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ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS

Section 101. Authority and Enactment.

The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Governing Board of Iredell County does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Iredell County.

Section 102. Jurisdiction.

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of Iredell County, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. All areas governed by this Ordinance shall be located outside the planning jurisdiction of the City of Statesville, North Carolina, Town of Mooresville, North Carolina and the Town of Troutman, North Carolina. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the Iredell County Planning Department.

Section 103. Exceptions to Applicability.

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Iredell County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Iredell County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- B. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- C. Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.
- D. If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is developed for single family-residential purposes Any lot or parcel created as part of any type of subdivision that is exempt from local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent possible. However, this exemption is not applicable to multiple contiguous lots under single ownership. Multiple contiguous undeveloped lots under single ownership to be developed for single-family purposes which are deficient in area (per the particular WS district requirement) will have to be combined in a manner so that the resultant lots meet the underlying zoning district requirements.

Section 104. Criminal Penalties.

Any person, firm, or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with NCGS 14-4. Each day that the violation continues shall constitute a separate offense provided that the violation of this Ordinance is not corrected within thirty (30) days after notice of said violation is given.

Section 105. Remedies.

- A. If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Iredell County Board of Commissioners may, in addition to all other remedies available either in law or in equity, instate a civil penalty by giving seven (7) days to bring the violation into compliance and notifying that the penalty for the violation is \$100 for the first citation. If the owner comes into compliance within the seven (7) days, a \$100 penalty will be collected. If the owner or occupant fails to come into compliance, a second Citation will be issued extending the deadline by another seven (7) days and assessing a penalty of \$100 per day for each day the violation continues thereafter. Further failure to come into compliance will result in the case being submitted to the County Attorney for enforcement and potential legal action. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

- B. If the Watershed Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment in accordance with Section 503 of this Ordinance.

Section 106. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 107. Effective Date.

This Ordinance shall take effect and be in force on January 1, 1994. The Ordinance was adopted on December 7, 1993, by the Iredell County Board of Commissioners. Amendments to this Ordinance were adopted on September 6, 2005, by the Iredell County Board of Commissioners.

ARTICLE 200: SUBDIVISION REGULATIONS.

Provisions in this Section are derived in part from North Carolina General Statutes Chapter 153A, Article 18, Part 2

Provisions in Article 200 shall apply only within the corporate limits of the Towns of Love Valley and Harmony. All others areas within the jurisdiction of this Ordinance (unincorporated areas not within the planning jurisdiction of another municipality) shall follow the subdivision regulations contained in the Iredell County Subdivision Ordinance.

Section 201. General Provisions.

- A. No subdivision plat of land within the corporate limits of Love Valley and Harmony which lies within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.
- B. The approval of a plat does not constitute or effect the acceptance by the [county][town] or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.
- C. All subdivisions shall conform with the mapping requirements contained in G.S.47-30.
- D. All subdivisions of land within the jurisdiction of [county][town] after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this ordinance.

Section 202. Subdivision Application and Review Procedures.

- A. All proposed subdivisions (as designated in Section 201) shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Subdivision Administrator to determine whether or not the property is located within a designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this ordinance and may be recorded provided the Subdivision Administrator signs the Certificate of Approval for recording. In addition, subdivisions within a WS-IV protected watershed are subject to the provisions of this Ordinance only when an erosion and sedimentation plan is required to be filed under the provisions of State law, or approved local program. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other state and local requirements that may apply.
- B. Subdivision applications shall be filed with the Subdivision Administrator. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Subdivision Administrator (see appendix A).
- C. The Subdivision Administrator shall review the completed application and shall either approve, approve conditionally or disapprove each application. The Subdivision Administrator shall take final action within thirty (30) days of submission of the application. The Subdivision Administrator may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit.
- D. If the Subdivision Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Subdivision Administrator:

Certificate of Approval for Recording

The (name of subdivision) Subdivision, to the best of my knowledge, does not lie within a Water Supply Watershed designated by the Environmental Management Commission as appears on the Watershed Protection Map of Iredell County.

Date

Subdivision Administrator

OR

Lots (fill in appropriate lot numbers) of the (name of subdivision) Subdivision, to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water), as

designated by the Environmental Management Commission as appears on the Watershed Protection Map of Iredell County. Lots (fill in appropriate lot numbers) of the (name of subdivision) do not lie within a water supply watershed.

Date

Subdivision Administrator

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

OR

All lots within the (name of subdivision) Subdivision, to the best of my knowledge, lie within the (classification of watershed) of the (name of body of water), as designated by the Environmental Management Commission as appears on the Watershed Protection Map of Iredell County.

Date

Subdivision Administrator

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

- E. If the Subdivision Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.

Section 203. Subdivision Standards and Required Improvements.

- A. All lots shall provide adequate building space in accordance with the development standards contained in Article 300.
- B. For the purpose of calculating built-upon area and density, total project area shall include total acreage in the tract on which the project is to be developed.
- C. Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.
- D. Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the N.C. Division of Land Quality.
- E. Roads constructed in critical areas and watershed buffer areas. Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

ARTICLE 300: DEVELOPMENT REGULATIONS

Section 301. Establishment of Watershed Areas.

The purpose of this Article is to list and describe the watershed areas herein adopted.

For purposes of this Ordinance, Iredell County is hereby divided into the following areas:

WS-II-BW	(Balance of Watershed)
WS-III-BW	(Balance of Watershed)
WS-IV-CA	(Critical Area)
WS-IV-PA	(Protected Area)

Section 302. Watershed Areas Described.

A. WS-II Watershed Areas - Balance of Watershed (WS-II-BW). In order to maintain predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of one (1) dwelling unit per acre. All other residential and non-residential development shall be allowed a maximum built-upon area of twelve percent (12%) built-upon area.

1. Allowed Uses:

- a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- c) Residential development.
- d) Non-residential development excluding discharging landfills.

2. Density and Built-upon Limits:

- a) Single Family Residential--Development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except within an approved_cluster development.
- b) All Other Residential and Non-Residential--Development shall not exceed twelve percent (12%) built-upon area on a project by project basis except that_up to ten percent (10%) of the balance of the Yadkin Back Creek watershed which is located within Iredell County's jurisdiction, and ten percent (10%) of the balance of the Coddle Creek watershed which is located within Iredell County's jurisdiction may be developed at up to seventy percent (70%) built-upon area ratio. Non-residential uses in the Yadkin Back Water Creek Watershed which can qualify for the seventy percent (70%) built upon ratio_shall be served by public or community water and sewer and zoned for business or industrial uses (C-B, G-B, H-B, N-B, S-C, M-1, M-2). In order to qualify for the seventy percent (70%) built-upon area ratio in Coddle Creek, the development shall be non-residential in nature. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

B. WS-III Watershed Areas - Balance of Watershed (WS-III-BW). In order to maintain a low to moderate

land use intensity, single family detached uses shall develop at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area.

1. Allowed Uses:

- a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- c. Residential development.
- d. Non-residential development excluding discharging.

2. Density and Built-upon Limits:

- a. Single Family Residential--Development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved Cluster developments (See Section 303) shall also be allowed.--
- b. All Other Residential and Non-Residential--Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed (located within the jurisdiction of this Ordinance) may be developed with new development and expansions to existing development at up to seventy percent (70%)_70% built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

- C. WS-IV Watershed Areas - Critical Area (WS-IV-CA). New development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. This also includes additions to existing development activities that would cause the development to total an acre or more. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed with a maximum of twenty-four percent (24%) built-upon area new residuals application sites and landfills are specifically prohibited.

(High density development using engineered stormwater control devices is permitted in this district. Ultimate responsibility for the operation and maintenance of these facilities will rest with the local government. Please refer to Appendix C for a more detailed explanation of this topic.)

1. Allowed Uses:

- a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

- c. Residential development.
- d. Non-residential development, excluding: 1) landfills and 2) sites for land application of residuals or petroleum contaminated soils.

2. Density and Built-upon Limits:

- a. Single Family Residential--development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.
- b. All Other Residential and Non-Residential--Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis The high density option shall only be available for use in the Catawba Lake Norman and Lookout Shoals Lake watersheds. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

- D. WS-IV Watershed Areas - Protected Area (WS-IV-PA). New development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. This also includes additions to existing development activities that would cause the development to total an acre or more. In order to address a moderate to high land use intensity, single family residential uses shall develop at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of 24% built-upon area. A maximum of three (3) dwelling units per acre or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street system.

(High density development using engineered stormwater control devices is permitted in this district. Ultimate responsibility for the operation and maintenance of these facilities will rest with the local government. Please refer to Appendix C for a more detailed explanation of this topic.)

1. Uses Allowed:

- a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- c. Residential development.
- d. Non-residential development.

2. Density and Built-upon Limits:

- a. Single Family Residential--Development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (1/2) acre, or one-third (1/3) acre for projects without a--curb and gutter system, except within an approved cluster development.
- b. All Other Residential and Non-Residential Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent--(36%) built-upon area on a

project by project basis. In the Catawba Lake Norman and Lookout Shoals Lake watersheds only, development under the high density option of up to seventy percent (70%) built-upon area is allowed. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

- c. In addition to the development allowed under paragraph b., new development and expansions to existing development may occupy up to ten percent (10%) of the protected area of both the Cooleemee and South Yadkin River watersheds with up to seventy percent (70%) built-upon area on a project by project basis, when approved as a special intensity allocation(SIA). The Watershed Administrator is authorized to approve SIAs consistent with the provisions of this ordinance. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 303. Cluster Development.

Cluster development is allowed in all Watershed Areas under the following conditions:

- A. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 302. Density or built-upon area for the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- B. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- C. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Section 304. Buffer Areas Required.

- A. A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.
- B. No new development that requires a zoning permit is allowed in said buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

Section 305. Rules Governing the Interpretation of Watershed Area Boundaries.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

- A. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- B. Where area boundaries are indicated as approximately following 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 area.
- C. 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.
- D. 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.
- E. Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Board of Adjustment in accordance with Section 502 of this Ordinance.

Section 306. Application of Regulations.

- A. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- B. No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.
- C. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

Section 307. Existing Development.

Existing development as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

- A. Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:
 - 1. When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
 - 2. Such use of land shall be changed only to an allowed use.

3. When such use is abandoned for a period of at least one year, it shall not be reestablished.
- B. Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:
1. Repair or reconstruction is initiated within six (6) months from the date of and completed within one (1) years of such damage.
 2. The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

Section 308. Watershed Protection Permit.

- A. Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. A zoning permit may be substituted. No Watershed Protection Permit shall be issued except in conformity with the provisions of this ordinance.
- B. Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the Watershed Administrator.
- C. Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.
- D. A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of issuance.

Section 309. Building Permit Required.

No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

Section 310. Watershed Protection Occupancy Permit.

- A. The Building Inspections Director shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land. A Certificate of Occupancy, may be substituted.
- B. A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building.
- C. When only a change in use of land or existing building occurs, the Building Inspections Director shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.

- D. If the Watershed Protection Occupancy Permit is denied, the Building Inspection Director shall notify the applicant in writing stating the reasons for denial.
- E. No building or structure, which has been erected, moved, or structurally altered, may be occupied until the Building Inspections Director has approved and issued a Watershed Protection Occupancy Permit.

ARTICLE 400: PUBLIC HEALTH REGULATIONS

Section 401. Public Health, in general.

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

Section 402. Abatement.

- A. The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- B. The Watershed Administrator may consult with any public agency or official and request recommendations.
- C. Where the Watershed Administrator or the Board of Commissioners finds a threat to water quality and the public health, safety and welfare, the Board of Commissioners shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

ARTICLE 500: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 501. Watershed Administrator and Duties thereof.

The position of Watershed Administrator (or his designee) is hereby authorized. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:

- A. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Watershed Administrator.
- B. The Watershed Administrator shall serve as clerk to the Iredell County Board of Adjustment pertaining to matters in association with this Ordinance.
- C. The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the, Water Quality Section of the Division of Environmental Management.

- D. The Watershed Administrator shall keep records of the jurisdiction's use of the provision that a maximum of ten percent (10%) of the non-critical area of WS-II-BW (Yadkin Back Creek), ten percent (10%) of the non-critical area of the WS-II-BW (Coddle Creek), and ten percent (10%) of the WS-III-BW (Hunting Creek) watersheds and ten percent (10%) of the protected area of WS-IV watersheds may be developed with non-residential new development at a maximum of seventy percent (70%) built-upon surface area. Records for each separate watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use, and stormwater management plan (if applicable).
- E. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of Iredell County. The Watershed Administrator may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.
- F. The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Ordinance. This record shall be submitted for each calendar year to the Water Quality Section Division of Environmental Management on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section 502. Appeal from the Watershed Administrator.

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Iredell County Board of Adjustment

An appeal from a decision of the Watershed Administrator must be submitted to the Board of Adjustment within thirty (30) days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice of the from whom the appeal is taken and on upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney

Section 503. Changes and Amendments to the Watershed Protection Ordinance.

- A. The Iredell County Governing Board may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.
- B. No action shall be taken until the proposal has been submitted to the Planning Board for review and recommendations. If no recommendation has been received from the Planning within forty-five (45) days after submission of the proposal to the Chairman of the Planning Board, the Iredell County Board of Commissioners may proceed as though a favorable report had been.
- C. Under no circumstances shall the Board of Commissioners adopt such amendments, supplements or

changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

Section 504. Public Notice and Hearing Required.

Before adopting or amending this ordinance, the Iredell County Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date for the hearing.

Section 505. Powers and Duties of the Board of Adjustment in relation to this Ordinance.

- A. The Iredell County Board of Adjustment shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.
- B. The Iredell County Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, Iredell County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.
 - 1. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:
 - a. A site plan, drawn to scale, indicating the property lines of the parcel upon which the use is proposed and all contiguous pieces of property; any existing or proposed structures; parking areas and other built-upon areas; and surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
 - b. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Board of Adjustment in considering the application.
 - c. The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Board of Adjustment. Such comments shall become a part of the record of proceedings of the Board of Adjustment.
- C. Before the Board of Adjustment may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:
 - 1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board of Adjustment must find that the five following conditions exist:

- a. If the applicant complies with the provisions of the Ordinance, he can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.
 - b. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.
 - c. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
 - d. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.
 - e. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
2. The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
 3. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.
- D. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
- E. The Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
- F. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.
- G. If the application calls for the granting of a major variance, and if the Board of Adjustment decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
1. The variance application;
 2. The hearing notices;
 3. The evidence presented;
 4. Motions, offers of proof, objections to evidence, and rulings on them;
 5. Proposed findings and exceptions;
 6. The proposed decision, including all conditions proposed to be added to the permit.

- H. The preliminary record shall be sent to the Environmental Management Commission for its review as follows:
1. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
 2. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.
- I. Subdivision approval. See Article 200.
- J. Public Health. See Article 400.
- K. Approval of all development greater than the low density option. See Appendix C.

Section 506. Appeals from the Board of Adjustment Action.

Appeals from the Board of Adjustment must be filed with the Superior Court within 30 days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.

ARTICLE 600: DEFINITIONS

Section 601. General Definitions.

Abandonment. The terms “abandonment” or “abandoned” as used herein shall mean voluntary discontinuance of a use with the intent not to re-establish such use. Any of the following shall constitute evidence of abandonment or intent to abandon:

- A. Any positive act indicating such intent.
- B. Premises have been devoted to another use.
- C. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment.
- D. Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise for sale or lease.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit. A unit of measure developed by the U.S. Environmental protection Agency that is used to compare different types of animal operations.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or

in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property.

Built-upon area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed use development are considered as cluster development.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Dwelling Unit. A building, or portion thereof, providing complete and permanent living facilities for one family.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of January 1, 1994 based on at least one of the following criteria:

- (1) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to January 1, 1994 ~~of this Ordinance~~, or a lot described by metes and bounds, the description of which has been so recorded prior to January 1, 1994.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Family Subdivision. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

High Density Option. A development which contains engineering stormwater control devices approved in a manner as called for in this Ordinance, thereby enabling development to occur at a higher intensity (than if the low-density option were used) as prescribed by the Environmental Managements Commission's adopted Water Supply Watershed Protection Rules.

Industrial Development. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Low Density Option. A development which does not contain engineered stormwater control devices (i.e., wet detention ponds) which are approved by the Board of Commissioners in conjunction with development in a WS district.

Major Variance. A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

- (1) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- (2) the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;
- (3) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

Minor Variance. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

Mobile Home. A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufactured park and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet and eight feet in width. A structure that would otherwise be characterized as a mobile home except that it is not used or held ready for use as a dwelling unit (e.g., it is used as an office or some other business use) shall not be regarded as a mobile home.

Mobile Home Park. A development located on one (1) or more parcels of land for which three (3) mobile home spaces with utilities and other amenities provided to serve the mobile homes located therein. The mobile homes which may serve as either the owner's, the operator's, their families residences are included for the purpose of this definition.

Nonconforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

Non-residential Development. All development other than residential development, agriculture and silviculture.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Protected Area. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed (whichever comes first); or within 10 miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridgeline of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of 5 or 10 miles. In some cases the protected area will encompass the entire watershed.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Sewer System, Public. A means of collecting, transporting and treating sewage by a public entity (e.g., City, Town, County, District), or other public body created by, or pursuant to State, Federal, and Local laws, or any combination thereof acting cooperatively or jointly. A package treatment plant shall be considered part of a public sewer system if owned by a City, Town, County, District, ect.

Single Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. 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 division 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 ordinance:

- (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 this ordinance;
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;

- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the this ordinance;
- (5) The division of a tract into plots or lots used as a cemetery.

Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Variance. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Water Dependent Structure. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Water System, Public. The provisions to the public of piped water by a system owned and operated by a public entity.

Section 602. Word Interpretation.

For the purpose of this ordinance, certain words shall be interpreted as follows:

Words in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "structure" shall include the word "building."

The word "lot" shall include the words, "plot," "parcel," or "tract."

The word "shall" is always mandatory and not merely directory.

The word "will" is always mandatory and not merely directory.

Appendix C: High Density Development

Article 700: High Density

Section 701. High Density Development Standards

- A. The Board of Commissioners may approve high density development proposals consistent with the

following standards:

1. WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.
2. WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per area or 36% built-upon area for projects without curb and gutter street systems, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

Section 702. High Density Development Permit Application

- A. A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.
- B. Application for a High Density Development shall be addressed and submitted to the Board of Commissioners through the Planning Director. Application for High Density Development Permit shall be made on the proper form and shall include the following information:
 1. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;
 2. Two reproducible copies of the development plan within the drainage basin including the applicable information listed in Appendix A: Application Forms, Subdivision Plat Checklist and detailed information concerning built-upon area;
 3. Two reproducible copies of the plans and specifications of the stormwater control structure consistent with section 703;
 4. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;
 5. Permit Application Fees consistent with Section 706.
- C. Prior to taking final action on any application, the Board or the Watershed Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within prescribed time limit.
- D. The Board of Commissioners shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this Ordinance. First consideration of a completed application shall be at the next regularly scheduled meeting of the Boards following its receipt. The Board shall take action on the application as its first consideration or within sixty-five (65) days of its first consideration.
 1. If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond acceptable security as required in Section 704(B)(1) and executes an Operation and Maintenance Agreement as required in Section 704(C). A copy of the permit and one copy of each set of plans shall be kept on file at the Planning Director's office.

The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

2. If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing wither by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed, and acted upon by the Board pursuant to the procedures of this section.
- E. In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.
- F. The Board shall issue a written ruling and make copies available at the office of the Planning Director and the Iredell County clerk.
1. If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure(s). A High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 704 (B)(1) and executes an Operation and Maintenance Agreement as required in Section 704(C). A copy of the permit and one copy of each set of plans shall be kept on file at the Planning Director's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

Section 703. Stormwater Control Structures

- A. All stormwater control structures shall be designed by either a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architect, to the extent that the design represents are defined as professional engineers, landscape architect, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89 (C)-3(7).
- B. All stormwater controls shall use wet detention as a primary treatment system unless alternative stormwater management measures, as outlined in Section 703(C), are used. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with following design criteria:
1. Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool;
 2. The designed runoff storage volume shall be above the permanent pool;
 3. The discharge rate from these systems following the one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;
 4. The mean permanent pool depth shall be a minimum of three (3) feet;

5. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
 6. Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;
- C. Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one of the following criteria;
1. the discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or
 2. the post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.
- D. In addition to the vegetative filters required in Section 703 (B)(6), all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 705(C).
- E. A description of the area containing the stormwater control structure shall be prepared and filed in consistent with Section 707 (A and B), as a separate deed with the Iredell County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.
- F. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon area for any other site or area.

Section 704. Posting of Financial Security Required

- A. All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures.
- B. Financial assurance shall be in the form of the following:
1. Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety-bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to Iredell County or placed in escrow with a financial institution designated as an official depository of Iredell County. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Board of Commissioners. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

2. Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 707 (C)(1), the permit applicant shall deposit with the County either cash or other instrument approved by the Board of Commissioners that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 705(A). The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by two fifths or 0.4.
- C. Consistent with Section 702, the permit applicant shall enter into the binding Operation and Maintenance Agreement between the Board of Commissioners and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with Iredell County Register of Deeds by the Board of Commissioners.
 - D. Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.
 - E. Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Board of Commissioners shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any deposited cash funds.

Section 705. Maintenance and Upkeep

- A. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate ~~what~~ the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- B. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.
- C. Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approval plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, County staff shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Board of Commissioners.
- D. Amendments to the plans and ~~or~~ specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Board of Commissioners. Proposed changes shall be

prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Watershed Administrator prior by the Board of Commissioners.

1. If the Board of Commissioners approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator.
 2. If the Board of Commissioners disapproves the changes, the proposal may be revised and resubmitted to the Board of Commissioners as a new proposal. If the proposal has not been revised and is essentially the same that already reviewed, it shall be returned to the applicant.
- E. If the Board of Commissioners finds that the operation and maintenance plan or manual is inadequate for any reason, the Watershed Administrator shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Iredell County Register of Deeds, the Office of the Watershed Administrator and the owning entity.

Section 706. Application and Inspection Fees

- A. Processing and inspection fees shall be submitted in the form of a check or money order made payable to Iredell County. Applications shall be returned if not accompanied by the required fee.
- B. A permit and inspection fee schedule, as approved by Iredell County Board of Commissioners, shall be posted in the Office of the Watershed Administrator.
- C. Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 705(C), except in the case when a similar fee has been paid within the last 60 days.

Section 707. Inspections and Release of the Performance Bond

- A. The stormwater control structure shall be inspected by the Planning Director, after the owning entity notifies the Planning Director that all work has been completed. At this inspection, the owning entity shall provide:
 1. The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Register of Deeds;
 2. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
- B. The Planning Director shall present the materials submitted by the developer and the inspection report and recommendations to the Board of Commissioners at its next regularly scheduled meeting.
 1. If the Board of Commissioners approves the inspection report and accepts the certification, deed, and easements, the Board shall file ~~said~~ the deed and easements with the Iredell County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structure, consistent with Section 310.
 2. If deficiencies are found, the Board of Commissioners shall direct that improvements and inspections be made and/ or documents corrected and resubmitted to the Board.

- C. No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Board of Commissioners to release the remaining value of the ~~posted~~ performance bond or other security. Upon receipt of said petition, the County shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Planning Director shall present the petition, inspection report, and recommendations to the Board of Commissioners.
 - 1. If the Board approves the report and accepts the petition, the developer shall deposit with the Board a cash amount equal to that described in Section 704(B)(2) after which, the Board shall release the performance bond or other security.
 - 2. If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.
- D. A Watershed Protection Occupancy Permit shall not be issued for any building within the permitted development until the Board of Commissioners has approved the stormwater control structure, as provided in Section 707(B).
- E. All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.
- F. In the event the Planning Director discovers the need for corrective action or improvements, the Planning Director shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation maintenance plan or manual. After notification by the owning entity the Planning Director shall inspect and approve the completed improvements. The Planning Director may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Board of Commissioners.
- G. Appeals of any order, requirement, decision, or determination made by the Planning Director may be made to and decided by the Board of Commissioners consistent with Section 502.

Section 708. Sanctions

In addition to the remedies described in Article 100 of this Ordinance and consistent with: G.S. 153A-123, the Board of Commissioners may seek enforcement of this Ordinance through the Board of Commissioners by assessing a civil penalty to be recovered by Iredell County in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceeding, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement with the time allowed by the court, the defendant may be cited for contempt and Iredell County may execute the order of abatement. Iredell County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceeding and posting a bond for compliance with order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by any one, all or a combination of the remedies authorized in this ordinance. Each day's continuing violation shall be a separate and distinct offence.