

ARTICLE IV. - GENERAL AND SPECIAL USE DISTRICTS

Sec. 4-1. - Enumeration and description of districts; designation of districts on official zoning map.

a) Criteria for zoning districts . For the purposes set forth in Article I, the Cullowhee Planning Area is divided into zoning districts taking into account the design, size, and/or location of one or more of the following:

- (1) Transportation facilities;
- (2) Schools, parks, and other public facilities;
- (3) Availability of sanitary sewer and/or septic systems;
- (4) Access to and location of other utility services;
- (5) Potential hazards from fire and flooding;
- (6) Access to light and air from buildings;
- (7) Topography and other natural features; and/or
- (8) Current uses of land and buildings for residences, businesses, churches, schools, and for other uses, and height of buildings, the size and location of yards, and the density of development in each of the zoning districts hereinafter mentioned.

b) Enumeration and description of zoning districts . The following general use districts are established in this article: Commercial, Institutional, Multi-Family Residential High Density, Multi-Family Residential Medium Density, Townhome Residential Low Density, Single Family Residential, Single Family Residential — Manufactured Home, and Parks/Open Space Districts.

c) Watershed area . Certain properties within the Cullowhee Planning Area are located within a designated Watershed Protected Area or Watershed Critical Area, as noted on the District Map. These areas are subject to additional development standards as set forth in the Jackson County Watershed Protection Ordinance.

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

Sec. 4-2. - C Commercial District.

a) Purpose . The purpose of the Commercial District is to provide opportunities for commercial development with standards to assure that the development is sustainable and maintains the character of the community.

b) Permitted uses . See Table of Permitted Uses.

c) Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses. Also, any development or redevelopment that exceeds 75,000 square feet in gross floor area.

e) Prohibited uses . Any use not listed as a permitted use, a use subject to additional standards, or a special use. This specifically includes adult uses and video/internet gaming establishments.

f) Development standards .

(1) Lot size standards . New lots in the Commercial District shall not be less than 0.25 acres (10,890 square feet).

(2) Lot width standards . New lots in the Commercial District shall not be less than 50 feet in width.

(3) Density standard . There shall be no greater than 30 dwelling units per acre on any lot in the Commercial District.

(4) Building height standard . New structures in the Commercial District shall not exceed 40 feet in height.

(5) Setback standards . The following minimum setbacks shall be required for structures in the Commercial District, [for single family dwellings, setbacks shall be those set forth in Section 4-7.](#)

a. Front: 15 feet.

b. Side: 10 feet; a reduction in the side setback may be approved by staff if NC Building Code requirements are met.

c. Rear: 10 feet.

d. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

(6) Impervious surface standard . The maximum impervious surface coverage of a lot in the Commercial District shall be 70 percent. An increase in the impervious area may be permitted if best management practices are used to address stormwater runoff under the provisions set forth in the Jackson County Water Recharge Ordinance.

(7) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter.

(8) Parking and loading standards . Parking shall be provided as required by Section 6-4 of this chapter. There shall be a maximum of two rows of parking permitted in front of building(s). Parking shall be permitted beside and behind buildings. No parking shall be permitted in required buffers, side and/or rear setbacks, or open space.

(9) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages. If a greenway route is indicated as crossing the property on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a condition of project approval. The dedication of the easement(s) shall count toward the open space requirements for the proposed development.

(10) Open space standard . Lots in the Commercial District shall contain at least ten percent open space, which must be maintained in a vegetated, natural state.

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

Sec. 4-3. - INST Institutional District.

a) Purpose . The purpose of the Institutional District is to provide areas for the development of institutional facilities in an environment that supports their functions and provides for the infrastructure needed to serve the development.

b) Permitted uses . See Table of Permitted Uses.

c) Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses. Also, any development or redevelopment that exceeds 75,000 square feet in gross floor area.

e) Prohibited uses . Any use not listed as a permitted or a special use.

f) Development standards .

(1) Lot size standards . New lots in the Institutional District shall not be less than 0.25 acres (10,890 square feet).

(2) Lot width standards . New lots in the Institutional District shall not be less than 50 feet in width.

(3) Density standard . There shall be no greater than 20 dwelling units per acre on any lot in the Institutional District.

(4) Building height standard . New structures in the Institutional District shall not exceed 40 feet in height.

(5) Setback standards . The following minimum setbacks shall be required for structures in the Institutional District, [for single family dwellings, setbacks shall be those set forth in Section 4-7.](#)

a. Front: 25 feet.

b. Side: 10 feet.

c. Rear: 20 feet.

d. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

(6) Impervious surface standard . The maximum impervious surface coverage of a lot in the Institutional District shall be 70 percent. An increase in the impervious area may be permitted if best management practices are used to address stormwater runoff under the provisions set forth in the Jackson County Water Recharge Ordinance.

(7) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter.

(8) Parking and loading standards . Parking shall be provided as required by Section 6-4 of this chapter. No parking shall be permitted in required buffers, side and/or rear setbacks, or open space.

(9) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages. If a greenway route is indicated as crossing the property on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a

condition of project approval. The dedication of the easement(s) shall count toward the open space requirements for the proposed development.

(10) Open space standard . Lots in the Institutional District shall contain at least ten percent open space, which must be maintained in a vegetated, natural state.

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

Sec. 4-4. - MFH Multi-Family Residential—High Density District.

a) Purpose . The Multi-family Residential High Density District is established to provide standards for high density development that minimizes the impact on surrounding properties in areas that have the infrastructure necessary to serve the development.

b) Permitted uses . See Table of Permitted Uses.

c) Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses. Also, any development or redevelopment that contains more than 100 units or 200 bedrooms.

e) Prohibited uses . Any use not listed as a permitted use, use subject to additional standards, or a special use.

f) Development standards .

(1) Lot size standards . New lots in the MFH District shall not be less than five acres for townhomes and apartments. For single family dwellings, lot sizes shall be those set forth in Section 4-7.

(2) Lot width standards . New lots, other than those for single family home development, in the MFH District shall not be less than 500 feet in width. Single family home lots shall have a minimum width of 50 feet.

(3) Density standard . There shall be no greater than twenty-four (24) bedrooms per acre on any lot in the MFH District. Single family density shall be determined by permitted lot size.

(4) Building height standard . New structures in the MFH District shall not exceed 40 feet in height. This height requirement may be increased up to 80 feet provided that for each additional one foot in building height, the building is set back an additional two feet from the setback required by Section 4-4.f(5) below.

(5) Setback standards . The following minimum setbacks shall be required for structures in the MFH District, [for single family dwellings, setbacks shall be those set forth in Section 4-7.](#)

a. Front: 40 feet.

b. Side: 25 feet.

c. Rear: 30 feet.

d. Multi-family developments of more than 12 units shall be setback a minimum of 50 feet from the Tuckasegee River. No parking, grading, or activity other than passive recreation shall occur within this setback.

e. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

f. No parking, vehicular access areas, or structures shall be located within the required setbacks. Driveways may cross the setbacks. Recreational facilities may be located within the setback upon approval by the Cullowhee Community Planning Council.

(6) Distance between buildings . When located on the same property, the minimum distance between buildings shall be equal to the side setback set forth in Section 4-4.f(5) plus one foot for each one foot in building height above 35 feet.

(7) Impervious surface standard . The maximum impervious surface coverage of a lot in the MFH District shall be 70 percent.

(8) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter. No grading shall occur within the required buffer other than that required for access drives.

(9) Parking and loading standards . Parking shall be provided as required by Section 6-4 of this chapter. No parking shall be permitted in required buffers, setbacks, or open space.

(10) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages. A sidewalk connection shall be provided from each building to the street or road providing primary access to the property. In lieu of sidewalks, trails may be provided upon approval by the Community Planning Council. If a greenway route is indicated as crossing the property on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a condition of project approval. The dedication of the easement(s) shall count toward the open space requirements for the proposed development. This standard shall not apply to single family home developments of less than 12 lots/homes.

(11) Open space standard . Lots in the MFH District shall contain at least 10 percent open space, which must be maintained in a vegetated, natural state.

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

Sec. 4-5. - MFM Multi-Family Residential—Medium Density District.

a) Purpose . The Multi-Family Residential—Medium Density District is created to provide opportunities for development of medium density residential uses and supporting uses in areas with infrastructure to serve the uses where the development will not adversely impact surrounding properties.

b) Permitted uses . See Table of Permitted Uses.

c) Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses. Also, any development or redevelopment that contains more than 60 units or 120 bedrooms.

e) Prohibited uses . Any use not listed as a permitted use, use subject to additional standards, or a special use.

f) Development standards .

(1) Lot size standards . New lots in the MFM District shall not be less than two acres for townhomes and apartments. For single family dwellings, lot sizes shall be those set forth in Section 4-7.

(2) Lot width standards . New lots, other than those for single family homes, in the MFM District shall not be less than 200 feet in width. Single family home lots shall have a minimum width of 50 feet.

(3) Density standard . There shall be no greater than 18 bedrooms per acre or 12 dwelling units per acre on any lot in the MFM District. Single family density shall be determined by permitted lot size.

(4) Building height standard . New structures in the MFM District shall not exceed 40 feet in height. This height requirement may be increased up to 80 feet provided that for each additional one foot in building height, the building is set back an additional two feet from the setback required by Section 4-5.f(5) below.

(5) Setback standards . The following minimum setbacks shall be required for structures in the MFM District, [for single family dwellings, setbacks shall be those set forth in Section 4-7.](#)

a. Front: 35 feet.

b. Side: 25 feet.

c. Rear: 25 feet.

d. Multi-family developments of more than 12 units shall be setback a minimum of 50 feet from the Tuckasegee River. No parking, grading, or activity other than passive recreation shall occur within this setback.

e. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

f. No parking, vehicular access areas, or structures shall be located within the required setbacks. Driveways may cross the setbacks. Recreational facilities may be located within the setback upon approval by the Cullowhee Community Planning Council.

(6) Distance between buildings . When located on the same property, the minimum distance between buildings shall be equal to the side setback set forth in Section 4-5.f(5) above plus one foot for each one foot in building height above 35 feet.

(7) Impervious surface standard . The maximum impervious surface coverage of a lot in the MFM District shall be 60 percent.

(8) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter. No grading shall occur within the required buffer other than that required for access drives.

(9) Parking and loading standards . Parking shall be provided as required by Section 6-4 of this chapter. No parking shall be permitted in required buffers, setbacks, or open space. A maximum of two rows of parking is permitted in front of any building(s). Parking is permitted beside and behind any building(s).

(10) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages. A sidewalk connection shall be provided from each building to the street or road providing primary access to the property. In lieu of sidewalks, trails may be provided upon approval by the Community Planning Council. If a greenway route is indicated as crossing the property on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a condition of project approval. The dedication of the easement(s) shall count toward the open space requirements for the proposed development. This standard shall not apply to single family home developments of less than 12 lots/homes.

(11) Open space standard . Lots in the MFM District shall contain at least 10 percent open space, which must be maintained in a vegetated, natural state.

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

Sec. 4-6. - TH Townhome Residential—Low Density District.

a) Purpose . The Townhome Residential—Low Density District is established to provide opportunities for townhomes and low density multi-family development in areas that can serve as a transition between higher intensity and lower intensity uses.

b) Permitted uses . See Table of Permitted Uses.

c) Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses. Also, any development or redevelopment that contains more than 40 units or 75 bedrooms.

e) Prohibited uses . Any use not listed as a permitted use, use subject to additional standards, or a special use.

f) Development standards .

(1) Lot size standards . New lots in the TH District shall not be less than one acre for townhomes. For single family dwellings, lot sizes shall be those set forth in Section 4-7.

(2) Lot width standards . New lots, other than those for single family home development, in the TH District shall not be less than 100 feet in width. Single family home lots shall have a minimum width of 50 feet.

(3) Density standard . There shall be no greater than ten dwelling units (townhomes) or 12 bedrooms (multi-family developments) per acre on any lot in the TH District. Single family density shall be determined by permitted lot size.

(4) Building height standard . New structures in the TH District shall not exceed 40 feet in height.

(5) Setback standards . The following minimum setbacks shall be required for structures in the TH District, [for single family dwellings, setbacks shall be those set forth in Section 4-7.](#)

a. Front: 20 feet.

b. Side: 15 feet.

c. Rear: 15 feet.

d. Multi-family developments of more than 12 units shall be setback a minimum of 50 feet from the Tuckasegee River. No parking, grading, or activity other than passive recreation shall occur within this setback.

e. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

f. No parking, vehicular access areas, or structures shall be located within the required setbacks. Driveways may cross the setbacks. Recreational facilities may be located within the setback upon approval by the Cullowhee Community Planning Council.

(6) Distance between buildings . When located on the same property, the minimum distance between buildings shall be equal to the side setback set forth in Section 4-6.f(5) plus one foot for each one foot in building height above 35 feet.

(7) Impervious surface standard . The maximum impervious surface coverage of a lot in the TH District shall be 50 percent.

(8) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter. No grading shall occur within the required buffer other than that required for access drives.

(9) Parking and loading standards. Parking shall be provided as required by Section 6-4 of this chapter. No parking shall be permitted in required buffers, setbacks, or open space. No parking is permitted in front of any building(s) for townhomes. Parking is permitted beside and behind building(s).

(10) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages for townhome projects. A sidewalk connection shall be provided from each building within a townhome development to the street or road providing primary access to the property. In lieu of sidewalks, trails may be provided upon approval by the Community Planning Council. If a greenway route is indicated as crossing the property to be developed for townhomes on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a condition of project approval. The dedication of the easement(s) shall count toward the open space requirements for the proposed development. This standard shall not apply to single family home developments of less than 12 lots/homes.

(11) Open space standard . Lots in the TH District shall contain at least ten percent open space, which must be maintained in a vegetated, natural state.

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

Sec. 4-7. - SF Single Family Residential District.

a) Purpose . The Single Family Residential District is established to preserve areas for the development or single family residences and related uses.

b) Permitted uses . See Table of Permitted Uses. c)

Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses.

e) Prohibited uses . Any use not listed as a permitted use, use subject to additional standards, or a special use.

f) Development standards .

(1) Lot size standards . Lots that are served by public water and sewer shall not be less than 0.20 acres (8,712 square feet). Lots that are served by either public water or public sewer (not both) shall not be less than 0.5 acres (21,780 square feet). Lots that are not served by public water or public sewer shall be no less than 1.0 acre (43,560 square feet).

(2) Lot width standards . New lots in the Single Family District shall not be less than 50 feet in width.

(3) Density standard . On lots served by both public water and public sewer, there shall be no more than five dwelling units per acre. On lots served by either public water or public sewer but not both, there shall be no more than two dwelling units per acre. On lots not served by public sewer or public water, there shall be no more than one dwelling unit per acre.

(4) Building height standard . New structures in the SF District shall not exceed 40 feet in height.

(5) Setback standards . The following minimum setbacks shall be required for structures in the SF District:

a. Front: 20 feet.

b. Side: 10 feet.

c. Rear: 10 feet.

d. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

(6) Impervious surface standard . The maximum impervious surface coverage of a lot in the SF District shall be as required by the Jackson County Water Recharge Ordinance.

(7) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter. No grading shall occur within the required buffer other than that required for access drives unless approved by the Cullowhee Community Planning Council.

(8) Parking and loading standards . Parking shall be provided as required by Section 6-4 of this chapter.

(9) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages for subdivisions of more than 12 lots/homes. In lieu of sidewalks, trails may be provided upon approval by the Community Planning Council. If a greenway route is indicated as crossing the property on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a condition of project approval for subdivisions of more than 12

lots/homes. The dedication of the easement(s) shall count toward the open space requirements for proposed subdivision development.

(10) Open space standard . Developments in the SF District shall contain open space as required by the Jackson County Subdivision Ordinance.

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

Sec. 4-8. - SF-MH Single Family Residential—Manufactured Home District.

a) Purpose . The Single Family Residential — Manufactured Home District is established to preserve areas for the development or single family residences, including manufactured homes, and related uses.

b) Permitted uses . See Table of Permitted Uses.

c) Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses.

e) Prohibited uses . Any use not listed as a permitted use, use subject to additional standards, or a special use.

f) Development standards .

(1) Lot size standards . Lots that are served by public water and sewer shall not be less than 0.20 acres (8,712 square feet). Lots that are served by either public water or public sewer (not both) shall not be less than 0.5 acres (21,780 square feet). Lots that are not served by public water or public sewer shall be no less than 1.0 acre (43,560 square feet).

(2) Lot width standards . New lots in the SF—MH District shall not be less than 50 feet in width.

(3) Density standard . On lots served by both public water and public sewer, there shall be no more than five dwelling units per acre. On lots served by either public water or public sewer but not both, there shall be no more than two dwelling units per acre. On lots not served by public sewer or public water, there shall be no more than one dwelling unit per acre.

(4) Building height standard . New structures in the SF-MH District shall not exceed 40 feet in height.

(5) Setback standards . The following minimum setbacks shall be required for structures in the SF-MH District, [for single family dwellings, setbacks shall be those set forth in Section 4-7.](#)

a. Front: 20 feet.

b. Side: 10 feet.

c. Rear: 10 feet.

d. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

(6) Impervious surface standard . The maximum impervious surface coverage of a lot in the SF-MH District shall be as required by the Jackson County Water Recharge Ordinance.

(7) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter. No grading shall occur within the required buffer other than that required for access drives unless approved by the Cullowhee Community Planning Council.

(8) Parking and loading standards . Parking shall be provided as required by Section 6-4 of this chapter.

(9) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages for subdivisions of more than 12 lots/homes. In lieu of sidewalks, trails may be provided upon approval by the Community Planning Council. If a greenway route is indicated as crossing the property on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a condition of project approval for subdivisions of more than 12 lots/homes. The dedication of the easement(s) shall count toward the open space requirements for proposed subdivision development.

(10) Open space standard . Developments in the SF-MH District shall contain open space as required by the Jackson County Subdivision Ordinance.

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

Sec. 4-9. - P/OS Parks/Open Space District.

a) Purpose . The Parks/Open Space District is created to preserve publicly owned parks and open space properties.

b) Permitted uses . See Table of Permitted Uses.

c) Uses subject to additional standards . See Table of Permitted Uses.

d) Special uses . See Table of Permitted Uses.

e) Prohibited uses . Any use not listed as a permitted use, use subject to additional standards, or a special use.

f) Development standards .

(1) Lot size standards . New lots in the P/OS District shall be no less than 0.25 acres (10,890 square feet).

(2) Lot width standards . New lots in the P/OS District shall not be less than 40 feet in width.

(3) Density standard . There is no minimum or maximum density in the P/OS District.

(4) Building height standard . New structures in the P/OS District shall not exceed 40 feet in height.

(5) Setback standards . The following minimum setbacks shall be required for structures in the P/OS District:

a. Front: 20 feet.

b. Side: 15 feet.

c. Rear: 20 feet.

d. Should greater setbacks be required for buffering from streams or rivers, for landscaping, or other reasons, the greater setback shall prevail.

(6) Impervious surface standard . The maximum impervious surface coverage of a lot in the P/OS District shall be as required by the Jackson County Water Recharge Ordinance.

(7) Landscaping/buffering standard . Landscaping and/or buffering shall be provided as required by Section 6-3 of this chapter. No grading shall occur within the required buffer other than that required for access drives unless approved by the Cullowhee Community Planning Council.

(8) Parking and loading standards . Parking shall be provided as required by Section 6-4 of this chapter.

(9) Pedestrian facilities standards . A sidewalk meeting NC DOT standards shall be required along all street and road frontages. In lieu of sidewalks, trails may be provided upon approval by the Community Planning Council. If a greenway route is indicated as crossing the property on Jackson County's Greenway Master Plan, the easement for the greenway shall be dedicated to Jackson County as a condition of project approval. The dedication of the easement(s) shall count toward the open space requirements for proposed development.

(10) Open space standard . For projects involving construction of buildings and/or parking areas, 40 percent of the site must be preserved as open space, which should be maintained in a vegetated state natural to the region of Western North Carolina