

## JACKSON COUNTY

### AN ORDINANCE OF THE JACKSON COUNTY BOARD OF COMMISSIONERS ESTABLISHING THE REQUIREMENT FOR A LAND DEVELOPMENT COMPLIANCE PERMIT PRIOR TO UNDERTAKING DEVELOPMENT ACTIVITIES

THE FOLLOWING IS HEREBY ORDAINED by the Jackson County Board of Commissioners:

- I. *PURPOSE.* The purpose of this Ordinance is to ensure that proposed development activities comply with all the various Jackson County ordinances relating to land use. The Jackson County Planning Department is responsible for administering these various ordinances. This Ordinance will provide an effective means for determining compliance and will contribute to greater efficiency in government.
- II. *AUTHORITY.* This Ordinance is enacted pursuant to the authority of Article 18 of Chapter 153A of the North Carolina General Statutes and N.C.G.S. §153A-121.
- III. *DEFINITION.* For the purpose of this Ordinance, the following terms shall have the meanings indicated:
  - A. *Development* means any one or more of the following:
    - (1) Any activity requiring a building permit;
    - (2) Any land-disturbing activity requiring a permit pursuant to the Jackson County Sediment Control Ordinance;
    - (3) Any development, as defined in the Jackson County Flood Damage Prevention Ordinance, proposed within a flood hazard area;

- (4) Any activity requiring a watershed protection occupancy permit pursuant to the Jackson County Watershed Protection Ordinance;
- (5) Any other activity regulated by the Jackson County land use ordinances, including, without limitation, the following: Industrial Development Ordinance, Mountain Ridge Protection Ordinance, Off-Premise Sign Control Ordinance, Scotts Creek Water Quality Protection Ordinance, Wireless Telecommunication Tower Construction Ordinance.

B. *Land Development Compliance Officer* means the Jackson County Planning Director or designee thereof.

IV. *JURISDICTION OF ORDINANCE.* This Ordinance shall apply to all of Jackson County except for those areas included within the planning jurisdiction of any incorporated municipalities and those areas within the Qualla Reservation, as provided by law.

V. *REQUIREMENT FOR LAND DEVELOPMENT COMPLIANCE PERMIT.* From and after the effective date of this Ordinance it shall be unlawful for any person or entity to undertake development, as defined herein, without first obtaining a land development compliance permit from the land development compliance officer. The land development compliance officer shall issue a land development compliance permit only upon determining that the development activity complies with all ordinances and regulations of Jackson County and all other applicable requirements. Undertaking development, as defined herein, without a valid land development compliance permit shall constitute a misdemeanor as provided in N.C.G.S. §14-4 and shall be punishable by a fine or civil penalty not to exceed \$500.00. Each week's continuing violation shall be a separate and distinct offense.

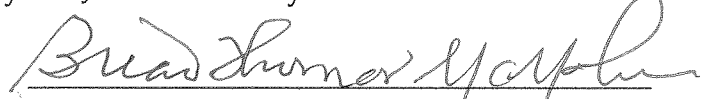
VI. *EXCEPTION FOR BONA FIDE FARM OPERATIONS.* This ordinance shall not apply to property used for bona fide farm operations except as provided by N.C.G.S. §153A-340(b).

VII. *SEVERABILITY.* If any portion of this Ordinance is deemed unconstitutional or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.


VIII. *ENFORCEMENT.* This ordinance may be enforced by any legal and equitable remedies including, but not limited to, injunctive relief.

IX. *EFFECTIVE DATE.* This Ordinance shall be in full force and effect from and after its adoption.

Adopted this 8th day of March, 2007, by the Jackson County Board of Commissioners.

  
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Brian Thomas McMahan, Chairman

ATTEST:

  
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Evelyn Baker, Clerk to the Board