

Town of Waynesville, NC

Town Council Regular Meeting

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

Date: August 25th, 2026 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 Town Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember 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. Approve August 11th, 2026 Regular Meeting Minutes
 - b. Appointment of Alex Mumby to the Technical Coordinating Council (TCC) of the French Broad River Metropolitan Planning Organization.
 - c. Revised updates to building inspection enforcement ordinances
 - d. Call for a public hearing to consider a text amendment to amend the definition and allowance of Billiard Halls on September 8th, 2026.
 - e. Call for a Public Hearing for a text amendment to revise to the Table of Uses, LDS Section 2.5.3, for September 8th, 2026
 - f. 21st Annual Sarge's Downtown Dogwalk Special Event Permit
 - g. Extension of the permanent Social District boundary

Motion: To approve the consent agenda as presented

E. PRESENTATION

3. Presentation and Consideration of Adoption of the Waynesville Parks & Recreation Comprehensive System Plan

- Emily Buehrer-Douglas, Withers-Ravenel PLA

Motion: To adopt the Waynesville Parks & Recreation Comprehensive System Plan as the Town's 10-year strategic planning document and guiding framework for the future development, maintenance, programming, and investment of the Town's parks and recreation system, and to direct Parks & Recreation staff to utilize the plan's Implementation Playbook in developing future departmental priorities, capital improvement requests, grant applications, partnerships, and budget recommendations, subject to future Town Council approval and available funding.

F. PUBLIC HEARINGS

4. Public Hearing to consider a request for annexation for the 0.59-ac property at 1221 Dellwood Road, Waynesville, NC 28786 (PIN 8616-49-2973).

- Alex Mumby, Land Use Administrator

Motion: Adoption of attached Ordinance to approve the annexation of the described properties.

5. Public Hearing on mandated amendments to the Town's Flood Damage Prevention Ordinance, Land Development Standards Sections 12:3, and 17.5.

- Olga Grooman, Interim Development Services Director and Certified Floodplain Manager (CFM)

Motions:

1. Motion to find the text amendments to the Land Development Standards as consistent with the 2035 Comprehensive Plan and reasonable and in the public interest.

2. Motion to adopt the ordinance as written.

G. NEW BUSINESS

6. Approval of CLG Grant Contract with Rowhouse Architects

- Alex Mumby, Land Use Administrator

Motion: To approve the professional contract with Rowhouse Architects.

H. COMMUNICATION FROM STAFF

7. Manager's Report

- Interim Town Manager, Rick Howell

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

August 25, 2026

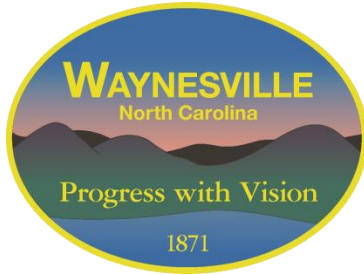
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8. Town Attorney's Report

- Town Attorney, Martha Bradley

I. **COMMUNICATIONS FROM THE MAYOR AND COUNCIL**

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

2026 CALENDAR

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

2026	
Friday, September 4 th	First Friday-5-8pm on Main Street
Monday, September 7 th	Labor Day-Town Offices Closed
Tues, September 8	Town Council Meeting – Regular Session
Tues. September 22	Town Council Meeting – Regular Session
Friday, October 2 nd	First Friday-5-8pm on Main Street
Sat. October 10	Church Street Art and Craft show 10am-5pm
Tues. October 13	Town Council Meeting – Regular Session
Tues. October 27	Town Council Meeting – Regular Session
Saturday October 31	Treats on the Street-5-7pm
Friday, November 6 th	First Friday-5-8pm on Main Street
Tues. November 10	Town Council Meeting – Regular Session
Tues. November 24	Town Council Meeting – Regular Session
Friday, December 4 th	First Friday-5-8pm on Main Street
Sat. December 5	Christmas Tree Lighting 5pm
Mon. December 7	Waynesville Christmas Parade 6-7pm
Tues. December 8	Town Council Meeting – Regular Session
Sat. December 12	A Smoky Mountain Christmas 6-9pm

Board and Commission Meetings – August 2026

ABC Board	ABC Office – 52 Dayco Drive	August 18 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	August 4th 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	Every Other Month- September 15 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Town Hall – 9 South Main Street	August 18 3 rd Tuesday 8:30 AM
Environmental Sustainability Board	Public Services-129 Legion Drive	August 6 1 st Thursday 4:30pm
Historic Preservation Commission	Town Hall – 9 S. Main Street	August 5 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	August 17 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	August 13 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	August 17 3 rd Monday 5:30 PM
Tree Advisory Board	Public Services-129 Legion Drive	2nd Thursday of the month, Quarterly @ 6:30pm October 8 th , 2026, January 14 th , 2027, and April 8 th , 2027
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	August 26 4 th Wednesday 9:00 AM

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
August 11, 2026

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, August 11, 2026, at 6:00pm 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 6:02 pm with the following members present:

Mayor Gary Caldwell
Mayor Pro Tempore Chuck Dickson
Councilmember Jon Feichter
Councilmember Anthony Sutton

The following staff members were present:

Rick Howell, Interim Town Manager
Page McCurry, Assistant Town Manager & HR Director
Jesse Fowler, Deputy Town Manager
Martha Bradley, Town Attorney
Candace Poolton, Town Clerk/Assistant to the Manager
Ian Barrett, Finance Director
Breanna Jaquish, Grants Manager
Laura Yonkers, Deputy Director of Sustainability
Hutch Reece, Deputy Director of Operations
Elizabeth Teague, Development Services Director
Chris Mehaffey, Fire Chief
Cody Parton, Assistant Fire Chief
David Adams, Police Chief

The following members of the media were present:

Paul Nielsen, The Mountaineer
Rian Stockett, News 13

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Council meeting will be August 25th.

B. PUBLIC COMMENT

Jerry Biller- Mr. Biller said he lives up Laurel Ridge on Titleist Drive and is concerned about the roads.

C. ADDITIONS OR DELETIONS TO THE AGENDA

A motion was made by Councilmember Dickson, seconded by Councilmember Feichter, to adopt the agenda as amended (see motion below). The motion passed unanimously.

D. CONSENT AGENDA

All items below are routine by the Town Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember 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. Motion to approve July 28th, 2026 Regular Meeting Minutes
 - b. Motion to approve the Budget Amendment for the Parks & Recreation Department
 - f. Motion to call for a Public Hearing for a text amendment to revise to the Table of Uses, LDS Section 2.5.3, for August 25, 2026.
 - h. Motion to appoint Kaleb Beaver to the Downtown Waynesville Commission in a “Merchant” seat
 - i. Motion to approve the addition of the Part-Time Engineer position to the Town of Waynesville Pay and Classification Table, as presented
 - j. Motion to approve the WCU Student Filming Special Event Permit
 - k. Motion to appoint Kenneth Dambrosio to the Zoning Board of Adjustment to serve in the in-town alternate seat.
 - l. Motion to approve the Floodproofing 280 Georgia Ave Project Ordinance O-33-26.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to remove item 2.c: “Budget Amendment for the Public Works Department” from the consent agenda, and place items 2. d: “Rescind Town Ordinance Sec.42.-1. – Begging”, 2.e: “Updates to building inspection enforcement ordinances”, and 2.g: “Approval of the CLG Grant Contract with Rowhouse Architects and BLE Engineering” on the regular agenda for discussion, and to add “approval of the Floodproofing 280 Georgia Ave Project Ordinance” to the consent agenda and to remove item 6. “Consideration of Resolution Implementing a Fats, Oils, and Grease (FOG) Management Program Under the Town’s Existing Sewer Use Ordinance”. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adopt the consent agenda as amended. The motion passed unanimously.

E. PUBLIC HEARING

3. Public Hearing to consider the Community Infrastructure Program Grant Application for Walnut Trail Bridge Rehabilitation Project
 - Breanna Jaquish, Grants Manager

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to open the public hearing at 6:14pm. The motion passed unanimously.

Grants Manager Breanna Jaquish reported that the Town is currently preparing a grant application for the Renew NC Department of Commerce Community Infrastructure Program. She said the proposed project, the Walnut Trail Bridge Rehabilitation Project, will address long-standing structural needs and storm-related damage to the bridge, improving its load capacity, resilience, and continued accessibility to the Town's Wastewater Treatment Plant and nearby residences. She said that the grant application requires that the Town hold a public hearing for the proposed project. Ms. Jaquish said they will be accepting public comment through the August 21st. She added that there is no local match requirement or duplication of benefits.

April Huffman- Ms. Huffman said she lives in the first home on the road over the bridge and asked how the project will affect residents.

Ms. Jaquish said the Town plans to rehabilitate the bridge regardless if they receive the grant or not. She said there will be other ways for residents to access their properties while the bridge is being worked on.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to close the public hearing at 6:19pm. The motion passed unanimously.

A motion was made by Councilmember Dickson, seconded by Councilmember Feichter, to approve the application for the community infrastructure program. The motion passed unanimously.

F. NEW BUSINESS

4. Budget Amendment for fiscal year end 2026

- Ian Barrett, Finance Director

Finance Director Ian Barrett presented the budget amendment to year end that will make the Town's accounts whole. He explained that the Town collected more actual than budgeted for all funds, and spent slightly less than budgeted in the Water and Electric Funds. Mr. Barrett said the ad valorem tax collected was over 99%, which is above the 96% state average. He added that the Finance Department has implemented credit card payments, is launching an updated citizen portal in fall, and will be updating their hours of operation to better serve residents.

A motion was made by Councilmember Sutton, seconded by Councilmember Feichter, to approve the budget amendment. The motion passed unanimously.

5. Approval of Design-Build Agreement for Municipal Solar Photovoltaic & Battery Energy Storage System

- Laura Yonkers, Deputy Director of Public Works-Sustainability

Deputy Director Laura Yonkers reported that the Town issued a Request for Proposals (RFP) on April 21, 2026, for the design and construction of a municipal solar photovoltaic (PV) and battery energy storage system. Following the competitive procurement process, Rhino Renewables Solar & Electric, LLC submitted a proposal dated May 14, 2026, to provide design-build services utilizing a Progressive Maximum Guaranteed Price (MGP) delivery model. She said the project will be completed in two phases:

Phase1 – Design Phase:

The contractor will perform all engineering, site investigations, utility interconnection coordination, permitting, and preparation of final construction documents for a lump-sum fee of **\$10,000**. At the completion of Phase 1, the contractor will submit a Maximum Guaranteed Price (MGP) proposal for construction.

Phase 2 – Build Phase:

Upon Council approval of the MGP through a contract amendment, Rhino Renewables will procure equipment, construct, install, test, commission, and complete the project. She explained that the agreement establishes Rhino Renewables as the single point of responsibility for both design and construction services and includes provisions addressing payment schedules, project milestones, performance and payment bonds, warranty requirements, personnel substitutions, commissioning, operator training, and compliance with North Carolina General Statutes governing municipal design-build projects.

Ms. Yonkers explained that Dogwood Health Trust granted \$487,000 for Phase II of the project. She said that Phase I will help determine if that money will be enough to cover the project or if they will need to seek more funds.

Councilmember Dickson said that Environmental Sustainability Board members were involved in the selection of Rhino Renewables and have weighed in on the contract.

Councilmember Sutton remarked on several issues with the contract:

- The contract price reads “\$0”, which needs to be updated.
- Section 2 of the agreement has the contract sum blank, while the schedule of payment shows \$10,000.
- Every milestone target date is “X”, those need to be filled in.
- The contract needs to identify the project site.
- There is a 1% per week late fee, so the payments need to run through pre-audit.
- The contracts says the Town bears the loss of failure of component delivery to the site for all cause except Rhino’s own actions. He asked what insurance covers that gap.
- Change order defaults to cost plus 20%, but the proposal says something different.
- The payment schedule has inconsistencies.
- Commission and closeout are listed as 20% and \$10,000, which is mixing percentage and a fixed rate.
- Update the letterhead.
- The Town Attorney needs to sign off on risk of loss and late fee provision before the contract is signed.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to authorize the Interim Town Manager to execute the Design-Build Agreement with Rhino Renewables Solar & Electric, LLC for Phase 1 design services for the Municipal Solar Photovoltaic and Battery Energy Storage System and authorize the Interim Town Manager to negotiate and return to the Board with a Maximum Guaranteed Price contract amendment for Phase 2 construction following completion of design. The motion passed unanimously.

6. Budget Amendment for Public Works

- Hutch Reece, Deputy Director of Public Works-Operations

Deputy Director Hutch Reece requested on behalf of Public Works to utilize Powell Bill reserve funds to cover the costs of repairs and maintenance completed for East Street, Auburn Drive, and Allens Creek curb and sidewalks, all of which were in critical need of repair, in the amount of \$310,747.00. Councilmember Sutton asked what the remaining Powell Bill fund balance would be after this project. Ian said \$44,000, with the next distribution in October. Councilmember Dickson said the Town should ideally spend it all by the next distribution.

A motion was made by Councilmember Dickson, seconded by Councilmember Feichter, to approve the budget amendment. The motion passed unanimously.

7. Appointment to the Environmental Sustainability Board

- Councilmember Chuck Dickson

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to appoint Magdalena Donny and Ben Manning to the Environmental Sustainability Board. The motion passed unanimously.

8. Repeal of Begging Ordinance

- Chief David Adams

Councilmember Sutton asked if, based on Rule 33 in the Council Rules and Procedures document, a second reading is required for any proposed ordinance change. Ms. Bradley said Council can waive its own policy since it's not an ordinance. Councilmember Sutton asked Police Chief David Adams what else they could do to prevent begging without an ordinance in place. Chief said that an individual can be removed if they are intoxicated, disorderly conduct, blocking a roadway or sidewalk, or impeding flow of traffic. He said that he's seen other municipalities require people that are begging to have proof of a one-million-dollar liability insurance policy. Ms. Bradley said other municipalities have created regulations on where people can beg based on the layout of an intersection.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to rescind Town Ordinance Sec.42.-1. – Begging. The motion passed unanimously.

9. Updates to building inspection enforcement ordinances

- Town Attorney, Martha Bradley

Ms. Bradley said that she was concerned that the Town's current ordinance regarding building code violations did not lay out due process sufficiently if a major developer chose to nitpick the way that the Town regulated their construction. She said she put together a tiered process that outlines failures to comply and consequences to violations.

Councilmember Sutton asked if the penalties are escalated, should it be per property, building, or permit, or builder. Ms. Bradley recommended that it should be by permit because that's what state law focuses on. She will bring back the updated ordinance at the August 25th on the consent agenda.

10. Approval of the CLG Grant Contract with Rowhouse Architects and BLE Engineering

- Alex Mumby, Land Use Administrator

Councilmember Sutton said the motion is to approve two firms, but only one firm is in the packet, and it's for \$10,000 which is the entire budget for the project.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to table item 2.g "Approval of the CLG Grant Contract with Rowhouse Architects and BLE Engineering" until the August 25th meeting. The motion passed unanimously.

G. COMMUNICATION FROM STAFF

9. Manager's Report

- Interim Town Manager, Rick Howell

Interim Town Manager Rick Howell reported that five FEMA projects remain open. He said the water interconnect project's RFQ is being drafted now. Mr. Howell said this project will take multiple years and will roughly cost \$18 million. He reported that the Finance department has submitted the audit, and their appeal was granted, which means no sales tax will be withheld. He said he would like to schedule individual meetings with each Councilmember in the coming weeks.

10. Town Attorney's Report

- Town Attorney, Martha Bradley

Nothing to report.

H. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Mayor Caldwell requested that Mr. Howell look into the culvert that may be compromised at Vick Dausey's residence at the end of Auburn Park and Springview Drive because it appears to be causing some flooding. Councilmember Dickson reminded Council that if they have a problem, they should go to the manager directly. Councilmember Sutton commented that it was Elizabeth Teague's last Council meeting before retirement. Council agreed that she has done a phenomenal job and will be greatly missed.

I. ADJOURN

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to adjourn at 7:06pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Page McCurry, Interim Town Manager

Candace Poolton, Town Clerk

DRAFT

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: August 25, 2026**

SUBJECT: Appointment of Alex Mumby to the Technical Coordinating Council (TCC) of the French Broad River Metropolitan Planning Organization.

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number:
Department: Administration and Development Services
Contact/Presenter: Anthony Sutton

BRIEF SUMMARY:

The French Broad River MPO is the regional transportation planning agency. Local governments are represented in the MPO by elected officials in the Transportation Advisory Council (TAC) and by local government and NCDOT staff in the Technical Coordinating Committee. The TCC is an advisory group that reviews regional transportation plans and provides technical recommendations to the TAC. Development Services Department staff member Alex Mumby has been attending MPO meetings and is qualified to represent the Town on the TCC and other MPO committees as needed.

MOTIONS FOR CONSIDERATION:

1. Motion to appoint Alex Mumby as the Town of Waynesville representative to the TCC of the French Broad River MPO.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

MANAGER'S COMMENTS AND RECOMMENDATIONS:

**TOWN OF WAYNESVILLE BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date:**

SUBJECT: Updates to building inspection enforcement ordinances

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Legal
Contact: Martha Bradley
Presenter: **Martha Bradley**

BRIEF SUMMARY: During this summer's short session, the General Assembly adopted revisions to Chapter 160D providing additional legal remedies to developers and/or property owners against municipalities for administrative land development regulation decisions and increasing the statute of limitations within which those claims may be filed in court.

MOTION FOR CONSIDERATION:

- 1) Motion to approve the proposed revisions to sections 10-117 and 10-122 of the Town of Waynesville Code of Ordinances on its first reading
- 2) Motion to place the proposed revisions on the consent agenda for the August 25, 2026 meeting of the Town Council for a second reading and final adoption pursuant to G.S. § 160A-175(b)

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- 1) Current ordinances
- 2) Proposed revised ordinances
- 3) Pertinent sections of SL2026-41 revising Chapter 160D

COMMENTS AND RECOMMENDATIONS: Drafts were reviewed by Elizabeth Teague, David Kelley, and Tom Maguire, and the current proposal reflects their input and revisions.

The need for these updates became apparent during conversations with Development Services / Code Enforcement staff concerning enforcement of the Electrical Code during the construction of various residences in the new Valleywood Farms subdivision being developed by D.R. Horton. While the statute establishing authority to enforce the Building Codes through an inspections department gives the Town broad authority to direct, review, control, and even stop work on construction sites, the risk of legal actions by developers or property owners as a result of enforcement actions continues to increase as a result of changes to Chapter 160D.

The Town's previous ordinances did not outline a clear framework for escalation of code violations through a delineated hierarchy of escalating consequences. As a result, the appearance of inconsistent outcomes for similar violations could expose the Town to liability for claims of arbitrary, capricious, or discriminatory enforcement actions.

ORDINANCE NO. O-28-26

ORDINANCE AMENDING THE TOWN'S BUILDING REGULATIONS CONCERNING BUILDING INSPECTIONS AND BUILDING CODE ENFORCEMENT

WHEREAS, the Town of Waynesville has the authority, pursuant to N.C.G.S. §§ 143-139 and 160A-175 and Article 4 of Chapter 160D of the North Carolina General Statutes, to adopt ordinances to facilitate the inspection of buildings both already existing and under construction and to enforce the minimum standards established by the North Carolina State Building Code; and

WHEREAS, the Town Council heard the proposed ordinance twice as required by N.C.G.S. § 160A-175(b) on August 11, 2026 and on August 25, 2026 to impose a criminal penalty for violation of a stop work order; and

WHEREAS, a recent increase in the amount of construction activity within the Town of Waynesville's jurisdiction and revisions to N.C.G.S. § 160D-405 (Session Law 2026-41) has made updates to the Town's inspections and code enforcement ordinances necessary to improve procedural clarity for both Town staff and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON AUGUST 25, 2026, AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

Sec. 10-117. Duties and powers.

- (a) It shall be the duty of the inspection department to enforce all of the provisions of this chapter and of the regulatory codes adopted in this chapter, and to make all inspections necessary to determine whether or not the provisions of this chapter and such codes are being met.
- (b) Other duties and responsibilities of the inspection department and of the inspectors in the department shall be to enforce within the town, state and local laws relating to:
 - (1) The construction of buildings and other structures;
 - (2) The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems and air conditioning systems;
 - (3) The maintenance of buildings and other structures in a safe, sanitary and healthful condition; and
 - (4) Other matters that may be specified by the Town Council.

These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order adequately to enforce those laws. The Town Council shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

- (c) Inspectors are also authorized, empowered and directed to enforce all the provisions of this chapter and the regulatory codes adopted in this chapter.
- (d) Inspectors shall have the right of entry on any premises within the jurisdiction of the inspection department, at all reasonable hours, for the purpose of inspection or other enforcement action, upon presentation of proper credentials.
- (e) Whenever any building or structure or part is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner or in substantial violation of any state or town building law, or in a manner that endangers life or property, the codes administrator or other authorized inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons and the conditions under which the work may be resumed.
 - ~~(1) The owner or builder may appeal from a stop order involving alleged violation of the state building code or any approved local modification to the state commissioner of insurance or his designee within five days after the order is issued. The owner or builder shall give to the commissioner of insurance or his designee written notice of appeal, with a copy to the codes administrator or other authorized inspector. The commissioner of insurance or his designee shall promptly conduct an investigation and the appellant, and the inspector shall be permitted to submit relevant evidence. The commissioner or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached and the reason for the decision. Pending the ruling by the commissioner of insurance or his designee on an appeal, no further work shall take place in violation of a stop order.~~
 - ~~(2) In the event of dissatisfaction with the decision, the person affected shall have the options of appealing to the state building code council, or appealing to the superior court as provided in G.S. 143-141.~~

(Code 1987, § 150.51; Ord. No. O-28-24, § 2, 6-11-2024; **Ord. No. _____, 8-25-2026**)

Sec. 10-122. General right to appeal.

~~Unless otherwise provided by law, appeals from any order, decision or determination by a member of the inspection department pertaining to the state building code or other state building laws shall be taken to the commissioner of insurance or his designee or other official specified in G.S. 143-139, by filing a written notice with him and with the inspection department within a period of ten days after the order, decision or determination. Further appeals may be taken to the state building code council or to the courts as provided by law.~~

~~(Code 1987, § 150.97)~~

Sec. 10-122. Enforcement Actions & Remedies.

- (a) *General.* Any violation of this chapter or the North Carolina State Building Code shall be subject to the remedies set forth in this section.
- (b) *Notice of Violation and Opportunity to Cure.*

- (1) Except where immediate enforcement is authorized under other provisions of this chapter or by applicable law, the Building Inspector shall issue a written notice of violation identifying the nature of the violation and the corrective action required.
- (2) A notice of violation order shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation also may be posted on the property.
- (3) The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
- (4) The responsible party shall be afforded a period of ten (10) calendar days from service of the notice to cure the violation.
- (5) The Building Inspector may extend the cure period for good cause shown, not to exceed an additional twenty (20) calendar days.

(c) *Correction Order.*

- (1) If the violation is not corrected within the time provided in subsection (b), the Building Inspector may issue a written correction order establishing a final deadline for compliance.
- (2) The correction order shall provide not more than ten (10) additional calendar days for compliance and shall state that failure to comply will result in the imposition of civil penalties and other remedies authorized by this section.

(d) *Stop Work Order.*

- (1) Whenever any work or activity subject to regulation pursuant to this Chapter or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, the Building Inspector may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped.
- (2) The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed.
- (3) A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail.
- (4) The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.
- (5) No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

(6) Where a stop work order has been issued pursuant to this chapter, the remedies set forth in this section shall govern the enforcement of any underlying violation and any continued noncompliance with such order, subject to the owner's or builder's right to appeal.

(7) Violation of a stop work order shall constitute a Class 1 misdemeanor. The Building Inspector may also assess civil penalties or any other remedies as specified by this ordinance.

(e) *Civil Penalties.*

(1) Civil penalties may be assessed for failure to comply with any correction order or stop work order, and any penalties so assessed may be enforced against either or both the holder of the development approval or the property owner in the discretion of the Building Inspector.

(2) Notice of the assessment of civil penalties shall be provided in writing and may be issued separately or combined with a written notice of any correction order or any stop work order.

(3) Notice shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail.

(4) Civil penalties shall be assessed as follows within any twelve (12) month period for repeated violations on a single permit:

a. First violation: \$100.00 per day

b. Second violation: \$250.00 per day

c. Third and subsequent violations: \$500.00 per day

(5) Each day a violation continues shall constitute a separate offense.

(6) Civil penalties shall begin to accrue on the first day following expiration of the correction order deadline.

(7) Payment shall be due within ten (10) calendar days of written demand or citation.

(8) Any penalties assessed pursuant to this ordinance which remain unpaid after the due date may be recovered in a civil action in the nature of debt unless appealed pursuant to ~~section 10-122~~subsection (g) below-above.

(f) *Permit and Approval Consequences.* In addition to civil penalties, the Town may withhold inspections, approvals, or permits otherwise authorized under this chapter until violations are corrected.

(g) *Appeals.*

(1) Any person aggrieved by the issuance of any notice of violation or correction order or the imposition of civil penalties may appeal to the Zoning Board of Adjustment within ten (10) calendar days of the decision. Further appeal from the Zoning Board of Adjustment may be made as prescribed by G.S. 160D-405.

- (2) Any person aggrieved by the issuance of a stop work order shall be taken to the State Fire Marshal or the State Fire Marshal's designee or other official specified in G.S. 143-139 by filing a written notice with the State Fire Marshal and with the inspection department within a period of ten (10) days after the order.

State law reference(s)—Similar provisions, G.S. ~~160A-175(b)~~, 160D-404, 160D-405, ~~160D-1114~~, 160D-1123, 160D-1125, ~~160D-1127~~, 160D-1206.

(Ord. No. _____, 8-25-2026)

~~Sec. 10-123. Remedies.~~

~~—Whenever any violation is denominated a misdemeanor under the provisions of this chapter, the town, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct or abate the violation or to prevent the occupancy of the building or structure involved.~~

~~(Code 1987, § 150.98)~~

~~State law reference(s)—Similar provisions, G.S. 160D-1123.~~

Adopted this the 25th day of August 2026.

ATTEST:

Gary Caldwell, Mayor

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: August 25th, 2026**

SUBJECT: Call for a public hearing to consider a text amendment to amend the definition and allowance of Billiard Halls on September 8th, 2026.

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number:
Department: Development Services
Contact: Alex Mumby, Land Use Administrator
Presenters: Alex Mumby, Land Use Administrator

BRIEF SUMMARY:

Staff received an application for a new billiard hall in town. The current definition of Billiard/Pool Halls contains all public businesses which contain at least one pool table, restricting them to only in the Regional Center districts. Staff has brought forward two possible draft ordinances to the Town Council, one which will include Pool Halls within Indoor Recreation and another which creates a more accurate definition and expands the use to be allowed in more districts.

The Planning Board will be holding a special called hearing on August 24th, 2026, to provide a recommendation. Both ordinances are attached.

MOTIONS FOR CONSIDERATION:

To call for a public hearing to consider a text amendment to amend the definition and allowance of Billiard Halls on September 8th, 2026.

FUNDING SOURCE/IMPACT:

There is no financial impact.

ATTACHMENTS:

1. Draft Ordinance 1
2. Draft Ordinance 2

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is a call for public hearing only.

DRAFT ORDINANCE FOR TOWN COUNCIL 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 has an adopted Comprehensive Plan, Waynesville 2035, Planning With Purpose,” which sets goals and provides a Future Land Use map to identify where certain types of growth and density should be allowed, and where growth should be restricted; 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 meet the following 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 and commercial centers.
- Encourage infill, mixed-use, and context sensitive development

Goal 5: Create opportunities for a sustainable economy.

- Promote the growth of existing local businesses and Waynesville’s “maker 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 reviewed and held a public hearing on August 17th, 2026, 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 August 17th 2026 at a regularly scheduled meeting of the Waynesville Planning Board, and on _____, 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:

Amend Chapter 2.5.3 Tables of Uses to update the symbology as follows:

	LL- NR	MS- NR	N- NR	RC- NR	WS- NR	EW- UR	H- UR	HM- UR	NM- NC	PS- NC	RC- NC	CBD	H- BD	SM- BD
Billiards /Pool Halls	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU

Amend Chapter 17.3 Definitions as the following:

Billiard/Pool Hall. ~~Any place where one or more billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.~~ An establishment whose primary purpose is the playing of pool and billiards, including casual and tournament play. These establishments typically have numerous pool tables.

Mayor Gary Caldwell

Martha Bradley, Attorney

Candace Poolton, Town Clerk

DRAFT ORDINANCE FOR TOWN COUNCIL 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 has an adopted Comprehensive Plan, Waynesville 2035, Planning With Purpose,” which sets goals and provides a Future Land Use map to identify where certain types of growth and density should be allowed, and where growth should be restricted; 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 meet the following 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 and commercial centers.
- Encourage infill, mixed-use, and context sensitive development

Goal 5: Create opportunities for a sustainable economy.

- Promote the growth of existing local businesses and Waynesville’s “maker 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 reviewed and held a public hearing on August 17th, 2026, 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 August 17th 2026 at a regularly scheduled meeting of the Waynesville Planning Board, and on _____, 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:**

Amend Chapter 2.5.3 Tables of Uses to update the symbology as follows:

Remove Billiard/Pool Halls from the Table of Uses

Amend Chapter 17.3 Definitions as the following:

~~**Billiard/Pool Hall.** Any place where one or more billiard or pool tables are operated or maintained, except for private family use, whether such place is a social club or a business enterprise operated for profit.~~

Recreation Facilities, Indoor. Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities, **pool halls**, and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

Mayor Gary Caldwell

Martha Bradley, Attorney

Candace Poolton, Town Clerk

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: August 25th, 2026**

SUBJECT: Call for a Public Hearing for a text amendment to revise to the Table of Uses, LDS Section 2.5.3, for September 8th, 2026

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number:
Department: Development Services
Contact: Alex Mumby, Land Use Administrator
Presenters: Alex Mumby, Land Use Administrator

BRIEF SUMMARY:

While working on the adoption of the Rural Conservation District, staff noted some changes which would make the Table of Uses more user friendly, particularly for those who are not familiar with using it. This update was one of three updates which were included with the Rural Conservation District that Council asked to be separated out and sent back to the Planning Board. It was passed unanimously by the Planning Board while the other two were tabled.

The update includes the following:

- Changing PL for Permitted in Designated Locations to MU for Permitted in Mixed Use Overlays
- PC and CL were both used for Permitted on Corner Lots, and we have simplified it to only use CL.
- Adding RR to designate uses which are allowed in Railroad Overlay Districts.
- Using & and or to clarify where uses are allowed.

The Public Hearing will need to be called again due to lack of advertisement.

MOTIONS FOR CONSIDERATION:

Call for a Public Hearing for a text amendment to revise to the Table of Uses, LDS Section 2.5.3, for September 8th, 2026

FUNDING SOURCE/IMPACT:

There is no financial impact for this zoning text amendment.

ATTACHMENTS:

- Proposed Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

DRAFT ORDINANCE FOR TOWN COUNCIL 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 has an adopted Comprehensive Plan, Waynesville 2035, Planning With Purpose,” which sets goals and provides a Future Land Use map to identify where certain types of growth and density should be allowed, and where growth should be restricted; 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 simplify how uses are coded in the Permitted Uses Table. Additionally, in making the LDS more clear, the text amendment will:

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

- Encourage in-fill, mixed use, and context-sensitive development; and,

WHEREAS, the Planning Board reviewed and held a public hearing on July 20, 2026, 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 May 11, 2026 at a special called meeting of the Waynesville Planning Board, and on _____, 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:**

Amend Chapter 2 Tables of Uses to update the symbology as follows:

2.5.3 Table of Permitted Uses.

For uses permitted in the Railroad Overlay District (RR-O), see Section 2.6 Overlay Districts of the LDS.

	P	Permitted	CL	Permitted on corner lots only	MU	Permitted in Mixed Use Overlays	PS	Permitted subject to Additional Standards in Ch. 3	SUP	Special Use Permit Required (See Ch. 3 and Ch. 15)	RR	Permitted in Railroad Overlay	CD	Conditional District (See Ch. 3 and Ch. 15)	[-] Not Permitted																
		Residential – Rural Conservation (RCON)	Residential—Low Density Districts (RL)				Residential—Medium Density Districts (RM)			Neighborhood Residential (NR)								Urban Residential (UR)			Neighborhood Center (NC)			Business District (BD)			Regional Center (RC)			Commercial Industrial (CI)	
USE TYPES	RCON	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	PC-NR	RC-NR¹	SS-NR	WS-NR	EW-UR	H-UR²	HM-UR	NM-NC	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	CI
RESIDENTIAL																															
Dwelling—Single-Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Dwelling—Two-Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Dwelling—Townhome	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Dwelling—Cottage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Dwelling—Multifamily	P	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Dwelling—Accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P	P	-
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Halfway Houses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Home Occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P	P	-
Live-Work Units	-	MU & PS	-	-	-	-	MU & PS	-	MU & PS	-	MU & PS	MU or RR	MU & PS	-	-	MU & PS	-	MU & PS	CL or MU PS	MU & PS 1,2	CL & PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Manufactured Home Parks	-	-	-	-	-	-	-	-	-	SUP	-	RR & SUP	-	-	-	-	-	-	-	-	-	-	-	-	RR & SUP	RR & SUP	-	-	-	-	RR & SUP
Manufactured Housing	PS	-	-	PS	PS	PS	MU/PS	-	PS	PS	-	RR & SUP	PS	-	-	PS	-	-	-	-	-	-	-	-	RR & SUP	RR & SUP	-	-	-	-	RR & SUP
Residential Care Facilities (More than 6 residents)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P	P	P	-
Temporary Emergency Housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
LODGING																															
Bed and Breakfast Homes (Up to 4 Rooms)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P	P	-
Boarding House	-	-	-	PS	-	PS	-	-	PS	PS	PS	PS	-	-	-	-	-	PS	-	-	-	P	P	P	P	P	P	P	P	P	-
Inn (Up to 20/30 Rooms)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	P	P	P	P	P	P	P	-
Hotel/Motels (More than 30 Rooms)	-	-	-	-	-	-	-	-	-	-	-	RR	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	RR
OFFICE/SERVICE																															
Animal Services	-	MU	-	MU	-	-	MU	-	-	-	-	-	-	-	-	-	-	MU	-	-	-	P	P	P	P	P	P	P	P	P	P
ATM	-	MU	-	-	-	-	MU	-	MU	-	MU	MU	MU	-	-	MU 1	-	MU	-	-	-	P	P	P	P	P	P	P	P	P	-
Banks, Credit Unions, Financial Services	-	MU	-	-	-	-	MU	-	MU	-	MU	MU	MU	-	-	MU 1	-	MU	-	-	-	P	P	P	P	P	P	P	P	P	-
Business Support Services	-	MU	-	-	-	-	MU	-	MU	-	MU	MU	-	-	-	MU 1	-	MU	CL or MU	-	CL	P	P	P	P	P	P	P	P	P	P
Child/Adult Day Care Home (8 or less persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Child/Adult Day Care Center (More than 8 persons)	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P	P	P	P	P	-
Civic/Social/Fraternal Organization	-	-	-	-	-	-	-	PS	-	PS	PS	PS	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Construction and Maintenance Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Drive Thru Service	-	MU & PS	-	-	-	-	MU & PS	-	-	-	MU & PS	-	-	-	-	-	-	MU & PS	-	-	-	PS	PS	PS	SUP	SUP	SUP	PS	PS	PS	P
Dry Cleaning and Laundry Services	-	-	-	-	-	-	-	-	-	-	MU	MU	MU	-	-	MU 1	-	MU	-	-	-	P	P	P	P	P	P	P	P	P	P

Funeral Homes	-	MU	-	-	-	-	MU	-	MU	-	MU	-	-	-	-	MU 1	-	MU	-	-	-	P	P	P	P	P	P	P	P	P
Government Services	P	-	-	P	-	-	MU	CL	MU	-	MU	MU	MU	-	-	MU 1,2	-	MU	-	MU 1	MU	P	P	P	P	P	P	P	P	P
Kennels	-	-	PS	-	-	-	-	PS	-	PS	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS
Medical Outpatient Care Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	
Personal Services	-	MU	-	MU	-	-	MU	-	MU	CL	MU	MU or RR	MU	-	-	MU 1	-	MU	MU 1,2,3	MU	MU	P	P	P	P	P	P	P	P	RR
Post Office	-	-	-	-	-	-	-	CL	MU	-	MU	-	MU	-	-	-	-	MU	-	-	-	P	P	P	P	P	P	P	P	-
Professional Services	-	MU	-	MU	-	-	MU	-	MU	CL	MU	MU or CL or RR	MU	-	-	MU 1	-	MU	CL or MU 1,2	MU	P	P	P	P	P	P	P	P	P	RR
Studio - Art, dance, martial arts, music	P	P	P	P	P	-	P	P	MU	P	MU	P	MU	-	-	P	-	MU	P	MU	P	P	P	P	P	P	P	P	P	-
COMMERCIAL																														
Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	
Alcoholic Beverage Sales Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	P	P	
Bar/Tavern/Night Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	-	
Cryptocurrency Mining Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Data Center Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Drive-Thru Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	P	P	
Event Space	-	-	-	-	-	-	-	-	-	-	-	RR & SUP	-	-	-	-	-	-	-	-	-	-	-	RR & SUP	RR & SUP	-	-	-	-	RR & SUP
Gas/Fueling Station	-	-	-	-	-	-	-	-	-	CL & PS	-	-	-	-	-	MU & PS 1	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS
General Commercial - Less than 100,000 sf	-	-	-	-	-	-	-	-	-	-	-	MU	MU	-	-	MU 1	-	MU	-	MU	-	P	P	P	P	P	P	P	P	-
General Commercial - Greater than 100,000 sf	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
Neighborhood Commercial (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	-	MU	-	MU	-	MU	RR	MU	-	-	MU 1	-	MU	MU 1,2	MU	-	-	-	-	RR	RR	-	-	-	RR
Neighborhood Restaurant (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	-	MU	-	MU	-	MU	RR	MU	-	-	MU 1	-	MU	MU 1,2	MU	-	-	-	-	RR	RR	-	-	-	RR
Outside Sales	-	-	-	-	-	-	-	-	-	-	-	-	MU	-	-	MU 1	-	MU	-	-	-	P	P	P	P	P	P	P	P	-
Outside Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	P	
Pawnshops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	
Restaurant	-	-	-	-	-	-	-	-	-	-	-	MU	MU	-	-	MU 1	-	MU	-	-	-	P	P	P	P	P	P	P	P	-
Vehicle & Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	RR	-	-	-	-	-	-	-	-	PS	PS	-	RR	PS	PS	PS	PS	PS	
Vehicle Services -Minor Maintenance/Repair/Wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Vehicle Services - Major Repair/Body Work	-	-	-	-	-	-	-	-	-	-	-	RR	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	
Video gaming parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS & SUP	PS & SUP	PS & SUP	-
ENTERTAINMENT/ RECREATION																														
Amusements, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	
Amusements, Outdoor	-	-	-	-	-	-	-	-	-	-	-	RR	-	-	-	-	-	-	-	-	-	-	-	RR	RR	-	P	P	RR	
Billiard/Pool Hall	-	-	-	-	-	-	-	-	-	-	-	RR	-	-	-	-	-	-	-	-	-	-	-	RR	RR	-	P	P	RR	
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Cultural or Community Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				

Waynesville, North Carolina, Code of Ordinances Updated 4-1-25

Page 5 of 7

Forestry and Logging	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Forestry Support Services	P	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P
Produce Stands in Conjunction with Crop Production	P	-	P	P	P	-	P	-	P	P	—	RR	P	P	P	P	-	-	-	-	-	-	-	-	RR	RR	-	-	P	-	RR
Swine Farms	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
INFRASTRUCTURE																															
Wireless Communications Facility, Micro	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Communications Facility, Mini	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS	PS	PS
Wireless Communications Facility, Macro	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	PS	PS	PS	PS	PS	PS
Monopole Wireless Communications Tower	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	-	SUP	SUP	SUP	SUP	SUP	SUP
Parking Lot/Structure - Principal use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-
Public Transportation Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Radio and Television Broadcasting Facilities (Except Towers)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Utilities - Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities - Class 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities - Class 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP	SUP	P

¹ Raccoon Creek Neighborhood Residential Mixed Use Overlay-2 (RC-NR-MXO-2): in addition to permitted uses in the underlying RC-NR district, "Government Services" are also permitted. No other uses noted as PL are allowed for this overlay.

² Hazelwood Urban Residential (H-UR) has three mixed-use overlay (MXO) districts with permitted uses as follows:
H-UR-MXO: all uses of the underlying H-UR district AND uses noted as PL.
H-UR-MXO-2: all uses of the underlying H-UR district AND uses noted as PL, EXCEPT "General Commercial - Less than 100,000 square feet."
H-UR-MXO-3: all uses allowed in the H-UR district, and ONLY "Professional Services." No other uses noted as PL are allowed for this overlay.

(Ord. No. 04-16, 6-14-2016; Ord. No. O-22-17, § 2, 11-28-2017; Ord. No. O-07-18, 5-22-2018; Ord. No. O-14-18, § 1, 8-28-2018; Ord. No. O-19-18, § 2, 10-9-2018; Ord. No. O-21-18, 11-13-2018; Ord. No. O-28-18, 11-27-2018; Ord. No. O-20-20, § 2, 10-27-2020; Ord. No. O-33-22, § 1, 11-8-2022; Ord. No. O-40-22, 12-13-2022; Ord. No. O-07-23, 2-14-2023; Ord. No. O-27-23, 5-23-2023; Ord. No. O-36-23, § 1, 9-12-2023; Ord. No. O-38-23, § 1, 9-12-2023; Ord. No. O-43-23, § 1, 11-14-2023; Ord. No. O-56-24, 12-10-24)

ADOPTED this _____ Day of _____, 2026.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



Application for Special Events Permit

I. General Information

EVENT NAME:	21 st Annual Sarge's Downtown Dogwalk
EVENT DATE(S):	September 26, 2026
	Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.
LOCATION	Haywood Historic Courthouse
IF THIS EVENT IS A PARADE OR ROAD RACE	Start at N. Main Street, right on Depot Street, left on Montgomery Street, left on Church Street, and left again onto Main Street (1 block)
SET-UP TIME (START/END):	8-9am
EVENT HOURS:	9-11am
DISMANTLE HOURS (START/END):	11-12pm
ESTIMATED ATTENDANCE:	300
BASIS ON WHICH THIS ESTIMATE IS MADE:	Previous years' attendance
COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000.	Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME:	Sarge's Animal Rescue Foundation					
ARE YOU A NON PROFIT CORPORATION?	No	Yes s X	If yes, are you	501c(3) X	501c(6)	Place of Worship
APPLICANT NAME:	Windy McKinney		TITLE: Executive Director			
ADDRESS:	256 Industrial Park Drive		CITY :	Waynesville	STATE: NC	
	ZIP 28786					
PHONE:	828-246-9050	FAX#:		EMAIL:	executivedirector@sarges.org	
ON-SITE CONTACT:	Emily Trigin		TITLE:		Events Coordinator	
ADDRESS:	256 Industrial Park Drive, Waynesville NC 28786					
PHONE #:	828-307-3910	CELL PHONE #:	828-307-3910	EMAIL:	events@sarges.org	

III. Brief Description of Event

Our 21st year hosting a 30 minute walk around the block downtown to raise money for animals in our community

IV. Street Closure Request (Attach map of the Street Closure)

List any street(s) (or lanes of streets) requiring temporary street closure as a result of this event.

Include street name(s) indicating beginning and endpoints of the closing, day, date and time of closing and reopening:

1. Main Street from Courthouse to Police Station
2. Depot Street from Courthouse to Montgomery
3. Montgomery St and Church Street, from Montgomery to Main

V. Event Details

YES NO

☐ ☒ Does the event involve the sale or **use of alcoholic beverages**?
If yes, has the ABC permit been obtained? Yes ☐ No ☐ Please provide a graphic of the area where alcoholic beverages will be purchased or consumed (i.e. beer garden layout)

☐ ☒ Does the event involve the **sale of food**? _____
If "YES", has the health department been notified? _____ Have you applied for a temporary permit? _____

☒ ☐ Will there be **musical entertainment** at your event? IF "YES" provide the following information:
Number of Stages: _____ 1 _____ Number of Band(s): _____ Amplification? _____ yes _____

Note: If amplification is used, you will be required to perform a pretest for compliance with the noise ordinance.

☐ ☒ Do you plan to use an existing **occupied building**? Address _____

☐ ☒ Do you plan to use an existing **vacant building**? Address _____

☒ ☐ Will there be any **tents or canopies** in the proposed event site? Please provide the following information:

Approx. Number of Tents: 8 _____ Will any tent exceed 400 sq. feet in area? x ☐ NO ☐ YES

☐ ☒ Does the event involve the use of **pyrotechnics**? Explain _____

☐ ☒ Will you provide **portable toilets** for the general public attending your event? IF SO, how many and where will they be located? _____

☒ ☐ Will you require **electrical hookup** for the event? Generators? _No generators_____

☒ ☐ Will you require **access to water** for the event? Explain _fill up kiddie pool _____

☒ ☐ Will **admission fees** be charged to attend this event? If "YES", provide the amount(s) of all tickets. \$25

☒ ☐ Will **fees be charged to vendors** to participate in this event? If "YES", please provide the amount(s).
Some spots are free, some are \$250

☒ ☐ Will **signs and/or banners** be displayed as part of the event? If "YES" have you applied for a sign permit? _____

☐ ☒ Will **inflatable parade balloons** be used for the event? Provide details if necessary.

VI. Additional Questions

How will **parking** be accommodated for this event?

The parking deck will suffice

Notes:

1. Parking and buildings involved may be examined for ADA compliance.
2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

How will **trash** be contained and removed during and after the event?

We will be bringing trashcans and bags

Volunteers: Will you require Civilian Police Volunteers for your event? Dee Parton has already volunteered for this event

Apply for this permit at least 60 days prior to your special event. (30 days for a neighborhood street closing)

Return to:

**Beth Gilmore, Downtown Waynesville Director &
Jesse Fowler, Assistant Town Manager
Town of Waynesville
9 S. Main Street, P.O. Box 100, Waynesville, NC 28786
Telephone: (828) 456-3517
Fax No. : (828) 456-2000
Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov**

VIII. Special Information for Applicants

- * Do not announce, advertise or promote your event until you have an approved and signed permit.
- * You will be required to notify property owners affected by the event at the time a special events permit is issued with a copy of any correspondence provided to the Town for the permit file.
- * **Only chalk may be used on streets – no permanent paint. No permanent alterations to the street will be permitted.**
- * The Town has an ordinance prohibiting the use of tobacco and e-cigarettes in the business districts and all parks of the Town. The Applicant is to communicate this information to all vendors and participants. Permanent signs are in place in these districts and parks.
- * The Town has an ordinance allowing animals at festivals. Any incidents should be reported to the Police Department.
- * The Applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the Applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers, or reimbursing the Town for the costs of providing city staff, including but not limited to: on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.
- * The Assistant Town Manager, in consultation with the Waynesville Police Department, shall determine the number of officers needed to appropriately monitor street closures and for internal security, and with the Fire Department to determine the number of emergency medical technicians needed, and the time when such services shall commence and end.

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:

TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: August 25, 2026

SUBJECT: Extension of the permanent Social District boundary

AGENDA INFORMATION

Agenda Location: New Business
Item Number:
Department: Downtown Waynesville Commission
Contact: Beth Gilmore, Executive Director
Presenter: Beth Gilmore, Executive Director

BRIEF SUMMARY

The proposed permanent social district boundary ends at the corner of Main- and Depot Streets and excludes the block between Depot Street and Wells Events Way. Since that area is part of the footprint of most Town sponsored events and all major festivals, the DWC is requesting to extend the social district boundary to Wells Way, so the block in front of the Historic Courthouse is included in the boundary.

MOTIONS FOR CONSIDERATION

N/A

ATTACHMENTS:

MANAGER'S COMMENTS AND RECCOMENDATIONS



**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: 8/25/2026**

SUBJECT: Presentation and Consideration of Adoption of the Waynesville Parks & Recreation Comprehensive System Plan

AGENDA INFORMATION:

Agenda Location: Presentation

Item Number:

Department: Recreation

Contact: Luke Kinsland

Presenter: Emily Buehrer-Douglas, Withers-Ravenel PLA

BRIEF SUMMARY:

The Parks & Recreation Department is presenting the **Waynesville Parks & Recreation Comprehensive System Plan** for Town Council consideration and adoption.

The Comprehensive System Plan establishes a **10-year vision and strategic framework** for the future of Waynesville's parks, recreation facilities, programs, greenways, and open spaces. The plan is intended to build upon the Town's previous investments and planning efforts while establishing priorities that emphasize **resiliency, sustainability, tourism, inclusivity, community health, and maintaining a high level of service**.

The plan was developed over approximately ten months by WithersRavenel in collaboration with Parks & Recreation staff, Town leadership, a community Steering Committee, and Waynesville residents. The process included facility assessments, demographic and level-of-service analysis, review of previous plans, community engagement, public meetings, Town Council work sessions, and an online community survey.

The resulting plan provides an **Implementation Playbook** containing goals, objectives, action items, anticipated effort, time frames, and responsible departments. The plan is intended to serve as a roadmap for future decision-making and investment rather than a commitment to immediately fund or complete every recommendation. The Implementation Playbook is specifically designed to be reviewed and updated as priorities, funding opportunities, and community needs change.

Community engagement identified a strong desire to first maintain and improve existing facilities, followed by expanding recreation opportunities, programming, trails, greenway connections, supportive amenities, and Recreation Center services.

Rec Park Site-Specific Planning: Following adoption of the Comprehensive System Plan, the Parks & Recreation Department intends to advance a more detailed, site-specific planning process for Recreation Park. This work will further evaluate the layout, circulation, parking, accessibility, recreation amenities, and other site-specific opportunities and constraints identified during the comprehensive planning process. Staff anticipates bringing the resulting Recreation Park site-specific plan forward for consideration and, if appropriate, incorporating it into the Comprehensive System Plan within the next several months. The site-specific plan will be subject to Town Council review and approval.

MOTION FOR CONSIDERATION:

Motion to adopt the Waynesville Parks & Recreation Comprehensive System Plan as the Town's 10-year strategic

planning document and guiding framework for the future development, maintenance, programming, and investment of the Town's parks and recreation system, and to direct Parks & Recreation staff to utilize the plan's Implementation Playbook in developing future departmental priorities, capital improvement requests, grant applications, partnerships, and budget recommendations, subject to future Town Council approval and available funding.

FUNDING SOURCE/IMPACT:

No immediate funding appropriation is requested as part of the adoption of the Comprehensive System Plan.

Adoption of the plan does **not** authorize expenditures or commit the Town to funding the individual projects or recommendations identified within the plan. Future implementation will be considered through the Town's annual budgeting and capital improvement processes and may utilize a combination of local appropriations, grants, donations, partnerships, developer contributions, and other available funding sources.

The plan identifies multiple potential state, federal, regional, and private funding opportunities. In particular, the Parks and Recreation Trust Fund (PARTF) provides matching grants for public park and recreation projects, and the Comprehensive System Plan is intended to position Waynesville for future PARTF applications. The Town has previously received more than \$540,000 through three PARTF awards.

The plan also identifies other potential funding mechanisms, including state trail programs, the NC Land and Water Fund, water resources grants, regional partnerships, and private/philanthropic funding.

ATTACHMENTS: Draft Master Plan

RECREATION DIRECTOR'S COMMENTS AND RECOMMENDATIONS:

The Comprehensive System Plan represents an important step forward for the Town of Waynesville and provides Parks & Recreation with a clear, long-term framework for continuing to improve the quality of services and facilities provided to the community.

This plan is not intended to be a static document or a list of projects that must all be completed at once. Rather, it provides the Town with a **prioritized roadmap for making informed decisions over the next ten years** based on community needs, facility conditions, operational capacity, available funding, and future opportunities.

Of particular importance is the plan's emphasis on **maintaining and improving the Town's existing parks and recreation assets**, while strategically expanding programs, facilities, trails, greenways, and partnerships as resources allow. The plan also recognizes the importance of Parks & Recreation to community health, quality of life, tourism, economic development, and regional partnerships.

The Department looks forward to using the plan as a working document to guide annual priorities, capital planning, grant applications, partnerships, and future recommendations to Town Council. The plan will also provide a common framework for evaluating future opportunities and determining how individual projects fit within the Town's broader parks and recreation vision.

One of the immediate next steps following adoption will be advancing the Recreation Park site-specific plan. The Comprehensive System Plan establishes the broader 10-year framework, while the Rec Park planning effort will allow the Town to take a closer look at one of its most significant recreation assets and develop a more detailed concept for its future. Staff's goal is to complete that work and incorporate the adopted site-specific plan into the

Comprehensive System Plan within the next several months.

RECOMMENDATION

Staff recommends that Town Council adopt the Waynesville Parks & Recreation Comprehensive System Plan and authorize Parks & Recreation staff to use the plan as the guiding framework for future planning, prioritization, funding opportunities, and budget recommendations.

TOWN OF WAYNESVILLE Parks and Recreation Comprehensive System Plan

Town Council Adoption Hearing
August 25, 2026



Agenda

1. Project Overview & Schedule
2. Background Analysis
3. Engagement Summary
4. Recreation Park Concept Plan
5. Vision & Recommendations
6. Questions



The Consultant Team



Emily Buehrer-Douglas, PLA, MBA
Landscape Architect



Daniel Rauh, AICP
Project Manager



John Courtney, ASLA, LEED-AP
Director of Parks & Recreation

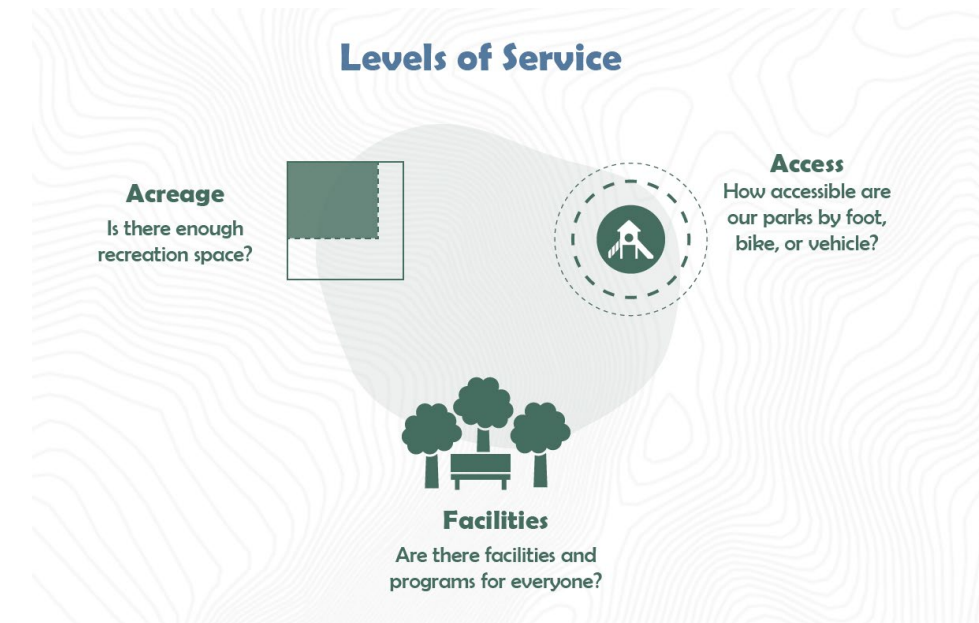
Purpose of the Plan

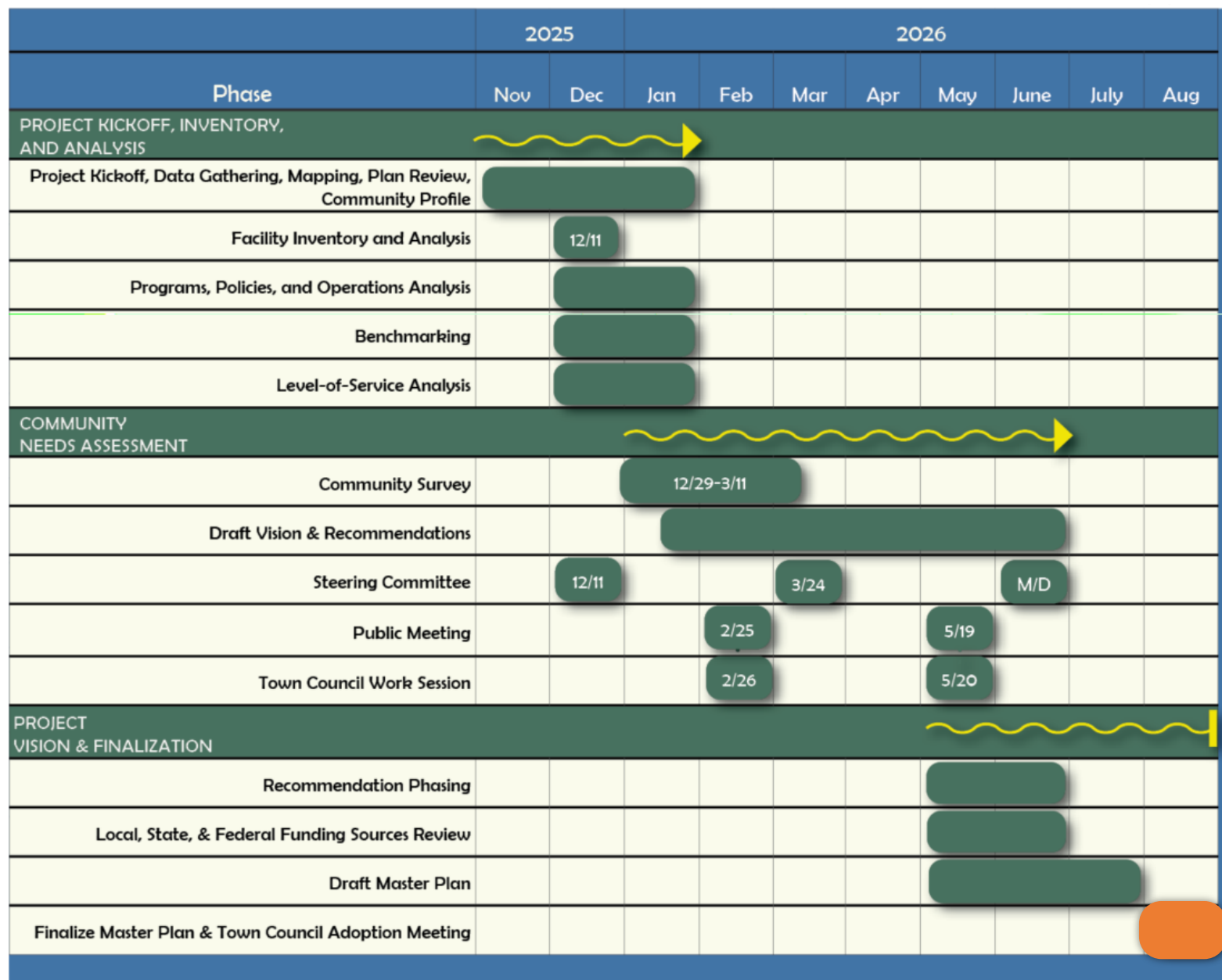
- 10-year vision for the Town's system.
 - Informed by previous and ongoing planning efforts.
- Examines facilities, staffing, programs, and policies.
- Guides improvements and actions to enhance parks and recreation opportunities in Waynesville based on stakeholder input.
 - Long-range recommendations, phased implementation.
- Prepositions the Town for grants.

Project Began:
November
2025



Adoption:
August 2026

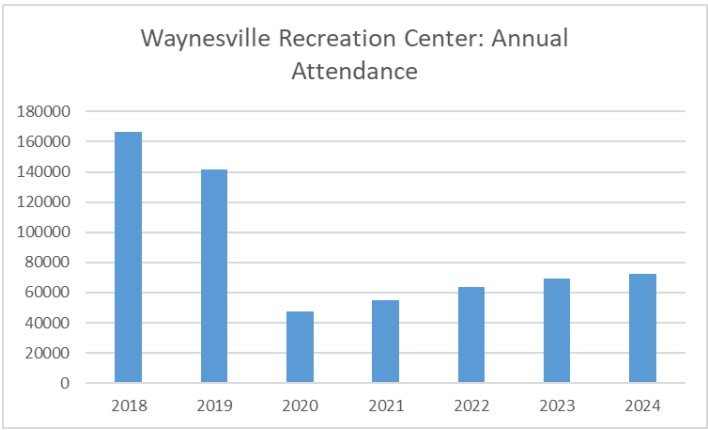
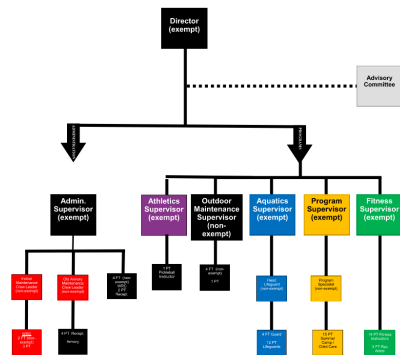
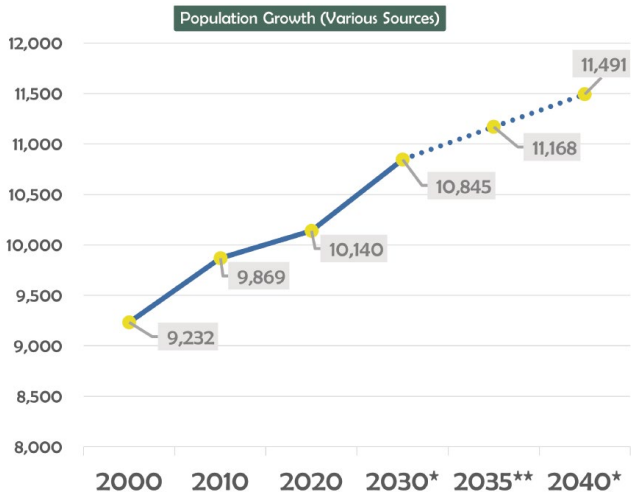




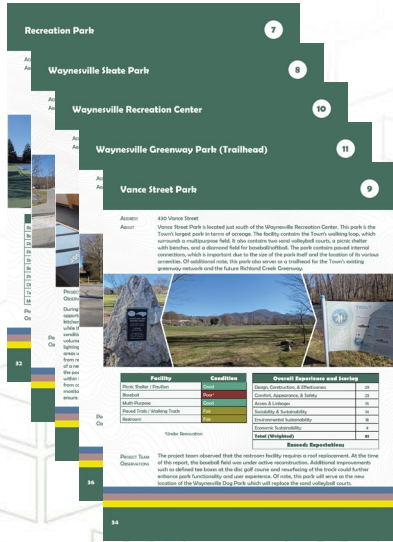
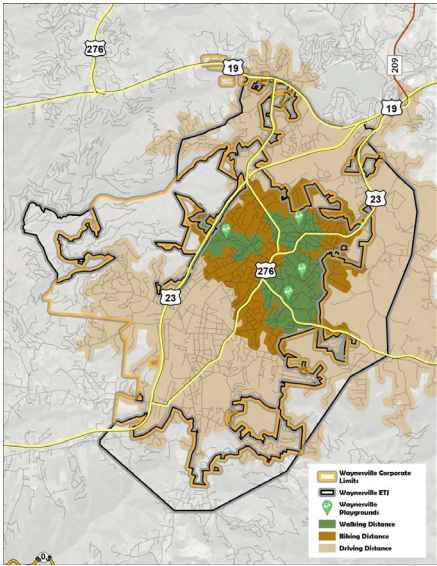
We're here!

BACKGROUND ANALYSIS

Existing Conditions



2025 Surplus	2025 Deficit
Tennis Courts (+3)	Baseball Diamonds (-2)
Volleyball Courts (+1)	Soccer/Football Fields (-2)
Miles of Trail (+5 miles)	Community Gardens (-1)
	Basketball courts (-1)
	Ice Rinks (-1)



SWOT Analysis (Rec. & Parks Advisory Board)

STRENGTHS

- Community support on investments
- Facility diversity
- Accessibility
- Size of Rec Center
- Indoor pool
- Local awareness
- Programming
- Staff
- Partnerships

WEAKNESSES

- Funding
- County support
- Marketing (social media)
- Maintenance (mowing)
- Wayfinding

OPPORTUNITIES

- Ordinance standards
- Strong community engagement
- Public/private partnerships
- Customer service
- Tap into nature interests
- Intergovernmental coordination
- Collaboration between elected officials

THREATS

- Floodplain
- Erosion
- Reliance on fed/state funding
- Limited community partnerships

ENGAGEMENT SUMMARY

Gathering Input

- 2 Town Council Work Sessions
- Focus Group Interview with Waynesville Rec. Staff
- Online Survey Closed March 11 (425 responses)
- Open House #1 Feb 25 (50 attendees)



In general, Waynesville Parks & Recreation users enjoy the parks and programs, but users expressed a desire for improvements, namely:



new trail connections
between residential neighborhoods, local parks, and regional parks



diversified programming
including outdoor/adventure education, programs for young adults, and fitness classes for seniors



supportive amenities
like restrooms, shade, seating, and water fountains



targeted marketing
to improve awareness of programs and events



expanded hours and facilities
at the Recreation Center, with a specific emphasis on the pool, weight room, and youth spaces



enhanced maintenance
with additional trash bins and clearing of invasive plants

Open House #2 (57 Attendees)



- Skatepark Improvements
- Tennis Courts
- Trails
- Property for Sale @ Vance St.
- Amenities for Athletic Fields
- And many more...





Shade structures, at the Skate Park among other parks, improve user comfort.



New greenway signs support wayfinding and awareness of facilities.



An expanded trail network connects neighborhoods to community parks.



Inclusive playgrounds support play for all age groups.



Coordination with regional partners expands awareness of regional programs/events
Credit: Haywood TDA



An improved website can improve awareness and transparency.



Tee boxes and hole numbers improve the disc golf experience and make the course tournament-ready.



Waste bins help keep parks clean and safe.



An expanded weight room provides additional training and fitness opportunities.



New courts support the tennis and pickleball communities.



Expanded Rec Center pool and fitness hours allow more people to participate in Waynesville's programs.

Recreation Park Conceptual Plan



- To be scheduled this October.
- Please look out for notifications.
- Share your thoughts and priorities with us!



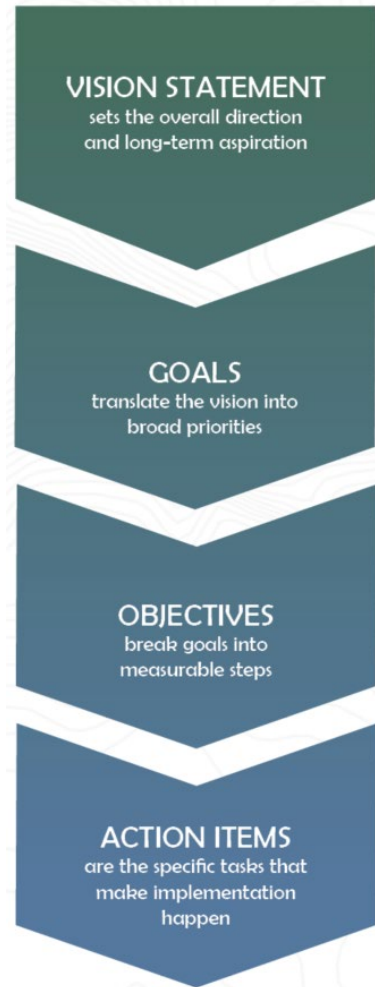
Vision Statement

“Waynesville will continue to be a leader in parks and recreation in Western North Carolina, providing parks, trails, greenways, facilities, and programs for residents of all ages and abilities. Recognizing the value that Town leadership and the community place on parks and recreation, Waynesville is committed to caring for and improving its existing assets, exploring new opportunities, and fostering partnerships with public and private organizations to ensure accessible, high-quality recreational experiences for everyone.”

Goals

1. Waynesville's parks and recreation facilities adequately serve residents' and visitors' needs by being functional, accessible, safe, and comfortable.
2. Waynesville's facilities and programs are affordable to the public and operationally sustainable for the Town of Waynesville.
3. Waynesville's recreational offerings inspire residents and visitors to get active, stay connected, and enjoy fun opportunities for all ages.
4. Events showcase Waynesville's recreational amenities and local businesses while boosting tourism to the town.
5. Waynesville Parks & Recreation is a leader in the regional recreation network, collaborating both with neighboring communities and County departments as necessary.

Objectives and Actions



Example:

GOAL:

Waynesville's recreation offerings inspire residents and visitors to get active, stay connected, and enjoy fun opportunities for all ages.

OBJECTIVE:

Increase awareness of parks, facilities, programs, and events through consistent, targeted, and effective marketing efforts.

ACTION ITEMS:

- 1: Create a social media marketing campaign (Parks Showcase)
- 2: Add a "Current Projects" webpage
- 3: Create a brand identity and brand guidelines (Haywood County TDA)

Key Details

- **Action Item**
 - Anticipated Effort
 - Time Frame
 - Champion
 - Core Themes



IMPLEMENTATION MATRIX

The Implementation Playbook combines Goals, Objectives, and Action Items so staff can easily identify responsible parties and time frames for each. The Implementation Playbook is expected to change over the course of implementation. It is recommended that Waynesville Parks and Recreation staff, with the support of partners or community leaders, review and update this Playbook to reflect efforts to date.

The implementation matrix identifies the following for each action item:

- **Anticipated Effort** refers to the expected impact an action will have on staff capacity, budget, and planning resources.
 - » Low — Requires only Parks & Recreation Department staff time, could be funded through the annual budget or small grants (under \$10,000), and requires minimal planning and/or research.
 - » Medium — May require interdepartmental collaboration or support from Town Council, moderate funding (\$10,000-\$100,000; potentially through outside grants or donations), and requires moderate planning and/or research.
 - » High — Requires strong Town support, requires substantial funding (more than \$100,000; potentially through grants or donations), and requires considerable planning and/or research.
- **Time Frame** refers to the expected time for the action to be completed in terms of years out from the adoption of this Parks & Recreation Comprehensive System Plan.
 - » Short-term — 0-2 years
 - » Mid-term — 3-5 years
 - » Long-term — Over 5 years
 - » Ongoing — An effort which is anticipated to be continued and may not have a defined end date (example: facility maintenance).
- **Champion** refers to the municipal department with the primary responsibility for implementing the associated Action Item. It is anticipated that many of these recommendations will require collaboration between departments or with organizations outside of Waynesville. It is the responsibility of the indicated Champion to organize those collaborative efforts. Champions included in this matrix are:
 - » Waynesville Development Services
 - » Waynesville Parks & Recreation Department
 - » Waynesville Police Department
 - » Waynesville Public Works Department
- **Core Themes** refers to the themes (defined in Chapter 1: Purpose & Process) addressed by each Action Item, consisting of Facilities, Programs, Operations, Tourism, and Maintaining Level of Service (Maintain LOS).

Priority Actions—described in the next section—are identified with a blue outline.

Goal 1: Waynesville's parks and recreation facilities adequately serve residents' and visitors' needs by being functional, accessible, safe, and comfortable.

This goal focuses on proactively updating and expanding parks and recreation facilities to keep pace with Waynesville's growing population. It emphasizes aligning infrastructure investments with evolving community needs and usage trends.

Index	Action	Anticipated Effort	Time Frame	Champion	Core Themes				
					Facilities	Programs	Operations	Tourism	Maintain LOS
Objective 1-1: Maintain and improve existing facilities.									
All outdoor facilities									
1-1.a	Conduct monthly safety checks and clean-ups at parks. Specific user concern is related to drugs and needles along the Greenway.	Medium	Ongoing	Police	X		X		X
Old Armory Recreation Center									
1-1.b	Purchase and set up a pickleball paddle organizer rack to help facilitate gameplay.	Low	Short-term	Parks & Recreation	X				
1-1.c	Conduct an ADA accessibility study for all recreational facilities, with a specific focus on the Armory Recreation Center and Waynesville Recreation Center.	Medium	Mid-term	Parks & Recreation	X				X
1-1.d	Conduct stormwater drainage assessment at rear of Armory Rec Center to remediate any potential pooling/flooding associated with storm events.	Medium	Short-term	Public Works	X				
Chestnut Park									
1-1.e	Conduct a study for parking lot expansion, allowing for two rows of parking, and a driveway from Sylvan Street.	Medium	Mid-term	Parks & Recreation	X				
East Street Park									
1-1.f	Replace swing set.	Medium	Mid-term	Parks & Recreation	X				X
Hazelwood Park									
1-1.g	Add security measures at the park, such as cameras, to prevent vandalism.	Low	Mid-term	Police	X				
Recreation Park									
1-1.h	Create a park-specific concept plan for Recreation Park to make it more accessible and functional for the community. Consider the following: - New amenities like pickleball and basketball courts - Rebuild/relocate the tennis courts - Rebuild wooden playground with a safe alternative - Keep bathroom facilities open longer, and install cameras to prevent vandalism - Improve maintenance facility/equipment storage	High	Short-term	Parks & Recreation	X	X	X	X	X
1-1.i	Relocate volleyball courts from Vance Street Park to adjoining Recreation Park site.	Low	Short-term	Parks & Recreation	X				X

Thank You!



WithersRavenel
Our People. Your Success.



**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: August 25th, 2026**

SUBJECT: A Public Hearing to consider a request for annexation for the 0.59-ac property at 1221 Dellwood Road, Waynesville, NC 28786 (PIN 8616-49-2973).

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Alex Mumby, Land Use Administrator
Presenter: Alex Mumby, Land Use Administrator

SUMMARY:

On July 7, 2026, the Town received the attached Petition for Annexation for the 0.59-ac property at 1221 Dellwood Road, Waynesville, NC 28786 (PIN 8616-49-2973). This is the site of the proposed Trinity Custom Homes sales office.

The subject property is currently located within the Town's extraterritorial jurisdiction (ETJ), and is zoned Dellwood Junaluska Regional Center District. Upon annexation, the property would be incorporated into the corporate limits of Waynesville and would be eligible for municipal services, including sewer service.

MOTION FOR CONSIDERATION:

1. Adoption of attached Ordinance to approve the annexation of the described properties.

FUNDING SOURCE/IMPACT:

Annexation of this property will allow it to receive municipal services and be subject to Town property tax.

ATTACHMENTS:

- Petition, deed, Exhibit A
- Plat
- Municipal Boundary and Zoning Map
- Payment
- Agent Authorization Forms
- Public Notices: Newspaper Notices and Property Posting
- Signed Resolution to Consider
- Draft Ordinance

MANAGER'S COMMENTS AND RECOMMENDATIONS:

PETITION FOR ANNEXATION OF
NON-CONTIGUOUS "SATELLITE" AREAS

(Part 4, Article 4A, G.S. 160A-58)

7.7.26

Date

TO: Town Council of the Town of Waynesville

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 3 below be annexed to the Town of Waynesville.
2. Standards which the satellite area must meet:
 - a. The nearest point on the satellite area must not be more than three (3) miles from the primary limits of the annexing city.
 - b. No point on the satellite area may be closer to the primary limits of another municipality than to the annexing city.
 - c. Note: When there is any substantial question as to whether the area is closer to another city, the tax map submitted with the petition shall show the satellite area also in relation to the primary corporate limits of the other city.
 - d. The area proposed for annexation must be situated that services provided the satellite area can be equivalent to the services provided within the primary limits.
 - e. If the area proposed for annexation, or any portion thereof, is a subdivision, as defined in G.S. 160A-376, all of the subdivision must be included.
 - f. The area within the proposed satellite limits plus the area within all other satellite corporate limits may not exceed ten percent (10%) of the total land area within the primary corporate limits of the annexing city.
3. The area to be annexed is non-contiguous to the Town of Waynesville and the boundaries of such territory are as follows:
 - a. Metes and bounds description is attached.
4. A tax map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Waynesville. If there is substantial question as to whether the area may be closer to another city than to the annexing city, the map should show the relation to the primary corporate limits of the other town.

NAME TRINITY CUSTOM HOMES, LLC SIGNATURE [Signature]
ADDRESS 1221 DELLWOOD ROAD WAYNESVILLE, NC 28786

WELCH, MARY QUERY
 QUERY, DEVON HARRIET
 8920 W MARKET ST
 COLFAX, NC 27235-9602

PIN: 8616-49-2973

Deed: 1011/1722

CABD/3968
DC107/129

Site Information

JOHN C NOLAND

1221 DELLWOOD RD WAYNESVILLE NC 28768

Heated Area:

Year Built:

Total Acreage: 0.59

Township: Waynesville Out

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

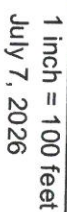
Assessed Value:

Sale Price:

Sale Date: 10/27/2020

Tax Bill 1:

Tax Bill 2:



1 inch = 100 feet
July 7, 2026

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

PENDING REVIEW FOR TAX LISTING

DATE 10-27-2020 BY SO**2020011092**

HAYWOOD CO, NC FEE \$26.00

NO TAXABLE CONSIDERATION

PRESENTED & RECORDED:

10-27-2020 01:24:24 PM

SHERRI C. ROGERS

REGISTER OF DEEDS

BY: STACY C. MOORE
ASSISTANT**BK: RB 1011****PG: 1722-1725**

NORTH CAROLINA GENERAL WARRANTY DEED

Excise tax: \$-0-

Parcel Identifier No. 8617-30-6256, 8617-40-9933, 8616-49-3809, 8616-49-2901

8616-78-7931, 8616-49-2950

Mail after recording to: Woodrow H. Griffin

This instrument was prepared by: Griffin & Schaefer, P.A.. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

No title examination performed by deed preparer.

THIS DEED is made this 15th day of October, 2020, between

GRANTORMARY QUERY WELCH, Successor Trustee
of the Juanita Noland Coldiron Revocable
Trust dated November 13, 2008

Address: 8920 West Market St.

Colfax, NC 27235

If checked, this WAS a Grantors's Principal
Residence (otherwise ignore):**GRANTEES**MARY QUERY WELCH and
DEVON HARRIET QUERYAddress: 8920 West Market St.
Colfax, NC 27235

The designations Grantor and Grantees shall include the parties, their respective heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSES that the Grantor, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, do grant, bargain, sell and convey unto the Grantees in fee simple, all of their right, title and interest in that certain lot or parcel of land situated in the Waynesville Township, Haywood County, North Carolina, more particularly described as follows:

SEE ATTACHED EXHIBIT A INCORPORATED HEREIN FOR COMPLETE DESCRIPTION:

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantees, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Easements, restrictions, rights of way of record, and 2020 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal, the day and year first above written.

Mary Query Welch - Trustee
Mary Query Welch-Trustee (SEAL)

Guilford County, State: North Carolina

I certify that the following person personally appeared before me this day, acknowledging to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mary Query Welch, Trustee

10/15/2020 Kearsten M Fike
Date Official Signature of Notary
Notary Public
Notary's printed or typed name:
Kearsten M Fike

My commission expires: 03/10/2024



EXHIBIT A

DEED FROM MARY QUERY WELCH, TRUSTEE
TO
MARY QUERY WELCH AND DEVON HARRIET QUERY

BEING all of the right, title and interest of the Grantor as Trustee of the Juanita Noland Coldiron Trust in all real property located in Haywood County, North Carolina, including, but not limited to the following:

FIRST: All real property devised to Juanita Coldiron under the Last Will and Testament of John C. Noland (Estate File 88-E-125, Clerk of Superior Court, Haywood County, North Carolina) including but not limited to Lot 6 of the John Noland Property, Plat Cabinet C, Slot 2 and Slot 3, Haywood County Registry.

SECOND: Lot 4 of the John Noland Property, Plat Cabinet C, Slot 2, as described in that deed from John C. Noland Jr. and wife, Mary K. Noland, to Juanita N. Coldiron, dated April 23, 1997, recorded in Deed Book 458, Page 2375, Haywood County Registry.

THIRD: Lot 5 of the John Noland Property, Plat Cabinet C, Slot 2, as described in that deed from Anna Lee Overstreet, to Juanita Noland. Coldiron, dated June 1, 1989, recorded in Deed Book 400, Page 382, Haywood County Registry.

FOURTH: That 0.957 acre tract as described in that deed from John C. Noland Jr. and wife, Mary K. Noland, to Juanita N. Coldiron, dated April 4, 2001, recorded in Deed Book 489, Page 1751, Haywood County Registry.

FIFTH: BEGINNING on an iron stake in the Northwest Margin of a 20 foot street or road, and at the southwest corner of Units or Lots 22, 23, and 24 in Block 57 and runs N. 72 deg. 30 min. W. 170 feet to an iron stake in the Easterly Margin of Lake Shore Drive; thence with the margin of said drive and curvature thereof in a general southerly direction 135 feet to an iron stake at the point of intersection of said margin of said drive with the northwesterly margin of said 20 foot road or street; thence N. 63 deg. E. 180 feet to the BEGINNING and being that lot as described in that deed from C. Edward Deweese Jr. and wife, Elizabeth C. Deweese to James Lardner Query and wife, Juanita N. Query, dated February 28, 1972, recorded in Deed Book 252, Page 725, Haywood County Registry.

BEING the same property described in that deed from Juanita N. Coldiron and husband Henry Clay Coldiron, to Juanita Noland Coldiron, Trustee of the Juanita Noland Coldiron Revocable Trust dated November 19, 2008, recorded in Book 749, Pages 859-861, Haywood County Registry.

Juanita Noland Coldiron died February 16, 2020., The Grantor is the Successor Trustee under the Juanita Noland Coldiron Revocable Trust and this conveyance is in accordance with the terms and conditions of said Revocable Trust.

EXHIBIT “A”

BEING 0.59 acres, as shown on that plat of survey entitled “Trinity Homes” by Rod Norton, RLS, dated June 18, 2026, and recorded in Plat Cabinet D, Slot 3968, Haywood County Registry.

TOGETHER WITH and SUBJECT TO the benefits and burdens of easements, rights of way and all other such matters as shown on the above-referenced plat and further of record in the Haywood County Registry.

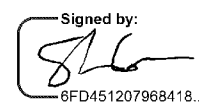
AND BEING a portion of that property conveyed to Mary Query Welch and Devon Harriet Query, by deed recorded on October 27, 2020, in Deed Book 1011, Page 1722, Haywood County Registry.

NOTES:

1. ALL DISTANCES ARE GROUND DISTANCES, UNLESS OTHERWISE SHOWN.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. ROD NORTON SURVEYING DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
3. PROPERTY SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS SHOWN OR NOT SHOWN, VISIBLE OR NOT VISIBLE.
4. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
5. THERE IS NO RECOVERABLE N.C.G.S. HORIZONTAL CONTROL WITHIN 2000' OF THE SUBJECT PROPERTY
6. AREA BY METHOD OF COORDINATES.
7. PROPERTY ZONING IS DELLWOOD--JUNALUSKA REGIONAL CENTER (DJ--RC)

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, _____, REVIEW OFFICER
OF HAYWOOD COUNTY, CERTIFY THAT THE MAP
OR PLAT TO WHICH THIS CERTIFICATION IS
AFFIXED MEETS ALL STATUTORY REQUIREMENTS
FOR RECORDING

Signed by:

BFD451207968418...

REVIEW OFFICER

6/19/2026

DATE

NC GRID, NAD 83(2011)
NORTH

NOLAND
DB 1079, PG 961
8616-49-0939

NOLAND
DB 1140, PG 1927
8616-49-1952

NOLAND
DB 2022E, PG 653
8616-49-3869

HAYWOOD RENTALS
DB 484, PG 2250
8616-49-4866

RACKLEY
DB 1005, PG 824
8616-39-9677

HARMON GRAHAM PROPERTIES LLC
DB 1027, PG 2487
8616-49-2446

NCGS JUNALUSKA
N: 868958.40
E: 815861.77

LEGEND:

- PROPERTY LINE
ADJOINER LINE (NOT SURVEYED)
ADJOINER LINE (SURVEYED)
OLD SUBDIVISION LINE
TIE LINE
FENCE
x
CALCULATED POINT
EXISTING REBAR OR PIN
#5 REBAR SET
FENCE POST
NCGS MONUMENT
PC PLAT CABINET
DB DEED BOOK
PG PAGE

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED
APRIL 03, 2012
MAP NUMBER: 3700861600 J

I HEREBY CERTIFY THAT THIS PLAT WAS REVIEWED
AND IS EXEMPT PURSUANT TO THE TOWN OF WAYNESVILLE
LAND DEVELOPMENT STANDARDS AND CAN BE RECORDED IN
THE OFFICE OF THE REGISTER OF DEEDS OF HAYWOOD COUNTY.

Signed by:

1B032DA3BF4E426...

TOWN OF WAYNESVILLE PLANNING DIRECTOR

6/19/2026

DATE

SURVEYOR'S CERTIFICATE:

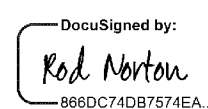
I, RODNEY NORTON, PLS CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUOL GNSS
SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- 1.) CLASS OF SURVEY: A
- 2.) POSITIONAL ACCURACY H: 0.04'
- 3.) TYPE OF GPS FIELD PROCEDURE: RTK
- 4.) DATES OF SURVEY: 01/30/2025
- 5.) DATUM: NAD '83(2011)
- 6.) PUBLISHED/FIXED CONTROL: JUNALUSKA
- 7.) GEOID MODEL: G18
- 8.) COMBINED FACTOR: 0.99976521
- 9.) UNITS: U.S. SURVEY FEET

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, RODNEY NORTON, CERTIFY THAT THIS PLAT WAS DRAWN
UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY
SUPERVISION (DEED REFERENCE DEED BOOK 1011, PAGE 1722); THAT THE
BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM
INFORMATION AS REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO
OF PRECISION BEFORE ADJUSTING WAS ONE PART IN 10,000+ AS
CALCULATED BY LATITUDES AND DEPARTURES, AND THAT THIS PLAT WAS
PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED. WITNESS MY
ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 18TH DAY OF JUNE, A.D., 2026.

THIS PLAT IS OF ANOTHER CATEGORY SUCH AS THE RECOMBINATION OF PARCELS, A COURT ORDERED SURVEY, OR
OTHER EXEMPTION FROM THE DEFINITION OF SUBDIVISION
N.C.G.S. 47-30 (F)(1)(d).

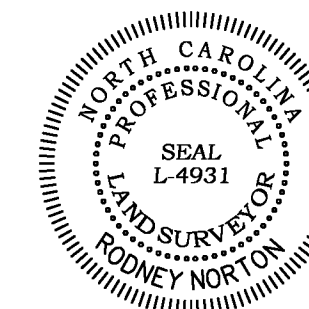
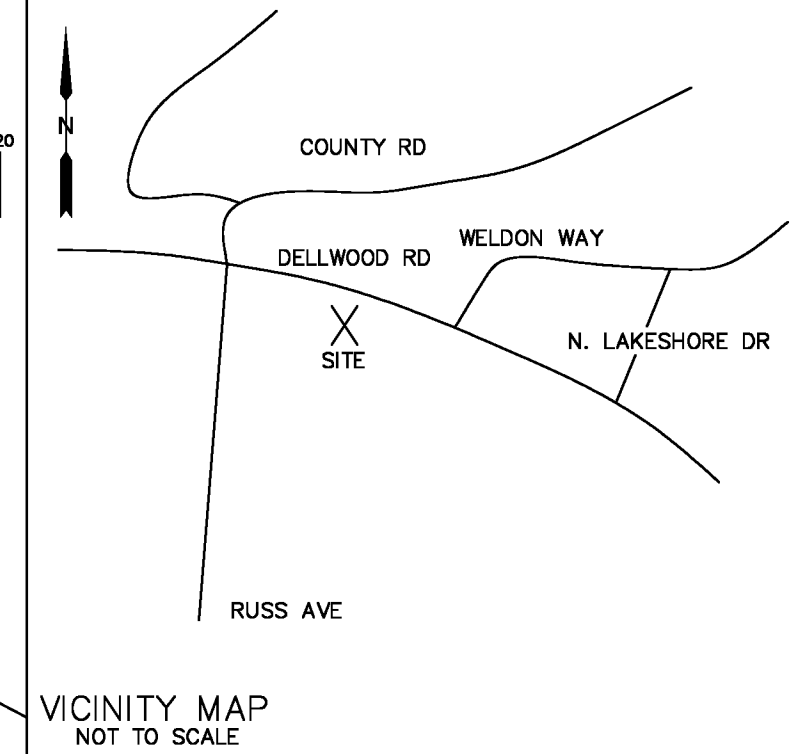
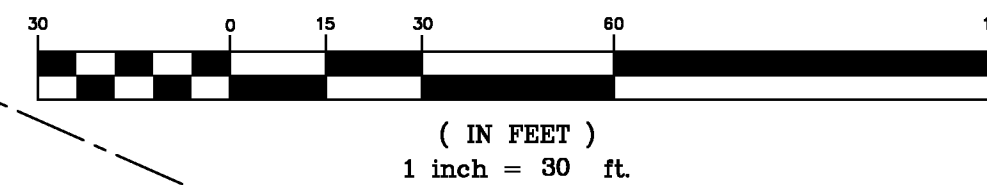
Signed by:

866DC74DB7574EA...

RODNEY NORTON

L-4931

6/18/2026

GRAPHIC SCALE



2026005214

HAYWOOD COUNTY NC FEE \$21.00
PRESENTED & RECORDED
06/19/2026 11:31:59 AM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY: CASSENDA N FARMER
DEPUTY
BK: MAP CABD
PG: 3968 - 3968

PLAT PREPARED FOR:

TRINITY HOMES

TOWN OF WAYNESVILLE, HAYWOOD COUNTY, NC.
DELLWOOD/JUNALUSKA REGIONAL CENTER COMMERCIAL

OWNER OF RECORD:
MARY QUEEN WELCH
DEVON HARRIET QUIRY
DEED BOOK 1011, PAGE 1722
PIN 8616-49-2809, 8616-49-2950, 8616-49-2901

TOTAL AREA OF SURVEY=0.59

ROD NORTON LAND SURVEYING C-3667

245 RUSH ROAD
CLYDE, NC 28721
828-316-1694
NORTONSURVEYING@GMAIL.COM

DATE: 06/18/2026
SCALE: 1"=30'
SURVEY BY: MRS
PLAT BY: RAN

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

The undersigned Owner or Party with a contract or option to purchase that real property located at 1221 DEERWOOD ROAD 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: BRYAN ARRINGTON

Title and Company: PROJECT MANAGER ; TRINITY CUSTOM HOMES LLC

Address: 15230 HWY 515 S. ELIJAH, GA 30536

Phone and email: (828) 558-7550 hbobak@trinitycustom.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 14th day of August, 2026

Owner or Party with Contractual Interest in Property:



HOPE BOBAK-CRONLEY
MEMBER/MANAGER/GC
TRINITY CUSTOM HOMES, LLC

Address and phone number:

15230 HWY 515 S

ELIJAH, GA 30536

(706) 502-6323

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 08/18/26 CUSTOMER#:
TIME: 10:39:00
CLERK: 2044ecou

RECPT#: 3365890 PREV BAL: 300.00
TP/YR: P/2027 AMT PAID: 300.00
BILL: 3365890 ADJSTMNT: .00
EFF DT: 08/18/26 BAL DUE: .00
Misc Cash Receipts

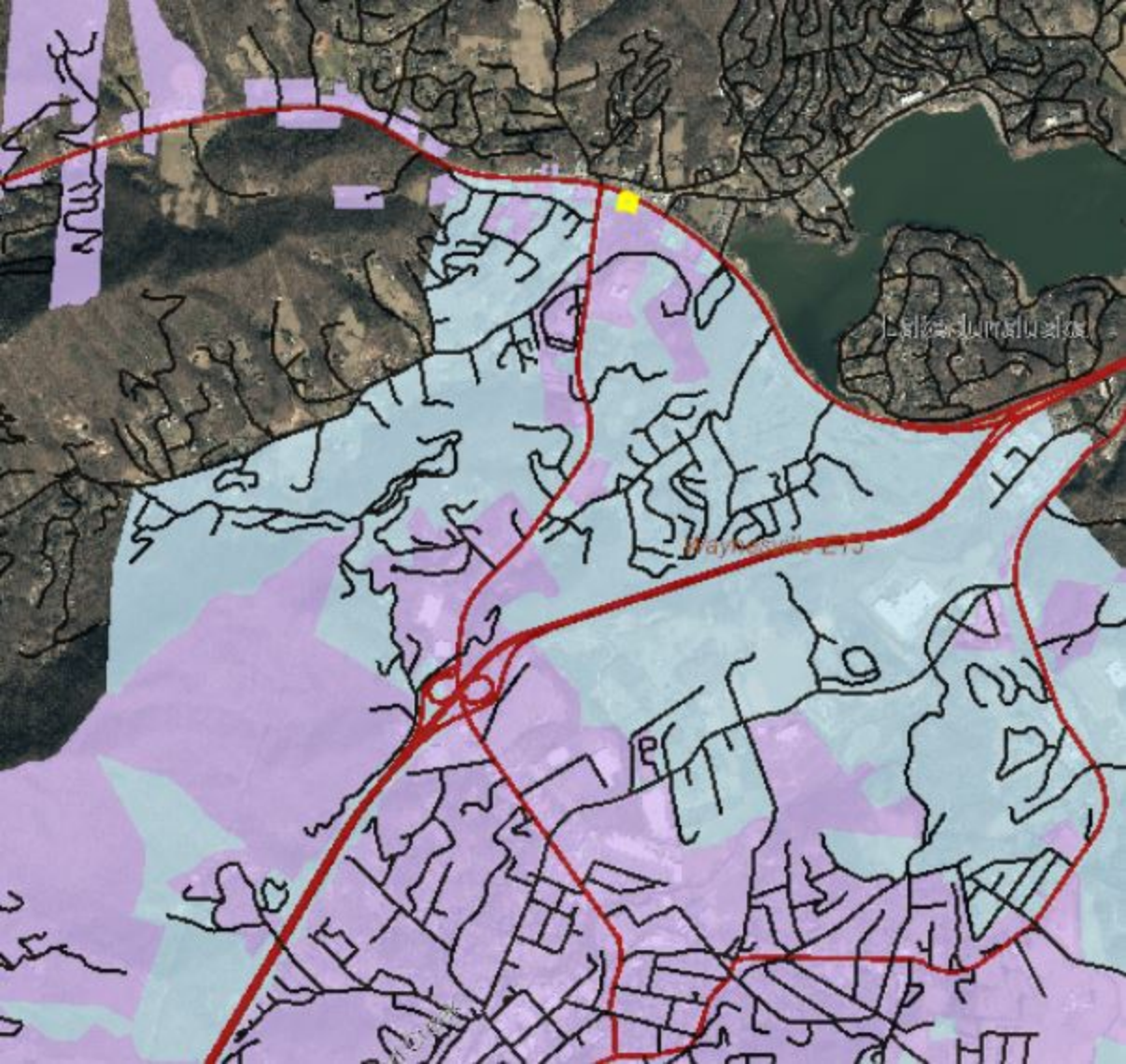
-----TOTALS-----

PRINCIPAL PAID: 300.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 300.00
AMT APPLIED: 300.00
CHANGE: .00

PAID BY: Trinity Custom Annex
PAYMENT METH: CHECK
PAYMENT REF: 15139

TOT PREV BAL DUE: 300.00
TOT BAL DUE NOW : .00





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

FOR PUBLICATION IN THE MOUNTAINEER: August 2 and August 9 (Sunday) editions

Date: July 21, 2026

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing Special Use Permit Request Waynesville Planning Board

The Town of Waynesville Planning Board will continue a public hearing on Monday, August 17, 2026, at 5:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a Special Use Permit request for the proposed Palisades at Plott Creek Phase II multi-family development (apartment complex) at 1415 Plott Creek Rd., Waynesville, NC 28786 (PIN 8605-32-8929). There are 58 proposed units on 5.48 acres.

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.

Notice of Two (2) Public Hearings Waynesville Town Council

The Town of Waynesville Council will hold two (2) public hearings on August 25, 2026, at 6:00 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC 28786 to consider:

1. Text amendments to the Flood Damage Prevention Ordinance, Land Development Standards 12.3 and 17.5.
2. Request for annexation for a .59-acre parcel located at 1221 Dellwood Road, Waynesville, NC 28786 (PIN 8616-49-2973).

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



COUNTY RD

PATES LN

LAND DOWNS RD

RUSSAVE

Dellwood/Junaluska Regional Center
Commerical

Density MXO

JULE NOLAND DR

Dellwood Residential Medium Density MXO
Mixed-Use

Dellwood Residential Medium Density
Residential



RESOLUTION R-18-26 TO CONSIDER

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under NC G.S. Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance an area non-contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the Clerk of the Town of Waynesville certifies the sufficiency of the petition for the property at 1221 Dellwood Road, Waynesville, NC 28786 (PIN 8616-49-2973) in accordance with G.S. 160A-58, to wit:

- a. The petition follows the form required by statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is non-contiguous to the Town's municipal boundary

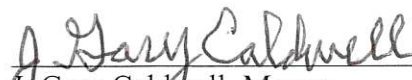
WHEREAS, the Waynesville Town Council must fix a date for a public hearing, and cause notice of the public hearing to be published in a newspaper at least 10 days prior to the hearing;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville, North Carolina:

1. To fix the date for the public hearing on August 25, 2026, during the regularly scheduled meeting of the Council, at 6:00 pm or close to that time within the agenda of the meeting, in the Town Board Room at 9 South Main Street, Waynesville, NC 28786; and
2. To direct the Town Clerk to notice the public hearing in the Mountaineer at least 10 days prior to the meeting; and
3. To post the property in at least three locations providing additional notice to the public.

Adopted this 28th day of July 2026.

TOWN OF WAYNESVILLE



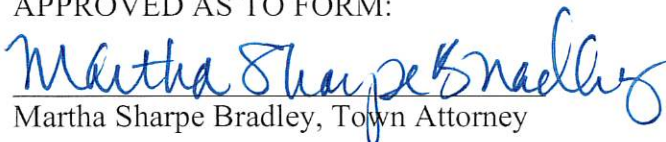
Gary Caldwell, Mayor

ATTEST:



Candace Poolton, Town Clerk

APPROVED AS TO FORM:



Martha Sharpe Bradley, Town Attorney

ORDINANCE NO. O-34-26

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WAYNESVILLE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned voluntarily under G.S. 160A-58.1, to annex the area as described in the petition for a non-contiguous annexation request, and

WHEREAS, the governing board of any municipality may annex by ordinance any area not contiguous to its primary corporate limits upon presentation to the governing board of a petition signed by the owners of all real property located within the area; and

WHEREAS, the Town Council finds the sufficiency of the petition in accordance with NCGS, Chapter 160A, Article 4A, Part 4. Annexation of Noncontiguous Areas. 160A-58.1-Petition for Annexation; standards, to wit:

- a. The petition follows the form required by the statute in which the owner of real property has requested the area described for voluntary annexation; and
- b. That the petitioning owner of record owns 100 percent of the property in question; and
- c. The property is not contiguous to the Town's municipal boundary; and
- d. The nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of Waynesville; and
- e. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city; and
- f. The area is so situated that Waynesville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; and
- g. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of Waynesville; and
- h. The Town Clerk has conducted an investigation in compliance with G.S. 160A-58.1, and has certified the sufficiency of the petition; and

WHEREAS, a public hearing on the question of annexation was held at Town Hall at 6:00 pm, on the 25 day of August, 2026, and

WHEREAS, the Town Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Town and of the area proposed for annexation will best be served by annexing the area described as PIN 8616-49-2973, and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Waynesville, North Carolina:

Section 1. By virtue of the authority granted by North Carolina General Statutes, the following described non-contiguous territory is hereby annexed and made part of the Town of Waynesville as of the 25th of August, 2026. Metes and bounds description is in Exhibit A attached hereto and incorporated by reference.

Section 2. Upon and after the 25th of August, 2026, the above described territory, and its citizens, and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Waynesville and shall be entitled to the same privileges and benefits as other parts of the Town of Waynesville. Said territory shall be subject to municipal taxes according to G.S. 160A.

Section 3. The Mayor of the Town of Waynesville shall cause to be recorded in the office of the Register of Deeds of Haywood County and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Haywood County Board of Elections as required by G.S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Waynesville.

Adopted this the 25 day of August, 2026.

TOWN OF WAYNESVILLE

ATTEST:

J. Gary Caldwell, Mayor

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Sharpe Bradley, Town Attorney

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: August 25, 2026**

SUBJECT: Public Hearing on mandated amendments to the Town's Flood Damage Prevention Ordinance, Land Development Standards Sections 12:3, and 17.5.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact/Presenter: Olga Grooman, Interim Development Services Director and Certified Floodplain Manager (CFM)

BRIEF SUMMARY:

As a requirement for Waynesville's participation in the National Flood Insurance Program (NFIP), the Town must update our local "Flood Damage Prevention Ordinance" in order to maintain its legal authority and remain in good standing with the NFIP. Required amendments to the ordinance were provided by the NC Department of Public Safety- Emergency Management- in the 2026 NC Model Flood Damage Prevention Ordinance which was released in April. These ordinance amendments were reviewed by the Planning Board and recommended to Council at their June 15, 2026 regular meeting.

MOTIONS FOR CONSIDERATION:

1. Motion to find the text amendments to the Land Development Standards as consistent with the 2035 Comprehensive Plan and reasonable and in the public interest.
2. Motion to adopt the ordinance as written.

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

1. Staff Report
2. Draft Ordinance
3. Consistency Worksheet
4. Report from the Planning Board
5. Public Notices

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Town Council Staff Report

Subject: Text amendments related to floodplain regulations
Ordinance Section: Land Development Standards (LDS) sections 12.3 and 17.5
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: August 25, 2026
Presenter: Olga Grooman, Assistant Development Services Director

Recommended Motions:

1. Motion to find the recommended text amendment as attached (or amended) as being consistent with the 2035 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.

Background:

Town of Waynesville participates in the National Flood Insurance Program (NFIP). This program enables property owners, renters, and businesses in participating communities to purchase federally backed flood insurance. “In return, communities agree to adopt and implement local floodplain management regulations that contribute to protecting lives and reducing the risk of new construction and substantial improvements from future flooding” (*fema.gov*).

As a participating community, Waynesville enforces its Flood Damage Prevention Ordinance, located in Chapter 12 of the LDS, and Flood Damage Prevention Definitions, located in Chapter 17 of the LDS. Waynesville’s floodplain ordinance is based on the State Model Ordinance for non-coastal communities. In April, the NC Department of Public Safety- Emergency Management- announced the release of the 2026 NC Model Flood Damage Prevention Ordinances (Coastal and Non-Coastal versions), which can be downloaded at the North Carolina Flood Insurance Program (<https://flood.nc.gov/ncflood/ncfip.html>), under the Documents panel on the right-hand side of the Floodplain Management page. Therefore, Waynesville needs to update its existing floodplain ordinance to maintain its legal authority and remain in good standing with the NFIP.

The updates to the ordinance include, but are not limited to, revised definitions, additional clarifications, specifications for floodplain development permit certification, clarification of duties of the Floodplain Administrator, updates related to LOMRs, improvements to enforcement procedures, and provisions addressing recreational vehicles in floodplain and floodway. The proposed changes to the Land Development Standards are shown in the attached Draft Ordinance **in red**.

Consistency with the 2035 Comprehensive Land Use Plan:

Staff submits that the proposed text amendment to the LDS is 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 3: Protect and Enhance Waynesville's Natural Resources.

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

The proposed text amendment is reasonable and in the public interest as it promotes community resilience, ensures timely review of floodplain permits, further clarifies existing floodplain regulations, and allows Waynesville to remain in compliance with FEMA and State regulations while maintaining its legal authority through an up-to-date ordinance.

Attachments:

- Draft Ordinance
- Consistency Statement Worksheet
- Report from the Town Planning Board
- Public notices

ORDINANCE NO. O-35-26

**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 is the community that participates in the National Flood Insurance Program (NFIP) and therefore must comply with its requirements and implement local floodplain management regulations; and

WHEREAS, the National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance; and

WHEREAS, floodplain regulations contribute to protecting lives, property, and reducing the risk of future flooding for new construction and existing structures; and

WHEREAS, the North Carolina Department of Public Safety, Emergency Management, has released the 2026 NC Model Flood Damage Prevention Ordinance; and

WHEREAS, the Town of Waynesville must update its Floodplain Damage Prevention Ordinance to stay in compliance with the NFIP requirements and maintain legal authority to enforce the floodplain program through up-to-date ordinances; and

WHEREAS, the Town Council adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community,”

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendment to the Land Development Standards (LDS) 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 Town Council; and

WHEREAS, the Town Council find this ordinance consistent with the Town’s 2035 Comprehensive Land Use Plan and that it is reasonable and in the public interest, updating the floodplain regulations and promoting public safety, specifically meeting the following Comprehensive Plan goals:

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

- Promote conservation design to preserve important natural resources.

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, after notice duly given, a public hearing was held on **June 15, 2026**, at the regular meeting of the Waynesville Planning Board, and on **August 25th, 2026**, 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 August 2th , 2026, AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

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

12.3 Flood Damage Prevention.

12.3.1 Statutory Authorization, Findings of Fact, Purpose and Objectives.

- A. **Statutory Authorization:** The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Articles 7, 9, 11, and 13 of Chapter 160D; and 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 responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of Waynesville, North Carolina, does ordain as follows:

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 , both inside and outside the identified Special Flood Hazard Areas**, causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards. **These obstructions and occupancy by uses vulnerable to floods may be hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.**

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.

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.

12.3.2 General Provisions.

A. Applicability.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Waynesville and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

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.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Haywood County Unincorporated Area, dated July 15, 1984.

Town of Waynesville, dated January 6, 1983.

When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to the Town of Waynesville:

- (1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.
- (2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administering these regulations.

The community reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate Community Flood Hazard Areas (CFHA). Such evidence may include but shall not be limited to:

- (1) Eyewitness accounts of historic flooding or other reports of historic flooding deemed credible by the community;
- (2) Surveyed high-water marks;
- (3) Geologic features observed that resemble floodplains (such as flat areas along streams);

- (4) Proximity to manmade or natural constrictions in or along a watercourse (such as road crossings that can cause backwater effects), and;
- (5) Drainage basin characteristics (such as drainage area, slope, percent impervious cover, land use, etc.).

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail.

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 Section 12.3.2.B.

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.

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.

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.

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.

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 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.

12.3.3 Administration.

A. Designation of Floodplain Administrator.

The Land Development Administrator, or his or her designee, 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.

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 Section 12.3.2.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 Section 12.3.2.B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 12.3.2.B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Sections 12.3.2.B; 12.3.3.C; or 12.3.3.D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) The certification of the plot plan by a registered land surveyor or professional engineer.

(b) Notwithstanding the foregoing, the Floodplain Administrator shall have the discretion to waive the requirement set by section (a)(vii) that the plot plan bear the certification of a registered land surveyor or professional engineer where the application meets the following criteria:

- (i) No other ordinance or regulation requires such certification; and
- (ii) The Administrator determines that such activity does not create new or additional flood hazards or potential increases in erosion, flood heights, or velocities.

- (c) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
- (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

- (d) If floodproofing, a Floodproofing Certificate (FEMA Form ~~81-65~~ FF-206-FY-22-153) 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.
- (e) 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 Section 12.3.4.B.4(c) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- (f) Usage details of any enclosed areas below the lowest floor.
- (g) 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.
- (h) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (i) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 12.3.4.B.6 and Section 12.3.4.B.7 of this ordinance are met.
- (j) 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.), **including cost estimate.**
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 12.3.2.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 Section 12.3.4.F have been met.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (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 FF-206-FY-22-152) 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 mean sea level. 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) An Elevation Certificate (FEMA Form FF-206-FY-22-152) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, 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 mean sea level. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. 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 further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (iii) A final as-built Elevation Certificate (FEMA Form FF-206-FY-22-152) 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. **The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable**

(b) Floodproofing Certificate.

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153), 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 FF-206-FY-22-153), 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 Zone 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 Section 12.3.4.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 Section 12.3.4.B.6(a);
 - (ii) Temporary Structures meeting requirements of Section 12.3.4.B.7; and
 - (iii) Accessory Structures less than 150 square or have a total cost of \$5,000 or less and meet requirements of Section 12.3.4.B.8.
4. **Substantial Improvement/ Damage 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.

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 or Community Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas or Community 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 Section 12.3.4.F are met.
6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 12.3.3.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 Section 12.3.3.B.3.
8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 12.3.3.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 Section 12.3.3.B.3 and Section 12.3.4.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 Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Section 12.3.2.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 Section 12.3.4.D.2(b), in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 12.3.2.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. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. Follow through with corrective procedures of Section 12.3.3.D.
 20. Review, provide input, and make recommendations for variance requests.
 21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 12.3.2.B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
 22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
 23. Make substantial improvement and post event damage assessments and determinations:
 - (a) Conduct damage assessments for damaged structures located within the SFHA.
 - (b) Complete substantial improvement/damage determinations in accordance with the provisions 12.3.3.B.4.
 24. In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.

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 G.S. 143-215.58 and shall be punished at the discretion of the court.~~
1. Stop Work Order: The community may issue a Stop Work Order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations.
 - (2) Notice of Violation. If the community determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written Notice of Violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The Notice of Violation shall contain:
 - (a) The name and address of the owner or the applicant or the responsible person;
 - (b) The address or other description of the site upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;

- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that may be assessed against the person to whom the Notice of Violation is directed, and;
 - (f) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty (30) days after the Notice of Violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
- 2. Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Town of Waynesville shall first notify the owner, applicant or other responsible person in writing of its intended action. The Town shall provide reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the Town of Waynesville may take or impose any one or more of the following enforcement actions or penalties:
 - (a) Termination of utility service and/or withhold or revoke Certificate of Occupancy: The Town may terminate utilities and/or refuse to issue and/or revoke a Certificate of Occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise remedy the violation or violations described therein.
 - (b) Suspension, revocation, or modifications of permit: The Town may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the Notice of Violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 - (c) Civil penalties: 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 North Carolina General Statute § 143-215.58.
 - (i) 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. 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 actions, pursuant to North Carolina General Statute § 153A, 160A, and 160D, as is necessary to prevent or remedy any violation.
 - (ii) Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

4. Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a Stop Work Order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.
 - (a) Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the Zoning Board of Adjustment. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.
 - (b) All appeals shall be heard and decided by the community's designated Appeal Board, which shall be the Zoning Board of Adjustment, or their designees. The Zoning Board of Adjustment shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Board of Adjustment shall be final.
 - (c) A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. The petition shall be received by the clerk of Superior Court within thirty (30) days of the date of the local Board of Adjustment's decision.
5. Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

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 Section 17.5, provided provisions of Section 12.3.3.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 Section 17.5 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 Base Flood Elevation (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 will result in increased premium rates for flood insurance up to \$25.00 per \$100.00 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 Federal Emergency Management Agency 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, **in accordance with North Carolina General Statutes §143-215.54A(b).**

12.3.4 Provisions for Flood Hazard Reduction.

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 floodwaters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
9. 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.
10. 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 Section 12.3.3.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 Section 12.3.3.B.3.
11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
12. 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.
13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
14. 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.
15. 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.
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.
17. Structural fill shall not be used unless design and construction of the structural fill accounts for the following:
 - (a) consolidation of the underlying soil under the weight of the fill and the structure,
 - (b) differential settlement due to variations in fill composition and characteristics, and
 - (c) slope stability and erosion control during conditions of the base flood.

B. Specific Standards.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 12.3.2.B, or Section 12.3.4.D, the following provisions, in addition to the provisions of Section 12.3.4.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, as defined in Section 17.4.
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 Section 17.4. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation 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 Section 12.3.4.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 Section 12.3.3.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, as defined in Section 17.4.
- (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 G.S. 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 Section 12.3.4.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, in Zones A, AO, AE, and A1-30, 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.

~~(b)~~ (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 meet the following:~~

- ~~(a) Be on site for fewer than 180 consecutive days and 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); or~~
- ~~(b) Meet all the requirements for new construction.~~

- (a) Placement of a Recreational Vehicle in the Regulatory Floodway or Non-Encroachment Area is prohibited. This includes both temporary and permanent placement.
- (b) 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.)

- (c) 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) When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, wet floodproofing may be permitted when the following criteria are met:~~

- (i) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (ii) Accessory structures shall not be temperature-controlled;
 - (iii) Accessory structures shall be designed to have low flood damage potential;
 - (iv) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (v) Accessory structures shall be firmly anchored in accordance with the provisions of Section 12.3.4.A.1;
 - (vi) All service facilities such as electrical shall be installed in accordance with the provisions of Section 12.3.4.A.4; and
 - (vii) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 12.3.4.B.4(c).
- (b) All other accessory structures exceeding the size restrictions in Section 12.3.4.B.8.(a) above must comply with the elevation or floodproofing standards and certification requirements in accordance with Section 12.3.3.B.3.
- (c) An accessory structure with a footprint less than 150 square feet ~~or less in A, AO, AH, AE and A99 zones or that is a minimal investment of \$3,000.00 or less~~ and that satisfies the criteria outlined above, is not required to meet the elevation or floodproofing standards of Section 12.3.4.B.2. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 12.3.3.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 Section 12.3.4.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 Section 12.3.4.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 Section 12.3.4.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 Section 12.3.4.F of this ordinance.
- (d) 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.

C. [Reserved.]

D. **Standards for Floodplains without Established Base Flood Elevations.**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 12.3.2.B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 12.3.4.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 Base Flood Elevation (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 Sections 12.3.4.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 Sections 12.3.4.B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 12.3.2.B and utilized in implementing this ordinance.
 - (d) When Base Flood Elevation (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 Section 17.4. All other applicable provisions of Section 12.3.4.B shall also apply.

E. Standards for Riverine Floodplains with Base Flood Elevations but Without Established Floodways or Non-Encroachment Areas.

Along rivers and streams where Base Flood Elevation (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 Sections 12.3.4.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 within the community.

F. Standards for Floodways and Non-Encroachment Areas.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 12.3.2.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 Sections 12.3.4.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, 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~~ **issued by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge.** A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
 - (c) **A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with this section, if the encroachment results in changes to the floodway/non-encroachment area widths, and/or changes to the stream location.**
2. If Section 12.3.4.F.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) The anchoring and the elevation standards of Section 12.3.4.B.3; and
 - (b) The no encroachment standard of Section 12.3.4.F.1.

4. Placement of recreational vehicles in the regulatory floodway or non-encroachment area is prohibited.

G. Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in Section 12.3.2.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 Sections 12.3.4.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 Section 12.3.4.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 Section 12.3.3.B.3 and Section 12.3.4.B.2.
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

H. Standards for Areas of Shallow Flooding (Zone AH).

Located within the Special Flood Hazard Areas established in Section 12.3.2.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 Section 12.3.4.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.

12.3.5 Legal Status Provisions.

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.

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.

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.

D. Effective Date.

This ordinance shall become effective upon adoption.

(Ord. No. O-11-21, § 5, 6-22-2021; Ord. No. O-38-22, § 1, 12-13-2022; Ord. No. O-22-24, § 5, 6-11-2024)

17.5 Definitions, Floodplain Damage Prevention.

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 its most reasonable application. For the purpose of applying the standards of Section 12.3, where the definitions of this section differ with those of Section 17.4, the definitions of this section shall prevail.

A Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

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.

AE Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

AH Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

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.

AO Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

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

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.

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. Such flooding is characterized by ponding or sheet flow.

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.

Community means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

Community Flood Hazard Area (CFHA) is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical flood information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

Community Floodplain Management Map means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility (also called critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire, and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use, or store hazardous materials or hazardous waste.

Design Flood. See Regulatory Flood Protection Elevation.

Development means any man-made change to improved or unimproved real estate, including, but not limited to:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The clearing, excavation, dredging, grading, filling, paving, drilling operations, mining, or alteration of land.
- c. Storage of equipment or materials.
- d. The subdivision of land as defined in this ordinance.
- e. The initiation of substantial change in the use of land or the intensity of use of land.

For stormwater calculation, development shall be considered any land disturbing activity that increases the amount of built upon area or otherwise decreases the infiltration of precipitation into the soil.

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.

Dry Floodproofing means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, *Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings*, and available from the FEMA.

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 floodplain, 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) was completed before the initial effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

- ~~(1) The overflow of inland or tidal waters; and/or~~
- ~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

Flood or Flooding means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. (Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, 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 (FHB) means an official map of a community, issued by the Federal Emergency Management Agency, 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 Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

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 Federal Emergency Management Agency. 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-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.

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 by the community 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.

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 Base Flood Elevation (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 openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (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 Officer 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 Parks. The location of four (4) or more manufactured or mobile homes on a parcel of land, or as a deeded manufactured home park, shall constitute a mobile home park.

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> (<https://fris.nc.gov/>) is the map repository. ~~and for historical flood hazard data the Flood.NC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.~~ Repositories of historical flood hazard data are available on the Flood.NC website (<https://flood.nc.gov/ncflood/>) and the FEMA Flood Map Service Center website (<https://msc.fema.gov/portal/home>).

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.

Mean Sea Level means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

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.

New Manufactured Home Park or 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 on or after the effective date of floodplain management regulations adopted by a community.

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; and
- (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.
- (f) Has no attached deck, porch, or shed, and
- (g) Has quick-disconnect sewage, water, and electrical connectors.

For the purpose of this ordinance: “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures under this ordinance.

Reference Level means 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 or Coastal A Zone.

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 of 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.

Repetitive Loss means flood-related damages 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.

Repetitive Loss Property means any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

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.

Section 1316 means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws,

regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

1. Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

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 50 percent 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 Section 12.3.3.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.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

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 mean sea level, 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.

Watershed. The entire land area contributing surface drainage to a specific point or alternatively, the geographic region within which water drains to a particular river, stream, or body of water.

X Zones means areas determined to be low to moderate risk flood zones and are located outside the community's delineated Special Flood Hazard Area (SFHA) and include the following:

(a) Shaded - is the area of moderate flood hazard and can represent:

- (1) 0.2% annual chance flood hazard area (500-year flood zone),
- (2) Areas of 1% annual chance flood with average depth less than one (1) foot, or
- (3) Areas of 1% annual chance flood with drainage areas of less than one (1) square mile.

(b) Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

(Ord. No. O-11-21, § 38, 6-22-2021; Ord. No. O-05-22, § 17, 3-22-2022; Ord. No. O-38-22, § 1, 12-13-2022)

ADOPTED this 25th Day of August, 2026.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Town Council
From: Olga Grooman, Interim Development Services Director
Date: August 25, 2026
Subject: Text Amendment Statement of Consistency
Description: Consistency Worksheet for Text amendments related to floodplain regulations
Ordinance Section: Land Development Standards (LDS) sections 12.3 and 17.5
Address: Town of Waynesville Development Services Department

The Town Council hereby adopts and recommends to the Town Council the following statement(s), pursuant to the review and recommendation of the Town Planning Board:

☐

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: _____



To: Waynesville Town Council
Meeting Date: August 25, 2026
From: Olga Grooman, Assistant Development Services Director
Subject: Planning Board Report and Statement of Consistency
Description: Text amendment related to floodplain regulations
Ordinance Sections: Land Development Standards (LDS) sections 12.3 and 17.5

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

A motion was made by board member Tommy Thomas and seconded by board member Michael Blackburn that the proposed text amendment is **consistent** with the following goal of the 2035 Comprehensive Land Use Plan:

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

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

The Planning Board found that the text amendment **is reasonable and in the public interest** because it ensures timely review of floodplain permits, further clarifies existing floodplain regulations, and allows Waynesville to remain in compliance with FEMA and State regulations while maintaining its legal authority through an up-to-date ordinance.

The Planning Board member John Mason expressed concern that, regardless of the proposed text amendments, the floodplain ordinance itself represents a hardship for property owners, especially the ones affected by natural disasters. He further expressed concern that such regulations may contribute to the challenges related to affordable housing and make it more expensive to live here.

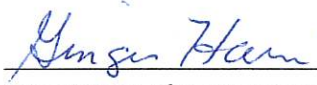
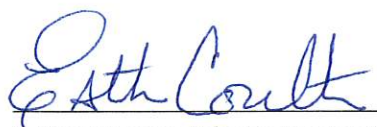
The motion carried unanimously, 8:0.

A second motion was made by board member Tommy Thomas and seconded by board member Michael Blackburn to **recommend the text amendment to the Town Council, as amended** per recommendation of the Board's attorney, Ron Sneed, to remove the word "civil" from the penalties section as it includes both civil as well as criminal penalties:

LDS 12.3.3.D.2.(c):

~~Civil~~ penalties: 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 North Carolina General Statute § 143-215.58.

The motion carried unanimously, 8:0.

	6/18/2026		6-18-26
Ginger Hain, Planning Board Chair	Date	Esther Coulter, Administrative Assistant	Date



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

FOR PUBLICATION IN THE MOUNTAINEER: August 2 and August 9 (Sunday) editions

Date: July 21, 2026

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing Special Use Permit Request Waynesville Planning Board

The Town of Waynesville Planning Board will continue a public hearing on Monday, August 17, 2026, at 5:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a Special Use Permit request for the proposed Palisades at Plott Creek Phase II multi-family development (apartment complex) at 1415 Plott Creek Rd., Waynesville, NC 28786 (PIN 8605-32-8929). There are 58 proposed units on 5.48 acres.

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.

Notice of Two (2) Public Hearings Waynesville Town Council

The Town of Waynesville Council will hold two (2) public hearings on August 25, 2026, at 6:00 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC 28786 to consider:

1. Text amendments to the Flood Damage Prevention Ordinance, Land Development Standards 12.3 and 17.5.
2. Request for annexation for a .59-acre parcel located at 1221 Dellwood Road, Waynesville, NC 28786 (PIN 8616-49-2973).

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

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: August 25th, 2026**

SUBJECT: Approval of CLG Grant contract with Rowhouse Architects.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Alex Mumby, Land Use Administrator
Presenters: Alex Mumby, Land Use Administrator

BRIEF SUMMARY:

The North Carolina Certified Local Government Program provides resources for local governments to research and promote historic preservation. Part of this program are the CLG Grants which allow local governments to apply for assistance with National Register nominations for historic districts and buildings, special studies, and other projects that document and promote the preservation of properties with historic and architectural significance.

The Town of Waynesville was awarded a CLG grant to perform a building conditions assessment of the Municipal Building. The Council approved the contract with the State Historic Preservation Office (SHPO), and for staff to initiate an RFQ.

Rowhouse Architects were selected as the contractors for the project, and have been approved by SHPO. Their previous work includes the Flat Iron Hotel in Asheville and the Brookmont Lofts in Waynesville. Staff are seeking approval of the contract with Rowhouse so that they may begin work on the study.

MOTIONS FOR CONSIDERATION:

To approve the professional contract with Rowhouse Architects.

FUNDING SOURCE/IMPACT:

The total budget will be \$10,000 with 40 percent of that being local match. The Town will pay \$10,000 and be reimbursed \$6,000. Grant match was approved in the professional services budget request for the Development Services Department in the FY 25-26 General Fund budget.



Ian Barrett
Finance Director

ATTACHMENTS:

- Contract

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Project Description and Contract
Waynesville Municipal Building Conditions Assessment

funded by a
FY 2025 Federal Historic Preservation Fund Grant (P25AF01202)
and the
Town of Waynesville

This Project Description and Contract ("Contract") is hereby entered into by and between the **Town of Waynesville** (the "Grantee") and **Rowhouse Architects**. (the "Consultant"), referred to collectively as the "Parties."

A. CONTRACT DOCUMENTS: This Contract consists of the following documents:

- 1) This Contract
- 2) General Terms and Conditions (Attachment A)
- 3) Appendix for Contracts (Attachment B)
- 4) Scope of Work (Attachment C)
- 5) Services To Be Provided and Standards To Be Followed (Attachment D)
- 6) Time-Product-Payment Schedule (Attachment E)

B. CONSULTANT PERSONNEL:

Rowhouse Architects identifies **Jeff Dalton**, who meets the Secretary of the Interior's Professional Qualification Standards, as the individual who will have primary responsibility for conducting and supervising the project and reviewing all project products. The consultant shall perform project activities according to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. The Consultant shall obtain prior written approval of the Grantee and the State Historic Preservation Office prior to any change in primary responsibility for the project.

C. TIME SCHEDULE:

This Contract shall be effective on the date of signing and shall terminate on **April 30, 2027**. The project activities (the work of the consultant) shall be completed and submitted to the HPO by **March 31, 2027**. The final request for reimbursement of the grant funds should be submitted to the HPO by **May 31, 2027**. The attached Time-Product-Payment Schedule (Attachment E) is to be followed throughout the course of the project.

D. PROJECT BUDGET FOR PROFESSIONAL SERVICES:

The total amount to be paid by the Grantee to the Consultant under this Contract shall not exceed **\$10,000** including travel, equipment, and all other expenses.

It is understood that the Consultant is being employed as a professional and is an independent contractor and that payment for services constitutes a fee that excludes all employment taxes and related benefits. The Grantee will be responsible for providing appropriate IRS income statements (FORM 1099) for the Consultant.

E. PAYMENT PROCEDURES:

The Consultant will receive payment upon submission and approval of the items described in the Scope of Work (**Attachment C**) and in accordance with the project budget and the Time-Product-Payment Schedule (**Attachment E**).

The Consultant will submit the products and invoices directly to the State Historic Preservation Office (HPO) for review and approval. The address is Jennifer Cathey, Restoration Specialist, State Historic Preservation Office, Department of Natural & Cultural Resources Western Office, 176 Riceville Road, Asheville, NC 28805. Telephone, 828-250-3113; email: jennifer.cathey@dncr.nc.gov. *Invoices for all but the final product will be processed upon receipt of each product.* The invoice for the final product will be processed upon full review and approval of the final product by the HPO. The Grantee will receive the approved invoices from the HPO and upon receipt of an approved invoice will promptly make payment of the approved amount to the Consultant.

F. TERMINATION BY GRANTEE OF CONTRACT FOR CAUSE:

If the Consultant fails to fulfill in a timely and proper manner his/her obligations under this Contract, or if the Consultant violates any provisions of this Contract, the Grantee, with the concurrence the State Historic Preservation Office, shall have the right to terminate the Contract for cause by giving written notice to the Consultant specifying the reasons for and effective date of termination. In such event, the Consultant shall cease work immediately upon receipt of such notice. The Consultant shall be entitled to receive just and equitable compensation for any satisfactory work completed prior to termination, but in no case shall this amount exceed **\$10,000**.

G. ENFORCEMENT OF REMEDIES FOR NONCOMPLIANCE:

If the Consultant fails to fulfill in a timely and proper manner his or her obligations under this Contract, or violates any of the provisions of this Contract, the North Carolina Office of Archives and History may enforce the remedies for grantee or subgrantee compliance pursuant to Section 43 of the Code of federal Regulations (43 CFR 12.1 – 12.83) which is incorporated by reference in this Contract as if fully set forth herein.

H. CHANGES IN PROJECT DESCRIPTION AND CONTRACT:

The Grantee shall immediately notify the State Historic Preservation Office project specialist and grants coordinator if any changes to the scope of work or project schedule are anticipated. If the change is minor, the grants coordinator will advise the Grantee on how to proceed and direct the Grantee to describe the change in the final financial report. If the change is major, the Grantee will be required to utilize the procedure outlined in the *Grantee Handbook for Federal Historic Preservation Fund Grant Projects*.

Only minor changes may be made in the budget without the approval of the State Historic Preservation Office. Minor changes are those changes that involve five per cent or less of the project cost and that do not alter the basic scope of the project, do not substitute unapproved materials or methods, or do not add or delete work items. All other changes will be deemed to be major changes.

Major changes must be approved in writing by the State Historic Preservation Office before changes are made. Costs of major changes, those in excess of five per cent of the project cost, made without prior State Historic Preservation Office written approval, may be disallowed. The entire grant allocation for the project may be canceled if major changes are not approved in writing by the State Historic Preservation Office.

I. NONDISCRIMINATION ASSURANCES:

In consideration of the signing of this Contract for the performance of federally assisted work and furnishing of labor and materials as set forth herein, the Parties hereto for themselves, their agents, officials, and employees or servants agree not to discriminate in any manner on the basis of race, color, national origin, religion, sex (including pregnancy and gender identity), age, disability, sexual orientation, or genetic information with reference to the subject matter of this Contract, no matter how remote.

J. SAFETY PRECAUTIONS:

The Grantee and the Consultant understand and agree that the National Park Service and the North Carolina Office of Archives and History assume no responsibility with respect to accidents, illnesses, or claims arising out of any work performed under a grant-supported project. The Grantee and the Consultant agree to take necessary steps to insure themselves and their personnel and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970.

K. OTHER STIPULATIONS:

As noted above, the attached *General Terms and Conditions (Attachment A) Appendix for Contracts (Attachment B)* are hereby incorporated in this Contract and contain stipulations regarding procurement, retention of records, changes in scope, prohibition of lobbying, non-federal audit, publications, suspension or termination of grant, standards for final products, equal opportunity, and other requirements. The Consultant shall comply with all provisions set forth in **Attachment A** and **Attachment B**.

L. CONTACT INFORMATION FOR CONTRACT ADMINISTRATOR AND CONSULTANT:

The Grantee identifies the following person who will serve as the Grantee Contract Administrator:

Alex Mumby, Land Use Administrator
Town of Waynesville
9 South Main Street, Suite 110
Waynesville, NC 28786

Telephone: 828-452-0401
Email: amumby@waynesvillenc.gov

The Consultant's contact information is as follows:

Jeff Dalton, President
Rowhouse Architects
1 North Pack Square
Asheville, NC 28801

Telephone: 828-776-2344
Email: jeff@rowhouse-architects.com

Either Party may change the contact information by giving timely written notice to the other Party.

* * * * *

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement. In Witness Whereof, the Grantee and the Consultant have executed this Contract in duplicate originals, with one original being retained by each Party.

TOWN OF WAYNESVILLE

_____ Signature	_____ Date
--------------------	---------------

_____ Printed Name	_____ Title
-----------------------	----------------

Attest:

_____ Signature	_____ Date
--------------------	---------------

_____ Printed Name	_____ Title
-----------------------	----------------

ROWHOUSE ARCHITECTS

 _____ Signature	July 16, 2026 _____ Date
---	--------------------------------

Jeff Dalton _____ Printed Name	President _____ Title
--------------------------------------	-----------------------------

Witness:

 _____ Signature	July 16, 2026 _____ Date
---	--------------------------------

Robin Raines _____ Printed Name	Vice President _____ Title
---------------------------------------	----------------------------------

**NORTH CAROLINA
TOWN OF WAYNESVILLE**

**TOWN
ACKNOWLEDGEMENT**

This is to certify that on the _____ day of _____, 20____, before me

personally came _____, with whom I am
(name of signing official)

personally acquainted, who, being by me duly sworn, says that she/he is

_____ and that
(title of signing official)

by authority duly given and as an act of the _____
(name of government entity)

the foregoing instrument was signed in its name.

WITNESS my hand and official seal this the _____ day of _____, 20____.

(SEAL)

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
BUNCOMBE COUNTY

INDIVIDUAL
ACKNOWLEDGEMENT

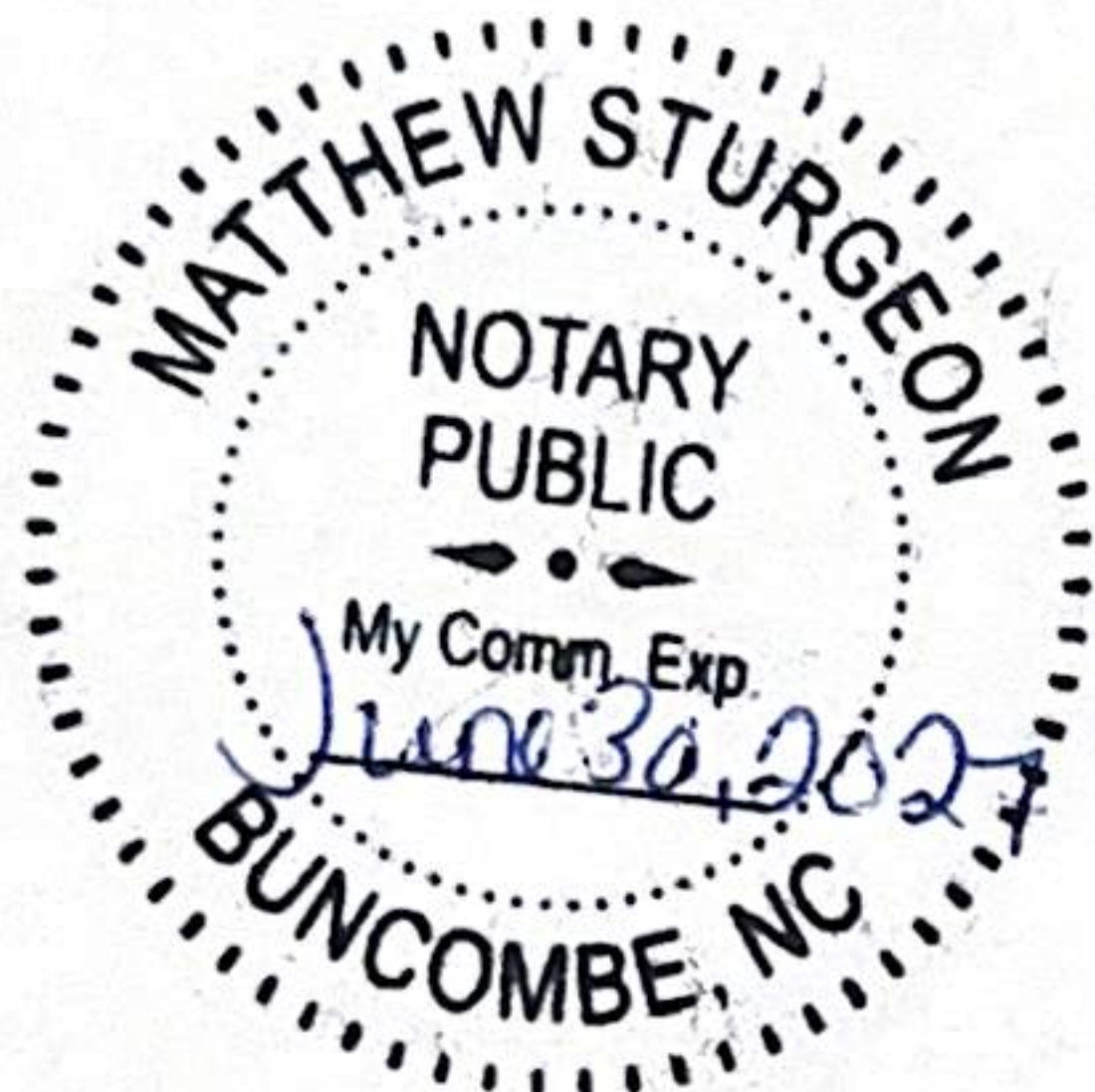
I, Matthew Sturgeon a Notary Public, do hereby certify
(notary public's name)

that Richard Dalton of ROWHOUSE ARCHITECTS
(consultant's name)

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 16 day of July, 2026.

(SEAL)



Matthew Sturgeon
Notary Public

My Commission Expires: June 30, 2027