

TOWN OF WAYNESVILLE

Planning Board

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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

Regular Meeting of the Planning Board

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, July 18, 2022, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements:
 - Orientation and Training in August (special called meeting or as part of August 15, 2022 regularly scheduled meeting)
2. Adoption of Minutes
 - June 20, 2022 Regular Meeting Minutes as presented (or as amended)

B. BUSINESS

1. Public Hearing on a Text Amendment to LDS Sections 2.5.3, 15.9.5 and 17.3 to add a Cottage Development and Conservation Subdivision option as an alternative to traditional subdivision development.
2. Public Hearing on Text Amendments to LDS Roadway Standards and request to continue hearing to September 19, 2022.
3. Report from the Subdivision Subcommittee and conclusion of their work.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN

Planning Board Staff Report

Subject: Land Development Standards (LDS) text amendments related to cottages and conservation subdivision designs
Ordinance Section: LDS Sections 2.5.3, 15.9, and 17.3
Applicant: Planning Board initiated text amendment
Meeting Date: July 18, 2022

Background

The Planning Board took action to create a Subdivision Subcommittee at the meeting on November 15, 2021. The group consists of four Board members and two Development Services staff members. The subcommittee focused on aligning the LDS with the 2035 Comprehensive Land Use Plan Goals and addressing any confusion related to compliance with 160D - specifically regarding subdivision regulations.

One focus area of discussion was the Comp Plan Goal of preserving Waynesville's natural and cultural resources in the context of rapid development. The group determined that alternative subdivision options, for tiny home or cottage development, as well as for conservation subdivisions, would create opportunities for developers to preserve additional open space within their plan, and provide more flexibility to create a variety of housing options.

A cottage subdivision would be a smaller, clustered development around a common courtyard or with shared open space, parking, and driveways. It could include single or two-family residences or a mix of commercial and residential uses, as permitted by the underlying zoning district. The open space would enhance the aesthetics and character of the development and create an easily accessible civic space. Conveyance of property would be similar to a Townhome development, except that these units or duplexes would be free-standing within a unified development plan. To qualify for a cottage development, the subdivision must have a minimum of 3 units arranged around a common open space.

A conservation subdivision is a major subdivision design that helps to preserve undivided, buildable tracts of land as communal open space. It improves biodiversity, minimizes development impact, creates attractive neighborhoods, and preserves environmentally sensitive areas, such as delineated wetlands, riparian zones, steep slopes, landslide tracks, scenic views, archaeological and historic signs, and endangered species populations. Such subdivision would be exempt from the minimum lot size requirements in exchange for at least 50% of the site being dedicated to an open space or preserve. The ownership of the conservation lands would be assigned to a homeowner's association or land trust, unless certain areas, such as preserves and greenways, are dedicated to the Town with the Board of Aldermen's approval.

In addition, the ordinance creates a new pre-application procedure for those wishing to pursue this option. A developer would work together with Development Services to create a detailed site analysis map with potential conservation areas and preliminary site analysis, in order to understand the existing conditions, drainages, and natural features, and design to the land, minimizing disruption to natural drainages, steep slopes, and other sensitive areas.

These recommended ordinance changes were developed by the Subdivision Subcommittee and presented to the Planning Board at their June 20, 2022 regularly scheduled meeting.

Recommended Text Changes

The proposed changes to the LDS include:

Cottages

- Definitions: cottage, cottage development
- Updating table of permitted uses to include a cottage, section 2.5.3 of the LDS
- Cottage development standards: courtyard, individual or common form of ownership, subject to all LDS standards (stormwater, parking, landscaping, civic space, etc.), built to the NC Building Code standards, cannot be manufactured homes, tiny homes on wheels, RVs, or campers.

Conservation Subdivision

- Option for a conservation subdivision design for parcels of 2 acres or more
- Conservation subdivision development standards: exemption from minimum lot size requirements, at least 50% of the development must be set aside as an open space or preserve, identifying priority conservation areas (flood hazard areas, riparian zones, slopes over 30%, delineated wetlands, etc.), ownership of conservation areas.
- Introduction of a pre-application process where a developer and Town staff will work together to develop an appropriate conservation subdivision plan

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

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the goals # 1, 2, 3, and 6 of the 2035 Comprehensive Plan:

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

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.

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

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

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes and sidewalks that improves safety and strategic access for all users.

Attachments

1. Proposed Text Amendment
2. Consistency Statement Worksheet
3. Images of Conservation and Cottage Subdivisions

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 planning board 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 they support the following goals:

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

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.

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

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

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes and sidewalks that improves safety and strategic access for all users.

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 **July 18, 2022** at the regularly scheduled meeting of the Waynesville Planning Board, and on _____, 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 _____ AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

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

2. Add section 15.9.5 Alternative Subdivision Designs as follows:

15.9.5 Alternative Subdivision Designs.

Cottage Development and Conservation Subdivision are alternative subdivision designs that must follow all applicable review processes and standards of the Waynesville Land Development Standards.

A. Cottage Development.

Cottage - a small detached single-family or two-family residence constructed to specific design standards and arranged around common open space as a part of a cottage development.

Cottage Development- a development of 3 or more structures (commercial or dwellings of single family or duplex design) arranged with common open space, often with shared parking, driveways, and other amenities. A cottage development may also include commercial and/or mixed-use units as a part of Planned Unit Development, as permitted by the zoning district.

The following standards apply:

- The courtyard shall enhance the aesthetics and character of the development through the provision of consolidated and easily accessible open space.
- Cottages may be built on individual lots or have a common form of ownership.
- The term cottage **does not** include manufactured, tiny homes on wheels, campers, RVs, or other recreational vehicles. Manufactured home parks or RV parks are not considered cottage developments for the purpose of this ordinance. All cottages must be built to the NC Building Code standards.
- Cottages are subject to all standards of the Town of Waynesville Land Development Standards based on the size of the development (stormwater, parking, landscaping, lights, civic space, etc.) and all standards of the zoning district (building height, setbacks, density, minimum lot sizes, etc.).
- Minimum size of foundation, rooms, bathrooms, ceiling height, and other building dimensions are subject to applicable NC Building Code.

B. Conservation Subdivision Development.

Purpose The purpose and intent of this section is to provide developers with an option of additional development flexibility to build on smaller lots when additional open space set- asides are provided in order to protect existing topography, mountain ecology, and scenic views of the Town of Waynesville.

Applicability The conservation subdivision standards shall apply as an option to all divisions of a parent parcel of 2 acres or more.

Development Standards:

1. Density, Lot Sizes, and Agriculture

- a) Conservation Subdivision shall be exempt from minimum lot size requirements. Under no circumstances, however, shall the gross density of a conservation subdivision exceed the density for the district in which it is located.
- b) To qualify as a Conservation Subdivision under these provisions, at least 50% of the development shall be set aside as an open space or preserve. Impervious surfaces designated for active recreation, such as tennis courts, volleyball courts, ball fields, golf courses, etc., must be excluded from the minimum 50%.
- c) Native plants existing on the pre-development shall be minimally disturbed, and native plants occurring naturally on the site shall be also incorporated into post-construction landscaping. Post-construction landscaping shall be consistent with the preserved areas. See requirements for Environmental Survey and Natural Resources Inventory in LDS Section 15.4.1.

2. Priority Conservation Areas:

- a) The Special Flood Hazard Area (SHFA, including 100-year floodplain and floodway) and riparian zones of streams;
- b) Existing landslide tracks;
- c) Slopes over 30% in a contiguous area;
- d) Wetlands that meet the definition used by the Army Corps of Engineers, pursuant to the Clean Water Act;
- e) Archaeological and historic sites;
- f) Boundaries of public lands;
- g) Scenic views;
- h) Populations of endangered or threatened species.

3. Ownership of Conservation Areas

Open spaces shall be owned and managed by a land trust or homeowner's association, subject to compliance with the provisions of this section and the following requirements:

- a) Unless maintenance is assigned by a conservation or land trust, the homeowner's association shall be responsible for maintenance and taxes on the open space within the open space- Conservation Subdivision.
- b) Certain lands designated as conservation areas, such as greenways and preserves, may be dedicated to the Town. If offered by the landowner, the Board of Aldermen shall determine whether that land is appropriate for dedication to the Town.
- c) The homeowner's association shall not be dissolved without the consent of the Town.

- 4. Conservation and Development Plan.** Prior to review of a major conservation subdivision by the Planning Board, an applicant shall have a conservation and development plan for the land reviewed by the Town Development Services Director for completeness in accordance with the following steps:

Step 1- Site analysis map. The applicant shall prepare a site analysis map that analyzes existing conditions both on the land proposed for the development and land within 500 feet of the perimeter of the site and submit the site analysis map to the Development Services Director. It is the intent of this section that the information required to be presented in the site analysis map be produced from existing sources and maps to ensure the process is economical for the applicant.

Step 2- Site inspection. After receipt of the site analysis map, the Development Services Director shall schedule a site inspection of the land with the applicant and others that the Director deems necessary (such as emergency services and public services). The applicant or the applicant's representative shall attend the site inspection with Town staff members. The purpose of this site visit is to:

- a) Familiarize the staff with the existing site conditions and features of the site;
- b) Identify potential site development issues, including the best location for the development;
- c) Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by staff during the site inspection shall be interpreted as only being suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

Step 3- Conservation and development plan. Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development plan. The conservation and development plan shall include the following:

- a) The site analysis map;
- b) A conservation and development areas map that depicts areas intended for conservation and areas intended for development; and
- c) A preliminary site plan, showing proposed site development, including the approximate locations of utilities, streets, other development features, buffers (if applicable), and lot lines in the proposed development area;
- d) Environmental Survey, which must include Natural Resources Inventory, as specified in section 15.4.1.
- e) A preliminary stormwater analysis indicating pre-development and proposed post-development pervious to impervious ratios and stormwater management areas.

Step 4- Technical review by Town Staff.

Step 5- Review & decision by Town Development Services Director. The director shall review and make an administrative decision. If approved, such approval shall only be for the purposes of approving the conservation and development plan. If a conservation and development plan application is approved for completeness by the Development Services Director, the applicant shall file an application for a major subdivision approval.

2. Add the following definitions to section 17.3 Definitions, Use Type:

Cottage - a small detached single-family or two-family residence constructed to specific design standards and arranged around common open space as a part of a cottage development.

Cottage Development- a development of 3 or more structures (commercial or dwellings of single family or duplex design) arranged with common open space, often with shared parking, driveways, and other amenities. A cottage development may also include commercial and/or mixed-use units as a part of Planned Unit Development, as permitted by the zoning district.

Planned Unit Development (PUD)- a development that integrates residential and non-residential uses as permitted by the zoning district.

Subdivision, Conservation – are a type of subdivision that preserves undivided, buildable tracts of land as open space by grouping dwelling units close together.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

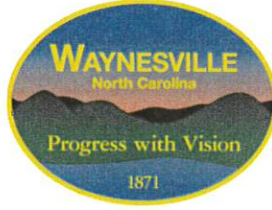
J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Olga Grooman, Planner
 Date: July 18, 2022
 Subject: Text Amendment Statement of Consistency
 Description: Text amendment related to cottages and conservation subdivision designs, Section 15.9 of the Land Development Standards (LDS)
 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 _____

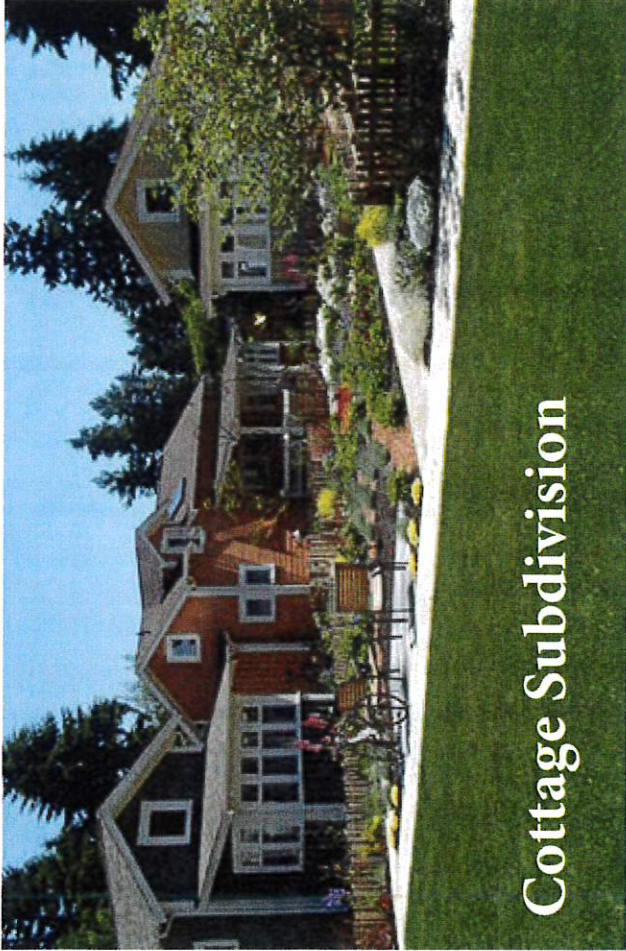
In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in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

Planning Board Member _____, made a motion, seconded by _____

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

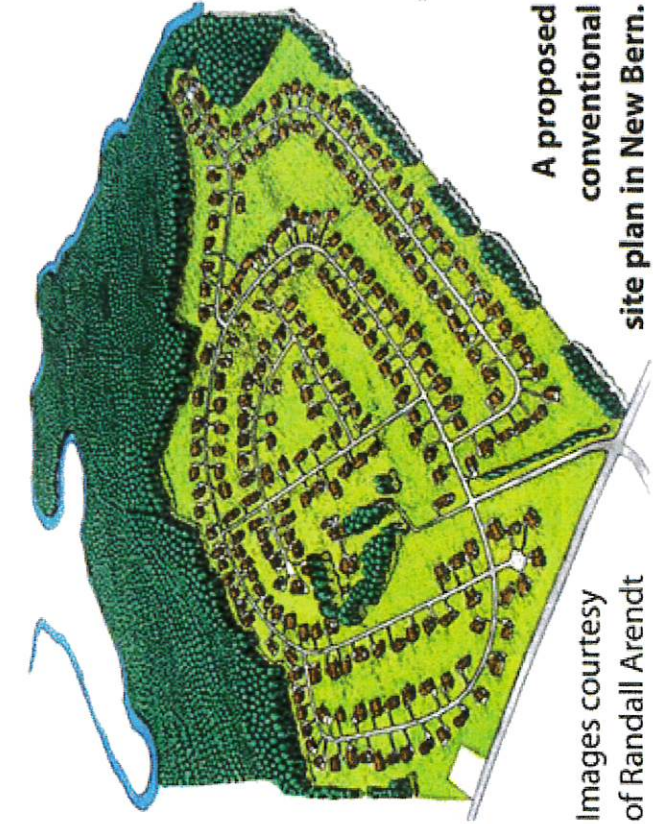
 Susan Teas Smith, Planning Board Chair, Date

 Kathy Johnson, Assistant Clerk, Date



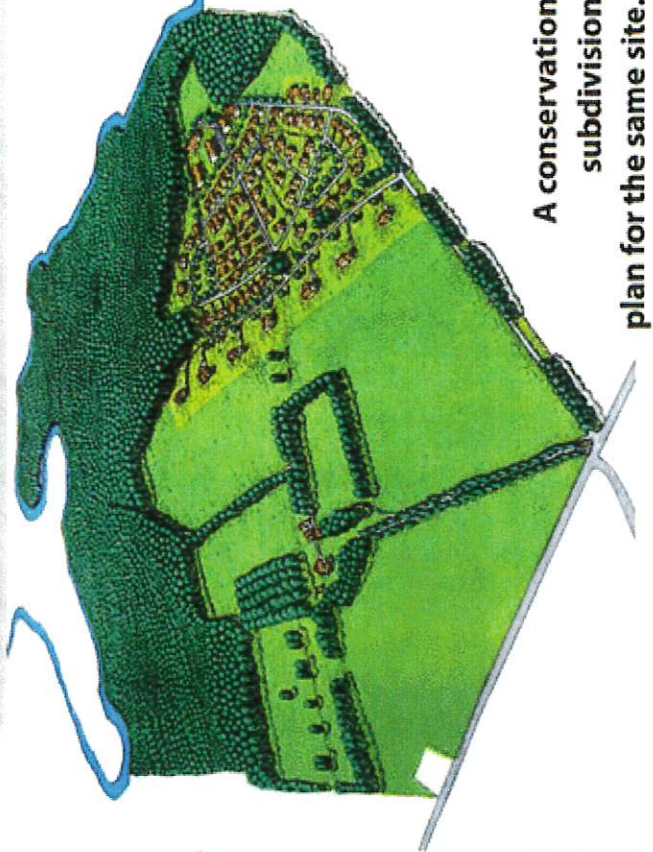
Cottage Subdivision

Cottage Subdivision



A proposed conventional site plan in New Bern.

Images courtesy of Randall Arendt



A conservation subdivision plan for the same site.

Planning Board Staff Report

Subject: LDS text amendments regarding Roadway Infrastructure.
Ordinance Section: LDS Sections Chapter 6
Applicant: Staff initiated
Meeting Date: July 18, 2022

Background

Staff asked Traffic and Planning Engineering Group JM Teague to review the Town Land Development Standards for new streets – how they are classified, designed, and function. JM Teague worked with members of the Town’s Technical Review Committee, including Fire Code Official Darrell Calhoun in the development of recommendations which were presented to the Planning Board at their June 20, 2022 meeting. JMTeague is still reviewing specific planning board comments, including:

- Change Alley ROW from (20-24ft) to 24ft
- Change the name of “Conservation Roadway” to something else. We were calling it “Hillside Street” back in April.
- Update 6.9 Bicycle Facilities Table
- Update 6.7.2 Sight Triangle

Additionally, they are finalizing updated cross sections which will not be done until next month. Staff is therefore requesting that the Planning Board continue the public hearing until September 19, 2022 to allow more time for the consultants to complete their work. Since this is a publicized hearing however, staff also requests that the Board take public comment at this meeting, and comments can be conveyed on to the consultants for incorporation into the final draft.

Goals of this effort are to:

- Develop usable and realistic standards for the Town of Waynesville topography and built environment;
- Clarify and update specifications included in the ordinance, and to assign engineering resources and references where appropriate;
- Establish roads that the Town would not take into the Town’s roadway system;
- Accommodate alternate designs for roadways to minimize cut and fill and other land disturbance;
- To work in conjunction with new TIA requirements, recommended driveway standards and guidelines, proposed cottage and conservation subdivisions; and
- To improve overall safety of the Town’s transportation network.

Staff submits that these recommendation help to implement the Comprehensive Plan’s goal # 6 “to create an attractive, safe and multi-modal transportation system.”

The attached “first” draft of this ordinance was developed in coordination with consultant Candace Hladek of JM Teague who will be assisting in the presentation. Staff can prepare a final version of this ordinance based upon Planning Board feedback.

Recommended Motion

1. Motion to continue the public hearing until September 19, 2022.

Planning Board Staff Report

Subject: Subdivision Subcommittee Summary Report
Ordinance Sections: Multiple Sections of LDS
Meeting Date: July 18, 2022

The Planning Board initiated the Subdivision Subcommittee at the November, 2021 Meeting and appointed Susan Teas Smith, Ginger Hain, Don McGowen, Michael Blackburn, Olga Grooman, and Elizabeth Teague as its membership. Goals of this effort were to evaluate the Land Development Standards in light of the 2035 Comprehensive Plan and changes made as part of 160D and to recommend text amendments. This work implements several actions identified in Chapter 4, "2035 Action Plan," of the Comprehensive Plan.

As of July, 2022, the work of the subcommittee has resulted in the following.

The Board of Aldermen has adopted the following ordinances:

1. Mandatory Natural Resources Inventory in addition to Environmental Survey for all major site plans and major subdivisions.
2. Neighborhood meeting is now mandatory for projects of 8 or more lots/units.
3. Minor Administrative Modifications and Substantial Changes: definitions, process, reviewing Boards (when does a site amendment has to go back to the Planning Board for a review).
4. Definitions and requirements for Preliminary Plat, Final Plat, Master Plan, and Construction Documents.
5. Civic Space Text Amendment: expand options for developers, clarify maintenance and ownership, and increase the required civic space allocation based on the size of the development.
6. Traffic Impact Analysis requirement: traffic study is required if a development will generate 500 or more trips/day.

The following ordinances are under development:

1. Major subdivision tiers (based on the size and density of a subdivision), buffers to separate the subdivision from adjacent neighborhoods), quasi-judicial process for higher tiers (larger subdivisions)- the Board of Aldermen tabled this ordinance and discussed the possibility of a joint workshop with the Planning Board.
2. Cottage and Conservation subdivisions to maximize open space and existing ecology- Planning Board Public Hearing on July 18, 2022, with possible Board of Aldermen hearing to be scheduled in August.
3. Roadway standards and street classifications, revisions to LDS Chapter 6- Planning Board Public Hearing on July 18, 2022, to be continued until September, with possible Board of Aldermen Hearing in October.

Recommendations:

1. Examine density alignment between Comprehensive Land Use Plan and the current zoning. There is concern among the public that some areas of Town may be zoned to a higher density than is appropriate. Parts of Raccoon Creek Neighborhood Residential (RC-NR) and Allens Creek Neighborhood Residential (AC-NR) districts, for example, are zoned to a high density, whereas the 2035 Comprehensive Land Use Plan identifies these areas as low to medium density. The Subcommittee felt that this discussion was beyond their purview and would require direction from the Board of Aldermen and the involvement of impacted property owners.
2. There are other ordinance areas and Comprehensive Plan Recommendations that should be evaluated and possibly pursued by the Planning Board:
 - a. Re-engage on the railroad corridor study, particularly with new investment happening in Frog Level and the Town's greenway planning.
 - b. Revisit building height (LDS Chapter 4) within residential areas: are 3 stories and up to 60' in height, too obtrusive? Are there other building design guidelines (LDS Chapter 5) that should be updated?
 - c. Short term rentals (STR) and their impact on Waynesville's housing inventory remain a concern. While the Planning Board and Aldermen have discussed this in the past, current data shows an increase in "investments" into short term rentals which increase the competition for a limited supply of local housing.

At this stage, the Subdivision Subcommittee feels that their work is complete. Staff wishes to thank everyone on the subcommittee for their good work and insight, as well as for the extra time, meetings, and research they each provided in bringing forward recommendations and text amendments.