

TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Suite 110
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Development Services
Director
Elizabeth Teague

Ginger Hain (Chair)
Travis Collins (Vice Chair)
Stuart Bass
John Baus
Michael Blackburn
Jan Grossman
John Mason
Alex McKay
Tommy Thomas

Regular Meeting of the Planning Board Town Hall, 9 South Main Street, Waynesville, NC 28786 Monday, June 16, 2025, 5:30 PM

A. CALL TO ORDER

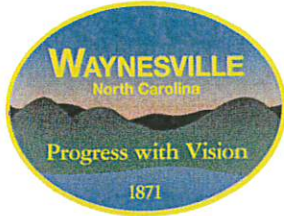
1. Welcome/Calendar/Announcements
 - Council Meetings available: <https://www.youtube.com/@TownofWaynesville/streams>
 - Town Council cancelled June 24, 2025 Council Meeting
 - Past Planning Board and Council Minutes available at:
<https://www.egovlink.com/waynesville/docs/menu/home.asp>
2. Approval of Minutes as presented (or as amended):
 - May 19th, 2025.

B. BUSINESS

1. Public Hearing on as text amendments to Land Development Standards Section 3.10 related to wireless communication facilities and monopole communication towers.
2. Public Hearing on a text amendments to Land Development Standards Chapter 11 related to clarifications and updates to signage ordinance.
3. Public Hearing on a text amendments to Land Development Standards Section 12.5 related to applicability and exemptions in the stormwater ordinance.
4. Public Hearing on a text amendments to Land Development Standards Section 8.2.5 related to compliance requirements in the landscaping ordinance.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786
May 19, 2025

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting on May 19, 2025, at 5:30 p.m. in the board room of the Town Hall at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Ginger Hain (Chair)
Jan Grossman
Travis Collins (Vice Chair)
Alex McKay
John Mason
Stuart Bass

The following Board members were absent:

Michael Blackburn
John Baus
Tommy Thomas

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Assistant Development Services Director
Alex Mumby, Land Use Administrator
Candace Poolton, Town Clerk
Ron Sneed, Board's Attorney

Vice Chair Ginger Hain called the meeting to order at 5:30 pm. Development Services Director Elizabeth Teague reported that copies of minutes and agendas can be found on the Town's website and she introduced new board members Alex McKay and John Mason.

Planning Board Minutes
May 19, 2025

2. Adoption of March 17, 2025, minutes as presented or amended.

A motion was made by Board Member Jan Grossman, seconded by Board Member Stuart Bass, to approve March 17, 2025, minutes as presented. The motion passed unanimously.

3. Election of Chair and Vice-Chair

A motion was made by Board Member Stuart Bass, seconded by Board Member Jan Grossman, to appoint Ginger Hain as the Chair. The motion passed unanimously.

A motion was made by Board Member Stuart Bass, seconded by Chair Ginger Hain, to appoint Travis Collins as the Vice-Chair. The motion passed unanimously.

B. BUSINESS

1. Public Hearing on Balsam Edge sign proposal, 80 Sedge Meadow Path, Waynesville, NC 28786, PIN 8616-40-9101 (Administrative Hearing).

Chair Ginger Hain opened the public hearing at 5:37 pm.

Assistant Director of Development Services, Olga Grooman, reported that an application was submitted for a neighborhood entrance sign for the Balsam Edge apartment complex. Ms. Grooman stated that the proposed double-sided entrance sign will be located on the southern portion of the site, off Howell Mill Road, as shown on the attached site plan. She explained that the Land Development Standards (LDS) do not outline specific design guidelines for neighborhood entrance signs, stating only that Neighborhood Entrance Signs are, "subject to Planning Board design approval." Ms. Grooman stated the proposed sign meets the NC DOT sight triangle requirements, as well as material, design standards, size, and addressing requirements per the Fire Marshall for business signage for that district (Howell Mill Urban Residential, HM-UR). The sign also closely approaches the height standards for ground signs established in the HM-UR zoning district. She described the sign as being made of natural materials, like wood and rock, and is approximately 4 foot 8 inches tall. She explained that, since there are no specific guidelines for neighborhood signs, they are using the business signage guidelines to give the board a general idea of what the new signage in the district will look like.

The applicant, Johnathan Warner with Equinox Environmental, stated that they designed the sign, that the proposed placement is perpendicular to the road, and that the sign is double-sided so traffic can readily view it. He said the sign is elevated to allow space lighting and planting of vegetation underneath.

Chair Ginger Hain closed the public hearing at 5:54 pm.

A motion was made by Board Member Jan Grossman, seconded by Board's Vice Chair Travis Collins, to approve the application as proposed. The motion carried unanimously.

2. Public Hearing on Map Amendment (rezoning request) 185/187 West Marshall Street in Waynesville, NC 28786, PIN 8616-40-9101 (Legislative Hearing).

Chair Ginger Hain opened the public hearing at 5:56 pm.

Assistant Director of Development Services, Olga Grooman, reported that the applicant owns a storage unit business that operates on both 234 W. Marshall Street and the subject property at 185/187 W. Marshall Street, located just to the south. She said that the upper parcel is 0.59 ac, while the subject property is the largest portion of the business, on a 3.25-ac parcel. Although a part of the same business, the properties lie within different zoning districts, with the northern and smaller parcel zoned as Russ Avenue Regional Center (RA-RC), and the southern and larger parcel zoned as Walnut Street Neighborhood Residential Mixed-Use Overlay District (WS-NR-MXO). Ms. Grooman stated that the storage units fall under the definition of Mini-Warehouses in the Land Development Standards (LDS 17.3) and that this use is currently not permitted within WS-NR-MXO District, and so that it is a pre-existing nonconformity there. However, the northern parcel of this business is a legally permitted use because it is in RA-RC District. She said the applicant is seeking to rezone the property at 185/187 W. Marshall Street “to bring the entire site into alignment with its long-standing use as a self-storage facility,” as stated in their application materials. Ms. Grooman explained that while nonconforming uses may continue, any expansion—even within the same parcel—is prohibited.

The proposed RA-RC District has the following purpose and intent, as outlined in LDS Section 2.3.7.C:

- “Gateway for the community.
- This district shall be a setting for high intensity land uses addressing the needs of the Waynesville community and surrounding areas.
- The Russ Avenue Town Center is envisioned as supporting dense development options due to the ample infrastructure in place and the proximity to downtown and the other municipalities in the county.
- The mixture of residential and commercial uses is encouraged.
- Access between development and public areas.”

Ms. Grooman reported that staff considers this rezoning request to be appropriate and reasonable because the property is directly adjacent to the RA-RC District, which already includes a portion of the business, and it is adjacent to the Mountain Creek apartment complex and the Waynesville Plaza shopping center, which are both zoned Regional Center. The property also abuts the railroad corridor. The subject property is a pre-existing non-conforming use, but is a business that has a long record of success and which provides a needed service to the community. She noted that rezoning would create a consistent zoning designation for this business operating across two (2) separate parcels, and with the properties to which it abuts. Ms. Grooman stated that in the proposed RA-RC District, Mini-Warehouses (storage units) are permitted via a Special Use Permit procedure which means that any major change to the existing site plan, including but not limited to any increase in impervious surface, an increase in the total floor area by more than 10%, any decrease in setbacks greater than 10%, etc., will be subject to review by the Planning Board. Ms. Grooman outlined the additional uses that would be allowed in the proposed district (RA-RC).

Applicant Jeremy Ralph, the facility manager at Richland Creek Storage, stated that he is a local resident and owns a business here. Chair Ginger Hain asked if the north side of the property had flooding, and Mr.

Ralph responded that there was some. Mr. Ralph said the reason they are requesting re-zoning is so they can improve the property and the lighting, which would also make the area safer.

Chair Ginger Hain closed the public hearing at 6:15 pm.

Board Member Jan Grossman stated that he is against the request because he feels this is a “cherry picking” re-zoning, especially because it’s “up-zoning.” He said there’s no plan in place and owners do not live locally. Board Member Alex McKay stated that the business has been in operation a long time and re-zoning would be in line with the character of the area. Board Member John Mason explained that he wants to give the owner the ability to do what they want with their property, and that zoning is about balance. Chair Ginger Hain expressed the concern that there is no vision or a plan, and she doesn’t want to open that area up to other uses that would infringe on the enjoyment of the adjacent park or residences.

Attorney Ron Sneed clarified that it would not be spot zoning because this re-zoning request would match the zoning of the adjacent property. It is not a site plan approval either. Vice Chair Travis Collins reminded the Board that if they re-zoned the lot, the business could turn into any of the allowable uses, and Ms. Grooman added that some of the impactful uses would still have to be approved via a Special Use Permit or abide by certain standards. Mr. Ralph reassured the Board that the business has been in operation for 40 years and there is no intention to change.

A motion was made by Board Member Stuart Bass, seconded by Board Member John Mason, to find the rezoning request for the property at 185/187 West Marshall Street in Waynesville, NC 28786 (PIN 8616-40-9101) as being inconsistent with the Land Use Map, but the rezoning is still reasonable and in the public interest because it is consistent with the goals of the Comprehensive Plan, its adjacency to RC zoning, and its record as a successful business which the current ownership would like to continue and improve. Therefore, the Board may recommend approval of the rezoning and simultaneously amend the Future Land Use Map to redesignate the subject property (185/187 W. Marshall Street) as Mixed Use – Regional. Vice Chair Travis Collins, Board Member Alex McKay, Board Member Stuart Bass, and Board Member John Mason voted in the affirmative. Board Member Jan Grossman and Chair Ginger Hain opposed. The motion carries.

A motion was made by Board Member Travis Collins, seconded by Board Member John Mason, to recommend the map amendment for approval by the Town Council. Vice Chair Travis Collins, Board Member Alex McKay, Board Member Stuart Bass, Board Member Jan Grossman, and Board Member John Mason voted in the affirmative. Chair Ginger Hain opposed. The motion carries.

Ms. Teague and the Board discussed the current House Bills that would affect local municipalities and their ability to make decisions regarding zoning.

3. Discussion and Board feedback on staff-initiated text amendment regarding wireless communication facilities.

Assistant Director of Development Services, Olga Grooman, reported that wireless communication facilities are essential infrastructure under federal law and used to transmit and receive signals for wireless communications, such as cellular service, internet, TV and radio broadcasting, emergency services, utilities, etc. Ms. Grooman noted that the Communications Act of 1996 preempts state and local

regulations, including local authority to prohibit wireless service facilities, discriminate between providers of wireless service, or regulate proposed wireless communications facilities based on the potential health/environmental effects of radio frequency emissions. She added that wireless communication facilities comply with the Federal Communications Commission's (FCC) regulations related to radio frequency exposure limits, equipment authorization, construction of facilities, and mandatory collocation requirements. However, local governments can regulate the location, design, buffering, etc.

Ms. Grooman explained that the purpose of the proposed text amendments is to better align the Land Development Standards (LDS) with the federal law and eliminate the Town's ordinance provisions that imply a "use variance" from the Zoning Board of Adjustment, which is not permissible under North Carolina law. She outlined the proposed text amendments:

1. Wireless communication facilities-private and emergency:

Amend the supplemental standards to permit the installation of new structures for the placement of wireless communication facilities, in addition to their placement on existing buildings or poles. All other standards- including but not limited to height and placement limitations, collocation, and design restrictions- will remain unchanged.

2. Monopole wireless communications tower:

Allow new towers without requiring a variance from the Zoning Board of Adjustment. The current provision implies a "use variance," and use variances are not allowed under North Carolina state law. Additionally, FCC mandates the collocation requirements, and any new tower must be designed to accommodate multiple providers. All other LDS standards will remain unchanged, including but not limited to the restriction that the towers can only be located "on a lot one (1) acre or greater in size" AND on a "property owned by the Town of Waynesville" OR above an elevation of 3,500 feet if the property is not owned by the Town (LDS 3.10.4.B.). Furthermore, monopole wireless communication towers are subject to design restrictions, landscape buffering, and setbacks from residential areas. Regulated already, but provision that no new monopole towers are allowed unless they go to ZBA first and get approval.

Proof of regulatory compliance: Written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed tower complies with all permit regulations administered by that agency.

Board Member John Mason said that the need for better communication is important. The Board agreed with the proposed amendments and directed staff to bring them back to the board.

4. Discussion and Board feedback on potential changes to the sign ordinance.

Land Use Administrator, Alex Mumby, reported that staff brought forward an update to the signage code, removing unnecessary language relating to the internal lighting of signs. During that process, Mr. Mumby said they also discovered other areas of the LDS signage chapter in need of clarification and updates. He added there has been feedback from residents and board members regarding size allowances in the current code for neighborhood as well as commercial signs. Staff seeks the Planning Board's input on the following:

- *Signage code definitions should be added under each sign type within the ordinance itself.* The use of the word “etc.” has been removed. This will allow for clearer interpretation rather than open-ended definitions.
- *Clarification of how signs within murals are interpreted, LDS 11.3.1.* Computation of signage area is proposed to codify that only the portion of the mural which contains the sign itself, specifically the lettering and logo, will count towards the maximum allowed signage in a district.
- *Regarding signage size in Regional Center and Commercial Industrial districts,* the maximum allowed size for an attached sign has been reduced from 15% of the wall face to 10% of the wall face. Waynesville’s Regional Center Districts are the core commercial areas of town and are the areas where large signage is most acceptable.
- *Currently there are no guidelines for dimensions of neighborhoods signs* other than that they must be approved by the Planning Board. Staff feels that the primary purpose of neighborhood signs is for wayfinding and that the ordinance should reflect this. The maximum dimensions which would be allowed are recommended to be similar to signs allowed in residential districts currently: 16 square feet. Additionally, staff recommends consideration for limiting the number of neighborhood signs to two (2) signs per entrance with up to a maximum of four (4) signs allowed per neighborhood.
- *Clarification for portable signs* would provide guidelines for A-frame signs which the business owners put out during the day. The dimensions were chosen to allow all current A-frame signs to remain. Additional placement guidelines have been added in order to keep the public way clear and to not create obstructions.
- *The allowance for signs advertising Master Developments greater than five acres* could be reduced and brought under Master Developments greater than 2 acres. The existing allowance for these signs is 160 sqft – 25 ft tall. This is far larger than any other allowed ground sign in Waynesville. The new allowance would be 48 sqft – 8 ft tall, which is in line with current maximum size of ground signs in Regional Center and Commercial Industrial districts. This might be problematic however, for large scale developments with multiple tenants.

Board Member John Mason said the suggested amendments are a good idea.

Board Member Jan Grossman suggested limiting the size of lettering on signage and cited the new Cook Out restaurant as an example of lettering that seems too large. Chair Ginger Hain said the purpose of signage is to communicate information, so maybe staff could look into billboard standards and what would be legible without being intrusive.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

There was no public comment.

D. ADJOURN

The meeting was adjourned by Chair Ginger Hain at 7:24 pm.

Ginger Hain, Vice Chair

Candace Poolton, Town Clerk

Planning Board Staff Report

Subject: Text amendments related to wireless communication facilities
Ordinance Section: Land Development Standards (LDS) section 3.10
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: June 16, 2025
Presenter: Olga Grooman, Assistant Development Services Director

Background:

Wireless communication facilities are infrastructure used to transmit and receive signals for wireless communications, such as cellular service, internet, TV and radio broadcasting, emergency services, utilities, etc. They include antennas, cables, structures like towers, equipment cabinets, etc.

Wireless communication facilities are generally considered an essential infrastructure under federal law. The Communications Act of 1996 preempts state and local regulations, including local authority to prohibit wireless service facilities, discriminate between providers of wireless service, or regulate proposed wireless communications facilities based on the potential health/environmental effects of radio frequency emissions. Additionally, wireless communication facilities comply with the Federal Communications Commission's (FCC) regulations related to radio frequency exposure limits, equipment authorization, construction of facilities, and mandatory collocation requirements.

The purpose of the proposed text amendments is to better align the Land Development Standards with the federal law and eliminate the Town's LDS provisions that imply a "use variance" from the Zoning Board of Adjustment, which is not permissible under North Carolina law.

Staff Recommended Text Changes:

The proposed text amendments include three (3) changes to the LDS:

1. Wireless communication facilities:

Amend the supplemental standards to permit the installation of new structures for the placement of wireless communication facilities, in addition to their placement on existing buildings or poles. All other standards- including but not limited to height and placement limitations, collocation, and design restrictions- will remain unchanged.

2. Monopole wireless communications tower:

- Allow new towers without requiring a variance from the Zoning Board of Adjustment. The current provision implies a "use variance," and use variances are not allowed under North Carolina state law. Additionally, FCC mandates the collocation requirements, and any new tower must be designed to accommodate multiple providers. All other LDS standards will remain unchanged, including but not limited to the restriction that the towers can only be located "on a lot one (1) acre or greater in size" AND on a "property owned by the Town of Waynesville" OR above an elevation of 3,500 feet if the property is not owned by the Town (LDS 3.10.4.B.). Furthermore, monopole wireless communication towers are subject to design restrictions, landscape buffering, and setbacks from residential areas.
- Proof of regulatory compliance: Written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed tower complies with all permit regulations administered by that agency.

The proposed changes to the Land Development Standards are in red, and the proposed deletions are shown in strikethrough (example).

Consistency with the 2035 Comprehensive Land Use Plan:

Staff submits that the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan Goals:

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

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

Goal 5: Create opportunities for a sustainable economy.

- Support 21st century technology and infrastructure by broadening the availability of high-speed internet, modernizing wireless communication facilities, and promoting green building and the use of solar and wind technologies.

And that the proposal is reasonable and in the public interest because it will better align the Town's ordinances with the Federal Communications Act of 1996 and applicable Federal Communication Commission's (FCC) regulations.

Additional Information:

For reference, below are the definitions of wireless communication facilities and monopole towers from LDS 17.3:

“Monopole Wireless Communications Tower. A wireless communication support structure that consists of a freestanding support structure erected to support wireless communication antennas and connecting appurtenances. This term shall not include any antenna that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

Wireless Communications Facility, Macro. An attached wireless communication facility which consists of antennas equal or less than sixteen (16) feet in height or a parabolic antenna up to one (1) meter (39.37 inches) in diameter and with an area not more than one hundred (100) square feet as viewed from any one point.

Wireless Communications Facility, Micro. An attached wireless communication facility which consists of antennas equal to or less than six (6) feet in height and with an area of not more than five hundred eighty (580) square inches (e.g. one (1) foot diameter parabola or two (2) feet x one and one-half (1.5) feet panel) as viewed from any one point. A micro facility is also known as a microcell.

Wireless Communications Facility, Mini. An attached wireless communication facility which consists of antennas equal to or less than ten (10) feet in height or a parabolic antenna up to one (1) meter (39.37) inches in diameter and with an area not more than fifty (50) square feet as viewed from any one point.”

Attachments:

- Draft Ordinance with proposed text amendment
- Research

Recommended Motions:

1. Motion to find the recommended text amendment as attached (or amended) as being consistent with the 2035 Comprehensive Land Use Plan and reasonable and in the public interest.
2. Motion to recommend the text amendment as attached (or as amended) to the Town Council.

DRAFT ORDINANCE FOR BOARD CONSIDERATION

ORDINANCE NO. _____

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

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

WHEREAS, the Communications Act of 1996 preempts state and local regulations, including local authority to prohibit wireless service facilities, discriminate between providers of wireless service, or regulate proposed wireless communications facilities based on the potential health/environmental effects of radio frequency emissions; and

WHEREAS, wireless communication facilities must comply with the Federal Communications Commission's (FCC) regulations related to radio frequency exposure limits, equipment authorization, construction of facilities, and mandatory collocation requirements; and

WHEREAS, the Communications Act of 1996 allows local governments to restrict height/location, and regulate the construction, modification, and design of the proposed wireless communication facilities for safety or aesthetic reasons; and

WHEREAS, NGS 160D-930 ensures the safe and efficient integration of mobile broadband and wireless communication facilities as well as conformity with the Federal Communications Act in local government authority; 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 reflect the following goals of the Comp. Plan:

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

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

Goal 5: Create opportunities for a sustainable economy.

- Support 21st century technology and infrastructure by broadening the availability of high-speed internet, modernizing wireless communication facilities, and promoting green building and the use of solar and wind technologies.

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

WHEREAS, updates to the Land Development Standards related to wireless communication facilities will better align the Town's ordinances with the Federal Communications Act of 1996 and applicable FCC regulations and promote reliable wireless service to the public, government agencies, and first responders, with the intention of furthering the public safety and general welfare in accordance with 160D-930; and

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

WHEREAS, after notice duly given, a public hearing was held on **June 16, 2025**, at the regularly scheduled meeting of the Waynesville Planning Board, and on _____ at the regularly scheduled meeting of the Waynesville Town Council;

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

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

3.10 Supplemental Use Standards—Infrastructure.

3.10.1 Wireless Communication Facility, Micro.

B. Development/Design Standards:

1. A micro wireless facility shall be located on **existing** buildings, poles, or other **existing** support structures.
2. A micro facility may be located on buildings and structures provided that the interior wall or ceiling immediately adjacent to the facility is not designated residential space.
3. A micro facility shall be the same color as the **existing** building, pole or support structure on which it is proposed to be located. Stealth facilities are required.
4. Micro facilities shall comply with the height limitation specified for all land development districts except that such facilities may exceed the height limitation by six (6) feet if placed on **a an-existing** structure. Micro facilities may extend up to six (6) feet above a structure.

3.10.2 Wireless Communication Facility, Mini.

B. Development/Design Standards:

1. A mini wireless facility shall be located on **existing** buildings, poles, or other **existing** support structures.
2. A mini facility may be located on buildings and structures provided that the interior wall or ceiling immediately adjacent to the facility is not designated residential space.
3. A mini facility shall be the same color as the **existing** building, pole or support structure on which it is proposed to be located. Stealth facilities are required.
4. Mini facilities shall comply with the height limitation specified for all land development districts except that such facilities may exceed the height limitation by six (6) feet if placed on **a an-existing** structure. Mini facilities may extend up to six (6) feet above a structure.

3.10.3 Wireless Communication Facility, Macro.

B. Development/Design Standards:

1. A macro wireless facility must have a minimum setback of twenty (20) feet from any adjacent residentially zoned parcel.
2. A macro facility may be located on buildings and structures provided that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.

3. A macro facility shall be the same color as the ~~existing~~ building, pole or support structure on which it is proposed to be located. Stealth facilities are required.
4. Macro facilities shall comply with the height limitation specified for all land development districts except that such facilities may exceed the height of ~~the existing~~ structures by as much as fifteen (15) feet above the ~~existing~~ structure. Macro facilities may not extend more than fifteen (15) feet above their supporting structure.

3.10.4 Monopole Wireless Communication Tower.

B. Location/Site Design:

1. Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County.
2. Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size, except within the CI District.
3. ~~Proof of regulatory compliance is required. Written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed tower complies with all permit regulations administered by that agency or evidence that the proposed tower is exempt from those regulations.~~
4. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. . . .

C. Design of Tower:

5. Towers shall not be artificially lit unless required by the FAA or other applicable authority. ~~If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that will cause the least disturbance to surrounding views.~~

D. Collocation:

1. ~~No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can reasonably accommodate the applicant's proposed tower or antenna.~~
2. Applicants and permittees shall ~~make a good faith effort to~~ share wireless communications, structures, facilities and sites ~~where reasonable and appropriate, including Such good faith shall include~~ sharing technical information and application information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the ~~town~~ **Town** may require a third-party technical study at the expense of either or both the applicant and permittee.

ADOPTED this ____ Day of ____, 2025.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

- **Hendersonville, NC:**

16-4-29.1 Application requirements. Anyone desiring to construct or install a telecommunications tower shall submit an application for a permit and shall pay a fee which shall be established by resolution of city council.

The application shall contain the following:

a) **Site development plan.** A site development plan prepared by a North Carolina Registered Land Surveyor, Registered Landscape Architect or Registered Professional Engineer containing the following:

1. The tower applicant's name and property owner's name and their addresses, scale, north arrow, vicinity map, tax parcel identification number, and the tower's latitude and longitude coordinates;

e) **Collocation alternatives.** Identification of all other possible alternatives considered within the service area for the proposed tower's antenna(s) and an explanation why the proposed tower is necessary and why existing towers and structures (e.g., Duke Power transmission tower) cannot accommodate the proposed antenna(s).

g) **Feasible alternatives.** Towers to be sited in zoning districts requiring rezoning to a conditional zoning district shall demonstrate the lack of a feasible alternative as required by paragraph 16-4-29.4, below.

- **Fletcher, NC:**

Land Use Code, Chapter 3, Supplemental Standards:

C. No tower may be located within 1,500 linear feet of an existing tower unless the applicant can prove that co-location is not a viable option.

D. Tower Location and Setbacks: Where a tower is located on a lot with an existing non-residential principal use, the tower must be located in the rear or side yards.

- **Haywood County, NC:**

Special Use Permit is required.

§ 115.25 PUBLIC PROPERTY PREFERENCE. Applicants shall first be encouraged to consider properties owned by Haywood County, or instrumentalities thereof, before considering private properties as locations for wireless telecommunication facilities. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties.

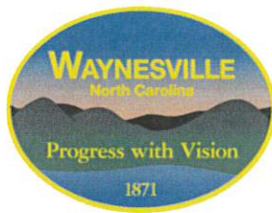
- **Black Mountain, NC:**

A. Freestanding, communication towers or attached wireless communication facilities shall only be permitted by approval of a conditional use permit.

- **Canton, NC:**

(b) *Location and Permits.* Wireless communication towers and attached wireless communication facilities extending more than 15 feet above the highest point of the attachment structure may be located in any zoning district, *excluding the Single Family or General Residential district*, as a special use permit is issued by the Board of Adjustment under procedures outlined in this chapter. Such towers and facilities shall be subject to all requirements of this and all other applicable sections of this chapter. Attached wireless communication facilities extending not more than 15 feet above the highest point of the attachment structure may be located in any zoning district, *excluding the Single Family or General Residential district*, after issuance of a zoning permit under the provisions of this chapter. Such facilities shall meet all applicable requirements of this chapter and all other applicable town codes.

The Town of Canton's Zoning Board of Adjustment duties include administrative review to hear and decide appeals, variance requests, and special exceptions to Canton's Zoning Ordinance.



To: Town of Waynesville Planning Board
 From: Olga Grooman, Assistant Development Services Director
 Date: June 16, 2025
 Subject: Text Amendment Statement of Consistency
 Description: Text amendments related to wireless communication facilities
 Ordinance Section: Land Development Standards (LDS) section 3.10
 Address: Town of Waynesville Planning Department ("Development Services Department")

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

☐

The zoning text amendment **is approved and is consistent with the Town's Comprehensive Land Use Plan** because: _____

The zoning text amendment **is reasonable and in the public interest** because:

☐

The zoning text amendment **is rejected because it is inconsistent with the Town's Comprehensive Land Plan and is not reasonable and in public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan**. The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

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

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

 Ginger Hain, Planning Board Chair Date

 Esther Coulter, Administrative Assistant Date

Planning Board Staff Report

Meeting Date: May 19th, 2025
Subject: Signage Update Text Amendment
Applicant: Staff initiated Text Amendment
Staff Contact: Alex Mumby, Land Use Administrator

Background:

In prior meetings, staff brought forward discussion of updates to the signage code related to areas of the LDS signage chapter in need of clarification and updates. Additionally, there has been feedback from residents and board members regarding size allowances in the current code for neighborhood, commercial, and industrial signs. This update seeks to add definitions, clarifications, and respond to feedback regarding the scale of signs within zoning district contexts.

Staff Recommended Text Changes:

Staff has drafted a text amendment for Planning Board review and discussion which includes the following:

- *Signage code definitions added under each sign type within the ordinance itself.* These definitions are found within LDS Chapter 17 but are unevenly used within LDS Chapter 11. Adding all definitions to the text within Chapter 11 will assist applicants and code enforcement with the signage regulations. Additionally, the use of the word “etc.” has been removed to provide clearer interpretation.
- *Clarification of how signs within murals are interpreted, LDS 11.3.1.* Computation of signage area is proposed to affirm that only the portion of the mural which contains the sign itself, specifically the lettering and logo, will count towards the maximum allowed signage in a district. This codifies the precedent for how staff has interpreted signs within murals in the past.
- *Scale of signage in Regional Center and Commercial Industrial districts.* The maximum allowed size for an attached sign is 15% of the wall face. Staff recommends a reduction to 10% of the wall face for buildings that are free standing. For storefronts that are part of attached units within shopping centers, staff recommends that it remain 15%. This reduction in ratio would apply to new signage only and LDS Section 11.10 Maintenance and Non-Conformities would still apply to existing signs. As a reference, note that proposed replacement signage at Wal-Mart is only 1.5% of the total façade, and the sign on the side of the Cookout building is exactly 15%.
- *Clarification for portable signs* would provide guidelines for A-frame signs which the business owners put out during the day. The dimensions were chosen to allow all current A-frame signs to remain. Additional placement guidelines have been added in order to keep the public way clear and to not create obstructions.
- *Replace the term “Master Development” with multi-tenant shopping centers.* The existing allowance for “master development signs” is 160 sq. ft. – 25 ft tall, without defining what a master development

is. This is the largest allowable signage and is appropriate to shopping center developments with multiple tenants.

- *Guidelines for dimensions of neighborhoods signs.* Currently there are no dimensional standards for neighborhood signs. Neighborhood signage is subject to approval by the Planning Board, but the planning board is given no criteria from which to consider an application. Staff feels that the primary purpose of neighborhood signs is for wayfinding and to create a sense of entrance, and that the ordinance should reflect this. The maximum dimensions recommended are similar to signs allowed in low, medium, and Urban residential districts which is a maximum of 16 square feet. Staff also recommends limiting the height of signage to 6' tall which is consistent with the Neighborhood Center District. Thirdly, staff recommends consideration for limiting the number of neighborhood signs to two (2) signs per entrance with up to a maximum of four (4) signs allowed per neighborhood. This would allow double signage at up to two main entrances, with options for other entrances.

Consistency with the 2035 Comprehensive Land Use Plan:

Signage contributes to the overall character of a commercial or residential area. Under Goal 1 of the 2035 Comprehensive Plan the objectives of: "Create walkable and attractive neighborhood and commercial centers;" and "Reinforce the unique character of Waynesville." Goal 5 speaks to "creating opportunities for a sustainable economy," with the objective to "promote Waynesville's downtown districts, inns, restaurants, and reputation as the "gateway to the Smokies. Staff submits that these updates to the signage chapter of the ordinance will support these objectives of the Comprehensive Plan.

Attachments:

- Draft Ordinance of proposed text amendment
- Consistency Statement Worksheet

Recommended Motions:

1. Motion to find the Draft Ordinance for a text amendment consistent (or inconsistent) with the 2035 Comprehensive Plan.
2. Motion to recommend adoption of the text amendment as presented (or as amended) to the Town Council.

DRAFT ORDINANCE FOR PLANNING BOARD CONSIDERATION

ORDINANCE NO. _____

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

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

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

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
 - Create walkable and attractive neighborhoods and commercial centers.
 - Reinforce the unique character of Waynesville.
- Goal 5: Create opportunities for a sustainable economy
 - Promote Waynesville's downtown districts, inns, restaurants, and reputation as the "Gateway to the Smokies"
 - Encourage creatively designed, mixed-use, walkable centers, and commercial districts that appeal to residents and visitors.

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

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

WHEREAS, after notice duly given, a public hearing was held on _____, 2025 at the regularly scheduled meeting of the Waynesville Planning Board, and on _____ 2025 at the regularly scheduled meeting of Town Council;

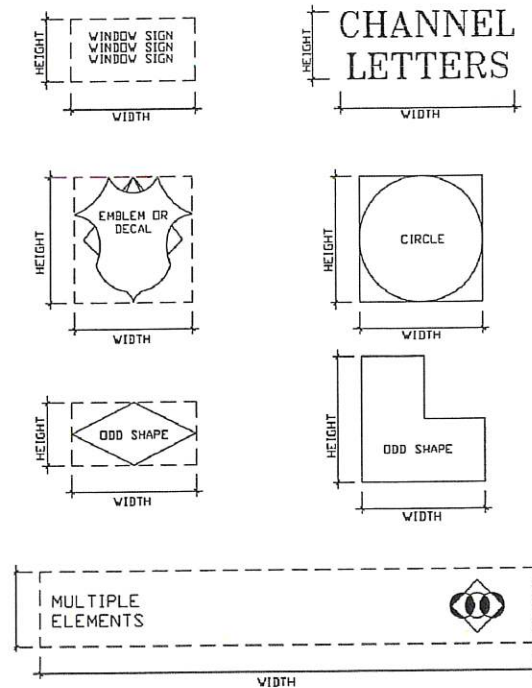
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____, 2025 AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

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

1. Amend Chapter 11: Signs as Follows

11.3 Computation of Signage Area.

11.3.1 Computation of Sign Face.



- A. The area of a sign face shall be deemed to be the entire area within the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign.
- B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
- C. Frames or structural members not bearing informational or representational matter shall not be included in computation of the area of a sign face.
- D. Signs attached to walls (other than building walls) or fences shall be treated as ground signs and allowed only where ground signs are permitted. Only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.
- E. Air gaps between tenant name panels on a multi-tenant sign shall not be counted towards the total sign face area.
- F. For signage that is integrated into a mural, only that portion of the mural which the administrator determines to be the advertising sign in accordance with the computational guidance above, shall be counted towards the total sign face area.

11.5 Signs Not Requiring a Permit.

11.5.1 Governmental Signs.

- A. Signs posted by various local, state and federal agencies in the performance of their duties such as, but not limited to, regulatory signs, welcome signs and traffic signs.
- B. Signs installed under governmental authority which note the donation of buildings, structures or streetscape materials (such as, but not limited to benches, or park facilities, etc.).

11.5.2 Flags, Etc.

Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot provided the height of any pole shall not exceed ~~the maximum building height for the district~~ 25' in height.

11.6 Permitted Signage by District.

11.6.1 Permitted Signage by District.

The following permanently mounted signs and their related maximum dimensions are allowed subject to the issuance of a sign permit.

District	Ground Sign	Attached Sign	Permitted Illumination	Other Standards
Residential-Low Density (RL)	16 sq. ft.—4 ft. tall	16 sq. ft.	None permitted	
Residential-Medium Density (RM)	16 sq. ft.—4 ft. tall	16 sq. ft.	External illumination only	
Neighborhood Residential (NR)/Urban Residential (UR)	16 sq. ft.—4 ft. tall	16 sq. ft.	External illumination only	
Neighborhood Center (NC)	24 sq. ft.—6 ft. tall	10% of wall	External illumination only	Pedestrian Sign - 1 per business
Business District (BD)	24 sq. ft.—6 ft. tall Exceptions: Ground signs are not permitted on Main Street from Church Street to Russ Avenue; Ground signs shall be limited to 16 ft.—4 ft. tall along Wall Street from East Street to Howell Street	1 sq. ft. for each 1 linear ft. of wall frontage - maximum of 100 sq. ft.	Internal illumination permitted except within a National Register Historic District	Pedestrian Sign - 1 per business Marquee Sign - 11.7.6
Regional Center (RC)	48 sq. ft.—8 ft. tall	15% 10% of wall	Internal illumination permitted	Pedestrian Sign - 1 per business
Commercial Industrial (CI)	48 sq. ft.—8 ft. tall	15% 10% of wall	Internal illumination permitted	

11.6.2 Other Permitted Signage.

Development Type	Standard
Home Occupations (All Residential Districts)	8 sq. ft.
Master Development Sign Shopping Center or multi-tenant commercial Development (For Development 5 acres or greater) within RC and CI districts	160 sq. ft.—25 ft. tall—1 permitted per major road frontage
Master Development Sign Shopping Center or multi-tenant commercial Development (For Development 2 acres or greater) within NC, BD, RC, and CI districts	48 sq. ft.—8 ft. tall—1 permitted per major road frontage
Neighborhood Entrance Signs	Subject to Planning Board design approval 16 sq ft – 6 ft. tall. Two (2) signs shall be allowed per entrance up to a maximum of four (4) signs total per neighborhood.
Elementary and Secondary Schools	32 sq. ft.—8 ft. tall—May be Electronic Changeable Face Sign (See Section 11.7.4)—Must be static between one hour after dusk and one hour before dawn except during special events

(Ord. No. O-15-13, 11-26-2013; Ord. No. O-21-21, § 1, 11-9-2021)

11.7 Signage Types.

11.7.1 Ground Signs.

- A. All Ground Signs shall be located out of the street right-of-way or at least five (5) feet for [from] the edge of the Public Way whichever is greater.
- B. No Ground Sign shall be located in any required buffer yard, within a sight triangle as established by Sections 6.7.2 for streets and 9.8.3 for driveways or within 10 feet of a side property line.
- C. Ground signs shall include a base (min. 1 ft. in height) constructed of rock, brick, or other masonry material or permanent landscaping.
- D. Residential Neighborhood and Business District Entrance Signs shall be professionally designed and produced using high-quality materials. ~~and shall be appropriate in size, number and location for the neighborhood or district being identified as approved by the Planning Board following a public hearing.~~
- E. One (1) ground sign is permitted per building for and on each public street frontage provided that building directly fronts the public street, and no other principal building on the same property is situated between the building and the public street.

11.7.5 Portable Signs (Permitted in BD Only).

- A. A sign that is movable by a person without aid of a motor vehicle or other mechanical equipment
- B. Such signs shall be a minimum of 28 inches in height and a maximum of 48 inches in height. Such signs shall be a minimum of 18 inches in width and a maximum of 30 inches in width.
- C. Signs may be placed along the wall of the building or the curb in front of the building. The sign shall not encroach more than 3 feet into the public way. If there is on-street parking, the sign shall be placed parallel with the parking line to not impede passengers entering/exiting the vehicle.

11.8 Prohibited Signs.

The following signs are prohibited:

11.8.2 Movable Signs.

A sign that may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a portable sign in that it may be equipped for transporting by motor vehicle or other mechanical means and includes sign referred to as trailer signs.

11.8.6 Signs on Roadside Appurtenances.

Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches and refuse containers, ~~etc~~ or other public infrastructure are prohibited unless specifically allowed elsewhere in this chapter.

11.8.8 Pennants, Ribbons, Streamers, Ballons, ~~etc~~ and Feathers.

Signs containing or consisting of pennants, ribbons, streamers, balloons, greater than twelve (12) inches in diameter, spinners, feathers or similar devices are prohibited. Signs which are intended to move or flap either from the wind, air stream, or internal motor are prohibited.

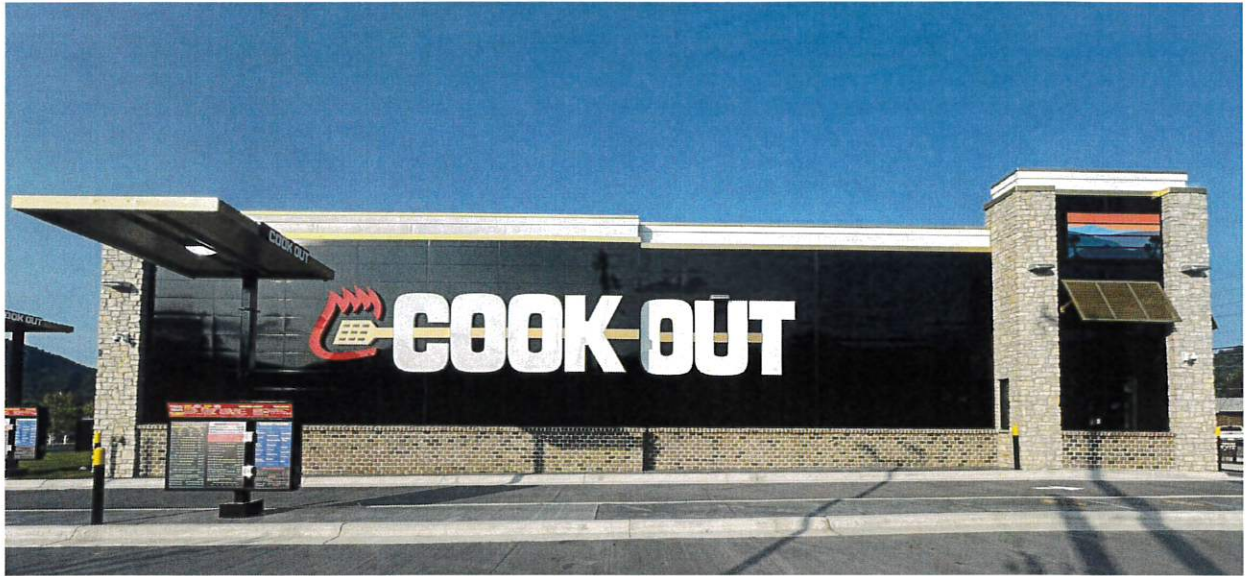
11.8.10 Facsimile Signs.

An over-sized, three-dimensional object, such as an automobile, human figure, etc. that may or may not contain advertising material, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention.

2. Amend Chapter 4: General Provisions for all Districts as follows:

4.4.3 Items Not Included in Height Calculations.

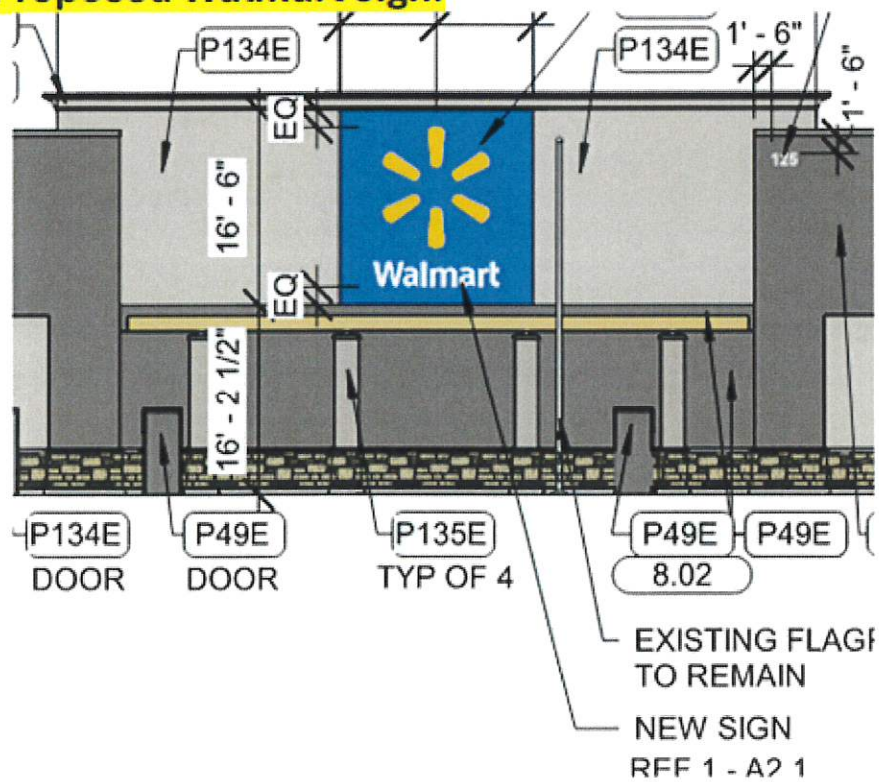
The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, ~~flagpoles~~, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Chapter 3 Supplemental Standards related to communication towers and wireless communication facilities.



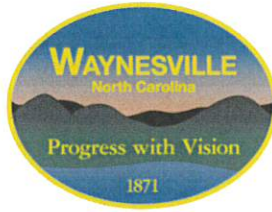
Existing Walmart sign:



Proposed Walmart sign:







To: Town of Waynesville Planning Board
 From: Alex Mumby, Land Use Administrator
 Date: June 16, 2025
 Subject: Text Amendment Statement of Consistency
 Description: Text amendments related to signage
 Ordinance Section: Land Development Standards (LDS) Chapter 11
 Address: Town of Waynesville Planning Department ("Development Services Department")

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

☐

The zoning text amendment **is approved and is consistent with the Town's Comprehensive Land Use Plan** because: _____

The zoning text amendment **is reasonable and in the public interest** because:

☐

The zoning text amendment **is rejected because it is inconsistent with the Town's Comprehensive Land Plan and is not reasonable and in public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan**. The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

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

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

 Ginger Hain, Planning Board Chair Date

 Esther Coulter, Administrative Assistant Date

Planning Board Staff Report

Subject: Text amendments related to applicability and exemptions in the stormwater ordinance
Ordinance Section: Land Development Standards (LDS) Section 12.5
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: June 16, 2025
Presenter: Olga Grooman, Assistant Development Services Director

Background:

The Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of the Environmental Quality (NC DEQ) on August 19, 2021. The permit is valid for five (5) years, and it replaces the Town's former NPDES permit. Its purpose is to manage stormwater runoff, reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. To achieve these goals, the Town implements its comprehensive Stormwater Management Plan, approved on June 28, 2021.

One of the NPDES permit requirements is to "maintain adequate legal authorities through ordinance" (permit reference 3.6.2). The Waynesville Stormwater Ordinance is based on the Phase II NCDEQ Stormwater Model Ordinance for North Carolina, with slight modifications.

Projects that disturb one (1) acre or more or create 24,000 sf of impervious surface fall under the requirements of the Waynesville Stormwater Ordinance, regardless of the number of units/lots created, unless the development is exempt. Exempt projects are single-family and two-family developments on individual lots, all development in the Central Business District (CBD), redevelopment that results in no net increase in built-upon area and/or provides equal or greater stormwater control, development and redevelopment that cumulatively disturbs less than (1) one acre and is not part of a larger common plan, and certain farming and forestry activities as specified in the Code of Federal Regulations.

When projects are exempt from the stormwater ordinance, they are not subject to stormwater permitting requirements and are not required to prepare an engineered Stormwater Management Plan addressing post-development discharge, water quality, quantity, and related standards. However, general drainage overview still applies to smaller site plans, and it is reviewed by the Public Services Department.

During the review of a minor site involving three (3) pre-platted lots, the question arose whether the current exemption for single-family and two-family development applied to the project. Per suggestion of the Board's attorney Ron Sneed, staff is bringing forward this text amendment to clarify the scope of the single-family and two-family exemption. The amendment also includes two additional updates, as outlined below.

Staff Recommended Text Changes:

The proposed text amendments include three (3) changes to the LDS:

1. The current exemption reads "Single-family and two-family developments on individual lots," which could be interpreted as to be applicable to larger subdivisions consisting of multiple individual lots, rather than applying solely to standalone development on a single lot. Staff proposes to clarify that a single-family dwelling on an individual lot or a two-family dwelling on an individual lot that is not a part of a larger site plan or subdivision is exempt from the requirements of the Stormwater Ordinance.
2. The second change is to highlight permitting requirements in the applicability section of the ordinance. This revision emphasizes that all developments and redevelopments must obtain a

stormwater permit, unless they are specifically exempted by the ordinance. The permit includes the design and construction of stormwater management practices, review by the Town-contracted engineer, approval, and inspection. The stormwater permit is described in more detail in Chapter 15 of the LDS.

3. The third amendment removes a redundant part of the sentence that unnecessarily repeats the same information, as shown in the attached draft.

The proposed changes to the Land Development Standards are in red, and the proposed deletions are shown in strikethrough (example).

Consistency with the 2035 Comprehensive Land Use Plan:

Staff submits that the proposed text amendments to the LDS are consistent with the following 2035 Comprehensive Plan Goals:

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

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

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

- Protect and enhance water quality and forests.

The proposal is reasonable and in the public interest because it clarifies the applicability and exemptions of the stormwater ordinance, thereby strengthening the Town's legal authority through clear ordinance.

Attachments:

- Draft Ordinance with proposed text amendment

Recommended Motions:

1. Motion to find the recommended text amendment as attached (or amended) as being consistent with the 2035 Comprehensive Land Use Plan and reasonable and in the public interest.
2. Motion to recommend the text amendment as attached (or as amended) to the Town Council.

DRAFT ORDINANCE FOR BOARD CONSIDERATION

ORDINANCE NO. _____

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

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

WHEREAS, the Town of Waynesville must comply with its National Pollutant Discharge Elimination System Permit issued by the North Carolina Department of Environmental Quality on August 19, 2021, and maintain legal authority to enforce the stormwater program through up-to-date ordinances.

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Stormwater Ordinance 12.5 of 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:

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

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

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

- Protect and enhance water quality and forests.

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

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

WHEREAS, after notice duly given, a public hearing was held on **June 16, 2025**, at the regular meeting of the Waynesville Planning Board, and on ____, 2025 at the regularly scheduled meeting of the Town Council;

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

Section 12.5- Stormwater Management of the Land Development Standards (LDS) be amended as follows:

12.5.2 Applicability.

- A. Commencement Date:** Beginning with and subsequent to its effective date, the requirements of this section are applicable to all development and redevelopment located within the Town Limits and Extraterritorial Jurisdiction of Waynesville including, but not limited to, site plan applications, subdivision applications, and grading applications unless exempt pursuant to this section.
- B. Required Conformity:** No building, structure, or land shall be used, occupied, or altered and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with all the provisions of this section and all other applicable regulations except as otherwise provided in this Section.
- C. Permit Required:** A stormwater permit is required for all development and redevelopment, unless exempt pursuant to this ordinance. No development for which a stormwater permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit. A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including structural BMPs and elements of site design for stormwater management other than structural BMPs. The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the development or redevelopment site consistent with the requirements of this ordinance. Additional details regarding stormwater permit requirements and procedures can be found in Sections 15.2.3, 15.4, and 15.7.3
- D. Minimum Development Thresholds:** The standards of this section shall apply to all new development and redevelopment projects that:
 - a) Cumulatively disturb one (1) acre or more.
 - b) Projects of less than one acre and that are a part of a larger common plan of development or sale, even though multiple, separate, or distinct activities take place at different times on different schedules.
 - c) Projects of less than one acre and that have a proposed increased impervious surface on completion of greater than 24,000 square feet.

All development and redevelopment shall direct stormwater runoff to landscaped areas and other pervious surfaces to the maximum extent possible. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- E. Illicit Discharges Applicable to All Existing or New Development:** The non-stormwater discharge controls set forth in 12.5.9 of this section shall apply to all existing or proposed developments in the Town of Waynesville's jurisdiction.

12.5.3 Exemptions.

The following development applications are exempt from the standards of this section:

- ~~Single-family and two-family developments on individual lots.~~ A single-family dwelling on an individual lot or a two-family dwelling on an individual lot, provided the lot is not a part of a larger site plan or subdivision.
- All development in the Central Business District (CBD) zone.

- Development and redevelopment that cumulatively disturbs less than (1) one acre and is not part of a larger common plan of development. ~~or sale unless such activities are part of a larger common plan of development or sale, even though multiple, separate, or distinct activities take place at different times on different schedules.~~
- Activities that are exempt from permit requirements of Section 404 of the Federal Clean Water Act as specified in 40 CFR 232 (primarily ongoing farming and forestry activities) are exempt from the provisions of this section.
- Redevelopment that results in no net increase in built-upon area and/or provides equal or greater stormwater control than the previous development is exempt from the provisions of this ordinance.

ADOPTED this _____ Day of _____, 2025.

TOWN OF WAYNESVILLE

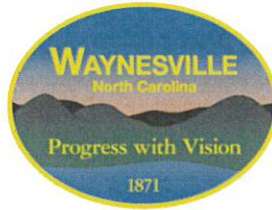
J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Olga Grooman, Assistant Development Services Director
 Date: June 16, 2025
 Subject: Text Amendment Statement of Consistency
 Description: Text amendments related to applicability and exemptions in the stormwater ordinance
 Ordinance Section: Land Development Standards (LDS) Section 12.5
 Address: Town of Waynesville Development Services Department

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

☐

The zoning text amendment **is approved and is consistent with the Town's Comprehensive Land Use Plan** because: _____

The zoning text amendment **is reasonable and in the public interest** because:

☐

The zoning text amendment **is rejected because it is inconsistent with the Town's Comprehensive Land Plan and is not reasonable and in public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan**. The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

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

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

 Ginger Hain, Planning Board Chair Date

 Esther Coulter, Administrative Assistant Date

Planning Board Staff Report

Subject: Text amendments related to compliance requirements in the landscaping ordinance
Ordinance Section: Land Development Standards (LDS) Section 8.2.5
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: June 16, 2025
Presenter: Olga Grooman, Assistant Development Services Director

Background:

LDS Chapter 8 encourages the preservation of existing trees and vegetation and replenishment of removed vegetation to “improve the visual quality of the Town of Waynesville and minimize the potential impacts of development, such as noise, dust, and glare of lights.” It states that “it is the desire of the Town to maintain tree-lined, pedestrian-friendly streets throughout the community. Street trees shade the pedestrian realm of the street, encourage cars to move more slowly, improve pedestrian safety by creating a buffer between the moving cars and the sidewalk, absorb stormwater, absorb pollutants from tailpipe emissions, and add value to the fronting properties.” LDS Chapter 8 requires street tree plantings as part of new development and certain redevelopment, including along roadways that are maintained by the NCDOT.

Several projects along Russ Avenue corridor will be unable to plant the required street trees due to ongoing NCDOT roadway construction and associated easements. Unlike with Town sidewalk requirements that allow for a “fee-in-lieu of construction” option, the landscape ordinance only permits a temporary Certificate of Occupancy (CO) until landscaping is complete, and then, only with a bond or letter of credit which expires with the temporary CO after 180 days. However, the timeline for NCDOT projects may easily exceed 180 days. Under a temporary CO, the building permits for these projects also remain open.

On May 27, 2025, the Town Council voted to implement a temporary policy allowing developments impacted by NCDOT roadway projects to provide a fee-in-lieu of the required street tree plantings and directed staff to work with the Planning Board to develop a text amendment to the Land Development Standards to address this issue. The purpose of the proposed text amendment is to ensure compliance with the road frontage landscaping requirements without causing unnecessary delays for the projects nearing completion and that have otherwise met all other permitting requirements.

Staff Recommended Text Changes:

The proposed change is to allow a payment-in-lieu option covering all costs associated with the installation and materials of the required landscaping for developments affected by the NCDOT road projects. These funds will be held in a Town-designated account. To the extent possible, the Town will use these funds to plant the required road frontage landscaping in the original project location once the NCDOT construction is complete.

The proposed changes to the 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 following 2035 Comprehensive Plan Goals:

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

- Encourage infill, mixed-use and context-sensitive development.
- Create walkable and attractive neighborhoods and commercial centers.

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

- Protect and enhance water quality and forests.

- Protect rural lands, iconic views and mountain vistas.

The proposal is reasonable and in the public interest, as it allows the Town to ensure compliance with its landscaping ordinance while enabling affected projects to proceed without delay and obtain a final Certificate of Occupancy.

Attachments:

- Draft Ordinance with proposed text amendment
- Landscaping policy request, as presented to the Council on May 27, 2025

Recommended Motions:

1. Motion to find the recommended text amendment as attached (or amended) as being consistent with the 2035 Comprehensive Land Use Plan and reasonable and in the public interest.
2. Motion to recommend the text amendment as attached (or as amended) to the Town Council.

DRAFT ORDINANCE FOR BOARD CONSIDERATION

ORDINANCE NO. _____

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

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

WHEREAS, Chapter 8 of the Town of Waynesville Land Development Standards (LDS) encourages the preservation of existing trees and vegetation and replenishment of removed vegetation to “improve the visual quality of the Town of Waynesville and minimize the potential impacts of development, such as noise, dust, and glare of lights.”

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Chapter 8: Tree Protection, Landscaping, and Screening of 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:

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

- Encourage infill, mixed-use and context-sensitive development.
- Create walkable and attractive neighborhoods and commercial centers.

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

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

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

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

WHEREAS, after notice duly given, a public hearing was held **on June 16, 2025**, at the regular meeting of the Waynesville Planning Board, and on _____, 2025 at the regularly scheduled meeting of the Town Council;

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

Section 8.2.5- Tree Protection, Landscaping, and Screening of the Land Development Standards (LDS) be amended as follows:

8.2.5 Compliance and Maintenance.

- A. Landscaping must be installed prior to the issuance of a final certificate of occupancy. A temporary certificate of occupancy accompanied by a bond as noted in B below may be granted to permit installation of required landscaping subsequent to occupancy of the building.
- B. If the season or weather conditions prohibit planting, the developer may provide a bond, an irrevocable letter of credit, or other financial surety in an amount equal to one hundred twenty-five (125) percent of the cost of installing the required landscaping to guarantee the completion of the required planting. The financial surety shall be canceled and/or returned upon completion of the required landscaping.
- C. If the North Carolina Department of Transportation (NCDOT) road project prevents the installation of required landscaping, the developer may request to provide a payment-in-lieu covering all costs associated with installation and materials. Upon approval of the payment in-lieu by the Administrator and receipt of the full payment, the Town may issue a Final Certificate of Occupancy for the project. The payment-in-lieu funds will be held by the Town in a designated account and, to the extent possible, will be used to restore the required road frontage landscaping in the original or nearby project location once the NCDOT construction is complete.
- D. The owner of the property where required landscaping is planted shall be responsible for the maintenance and protection of all plant and screening materials. Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall shall constitute a violation of this chapter.
- E. If existing vegetation is to be used in complying with any part of this section, a plan for the protection of this vegetation during construction must be submitted to, and approved by the Administrator.

ADOPTED this _____ Day of _____, 2025.

TOWN OF WAYNESVILLE

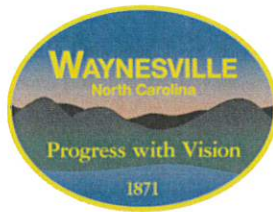
J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Olga Grooman, Assistant Development Services Director
 Date: June 16, 2025
 Subject: Text Amendment Statement of Consistency
 Description: Text amendments related to compliance requirements in the landscaping ordinance
 Ordinance Section: Land Development Standards (LDS) Section 8.2.5
 Address: Town of Waynesville Development Services Department

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

☐ The zoning text amendment **is approved and is consistent with the Town's Comprehensive Land Use Plan** because: _____

The zoning text amendment **is reasonable and in the public interest because:**

☐ The zoning text amendment **is rejected because it is inconsistent with the Town's Comprehensive Land Plan and is not reasonable and in public interest** because _____

☐ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan**. The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

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

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

 Ginger Hain, Planning Board Chair Date

 Esther Coulter, Administrative Assistant Date