

TOWN OF WAYNESVILLE

Planning Board

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

Development Services
Director
Elizabeth Teague

Planning Board Members
Susan Teas Smith (Chairman)
Ginger Hain (Vice Chair)
Stuart Bass
R. Michael Blackburn
Tommy Thomas
Barbara Thomas
Peggy Hannah
Jan Grossman
John Baus

Special Called Meeting of the Planning Board Town Hall, 9 South Main Street, Waynesville, NC 28786 Wednesday, April 26th, 2023, 5:30 PM

A. CALL TO ORDER

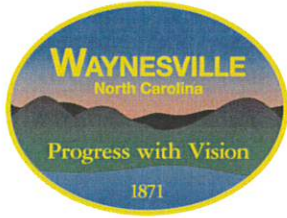
1. Welcome/Calendar/Announcements
 - March 20th Meeting cancelled due to lack of a quorum
 - Joint Workshop with the Board of Aldermen to discuss the Comprehensive Land Use Plan will be held April 28th at 11:30am.
2. Approval of Minutes as presented (or amended):
 - December 19th, 2022 Regular Meeting
 - February 20, 2023 Regular Meeting

B. BUSINESS

1. Public Hearing on a Map Amendment (Rezoning) Application at 237 Ratcliff Cove Road, PIN: 8626-00-9246, Raccoon Creek Neighborhood Residential (RC-NR), to a mixed-use overlay (RC-NR MXO)
2. A Public Hearing to consider the Stormwater Ordinance text amendment related to the design of the stormwater structures, Section 12.5 of the Land Development Standards (LDS).
3. Discussion on development of possible Short Term Rental regulations.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



TOWN OF WAYNESVILLE Planning Board

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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Called Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786
Monday December 19th, 2022

THE WAYNESVILLE PLANNING BOARD held a Regular Called Meeting December 19th, 2022, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Susan Teas Smith (Chairman)
Stuart Bass
Peggy Hannah
Jan Grossman
Barbara Thomas
Tommy Thomas
Michael Blackburn
John Baus

The following members were absent:

Ginger Hain (Vice Chairman)

The following staff members were present:

Byron Hickox, Land Use Administrator
Esther Coulter, Administrative Assistant
Candace Poolton, Town Clerk

Chairman Susan Smith called the meeting to order at 5:31pm and reminded everyone that a Special Called Meeting will be held on January 9th, 5:30pm in the Town Hall Board Room because Town offices will be closed on January 16th due to MLK Day. Chairman Smith also announced that the Town has a new Town Clerk, Candace Poolton.

2. Adoption of Minutes

The October 17th Meeting Minutes are still pending.

A motion was made by Board Member Michael Blackburn, seconded by Board Member Peggy Hannah to approve the November 7th, 2022, Special Called Planning Board meeting minutes as presented or amended. Chairman Susan Smith and Board Member Barbara Thomas abstained from voting because they were not in attendance of the meeting. The motion passed unanimously.

A motion was made by Board Member Barbara Thomas, seconded by Board Member Jan Grossman to approve the November 21st, 2022, Planning Board meeting minutes as presented or amended. The motion passed unanimously

B. BUSINESS

1. Map Amendment (rezoning) request for property 465 Boyd Avenue (PIN 8605-96-8882) from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay (H-UR-MX) District.

Chairman Susan Smith moved to open the Public Hearing at 5:39pm.

Applicant Aaron Crawford was absent, so Chairman Susan Smith suggested the Board continues this business during the January 9th, 2023, Special Called Meeting.

Chairman Susan Smith moved to close the Public Hearing at 5:42pm.

A motion was made by Board Member Barbara Thomas, seconded by Board Member Peggy Hannah, to continue this application to the Special Called Meeting on January 9th, 2023. The motion passed unanimously.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

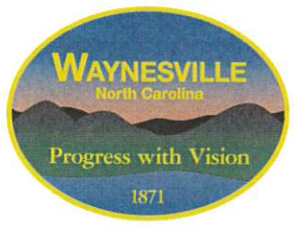
None.

D. ADJOURN

A motion was made by Board Member Barbara Thomas, seconded by Board Member Peggy Hannah to adjourn the meeting at 5:43pm. The motion carried unanimously.

Susan Smith, Chairman

Esther Coulter, Administrative Assistant



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Scheduled Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 Monday February 20th, 2023, 5:30pm

THE WAYNESVILLE PLANNING BOARD held a Regular Scheduled Meeting February 20th, 2023, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present
Susan Teas Smith (Chairman)
Ginger Hain (Vice Chairman)
John Baus
Stuart Bass
Michael Blackburn
Jan Grossman
Barbara Thomas
Tommy Thomas

The following board member was at the meeting but sat in the audience: Peggy Hannah

The following staff members were present:
Elizabeth Teague, Development Services Director
Olga Grooman, Land Use Administrator
Esther Coulter, Administrative Assistant

Planning Board Attorney, Ron Sneed was present

The following applicant representatives were present:
Kris Boyd, Assistant Haywood County Manager
Frank Queen, Haywood County Attorney

Thomas Manino, P.E., McGill and Associates
Jason Mosely, Architect

Chairman Susan Smith called the meeting to order at 5:32pm and welcomed everyone and asked staff if there were any announcements. Ms. Teague introduced Olga Grooman, Land Use Administrator, to present an update on the Railroad Corridor Sub-committee.

Ms. Grooman stated that the group took a tour along the railroad corridor of Waynesville, including the industrial park, Frog Level and Hazelwood areas. The Committee discussed potential opportunities for new development or redevelopment, and the need to make sure uses are compatible. Ms. Grooman stated that maps, reports, and future meeting information could be found on the Town website under the Development Services page, with a link in the left-hand column entitled, "Special Projects."

Chairman Susan Smith asked for review and approval of the January 9 and January 30, 2023, minutes. There was discussion regarding minor corrections and an amendment was added.

A motion was made by Vice Chairman Ginger Hain, seconded by Board Member Barbara Thomas, to approve the presented minutes with corrections and added amendment. The motion passes unanimously.

Chairman Susan Smith read through the procedures for the Public Hearing. Attorney Ron Sneed advised Chairman Smith, Planning Board Members, and the public that the proceeding is an Administrative Hearing.

Chairman Susan Smith opened the Public Hearing at 5:46pm.

B. BUSINESS

1. Public Hearing on to consider a major site plan review for the expansion of the Haywood County Multi-Use Facility and Detention Center at 1620 Brown Avenue, Waynesville, NC 28786 (PIN 8605-70-8724).

Land Use Administrator, Olga Grooman exhibited the site plan and explained the plan to demolish existing buildings and rebuild a new facility that will connect to the existing sheriff's department. She explained the location and improvements to the stormwater area, parking lots, the addition of ADA parking and sidewalks. Ms. Grooman stated that the property's current uses include: the Magistrate, 911 call center, sheriff's detention facility, administrative offices, the building in front of Sheriff's department is the EMS facility, recycling convenience center, County maintenance facilities, storage, impound lot, personnel, and public parking. She stated that this multi-use complex meets the definition of "Government services" under the Waynesville Land Development Standards and read the definition from the ordinance.

Ms. Grooman informed the Planning Board that per LDS 15.8.2, Site Plan/Design Review (Major) is an administrative procedure since the adoption of 160D-related text amendments. The Planning Board must find that the plan is consistent with the adopted plans and polices of the Town; the

plan complies with applicable ordinance requirements; and that the plan has infrastructure as required by the ordinance to support the plan as proposed. Ms. Grooman demonstrated in the exhibits that the applicant provided the environmental survey with natural resources inventory, existing conditions, demolition plans, landscape plan, utility plan, stormwater plan, and building elevations. She explained that the applicants met with Town staff first on September 7, 2022, for review of plans with public safety, zoning, building inspections, and public services staff, and then submitted an updated set of plans on January 20, 2023. Staff gave a notice of the zoning decision that the property was “government services ” by posting the property at four locations and on the Town Hall’s bulletin board on January 6, 2023. Afterwards, public notices of this hearing were posted on the property (1/30/23), mailed out to adjacent property owners (1/30/23), and published in the newspaper (1/29/23 and 2/5/23). Susan Smith noted that the matter of the zoning declaration is done and is not before the Board tonight.

Ms. Grooman continued to present the staff report. She indicated that the applicant would be subdividing the property as shown on exhibit, and the site plan review was based on the proposed subdivision line. Ms. Grooman noted that this is typical at this phase of development. For example, Publix, Preservation Way, and Allison Acres were reviewed for compliance based on the proposed property lines, before the new property lines were established. Barbara Thomas clarified that the County would still own everything even after the subdivision. Ms. Grooman continued to describe adjacent land-use, and the boundary with the railroad. She explained that the neighbors along Hemlock Street expressed concerns about security issues around the current site and that the County staff met with the neighborhood resident Peggy Hannah on January 17, 2023, to discuss any site improvements with sensitivity to the neighborhood.

She stated that the County had owned and operated this site, including the jail, going back to when the property was a part of the town of Hazelwood. The expansion of the detention portion of the facility was necessary to meet the requirements of the State and allow the County to efficiently continue the use this property to carry out its law enforcement and judicial functions.

Ms. Grooman explained that the property was designated as community facilities and mixed-use facilities on the Future Land Use Map of the Town’s 2035 Comprehensive Plan. The property is zoned Hyatt Creek Regional Center District and government uses are permitted outright in this district. The project meets the goal of the Comprehensive Plan for in-fill development by re-using the existing site and upgrading the facilities. The purpose of the Hyatt Creek Regional Center District is to serve the region and its citizen to accommodate those living in this area. Mixed uses are encouraged there. Therefore, the proposed site plan is consistent with the Comprehensive Plan and the underlying zoning.

Ms. Grooman then went through the details of the plan for its compliance with the LDS standards. The setbacks are compliant. She showed the elevation and pointed out that it is 27’ high and is compliant with building height. After the subdivision, the only property frontage will be Vigoro Lane. The proposed plan will re-use existing driveways off Brown Avenue and Hemlock Street as they are now, and it was approved by fire and building code officials. The design of the building is compliant with the requirements of the State which are stricter than the Town’s and thus supersede the Town’s design guidelines. The plan includes interior sidewalk connections. Because

the proposed expansion is at the interior of the lot, it will not have street frontage for sidewalks once subdivided and is adjacent to the railroad track.

Ms. Grooman stated that the project has existing sewer on site and referred to the documentation provided by Public Services showing adequate water and sewer availability. She noted that the subdivided lot will not have a buffer requirement. However, there are interior landscaping requirements for the parking lots, and the plan is compliant. In addition to new 25 parking spots, there are shared parking spots throughout the property. The proposed ADA parking and bike racks are in compliance.

Ms. Grooman showed a picture of the current condition of the stormwater pond and indicated that improvements would clean up the area and mitigate stormwater runoff. She reviewed other environmental features and noted that existing trees on the western side of the property would not be touched.

Ms. Grooman then summarized that staff recommends approval with the following findings of fact:

- 1. Proposed plan is consistent with Comprehensive Land Use Plan, goals # 1 to support smart growth principles
- 2. The site plan complies with all applicable requirements of the Town’s Land Development Standards as specified above
- 3. There is adequate water and sewer to serve the project.

Staff recommends approval of the site plan as presented with one contingency. Peggy Hannah has filed an appeal related to the zoning decision that the use of the property is government services which the zoning board of adjustment will hear on March 7, 2023. Approval will be contingent on the Zoning Board’s decision.

Susan Smith asked if anyone had questions for staff. Jan Grossman asked if the building was just being built as a jail. Ms. Grooman responded that the new portion will be mostly for detention but will be connected to the larger building which also includes the Sheriff’s department, 911 center and Magistrates office.

Mr. Baus stated his concerns that the project is a correctional facility and not government services. Mr. Sneed noted that this question has been heard and will be taken up by the Zoning Board of Adjustment. Mr. Baus stated that he did not like how this was being handled and that under the category of institutional uses, a correctional facility is not allowed in this district. There was further discussion among the Board and Ron Sneed. Chairman Susan Smith stated that the guidance from the legal counsel was important, and the purpose of the hearing was to approve or deny the Major Site Plan and if the underlying issue is that someone has appealed because they believe it is zoned inappropriately, then it is for the Zoning Board of Adjustment to determine.

Thomas Mannino from McGill Associates stated that he prepared the site plan for the County and mentioned the architect was present if anyone had questions about the building. Mr. Mannino stated that the plan was to demolish existing buildings in order to construct a new detention facility.

Mr. Mannino said that the property line and subdivision plan were for the County to be able to finance the improvements.

Mr. Mannino stated that the plan provides improvements and re-arrangement to the parking lots. He also said the pond was oversized to help with the stormwater to not impact the neighborhood. The project will tie into existing water and sewer which comes into the property. The building is designed to match the façade of the existing building. Mr. Mannino stated that they believe this project will be an improvement. Ms. Smith asked if anyone had questions for applicant.

Mr. Grossman asked if EV charging stations were being considered. Mr. Mannino indicated they were not.

Mr. Thomas asked if the stormwater outfall had been evaluated for its impact on the railroad and any concerns about undermining the tracks. Mr. Mannino indicated that they did not look at that specifically, but stormwater conveyed along the track, and they analyzed the rates of discharge from the site onto the right-of-way.

Board Member Barbara Thomas asked if someone from the County could discuss the State requirements for detention facilities. She asked if there were other uses than a general judicial function. Assistant County Manager Chris Boyd came to the podium and explained that the court system had new requirements and that misdemeanors needed to be held locally and not held at state and federal facilities. With the changes of that requirement and with the growth of our existing population, the facility has reached its maximum capacity. The County must house them at other facilities at extreme cost. It's not only the cost per day, but also medical expenses, travel cost, staff time to take inmates back and forth. Some inmates have gone as far as the coast. Our facility cannot handle the population that we have now. Michael Blackburn suggested that the Board pull back from the financial questions.

Board Member Tommy Thomas asked if the project has been reviewed and approved by the construction section of the North Carolina Division of Health and Human Services. Jason Hopkins with Moseley Architects answered that the primary reviewing authority for this project, in addition to the Town of Waynesville, Haywood County, are North Carolina Department of Health and Human Services which writes all the standards for county jails along with the North Carolina Department of Insurance. While these organizations do not expressly approve them until constructed, the teams have met and walked through the plans with them. Both reviewed the plans twice, they made comments each time and we resolved the comments.

Ms. Smith asked if there was any public comment. There was none.

Vice Chairman Ginger Hain asked about the subdivision compared to the current subdivision and whether it needed to be a part of motion. Ms. Smith consulted the Board attorney. Mr. Sneed answered yes to including it into the motion due to the requirement to subdivide for financial reasons. This Board can look at it and determine that it is a true subdivision and as a site plan. Ms. Smith noted that we have done this type of approval before. Mr. Sneed confirmed that staff can approve the actual subdivision administratively.

Mr. Baus asked about buffering and sidewalks. Board and staff discussed if additional sidewalks or other regulations were required if the entire property was considered a part of the site plan, not just the portion that included improvements. Ms. Teague noted that staff struggled with what we would have to require if we looked at the site in its entirety, and not just the proposed area of subdivision where the new building was going in. Initially, as in the staff report, we believed that sidewalk and additional buffering would be required along Hemlock Street. However, staff also realized closer to the meeting that we would also have to take into consideration the fact that the site has pre-existing nonconformities. In nonconformity regulations, sites have to come up to current standards when there is an expansion of over 50%; if we took into consideration the entire site, the proposed changes would be well below 50%, and therefore we wouldn't be able to require the entire site to come up to full compliance. Ms. Teague added that from a practical matter, there also is the fact that there is not room to construct a sidewalk along Hemlock until those existing buildings move. Ms. Teague continued by saying that the Town looks for any opportunity to install sidewalks with all new development, but this site is tricky because it has been here for so long, and the piece the applicant is adding to is away from the road and by itself does not meet that 50% rule to force the full property into compliance. Mr. Grossman asked if staff was changing their view from the staff report. Ms. Teague stated that she would argue that whether you looked at the site plan within the entire lot or just within the proposed subdivision, that we wouldn't necessarily have to require sidewalks or buffer along Hemlock because of the existing non-conformities.

Chairman Susan Smith Closed the hearing at 6:40 and asked if there was additional discussion. Mr. Grossman noted that it sounds like whether we look at as one whole property or just the subdivision, then we couldn't require sidewalks.

A motion was made by Vice Chairman Ginger Hain, seconded by Board Member Michael Blackburn, to approve the Major Site Plan as presented because 1) it's consistent with 2035 Comprehensive Land Use Plan and meets the goal to promotes smart use principles in land use planning and zoning, 2) it complies with all applicable requirements as detailed in staff report, and 3) it has infrastructure as required by the ordinance to support the plan.

There was additional discussion about contingency of the decision on the outcome of the Board of Adjustment, and Mr. Sneed confirmed that as noted in the record.

The motion passed 7 to 1.

C. ADJOURN

A motion was made by Board Member Michael Blackburn, seconded by Board Member Stuart Bass to adjourn the meeting at 6:53pm. The motion carried unanimously.

Susan Smith, Chairman

Esther Coulter Administrative Assistant

**Planning Board Staff Report
Map Amendment Application
April 26, 2023**

Agenda Item: Map Amendment (Rezoning) Application
Location: 237 Ratcliff Cove Road
PIN: 8626-00-9246
Area: 28.69 Acres
Owner: Michael Crawford

Background

The property in question is a 28.69-acre parcel that is currently located in the Raccoon Creek Neighborhood Residential District (RC-NR). Raccoon Creek runs along the west boundary, with associated floodway and floodplain extending eastward into the property. While the lowest portion of the property along Raccoon Creek is fairly flat, the property rises from an elevation of 2,620 feet to 2,900 feet at the northeast corner. The property has approximately 400 feet of frontage along Ratcliff Cove Road, with a broad gravel driveway connection to interior gravel and dirt roadways. With the exception of an old barn located on the northern boundary, the property is vacant.

The purpose of the Raccoon Creek Neighborhood Residential District as specified in the Land Development Standards Section 2.3.3G states:

The Raccoon Creek Neighborhood District (RC-NR) is a medium density residential area surrounding one of the major entrances into Waynesville — Business 23. There are two centers for this area — the Ratcliff Cove Neighborhood Center and the Junaluska School/ballfield area within the district itself. Water service is available throughout much of the district with sewer available along Business 23 and Francis Farm Road. Higher density development is encouraged west of Business 23 with lower density clustered development proposed to the east. It is suggested that the County explore recreational uses on the landfill property on Francis Farm Road — an area that could become another focal point for the community. Development will occur at a residential scale. Development fronting onto Business 23 must form a street wall along this entryway into town.

The request to be considered is for a map amendment to place the property in the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay (RC-NR MXO). The Land Development Standards Section 2.6.2A defines a Mixed-Use Overlay District as *“a zoning overlay district established to permit certain limited mixed-uses within residential neighborhoods.”* This application for map amendment was submitted by Haywood County Consolidated Schools in order to place the property in question into a zoning district in which Government Services is a permitted use. The Land Development Standards Section 17.3 defines Government Services as *“federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority.”*

If placed within the RC-NR MXO, several additional uses would be permitted on this property. The newly permitted uses would be: live-work units, ATM, Banks, Credit Unions, & Financial Services, Business Support Services, Dry Cleaning & Laundry Services, Funeral Homes, Government Services, Personal Services, Professional Services, Gas/Fueling Station, General Commercial (Less Than 100,000 ft²), Neighborhood Commercial, Neighborhood Restaurant, Outside Sales, and Restaurant.

Notification of this hearing was mailed to adjacent property owners on April 10, 2023, posted with a sign on the property on April 10, 2023, and published in The Mountaineer on April 12 & 19, 2023.

Surrounding Land Use and Zoning Pattern

The subject property is surrounded by the following land use types: (1) To the north by vacant, wooded land, (2) to the south by a large agricultural operation and vacant, wooded land, (3) to the east by single-family dwellings, and (4) to the west by vacant land. The properties to the north, south, and east are also located within the Raccoon Creek Neighborhood Residential District, while the property to the west is located within the Raccoon Creek Neighborhood Center District.

Consistency with the 2035 Comprehensive Plan

Found in the introduction to Waynesville 2035: Planning With Purpose, the Town of Waynesville’s Comprehensive Plan, the stated purpose of the document is to:

“serve as a guideline for community decision making into the future. It is intended to be used by the town staff, the Board of Aldermen, and other Town Boards and Commissions as they make decisions about resources and land use”.

Chapter 2 of the Comprehensive Plan lays out several goals and objectives to provide guidance for implementing the overall plan. The following goals and objectives apply to this application:

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

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

Goal 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

Found in the Appendix to the Comprehensive Plan (page 174), the Future Land Use Map indicates that the property being considered for map amendment should be a part of the Low to Medium Density Residential areas for the purposes of future land use planning. However, the property shares its western boundary with an area that is designated Mixed Use – Community, which is defined as follows:

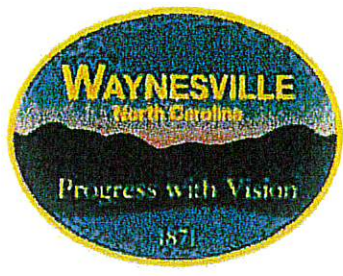
This designation is intended for nodes of activity areas on major streets and thoroughfares incorporating commercial retail and office, light industrial, employment centers and institutional uses to serve the community. Residential single and multifamily development of medium densities may be vertically or horizontally integrated with the commercial. These areas will likely have access to municipal utilities and development should be connected to transit and pedestrian ways. Scale of these areas should vary based on context.

Staff Recommendation

While the requested map amendment would not be explicitly consistent with the Future Land Use Map, the property in question is contiguous to an area designated for more intensive future development. Additionally, the property is located along a well-maintained road with an existing entrance located approximately 1,000 feet from U.S. Highway 23, a major commercial entrance into Waynesville.

Requested Actions

1. Motion to find or not find the request consistent with the 2035 Comprehensive Land Use Plan.
2. Motion to recommend to the Town Council approval or denial of the requested map amendment for the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay.



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Development Services Department
PO Box 100
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Application for Land Development Standards Map Amendment

Application is hereby made on MARCH 22, 2023 to the Town of Waynesville for the following map amendment:

Property owner of record: MICHAEL & DEBORAH CRAWFORD
Address/location of property: 237 RATCLIFF COVE ROAD WAYNESVILLE, NC
Parcel identification number(s): 8626-00-9246
Deed/Plat Book/Page, (attach legal description): 458/256
The property contains 30.25 acres.
Current district: RACCOON CREEK - NEIGHBORHOOD RESIDENTIAL
Requested district: RACCOON CREEK - NEIGHBORHOOD RESIDENTIAL MIXD MEDIUM USE OVERALL

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

EXPANDS THE POSSIBLE USES OF THE PARCEL TO BE
MORE IN ALIGNMENT WITH THE RACCOON CREEK NEIGHBORHOOD CENTER

Applicant Contact Information

Applicant Name (Printed): HAYWOOD COUNTY CONSOLIDATED SCHOOLS
Mailing Address: 1230 N. MAIN ST. WAYNESVILLE, NC 28786
Phone(s): 828-456-2400
Email: GWAYNES@HAYWOOD.K12.NC.US

Signature of Property Owner(s) of Record Authorizing Application:
Michael Crawford Deborah Crawford

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

TRANSFER MADE ON PROPERTY RECORD

Date 3/27/97

By [Signature]

REGISTERED BK. 458 PAGE 256

97 MAR 27 PM 3:34

REGISTRY OF DEEDS HAYWOOD CO., N.C.

STATE OF NORTH CAROLINA Real Estate Excise Tax 580.00 MAR 31 97 P.M. 10/47 \$580.00 Am

Excise Tax \$580.00

Recording Time, Book and Page

3149

Tax Lot No. Parcel Identifier No. 8626-00-9246

Verified by County on the day of 19

by

Mail after recording to DJH

This instrument was prepared by David J. Haynes

Brief description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11 day of March, 1997, by and between

GRANTOR

GRANTEE

HAYWOOD SERVICES CORPORATION, INC., a North Carolina Corporation

MICHAEL D. CRAWFORD and wife, DEBORAH N. CRAWFORD

50 Valley View Dr. Canton, NC 28714

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Wayneville Township,

HAYWOOD County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

000056

20552

The property hereinabove described was acquired by Grantor by instrument recorded in _____

A map showing the above described property is recorded in Plat Book _____ page _____

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 Grantee, 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:



AN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in his corporate name by its duly authorized officers and in seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

HAYWOOD SERVICES CORPORATION, INC.
(Corporate Name)

BY: *James S. Huggins* (Seal)
President

ATTEST: *Billy Mc Donald* (Seal)
Secretary (Corporate Seal)

USE BLACK INK ONLY

SEAL-STAMP NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 19____.

My commission expires: _____ Notary Public



NORTH CAROLINA, _____ Haywood _____ County.
I, a Notary Public of the County and State aforesaid, certify that *Billy Mc Donald* personally came before me this day and acknowledged that _____ he is _____ Secretary of HAYWOOD SERVICES CORPORATION, INC., a North Carolina corporation, and that by authority duly given and at the act of the corporation, the foregoing instrument was signed in his name by its President, sealed with its corporate seal and attested by *him* as its Secretary. Witness my hand and official stamp or seal, this *26th* day of _____, 19____.

My commission expires: *3-27-61* *Betty D. Boyer* Notary Public

The foregoing Certificate(s) of *Betty D. Boyer*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Angie R. Murray REGISTER OF DEEDS FOR *Haywood* COUNTY
by _____ Deputy/Assistant - Register of Deeds

25 X 11

Exhibit "A"

BEGINNING at a point in center of Raccoon Creek, northeast corner of 11.878-acre tract conveyed by Haywood Services Corporation, Inc. to Haywood Electric Membership Corporation by deed recorded in Deed Book 457, page 122, and in line of Post tract described in Deed Book 432, page 1319, and runs with fence, line of said Post tract and thereafter with line of Francis tract described in Deed Book 432, page 1265, six calls as follows: S. 62 deg. 08 min. 41 sec. E. 236.69 feet to an iron pipe in fence at top of knob, S. 75 deg. 23 min. 27 sec. E. 184.27 feet to an iron pipe in fence, S. 63 deg. 51 min. 54 sec. E. 171.97 feet to an iron pipe in fence, S. 63 deg. 51 min. 54 sec. E. 464.42 feet to a 20-inch marked locust in fence, S. 66 deg. 26 min. 21 sec. E. 292.39 feet to an iron pipe at fence and S. 80 deg. 27 min. 30 sec. E. 289.20 feet to an iron pipe at fence corner on top of ridge in line of Carpenter tract (Tract Two in Deed Book 209, page 329); thence with lines of that tract four calls as follows: S. 03 deg. 18 min. 31 sec. E. (with fence) 219.73 feet to an iron pipe at fence corner on top of ridge, S. 17 deg. 49 min. 38 sec. E. (not with fence) 76.76 feet to an iron pipe, S. 39 deg. 59 min. 50 sec. E. (not with fence) 159.15 feet to an iron pipe in fence on top of ridge and S. 46 deg. 40 min. 26 sec. E. (with fence) 189.07 feet to an iron pipe at fence corner on top of ridge in line of Phillips tract described in Deed Book 198, page 402; thence with line of that tract and fence S. 46 deg. 19 min. 20 sec. W. 222.10 feet to an iron pipe in fence in line of John M. Queen heirs tract (Deed Book 48, page 565); thence with the lines of that tract 4 calls as follows: N. 85 deg. 22 min. 39 sec. W. (with fence) 550.64 feet to a 40-inch white oak in fence corner, N. 00 deg. 32 min. 52 sec. W. (with and near fence) 358.28 feet to a 36-inch white oak in fence corner, S. 63 deg. 37 min. 20 sec. W. 701.21 feet to an iron pipe and S. 17 deg. 37 min. 20 sec. W. 60.07 feet to a point in center of 60-foot right of way of NCSR No. 1818 (Ratcliff Cove Road); thence N. 85 deg. 54 min. 02 sec. W. 327.00 feet to a point in center of Raccoon Creek; thence N. 28 deg. 19 min. 15 sec. E. 32.00 feet to a point in east end of bridge in center of Ratcliff Cove Road; thence with center of said road N. 80 deg. 55 min. 52 sec. W. 16.24 feet in center of Raccoon Creek in bridge over center of Ratcliff Cove Road; thence with center of Raccoon Creek as follows: N. 12 deg. 07 min. 47 sec. W. 87.56 feet, N. 18 deg. 42 min. 20 sec. W. 231.27 feet, N. 02 deg. 38 min. 18 sec. E. 105.67 feet, N. 02 deg. 07 min. 43 sec. E. 98.65 feet, N. 05 deg. 20 min. 05 sec. W. 76.69 feet, N. 06 deg. 08 min. 26 sec. W. 74.65 feet, N. 02 deg. 04 min. 11 sec. E. 150.74 feet, N. 13 deg. 23 min. 59 sec. W. 60.32 feet, N. 08 deg. 17 min. 21 sec. E. 47.82 feet, N. 07 deg. 33 min. 13 sec. W. 41.64 feet, N. 06 deg. 39 min. 18 sec. E. 31.68 feet, N. 07 deg. 28 min. 12 sec. W. 51.99 feet, N. 00 deg. 11 min. 58 sec. W. 61.11 feet and N. 04 deg. 01 min. 25 sec. E. 110.57 feet to the BEGINNING, containing 30.250 acres, as shown on survey and plat dated November 18, 1996, Drawing No. 1759-316-A by Herron Land Surveying.

Being a part of the property conveyed by Alice F. Dearmon, et al. to Haywood Services Corporation, Inc. by deed recorded in Deed Book 446, page 1980, Haywood County registry, and SUBJECT TO such rights of way and easements affecting the tract herein conveyed as may be of record in the Office of the Register of Deeds of Haywood County on the date hereof. *jl*

This conveyance is made TOGETHER WITH, INCLUDING and SUBJECT TO the conditions, rights of way and easements set forth in that agreement dated March 10, 1997, between Haywood Electric Membership Corporation and Haywood Services Corporation, Inc., filed for record in the office of Register of Deeds of Haywood County.

000258

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

MISC RECEIPT 2895102
REFERENCE Rezone fee
DATE/TIME 03/30/23 16:01
CLERK 2044ecou
CUSTOMER Civil Design Concepts
EFF. DATE 03/30/2023
DEPT

01

TOTAL: 1,900.00
1,900.00

PMT TYPE	QTY	REF	AMOUNT
CHECK	1	8441	1,900.00



Transmittal

Date: March 30, 2023

Project Name: Crawford Property – Rezoning Request

To: Town of Waynesville
Attn: Elizabeth Teague, Development Services Director

Via: Mail Overnight Hand Delivered Pick up @ CDC Office

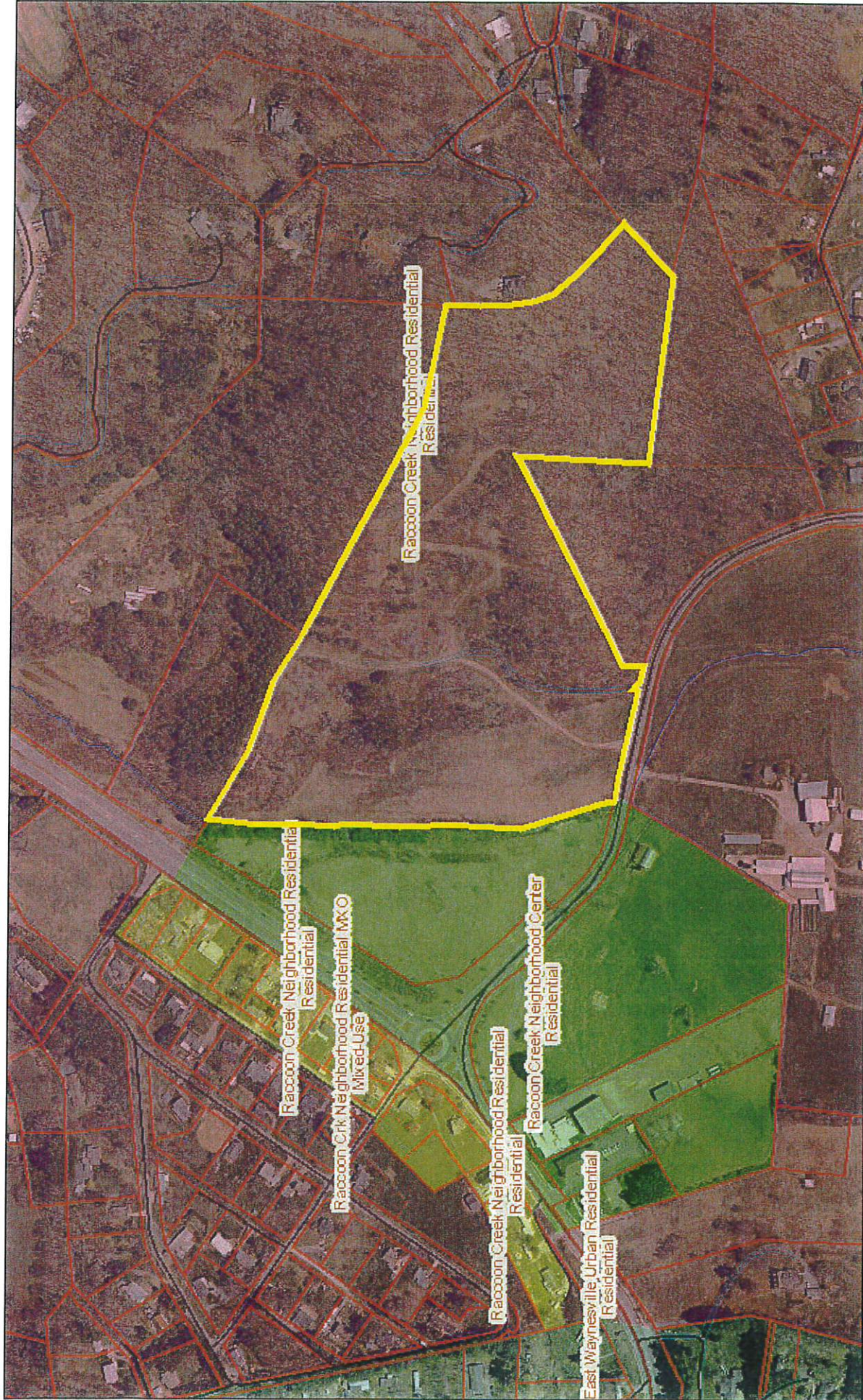
Copies	Date	Description
1	3/22/23	Application for Land Development Standards Map Amendment
1	3/29/23	Submittal Fee in the amount of \$1,900 (CDC Check # 8441)

Per our meeting on Monday, March 20, 2023, please find attached the application for LDS Map Amendment for PIN # 8626-00-9246 which is currently under contract to be purchased by Haywood County Schools.

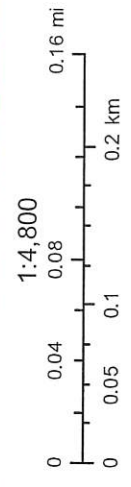
Once the Planning Board date is established for the initial public hearing please let me know.

Thanks for your assistance as always,

Patrick Bradshaw, PE



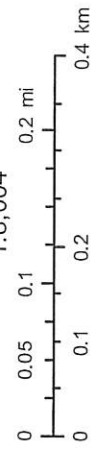
April 17, 2023





April 19, 2023

1:8,004





Report For

CRAWFORD, MICHAEL D
CRAWFORD, DEBORAH N
50 VALLEY VIEW DR
CANTON, NC 28716

Account Information

PIN: 8626-00-9246

Legal Ref: 458/256

Add Ref: 523/1461

Site Information

237 RATCLIFF COVE RD

Heated Area:

Year Built:

Total Acreage: 28.69

Township: Waynesville

Site Value Information

Land Value: \$429,500

Building Value: \$0

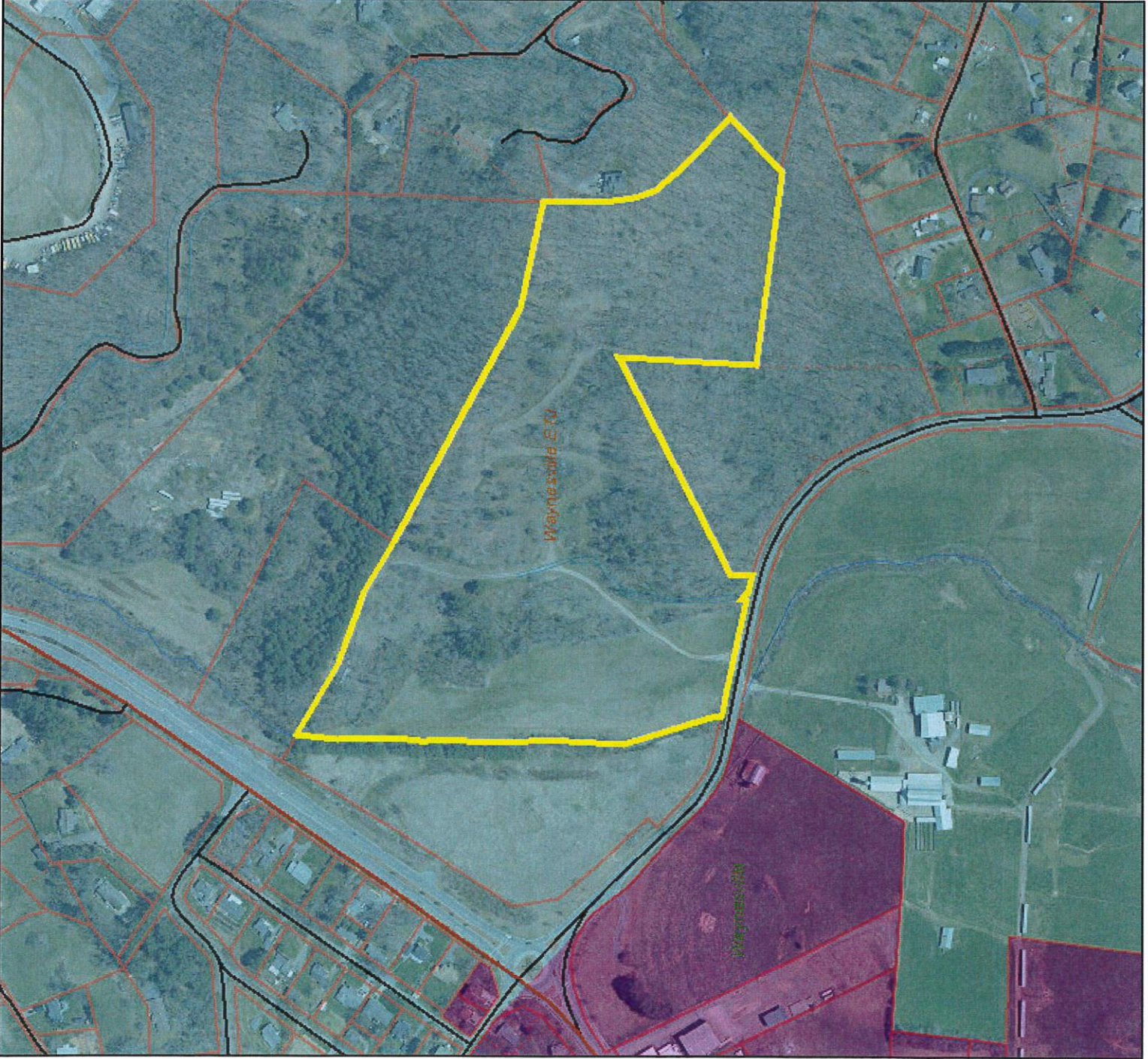
Market Value: \$429,500

Deferred Value: \$0

Assessed Value: \$429,500

Sale Price: \$290,000

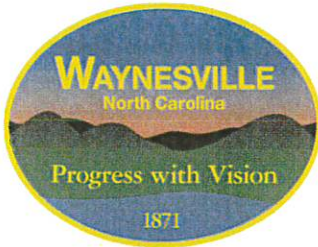
Sale Date: 3/27/1997



1 inch = 400 feet

April 19, 2023

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 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.



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

Date: April 10, 2023

Notice of Public Hearing

Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a **public hearing on April 26, 2023 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay District for the property at 237 Ratcliff Cove Road (PIN 8626-00-9246):



For more information contact the Development Services Department at: (828) 452-0401, email: bhickox@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

FRANCIS, JAMES H JR/LT;
FRANCIS, JAMES HARLEY III
PO BOX 117
LK JUNALUSKA, NC 28745-0117

CARPENTER FAMILY REV TRUST,
C/O CAROLYN SAWYER
216 CARPENTER WAY
WAYNESVILLE, NC 28786

EMERSON, SCOTTIE DEAN;
EMERSON, LINDA B
191 CARPENTER WAY
WAYNESVILLE, NC 28786

HAYWOOD ELECTRIC MEMBERSHIP CORP
ATTN: SUSAN MCCALL
376 GRINDSTONE RD
WAYNESVILLE, NC 28785-6120

PHILLIPS, ERNEST;
PHILLIPS, FRANCES
25 BASIL COURT
WAYNESVILLE, NC 28786

PHUONG, CHHEANG B;
PHUONG, MAI H
73 JOSEPHINE ST
SYLVA, NC 28779

CRAWFORD, MICHAEL D;
CRAWFORD, DEBORAH N
50 VALLEY VIEW DR
CANTON, NC 28716

TRIBROOK FARMS LLC A NC LLC
1315 RATCLIFF COVE RD
WAYNESVILLE, NC 28786-3108

PINK FIELDS LLC,
AL & CHARLIES MOUNTAIN LLC
480 QUEEN COVE RD
WAYNESVILLE, NC 28785

JODRY, LOUIS;
JODRY, BRENDA
1803 ASHVILLE RD
WAYNESVILLE, NC 28786

RICHMOND, SCOTT TUCKER
1777 ASHEVILLE RD, PO BOX 533
LAKE JUNALUSKA, NC 28745

WILLIS, ROBERT;
MOODY, ELIZABETH ANNE
1763 ASHEVILLE RD
WAYNESVILLE, NC 28786

RESENDIZ, EFRAIN
C/O EFRAIN RESENDIZ
2399 OLD CLYDE RD
CLYDE, NC 28721-7808

FRANCIS, MELODY M
29 BOUNTY LN
WAYNESVILLE, NC 28785-8238

LEVERE, SUZANNE C
64 CLEMENT DR
WAYNESVILLE, NC 28786

STANSBURY, KEITH EDWARD;
STANSBURY, ERIKA MARIE
PO BOX 601
WAYNESVILLE, NC 28786

CORLEY, AMANDA KRISTINE
1669 ASHEVILLE RD
WAYNESVILLE, NC 28786-3435

FRANCIS, ELLENE H
20 ZEMERY LN
WAYNESVILLE, NC 28786

DAVIS, EDWARD L/TR;
IVA LEE DAVIS IRREVOCABLE TRUST
11 ZEMERY LN
WAYNESVILLE, NC 28786-3499

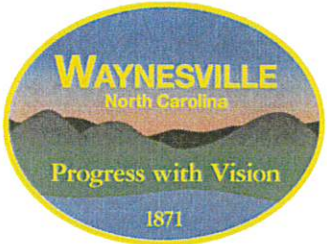
LEATHERWOOD, RONALD CHARLES;
LEATHERWOOD, LAWRENCE BRADLEY
392 WINTERJOHN CV
WAYNESVILLE, NC 28785

FRANCIS, JAMES HARLEY III;
DARBY, ANITA KAY FRANCIS
255 RACHAEL DR
WAYNESVILLE, NC 28785-6984

HAYWOOD COUNTY SCHOOLS
1230 N. MAIN ST.
WAYNESVILLE, NC 28786

CIVIL DESIGN CONCEPTS
ATTN: PATRICK BRADSHAW
P.O. BOX 5432
ASHEVILLE, NC 28813

23 incl. the applicants & properties across the road. - 0.

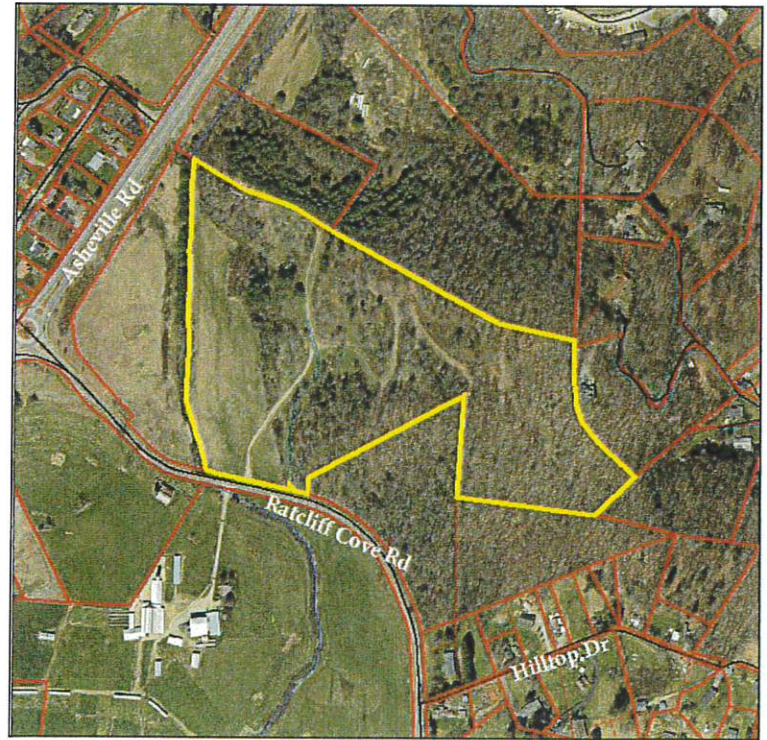


TOWN OF WAYNESVILLE
 Development Services Department
 PO Box 100
 9 South Main Street
 Waynesville, NC 28786
 Phone (828) 456-8647 • Fax (828) 452-1492
 www.waynesvillenc.gov

Date: April 10, 2023

Notice of Public Hearing
Town of Waynesville Planning Board

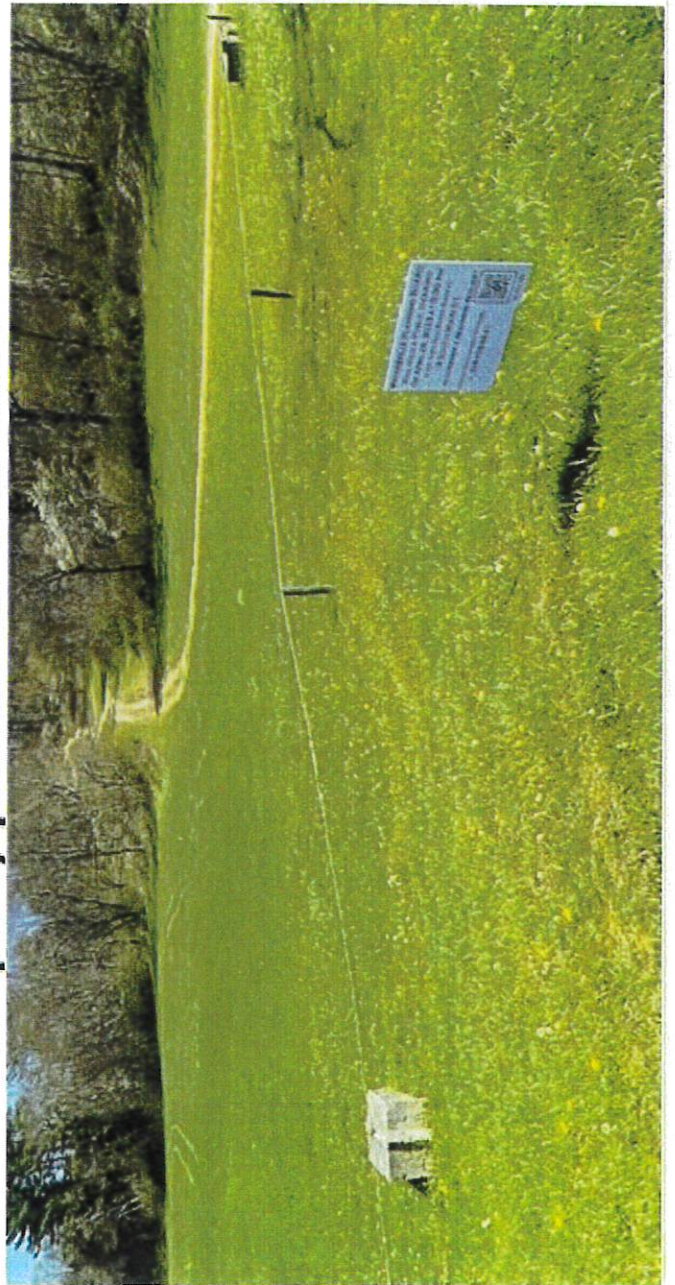
The Town of Waynesville Planning Board will hold a **public hearing on April 26, 2023 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay District for the property at 237 Ratcliff Cove Road (PIN 8626-00-9246):



For more information contact the Development Services Department at: (828) 452-0401, email: bhickox@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



Property posted on 4-10-2023





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: April 12 and April 19 Editions

Date: April 10, 2023

Contact: Byron Hickox (828) 452-0401

Notice of Public Hearing

Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a **public hearing on April 26, 2023 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request from Raccoon Creek Neighborhood Residential to Raccoon Creek Neighborhood Residential Mixed-Use Overlay District for the property at 237 Ratcliff Cove Road (PIN 8626-00-9246).

For more information contact the Development Services Department at: (828) 452-0401, email: bhickox@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Planning Board Staff Report

Subject: Stormwater Ordinance Text Amendment
 Ordinance Section: Section 12.5 of the Land Development Standards
 Applicant: Staff initiated text amendment; Development Services Department
 Meeting Date: April 26, 2023

Background

The Development Services Department contracts with WithersRavenel Engineering Firm for stormwater plan review and enforcement of the technical components of the ordinance related to water quality, quantity, design of stormwater control measures (SCMs), and final certification for stormwater permits. After touring and inspections of several local sites with staff, the engineers provided recommendations for the improvements in the Town's local Stormwater Ordinance to address some deficiencies found on development sites that the Town currently cannot enforce. These include updated design for rise structures to ensure long-term functionality, safety measures along SCMs with tall embankments and steep slopes, non-encroachment of stormwater devices into buffer yards or immediately adjacent to abutting properties, and ensuring proper design of the SCMs at the end of construction.

These additions will help the Town to comply with its National Pollutant Discharge Elimination System Permit (NPDES) issued by the North Carolina Department of Environmental Quality on August 19, 2021 by maintaining legal authority through up-to-date ordinances.

Staff Recommended Text Changes:

The proposed text amendments include the following changes:

- Non-encroachment of any part of a stormwater structure into the district setbacks
- Fencing for stormwater structures with tall or steep embankments
- Signage around ponds
- Conversion from a sediment control structure to a permanent stormwater management structure requires final elevations, description, and certification of any modifications referenced on the final plat prior to its approval

Staff submits the proposed changes **in red**.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the first goal of the 2035 Comprehensive Plan:

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

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

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

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

Attachments

1. Proposed Text Amendment
2. Consistency Statement Worksheet

Recommended Motions

1. Motion to find the recommended changes to the Stormwater Ordinance as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to recommend staff initiated text amendment as attached (or as amended) to the Board of Aldermen.

ORDINANCE NO. _____

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

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

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

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Stormwater Ordinance 12.5 of the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The amendment will “protect and enhance Waynesville’s natural resources,” (Goal #3);

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

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

WHEREAS, after notice duly given, a public hearing was held on April 26, 2023 at the special called meeting of the Waynesville Planning Board, and on _____, 2023 at the regularly scheduled meeting of the Board of Aldermen;

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

Section 12.5.7.A General Requirements of the Stormwater Management of the Land Development Standards (LDS) be amended as follows:

7. (...)
8. No stormwater structure, or part thereof, shall project into the property setbacks as established for each zoning district in section 2.4- Dimensional Standards. If there is no setback or setback is less than 10 ft, then use a minimum distance of 10 feet from the perimeter lot line to a stormwater structure or any part thereof.

9. **Fencing:** All sections of stormwater structures shall be surrounded with a permanent, continuous fence or vegetation barrier at the top of the embankment with no opening wider than two (2) inches if a stormwater structure contains:

- a proposed retaining wall higher than 4 feet, and/or
- a 3:1 slope, and/or
- a slope height from the toe of the SCM to the crest of greater than 5 feet.

Any stormwater structure with a continuous fence around the entire perimeter shall provide ingress and egress for SCM/pond maintenance but restricted by lockable gates of adequate size to allow for the easy passage of necessary maintenance equipment. **Fences shall be shown on all as-built plans.**

10. **Signage:** Any Stormwater control measure that is designed as a pond must have warning signs posted for public visibility and at any major approach to the pond, identifying the area as a stormwater management site to raise public awareness of potential hazards of the site (i.e. no swimming, boating, skating, unsafe to enter, etc.).

11. **Conversion to Stormwater Management Structure:** After permanent stabilization of all disturbed contributory drainage areas and flushing of the storm drains, temporary sediment basins, if initially built and certified to meet permanent standards, may be converted to permanent stormwater management structures. To convert the basin from temporary to permanent use, the outlet structure must be modified in accordance with approved stormwater management design plans and inspected for watertight connections. Sediment and other debris should be removed to a contained spoil area. Regrading of the basin may be necessary to achieve the final design grades and to provide an adequate topsoil layer to promote final stabilization. **Final elevations and a complete description of any modifications to the riser structure's geometry should be shown in the approved plans.**

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Olga Grooman, Land Use Administrator
 Date: April 26, 2023
 Subject: Text Amendment Statement of Consistency
 Description: Stormwater Ordinance text amendment related to the design of the stormwater structures, Section 12.5 of the Land Development Standards (LDS).
 Address: Town of Waynesville Planning Department (“Development Services Department”)

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

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

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

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

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

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

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

 Susan Teas Smith, Planning Board Chair, Date

 Esther Coulter, Administrative Assistant

Town of Waynesville Planning Board Staff Report

Subject: Discussion concerning the status of short-term vacation rentals in the Town of Waynesville

Ordinance Section: 2.5. Permitted Uses; 3.3 Supplemental Standards; 17.3 Definitions
Staff initiated Discussion

Meeting Date: April 26, 2023

Background

The Planning Board discussed Short Term Rentals at their October 21, 2019 Meeting, but determined not to pursue any regulation at that time. This past summer, the North Carolina court took up the case of Schroeder vs. the City of Wilmington which created judicial parameters for how local governments could regulate "STRs." As online platforms like VRBO and AirBandB have become popular, the Planning Board asked staff to look at it again this year as a study item. Since this item was scheduled on the March 20, 2023 Meeting for discussion, new legislation has been introduced that may limit local governments' abilities to regulate STRs altogether.

A search during the week of March 14, 2023, of the VRBO App in Waynesville, NC for 2 adults and without specified dates, brings up 500 listings. A similar search of AirBandB, brings up over 1,000 listings. Many property owners rely on short term rentals for income. However, STRs may not be desirable in some neighborhoods, and they may have negative impacts (parking, noise, trash) if not managed well. There is also thought that STRs contribute to the lack of affordability in housing, as home-buyers now have to compete with STR investment interests on the real estate market.

Currently the Town of Waynesville does not have a regulatory policy concerning short-term vacation rentals. Short term rentals are mentioned in section 2.5 of the Land Development Standards but are referred to in the context of traditional lodging, such as inn, bed and breakfasts, boarding houses, and hotel/motels, rather than the context of today's online short-term vacation rental platforms:

Section 2.5 - Use Categories and Interpretation of Uses.: 2.5.1 Use Categories.

All uses permitted in this Ordinance have been divided into nine general categories and are generally defined as follows:

- A. **Residential:** Premises available for long-term human habitation by means of ownership and rental, **but excluding short-term leasing or rental of less than a month's duration.**
- B. **Lodging:** **Premises available for short-term human habitation**, including daily and weekly rental.

Staff asked Ron Sneed to help us with a possible draft ordinance as a place to start the discussion. In looking at this topic, we should consider:

- If pending state legislation may strike down local regulations, perhaps Town should wait to see what happens with the proposed bill (?)
- Is there reason to regulate STRs or to limit them in certain areas of Town?
- If so, what is the problem we are trying to solve?
- How would we want to regulate them?

DRAFT FOR DISCUSSION ONLY
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS
TO DEFINE AND REGULATE HOMESTARS AND SHORT TERM VACATION RENTALS

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 amend such regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town of Waynesville Planning Board reviewed the proposed text amendments to the Land Development Standards (LDS) designed to define and regulate the use of residential properties as short term vacation rentals and recommends that the proposed ordinance and text amendments be found consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they support the following goals as set out in the Comprehensive Plan:

Goal 1: Continue to promote smart growth principles in land use in planning, particularly to reinforce the unique character of Waynesville by preserving the character of neighborhoods.

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

WHEREAS, the Board of Aldermen find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan as stated above and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with the North Carolina General Statutes” that will help achieve such goals; and

WHEREAS, after notice duly given, a public hearing was held on _____, 2023, at the regularly scheduled meeting of the Waynesville Planning Board, and on _____, 2023, at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____, 2023, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows:

Section 17.4 Definitions, General, is hereby amended to add the following definitions:

Homestay: Homestay means a lodging use that occurs within a resident-occupied single-family dwelling wherein up to two guest rooms in the home is rented to transients for compensation for a period of less than one month, and where the use is incidental and subordinate to the primary

residential use of the property and no meals or other services are provided by the owner or host. A homestay may or may not have a separate kitchen, bathroom and/or entrance.

Bed and Breakfast Inn: Bed and breakfast inn means a private resident-occupied dwelling unit with five to eight guest rooms where overnight lodging accommodations, with or without a morning meal, are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business.

Lodging: Lodging means a land use that includes the renting of room(s) for transient stays. A single family dwelling, or any portion thereof, rented or leased for intervals of less than one month is considered a "lodging" use.

Short Term Vacation Rental: Short-term vacation rental means a dwelling unit with up to four guest rooms that is used for transient occupancy for a period of less than one month. A short-term vacation rental is considered a "Lodging".

Section 2-5-3 Table of Permitted Uses is amended as follows:

Homestay is hereby added as a use, and the table is amended to show that homestays are allowed in the _____, _____, etc., districts, and to show that homestays are allowed as a special use in the _____, _____, etc., districts.

Short term vacation rental is hereby added as a use, and the table is amended to show that short term vacation rentals are allowed in the _____, _____, etc., districts, and to show that short term vacation rentals are allowed as a special use in the _____, _____, etc., districts.

Section 3.3.4 is added to the Land Development Standards, to read as follows:

3.3.4 Homestays

A. There must be adequate off street parking for homestay guests in addition to the spaces required for the property's use as a residence, unless such homestay is in a neighborhood or on a street where the primary parking is streetside or if shared or rented parking on private property or at a public or private parkin deck or lot is available and used.

B. The permanent and primary resident in the home used as a homestay must reside in the home and be present or readily available at all times the residence is in use as a homestay.

Section 3.3.5 is added to the Land Development Standards, to read as follows:

3.3.5 Short Term Vacation Rentals

A. Parking

1. A minimum of one off-street parking space of an all-weather surface per bedroom shall be required.
2. If off-street parking is not available on-site, shared parking or rented parking spaces in a private or public parking deck or lot may be used to satisfy the parking requirement.

B. Property owner responsibilities: Any property owner operating a whole-house lodging, as well as any host, shall:

1. Be responsible for ensuring compliance with all federal, state, and local laws, including but not limited to, tax code, North Carolina State Building Code, fire code and environmental health regulations for the level of occupancy of the lodging
2. Not allow any party, event, classes, weddings, receptions or other large gatherings on the premises
3. Keep in full force and effect during all times the unit is used as a lodging commercial general liability insurance with a total limit of not less than \$500,000.00 for each occurrence for bodily injury and property damage.
4. Prohibit and ensure that owners or hosts do not prepare and serve food for the guests and do not allow cooking in any individual bedrooms.
5. Ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day(s) and the carts or cans are removed from the street or alley on the scheduled collection day.
6. Post in a conspicuous location inside each lodging unit a notice setting forth the following information:
 - a. The name and telephone number of the operator.
 - b. The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.
 - c. The non-emergency phone number of the Town of Waynesville Police Department
 - d. That parties, events, classes, weddings, receptions, and other large gatherings are not permitted.

C. Special Use Permits - where required, the Owner must

- 1. Meet the requirements of Section 3.1.3
- 2.-----
- 3.-----

ADOPTED this ____ day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton , Town Clerk

APPROVED AS TO FORM

Martha Bradley, Town Attorney

FILED SENATE
Apr 6, 2023
S.B. 667
PRINCIPAL CLERK

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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D

SENATE BILL DRS15293-NKf-60C

Short Title: Regulation of Short-Term Rentals. (Public)

Sponsors: Senators Moffitt and Hanig (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE REGULATION OF SHORT-TERM RENTALS BY LOCAL
3 GOVERNMENTS TO PROTECT PRIVATE PROPERTY RIGHTS AND TO ESTABLISH
4 GUIDELINES FOR REGULATING SHORT-TERM RENTALS.

5 Whereas, Section 1 of Article I of the North Carolina Constitution provides that "...all
6 persons are created equal; that they are endowed by their Creator with certain inalienable rights;
7 that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit
8 of happiness."; and

9 Whereas, Section 19 of Article I of the North Carolina Constitution provides that
10 "[n]o person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or
11 outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of
12 the land."; and

13 Whereas, Section 1 of Article VII of the North Carolina Constitution provides that
14 the General Assembly "shall provide for the organization and government and the fixing of
15 boundaries of counties, cities and towns, and other governmental subdivisions, and, except as
16 otherwise prohibited by this Constitution, may give such powers and duties to counties, cities
17 and towns, and other governmental subdivisions as it may deem advisable."; and

18 Whereas, North Carolina has 100 counties and 532 municipalities; and

19 Whereas, short-term rentals are vital to the tourism and marketability of the State; and

20 Whereas, short-term rentals provide housing options for transitory workers, including
21 nurses, tradespeople, and executives; and

22 Whereas, local governments often frustrate tourism and infringe on property owners'
23 private property rights by adopting ordinances that inhibit property owners' right to use their
24 property as they see fit; and

25 Whereas, it is in the best interest of the State to establish uniform guidelines for
26 short-term rentals; Now, therefore,

27 The General Assembly of North Carolina enacts:

28 **SECTION 1.** Article 21 of Chapter 160A of the General Statutes is amended by
29 adding a new section to read:

30 **"§ 160A-499.6. Regulation of short-term rentals.**

31 (a) No city may adopt or enforce an ordinance, rule, or regulation that does any of the
32 following:

- 33 (1) Prohibits the use of residential property as a short-term rental.
- 34 (2) Prohibits the use of accessory dwelling units as short-term rentals.
- 35 (3) Limits the number of nights a property can be rented as a short-term rental.



- 1 (4) Requires the owner of the short-term rental to occupy the property for any
 2 period of time during a rental to an occupant.
 3 (5) Classifies short-term rentals as a commercial use.
 4 (6) Limits the operation of a short-term rental marketplace.
 5 (b) A city may adopt an ordinance, rule, or regulation that regulates short-term rentals
 6 by:
 7 (1) Requiring a lodging operator to obtain a permit to operate a short-term rental
 8 within the city's corporate limits. The city may revoke the permit if the
 9 short-term rental incurs five health and safety violations within a 12-month
 10 rolling period; provided, however, the city shall, prior to revoking the permit,
 11 give the lodging operator an opportunity to contest the alleged violations and,
 12 if found to exist, an opportunity to remedy the violations. The city may charge
 13 a one-time fee of not more than twenty-five dollars (\$25.00) for each permit
 14 issued and may charge an additional fee of not more than twenty-five dollars
 15 (\$25.00) to reinstate a permit that has expired or been revoked.
 16 (2) As part of the permitting process authorized under subdivision (1) of this
 17 subsection, limiting the number of occupants allowed to stay in a short-term
 18 rental. The city may consider State and local building code standards and
 19 septic tank capacity in determining the number of occupants under this
 20 subdivision.
 21 (3) As part of the permitting process authorized under subdivision (1) of this
 22 subsection, restricting the number of occupant vehicles to one vehicle per
 23 bedroom.
 24 (4) Restricting the location of short-term rentals to areas of the city that have been
 25 zoned for residential use, and requiring that the property remains in
 26 compliance with all applicable residential zoning requirements.
 27 (5) Requiring that short-term rentals comply with all applicable city ordinances
 28 and codes, including building codes and housing codes.
 29 (6) Requiring that all contracts for short-term rentals include a copy of any city
 30 ordinances that regulate noise, waste removal, and parking or, in the
 31 alternative, that the lodging operator provides to the occupants a written
 32 summary of city ordinances that regulate noise, waste removal, and parking.
 33 (7) Prohibiting the use of short-term rentals for any purpose other than that which
 34 is allowed in hotels, motels, and inns without the property owner's prior
 35 approval, which shall be evidenced by a written agreement between the
 36 lodging operator and the occupant.
 37 (8) Requiring a lodging operator or authorized agent of a lodging operator be
 38 within a 50-mile radius of a short-term rental during the time that an occupant
 39 is staying in a short-term rental.
 40 (c) Unless the context indicates otherwise, the following definitions shall apply in this
 41 section:
 42 (1) Lodging operator. – A person who rents a short-term rental to an occupant
 43 using a short-term rental marketplace.
 44 (2) Short-term rental. – All of the following that are offered to the public for a fee
 45 and for a period of 90 days or less: (i) an individually or collectively owned
 46 single-family house or dwelling unit; (ii) a unit in a condominium, timeshare,
 47 townhome, or accessory dwelling unit; and (iii) an owner-occupied residential
 48 home. The term does not include any of the following:
 49 a. A collective group of units in a complex of condominiums owned by
 50 a single owner, corporation, or related owner that is non-owner
 51 occupied and is used in a similar manner as a hotel, motel, or an

- 1 extended stay inn if the complex of condominiums is not required to
- 2 adhere to the same building standards and regulations as hotels,
- 3 motels, and extended stay inns.
- 4 b. A unit that is used for a retail business or as a restaurant, banquet space,
- 5 event center, or a similar purpose.
- 6 (3) Short-term rental marketplace. – A platform through which a lodging
- 7 operator, or the lodging operator's authorized agent, offers a short-term rental
- 8 to an occupant."

SECTION 2. This act is effective when it becomes law.