

## Section 9.3 Cashiers Commercial Area

### Section 9.3.3 District Regulations

### Section 9.3.2 Procedures

(a) In addition to information contained in Section 9.3, refer to the following sections for procedures relative to the Regulated District.

- (i) Design review - see Article III, 3.7.4.
- (ii) Sign permits - see Article III, Section 3.4.
- (iii) Special use permit - see Article III, Section 3.7.15.
- (iv) Temporary use permit and procedures, see Article III, Section 3.7.18.
- (v) Text amendment - see Article III, Section 3.7.19.
- (vi) Map amendment- see Article III, Section 3.7.12.
- (vii) Zoning permits - see Article III, Section 3.7.21.
- (viii) Variance- see Article III, Section 3.7.20.
- (ix) Administrative Appeal procedure - see Article III, Section 3.7.2 (c).

(b) In addition to the requirements of Article III, Section 3.7.15 Special Use Permits, the following information shall be included in the application;

- (i) Community meeting- Prior to the submission of a completed final application the applicant must hold at least one community meeting. This meeting shall be completed prior to the submission of the application.
  - a. Community meeting procedures- The applicant shall be responsible for provide mailed notice to all property owners within 1500 ft. of the project boundary two weeks prior to the scheduled community meeting. The notice shall include the time, date, place, and brief description of the project. The applicant should also place a notification in the local newspaper two weeks prior to the scheduled community meeting. The notice shall include the time, date, place, and a brief description of the property.
  - b. The applicant shall provide a written report about the meeting that should include a list of those who were contacted about the meeting, the manner and date, time and location of the meeting, a roster of those in attendance, a summary of the issues discussed, and a description of any changes made to the application based on the community feedback.
- (ii) Formal Submittal Requirements-
  - a. Completed Application
  - b. Community Meeting report
  - c. 11x17 schematic conceptual site plan drawn to scale along with a full size plan with the following information:
    - 1. Project narrative.
    - 2. Property to be developed, including surveyed property lines, topography (Maximum 10ft contour intervals), streams and other waterbodies with buffers, floodplain as shown on the official Flood Hazard Boundary maps for Jackson

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- County, delineation of watershed boundaries, slopes in excess of 35%, and impervious calculations.
3. Existing roads and utilities on and adjacent to the property, with rights of way and easements. Typical road cross sections.
  4. Limits of disturbed area (grading area).
  5. Proposed buildings with square footage, maximum height, and uses.
  6. Proposed typical building elevations.
  7. Traffic, parking, and circulation plans, showing the proposed locations and arrangements of parking spaces and access points to adjacent streets including typical parking space dimensions and locations along with typical street cross sections. This shall include all existing and proposed points of access to existing streets.
  8. Identification and calculation of open space.
  9. Location of pedestrian facilities.
  10. ~~Schematic Conceptual~~ landscaping plan with proposed plant list, all proposed setbacks, buffers and screening required by Article IX of the Ordinance or proposed by the applicant.
  11. Phasing Plan- timeline and identification of phases
  12. Location, type, and size of proposed signs.
  13. Traffic Impact Analysis, if required by NCDOT or Article IX of the Ordinance.
  14. ~~Schematic Conceptual~~ utility plan, including but not limited to water, sewer, and septic systems.
  15. ~~Schematic Conceptual~~ stormwater plan
  16. Location and description of outdoor lighting.

**(d) Village Center District (VC)**

- (i) Purpose. The Village Center District is established to provide an area for development that will enhance the traditional commercial core of the village. Ease of access between businesses and the sharing of parking are encouraged through the standards established for the Village Center District. Development in this district should be sensitive to and accommodate pedestrians and also provide for adequate and safe vehicular access. Maintaining the traditional scale of development in the village center is an important goal of this district.
- (ii) Permitted and prohibited uses. For a list of permitted and prohibited uses, see Table 9.1.
- (iii) Unlisted uses. In the case of uses not listed in Table 9.1, the Planning Director will make a determination of the group appropriate for such uses. In reaching the determination, the Planning Director must determine the most similar use that has comparable impacts.
- (iv) Uses by right, subject to special requirements. The uses listed below are permitted provided the specific requirements identified for each use are met.
  - 1) Antenna.
    - a) Must comply with all FCC and FAA rules and regulations.
    - b) Shall not interfere with usual and customary radio and television reception.
    - c) Structures on which amateur radio facilities are mounted shall not exceed 100 feet in height.

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- d) Antennas for receiving microwave or satellite signals shall not exceed four feet in height or diameter and shall be mounted on support structures less than 12 feet in height.
- 2) Car washes.
  - a) Only one entrance/exit permitted.
  - b) Entrance(s) and exit(s) to wash bays shall be perpendicular to the street/road.
  - c) Vehicular use area shall be screened from roads by an "A" buffer as described in Section 9.3.7.
- 3) Distributive businesses.
  - a) Building and site design shall comply with the Cashiers Commercial Area Design Guidelines
  - b) No outdoor storage of materials, goods, etc. permitted.  
All loading and service facilities shall be located at the rear of the building and screened from adjacent properties, roads, and public rights-of-way with a "B" buffer as described in Section 9.3.7.
- 4) Drive-through facilities.
  - a) Shall be located at the side or rear of the principal structure.
  - b) Maximum of two lanes providing drive through services permitted.
- 5) Motor vehicle repair.
  - a) No storage of abandoned or inoperable motor vehicles shall be permitted.
  - b) All repair and service shall be conducted within an enclosed building.
  - c) The use shall be screened from adjacent properties with an "A" buffer as described in Section 9.3.7.
- 6) Manufacturing, assembly, or finishing operations.
  - a) Building and site design shall comply with the Cashiers Commercial Area Design Guidelines.
  - b) No outdoor storage of products, materials, etc. shall be permitted.
  - c) All manufacturing, processing, assembly, and other operations shall take place within an enclosed building.
    - i) All loading/unloading areas shall be screened from adjacent properties, roads, and public rights-of-way with a "B" buffer as described in Section 9.3.7.
- 7) Outdoor storage.
  - a) Storage of items shall be ancillary to the principal use.
  - b) Only items sold or serviced by the business may be stored on the site.
  - c) Areas containing items stored for more than four consecutive days must be screened from adjacent properties, public rights-of-way, and roadways with an "A" buffer as described in Section 9.3.7.
- 8) Outdoor display. Outdoor display is made a use subject to additional requirements, with the following requirements established for this use:
  - a) Location of the outdoor display. The outdoor display area should be located on the same property as the business selling the goods/items being displayed. Additional standards addressing location of outdoor display are:
    - i) No outdoor display of goods shall be located in any required setback
    - ii) No outdoor display of goods shall be located in required parking spaces or access ways.
    - iii) Outdoor display of goods may be located in front of the building provided that pedestrian entrances and exits are maintained free and clear of any obstructions.

- iv) Outdoor display of goods shall be located within 10 feet of the structure in the village center district and within 20 feet of the structure in the general commercial district, unless screened from adjacent properties and public streets/roads.
- v) The outdoor display of goods shall not obstruct pedestrian ways, sidewalks, access points, traffic circulation, etc. or interfere with access, circulation, or landscaping.
- vi) The area occupied by the outdoor display of goods shall not exceed an area equal to 20 percent of the gross floor area of the principal structure, or portion thereof, occupied by the business displaying the goods.
- vii) The maximum height of displayed items shall be six feet, unless otherwise approved by the Director. The maximum height includes both individual items and stacked items.
- viii) Clothing shall be displayed only under the canopy of the principal building (on the porch, in an arcade, etc.).

- 9) Food trucks or carts. Food trucks/carts may only be allowed within the Village Center zoning district during permitted temporary events (temporary events require temporary use permit compliant with Section 3.7.18.)

(v) Special Uses. Any building of 4,000~~8,500~~ square feet or more; two~~three~~ or more buildings or units whether attached or detached having a total of 4,000~~8,500~~ square feet or more located on the same parcel or contiguous parcels owned by the same owner. Single-family detached dwellings are exempt from the special use requirements.

~~(v) Special uses. Buildings with a footprint of more than 1,500 square feet; two or more residential units, commercial units or buildings, whether attached or detached, which have a total footprint of more than 1,500 square feet, are located on a single parcel of property or on contiguous parcels owned by the same owner and are developed over a period of two years.~~

(vi) Development Standards.

- 1) Structure size standards. New structures in the Village Center District shall not exceed a ~~footprint of 4,000~~8,500~~~~ square feet unless approved as a special use in accordance with the provisions set forth in Section 3.7.15 and Section 9.3.3. Single-family detached dwellings are exempt from the special use requirements.
- 2) Lot size standards. There is no minimum lot size in the Village Center District.
- 3) Lot width standards. There is no minimum lot width in the Village Center District.
- 4) Setback standards. The following setbacks shall be required for structures in the Village Center District.
  - a) Front: ten feet minimum, 20 feet maximum
  - b) Side: None required
  - c) Rear: None required
  - d) Corner lot, street side: ten feet minimum, 20 feet maximum
  - e) The landscape and buffering standards in Section 9.3.7 may require additional setbacks; if so, the most restrictive requirement shall apply.
- 5) Impervious surface standard. The maximum impervious surface coverage in the Village Center District shall be 70 percent.
- 6) Height standard. The maximum height in the Village Center District shall be 45 feet.
- 7) Landscaping/buffering standard. Landscaping and/or buffering shall be provided as required by Section 9.3.7.
- 8) Parking and loading standards. Parking and loading facilities shall be provided as required by Section 9.3.6. No parking shall be permitted in any required setback or in any required buffer area. Shared parking areas are encouraged in the Village Center District.

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- 9) Access standards. Points of access shall be limited to not more than two per development along any street or road. Points of access for a development shall be at least 50 feet apart and points of access for different developments shall be at least 25 feet apart. Shared access points for adjacent developments are encouraged and should be used wherever possible.
- 10) Lighting standards. Lighting shall comply with the standards set forth in Section 9.3.8.
- 11) *Requirement to Construct Sidewalk.* Sidewalks shall be constructed the full length of a parcel, developed for or changed to commercial use, along public thoroughfares. Where more than one public thoroughfare is involved, the Zoning Administrator shall determine which thoroughfare a sidewalk shall be constructed. Sidewalks shall meet minimum design standards set forth in NC DOT Traditional Neighborhood Development standards.

12) Maximum Floor Area Ratio- The maximum Floor Area Ratio (FAR) is 1.5.

(e) **General Commercial District (GC)**

- (i) Purpose. The General Commercial (GC) District is established to provide for the orderly development of properties accessed by the roads serving Cashiers. Development in this district caters to the motoring public while acknowledging the need to preserve the small-town character of Cashiers. The wide range of development permitted in this district is designed to meet the needs of residents of and visitors to Cashiers.
- (ii) Permitted and prohibited uses. For a list of permitted and prohibited uses see Table 9.1. List of Permitted Uses.
- (iii) Unlisted uses. In the case of uses not listed in Table 9.1, the Planning Director will make a determination of the group appropriate for such uses. In reaching the determination, the Planning Director must determine the most similar use that has comparable impacts.
- (iv) Uses by right, subject to special requirements. The uses listed below are permitted provided the specific requirements identified for each use are met.
  - 1) Antenna.
    - 1) Must comply with all FCC and FAA rules and regulations.
    - 2) Shall not interfere with usual and customary radio and television reception.
    - 3) Structures on which amateur radio facilities are mounted shall not exceed 100 feet in height.
    - 4) Antennas for receiving microwave or satellite signals shall not exceed four feet in height or diameter and shall be mounted on support structures less than 12 feet in height.
  - 2) Drive through facilities.
    - 1) Shall be located at the side or rear of the principal structure.
    - 2) Maximum of two lanes providing drive through services permitted.
  - 3) Outdoor display. Outdoor display is made a use subject to additional requirements, with the following requirements established for this use:
    - 1) Location of the outdoor display. The outdoor display area should be located on the same property as the business selling the goods/items being displayed. Additional standards addressing location of outdoor display are:
      - i) No outdoor display of goods shall be in any required setback.
      - ii) No outdoor display of goods shall be in required parking spaces or access ways.
      - iii) Outdoor display of goods may be in front of the building provided that pedestrian entrances and exits are maintained free and clear of any obstructions.
      - iv) Outdoor display of goods shall be located within ten feet of the structure in the Village Center District and within 20 feet of the structure in the General Commercial district, unless screened from adjacent properties and public streets/roads.

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- 2) The outdoor display of goods shall not obstruct pedestrian ways, sidewalks, access points, traffic circulation, etc. or interfere with access, circulation, or landscaping.
- 3) The area occupied by the outdoor display of goods shall not exceed an area equal to 20 percent of the gross floor area of the principal structure, or portion thereof, occupied by the business displaying the goods.
- 4) The maximum height of displayed items shall be six feet, unless otherwise approved by the Planning Director. The maximum height includes both individual items and stacked items.
- 5) Clothing shall be displayed only under the canopy of the principal structure (on the porch, in an arcade, etc.).
- 4) Outdoor storage.
  - 1) Storage of items shall be ancillary to the principal use.
  - 2) Only items sold or serviced by the business may be stored on the site.
  - 3) Areas containing items stored for more than four consecutive days must be screened from adjacent properties, public rights-of-way, and roadways with an "A" buffer as described in Section 9.3.7.
- 5) Self-service storage facilities.
  - 1) Shall be screened from adjacent properties, public rights-of-way, and roadways with a "B" buffer as described in Section 9.3.7.
  - 2) Unenclosed storage of vehicles, campers, etc. shall be located at the rear of the property.
  - 3) All vehicles stored on the property shall be licensed and operable.
- 6) Telecommunication tower
  - 1) Towers shall not exceed 100 feet in height.
  - 2) Tower shall be a monopole.
  - 3) Tower and equipment shall be screened from adjacent properties, roads, and rights-of-way with a "B" buffer as described in Section 9.3.7.
  - 4) Tower shall be setback a minimum of 50 feet from any residential property.
  - 5) Towers shall comply with the standards in Article VI: Development Standards.
- 7) Food trucks or carts.
  - 1) Food trucks/carts shall only be permitted to operate from dawn to dusk. Food trucks/carts shall not operate after dark and shall not be on the permitted property when not in operation.
  - 2) Food trucks/carts shall not have permanent accessory structures associated with their food vending business (bathrooms, picnic tables, storage, etc).
  - 3) Food trucks/carts shall not have signage displayed that is not permanently attached to the vehicle (truck/cart). Temporary signage attached to the food truck/cart will not be permitted.
  - 4) Food trucks/carts may have accessory lighting that is specific to the safe travel of their patrons (vehicles pathways). All accessory lighting will be operated by the food truck/cart and not a permanent service.
  - 5) Food trucks/carts must have a minimum property area (lot size) of 0.40 acres to operate their business and a minimum of four parking stalls (for the first food truck/cart).
  - 6) Each additional food truck/cart on the same property will be required to have an additional area of 0.25 acres and two additional parking stalls. There shall not be more than four food trucks/carts permitted on one lot at any time.
  - 7) Food trucks/carts must be entirely self-contained. Temporary or permanent electrical services will not be permitted unless required by the North Carolina State Building Code.

8)(v) Special uses.

- 1) Special Uses. Any building of 6,000-8,500 square feet or more; two three or more buildings or units whether attached or detached having a total of 6,000-8,500 square feet or more located on the same parcel or contiguous parcels owned by the same owner. Single-family detached dwellings are exempt from the special use permit requirement.
- 1) Buildings with a footprint of more than 1,500 square feet; or two or more commercial units or buildings, whether attached or detached, which have a total footprint of more than 1,500 square feet, are located on a single parcel of property or on contiguous parcels owned by the same owner and are developed over a period of two years.
- 2) Animal boarding kennels meeting the following conditions:
  - i) The lot on which the boarding kennel is located shall be a minimum of one acre.
  - ii) Any building or pen housing animals shall be located a minimum of 150 feet from any residentially developed or zoned property.
  - iii) All activities, with the exception of animal exercise areas, shall be conducted within an enclosed sound proof building.
  - iv) Areas used for exercising of animals shall be securely fenced to prevent the animals from straying.
  - v) All animal food and refuse shall be kept in airtight containers. Refuse shall be disposed of on a regular basis.
  - vi) Animal waste shall not be stored within 150 feet of any property line or water course unless the storage is located indoors.
  - vii) The total number of kennels shall not exceed 30.
  - viii) The kennels shall not permit sound to constitute a nuisance to neighboring properties.
  - ix) No odors greater than ambient odors shall be detectable at the lot boundaries of the lot containing the kennels.
  - x) Animals shall be kept indoors between the hours of 9:00 p.m. and 7:00 a.m.
  - xi) An attendant must be with the animal(s) at all times when the animal(s) are outside.
  - xii) Animals boarded shall be limited to dogs and cats.

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9) (vi) Development standards.

- 3) Structure size standards. New structures in the General Commercial District shall not exceed a footprint of 6,000-81,500 square feet unless approved as a special use in accordance with the provisions set forth in Section 3.7.15 and Section 9.3.3. Single-family detached dwellings are exempt from the special use permit requirement.
- 4) Lot size standards. There is no minimum lot size in the General Commercial District.
- 3) Lot width standards. The minimum lot width in the General Commercial District shall be 50 feet.
- 4) Setback standards. The following setbacks shall be required for structures in the General Commercial District.
  - i) Front: 15 feet minimum, 25 feet maximum
  - ii) Side: None required
  - iii) Rear: None required
  - iv) Corner lot, street side: 15 feet minimum, 25 feet maximum
  - v) The landscape and buffering standards (Section 9.3.7) may require additional setbacks; if so, more restrictive requirements shall apply.
- 5) Impervious surface standard. The maximum impervious surface coverage in the General Commercial District shall be 70 percent.

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- ~~6)e)~~ Height standard. The maximum height in the General Commercial District shall be 45 feet.
- ~~7)f)~~ Landscaping/buffering standard. Landscaping and/or buffering shall be provided as required by section 9.3.7.
- ~~8)g)~~ Parking and loading standards. Parking and loading facilities shall be provided as required by section 9.3.6. No parking shall be permitted in any required buffer area. Shared parking areas are encouraged in the General Commercial District.
- ~~9)h)~~ Access standards. Points of access shall be limited to not more than two per development along any street or road. Points of access for a development shall be at least 100 feet apart and points of access for different developments shall be at least 25 feet apart. Shared access points for adjacent developments are encouraged and should be used wherever possible.
- ~~10)i)~~ Lighting standards. Lighting shall comply with the standards set forth in Section 9.3.8.
- ~~j)~~ *Requirement to Construct Sidewalk.* Sidewalks shall be constructed the full length of a parcel, developed for or changed to commercial use, along public thoroughfares. Where more than one public thoroughfare is involved, the Zoning Administrator shall determine which thoroughfare a sidewalk shall be constructed. Sidewalks shall meet minimum design standards set forth in NC DOT Traditional Neighborhood Development standards.
- ~~11)k)~~ Maximum Floor Area Ratio- The maximum Floor Area Ratio (FAR) is 1.5.

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Figure 9.1

Districts	Front Setback	Maximum Structure Height	Structure Size
Village Center District (VC)	10' MIN/20' MAX	45'	Structures <del>exceeding of</del> <del>±4,000±500</del> sq ft. <del>or</del> <del>more</del> require a special use permit.
General Commercial District (GC)	15' MIN/25' MAX	45'	Structures <del>of exceeding</del> <del>±6,000</del> <del>±500</del> sq ft. <del>or more</del> require a special use permit

Table 9.1: List of Permitted Uses

Zoning District Land Use
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<b>P = Permitted Use</b> <b>SR = Use Permitted, Subject to Special Requirements</b> <b>S = Special Use; see Section &lt;&gt; for detailed requirements</b> <b>N = Not Permitted</b>	<b>Village Center</b>	<b>General Commercial</b>
<b>Residential</b>		
Accessory apartments	P	P
Dwellings, multi-family <u>(under 4,000 sq. ft. in gross floor area in VC and under 6,000 sq. ft. in gross floor area in GC) (under 8,500 sq. ft. in gross floor area) (fewer than 2 units on a single parcel or on contiguous parcels owned by the same owner, and are developed over a period of two (2) years)</u>	P	P
Dwellings, single family detached	P	P
Dwellings, single family attached	P	P
<b>Recreational</b>		
<u>Amusement Parks</u>	<u>N</u>	<u>N</u>
Arboretums	P	P
Camps, campgrounds	P	P
Golf courses	P	P
Greenways and pedestrian paths	P	P
Passive parks	P	P
Recreational uses, commercial indoor	P	P
Recreational uses, commercial outdoor	P	P
Recreational uses, governmental	P	P
Recreational uses, restricted to membership, non-profit	P	P
<b>Institutional</b>		
Adult day care centers	P	P
Child day care centers	P	P
Churches	P	P
Civic, social service, and fraternal facilities	P	P
Colleges	P	P

Libraries	P	P
Medical centers	P	P
Schools	P	P
<b>Public/semi-public</b>	<b>P</b>	<b>P</b>
Amphitheaters	P	P
Community centers	P	P
Conference centers	P	P
Fire/police stations	P	P
Museums	P	P
Post offices	P	P
Public utilities and related facilities	P	P
<b>Office/Business</b>		
Animal boarding kennel	N	P
Automobile service stations (storage of abandoned and inoperable vehicles prohibited)	P	P
Bakeries	P	P
Barber shops and salons	P	P
Bed and Breakfast Inns	P	P
Bicycle shops	P	P
Bookstores	P	P
Candy, pastry, ice cream, and snack shops	P	P
Car washes	SR	P
Clinics - medical, dental, psychiatric, optical	P	P
Clinics - veterinary	P	P
Convenience stores	P	P
Copying centers	P	P
<a href="#">Crematories</a>	<a href="#">N</a>	<a href="#">N</a>

Delicatessens	P	P
Distributive businesses	SR	P
Financial institutions	P	P
<a href="#">Flea Markets</a>	<u>N</u>	<u>N</u>
Florists	P	P
Fruit and vegetable markets	P	P
Gift shops	P	P
Hardware/garden supply stores	P	P
Health and fitness facilities	P	P
Home occupations	P	P
Instructional services	P	P
<a href="#">Internet Sweepstakes Gaming</a>	<u>N</u>	<u>N</u>
Laundry and dry-cleaning establishments	P	P
Lodging facilities	P	P
<a href="#">Mining</a>	<u>N</u>	<u>N</u>
Motor vehicle repair	SR	P
Offices	P	P
Pharmacies	P	P
Plant nurseries, sales and greenhouses	P	P
Printing and publishing	P	P
Restaurants	P	P
Retail gasoline sales	P	P
Retail sales	P	P
Self-storage facilities	SR	SR
Studios, galleries, and workshops for artists, craftspeople, designers, and photographers	P	P
Theaters	P	P
Video rental stores	P	P

Other		
Accessory structures	P	P
Antenna	SR	SR
<p><u>Building in VC of 4,000 <del>8,500</del> square feet or more; <del>two</del>three or more buildings or units whether attached or detached having a total of 4,000 <del>8,500</del> square feet or more located on the same parcel or contiguous parcels owned by the same owner. Single-family detached dwellings are exempt from the special use requirements.</u></p> <p><u>Building in GC of 6,000 square feet or more; two or more buildings or units whether attached or detached having a total of 6,000 square feet or more located on the same parcel or contiguous parcels owned by the same owner. Single-family detached dwellings are exempt from the special use requirements.</u></p> <p><del>Buildings with a footprint of more than 1,500 square feet; or two or more commercial units or buildings, whether attached or detached, which have a total footprint of more than 1,500 square feet, are located on a single parcel of property or on contiguous parcels owned by the same owner and are developed over a period of two years</del></p>	S	S
<u>Cemeteries</u>	<u>N</u>	<u>N</u>
Drive through facilities	SR	SR
Manufacturing, assembly, or finishing operations	SR	P
Outdoor storage	SR	SR
Parking lots	P	P
Telecommunication towers	N	SR
Food trucks/carts	SR	SR
<u>Junk Yard/Salvage Yard</u>	<u>N</u>	<u>N</u>

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#### Section 9.3.4 Development Standards

##### (a) Required Setbacks; Encroachments Permitted into Required Setbacks

- (i) General. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in Section 9.3.3 for the use district in which it is located, except as otherwise established in this section for particular uses or for encroachments as set forth in Section 9.3.4 (vi)(6) below.
- (ii) Method for calculating setbacks.
  - 1) Minimum setback. Minimum setback is the distance determined by measuring perpendicularly from and along the entire boundary of the property (property line) to the

building line. Front setbacks shall be measured from the edge of pavement of the street fronting the property, provided that no structure or building is placed within the street or road right-of-way. In no case shall the minimum setback be closer to the street than the right-of-way line. A setback may be the front, rear, or side setback. Except for through lots as noted in Section 9.3.4 (iv) below, there shall be one front setback area for each property.

- 2) Overlap of setbacks. When more than one setback depth applies, the greatest setback dimension must be met.
- (iii) Corner lots - setbacks. Unless otherwise specified in the zoning district regulations, the second street side of a corner lot shall have a setback requirement of 50 percent of the front setback requirements in that district.
- (iv) Through lots - setbacks. Unless otherwise specified in the zoning district regulations, both street sides of through lots shall be considered a front yard and shall conform to the front setback regulations or the established building lines in the area per Section 9.3.4 (vi)(5) below.
- (v) Adjusting building lines. Where there are lots that comprise 50% or more of the entire length of street frontage on the same side of the street, located on the same block, and that are developed such that buildings on those lots have front setbacks that do not vary more than ten feet, no building hereafter erected or structurally altered shall be required to have a front setback greater than the average front setback depth of those lots. Provided further, no front setback need exceed the average setback of the adjoining buildings on either side, if the adjoining buildings are less than 250 feet apart.
- (vi) Allowable encroachments into required setbacks. The following buildings and structures may encroach into required setbacks as set forth below unless specifically prohibited elsewhere in this section.
  - 1) Sills, cornices, and similar ornamental features projecting from a building may encroach up to 18 inches into any required setback.
  - 2) Bay windows, balconies, and similar features projecting from a principal building may encroach up to three feet into any required setback.
  - 3) Decks, steps, covered and uncovered porches, patios, and terraces may encroach into a required rear setback, but no closer than six feet to the rear property line.
  - 4) Decks, steps, covered and uncovered porches, patios, and terraces may encroach up to ten feet into a required front setback.
  - 5) Accessory buildings and structures may encroach into any required rear setback, but no closer than five feet to the rear property line.
  - 6) Fences and walls may be located within the required minimum front or rear setback, provided the fence or wall does not exceed six feet in height.
- 7) Ramps for handicap accessibility and fire escapes required by the North Carolina State Building Code may encroach into any required setback.

(vii) Traffic Impact Analysis-(TIA)-

(i) Purpose. The purpose of this section is to ensure that applicants for major new construction and/or changes of use consider and mitigate the traffic of the development on the existing and/or proposed roadway system. While the State of North Carolina has built and maintains a public transportation system that meets typical needs, project applicants may need to assist in improving transportation facilities in order to maintain the existing level of service by accommodating additional traffic generated by the development. These transportation facilities involve pedestrian, non-motorized vehicular traffic and motorized vehicular traffic. The Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. The TIA helps identify where the development may have a

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significant impact on safety, traffic, and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow. Single family developments typically will not require a TIA.

- (ii) When required. All proposals for new construction, additions and/or expansions to existing structures, and/or changes of use that will result in total peak hour trips equal to or greater than 100 peak hour trips using trip generation rates from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers or an estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five-day national average as defined in the ITE Trip Generation Manual shall include an analysis of the traffic to be generated.
- (iii) Thresholds for mitigation. Jackson County requires consideration of roadway and/or operational improvements when the proposed development increases the intersection Volume-to-Capacity Ratio (V/C) beyond the thresholds indicated in the Table 9.11. The County evaluates the impacts of proposed development at intersections (primarily under existing year conditions) based on the increase in V/C ratio as a result of the projected site traffic. This increase is determined by comparing the V/C ratio under existing development conditions and proposed development conditions.

**Table 9.11: Allowable Volume/Capacity Increases**

<u>Existing V/C</u>	<u>Allowable Increase in V/C by Development</u>
<u>0.00—0.60</u>	<u>0.10</u>
<u>0.61—0.70</u>	<u>0.07</u>
<u>0.71—0.80</u>	<u>0.05</u>
<u>0.81—0.90</u>	<u>0.03</u>
<u>0.91—1.00+</u>	<u>0.02</u>

(iv) Improvements may be required. Based on the findings of the analysis, if a proposed development does not meet the applicable service level standards, the applicant shall be required to upgrade the facilities as necessary to provide an acceptable level of service. Mitigation measures may involve strategies other than roadway construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies.

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(v) Preparation. The applicant shall provide the full rationale, from a North Carolina Licensed Engineer, to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal.

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(vi) TIA Types. A TIA will vary in range and complexity depending on the type and size of the proposed development. The TIA requirements as described may be modified by the Planning Director as appropriate. There are two different types of reports as follows:

- 1) Rezoning Transportation Impact Analysis Report: Evaluates whether adequate transportation capacity exists or will be available within a reasonable time period to

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safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.

2) Transportation Impact Analysis Report: Required for certain permitted and special uses, subdivisions, and planned developments exceeding the specific trip generation threshold.

(vii) TIA Contents. A traffic impact analysis report shall address the impact of projected horizon year (two years after build-out by phase or entire development as appropriate) traffic volumes. It shall identify the methodology used to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation. The rezoning traffic analysis or the traffic impact report shall contain the following:

1) Site description. A detailed report, containing illustrations and narrative, shall describe the site's characteristics and adjacent land uses, as well as any anticipated development within the site's vicinity influencing future traffic conditions.

a) A rezoning traffic analysis shall provide a description of the development's potential uses.

b) A traffic impact report shall include access plans, staging plans, and land use/intensity information.

2) Study area. The report shall indicate the geographic location of the study area, roadway segments, critical intersections, and access points to be analyzed. The study area shall extend not less than one-half mile from the site.

3) Existing traffic conditions. An analysis of the existing traffic conditions, including all data used for the analysis shall be provided in the report, including:

a) Traffic count and turning movement information, including the date and source from which this information was obtained.

b) Correction factors used to convert collected traffic data into representative average daily traffic volumes.

c) Roadway characteristics, including:

i) Design configuration of existing or proposed roadways.

ii) Existing traffic control measures.

iii) Existing driveways and turning movement conflicts in the vicinity of the site.

iv) Existing level of service (LOS) for roadways and intersections without project development traffic. LOS shall be calculated for the weekday peak hour, and in the case of uses generating high levels of weekend traffic, the Saturday peak hour.

(viii) Horizon year(s) and background traffic. The report shall identify the horizon year(s) that were analyzed in the study, the background traffic growth factors for each horizon year, and the method and assumptions used to develop the background traffic growth. Unless otherwise approved, development impacts shall be examined for the first and tenth years after the development is completed.

(ix) Trip generation, trip reduction, and trip distribution. A summary of projected a.m. and p.m. peak hour and average daily trip generation for the proposed development shall be provided in addition to projected trip distribution to and from the site. The factors used to determine trip generation, reduction, and distribution are also to be included in the summary.

(x) Traffic assignment. The report shall identify the projected roadway segment, intersection or driveway traffic volumes, with and without the proposed development, for the horizon year(s) of the study.

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(xi) Impact analysis. The report shall address the impact of projected horizon year(s) traffic volumes. It shall identify the methodology used to evaluate the impact. The weekday peak hour impact shall be evaluated as well as the Saturday peak hour for those uses exhibiting high levels of weekend traffic generation.

(xii) Mitigation/alternatives. The report shall identify alternatives for achieving traffic service standards, including:

- 1) Additional rights-of-way necessary to implement mitigation strategies.
- 2) Suggested phasing improvements necessary to maintain compliance with traffic service standards.
- 3) Other alternatives, including transportation management strategies.
- 4) Anticipated costs of recommended improvements.

(xiii) Procedures.

- 1) The applicant shall work with the Planning Director to determine if a traffic study is necessary and its associated parameters.
- 2) The report shall be submitted to the Planning Director for distribution to staff and related roadway jurisdictions. The Planning Director shall notify the applicant if additional studies or analysis are necessary.
- 3) Once a report is determined to be complete, a finding shall be made by the Planning Director on the traffic impact study. Proceedings on any application that were stayed pending completion of traffic analysis may resume.
- 4) Report findings. If a proposed development does not meet the applicable service level standards, one or more of the following actions may be necessary:
  - a) Reduce the size, scale, scope, or density of the development to decrease traffic generation.
  - b) Divide the project into phases, allowing for only one phase at a time until traffic capacity is adequate for the next phase of development.
  - c) Dedicate right-of-way for street improvements.
  - d) Construct new streets.
  - e) Expand the capacity of existing streets.
  - f) Redesign ingress and egress to the project to reduce traffic conflicts.
  - g) Alter the use and type of development to reduce peak hour traffic.
  - h) Reduce existing traffic.
  - i) Eliminate the potential for additional traffic generation from undeveloped properties in the vicinity of the proposed development.
  - j) Integrate non-vehicular design components (i.e. pedestrian and bicycle and transit improvements) to reduce trip generation.
- 7)k) Recommend denial of the application for which the TIA is submitted.

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## Section 9.3.5 Site and Building Design Standards

### (a) Building Architecture.

(i) Building design and architecture are critical components for quality development. Building and architecture design standards are intended to promote compatibility within a development and throughout the Cashiers Commercial Area, allow creativity and diversity of design, protect property values and neighborhood quality, and provide a safe and attractive environment for residents and visitors alike to uses in the community.

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(b) Building Materials and Color.

(i) Materials.

- 1) All buildings shall be constructed of stone, exposed timber, fiber cement siding, wood siding, shingle siding, or other high-quality material, as approved by the Design Review Committee. No building shall be covered with sheet or corrugated metal or with vinyl siding.
- 2) Exterior building materials shall be continued to finished grade of any elevation in accordance with minimum manufacture specifications.
- 3) Cornices shall be constructed of brick, stone, wood, pre-cast concrete, or other high quality, long-lasting material.
- 4) Architectural accent materials located above the roof line shall be constructed of brick, stone, wood, pre-cast concrete, architectural quality steel, fiber cement siding or other high quality, long-lasting material.

(ii) Colors.

- 1) Color schemes used for buildings shall aesthetically integrate building elements together, relate separate (free-standing) buildings on the same lot or parcel to each other, and be used to enhance the architectural form of the building.
- 2) Exterior colors for new buildings and structures, including roofs, should be the predominant colors of the historic Cashiers Summer resort traditions, historic whites, grays, browns or colors from a rustic color palette are recommended, along with white or black pronounced trim colors. Fluorescent colors shall be avoided.
- 3) All building projections, including, but not limited to, chimneys, flues, vents, and gutters, shall match or complement in color the permanent color of the surface from which they project.

(c) Building Massing and Configuration.

- (i) Building scale. Buildings shall be small in scale and shall not exceed 45 feet in height. Buildings located on steep areas shall conform to hillside topography by stepping or staggering the mass of the proposed structure up or down the slope.
- (ii) Visibility. Buildings with visibility from the public right-of-way or public street or pedestrian walkway in the Cashiers Commercial District shall be designed with the following specific limitations:
  - a) Building masses shall maintain a balance of scale and proportion using design components which are harmonious with natural landforms and landscaping.
  - b) Proposed structures shall not be sited atop peaks or silhouetted against the sky when viewed from any designated public right-of-way.
  - c) Retaining walls visible from the valley floor shall not exceed ten feet in height as measured from grade at face to top of wall. Multiple "stepped" retaining walls whose total height exceeds ten feet

must each be offset by at least six horizontal feet. Visible walls shall be colored and textured to complement the background land and vegetation.

(d) Building Façade Character. Elements of articulation shall be employed on any building visible from the public right-of-way or public street or pedestrian walkway to reduce the apparent bulk and uniform appearance of large buildings, provide visual interest and variety, and reinforce local architecture.

(i) Building scale. At least four of the following elements must comprise 50 percent of front façade length and at least two of the following elements must comprise 30 percent of any façade length fronting a major public street and/or parking lot:

- (a) Trellises with vegetation.
- (b) Balconies.
- (c) Cornices.
- (d) Covered porches.
- (e) Roofline offsets.
- (f) Doors.
- (g) Window hoods.
- (h) Transoms.
- (i) Bulkheads.
- (j) Awnings or canopies.
- (k) Arcades.
- (l) Arches.
- (m) Outdoor patios.
- (n) Planters or wing walls that incorporate landscape areas or places for sitting
- (o) Ribs or columns.
- (p) Changes in texture or masonry.
- (q) Mansard Roofs or Parapet walls designed to meet the minimum requirements set forth of Section 9.3.5 (e) below [JT1].
- (r) Shutters.

(ii) Windows. Front building façade must be comprised of a minimum of 30 percent window or glazed area.

1) All sides of the building shall include articulation, materials, and design characteristics consistent with those on the primary front façade in terms of quality and detail, unless the public's view of a rear or side building elevation from a public right-of-way or private street or pedestrian walkway is blocked by intervening buildings, topography, a solid screen wall at least six feet high built using materials consistent with the building, or landscaping measuring at least 15 feet in height at maturity.

(e) Roof Form and Articulation.

(i) The roof of any building shall present a distinctive profile and add interest to larger buildings and complement the character of other buildings included on the same lot or parcel.

1) Flat roof buildings.

a) The roof of any building with a flat roof shall include parapets to conceal the roof and roof-top equipment from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall, unless required for in Section 9.3.5 (f) Rooftop Equipment Screening, and such parapets shall not at any point exceed one-third of the height of the supporting wall.

b) Parapets used to conceal the roof and roof-top equipment for any building shall not extend a constant height for more than 100 feet in length.

2) Slope roof buildings. The roof of any building with a slope roof shall include the following to maintain proportional building architecture:

a) Overhanging eaves, extending no less than one foot past the supporting wall;

b) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 5/12 pitch (5 inches of horizontal rise, 12 inches horizontal run). This would not apply to shed roofs or covered walkways.

3) Additional requirements.

a) Consistent roof treatments, whether flat or sloping, shall be provided on all sides of the building.

b) The back side of all cornices, parapets, and roofline that are visible from an adjacent public right-of-way shall be finished with materials consistent with the associated building.

(f) Rooftop Equipment Screening.

(i) Screen requirements. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be:

1) Screened from the line of sight of public rights-of-way, private roads, parking lots, public sidewalks, greenways, and internal pedestrian ways except for instances where site topography precludes reasonable compliance with the minimum screening requirement;

2) Screened by either a parapet wall along the building edge or a freestanding screen wall on the roof of a material, color, and design architecturally compatible with the building, that is at least as high as the equipment and vents for which the screening is designed to hide.

(g) Franchise Architecture.

(i) To maintain the unique character of the Cashiers District, buildings shall not be constructed or renovated using franchise architecture. Franchise or national chains may be permitted in the Cashiers District but must follow the standards of this section to create a building that is compatible with the Cashiers District.

(h) Architectural Unity.

(i) All buildings within the same lot or parcel shall be architecturally unified. Architectural unity means that buildings shall be related and compatible in style, color, scheme, quality, and type of exterior building materials.

### Section 9.3.6 Parking, Loading, and Access Standards

(a) Purpose. Off-street parking, loading, and access standards are established for the following purposes:

- (i) To ensure the uniform development of parking areas throughout the commercial area of the Village of Cashiers.
- (ii) To provide for safe and adequate space for the temporary parking of vehicles.
- (iii) To promote the efficient use of parking areas.
- (iv) To ensure the safety of vehicles entering and exiting parking areas from and to the public road system.

(b) Parking lot design. The following standards shall be met in designing off-street parking facilities.

- (i) Parking aisles shall have a minimum width of eight feet for one-way traffic and 16 feet for two-way traffic.
- (ii) Parking spaces shall be a minimum of nine feet by 18 feet, except handicapped spaces. Handicapped spaces shall comply with the standards set forth in the North Carolina Accessibility Code.
- (iii) Parking lots with more than 50 spaces shall provide channelized automobile storage space with a length of 50 feet at all entrances from public rights-of-way.
- (iv) Parking spaces and corresponding access drives required by this section shall be constructed of a material that will prevent the exposure of subsoil. Suitable materials for parking areas include, but are not limited to, porous asphalt, concrete, compacted stone, gravel, and aggregates such as bituminous surface treatment and chip and seal. Given the rustic character of Cashiers, gravel is recommended as the preferred material for parking areas.

- (v) No access to individual off-street parking spaces shall be allowed directly from the public right-of-way. Public rights-of-way shall not be used for maneuvering in the process of entering or leaving individual off-street parking spaces.
- (c) Off-street parking requirements.
  - (i) Number of spaces required. The requirements for off-street parking are set forth in the table below. For uses not listed in the Table 9.2 Off-Street Parking Requirements, the Jackson County Planning Department shall determine the appropriate minimum and maximum number of parking spaces based on the needs of the proposed use and the general guidelines below, referencing the American Planning Association Planning Advisory Service Report Number 432 (Off-Street Parking requirements).
  - (ii) Parking areas exceeding the required number of spaces. The number of parking spaces for proposed use may exceed the required number of spaces identified for that use; however, if the number of parking spaces exceeds the required number of spaces for that use by more than 50 percent, the required landscaping for the parking area shall be 150 percent of that required by section 9.3.7.

**Table 9.2: Off-Street Parking Requirements**

TYPE OF LAND USE	ONE PARKING SPACE REQUIRED FOR EACH
<b>Residential:</b>	
Multi-family dwellings	1 bedroom
<b>Public Facilities and Institutions:</b>	
Adult care facilities	2 employees plus 1 space per 6 adults
Amphitheaters	4 seats
Child care facilities	2 employees plus 1 space per 10 children
Churches	1 per 3 seats in sanctuary
Civic, social service and fraternal facilities	350 sq. ft.
Colleges	1 per employee plus 1 space per 3 full time students
Community centers	350 sq.ft.
Fire/police stations	5 per bay
Libraries	350 sq.ft. plus 1 space per 2 employees
Medical centers	250 sq.ft.
Museums	350 sq.ft. plus 1 space per 2 employees
Parks	half acre of park land
Post Offices	500 sq.ft. of floor area
Schools	0.5 classroom plus 1 space per 5 students in high school
<b>Office, Business &amp; Industrial Uses:</b>	
Automobile service stations and auto repair garages	1 service bay plus 1 space per 2 employees
Bakeries	2 employees plus 1 space per 3 seats
Barber shops and salons	0.5 operator stations plus 1 space per 2 employees on shift of greatest employment

Bed and breakfast inn	1 room plus 1 space for the owner and 1 space for each employee
Car wash	0.5 wash bays plus 2 stacking spaces per wash bay
Clinics, veterinary	250 sq.ft
Clinics	200 sq.ft.
Conference center	200 sq. ft
Convenience store with gas pumps	300 sq. ft (spaces at gas pumps are not recognized as parking spaces)
Financial institutions	300 sq.ft.
Health and fitness facilities	200 sq.ft
Instructional Services	200 sq.ft.
Laundry & dry cleaning	300 sq.ft.
Lodging facilities	2 guest rooms plus additional spaces as required for other uses within the hotel/motel
Manufacturing, assembly, or finishing operations	2 employees
Offices	300 sq.ft.
Restaurants (plus 8 spaces for drive-thru)	3 seats plus 1 space per 2 employees on shift of greatest employment
Retail sales	300 sq.ft.
Studios, galleries, and workshops	2 employees plus 1 space per 350 sq. ft of retail floor space for artists, craftspeople, designers
Theaters	4 seats
Self-service storage facilities	10 storage units plus 1 space per 2 employees

(d) Shared and remote parking.

- (i) Shared parking. The Jackson County Planning Department shall approve the joint use of up to 100 percent of the required parking spaces for two or more uses located on the same or adjacent parcels, provided that the developer can demonstrate that the spaces provided will meet the need for parking. This may be done by demonstrating that an adequate number of spaces are provided for all uses or by demonstrating that the uses will not overlap in hours of operation or in demand for the shared spaces. Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a written agreement between the owner of

the parking area and the owner of any use located on a different parcel and served by the parking area.

- (ii) Remote parking. If the required number of parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the parking spaces may be provided on any land within 500 feet of the property on which the principal use is located. The zoning district regulations for the property on which the parking is located must permit the principal use, which the parking spaces serve. Any remote parking spaces located on a different parcel than the use served shall be guaranteed by a written agreement between the owner of the remote parking area and the owner of the principal use.
- (e) Access point requirements. The following standards shall be met when designing vehicular access points from public streets to individual nonresidential properties.
  - (i) Width of access points. See Table 9-3: Access Point Width below.
  - (ii) Distance from street intersections. The minimum distance between access points and street intersections shall be 25 feet.
  - (iii) Distance from other access points. The minimum distance as measured along the right-of-way line, or the edge of the roadway for private streets, between the edge of adjacent access points (on different properties) shall be 25 feet.
  - (iv) Distance from property line. Unless the access point is shared between two or more adjoining properties, all access points shall be located at least five feet from all property lines perpendicular to the road/street.

**Table 9.3: Access Point Width**

Street Configuration	Minimum	Maximum
One-way	14 ft.	20 ft.
Two-way	24 ft.	36 ft.

### Section 9.3.7 Landscaping and Buffering Standards

- (a) Purpose. The abundant and diverse tree and vegetative cover found in the Cashiers area contributes to the aesthetic quality of the community and provides numerous economic and ecological benefits. The landscaping and buffering standards set forth below require landscaping between dissimilar uses, along streets and roads, and in parking areas in order to:
  - (i) Encourage the preservation of existing trees and vegetation and replenish removed vegetation.
  - (ii) Maintain and improve the visual quality of the Village of Cashiers and minimize potential negative impacts of development such as noise, dust, glare of lights, parking lots, heat, and odor.
  - (iii) Provide a transition between dissimilar land uses to protect abutting properties from potential negative impacts of neighboring development and preserve the character and value of a property and provide a sense of privacy.

- (iv) Improve standards for quantity, location, size, spacing, protection, and maintenance of plants to assure a high level of quality in the appearance of Cashiers while allowing flexibility to promote well designed and creative landscape plantings.
  - (v) Provide environmental benefits such as climate modification, decreased energy consumption, reduced stormwater run-off, decreased erosion, improved water and air quality, and protection of wildlife habitat.
- (b) General Information.
- (i) Applicability.
    - 1) Bufferyard plantings, street trees, and parking lot trees and shrubs are required for developments within the Cashiers Commercial area. The following developments must bring the entire site into compliance with the requirements of Section 9.3.7 (d):
      - a) Any new private or public commercial/nonresidential development.
      - b) Renovations with a total cost exceeding 50 percent of the assessed value of the building, according to Jackson County tax records.
      - c) Expansions exceeding 50 percent of the pre-expansion floor area or paved surface.
      - d) Existing unpaved parking lots that are paved over or existing paved lots that are demolished and repaved.
      - e) Expansions or additions that are less than 50 percent of the pre-expansion floor area and/or pavement surface must meet the landscaping requirements only in the area around the addition that is parallel to any edge of the expansion area and extending to the property line or street pavement edge.
  - (ii) Landscape plan required. Applicants are encouraged to meet with Jackson County Planning Department staff prior to submitting a site plan to discuss applicable landscape requirements, other section requirements, and coordination of plantings with other construction activity. A landscape plan drawn to scale must be submitted with the site plan and prepared in accordance with site plan requirements.
  - (iii) Alternative compliance. The landscape requirements are intended to set minimum standards for quality development and environmental protection; they are intended to be arbitrary or to inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternative method of compliance with the landscape requirements. The Jackson County Planning Department staff may alter the landscape and buffering requirements as long as existing or added landscape features of the development site comply with the intent of this section. Requests for alternative compliance shall be accepted if one or more of the following conditions are met:
    - 1) Topography, geologic features, drainage channels or streams, existing natural vegetation, overhead or underground utilities, or other conditions make it unreasonable or meaningless to plant a buffer or meet other landscape requirements;
    - 2) Space limitations, zero lot line development, unusually shaped lots, unique relationships to other properties, and/or prevailing practices in the surrounding area (such as the use of a specific type of vegetation) may justify alternative compliance when changing the use of an existing building in a developed area; or
    - 3) An alternative compliance proposal is equal to or better than normal compliance in its ability to fulfill the intent of these landscape requirements and exhibits superior design quality.
  - (iv) The property owner or developer must submit a plan of the area for which alternative compliance is requested to the Jackson County Planning Department. The site plan shall show the existing site features and any additional material the property owner or developer will plant or construct to meet the intent of the landscape and buffer requirements of this section.

A section drawing may be required if there are grade changes that affect the character of the buffer and landscape requirements. In addition, the applicant must submit a written statement describing the need for alternative compliance. The planning department shall render a decision approving, approving with conditions, or denying the request within ten working days of reviewing the request for alternative compliance.

(c) **Existing Vegetation**

- (i) Preservation of existing vegetation. Preserving existing trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, mitigate the impacts of development on the community, and help minimize opposition to the proposed development. It is recommended that groups of trees be preserved as well as individual trees. Existing trees and shrubs that are preserved may be credited toward required buffer trees, street trees, and parking lot trees as specified in Section 9.3.7 (c)(ii).
- (ii) Credits and other incentives to preserve existing vegetation. Existing trees that are preserved may be credited for required trees as follows:

**Table 9.4: Tree Preservation Credit**

Existing Tree Caliper	Credit
2"—6"	1 new tree
7"—12"	2 new trees
13"—18"	3 new trees
19"—24"	4 new trees
25+"	5 new trees

~~(viii)~~(viii) In order to receive credit, existing vegetation that is preserved must be in good health and condition. Trees designated to be preserved must be indicated on the landscape plans. Protective barriers must be shown on the landscape and grading plans in accordance with the requirements of Section 9.3.7 (c)(vii)(1). If a preserved tree dies within 24 months of completion of the project, it must be replaced with the total number of trees that were credited to the existing one.

- 1) Protection of existing trees during construction.
  - a) No grading or other land-disturbing activity can occur on a site with existing trees that are designated to be preserved in order to meet the landscape requirements until protective barriers are installed by the developer. Trees designated for preservation that are counted toward the landscape requirement must be protected by barriers, while trees designated for protection that do not count toward the landscape requirements are encouraged to be protected by barriers. The diameter of existing trees to be preserved and the location of the protective barriers must be shown on the landscape and grading plans, with the dimension between the tree trunk and the barrier indicated.
  - b) Barricades or barriers must be placed around the critical root zone of any existing trees to be preserved that are within 50 feet of any grading or construction activity. The critical root zone is a circle extending around the tree with a one-foot radius for every one-inch of tree diameter. For example, an eight-inch diameter tree would have a

barricade surrounding it located eight feet from the trunk of the tree. All protective barriers must be maintained throughout the building construction process.

c) Protective barriers shall consist of either:

- i) A fence that is at least three feet high and constructed in a post and rail configuration; or
- ii) A fence with posts placed no further than ten feet apart covered with a foot of orange polyethylene laminar safety fencing.

d) All contractors must be made aware of the areas designated for protection. No disturbance can occur within the tree protection area including:

- i) Grading;
- ii) Filling, unless an aeration system that is certified by a registered landscape architect, certified arborist, or North Carolina Agricultural Extension Specialist is installed to protect the tree from suffocation;
- iii) Parking;
- iv) Storage of debris or material, including topsoil;
- v) Disposal of hazardous waste or concrete washout;
- vi) Attaching of nails, ropes, cables, signs, or fencing to any tree to be preserved.
- vii) If any area within the critical root zone will be disturbed for any reason, measures must be taken to minimize any potential impact. The developer should coordinate with utility companies early in the design process to resolve any potential conflict regarding the placement of utilities and landscape requirements. If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of the tree protection zone in order to prevent sediment from accumulating in the critical root zone area.

(d) **Bufferyard Requirement**

- (i) Requirement. Certain land uses may create an adverse impact when developed adjacent to other less intensive land uses. Bufferyards shall be required between a proposed development and a dissimilar existing land use to provide a transition between them. The bufferyard width and number of plantings required will vary based upon the size of the proposed and existing land uses. Information on determining bufferyard width is provided in Section 9.3.7 (d)(v).
- (ii) Responsibility for bufferyard. The required bufferyard shall be the responsibility of the property owner developing the property or changing the land use. Bufferyards must be located on the property being developed or on which the land use is changing, between the property lines and any vehicle use areas, buildings, storage, service areas, or any other area of activity. The bufferyard shall extend along the entire property line that abuts the incompatible land use up to any required street tree planting strip.
- (iii) Setbacks. If a setback requirement is less than the minimum buffer requirement, the bufferyard width requirement shall override the setback requirement.
- (iv) Use of bufferyards. Required bufferyards shall not be disturbed for any reason except for approved driveway openings, pedestrian or bicycle paths, designated trails or greenways, utilities, drainage ways, walls, fences, and other passive or minor uses compatible with the general separation of land uses and provided that the total number of required plantings are still met. Utility easements may be included in the width of the bufferyard with the following conditions:
  - 1) Utility lines should be located to cross perpendicular to a bufferyard, if possible, to minimize the impact.
  - 2) If utility lines must run with a bufferyard, they must be located along the edge of the bufferyard.

- 3) The developer should minimize the number of plantings in the utility easement area so that they will not have to be removed or pruned if the utility line needs maintenance. If the developer plans to plant in the utility easement, approval must be obtained from the affected utility companies to ensure that the plantings will not interfere with the installation, operation, or maintenance of the utility lines. Trees and shrubs planted within the utility easement will not count toward the bufferyard planting requirement unless they are approved by the utility companies.
- (v) Placement of bufferyard plantings. The exact placement of the required plants shall be the decision of the developer or designer but shall be approved by the Jackson County Planning Department. Plants shall be placed in a manner to serve as an effective screen year-round when viewed from an area accessible to the public or from adjacent properties. Trees and shrubs should be planted at least five feet from the property line to ensure maintenance access and to avoid encroachment onto neighboring property.
- (vi) Determination of bufferyard requirements. To determine if a bufferyard is required between two adjacent land uses and, if so, what bufferyard width and planting density is required, the following procedure should be used:
  - 1) Identify the proposed land use and the adjacent land use(s) on the list of permitted uses found in Table 9.1. Note the category under which the proposed use is listed (for example, post office is listed under the category of Public/semipublic and restaurant is listed under the category office/business).
  - 2) Identify the size (acreage) of the property being developed and of the abutting properties.
  - 3) In the General Commercial district bufferyards are required as set forth in Section 9-10(d)(10).
- (vii) Mixed uses. When a lot has a combination of different land uses, the buffer is calculated based upon the category of land use occupying the greatest percentage of the lot.
- (viii) Buffer not required when a street separates incompatible land uses. If a street or road is located between two land uses that would require a buffer between them, no buffer shall be required along the street or road frontage of the property being developed; however, street trees are required along the property to be developed.
- (ix) Buffer requirement when development site abuts a vacant lot. If the property to be developed abuts a vacant lot, an "A" buffer shall be provided on the property to be developed per Table 9.6.

**Table 9.6: Buffer Description Table**

	Buffer	
<b>Minimum buffer width</b>	<b>10 feet</b>	
Total number plants per 100 linear feet	15	
Number of evergreen trees	4	
Number of large deciduous trees	2	

Number of small deciduous trees	2	
Number of shrubs (at least 75% must be evergreen)	6	

- (x) Existing vegetation in the buffer. Existing vegetation in the buffer area may be counted toward the required plantings according to Section 9.3.7 (c). The planning department staff must approve the use of existing vegetation to meet the buffer requirement.
- (e) **Buffer reductions with fence or wall.** The width of the buffer may be reduced up to 50 percent with the use of a fence or wall. Fences and walls must meet the following standards:
  - (i) Fences or walls shall be constructed of wood, brick, stone, or other masonry (except plain block) and be architecturally compatible with the proposed structure. Seventy-five percent of the fence or wall must be opaque with any spaces evenly distributed. A detailed drawing of the fence or wall must be shown on the site or landscape plan and approved by the Jackson County Planning Department staff.
  - (ii) Fences and walls shall be a minimum of six feet tall;
  - (iii) The finished side of the fence or wall shall face the abutting property; and
  - (iv) A planting strip with a minimum width of five feet shall be located between the fence or wall and the property line. The strip shall be planted with trees and/or shrubs on the side that faces the abutting property. The trees and/or shrubs shall be spaced no further than eight feet apart in order to screen at least 50 percent of the fence or wall at maturity.
  - (v) Screening of dumpsters, loading docks, outdoor storage areas, and utility structures. All dumpsters, loading docks, or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or bufferyard. Landscaping shall not interfere with the access and operation of any such structure or facility. All unenclosed outdoor storage areas greater than 15 square feet shall also be screened from adjacent properties and streets. Screen types include:
    - 1) A continuous hedge of evergreen and/or densely twigged shrubs planted in a five-foot strip with plants spaced no more than five feet apart or a row of evergreen trees planted no more than eight feet apart.
    - 2) A fence or wall with a minimum height of six feet with the finished side of the fence or wall facing the abutting property or the street.
- (f) **Street trees.**
  - (i) Street trees are required for all new nonresidential development. Street trees shall be required at the rate of one large maturing (over 35 feet in height at maturity) for every 40 linear feet of property abutting a street or road or 1 small maturing tree (less than 35 feet in height at maturity) for every 30 linear feet of property abutting a street or road, if overhead utility lines are present. This does not imply that trees must be spaced exactly 30 feet or 40 feet apart but may be clustered together with a minimum spacing of 15 feet. Trees should be spaced no more than 65 feet apart.
  - (ii) Street trees shall be placed in a planting strip on private property and not within the street or road right-of-way. No street tree can be located farther than 20 feet from the edge of the right-of-way to count as a street tree. The width of the planting strip may vary but the minimum width cannot be less than seven feet and the average width shall be at least ten feet. The planting area must be covered with living material, including ground cover and shrubs, or mulch so that no soil is exposed. No stone mulch is permitted in the planting area.
- (g) **Parking Lot Landscaping.**

- (i) Requirements for new developments. Trees and shrubs are required in and around parking lots with more than six spaces to enable the parking areas to blend in with the natural appearance of Cashiers, to provide attractive views from roads and adjacent properties, to reduce stormwater runoff, and to help filter exhaust from vehicles. There are three parking lot planting requirements that may apply to a development depending upon its relation to other properties and public rights-of-way.
- (ii) Perimeter and interior plantings. Parking lots, loading areas, and other vehicle use areas must be planted with one deciduous tree and two shrubs for every 2,000 square feet of vehicular use area, which includes parking spaces, aisles, driveways, and loading areas (including gravel surfaces). At least 75 percent of the required deciduous parking lot trees must be large-maturing trees. Trees and shrubs must be placed within 20 feet of the vehicular use area to count as parking lot landscaping.
  - 1) When four or more trees are required in a parking lot with interior rows, 50 percent of the trees and shrubs must be planted in islands or medians located within the parking lot. Each parking space shall be located within 45 feet of a tree. In calculating this distance, measurements shall be taken from the trunk of the tree to the closest point of the parking space. Planting trees in groups is encouraged to increase the total amount of planting area for roots to grow. Trees and shrubs shall not impede vehicular or pedestrian visibility.
- (iii) Planting strip. A planting strip with a minimum width of five feet shall be planted between the vehicular use area and the abutting property when any vehicular use area is located within 50 feet of an abutting property and no buffer is required, except for driveway openings that run perpendicular to the planting strip. This planting strip shall ensure that parking lots are separated from one another. One large evergreen or deciduous tree and five evergreen or deciduous shrubs shall be planted for every 40 linear feet of property line that parallels the vehicular use area. Fifty percent of these trees and shrubs may be counted toward the parking lot trees and shrubs required in subsection a. (above) if the planting strip is located within 20 feet of the vehicle use area. Adjacent businesses on separate properties that share parking or driveways shall be exempt from this requirement provided that the required planting strip would interfere with the use of the shared parking or driveway.
- (iv) Size of planting islands. Tree planting islands within vehicular use areas shall be a minimum of 150 square feet and have no width less than nine feet.
- (v) Protection of trees. Planting areas and islands shall be protected by curbing, bollards, or parking barriers if a tree or shrub is within six feet of the edge of the pavement. Trees in islands should be set back at least four feet from the edge of the island so as not to interfere with car doors opening.
- (h) **Compliance and Maintenance.**
  - (i) Certificate of occupancy. Landscaping must be installed and inspected prior to receiving a certificate of occupancy for the construction. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant materials. If the season or weather conditions prohibit planting the materials, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in the amount of 150 percent of the cost of installing the required landscaping to guarantee the completion of the required planting. Upon approval of the financial surety, the certificate of occupancy shall be issued. The financial surety shall be canceled and/or returned upon completion of the required landscaping.
  - (ii) Maintenance. The owner or lessee of the property on which landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Failure to

maintain or to replace dead, damaged, or diseased plant material or to replace a broken fence or wall shall constitute a violation of this section and shall be subject to the penalty provisions set forth in Article X if no corrective action is taken within 30 days of receiving notice. If an act of God or other catastrophic event occurs that destroys a large quantity of vegetation, the owner or lessee shall have 120 days to replant. Replaced plant material must comply with the minimum size, spacing, and quantity standards of this section.

(i) **Plant Specifications**

- (i) Recommended plant species (Appendix 9.3.2). The use of plant materials that are indigenous to the region and readily available from local nurseries is encouraged. Native plant materials are acclimated to the area, are better suited for survival, and maintain the character and appearance of the Village of Cashiers.
- (ii) Minimum Plant Size Requirements.
  - 1) Large maturing deciduous tree: Greater than 35 feet in height at maturity. Minimum size at planting shall be two inches caliper with a 12 to 14-foot height.
  - 2) Small maturing deciduous tree: Less than 35 feet in height maturity. Minimum size at planting shall be one-half inches in caliper with an eight to ten-foot height.
  - 3) Evergreen tree: Minimum height at planting shall be six feet.
  - 4) Deciduous shrub: Minimum size at planting shall be a three-gallon container or ten-inch root ball with a height of 18 inches.
  - 5) Evergreen shrub: Minimum size at planting shall be a three-gallon container or ten-inch root ball with a height of 18 inches.
- (iii) Plant standards. All plants must meet the requirements of the most recent edition of the American Standards for Nursery Stock, ANSI 260.1. Plants must be healthy, well-branched, and free of disease and insect infestation.

### Section 9.3.8 Lighting Standards

- (a) **Purpose.** The purpose of these standards is to protect the public health, safety, and general welfare through the establishment of standards for outdoor lighting in order to reduce or prevent glare and light trespass.
- (b) **General Standards for Outdoor Lighting**
  - (i) The maximum light level shall be 2.0 maintained foot-candles at any public right-of-way and 0.5 maintained foot-candles at the property line of any residential property unless otherwise specified below.
  - (ii) All floodlights shall be installed such that the fixture is aimed down at least 45 degrees from (the vertical) an upright position. Flood lights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side to side horizontal aiming tolerance not to exceed 15 degrees from a line drawn through the location of the light perpendicular to the right-of-way.
  - (iii) All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from a horizontal line or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
  - (iv) All wall pack fixtures shall be full cutoff fixtures according to industry standards.
- (c) **Road Lighting Standards**
  - (i) Pole heights are not to be more than 25 feet above finished grade unless otherwise approved by the Community Planning Council.
  - (ii) Lumens are not to exceed 5,000 for residential uses and 18,000 for commercial uses.

- (iii) All fixtures shall be installed at a 90-degree angle from the vertical position and shall be full-cutoff fixtures.
- (d) **Lighting in Parking Lots and Outdoor Areas**
  - (i) Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be cutoff fixtures.
  - (ii) The fixture mounting height of all outdoor lighting, except outdoor sports field and outdoor performance area lighting, shall not exceed 25 feet above finished grade unless approved by the Community Planning Council as having no adverse impact.
- (e) **Lighting for Vehicular Canopies.** Areas under a vehicular canopy shall have an average maximum horizontal luminance of 20 foot-candles. Areas outside the vehicular canopy shall comply with the standards for lighting of parking lots and outdoor areas. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include the following:
  - (i) Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy that provides a cutoff or shielded light distribution.
  - (ii) Surface mounted fixture incorporating a flat glass that provides a cutoff or shielded light distribution.
- (f) **Outdoor Sports Field/Outdoor Performance Area Lighting**
  - (i) The mounting height of outdoor sports field and outdoor performance area lighting shall not exceed 80 feet from finished grade unless approved by the Community Planning Council.
  - (ii) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
  - (iii) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.
- (g) **Lighting of Buildings and Landscaping**
  - (i) Lighting fixtures shall be selected, located, aimed, and/or shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and the public street right-of-way.
  - (ii) Maximum illumination on any vertical surface or angular surface shall not exceed an average maintained illumination of 5.0 footcandles (average maintained).
  - (iii) All permitted residential spot or flood lamps are to be aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side).
- (h) **Signs**
  - (i) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign face and glare is significantly reduced. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.
  - (ii) Internally illuminated signs are prohibited.
  - (iii) Lighting of off-site commercial signs is prohibited.
  - (iv) Upward lighting of signs is prohibited unless otherwise approved by the Community Planning Council
- (i) **Permits.** The applicant for any permit required for work involving outdoor lighting shall submit documentation at the time of site plan approval that the lighting plan complies with the provisions of these standards. This documentation shall be:
  - (i) A written statement that the lighting plan complies with these standards.
  - (ii) A description of the illuminating devices, fixtures, lamps, poles, and other devices, and a point-by-point foot-candle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained foot-candles required by this code and shall identify both initial and future lighting levels.

### Section 9.3.9 Flexible Development Standards

- (a) **Purpose.** This section provides the Jackson County Planning Department with the authority to permit deviations from the development standards for setbacks, lot width, and number of parking spaces required by this section, provided certain conditions are met. The flexible development standards shall be administered in order to promote the orderly development and redevelopment of property within the Village of Cashiers. Decisions shall be in writing and conditions may be placed on the approval of flexible development standards to ensure that the intent of this section is achieved. Decisions of the planning department may be appealed to the Cashiers Area Community Planning Council as outlined in Section 3.7.2.
- (b) **Flexible Standards Permitted.** The Jackson County Planning Department may approve the following flexible development standard.
- (i) **Setbacks.** The Planning Department is authorized to approve deviations from the required setbacks set forth in Section 9.3.4 (a) by up to two feet, provided there are site or structural conditions that preclude strict adherence to the setback requirements or the proposed location of the structure will allow preservation of existing vegetation.
  - (ii) **Parking.** The Planning Department is authorized to approve parking lots for uses that have up to 25 percent less than the required number of spaces set forth in Section 9.3.6, provided that the applicant provides proof that the proposed number of spaces will meet the needs of the use; the project is a redevelopment of an existing structure and there is insufficient space on the site to accommodate the required parking; or the reduced parking will permit the preservation of existing vegetation.
  - (iii) **Lot dimension.** The planning department is authorized to approve deviations of up to 10 percent in the required lot widths set forth in Section 9.3.3 (d)(vi) and Section 9.3.3 (e)(iv)9), provided the reduced lot width will not inhibit the reasonable use of the lot.

### Section 9.3.10 Stormwater Management Standards

- (a) **Purpose.** The stormwater standards set forth below are provided to protect life and property and minimize nuisances by limiting destructive runoff and flooding generated by impervious surface areas; and to protect water quality and natural ecosystems by requiring the filtering of sediments and pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons.
- (b) **General Information**
- (i) **Applicability.** The requirements set forth in this section shall apply to new and existing development as follows:
    - 1) **New development.**
      - ~~a) For new development where the impervious surface is between 1,000-5,000 square feet, a stormwater management system concept plan is required that follows design guidelines given in the most recent edition of the Stormwater Best Management Practices Manual published by the North Carolina Department of Environmental Quality.~~
      - ~~b) For new development where the amount of impervious surface being created is 5,000 square feet or more, the requirements requires for a stormwater management plan set forth in subsections (b)(iii-iv) of this section shall apply.~~
    - 2) **Existing development.**
      - ~~a) For existing development where the amount of impervious surface is being expanded by 25 percent or more of the original amount and the total amount of impervious surface is~~

~~less than 5,000 square feet, a stormwater management system concept plan is required that follows the design guidelines given in the most recent edition of the Stormwater Best Management Practices Manual published by the North Carolina Department of Environmental Quality.~~

~~b)a)~~ For existing development where the impervious surface is being expanded ~~and the total amount is over 5,000 square feet,~~ the requirements for a stormwater management plan set forth in subsections (b) ~~(ii-iii-iv)~~ this section shall apply.

(ii) Administration. The Permitting and Code Enforcement Director has responsibility for compliance with stormwater management regulations.

(iii) Stormwater management measures required.

- 1) For projects ~~meeting the thresholds~~ identified in Section 9.3.10(b), the property owner and/or developer shall provide a stormwater management plan that accommodates the stormwater run-off generated by a ten-year, 24-hour rain event or, if the property is located within a designated Outstanding Water Resource Area, the 25-year storm. Stormwater measures shall be designed to remove, at a minimum, 85 percent of the total suspended solids (TSS) from the first inch of rainfall of any rain event. Stormwater measures shall have a drawdown of at least 48 hours, but not more than 120 hours.
- 2) Stormwater measures shall be designed by an appropriately qualified engineer, landscape architect or other appropriately qualified professional, and shall be constructed and maintained in accordance with commonly accepted best practices. Innovative designs that utilize "low impact" and nonstructural control and treatment measures are encouraged.
- 3) Stormwater measures may be located off-site provided such measures are located within a parcel of land under the same ownership as the affected property or within a common area under the management of a property owners' association or similar entity.

(iv) Stormwater management plan requirements. The stormwater management plan shall show:

- 1) The existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The plan drawings shall be presented at a scale no larger than one inch = 50 feet.
- 2) Engineering drawings showing plan, profile and details of piping, drainage structures, swales, and channels tying into a network of pre-existing manmade or natural channels.
- 3) Written project specifications governing work performance and materials.
- 4) Computations and assumptions sufficient to support the design of piping, drainage structures, retention/detention ponds, and permanent erosion control measures.
- 5) Location of proposed structural stormwater controls
- 6) Low impact design elements
- 7) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains
- 8) Flow paths
- 9) Location of floodplain/floodway limits
- 10) Relationship of site to upstream and downstream properties and drainages
- 11) Location of proposed stream channel modifications, such as bridge or culvert crossings
- 12) Whatever other narrative statements are necessary to adequately describe the proposed site improvements.

(v) The stormwater management plan shall be filed with the Jackson County Permitting and Code Enforcement Department, and a copy shall be simultaneously submitted to the Jackson Soil and Water Conservation District, at least 30 calendar days prior to the commencement of the proposed activity.

(c) **Stormwater Permit Required**

- (i) The Permitting and Code Enforcement Director shall review all stormwater plans required by this Section to ensure compliance therewith. In making this determination, the county shall use the Stormwater ~~Best Management Practices~~Design Manual- Minimum Design Criteria published by the North Carolina Department of Environmental Quality or other commonly accepted information and engineering data. The county will review each complete plan submitted to them and within 30 calendar days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Incomplete plans shall be returned for completion. The 30-day review period will not begin until all required items are submitted. The erosion control officer shall have five business days to check the plans for completeness. Failure to approve, approve with modifications, or disapprove a complete Stormwater Management System Concept Plan within 30 calendar days of receipt shall be deemed approval. Disapproval of a plan must specifically state, in writing, the reasons for disapproval. The county must approve, approve with modifications, or disapprove a revised plan within 15 calendar days of receipt, or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the county determines that the plan is inadequate to meet the requirements of this section, the county may require any revision of the plan that is necessary to comply with this section. Failure to approve, approve with modifications, or disapprove a revised Stormwater Management System Concept Plan within 15 calendar days of receipt shall be deemed approval of the plan. The County shall establish an expiration date of three years for Stormwater Management System Concept Plans approved under this section. Fees as established by the Jackson County Board of Commissioners shall be due and payable upon submission of the application. If a person initiates land-disturbing activity which would have required a permit without obtaining such a permit, the erosion control officer is authorized to double the regular permit fee.

**(d) As-Built Plans and Final Approval**

- (i) For all developments subject to these standards, upon completion of a project, and before final approval or a certificate of occupancy may be granted, the applicant shall certify that the completed project has been built in accordance with the approved stormwater management plans and designs. The applicant shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this section. A final inspection and approval by the county is necessary prior to the issuance of any certificate of occupancy, release of improvement guarantee, or other final approval.

**(e) Inspection and Maintenance of Measures**

- (i) All stormwater improvements must be maintained so they will continue to serve their intended functions. If the stormwater improvements are to be turned over to a property owners association or a property owner, the developer must maintain stormwater improvements until accepted by a property owners association or property owner. The developer must disclose which party will be responsible for continued maintenance on the record plat and on the stormwater management plan. The developer will be responsible for the installation, operation, and maintenance of the stormwater controls until ownership is conveyed. The responsibility and agreement for operation and maintenance for the stormwater system is transferred with title, as each property is conveyed.

- (ii) The county shall have the right to demand an inspection report at any time should there be reasonable belief that any stormwater structure or feature is constructed or being maintained in violation of this section. Such inspection report shall be prepared by a registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence. The report shall contain the following:
- a) The name and address of the land owner.
  - b) The recorded book and page number of the lot of each stormwater control.
  - c) A statement that an inspection was made of all stormwater controls and features.
  - d) The date the inspection was made.
  - e) A statement that all inspected controls and features are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this section.
  - f) The signature and seal of the engineer, surveyor, or landscape architect.
- 2) Should the stormwater inspection reveal substantial maintenance or repair recommendations, it shall be the owner's responsibility to retain a registered professional engineer or landscape architect competent in the area of stormwater management to develop plans and specifications for such repairs within 30 days from finding that substantial maintenance or repair recommendations are necessary. Maintenance or repair work must commence within 60 days, and be completed within a reasonable amount of time, from finding that that substantial maintenance or repair recommendations are necessary. The owner of each stormwater measure, whether structural or nonstructural in design, shall maintain it so as not to create or permit a nuisance condition.