

***DRAFT AS RECOMMENDED BY STAFF***

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

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

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

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

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

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

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

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

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

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

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

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

That the Land Development Standards be amended as follows:

1. Amend Section 3.2.1 Dwelling- Accessory as follows:

### **3.2.1 Dwelling—Accessory.**

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

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

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

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

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

#### 4.5 Accessory Uses and Structures.

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

##### 4.5.1 General.

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

##### 4.5.2 Table of Standards for Accessory Structures and Dwellings<sup>1</sup>: **OPTION 1 (original staff)**

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

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



#### 4.5.2 Table of Standards for Accessory Structures and Dwellings<sup>1</sup>: OPTION 2 (Plng Brd revision)

Standards	Single-Family/Two Family Lots Less than <del>0.5</del> <b>0.2 Acre</b>	Single-Family/Two Family Lots <del>0.5 Acre-1 Acre</del> <b>0.2 Acre- 0.6 Acre</b>	Single-Family/Two Family Lots <del>Greater than 1 Acre-3 Acres</del> <b>Greater than 0.6 Acre- 1.2 Acres</b>	Single-Family/Two Family Lots <del>Greater than 3 Acres-5 Acres</del> <b>Greater than 1.2 Acres- 3 Acres</b>	<b>Single-Family/Two Family Lots Greater than 3 Acres</b>	All Other Lots
Permitted Location	Side or Rear Yard Only	Side or Rear Yard Only	Side or Rear Yard Only	Permitted In All Yards	<b>Permitted In All Yards</b>	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	<b>Subject to District Height Standards</b>	Subject to District Height Standards
Maximum Number Permitted	<del>2 Accessory Structures.</del> <b>No Accessory Dwelling Units.</b>	<del>2</del> <b>3 Accessory Structures</b> Total, 1 of Which Can Be an Accessory Dwelling Unit.	<del>3</del> <b>4 Accessory Structures</b> Total, 2 of Which Can Be Accessory Dwelling Units.	<del>No Maximum</del> <b>5 Accessory Structures</b> Total, 2 of Which Can Be Accessory Dwelling Units.	<b>No Maximum</b> for Accessory Structures. 3 Accessory Dwellings or as Subject to Chapter 15 Subdivision/Site Plan Standards.	No Maximum for Accessory Structures.
Maximum Area (including accessory dwellings)	1,000 Square Feet in Aggregate Footprint	1,500 Square Feet in Aggregate Footprint	<del>1,500</del> <b>1,800</b> Square Feet Per Structure 2,500 Square Feet in Aggregate Footprint	<del>2,000</del> <b>3,000</b> Square Feet Per Structure 4,000 Square Feet in Aggregate Footprint	<b>No Maximum</b>	No Maximum

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

**4.5.2 Table of Standards for Accessory Structures and Dwellings<sup>1</sup>: OPTION 3 (Compromise for discussion)**

Standards	Single-Family/Two Family Lots Less than <b>or equal to 0.5 Acre</b>	Single-Family/Two Family Lots of <b>0.5 Acre to 1 Acre</b>	Single-Family/Two Family Lots <b>Greater than 1 Acre up to 3 Acres</b>	Single-Family/Two Family Lots <b>Greater than 3 Acres up to 5 Acres</b>	<b>Single-Family/Two Family Lots Greater than 5 Acres</b>	<b>All Other Lots (Commercial Lots)</b>
<b>Permitted Location</b>	Side or Rear Yard Only	Side or Rear Yard Only	Side or Rear Yard Only	Permitted In All Yards	<b>Permitted In All Yards</b>	Permitted In All Yards
<b>Height</b>	Not Greater Than Principal Structure	Not Greater Than Principal Structure	Subject to District Height Standards	Subject to District Height Standards	<b>Subject to District Height Standards</b>	Subject to District Height Standards
<b>Maximum Number Permitted</b>	<b>2 Accessory Structures, 1 of which can be an ADU.</b>	<b>2 3 Accessory Structures, 1 of which can be an ADU.</b>	<b>3 4 Accessory Structures Total, 2 of Which Can Be Accessory Dwelling Units.</b>	<b>No Maximum 6 Accessory Structures Total, 2 of Which Can Be Accessory Dwelling Units.</b>	<b>No Maximum for Accessory Structures. 3 Accessory Dwellings or as Subject to Chapter 15 Subdivision/Site Plan Standards.</b>	<b>No Maximum for Accessory Structures.</b>
<b>Maximum Area</b>	<b>1,000 Square Feet in Aggregate Footprint for accessory structures, including ADUS, must be less than 10% of lot, but not to exceed 1,500 sf in aggregate.</b>	<b>1,500 Square Feet in Aggregate Footprint for accessory structures, including ADUS, must be less than 10% of lot, but not to exceed 1,800 sf in aggregate.</b>	<b>1,500 Square Feet Per Structure, 2,500 Square Feet in Aggregate Footprint</b>	<b>2,000 3,000 Square Feet Per Structure 4,000 Square Feet in Aggregate Footprint</b>	<b>No Maximum</b>	<b>No Maximum</b>

<sup>1</sup> 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. 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