Town of Sylva

The Town of Sylva is the County Seat of Jackson County, situated amidst the Great Smoky Mountains. Our town, is a Main Street community has many restaurants and shops along its tree-lined streets that comprise the commercial center of Jackson County. The Town of 2,800 people first adopted its zoning ordinance in 1998 and has amended it from time to time over the past 22 years. The subdivision ordinance was adopted in 2009. However, with many changes over that time in both state statute and North Carolina case law, the Town commissioned an Ordinance Assessment to address deficiencies in the current zoning and subdivision ordinance. In conjunction, the ordinance update will include the requirements of North Carolina Statute 160D. The Town's Planning Board will serve as the steering committee for this project and Town Staff will provide support.

Scope of Services

Deliverables:

1. Update the Town's zoning and subdivision ordinance based on the recommendations found in Sylva's Ordinance Assessment document (attached). Specifically Option 1 (pg. 20) and Section 3.3 (pg. 34-39).

2. Provide technical updates to ensure that ordinance language reflects all required changes per 160D of the North Carolina General Statutes.

3. Attend up to two (2) Board of Commissioners meetings (kick-off and final presentation).

4. Attend up to three (3) Planning Board meetings (Kick-off, mid project report, and final presentation).

5. Provide regular project updates and content for Town's website related to the ordinance update.

6. Provide 7 bound hard copies of the final approved ordinance.

7. Provide a digital copy of the updated ordinance in an editable format (MS Word).

Submission Requirements

Firms that are interested in providing a response to this request should submit 5 bound proposals, as well as 1 digital copy, that includes the following information:

1. Letter of interest and ability to provide the requested services.
2. Qualification of the Firm.
3. Qualifications of the personnel that will be assigned to the project.
4. Firm's project management experience and experience in updating zoning and subdivision ordinances for towns under 5,000 in population.
5. Description of proposed project methodology and approach.
6. Proposed timeline.
7. Proposed project budget, including a breakdown of the cost by required element (i.e. Ordinance development, attendance at BOC meetings and advisory boards, etc.)
   activities).
8. Provide three references from communities that the Town can contact in regard to the stated qualifications. Please include point of contact for the community, his or her title, and phone

number and a brief description of your working relationship.

All submissions will be reviewed by the Selection Committee and scored based on criteria that includes, but is not limited to:

1. Quality of the proposal
2. Qualifications and experience of the personnel assigned to the project
3. Project management experience
4. Project approach
5. Proposed project timeline
6. Proposed budget
7. References

The Selection Committee may select up to three finalists to participate in an on-site interview process.

Submission Deadline

All submissions are due to the Town Manager by 5 PM on July 9, 2020. Incomplete submissions will not be considered. Questions should be directed to Paige Dowling via email at townmanager@townofsylva.org.

Submissions should be forwarded to:

Paige Dowling
Town Manager
Town of Sylva
83 Allen Street
Sylva, NC 28779

Sylva, NC

ORDINANCE ASSESSMENT

DRAFT A

MAY 16, 2019

JTC

FRICTION SHIFT PROJECTS

Acknowledgments

BOARD OF COMMISSIONERS

Lynda Sossamon, Mayor
Mary Gelbaugh
Barbara Hamilton
Harold Hensley
Greg McPherson
David Nestler

PLANNING BOARD

Boyd Sossamon
Ellen Hunter
Russ Harris
Joe Bill Matthews
Ben Guinney
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TOWN MANAGER

Paige Dowling

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Michael Poston, Planning Director
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CONSULTANT TEAM

J. Turner Consulting, LLC
Friction Shift Projects

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10. Definitions

3.3 Specific Ordinance Findings

Jackson County Courthouse

1

INTRODUCTION

1.1 BACKGROUND

The Town of Sylva is the Jackson County seat and an important destination for visitors and tourists in western North Carolina. Town residents, business owners, and leaders are aware of the charm and character that compel many to spend time in the downtown. They also are aware of the commercial growth that has occurred outside of the downtown, primarily along the transportation corridors. There is a strong desire to extend and ensure that the quality of new development reflects, without imitating, the character and form found downtown.

A zoning ordinance, also referred to as code, is the tool used to shape a community and ensure development reflects the vision of its residents. A well-designed ordinance will assist the reviewing bodies in making informed decisions. The ordinance addresses land development and use in the Town from the Dillsboro city limits to the north through the downtown Main Street Corridor and south to the Sylva City limits on Highway 107.

Typically the Ordinance is informed by the comprehensive plan. Sylva does not have an updated comprehensive land use plan, but several recently prepared plans and studies (see Section 1.4) will guide the update of the Town's ordinances. Stakeholders including but not limited to merchants, residents, Jackson County, the Chamber of Commerce and Southwestern Commission, and Main Street Sylva Association provided input for the previous plans.

Several land development-related ordinances may be folded into a Unified Development Ordinance (UDO). The Town of Sylva Zoning Ordinance (Chapter 38 of the Municipal Code) hails from 1998, though the Town adopted several text amendments over the years, some as recently as 2017. The Subdivision Ordinance (Chapter 31) and the Stormwater Ordinance (an appendix of Chapter 38) are examples of components of a UDO.

THE PLANNING TEAM RECOMMENDS A UDO

A UDO combines traditional zoning, subdivision regulations (Chapter 31) and development standards (design guidelines, stormwater management (currently an Appendix of Chapter 38, street standards, etc.) into one easy-to-read reference document. It is intended to eliminate redundant or conflicting ordinance provisions, help to streamline the review and approval process, and clarify the steps and requirements with illustrations and non-jargon language.

This assessment of the current ordinance and related land use and development ordinances will address issues identified including zoning standards to facilitate a variety of development types, vehicular and pedestrian access management from streets and thoroughfares to commercial properties, enhanced appearance standards, updated uses for the 21st century, and more.

1.2 TIMELINE

The purpose of the ordinance assessment is to achieve consensus on the content and format of an updated zoning and subdivision ordinance, a newly formed UDO, which is the planning team's recommendation. The assessment provides a general guide but the UDO development should be fluid based on public input and to accommodate issues not currently identified. The end goal is not the assessment, but an adopted UDO, a process that could take six to twelve months. An overall timeline is shown below.

DATA GATHERING
Plan Review
Town Tour
Planning Board Input

ASSESSMENT
Review and Summary
Suggestions Based on Goals
Planning Board Workshop

MAPPING
Info to Guide Code (Density, Development Capacity, etc.)
Future Land Use Map

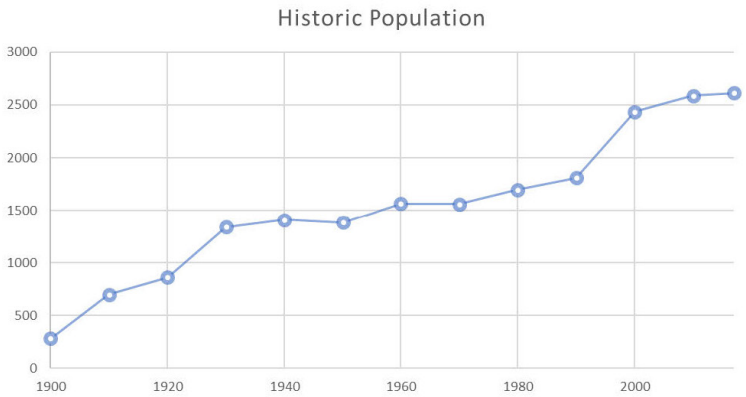
NEXT STEPS
Update and adopt UDO
Update and adopt new official zoning map

1.3 COMMUNITY PROFILE

Part of assessing the current Zoning Ordinance is to review the changes in the community from 1998 when the ordinance was prepared to 2019. Census data indicates that the greatest period of growth since World War II occurred between 1990 and 2000 due to an annexation in 1996 which extended commercial corridors and residential area. Modest growth occurred since 2000, primarily due to new residential development, and not annexation. During the same period, commercial growth exceeded residential, primarily along the corridors.

The illustration provides a snapshot of the Town based on American Community Survey data available in 2017.

POPULATION	MEDIAN AGE
2,612*	35.4
MEDIAN INCOME	**Below Poverty**
$47,337	14.4%



Source: American Community Survey, 2017 * OSBM 2017 certified the population estimate at 2,720.

Sylva has a population of 2,678 (2017) and sits

Plans Reviewed

Town of Sylva Land Use Development Plan ….for a better tomorrow (2005)

Sylva Smart Growth Plan (2005)

NC 107 Corridor Study Report

Five-Year Economic Development Strategic Plan 2017-2021 (2017)

Town of Sylva Pedestrian Plan (2010)

Sylva Zoning Ordinance (1998-2017)

Sylva Subdivision Regulations (2009)

Future Land Use Map

1.4 RELEVANT PLANS AND STUDIES

As part of the Sylva ordinance assessment, several plans, except the existing Comprehensive Plan, were evaluated to gain a better understanding of how an updated UDO, which addresses land development on a parcel level, can more effectively implement the community vision. A synopsis of each plan follows, later to reveal in Section 1.5, emerging goals and themes important to the Town.

Town of Sylva Land Use Development Plan ….for a better tomorrow (2005)

The Land Use Development Plan compiles highlights from several community actions. There is a mission statement and vision adopted by the commissioners in 2003, Town demographics, a slide of the Smart Growth Plan described in detail below, acknowledgment of the annexation increasing the area of Sylva from 1.5 to 3.2 square miles, and identification of the areas of concern, Highway 107 corridor and US 23/74 Bypass and Business corridor.

Most applicable to the preparation of a zoning update or UDO are the Master Plan Development Strategies:

- Mixed use development to encourage Urban Village/Walkable Communities
- Hillside Development to prevent mutilation of our valley environment and aesthetics
- Higher densities to maximize on existing infrastructure
- Erosion/Sedimentation Control to improve water quality.
- Stormwater Management to prevent land slides, erosion and to improve capacity.
- Impervious surface standards to reduce storm water runoff.
- Appearance standards to improve aesthetics and culture.
- Infrastructure mandates to assist in providing the necessary water, sewer and transportation systems of new developments.
- Subdivision Regulations to provide for the review and approval of subdivision plats and development and construction of infrastructure.

Sylva Smart Growth Plan (2005)

Though the Smart Growth Plan is 14 years old, it set forth specific principles and actions for the future of the Town as it continues to grow that are still relevant. Smart Growth is based on widely accepted principles (see sidebar page 9). Individual jurisdictions may tailor the principles as Sylva did for three shown below.

- The traffic-carrying capacity of existing arterials and highways should be carefully monitored and maintained at acceptable levels of service
- Develop new land-use tools to complement existing tools

in promoting compatible land use projects, protect environmentally-sensitive land, infrastructure needs and allow flexibility in site design to achieve the above guidelines
» Ensure capital projects and economic development incentives that support and encourage sustainable development patterns

The plan explores the commercial, residential, and environmental balance of the Town and acknowledges that the solutions for successful growth and sustainable development must equally addressing land use, transportation inter-connectivity, and infrastructure capacity. Additional goals included:

» Develop long range plans that expand opportunities for viable commercial and residential growth, while keeping environmental and aesthetics issues in mind
» Develop long-range plans that address job creation to fit our small-town profile, encourage affordable housing and pedestrian-friendly urban villages

Key recommendations from the plan intended to implement the vision and goals above include:

» Enhance and encourage connectivity, bicycle and pedestrian treatments, access management, and safety along the Highway 107 corridor and the US 23/74 Bypass and Business Corridor
» Complete comprehensive plans for the primary (Highway 107) and secondary (US 23/74) areas within 5 years (2010)
» Develop zoning and appropriate land development standards prior to formal adoption of Extra-territorial Jurisdiction (ETJ) ordinance
» Assess infrastructure assessments and identify projected expansion/improvement projects

Town of Sylva Comprehensive Pedestrian Plan (2010)

The Comprehensive Pedestrian Plan fulfilled one of the goals from the Smart Growth Plan to create a pedestrian-friendly environment as a pathway to enhancing economic development and quality of life for all residents. One belief stated in the plan, was that creating a more walkable community is one strategy to help stabilize the residential base and entice citizens to locate within the Town instead of in nearby communities or unincorporated areas that are not accessible on foot. And a goal was to enhance the walkability that already exists within its historic downtown core and extend these walkable features to nearby commercial sectors and residential neighborhoods.

The plan contains six primary recommendations, but the one most relevant to this assessment and that could be achieved by

Principles of Smart Growth

» *Create a range of employment opportunities*
» *Mix land uses*
» *Take advantage of compact building design*
» *Create walkable neighborhoods and a range of housing opportunities and choices*
» *Foster distinctive, attractive communities with a strong sense of place*
» *Preserve open space, farmland, natural beauty, and critical environmental areas*
» *Strengthen and direct development towards existing communities*
» *Provide in advance a variety of transportation choices, urban and social infrastructure based on population projections*
» *Make development decisions sustainable, predictable, fair, and cost effective*
» *Encourage community and stakeholder collaboration in development decisions*

establishing standards in an updated UDO is the fifth one:

#5 Embark on complementary planning efforts. The Town should incorporate the recommendations of the Pedestrian Plan into future and existing Plans developed and updated at the local, regional and statewide level. For instance, the recommendations of the Sylva Pedestrian Plan should be incorporated into the future Comprehensive Transportation Plan updates, long-range transportation plans and comprehensive planning efforts by the Town of Sylva and Jackson County.

Town of Sylva Five-Year Economic Development Strategic Plan 2017-2021 (2017)

The goal of the economic development plan is to continue to to make Sylva an "ideal business location, a great place to visit, and a better place to call home." In a concise way, it sets for forth strategies with specific actions to be implemented during the five years. Two of the five years have elapsed.

The goals for which an updated ordinance could provide a solution include:

- Attract investment and encourage economic development/ growth
- Create inviting gateways into the community
- Increase the supply and variety of safe, quality, affordable housing

These goals can be achieved through maximizing the use of underutilized parcels providing standards to accommodate housing types for a variety of lifestyles and life stages, developing design standards for visible or prominent areas, and revisions to ordinance standards that will facilitate rather than provide a barrier to desired development.

NC 107 Corridor Study Report

The safe accommodation of pedestrians, bicyclists and transit riders, and reducing traffic congestion have been a topic of discussion in this area of Jackson County for years. Areas of focus include NC 107 in its entirety through the Town, the intersection of NC107 and US Highway 23 Business Route, and US 23/74 business corridor.

The state highway is Sylva's major traffic corridor and location of major commercial enterprises (retail, hotel, restaurants, services). Growth occurred more quickly than expected, and over time, Sylva expanded its jurisdictional boundaries along the corridor to capture the commercial development occurring there. There were few development standards, but some ordinances

were amended over the years to help mitigate the impacts of development.

The Town in concert with the Southwestern RPO, NCDOT, and other entities evaluated several options beginning more than a decade ago. But it is a statement in a 2010 article in the Smoky Mountain News, that is most telling and that will influence a new Zoning Ordinance or UDO:

... "the NCDOT says, 'the problem on 107 is not traffic volume, the problem is land use.' As in, how the land along the 107 corridor is allowed to be used by the town and county." The answer, Leveille said, is the need for town leaders to 'make some hard choices instead of doing what is easy and pass some development regulations.' Leveille suggested reducing curb cuts — a break in a curb allowing access from the roadway..."

Access management is discussed below.

The goals and objectives from the Jackson County Comprehensive Transportation Plan (CTP) adopted in 2010 most relevant to this assessment are to:

- Identify methods for improving access onto and off of NC 107 including access management and limiting turn movements
- Improve aesthetic appeal by prioritizing "design excellence" to honor the beauty of the natural environment, establishing site and building design standards for new development, and working with the community to enhance landscaping along the corridor
- Understand the relationship between land use and traffic with a focus on enhancing the economic vitality of the corridor
- Identify tools to improve interaction between land and road

The discussion between the Town, the RPO, Jackson County, and NCDOT is ongoing and will continue as the NC 107 project moves closer to the right of way phase of the projects, scheduled to being in January 2020.

Wayfinding sign.

Sylva Zoning Ordinance (1998-2017)

The Sylva Zoning Ordinance dates from 1998. Portions of the text has been amended over the years, but there has not been a wholesale rewrite to consolidate districts or definitions or reduce redundancies. While the ordinance has served Sylva fairly well, it does not reflect modern planning and zoning practices. It is difficult to interpret and not well organized or user friendly. In some instances, standards may be or are perceived as a barrier to desired development and fulfillment of Town goals. Chapters 2 and 3 of this assessment will go into more detail, offering

recommendations for updates to bring the ordinance into the 21st century.

Sylva Subdivision Regulations (2009)

Subdivision regulations are currently located in Chapter 31 of the Municipal Code. These regulations regard the division of land into lots, blocks, and streets. The standards ensure:

- The timely provision of required streets and highways, utilities, and other facilities and services
- Safe and convenient traffic access and circulation
- The dedication or reservation of land for recreational, educational and other public purposes,

The Subdivision regulations, drafted in 2009, are not as out of date as the Zoning Ordinance. Several sections could benefit from updates that view subdivisions as for both residential and commercial development and that incorporate more features of the public realm besides streets. These would include stronger standards for access management from both major and minor thoroughfares, sidewalks, and bike facilities.

1.5 GOALS AND THEMES

The following themes were compiled from the recommendations and actions proposed in the previous documents. The following list was presented to staff and the Planning Board to assess current relevance and priorities.

One goal is to increase the opportunities for and types of urban residential.

- Unify and maintain downtown character and principles for areas including Mill Street (Backstreet), Main Street, and adjacent mixed-use and residential neighborhoods
- Remove barriers to development
- Incorporate variety of residential housing types into downtown
- Increase densities for "urban residential" downtown and along corridors to maximize existing infrastructure
- Need for affordable housing. Affordable housing ≠ multifamily
- Enhance bicycle and pedestrian access, movements and safety
- Access management on primary thoroughfares
- Increase the amount of and access to open space, or enhancement of existing
- Desire pedestrian friendly urban villages with interconnectivity and higher densities (2005 SGP)
- Erosion/Sedimentation Control to improve water quality
- Impervious surface standards to reduce storm water runoff
- Appearance standards to improve aesthetics and culture
- Subdivision regulations to provide for the review and approval of subdivision development and construction of infrastructure

Most Important Goals and Themes - 2019

- *Increase densities for "urban residential" downtown and along corridors to maximize existing infrastructure*
- *Need for affordable housing. Affordable housing ≠ multifamily.*
- *Enhance bicycle and pedestrian access, movements and safety*
- *Access management on primary thoroughfares*
- *Appearance standards to improve aesthetics and culture*
- *Maximize residential use in downtown*

Managing vehicular access and providing facilities for pedestrians and bicycles along Sylva's corridors is a community priority.

» Expand Conditional Uses to include large scale construction and development

1.6 RECENT NORTH CAROLINA GENERAL STATUTE (NCGS) CHANGES

The Zoning and subdivision ordinances are legal documents that must comply with state and sometimes federal statutes, as in the case of Reed vs. Gilbert that led to a Supreme Court decision on signs in 2015. The Town amended several sections of the Zoning Ordinance in 2015, and as recently as 2017. The table below indicates the planning, zoning and development related statutes from 2014-2018. A number of bills have been introduced in the

MOST RELEVANT NC PLANNING AND ZONING REGULATIONS

Year	SL #	Planning-Legislation Category	Law Description
2013	SL 2013-151	**ZONING VIOLATIONS**	Allows local governments to notify chronic violators of public nuisance ordinances by regular mail and postings.
2013	SL 2013-185	**WIRELESS TELECOMMUNICATIONS FACILITIES**	Facilitates the deployment of mobile broadband and other enhanced wireless communications services by streamlining the processes used by state agencies and local governments to approve the placement of wireless facilities in their jurisdictions.
2013	SL 2013-185	**IMPERVIOUS SURFACE**	Excludes wooden slatted decks, the water area of a swimming pool, and gravel from the definition of "build-upon areas', and exempts farm ponds from riparian buffer rules. See also SL 2015-149 below.
2013	SL 2013-413	**FRATERNITY AND SORORITY ZONING**	Restricts the use of SR's on this type of housing.
2014	SL 2014-94	**TEMPORARY HEALTH CARE STRUCTURES**	Zoning provisions for temporary health care structures must be allowed as uses accessory to single-family detached homes as long as them meet state requirements.
2014	SL 2014-120	**PERMIT CHOICE**	If a rule or ordinance changes between the time a permit application is submitted and a permit decision is made, then G.S. 143-755 shall apply (160A-360).
2015	SL 2015-1246	**BEDROOM & DWELLING UNIT DEFINITIONS**	Prohibits cities from defining bedrooms and dwelling units more broadly.
2015	SL 2015-160	**PROTEST PETITIONS**	Amends the process by which the town councils receive citizen input in zoning ordinance amendments (removal of protest petitions).
2015			
2015	SL 2015-86	**RESIDENTIAL DESIGN STANDARDS**	Clarification of a town's ability to enact zoning ordinances related to design and aesthetic controls. This law prohibits local governments from applying some design standards to 1- and 2-family dwellings (including attached residential or townhouses).
2015	SL 2015-187	**WITHHOLDING PERMITS**	Local governments may not withhold a building permit or certificate of occupancy on one lot of land to compel the owner of that lot to address compliance on a different lot owned by the same person.
2015	SL 2015-187	**PERFORMANCE GUARANTEES**	Limits the ability of local governments to require maintenance guarantees under the subdivision provisions of a land development ordinance.
2015	SL 2015-90	**ENVIRONMENTAL IMPACT STATEMENTS**	Developments must now be greater than 10 acres to trigger an EIS.
2015	SL 2015-246	**BEE KEEPING**	Limits local governments from prohibiting bee keeping of five or fewer hives.
2015	SL 2015-246	**RIPARIAN BUFFERS**	Sets various limits on local regulation of riparian buffers, including provisions to limit local riparian buffer regulation that exceed setbacks required to comply with state or federal requirements.
2015	SL 2015-246	**SIGNS**	Construction signs exempt from zoning sign regulation until issuance of CO or 24 months, whichever is shorter.
2015	SL 2015-149	**STORMWATER**	The calculation of the pre- and post-development runoff anticipated during a one-year 24-hour storm may be calculated using any acceptable engineering hydrological and hydraulic method and allows development within a required buffer provided the stormwater is collected, treated, and discharged that it passes through the buffer.
2016	SL 2016-111	**VESTED RIGHTS FOR MULTI-PHASED DEVELOPMENTS**	Establishes a new statutory vested right for multi-phased developments, defined as one that contains 10 or more acres, is submitted for site plan approval for construction in multiple phases, and is subject to a master development plan; for all projects approved on or after July 22, 2016.
2017	SL 2017-10	**COMPREHENSIVE PLAN CONSISTENCY**	Further modified this statue that requires local governments to adopt statements of consistency with an associated comprehensive plan (effective October 1, 2017).
2017	SL 2017-10	**SUBDIVISIONS**	Adds new category to the list of exempt subdivisions (for the purpose of settling an estate) and expedited review for **"qualifying"** subdivisions.
2017	SL 2017-10	**STATUTES OF LIMITATION FOR LAND USE ENFORCEMENT**	Amends the city and county zoning statutes regarding the time period within which enforcement actions must be initiated. New law limits the authority of a city or county to pursue a violation if it has been known to the local government, or could have been known to them, and no enforcement has been initiated.

MOST RELEVANT NC PLANNING AND ZONING REGULATIONS

2017	SL 2017-40	**PERFORMANCE GUARANTEES**	Limits the parties that may claim rights or proceeds from a subdivision performance bond.
2017	SL 2017-208	**FARMS AND COUNTY ZONING**	Modifies the means of establishing that farmland is a 'bona fide farm' and sets out parameters on how that designation is applied. Tackles residences and agritourism, and defines agritourism.
2017	SL 2017-159	**COLOCATION OF SMALL WIRELESS TELECOMMUNICATION FACILITIES**	Outlines how small cell wireless facilities (usually in cities only) can be placed on street lights, power poles, and the like. Also exempts facilities with dimensions no more than 24 inches long, 15 inches wide, and an antenna less than 11 inches.
2017	SL 2017-27	**PLAT REQUIREMENTS**	Eliminates the use of control corners in favor of grid control, details the information needed for the play title and the necessity of a map legend, and tweaks the required qualities and dimensions of plats.
2017	SL 2017-130	**INSPECTION DECISIONS**	Allows applicants to seek departmental administrative review of individual inspection decisions.
2017	SL 2017-138	**DEVELOPMENT FEES & INFRASTRUCTURE COSTS**	Clarifies the authority for counties that own or operate water and/or sewer facilities to charge system impact fees. Although initial legislation enabling impact fees was established in 2008 and 2009, this law places restrictions on how a local governmental body may spend collected impact fees.
2018	S.L. 2018-114	**AGRICULTURAL NUISANCE**	Various regulatory reforms, including: Modify agritourism definition to include temporary food sales; amend stormwater provisions.
2018	SL: 2018-65	**VACANT BUILDING RECEIVERSHIP**	A municipality may petition the superior court for the appointment of a receiver to rehabilitate, demolish, or sell a vacant building, structure, or dwelling.
2018	SL:2018-113	**AGRICULTURAL NUISANCE**	2018 Farm Act -- includes mandate that counties provide notice of adjacent farms when property sold; edits provisions of agriculture as nuisance.
Pending Planning and Zoning Related Legislation - will update as status is known			
2019		Eminent Domain	Restricts ED use to only public use. Requires option for Jury Trial for every Condemnation.
2019		Electric Standup Scooters	Clarifies Electric Scooters as vehicles, but not motor vehicles (no registration), permits them on certain roadways/sidewalks/etc.
2019		Repeal Map Act	Repeals the Map Act (Article 2E, of GS 136) Makes changes to 160a-458.4
2019		Planning/Development Changes	160D
2019		Building NC's Future	Permits use of state funds for additional educational expenses, including school safety and community colleges
2019		Stormwater/ Include Donated Land in Density	Requires including land donated to conservation to count in the density calculations for stormwater
2019		Erosion and Sedimentation Program	Changes the methods and stadards for sedimation control programs
2019		Powell Bill/Use For Parks	Towns (Less than 3,000), can use Powell Bill funds for planning, construction, and maintenance of parks
2019		Justice for Rural Citizens Act	removes ETJ (period.)
2019		Expand Agricultural Outdoor Advertising	Exempts billboards on bona fide farms (??and agritourism???)
2019		Preformance Gaurantees to Streamline Affordable Housing	Streamlines Performance Guarantees for subdivisions
2019		Diaster Area Building Rehab Tax Credit Bonus	Historic Tax Credit Sunset bumped to 2038; Adds porvisions within Type II or III disaster areas to incenitivise restoration work there
2019		Affordable Housing	Cities with pop > 90,000 to Report to GA on funding, subsidies, and activities relating to Afforable Housing… includes language with regards to single-room occupancy developmt
2019		Fiber NC Act	Attempts to free up addt'l methods of local input for increasing braodband resources
2019		Land-Use Regulatory Changes	Restricts authority of cities and counties- proposed by home builders
2019		Clarify Property Owners' Rights	Restricts authority of cities and counties to regulate trees
2019		Simplify Builder Inventory Exclusion	Extends to 5 years the tax-free time of a builder home, from the time the house is completed.
2019		Local Economic Development Modifications	Clarifies Public Hearing Requirements for Incentives
2019		Limit Conditional Zoning	Restricts conditions for Conditional Zoning
2019		Matching Funds for Affordable Housing	Appropriates $2.5 mil to match private funds for planning/construction of afford housing

1.7 FUTURE LAND USE MAP

The future land use map which works in tandem with the comprehensive plan is not the zoning map, which will be produced concurrent with or after the UDO update. However, it typically indicates how and where the Town wants to grow, and will lend guidance to the boundaries of the zoning districts. The Future Land Use Map updated in May 2019 is shown below.

FLUM will be reviewed on May 16

2

New Ordinance Elements

Example of downtown form and character.

2.1 ELEMENTS OF A GOOD ORDINANCE

A zoning ordinance need not be hundreds of pages with complex formulas and highly illustrative multi-color drawings, but it should possess a few basic elements such as:

- Be consistent with adopted and approved plans
- Implement the community's vision
- Be able to be understood by most users
- Be legally defensible

The existing Zoning Ordinance is more than 20 years old with a few text amendments added every few years, as recently as 2017. With the additions, there was no reorganization or consolidation of ordinance language resulting in a confusing hierarchy, redundancies, and archaic or absent definitions, making it hard to use. Symptoms of Sylva's old ordinance include repeat variances for multifamily complexes, applications for conditional uses for automotive repair, and general inconsistency with community growth patterns.

A good ordinance has a logical organization, includes a table of contents, hyperlinks, cross-references, and limits the use of legalese and planner jargon in favor of plain language. The supplemental use of graphics, flowcharts, photographs, and illustrations to assist with explaining concepts or making calculations is a feature of a modern ordinance.

This chapter of the ordinance assessment will recommend changes in ordinance structure, layout, and graphics, and more to benefit the Town, County (Jackson County Planning Department administers the ordinance), residents and the development community. The update may result in fewer interactions maximizing the use of limited staff resources.

Traditional vs. Form-based vs. Hybrid?

Based on the goals and themes identified in the previous chapter, there is consensus that downtown Sylva has a certain character defined by design form, scale, bulk, and density that should extend in part to the more suburban, auto-oriented areas of town. To that end, a new UDO should focus on better integration of form-based (site and building design) standards for development in addition to use standards. A form-based ordinance also will include flexibility by promoting mixed-uses and diminishing use separation. And the attention to form should address regulations for the public realm (street, block size, pedestrian access, lighting within the right-of-way).

It appears a hybrid ordinance best suits the Town. The current Town Ordinance includes "lite" form-based standards for PUD/Overlay Districts. Chapter 3 of this assessment will recommend how, when and where these standards will be revised and applied to create a hybrid ordinance moving forward.

CURRENT ARTICLE ORGANIZATION

1. In General
2. District Regulations
3. Off-Street Parking and Loading
4. Sign Regulations
5. Manufactured Housing Parks
6. Conditional Use Permits
7. Board of Adjustment
8. Administrative and Legal Provisions
9. Definitions
10. Sexually Oriented Businesses
11. Planned Unit Development Overlay
12. Hillside and Steep Slope Development Overlay
13. Subdivision – Chapter 31

PROPOSED ARTICLE ORGANIZATION

1. General
2. Administration
3. Procedures (Legal Provisions, Enforcement)
4. Zoning Districts + PUD/Overlay
5. Uses
6. Subdivisions Standards
7. Development Standards
   - Off-Street Parking and Loading
   - Landscaping
   - Manufactured Housing Parks
   - Wireless Communication Facilities
   - Adult Businesses
8. Sign Standards
9. Environmental Regulations (slope, stormwater)
10. Definitions

NONC

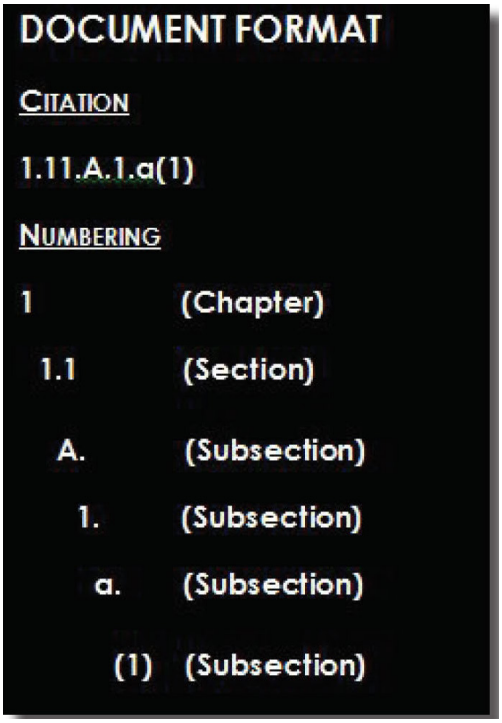
The graphic illustrates the suggested reorganization of a new UDO.

2.2 ORDINANCE STRUCTURE

The basic structure of the Town's current ordinances is by:

- **Chapter (38 is zoning)**
- **Article**
- **Section**

Article, Section, Subsection, etc. will remain the same but the numbering and lettering hierarchy will organize around the use of Article #, upper and lowercase letters, numbers with periods, and numbers with parentheses lower in the hierarchy as shown. Current outline hierarchy, sometimes varies between Articles and Zoning and Subdivision ordinances. There is no distinction between articles in any way; instead ordinance sections are a running list of Section 38-1 to 38-xxx. For instance, the current Section 38-1, *In General, Authority & Enactment* would be cited in an updated Zoning or Unified Development Ordinance as Article 1, Section 1.1.



Review of the existing ordinance reveals definitions located in Article IX and in several other chapters, and many commonly

used terms are not defined. Landscaping standards are repeated in several zoning and PUD districts, though parking standards are consolidated. Decision making authority, roles and procedures are found in at least two different places. It makes it challenging for a user to ensure they have not missed requirements until plans are reviewed or without questioning staff.

Publishing a new Ordinance or UDO

There are options for how and where a new Unified Development Ordinance is incorporated into or integrates with other Town ordinances. In the case of Option 1 below, many of the visual enhancements described below may not be possible.

Option 1

1. Update Chapter 38 Zoning Ordinance and Chapter 31 Subdivision creating a UDO. Continue to use existing text-heavy presentation with little formatting (headers, footers, color, graphics) and have it codified by MuniCode, American Legal or other traditional service.

Option 2

2. Create a new UDO (Ch. 38 and 31) similar in format to the example on page 22. Continue to use MuniCode or other codification service but add the enhancements from their menu of options to tailor the publishing of the ordinance. Options offered may include:
   - Color
   - Fixed table headers scrolling online
   - Embedded high resolution images and graphics in text
   - Tables

   Post as part of the existing Sylva Municipal Code or as a separate publication.

Option 3

3. The Town will publish the UDO as a standalone ordinance. References and hyperlinks to the UDO will be added throughout the Town's Municipal Code of Ordinances to open the UDO in a separate window. This option allows for the sort of illustrations, color, flowcharts and other formatting suggested in this section This is most common in many North Carolina municipalities and counties, and is the case for Jackson County's newly adopted UDO. The UDO, prepared in InDesign or Word will be published as a PDF and to be accessible online.

MuniCode's Options for Planning and Zoning Ordinances

https://www.municode.com/planning/

How do other communities* publish and update their Zoning or Unified Development Ordinance?

*20 Largest NC Cities

45% **In-House for NC and Nationwide**
as described in Option 3, p20

30% **MuniCode**

25% **Other Codifier**

Source: Winston-Salem/Forsyth County UDO Clearcode Code Assessment, https://docs.wixstatic.com/ugd/f7f793_c6171b2260504a34b7e77aa140a9cd0f.pdf, CodeWright, October, 2018

2.3 LAYOUT & FORMATTING

The current ordinance is typical of those produced in the 1990s - text driven and with the exception of Article XII, a few basic sketches relegated to the appendix. The addition of the following formatting techniques can reinforce the structural hierarchy in the document and make it easier to use:

- Color
- Headers and footers
- Indentation
- Bold text
- Page numbers
- Document and chapter tables of contents
- Hyperlinks
- Cross-references to other parts of the ordinance or other municipal codes
- Procedure flowcharts
- Tables
- Sketches and photographs

Graphics, Illustrations, Cross-references

tables

color header

cross-references

07 DEVELOPMENT STANDARDS

E. PARKING LAYOUT AND DESIGN. Parking areas shall be designed to minimize dangerous traffic movements, achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers (ITE) Transportation and Traffic Engineering Handbook, conform to the applicable parking requirements and provide for the optimum number of parking spaces, while maintaining design standards and preserving green space.

1. Parking Plan Required: An application for an improvement location permit for a commercial, institutional, industrial, or multi-family development or remodel, shall include a parking site plan, drawn to scale and fully dimensioned, showing all proposed parking or loading facilities to be provided.
2. Minimum Motor Vehicle Parking Space Dimensions: Parking spaces shall conform to the dimensions provided in Table 7.3 Parking Dimensions below.
3. Except in the case of single- and two-family residential uses, all parking spaces shall be striped to clearly mark each space.

See Also:

Section 10.12 Improvement Location Permits

See Also:

Table 7.1 Barrier Free Parking Standards

Table 7.3: Parking Dimensions

Type of Parking Space	Minimum Space Width (feet)	Minimum Space Length (feet)	Minimum Aisle Width
Accessible	Refer to ADA Guidelines	Refer to ADA Guidelines	Refer to ADA Guidelines
Parallel	8	22	on-street
Perpendicular (90°)	9	18	24 feet (two-way aisle)
Angled (60°)	10	20	18 feet (one-way aisle)

4. Motor Vehicle Parking Aisle Dimensions: Parking aisle widths shall be as follows:
   a. Parallel Spaces: on-street.
   b. 45° Angle Space: One-way: 14-foot wide aisle; (ii) Two-way: 24-foot wide aisle.
   c. 60° Angle Space: One-way: 18-foot wide aisle; (ii) Two-way: 24-foot wide aisle.

HED HOUSING DEVELOPMENT.

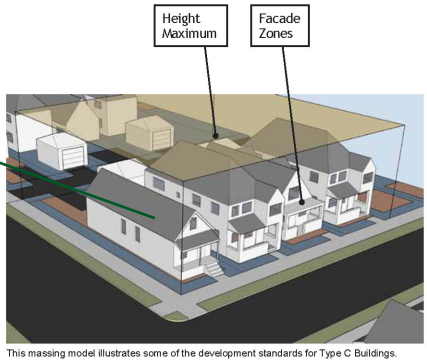
his building type is suitable for residential infill that fits into the con-sting, residential areas. The structure is placed within a twenty-foot ade zone creating a small front yard between the street and the ctures are limited to three (3) stories in height.
ry residential uses are permitted on the same lot but to the rear preferably accessed from the alley. The side yard setback shall be um of five feet (5'), with a minimum aggregate distance between s of ten feet (10').
rements.
ed, garages shall be in the rear and preferably alley accessible.
with existing residential uses, an alternate front facade zone may be determined by averaging the front setbacks of the three existing structures either side of the infill.

c. Accessory residential uses (carriage house, granny flat, in-law unit, etc.) shall be under common ownership with the primary residential use.
d. Signs shall be non-illuminated, mounted flush to the wall of the structure, and shall not exceed one (1) square foot in size.
e. A front porch, no less than six (6) feet in depth is required.
f. Cedar shake, wood, and cement fiberboard siding are preferred as primary siding.

See Also:

City of Jasper Sign Ordinance 2012-35, S16.035 adopted December 19, 2012

illustrations



This massing model illustrates some of the development standards for Type C Buildings.

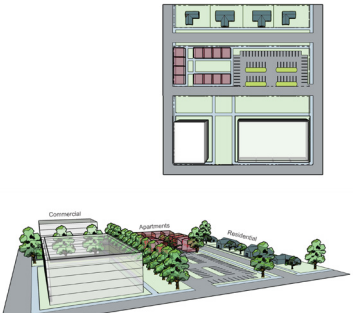
Adding graphics and the layout and formatting of ordinance information facilitates the understanding of regulations and concepts.

Zoning Districts and Use Tables

The most heavily used parts of a zoning ordinance by residents and businesses and the development community are the zoning district dimensional standards and the table of permitted and prohibited uses allowed within each zoning district. In a traditional or hybrid UDO, tables or a matrix are the best way to organize the information.

There is no comprehensive listing of districts. All district descriptions contain dimensional standards but the rest of the information is not consistently presented. Some districts contain uses in a table and others in a list; some districts include parking standards, while others make reference to Article III Off-Street Parking. District information can be conveyed with a one to two page two or three-dimensional layout conveying intent, dimensions (setback, lot width and coverage, building type, etc.) at right.

The current ordinance places residential uses in a table, but the remaining uses are in long lists. Uses can be organized in a more orderly way and include (permitted, permitted with conditions, prohibited) in a tables that allows quick comparison among districts. A similar table for dimensional standards is an option if not providing those on a comprehensive district layout page.



LC	Lot Coverage	NA
DN	Density	NA
LA	Lot Area	1/4 acre min
LW	Lot Width	100' min
FF	Front Facade Zone	0-20'
RS	Rear Yards	10' min
SS	Side Yards (Each)	NA
SW	Sidewalk Width	8' min
BH	Building Height	45' max 14' first floor height min
SH	Minimum Streetwall Height*	1 Story within the Front Facade Zone

Example of a mixed-use district layout

04 DISTRICTS

Table 4.2: Use Matrix (continued)

	A1	A2	RR	R1	R2	R3	R4	MH	B1	B2	B3	I1	I2	CP
Communications / Utilities														
composting facility (indoor)												S	S	
composting facility (outdoor)												S		
solid waste transfer station												P	S	
radio and television studios									S	P	P			
recycling center											P	P	S	
sanitary fill or refuse dump												S		
sewage treatment plant												S		
solar arrays											S			
wireless support structures / radio / television tower											S	S	S	
utility /radio/television business office									P	P	P	P	P	
utility substation									S	S	S	P	S	S
water tower												P	S	S
wellfield / water treatment facility													S	
wireless support structures											S	S	S	
Institutional/Public Uses														
animal shelter	P		S								S	P	P	
cemetery	P		P	S							S	S	S	S
crematory												S	S	
religious institution	P		P	S	S	S	S	S	S	S	S	S		
community center	P		P	S	S	S	S	S	P	P	P	S	P	
fairgrounds														S
fire station or police station	P		P	S	S	S	S	S	P	P	P	P	P	S
government facility (non-office)	S		S						P	P	P	P	P	S
government office									P	P	P	P	P	S
hospital						P			P		P	S	P	S
kindergarten or day nursery	P		P	S	S	S	S	S	P	P	P			S
library	P		P	S	S	S	S	S	P	P	P			S
museum or gallery							S	S	P	P	P			S
penal or correctional institution	S												S	
post office									P	P	P		P	S
power generating plant											S	P	S	
school (any combination of k -12), public and private	P		P	S	S	S	S	S	S	S	S			S
stadium or coliseum											S	S	P	S
trade, business, medical technology school									S	S	S	S		
university or college									S	S	S			
outpatient (surgical center, urgent care, dialysis center)									P	P	P	P		
ambulance company									S	S	S	S		
sports facility													P	S

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04 DISTRICTS

Table 4.3: Lot Standards Matrix

		Min. Lot Width (Measured At Setback Line)	Min. Lot Frontage (Measured			Max. Lot Coverage	Min. Total Living Area	Min. Ground Floor Living Area
Agricultural Zoning District								
A1	66,000 s.f.	180 ft.	180 ft.	40 ft.	40 ft.	25% [1]	1,000 s.f.	NA
A2	50 acres 40 acres	660 ft.	NA	40 ft.	40 ft.	25% [1]		
	66,000 s.f. (septic) 23,000 s.f. (sewer)	115 ft.	NA	40 ft.	22 ft.	30%	1,200 s.f.	1,200 s.f.
R1	15,000 s.f.	100 ft.	NA	35 ft.	22 ft.	35%	1,200 s.f.	1,200 s.f.
R2	10,000 s.f.	80 ft.	40 ft.	35 ft.	22 ft.	35%	1,000 s.f.	1,000 s.f.
R3	7,200 s.f.	60 ft.	40 ft.	35 ft.	22 ft.	35%	900 s.f.	750 s.f.
R4	4,000 (1br) s.f. 5,000 (2br) s.f. 6,000 (3br) s.f.	100 ft.	50 ft.	45 ft.	22 ft.	50%	550 s.f. (1 Bedroom) 750 s.f. (2 + Bedroom)	NA
MH	5 acres (Park) 4,000 s.f. (Site)	100 ft. (Park) 30 ft. (Site)	100 ft. (Site)	35 ft.	20 ft.			
Commercial Zoning Districts								
B1	10,000 s.f.	100 ft.	40 ft.	35 ft.	22 ft.	85%	550 s.f. (Upper Story)	NA
B2	5,000 s.f.	30 ft.	30 ft.	50 ft.	NA	100%	550 s.f. (Upper Story)	NA
B3	20,000 s.f.	150 ft.	NA	55 ft.	NA	75%	NA	NA
Industrial Zoning Districts								
I1	1 acre	150 ft.	150 ft.	50 ft.	NA	NA	NA	NA
I2	NA	200 ft.	NA	50 ft.	NA	NA	NA	NA
Other								
CP	10 acre	NA	NA	NA	NA	10%	NA	NA

[1] Agricultural Zones include all impervious surfaces
[2] As measured from the right-of-way as designated in the Thoroughfare Plan in the Comprehensive Plan
[3] Minimum building separation - 25 ft.
[4] Side and rear setback - 50 feet for above-ground tanks containing hazardous or combustible materials

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Examples of Use and Dimensional Standards tables organized by zoning district. Source: RATIO

Design Standards

The design standards in the businesses district sections are described but provide no sketch or photograph. This can be difficult to show the Town's intent for desired character if the user does not have a design background. What follows are examples of ways to convey intent.

Definitions

Definitions should be extracted from each chapter and added to Article IX which will transition to the be the last Article of the UDO. Definitions will be arranged in alphabetical order, should not contain any regulatory language and may contain an illustration. Multiple definitions for the same term will be eliminated and the most commonly accepted use of the term relevant to planning will be used.

A few well-placed precedent images in an updated ordinance help convey the design intent.

3

UDO ANNOTATED OUTLINE

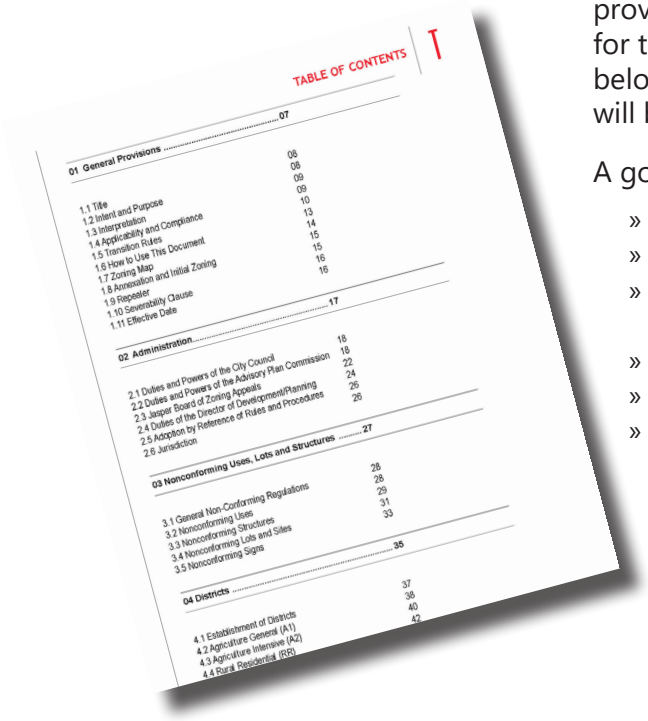
3.1 PURPOSE

The Ordinance update will implement adopted plans and can be a tool to address the distinct character areas of Sylva: walkable mixed-use downtown, auto-oriented suburban, and natural/rural places found at the edges of Town on the hillsides.

What follows is an annotated outline for a new UDO and a matrix of findings which summarizes the evaluation of the current zoning and subdivision ordinances content. These provide broad-brush recommendations that are a starting point for the update. The outline, based on the proposed structure below, is not intended to be inclusive of all sections ultimately will be made a part of the UDO.

A good general practice is to:

- Provide a table of contents
- Convert text to tables where appropriate
- Add a purpose/intent statement to introduce each Article/ Section
- After the section identifier, begin with A instead of (a)
- Use graphics to depict text and provide more clarity
- Provide references (and hyperlinks, as appropriate) for online versions in a consistent manner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A clearly organized table of contents results in ease of use.

PROPOSED ARTICLE ORGANIZATION

1. General
2. Administration
3. Procedures (Legal Provisions, Enforcement)
4. Zoning Districts + PUD/Overlay
5. Uses
6. Subdivisions Standards
7. Development Standards
   - Off-Street Parking and Loading
   - Landscaping
   - Manufactured Housing Parks
   - Wireless Communication Facilities
   - Adult Businesses
8. Sign Standards
9. Environmental Regulations (slope, stormwater)
10. Definitions

3.2 ANNOTATED OUTLINE

The outline suggests a structure and content for updated Zoning and Subdivision Ordinances or UDO. Ordinance Findings and Recommendations based on the evaluation of the current ordinances are found in the table beginning on page 26.

ARTICLE I – GENERAL

Article I provides the foundation for preparation of a Unified Development or Zoning Ordinance. These standards, largely based on NC General Statute establish the authority and interpretation for an Ordinance, how it works with the comprehensive plan, relation to the zoning map, and information on application and adoption. Portions of the current Chapter 38 Article 1 will remain, though enforcement and hazardous materials standards will be relocated under more relevant topics.

See page 35 for current Zoning and Subdivision Ordinance findings and recommendations

- **Title**: Adds language identifying various names by which the Unified Development Ordinance (UDO, Code, Ordinance) will be referred. The subdivision ordinance, prepared in 2009, already contains this language.
- **Enactment and Repeals:** This section shall repeal the prior zoning and subdivision ordinances, and others related to land use that may become part of the UDO, and enact the updated UDO per NCGS Section 160A,as the development ordinance for the Town of Sylva.
- **Purpose**: This section will describe the UDO's general purpose promoting the health, welfare, and safety of the residents of Sylva.
- **Jurisdiction**: Define the geographic area in which the UDO is applicable.
- **Exemptions to applicability**
- **Conflicts with other Laws:** Per NCGS 160A-390, when there are conflicting regulations, the more restrictive or higher standards shall apply.
- **Interpretation**: This section will be the new location of the section entitled "Words of Construction" and shall be the section that outlines how terms and boundaries shall be interpreted.
- **Nonconformities**: This section will reference compliance with the UDO from its adopted date and outline nonconformities. Minimizing the creation of nonconformities as an outcome of adopting new land development standards is important, and crafting language that addresses how the UDO update will impact nonconformities will be important for the end user to understand.
- **Relation to the Comprehensive Plan:** This section will describe the statutory relationship between the adopted Comprehensive Plan and the Ordinance.
- **Interpretation of District Boundaries:** This section will describe

the way in which zoning district boundaries are interpreted if ambiguity arises.

- **Severability**: This section shall state that if a part of the Ordinance is ruled invalid, the remainder of the Ordinance remains in effect.
- **Vested Rights:** Per NCGS 160A-385.1, generally. Current Zoning Ordinance language is limited. See also language in 31-31(d)(3).
- **Effective Date:** This section will state when ordinance is adopted and when it becomes effective which can be one or more months later to provide a transition period to modify zoning maps, update permit applications, train staff, and complete other needed tasks to administer the UDO.

ARTICLE II – ADMINISTRATION

This article describe the authority, powers, and duties of the boards, commissions, and staff tasked with the administration and enforcement of the UDO. Descriptions located throughout the current ordinance and in Article VIII Administrative and Legal Provisions will be consolidated in this section. The language for several of these bodies may be found in North Carolina general statutes.

- **Town of Sylva Board of Commissioners (BOC)**: Outlines the role and responsibilities of the Board of Commissioners in various development approval processes, and administrative procedures.
- **Planning Board:** This update will address the role of the Planning Board in the review, recommendation, and approval of various development procedures. In addition, the update will confirm/clarify the Planning Board's role in maintaining the comprehensive plan, administering and enforcing the UDO, providing recommendations on text amendments, and decisions on variances and appeals.
- **Board of Adjustment (BOA)**: Incorporate language from current ordinance Article VII 38-175 and NCGS 160A-388. Ensure compliance with SL 2013-126.
- **Zoning Administrator:** Will address the role that Jackson County Planning Department plays in administration and enforcement of the UDO, development review and permit processing.
- **Technical Review Committee (TRC)** - Add language from subdivision ordinance.
- **Historic Preservation Commission (HPC)** - Make reference to Jackson County's responsibility for review.

ARTICLE III - PROCEDURES

This article consolidates procedures for obtaining permits and approvals from Article VIII and other sections in the current

ordinance. Flowcharts could be used to enhance understanding of more complex processes. Checklists which should be removed from the Appendix and merged with applications will need to be updated to reflect the following procedures. They should also be available online in addition to Town Hall.

- **Permits Required:** Identify and update required and optional steps for permits for development or other activity.
- **Public Notice Procedures**: Add public notification information from NCGS 160A-364.
- **Administrative Adjustment:** Consider adding the ability to allow the Zoning Administrator to make adjustments to certain development standards up to a prescribed percentage (generally <10%) without a hearing.
- **Administrative Procedures:** Add a list of procedures that can receive staff level approvals which may reduce review and approval times by the Planning Board.
- **Quasi-judicial Procedures:** Will address the quasi-judicial role of the BOA in consideration of variances, and appeals related to the administration of the UDO.
- **Ordinance Amendments:** The ordinance will be updated from time to time per the process set forth in the current Section 38-214. After an ordinance has been used and tested for a year, minor adjustments typically are necessary.
- **Map Amendments (Rezoning):** This section will outline the steps and requirements to make amendments to the Zoning Map.
- **Conditional Use Permits:** Incorporate and update current ordinance Article VI Conditional Use Permits. Reference quasi-judicial noticing procedures in NCGS 160A-388(a2). Identify conditional (Jackson County uses Special Use) on the use table in new Article V.
- **Subdivisions (administrative,family, minor, and major)** - Make reference to these sections which will remain in the subdivision chapter, new Article VI, and will contain the required steps to subdivide property.
- **Variances** - Update 38-177 and add language from 160A-388(d).
- **Appeals**: Article VII Section 38-176 Appeals in the existing ordinance will be relocated to this procedures section. This section addresses appeals of decisions made by the Zoning Administrator, Planning Board, and Board of Adjustment.
- **Zoning Certificate**: Section 38-211
- **Platting requirements:** Will reference Subdivision chapter
- **Site Plan:** The updated UDO will consolidate all procedures for submittal, review, and approval of site plans into one section. This section will establish various review processes depending on the nature of the project.
- **Enforcement**: Existing Zoning Ordinance sections 38-6 Remedies and 38-213 Civil Penalties, as well as other enforcement standards scattered throughout the ordinances, should be consolidated and relocated to this chapter. Current enforcement standards could

be tightened providing for higher fines, shorter time to respond to violations, administrative fees for the Town, and allowance for publication of notice when violator cannot be located. The amount of fines can be referenced in a fee schedule available in Town Hall or online which allows for fee updates to be made by resolution, and not ordinance text amendment.

ARTICLE IV – ZONING DISTRICTS & PUD

Article IV contains the descriptions of each zoning district-related provisions, including graphics (2D or 3D) and dimensional standards. The start of the section will discuss relation to the zoning map, rules of construction and measurement (possibly with illustrations), a section on Planned Unit Developments (PUD) and any overlay district standards.

Recommendations for zoning district revisions will be addressed generally as part of FLUM mapping and in an in depth drafting of the updated ordinance

- **Districts Established:** A UDO update will need to revise, consolidate, remove and rename zoning districts to achieve the goals outlined in the Town's adopted plans and studies. The UDO can provide a table that illustrates the transition of zoning districts from the current Zoning Ordinance to an updated UDO. Notification should be made per NCGS 160A-364 Procedure for Adopting, Amending, or Repealing ordinances. Typically, a jurisdiction will have a period of 30 to 180 days from the time of ordinance adoption until its effective date. This allows time to update applications, forms, train staff, and advertise the update to the development community and general public.
- **District Descriptions:** This section will provide information on the intent and development types that are supported in each zoning district.
- **Overlay Districts:** This section will discuss the function of and how an overlay district is applied. Current "overlays" will be reviewed to determine effectiveness and possibly replaced with better land use tools. A corridor overlay should be considered as it may best further the goals of the Town and County's long-range plans.
- **Planned Unit Development Districts:** This section will provide the intent, development, and outline procedures for a PUD.
- **Lot Development Standards:** These dimensional requirements for lots and accessory uses can be part of each district layout and/or placed in a matrix with all zoning districts.

ARTICLE V - USE STANDARDS

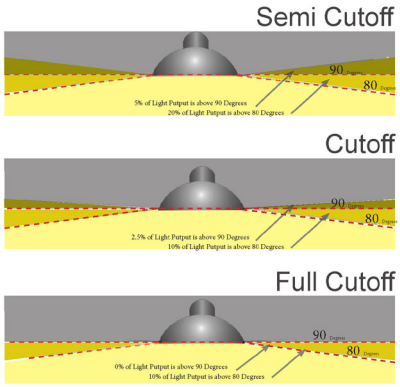
- **Permitted Uses:** A table of permitted and conditional uses which removes outdated uses and nomenclature and adds modern uses (e.g. microbrewery). This extra time can increase transaction time, and create a less efficient process, and updating the use table will help improve efficiency.
- **Supplemental Standards for Specific Uses:** This section is an opportunity to add standards which may be related to operations or maintenance for certain land uses, drive-thru lanes for banks,

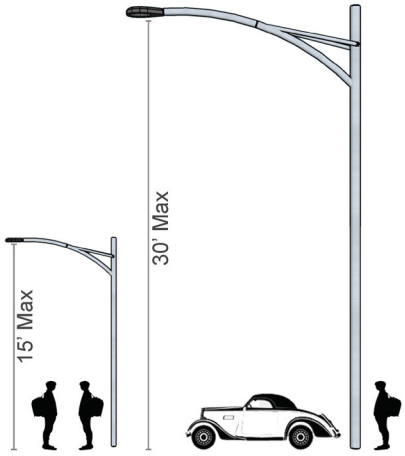
accessory dwellings, and temporary health care structures (§ 160A-383.5). Several supplemental standards are located within zoning district descriptions.

ARTICLE VI - SUBDIVISIONS

The intent of a Unified Development Ordinance is to consolidate land use and development ordinances into one document. To accomplish this goal, Chapter 31 - Subdivisions, of the Town's Municipal Code will located to this Article. Each of the current Articles will be come sections of the updated UDO Article VI. This article will contain all regulations and standards for the subdivision of land in the Town of Sylva per NC General Statute 160A-19. This section will be better organized to highlight sections (Exempt subdivisions, Subdivision types, Property/ Homeowner Associations, Easements, Performance Guarantees, and more), most of which will remain contain the same language, since they were drafted more recently (2009).

- **Procedures**: Platting and other subdivision-related procedures will remain in the subdivision section or could be placed in Article 3 Procedures.
- **Suggested updates include**:
  - Provisions for a low density residential/conservation subdivisions to allow for clustering of development that can achieve greater densities while preserving important natural and environmental features
  - A review of open space requirements and quality
  - Stronger language for multimodal connectivity - sidewalks, parks, schools, open space, civic areas.
- Separate access management section will incorporate standards from 31-62(1)(e-i) and be enhanced to meet the challenges of developing along the Town's primary corridors
- Street naming & addressing
- Sureties and performance guarantees per NCGS 160A-32(g)
- Stormwater drainage Section 31-62(3) will be combined with Appendix E of the Zoning Ordinance and move to Article IX Environmental Regulations





Example of a graphic to explain lighting standards.

ARTICLE VII DEVELOPMENT STANDARDS

This article will outline the standards for development related to health, safety, and quality of life. Any procedural requirements contained within will be moved to Article 3.

- **Off-street Parking, Loading, and Stacking**: This section replaces the provisions found currently in Article 6-2. The standards in this new section include revised, updated quantitative off-street parking requirements for uses matching the revised use table for consistency and ease of use. This section may also incorporate parking maximums, and the use of green parking infrastructure.
- **Landscaping and Screening**: The current landscaping and

Design standards for non-residential development enhance the community aesthetic.

buffering requirements in Article 6 will be enhanced. General planting requirements, particularly for parking lots, and the provision of street trees in the public realm, will be addressed. To improve clarity, graphics will be used or updated as appropriate to explain requirements. The section will also include new existing tree protection provisions as well as the screening standards for refuse collection from current section 6-7, ground-based equipment, service areas, and outdoor storage.

- **Manufactured Home Parks:** Comply with NCGS 160A-383.1, Zoning regulations for manufactured homes.
- **Fences and walls** - Does the town feel a need to regulate?
- **Lighting**: This section regulates exterior lighting on private non-residential and multifamily uses and in the public realm. Light trespass, new technologies, will be discussed and graphics added to explain concept.
- **Design Standards:** Review and extract standards from the PUD Overlay Districts for non-residential and multifamily development and place in this section of the new UDO
- **Wireless Telecommunication Facilities**: Ensure compliance with and incorporate language from NCGS 160A-400.50 to -400.57 local government regulation.
- **Adult Businesses:** Relocate sexually oriented businesses and rename adult business. Ensure compliance with NCGS 160A-181.1.

ARTICLE VIII – SIGN STANDARDS

Sign regulations in current Zoning Ordinance Article IV, Section 38-98 to 38-105 will relocate to Article VIII with the exception of non-conforming signs which should be merged into the section on Nonconformities in Article I. Sign regulations will be updated to comply with the 2015 Supreme Court decision Reed v. Town of Gilbert, as well as NC Session Law 2016-246 that limit content and construction signs, respectively. The UDO update may incorporate graphics to illustrate sign types and measurement.

- Temporary signs are likely the most affected by the Reed v. Town of Gilbert legislation

ARTICLE IX – ENVIRONMENTAL REGULATIONS

This newly created Article will mirror the format of the new Jackson County UDO where sections on Hillside, and Steep Slope Development, Hazardous Materials, Stormwater Regulations and more are located. Other sections to consider adding:

- Soil Erosion and Sedimentation Control
- Flood Damage Prevention

ARTICLE X - DEFINITIONS

This section will incorporate the definitions and abbreviations used throughout the existing ordinance and add new ones. Regulatory language and standards included in definitions will be moved to the appropriate article and definitions will conform to applicable law. This section is designed to make the UDO more user-friendly by incorporating the following:

- New definitions for modern day uses
- Removal of archaic definitions
- Consolidation of duplicate definitions

APPENDIX

Appendices, if included in an updated UDO, may include any supplemental graphics, design guidelines, charts, map standards, and other information related to the provisions in the UDO.

3.3 ORDINANCE FINDINGS & RECOMMENDATIONS

1	Current Code Section	Comment / Notes	Recommendation
2	ZONING ORDINANCE		
3	ARTICLE I - IN GENERAL (future ARTICLE I - GENERAL)		
4	38-1	Update references	Reference to NCGS 160A-381. Grant of power for UDOs.
5	38-3	Updating and location of the official zoning map	State how /when it is updated and its location (physical or electronic).
6	Additional	Include typical language for other general provision topics	Add section: Compliance with the Comprehensive Plan - 160A-383(a), repeal of existing ordinances, severability clause, effective date, conflict with other laws (160A-390).
7	38-5	Non conformities can remain here or be put in separate chapter	Include Nonconforming signs.
8	38.6(1)-(7)	Remedies could be changed to the more commonly used Enforcement or Enforcement and Penalties	Add procedure for issuing violations. Do not include fees, instead reference a development fee schedule located in office (easier to update by resolution). Consider language referring to development fee ordinance.
9	38.6(8)	Powers and Duties of Boards and Commissions goes in Administration and Procedures chapter	Put Powers of BOC in new Article 2 Administration and Procedures.
10	38-7	Vested Rights	Reference and/or incorporate language from 160A-385.1 generally, not just one subsection.
11	38-8	Planning Board	Put Planning Board duties in new Article 2 Administration and Procedures.
12	38-9(a)	Definitions - hazardous materials	Move to Article 10 Definitions
13	38-9(b)-(c)	Hazardous materials and explosives	Move to Article 9 Environmental Regs or supplemental use standards for industrial uses in Article 5; update applications and fees.
14	ARTICLE II - DISTRICT REGULATIONS (future ARTICLE 4 - ZONING DISTRICTS & PUD/OVERLAY)		
15	38-37(1)	Broader interpretation for SF homes	Add definitions in ARTICLE 10 for mobile, modular and manufactured home (see NCGS 143-145(7) for MH). Put uses in a use table in Article 5.
16	38-37(2)-(5)		Make district with increased min. lot size for use on edges of town with slopes above 30%, riparian of other development-sensitive areas. Consider accessory dwelling units by right after providing standards.

17	38-37(7)	General comment for all districts. Remove parking standards and reference the parking section.	Create parking subsection in Article 7 Development standards and include language from Appendix A: Site Layout, Grading, Parking lots and Driveway Entrances.
18	38-38 and 38-39	Not enough distinction between R1-A and R1-B districts to be separate. Consider intent and revise accordingly.	Combine create smaller lot size. Delete reference to affordable housing as size is not synonymous with affordability or price. Duplex are not multifamily. They are a two-family home and generally come under SF standards. Add other housing types (townhomes, cottage courts, multifamily up to 4-6 units)
19	38-37 to 38-47	Dimensional standards would be easier to follow in a table	Provide dimensional standards on layout for each district or in combined table at end of chapter.
20	38-40	R-2 - Consider creating appropriate for a Manufactured Home Park District or creating a new district.	Ensure compliance with NCGS 160A-383.1
21	38-40(1)a	The uses are pyramidal (builds on previous district) in the residential sections. Modern codes typically do not do this.	A use table by district is preferred.
22	38-40(4)(b)-(5)	Measurement language	Place all general measurement language in beginning of the District regulations section
23	38-41	R3 - change language to work for townhomes and multifamily complexes. Reduces hurdles if good standards are in place.	Define development and dimensional standards and permit multifamily, elder-care, etc. by right.
24	38-41	R1-3 Table 1 - Uses	Create a combined use table for all districts. Combine, add new and delete uses. Add NCGS language about unlisted uses.
25	38-42	Update intent to create a downtown mixed-use district that includes commercial retail, restaurant, entertainment, multifamily, and	
26	38-42	B1 Table 2- Uses	Create a combined use table for all districts. Combine, add new and delete uses. Eliminate the division between stories/levels and use a graphic to discuss intent and form.
27	38-42	B1 Table 2 notes	Place all definitions in Article 10 Definitions
28	38-42(2)	B1 General or use standards	Add these to Article 5 Supplemental standards for specific uses.
29	38-42(7)	Design Standards	NCGS 160A-381(h) Building design elements and 160A-452(6)c. May not be applied to any structures for One- and Two-Family Dwellings.

30	38-43	B2/B3 Districts should be based on character and intent. These auto-oriented districts should not be separate due to location	Create one auto-oriented/ corridor business district. Include the standards from PUD's. allow mixed use. Corridor overlay is an option. Incorporate MF residential. Single and two-family homes are not appropriate.
31	38-43(3)(b-c)	Landscape /outdoor display	incorporate these standards into Article 7 development standards
32	38-43(7)(a-h)	Design Standards	Consider graphics to convey intent
33	38-43(7)(i)	Windows maintenance	Eliminate repetition in districts. Place in supplemental standards
34	38-43(3)(g)	Sidewalks - comment same for all non-residential districts	Sidewalks should be required for all MF and non-residential (includes residential to commericial conversions) development on all thoroughfares.
35	38-44	Should just be Institutional	Eliminate pyramidal use language; adjust lot sizes; no new SF residential
36	38-45	Professional business district (small -midsize)	Incorporate into B2 and B3 district; compatible context; make provisions for multifamily
37	38-45(k)	PB Open Space -10% could be high depending on the town's goals	Consider a lower percentage based on town's future goals; require quality open space (plaza, green space, water feature, art), not sidewalk & walkways.
38	38-45(3)(l)	Exterior lighting - all	Rewrite lighting standard to make sense for MF and non-residential development. Move to Article 7 Development Standards.
39	38-46	Industrial should not allow all uses in B-3. Danger of pyramidal zoning. No residential! Can create nuisance for the industrial business user.	Eliminate archaic uses and add uses the town now has. Consider light vs heavy industry and where it would be placed.
40	38-47	Combine with Institutional	
41	38-50	Food trucks are can be in land use code or in Town Municipal Code.	If staying in the UDO, move to Article 5 USES - Supplemental Standards for Specific Uses
42	**ARTICLE III - OFF-STREET PARKING AND LOADING (future ARTICLE 7 - DEVELOPMENT STANDARDS)**		
43	38-75	Parking standards and graphics will be in Development Standards	Add parking to Article 7 Development Standards. Incorporate Appendix A information
44	38-75	Parking	Consider adding language for parking maximums; reduce parking by slightly raising the ratio of space to gross square feet; reduce parking for residential in B-1; address drive-through businesses, shared parking, bike parking and parking agreements
45	**ARTICLE IV - SIGN REGULATIONS (future ARTICLE 8 SIGN STANDARDS)**		

46	General	Sign regulations	Update sign regulations to comply with US Supreme Court decision Reed vs. Town of Gilbert (2015); incorporate a graphic to show sign types; address illumination
47	38-98	General: Update per Reed v Gilbert	Sign section requires update to ensure regulation is only for time, manner and place and is content neutral.
48	38-	Window Signs	Consider language that is broadly applicable for interior and exterior window signs.
49	38-102(1)(c)	Animated/Flashing Signs	Rewrite standards to balance town goals for aesthetics and commercial advertising options.
50	38-100 & 105	Combine prohibited and illegal signs in same area.	Combine prohibited and illegal signs in same area. Change prohibited sign language to say signs are not permitted in town
51	**ARTICLE V - MANUFACTURED HOUSING PARKS (future ARTICLE 4 DISTRICT REGULATIONS)**		
52	38-124	Ensure compliance with NCGS	Move to District Regulations as its own district.
53	**ARTICLE VI CONDITIONAL USE PERMITS (future ARTICLE 2 ADMINISTRATION AND PROCEDURES)**		
54	General	Cite statute and add intent of CUP's or SUP's	Reference to NCGS 160A-388(C)
55	38-152(d-f)	Conditional use permit timing	Move to new Article 2 and make timing similar to the JCUDO.
56	**ARTICLE VII BOARD OF ADJUSTMENT (future ARTICLE II ADMINISTRATION AND PROCEDURES)**		
57	38-175	Update BOA Rules of Procedure or checklist as needed.	Reference NCGS 160A-388(a). Remove other proceure language from UDO.
58	38-176	Quasi-judicial appeals to Superior Court	Reference NCGS 160A-393.
59	38-177	Variances	Reference NCGS 160-388(d).
60	38-178	Appeals	Combine with 38-176.
61	**ARTICLE VIII ADMINISTRATIVE & LEGAL PROVISIONS (future ARTICLE 2 ADMINISTRATION AND PROCEDURES)**		
62	38-210, 212, 214	Permits & certificates	Move Procedures to Article 3.
63	38-213	Enforcement section should contain both civil and criminal penalties, procedures for violation.	Move civil penalties to Article 3 and add paragraph for criminal and other penalties that references I-9 in MuniCode.
64	38-213(c)	Recovery of attorney's fees and administrative fees (some communities have).	Remove the provision of 15% atty fee limit.
65	38-213(d)	Consider taking fees out of the ordinance	Place fines in town fee schedule
66	**ARTICLE IX DEFINITIONS (future ARTICLE 10 DEFINITIONS)**		
67	38-237		Add rules of measurement to beginning of ARTICLE 4 - Zoning Districts
68	38-238	Generally	consolidate all definitions in zoning and subdivision ordinances in this Article in alphabetical order.
69	38-238	Home Occupations	Do not include regulatory standards in definitions
70	**ARTICLE X SEXUALLY ORIENTED BUSINESSES (future ARTICLE 7 Development Standards)**		

71	General		Move to ARTICLE 7 DEVELOPMENT STANDARDS
72	**ARTICLE XI PLANNED UNIT DEVELOPMENT OVERLAY (future ARTICLE 7 Development Standards)**		
73	38-297	The PUD overlays contain many standards which should be part of townwide zoning districts.	PUD'S should be created when there is not a base zoning district with applicable standards for a "different" type development. Many of the standards in this and the other PUD sections should be incorporated into the base zoning districts to achieve the type and quality of development envisioned in approved plans. When a master developer considers a unique development, then they should work with the Town on the specific standards of that PUD. When adopted, it becomes its own district. A PUD should never be used to lessen the standards of the base zoning district.
74	38-299	RPUD trying to be MF District	Create base quality standards for MF development and allow by right in appropriate districts
75	38-301 to 306	Mixed-Use PUD Overlay- PUDs and Overlays are separate planning tools. MUPUD includes good standards which are part	Incorporate these use and dimensional standards into the appropriate District B-1, B-2, B-3, Institutional, etc. Put development standards and design standards into Article 7;
76	38-307	All PUD Procedures	Move Procedures to Article 2
77	**ARTICLE XII HILLSIDE AND STEEP SLOPE DEVELOPMENT OVERLAY (will be ARTICLE _ ENVIRONMENTAL**		
78	APPENDIX A	Parking	Move to ARTICLE 7 DEVELOPMENT STANDARDS
79	APPENDICES B-D	Checklists	Remove checklists from UDO. Place online and in office.
80	APPENDIX E	Stormwater	Move to ARTICLE 9 ENVIRONMENTAL REGULATIONS
81	**OTHER SECTIONS TO ADD**		
82	Article 3	Noticing for public hearings	§ 160A-384. Method of procedure.
83	New Article 5	Temporary Uses - Health Care Structures	§ 160A-383.5. Zoning of temporary health care structures
84	New Article 7	Wireless Telecommunication Facilities	§ 160A-400.50 - 400.57. Purpose and compliance with federal law. Provision of advanced mobile broadband and wireless telecommunications services. Review standards for location and placement or antenna and small cell towers.
85	**SUBDIVISION ORDINANCE**	**Most of this section will be future Article 6 Subdivision Standards**	
86	**ARTICLE 1 - IN GENERAL**		

87	31-1	Title	Put in Zoning Ord or UDO Article 1 General
88	31.2	Definitions	Move to Article 10. Move subdivision types and exempt subdivions to Article 6 Subdivision Standards. Add Tech Review Committee to Article 2 Administration
89	31-4	General approval for subdivisions	Relocate to Article 3 Procedures
90	31-5	Effect of other regulations	Relocate to Article 1 General
91	**ARTICLE II PLAT APPROVAL**		
92	31-31 to 31-34	Application and review Procedures	Article 6 and update for compliance and consider making consistent with JC process? Cross reference this setion in Article 3
93	31.31 (d)(3)	Subdivision - Vested rights	can leave in Article 6 and add reference in Article 1
94	31-35, 37	Phasing, Easements	Separate sections in Article 6
95	31-36	Aggregation	Add to beginning of Article 6 after subdivision types
96	**ARTICLE III - REQUIRED IMPROVEMENTS; DEDICATIONS; RESERVATIONS; MIN STDS OF DESIGN**		
97	31-62	Multiple sections under 31-62 need to be separate sections. Would be much easier to follow.	Create a separate section for each of the following: road standards, property/homeowners association, access management, preservation of water areas, stormwater drainage, flood protection, lots & blocks, markers & monuments, etc.
98	31-62(2)	Easements	Combine with 31-37 for one easement section
99	31-62(7)	Property Owner's Association	Combine with POA road section so the responsibilities are in one place
100	31-66	Conservation subdivisions	Review. If not used, consider a zoning district that is rural conservation or large lot.
101	31-66(b)	Open Space	Review open space requirements for residential and commercial subdivisions. Too high, too low. Quality of open space?
102	ARTICLE IV - COMPLETION; MAINTENANCE; OCCUPANCY		
103	31-92, 93	Performance guarantees	update to comply with NCGS
104	31-123	Public hearing notice	Relocate to Article 3 Procedures and reference NCGS
105	ARTICLE V - ADMINISTRATION, ENFORCEMENT AND APPEALS		
106	31-147-150	Violations	move to Article 3 under Enforcement
107	31-151-154	Variances	If variance or waiver, move to Article 3 Procedures