

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

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, October 21, 2024, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

- Town Council Meetings are available on YouTube. The October 8, 2024, meeting includes information on Hurricane Helene Recovery and Damage Assessment and may be viewed at: <https://www.youtube.com/watch?v=9Fuq5WBrwL8> (starting at 11:02).
- November 5, 2024, Zoning Board of Adjustment Meeting will include training on quasi-judicial procedures and hearings. Planning Board Members are invited to attend.

2. Approval of Minutes as presented (or amended):

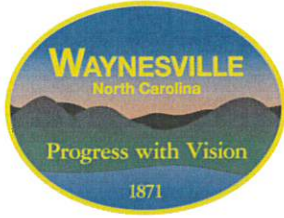
- August 19, 2024 Regular Meeting

B. BUSINESS

1. Discussion on Fire Code Officials request for text amendment to include addressing as part of sign ordinance, Land Development Standards section 11.6.
2. Public Hearing on text amendments related to accessory structures and manufactured housing, Land Development Standards sections 3.2.1, 3.2.6, 4.5, and 17.3.
3. Discussion of Ordinance to allow temporary housing while homes are being repaired.
4. Continuation of discussion on short term rental draft ordinance.
5. Continuation of discussion on regulations related to ground mounted solar panels, private solar array installations, and EV charging stations.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



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

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 August 19th, 2024, 5:30 p.m.

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting on Monday, August 19th, 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)

John Baus

Travis Collins

Jan Grossman

Blake Yoder

The following board members were absent:

Stuart Bass

Michael Blackburn

Susan Teas Smith (Chair)

Tommy Thomas

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

Planning Board Minutes

Regular meeting

August 19, 2024

Esther Coulter, Administrative Assistant

Vice Chair Ginger Hain welcomed everyone and called the meeting to order at 5:31 p.m.

Ms. Hain asked Development Services Director, Elizabeth Teague, for any announcements. Ms. Teague asked the board to listen to the staff report in its entirety, the applicant's presentation, and public comment. This will ensure that everyone could be heard before the board asks specific questions or shares their opinions.

Ms. Hain asked for a motion to approve the minutes of the July 15, 2024, meeting.

A motion was made by Board member Jan Grossman and seconded by Board member John Baus to approve the minutes of the July 15, 2024, Planning Board meeting as amended. The motion passed unanimously.

B. Public Comment/Call on Audience

Jordan Stepansky- "My name is Jordan Stepansky, and my wife Casey Bleier and I live on Brown Ave, in the Hazelwood neighborhood and have since April of 2017. Thank you for allowing me just a few moments to speak, as I have concerns with the proposed plans for the subdivision of the adjoining property to mine on Brown Ave. I hope you've received the emails I have sent to Elizabeth Teague outlining our exact concerns since Friday, but I'll start with our main concerns and expand into what I'm asking for as a resolution imposed by this body.

The installation of a driveway inside and through the critical root zone of the six trees on our property will destabilize them to the point of posing a serious risk for loss of life and property. We had a certified arborist out on this past Friday, the 17th, to assess the health of our trees, and help us understand the extent of the impact with the proposed drive. He assured us our trees are healthy with decades of life left, but to develop as the contractor has stated they will, will permanently damage the trees. The concern with damaging the mainly surface root structures, is it takes away up to 50% of the support from the tree. Spruce and maple trees don't have much if any of a "tap root", so having that structural damage to the critical surface roots can have devastating consequences for safety in weather they could normally withstand and have withstood for roughly 80 years.

We are requesting mitigation of the risk that will be posed to our lives and real property, by amending the current proposal from a flag lot to a shared driveway. This will protect the root structure from the damage incurred by installation of the driveway, which will essentially "smother" the roots they do not outright remove during excavation.

From what I understand you've been given the authority by North Carolina General Statue 160D, as well as others, to ensure and enforce the purpose of the Land Development Standards. In closing, the few development standards I am asking you to enforce are as follows -

- Promote the health, safety, good order, general welfare and diversity of the community.(This proposal as it sits will directly effect the safety of the community by destabilizing the trees)
- Prevent the overcrowding of land while discouraging urban sprawl.(The proposed driveway will be within 10 feet of the side of my home.)

Planning Board Minutes

Regular meeting

August 19, 2024

- Conserve the value of buildings and land (As a practicing real estate agent in the area since 2018, having the driveway so close to my home is sure to drop the value of our building and land)
- Preserve the town's unique natural and historic resources and environmental quality of the town. These trees are historic in their own right and add directly to the environmental quality of the town)
Thank you again for allowing me to make my concerns public record”.

Mr. Stepansky sent an email, and he wants the contents entered into the record. They will also be attached to the minutes.

Dan Stringfield stated that his grandfather built his house in 1926, and the maple trees in the front of the houses were all planted about 100 years ago. Mr. Stringfield said that maple trees will live 200-300 years if they are not disturbed. Mr. Stringfield said Jordan's house was built by his grandfather in 1936, and the Norway Spruce trees were planted at that time. They also will live 200 years. Mr. Stringfield said he is appalled that they are allowed to build a house on a .25 lot in someone else's backyard.

Ms. Hain asked Attorney Ron Sneed to explain what the board's responsibilities were on this issue.

Mr. Sneed advised contacting the property developer. He explained that there is a standard procedure, or "checklist," for subdivision approvals, which is an administrative process. He noted that the board cannot impose conditions as it can with a special use permit.

Mr. Stepansky said he reached out to the developer, and she refused.

Ms. Hain expressed her gratitude for the comment and affirmed that it will be included in the public record.

Mr. Stepansky asked who had jurisdiction over these issues.

Ms. Grooman explained that if the plan meets the ordinances, driveway standards, and the established right-of-way, it is compliant and will be approved by staff on administrative level. She added that the Town Council could change the ordinance in the future, but this subdivision is reviewed at the staff level. However, even if the ordinance is changed, the developer would have the right to choose the ordinance they applied under, based on the permit choice provision.

Ms. Hain said that the issue was really a private matter between neighbors. Ms. Hain apologized then wished them luck.

Vice Chairman Ginger Hain read through the process and procedures for the text amendment, a legislative public hearing.

Vice Chairman Ms. Hain opened the public hearing at 5:50 p.m.

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.**

Assistant Development Service Director Olga Grooman presented the staff report for the proposed text amendments. She explained that the Development Services Department had encountered multiple 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. There is a need for attainable housing and more flexibility in number, type, and placement of accessory dwelling units on single-family lots.

Ms. Grooman also explained that the current definition considers two or more manufactured homes on a single lot as a park. This has led to confusion in applying the LDS standards related to manufactured housing design guidelines.

Ms. Grooman 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.

Public Comment

John Mason said that affordable housing is a big issue in Waynesville. He stated that we needed affordable housing for local people and their families, explaining that a shortage of available housing leads to a cycle where prices decline, locals move away, and it becomes necessary to offer higher wages to entice them back to the community. Mr. Mason said we can solve this in three different ways:

1. The town must increase density.
2. Expand the range of housing types permitted.
3. The town must ban all STRs.

Juana Cooley proposes rezoning to allow manufactured homes. Prices on houses have skyrocketed. Rent is unbelievable.

Chris Hill said he wants to show his support for the rezoning to allow manufactured homes in the Town of Waynesville. Mr. Hill said all the houses in Waynesville are unaffordable, and the rent is

Planning Board Minutes

Regular meeting

August 19, 2024

extremely high. People have to worry about their paychecks to be able to live here. He said this rezoning would allow people to have more affordable options.

Lisa Fish was in support of the rezoning to allow multiple manufactured homes on family land.

Domenick Pucci said he had purchased 17.5 acres in Waynesville a year ago. Mr. Pucci had a home built and wanted to put his mother and mother-in-law's manufactured homes on the property. The town told him he would need to subdivide the property because manufactured homes are not allowed as accessory dwellings. It would be \$250,000 to build a stick-built home.

Vice Chairman Ms. Hain closed the public hearing at 6:16 p.m.

Vice Chairman Ms. Hain opened the public hearing at 6:17 p.m.

Kae Livsey said she teaches future nurses and is echoing the need for affordable housing in Waynesville. She is supportive of the rezoning. Ms. Livsey stated that the table outlining lot sizes and number of ADU's is great. Ms. Livsey said she is concerned about going from 2 to 4 manufactured homes to be considered a park, without considering the lot size. She suggested that when it comes to EV chargers, it might be helpful to include language regarding minimum space for kilowatt capacity, as well as clarification on who will assess the character of the neighborhood and how that determination will be made.

Vice Chairman Ms. Hain closed the public hearing at 6:20 p.m.

The board deliberated extensively.

A motion was made by Board member Travis Collins, seconded by Vice Chair Ginger Hain to find the recommended text amendment as attached as being consistent with the 2035 Land Use Plan and reasonable and in the public interest and to exclude manufactured homes as ADUs in mixed-use overlay districts. The motion failed, with 3 members voting for and 2 against.

A motion was made by Board member John Baus, seconded by Board member Jan Grossman to keep the consistency statement and all the amendments as proposed in all respects, except to amend the text in Table of Standards for Accessory Structures and Dwellings. The motion passed, with 4 members voting for and 1 against.

A motion was made by Board member John Bauss, seconded by Board member Blake Yoder to recommend the text amendment to Town Council. The motion passed 4 for and 1 against.

C. ADJOURN

The meeting was adjourned by Board member Travis Collins, seconded by Blake Yoder at 7:37 p.m.

Ginger Hain, Vice Chairman

Esther Coulter, Administrative Assistant

Planning Board Staff Report

Subject: Text amendments related to signage and addressing
Ordinance Section: Land Development Standards (LDS) sections 11.3, 11.5.7, and 11.7.1
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: October 21, 2024
Presenter: Olga Grooman, Assistant Development Services Director
Darrell Calhoun, Fire Marshall

Background:

The proposed text amendment is requested by the Town Fire Marshall to require street addressing as part of ground signs, but to clarify that addressing would not count toward the sign face size calculation. Additionally, the text amendment cross-references requirements for property addressing identification as part of the requirement that addresses should be affixed to something on the property and be visible from the street.

Staff Recommended Text Changes:

The proposed text amendments would amend the sign ordinance to better work with the Town's property addressing requirements and to improve public safety. By requiring visible addressing as part of ground signage, emergency vehicle personnel can better locate properties within commercial districts as part of response operations.

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

And that the proposal is reasonable and in the public interest because it promote public safety and the efficiency of emergency operations.

Attachments:

- Proposed text amendment

Recommended Motions:

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

DRAFT ORDINANCE FOR BOARD CONSIDERATION 10/21/24

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 Council adopted the North Carolina Fire Code and North Carolina State Building Code and enforcement of these provisions in Article III- Fire Code of the Town of Waynesville Code of Ordinances; 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.
- The proposed text amendment promotes public safety and efficiency of emergency operations.

WHEREAS, the Town Council adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community,” and recognizes that clearly visible street address numbers aid emergency and fire services in promptly locating properties and better assisting residents; and

WHEREAS, clearly displayed address numbers increase visibility and ensure better safety in emergencies; and

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 **October 21, 2024** at the regularly scheduled meeting of the Waynesville Planning Board, and on ___ 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. Add to section 11.3 Computation of Signage Area and amend it as follows:

11.3.1 Computation of Sign Face.

E. Street addressing does not count toward the calculation of the sign face.

2. Amend section 11.5 Signs Not Requiring a Permit as follows:

11.5.7 Occupant/Street Number Signs.

Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant. All such signs must be placed in such a manner as to be visible from the street and as specified in Sec. 30-7.- Premises Identification of the Town of Waynesville Code of Ordinances.

3. Add to section 11.7 Signage Types and amend it as follows:

11.7.1 Ground Signs

F. All businesses with ground signs must display their street address number prominently on the sign:

- The address number may be located on any portion of the ground sign that is clearly visible and readable from the street or road during both day and night.
- The address number must comply with the standards of Section 30-7.- Premises Identification of the Town of Waynesville Code of Ordinances.
- The address number must be maintained in a clean and legible condition at all times, and any damaged elements must be promptly repaired or replaced.

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

Planning Board Staff Report

Subject: Public Hearing on proposed 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: October 21, 2024

Background:

At the Call for the Public Hearing for this text amendment, the Council asked for the Planning Board to re-examine their recommendation. The Planning Board provided further discussion and gave staff directions at their September 16, 2024 meeting, and this revised draft ordinance reflects those inputs.

Manufactured housing on individual lots is only allowed in the railroad overlay and in 8 residential districts: the Francis Cove and Hall Top Low-Density Districts, the Chestnut Park, Dellwood, and South Waynesville Medium Density Districts, and the Allens Creek, Ninevah, and Raccoon Creek Neighborhood Residential District. There are 21 other zoning districts that allow residential uses and accessory dwellings, but these all prohibit manufactured housing. The Commercial-Industrial district prohibits residential uses altogether, unless a property falls within the railroad overlay.

Manufactured housing as part of a manufactured home park is only allowed in the Allens Creek Neighborhood Residential District as a Special Use Permit. Manufactured Home Parks that are in other districts are considered pre-existing, non-conforming uses and cannot be expanded.

The purpose of the text amendment as revised is to:

- **Allow manufactured housing to be used as accessory dwelling units (ADUs) only in the zoning districts where manufacturing housing on individual lots is already allowed.** Manufactured housing will be allowed as an ADU in the Railroad Overlay District, and west of Russ Avenue in the Dellwood Medium Density District .
- **Amend the definition of a manufactured home park** from two (2) or more homes on a single parcel, to four (4) or more homes on a single parcel; and to clarify that manufactured home parks that are deeded and subdivided into individual lots, still fall within the definition and regulations that apply to a manufactured home park on a single parcel.
- **Increase the number of Accessory Dwelling Units (ADU) allowed from 1 per parcel regardless of lot size, to 1 ADU as lot size increases.** This would apply to all 29 districts which allow residential uses and areas within the railroad overlay.
- **Clarify that ADUs can only be located on lots with an existing single-family dwelling. This maintains the current prohibition for a multi-family development, townhome, duplex, triplex, or a commercial building, from adding a stand-alone ADU onto their lot.**
- **Propose that ADUs are *in addition to* the maximum number of accessory structures (sheds, carports, etc.) allowed on a lot as shown on Accessory Uses and Structures Chart LDS 4.5.2.** This would have the effect of keeping the number of accessory structures currently permitted and

their square footages the same, but to combine ADUS into the chart. This chart applies to all 30 districts in how accessory structures are allowed.

- **Propose a more restrictive square footage limit for ADUs on smaller lots** (1 acre or less), where the footprint for accessory structures, including ADUs, must be less than 10% of the lot size, with a maximum aggregate footprint, whichever is less. Currently in lots under .5 acres, the ordinance allows 1,000 sf for accessory structures and does not regulate the footprint of accessory dwellings. The proposed ordinance would cap all accessory structures at 10% or 1500 sf whichever is less. *This reduces the maximum that is allowed currently (1000 sf) in lots less than .5 acres and is much more restrictive than what is currently allowed:*

<u>Acres</u>	<u>Square feet</u>	<u>10% of lot in sf</u>	<u>Aggregate Maximum of Accessory Structures</u>
1/6 (1/6) UR/NR Minimum lot	7,260	726	1500 sf
1/5 (.20)	8,712	871.2	1500 sf
1/4 (.25) RM minimum	10,890	1,089	1500 sf
1/3 (.33)	14,520	1,452	1500 sf
2/5 (.4)	17,424	1,742.4	1500 sf
1/2 (.5) RL minimum	21,780	2,178	1800 sf
3/4 (.75)	32,670	3,267	1800 sf
1 acre	43,560	4,356	1500 sf/structure 2500 sf in aggregate

- **For lots greater than 1 acre, the size of ADUs will be determined by the site’s dimensional standards and other applicable requirements, and will not be included in the total square footage for other accessory structures.** The Board agreed that overcrowding is not a concern on larger lots because the maximum number of ADUs permitted on any of these lots is only 3.
- **Clarify that ADUs shall be clearly subordinate in size, footprint, height, design elements to the main structure.**
- **The text amendment broadens the definition of prohibited ADUs.** In addition to campers and recreational vehicles, it now also excludes park models and tiny homes on wheels.

There are several items on which Planning Board members agreed in principle and must understand in recommending this ordinance draft:

1. Allows manufactured housing as accessory dwelling units in those districts where manufactured housing as single-family homes are already allowed and does not extend to all residential districts.
2. Manufactured homes and manufactured homes as ADUs still have to meet the architectural guidelines that are already a part of the Ordinance (LDS Section 5.9).
3. The definition of a manufactured home park would be updated to increase the minimum number from 2 to 4 homes that constitute a “park,” and to include those parks that are established with individual deeded lots. Properties with 4 or more manufactured homes would only be allowed in the Allen’s Creek Residential District and would have to go through a Special Use Permitting process.

4. ADUs may only be established on a lot with a single-family dwelling. Therefore an existing triplex, or duplex, cannot add an accessory dwelling unit within the same lot.
5. Structures and accessory dwellings that are *attached* to the principle structure (such as a garage apartment over an attached garage), are considered part of the principle structure and are not considered accessory.
6. Accessory dwelling units remain subject to all LDS standards, including setbacks, density, height, parking, design, minimum pervious surface on site, and other land development standards.
7. The addition of an ADU on a residential lot may only be allowed if it meets the allowable density for the district in which it is located.
8. Once a property exceeds 3 residential units on a parcel, then additional driveway standards apply and may be subject to requirements imposed by the Town's Fire Code Official.
9. Accessory dwelling units have supplemental standards (LDS 3.2.1) that require ADUs to meet the same yard setbacks as established for the principal structure, and ADUs must be "clearly subordinate" in size and height to the principal structure, and compatible in appearance.
10. Accessory dwelling units must comply with the density of the district in which they are located. Density is the maximum number of residential units per acre. The minimum lot size is the smallest amount of area to which a piece of property can be subdivided – relative to 1 acre. The minimum lot size dictates the extent to which a new lot within any district can be created, but the density dictates the number of residential dwelling units you can place on that lot, relative to its acreage. If a lot contains a duplex, then the two units of the duplex would count toward the density threshold. If a lot contained an apartment building or townhome, each of the units would count toward the density. If a lot contains a single-family home and an accessory dwelling unit, then those two units would count toward the density threshold.

If the density is 10 units /acre (NR districts), then 1 dwelling unit is allowed for every 4,356 sf of total lot space. If an NR lot is the minimum lot size of 1/6 an acre, or 7260 sf, and it already has a house on it, then it cannot add an ADU because it is not large enough to accommodate the unit/acre density. In the UR District where the density is 16 units/acre and the minimum lot size is still 1/6 an acre, then the density would equate to 1 unit being allowed for each 2,722.5 sf of total lot area. The minimum lot size is still 7,260 sf square feet, but an ADU could be added because the principle plus ADU together would meet the density threshold of 16 units/acre.

Staff Recommended Text Changes:

This version of the ordinance is based on the areas of agreement in the original text amendment and Planning Board discussions. It caps the aggregate square footage of accessory structures – including ADUs – in smaller lots. But it allows more than one ADU for larger lots, up to three total. Three is an important number, because it is tied to the maximum number of units we can allow onto a shared driveway. Once above that threshold, fire and building codes related to emergency vehicle access are imposed. Notably, there are other development options such as the cottage development guidelines, and minor and major subdivisions or site plans which could apply.

Importantly, this ordinance allows for manufactured homes to count as accessory dwelling units which will directly help with the affordability of housing in the Waynesville community. It will also meet the needs of specific property owners on larger lots who would like to bring in an additional affordable dwelling unit without subdividing their land.

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 Notices:

Staff provided notice of this public hearing in the Mountaineer newspaper on 10/2/24 and 10/9/24. The notice was also submitted to the local media on 10/2/24.

Attachments:

1. Draft Ordinance
2. Consistency Statement Worksheet
3. Public Notice
4. Images of manufactured housing
5. Manufactured homes design guidelines, LDS 5.9

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.

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 **October 21, 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 in size, height, footprint, and other design elements, to the main structure.
 3. The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, and roof 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, unless granted under a temporary housing permit for emergencies. 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. Manufactured housing is not allowed as an accessory dwelling in Mixed-Use Overlay Districts except for the westside of the Dellwood Medium Density District and within the Railroad Overlay District

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 4.5.1-4.5.2 Accessory Uses and Structures as follows:

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 as 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.

D. Accessory dwellings may only be located on a lot with an existing single-family dwelling. Accessory Dwellings are subject to the dimensional standards and density limitations of the zoning district in which they are located, as well as supplemental standards and building codes.

4.5.2 Table of Standards for Accessory Structures and Dwellings:

Standards	Single-Family/Two Family Lots Less than 0.5 Acre	Single-Family/Two Family Lots of 0.5 Acre to 1 Acre	Single-Family/Two Family Lots Greater than 1 Acre - 3 Acres	Single-Family/Two Family Lots Greater than 3 Acres - 5 Acres	Single-Family/Two Family Lots Greater than 5 Acres	All Other Lots (Commercial Lots)
Permitted Location	Side or Rear Yard Only	Side or Rear Yard Only	Side or Rear Yard Only	Permitted In All Yards	Permitted In All Yards	Permitted In All Yards
Height	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	Subject to District Height Standards
Maximum Number Permitted	2 Accessory Structures, 1 of which can be an ADU.	2-3 Accessory Structures, 1 of which can be an ADU.	3-4 Accessory Structures, 2 of which can be ADUs.	No Maximum 2 of which can be ADUs.	No Maximum 3 of which can be ADUs. See Chapter 15 for other development requirements.	No Maximum 3 of which can be ADUs. See Chapter 15 for other development requirements.
Maximum Area	1,000-Square Feet in Aggregate Footprint for accessory structures, including ADUs, must be less than 10% of lot, or not to exceed 1,500 sf in aggregate, whichever is less.	1,500-Square Feet in Aggregate Footprint for accessory structures, including ADUs, must be less than 10% of lot, or not to exceed 1,800 sf in aggregate, whichever is less.	1,500 Square Feet Per Structure, 2,500 Square Feet in Aggregate Footprint, excluding ADUs.	2,000 3,000 Square Feet Per-Structure 4,000-Square Feet in Aggregate Footprint, excluding ADUs.	No Maximum	No Maximum

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

Planning Board Staff Report

Subject: Text amendment to allow use of temporary housing
Ordinance Section: Land Development Standards (LDS) section 4.6.4
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: October 21, 2024
Presenter: Elizabeth Teague Development Services Director

Background:

The Town Building Inspections and Land Development Administration teams have been conducting damage assessments related to Hurricane Helene throughout Town since Monday, September 30. Several residential structures are in significant need of repair and should not be occupied until work is completed to ensure safety.

In the Land Development Standards, the Town prohibits campgrounds (Section 2.5.3, Table of Permitted Uses), and the use of manufactured housing, campers, recreational vehicles, and travel trailers, as accessory dwelling units (Section 3.2, Supplemental Standards). For the purpose of Hurricane Helene recovery however, staff recommends consideration of a policy to allow people with damaged homes to temporarily use FEMA trailers, campers, travel trailers or RVs, while their homes are being repaired.

Staff requested Town Council feedback at their October 8, 2024 Meeting, and was directed to develop a policy and allowance for the use of travel trailers or FEMA trailers as temporary housing. Recent guidance from the School of Government indicates that emergency housing should be covered in municipal zoning as a land use, in order for Towns to be able to implement a temporary housing policy.

Staff Recommended Text Changes:

The proposed text amendments would add to the list of “temporary uses with specific requirements (LDS 4.6.4) to allow for temporary use of RVs, travel trailers, or FEMA trailers as alternative housing after a home has been destroyed or severely damaged by a natural disaster or fire. The proposed changes to the Land Development Standards are provided as a new section of the temporary uses regulations.

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: Create a range of housing opportunities and choices

And that the proposal is reasonable and in the public interest because it will provide alternative housing for people in need after a disaster, and will allow them continued use of their property.

Attachments:

- Proposed text amendment

Recommended Motions:

1. To approve moving forward with a public hearing with the attached text amendment as proposed (or as amended in discussion)



To: Town of Waynesville Planning Board
 From: Olga Grooman, Assistant Development Services Director
 Date: October 21, 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 public interest** because _____

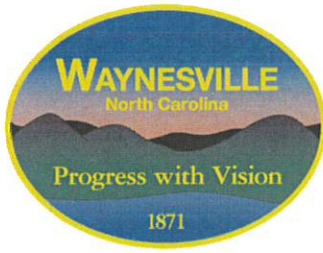
In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan**. The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public 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

FOR PUBLICATION IN THE MOUNTAINEER: October 2nd and October 9th (Wednesday) editions

Date: September 18, 2024

Contact: Olga Grooman, 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, October 21, 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 dwelling units (ADUs) and manufactured housing.

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



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/3OB8EL9>





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](#)



OVERVIEW TOURS & VIDEOS SPECS PHOTOS



5.9 Manufactured Housing Design Guidelines.

5.9.1 Applicability.

All manufactured homes permitted shall comply with the requirement of 5.6 above (General Building standards, unless the standards below conflict and shall therefore take precedence) and must comply with the standards established by the United States Department of Housing and Urban Development under the National Manufactured Housing Construction and Safety Act of 1974, 42 U.S.C. § 5401 et seq. and that satisfies each of the following additional criteria:

5.9.2 Standards.

- A. The tongue, axles, running lights and removable towing apparatus must be removed prior to the issuance of a certificate of occupancy.
- B. Except for units within permitted Manufactured Home Parks, the manufactured home shall be attached to a permanent foundation of brick, stone, concrete, framing or block that is unpierced except for required ventilation and access as required by the North Carolina State Building Code or for flood hazard construction. Units within permitted manufactured home parks may use a vinyl skirting or other material to enclose the structural supports.
- C. The pitch of the roof of the manufactured home shall have a minimum vertical rise of three (3) inches for every twelve (12) inches of horizontal run.
- D. Except for units within permitted Manufactured Home Parks, the roof must be covered with a material that is customarily used on site-built dwellings. Aluminum or metal roofing is not permitted unless standing seam metal roofing or metal shingles are utilized.
- E. The roof shall have a minimum eave projection and roof overhang of ten (10) inches, not including the gutter except when the unit is located in a Manufactured Home Park where this requirement shall apply only to double wide units.
- F. Exterior siding shall be of a material customarily used on site-built dwellings which does not have a high gloss finish, such as wood, conventional vinyl or metal siding, brick, stucco or similar materials. Smooth, ribbed or corrugated metal or plastic panels are not permitted.
- G. Except for units within permitted Manufactured Home Parks, the length of the home shall not exceed four (4) times the width, excluding additions.
- H. Architectural and aesthetic standards specified in this section shall be applicable to all additions.
- I. At the main entrance door there shall be an entryway transition that is a minimum six (6) feet by six (6) feet.

(Ord. No. O-21-17, § 1, 11-28-2017; Ord. No. O-25-18, § 1, 11-27-2018)

Planning Board Staff Report

Subject: Text amendment to allow use of temporary housing
Ordinance Section: Land Development Standards (LDS) section 4.6.4
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: October 21, 2024
Presenter: Elizabeth Teague Development Services Director

Background:

The Town Building Inspections and Land Development Administration teams have been conducting damage assessments related to Hurricane Helene throughout Town since Monday, September 30. Several residential structures are in significant need of repair and should not be occupied until work is completed to ensure safety.

In the Land Development Standards, the Town prohibits campgrounds (Section 2.5.3, Table of Permitted Uses), and the use of manufactured housing, campers, recreational vehicles, and travel trailers, as accessory dwelling units (Section 3.2, Supplemental Standards). For the purpose of Hurricane Helene recovery however, staff recommends consideration of a policy to allow people with damaged homes to temporarily use FEMA trailers, campers, travel trailers or RVs, while their homes are being repaired.

Staff requested Town Council feedback at their October 8, 2024 Meeting, and was directed to develop a policy and allowance for the use of travel trailers or FEMA trailers as temporary housing. Recent guidance from the School of Government indicates that emergency housing should be covered in municipal zoning as a land use, in order for Towns to be able to implement a temporary housing policy.

Staff Recommended Text Changes:

The proposed text amendments would add to the list of “temporary uses with specific requirements (LDS 4.6.4) to allow for temporary use of RVs, travel trailers, or FEMA trailers as alternative housing after a home has been destroyed or severely damaged by a natural disaster or fire. The proposed changes to the Land Development Standards are provided as a new section of the temporary uses regulations.

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: Create a range of housing opportunities and choices

And that the proposal is reasonable and in the public interest because it will provide alternative housing for people in need after a disaster, and will allow them continued use of their property.

Attachments:

- Proposed text amendment

Recommended Motions:

1. To approve moving forward with a public hearing with the attached text amendment as proposed (or as amended in discussion)

DRAFT FOR PLANNING BOARD DISCUSSION, 10/21/24

Ordinance No.

ORDINANCE AMENDING THE LAND DEVELOPMENT STANDARDS OF THE TOWN OF WAYNESVILLE, NORTH CAROLINA TO ALLOW TEMPORARY, ALTERNATIVE HOUSING FOR VICTIMS OF DISASTER

WHEREAS, Hurricane Helene impacted properties within the Town of Waynesville and its extra-territorial jurisdiction and the Town’s Development Services and Building Inspections staff have been conducting damage assessments throughout Town since Monday, September 30;

WHEREAS, Several residential structures were damaged by the storm and are in significant need of repair to the extent that they should not be occupied until work is completed to ensure safety;

WHEREAS, the Land Development Standards currently do not have provisions for temporary trailers or campers as interim housing if a resident should lose the ability to stay in their home while repairs are being made, or a residence is being replaced, after a disaster such as a fire, accident or storm;

WHEREAS, the Town prohibits campgrounds (Section 2.5.3, Table of Permitted Uses), and the use of campers, recreational vehicles, and travel trailers, as accessory dwelling units (Section 3.2, Supplemental Standards),

WHEREAS, North Carolina General Statutes, 166A-19.14, allows the Governor to allocate funds in the event of a declared state of emergency, and to include the provision of temporary housing;

WHEREAS, The Waynesville 2035 Comprehensive Land Use Plan states as Goal 2, “to create a range of housing opportunities and choices,” and the ability of property owners to repair and rebuild after a disaster is essential to maintaining the Town’s existing housing stock;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____ AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, TO ADD THE FOLLOWING TEXT AMENDMENT TO THE LAND DEVELOPMENT STANDARDS:

4.6.4 Temporary Uses with Specific Requirements.

E. FEMA trailers, travel trailers, and recreational vehicles as temporary housing pending repair or replacement of a home.

1. Temporary use of a travel trailer, FEMA trailer, or Recreational Vehicle shall be allowed as interim housing in any residential district in cases where the permanent home has been destroyed or damaged so that it is no longer safe as a dwelling.
2. A land use permit for temporary housing must be obtained from the Development Services Department and is valid for 180 days. Temporary housing permits may be extended while construction and repair activities take place and there is an active building permit.
3. Temporary shelters are restricted to the private property of the person whose residence has been damaged, or in a Town designated emergency campground area to be determined;

- 4. Only property owners, occupants, or tenants with damage from a natural disaster or fire, as identified by the Town's building inspections division, and those assisting with recovery assistance and construction, are allowed to occupy such vehicles as temporary shelters;
- 5. Temporary housing units must be removed within 30 days after the receipt of a Certificate of Occupancy for the repaired or replaced dwelling unit.
- 6. Temporary housing units must comply with the following:
 - a. Must be placed within the property boundary of the house that is being repaired and with the permission of the owner.
 - b. Placement on the site and location of temporary housing unit is subject to approval of the administrator and is not subject to district setback requirements.
 - c. Recreational vehicles and campers must be connected to the town's sewer, or have bathroom facilities available.
 - d. The temporary unit must comply with LDS Section 12.3 Flood Damage Prevention Ordinance.

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

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: October 21, 2024 (Note: same report and ordinance as provided previously.)

Background

This discussion carries over past discussions regarding a possible STR ordinance. 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

The input of the Working group made clear the differences of opinion and complexity of the STR topic. STR’s are important in our tourism industry and as a source of income for local property owners. The revised ordinance is significantly changed from the original draft which was brought forward. This “STR” draft ordinance seeks to meet several administrative 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 of permitting STRs (or not permitting them).
- Without any definition, there are no 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.
- There is diverse opinion in regards to the impact that STR investment has on both the local real estate inventory and housing affordability. However, when a site plan is approved for consistency with the 2035 Plan because it meets the goal of “creating housing,” then that goal statement is diminished if the new units approved in that development are then used for STRs instead of for longer term rental or sale.

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 DRAFT (# 4) For Planning Board Discussion
July 22 – October 21, 2024

ORDINANCE NO.

AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS
TO DEFINE AND REGULATE HOMESTAYS 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

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

- Development 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”.

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 text amendment from the Environmental Sustainability Board
Meeting Date: October 21, 2024
Presenter: Alex Mumby, Land Use Administrator

Background:

Solar panels and Electric Vehicle (EV) 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 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 examine 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 the idea of integrating EV Charging into common and civic space areas in major site plans.

Roof-mounted solar panels and EV Charging ports attached to buildings are already allowed, permitted and inspected by the Town's Building Inspections under the North Carolina Building Codes as part of a structure. Ground-mounted solar panels (GMSPs) are not connected structurally to residences however, and would allow homeowners to utilize more of their property for generating solar energy.

There are two major categories of GMSPs. Standard ground-mounts sit on a metal frame that is driven into the ground with panels that sit at an angle and can be manually adjusted throughout the year in accordance with the seasonal shift of the sun. These can be fixed at various heights and can have alternative forms of mounting. Another form of GMSPs are pole mounts. These can support multiple panels on a single pole which elevates them off the ground which can adjust to capture the optimal amount of solar energy.

The land use question for the planning board is if we need to write an ordinance to determine how ground mounted solar panels are treated within residential and commercial lots, with several considerations:

- Are GMSPs considered accessory structures which would they count toward the accessory structure allowances in LDS Section 4.5.2? *Or,*
- Are GMSPs considered electrical equipment (similar to a generator)?
- Should there be guidelines regarding height, size, screening, setbacks, location in side or rear yard?
- Should they be permitted outright, regardless of style, location, and zoning district?
- Should there be special consideration for placement within historic districts or sensitivity to other neighborhood characteristics?

In Asheville and Weaverville, GMSPs are treated as accessory structures and are regulated under zoning that allows them only allowed in the side and rear yards. Asheville provides a variance option for placement in the front yard to achieve optimal energy capture, but the applicant must show that no other configuration could achieve that optimum level to the zoning board of adjustment.

Other regulations surrounding GMSPs are related to height and square footage. Surrounding homes and 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 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. If a standard GMSP is not 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 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.

Staff Recommendation

Staff recommends that the Town develop an ordinance that allows GMSPs in all districts. Pole mounts could be treated like flag poles if they stay within a certain dimension, depending on the square footage of the panels and the height. 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. The variance criteria should also relate to the preservation of tree cover.

Ground mounts could be handled as an accessory structure with placement in the side and rear yard with some setback and height limitations. Front yard placement should be allowed through a variance, showing that the proposed placement 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.

A separate staff report and draft ordinance are provided for PB consideration and feedback on the placement of EV chargers in common parking areas and civic space.

Consistency with Comprehensive Plan

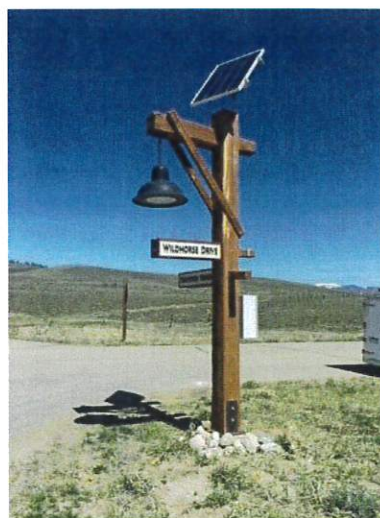
Goal 3 of the 2035 Comprehensive Plan is to “protect and enhance Waynesville’s natural resources.” This includes the goal “to engage in and promote the best management practices related to energy use...”

Goal 5 of the Plan is to “create opportunities for a sustainable economy.” This includes, “Support 21st century technology and infrastructure by broadening the availability of high-speed internet, modernizing wireless communication facilities, and promoting green building and the use of solar and wind technologies.”

Recommended Motion

Staff seeks Planning Board input and direction at this time in order to develop a draft ordinance.

Examples of GMSPs:



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: October 21, 2024
Presenter: Alex Mumby, Land Use Administrator

Background:

The proposed text amendment is carried over from August, and is provided for Planning Board comment and feedback. It introduces an additional civic space option for electric vehicle (EV) charging station(s). 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.

Staff Recommended Text Changes:

The proposed text amendments would:

- Allow electric vehicle chargers as a use within 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.

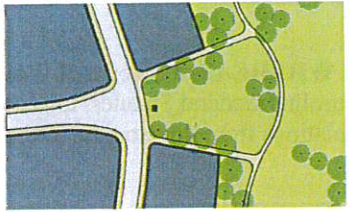
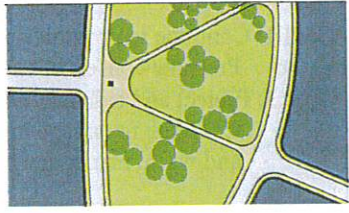
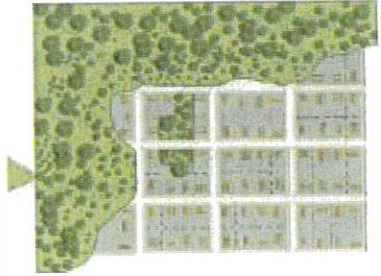
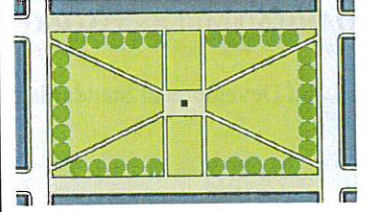
1. Amend Section 7.2. Civic Space Standards as follows:

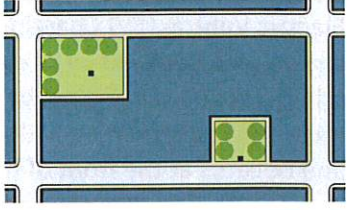
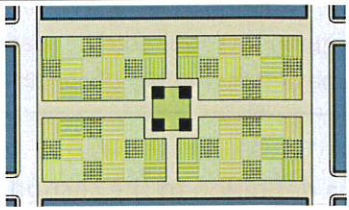



7.2 Civic Space Standards.

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>A.</p>	<p>Park/Greenway: 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.</p>	<p>Green: 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>C.</p>	<p>Preserve: 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>D.</p>	<p>Square: 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>	

E.	<p>Playground: 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>	
F.	<p>Community Garden: 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>	
G.	<p>Greenway: 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>	
H.	<p>Dog Park: 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>	
I.	<p>Community Area: 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>J. Electric Vehicle (EV) Charging Space: 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>	 A green icon depicting an electric vehicle (EV) on the left, connected by a charging cable to a charging station on the right. The station has a lightning bolt symbol on its front panel.
---	---

2. Add a definition to the section 17.3-Definitions, General:

Electric Vehicle (EV). A motor vehicle that is either partially or fully powered on electric power received from an external power source. For the purposes of this regulation, this definition does not include golf carts, electric bicycles, or other micromobility devices.

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

Table of Contents

Section 1: 671 Brown Avenue

- 1. 2017 Survey – CABC/7521 pg. 2
- 2. Trees at Risk pg. 3

Section 2: 697 Brown Avenue

- 1. Proposed Subdivision pg. 4
- 2. Proposed Development/Development Concerns pg. 5

Section 3: Town of Waynesville Ordinances

- 1. Tree Protections pg. 6
- 2. Shared Driveway/Sight Visibility Triangle pg. 9
- 3. Hazelwood’s Historic Character pg. 11

Email received from Jordan Stepansky to attach to minutes for 08-19-2024

Table of Contents

Section 1: 671 Brown Avenue

- 1. 2017 Survey – CABC/7521 pg. 2
- 2. Trees at Risk pg. 3

Section 2: 697 Brown Avenue

- 1. Proposed Subdivision pg. 4
- 2. Proposed Development/Development Concerns pg. 5

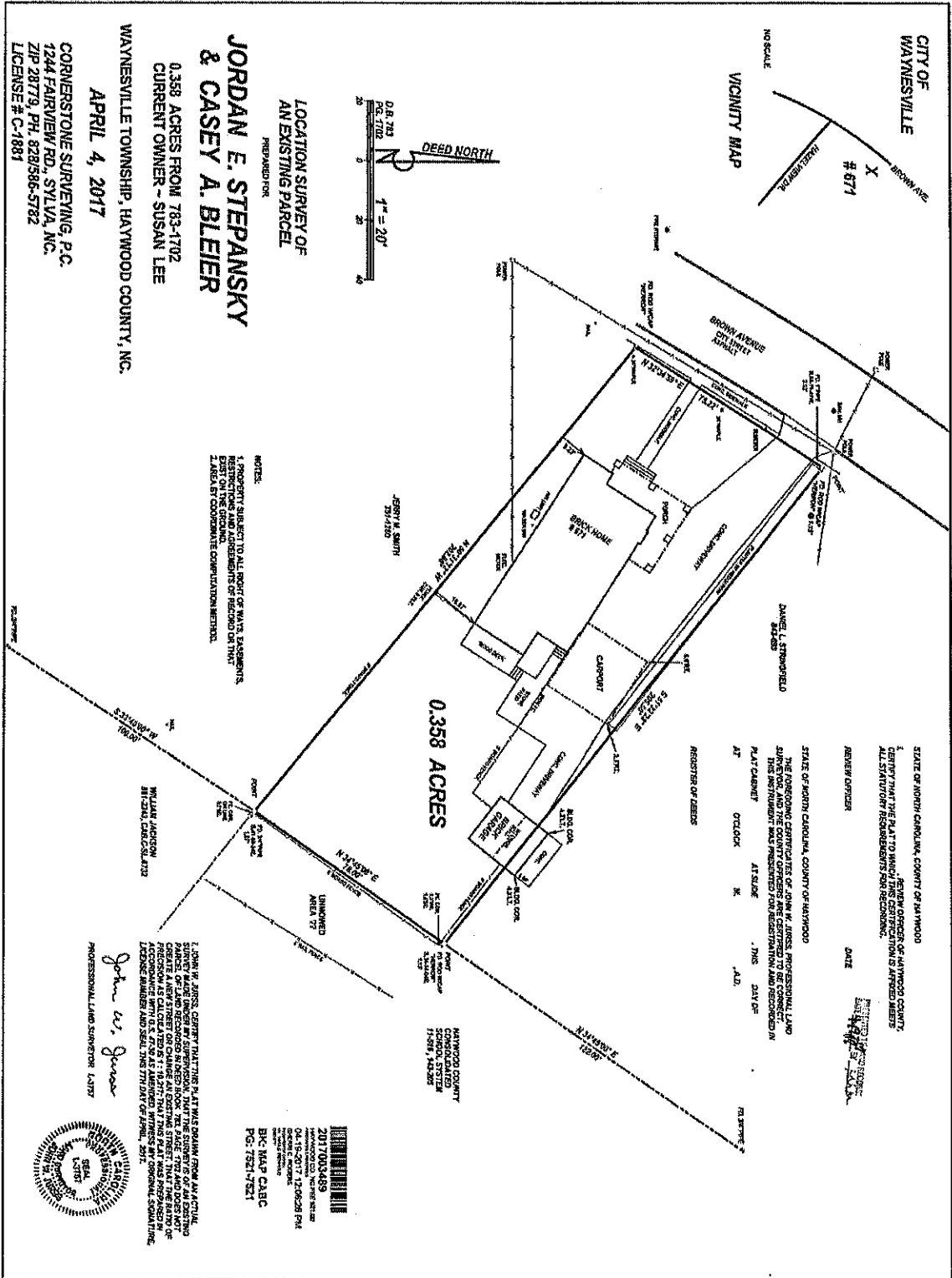
Section 3: Town of Waynesville Ordinances

- 1. Tree Protections pg. 6
- 2. Shared Driveway/Sight Visibility Triangle pg. 9
- 3. Hazelwood's Historic Character pg. 11

Email received from Jordan Stepansky to attach to minutes for 08-19-2024

Section 1: 671 Brown Avenue

2017 Survey - CAB/7521



C/7521

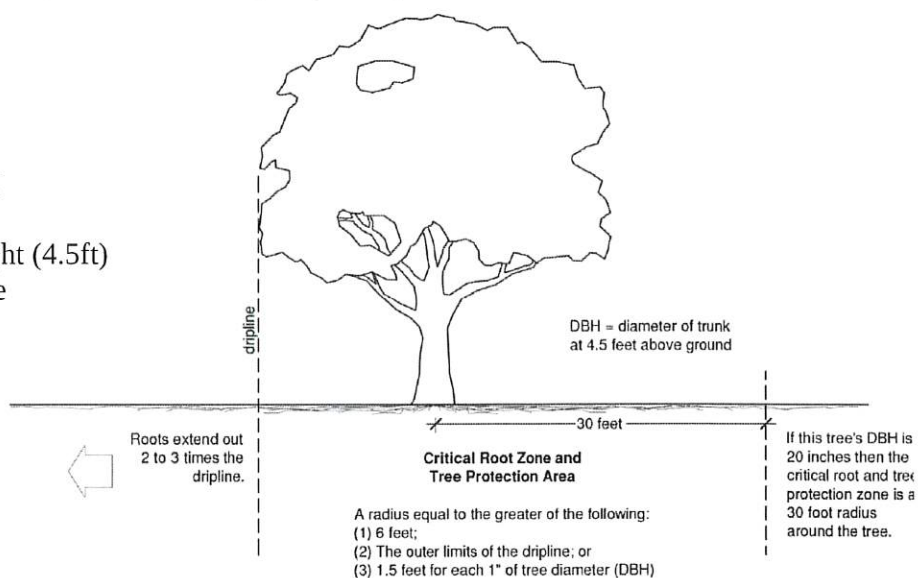
Trees at Risk



- 1. Silver Maple: 45.5" DBH
- 2. Norway Spruce: 27" DBH
- 3. Norway Spruce: 34" DBH
- 4. Norway Spruce: 18.5" DBH
- 5. Norway Spruce: 18.5" DBH
- 6. Norway Spruce: 38.21" DBH

DBH = Diameter at Breast Height (4.5ft)

*Measurements are approximate



https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADEST_CH8TRPRLASC_8.8GEINMAST

Proposed Development

The General Contractor associated with the proposed development, Mr. Allen Edwards, stated in a phone call the developing parties intent to establish a driveway and new access to Brown Avenue, along the border of our property line at 671 Brown Avenue. Proposed construction includes the 10ft minimum section of 4-6" thick concrete required for driveway access. Overall impact is expected to be no more than 8-10" deep. Gravel is the proposed material for the majority of the driveway, which is impervious, but allows for some drainage. Without adding utility lines, depth of gravel development is estimated to be 6-8" deep.

Concern for Proposed Development

Silver Maple

- Excavation and the introduction of concrete (impervious material) well within the drip line or critical root zone.
- Threat of shock and loss of canopy.
- Threat of destabilization of the root system due to oxygen and nutrient loss.

Norway Spruce

- Impact of construction and daily vehicle crossing over the established root system.
- Threat of destabilization of the root system due to oxygen and nutrient loss.



Proposed driveway access inside drip line



Norway Spruce surface roots

Section 3: Town of Waynesville Ordinances

Tree Protections

Chapter 62 – VEGETATION
ARTICLE II. - TREES AND SHRUBS
DIVISION 1. - GENERALLY

Sec. 62-31. - Purpose and intent.

(a) The purpose and intent of this article is to establish protective guidelines for trees in the town in order to promote the following:

- (1) Replenishment of the native stock of trees;
- (2) **Tree conservation;**
- (3) Groundwater recharge;
- (4) Retardation of stormwater runoff;
- (5) Oxygen regeneration;
- (6) Noise abatement;
- (7) **Beautification of the town;** and
- (8) **Preservation of the aesthetic qualities inherent to a mountain community.**

(b) Additionally, the intent of this article is to encourage the protection of trees for which the town is recognized, and which is necessary toward maintaining the intent and purposes, and which is also vital in promoting quality, tourism and orderly development.

(c) To this end, it is not recommended to fell, remove, damage, poison, **substantially alter, destroy or cause to be destroyed** any trees referenced by this article, except in accordance with the provisions of this article.

(Ord. No. 25-98, § 99.01, 8-11-1998)

https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH62VE_ARTIITRSH_DIV1GE_S62-31PUIN

Sec. 62-32. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Protected tree means a woody, perennial plant that is:

- (1) **Located within a tree protective zone and has a single trunk which has reached a diameter of eight inches or a circumference of 25 inches when measured 18 inches above the ground;**
- (2) A species of oak, maple (hardwood variety), walnut, poplar, dogwood, hickory, beech, sourwood, or birch tree, regardless of zoning location, that has a single trunk which has reached a diameter of five inches or a circumference of 16 inches, when measured 18 inches above the ground; or
- (3) **Any tree in or upon the streets, sidewalks or other publicly owned property of the town...**

Substantially alter and **substantial alteration** mean the injury, mutilation, disfiguring or substantial trimming of a tree such that the aesthetic, ecologic or economic value of the tree is substantially impaired. Routine trimming shall not be considered substantial alteration for which a permit is necessary except as otherwise provided in this article.

Tree protective zone means all tracts of land lying within any residential, commercial or industrial zoning district as designated on the set of official zoning maps of the town.

(Ord. No. 25-98, § 99.02, 8-11-1998)

(https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH62VE_ARTIITRSH_DIV1GE_S62-32DE)

Sec. 62-34. - Protection of trees during building operations.

(a) It is recommended for any person developing, redeveloping or improving any parcel of land not to store within 20 feet of the trunk of any protected tree equipment, material, debris, fill, gasoline, oil, paint, chemicals or other materials harmful to trees.

(b) It is recommended prior to developing, redeveloping or improving a parcel that each developer or builder erect and maintain suitable protective barriers so as to prevent damage to protected trees. Wood, metal or other substantial material may be utilized in the construction of protective barriers. This protection, when utilized, should remain until such time as the development, redevelopment or improvement is completed.

(c) During construction, protection for trees should be provided by not allowing attachments or wires to be attached to any protected tree.

(d) Paving with concrete, asphalt or any other impervious material within five feet of the outside diameter of any protected tree should be eliminated.

(Ord. No. 25-98, § 99.05, 8-11-1998)

(https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH62VE_ARTIITRSH_DIV1GE_S62-34PRTRDUBUOP)

APPENDIX A – LAND DEVELOPMENT STANDARDS CHAPTER 8 – TREE PROTECTION, LANDSCAPING AND SCREENING

8.1 – Purpose.

The appropriate use of existing and supplemental landscaping enhances the aesthetic appearance of Waynesville. This Chapter is intended to establish minimum standards for the design of landscapes to enhance Waynesville's visual and environmental character to:

- **Encourage the preservation of existing trees** and vegetation and replenish removed vegetation.

(https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADEST_CH8TRPRLASC_8.1PU)

8.3 – General Provision.

8.3.1 Existing Vegetation

B. Protection of Vegetation During Design: **The Town expects new development, through the protection of trees and existing vegetation, to be creative in design and placement of buildings, structures, parking and other impervious surfaces as to preserve natural features** and to complement the existing topography when practical.

(https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADEST_CH8TRPRLASC_8.3GEPR)

8.5 – Street Tree Plantings.

It is the desire of the town to maintain tree-lines, pedestrian-friendly streets throughout the community. Street trees shade the pedestrian realm of the street, encourage cars to move more slowly, improve pedestrian safety by creating a buffer between the moving cars and the sidewalk, absorb stormwater, absorb pollutants from tailpipe emissions, and add value to the fronting properties.

(https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADEST_CH8TRPRLASC_8.5STTRPL)

Shared Driveways and Sight Visibility Triangle

APPENDIX A – LAND DEVELOPMENT STANDARDS CHAPTER 9 - PARKING AND DRIVEWAYS

9.2 – Required Parking Standards

9.2.2 Exemptions and Adjustments.

D. Tree Preservation: The minimum number of parking spaces required may be adjusted by the Administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12-inch or greater diameter at breast height) from being damaged or removed, and where the site plan provides for the retention of said tree or trees.

(https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADEST_CH9PADR_9.2REPAST)

9.8 – Driveway Access.

9.8.1 Purpose and Applicability.

A. The standards contained in this section are designed to ensure that access to development in the Town of Waynesville does not impair the function of the adjacent roadways or **public safety**.

B. All proposed vehicular access points connecting to a public or private street shall conform to the provisions of this section as well as to the driveway construction standards of the Town, or as determined by the Public Services Director.

C. **Driveways should be designed for their intended use and traffic, located for safety, and consistent with their context with respect to sidewalks, drainage, landscape, and other characteristics of the roadway to which they connect.**

9.8.3 Driveway Standards

B. Residential Driveways:

3. **Joint Use or Shared Driveways are encouraged. Driveways serving adjacent residential properties shall have easement agreements among owners,** and shall not serve more than three single-family or duplex structures. Rights-of-Way serving more than 3 structures should comply with LDS Chapter 6 Infrastructure Standards.

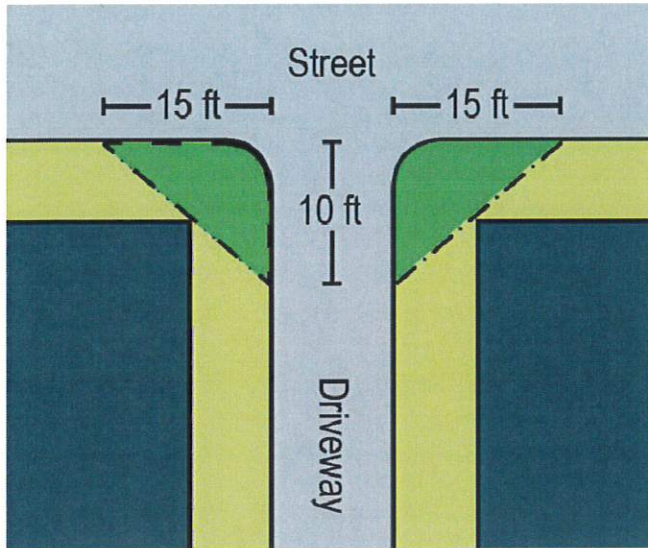


Existing drive/Proposed shared drive site

E. Sight Visibility Triangle:

1. At all driveway approaches, a sight area shall be maintained. Within the sight area no fence, wall, sign or other structure, no slope or embankment, no parked vehicle, no hedge, no foliage or other planting and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area.

2. Sight areas are triangular areas formed by a ten-foot side measured along the edge of the driveway approach and a fifteen-foot side measured along the edge of the traveled way.



https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADEST_CH9PADR_9.8DRAC



View from proposed drive site

Hazelwood’s Historic Character

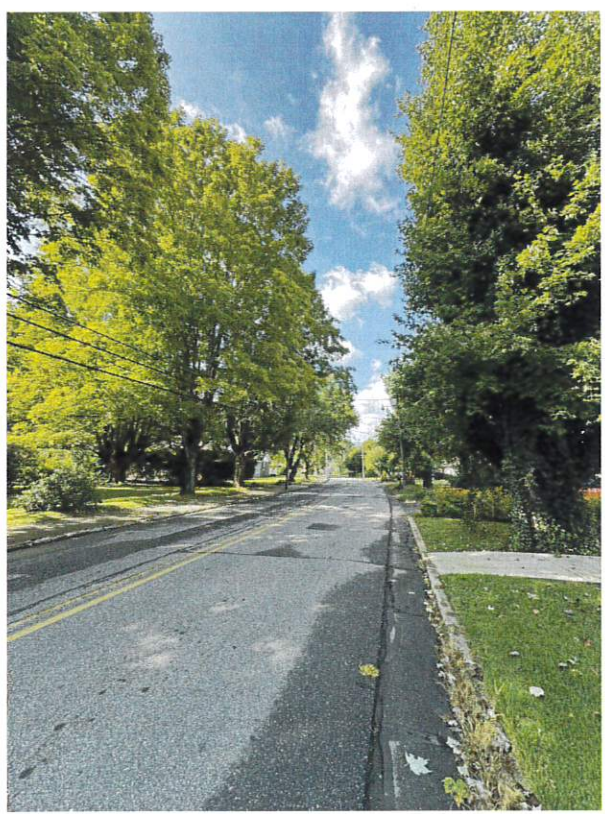
APPENDIX A – LAND DEVELOPMENT STANDARDS CHAPTER 1. - PURPOSE AND APPLICABILITY

2.3 – Purpose and Intent by District

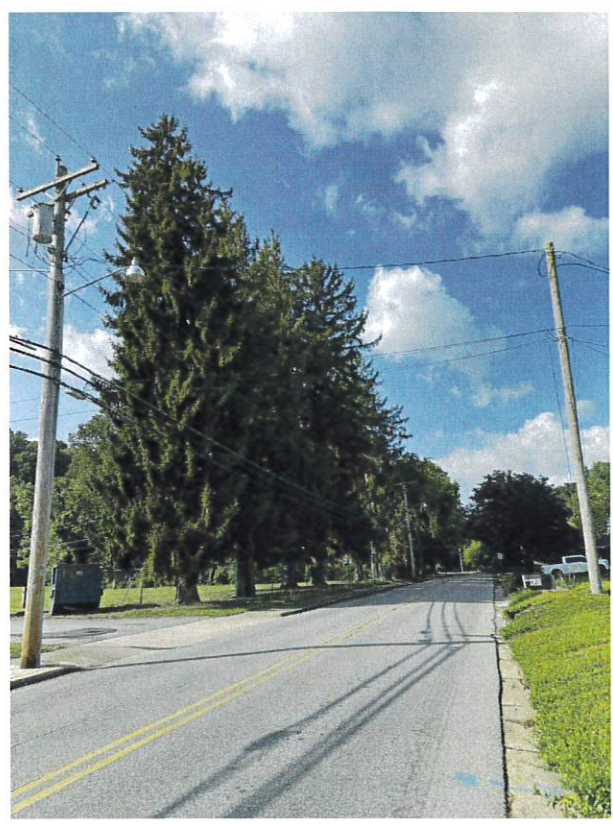
2.3.4 Urban Residential Districts (UR) Purpose and Intent.

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.

https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIICOOR_APXALADEST_CH2DIPR_2.3PUINDI



Silver Maples flank Brown Ave



Norway Spruce line the front of Waynesville Middle School