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## **Sec. 6.4 Industrial development.**

### **Sec. 6.4.1 Purpose and Intent.**

- (a) For the purposes of promoting health, safety, or the general welfare of its citizens and the peace and dignity of the County, the Jackson County Board of Commissioners shall establish certain criteria to accommodate activities engaged in the mechanical, physical, or chemical transformation of materials, substances, components into new products, or for repair of products. These noxious industries that, by their very nature produce objectionable levels of noise, odors, vibrations, fumes, light, or smoke, may or may not have hazardous effects. These standards shall allow for the placement and growth of noxious industrial activities, while maintaining the health, safety, and general welfare standards of established residential and commercial areas in Jackson County.

### **Sec. 6.4.2 Jurisdiction.**

- (a) This section shall apply to all areas of unincorporated Jackson County which are not included in the extraterritorial jurisdictions of any municipalities. All municipalities and their respective corporate limits shall be exempted from this section, unless they choose to adopt this Section or some form thereof.

### **Sec. 6.4.3 General Provisions.**

- (a) No use, expansion of existing use, or sale of land or buildings except in conformity with this section.
- (b) No person may use, expand, occupy, or sell any land or buildings, or authorize or permit the use, expansion, occupancy or sale of land or buildings under his control, except in accordance with all of the applicable provisions of this Ordinance.
- (c) For purposes of this section, the use or occupancy of a building or land relates to anything and everything that is done to, on, or in that building or land.

### **Sec. 6.4.4 Performance Standards by Industrial Use.**

- (a) *Asphalt industries (including on-site sale of products).*
  - (i) The location of the closest point of the property line of a lot on which an asphalt plant, both portable and permanent, is located shall not be less than 1,320 linear feet from the closest point of a property line of a lot on which a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, assisted living facility, or nursing care institution is located; any property line of publicly owned property excluding road rights-of-way; or from the closest exterior wall of a residential structure.
  - (ii) Permanent roads used continuously for vehicular traffic (once per any 72-hour period of time excluding Saturdays, Sundays, or holidays) in excess of six months within the property site shall be surfaced with a dust-free material (i.e., soil cement, Portland cement, bituminous concrete).
  - (iii) Material piles and other accumulations of byproducts shall not exceed 35 feet above the original contour and shall be graded so the slope shall not exceed a 45-degree angle.
  - (iv) A continuous vegetative buffer designed to grow at least six feet in height will be maintained continuously along any property line which is adjacent to a public right-of-way or adjacent to property on which is located a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, nursing care institution, or residential use.
  - (v) The operation of this type of industry shall not violate the Jackson County Noise Ordinance.
  - (vi) Asphalt plants shall provide bag houses for managing fumes created from an asphalt batch facility and emissions control equipment that will regulate blue smoke particulate matter emissions during the

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process of filling silos and loading trucks to a minimum of Reasonably Available Controlled Technology (RACT).

(b) *Junkyards (including on-site sale of products).*

- (i) The location of the closest point of the property line of a lot on which a junkyard is located shall not be less than 1,320 linear feet from the closest point of a property line of a lot on which a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, assisted living facility, or nursing care institution is located; any property line of publicly owned property excluding road rights-of-way; or from the closest exterior wall of a residential structure. All junkyards shall be located in compliance with G.S. 136-144.
- (ii) An opaque security fence constructed of either wood, masonry, metal, aluminum, or synthetic material shall be installed around the entire perimeter lot line of the lot on which the proposed junkyard is located. The fence shall be a minimum of ten feet in height at the time of installation. The fence shall be set back ten feet from any property line that is adjacent to a public road right-of-way. No junk or material may be stored within the ten-foot setback. Any junk stored in the junkyard cannot be stored to a height of greater than ten feet. If at any point on the property a portion of the junkyard is at an elevation higher than the required ten-foot opaque security fence, an interior fence or vegetative buffer will be installed so that the junk stored on the elevated portion of the junkyard is not visible from any public right-of-way which is at the same or lower elevation as the elevation of the top of the opaque security fence at its closest point to a public right-of-way.
- (iii) All fluids shall be removed from junk or inoperable vehicles prior to placement in a junkyard. All fluids shall be disposed of in compliance with applicable federal, state, and local regulations.
- (iv) A continuous vegetative buffer designed to grow at least six feet in height will be maintained continuously along any property line which is adjacent to a public right-of-way or adjacent to property on which is located a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, nursing care institution, or residential use.
- (v) A 30-foot planted vegetative buffer shall be installed along any junkyard property line which is adjacent to a perennial stream.
- (vi) The operation of this type of industry shall not violate the Jackson County Noise Ordinance.

(c) *Heavy industry.*

- (i) The location of the closest point of the property line of a lot on which a heavy industry is located shall not be less than 1,320 linear feet from the closest point of a property line of a lot on which a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, or nursing care institution is located; any property line of publicly owned property excluding road rights-of-way; or from the closest exterior wall of a residential structure.
- (ii) A continuous vegetative buffer designed to grow at least six feet in height will be maintained continuously along any property line which is adjacent to a public right-of-way or adjacent to property on which is located a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, nursing care institution, or residential use.
- (iii) The operation of this type of industry shall not violate the Jackson County Noise Ordinance.

(d) *Mining industries (including on-site sale of products and hydraulic fracking):*

- (i) The location of the closest point of property line of the lot on which a mine or quarry is located shall not be less than 1,320 linear feet from the closest point of a property line of a lot on which a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, assisted living facility, or nursing care institution is located; any property line of

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publicly-owned property excluding road rights-of-way; or from the closest exterior wall of a residential structure.

- (ii) Permanent roads used continuously for vehicular traffic (once per any 72-hour period of time excluding Saturdays, Sundays, or holidays) in excess of six months within the property site shall be surfaced with a dust free material (i.e., soil cement, Portland cement, bituminous concrete).
- (iii) Material piles and other accumulations of byproducts shall not exceed 35 feet above the original contour and shall be graded so the slope shall not exceed a 45-degree angle.
- (iv) The operation of this type industry shall not violate the Jackson County Noise Ordinance.
- (v) A continuous vegetative buffer designed to grow at least six feet in height will be maintained continuously along any property line which is adjacent to a public right-of-way or adjacent to property on which is located a commercial use, school, child care home, child care institution, day care center, church, hospital, nursing care home, nursing care institution, or residential use.

(e) *Animal Processing Facilities- Small Scale*

- i. Structure(s) shall not exceed a total of 10,000 square feet in size.
- ii. All processing activities, including storage, must be conducted within a fully enclosed structure. The processing of animals outside of a fully enclosed structure is prohibited.
- iii. All animal waste and byproduct shall be disposed of in a manner so that no odors are noticeable beyond the boundary of the property. A waste management plan must accompany the application detailing the methods for waste and animal byproduct treatment and/or removal from the site. The plan must be continuously followed throughout the use on the property
- iv. All structures and components of the business operation shall be setback a minimum of 100 feet from all property lines.
- v. A continuous 20- foot wide, at a minimum, evergreen vegetative buffer designed to grow at least six feet in height shall be maintained continuously along all property lines. A six-foot high opaque fence with a ten-foot buffer can also be used to meet this requirement.
- vi. Small Scale Animal Processing facilities shall be setback a minimum of 30 feet from the top of bank of any water body (river, stream, creek, lake, etc.).
- vii. Driveway connections must be permitted by NCDOT. A copy of the approved permit shall accompany the application.
- viii. The operation of this type of industry shall at all times be in compliance with state and federal rules and regulations, pertaining to the processing of animals and shall comply with all local ordinances and state and federal laws now in force, or which may hereafter be in force, including but not limited to the Jackson County Noise Ordinance.

(g) *Cryptocurrency Mining facilities-*

(i) The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers for any component of the operation is prohibited.

(ii) Structures must be setback 50 feet from all property lines.

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- (iii) Verification must be provided that all electronic waste generated at the cryptocurrency mining operation will be handled by a North Carolina Department of Environmental Quality-licensed electronic waste recycling firm, pursuant to N.C.G.S.130 A-309.142.
- (iv) These facilities shall be required to develop or purchase sufficient new renewable energy to offset 100 percent of the electricity consumed by the cryptocurrency mining operation. To meet this condition, the cryptocurrency mining facility must be able to establish that their actions will introduce new renewable energy onto the electrical grid beyond what would have been developed otherwise. Any renewable energy facilities constructed or established to meet this requirements must meet the standards set forth in Section 6.4.4(h) of this Ordinance.
- (v) A continuous 20- foot wide, at a minimum, evergreen vegetative buffer designed to grow at least six feet in height will be maintained continuously along all property lines.
- (vi) A Noise Mitigation Plan will be required that demonstrates the methods for reducing or containing noise generated by the use and must be strictly followed while the property is in the use of this industry.
- (vii) The property boundary for all Cryptocurrency Facilities shall be fenced, minimum six foot height, located along the property line
- (viii) A sign, that is easy to see and locate, must be placed at the entrance to the property and that clearly states the name of the operator and a local phone number for the operator in case of emergency.
- (ix) The operation of this type of industry shall at all times be in compliance with state and federal rules and regulations, pertaining to this type of industry and shall comply with all local ordinances and state and federal laws now in force, or which may hereafter be in force, including but not limited to the Jackson County Noise Ordinance.
- (h) Renewable Energy Facilities*
- (i) Roof mounted and ground mounted solar energy systems serving a single residential or commercial use are exempt from this section.
- (ii) Roof mounted or ground mounted wind energy systems, not exceeding 40 ft. in height, serving a single residential or commercial use are exempt from this section.
- (iii) Wind energy systems shall not exceed 100 feet in height.
- (iv) Renewable energy facilities shall not be sited on a property with an average slope greater than 35%.
- (v) Renewable energy facilities shall not be sited on any protected ridge identified in this Ordinance in Section 5.7- Mountain Ridge Protection regulations or Section 5.8- Mountain and Hillside Development.
- (vi) Solar energy facilities shall be setback a minimum of 50 feet from any property line and a minimum of 30 feet from the top of bank of any water body (river, stream, creek, lake, etc.).
- (vii) Wind Energy facilities shall be setback no less than the height of the structure plus 10% from all property lines.
- (viii) A continuous 20- foot wide, at a minimum, evergreen vegetative buffer designed to grow at least six feet in height will be maintained continuously along all property lines.
- (ix) The property boundary of Renewable Energy Facilities shall be fenced, minimum six foot in height located along the property line..
- (x) All utility lines must be located underground.
- (xi) A warning sign concerning voltage, that is easy to see and locate, must be placed at the entrance to the property and clearly state the name of the operator and a local phone number for the operator in case of emergency.

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(xii) The operation of this type of industry shall at all times be in compliance with state and federal rules and regulations, pertaining to this type of industry and shall comply with all local ordinances and state and federal laws now in force, or which may hereafter be in force, including but not limited to the Jackson County Noise Ordinance.

**Sec. 6.4.5 Transportation Impact Analysis (TIA).**

(a) *Transportation infrastructure.*

- (i) All uses permitted by this Ordinance shall be located on a site with direct access to a road designated, at a minimum, as a major thoroughfare in the Jackson County Comprehensive Transportation Plan.
- (ii) Any use that is not located on a site with direct access to a minimum of a major thoroughfare shall complete a preliminary traffic assessment prepared by a traffic engineer to determine if the roadway is designed to accommodate the proposed use.
  - 1) The preliminary assessment shall address potential congestion and road functionality to the nearest primary route. If the preliminary assessment determines that the current roadway design is sufficient for the proposed use, the Jackson County Planning Department staff may approve the permit.
  - 2) If the preliminary assessment cannot confirm the existing roadway design is sufficient for the proposed use, then the applicant may submit a Transportation Impact Analysis (TIA) prepared by a traffic engineer. The TIA should include the following:
    - a) Intersection congestion to the nearest primary route.
    - b) Functionality of roadway to the nearest primary route.
    - c) Mitigation of impacts for proposed use.
- (iii) Applicants that propose to use a TIA must make application for a (Special Use Permit from the Jackson County Board of Adjustment.)
  - 1) The Board of Adjustment must find the following in order to approve the use:
    - a) That the TIA provided shows that there are no adverse impacts associated with the proposed use or that any adverse impacts can be mitigated.
    - b) That the proposed use is consistent with Jackson County's Land Use Plan.
    - c) That the proposed use or development of the land will not materially endanger the public health or safety.
    - d) That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity given the design and any mitigation measures proposed by the applicant.
  - 2) The Board of Adjustment will hold a quasi-judicial hearing for any application for a Special Use Permit. The Director will advertise the hearing in the local newspaper, send letters by first class mail to adjacent property owners, and post the proposed site with a sign pursuant to North Carolina General Statutes.
  - 3) Applications for Special Use Permits will be approved or denied by a majority vote of the Board of Adjustment per Section 3.7.15.

(b) *Exceptions.*

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- (i) This section shall not apply to automotive storage facilities, service stations, repair shops or garages unless the operation thereof would fall within the definition of junkyards or automobile graveyards as defined in Article XI: Definitions.
  - (ii) Junkyards or automobile graveyards registered with the Jackson County Planning Department, may continue to be operated, provided said uses are screened from view by dense natural vegetation or other natural topographic barriers or by an opaque fence or wire fence with vegetation as defined above in Section 6.4.4(b)(ii). Said screens shall prevent persons standing on public roads, in residential areas, or on property owned by schools, churches or rural volunteer fire departments from viewing the junkyard or automobile graveyard. In addition, the land area of the screened junkyard or automobile graveyard shall not be enlarged beyond that in use at the effective date of this ordinance. If a junkyard or automobile graveyard is sold, discontinued, closed or in any way fails to be in operation for a period of six consecutive months, the use shall not be reestablished.