

Chapter 9: Development Plan and Permit Requirements

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Section 9.1 Purpose

This chapter sets forth information that is required to be found on various non-residential and multi-family site plans, subdivision plans, erosion control plans, and floodplain applications. This includes plans that require approval of the Planning Board, Board of Commissioners, or Board of Adjustment. It is intended that the majority of the site plan requirements shall apply to all plans that deal with the entirety of a site or a proposed or existing use. In other cases the focus is on a specific issue such as a setback encroachment, size limit, or watershed variance.

Article I. Non-Residential and Board Approved Site Plans

Section 9.2 General

The Zoning Administrator shall develop and maintain a written set of standards to serve as the basis for the type, size, graphic media, number of copies, information to be shown, time of submittal and other similar matters in regard to the maps and documents required to be submitted in the administration of the Site Plan requirement. The written standards are intended to provide flexibility and as a general rule the requirements for the Site Plan are considered to be less detailed for projects without Special Requirements involving only Zoning Administrator approval and more detailed for projects requiring approval by a Board and those with Special Requirements.

Section 9.2.1 Non-Residential and Multi-Family Site Plan Requirements

Before any non-residential or multi-family development is developed, a site plan that meets the requirements below shall be required. It is the intent of these plans to determine general zoning compliance, compliance with a Performance Requirement or proposed conditions for a Conditional Zoning District or Special Use Permit. The following Site Plan information is required:

- A. Name, address and phone number of the property owner (or his agent) and the tax parcel number(s) of the property.
- B. A boundary survey and vicinity map, showing the property's total acreage, zoning classification(s), general location in relation to adjoining streets, railroads and/or waterways; date and north arrow.
- C. Existing land use(s) and zoning of all adjoining properties.
- D. Proposed use of all land and structures including the number of residential units (if applicable).
- E. Proposed location and number of all structures, their approximate area and their approximate exterior dimensions.

- F. A description of all screening, landscaping, and buffering as required by this Ordinance/or proposed by the applicant, including any parking lot landscaping.
- G. All existing and proposed easements, reservations and rights-of-way.
- H. Proposed phasing, if any, and approximate completion time for the project or phase.
- I. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps for Iredell County.
- J. Compliance with Watershed Standards, if applicable. This includes the calculations of impervious surfaces as defined in the Watershed Protection Overlay.
- K. Traffic, parking and circulation plans, showing the proposed location and arrangement and size of parking spaces and ingress and egress to adjacent streets and a copy of comments made by the local district highway office concerning all proposed streets and street connections where applicable.
- L. Setbacks, height and minimum building separation as required by the Iredell County Zoning Ordinance.
- M. A description of any outdoor lighting if applicable.
- N. A description of any conditions placed on the property/project in conjunction with the approval of a special use permit.
- O. Location and description of any proposed signage.
- P. Compliance with the January 2008 Iredell County Comprehensive Transportation Plan.

Section 9.2.2 Site Plans that Require Board Approval

In many situations a site plan will be reviewed through the legislative or quasi-judicial process and will be required to be approved by the Planning Board, Board of Commissioners, or Board of Adjustment. The plans submitted to these boards are intended to depict compliance with the applicable regulations, but are NOT always intended to show everything required on a traditional site plan as detailed above. However, almost every plan that requires and gains a board approval must then be comprehensively reviewed by the administrator of this ordinance and the standards listed above will then apply.

The administrator shall use the site plan requirements as a beginning point and, depending on the request and applicability, may release the applicant from providing all of the information listed above. It is at the discretion of the applicant as to whether they would like to show more than the required information.

Section 9.2.3 Board Decisions

The following details the different types of board decisions that are required to be obtained by this ordinance. They are broken into two categories, legislative and quasi-judicial.

A. Legislative Decisions

These types of decisions set general policies. Decisions to adopt, amend, or repeal an ordinance (including the zoning map) fall into this category. There are detailed statutory procedural requirements for legislative decisions, however the decision itself is often discretionary. A public hearing is required to make a legislative decision, with the intent being to gain public opinion on the decision being made. The only site plan that may require a legislative decision is a Conditional Zoning request, which is detailed below.

All Conditional Zoning applications may include a conceptual site plan, drawn to scale, and supporting text that, if approved, will become part of the amendment. The site plan must include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that in addition to all predetermined ordinance requirements, will govern the development and use of the property. In addition, if only rezoning a portion of a parcel, a plat must be provided, drawn to scale, showing the bearings and distances of the portion requested. The site plan, including the information detailed below shall constitute part of the petition for rezoning to a conditional zoning district.

B. Quasi-Judicial Decisions

These decisions include the application of specific policies to individual situations rather than the adoption of new policies and are generally heard by the Board of Adjustment. These decisions contain two key elements, the finding of facts regarding a specific proposal and the exercise of judgment or discretion in applying the policies of this ordinance.

1. Expansion or Change-in-Kind of a Non-Conforming Use:

The applicant must submit a site plan, drawn to scale, that will provide an adequate amount of information to make a determination on the viability of the expansion request. It is recommended that the applicant provide a site plan that includes the items listed in 9.2.1, therefore if the request is approved it can then move forward to permitting.

2. Special Use Permits:

All applications must include a site plan, drawn to scale, and supporting text that, if approved, will become part of the permit. The applicant shall, at a minimum, include each of the items listed in Section 9.2.1. Additionally, the site plan must include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that in addition to all predetermined ordinance requirements, will govern the development and use of the property. The site plan shall constitute part of the petition for the Special Use Permit.

3. Zoning Variance:

The applicant must submit a site plan, drawn to scale by a professional engineer or registered land surveyor that will provide an adequate amount of information to make a determination on the viability of the variance request. This category of site plan is NOT required to include the items found in Section 9.2.1.

4. Watershed Variance:

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 by a professional engineer or registered land surveyor, 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 (impervious) 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. This category of site plan is NOT required to include the items found in Section 9.2.1.
- 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.

5. Subdivision Variance:

The applicant must submit a site plan, drawn to scale by a professional engineer or registered land surveyor that will provide an adequate amount of information to make a determination on the viability of the variance request. This category of site plan is NOT required to include the items found in Section 9.2.1.

6. Floodplain Variance

The Floodplain Administrator may require a survey depending on the proposed variance request.

(amended 12/5/17, TA-2017-03)

Article II. Subdivisions

Section 9.3 Subdivision Plan Requirements

Section 9.3.1 Sketch Plans for Pre-application Meetings

A. Sketch Plan Submittal Requirements:

Three (3) copies of the Sketch Plan shall be submitted for pre-application meeting.

B. Plan Labeling:

The plan shall be scaled and show the approximate proposed layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions. It shall also include the following information:

1. Name of the proposed development;
2. Justified north arrow;
3. A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
4. The boundaries of the tract and the portion of the tract to be subdivided;
5. Tax map and parcel number(s) of the lot(s) to be subdivided;
6. Adjacent property owners and tax map numbers;
7. The zoning classification of the tract and of adjacent properties;
8. The total acreage to be subdivided;
9. The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
10. The existing and proposed road layout with approximate pavement and right-of-way width, lot layout and size of lots;
11. The name, address, and telephone number of the owner;
12. Roads and lots of adjacent developed or platted properties;
13. Existing topographic conditions of the property ;
14. Water courses, watershed, flood plain, & preserved areas;
15. Identification of lots located within a designated Water Supply Watershed; and
16. Water Supply Watershed classification of lots.

Section 9.4 Submittal Requirements for Preliminary Plats, & Final Plats

Section 9.4.1 Preliminary Plat Submittal Requirements

1. 10 full-size paper copies (at least 18"x24") for review
2. 1 reduced 11x17 copy for file

3. Digital copy in DXF or DWG format (NC State Plane) to comply with Mapping Department Standards
4. 2 full sets of sealed construction drawings for file to include the following, if applicable:
 1. Stormwater Plan and Analysis;
 2. Grading and Erosion Control Plan and written approval from Iredell County Soil and Erosion Control;
 3. Verification of submittal to NCDENR for a community or public sanitary sewer system;
 4. Verification of submittal to NCDENR for a public or community water system; and
 5. Verification of submittal to NCDOT for driveway permits

Section 9.4.2 Final Plat Submittal Requirements

- A. 5 full-size paper copies (at least 18"x24") for review
- B. 1 mylar copy for signature
- C. 1 paper copy of recorded plat for file
- D. Digital copy in DXF or DWG format to comply with Mapping Department Standards

Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Iredell County Register of Deeds. The Final Plat shall be of a size suitable for recording with the Register of Deeds and shall be at a scale of NOT less than one inch equals 100 feet unless each lot in the proposed subdivision is more than three (3) acres, in such case, the scale shall NOT be less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

Section 9.5 Plat Labeling Requirements for Concept, Preliminary & Final Plats

Section 9.5.1 Labeling Matrix

The Preliminary and Final Plats shall depict or contain the information indicated in Table 9.1. An X indicates that the information is required. Preliminary Plat information is only required for major subdivisions.

Table 9.1 Subdivision Plat Requirements

Preliminary Plan Information	Preliminary Plat	Final Plat
Title Block Information:		
a) Subdivision name	x	x
b) Name of owner	x	x

Preliminary Plan Information	Preliminary Plat	Final Plat
c) Name of the Subdivider/Developer	X	X
d) PIN number(s)	X	X
e) Location (including township, county and state)	X	X
f) Bar graph scale and justified north arrow	X	X
Plat Preparation Information:		
a) Date or dates survey was conducted and plat prepared	X	X
b) Name and address of the Registered Land Surveyor	X	X
c) Surveyor's registration number and seal		X
d) Names and addresses of all owners, Registered Land Surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision	X	X
Property & Site Calculation Information:		
a) Sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area	X	X
b) Corporate limits, Extraterritorial Jurisdiction and county lines if on the subdivision tract	X	X
c) Boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown	X	
d) Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
e) Adjoining property information including owner name, zoning classification, existing structures, and subdivision name	X	X
f) Minimum building setback lines	X	X
g) Zoning classifications of the tract to be subdivided	X	X
h) Acreage in total tract to be subdivided	X	X
i) Acreage in parks and recreation areas and other nonresidential uses	X	X
j) Total number of parcels created	X	X
k) Acreage in the smallest lot in the subdivision	X	X
l) Linear feet in roads	X	X
m) Name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the National Historic Register	X	X
n) Topographic map with contour intervals of no greater than five (5) feet at a scale of no less than one inch equals 200 feet may be required.	X	

Preliminary Plan Information	Preliminary Plat	Final Plat
o) Sufficient surveying data to determine readily and reproduce on the ground every straight or curved line, road line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved roads. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest minute.		X
p) Accurate locations and descriptions of all monuments, markers and control points.		X
q) Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains	X	X
r) Proposed lot lines, lot and block numbers, and approximate dimensions	X	X
s) The lots numbered consecutively throughout the subdivision in a manner using only numeric symbols	X	X
t) Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X
u) The exact location of the flood hazard area, floodway and floodway fringe areas from the county's Official Flood Maps, and Community Panel Number if applicable	X	X
v) Existing Conditions Survey in accordance with Chapter 8 of this Ordinance (for subdivisions with more than 100 lots) showing existing conditions including topography (5ft min.), slopes greater than 25 percent, large stands of trees, any known trees over 36 inches in diameter or specimen trees, significant rock outcroppings, floodplains, floodways, wetlands, perennial streams, natural drainage ways, lakes, other water bodies, dams, potential locations for community wells, and the presence of any known endangered species indicated in any surveys completed by the State of North Carolina or other governmental agency.		
Watershed Information:		
a) Certification that the subdivision lies within a Watershed	X	X
b) Designation of Vegetative Watershed Buffer(s) along Perennial Streams. Said buffer shall be a minimum of thirty (30) feet in width if subsequent development takes place if the low-density option is used or one hundred (100) feet in width if the high-density option is used.	X	X
c) Identification and acreage of lots NOT to be developed for single-family residential purposes	X	X
d) Identification of stormwater drainage facilities used (including direction of flow) and any Best Management Practices employed	X	X
Streets, Infrastructure, & Open Space Information:		
a) Proposed roads	X	X
b) Existing and platted roads on adjoining properties and in the proposed subdivision	X	X
c) Rights-of-way, location and dimensions	X	X
d) Pavement widths	X	X

Preliminary Plan Information	Preliminary Plat	Final Plat
e) Approximate grades	X	X
f) Design engineering data for all corners and curves	X	X
g) Typical road cross sections	X	X
h) Road names	X	X
i) Private road disclosure statements indicating who will maintain private roads in subdivision and the right of access to any private road in the subdivision by all lots served by the road		X
j) Type of road dedication; all roads must be designated either "public" or "private".	X	X
k) Where roads are dedicated to the public, but NOT accepted into the state system before lots are sold, a statement explaining the status of the road		X
l) Type of utilities to be provided and the name of the service provider	X	
m) Utility and other easements	X	X
n) Fire hydrants, if applicable	X	X
o) Riding trails	X	X
p) Buffer strips	X	X
q) Pedestrian or bicycle paths	X	X
r) Parks and recreation areas with specific type indicated	X	X
s) School sites (both existing and proposed)	X	X
t) Areas to be used for purposes other than residential with the purpose of each stated	X	X
u) The future ownership (dedication or reservation for public use to governmental body, for owners' to duly constituted homeowners' association, or for tenants' remaining in Subdivider's ownership) of recreation and open space lands		X
v) Traffic Impact Study as required by Section 5.8 of this Ordinance (for subdivisions with more than 100 lots)		
Agency Approvals:		
a) NCDOT approval of driveway permits and Road Construction Drawings		X
b) Soil application rates as may be required by the Health Department or a disclaimer if septic systems are proposed and soil testing is NOT yet completed		X
c) Iredell County Soil and Erosion Control approval of Soil & Erosion Control Plan	X	
d) Verification of private or community well and/or septic plan submittal to NCDENR.	X	
e) Private or community well and/or septic approval.		X
f) NCDOT approval of storm water drainage plan		X
g) All certifications required in Appendix A	X	X

Article III. Erosion and Sedimentation Control

Section 9.6 Erosion and Sedimentation Control Plan Requirements

Section 9.6.1 Plan Submission

A plan shall be prepared for all land-disturbing activities subject to this ordinance whenever the proposed activity will disturb more than one acre on a tract (one half (1/2) acre in a water supply watershed). One (1) paper copy and one (1) electronic copy of the plan shall be filed with the County.

Section 9.6.2 Plan Types

Plans shall be broken into two categories, minor and major. The minimum requirements for these plans are shown in Table 9.2.

Major Erosion and Sediment Control Plan

A plan for the location, installation and maintenance of measures to control all anticipated erosion, and prevent sediment and increased runoff from leaving the site of a land disturbing activity of one (1) acre or greater. This plan requires a seal from an Engineer, Architect, or Surveyor.

Minor Erosion and Sediment Control Plan

A plan for the location, installation and maintenance of measures to control all anticipated erosion, and prevent sediment and increased runoff from leaving the site of a land disturbing activity of one half (1/2) acre to one (1) acres inside a water supply watershed. This plan may NOT require a seal from an Engineer, Architect, or Surveyor.

Table 9. 2 Erosion Control Plan Requirements

Required Information	Major Plan	Minor Plan
Vicinity Map w/North Arrow and Scale	x	x
General Site Features		
Legend w/North Arrow, Scale, etc.	x	x
Property Lines	x	x
Existing Contours (topo lines)	x	x
Proposed Contours	x	x
Limits of Disturbed Area (acreage total, delineated limits, and label)	x	x
Planned and Existing Building Locations and Elevations	x	x
Planned and Existing Road Locations and Elevations	x	x
Lot and/or Building Numbers	x	x
Geologic Features (rock outcrops, seeps, springs, wetlands, streams, lakes, ponds, dams, etc.	x	x
Easements and Drainage Ways	x	x
Profiles of Streets, Ditch Lines, Utilities, etc.	x	x
Stockpiled Topsoil or Subsoil Locations	x	x
Soil Borrow Info*	x	x
Army Corps 404 Permit and Water Quality 401 Certification (if applicable)	x	x
Erosion Control Measures (on Plan)		

Required Information	Major Plan	Minor Plan
Legend	X	X
Location of Permanent Measures	X	
Location of Temporary Measures	X	X
Construction Drawings and Details for Temporary and Permanent Measures	X	
Maintenance Requirements for Measures	X	
Contact Person Responsible for Maintenance	X	
Site Drainage Features		
Existing and Planned Drainage Patterns (include off-site areas that drain through project)	X	
Method of Determination of and Calculations for Acreage of Land Being Disturbed	X	
Size and Location of Culverts and Sewers	X	
Soil Information: type and special characteristics	X	
Soil Information Below Culvert Storm Outlets	X	
Name and Classification of Receiving Water Course or Name of Municipal Operator (only where stormwater discharges are to occur)	X	
Stormwater Calculations		
Pre-construction runoff calculations for each outlet from the site (at peak discharge points)	X	
Design calculations for peak discharges of runoff (including the construction phase and the final runoff coefficients of the site)	X	
Design calculations of culverts and storm sewers	X	
Discharge and velocity calculations for open channel and ditch flows (easements and rights-of-way)	X	
Design calculations of cross sections and method of stabilization of existing and planned channels (include temporary linings)	X	
Design calculations and construction details of energy dissipators below culvert and storm sewer outlets (diameters and apron dimensions)	X	
Design calculations and dimension of sediment basins	X	
Surface area and settling efficiency information for proposed sediment traps and/or basins	X	
Vegetative Stabilization		
Area and acreage to be vegetatively stabilized	X	X
Methods of soil preparation	X	X
Seed type and rates (temporary and permanent)	X	X
Fertilizer type and rates	X	
Mulch type and rates	X	X
Financial Responsibility and Ownership Form		
Completed, signed and notarized Financial Responsibility/Ownership form	X	X
Copy of the most current deed for the site	X	X
Certificate of assumed name, if the owner is a partnership	X	X
Name of registered agent (if applicable)	X	X
Narrative and Construction Sequence		
Narrative describing the nature and purpose of the construction activity	X	
Construction sequence related to erosion and sedimentation control (including installation of critical measures prior to the initiation of the land disturbing activity and removal of measures after areas they serve are permanently stabilized)	X	

Required Information	Major Plan	Minor Plan
Bid specifications related only to erosion control	x	
If within the municipal limits, a letter from that municipality stating the project meets their zoning requirements.	x	x
Designation on the plans where the 7 or 14 day ground stabilization requirements apply as per Section II.B.2 of the NPDES Construction Stormwater General Permit NCG010000	x	x
Design of basins with one acre or more of drainage area for surface withdrawal as per Section II.B.4 of the NPDES Construction Stormwater General Permit NCG010000	x	x

** If the same person conducts the land-disturbing activity and any related borrow or waste activity, the related borrow or waste activity shall constitute part of the land-disturbing activity unless the borrow or waste activity is regulated under the Mining Act of 1971, or is a landfill regulated by the Division of Waste Management. If the land-disturbing activity and any related borrow or waste activity are not conducted by the same person, they shall be considered separate land-disturbing activities and must be permitted either through the Sedimentation Pollution Control Act as a one-use borrow site or through the Mining Act. (amended 7/17/12, TA-2012-01)*

Section 9.6.3 Financial Responsibility and Ownership

Plans must be accompanied by an authorized statement of financial responsibility and ownership. The person financially responsible for the land-disturbing activity or his attorney in fact shall sign this statement. The statement shall include the mailing and street addresses of the principal place of business of (1) the person financially responsible, (2) the owner of the land, and (3) any registered agents.

If the person financially responsible is NOT a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or non-compliance with the plan, the Act, this ordinance, or rules or orders adopted or issued pursuant to this ordinance.

If the applicant is NOT the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.

Section 9.6.4 Environmental Policy Act Document

Any plan submitted for a land-disturbing activity that requires an environmental document (i.e. environmental assessment, environmental impact statement, or a finding of no significant impact) by the North Carolina Environment Policy Act (G.S. 113A-1, et seq.) must provide a complete environmental document before the plan can be approved. Typically, an environmental document would be required for projects on public lands.

Section 9.6.5 Content

The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this ordinance and satisfy the standards contained within the North Carolina Erosion and Sediment Control Planning and Design Manual. Plan

content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the County, on request.

Section 9.6.6 Timeline for Decisions on Plans

The Erosion Control Administrator will review each complete plan submitted to them and within thirty (30) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve, approve with modifications, or disapprove a complete plan within thirty (30) days of receipt shall be deemed approval.

The Administrator will review each revised plan submitted to them and within fifteen (15) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve, approve with modifications, or disapprove a revised plan within fifteen (15) days of receipt shall be deemed approval.

A. Approval

The Administrator shall only approve a plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Administrator shall conditionally approve plans based upon the applicant's compliance with federal and state water quality laws, regulations and rules. The Administrator may establish an expiration date, NOT to exceed three (3) years, for Plans approved under this ordinance.

B. Disapproval for Content

The Administrator shall disapprove a plan or draft plan based on its content. A disapproval based upon a plan's content must specifically state in writing the reasons for disapproval.

C. Other Disapprovals

The Administrator may disapprove a plan or draft plans if implementation of the plan would result in a violation of the rules adopted by either the Environmental Management Commission or Iredell County to protect riparian buffers along surface waters. A local government may disapprove a plan upon finding that an applicant, or a parent, subsidiary, or other affiliate of the applicant:

1. Is conducting or has conducted land-disturbing activity without an approved Plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has NOT complied with the notice within the time specified in the notice;
2. Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act by the time the payment is due.
3. Has been convicted of a misdemeanor for knowing or willful violation of any provision(s) of this Article or any ordinance, rule, regulation, or order duly

adopted or issued by the Commission or a local government, or who knowingly or willfully initiated or continued a land-disturbing activity for which an erosion and sedimentation control plan was required, except in accordance with the terms, conditions, and provisions of an approved plan pursuant to G. S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act or;

4. Has failed to substantially comply with State rules or local ordinances and regulations adopted pursuant to the Act.
5. For purposes of this subsection, an applicant's record may be considered for only the two years prior to the application date.
6. In the event that a plan is disapproved pursuant to this subsection, the Administrator shall notify the Director of such disapproval within ten (10) days. The Administrator shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved.

Section 9.6.7 Notice of Activity Initiation

No person may initiate a land-disturbing activity before notifying the Administrator of the date that land-disturbing activity will begin.

Section 9.6.8 Pre-construction Conference

The contractor or financially responsible party shall contact the Erosion Control Administrator to set up a pre-construction meeting on site. Plans will need to be present at the pre-construction conference, where Iredell County will stamp it approved and issue a Certificate of Approval. Any constructions prior to the pre-construction meeting will be considered work without an approved plan and in violation of this ordinance.

(amended 7/17/12, TA-2012-01)

Section 9.6.9 Display of Plan Approval

A plan approval issued under this article shall be prominently displayed until all construction is complete, all permanent sedimentation and erosion control measures are installed and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.

Section 9.6.10 Required Revisions

After approving a plan, if the Administrator either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Administrator shall require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land-disturbing activity pursuant to an approved plan, the Administrator determines that the plan is inadequate to meet the requirements of this ordinance; the Administrator may require any revision of the plan that is necessary to comply with this ordinance.

Section 9.6.11 Amendment to a Plan

Applications for amendment of a plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Administrator, the land-disturbing activity shall NOT proceed except in accordance with the plan as originally approved.

Section 9.6.12 Failure to File a Plan

Any person engaged in land-disturbing activity that fails to file a plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this ordinance.

Section 9.6.13 Self Inspections

The landowner, the financially responsible party, or the landowner's or financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1. These self inspection reports are subject to review by Iredell County when requested at the time of inspection.

(amended 7/17/12, TA-2012-01)

Section 9.7 Basic Control Objectives

An Erosion and Sedimentation Control Plan must address the following control objectives:

- A. On-site areas that are subject to severe erosion, and off-site areas that are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
- B. All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.
- C. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- D. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- E. All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.

- F. When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, a plan is to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

Article IV. Floodplain Development

Section 9.8 Floodplain Development Application, Permit and Certification Requirements

Section 9.8.1 Application Requirements

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- A. A plot plan drawn to scale which shall include, but shall NOT be limited to, the following specific details of the proposed floodplain development:
 - 1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - 2. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 1.4.4, or a statement that the entire lot is within the Special Flood Hazard Area;
 - 3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 1.4.4;
 - 4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 1.4.4;
 - 5. The Base Flood Elevation (BFE) where provided as set forth in Section 1.4.4; Section 14.2.1; or Section 4.7.1 C;
 - 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
- B. Proposed elevation, and method of elevation, of all development within a Special Flood Hazard Area including but NOT limited to:
 - 1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - 2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- C. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is NOT limited to, installation, exercise, and maintenance of floodproofing measures.
 - D. A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are NOT limited to:
 1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 4.7.2 B (4c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
 - E. Usage details of any enclosed areas below the lowest floor.
 - F. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - G. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - H. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 4.7.2 B, (6) and (7) of this ordinance are met.
 - I. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

Section 9.8.2 Floodplain Development Permit Requirements

The Floodplain Development Permit shall include, but NOT be limited to:

- A. A description of the development to be permitted under the floodplain development permit.

- B. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 1.4.4.
- C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- D. The regulatory flood protection elevation required for the protection of all public utilities.
- E. All certification submittal requirements with timelines.
- F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- G. The flood openings requirements, if in Zones A, AO, AE or A1-30.

Section 9.8.3 Certification Requirements

A. Elevation Certificates

1. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
2. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
3. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the

reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

B. Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

C. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 4.72. B (3 b).

D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

E. Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

1. Recreational Vehicles meeting requirements of Section 4.7.2 B (6 a);

2. Temporary Structures meeting requirements of Section 4.7.2 B (7); and
3. Accessory Structures less than 150 square feet meeting requirements of Section 4.7.2 B (8).