

**ORDINANCE NUMBER 1036**

**TOWN OF MAGGIE VALLEY**

**AN ORDINANCE AMENDING THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE**

**WHEREAS**, The Town of Maggie Valley held a public hearing on April 11, 2023; and

**WHEREAS**, A public notice was published on March 25 and April 1, 2023; and


**NOW THEREFORE BE IT RESOLVED BY THE MAGGIE VALLEY BOARD OF ALDERMEN THAT:**

1. All requirements were met in accordance with G.S. 160D-601.
2. That the Unified Development Ordinance will be amended as attached.

Adopted in Open Session, this the 9th day of May 2023.

  
\_\_\_\_\_  
Michael Eveland, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy Johnson, Town Clerk

**COPY**



## Unified Development Ordinance Administrative Text Amendments

**Subject:** UDO Text Amendments  
**Planning Board Meeting:** 3/21/2023 5:30 PM  
**Board of Alderman:** 4/11/2023 6:30 PM  
**Continued Board of Alderman:** 5/9/2023 6:30 PM



The following report provides a brief update of each proposal:

1. 152.12 ACCESSORY USES AND STRUCTURES

This amendment has been updated to remove the exercise of discretion by the Town Planner. Existing language has been reinserted for requiring buffering only when a structure is larger than 600 feet and adjacent to a residence.

2. 154.14 RECREATIONAL VEHICLES

This amendment has been updated removing the word stored. Additional language defining "used", "permanent dwelling", and states they must be fully licensed and able to be moved off site at all times.

**Planning Board Recommendation:**

The *Planning Board unanimously recommended approval of the proposed text amendments.*

**Consistency with 2022 Land Use Plan Update:**

The Maggie Valley Zoning Ordinance was adopted in 1998 and is in need of revisions. To adequately address the changes that will be occurring in the Town, it will be necessary to bring the ordinance up to date and make it more meaningful. The following are recommendations that address specific changes to the Zoning Ordinance, changes to the Zoning Map, or overall policies that relate to land development.

1. Add a table of permitted uses with associated Special Requirements.

This will make the Zoning Ordinance easier to navigate and amend. In addition, it will easily allow for the inclusion of special, or supplemental, requirements. See Appendix A for a sample table. The table should be reviewed by the Planning Director and Planning Board and necessary changes should be made before incorporating the table into the zoning ordinance.

4. Require Special Requirements and Special Use Permits for certain land uses.

Certain land uses require additional standards above and beyond a staff-level approval. Requirements for these uses should be met for each occurrence. These requirements generally address parking, location, or other site-specific standards.

**Attachment:**

- Ordinance 1036 including Proposed Unified Development Ordinance Language
- Governing Board Consistency Statement

**SECTION 1:**

**AMENDMENT "152.12 ACCESSORY USES AND**

STRUCTURES" of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

**152.12 ACCESSORY USES AND STRUCTURES**

The purpose of this section is to establish standards for accessory uses and structures in the Town of Maggie Valley's land use jurisdiction. Except as provided elsewhere in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any accessory use or structure without first obtaining a Zoning Permit from the Town Planner.

**A. General Provisions**

1. Accessory uses and structures may only be used for purposes permitted in the district in which they are located.
2. Accessory structures shall not be used for dwelling purposes except when approved as an Accessory Dwelling Unit. Only one accessory dwelling unit shall be permitted per lot.
3. ~~Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing), a building permit may be required before construction can begin on an accessory structure.~~ Accessory dwelling units shall not be considered for the purpose of determining minimum lot size or maximum density as set forth in this ordinance.
4. Accessory structures with a footprint greater than six hundred (600) square feet shall be buffered from any adjacent residential developments.
5. ~~Exterior lighting for accessory uses and structures shall meet the requirements by which principal structures are governed.~~ The maximum size of the accessory dwelling unit shall be determined based on the following:
  - a. A detached accessory dwelling unit may not exceed the lesser of: 70% percent of the gross floor area of the primary dwelling unit, or 800 square feet.
  - b. An attached accessory dwelling unit (located within the same structure as the primary dwelling unit with shared foundation, exterior walls and roof) may not exceed the lesser of: 70% percent of the gross floor area of the primary dwelling unit, or 1,000 square feet.

**B. Location, Setback and Height**

<b>Standards</b>	Single family dwellings or duplexes located on 2 or less acres	Single family dwellings and duplexes located on lots larger than 2 acres	All other uses
<b>Location</b>	Side and rear yard only	Any Front, side, and rear yard May not be within 30 feet of a public right-of-way	Side and Rear Only
<b>Setbacks</b>	May not be closer than 10 feet of any property line or right-of-way whichever is greater	May not be closer than 10 feet of any property line or 30 feet of a public right-of-way	Subject to individual district requirements
<b>Height</b>	May not be higher than 24 feet in residential districts or 30 feet in commercial districts 35 feet unless structure is located within a special flood zone in which a height of 55 feet is permitted		

**SECTION 2:                    ADOPTION “154.14 RECREATIONAL VEHICLES” of the**

Town of Maggie Valley Municipal Code is hereby *added* as follows:

154.13 RECREATIONAL VEHICLES(Added)

Recreational vehicles may be ~~stored~~ or used on developed commercial or residential lots with a principal structure, provided that:

- A. Only 1 recreational vehicle on a residential lot and no more than 2 recreational vehicles on a commercial lot shall be ~~stored~~ or used other than at RV Parks and Campgrounds meeting the standards of 154.09;
- B. Recreational vehicles may only be used (a recreational vehicle is considered used when a person sleeps overnight or utilizes the bathroom and kitchen facilities) on a temporary basis not to exceed 1 month unless in a RV Park or Campground meeting the standards of 154.09; and
- C. Recreational vehicles shall not be used as a permanent dwelling (a permanent dwelling is considered a person’s usual place of residence or if they have no usual place of residence elsewhere) or single-family residence as they are designed as temporary living quarters for recreational, camping, travel, or seasonal use; and
- D. Recreational vehicles must be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions)
- E. **In accordance with the North Carolina Department of Insurance Office of State Fire Marshal, Recreational Park Trailers constructed in accordance with ANSI A119.5, Recreational Park Trailer only labeled as a Recreational Park Trailer under the Recreational Park Trailer construction program of the Recreational Vehicle Industry Association (RVIA), cannot be accepted as a permanent dwelling structure in North Carolina. However, sometimes manufacturers will dually label their Recreational Park Trailers by constructing them through the RVIA program and also through the NC Modular Construction Program or the HUD Manufactured Housing program, dual labeling the unit for each respective program. Labeled Recreational Park Trailers that are also constructed and dual labeled in accordance with the NC Modular Construction Program may be permanently installed as a single-family modular dwelling in accordance with the NC Residential Code provided the installation meets the current NC Code’s foundation/anchoring requirements and meets the local zoning ordinances. This is acceptable because the unit is dual labeled with a North Carolina Modular Construction Validating Stamp as a modular dwelling unit. Labeled Recreational Park Trailers that are also constructed and dual labeled in accordance with the Federal Manufactured Housing Construction and Safety Standards as a single family (HUD) manufactured home may be permanently installed as a single-family manufactured home dwelling in accordance with the State of North Carolina Regulations for Manufactured Homes provided the installation meets the foundation/anchoring requirements of these regulations and the local zoning ordinances. This is acceptable because the unit is dual labeled with a HUD manufactured housing label.**

(Ord. 265, Ch. 1, passed 9-18-2001)

GOVERNING BOARD CONSISTENCY STATEMENT

Text Amendments to the Unified Development Ordinance

**WHEREAS**, in accordance with N.C. Gen. Stat. § 160D-605, the following is stated:

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

**WHEREAS**, the Planning Board of the Town of Maggie Valley unanimously recommends approval based on the Town's 2007 Land Use Plan (updated 2022) which states "The Maggie Valley Zoning Ordinance was adopted in 1998 and is in need of revisions. To adequately address the changes that will be occurring in the Town, it will be necessary to bring the ordinance up to date and make it more meaningful. The following are recommendations that address specific changes to the Zoning Ordinance, changes to the Zoning Map, or overall policies that relate to land development."

**WHEREAS**, the Planning Board suggested further changes to add clarity and further the spirit and intent of the Future Land Use Plan; and

**WHEREAS**, as directed above, Town Board of Aldermen must approve a Plan Consistency Statement with regard to each adoption or rejection of a zoning amendment;

NOW THEREFORE, based on the record of the proceedings related to the zoning request, THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY HEREBY STATES:

Section 1: The proposed zoning amendment is consistent with the 2022 Land Use Plan which states the following:

1. Add a table of permitted uses with associated Special Requirements. This will make the Zoning Ordinance easier to navigate and amend. In addition, it will easily allow for the inclusion of special, or supplemental, requirements. The table should be reviewed by the Planning Director and Planning Board and necessary changes should be made before incorporating the table into the zoning ordinance.
4. Require Special Requirements and Special Use Permits for certain land uses. Certain land uses require additional standards above and beyond staff-level approval. Requirements for these uses should be met for each occurrence. These requirements generally address parking, location, or other site-specific standards.

**COPY**