

Unified Development Ordinance (UDO) 160D and Associated Amendments

Commissioners Work Session, September 14th, 2021

UDO Background

Prior to the UDO the County regulated development through a series of Jackson County's Ordinances are as follows:

- Subdivision Ordinance
- Mountain and Hillside Development Ordinance
- Industrial Development Ordinance
- Watershed Protection Ordinance
- Floodplain Development Ordinance
- Cashiers Area Commercial Development Ordinance
- 441 Development Ordinance
- Cullowhee Development Ordinance
- Water Pollution Ordinance
- Land Development Ordinance
- Erosion and Sedimentation Control
- Adult Establishments Ordinance
- Mountain Ridge Development Ordinance
- Outdoor Lighting Ordinance
- Manufactured Home Ordinance
- Telecommunications Ordinance
- Sign Ordinance
- Water Recharge Ordinance
- Airport Hazard Zoning
- Board of Adjustment Ordinance

UDO Background

- The UDO is a “framework” document that combines the previously 21 stand alone ordinances into one document.
- This process was designed to consolidate our land development regulations into one document.
- The UDO framework consolidates several areas of the development ordinances:
 - Administration
 - Processes
 - Enforcement
 - Definitions

What is 160 D and Why do we need to amend the UDO?

- The State of North Carolina has modernized the statutes that gave local governments the ability to regulate land development.
 - 153A- granted Counties the authority
 - 160A- granted Cities the authority
- The State combined the two statutes into one new statute 160D.
- We need to amend the UDO to reflect the new statute references as well as definitions and additional regulatory language adopted.
- Staff is also recommending additional amendments to clarify existing policies.
- Prior to the UDO we would have held approximately 28 public hearings to amend our ordinances.
- This amendment process will require 5 total public hearings (one for each Planning Council and the Planning Board, and one for the Board of Commissioners).

What changes are included in the proposed 160 D amendments?

- Updating all statute references from 153A or 160A to 160D.
- Updating terminology-
 - Conditional Uses are now Special Uses
 - Special Zoning District to Conditional Zoning District
- Adding conflict of interest statements for staff, appointed boards and elected boards.
- Ensuring that definitions are consistent with State definitions
 - Building, dwelling, dwelling unit, bedroom, sleeping unit.

What changes are included in the proposed 160 D amendments?

- Amendments to Subdivision regulations
 - Performance guarantees- Can't specify the type of guarantee or use guarantees for repair or maintenance of infrastructure.
- Amendments to Vested Rights and Permit Choice
 - Vested rights change allows for a two year vesting for all site specific development approvals (i.e. Special Use Permits)
 - Permit Choice states that if a regulation is in the process of being changed when the application is submitted, the applicant may choose the which regulations will be applied to the application.
- Prohibits 3rd party “down zoning”

What changes are included in the proposed 160 D amendments?

- Amendments to Enforcement
 - Specifies how the notice of violation is to be issued and delivered.
 - Requires a 30 day appeal time frame.

Amendments for Clarification and Update Processes

- Staff has made several recommendations, in addition to the required 160 D updates that will clarify existing policies and improve processes.
- Include a general provision that graphics and images are for illustrative purposes only.
- Consolidation of the Board of Adjustment and Watershed Review Board into the Planning Board duties.
- Clarify the Administrative Review of Special Use Permit applications
 - Shifts language from approve/deny, to complete/incomplete.

Amendments for Clarification and Update Processes

- Clarifies the definitions of minor/major subdivision.
- Clarifies how text amendments are initiated.
- Clarifies road design criteria in the subdivision regulations
- Clarifies stream buffer requirements in the watershed.
- Removing graphics that are difficult to amend and change to tables
 - This was done in the US 441 and Cashier districts
- Update UDO with previously adopted regulations that were inadvertently excluded.
 - i.e. sidewalk standards in Cashiers regulations, setback regulations and building materials standards in Cullowhee, density standards in US 441.
- One request from 441 Council to add duplexes as an allowable use in the Rural Living district.