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## APPENDIX A LAND DEVELOPMENT STANDARDS<sup>1</sup>

### CHAPTER 1 - PURPOSE AND APPLICABILITY

#### **1.1 Title.**

This chapter [appendix] shall be known and may be cited as the Land Development Standards for the Town of Waynesville, North Carolina. This chapter [appendix] may also be known and may be referred to as the "LDS."

#### **1.2 Authority.**

The Land Development Standards contained in this chapter [appendix] have been adopted pursuant to the authority conferred by the North Carolina General Statutes. Specifically, principal authorization comes in the North Carolina General Statutes in Chapter 160D (Local Planning and Development Regulation). The Land Development Standards of Waynesville, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues.

#### **1.3 Jurisdiction.**

The provisions of this chapter [appendix] shall apply within the corporate limits of the Town of Waynesville, North Carolina and within the town's extraterritorial jurisdiction, as identified on the map of the territorial jurisdiction of the Town of Waynesville. This territorial jurisdiction map is recorded in the Office of the Register of Deeds for Haywood County and filed with the Administrator of the Town of Waynesville. The map and its boundaries shall be incorporated and made a part of this ordinance.

#### **1.4 Purpose and Intent.**

The regulations contained in this chapter [appendix] have been adopted in accordance with the Land Development Plan for the Town of Waynesville, North Carolina, as adopted, in order to:

- Promote the health, safety, good order, general welfare and diversity of the community.
- Encourage the most appropriate use of land throughout the town's jurisdiction.
- Provide for sound, orderly systematic development in the community.
- Create a balance between the rights of the community and the rights of the individual.
- Lessen congestion in the streets.
- Secure safety from fire, panic and other dangers.
- Insure a fair and adequate distribution of light and air among buildings.
- Prevent the overcrowding of land while discouraging urban sprawl.
- Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public services.

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<sup>1</sup>Editor's note(s)—Printed herein is the Land Development Standards of the Town of Waynesville, which derive from an ordinance adopted April 12, 2011. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. Additions made for clarity are indicated by brackets.

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- Conserve the value of buildings and land.
  - Promote the economic and industrial prosperity of the town.
  - Preserve the town's unique natural and historic resources and environmental quality of the town.
  - Control accelerated erosion and sedimentation in order to prevent the pollution to water and other damage to watercourses and other public and private property by sedimentation.
  - Safeguard the natural resources of the town by regulating stormwater run-off.
  - Minimize public and private losses due to flood conditions.

## **1.5 Consistency with All Adopted Plans.**

In accordance with G.S. 160D, all development plans shall be in conformance with all adopted plans (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plan adopted by the Waynesville Board of Aldermen).

### **1.5.1 Implementation of Plan.**

This chapter is intended to implement the goals, objectives and purposes of the Land Development Plan for the Town of Waynesville as adopted on April 23, 2002.

### **1.5.2 Amendments to Chapter and Land Development Plan.**

- A. The Land Development Standards of Waynesville, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues. Any amendments to or actions pursuant to this ordinance shall be consistent with the Land Development Plan.
- B. The Land Development Plan for the Town of Waynesville may be amended and these Land Development Standards shall reflect those amendments.

### **1.5.3 Adopted Small Area Plans.**

All development plans shall be consistent with any adopted small area plans. Small area plans may contain any of the following elements:

- Multi-Modal Circulation Network (pedestrian, bicycle, automobile, and public transit networks).
- Green Infrastructure Network (floodplains, wetlands, lakes, streams, parks, squares, and other public open spaces).
- Location of sites reserved for Civic and Institutional buildings and uses.
- General Massing and Development Intensity Pattern.
- Specific Design Guidelines (in addition to those contained in this Ordinance).

### **1.5.4 Variations to Adopted Plans.**

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer by the Administrator provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

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## **1.6 Required Conformance with this Ordinance.**

### **1.6.1 Required Conformance.**

No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is located. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the district.

From and after the adoption of the LDS, no real property lying within the jurisdiction of the LDS shall be subdivided except in conformance with all applicable provisions of the LDS. In addition, after the effective date of the LDS, no plat for subdivision of land within the jurisdiction of the LDS shall be certified for recording by the Administrator, nor shall the Clerk of Superior Court order the recording of a plat until it has been submitted and approved in accordance with the provisions of the LDS.

### **1.6.2 Conformance to Subdivision Standards and Required Improvements Upon Development.**

All existing lots of record, platted prior to the adoption of this ordinance and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this ordinance and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this ordinance including all related site improvements.

## **1.7 Transitional Provisions.**

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring as of the effective date of this ordinance.

### **1.7.1 Violations Continue.**

Any violation of any previous ordinance of the Town of Waynesville shall continue to be a violation under this ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction or other activity is clearly consistent with the express terms of this ordinance.

### **1.7.2 Completion of Development Plans.**

- A. Permit Issued: Any building or development for which a permit was issued prior to the effective date of this chapter or any amendment thereto, may be completed in conformance with the issue permit and other applicable permits and conditions.
- B. Application Filed:
  - 1. Any type of land development application which has been officially filed with the appropriate town official prior to the effective date of this ordinance or any amendment thereto, may continue to be processed under the land use rules and regulations in effect prior to said date.
  - 2. The application process must be completed within one (1) year of said date.
  - 3. If the application process is not completed within the specified time, then the application process may be completed only in strict compliance with the requirements of this ordinance.

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### **1.8 Conflict with Other Laws.**

- A. This ordinance is not intended to abrogate any other law, ordinance or regulation. However, whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.
- B. In the event of any conflict between limitations, requirements, or standards contained in different provisions of this chapter in applying them to an individual use or structure, the more restrictive provision shall apply unless otherwise provided.
- C. In the event of a conflict or inconsistency between the text of this chapter and any caption, figure, illustration or map contained herein, the text shall control.
- D. This ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement, then the requirements of this chapter shall govern. Unless deed restrictions, covenants or other contracts directly involve the Town of Waynesville as a party in interest, the town shall have no administrative responsibility for enforcing such deed restrictions or covenants.
- E. Should the courts declare any section or provisions of this ordinance invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid.

### **1.9 Interpretation.**

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations and are adopted for the promotion of the public health, safety, and general welfare.

Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties.

In any event, wherever the requirements of this chapter are in conflict with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the highest standards, shall govern.

### **1.10 Effective Date.**

Many provisions herein are a restatement of previous provisions of the Land Development Standards and are hereby continued without interruption. All other provisions of this ordinance became effective on April 12, 2011, and subsequently, including the provisions of 160D, as adopted on June 22, 2021.