

TOWN OF WAYNESVILLE

Planning Board

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

Development Services
Director
Elizabeth Teague

Planning Board Members
Susan Teas Smith (Chairman)
Ginger Hain (Vice Chair)
Stuart Bass
R. Michael Blackburn
Gregory Wheeler
Don McGowan
Marty Prevost
Tommy Thomas
Barbara Thomas

Special Called Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, February 21, 2022, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
2. Adoption of Minutes
 - January 24, 2022 Regular Meeting as presented (or as amended)

B. BUSINESS

1. Public hearing and recommendation to the Board of Aldermen on revisions to the Traffic Impact Analysis Ordinance, LDS 6.10. (p. 7)
2. Public hearing and recommendation to the Board of Aldermen on updates to the Stormwater Ordinance, LDS 12.5 and 15.4.1. (p. 17)
3. Public hearing and recommendation to the Board of Aldermen on revisions to the LDS on additional 160D corrections and clarification of terms. (p. 31)
4. Discussion of recommendations of subcommittee on LDS regulations relevant to major subdivisions and consideration of scheduling a public hearing and/or workshop. (p. 43)

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



TOWN OF WAYNESVILLE Planning Board

9 South Main Street Suite 110
Waynesville, NC 28786
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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Special Called Meeting

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

January 24, 2022`

THE WAYNESVILLE PLANNING BOARD held a Special Called Meeting January 24th, 2022, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Susan Teas Smith (Chairman)
Ginger Hain (Vice Chairman)
Gregory Wheeler
Marty Prevost
Tommy Thomas
Stuart Bass
Don McGowan
Michael Blackburn
Barbara Christian Thomas

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Planner
Esther Coulter, Administrative Assistant

Chairman Susan Teas Smith called the meeting to order at 5:31 pm and welcomed everyone. She asked Development Services Director Elizabeth Teague if there were any calendar changes. Ms. Teague stated there were no changes.

2. Adoption of Minutes

Chairman Susan Teas Smith asked the Board if they had reviewed the November 15th, 2021, meeting minutes there were 3 minor corrections made.

A Motion was made by Board Member Don McGowan and seconded by Board Member Ginger Hain to approve the minutes of the November 15th, 2021 Planning Board meeting as presented (or amended). The motion carried unanimously. Two Board Members Sustained the vote due to being absent. Ms. Smith and Ms. Prevost.

B. BUSINESS

Ms. Smith said there were five items in tonight's meeting. Ms. Teague stated this meeting will be like a working session for the Board to help staff with draft ordinances. She noted that no one from the public was present.

1. Discussion of draft Stormwater Management Ordinance, LDS 12.5, and consideration of scheduling a public hearing

The Planner Olga Grooman stated that the Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) for five years. This permit allows the Town to manage the stormwater runoff, reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. In North Carolina, it is required that the permit holders have a comprehensive Stormwater Management Plan that addresses six minimum measures to stay in compliance. One requirement is to "maintain adequate legal authorities through ordinance." Ms. Grooman said the proposed text amendments will align the Town's ordinance with the updated NCDEQ Model Ordinance, bringing the Town into compliance with our NPDES Permit.

Ms. Grooman then went through the draft revisions to the ordinance including: Definitions of stormwater map, watershed, stormwater control measures (SCMs); addition of natural resources inventory and stormwater management system concept plan; clarification of authority, penalties for violations, and remedies; Explanation of record keeping; standards for SCMs based on the NC DEQ Design Manual; clarification of as-built standards for final stormwater inspection; and additions to non-illicit discharges section.

Board Member Tommy Thomas stated that retention ponds should be required to be fenced, especially in residential developments. Board Member Barbara Thomas asked who determines the specifications of the ponds. Ms. Grooman responded that design is up to engineers and/or landscape architects. Each pond may have differing sizes, depths and design depending on the site.

Ms. Grooman presented a power point to the board of diagrams and pictures on Post-Construction Stormwater Management and Illicit Discharge Detection and Elimination Program. Ms. Grooman also shared before and after pictures of a pond the town manages and which Town staff recently improved. Board Member Tommy Thomas asked if Town requirements take precedence over the state. Ms. Grooman answered whichever one is stricter will prevail.

The Board Members asked questions as Ms. Grooman went through recommended revisions to the Ordinance which were noted in red. Board member Ginger Hain observed that the ordinance revisions represent a lot of work and commended staff. Chairman Smith asked if there were any additional comments or Board input. There was Board consensus to move forward with setting a public hearing.

2. Discussion of draft Transportation Impact Analysis Ordinance, LDS 6.10, and consideration of scheduling a public hearing.

Development Service Director Elizabeth Teague stated that concerns were raised by the public and planning board members related to traffic impacts of new development. Currently a development must generate 3,000 trips per day or greater to trigger the requirement for a transportation impact analysis or "TIA" and this threshold may be too high considering Waynesville's local roadway system. Estimates of traffic generation are derived from the Institute of Transportation Engineers or "ITE" Manual guidance which is based upon national averages and typical roadways. However, within the Town of Waynesville, many of our roads are narrow, windy, and steep. The Town contracted with JM Teague Engineering to evaluate the Town's standards and to recommend a more realistic threshold for when traffic creates an impact that warrants improvements to the adjacent and connecting roadway system.

The proposed text amendment lowers the TIA threshold to 500 cars per day. This would apply generally to any new residential development of 50 units or greater. This recommendation is based on engineering experience in Western North Carolina where cases have shown that an additional 500 cars per day during peak travel hours and at key intersections can impact the level of service and safety of a local roadways. After receiving the Board's feedback, staff will seek additional review by JM Teague Engineering.

Ms. Teague provided a review of the draft ordinance changes to LDS Section 6.10 Transportation Impact Analysis. The TIA should address issues such as transportation network safety, operation, access management, and bicycle/pedestrian facilities. The TIA may show improvements being necessary not only within or adjacent to the development site, but also on the surrounding transportation network and nearby intersections. The text amendment would change require a scoping document to determine thresholds, parameters, and mitigation requirements, according to the specifics of a site plan and the adjacent roadway system. According to the NCDOT TIA Guidelines, municipal TIA requirements would take precedence over NCDOT TIA requirements, if more restrictive.

If the TIA threshold changes to 500 trips per day, or 50 trips in the peak hour, then TIA's could be required for: 50 single-family homes; 70 apartments / townhomes; 100 room hotels, 30,000 square foot office building, or a 20,000 square foot shopping center. Ms. Teague explained that a "trip" is anytime a vehicle enters or exits a development. The suggested ordinance also would also require a TIA 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, and where there is no major intersecting road (5,000 ADT) between the site and the school;
2. Site is within ½ mile of a traffic signal that would be considered in the traffic impact study area;
3. If the site has a direct access on a major roadway (5,000 ADT).

There was Board discussion about suggested thresholds relative to other development in Town. Ms. Teague confirmed that the Plott Creek Apartments were also governed by an NCDOT driveway permit and the Town had advocated for a traffic study because of proximity to a school.

Ms. Teague explained that the scoping document would provide the applicant and the Town concurrence with study parameters such as study area, growth rate, peak hours, pass-by trips, trip generation, trip distribution, and land use codes. The existing conditions, background conditions, buildout conditions, and horizon conditions could determine what should be included in the study. Based on the findings of the analysis, mitigation measures may be required to improve adjacent roadways such as the creation of turn lanes, bridge replacement, crosswalks, road widening, or other physical improvements.

There was Board discussion about the Queen Farm development and Sunnyside Road. Ms. Teague responded that Sunnyside Road was a State NCDOT road and subject to the the NCDOT permit. The Town had asked NCDOT to look at the turning radius going into the development for larger vehicles such as a school bus or fire truck. The town staff had required the entrance to be widened, but was hoping that NCDOT would require an additional turning lane or widening of Sunnyside at the entrance. Barbara Thomas asked how the ordinance could – or could not impact the NCDOT driveway permit process.

Ms. Teague continued that the Town will use the submitted TIA as a tool to determine mitigation or improvements on the street network and would share that information with NCDOT. The Town reserves the right to require less than or more than what is recommended in the TIA, based on the right of way availability, safety, community concerns, or other factors. Ms Teague added, that the text amendments, at the suggestion of JM Teague Engineering, give the Development Services staff an opportunity to meet with the developer to develop a scope of study based on the context. It is presented as an appendix to the ordinance. Ms. Teague added that Mark Teague would be at the next Planning Board meeting to answer additional questions about TIAs and the recommendations in the draft. The Board directed staff to proceed with scheduling a public hearing with Mark Teague present.

3. Discussion of draft Ordinance for LDS corrections and updates.

Planner Olga Grooman presented the Land Development Standards text amendments regarding grammatical corrections and the addition of definitions for construction documents and preliminary plat. As written in the current ordinance, preliminary plat and construction documents are shown in the same paragraph and this could be confusing. Additionally, the explanation of a Master Plan needs to be updated to comply with “160D.” She explained that these text amendments will help eliminate confusion of application requirements. She also pointed out that there were several grammatical and typographical errors. Chair Smith stated that she thought that grammatical and spelling errors could be corrected without being considered a text amendment. Olga explained that all suggested changes are found in the ordinance draft and are shown in red. She read through the proposed revisions with the Board. The Board discussed scheduling a public hearing as follow up to fully complying with 160D.

4. Report of Subcommittee on LDS regulations relevant to major subdivisions and planning board feedback.

Ms. Teague informed the Board that the Subdivision Sub-Committee which includes Don McGowan, Susan Smith, Michael Blackburn, and Ginger Hain is looking at the subdivision regulations in relationship to the Comprehensive Land Use Plan and "160D" amendments. Ms. Hain noted that 160D changes diminished the decision-making authority that the Planning Board had in dealing with subdivisions. Additionally, the current regulations treat all subdivisions the same regardless of size. Mr. McGowen noted that the recent subdivision (at the Queens Farm) demonstrated that the ordinance did not provide enough guidance for a development of the scale of 115 lots.

Ms. Teague described the subcommittee's approach in suggesting a tiered approach to differentiate types of subdivision by size. Committee discussion has been around developing regulations in which larger subdivisions have additional consideration for civic space and buffering. Additionally, the committee wants to put forward a conservation subdivision option which encourages clustering and the preservation of open space. Ms. Teague added that JMTeague Engineering is also assisting with roadway guidelines. Don McGowen stated that the committee is also looking at an inclusionary zoning requirement for more affordable housing to be included in higher density development as part of the Special Use process. There was Board discussion regarding affordable housing requirements being easier to manage within rental developments and for a specific time frame, such as 5 years.

The committee has met 3 times and the minutes are posted on the Town website for public knowledge.

5. 2021 Year End Summary of Planning Board and Development Services activities

Ms. Teague reviewed Planning Board accomplishments for 2021 which included data on building permits and valuations of development. Ms. Teague noted that Waynesville is seeing a lot of development.

There was Board discussion of perhaps combining ordinance text amendments together to bring forward as one ordinance in order to avoid confusion.

C. ADJOURN

A motion was made by Board member Michael Blackburn, to adjourn the meeting at 7:38 pm.

Susan Tea Smith, Chairman

Esther Coulter, Administrative Assistant

Planning Board Staff Report

Subject: Land Development Standards (LDS) text amendment
 Ordinance Section: Section 6.10 Transportation Impact analysis
 Applicant: Staff initiated text amendment; Development Services Department
 Meeting Date: February 21, 2022

Background

As discussed at the January Planning Board Meeting, this text amendment regarding Transportation Impact Analysis, or "TIA," has been developed with assistance from traffic engineer Mark Teague, P.E., principle of JM Teague Engineering. Mark and staff have made additional changes to the draft since the last meeting, including the incorporation into the ordinance of guidance for developing a TIA scope, which was presented as an appendix.

Staff Recommended Text Changes:

The proposed text amendments are based on lowering the TIA threshold to 500 cars per day. This would apply generally to any new residential development of 50 units or greater. The proposed changes to the current Land Development Standards are in red.

Consistency with the 2035 Comprehensive Land Use Plan

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

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

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

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

- Provide and interconnected transportation network of roadways, greenways, freight mobility, bicycle routes, and sidewalks that improves safety and strategic access for all users.
- Coordinate with NCDOT on roadway improvement projects, particularly those along South Main, North Main, Russ Avenue, Pigeon Road, and Dellwood Road.

Attachments

1. Draft Ordinance
2. Consistency Statement Work sheet

Recommended Motions

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

ORDINANCE NO. _____

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

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

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

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The Town will maintain adequate legal authority through the most up-to-date ordinance.

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

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

WHEREAS, after notice duly given, a public hearing was held on ____, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

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

ORDINANCE NO. _____

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

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

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

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- The Town will maintain adequate legal authority through the most up-to-date ordinance.

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

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

WHEREAS, after notice duly given, a public hearing was held on ____, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____ AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING *(amendments provided in red and blue text)*:

1. Amend Land Development Standards Section 6.10 – 6.10.3 Transportation Impact Analysis as follows:

I. 6.10 Transportation Impact Analysis.

A Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects and impacts of a development’s traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and governmental agencies in making land use decisions involving annexations, subdivisions, rezonings, special land uses, and other development reviews. The TIA helps identify where developments may have a significant impact on safety, traffic, roadway transportation operations, and provides a means for the developer and governmental agencies to mitigate these impacts. The TIA should address issues such as transportation network safety, operation, access management, and bicycle/pedestrian facilities. Ultimately the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary on-and-off the site, to provide safe and efficient access and traffic flow. The TIA may show improvements being necessary on the development site or off site on the surrounding transportation network.

6.10.1 When Required.

The Town of Waynesville requires a Traffic Impact Analysis using its own thresholds, parameters, and mitigation requirements. The Town's requirements may not reflect the same requirements as NCDOT. According to the NCDOT TIA Guidelines, municipal TIA requirements take precedence over NCDOT TIA requirements, if more restrictive.

A TIA shall be required for a rezoning, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments under the following conditions:

A. Trip Generation Threshold: A TIA is required when a development is anticipated to generate 500 trips per day or 50 trips in the peak hour. (Trips do NOT equal cars. One car leaving and then returning equals 2 trips). Examples of common land uses that approximate this threshold include:

- 50 single-family homes
- 70 apartments / townhomes
- 100 room hotel
- 30,000 square foot office building
- 20,000 square foot shopping center

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, and where there is no major intersecting road (5,000 ADT) between the site and the school.
2. Site is within ½ mile of a traffic signal that would be considered in the traffic impact study area.
3. If the site has a direct access on a major roadway (5,000 ADT)

6.10.2 TIA Contents and Requirements.

A traffic impact analysis report shall be determined based on a scoping meeting with the Town Administrator at which the location, context, and nearby land uses are considered in determining the scope of the TIA. The Town requires a TIA scoping document completed by the applicant and reviewed for completeness and reasonableness by the Town. The scoping document should be signed by both parties PRIOR to the commencement of the TIA. The scoping document will provide the applicant and the Town concurrence with study parameters such as study area, growth rate, peak hours, pass-by trips, trip generation, trip distribution, and land use codes. The existing conditions, background conditions, buildout conditions, and horizon conditions must be included in the study. The scoping document parameters are found in 6.10.7.

A TIA will vary in range and complexity depending on the type and size of the proposed development and based on the scope determined through the scoping document process.

Reports shall require the full rationale, from a North Carolina licensed engineer, to perform such duties to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal. The TIA must be sealed by a licensed professional engineer in North Carolina.

6.10.3 Improvements May Be Required.

Based on the findings of the analysis, mitigation measures may be required to improve adjacent roadways such as the creation of turn lanes, bridge replacement, crosswalks, road widening, or other physical improvements. The TIA could also involve strategies other than roadway construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies.

2. Amend Section 6.10.4 to establish new thresholds for mitigation and remove Volume/Capacity Table:

6.10.4 Thresholds for Mitigation.

The Town requires consideration of roadway and/or operational improvements when the proposed development causes changes to the roadway Level of Service (LOS), increased queuing, or based on crash history, and as follows:

Mitigation Thresholds:

No mitigation will be necessary if the approach Level of Service (LOS) remains an "A" or "B" between Background and Horizon conditions AND if safety and operational concerns do not exist based on sight distance, blocking, queuing, or crash history.

If the approach Level of Service at Background is a "C" and delay increases more than 30% at Horizon conditions, mitigation should be required to reduce the LOS "C" delay increase to 10%.

If the approach Level of Service at Background is a "D" and delay increases more than 25% at Horizon conditions, mitigation should be required to reduce the LOS "D" delay increase to 10%.

If the approach Level of Service at Background is an "E" and delay increases more than 20% at Horizon conditions, mitigation should be required to reduce the LOS "E" delay increase to 10%.

If the approach Level of Service at Background is an "F" and delay increases more than 15% at Horizon conditions, mitigation should be required to reduce the LOS "F" delay increase to 10%.

If the site-generated traffic causes an increased queue at Horizon of 50% on any approach with less than 250-foot queue at Background, mitigation should be required to reduce the queue increase to 25%.

If the site-generated traffic causes an increased queue at Horizon of 25% on any approach with between 250-foot and 750-foot at Background, mitigation should be required to reduce the queue increase to 20%.

If the site-generated traffic causes an increased queue at Horizon of 15% on any approach with greater than 750-foot at Background, mitigation should be required to reduce the queue increase to 10%.

If the crash history shows greater than 3 *similar* crashes within a 12-month period, "preventable" mitigation should be required to reduce the chances of similar crashes involving site-generated traffic.

Mitigation should include references to the available right of way, potential constraints, project phasing, and innovative techniques to achieve the required mitigation goals.

Existing V/C REMOVED TABLE	Allowable Increase in V/C By Development
0.00—0.60	0.10
0.61—0.70	0.07
0.71—0.80	0.05
0.81—0.90	0.03
0.91—1.00+	0.02

3. Add Section 6.10.5 to allow alternative analysis (current 6.10.5 becomes 6.10.6):

6.10.5 Alternative to a Traffic Impact Analysis

In the event that a TIA is not required according to the Town's thresholds, the Town may still require an alternate traffic study to validate the safety and operation of the street system at or near the proposed site. Alternate studies may include:

Left of Right Turn Lane warrant analysis at the site access points. This analysis should be conducted using NCDOT methodology found in the current edition of the NCDOT Driveway manual.

Sealed Technical Memorandum addressing only the site access point including operation, safety, and trip impact to the adjacent roadway.

Sealed Safety Study along a stretch of street impacted by the site to address construction traffic, roadway width adequacy, pavement adequacy, etc.

The Town will use the submitted TIA as a tool to determine mitigation or improvements on the street network. The Town reserves the right to require less than or more than what is recommended in the TIA based on the right of way availability, safety, community concerns, or other factors.

~~6.10.5~~ 6.10.6 Payments-in-Lieu of Improvements.

The Board of Alderman may, at its discretion, accept either mitigation measures to be completed by the developer or a fee paid to the Town in lieu of mitigation. The fee shall be equal to the costs of the required mitigation measures, as determined by the Administrator. A combination of mitigation measures and payments-in-lieu of dedication may be permitted. Payments-in-lieu of dedication shall be approved as part of the Development Plan.

~~6.10.6~~ TIA Requirements and Parameters.

4. Add 6.10.7 Guidelines for TIA Scope and Parameters

A. The scoping document should include the following information:

1. A project description and scaled site plan including both narrative and illustrations, adjacent land uses, sidewalks, bicycle facilities, all adjacent streets turning lanes, roadway striping, roadway signing, roadway grades.
2. Site build out year.
3. A location/vicinity map showing the nearest major intersections.
4. Growth rate – should be based on an engineering assessment, current traffic patterns, future land use plans, historical traffic growth patterns, etc. Generally, the growth rate will be between 1.5% and 4% annually.
5. Study area – should be from the site access point or points to the next major intersection (5,000 ADT), or to a point where site generated traffic dissipates to 10% of additional traffic on the roadway, whichever is further away. The study area can also include stretches of roadway (non-intersections) if deemed applicable by the Town.

6. Trip generation using the methodology provided by the ITE Trip Generation Manual, including assumed Land Use Codes.
7. Trip distribution for the entire study area. Include ingress and egress trips.
8. Pass-By Trips – Use guidance from the ITE Trip Generation Manual should be used but should not be more than 25%.
9. Internal Capture – Use guidance from the ITE Trip Generation Manual.
10. The study period should be for the Peak Hour (or hours) period and include Existing (current conditions), Background or No Build (conditions at the time of proposed build out but not including any site generated trips, Build Out (conditions at the time of build out including site generated trips), and Horizon (2 years beyond build out conditions).
11. Peak Hours will vary based on traffic patterns, land use, and adjacent street volumes but will generally be AM, PM, and sometimes mid-day. In most circumstances, the peak hour should be based on the peak hour for the site trip generation but may be expanded to include peak periods of adjacent streets, nearby schools or other specialty land uses. Some land uses such as parks, outdoor commercial, or places of worship may require a weekend peak hour.
12. Traffic signal operation should be modeled with current phasing and timing unless a traffic signal upgrade project is currently planned and designed. No Turn On Red should be implemented on all approaches. This will allow the applicant to modify the current traffic signal phasing or timing as part of mitigation if needed.
13. Vehicle data collection should usually be during the peak periods in 2 – 3 hour blocks. 12 – 13 hour data should be collected when performing a traffic signal warrant study.

B. Other Information for inclusion:

1. All approaches within the study area with four (4) or fewer trips during the peak hour should be modeled as 4 trips in order for most modeling software to perform adequately.
2. The TIA should address sight distance at all site access points (meeting AASHTO recommendations).
3. The TIA should address queuing and blocking of adjacent property driveways.
4. The TIA should include a crash study at each studied intersection. The crash study should include 5 previous years and projections for the Horizon year
5. The TIA should include all raw data – data collection in 15 min bins, intersection model runs, turn lane warrant calculation sheets, signal warrant calculation sheets, internal capture calculations, etc.

4. Add the Following Definitions to 17.4 Definitions, General

Transportation Impact Analysis or TIA. A specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure.

TIA AADT. Average Annual Daily Traffic gathered through a small sample size and projected to an annual rate.

TIA ADT. Average Daily Traffic gathered through a 365-day data collection process.

TIA Background Conditions. No Build. Conditions at the time of proposed project completion but not including any site generated trips. The background condition contains additional trips based on natural growth rates or other planned and scheduled projects in the study area.

TIA Build Out Conditions. Conditions at the time of project completion including site generated trips, natural growth, or other planned and scheduled projects in the study area.

TIA Existing Conditions. Current conditions not including any growth or new development

TIA Growth Rate. The natural traffic growth rate of the study area roadway area. The growth rate generally takes into account an additional or reduced number of homes, small commercial establishments, and the number of local drivers. Significant changes in these areas should be addressed specifically.

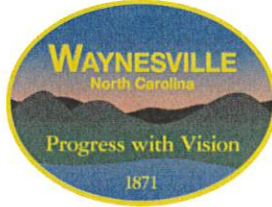
TIA Horizon Conditions. Conditions 2 years beyond Build Out Conditions including another 2 years of natural growth and other planned and scheduled projects in the study area.

TIA Internal Capture Trips. Trips that serve multiple land uses within the site. To keep these trips from being "double-counted" a certain percent can be excluded from one land use if they are included on another land use

TIA Level of Service (LOS). The relationship of travel demand compared to the roadway capacity determines the level of service (LOS) of a roadway. Six levels of service identify the range of possible conditions. Designations range from LOS A, which represents the best operating conditions, to LOS F, which represents the worst operating conditions.

TIA Pass By Trips. Site generated trips that result from vehicles already on the adjacent street and are not new to the study area. These trips do not disappear but result in a diverted movement. For instance, instead of traveling past the site access, the vehicle may turn left into the site access and right out when leaving the site.

TIA VPD. Vehicles per day either gathered for a 24-hour period or expanded from a smaller sample.



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Planning Director
 Date: February 21, 2022
 Subject: Text Amendment Statement of Consistency
 Description: Text amendment related to LDS Section 6.10 Transportation Impact Analysis
 Address: Town of Waynesville Development Services Department

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

☐

The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because: _____

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

☐

The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____

☐

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

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

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

 Susan Teas Smith, Planning Board Chair, Date

 Esther Coulter, Administrative Assistant

Planning Board Staff Report

Subject: Stormwater Ordinance Text Amendment
 Ordinance Section: Section 12.5 of the Land Development Standards
 Applicant: Staff initiated text amendment; Development Services Department
 Meeting Date: February 21, 2022

Background

As presented at the January Planning Board meeting, proposed revisions to Section 12.5 Stormwater Management Ordinance are required to keep the Town of Waynesville in compliance with the National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of the Environmental Quality (NC DEQ) on August 19, 2021. The permit is valid for five (5) years, and it replaces the Town's former NPDES permit. The purpose of the NPDES permit is to manage stormwater runoff, reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. The Town achieves these goals through its comprehensive Stormwater Management Plan, which was approved on June 28, 2021.

One of the permit requirements is to "maintain adequate legal authorities through ordinance" (permit reference 3.6.2). The Town adopted a Stormwater Ordinance as part of the original NPDES Permit which was issued in 2005. Since that time, the State has provided updated guidance and standards of stormwater management practice. Proposed text amendments will align the Town's ordinance with the Phase II NCDEQ Stormwater Model Ordinance for North Carolina and the Town's current NPDES permit.

Staff Recommended Text Changes:

The proposed text amendments include the following changes:

- Definitions of stormwater map, watershed, stormwater control measures (SCMs)
- Addition of Natural Resources Inventory and Stormwater Management System Concept Plan
- Clarification of authority, penalties for violations, and remedies
- Explanation of record keeping
- Standards for SCMs based on the NC DEQ Design Manual
- Clarification of As-Builds standards for final stormwater inspection
- Additions to non-illicit discharges section

Staff submits the proposed changes in red.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the goals of the 2035 Comprehensive Plan, particularly:

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

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.
- Reinforce the unique character of Waynesville.

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

- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views, and mountain vistas.
- Protect and enhance water quality and forests.

The Town will also maintain adequate legal authority through aligning the LDS with the State's Model Stormwater Ordinance.

Attachments

1. Proposed Text Amendment
2. Consistency Statement Worksheet

Recommended Motions

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

ORDINANCE NO. _____

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

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

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

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

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- It will “protect and enhance Waynesville’s natural resources,” (Goal #3);
- It will keep the Town in compliance with the NC DEQ permit requirements.

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

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

WHEREAS, after notice duly given, a public hearing was held on February 21, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

That the Land Development Standards be amended as follows:

1. Amend the section 12.5- Stormwater Management as follows:

~~12.5- Stormwater Management.~~ Stormwater Ordinance.

It is hereby determined that:

- This section shall be officially known as "the stormwater ordinance." It is referred to herein as "this section."
- Development and redevelopment alter (...)

2. Amend the fourth bullet point in section 12.5.1 Purpose as follows:

- Establish design and review criteria for the construction, function, and use of structural stormwater BMPs (also called stormwater control measures, or SCMs) that may be used to meet the minimum post-development stormwater management standards.

3. Amend the section 12.5.2 Applicability as follows:

~~C. Minimum Development Thresholds: The standards in this section shall apply to all new development projects and all redevelopment projects that cumulatively disturb one (1) acre or more, and to projects of less than one acre that are part of a larger common plan of development or sale, or that have a proposed increased impervious surface on completion of greater than 24,000 square feet provided that all new development directs stormwater runoff to landscaped areas and other pervious surfaces to the maximum possible extent as determined by the Administrator.~~

C. Minimum Development Thresholds: The standards of this section shall apply to all new development and redevelopment projects that:

- a) Cumulatively disturb one (1) acre or more.
- b) Projects of less than one acre and that are a part of a larger common plan of development or sale, even though multiple, separate, or distinct activities take place at different times on different schedules.
- c) Projects of less than one acre and that have a proposed increased impervious surface on completion of greater than 24,000 square feet.

All development and redevelopment shall direct stormwater runoff to landscaped areas and other pervious surfaces to the maximum extent possible. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

D (...)

4. Add a bullet point to the end of section 12.5.3 Exemptions as follows:

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

- (...)
 - Activities that are exempt from permit requirements of Section 404 of the Federal Clean Water Act as specified in 40 CFR 232 (primarily ongoing farming and forestry activities) are exempt from the provisions of this section.
 - Redevelopment that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development is exempt from the provisions of this ordinance.

5. Amend the section 12.5.4 Administration as follows:

Delegation of Authority: Any act authorized by this ordinance shall be carried out by the Development Services Director and may be carried out by his or her designee as a Stormwater Administrator. For the purpose of this section, the Stormwater Administrator shall mean any Development Services employee designated in this function.

The Administrator shall have the following powers and duties under this section:

- Review, approve or disapprove (...)
- (...)
- Take necessary actions to administer the provisions of this section.

Map: The Stormwater Map shall be kept on file by the Development Services Department and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all structural stormwater control measures permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

Conformance to Stormwater Plans: The latest versions of the Town of Waynesville Stormwater Management Plan and Illicit Discharge Detection and Elimination Plan are herein incorporated by reference. Conformance to them is required in addition to the standards of this ordinance.

Conflict of Laws: This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

Other Permits: No certificate of compliance or occupancy shall be issued by the Town of Waynesville Development Services without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Development Services may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval have occurred.

6. Amend the section 12.5.6 Design Manual as follows:

12.5.6 Design Manual.

~~A. The Town of Waynesville shall utilize the latest edition of the North Carolina Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ) Stormwater Best Management Practices Design Manual as the Stormwater Design Manual.~~

A. **Reference to Design Manual:** The Town of Waynesville shall use the policy, criteria, and information, including technical specifications and standards, in the *North Carolina Department of Environmental Quality (NC DEQ) Stormwater Design Manual* as the basis for decisions about stormwater plans and about the design, implementation, and performance of structural and non-structural stormwater control measures.

The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II and other applicable stormwater laws.

B. **Right to Consult:** Stormwater management practices that are designed, constructed, or maintained (...)

C. **Relationship of Design Manual to Other Laws and Regulations:** If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.

D. **Changes to Standards and Specifications.** If the standards, specifications, guidelines, policies, criteria, or other information in the Design Manual are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, then Section 15.16.1-Permit Choice will apply.

7. Amend the section 12.5.7 Standards as follows:

A. General Requirements:

~~1. A stormwater drainage and management plan and a permit shall be required will all development applications to which this section applies.~~ A Stormwater Management System Concept Plan is required for all development and redevelopment projects to which this section applies. This plan shall be prepared (...).

(...)

B. Water Quality Design Requirements:

(...)

C. Standards for Stormwater Control Measures:

Owners of property subject to this ordinance and required to install structural stormwater control measures shall implement those measures in compliance with each of the following standards:

~~6.~~ 1. All structural stormwater ~~management~~ control measures shall control and treat the runoff from the 1-year 1-hour storm event as determined by NOAA data for the Town of Waynesville.

~~7.~~ 2. (...)

~~8.~~ 3.

~~9.~~ 4.

~~10.~~ 5.

~~11.~~ 6.

~~12.~~ 7.

~~13.~~ For areas of redevelopment, the following shall apply:

- ~~—— a. provide a 20% reduction in impervious surface area; or~~
- ~~—— b. provide water quality measures for 20% of the impervious area; or~~
- ~~—— c. provide a combination of impervious area reduction and water quality measures equivalent to a 20% reduction in impervious surface area; and~~
- ~~—— d. provide water quality for any increase in impervious surface area.~~

~~13.~~ 8. All stormwater control measures and stormwater treatment practices required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications, standards, and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Administrator shall determine whether proposed SCMs/BMPs will be adequate to meet the requirements of this ordinance.

~~C.~~ D. Water Quantity Design Requirements:

(...)

~~D.~~ E. Stormwater Conveyance Systems Design Requirements:

(...)

~~E.~~ F. Uniform Watershed Analysis:

(...)

8. Amend the section 12.5.9 Illicit Discharges and Connections as follows:

A. Illicit Discharges: No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner or amount that the substance is likely to reach a stormwater conveyance or the waters of the State unless permitted by an NPDES permit. **Prohibited instances include but are not limited to: anti-freeze, chemicals,**

animal waste, paints, garbage, and litter. However, non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:

- ~~Filter backwash and draining associated with swimming pools.~~ Dechlorinated swimming pool discharges.
- Landscape irrigation and lawn watering.
- Springs, diverted stream flows, rising ground waters, and flows from riparian habitats and wetlands.
- Filter backwash and draining associated with raw water intake screening and (...)
- (...)
- ~~Prohibited instances include but are not limited to: anti-freeze, chemicals, animal waste, paints, garbage, and litter.~~

9. Amend the section 12.5.11 Inspections as follows:

C. Annual Maintenance Inspections and Report: (...) The person responsible for maintenance of any structural BMP installed pursuant to this section shall submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in the area of competence: a qualified registered North Carolina professional engineer, landscape architect, **soil scientist, aquatic biologist**, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment (...).

D. Records of Installation and Maintenance Activities: The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

E. Nuisance: The owner of each stormwater BMP, whether structural or non-structural BMP, shall maintain it so as not to create or result in a nuisance condition.

10. Add the section 12.5.13 Additional Standards for Special Situations as follows:

12.5.13 Additional Standards for Special Situations.

A. Trout Waters: In addition to the standards for handling stormwater set out in the Design Manual, development and redevelopment that drains in whole or part to class TR waters shall design and implement the best stormwater practices that do not result in a sustained increase in receiving water temperature, while still meeting the other requirements of this ordinance.

B. Pet Waste: Pet waste can pollute rivers, streams, and lakes. Stormwater runoff carries pet waste into drainage ditches and storm drains where it is then dumped, untreated, into the nearest waterway. Dog waste contains bacteria, viruses, and parasites that can harm humans and affect water quality. Once in a waterway, pet waste can travel long distances and pollute a large area. Therefore:

- It shall be unlawful for the owner or custodian of any dog to take it off the owner's own property limits without the means to properly remove and dispose of the dog's feces from any public or private property.
- It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.

- “Means to properly remove and dispose of feces” shall consist of having on or near one’s person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain dog waste until it can be disposed of in an appropriate container.
- This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

11. Add the section 12.5.14 Interpretation as follows:

12.5.14 Interpretation.

- A. **Meaning and Intent:** All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in section 12.5.1, Purpose. If a different or more specific meaning is given for a term defined elsewhere in the Town of Waynesville Code of Ordinances, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.
- B. **Text Controls in Event of Conflict:** In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- C. **Authority for Interpretation:** The Stormwater Administrator or a Development Services employee designated to carry out the duties of a Stormwater Administrator has authority to determine the interpretation of this ordinance. Any person may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The stormwater administrator shall keep on file a record of all written interpretations of this ordinance.
- D. **References to Statutes, Regulations, and Documents:** Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.
- E. **Computation of Time:** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town of Waynesville, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Waynesville. References to days are calendar days unless otherwise stated.

12. Amend the section 15.4.1 Environmental Survey as follows:

15.4.1 Environmental Survey.

An environmental survey is intended to identify natural features, environmentally sensitive areas, forest stands, ~~or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open grown or field grown trees; a distinctive tree line or forest edge;~~ existing watercourses, and previously documented endangered species habitats, identification of existing trees, understory vegetation, wetlands, perennial streams, floodplains, and topographical features on a site prior to the advanced preparation of development plans. The survey enables the reasonable and practical planned preservation of existing and environmentally sensitive areas. ~~This requirement provides the Town and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy,~~

~~specimen trees, and significant vegetation to satisfy the requirements of this Ordinance.~~ It is the expectation requirement that readily available spatial data, including GIS information, floodplain and floodway designation, wetlands delineation, and topography, be provided in addition to identified natural features. ~~will be sufficient for the survey~~

Environmental Survey **must** include **Natural Resources Inventory**, which is:

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description must include a discussion of soil conditions and soil types, forest cover, geologic features, topography, delineated wetlands, perennial and intermittent streams, native vegetative areas on the site, boundaries of existing predominant vegetation, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.

13. Amend the section 15.4.4 Construction Documents/Preliminary Plat as follows:

(...) All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the adopted Manual of Specifications.

If a project falls under the Town of Waynesville Stormwater Ordinance, the **Stormwater Management System Concept Plan** is required. The Plan can be a written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

14. Amend the section 15.7.3 Stormwater Permits as follows:

To ~~insure~~ ensure that development in the town does not result in increased stormwater runoff which adversely impacts adjacent property, no development to which this ordinance applies, shall be commenced without the issuance of a Stormwater Permit ~~by the Administrator~~, which is a part of the building permit, unless specified otherwise by the Administrator.

(...)

C. Required Application Information: Environmental Survey, which **must** include **Natural Resources Inventory** (15.4.1), and Construction Documents ~~that~~ **must** include **Stormwater Management System Concept Plan** (15.4.4) (may be waived by Administrator as appropriate).

D. Determination of Conformity: If the Stormwater Administrator finds that the application complies with the standards of this ordinance, the Administrator shall approve the application. The Administrator may impose conditions of approval as needed to ensure compliance with ~~this section the Stormwater Ordinance and this section~~. The conditions shall be included as part of the approval. If the Administrator finds that the application fails to comply with the standards of this section, the Administrator shall notify the applicant in writing, and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application. A complete revised application shall be reviewed by the

Administrator after its re-submittal and shall be approved, approved with conditions, or disapproved. If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required. ~~along with the appropriate fee for a new submittal. One re-submittal of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to this section.~~

E. As-Built Plans and Final Approval: Upon completion of a project and before a certificate of occupancy is granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

E. F. Public Notification: (...)

F. G. Appeals: (...)

G. H. Permit Validity: (...)

H. I. Permit Extension: (...)

15. Amend the section 16.2.2 Civil Penalties as follows:

C. Enforcement and Violations of the Stormwater Ordinance.

The following remedies and penalties provided for violations of the Chapter 12.5- Stormwater Ordinance, shall be cumulative and in addition to any other remedy provided by law, Town Ordinance, and may be exercised in any order.

1. Authority to enforce. The provisions of the Stormwater Ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the Town. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the Town.

2. Violation unlawful. Any failure to comply with applicable requirements, prohibitions, standards, or limitations imposed by the Stormwater Ordinance, or the terms or conditions of any permit, maintenance agreement, or other development or redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance and is subject to a civil penalty of not more than \$500 per day. Each day that a violation continues shall constitute a separate and distinct violation or offense.

3. Responsible persons/entities. Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, BMP, practice, or condition in violation of the ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may

include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take an appropriate action, so that a violation of this ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to: Person maintaining condition resulting in or constituting a violation. An architect, engineer, builder, contractor, developer, agency, the owner of the land on which a violation occurs, any tenant or occupant of the property, any person responsible for stormwater controls pursuant to a private or public document, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take an appropriate action, so that a violation of this ordinance results or persists.

4. Notice of Violation and Order to Correct. When the Stormwater Administrator finds that any building, structure, or land is in violation of the ordinance, the Stormwater Administrator shall notify, in writing, the property owner or other person violating the ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by the law enforcement, or by certified or registered mail, return receipt requested.

A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation.

5. Withholding of Certificate of Occupancy. The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

6. Disapproval of subsequent permits and development approval. As long as a violation of the ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the approving body may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, and/or subdivision regulations, as appropriate for the land on which the violation occurs.

7. Injunction, abatements, etc. The stormwater administrator may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of the ordinance. Any person violating the ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

8. Correction as public health nuisance, costs as lien, etc.: If the violation is deemed dangerous to the public health or public safety and is within the geographic limits prescribed by G.S. 160D, the Stormwater Administrator may cause the action to be corrected and the costs to be assessed as a lien against the property.

16. Add the following definition to the section 17.4 Definitions, General as follows:

Stormwater Control Measure (SCM). A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater or a combination thereof.

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

17. Add the following definition to the section 17.5 Definitions, Floodplain Damage Prevention as follows:

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

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Planning Director
 Date: February 21, 2022
 Subject: Text Amendment Statement of Consistency
 Description: Stormwater Ordinance Text Amendment, Section 12.5 of the Land Development Standards
 Address: Town of Waynesville Development Services Department

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

☐ The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because: _____

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

☐ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____

☐ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

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

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

 Susan Teas Smith, Planning Board Chair, Date

 Esther Coulter Administrative Assistant

Planning Board Staff Report

Subject: Land Development Standards (LDS) text amendments regarding 160D clarifications and definitions, and other minor amendments
Ordinance Section: Multiple sections of LDS
Applicant: Staff initiated text amendment; Development Services Department
Meeting Date: February 21, 2022

Background

As presented to the Planning Board at the January meeting, staff has found additional clarification and definition needs resulting from changes to 160D. Additionally, several typographical errors and incorrect or outdated information was also identified. Since the last meeting, staff learned of clarification for distinguishing minor and major modifications of site plans, plats, and conditional districts which was provided by the School of Government. This draft reflects last month's discussion, and guidance from the School of Government for the purpose of eliminating any confusion of common terms and application requirements as a result of procedural changes by 160D.

Staff Recommended Text Changes:

The proposed text amendments include definitions of plat, preliminary plat, final plat, and master plan; clarification of the requirements for a preliminary plat and construction documents; clarification of administrative modifications; amendment of references with relevant provisions from 160D; and the elimination of grammatical errors and outdated information/terms. The proposed changes to the current Land Development Standards are in red.

Consistency with the 2035 Comprehensive Land Use Plan

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

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

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

The Town will also maintain adequate legal authority through the most up-to-date ordinance.

Attachments

1. Proposed Text Amendment
2. Consistency Statement Worksheet

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

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TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

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- The Town will maintain adequate legal authority through the most up-to-date ordinance.

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

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

WHEREAS, after notice duly given, a public hearing was held on February 21, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

That the Land Development Standards be amended as follows:

1. Amend Section 1.5 Consistency with All Adopted Plans as follows:

In accordance with G.S. 160D, all development plans shall be in conformance with all adopted plans (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plan adopted by the Waynesville Board of ~~Commissioners~~ Aldermen).

2. Amend Section 1.7.1 Violations Continue as follows:

(...) construction or other activity is clearly consistent with the express terms of this ordinance. ~~bl;~~

3. Amend Section 1.10 Effective Date as follows:

Many provisions herein are a restatement of previous provisions of the Land Development Standards and are hereby continued without interruption. All other provisions of this ordinance ~~shall become~~ became effective April 12, 2011, and subsequently, including provisions of 160D, as adopted June 22, 2021.

4. Amend Section 2.2 Districts by District Type as follows:

The following ~~34~~ 30 base districts are organized into categories (...).

5. Amend Section 2.6 Overlay Districts as follows:

A. **Purpose:** The Historic Overlay District (HOD) is a zoning overlay district established pursuant to NCGS § ~~160A-400~~ 160D-940 (...).

6. Amend Section 2.7.1 Standards for Conditional Districts as follows:

In addition to modification of specific district provisions (...).

7. Replace Section 6.2.2 Required Conformance to the Waynesville Specifications Manual as follows:

~~6.2.2 Required Conformance to the Waynesville Specifications Manual.~~

~~The Town of Waynesville Specifications Manual (WSM) is herein incorporated by reference. Conformance to the WSM is required in addition to the standards of this Ordinance.~~

6.2.2 Required Conformance to the Specifications of the Town's Public Services Department.

The specifications of the Town's Public Services Department are herein incorporated by reference. Conformance to them is required in addition to the standards of this Ordinance.

8. Amend Section 6.4.1 Street Network as follows:

E. Street Stubs:

(...)

4. Stub Street Details: (...) ~~See WSM for sign specifications.~~

9. Amend Section 6.7.6 Curb Radii and Construction as follows:

C. Minimum Specifications: All curbed streets shall be built in accordance with the ~~Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

10. Amend Section 6.7.7 Pavement Standards as follows:

A. Minimum Specifications: All street types, except alleys, shall be paved to meet the ~~current specifications of the Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

B. (...)

C. Alleys: (...) However, when alleys are proposed to be paved, the pavement shall meet the ~~specifications of the Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

11. Amend Section 6.7.8 Utilities as follows:

A. Minimum Specifications: All utility installations within rights-of-way shall be consistent with the ~~Town of Waynesville Specifications Manual and Section 6.12 of this Chapter~~ specifications of the Town's Public Services Department and Section 6.11 of this Chapter.

12. Amend Section 6.8.1 Sidewalks as follows:

B. Design Standards:

(...)

3. Sidewalks shall be constructed of concrete or other approved materials (such as pavers) and built in accordance with the ~~Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

13. Amend Section 6.11.4 Sanitary Sewer Systems as follows:

D. Public Sewer Systems:

1. Where connection is proposed (...), the proposed system shall be installed according to ~~town specifications and standards~~ the specifications of the Town's Public Services Department and designed by a registered engineer.

14. Amend Section 14.4 Board of Adjustment as follows:

14.4.2 Membership and Quorum.

B. The Board shall not pass upon any question relating to an appeal from a decision, order, requirement or determination of town officials or an application for a variance ~~or special-use permit~~ when there are less than four-fifths (4/5) of the board members with jurisdictional authority present.

15. Amend four (4) cells of the table in Section 15.2.3 Permit/Process Type as follows:

15.2.3 Permit/Process Type

Permit/ Process Type	Section	Permit/Process Type	Reviewing Agency	Public Notification (15.3)	Approving Agency	Appeal Process	Permit Period	Permit Extension
Special Use Permit	15.10	Quasi-Judicial	Planning Board	1, 2, 3 , 5	Planning Board	Superior Court	2 years	Up to 3 years max.*
Designation of Historic Landmarks/Districts	15.11.1	Legislative	HPC	1,2,3	Board of Aldermen	Superior Court	n/a	n/a
Certificate of Appropriateness (Minor)	15.11.2	Administrative	Admin.	None	Admin.	HPC	12 months	Re-submit
Certificate of Appropriateness (Major)	15.11.3	Quasi-Judicial	Admin.	1, 2, 3 , 4	HPC	BOA	12 months	Re-submit
Appeal of Administrative Decision	15.12	Quasi-Judicial	BOA	1, 3 , 4	BOA	Superior Court	30 days to Appeal	n/a
Text Amendment	15.14	Legislative	Planning Board	1,2,3, 4	Board of Aldermen	Superior Court	n/a	n/a
Variance	15.13	Quasi-Judicial	BOA	1, 3 , 4	BOA	Superior Court	30 days to Appeal	n/a

(Table continues)

16. Amend two (2) cells of the table in Section 15.4 Application Requirements as follows:

15.2.3 Permit/Process Type

Permit/ Process Type	Section	Environmental Survey (15.4.1)	Sketch Plan (15.4.2)	Master Plan (15.4.3)	Construction Documents (15.4.4)	Preliminary Plat (15.4.4)	As-Build Drawings (15.4.5)	Final Plat (15.4.6)	Building Elevations (15.4.7)
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(Table continues)

Site Plan/Design Review (Major)	15.8.2	X		X	X(a)				X(a)
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(Table continues)

Subdivision (Major)- Preliminary Plat	15.9.3	X		X		X			
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(Table continues below)

17. Add Section 15.2.5 Administrative Modifications and Substantial Changes as follows:

15.2.5 Administrative Modifications and Substantial Changes

- A. **General.** The Administrator can approve administrative minor modifications for conditional districts (160D-703(b)), special use permits (160D-705(c)), and administrative development approvals (160D-403(d)).
- B. **Minor Modification:** A minor administrative modification is a non-substantial change to the approved plan that may include but is not limited to: relocation of a bus stop, moving landscaping around, reduction in the number of parking spaces, reduction in the number of units/lots, building elevation changes, increasing vegetative buffer or the number of trees, etc.
- C. **Unique Property Attributes.** A minor modification may also be allowed to provide relief from a unique physical attribute of the property not known at the time of initial approval. The applicant will need to provide evidence of why relief is needed.
- D. **Substantial Changes.** Any substantial change to a Master Plan or Plat as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Aldermen:
 - An increase in impervious surface.
 - A change in land use or development type beyond that permitted by the approved Master Plan or Plat.
 - The introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
 - Change in density: when there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan or Plat.
 - An increase of the total floor area of a commercial or industrial classification by more than 10 percent beyond the total floor area last approved by Board of Aldermen.
 - Any decrease in the setbacks greater than 10% from the originally approved Master Plan or Plat.

- E. **Variance.** Minor and major modifications require the project to stay in compliance with the Land Development Standards and any other applicable laws. Some modifications may require a variance procedure as found in Section 15.13 Variances.

18. Amend Section 15.3.7 Neighborhood Meeting as follows:

A neighborhood meeting is mandatory for development projects of 8 or more lots/units or where required prior to any public hearing or review by a board or commission. This meeting will allow the applicant to explain the proposed project and to be informed of the concerns of the neighborhood. When an applicant is required to conduct a neighborhood meeting, a summary of the meeting in the form of meeting notes or minutes along with a list and contact information for all attendees shall be submitted to the ~~board or commission~~ Planning Board for their review.

19. Amend Section 15.4 Application Requirements as follows:

Application Requirements.

(...) ~~The Administrator will prepare and disseminate appropriate checklists for use by applicants in their submission. These checklists are part of the Waynesville Specifications Manual and are made a part of this ordinance by reference.~~ The Administrator shall determine the requirements of the building permits.

20 Amend Section 15.4.2 Sketch Plan as follows:

(...) All plans shall be submitted at a scale not less than 1 inch = 50 feet, and in digital and paper format ~~(for Site Plans) or 1 inch = 200 feet (for Subdivisions)~~ unless otherwise authorized by the Administrator.

21. Amend Section 15.4.3 Master Plan Requirements as follows:

The Master plan for a minor or major site plan review is intended (...) All plans shall be submitted at a scale not less than 1 inch = 50 feet, and in digital and paper format ~~(for Site Plans) or 1 inch = 200 feet (for Subdivisions)~~ unless otherwise authorized by the Administrator.

22. Amend Section 15.4.4 Construction Documents/Preliminary Plat as follows:

~~The Construction Documents: for Site Plans and Subdivision Plans shall constitute a full a complete set of engineered drawings necessary for final permitting and construction. All plans shall be submitted at a scale not less than 1 inch = 50 feet unless otherwise authorized by the Administrator. All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the adopted Manual of Specifications.~~

Construction Documents: A full and complete set of engineered drawings is necessary for a building permit and construction. All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the specifications of the Town's Public Services Department. Construction documents shall be submitted at a scale not less than 1 inch = 50 feet, unless otherwise authorized by the Administrator.

Preliminary Plat: The preliminary plat for a subdivision that shall be prepared by a registered surveyor or engineer and shall show the following:

1. The location of existing and platted property lines, streets, buildings, watercourses, railroads, transmission lines, sewers, bridges, culverts, and drainpipes, water mains, city limit lines, and any public utility easements.
2. Boundaries of tract shown with bearings, distances, and closures.
3. Wooded areas, wetlands, and any other physical conditions within the site.
4. Boundary of floodplain, floodway within the site as provided in the most current FIRM.
5. The location (layout) of any proposed streets, rights-of-way, pavement widths, and approximate grades, sidewalks, greenways, or trails within the subdivision.
6. The location (layout) of proposed utilities (sewer, water, gas, electricity), showing connections to existing systems or location plans for individual water supply, sewage disposal, storm drainage, location of proposed hydrants, and the like.
7. Proposed lot lines, lot and block number, approximate dimensions, and acreage for each lot.
8. Proposed location and acreage of civic space and open areas, if required.
9. Proposed location and acreage of designated stormwater management areas if required.
10. Proposed minimum building setback lines.
11. Title, date, north point, and graphic scale.
12. Name of owner, surveyor/engineer.
13. Total number of lots.
14. Sketch vicinity map showing relationship between subdivision and surrounding area.

A preliminary plat shall be submitted at a scale not less than 1 inch = 200 feet, unless otherwise authorized by the Administrator.

23. Amend Section 15.4.6 Final Plat as follows:

(...) The final plat shall constitute an accurate survey of the entire phase as shown on the approved ~~master plan~~ preliminary plat and shall include all the relevant notes and certifications.

24. Amend Section 15.5 General Requirements for Evidentiary Hearings and Quasi-Judicial Decisions as follows:

(...) In accordance with G.S. 160D-1-2, -1402, decisions ~~on the approval of site plans and subdivisions and~~ are quasi-judicial in nature if the ordinance authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with (...).

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

D. Required Application Information: Environmental Survey (15.4.1), Master Plan (15.4.3), and Building Elevations ~~for Design Review~~ (15.4.7) (may be waived by Administrator as appropriate)-Construction Documents (...).

26. Amend Section 15.9.4 Final Plat for Major Subdivision as follows:

B. Improvements to Be Installed or Guaranteed: All required infrastructure improvements shall be either installed or financially guaranteed in accordance with Section ~~6.13~~ 6.12.

27. Amend Section 15.15.3 Effect of Approval/Changes as follows:

15.15.3 Effect of Approval/Changes.

~~The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Aldermen, followed by approval of any necessary Site Plans or Subdivision Plats, except that all subsequent approvals shall be completed by the Administrator. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.~~

A. Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.

B. Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Aldermen as an amended Conditional District. The following changes to a CD Master Plan shall require approval by the Board of Aldermen:

- ~~1. Land area being added or removed from the Conditional District.~~
- ~~2. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.~~
- ~~3. A change in land use or development type beyond that permitted by the approved Master Plan.~~
- ~~4. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.~~
- ~~5. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.~~
- ~~6. When the total floor area of a commercial or industrial classification is increased more than 10 percent beyond the total floor area last approved by Board of Aldermen.~~

C. Additional Changes: All other changes to a CD Master Plan shall receive approval by the Planning Board. However, if in the judgment of the Planning Board, the requested changes alter the basic development concept of the CD, the Planning Board may require concurrent approval by the Board of Aldermen.

A. For modifications to an approved Master Plan see Section 15.2.5

~~D.~~ **B. Rescission of Conditional Districts:** The Applicant shall secure a valid building or construction permit(s) within two (2) years from date of approval of the Conditional District unless (...).

28. Amend Section 17.4 Definitions, General as follows:

Master Plan. A map or plan showing the layout and specifications of a site which is presented for approval. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Master Plan shall ensure compliance with all development standards as specified for the zoning district as well as all other Town development requirements.

Plat. A plat means and includes the terms: survey, plan, map or replat; and means a survey or plan of a parcel of land for recordation or for development, redevelopment, or subdivision review.

Plat, Final. The final map of all or a portion of a subdivision or development which is presented for final approval. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Final Plat demonstrates compliance with development standards, rights-of-way, and other Town requirements necessary of recordation with Haywood County Land Records.

Plat, Preliminary. A map indicating the proposed layout of a development and related information that is submitted for preliminary review. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Preliminary Plat shall ensure compliance with all development standards as specified for the zoning district as well as all other Town development requirements.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Elizabeth Teague, Planning Director
 Date: February 21, 2022
 Subject: Text Amendment Statement of Consistency
 Description: Text Amendment related to 160D clarifications and definitions to the Land Development Standards
 Address: Town of Waynesville Development Services Department

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

☐ The zoning amendment **is approved and is consistent with the Town's comprehensive land use plan** because: _____

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

☐ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive land plan and is not reasonable and in the public interest** because _____

☐ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive land use plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

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

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

 Susan Teas Smith, Planning Board Chair, Date

 Esther Coulter, Administrative Assistant

Planning Board Staff Report

Subject: Land Development Standards (LDS) text amendment recommendations from the Planning Board Subcommittee on Subdivision regulations

Ordinance Section: Multiple sections of LDS

Applicant: Planning Board initiated text amendment

Meeting Date: February 21, 2022

Background

As discussed at the January Planning Board meeting, the ad-hoc, subcommittee has met over the past 3 months to examine regulations related to subdivision standards. The committee's purpose was to recommend text amendments related to subdivision development in light of 160D, and to promote the 2035 Comprehensive Land Use Plan goals. Summary of the committee's meetings are available on the Town website.

The committee identified several issues of concern:

- The LDS does not distinguish any types of subdivisions or allow for flexible design. Therefore, a large subdivision such as the Queen farm has the same standards as a small subdivision, without any accommodations for scale or impact.
- Affordable housing is a critical need and the ordinance should incentivize or require a level of affordable housing within new development through "inclusionary zoning" tools.
- Civic Space is the same for all subdivisions regardless of size.
- Infrastructure requirements related to roadways are not well suited to Waynesville's mountainous terrain.
- The LDS does not provide an option for cottage or "tiny home" development, or conservation development that might promote clustering and the preservation of farmland or open space, without an applicant pursuing a conditional district rezoning.
- In a large-scale subdivision, there are no buffering requirements to protect existing residential homes.
- The LDS allows an administrator to recommend Neighborhood Meetings, but not require them, when a neighborhood meeting would be helpful to explain projects and convey information in advance of a public hearing or quasi-judicial proceeding.

Committee Recommended Text Changes:

The proposed text amendments establish a tiered system in which subdivisions are divided into categories (small, medium, large, and conservation). New requirements are recommended to promote conservation subdivision approaches, accommodate cottage developments (or tiny homes), scale civic space according to subdivision size, require buffering in larger size developments, promote affordable housing, and require community meetings. The proposed changes to the current Land Development Standards will be presented for discussion.

Consistency with the 2035 Comprehensive Land Use Plan

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

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

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

Goal 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.

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

- Protect and enhance water quality and forests.
- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views and mountain vistas.

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

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

Attachments

Recommended Motions

There is no motion needed at this time, only Board input on the recommendations and guidance on how best to proceed. A public hearing in March could position these recommendation to go before the Board of Aldermen in April.