



TOWN OF WAYNESVILLE

Planning Board

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

Ginger Hain (Chair)
Travis Collins (Vice Chair)
John Baus
Michael Blackburn
Tommy Thomas
John Mason
Alex McKay
Tommy Rose
Kathy Lalonde

Development Services
Director
Elizabeth Teague

Regular Meeting of the Planning Board

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, June 15, 2026, 5:30 p.m.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
 - Progress report from the Planning Board Work Group and updates to procedures
 - Next meeting agenda (July 20, 2026): items referred from the Council back to the Planning Board

B. BUSINESS

1. **Quasi-Judicial Hearing:** 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).
2. **Administrative Hearing:** single-family development on the protected mountain ridge at 209 Shining Rock Trail, Waynesville, NC 28786 (PIN 8606-51-0861). LDS sections 12.6 and 12.7.
3. **Legislative Hearing:** text amendments to the Flood Damage Prevention Ordinance, Land Development Standards (LDS) sections 12.3 and 17.5, as required by the NC Department of Public Safety, Division of Emergency Management.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN

The Town's Land Development Standards (LDS) may be found at:
<https://www.waynesvillenc.gov/departments/development-services/land-use-zoning-ordinances>

Minutes and agendas from Planning Board and Town Council meetings may be found at:
<https://www.egovlink.com/waynesville/>



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

MEMORANDUM

To: Members of the Planning Board
From: Elizabeth Teague, Development Services Director
Re: Meeting Procedures
Date: June 15, 2026

The Planning Board Procedure Work Group has met twice (see latest meeting information attached) and made several recommendations for changes in how we manage public hearings for the benefit of both the Planning Board membership and the public. With the Chair's permission, we are initiating several of these recommendations at this meeting:

- Guidance for the public on the three types of public hearings, and how public comment is effective.
- A more detailed introduction by the Chair for each hearing.
- The applicants will be asked to present first, and the staff analysis will be presented afterwards.
- The format to the staff report so that the questions (or motions) at issue for each hearing are at the beginning.

As you know, the work of the Planning Board is often complex, and has legal parameters and ramifications. There have also been many factors in the last several years that have prompted changes to the Land Development Standards and our procedures.

- The North Carolina General Assembly adopted 160D in July of 2019, which updated land use regulation authority of local governments. In response, the Town updated our Land Development Standards (LDS) to meet the deadline for compliance in June of 2021.
- The adoption of the Town's Comprehensive Plan in September of 2020, that included a Future Land Use Map (also known as the "FLU map"), as well as goals and action items intended for guidance in future land use decisions.
- Increasing development pressure and several large-scale developments that prompted the desire for ordinance changes.
- A litany of NCGA legislation that has impacted local regulations and municipal zoning codes.
- Other state mandates that required changes to Town flood and stormwater ordinances.

In the spirit of constant improvement, we have worked together to bring forward multiple amendments to the LDS, such as the revised sign ordinance, driveway and parking ordinances, roadway standards, the threshold for traffic impact analysis, civic space, subdivision regulations, accessory dwelling units, and accommodations for solar and EV equipment. Sometimes this work has involved subcommittees or designated work groups like the Density Work Group, the Subdivision Subcommittee, or the STR working group. The "Planning Board Procedures Work Group" hope their recommended changes prove helpful to all as we continually navigate community needs and state mandates. We look forward to your feedback.



TOWN OF WAYNESVILLE

Planning Board

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

Ginger Hain (Chair)
 Travis Collins (Vice Chair)
 John Baus
 Michael Blackburn
 Tommy Thomas
 John Mason
 Alex McKay
 Tommy Rose

Development Services
 Director
 Elizabeth Teague

Planning Board Work Group Meeting #2

Town Hall Conference Room, 9 South Main Street, Waynesville, NC 28786
Thursday, May 28, 2026, 3:30 – 5:00 p.m.

1. Areas of Recommendations

- Handout and more procedural information for Public before or at the hearings:
 - More details provided during Chair's Introductory Remarks
 - Handouts with explanations for the various types of meetings
- Developer to present first, staff report second
 - Can be implemented immediately and will try at next meeting
- Staff Reports
 - Change format and ways we manage consistency statements?
 - Offer pros and cons instead of just affirmative recommendations
- Provide General information on the role of the Comprehensive Plan vs, the Land development Standards and when Comp Plan is applied.
 - Social Media information piece?
 - Use of town website?
- Other Ideas we need to discuss?

2. Next Steps / Next Meeting

**Town of Waynesville Planning Board
Procedural Work Group
Meeting #2) Summary
May 28, 2026**

Present: Tommy Rose, Alex McKay, John Baus, Alex Mumby, Olga Grooman, Elizabeth Teague

Group asked to expand summary notes to reflect concern with the change from quasi-judicial proceedings to administrative as recommended in the 160D updates. Staff shared the role of the School of Government and their recommendations that in situations where projects can meet full compliance with the ordinance, governments should eliminate subjective criteria that lead to spurious lawsuits.

Group reviewed areas of recommendations to identify next steps.

1. Handout of public information at or before hearings
 - Create a poster for each type of procedure (administrative, quasi-judicial , legislative) to have at the hearing so that public has some guidance.
 - Chair to reference the guidance in introductory remarks.
 - Provide Board members with checklists - the one used for the SUP was very helpful.
 - Try at June 15 Planning Board Meeting.

2. Developer present their application before staff presents their report
 - Puts onus on developer to make their case
 - Makes it more interesting for the developer to explain their project and to take questions from the Board.
 - Staff can answer questions afterwards and provide report in part or in full depending on what the planning board asks for.
 - Try at June 15 Planning Board Meeting.

3. Staff reports
 - Should cover both sides of consistency – for example if a project could be viewed as being consistent with one goal but inconsistent with another, it should be pointed out.
 - Ask for Ron to speak with any legal considerations or to prepare an explanation on cases where the Board might need guidance.
 - Move motions to the front of the report and place in a box so that they stand out. (Sometimes it is hard to find the staff report.) By having motion at the beginning, the board understands what they are being asked to decide at the beginning.

4. Providing general information to the public.
 - Continue to improve Chair introductory remarks. It is helpful when the Chair more fully explains the process before each hearing.
 - Can we place additional information on the website or in the notices for the hearings?
 - Ask Clerk Candace Poolton if we could do a general information piece.

Group determined to try recommendations at the June 15th meeting to see how it goes and then determine if/when they want to meet again.

Group also discussed Council's decision to not grant the Chick Fil-A request to amend their site plan. Group also discussed Council's request to remove the density reduction threshold and building height limitations from the RCON ordinance. Council was in favor of the RCON, but felt that the other associated recommendations should be handled separately.

Group then discussed the resistance to change the density by-right threshold for quasi-judicial proceedings. If elected officials have concerns then, should the planning board still pursue it? This can be discussed by the Planning Board at a future meeting. Next meeting will have a full agenda.

Planning Board Staff Report

Meeting Date: June 15, 2026
Subject: Special Use Permit Request for multi-family development (apartment complex)
LDS Sections: 2.4.1 Table of Dimensional Standards by Residential District
 3.1.3 Special Use Permit Applications
 15.10 Special Use Permits (SUP)
Property Location: 1399 Plott Creek Rd, Waynesville, NC 28786 (PIN 8605-32-8929)
Acreage of the Site: 5.48 ac
Zoning District: Plott Creek Neighborhood Residential (PC-NR)
Existing Use: Vacant land, single-family dwelling
Owner: Triangle Real Estate of Gastonia, Inc
Authorized Agents: Thomas Jones III, Thomas Jones IV, Jeff Ledford, William Ratchford
Staff Presenter: Olga Grooman, Assistant Development Services Director

<p>Suggested Motions:</p> <ol style="list-style-type: none"> 1. Motion to adopt Findings of Fact. 2. Motion to approve / approve with conditions / or deny Special Use Permit.

1. Motion to adopt Findings of Fact.
2. Motion to approve / approve with conditions / or deny Special Use Permit.

Background:

This is an application for a Special Use Permit for a 58-unit multi-family development on a 5.48-acre parcel at 1399 Plott Creek Rd, Waynesville, NC. This project, "Palisades at Plott Creek Phase II," proposes four (4) buildings containing 10, 12, 18, and 18 units respectively. The buildings will be three (3) stories in height. Three (3) of the buildings are located toward the rear of the property, while the building closest to the front of the lot is located about 30 ft from the road frontage and is split-level, with two (2) stories visible from the front and three (3) stories at the rear. Of the 58 proposed units, 24 will be one-bedroom units and 34 will be two-bedroom. The property is directly adjacent to the Palisades at Plott Creek Phase I apartment complex, which contains 200 units on 41 acres and will internally connect parking areas.

The subject property directly abuts Plott Creek Road and is located approximately .2 miles from Hazelwood Elementary School and .4 miles from the Great Smoky Mountain Expressway to the east. A portion of the site is in the floodplain of Plott Creek, which runs narrowly across the center of the lot. The site is gently sloped to the south, with elevations ranging approximately 2,805 ft at Plott Creek Road to 2,795 ft at the rear of the property. Some existing tree canopies are present on site, primarily around the floodplain area. The proposed buildings and parking areas will be located outside of the floodplain, and the project will preserve some existing trees and vegetative areas surrounding the floodplain. An existing single-family residence will remain on the property.

On November 18, 2025, the Council approved the annexation of the property into the Waynesville corporate limits and zoned it Plott Creek Neighborhood Residential (PC-NR), the same designation as the adjacent Phase I development. The applicant is also proposing to place between 20-23 acres of the rear portion of the Phase I property (PIN 8605-42-0093) into a conservation easement, as noted on the cover page of the site plan (bottom of the page).

The PC-NR zoning district allows up to 10 units per acre by right, and up to 16 dwelling units per acre with a Special Use Permit. Because the project proposes 58 units on 5.48 acres and the existing single-family home must be included in the density calculation, the total density is 59 dwelling units on 5.48 acres, or approximately 10.8 units per acre. Since it exceeds the by-right density of 10 units per acre, the project requires a Special Use Permit (SUP) and a quasi-judicial review by the Planning Board.

Per SUP application requirements, the applicant submitted an Environmental Survey (Sheet 101 of the site plan), Master Plan, and Building Elevations for design review. Special Use Permit is a quasi-judicial review. In addition to determining whether the application meets other ordinance requirements, there are six (6) specific findings of facts that the Planning Board must consider in order to approve, approve with conditions, or deny a Special Use Permit (LDS 15.10.2.E; checklist attached for reference):

1. "The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.
6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare."

Surrounding Land Uses:

The property lies within the corporate limits of Waynesville, at the southwestern edge of the Town. It is surrounded by large-acreage single-family lots to the south, west, and north. It abuts a large private estate to the west, and the Palisades at Plott Creek apartment complex to the east. It is located approximately 0.2 miles from Hazelwood Elementary school and 0.4 miles from the Great Smoky Mountain Expressway.

The subject property is within the PC-NR district that stretches to the east. Across Plott Creek Road to the east, is the Eagles Nest Residential Low-Density District. The surrounding properties on all other sides are located in Haywood County's jurisdiction and do not have zoning designations.

Zoning District:

The Plott Creek Neighborhood Residential (PC-NR) district has the following purpose and intent in the Land Development Standards Section LDS 2.3.3.F:

"While it is semi-rural currently, **as the Plott Creek Neighborhood District (PC-NR) develops it should do so in a manner which complements its location near the Hazelwood Town Center, and the Hazelwood Elementary School** which is within its boundaries. **Infrastructure should be well connected and networked** (including sidewalks, streets, water/sewer, etc.) and other infrastructure needs should be addressed (such as recreational opportunities) as the area develops. Special care should be taken to enhance the natural features of the area, such as the mountain slopes and the creek, so that they become an integral part of the community. Connections (roads, trails, etc.) to other districts, such as Hyatt Creek area and to the large mountain tracts at the end of Plott Creek, are also important and must be considered as the area develops."

By potentially developing the property for multi-family residential use, the applicant would enhance the PC-NR district’s purpose by creating a well-connected, walkable neighborhood near Hazelwood Elementary and Hazelwood Town Center. It would also support the planned expansion of infrastructure network, as stated in the district’s purpose above. The site is within the Urban Services Boundary, where the expansion of the municipal services, including water and sewer infrastructure, is anticipated.

Multi-family development is permitted outright in this zoning district. LDS 17.3 provides the following definition of the multi-family development:

“Dwelling—Multifamily. A building or portion thereof containing three or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.”

Consistency with the 2035 Comprehensive Land Use Plan:

The subject property is designated Residential Conservation under the 2035 Comprehensive Land Use Plan. Residential Conservation encourages clustered, low-density development that preserves open space, especially in areas with steep slopes (p.24). The 2035 Land Use Plan provides the following description:

“Residential Conservation [is] best suited for low density residential development that is clustered or of a conservation design. Generally, these areas contain steep slopes and / or working agricultural lands. These areas may have narrow streets and may or may not to be connected to water and sewer utilities. Low Impact Development (LID) techniques should be encouraged to reduce stormwater runoff, and development should be clustered away from resources.” (p. 26)

On January 29, 2019, the Planning Board approved a major site plan for a 200-unit apartment complex (Palisades at Plott Creek) on the adjacent 41-acre site. Importantly, half of the site- 20.96 ac- were preserved as open, undisturbed space, consistent with the conservation goals of the 2035 Land Use Plan. The development was clustered on the remaining 20 acres. In expanding the apartment development, the applicant affirms their commitment to preserving the undeveloped area of Phase I by the initiation of a formal conservation easement on the 20.96 acres that extends to the ridge and the manufactured home neighborhood of Locust Drive.

The subject property lies within the Urban Services Boundary (USB) on the Future Land Use Map, which means that the expansion of the Town’s water and sewer services on this site is appropriate and supported. Water and sewer infrastructure already exist at the adjacent Palisades at Plott Creek site and Phase II proposes connecting to that existing infrastructure.

The Planning Board could find that the proposed Phase II is consistent with the following goals of the Comp. Plan:

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
 - Encourage infill, mixed-use, and context-sensitive development.
 - Promote conservation design to preserve important natural resources.

- Goal 2: Create a range of housing opportunities and choices.
 - Promote a diverse housing stock including market rate, workforce housing, and affordable options that appeal to a variety of households.

Zoning Compliance:

LDS 2.4.1- Dimensional Standards for PC-NR District:

- Density: 10 units/acre (up to 16 units/acre with a Special Use Permit). Proposed density is 10.8 units/acre
- Minimum lot size: 1/6 ac (7,260 sf). The site is 5.48 ac.
- Minimum lot width: 50 ft. The lot is approximately 580 ft wide at the road frontage.
- Minimum pervious surface: 10%. Provided- 69% (3.81 ac)
- Building setbacks: front and side from adjacent lot- 10 ft, street side/secondary front- 5 ft, rear- 6 ft, and setback between buildings- 6 ft. The project is compliant. The site plan shows a 10-ft building envelope within which all the proposed buildings are located.
- Maximum height permitted is 3 stories. Three (3) buildings are three stories in height, and one building is split level, with two stories at the front and three stories at the rear.

LDS 2.5.3- Table of Permitted Uses:

Multi-family dwellings are permitted by right in the PC-NR district.

LDS Chapter 3- Supplemental Standards:

There are no supplemental standards for multi-family dwellings.

LDS 4.3- Basic Lot use Standards:

- LDS 4.3.1 requires that all lots front a public street right-of-way or a driveway. The site abuts Plott Creek Road and will be served by a driveway connecting to the road, and the proposed buildings will front the driveway and associated parking areas, consistent with this requirement.

LDS 4.4- Measurement of Building Height:

“All structures within residential districts are limited to a maximum height of 60 feet as measured from the highest adjacent grade to the top of a flat roof or the peak of a sloped roof.” The proposed buildings have a maximum height of 46 ft, 9 inches at the front elevation, which is compliant. The split-level building closest to Plott Creek Road has a height of 32 ft, 6 inches at the road frontage and is also compliant with the maximum height standard.

LDS 5.8- House/Townhouse/Apartment Residential Building Design Guidelines:

- Buildings shall have sloped roofs (LDS 5.8.2). The project is compliant.
- The buildings will be accessed through the vestibules with stairs and corridor access.
- At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors (LDS 5.8.5.A). The front façade of the building fronting Plott Creek Road contains at least 15% window area. Additionally, the front elevations of other proposed buildings facing the internal driveway and parking areas also meet this requirement.
- The design elevations show at least five (5) architectural features, as required per LDS 5.8.5.B:
 - Off-sets in building face/roof
 - Covered entries

- Window trims
- Balconies
- Gables
- Eaves
- Decorative patterns on exterior finish (brick, alternating siding patterns, shingles)
- The proposed materials for the buildings include brick, Cedarmill panels, board-and batten siding, Hardie Plank siding, and “Onyx Black” Owens Corning architectural shingles. These materials are consistent with the requirements of LDS 5.8.6 for building walls and roof materials.

LDS 6- Infrastructure Standards:

- The project will connect to Plott Creek Road via a two-way driveway that is 35 feet wide at the entrance and 20 feet wide thereafter. The proposed driveway complies with Town standards, and the applicant will obtain the required driveway permit from the North Carolina Department of Transportation (NCDOT).
- A 5-ft sidewalk is proposed along the Plott Creek Road frontage, consistent with the Residential Street infrastructure guidelines of LDS 6.6.2.D and 6.8.1. The sidewalk will connect to the existing sidewalk along the road frontage of Phase I of the development.
- Additionally, internal pedestrian connectivity will be provided through a proposed sidewalk network within the development. The sidewalk extends from the road frontage along one side of the internal driveway, continues around the parking areas, and provides access to each building entrance. The sidewalk and internal drive will also provide an internal connection to Phase I of the development (LDS 6.4).
- The project is located approximately .2 miles away from Hazelwood Elementary School. Per LDS 6.10.1, the developer has completed a Transportation Impact Analysis (TIA) study. The findings of the study have been reviewed both by the Town staff and NC DOT:
 - The analysis incorporates Phase I traffic as existing conditions.
 - The TIA evaluated four intersections: proposed new entrance to Phase II at Plott Creek Road, intersection of Will Hyatt Road/Palisades Lane and Plott Creek Road of Phase I, intersection of Plott Creek Road and Hazelwood Elementary School Driveway, and intersection of Plott Creek Road/Hazelwood Avenue and Sulphur Springs Road.
 - The study evaluated sight distances, Fire Code access requirements, traffic flow, and traffic capacity.
 - The study concluded that “no mitigations are necessary to ensure project meets transportation and safety standards.”
 - The full study is included in the agenda packet.
- Utilities (LDS 6.11): The project will connect to the existing water and sewer infrastructure. The Public Works Department confirmed via the attached letter that the Town could provide water and sewer to the development. Electric distribution to this development will be provided by Duke.

LDS 7- Civic Space:

- **Civic Space Dedication (LDS 7.3):** For a 59-unit site plan, 13% of the total acreage shall be dedicated to civic space. The property is 5.48 acres. Therefore, 0.71 acres are required as a civic space. The developer provides 1.35 acres of civic space (24.6%), which exceeds the requirement.
- **Civic Space Type (LDS 7.2):** The project proposes a centrally located civic space. It includes a natural preserve of 1.05 acres with a proposed walkway and surrounding green areas.
- **Accessibility and Location (LDS 7.2.2 and 7.2.3)** requires that all civic spaces shall be conveniently accessible to all residents of the development and shall have at least 60 ft of frontage on at least one public street within the development. The project is compliant as all four (4)

buildings will front the civic space, and the civic area will also connect to Phase I of the development via a sidewalk.

- As required, no residential unit is further than ¼ mile (1,320 ft) from a civic space area (LDS 7.2.2.B).
- **LDS 7.2.4- Usability** requires that at least one-quarter (¼) of the total land dedicated shall be located outside of floodplain. The project is compliant because of 1.35 acres of civic space, 0.8 acres (59%) are located outside of floodplain.
- **LDS 7.2.5- Minimum Amenities-** requires that civic spaces include two (2) or more improvements or amenities, such as landscaping, pathways, ball fields, or similar features. The site plan shows a walkway and two (2) tree preservation areas. **Staff recommend that at least one more amenity be included in the civic space.**

LDS 8- Landscaping:

- **LDS 8.3.1.B- Protection of Vegetation During Design-** requires that all major site plans preserve 5% of the existing trees on site. The project shows two (2) tree preservation areas of approximately 0.22 ac. Additionally, the vegetation within the 30-ft stream buffer will be undisturbed.
- **Buffer (LDS 8.4.1.A-B):** A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, for all special use permits. The development provides a semi-opaque 20-foot-wide buffer along the southern and western boundaries of the site, consisting of two (2) understory trees, one (1) canopy tree, and eight (8) shrubs per each 100 linear feet. **Four (4) additional shrubs and two (2) evergreen trees are needed per each 100 linear feet to comply with the type B buffer requirements.**
- **Street Tree Plantings (LDS 8.5.1):** NR district requires one canopy tree per 40 ft of street frontage with maximum spacing of 50 ft on center. The width of the planting strip shall be at least 5 ft, and it shall be located between the road and a sidewalk. The project is located within the NR zoning district and has about 580 linear feet of Plott Creek Road frontage, which requires 15 trees. The plan shows 15 street trees (Site Plan Sheet C-102). Tree spacing generally meets ordinance requirements, but minor deviations occur where strict spacing would interfere with lot frontage.
- **Parking Lot Screening (LDS 8.6.1):** Parking lots shall be screened from sidewalks and streets. The project shows the landscaping screen of the parking lot closest to Plott Creek Road, which is compliant.
- **Parking Lot Landscaping (LDS 8.6.2):** No parking space shall be more than 40 ft from the base of a canopy tree. Additionally, one canopy tree is required per 12 parking spaces. Nine (9) canopy trees are required for 107 proposed parking spaces. The project shows 21 trees within the parking lot areas which exceeds the requirement.
- **Screening (LDS 8.7):** All dumpsters, loading docks, or utility structures visible from a public street or adjacent property shall be screened. None shown.

LDS 9.2 Required Parking Standards:

- 1.5 parking spaces are required per unit for multi-family developments. Therefore, 58 units require 87 parking spaces, and 107 spaces are provided, exceeding the requirement (LDS 9.2.1).
- One bicycle parking space is required for 20 auto spaces. The project requires six (6) and offers eight (8) bicycle parking spaces (LDS 9.2.1).
- The larger parking lot is located in the center of the property, and the smaller parking lot is located to the rear of the building fronting Plott Creek Road. The location of the parking lot areas is compliant with the LDS 9.3.

- The project will connect to Plott Creek Road via a two-way driveway that is 35 feet wide at the entrance and 20 feet wide thereafter. The driveway has been reviewed by the Town for compliance with Building/Fire Code requirements. The NCDOT permit is required as well.

Lighting (LDS 10):

- None currently proposed. All lighting is subject to the town's lighting ordinances, which include, but are not limited to, a detailed light plan and design standards.

Signs (LDS 11):

- None proposed. A separate sign permit would be required.

LDS 12- Environmental:

- The project has submitted an Environmental Survey (Site Plan Sheet C-101).
- The project identifies Plott Creek stream and existing tree areas on site.
- The property is partially in the floodplain. The construction will take place outside of the floodplain, with the exception of the internal driveway, which will cross a stream via a culvert.
- There are two (2) wetland areas identified on site.
- The site has a gentle topography, gradually sloping down from Plott Creek Road.
- The Stormwater Management Plan and Stormwater Permit are required as the site is >1 acre. Stormwater facilities cannot be counted towards civic space.

Special Use Permit Review Process (LDS 3.1.3 and 15.10):

Per LDS 3.1.3.A-C:

- "Special Uses are uses which are generally compatible with other land uses permitted in a land development district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- All Special Uses shall at a minimum meet the standards for the land development district in which they are located and the specific standards set forth in this article for that use." The project shows general compliance with zoning.
- "Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety and welfare."

Special Use Permit is a **quasi-judicial review**. In addition to determining that the application meets all other ordinance requirements, there are six (6) specific findings of facts related to Special Use Permits (LDS 15.10.2.E). **Please refer to the application materials for the applicant's narrative.** Staff provides the following comments regarding the findings of facts that the Planning Board must consider in order to approve, approve with conditions, or deny the Special Use Permit request:

1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.

The applicant states that “the maximum building height is 3-stories, which is allowed by right in PC-NR zoning. This is also consistent with the adjacent Palisades at Plott Creek Phase 1. Proposed Building 1, which is located beside Plott Creek Road will be two stories on the road side. Landscaping will be provided throughout including street trees, parking lot landscaping, and plantings around the buildings. Existing trees will be saved where possible within the site. The proposed special use conforms to the character of the neighborhood considering the location, type, and height of buildings and the extent of landscaping on the site.”

The site will be directly adjacent to Phase I of the development, extending the sidewalk along Plott Creek Road in close proximity to the elementary school and connecting to the existing sidewalk to Hazelwood. It will match the architecture and connect the parking internally to the existing development. This expands a compactly arranged site with easy access to the Great Smoky Mountains Expressway. On November 18, 2025, following the Planning Board’s public hearing and recommendation, the Town Council annexed and zoned the property as Plott Creek Neighborhood Residential (PC-NR), where multi-family use is permitted by right.

2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

In the application materials, the applicant explains, “The project creates an ingress/egress on Plott Creek Road. A Traffic Impact Analysis was performed by Teague Engineering, and the report concluded that the proposed Phase 2 development is not anticipated to result in a significant adverse on the surrounding roadway network, provided the development is constructed in accordance with the submitted site plans. Since Phase 2 will be connected to Phase 1, this will allow a second means of ingress/egress for emergency vehicles for both phases. Adequate measures are taken to provide ingress and egress and if the plan is developed as-proposed, traffic hazards and traffic congestion will be minimized.”

The proposed driveway/access to Plott Creek Road and internal connectivity have been reviewed by the Town’s Building Inspections and Fire Code Officials for compliance with related codes and LDS standards. Additionally, the driveway permit will need to be approved by the NCDOT. The TIA study has also been reviewed by the Town staff and NCDOT team.

3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.

As stated in the attached letter by the Public Works Department, the Town has capacity to provide sewer and water services to the proposed development. The project intends to connect to the existing infrastructure within Phase I. The electric service will be provided by Duke.

The applicant states, “The property is within the Town of Waynesville Urban Services boundary. The Town provided a letter dated 5/29/26 confirming adequate water and sewer capacity to serve the project. The Town has an existing 8" water line along Plott Creek Road, and there is a private 8" water line within Palisades Phase 1. The private water and sewer within Palisades Phase 1 can be extended to serve Phase 2. The project will provide drainage in accordance with Town standards, and electric is available.”

4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

The applicant claims that “The use will be the same as the existing Palisades Phase 1. Any noise will be minimal and similar to surrounding residential areas. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.”

Development Services Department has not received any complaints and is not aware of any code violations in Phase I. As a residential development, the project will be managed through leasing agreements and would not generate noxious or offensive vibration, noise, odor, dust, smoke, or gas.

5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.

Per applicant: “When the Planning Board approved the annexation and Town Council voted to annex the parcel, they determined that the map amendment was reasonable and in the public interest because it met the goals of the 2035 Comprehensive plan including promoting smart growth principles (infill, preservation of natural resources). The approval also considered the amendment would allow creating a well-connected, walkable neighborhood near Hazlewood Elementary and Hazlewood Town Center. The project meets the goals of the Comprehensive Plan, is allowed in PC-NR zoning, and meets the Town ordinances. Therefore, the project will not impede the orderly development and improvement of surrounding properties.”

Multi-family use is permitted by right. The project shows general compliance with the Land Development Standards. The project is seeking 0.8 units/acre of additional density allowance. Expansion of the existing apartment complex at this site will not impede other existing uses in the district or in the adjacent unincorporated area of Haywood County.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

The applicant states that “The use is residential, which is the same as the surrounding areas. The project will meet or exceed all applicable environmental, building, and life safety regulations. Utilities are available adjacent to the property. The project will preserve trees along Plott Creek and will implement a landscaping plan to further enhance and buffer the property. The project will not be detrimental to or endanger the public health, safety, or general welfare.”

The applicant hired Traffic Engineering firm JM Teague, and met with NCDOT and Town staff to scope the traffic impact analysis. The TIA study indicates that the development will generate 447 trips daily on average and certifies that the projected additional traffic will not create significant adverse impact on the surrounding road network. Additionally, the added traffic and the entrance to Phase II will not adversely impact the existing traffic pattern at the nearby elementary school.

Public Notices:

Staff duly advertised this hearing by:

- Posting the property on May 29, 2026;
- Mailing notices to adjacent property owners within 500 ft on May 29, 2026;

- Publishing the advertisements in the *Mountaineer* newspaper for two (2) consecutive weeks on May 31 and June 7, 2026; and
- Submitting the notice to local media and posting it on the Town's website on June 1, 2026.

Attachments Submitted as Evidence:

- Staff Report
- Application materials: SUP Application Form, site plan, building elevations, environmental survey, additional narrative, Agent Authorization Form, payment
- Maps: property, zoning, floodplain, street view
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference

SPECIAL USE REQUIRED FINDINGS
ALL SPECIAL USES

1 Does the proposed special use conform to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site? _____

Evidence supporting finding: _____

2. Are adequate measures being taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads?

Evidence supporting finding: _____

3. Are adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use? _____

Evidence supporting finding: _____

4. Will the proposed use not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas? _____

Evidence supporting finding: _____

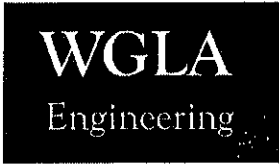
- 5. Will the establishment of the proposed use not impede the orderly development and improvement of surrounding property for uses permitted within the land development district? _____

Evidence supporting finding: _____

- 6. Will the establishment, maintenance or operation of the proposed use not be detrimental to or endanger the public health, safety or general welfare? _____

Evidence supporting finding: _____

- 7. Additional Conditions: Does the board want to place any conditions on the use as part of the approval to assure that mitigation measures are associated with the use? (Such conditions shall become part of the Special Use Permit approval and shall be included in the final site plan application.)



WGLA Engineering, PLLC
724 5th Avenue West
Hendersonville, NC 28739
(828) 687-7177 wgl.com

TRANSMITTAL

TO: Olga Grooman, AICP	FROM: G. Thomas Jones III, PE
COMPANY: Town of Waynesville	DATE: 5/27/26
PHONE NUMBER:	WGLA PROJECT NUMBER: 22102
RE: Palisades at Plott Creek Phase 2 Application for Special Use Permit	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Olga,

I am attaching:

1. Application for Special Use Permit
2. Fee (\$1,460.00)
3. Copy of Community Meeting Notice mailed 5/26/26
4. Site Plan including:
 - Environmental Survey
 - Master Plan
 - Preliminary Site Plan
 - Preliminary Landscape Plan
 - Building Elevations
5. Traffic Impact Analysis (Electronic copy)

Thank you,
Tom



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street, Suite 110
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

APPLICATION FOR SPECIAL USE PERMIT

DESCRIPTION

NAME OF PROJECT: Palisades at Plott Creek Phase 2
PROPERTY OWNER(S) OF RECORD: Triangle Real Estate of Gastonia Inc.
PARENT PARCEL IDENTIFICATION NUMBER(S): 8605-32-8929
PROPERTY LOCATION: 1415 Plott Creek Road
ZONING: PC-NR
LAND USE AT TIME OF APPLICATION: Single Family Residence + Vacant
APPLICANT (IF DIFFERENT FROM OWNER):
Note: Authorization to apply form must be submitted with the application if applicant is different from owner.
MAILING ADDRESS: P.O. Box 4158, Gastonia NC 28054
PHONE NUMBER: (704) 869-6024
RELATIONSHIP TO PROPERTY OWNER:
NUMBER OF UNITS/DENSITY: 58 Units / 5.48 Ac = 10.6 Units /Ac (10.8/Ac incl. exist house)
REGISTERED LAND SURVEYOR/DRAWING NUMBER: See attached

APPLICATION COMPLETENESS (See LDS Section 15.10 and 15.4): (YES/NO)

- X ENVIRONMENTAL SURVEY
FLOODPLAIN (SFHA): Yes
STEEP SLOPE: (At/ above 2,900 elev and 25% slope or greater): No
WETLANDS SHOWN AND SF: Yes
NATURAL FEATURES SHOWN: Yes
X MASTER PLAN
CIVIC SPACE ESTABLISHED (Cannot be wetland or buffer): Yes
TOWN STANDARD STREETS (incl. landscaping and sidewalk): N/A
DRIVEWAY LOCATIONS AND PARKING: Yes
UTILITY PLAN (water, sewer, hydrants, power): Yes
PERVIOUS/IMPERVIOUS RATIO AND STORMWATER MGT AREAS Yes
X OTHER INFORMATION / PROJECT DESCRIPTION (attach sheets as necessary):

SIGNATURE OF APPLICANT:

William R. [Signature]

DATE: 12/15/15

REVISIONS	DATE	DESCRIPTION

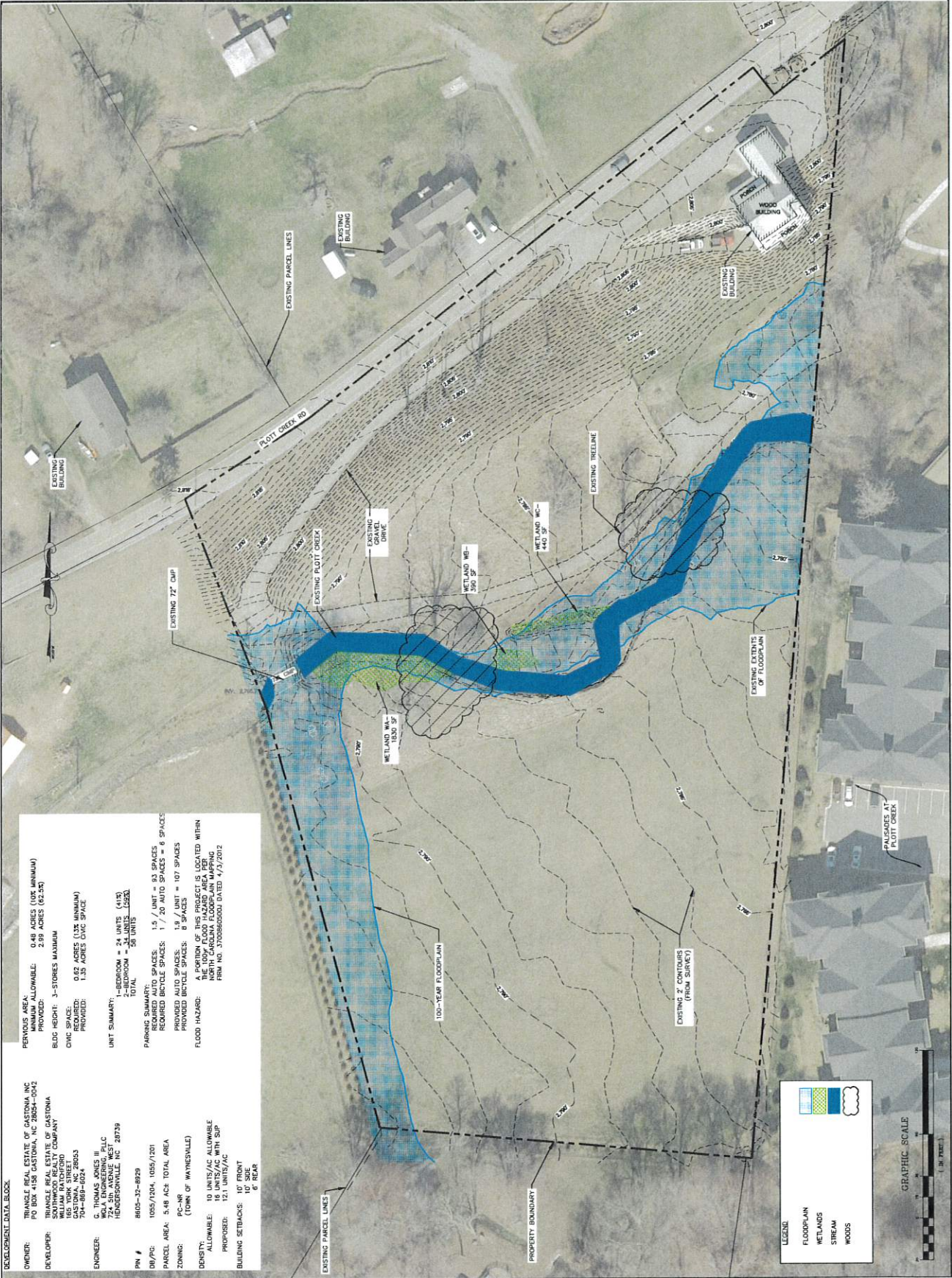


PROJECT NUMBER: 22102
DATE: 5-25-26

ENVIRONMENTAL
SURVEY

C-101

SCALE: 1"=30'



DEVELOPMENT DATA BLOCK

OWNER: TRINBLE REAL ESTATE OF CASTONIA INC
PO BOX 4150 CASTONIA, NC 28034-0412

DEVELOPER: SOUTHWOOD REALTY COMPANY
WILLIAM RATHBORN
CASTONIA, NC 28033
704-889-6024

ENGINEER: G. THOMAS JONES III, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28759

PK # 8605-12-8229

DP/PG: 10/5/1204, 10/5/1201

PARCEL AREA: 5.48 AC. TOTAL AREA

ZONING: PC-NR
(TOWN OF WAYNESVILLE)

DENSITY: 10 UNITS/AC ALLOWABLE
18 UNITS/AC WITH SUP

PROPOSED: 12.1 UNITS/AC

BUILDING SETBACKS: 10' FRONT
10' SIDE
6' REAR

PREVIOUS AREA: ALLOWABLE: 0.48 ACRES (10% MINIMUM)
PROVIDED: 2.99 ACRES (62.5%)

BLDG HEIGHT: 3-5 STORES MAXIMUM

CIVIC SPACE: REQUIRED: 0.62 ACRES (13% MINIMUM)
PROVIDED: 1.35 ACRES CIVIC SPACE

UNIT SUMMARY:
1-BEDROOM = 24 UNITS (41%)
2-BEDROOM = 58 UNITS (52%)
TOTAL = 82 UNITS

PARKING SUMMARY:
REQUIRED AUTO SPACES: 1.5 / UNIT = 83 SPACES
REQUIRED BIKE SPACES: 1 / 20 AUTO SPACES = 6 SPACES

REQUIRED BIKE SPACES: 8 SPACES
PROVIDED BIKE SPACES: 8 SPACES

FLOOD HAZARD: A PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA PER THE FLOOD HAZARD MAP OF WAYNESVILLE FROM INC. 0008060000 DATED 4/3/2002

LEGEND

- FLOODPLAIN
- WETLANDS
- STREAM
- WOODS



REVISIONS	DATE	DESCRIPTION



PROJECT NUMBER: 27102
DATE: 5-25-26

**MASTER
PLAN**

C-102

SCALE: 1"=50'



OWNER: TRIANGLE REAL ESTATE OF GASTONIA, INC
PO BOX 4158 GASTONIA, NC 28054-0442

DEVELOPER: TRIANGLE REAL ESTATE OF GASTONIA
SOUTHWOOD REALTY COMPANY
165 YORK STREET
WAYNESVILLE, NC 28785
704-899-8274

ENGINEER: G. THOMAS JONES III
WGLA ENGINEERING, PLLC
HENDELSCHVILLE, NC 28759

PN # 8605-37-8929
DB/PC 1055/7204, 1055/201
PARCEL AREA: 5.48 AC. TOTAL AREA
ZONING: PC-2M (TOWN OF WAYNESVILLE)

DENSITY:
ALLOWABLE: 10 UNITS/AC ALLOWABLE
PROPOSED: 10.81 UNITS/AC

BUILDING SETBACKS: 10' FRONT
10' SIDE
6' REAR

PERMANENT AREA: 0.55 ACRES (10% MINIMUM)
MINIMUM ALLOWABLE: 3.81 ACRES (80%)

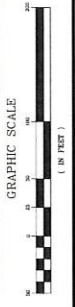
BLDG HEIGHT: 3-STORIES MAXIMUM

CIVIC SPACE: 0.71 ACRES (13% MINIMUM) SUBJ. TO 56%
PROVIDED: 1.35 ACRES CIVIC SPACE TOTAL

UNIT SUMMARY: BEDROOM = 51 UNITS (141)
2-BEDROOM = 34 UNITS (128)
TOTAL = 85 UNITS

PARKING SUMMARY:
REQUIRED AUTO SPACES: 1.5 / UNIT = 93 SPACES
REQUIRED BICYCLE SPACES: 1 / 20 AUTO SPACES = 6 SPACES
PROVIDED AUTO SPACES: 107 SPACES
PROVIDED BICYCLE SPACES: 8 SPACES = 107 SPACES

FLOOD HAZARD:
A PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100-YEAR FLOOD HAZARD AREA PER FEMA FLOOD INSURANCE RATE MAP DATED 4/2/2012





PROJECT NUMBER	2102
DATE	6-26-18
PRELIMINARY SITE PLAN	
C-103	
SCALE: 1"=50'	

LEGEND

[Symbol]	FLOORPLAN
[Symbol]	WELANDS
[Symbol]	STREAM
[Symbol]	WOODS
[Symbol]	CIVIC SPACE
[Symbol]	STANDARD DUTY ASPHALT
[Symbol]	PROPOSED CONCRETE
[Symbol]	PROPOSED STORM
[Symbol]	PROPOSED WATER
[Symbol]	PROPOSED SEWER
[Symbol]	PROPOSED CIRC AND GUTTER

PLOTT, WILLIAM GEORGE
EDWARDS, PATRICIA CAIL
FIRE DEPARTMENT
DR. 800 PG. 502

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

PROPOSED CONCRETE
PLOT CREEK ROAD

PROPOSED WATER
DR. 7A

PROPOSED CIRC AND GUTTER
DR. 100 PG. 105

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

TRANGLE REAL ESTATE OF GASTONIA INC
PLOT 800-15-2233
DR. 1005 PG. 1021

EXISTING WALL HEIGHT
(TO REMAIN)

EXISTING STREAM GUTTER

EXISTING PLOTT CREEK

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

NATURAL DISTURBED AREA
37,616

TOTAL DISTURBED AREA
37,616

STONE HANCO FARM SERVICE LLC
PLOT 800-23-2220
DR. 800 PG. 105

PROPOSED WALL HEIGHT
146 MAX WALL HEIGHT

PROPOSED CIVIC SPACE
(6086 SQ)

PROPOSED CIRC AND GUTTER (179)

PROPOSED ASPHALT (179)

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

TRANGLE REAL ESTATE OF GASTONIA INC
PLOT 800-15-2233
DR. 1005 PG. 1021

EXISTING WALL HEIGHT
(TO REMAIN)

EXISTING STREAM GUTTER

EXISTING PLOTT CREEK

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

NATURAL DISTURBED AREA
37,616

TOTAL DISTURBED AREA
37,616

PROPOSED WALL HEIGHT
146 MAX WALL HEIGHT

PROPOSED CIVIC SPACE
(6086 SQ)

PROPOSED CIRC AND GUTTER (179)

PROPOSED ASPHALT (179)

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

TRANGLE REAL ESTATE OF GASTONIA INC
PLOT 800-15-2233
DR. 1005 PG. 1021

EXISTING WALL HEIGHT
(TO REMAIN)

EXISTING STREAM GUTTER

EXISTING PLOTT CREEK

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

NATURAL DISTURBED AREA
37,616

TOTAL DISTURBED AREA
37,616

PROPOSED WALL HEIGHT
146 MAX WALL HEIGHT

PROPOSED CIVIC SPACE
(6086 SQ)

PROPOSED CIRC AND GUTTER (179)

PROPOSED ASPHALT (179)

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

TRANGLE REAL ESTATE OF GASTONIA INC
PLOT 800-15-2233
DR. 1005 PG. 1021

EXISTING WALL HEIGHT
(TO REMAIN)

EXISTING STREAM GUTTER

EXISTING PLOTT CREEK

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

NATURAL DISTURBED AREA
37,616

TOTAL DISTURBED AREA
37,616

PROPOSED WALL HEIGHT
146 MAX WALL HEIGHT

PROPOSED CIVIC SPACE
(6086 SQ)

PROPOSED CIRC AND GUTTER (179)

PROPOSED ASPHALT (179)

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

TRANGLE REAL ESTATE OF GASTONIA INC
PLOT 800-15-2233
DR. 1005 PG. 1021

EXISTING WALL HEIGHT
(TO REMAIN)

EXISTING STREAM GUTTER

EXISTING PLOTT CREEK

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

NATURAL DISTURBED AREA
37,616

TOTAL DISTURBED AREA
37,616

PROPOSED WALL HEIGHT
146 MAX WALL HEIGHT

PROPOSED CIVIC SPACE
(6086 SQ)

PROPOSED CIRC AND GUTTER (179)

PROPOSED ASPHALT (179)

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

TRANGLE REAL ESTATE OF GASTONIA INC
PLOT 800-15-2233
DR. 1005 PG. 1021

EXISTING WALL HEIGHT
(TO REMAIN)

EXISTING STREAM GUTTER

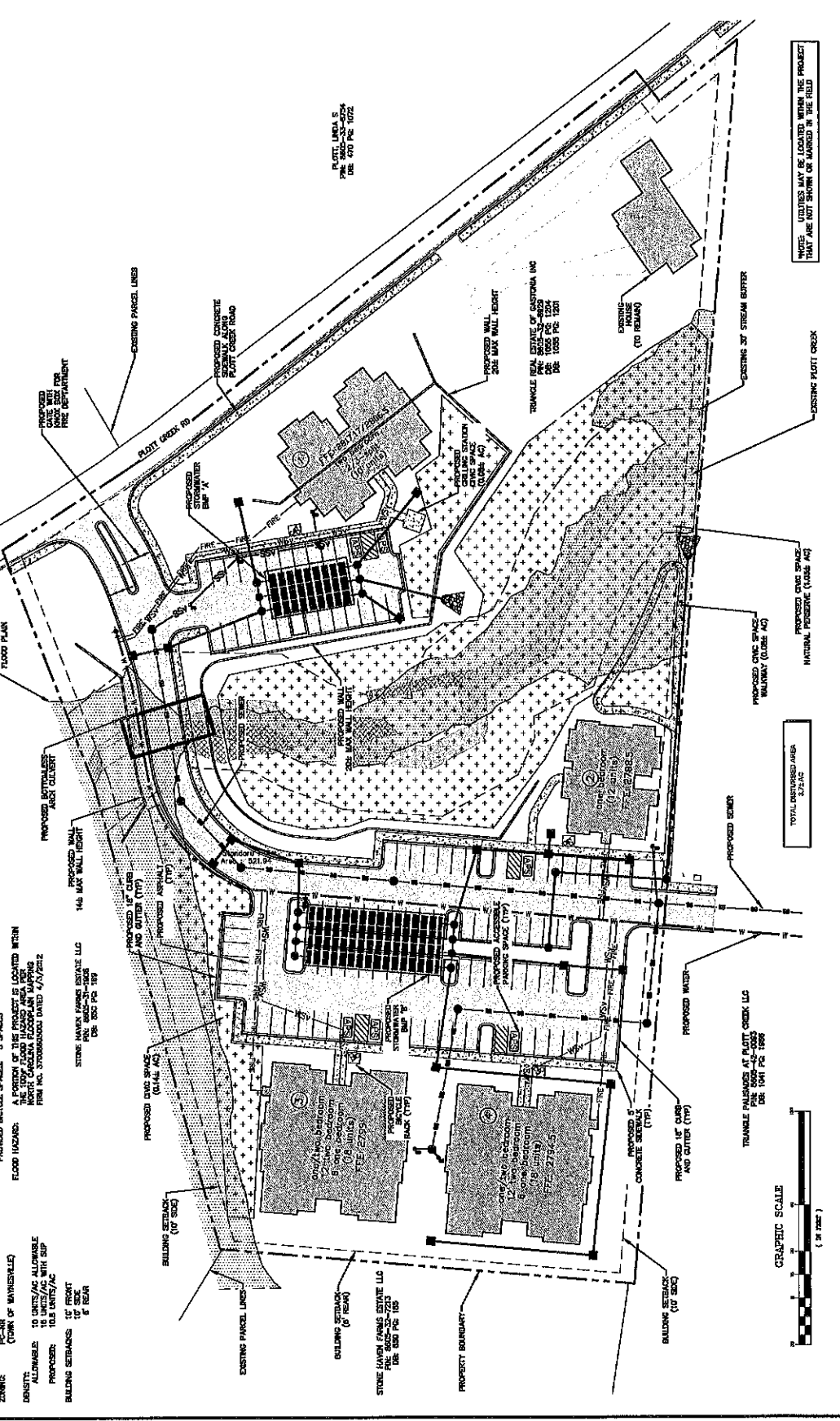
EXISTING PLOTT CREEK

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

NATURAL DISTURBED AREA
37,616

TOTAL DISTURBED AREA
37,616



PROPOSED WALL HEIGHT
146 MAX WALL HEIGHT

PROPOSED CIVIC SPACE
(6086 SQ)

PROPOSED CIRC AND GUTTER (179)

PROPOSED ASPHALT (179)

PROPOSED WALL HEIGHT
SEE MAX WALL HEIGHT

TRANGLE REAL ESTATE OF GASTONIA INC
PLOT 800-15-2233
DR. 1005 PG. 1021

EXISTING WALL HEIGHT
(TO REMAIN)

EXISTING STREAM GUTTER

EXISTING PLOTT CREEK

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

PROPOSED CIVIC SPACE
WALKWAY (6086 SQ)

NATURAL DISTURBED AREA
37,616

TOTAL DISTURBED AREA
37,616



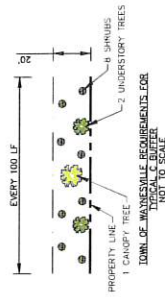
NOTE: UTILITIES MAY BE LOCATED WITHIN THIS PROJECT THAT ARE NOT SHOWN OR MARKED IN THE FIELD



REVISIONS	DATE	DESCRIPTION



BUFFER LANDSCAPING REQUIREMENT		
100 LF	REQUIRED	PROVIDED
CANOPY TREE	1	1
UNDERSTORY TREE	2	2
SHRUB	8	8



LEGEND

40' RADIUS FOR PARKING LOT TREE

TREE PRESERVATION AREA

- NOTE:
- LANDSCAPING BUFFER SHALL BE SEMI GRASS (I.E., MAINTAIN ONLY SEASONAL COVER) WITH A MINIMUM OF 50% COVER OF THE TOTAL WIDTH FROM THE GROUND SURFACE TO THE TOP OF THE BUFFER (AS SHOWN ON PLANNING).
 - OWNER TO SELECT TREE AND SHRUB SPECIES.
 - NOTHING SHALL BE PLANTED WITHIN AN EXISTING TREE'S CANOPY OR SHRUB CANOPY WITHOUT THE CONSENT OF THE PLANTING CONTRACTOR OR LANDSCAPE ARCHITECT.
 - STREET TREES SHALL BE PLANTED IN THE RIGHT-OF-WAY, BETWEEN THE STREET AND THE PROPERTY LINE.
 - 1 CANOPY TREE FOR EVERY 40 FEET OF STREET FRONTAGE.
 - LOCATE IN PLANTING STRIP (5') MIN. WIDTH) OVERHEAD POWER LINES ARE PRESENT, SMALL MATURING TREES MUST BE UTILIZED (ONE SMALL MATURING TREE IS REQUIRED FOR EVERY 40 FEET OF STREET FRONTAGE).
 - NO PARK SPACE SHALL BE MORE THAN 10 FEET FROM A CANOPY TREE.



TRIANGLE REAL ESTATE OF GASTONIA INC.
P/N: 8605-32-8929
DB: 1055 P.C. 1204
DB: 1055 P.C. 1204

STONE HAVEN FARMS ESTATE LLC
P/N: 8605-31-1908
DB: 180 P.C. 169

STONE HAVEN FARMS ESTATE LLC
P/N: 8605-32-7213
DB: 180 P.C. 185

TRIANGLE REAL ESTATE OF GASTONIA INC.
P/N: 8605-42-0003
DB: 104 P.C. 1586

DATE	DESCRIPTION

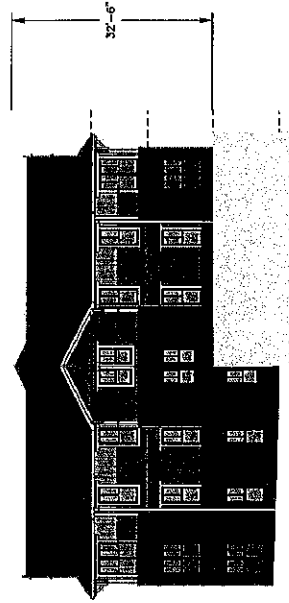


PROJECT NUMBER: 22102
DATE: 11-25-23

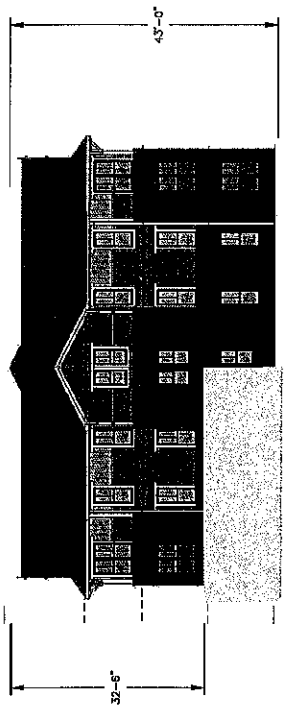
**TWO BEDROOM
(10 UNIT)
ILLUSTRATIVE
ELEVATIONS**

G-001
SCALE: NTS

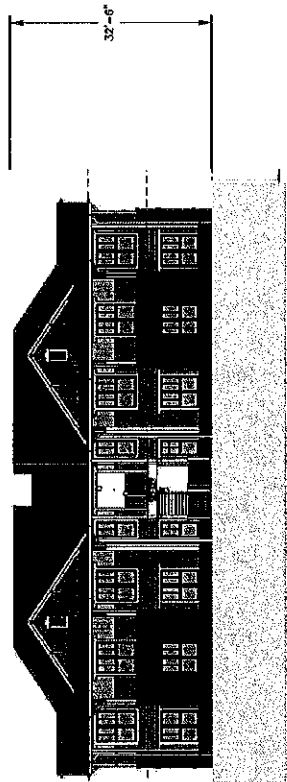
BLOOMING, ILL.
WELLS ARCHITECTURE
720 NORTH LAUREL STREET, SUITE 140
CHICAGO, IL 60610
PHONE: (773) 377-8500



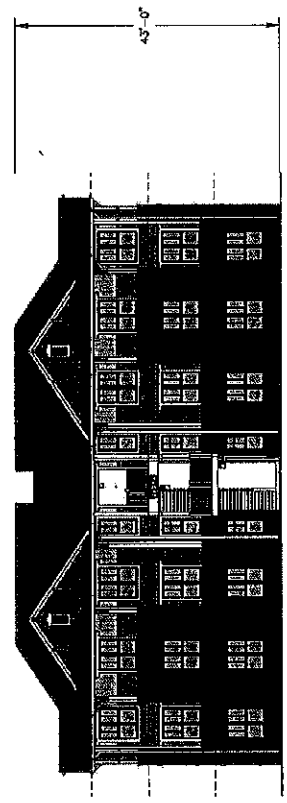
SIDE ELEVATION



SIDE ELEVATION



**REAR ELEVATION
(PLOTT CREEK ROAD SIDE)**



**FRONT ELEVATION
(PARKING LOT SIDE)**

BUILDING #1

DATE	REVISIONS	DESCRIPTION



PROJECT NUMBER: 22102
DATE: 1-15-20

ONE BEDROOM
(12 UNIT)
ILLUSTRATIVE
ELEVATIONS

G-002

SCALE: NTS

ELEVATIONS BY: WGIA
715 NORTH CHURCH STREET, SUITE 140
CHARLOTTE, NC 28202
PHONE: (704) 377-8550



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

BUILDING #2

Triangle Real Estate / Southwood Realty Company
165 S. York Street
Gastonia, NC 28053
(704) 869-6024 www.southwoodrealty.com

June 1, 2026

Olga Grooman, AICP, CFM, CZO
Assistant Development Services Director
Town of Waynesville
9 S Main St #110
Waynesville, NC 28786

Re: Palisades at Plott Creek
Phase 2 Narrative

Dear Ms. Grooman:

Per your request, we are providing a narrative for additional information to accompany the Special Use Permit submittal for the above referenced project.

Site Location

The site is on a 5.48-acre parcel at 1399 Plott Creek Road in Waynesville (PIN 8605-32-8929). The site is adjacent to Palisades Plott Creek Phase 1.

Site History

On September 18, 2025 Triangle Real Estate of Gastonia petitioned the Town for annexation of the parcel. On October 20, 2025 the Planning Board reviewed the map amendment application and unanimously recommended that the property be assigned Plott Creek Residential District (PC-NR) zoning district, consistent with the adjacent district and with Palisades at Plott Creek Phase 1. On November 18, 2025, the Town Council approved motions to annex the parcel and adopt the map amendment to PC-NR zoning. Triangle Real Estate applied for a Special Use Permit on 5/27/26 requesting 10.8 units per acre for a proposed project titled Palisades at Plott Creek Phase 2. Ten (10) units per acre are allowed by right and up to sixteen (16) units per acre are allowed by Special Use Permit.

Project Description

Triangle Real Estate of Gastonia / Southwood Realty plans to develop a multi-family residential community consisting of four apartment buildings consisting of 24 one-bedroom units and 34 two-bedroom units, for a total of 58 apartment units. The existing single-family residence along Plott Creek Road will remain. The project will include vehicular and pedestrian connections to Phase 1. Along with internal sidewalks for Phase 2, a sidewalk is also proposed along Plott Creek Road. The apartment complex will include 107 +/- automobile spaces, 8 bicycle spaces, 3.81 acres of pervious area, and 1.35 acres of Civic Space. The provided parking, pervious area, and Civil Space all exceed the minimum requirements of the Town of Waynesville.

As part of the Special Use Permit submittal and prior to building permits for residential buildings in Phase 2, we are proposing to place a minimum of 20 acres and a maximum of 23 acres in a conservation easement on the Phase 1 parcel (PIN 8605-42-0093).

Findings of Fact

The project will meet all requirements and ordinances of the Town of Waynesville, and no variances are being requested. We also offer the following findings of fact:

1. *The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.*

The maximum building height is 3-stories, which is allowed by right in RC-NR zoning. This is also consistent with the adjacent Palisades at Plott Creek Phase 1. Proposed Building 1, which is located beside Plott Creek Road will be two stories on the road side. Landscaping will be provided throughout including street trees, parking lot landscaping, and plantings around the buildings. Existing trees will be saved where possible within the site. The proposed special use conforms to the character of the neighborhood considering the location, type, and height of buildings and the extent of landscaping on the site.

2. *Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.*

The project creates an ingress/egress on Plott Creek Road. A Traffic Impact Analysis was performed by Teague Engineering, and the report concluded that the proposed Phase 2 development is not anticipated to result in a significant adverse on the surrounding roadway network, provided the development is constructed in accordance with the submitted site plans. Since Phase 2 will be connected to Phase 1, this will allow a second means of ingress/egress for emergency vehicles for both phases. Adequate measures are taken to provide ingress and egress and if the plan is developed as-proposed, traffic hazards and traffic congestion will be minimized.

Olga Grooman
6/1/26
Page 3

3. *Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.*

The property is within the Town of Waynesville Urban Services boundary. The Town provided a letter dated 5/29/26 confirming adequate water and sewer capacity to serve the project. The Town has an existing 8" water line along Plott Creek Road, and there is a private 8" water line within Palisades Phase 1. The private water and sewer within Palisades Phase 1 can be extended to serve Phase 2. The project will provide drainage in accordance with Town standards, and electric is available.

4. *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.*

The use will be the same as the existing Palisades Phase 1. Any noise will be minimal and similar to surrounding residential areas. The proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

5. *The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the land development district.*

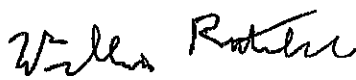
When the Planning Board approved the annexation and Town Council voted to annex the parcel, they determined that the map amendment was reasonable and in the public interest because it met the goals of the 2035 Comprehensive plan including promoting smart growth principles (infill, preservation of natural resources). The approval also considered the amendment would allow creating a well-connected, walkable neighborhood near Hazlewood Elementary and Hazlewood Town Center. The project meets the goals of the Comprehensive Plan, is allowed in PC-NR zoning, and meets the Town ordinances. Therefore, the project will not impede the orderly development and improvement of surrounding properties.

6. *The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.*

The use is residential, which is the same as the surrounding areas. The project will meet or exceed all applicable environmental, building, and life safety regulations. Utilities are available adjacent to the property. The project will preserve trees along Plott Creek and will implement a landscaping plan to further enhance and buffer the property. The project will not be detrimental to or endanger the public health, safety, or general welfare.

Please let me know if you have any questions or need any additional information.

Sincerely,



William Ratchford, Vice President
Southwood Realty Company

Gary Caldwell, Mayor
 Chuck Dickson, Mayor Pro Tem
 Julia Freeman, Councilmember
 Jon Feichter, Councilmember
 Anthony Sutton, Councilmember



Robert W. Hites, Jr., Town Manager
 Martha Sharpe Bradley, Town Attorney

Utilities Availability Letter

Date: May 29, 2026
Subject Property: 1415 Plott Creek Road, Waynesville, NC 28786 (Palisades at Plott Creek Phase II)
PIN: 8605-32-8929

To Whom it may concern,

The Town of Waynesville has the capacity to serve the proposed development with water and sewer at this time. Approval is contingent upon compliance with all applicable state and local regulations.

The developer shall be solely responsible for the payment of all applicable water and sewer capacity fees associated with this project. In connection with this approval, a total of 6,900 gallons per day (gpd) will be deducted from the Town's allowable wastewater treatment plant allocation, in accordance with the State Order of Consent.

Total Number of Bedrooms Proposed – 92. Estimated Flow 75gpd * 92 Bedrooms = 6,900 gpd.

The Developer will be responsible to provide the following:

1. An 8-inch water line is available to a tie in connection on the opposite side of Plott Creek Road.
2. The developer may extend the sewer line by connecting to the existing line that was installed as part of the Palisade at Plott Creek Phase I development. The same option is available for the water line if the developer chooses to connect to it. Alternatively, the developer may extend an 8-inch sewer main from Will Hyatt Road to the site and then transition to a 6-inch sewer line once on the property.

The Town of Waynesville reserves the right to withhold or delay the issuance of building permits in the event the wastewater treatment plant is unable to accept additional flows at the time of permit issuance.

3. Electrical services will be provided by Duke Energy. Developer will need to contact Duke directly.

Please do not hesitate to contact us should you require additional information or clarification.

Sincerely,

Laura Yonkers
 Deputy Public Works Director (Sustainability)
 129 Legion Drive,
 Waynesville, NC 28786
 T: (561) 523-1693
lyonkers@waynesvillenc.gov

16 South Main Street • P.O. Box 100 • Waynesville, NC 28786 Phone (828) 452-2491 Fax (828)456-2000

Web Address: www.waynesvillenc.gov

This institution is an equal opportunity provider

Palisades at Plott Creek Traffic Impact Analysis

Located in
Waynesville, North Carolina

Prepared For:
Southwood Realty Company
G. Thomas Jones IV
gtj4@wgl.com
165 S. York Street
Gastonia, NC 28052



Prepared By:
Jeffrey H. Moore, P.E.
J.M. Teague Engineering & Planning
jeff@jmteagueengineering.com
828.456.8383

May 12, 2026

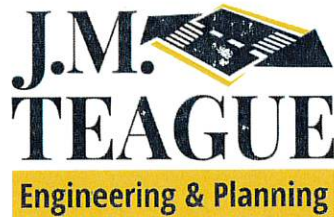
JMTE #: WAYN 1726

Palisades at Plott Creek

Traffic Impact Analysis

Waynesville, North Carolina

Prepared by:



— Est. 2010 —

1155 North Main Street

Waynesville, NC 28786

828-456-8383

Jeffrey H. Moore, P.E.

5/12/2026

Contents

LIST OF ABBREVIATIONS.....v

 Agency Coordination and Scoping.....1

 Existing Conditions.....1

 Key Findings.....2

 Recommended Mitigations.....3

PROJECT DESCRIPTION.....3

 Project Schedule and Stages.....7

 Agency Coordination.....7

 NCDOT Requirements.....7

 Local Ordinance Requirements.....7

 Deviations from the Approved Scope.....7

 Analysis Requirements.....8

 Design Years(s).....9

EXISTING CONDITIONS.....9

 Nearby Land Uses.....10

 Existing Roadway Network.....10

 Traffic Control Devices.....10

 Intersection Geometry.....11

 Safety.....15

 Crash Review.....15

 Sight Distance.....15

 Fire & Emergency Vehicle Access.....16

 Alternative Modes of Travel.....16

 Bicycle and Pedestrian.....16

 Transit.....16

TRAVEL DEMAND.....16

 Existing Traffic.....17

 Background Traffic.....21

 Natural Growth.....21

Reasonably Foreseeable Developments21

Effect of NCDOT Projects22

Build-Out Traffic.....25

 Trip Distribution.....25

 Trip Generation29

 Pass-by Trips29

 Trip Assignment.....29

 Total Traffic.....29

OPERATIONAL AND CAPACITY ANALYSIS.....39

 Peak Hour Factor39

 Traffic Capacity Discussion39

 Summary of Simulation Modeling Parameters.....40

 Thresholds for Identifying Mitigations40

 Measures of Effectiveness.....40

 Level of Service40

 Delay41

 Queueing41

ANALYSIS RESULTS41

 Intersection 1: Plott Creek Rd & Sulphur Springs Rd42

 Intersection 2: Plott Creek Rd & School Driveway44

 Intersection 3: Plott Creek Rd & Will Hyatt Rd/Palisades Ln.....46

 Intersection 4: Plott Creek Rd & Phase 2 Access A48

MITIGATION50

 Intersection 1: Plott Creek Rd & Sulphur Springs Rd.....50

 Intersection 2: Plott Creek Rd & Hazelwood School Dwy50

 Intersection 3: Plott Creek Rd & Will Hyatt Rd/Palisades In50

 Intersection 4: Plott Creek Rd & Phase 2 Access A50

EFFECT OF THE PROJECT ON ALTERNATE MODES50

CONCLUSION.....53

FIGURES

Figure 1: Proposed Palisades at Plott Creek Site.....3

Figure 2: Site Plan – Palisades at Plott Creek (Source: WGLA)5

Figure 3: Change in Traffic.....9

Figure 4: Existing (2026) Lane Diagram.....13

Figure 5: Access A & Plott Creek Rd Approximate Location (Source: JMTE)15

Figure 6: Peak Periods at Existing Study Intersections18

Figure 7: Existing (2026) Traffic Volumes19

Figure 8: NCDOT STIP Projects (2026-2035) (Source: NCDOT)22

Figure 9: Background (2027) Traffic Volumes23

Figure 10: Trip Distribution27

Figure 11: Trip Assignment.....35

Figure 12: Build-Out (2027) Traffic Volumes37

Figure 13: HCM LOS.....39

Figure 14: Plott Creek Rd & Sulphur Springs Rd42

Figure 15: Plott Creek Rd & School Dwy44

Figure 16: Plott Creek Rd & Will Hyatt Rd/Palisades Ln46

Figure 17: Plott Creek Rd & Access A48

Figure 18: Recommended Lane Diagram.....51

TABLES

Table 1: Summary of Analysis Parameters8

Table 2: Existing Roadway Network10

Table 3: Traffic Control Devices11

Table 4: Estimated Trip Distribution.....25

Table 5: Trip Generation29

Table 6: Intersection 1 Trip Development - Plott Creek Rd/Hazelwood Ave & Sulphur Springs Rd31

Table 7: Intersection 2 Trip Development - Plott Creek Rd & School Dwy32

Table 8: Intersection 3 Trip Development - Plott Creek Rd & Will Hyatt Rd/Palisades Ln33

Table 9: Intersection 4 Trip Development - Plott Creek Rd & Phase 2 Access A.....34

Table 10: Intersection 1 - LOS & Percent Change in Delay43

Table 11: Intersection 1 – 95% Queue.....43

Table 12: Intersection 2 - LOS & Percent Change in Delay45

Table 13: Intersection 2 – 95% Queue.....45

Table 14: Intersection 3 - LOS & Percent Change in Delay47

Table 15: Intersection 3 – 95% Queue.....47

Table 16: Intersection 4 - LOS & Percent Change in Delay49

Table 17: Intersection 4 – 95% Queue.....49

LIST OF ABBREVIATIONS

AADT	Annual average daily traffic
ADT	Average Daily Traffic
AM	Morning peak period
ARMS	<i>Access and Roadside Management Standards</i> (South Carolina)
CBD	Central Business District
CIP	Capital Improvement Program
DOT	Department of Transportation
Driveway Manual	<i>Policy on Street and Drive Access to North Carolina Highways</i>
FAI	Functional Area of the Intersection:
FC	Functional Classification
ft. or ‘	Foot
HCM	Highway Capacity Manual
in. or ”	Inch
KSF	Thousand Square Feet
LOS	Level of Service
LUC	Land Use Code
MSTA	Municipal and School Transportation Assistance (NCDOT)
MUTCD	Manual On Uniform Traffic Control Devices
NCDOT	The North Carolina Department of Transportation
PHF	Peak Hour Factor (a measure of traffic variability)
PM	Afternoon peak period
q	Flow rate (vehicle/hour)
Q	Queue Length in feet
Q ₉₅	95 th Percentile Queue in feet
RIRO	Right-in/Right-out
sec.	Second
SimTraffic	A traffic simulation extension of the Synchro Package that randomly simulates intersection operations
STIP	State Transportation Improvement Program
Subdivision Roads	Subdivision Roads Minimum Construction Standards (NCDOT)
SYNCHRO	A dedicated analysis package that implements the HCM
T	Trips
TMP	Traffic Management Plan
TWLTL	Two-way Left Turn Lane
v/c	Volume to capacity ratio

INTRODUCTION

Southwood Realty Company proposes a residential development comprising 58 multifamily units on a 5.48-acre parcel in Waynesville, North Carolina. This project is Phase 2 of the Palisades at Plott Creek development which consist of 200 units of multifamily apartments and will tie into the existing Phase 1. Phase 1 has been completed and will be included in existing conditions. The project site is adjacent to Plott Creek Road. The anticipated build-out year for this phase is 2027.

The required Traffic Impact Analysis (TIA) assesses the development's impact on transportation infrastructure, addressing traffic flow, safety, and compliance with relevant codes.

If built as proposed, the project meets transportation and safety standards. It is the opinion of the Engineer that the development will not adversely affect public health, safety, or welfare, nor will it necessitate additional public expenditures. Agency coordination ensured the analysis adhered to local and state guidelines.

AGENCY COORDINATION AND SCOPING

J.M. Teague Engineering & Planning developed the TIA in coordination with NCDOT Division 14, District 2. While the project did not meet the thresholds requiring a TIA under NCDOT regulations, it did meet the thresholds under Town of Waynesville regulations. Scoping discussions defined parameters, including growth rates, background conditions, and the study area. A 1% annual growth rate was agreed upon for forecasting background traffic, and analysis focused on the following intersections:

1. Hazelwood Avenue & Sulphur Springs Road
2. Plott Creek Road & Hazelwood Elementary School Access
3. Plott Creek Road & Will Hyatt Road/Palisades Lane
4. Plott Creek Road & Access A (Phase 2 Driveway)

EXISTING CONDITIONS

- **Land Use:** Hazelwood Elementary School is located east of the proposed site. The area surrounding the proposed site consists of single-family home sites, undeveloped land, and woodlands.
- **Roadway Network:** NCDOT classifies the roadways in the network as follows:
 - Hazelwood Avenue as a major collector with an annual average daily traffic (AADT) of 4,600 and a speed limit of 35 mph.
 - Sulphur Springs Road as a major collector with an AADT of 3,900 and a speed limit of 35 mph
 - Plott Creek Road as a major collector with an AADT of 2,600 and a speed limit of 35 mph.
 - Will Hyatt Road as a minor collector with an AADT of 1,600 and a speed limit of 35 mph.
 - Palisades Lane as a local road with no AADT data and no posted speed limit.

- **Safety:** The NCDOT database recorded no crashes at the project's intersections. Sight distance at the site access point exceeds the required 350 feet for the posted speed limit.
- **Fire Code Compliance:** The current site plan meets the requirement of two access points for emergency vehicles.

KEY FINDINGS

A. Traffic Flow and Capacity:

- The project generates an estimated 447 daily trips, with 41 trips during the morning peak hour and 45 trips during the evening peak hour.
- At Intersection 1, Plott Creek Rd/Hazelwood Ave at Sulphur Springs Rd: Level of Service (LOS) A and B are observed for all approaches in the AM, School PM, and PM peak hours. The LOS does not change between background and build conditions with minimal changes in queuing. This is acceptable for peak-hour conditions.
- At Intersection 2, Plott Creek Rd at Hazelwood Elementary School Driveway: Level of Service (LOS) A and B are observed for all approaches in the AM, School PM, and PM peak hours. The LOS does not change between background and build conditions. Northbound queue exceeds available storage for background and build-out conditions.
- At Intersection 3, Will Hyatt Rd/Palisades Ln at Plott Creek Rd: Level of Service (LOS) A and B are observed for all approaches in the AM, School PM, and PM peak hours. The LOS drops from LOS A in background to LOS B in build conditions for the southbound approach in the school PM peak hour and the northbound approach in the PM peak hour. The maximum approach delay change is 0.6 seconds. This is acceptable for peak-hour conditions. Signal warrants were completed and not met for this intersection.
- At Intersection 4 Plott Creek Rd at Access A: LOS A is observed for the eastbound, westbound, and northbound approaches in both AM, School PM, and PM peak hours.

B. Sight Distance and Protected Stem:

- Access A appears to exceed the required sight distance under existing conditions. It is the developer's responsibility to ensure the sight distance is adequate during and after construction. Additionally, it is the developer's responsibility to provide a minimum of 100' internal protected stem length per NCDOT Guidelines.

C. Fire Code and Access:

- This project meets the fire code requirements of two access points.

RECOMMENDED MITIGATIONS

1. **Intersection 1:** No Mitigation Required.
2. **Intersection 2:** The Palisades at Plott Creek Phase 2 development is not planned to add trips to the northbound movement and it is the responsibility of the school to increase the turn lane length to accommodate for the queue.
3. **Intersection 3:** Delay percentage increases and LOS changes were identified. However, the study concludes that no operational deficiencies requiring mitigation improvements are present due to marginal delay increase, acceptable queue storage, and signal warrants not being met.
4. **Intersection 4:** No Mitigation Required.

No mitigations are necessary to ensure the project meets transportation and safety standards.

PROJECT DESCRIPTION

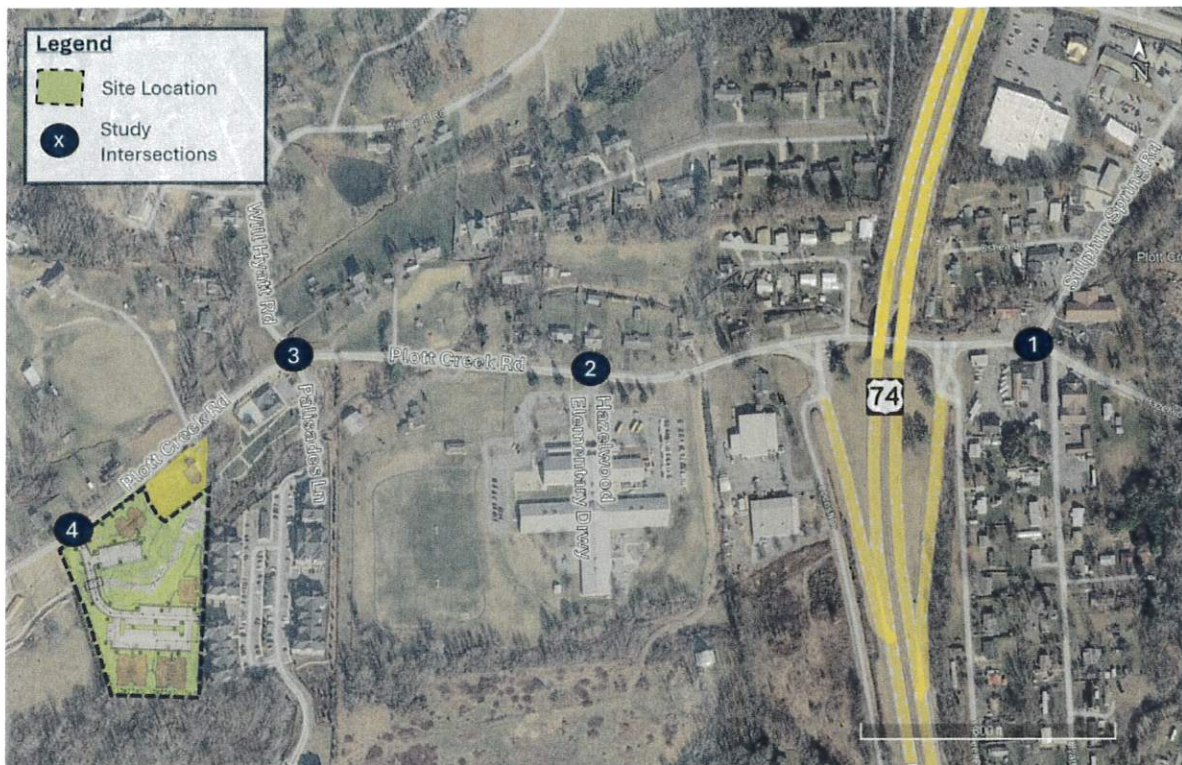


Figure 1: Proposed Palisades at Plott Creek Site

Southwood Realty Company proposes constructing a 58-unit Phase 2 of a multifamily residential development on 5.48 acres of vacant land in Waynesville, North Carolina. The site is located southwest of the intersection of Plott Creek Road and Will Hyatt Road/Palisades Lane, where the connecting entrance for Phase 1 of the development is located.

Figure 2 shows the proposed site plan for the Palisades at Plott Creek development.

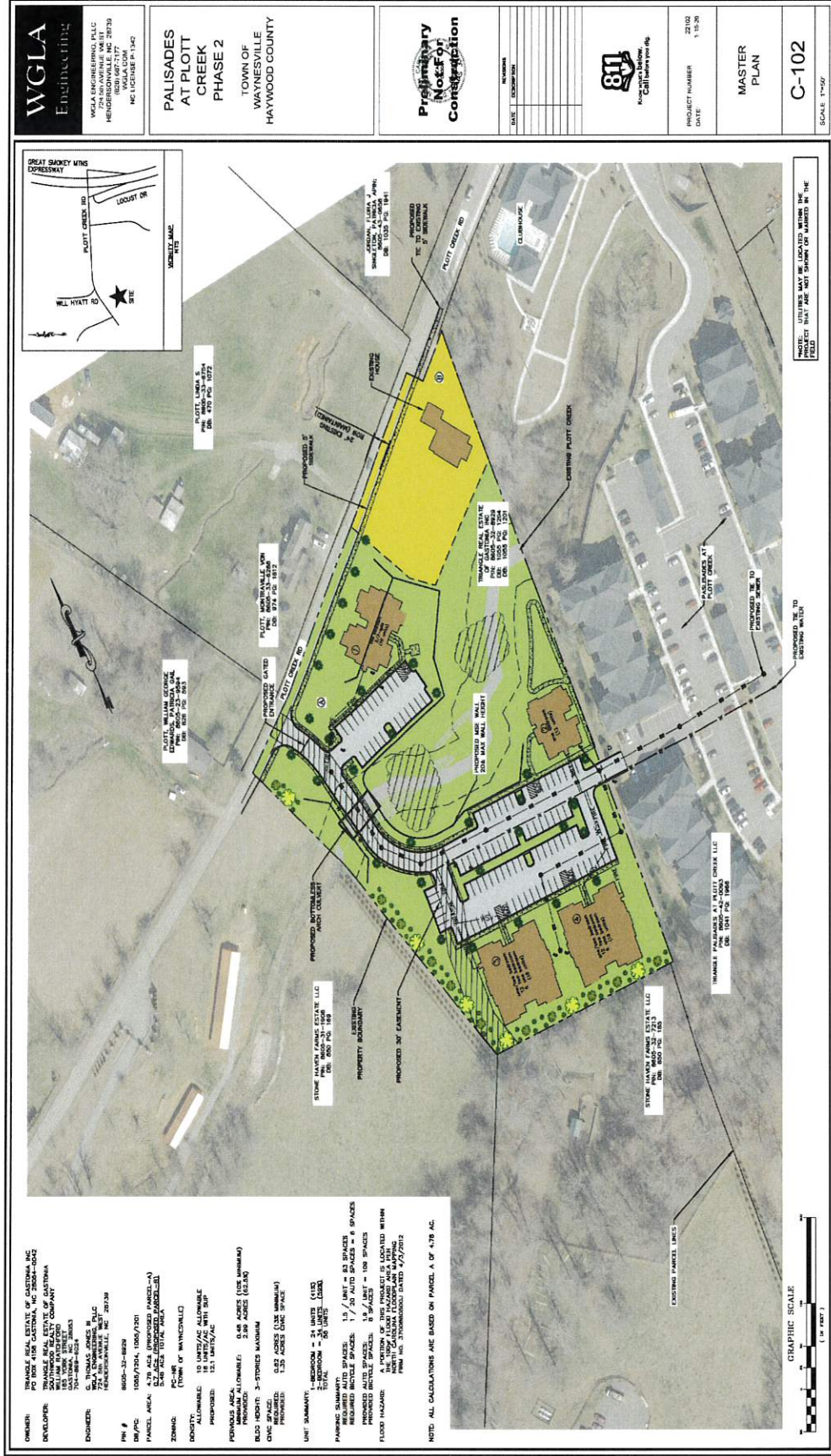


Figure 2: Site Plan – Palisades at Plott Creek (Source: WGLA)

PROJECT SCHEDULE AND STAGES

Southwood Realty Company anticipates completing construction in 2027. This is the second phase of construction for the development. No follow-on construction is expected.

AGENCY COORDINATION

J.M. Teague Engineering & Planning developed the TIA in coordination with NCDOT Division 14, District 2. While the project did not meet thresholds requiring a TIA under NCDOT regulations, it did meet thresholds requiring a TIA for the Town of Waynesville.

NCDOT REQUIREMENTS

The NCDOT requires traffic impact analysis under the following conditions:

- Estimated daily trips exceed 3,000 trips per day,
- Estimated daily trips exceed the City's TIA trip threshold (see below),
- The project is located in a known STIP or local CIP project #NA,
- The project includes a rezoning request,
- The proposed site access is within 1,000 feet of an interchange, or
- The Applicant requests a new or modified control of access break.

Palisades at Plott Creek meets the second criterion of the NCDOT checklist.

LOCAL ORDINANCE REQUIREMENTS

Section 6.10.1 of the Town of Waynesville Zoning Ordinance sets out the following requirements for a TIA:

- B. **Other Thresholds:** A TIA is also required at 70% of the Trip Generation threshold (350 daily trips or 35 peak hour trips) when one or more of the following conditions are met:
 1. Site is within 1 mile of a school greater than 250 students with a school access directly or indirectly (1 turn away) on the same road of at least one of the site access points.

The Palisades at Plott Creek development is required to conduct a TIA under this requirement due to the estimated generated trips and the proximity to Hazelwood Elementary School.

DEVIATIONS FROM THE APPROVED SCOPE

There are no deviations from the approved scope.

ANALYSIS REQUIREMENTS

The Development Team and the North Carolina Department of Transportation have agreed upon the analysis requirements. Table 1 summarizes the key parameters of the analysis. The page following provides additional explanations as needed.

Table 1: Summary of Analysis Parameters

Parameter	Selected Value	Notes
Annual Growth Rate (%/yr.)	1%	Per NCDOT
Calculated Growth Factor	1.01	Per the Growth Rate Formula
Base Year	2026	Per the Client
Project Phases	1	Per the Client
Horizon Year(s)	2027	Per the Client
Peak Hour Factor	0.90	Per NCDOT
Minimum Synchro Volume	4	Per NCDOT

Figure 3 shows the historic traffic growth trends at 4 of NCDOT's traffic count stations in the Palisades at Plott Creek study network. The trend line at each station is shown with a unique line type and color.

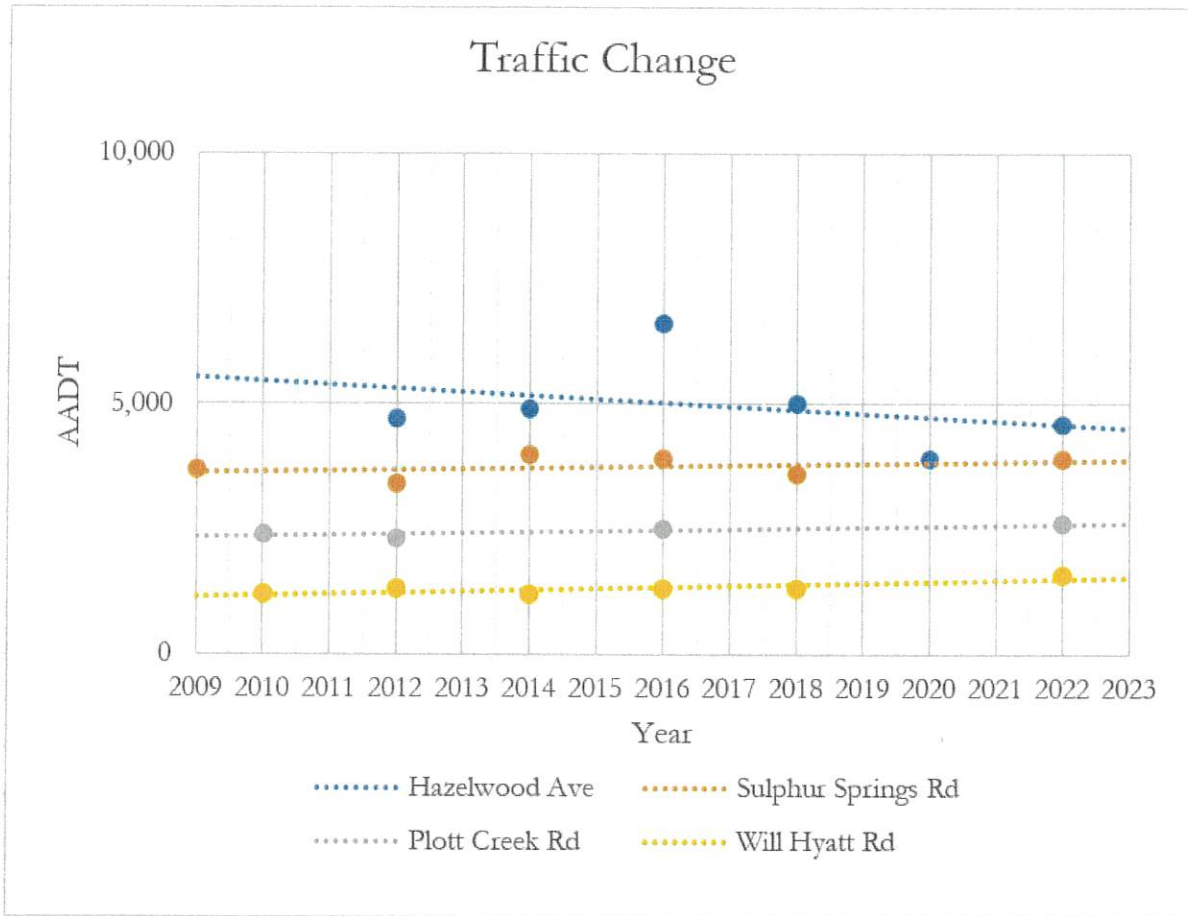


Figure 3: Change in Traffic

Traffic is assumed to grow according to the compound interest formula. Each base year traffic count is multiplied by a growth factor calculated using the formula shown below, where G_f is the growth factor, i is the annual growth rate, and n is the number of years between the base year and the build-out year.

$$G_f = (1 + i)^n$$

DESIGN YEARS(S)

The development team anticipates that the Palisades at Plott Creek residential development will be complete by 2027 and that there will be no additional phases for this development.

EXISTING CONDITIONS

This section documents existing land use conditions in the vicinity of the project site and summarizes existing roadway characteristics within the study area. The structure and function of the surrounding street network are evaluated, including the availability and viability of alternative travel modes such as

transit, bicycle, and pedestrian facilities. In addition, a review of the reported crash history along Plott Creek Road is provided.

NEARBY LAND USES

Hazelwood Elementary School is located east of the proposed site. The area surrounding the proposed site consists of single-family home sites, undeveloped land, and woodlands.

EXISTING ROADWAY NETWORK

The functional classification of roadways delineates their intended purpose. Higher-classified roads prioritize efficient travel and speed, while lower-classified roads are primarily designed to facilitate property access. The hierarchical order of functional classifications comprises Interstate, Freeway, Arterial, Collectors, and Locals.

Table 2 provides a summary of the neighboring street network, organized by street or road name. It details the functional classification, recent Average Annual Daily Traffic (AADT), and the Posted Speed Limit for each road. Inside town limits where no formal speed limit is posted (indicated by NA), the statutory speed limit defaults to 35 miles per hour as outlined in North Carolina General Statutes Chapter 20-141.

Table 2: Existing Roadway Network

Roadway	Functional Classification	AADT (2022)	Posted Speed Limit
Hazelwood Ave	Major Collector	4,600	35 mph
Sulphur Springs Rd	Major Collector	3,900	35 mph
Plott Creek Rd	Major Collector	2,600	35 mph
Will Hyatt Rd	Minor Collector	1,600	35 mph
Palisades Ln	Local	NA	NA

TRAFFIC CONTROL DEVICES

Table 3 on the following page summarizes the existing traffic control devices in the study area.

Table 3: Traffic Control Devices

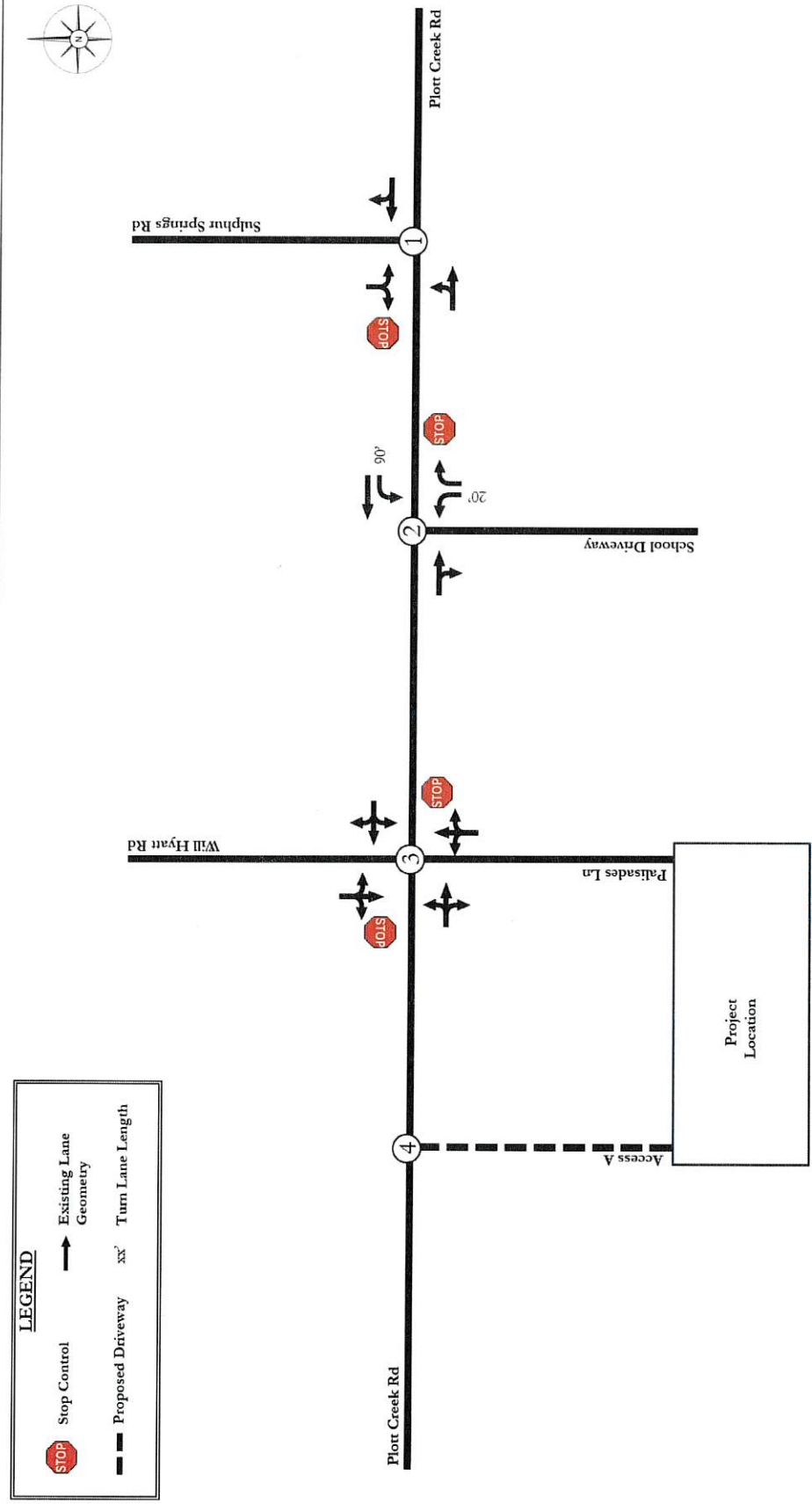
Synchro Intersection Number	Major Street	Minor Street	Traffic Control	Phase Diagram	Phases	Notes
1	Plott Creek Rd	Sulphur Springs Rd	Stop			One-Way Stop
2	Plott Creek Rd	Hazelwood Elementary Driveway	Stop			One-Way Stop
3	Plott Creek Rd	Will Hyatt Rd/ Palisades Ln	Stop			Two-Way Stop

INTERSECTION GEOMETRY

Roadway intersection geometry refers to the layout and design of the intersection, including the alignment and arrangement of the intersecting roads, lanes, turns, and traffic control devices. It includes the number and angles of approach, the presence of medians or islands, the types of turning movements allowed, and the overall configuration of the intersection.

Figure 4 on the following page shows the existing lane geometry at each studied intersection. Through lanes are assumed to be continuous between intersections and are not dimensioned. Turn lanes are measured from the stop bar to the approximate beginning of the taper. Dimensions are given to the nearest vehicle length (25 feet).

Existing Lane Geometry



LEGEND

- Stop Control
- Existing Lane Geometry
- Proposed Driveway
- Turn Lane Length

Figure 4: Existing (2026) Lane Diagram

SAFETY

For this review, safety comprises roadway safety, street safety, and emergency response.

CRASH REVIEW

The NCDOT's Planning Level Scoring Data Maps for the years 2020-2024 are included in Appendix D. The maps show no crashes at any of the project's studied intersections.

SIGHT DISTANCE

Page 29 of *Policy on Street and Driveway Access to North Carolina Highways (2003)* requires a sight distance of one hundred (100) feet per 10 miles per hour of speed in each direction for a passenger vehicle to safely cross a two-lane street. A street with a thirty-five-mile-per-hour posted speed limit needs four hundred (350) feet of sight distance in either direction.

The existing sight distance was observed on a site visit and shown in Figure 5. It is Southwood Realty's responsibility to ensure that the sight distance is adequate during and after construction is complete. Based on the estimated traffic volume at this access, the developer shall provide 100 feet of protected stem length.

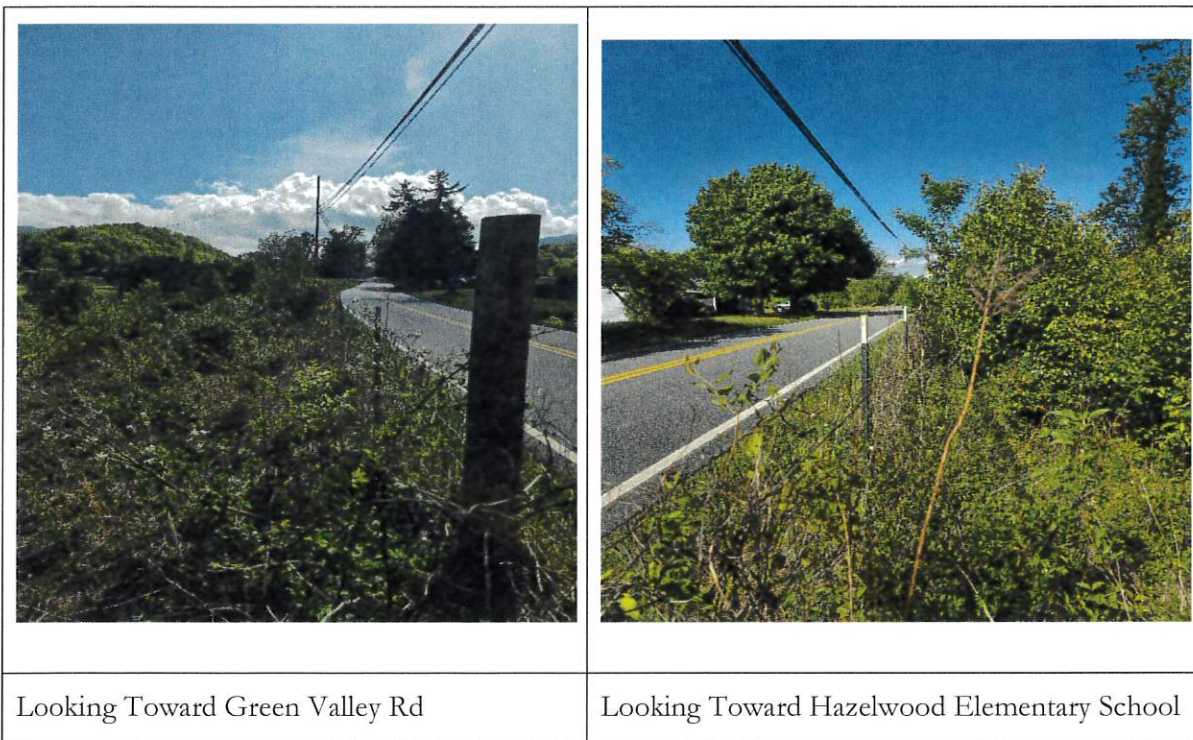


Figure 5: Access A & Plott Creek Rd Approximate Location (Source: JMTE)

FIRE & EMERGENCY VEHICLE ACCESS

The site plan (Figure 2) meets the requirements of the Uniform Fire Code for:

- Width of driveways, and
- Number and spacing of driveways, or
- The site plan does not provide sufficient detail to evaluate compliance with the requirements of the Uniform Fire Code.

The site plan shows a 25-foot driveway width for the proposed driveway (Access A) and a total of two driveways for the overall site including the driveway from Phase 1 (Palisades Lane). The spacing between the Phase 1 and Phase 2 driveways exceeds half of the long diagonal of the property. The site plan meets the requirements for the Uniform Fire Code as outlined above.

ALTERNATIVE MODES OF TRAVEL

Incorporating alternative modes of transportation in our Traffic Impact Analysis (TIA) is essential to ensure a comprehensive understanding of the diverse transportation needs within a community. By examining and accommodating alternative modes of transportation (walking, cycling, and public transit), we promote sustainable, accessible, and efficient transportation options. The available alternative modes in the project area are described below.

BICYCLE AND PEDESTRIAN

There is an existing sidewalk along the south side of Plott Creek Road that extends from the current Palisades at Plott Creek development and connects to the sidewalk along Hazelwood Avenue. The proposed Phase 2 development will include construction of a sidewalk along Plott Creek Road that will tie into the existing Palisades at Plott Creek sidewalk, providing a continuous pedestrian connection.

TRANSIT

There are no fixed transit routes along Plott Creek Road.

TRAVEL DEMAND

The goal of a Traffic Impact Analysis is to assess how future conditions would differ without the project, compared to the conditions with the project in place. In this section of the report, a thorough discussion of each traffic development component is presented to provide readers with a comprehensive understanding of the entire process.

EXISTING TRAFFIC

Existing traffic is the travel demand on the street system today. Existing traffic is estimated from site traffic counts. The existing traffic is used to estimate the area's peak travel periods, the variability of traffic within the peak period, and the through and turning movements at each intersection. A TIA intends to estimate conditions on a "typical day" in a project's horizon year. To accomplish this intent, the traffic counts are taken at midweek with school in session. Figure 7 shows the results of the traffic counts taken on a typical day. The Phase 1 development is fully constructed and operational; therefore, traffic associated with Phase 1 is reflected in the existing traffic counts collected for this study.

Traffic may be discussed as average daily traffic (ADT) or peak period traffic. In both the TIA process and the street design process, it is more useful to focus on peak period traffic. This is the time at which the demand on the street is the heaviest. Often, the peak hour of travel accounts for ten percent of daily traffic on a street. In addition, there are two peak periods during each day. In the morning peak period, people are leaving home and driving to work. The morning peak has historically been a sharp peak that rises and falls quickly. During the afternoon, people are not only returning home from work but also often perform other errands after work. Figure 6 on the following page shows the AM and PM Peak Periods for the existing study intersections.

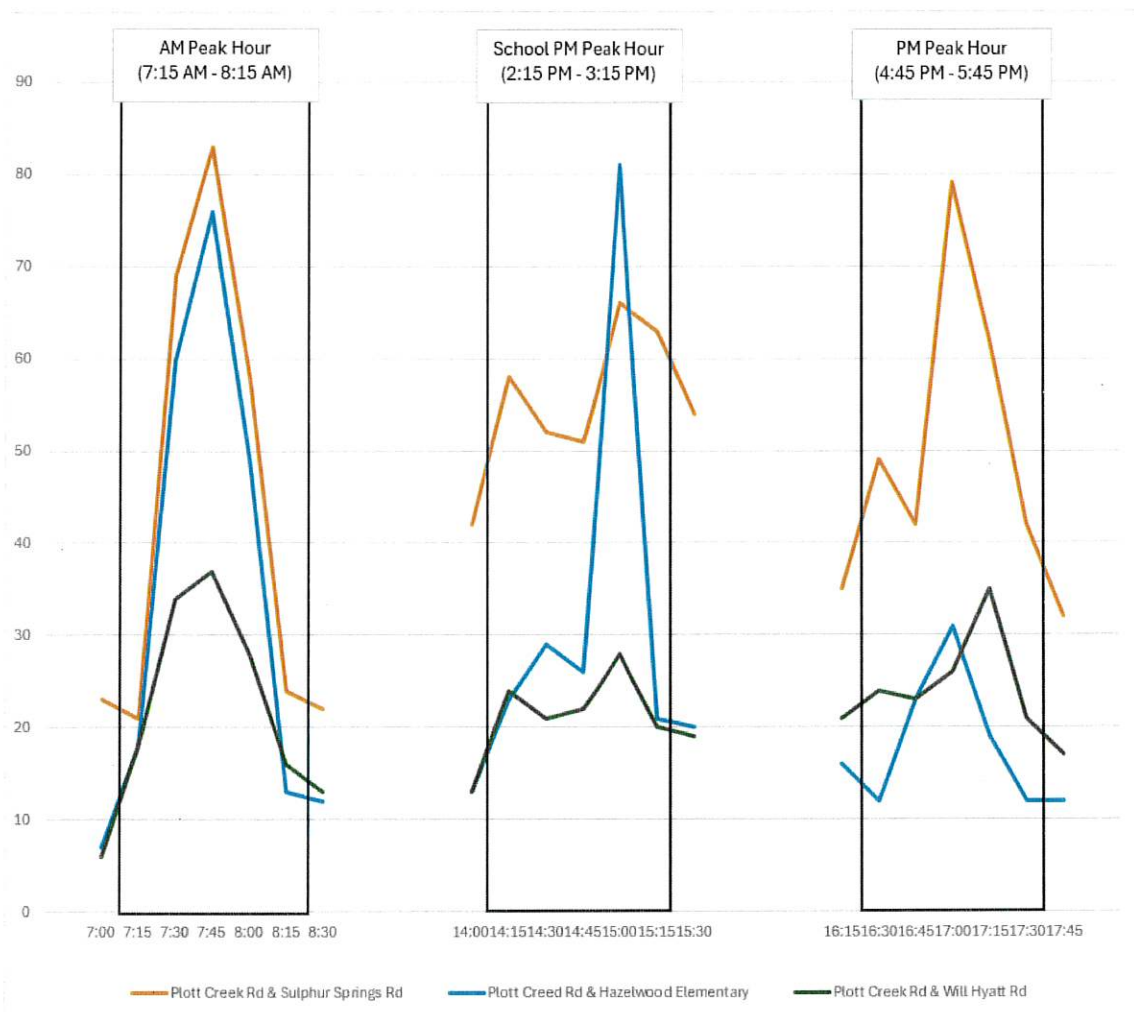


Figure 6: Peak Periods at Existing Study Intersections

Existing (2026) Traffic Volumes

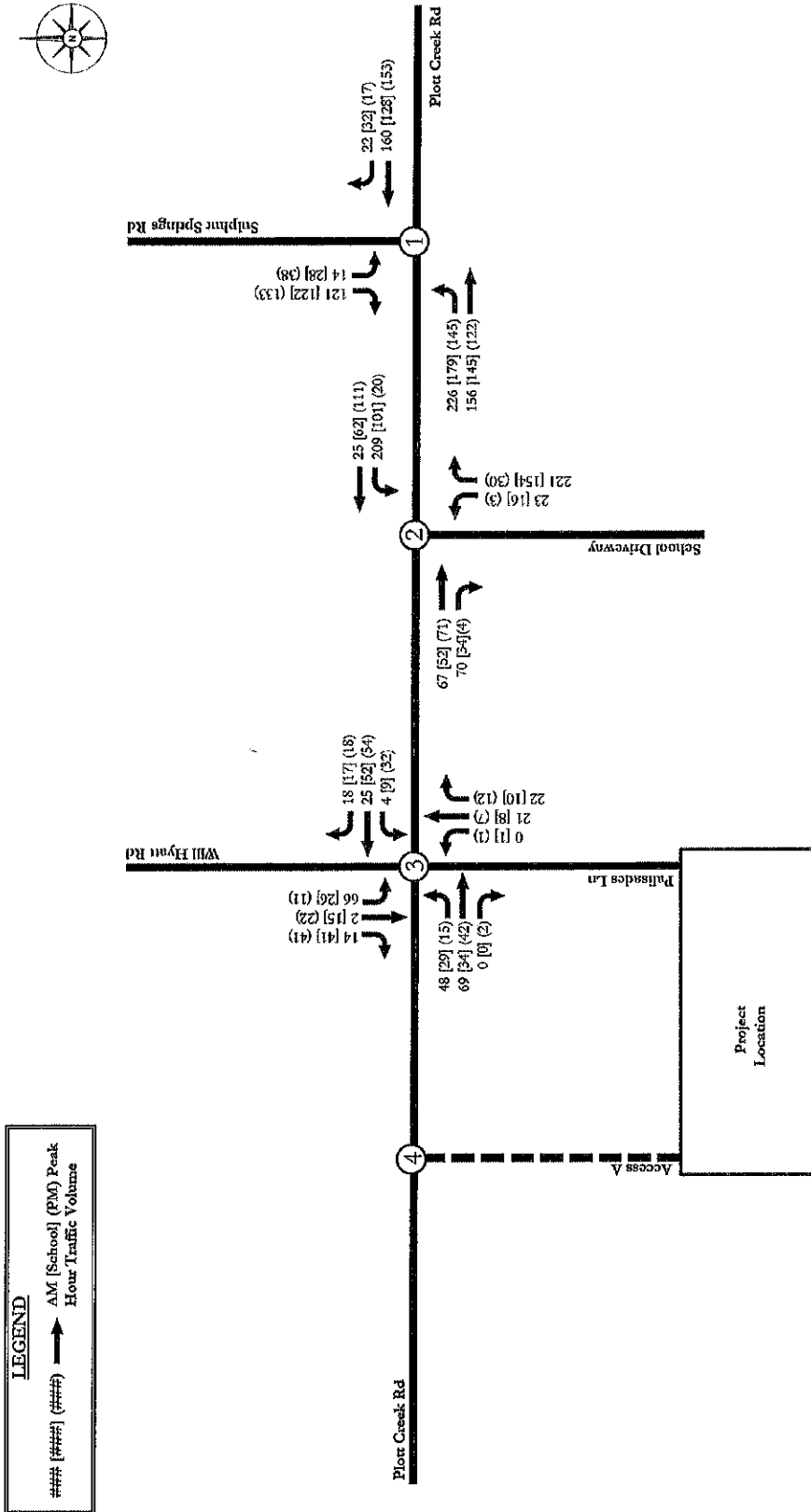


Figure 7: Existing (2026) Traffic Volumes

BACKGROUND TRAFFIC

Figure 9 illustrates the background traffic within the study area, encompassing traffic resulting from both natural growth and contributions from other developments in the project area that can be reasonably anticipated. These components are added together to determine the overall background conditions in the absence of the specific project under analysis.

NATURAL GROWTH

Natural growth is traffic that will be present on the surrounding roadway network in the build-out year of the project, caused by population growth in the region. The project build-out is 2027. Using historical data in the area, it was determined that a growth rate of one (1.0) percent per year was reasonable. Each traffic count for 2026 was multiplied by 1.01 and then balanced to estimate the typical 2027.

REASONABLY FORESEEABLE DEVELOPMENTS

A reasonably foreseeable project is a project that has already been approved by the local government (e.g., City Council or County Commission), and that should be completed before Palisades at Plott Creek.

The scoping process discovered no previously approved developments in the project area.

EFFECT OF NCDOT PROJECTS

NCDOT anticipates pedestrian improvements in the Transportation Improvement Program project EB-5859 along this portion of Plott Creek Road. Figure 8 shows the NCDOT STIP Projects near the Palisades at Plott Creek Phase 2 development. The EB-5859 STIP Project was planned to start construction on pedestrian improvements from Richland Creek Bridge to Will Hyatt Road in 2023.



Figure 8: NCDOT STIP Projects (2026-2035) (Source: NCDOT)

The project appears to be finished in the proximity of the site and the Palisades at Plott Creek Phase 2 is planned to connect to the STIP Project sidewalk with the sidewalk planned for the Phase 2 site frontage.

Background (2027) Traffic Volumes

LEGEND

[####] (####) → AM [School] (PM) Peak Hour Traffic Volume

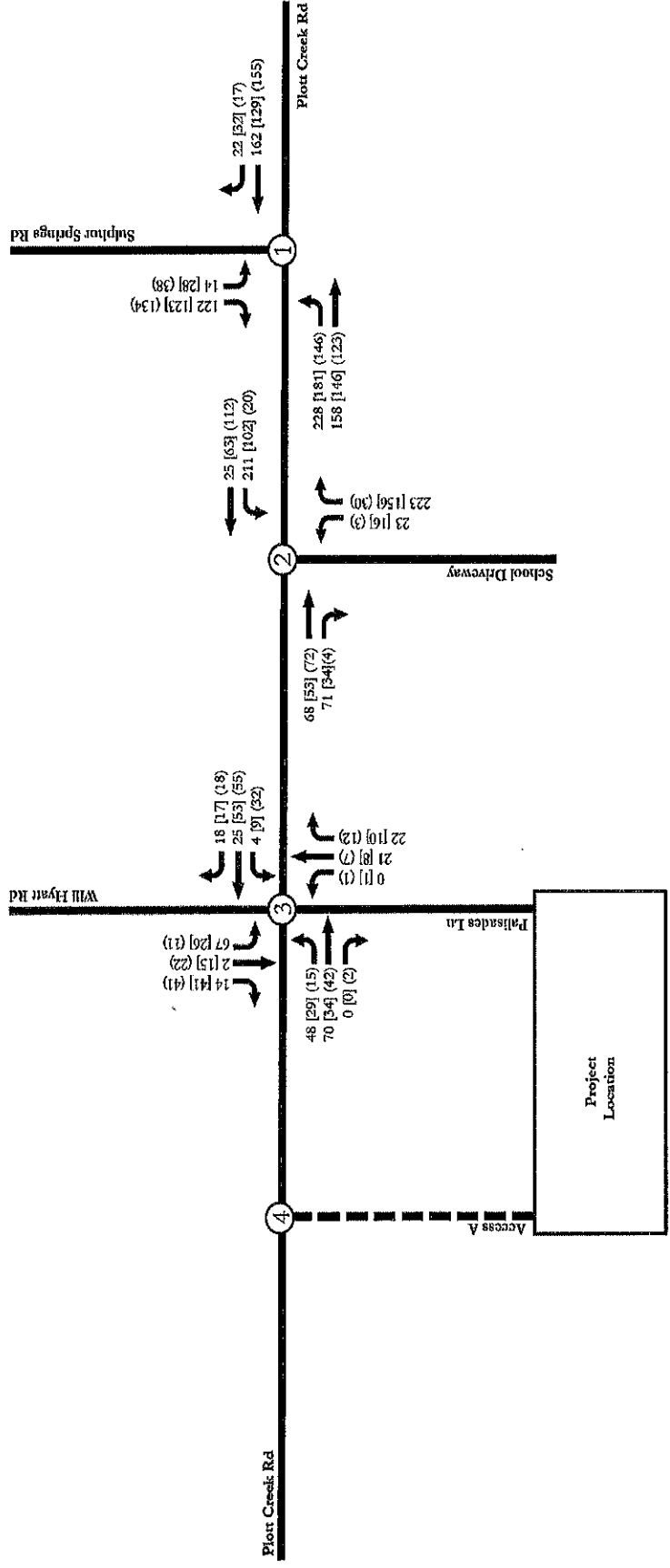


Figure 9: Background (2027) Traffic Volumes

BUILD-OUT TRAFFIC

Build-out traffic is all traffic that will be present on the surrounding roadway network when the project is complete and fully occupied (2027).

Build-out traffic is the sum of background traffic and the proposed site trips, illustrated respectively in Figures 9 and 11. The anticipated build-out AM, school PM, and PM peak-hour traffic is shown in Figure 12.

TRIP DISTRIBUTION

Trip distribution is the assignment of project traffic throughout the road network as it enters and exits the site. The pathway is assigned to show the traffic as it travels through the study area intersections. The trip distribution for this development was estimated from the existing traffic volume patterns within the surrounding roadway network, the surrounding population densities, the location of the proposed development, and engineering judgment. The estimated trip distribution is based upon the following assumptions:

- The trip distribution for the project will match the existing trip distribution in the project area,
- That the percent of trips at the study area boundary roughly approximates the percentage of trips to and from the site,
- On a typical day, inbound site trips balance outbound site trips, and
- That a reasonable origin-to-destination matrix can be estimated using these assumptions.

Using these assumptions, the trip distribution was estimated with the following steps:

1. The percentage of site trips (origins) using each access point (driveway) is assumed,
2. The percentage of site trips exiting the project area at each network boundary is estimated based upon historic traffic counts,
3. Estimate the trip interchange between the site and the boundary by multiplying the row target percentage by the column target percentage.

Table 4 shows the results of that work.

Table 4: Estimated Trip Distribution

Location		Hazelwood Ave WB	Plott Creek Rd EB	Sulphur Springs Rd	Will Hyatt Rd
Peak Hour Traffic		4,600	2,600	3,900	1,600
Access #	% of Traffic	36%	20%	31%	13%
Palisades Ln	80%	29%	16%	25%	10%
Access A	20%	7%	4%	6%	3%
Adjusted % Entering/Exiting		40%	5%	20%	35%

Once the balanced trip matrix is complete, the trips from Trip Generation can be assigned to the network.

Figure 10 shows the trip distribution percentages as applied to the street network.

Trip Distribution

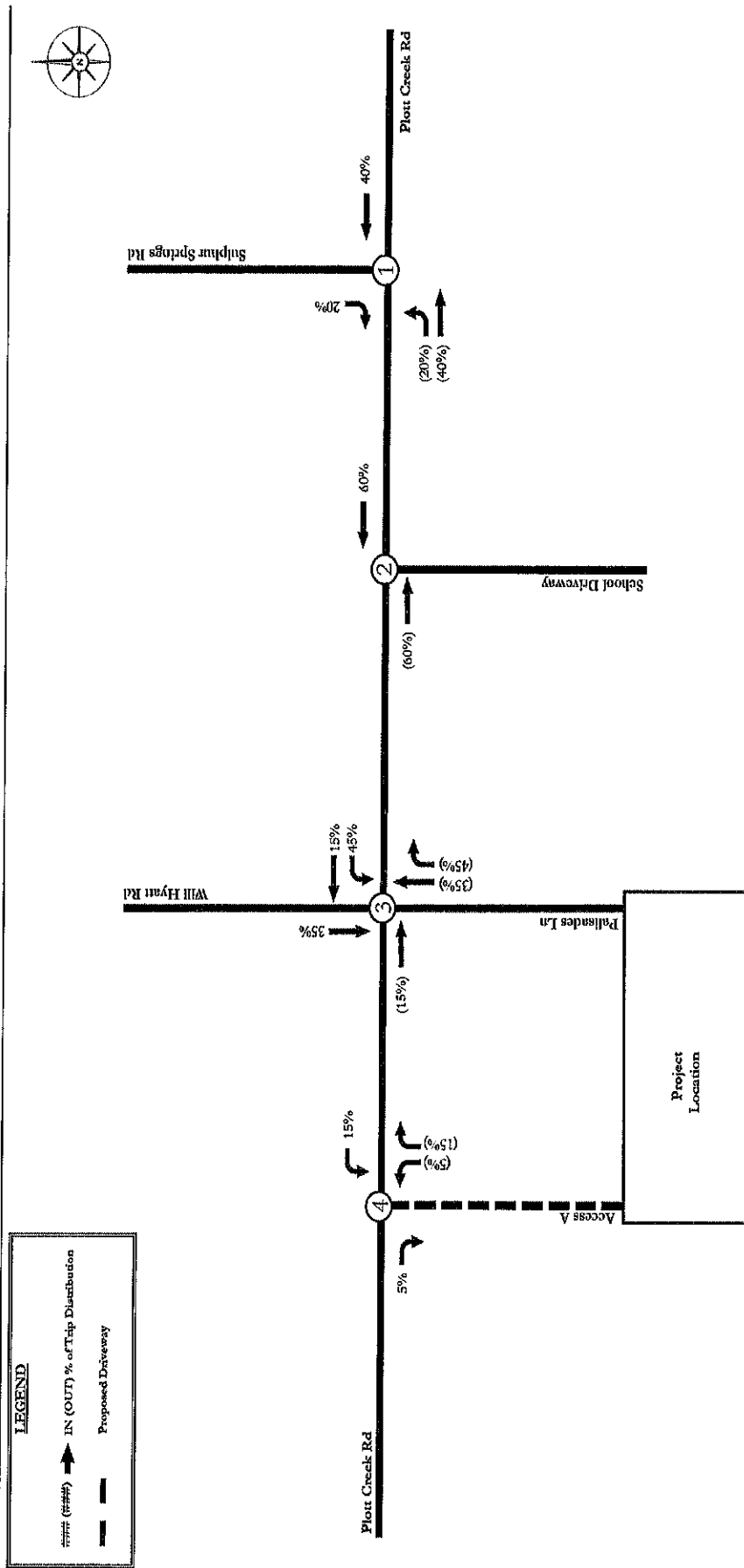


Figure 10: Trip Distribution

TRIP GENERATION

In the trip generation step, the number of vehicle trips connected to the proposed development is estimated using the current version of ITE’s *Trip Generation Manual*. The number of trips is determined by the type and intensity of land use (commercial, industrial, residential, or service). The number of trips may be adjusted to account for area type (dense urban or suburban/rural), the number of people passing by that stop, or any existing development on the site. Typically, the engineer estimates the number of daily, morning, and evening trips. Most state departments of transportation and local governments compare the estimated trips to a threshold trip number to determine if a Traffic Impact Analysis is required. Phase 1 of Palisades at Plott Creek traffic volumes are captured in the existing turning movement counts taken for this TIA. Table 5 shows the trip generation for the Palisades at Plott Creek Phase 2 development.

Table 5: Trip Generation

ITE LUC	Proposed Land Use	Units	Size	Daily Trips	AM Peak Hour			PM Peak Hour			
					Enter	Exit	Total	Enter	Exit	Total	
220	Multi Fam Low Rise	58	DU	447	10	31	41	29	16	45	
				Total	447	10	31	41	29	16	45

PASS-BY TRIPS

Pass-by trips are stops drivers make while they’re already out on the road. They were part of the initial traffic, and the new development entices them to stop somewhere different, or extra, along their route. Pass-by trips are usually associated with retail or commercial land uses near the street. The land use in Palisades at Plott Creek Phase 2 does not generate pass-by trips.

TRIP ASSIGNMENT

In the trip assignment, the trips from the trip generation step are assigned to the network using the percentages in Figure 10. Figure 11 shows the results of the daily trip assignment.

TOTAL TRAFFIC

Tables 6 through 9 show how the trips are developed. Figure 12 shows the total traffic on the roadway after the site was built.

Table 6: Intersection 1 Trip Development - Plott Creek Rd/Hazelwood Ave & Subbur Springs Rd

Period	Approach Dir (N/S/E/W)	L/T/R/U	Base Volume	Natural Growth	Other Developments	Background Vo	Site Volume	Pass-By Trip Assignment	Future Volume
AM	Northbound	Left	0	0	0	0	0	0	0
		Through	184	186	186	186	0	186	0
		Right	0	0	0	0	0	0	0
		Left	226	228	228	228	6	234	0
	Eastbound	Through	156	158	158	158	12	170	0
		Right	0	0	0	0	0	0	0
		Left	14	14	14	14	0	14	0
		Through	104	105	105	105	0	105	0
	Southbound	Right	121	122	122	122	2	124	0
		Left	0	0	0	0	0	0	0
		Through	160	162	162	162	4	166	0
		Right	22	22	22	22	0	22	0
Northbound	Left	0	0	0	0	0	0	0	
	Through	0	0	0	0	0	0	0	
	Right	0	0	0	0	0	0	0	
	Left	179	181	181	181	3	184	0	
Eastbound	Through	145	146	146	146	6	152	0	
	Right	0	0	0	0	0	0	0	
	Left	28	28	28	28	0	28	0	
	Through	0	0	0	0	0	0	0	
Sch PM	Southbound	Right	122	123	123	123	6	129	0
		Left	0	0	0	0	0	0	0
		Through	128	129	129	129	12	141	0
		Right	32	32	32	32	0	32	0
	Northbound	Through	89	90	90	90	0	90	0
		Left	0	0	0	0	0	0	0
		Right	145	146	146	146	3	149	0
		Through	122	123	123	123	6	129	0
	Eastbound	Right	0	0	0	0	0	0	0
		Left	38	38	38	38	0	38	0
		Through	119	120	120	120	0	120	0
		Right	133	134	134	134	6	140	0
Westbound	Left	0	0	0	0	0	0	0	
	Through	153	155	155	155	12	167	0	
	Right	17	17	17	17	0	17	0	
	Through	0	0	0	0	0	0	0	

Table 7: Intersection 2 Trip Development - Plott Creek Rd & School Day

Period	Approach Dir (N/S/E/W)	L/T/R/U	Base Volume	Natural Growth	Other Developments	Background Vo	Site Volume	Pass-By Trip Assignment	Future Volume	
AM	Northbound	Left	23	0	0	0	23	0	23	
		Through	0	0	0	0	0	0	0	
		Right	221	223	0	0	223	0	0	223
		Left	0	0	0	0	0	0	0	0
	Eastbound	Through	67	68	0	0	68	19	0	87
		Right	70	71	0	0	71	0	0	71
		Left	0	0	0	0	0	0	0	0
		Through	0	0	0	0	0	0	0	0
	Southbound	Through	0	0	0	0	0	0	0	0
		Right	0	0	0	0	0	0	0	0
		Left	209	211	0	0	211	0	0	211
		Through	25	25	0	0	25	6	0	31
Westbound	Through	0	0	0	0	0	0	0	0	
	Right	16	16	0	0	16	0	0	16	
	Left	0	0	0	0	0	0	0	0	
	Through	154	156	0	0	156	0	0	156	
Sch PM	Northbound	Left	0	0	0	0	0	0	0	
		Through	52	53	0	0	53	10	0	63
		Right	34	34	0	0	34	0	0	34
		Left	0	0	0	0	0	0	0	0
	Eastbound	Through	0	0	0	0	0	0	0	0
		Right	101	102	0	0	102	0	0	102
		Left	62	63	0	0	63	17	0	80
		Through	0	0	0	0	0	0	0	0
	Southbound	Through	3	3	0	0	3	0	0	3
		Right	0	0	0	0	0	0	0	0
		Left	30	30	0	0	30	0	0	30
		Through	0	0	0	0	0	0	0	0
PM	Northbound	Through	71	72	0	0	72	10	82	
		Right	4	4	0	0	4	0	4	
		Left	0	0	0	0	0	0	0	
		Through	0	0	0	0	0	0	0	
	Eastbound	Through	0	0	0	0	0	0	0	
		Right	20	20	0	0	20	0	0	
		Left	111	112	0	0	112	17	0	
		Through	0	0	0	0	0	0	0	
	Southbound	Through	111	112	0	0	112	17	0	
		Right	0	0	0	0	0	0	0	
		Left	0	0	0	0	0	0	0	
		Through	0	0	0	0	0	0	0	
Westbound	Through	111	112	0	0	112	17	0		
	Right	0	0	0	0	0	0	0		
	Left	0	0	0	0	0	0	0		
	Through	0	0	0	0	0	0	0		

Table 8: Intersection 3 Trip Development - Platt Creek Rd & Will Hyatt Rd/Palixades Ln

Period	Approach Dir (N/S/E/W)	L/T/R/U	Base Volume	Natural Growth	Other Developments	Background Vo	Site Volume	Pass-By Trip Assignment	Future Volume
AM	Northbound	Left	0	0	0	0	0	0	0
		Through	21	21	0	0	21	11	0
		Right	22	22	0	0	22	14	0
		Left	48	48	0	0	48	0	0
	Eastbound	Through	69	70	0	0	70	5	0
		Right	0	0	0	0	0	0	0
		Left	66	67	0	0	67	0	0
		Through	2	2	0	0	2	4	0
	Southbound	Right	14	14	0	0	14	0	0
		Left	4	4	0	0	4	5	0
		Through	25	25	0	0	25	2	0
		Right	18	18	0	0	18	0	0
Sch PM	Northbound	Left	1	1	0	0	1	0	0
		Through	8	8	0	0	8	6	0
		Right	10	10	0	0	10	7	0
		Left	29	29	0	0	29	0	0
	Eastbound	Through	34	34	0	0	34	2	0
		Right	0	0	0	0	0	0	0
		Left	26	26	0	0	26	0	0
		Through	15	15	0	0	15	10	0
	Southbound	Right	41	41	0	0	41	0	0
		Left	9	9	0	0	9	13	0
		Through	52	53	0	0	53	4	0
		Right	17	17	0	0	17	0	0
PM	Northbound	Left	1	1	0	0	1	0	0
		Through	7	7	0	0	7	6	0
		Right	12	12	0	0	12	7	0
		Left	15	15	0	0	15	0	0
	Eastbound	Through	42	42	0	0	42	2	0
		Right	2	2	0	0	2	0	0
		Left	11	11	0	0	11	0	0
		Through	22	22	0	0	22	10	0
	Southbound	Right	41	41	0	0	41	0	0
		Left	32	32	0	0	32	13	0
		Through	54	55	0	0	55	4	0
		Right	18	18	0	0	18	0	0

Table 9: Intersection 4 Trip Development - Platt Creek Rd & Phase 2 Access A

Period	Approach Dir (N/S/E/W)	L/T/R/U	Base Volume	Natural Growth	Other Developments	Background Vo	Site Volume	Pass-By Trip Assignment	Future Volume	
AM	Northbound	Left	0	0	0	0	0	2	2	
		Through	0	0	0	0	0	0	0	
		Right	0	0	0	0	0	0	0	
	Eastbound	Left	0	0	0	0	0	0	5	
		Through	0	0	0	0	0	0	0	
		Right	0	0	0	0	0	0	0	
	Southbound	Through	113	113	114	114	114	0	0	114
		Right	0	0	0	0	0	1	0	1
		Left	0	0	0	0	0	0	0	0
		Through	0	0	0	0	0	0	0	0
		Right	0	0	0	0	0	0	0	0
		Left	0	0	0	0	0	0	0	0
Westbound	Through	44	44	44	44	44	0	0	44	
	Right	0	0	0	0	0	0	0	0	
	Left	0	0	0	0	0	0	0	0	
	Through	0	0	0	0	0	0	1	1	
	Right	0	0	0	0	0	0	0	0	
	Left	0	0	0	0	0	0	0	0	
Sch PM	Northbound	Through	0	0	0	0	0	0	0	
		Right	0	0	0	0	0	2	2	
		Left	0	0	0	0	0	0	0	
	Eastbound	Through	111	111	112	112	112	0	0	112
		Right	0	0	0	0	0	1	0	1
		Left	0	0	0	0	0	0	0	0
	Southbound	Through	0	0	0	0	0	0	0	0
		Right	0	0	0	0	0	0	0	0
		Left	0	0	0	0	0	0	0	0
	Westbound	Through	41	41	41	41	41	0	0	41
		Right	0	0	0	0	0	0	0	0
		Left	0	0	0	0	0	0	0	0
PM	Northbound	Through	0	0	0	0	0	1	1	
		Right	0	0	0	0	0	0	0	
		Left	0	0	0	0	0	0	0	
	Eastbound	Through	66	66	67	67	67	0	0	67
		Right	0	0	0	0	0	1	0	1
		Left	0	0	0	0	0	0	0	0
Southbound	Through	0	0	0	0	0	0	0	0	
	Right	0	0	0	0	0	0	0	0	
	Left	0	0	0	0	0	0	0	0	
Westbound	Through	112	112	113	113	113	0	0	113	
	Right	0	0	0	0	0	0	0	0	

64

Trip Assignment

LEGEND

[###] (###) → AM [School] (PM) Peak Hour Traffic Volume

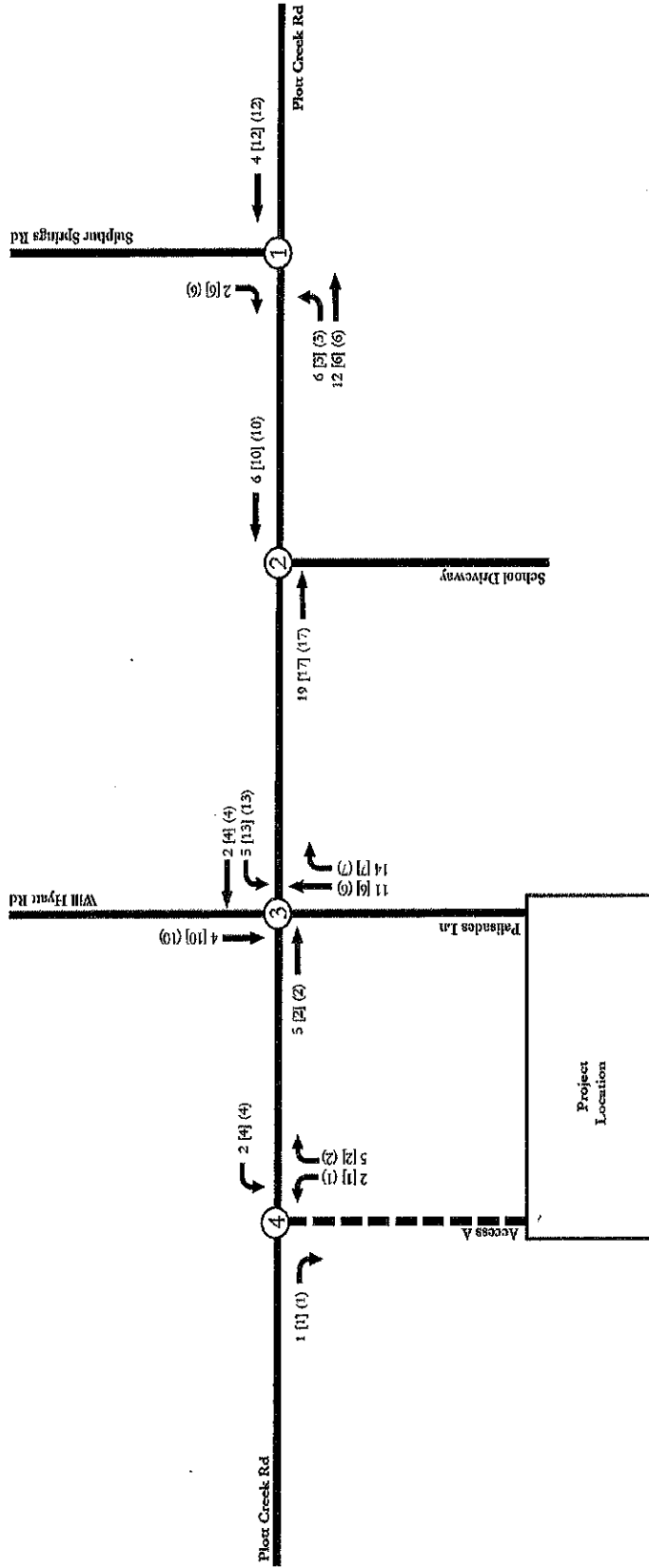


Figure 11: Trip Assignment

Build-Out (2027) Traffic Volumes

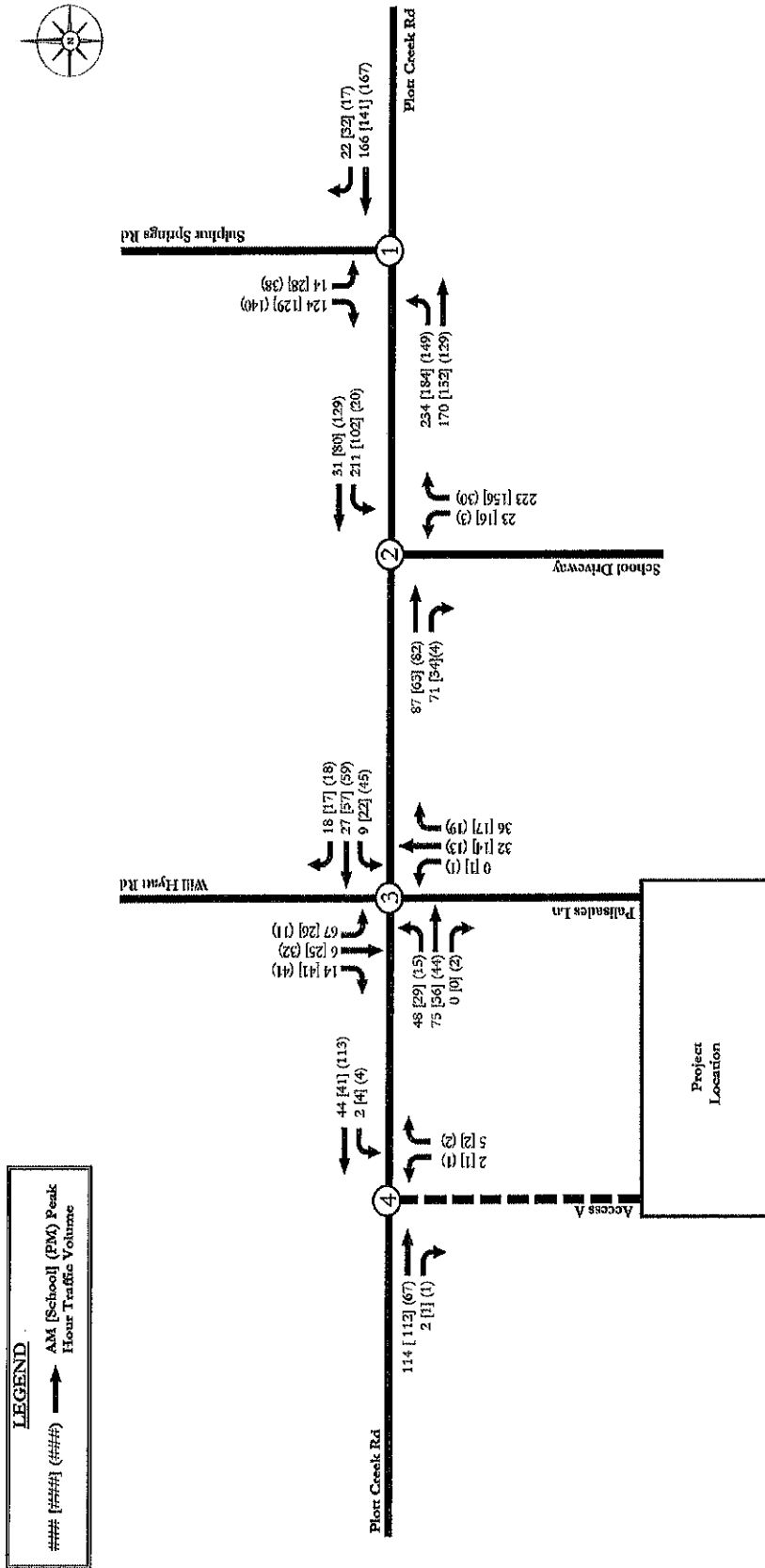


Figure 12: Build-Out (2027) Traffic Volumes

OPERATIONAL AND CAPACITY ANALYSIS

The analysis for background conditions is based on methodologies presented in NCDOT's Congestion Management Capacity Analysis Guidelines. To estimate the background LOS, delay, v/c ratio, and queue at the study intersections, the background traffic was analyzed using existing lane configurations and traffic control conditions.

PEAK HOUR FACTOR

The Peak Hour Factor (PHF) is a metric for evaluating fluctuations in traffic demand during the peak hour. Calculated as the ratio of the peak hour volume to four times the peak fifteen-minute volume, the PHF offers insights into how traffic volume varies within this critical timeframe. In essence, the PHF compares the traffic volume during the busiest 15 minutes of the peak hour with the total volume throughout the entire hour.

A PHF of 0.90 was used for all background conditions in accordance with NCDOT guidelines. Based on HCM and NCDOT guidance, the free-flow movements/approaches were not analyzed for background conditions. The 0.90 PHF is used by traffic engineering companies and NCDOT to simulate worst-case scenarios for LOS calculations. The worst-case PHF assumption can sometimes create fluctuations in LOS and delay readings without any change in the traffic volumes.

TRAFFIC CAPACITY DISCUSSION

The Highway Capacity Manual (HCM) defines capacity as the highest rate at which people or vehicles can reasonably be expected to move through a point under existing road, traffic, and control conditions in an hour. Level of Service (LOS) categorizes driving conditions based on traffic congestion. LOS "A" represents smooth traffic flow, while LOS "F" indicates severe congestion. LOS is determined by the total "Control Delay" experienced by drivers, encompassing delays from traffic control devices such as deceleration, queuing, stopping, and acceleration. Figure 13 shows typical delays associated with each Level of Service for intersections.

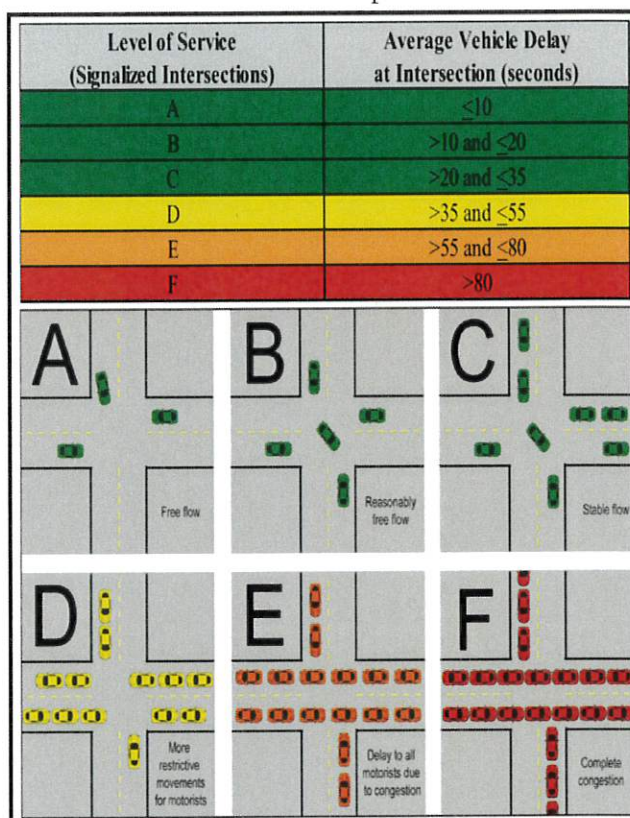


Figure 13: HCM LOS

The Highway Capacity Manual analysis for unsignalized intersections can project very high delays on the minor side street, thus it is recommended to use LOS measurements as a comparative tool rather than a design tool. The 95th percentile queue is the vehicle queue (backup) that has a 5% probability of being exceeded during the analysis period. At unsignalized intersections, p₀ (queue-free percent) is the probability of there being no backup.

SUMMARY OF SIMULATION MODELING PARAMETERS

The Q₉₅ is the greater of the queue reported by SYNCHRO or SIM TRAFFIC. The existing traffic volumes from the AM & PM peak hours were analyzed using existing lane configurations and traffic control conditions. Since existing turning movement count data had been collected, the existing peak hour factor (PHF) was used for analyzing existing conditions.

The capacity analysis (Synchro) reports for the existing conditions are in Appendix B.

THRESHOLDS FOR IDENTIFYING MITIGATIONS

The NCDOT's Driveway Manual provides the following guidelines for assessing intersection performance and needed mitigations.

“The applicant shall be required to identify mitigation improvements to the roadway network if at least one of the following conditions exists when comparing base network conditions to project conditions:

- the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same level of service, Policy on Street and Driveway Access to North Carolina Highways Page 22 July 2003
- The Level of Service degrades by at least one level,
- Or Level of Service is “F,” for turning lanes, mitigation improvements shall be identified when the analysis indicates that the 95th percentile queue exceeds the storage capacity of the existing lane. The District Engineer will be responsible for the final determination of mitigation improvements required to be constructed by the applicant.”

MEASURES OF EFFECTIVENESS

For ease of use, the operational and capacity analysis for each intersection is treated separately. Each intersection includes a table showing the morning and evening level of service, delay, and queuing for the background, build-out, and mitigation at that location.

LEVEL OF SERVICE

The Traffic Levels of Service (LOS) are reported using letters A, B, C, D, E, or F for each movement. LOS is a set of qualitative and quantitative measures used to evaluate the efficiency and effectiveness of traffic flow on roadways. They are commonly graded on a scale from "A" to "F," similar to a report

card, with "A" representing free-flowing traffic and minimal delays, and "F" indicating heavily congested conditions with significant delays.

DELAY

The Delay (in seconds) was calculated for the studied intersections by approach and lane movement for each of the existing, background, and build-out cases. The traffic volumes from the AM & PM peak hours were analyzed using existing lane configurations and traffic control conditions. The difference between the background and build cases is shown in the Difference column. Percent Change is included in the right-hand column and calculated as:

$$\%Change = \left(\frac{Difference}{Background\ Delay} \right) \times 100$$

Movements with a percent change in delay above twenty-five percent are shown highlighted in red.

QUEUEING

Queuing analyses were performed to determine the effect of the build-out traffic on intersection traffic queues. Turning movements at which the queues exceed the available storage are noted in the queuing table for each intersection.

ANALYSIS RESULTS

The next section of this report presents the analysis of each intersection and driveway. The intersection numbers are consistent with the numbers used in the Synchro analysis. Turn lane warrant analysis was completed for each site driveway.

NOTE: In some cases, the level of service may improve from the background case to full build-out. This is because the Synchro modeling system that is used randomizes the trip distribution to create real-world scenarios. Some intersections where no build-out traffic is added may improve the delay, therefore improving the level of service.

INTERSECTION 1: PLOTT CREEK RD & SULPHUR SPRINGS RD

The total delay increases by Pass Fail
25% or greater

Level of Service drops by at Pass Fail
least one letter grade

Queues for turn moves Pass Fail
exceed existing storage

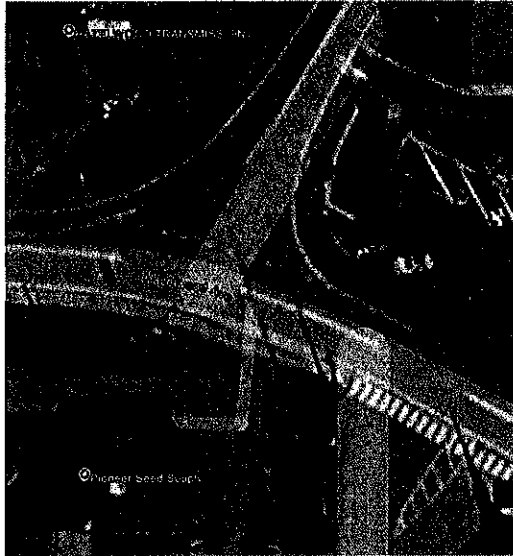


Figure 14: Plott Creek Rd & Sulphur Springs Rd

All approaches operate at the same level of service in background and build conditions with minimal increases in delay and queueing. No mitigations are recommended at this intersection.

Table 10: Intersection 1 - LOS & Percent Change in Delay

Intersection 1: Sulphur Springs Rd at Plott Creek Rd								
Background vs. Build-Out								
Period	Approach	LOS			Delay in Seconds			Percent Change
		Background	Build-Out	Build-out Change	Background	Build-Out	Change	Build-Out
AM	EB	A	A	NONE	4.9	4.8	-0.1	-2%
	WB	A	A	NONE	0	0	0	0%
	SB	B	B	NONE	11.7	11.9	0.2	2%
School PM	EB	A	A	NONE	4.5	4.4	-0.1	-2%
	WB	A	A	NONE	0	0	0	0%
	SB	B	B	NONE	12.4	12.4	0	0%
PM	EB	A	A	NONE	4.3	4.3	0	0%
	WB	A	A	NONE	0	0	0	0%
	SB	B	B	NONE	12.4	12.8	0.4	3%

Table 11: Intersection 1 – 95% Queue

Intersection 1: Sulphur Springs/Plott Creek Rd						
Period	Approach	Lane	Storage (ft)	Background Queue (ft)	Build-out Queue (ft)	Difference (ft)
AM	EB	Left/Thru	N/A	82	71	-11
	WB	Thru/Right	N/A	0	0	0
	SB	Left/Right	N/A	76	72	-4
SCH PM	EB	Left/Thru	N/A	85	77	-8
	WB	Thru/Right	N/A	0	0	0
	SB	Left/Right	N/A	81	80	-1
PM	EB	Left/Thru	N/A	66	70	4
	WB	Thru/Right	N/A	9	0	-9
	SB	Left/Right	N/A	88	85	-3

INTERSECTION 2: PLOTT CREEK RD & SCHOOL DRIVEWAY

The total delay increases by Pass Fail
25% or greater

Level of Service drops by at Pass Fail
least one letter grade

Queues for turn moves Pass Fail
exceed existing storage



Figure 15: Plott Creek Rd & School Drwy

All approaches operate at the same level of service in background and build conditions. The northbound left turn queues exceed the available storage in both background and build-out conditions. It is recommended that the turn lane is extended to 50' to accommodate for the background and build-out queuing. Since the queueing extends past available storage in background conditions and the Palisades at Plott Creek development is not planned to add any traffic to the affected movement, the mitigation would be the responsibility of the school.

Table 12: Intersection 2 - LOS & Percent Change in Delay

Intersection 2: School Driveway at Plott Creek Rd								
Background vs. Build-Out								
Period	Approach	LOS			Delay in Seconds			Percent Change
		Background	Build-Out	Build-out Change	Background	Build-Out	Change	Build-Out
AM	EB	A	A	NONE	0	0	0	0%
	WB	A	A	NONE	7.2	7.1	-0.1	-1%
	NB	B	B	NONE	10.7	10.9	0.2	2%
School PM	EB	A	A	NONE	0	0	0	0%
	WB	A	A	NONE	4.7	4.3	-0.4	-9%
	NB	A	A	NONE	9.7	9.7	0	0%
PM	EB	A	A	NONE	0	0	0	0%
	WB	A	A	NONE	1.1	1	-0.1	-9%
	NB	A	A	NONE	8.9	9.1	0.2	2%

Table 13: Intersection 2 – 95% Queue

Intersection 2: School Driveway/Plott Creek Rd						
Period	Approach	Lane	Storage (ft)	Background Queue (ft)	Build-out Queue (ft)	Difference (ft)
AM	EB	Thru/Right	N/A	13	9	-4
	WB	Left	100	66	84	18
	WB	Thru	N/A	0	0	0
	NB	Left	20	40	48	8
	NB	Right	N/A	80	84	4
SCH PM	EB	Thru/Right	N/A	0	0	0
	WB	Left	100	53	49	-4
	WB	Thru	N/A	0	0	0
	NB	Left	20	39	35	-4
	NB	Right	N/A	79	77	-2
PM	EB	Thru/Right	N/A	0	0	0
	WB	Left	100	24	18	-6
	WB	Thru	N/A	0	0	0
	NB	Left	20	30	30	0
	NB	Right	N/A	58	48	-10

INTERSECTION 3: PLOTT CREEK RD & WILL HYATT RD/PALISADES LN

The total delay increases by Pass Fail
25% or greater

Level of Service drops by at Pass Fail
least one letter grade

Queues for turn moves Pass Fail
exceed existing storage

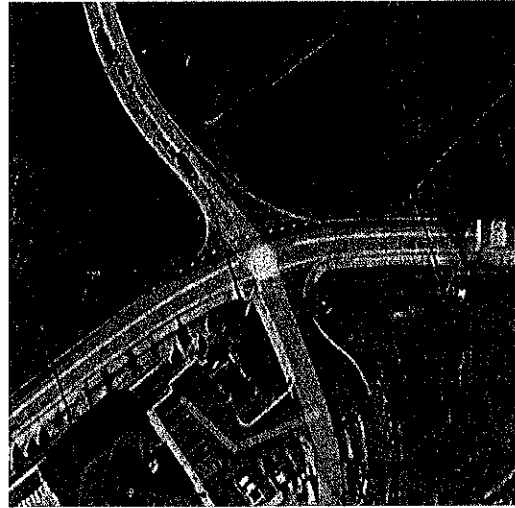


Figure 16: Plott Creek Rd & Will Hyatt Rd/Palisades Ln

All approaches are anticipated to operate at LOS A or B for the AM, PM, and School peak hours. The southbound approach drops from LOS A to LOS B in the school peak hour. The northbound approach drops from LOS A to LOS B in the PM peak hour. The westbound approach delay increases by over 25% in the AM and School PM peak hours but remains LOS A. The approach delays percentage increase is exaggerated by a small delay in background conditions and the 100% delay increase is increasing the total delay by less than a second.

All 95% queues are expected to be maintained within the provided driveway distance.

Warrants are not met for right or left turn lanes for the driveway with the projected trips generated for the development and the low through volumes on Plott Creek Road. A signal warrant was performed as requested by NCDOT. Warrants for a signal at the intersection of Plott Creek Road and Will Hyatt Road were not met.

Although isolated delay percentage increases and LOS changes were identified at Intersection 3, the study concludes that no operational deficiencies requiring mitigations improvements under NCDOT review criteria are anticipated due to the minimal delay increases, acceptable queue storage, and unsatisfied signal warrants.

Table 14: Intersection 3 - LOS & Percent Change in Delay

Intersection 3: Palisades Ln at Plott Creek Rd								
Background vs. Build-Out								
Period	Approach	LOS			Delay in Seconds			Percent Change
		Background	Build-Out	Build-out Change	Background	Build-Out	Change	Build-Out
AM	EB	A	A	NONE	2.9	2.8	-0.1	-3%
	WB	A	A	NONE	0.6	1.2	0.6	100%
	NB	B	B	NONE	10.1	10.3	0.2	2%
	SB	B	B	NONE	11.1	11.7	0.6	5%
School PM	EB	A	A	NONE	3.2	3.1	-0.1	-3%
	WB	A	A	NONE	0.8	1.7	0.9	113%
	NB	A	A	NONE	9.6	9.9	0.3	3%
	SB	A	B	DROP	9.9	10.4	0.5	5%
PM	EB	A	A	NONE	1.8	1.8	0.0	0%
	WB	A	A	NONE	2.2	2.7	0.5	23%
	NB	A	B	DROP	9.7	10.0	0.3	3%
	SB	B	B	NONE	10.0	10.5	0.5	5%

Table 15: Intersection 3 – 95% Queue

Intersection 3: Will Hyatt Rd/Palisades Ln/Plott Creek Rd						
Period	Approach	Lane	Storage (ft)	Background Queue (ft)	Build-out Queue (ft)	Difference (ft)
AM	EB	Lt/Th/Rt	N/A	14	25	11
	WB	Lt/Th/Rt	N/A	14	5	-9
	NB	Lt/Th/Rt	N/A	30	53	23
	SB	Lt/Th/Rt	N/A	51	60	9
SCH PM	EB	Lt/Th/Rt	N/A	24	19	-5
	WB	Lt/Th/Rt	N/A	0	20	20
	NB	Lt/Th/Rt	N/A	21	29	8
	SB	Lt/Th/Rt	N/A	56	61	5
PM	EB	Lt/Th/Rt	N/A	14	19	5
	WB	Lt/Th/Rt	N/A	26	25	-1
	NB	Lt/Th/Rt	N/A	26	30	4
	SB	Lt/Th/Rt	N/A	52	67	15

INTERSECTION 4: PLOTT CREEK RD & PHASE 2 ACCESS A

The total delay increases by Pass Fail
25% or greater

Level of Service drops by at Pass Fail
least one letter grade

Queues for turn moves Pass Fail
exceed existing storage

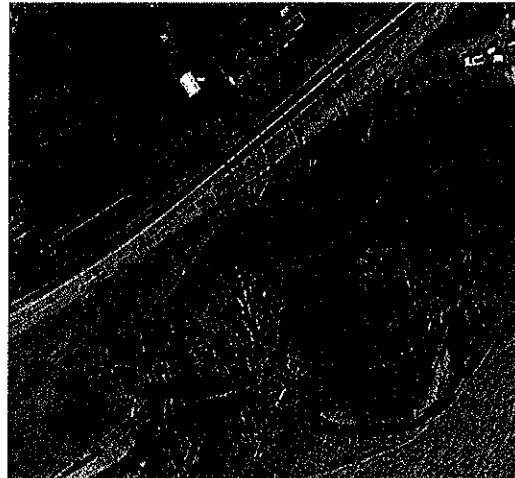


Figure 17: Plott Creek Rd & Access A

All approaches are anticipated to operate at LOS A for the AM, PM, and School peak hours. All 95% queues are expected to be maintained within the provided driveway distance.

Warrants are not met for right or left turn lanes for the driveway with the projected trips generated for the development and the low through volumes on Plott Creek Road.

The Engineer recommends no mitigation at this intersection.

Table 16: Intersection 4 - LOS & Percent Change in Delay

Intersection 4: Access A at Plott Creek Rd								
Background vs. Build-Out								
Period	Approach	LOS			Delay in Seconds			Percent Change
		Background	Build-Out	Build-out Change	Background	Build-Out	Change	Build-Out
AM	EB		A	N/A		0	0	N/A
	WB		A	N/A		0.6	0.6	N/A
	NB		A	N/A		9.1	9.1	N/A
School PM	EB		A	N/A		0	0	N/A
	WB		A	N/A		0.7	0.7	N/A
	NB		A	N/A		9.2	9.2	N/A
PM	EB		A	N/A		0	0	N/A
	WB		A	N/A		0.3	0.3	N/A
	NB		A	N/A		9.2	9.2	N/A

Table 17: Intersection 4 - 95% Queue

Intersection 4: Access A/Plott Creek Rd						
Period	Approach	Lane	Storage (ft)	Background Queue (ft)	Build-out Queue (ft)	Difference (ft)
AM	EB	Thru	N/A		0	0
	WB	Thru/Right	N/A		12	12
	NB	Left	N/A		12	12
SCH PM	EB	Thru	N/A		0	0
	WB	Thru/Right	N/A		31	31
	NB	Left	N/A		13	13
PM	EB	Thru	N/A		0	0
	WB	Thru/Right	N/A		0	0
	NB	Left	N/A		13	13

MITIGATION

This section discusses the proposed mitigations at each intersection and access point. If no mitigations are proposed, that too is noted.

INTERSECTION 1: PLOTT CREEK RD & SULPHUR SPRINGS RD

No mitigations needed at this intersection.

INTERSECTION 2: PLOTT CREEK RD & HAZELWOOD SCHOOL DWY

The northbound left turn queue exiting the school driveway exceeds the available storage length of 20' in background and build-out conditions. The Palisades at Plott Creek Phase 2 is not anticipated to add traffic to this approach, therefore the mitigation is the responsibility of the school.

INTERSECTION 3: PLOTT CREEK RD & WILL HYATT RD/PALISADES LN

The percent increase in delay and change in LOS met thresholds for mitigation. Analysis shows that the minimal change observed does not create any operational deficiencies on the roadway network to warrant mitigations. A signal warrant (see Appendix D) was performed at this intersection per NCDOT request. The signal was not warranted for the intersection, and no other mitigations are needed at this intersection.

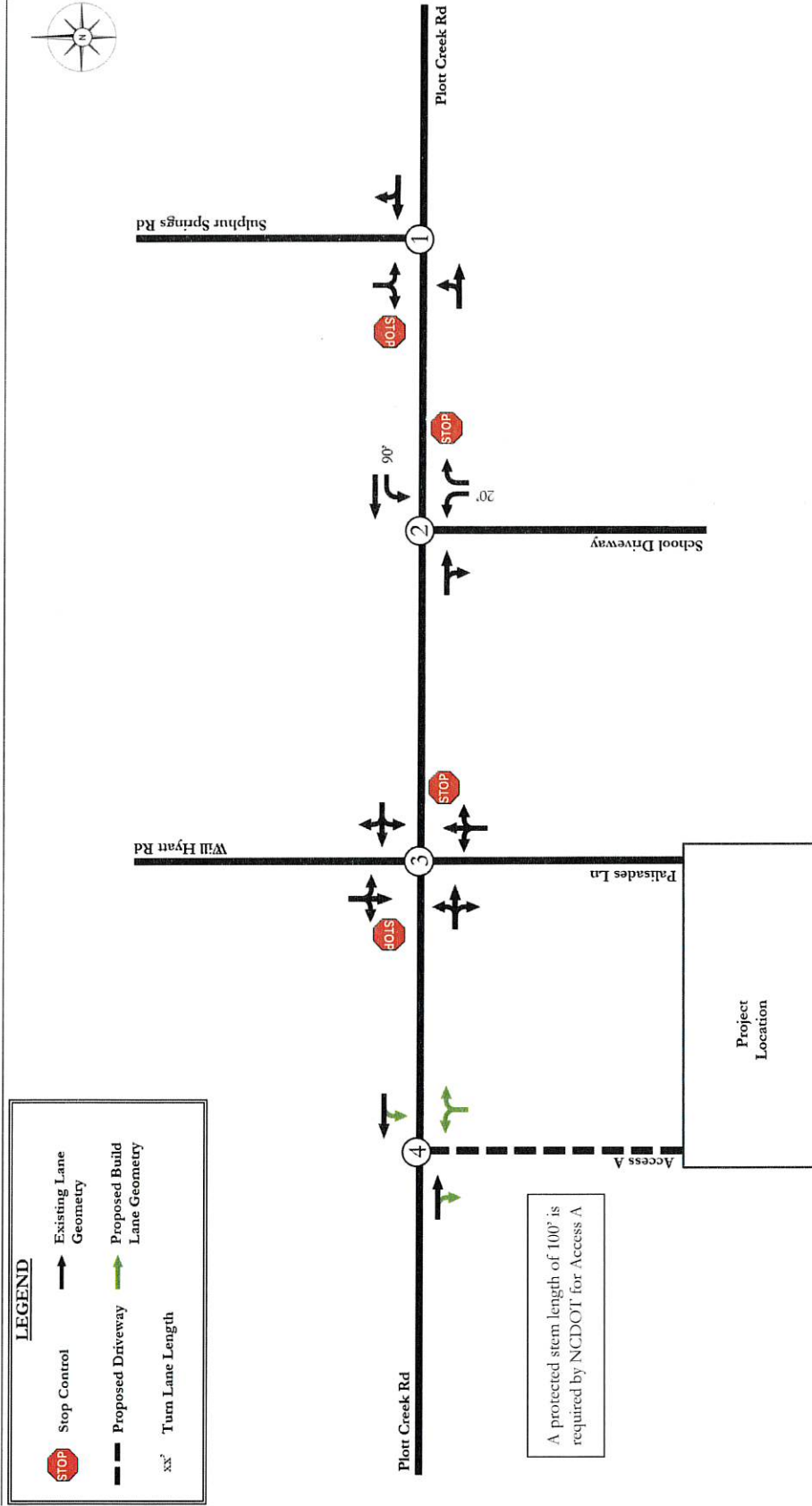
INTERSECTION 4: PLOTT CREEK RD & PHASE 2 ACCESS A

No mitigations needed at this intersection.

EFFECT OF THE PROJECT ON ALTERNATE MODES

The project will not affect alternative modes in the area.

Build (2027) Lane Geometry



A protected stem length of 100' is required by NCDOT for Access A

Figure 18: Recommended Lane Diagram

CONCLUSION

This Traffic Impact Analysis (TIA) evaluates the transportation impacts associated with Southwood Realty's proposed Palisades at Plott Creek Phase 2 residential development in Waynesville, North Carolina, with a projected build-out year of 2027. The analysis was conducted in coordination with the North Carolina Department of Transportation Division 14, District 2, and the Town of Waynesville, and is consistent with applicable agency requirements.

The proposed development is estimated to generate approximately 447 daily trips. Based on the analyses contained herein, including projected traffic operations at the study intersections, it is the opinion of J. M. Teague Engineering that the proposed Phase 2 development is not anticipated to result in a significant adverse impact on the surrounding roadway network, provided the development is constructed in accordance with the submitted site plans.

The northbound left turn queue at the school driveway extends past the available queue length which initiates a mitigation. The Palisades at Plott Creek Phase 2 is not planned to add to this movement and the mitigation is the responsibility of the school. Intersection 3, Will Hyatt Road at Plott Creek Road, met thresholds for mitigations due to percentage delay increases and decrease in level of service but was determined in the analysis that no operational deficiencies were present that would require mitigation. The percent increases in delay were determined to be exaggerated due to low existing delays and were determined to be operationally acceptable under build-out conditions.

At the request of the North Carolina Department of Transportation, a traffic signal warrant analysis was performed for the intersection of Plott Creek Road and Will Hyatt Road. The results of the analysis indicate that signal warrants are not satisfied at this location. Detailed signal warrant worksheets are provided in Appendix D.

NOTICE OF COMMUNITY MEETING

Dear Neighbor,

In accordance with the Town of Waynesville requirements, this letter is serving as notification that there will be a neighborhood informational meeting held to discuss a proposed land development within your community. You are being notified since you may own or reside at property within 600-700 feet of the potential development. The details of this meeting and project are as follows:

Meeting Information

What	Information meeting for Palisades at Plott Creek Phase 2 – a proposed project adjacent to Palisades Phase 1. A concept site plan is attached.
When	Monday, June 8, 2026 from 1 pm to 2 pm
Where	Palisades at Plott Creek Clubhouse 20 Palisades Lane Waynesville, NC 28786 Palisades at Plott Creek Clubhouse
Contact	G. Thomas Jones III, PE 828-687-7177 x303 tjones@wglc.com William Ratchford 704-869-6024 william.ratchford@southwoodrealty.com
Project Summary	Four (4) proposed multi-family residential buildings with 58 total units 3-story buildings, except Building #1 (closest to Plott Creek Road), which will be 2-stories on the road side. The existing home on Plott Creek Road is to remain. Property is 4.8 Acres +/-
Anticipated Level of Town Review	Planning Board (Special Use Permit)

Meeting Sign-In

Project: Plott Creek Phase 2

Meeting: Neighborhood Meeting

Date: 6/8/26

Name	Address
Tom Jones, PE	WGLA Engineering 724 5th Ave W Hendersonville
Thomas Jones, PE	724 5th Ave West, Hendersonville, NC 28739
CALVIN SPATT	724 5th Ave West, HENDERSONVILLE, NC, 28739
Jeff Ledford	165 S. Yocum Street, Gastonia, NC
Stephan Walker	17 Foxidhurst Ave., Asheville
Olle Grooman	9. S. Main St, Suite 110, Waynesville.
Seth Rogers	9. S. Main St, Suite 110 Waynesville
RAY MOODY	1266 PLOTT CREEK RD, WAYNESVILLE, NC
ERIC MORRISON	12 Sauthp Rd Waynesville
Alex Mumby	95 Main St, Waynesville
Tyler Anderson	9 S Main St, Waynesville

PALISADES AT PLOTT CREEK, PHASE 2
 NEIGHBORHOOD MEETING, 6/8/2026
 MEETING SUMMARY

Palisades at Plott Creek hosted an informal public meeting at 1:00 pm on Monday, June 8th, 2026 at the clubhouse at Palisades at Plott Creek located at 20 Palisades Lane. Letters were sent out previously to all property owners within approximately 600-700 feet of the apartment complex. A sample of the letter sent to the neighbors, distribution list, and meeting sign in sheet are attached to this summary.

Two neighbors attended the meeting. The neighbors in attendance raised several questions/concerns that are listed below *with responses italicized*:

- What are the residential densities of the zones for Phase 1 and Phase 2?
Phases 1 and 2 are under PC-NR allowing 10 units per acre and 16 units per acre with a special use permit (SUP). Phase 1 was 10 units per acre based on a 20 acre project area and Phase 2 proposes 10.8 units per acre.
- Will a clubhouse or similar amenity be added to the development?
The existing clubhouse and amenities from each phase will be available to the other phase.
- How many parking spaces will be provided per additional unit are planned?
93 spaces are required (1.5 per unit) per the city's ordinances; 107 spaces are being proposed (1.9 per unit).
- Are there plans to widen the adjacent or connecting roads to accommodate traffic from the existing development as well as the proposed?
Widening of the existing roads is not proposed and the TIA shows improvements are not required to the surrounding road network.
- Are there plans to construct a new access road to accommodate traffic that the complex has proposed?
This is outside the scope of the project, and not required per the TIA.
- Neighbor stated that there is significant impact from the apartment complex listing the examples of cleaning asphalt from his pasture, the Plott Creek Rd and Will Hyatt Rd intersection angle is poor, two accidents and pets struck near the intersection of the apartment complex.
- How much fill will be required as a part of the new construction?
Approximately 50,000 cubic yards of fill will be imported for Phase 2. This is approx. 70% of the amount brought in for Phase 1.

- What is the elevation difference from the pre-construction grade to now finished grade for Phase 1?
The elevation difference in the lower section of Phase 1 is generally 6 to 7 feet.
- How many trees will be removed as a result of the new construction?
The majority of the site is grassed and not wooded. There will not be a large quantity of trees removed. 7 large trees are proposed to remain along Plott Creek
- Where will the sewage infrastructure be installed and what is the planned destination for wastewater?
The wastewater for the proposed site will be tied into the existing sewage infrastructure from Phase 1. Town has confirmed that Waynesville has adequate capacity for the sewage from the proposed site.
- What portion of the property, including Phase 1, is developed versus undeveloped?
23 +/- acres of combined Phase 1 and Phase 2 is or will be developed while 23 +/- acres is undeveloped
- Where will people be able to access the cemetery from?
No cemetery has been encountered during the design or construction for Phase 1, or the design of Phase 2
- When is construction expected to begin?
Spring 2027
- What is the expected duration of construction
Approx. 2 years
- Neighbor stated concerns about the increase in population density and whether it aligns with the zoning requirements intended to benefit the local community. Concerns of impact on schools, hospital emergency room, and wait times at local restaurants
- Neighbor was interested in the census of people moving into the apartment and how long are they typically live there.

The meeting adjourned at approximately 1:45 pm.

**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 1399 Plott Creek 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: William Ratchford
Title and Company: VP, Southwood Realty Company
Address: P.O. Box 280, Gastonia, NC 28052
Phone and email: (704) 869-6024 william.ratchford@southwoodrealty.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 18th day of August, 2025.

Owner or Party with Contractual Interest in Property:



Address and phone number:

Herman E. Ratchford, Jr

Triangle Real Estate of Gastonia, Inc.

P.O. Box 4158, Gastonia, NC 28053

(704) 866-4675

**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 1399 Plott Creek 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: Jeff Ledford

Title and Company: Project Manager, Southwood Realty Company

Address: P.O. Box 280, Gastonia, NC 28052

Phone and email: (704) 678-3930 jeff.ledford@southwoodrealty.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 18th day of August, 2025.

Owner or Party with Contractual Interest in Property:



Address and phone number:

Herman E. Ratchford, Jr

Triangle Real Estate of Gastonia, Inc.

P.O. Box 4158, Gastonia, NC 28053

(704) 866-4675

**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 1399 Plott Creek 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: G. Thomas Jones III, PE

Title and Company: Principal/Project Manager WGLA Engineering, PLLC

Address: 724 5th Avenue West, Hendersonville, NC 28739

Phone and email: (828) 687-7177 x303 tjones@wgl.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 18th day of August, 2025.

Owner or Party with Contractual Interest in Property:



Address and phone number:

Herman E. Ratchford, Jr

Triangle Real Estate of Gastonia, Inc.

P.O. Box 4158, Gastonia, NC 28053

(704) 866-4675

**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 1399 Plott Creek 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: G. Thomas Jones IV, PE

Title and Company: Project Engineer

Address: 724 5th Avenue West, Hendersonville, NC 28739

Phone and email: (828) 687-7177 x307 gtj4@wvla.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 18th day of August, 2025.

Owner or Party with Contractual Interest in Property:



Address and phone number:

Herman E. Ratchford, Jr

Triangle Real Estate of Gastonia, Inc.

P.O. Box 4158, Gastonia, NC 28053

(704) 866-4675

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 05/27/26 CUSTOMER#:
TIME: 16:19:14
CLERK: 2044ecou

RECPT#: 3334467 PREV BAL: 1460.00
TP/YR: P/2026 AMT PAID: 1460.00
BILL: 3334467 ADJSTMNT: .00
EFF DT: 05/27/26 BAL DUE: .00
Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 1460.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 1460.00
AMT APPLIED: 1460.00
CHANGE: .00

PAID BY: CIP Wyn Plan Review & SUP
PAYMENT METH: CHECK
PAYMENT REF: 20027

TOT PREV BAL DUE: 1460.00
TOT BAL DUE NOW : .00

Report For

TRIANGLE REAL ESTATE OF GASTONIA INC
PO BOX 4158
GASTONIA, NC 28054-0042

Account Information

PIN: 8605-32-8929
Deed: 1055/1204
1055/1201
1141/821
CABD/1684

Site Information

DWELLING

1415 PLOTT CREEK RD WAYNESVILLE NC 2

Heated Area: 1886
Year Built: 2013
Total Acreage: 5.39
Township: Town of Waynesville

Site Value Information

Land Value: \$82,300
Building Value: \$285,400
Market Value: \$367,700
Deferred Value: \$0
Assessed Value: \$367,700
Sale Price: \$420,000
Sale Date: 02/13/2022
Tax Bill 1: \$2,365
Tax Bill 2: \$2,365



1 inch = 200 feet
May 28, 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.

Report For

TRIANGLE REAL ESTATE OF GASTONIA INC
PO BOX 4158
GASTONIA, NC 28054-0042

Account Information

PIN: 8605-32-8929
Deed: 1055/1204
1055/1201
1141/821
CABD/1684

Site Information

DWELLING

1415 PLOTT CREEK RD WAYNESVILLE NC 2

Heated Area: 1886
Year Built: 2013
Total Acreage: 5.39
Township: Town of Waynesville

Site Value Information

Land Value: \$82,300
Building Value: \$285,400
Market Value: \$367,700
Deferred Value: \$0
Assessed Value: \$367,700
Sale Price: \$420,000
Sale Date: 2/14/2022
Tax Bill 1: \$2,365
Tax Bill 2: \$2,365



1 inch = 667 feet
June 10, 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.

Report For

TRIANGLE REAL ESTATE OF GASTONIA INC
PO BOX 4158
GASTONIA, NC 28054-0042

Account Information

PIN: 8605-32-8929

Deed: 1055/1204

1055/1201

CABD/1684

CABD/184

Site Information

DWELLING

1399 PLOTT CREEK RD

Heated Area: 1886

Year Built: 2013

Total Acreage: 5.39

Township: Waynesville Out

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 2/14/2022

Tax Bill 1:

Tax Bill 2:

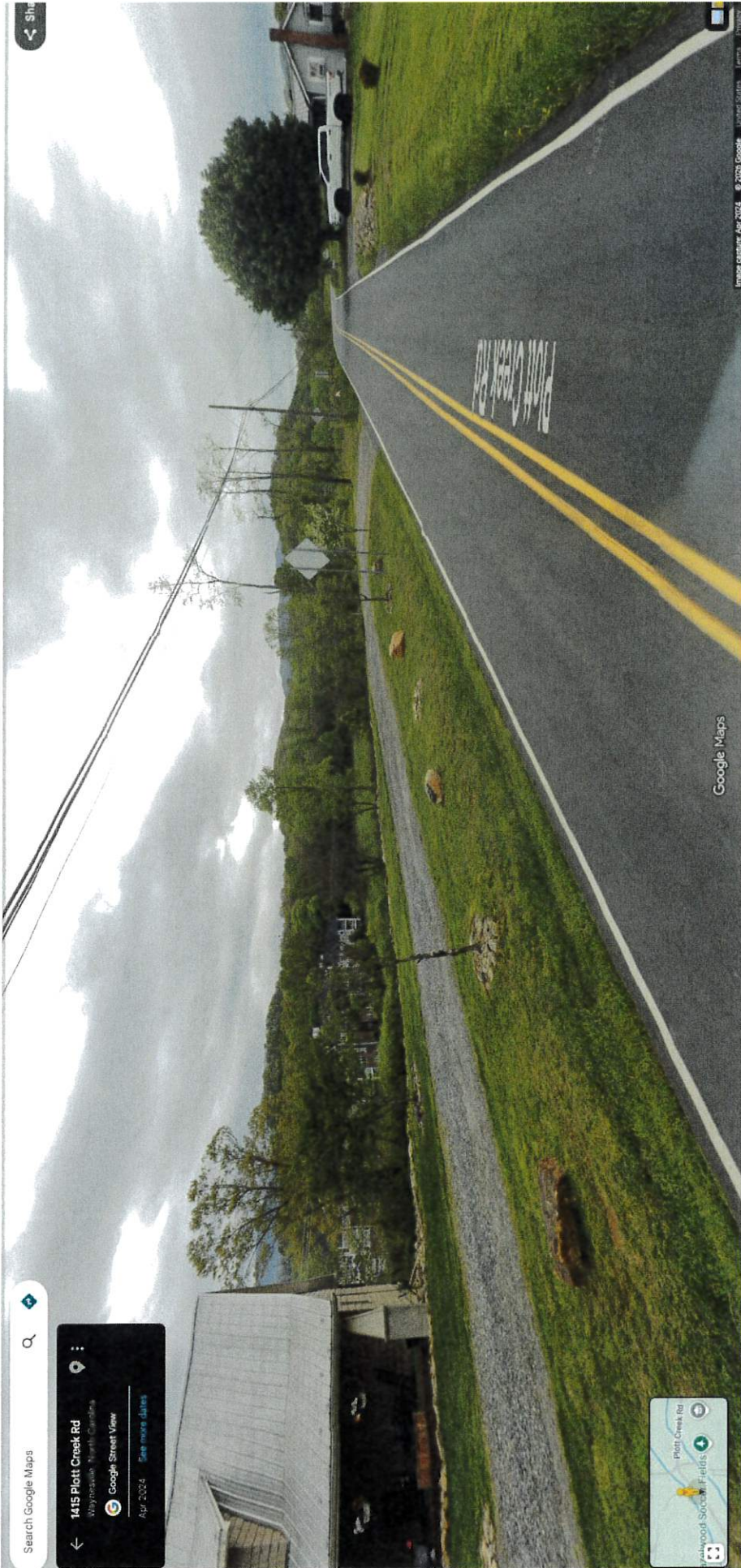


1 inch = 200 feet

October 3, 2025

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.

Google Chrome isn't your default browser [Set as default](#)



Search Google Maps

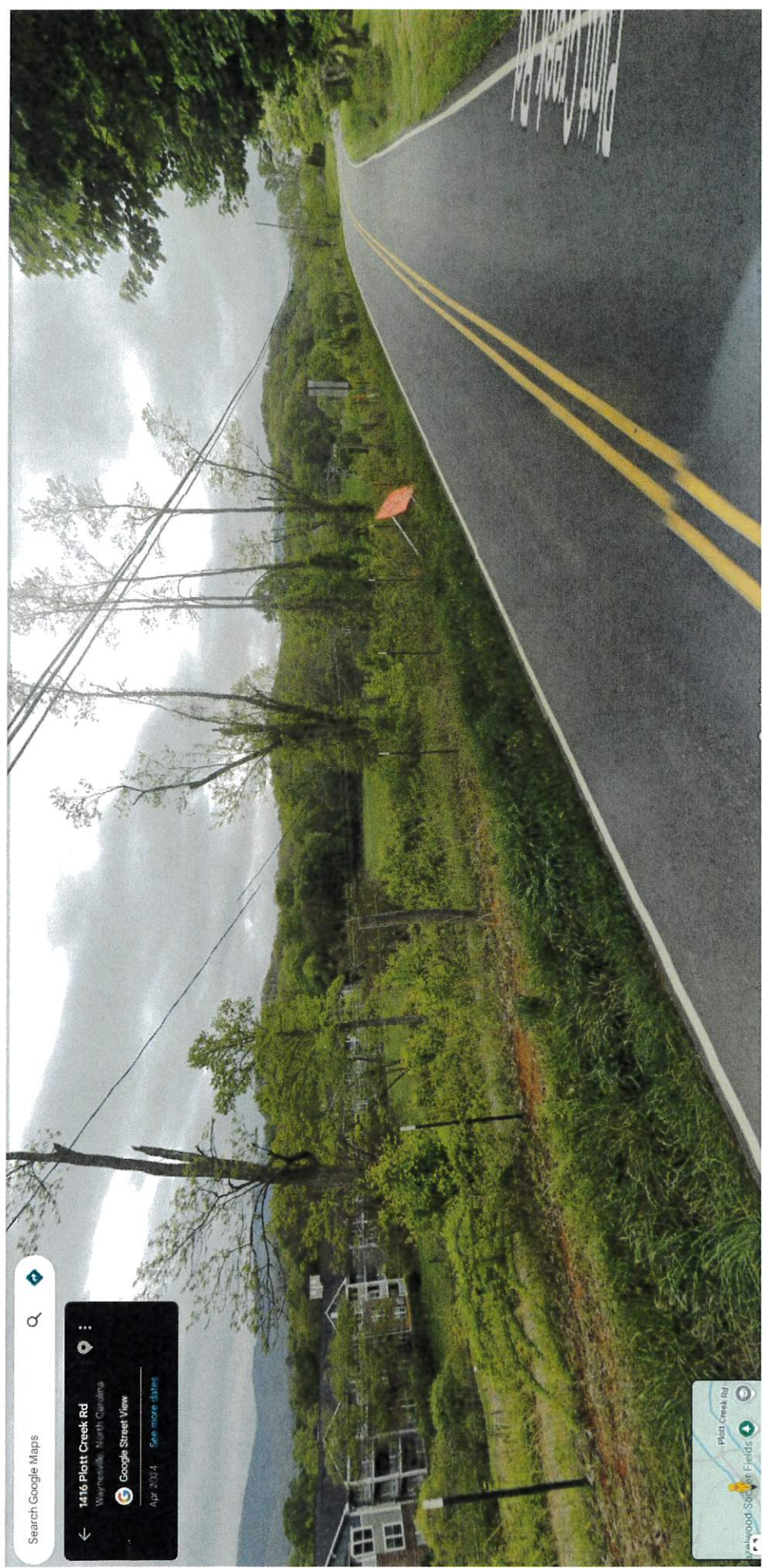
← 1415 Platt Creek Rd
Waynesville, North Carolina
Google Street View
Apr 2024 See more dates



Google Maps

Image captured Apr 2024 © 2020 Google, United States, Terms, Privacy

Google Chrome isn't your default browser [Set as default](#)



Search Google Maps

1416 Plott Creek Rd
Waynesville, North Carolina
Google Street View
Apr 2024 See more dates

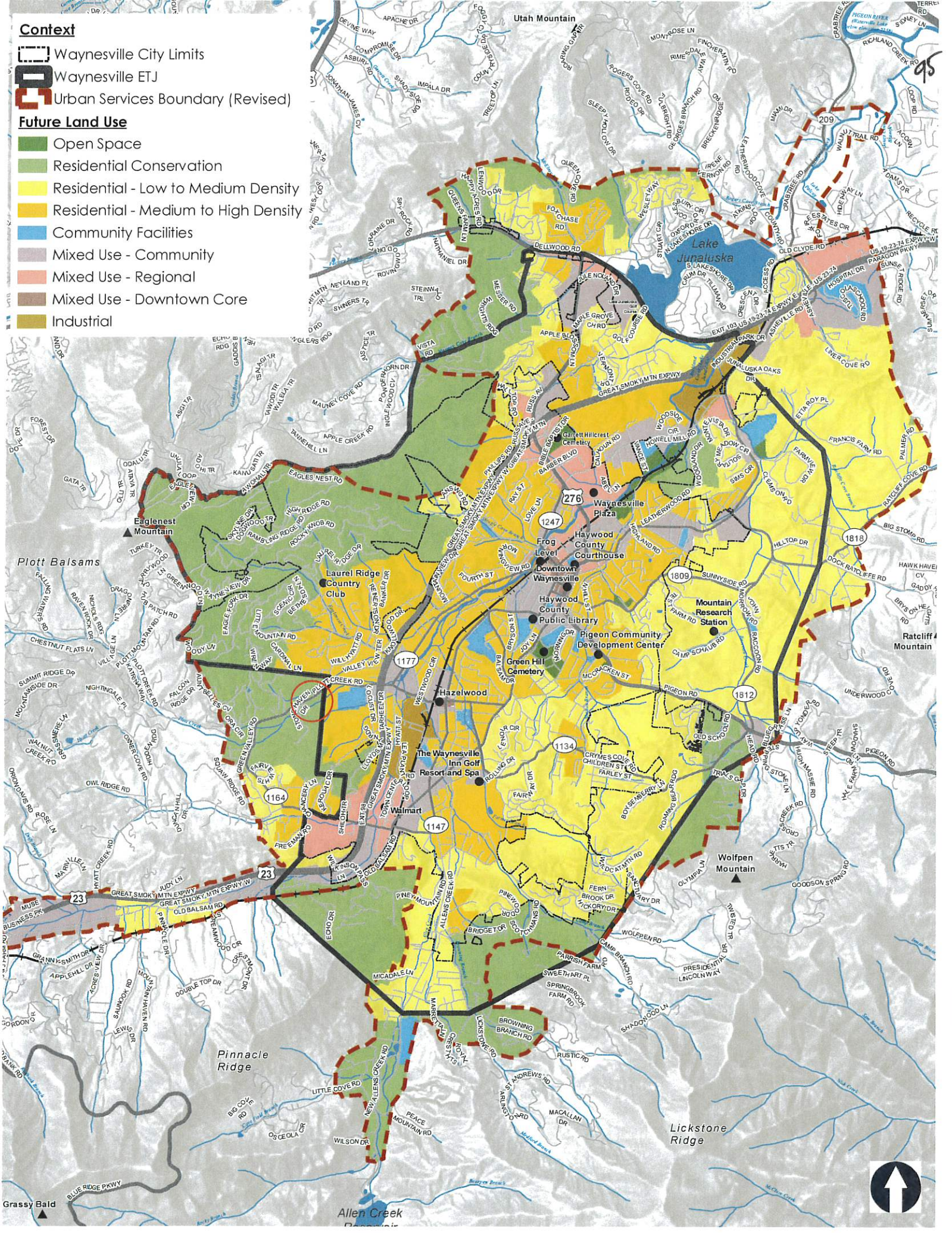
Plott Creek Rd
Waynesville, North Carolina
Waynesville Soccer Fields

Context

- Waynesville City Limits
- Waynesville ETJ
- Urban Services Boundary (Revised)

Future Land Use

- Open Space
- Residential Conservation
- Residential - Low to Medium Density
- Residential - Medium to High Density
- Community Facilities
- Mixed Use - Community
- Mixed Use - Regional
- Mixed Use - Downtown Core
- Industrial





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

May 29, 2026

Notice of Public Hearing for a Special Use Permit Request Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, June 15, 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.

PLOTT, WILLIAM GEORGE
EDWARDS, PATRICIA GAIL
6153 GREEN HOLLOW CT
SPRINGFIELD, VA 22152

HAYWOOD COUNTY CONSOLIDATED
1230 N MAIN ST
WAYNESVILLE, NC 28786

TRIANGLE PALISADES AT PLOTT CREEK LLC A NC
LLC
165 S YORK ST
GASTONIA, NC 28052

STONE HAVEN FARMS ESTATE LLC
PO BOX 456
HAZELWOOD, NC 28738

WOLFORD, LAURA E
1584 PLOTT CREEK RD
WAYNESVILLE, NC 28786

TRIANGLE REAL ESTATE OF GASTONIA INC
PO BOX 4158
GASTONIA, NC 28054

PLOTT, MONTRAVILLE VON
PLOTT, JULIA ANN
1370 PLOTT CREEK RD
WAYNESVILLE, NC 28786

PLOTT, MONTRAVILLE VON
1416 PLOTT CREEK RD
WAYNESVILLE, NC 28786

PLOTT, JULIA ANN
PLOTT, LINDA S
1366 PLOTT CREEK RD
WAYNESVILLE, NC 28786

JORDAN, FLORA J
SINGLETON, PATRICIA A
400 WILL HYATT RD
WAYNESVILLE, NC 28786

SMITH, SUSAN
400 WILL HYATT RD
WAYNESVILLE, NC 28786

LAUREL RIDGE GOLF CLUB LLC A NC LLC
416 STONE HAVEN DR
WAYNESVILLE, NC 28786

EAGLE POINT COMMON AREA OWNERS
C/O MARJORIE BOGART
527 CARDINAL LN
WAYNESVILLE, NC 28786

DANCE, ESTHER B
TIEDEMAN, CAROLE B
2000 N OCEAN BLVD APT 201
BOCA RATON, FL 33431

PERSONS, FREIDA H
PERSONS, ROBERT
497 CARDINAL LN
WAYNESVILLE, NC 28786

HARVEY, C FRANKLIN JR
HARVEY, SHIRLEY A
521 CARDINAL LN
WAYNESVILLE, NC 28786

CORENA DUSEK REV TRUST
2701 PEBBLE DR
CORONA DL MAR, CA 92625

GIFFORD, ERIC SHELDON
GIFFORD, ANGELA CHRISTA
2833 BANYAN BOULEVARD CIR NW
BOCA RATON, FL 33431

ROWLAND, WILLIAM
ROWLAND, LORI ANNE
1590 SW 6TH AVE
BOCA RATON, FL 33486

SILAS, DAVID K/TR
SILAS, KAREN C/TR
25 SANDTRAPP RD
WAYNESVILLE, NC 28786

PHOENIX REAL ESTATE LLC
PO BOX 456
HAZELWOOD, NC 28738

CALDWELL, TERRY LYNN
443 WILL HYATT RD
WAYNESVILLE, NC 28786

MOODY, GAIL CALDWELL
MOODY, THOMAS RAY
1266 PLOTT CREEK RD
WAYNESVILLE, NC 28786

HOLLIFIELD, KENNETH E
HOLLIFIELD, SARAH B
1228 PLOTT CREEK RD
WAYNESVILLE, NC 28786

MORRISON, ERIC S
12 SANDTRAP RD
WAYNESVILLE, NC 28786

BEARS RUN LLC A NC LLC
11424 JOHN ALLEN RD
RALEIGH, NC 27614

MOODY, GAIL CALDWELL
MOODY, THOMAS RAY
1266 PLOTT CREEK RD
WAYNESVILLE, NC 28786

HOLLIFIELD, SARAH
HOLLIFIELD, KENNETH
1228 PLOTT CREEK RD
WAYNESVILLE, NC 28786



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: May 31 and June 7 (Sunday) editions

Date: May 28, 2026

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing for a Special Use Permit Request Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, June 15, 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.

From: [Candace Poolton](#)
To: [Media Contacts](#)
Subject: Waynesville Planning Board-Public Hearing Notices
Date: Monday, June 1, 2026 8:34:15 AM

Notice of Public Hearing for a Special Use Permit Request-Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, June 15, 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 Public Hearing-Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, June 15, 2026, at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider text amendments to the Flood Damage Prevention Ordinance, Land Development Standards 12.3 and 17.5.

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.

Candace Poolton, CMC | Town Clerk/Assistant to the Manager/PIO
Town of Waynesville, NC
16 S. Main Street | PO Box 100 | Waynesville, NC 28786
(o) 828.452-2491 | (f) 828.456.2000
cpoolton@waynesvillenc.gov | www.waynesvillenc.gov

Property was posted
on 5-29-2026



Planning Board Staff Report
Administrative Review of the Single-Family Development on the Protected Mountain Ridge

Meeting Date: June 15 15, 2026
Subject: Development on the Protected Mountain Ridge
Project: Single-family dwelling
Location: 21.35-acre property at 209 Shining Rock Trail, Waynesville, NC 28786
(PIN 8606-51-0861)
Zoning District: Eagles Nest Residential Low Density (EN-RL)
Owner: Kimberle Warren, Jennifer Elmore
Authorized Agent: Emily Clark
Presenter: Olga Grooman, Assistant Development Services Director

Recommended Motion:

1. Motion to approve /approve with conditions / deny the development.

Background:

The applicant intends to construct a 3,057 square-foot (heated area) residence on the property located at 209 Shining Rock Trail, Waynesville, NC 28786. The parcel is approximately 21.35 acres and currently contains an existing 1,480-square-foot (heated area) single-family dwelling. The property owners intend to construct a new residence within the previously cleared area of the property, near the existing circular driveway and across from the existing residence. Upon completion, the new residence will serve as the primary dwelling on the property, while the existing residence will be retained and used as a guest house.

The property lies within the Eagles Nest Residential Low Density (EN-RL) zoning district, inside the Town of Waynesville corporate limits. The lot sits on the edge of the Town's jurisdiction, with Haywood County properties located directly to the north.

The property falls under the definition of the "Protected Mountain Ridge," as defined in North Carolina General Statute 113A-206:

"Protected mountain ridges are all mountain ridges whose elevation is 3,000 feet and whose elevation is 500 or more feet above the elevation of an adjacent valley floor."

"Ridge means the elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest."

"Crest means the uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations."

In other words, a ridge is the long, elevated landform with crests, while a crest is the uppermost line or point of that landform.

The property is located along the ridge with the elevation of approximately 4,280 ft in the north-central portion of the lot, sloping downward on all sides. Aside from the central portion, most of the property contains steep slope on all sides, as shown on the attached topographic maps.

The nearest valleys to this ridge are:

- The valley within the Town of Maggie Valley, approximately 1.5 miles northwest. The valley has approximate elevations between 2,750-2,800 ft. It is more than 1,500 ft lower than the subject property.
- The valleys in Plott Creek and Sulphur Springs areas of the Town of Waynesville are approximately 1.5 miles southeast with the elevations approximating between 2,720-2,850 ft. The elevations of these valleys are also at least 1,500 ft lower than the subject ridge.

Per Waynesville Land Development Standards (LDS) section 12.7.D, “**All applications for development on Protected Mountain Ridges shall be approved by the Planning Board** only after finding that the proposed development has given adequate consideration to protecting the natural beauty of the mountains...” Developments on the protected mountain ridges are subject to additional review standards, including but not limited to height limitations, design compatibility, infrastructure, and fire access.

Project Overview:

The proposal is a minor site plan for a two-story, 2-bedroom single-family dwelling with a basement. The total heated area of the house is 3,057 sq ft, and there is a 475-square-foot unheated attached garage. The proposed residence has a maximum building height of approximately 34 feet measured from the top of the foundation to the highest point of the roof. The footprint of the proposed residence is approximately 2,950 square feet, and the new concrete drive/walkway will have a footprint of 1,300 square feet (p. 3 of the application narrative).

Under LDS 17.3, a single-family dwelling is defined as:

“**Dwelling—Single-Family.** A free-standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code”.

This review follows the administrative process— **an objective evaluation** (LDS 15.8.1.A-B). The Planning Board serves as the *Administrator* and will “approve or deny the application based on compliance with land development standards” (LDS 15.8.1.E). If the application is approved, the applicant will have 2 years to obtain a building permit. Extensions are possible, in accordance with the LDS 15.8.1.I.

Staff Review Comments:

The property has average slope of 38.8%. Because it has a natural elevation >2,900 ft and a slope of 38.8%, it is subject to the following steep slope limitations of the Land Development Standards (LDS) Section 12.6:

- Maximum density permitted: 4 acres per dwelling unit. The proposed house will be the second residence on the 21.35-acre lot. Therefore, it is compliant.
- Maximum disturbed area of the site permitted: 25%, or 5.34 acres. Total proposed disturbed area is 6,410 sq ft, or 0.7% of the site.
- Maximum impervious area of the site permitted: 20%, or 4.27 acres. The total proposed impervious area (counting existing and new development) is 0.52 acre, or 2.4%.

The LDS ordinances provide a specific checklist that the Planning Board must consider when reviewing the proposed development on the Protected Mountain Ridge (LDS 12.7):

1. LDS 12.7.1.A: "No person may construct a **Tall Building or Structure** on any Protected Mountain Ridge."

The NC GS 113A-206 provides the following definition:

"Tall buildings or structures include any building, structure or unit within a multiunit building with a **vertical height of more than 40 feet measured from the top of the foundation of said building, structure or unit and the uppermost point of said building, structure or unit;** provided, however, that where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side of the slope of a ridge exceeds 3 feet, then such measurement in excess of 3 feet shall be included in the 40-foot limitation described herein; **provided, further, that no such building, structure or unit shall protrude at its uppermost point above the crest of the ridge by more than 35 feet.**"

The proposed residence has a maximum building height of approximately 34 feet measured from the top of the foundation to the highest point of the roof. The highest point of the structure is approximately 22 feet 4 inches above the crest of the ridge.

2. Per LDS 12.7.1.C-D, the application must show:
 - **"Cross sectional profiles of all principal buildings as proposed to be sited on the property and the property showing existing and the proposed post-grading profile drawn perpendicular to the direction of the slope."** The applicant has provided rear, front, and side elevations of the building, illustrating its proposed placement on the slope. Additionally, the Erosion Control Plan shows a top-down view of the house's placement on the lot.
 - **"If individual wells and/or septic tanks are to be utilized, a written statement from Haywood County Health Department indicating approval of wells and/or septic tanks for use in the development."** The application materials include the Utilities Letter from the Town of Waynesville Public Works stating that the Town can provide water services to the lot. A water meter is already installed at the entrance to the property, and the water main adjacent to the property is a 6-inch line.

There is an existing septic system that was installed in 2008 on site, and it will be utilized for the proposed dwelling. The system is approved to serve up to five bedrooms. The existing dwelling has one bedroom, and the proposed dwelling will have two (2) bedrooms. The Septic Permit by the Haywood County Development Services is included in the agenda packet.

Electric service will be provided by Duke Energy.

- **"Documentation of an approved Sedimentation and Erosion Control Plan."** The attached application materials include the Erosion Control Plan and approved Land Disturbing Permit by the Town of Waynesville. The proposed disturbance is 6,410 sq ft.
- **A letter or approval from the fire department with jurisdiction indicating the adequacy of the development facilities for emergency medical and fire services. Such determination shall take into consideration the street access, water pressure and availability, building height, and any other relevant factors.** Attached to the application materials is the letter by the Town of Waynesville Fire Marshall stating that the property is approximately 3.7 miles away from the Fire Station 2 located at 280 Georgia Avenue in Waynesville. The letter further states that "The primary access route is via Eagles Nest Road, a paved two-lane roadway that provides adequate access for responding fire apparatus." The closest fire hydrant is located within 1,400 ft of the residence at the intersection of Semeion Ridge and Shining Rock Trail.

- Additionally, the property owners coordinated with the Fire Marshall and agreed to widen the existing 20-ft driveway to 35 ft at two switchback locations to ensure the driveway is suitable for emergency access, as indicated on the Erosion Control Plan and application narrative.
- **“The development plan preserves natural vegetation and scenic features such as outcroppings to the maximum extent possible”** In the application materials, the applicant submits:
 - “The proposed primary structure is located on the same previously disturbed building pad and bench area as a former structure damaged by fire and subsequently demolished.
 - No perennial streams, intermittent streams, or drainages were identified within the proposed development area.
 - Project design intentionally minimizes disturbance to the existing mountain environment through:
 - Reuse of the existing developed bench area
 - Preservation of all existing tree canopy
 - No proposed clearing of wooded areas
 - Minimal grading beyond localized basement excavation
 - Balanced cut and fill operations
 - Preservation of existing natural vegetation surrounding the development area
 - No vegetation will be disturbed within the project area.”
- **“The development plan sites the proposed development in a way to minimize its visual impact and land disturbance.”** The development will preserve the existing vegetation, offers a compatible design of the residence, and minimizes grading on the slopes.
- **“The development plans use architectural design, colors and materials that blend well with or are compatible with the natural beauty of the Protected Mountain Ridge.”** The submitted documents include building elevations with materials and colors. The emphasis is on “natural tones, durable materials, and compatibility with the surrounding landscape.”

From the application materials:

ELEMENT	PRODUCT / TYPE	FINISH / APPLICATION	COLOR / SPECIFICATION
Siding, Trim, Fascias & Stucco	Semi-Solid Stain	Semi-Solid	Spanish Moss
Windows	Dark Brown Clad	—	Dark Brown
Garage Doors	Stained Wood	Stained	Dark Oak
Timber Columns & Brackets	Stained Heavy Timber	Stained	Dark Oak
Timber Beams	Stained Heavy Timber	Stained	Dark Oak
Exterior Ceilings	T&G Wood or Painted	Semi-Transparent	Chestnut
Dry Stack / Foundation	Native Stone	Natural	Native / Regional Stone
Roof Shingles	Architectural Shingle	Dimensional	Weathered Wood
Metal Accents	Standing Seam Metal	Factory Finish	Bronze

- “The development plan minimizes land disturbing activities including the area disturbed and the height of cut and fill slopes to the maximum extent practical.” The extent of the proposed disturbance is 0.7% of the site. The total impervious area upon completion, including the existing drive and residence is 0.52 ac. Both the disturbance and impervious area fall substantially below the permitted limits of disturbance. This is because the owners will use the flattest and already cleared portion of the property for the construction of the new residence.

Based on the submitted documentation, this site plan is compliant with the NC GS Article 14-Mountain Ridge Protection and the Town of Waynesville Mountain Ridge Protection regulations of the LDS. The plan also shows compliance with other requirements of the Eagles Nest Residential Low-Density District (LDS 2.4.1, 4.4, 9.8.3, 4.5.2):

- The 21.35-ac lot exceeds the minimum lot size requirement of 0.5 ac in EN-RL district.
- The lot is approximately 500 ft wide, which exceeds the minimum lot width of 60 ft in EN-RL.
- EN-RL requires 20% of the lot to remain as **pervious** (green). The application narrative indicates that the new impervious surface on site will be 2.4%, and that includes the existing and new residence, existing asphalt drive, and a walkway. Therefore, approximately 97.6% of the lot will remain as pervious, which is compliant.
- EN-RL required front and rear setbacks are 20 ft, side setback from adjacent lot is 10 ft, and the setback between structures is 15 ft (10 ft min.). The proposed placement of the house exceeds the required setbacks.
- The EN-RL allows a maximum building height of 3 stories measured from the highest adjacent grade to the top of a flat roof or the peak of a sloped roof. The proposed residence is two story with a sloped roof.
- The minimum spacing between the driveways in EN-RL is 40 ft. The existing driveway is compliant.
- The lots over 5 acres are allowed to have three (3) accessory dwelling units that can be placed in any yard of the property. The proposed site is compliant as it will only have a primary and a secondary residence, both located in the central portion of the 21.35-acre lot.

Purpose and Intent by Zoning District (LDS Chapter 2):

The property is located within the Eagles Nest Residential Low Density (EN-RL) zoning district and lies within the Town of Waynesville corporate limits. It sits on the edge of the Town’s jurisdiction and is surrounded to the north by large-acreage parcels located in Haywood County. The abutting properties to the west, south, and east are also large lots, and there are only four (4) residences in close proximity- one to the west at 51 Shining Rock Trail and three to the southwest at 2666 Eagles Nest Road, 2619 Eagles Nest Road, and 2752 Eagles Nest Road.

This area is characterized by low density, large-lot developments. The proposed second single-family dwelling on the 21.35-acre parcel remains consistent with the district’s purpose and intent (LDS 2.3.1.B):

The Eagles Nest Residential—Low Density District (EN-RL) is a rural district characterized by beautiful views afforded by steep terrain. Water service is available throughout much of the area, but sewer service is limited. Future development shall be sensitive to the terrain with grading minimized through the use of good design, clustered development and large lot development. Clear cutting for views is unacceptable; appropriate trimming of trees for vistas is preferred. As this is an area dominated by private development, it will be important in the future to acquire public park land especially at elevations exceeding three thousand (3,000) feet above mean sea level. Land conservation easements are encouraged. Possible road connections shall be evaluated as new streets are constructed in an effort to improve connectivity without jeopardizing the natural beauty of the area. Sidewalks are not required except in major residential developments due to the rural mountain character of the district.

Staff Comment:

Staff submits that the proposed development on the protected mountain ridge meets the Town of Waynesville Land Development Standards. Staff recommends that the Board approve this application.

If any changes occur during construction, the developer shall resubmit a revised site plan to staff for review and approval.

Attachments:

- LDS 12.6- Hillside Protection and 12.7- Mountain Ridge Protection
- NC GS Article 14- Mountain Ridge Protection
- Application materials: building elevations, site images, project description narratives, septic approval, Land Disturbing Permit, payment
- Property maps
- Utilities Letter by Waynesville Public Services
- Letter by Waynesville Fire Marshall
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference

Article 14.

Mountain Ridge Protection.

§ 113A-205. Short title.

This Article shall be known as the Mountain Ridge Protection Act of 1983. (1983, c. 676, s. 1.)

§ 113A-206. Definitions.

Within the meaning of this Article:

- (1) The word "person" includes any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.
- (2) A person, as defined in this section, doing business or maintaining an office within a county is a resident of the county.
- (3) "Tall buildings or structures" include any building, structure or unit within a multiunit building with a vertical height of more than 40 feet measured from the top of the foundation of said building, structure or unit and the uppermost point of said building, structure or unit; provided, however, that where such foundation measured from the natural finished grade of the crest or the natural finished grade of the high side of the slope of a ridge exceeds 3 feet, then such measurement in excess of 3 feet shall be included in the 40-foot limitation described herein; provided, further, that no such building, structure or unit shall protrude at its uppermost point above the crest of the ridge by more than 35 feet. "Tall buildings or structures" do not include:
 - a. Water, radio, telephone or television towers or any equipment for the transmission of electricity or communications or both.
 - b. Structures of a relatively slender nature and minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or windmills.
 - c. Buildings and structures designated as National Historic Sites on the National Archives Registry.
- (4) "Construction" includes reconstruction, alteration, or expansion.
- (5) "Ridge" means the elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain, and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest.
- (6) "Protected mountain ridges" are all mountain ridges whose elevation is 3,000 feet and whose elevation is 500 or more feet above the elevation of an adjacent valley floor; provided, however, that a county, or a city with a population of fifty thousand (50,000) or more, may elect to eliminate the requirement for an elevation of 3,000 feet, and such election shall apply both to an ordinance adopted under G.S. 113A-208 and the prohibition against construction under G.S. 113A-209; provided, further, that such ordinance shall be adopted pursuant to the procedures of G.S. 113A-208.
- (7) "Crest" means the uppermost line of a mountain or chain of mountains from which the land falls away on at least two sides to a lower elevation or elevations. (1983, c. 676, s. 1; 1985, c. 713, s. 1.)

§ 113A-207. Legislative findings.

The construction of tall or major buildings and structures on the ridges and higher elevations of North Carolina's mountains in an inappropriate or badly designed manner can cause unusual problems and hazards to the residents of and to visitors to the mountains. Supplying water to, and disposing of the sewage from, buildings at high elevations with significant numbers of residents may infringe on the ground water rights and endanger the health of those persons living at lower elevations. Providing fire protection may be difficult given the lack of water supply and pressure and the possibility that fire will be fanned by high winds. Extremes of weather can endanger buildings, structures, vehicles, and persons. Tall or major buildings and structures located on ridges

are a hazard to air navigation and persons on the ground and detract from the natural beauty of the mountains. (1983, c. 676, s. 1.)

§ 113A-208. Regulation of mountain ridge construction by counties and cities.

(a) Any county or city may adopt, effective not later than January 1, 1984, and may enforce an ordinance that regulates the construction of tall buildings or structures on protected mountain ridges by any person. The ordinance may provide for the issuance of permits to construct tall buildings on protected mountain ridges, the conditioning of such permits, and the denial of permits for such construction. Any ordinance adopted hereunder shall be based upon studies of the mountain ridges within the county, a statement of objectives to be sought by the ordinance, and plans for achieving these objectives. Any such county ordinance shall apply countywide except as otherwise provided in Article 2 of Chapter 160D of the General Statutes and any such city ordinance shall apply citywide, to construction of tall buildings on protected mountain ridges within the city or county, as the case may be.

A city with a population of 50,000 or more may adopt, prior to January 1, 1986, an ordinance eliminating the requirement for an elevation of 3,000 feet, as permitted by G.S. 113A-206(6).

(b) Under the ordinance, permits shall be denied if a permit application (and shall be revoked if a project) fails to provide for:

- (1) Sewering that meets the requirements of a public wastewater disposal system that it discharges into, or that is part of a separate system that meets applicable State and federal standards;
- (2) A water supply system that is adequate for fire protection, drinking water and other projected system needs; that meets the requirements of any public water supply system that it interconnects with; and that meets any applicable State standards, requirements and approvals;
- (3) Compliance with applicable State and local sedimentation control regulations and requirements; and
- (4) Adequate consideration to protecting the natural beauty of the mountains, as determined by the local governing board.

(c) Permits may be conditioned to insure proper operation, to avoid or mitigate any of the problems or hazards recited in the findings of G.S. 113A-207, to protect natural areas or the public health, and to prevent badly designed, unsafe or inappropriate construction.

(d) An ordinance adopted under the authority of this section applies to all protected mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to other mountain ridges within its jurisdiction if it finds that this application is reasonably necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207. Additionally, a city with a population of 50,000 or more may apply the ordinance to other mountain ridges within its extraterritorial planning jurisdiction if it finds that this application is reasonably necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207.

(e) Determinations by the county or city governing board of heights or elevations under this Article shall be conclusive in the absence of fraud. Any county or city that adopts a ridge ordinance under the authority of this section or other authority shall send a copy of the ordinance to the Secretary of Environmental Quality.

(f) Any county or city that adopts an ordinance pursuant to this section shall follow the procedures of Article 6 of Chapter 160D of the General Statutes.

(g) Repealed by Session Laws 2019-111, s. 2.5(l), effective June 19, 2020. (1983, c. 676, s. 1; 1985, c. 713, ss. 2, 4; 1989, c. 727, s. 218(78); 1997-443, s. 11A.119(a); 2015-241, s. 14.30(v); 2019-111, s. 2.5(l); 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 113A-209. Certain buildings prohibited.

(a) This section applies beginning January 1, 1984, in any county or city that has failed to adopt a ridge protection ordinance pursuant to G.S. 113A-208 by January 1, 1984.

(b) No county or city may authorize the construction of, and no person may construct, a tall building or structure on any protected mountain ridge.

(c) No county or city may authorize the providing of the following utility services to any building or structure constructed in violation of subsection (b) of this section: electricity, telephone, gas, water, sewer, or septic system. (1983, c. 676, s. 1.)

§ 113A-210. Application to existing buildings.

General Statutes 113A-208 and 113A-209 apply to buildings that existed upon the effective date of this Article as follows:

- (1) No reconstruction, alteration or expansion may aggravate or intensify a violation by an existing building or structure that did not comply (a) with G.S. 113A-209 upon its effective date, or (b) with an ordinance adopted under G.S. 113A-208 upon its effective date.
- (2) No reconstruction, alteration or expansion may cause or create a violation by an existing building or structure that did comply (a) with G.S. 113A-209 upon its effective date, or (b) with an ordinance adopted under G.S. 113A-208 upon its effective date. (1983, c. 676, s. 1.)

§ 113A-211. Enforcement and penalties.

(a) Violations of this Article shall be subject to the same criminal sanctions, civil penalties and equitable remedies as provided by G.S. 160D-404.

(b) Any person injured by a violation of this Article or any person who resides in the county in which the violation occurred may bring a civil action against the person alleged to be in violation. The action may seek:

- (1) Injunctive relief; or
- (2) An order enforcing the provision violated; or
- (3) Damages caused by the violation; or
- (4) Both damages and injunctive relief; or
- (5) Both damages and an enforcement order; or
- (6) Both an enforcement order and injunctive relief.

If actual damages as found by the court or jury in suits brought under this subsection are five hundred dollars (\$500.00) or less, the plaintiff shall be awarded double the amount of actual damages; if the amount of actual damages as found by the court or jury is greater than five hundred dollars (\$500.00), the plaintiff shall receive damages in the amount so found. Injunctive relief or an enforcement order under this subsection may be based upon a threatened injury, an actual injury, or both.

Civil actions under this subsection shall be brought in the General Court of Justice of the county in which the alleged violation occurred. The court, in issuing any final order in any action brought pursuant to this section may award costs of litigation, including reasonable attorney and expert-witness fees, to any party, whenever it determines that such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security, the amount of such bond or security to be determined by the court. Nothing in this section shall restrict any right which any person or class of persons may have under the common law or under any statute to seek injunctive or other relief.

(c) Within the meaning of this section, violations of this Article include violations of local ordinances adopted pursuant to G.S. 113A-208. (1983, c. 676, s. 1; 2019-111, s. 2.5(m); 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 113A-212. Assistance to counties and cities under ridge law.

(a) The Secretary of Environmental Quality shall provide assistance upon request to the counties and cities in carrying out their functions pursuant to this Article, such as by providing model studies, plans, and ordinances for their consideration.

(b) The Secretary of Environmental Quality shall identify the protected mountain ridge crests in each county by showing them on a map or drawing, describing them in a document, or any combination thereof. Such maps, drawings, or documents shall identify the protected mountain ridges as defined in G.S. 113A-206 and such other mountain ridges as any county may request, and shall specify those protected mountain ridges that serve as all or part of the boundary line between two counties. By November 1, 1983, the map, drawing, or document tentatively identifying the protected mountain ridge crests of each county shall be filed with the board of county commissioners and with the city governing body of each city that requests it. By January 1, 1984, the map, drawing, or document identifying the protected mountain ridge crests shall be permanently filed by the Secretary with the register of deeds in the county where the land lies, and made available for inspection at the office of the North Carolina Geodetic Survey (NC Emergency Management/Risk Management) in Raleigh. Copies of the maps, drawings, or documents certified by the register of deeds, shall be admitted in evidence in all courts and shall have the same force and effect as would the original.

(b1) By January 1, 1986, a map, drawing, or document tentatively identifying the protected mountain ridge crests of each city with a population of fifty thousand (50,000) or more that has eliminated the requirement for a minimum elevation of 3,000 feet, shall be filed by the Secretary of Environmental Quality with the board of county commissioners and with the city governing body. By March 1, 1986, the map, drawing, or document identifying the protected mountain ridge crests in the city with a population of fifty thousand (50,000) or more shall be permanently filed by the Secretary with the register of deeds in the county where the land within that city with a population of fifty thousand (50,000) or more lies, and shall be made available for inspection at the Secretary's office in Raleigh. Copies of the maps, drawings, or documents certified by the register of deeds shall be admitted in evidence in all courts and shall have the same force and effect as would the original.

(c) Determinations by the Secretary of elevations under this section shall be conclusive in the absence of fraud. (1983, c. 676, s. 1; 1985, c. 713, s. 3; 1989, c. 727, s. 218(79); 1997-443, s. 11A.119(a); 2015-241, s. 14.30(v); 2017-170, s. 3.)

§ 113A-213. Article is supplemental.

This Article provides a supplemental source of authority in addition to other present or future legislation and shall not be construed as prescribing an exclusive procedure or as granting exclusive powers. (1983, c. 676, s. 1.)

§ 113A-214. Choosing coverage or removal from coverage of this Article.

(a) This Article shall apply in all counties and cities unless and until the jurisdiction adopts an ordinance exempting itself from the coverage of this Article.

This exemption shall only be effective after a binding referendum, in which all registered voters in the jurisdiction are eligible to vote, which shall be held on or before May 8, 1984. The binding referendum shall be held either as a result of a resolution passed by the governing body of the jurisdiction or as a result of an initiative petition signed by fifteen percent (15%) of the registered voters in the jurisdiction and filed with the Board of Elections of that county not later than 60 days before the election is to be held. At that referendum, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

FOR coverage under the Mountain Ridge Protection Act of 1983.

AGAINST coverage under the Mountain Ridge Protection Act of 1983.

(b) If a jurisdiction removes itself from the coverage of this Article, by means of a binding referendum, as provided for in subsection (a) of this section, then it shall have until May 13, 1986 to place itself again under the coverage of this Article by means of an ordinance passed after a similar binding referendum. Once a jurisdiction opts out and then opts back under the Article, it may not take any further action to again remove itself from the coverage of the Article.

(c) If a county has chosen the permit procedure authorized by G.S. 113A-208, and then opts out of and either the county or any city in the county opts back under the coverage of this Article, then that jurisdiction may choose the permit procedure even after January 1, 1984.

(d) When a county removes itself from the coverage of this Article all cities within the county shall be removed from the coverage of this Article. Provided, however, a city in a county that has removed itself from coverage may, under the procedure set forth in subsection (b) of this section, place itself again under the coverage of this Article.

(e) When a protected mountain ridge is any part of the boundary between two jurisdictions then that part of the ridge shall be covered by this Article unless both jurisdictions remove themselves from the coverage of this Article. (1983, c. 676, s. 1.)

§§ 113A-215 through 113A-219. Reserved for future codification purposes.

Transmittal 001

Clark Lanning Architects, PLLC

PO Box 201, Waynesville, NC 28786



Date

June 5, 2026

To

Town of Waynesville
Planning Board

Project 2026.002

Warren-Elmore Residence, 209 Shining Rock Trl, Waynesville

Document	Pages	QTY
Warren-Elmore Residence	22	1
Steep Slope & Mountain Ridge		
Compliance Summary		

WARREN-ELMORE RESIDENCE

Preliminary Steep Slope & Mountain Ridge Compliance Summary

209 Shining Rock Trl, Waynesville, NC 28786

Environmental Conservation Standards — Section 12.6 / 12.7

01 PROJECT OVERVIEW

The subject property is located at approximately 3,990 to 4,295 feet above mean sea level and consists of approximately 21.35 acres within the Residential Low Density (RL) zoning district. See Exhibits A, B, and C.

The project includes:

- Existing primary driveway improvements for emergency vehicle access
- Construction of a new accessory structure
- Utilization of an existing septic system and previously developed building area formerly occupied by a structure destroyed by fire

The proposed accessory structure is to be located on an existing developed bench and pad area formerly occupied by the previous structure. The project has been intentionally designed to minimize disturbance to the mountain environment and existing vegetation. See Exhibit K for the site plan/erosion control plan.

02 APPLICABILITY OF SECTION 12.6

Pursuant to Section 12.6.2 of the Town of Waynesville Environmental Conservation Standards, steep slope regulations apply to properties:

- Above 2,900 feet elevation
- Having an average natural slope of 25% or greater

The subject property exceeds the elevation threshold across the entirety of the parcel and therefore requires evaluation under Section 12.6.

03 AVERAGE NATURAL SLOPE CALCULATION

Topographic data was obtained from the Haywood County GIS at a 5-foot contour interval, dated May 11, 2026. This publicly available dataset served as the basis for the contour length measurements and average natural slope calculation below. See Exhibit C.

The ordinance establishes the following formula for determining average natural slope:

$$S = 0.0023 \times I \times L \div A$$

$$S = \text{Average natural slope (\%)}$$

WARREN-ELMORE RESIDENCE

- I = Contour interval (feet)
- L = Total contour length within parcel (feet)
- A = Parcel area (acres)

Preliminary Calculation Assumptions

Contour Interval	5 feet
Parcel Area	21.35 acres
Approximate Contour Count	60
Estimated Avg. Contour Length	1,200 feet per contour
Estimated Total Contour Length	72,000 feet

Result

$$S = 0.0023 \times 5 \times 72,000 + 21.35$$

$$\text{Estimated Average Natural Slope} = 38.8\%$$

Based on this preliminary evaluation, the property falls within the 35%–39% Average Slope Category of Table 12.6.4.

04 TABLE 12.6.4 COMPLIANCE SUMMARY

STANDARD	MAXIMUM ALLOWED	RESULT
Average Slope Category	35%–39%	STEEP SLOPE CLASSIFICATION
Max Density / Min Lot Size	4 acres per dwelling unit	5 UNITS ALLOWABLE
Maximum Disturbed Area	25% of site area	5.34 ACRES ALLOWABLE
Maximum Impervious Area	20% of site area	4.27 ACRES ALLOWABLE
Minimum Riparian Buffer	25 / 30 feet	NA

05 DENSITY COMPLIANCE

The ordinance permits one dwelling unit per 4 acres for properties within the 35%–39% slope category.

$$21.35 \text{ acres} \div 4 \text{ acres/unit} = 5.34 \text{ allowable dwelling units}$$

Proposed Development:

WARREN-ELMORE RESIDENCE

- Existing accessory structure
- Proposed primary structure

The total of two dwelling units remains substantially below the allowable density threshold.

06 DISTURBED AREA COMPLIANCE**Proposed New Disturbed Areas:**

Switchback Expansion 1	850 sf
Switchback Expansion 2	560 sf
Accessory Structure Pad / Walkways / Drive	5,000 sf
Total Proposed Disturbed Area	6,410 sf \approx 0.1472 acres

Maximum Disturbance Allowed:	$21.35 \text{ acres} \times 25\% = 5.34 \text{ acres}$
Proposed Disturbance:	0.1472 acres
Disturbance Percentage:	$0.1472 \div 21.35 \approx 0.6897\%$

The proposed development remains substantially below the maximum disturbance threshold permitted by the ordinance. Silt fence erosion control measures are specified for all disturbed areas. See Exhibits K, L, and O.

07 IMPERVIOUS AREA COMPLIANCE**Existing and Proposed Impervious Areas:**

Existing Asphalt / Concrete Driveway	15,672 sf
Existing Main Structure	2,700 sf
New Accessory Structure	2,950 sf
New Concrete Drive / Walkway	1,300 sf
Total Impervious Area	22,622 sf \approx 0.52 acres

Maximum Impervious Allowed:	$21.35 \text{ acres} \times 20\% = 4.27 \text{ acres}$
Proposed Impervious Area:	0.52 acres
Impervious Percentage:	$0.52 \div 21.35 \approx 2.4\%$

The proposed development remains substantially below the maximum impervious threshold permitted by the ordinance. See Exhibit K.

08 VEGETATION PRESERVATION & ENVIRONMENTAL IMPACT

The proposed primary structure is located on the same previously disturbed building pad and bench area as a former structure damaged by fire and subsequently demolished.

Project design intentionally minimizes disturbance to the existing mountain environment through:

- Reuse of the existing developed bench area
- Preservation of all existing tree canopy
- No proposed clearing of wooded areas
- Minimal grading beyond localized basement excavation
- Balanced cut and fill operations
- Preservation of existing natural vegetation surrounding the development area

No perennial streams, intermittent streams, or drainages were identified within the proposed development area. No vegetation will be disturbed within the project area. See Exhibit H.

09 EMERGENCY ACCESS IMPROVEMENTS

The existing driveway alignment and grades were reviewed by the Waynesville Fire Department during a site visit and confirmed suitable for emergency access. The proposed switchback widening was reviewed and approved by Fire Marshal Claudio Fuentes. See Exhibit F.

Requested improvements are limited to widening of two existing switchbacks to improve maneuverability for emergency vehicles:

Entrance / Exit Widths	Approximately 20 feet
Center Widths	Approximately 35 feet

No additional roadway realignment is proposed.

10 UTILITY & SEPTIC INFORMATION

The proposed accessory structure will connect to the Town of Waynesville water system. A water meter is already installed at the entrance to the property and the adjacent water main is a 6-inch line. If the owner desires a separate supply line for the proposed primary structure, a separate tap fee will be required for the primary structure's meter. See Exhibit G.

An existing septic system installed in 2008 will be utilized for the proposed accessory structure. The system is approved to serve up to five bedrooms total. Clark & Leatherwood, Inc. is authorized to act as owner's agent in permitting and wastewater system authorization. See Exhibits E, I, and J.

Current and Proposed Bedroom Counts:

Existing Accessory Structure	1 bedroom
Proposed Primary Structure	2 bedrooms (option for third)

Total Proposed 2-3 bedrooms (maximum 3 of 5 allowed)

The existing septic tank, tail lines, and repair area will remain undisturbed.

11 EXTERIOR MATERIALS & COLORS PALETTE

The following palette establishes the exterior material and color selections for the Warren-Elmore Residence. Selections are informed by the mountain context of the site, emphasizing natural tones, durable materials, and compatibility with the surrounding landscape.

The exterior material and color selections are informed by the mountain context, emphasizing natural tones, durable materials, and compatibility with the surrounding landscape. See Exhibit D.

ELEMENT	PRODUCT / TYPE	FINISH / APPLICATION	COLOR / SPECIFICATION
Siding, Trim, Fascias & Stucco	Semi-Solid Stain	Semi-Solid	Spanish Moss
Windows	Dark Brown Clad	—	Dark Brown
Garage Doors	Stained Wood	Stained	Dark Oak
Timber Columns & Brackets	Stained Heavy Timber	Stained	Dark Oak
Timber Beams	Stained Heavy Timber	Stained	Dark Oak
Exterior Ceilings	T&G Wood or Painted	Semi-Transparent	Chestnut
Dry Stack / Foundation	Native Stone	Natural	Native / Regional Stone
Roof Shingles	Architectural Shingle	Dimensional	Weathered Wood
Metal Accents	Standing Seam Metal	Factory Finish	Bronze

11 MOUNTAIN RIDGE PROTECTION ACT COMPLIANCE

The subject property was evaluated for compliance with the North Carolina Mountain Ridge Protection Act (N.C.G.S. §113A-205 through §113A-214).

The Mountain Ridge Protection Act regulates the construction of “tall buildings or structures” located on protected mountain ridges. Pursuant to N.C.G.S. §113A-206(3), a building is considered a tall building or structure if:

- The vertical height exceeds forty (40) feet measured from the top of the foundation to the uppermost point of the structure; or
- The uppermost point of the structure protrudes more than thirty-five (35) feet above the crest of the ridge.

The proposed primary structure has a maximum building height of approximately 34 feet measured from the top of the foundation to the highest point of the roof. In addition, the highest point of the structure is approximately 22 feet 4 inches above the crest of the ridge.

Proposed Structure Measurements:

CRITERION	STATUTORY THRESHOLD	PROPOSED
Building Height	40'-0" Maximum	34'-0"
Projection Above Ridge Crest	35'-0" Maximum	22'-4"

Because the proposed structure does not exceed either statutory threshold, it is not classified as a "tall building or structure" as defined by the Mountain Ridge Protection Act.

Accordingly, the proposed development complies with the provisions of Article 14 of Chapter 113A of the North Carolina General Statutes and is not prohibited by the Mountain Ridge Protection Act. See Exhibits M and N.

1 2 S U M M A R Y

The Warren–Elmore Residence project has been designed to comply with the applicable provisions of Sections 12.6 and 12.7 of the Town of Waynesville Environmental Conservation Standards.

The proposed development:

- Remains substantially below maximum density limitations
- Remains substantially below maximum disturbance thresholds
- Remains substantially below maximum impervious surface thresholds
- Preserves existing vegetation and tree canopy
- Minimizes grading and land disturbance
- Utilizes an existing disturbed building area
- Maintains emergency access improvements requested by the Town Fire Chief
- Preserves the natural mountain character of the site

EXHIBITS

EXHIBIT A

Haywood County GIS Property Card — 209 Shining Rock Trl, Waynesville, NC 28786



Report For

WARREN, KIMBERLE A
 ELMORE, JENNIFER R
 209 SHINING ROCK TRL
 WAYNESVILLE, NC 28786-5979

Account Information

PIN: 8606-51-0861
 Deed: 1081/221
 1066/1041
 1066/1039
 CABC/4956

Site Information

DWELLING
 209 SHINING ROCK TRL WAYNESVILLE NC
 Heated Area: 1480
 Year Built: 2008
 Total Acreage: 21.35
 Township: Waynesville Out

Site Value Information

Land Value: \$636,300
 Building Value: \$421,200
 Market Value: \$1,057,500
 Deferred Value: \$0
 Assessed Value: \$1,057,500
 Sale Price: \$1,195,000
 Sale Date: 02/15/2023
 Tax Bill 1: \$6,091
 Tax Bill 2: \$6,091



1 inch = 200 feet
 May 11, 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.

EXHIBIT B

Official Land Development Map — Town of Waynesville, NC | February 24, 2026

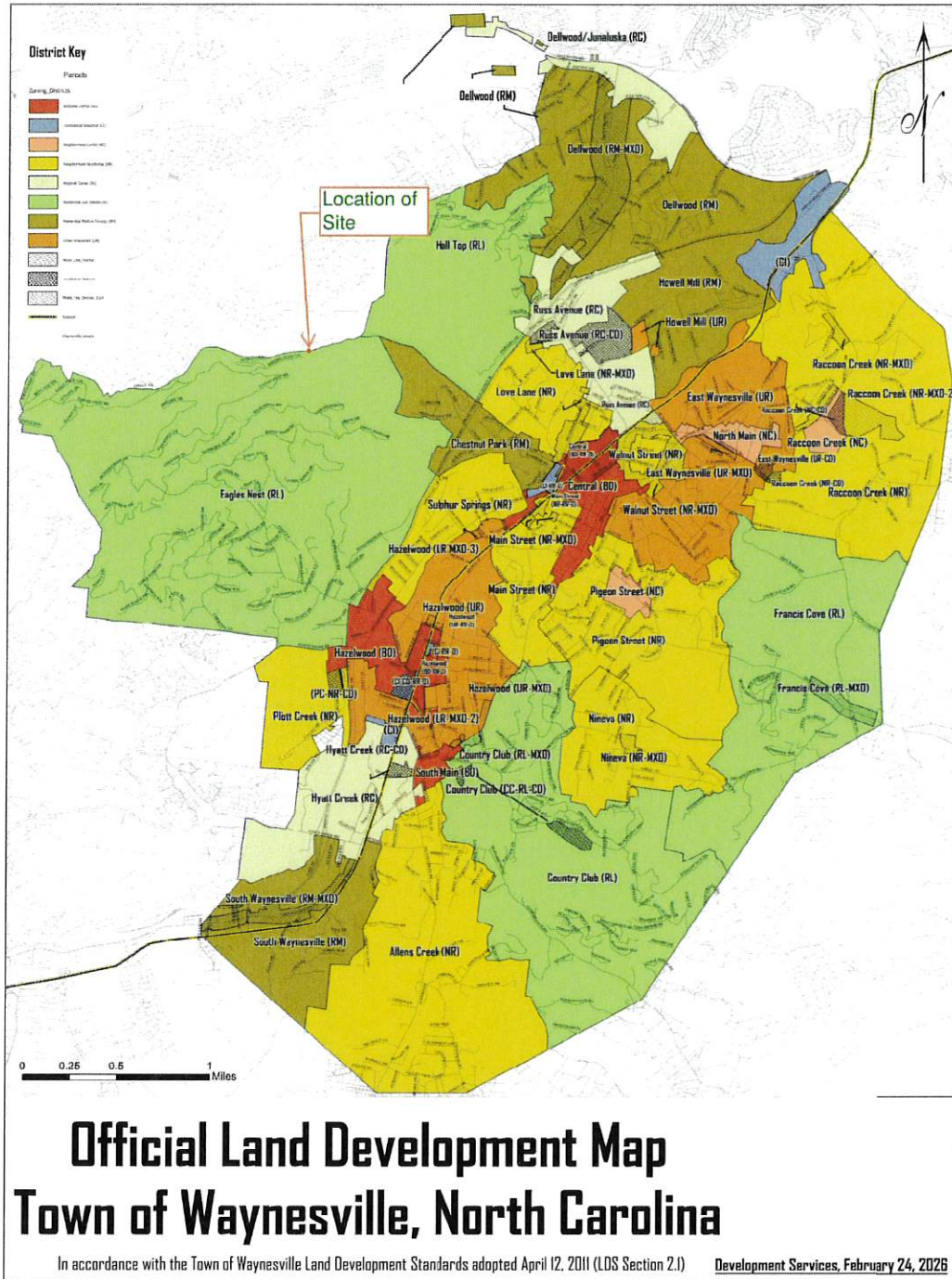


EXHIBIT C

Haywood County GIS Topographic Map — 5' Contour Interval | 1:2,400 | May 27, 2026

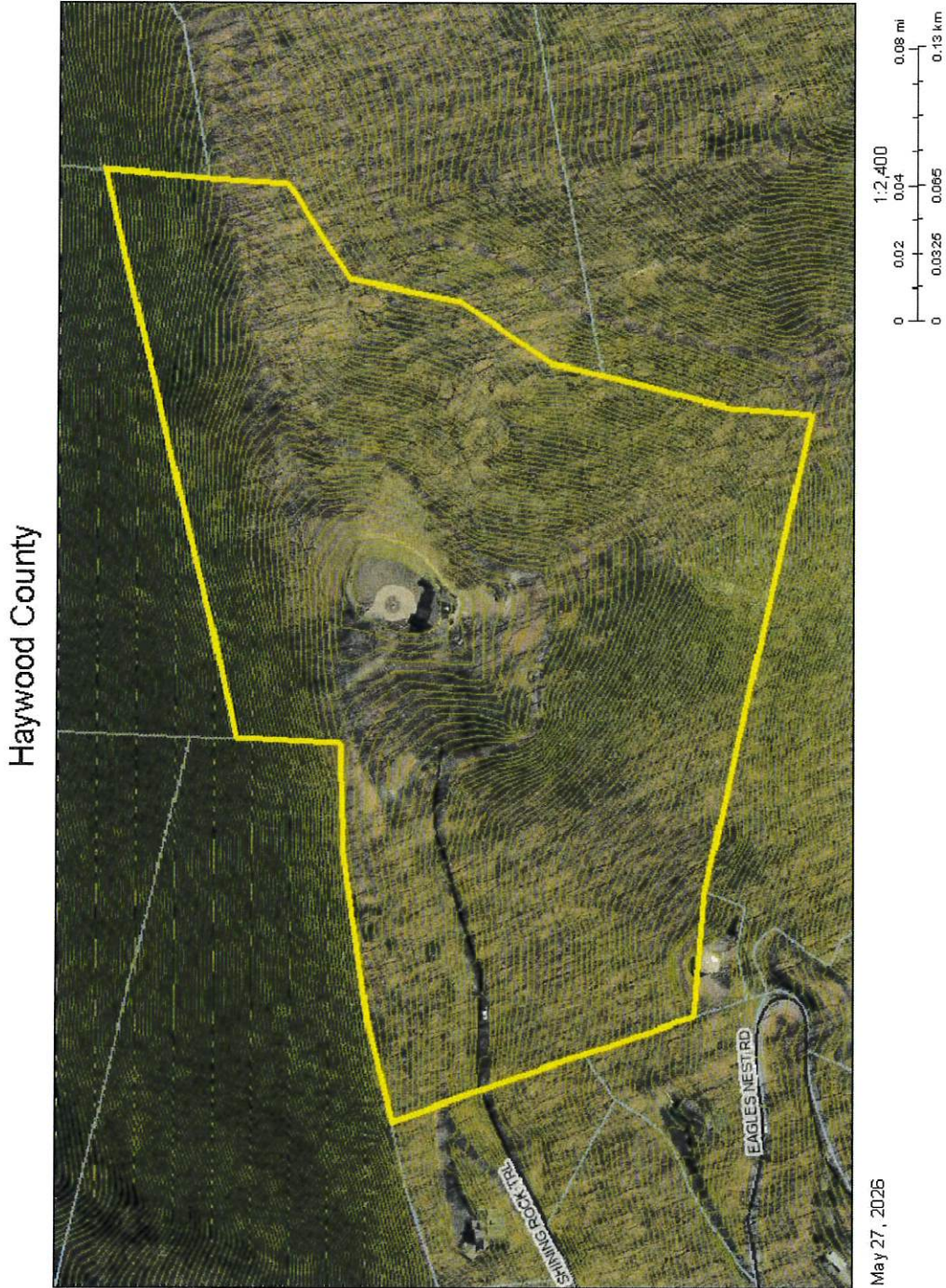


EXHIBIT D

Exterior Materials & Colors Palette

WARREN-ELMORE RESIDENCE
EXTERIOR MATERIALS & COLORS PALETTE



SIDING, TRIM, FASCIAS & STUCCO Semi-Solid Spanish Moss	WINDOWS Dark Brown	GARAGE DOORS, TIMBER COLUMNS, TIMBER BRICKETS & TIMBER BEAMS Stained Dark Oak	EXTERIOR CEILINGS Semi-Transparent: Chestnut	DRY STACK NATIVE STONE	ROOF SHINGLES ARCHITECTURAL SHINGLE (SHAKE STYLE) Weathered Wood	METAL ACCENTS Standing Seam Metal Weathered Bronze
---	------------------------------	--	---	-----------------------------------	--	---

EXHIBIT F

Waynesville Fire Department Review Letter — Fire Marshal Claudio Fuentes



Waynesville Fire Department
1022 N. Main Street Waynesville, NC 28786
(828) 456-6151
Fire Chief Chris Mehaffey

To whom it may concern:

The property located at 209 Shining Rock Tr. is within the Waynesville Fire District (not Rural). The Waynesville Fire Department provides fire, rescue, and emergency medical services to this area.

The proposed plans that were given to the town for the widening of the driveway appear to be exactly what we discussed on our site visit and will be suitable for access to the property.

The property is approximately 3.7 miles from Station II, located at 280 Georgia Avenue, and carries a Fire Response Insurance Rating of Class 4. The primary access route is via Eagles Nest Road, a paved two-lane roadway that provides adequate access for responding fire apparatus. The distance from Station II to Shining Rock entrance is 3.6 miles. While Eagles Nest Road is well maintained, response times may be affected by terrain and weather conditions.

A fire hydrant is located within 1,400 feet of the residence site. Additionally, the Waynesville Fire Department maintains automatic aid agreements with neighboring departments, ensuring that additional resources are dispatched immediately when needed.

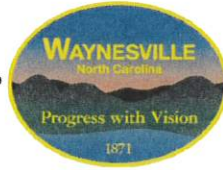
Sincerely,
Claudio Fuentes
Fire Marshal



EXHIBIT G

Town of Waynesville Water Availability Letter — Wayne Bolin, Water/Sewer Superintendent | May 26, 2026

Gary Caldwell, Mayor
Clarence "Chuck" Dickson, Mayor Pro Temp
Julia Freeman, Council
Jon Feichter, Council
Anthony Sutton, Council



Robert W. Hites, Jr. Town Manager
Martha Bradley, Town Attorney

5/26/2026

**Water availability for 209 Shinning Rock Trail, Waynesville NC 28786
PIN 8606-51-0861**

To Whom it may concern:

The Town of Waynesville can supply town water to the property in question. A water meter is already installed at the entrance to the property, and the water main adjacent to the property is a 6-inch line. If a buyer wishes to add an additional house with a separate meter, they will need to pay the required tap fee to the town.

If you have any questions, please feel free to contact me at any time.

Sincerely,

Wayne Bolin
Water/Sewer Superintendent
Town of Waynesville
T: 828-456-3706
wbolin@waynesvillenc.gov

EXHIBIT H

Existing Site Conditions — Proposed Primary Structure Location



View 1 — Aerial overview with proposed structure location indicated



View 2 — Aerial view showing mountain context and existing site conditions



View 3 — Close aerial of existing structure and bench area adjacent to proposed site

EXHIBIT I

Property Owner Consent Form — Haywood County Development Services / Environmental Health Division | May 28, 2026

Authorizes Clark & Leatherwood, Inc. to act as owner's agent for permitting and wastewater system authorization on behalf of Warren, Kimberle A / Elmore, Jennifer R

PROPERTY OWNER CONSENT FORM

Haywood County Development Services • Environmental Health Division
157 Paragon Parkway, Suite 200 • Clyde, NC 28721
Phone: 828-452-6638 • Fax: 828-452-6791
Email: permitting@haywoodcountync.gov

I, WARREN, KIMBERLE A / ELMORE, JENNIFER R am the legal owner* of the property located at 209 SHINING ROCK TRL WAYNESVILLE, NC 28786-5979, identified as Parcel Identification Number 8606-51-0861

located in Haywood County, North Carolina.

I do hereby authorize Clark & Leatherwood, Inc. to act as an agent on my behalf in applying for/signing/obtaining any of the documents described below:

- Application for Improvement Permit (IP) / Authorization for Wastewater System Construction (AFWSC)
• Application for Existing System Evaluation (Repair/Reconnect)
• Application for Compliance Inspection
• Application for Plan Review
• Application for private drinking water Well / Well Abandonment / Well Variance

I agree to abide by all decisions and/or conditions between the legal representative acting on my behalf and Haywood County Health and Human Services Agency, Environmental Health Division.

I also understand I may be contacted at (phone) 954-914-0967 prior to a scheduled appointment with my agent.

I have hereunto signed my name this 28th day of May, 2026

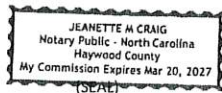
Handwritten signature of Kimberle A. Warren

Signature of Legal Property Owner

I, Jeanette M Craig, a Notary Public of the County of Haywood in the State of N.C.

do hereby certify that Kimberle A. Warren personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness by hand and Official Seal this 28th day of May, 2026



Notary Signature: Jeanette M Craig

Notary Printed or Typed Name: Jeanette M Craig


My Commission Expires: 3-20-27

*"Owner" means a person holding legal title to the facility, wastewater system, or property or his or her representative. The owner's representative is a person who holds power of attorney to act on an owner's behalf or an agent designated by letter or contract to act on the owner's behalf. If the owner does not personally sign the application, they can submit any one of the following documents to designate their legal representative: Power of Attorney, Real Estate Contract, Estate Executor, Bankruptcy Trustee, Court ordered Guardianship, Property Owner Consent Form. Rev 4/17/24


EXHIBIT J

Septic System Reconnect Application — Haywood County Onsite Septic & Wells | Reference No. REFERENCE-26-2246 | Record No. ESA-RS-26-033 | Submitted May 28, 2026

Application for Existing System Reconnect — Re-connect to existing septic system for new home replacing original structure destroyed by fire. Pending EH Evaluation.


Home Newell, Ryan ▾

Existing System (Reconnect or Setback Check)



Onsite Septic & Wells

Reference Number REFERENCE-26-2246

Record Number ESA-RS-26-033 Pending EH Evaluation

Options ▾

Current Fees

\$0.00

Additional fees may be required

Please complete the following information to submit your permit application.

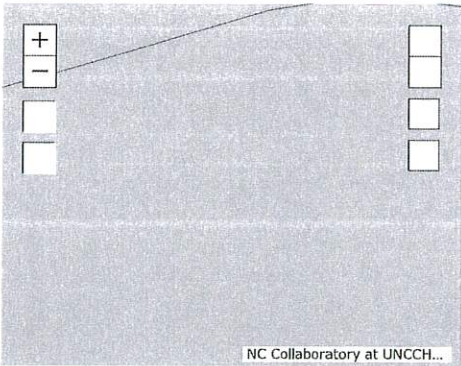
▲ My Project

📌 Done

Location

209 Shining Rock Trl Parcel

Waynesville, NC 28786 8606-51-0861



Created 5/27/2026

Submitted 5/28/2026

Approved --

Issued --

Closed --

Application Expires 11/25/2026

Give your project a name

Warren-Elmore Residence (WAYNESVILLE)

Describe the purpose of the project *

Re-Connect to an existing septic system with new home which will replace the original home that was destroyed by fire.

▼ Contacts

📌 Done

▼ Details

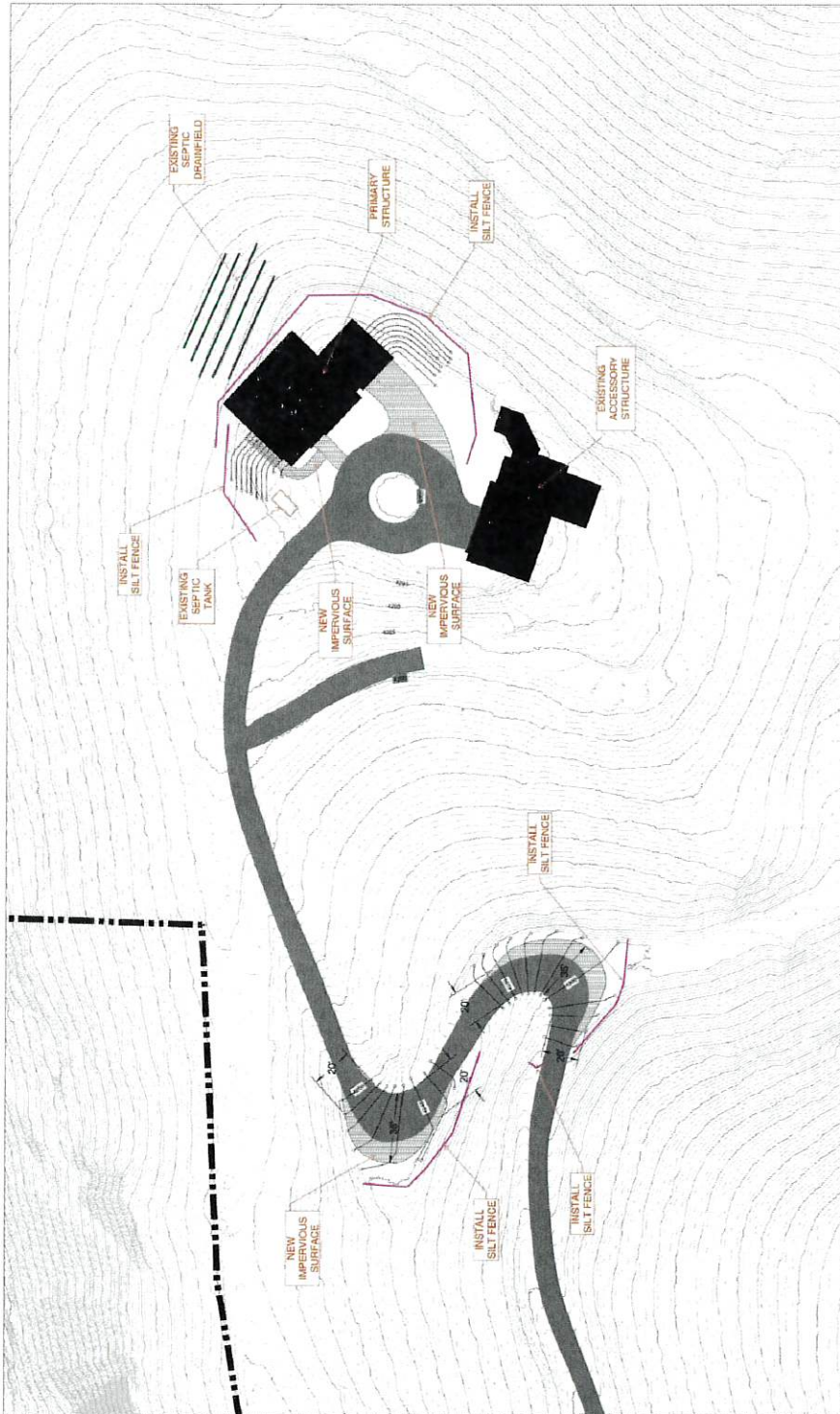
📌 Done

▼ Submittals

📌 Done

EXHIBIT K

Site Plan / Erosion Control Plan — Warren-Elmore Residence, Waynesville, North Carolina | May 26, 2026



WARREN-ELMORE RESIDENCE
WAYNESVILLE, NORTH CAROLINA

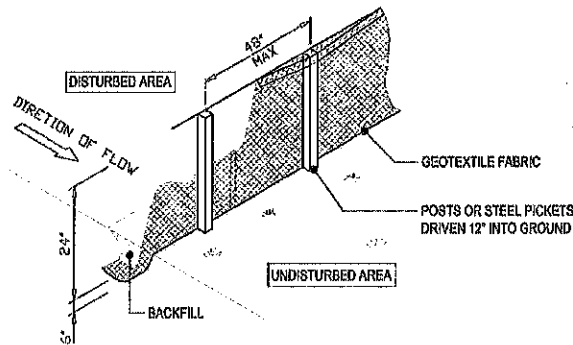
MAY 26, 2026

SITE PLAN
SCALE 1:30

EXHIBIT L

Silt Fence Detail — Erosion Control Measure | Scale: 1/2" = 1'-0"

Geotextile fabric silt fence with posts driven 12" into ground. Required at all boundaries between disturbed and undisturbed areas.



SILT FENCE DETAIL

1/2" = 1'-0"

EXHIBIT M

Exterior Elevations — Sheet A201 | South & East Elevations | Clark Lanning Architects | April 27, 2026

Annotated with building height (34'-0") and projection above ridge crest line (22'-4") demonstrating compliance with the Mountain Ridge Protection Act statutory thresholds.

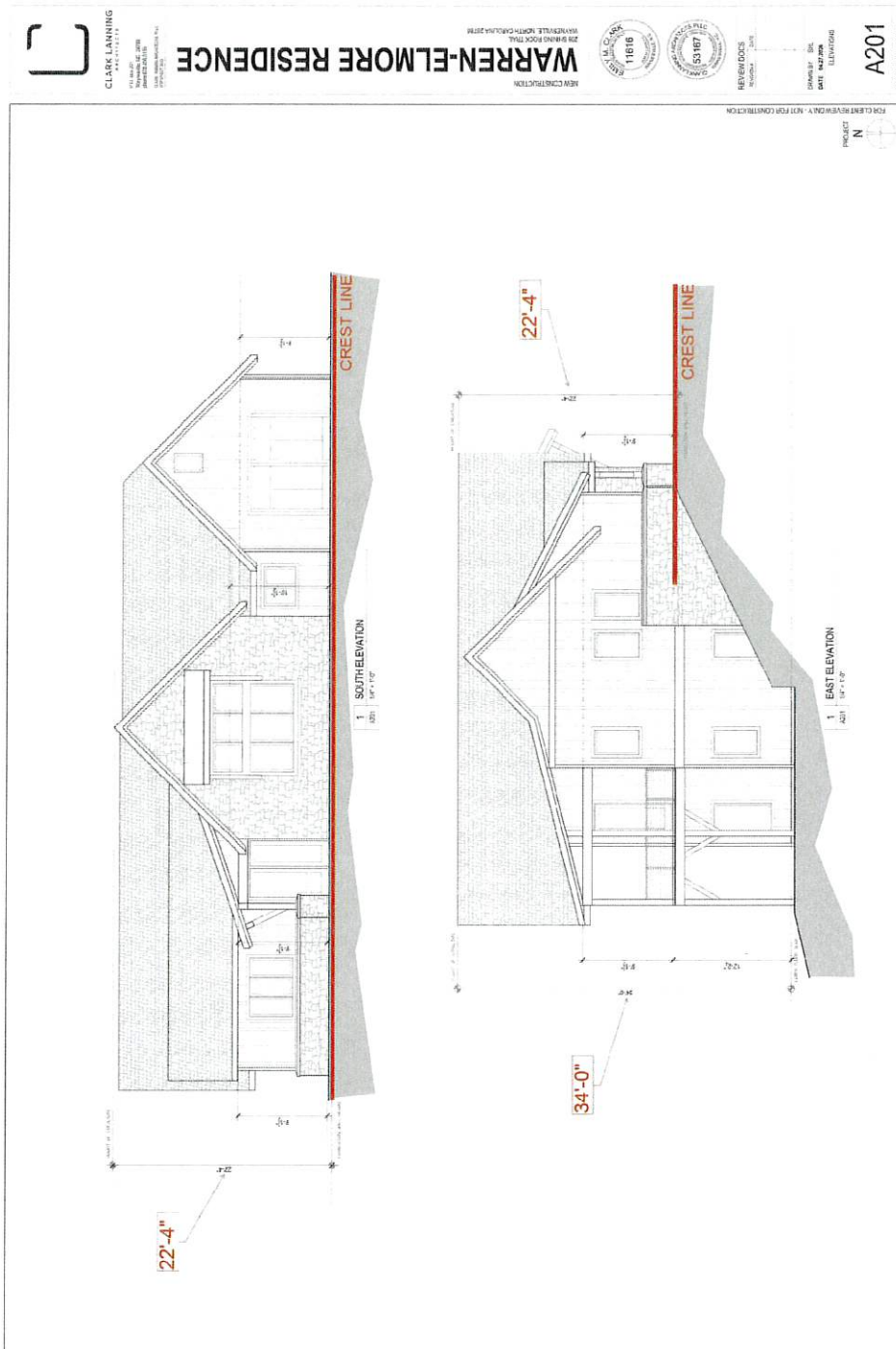


EXHIBIT N

Exterior Elevations — Sheet A202 | North & West Elevations | Clark Lanning Architects | April 27, 2026

Annotated with building height (34'-0") and projection above ridge crest line (22'-4") demonstrating compliance with the Mountain Ridge Protection Act statutory thresholds.

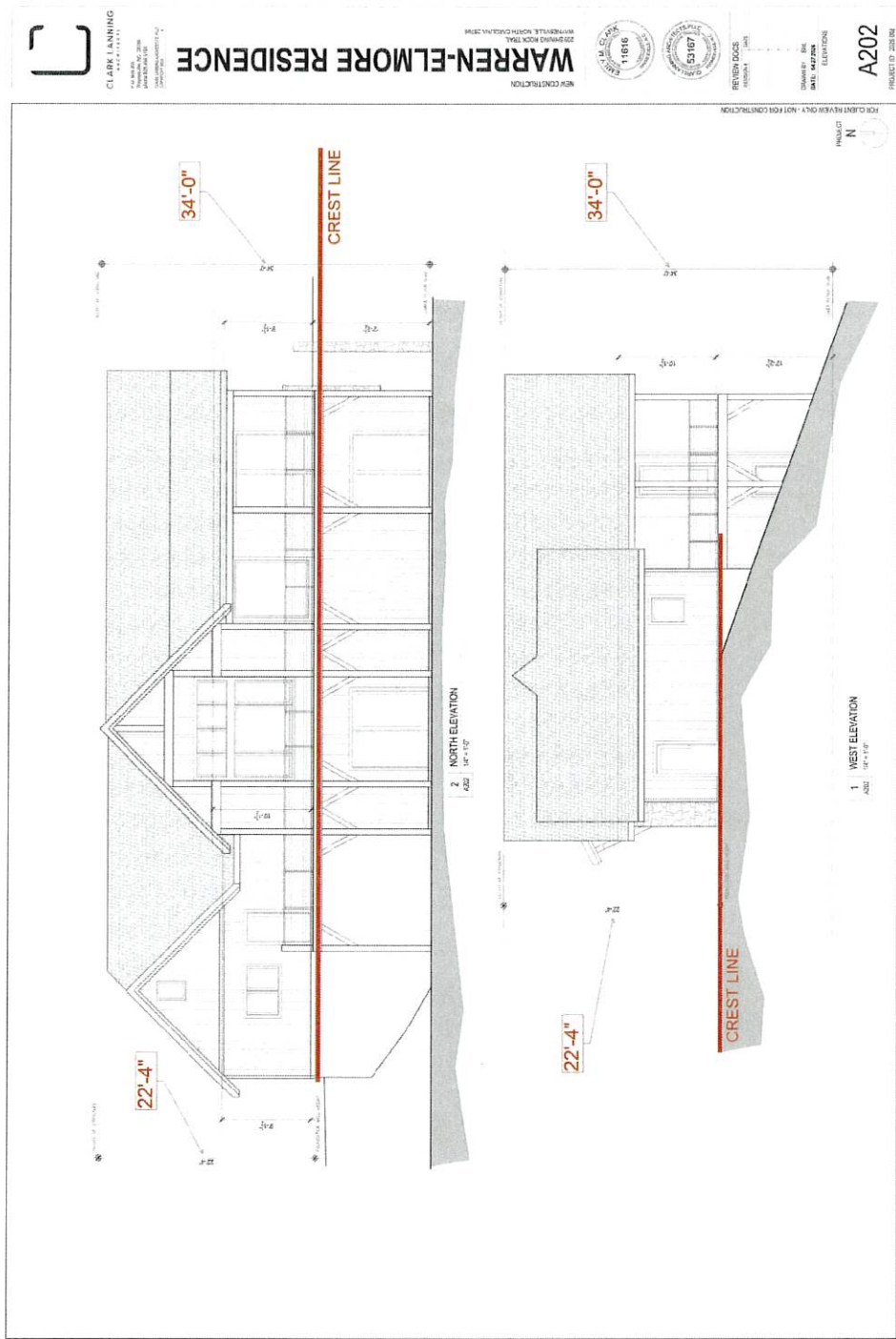


EXHIBIT O

Land Disturbing Permit | Town of Waynesville | Clark & Leatherwood Construction | June 5, 2026

Application for Land Disturbing Permit for parcel 8606-51-0861



TOWN OF WAYNESVILLE

Development Services Department
PO Box 100
9 South Main Street, Suite 110
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

\$75 permit fee
Other fees may apply with
additional inspection
requirements

Land Disturbing Permit

This form must be accompanied by a site plan, drawn to scale, showing the overall topography of the site, the areas of proposed land disturbance, any surface water, & all erosion control measures.

Property Address: 209 Shallow Rock Trail PIN: 8606-51-0861

Property Owner(s): Kimberle Warden Telephone: 954-914-0967

Jennifer Elmore
Surface area to be disturbed (square feet or acres): 6,410 S.F.

Purpose of the land disturbance: Residential Construction [X] Commercial Construction []

Manufactured Home [] Driveway [] Other Activity [] (Describe) _____

Land Disturbing Specifications (Check and complete all that apply)

- Disturbed area is 1 acre or greater. If so, a Certificate of Plan Approval from the NC Department of Environmental Quality is required.
Disturbed area is located at or above 2,900 feet elevation. If so, Hillside Protection standards apply (Land Development Standards, Section 12.6) Average slope of property 38.8%
Fill slope(s) will be created. If so, indicate maximum slope(s):
Cut slope(s) will be created. If so, indicate maximum slope(s):
For fill or cut slopes, Land Development Standards, Section 12.4.4(B) applies.
Regular or intermittent surface water on site. Designated trout waters on site.

Applicant (If other than owner) Name: Clark & Leatherwood Telephone: 828-452-4500

Jenni Clark

Office Use Only
This signature authorizes the land disturbing activity described above and in any required attachments. Any deviation from the land disturbing activity described above and in attachments shall require resubmittal, approval, and the issuance of a new Land Disturbing Permit.
Olga Grooman
Development Services Staff Signature Date 6-10-2026

**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 209 Shining Rock Trail 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: Emily M Clark

Title and Company: Architect / Clark Lanning Architects, PLLC

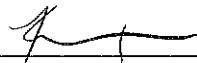
Address: PO Box 201, Waynesville, NC 28786

Phone and email: (828) 243-5348 emily@clarklanning.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 8th day of June, 2026.

Owner or Party with Contractual Interest in Property:

 Kimberle Warren

Address and phone number:

209 Shining Rock Trl

Waynesville NC 28786

9549140967

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 06/05/26 CUSTOMER#:
TIME: 13:52:55
CLERK: 2044ecou

RECPT#: 3338314 PREV BAL: 100.00
TP/YR: P/2026 AMT PAID: 100.00
BILL: 3338314 ADJSTMNT: .00
EFF DT: 06/05/26 BAL DUE: .00
Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 100.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 100.00
AMT APPLIED: 100.00
CHANGE: .00

PAID BY: Clark Lanning Site Plan, Disturb
PAYMENT METH: CHECK
PAYMENT REF: 2324

TOT PREV BAL DUE: 100.00
TOT BAL DUE NOW : .00

Report For

WARREN, KIMBERLE A
ELMORE, JENNIFER R
209 SHINING ROCK TRL
WAYNESVILLE, NC 28786-5979

Account Information

PIN: 8606-51-0861
Deed: 1081/221
1066/1041
1066/1039
CABC/4956

Site Information

DWELLING

209 SHINING ROCK TRL WAYNESVILLE NC

Heated Area: 1480
Year Built: 2008
Total Acreage: 21.35
Township: Waynesville Out

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price: 02/15/2023
Sale Date:
Tax Bill 1:
Tax Bill 2:



1 inch = 205 feet
June 10, 2026

137
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.

Report For

WARREN, KIMBERLE A
ELMORE, JENNIFER R
209 SHINING ROCK TRL
WAYNESVILLE, NC 28786-5979

Account Information

PIN: 8606-51-0861
Deed: 1081/221
1066/1041
1066/1039
CABC/4956

Site Information

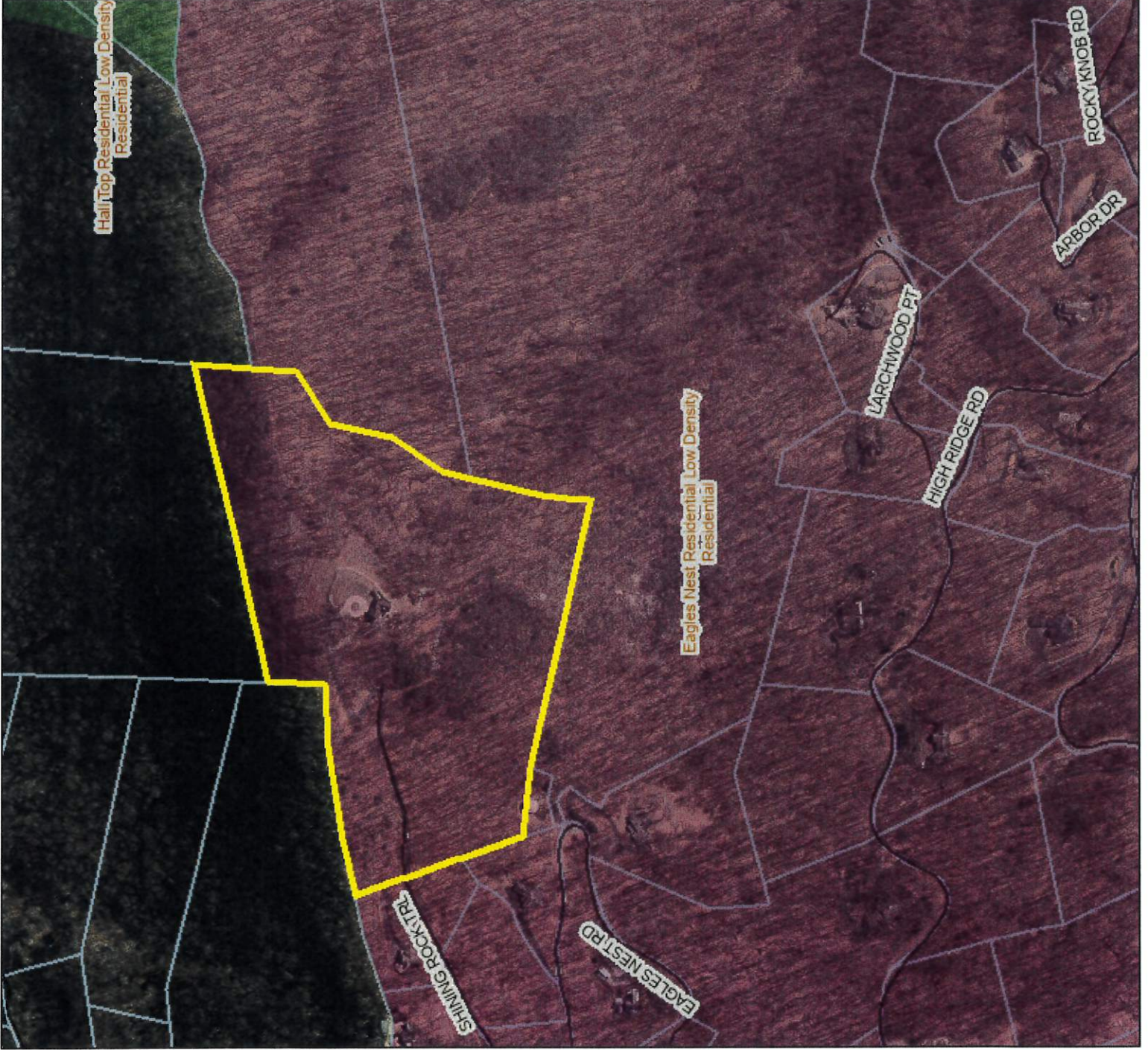
DWELLING

209 SHINING ROCK TRL WAYNESVILLE NC

Heated Area: 1480
Year Built: 2008
Total Acreage: 21.35
Township: Waynesville Out

Site Value Information

Land Value: \$636,300
Building Value: \$421,200
Market Value: \$1,057,500
Deferred Value: \$0
Assessed Value: \$1,057,500
Sale Price: \$1,195,000
Sale Date: 02/15/2023
Tax Bill 1: \$6,091
Tax Bill 2: \$6,091



1 inch = 400 feet
June 10, 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.

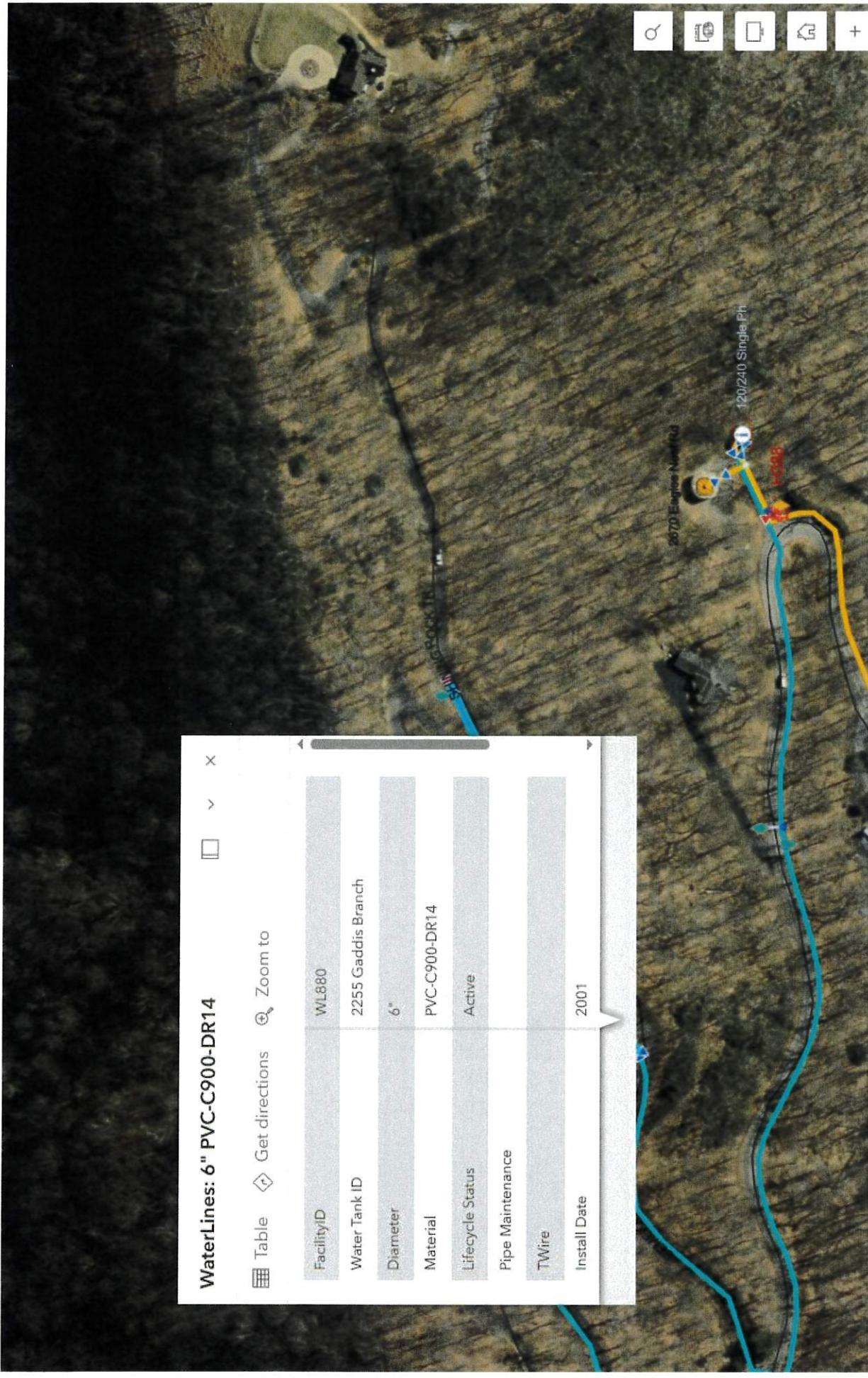




WaterLines: 6" PVC-C900-DR14

Table Get directions Zoom to

FacilityID	WL880
Water Tank ID	2255 Gaddis Branch
Diameter	6"
Material	PVC-C900-DR14
Lifecycle Status	Active
Pipe Maintenance	
TWire	
Install Date	2001



Planning Board Staff Report

Subject: Text amendment 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: June 15, 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 Goal:

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

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

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
- Public notices

DRAFT ORDINANCE FOR BOARD CONSIDERATION**ORDINANCE NO. _____****AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

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

WHEREAS, the Town of Waynesville 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 shall 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; and

WHEREAS, after notice duly given, a public hearing was held on **June 15, 2026**, at the special meeting of the Waynesville Planning Board, and on _____, **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 _____, 2026, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards to be amended as follows:

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. **The Legislature of the State of North Carolina has in Part 6 of Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Articles 1, 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.**

Therefore, the 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 administrating 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.~~
- (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
- (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
- (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (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~~. NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - (ii) 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~~. NAVD 1988. 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.~~ **NAVD 1988.**) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 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) (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~~ 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 (FHBM) 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 lumbars 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 _____ Day of _____, 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 Planning Board
 From: Olga Grooman, Assistant Development Services Director
 Date: June 15, 2026
 Subject: Text Amendment Statement of Consistency
 Description: Text amendments related to floodplain regulations
 Ordinance Section: Land Development Standards (LDS) sections 12.3 and 17.5
 Address: Town of Waynesville Planning Department (“Development Services Department”)

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

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

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

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

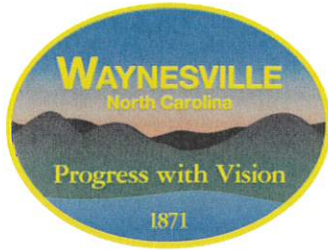
In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s Comprehensive Land Use Plan**. The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public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

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

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

 Ginger Hain, Planning Board Chair Date _____

 Esther Coulter, Administrative Assistant Date



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: May 31 and June 7 (Sunday) editions

Date: April 29, 2026

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a public hearing on Monday, June 15, 2026, at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider text amendments to the Flood Damage Prevention Ordinance, Land Development Standards 12.3 and 17.5.

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.