

ARTICLE III. - PERMITS AND PROCEDURES

Sec. 3.1 - Purpose.

In order to establish an orderly process to develop land within the jurisdiction of Jackson County, it is the purpose of this section to provide a clear and comprehensible development process.

Sec. 3.2 - General provisions and applicability.

- (a) The provisions of this article shall be applicable to all development activity under the jurisdiction of Jackson County.

TABLE 3.1: Development Review Procedures identifies the procedures for several processes and permits for Jackson County, the Planning Councils, and several Boards and Commissions for designated development on lands in the County and for the Regulated Districts of the Cashiers Commercial Area, the Cullowhee Community Planning Area, and the US 441 Gateway District.

- (a) *Authority and Jurisdiction.*

- (i) This article, enacted in accordance with the provisions of G.S. ch. 153A, art. 18, parts 2 and 3 shall apply to all of Jackson County not within the jurisdictions of the various municipalities and the Qualla Boundary.

Table 3.1 - Development Review Procedures						
Development Permit/Process	Process Type	Review/ Recommendation	Decision/Final Action	Appeal	Public Notice Required (Sec 3.5)	Reference
Administrative Adjustment	Administrative	Planning Director ¹	Planning Director	Board of Adjustment ²	N/A	Sec. 3.7.1
Administrative Appeal	Quasi-Judicial	Planning Director	Board of Adjustment	Superior Court	1 & 2	Sec. 3.7.2
Administrative Appeal (Regulated District incl Airport)	Quasi-Judicial	Planning Director	Community Planning Council	Superior Court	1 & 2	Sec. 3.7.2 (c)
Administrative Review	Administrative	Planning Director	Planning Director	Board of Adjustment	N/A	Sec. 3.7.3
Certificate of Appropriateness	Quasi-Judicial	Planning Director	Historic Preservation Committee	Board of Adjustment	1, 2, & 3	Sec. 3.6
Certificate of Occupancy	Administrative	Planning Director/Permitting & Code Enforcement Director ³	Planning Director/Permitting & Code Enforcement Director	Board of Adjustment	N/A	N/A

Design Review - Regulated Districts	Administrative/ Quasi-Judicial ⁴	Planning Director	Community Planning Council ⁵	Community Planning Council ⁶	N/A	Sec. 3.7.4
Erosion and Sedimentation Control Plan	Administrative	Permitting & Code Enforcement Director	Permitting & Code Enforcement Director	Sediment & Erosion Control Appeals Board	N/A	Sec. 3.7.5
Floodplain Development Permit	Administrative	Floodplain Administrator ⁷	Floodplain Administrator	Board of Adjustment	N/A	Sec. 3.7.6
Floodplain Variance	Quasi-Judicial	Floodplain Administrator	Board of Adjustment	Superior Court	1	Sec. 3.7.20
Impervious Surface Area Modifications - Water Recharge	Legislative	Planning Director	Planning Board	Board of Adjustment	1	Sec. 3.4 Sec. 5.5
Industrial Permit	Administrative	Planning Director	Planning Director	Board of Adjustment	N/A	Sec. 3.7.7
Land Development Compliance Permit	Administrative	Permitting & Code Enforcement Director	Permitting & Code Enforcement Director	Board of Adjustment	N/A	Sec. 3.7.8
Manufactured Home Park Construction Permit	Administrative	Permitting & Code Enforcement Director	Permitting & Code Enforcement Director	Board of Commissioners	N/A	Sec. 3.7.9
Map Amendment/Rezoning	Legislative	Planning Director	Board of Commissioners	Superior Court	1,2 & 3	Sec. 3.7.12
Mountain & Hillside Development Permit	Administrative	Planning Director	Planning Board	Board of Adjustment	N/A	Sec. 3.7.10 Sec. 5.8
Mountain Ridge Protection Permit	Legislative	Planning Board	Board of Commissioners	Superior Court	1 & 2	Sec. 3.7.11 Sec. 5.7
Sign Permit	Administrative	Planning Director	Planning Director	Board of Adjustment	N/A	Sec. 3.7.13

Site Development Plan Permit (Regulated Districts)	Administrative	Planning Director	Planning Director	Board of Adjustment	N/A	Sec. 3.7.14
Special Use Permit	Quasi-Judicial	Planning Director	Multiple Boards and Entities ⁸	Superior Court	1, 2 & 3	Sec. 3.7.15
Stormwater Permit - Regulated Districts	Administrative	Permitting & Code Enforcement Director	Planning Director	Planning Council	N/A	Sec. 3.4
Subdivision, Major- Level 1 Preliminary Plat	<u>Legislative Administrative</u>	Planning Director	Planning Board Director	Board of Adjustment Planning Board	1	Sec. 3.7.16
<u>Subdivision, Major- Level 2 Preliminary Plat</u>	<u>Administrative</u>	<u>Planning Director</u>	<u>Planning Board</u>	<u>Board of Adjustment</u>	<u>1</u>	<u>Sec 3.7.16</u>
Subdivision, Major, Final Plat	Administrative	Planning Director	Planning Director	Board of Adjustment	N/A	Sec. 3.7.16
Subdivision, Minor Plat	Administrative	Planning Director	Planning Director	Board of Adjustment	N/A	Sec. 3.7.17
Temporary Use Permit	Administrative	Planning Director	Planning Director, Planning Council	Community Planning Council	N/A	Sec. 3.7.18
Text Amendment	Legislative	Planning Director	Board of Commissioners	Superior Court	1 & 2	Sec. 3.7.19
Variance	Quasi-Judicial	Planning Director	Multiple Boards & Entities ⁸	Superior Court	1, 2 & 3	Sec. 3.7.20
Vested Rights	Administrative	Planning Director	Planning Director	Planning Board/ Superior Court	N/A	Sec. 1.14 Sec. 3.7.2
Wireless Communications Permit	Quasi-Judicial	Planning Director	Board of Commissioners	Superior Court	1, 2 & 3	Sec. 3.7.15 Sec. 6.3
Zoning Permit - Regulated Districts	Administrative	Planning Director	Planning Director	Community Planning Council	N/A	Sec. 3.7.21

1. Planning Director and/or his/her designee.
2. For the purposes of this article, Board of Adjustment may mean any appeal body (Planning Council, etc.) other than the Superior Court.
3. Permitting & Code Enforcement Director and/or his/her designee.
4. If a Special Use Permit is required, the Design Review Committee makes findings of facts regarding the design standards.
5. The Community Planning Council serves as the Design Review Committee for all regulated districts.
6. The Planning Council is authorized by the Board of Commissioners to make final decision per Section 2.2(b).
7. The Permitting & Code Enforcement Director is also designated as the Floodplain Administrator.
8. Variances may be heard by Board of Adjustment, Planning Board, Regulated District Community Planning Councils, Watershed Review Board, Sediment Control Appeals Board.

Sec. 3.7.16 Subdivision, Major—Preliminary Plat.

(a) *Purpose and Intent.*

- (i) It is the purpose of this section to establish a procedure for the subdivision of land into more than eight lots along with construction of public streets or public infrastructure, in accordance with State and County law.

(b) Major- Level 1 Preliminary Plat Procedure

(i) Pre-Application Conference

- 1) Optional (see section 3.4 (c), Pre-Application Conference

(ii) Application Submittal and Acceptance.

- 1) Applications for approval of preliminary plats shall be filed with the Jackson County Planning Department in such form and manner as the administrator shall direct. The application shall be accompanied by applicable fees as approved by the Board of Commissioners.

(iii) Staff Review and Approval.

- 1) Jackson County Planning staff shall review and approve the Major- Level 1 applications.

- 2) Powers and Duties of Planning Staff for Major-Level 1 Applications.

- a) The Planning Department, in relation to this section, shall have the following powers and duties:

- i) Receive applications for approval of preliminary major plats.

- ii) Take action under this section to approve, approve with conditions, or disapprove applications for approval of Major- Level 1 preliminary plats.

(cb) Major- Level 2 Preliminary Plat Procedure.

(i) *Pre-Application Conference.*

- 1) Optional (see Section 3.4 (c), Pre-Application Conference).

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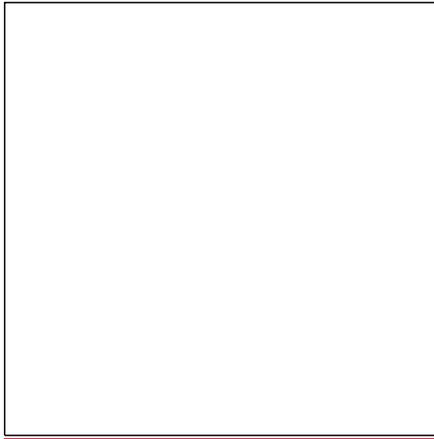
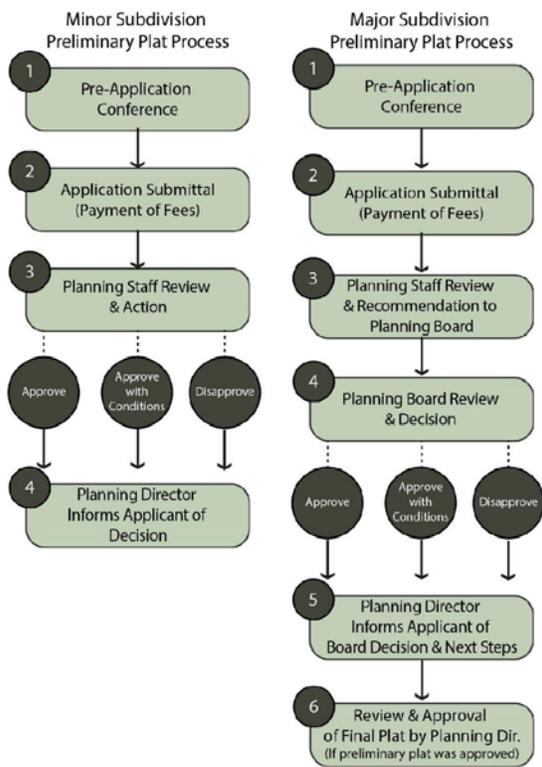


FIG 3.7 SUBDIVISION



(ii) Application Submittal and Acceptance.

- 1) Applications for approval of preliminary plats shall be filed with the Jackson County Planning Department in such form and manner as the administrator shall direct. The application shall be accompanied by applicable fees as approved by the Board of Commissioners.
 - 2) Applications for major subdivision-Level 2 preliminary plat shall contain the information required on the application and application checklist.
- (iii) *Staff Review and Action.*
- 1) Jackson County Planning staff shall review the applications and make recommendations to the Planning Board, including the recommendations of other affected agencies of government. The Planning Board shall take action as provided in this section.
- (iv) *Planning Board Action and Decision.*
- 1) Pursuant to G.S. 153A-332, The Planning Board is authorized to review and approve, approve with modifications, or disapprove applications for approval of preliminary major plats and to take other actions as required by this Section.
 - 2) Powers and Duties of Planning Board.
 - a) The Planning Board, in relation to this section, shall have the following powers and duties:
 - i) Receive applications for approval of preliminary major plats.
 - ii) Take action under this section to approve, approve with conditions, or disapprove applications for approval of preliminary major plats.
 - iii) Take action on requests for extensions of preliminary plat approvals.
 - iv) Establish, approve, and publish rules of procedure for the conduct of its affairs.
 - v) Maintain a record of its actions, including the votes of its members, attendance, and a summary of the information submitted to it.
 - 3) Timing of Actions.
 - a) Level 1 Subdivision
 - (i) The Planning Staff shall take action upon an application for approval of a preliminary major- Level 1 plat within 30 calendar days after acceptance and review of the Planning Director unless the applicant consents in writing to an extension of this time limit.
 - (ii) If the Planning Board or the Planning Director determines that there are errors or omissions in the application, plat or related materials during the processing period, unless such errors or omissions are minor and promptly correctable, the application and related materials shall be returned to the applicant with written findings as to required corrections and/or completions necessary prior to resubmission. A new 30-day limitation shall begin as of the date of acceptance of such resubmission.
 - (iii) Where applications are approved without conditions, the Planning Director shall notify the applicant of the approval date.
 - (iv) Where applications are approved with conditions, the Planning Director shall notify the applicant in writing of the conditions and the reasons.
 - (v) Where applications are denied, the Planning Director shall notify the applicant of the reasons.
 - (vi) All such notices shall be in writing and dispatched by first class mail to the address required by Section 3.5 within ten working days of the date of decision.

(b) Level 2 Subdivision

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(i) The Planning Board shall take action upon an application for approval of a preliminary major- Level 2 plat within 90 calendar days after acceptance and review of the application by the Planning Director unless the applicant consents in writing to an extension of this time limit.

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b)(ii) —If the Planning Board or the Planning Director determines that there are errors or omissions in the application, plat or related materials during the processing period, unless such errors or omissions are minor and promptly correctable, the application and related materials shall be returned to the applicant with written findings as to required corrections and/or completions necessary prior to resubmission. A new 90-day limitation shall begin as of the date of acceptance of such resubmission.

e)(iii) Where applications are approved without conditions, the Planning Director shall notify the applicant of the approval date.

e)(iv) Where applications are approved with conditions, the Planning Director shall notify the applicant in writing of the conditions and the reasons.

e)(v) Where applications are denied, the Planning Director shall notify the applicant of the reasons.

f)(vi) All such notices shall be in writing and dispatched by first class mail to the address required by Section 3.5 within ten working days of the date of decision by the Planning Board.

g)(vii) Approvals of major plats or disapprovals and grounds therefore shall be recorded in the minutes of the Planning Board action.

(b) *Administrative Approval of all Final Major- Level 1 and Level 2 Plats.*

(i) If the final major plat conforms to the approved preliminary plat, requirements lawfully established under this section, and all preliminary conditions of approval, the Planning Director shall approve the final major plat within ten working days from receipt of a complete final subdivision submittal. All required improvements shall be complete, or a performance guarantee package shall be submitted in accordance with Section 4.9 and subsequently approved by the Planning Director.

(c) *Effect.*

(i) When the Planning Board fails to approve, conditionally approve, or disapprove plats within 90 calendar days from the date of acceptance of the application for Level 2 subdivisions, except where applications have been returned for correction of errors or omissions and resubmittal or applicants have extended time limitations, as provided in Section 3.7.16 (b)(iv)(2), a major- Level 2 plat shall be deemed to have been approved without conditions.