

Development Regulations

These development regulations were originally adopted by the County as stand-alone ordinances. Since their adoption, the County adopted a Unified Development Ordinance (UDO) that combined these ordinances into one ordinance. As a note, the UDO also contains the three zoned districts, and ordinances that established the County's Planning Board and Board of Adjustment.

1. Mountain Ridge Protection- Originally adopted in 1984 (Sec. 5.7)
Applies to all ridges that are located 3500 feet or above sea level and greater than 400 feet above the adjacent valley floor. Requires structures to receive approval if they exceed 40 feet in height. Does not include water, radio, telephone, or television towers, chimneys, flag poles, steeples, spires. Also, does not apply to buildings designated as National Historic sites on the National Archives Registry.
2. Flood Damage Prevention- Originally adopted in 1988 (Sec. 5.6)
Applies to all special flood hazard areas identified in the most recent Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM). Regulates development with Floodways and Flood zones. Most development types (buildings, structures, etc.) cannot be constructed within a Flood Way, without an engineering report that states the development will not cause a rise in the flood water. Typical development in floodways are piers and docks and trails. Flood zones require that the habitable area of a structure be elevated at or above the Base Flood Elevation (determined by the FIS). Jackson County has a local standard requiring structures to be a minimum of two- feet above the Base Flood Elevation.

By adopting Flood Damage Prevention regulations, the County is eligible to participate in the National Flood Insurance Program, that allows property owners to purchase flood insurance.

3. Water Supply Watershed- Originally adopted in 1994 (Sec. 5.4)
In the early 1990s North Carolina designated water supply watersheds throughout the state in order to protect the State's public water supply. Classifications of Watersheds range from WS 1 (most restrictive) to WS IV (least restrictive). In all classifications, residential developments are allowed with density restrictions. This means that there is a maximum number of dwelling units per acre allowed in each designated classification. Non-residential development is regulated through maximum percentage of impervious surface. The most prevalent classification in Jackson County is WS-III as it includes the Tuckasegee River watershed. In this classification the maximum residential density is two dwelling units per acre and non-residential development is limited to 24% impervious area.
4. Water Pollution- Originally adopted in 1999 (Sec. 5.2)
These regulations only apply to portion of Scotts Creek that was used to extend water and sewer to the new Scotts Creek School on Parris Branch. Establishes a 30-foot riparian buffer along Scott's Creek within the identified district. New structures cannot be constructed within this area. Fences, benches, private driveways, signs, statutes are exempt.

5. Signs- Originally adopted in 1999 (Article VII)

This ordinance regulates off premise signs. Off-premise signs will be billboards. These regulations address maximum height of the sign structure, sign size, setbacks, required distance between billboard signs. Also prohibits off premise signs like portable signs, signs along designated scenic byways, signs attached to trees or rocks, and roof-signs. These regulations do not address on-premise signs, which are signs that exist on same property as the use. It should be noted that the three regulated districts include sign regulations specific to those areas.

6. Erosion and Sedimentation Control- Originally adopted in 2000 (Sec.5.3)

These are State regulations that are administered by the County. The purpose of this section is to regulate certain land disturbing activities to control accelerated erosion and sedimentation in order to prevent pollution and degradation of our water resources. The State requires a permit for development projects that include 1 acre or more of disturbed land. The County is allowed and has exercised their ability to require a permit for development projects that exceed ½ acre in disturbance. The regulations address the standards that developers must achieve to address accelerated erosion and sedimentation (maximum cut and fill slopes, maximum water velocity, vegetative cover, etc.).

7. Manufactured Home Parks- Originally adopted in 2000 (Sec.6.3)

These regulations set minimum standards for the development of manufactured home parks based on the number of units in the park. Level I parks have 2-11 units, Level II parks have 12-24 units, and Level III are parks with 25 or more units. All parks have setbacks from property lines, underpinning requirements, road standards, and buffers. Level II and Level III parks require a more robust road network.

8. Wireless Communications- Originally adopted in 2002 (Sec. 6.2)

These regulations set the minimum standards for the development of wireless communications towers. The regulations include maximum tower height, setbacks, buffering, security, additional standards for towers on protected ridges, and road design. The County also requires removal and performance security bond to ensure that the tower is removed after it has been abandoned. The most recent changes to these regulations included changes to the maximum height (from 180 ft. to 199 ft.) and moving from Special Use Permits to an administrative approval process.

9. Industrial Development – Originally adopted in 2002 (Sec. 6.4)

The County's Industrial Development regulations are designed to address the impacts of heavy industry uses (i.e. asphalt plant, heavy industry, commercial junkyards). The most recent amendments included development standards for small scale meat processing facilities, cryptocurrency mining operations, and renewable energy facilities. Development standards include setbacks, buffering, transportation impact analysis, compliance with the County's noise ordinance.

10. Airport Hazard- Originally adopted in 2004 (Sec. 9.2)

The Airport Hazard zone regulates development around the Jackson County airport in regards to structure height. Maximum structure height varies depending of proximity to the airport.

11. Mountain and Hillside Development- Originally adopted in 2007 (Sec. 5.8)

Mountain and Hillside Development regulations address residential development on steep slopes and protected ridges. Residential density is determined by the average slope of a property. If the average slope of a property is 35% or greater there is a minimum lot size/ dwellings per acre requirement on a sliding scale beginning at 2 acres (at 35% average slope) to 10 acres (50% or greater average slope). The regulations also include standards for grading, road design, building height (on protected ridges), fire protection and preservation of existing vegetation. Protected ridges are identified as those ridges 2,500 above sea level or higher and greater than 400 above the adjacent valley floor.

It should be notes that only portions of the regulations apply to lots that were legally created prior to 2007.

12. Subdivision- Originally adopted in 2007 (Article IV)

The Subdivision regulations address residential subdivision development. It includes four levels of subdivision of land or buildings. Minor subdivision are those divisions between 1-8 lots, family subdivisions also between 1-7 lots with the recipients being family members, major subdivision level I between 9-99 lots, and major subdivision level II 100 lots or more. Subdivision regulations include road design standards, open space (major subdivisions only), stormwater, grading, and utility and infrastructure. The subdivision regulations also provide for cluster and conservation subdivisions. These are optional subdivision designs that require additional open space dedication. All subdivision applications, with exception of the major subdivision-level II are reviewed and approved by the Planning Department staff. Major subdivisions- level II are reviewed by Planning Staff and presented to the Planning Board for approval.

13. Outdoor Lighting- Originally adopted in 2008 (Sec. 6.1)

These regulations address lighting of single family residential, multifamily, and non-residential uses. It sets maximum lumens for outdoor lighting, location and direction of lighting to limit the impact on adjacent properties. The Planning Board is currently discussing modernizing our lighting standards with the move towards LED lighting technologies.

14. Adult Establishments- Originally adopted in 2011 (Sec. 6.5)

The Adult Establishment regulations address the location of adult establishments in relationship with other uses (churches, schools, public parks, fire stations, properties used for residential purposes). Cannot be within 2,640 feet of any of those uses. Also established sign regulations, license requirements for both businesses and entertainers, and prohibited acts and conduct.

15. Water Recharge- Originally adopted in 2013 (Sec. 5.5)

The Water Recharge regulations are designed to encourage ground water recharge through the establishment of a maximum impervious area of a lot to 70%. This does exclude agricultural uses, single family homes, WCU, and minor subdivisions.

16. Multi-Family Development- Adopted in 2022 (Sec. 6.6)

These standards apply to multi-family development located outside of the three zoned districts. The standards include minimum setbacks, landscaping, parking and access, stormwater management, and architectural design standards.

17. Campgrounds- Adopted in 2023- (Not yet updated in Muni-Code)

This is the most recent addition to the UDO. These regulations apply to newly developed campgrounds with two or more campsites or Recreation Vehicles. The standards have to tiers of parks. Level I parks are between 2-15 campsites and Level II parks are more than 15 campsites. The regulations include minimum lot size of two acres for a park, buffering requirements, road standards, signage, and camp site identification markers. For Level II campgrounds and bathhouse and laundry facility is required.

Zoned Districts

Jackson County is partially zoned. We have three zoned districts located in Cashiers, Cullowhee, and the Qualla/Whittier communities. These districts are divided into land use categories like residential, commercial, institutional, and industrial. The regulations include land use designation, setbacks, landscaping and buffering, access management, parking, architectural design, special uses, and stormwater management. Cashiers was adopted in 2004, US 441 district was adopted in 2009, and Cullowhee was adopted in 2015.