels of land.
- C. Protect the public drinking water supply.
- D. Establish procedures to regulate certain land disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation.

Section 1.2 Authority

Section 1.2.1 Statutory References

This ordinance is adopted pursuant to the authority contained in the following North Carolina General Statutes:

- A. Chapter 153A, Article 18, Part 3 – Zoning
- B. Chapter 153A, Article 18 – Planning and Regulation of Development
- C. Chapter 113A, Article 4, Part 60 and the North Carolina Administrative Code, Title 15A, Chapter 4 – Erosion and Sedimentation Control
- D. Chapter 153A, Article 6, Section 121, General Ordinance Authority, and Chapter 143, Article 21, Watershed Protection Rules – Water Supply Watershed Protection Rules delegated to Iredell County by the State of North Carolina
- E. Chapter 63, Article 4, Model Airport Zoning Act
- F. See Chapter 6 for Statutory Authorization for floodplain management regulations for participation in the National Flood Insurance Program

Section 1.2.2 Statutory Amendments

Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section(s) of the North Carolina General Statutes or the section(s) that most nearly corresponds to the superseded section(s) of the North Carolina General Statutes.

Section 1.2.3 Title

This ordinance shall be known and may be cited as the “Iredell County Unified Development Ordinance” and the map adopted herein, which is identified by the title “Iredell County Zoning Map”.

Section 1.3 Applicability

Section 1.3.1 Jurisdiction

Portions of this ordinance dealing with zoning, subdivision, airport hazards and elevation, and flood damage protection shall apply to all areas outside of the incorporated limits and municipal extraterritorial jurisdictions within Iredell County. The portions specifically addressing erosion and sedimentation control issues shall apply to all lands of the County except the towns of Harmony and Love Valley. The portions of this ordinance addressing water supply watersheds shall apply to the unincorporated areas and the towns of Love Valley and Harmony.

Table 1. Jurisdiction

	County	Statesville	Mooresville	Troutman	Harmony	Love Valley
Zoning	X					
Subdivision	X					
Flood	X					
Erosion	X	X	X	X		
Watershed	X				X	X

Section 1.3.2 Relationship to Previously Adopted Provisions

To the extent that the provisions of this ordinance are the same in substance as the previously adopted provisions that they replace in the County’s Zoning, Subdivision, Water Supply Watershed Protection, Airport Hazard, Erosion and Sedimentation Control, and Flood Damage Prevention Ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful non-conforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this ordinance merely by the repeal of the zoning ordinance.

Section 1.3.3 Conformity Required

In general the following requirements must be adhered to:

- A. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this ordinance.
- B. No subdivision or plat of land within the County's jurisdiction shall be filed or recorded with the Register of Deeds until it has been submitted to and approved by the Subdivision Administrator and until this approval is entered in writing on the face of the plat by the Subdivision Administrator, nor shall a building permit be issued for construction on any lot in a proposed subdivision until a final plat of said subdivision has been recorded at the Register of Deeds and where applicable, an improvements permit has been issued by the Health Department.
- C. All land disturbing activity shall conform to the requirements of this ordinance, and all documentation shall be submitted in accordance with the procedures and specifications established herein.

Section 1.3.4 Bona Fide Farms Exempt

The provisions of this ordinance shall not apply to bona fide farms, except that a farm property used for non-farm purposes shall not be exempt from regulation; except that the floodplain management provisions of **Chapter **** of this ordinance, regulating development in the special flood hazard areas, as required for participation in the National Flood Insurance Program, shall apply to all development including bona fide farms located within the special flood hazard areas of Iredell County.

- A. For the purposes of this ordinance, a bona fide farm is any tract or tracts of land, one of which must contain at least ten acres, which meets the following criteria:
 - 1. On such property an owner or leasee is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock, or poultry; and,
 - 2. Such property has produced or yielded, during each of the three immediately preceding years, a gross income from the above-described commercial production or growing of crops, plants, livestock, or poultry (including payments received under Soil Conservation or Land Retirement Programs, but not land rents paid to a non-resident owner) of at least \$1,000.
 - 3. Uses exempted from regulation except in accordance with **Chapter **** shall include any dwelling which is or will be the permanent residence of

the owner or owner-occupant of the farm, the permanent residence of the son, daughter, mother, father, grandfather, or grandmother of the owner or the permanent residence of the individual and his/her family where the individual earns at least 75% of their income from employment on the farm.

Section 1.4 Official Maps

Section 1.4.1 Incorporation of Zoning Map

The location and boundaries of the zoning districts established by this ordinance are shown on a geographic coverage layer that is maintained as part of the County's geographic information system (GIS) under the direction of the Planning Director. This geographic coverage layer constitutes Iredell County's official zoning map, and is hereby incorporated and made part of this ordinance. No unauthorized person may alter or modify the official zoning map. The Planning Director may authorize printed copies of the map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

Section 1.4.2 Incorporation of Watershed Protection Map

The provisions of this ordinance shall apply within the areas designated as a public water supply watershed by the NC Environmental Management Commission and are defined and established on the map entitled, "Watershed Protection Map of Iredell County, NC", which is adopted simultaneously herewith. The Watershed Protection Map and all explanatory matter contained thereon accompanies and is hereby incorporated and made part of this ordinance.

Section 1.4.3 Incorporation of Airport Height Zoning Map

In order to carry out the purposes of this ordinance, there are hereby created and established certain height zones, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Statesville Regional Airport. Such zones are shown on the Height Zoning Map, prepared by W.K. Dickson dated September 2007, which is attached to this ordinance and made part hereof.

Section 1.4.4 Incorporation of Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Iredell County dated March 18th 2008 which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Iredell County Unincorporated Area, dated May 15, 1980, April 7, 1987, and 5555555.

Section 1.5 Map Interpretation and Rules Governing Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the official comprehensive zoning atlas, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to Iredell County as evidence that one or more properties along these boundaries do not lie within the Watershed Protection Overlay or Floodplain Protection Overlay.
- C. Except in the following situations, where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning atlas. If no distance is given, such dimension shall be determined by use of the scale shown on said zoning atlas.
 - 1. Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
 - 2. Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
- D. Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line.
- E. Where physical or cultural features existing on the ground are at variance with those shown on the zoning atlas, in other circumstances not covered in this section, or where the Administrator cannot interpret the location of such boundaries, the Board of Adjustment shall interpret the district boundaries.

Section 1.6 Relationship to the Comprehensive Plan

This ordinance has been adopted in accordance with the Iredell County 2030 Horizon Plan. While the board reaffirms its commitment that this ordinance and any amendments to be in conformity with adopted planning policies, the board hereby expresses its intent that neither this ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document, except to the extent that consistency with the plan and ordinances that affect areas of environmental concern as required by NCGS 113A-111 (Effect of Land Use Plan).

Section 1.7 Fees

Reasonable fees shall be set to cover the costs of administration, inspection, publication of notice and similar matters and may be charged to applicants. The amount of such fees shall be as set forth in the County's official fee schedule.

Section 1.8 Severability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1.9 Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 1.10 Effective Date

This ordinance shall take effect and be in force on *****. The ordinance was adopted on ***** by the Iredell County Board of Commissioners. This ordinance shall take the place of previous versions of the Iredell County Zoning, Subdivision, Watershed Protection, Airport Hazard, Erosion and Sedimentation Control, and Flood Damage Prevention Ordinances, duly adopted.