

# TOWN OF WAYNESVILLE

## Planning Board

9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

Development Services  
Director  
Elizabeth Teague

### Planning Board Members

Susan Teas Smith (Chairman)  
Ginger Hain (Vice Chair)  
Stuart Bass  
R. Michael Blackburn  
Gregory Wheeler  
Don McGowan  
Marty Prevost  
Tommy Thomas  
Barbara Thomas

### Special Called Meeting of the Planning Board Town Hall, 9 South Main Street, Waynesville, NC 28786 Monday, April 11, 2022, 5:30 PM

#### A. CALL TO ORDER

1. Welcome/Calendar/Announcements:
  - Discussion of April 18 regularly scheduled meeting (Easter Week)
  - Discussion and Schedule for next Subcommittee mtg.

#### B. BUSINESS

1. Public Hearing on a draft Text Amendment to the Land Development Standards, Chapter 7 Civic Space.
2. Public Hearing on draft text amendments related to major subdivisions: Chapter 8.4 Buffer Yards; Chapter 15.9.2 Major Subdivisions.
3. Information and Discussion on Census Data, Housing and Growth 2010-2020.
4. Information and Discussion on Existing LDS Density and Dimensional Standards and the recommendations of the Future Land Use Plan Map.
5. Information and Discussion on Moratoria as time allows.

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

#### D. ADJOURN

## Planning Board Staff Report

Subject: Text amendments regarding Civic Space Standards  
 Ordinance Section: Chapter 7 of the Land Development Standards (LDS)  
 Applicant: Planning Board Subdivision Subcommittee initiated text amendment;  
 Development Services Department  
 Meeting Date: April 11, 2022

### Background

At the Planning Board meeting on November 15, 2021, the Board took action to appoint 4 members of the Planning Board to a Subdivision Subcommittee. There are two Development Services staff members assigned to this work group as well. The subcommittee's task is to focus on aligning the LDS with the 2035 Land Use Plan Goals in consideration of administrative changes to 160D, regarding subdivision regulations. The subcommittee has held five meetings: on December 7, 2021, December 20, 2021, January 12, 2022, February 4, 2022, and March 28, 2022. Agendas and summaries of subcommittee meetings may be found on the Town website at: <https://www.waynesvillenc.gov/departments/development-services/lds-updates>.

The subcommittee reviewed Chapter 7, Civic Space to evaluate its standards relative to the Land Use Plan goals and smart growth principles in the context of Waynesville's rapid growth. The group researched ordinances of municipalities in North Carolina (Asheville, Brevard, Durham, Fayetteville) and out of state (Alpharetta, GA and Brighton, CO). The subcommittee determined that the current Waynesville's civic space standards could be improved to be more clear in their application, incorporate more types of park uses, and to promote greenways and conservation areas. The purpose of the proposed changes are to promote attractive neighborhoods, encourage context-sensitive development, and protect Waynesville's natural resources (Goals #1 and #3 of the 2035 Plan). Thereby improving the LDS's consistency with the the 2035 Comprehensive Land Use Plan.

### Staff Recommended Text Changes:

Staff proposes this ordinance based on subcommittee input to clarify the use and maintenance of civic spaces, expand civic space options for developers, reduce the minimum acreage to promote more green spaces among projects of various sizes, and increase the percent of land allocated to civic space based on the size of the development.

The staff also includes a few minor corrections to the ordinance, such as correct numbering of sections, adding zoning to preliminary plat, and neighborhood meeting reference.

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

### Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are reasonable and in the public interest because they are consistent with the first, second, and third goals of the 2035 Comprehensive Plan:

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

- Create walkable and attractive neighborhoods.

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.
- Reinforce the unique character of Waynesville.

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

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 3: Protect and enhance Waynesville's natural resources.

- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views, and mountain vistas.
- Protect and enhance water quality and forests.

## **Attachments**

1. Proposed Text Amendment
2. Consistency Statement Worksheet

## **Recommended Motions**

1. Motion to find the recommended changes to the Land Development Standards as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to recommend staff initiated text amendment as attached (or as amended) to the Board of Aldermen.

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:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The amendment will “create a range of housing opportunities and choices,” (Goal #2);
- The Town will “protect and enhance Waynesville’s natural resources,” (Goal #3);

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

**WHEREAS**, the Board of Aldermen 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 April 11, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on April 26, 2022 at the regularly scheduled meeting of the Board of Aldermen;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON April 26, 2022 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

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

1. Amend Section 2.4.1 (2c) Table of Dimensional Standards by Residential District as follows:

**2.4.1 Table of Dimensional Standards by Residential District.**

(Table continues above)

Standard	Residential-Low Density (RL)	Residential- Med. Density (RM)	Neighborhood Residential (NR)	Urban Residential (UR)
<b>c. Civic Space (min) per CH 7</b>	<del>10%—Open space only</del> Refer to Section 7.3	10% Refer to Section 7.3	5% Refer to Section 7.3	5% Refer to Section 7.3

(Table continues below)

2. Amend Section 2.4.2 (2b) Table of Dimensional Standards by Mixed-Use/Non-Residential District as follows:

**2.4.2 Table of Dimensional Standards by Mixed-Use/Non-Residential District.**

(Table continues above)

Standard	Neighborhood Center (NC)	Business District (BD)	Regional Center (RC)	Commercial Industrial (CI)
<b>b. <del>Green/Open Space (min) per CH 7 (tentative)</del> Civic Space (min) per CH 7</b>	<del>2% for residential units only</del> Refer to Section 7.3. Applies to residential units only.	Exempt	<del>2% for residential units only</del> Refer to Section 7.3. Applies to residential units only.	<del>None</del> Exempt

(Table continues below)

3. Amend Section 7.1 Purpose and Intent as follows:




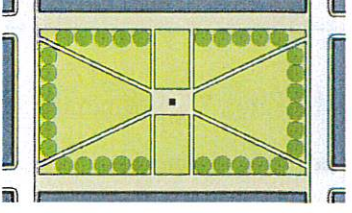
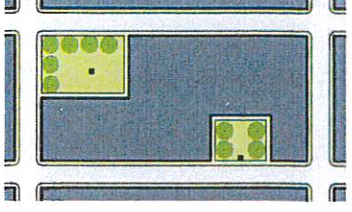
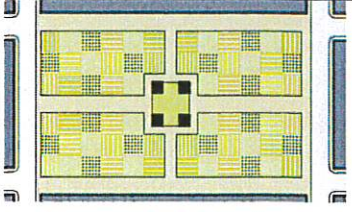
(...) Civic spaces, as defined by this Section, are distinct from those areas that are environmentally significant and must be otherwise protected from human transgression as noted in Section 12. **Civic space adds to the visual character and uniqueness of each development and is intended for recreational and aesthetic enjoyment by the residents of the development unless it is designated as a public space.**




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

All land dedicated to 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 (...).

<p><b>A.</b></p>	<p><b>Park:</b> A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors <b>as part of a greenway.</b> <b>The minimum size shall be 4 acres</b>  <b>The minimum size shall be .16 acre</b> (except with Greenways where there is no minimum).</p>	
<p><b>B.</b></p>	<p><b>Green:</b> An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be <b>.16 acre</b> <del>1/2 acre</del> <b>and the maximum shall be 4 acres.</b></p>	
<p><b>C.</b></p>	<p><b>Preserve:</b> Natural preserves include any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant types. <b>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.</b> Active recreation, such as trails and paths, can be a part of these areas. <b>The minimum size is 1 acre of contiguous preserved area.</b></p>	
<p><del>C.</del> <b>D.</b></p>	<p><b>Square:</b> An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be <b>.16 acre</b> <del>1/4 acre</del> <b>and the maximum shall be 2 acres.</b></p>	
<p><del>D.</del> <b>E.</b></p>	<p><b>Playground:</b> An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within <del>parks and greens</del> <b>other civic spaces.</b> There shall be no minimum or maximum size.</p>	
<p><del>E.</del> <b>F.</b></p>	<p><b>Community Garden:</b> A grouping of garden plots available for small-scale cultivation, generally to residents of apartments and other dwelling types without private gardens. Community gardens should accommodate individual storage sheds. <b>There shall be no minimum or maximum size.</b></p>	

G.	<p><b>Greenway:</b> A linear parcel of land set aside to contain a trail for transportation and/or recreation, usually connecting to a planned corridor. There shall be no minimum or maximum size.</p>	
G.	<p><b>Dog Park:</b> An off-leash dog area. A dog park shall be enclosed with a galvanized or coated chain link fence or metal fence measuring four (4) to six (6) feet in height and include a double gate entry system. 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>	
H.	<p><b>Community Area:</b> Designated indoor or outdoor facilities to support social and recreational activities of the residents. Examples include a pavilion, fire pit, picnic area, grill area, gym, pool, community building, club house, basketball court, tennis court, golf course, or similar amenities determined to be appropriate by an Administrator. There shall be no minimum or maximum size.</p>	

5. Amend Section 7.2.5 Minimum Amenities as follows:

**7.2.5 Minimum Amenities.**

- A.** Required civic space shall be planned, improved, and usable by persons/entities which own it living nearby. Improved shall mean cleared of underbrush (...).

**A. Minimum Amenities (All Civic Spaces):**

- ~~1. Public Seating: Provide seating areas appropriate to the intended use of the space (e.g., park benches and moveable chairs in formal/active spaces and garden wall seats in informal/passive spaces). A minimum of 2.5 linear feet of seating shall be provided for every 10,000 square feet of open space (up to 4 acres) with a minimum of 10 linear feet of seating. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides will count double. Moveable chairs are encouraged and each count as 2½ linear feet of suggested seating.~~
- ~~2. Supplement Tree Planting/Significant Species Preservation: A minimum of 1 tree (3 inch caliper minimum measured 6" above the ground at installation) to be planted in at least 350 square feet of soil or 1 preserved existing canopy tree a minimum of 12" caliper for every 2,500 square feet of required civic space.~~

3. ~~Trash Receptacle: One garbage receptacle and one recycling receptacle for each 5,000 square feet of each physically separated civic space.~~

~~[B. —Reserved.]~~

**B. Minimum Amenities:** All civic spaces shall include park furnishings, such as benches, trash receptacles, landscaping, grills, and picnic areas, as appropriate to the size and type of the civic space.

**C. Minimum Amenities (Parks):** At least (...).

(...).

6. Amend Section 7.2.8 Ownership as follows:

**7.2.8 Ownership and Maintenance.**

**Ownership:** Dedicated civic space land shall be separately deeded to either a homeowner’s association, a non-profit land trust (...).

**Maintenance:** The owner or lessee of the property designated for civic space is responsible for its maintenance. Landscaped areas shall be maintained in good condition and the entire area shall be kept clear of debris. All civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans. Documents such as covenants for a homeowners’ association, bylaws, charter for a non-profit entity, or similar agreements and guarantees shall be filed with the final plat.

Dedication to the Town or other public entity is subject to acceptance by and at the sole discretion of the Town or other public entity. If the civic space land is dedicated to the Town and accepted for public use, this land will be maintained by the Town.

7. Amend Section 7.3 Civic Space Dedication as follows and merge cells in the last column as follows:

District Category	Applicable Districts	Required Civic Space
<b>Residential Districts:</b>		<del>10%</del>
Residential—Low Density (RL)	CC-RL, EN-RL, FC-RL, HT-RL	<del>10%</del> 0-14 units/lots- 5%
Residential—Medium Density (RM)	CP-RM, D-RM, HM-RM, SW-RM	<del>5%</del> 15-30 units/lots- 10%
Neighborhood Residential (NR)	AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR	<del>5%</del> 31-60 units/lots- 13%
Urban Residential (UR)	EW-UR, H-UR	61 + lots/units- 15%
<b>Mixed-Use/Non-Residential Districts:</b>		
Neighborhood Center (NC)	PS-NC, NM-NC, RC-NC	<del>2%</del>
Business District (BD)	CBD, H-BD, SM-BD	<del>Exempt</del> 0-14 units/lots- 5%
Regional Center (RC)	DJ-RC, NC-RC, RA-RC	<del>2%</del> 15-30 units/lots- 10%
Commercial Industrial (CI)	CI	<del>None</del> 31-60 units/lots- 13%
		61 + lots/units- 15%
		Business District (BD) and Commercial Industrial (CI) are exempt from civic space requirements.



8. Amend Section 15.4.4 Construction Documents/Preliminary Plat as follows:

(...)

**Preliminary Plat:** The preliminary plat for a subdivision that shall be prepared by a registered surveyor or engineer and shall show the following:

(...)

14. Sketch vicinity map showing relationship between subdivision and surrounding area.

15. **Current zoning designation of the development property in the Town of Waynesville.**

9. Amend section 15.8.2 Site Plan/Design Review (Major) as follows:

G. **Neighborhood Meeting (15.3.7):** ~~Optional~~ See section 15.3.7.

10. Re-number section 15.9.2 Major Subdivisions as follows:

~~C. [D.]~~ **D. Preliminary Plat Approval:** The Planning Board (...).

~~D. [E.]~~ **E. Final Plat:** Once all infrastructure (...).

11. Amend section 15 9.3 Preliminary Plats for Major Subdivision as follows:

F. **Neighborhood Meeting (15.3.7):** ~~Optional~~ See section 15.3.7.

12. Amend section 15.10.2 Review Process as follows:

B. **Neighborhood Meeting (15.3.7):** ~~Optional~~ See section 15.3.7.

12. Re-number section 15.16.6 Relevant provisions as follows:

~~15.16.5 Reserved.~~

~~15.16.6 Relevant provisions.~~

**15.16.5 Relevant Provisions:**

(...)

ADOPTED this \_\_\_\_\_ Day of \_\_\_\_\_, 2022.

TOWN OF WAYNESVILLE

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

ATTEST:

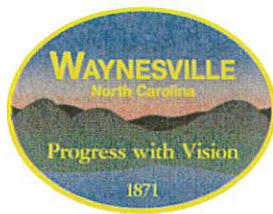
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Eddie Ward, Town Clerk

APPROVED AS TO FORM:

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Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board  
 From: Elizabeth Teague, Planning Director  
 Date: April 11, 2022  
 Subject: Text Amendment Statement of Consistency  
 Description: Text amendment related to Civic Space, Chapter 7 of the Land Development Standards  
 Address: Town of Waynesville Planning Department (“Development Services Department”)

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

The zoning amendment **is approved and is consistent with the Town’s comprehensive land use plan** because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

The zoning amendment **is rejected because it is inconsistent with the Town’s comprehensive land plan and is not reasonable and in the public interest** because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
 Kathy Johnson, Assistant Clerk

## Planning Board Staff Report

Subject: Text amendments regarding subdivisions  
Ordinance Section: Chapter Chapters 8 and 15 of the Land Development Standards (LDS)  
Applicant: Planning Board Subdivision Subcommittee initiated text amendment;  
Development Services Department  
Meeting Date: April 11, 2022

### Background

At the regularly scheduled meeting on March 21, 2022, staff presented a recommendation to divide major subdivisions into “tiers” so that larger subdivisions with presumably more impacts to surrounding neighbors, would have to meet additional requirements. Currently, the ordinance does not distinguish a small major subdivision of say 8 lots, from a large major subdivision such as the one for 115 lots. The proposed ordinance creates tiers that trigger additional buffering, required neighborhood meetings, and (based on the alternates considered by the Planning Board) could shift from an administrative proceeding to a special use permit.

Additionally, the proposed ordinance includes language for “inclusionary zoning” which requires an affordable unit to be dedicated for every ten units (rental or sale) constructed when increased density is requested as part of a special use permit (or if the Board chooses to require it in larger scale subdivisions).

An affordable unit for the purposes of this ordinance is a unit that is less than 1/3 the income for someone who makes 80% or less of the median income of Haywood County. Area Median Income (AMI) metric is a sliding scale based on household size, and is determined based on data from the State of North Carolina such as that used to determine eligibility for State Low Income Housing Tax Credits. An income that is 80% AMI, is 20% less than the average median income for similar sized families.

For example, Mountain Housing Opportunities used the 2020 Median Income Information for Haywood County, in developing their project on Howell Mill Road. The top part of the chart following shows the income limits for the tenants to be at or below to qualify for a unit at their designated income level. The bottom part of the chart is the rent levels that correspond to the income limits.

For lot conveyance, however, the equation would have to be made at the point of sale with a guarantee up to 5 years against a high resale value. This will have to be further worked out based on the models used by Mountain Housing Opportunities and Habitat for Humanity where a “soft second” mortgage is used. If this requirement is pursued as an ordinance, then, the Town would have to create a management measure to assure compliance which will be challenging.

LIHTC Income Limits for 2020 (Based on 2020 National Non-Metropolitan Median Income)							
	Charts	60.00%	40.00%	50.00%	70.00%	80.00%	140.00%
1 Person	☝	26,160	17,440	21,800	30,520	34,880	36,624
2 Person	☝	29,880	19,920	24,900	34,860	39,840	41,832
3 Person	☝	33,660	22,440	28,050	39,270	44,880	47,124
4 Person	☝	37,380	24,920	31,150	43,610	49,840	52,332
5 Person	☝	40,380	26,920	33,650	47,110	53,840	56,532
6 Person	☝	43,380	28,920	36,150	50,610	57,840	60,732
7 Person	☝	46,380	30,920	38,650	54,110	61,840	64,932
8 Person	☝	49,320	32,880	41,100	57,540	65,760	69,048
9 Person	☝	52,320	34,880	43,600	61,040	69,760	73,248
10 Person	☝	55,320	36,880	46,100	64,540	73,760	77,448
11 Person	☝	58,320	38,880	48,600	68,040	77,760	81,648
12 Person	☝	61,320	40,880	51,100	71,540	81,760	85,848

LIHTC Rent Limits for 2020 (Based on 2020 National Non-Metropolitan Median Income)							
Bedrooms (People)	Charts	60.00%	40.00%	50.00%	70.00%	80.00%	FMR
Efficiency (1.0)	☝	654	436	545	763	872	652
1 Bedroom (1.5)	☝	700	467	583	817	934	806
2 Bedrooms (3.0)	☝	841	561	701	981	1,122	918
3 Bedrooms (4.5)	☝	972	648	810	1,134	1,296	1,167
4 Bedrooms (6.0)	☝	1,084	723	903	1,265	1,446	1,484
5 Bedrooms (7.5)	☝	1,196	797	996	1,395	1,595	

Staff requests additional Planning Board input on the alternates proposed in the ordinance and invites additional discussion on the ordinance draft.

**Staff Recommended Text Changes:**

The purpose of the proposed changes are to promote attractive neighborhoods, encourage context-sensitive development, and create a range of housing opportunities and choices. (Goals #1, #2, and #3 of the 2035 Plan). Thereby improving the LDS’s consistency with the 2035 Comprehensive Land Use Plan.

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

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

Staff submits that the proposed text amendments to the LDS are reasonable and in the public interest because they are consistent with the first and second goals of the 2035 Comprehensive Plan:

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
  - Create walkable and attractive neighborhoods.

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.
- Reinforce the unique character of Waynesville.

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

- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Goal 3: Protect and Enhance Waynesville's Natural Resources.

- Protect rural lands, iconic views and mountain vistas.

### **Attachments**

1. Proposed Text Amendment
2. Consistency Statement Worksheet

### **Recommended Motions**

1. Motion to find the recommended changes to the Land Development Standards as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to recommend staff initiated text amendment as attached (or as amended) to the Board of Aldermen.

**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:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The amendment will “create a range of housing opportunities and choices,” (Goal #2);
- The Town will “protect and enhance Waynesville’s natural resources,” (Goal #3);

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

**WHEREAS**, the Board of Aldermen 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 April 11, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on *May 10*, 2022 at the regularly scheduled meeting of the Board of Aldermen;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON April 26, 2022 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:**

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

1. Amend the following Sections of Chapter 8 Tree Protection, Landscaping and Screening

**8.4 Buffer Yards.**

Buffer yards are planting areas located parallel to the side and rear lot lines. **The purpose and intent of buffer yard requirements are to preserve landscape and provide a buffer as a mitigation measure for potential development impacts. They are** designed to separate incompatible adjacent uses, **or to** ~~and~~ provide privacy and protection against potential adverse impacts of an adjoining ~~incompatible~~-use or zoning district.

**8.4.1 Required Buffer Yards.**

**A. Required Yards by District:** The size of a buffer shall be determined both by the zoning district of the proposed development and by the adjacent zoning district(s). Buffer yards shall be required in accordance with the table below when any use is being established on a property that abuts an existing developed lot or less intense zoning district.

		Adjacent Zoning District					
		RL/RM	NR/UR	NC	BD	RC	CI
District of Proposed Development	RL/RM	X	X	X	X	A <sup>1</sup>	A <sup>1</sup>
	NR/UR <sup>2</sup>	C	X	X	X	X	X
	NC <sup>2</sup>	B	C	X	X	X	X
	BD	C	C	X	X	X	X
	RC	A	A	B	C	X	X
	CI	A	A	A	A	B	X
<sup>1</sup> Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property							X = No Buffer Required
<sup>2</sup> Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes							

- B. Required Buffer Yard by Major Subdivision Tier:** A type B Buffer Yards is required along the perimeter of new major subdivisions over 30 units and special use permits in all districts, except where the above table has a stricter requirement or as part of a conservation subdivision.
- C. Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
- D. Relationship to Required Yards and Setbacks:** Where front, side and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
- E. More Restrictive to Apply:** Where a proposed use or development type abuts multiple use types or zoning districts along the same side or rear year[yard], the largest buffer will apply.
- F. Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however, they shall not be permitted to run linear with and superimposed on them.



2. Amend Section 15.9.2 Major Subdivisions as follows:

**15.9.2 Major Subdivisions.**

The major subdivision review process is required for those divisions of land into eight (8) or more lots or which require dedication of public utilities and/or public streets. **There are four tiers of major subdivisions.**

<b>MAJOR SUBDIVISION TIERS AND PROCEDURES</b>				
<b>Tier</b>	<b>Description</b>	<b>Process Type</b>	<b>Pre-Application Meeting</b>	<b>Neighborhood Meeting</b>
Tier 1	0-14 lots	Administrative	Required	Optional
Tier 2	15-30 lots	Administrative	Required	Required
Tier 3	31-60 lots	Administrative (Alt: SUP)	Required	Required
Tier 4	60 lots<	Administrative (Alt: SUP)	Required	Required

- A. **Process Types:** Major Subdivisions are Administrative unless an application is made to acquire additional density in accordance with Section 2.4.1 (Alt, for tier 3 and 4), or for a Conservation Subdivision Option which require a Special Use Permit.
- B. **Pre-Application Procedure:** It is required that every applicant for a Major Subdivision meet with the Administrator in a conference prior to the submittal of an application. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval. It is recommended that the applicant provide a sketch plan (15.4.2) and Environmental Survey (15.4.1) to the Administrator prior to or at the pre-application conference. The provision of a sketch plan will allow the Administrator an opportunity to review the proposal before the applicant expends funds on the preparation of a detailed Subdivision Plan.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat.
- D. **Preliminary Plat Approval:** The Planning Board shall review and either approve or deny the major subdivision applicant's preliminary plat in accordance with the procedure set forth in section 15.9.3 below. Engineering, including a compliant Stormwater Plan (12.5) and Construction Documents (15.4.4) shall be submitted after Planning Board review.
- E. **Final Plat:** Once all infrastructure improvements are installed or financially guaranteed as required by Section 6.13 below, the Final Plat shall be presented for approval in accordance with Section 15.9.4 below.

**15.9.3 Preliminary Plats for Major Subdivision.**

- A. **Process Types:** Administrative or Special Use Permit (see LDS Section 15.10).
- B. **Permit Required Before Any Land-Disturbing Activity:** No land-disturbing activity shall take place until a Preliminary Plat has been approved.
- C. **Required Application Information:** Environmental Survey (15.4.1) and Preliminary Plat (15.4.4) prepared by a registered land surveyor, licensed landscape architect or licensed engineer.
- D. **Determination of Completeness:** The Administrator shall review the application to ensure that it is complete, prepare a report and recommendation on the application, and schedule the matter for a public hearing before the Planning Board.

- E. **Public Notification:** None required.
- F. **Neighborhood Meeting (15.3.7):** Optional.
- G. **Public Hearing:** The Planning Board shall hold a hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- H. **Decisions/Findings of Fact:** Following the public hearing the board may approve, deny or approve with conditions the application for a Major Subdivision. No Major Subdivision shall be approved unless the commission finds each of the following facts to be true:
  1. The plan is consistent with the adopted plans and policies of the Town;
  2. The plan complies with all applicable requirements of this ordinance; and
  3. The plan has infrastructure as required by the ordinance to support the plan as proposed.
- I. **Substantial Changes:** Substantial Changes from the approved preliminary plat shall require additional review by the Planning Board. Substantial changes shall include redesign of streets, increasing the number of lots, altering the design of more than twenty (20) percent of the lots, and/or reducing the number of lots by twenty (20) percent. All other changes shall be considered minor modifications subject to review by the Administrator.
- J. **Appeals.** An appeal of the decision to approve or deny a Preliminary Plat or a substantial change to an approved Preliminary Plat may be made by an aggrieved party to the Superior Court of Haywood County no later than thirty (30) days after the applicant receives the written copy of the decision.
- K. **Permit Validity:** Unless substantial work has commenced or a building permit has been obtained, approval of a preliminary plat expires two (2) years from the date such approval was granted.
- L. **Permit Extension:** The applicant may apply for an extension of the approval period. The Planning Board may approve an extension of the time required to file the final plat up to a total of five (5) years from the date the initial application was approved where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. No further development activity shall be performed until the new approval is issued.

3. Amend Section 15.10 Special Use Permits as follows:

**15.10 Special Use Permits (SUP).**

Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district. Applications requiring a Special Use Permit are noted in Section 2.4 and Chapter 3. . . .

- E. **Findings of Fact:** In addition to determining that the application meets all other requirements of this ordinances (no variances are permitted) the Planning Board must find the following:

1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
  2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
  3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
  4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
  5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.
  6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.
  7. The residential development includes affordable housing units at a rate of 10% (one unit for every ten units constructed, rounded down to the nearest whole unit).\*
- F. **Additional Conditions:** The Planning Board may place conditions on the use as part of the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the Special Use Permit approval and shall be included in the final site plan application.

\*Affordable rental units must meet monthly affordability threshold for 80% of current median income for Haywood County at the time of application and may be re-adjusted as median income thresholds are adjusted by the North Carolina Low Income Housing Agency. Affordable units for conveyance must be sold at affordability threshold of 80% of current median income at the time of sale, and must be secured for 5 years.

ADOPTED this \_\_\_\_\_ Day of \_\_\_\_\_, 2022.

TOWN OF WAYNESVILLE

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

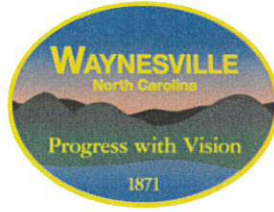
ATTEST:

\_\_\_\_\_  
Eddie Ward, Town Clerk

APPROVED AS TO FORM:

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Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board  
 From: Elizabeth Teague, Planning Director  
 Date: April 11, 2022  
 Subject: Text Amendment Statement of Consistency  
 Description: Text amendment related to Chapters 8 and 15 of the Land Development Standards related to Subdivisions  
 Address: Town of Waynesville Planning Department (“Development Services Department”)

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

The zoning amendment **is approved and is consistent with the Town’s comprehensive land use plan** because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The zoning amendment **is rejected because it is inconsistent with the Town’s comprehensive land plan and is not reasonable and in the public interest** because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

\_\_\_\_\_  
 Ginger Hain, Acting Planning Board Chair, Date

\_\_\_\_\_  
 Kathy Johnson, Assistant Clerk

**§ 160D-107. Moratoria.**

(a) Authority. – As provided in this section, local governments may adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

(b) Hearing Required. – Except in cases of imminent and substantial threat to public health or safety, before adopting a development regulation imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a legislative hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160D-601.

(c) Exempt Projects. – Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) applies when permit processing resumes.

(d) Required Statements. – Any development regulation establishing a development moratorium must include, at the time of adoption, each of the following:

- (1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.
- (2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

(e) Limit on Renewal or Extension. – No moratorium may be subsequently renewed or extended for any additional period unless the local government has taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts or conditions warrant the extension.

(f) Expedited Judicial Review. – Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government has the burden of showing compliance with the procedural requirements of this subsection. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 4, 51(a), (b), (d).)