

# JACKSON COUNTY PLANNING OFFICE

401 Grindstaff Cove Road  
Suite A-258  
Sylva, N.C. 28779



*Michael Poston*  
*Planning Director*  
michaelposton@jacksonnc.org  
Phone: (828) 631-2255

## MEMO

To: Jackson County Board of Commissioners  
From: Michael Poston, Planning Director  
Date: October 14, 2016

RE: Cullowhee Community Planning Area Development Standards

The Cullowhee Planning Council and the Planning Staff have worked on proposed amendments to the ordinance modifying the regulations for replacing manufactured homes within non-conforming manufactured home parks and also adds language to allow the Board of Commissioners to appoint ex-officio members to the Planning Council. The Cullowhee Planning Council held a public hearing for the proposed text amendments on September 12, 2016 meeting and recommended them to the Planning Board. The Planning Board held their public hearing on the amendments on October 13, 2016 and recommend adoption to the Board of Commissioners. In accordance with the Cullowhee Commercial Area Land Development Ordinance and state statute, the Board of Commissioners will need to call for a public hearing on the proposed text amendments. I am requesting that the Board of Commissioners call a public hearing to consider the proposed non-conforming manufactured home park/Planning Council membership amendments to the Cullowhee Community Planning Area Development Standards.

The proposed text amendments are attached for your review.

Sec. 11-5. - Replacement of manufactured homes.

Dimensional or use nonconformities associated with manufactured homes shall be addressed in the following manner.

a) ~~Replacement of one single wide manufactured home with another manufactured home in a lawfully established manufactured housing park. Such replacement shall be permitted without regard to dimensional nonconformity provided that the replacement manufactured home meets the definition and standards for a Class B manufactured home as set forth in this ordinance, the replacement manufactured home is no older and no smaller than the existing manufactured home, and that replacement home is located on existing spaces ready for occupancy and/or occupied.~~ In all other situations, replacement shall be prohibited.

**Deleted:** a) .

~~1. Manufactured home parks that have abandoned their use for a period of 365 days or more may only be reestablished in conformance with existing regulations. For the purposes of this subsection, a manufactured home park is deemed to be abandoned when all spaces vacant, or when all manufactured homes located on the sites are vacant and unfit for human habitation (i.e. vegetation growing through the unit, roof is collapsed, home is not set-up or hooked to water and sewer)~~

**Deleted:** the replacement home is placed in the same location as the original home

**Deleted:** and such replacement occurs within 180 days of the removal of the original manufactured home

**Deleted:**

b) Replacement of one single wide manufactured home with another manufactured home in areas other than a lawfully established manufactured housing park. Such replacement shall be permitted provided that new dimensional nonconformities are not created, the replacement manufactured home meets the definition and standards for a Class B manufactured home on an individual lot as set forth in this ordinance, the replacement manufactured home is no older and no smaller than the existing manufactured home, the replacement home is placed in the same location as the original home, and such replacement occurs within 180 days of the last day of occupancy of the original manufactured home. In all other situations, replacement shall be prohibited.

(Ord. No. O2015-01, 5-21-2015)

Sec. 3-3. - Cullowhee Community Planning Council.

- a) Powers and duties. The Cullowhee Community Planning Council shall have the following powers and duties, to be carried out in accordance with the terms of this ordinance:
- (1) To review all new text for and proposed amendments to this ordinance, and proposals to zone or change the zoning of all property regulated under this ordinance and to make recommendations to the Jackson County Planning Board for action thereon;
  - (2) To review and decide on approval of requests for special use permits in accordance with the procedures set forth in this ordinance;
  - (3) To hear and decide applications for approval of variances from the terms of this ordinance, in accordance with the procedures set forth in Section 9-1;
  - (4) To hear and decide appeals from any order, requirement, permit, decision, or determination made by an administrative officer of Jackson County in enforcing any provision of this ordinance, in accordance with the procedures set forth herein; and
  - (5) The Cullowhee Community Planning Council shall appoint a committee, composed of at least four members of the Council, to serve as the Design Review Committee. The members of the Design Review Committee should have some knowledge of design and construction. The Design Review Committee shall have the following powers and duties, to be carried out in accordance with the terms of this ordinance:
    - a. To conduct design review of proposed development and redevelopment in the Cullowhee Planning Area and make recommendations to the Cullowhee Community Planning Council regarding the compliance of the proposed development or redevelopment with the standards set forth in the Cullowhee Community Design Standards; and
    - b. Such additional powers and duties as may be set forth for the Design Review Committee elsewhere in this ordinance.
- b) Membership; terms; vacancies.
- (1) The Cullowhee Community Planning Council shall consist of seven regular members appointed by the Jackson County Board of Commissioners. All members shall be residents of, own property in, and/or own a business in the Cullowhee Planning Area.
  - (2) All members shall serve 3-year terms. All members shall serve a maximum of two consecutive terms. Terms of initial appointments shall be staggered as set forth in the Planning Council's rules of Procedures.
  - (3) Vacancies shall be filled by the Jackson County Board of Commissioners.
  - (4) Until such time as the Jackson County Board of Commissioners appoints the initial members of the council, the Jackson County Board of Commissioners shall act as the Cullowhee Community Planning Council.
  - (5) The Board of Commissioners may select, at their discretion or upon the request of the Cullowhee Community Planning Council, ad hoc or ex officio members for the purposes of contributing expertise to the planning council. Ex officio members may be selected from the community at large or may be selected from organizations or authorities. There should be a focus on representation from Western Carolina University. Ad hoc or ex officio members shall be non-voting.
- c) Meetings. The Cullowhee Community Planning Council shall hold regular monthly meetings on a day and at a time scheduled by the Cullowhee Community Planning Council.

- d) Rules and records. The Cullowhee Community Planning Council shall prepare and adopt rules of procedure under which it will operate. The Cullowhee Community Planning Council shall keep minutes of its meetings.

(Ord. No. O2015-01, 5-21-2015)