

Town of Waynesville, NC

Board of Aldermen Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786

Date: December 13th, 2022 Time: 6:00 p.m.

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(828) 452-2491 cpoolton@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

2. Adoption of minutes of the November 22nd, 2022 Regular meeting

Motion: To approve the consent agenda as presented.

E. PRESENTATION

3. Presentation of Proclamation recognizing the service of Eddie Ward.

- Mayor Gary Caldwell

Motion: Approve attached Proclamation recognizing the service of Town Clerk, Eddie Ward.

F. PUBLIC HEARING

4. Text amendment related to Section 8.4 Buffer Yards of the Land Development Standards (LDS)

- Elizabeth Teague, Development Services Director

Motion:

1. ***Motion to find that the Ordinance O-37-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.***
2. ***Motion to adopt Ordinance O-37-22, the text amendment related to Section 8.4 Buffer Yards of the Land Development Standards (LDS), (or as amended).***
5. A Public Hearing to consider a Text Amendment to Land Development Standards Section 12.3, the Flood Damage Prevention Ordinance
 - Byron Hickox, Land Use Administrator

Motion:

1. ***Motion to find that the proposed Ordinance O-38-22 is consistent with the 2035 Comprehensive Plan.***
2. ***Motion to adopt the amended Flood Damage Prevention Ordinance O-38-22 (LDS Section 12.3).***
6. Text amendments related to Chapter 160D general additions and revisions to multiple sections of Land Development Standards (LDS).
 - Olga Grooman, Planner

Motion:

1. ***Motion to find that the map amendment, Ordinance O-39-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.***
2. ***Motion to adopt the Ordinance O-39-22, the text amendments related to Chapter 160D general additions and revisions to multiple sections of Land Development Standards (LDS), (or as amended).***
7. Map Amendment (Rezoning) Request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for for Five (5) Properties off South Main Street:
 1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
 2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),
 3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
 4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
 5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).
 - Olga Grooman, Planner

Motion:

1. ***Motion to find that the map amendment, Ordinance O-40-22 is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.***
2. ***Motion to adopt the map amendment, Ordinance O-40-22 (Rezoning) request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for***

for Five (5) Properties off South Main Street:

1. ***.38-acre property at 1434 S. Main St. (PIN 8605-91-5018),***
2. ***.28-acre property at 1458 S. Main St. (PIN 8605-90-3984),***
3. ***.23-acre property at 1484 S. Main St. (PIN 8605-90-3920),***
4. ***.14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),***
5. ***.24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).***

G. NEW BUSINESS

8. Proposed Regular Meeting Schedule
 - Jesse Fowler, Assistant Town Manager

Motion: To approve the Board of Aldermen meeting schedule for the year 2023

9. Request approval of an additional SRO position and budget amendment for the recently relocated Haywood Central High School, which is now located at 62 Joy Lane, Waynesville, NC.
 - Senior Lieutenant Chris Chandler

Motion:

1. ***To approve the Waynesville Police Department to enter into a contract with the Haywood County School system to provide an SRO for Haywood Central High School located at 62 Joy Lane, Waynesville, NC.***
 2. ***To approve the budget amendment, Ordinance O-36-22, for the SRO position and reimbursement by the Haywood County School System***
10. Feasibility, conceptual design, and cost estimate for the sidewalks along four (4) properties off Belleview Road:
 1. 298 East Street, PIN 8615-46-7624
 2. 30 Belleview Road, PIN 8615-46-7438
 3. Unaddressed parcel, PIN 8615-46-7307
 4. Unaddressed parcel, PIN 8615-46-8300
 - Olga Grooman, Planner

Motion: Motion to approve the study for potential sidewalks off Belleview Road and proceed with McGill and Associates as specified in the "Scope of Services Contract."

H. COMMUNICATION FROM STAFF

11. Manager's Report
 - Town Manager, Rob Hites
12. Town Attorney Report
 - Town Attorney, Martha Bradley

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

December 13, 2022

- 4 -

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

J. ADJOURN



TOWN OF WAYNESVILLE

PO Box 100
16 South Main Street
Waynesville, NC 28786
Phone (828) 452-2491 • Fax (828) 456-2000
www.waynesvillenc.gov

CALENDAR December 2022

2022	
Saturday December 17	Night Before Christmas – 6:00 pm – 9:00 pm
December 23, 24 & 27th	Town Closed – Christmas Holidays

Board and Commission Meetings – December 2022

ABC Board	ABC Office – 52 Dayco Drive	December 20 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	December 6 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	December 20 3 rd Tuesday 8:30 AM
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	December 7 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	December 19 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	December 8 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	December 21 3 rd Wednesday 5:30 PM
Waynesville Housing Authority	Waynesville Towers – 65 Church Street	December 13 2 nd Tuesday 3:30 PM

MINUTES OF THE TOWN OF WAYNESVILLE BOARD OF ALDERMEN

Regular Meeting November 22, 2022

THE WAYNESVILLE BOARD OF ALDERMEN held a regular meeting on Tuesday, November 22, 2022 at 6:00 pm. in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:05 pm with the following members present:

Mayor Gary Caldwell
Alderman Jon Feichter
Alderman Chuck Dickson
Alderman Anthony Sutton

The following members were absent:

Alderwoman Julia Freeman

The following staff members were present:

Rob Hites, Town Manager
Martha Bradley, Town Attorney
Esther Coulter, Administrative Assistant
Olga Grooman, Planner
Misty Hagood, Finance Director
David Adams, Police Chief
Brandon Gilmore, Assistant Police Chief
Beth Gilmore, DWAC Director

Members of the media:

Becky Johnson, The Mountaineer

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and reminded everyone of the upcoming events in the next few weeks including the Christmas Tree Lighting and Art after Dark on Friday, December 2nd at 5pm, the Hazelwood Christmas Parade on Sunday, December 4th at 3pm, the Waynesville Christmas Parade on Main Street on Monday, December 5th at 6pm, the Employee Appreciation Luncheon on Friday December 9th at the Rec Center 11:30am-2pm, and Night Before Christmas on Saturday December 10th on Main Street, 6-9pm. He also reminded everyone that the Town will be closed for Thanksgiving on Thursday and Friday, November 24th and 25th.

Mayor Gary Caldwell announced that we lost one of our employees yesterday, Jeremy Bryant, a full-time lifeguard at the Rec Center, aged 29. He asked us to keep his family in our thoughts and prayers.

B. PUBLIC COMMENT

Bob Clark, 416 Park Drive, Waynesville, NC

Mr. Clark thanked the Town for considering building senior facilities. He suggested adding more senior facilities to our town. Mr. Clark also pleaded for the Board to encourage developers to consider safety regarding the Town's roads. Mr. Clark noted that we have many unsafe roads and asked the Board to modify zoning with objective safety standards when building roads.

C. ADDITIONS OR DELETIONS TO THE AGENDA

Alderman Anthony Sutton, and Mayor Gary Caldwell confirmed, to move item 7 under New Business-Recommendation to rename the Downtown Waynesville Advisory Committee (DWAC) to the Downtown Waynesville Commission (DWC), to before item 3-Audit Presentation.

D. CONSENT AGENDA

All items below are routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless a Board member so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

2. a. Adoption of minutes of the November 8th, 2022 Regular meeting
b. Christmas tree lighting

A motion was made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to approve the consent agenda as presented. Motion passed unanimously.

3. Recommendation to Rename the Downtown Waynesville Advisory Committee (DWAC) to the Downtown Waynesville Commission (DWC).
 - Beth Gilmore, Director of Downton Waynesville Advisory Committee

Beth Gilmore, Director of Downtown Waynesville Advisory Committee, thanked the Board for their support. Director Gilmore wanted to present DWAC's new brand, but said they are one small edit away from being done. She requested to come back to a future meeting to present the Board with the updated brand. In the process of going through the new brand, Director Gilmore said because there are so many committees and subcommittees, the name for their committee has been causing confusion among their members as well as others. Director Gilmore asked the Board to consider that they change their name from Downtown Waynesville Advisory Committee to Downtown Waynesville Commission.

Alderman Jon Feichter commended DWAC for their incredible work and service and said he looks forward to seeing what they can accomplish in the future. He also commended Jesse Fowler, Assistant Town Manager, for his involvement with the commission.

A motion was made by Alderman Anthony Sutton, seconded by Alderman Chuck Dickson, to change the official name of the downtown Waynesville Advisory Committee to the Downtown Waynesville Commission. Motion passed unanimously.

E. PRESENTATION

4. Presentation of the June 30, 2022 Audit Report and Financial Statements
 - Tonya Thompson with Martin Starnes & Associates

Tonya Thompson with Martin Starnes & Associates stated that this was the first year Martin Starnes & Associates was the Town's auditor. Her opinion was that it went well, and the Town's financial statements are fairly presented. Ms. Thompson thanked Misty and Dean and the Town for their participation. The audit was timely filed with LGC, they are just waiting for their approval which usually takes a couple of weeks.

General Fund:

Revenue has increased by \$1.8 million which is a 14% increase from the prior year.

Expenditures increased 3.7 million which is a 26% increase. Total expenditures exceeded revenue by \$2.5 million, however, Ms. Thompson stated the figures do not include other financing sources and other financing uses. Ms. Thompson said that when financing sources and uses are factored in, the net increase to the fund balance is \$1.9 million.

Ms. Thompson reported that the top three revenue sources in our General Fund are Property Taxes at 46%, Other Taxes and Licenses at 28%, Sales and Services at 8% and everything else 18% (restricted and unrestricted inner governmental revenues, permits and fees, and other miscellaneous revenues).

Ms. Thompson continued to report that tax revenue topped \$7 million this year, which is an increase of 9% from last year. She stated that the tax collection percentage this year was 97.33% which is about the same as last year. Other Taxes and Licenses has seen a significant increase with trends leaning towards people shopping locally. Sales and Services increased very slightly, about 1%.

Expenditures:

Ms. Thompson stated that Public Safety spent \$1.2 million, an 18% increase from last year. She said this is due to increased salaries and wages and the purchase of land for a new fire station.

Transportation increased from \$421,000 last year to almost \$3 million this year, which is a 16% increase. The bulk of that increase was not operational, but in capital acquisitions.

Cultural and recreation expenses decreased from last year by \$230,000 which is 9%.

Ms. Thompson reported that the fund balance increased steadily by \$1.1 million. Ms. Thompson acknowledged that there is a discrepancy between the \$1.9 million she mentioned earlier. This is due to the accounting treatment of the inner fund loan between the electric fund and general fund. The available fund balance is \$9.7 million, a slight increase from last year. Ms. Thompson commented that the fund balance percentage is a percentage of our net expenditures. The minimum LGC recommends for a town our size is 25%, the average fund balance of our peer groups is 46%, and right now ours is 65.5%, which in Ms. Thompson's opinion means the Town is doing well.

Utilities:

Ms. Thompson reported there is a positive cash flow from operations of \$856,000, with the total net position of \$15.5 million. The portion that is considered unrestricted is \$3 million, and there was a \$573,000 positive change in net position. LGC also looks at the quick ratio, which is a comparison of current assets to current liabilities. They recommend a ratio of at least one. Water and sewer fund has a 14.54 quick ratio.

Ms. Thompson reported that the electric fund showed \$1.6 million in cash flows from operations. There is a total net position of a little over \$7 million. Of that \$7 million, there is an unrestricted net position of \$4.5 million with a positive increase in the net position of \$25,000. The quick ratio of the electric fund is 8.66.

Ms. Thompson stated that last year, the LGC introduced key performance indicators of concern. These are things that the auditor is required to present to the Board. The Board then has 60 days to write up a response. Ms. Thompson reported only one key performance indicator which was an adjustment that is required to the prior year of financial statements this year and that was how the loan between the electric and general fund was recorded in our books. It was recorded as if it was an external loan, but it should have been treated differently because it was actually an internal loan. Ms. Thompson stated that all other performance indicators were positive.

Motion: A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson, to accept the financial statements and reports as presented. The motion passed unanimously.

5. Public Presentation on the Town of Waynesville's Stormwater Program, General Stormwater Issues, and Proper Waste Disposal (trash, pet waste).

- Olga Grooman, Planner, Development Services
- Christine O'Brien, Project Assistant, Haywood Waterways
- Caitlin Worsham, Project Manager, Haywood Waterways

Olga Grooman, Planner for Development Services, stated that Stormwater program will be highlighted in the Public Presentation as well as proper waste disposal and general stormwater issues. Planner Grooman stated our current permit was issued on August 19th, 2021, and it is valid for five years. Our current permit allows the Town to discharge stormwater from our municipal storm sewer system and we are required to maintain water quality and to review the discharge of pollutants in stormwater runoff. We collaborate with Haywood Waterways, Development Services and Public Works to complete the action items required of the permit. Our permit requirements include 6 major goals:

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge
- Construction Runoff
- Post Construction Stormwater Management
- Pollution Prevention and Good Housekeeping

Planner Grooman added that we have annual self-assessments and send reports to NCDEQ. Stormwater maps are made available to the public and updated monthly on the Town's Stormwater page. She mentioned that the Town got its illicit discharge plan approved in July 2022 for the first time by NCDEQ. That means that the

Town's illicit discharge program and standard operating procedures are good, and we should continue what we are doing. Planner Grooman also introduced the NCDEQ Stormwater Hotline and local resources to report illicit discharges and stormwater issues.

Christine O'Brien, Project Assistant with Haywood Waterways, reported on waste disposal. She encouraged everyone to recycle as often as possible to help lessen the burden on our landfills, to rinse containers, and not to bag recyclables to allow for ease of sorting. Oils and batteries can be disposed of at the Convenience Center or the Recovery Center on Jones Cove Road. Water based paint or latex paint can be dried out and disposed of with regular trash. Oil based paint will need to be collected during our hazardous household waste events. Ms. O'Brien mentioned that Haywood Waterways has been working with the Town to develop a pet waste disposal program. She warned not to dispose of pet waste in your garden, but it should be buried or bagged and thrown away.

Ms. O'Brien went into detail on how to prevent polluting our waterways, which involves throwing away trash in a proper and secure receptacle. Ms. O'Brien encouraged the community to volunteer with Haywood Waterways.

6. Public Presentation on Haywood Waterways Association's Shelton Branch Feasibility Study

- Preston Jacobsen, Executive Director, Haywood Waterways
- Caitlin Worsham, Project Manager, Haywood Waterways
- Zan Price, Jennings Environmental PLLC

Preston Jacobsen, Executive Director for Haywood Waterways stated they have been working on a watershed plan for Shelton Branch, which feeds into Richland Creek, and they have been working with Jennings Environmental to do the engineering work on this plan. Jennings Environmental identified 18 sites, four of which are high priority for improvement projects, because they have inadequate buffers, eroding stream banks, and are sources of non-point source pollution and sedimentation.

- Pigeon Community Park: The estimated cost of the project is \$260,000. This project includes a lot of partners Pigeon Community Development Center, Salvation Army, and the Hart Theatre Shelton House. Alderman Jon Feichter asked for clarification on where the work will be done because the Town has already designated money to put a bridge in that space. According to Mr. Jacobsen, that is the area, and they have in their plan that the bridge will be going in.
- Downstream of East Street: The estimated cost of the project is \$210,000. Bank erosion is more apparent in this area. There is also a noticeable lack of riparian vegetation.
- Welsh Street: The estimated cost of the project is \$220,000. Structures are in danger of bank erosion and flooding due to lack of riparian vegetation.
- Downstream of Howell Street: The estimated cost of the project is \$190,000. Multiple stormwater inputs and erosion of the bank as well as the closeness of structures to the bank is a cause for concern.

After Mr. Jacobsen disclosed the estimated cost of each project, Town Manager Rob Hites asked if Haywood

Waterways was going through a third party or if they would consider working with the Town to assist with these projects. Mr. Jacobsen said the estimated cost includes construction, design, and permitting costs through a third party and any help from the Town would be considered a match to any grants and would be appreciated.

F. CALL FOR PUBLIC HEARING

7. Call for Public Hearing: Maggie Valley Annexation Agreement Renewal
- Rob Hites, Town Manager

Town Manager, Rob Hites, stated that it is very common for towns to meet an annexation agreement when the municipal border is within three miles of each other. The border of the annexation follows Walela Trail. The Town’s jurisdiction ends at a pump station at Queen’s Farm. Town Manager Rob Hites stated that Maggie Valley has annexed to the annexation border on their side. Town Manager Rob Hites requested that the Board hold a Public Hearing at the next meeting to discuss renewing the annexation agreement for another 20 years, make changes if needed, or give Maggie Valley the five years advance notice to cancel the annexation agreement. Anthony Sutton requested that we provide information on who serves water and sewer in that area at the Public Hearing.

Motion: A motion was made by Alderman Chuck Dickson, seconded by Alderman Anthony Sutton, to hold a Public Hearing on Tuesday January 10, 2023 at 6pm or as closely thereafter as possible, in the Town Hall Board Room located at 9 South Main Street to consider renewal of the joint annexation agreement with Maggie Valley. The motion passed unanimously.

G. NEW BUSINESS

No new business to report.

H. COMMUNICATION FROM STAFF

8. Manager’s Report
- Town Manager, Rob Hites

Nothing to report.

9. Town Attorney Report
- Town Attorney, Martha Bradley

Nothing to report.

I. COMMUNICATIONS FROM THE MAYOR AND BOARD

10. Alderman Chuck Dickson mentioned he received notice of Grant Application Bootcamps and hoped to have time to participate in some of the workshops next year to create more opportunity to apply to more grants.

J. ADJOURN

A motion was made by Alderman Jon Feichter, seconded by Alderman Chuck Dickson to adjourn the meeting at 7:26pm. The motion carried unanimously..

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: 12/13/22**

SUBJECT: Presentation of Proclamation recognizing the service of Eddie Ward.

AGENDA INFORMATION:

Agenda Location: Presentation
Department: Administration
Contact: Rob Hites
Presenter: Rob Hites

BRIEF SUMMARY:

Ms. Ward has served the Town for a number of years in both the Development Services Department and the Administrative Office. She has served the Town as its Clerk for five years and has prepared the Board's Agendas, prepared the minutes of the Board, insured that the public meetings and records acts are enforced, prepared, and executed cemetery deeds and organized countless events for the Town. She has chosen to retire. I have prepared the attached Proclamation for your approval recognizing Ms. Ward's Service

MOTION FOR CONSIDERATION: Approve Attached Proclamation

FUNDING SOURCE/IMPACT: General

ATTACHMENTS: Proclamation recognizing the service of Town Clerk Eddie Ward.

MANAGER'S COMMENTS AND RECOMMENDATIONS Approve Proclamation.

**TOWN OF WAYNESVILLE
PROCLAMATION IN HONOR OF
EDDIE WARD, TOWN CLERK**

WHEREAS Eddie Ward has served the Town of Waynesville for a period of seventeen (17) years; and

WHEREAS Ms. Ward has served the Board of Aldermen as Town Clerk for the past five years and as Deputy Clerk for three years prior; and

WHEREAS Ms. Ward has been a member in good standing with the NC Association of Municipal Clerks (NCAMC) and holds the certification of Master Municipal Clerk (MMC) with the International Institute of Municipal Clerks (IIMC) and

WHEREAS the designation of MMC is one that is bestowed only on those Clerks who perform complex municipal duties, and the program has an extensive and rigorous educational component and a professional and social contribution component; and

WHEREAS Ms. Ward is one of only two individuals in Haywood County's history to have achieved this great accomplishment: and

WHEREAS Ms. Ward has drafted the minutes for numerous Boards and Commissions, as well as the Board of Aldermen with speed and accuracy; and

WHEREAS Ms. Ward has prepared the bi-weekly agendas, drafted proclamations, resolutions, and correspondence for the Mayor, Aldermen and Town Manager; and

WHEREAS Ms. Ward has maintained the permanent records and documentation and provision of public records of the Town in accordance with the NC Public Records Act; and

WHEREAS she has drafted and maintained the burial records for the Town-owned Green Hill Cemetery including the filing of information with the Register of Deeds on behalf of the families and Town; and

WHEREAS Ms. Ward served as a Civilian Police Volunteer for several years and assisted with many festivals, celebrations, and events; and

NOW, THEREFORE, be it proclaimed by the Waynesville Board of Aldermen that they wish to thank Eddie Ward for her numerous contributions to the Town and Community at large and the Mayor and Board of Aldermen wish to express their appreciation for Eddie's accomplishments as Town Clerk and contributions to the Town through her professional and personal activities on behalf of the Town and wish her all the best in her retirement from the Town of Waynesville.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the official seal of the Town of Waynesville, this the 13th day of December 2022.

Gary Caldwell, Mayor
Town of Waynesville

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2022**

SUBJECT: Public Hearing to consider the text amendment related to , Section 8.4 Buffer Yards of the Land Development Standards (LDS).

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number:
Department: Development Services
Contact: Elizabeth Teague,
Presenter: Elizabeth Teague

BRIEF SUMMARY:

This text amendment was developed by the Adhoc Subdivision Subcommittee of the Planning Board related to subdivision development regulations. This text amendment enhances subdivision regulations to require a Type B Buffer for large development. A Type B Buffer Yard is 10-20 feet in width and consists of a mix of evergreen trees and understory trees and shrubs to make a semi opaque vegetative screening. The Planning Board held a public hearing on this text amendment on October 17, 2022, and unanimously found that this amendment was consistent with the Comprehensive Land Use Plan and recommended approval by the Board of Aldermen.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Staff Report
2. Proposed Text Amendmen
4. Report from the Planning Board
5. Newspaper Notice

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Text amendment on buffer requirement for subdivisions and Special Use Permits
 Ordinance Section: Section 8.4 of the Land Development Standards (LDS)
 Applicant: Staff initiated text amendment
 Meeting Date: December 13, 2022

Background

In the discussions of Land Development Standards related to larger scale subdivisions, there was concern expressed by the Planning Board subcommittee, for large scale development or development uses that require Special Use Permits being placed within a zoning district. The Town’s Buffer Yard requirements (LDS Section 8.4) requires buffer yards whenever new development is adjacent to an adjacent zoning district, but does not have any requirements for when new development is within a single zoning district. This ordinance would add the requirement of a Type B buffer to subdivisions greater than 31 lots and for any development requiring a Special Use Permit. SUPs are determined in quasi-judicial processes and are required for increased density, schools in residential districts, and other specified uses which may have particular impacts of concern within a zoning district. A Type B Buffer is described in the LDS Section 8.4.2 as:

B. Type B Buffer Yard	<i>A Type B buffer yard is medium density screen which is intended to create a visual separation between uses and zoning districts.</i>			
	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
1. Option A	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Shrubs	Not Required	Semi opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within two 2 years of planting)
2. Option B	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Shrubs	Not Required	

The Planning Board held a public hearing on this text amendment at their October 17, 2022 Meeting and found that this amendment is consistent with the 2035 Comprehensive Land Use Plan and voted unanimously to recommend adoption by the Board of Aldermen.

Recommended Text Changes

The proposed text amendment would require a type B Buffer Yard (10’ minimum depth of semi opaque landscape screening per Section 8.4.2) along the side and rear lot lines, not including road frontage, of new major subdivisions of 31 or more units and special use permits in all districts, except where the Required Buffer Yard Table (LDS Section 8.4.1) has a stricter requirement or as part of a conservation subdivision.

Consistency with the Comprehensive Land Use Plan

Staff submits that this amendment supports the first 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 3: Protect and Enhance Waynesville's Natural Resources.

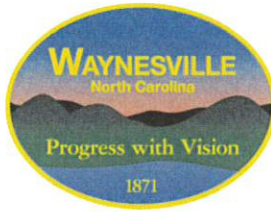
- Protect rural lands, iconic views and mountain vistas.

Attachments

1. Proposed Text Amendment Ordinance
2. Consistency Statement Worksheet
3. Report from the Planning Board

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 adopt the text amendment ordinance as attached (or as amended).



To: Town of Waynesville Board of Aldermen
 From: Elizabeth Teague, Development Services Director
 Date: December 13, 2022
 Subject: Planning Board Report and Statement of Consistency
 Description: Text amendment on subdivisions, Section 8.4 of the Land Development Standards (LDS)
 Applicant Address: Planning Board Initiated Text Amendment

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

1. A motion was made by Board Chair Susan Teas Smith and seconded by Board Member Jan Grossman that the zoning text amendment **is approved as it is consistent with the Town's Comprehensive Land Use Plan and is reasonable and in the public interest** because it is in conformity with:

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 3: Protect and Enhance Waynesville's Natural Resources.

- Protect rural lands, iconic views, and mountain vistas.

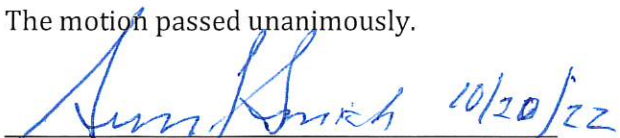
Board Chair Susan Teas Smith further stated that the text amendment is also reasonable and in the public interest because it responds to the community concerns about development in previously undeveloped areas.

The motion was carried unanimously.

2. Additionally, the Planning Board **recommends that the Board of Aldermen adopt the text amendment on subdivisions.**

Planning Board Member Ginger Hain made a motion, seconded by Board Member Barbara Thomas, to recommend the text amendment to the Board of Aldermen with one addition- to strike the word "unusual" in the Alternative Compliance Section 8.2.4.A of the LDS.

The motion passed unanimously.


 Susan Teas Smith, Planning Board Chair, Date


 Kathy Johnson, Deputy Clerk, Date

DRAFT FOR BOARD OF ALDERMEN CONSIDERATION
December 13, 2022

ORDINANCE NO. O-37-22

**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 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, after notice duly given, a public hearing was held on October 17, 2022 at a regular meeting of the Waynesville Planning Board, and at the regularly scheduled meeting of the Board of Aldermen on _____; 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;”

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON ____, 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 ¹	A ¹
	NR/UR ²	C	X	X	X	X	X
	NC ²	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
	¹ Only required where adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property						X = No Buffer Required
² Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes							

- B. Additional Buffer Yard Requirements:** A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, of new major subdivisions of 31 or more 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.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Please Publish on November 30th, and December 4th 2022

NOTICE OF PUBLIC HEARING

The Town of Waynesville Board of Aldermen will be holding a public hearing on Tuesday, **December 13th 2022** beginning at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider a text amendment related to Section 8.4 Buffer Yards of the Land Development Standards (LDS).

Interested persons are encouraged to attend and be heard. For more information please contact Elizabeth Teague, Development Services Director at 828-456-2004 or via email at eteague@waynesvillenc.gov.

s/Eddie Ward

By: Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2022**

SUBJECT:

A Public Hearing to consider a Text Amendment to Land Development Standards Section 12.3, the Flood Damage Prevention Ordinance.

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number:
Department: Development Services
Contact: Byron Hickox
Presenter: Byron Hickox

BRIEF SUMMARY:

The proposed amended Flood Damage Prevention Ordinance will replace the existing ordinance, Section 12.3, of the Land Development Standards. This updated ordinance is based on the North Carolina Model Flood Damage Prevention Ordinance. Adoption of this model ordinance is required for communities to maintain their eligibility for participation in the National Flood Insurance Program (NFIP).

The proposed ordinance includes a variety of changes, including references to 160D, additions to the definitions section, additional standards for building permits for existing structures, language related to cumulative flood damage to structures, new standards for storage tanks, fences, retaining walls, and other non-habitable structures, and the incorporation of a new flood map designation, the AH Zone.

At its meeting on November 7, 2022, the Planning Board unanimously found that the proposed ordinance amendment is consistent with the 2035 Comprehensive Plan and voted unanimously to recommend its adoption to the Board of Aldermen.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the proposed ordinance is consistent with the 2035 Comprehensive Plan.
2. Motion to adopt the amended Flood Damage Prevention Ordinance (LDS Section 12.3).

FUNDING SOURCE/IMPACT:

N/A

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**Board of Aldermen Staff Report
Amendments to the Flood Damage Prevention Ordinance
December 13, 2022**

Project: Amendments to the Flood Damage Prevention Ordinance, LDS Section 12.3
Applicant: Staff-Initiated Amendments

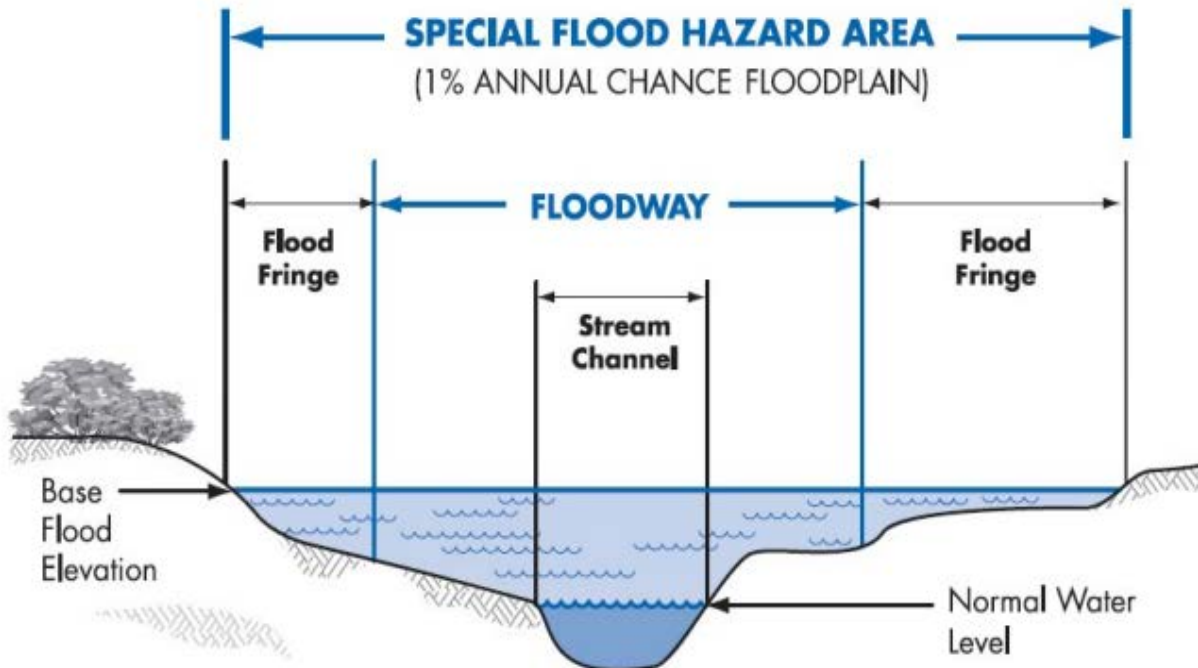
Background

The proposed amended Flood Damage Prevention Ordinance will replace the existing ordinance, Section 12.3, of the Land Development Standards. This updated ordinance is based on the North Carolina Model Flood Damage Prevention Ordinance. Adoption of this model ordinance is required for communities to maintain their eligibility for participation in the National Flood Insurance Program (NFIP).

The proposed ordinance includes a variety of changes. The most basic changes are simply references to 160D. Other changes consist of additions to the definitions section, additional standards for building permits for existing structures, language related to cumulative flood damage to structures, and new standards for storage tanks, fences, retaining walls, and other non-habitable structures. Additionally, the ordinance incorporates a new flood map designation, the AH Zone. AH Zones are areas on the flood insurance rate maps that have a one percent annual chance of shallow flooding caused by ponding, where the average flood depths are between 1 and 3 feet.

At its meeting on November 7, 2022, the Planning Board unanimously found that the proposed ordinance amendment is consistent with the 2035 Comprehensive Plan and voted unanimously to recommend its adoption to the Board of Aldermen.

The illustration and chart below provide some basic refresher information regarding flood zones.



ZONE	DESCRIPTION
A	Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or Base Flood elevations are shown within these zones.
AE	The base floodplain where Base Flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.
A1-30	These are known as numbered A Zones (e.g., A7 or A14). This is the base floodplain where the FIRM shows a BFE (old format).
AH	Areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.
AO	River or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zones.
AR	Areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or a dam). Mandatory flood insurance purchase requirements will apply, but rates will not exceed the rates for unnumbered A zones if the structure is built or restored in compliance with Zone AR floodplain management regulations.
A99	Areas with a 1% annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or Base Flood elevations are shown within these zones.

Proposed Text Amendment and Consistency with the 2035 Comprehensive Land Use Plan

The proposed ordinance amendment meets the 2035 Comprehensive Land Use Plan’s following goal:

Goal 3 – Protect and enhance Waynesville’s natural resources.

- Protect and enhance water quality and forests.
- Protect rural lands, iconic views, and mountain vistas.

Requested Action

1. Motion to find that the proposed ordinance is consistent with the 2035 Comprehensive Plan.
2. Motion to adopt the amended Flood Damage Prevention Ordinance (LDS Section 12.3).

Proposed Amendments to the Flood Damage Prevention Ordinance

Adoption of an approved Flood Damage Prevention Ordinance (FDPO) by a local government is required for the citizens of that jurisdiction to be eligible for participation in the National Flood Insurance Program (NFIP).

The proposed amended FDPO is based on the North Carolina model ordinance and incorporates a variety of changes, including:

1. References to 160D.
2. Additions to the definitions section.
3. Additional standards for building permits for existing structures.
4. Standards for cumulative flood damage to structures.
5. Standards for storage tanks, fences, retaining walls, and other non-habitable structures.
6. The incorporation of a new flood map designation, the AH Zone.

SPECIAL FLOOD HAZARD AREA

(1% ANNUAL CHANCE FLOODPLAIN)

FLOODWAY

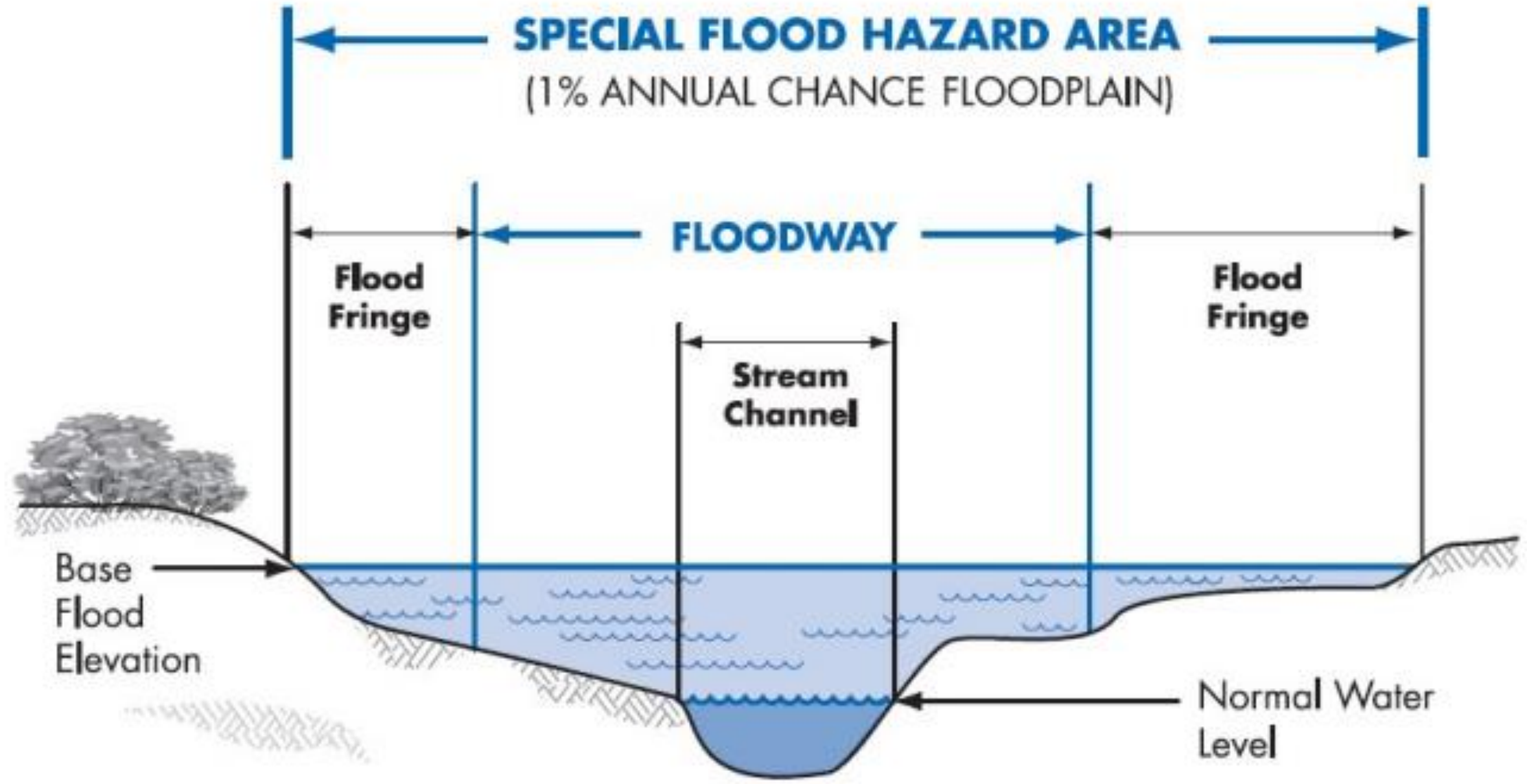
Flood Fringe

Flood Fringe

Stream Channel

Base Flood Elevation

Normal Water Level



ZONE	DESCRIPTION
A	Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or Base Flood elevations are shown within these zones.
AE	The base floodplain where Base Flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.
A1-30	These are known as numbered A Zones (e.g., A7 or A14). This is the base floodplain where the FIRM shows a BFE (old format).
AH	Areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.
AO	River or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zones.
AR	Areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or a dam). Mandatory flood insurance purchase requirements will apply, but rates will not exceed the rates for unnumbered A zones if the structure is built or restored in compliance with Zone AR floodplain management regulations.
A99	Areas with a 1% annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or Base Flood elevations are shown within these zones.

ORDINANCE NO. O-38-22

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

WHEREAS, the Town of Waynesville has the authority, pursuant to Part 3 of Article 19 of Chapter 160A, now Section III of Chapter 1 of 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 amendment to the text of the ordinance and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest, and recommends the text amendment for its 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, allowing the reasonable re-use of pre-existing nonconforming uses and structures, specifically meeting the following Comprehensive Plan goal:

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

- Protect and enhance water quality and forests.
- Protect rural lands, iconic views, and mountain vistas.

and;

WHEREAS, after notice duly given, a public hearing was held on November 7, 2022 at a special called meeting of the Waynesville Planning Board, and on December 13, 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 December 13, 2022 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. That the Land Development Standards Section 17.3 – Definitions, Use Type be amended as follows (*in red italics*):

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, **the Board of Aldermen of** the Town of Waynesville, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of the Town of Waynesville are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) **Minimize damage to private and public property due to flooding;**
- (7) **Make flood insurance available to the community through the National Flood Insurance Program;**
- (8) **Maintain the natural and beneficial functions of floodplains;**

- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood” See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component, or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation.”

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and

unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Office as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a

- vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons, or
 - (c) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products has the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- (e) Is fully licensed and ready for highway use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. **The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.**

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus* one (1) foot freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages

or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of “substantial improvement.” Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” **cumulatively within a 5-year period**, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure **and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.**

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), as allowed by law, of the Town of Waynesville.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated April 3, 2012 for Haywood County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Waynesville or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who

violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Waynesville from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Administrator, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. **In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.**

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D; and
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

- (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
 - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
 - (e) Usage details of any enclosed areas below the lowest floor.
 - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
 - (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 - (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.

- (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse **unless the requirements of Article 5, Section F have been met.**
 - (g) The flood openings requirements.
 - (h) **Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).**
 - (i) **A statement, that all materials below BFE/RFPE must be flood resistant materials.**
- (3) **Certification Requirements.**
- (a) Elevation Certificates
 - (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - (ii) A final Finished Construction Elevation Certificate (FEMA Form **086-0-33**) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (b) Floodproofing Certificate
 - (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form **086-0-34**), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, **in relation to NAVD 1988**. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (ii) **A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with**

supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures that are 150 square feet or less or have a total cost of \$5,000 or less and meet requirements of Article 5, Section B(8).

(4) **Determinations for existing buildings and structures.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.

- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (18) Follow through with corrective procedures of Article 4, Section D.
- (19) Review, provide input, and make recommendations for variance requests.
- (20) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) That the building or property is in violation of the floodplain management regulations;
 - (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by the Town of Waynesville, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.

- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

- (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable federal, state and local laws.
 - (e) The Town of Waynesville has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage *in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.*
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) *All new* electrical, heating, ventilation, air-conditioning, plumbing, *duct systems, and other building utility systems*, equipment, and service facilities *must be located at or above the Regulatory Flood Protection Elevation (RFPE)* and/or specially designed to prevent water from entering or

accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

- (a) Replacements part of a substantial improvement must also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
 - (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
 - (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
 - (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
 - (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
 - (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
 - (15) When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

- (16) Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.—
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - (a) Shall not be designed or used for human habitation, but shall only be used for parking of

vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

- (b) Shall not be temperature-controlled or conditioned;
- (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- (d) Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction **consistent with the code and requirements for the original structure.**
 - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) **Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:**
 - (i) **Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.**
 - (ii) **Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.**
- (6) Recreational Vehicles. Recreational vehicles shall either:
 - (a) Temporary Placement
 - (i) Be on site for fewer than 180 consecutive days; or
 - (ii) 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.)
 - (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

- (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the

tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (c) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.

- (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
- (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
- (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:

- (a) The anchoring and the elevation standards of Article 5, Section B(3); and
- (b) The encroachment standards of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) in feet, plus a freeboard of one (1) foot, or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted November 10, 1981, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Waynesville enacted on November 10, 1981, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Haywood County is July 15, 1984.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Board of Aldermen of the Town of Waynesville, North Carolina, on the _____ day of _____, 2022.

WITNESS my hand and the official seal of Gary Caldwell, Mayor, this the _____ day of _____, 2022.

(Signature)

(Seal)

ADOPTED this _____ day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Please Publish on November 30th, and December 4th 2022

NOTICE OF PUBLIC HEARING

The Town of Waynesville Board of Aldermen will be holding a public hearing on Tuesday, **December 13th 2022** beginning at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider a text amendment to the Land Development Standards Section 12.3, the Flood Damage Prevention Ordinance.

Interested persons are encouraged to attend and be heard. For more information please contact Byron Hickox, Land Use Administrator, at 828-452-0401 or via email at bhickox@waynesvillenc.gov.

s/Eddie Ward

By: Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2022**

SUBJECT: Text amendments related to Chapter 160D general additions and revisions to multiple sections of Land Development Standards (LDS).

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number:
Department: Development Services
Contact: Olga Grooman
Presenter: Olga Grooman

BRIEF SUMMARY:

This text amendment includes 160D related corrections to the LDS, revisions to the recently passed Driveway Access ordinance related to driveway standards on private streets within the Town, and addition of hydroplaning protections to the Stormwater Ordinance for major site plans and subdivisions, as suggested by WithersRavenel Engineering. While these revisions are important, each of them is small by itself. Therefore, Development Services bring them to the Board as one text amendment.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the map amendment is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.

1. Motion to adopt the text amendment as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Proposed Text Amendment
2. Planning Board Report
3. Newspaper Notice
4. Spread Calculations Slides

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Subject: Land Development Standards (LDS) text amendments related to Chapter 160D additions and general revisions
Ordinance Section: Multiple sections of LDS
Applicant: Staff initiated text amendment; Development Services Department
Meeting Date: December 13, 2022

Background

The Town has recently completed the revisions to the Driveway Access and Stormwater Ordinance sections of the LDS. During the implementation of these ordinances, a few issues came up that need to be addressed.

- Once Town staff began implementing the revisions to the Driveway Access (LDS 9.8) and Stormwater Ordinance (LDS 12.5) regulations, a question arose as to whether the Town enforces its driveway standards on all private streets within the Town or ETJ that are not being serviced. The proposition is to look at the private roads on a case-by case-basis and give the Public Services Director (Administrator) the authority to make a decision based on the proximity of public streets, fire safety, liability concerns, etc.
- In the Stormwater Ordinance, LDS Section 12.5, consultants from WithersRavenel, the engineering firm that assists with stormwater plan reviews, recommended the prevention of conditions that can create hydroplaning as part of stormwater management provisions. This would apply to new development that falls under the stormwater management regulations to ensure public safety such as major site plans and large subdivisions.
- The 2022 summer session of the NC Legislature included clarifications in 160D related to appeals, and, in applying the ordinance locally, staff has found other items that we recommend for your consideration.

Staff Recommended Text Changes:

The proposed text amendments include:

- Clarification of driveway permit requirements for private streets within the town.
- Inclusion of inlet capacity and spread calculations requirements in the Stormwater Ordinance.
- Requirement that all storm drains shall be perpendicular to the travel way.
- Minor 160D corrections.
- Substantial changes to master plans or plats: will follow the original process and board review.

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 consistent with the Goals #1, 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.

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

- Protect and enhance water quality and forests.

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

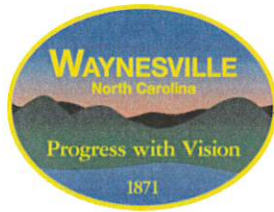
- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes and sidewalks that improves safety and strategic access for all users.

Attachments

1. Proposed Text Amendment
2. Planning Board Report
3. Newspaper Notice
4. Spread Calculations Slides

Recommended Motions

1. Motion to find the recommended text amendment as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to adopt the text amendment as presented (or as amended).



To: Town of Waynesville Board of Aldermen
 From: Olga Grooman, Planner
 Date: December 13, 2022
 Subject: Planning Board Report and Statement of Consistency
 Description: Text amendments related to Chapter 160D additions and general revisions to the Land Development Standards (LDS)
 Applicant Address: Development Services Initiated Text Amendment

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

1. A motion was made by Board Chair Susan Teas Smith and seconded by Board Member Stuart Bass that the zoning text amendment **is approved as it is in conformity with the Town's Comprehensive Land Use Plan and is reasonable and in the public interest** because it is consistent with:

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

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

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

- Protect and enhance water quality and forests.

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.

Board Chair Susan Teas Smith further noted that the text amendment is also reasonable and in the public interest because it clarifies the driveway permit requirements for private streets, establishes drainage requirements related to the Stormwater Ordinance, and clarifies the review process for substantial changes to master plans, plats, and conditional districts.

The motion was carried unanimously.

2. Additionally, the Planning Board **recommends that the Board of Aldermen adopt the text amendment** related to Chapter 160D additions and general revisions to the LDS.

Planning Board Member Ginger Hain made a motion, seconded by Board Member Barbara Thomas, to recommend the text amendment to the Board of Aldermen as presented.

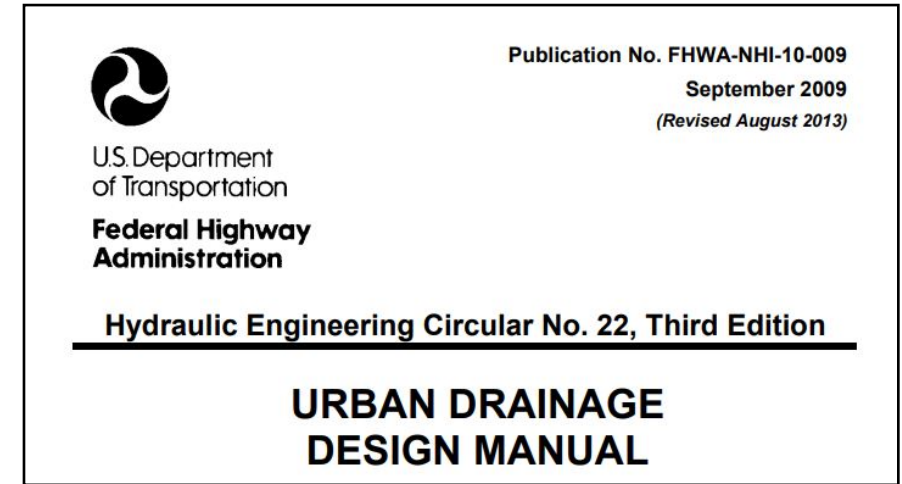
The motion passed unanimously.

Susan Teas Smith 10/20/22 Kathy Johnson 10-20-22
 Susan Teas Smith, Planning Board Chair, Date Kathy Johnson, Deputy Clerk, Date

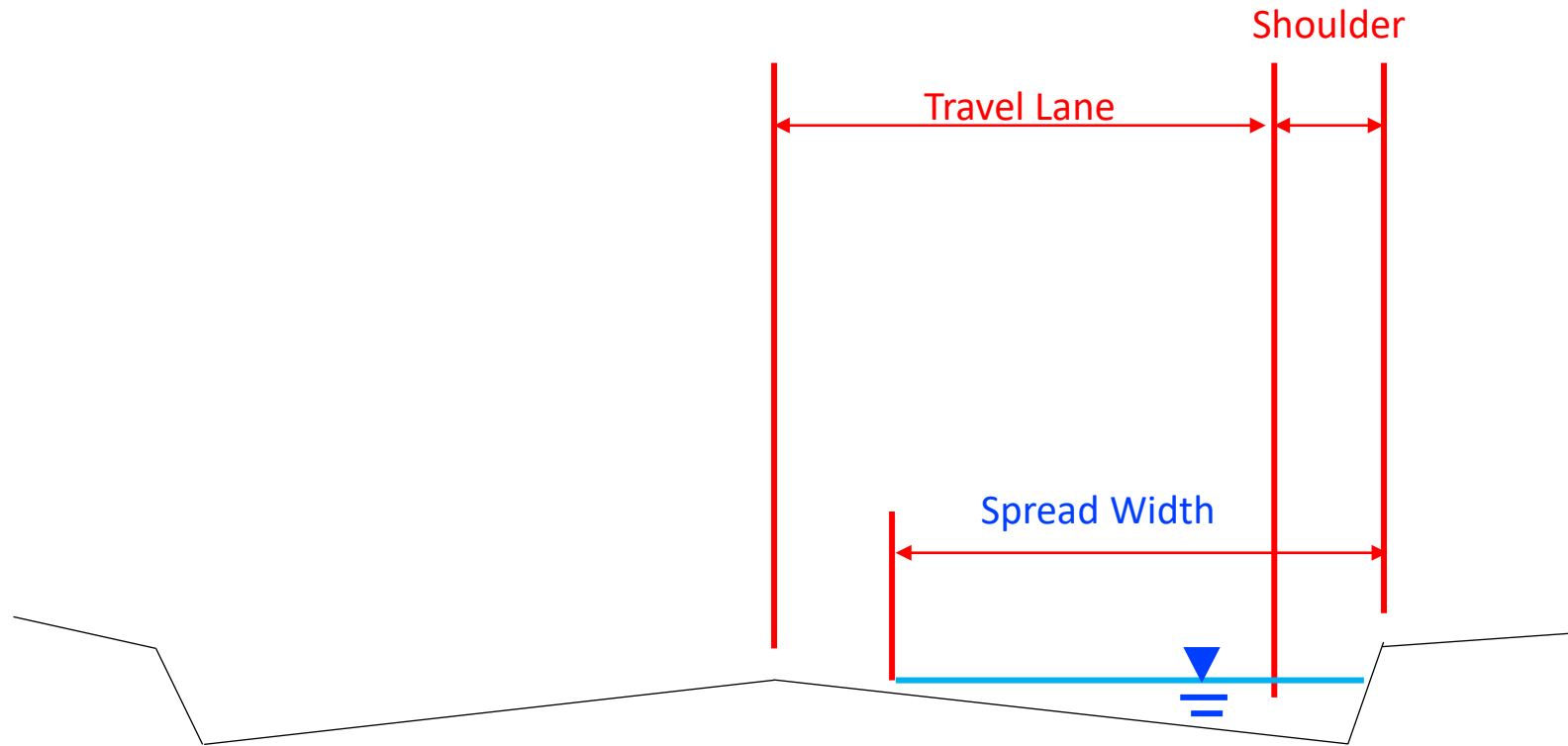
Hydroplaning

From HEC-22 4.2.1 Hydroplaning:

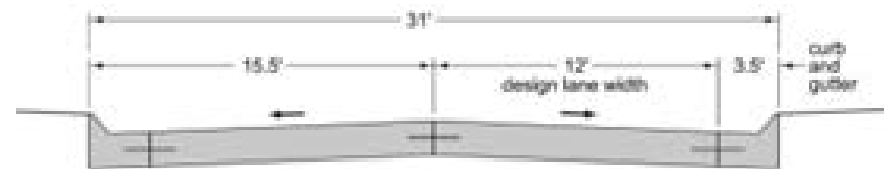
- As the depth of water flowing over a roadway surface increases, the potential for hydroplaning increases. When a rolling tire encounters a film of water on the roadway, the water is channeled through the tire tread pattern and through the surface roughness of the pavement. Hydroplaning occurs when the drainage capacity of the tire tread pattern and the pavement surface is exceeded, and the water begins to build up in front of the tire. As the water builds up, a water wedge is created, and this wedge produces a hydrodynamic force which can lift the tire off the pavement surface. This is considered as full dynamic hydroplaning and, since water offers little shear resistance, the tire loses its tractive ability, and the driver has a loss of control of the vehicle.
- Use of drainage structures along the roadway to capture the flow of water over the pavement will reduce the thickness of the film of water and reduce the hydroplaning potential of the roadway surface.



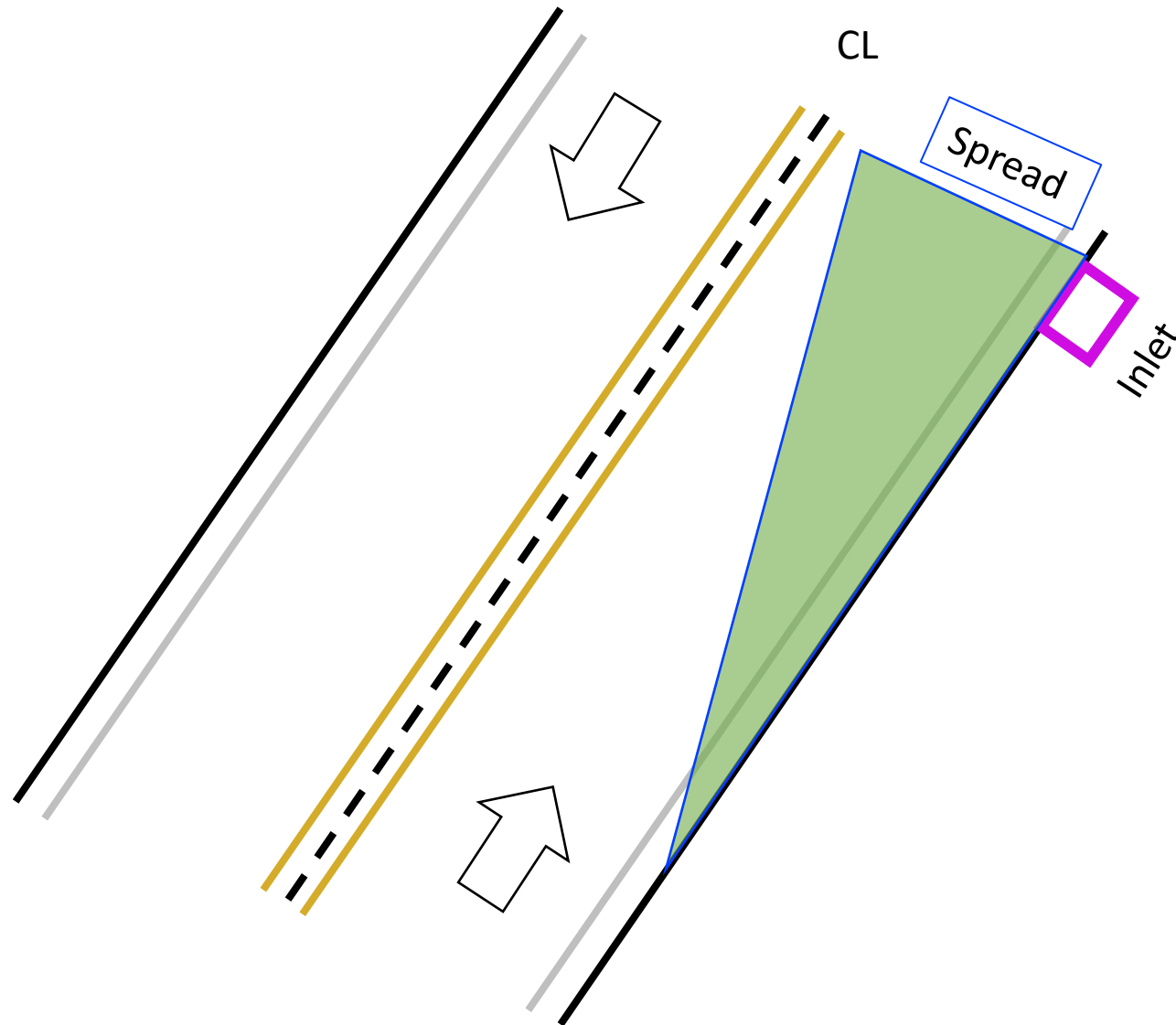
Exaggerated Section



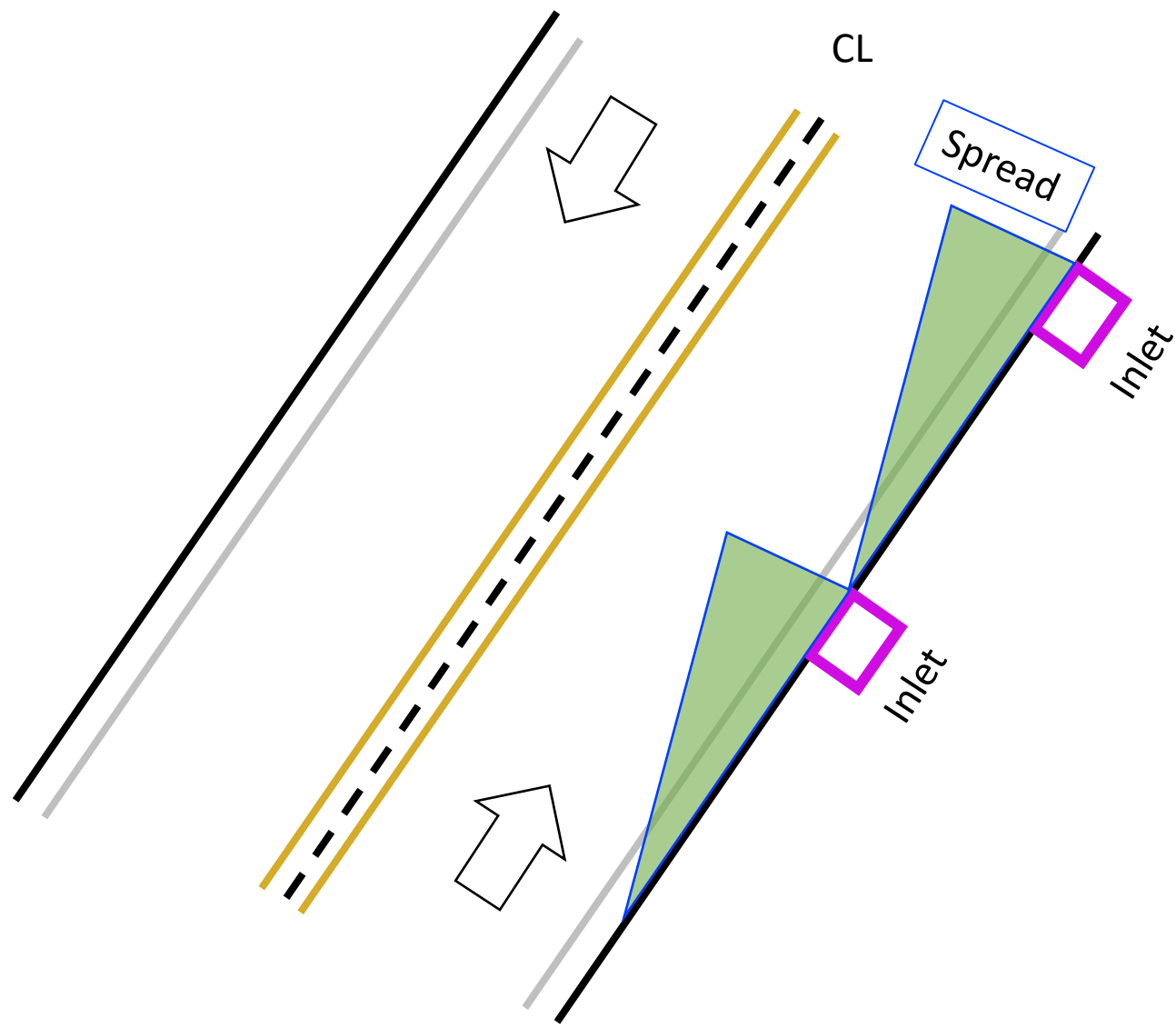
urbed Roadways



Too Much Spread – Plan View



Just Enough Spread – Plan View



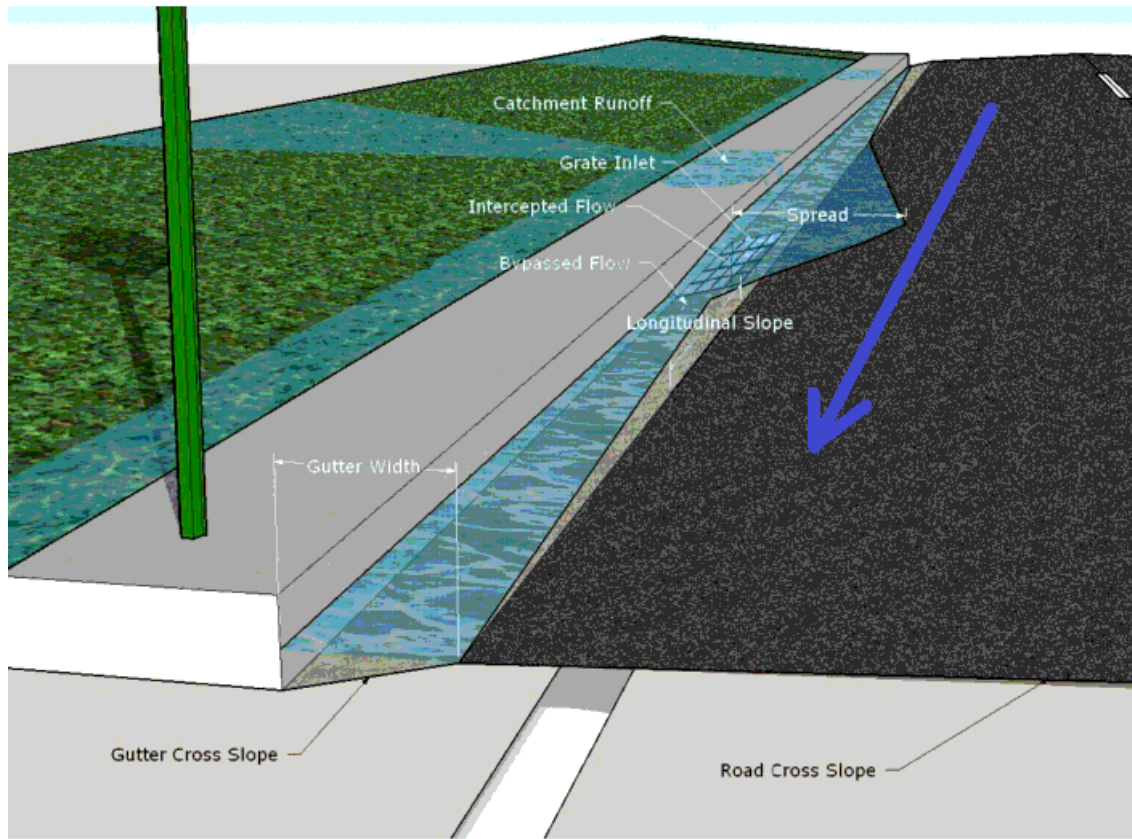


Image by the Bentley Communities

Storm Sewer Inlets

- * Spread width
- * Combination Inlet
 - * Curb+Grate
- * Carryover
 - * Flow that passes beyond the inlet (none in this picture – complete capture)



ORDINANCE NO. O-39-22

**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.

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

- Protect and enhance water quality and forests.

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 **October 17, 2022** at the regularly scheduled meeting of the Waynesville Planning Board, and on **December 13, 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 DECEMBER 13, 2022, 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):

1. Amend Section 9.8 Driveway Access as follows:

9.8.1 Purpose and Applicability.

- B. All proposed vehicular access points connecting to a public or private street shall conform to the provisions of this section as well as to the driveway construction standards of the Town, **or as determined by the Public Services Director.**

9.8.2 Driveway Permit.

A. Permit Requirement:

1. Before any proposed vehicular access point connecting to a public **or private** street may be constructed, a driveway permit must be obtained from the Administrator, **unless deemed exempt by the Public Services Director.**

9.8.3 Driveway Standards.

B. Residential Driveways:

(...)

- Surface Widths: Minimum ~~42~~ **10** feet for driveways less than 150 feet in length; and a minimum of 14 feet in width if a driveway length exceeds 150 feet, or as approved by the Fire Code Official.

2. Amend Section 12.5 Stormwater Ordinance as follows:

E. Stormwater Conveyance Systems Design Requirements:

(...)

4. **Inlet capacity and spread calculations must be provided. Roadway inlet locations, capacities, gutter spread, and storm drain pipe system shall be analyzed and designed using a 10-year discharge with a minimum time of concentration of 10 minutes. An intensity of 4 inches/hour should be used for calculating spread and determination of appropriate locations for inlet placement to collect roadway pavement runoff.**
5. **It is desirable that inlets be designed for 100% interception of runoff, but minor bypass discharge to a downstream inlet is acceptable if it is accounted for in design computations.**
6. **On grades, the curb opening can be ignored in determining inlet capacity. The grate efficiency may be assumed to equal that of a parallel bar grate.**
7. **Inlet capacity at sags should allow for debris blockage by providing twice the required computed opening (i.e. assume 50% blockage).**
8. **Inlet spacing shall be sufficient to limit spread as required for safe vehicle maneuverability. Allowable spread into the travel lane during temporary conditions (detours, phased construction, etc.) should be evaluated based on factors, such as traffic volume, road classification, posted speed**

limit, and lane width. For curb and gutter sections (with no side parking or bike lanes), the width of the gutter pan is considered the “shoulder.”

9. If the design speed is less than or equal 45 mph, then the allowable spread is up to half the travel lane. If the design speed is greater than 45 mph, the allowable spread shall maintain in the shoulder.
10. All storm drain grates shall be perpendicular to the travel way.

3. Amend and re-number Section 14.1.1 Powers and Duties as follows:

- C. LDS Decisions: The Board of Adjustment shall render final decisions regarding the following permits types (see also Chapter 15):
 1. Appeal of any Administrative decisions (15.6-7, 15.8.1, ~~15.9.1,3~~, 15.12)
 - ~~2. Appeals of Planning Board Decision regarding Subdivision (Major) Preliminary Plats (15.11.1).~~
 2. Appeals of Historic Preservation Commission Decision regarding Certificate of Appropriateness (Major) (15.11.3)
 3. Variances (15.13)

4. Amend Section 15.2.5 Administrative Modifications and Substantial Changes as follows:

- D. **Substantial Changes.** Any substantial change to a Master Plan or Plat (for major site plans and major subdivisions) as noted below shall be reviewed by the Planning Board, ~~and approved or denied by the Board of Aldermen.~~ Any substantial change to a Conditional District as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Aldermen as an amended Conditional District:
(...)

5. Amend Section 15.8.2 Site Plan/Design Review (Major) as follows:

A. Applicability:

- All Districts Except BD: Non-residential development or expansion 10,000 square feet or greater in gross floor area
- BD District: All development 6,000 square feet or greater in gross floor area (not in a Historic Overlay District - already covered by ~~15.10~~ 15.11)

6. Amend Section 15.12 Appeals of Administrative Decisions as follows:

15.12.2 Filing Procedures.

- A. Process Types: Quasi-Judicial (~~See also 15.4~~).
- (...)

E. **Public Notification:** Level 1, 3, and 4 (160D-406).

7. Amend Section 15.13 Variances as follows:

E. **Public Notification:** Level 1, 3, and 4 (160D-406).

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Please Publish on November 30th, and December 4th 2022

NOTICE OF PUBLIC HEARING

The Town of Waynesville Board of Aldermen will be holding a public hearing on Tuesday, **December 13th 2022** beginning at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider text amendments related to the Land Development Standards Section Chapter 160D additions and general revisions, multiple sections of LDS.

Interested persons are encouraged to attend and be heard. For more information please contact Olga Grooman, Planner, at 828-356-1172 or via email at ogrooman@waynesvillenc.gov.

s/Eddie Ward

By: Eddie Ward, Town Clerk

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2022

SUBJECT: Map Amendment (Rezoning) Request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for for Five (5) Properties off South Main Street:

1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),
3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number:
Department: Development Services
Contact: Olga Grooman
Presenter: Olga Grooman

BRIEF SUMMARY:

Mixed-Use Overlay (MX-O) Districts are zoning overlay districts established to permit certain limited mixed-uses within residential neighborhoods (LDS 2.6.2). The owners of the above properties submitted the rezoning requests to allow more commercial uses on their properties. This rezoning, if approved, would create a H-UR-MX-O-2 district, where less impactful and less disturbing business uses would be allowed. All residential and other uses currently allowed in their district would stay the same. Additional uses would be limited to government services, personal services (barber shops, hair salons, etc.), professional services (legal, accounting, engineering services), studios (arts, dance), neighborhood commercial (3,000 sq ft or less), and neighborhood restaurant.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the map amendment is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the map amendment as presented.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Property images: aerial view, zoning map, surrounding businesses
2. Rezoning applications (including the agent authorization form)
3. Properties on the Land Use Map
4. NC DOT Annual Average Daily Traffic Maps
5. Public notifications: 100-ft mailed notice, newspaper notice, signs on properties

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Board of Aldermen Staff Report

Meeting Date:	December 13, 2022
Subject:	Map Amendment (Rezoning) Request
Process Type:	Legislative
Location:	Five (5) properties off South Main Street: <ol style="list-style-type: none">1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).
Area:	1.27 acres total
Requested Rezoning:	from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District
Applicants:	Owners-initiated map amendment: Gede Suputra, Moi Tham, Jonnie Cure, Daniel Bishop, Jose Del Bosque, and Anthony Sutton.

Background:

This is a legislative hearing on the proposed zoning map amendment for the five aforementioned properties off South Main Street. Chapter 160D-102 defines rezoning as “an amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties.” The Planning Board held a hearing on November 21, 2022 and found that the overlay was consistent with the Comprehensive Plan and recommended approval by a vote of 5 for and 3 against.

The current use of the subject properties is for single-family dwellings. The applicants have requested that their properties be rezoned from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District to allow for limited commercial uses along their properties which front South Main Street.

The purpose and intent of the Hazelwood Urban Residential District is described in LDS Section 2.3.4.B:

“The Hazelwood Urban Residential District (H-UR) is a traditional walkable neighborhood of mostly small, well-built housing in an area **where sufficient urban facilities are available**. It is a self-contained community with affordable housing, smaller well-kept lots, narrow tree-lined streets and distinct edges and centers. Major public spaces including a park and the "old" Hazelwood School are located in this neighborhood. Since it is convenient to shopping and employment, the goal for Hazelwood is to **encourage infill development and the rehabilitation of existing structures** in keeping with the residential scale and character of the existing neighborhood. **Limited non-residential uses supporting the community are permitted if contributing in scale, design and use to the area.** Pedestrian amenities are to be enhanced with all new development as are the development of access points to different parts of Waynesville from the Hazelwood neighborhood. Parking on public streets is permitted and encouraged as an alternative to the development of new parking lots.”

The purpose of the Mixed-Use Overlay districts is in LDS Section 2.6.2:

“The Mixed-Use Overlay District (MX-O) is a zoning overlay district established to permit certain limited mixed-uses within residential neighborhoods.”

These additional uses are noted as PL (Permitted in Designated Locations on the Land Development Map) in the LDS Table of Permitted Uses (LDS 2.5.3).

Staff Comment:

The owners of the above properties submitted the rezoning requests to allow more commercial uses on their properties. One of the applicants could not sell the house listed as residential but had a few potential commercial buyers in the category of professional office. Other applicants feel that the rezoning to a Mixed-Use Overlay district makes sense since their properties are already directly adjacent to the Country Club Residential Low Density Mixed-Use Overlay (CC-RL-MX-O) and South Main Business District. Furthermore, Hazelwood Urban Residential Mixed-Use Overlay (H-UR-MX-O) has already been applied about 450 feet away along the same roadway corridor.

The frontages of these properties will be affected by the NC DOT expansion of the S. Main Street within the next few years. Right-of-way discussions with NCDOT and the property owners indicate that portions of the front yards of these properties will be taken up by roadway project. The applicants feel it is reasonable to expand the uses of their properties to locate professional and personal services and limited retail or restaurant uses that would benefit from a close road frontage, and could be appealing for businesses.

The NC DOT owns and maintains South Main Street in Waynesville as US-23 Business. According to the 2021 NC DOT Annual Average Daily Traffic Counts Map, 8,900 cars and 217 trucks passed through South Main in front of the applicants' properties daily. These numbers are high as compared to neighboring streets: Brown Avenue had on average 150 cars daily, and Belle Meade Drive had 500 cars passing daily in 2021. The traffic volumes show support for the idea that these properties would be more suitable and appealing for commercial rather than residential uses.

However, the applicants understand that there are still many residential properties behind them in their current H-UR district. They want to protect the existing neighborhood to the extent possible without compromising their own property values. That is why they are proposing an overlay district in order to maintain the underlying residential rezoning. If approved, this map amendment would create a H-UR-MX-O-2 district, where business uses that are not detrimental to residential character would be allowed. All residential and other uses currently allowed in their district would remain the same.

The uses that are currently permitted outright in H-UR include: single and two-family dwellings, townhomes, multi-family, home occupations, child/adult daycare homes, cultural and community facilities, religious institutions, and nurseries. The uses allowed with the special use permit include: residential care facilities for more than 6 people, inns (up to 20/30 rooms), and elementary and secondary schools. Again, if the rezoning request is approved, these uses will still be allowed.

If the properties are rezoned in H-UR-MX-O-2, additional uses allowed would be government services, personal services (barber shops, hair salons, etc.), professional services (legal, accounting, engineering services), studios (arts, dance), neighborhood commercial (3,000 sq ft or less), and neighborhood restaurant.(limited to 3,000 sq ft). The staff submits that these uses are similar to existing businesses across the street and nearby, including: a law office, antiques store, consignment store, salon, book store, chimney cleaning service, financial advising, and a few others.

It is important to note that there already exists a H-UR-MX-O zoning district which allows general commercial less than 100,000 s.f. This proposal is to create a new H-UR overlay district #2 which does not include such large-scale commercial development that could compromise the character of the neighborhood. The newly created overlay district #2 would exclude this broad commercial use. Therefore, the Table of Permitted Uses (LDS 2.5.3) would note that this use is not allowed and be updated as follows:

P Permitted
 PC Permitted on corner lots only
 PL Permitted in Designated Locations
 * - Use not allowed in H-UR-MX-O-2
 PS Permitted subject to Additional Standards in Ch 3
 SUP Special Use Permit Required (See Ch 3 and Ch 15)

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)				Urban Residential (UR)				Business District (BD)				Regional Center (RC)				Commercial Intermodal (CI)					
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	H-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	FC-NR	RC-NR	SS-NR	WS-NR	EW-JUR	HU-JUR	NH-NR	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	RA-RC	CI
Bar/Tavern/Night Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-Thru Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gas/Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Commercial - Less than 100,000 sf	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
General Commercial - Greater than 100,000 sf	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Neighborhood Commercial (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Neighborhood Restaurant (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Outside Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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Restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle & Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Services - Minor Maintenance/Repair/Wash Work	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Services - Major Repair/Body Work	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Video gaming parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

RECREATION/RECREATION	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)				Urban Residential (UR)				Business District (BD)				Regional Center (RC)				Commercial Intermodal (CI)						
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	H-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	FC-NR	RC-NR	SS-NR	WS-NR	EW-JUR	HU-JUR	NH-NR	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	RA-RC	CI	
Amusements, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Amusements, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Billiard/Pool Hall	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cultural or Community Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Golf Course/Country Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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Recreation Facilities, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Riding Stables	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shooting Range, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Theaters, Drive-in	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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Theater, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

CIVIC/INSTITUTIONAL	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)				Urban Residential (UR)				Business District (BD)				Regional Center (RC)				Commercial Intermodal (CI)						
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	H-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	FC-NR	RC-NR	SS-NR	WS-NR	EW-JUR	HU-JUR	NH-NR	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	RA-RC	CI	
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Correctional Institution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Religious Institution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
School - Elementary & Secondary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
School - Vocational/Technical	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

MANUFACTURING/WHOLESALE TRADE	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)				Urban Residential (UR)				Business District (BD)				Regional Center (RC)				Commercial Intermodal (CI)						
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	H-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	FC-NR	RC-NR	SS-NR	WS-NR	EW-JUR	HU-JUR	NH-NR	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	RA-RC	CI	
Freight/Loading Truck Terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Laundry, Dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

* - Use not allowed in H-UR-MX-O-2

Urban Residential (UR)			
EW-JUR	H-JUR	HM-JUR	
-	-	-	-
-	-	-	-
-	-	-	-
-	PL*	-	-
-	-	-	-

General Commercial - Less than 100,000 sf

Urban Residential (UR)			
EW-JUR	H-JUR	HM-JUR	
-	-	-	-
-	-	-	-
-	-	-	-
-	PL*	-	-
-	-	-	-

Due to the nature of the current district and the proximity of other commercial and residential zoning districts, the Town staff recommends the rezoning of the proposed properties to H-UR-MX-O-2. Not only would the mixed-use overlay district offer greater flexibility in uses, but it would also serve as an appropriate transition between the surrounding neighborhoods and commercial areas.

Consistency Statement Information:

The Staff recommends that the Board of Aldermen finds that this map amendment is consistent with the Town of Waynesville's 2035 Comprehensive Land Use Plan and that it is reasonable and in the public interest with the following considerations:

1. The properties are designated as Mixed-Use Community and Residential High to Medium Density on the Land Use Map. The proposed additional uses are consistent with this designation.
2. The rezoning of these properties will remain consistent with the purposes of the main underlying zoning district- H-UR:
 - "... to encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood. Limited non-residential uses supporting the community are permitted if contributing in scale, design and use to the area." (LDS 2.3.4.B)

Public Notifications

Public notices for this hearing were provided with the site postings (11/28/22), letters to adjacent property owners via first class mail (11/22/22), and the Mountaineer newspaper (11/30/22 and 12/4/22).

Requested Motions:

1. Motion to find that the map amendment is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the map amendment as presented.

Attachments:

1. Property images: aerial view, zoning map, surrounding businesses
2. Rezoning applications (including the agent authorization form)
3. Properties on the Land Use Map
4. NC DOT Annual Average Daily Traffic Maps
5. Public notifications: 100-ft mailed notice, newspaper notice, signs on properties



0.14-acre unaddressed property off S. Main St.
PIN 8605-90-2966

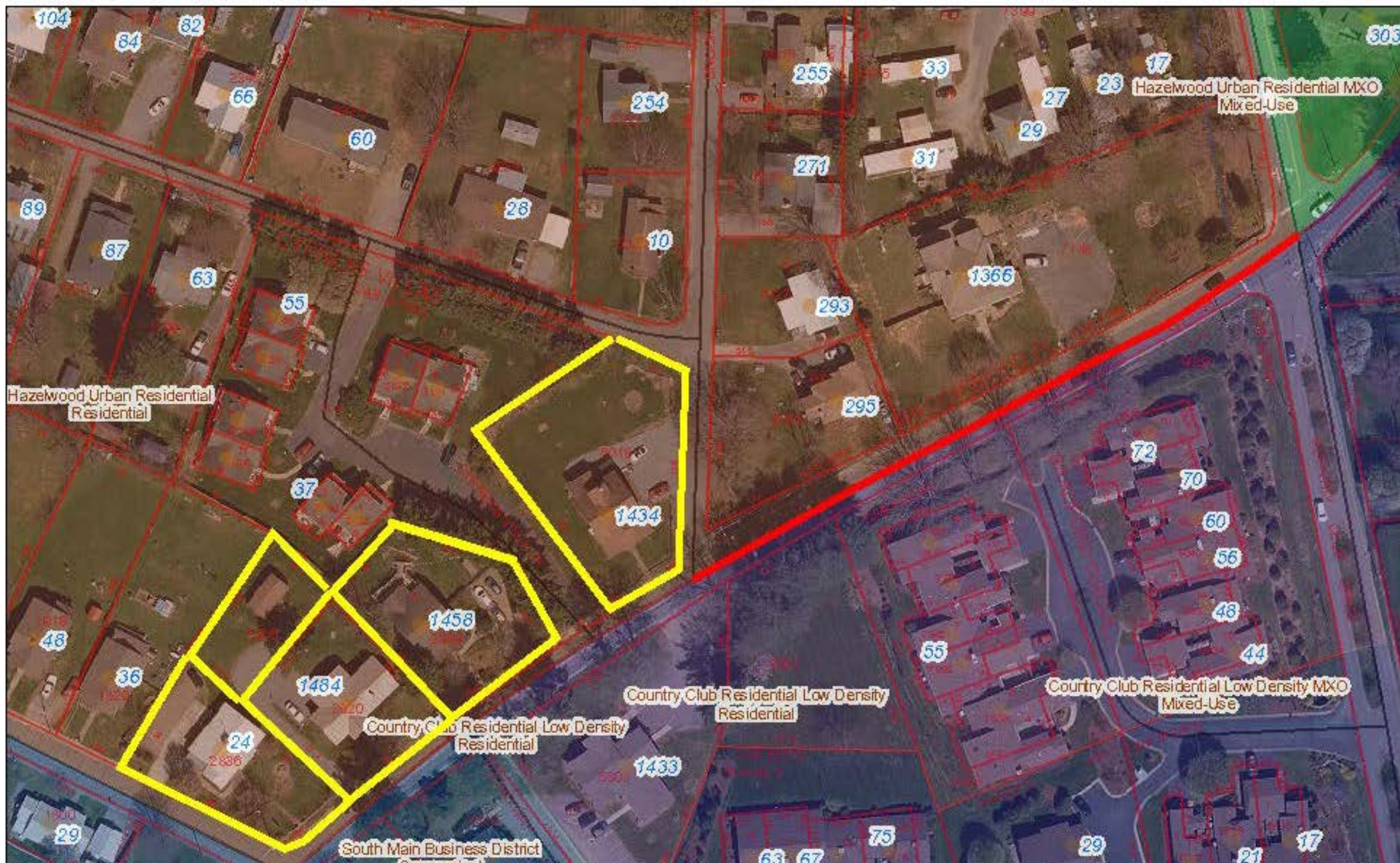
0.38-acre property at 1434 S. Main St.
PIN 8605-91-5018

0.28-acre property at 1458 S. Main St.
PIN 8605-90-3984

0.23-acre property at 1484 S. Main St.
PIN 8605-90-3920

0.24-acre property at 24 Belle Meade Dr.
PIN 8605-90-2836

**Square footage of the highlighted houses is between
1,135-2,180 sf (Haywood Co. GIS)**



Surrounding Businesses



Professional Services
Financial Advising
Apartments

Professional Services

Guns and Ammo

Law Office

Antiques Store

Consignment Store

Salon, Bookstore, Accounting

Chimney Cleaning

Applications



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Map Amendment

Application is hereby made on 10/20, 2022 to the Town of Waynesville for the following map amendment to establish or amend a Conditional District:

Property owner of record: Jonnie Cure
Address/location of property: 1458 S. MAIN STREET
Parcel identification number(s): 8605.90.3984
Deed/Plat Book/Page, (attach legal description): 458/242 CATS C 1553
The property contains .285 acres.
Current district: URBAN RESIDENTIAL
Requested district: HAZELWOOD OVERLAY (H-UR-MXD)
URBAN RESIDENTIAL MIXED USE

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

IT WOULD BE DONE WITH THE LEASE OF THE PROPERTY AND ON SILENT

Applicant Contact Information

Applicant Name (Printed): Jonnie Cure
Mailing Address: 253 WILLOW RD WAYNESVILLE 28786
Phone(s): 828.507.0896
Email: jackie@masihomes.com
Signature of Property Owner(s) of Record Authorizing Application:

Jonnie M. Cure owner of record.

Note: Map Amendment Request fee is \$500 for one acre or less and \$50 for each additional acre. The request will be scheduled for a hearing before the Waynesville Planning Board before being forwarded to the Board of Aldermen. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

This institution is an equal opportunity provider

AUTHORIZATION FOR AGENT TO APPEAR BEFORE WAYNESVILLE PLANNING BOARD, ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN

The undersigned Owner or Party with a contract or option to purchase that real property located at 1458 S. MAIN ST in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: JACKIE CURE
Title and Company: DAUGHTER OF OWNER, JONNIE CURE
Address: 253 WILLOW RD WAYNESVILLE NC 28786
Phone and email: 828.507.0896 jackie@masihomes.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 24 day of OCTOBER, 2022

Owner or Party with Contractual Interest in Property:

Jonnie M. Cure

Address and phone number:

1458 S MAIN STREET
WAYNESVILLE NC 28786

Applications cont.



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Map Amendment

Application is hereby made on October, 21, 20 22 to the Town of Waynesville for the following map amendment:

Property owner of record: Jose A Del Bosque & De Wayne Anthony Sutton
Address/location of property: 24 Belle Meade Dr
Parcel identification number(s): 8605-90-2836
Deed/Plat Book/Page, (attach legal description): 897/1748
The property contains 0.2444 acres.
Current district: Hazelwood Urban Residential
Requested district: New Mixed Use Overlay -
copy Hazelwood Urban Residential MXO BUT REMOVE
General Commercial (less than 100,000 sf)

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

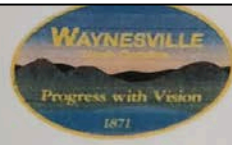
The property is bordered by South Main Commercial on two sides with businesses across the street. This would maintain a transition between the South Main Street corridor and the residential neighborhood.

Applicant Contact Information

Applicant Name (Printed): Jose A Del Bosque & De Wayne Anthony Sutton
Mailing Address: 124 Browning Road, Waynesville NC 28786
Phone(s): (828)335-5556
Email: _____

Signature of Property Owner(s) of Record Authorizing Application:
[Signature]

Note: Map Amendment Requests require a fee based on the size and number of lots being requested for amendment. The request will be scheduled for the next agenda opening for the Waynesville Planning Board. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Map Amendment

Application is hereby made on Oct 24, 2022 to the Town of Waynesville for the following map amendment to establish or amend a Conditional District:

Property owner of record: DANIEL F BISHOP
Address/location of property: 1484 S. MAIN ST
Parcel identification number(s): ~~8605-90-3920~~ / 8605-90-2966
Deed/Plat Book/Page, (attach legal description): DEED 533 PAGE 988
The property contains 3.89 acres. PLAT CABINET C, SLOT 1553
Current district: H-UR
Requested district: MIXED USE OVERLAY

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

Applicant Contact Information

Applicant Name (Printed): DANIEL J BISHOP
Mailing Address: 1484 S. MAIN ST WAYNESVILLE NC 28786
Phone(s): 828 508 7517
Email: DANIELFBISHOP43@GMAIL.COM

Signature of Property Owner(s) of Record Authorizing Application:
[Signature]

Note: Map Amendment Request fee is \$500 for one acre or less and \$50 for each additional acre. The request will be scheduled for a hearing before the Waynesville Planning Board before being forwarded to the Board members. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

This institution is an equal opportunity provider

Applications cont.



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Application for Land Development Standards Map Amendment

Application is hereby made on 10/17, 2022 to the Town of Waynesville for the following map amendment to establish or amend a Conditional District:

Property owner of record: GEDE SUPUTRA ; MOI THAM

Address/location of property: 1434 S MAIN ST WAYNESVILLE NC 28786

Parcel identification number(s): 8005-91-5018

Deed/Plat Book/Page, (attach legal description): _____

The property contains 0.38 acres.

Current district: RESIDENT

Requested district: SMALL CAFE / SMALL RETAIL LIKE GIFT SHOP

The property is best suited for the requested change for the following reason(s), (attach additional sheets if necessary):

Applicant Contact Information

Applicant Name (Printed): GEDE SUPUTRA ; MOI THAM

Mailing Address: 70 LEISURE LN WAYNESVILLE NC 28786

Phone(s): 828 215 9843

Email: Jennysuputra@icloud.com

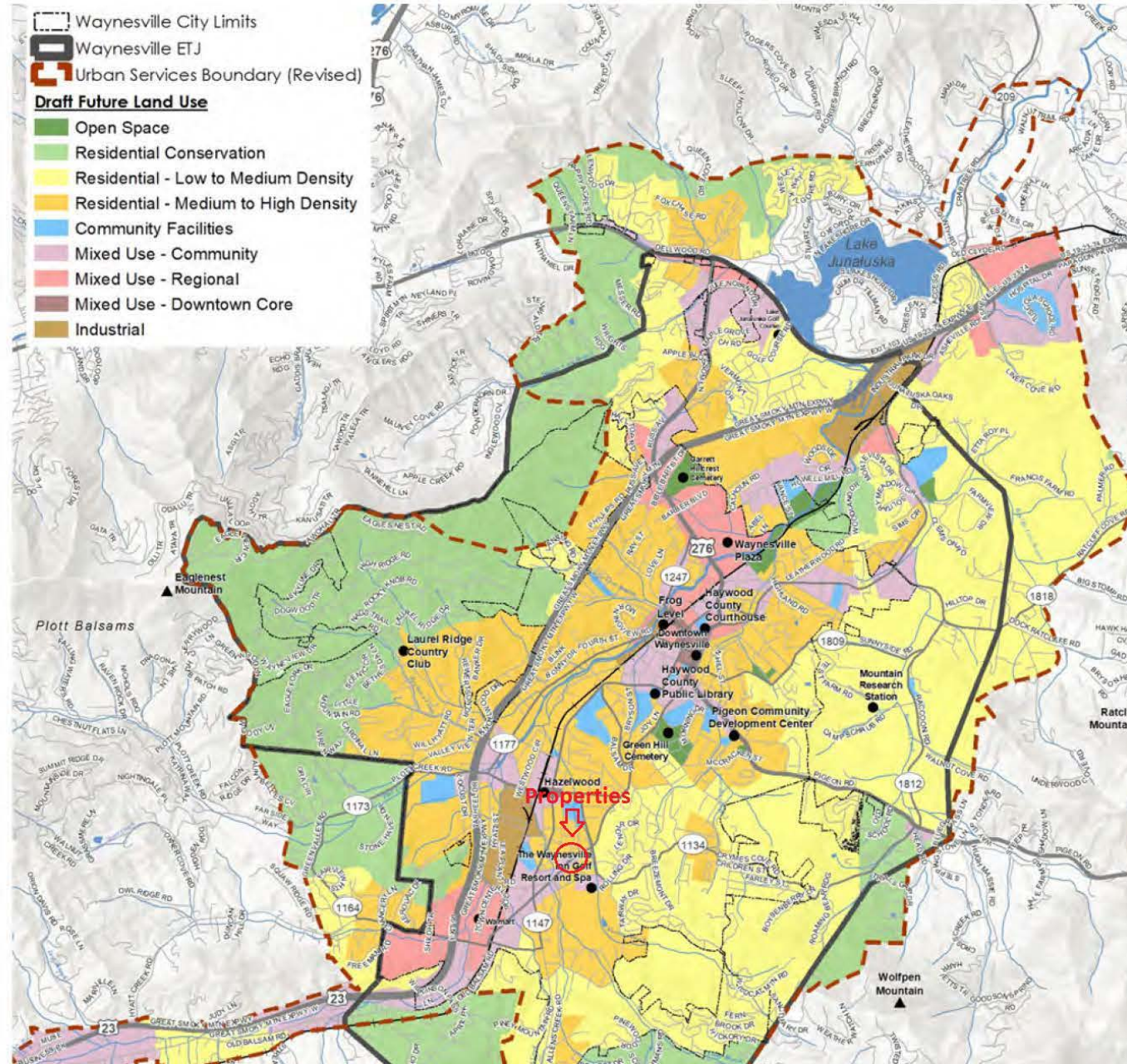
Signature of Property Owner(s) of Record Authorizing Application:



[Signature] [Signature]

Note: Map Amendment Request, fee is \$500 for one acre or less and \$50 for each additional acre. The request will be scheduled for a hearing before the Waynesville Planning Board before being forwarded to the Board of Aldermen. Please submit application to: Town of Waynesville Development Services Department, 9 South Main Street, Waynesville, NC 28786.

This institution is an equal opportunity provider

Future Land Use Map



Legend

NCDOT Owned and Maintained
NCDOT Owned and Maintained


Other NC State Agency Owned (Non-NCDOT)
Other NC State Agency Owned (Non-NCDOT)


Federal Owned
Federal Owned


Non State-Owned/Non Federal-Owned
Non State-Owned/Non Federal-Owned


NCDOT County Boundaries
County Boundary




1458 S Main St, Waynesvill X 

Show search results for 1458 S ...

Haywood

(1 of 2)

- **NCDOT Owned and Maintained**
Route Class US Route
Route Name US-23 BUS
[Zoom to](#) 

300ft

 -82.999 35.474 Degrees



NCDOT GIS Unit



NCDOT Annual Average Daily Traffic (AADT) Mapping Application

1458 S Main St, Waynesvill X

Show search results for 1458 S ...



NCDOT_AADT_Segments_Primarys:
29000023044

RoutelD	29000023044
BeginMP	0.90
EndMP	1.45
SU_PCT	0.02
MU_PCT	0.00
SU_AADT	180
MU_AADT	37
SOURCE	MAINTENANCE
AADT_2021	8900
AADTT_2021	217

[Zoom to](#) ⋮



TOWN OF WAYNESVILLE

Development Services Department

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Waynesville, NC 28786

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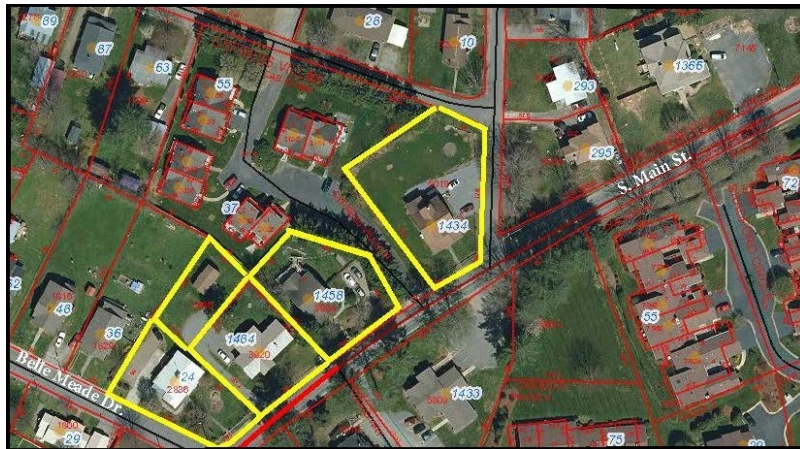
November 22, 2022

Notice of Public Hearing

Town of Waynesville Board of Aldermen

The Town of Waynesville Board of Aldermen will hold a **public hearing on December 13, 2022 at 6:00 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MXO-2) District for five (5) properties:

- .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
- .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),
- .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
- .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
- .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).



For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Public Notifications within 100 ft and Newspaper Notice

Please Publish on November 30th, and December 4th 2022

NOTICE OF PUBLIC HEARING

The Town of Waynesville Board of Aldermen will be holding a public hearing on Tuesday, **December 13th 2022** beginning at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider a rezoning request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MXO-2) District for five (5) properties off S. Main Street.

Interested persons are encouraged to attend and be heard. For more information please contact Olga Grooman, Planner, at 828-356-1172 or via email at ogrooman@waynesvillenc.gov.

s/Eddie Ward

By: Eddie Ward, Town Clerk



THE TOWN OF WAYNESVILLE
BOARD OF ALDERMEN
WILL HOLD A
PUBLIC HEARING
ON DECEMBER 13, 2022, AT 6:00 PM
IN THE TOWN HALL BOARD ROOM AT
9 SOUTH MAIN ST.
TO CONSIDER A REZONING REQUEST
CONTACT THE DEVELOPMENT SERVICES DEPARTMENT
828-456-8647

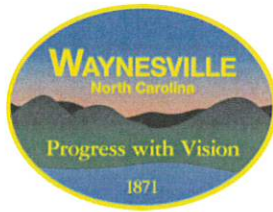


THE TOWN OF WAYNESVILLE
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IN THE TOWN HALL BOARD ROOM AT
9 SOUTH MAIN ST.
TO CONSIDER A REZONING REQUEST
CONTACT THE DEVELOPMENT SERVICES DEPARTMENT
828-456-8647

Signs Posted
on Properties



Signs Posted
on Properties



To: Town of Waynesville Board of Aldermen
 From: Olga Grooman, Planner
 Date: December 13, 2022
 Subject: Planning Board Report and Statement of Consistency
 Description: Map Amendment (Rezoning) Request for Five (5) Properties:

1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),
3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).

Applicant Address: Property Owners Initiated Text Amendment

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

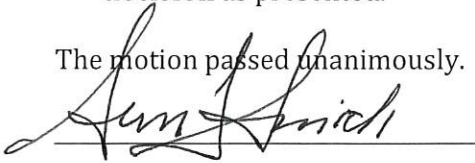
1. A motion was made by Board Chair Susan Teas Smith and seconded by Board Member Ginger Hain that the proposed map amendment (rezoning) **is consistent with the 2035 Comprehensive Land Use Plan and it is reasonable and in the public interest** for the following considerations:

- The properties are designated as Mixed-Use Community and Residential High to Medium Density on the Land Use Map. The proposed additional uses are consistent with this designation.
- The rezoning of these properties will remain consistent with the purposes of the main underlying zoning district- Hazelwood Urban-Residential (H-UR). These purposes are outlined in the Land Development Standards (LDS), Section 2.3.4.B:
 - to encourage infill development and the rehabilitation of existing structures,
 - keeping with the residential scale and character of the existing neighborhood,
 - limited non-residential uses supporting the community are permitted if contributing in scale, design, and use to the area.

The motion passed with five (5) Board members voting in favor and three (3) opposed.

2. A motion was made by Board Member Barbara Thomas and seconded by Board Member Tommy Thomas **to recommend the map amendment to the Board of Aldermen for their final decision** as presented.

The motion passed unanimously.



 Susan Teas Smith, Planning Board Chair Date 12/2/22



 Esther Coulter, Administrative Assistant Date 12-1-22

ORDINANCE NO. O-40-22

**AN ORDINANCE AMENDING THE OFFICIAL LAND DEVELOPMENT MAP
OF THE TOWN OF WAYNESVILLE**

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 map amendment to the Official Land Development Map (Zoning Map) and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest because it supports the following:

- The properties are designated as Mixed-Use Community and Residential High to Medium Density on the Future Land Use Map. The proposed additional uses are consistent with this designation.

WHEREAS, the Town of Waynesville Planning Board recommends that this map amendment is reasonable and in the public interest because it is also consistent with the purposes of the main underlying zoning district- Hazelwood Urban-Residential (H-UR), as described in Section 2.3.4.B of the Land Development Standards (LDS):

- to encourage infill development and the rehabilitation of existing structures,
- keeping with the residential scale and character of the existing neighborhood,
- limited non-residential uses supporting the community are permitted if contributing in scale, design, and use to the area.

WHEREAS, the Planning Board has reviewed and recommends the proposed map amendment 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 **November 21, 2022** at the regularly scheduled meeting of the Waynesville Planning Board, and on **December 13, 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 DECEMBER 13, 2022, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Official Land Development Map be amended with the following five (5) properties being rezoned from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District:

1. .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
2. .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),

3. .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
4. .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
5. .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Please Publish on November 30th, and December 4th 2022

NOTICE OF PUBLIC HEARING

The Town of Waynesville Board of Aldermen will be holding a public hearing on Tuesday, **December 13th 2022** beginning at 6:00 p.m. or as closely thereafter as possible in the Town Hall Board Room located at 9 South Main Street, Waynesville. The purpose meeting is to consider a rezoning request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for five (5) properties off S. Main Street.

Interested persons are encouraged to attend and be heard. For more information please contact Olga Grooman, Planner, at 828-356-1172 or via email at ogrooman@waynesvillenc.gov.

s/Eddie Ward

By: Eddie Ward, Town Clerk

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2022**

SUBJECT: Proposed Meeting Schedule

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY:

Each year the Board must approve a meeting schedule for the upcoming year. The schedule provides the date and time of each regular meeting. The meetings will start at 6:00 pm unless otherwise noted. Additional meetings may be called for a Board Retreat in early 2023 and for Budget Development and discussion in spring 2023.

MOTION FOR CONSIDERATION:

To approve the Board of Aldermen meeting schedule for the year 2023.

FUNDING SOURCE/IMPACT: None

ATTACHMENTS: None

MANAGER'S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE

PO Box 100
 16 South Main Street
 Waynesville, NC 28786
 Phone (828) 452-2491 • Fax (828) 456-2000
www.waynesvillenc.gov

PROPOSED REGULAR MEETING SCHEDULE FOR 2023

ALL MEETINGS TO START AT 6:00 PM IN THE BOARD ROOM LOCATED AT
 9 SOUTH MAIN STREET UNLESS OTHERWISE NOTED

2023	
Tues. January 10	Board of Aldermen Meeting – Regular Session
Tues. January 24	Board of Aldermen Meeting – Regular Session
Tues, February 14	Board of Aldermen Meeting – Regular Session
Tues. February 28	Board of Aldermen Meeting – Regular Session
Tues, March 14	Board of Aldermen Meeting – Regular Session
Tues. March 28	Board of Aldermen Meeting – Regular Session
Tues. April 11	Board of Aldermen Meeting – Regular Session
Tues. April 25	Board of Aldermen Meeting – Regular Session
Tues. May 9	Board of Aldermen Meeting – Regular Session
Tues. May 23	Board of Aldermen Meeting – Regular Session
Tues. June 13	Board of Aldermen Meeting – Regular Session
Tues. June 27	Board of Aldermen Meeting – Regular Session
Tues, July 11	Board of Aldermen Meeting – Regular Session
Tues. July 25	Board of Aldermen Meeting – Regular Session
Tues. August 8	Board of Aldermen Meeting – Regular Session
Tues, August 22	Board of Aldermen Meeting – Regular Session
Tues, September 12	Board of Aldermen Meeting – Regular Session
Tues. September 26	Board of Aldermen Meeting – Regular Session
Tues. October 10	Board of Aldermen Meeting – Regular Session
Tues. October 24	Board of Aldermen Meeting – Regular Session
Tues. November 14	Board of Aldermen Meeting – Regular Session
Tues. November 28	Board of Aldermen Meeting – Regular Session
Tues. December 12	Board of Aldermen Meeting – Regular Session

TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2022

SUBJECT: Request approval of an additional SRO position and budget amendment for the recently relocated Haywood Central High School, which is now located at 62 Joy Lane, Waynesville, NC.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: Leave Blank
Department: Police Department
Contact: Chris Chandler, Senior Lieutenant

Presenter: Senior Lieutenant Chris Chandler

BRIEF SUMMARY:

The Waynesville Police Department currently provides a specialized School Resource Officer (SRO) at the Waynesville Middle School by contract with the Haywood County School System and Shining Rock Classical Academy by private contract with them. With the August 2022 relocation of Haywood Central High School to a location within the jurisdictional territory of the Waynesville Police Department as a primary responder for emergency services, the responsibility to provide an SRO shifts from the Haywood County Sheriff's Office to the Waynesville Police Department. We are requesting approval to enter into a similar contract with the Haywood County School system as we currently have for the Waynesville Middle School to provide an SRO for Haywood Central High School which will be funded by the Haywood County School System. We are also asking for a budget amendment of \$35,000 to cover the cost of the SRO position for the remainder of the fiscal year and reimbursement for the position by the Haywood County School System.

MOTION FOR CONSIDERATION:

1. To approve the Waynesville Police Department to enter into a contract with the Haywood County School system to provide an SRO for Haywood Central High School located at 62 Joy Lane, Waynesville, NC.
2. To approve the budget amendment for the SRO position and reimbursement by the Haywood County School System.

FUNDING SOURCE/IMPACT: The additional expense for the position will be reimbursed by the Haywood County School System. The estimated cost is \$35,000 for the remainder of the fiscal year.

Misty Hagood

11/30/22

Misty Hagood, Finance Director

Date:

ATTACHMENTS:

1. Budget Amendment

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Ordinance No. O-36-22

Amendment No. 6 to the 2022-2023 Budget Ordinance

WHEREAS, the Board of Aldermen of the Town of Waynesville, wishes to amend the 2022-2023 Budget Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Waynesville that the 2022-2023 Budget Ordinance be amended as follows:

General Fund:

Increase the following revenues:

Police Contract Services	\$35,000.00
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Increase the following appropriations:

Police Dept	\$35,000.00
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Adopted this 13th day of December, 2022.

Town of Waynesville

Gary Caldwell
Mayor

Attest:

Candace Poolton
Town Clerk

Approved As To Form:

Martha Sharpe Bradley
Town Attorney

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: December 13, 2022**

SUBJECT: Feasibility, conceptual design, and cost estimate for the sidewalks along four (4) properties off Belleview Road:

1. 298 East Street, PIN 8615-46-7624
2. 30 Belleview Road, PIN 8615-46-7438
3. Unaddressed parcel, PIN 8615-46-7307
4. Unaddressed parcel, PIN 8615-46-8300

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Olga Grooman
Presenter: Olga Grooman

BRIEF SUMMARY:

Belleview Road is an area of several active and future developments, including new houses and potential large-scale project. Development Services have heard several complaints from the citizens that Belleview Road is dangerous for pedestrians because the road is narrow and winding with curves and elevation changes.

The Development Services staff met with the property owners, and they are in favor of the idea of a sidewalk along their lots. However, before they convey the easements, they would like to see how the sidewalks would look along these properties, considering the uneven width of the road, trees that serve as privacy buffers, fencing, existing retaining walls and utility poles on the properties. For that, we need to provide the property owners with conceptual design drawings, and Public Services would need construction cost estimate to budget for in the upcoming fiscal year.

Development Services reached out to five engineering firms, as described in the attached Memorandum. The Public Services chose McGill and Associates due to their qualifications, availability, pricing, and prior experience of working together.

Public Services and Development services are asking the Board to approve the feasibility study of a potential sidewalk along four abovementioned properties. If studied and finally completed, the sidewalk would connect to the existing sidewalk off East Street (pedestrian crosswalk would be needed). The staff will present the findings of the study to the Board with the Board's concurrence to the FY 2024 proposed budget.

MOTIONS FOR CONSIDERATION:

1. Motion to approve the study for potential sidewalks off Belleview Road and proceed with McGill and Associates as specified in the "Scope of Services Contract."

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Memorandum
2. Scope of Services Contract by McGill
3. GIS Aerial View of the Project

MANAGER'S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

MEMORANDUM

To: Rob Hites, Town Manager

From: Olga Grooman, Development Services

Re: Scope of Services Contract with McGill Associates for Sidewalks off Belleview Road

Date: December 5, 2022

The properties for the proposed sidewalks are:

1. 298 East Street, PIN 8615-46-7624
2. 30 Belleview Road, PIN 8615-46-7438
3. Unaddressed parcel, PIN 8615-46-7307
4. Unaddressed parcel, PIN 8615-46-8300

As a part of informal bid process, Olga Grooman reached out to the following engineering firms to evaluate qualifications, availability, and pricing to provide conceptual design and construction estimates for the sidewalks off Belleview Road:

<u>Made Contact:</u>	<u>Response:</u>	<u>Date:</u>
1. Civil Design Concepts- by phone and email	No response	10/24/2022
2. Preston Gregg- by phone and email	Interested, submitted quote and scope	10/26/2022
3. WithersRavenel- by phone and email	No response	10/27/2022
4. JM Teague- by phone and email	Interested, submitted quote and scope	11/2/2022
5. McGill- by phone and email	Interested, submitted quote and scope	11/8/2022

McGill Associates are qualified engineers who provided detailed scope of services that satisfy the project needs at this stage: conceptual drawings, site evaluation, assessment of utilities on site, and conceptual construction costs. McGill also provided acceptable pricing for their services:

- **Conceptual Design (Hourly, Estimated) - \$7,500.00** plus any additional fees for services required by the project such as soil analysis, materials testing, flow monitoring equipment, mileage, postage, and other incidentals.

The Public Services would like to proceed with McGill Associates for all conceptual work described above associated with the sidewalk project and have attached the Scope of Services Contract for your consideration and any edits you may choose. Charges will fall under the contracted services for streets and sanitation and will be billed to the Public Services.

December 2, 2022

Ms. Elizabeth Teague, AICP, CTP, CFM
Town of Waynesville
9 S. Main Street
P.O. Box 100
Waynesville, North Carolina 28786

RE: Proposal for Engineering Services
Town of Waynesville, North Carolina

Dear Ms. Teague:

McGill Associates is pleased to provide you with this proposal to provide engineering design services associated with the Belleview Road Sidewalk Project. We understand the Town wishes to evaluate a potential sidewalk along Belleview Road starting from the intersection of East Street along the frontage of the following property PINS: 8615-46-7624, 8615-46-7438, 8615-46-7307, 8615-46-8300. Below is our proposed scope of services:

SCOPE OF SERVICES

Conceptual Design

1. Meet with the Town of Waynesville for the purpose of establishing communication lines, meet project team members, define project schedules, and gather initial data.
2. Establish geodetic survey control and aerial targeting in the project area tied to NAD83(2011) and NAVD88 (GEOID12B) for field and aerial mapping efforts.
3. Provide photogrammetry of the project area to include above ground, visible planimetric features and a digital terrain model suitable for producing a one foot contour interval.
4. Perform field surveying to locate planimetric and topographic features, underground storm sewer piping networks, and tops only of existing sewer manholes.
5. Contact NC One Call and request utility locations for the project area along Belleview Road, and locate the utilities as marked by representatives of the respective utilities. Please be aware, NC One Call utility representatives are likely to locate only those underground utilities within the right-of-way of the roadway. NC One Call utility representatives will not locate underground utilities on private property. If there is a need for underground utility mapping across portions of the site that are outside of the road right-of-way, a quote from a private utility locator can be provided.

6. Establish right-of-way boundaries for Belleview Road in the project scope area.
7. Complete an initial site investigation with the design team to review base survey information, existing utilities, drainage pathways, etc.
8. Prepare conceptual design plan and submit to Town of Waynesville for review with affected property owners.
9. Revise conceptual design plan based on feedback from property owners.
10. Prepare conceptual cost estimate and submit to the Town of Waynesville for final deliverable.

BASIS OF COMPENSATION

McGill Associates proposes to provide the subject services for the following fees:

Conceptual Design (Hourly, Estimated)	\$7,500.00
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Hourly fees shall be billed based on actual time spent plus expenses in accordance with the attached Basic Fee Schedule. Please note, the fee is an estimate only and not a maximum value.

ASSUMPTIONS

This proposal assumes the following:

1. Upon Client authorization, additional project work not specifically addressed by this proposal shall be charged at a time and materials rate in accordance with the McGill Associates Basic Fee Schedule in place at the time the service is performed.
2. Detailed civil design and permitting with authorities having jurisdiction are not included in the above scope of services. These will be prepared once conceptual design and cost estimate has been approved by the Town of Waynesville.
3. Our attendance at meetings not listed in the above scope is not included in the above fees and will be billed on an hourly basis, as additional services in accordance with the attached Basic Fee Schedule.
4. Evaluation of existing dry utilities (fiber, power, natural gas, cable, phone, etc.) and coordination with applicable service providers for service extensions is not included in this scope of services. McGill Associates can coordinate these services at a later date.
5. Procurement of easements is not included in the above fee.

Ms. Elizabeth Teague, Development Services Director
November 16, 2022
Page 3 of 3

6. Geotechnical exploration is not included in the above scope of services. McGill Associates can coordinate these services if requested by client.
7. Services for tasks other than those specifically detailed above are not included in the above fee.

If you have any questions concerning this proposal or any of the information contained within it, please do not hesitate to call me. If the proposal is acceptable to you, please sign the attached Consulting Services Agreement and return one copy to my attention.

Sincerely:
McGILL ASSOCIATES, PA



SCOTT BURWELL, PE
Senior Project Manager

Attachments: Consulting Services Agreement
Basic Fee Schedule

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proposal.docx

CONSULTING SERVICES AGREEMENT

This contract entered into this 2nd day of December, 2022 by and between Town of Waynesville, hereinafter called the Client, and McGill Associates, PA;

Witnesseth that:

Whereas, the Client desires to engage McGill Associates to provide consulting services; and,
Whereas, the Client finds that the attached Scope of Services and terms of this agreement are acceptable; and,
Whereas, McGill Associates desires to provide said services and agrees to do so for the compensation and upon the terms and conditions as hereinafter set forth. Now, therefore, the parties hereto do mutually agree as follows:

1. Scope of Services: McGill Associates shall provide the services attached hereto in the Contract Proposal "Scope of Services" of this Agreement, hereinafter called services. Fees for additional services will be negotiated with the Client prior to proceeding with the work.

2. Standard of Care: McGill Associates will perform its services using that degree of skill and diligence normally employed by professional engineers or consultants performing the same services at the time these services are rendered.

3. Authorization to Proceed: Execution of this Consulting Services Agreement will be considered authorization for McGill Associates to proceed unless otherwise provided for in this Agreement.

4. Changes in Scope: The Client may request changes in the Scope of Services provided in this Agreement. If such changes affect McGill Associates cost of or time required for performance of the services, an equitable adjustment will be made through an amendment to this Agreement.

5. Compensation: The Client shall pay the compensation to McGill Associates set forth in the Contract Proposal "Basis of Compensation" attached hereto. Unless otherwise provided in the Basis for Compensation, McGill Associates shall submit invoices to the Client monthly for work accomplished under this agreement and the Client agrees to make payment to McGill Associates within thirty (30) days of receipt of the invoices. It is also mutually agreed that should the Client fail to make prompt payments as described herein, McGill Associates reserves the right to immediately stop all work under this agreement until disputed amounts are resolved.

6. Personnel: McGill Associates represents that it has, or will secure at their own expense, all personnel required to perform the services under this agreement and that such personnel will be fully qualified and adequately supervised to perform such services. It is mutually understood that should the scope of services require outside subcontracted expertise McGill Associates may employ such services at their discretion.

7. Opinions or Estimates of Cost: Any costs estimates provided by McGill Associates shall be considered opinions of probable costs. These along with project economic evaluations provided by McGill Associates will be on a basis of experience and judgment, but, since McGill Associates has no control over market conditions or bidding procedures, McGill Associates cannot warrant that bids, ultimate construction cost, or project economics will not vary from these opinions.

8. Termination: This Agreement may be terminated for convenience by either the Client or McGill Associates with fifteen (15) days written notice or if either party fails substantially to perform through no fault of the other and does not commence correction of such non-performance within five (5) days of written notice and diligently complete the correction thereafter. On termination, McGill Associates will be paid for all authorized work performed up to the termination date plus reasonable project closeout costs.

9. Limitation of Liability: McGill Associates liability for Client's damages will, in aggregate, not exceed the total fees paid by the Client for the Scope of Services referenced herein or \$50,000 whichever is greater. This provision takes precedence over any conflicting provision of this Agreement or any documents incorporated into it or referenced by it. This limitation of liability

will apply whether McGill Associates liability arises under breach of contract or warranty; tort, including negligence; strict liability; statutory liability; or any other cause of action, and shall include McGill Associates' directors, officers, employees and subcontractors. At additional cost, Client may obtain a higher limit prior to commencement of services.

10. Assignability: This agreement shall not be assigned or otherwise transferred by either McGill Associates or the Client without the prior written consent of the other.

11. Severability: The provisions of this Consulting Services Agreement shall be deemed severable, and the invalidity or enforceability of any provision shall not affect the validity or enforceability of the other provisions hereof. If any provision of this consulting services agreement is deemed unenforceable for any reason whatsoever, such provision shall be appropriately limited, and given effect to the extent that it may be enforceable.

12. Ownership of Documents: All documents, calculations, drawings, maps and other items generated during the performance of services shall be considered intellectual property and remain the property of McGill Associates. Client agrees that the deliverables are intended for the exclusive use and benefit of and may be relied upon for this project only by the Client and will not be used otherwise. Client agrees that any prospective lender, buyer, seller or third party who wishes to rely on any deliverable must first sign McGill Associates' Secondary Client Agreement.

13. Excusable Delay: If performance of service is affected by causes beyond McGill Associates control, project schedule and compensation shall be equitably adjusted.

14. Indemnification: Client agrees to indemnify, defend and hold McGill Associates, its agents, employees, officers, directors and subcontractors harmless from any and all claims, and costs brought against McGill Associates which arise in whole or in part out of the failure by the Client to promptly and completely perform its obligations under this agreement, and as assigned in the Contract Proposal "Scope of Services" or from the inaccuracy or incompleteness of information supplied by the Client and reasonably relied upon by McGill Associates in performing its duties or for unauthorized use of the deliverables generated by McGill Associates. Furthermore, McGill agrees to indemnify, defend and hold the Client harmless from any claims brought against the Client as a result of McGill's work.

15. Choice of Law: This Agreement shall be governed by the internal laws of the State of North Carolina.

16. Entire Agreement: This Agreement contains all of the agreements, representations and understandings of the parties hereto and supersedes any previous understandings, commitments, proposals, or agreements, whether oral or written, and may only be modified or amended as herein provided; and as mutually agreed.

17. Attachments to this document:

1. Contract Proposal including Scope of Services and Basis of Compensation.

Client: Town of Waynesville

Authorized Signature:

Print Name: Robert Hites

Title: Town Manager

Address: 16 S. Main Street
Waynesville, North Carolina 28786

McGill Associates, P.A.

Authorized Signature:

Print Name: Scott Burwell

Title: Senior Project Manager

Address: 55 Broad Street
Asheville, North Carolina 28803

BASIC FEE SCHEDULE

August 2022

PROFESSIONAL FEES	I	II	III	IV
Senior Principal	\$245			
Principal – Regional Manager – Director	\$210	\$215	\$230	\$235
Practice Area Lead	\$180	\$195	\$210	\$220
Senior Project Manager	\$195	\$205	\$210	\$215
Project Manager	\$165	\$175	\$180	\$185
Project Engineer	\$125	\$135	\$150	\$160
Engineering Associate	\$110	\$115	\$120	\$125
Planner- Consultant – Designer	\$110	\$120	\$145	\$160
Engineering Technician	\$100	\$115	\$120	\$130
CAD Operator – GIS Analyst	\$80	\$90	\$100	\$105
Construction Services Manager	\$130	\$150	\$170	\$180
Construction Administrator	\$105	\$120	\$130	\$135
Financial Services Manager	\$125	\$135	\$145	\$155
Grant Administrator	\$110	\$120	\$135	\$145
Construction Field Representative	\$85	\$100	\$105	\$115
Environmental Specialist	\$85	\$95	\$100	\$105
Administrative Assistant	\$75	\$80	\$90	\$105

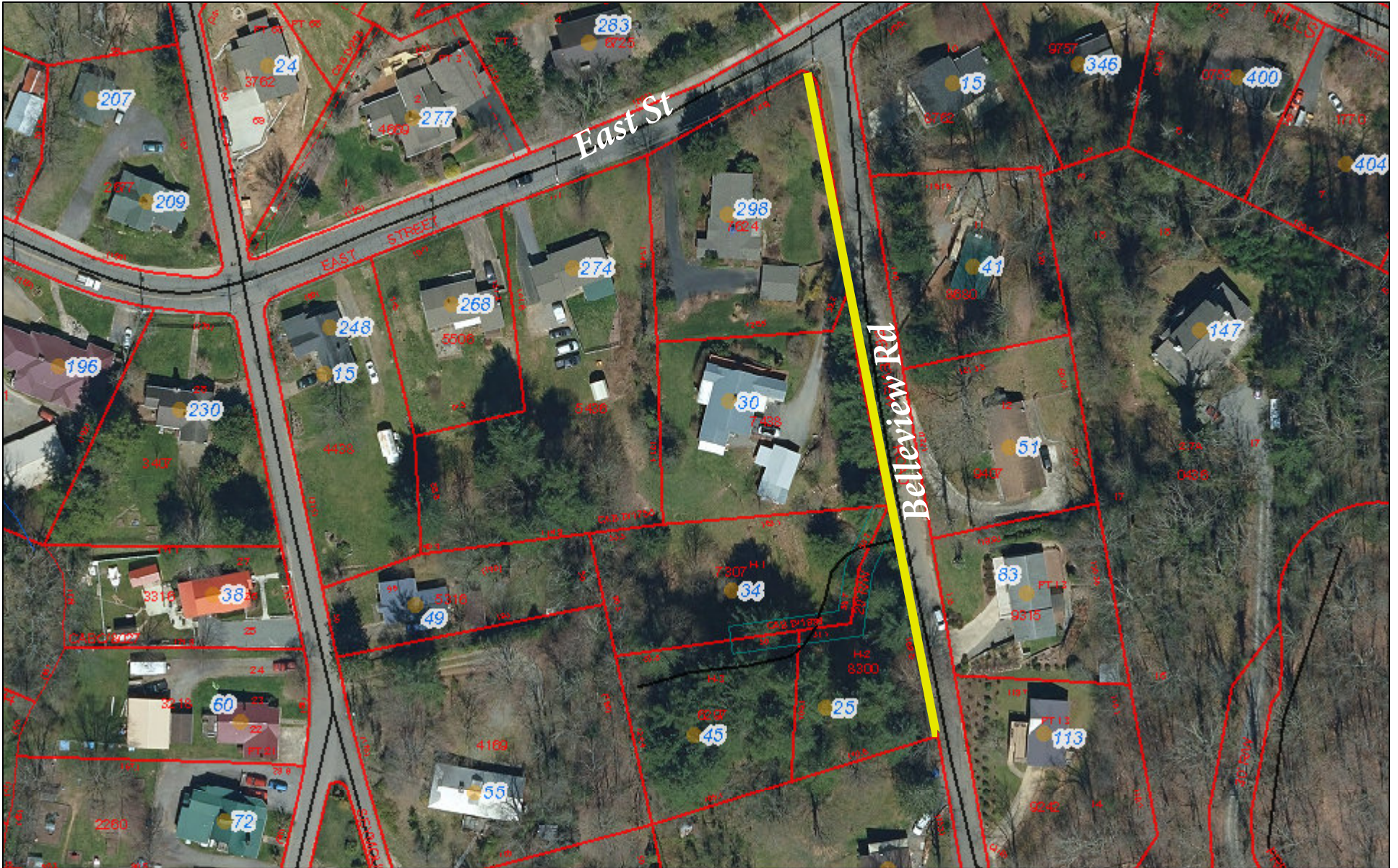
1. EXPENSES

- a. Mileage - \$0.70/mile
- b. Flow Monitoring Equipment: Pressure Flow Meter- \$400/wk.; Gravity Flow Meter - \$1,000/deployment
- c. Telephone, reproduction, postage, lodging, and other incidentals shall be a direct charge per receipt.

2. ASSOCIATED SERVICES -

- a. Associated services required by the project such as soil analysis, materials testing, etc., shall be at cost plus ten (10) percent.

Haywood County GIS



December 6, 2022

Area of Study (in yellow)- Approximately 500 ft

