



Ordinance to Govern Structures Adjacent to National Park Service Land

Adopted May 6, 1985
Amended February 18, 2014

**AN ORDINANCE TO GOVERN STRUCTURES LOCATED ON
LAND ADJACENT TO NATIONAL PARK SERVICE LAND**

WHEREAS, the Board of Commissioners are concerned with protecting National Parks Service Lands from encroachment which could damage the unique scenic importance of such lands; and

WHEREAS, the economy of Watauga County is partially dependent upon maintaining the quality of such scenic lands; and

WHEREAS, the Board of Commissioners are authorized to enact ordinances to promote the general welfare generally by N.C.G.S. 153A-121 and specifically to regulate the location of buildings, structures, etc. By N.C.G.S. 153A-340 (5);

NOW, THEREFORE, the Watauga County Board of Commissioners do ordain and establish the following:

Article I – Regulation of Location of Structures

No building or structure which is located upon land which is adjacent to National Park Service Land shall be located closer than fifteen (15) feet to the Park Service property line.

Article II – Permit

Prior to issuance of a building permit for structure(s) located upon land adjacent to National Park Service Land, National Park Service personnel, upon notification by the County Department of Planning and Inspection, shall determine said property line and shall establish the required fifteen(15) foot setbacks within fifteen(15) days of the application for a building permit.

Article III – Appeal

Appeals may be taken from a decision under this ordinance by the Department of Planning and Inspections to the Board of Adjustment by giving written notice of appeal to the Department and Clerk to the Board of Commissioners within thirty (30) days following the day a permit is denied. The appeal shall contain the grounds thereof.

Article IV – Variances

When unnecessary hardships would result from strict application of the ordinance, upon application by an aggrieved party with standing, the Board of Adjustment may hold a hearing pursuant to NCGS §160A-388 (a2) and may grant variances to the provisions of the ordinance in accordance with the standards and procedures established in NCGS §160A-388(d), and as established by County policy.

Article V – Penalties

Any person violating the requirements of this ordinance shall be guilty of a misdemeanor and may be penalized as specified by N.C.G.S. 14-4. Each day of continuing violation shall be considered a separate offense. The County may additionally impose such penalties as deemed appropriate and authorized by N.C.G.S. 153A-123, including fines, injunctions and orders of abatement.

Article VI – Jurisdiction and Effective Date

This ordinance shall be applicable within all areas of Watauga County not within the jurisdiction of a municipality and shall be effective upon adoption.

Adopted the 6th day of May, 1985

Amended the 18th day of February, 2014