



Town of Waynesville, NC

Town Council Regular Meeting

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

Date: December 10th, 2024

Time: 6:00 p.m.

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(828) 452-2491 cpoolton@waynesvillenc.gov

A. CALL TO ORDER - Mayor Gary Caldwell

1. Welcome/Calendar/Announcements

B. PUBLIC COMMENT

C. ADDITIONS OR DELETIONS TO THE AGENDA

D. CONSENT AGENDA

All items below are routine by the Town Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

2.
 - a. November 26, 2024 Regular Scheduled Meeting Minutes
 - b. Proposed 2025 Town Council Meeting Schedule
 - c. Appointment of Dan Schultz to the Waynesville Recreation Advisory Commission
 - d. Approval of Personnel Policy/Use of Town Property Update.
 - e. Appeals of the Decision or Determination of the Code Enforcement Official Pertaining to the Code or Any State Building Law, per 2018 NC Administrative Code (Section 203.2- Appeals)- Development Services Memorandum
 - f. Delivery of Permits Issued by City Agency- Development Services Memorandum
 - g. Ice Fest Special Event Permit

Motion: To approve the consent agenda as presented.

E. PUBLIC HEARINGS

3. Public Hearing to consider map amendment (rezoning) for the property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757).

- Assistant Director of Development Services, Olga Grooman

Motions:

1. ***Motion to find the rezoning request as being consistent/inconsistent with the 2035 Land Use Plan and reasonable and in the public interest.***
2. ***Motion to adopt the Ordinance as presented (or as amended)***

4. A Public Hearing to consider text amendments related to addressing on ground signs.
 - Assistant Director of Development Services, Olga Grooman

Motions:

1. ***Motion to find the ordinance is consistent with the 2035 Land Use Plan and reasonable and in the public interest.***
2. ***Motion to adopt the Ordinance as presented (or as amended)***

5. Public Hearing to consider text amendments related to premises identification for commercial buildings, Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances.
 - Assistant Director of Development Services, Olga Grooman

Motion: *Motion to adopt the Ordinance as presented (or as amended)*

6. Public Hearing to consider text amendments related to floodplain regulations.
 - Assistant Director of Development Services, Olga Grooman

Motions:

1. ***Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.***
2. ***Motion to adopt the Ordinance as presented (or as amended).***

7. Public Hearing to consider text amendments related to temporary, emergency housing.
 - Director of Development Services, Elizabeth Teague

Motions:

1. ***Motion to find that proposed ordinance consistent with the 2035 Plan.***
2. ***Motion to adopt the text amendment as presented (or as amended).***

F. COMMUNICATION FROM STAFF

8. Manager's Report
 - Town Manager, Rob Hites
9. Town Attorney Report
 - Town Attorney, Martha Bradley

TOWN OF WAYNESVILLE – REGULAR SESSION AGENDA

December 10, 2024

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G. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

H. ADJOURN



TOWN OF WAYNESVILLE

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Waynesville, NC 28786
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CALENDAR

December 2024

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

2024	
Sat. December 14	A Smoky Mountain Christmas 6-9pm
Tues, Wed, Thurs December 24, 25, and 26	Town Offices Closed-Christmas

Board and Commission Meetings – December 2024

ABC Board	ABC Office – 52 Dayco Drive	December 17th 3 rd Tuesday 10:00 AM
Board of Adjustment	Town Hall – 9 S. Main Street	December 3rd 1 st Tuesday 5:30 PM
Cemetery Commission	Public Services Building	January, March, July, and October 3 rd Tuesday 2:00 PM
Downtown Waynesville Commission	Municipal Building – 16 South Main Street	December 17th 3 rd Tuesday 8:30 AM
Environmental Sustainability Board	Municipal Building-16 South Main Street	December 5th 1 st Thursday 4:30pm
Firefighters Relief Fund Board	Fire Station 1 – 1022 N. Main Street	Meets as needed; <i>No meeting currently scheduled</i>
Historic Preservation Commission	Town Hall – 9 S. Main Street	December 4th 1 st Wednesday 2:00 PM
Planning Board	Town Hall – 9 S. Main Street	December 16th 3 rd Mondays 5:30 PM
Public Art Commission	Town Hall – 9 S. Main Street	December 12h 2 nd Thursdays 4:00 PM
Recreation & Parks Advisory Commission	Rec Center Office – 550 Vance Street	December 16th 3 rd Monday 5:30 PM
Waynesville Housing Authority	Main Office-48 Chestnut Park Drive	December 18th 3 rd Wednesday 9:00 AM

MINUTES OF THE TOWN OF WAYNESVILLE TOWN COUNCIL
Regular Meeting
November 26, 2024

THE WAYNESVILLE TOWN COUNCIL held a regular meeting on Tuesday, November 26, 2024, at 6:01pm in the Town Hall Board Room located at 9 South Main Street Waynesville, NC.

A. CALL TO ORDER

Mayor Gary Caldwell called the meeting to order at 6:01 pm with the following members present:

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

The following staff members were present:

Rob Hites, Town Manager
Jesse Fowler, Assistant Town Manager
Candace Poolton, Town Clerk
Elizabeth Teague, Director of Development
Page McCurry, Director of Human Resources
Brittany Angel, Human Resources Coordinator
Ricky Foster, Assistant Public Services Director
David Adams, Police Chief
Ian Barrett, Finance Director
Luke Kinsland, Recreation Director
Fire Chief Joey Webb
Assistant Fire Chief Chris Mehaffey
Members of the Fire Department

1. Welcome/Calendar/Announcements

Mayor Gary Caldwell welcomed everyone and announced that the next Town Council meeting will be held on December 10th. He reminded everyone that town offices are closed on November 28th and 29th for Thanksgiving, and the Waynesville Christmas parade will be Monday, December 2nd 6pm-7pm.

B. PUBLIC COMMENT

There was no public comment.

C. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

A motion was made by Councilmember Sutton, seconded by Councilmember Dickson, to approve the agenda as presented. The motion passed unanimously.

D. CONSENT AGENDA

All items below are routine by the Town Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember so requests. In which event, the item will be removed from the Consent Agenda and considered with other items listed in the Regular Agenda.

2.
 - a. Motion to approve the November 26, 2024 Regular Scheduled Meeting Minutes
 - b. Motion to approve the Folkmoot Sculpture Easement
 - c. Motion to approve the Pigeon Community Multicultural Development Center Mural Easement
 - d. Motion to appoint Kipp Sutton to the Environmental Sustainability Board
 - e. Motion to appoint Carly Pugh as an alternate to the Zoning Board of Adjustment
 - f. Motion to call for a Public Hearing for December 10, 2024, to consider text amendments related to addressing on ground signs.
 - g. Motion to call for a Public Hearing for December 10, 2024, to consider text amendments related to temporary housing.
 - h. Motion to call for a Public Hearing for December 10, 2024, to consider text amendments related to floodplain regulations.
 - i. Motion to call for a Public Hearing for December 10, 2024, to consider text amendments related to premises identification for commercial buildings.
 - j. Motion to call for a Public Hearing for December 10, 2024, to consider map amendment (rezoning) for the property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757).
 - k. Motion to approve using ARPA funds to partially equip a COPS grant police vehicle.

A motion was made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the consent agenda as presented. The motion passed unanimously.

E. PRESENTATIONS

3. Employee Appreciation
 - Mayor Gary Caldwell
 - Fire Chief Joey Webb and Assistant Fire Chief Chris Mehaffey

Mayor Gary Caldwell and Councilmembers presented the Fire Department Staff with personalized certificates of appreciation for their efforts during the recovery efforts of Hurricane Helene.

Town Manager Rob Hites announced Fire Chief Joey Webb's retirement in March 2025.

F. NEW BUSINESS

4. Downtown Waynesville Ice Stroll on January 31, 2025

- Beth Gilmore, Downtown Waynesville Commission Executive Director

DWC Executive Director Beth Gilmore reported that Visit Haywood is planning to host another Downtown Waynesville Ice Stroll on Main Street on January 31, 2025. She said that due to the hardship on businesses after Hurricane Helene, the TDA has agreed to fund the purchase of 20 sculptures for this year's stroll instead of asking businesses to buy their own. Ms. Gilmore said that sculptures purchased by Visit Haywood will be a collection of characters and objects with no logo or business names carved into the ice. She said if Council would like to request a custom designed sculpture like the Plott Hound sculpture that the Town purchased last year, that opportunity is also available for \$400.

A motion was made by Councilmember Feichter, seconded by Councilmember Freeman to purchase a custom Town of Waynesville ice sculpture for the Downtown Waynesville Ice Stroll for \$400.00 in the form of a Plott Hound. The motion passed unanimously.

5. Parks & Recreation Proposed Engineering, Construction, and Repair Schedule.

- Luke Kinsland, Parks & Recreation Director

Recreation Director Luke Kinsland reported that the following schedule is intended to organize the bid, design, and award of contracts to different qualified engineering, architecture, and construction firms to begin the design, reconstruction, and repair of the many Parks and Recreation Facilities damaged or destroyed by Hurricane Helene. Mr. Kinsland said that the schedule takes advantage of various procurement mechanisms to complete these projects in a timely manner compliant with State and Federal law, as well as FEMA reimbursement regulations.

Dog Park

- Town Council has approved relocation of the Dog Park to a new site along Howell Mill Road at the northwestern corner of Vance Street Park adjacent to the roundabout.
- Staff recommend the Sand Volleyball Court which currently occupies this site be relocated adjacent to the new pavilion set to be constructed at the Old Bi-Lo Site.
 - 1) Solicit an RFQ to select an engineering and design firm to deliver engineered grading, drainage, and construction documents for a new Dog Park.
 - 2) Solicit an RFP using the engineered documents delivered by the firm chosen in step 1 to construct a new Dog Park.

He said the park would be roughly an acre, split to have 13,000 square feet for small dogs, and roughly 22,000 square feet for large dogs, which is significantly larger than the previous park. Mr. Kinsland added that the dog water stations and benches were salvaged. He said the new space would already have a sidewalk connection, electric, water, parking, and available restrooms. He said that one drawback is that it is by the

road, but it is a fenced in area and will have a secondary gate. Mayor Caldwell suggested planting trees along the road as an additional buffer between the park and road.

Softball Fields

- The softball fields located at Vance Street Park and Dutch Fisher Field each requires full reconstruction.
- Staff recommend combining both softball field reconstruction projects into a single bid package.
- A combined bid package awarding the design of both softball fields to a single firm will allow for the construction of architecturally similar facilities.
 - 1) Solicit a single RFQ to select an engineering and design firm to deliver engineered construction and design documents for the softball fields located at Dutch Fisher Park and Vance Street Park.
 - 2) Solicit a single RFP using the engineered construction documents delivered by the firm chosen in step 1 to select a firm to construct new softball fields at both locations which are architecturally similar.

Mr. Kinsland said flood mitigation efforts include building up the press boxes and moving the concessions and restrooms out of the floodway, depending on utility lines.

Mayor Caldwell mentioned that the fencing behind the neighborhood needs to be replaced because people are driving through residents' yards to get through the ball park. Mr. Hites said if they put the fence back up without a design process, the town may not get reimbursed by FEMA. Mr. Kinsland recommended temporary fencing.

Old Bi-Lo Pavilion, Playground, and Restrooms

- This site is located behind the tennis courts at the dead end of West Marshall Street, resting entirely within the 100-year floodplain.
- Staff recommend only reconstructing the pavilion located at this site in order to avoid additional costs associated with floodplain construction.
- The Town recently constructed new restrooms nearby which can service the reconstructed pavilion.
- The nearby All Abilities Playground and Kiwanis Playground can serve customers who may utilize the reconstructed pavilion.
- Following construction of the new pavilion, staff recommend the Sand Volleyball Court presently located at Vance Street Park be relocated to accompany the new pavilion at this site.
 - 1) Solicit an RFP to select a firm to construct a pavilion architecturally like the pavilion located at Obama-King Park by using the same engineered construction documents originally produced for the Obama-King Park Pavillion project.
 - i. This RFP would include the preliminary grading and earthwork necessary to prepare the site for the relocation of the Sand Volleyball Court once the pavilion is completed.
 - ii. Following site preparation, the new Sand Volleyball Court would be relocated by Town of Waynesville staff.

Rain Garden along Howell Mill Road

- The rain garden located at 345 Dellwood Road adjacent to the greenway trailhead leading to the Industrial Park requires reconstruction.
- Staff do not recommend reconstructing this site as a Rain Garden.

- Staff recommend replacing the rain garden located at this site with a Stormwater BMP requiring less labor to maintain throughout the year such as a bio-swale or similar stormwater retention area.
 - 1) Solicit an informal bid to select a firm to design an engineered Stormwater BMP and the necessary drainage systems required to outfall runoff into Richland Creek.
 - 2) Following receipt of engineered construction documents to install the Stormwater BMP, the Town will determine whether construction will be performed in-house or by a private contractor selected through an RFP.

Greenways

- The earthen section of greenway running along Richland Creek adjacent to the Dog Park requires repair.
- The paved greenway extension located at the Old Schulhofer Property was under construction prior to the impact of Hurricane Helene and requires reconstruction.
- Prior to the impact of Hurricane Helene, the firm chosen to construct this section of greenway was preparing to return to the site in order to repair portions of the project having been determined unsatisfactory by staff.
 - 1) Solicit a single RFP to select a firm to repair the earthen section of greenway located adjacent to the Skate Park and prepare the base of the new greenway extension located at the old Schulhofer property in preparation to be repaved.
 - i. The section of greenway located adjacent to the skate park would include repair of the small walking bridge.
 - ii. The base of the greenway located at the Old Schulhofer Property would be repaired by the selected firm. Following this repair, the firm chosen to originally construct that section of greenway would return to pave the surface.

Skate Park Greenway

The asphalt near the Bi-Lo apartments saw some minor damage and will be restored as natural surface. He said that FEMA will only reimburse the town for replacing what was there before. He said the new plan will contain stormwater runoff plans as well.

Demolitions

- Each of the projects included in this report will require some level of demolition prior to construction.
- Staff recommends combining the necessary demolition work across all projects into a single bid package.
 - 1) Solicit a single RFP to select a firm to carry out all of the necessary demolitions across all Parks and Recreation facilities which require demolition.
 - 2) Following contract award, the chosen firm will begin demolitions while the remaining projects are let and set underway.

Mr. Kinsland added that staff intend to solicit for the construction of temporary softball fields at Dutch Fisher Park and Vance Street Park so that they will be useable for the Spring 2025 season.

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to approve the project schedule as proposed by staff in order to begin repairing and rebuilding the Town of Waynesville's Parks and Recreation facilities. The motion passed unanimously.

G. COMMUNICATION FROM STAFF

6. Manager's Report

- Town Manager, Rob Hites

Town Manager Rob Hites announced that Ricky Bourne was hired as the Public Works Director.

7. Town attorney

- Martha Bradley, Town Attorney

Nothing to report.

H. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Councilmember Sutton announced that he was re-elected as the French Broad River MPO chair.

I. ADJOURN

A motion was made by Councilmember Dickson, seconded by Councilmember Sutton, to adjourn at 6:55pm. The motion passed unanimously.

ATTEST:

Gary Caldwell, Mayor

Robert W. Hites, Jr. Town Manager

Candace Poolton, Town Clerk

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 10, 2024**

SUBJECT: Proposed 2025 Town Council Meeting Schedule

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Administration
Contact: Jesse Fowler, Assistant Town Manager
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY:

Each year the Board must approve a meeting schedule for the upcoming year. The schedule provides the date and time of each regular meeting. The meetings will start at 6:00 pm unless otherwise noted. Additional meetings may be called for a Board Retreat in early 2025 and for Budget Development and discussion in spring 2025.

MOTION FOR CONSIDERATION:

To approve the Town Council meeting schedule for the year 2025.

FUNDING SOURCE/IMPACT: None

ATTACHMENTS: None

MANAGER'S COMMENTS AND RECOMMENDATIONS:



TOWN OF WAYNESVILLE

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2025 CALENDAR

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

2025	
Tues. January 14	Town Council Meeting – Regular Session
Tues. January 28	Town Council Meeting – Regular Session
Tues, February 11	Town Council Meeting – Regular Session
Tues. February 25	Town Council Meeting – Regular Session
Tues, March 11	Town Council Meeting – Regular Session
Tues. March 25	Town Council Meeting – Regular Session
Tues. April 8	Town Council Meeting – Regular Session
Tues. April 22	Town Council Meeting – Regular Session
Tues. May 13	Town Council Meeting – Regular Session
Tues. May 27	Town Council Meeting – Regular Session
Tues. June 10	Town Council Meeting – Regular Session
Tues. June 24	Town Council Meeting – Regular Session
Tues, July 8	Town Council Meeting – Regular Session
Tues. July 22	Town Council Meeting – Regular Session
Tues. August 12	Town Council Meeting – Regular Session
Tues, August 26	Town Council Meeting – Regular Session
Tues, September 9	Town Council Meeting – Regular Session
Tues. September 23	Town Council Meeting – Regular Session
Tues. October 14	Town Council Meeting – Regular Session
Tues. October 28	Town Council Meeting – Regular Session
Tues. November 11	NO COUNCIL MEETING-Veterans Day
Tues. November 25	Town Council Meeting – Regular Session
Tues. December 10	Town Council Meeting – Regular Session

TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 10, 2024

SUBJECT: Appointment of Dan Schultz to the Waynesville Recreation Advisory Commission

AGENDA INFORMATION

Agenda Location: Consent Agenda
Item Number:
Department: Administration
Contact: Luke Kinsland, Parks and Recreation Director
Presenter: Jesse Fowler, Assistant Town Manager

BRIEF SUMMARY

The Waynesville Recreation Advisory Commission has two vacancies. If appointed, Mr. Schultz's term would end June 30th, 2026. Mr. Schultz lives in the ETJ and has previously served on the Commission. His last term ended in 2022 because he reached his term limit. Mr. Schultz was an excellent Commissioner during his previous service.

MOTIONS FOR CONSIDERATION

Motion to appoint Dan Schultz to the Waynesville Recreation Advisory Commission.

ATTACHMENTS:

MANAGER'S COMMENTS AND RECCOMENDATIONS

**TOWN OF WAYNESVILLE TOWN COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date 12/10/2024**

SUBJECT: Approval of Personnel Policy/Use of Town Property Update.

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number:
Department: Human Resources/Administration
Contact: Page McCurry
Presenter: Page McCurry

BRIEF SUMMARY: Beginning October 1, 2024, North Carolina has implemented a new law, S.L. 2024-26, that prohibits the viewing of pornography on networks or devices used by local governments, state agencies, as well as the judicial and legislative branches. The law requires government employees and officials to remove any pornography from their work devices by a specified deadline. It also sets forth reporting obligations for any unauthorized attempts to view pornography and mandates that public agencies, including local government units and public-school systems, as well as the judicial and legislative branches, establish policies governing the use of their networks and devices. Notably, the law includes specific exceptions for employees and officials who may need to access pornography as part of their official responsibilities.

MOTION FOR CONSIDERATION: Approve the revision of the Town of Waynesville Personnel Policy to comply with the required usage policy as outline by G.S. 143-805(c) no later than January 1, 2025.

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

1. UNC SOG North Carolina Criminal Law Blog: 07.30.2024
2. S.L. 2024-26
3. G.S. 14-190.13
4. G.S. 143-805
5. UNC SOG Coates' Canon Law Blog: 11.25.2024

MANAGER'S COMMENTS:

Below is the requested language to add to the Use of Town Property section of the Town of Waynesville Personnel Policy:

Town of Waynesville Network and Device Usage Policy

Effective Date: December 12, 2024

Purpose: The Town of Waynesville is committed to ensuring the integrity and security of its network and devices while complying with North Carolina law S.L. 2024-26. This policy outlines the acceptable use of Town-owned networks and devices to prevent unauthorized viewing of pornography and to promote a professional work environment.

Scope: This policy applies to all Town of Waynesville employees, officials, and representatives who use Town-owned networks and devices, including but not limited to computers, tablets, smartphones, and other electronic devices.

Policy Statements:

1. **Prohibition of Pornography:** Effective October 1, 2024, viewing, accessing, or downloading pornography on Town-owned networks and devices is strictly prohibited. This includes any material defined as pornography under S.L. 2024-26.
2. **Deletion of Unauthorized Material:** All employees and officials must delete any pornography currently stored on Town-owned devices by January 1, 2025. Failure to comply may result in disciplinary action.
3. **Reporting Requirements:** Employees are required to report any unauthorized viewing or attempted viewing of pornography immediately to their supervisor or the designated IT department. All reports will be taken seriously and investigated accordingly.
4. **Policy Development:** Departments must adopt their own specific policies governing the usage of networks and devices in accordance with this overarching policy. These policies should detail acceptable practices and any additional guidelines necessary for their operations.
5. **Exceptions:** Specific exceptions may be made for employees or officials who need to view material defined as pornography under this law as part of their official duties. Such exceptions require prior written approval from department heads and must be adequately documented.
6. **Consequences of Violations:** Violations of this policy will result in disciplinary action, up to and including termination of employment, depending on the severity of the violation.

North Carolina Criminal Law Blog

New Law Regarding Pornography on Government Networks and Devices

July 30, 2024 [Kristi Nickodem](https://nccriminallaw.sog.unc.edu/author/kristi/)

North Carolina will soon have a new law, effective October 1, 2024, that prohibits local governments, state agencies, the judicial branch, and the legislative branch from allowing pornography to be viewed on their networks or devices. The law, found at Section 7 of **S.L. 2024-26** <https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2024-26.html>, establishes a deadline for government employees and officials to delete any pornography from their government devices, creates reporting requirements for unauthorized viewing or attempted viewing of pornography, and requires public agencies (including units of local government and public school units) and the judicial and legislative branches to adopt policies governing the use of their networks and devices. It also contains some important exceptions for employees and officials who might need to view pornography (as that term is defined by this new law) as part of their official duties.

How the Law Applies

S.L. 2024-26 <https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2024-26.html> enacts a new section of the General Statutes: G.S. 143-805. The scope of this statute is sweeping. It applies to any “public agency” in North Carolina, which is defined at G.S. 143-805(g)(5) as any of the following:

- all State agencies and offices of the members of the Council of State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, community colleges, and other units of government in the executive branch;
- units of local government (as defined in **G.S. 159-7** https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_159/GS_159-7.html);
- public authorities (as defined in **G.S. 159-7** https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_159/GS_159-7.html); and
- public school units (as defined in **G.S. 115C-5** https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_115C/GS_115C-5.pdf).

As described in more detail below, many elements of the new law also apply to the judicial branch and the legislative branch. The law does not apply to a user of an authorized account paying for use of communications services under **Article 16A of Chapter 160A** https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_160A/Article_16A.html of the General Statutes (e.g. private users of a city-owned communication service).

How the Law Defines “Pornography”

“Pornography” is defined in the new law as “[a]ny material depicting sexual activity,” and “sexual activity” is defined as in **G.S. 14-190.13** <https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-190.13.html>. See G.S. 143-805(g). If material depicts any of the seven categories of acts defined as “sexual activity” in G.S. 14-190.13, then it constitutes “pornography” for purposes of this new law. Mere nudity that does not involve sexual activity as specified in one of these seven statutory categories (such as a “lascivious exhibition of the genitals or pubic area”) would not be covered under this definition of “pornography.”

The new law also incorporates the definition of “material” found in G.S. 14-190.13, which includes “[p]ictures, drawings, video recordings, films or other visual depictions or representations *but not material consisting entirely of written words*” (emphasis added). As of December 1, 2024, the definition of “material” in G.S. 14-190.13 will be revised to also include “digital or computer-generated visual depictions or representations created, adapted, or modified by technological means, such as algorithms or artificial intelligence.” See **S.L. 2024-37** <<https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H591v5.pdf>>.

Prohibitions on Allowing Pornography to be Viewed

The new G.S. 143-805(b) mandates that public agencies (as defined above), the judicial branch, and the legislative branch “shall not permit” employees, elected officials, or appointees to view pornography on devices owned, leased, maintained or otherwise controlled by a public agency, the judicial branch, or the legislative branch, respectively. Public agencies (which include public schools, community colleges, and institutions in the UNC system) are also prohibited from permitting *students* to view pornography on a device owned, leased, maintained, or otherwise controlled by a public agency (i.e., the school the student attends). A cell phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network constitutes a “device” for purposes of this law. G.S. 143-805(g)(1).

Likewise, under the new G.S. 143-805(a), all public agencies, the judicial branch, and the legislative branch “shall not permit” their employees to view pornography on their respective networks. For example, even if an employee of one of these agencies or branches brings their own personal cell phone or laptop to work, the agency or branch is required to prohibit that employee from viewing pornography via the public agency or branch’s “network” (which includes internet access, per G.S. 143-805(g)(3)).

There is an important distinction in how these two prohibitions apply. Public agencies, the judicial branch, and the legislative branch are prohibited from permitting *employees, elected officials, appointees, or students* to view pornography on *devices* owned, leased, maintained, or otherwise controlled by the agency or branch. G.S. 143-805(b). But as for viewing pornography via their *networks*, the prohibition extends no further than the agency or branch’s *employees*. G.S. 143-805(a).

Though G.S. 143-805(a) and (b) require public agencies, the judicial branch, and the legislative branch not to allow certain individuals to view pornography on their devices and networks, the statute does not specify particular actions that these agencies or branches must take to ensure such activity is not occurring. For example, the statute does not explicitly require these agencies or branches to actively monitor or investigate their devices or networks for the existence of such material. However, if public agencies do monitor, discover, or otherwise become aware of instances of unauthorized viewing of pornography on their networks and devices, those instances must be reported to the State Chief Information Officer (CIO), as described in more detail later in this post. See G.S. 143-805(f).

Exceptions to the Prohibitions

G.S. 143-805(d) carves out a list of exceptions to the prohibitions on allowing employees and officials to view pornography. Certain government employees and officials might need to view material that would be considered “pornography” under the new law in order to carry out their duties. Consider, for example, that during the investigation and trial of a sex crime, law enforcement officers, prosecutors, and the judge may all have to view images depicting sexual activity. As my colleague Sara DePasquale noted in [this blog post](https://civil.sog.unc.edu/legislative-changes-in-child-welfare-the-short-session/) [<https://civil.sog.unc.edu/legislative-changes-in-child-welfare-the-short-session/>](https://civil.sog.unc.edu/legislative-changes-in-child-welfare-the-short-session/), attorneys for county departments of social services also handle evidence in some child abuse, neglect, or dependency cases that may constitute “pornography” under the new law.

The new law creates exceptions that cover these types of activities. Public agencies, the judicial branch, and the legislative branch are not required to prohibit the viewing of “pornography” on a government-issued device or via a government network by any official or employee who is engaged in any of the following activities in the course of their official duties:

- investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes;
- identifying potential security or cybersecurity threats;
- protecting human life;
- establishing, testing, and maintaining firewalls, protocols, and otherwise implementing G.S. 143-805;
- participating in judicial or quasi-judicial proceedings;
- conducting or participating in an externally funded research project at one of the constituent institutions of The University of North Carolina; or
- researching issues related to the drafting or analysis of state laws as necessary to fulfill the requirements of the employee’s official duties.

The new law requires the State Chief Information Officer (CIO) to publish recommendations for appropriate viewing of “pornography” (as defined by the new law) in the course of their official duties, as allowed under G.S. 143-805(d), no later than January 1, 2025.

There is no exception allowing students to view such material, nor is there an exception that explicitly allows for the viewing of such material for instructional purposes (even if such purposes would fall within an employee’s official duties).

Requirement to Adopt a Usage Policy

G.S. 143-805(c) requires each public agency to adopt a policy governing the use of its network, as well as the use of devices owned, leased, maintained, or otherwise controlled by that public agency, no later than January 1, 2025. Likewise, the judicial and legislative branches must adopt a policy by January 1, 2025 governing the use of their networks and devices owned, leased, maintained, or otherwise controlled by those branches. All of these policies must delineate the disciplinary actions that will be taken in response to a policy violation. The new law does not, however, speak to what those disciplinary actions must be or otherwise require any particular terms to be included in these usage policies.

Many public agencies, including state agencies, public schools, and units of local government, may already have policies in place regarding the use of their networks and devices. However, considering the new provisions of G.S. 143-805, any existing policies will need to be updated by January 1 to reflect the new prohibitions on allowing pornography to be viewed, the exceptions to those prohibitions, and disciplinary actions for potential policy violations.

Public officials and employees who need to access or view material that constitutes “pornography” under the new law as part of their official duties will likely want to confer with the leaders or governing bodies of their public agencies to ensure that their work falls within the exceptions in G.S. 143-805(d) and that such exceptions are accurately reflected in these new policies.

Annual Report to the State Chief Information Officer

How will the state monitor compliance with these new requirements? G.S. 143-805(f) requires each public agency to send an annual report to the State CIO containing the following information:

- the number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency’s network;
- whether the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and
- whether any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency.

This reporting requirement applies only to “public agencies,” as there is no equivalent requirement in G.S. 143-805 for the judicial branch or the legislative branch.

Public agencies must submit these reports annually no later than August 1 (starting in 2025), in the format required by the State CIO. By October 1 of each year (starting in 2025), the State CIO must report on the information compiled from those reports to the Joint Legislative Oversight Committee on Information Technology.

Deadline to Delete Pornography on Government Devices

An uncodified provision of **S.L. 2024-26** <<https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2024-26.html>> (Section 7(b)) requires employees, elected officials, appointees, and students of each public agency who have pornography saved to a device owned, leased, maintained, or otherwise controlled by the public agency to remove, delete, or uninstall that pornography no later than January 1, 2025. Similarly, the law requires employees, elected officials, and appointees of the judicial or legislative branch who have pornography saved to any device owned, leased, maintained, or otherwise controlled by that branch to remove, delete, or uninstall that pornography by January 1, 2025. This requirement to remove, delete, or uninstall saved pornography does not apply to an official or employee engaged in any of the activities listed in G.S. 143-805(d) (described above) in the course of that official’s or employee’s duties.

S.L. 2024-26 <<https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2024-26.html>> does not prescribe any penalty for employees, officials, appointees, or students who fail to delete saved pornography from their government-issued devices. However, failure to delete saved pornography from a device owned, leased, maintained, or controlled by a public agency, the legislative branch, or the judicial branch would presumably violate the device usage policies required by G.S. 143-805(c), and accordingly, could lead to consequences under such policies.

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Chapel Hill

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2024-26
HOUSE BILL 971

AN ACT DIRECTING THE DEPARTMENT OF LABOR TO DEVELOP HUMAN TRAFFICKING AWARENESS TRAINING, REQUIRING LODGING ESTABLISHMENTS, ACCOMMODATION FACILITATORS, AND PROPERTY MANAGERS FOR VACATION RENTALS TO IMPLEMENT HUMAN TRAFFICKING AWARENESS TRAINING, INCREASING THE PUNISHMENT FOR A FIRST OFFENSE OF SOLICITING A PROSTITUTE, MODIFYING LAWS RELATED TO HUMAN TRAFFICKING, AND MODIFYING THE DEFINITION OF VICTIM IN THE CRIME VICTIM'S COMPENSATION ACT.

The General Assembly of North Carolina enacts:

MODIFY LAWS RELATING TO HUMAN TRAFFICKING IN LODGING ESTABLISHMENTS AND VACATION RENTALS

SECTION 1. Chapter 130A of the General Statutes is amended by adding a new Article to read:

"Article 24.

"Human Trafficking Public Awareness in Lodging Establishments.

"§ 130A-511. Human trafficking awareness training.

- (a) Definitions. – The following definitions apply in this section:
 - (1) Employee. – As defined in G.S. 130A-492.
 - (2) Employer. – As defined in G.S. 130A-492.
 - (3) Lodging establishment. – As defined in G.S. 130A-492.
 - (4) Third-party contractor. – A person not employed by a lodging establishment who contracts with the lodging establishment to provide services for the lodging establishment.
- (b) Training Development and Availability. – The Department of Labor shall do all of the following:
 - (1) In consultation with the North Carolina Human Trafficking Commission, the North Carolina Restaurant and Lodging Association, and the Department of Health and Human Services, develop a training course, or identify existing training courses, to inform and educate individuals about human trafficking.
 - (2) Ensure the training developed or identified pursuant to this subsection is accessible electronically, in person, or in a classroom setting, without charge, to individuals required to complete the training. The Department of Labor shall not otherwise make the training readily available to the public.
- (c) Lodging Establishment Requirements. – A lodging establishment shall do all of the following:
 - (1) Ensure that employees of the establishment who perform housekeeping services, provide food or beverage services, or perform check-in and check-out duties receive human trafficking awareness training as required by this section. Each lodging establishment shall maintain a training log with the name of the employee, date of training, and name of the approved training course. The log shall be made available to the Department of Labor if requested, and records for each employee shall be retained for at least three years after the employee has left employment.
 - (2) Implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.
 - (3) Prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign that contains the National Human Trafficking Resource Hotline information. The Department of Labor shall consult with the North Carolina Restaurant and Lodging Association in developing public awareness signage language.
- (d) Third-Party Contractor Requirements. – A third-party contractor shall ensure that any employee of the third-party contractor who performs housekeeping services at the lodging establishment, provides food or beverage services on site at the lodging establishment, or performs check-in and check-out duties at the lodging establishment receive human trafficking awareness training as required by this section.
- (e) Training Frequency. – Employees of lodging establishments and third-party contractors that begin employment on or after July 1, 2025, shall complete the training required by this section within 60 days of first providing services to the lodging establishment, and every two years thereafter. Persons employed by a lodging establishment or third-party contractor prior to July 1, 2025, shall complete the training required by this section no later than June 30, 2027, and every two years thereafter.
- (f) Penalty. – The Department of Labor may impose an administrative penalty against any lodging establishment or any third-party contractor who willfully and knowingly violates the requirements of this section in the amount of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and each subsequent violation. The clear proceeds of penalties assessed under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.
- (g) No Private Right. – Nothing in this section shall (i) be construed as creating a private cause of action against a lodging establishment, or its employees, for any act or omission arising out of the requirements of this section or (ii) in any way limit or impair the rights or remedies which are otherwise available to a victim of human trafficking under any other law."

SECTION 2. Article 6 of Chapter 42A of the General Statutes is amended by adding a new section to read:

"§ 42A-39. Human trafficking awareness reporting and training requirements.

- (a) Definitions. – The following definitions apply in this section:
- (1) Accommodation facilitator. – As defined in G.S. 105-164.3.
 - (2) Employee. – As defined in G.S. 130A-492.
 - (3) Human trafficking awareness training. – The training developed or identified by the Department of Labor pursuant to G.S. 130A-511.
 - (4) Property manager. – A landlord, as defined in G.S. 42A-4, or real estate broker, as defined in G.S. 93A-2, that has primary responsibility for the listing, supervision, or maintenance of a vacation rental. The term property manager does not include a landlord that delegates all listing, supervisory, and maintenance responsibilities to a real estate broker.
 - (5) Third-party contractor. – A person not employed by a property manager of a vacation rental who contracts with the property manager to provide services for the vacation rental.
 - (6) Vacation rental. – As defined in G.S. 42A-4.
- (b) Human Trafficking Reporting Requirement. – Before initially listing a vacation rental, either directly or through an accommodation facilitator, the property manager shall implement a procedure for the reporting of suspected human trafficking occurring at vacation rentals to the National Human Trafficking Hotline or to a local law enforcement agency.
- (c) Human Trafficking Awareness Training. – For any vacation rental offered for lease, all of the following individuals, if applicable, shall complete human trafficking awareness training:
- (1) The property manager, or if the property manager is a partnership, corporation, sole proprietorship, or limited liability company, any employee or third-party contractor who oversees the listing, supervision, or maintenance of the vacation rental on behalf of the property manager.
 - (2) The property manager's employees who perform housekeeping services at the vacation rental or provide check-in and check-out services for the vacation rental.
 - (3) Any third-party contractor or employee of a third-party contractor who performs housekeeping services at the vacation rental or provides check-in and check-out services for the vacation rental.
- (d) Training Frequency. – Individuals required to complete training pursuant to subsection (c) of this section shall complete the training as follows:
- (1) For vacation rentals initially offered for lease on or after July 1, 2025, the property manager shall complete training prior to the vacation rental being offered for lease, and any employee of the property manager, or third-party contractor or employee shall complete training within 60 days of first providing services for the vacation rental, and every two years thereafter.
 - (2) For vacation rentals initially offered for lease prior to July 1, 2025, the property manager and all individuals employed or contracted by the property manager prior to July 1, 2025, shall complete the training required by this section no later than June 30, 2027, and every two years thereafter.
- (e) Accommodation Facilitator Requirements. – If the vacation rental is listed through an accommodation facilitator, the accommodation facilitator shall comply with all of the following requirements:
- (1) Notify the property manager of the training requirements of this section.
 - (2) For any vacation rental initially listed with the accommodation facilitator on or after July 1, 2025, prior to making the listing available, require the property manager to certify that any training required by this section has been completed.
 - (3) For any vacation rental initially listed with the accommodation facilitator prior to July 1, 2025, require the property manager to certify no later than June 30, 2027, that any training required by this section has been completed.
 - (4) Report to the Department of Labor within 30 days of request on the methods used to notify property managers of the requirements of this section, and to require certification of their compliance with the requirements of this section.
- (f) Penalty. – The Department of Labor may impose an administrative penalty against any property manager or any third-party contractor who willfully and knowingly violates the requirements of this section in the amount of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and each subsequent violation. The clear proceeds of penalties assessed under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.
- (g) Unfair Trade Practice. – It shall constitute an unfair trade practice in violation of G.S. 75-1.1 for a property manager to intentionally make a material misstatement in an acknowledgment of human trafficking awareness training completion.
- (h) No Private Right. – Nothing in this section shall (i) be construed as creating a private cause of action against an accommodation facilitator, or its employees, for any act or omission arising out of the requirements of this section or (ii) in any way limit or impair the rights or remedies which are otherwise available to a victim of human trafficking under any other law."

SECTION 3. The Department of Labor shall develop or identify a human trafficking awareness training program that complies with Sections 1 and 2 of this act and make that training program available electronically no later than July 1, 2025.

SECTION 4.(a) G.S. 14-205.1(a) reads as rewritten:

"(a) Except as otherwise provided in this section, any person who solicits another for the purpose of prostitution is guilty of a ~~Class 1 misdemeanor~~ **Class I felony** for a first offense and a Class H felony for a second or subsequent offense. This subsection shall not apply to the person engaging in prostitution, as defined in G.S. 14-203(5). Any person 18 years of age or older who willfully solicits a minor for the purpose of prostitution is guilty of a Class G felony. Any person who willfully solicits a person who has a severe or profound mental disability for the purpose of prostitution is guilty of a Class E felony. Punishment under this section may include participation in a program devised for the education and prevention of sexual exploitation (i.e. "John School"), where available. A person who violates this subsection is not eligible for a disposition of prayer for judgment continued under any circumstances."

SECTION 4.(b) This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

MODIFY LAWS RELATING TO VICTIM CONFIDENTIALITY

SECTION 5.(a) G.S. 14-43.17 reads as rewritten:

"§ 14-43.17. Victim confidentiality; penalty for unlawful disclosure.

(a) Confidentiality Requirement. – Except as otherwise provided in subsections (b) and (d) of this section, the name, address, or other information that reasonably could be expected to lead directly to the identity of any of the following, is confidential and shall not be considered a public record as that term is defined in G.S. 132-1:

- (1) A victim.
- (2) An alleged victim.
- (3) An immediate family member of a victim or alleged victim. For purposes of this subdivision, the term "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, or the spouse of an immediate family member. This term includes stepparents, stepchildren, stepsiblings, and adoptive relationships.

(b) Exceptions. – Information subject to the confidentiality requirement set forth in subsection (a) of this section may be disclosed only for the following purposes:

- (1) For use in a law enforcement investigation or criminal prosecution.
- (2) To ensure the provision of medical care, housing, or family services or benefits to any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.
- (3) Upon written request by any of the persons listed in subdivisions (1) through (3) of subsection (a) of this section.
- (4) As required by federal law or court order.

(c) Penalty. – A person who knowingly violates subsection (a) of this section is guilty of a Class 3 misdemeanor.

(d) Court Records. – ~~This Except as provided in subsection (e) of this section, this section does not apply to records that have been made part of a court file in the custody of the General Court of Justice.~~

(e) Motion for Victim Confidentiality. – In order to retain the protections afforded to victims and alleged victims under subsection (a) of this section regarding court records otherwise excepted from those protections under subsection (d) of this section, a victim or alleged victim in a criminal case pursuant to this Article, or the victim or alleged victim's parent, legal guardian, or legal counsel if the victim or alleged victim is under 18 years of age, may at any time file a motion for victim confidentiality in the criminal case with the trial court in which the case is pending or was most recently pending.

For cases that have not yet been disposed, the court shall set a hearing date for the motion within 10 business days of the motion's filing and the moving party shall notify both the State and defendant of the motion and hearing. For cases that have previously been disposed, the court shall set a hearing date for the motion within 20 business days of the motion's filing and the moving party shall notify both the State and the defendant of the motion and hearing. The victim or alleged victim, the State, and the defendant shall have a right to be heard at the hearing.

In ruling on a motion for victim confidentiality under this subsection, the court shall at a minimum consider each of the following:

- (1) All information provided in writing or oral testimony by the victim or alleged victim, the State, or the defendant.
- (2) The negative impacts, if any, upon the victim or alleged victim if the motion is denied.
- (3) The negative impacts, if any, to the rights of the State or defendant if the motion is granted.
- (4) Any impact prejudicial to justice that may result if the motion is granted or denied.
- (5) The press' and the public's right of access to criminal case files.

If the court grants a motion for victim confidentiality under this subsection, the victim or alleged victim shall retain all protections afforded to victims and alleged victims under subsection (a) of this section, provided that nothing shall restrict the court, the State, or the defendant from accessing this information during the pendency of the case or for purposes of appeal following a disposition in the case. The granted motion shall only apply to information within the file of the criminal case pursuant to which the granted motion was filed and shall specify which information shall be confidential pursuant to this subsection.

(f) The Administrative Office of the Courts and the Clerks of Superior Court shall not be liable for damages under this section for the acts or omissions of their employees tasked with implementing this section."

SECTION 5.(b) This section becomes effective October 1, 2024, and applies to victims of crimes occurring on or after that date.

REQUIRE DISCLOSURE OF CERTAIN CRIMINAL HISTORY IN CHILD CUSTODY PLEADINGS

SECTION 6.(a) G.S. 50-13.1 reads as rewritten:

"§ 50-13.1. Action or proceeding for custody of minor child.

...
(a1) Notwithstanding any other provision of law, any person instituting an action or proceeding for custody ~~ex parte custody, whether pursuant to this Chapter or otherwise, who has been convicted of a sexually violent offense as defined in G.S. 14-208.6(5)~~ any of the following shall disclose the each conviction in the pleadings-pleadings:

- (1) A sexually violent offense as defined in G.S. 14-208.6(5).
- (2) A human trafficking offense as defined in G.S. 14-43.11, an involuntary servitude offense as defined in G.S. 14-43.12, or a sexual servitude offense as defined in G.S. 14-43.13.
- (3) The sexual exploitation of a minor as defined in G.S. 14-190.16, 14-190.17, or 14-190.17A.

In addition, notwithstanding any other provision of law to the contrary, any person instituting an action or proceeding for custody who has been granted or denied custody of any minor child in any jurisdiction shall disclose that fact in the pleadings of the action or proceeding.

(a2) In cases where a nonparent is seeking custody of a minor child or being given custody of a minor child in a consent order, the nonparent shall attest in the pleadings or the consent order that nothing of value has been paid or given, offered to be paid or given, or promised, directly or indirectly, in exchange for the minor child. Money or property offered or paid by the parent of the minor child to the nonparent as support for the minor child shall not be considered value given in exchange for the custody of the child for purposes of this subsection.

...."

SECTION 6.(b) This section becomes effective December 1, 2024.

PROHIBIT VIEWING OF PORNOGRAPHY ON GOVERNMENT NETWORKS AND DEVICES

SECTION 7.(a) Article 84 of Chapter 143 of the General Statutes is amended by adding a new section to read:
"§ 143-805. Prohibit viewing of pornography on government networks and devices.

(a) Notwithstanding G.S. 14-456 and G.S. 14-456.1, a public agency shall not permit the viewing of pornography by its employees on a network of that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit the viewing of pornography by its employees on a network of the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit the viewing of pornography by its employees on a network of the legislative branch.

(b) Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit an employee, elected official, or appointee of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit a student of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit an employee, elected official, or appointee of the judicial branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit an employee, elected official, or appointee of the legislative branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the legislative branch.

(c) Each public agency shall adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by that public agency. The judicial and legislative branches shall adopt a policy governing the use of that branch's networks and devices owned, leased, maintained, or otherwise controlled by those branches.

Each policy required by this subsection shall delineate the disciplinary actions that will be taken in response to a violation of that policy.

(d) Subsections (a) and (b) of this section shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

- (1) Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.
- (2) Identifying potential security or cybersecurity threats.
- (3) Protecting human life.
- (4) Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this section.
- (5) Participating in judicial or quasi-judicial proceedings.
- (6) Conducting or participating in an externally funded research project at one of the constituent institutions of The University of North Carolina.
- (7) Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employee's official duties.

(e) This section shall not apply to the user of an authorized account paying for use of communications services under Article 16A of Chapter 160A of the General Statutes, including those communications services exempted under G.S. 160A-340.2(b) or (c).

(f) Annually, no later than August 1 and in the format required by the State Chief Information Officer, each public agency shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency's network; whether or not the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency. Annually, no later than October 1, the State Chief Information Officer shall compile and report to the Joint Legislative Oversight Committee on Information Technology the information submitted in accordance with this subsection.

(g) The following definitions apply in this section:

- (1) Device. – Any cellular phone, desktop or laptop computer, or other electronic equipment capable of connecting to a network.
- (2) Material. – As defined in G.S. 14-190.13.
- (3) Network. – Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:
 - a. The interconnection of communication systems with a computer through remote or local terminals, or a complex consisting of two or more interconnected computers or telephone switching equipment.
 - b. Internet service.
 - c. Internet access.
- (4) Pornography. – Any material depicting sexual activity.
- (5) Public agency. – Any of the following:
 - a. All State agencies and offices of the members of the Council of State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, community colleges, and other units of government in the executive branch.
 - b. Units of local government as defined in G.S. 159-7.
 - c. Public authorities as defined in G.S. 159-7.
 - d. Public school units as defined in G.S. 115C-5.

(6) **Sexual activity.** – As defined in G.S. 14-190.13."

SECTION 7.(b) Any employee, elected official, or appointee of a public agency with pornography saved to a device owned, leased, maintained, or otherwise controlled by that public agency shall remove, delete, or uninstall the pornography no later than January 1, 2025. Any student of a public agency with pornography saved to a device owned, leased, maintained, or otherwise controlled by that public agency shall remove, delete, or uninstall the pornography no later than January 1, 2025. Any employee, elected official, or appointee of the judicial or legislative branches with pornography saved to a device owned, leased, maintained, or otherwise controlled by that branch shall remove, delete, or uninstall the pornography no later than January 1, 2025. This subsection shall not apply to an official or employee engaged in any of the activities listed in G.S. 143-805(d) in the course of that official's or employee's official duties.

SECTION 7.(c) G.S. 14-456 is amended by adding a new subsection to read:

"(c) This section shall not apply to denial of pornographic viewing as required by G.S. 143-805."

SECTION 7.(d) G.S. 14-456.1 is amended by adding a new subsection to read:

"(c) This section shall not apply to denial of pornographic viewing as required by G.S. 143-805."

SECTION 7.(e) The State Chief Information Officer shall publish recommendations for appropriate viewing of pornography for the purposes authorized by G.S. 143-805(d), as enacted by this act, no later than January 1, 2025.

SECTION 7.(f) Each public agency, the judicial branch, and legislative branch shall adopt the policy required by G.S. 143-805(c), as enacted by this act, no later than January 1, 2025.

SECTION 7.(g) This section becomes effective October 1, 2024.

EXPAND TRAINING AND GUIDANCE ON HUMAN TRAFFICKING

SECTION 8.(a) The Division of Social Services, Department of Health and Human Services, after consultation with the State Human Trafficking Commission, shall expand, further develop, and implement trainings on human trafficking to provide guidance to county child welfare staff, county social services attorneys, county social services directors, and all social services staff. Training and guidance may include, but is not limited to, the following:

- (1) Incorporation of training in all state Learning Management Systems, biannual webinars, and other regularly scheduled training calls.
- (2) Training of County Departments of Social Services attorneys biannually at regularly scheduled conferences.
- (3) Inclusion of training in County Departments of Social Services Directors biannual regional meetings and ongoing regular monthly meetings.

SECTION 8.(b) This section is effective when it becomes law.

PROVIDE CJLEADS ACCESS TO CAMPUS POLICE

SECTION 9.(a) G.S. 74G-2 is amended by adding a new subsection to read:

"(d) Unless contrary to any federal law, regulation, or requirement, a campus police agency certified pursuant to this Chapter shall be granted access to the Criminal Justice Law Enforcement Automated Data System (CJLEADS) upon (i) request of the agency and (ii) compliance with the requirements established by the Government Data Analytics Center (GDAC) for access to that system, including the execution of a license and usage agreement."

SECTION 9.(b) This section becomes effective July 1, 2024, and applies to requests for access made on or after that date.

HFA/DOCUMENTS RELATED TO VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND HUMAN TRAFFICKING NOT PUBLIC RECORD

SECTION 10.(a) Chapter 122A of the General Statutes is amended by adding a new section to read:

"§ 122A-22.1. **Housing for victims of domestic violence, sexual assault, human trafficking; records confidential.**

A public record, as defined in G.S. 132-1, does not include documents, papers, letters, photographs, or any other information provided to or compiled by the Housing Finance Agency for the purposes of financing housing for victims of domestic violence, sexual assault, and human trafficking."

SECTION 10.(b) This section is effective when it becomes law.

MODIFY DEFINITION OF VICTIM IN THE CRIME VICTIM'S COMPENSATION ACT

SECTION 11.(a) G.S. 15B-2(13) reads as rewritten:

"(13) Victim. – A person who suffers ~~personal injury or death~~ personal injury, death, economic loss, or substantial emotional distress as defined by G.S. 14-277.3A, proximately caused by criminally injurious conduct."

SECTION 11.(b) This section becomes effective October 1, 2024, and applies to victims of crimes occurring on or after that date.

EFFECTIVE DATE

SECTION 12. Sections 1 and 2 of this act become effective July 1, 2025. Except as otherwise provided, the remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of June, 2024.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:39 p.m. this 28th day of June, 2024

§ 14-190.13. Definitions for certain offenses concerning minors.

The following definitions apply to G.S. 14-190.14, displaying material harmful to minors; G.S. 14-190.15, disseminating or exhibiting to minors harmful material or performances; G.S. 14-190.16, first degree sexual exploitation of a minor; G.S. 14-190.17, second degree sexual exploitation of a minor; G.S. 14-190.17A, third degree sexual exploitation of a minor.

- (1) Harmful to Minors. - That quality of any material or performance that depicts sexually explicit nudity or sexual activity and that, taken as a whole, has the following characteristics:
 - a. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest of minors in sex; and
 - b. The average adult person applying contemporary community standards would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors; and
 - c. The material or performance lacks serious literary, artistic, political, or scientific value for minors.
- (2) Material. - Pictures, drawings, video recordings, films or other visual depictions or representations but not material consisting entirely of written words.
- (3) Minor. - An individual who is less than 18 years old and is not married or judicially emancipated.
- (4) Prostitution. - Engaging or offering to engage in sexual activity with or for another in exchange for anything of value.
- (5) Sexual Activity. - Any of the following acts:
 - a. Masturbation, whether done alone or with another human or an animal.
 - b. Vaginal, anal, or oral intercourse, whether done with another human or with an animal.
 - c. Touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female.
 - d. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a person clad in undergarments or in revealing or bizarre costume.
 - e. Excretory functions; provided, however, that this sub-subdivision shall not apply to G.S. 14-190.17A.
 - f. The insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.
 - g. The lascivious exhibition of the genitals or pubic area of any person.
- (6) Sexually Explicit Nudity. - The showing of:
 - a. Uncovered, or less than opaquely covered, human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast, except as provided in G.S. 14-190.9(b); or
 - b. Covered human male genitals in a discernibly turgid state. (1985, c. 703, s. 9; 1989 (Reg. Sess., 1990), c. 1022, s. 2; 1993, c. 301, s. 2; 2008-218, s. 1; 2013-368, s. 18.)

Statutes, codes, and regulations / General Statutes of N...
/ Chapter 143 - STATE ... / Article 84 - VARIOUS...
/ Section 143-805 - Pr...

N.C. Gen. Stat. § 143-805

[Download PDF](#)

Current through Session Law 2024-56

Section 143-805 - Prohibit viewing of pornography on government networks and devices

(a) Notwithstanding G.S. 14-456 and G.S. 14-456.1, a public agency shall not permit the viewing of pornography by its employees on a network of that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit the viewing of pornography by its employees on a network of the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit the viewing of pornography by its employees on a network of the legislative branch.

(b) Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit an employee, elected official, or appointee of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency.

Notwithstanding G.S. 14-456 and G.S. 14-456.1, no public agency shall permit a student of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the judicial branch shall not permit an employee, elected official, or appointee of the judicial branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the judicial branch. Notwithstanding G.S. 14-456 and G.S. 14-456.1, the legislative branch shall not permit an employee, elected official, or appointee of the legislative branch to view pornography on a device owned, leased, maintained, or otherwise controlled by the legislative branch.

(c) Each public agency shall adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by that public agency. The judicial and legislative

disciplinary actions that will be taken in response to a violation of that policy.

(d) Subsections (a) and (b) of this section shall not apply to an official or employee that is engaged in any of the following activities in the course of that official's or employee's official duties:

(1) Investigating or prosecuting crimes, offering or participating in law enforcement training, or performing actions related to other law enforcement purposes.

(2) Identifying potential security or cybersecurity threats.

(3) Protecting human life.

(4) Establishing, testing, and maintaining firewalls, protocols, and otherwise implementing this section.

(5) Participating in judicial or quasi-judicial proceedings.

(6) Conducting or participating in an externally funded research project at one of the constituent institutions of The University of North Carolina.

(7) Researching issues related to the drafting or analysis of the laws of this State as necessary to fulfill the requirements of the employee's official duties.

(e) This section shall not apply to the user of an authorized account paying for use of communications services under Article 16A of Chapter 160A of the General Statutes, including those communications services exempted under G.S. 160A-340.2(b) or (c).

(f) Annually, no later than August 1 and in the format required by the State Chief Information Officer, each public agency shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency's network; whether or not the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and whether or not any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency. Annually, no later than October 1, the State Chief Information Officer shall compile and report to the Joint Legislative Oversight Committee on Information Technology the information submitted in accordance with this subsection.

(g) The following definitions apply in this section:

(3) Network. - Any of the following, whether through owning, leasing, maintaining, or otherwise controlling:

a. The interconnection of communication systems with a computer through remote or local terminals, or a complex consisting of two or more interconnected computers or telephone switching equipment.

b. Internet service.

c. Internet access.

(4) Pornography. - Any material depicting sexual activity.

(5) Public agency. - Any of the following:

a. All State agencies and offices of the members of the Council of State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, community colleges, and other units of government in the executive branch.

b. Units of local government as defined in G.S. 159-7.

c. Public authorities as defined in G.S. 159-7.

d. Public school units as defined in G.S. 115C-5.

(6) Sexual activity. - As defined in G.S. 14-190.13.

N.C. Gen. Stat. § 143-805

Added by 2024 N.C. Sess. Laws 26,s. 7-a, eff. 10/1/2024.

[Previous Section](#)

[Section 143-800 - State entities
and ransomware payments](#)

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Coates' Canons NC Local Government Law

FAQs on the New Law Prohibiting Pornography on Government Networks and Devices

Published: 11/25/24

Author: Kristi Nickodem

Several months ago, I released a [blog post](#) on the new North Carolina law that prohibits local governments, state agencies, the judicial branch, and the legislative branch from allowing pornography to be viewed on their networks or devices (Section 7 of [S.L. 2024-26](#)). Since then, I've received a number of questions about how this law applies in the local government context. I'll address a few frequently asked questions related specifically to local governments in this post. I encourage readers to go back to my earlier [blog post](#) for a more comprehensive discussion of the new law.

Does this law apply to units of local government, such as counties and municipalities?

Yes. The law applies to all public authorities and units of local government, as those terms are defined by [G.S. 159-7](#). See [G.S. 143-805\(g\)\(5\)](#). A "unit of local government" is defined as "a municipal corporation that is not subject to the State Budget Act...and that has the power to levy taxes...and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations." As my colleague Kara Millonzi has noted in [this blog post](#), this definition clearly includes counties and municipalities, as well as some "special purpose" local governments.

The law also applies to all State agencies and offices of the members of the Council of State (including all boards, departments, divisions, constituent institutions of the University of North Carolina, community colleges, and other units of government in the executive branch) and all public school units (as defined in [G.S. 115C-5](#)). Many elements of the new law also apply to the judicial branch and the legislative branch.

What is the deadline for creating the network and device usage policy required by the new law?

Each public agency (including each unit of local government) must adopt a policy governing the use of its network, as well as the use of devices owned, leased, maintained, or otherwise controlled by that public agency, no later than **January 1, 2025**. The same requirement and deadline apply to the judicial and legislative branches. See [G.S. 143-805\(c\)](#).

What language must be contained in the network and device usage policy?

The new law does not specify any particular language that must be in the required network and device usage policy, except that it must "delineate the disciplinary actions that will be taken in response to a violation of that policy." Presumably, however, the policy should reflect [G.S. 143-805\(a\)-\(b\)](#):

- prohibiting the viewing of pornography by its **employees** on a network of that public agency; and
- prohibiting **employees, elected officials, appointees, or students** of the public agency to view pornography on any device owned, leased, maintained, or otherwise controlled by that public agency.

The terms "pornography," "device," and "network" should be defined in the policy as they are defined in [G.S. 143-805\(g\)](#). The policy should also include an exception for officials and employees who are engaged in certain activities in the course of their official duties, listed at [G.S. 143-805\(d\)](#) and discussed in more detail in my [prior blog post](#). These exceptions are important to include since some local government employees, such as law enforcement officers and department of social services employees, will sometimes have to view material that would be considered "pornography" under the new law in order to carry out their official duties.

If a local government already has a policy regarding the use of its networks and devices (as many do), then that existing policy could be modified to include these new terms. In other words, the local government need not start from scratch by creating a brand new policy if it is able to simply modify and readopt an existing policy to comply with the law.

What disciplinary consequences must be included in the policy?

The law says the network and usage device policy must “delineate” disciplinary actions that will occur if the policy is violated, but it does not specify particular disciplinary consequences that must be included. For its employees, a local government may decide to incorporate or reference parts of its personnel policies that speak to disciplinary procedures into the network and usage device policy. A local government may also want to include this network and device usage policy as part of its personnel policies.

What disciplinary consequences could be delineated for elected and appointed officials? The policy could specify that elected officials will be subject to censure proceedings, and that appointees will be subject to removal from office by the entity or individual with appointment and removal authority over their position.

Does this law apply to employees’ personal devices? Does the answer change if a county or municipality gives the employee a stipend to use towards their cell phone bills?

Remember, the law requires local governments to institute two different prohibitions: 1) employees must be prohibited from viewing pornography on the government’s *networks*, and 2) employees, elected officials, appointees, and students must be prohibited from viewing pornography on *devices* owned, leased, maintained, or otherwise controlled by the local government.

Prohibition #1, regarding viewing pornography on a government’s *networks*, applies regardless of whether an employee is using their personal device or a government-owned device. An employee must not view pornography on *any* device if they are doing so via the government’s *networks* (e.g., the city or county’s Wi-Fi). The law does not, however, impact what an employee is allowed to view on their personal devices on *other* networks (e.g., on their home Wi-Fi or coffee shop Wi-Fi).

Prohibition #2, on the other hand, applies to viewing pornography on *devices* owned, leased, maintained, or otherwise controlled by the local government, regardless of where those devices are used or what network is used to connect them to the internet. It does not, however, apply to personal cell phones or other personal devices that are owned by an employee. Merely paying a stipend to an employee to help cover the cost of their personal phone bill does not transform an employee-owned device into a device “owned, leased, maintained, or otherwise controlled” by a local government employer.

What is the deadline for removing pornography from government devices?

Employees, elected officials, appointees, and students of each “public agency” (including local governments and all the governmental entities described above) who have pornography (as that term is defined by the new law) saved to a device owned, leased, maintained, or otherwise controlled by the public agency must remove, delete, or uninstall that pornography no later than **January 1, 2025**. Once again, there is an exception for certain employees and officials who are engaged in certain activities in the course of their official duties, listed at G.S. 143-805(d) and discussed in more detail in my [prior blog post](#). This removal requirement also does not apply to devices owned *personally* by an employee, official, appointee, or student.

This blog post is published and posted online by the School of Government for educational purposes. For more information, visit the School's website at www.sog.unc.edu.

Coates Canons

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TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

MEMORANDUM

To: Waynesville Town Council
From: Olga Grooman, Assistant Development Services Director
David Kelley, Chief Building Inspector
Subject: Appeals of the Decision or Determination of the Code Enforcement Official
Pertaining to the Code or Any State Building Law, per 2018 NC Administrative
Code (Section 203.2- Appeals)
General Statutes: NC G.S 160D-1127
Meeting Date: December 10, 2024

The purpose of this Memorandum is to formalize the appeal process of the Code Enforcement Officials/ Building Inspectors in accordance with 2018 NC Administrative Code (Section 203.2- Appeals) and NC G.S 160D-1127 within the Development Services Department. Below are the above referenced sections. A copy of this memo will be kept on file in the Development Services Department office.

2018 NC Administrative Code:

“203.2.2 Appeals. Any person may appeal in writing an order, decision or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within 10 days after the order, decision or determination. The appeal shall contain the type and size of the building in question, the location of the building and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless an appeal is submitted to the Building Code Council as specified in Section 202.9.2. A copy of the appeal and written decision shall be furnished to each party. (General Statute 160D-1127).”

NC G.S. 160D:

“§ 160D-1127. (Effective January 1, 2025) Appeals.

Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the North Carolina State Building Code or other State building laws shall be taken to the State Fire Marshal or the State Fire Marshal's designee or other official specified in G.S. 143-139 by filing a written notice with the State Fire Marshal and with the inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the Building Code Council or Residential Code Council or to the courts as provided by law. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2023-108, s. 1(p); 2023-151, s. 11.89.)”



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MEMORANDUM

To: Waynesville Town Council
From: Olga Grooman, Assistant Development Services Director
Subject: Delivery of Permits Issued by City Agency
General Statutes: Section 160A-499.6
Meeting Date: December 10, 2024

The purpose of this Memorandum is to formalize the process for delivery of permits in accordance with the NC General Statute 160A-499.6, added by 2024 N.C. Sess. Laws 45,s. 22.1-c, eff. 6/28/2024 (Senate Bill 607, Session Law 2024-2025). According to this adopted bill, a municipality must adopt a policy for permit delivery that is consistent with the statute by September 1, 2024. A copy of this memo will be kept on file in the Development Services Department office.

N.C. Gen. Stat. § 160A-499.6:

“(a) Notwithstanding any provision of law to the contrary, each city agency shall establish a policy to send any permits issued by the agency to permittees using one or more of the following methods instead of requiring the permittee to pick up the permit at an agency office or other physical location:

- (1) Via United States mail or a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2). An agency may charge the permittee for costs of delivery.
- (2) By electronic mail, as appropriate, if the permittee consents to such delivery.

(b) A permittee may opt to receive a permit issued by a city agency in person if the agency offers in-person pickup at an agency office or other physical location.

(c) Nothing in this section is intended to change the method by which an applicant is required to apply for a permit or to prohibit an agency from adopting policies to exercise due diligence in verifying a permittee's identity.”



Application for Special Events Permit

I. General Information

EVENT NAME: Visit Haywood Ice Festival – Ice Sculpture Stroll

EVENT DATE(S): January 31, 2025

Note: If event is more than three days in duration, and not in the public right-of-way, you will also need a temporary event permit. Contact the Waynesville Police Dept. at 828-456-5363 for more information.

LOCATION: N Main Street

IF THIS EVENT IS A PARADE OR ROAD RACE: Please provide a full route description and map

SET-UP TIME (START/END): Set up time 2 PM

EVENT HOURS: 5-8 PM

DISMANTLE HOURS (START/END): Dismantle 8-10 PM

ESTIMATED ATTENDANCE: 2000

BASIS ON WHICH THIS ESTIMATE IS MADE: Staff attended the event. We have drone footage, but it's hard to see due to the awnings and cars.

COMPREHENSIVE GENERAL LIABILITY INSURANCE REQUIRED: \$1,000,000. Please attach proof of insurance (or applicable rider).

II. Applicant and Sponsoring Organization Information

SPONSORING ORGANIZATION NAME: Haywood County Tourism Development Authority dba Visit Haywood

ARE YOU A NON PROFIT CORPORATION? No Yes X Gov't If yes, are you 501c(3) 501c(6) Place of Worship

APPLICANT NAME: Corrina Ruffieux TITLE: Executive Director

ADDRESS: 91 N Lakeshore Dr CITY: Lake Junaluska STATE: NC ZIP: 28745

PHONE: 860-287-0199 FAX#: EMAIL: corrina@visithaywood.com

ON-SITE CONTACT: Hayley Printz TITLE: Admin

ADDRESS: 91 N Lakeshore Dr. Lake Junaluska, NC 28745

PHONE #: 828-944-0761 CELL PHONE #: 727-439-9305 EMAIL: hayley@visithaywood.com

III. Brief Description of Event

On Friday night of the Visit Haywood Ice Fest Weekend, Waynesville will come alive with enchanting ice sculptures lining the streets. As you wander, you will find local businesses keeping their doors open late, offering cozy treats to keep you fueled as you admire the frozen masterpieces. This year we plan to have fire performers in the street, as well as a "Chill Zone", craft activities for kids, and other things to see/do.

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

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

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

1. N Main St., from Church St intersection to just past the Courthouse

2.

3.

V. Event Details

YES NO

☒ ☐ Does the event involve the sale or use of alcoholic beverages?

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

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

☒ ☐ Will there be musical entertainment at your event? IF "YES" provide the following information:

Number of Stages: 0 Number of Band(s): 2 Amplification? yes

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

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

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

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

Approx. Number of Tents: 6-10 Will any tent exceed 400 sq. feet in area? ☒ NO ☐ YES

☒ ☐ Does the event involve the use of pyrotechnics? Explain We will have 3 fire performers in a roped off area, plus one safety observer.

☒ ☐ Will you provide portable toilets for the general public attending your event? IF SO, how many and where will they be located? Yes, 2, Near the Truist Bank

☐ ☒ Will you require electrical hookup for the event? Generators? _____

☐ ☒ Will you require access to water for the event? Explain _____

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

☐ ☒ Will fees be charged to vendors to participate in this event? If "YES", please provide the amount(s). _____

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

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

VI. Additional Questions

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

We plan to produce Ice Fest Weekend signs directing people to the parking garage and other parking areas near N Main St.

Notes:

1. Parking and buildings involved may be examined for ADA compliance.

2. You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

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

Trash would be placed in the trash cans on Main St. We can remove trash, if required, after the event ends.

Volunteers: Will you require Civilian Police Volunteers for your event?

Maybe

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

Return to:

Beth Gilmore, Downtown Waynesville Director &

Jesse Fowler, Assistant Town Manager

Town of Waynesville

9 S. Main Street, P.O. Box 100, Waynesville, NC 28786

Telephone: (828) 456-3517

Fax No. : (828) 456-2000

**Email Address: bethgilmore@waynesvillenc.gov
jfowler@waynesvillenc.gov**

VIII. Special Information for Applicants

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

FOR INTERNAL USE ONLY:

Application received:

Application approved:

Application denied:



Road Closure



Chill Zone

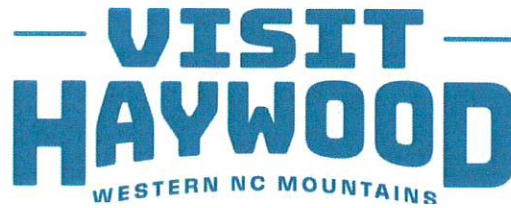


Porta Potty

Event Date: January 31, 2025

Event Hours: 5PM - 8PM

Street Closure: 2PM - 10PM



November 27, 2024

Dear Jesse and Beth,

Please find the enclosed special events permit application for the Visit Haywood Ice Stroll event, which will take place on N Main St. in downtown Waynesville on January 31, 2025. The Ice Stroll will be a fun and festive event featuring ice sculptures, fire performers, musicians, kids' activities and more, designed to attract both locals and visitors.

We are requesting the closure of N Main St. to ensure the safety of event attendees and provide the necessary space for our activities. We believe this event will be a wonderful opportunity to promote Haywood County businesses, enhance tourism, and create a memorable experience for all involved.

In addition to the special events permit, we are in the process of securing the necessary ABC permit, Health Department permit, and liability insurance for the event. These documents are being finalized and will be submitted to your office as soon as they are complete. We understand the importance of meeting all necessary requirements for public safety and event operations, and we are committed to ensuring all appropriate permits and insurance coverage are in place.

Please do not hesitate to contact me or Hayley if you require any additional information or have questions regarding our application. We appreciate your consideration of this request and look forward to working with you to make the Visit Haywood Ice Stroll a successful and enjoyable event for our community.

Sincerely,

A handwritten signature in blue ink that reads "Corrina Ruffieux".

Corrina Ruffieux
Executive Director



C C B Beverage LLC
Frog Level Brewing
56 Commerce Street
Waynesville, NC 28786

ISSUED: 12/15/2020
COUNTY: Haywood
TYPE: LLC Manager Managed

PERMIT NUMBER	ORIGINALLY ISSUED	DESCRIPTION
00288577BM	12/15/2020	Brewery
00288577BW	12/15/2020	Malt Beverage Wholesaler
00288577DG	12/15/2020	Malt Beverage Special Event

FILE NUMBER

00288577CM-999



Pursuant to G.S. 18B-903, these permit(s) are valid only for the business listed at this address and are not transferable, and will automatically expire with an ownership change. See authorization(s) on the back.

B. Zander Gray Jr.
Chairman

CCB
Frog Level Brewing
56 Commerce Street
Waynesville, NC 28786

ABC

NORTH CAROLINA

ISSUED: 12/15/2020
COUNTY: Haywood
TYPE: LLC Manager Managed

PERMIT NUMBER	ORIGINALLY ISSUED	DESCRIPTION
00288572AJ	12/15/2020	Malt Beverage On Premise
00288572AL	12/15/2020	Unfortified Wine On Premise

Permit(s) must be registered by April 30th every year.



FILE NUMBER:

00288572AJ-999

Pursuant to G.S. 18B-903, these permit(s) are valid only for the business listed at this address, are not transferable, and will automatically expire with an ownership change. See authorization(s) on the back.

NORTH CAROLINA
STATE OF NORTH CAROLINA
JAMES B. ZANDER, Governor
Chairman



MVCIGARCO LLC
Valley Cigar and Wine Company
20 Swanger Lane
Waynesville, NC 28786

ISSUED: 03/28/2024
COUNTY: Haywood
TYPE: LLC Member Managed

PERMIT NUMBER	ORIGINALLY ISSUED	DESCRIPTION
00294748AJ	05/16/2023	Malt Beverage On Premises
00294748AL	05/16/2023	Unfortified Wine On Premises
00294748MB	05/16/2023	Mixed Beverages Bar

Permit(s) listed in **BLUE** must be registered by **April 30th** every year.
Permit(s) listed in **RED** expire on **04/30/2025** and must be renewed each year.



FILE NUMBER:

00294748AJ-999


William Henry Bauer, Jr.
WILLIAM HENRY BAUER, JR.
Chairman

Pursuant to G.S. 18B-903, these permit(s) are valid only for the business listed at this address, are not transferable, and will automatically expire with an ownership change. See authorization(s) on the back.

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 10, 2024**

SUBJECT: Public Hearing to consider map amendment (rezoning) for the property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757).

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Olga Grooman
Presenter: Olga Grooman

BRIEF SUMMARY:

On November 18, 2024, the Planning Board held a public hearing on the proposed map amendment. The subject property is located at 28 Addie Lane in Waynesville, NC. It is approximately 0.61 ac. There is an abandoned manufactured home that appears to be in a deteriorated condition on the property. The lot is surrounded by manufactured homes on three sides, and there is a manufactured home park approximately 300 ft to the northeast.

The subject property is currently located within Pigeon Street Neighborhood Residential District (PS-NR), where manufacturing housing is not allowed. The applicant is seeking to rezone the property to the adjacent Ninevah Neighborhood Residential District (N-NR), where manufacturing housing is allowed. The existing single-wide on the property represents a pre-existing non-conformity. Rezoning would potentially allow for improvement of the property and placing different or additional manufactured housing on it.

MOTIONS FOR CONSIDERATION:

1. Motion to find the rezoning request as being consistent/inconsistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

- Staff Report
- Signed Planning Board Report
- Rezoning application with payment
- Draft Ordinance
- Consistency Statement Worksheet
- Property images: aerial view, zoning map
- Public notices: 100-ft mailing list, letters, newspaper notice, sign on property

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Waynesville Town Council Staff Report

Meeting Date: December 10, 2024
Subject: Map Amendment (Rezoning) Request
Process Type: Legislative
Location: 28 Addie Lane, Waynesville, NC 28786 (PIN 8615-42-0757).
Area: 0.61 ac
Requested Rezoning: Pigeon Street Neighborhood Residential (PS-NR) to Ninevah Neighborhood Residential (N-NR) District
Applicants: Owner-initiated map amendment: ADGERWOOD HOLDINGS LLC A NC LLC (John Mason- Manager of Adgerwood Holdings, LLC) and applicant's attorney Samuel P. Hyde

Background:

This is a legislative hearing on the proposed zoning map amendment for the property at 28 Addie Lane, Waynesville, NC 28786 (PIN 8615-42-0757). Chapter 160D-102 defines rezoning as “an amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties.” Section 15.14.2 of the Waynesville Land Development Standards (LDS) states that: “The Planning Board shall conduct a public hearing and receive public input on the proposed amendment and shall make recommendations to the Town Council...” The Planning Board held a public hearing on November 18, 2024, and recommended this map amendment to the Town Council. The Planning Board report is attached.

The subject property is approximately 0.61 ac. The property is not in the floodplain. There is an abandoned manufactured home that appears to be in a deteriorated condition on the property. The lot is surrounded by manufactured homes on three sides, and there is a manufactured home park approximately 300 ft to the northeast (“Meadows and Mountain Views Mobile Home Park”). The 119-acre property to the east contains a single-family home facing Pigeon Street.

The subject property is currently located within Pigeon Street Neighborhood Residential District (PS-NR), where manufacturing housing is not allowed. The applicant is seeking to rezone the property to the adjacent Ninevah Neighborhood Residential District (N-NR), where manufacturing housing is allowed. The existing single-wide on the property represents a pre-existing non-conformity. Rezoning would potentially allow for improvement of the property and placing different or additional manufactured housing on it. Besides this one use, there is no difference between these districts for the uses that are allowed.

Additionally, the purpose and intent statements for both existing and proposed districts reflect a shared vision, as described in the Land Development Standards (LDS 2.3.3.D-E):

- Both districts aim to maintain and enhance their residential character
- Mix of housing types
- High density development
- Residential scale
- Accommodating growth
- Urban-style development with proximity to downtown
- Connectivity through well-developed street system and pedestrian amenities

The full purpose and intent of the current zoning district- PS-NR is (LDS 2.3.3.E):

“The Pigeon Street Neighborhood District (PS-NR) is a residential community enjoying proximity to Downtown Waynesville and a strong neighborhood center of its own. A mix of medium to high density residential development will continue to occur in this area which already has a strong street system. An attractive pedestrian realm will be established as new development occurs, as will connections between the various neighborhoods in this district and the neighborhood center. The establishment of such connections and the management of traffic to make the area more conducive to pedestrians are important considerations as any improvements to Pigeon Street are made in the future.”

The full purpose and intent of the proposed N-NR District is (LDS 2.3.3.D) is:

“The Ninevah Neighborhood District (N-NR) is a well-established residential community containing a mix of housing types. As sufficient urban facilities are available in this district, it is proposed to develop more densely, but still at a small residential scale. Sidewalk development will be required to establish connectivity throughout the neighborhood. The public center of the community (at the intersection of Oakdale Road, Crymes Cove Road and Country Club Drive) should be enhanced and should allow for uses which would serve the daily needs of the residents of the area as well as those uses that serve as community gathering places.”

Staff Comment:

Both existing PS-NR and proposed N-NR districts fall under the same "umbrella"/category of Neighborhood Residential. In addition to their similar purpose and intent, there is no difference in dimensional standards, such as density, minimum lot size, required pervious surface (green area of the site), lot width, building setbacks, building height, and accessory structure standards (height, setbacks) between them (LDS 2.4.1).

The districts are directly adjacent to each other and allow identical uses, except for one: manufactured housing. The existing manufactured home represents a legal nonconformity (i.e. “grandfathered-in”) in the PS-NR District. The applicant has applied for rezoning to allow for improvement of the property and potentially placing different or additional manufactured home on the lot, replacing the existing single-wide that has been abandoned and deteriorated. Apart from this specific use, the two districts are identical in terms of allowed uses by right (LDS 2.5.3).

The LDS section on nonconformities allows the replacement of existing manufactured homes but prohibits any expansion of nonconforming uses. Per LDS 13.6.1.B:

“Expansions Prohibited: A nonconforming manufactured home on an individual lot may not be enlarged or altered externally in any way except where such alteration is required by law or an order from the Building Inspector, Fire Chief or the Administrator to ensure the safety of the structure, or where such alteration increases the degree of conformance of the home.”

If the zoning is amended to N-NR, the applicant would be able to replace the existing deteriorated home with a newer unit and potentially place additional homes there. While the existing manufactured home represents a legal nonconformity, the proposed use aligns with the purpose of the proposed N-NR district. The proposed use is also in harmony with the existing manufactured homes that surround the property.

The underlying goal of the applicant is to preserve the ability to replace and expand upon the pre-existing non-conforming use of manufactured housing. This would enable redevelopment of the lot with 1-2 manufactured homes which are a more affordable option than stick-built or modular homes. The rezoning would bring the property into greater conformance and promote the development of a safer neighborhood, improved housing options, and aesthetically pleasing residential area.

Consistency Statement Information:

The property is designated as Residential Low to Medium Density on the Land Use Map. The Staff recommends that the Planning Board finds that this map amendment consistent with the Town of Waynesville's 2035 Comprehensive Land Use Plan and that reasonable and in the public interest because it meets the following goals of the Comp. Plan:

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

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

Goal 2: Create a range of housing opportunities and choices.

- Encourage new housing within Waynesville's city limits and Extraterritorial Jurisdiction (ETJ).
- Promote a diverse housing stock including market rate, workforce housing, and affordable options that appeal to a variety of households.

The rezoning of this property will remain consistent with the purposes of the proposed zoning district, Ninevah Neighborhood Residential (N-NR), as described in Section 2.3.3.D of the Land Development Standards (LDS):

- A well-established residential community containing a mix of housing types.
- It is proposed to develop more densely, but still at a small residential scale.

Public Notifications

The applicant submitted the application on 10/28/24. Public notices of today's public hearing were provided with the site posting (11/27/24), letters to adjacent property owners within 100 ft via first class mail (11/27/24), and the Mountaineer newspaper (11/27/24 and 12/04/24).

Motions for Consideration:

1. Motion to find the rezoning request as being consistent/inconsistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

Attachments:

- Cover Sheet
- Signed Planning Board Report
- Rezoning application with payment
- Draft Ordinance
- Consistency Statement Worksheet
- Property images: aerial view, zoning map
- Public notices: 100-ft mailing list, letters, newspaper notice, sign on property



To: Waynesville Town Council
Meeting Date: December 10, 2024
From: Olga Grooman, Assistant Development Services Director
Subject: Planning Board Report and Statement of Consistency
Description: Map Amendment (Rezoning)
Subject Property: 28 Addie Lane, Waynesville, NC 28786 (PIN 8615-42-0757)
Area: 0.61 ac
Requested Rezoning: From Pigeon Street Neighborhood Residential (PS-NR) to Ninevah Neighborhood Residential (N-NR) District.

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

1. A motion was made by board member Tommy Thomas and seconded by board member Stuart Bass that the proposed map amendment (rezoning) is **consistent with the Town's 2035 Comprehensive Land Use Plan and is reasonable and in the public interest** because it meets the following goals of the 2035 Comp. Plan:

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

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

Goal 2: Create a range of housing opportunities and choices.

- Encourage new housing within Waynesville's city limits and Extraterritorial Jurisdiction (ETJ).
- Promote a diverse housing stock including market rate, workforce housing, and affordable options that appeal to a variety of households.

The rezoning of this property will also remain consistent with the purposes of the proposed zoning district, Ninevah Neighborhood Residential (N-NR), as described in Section 2.3.3.D of the Land Development Standards (LDS):

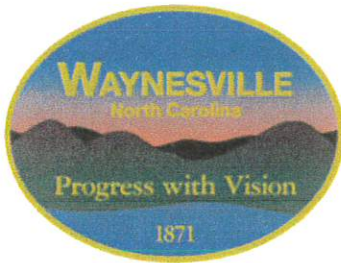
- A well-established residential community containing a mix of housing types.
- It is proposed to develop more densely, but still at a small residential scale.

The motion carried 7:2, with seven (7) board members voting for, and two (2) members voting against.

2. Planning board member Tommy Thomas made a motion seconded by Vice Chair Ginger Hain to **recommend the proposed map amendment to the Town Council.**

The motion passed unanimously.

 11/25/24
Susan Teas Smith, Planning Board Chair Date
 11-25-24
Esther Coulter, Administrative Assistant Date



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

Application for Land Development Standards Map Amendment

Application is hereby made on October 28, 2024 to the Town of Waynesville for the following map amendment:

Property owner of record: Adgerwood Holdings LLC a NC LLC

Address/location of property: 28 Addie Lane, Waynesville, NC 28786

Parcel identification number(s): 8615-42-0757

Deed/Plat Book/Page, (attach legal description): Deed Book - 1113 Page - 447

The property contains 0.6104 acres.

Current district: Pigeon Street Neighborhood Residential

Requested district: Nineva Neighborhood Residential

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

See Exhibit A

Applicant Contact Information

Applicant Name (Printed): John Mason - Manager of Adgerwood Holdings, LLC.

Mailing Address: 127 Balsam Drive, Waynesville, NC 28786

Phone(s): 941.374.7660

Email: masonmdmba@gmail.com

Signature of Property Owner(s) of Record Authorizing Application:

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

Exhibit A

I am requesting that the planning board allow my property, located at 28 Addie Lane, to be included in the Nineva Neighborhood district so that I may replace the abandoned and dilapidated manufactured home that is currently on this property with 3 manufactured homes.

Waynesville is currently suffering from a lack of affordable housing that has only been made worse by Hurricane Helene. In fact, residents of Haywood County are struggling to find housing of any kind after so many of them have lost their homes. Residents are finding it difficult to buy or lease affordable homes and are either forced to leave the area or are forced to commute longer and longer distances if they want to work in Waynesville.

The property at 28 Addie Lane is currently in the Pigeon Neighborhood, and as such, I am only allowed to 1) replace the current single family manufactured home with a similar one as a grandfathered option, 2) repair the manufactured home that is currently on the property, or 3) remove this manufactured home and replace it with a stick build home. None of these options will provide meaningful solutions for our ongoing affordable housing needs in Waynesville since these options do not increase the number of affordable homes for the people of Waynesville and Haywood County. The Pigeon Neighborhood currently does not allow manufactured homes that have not been previously grandfathered.

The property at 28 Addie Lane abuts the Nineva Neighborhood which allows Manufactured homes in the manner and method recently adopted by this Planning Board and is directly across the street from the Nineva Neighborhood.

I am therefore asking the Planning Board to include 28 Addie Lane as part of the Nineva Neighborhood which would allow me to install 3 affordable manufactured houses within the city limits of Waynesville. This would be done by following all the existing set back, permitting, and acreage requirements.

This variance will not affect the local neighborhood since there are already many manufactured homes on Addie Lane and surrounding streets.

Respectfully submitted for your consideration.

Adgerwood Holdings, LLC.

John Mason MD MBA – Manager



COUNTY | NC

Search Results Layers

Results List

Details

View Tax Card (taxhandler.aspx?id=8615-42-0757)

ADGERWOOD HOLDINGS LLC A NC LLC
127 BALSAM DR
WAYNESVILLE, NC 28786-4301

PIN: 8615-42-0757 Acct#: 281898
Legal Ref 1: 1113/447 (DeedReference.aspx?target='1113/447') Add Ref 1: D2022/24
Legal Ref 2: Add Ref 2: DC106/300

Acreage
0.61 AC

Tax Information		Tax Bill	
Land:	\$31,000	Tax Year:	2024
Building:	\$4,400		\$194.70
Market:	\$35,400	Tax Year:	2023
Deferred:	\$0		\$194.70

Total
Assessed: \$35,400
Sale Info
Price: \$35,000
Date: 8/19/2024

Zoom IN

Zoom Out

Full Extent

Pan

Last View

County Home Page (<https://www.haywoodcounty.nc.gov/>) | Me



PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 10/31/24 CUSTOMER#:
TIME: 12:05:27
CLERK: 2044ecou

RECPT#: 3108154 PREV BAL: 500.00
TP/YR: P/2025 AMT PAID: 500.00
BILL: 3108154 ADJSTMNT: .00
EFF DT: 10/31/24 BAL DUE: .00
Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 500.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 500.00
AMT APPLIED: 500.00
CHANGE: .00

PAID BY: Adgerwood Map Amend
PAYMENT METH: CHECK
PAYMENT REF: 202

TOT PREV BAL DUE: 500.00
TOT BAL DUE NOW : .00

ORDINANCE NO. O-52-24

**AN ORDINANCE AMENDING THE OFFICIAL LAND DEVELOPMENT MAP
OF THE TOWN OF WAYNESVILLE**

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 map amendment to the Official Land Development Map (Zoning Map) and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest because it supports the following goals of the Comp. Plan:

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

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

Goal 2: Create a range of housing opportunities and choices.

- Encourage new housing within Waynesville's city limits and Extraterritorial Jurisdiction (ETJ).
- Promote a diverse housing stock including market rate, workforce housing, and affordable options that appeal to a variety of households.

WHEREAS, the Town of Waynesville Planning Board recommends that this map amendment is reasonable and in the public interest because it is also consistent with the purposes of the proposed zoning district- Ninevah Neighborhood Residential (N-NR), as described in Section 2.3.3.D of the Land Development Standards (LDS):

- A well-established residential community containing a mix of housing types.
- It is proposed to develop more densely, but still at a small residential scale.

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

WHEREAS, the Town Council finds 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 **November 18, 2024**, at the regularly scheduled meeting of the Waynesville Planning Board, and on **December 10, 2024**, at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON DECEMBER 10, 2024, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Official Land Development Map be amended with the property at 28 Addie Lane in Waynesville, North Carolina 28786 (PIN 8615-42-0757) rezoned from Pigeon Street Neighborhood Residential (PS-NR) to Ninevah Neighborhood Residential (N-NR) District.

ADOPTED this _____ Day of _____, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Waynesville Town Council
From: Olga Grooman, Assistant Development Services Director
Date: December 10, 2024
Subject: Map Amendment Statement of Consistency
Description: Map amendment related to a rezoning request from Pigeon Street Neighborhood Residential (PS-NR) to Ninevah Neighborhood Residential (N-NR) for a 0.61-acre property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757).
Contact: Town of Waynesville Planning Department (“Development Services”)

The Town Council hereby adopts the following statement(s):

☐

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

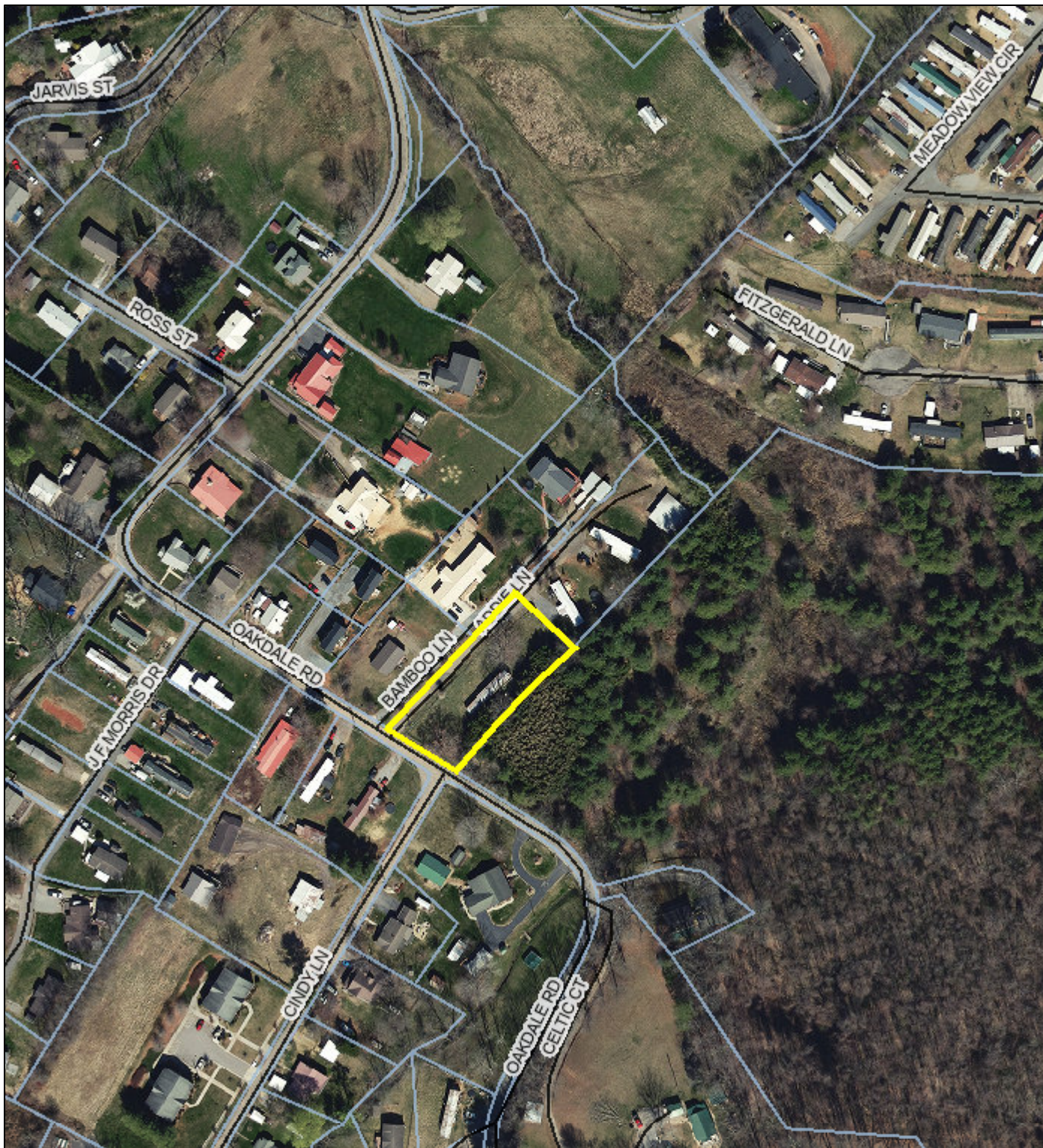
The zoning map amendment **is reasonable and in the public interest** because:

☐

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

☐

In addition to approving this zoning map 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: _____



Report For

ADGERWOOD HOLDINGS LLC A NC LLC
127 BALSAM DR
WAYNESVILLE, NC 28786-4301

Property Image 1 of 4

Account Information

PIN: 8615-42-0757

Deed: 1113/447

D2022/24
DC106/300

Site Information

28 ADDIE LN

Heated Area:

Year Built:

Total Acreage: 0.61

Township: Town of Waynesville

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 8/19/2024

Tax Bill 1:

Tax Bill 2:



1 inch = 200 feet
November 13, 2024

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

This aerial map displays a residential neighborhood with various property boundaries, addresses, and lot numbers. A yellow rectangle highlights a specific property located at the intersection of Oakdale Rd and Audie Ln. The highlighted property is bounded by Oakdale Rd to the north, Audie Ln to the east, and a property line to the south. The lot number 28 is visible within this highlighted area. Surrounding properties are labeled with their addresses and lot numbers, such as 8615-33-8450, 8615-33-7371, 8615-33-8125, 8615-33-7059, 8615-32-7923, 8615-32-8988, 8615-32-8921, 8615-32-8897, 8615-32-7860, 8615-32-8730, 8615-32-9634, 8615-32-7436, 8615-43-1338, 8615-43-0274, 8615-43-2561, 8615-43-8224, 8615-43-2163, 8615-42-1917, 8615-43-3000, 8615-52-7343, and 8615-42-1434. Lot numbers 353, 385, 367, 477, 481, 485, 490, 504, 518, 345, 73, 68, 50, 21, and 215 are also visible. The map includes labels for streets: Oakdale Rd, Audie Ln, Cindy Ln, and Fitzgerald Ln.



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



Report For

ADGERWOOD HOLDINGS LLC A NC LLC
127 BALSAM DR
WAYNESVILLE, NC 28786-4301

Property Image 3 of 4

Account Information

PIN: 8615-42-0757

Deed: 1113/447

D2022/24
DC106/300

Site Information

28 ADDIE LN

Heated Area:

Year Built:

Total Acreage: 0.6104

Township: Town of Waynesville

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

Assessed Value:

Sale Price:

Sale Date: 08/18/2024

Tax Bill 1:

Tax Bill 2:



1 inch = 100 feet
November 13, 2024

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



JARVIS ST

ROSS ST

OAKDALE RD

MORRIS DR

BAMBOON LN

MEADOWVIEW CIR

Manufactured Homes Park

Manufactured Homes

Manufactured Homes



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: November 27th and December 4th (Wednesday) editions

Date: November 19, 2024

Contact: Olga Grooman, (828) 356-1172

NOTICE OF PUBLIC HEARINGS WAYNESVILLE TOWN COUNCIL

The Town Council will hold the following public hearings **on Tuesday, December 10, 2024, at 6:00 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. A text amendment related to street addressing on ground signs, Land Development Standards sections 11.3, 11.5.7, and 11.7.1.
2. A text amendment related to premises identification standards for commercial buildings, Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances.
3. A text amendment to allow the use of temporary, alternative housing for victims of disaster, Land Development Standards sections 2.5.3, 4.6.4, and 17.3.
4. A text amendment to the Flood Damage Prevention Ordinance to update the regulatory flood protection elevation and increase the freeboard requirement from 1 to 2 ft and expand floodplain regulations into the 500-year flood zone, Land Development Standards sections 4.4.2, 12.3, and 17.5 .
5. A rezoning request from Pigeon Street Neighborhood Residential (PS-NR) to Ninevah Neighborhood Residential (N-NR) for a 0.61-acre property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757).

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



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

November 27, 2024

Notice of Public Hearing Waynesville Town Council

Waynesville Town Council will hold a public hearing on **Tuesday, December 10, 2024, at 6:00 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a rezoning request from Pigeon Street Neighborhood Residential (PS-NR) to Ninevah Neighborhood Residential (N-NR) for a 0.61-acre property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757):



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

ADGERWOOD HOLDINGS LLC A NC
LLC
127 BALSAM DR
WAYNESVILLE, NC 28786

LYNN, MARTHA D
131 WOODLAND DR
MURRELLS INLET, SC 29576

RAYA, MARIA YOLONDA RAYA
RAYA, ERIC
50 ADDIE LN
WAYNESVILLE, NC 28786

ROUNDY, JONATHAN CRAIG
ROUNDY, JENNIFER JEANETTE
73 BAMBOO LN
WAYNESVILLE, NC 28786

RIOS, JORGE G
MUNOZ, ROCIO D
37 BAMBOO LN
WAYNESVILLE, NC 28786

THIBODEAUX, JAMIE D
21 BAMBOO LN
WAYNESVILLE, NC 28786

HUSTON, RUTHIE ELAINE/LT
MULL, RODNEY DALE
PO BOX 391
WAYNESVILLE, NC 28786

WILLIAMS, LAURA/TR
NORMAN C PUTNAM JR LIVING TRUST
119 MISTLETOE RDG
WAYNESVILLE, NC 28786


INMAN, LARRY D
INMAN, SHANNA LYNN
564 OAKDALE RD
WAYNESVILLE, NC 28786

BACON, BRIAN SCOTT
BACON, KRISTINE KETRON
12 BELLEVUE DR
TREASURE IS, FL 33706


ARCONTI, BART
WROTEN, CHARLENE
389 STONEHOUSE DR
SEVERNA PARK, MD 21146

RIOS, JORGE GALVAN
MUNOZ, HILDA GUADALUPE RIOS
367 OAKDALE RD
WAYNESVILLE, NC 28786

CONARD, WILLIAM KIRK JR
353 OAKDALE RD
WAYNESVILLE, NC 28786

A white rectangular sign with black and red text is placed in a field of tall green grass and some dried, brown stalks. In the background, there is a long, low building with a corrugated metal roof and walls, partially obscured by trees and foliage. The scene is outdoors, likely in a rural or undeveloped area.

WAYNESVILLE TOWN COUNCIL
WILL HOLD A
PUBLIC HEARING
ON DECEMBER 10, 2024, AT 6:00 PM
IN THE TOWN HALL BOARD ROOM AT
9 SOUTH MAIN ST.
TO CONSIDER A REZONING REQUEST
CONTACT THE DEVELOPMENT SERVICES
DEPARTMENT
828-456-8647



WAYNEVILLE TOWN COUNCIL
WILL HOLD A
PUBLIC HEARING
ON DECEMBER 10, 2024, AT 6:00 PM
IN THE TOWN HALL, BOARD ROOM AT
9 SOUTH MAIN ST.
TO CONSIDER A REZONING REQUEST
CONTACT THE DEVELOPMENT SERVICES
DEPARTMENT
828-456-8647

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 10, 2024**

SUBJECT: A Public Hearing to consider text amendments related to addressing on ground signs.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Olga Grooman
Presenter: Olga Grooman

BRIEF SUMMARY:

The proposed text amendment is requested by the Town Fire Marshall to require street addressing as part of ground signs. It requires that businesses with ground signs display their street address number prominently on the sign. The amendment outlines the guidelines for the placement of the address on the sign, including requirements for maintenance to ensure legibility. Additionally, it clarifies that the street address number will not be counted towards the calculation of the sign face area. The text amendment also cross-references Fire Code standards for premises identification, such as requirements for size, stroke, and visibility for address numbers, as specified in the Town of Waynesville Fire Prevention and Protection Ordinance.

These regulations would apply to all newly installed ground signs for businesses. The proposed text amendments would amend the sign ordinance and improve public safety.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

- Staff report
- Signed Planning Board report
- Draft Ordinance
- Consistency Worksheet

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Waynesville Town Council Staff Report

Subject: Text amendments related to addressing on ground signs
Ordinance Section: Land Development Standards (LDS) sections 11.3, 11.5.7, and 11.7.1
Applicant: Staff initiated text amendment
Meeting Date: December 10, 2024
Presenter: Olga Grooman, Assistant Development Services Director
David Kelley, Codes Administrator
Darrell Calhoun, Fire Marshall

Background:

The proposed text amendment is requested by the Town Fire Marshall to require street addressing as part of ground signs. Staff presented the draft text amendment to the Planning Board for discussion and feedback on October 21, 2024. On November 18, 2024, Planning Board held a public hearing and unanimously recommended the text amendment to the Town Council. Based on the Planning Board's feedback, the amendment now clarifies that addressing would not count toward the sign face size calculation. However, incorporation a street address as a part of the business name, does not allow an increase in the area of the sign face. Additionally, the text amendment cross-references Fire Code standards for premises identification, such as requirements for size, stroke, and visibility for address numbers, as specified in the Town of Waynesville Fire Prevention and Protection Ordinance.

Staff Recommended Text Changes:

The proposed text amendments would amend the sign ordinance and improve public safety. By requiring visible addressing as part of ground signage, emergency vehicle personnel can better locate properties within commercial districts as part of response operations.

The proposed changes to the Land Development Standards **are in red.**

Consistency with the 2035 Comprehensive Land Use Plan:

Staff submits that the proposed text amendments to the LDS are consistent with Goal 1 of the 2035 Comprehensive Plan:

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

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

And that the proposal is reasonable and in the public interest because it promotes public safety and the efficiency of emergency operations.

Public Notices:

Staff provided notice of this public hearing in the Mountaineer newspaper on 11/27/24 and 12/04/24.

Attachments:

- Cover Sheet
- Signed Planning Board Report
- Draft Ordinance
- Consistency Worksheet

Recommended Motions:

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).



To: Waynesville Town Council
Meeting Date: December 10, 2024
From: Olga Grooman, Assistant Development Services Director
Subject: Planning Board Report and Statement of Consistency
Description: Text amendments related to addressing on ground signs
Ordinance Section: Land Development Standards (LDS) sections 11.3, 11.5.7, and 11.7.1

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

1. A motion was made by Vice Chair Ginger Hain and seconded by board member Michael Blackburn that the text amendments **are consistent with the Town's 2035 Comprehensive Land Use Plan and are reasonable and in the public interest** because they are consistent with Goal 1 of the 2035 Comp. Plan:

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


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

And that the proposal is reasonable and in the public interest because it promotes public safety and the efficiency of emergency operations.

The motion carried unanimously.

2. Additionally, planning board member Michael Blackburn made a motion seconded by board member Travis Collins to **recommend the proposed text amendments to the Town Council as presented.**

The motion passed unanimously.


Susan Teas Smith, Planning Board Chair

11-25-24
Date


Esther Coulter, Administrative Assistant

11-25-24
Date

ORDINANCE NO. O-53-24

**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 Council adopted the North Carolina Fire Code and North Carolina State Building Code and enforcement of these provisions in Article III- Fire Code of the Town of Waynesville Code of Ordinances; and

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

- Goal 1: Continue to promote smart growth principles in land use planning and zoning.
- The proposed text amendment promotes public safety and efficiency of emergency operations.

WHEREAS, the Town Council adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community,” and recognizes that clearly visible street address numbers aid emergency and fire services in promptly locating properties and better assisting residents; and

WHEREAS, clearly displayed address numbers increase visibility and ensure better safety in emergencies; and

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

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

WHEREAS, after notice duly given, a public hearing was held on **November 18, 2024**, at the regularly scheduled meeting of the Waynesville Planning Board, and on **December 10, 2024**, at the regularly scheduled meeting of the Waynesville Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON DECEMBER 10, 2024, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows:

1. Add to section 11.3 Computation of Signage Area and amend it as follows:

11.3.1 Computation of Sign Face.

E. Street addressing does not count toward the calculation of the sign face, but use of the street address in the business name does not allow an increase in the area of the sign face.

2. Amend section 11.5 Signs Not Requiring a Permit as follows:

11.5.7 Occupant/Street Number Signs.

Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant. All such signs must be placed in such a manner as to be visible from the street and as specified in Sec. 30-7.- Premises Identification of the Town of Waynesville Code of Ordinances.

3. Add to section 11.7 Signage Types and amend it as follows:

11.7.1 Ground Signs

F. All businesses with ground signs must display their street address number prominently on the sign:

- The address number may be located on any portion of the ground sign that is clearly visible and readable from the street or road during both day and night.
- The address number must comply with the standards of Section 30-7.- Premises Identification of the Town of Waynesville Code of Ordinances.
- The address number must be maintained in a clean and legible condition at all times, and any damaged elements must be promptly repaired or replaced.

ADOPTED this _____ Day of _____, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Waynesville Town Council
From: Olga Grooman, Assistant Development Services Director
Date: December 10, 2024
Subject: Text Amendment Statement of Consistency
Description: Text amendments related to signage and addressing
Ordinance Section: Land Development Standards (LDS) sections 11.3, 11.5.7, and 11.7.1
Address: Town of Waynesville Planning Department (“Development Services Department”)

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

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

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

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

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

**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 10, 2024**

SUBJECT: Public Hearing to consider text amendments related to premises identification for commercial buildings, Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Olga Grooman, Darrell Calhoun, David Kelley
Presenter: Olga Grooman

BRIEF SUMMARY:

The proposed text amendment is requested by the Town Fire Marshall. It amends Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances and requires that commercial buildings provide an approved address identification. It outlines the guidelines for placement, size, stroke, and visibility for address numbers, per 2018 North Carolina Fire Code, Section 505.1. This amendment references specific standards for addresses on commercial buildings and promotes the efficiency of emergency operations as well as public safety.

MOTIONS FOR CONSIDERATION:

1. Motion to adopt the Ordinance as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

- Staff Report
- Draft Ordinance
- Public Notice

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Waynesville Town Council Staff Report

Subject: Text amendments related to premises identification for commercial buildings
Ordinance Section: Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances.
Applicant: Staff initiated text amendment
Meeting Date: December 10, 2024
Presenter: Olga Grooman, Assistant Development Services Director
David Kelley, Codes Administrator
Darrell Calhoun, Fire Marshall

Background:

Per Fire Marshall's request, this text amendment outlines the requirements of the 2018 Fire Code in Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances. It requires that commercial buildings provide an approved address identification. This amendment references specific standards for addresses on commercial buildings and promotes the efficiency of emergency operations as well as public safety. Additionally, it adopts the North Carolina State Building Codes with all amendments and North Carolina Fire Code Edition of the International Fire Code (IFC) with North Carolina Office of the State Fire Marshal Amendments by reference.

Staff Recommended Text Changes:

The proposed text amendments include the following changes:

- Commercial buildings shall be provided with an approved address identification.
- Specific guidelines for placement, size, stroke, and visibility for address numbers, per 2018 North Carolina Fire Code, Section 505.1.
- Address identification shall be maintained.
- Where required by the Fire Code Official, address identification shall be placed in additional locations, including any portions of the building and on ground signs, to aid emergency response.
- Adoption of State Fire and Building Codes with all amendments by reference.

The proposed changes to the Waynesville Code of Ordinances are in red.

Public Notices:

Staff provided notice of this public hearing in the Mountaineer newspaper on 11/27/24 and 12/04/24.

Attachments:

- Cover Sheet
- Draft Ordinance
- Public Notice

Recommended Motions:

1. Motion to adopt the Ordinance as presented (or as amended).

ORDINANCE NO. O-54-24

**AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE CODE OF ORDINANCES**

WHEREAS, the Town of Waynesville has the authority, pursuant to Chapter 69- Fire Protection of the North Carolina General Statutes, to provide fire protection within the municipality; and

WHEREAS, the Town of Waynesville has the authority, pursuant to Chapter 160D-1102 of the North Carolina General Statutes, to provide fire prevention and fire inspection services; and

WHEREAS, the Town of Waynesville has the authority, pursuant to Chapter 160D-1104 of the North Carolina General Statutes, to enforce State and local laws relating to the construction of buildings and other structures; and

WHEREAS, the Town Council adopted the North Carolina Fire Code and North Carolina State Building Code and enforcement of these provisions in Article III- Fire Code of the Town of Waynesville Code of Ordinances; and

WHEREAS, clearly displayed address numbers increase visibility and ensure better safety in emergencies; and

WHEREAS, the Town Council adopted the 2035 Comprehensive Plan to “enable the growth of a vibrant, healthy, and successful community,” and recognizes that clearly visible street address numbers aid emergency and fire services in promptly locating properties and better assisting residents; and

WHEREAS, after notice duly given, a public hearing was held on **December 10, 2024**, at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON DECEMBER 10, 2024, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Fire Prevention and Protection Ordinance of the Town of Waynesville, North Carolina, be amended as follows with revisions **in red** and deletions in strikethrough (~~example~~):

1. Add section 30.7 to Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances and amend the chapter as follows:

Chapter 30 - FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Sec. 30-7.- Premises Identification

- (a) New and existing commercial buildings shall be provided with an approved address identification. Where required by the Fire Code Official, address identification shall be placed in additional locations, including any portions of the building and on ground signs, to aid emergency response. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. A Fire Code Official may require additional identification.
- (b) Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be no less than 6 inches (153 mm) high with a minimum stroke width of $\frac{3}{4}$ inch (20 mm), or as specified in the latest version of the Premises Identification section of the North Carolina Fire Code.
- (c) Address identification shall be maintained.

Secs. ~~30-7~~ **30.8**—30-35. - Reserved.

- 2. Amend Article III- Fire Code, Section 30-66- Adopted of the Waynesville Code of Ordinances as follows:

Sec. 30-66.- ~~Adopted~~ Adoption of State Fire Code by Reference.

- (a) ~~Volume V and in particular chapters 4 and 5 of volume V North Carolina Fire Prevention Code of the North Carolina State Building Code is adopted by the Town Council as its fire code by reference.~~ The most current North Carolina State Building Codes with all amendments, North Carolina Fire Code Edition of the International Fire Code (IFC) with North Carolina Office of the State Fire Marshal Amendments, is hereby adopted by reference, with the exception of such portions as are deleted, modified or amended in this article, of which one copy will be filed by the town under the supervision of the town clerk; and the provisions are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the incorporated limits of the town.

ADOPTED this _____ Day of _____, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: November 27th and December 4th (Wednesday) editions

Date: November 19, 2024

Contact: Olga Grooman, (828) 356-1172

NOTICE OF PUBLIC HEARINGS WAYNESVILLE TOWN COUNCIL

The Town Council will hold the following public hearings **on Tuesday, December 10, 2024, at 6:00 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. A text amendment related to street addressing on ground signs, Land Development Standards sections 11.3, 11.5.7, and 11.7.1.
2. A text amendment related to premises identification standards for commercial buildings, Chapter 30- Fire Prevention and Protection of the Waynesville Code of Ordinances.
3. A text amendment to allow the use of temporary, alternative housing for victims of disaster, Land Development Standards sections 2.5.3, 4.6.4, and 17.3.
4. A text amendment to the Flood Damage Prevention Ordinance to update the regulatory flood protection elevation and increase the freeboard requirement from 1 to 2 ft and expand floodplain regulations into the 500-year flood zone, Land Development Standards sections 4.4.2, 12.3, and 17.5 .
5. A rezoning request from Pigeon Street Neighborhood Residential (PS-NR) to Ninevah Neighborhood Residential (N-NR) for a 0.61-acre property at 28 Addie Lane in Waynesville, NC (PIN 8615-42-0757).

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

TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 10, 2024

SUBJECT: Public Hearing to consider text amendments related to floodplain regulations.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Olga Grooman
Presenter: Olga Grooman

BRIEF SUMMARY:

On September 27, 2024, Tropical Storm Helene caused widespread damage to residential and non-residential structures in Waynesville. The proposed text amendments seek to strengthen the Town of Waynesville's floodplain protection requirements, aligning them more closely with the recommendations of the North Carolina Department of Emergency Management. Strengthening local floodplain ordinances could help reduce future risks to life and property, while promoting public safety and community resilience.

Based on the intensity of Tropical Storm Helene and the extent of damage, staff proposes an amendment to the ordinance to increase the required elevation from 1 ft to 2 ft above the base flood elevation (BFE) for all new construction and substantial repairs within the regulatory floodplain. Additionally, the United States Department of Housing and Urban Development (HUD) has adopted a new rule that requires new construction (building permit applications submitted on or after January 1, 2025) within the regulatory floodplain to be elevated at least 2-feet above the base flood elevation (BFE) to qualify for Federal Housing Administration (FHA) insured mortgages.

Staff also proposes to expand flood protection requirements that are currently applicable for a 100-year floodplain into a 500-year flood zone, including but not limited to elevation, floodproofing, flood vents, and requiring a floodplain permit for all development within the 500-yr floodplain. While most of the storm damage occurred within a 100-year floodplain in Waynesville, significant damage also occurred along the fringe of the zone, bordering the 500-Year Floodplain.

MOTIONS FOR CONSIDERATION:

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).

FUNDING SOURCE/IMPACT: N/A

ATTACHMENTS:

- Staff Report
- Signed Planning Board Report
- Consistency Worksheet
- Draft Ordinance
- Waynesville Floodplain Maps (3)
- Article by the Association of State Floodplain Managers

MANAGER'S COMMENTS AND RECOMMENDATIONS:

Waynesville Town Council Staff Report

Subject: Text amendments related to floodplain regulations
Ordinance Section: Land Development Standards (LDS) sections 4.4.2, 12.3, and 17.5
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: November 18, 2024
Presenter: Olga Grooman, Assistant Development Services Director

Background:

On September 27, 2024, Tropical Storm Helene caused widespread damage to residential and non-residential structures in Waynesville. The proposed text amendments seek to strengthen the Town of Waynesville's floodplain protection requirements, aligning them more closely with the recommendations of the North Carolina Department of Emergency Management. Strengthening local floodplain ordinances could help reduce future risks to life and property, while promoting public safety and community resilience. The proposed text amendments are based on the post-storm damage assessments, as well as feedback and recommendations from the NC Division of Emergency Management and the National Flood Insurance Program Coordinator.

The Development Services department inspected a total of 446 structures for damage and watermarks, and 342 of these structures had at least some level of damage. Properties raised 1 ft above the Base Flood Elevation (BFE) suffered less damage. The NC Emergency Management recommends a minimum elevation of 2-ft above the BFE for structures. Based on the intensity of Tropical Storm Helene and the extent of damage, staff proposes an amendment to the ordinance to increase the required elevation from 1 ft to 2 ft above BFE for all new construction and substantial repairs within the regulatory floodplain.

The map of the properties that sustained flood damage shows that while most of the damage occurred within a 100-year floodplain, significant damage also occurred along the fringe of the zone, bordering the 500-Year Floodplain. The map also shows that the floodplain crosses through the most urban and densely developed areas of the town, such as Frog Level and Hazelwood. Based on these findings, staff recommends expanding floodplain regulations into the 500-Year Zone. Currently, there are 619 properties that are at least partially within the 500-Year Floodplain. However, most of them have sections of the property that are already in the 100-Year Floodplain with current regulations applicable. There are 85 properties that are only in the 500-Year Floodplain, and not in any other flood zone. With this amendment, the floodplain regulations would extend to these properties.

Staff Recommended Text Changes:

The proposed text amendments would amend several LDS sections related to floodplain damage prevention. The proposed changes are:

1. Propose a 2-ft Regulatory Flood Protection Elevation, meaning that all new construction and substantial repairs within the regulatory floodplain will require the elevation of buildings such that the top of the first habitable floor is at least 2 feet above the Base Flood Elevation (BFE).

Example: Ground **elevation of the property** in the regulatory floodplain is 2,600 ft above mean sea level (msl). The **Base Flood Elevation (BFE)**, determined by the State's Flood Insurance Risk Maps (FRIS), is 2,601 ft above msl. A newly constructed structure on this property will need to have the top of the first habitable floor 2 ft above the BFE, which is 2,603 ft. msl.

2. The map of the properties that sustained flood damage during Helene shows that many of them were on the fringe of the regulatory floodplain, with some crossing into the 500-Year Flood Zone. Staff proposes to expand flood protection requirements that are currently applicable for a 100-year

floodplain into a 500-year flood zone, including but not limited to elevation, floodproofing, flood vents, and requiring a floodplain permit for all development within the 500-yr floodplain. This would potentially affect 85 additional properties that are located only within a 500-Year Floodplain.

3. Add the definitions of a 500-Year Flood Zone (0.2 Percent Annual Chance Flood), as defined by FEMA.

The proposed changes to the Land Development Standards **are in red**.

Consistency with the 2035 Comprehensive Land Use Plan:

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

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

- Promote conservation design to preserve important natural resources.

Goal 3: Protect and Enhance Waynesville's Natural Resources.

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

The proposal is reasonable and in the public interest because promotes safer construction, reconstruction, and repair of structures within the flood-prone areas, promoting safety of the residents and their properties.

Public Notices:

Staff provided notice of this public hearing in the Mountaineer newspaper on 11/27/24 and 12/04/24.

Attachments:

- Cover Sheet
- Signed Planning Board Report
- Consistency Worksheet
- Draft Ordinance
- Waynesville Floodplain Maps (3)
- Article by the Association of State Floodplain Managers

Recommended Motions:

1. Motion to find that the Ordinance is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest.
2. Motion to adopt the Ordinance as presented (or as amended).



To: Waynesville Town Council
Meeting Date: December 10, 2024
From: Olga Grooman, Assistant Development Services Director
Subject: Planning Board Report and Statement of Consistency
Description: Text amendments related floodplain regulations
Ordinance Section: Land Development Standards (LDS) sections 4.4.2, 12.3, and 17.5

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

1. A motion was made by board member Tommy Thomas and seconded by board member Michael Blackburn that the text amendments **are consistent with the Town's 2035 Comprehensive Land Use Plan and are reasonable and in the public interest** because they meet the following goals of the 2035 Comp. Plan:

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

- Promote conservation design to preserve important natural resources.

Goal 3: Protect and Enhance Waynesville's Natural Resources.

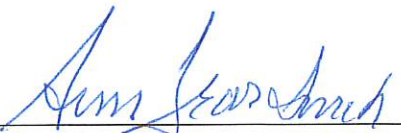
- Protect and enhance water quality and forests.
- Protect rural lands, iconic views, and mountain vistas; and

And that the proposal is reasonable and in the public interest because it promotes safer construction, reconstruction, and repair of structures within the flood-prone areas, promoting safety of the residents and their properties.

The motion carried unanimously.

2. Additionally, planning board member Tommy Thomas made a motion seconded by Board Chair Susan Teas Smith to **recommend the proposed text amendments to the Town Council as presented.**

The motion passed unanimously.


Susan Teas Smith, Planning Board Chair

11/28/24
Date


Esther Coulter, Administrative Assistant

11-28-24
Date



To: Waynesville Town Council
From: Olga Grooman, Assistant Development Services Director
Date: December 10, 2024
Subject: Text Amendment Statement of Consistency
Description: Text amendments to Flood Damage Prevention Ordinance
Ordinance Section: Land Development Standards (LDS) sections 4.4.2, 12.3 and 17.5
Address: Town of Waynesville Planning Department (“Development Services Department”)

The Town Council hereby adopts the following statement(s):

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

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

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

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

ORDINANCE NO. O-55-24

**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, on September 27, 2024, Tropical Storm Helene caused widespread damage to residential and non-residential structures in Waynesville; and

WHEREAS, the destruction caused by the storm disrupted the lives of Waynesville residents and caused challenges for local businesses; and

WHEREAS, strengthening local floodplain regulations could help reduce future risks to life and property, and promote public safety and community resilience; and

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

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendment to the Land Development Standards (LDS) and recommends that it is consistent with the 2035 Comprehensive Plan and that it is reasonable and in the public interest, and recommends the text amendment for its enactment by the Town Council; and

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

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

- Promote conservation design to preserve important natural resources.

Goal 3: Protect and Enhance Waynesville’s Natural Resources.

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

WHEREAS, after notice duly given, a public hearing was held on **November 18, 2024**, at the regularly scheduled meeting of the Waynesville Planning Board, and on **December 10, 2024**, at the regularly scheduled meeting of the Waynesville Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON DECEMBER 10, 2024 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 4.4.2 Measurement of Building Height as follows:

- E.** Allowance for foundations, basements and floodplain ordinance compliance: For either pitched or flat roofed structures, the first floor may be up to 4 feet above the average grade of the fronting sidewalk or primary facade, ~~or be one foot (1')~~ **or be two (2) feet (2')** above base flood elevation for the lot if within a special flood hazard area **or area Subject to a 0.2% Annual Chance of Flooding (500-Year Flood Zone)**. Basements or under-stories below the highest adjacent grade and facing away from the structure's primary facade, do not count as stories for the measurement of building height.

2. Amend section 12.3 Flood Damage Prevention as follows:

12.3.2 General Provisions

A. Applicability

This ordinance shall apply to all Special Flood Hazard Areas **and areas located within the 0.2% Annual Chance of Flood Hazard Zone (500-Year Flood Zone)** within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Waynesville and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

3. Amend section 12.3.3.B Floodplain Development Application, Permit, and Certification Requirements:

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas **or areas Subject to a 0.2% Annual Chance of Flooding (500-Year Flood Zone)**.

(b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area **and areas located within the 0.2% Annual Chance of Flood Hazard Zone (500-Year Flood Zone)** including but not limited to:

- (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A, ~~or AO~~, **or 500-Year Flood Zone** will be floodproofed; and

(d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

- (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 12.3.4.B(4)(c) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99, or 500-Year Flood Zone.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (b) The Special Flood Hazard Area determination or a 500-Year Flood Zone determination for the proposed development in accordance with available data specified in Section 12.3.2.B.

(3) **Certification Requirements.**

- (c) If a manufactured home is placed within Zone A, AE, AH, AO, A99, or 500-Year Flood Zone and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 12.3.4.B(3)(b).

(e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, or 500-Year Flood Zone are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection: ...

- (i) Recreational Vehicles meeting requirements of Section 12.3.4.B(6)(a);
- (ii) Temporary Structures meeting requirements of Section 12.3.4.B(7); and
- (iii) Accessory Structures less than 150 square or have a total cost of \$5,000 or less and meet requirements of Section 12.3.4.B(8).

4. Amend section 12.3.3.C Duties and Responsibilities of the Floodplain Administrator as follows:

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas or 500-Year Flood Zones to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas or 500-Year Flood Zone to assure that all necessary Local, State and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

...

- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas, or 500-Year Flood Zones (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

...

- (18) Make periodic inspections throughout the Special Flood Hazard Areas and 500-Year Flood Zones within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

5. Amend section 12.3.4 Provisions for Flood Hazard Reduction as follows:

A. General Standards.

In all Special Flood Hazard Areas and areas located within the 0.2% Annual Chance of Flood Hazard Zone (500-Year Flood Zone) the following provisions are required: ...

B. Specific Standards.

In all Special Flood Hazard Areas and 500-Year Flood Zones where Base Flood Elevation (BFE) data has been provided, as set forth in Section 12.3.2.B, or Section 12.3.4.D, the following provisions, in addition to the provisions of Section 12.3.4.A, are required:

- (1) ...
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 17.4. Structures located in Zones A, AE, AH, AO, A99 and 500-Year Flood Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- (3) ...
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - (d) Shall include, in Zones A, AO, AE, and A1-30, and 500-Year Flood Zones, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria: ...
- (5) ...
- (6) ...
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area and outside the 500-Year Flood Zone, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area or within 500-Year Flood Zone, the following criteria shall be met:

6. Amend section 17.5 Definitions, Floodplain Damage as follows:

0.2-Percent Annual Chance Flood- The flood that has a 0.2-percent chance of being equaled or exceeded in any given year. This type of flood is also referred to as a 500-year flood (FEMA.gov).

500-Year Flood Zone, also known as **0.2% Annual Chance of Flood Hazard Zone**, is an area that has a 0.2% chance of experiencing a flood in any given year.

Regulatory Flood Protection Elevation means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus ~~one (1) foot~~ **two (2) feet** of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade. **The Regulatory Flood Protection Elevation also applies to areas located within the 0.2% Annual Chance of Flood Hazard Zone (500-year flood zone).**

ADOPTED this _____ Day of _____, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

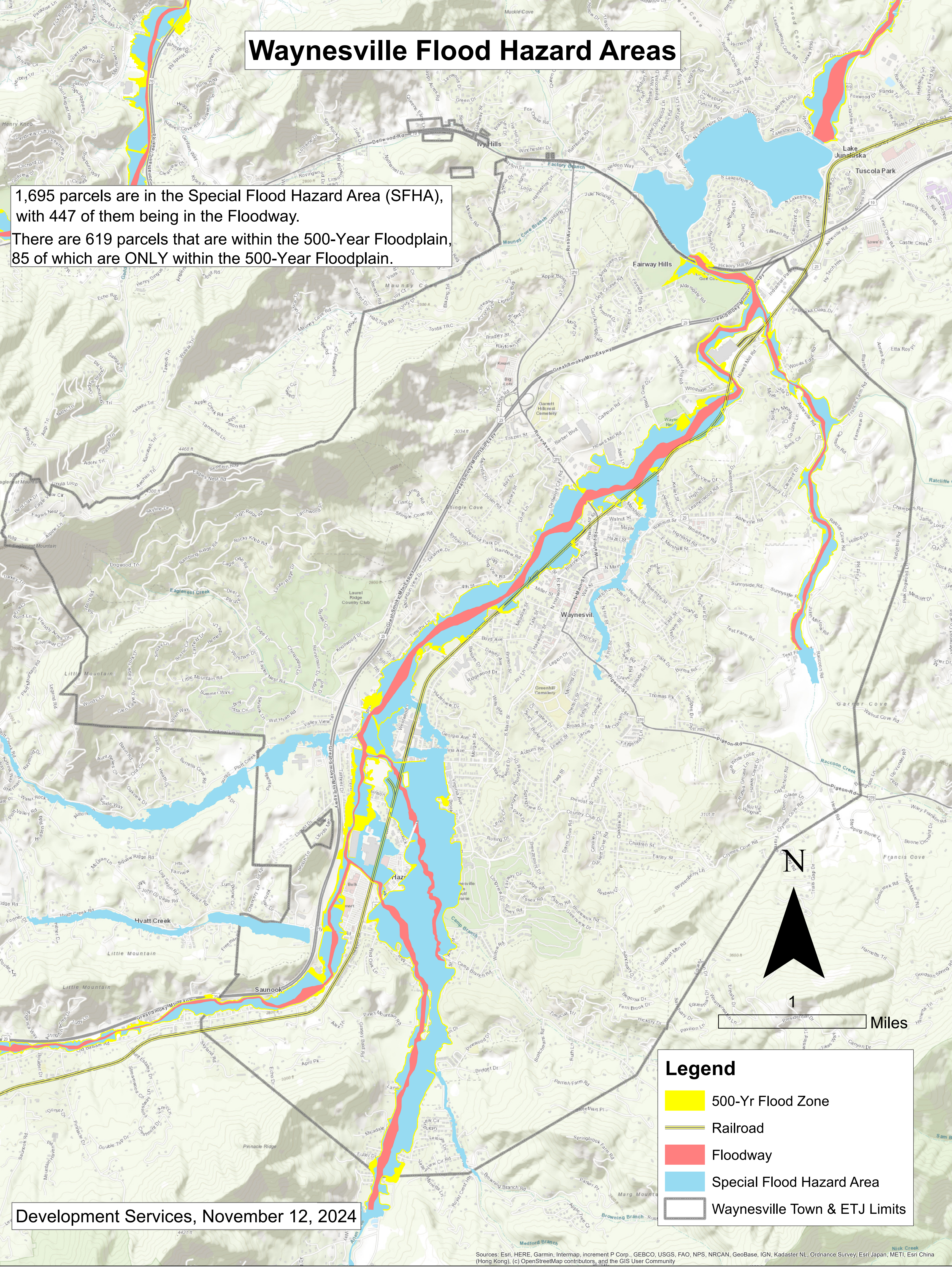
APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Waynesville Flood Hazard Areas

1,695 parcels are in the Special Flood Hazard Area (SFHA), with 447 of them being in the Floodway.

There are 619 parcels that are within the 500-Year Floodplain, 85 of which are ONLY within the 500-Year Floodplain.



Development Services, November 12, 2024

Legend

500-Yr Flood Zone

Railroad

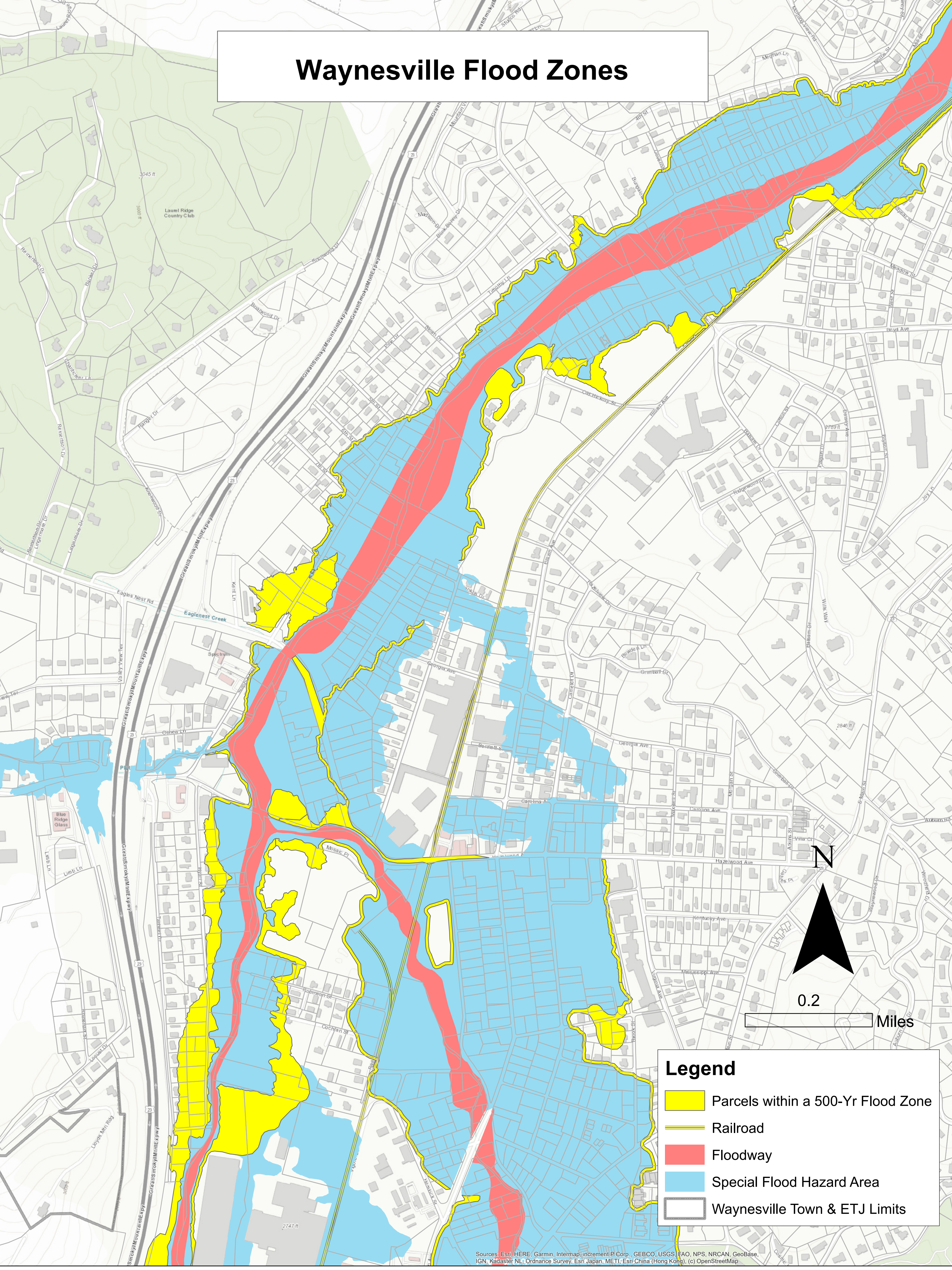
Floodway

Special Flood Hazard Area

Waynesville Town & ETJ Limits

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

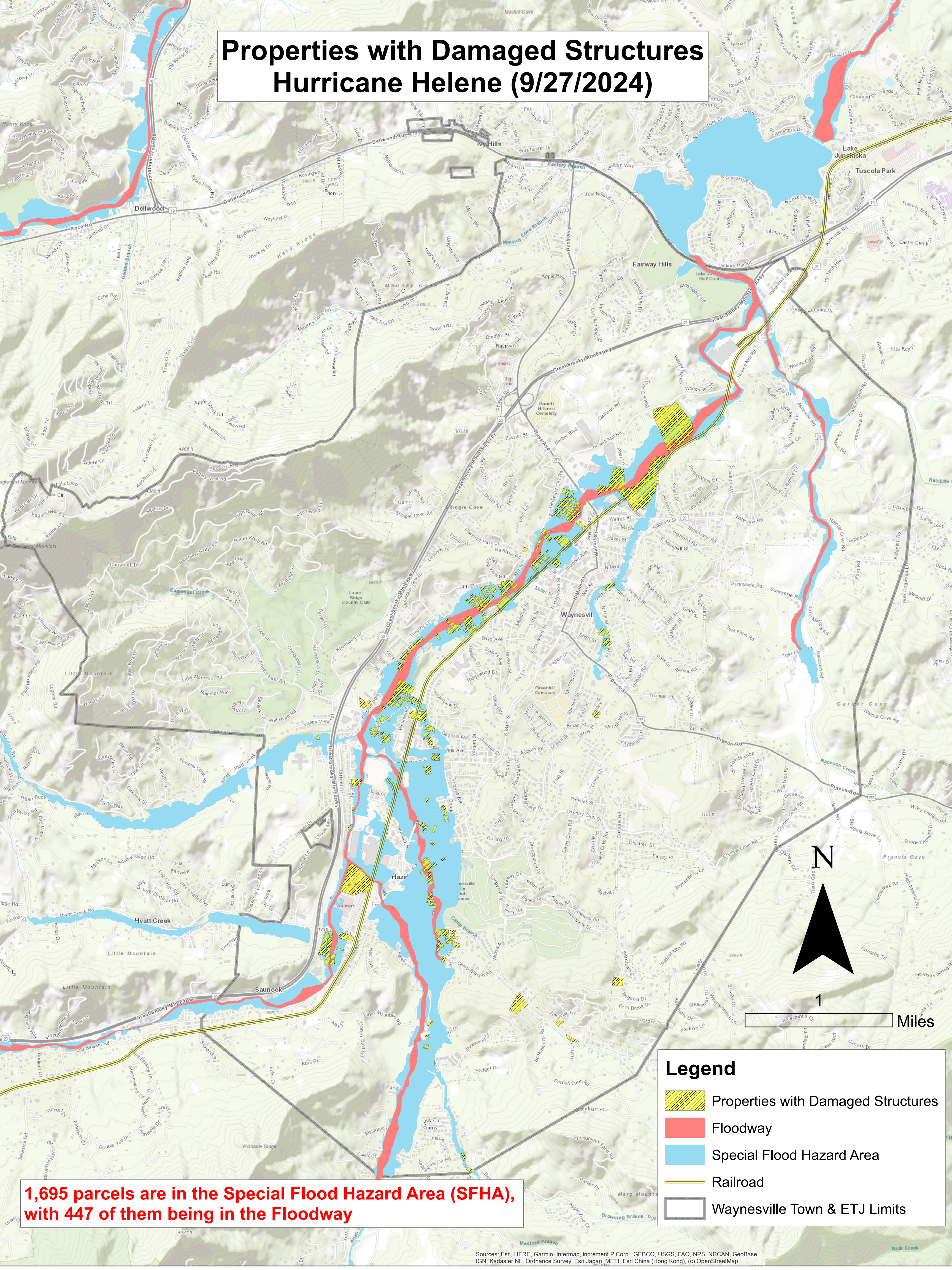
Waynesville Flood Zones



Legend

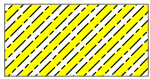
- Parcels within a 500-Yr Flood Zone
- Railroad
- Floodway
- Special Flood Hazard Area
- Waynesville Town & ETJ Limits

Properties with Damaged Structures Hurricane Helene (9/27/2024)




**1,695 parcels are in the Special Flood Hazard Area (SFHA),
with 447 of them being in the Floodway**


Legend




Properties with Damaged Structures




Floodway



Special Flood Hazard Area



Railroad



Waynesville Town & ETJ Limits

**POLICY MATTERS**

Communities Should Consider Adopting a 2-Foot Freeboard Now!

By **News Editor** September 30, 2024

On April 23, 2024, HUD adopted a **final rule** to implement the Federal Flood Risk Management Standard (FFRMS). For new construction of one- to four-unit residential properties located in a Special Flood Hazard Area (SFHA) and insured under FHA Single Family mortgage insurance programs, the rule revises HUD's Minimum Property Standards (MPS) to require that the lowest floor be at least two feet above base flood elevation (BFE). This requirement adds two feet of additional elevation to FHA's existing MPS requirement as a resilience standard. The requirement does not apply to the rehabilitation of existing structures with 203(k) insured financing or the purchase of manufactured homes insured under FHA Single Family programs. **Compliance with this part of the rule is required for new construction with building permit applications submitted on or after January 1, 2025.**



Why does this matter?

According to March 2024 data from the Mortgage Bankers Association, over 26% of all mortgage applications nationally for newly constructed homes were for FHA insured mortgages. That is more than one in four! HUD estimates approximately 10% of new Federal Housing Administration (FHA) single-family homes constructed each year are within the 100-year floodplain. **If a community does not have a 2-foot freeboard adopted in its floodplain regulations, it risks cutting off a significant number of homebuyers from newly constructed homes located in Special Flood Hazard Areas and creates another barrier to home ownership.** In today's housing market, where affordable options are already in short supply, FHA mortgages are vital to first-time buyers and moderate-income families.

What should a community do now?

HUD has taken a critical step in addressing flood risk for new construction by adopting this new standard. Now it's time for local communities to follow suit by adopting a minimum of 2-foot freeboard regulations, if they don't already have this standard. Adopting a 2-foot freeboard in local floodplain management regulations typically is a relatively straightforward amendment. First, reach out to your state floodplain management office to see if the state has model ordinance language (contact information for your State NFIP Coordinator **is available here**). Review the state's model language and prepare a draft amendment for your community.

Your state NFIP coordinator may also help you with educational information for your local meetings. After draft ordinance language has been written, most states require submitting the draft to the state floodplain management office for review and comment. Next, adopt the amendment using your standard adoption process. Finally, submit the adopted regulations to your state floodplain management office.



*If a community wishes to conduct a more comprehensive review of its local standards, ASFPM has developed several excellent resources with suggestion of higher standards for increased community flood resilience including **ASFPM's higher standards guide, subdivision design guidelines in flood hazard areas, and taking a No Adverse Impact (NAI) approach to higher regulatory standards.***

At ASFPM, we strongly support HUD's efforts to improve flood resilience, and we remain committed to working with them throughout the implementation process. To help you navigate these changes, we've developed an FAQ to clarify how the rule impacts your community and what you can do to ensure compliance.

Download FAQ

[#BFE](#)[#FFRMS](#)[#Flood Mitigation](#)[#HUD](#)

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Association of State Floodplain Managers | 8301 Excelsior Drive, Madison, WI 53717 | 608-828-3000

www.floods.org



**TOWN OF WAYNESVILLE COUNCIL
REQUEST FOR COUNCIL ACTION
Meeting Date: December 10, 2024**

SUBJECT: Public Hearing to consider text amendments related to temporary, emergency housing.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number:
Department: Development Services
Contact: Elizabeth Teague
Presenter: Elizabeth Teague

BRIEF SUMMARY:

For the purpose of Hurricane Helene recovery, and future events in which a residential dwelling is severely damaged by a natural disaster or fire, this text amendment would allow temporary housing and on-site storage while homes are being repaired or replaced. Temporary housing could be in the form of a “FEMA trailer” issued by FEMA or other agency after an emergency (which could be of modular, manufactured, or RV design), or a camper, travel trailer, or recreational vehicle owned by the resident. As accessory to emergency housing, a storage trailer or container, such as a “Pod,” would also be allowed in certain cases.

Staff requested Town Council feedback at the October 8, 2024 meeting and was directed to develop a policy to allow temporary, emergency housing. Guidance from the School of Government indicates that emergency housing should be covered within municipal zoning as a land use in order to be clearly permitted. At a public hearing on this ordinance at the regularly scheduled Planning Board meeting on November 18, the Planning Board voted that ordinance is consistent with the Comprehensive Plan and should be adopted.

MOTIONS FOR CONSIDERATION:

1. Motion to find the proposed ordinance consistent with the 2035 Plan.
2. Motion to adopt the text amendment as presented (or as amended).

FUNDING SOURCE/IMPACT:

N/A

ATTACHMENTS:

None

MANAGER’S COMMENTS AND RECOMMENDATIONS:

Town Council Staff Report

Subject: Text amendment to allow use of temporary housing
Ordinance Section: Land Development Standards (LDS) sections 4.6.4 and 17.3
Applicant: Staff initiated text amendment, Development Services Department
Meeting Date: December 10, 2024
Presenter: Elizabeth Teague Development Services Director

Background:

In the Land Development Standards, the Town prohibits campgrounds (Section 2.5.3, Table of Permitted Uses), and the use of manufactured housing, campers, recreational vehicles, and travel trailers, as accessory dwelling units (Section 3.2, Supplemental Standards).

For the purpose of Hurricane Helene recovery, and future events in which a residential dwelling is severely damaged by a natural disaster or fire, this text amendment would allow temporary housing and on-site storage while homes are being repaired or replaced. Temporary housing could be in the form of a “FEMA trailer” issued by FEMA or other agency after an emergency (which could be of modular, manufactured, or RV design), or a camper, travel trailer, or recreational vehicle owned by the resident. As accessory to the emergency housing, a storage trailer or container, such as a “Pod,” should be allowed with approval in certain cases.

Staff requested Town Council feedback at the October 8, 2024 meeting and was directed to develop a policy to allow temporary, emergency housing. Guidance from the School of Government indicates that emergency housing should be covered within municipal zoning as a land use in order to be clearly permitted. An initial version of a potential ordinance went before the Planning Board for discussion and feedback at the October 21, 2024 regular meeting, and a public hearing on the ordinance was held on November 18, 2024. The Planning Board voted unanimously to recommend the text amendment.

Staff Recommended Text Changes:

The proposed text amendments would add to the list of “temporary uses with specific requirements” (LDS 4.6.4) to allow for temporary use of RVs, travel trailers, campers, or FEMA trailers as alternative housing after a home has been destroyed or severely damaged by a natural disaster or fire. It includes a definition and placement on the Table of Permitted Uses.

Consistency with the 2035 Comprehensive Land Use Plan:

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

Goal 1: Create a range of housing opportunities and choices.

Also, that the proposal is reasonable and in the public interest, because it will provide an interim housing solution for people in need after a disaster, allowing them continued use of their property.

Attachments:

- Proposed text amendment
- Report from the Planning Board
- Sample application form
- Consistency worksheet

Recommended Motions:

1. Motion to find that the ordinance is consistent with the Comprehensive Plan and is reasonable and in the public interest.
2. Motion to approval the ordinance as presented (or as amended).



To: Waynesville Town Council
Meeting Date: December 10, 2024
From: Elizabeth Teague, Development Services Director
Subject: Planning Board Report and Statement of Consistency
Description: Text amendments to allow the use of temporary housing
Ordinance Section: Land Development Standards (LDS) sections 4.6.4 and 17.3

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

1. A motion was made by board member Stuart Bass and seconded by Board Chair Susan Teas Smith that the text amendments **are consistent with the Town's 2035 Comprehensive Land Use Plan and are reasonable and in the public interest** because they meet Goal 1 of the 2035 Comp. Plan:

Goal 1: Create a range of housing opportunities and choices.

Also, that the proposal is reasonable and in the public interest because it will provide an interim housing solution for people in need after a disaster, allowing them continued use of their property.

The motion carried unanimously.

2. Additionally, planning board member Stuart Bass made a motion seconded by board member Jan Grossman to **recommend the proposed text amendments to the Town Council as presented.**

The motion passed unanimously.

Susan Teas Smith, Planning Board Chair

11/25/24

Date

Esther Coulter, Administrative Assistant

11-25-24

Date



To: Waynesville Town Council
From: Elizabeth Teague, Development Services Director
Date: December 10, 2024
Subject: Text Amendment Statement of Consistency
Description: Text amendments to Create Temporary, Emergency Housing Ordinance
Ordinance Section: Land Development Standards (LDS) sections 2.5.3, 4.6.4 and 17.3
Address: Town of Waynesville Planning Department (“Development Services Department”)

The Town Council hereby adopts the following statement(s):

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

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

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

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

ORDINANCE NO. O-56-24

ORDINANCE AMENDING THE LAND DEVELOPMENT STANDARDS OF THE TOWN OF WAYNESVILLE, NORTH CAROLINA TO ALLOW TEMPORARY, ALTERNATIVE HOUSING FOR VICTIMS OF DISASTER

WHEREAS, Hurricane Helene impacted properties within the Town of Waynesville and its extra-territorial jurisdiction and the Town's Development Services and Building Inspections staff have conducted damage assessments throughout Town; and

WHEREAS, Several residential structures were damaged by the storm and are in significant need of repair to the extent that they should not be occupied until work is completed to ensure safety; and

WHEREAS, the Land Development Standards currently do not have provisions for temporary shelters or housing in the case of emergencies if a resident should lose the ability to stay in their home after a disaster such as a fire, accident or storm, or if there is need to house workers providing aid to the community; and

WHEREAS, the Town prohibits campgrounds (Section 2.5.3, Table of Permitted Uses), and the use of campers, recreational vehicles, and travel trailers, as accessory dwelling units (Section 3.2, Supplemental Standards); and

WHEREAS, North Carolina General Statutes, 166A-19.14, allows the Governor to allocate funds in the event of a declared state of emergency, and to include the provision of temporary housing; and

WHEREAS, The Waynesville 2035 Comprehensive Land Use Plan states as Goal 2, "to create a range of housing opportunities and choices," and the ability of property owners to repair and rebuild after a disaster is essential to maintaining the Town's existing housing stock;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____ AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, TO ADD THE FOLLOWING TEXT AMENDMENT TO THE LAND DEVELOPMENT STANDARDS:

2.5.3 Table of Permitted Uses

Add " Temporary Emergency Housing" as a Permitted Use ("P") in all districts except the Commercial-Industrial District as a new row under the Residential Use Type.

4.6.4 Temporary Uses with Specific Requirements.

E. Temporary emergency housing pending repair or replacement of a home.

1. Temporary use of a travel trailer, FEMA-issued temporary, transportable housing unit, or Recreational Vehicle or camper, shall be allowed as temporary housing in any district in cases where a permanent home has been destroyed or damaged so that it is no longer safe as a dwelling, or when there is need for emergency housing because of a natural disaster or fire.

2. A land use permit for temporary emergency housing must be obtained from the Development Services Department and is valid for 180 days. Temporary housing permits may be extended while construction and repair activities take place and there is an active building permit.
3. Temporary emergency housing is restricted to the private property of the person whose residence has been damaged, or in a Town designated emergency area established for housing.
4. Only property owners, occupants, or tenants with damage from a natural disaster or fire, as identified by the Town's building inspections division, and those assisting with recovery assistance and construction, are allowed to occupy temporary emergency housing units.
5. Accessory storage units, trailers, or "Pod" may be permitted as part of a temporary emergency housing permit, subject to approval by the administrator.
6. Temporary emergency housing units must be removed within 30 days after the receipt of a Certificate of Occupancy and compliance for the repaired or replaced dwelling unit.
7. Temporary housing units must comply with the following:
 - a. Must be placed within the property boundary of the house that is being repaired and with the permission of the owner. Alternative locations or placement of units in a designated area is subject to approval by the Administrator.
 - b. Placement on the site and location of temporary housing unit is subject to approval of the administrator and is not subject to district setback requirements.
 - c. Have an approved point of electrical connection.
 - d. Must be connected to the town's sewer, or have bathroom facilities available.
 - e. The temporary unit must comply with LDS Section 12.3 Flood Damage Prevention Ordinance.

17.3 Definitions, Use Type.

Temporary Emergency Housing. A small enclosed structure, other than a tent, for the occupancy of one or more persons which provides temporary living space that is capable of being dismantled or moved and is not permanently affixed to the ground or connected to the municipal water or sewer system through a connection other than a permitted temporary connection. Examples are a FEMA-issued trailer, a camper, a manufactured or modular structure on wheels, or a recreational vehicle which are used as a result of a natural disaster or fire.

ADOPTED this _____ Day of _____, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



**TOWN OF WAYNESVILLE TEMPORARY USE PERMIT:
EMERGENCY HOUSING**

ADDRESS WHERE UNIT(S) PROPOSED : _____

PIN: _____

ZONING DISTRICT: _____

TYPE OF UNIT: _____

APPLICANT NAME: _____

PHONE: _____ EMAIL: _____

PROPERTY OWNER NAME IF DIFFERENT FROM ABOVE: _____

PHONE: _____ EMAIL: _____

NAME OF ALTERNATE CONTACT IN CASE OF EMERGENCY: _____

PHONE: _____ EMAIL: _____

START DATE: _____ END DATE: _____

Note: Permit is good for 180 days and can only be extended with approval of administrator

REQUIREMENTS ATTACHED:

WRITTEN PERMISSION OF PROPERTY OWNER IF DIFFERENT FROM APPLICANT:

☐

COPY OF HEALTH DEPARTMENT PERMIT OR CONCURRENCE (If applicable):

☐

PUBLIC LEASE/ENCROACHMENT AGREEMENT (If applicable):

☐

DRAWING/DESCRIPTION OF UNIT ON LOT AND SEWER CONNECTION

☐

APPROVED ELECTRICAL CONNECTION

☐

OTHER: _____

APPLICANT SIGNATURE: _____ DATE: _____

TOWN OFFICIAL SIGNATURE: _____ DATE: _____

OFFICE USE ONLY: Date of issuance: _____ Event: _____ Building Permit # _____

This institution is an equal opportunity provider