

DRAFT UNIFIED DEVELOPMENT ORDINANCE OUTLINE

ARTICLE I – LEGAL PROVISIONS

1.01 Title

Establishes a title (Unified Development Ordinance for Jackson County) for a shorthand reference.

1.02 Authority

Describes the authority prescribed for development related ordinances.

1.03 Purpose and Intent

Describes the purpose and intent of the UDO in accordance with NCGS and references zoning maps & Land Use Plan 2040.

1.04 Jurisdiction

Applies to all public & private development within jurisdiction of Jackson County to extent permitted by law.

1.05 Relationship to Existing Ordinances

Describes continuation of existing ordinances under UDO.

1.06 North Carolina State Building Code

References NC State Building Code as basis for Building Inspections authority.

1.07 Interpretation and Conflict

Outlines how to interpret the standards of the UDO as the minimum necessary and that any greater standards shall govern unless noted.

1.08 Identification of Regulated Districts Map

References airport zoning and zoning of regulated areas map.

1.09 Regulated Districts Map Interpretation

Describes how interpretations will be made when in question.

1.10 Enforcement and Penalties

Introduction and reference of UDO enforcement.

1.11 General Regulations

Describes general regulations that apply in all situations.

1.12 Basic Lot Standards

Describes the provisions for lot and use standards found throughout the UDO.

1.13 Required Open Space

Describes the provisions for open space to satisfy requirement of UDO.

1.14 Access to Property

Establishes legal access to buildings and properties.

1.15 No Use/Use Expansion or Sale of Land/Buildings Except in Conformity with UDO

Establishes that no use, expansion of existing use, or sale of land or buildings except in conformity with ordinance provisions shall occur.

1.16 Relationship of Building to Lot

Area building and accessory building locations.

1.17 Lot Size, Setback Measurements & Exceptions

Establishes setback measurement interpretations, how minimum lot sizes are calculated and method used to determine.

1.18 Temporary Buildings & Uses

Specific standards for various temporary uses.

1.19 Fees

Establishment of development related fees.

1.20 Effective Date

Date the regulations shall become effective (date of adoption).

ARTICLE II – ADMINISTRATION

2.01 UDO Administrator

Defines the role of Administrator(s) of UDO, including general responsibilities and maintenance of records.

2.02 Board of Commissioners

Establishes authority and defines responsibility of Board of Commissioners.

2.03 Planning Board & Planning Council

Establishes authority and defines responsibility and membership for Planning Board & Planning Councils.

2.04 Board of Adjustment

Establishes authority and defines responsibility and membership for Board of Adjustments.

ARTICLE III – PERMITS AND PROCEDURES

This article outlines the land development process within Jackson County. The procedures for obtaining permits of differing types will also be listed in an easy-to-read format, utilizing flowcharts and graphics when applicable.

3.01 Purpose

3.02 General Provisions and Applicability

3.03 Public Notice

Outlines the various public notice requirements.

3.04 General Requirements for Hearing & Decisions

Lists standards and procedures for all legislative and quasi-judicial processes regardless of decision making body.

3.05 Text Amendment/Rezoning Procedures

Details the process for text amendments and rezonings.

3.06 Appeals, Variances, and Interpretations

Details the processes for filing appeals and applying for variances to the UDO.

3.07 Establishment of Vested Rights

Outlines the process for making a determination of vested rights.

3.08 Special Use Permits

Describes the procedure for obtaining a special use permit, cross-referencing articles in the UDO in which those procedures apply.

3.09 Site Plans/Design Review

Outlines types of applications, permits, etc. in which a site plan and building elevation review (regulated districts) is required.

3.10 Subdivisions

Details the plat approval process as well as application, review and approval procedures for all subdivision types.

3.11 Land Development, Zoning, Sign and Building Permits

Describes the process for permitting projects for zoning compliance, signage, land development & buildings.

3.12 Reserved

ARTICLE IV – SUBDIVISIONS

This article will consolidate all design standards and requirements relating to land division. The existing structure of the subdivision regulations will remain intact, with procedural requirements moved to the new administration article.

4.01 Purpose

4.02 Applicability

4.03 Exceptions

4.04 Information to be provided

4.05 General Requirements & Minimum Design Standards

Describes the standards for subdivision design by type (major/minor) in Jackson County as well as general design standards for lots, roads etc.

4.07 Open Space Standards

4.08 Completion; Maintenance; Occupancy

Outlines maintenance standards; performance guarantees.

4.09 Required Certifications

4.10 Reserved

ARTICLE V – ENVIRONMENTAL REGULATIONS

This outline recommends consolidation of the County's environmental regulations in a single article of the new ordinance. The regulations to be consolidated include:

5.01 Water Pollution

Purpose, jurisdiction, regulations.

5.02 Water Recharge

Purpose, jurisdiction, regulations.

5.03 Erosion & Sedimentation Control

Purpose, exclusions, plans & permits (reference), general requirements, objectives, performance standards, stormwater provisions, maintenance, inspections

5.04 Floods Damage Prevention

Findings of Fact, purpose, provisions for flood hazard reduction, legal status provision.

5.05 Watershed Protection

Applicability, purpose, jurisdiction, regulations.

5.06 Mountain Protection

Purpose, jurisdiction, interpretations, regulations. Combines Mountain Ridge Protection and Mountain Hillside Development ordinances.

5.07 Reserved

ARTICLE VI – PERFORMANCE STANDARDS

This article will contain provisions for the standards associated with regulated uses and provide performance standards for each individual use.

6.01 Adult Establishments

6.02 Outdoor Lighting

6.03 Wireless Communications

6.04 Manufactured Home Parks

6.05 Industrial Development

6.06 Agricultural Districts

6.07 Reserved

ARTICLE VII – SIGNS

This article will reorganize the existing sign ordinance for Jackson County and bring the ordinance up-to-date with measurements and terminology that meet current industry standards. Sign regulations for regulated districts shall be references but located separately and in Article X.

7.01 Purpose & Intent

7.02 Applicability

References sign types that require a permit.

7.03 General Provisions

7.04 Permitted Signage by Use

7.05 Exemptions

7.06 Prohibited Signs

7.07 Off-premises Advertising (Billboards)

7.08 Maintenance & Upkeep of Signs

ARTICLE VIII – NONCONFORMITIES

This article includes provisions for the regulation of nonconformities. This article will include provisions for nonconforming uses, nonconforming lots, and nonconforming structures.

8.01 Purpose and Applicability

Establish the purpose of nonconformity regulations. They are intended to regulate and limit the continued existence of uses and structures established prior to the adoption of UDO. Will include a matrix for required retrofitting of existing development.

8.02 General Provisions

8.03 Nonconforming Plans & Permits

Defines regulations for nonconforming plans and previously approved or adopted permits.

8.04 Nonconforming Lots

Defines regulations for nonconforming lots of record.

8.05 Nonconforming Uses & Structures

Lists regulations for nonconforming uses, structures, changes to conforming use and abandonment.

8.06 Nonconforming Manufactured Homes Parks

Defines regulations for nonconforming manufactured home parks for repair and replacement.

8.07 Nonconforming Signage

Defines regulations for nonconforming signage.

ARTICLE IX – REGULATED DISTRICT STANDARDS

This article will include the four (4) place-related regulated districts within the county. To ensure that these districts stand alone within the updated UDO, each regulated district will have its own sub-section with reserved areas to allow easier future amendments. Cross-references to relevant codes in other parts of the UDO will be made to reduce duplication of text.

9.01 Airport Hazard District

This article will contain the regulations for Airport Hazard District.

9.02 Cashiers Commercial District

Subsections will follow existing ordinance format with cross-reference to other sections of UDO where applicable. Cross-references will be made to Articles II, III, IV and V where appropriate to reduce text duplication.

- 10.01.1 Authority, Purpose, Jurisdiction and Legal Provisions
- 10.01.2 Official Map, Rules of Construction & Definitions
- 10.01.3 Decision Making, Administrative and Advisory Board(s)
- 10.01.4 Development Review Procedures
- 10.01.5 Variances and Appeals
- 10.01.6 Text Amendments & Map Amendments
- 10.01.7 General Use Districts
- 10.01.8 General Development & Performance Standards
- 10.01.9 Development and Design Standards
- 10.01.10 Stormwater Standards
- 10.01.11 Sign Regulations
- 10.01.12 Nonconformities
- 10.01.13 Enforcement

9.03 Cullowhee Community Planning District

Subsections will follow existing ordinance format with cross-reference to other sections of UDO where applicable. Cross-references will be made to Articles II, III, IV and V where appropriate to reduce text duplication.

- 10.02.1 Authority, Purpose, Jurisdiction and Legal Provisions
- 10.02.2 Official Map, Rules of Construction & Definitions
- 10.02.3 Administrative and Advisory Bodies
- 10.02.4 General & Special Use Districts
- 10.02.5 Uses Subject to Special Requirements
- 10.02.6 Development Standards
- 10.02.7 Sign Regulations
- 10.02.8 Development Review Procedures
- 10.02.9 Variances & Appeals
- 10.02.10 Text Amendments & Map Amendments
- 10.02.11 Nonconformities
- 10.02.12 Enforcement

9.04 US 441 Development District

Subsections will follow existing ordinance format with cross-reference to other sections of UDO where applicable. Cross-references will be made to Articles II, III, IV and V where appropriate to reduce text duplication.

- 10.03.1 General Provisions & Regulated District Map
- 10.03.2 Development Review Procedures
- 10.03.3 Variance and Administrative
- 10.03.4 Text and Map Amendments

- 10.03.5 Character Areas
- 10.03.6 General Site Development Standards
- 10.03.7 Building Architecture
- 10.03.8 Signage
- 10.03.9 Viewshed Protection
- 10.03.10 Parking
- 10.03.11 Access Management – US Highway 441
- 10.03.12 Nonconformities
- 10.03.13 Enforcement & Penalties
- 10.03.14 Definitions
- 10.03.15 Landscaping & Tree Coverage List

ARTICLE X – VIOLATIONS AND ENFORCEMENT

Article X shall list the department(s) and individual(s) responsible for enforcing the ordinance in its updated form. Subsections will be pulled from enforcement sections for existing ordinances and shall be placed within the sections below.

- 10.01 Administration**
- 10.02 Complaints Regarding Violations**
- 10.03 Violation Types**
- 10.04 Procedures Upon Violation Discovery**
- 10.05 Remedies & Penalties**

ARTICLE XI – DEFINITIONS & MEASUREMENTS

In this article, definitions will be compiled and standardized and redundancies eliminated.

- 11.01 Purpose & Intent**
- 11.02 Interpretations**
- 11.03 Definitions**

