

JACKSON COUNTY UNIFIED DEVELOPMENT ORDINANCE

EXECUTIVE SUMMARY

January 7, 2019

In 2017, the County embarked on a path to consolidate 17 different development related ordinances into one Unified Development Ordinance (UDO). The new UDO is applicable to unincorporated areas of the County and will increase ease of use by the development community, leadership, decision makers, and staff. Below are a few of the highlights of the UDO which reflect best planning practices and community goals. Adoption is expected in early 2019. Zoning Maps for regulated districts were not updated as part of this process. The new UDO:

1. Provides a comprehensive Table of Contents and the beginning of the Ordinance and each Article
2. Complies with current North Carolina General Statutes (NCGS) and applicable Federal Laws (signage). To that end, provisions were created within regulated districts to address uses not listed as permitted or prohibited. This was included to address potential conflicts if an individual proposes to do something not expressly addressed through the Ordinance through its table of permitted uses. Recent court rulings favor a provision that unlisted uses should be treated the same as the most nearly similar use as opposed to a blanket prohibition of all unlisted uses. The ordinance also added a requirement for comprehensive plan consistency statements into rezoning/text amendment procedures to comply with NCGS 153A-341.
3. Clarifies the staff member with jurisdiction and responsibility for the administration of specific sections of the UDO. Most procedures are addressed by either the Planning Director or the Permitting and Code Enforcement Director, which eliminated administrative positions that did not actually exist (sign enforcement officer, etc.). Procedural text and flow charts accompanying each review and permit procedure will mitigate confusion in the development community.
4. Clearly identifies public meeting notice procedures through “levels” and assigns the notice level in the development procedures table.
5. A change in procedure for the case review for projects in the regulated districts reduced the timeframe for from three (3) public meetings to two (2).



6. The new UDO combines several chapters Water Pollution, Erosion & Sediment Control, Watershed Protection, Water Recharge, Flood Damage Prevention, Mountain Ridge Protection, and Mountain and Hillside Development adopted over the last two decades into an Environmental Regulations article.
7. Graphics and photographs were added to illustrate concepts (street cross-section, conservation subdivision design) to Article 4: Subdivisions.
8. Provides improved graphics, charts, and tables to illustrate the intent of the ordinances. Lighting example right.
9. Implements the term “Special Use” and utilized that term consistently throughout the UDO, replacing the term “conditional use”.
10. Consolidates definitions from 17 different chapters and appendices into one place, Article 11: Definitions. Uses common planning terminology and eliminates repetition and inconsistencies including differences in terminology, definitions (e.g. buffer, setback), procedures, and standards.
11. Revises county-wide sign regulations to ensure compliance with US Supreme Court Decision Reed vs. Town of Gilbert. These changes primarily were related to temporary signs, sign illumination, and the removal of vegetation as it relates to billboards in the public ROW (NCGS 136-133), and were also incorporated into Cashiers, Cullowhee, and 441 Gateway Regulated Districts.
12. Resolved conflicting regulations within existing ordinances (i.e. impervious coverage areas, grading limits).
13. Creation of an updated Protected Ridge Map and Airport Hazard Zoning Map.
14. Standardized Regulated District sections regarding Planning Council operations, non-conforming regulations, and temporary and exempt sign standards.

Figure 4-5: Typical Street Cross Section

