

Jackson County

Land Use Ordinance Assessment Report

November 2, 2017



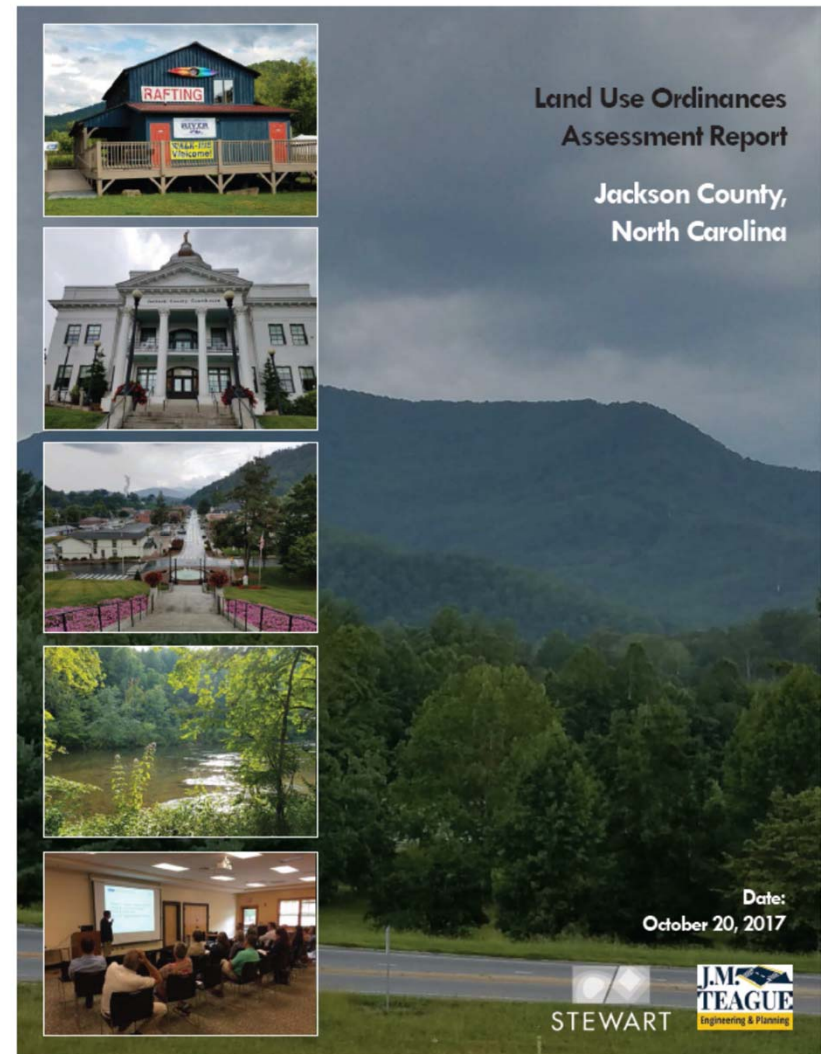
- Kick-off & County Tour
- Review Ordinances & Land Use Plan
- Public Input
- Stakeholder Interviews
- Draft Assessment Report



Land Use Code Assessment Report



- Overview
- Reconnaissance
- Recommendations
- Detailed Analysis
- Annotated Outline
- New UDO Format



- Purpose
- Why a UDO?
- Project Goals
- Schedule



A Unified Development Ordinance (UDO):

- Combines subdivision regulations, development standards, environmental regulations, etc. into one, easy-to-read reference document.
- Intended to eliminate redundant or conflicting code provisions, help streamline the review and approval process and clarify the steps and requirements with clear illustrations and language.

Part 2. Existing Documents & Feedback



- Land Use Plan 2040
- Existing Regulations
- State Law Changes
- Public Comment
 - *Over 50 survey results*
 - *Stakeholder interviews*
 - *Staff, Advisory Board & Elected Official Input*
 - *Website updates*



Common Themes:

- Organization & Unification
- Definitions
- Use Regulations
- Environment
- Processes
- Administration
- Regulated Areas



Part 3. Diagnosis & Recommendations



- Organization
- Page Layout
- Structure
- Commentary
- Processes
- Specific Changes

ARTICLE II. - WATER POLLUTION

DIVISION 1. - GENERALLY

Sec. 10-19. - Injunctive relief.

- (a) Whenever the governing body has reasonable cause to believe that any person is violating or threatening to violate this article or any rule or order adopted or issued pursuant to this article, or any term, condition, or provision of an approved erosion control plan, it may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the county, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court of the county.
- (b) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this article.

(Ord. of 7-20-2000; Ord. of 2-21-2002; Ord. of 7-25-2002; Ord. of 2-17-2004; Ord. of 6-15-2004; Ord. No. 004-03, § 1501, 6-26-2007)

Sec. 10-20. - Purpose.

The purpose of this article is to establish a 30-foot riparian buffer along sections of Scotts Creek in Jackson County.

(Ord. of 10-5-1998, § 102)

Sec. 10-21. - Jurisdiction.

The provisions of this article shall apply within the area defined and established on the map entitled, "Scotts Creek Water Quality Protection District Map" ("the Scotts Creek WQP Map"), which is adopted simultaneously herewith. The Scotts Creek WQP Map and all explanatory matter thereon accompanies and is hereby made a part of this article and, together with a copy of this article, shall be permanently kept on file in the office of the county clerk.

Part 3. Diagnosis & Recommendations



Current Code of Ordinance Structure *(related to land use regulations)*:

- CHAPTER 3: ADULT ESTABLISHMENTS
- CHAPTER 10: ENVIRONMENT
 - *Article II – Water Pollution*
 - *Article VI – Erosion and Sedimentation Control*
 - *Article VIII – Watershed Protection*
 - *Article VIII – Water Recharge*
- CHAPTER 14: FLOODS
- CHAPTER 16: LAND DEVELOPMENT
- CHAPTER 22: SIGNS
- CHAPTER 25: OUTDOOR LIGHTING
- CHAPTER 28: SUBVIDISIONS
- CHAPTER 30: TELECOMMUNICATIONS
- APPENDIX A: CASHIERS COMMERCIAL AREA LAND DEVELOPMENT
- APPENDIX B: INDUSTRIAL DEVELOPMENT
- APPENDIX D: MANUFACTURED HOME PARKS
- APPENDIX E: MOUNTAIN RIDGE PROTECTION
- APPENDIX F: MOUNTAIN AND HILLSIDE DEVELOPMENT
- APPENDIX G: AIRPORT HAZARD ZONING REGULATIONS
- APPENDIX H: BOARD OF ADJUSTMENT
- APPENDIX I: US 411 DEVELOPMENT ORDINANCE
- APPENDIX J: CULLOWHEE COMMUNITY PLANNING AREA DEVELOPMENT STANDARDS

Part 3. Diagnosis & Recommendations



CURRENT LAND DEVELOPMENT ORDINANCES CHAPTER STRUCTURE	RECOMMENDED UDO STRUCTURE
Chapter 3 - Adult Establishments	
Chapter 10 - Environment	Article I – Legal Provisions
Chapter 10 - Article II - Water Pollution	Article II - Administration
Chapter 10 - Article VI - Erosion and Sedimentation Control	Article III - Permits and Procedures
Chapter 10 - Article VII - Watershed Protection	Article IV - Subdivisions
Chapter 10 - Article VIII - Water Recharge	Article V - Environmental Regulations
Chapter 14 - Floods	Article VI – Performance Standards
Chapter 16 - Land Development	Article VII – Signs
Chapter 20 - Planning	Article VIII - Nonconformities
Chapter 22 - Signs	Article IX - Regulated District Standards
Chapter 25 - Outdoor Lighting	Article X – Violations & Enforcement
Chapter 28 - Subdivisions	Article XI – Definitions & Measurements
Chapter 30 - Telecommunications	Appendix A - Development Review Flow Charts
Appendix A – Cashiers Commercial Area Land Development	
Appendix B – Industrial Development	
Appendix D - Regulated District - Manufactured Home Parks	
Appendix E - Regulated District - Mountain Ridge Protection	
Appendix F - Regulated District - Mountain and Hillside Development	
Appendix G - Regulated District - Airport Hazard Zoning Regulations	
Appendix H - Regulated District - Board of Adjustment	
Appendix I – US 411 Development Ordinance	
Appendix J – Cullowhee Community Planning Area Development Standards	

This graphic compares the existing ordinances chapter structure with the proposed Unified Development Ordinance article structure. The suggested UDO design will reorganize the existing land use related chapters and appendixes into 11 articles that follow on a more topic-based structure. The recommended UDO table of contents consolidates related ordinances into single articles based on practical relationships and relies on more distinctive article names.

Part 3. Diagnosis & Recommendations



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ARTICLE V. ENVIRONMENTAL REGULATIONS

Section 5.01

Water Pollution [Transfers CO-Ch.10 Article II]

A. PURPOSE

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B. JURISDICTION

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C. EXEMPTIONS

- (i) Nothing contained herein shall repeal, modify or amend any federal or state law or regulation, or any county ordinance or regulation pertaining thereto.
- (ii) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if this article imposes greater restrictions or higher standards for the use of a building or land, then the provisions of this article shall control.
- (iii) These regulations shall not prevent the construction of any structure for which a building permit has been secured prior to the effective date of the ordinance from which this article is derived or any amendment thereto, so long as the building permit has not been revoked or allowed to expire. However, once constructed, any structure so erected will be subject to any and all regulations set forth in this article.

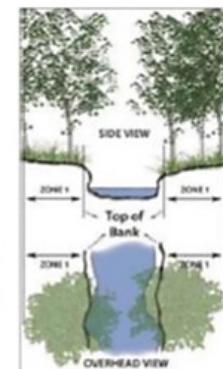
D. DEVELOPMENT REGULATIONS

(i) Establishment of Riparian Buffer

- 1) Except as provided in Section 5.01.D.ii, no structure shall be erected, placed, constructed, established, etc., within 30 feet of Scotts Creek (zone 1) measured from the top of the bank on each side of Scotts Creek.
- 2) Riparian property owners shall maintain this 30-foot riparian buffer area in a vegetated state.

(ii) Use of land within Buffer Area

Consistent with Section 5.01.D.i., the following uses may be permitted within the 30-foot riparian buffer area (zone 1), subject to design



Repetitions & Inconsistencies:

- Regulation/Process overlap & confusion

Commentary & Recommendations:

This is an issue that is spread through the existing land use ordinances and is a concern of staff, advisory board members and stakeholders. This issue makes interpretations of the regulations difficult for all users. The UDO will provide a consistent set of processes, a single set of definitions, and the use of flow charts to help with decision making.

Regulated Districts:

- 4 regulated areas
- Serve respected areas well
- Minor changes with cross-referencing where needed

Development Standards:

- Main regulation of land use development
- NCGS updates
- Definitions
- Consolidate administrative & enforcement functions

Environmental Regulations:

- 8 ordinances/chapters
- Organize into one place
- Consolidate administrative & enforcement functions
- Relocate definitions

Procedures & Approval Processes:

- Permitting Agencies
- 39 different permit/approval types
- Eliminate repetitious processes
- Create articles for Administration, Permits/Processes & Violations

Part 4. LUP Analysis, Outline & Format



- Land Use Plan Analysis
- Annotated Outline
- Proposed UDO Format



Part 4. LUP Analysis, Outline & Format



Category	Goal Statement	Objectives	Analysis
LAND USE	Balance future growth with the protection of natural environment.	<ol style="list-style-type: none"> 1) Require conservation/cluster subdivision design for new major subdivisions in the subdivision ordinance. 2) Consider amendments to the subdivision ordinance that would require that identified wildlife corridors be included in open space designs for major subdivisions. 3) Identify improvements to ordinances that protect the mountain ridges, slopes, rivers and streams, and wildlife corridors. 4) Consider creation of an ordinance requiring environmental impact statements for all major development, as defined by the state. 	<ul style="list-style-type: none"> • Recommend conservation/cluster design elements to subdivision section of UDO. • Recommend additional protection measures for natural corridors. • Recommend revisions for open space design to include wildlife corridors. • Suggest requirements for clear definition of "new major development" and require them to obtain an environmental impact statement.
	Ensure that development regulations meet existing and future challenges and opportunities	<ol style="list-style-type: none"> 1) Continue to monitor developing land use trends to ensure that County development ordinances meet the needs of the county. 2) Creation of a UDO to modernize the County's development and regulation framework. 3) Partner with local and state elected officials to promote sound planning practices and tools for local governments. 4) Continue to identify improvements to the County's development review and approval process to ensure reviews and approvals are completed in an efficient and effective manner. 5) Include conditional zoning language to the 441 and Cashiers development ordinances to allow for more flexibility in the design and development of projects in those districts. 	Self-explanatory.

Part 4. LUP Analysis, Outline & Format



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

Part 4. LUP Analysis, Outline & Format



ARTICLE V. ENVIRONMENTAL REGULATIONS

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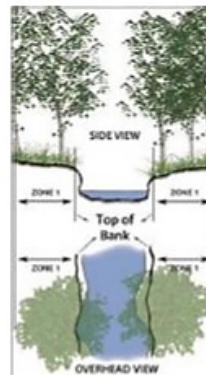
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Article V

Recommendation:

Section 5.01

Incorporate Cluster Subdivision Provisions

Section 5.02

Add additional exemption for existing lots of record

Remaining Schedule



UDO Document Preparation:	Nov. 2017 - July 2018
New UDO Page Layout, Existing Code Formatting, Reorganization	November 2017
Articles I, II & III (Legal Provisions, Administration, Permits & Procedures)	November - December 2017
Article IV (Subdivisions)	December – January 2017
Article V (Environmental Regulations)	January 2017 - March 2018
Article VI & VII (Performance Standards; Signs)	March - April 2018
Article VIII & X (Nonconformities; Violations & Enforcement)	April - May 2018
Article IX (Regulated Districts)	May - June 2018
Article XI (Definitions)	June - July 2018
Adoption Process:	August – September 2018

Question?