

# TOWN OF WAYNESVILLE

## Planning Board

9 South Main Street

Suite 110

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

Development Services

Director

Elizabeth Teague

### Planning Board Members

Susan Teas Smith (Chairman)

Ginger Hain (Vice Chair)

Stuart Bass

John Baus

R. Michael Blackburn

Travis Collins

Jan Grossman

Tommy Thomas

Blake Yoder

### Regular Meeting of the Planning Board

Town Hall, 9 South Main Street, Waynesville, NC 28786  
Monday, August 19, 2024, 5:30 PM

#### A. CALL TO ORDER

1. Welcome/Calendar/Announcements
  - Summary of Council actions on recent Planning Board recommendations
2. Approval of Minutes as presented (or amended):
  - July 15, 2024 Regular Meeting

#### B. BUSINESS

1. Public Hearing to consider text amendments related to accessory structures and manufactured housing, Land Development sections 3.2.1, 3.2.6, 4.5, and 17.3.
2. Report and discussion on Short Term Rental draft ordinance and feedback from the workgroup.
3. Report and discussion on the use of ground mounted solar panels, private solar array installations within Town, and EV charging stations as a civic space option.

#### C. PUBLIC COMMENT/CALL ON THE AUDIENCE

#### D. ADJOURN

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## Waynesville Town Council Votes on the Planning Board Items 2023-2024

### February 14, 2023

- Map Amendment for the property located at 465 Boyd Avenue (PIN 8605-96-8882) to create a Hazelwood Urban Residential MXO-3 District.
- Text Amendment to the LDS Section 17.3, Use Type Definitions, Personal Services to include tattoo parlors.

*The text amendments passed unanimously.*

### May 23, 2023

- Stormwater Ordinance text amendment, Section 12.5 of the LDS: design standards and safety measures for stormwater control measures with steep slopes and tall banks (such as ponds).

*Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.*

- Map Amendment for the property located at 237 Ratcliff Cove Road (PIN 8626-00-9246).

*The Council voted to rezone the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay-2, to be enacted 10 days after the Haywood County School Board achieves ownership of the property, and to limit the additional uses extended by the overlay to Government Services, and in so doing amending the Comprehensive Plan, Future Land Use Map to re-designate this property as "Community Facilities" in its land use typology.*

### June 27, 2023

- Text amendment to the LDS Section 5.10.2, Mixed-Use/Commercial Building Design Guidelines, Façade Materials.

*The original text amendment was simply to add "metal panels and siding" to the list of permitted materials. The Town Council modified it by adding the following provisions:*

*Metal panels and siding may be used as a facade material on commercial buildings with the following restrictions:*

1. *Metal panels and siding may be used as a facade material only on commercial buildings located within Neighborhood Center, Business, and Regional Center Districts.*
2. *Such metal panels and siding must consist of architectural-grade metal without a high-gloss finish. Standing seam metal panels may not be used as a façade material.*
3. *The use of metal panels and siding as a façade material within a National Register Historic District or Local Historic District must be approved by the Historic Preservation Commission with the issuance of a Certificate of Appropriateness.*

*The text amendments passed unanimously.*

### September 12, 2023

- Addition of an "Event Space" as a stand-alone use to the Land Development Standards (LDS): definition and supplemental standards.
- Creation of a Railroad Overlay District: purpose, standards, uses.
- Definition of "Freight Hauling/Truck Terminals."

*The text amendments passed unanimously.*

**January 9, 2024**

- Rezoning request for the portion of the property at 1460 Russ Avenue from Dellwood Residential Medium Density Mixed-Use Overlay (D-RM MXO) to Russ Avenue Regional Center District (RA-RC) district.

*The map amendment passed unanimously.*

**March 12, 2024**

- The Town Council approved the Conditional District Rezoning for Biltmore Baptist Church with the following conditions:
  1. Comply with the façade standards and include architectural elements on the north and south side building elevations in accordance with Land Development Standards (LDS) section 5.10.
  2. Preserve existing street trees along Asheville Rd (LDS 8.4.1).
  3. Require 5-ft sidewalks along Asheville Rd and Ratcliff Cove Rd (LDS 6.6.2 B, D).
  4. Allow parking at the principal frontage, as proposed on the Master Plan (LDS 9.3).

The applicant submitted the Transportation Impact Analysis study at the hearing, and the Council accepted it with no further comments.

*The map amendment passed unanimously.*

**March 26, 2024**

The Town Council approved the Conditional District Rezoning for the 10.99-acre portion of the unaddressed parcels at Waynesville Inn and Golf Club PIN 8614-27-1901 and PIN 8614-27-7912, Greenview Conditional District Map Amendment (Rezoning), with the following conditions attached:

1. Lot width standards for CC-RL shall not apply
2. LDS standards for the proposed "Lane" within the subdivision shall not apply (LDS 6.6.2. E)
3. At both hydrant locations, the proposed "Lane" needs to be at least 26 ft wide. The plan needs to be adjusted prior to issuance of the building permit to comply with Fire and Building Codes.
4. The developer will pay payment-in-lieu for sidewalk construction with the easement granted to the Town to construct a sidewalk in order to fill the existing gaps in the neighborhood, per staff recommendations, with priority along the northern part of Longview Drive.
5. Civic space requirements of the LDS Chapter 7 shall not apply as the project claims credit for the existing amenities. Access to existing civic space must be guaranteed for all the residents of the development.
6. Landscape requirements of the LDS Chapter 8 shall not apply as the project will propose custom landscaping plan
7. Minimum spacing requirements between the driveways in CC-RL of the LDS Chapter 9 shall not apply

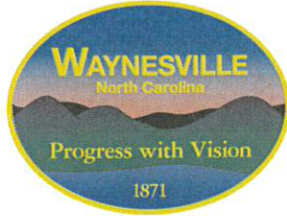
*The map amendment passed unanimously.*

**May 14, 2024**

1. The Council closed the public hearing on the Longview Conditional District Subdivision and directed the Town Attorney (Martha Bradley) and Development Services staff to negotiate some conditions of approval with the applicant to ensure better compliance with the LDS. The Council will vote on the application on May 28, 2024 with consideration of negotiated conditions.
2. The Council continued the public hearing on general 160-D corrections and tree preservation until June 11<sup>th</sup>, 2024.

<p><b>May 28, 2024</b></p> <ol style="list-style-type: none"><li>1. The Council unanimously voted to deny the Longview Conditional District Map Amendment.</li></ol>
<p><b>June 12, 2024</b></p> <ol style="list-style-type: none"><li>1. Text amendment related to 160D corrections, definition of townhomes, elimination of protest petitions, and tree preservation.</li></ol> <p><i>The text amendment passed unanimously.</i></p>
<p><b>June 25, 2024</b></p> <ol style="list-style-type: none"><li>1. Railroad Overlay Map Amendment (RR-O) to the official Waynesville Land Development Map (a.k.a. zoning map). The overlay district is applied to 111 properties, with 81 of them being in the Frog Level area and 30 in Hazelwood.</li></ol> <p><i>The map amendment passed unanimously.</i></p>
<p><b>August 13, 2024</b></p> <ol style="list-style-type: none"><li>1. Zoning map amendment at 225 Church Street, Waynesville, NC 28786 (PIN 8615-27-0218) from Main Street Neighborhood Residential (MS-NR) to Main Street Neighborhood Residential Mixed-Use Overlay (MS-NR-MXO).</li></ol> <p><i>The map amendment passed unanimously.</i></p>

You can access previous minutes and agendas by visiting the following site: <http://www.egovlink.com/waynesville/>.



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Development Services  
Director  
Elizabeth Teague

Assistant Development  
Services Director  
Olga Grooman

Susan Teas Smith (Chair)  
Ginger Hain (Vice Chair)  
Stuart Bass  
John Baus  
Michael Blackburn  
Travis Collins  
Jan Grossman  
Tommy Thomas  
Blake Yoder

## MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

### Regular Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786

Monday July 15, 2024, 5:30 p.m.

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting on Monday, July 15<sup>th</sup>, 2024, at 5:30 p.m. in the Board Room of the Town Hall at 9 South Main Street, Waynesville, NC 28786.

### A. CALL TO ORDER

#### 1. Welcome/Calendar/Announcements

The following members were present:

Ginger Hain (Vice Chair)  
Stuart Bass  
John Baus  
Travis Collins  
Jan Grossman  
Tommy Thomas  
Blake Yoder

The following board member was absent:

Susan Teas Smith (Chair)  
Michael Blackburn

The following attorney was present:

Ron Sneed, Board Attorney

The following staff members were present:

Elizabeth Teague, Development Service Director  
Olga Grooman, Assistant Development Service Director  
Alexander Mumby, Land Use Administrator  
Esther Coulter, Administrative Assistant

Planning Board Minutes  
Regular meeting  
July 15, 2024

Vice Chair Ginger Hain welcomed everyone and called the meeting to order at 5:30 p.m.

Ms. Hain asked Development Services Director, Elizabeth Teague, for announcements. Ms. Teague reminded the board about the summary of Council's actions in the front of the agenda packet. Ms. Teague introduced Mr. Blake Yoder, the new Planning board member, and Alexander Mumby, the new Land Use Administrator. Ms. Teague also announced that a Special Called meeting for the Planning Board would be held on July 22, 2024.

Ms. Hain read through the process and procedures for the hearing.

Ms. Hain asked for a motion to approve the minutes.

*A motion was made by Board member John Baus and seconded by Board member Stuart Bass to approve the minutes for the Planning Board meeting held on March 18, 2024, as presented or amended. The motion passed unanimously.*

*A motion was made by Board member Jan Grossman and seconded by Vice Chair Ginger Hain to approve the minutes for the Planning Board meeting held on April 15, 2024, as presented or amended. The motion passed unanimously.*

## **B. BUSINESS**

- 1. A major site plan application for the .083-acre unaddressed parcel off Russ Avenue in Waynesville, NC 28786 (PIN 8616-38-5985). The site is a proposed location for the Haywood County EMS facility.*

Ms. Hain opened the public hearing at 5:38 p.m.

Assistant Development Service Director Olga Grooman presented the report for an Administrative Major Site Plan review for the Haywood County Satellite EMS facility. She explained that the Planning Board, in its role as an administrator, shall find the following facts to be true in order to approve the site plan:

- The plan is consistent with the adopted plans and policies of the Town;
- The plan complies with all applicable requirements of this ordinance; and
- The plan has infrastructure as required by the ordinance to support the plan as proposed.

Ms. Grooman stated that the applicant submitted a Master Plan, Environmental Survey, and Building Elevations as a part of their application.

Ms. Grooman continued to present the staff report. The subject property (PIN 8616-38-5985) is 0.83 acres, and it is located at the intersection of Russ Avenue and Mauney Cove Road, with frontage along Russ Avenue. The property is mostly flat with a gentle slope towards north-west. It is in the corporate limits of Waynesville and within Dellwood Residential- Medium Density Mixed-Use Overlay (D-RM-MX-O) zoning district.

Ms. Grooman explained that the site would connect to Russ Avenue via two driveways to the north and south of the building. The project will consist of one 3,870-sf building facing Russ Avenue, a walkway around the back of the building, a service yard, and a parking lot. The EMS building will have vehicle bays at the front and living quarters for emergency personnel in the rear. On July 2, 2024, the Zoning Board of Adjustment unanimously granted a variance to accommodate a 0-ft front setback for the EMS building. This variance was granted to accommodate the site's topography and to better meet the operational needs of the EMS facility.

Ms. Grooman presented a detailed zoning analysis of the proposed project and stated that the project complied with all applicable Land Development Standards. Additionally, the project had existing water and sewer infrastructure on site to support itself. The site plan was also consistent with the Goals 1 and 6 of the 2035 Comprehensive Plan:

Goal 1: Continue to promote smart grown principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.

Goal 6: Create an attractive, safe and multi-modal transportation system.

- Ensure citizenry has access to recreational, health and wellness, and medical services.

***A motion was made by Board member John Baus, seconded by Board member Travis Collins to approve the proposed Site Plan with the three (3) conditions, as recommended by staff:***

- 1. The width of one driveway connecting to Russ Avenue needs to be adjusted to 20 ft to serve as fire apparatus access road prior to issuance of the building permit.***
- 2. The sidewalk width needs to be adjusted to 6 ft past the connection point to the existing sidewalk.***
- 3. Canopy trees need to be incorporated into the parking lot buffer per LDS 8.6.1 standards.***

***The site plan was also consistent with the 2035 Comp Land Use Plan's Goals 1 and 6. The proposed site was reasonable and in the public interest by reasons presented by the County. The motion passed unanimously.***

2. *An amendment to the Conditional District for (4) properties off Allison Acres Drive (PINs 8615-88-1632, 8615-88-4442, 8615-88-1854, and 8615-88-3857). The proposed properties contain 7.7 acres. The project proposes a 50-unit development of single-family homes and townhomes.*

Assistant Development Service Director Olga Grooman presented the staff report. The developer was seeking to amend the Conditional District and create a 50-unit development of single-family homes and townhomes. Per Land Development Standards (LDS) 15.2.5, “a change in land use or development type beyond that permitted by the approved Master Plan or Plat” constitutes a substantial change.

Ms. Grooman explained that during the public hearing, the Planning Board shall review the application and consider the following aspects of the project (LDS 15.15.2 B):

- Compatibility with surrounding properties
- Area impacts
- Adequate facilities and infrastructure
- Building and site design, and
- Compatibility with the immediate context

The original 2022 Master Plan included a development of 59 attached townhome units on 7.71 acres, including 2.11 acres of civic space (various green areas on site), and 136 parking spaces. The project connected to East Street in two points: off Allison Acres Drive and off Counsel Place.

The amended site plan shows the reduction in density as well as site disturbance and proposes a mix of single-family and townhomes, with a total of 50 units on 7.71 acres. The new plan also reduces a number of parking spots to 112 spaces. Additionally, the civic space is reduced to one (1) acre and will consist of a picnic area on the north-eastern side of the project and a green area with benches and a trail along the southeastern part of the property that will connect to the adjacent Valleywood Farms development. The project still will connect to East Street via two drives: off Allison Acres Drive and off Counsel Place.

### **Applicant**

Donald Penson, P.E., with Civil Design Concepts PA, stated that they reduced the density due to the grade change of 11-12%. Putting four (4) townhomes together would call for a lot of stairs to reach the top of the dwellings. It would be easier to build detached units on single lots. Mr. Penson answered the questions from each of the board members in detail.

### **Public Comment**

Mike Vairette lives in Valleywood Farms subdivision. He loves his neighborhood. His question was about the green space that connected both subdivisions. Mr. Vairette wondered how much it



would impact his Valley Wood Farms neighborhood, whether the trees would be taken down, and who would maintain the civic space.

Mark Howell was concerned with the platted right-of-way to his property at 110 Allison Acres Drive. He stated that the plan showed the modified right-of-way, and that it could not be modified. Ms. Teague, Development Services Director, said that the condition of the original approval was to respect the current easement.

Mr. Penson asked to respond to Mr. Vairette. He said that the civic space connected to Valleywood Farms to promote the greenway and pedestrian connections. Mr. Penson also explained that the new road was designed to meet the latest Fire Code and to serve as fire apparatus access road.

Ms. Hain closed the public hearing at 7:29 p.m. The board deliberated and raised concerns, including change in use from townhomes to mostly single-family homes, minimum lot size, civic space type and allocation, and overall design of the development.

*A motion was made by Board member John Baus and seconded by Board member Tommy Thomas to reject the amendment to the Conditional District as it was inconsistent with the 2035 Land Use Plan and not reasonable and in the public interest. This plan was too different than the original plan that got approved in 2022. There were too many waivers, and the scope of the waivers was too high and not in compliance with the LDS standards. The motion passed unanimously.*

*A motion was made by Board member John Baus and seconded by Board member Jan Grossman not to recommend the Conditional District amendment to the Town Council because cottage development that more closely complies with the LDS standards would be more compatible with the surrounding residential properties. The cottage development would be more in the spirit of the originally approved plan. The motion carried unanimously.*

### C. ADJOURN

*The meeting was adjourned by Vice Chair Ginger Hain at 7:45 p.m.*

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Ginger Hain, Vice Chair

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Esther Coulter, Administrative Assistant

## Planning Board Staff Report

**Subject:** Text amendments related to accessory structures and manufactured housing  
**Ordinance Section:** Land Development Standards (LDS) sections 3.2.1, 3.2.6, 4.5, and 17.3.  
**Applicant:** Staff initiated text amendment; Development Services Department  
**Meeting Date:** August 19, 2024

### Background:

The proposed text amendments introduce more flexibility in number, type, and placement of accessory dwelling units on single-family lots. Recognizing the need for attainable housing, particularly for families on existing lots, the Development Services Department has encountered situations where zoning regulations prevented families from accommodating relatives in accessory dwellings, even though such units did not increase density, violate setbacks, or change permitted housing types for the district. These amendments seek to remove such barriers and promote affordable, smaller housing options. The proposed amendment promotes flexibility in the number and placement of accessory dwellings on a single lot, without compromising the district's density, setbacks, minimum pervious surface, or other LDS requirements.

Another proposed change is the refined definition of a manufactured home park. Currently, the definition considers two (2) or more homes on a single parcel as a park. However, instances have occurred where homes on separate lots were deeded as a park. This discrepancy has led to confusion in applying the LDS standards related to manufactured housing design guidelines, which differ between manufacturing home parks and standalone homes.

### Staff Recommended Text Changes:

The proposed text amendments are:

- Revise the definition of an accessory dwelling.
- Emphasize that accessory dwellings may only be established on a lot with an existing single-family dwelling.
- The number and placement of accessory dwellings on a lot will depend on the lot's size, as outlined in the table of standards for accessory structures.
- Clarify that accessory dwellings may not exceed the density of the underlying zoning district.
- Add to the types of structures that are not permitted as accessory dwellings, such as park models and tiny homes on wheels.
- Allow manufactured housing as accessory dwellings if this housing type is already permitted in the underlying zoning district.
- Clarify the definition of a manufactured home park to include a minimum of four (4) homes instead of two (2), and allow for units to be located on separate lots if the lots are deeded jointly as a park.

The proposed changes to the current Land Development Standards are in red.

**Consistency with the 2035 Comprehensive Land Use Plan:**

Staff submits that the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan goals:

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
  - Encourage infill, mixed-use and context-sensitive development.
- Goal 2: Create a range of housing opportunities and choices.
  - Encourage new housing inside Waynesville’s city limits and Extraterritorial Jurisdiction (ETJ)
  - Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households

Furthermore, the need for a variety of housing options, especially affordable ones, is emphasized throughout the 2035 Comp. Plan:

- “In 2016 Haywood County created a task force to examine affordable housing issues.” The Affordable Housing Assessment concluded that:
  - ✓ “Haywood County’s population growth is dependent on immigration and a supply of housing, in a range of income categories, and will be needed to attract new residents, including young families. Single family homes constitute the majority of the county’s housing supply (72.6%); followed by mobile homes (18.3%).” (p. 92)
  - ✓ “By 2030, 29% of the county’s population will be age 65 or older. These households, especially those on fixed incomes, may face issues with housing affordability and accessibility.” (p. 92)
  - ✓ “Housing is said to be “affordable” when housing costs are 30% or less of household income. Households that pay 30% or more of their household income in rent are said to have a housing cost burden. In Haywood County, over half of all renters and 35% of homeowners are “housing cost burdened.” (p. 93)
- “On the survey, over 68 percent of respondents selected small, single family homes as their preferred affordable or workforce housing type.” (p. 134)

**Public Notice:**

Staff provided notice of this public hearing in the Mountaineer newspaper on 7/28/24 and 8/4/24. The notice was also submitted to the local media on 7/29/24.

**Attachments:**

1. Draft Ordinance
2. Consistency Statement Worksheet
3. Public Notices
4. Images of manufactured housing

**Recommended Motions:**

1. Motion to find the recommended text amendment as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to recommend the text amendment as attached (or as amended) to the Town Council.

*DRAFT FOR COUNCIL'S CONSIDERATION*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

**WHEREAS**, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they are consistent with the Comp Plan goals:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.

Goal 2: Create a range of housing opportunities and choices.

- Encourage new housing inside Waynesville’s city limits and Extraterritorial Jurisdiction (ETJ)
- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households

**WHEREAS**, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Town Council; and

**WHEREAS**, the Town Council find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes.” and

**WHEREAS**, after notice duly given, a public hearing was held on **August 19, 2024** at the regularly scheduled meeting of the Waynesville Planning Board, and on \_\_\_\_\_, 2024 at the regularly scheduled meeting of the Waynesville Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON \_\_\_\_\_ AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

That the Land Development Standards be amended as follows:

- 1. Amend Section 3.2.1 Dwelling- Accessory as follows:

**3.2.1 Dwelling—Accessory.**

- A. **Number:** ~~Only one accessory dwelling is permitted per lot.~~ Accessory dwellings may only be located on a lot with an existing single-family dwelling. The number of accessory dwellings per lot shall be as specified in Table 4.5.2. Accessory dwellings count toward and may not exceed the density of the underlying zoning district.
- B. **Other Applicable Laws:** Accessory dwellings must comply with all applicable local, state and federal laws, and building codes.
- C. **Placement on the Lot:** ~~A detached accessory dwelling shall be sited to the rear of the principal building. If the lot exceeds two (2) acres in size the accessory dwelling may be sited to the side of the principal building.~~ The placement of detached accessory dwellings on a lot shall be in accordance with Table 4.5.2.
- D. **Yard Requirements:** The accessory dwelling shall meet all yard/setback requirements as established for principal uses within the land development district in which it is located.
- E. **Compatibility.**
  - 1. The accessory dwelling shall meet all applicable design standards for the land development district in which it is located in accordance with Chapter 5.
  - 2. The accessory dwelling shall be clearly subordinate (size, etc.) to the main structure.
  - 3. The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, and roofing appearance.
- F. **Manufactured Housing, Campers, Park Models, Tiny Homes on Wheels, Recreational Vehicles, Etc. Prohibited For Use:** ~~Manufactured housing, campers,~~ Campers, park models, tiny homes on wheels, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling. ~~Manufactured housing is allowed as an accessory dwelling only if it is permitted as a use in the underlying zoning district, subject to additional standards and design guidelines in Chapters 3 and 5.~~

- 2. Amend Section 3.2.6 Manufactured Homes and Manufactured Home Parks as follows:

**B. General Manufactured Home Park Requirements.**

- 1. No manufactured home park shall be approved for a site less than three (3) contiguous acres under single ownership or control, unless the park is divided into separate lots by deed.

3. Amend Section 4.5 Accessory Uses and Structures as follows:

**4.5 Accessory Uses and Structures.**

The purpose of this section is to establish standards for accessory uses and structures in the Town of Waynesville's land use jurisdiction. Except as provided elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or replace any accessory use or structure without first obtaining a certificate of land development standards compliance from the Administrator.

**4.5.1 General.**

- A. Accessory uses and structures may only be used for purposes permitted in the district in which they are located.
- B. Not for Dwelling Purposes: Accessory structures shall not be used for dwelling purposes except as approved Accessory Dwelling Units (see Section 3.2.1).
- C. Building Permits May Be Required: Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing) a building permit may also be required.

**4.5.2 Table of Standards for Accessory Structures and Dwellings<sup>1</sup>:**

Standards	Single-Family/Two Family Lots Less than 0.5 Acre	Single-Family/Two Family Lots 0.5 Acre- 1 Acre	Single-Family/Two Family Lots Greater than 1 Acre-3 Acres	Single-Family/Two Family Lots Greater than 3 Acres- 5 Acres	All Other Lots
<b>Permitted Location</b>	Side or Rear Yard Only	Side or Rear Yard Only	Side or Rear Yard Only	Permitted In All Yards	Permitted In All Yards
<b>Height</b>	Not Greater Than Principal Structure	Not Greater Than Principal Structure	Subject to District Height Standards	Subject to District Height Standards	Subject to District Height Standards
<b>Maximum Number Permitted</b>	2 Accessory Structures + 1 Accessory Dwelling	2 Accessory Structures + 2 Accessory Dwellings	3 Accessory Structures + 3 Accessory Dwellings	No Maximum for Accessory Structures. 3 Accessory Dwellings or as Subject to Chapter 15 Subdivision/Site Plan Standards.	No Maximum for Accessory Structures. 3 Accessory Dwellings or as Subject to Chapter 15 Subdivision/Site Plan Standards.
<b>Maximum Area (excluding accessory dwellings)</b>	1,000 Square Feet in Aggregate Footprint	1,500 Square Feet in Aggregate Footprint	1,500 Square Feet Per Structure 2,500 Square Feet in Aggregate Footprint	2,000 Square Feet Per Structure 4,000 Square Feet in Aggregate Footprint	No Maximum

<sup>1</sup> Accessory dwellings may only be located on a lot with an existing single-family dwelling.

4. Amend Section 17.3 Definitions, Use Type as follows:

**Dwelling—Accessory.** A smaller, secondary dwelling unit either detached or attached, such as a garage apartment or cottage, designed for occupancy ~~by one or two persons~~ and located on a lot with an existing single-family dwelling. ~~Said units shall not exceed one per lot.~~

**Manufactured Home Parks.** The location of ~~two~~ **four (4)** or more manufactured or mobiles homes on a parcel of land, **or as a deeded manufactured home park**, shall constitute a mobile home park.

ADOPTED this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

TOWN OF WAYNESVILLE

\_\_\_\_\_  
J. Gary Caldwell, Mayor

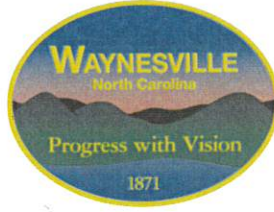
ATTEST:

\_\_\_\_\_  
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martha Bradley, Town Attorney





To: Town of Waynesville Planning Board  
 From: Olga Grooman, Assistant Development Services Director  
 Date: August 19, 2024  
 Subject: Text Amendment Statement of Consistency  
 Description: Text amendments related to accessory structures and manufactured housing, Land Development Standards sections 3.2.1, 3.2.6, 4.5, and 17.3.  
 Address: Town of Waynesville Planning Department ("Development Services Department")

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

The zoning text amendment **is approved and is consistent with the Town's Comprehensive Land Use Plan** because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The zoning text amendment **is reasonable and in the public interest** because:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The zoning text amendment **is rejected because it is inconsistent with the Town's Comprehensive Land Plan and is not reasonable and in the public interest** because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Planning Board Member \_\_\_\_\_, made a motion, seconded by \_\_\_\_\_

The motion passed \_\_\_\_\_. (*unanimously or vote results here*)

\_\_\_\_\_  
 Susan Teas Smith, Planning Board Chair Date

\_\_\_\_\_  
 Esther Coulter, Administrative Assistant Date



TOWN OF WAYNESVILLE  
Development Services Department  
PO Box 100  
9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
www.waynesvillenc.gov

**Newspaper Notice**

FOR PUBLICATION IN THE MOUNTAINEER: July 28th and August 4th (Sunday) editions

Date: July 23, 2024

Contact: Olga Grooman, [ogrooman@waynesvillenc.gov](mailto:ogrooman@waynesvillenc.gov), (828) 356-1172

**Notice of Public Hearing  
Town of Waynesville Planning Board**

The Town of Waynesville Planning Board will hold a public hearing on **Monday, August 19, 2024, at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider text amendments related to accessory structures and manufactured housing.

For more information, contact the Development Services Department at: (828) 456-8647; email: [ogrooman@waynesvillenc.gov](mailto:ogrooman@waynesvillenc.gov); mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

**From:** [Candace Poolton](#)  
**To:** [Media Contacts](#)  
**Subject:** Public Hearing Notices-Town Council Meeting and Planning Board Meeting  
**Date:** Monday, July 29, 2024 8:24:24 AM

## Notice to the Media

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### **Notice of Public Hearing Town of Waynesville Town Council**

The Town of Waynesville Town Council will hold a public hearing on **Tuesday, August 13, 2024, at 6:00 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider an application for a zoning map amendment at 225 Church Street, Waynesville, NC 28786 (PIN 8615-27-0218) from Main Street Neighborhood Residential to Main Street Neighborhood Residential Mixed-Use Overlay. For more information, contact the Development Services Department at: (828) 456-2004; email: [eteague@waynesvillenc.gov](mailto:eteague@waynesvillenc.gov); mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

### **Notice of Public Hearing Town of Waynesville Planning Board**

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Candace Poolton, Town Clerk  
Town of Waynesville-waynesvillenc.gov  
828-452-2491  
[cpoolton@waynesvillenc.gov](mailto:cpoolton@waynesvillenc.gov)

Images of Manufactured Housing from Clayton Homes and Titan Homes Websites 1 of 3



Clayton  
August 15, 2023

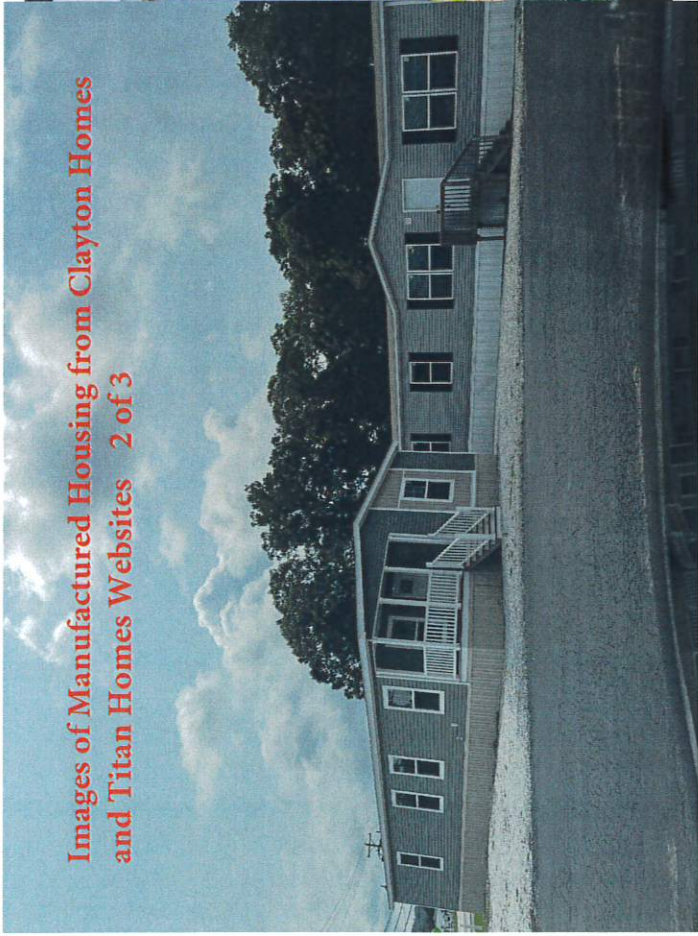
The 1434 Carolina "Southern Belle" will have you dreaming of everything farmhouse. 🏡 Don't miss seeing today's Floor Plan Favorite: <https://bit.ly/3OBABEL9>



Clayton



Images of Manufactured Housing from Clayton Homes  
and Titan Homes Websites 2 of 3



We use cookies on this website. By using this website, you consent to all cookies. You can review our [privacy policy](#) to learn more.

ACCEPT



Images of Manufactured Housing from Clayton Homes and Titan Homes Websites 3 of 3

OVERVIEW TOURS & VIDEOS SPECS PHOTOS



## Town of Waynesville Planning Board Staff Report

Subject: Report and Discussion on possible short-term rental ordinance  
 Ordinance Section: 2.5. Permitted Uses; 3.3 Supplemental Standards; 17.3 Definitions  
 Staff and Board Re-initiated Discussion  
 Meeting Date: August 19, 2024

### Background

This discussion carries over from the last meeting in which a draft version of an STR ordinance was presented. The Planning Board has discussed regulations pertaining to STRs, at the January 22, 2024 and March 15, 2024, October 21, 2019, and March 20, 2023 meetings. On April 15, 2024, the Planning Board held a public hearing on the Short Term Rental (or “STR”) ordinance and decided to constitute a working group to consider the need, impact, and pros/cons of a STR ordinance before taking any action.

The STR working group consisted of Planning Board Members Travis Collins, Micheal Blackburn, and John Baus, and community volunteers of Linnea McAden, Patrick McDowell, Jackie Cure, and staff members Olga Grooman, David Kelley, and Elizabeth Teague. The group met on May 16 and June 5, 2024, and can meet again depending on the feedback and direction of the Planning Board in regards to the potential ordinance. The ordinance draft presented (version 4) includes revisions based both on the comments from the public hearing on April 15, and the discussion of the STR working group, as well as the court precedence of Schroeder vs. the City of Wilmington.

### Staff Comment and Recommendation

STR’s are important in our tourism industry and as a source of income for local property owners. The “STR” draft ordinance seeks to meet several needs while preserving the rights of property owners.

- Because the Land Development Standards does not define or categorize them at all, Town development services has no way or permitting them (or not permitting them), or any guidelines to determine where and how they are allowed under the Town’s Zoning Code and what sort of associated regulations should apply.
- If not managed well, STRs can impact neighbors in terms of noise, overflow parking onto streets, trash management, signage, or potential safety concerns.
- There is tension in the interest to allow local residents to be able to make full use and gain income from their private property, and the concern for the infiltration of commercial use into traditional neighborhoods. Additionally, there is concern in regards to the impact that investment interest has on both the local real estate inventory and housing affordability.

The proposed ordinance is written to:

1. Distinguish occupied properties in which a portion of the property or dwelling structure is rented short-term as a “Homestay,” from properties in which there is no management presence on-site during rental;
2. Provide protection under the zoning ordinance to allow “Homestays,” in which a person may rent a portion of their home or property on which they live or have a full-time resident in place, for

short terms under 30 days in any neighborhood within the Permitted Uses Table (LDS Section 2.5.3).

3. Place future STRs as defined (and distinct from Homestays) in the Permitted Uses Table (LDS Section 2.5.3) and designate neighborhoods where they are allowed or prohibited, which is still to be determined.
4. Provide regulatory parameters for management of Homestays and STRs to minimize impacts on surrounding neighbors, particularly trash management and parking. These types of guidelines are already required in reputable platforms such as VRBO, and AirBandB.
5. Create an exemption clause under the pre-existing nonconformity rules (LDS Section 13.2 and 13.5), so that if STRs are restricted from any zoning district, those property and business owners that already have an active STR may continue that use un-restricted.

Notably, the STR workgroup discussion made evident several key points that the Planning Board should take into consideration.

- Successful STRs are generally self-regulating. Business owners who succeed are good stewards of their STRS and those who don't manage their STRs well, will generally not last long. The rating system and requirements of the online platforms will mitigate poorly managed STR properties out of competition.
- Tourism and rental markets fluctuate in a way that directly impacts STRs. In one year it may be profitable to run an STR, and then in another, it may be more profitable to convert that STR into a rental, or into the real estate sales inventory. Property owners may choose to put their property into an online STR program for part of the year, but then use their property differently the other part of the year. Therefore, while STRs may contribute to the lack of housing inventory by creating additional competition in the market, they also may contribute towards new housing being built, bought, renovated, or rented.
- Members of the STR working group discussed pros and cons of STRS in neighborhoods as a group and expressed a sense of conflict between the potential impacts of STRs on traditional neighborhoods, and limiting anyone's ability to utilize their property as an economic resource. On one hand it might make sense to prohibit STRS in neighborhoods that have small lots, and which historically house the community workforce because they are more affordable. On the other hand, it might be detrimental to property owners, especially low to moderate income owners, to limit their ability to maintain an STR as a source of revenue.
- STRs are already present in Waynesville Neighborhoods. There have been no complaints logged by Waynesville Police Department that are specifically related to an STR use.
- The Wilmington case indicated that municipalities cannot require any sort of registration or additional fees for STRS. Any ordinance would be, therefore, complaint driven.
- STRs and Homestays are both subject to North Carolina taxes that pertain to overnight stays, a.k.a "the room tax." Most online platforms are structured so that taxes are collected from the reservation platform.



**Consistency with the 2035 Comprehensive Land Use Plan**

Staff submits that the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan goals and objectives:

Goal 1: Continue to promote smart grown principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.
- Reinforce the unique character of Waynesville.

Goal 2: Create a range of housing opportunities and choices.

- Encourage new housing inside Waynesville's city limits and Extraterritorial Jurisdiction (ETJ).
- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 5: Create Opportunities for a sustainable economy.

- Encourage creatively designed, mixed use, walkable centers and commercial districts that appeal to residents and visitors.

The text amendment is reasonable and in the public interest because:

- It creates a practical administrative approach to permitting Homestays and Short Term Rentals as a legal land use within the Town's Zoning Ordinance.
- It creates legal zoning protections by defining and allowing Homestays and Short Term Rentals within the LDS Table of Permitted Uses.

**Attachments:**

Proposed text amendment for discussion.

Staff Analysis on Zoning Districts that may be considered for restricting STRs.

**Recommended Motions:**

This is a discussion to get Planning Board's feedback only.

*REVISED D R A F T (# 4) For Planning Board Discussion  
July 22 – August 19, 2024*

ORDINANCE NO.

AN ORDINANCE AMENDING THE TEXT OF THE  
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS  
TO DEFINE AND REGULATE HOMESTARS AND SHORT TERM VACATION RENTALS

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and amend such regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town of Waynesville Planning Board reviewed the proposed text amendments to the Land Development Standards (LDS) designed to define and regulate the use of residential properties as short term vacation rentals and recommends that the proposed ordinance and text amendments be found consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they support the following goals as set out in the Comprehensive Plan:

Goal 1: Continue to promote smart growth principles in land use in planning, particularly to reinforce the unique character of Waynesville by preserving the character of neighborhoods.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen at their April 15, 2024 regular meeting and at their \_\_\_\_\_ meeting; and

WHEREAS, the Waynesville Town Council find this Ordinance is consistent with the Town's 2035 Comprehensive Plan as stated above and that it is reasonable and in the public interest to "make decisions about resources and land use in accordance with the North Carolina General Statutes" that will help achieve such goals; and

WHEREAS, after notice duly given, a public hearing was held on \_\_\_\_\_, at the regularly scheduled meeting of the Waynesville Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON \_\_\_\_\_, 2024, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows:

Section 17.4 Definitions, General, is hereby amended to add the following definitions:

**Homestay:** Homestay means a short-term rental use that occurs within a resident-occupied, single-family dwelling, duplex, or an accessory dwelling unit on the same property as a resident-occupied dwelling, wherein parts of the home or property are rented to transients for a period of less than thirty days; where the use is incidental and subordinate to the primary, full-time residential use of the property; where hosts remain onsite during the guests' stays, and no meals or other services are provided by the owner or host. This use is subject to North Carolina Occupancy Tax regulations which apply to stays up to 90 days, and subject to Town ordinances that apply to residential uses.

**Short Term Vacation Rental:** Short-term vacation rental means a short-term rental use within a dwelling unit for transient occupancy for a period of less than thirty days, and does not have an owner-occupant, resident, or manager on-site. A short-term vacation rental is considered a "Lodging" that is distinct from a bed and breakfast, boardinghouse, inn, or hotel/motel, and encompasses commercial home-sharing platforms such as VRBO, AirBandB, Flipkey, or other platforms on properties that do not qualify as a *homestay*. This use is subject to North Carolina Occupancy Tax regulations which apply to stays up to 90 days, and subject to Town ordinances that apply to lodging.

Section 2-5-3 Table of Permitted Uses is amended as follows:

Homestay is hereby added as a permitted use ("P") as a residential use type, and the table is amended to show that homestays are allowed in all districts where Residential Dwelling Uses are allowed on the Table of Permitted Uses.

Short term vacation rental is hereby added as a use permitted with supplemental standards as a lodging use type ("PS"), and the table is amended to show that short term vacation rentals are allowed (*in all districts where Residential Dwelling Uses are allowed on the Table of Permitted Uses*) OR (*in all districts except for the following: .....*)

Section 3.3 Supplemental Standards – Lodging is amended to add:

### 3.3.4 Short Term Vacation Rentals

#### A. Parking

1. Short-term rentals must comply with the Town parking standard for lodging of 1 space per bedroom with a minimum of two spaces per unit, except in the Central Business and Hazelwood Business Districts.

**B. Signs**

- 1. Only one on-premise sign may be placed to identify/advertise a short term vacation rental, and it must comply with the maximum square footage for home occupations of 8 square feet.

**C. Property owner responsibilities:** Any property owner operating a STR lodging, as well as any host, shall:

- 1. Ensure compliance with all federal, state, and local laws, including but not limited to, tax code, North Carolina State Building Code, fire code and environmental health regulations for the level of occupancy of the lodging.
- 2. Ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day(s) and the carts or cans are removed from the street or alley on the scheduled collection day. For units not served by the Town, arrangements must be made for a private service to manage solid waste collection from the site, and in a way that does not attract animals.
- 3. Post in a conspicuous location inside each lodging unit a notice setting forth the following information:
  - a. The name and telephone number of the operator and property manager.
  - b. The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.
  - c. Phone number of the Town of Waynesville Police Department

Section 13.5 Nonconforming Uses and Structures is amended to add

**13.5.1 Definition and Applicability**

**C. Short Term Vacation Rentals:** Residential structures used for short-term vacation rentals prior to the adoption of the Town Ordinance \_\_\_\_\_ are exempt from the standards for nonconforming uses and accessory uses. Owners of Short Term Rentals may continue or discontinue use of a residential living space without penalty or subjection to non-conformity rules.

ADOPTED this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

TOWN OF WAYNESVILLE

\_\_\_\_\_  
J. Gary Caldwell, Mayor

ATTEST:

\_\_\_\_\_  
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Martha Bradley, Town Attorney

To: Elizabeth Teague, Development Services Director

From: Alex Mumby, Land Use Administrator

Subject: STR Restrictions in Residential-Medium Density and Neighborhood Residential

Date 7/17/2024

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I have gone through the Purpose and Intent Statements as adopted in Section 2.3 of the Land Development Standards of the neighborhoods in consideration for their potential for restrictions of STRs as a permitted use (as distinct from Homestays which are being considered for all districts). As we discussed, the zoning districts that are of commercial, mixed use, or low-density types were not examined because of the assumption that STRs should be allowed in these areas. Neighborhoods that are medium density, neighborhood residential and urban residential typologies were examined. These are residential neighborhoods in which the pattern of development for streets and subdivisions may be more compact, and in which the neighborhood characteristics support traditional neighborhood design or which may be determined to be important for affordability for the community workforce.

I pulled out key phrases which I believe can help guide possible restrictions of short-term rentals (STRs) within certain zoning districts based on the adopted purpose and intent of each zoning designation. Below are bullets with quotes from each description that might be helpful for the Planning Board's consideration. Quotes in **black** are those I believe support the argument **to limit STRs** within the neighborhood, and quotes in **red** are those which I believe support the **allowance of STRs** in the neighborhood.

### 2.3.2 Medium Density Residential Districts (RM)

#### Chestnut Park

- Well-established older neighborhood
- Served mainly from a single road
- Limited access to the neighborhood itself
- Medium density residential development will be the predominant land use

#### Dellwood

- Shall develop as a low to medium density residential district
- Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district.
- Nonresidential uses typically found in residential areas are permitted.

Howell Mill

- Shall develop as a residential neighborhood providing a mix of housing types and densities.
- Particular convenience to those residing in the district
- Nonresidential uses typically found in residential areas are permitted

South Waynesville

- Residential area with some limited mixed uses allowed
- An area of difficult slopes, a floodplain, and a limited access highway
- Development has been and will continue to be checked by environmental constraints
- Non-urban area on the edge of town

2.3.3 Neighborhood Residential Districts (NR)Allens Creek

- Predominantly residential
- Efforts will be made to restrict development and preserve existing farmland on the slopes

Love Lane

- Older, traditional neighborhood
- Good, affordable housing within walking distance of many amenities

Main Street

- Larger, older homes
- Central elementary school

Ninevah

- Small residential scale
- The public center of the community should be enhanced and should allow for uses which would serve the daily needs of the residents

Pigeon Street

- Residential community
- Strong neighborhood center

Plott Creek

- It should do so in a manner which compliments its location near Hazelwood Town Center and the Hazelwood Elementary School
- Special care should be taken to enhance the natural features of the area

Raccoon Creek

- Residential area
- Junaluska School/ballfield

Sulfur Springs

- Interconnecting roads as the area develops are paramount to keeping road from being overly traveled
- The passive park that exists where the spring house for the old Sulphur Springs Hotel was located should be redesigned to become more of an amenity and center for those who live in the area

Walnut Street

- Important, older, in-town, heavily canopied neighborhood
- A strong residential core of medium density
- A residential scale will be required for all new development
- **Accessory dwellings are encouraged**

I believe the best argument for restricting STRs in these neighborhoods is both the existing residential characteristics, but also their proximity to local schools. Maintaining housing stock so that children can walk to school is paramount. Many of the descriptions make a point of improving amenities for residents. These are amenities that will most likely not be used by those staying in STRs.

Some of the neighborhood descriptions include causes for allowing STRs. Dellwood and Howell Mill both make a point of including non-residential uses which detracts from the argument that these are primarily residential areas. Walnut Street explicitly encourages accessory dwellings because of the increased lot sizes which are ideal for STRs.

The three primary neighborhoods that you wanted me to look at particularly: Love Lane, Ninevah, and Pigeon Street all have strong cases for disallowing STRs. Love Lane is described as an “older, traditional neighborhood” with “good, affordable housing”. Ninevah has a “small residential scale” and a public center geared towards residents of the neighborhood. In the same way, Pigeon Street is a “residential community” with a “strong neighborhood center”.

## 2.2 Districts by District Type.

The following 30 base districts are organized into categories that standardize various regulations while allowing some limited customization of each district.

District Category	District Name
<b>Residential—Low Density (RL)</b>	Country Club Residential - Low Density (CC-RL) Eagles Nest Residential - Low Density (EN-RL) Francis Cove Residential - Low Density (FC-RL) Hall Top Residential - Low Density (HT-RL)
<b>Residential—Medium Density (RM)</b>	Chestnut Park Residential - Medium Density (CP-RM) Dellwood Residential - Medium Density (D-RM) Howell Mill Residential - Medium Density (HM-RM) South Waynesville Residential - Medium Density (SW-RM)
<b>Neighborhood Residential (NR)</b>	Allens Creek Neighborhood (AC-NR) Love Lane Neighborhood (LL-NR) Main Street Neighborhood (MS-NR) Ninevah Neighborhood (N-NR) Pigeon Street Neighborhood (PS-NR) Plott Creek Neighborhood (PC-NR) Raccoon Creek Neighborhood (RC-NR) Sulphur Springs Neighborhood (SS-NR) Walnut Street Neighborhood (WS-NR)
<b>Urban Residential (UR)</b>	East Waynesville Urban Residential Neighborhood (EW-UR) Hazelwood Urban Residential Neighborhood (H-UR) Howell Mill Urban Residential Neighborhood (HM-UR)
<b>Neighborhood Center (NC)</b>	North Main Street Neighborhood Center (NM-NC) Pigeon Street Neighborhood Center (PS-NC) Raccoon Creek Neighborhood Center (RC-NC)
<b>Business District (BD)</b>	Central Business District (CBD) Hazelwood Business District (H-BD) South Main Street Business District (SM-BD)
<b>Regional Center (RC)</b>	Dellwood/Junaluska Regional Center (DJ-RC) Hyatt Creek Regional Center (HC-RC) Russ Avenue Regional Center (RA-RC)
<b>Commercial Industrial (CI)</b>	Commercial-Industrial (CI)

( Ord. No. O-01-15 , § 2, 1-27-2015; Ord. No. 04-16 , 6-14-2016)

## 2.3 Purpose and Intent by District.

### 2.3.1 Residential—Low Density Districts (RL) Purpose and Intent.

- A. The **Country Club Residential—Low Density District (CC-RL)** is an area predominately comprised of large lot subdivisions with the Waynesville Country Club serving as its social and recreational center. While single-family homes are the dominant residential use in this area, townhouses and accessory apartments are also permitted. Connections to the South Main Street Business District should be enhanced as new development takes place. A residential scale is required for all new



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development. Tree preservation and proliferation along the South Main Street corridor is critical to the ambiance of the area.

- B. **The Eagles Nest Residential—Low Density District (E-RL)** is a rural district characterized by beautiful views afforded by steep terrain. Water service is available throughout much of the area but sewer service is limited. Future development shall be sensitive to the terrain with grading minimized through the use of good design, clustered development and large lot development. Clear cutting for views is unacceptable; appropriate trimming of trees for vistas is preferred. As this is an area dominated by private development, it will be important in the future to acquire public park land especially at elevations exceeding three thousand (3,000) feet above mean sea level. Land conservation easements are encouraged. Possible road connections shall be evaluated as new streets are constructed in an effort to improve connectivity without jeopardizing the natural beauty of the area. Sidewalks are not required except in major residential developments due to the rural mountain character of the district.
- C. **The Francis Cove Residential—Low Density District (FC-RL)** is an area that will remain as a very sparsely developed area. Few urban services are available in this area to support dense development and the topography poses a limitation on development as well. Agricultural and residential uses will be the predominant future land use. Maintaining the rural character of this area will be an important focus. Clustering future development in small areas while leaving large areas undeveloped will be critical in achieving this goal.
- D. **The Hall Top Residential—Low Density District (HT-RL)** is a rural district characterized by steep terrain and narrow winding roads. Despite the difficulty of developing in this district and the limited provision of services, the proximity to the Russ Avenue and Dellwood/Junaluska Town Centers makes the location an attractive one for the variety of residential developments permitted in this area. Large lot development is the standard with cluster development respecting the terrain encouraged so as to leave as much open space as possible. Road design will also consider the terrain with narrow road widths permitted and sidewalks not required. Linking developments with trails is encouraged.

### 2.3.2 Residential—Medium Density Districts (RM) Purpose and Intent.

- A. **The Chestnut Park Residential—Medium Density District (CP-RM)** is a well-established older neighborhood bordering the Central Business District. This linear neighborhood is served mainly from a single road. This road, which leads into the Eagles Nest Mountain area, is one of the few roads in Waynesville that crosses under Highway 23/74. Due to the interference of the highway and limited access into the neighborhood itself, as future development occurs, connections into adjoining neighborhoods (i.e., connecting Shingle Cove Road to Laurel Ridge) are important to keep Chestnut Park Road from becoming too heavily traveled. Pedestrian and bicycle amenities connecting the neighborhood to Chestnut Park and adjoining areas will be developed. Medium density residential development will be the predominant land use in the area.
- B. **The Dellwood Residential—Medium Density District (D-RM)** shall develop predominately as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Centers. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.

- C. The **Howell Mill Residential—Medium Density District (HM-RM)** shall develop as a residential neighborhood providing a mix of housing types and densities. Long, narrow lots are encouraged to provide for the establishment of good block widths throughout the area. Higher density housing is encouraged south of Howell Mill Road with lower density housing provided to the north. The center of the neighborhood is the Waynesville Recreation Center, providing recreational and social opportunities for all of Waynesville but with particular convenience and importance for those residing in this district. The proximity of this area to Russ Avenue shall be enhanced with improved transportation connections. Development occurring off of Howell Mill Road shall also incorporate connectivity between streets and shall include, where appropriate, pedestrian access to the Recreation Center and the Richland Creek Greenway. Nonresidential uses typically found in residential areas are permitted.
- D. The **South Waynesville Residential—Medium Density District (SW-RM)** will develop in the future as a low density residential area with some limited mixed uses allowed along Old Balsam Road. The entry to the town from the south, it needs to develop in a manner that reflects development in Waynesville — attractive buildings, the maintenance of the natural beauty of the area, etc. An area of difficult slopes, floodplains, and a limited access highway, development has been and will continue to be checked by many of these constraints. As this is a non-urban area on the edge of town, development standards are minimal.

### 2.3.3 Neighborhood Residential Districts (NR) Purpose and Intent.

- A. The **Allens Creek Neighborhood District (AC-NR)** is a predominately residential neighborhood of mostly medium density development mixed with agricultural uses. Due to the linear nature of the neighborhood, Allen's Creek Road becomes the "center" of the community and as such, maintaining a "pedestrian-friendly" environment is important. As development occurs, such things as building houses closer to the street, requiring sidewalks and planter strips and allowing narrow lane widths for new streets will help to maintain the pedestrian scale in the area which has already been started. Traffic calming devices may be needed to aid with maintaining a low speed (especially with large trucks) along Allens Creek Road. Connections from within the district to the South Main Street Business District are important and should be made wherever possible. Efforts will be made to preserve existing farmland and restrict development on the steep slopes found in this district. The county soccer complex should be emphasized as a focal point of activity and community for this neighborhood.
- B. The **Love Lane Neighborhood District (LL-NR)** is an older, traditional neighborhood bordered by the Russ Avenue Town Center on one side and the Central Business District on the other. One of the oldest neighborhoods in the town and one of the first to be settled, it has the advantages of having a great location, sufficient urban facilities and a mixture of housing types and styles. The area between Richland Creek and Dellwood Road has an excellent stock of smaller bungalow style homes on small lots. This is an enormous asset to the Town due to its proximity to Russ Avenue and Downtown, as it contains good, affordable housing within walking distance of many amenities. This asset will only improve as Russ Avenue develops into a more pedestrian friendly area. For this reason, this type of development should be encouraged, maintained and continued in this area. Connectivity to the ball fields, Downtown, The Richland Creek Greenway and Russ Avenue should be improved, both for vehicles and pedestrians. Sidewalks and street trees will be required throughout the district. Development along Richland Creek should be sensitive to the location. The area to the northwest of Dellwood Road enjoys some of the oldest housing stock in Waynesville. Maintaining this stock and enhancing any additional development will continue to be important. Street trees will be required throughout the district. Dellwood Road, containing a mix of office, residential and service uses, needs to maintain a pedestrian scale and any improvements should enhance the comfort level of the pedestrian. Driveways accessing

Dellwood Road should be kept to a minimum for this reason. Future plans are to improve this corridor as part of a connector (including Smathers Street and Brown Avenue) to alleviate some of the traffic along Main Street. Development will, therefore, complement this road improvement in addition to being of an appropriate scale and design for close proximity with vital, urban residential areas.

- C. The **Main Street Neighborhood District (MS-NR)** is a walkable, in-town neighborhood separating two business districts — the Central Business District and the South Main Street Business District. In addition to the convenient location, the public library, Central Elementary School and many larger, older homes are among the amenities that make this area attractive for residential living. Future development should work to maintain this attractive area, continuing a scale and design that will attract ongoing residential use of this district. The dense tree canopy currently found in the area will be maintained and sensitivity to this canopy and the improvement of pedestrian facilities will be important with any new development.
- D. The **Ninevah Neighborhood District (N-NR)** is a well-established residential community containing a mix of housing types. As sufficient urban facilities are available in this district, it is proposed to develop more densely, but still at a small residential scale. Sidewalk development will be required to establish connectivity throughout the neighborhood. The public center of the community (at the intersection of Oakdale Road, Crymes Cove Road and Country Club Drive) should be enhanced and should allow for uses which would serve the daily needs of the residents of the area as well as those uses that serve as community gathering places.
- E. The **Pigeon Street Neighborhood District (PS-NR)** is a residential community enjoying proximity to Downtown Waynesville and a strong neighborhood center of its own. A mix of medium to high density residential development will continue to occur in this area which already has a strong street system. An attractive pedestrian realm will be established as new development occurs, as will connections between the various neighborhoods in this district and the neighborhood center. The establishment of such connections and the management of traffic to make the area more conducive to pedestrians are important considerations as any improvements to Pigeon Street are made in the future.
- F. While it is semi-rural currently, as the **Plott Creek Neighborhood District (PC-NR)** develops it should do so in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School which is within its boundaries. Infrastructure should be well connected and networked (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops.
- G. The **Raccoon Creek Neighborhood District (RC-NR)** is a medium density residential area surrounding one of the major entrances into Waynesville — Business 23. There are two centers for this area — the Ratcliff Cove Neighborhood Center and the Junaluska School/ballfield area within the district itself. Water service is available throughout much of the district with sewer available along Business 23 and Francis Farm Road. Higher density development is encouraged west of Business 23 with lower density clustered development proposed to the east. It is suggested that the County explore recreational uses on the landfill property on Francis Farm Road — an area that could become another focal point for the community. Development will occur at a residential scale. Development fronting onto Business 23 must form a street wall along this entryway into town.

- H. The **Sulphur Springs Neighborhood District (SS-NR)** is located in a convenient in-town setting — bordered by the Hazelwood Town Center, the Central Business District, Highway 23/74 and Richland Creek. Due to the proximity to two town centers, the area is ideal for high quality dense development. The addition of pedestrian amenities and traffic calming measures will improve the walkability of the area. Interconnecting roads as the area develops is paramount to keeping Sulphur Springs Road from becoming overly traveled. The passive park that exists where the spring house for the old Sulphur Springs Hotel was located should be redesigned to become more of an amenity and center for those who live in the area. Connections with the greenway that is developed along Richland Creek will add to the beauty of this neighborhood.
- I. The **Walnut Street Neighborhood District (WS-NR)** is an important, older, in-town, heavily canopied neighborhood district separating three major centers: the Russ Avenue Town Center, the North Main Street Boulevard District and the Central Business District. This district will continue to develop with a strong residential core of medium-density, single family homes surrounded by appropriately designed service and business uses along Walnut and North Main Streets. Any new development in this area needs to maintain the high quality of building construction present in the district. A residential scale will be required for all new development. As the lots in this district are larger, and due to the walkable nature of the area, accessory dwellings are encouraged. Sidewalks, which are found throughout the district, will be required for any new development. The tree canopy, which defines the area, must be enhanced with future development in order to continue the differentiation between this district and the adjoining, more urban districts.

#### 2.3.4 Urban Residential Districts (UR) Purpose and Intent.

- A. The **East Waynesville Urban Residential District (EW-UR)** is an urban neighborhood of mostly medium to high density residential development bordering the Waynesville town center. Higher density development is encouraged closer to town with lesser densities found as the district approaches areas with steeper slopes. A number of public spaces are found in this district including the East Street and Vance Street parks. It will be important as new development and redevelopment occurs for connections to be made to such public spaces and throughout the district.
- B. The **Hazelwood Urban Residential District (H-UR)** is a traditional walkable neighborhood of mostly small, well-built housing in an area where sufficient urban facilities are available. It is a self-contained community with affordable housing, smaller well-kept lots, narrow tree-lined streets and distinct edges and centers. Major public spaces including a park and the "old" Hazelwood School are located in this neighborhood. Since it is convenient to shopping and employment, the goal for Hazelwood is to encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood. Limited non-residential uses supporting the community are permitted if contributing in scale, design and use to the area. Pedestrian amenities are to be enhanced with all new development as are the development of access points to different parts of Waynesville from the Hazelwood neighborhood. Parking on public streets is permitted and encouraged as an alternative to the development of new parking lots.
- C. The **Howell Mill Road Urban Residential District (HM-UR)** is a transitional neighborhood that buffers rural and medium density residential areas from the intense commercial uses found within the Russ Avenue Regional Center District. It is convenient to town and the Recreation Center and served by the multi-modal Howell Mill Road, yet valued for its green spaces, vistas and peaceful character. Future development should build on, and connect to, this transportation infrastructure and accommodate vehicles, pedestrians and cyclists and be of a residential scale and design.

### 2.3.5 Neighborhood Center Districts (NC) Purpose and Intent.

- A. The **North Main Street Neighborhood Center District (NM-NC)** is a mixed use district that forms the gateway into town from the northeast. The setting of this district is important as it frames Eagles Nest Mountain at the apex of the hill on North Main and forms a forced perspective to the "center" of the district — the intersection of Walnut and Main Streets. As a result, maintaining inviting vistas down Main Street and creating an attractive public realm are the objective of many of the standards set forth for this district. Street walls, boulevard trees and sign control will all be important in meeting these objectives as the street is redesigned. Working to keep traffic congestion to a minimum in this area will require the use of rear access drives, side street entrances and shared driveway connections. The uses found in the North Main Street Boulevard District serve not only the surrounding neighborhoods, but all of the Waynesville community and are varied in nature.
- B. The **Pigeon Street Neighborhood Center District (PS-NC)** is a neighborhood mixed use district providing goods, services and employment opportunities to residents of the Pigeon Street area and surrounding neighborhoods. The location for a number of significant community facilities, this center needs to continue to develop in an attractive manner, retaining the pedestrian scale of existing development and respecting the history of the community. The Pigeon Street Neighborhood Center should be the hub of the community, and care must be taken as to not allow Highway 276 to become a dividing line in the community. In order to accomplish this, the buildings on both sides will need to be well articulated and close to the street, development will need to provide high quality pedestrian amenities and streetscapes and the traffic should be calmed, managed and predictable.
- C. The **Raccoon Creek Neighborhood Center District (RC-NC)** is a small neighborhood center that functions as a gathering place for those residing in the rural and neighborhood districts found in East Waynesville. A highly mixed-use district, this area will develop into a small scale, pedestrian friendly setting with design criteria supporting such development. The creation of an inviting streetscape and pedestrian connections are important — both within the center and to adjoining neighborhoods. Efforts to calm and manage the traffic at the center will be important in this busy area as will the sharing of parking and the development of "park and walk" amenities. As this is at an entrance to Waynesville, architectural and site design should be of the highest quality.

### 2.3.6 Business Districts (BD) Purpose and Intent.

- A. As the civic and cultural center for the town, the **Central Business District (CBD)** is designed to preserve Downtown Waynesville as the primary civic, retail, office, institutional, cultural and entertainment center of the community. Expansion of what has been known as the Central Business District area into Frog Level will secure the relationship of the two areas and encourage the further redevelopment of Frog Level, including the development of a "town square" in the area. Building design, parking and transportation improvements in the Central Business District should focus on the comfort and enjoyment of the pedestrian while promoting the development of a well-balanced transportation system, including the reinstatement of the old train depot in Frog Level. Residential development in the form of multi-family development and dwelling units in the second floor of buildings is strongly encouraged. Infill opportunities and high density development, respecting the historic fabric of the area are envisioned. Public parking areas are recommended as opposed to the generation of private parking facilities.
- B. The **Hazelwood Business District (H-BD)** is a small scale center for business, retail and institutional activity serving the residents of Hazelwood, Plott Creek, Eagles Nest and other surrounding neighborhoods. A broad mixture of uses is permitted, however, development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort.

The large undeveloped tracts of land in this district must be well connected both to the neighborhood and the center as they develop. On-street parking is permitted and encouraged on many streets. Articulation in this area should occur at the scale of the pedestrian with buildings built at the scale of a neighborhood center. Connections among properties within this district and to surrounding districts are very important.

- C. The **South Main Street Business District (SM-BD)** is a densely developed area that has and will continue to contain a broad mix of land uses. The proximity of this district to so many neighborhoods (Allens Creek, Hazelwood, Country Club, Saunook and Old Balsam) and the variety of services provided here make pedestrian amenities and efficient vehicular movement critical. To help alleviate some of the traffic along the South Main corridor, the existing road network on the west side of this district needs to be continued with rear access drives created as development takes place to the east. Limitations on curb cuts, the institution of traffic calming measures, the prohibition of parking backing on to the street and the planting of street trees will enhance both the driving conditions and walkability of this area. A high priority shall be given to a high quality streetscape along South Main Street. The scale of development in the district will be flexible but articulated to the scale of the pedestrian. Housing mixed in with other uses is strongly encouraged.

### 2.3.7 Regional Center (RC) Districts Purpose and Intent.

- A. The **Dellwood/Junaluska Regional Center District (DJ-RC)** will develop in the future into a hub for retail, service and employment uses serving Waynesville and the region. It is envisioned that such uses be concentrated here in order to limit sprawling strip commercial development in the area. The vision for the district is that of a well-defined area, but one designed to accommodate large-scale development. Development should encourage the intermixture of uses and provide for residential uses in addition to those uses heavily dependent on the automobile. Transportation improvements made in this district will form a network of roads and pedestrian ways and provide accommodations for all modes of travel. An improved Russ Avenue with a landscaped median should enhance the traffic situation in the area. Rear accessways connecting adjacent development shall be required to provide access between development supplementary to the public streets. The outdoor auditorium at Lake Junaluska will serve as the town center for this area.
- B. The **Hyatt Creek Regional Center District (HC-RC)** will develop as a mixed use center containing retail, service and employment uses to serve Waynesville and the region. Although conveniently located off a major highway exit, development in this district, while accommodating uses to serve those in a wide area, must be developed with sensitivity to the surrounding rural setting. Standards for development include a dense tree canopy requirement, a high impervious surface ratio, and measures to protect creeks and drainage areas. Road improvements should be limited to projects that improve the road network and provide traffic calming measures while not destroying the narrow, rural nature of the road system. Large-scale development can be accommodated here with such development encouraged to contain a mix of uses. Housing mixed in with other uses is strongly encouraged.
- C. The **Russ Avenue Regional Center District (RA-RC)** is a gateway for the community and often defines the first image a visitor has of the town. This district shall be a setting for high intensity land uses addressing the needs of the Waynesville community and surrounding areas. The Russ Avenue Town Center is envisioned as supporting dense development options due to the ample infrastructure in place and the proximity to downtown and the other municipalities in the county. The past emphasis in the Russ Avenue area on automobile traffic only shall be reduced by changing the nature of the district to make the area comfortable for other modes of transit including pedestrian, bicycle and mass transportation options. Central to this transformation is

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the redesign of Russ Avenue — turning the existing middle lane into a tree-lined landscaped median. The standards for future development along this corridor will also be important to this transformation, incorporating principles designed to manage access along Russ Avenue. The development of an accessway connecting the rear portions of lots fronting on Russ Avenue will further reduce traffic congestion along the Russ Avenue corridor. Building development in the area is designed to create a comfortable streetscape and public realm by bringing buildings closer to the street, providing sidewalks and street trees and providing access between development and public areas. The mixture of residential and commercial uses is encouraged. Development sensitive to the appearance of the corridor is essential within this district. The highway bridge forms a gateway into the area (and the town) and any future designs should be sensitive to this fact.

### **2.3.8 Commercial Industrial Districts Purpose and Intent.**

- A. The **Commercial Industrial District (CI)** is an area designed to accommodate research and development, industrial and manufacturing uses, administrative facilities and limited supporting commercial services. While a broad mixture of uses is permitted, the principal focus in this area shall be on industrial development. High design and performance standards will be important for future development as this district is highly visible not only from a usage standpoint but also because of its location at one of the major entrances into Waynesville. Connectivity within the district is required to create an industrial campus feel within this area.

( Ord. No. 04-16 , 6-14-2016)

**Planning Board Staff Report**

**Subject:** Text amendments related to clean energy  
**Ordinance Section:** Land Development Standards (LDS) sections 7.2.1 and 17.3  
**Applicant:** Staff initiated text amendment, Development Services Department  
**Meeting Date:** August 19, 2024  
**Presenter:** Alex Mumby, Land Use Administrator

**Background:**

The proposed text amendment introduces an additional civic space option – an electric vehicle (EV) charging station. This amendment promotes the use of electric vehicles and encourages new developments to install EV infrastructure as a civic space. A major barrier to increased adoption of electric vehicles is a convenient access to charging stations, and this amendment aims to reduce this barrier.

In addition, the attached memo outlines how Waynesville could address ground-mounted solar panels on individual lots. Residents have inquired about their treatment under existing ordinances, and this text amendment is the first step to establish clear guidelines. The use of solar panels as standalone structures should be weighed against the removal of tree canopy and creation of large amounts of impervious surfaces.

**Staff Recommended Text Changes:**

The proposed text amendments are:

- Allow electric vehicle chargers as a form of civic space
- Add a definition for electric vehicles

The proposed changes to the Land Development Standards are in red.

**Consistency with the 2035 Comprehensive Land Use Plan:**

Staff submits that the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan Goals:

Goal 1: Continue to promote smart growth principles in land use planning and zoning

- Promote conservation design to preserve important natural resources

Goal 3: Protect and enhance Waynesville's natural resources

- Continue to engage in and promote best management practices related to energy use, efficiency, and waste management

**Attachments:**

- Proposed text amendment
- Informative memo
- Related images

**Recommended Motions:**

This is a discussion to get Planning Board's feedback.



DRAFT FOR THE TOWN COUNCIL

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

**WHEREAS**, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

**WHEREAS**, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

- Goal 1: Continue to promote smart growth principles in land use planning and zoning
  - Promote conservation design to preserve important natural resources
- Goal 3: Protect and enhance Waynesville’s natural resources.
  - Continue to engage in and promote best management practices related to energy use, efficiency, and waste management

**WHEREAS**, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Town Council; and

**WHEREAS**, the Town Council find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes.” and

**WHEREAS**, after notice duly given, a public hearing was held on \_\_\_\_\_, 2024 at the regularly scheduled meeting of the Waynesville Planning Board, and on \_\_\_\_\_ 2024 at the regularly scheduled meeting of Town Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON \_\_\_\_\_, 2024 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

That the Land Development Standards be amended as follows (in red):


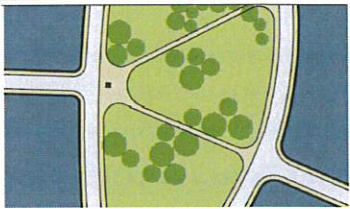

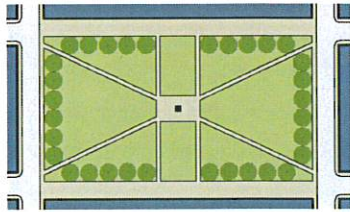
1. Amend Section 7.2. Civic Space Standards as follows:

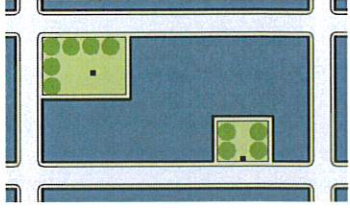
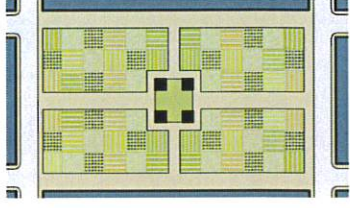



**7.2 Civic Space Standards.**

All land dedicated for required civic spaces shall meet the criteria below in this section. Stormwater facilities cannot be counted towards civic space. Delineated wetlands and required stream buffers can be counted towards civic space only when adjacent to, or a part of, a greenway or designated preserve.

**7.2.1 Required Civic Space Types.**

Civic space, as required by the district provisions, shall conform to one or more of the following typologies.

<p><b>A.</b></p>	<p><b>Park/Greenway:</b> A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors as part of a greenway. The minimum size shall be .16 acre (except with Greenways where there is no minimum).</p>	
<p><b>B.</b></p>	<p><b>Green:</b> An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be .16 acre.</p>	
<p><b>C.</b></p>	<p><b>Preserve:</b> Natural preserves include any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant types. The goal is to protect and maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, and enhance the aesthetics and amenities of the area. Active recreation, such as trails and paths, can be a part of these areas. The minimum size is 1 acre of contiguous preserved area.</p>	
<p><b>D.</b></p>	<p><b>Square:</b> An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be .16 acre.</p>	

<p><b>E. Playground:</b> An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within other civic spaces. There shall be no minimum or maximum size.</p>	
<p><b>F. Community Garden:</b> A grouping of garden plots available for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens. Community gardens should accommodate individual storage sheds. There shall be no minimum or maximum size.</p>	
<p><b>G. Greenway:</b> A linear parcel of land set aside to contain a trail for non-motorized transportation and/or recreation, usually connecting to a planned corridor. There shall be no minimum or maximum size.</p>	
<p><b>H. Dog Park:</b> An off-leash dog area. A dog park shall be enclosed with a galvanized or coated chain link fence or metal fence measuring four (4) to six (6) feet in height and include a double gate entry system (like a sally port). The dog park shall also have a designated waste disposal facility, signage with applicable rules, a shade area (with either a structure or mature shade trees). The area may also include a plumbed drinking water station. There shall be no minimum or maximum size.</p>	
<p><b>I. Community Area:</b> Designated indoor or outdoor facilities to support social and recreational activities of the residents. Examples include a pavilion, fire pit, picnic area, grill area, gym, pool, community building, club house, basketball court, tennis court, golf course, or similar amenities determined to be appropriate by an Administrator. There shall be no minimum or maximum size.</p>	

<p><b>J. Electric Vehicle (EV) Charging Space:</b> Dedicated parking spaces with installed EV charging equipment. A minimum of 1 space must be ADA accessible. All spaces must be clearly marked with signage, green striping, and bollards at the front of the space to protect the equipment. The HOA shall be responsible for maintaining and repairing the charging stations. Each EV charging space will result in an X% reduction in the minimum required civic space area. There shall be no maximum number of spaces.</p>	 An icon showing a green silhouette of an electric car on the left, connected by a green charging cable to a green charging station on the right. The station has a lightning bolt symbol on its front panel.
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2. Add a definition to the section 17.3-Definitions, General:

**Electric Vehicle (EV).** any vehicle that operates, either partially or exclusively, on electrical energy from the grid or an off-board source. "Electric vehicle" includes:

- (a) A battery electric vehicle;
- (b) A plug-in hybrid electric vehicle;
- (c) A neighborhood electric vehicle;
- (d) A medium-speed electric vehicle.

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**ADOPTED** this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

TOWN OF WAYNESVILLE:

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J. Gary Caldwell, Mayor

ATTEST:

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Candace Poolton, Town Clerk

APPROVED AS TO FORM:

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Martha Bradley, Town Attorney

## Town of Waynesville Planning Board Staff Report

**Subject:** Report and Discussion on Solar and Electric Vehicle Installations in the LDS  
**Ordinance Sections:** Multiple  
**Applicant:** Request for possible text amendment from the Environmental Sustainability Board  
**Meeting Date:** August 19, 2024  
**Presenter:** Alex Mumby, Land Use Administrator

Solar panels and Electric Vehicle use are some of the best ways to reduce your power bill and protect the environment. We are seeing increased use of Electric Vehicles and more homes are placing solar panels on their roofs. The Development Services Department was asked by Council member Chuck Dickson, on behalf of the Environmental Sustainability Board, to look in to how the Land Development Standards could be applied to allow the use of ground mounted solar panels on residential lots, and how free-standing solar arrays might be added into commercial parking lots or other types of lots. Additionally, staff would like to incentivize the installation of electric vehicle charging stations, and want to get the Planning Board's input on possibly integrating EV Charging into common and civic space areas in major site plans.

Currently, roof-mounted solar panels are allowed, and they are permitted and inspected by the Town's Building Inspections under the North Carolina Building Codes. In addition to roof-mounted solar panels, ground-mounted solar panels (GMSPs) have also become popular, allowing homeowners to utilize more of their property for generating solar energy.

There are two major categories which GMSPs can fall into. First, there are standard ground-mounts. These panels sit on a metal frame that is driven into the ground. They sit at a fixed angle, but can be manually adjusted throughout the year in accordance with the seasonal shift of the sun. There are alternative forms of mounting in the case where the ground is too hard. Another common form of GMSPs are pole mounts. These can support multiple panels on a single pole which elevates them off the ground. They can automatically adjust to capture the optimal amount of solar energy.

Some questions that arise regarding the installation of GMSPs are whether they are considered accessory structures, whether they fit with the character of the neighborhood, and how much impervious surface they create. There has been interest among homeowners to install them in their front, side, and rear yards.

The nearby municipalities that regulate GMSPs include Asheville and Weaverville. In both cities, GMSPs are treated as accessory structures and are regulated under these guidelines. Generally, GMSPs are only allowed to be constructed in the side and rear yards. Asheville provides a variance option for placement in the front yard to achieve optimal energy capture. The applicant must show that no other configuration could achieve that level.

The two major factors for determining the need for regulation surrounding GMSPs are related to height and square footage. Surrounding homes and large trees can restrict the effectiveness of solar panels. Weaverville does not allow the height of solar panels to exceed the height of the primary structure or up to 15 feet. Asheville allows for the height of the structure to scale with the setback from the property line. In terms of square footage and impervious surfaces, both cities regulate them in the same way they regulate all other accessory structures. In addition, Weaverville does not allow the square footage of a GMSP to exceed 25% of the footprint of the primary structure. A standard ground mount would create a large amount of

impervious surface while a pole mount would create much less impervious surface with potentially the same or better energy collection.

While a standard GMSP may not be preferable in the front yard, there are some placement alternatives within the ordinances. They include carports, pergolas, and gazebos. A carport allows for a GMSP to be placed in front of the house without obscuring the front yard, providing additional benefit for the homeowner.

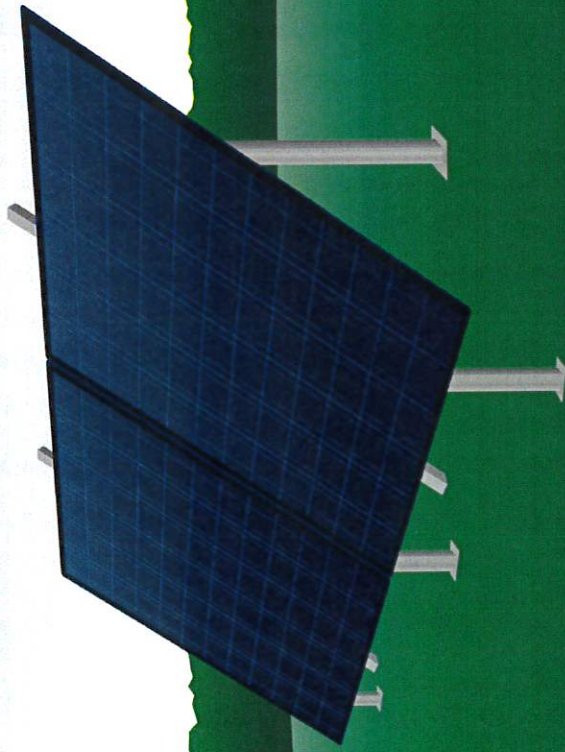
A complex aspect of GMSPs which should be considered is how they interact with the property lines and setbacks. A standard ground mount is a self-contained structure with clearly defined boundaries. However, because some pole mounts can automatically rotate throughout the day and year on the pole, they technically can violate setbacks at some angles. It should be considered during their placements on the lot.

In terms of fire safety and wind resistance, the regulations shall be the same for both roof-mounted and GMSP panels. Many jurisdictions, where hurricanes and tornados are common, require panels be able to withstand up to 175 mph winds. Due to elevations, we are considered a special mountain region by the 2018 NC Building Code. Therefore, solar panels need to be designed accordingly.

My recommendations are that pole mounts should be treated like flag poles, depending on the square footage of the panels and the height, but that ground mounts should be handled as an accessory structure. Placement in the side and rear yard would be preferable. However, front yard placement can be allowed through a variance, showing that it is the optimal location for panel performance and that it does not interfere with the neighboring properties or take away from the character of the neighborhood. Waynesville already differentiates how accessory uses and structures are treated and this can be applied to GMSPs. There should be a cap on the height of pole mounts, but a variance can allow for extended height where the height of neighboring structures and trees prevent the collection of solar energy. There should not be incentives for homeowners to cut down trees to increase their solar capacity. The town should wish to promote the use of solar panels as part of its environmental resilience goals in the 2035 Comp Plan.

Image 1 of 3

**Standard ground mount**



**Pole mount**

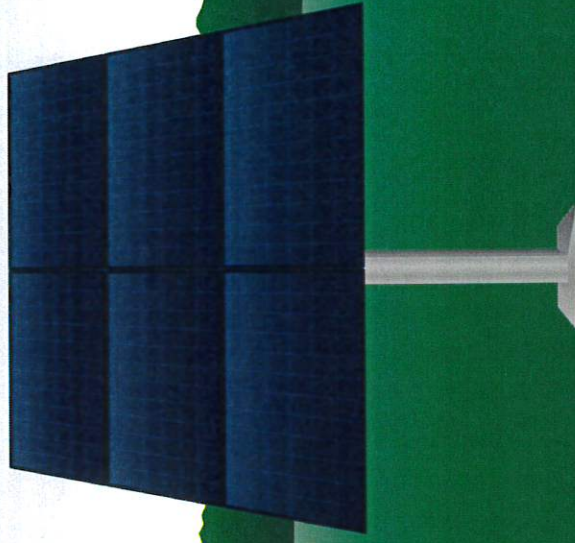




Image 2 of 3





Image 3 of 3