
Sec. 9.5 US 441 Gateway District.

Sec. 9.5.1 Authority and Purpose.

- (a) This section is adopted pursuant to and in compliance with authority from G.S. ch. 160D and is to be interpreted in accordance with such statute, or as it may be amended in the future.
- (b) Jackson County has determined it is in the public's interest to enact development standards for high-profile areas of the community, which result in distinctive visual environments and project positively the image of the local community. Quality architecture and supportive site design in these areas have the potential to influence the attraction of private investment, the quality of future development, the level of environmental sustainability, and the value of properties in the mountain landscape.
- (c) The US 441 Small Area Plan adopted by the County Board of Commissioners on April 21, 2008, represents a blueprint for the preferred settlement patterns and design qualities encouraged in the community. It is the culmination of a comprehensive and collaborative planning process that included local residents, business owners, property owners, and representatives from state agencies, conservation groups, public utilities, Planning Director, and the Eastern Band of Cherokee Indians. General consensus for the types, patterns, and conditions of development advocated in the US 441 Small Area Plan serves as the sourcebook for the Development Section for the US 441 Gateway District.
- (d) These regulations have been adopted in accordance with G.S. ch. 160D. Proposed development, subdivisions, and new land uses in the US 441 Gateway District shall comply with all applicable requirements of this section. However, the provisions of this section shall not apply to a lot or parcel being developed for a single-family dwelling unit without subdivision, nor to property being used for bona fide farm purposes except as provided in G.S. 160D-903.

(Ord. No. O2019-01(5), 11-2-2021)

Sec. 9.5.2 Jurisdiction.

The provisions of this section shall apply to those lots, parcels, and tracts of land that lie within the US 441 Gateway District, as defined on the map so labeled. This map shall be filed in the office of the Clerk of the Board of Commissioners.

Sec. 9.5.3 Rules of Interpretation.

- (a) *Minimum Requirements.*
 - (i) The provisions of this section shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this section, these provisions shall be held to be the minimum requirements for the protection and the promotion of the public health, safety, morals, comfort, convenience, and general welfare.
- (b) *Material Incorporated by Reference.* This section implements the types, patterns, and conditions of development advocated in the US 441 Small Area Plan, adopted by the County Board of Commissioners on April 21, 2008.
- (c) *Summary of Authority.*
 - (i) The administrative and decision-making bodies and officials listed herein, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this section in the manner described below.
 - (ii) Jackson County Board of Commissioners. The Jackson County Board of Commissioners shall have the following jurisdiction and authority subject to the provisions of this section and the applicable provisions of the North Carolina General Statutes:

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- 1) To initiate, adopt, or reject any amendment to the regulating map accompanying this section, and to initiate, adopt, amend, or reject any amendment to the text of this section.
 - 2) To exercise such other powers and perform such other duties as allowed by North Carolina General Statute in connection with this section.

Sec. 9.5.4 Administration.

- (a) *Procedures.* In addition to information contained in this Section, also refer to the following Sections for procedures which may contain standards relevant to the Regulated District.
 - (i) Design review - see Article III, 3.7.4.
 - (ii) Sign permits and - see Article III, Section 3.4.
 - (iii) Special use permit - see Article III, Section 3.7.15.
 - (iv) Temporary use permit and procedures, see Article III, Section 3.7.18.
 - (v) Text amendment - see Article III, Section 3.7.19.
 - (vi) Map amendment- see Article III, Section 3.7.12.
 - (vii) Zoning permits - see Article III, Section 3.7.21.
 - (viii) Variance- see Article III, Section 3.7.20.
 - (ix) Administrative Decision Appeals - see Article III, Section 3.7.2.
- (b) *Administration.*
 - (i) For the purposes of the regulated districts contained in this Section, the Planning Director or the Permitting and Code Enforcement Director shall, as defined in Article 2.1, be responsible for administering the UDO within the Regulated Districts.

Sec. 9.5.5 Character Areas.

- (a) *Character Areas Established.*
 - (i) Each of the character areas designated in this section stands alone and is not a part of a hierarchical or pyramidal system of character areas. For example, uses permitted in the rural living character area are not necessarily permitted in the village center character area. Only those uses and development standards that are expressly permitted and noted for each character area apply to that character area. In addition, accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. The regulations that apply within each character area are identified in Section 9.5.5(c). The following character areas are hereby established:
 - 1) *WF - Working Farm:* Working farms are actively being used for commercial agricultural activities, including cultivated farmland, livestock, and woodlands. These areas also support the primary residence of the property owner or their family members and any out-buildings required to support the working farm. Provisions under the working farm character area shall not apply to bona fide agriculture uses recognized as such for tax purposes by the state.
 - 2) *RC - Recreation:* Recreation areas include community parks, softball fields, multi-purpose fields, playgrounds, walking trails, and water bodies.
 - 3) *RL - Rural Living:* Rural living areas have very large lots, open space, pastoral views, and a high-degree of separation between buildings. Limited commercial, office, and industrial activities co-exist with rural residential homes and hobby farms. New development within the rural living area should be encouraged to cluster buildings, leaving open space and uninterrupted views of the

surrounding mountains. Non-residential uses in the rural living area should incorporate compatible architecture with residential uses, which maintains the rural character and scenic value of the surrounding community. Common uses identified for the rural living area include large lot, single-family homes, recreation and camping sites, and limited commercial, office, and industrial uses.

- 4) *GC - Golf Course Community*: A golf course community includes a golf course and clubhouse; with surrounding residential home sites available for sale or lease. Commercial activities supportive of golf course operations may also exist.
- 5) *PR - Planned Residential Community*: Planned residential communities complement development within the Sequoyah National Golf Course Community. These areas tend to have higher densities and intensities than surrounding areas, and may promote housing choice (i.e., single-family and multifamily) within the same development. Design elements important to planned residential communities include reserved open space, common areas, sidewalks, street trees, a neighborhood center, and easy access to major roadways.
- 6) *TC - Townhome/Condominium Community*: A townhome/condominium community is the densest residential development anticipated for the study area. Attached housing units are limited to seven units in length or three stories in height.
- 7) *GW - Gateway Corridor*: The gateway corridor serves as the commercial spine, as well as the ceremonial entrance to destinations such as Cherokee and the Great Smoky Mountain National Park. It includes commercial, office, institutional, and residential uses that generally share compatible architecture. The use of franchise architecture is specifically prohibited. Design elements important to the gateway area include signage, landscaping, building architecture and orientation, parking, and building height. Building architecture is representative of materials common to the region and should incorporate colors that limit the development's visual impact on the surrounding landscape.
- 8) *VC - Village Center*: Village centers are the focal points in the gateway district, which usually include a mix of residential, nonresidential, and civic uses. These areas tend to have higher densities and intensities than surrounding areas, concentration of amenities, and serve the entire community. These areas create dynamic and active places that instill a sense of place and celebrate the rural characteristics of the community.
- 9) *IN - Industrial*: Industrial areas generally support manufacturing and production uses, including warehouse, light manufacturing, utility maintenance yards, and assembly operations. Public utilities also may locate certain infrastructure (e.g. electric substation or sewer treatment plant) in an industrial area. Landscaping and buffers incorporated into the design of the site soften or shield the view of buildings, structures, parking lots, and loading docks from adjacent properties. Signage and lighting guidelines also enhance the quality of the development.
- 10) *IS - Institutional*: Institutional areas include churches, schools, cemeteries, and community centers. Local architecture and building materials incorporated into these building types help maintain the regional rural character and scenic value of the community.

(b) *Regulating Map.*

- (i) The regulating map for the US 441 Gateway District included as exhibit A of this section (herein the "regulating map") provides standards for developing each parcel or lot and how each relates to its adjacent properties. The regulating map is the principal tool for implementing the framework plan map included in the US 441 Small Area Plan adopted by the County Board of Commissioners on April 21, 2008.

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- (ii) The regulating map identifies the location of the character areas throughout the Gateway District and describes the standards for use, building architecture, and site development specific to each character area. Additional site development and building architecture standards applicable to one or more character areas are included Section 9.5.5 and 9.5.6.
 - (iii) Viewing the regulating map. The boundaries of the character areas depicted in the regulating map are effective at the same time this section is effective by the adoption by the County Board of Commissioners. The regulating map, together with all amendments adopted by the County Board of Commissioners, are incorporated herein by reference as if fully set forth herein. The regulating map, in hard copy format, shall be maintained in the office of the County Planning department.
 - (iv) Rules of interpretation. The following rules of interpretation shall apply to the regulating map:
 - 1) *Character area designation.* A character area depicted on the regulating map indicates that the regulations pertaining to that character area extend throughout the whole area bounded by the character area lines within which the name is shown.
 - 2) *Character area boundary determination.* Where uncertainty exists with respect to the boundaries of the various character areas shown on the regulating map, the following rules shall be used to interpret the regulating map:
 - a) Where a character area boundary is shown to coincide approximately with a property line, the property line shall be considered to be the character area boundary, unless otherwise noted.
 - b) Where a character area boundary is located within a road or public right-of-way or easement, it will be considered to be in the center of the road or public right-of-way or easement.
 - c) Where a character area boundary is shown dividing a lot, each part of the lot shall conform to the standards of the district in which that part is located.
 - d) Where a character area boundary is indicated as approximately following the centerline of streams, rivers, or other water body, it shall be considered to be the centerline of stream, river, or other water body.
 - e) The US 441 Gateway District Community Planning Council shall interpret the location of the character area boundary with reference to the scale of the regulating map and the purposes set forth in all relevant provisions of the section.
 - (v) Character Areas, Labeling.
 - 1) A character area shall be labeled on the "Regulating Map for the US 441 Gateway District" using the two-character abbreviations noted in Section 9.5.5(c). The following are appropriate labels for character areas designed on the regulating map: WF, RC, RL, GC, PR, TC, GW, VC, IN, and IS.
 - (vi) Character Areas, Use and Design Standards.
 - 1) Use and design standards for the character areas identified in the regulating map control the configuration, features, and functions of buildings that collectively define and shape the community. After the effective date of this section, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished, or maintained except in compliance with the provisions of this section, except as otherwise hereinafter provided.

- 2) Requirements by character area. Any proposed building shall be designed in accordance with the use and design standards identified in this section for the character area in which the property is located.
- 3) Permitted uses. Permitted uses listed individually for the 11-character areas are permitted by right. Interpretation of use standards will be made by the Planning Director.
- 4) Special uses. Special uses listed for the 11-character areas could present unique characteristics and impacts for the community, and thus require individual consideration for their location, design, configuration, and/or operation in accordance with the provisions set forth in Section 9.5.5 (c).
- 5) Temporary uses. The following uses may be established as temporary uses in the US 441 Gateway District, subject to the approval of the Planning Director.
 - a) Civic events including, but not limited to, church bazaars, volunteer fire department fund raisers, and holiday events. Civic events sponsored, organized and/or held by a governmental agency or by an organization funded by the county shall be exempt from the temporary permit fee.
 - b) Circuses, carnivals, fairs, religious services, and similar types of events.
 - c) Seasonal greenhouses, tents, and other temporary structures for a period not to exceed 60 days. Said structures must be removed on the date of expiration of the temporary use permit. Tent sales shall be conducted on the property of and conducted by an established business located within the US 441 Gateway District as a special event to promote said business.
 - d) Temporary offices for construction and security personnel during the construction of a development for which a building permit has been issued.
 - e) The US 441 Gateway District Community Planning Council may authorize the Planning Director to issue a permit for any other temporary use provided that the use is clearly of a temporary nature, the use is limited to a period not to exceed 60 days, and the use is in keeping with the intent and requirements of this section.
- 6) Unlisted uses. In the case of uses not listed in Section 9.5.5(c), the Planning Director will make a determination of the group appropriate for such uses. In reaching the determination, the Planning Director must determine the most similar use that has comparable impacts.
- 7) Prohibited uses. A list of prohibited uses shall be found in Section 9.5.5(c).

(c) *Character Districts.* The following tables outline the zoning standards for each district.

Table 9.5.1—Lot Dimensions and Setbacks

Zoning District	Min. Lot Area	Min. Lot Area	Min. Lot Area	Min. Lot Area	Min. Lot Area	Min. Lot Area	Min. Lot Area	Min. Lot Area
Working Farm	60 ft.	100 ft.	45 ft.	50 ft.	50 ft.	60 ft.	20 ft.	N/A
Recreation	50 ft.	100 ft.	35 ft.	25 ft.	50 ft.	N/A	N/A	N/A
Rural Living	60 ft.	100 ft.	45 ft.	30 ft.	50 ft.	20 ft.	10 ft.	N/A
Golf Course Community	60 ft.	100 ft.	35 ft.	25 ft.	50 ft.	N/A	N/A	30 ft.

Planned Residential	60 ft.	100 ft.	35 ft.	25 ft.	50 ft.	N/A	N/A	30 ft.
Townhome/Condominium Community	200 ft.	200 ft.	50 ft.	50 ft.	50 ft.	N/A	N/A	40 ft.
Gateway	40 ft.	100 ft.	25 ft.*	20 ft.	20 ft.	N/A	N/A	N/A
Village Center	60 ft.	100 ft.	25 ft.- US 441, 15 ft. Internal Streets	5 ft.	10 ft.	N/A	N/A	N/A
Industrial	100 ft.	250 ft.	100 ft.	100 ft.	100 ft.	N/A	N/A	100 ft.
Institutional	50 ft.	100 ft.	35 ft.	20 ft.	30 ft.	N/A	N/A	30 ft.

* Measured from the back of curb but no less than five ft. from the property line.

Table 9.5.2—Lot Density and Lot Coverage

Zoning District	Max. Impervious Surface Coverage	Parking Lot Placement	Building Orientation	Max. Residential Density	Maximum FAR (Floor Area Ratio)
Working Farm	10 %	N/A	N/A	.02 d.u./acre	.1
Recreation	50 %	N/A	N/A	N/A	.2
Rural Living	10 %	N/A	N/A	1 d.u./acre	.25
Golf Course Community	35%	N/A	N/A	4 d.u./acre- single family 12 d.u./ acre multi family	.25
Planned Residential	40%	N/A	N/A	4 d.u./acre- single family 12 d.u./ acre multi family	.25

Townhome/Condominium Community	65%	N/A	N/A	16 d.u./acre	.35
Gateway	75%	*	Parallel to street frontage	N/A	.65
Village Center	80%	**	Parallel to internal street	4 d.u./acre-single family 12 d.u./acre multi family	2.0
Industrial	50%	N/A	N/A	N/A	.25
Institutional	65%	*	N/A	N/A	.5
* Maximum two rows of parking in front of the building, plus drive aisle					
** No parking permitted between internal street and building unless the parking is designed as one row of parking (angle or parallel) located between the internal street and the pedestrian walkway.					

Table 9.5.3—Maximum Height and Open Space

Zoning District	Max. Height Primary Building*	Max. Height Accessory Building*	Minimum Open Space
Working Farm	35 ft.	35 ft.	N/A
Recreation	35 ft.	25 ft.	N/A
Rural Living	35 ft.	35 ft.	10%**
Golf Course Community	35 ft.	25 ft.	25%**
Planned Residential	35 ft.	25 ft.	25%
Townhome/Condominium Community	45 ft.	25 ft.	30%
Gateway	35 ft.	25 ft.	10%
Village Center	45 ft.	35 ft.	15%
Industrial	55 ft.	35 ft.	15%
Institutional	35 ft.	25 ft.	20%
* Exceptions for architectural features provided in additional sections.			
** Excludes Single Family residential homes.			

Table 9.5.4—Table of Permitted Uses

Zoning District Key:

WF= Working Farm
RC= Recreation
RL= Rural Living
GC= Golf Course Community

PR= Planned Residential
 TC= Townhome/Condominium Community
 GW= Gateway
 VC= Village Center
 IN= Industrial
 IS= Institutional

P= Permitted, U= Use Permitted, Subject to Additional Standards, S= Special Use, N= Not Permitted

Land Use Type	WF	RC	RL	GC	PR	TC	GW	VC	IN	IS
Single Family Dwelling, Detached	P	N	P	P	P	P	P	P	N	N
Single Family Dwelling, Attached	N	N	P	P	P	P	N	P	N	N
Multi-Family Dwellings	N	N	N	P	S	P	N	P	N	N
Active park/recreation fields	N	P	N	N	P	P	N	N	N	N
Adult day-care homes	P	P	P	P	P	P	P	P	P	P
Agricultural activities	P	P	P	P	P	P	P	P	P	P
Agricultural activities, non-commercial	P	P	P	P	P	P	P	P	P	P
Amphitheater	N	P	N	N	N	N	N	N	N	N
Antique shop	N	N	N	N	N	N	P	N	N	N
Arboretum	N	P	N	N	N	N	N	N	N	N
Assisted living facility	N	N	S	N	N	N	S	N	N	N
Automobile service station	N	N	N	N	N	N	P	S	N	N
Bakery	N	N	N	N	N	N	P	P	N	N
Barbershop or salon	N	N	N	P	N	N	P	P	N	N
Bed and breakfast inn	N	N	P	N	P	S	P	P	N	N
Bicycle repair shop	N	N	N	N	N	N	P	P	N	N
Bookstore	N	N	N	N	N	N	P	P	N	N
Brewery/Microbrewery	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>N</u>
Camps/campgrounds	N	P	P	N	P	N	N	N	N	N
Candy, pastry, ice cream, or snack shop	N	N	N	N	N	N	N	P	N	N
Car wash	N	N	N	N	N	N	N	S	N	N
Cemetery	N	N	S	N	N	N	N	N	N	P
Child day-care homes	P	P	P	P	P	P	P	P	P	P
Child day care facilities	N	N	N	N	N	N	N	N	N	P
Civic, social services, or fraternal facilities	N	N	N	N	N	N	N	N	N	P
Clothing shop	N	N	N	N	N	N	P	N	N	N

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College or university	N	N	N	N	N	N	N	N	N	P
Community centers	N	P	P	P	P	P	N	N	N	P
Conference center	N	N	N	N	N	N	N	N	N	P
Convenience store	N	N	N	S*	N	S*	P	N	N	N
Copy Center	N	N	N	N	N	N	P	P	N	N
Delicatessen	N	N	N	N	N	N	P	P	N	N
Golf course	N	P	N	P	N	N	N	N	N	N
Government operations	N	N	N	N	N	N	N	N	P	P
Greenway or pedestrian path	P	P	P	P	P	P	P	P	P	P
Family care home	P	P	P	P	P	P	P	P	P	P
Financial institution	N	N	N	N	N	N	P	P	N	N
Florist	N	N	N	N	N	N	P	P	N	N
Fruit and vegetable market	S	N	N	N	N	N	P	P	N	N
Furniture sales	N	N	N	N	N	N	P	N	N	N
General office	N	N	N	N	N	N	P	P	N	N
Gift shop	N	N	N	N	N	N	P	P	N	N
Grocery store	N	N	N	S	N	S	N	N	N	N
Group homes	N	N	S	N	N	N	N	N	N	N
Hardware/garden store	N	N	N	N	N	N	P	P	N	N
Health and fitness facility	N	N	N	N	N	N	P	P	N	N
Health spa	N	N	N	P	N	N	N	N	N	N
Hotel/motel	N	N	P	P	N	N	P	P	N	N
Indoor equipment, party, or event rental center	N	N	N	N	N	N	N	N	P	N
Industrial park	N	N	N	N	N	N	N	N	P	N
Instructional services	N	N	N	N	N	N	P	P	N	N
Laboratories- medical, science, research	N	N	N	N	N	N	N	N	P	N
Laundry and dry cleaning	N	N	N	N	N	N	P	P	N	N
Library	N	N	N	N	N	N	S	N	N	P
Manufacturing, assembly, or finishing operations	N	N	N	N	N	N	N	N	P	N

Medical clinic	N	N	N	N	N	N	P	P	N	N
Motor vehicle repair	N	N	N	N	N	N	P	S	N	N
Multitenant shopping Center	N	N	N	N	N	N	S	N	N	N
Museum	N	N	N	N	N	N	N	N	N	P
Neighborhood retail establishments	N	N	N	N	S	N	N	P	N	N
Outdoor storage	N	N	N	N	N	N	N	N	S	N
Paint shop	N	N	N	N	N	N	P	N	N	N
Passive parks	N	P	N	N	P	P	N	N	N	P
Pharmacy	N	N	N	N	N	N	P	P	N	N
Places of worship	N	S	P	P	N	P	P	P	N	P
Plant nurseries, sales and greenhouses	N	N	N	N	N		P	P	N	N
Police, fire, or rescue station	N	N	P	P	P	P	P	P	P	P
Post office	N	N	P	P	P	P	P	P	N	P
Pre-school	N	S	S	S	S	P	N	N	N	P
Primary/ secondary school	N	S	S	S	S	P	N	N	N	P
Printing and publishing	N	N	N	N	N	N	P	P	N	N
Public utilities and related services	S	N	N	N	N	N	N	N	S	S
Recreation uses, commercial indoor	N	P	N	N	N	N	N	N	N	N
Recreation uses, commercial outdoor	N	P	N	N	N	N	N	N	N	N
Recreation uses, government	N	P	N	N	N	N	N	N	N	N
Recreation uses, non-profit	N	P	N	N	N	N	N	N	N	N
Recreation uses, restricted to membership	N	P	N	N	N	N	N	N	N	N
Restaurant	N	N	N	P	N	N	P	P	N	N
Retail sales	N	N	N	N	N	N	S	P	N	N
Retail gasoline sales	N	N	N	N	N	N	P	S	N	N
Riding academies and commercial stables	N	N	S	N	N	N	N	N	N	N

Self-storage/ mini-storage	N	N	N	N	N	N	S	N	N	N
Sporting goods sales	N	N	N	P	N	N	N	N	N	N
Telecommunications towers	N	N	S	N	N	N	N	N	N	P
Theaters	N	N	N	N	N	N	P	P	N	N
Veterinary	N	N	N	N	N	N	P	S	N	N
Video rental	N	N	N	N	N	N	P	P	N	N
Warehouse storage	N	N	N	N	N	N	N	N	P	N

(c)(1) *Special Use Permits.* In addition to the special uses identified in the Permitted Use table the following types of development will require a special use permit in the identified districts:

(i) Rural Living.

(1) All non-residential or mixed uses that exceed 15,000 square feet in gross floor area.

(ii) Golf Course Community.

(1) Convenience store greater than 10,000 square feet.

(2) Hotels/Motels with a primary structure height greater than 35 ft. meeting the following standards:

i. Dumpster location shall be screened and comply with Section 9.5.6 of this article.

ii. All outdoor activity shall conclude by 10:00 p.m. Sunday-Thursday and by 11:30 p.m. Friday-Saturday

iii. All outdoor lighting shall comply with the Jackson County Lighting Ordinance

iv. A balloon test shall be required to identify the proposed structure height along with photo simulation of the structure.

(iii) Townhome/Condominium Community.

(1) Convenience store greater than 10,000 sq. ft.

(iv) Gateway.

(1) All buildings that exceed 20,000 square feet in gross floor area.

(v) Village Center.

(1) Projects of more than 60,000 square feet in gross floor area with the following conditions:

i. An internal street system shall provide access to and connect all structures and uses within the Village Center development.

ii. The internal street system shall create blocks within the development that provide sites for parking and/or for buildings.

iii. The internal streets shall have a sidewalk on at least one side and street trees shall be provided on both sides of the street unless these requirements are waived by the 441 Corridor Council.

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- iv. Stub outs shall be provided to abutting properties that will enable the internal street system to provide connections and access to these properties.
 - (2) A system of pedestrian walkways (sidewalks) shall provide safe connections between all structures in the Village Center development and between all structures and all parking areas. These pedestrian walkways shall have a minimum width of 6 feet when located adjacent to a vehicular travelway and 5 feet when a landscaped area (min. 5' width) separates the walkway from the vehicular travelway, unless a lesser width is approved by the 441 Corridor Council. When provided cart corrals shall be connected to the system of pedestrian walkways. Cart corrals shall be screened with low vegetation.
 - (3) Structure (both primary and accessory) may exceed this height provided that for every one (1) foot exceeding the maximum permitted height, they are set back an additional two (2) feet from the property line.

(Ord. No. O2019-01(5), 11-2-2021)

Sec. 9.5.6 General Site Development Standards.

No building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished, or maintained except in compliance with the provisions of this section, except as otherwise hereinafter provided.

(a) *Organization.*

- (i) Development standards in this section are arranged by category. There are two ways to determine which development standards apply to a specific character area. They include:

- 1) Refer to the two-page layouts in Section 9.5.5 of this Ordinance for a specific character area. In the "Additional Development Standards that Apply" box for the specific character area is a list of development standards in Section 9.5.5 and 9.5.6 that apply.
- 2) Refer to the icons used at the top of each development standard in this section. Each development standard begins with an introductory sentence followed by oval icons with the character area abbreviations listed in Section below in (b). These character area icons note the development standard written in that provision applies to the character area.

(b) *Icon Key.*

	Working Farm
	Recreation Area
	Rural Living
	Golf Course Community
	Planned Residential Community
	Townhome/Condo Community
	Gateway Corridor
	Village Center
	Industrial
	Institutional

(c) *Dumpster, Recycling Container, and/or Trash Compactor Enclosures.*

(i) This section shall apply to the following character areas:



- (ii) One or more of the above enclosures may be required to serve a business. These enclosures shall not be located adjacent to residential areas, public rights-of-way, private roads, public sidewalks, or greenways, nor should they be located in required buffer areas.
- (iii) If the enclosure is situated on the site so it appears as an extension of the building, the material used for the enclosure shall be consistent with that of the associated building.
- (iv) If the enclosure is situated on the site so it appears independent of the building, the material shall be brick, stone, pre-cast concrete, or tinted/textured concrete masonry units (CMU), and shall be visually consistent with that of the associated building.
- (v) The gates for any enclosure shall be decorative metal or treated wood, both opaque and secured, and a color that is compatible with the enclosure material.
- (vi) Any enclosure identified above shall be a minimum of six feet tall and on all sides from public rights-of-way, private roads, parking lots, sidewalks, and greenways.
- (vii) Screening of dumpsters, loading areas, outdoor storage, and utility structures. All dumpsters, loading areas, outdoor storage areas over 25 square feet, and utility structures must be screened if they are visible to adjacent public or private streets or any adjacent properties. Screening of a dumpster shall not be required in the Industrial District, unless the dumpster is located within 100 feet of an existing non-industrial land use. Screening options include:
 - 1) A single opaque material wall or fence with a minimum height of 6 feet.
 - 2) A combination of opaque materials, berming, and/or evergreen landscaping spaced at eight feet on center that provides the required screening effect. The combination of opaque materials, berming, and/or evergreen landscaping shall have a minimum height of six feet within three years of planting.

- 3) The wall(s) of a principal or accessory structure may also count for screening.
- 4) Chain-link fencing with woven slats of opaque material is not acceptable.

(d) *Utility Equipment Orientation.*

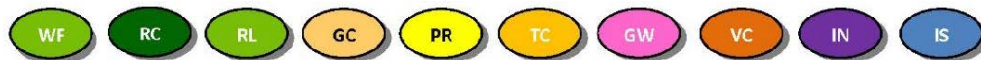
- (i) This section shall apply to the following character areas:



- (ii) All utilities, other than major electric distribution lines, shall be located underground, unless specifically excluded from this requirement in a recorded easement or located within a public right-of-way. Underground utilities shall be required for all service connections provided within the Gateway District.
- (iii) Stand-alone utility equipment shall be screened from view from public rights-of-way, parking lots, private roads, public sidewalks, and adjoining property.
- (iv) Utility equipment attached to the building, including but not limited to backflow preventers, utility meters, and grease traps, shall not abut public rights-of-way, parking lots, or private roads, unless screened from the line of sight by a wing wall. Utility equipment affixed to a building shall be painted to match the adjacent surface, unless specifically prohibited by building code or the governing authority.

(e) *Exterior Lighting.*

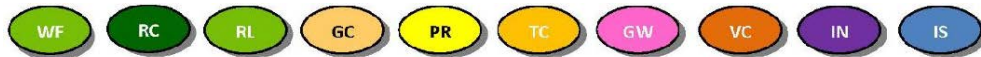
- (i) This section shall apply to the following character areas:



- (ii) Any development involving outdoor lighting in the character areas noted in Section 9.5.6 (e)(i) above shall comply with the minimum rules and requirements in Section 6.1, Outdoor Lighting.

(f) *Landscaping.*

- (i) This section shall apply to the following character areas:



- (ii) General requirements. Landscape plans shall be prepared for all buildings and commons areas on a lot or parcel. Deciduous or evergreen trees may be planted to comply with the requirements of this section. Only trees noted in the tree selection and cover guide included in Appendix 9.5.2 may be planted in required landscaping and buffer areas.
- (iii) Large shade trees shall be installed at a minimum of two to two and one-half inch caliper. Medium or small shade trees shall be installed at a minimum of one and one-half to two-inch caliper.
- (iv) Internal parking areas. These regulations apply to all internal parking areas, which are open to the general public or visible from public property, and used for off-street parking and loading, vehicular storage, display, maneuvering, vehicle washing, and the dispensing of motor fuels. Multi-level parking structures are exempt from the interior planting requirements. This subsection shall apply to new parking areas or enlargement of existing parking areas that increase the total number of parking spaces by ten percent or more. The enlargement of any existing parking area by ten percent or more shall require that both the existing and new parking areas conform to the requirements of this section.
- 1) Landscaping near parking areas shall not obstruct the driver's view of the right-of-way at driveways and intersections, where plant height shall be limited to 30 inches to provide clear sight triangles.

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- 2) Sight distance triangle setbacks shall be ten feet in parking areas, 30 feet at intersections, or as required by the governing authority. Trees are permitted but branches shall be trimmed and maintained to a minimum height of eight feet above finished grade.
 - 3) Perimeter planting areas may be included as part of minimum buffer widths provided that all minimum standards for a buffer area set forth in Section 9.5.6 (g) are met.
 - 4) Parking areas shall be separated from the public right-of-way using perimeter planting areas. Within the Gateway District the perimeter planting area shall have a width of at least 15 feet measured from the edge of the right-of-way of the abutting road. The perimeter planting areas in the Gateway District shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and trees equal in number to one tree per 30 feet of frontage. Trees shall have a minimum spacing of 15 feet and a maximum spacing of 60 feet.
 - 5) Within the Village Center District, the perimeter planting area shall have a width of at least 25 feet measured from the edge of the right-of-way of the abutting road. The perimeter planting areas in the Village Center District shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and trees equal in number to two trees per 40 feet of frontage. Parking areas within the Village Center District shall be separated from internal streets by a perimeter planting area with a minimum width of ten feet measured from the edge of pavement of the internal street. This perimeter planting area shall contain a single row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and trees equal in number to one tree per 40 feet of frontage. Trees shall have a minimum spacing of 15 feet and a maximum spacing of 60 feet.
 - 6) Parking areas shall be separated from other private property by a ten-foot wide perimeter planting area. The perimeter planting area shall contain a double staggered row of evergreen shrubs which are at least 18 inches in height at the time of planting and which shall be maintained at a height of 36 inches at maturity, and trees equal in number to one large maturing tree per 40 feet of abutting property line and/or one small maturing tree per 30 feet of frontage. Trees shall have a minimum spacing of 15 feet and a maximum spacing of 60 feet.
 - 7) Landscaping in planting islands located within parking areas shall be provided for the following:
 - a) Any new parking area that exceeds 4,000 square feet.
 - b) Expanded portions of existing parking areas that are less than 50 per cent of the existing parking areas shall landscape the area included in and around the expansion.
 - c) Expansions exceeding 50 percent of the existing impervious surface of the parking area must bring the entire parking area into compliance with the parking area landscape standards.
 - d) Existing unpaved parking areas that are paved or existing paved areas that are demolished and repaved must bring the entire parking area into compliance with the parking area landscape standards.
 - 8) The interior parking area planting requirement is in addition to the required perimeter planting and street tree planting. Required trees and shrubs shall be located within the parking lot and adjacent to parking spaces in planting areas between rows of parking spaces, at the end of parking bays, or in tree islands. Planting islands shall be a minimum of 200 square feet.
 - 9) Planting rate, for every 2,000 square feet of vehicle use area within the parking area, one deciduous tree and two shrubs must be planted. At least 75 percent of the trees shall be large

maturing species. Trees and shrubs must be planted within 15 feet of the parking area to meet the requirement.

- 10) Landscaping near buildings. Landscaping is required along all facades of a building in the form of foundation plantings. This requirement may be met through the provision of a planting strip with a minimum width of four feet or through the provision of clustered free-standing planters. Plant materials shall be of appropriate size and scale to adequately screen 40 percent of the foundation perimeter visible from any public right-of-way or private road at plant maturity.
- 11) Existing vegetation. Existing and undisturbed trees of a caliper greater than four inches may be used to satisfy a portion of the landscaping requirements so long as they meet or exceed spacing requirements. Existing trees that are preserved may be credited for required trees per Table 9.19 below.

Table 9.19: Preserved Trees Credit

Existing Tree Caliper	Replacement Credit
4"—6"	caliper tree = 1 new tree
7"—12"	caliper tree = 2 new trees
13"—18"	caliper tree = 3 new trees
19"—24"	caliper tree = 4 new trees
25+"	caliper tree = 5 new trees

- (v) Maintenance. The owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials and barriers required by this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse, and debris.
- (vi) Approved Plant Materials. All plant material shall conform to the American Standard for nursery stock, latest addition, published by the American Joint Committee on Horticultural Nomenclature. Only trees and shrubs listed in the tree selection guide included as appendix B of this section may be planted in required landscaping and buffer areas.
- (vii) Exceptions or Alternative Compliance. The landscape requirements in this Section are intended to set minimum standards for quality development and environment protection; they are not intended to be arbitrary or to inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternative method of compliance with landscape requirements in this article. The Planning Director may alter the landscape requirements as long as existing or added landscape features of the development comply with the intent of Section 6.6. Requests for alternative compliance shall be accepted if one or more of the following conditions are met:
 - 1) Topography, geologic features, drainage channels or streams, existing natural vegetation, overhead or underground utilities, or other conditions make it unreasonable or meaningless to plant a buffer or meet other landscape requirements;
 - 2) Space limitations, zero lot line development, unusually shaped lots, unique relationships to other properties, and/or prevailing practices in the surrounding area (such as the use of a specific type of vegetation) may justify alternative compliance when changing the use of an existing building in a developed area; or
 - 3) An alternative compliance proposal is equal to or better than normal compliance in its ability to fulfill the intent of these landscape requirements, and exhibits superior design quality.

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- 4) The property owner or developer must submit a plan of the area for which alternative compliance is requested to the Planning Director. The site plan shall show the existing site features and any additional material the property owner or developer will plant or construct to meet the intent of the landscape and buffer requirements of this section. A cross section drawing may be required if there are grade changes that affect the character of the buffer and landscape requirements. In addition, the applicant must submit a written statement describing the need for alternative compliance.
- (viii) Approval of Deviation. Deviations from the requirements of this section may be approved or disapproved by the Planning Director as long as the deviation does not exceed 20 percent of the written requirement. A variation greater than 20 percent of any landscape requirement must be heard by the US 441 Gateway District Community Planning Council. Deviations granted within the scope of authority of the Planning Director shall be so noted on the development permit along with reasons for allowing the requested deviation.
 - (ix) Street Trees. Street trees are required along all street frontages for all new developments, with the exception of single and two-family homes, and for all expanded or renovated developments where the cost of expansion/renovation exceeds 50 percent of the value of the structure. Trees are required at the following rate:
 - 1) One large maturing tree required for every 40 linear feet of street frontage. If overhead utilities are present, planting of one small maturing tree for every 30 linear feet of property abutting a street is required.
 - 2) Street trees may be evenly spaced or spaced to accommodate existing site features. Street trees shall be a minimum of 15 feet apart and a maximum of 60 feet apart. No street tree shall be located more than 25 feet from the edge of pavement.
 - 3) No more than 15 percent of the street-planting yard may be used for walkways or signs. Parking, merchandise display, and off-street loading are prohibited in the street-planting yard.
 - 4) Street trees shall be planted in a planting strip with an average width of ten feet, with no section having a width of less than seven feet.
 - (x) Financial Guarantee in Lieu of Installation of Plant Materials.
 - 1) If at the time of a request for a certificate of compliance, the required planting areas are not complete the developer may provide a performance bond or an irrevocable letter of credit guaranteeing the installation of the plant materials if the following conditions are met:
 - a) Plant materials are unavailable,
 - b) Completion of the planting areas would jeopardize the health of the plant materials, or
 - c) Weather conditions prohibit completion of the planting areas,
 - 2) The performance bond or irrevocable letter of credit shall be in an amount equal to 125 percent of the estimated cost of the installation of the required plant materials, as determined by the county. The performance bond or the irrevocable letter of credit shall secure the installation of the plant materials as shown on the approved landscape plan. The letter of credit or bond shall remain in full force and effect until such time as the installation of plant materials is completed and accepted by the Jackson County. Failure to maintain the required bond or irrevocable letter of credit shall result in the revocation of the approval of the site development plan and any permits issued as a result of the plan approval. The bond or irrevocable letter of credit shall be automatically renewed unless all parties agree not to renew it at least 60 days prior to its scheduled expiration date.

- 3) A temporary construction easement permitting Jackson County or its designee(s) to access the property for the purpose of installing the guaranteed plant materials shall be provided with the performance bond or irrevocable letter of credit. The temporary construction easement shall be valid until all guaranteed plant materials have been installed and approved by the county. The temporary construction easement shall pass to all successive owners until the guaranteed plant materials have been installed and approved by the county.
- 4) Failure to initiate installation of the plant materials within one year of the date the bond or letter of credit was accepted by Jackson County shall result in the county installing the plant materials, with the cost to be paid from the letter of credit or bond. The surety shall, if requested by the county, pay all or any portion of the bond or letter of credit to the county up to the amount needed to complete the installation of the plant materials based on an estimate by the county. The county at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required plant installation. The county shall return to the developer any funds not spent in completing the plant installation. Default on a project does not release the developer from responsibility for the completion of the plant installation. The county may release a portion or all of any surety posted as the plant installation is completed and approved by the county. In the event that the amount of the letter of credit or bond on hand is insufficient to pay for the completion of the plant installation, the property owner shall pay to Jackson County the total amount of the insufficiency. If the county is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the county.

(g) *Buffers.*

- (i) This section shall apply to the following character areas:



- (ii) The intent of buffers shall be to create a screen between one or more lots, which minimizes potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; reduces the visual impact of unsightly aspects of adjacent development; provides for the separation of spaces; and establishes a sense of privacy.
- (iii) The required buffer shall have the width, amount of vegetation, and other features to properly mitigate the negative effects of contiguous incompatible uses. Information for determining the required buffer is provided in Table 9.20.
- (iv) Buffer type. Table 9.20 specifies the requirement for and type of perimeter buffer that shall be installed on each property line between adjacent uses in accordance with the Table of Buffer Requirements in this section. For purposes of this section, uses shall be classified as follows: single-family residential, multi-family residential, commercial, office, industrial, and institutional.

Table 9.20: Table of Buffer Requirements

Proposed Use	Size of Site	Adjoining Use	Size of Site	Buffer
Any	≤ 1 acre	Same as proposed use	≤ 1 acre	None
Any	≤1 acre	Same as proposed use	> 1 acre	None
Any	> 1 acre	Same as proposed use	≤ 1 acre	Type A
Any	>1 acre	Same as proposed use	>1 acre	Type B
Any	≤1 acre	Different than proposed use	≤1 acre	Type A
Any	≤ 1 acre	Different than proposed use	> 1 acre	Type A

Any	> 1 acre	Different than proposed use	≤ 1 acre	Type B
Any	> 1 acre	Different than proposed use	> 1 acre	Type B
Industrial	Any Site	Any Use	Any Site	Type C

NOTES:


- No buffer yard is required when the proposed use is a detached single-family home.
 - When the adjoining site is a vacant lot or tract, the required buffer yard shall be determined by the character area in which the adjoining site is situated. Vacant lots in the WF and RL character areas shall be treated as single-family residential. Vacant lots in the GC, PR and TC character areas shall be treated as multi-family residential. Vacant lots in the GW and VC character areas shall be treated as commercial. Vacant lots in the IN character area shall be treated as industrial. Vacant lots in the RC and IS character areas shall be treated as institutional.
 - Any proposed use in the IN Industrial Character Area shall be required to install a type C buffer.
- (v) Buffer construction. Table 9.21 prescribes how the three different types of buffers are to be constructed. Only trees and shrubs listed in the tree selection guide included as Appendix 9.5.2 may be planted in required buffer areas.

Table 9.21: Buffer Specifications

Type of Buffer	Width of Buffer	Planting Requirements per 100 Linear Feet
A	15 feet	6 evergreen trees 2 large deciduous trees 2 small deciduous trees 20 shrubs
B	20 feet	8 evergreen trees 3 large deciduous trees 3 small deciduous trees 40 shrubs
C	50 feet	10 evergreen trees 4 large deciduous trees 4 small deciduous trees 40 shrubs

NOTES:

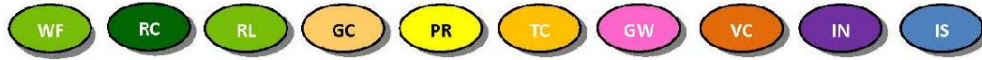
- The minimum width of a buffer yard may be reduced by 25 percent if a fence or wall is constructed. See Section 9.5.6 (h) for fencing standards.
 - A berm with a minimum height of eight feet may reduce the buffer yard width by one-half and required shrub planting by one-half. The resulting berm must be sown with fescue grass and maintained.
- (vi) Exceptions or alternative compliance. It is recognized that, on occasion, complete compliance with the terms of this section may be impractical. Accordingly, an applicant may request approval for an alternative landscaping scheme when any one or combination of the below listed conditions exist:
- 1) The lot or parcel involves space limitations or is unusually shaped.
 - 2) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impracticable.

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- 3) Natural vegetation on the site, if undisturbed during the development process, can meet or exceed the vegetation that is required.
- 4) Safety considerations are involved.
- (vii) In order to have buffer requirements modified due to one or a combination of the above, the applicant shall submit a justification to the Planning Director. Within the justification, the applicant shall identify buffer requirements that will be met with modifications, conditions that justify using alternative buffer technique(s), and how the proposed alternative buffer technique(s) meets or exceeds that which is required.
- (viii) Approval of Deviation. Deviations from the requirements of this section may be approved or disapproved by the Planning Director as long as the deviation does not exceed 20 percent of the written requirement. A variation greater than 20 percent of any buffering requirement must be heard by the US 441 Gateway District Community Planning Council. Deviations granted within the scope of authority of the Planning Director shall be so noted on the development permit along with reasons for allowing the requested deviation.
- (h) *Fences.*
- (i) This section shall apply to the following character areas:
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- (ii) The width of a required buffer may be reduced up to 50 percent by the Planning Director with the use of a fence or wall. Fences and wall must meet the following standards:
- 1) Privacy walls or fences. Privacy walls or fences, if incorporated in the buffer area, shall be an effective visual screen at sight lines six feet above finished grade, including changes in topography, and shall be used in conjunction with landscaping materials that complement the purpose of the required buffer. Placement of a privacy wall or fence in the buffer area shall not be used to replace, or reduce, the minimum landscape requirements for buffer areas set forth in this section. Chain link, plastic, or wire fencing shall not be used as a privacy fence. The location of the fence or wall within the buffer shall be approved by the Planning Director.
 - 2) Fencing around electrical substations. All electrical substations in the US 441 Gateway District shall be surrounded by a wall and/or fence that meets or exceeds the National Electric Safety Code (NESC) ANSI Standard C2 requirements. Minimum height shall be seven feet above the ground line, or in snow-bound climates, above the maximum snow accumulation line. Walls or fences surrounding an electrical substation shall also meet design standards described in Section 9.5.5 (i), unless specifically in violation of National Electric Safety Code (NESC) ANSI Standard C2 requirements.
 - 3) Placement. No privacy wall or fence shall be located between the front of a building, defined by the main entrance to the business, and any public right-of-way. No privacy wall or fence located along the side or rear of a building shall be placed less than 25 feet from any public right-of-way.
 - 4) Finish. All walls and fences located within buffer areas shall be finished on the exterior viewed from adjacent properties in the same type finish as the interior portion and compatible in color and materials of the buildings on the site.
 - 5) Landscaping. All solid fences shall have an evergreen-landscaped strip, minimum five feet in width, on the side of the fence facing the public right-of-way.
 - 6) Maintenance. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers required by this section. All plant material shall be tended and

maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse, and debris.

(i) *Stormwater Management.*

- (i) This section shall apply to the following character areas:



- (ii) Riparian buffers. Riparian buffers are used to stabilize stream banks and protect water quality from the polluted run-off generated by the built environment. Existing riparian buffers shall be maintained in accordance with the provision of this section. Where not pre-existing, riparian buffers shall be provided during development or redevelopment to protect water bodies in accordance with the provisions of this section.

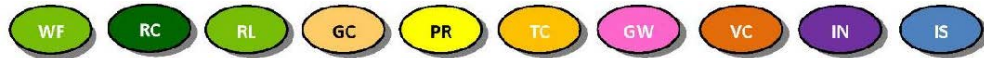
- 1) Applicability. Except as modified in this section, riparian buffer protection standards shall apply to all perennial and intermittent surface waters within the district. Perennial and/or intermittent surface waters shall be deemed present if such feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of NCAC 2B.0233(3)(a) or similar site-specific determination made using methodology approved by the state Department of Environmental Quality. Stream buffers shall be clearly indicated on all development plans, including all preliminary and final plats.
- 2) Riparian buffer size. Stream buffers shall apply on each side of the surface water and shall measure 30 feet horizontally from the top of the stream bank in a direction perpendicular to the stream flow.
- 3) Prohibition against development within the riparian buffer. The riparian buffer shall remain in natural undisturbed forest vegetation and no development or land-disturbing activities shall be undertaken therein, except as provided in Section 9.5.5 (j)(ii)(4), below. Furthermore, there shall be a 20-foot transitional area immediately landward of the riparian buffer which may be graded, landscaped and/or used for pedestrian or vehicular purposes so long as no impervious materials are utilized. Certain uses of land, as specified in Section 9.5.5 (i)(ii)(4) below, may be permitted within the riparian buffer so long as they meet the requirements of that section and are designed and constructed to minimize the amount of intrusion into the stream buffer and to minimize clearing, grading, erosion and water quality degradation. Nothing herein is intended to [or shall] preclude any activity specifically authorized pursuant to Section 401 and/or Section 404 of the Clean Water Act of 1972 (as amended).
- 4) Exceptions. Subject to prior written authorization by the Permitting and Code Enforcement Director, the following activities may be undertaken within the riparian buffer provided they meet all the standards specified herein as well as other applicable county sections.
 - a) Crossings by streets, driveways, culverts, railroads, recreational features, intakes, docks, utilities, bridges or other facilities shall be allowed provided that they are designed to minimize the amount of intrusion into the stream buffer. Streets and driveways may run generally within and parallel to the stream buffer only where no other access to the property is feasible and when their design minimizes the amount of intrusion into the stream buffer. Crossings with a width of 40 feet or more are permitted only when it has been demonstrated that there is no practical alternative.

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- b) Riparian buffers may be used for passive recreational activities, such as unpaved or paved trails or greenways, provided that service facilities for such activities, including but not limited to parking, picnicking and sanitary facilities, are located outside of the stream buffer. Where practical, such activities shall be kept at least 15 feet from the stream bank.
 - c) Clearing and revegetating the riparian buffer pursuant to a plan approved by the Permitting and Code Enforcement Director when it has been demonstrated that such clearing and revegetation will improve the riparian buffer's pollutant removal efficiency.
 - d) Stormwater control structures and temporary erosion control structures shall be considered utilities for the purposes of this section and may be allowed in riparian buffers, provided that the following requirements are met.
 - i) The property owner or applicant demonstrates to the satisfaction of the Permitting and Code Enforcement Director that such facilities cannot be practicably located outside of the riparian buffer, and that any proposed stormwater control structure is sited and designed to minimize disturbance of the stream and stream buffer.
 - ii) Alternate methods of stormwater and erosion control shall be considered prior to approval of such structures in the stream buffers.
 - iii) A vegetated buffer of a width approved by the Permitting and Code Enforcement Director shall be required around the stormwater control structures.
 - iv) Any land disturbed for these structures shall be revegetated with appropriate native species in accordance with a revegetation plan approved by the Permitting and Code Enforcement Director.
 - e) Sanitary sewer lines, on an alignment generally parallel to the stream, may be allowed in riparian buffers, provided that:
 - i) The property owner or applicant demonstrates in writing to the satisfaction of the Permitting and Code Enforcement Director that the sanitary sewer lines cannot be practicably located outside of the riparian buffer;
 - ii) Design and construction specifications minimize damage to the stream and the possibility of line leakage;
 - iii) The sewer line is located at least 15 feet from the top of the stream bank; and
 - iv) The sanitary sewer plan and a plan for revegetating the riparian buffer disturbance shall be approved by the Permitting and Code Enforcement Director.
 - f) Selective removal of invasive exotic species in accordance with a plan approved by the Permitting and Code Enforcement Director.
 - g) View corridors are allowed so long as the soil is undisturbed and the natural forest, ground cover and understory vegetation are left intact. Pruning associated with the creation and maintenance of a view corridor is exempt. Thinning of the overstory and mid-canopy trees is permissible with the written authorization of the Permitting and Code Enforcement Director.
 - h) A land development compliance permit is required for any of the riparian buffer intrusions described above. When any of the activities described above involves land clearing, the cleared area shall be revegetated pursuant to an approved plan.

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- 5) Maximum impervious coverage. Impervious surface on a lot or parcel for each character area shall be limited to the standards listed in Section 9.5.5(c).
 - 6) Stream or wetland crossings. Bridges should be used instead of fill and culvert for all stream or wetland crossings.
 - 7) Erosion and sediment control plan. All developments are required to submit to the county an erosion and sediment control plan specific to the site that conforms to the rules and requirements set forth in the county sediment control section.
 - 8) On-site stormwater management. All projects shall implement stormwater control measures that comply with the following standards:
 - a) The measures shall control and treat the difference in stormwater runoff volume leaving the project site between the pre- and post-development conditions for, at a minimum, the ten-year, 24-hour storm. Runoff volume drawdown time shall be a minimum of 24 hours, but not more than 120 hours.
 - b) All structural stormwater treatment systems used to meet the requirements of the development program shall be designed in accordance with the Stormwater Design Manual published by the state Department of Environmental Quality.
 - c) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c). The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

(j) *Land Clearing and Grading.*

- (i) This section shall apply to the following character areas:



- (ii) Land clearing and grading associated with development. Except as provided herein, no land clearing and/or grading associated with development, as defined in this section, shall begin unless and until the proposed development activity has received all necessary authorizations and a land development compliance permit has been issued by the Permitting and Code Enforcement Director.
- (iii) Land clearing and grading not associated with an application for development authorization.
 - 1) General. It shall be unlawful to conduct land-clearing and grading not associated with an application for development authorization except in accordance with this section.
 - 2) Land clearing authorization. Land clearing authorization must be obtained in writing from the Permitting and Code Enforcement Director for any land clearing or grading activity not authorized by a land development compliance permit pursuant to Section 9.5.5 (k)(ii), or exempted pursuant to Section 9.5.5 (k)(iii)3), below. Any such land clearing that is begun without authorization subjects the property owner to penalties outlined in Article X Violations and Enforcement.
 - 3) Application. An application for land clearing and grading authorization under this section shall be submitted to the planning department and shall contain the following:
 - a) A site plan showing relevant features of the property proposed for land clearing and/or grading, including but not limited to property lines, waterways adjoining or passing through the property, steep slopes, sensitive natural areas, and the extent of proposed land clearing and/or grading activities.

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- b) A sequential list detailing the permit acquisitions, authorizations, land clearing, grading, and/or any other activities the proposal may require, in the correct order of execution. In the case of clearing prior to development, the list shall also include a date for submission of formal development plans for the property.
 - c) A date by which all listed activities must be completed.
 - d) Any other items reasonably necessary to ensure compliance with these regulations.
- 4) Allowed activities. The activities listed herein shall be allowed provided that the person(s) undertaking them obtain(s) land clearing authorization from the Permitting and Code Enforcement Director.
- a) Forestry activity.
 - i) Forestry activity on land that is taxed on the basis of its present-use value as forest land under G.S. 105-12.
 - ii) Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with G.S. ch. 89B.
 - iii) Property owners wishing to harvest trees from property that is neither taxed on the basis of its present-use value as forest land nor managed in accordance with a valid forest management plan must obtain a valid forestry management plan as well as land clearing authorization before harvesting begins.
 - b) Other land-clearing and grading.
 - i) No land-clearing, grading or removal of vegetation shall occur within 50 feet of the right-of-way of any public street or traveled way, with the exception of a temporary construction road to provide access for the purpose of the work. Such a temporary road shall follow the route estimated to cause the least possible disruption to vegetation or to the natural contour of the land. If there is no right-of-way associated with a public street or traveled way, no such work shall occur within 50 feet of the nearest edge of the street or traveled way.
 - ii) No land-clearing, grading or removal of vegetation shall occur within 30 feet of any adjoining property boundary.
 - iii) No land-clearing, grading or removal of vegetation shall occur within any riparian buffer except in accordance with Section 9.5.5 (k)(ii) (4).
- 5) Delay of development authorization. When any allowed activity results in the removal of all or substantially all of the trees on 50 percent or more of a site, the county may refuse to issue a land development compliance permit or refuse to approve a site plan or subdivision plat for such land for a period of three years after the last date that clearing activities occurred on the site. If the violation was willful, this period may be increased to five years from the last date that clearing activities occurred on the site.
- 6) Exceptions. Insofar as they are not undertaken with the intent of circumventing Section 9.5.6 (j), the following activities do not require land-clearing authorization or a permit and, so long as they comply with any other applicable regulations, may be carried out at any time:
- a) Cutting of diseased or hazardous trees.
 - b) Cutting of trees not classified as significant.

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- c) Tree removal for the purpose of creating a hiking or bicycling trail of eight feet maximum width, and/or spaces no larger than reasonably required for single picnic tables, benches, or other facilities randomly placed along the trail, provided that the route of the trail and/or location of trail-side amenities be situated so as to protect significant trees wherever possible.
 - d) Tree removal for installation or maintenance of utilities, provision of safe visibility at intersections, or any other public health or safety purpose.
 - 7) Special enforcement provisions for land clearing and grading activities. In addition to any remedies provided by Article X Violations and Enforcement, the Permitting and Code Enforcement Director may require any lands cleared or graded without authorization to be replanted with vegetation to replace the trees and shrubs removed. Any replanted trees or shrubs not continuing in good health for a minimum of two years shall be replanted at the expense of the owner of the property or the owner's agent.
- (k) *Home Occupations.*
- (i) Any person wanting to conduct a home occupation within their residence shall apply for a home occupation permit. A home occupation permit approved by the Planning Director or the planning council, as the case may be, must be received prior to beginning said occupation. Permits are not transferable. The home occupation permit is valid only as long as the use meets the provisions for home occupations specified herein and the permit may be revoked any time the use does not meet the requirements of this or other applicable sections.
 - (ii) Neighborhood home occupations. Customary home occupations are permitted in residential districts where such occupations are carried on in the residence and/or accessory buildings subject to the following limitations.
 - 1) Such occupations shall be engaged in only by residents of the premises and not more than three additional on-site employees who may be non-residents. The total number of resident and non-resident employees working on-site shall not exceed four. The use shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
 - 2) No more than 25 percent of the heated living space shall be used for home occupations. Basements and garages, either attached or detached, may also be used for home occupations and shall not count toward the 25 percent limit specified herein.
 - 3) No outdoor display of goods or materials shall be allowed on the property.
 - 4) One non-illuminated sign is allowed which shall not exceed four square feet in area.
 - 5) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.
 - 6) Accessory buildings may be used for home occupations provided the building area is not larger than 1,000 square feet. If multiple buildings are used, the total combined square footage shall not exceed 1,000 square feet.
 - 7) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

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- 8) The customary home occupations referred to in this subsection may include the merchandising and the sale of goods and products at retail, and the manufacture and assembly of goods and products.
 - 9) Occupations that have no non-resident employees, no signs, no on-site retail sales, or no visits from the general public do not require a home occupation permit.
- (iii) Rural Home Occupations. Rural home occupations are those, which by their nature are not compatible on small lots near other residences and may require an outdoor storage area for goods and materials associated with the business.
- 1) Rural home occupations may be allowed on parcels, which are no smaller than three acres in size.
 - 2) Such occupations shall be engaged in only by residents of the premises and not more than three additional on-site employees who may be non-residents. The total number of resident and non-resident employees working on-site shall not exceed four. The use shall be subordinate to its use for residential purposes by its occupants.
 - 3) No more than 25 percent of the heated living space shall be used for home occupations. Basements and garages, either attached or detached, may also be used for home occupations and shall not count toward the 25 percent limit specified herein.
 - 4) One non-illuminated sign is allowed which shall not exceed four square feet in area.
 - 5) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference that is a nuisance off the lot. All operations must conform to the county noise regulations contained in Chapter 10 (Environment), Article III (Noise) of the Jackson County Code of Ordinances. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.
 - 6) Accessory buildings may be used for home occupations provided the building is not larger than 2,500 square feet gross floor area. If multiple buildings are used, the total combined square footage shall not exceed 2,500 square feet gross floor area.
 - 7) Commercial driveway permits may be required to assure traffic hazards are minimized. The driveway shall be located and improved such that it provides all weather access and does not interfere with other traffic using said drive. Any need for parking generated by the conduct of such home occupation shall be met off the street.
 - 8) Buildings, material storage and operations used for home occupations shall be setback from side and rear property lines a minimum of 50 feet except for noise generating operations, as determined by the Planning Director, in which case the setbacks shall be a minimum of 100 feet. The front setback shall be a minimum of 40 feet and shall be measured from the property line or the edge of the road right-of-way, whichever is greater.
 - 9) To lessen the impact on adjacent properties, visual screening shall be installed to provide at a minimum a 15-foot-wide opaque buffer. This may include but not be limited to a six-foot-high opaque fence and/or the planting of vegetation that at a minimum provides a continuous all season opaque screen at least six feet in height within four years of planting. Planting shall be a minimum of three-gallon shrubbery or ten-gallon trees.
 - 10) All required permits from the county, the NCDOT or other local and state agencies must be obtained prior to the issuance of the home occupation permit.
- (iv) Special use permits for home occupations. Home occupations for which the number of non-resident and the number of total employees will exceed the standards contained in Sections 9.5.6 (k)(i) or 9.5.6

(k)(ii), above, may be authorized by means of a special use permit issued pursuant to Section 3.7.15 of this Ordinance. In any event, the number of non-resident employees shall not exceed six and the number of total employees shall not exceed eight.

(Ord. No. O2019-01(5), 11-2-2021)

Sec. 9.5.7 Building Architecture.

Building design and architecture are critical components for quality development. Building and architecture design standards are intended to promote compatibility within a development and around the Gateway District, allow creativity and diversity of design, protect property values and neighborhood quality, and provide a safe and attractive environment for residents and visitors alike to uses in the community. Design standards are not applicable to one- and two-family dwellings per G.S. 160D-702.

(a) *Building Materials and Color.*

(i) This section shall apply to the following character areas:



(ii) Building materials.

- 1) All buildings shall be constructed of stone, exposed timber, fiber cement siding, wood siding, shingle siding, or other high-quality masonry material. Fiber cement siding, wood siding, and shingle siding shall not account for more than 50 percent of the façade material used on the building. No building shall be covered with sheet or corrugated aluminum. Fiber cement siding and shingle siding shall be the only painted façade materials allowed on the building.
- 2) Exterior building materials shall be continued to finished grade of any elevation in accordance with minimum manufacture specifications.
- 3) Cornices shall be constructed of brick, stone, wood, pre-cast concrete, or other high quality, long-lasting material.
- 4) Architectural accent materials located above the roof line shall be constructed of brick, stone, wood, pre-cast concrete, architectural quality steel, fiber cement siding or other high quality, long-lasting material.

(iii) Building color.

- 1) Color schemes used for buildings shall aesthetically integrate building elements together, relate separate (free-standing) buildings on the same lot or parcel to each other, and be used to enhance the architectural form of the building.
- 2) Exterior colors for new buildings and structures, including roofs, shall be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment. It is strongly encouraged that dark or earth-tone colors be used to make the building or structure less conspicuous as seen from off site.
- 3) All building projections, including, but not limited to, chimneys, flues, vents, and gutters, shall match or complement in color the permanent color of the surface from which they project.
- 4) Intense, bright, black, or florescent colors shall only be used as accents; such colors shall not be used as the predominant color on any wall or roof of any building.

(b) *Building Height.*

(i) This section shall apply to the following character areas:



- (ii) Measurement. Building height of a building shall be measured as the vertical distance above the highest point of the coping of a flat roof or deck line of a mansard roof or to the average height of the highest gable of a pitched roof. The reference datum shall be either of the following, whichever yields the greater height of the building:

- 1) The elevation of the highest sloping adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall when such sidewalk or ground surface is not more than ten feet above the lowest grade.
- 2) An elevation of ten feet higher than the lowest grade when the sidewalk or ground surface described in item (a) above is more than ten feet above the lowest grade.

- (iii) Exceptions. The following types of structures or building features are exempt or partially exempt from the maximum structure height standards as follows:

- 1) Architectural elements: Church steeples, bell towers, and similar features may exceed the maximum height of the applicable character area by no more than 25 percent of the applicable maximum height.
- 2) Chimneys: Chimneys are allowed to extend ten feet above the roof's highest point.
- 3) Mechanical equipment: Roof-mounted mechanical equipment including, but not limited to, utility boxes, telecommunication devices, cables, conduits, vents, chillers and fans, may extend up to ten feet above the roof's highest point. In such cases, roof-mounted equipment shall be:
 - a) Located such that it is not visible from adjacent public streets, or
 - b) Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent public streets.
- 4) Elevator bulkheads: Elevator bulkheads may extend up to ten feet above the roof's highest point. In such cases, an elevator bulkhead shall be either located such that it is not visible from adjacent public streets or shielded from view with a parapet or other architectural feature such that it is not visible from adjacent public streets, or constructed with the same exterior building materials, or be architecturally integrated into the building's design so as to conceal the elevator bulkhead.

(c) *Building Massing and Configuration.*

- (i) This section shall apply to the following character areas:



- (ii) Building massing. Buildings shall be small in scale and low in height, conforming to hillside topography by stepping or staggering the mass of the proposed structure up or down the slope.

- (iii) Visibility. Buildings with visibility from the public right-of-way or public street or pedestrian walkway in the US 441 Gateway District shall be designed with the following specific limitations:

- 1) Building masses shall maintain a balance of scale and proportion using design components which are harmonious with natural landforms and landscaping.
- 2) Proposed structures shall not be sited atop peaks or silhouetted against the sky when viewed from any designated public right-of-way.

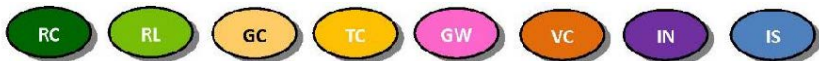
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- 3) Retaining walls visible from the valley floor shall not exceed ten feet in height as measured from grade at face to top of wall. Multiple "stepped" retaining walls whose total height exceeds ten feet must each be offset by at least six horizontal feet. Visible walls shall be colored and textured to complement the background land and vegetation.

(d) *Building Façade Character.*

- (i) This section shall apply to the following character areas:

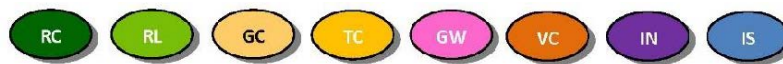


- (ii) Elements of articulation shall be employed on any building visible from the public right-of-way or public street or pedestrian walkway to reduce the apparent bulk and uniform appearance of large buildings, provide visual interest and variety, and reinforce local architecture.
- (iii) Building scale. The horizontal length of a building façade shall be offset by a change in wall plane such as projections or recesses as follows:
- 1) Buildings containing nonresidential uses. The following requirements apply to any building containing nonresidential uses, regardless whether the building also contains residential uses:
 - a) The distance between required offsets shall be related to the height of the building wall on a 2:1 basis. For example, a building that is 20 feet tall may have no more than 40 feet of façade wall between offsets. A building façade that is less than or equal to the height of the building shall not require an offset.
 - b) The height of a façade wall shall be measured in conformance with Section 9.5.7 (b) (ii), except that the top of the façade wall shall stop at the soffit, or, if there is no soffit, at the parapet of the building.
 - c) The depth or projection of the offset shall be at least one-tenth of the length of the longest adjacent façade wall; provided, however, the minimum offset depth shall be at least one foot. For example, a building with a 20-foot façade wall shall have at least two-foot offset adjacent to the façade walls.
 - d) The change in wall plane (i.e., offset) shall extend at least 20 percent of the length of the façade wall.
 - 2) Buildings containing residential uses. The following requirements apply to any building containing only residential uses:
 - a) The distance between required offsets shall be related to the height of the building wall on a 0.75:1 basis; provided, however, no wall shall exceed 16 feet in length without an offset. For example, a façade wall that is 20 feet tall may have no more than 15 feet of façade wall between offsets, OR a façade wall that is 30 feet tall may have no more than 16 feet of façade wall between offsets. A façade wall less than 16 feet in width shall not require an offset. The provisions of this paragraph shall not be construed to require an offset for that portion of a façade wall containing a two-car garage.
 - b) The depth or projection of the offset shall be at least two feet regardless of the length of the adjacent façade walls.
 - c) The change in wall plane (i.e., offset) shall extend at least 20 percent of the length of the façade wall.

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- 3) Minimum wall articulation. Any building greater than 40 feet in length, measured horizontally, that faces a public right-of-way or private street or pedestrian walkway shall include at least three of the following features:
- a) Change in texture or masonry pattern.
 - b) Change in color.
 - c) Windows.
 - d) Dormers.
 - e) Trellises with vegetation.
 - f) Covered porch.
 - g) Balconies.
 - h) Parapet walls designed to meet the minimum requirements set forth of Section 9.5.7(e) (iv).
 - i) All sides of the building shall include articulation, materials, and design characteristics consistent with those on the primary front façade in terms of quality and detail, unless the public's view of a rear or side building elevation from a public right-of-way or private street or pedestrian walkway is blocked by intervening buildings, topography, a solid screen wall at least six feet high built using materials consistent with the building, or landscaping measuring at least 15 feet in height at maturity.
- 4) Customer entrance. All customer entranceways shall be clearly defined, highly visible, and feature no less than three of the following:
- a) Canopies or porticos;
 - b) Overhangs;
 - c) Recesses or projections;
 - d) Arcades;
 - e) Arches;
 - f) Outdoor patios;
 - g) Windows;
 - h) Awnings;
 - i) Architectural features that are integrated into the building structure or design; or
 - j) Planters or wing walls that incorporate landscaped areas or places for sitting.
- (e) *Roof Form and Articulation.*
- (i) This section shall apply to the following character areas:

 - (ii) The roof of any building shall present a distinctive profile and add interest to larger buildings and complement the character of other buildings included on the same lot or parcel.
 - (iii) Flat roof buildings.

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- 1) The roof of any building with a flat roof shall include parapets to conceal the roof and roof-top equipment from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall, unless required for in Section 9.5.6 (f), and such parapets shall not at any point exceed one-third of the height of the supporting wall.
 - 2) Parapets used to conceal the roof and roof-top equipment for any building shall not extend a constant height for more than 40 feet in length.
- (iv) Slope roof buildings. The roof of any building with a slope roof shall include at least two of the following to maintain proportional building architecture:
- 1) Three or more roof slope planes;
 - 2) Overhanging eaves, extending no less than one foot past the supporting wall;
 - 3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
- (v) Additional requirements.
- 1) Consistent roof treatments, whether flat or sloping, shall be provided on all sides of the building.
 - 2) The back side of all cornices, parapets, and roofline that are visible from an adjacent public right-of-way shall be finished with materials consistent with the associated building.

(f) *Rooftop Equipment Screening.*



- (i) This section shall apply to the following character areas:
- (ii) Screen requirements. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be:
 - 1) Screened from the line of sight of public rights-of-way, private roads, parking lots, public sidewalks, greenways, and internal pedestrian ways except for instances where site topography precludes reasonable compliance with the minimum screening requirement;
 - 2) Screened by either a parapet wall along the building edge or a freestanding screen wall on the roof of a material, color, and design architecturally compatible with the building, that is at least as high as the equipment and vents for which the screening is designed to hide.

(g) *Franchise Architecture.*

- (i) This section shall apply to the following character areas:



- (ii) To maintain the unique character of the Gateway District, buildings shall not be constructed or renovated using franchise architecture. Franchise or national chains may be permitted in the Gateway District but must follow the standards of Section 9.5.7 to create a building that is compatible with the Gateway District.

(h) *Architectural Unity.*

- (i) This section shall apply to the following character areas:



- (ii) All buildings within the same lot or parcel shall be architecturally unified. Architectural unity means that buildings shall be related and compatible in style, color, scheme, quality, and type of exterior building materials.

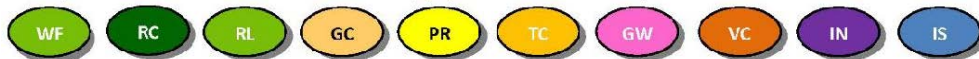
(Ord. No. O2019-01(5), 11-2-2021)

Sec. 9.5.8 Signage.

This section recognizes the value of signage for advertising a business, attracting customers, and directing them to their business. However, poor design and an excessive number of signs diminish the message of each sign and contribute to visual clutter in the US 441 Gateway District. Provisions for regulating signage in this section promote a consistent streetscape, avoid an unnecessary proliferation of signs, and maintain and enhance the aesthetic environment.

(a) *Prohibited Signs.*

- (i) The provisions of this article shall apply to the following character areas:



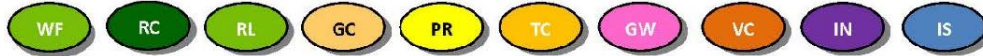
- (ii) No sign shall be erected or maintained in any form or at any location where, by reason of its position, working, illumination, shape, symbol, color, form, or character, it may obstruct, impair, obscure, or interfere with the view of or be confused with any approved traffic-control device.
- (iii) Signs incorporating any noisy device (e.g., whistles, horns, noise makers, sirens, or any other noisy audible device).
- (iv) No sign of any type or foundation or support thereof shall be placed in a public street or its right-of-way except for publicly owned traffic-control and transit signs.
- (v) No sign shall be mounted on a roof or extend above the eave or parapet of a building wall.
- (vi) No inflatable images, signs, or shapes such as balloons, beer cans, gorillas, etc. shall be permitted.
- (vii) No outdoor advertising of any kind or character is allowed where live animals or human beings are used as part of the advertisement that is visible from any public right-of-way or adjacent property.
- (viii) Signs that direct attention through the use of flashing, intermittent, strobe, or pulsating effects including animated letters, symbols, characters, changing scenes or effects are prohibited. This includes electronic message board signs and reader board signs, except for time, temperature, and electronic menu portions of such signs, up to eight square feet in area.
- (ix) The use of moving beacons, such as flood lamps and search lights, shall be prohibited.
- (x) No person shall park any vehicle or trailer on a public street, public parking area, or on private property for the primary purpose of advertising a business.
- (xi) No sign shall occupy any portion of a parking space or drive aisle.
- (xii) Pole signs, defined as a free-standing structure that includes a sign face or sign cabinet mounted on a pole, multiple poles, or other support structure permanently affixed to the ground so that the bottom of the sign face or sign cabinet is more than eight feet above finished grade or the aggregate width of the pole, multiple poles, or other support structure is less than 40 percent of the width of the sign face or sign cabinet.

(xiii) No inflatable images, signs, or shapes such as balloons, beer cans, gorillas, etc. shall be permitted.

(xiv) Any other sign not expressly provided for in this section.

(b) *Off-Premise Signs.*

(i) This section shall apply to the following character areas:



(ii) Off-premise signs, including billboards, are prohibited in the Gateway District except for off-premise way-finding signage located within 500 feet of the business. An off-premise directional sign shall not exceed 16 square feet in sign area per side or eight in height measured from finished grade. The minimum distance between off-premise way-finding signage shall be 200 feet, measured along the centerline of the public street for which the off-premise directional sign is oriented.

(c) *General Regulations Applying to all Signs.*

(i) This section shall apply to the following character areas:



(ii) No sign shall be designed or located in such a manner that would be confused with any authorized traffic sign, signal, or device. Signs shall not interfere with, mislead, confuse, or disrupt traffic flow or traffic safety.

(iii) No illuminated sign, other than permanent residential entrance signage, shall be permitted within 50 lineal feet of a residential subdivision.

(iv) The area around all signs shall be kept clean and free of trash and all vegetation, unless such area is part of the landscaping associated with the sign. In case of which, such shall be well-maintained. In addition, it shall be the responsibility of the sign owner, lessor, and property owner to maintain all signs in a safe and proper operating manner at all times.

(v) All signs shall conform to the current building code enforced by the Planning Director.

(d) *Exempt Signs, Permit Exemptions.*

(i) This section shall apply to the following character areas:



(ii) Signs exempt from regulation. Unless otherwise prohibited in this or other applicable regulations, the following signs are exempt from regulation under this section:

- 1) Signs that are not designed to be visible beyond the boundaries of the property upon which they are located and/or from any public thoroughfare or right-of-way, except as such signs may be permitted hereafter.
- 2) Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs and signs posted under governmental authority that note the donation of buildings, structures, or streetscape materials (such as, but not limited to, benches, trash cans, lampposts, and park facilities).
- 3) Flags of the United States, the State of North Carolina, Jackson County, any religious, fraternal, or civic organization, or any educational or cultural facility and/or any one corporate flag per lot provided that they do not exceed five feet × eight feet or 40 square feet in area, that they are

displayed on flagpoles not exceeding 25 feet in height, that no more than one flagpole is located on a lot of less than one acre and that all flagpoles are setback at least the height of the flagpole from all property lines. Flagpoles may be roof or wall-mounted provided the size, height, and setback requirements as established in this exemption are met.

- 4) Decorative and incidental flags identifying that the business establishment is open or serving as a decorative feature provided that the area of any single flag does not exceed 12 square feet not to exceed two flags per lot.
- 5) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables and gas lines, and similar devices and signs providing direction around such conditions.
- 6) Signs displayed on trucks, buses, trailers, or other vehicles that are being operated in the normal course of a business, such as signs indicating the name of the owner or business and that are affixed or painted onto moving vans, delivery trucks, contractor's vehicles and equipment and the like, are exempt from regulation provided that, when not being operated, the vehicles are parked or stored in areas appropriate for their use as vehicles and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent possible. All such vehicles must have current and valid registration and inspection.
- 7) Signs required for or specifically authorized for a public purpose by any law, statute, or section. These signs may be of any type, number, and area, height above grade, location, or illumination authorized by law, statute, or section under which such signs are required or authorized.
- 8) Signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular property and that are located on the property to which the information pertains. No advertising may be affixed to such a sign.
- 9) Permanent or temporary signs required to be posted by law.
- 10) Permanent or temporary signs established by, or by order of, any government agency or official body.
- 11) Routine sign maintenance, including changeable copy signs.

(e) *Special Regulations.*

- (i) This section shall apply to the following character areas:



- (ii) Temporary Signs. The following signs are permitted in any location and do not require a sign permit. However, the signs must conform to the requirements set forth below as well as to other applicable requirements of this section.

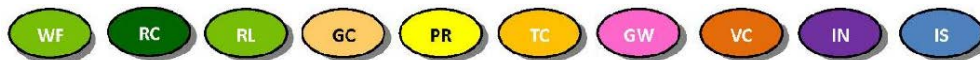
- 1) Residential Property.
 - a) Temporary signs allowed providing the signs are not illuminated and do not exceed two signs per lot, do not exceed four feet in height, and do not exceed four square feet per face. All such signs shall be removed within seven days of the conclusion of the event.
- 2) Commercial Property.
 - a) Temporary signs allowed providing they do not exceed eight feet in height and 32 square feet per face. All such signs shall be removed within seven days of the conclusion of the event.

(iii) Illumination.

- 1) The source of light for any sign shall not be directed into any residential area or toward on-coming traffic. The source of illumination by whatever means shall not reflect directly onto residential property.
- 2) External illumination shall be with steady, stationary, and shielded light sources directed solely onto the sign. Light bulbs or light tubes used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.
- 3) Signs shall not have light-reflecting background but may use light-reflecting letters.

(f) *General Sign Design Standards.*

(i) This section shall apply to the following character areas:



- (ii) Notwithstanding other provisions of this section, no lot or parcel may be restricted to less than 20 square feet of total sign area, nor shall any lot or parcel be permitted to display more than 200 square feet of sign area; provided, however, ground signs or monument signs for multi-tenant shopping centers shall not count against such maximum sign area for a lot or parcel. On-premise way-finding signage shall not exceed four square feet in sign area or three feet in height. On-premise way-finding signage shall not count against the maximum sign area allowed on a lot or parcel.
- (iii) Location, size, and variety of all signs existing upon a lot or parcel shall be included in the total sign allocations.
- (iv) Reserved.
- (v) The total sign area oriented toward the interior of the site on any lot or parcel, and therefore not visible from a public right-of-way, shall not exceed one square foot of sign area for each one linear foot of building face that is not visible from any public right-of-way.
- (vi) Sign measurement criteria.
 - 1) Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.
 - 2) Sign copy mounted as individual letters or graphic against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.
 - 3) Sign height is the distance measured from the finished grade at the base of the sign to the top portion of the sign, including architecture atop.
 - 4) All existing signage on a property shall be counted in establishing the permitted area of size for all new signs to be allowed on the property.
 - 5) Canopies and awnings shall comply with the following regulations:
 - a) Such canopies or awnings shall be limited to the sides of a building fronting a public or internal street or a pedestrian walkway and not extend more than six feet from the building.

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- b) Canopies and awnings shall be allowed to exceed 60 percent of the total horizontal width of a building front provided the length is no greater than the length of any one particular window opening.
 - c) Canopies and awnings may be internally lit.
- 6) Wall signs shall comply with the following regulations:
- a) No signage shall extend horizontally a distance greater than 60 percent of the width of the building wall on which it is displayed. Buildings containing multiple tenants are permitted building mounted wall signs for individual tenants; however, such signage shall not extend horizontally a distance greater than 60 percent of the width of the building designated for specific tenants.
 - b) No wall sign shall extend above or below the wall, parapet, or fascia upon which it is placed, nor shall such signs be installed within 12 inches of the top of such building or parapet wall.
 - c) Additional area for a building mounted sign will be permitted if the permit applicant forgoes display of a permitted ground or monument sign for the site. Such bonus will be 0.4 square feet of sign area for each linear foot of building fronting on a public street up to a total of 100 square feet per building.
- 7) Window signs may be displayed, provided that the area occupied by temporary and permanent window signs combined shall not exceed 50 percent of the area of the window on, or within which they are displayed. This signage is counted toward the total allotment for the lot or parcel. Any window signage that identifies a use which is discontinued or abandoned shall be removed.
- 8) Reader board signs are only allowed in the Gateway and Village Center character areas, and shall conform to the following standards:
- a) Drive-through restaurants are allowed to have a changeable copy sign showing menu or featured items provide that:
 - i) The sign is affixed to a wall of the establishment adjacent to the drive-through service window or located freestanding within and parallel to the drive-through lane area.
 - ii) The sign shall not be designed to be read from public rights-of-way nor attract attention to the site from any public rights-of-way.
 - iii) The sign shall not exceed 16 square feet of total sign area per side.
 - iv) The reader board area shall be deducted from any monument sign copy area permitted for the subject property.
 - b) If such signs are illuminated, the source shall be internal.
- 9) Ground signage.
- a) A ground sign is a free-standing structure, less than six feet in height, that is permanently affixed to the ground for the entire width of the sign face or cabinet.
 - b) Lots or parcels with 40 feet or less of public street frontage shall not be permitted any ground sign. Lots or parcels with more than 40 feet of public street frontage on a single street are permitted one ground sign. Each street frontage shall be regulated independently where a lot or parcel has more than one public street frontage. Where a lot or parcel is entitled to a ground sign, a monument sign may be substituted at the

developer's option, but there shall only be one sign, ground or monument, for each qualifying street frontage.

c) Single nonresidential uses.

- i) The maximum permitted square footage for a ground sign advertising a single nonresidential use on a single lot or parcel shall be as follows:
- ii) Lots or parcels with single use or tenant developments located in the Working Farm (WF), Rural Living (RL), Golf Course Community (GC), Planned Residential Community (PR), Townhome/Condominium Community (TC) and Gateway Corridor (GW) Districts shall be permitted a ground sign that does not exceed 32 square feet in area per side.

(01) Lots or parcels with single use or tenant developments located in the Village Center District shall be permitted a ground sign that does not exceed 48 square feet in area per side.

d) Multi-tenant shopping centers.

- i) The maximum permitted square footage for a ground sign advertising a multi-tenant shopping center on a lot or parcel, or a series of contiguous lots or parcels, shall be as follows:

(01) Multi-tenant shopping centers located in the Gateway Corridor District shall be permitted a ground sign that does exceed 48 square feet in area per side.

(02) Multi-tenant shopping centers in the Village Center District shall be permitted a ground sign that does not exceed 84 square feet in area per side.

- ii) All out-parcels within a shopping center not counted toward multi-tenant gross square footage shall be permitted ground signage based on individual nonresidential uses described in Section 9.5.8(f)(vi)(10)(d).

e) Ground signs shall conform to side and rear yard setback requirements for such signs set forth in the underlying zoning district.

f) A landscaped area located around the entire base of a ground sign shall be required. The landscape area shall contain living landscape materials consisting of shrubs, spread no greater than three feet on center, and perennial ground cover densely planted.

10) Monument signage.

- a) A monument sign is a free-standing structure, greater than six feet in height, that is permanently affixed to the ground by solid supports so that the sign face, in its entirety, is situated above and between the outermost edges of the supporting base or support structures, and so that the permanent sign base for the structure has an aggregate width of no less than 40 percent of the width of the sign cabinet or face.
- b) Monument signs are strictly prohibited in the following character areas: Working Farm (WF), Rural Living (RL), Planned Residential Community (PR), and Townhome/Condominium Community (TC).
- c) Lots or parcels with 40 feet or less of public street frontage shall not be permitted any monument sign. Lots or parcels with more than 40 feet of public street frontage on a single street are permitted one monument sign. Each street frontage shall be regulated

independently where a lot or parcel has more than one public street frontage. Where a lot or parcel is entitled to a monument sign, a ground sign may be substituted at the developer's option, but there shall only be one sign, ground or monument, for each qualifying street frontage.

d) Single nonresidential uses.

- i) The maximum permitted square footage for a monument sign advertising a single nonresidential use on a single lot or parcel shall be as follows:

- (01) Lots or parcels located in the Gateway Corridor District and Golf Course Community District shall be permitted a monument sign that does not exceed 32 square feet in area per side.

- (02) Lots or parcels in the Village Center District shall be permitted a monument sign that does not exceed 48 square feet in area per side.

e) Multi-tenant shopping centers.

- i) The maximum permitted square footage for a monument sign advertising a multi-tenant shopping center on a lot or parcel, or a series of contiguous lots or parcels, shall be as follows:

- (01) Multi-tenant shopping centers located in the Gateway Corridor District shall be permitted a monument sign that does not exceed 48 square feet in area per side.

- ii) Multi-tenant shopping centers in the Village Center District shall be permitted a monument sign that does not exceed 84 square feet in area per side.

- iii) All out-parcels within a shopping center not counted toward multi-tenant gross square footage shall be permitted ground signage based on individual nonresidential uses described in Section 9.5.8 (f)(vi)(10)(d).

- f) No monument sign shall exceed 15 feet in height, measured as the vertical distance above the highest point of any feature of the sign. The reference datum shall be the elevation of the highest sloping adjoining sidewalk or ground surface within a five-foot horizontal distance of the sign foundation.

- g) Monument signs shall conform to front, side, and rear yard setback requirements for such signs set forth in the underlying zoning district.

- h) A landscaped area located around the entire base of a monument sign shall be required. The landscape area shall contain living landscape materials consisting of shrubs, spread no greater than three feet on center, and perennial ground cover densely planted.

11) Banners.

- a) A permit must be applied for and received from the Planning Director that allows for banner display on any lot or parcel. The permit shall extend for eight consecutive weeks after the issue date. Any business shall be limited to one such permit per year.

- b) No banner shall exceed eight square feet of sign area per side.

- c) Each banner shall be permanently attached to a pole or building at four points. Under no circumstances shall banners be allowed below ten feet above finished grade.

- d) Banners are limited to one per building, or two per light fixture used to illuminate streets or parking lots internal to the site.

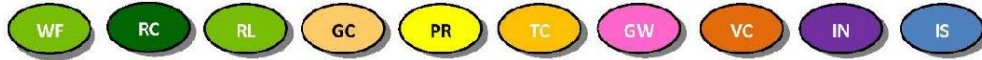
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- e) Commercial message banners shall be measured as a sign with two faces. Non-commercial message banners shall not count against the maximum sign area allowed on a lot or parcel.
 - f) All banners shall be maintained in good condition.
- 12) Address signs. Address identification signs for all properties are required and shall conform to the following guidelines:
- a) Sign area is limited to three square feet total.
 - b) Each business is limited to one such sign.
- 13) Multi-Tenant Shopping Center Signage.
- a) In any shopping center no permit shall be issued for an individual sign requiring a permit unless and until a common signage package is submitted to and approved by the Planning Director.
 - b) The common sign package shall comply with the requirements of this section and contain a visual representation to specify standards for consistency among all signs on the property affected by the common sign package in regard to sign size, location(s), color scheme, lettering or graphic style, lighting, location, and sign proportions.
 - c) Off-premise directional signs included in the common sign package shall be constructed as a ground sign and limited to 16 square feet per side of sign area, a maximum of six feet in height, and be placed at least five feet behind the public right-of-way.
 - d) Signage for individual stores or business establishments within a multi-tenant shopping center (excluding individual tenant panels on a multi-tenant shopping center sign) shall meet the requirements set forth in this section for either canopy or awnings, wall signs, or window signs.
 - e) A shopping center may be entitled to one or more ground or monument signs as provided in Section 9.5.8(f)(vi)(9) and Section 9.5.8(f)(vi)(10). Such signs shall comply with the applicable regulations contained therein and shall be included in the common signage package for the shopping center.
 - f) After approval of the common sign package, the Planning Director may approve minor modifications to the common sign package, provided that the modified sign package complies with the requirements of this section and does not violate the following:
 - i) Increase the area of a sign by more than five percent.
 - ii) Alter the relationship of a sign to neighboring property.
 - iii) Change the locations of signs in such a manner as to increase non-conformity with setback requirements, interfere with pedestrian or vehicular traffic, interrupt architectural details, or otherwise significantly deviate from the approved common sign package.
 - g) Significant changes to the common sign package that violate the criteria set forth in Section 9.5.8(f)(vi)(13) shall require approval from the US 441 Gateway District Community Planning Council.
- (g) *Sign Materials.*
- (i) This section shall apply to the following character areas:



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- (ii) Sign materials shall be selected with consideration for the architectural design of the building's façade. Sign design details, finishes, and colors shall be the same or complement materials used on the building façade and shall also contribute to the legibility of the sign message. Preferred sign materials include brick, stone, anodized aluminum, architectural quality steel (i.e., powder coated finishes), exposed timber, brass, and silver-plated exterior materials.

(h) *Sign Maintenance.*

- (i) This section shall apply to the following character areas:



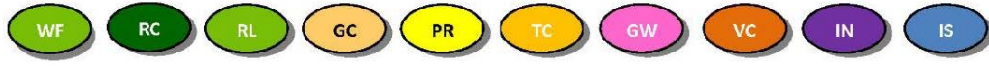
- (ii) The following maintenance requirements shall be observed for all signs visible from public rights-of-way, private roads, parking lots, public sidewalks, greenways, and internal pedestrian ways within the Gateway District.
 - 1) No sign shall have more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.
 - 2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts, or be allowed to stand more than 15 degrees away from the perpendicular for a period of more than 30 successive days.
 - 3) No sign shall be allowed to have weeds, vines, or other vegetation growing upon it and obstructing its view for a period of more than 30 consecutive days.
 - 4) No internally lit sign shall be allowed to stand with only partial illumination for a period of more than 30 successive days.
 - 5) If a sign or sign structure is damaged due to factors other than vandalism or other criminal acts such that more than 50 percent of the value is lost, with such determination made by the Planning Director, any repair or replacement must be done in conformance with this section. If a sign or sign structure is damaged because of vandalism or other criminal act, it may be repaired or replaced, regardless of cost, but it must be repaired or replaced to the same specifications to which and with the same materials of which the sign was constructed prior to the act that caused the damage.
 - 6) All banners, flags, and similar items shall be maintained so as to be free of tears, rips, discoloration, or fading. Any banner, flag, or similar item not so maintained may be removed without notice by the Planning Director.
- (iii) The Planning Director may inspect all signs for compliance with these maintenance requirements.

Sec. 9.5.9 Viewshed Protection.

Topography and natural features in the landscape often create picturesque views that hold value with the community. Several locations in the Gateway District provide long, uninterrupted views of the valleys and surrounding mountain ridges. Vulnerable viewsheds in the Gateway District were inventoried in the US 441 Small Area Plan adopted by the County Board of Commissioners on April 21, 2008. Significant degradation to one more of these vulnerable viewsheds could lower desirability for the area to attract second homeowners, migrating priority for the Gateway District.

(a) *General Considerations.*

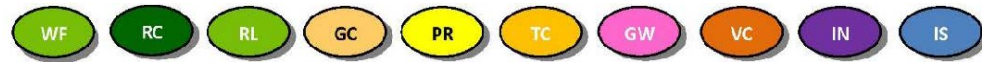
- (i) This section shall apply to the following character areas:



- (ii) Development within vulnerable viewsheds identified in the US 441 Small Area Plan adopted by the County Board of Commissioners on April 21, 2008, as amended, shall address the following elements:
 - 1) Maximum feasible preservation of existing topographical forms;
 - 2) Vehicular circulation and how it relates to existing contours;
 - 3) Maximum preservation of existing vegetation, including mature tree stands; and
 - 4) Compliance with the requirements of the Jackson County Mountain and Hillside Protection Section for areas with slopes greater than 35 percent.
- (iii) Disturbance to existing topographical features and vegetation shall be minimized. Development shall be designed to fit into the hillside rather than alter the existing topography to create flat build areas.
- (iv) Roads and driveways shall be sensitive to existing contours and their length and width minimized to the greatest extent possible without affecting the health, safety, and welfare of residents.

(b) *Construction Techniques.*

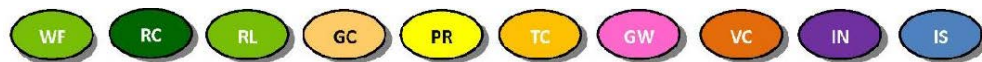
- (i) This section shall apply to the following character areas:



- (ii) Grading shall minimize disturbance to the natural landform; not destroy visual quality; and not create conditions which may result in landslides, flooding, or erosion. All earthwork required for proposed developments shall conform to the following:
 - 1) "Contour grading" techniques shall be employed where feasible. "Contour grading" shall mean grading which creates artificial slopes with curves and varying slope ratios in the horizontal plane designed to simulate the appearance of the surrounding natural terrain.
 - 2) Long linear slopes are to be avoided, except in cases where the natural slope configuration displays this type of form. When appropriate, cut-and-fill slopes shall have curved configurations that reflect the surrounding topographical context. The toe and top of slope shall be "rounded" to avoid angular forms at the convergence of manufactured and natural slopes.
 - 3) Varied cut-and-fill banks and drainage terraces to alleviate monotony and allow for "naturalistic" landscaping are encouraged.
 - 4) Berms at the top of slopes and other locations used to screen, vary profile, and insure drainage away from slopes are encouraged.
 - 5) The use of retaining structures when they will significantly reduce grading and land disturbance is encouraged.

(c) *On-Site Circulation.*

- (i) This section shall apply to the following character areas:



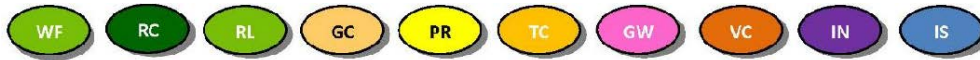
- (ii) Design of roadways, driveways, and other circulation elements shall conform to the following:
 - 1) Roadways and driveways shall be aligned to conform to the natural contours where feasible. Long stretches of straight road shall be avoided by utilizing gentle horizontal and vertical curves

where feasible. Roadways shall not be parallel to one another to avoid a "shelving" effect on hillsides.

- 2) The use of loop streets, and common driveways is encouraged if grading is reduced significantly by their use. All loops and drives shall incorporate adequate turning radii to accommodate emergency vehicles.
- 3) Development shall be kept as close as possible to the street serving it to minimize the need for long driveways.
- 4) A reduction in roadway width is encouraged if such a design minimizes the amount of necessary earthwork. Approval of the Planning Director must be obtained.
- 5) Whenever possible, parking should be provided within structures. When this is not feasible, lots and streets shall be planned to maximize parking which is located on the uphill side of buildings.
- 6) Parking areas should be located on existing flat portions of the site.

(d) *Existing Vegetation and Landscaping Compatibility.*

- (i) This section shall apply to the following character areas:



- (ii) Existing vegetation shall be preserved, and disturbed areas replanted in conformance with the following:

- 1) Development often necessitates the removal of trees to accommodate roads, parking, buildings, and other facilities. Every effort shall be made through the design, layout, and construction of development to incorporate and preserve as many trees as possible. Special attention shall be directed towards preserving trees with a diameter of eight inches or greater at a height of 24 inches from grade.
- 2) Considerable damage to or the death of trees may result if more than six inches of soil is added around the base of a tree, more than 30 percent of circumferential bark is removed, or more than 30 percent of the root system is removed. In addition, asphalt paving, building construction, and soil compaction within the drip line of a tree may cause their destruction. Accordingly, the potential loss of vegetation due to these conditions shall be minimized through appropriate site planning and construction practices.
- 3) Trees with a diameter of eight-inch or greater at a height of 24 inches from grade and designated for preservation shall be marked with bright ribbons encircling the tree trunk at a height of four feet above the ground, and a four-foot high barricade will be constructed around the tree at the drip line prior the commencement of construction.
- 4) Slopes exposed in new development shall be landscaped to mitigate adverse visual impacts created by grading operations.
- 5) When land is terraced, the areas between terraces shall be planted with dense plantings of trees, shrubs, and ground cover.
- 6) Trees shall be planted in random clusters, not in rows, to complement the natural tree distribution. Row plantings of trees along property lines and roads are discouraged.
- 7) When new development occurs near the crest of a hill, the crest's natural appearance shall be maintained by tree planting and other landscape measures.

- 8) Existing vegetation shall be taken into consideration when landscaping the developed area. New landscaping shall be compatible with existing vegetation and the scenic character of the surrounding area.

Sec. 9.5.10 Parking.

(a) *Parking Lot Design.*

- (i) This section shall apply to the following character areas:



- (ii) The following standards shall be met in designing off-street parking facilities:

- 1) Parking aisles shall have a minimum width of eight feet for one-way traffic and 16 feet for two-way traffic.
- 2) Parking spaces shall be a minimum of nine feet wide by 18 feet long, except handicap spaces. Handicapped spaces shall comply with the standards set forth in the North Carolina Accessibility Code.
- 3) Parking areas with more than 50 spaces shall provide a channelized automobile storage space with a length of 50 feet at all entrances from public rights-of-way.
- 4) Parking areas, aisles, and drives shall be constructed of a material that will prevent the exposure of subsoil. Suitable materials for parking areas include, but are not limited to, porous asphalt, concrete, compacted stone, gravel, and aggregates such as bituminous surface treatment and chip and seal.
- 5) Public rights-of-way shall not be used for maneuvering in the process of entering or leaving individual off-street parking spaces or for parking area circulation.

(b) *Off-street Parking Requirements.*

- (i) This section shall apply to the following character areas:



- (ii) The requirements for off-street parking are set forth in Table 9.22. For uses not listed in the table, the Planning Director shall determine the appropriate minimum number of parking spaces based on the needs of the proposed use and the general guidelines below, referencing the American Planning Association Planning Advisory Service Report Number 432 (Off-Street Parking Requirements).

Table 9.22: Off-Street Parking Requirements

Use Type Category	Required Parking Spaces
Active Park/Recreation Fields	1 space per employee + 1 space per 5,000 s.f. (athletic fields) or 3 spaces per court
Amphitheater	1 space per 5,000 s.f. of land area
Antique Shop	1 space per employee on largest shift + 1 space per 300 s.f.
Arboretum	1 space per 5,000 s.f. of land area
Assisted Living Facility	1 space per employee on largest shift + 1 space per 4 beds + 1 space per visiting doctor + 1 space for each vehicle used in operation

Automobile Sales Center	1 space per employee + 1 space per 300 s.f. of showroom space
Automobile Service Station	6 spaces per station + 1 space for each additional pump over 3
Bakery	1 space per employee on largest shift + 1 space per 300 s.f.
Barber Shop or Salon	1 space per employee on largest shift + 1 space per two chairs
Bed and Breakfast Inn	1 per employee on the largest shift + 1 per sleeping room
Bicycle Shop	1 space per employee on largest shift + 1 space per 300 s.f.
Bookstore	1 space per employee on largest shift + 1 space per 300 s.f.
Camp, Campground	1 space per employee on largest shift + 1 space per campsite
Candy, Pastry, Ice Cream, or Snack Shop	1 space per employee on largest shift + 1 space per 300 s.f.
Car Wash	1 space per wash bay
Cemetery	1 space per employee on largest shift + room for parking on internal roads
Child Day Care	1 space per 200 s.f.
Civic, Social Service, or Fraternal Facility	1 space per 350 s.f.
Clothing Shop	1 space per employee on largest shift + 1 space per 300 s.f.
College or University	1 space per 900 s.f. of academic space + 1 space for every two beds in an on-campus residential facility
Commercial Agriculture Operations	1 space per 300 s.f.
Communication Facility/Telecommunication Tower	1 space per service provider with equipment on-site
Community Center	1 space per 150 s.f. or 1 space per 4 seats available for patron use, whichever is greater
Conference Center	1 space per 200 s.f.
Convenience Store	1 space per employee on largest shift + 1 space per 300 s.f.
Copy Center	1 space per employee on largest shift + 1 space per 300 s.f.
Delicatessen	1 space per employee on largest shift + 1 space per 300 s.f.
Distributive Business	1 space per employee on largest shift + 1 space per 300 s.f.
Dry Cleaner	1 space per employee on largest shift + 1 space per 300 s.f.
Family Care and/or Group Homes	1 employee—plus 1 space per 5 adults
Financial Institution	1 space per employee on largest shift + 1 space per 300 s.f.
Florist	1 space per 300 s.f.
Fruit and Vegetable Market	1 space per 300 s.f.

Furniture Sales	1 space per employee on largest shift + 1 space per 300 s.f.
General Office	1 space per employee on largest shift + 1 space per 300 s.f.
Gift Shop	1 space per 300 s.f.
Golf Course	6 spaces per hole
Government Office	1 space per 300 s.f. used by the public + 1 space per 600 s.f. not used by the public
Government Operations	1 space per 300 s.f. used by the public + 1 space per 600 s.f. not used by the public
Grocery Store	1 space per employee on largest shift + 1 space per 250 s.f.
Hardware/Garden Supply Store	1 space per 300 s.f.
Health and Fitness Facility	1 space per employee on largest shift + 1 space per 200 s.f.
Health Spa	1 space per employee on largest shift + 1 space per 300 s.f.
Hotel/Motel	1 space per room + 1 per employee on largest shift
Indoor Equipment, Party, or Event Rental Center	1 space per employee + 1 space per 500 s.f.
Instructional Services	1 space per employee on largest shift + 1 space per 300 s.f.
Laboratories. Medical, Science, or Research	1 space per employee on largest shift + 1 space for each 400 s.f.
Laundry and Dry Cleaning	1 space per employee on largest shift + 1 space per 300 s.f.
Library	1 space per employee on largest shift + 1 space per vehicle used in operation + 1 space per 200 s.f.
Manufacturing, Assembly, or Finishing Operations	1 space per employee on largest shift + 1 space for each vehicle used in operation
Medical/Dental Clinic	1 space per 300 s.f.
Motor Vehicle Repair	1 space per 400 s.f.
Multifamily Dwelling Unit	1 space per bedroom
Multi-Tenant Shopping Center	1 space per 250 s.f.
Museum	1 space per employee on the largest shift + 1 space per 200 s.f.
Non-Commercial Agriculture Activities	1 space per employee on largest shift
Outdoor Storage	1 space per employee on largest shift + 1 space per 1,000 s.f. of outdoor storage area
Paint Shop	1 space per 300 s.f.
Pharmacy	1 space per employee on largest shift + 1 space per 300 s.f.
Place of Worship	1 space per employee on largest shift + 1 space per 4 seats in assembly area

Plant Nursery, Sales, or Greenhouse	1 space per 300 s.f. + 1 space per 1,000 s.f. of outdoor sales area
Police, Fire, or Rescue Station	1 space per employee during the largest shift + 1 space per 400 s.f.
Post Office	1 space per 200 s.f.
Pre-School	3 spaces per classroom
Primary/Secondary School	3 spaces per classroom + 1 space per administrative office + 1 space per four seats for assembly purposes
Printing and Publishing	1 space per 400 s.f.
Public Utilities and Related Services	1 space per service provider with equipment on-site
Recreation Uses, Commercial Indoor	1 space per 300 s.f.
Recreation Uses, Commercial Outdoor	1 space per 5,000 s.f. of land
Recreation Uses, Government	1 space per 300 s.f.
Recreation Uses, Non-Profit	1 space per 300 s.f.
Recreation Uses, Restricted to Membership	1 space per 300 s.f. + minimum number of spaces for all accessory uses
Restaurant, Fast Food	1 space per employee on largest shift + 1 space per 300 s.f.
Restaurant, Sit-Down	1 space per employee on largest shift + 1 space per 300 s.f.
Retail Gasoline Sales	1 space per pump
Retail Sales, General	1 space per 300 s.f.
Riding Academies and Commercial Stables	1 per employee on largest shift + 1 per stall
Self-Storage Facility	1 space per employee on largest shift + 1 space for each vehicle used in operation + 1 space per 500 s.f. of floor sales or customer area.
Sporting Good Sales	1 space per 300 s.f.
Theater	1 space per employee on largest shift + 1 space per 4 seats
Veterinary Clinic	1 space per employee on largest shift + 1 space per 300 s.f.
Video Rental Store	1 space per 300 s.f.
Warehouse Storage	1 space per employee on largest shift + 1 space per 10 storage units

- (iii) Parking areas exceeding the required number of spaces. The number of parking spaces for a proposed use may exceed the required number of spaces identified for that use; however, if the number of parking spaces exceeds the required number of spaces for that use by more than 25 percent, the required landscaping for the parking area shall be 150 percent of that required by Section 9.5.6 (f)(iv).

(c) *Shared Parking.*

- (i) This section shall apply to the following character areas:



- (ii) The Planning Director may approve the joint use of up to 100 percent of the required parking spaces for two or more uses located on the same or adjacent parcels, provided that the developer can demonstrate that the spaces provided will meet the need for parking. This may be done by demonstrating that the uses will not overlap in hours of operation or in demand for the shared spaces. Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area.

(d) *Remote Parking.*

- (i) This section shall apply to the following character areas:



- (ii) If the required number of parking spaces for any use cannot be reasonably provided on the same lot in which the principal use is located, the parking spaces may be provided on any land within 500 feet of the property of which the principal use is located. The character area regulations for the property on which the parking is located must permit the principal use, which the parking spaces serve. Any remote parking spaces located on a different parcel than the use served shall be guaranteed by a written agreement between the owner of the remove parking area and the owner of the principal use.

Sec. 9.5.11 Access Management, US Highway 441.

- (a) *Background.* US Highway 441 in the Gateway Corridor is identified by the North Carolina Department of Transportation (NCDOT) as Corridor 5 in the Strategic Highway Corridor System — a key component of the "core" intrastate highway system. Improvements to US Highway 441 should enhance the mobility function of the strategic highway, while recognizing that landowners have certain rights of access to the highway consistent with their needs. Unfortunately, access connections to the highway are often a major contributor of traffic congestion and poor operations. Indiscriminate roadside and unregulated access connections contribute to decreased highway capacity, driver and pedestrian confusion, and increased safety hazards.

Regulation of access to land abutting US 441 set forth in this article permits reasonably convenient and suitable access to development in the corridor, while preserving the regional mobility in terms of safety, capacity, and speed. Appropriate access management along US 441 will protect community character and natural resources within the transportation corridor. General locations for future traffic signals, full median openings, and directional median openings were identified in the US 441 Small Area Plan adopted by the County Board of Commissioners on April 21, 2008. The intent of this article is to implement the recommendations for access management included in the adopted "US 441 Small Area Plan."

Ultimately, the North Carolina Department of Transportation (NCDOT) is responsible for regulating the location, design, construction, and maintenance of street and driveway connections to US 441 pursuant to G.S. 136-18(29). The "Policy on Street and Driveway Access to North Carolina Highways" published by the NCDOT establishes minimum criteria for granting access connections to US 441; however, a provision in the policy manual defers evaluation of a street and driveway access permit to criteria established by the local government when they are deemed more restrictive than NCDOT requirements. The provisions of this article meet or exceed minimum requirements established in the "Policy on Street and Driveway Access to North Carolina Highways," and should be used by the NCDOT for evaluating access connection permits along US 441.

Approval of a development application by the county does not confer any obligation on the state department of transportation to allow the same number, location, or design of any of the access or traffic control measures illustrated on the approved development plan without first securing a street and driveway access permit from the NCDOT for the exact same improvements.

(b) *Administration.*

- (i) The Planning Director shall administer and enforce the provisions of this article in cooperation with the NCDOT.
- (ii) Need for a street, driveway access, or median opening permit. Approval of a street and driveway access permit from the NCDOT is required prior to any one of the following events along the US 441 corridor:
 - 1) The approval of any development permit for any property abutting US 441.
 - 2) The construction of any new public or private access to US 441 or to a public street that intersects directly with US 441.
 - 3) The reconstruction or relocation of any existing public or private access to US 441 or to a public street that intersects directly with US 441.
 - 4) A change in land use, or substantial enlargement or improvement to an existing land use, subject to the requirements set forth in Section 3.7.8 of this Ordinance.
- (iii) Application requirements.
 - 1) Street or driveway access permit. An application for a site-specific street and driveway access permit shall be submitted to the NCDOT in accordance with minimum rules and procedures set forth in the "Policy on Street and Driveway Access to North Carolina Highways."
 - 2) Reserved.
 - 3) Agency coordination. The district engineer for the NCDOT will notify and consult with the Planning Director regarding access locations, new median openings, or signalization requested as part of any permit application.

(c) *Standards for Access Connections.*

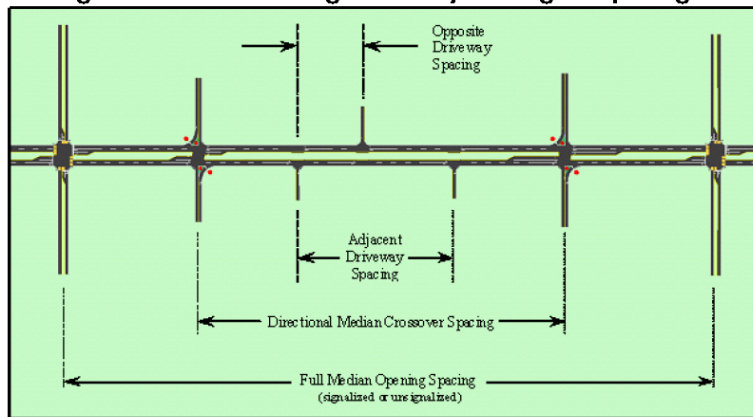
- (i) Minimum driveway and traffic signal spacing standards. All access connections to US 441 shall meet or exceed the minimum connection spacing requirements specified in Table 9.23.

Table 9.23: Minimum Driveway and Signal Spacing

Posted Speed Limit	Signal Spacing	Adjacent Driveway Spacing	Opposite Street Driveway Spacing
≥ 45 MPH	2,500 feet	800 feet	800 feet
26—44 MPH	1,500 feet	500 feet	500 feet
≤ 25 MPH	1,000 feet	300 feet	300 feet

- (ii) Measurement criteria. Spacing between driveways shall be measured along the right-of-way line between the tangent projection of the inside edges of adjacent driveways, opposite street driveways, as applicable (see Fig. 9.11).

Figure 9.11 - Measuring Driveway and Signal Spacing



(iii) Variance from driveway and traffic signal spacing standards.

- 1) The Planning Director, in coordination with the NCDOT, may reduce the connection spacing requirements set forth herein for situations where they prove impractical, but in no case shall the permitted spacing be less than 85 percent of the applicable standard, except as provided in Section 9.5.11 (c).
- 2) For sites with insufficient road frontage to meet minimum spacing requirements, consideration shall first be given to providing access via connection to a side street, utilization of a joint or shared driveway with an adjacent property that meets the recommended spacing requirement, or development of a service road to serve multiple properties.
- 3) The Planning Director, in coordination with the NCDOT, may grant access approval for a permanent use not meeting the spacing requirements of this article on an interim basis if an access plan is submitted that demonstrates how spacing requirements will ultimately be met and appropriate assurances in the form of a recordable and enforceable easement or access agreement will be provided insuring future provision of a conforming access.
- 4) Deviation from these spacing standards may be permitted at the discretion of the Planning Director, in cooperation with the NCDOT, where the effect would be to enhance the safety and operation of the highway. Examples might include a pair of one-way driveways in lieu of a two-way driveway. Approval of a deviation from the minimum spacing standards in this article may require the applicant to submit a study prepared by a duly qualified and licensed engineer in the state that evaluates whether the proposed change would exceed highway safety or operational benefits of the prescribed standard.

(iv) Immediate compliance.

- 1) Existing road and driveway connections for any single parcel along US 441 shall be modified to conform with the minimum connection spacing requirements set forth in this article when safety, capacity, or operational improvements are made within the public right-of-way.
- 2) The NCDOT may prohibit, restrict, or modify the placement of any connection, at any time, to a single property in the interest of public safety and mobility.

(v) Corner clearance.

- 1) Corner clearance for connections to US 441 shall meet or exceed the minimum connection spacing requirements set forth in Section 9.5.11 (c).

(vi) New access connections. New access connections shall not be permitted within the functional area of an interchange, intersection defined by the minimum connection spacing requirements set forth in section 9.5.11 (c), unless:

- 1) No other reasonable access to the property is available, and the Planning Director, in coordination with the NCDOT, determine that the connection does not create a safety or operational problem after review of a site-specific traffic impact study prepared by a duly qualified and licensed engineer in the State of North Carolina.
- 2) Where no other alternatives exist, the Planning Director, in coordination with the NCDOT, may allow construction of an access connection along the property line farthest from an intersection. In such cases, a directional driveway connection (i.e., right-in/right-out or right-out only) may be required.
- 3) Near a signalized intersection, the location for a full movement driveway connection may be required to exceed the minimum spacing requirements set forth in section 9.5.11 (c) to avoid interference with the operations of the traffic signal and resulting traffic queues. The radius of a full movement driveway connection shall not encroach on the minimum corner clearance.
- 4) The minimum lot size for any new corner lot created through the subdivision process shall be of adequate size to provide for the minimum corner clearance spacing required herein.

(vii) Joint and cross access.

- 1) Nonresidential and mixed-use projects.
 - a) Adjacent land uses classified as major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.
 - b) A system of joint use driveways and cross access easements shall be established wherever deemed feasible by the Planning Director. The building site shall incorporate the following:
 - i) A continuous service drive or cross access corridor extending the entire length for property frontage required to provide driveway separation consistent with the minimum spacing requirements set forth in Section 9.5.11 (c).
 - ii) A design speed of ten miles per hour and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
 - iii) Stub-out connections and other design features that make it visually obvious that the abutting properties may be tied-in to provide cross access via a service drive.
 - iv) A unified access and circulation plan that includes coordinated or shared-use parking areas, wherever feasible. Shared-use parking areas shall count toward reducing the number of required off-street parking spaces for the two adjacent land uses if the peak parking demand periods do not occur at the same time.
 - c) Pursuant to this article, a property owner for a nonresidential or mixed-use project shall:
 - i) Record an easement with the deed for the property that allows cross access to and from other properties served by a joint use driveway, cross access, or service drive.
 - ii) Record an agreement with the deed for the property that remaining access rights along US 441 will be dedicated to the NCDOT and pre-existing driveways

along the property's frontage will be closed and eliminated after construction of the joint use driveway.

- iii) Record a joint maintenance agreement with the deed for the property defining maintenance responsibilities of the adjacent property owners.

2) Residential projects.

- a) Residential subdivisions with lots fronting along US 441 shall be designed with joint access points to the highway. Normally a maximum of two access points shall be allowed regardless of the number of lots served.
- b) The property owner shall enter into a written agreement with the county, recorded with the deed for the property, that pre-existing connections along the frontage will be closed and eliminated after construction of joint use driveways.
- c) The Planning Director may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make implementation of joint use driveways or development of a shared access circulation system impractical, provided that all of the following requirements are met:
 - i) Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
 - ii) The site plan incorporates a unified access and circulation system in accordance with this section.

(d) *Design Guidelines for Access Connections.*

- (i) The following factors shall be considered by the Planning Director and the NCDOT when assessing the suitability of a proposed access connection location associated with a permit application.
 - 1) Offset access connections. Access connections on opposing sides of the highway shall be aligned with one another or offset an adequate distance to minimize overlapping left turns and other maneuvers that may result in safety hazards or operational problems.
 - 2) Adequate sight distance. An access connection shall be located so as to provide adequate intersection sight distance.
 - 3) Auxiliary lanes. The NCDOT district engineer may require auxiliary lanes (i.e., left or right turn lanes, bypass lane, or acceleration lanes) where deemed necessary due to traffic volumes or where a safety or operational problem is expected without such lane. Consideration for right turn auxiliary lanes should be balanced with the community's desire to create a pedestrian-friendly environment for the US 441 Corridor as stated in the adopted US 441 Small Area Plan. Left and right turn lanes shall be constructed in accordance with the "North Carolina Standards and Specifications for Roads and Structures."
 - 4) Substandard frontage. If lot frontage is inadequate to provide the required minimum spacing, consideration shall first be given to providing access via connection to a side street, utilization of a joint or shared driveway with an adjacent property that meets the recommended spacing requirement, or development of a service road to serve multiple properties.
 - 5) Future development. To maintain minimum spacing requirements between nonresidential access locations when future development occurs, a proposed access connection may be approved subject to the condition that it serves adjacent property via a joint or shared access located on the common property line or a cross access easement.

- 6) Easements for joint access. When required to provide a joint or shared access, the property owners must record an easement allowing cross access to and from the properties served by the shared driveway or cross access. The easement must include a joint maintenance agreement defining the responsibilities of the property owners.
- 7) Restricting left turns. Left turning movements to or from a proposed access connection may be restricted at the time of construction or at a future date based upon existing or anticipated roadway operating conditions.
- 8) Angle of approach. Access points shall be aligned to be straight and perpendicular to the centerline of US 441 to the maximum extent feasible.
- 9) Driveway width. As shown in Table 9.23 below.

Table 9.23: Driveway Width Requirements

	Minimum	Maximum
One-way Traffic	14 feet	20 feet
Two-way Traffic	24 feet	36 feet

- 10) Driveway throat length. For any development plan with an internal roadway network, a minimum storage of 75 feet measured from the near edge of the right-of-way line will be required before any crossing or left-turning conflicts area allowed. The minimum driveway stem distance may be modified on a project-by-project basis based on recommendations from an analysis of traffic operations on the internal roadway network.
- 11) Auxiliary features. Signs, entrance medians, and fences shall be placed or constructed outside of the public right-of-way for US 441.
- 12) Nonresidential and mixed-use access design. Nonresidential and mixed-use access must be designed so that backing, loading, unloading, and other maneuvers are accommodated on-site and not using the US 441 and/or connecting roads right-of-way, and the access shall provide adequate stacking distance to prevent entering or exiting vehicles from obstructing the flow of traffic on US 441 and/or connecting roads. A driveway median may be required to preserve the length of storage, or to prevent cross access to an out-parcel within the storage area of a driveway. All driveway grades and drainage improvements shall conform to the rules and requirements set forth in the NCDOT's Policy on Street and Driveway Access to North Carolina Highways.
- 13) Nonresidential and mixed-use access geometrics. The geometrics of a nonresidential or mixed-use access shall provide adequate width, grade, and radii to accommodate all vehicles that will access the site.
- 14) Corner radius. The minimum corner radius of a street or driveway along US 441 shall be within 20 feet minimum and 50 feet maximum. The District Engineer for NCDOT will notify and consult with the Planning Director required minimum radii.

(e) *Connectivity.*

- (i) The internal street system for a proposed development shall be designed to coordinate with existing, proposed, and planned streets outside of the development as provided in this section.
 - 1) Wherever a proposed development abuts unplatted land or a future development phase of the same development, clearly demarcated (i.e., "Future Street Connection") street stubs shall be provided as deemed necessary by the Planning Director to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be

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- provided with temporary turn-around or cul-de-sacs unless specifically exempted by the Planning Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- 2) Collector streets shall intersect with collector or arterial streets on- and off-site at safe and convenient locations.
 - 3) Local streets shall connect with surrounding streets to permit the convenient movement of traffic between land uses or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- (ii) Pedestrian connections. Pedestrian connections shall be provided between adjacent properties in addition to roadway connections. These pedestrian connections shall provide for safe pedestrian travel along roadways and across parking areas to site buildings.
- 1) All new residential development other than single family homes.
 - 2) All new office/commercial or institutional development
 - 3) Expansions to an existing office/commercial or institutional development or use where the gross floor area of the expansion is equal to or greater than 50 percent of the gross floor area of the pre-expansion development or use.
 - 4) Improvements to an existing office/commercial or institutional development or use when the cost of the improvement is equal to or greater than 50 percent of the value of the existing development (building) or use as determined by the Jackson County Tax Office.
 - 5) Along at least one side of private drives serving multi-family, institutional, and/or office/commercial uses in the Gateway Corridor and Village Center Districts to provide a pedestrian connection from the building entrance(s) to a public street or road and/or to a pedestrian facility.
- (iii) Construction Standards. Sidewalks must have a minimum five-foot width and meet all current Americans with Disabilities Act (ADA) standards. NCDOT will allow sidewalks within their right-of-way by encroachment and will not accept responsibility for maintenance.
- 1) In lieu of constructing a sidewalk, multi-family residential, institutional, and/or office/commercial uses may construct a greenway trail to provide a pedestrian connection across their property. The location, design, and construction specifications for the greenway trail shall be approved by Jackson County as part of the development plan approval.
- (iv) Requirements for out-parcels and phased development plans.
- 1) Aggregation. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards set forth in this article. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage along US 441. All necessary easements, agreements, and stipulations required in this article shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this article and both shall be cited for any violation.
 - 2) Out-parcels. All out-parcel access shall be served internally to the development site using the shared circulation system of the principle development. Access to out-parcels shall be designed

to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

(v) Minimum on-site vehicle storage area.

- 1) Adequate storage must be provided within the internal circulation system for properties that include either a drop-off loop or drive-through facility so that vehicles do not queue onto US Highway 441. Specific storage areas will be determined by the Planning Director, in coordination with the NCDOT, on a case-by-case basis during the development review process; however, the following minimum storage lengths are required for specific development types along US Highway 441. Dimensions are measured from the ultimate right-of-way line stipulated by the US Highway 441 Small Area Plan, State Transportation Improvement Program, or other project plans.
- 2) For single-lane drive-in banks, storage to accommodate a minimum queue of six vehicles will be provided. Banks having several drive-in service windows will have storage to accommodate a minimum of four vehicles per service lane.
- 3) For single-lane drive-through full-service car washes, storage to accommodate a minimum of 12 vehicles will be provided. Automatic or self-service car washes having a multi-bay design will have minimum vehicle storage to accommodate three vehicles per bay.
- 4) For fast-food restaurants with drive-in window service, storage within the site to accommodate a minimum of eight vehicles per service lane from the menu board/ordering station will be provided.
- 5) For service stations where the pump islands are parallel to the pavement edge, a minimum setback of 35 feet between the pump islands and the public right-of-way will be provided. For service stations where the pump islands are not parallel to the pavement edge, minimum vehicle storage of 50 feet in length between the pump islands and the public right-of-way will be provided.
- 6) For land uses that require an entry transaction or have service attendants, gates or other entry control devices, the vehicle storage will be of adequate length so that entering vehicles do not queue back on the right-of-way for the adjacent highway. No portion of a parking area, attendant booth, gates, signing, or parking activity shall encroach on the public right-of-way.
- 7) For schools, adequate storage for parental drop-off and pick-up areas should be provided entirely on the school campus site.

(vi) Gateway interchange area.

- 1) Significant modification to the Gateway Interchange Area (i.e., US 441 and US 74) may be subject to special access management requirements that protect the safety and operational efficiency of the limited access facility and the interchange area. The NC Department of Transportation may require the preparation and approval of a site-specific traffic impact study prepared by a duly qualified and licensed engineer in the State of North Carolina. If required, the plan shall address current and future connections and median openings within ¼-mile of an interchange area (measured from the end of the taper of the ramp furthest from the interchange) or up to the first intersection with an arterial road, whichever is less.
- 2) The distance to the first access location shall meet the minimum connection spacing requirements in Section 9.5.11 (c); however, no driveway connection will be allowed less than 400 feet from the end of the taper of the ramp furthest from the interchange.

(f) *Variances for access management.*

- (i) The granting of a variance shall be in harmony with the purpose and intent of Section 3.7.20 and shall not be considered until every feasible option for meeting minimum access management standards is explored.
- (ii) Applicants for a variance from the standards herein must provide proof of unique or special conditions that make strict application of the provisions impractical. This shall include proof that:
 - 1) Indirect or restricted access cannot be obtained; and
 - 2) No engineering or construction solutions can be applied to mitigate the conditions; and
 - 3) No alternative access is available from a side street.
 - 4) Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

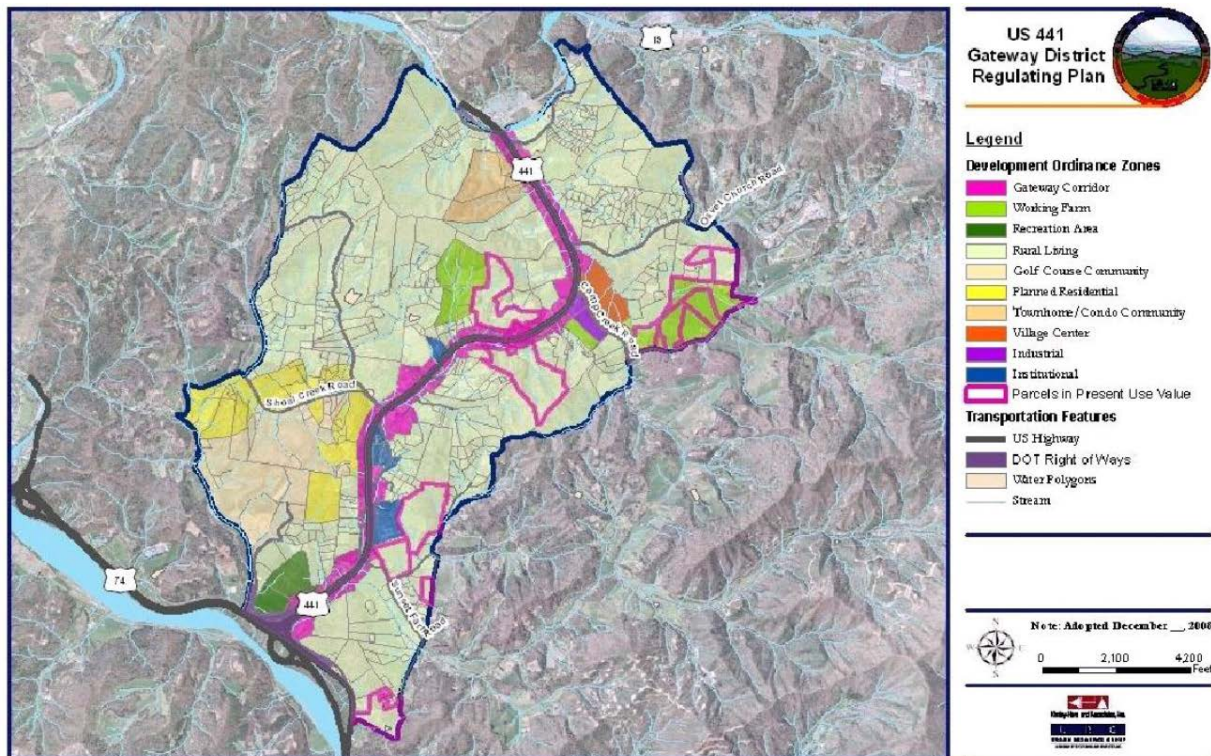
Sec. 9.5.12 Nonconformities.

Nonconforming uses, structures, and access shall comply with the regulations established in Section 8.6.2 (c).

Sec. 9.5.13 Enforcement.

It shall be the duty of the Planning Director or Permitting and Code Enforcement Director to administer and enforce this section per Article X Violations and Enforcement.

Appendix 9.5.1 US 441 Gateway District Regulating Map



Appendix 9.5.2 US 441 Gateway District Tree Selection and Cover Guide

Notes:

= permitted in landscape buffers

^ = rates canopy credit

* = permitted in interior areas

Large Deciduous Trees	Tree Area in Sq. Ft. and Caliper at Planting (measured 6 inches above finished grade)
Botanical Name/Common Name	2—2½ inches
Fraxinus americana/American Ash ^{# ^}	250
Liriodendron tulipifera/Tulip Poplar ^{# ^}	250
Metasequoia glyptostroboides/Dawn Redwood ^{# ^ *}	300
Platanus occidentalis/Sycamore Planetree ^{# ^ *}	300
Quercus rubra/Red Oak ^{# ^ *}	300
Quercus palustris/Pin Oak ^{# ^ *}	300
Quercus phellos/Willow Oak ^{# ^ *}	300
Quercus prinus/Chestnut Oak ^{# ^ *}	300
Ulmus americana/American Elm ^{# ^ *} and Dutch Elm Disease Resistant Cultivars	250

Medium Deciduous Trees	Tree Area in Sq. Ft. and Caliper at Planting (measured 6 inches above finished grade)
Botanical Name/Common Name	1½ to 2 inches
Acer rubrum/Red Maple ^{# ^ *}	200
Betula nigra/River Birch ^{# ^ *}	200
Fagus grandifolia/American Beech ^{# ^ *}	200
Fraxinus pennsylvanica/Green Ash ^{# ^ *}	250
Nyssa sylvatica/Black Gum ^{# ^ *}	250
Quercus macrocarpa/Bur Oak ^{# * ^}	250
Cladrastis kentukea/Yellowwood ^{# * ^}	250
Zelkova serrata/Japanese Zelkova ^{# ^ *}	100
Acer buergerianum/Trident Maple	200

Small Deciduous Trees	Tree Area in Sq. Ft. and Caliper at Planting (measured 6 inches above finished grade)
Botanical Name/Common Name	1½—2 inches
Acer palmatum/Japanese Maple ^{# *}	75
Carpinus caroliniana/American Hornbeam [#]	75
Chionanthus virginicus/American Fringetree [#]	75

Cornus kousa/Kousa Dogwood ^{# *}	75
Halesia tetraptera/Carolina Silverbell [#]	75
Lagerstroemia indica/Common Crapemyrtle Cultivars	
mature height (< 10 feet)	25
mature height (10. 20 feet) ^{# *}	50
mature height (> 20 feet) ^{# ^ *}	75
Amelanchier laevis/Allegheny Serviceberry ^{# *}	75
Cornus florida/Flowering Dogwood (anthracnos resistant) [#]	75
Oxydendrum arboreum/Sourwood ^{# ^ *}	100
Prunus X./Various Flowering Cherries and Plums ^{# *}	75
Amelanchier canadensis/Serviceberry	100
Carpinus betulus 'Fastigiata'/Columnar European Hornbeam	75
Cercis canadensis/Eastern Redbud	75

Large Evergreen Trees	Tree Cover Area in Sq. Ft. and Height at Planting
Botanical/Common Name	6'—8'
Cryptomeria japonica/Japanese Cedar ^{# ^ *}	200
Cedrus atlantica/Atlas Cedar ^{# *}	200
Cedrus deodara/Deodar Cedar ^{# *}	200
Juniperus virginiana/Eastern Red Cedar ^{# *}	200
Taxodium distichum/Bald Cypress	200
Pinus strobus/Eastern White Pine	250
Tsuga canadensis/Canadian Hemlock	300
Pseudotsuga menziesii/Douglas Fir	250
Picea abies/Norway Spruce	250

Medium Evergreen Trees and Tall Shrubs	Tree Cover Area in Sq. Ft. and Height at Planting
Botanical/Common Name	6'—8'
Cupressocyparis leylandii/Leyland Cypress ^{# ^ *}	125
Ilex opaca and I. opaca 'cullowhee'/American Holly ^{# ^ *}	200
Thuja x 'Green Giant'/Green Giant Arbovitae ^{# *}	100
Magnolia virginiana/Sweetbay Magnolia ^{# *}	100

Small Evergreen Trees and Tall Shrubs	Tree Cover Area in Sq. Ft. and Height at Planting		
Botanical/Common Name	4'—6'	6'—8'	8'—10'
Ilex x attenuata 'Fosteri'/Foster's Holly ^{# *}	50	75	100

Ilex x 'Nellie R. Stevens'/Nellie R. Stevens' Holly ^{# *}	50	75	100
Rhododendron/Hybrid Rhododendron	25	50	75

Large Tree Evergreen Buffering and Reforesting Material [@]	Tree Cover Area in Sq. Ft. and Height at Planting		
Botanical/Common Name	BR	2'—4'	4'—6'
Ilex opaca/American Holly ^{# ^ *}	5	10	15
Pinus strobus/White Pine ^{# *}	5	10	15

Medium Evergreen Buffering and Reforesting Material [@]	Tree Cover Area in Sq. Ft. and Height at Planting		
Botanical/Common Name	BR	2'—4'	4'—6'
Pinus taeda/Loblolly Pine [#]	5	10	15
Pinus echinata/Shortleaf Pine [#]	5	10	15

(Ord. No. O2010-04(2), 1-7-2020)