

Article 6, Section 6- Multifamily developments

6.6.1 Purpose and Intent

The purpose of this section is to provide for the orderly development of multifamily developments within Jackson County. Multifamily development projects are an important component in providing County residents with housing opportunities at all income levels. These regulations are designed to provide minimum standards to ensure the health, safety, and public welfare for all residents in Jackson County

6.6.2 Jurisdiction

(a) This section shall apply to all the County except for:

- (i) The Cashiers, Cullowhee, and US 441 Planning Districts.
- (ii) Those areas included within the planning jurisdiction of any incorporated municipalities.
- (iii) Those areas within the Qualla Boundary, as provided by law.

6.6.3 Density and Setbacks

a) Density- Project density shall conform to density requirements found in the Mountain and Hillside Development regulations in Section 5.8 of the Ordinance.

b) Setbacks- The minimum setbacks are:

- (1) Front: 40 feet
- (2) Rear: 30 feet
- (3) Side: 25 feet

6.6.4 Landscaping standards

- a) *Purpose* . The abundant and diverse tree and vegetative cover found in the 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:
- (1) Encourage the preservation of existing trees and vegetation and replenish removed vegetation.
 - (2) Maintain and improve the visual quality of the County and minimize potential negative impacts of development such as noise, dust, glare of lights, parking lots, heat, and odor.
 - (3) 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.
 - (4) Improve standards for quantity, location, size, spacing, protection, and maintenance of plants to assure a high level of quality in the appearance of the County while allowing flexibility to promote well designed and creative landscape plantings.

- (5) 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* .

(1) *Applicability* .

- a. Bufferyard plantings, street trees, and parking lot trees and shrubs are required for new developments and major redevelopments within the County. The following developments must bring the entire site into compliance with the landscaping and buffering requirements of this ordinance as set forth in this section:
 - i. Any new private or public development.
 - ii. Renovations with a total cost exceeding 50 percent of the assessed value of the building, according to Jackson County tax records.
 - iii. Expansions exceeding 50 percent of the pre-expansion floor area or paved surface.
 - iv. Existing unpaved parking lots that are paved over or existing paved lots that are demolished and repaved.
- b. 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.

(2) *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 ordinance 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.

(3) *Alternative compliance* . The landscape requirements are intended to set minimum standards for quality development and environmental protection; they are not 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 chapter. Requests for alternative compliance shall be accepted if one or more of the following conditions are met:

- a. 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;
- b. 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
- c. 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. 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* . 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 subsection 6-3.c)(1) below.

(1) Credits and other incentives to preserve existing vegetation. Existing trees that are preserved may be credited for required trees as follows:

<u>2"—6"</u>	<u>caliper tree = 1 new tree</u>
<u>7"—12"</u>	<u>caliper tree = 2 new trees</u>
<u>13"—18"</u>	<u>caliper tree = 3 new trees</u>
<u>19"—24"</u>	<u>caliper tree = 4 new trees</u>
<u>25+"</u>	<u>caliper tree = 5 new trees</u>

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 subsection 6-3.c)(2) below. 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.

(2) *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. 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. 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 4-foot orange polyethylene laminar safety fencing.
- b. 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;
- c. 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* .

(1) *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. A bufferyard is a strip of land with existing vegetation, planted vegetation, a landscaped earth berm or grade change, a fence, a wall, or a combination of the above. 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 6-3.d)(6).

(2) *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.

- (3) *Setbacks* . If a setback requirement is less than the minimum buffer requirement, the bufferyard width requirement shall override the setback requirement.
- (4) *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:
 - a. Utility lines should be located to cross perpendicular to a bufferyard, if possible, to minimize the impact.
 - b. If utility lines must run with a bufferyard, they must be located along the edge of the bufferyard.
 - c. The developer should minimize the amount 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.
- (5) *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.

(10) *Buffer description table* .

	Buffer
Minimum buffer width	15 feet
Total number plants per 100 linear feet	18
Number of evergreen trees	6
Number of large deciduous trees	2
Number of small deciduous trees	2
Number of shrubs (at least 75% must be evergreen)	8

- (11) *Existing vegetation in the buffer* . Existing vegetation in the buffer area may be counted toward the required plantings according to Section 6-3.c)(1). The Planning Department staff must approve the use of existing vegetation to meet the buffer requirement.
- (12) *Buffer reductions* . The width of the buffer may be reduced up to 50% with the use of a fence or wall. Fences and walls must meet the following standards:
- a. 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.
 - b. Fences and walls shall be a minimum of six feet tall;
 - c. The finished side of the fence or wall shall face the abutting property; and
 - d. 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.
- e) *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 5 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* . 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 one 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. 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 requirements* .

- (1) *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 the County, 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.
 - a. *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. 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.
 - b. *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.
 - c. *Buffering from the street* . Vehicular use areas greater than 2,500 square feet that are located within 30 feet of a street or road must be buffered from the street or road. This buffer is required in addition to the street trees planted in a ten foot planting strip as required by Section 6-3.f). The buffer must contain plants that will be at least three feet high at maturity and can consist of plant material alone, or berms, fences, walls, or grade changes combined with plant material. A vegetative buffer shall contain at least one evergreen or deciduous shrub for every five feet of vehicular use area buffer required. If a fence or wall is used, at least one shrub must be planted for every eight linear feet of fence or wall. Shrubs should be evenly distributed on each side of the fence. Berms and grade changes must be completely covered with vegetation. All shrubs planted can count toward the parking lot landscaping requirement.
- (2) *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.
- (3) *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* .

- (1) *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.
- (2) *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 ordinance and shall be subject to the penalty provisions set forth in Section 12-2 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 ordinance.

i) *Plant specifications* .

- (1) *Recommended plant species* . (Appendix A) 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 County.
- (2) *Minimum plant size requirements* :
 - a. 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.
 - b. Small maturing deciduous tree: Less than 35 feet in height maturity. Minimum size at planting shall be one and one-half inches in caliper with an eight to ten foot height.
 - c. Evergreen tree: Minimum height at planting shall be six feet.
 - d. Deciduous shrub: Minimum size at planting shall be a three gallon container or ten inch root ball with a height of 18 inches.
 - e. Evergreen shrub: Minimum size at planting shall be a three gallon container or ten inch root ball with a height of 18 inches.
- (3) *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.

Sec. 6-6.5 - Parking, loading, and access standards.

- a) *Purpose* . Off-street parking, loading, and access standards are established for the following purposes:
 - (1) To ensure the uniform development of parking areas throughout the County.
 - (2) To provide for safe and adequate space for the temporary parking of vehicles.
 - (3) To promote the efficient use of parking areas.
 - (4) 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.
 - (1) Parking aisles shall have a minimum width of 14 feet for one-way traffic and 18 feet for two-way traffic.
 - (2) 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 Building Code.
 - (3) 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.
 - (4) 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. Parking areas with gravel, stone, or similar non-durable surfaces shall have access drives with a hard, durable surface (asphalt, concrete, etc.). The hard, durable surface shall extend a minimum of 25 feet from the edge of the access road. Access drives for single family homes and duplexes shall not be required to be constructed of a hard, durable surface.
 - (5) 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* .
 - (1) *Number of spaces required* . The requirements for off-street parking are set forth in the table below. For uses not listed in the table, 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).
 - (2) *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 6-3 of this ordinance.

TYPE OF LAND USE	PARKING SPACE REQUIRED FOR EACH Dwelling Unit
Multi-family dwellings	1.75

d) *Shared and remote parking* .

(1) *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.

(2) *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 that 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 roads to individual nonresidential properties

(1) *Width of access points* :

	<u>Minimum</u>	<u>Maximum</u>
One-way	14 ft	20 ft
Two-way	24 ft	36 ft

(2) *Distance from street intersections* . The minimum distance between access points and street intersections shall be 50 feet.

(3) *Distance from other access points* . The minimum distance as measured along the right-of-way line, or the edge of the roadway for private roads, between the edge of adjacent access

points on different properties shall be 50 feet. The minimum distance between the edges of adjacent access points on the same property shall be 100 feet.

- (4) *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.
- (5) *Sites unable to meet distance requirements* . For sites with insufficient road frontage to meet minimum spacing requirements, consideration shall first be given to providing access via connection to a side road, utilization of a joint or shared driveway with an adjacent property that meets the recommended spacing requirement, or development of a service road to serve multiple properties. If these options are not available, the Planning Director may grant approval of an alternate access request, taking into consideration access to the property and safety.
- (6) *Street or driveway access permit* . An application for a site specific Street and Driveway Access Permit shall be submitted to the North Carolina Department of Transportation in accordance with minimum rules and procedures set forth in the Policy on Street and Driveway Access to North Carolina Highways. The District Engineer for the North Carolina Department of Transportation will notify and consult with the Jackson County Planning Department regarding access locations or signalization requested as part of any permit application.

Sec. 6.6.6 - 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* .
 - (1) *Applicability* . The requirements set forth in this section shall apply to new and existing development as follows:
 - a. *New development* :
 - i. 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 Environment and Natural Resources.
 - ii. For new development where the amount of impervious surface being created is 5,000 square feet or more, the requirements for a stormwater management plan set forth in subsections c and d of this section shall apply.
 - b. *Existing development* :
 - i. 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 Environment and Natural Resources.

- ii. 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 c and d of this section shall apply.

(2) *Stormwater management measures required .*

- a. For projects meeting the thresholds identified in (a)(ii) and (b)(ii) above, the property owner and/or developer shall provide a stormwater management plan that accommodates the stormwater run-off generated by a 10-year, 24-hour rain event or, if the property is located within a designated Protected Watershed 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.
- b. 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 non-structural control and treatment measures are encouraged.
- c. 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.
- d. The County supports and encourages innovative stormwater design such as rain gardens, pervious pavement, etc.

c) *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.
 - (13) The stormwater management plan shall be filed with the Jackson County Planning 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.
- d) *Stormwater permit required* . The Jackson County Planning Department shall review all stormwater plans required by this ordinance to ensure compliance therewith. In making this determination, the County shall use the Stormwater Best Management Practices Manual published by the North Carolina Department of Environment and Natural Resources 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 Planning Department 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. 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 ordinance, the County may require any revision of the plan that is necessary to comply with this ordinance. 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 ordinance. 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 Planning Department is authorized to double the regular permit fee.
- e) *As-built plans and final approval* . For all developments subject to these standards, upon completion of a project, and before final project 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 ordinance. 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.
- f) *Inspection and maintenance of measures* .

- (1) 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.
- (2) 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 ordinance. 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 ordinance.
 - f. The signature and seal of the engineer, surveyor, or landscape architect.
- (3) 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 the finding that substantial maintenance or repair recommendations are necessary. The owner of each stormwater measure, whether structural or non-structural in design, shall maintain it so as not to create or permit a nuisance condition.

Sec. 6-6. - Architectural design standards.

- a) *General* . Building design and architecture are critical components for quality development. Building architecture design standards are intended to promote compatibility within a development and throughout Jackson County, allow creativity and diversity of design, protect property values and neighborhood quality, and provide a safe and attractive environment for residents and visitors alike in the community.
 - (1) *Colors* .
 - a. 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.

- b. Exterior colors for new buildings and structures, including roofs, shall be coordinated with the predominant colors of the surrounding natural and built environment to minimize contrast between the structure and the surrounding area.
 - c. 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.
- d) *Building massing and configuration* .
- (1) 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.
 - (2) Building masses shall maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping.
 - (3) Proposed structures shall not be sited atop peaks or silhouetted against the sky when viewed from any designated public right-of-way.
- e) *Architectural unity* . 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.