



TOWN OF WAYNESVILLE Planning Board

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

Development Services
Director
Elizabeth Teague

Planning Board Members
Susan Teas Smith (Chairman)
Ginger Hain (Vice Chair)
Stuart Bass
John Baus
R. Michael Blackburn
Travis Collins
Jan Grossman
Tommy Thomas
Blake Yoder

Regular Meeting of the Planning Board Town Hall, 9 South Main Street, Waynesville, NC 28786 Monday, March 17, 2025, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
 - Council Meetings available: <https://www.youtube.com/@TownofWaynesville/streams>
 - Minutes available at: <https://www.egovlink.com/waynesville/docs/menu/home.asp>
2. Approval of Minutes as presented (or as amended):
 - February 17, 2025.

B. BUSINESS

1. Review and possible approval of a “Protected Mountain Ridge” site plan application pursuant to LDS Section 12.7, located at 4477 Eagles Nest Road, Waynesville, NC, 28786 (7696-71-2604).
2. Discussion and Board feedback on staff-initiated updates to the Sign Ordinance, LDS Chapter 11
3. Discussion and Board feedback on approaches to rural preservation and 2035 Comprehensive Plan :
 - New legislation, the density workgroup, and approaches to rural preservation;
 - Short Term Rental Regulations

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN

Waynesville Town Council Votes on the Planning Board Items 2024-2025

January 9, 2024

- Rezoning request for the portion of the property at 1460 Russ Avenue from Dellwood Residential Medium Density Mixed-Use Overlay (D-RM MXO) to Russ Avenue Regional Center District (RA-RC) district.

The map amendment passed unanimously.

March 12, 2024

- The Town Council approved the Conditional District Rezoning for Biltmore Baptist Church with the following conditions:
 1. Comply with the façade standards and include architectural elements on the north and south side building elevations in accordance with Land Development Standards (LDS) section 5.10.
 2. Preserve existing street trees along Asheville Rd (LDS 8.4.1).
 3. Require 5-ft sidewalks along Asheville Rd and Ratcliff Cove Rd (LDS 6.6.2 B, D).
 4. Allow parking at the principal frontage, as proposed on the Master Plan (LDS 9.3).

The applicant submitted the Transportation Impact Analysis study at the hearing, and the Council accepted it with no further comments.

The map amendment passed unanimously.

March 26, 2024

The Town Council approved the Conditional District Rezoning for the 10.99-acre portion of the unaddressed parcels at Waynesville Inn and Golf Club PIN 8614-27-1901 and PIN 8614-27-7912, Greenview Conditional District Map Amendment (Rezoning), with the following conditions attached:

1. Lot width standards for CC-RL shall not apply
2. LDS standards for the proposed "Lane" within the subdivision shall not apply (LDS 6.6.2. E)
3. At both hydrant locations, the proposed "Lane" needs to be at least 26 ft wide. The plan needs to be adjusted prior to issuance of the building permit to comply with Fire and Building Codes.
4. The developer will pay payment-in-lieu for sidewalk construction with the easement granted to the Town to construct a sidewalk in order to fill the existing gaps in the neighborhood, per staff recommendations, with priority along the northern part of Longview Drive.
5. Civic space requirements of the LDS Chapter 7 shall not apply as the project claims credit for the existing amenities. Access to existing civic space must be guaranteed for all the residents of the development.
6. Landscape requirements of the LDS Chapter 8 shall not apply as the project will propose custom landscaping plan
7. Minimum spacing requirements between the driveways in CC-RL of the LDS Chapter 9 shall not apply

The map amendment passed unanimously.

May 14, 2024

1. The Council closed the public hearing on the Longview Conditional District Subdivision and directed the Town Attorney (Martha Bradley) and Development Services staff to negotiate some conditions of approval with the applicant to ensure better compliance with the LDS. The Council will vote on the application on May 28, 2024 with consideration of negotiated conditions.

<p>2. The Council continued the public hearing on general 160-D corrections and tree preservation until June 11th, 2024.</p>
<p>May 28, 2024</p> <p>1. The Council unanimously voted to deny the Longview Conditional District Map Amendment.</p>
<p>June 12, 2024</p> <p>1. Text amendment related to 160D corrections, definition of townhomes, elimination of protest petitions, and tree preservation.</p> <p><i>The text amendment passed unanimously.</i></p>
<p>June 25, 2024</p> <p>1. Railroad Overlay Map Amendment (RR-O) to the official Waynesville Land Development Map (a.k.a. zoning map). The overlay district is applied to 111 properties, with 81 of them being in the Frog Level area and 30 in Hazelwood.</p> <p><i>The map amendment passed unanimously.</i></p>
<p>August 13, 2024</p> <p>1. Zoning map amendment at 225 Church Street, Waynesville, NC 28786 (PIN 8615-27-0218) from Main Street Neighborhood Residential (MS-NR) to Main Street Neighborhood Residential Mixed-Use Overlay (MS-NR-MXO).</p> <p><i>The map amendment passed unanimously.</i></p>
<p>September 10, 2024</p> <p>1. The Council returned the text amendment on accessory dwellings and manufacturing housing to the Planning Board for further analysis of its potential impacts on properties.</p>
<p>November 12, 2024</p> <p>1. Text amendment related to accessory structures and manufactured housing, LDS sections 3.2.1, 3.2.6, 4.5, and 17.3.</p> <p><i>The text amendment passed unanimously.</i></p>
<p>December 10, 2024</p> <p>1. Text amendment to allow the use of temporary, alternative housing for victims of disaster, Land Development Standards (LDS) Sections 2.5.3, 4.6.4, and 17.3.</p> <p><i>The text amendment passed unanimously.</i></p> <p>2. Text amendments related to signage and addressing, LDS Sections 11.3, 11.5.7, and 11.7.1</p> <p><i>The text amendment passed unanimously.</i></p>

3. 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).

The map amendment passed unanimously.

4. Text amendments to the Flood Damage Prevention Ordinance, LDS Sections 4.4.2, 12.3, and 17.5.

The Council provided feedback and continued the hearing until January 14, 2025.

January 14, 2025

1. Continuation of the public hearing: Text amendments to the Flood Damage Prevention Ordinance, LDS Sections 4.4.2 and 17.5.

The Council tabled the item until the flood maps get updated.

February 11, 2025

1. A rezoning request from Hazelwood Urban Residential (H-UR) to Hazelwood Business District (H-BD) for a 0.68-ac property at 4 Elysinia Avenue in Waynesville, NC (PIN 8605-73-8236).

The map amendment passed unanimously.

You can access previous minutes and agendas by visiting the following site: <http://www.egovlink.com/waynesville/>.



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Meeting

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

Monday February 17, 2025, 5:30 p.m.

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting on Monday, February 17th, 2025, at 5:30 p.m. in the Town Hall at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Ginger Hain (Vice Chair)
Stuart Bass
Michael Blackburn
Travis Collins
Tommy Thomas

The following board members was absent:

Susan Teas Smith (Chair)
John Baus
Blake Yoder

The following attorney was present:

Ron Sneed, Board Attorney

The following staff members were present:

Elizabeth Teague, Development Service Director
Alexander Mumby, Land Use Administrator
Olga Grooman, Assistant Development Service Director
Esther Coulter, Administrative Assistant

Planning Board Minutes
Regular Meeting
February 17th, 2025

Presenters for the application hearing:
 Mark Cathey, PE, McGill
 Khiya Armstrong, PE, McGill
 Kris Boyd, Assistant County Manager

Vice Chair Ginger Hain welcomed everyone and called the meeting to order at 5:34 p.m. Ms. Hain asked Development Services Director Elizabeth Teague to give announcements. Ms. Teague informed the board that the Town would be advertising for the vacated seat of Susan Smith.

Ms. Hain asked for a motion to approve two sets of minutes from December 5, 2024, and January 13, 2025.

A motion was made by Board member Jan Grossman, seconded by Board member Michael Blackburn, to approve the minutes from the December 5th, 2024. The motion passed unanimously.

A motion was made by Board member Travis Collins, seconded by Board member Tommy Thomas to approve the minutes from January 13th, 2025. The motion passed unanimously.

Vice Chair Ginger Hain read through the procedures for a public hearing and opened the public hearing at 5:39 p.m.

B. BUSINESS

1. Public Hearing to consider a major site plan application located at 115 Rowdy Road, Waynesville, NC, 28786 (8626-22-6731), site of proposed Raccoon Creek Bike Park.

Land Use Administrator Alex Mumby, said the proposed project is a Major Site Plan application for the Raccoon Creek Bike Park. The site is located on 25.12 acres of property owned by Haywood County and is adjacent to the former County Landfill. The site will consist of a BMX pump track, playground, a pavilion with restrooms and a bike repair station, and a parking lot. Rowdy Road will serve as the access road from Farmview Drive to the parking lot.

Mr. Mumby stated that the Town is requesting that a bicycle and pedestrian access in the form of a greenway trail to Francis Farm Road be included, instead of a sidewalk connection on along the access road. This is because of the steepness of Farmview Drive and Rowdy Road, and the trail could potentially connect to the Lake Junaluska Elementary School ball fields.

Mr. Mumby reviewed the plan for compliance with Town ordinances. He concluded that the use meets several goals of the Town’s Comprehensive Plan:

- Goal 3: Protect and enhance Waynesville’s natural resources.
- Encourage Park and greenway development to protect watersheds and improve access to open space.

Goal 5: Create opportunities for a sustainable economy.

- Support the Town's Parks and Recreation Master Plan and develop recreational facilities and a greenway system that appeals to neighborhood and regional users.

Goal 6: Create an attractive and safe multimodal transportation system.

- Ensure citizenry has access to recreational, health and wellness, and medical services.

The Board discussed the application. Board member Tommy Thomas asked if there will be a fence around the retention pond. Ms. Teague responded that if the pond is a certain depth and certain angle, the ordinance will require one. Mr. Thomas asked if the design of the bathroom were able to accommodate all ages. Board member Travis Collins asked about having more bike racks on site. Mr. Mumby asked that the developer be given a chance to go over their project with the Board.

Ms. Hain opened the hearing for comments from the public.

Public Comment

Dennis Francis stated that he thought public funds would be better spent helping flood victims. He was also concerned about the sediment ponds getting full of water from the landfill run off.

Tammy Francis stated her concern for traffic and the ponds overflowing.

Kylee Grace and her father Dustin Mayloin stated that Kylee is 10 years old and is a BMX racer for Team USA she ranks 1st in the nation and top ten in the world. He said they were here to support the project. He explained what a pump track is, that BMX is now an Olympic sport, and that it is very important for BMX racers to be able to train. He added that the nearest track was in Mills River and was destroyed by Helene. Kylee trains 6 days a week for Team USA. This track as proposed would be one of the largest and best in the region. Kaylee Grace added that riding is fun and the park will give her a place to train.

Tim McCall said if it's going to be a park, then it should be a good money-making park. Francis Farm Road is a very narrow road, and he hoped there would be traffic controls if there were an event.

Vickie Rogers said that her concern is that the park be managed. If it is ungated, there will be unwanted traffic, and littering. She stated that it needs to be patrolled.

Susie Wilson said that this area is farming land. There is farming equipment and cattle trucks on a narrow road. It's a quiet area now, and she wondered what the noise level will be. Ms. Wilson said that there should be a set of bike racks by the bathrooms.

Dvorah Nadel is very much in support of the bike park. She stated that it's important to have more activities in our community for kids and people of all ages. She also sees the park as an opportunity for economic development as the park will attract people from other areas.

Kris Boyd, Haywood Assistant County Manager answered questions. The facility will be gated and operational during daylight hours. The money for the project came from grants, different companies, private donors, and some federal money, that was allocated prior to the storm and does not take away from storm recovery. Mr. Boyd said none of the money being used is taxpayers' money. The facility will have town of Waynesville water and sewer.

Ms. Hain closed the public hearing at 6:38 p.m.

The board deliberated.

A motion was made by Board member Michael Blackburn, seconded by Board member Travis Collins, to approve the Major Subdivision Plans with conditions The motion passed unanimously.

- ***A connector trail be included in the plan to allow cyclists and pedestrians to access the site from Francis Farm Road to the bike park. Should the County be unable to construct the trail at this time, staff recommends an easement be designated for future greenway development. This could be conveyed to the Town of Waynesville with approval of the Town Council if needed.***

Vice Chairman Ginger Hain's continued the public hearing at 6:44 p.m.

2. Continuation of Public Hearing to correct Section 11.9 of the Land Development Standards pertaining to internal lighting of signage.

Land Use Administrator Alex Mumby said the proposed text amendment removes lines C and D from LDS sections 11.9.2 of the sign ordinance, regarding how internally, illuminated signs are lit. He stated that this is a staff-initiated proposal to make the ordinance easier to understand and to enforce. Mr. Mumby states it is consistent with first goal of the 2035 Comprehensive Plan, in that it improves the sign ordinance:

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

- Create walkable and attractive neighborhoods and commercial districts
- Reinforce the unique character of Waynesville

Vice Chairman Ginger Hain's closed the public hearing at 6:47 p.m.

A motion was made by Board member Stuart Bass, seconded by Board member Jan Grossman, to find the recommended changes to the Land Development Standards as presented to be consistent with the 2035 Land Use Plan and reasonable and in the public interest. The motion passed unanimously.

A motion was made by Board member Jan Grossman, seconded by Board member Stuart Bass, to recommend the staff-initiated text amendment as presented to the Town Council.

Vice Chairman Ginger Hain's opened the third public hearing at 6:49 p.m.

- 3. Public Hearing to consider text amendment to the Land Development Standards (Sections 2.5.3, 4.5.3, 7.2.1, and 17.3) to allow for the use of ground mounted solar panels on private property and to add EV parking as an allowable use within civic space.

Land Use Administrator Alex Mumby said the ordinance addresses several technologies: stand-alone, ground mounted solar panels, EV charging stations, and solar arrays. He said that the question of how new technologies are integrated into the LDS was brought to the attention of staff by the Environmental Sustainability Board.

Mr. Mumby said the large-scale commercial solar arrays, or solar farms are not currently addressed in the LDS. With the proposed ordinance, staff recommends that solar farms be defined, but not placed in the permitted uses table. This would effectively prohibit them until more consideration can be given around a specific proposal and a more thoughtful ordinance in the form of a text amendment would be developed. Definitions were created for a solar farm use type in 17.3 and not placed in the permitted uses table.

Electric Vehicle (EV) Charging Station, Solar Panel, Ground-Mounted Solar Panel, and Pole-Mounted solar panels are now also defined in 17.4 of the LDS and would be allowed in all districts with specific guidelines.

Mr. Mumby concluded that the text amendment is consistent with the 2035 Comprehensive Plan to:

Goal 3: To "protect and enhance Waynesville's natural resources." This includes the goal "to engage in and promote the best management practices related to energy use..."

Goal 5: To "create opportunities for a sustainable economy." This includes, "Support 21st century technology and infrastructure by broadening the availability of high-speed internet, modernizing wireless communication facilities, and promoting green building and the use of solar and wind technologies."

Vice Chairman Ginger Hain's closed the public hearing at 7:01 p.m.

A motion was made by Board member Jan Grossman, seconded by Board member Travis Collins, to find the recommended changes to the Land Development Standards as presented, is consistent with the 2035 Land Use Plan, reasonable and in the public interest. The motion passed unanimously.

A motion was made by Board member Jan Grossman, seconded by Board member Travis Collins, to recommend the text amendment as presented to the Town Council.

4. Continued discussion of on-going ordinance research and next steps:
- New legislation, the density workgroup, and approaches to rural preservation.
 - Short Term Rental Regulations

Elizabeth Teague, Development Service Director said the density workgroup will meet Thursday February 27th, 2025 for a discussion on new State legislation which would prevent locally initiated down-zoning. It is unclear if the State law would prevent the Town from continuing to move forward with a rural preservation zoning designation that would reduce allowable density and uses.

Ms. Teague then asked if the Board wanted to re-visit the draft STR ordinance. Over time the draft ordinance has evolved from public input. She added that the market is changing as well, and that the town is seeing STR units convert to long term rentals. She summarized that the current version of the draft does not try to exclude STRs from any district or zone, but does put in place requirements for parking, limiting signage, garbage management, and the placement of a local contact information on signage in case something goes wrong.

The Board discussed. Micheal Blackburn indicated that he is in favor of an ordinance that does not restrict STRs as a use in any district, but understands the need for some basic guidelines. Travis Collins stated that he participated on the committee and agrees. Ms. Teague stated that she would bring back the latest version of ordinance to make sure everyone was comfortable with it.

C. ADJOURN

The meeting was adjourned by Vice Chair Ginger Hain at 7:21 p.m.

Ginger Hain, Vice Chair

Esther Coulter, Administrative Assistant

Planning Board Minutes
Regular Meeting
February 17th, 2025

Planning Board Staff Report
Administrative Review of the Minor Site Plan on the Protected Mountain Ridge

Meeting Date: March 17, 2025
Subject: Single-family dwelling on the Protected Mountain Ridge
Project: Single-family dwelling
Location: 1.24-acre property at 4477 Eagles Nest Rd. (PIN 7696-71-2604)
Zoning District: Eagles Nest Residential Low Density (EN-RL)
Applicant/Owner: David Bush, Edith Bush
Presenter: Olga Grooman, Assistant Development Services Director

Background:

The applicants and owners of the property, David and Edith Bush, intend to build a single-family house for themselves on the property at 4477 Eagles Nest Road in Waynesville. The property is approximately 1.24 acres. The southeastern portion of the property lies within the Town of Waynesville Extraterritorial Jurisdiction and Eagles Nest Residential Low Density (EN-RL) zoning district. The construction of a home will be within Waynesville limits.

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

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

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

The southeastern portion of the property is located on the ridge with the elevation of 5,070 ft. The property slopes down in the northwestern direction, with the lowest elevation at its northwestern corner being 4,970 ft. The average slope of the property is 24.72%.

The nearest valleys to this ridge are:

- The valley within the Town of Maggie Valley, approximately 1.5 miles northwest. The valley has approximate elevations between 2,750-2,850 ft. It is more than 2,000 ft lower than the ridge of the subject property.
- The valleys in Plott Creek in Sulphur Springs areas of the Town of Waynesville are approximately 2 miles southeast with the elevations between 2,600-2,850 ft. The elevations of these valleys are also more than 2,000 ft lower than the subject ridge.

Per Waynesville Land Development Standards (LDS) section 12.7.D, “**All applications for development on Protected Mountain Ridges shall be approved by the Planning Board** only after finding that the proposed development has given adequate consideration to protecting the natural beauty of the mountains...”

Project Overview:

This is a minor site plan for a one-story, 2,539-sf single-family dwelling, a procedure of an administrative review— **an objective evaluation** (LDS 15.8.1.A-B). The Planning Board serves as the *Administrator* and will “approve or deny the application based on compliance with land development standards” (LDS 15.8.1.E). If the application is approved, the applicant will have 2 years to obtain a building permit. Extensions are possible, in accordance with the LDS 15.8.1.I.

The proposed site plan is for a single-family home. Per LDS 17.3:

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

Staff Review Comments:

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

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

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

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

The applicant proposes to construct a one-story house, with the height of 19 feet at its highest point measured from the highest adjacent grade to the top of the roof, which is compliant.

2. Per LDS 12.7.1.C-D, the application must show:
 - **“Cross sectional profiles of all principal buildings as proposed to be sited on the property and the property showing existing and the proposed post-grading profile drawn perpendicular to the direction of the slope.”** The applicant has provided rear, front, and side elevations of the building, illustrating its proposed placement on the slope. Additionally, the erosion and sedimentation control plan, prepared by the PR Engineering, includes the top-down view of the house’s placement on the lot.
 - **“If individual wells and/or septic tanks are to be utilized, a written statement from Haywood County Health Department indicating approval of wells and/or septic tanks for use in the development.”** The application materials include the Utilities Letter from the Town of Waynesville Public Services stating that the Town can provide water services to the lot. There is Waynesville Pump Station and a 4” ductile iron pipe that is adjacent to the property at Eagles Nest Road. The applicant has also obtained a permit to construct an engineered drip septic system

on the property that has been signed by the Health Department. Electric service will be provided by Duke Energy.

- **“Documentation of an approved Sedimentation and Erosion Control Plan.”** The attached application materials include the Land Disturbing Permit Issued by the Town of Waynesville, based on the submitted Erosion and Sedimentation Plan prepared by the PR Engineering. The plan indicates that silt fencing, rock filter outlets, temporary seeding, and gravel construction entrance will be used as erosion and stabilization control measures. The plan also provides specific guidelines for maintenance of these measures during construction. The Land Disturbing Permit application indicates that the average slope of the property is 24.72%, and that land disturbance will be limited to 3,240 sf (0.074 ac). There are no proposed fill or cut slopes.
- **A letter or approval from the fire department with jurisdiction indicating the adequacy of the development facilities for emergency medical and fire services. Such determination shall take into consideration the street access, water pressure and availability, building height, and any other relevant factors.** Attached to the application materials is the letter by the Town of Waynesville Office of the Fire Chief stating that the property is 4.9 miles away from the Fire Station 2 located at 280 Georgia Avenue in Waynesville. The property is adequately accessible from the paved, two-lane Eagles Next Road. However, due to the property’s high elevation, weather-related issues may delay the response times. Although the closest fire hydrant is more than 1,000 feet below the property, Waynesville Fire Department has mutual aid agreements with neighboring departments who would automatically respond on initial dispatch with additional water supply, as the letter states. The letter does not indicate any inadequate facilities or inaccessibility related to servicing this property by fire or emergency personnel.
- **“The development plan preserves natural vegetation and scenic features such as outcroppings to the maximum extent possible”** The applicant submitted the landscaping survey showing the location and inventory of the existing trees on site. It indicates that oaks and beech trees as predominant types, with a total of 51 trees on the slope. In the attached narrative, the applicants state that while 13 of these trees have been taken down, their stumps will remain to limit the possibility of erosion. “The trees taken down have been in area where the septic system is proposed to be located.” “The trees that have been downed were mulched, which we plan to use in our landscaping to further inhibit erosion,” the applicants state. The project will preserve most of the vegetation on site and will limit tree cutting on the slope.
- **“The development plan sites the proposed development in a way to minimize its visual impact and land disturbance.”** The project accomplishes this requirement because it will only disturb 0.07 ac, or 5.97% of the site, and there will be no cut or fill slopes either. As stated above, the plan preserves a significant amount of the existing vegetation on site.
- **“The development plans use architectural design, colors and materials that blend well with or are compatible with the natural beauty of the Protected Mountain Ridge.”** The submitted documents include building elevations and a list of proposed materials and colors. The building materials are cement Hardie board for exterior siding, natural stone for columns and accent walls, wood for gable bracket accents, wind-rated shingles, and storm-rated double pane windows. Exterior colors of greens (artichoke, clary sage), tans, and cream meet the intent of the ordinance to blend in well and appear compatible with the natural beauty of the surrounding mountains.
- **“The development plan minimizes land disturbing activities including the area disturbed and the height of cut and fill slopes to the maximum extent practical.”** No cut or fill slopes proposed. The disturbance is limited to a small eastern area of the lot, as stated above.

Based on the submitted documentation, this site plan is compliant with the NC GS Article 14- Mountain Ridge Protection and the Town of Waynesville Mountain Ridge Protection regulations of the LDS. The plan also shows compliance with other requirements of the Eagles Nest Residential Low-Density District (LDS 2.4.1, 4.4, 9.8.3, 12):

- The 1.24-ac lot exceeds the minimum lot size requirement of 0.5 ac in EN-RL district.
- The lot is approximately 140 ft wide, which exceeds the minimum lot width of 60 ft in EN-RL.
- EN-RL requires 20% of the lot to remain as pervious (green). The project will only disturb 0.07 ac, or 5.97% of the site.
- EN-RL required front and rear setbacks are 20 ft, side setback from adjacent lot is 10 ft, and the setback between structures is 15 ft (10 ft min.). The proposed placement of the house exceeds the required setbacks.
- The maximum building height allowed in EN-RL is 3 stories, or 60 ft, measured from the highest adjacent grade to the top of a flat roof or the peak of a sloped roof. The proposed house is one story and 19 feet tall at the peak of the pitched roof.
- The minimum spacing between the driveways in EN-RL is 40 ft. The site plan shows the driveway placement that appears to be compliant.
- The property is not considered a steep slope. "Steep Slope Area is defined as any lot, parcel, tract or portion thereof, that has a natural elevation of 2,900 feet above mean sea level or higher, with a natural average slope of 25% or greater" (LDS 12.6.2). The PR Engineering estimates the slope of the property at 24.72%.

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

The property is partially within Eagles Nest Residential Low Density (EN-RL) zoning district and partially within the Haywood County without a zoning designation. The proposed house will be constructed in the established neighborhood, with surrounding homes along Eagles Nest Rd built between 1960s-1990s. The residential use of the property remains consistent with the district's purpose and intent (LDS 2.3.1.B):

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

Staff Comment:

Staff submits that the proposed development on the protected mountain ridge meets the Town of Waynesville land development standards. The staff recommends that the Board approves this application as proposed.

Attachments:

- Application materials: building elevations, project description narratives, septic approval, erosion and sedimentation control plan, payment
- Town of Waynesville Land Disturbing Permit
- Utilities Letter by Waynesville Public Services
- Letter by Waynesville Office of the Fire Chief
- Property maps
- Land Development Standards Section 12.7- Mountain Ridge Protection
- NC GS Article 14- Mountain Ridge Protection

TO: City of Waynesville
Planning Department

FROM: Wesley David and Edith Bush

RE: 4477 Eagles Nest Rd, Waynesville NC

We have created this narrative to outline our situation regarding the proposed construction of our home at 4477 Eagles Nest Road, Waynesville.

We are intent on preserving the beauty and integrity of the mountain as we prepare to build our home.

The trees taken down have been in area where the septic system, designed by Land Resource Management, is proposed to be located.

We have included a survey done by Rod Norton Land Surveying which documents the location of all trees. This survey shows a total of 51 trees on the slope. 13 of those have been taken down, but the stumps remain to limit the possibility of erosion. Of those 13 trees, 10 were healthy, and 3 were unhealthy. The trees that have been downed were mulched, which we plan to use in our landscaping to further inhibit erosion.

Again, we love the location of our property and share all concerns you have regarding the preservation of the beauty of the mountain. We look to meeting you all.

TO: City of Waynesville, Planning Department

FROM: Wesley David and Edith Bush

RE: 4477 Eagles Nest Road

Description of Materials and Exterior Colors

Exterior siding – hardie board (cement fiber board)

Natural Stone – Columns, accent walls

Wood – Gable bracket accents

Roofing – Class H Shingles, wind rating 150+mph

Windows – Double pane, storm rated

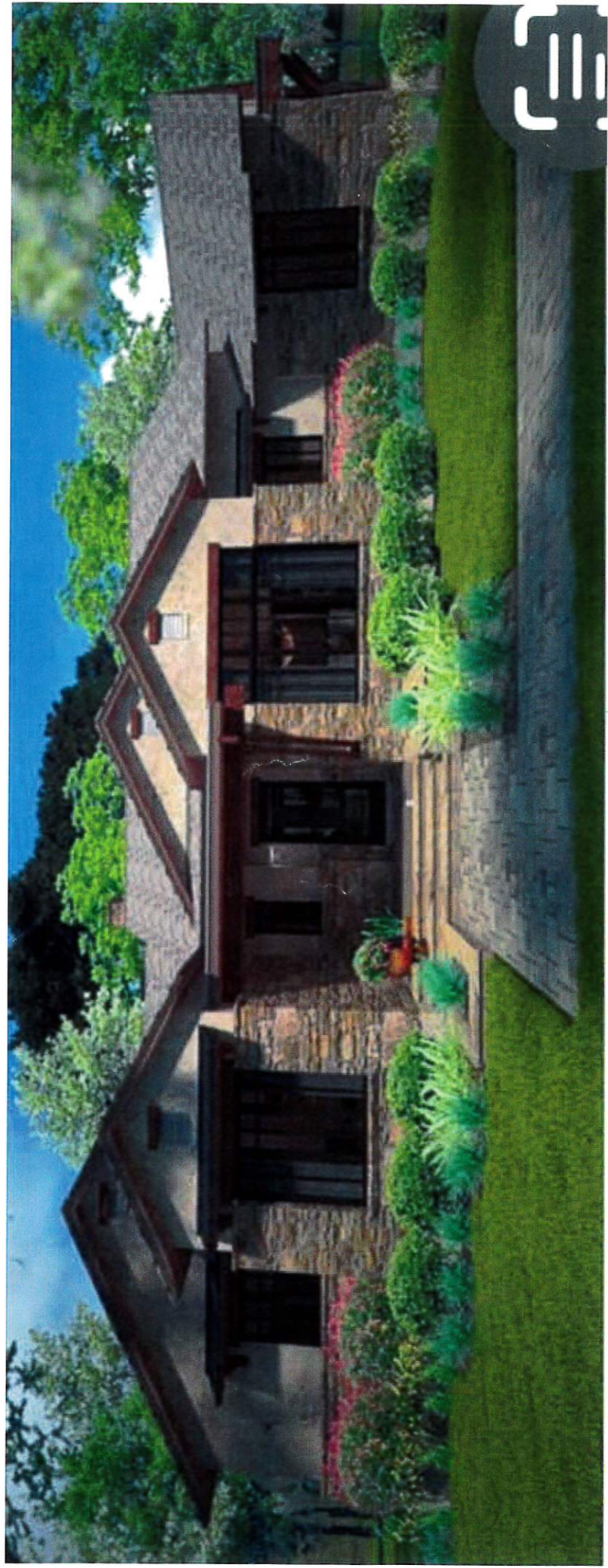
Exterior Colors – Greens, Tans, and Cream with wood and

Natural stone columns and accents



Bush 4477 Eagles Nest Rd

"INSPIRATION PICTURE"



NEW RESIDENCE
for
MR. & MRS. BUSH
Waynesville, North Carolina

A. Bailey Design
CUSTOM DESIGN & DRAFTING SERVICES
(828) 400-3882
a@andybaileydesign.com
www.andybaileydesign.com
594 Owens Road
Waynesville NC 28786

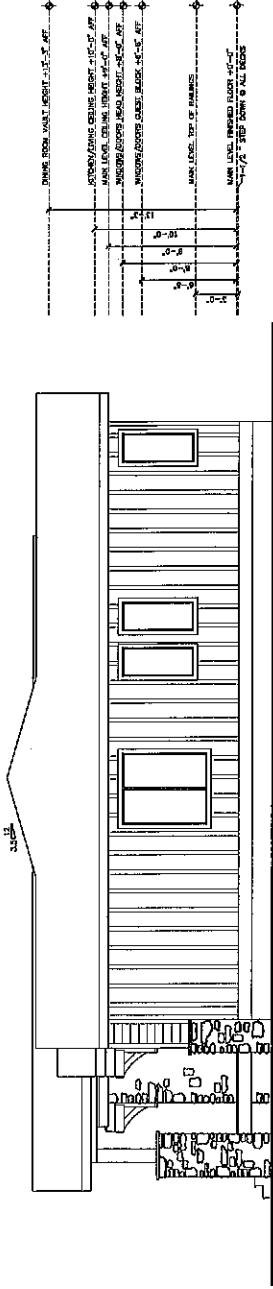


USE OF DRAWING
This drawing is the property of A. Bailey Design and is to be used only for the project and location specified herein. It is not to be used for any other project or location without the written consent of A. Bailey Design.

REVISIONS
DATE: 02/03/2025
BY: P.J. BOSS

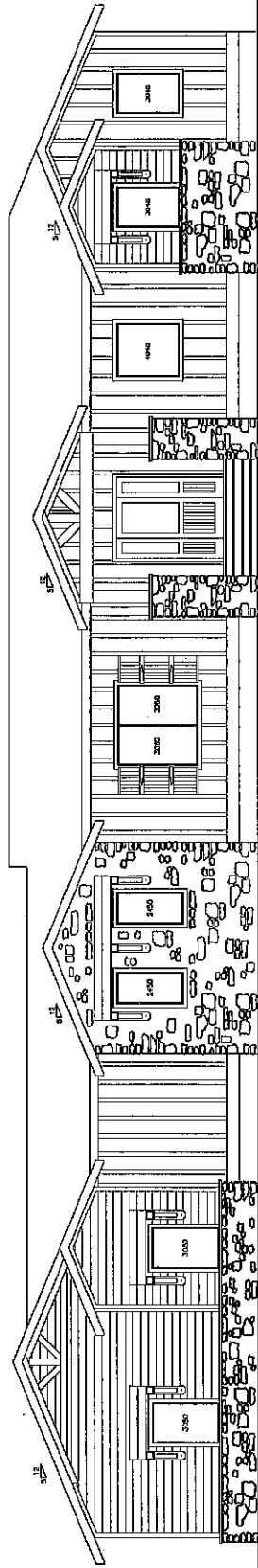
FILE NAME: BUSH
DATE: 07/17/2022
DESIGN: A. BAILEY DESIGN
DRAWN: ANDREW BAILEY
APPR.:

SHEET NO.
A-1.2
OF
X



- 1'-0"
 - 2'-0"
 - 3'-0"
 - 4'-0"
 - 5'-0"
 - 6'-0"
 - 7'-0"
 - 8'-0"
 - 9'-0"
 - 10'-0"
 - 11'-0"
 - 12'-0"
- MARK LEVELS, TYPE OF FINISHES
MARK WALLS, WINDOWS, DOORS, ETC.
DIMENSIONS FROM WALL CENTERLINE
DIMENSIONS FROM FINISH FLOOR
DIMENSIONS FROM FINISH CEILING
DIMENSIONS FROM FINISH GRADE
DIMENSIONS FROM FINISH EXTERIOR GRADE

2 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



1 FRONT ELEVATION
SCALE: 1/4"=1'-0"

NEW RESIDENCE
 for
MR. & MRS. BUSH
 Waynesville, North Carolina

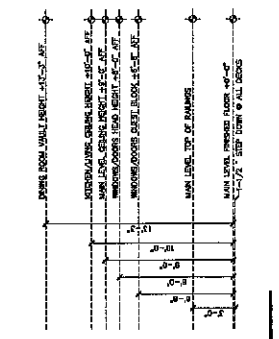
A. Bailey Design
 CUSTOM DESIGN & DRAFTING SERVICES
 (828) 400-8882
 a@andybaileydesign.com
 www.andybaileydesign.com
 505 Owen Road Waynesville NC 28768



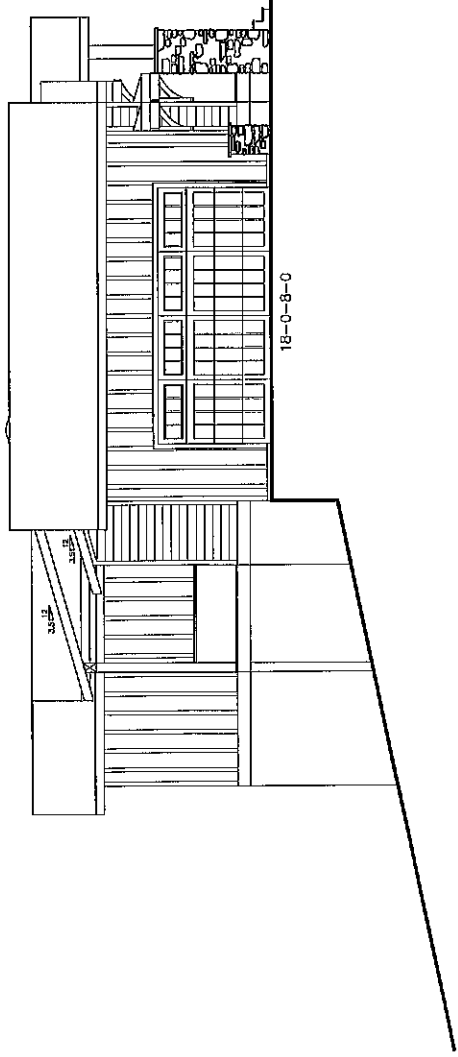
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REVISIONS:	BY: JMB/MSB	DATE: 02/17/2020
FILE NAME: 0104	DATE: 07/17/2019	DRAWN: A. BAILEY DESIGN
CHECKED: JACOB BAILEY	APP'D:	

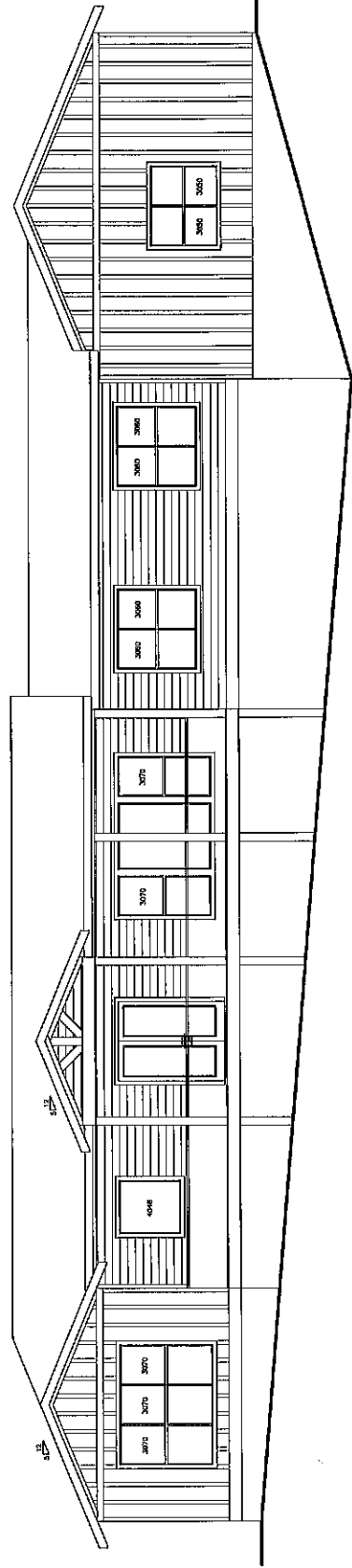
SHEET NO.
A-1.3
 OF
 X

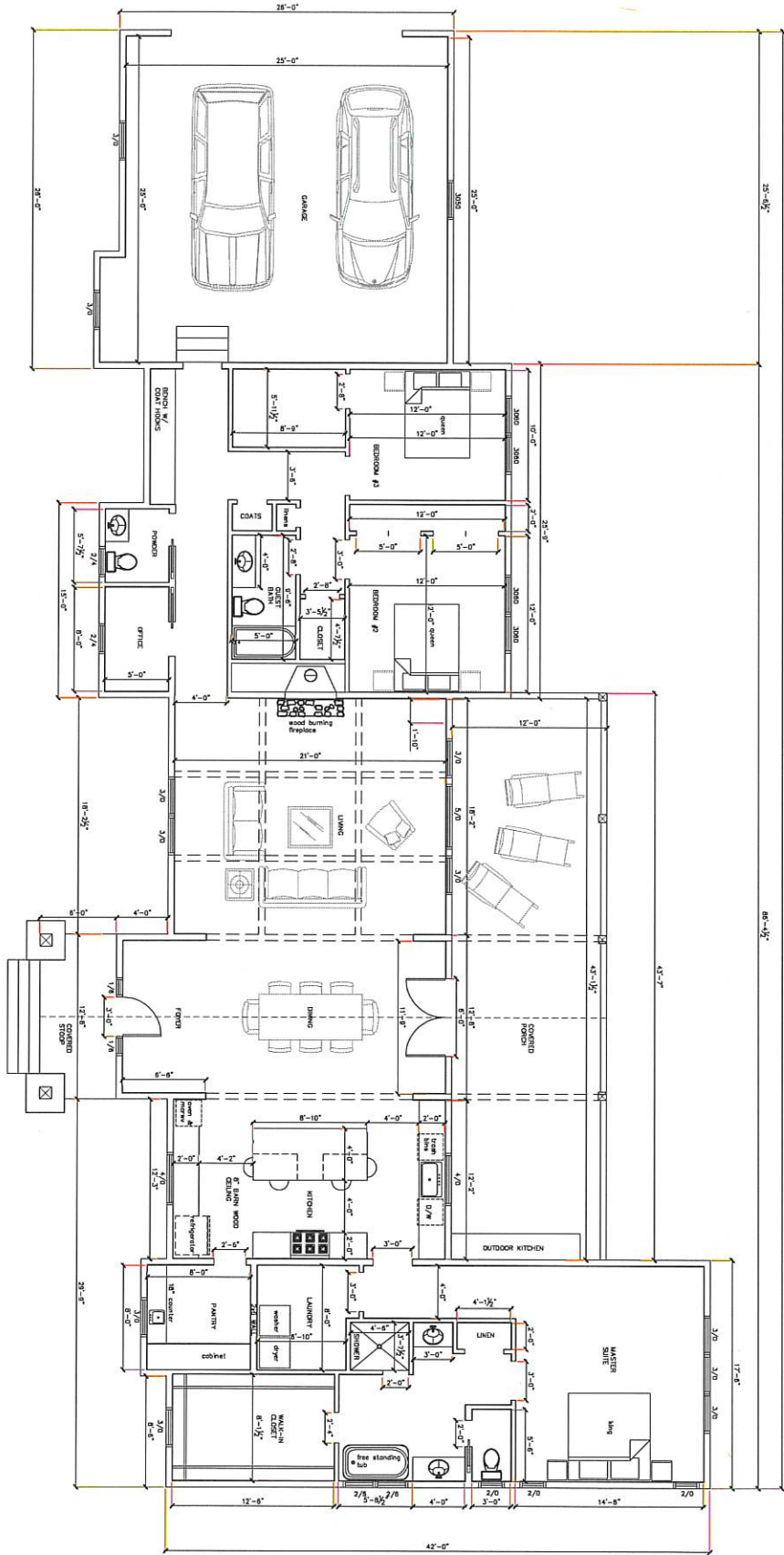


2 LEFT ELEVATION
 A-1.3 SCALE: 1/4"=1'-0"



1 REAR ELEVATION
 A-1.3 SCALE: 1/4"=1'-0"





2539 SQUARE FEET CONDITIONED

Preliminary Drawing
 Not for Construction

1 MAIN LEVEL FLOOR PLAN
 SCALE 1/8"=1'-0"

FILE NAME: main	DATE: 01/21/2013
DRAWN: A. BAILEY DESIGN	DESIGNED: ANDREW BAILEY
APPR:	
SHEET NO. A-1.1	OF X

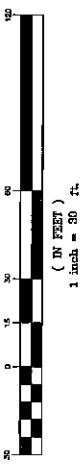
USE OF DRAWING
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 CUSTOM DESIGN & DRAFTING SERVICES
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 594 Owens Road Waynesville NC 28785
 www.andybaileydesign.com

NEW RESIDENCE
 for
MR. & MRS. BUSH
 Waynesville.....North Carolina

GRAPHIC SCALE



- NOTES:**
1. ALL DISTANCES ARE GROUND DISTANCES, UNLESS OTHERWISE SHOWN.
 2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT. ROD NORTON SURVEYING DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
 3. PROPERTY SUBJECT TO ALL RIGHTS OF WAY AND EASEMENTS SHOWN OR NOT SHOWN, VISIBLE OR NOT VISIBLE.
 4. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
 5. AREA BY METHOD OF COORDINATES.

STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD

RODNEY NORTON, SURVEYOR
 OF HAYWOOD COUNTY, CERTIFY THAT THE MAP
 OR PLAN TO WHICH THIS CERTIFICATION IS
 APPLIED MEETS ALL STATUTORY REQUIREMENTS
 FOR RECORDING

REVIEW OFFICER _____

DATE _____

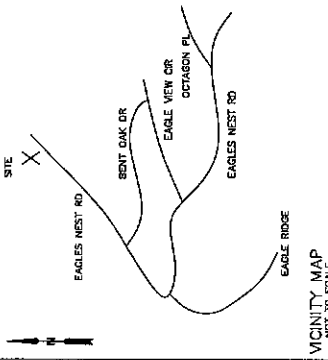
KEPNER
 DB 684, PG 1601
 PIN 7896-61-9656

LOT 2
 0.441 Acres

ROD NORTON LAND SURVEYING C-3667

245 BUSH ROAD
 CLYDE, NC 28721
 828-316-664
 NORTONSURVEYING@GMAIL.COM

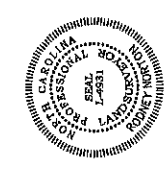
DATE: 06/10/2024
 SCALE: 1"=30'
 SURVEY BY: MRS/L/W
 PLAT BY: RAN



LEGEND:

LINE	BEARING	DISTANCE
L1	S 21°25'52" E	44.66
L2	S 31°15'19" W	3.04

- CALCULATED POINT
- ⊙ EXISTING REBAR OR PIN
- ⊙ #5 REBAR SET



SURVEYOR'S CERTIFICATE:

STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD

I, RODNEY NORTON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION AND THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAINED FROM INFORMATION AS REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF THIS SURVEY TO THE ORIGINAL SURVEY IS 1 TO 1; THAT THIS PLAT WAS CALCULATED BY LATITUDES AND DEPARTURES AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11TH DAY OF NOVEMBER, 2024 A.D.

THIS PLAT IS OF EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. N.C.G.S. 47-30 (P)(1)(X)(i).

RODNEY NORTON L-4831

PLAT PREPARED FOR:
WESLEY DAVID & EDITH BUSH
 WAYNESVILLE TOWNSHIP, HAYWOOD COUNTY, NC.

TYLER TRINGAS & ANNE FOSS
 DB 1016, PG 2106
 PIN 7896-71-2604

TOTAL AREA OF SURVEY = 1.244 ACRES



North Carolina Onsite Wastewater Contractor Inspector Certification Board
Authorized Onsite Wastewater Evaluator Permit Option for Non-Engineered Systems
Notice of Intent (NOI) to Construct

New Expansion Repair Relocation Relocation of Repair Area

Owner or Legal Representative Information:
Name: David Bush
Mailing address: 17 SPY GLASS LN City: ASHEVILLE State: NC Zip: 28805
Phone: 830-624-6274 Email: davidbus12@yahoo.com

Authorized Onsite Wastewater Evaluator Information:
Name: Walker Ferguson Certification #: 10001E
Mailing address: PO Box 9251 City: Asheville State: NC Zip: 28805
Phone: 828-231-1663 Email: walker@landrm.com

Site Location Information:
Site address: 4477 Eagles Nest Rd.
Tax parcel identification number or subdivision lot, block number of property 7696-71-2604
County: Haywood

System Information:
Wastewater System Type: Vd
Daily Design Flow: 360gpd
Saprolite System: Yes No Subsurface Operator Required: Yes No
Water Supply Type: Private Well Public Water Supply Spring Other:

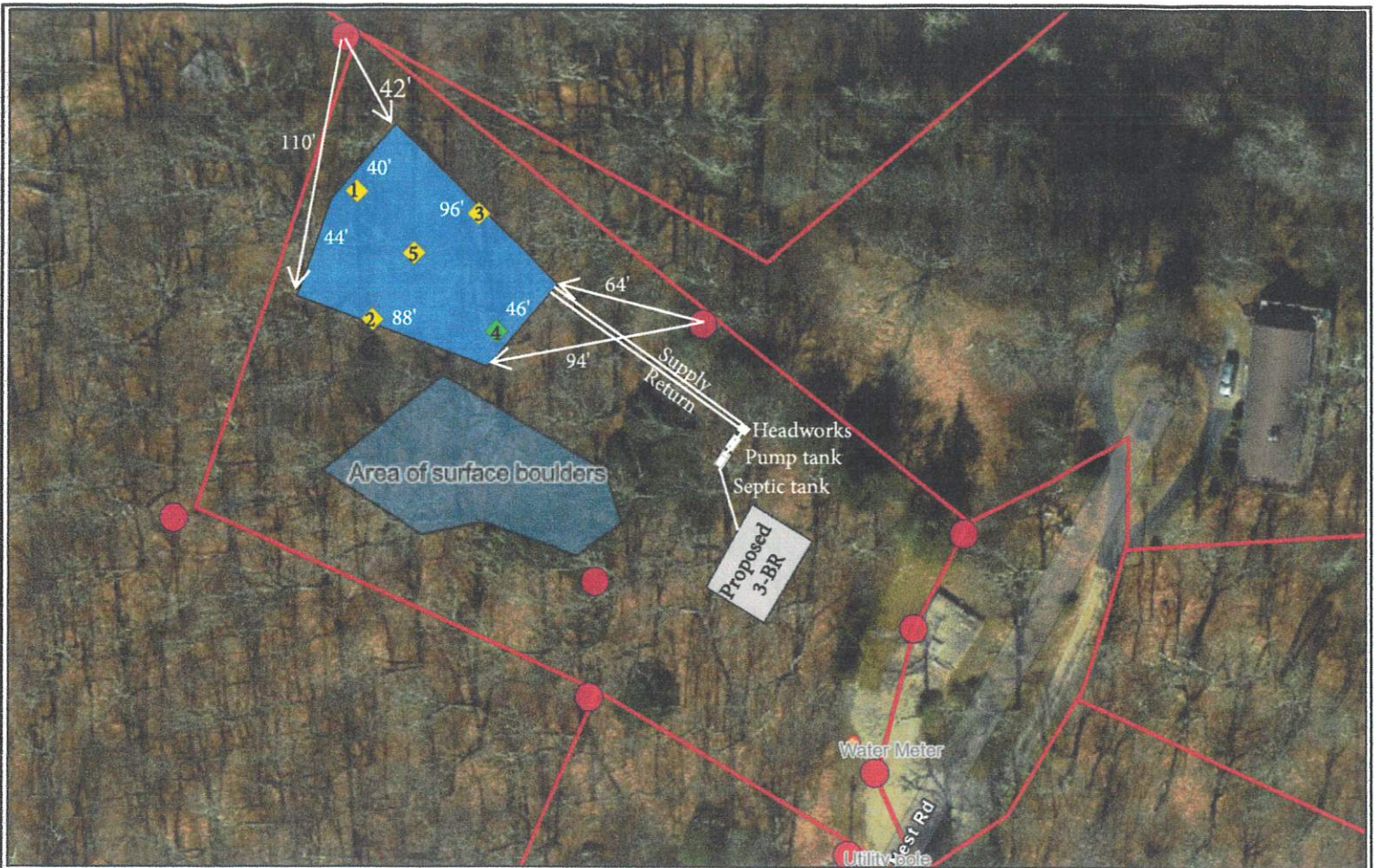
Facility Type:
 Residential 3 # Bedrooms 6 Maximum # of Occupants
 Business Type of Business and Basis for Flow:
 Public Assembly Type of Public Assembly and Basis for Flow:

Required Attachments:
 Plat or Site Plan
 Evaluation of Soil and Site Features by Licensed Soil Scientist

Attest: On this the 5 day of September, 2024 by signature below I hereby attest that the information required to be included with this NOI to Construct is accurate and complete to the best of my knowledge. Furthermore, I hereby attest that I have adhered to the laws and rules governing onsite wastewater systems in the state of North Carolina. This NOI shall expire on 5 day of September, 2029.
Signature of Authorized Onsite Wastewater Evaluator: *Walker Ferguson*
Signature of Owner or Legal Representative: *David Bush*

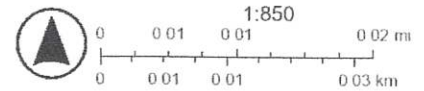
Disclosure: The owner may apply for a building permit for the project upon submitting a complete NOI to Construct and the fee required (if any) to the local health department. An onsite wastewater system authorized by an authorized onsite wastewater evaluator shall be transferable to a new owner with the consent of the authorized onsite wastewater evaluator.

Local Health Department Receipt Acknowledgement:
Signature of Local Health Department Representative: *James [Signature]* Date: 9/18/2024



9/5/2024

- Boring
- ◆ Conventional
- ◆ Drip
- Property Corner
- Misc
- House
- Drainfield (Drip)
- WNC_Parcel



East Community Maps Contributors, Great Smoky Mountains Natl Park, State of North Carolina DOT, Tennessee STS GIS, OpenStreetMap, Microsoft



Handwritten signature

Notes:

- 1) LRM's soil evaluation and recommendations have been made in accordance with North Carolina Department of Public Health: Environmental Health Section -Onsite Water Protection Branch Guidance Materials and 15 A NCAC 18E Rules.
- 2) **Please email LRM 2 weeks prior to system installation to arrange for the required preconstruction meeting and installation inspections.**
- 3) Per 15A NCAC 18E.0801 the minimum septic tank size would be 1,000 gallons. Per 15A NCAC 18E.0802 the minimum pump tank size would be 1,000 gallons.
- 4) Each anaerobic SSDI requires 1,440 sq. ft. minimum, 2,880 sq. ft. total. A total of over 4,000 sq. ft. is available.
- 5) This IS NOT a saporlite system.

PRIMARY:

System Type: Anaerobic SSDI

LTAR: 0.25	360 GPD Design Flow
Trench Depth (in.): 6	Trench Width (in.): NA

REPAIR:

System Type: Anaerobic SSDI

LTAR: 0.25	360 GPD Design Flow
Trench Depth (in.): 6	Trench Width (in.): NA

David Bush
4477 Eagles Nest Rd.
PIN# 7696-71-2604

DRAWN BY:	NRH	SCALE:	As Noted
CHECKED BY:	WBF	DATE:	9/5/24
PROJECT NO:	510224	DESIGNER:	N/A



LRM
LAND RESOURCE MANAGEMENT
Land Evaluation by Land Experts

PO Box 9251 Asheville, NC 28815
Phone: (828) 900-8700

www.Landrm.com

DEVELOPMENT DATA BLOCK:

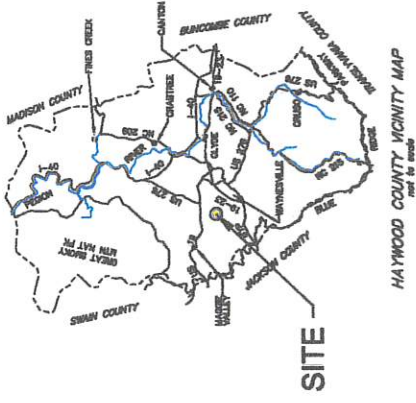
OWNER: DAVID AND EDITH BUSH
 4477 EAGLES NEST RD
 C/O 17 SPY GLASS LN
 ASHEVILLE, NC 28805

ENGINEER: PRESTON GREGG, PE, TIMBER WEST
 PR ENGINEERING, PLLC
 83 SHERMANS RUN
 CANTON, NC 28716
 (PH.) 828-400-6953
 PREENGINEERING@OUTLOOK.COM

CONTRACTOR: TO BE DETERMINED

SURVEYER: N/A

EROSION AND SEDIMENTATION PLAN FOR 4477 EAGLES NEST ROAD WAYNESVILLE HAYWOOD COUNTY NORTH CAROLINA



COUNTY: HAYWOOD

TOWNSHIP: WAYNESVILLE

PROJECT AREA: < 1 AC

DISTURBED AREA: < 1 AC

PIN #: 7696-71-2604

ACREAGE: 1.244 AC

SUBDIVISION: EAGLES NEST MOUNTAIN

NRHD NAME: EAGLES NEST

NRHD CODE: 15R128

ZONING: EAGLES NEST LOW DENSITY RESIDENTIAL

FLOOD HAZARD: PROJECT IS NOT WITHIN THE FLOOD THE WAY HAZARD AREA PER NORTH CAROLINA FLOODPLAIN MAPPING.

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
TS	TITLE SHEET
C-100	E AND S CONTROL PLAN
C-200	E AND S CONTROL DETAILS

P-1584
FRM NO.

Handwritten signature

10-25-2024

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CLIENT & PROJECT
 BUSH RESIDENCE
 EROSION AND SEDIMENTATION CONTROL PLAN



Know what's below.
 Call before you dig.

PROJECT NO.	
DATE	10-25-2024
CLIENT	DAVID AND EDITH BUSH
PROJECT	EROSION AND SEDIMENTATION CONTROL PLAN
CHECKED BY	PAK

TITLE SHEET
 TS

SCALE: N.T.S.

SHEET 1 OF 3 PERMITTING REV.

PR ENGINEERING, PLLC

P-1584
FIRM NO.

10-25-2024

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CLIENT & PROJECT
BUSH RESIDENCE
EROSION AND SEDIMENTATION CONTROL PLAN

811

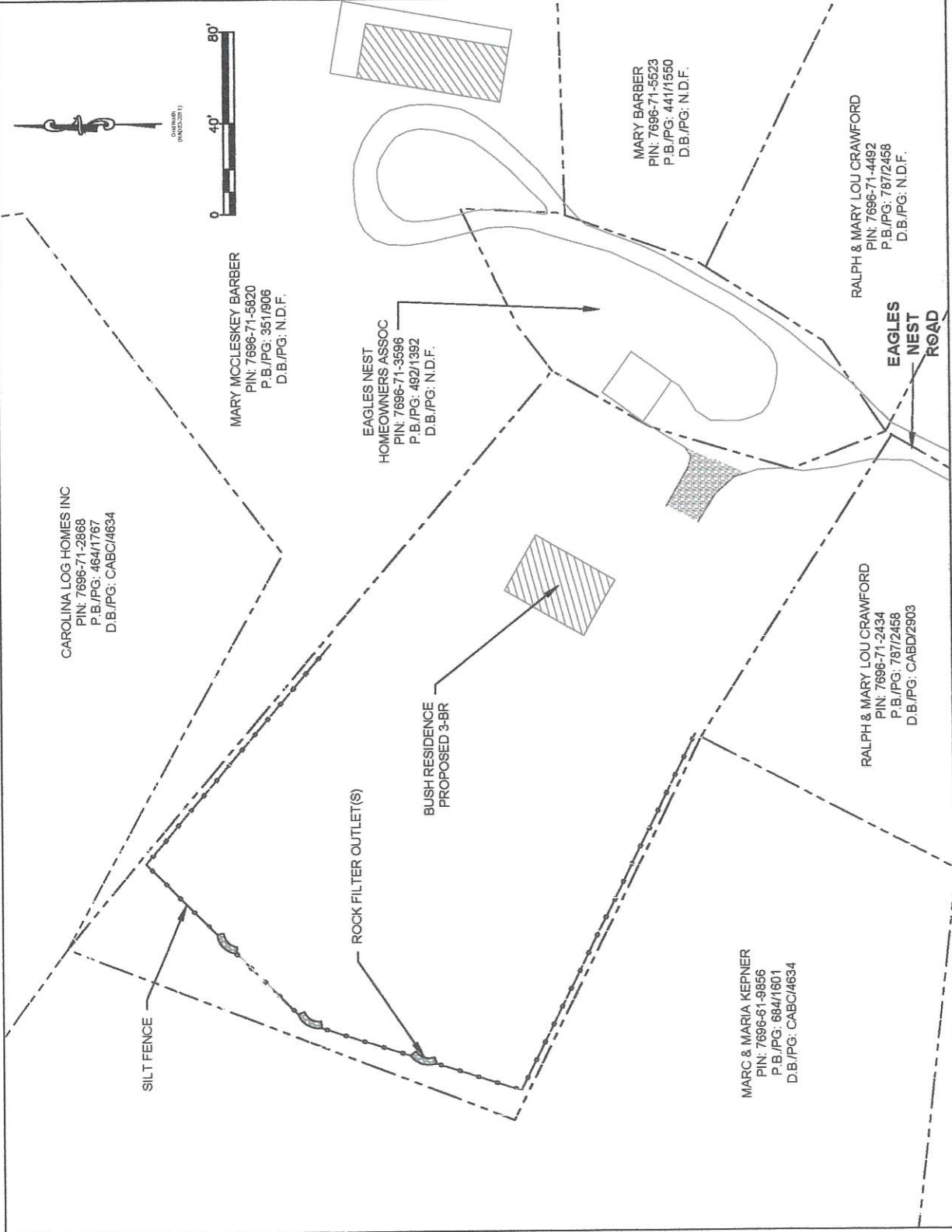
Know what's below.
Call before you dig.

PROJECT NO. 2024-001
DATE 10/25/2024
DESIGNED BY: J. BUSH
CHECKED BY: J. BUSH
DATE 10/25/2024

EROSION AND SEDIMENTATION CONTROL PLAN
C-100

SCALE: N.T.S.

SHEET 2 OF 3 PERMITTING REV.



PERMITTING



R-1964
FIRM NO.

10-25-2024

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CLIENT & PROJECT
BUSH RESIDENCE
EROSION AND SEDIMENTATION CONTROL PLAN



Know what's below.
Call before you dig.

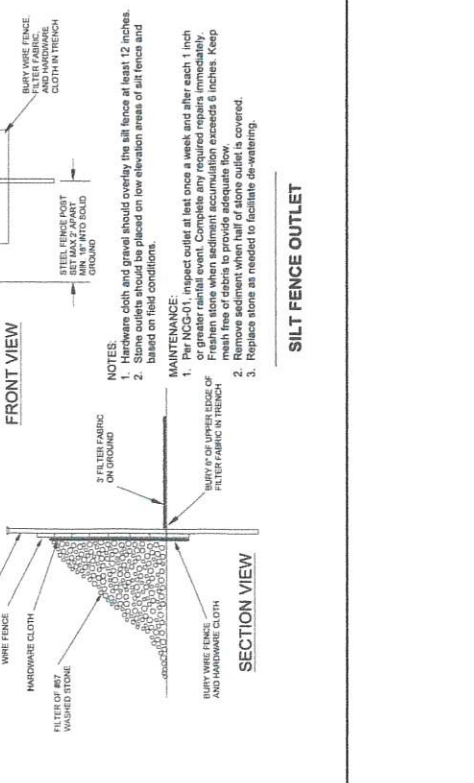
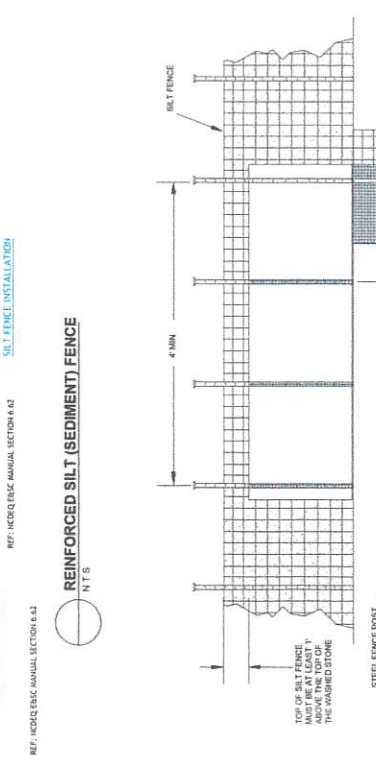
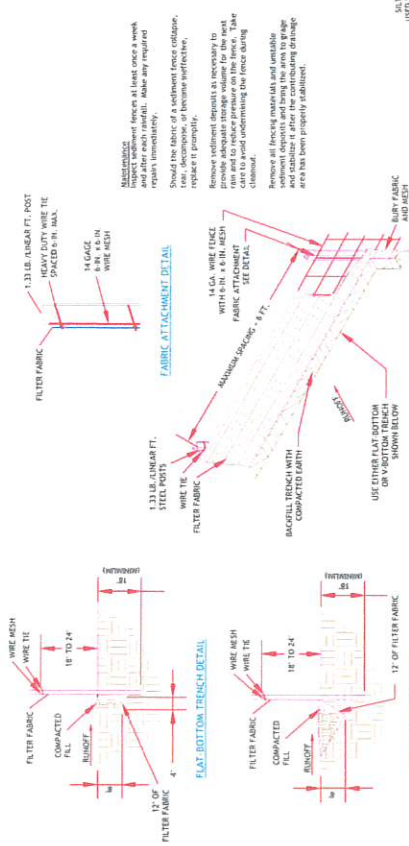
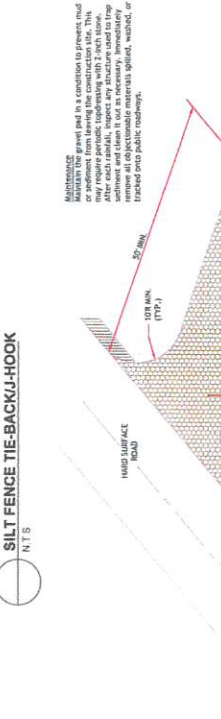
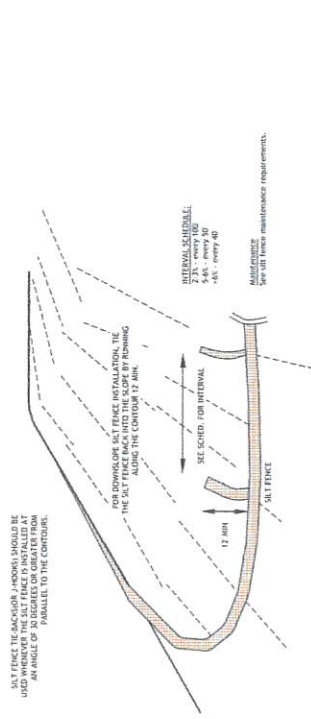
PROJECT NO.	
CAD FILE NAME	BUSH RESIDENCE - E
DATE	10-25-2024
SCALE	AS SHOWN
CHECKED BY	BY: PMS

EROSION AND SEDIMENTATION CONTROL DETAILS C-200

SCALE: N.T.S.

TEMPORARY SEEDING: RECOMMENDATIONS FOR FALL

- Seeding mixture**
 - Species: Ryegrass (grain) Rate (lb/acre): 120
 - Species: Ryegrass (grass) Rate (lb/acre): 120
- Seeding dates**
 - Mountains—Aug. 15 - Dec. 15
 - Coastal Plain and Piedmont—Aug. 15 - Dec. 30
- Soil amendments**
 - Follow soil tests or apply 2,000 lb/acre ground agricultural limestone and 1,000 lb/acre 10-10-10 fertilizer.
- Mulch**
 - Apply 4,000 lb/acre straw. Anchor straw by tacking with asphalt nailing, or a mulch anchoring tool. A disk with blades set nearly straight can be used as a mulch anchoring tool.
- Maintenance**
 - Repair and reseed damaged areas immediately. Topdress with 50 lb/acre of nitrogen in March. If it is necessary to extend temporary cover beyond June 15, overlaid with 50 lb/acre Koble (Piedmont and Coastal Plain) or Korean (Mountains) lespedeza in late February or early March.





TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street, Suite 110

Waynesville, NC 28786

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

www.waynesvillenc.gov

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

Land Disturbing Permit

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

Property Address: 4477 Eagles Nest Rd. PIN: 7696-71-2604

Property Owner(s): David Bush Telephone: (830) 624-6274

Surface area to be disturbed (square feet or acres): 3,240 sf (.074 acres)

Purpose of the land disturbance: Residential Construction Commercial Construction

Manufactured Home Driveway Other Activity (Describe) _____

Land Disturbing Specifications (Check and complete all that apply)

Disturbed area is 1 acre or greater. If so, a Certificate of Plan Approval from the NC Department of Environmental Quality is required.

Disturbed area is located at or above 2,900 feet elevation. If so, Hillside Protection standards apply (Land Development Standards, Section 12.6) Average slope of property 24.72 %

Fill slope(s) will be created. If so, indicate maximum slope(s): No Fill Slopes Proposed

Cut slope(s) will be created. If so, indicate maximum slope(s): No Cut Slopes Proposed

For fill or cut slopes, Land Development Standards, Section 12.4.4(B) applies.

Regular or intermittent surface water on site.

Designated trout waters on site.

Applicant (If other than owner) Name: David Bush Telephone: (830) 624-6274

Office Use Only

This signature authorizes the land disturbing activity described above and in any required attachments. Any deviation from the land disturbing activity described above and in attachments shall require resubmittal, approval, and the issuance of a new Land Disturbing Permit.

Olga Grooman
Development Services Staff Signature

2-26-2025
Date

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 02/26/25 CUSTOMER#:
TIME: 10:48:56
CLERK: 2044ecou

RECPT#: 3157478 PREV BAL: 100.00
TP/YR: P/2025 AMT PAID: 100.00
BILL: 3157478 ADJSTMNT: .00
EFF DT: 02/26/25 BAL DUE: .00

Misc Cash Receipts

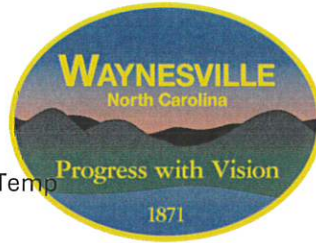
-----TOTALS-----

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

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

PAID BY: Mr. Bush Dis. plan
PAYMENT METH: CHECK
PAYMENT REF:

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



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

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

Date: November 7, 2024

Re: PIN 7696-71-2604

Cc: Olga Grooman, Assistant Development Services Director

To whom it may concern,

The Town of Waynesville can provide water service to the referenced parcel. This infrastructure is a 4" Ductile Iron pipe that is adjacent to the property in Eagles Nest Road. According to our records, there has not been a water tap purchased for the parcel. The proposed tap can be placed at the edge of the property line following purchase and account set-up. Sewer service is not available for the parcel; therefore a septic permit would need to be acquired through the Haywood County Environmental Services department. Electric Service will be provided by Duke Energy. Feel free to contact me with any questions or concerns.

Sincerely,
Jeff Stines
Director of Public Services
Town of Waynesville



OFFICE OF THE FIRE CHIEF

Town of Waynesville

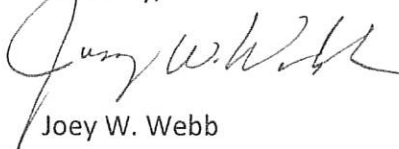
November 6, 2024

To whom it may concern:

The property at 4477 Eagles Nest Road is in the Rural Fire Response District, also known as the Eagles Nest Fire District. Waynesville Fire Department responds to this area for Fire/ Rescue related incidents and medical emergencies. The property is 4.9 miles from Fire Station 2 located at 280 Georgia Avenue. The Fire Response Insurance Rating is Class 4. This property is accessible from Eagles Nest Road which is a paved 2 lane road with adequate access for responding fire apparatus. Response times to this area are delayed due to the steep terrain of Eagles Nest Road. This property is located above the 5,000 feet elevation. Weather related issues could also delay response. A fire hydrant is located more than 1,000 feet below this property. Waynesville Fire Department has automatic aid agreements with neighboring departments who would respond on initial dispatch with additional water supply.

The attached map shows the fire districts. Green indicates Eagles Nest Fire District. Brown indicates Maggie Valley Fire District.

Sincerely,



Joey W. Webb

Fire Chief

Waynesville Fire Department

Report For

BUSH, WESLEY DAVID
BUSH, EDITH
17 SPY GLASS LN
ASHEVILLE, NC 28805-8805

Account Information
PIN: 7696-71-2604
Deed: 1109/324

CABD/2904
1018/149

Site Information
EAGLES NEST MOUNTAIN

4477 EAGLES NEST RD

Heated Area:

Year Built:

Total Acreage: 1.244

Township: Waynesville Out

Site Value Information

Land Value: \$29,200

Building Value: \$0

Market Value: \$29,200

Deferred Value: \$0

Assessed Value: \$29,200

Sale Price: \$89,000

Sale Date: 06/09/2024

Tax Bill 1: \$183

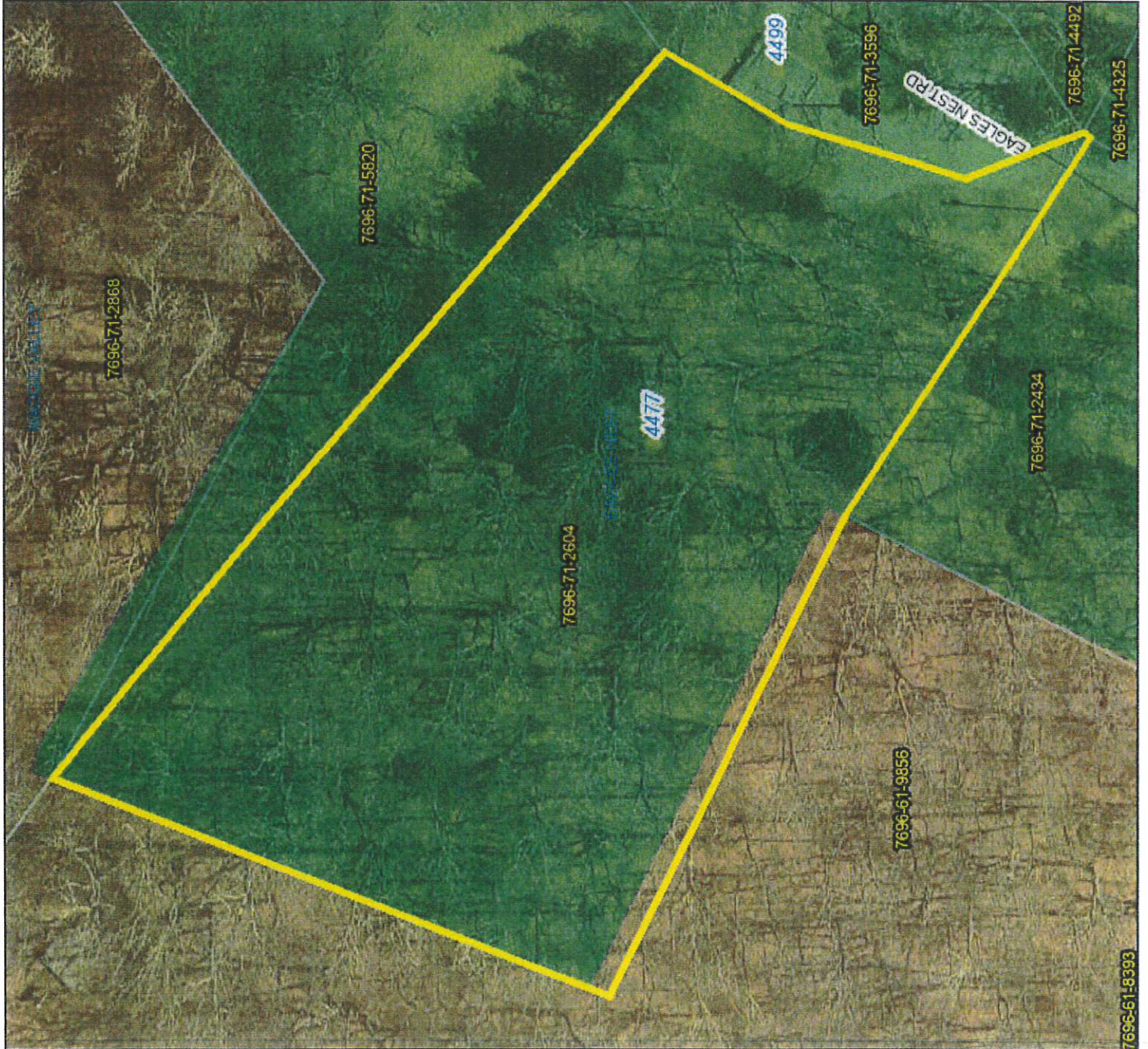
Tax Bill 2: \$183

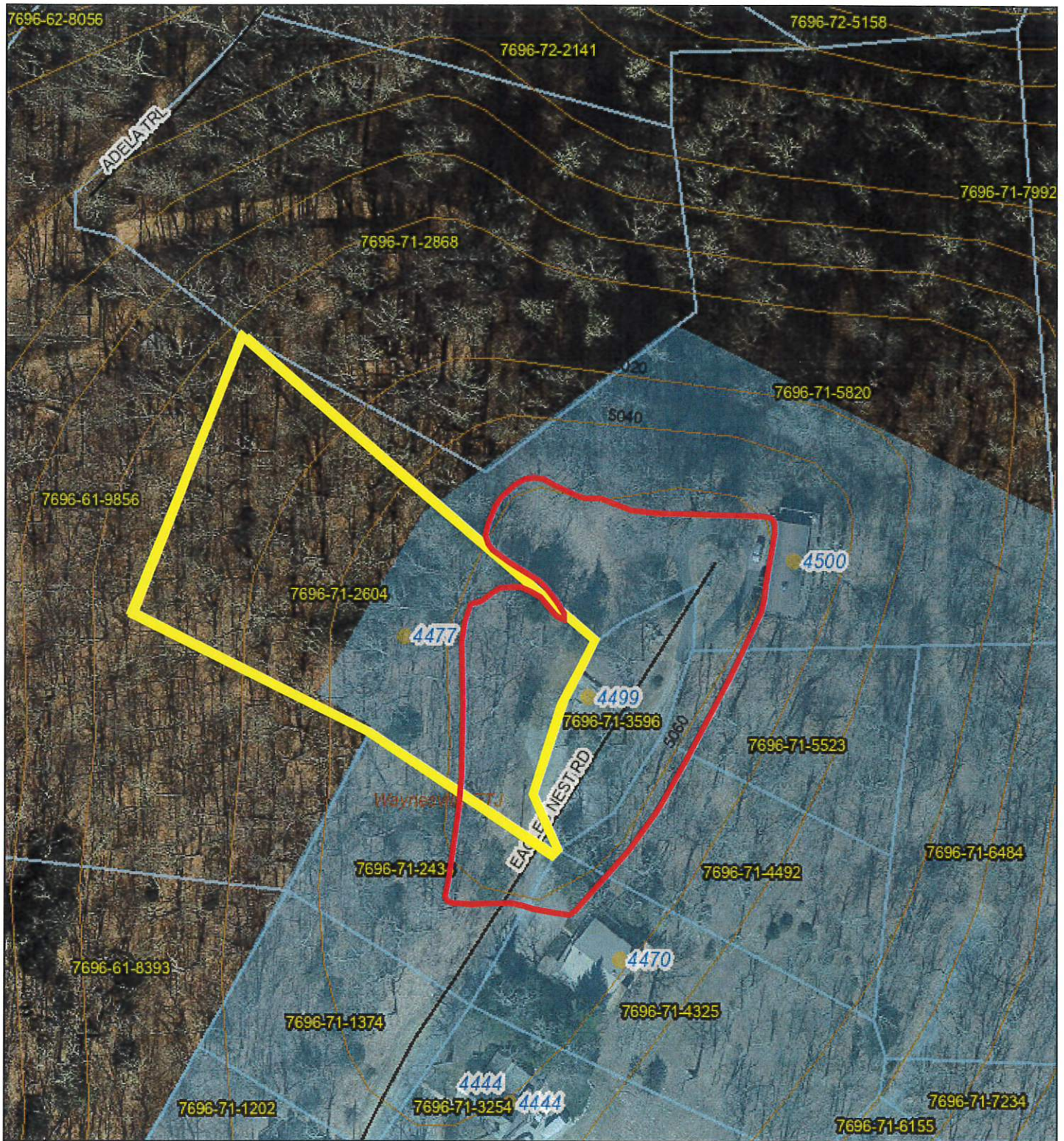


1 inch = 50 feet

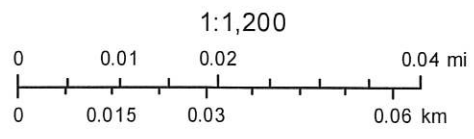
November 6, 2024

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.





March 11, 2025



Report For

BUSH, WESLEY DAVID
BUSH, EDITH
17 SPY GLASS LN
ASHEVILLE, NC 28805-8805

Account Information
PIN: 7696-71-2604
Deed: 1109/324

CABD/2904
1018/149

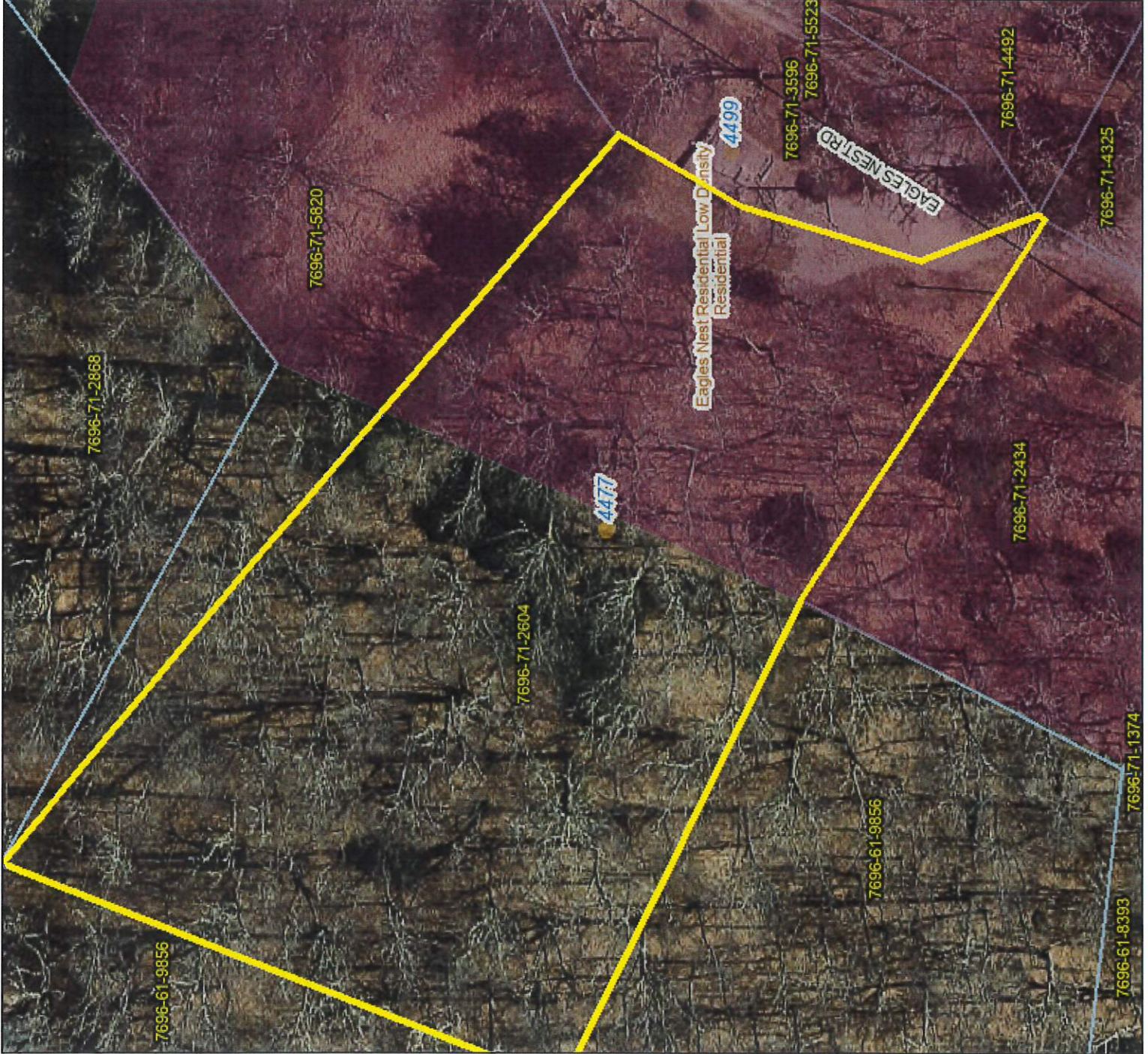
Site Information
EAGLES NEST MOUNTAIN

4477 EAGLES NEST RD

Heated Area:
Year Built:
Total Acreage: 1.244
Township: Waynesville Out

Site Value Information

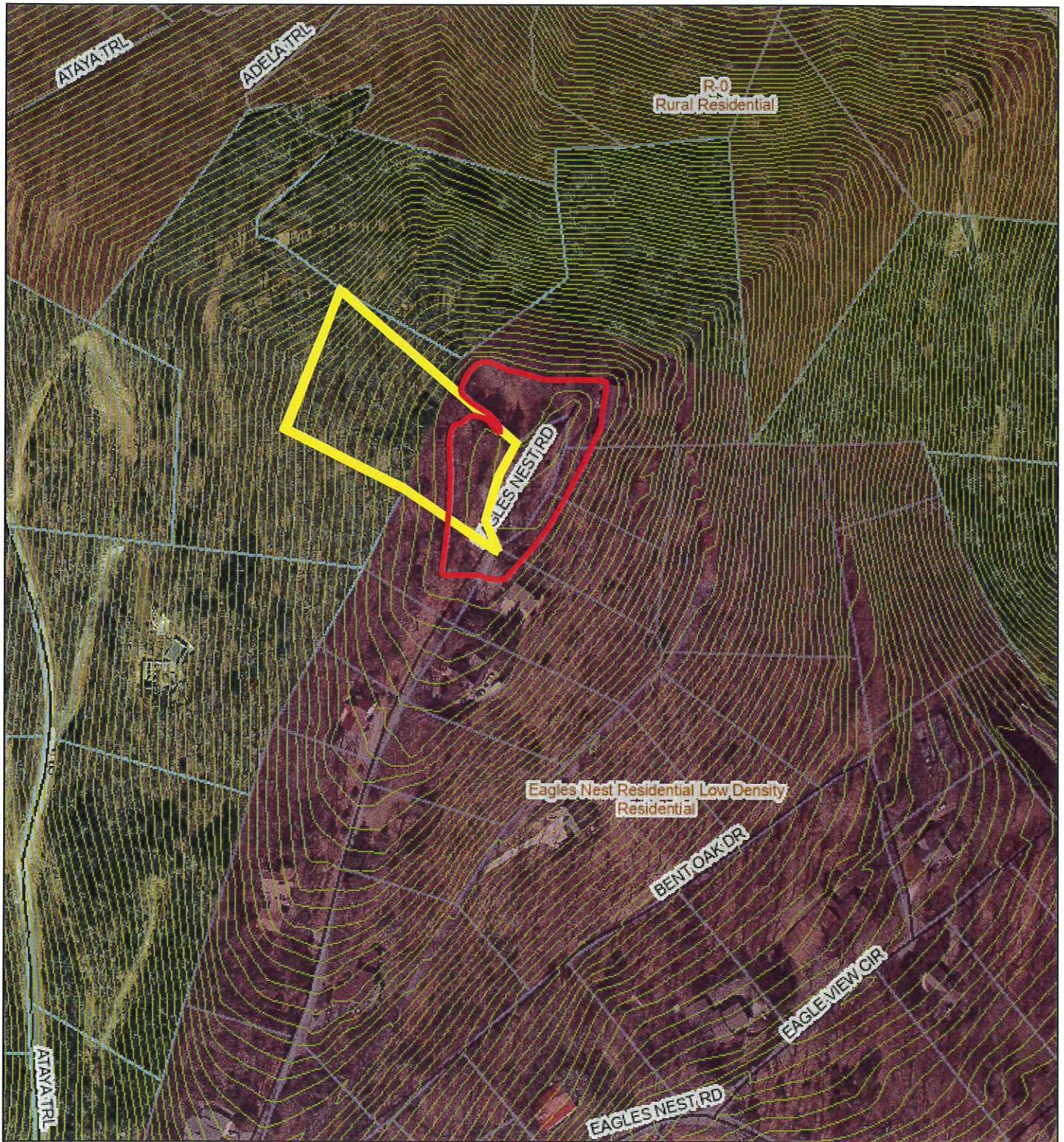
Land Value: \$29,200
Building Value: \$0
Market Value: \$29,200
Deferred Value: \$0
Assessed Value: \$29,200
Sale Price: \$89,000
Sale Date: 06/09/2024
Tax Bill 1: \$183
Tax Bill 2: \$183



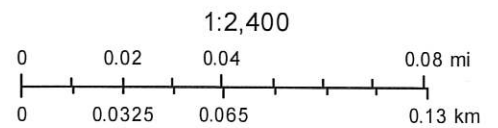
1 inch = 50 feet
March 11, 2025

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Haywood County



March 11, 2025



Report For

BUSH, WESLEY DAVID
BUSH, EDITH
17 SPY GLASS LN
ASHEVILLE, NC 28805-8805

Account Information
PIN: 7696-71-2604
Deed: 1109/324

CABD/2904
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Site Information
EAGLES NEST MOUNTAIN

4477 EAGLES NEST RD

Heated Area:

Year Built:

Total Acreage: 1.244

Township: Waynesville Out

Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

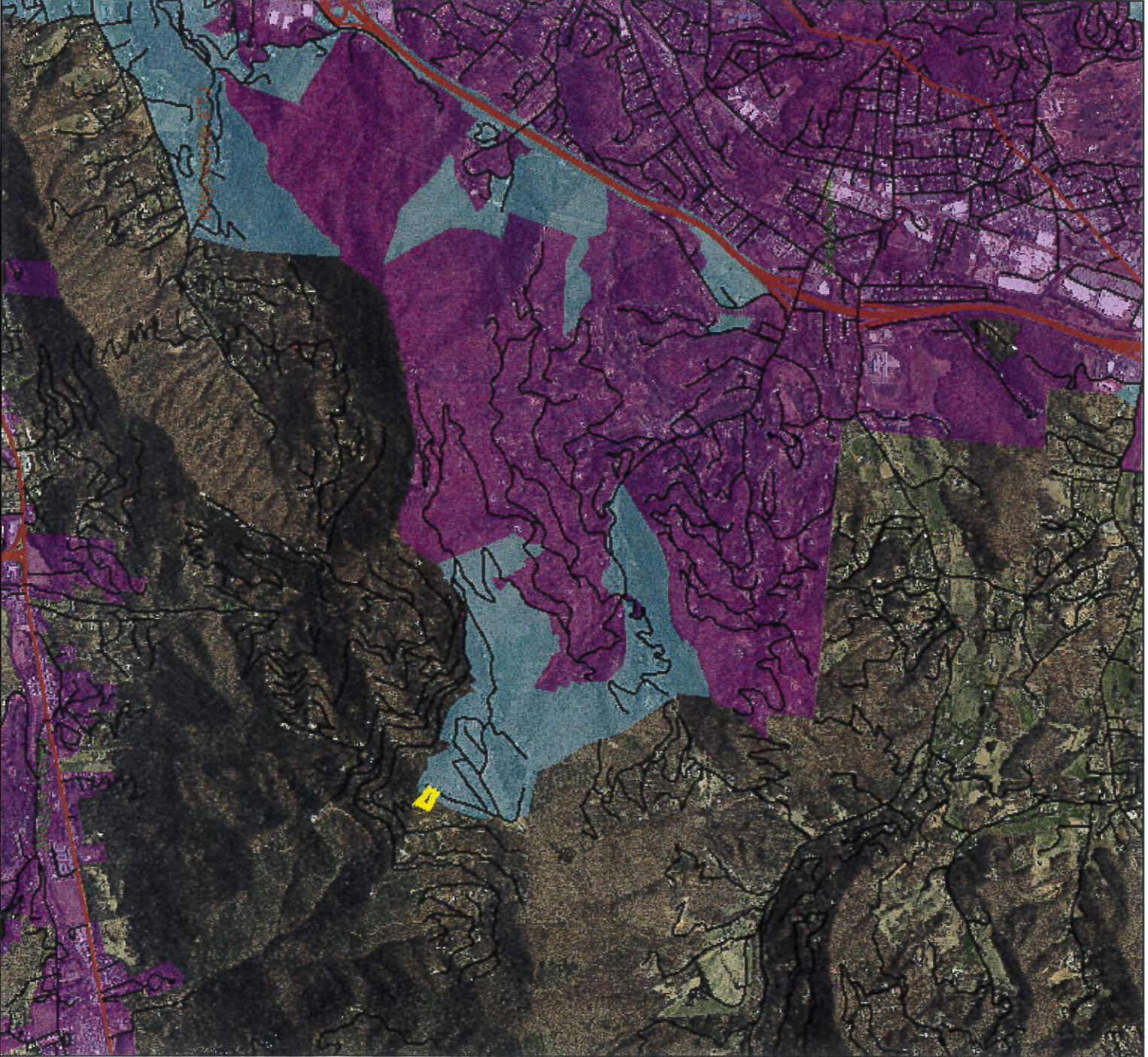
Assessed Value:

Sale Price:

Sale Date: 06/09/2024

Tax Bill 1:

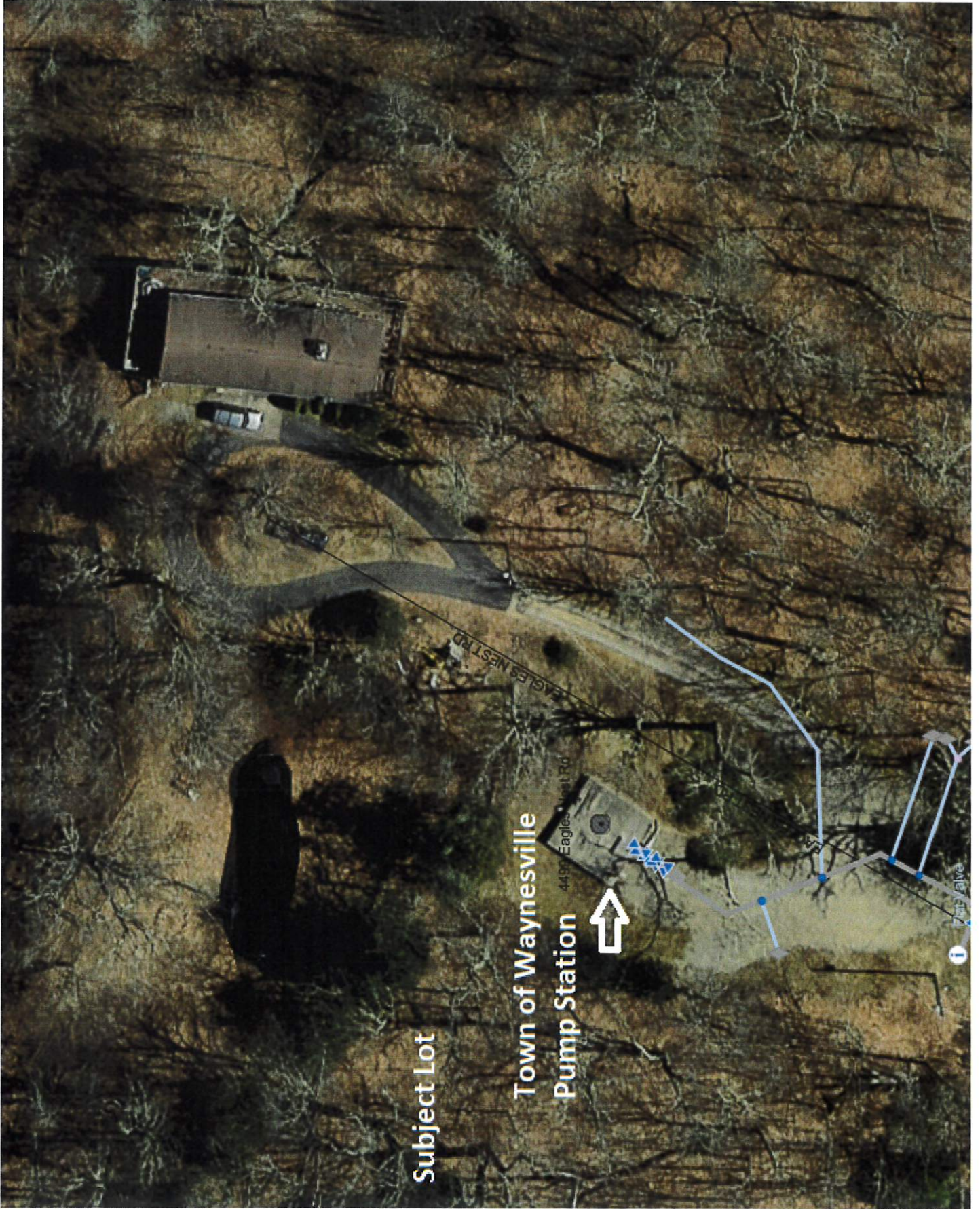
Tax Bill 2:



1 inch = 2,667 feet

March 11, 2025

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Subject Lot

Town of Waynesville
Pump Station



EAGLES NEST RD

4490 Eagles Nest Rd

1 West/Alve

5. Hydrology floodplains, floodways, streams, springs, wetlands, seeps and drainages.
6. Site specific geologic analysis of the Steep Slope Area to be developed, prepared by a North Carolina licensed geologist, soil scientist, geotechnical engineer or other qualified professional, to determine whether that plan can be developed on the site without jeopardizing slope stability on the site itself or on properties surrounding the site.

(Ord. No. O-01-15, § 9, 1-27-2015)

12.7 Mountain Ridge Protection.

12.7.1 Required Standards.

Pursuant to the Mountain Ridge Protection Act of 1983:

- A. No person may construct a Tall Building or Structure on any Protected Mountain Ridge as defined by G.S. 130A-334.
- B. None of the following utility services shall be extended to any building or structure constructed in violation of subsection A above: electricity, telephone, gas, water, sewer or septic system.
- C. Applications for development on Protected Mountain Ridges, shall, in addition to the submittal requirements of the underlying zoning district, Section 12.6 (if applicable) and Chapter 15, submit the following:
 1. Cross sectional profiles of all principal buildings as proposed to be sited on the property and the property showing existing and the proposed post-grading profile drawn perpendicular to the direction of the slope.
 2. If individual wells and/or septic tanks are to be utilized, a written statement from Haywood County Health Department indicating approval of wells and/or septic tanks for use in the development.
 3. Documentation of an approved Sedimentation and Erosion Control Plan.
 4. A letter or approval from the fire department with jurisdiction indicating the adequacy of the development facilities for emergency medical and fire services. Such determination shall take into consideration the street access, water pressure and availability, building height, and any other relevant factors.
- D. All applications for development on Protected Mountain Ridges shall be approved by the Planning Board only after finding that the proposed development has given adequate consideration to protecting the natural beauty of the mountains by making the following findings:
 1. The development plan preserves natural vegetation and scenic features such as outcroppings to the maximum extent possible.
 2. The development plan sites the proposed development in a way to minimize its visual impact and land disturbance.
 3. The development plans use architectural design, colors and materials that blend well with or are compatible with the natural beauty of the Protected Mountain Ridge.
 4. The development plan minimizes land disturbing activities including the area disturbed and the height of cut and fill slopes to the maximum extent practical.

Article 14.

Mountain Ridge Protection.

§ 113A-205. Short title.

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

§ 113A-206. Definitions.

Within the meaning of this Article:

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

§ 113A-207. Legislative findings.

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

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

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

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

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

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

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

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

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

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

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

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

§ 113A-209. Certain buildings prohibited.

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

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

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

§ 113A-210. Application to existing buildings.

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

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

§ 113A-211. Enforcement and penalties.

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

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

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

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

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

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

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

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

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

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

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

§ 113A-213. Article is supplemental.

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

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

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

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

FOR coverage under the Mountain Ridge Protection Act of 1983.

AGAINST coverage under the Mountain Ridge Protection Act of 1983.

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

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

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

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

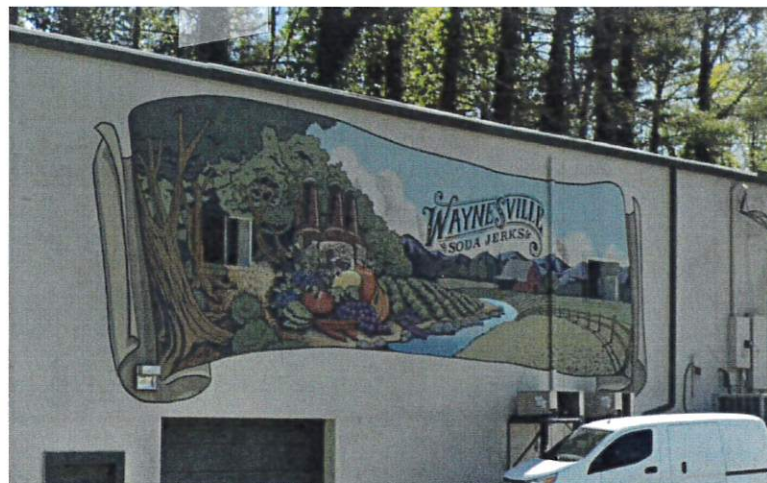
§§ 113A-215 through 113A-219. Reserved for future codification purposes.

Town of Waynesville Planning Board Staff Report

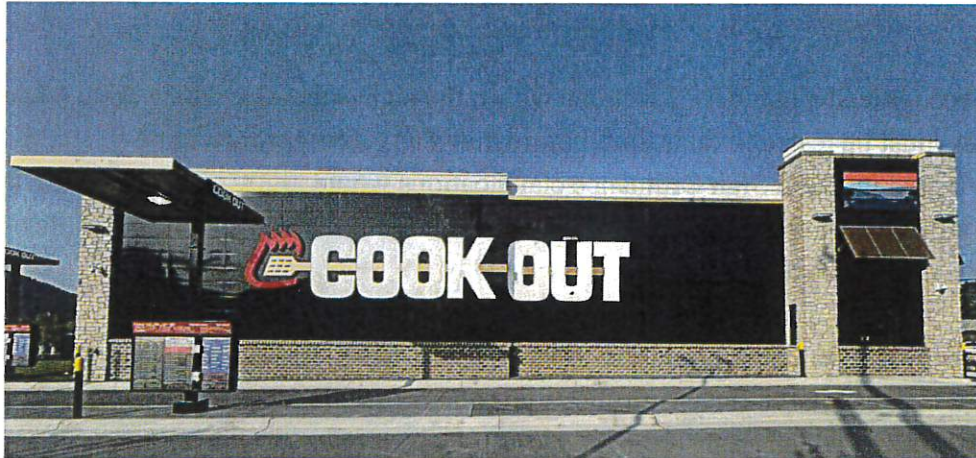
Subject: Text Amendment needs for Sign Ordinance Clarification and Updates
Ordinance Sections: Chapter 11
Applicant: Staff – initiated
Meeting Date: March 17, 2025
Presenter: Alex Mumby, Land Use Administrator

Staff has recognized a number of sections within the sign ordinance which are unclear. Often, ordinances must be tested to their limit before they can be determined to be successful or not. Planning Board input on Sign Ordinance clarifications would allow staff to develop a more effective sign ordinance for staff to enforce and citizens to understand. Areas of the ordinance we would like to work on are:

- The word “moveable” is used in section 11.8.2 Movable Signs. Staff interprets these to be signs which can move such as feather signs and inflatable tube men, mechanical signs that move, or signs which themselves are moveable from one place on a lot to another, but distinct from portable signs that are allowed in the Business Districts only.
- Feather signs and animated tube men could also be interpreted to fall under 11.8.8 Pennets, Streamers, Balloons, Etc, but are not listed outright in the prohibited sign list. Use of the term “etc.” in a regulatory ordinance is not helpful and, in fact, could create conflict in interpretation.
- The allowance for artistic murals into which commercial signage could be incorporated, and how the Town will calculate the signage within a mural so that the actual commercial lettering still complies with district size regulations.



- The allowance of signs up to fifteen percent of the wall space in Regional Center and Commercial Industrial districts has generated various reactions from residents and business owners (both for and against). Staff would like to explore a more scaled ratio of wall signage allowance, based on the size of buildings and where they are located in proximation to residential neighborhoods or distance from public rights-of-ways.



- The requirements for neighborhood entrance signs. Currently these signs require planning board approval but are not public hearing and require no notices or time for public input. It is also not clear when a neighborhood entrance sign is required, or when they are allowed. Should all major subdivisions have an entry sign and should it's design be subject to a public hearing? What are the number of units in a development that should/could have a designated entry sign at their entrance and should it be considered in combination with whether a road is private or public and the needs of emergency services? Should the Town tighten regulations around size and scale of neighborhood entrance signs?



- Other portions of the sign ordinance where language could be updated include the purpose and intent statement, how and where letterboards could be used, temporary signage, special event signage, and how far portable signs are allowed to be located from the business that they serve.

Staff would like to bring back ideas to a future Planning Board meeting either as a “workshop” or a public hearing in the form of a draft text amendment at either the April or May meeting. We would ask Planning members to review Chapter 11 of the Land Development Standards and to share your edits, mark-ups, and questions with Alex Mumby before April 4, so that he can incorporate your thoughts and questions into possible ordinance improvements and a formal discussion at a future meeting.

Town of Waynesville Planning Board Staff Report

Subject: Updates on Planning Board Work:
Comprehensive Plan Density and Land Preservation
Short Term Rental Ordinance

Ordinance Sections: Multiple

Meeting Date: March 17, 2025


Presenter: Elizabeth Teague, Development Service Director

The Planning Board has been working on two initiatives for the past several months: 1) studying density of certain areas in which the Comprehensive Plan recommended a decrease, or “down-zoning”, for the purpose of preserving agricultural and rural lands; and 2) the question of how to fairly regulate short term rentals.


Staff has kept the planning board informed of the December 2024 Session Law that eliminated local governments’ authority to initiate any zoning changes which decrease density or eliminate any land use currently allowed. This law was passed as part of a larger bill for hurricane relief. As of March 7, 2025, 22 individual bills had been filed with the legislature to restore down-zoning authority to specific local governments. Another bill, HB24, would eliminate the section of the law altogether, so that local government authority to manage land use decisions is granted back to all NC local Governments. At their March 11, 2025 meeting, the Waynesville Council adopted a resolution in support of HB24.

While the legislative debate continues, the “Density Work Group” (a committee of two elected officials, 2 planning board members, and staff), has been trying to determine the best way to bring forward recommendations for broader public consideration and has been in a holding pattern of sorts. The group engaged in a zoom call with consultant Jake Petrosky of Stewart who has been assisting the group, on Thursday February 20th to discuss. Notes from that discussion are attached for Board input.

At the last Planning Board meeting, staff agreed to bring back the short-term rental ordinance in the format that would provide minimal regulation, but that still provides a way for staff to manage this type of land use administratively. The draft working ordinance is also attached for discussion.




Town of Waynesville Comp Plan Implementation Update



STEWART


Working Group
2/20/2025



1

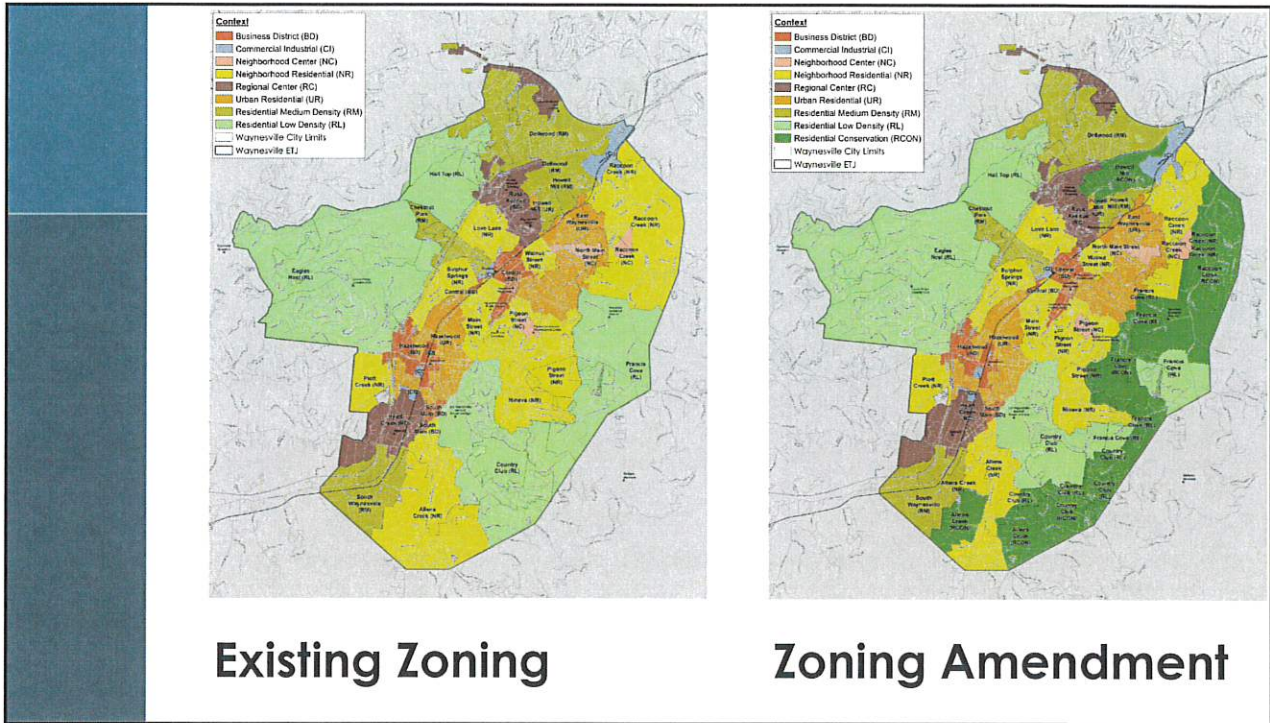
Working Group Recap

- Discussed recent development and Comp Plan recommendations
- Analysis of NR, HM and RL zoning districts
- Reviewed conceptual plans for development under different zoning amendment options
- **Developed recommendation for new Residential Conservation District**




Waynesville Density Working Group
December, 2024

2



Existing Zoning

Zoning Amendment

3

Revised Table of Residential Zoning Districts

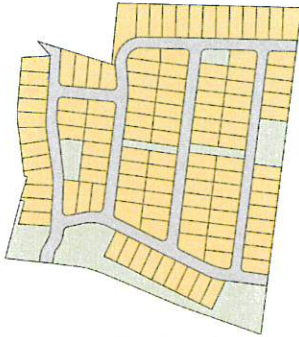
Zoning District	Max Density	Minimum Lot Size	Civic Space Requirement	Height
NR (Neighborhood Residential)	10 units/acre (16 w/SUP)	1/6 acre	0-14 units/lots- 5% 15-30 - 10% 31-60 - 13% 61 - 15%	Principal Bldg: 3 stories max Accessory Structure: 2 stories max
RL (Residential Low Density)	6 units/acre (12 w/SUP)	1/2 acre	0-14 units/lots- 5% 15-30 - 10% 31-60 - 13% 61 - 15%	Principal Bldg: 3 stories max Accessory Structure: 2 stories max
RM (Residential Medium Density)	8 units/acre (12 w/SUP)	1/4 acre	0-14 units/lots- 5% 15-30 - 10% 31-60 - 13% 61 - 15%	Principal Bldg: 3 stories max Accessory Structure: 2 stories max
RCON (Residential Conservation)	2.5 DUA (Up to 6 w/SUP)	Conventional Subdivision: 1/2 acre Conservation Design Option: 4,000 sqft Low width < 50ft requires alley loading	Conventional Subdivision: 0-15% depending on # of lots Conservation Design Option: 40%	40ft max from highest adjacent grade

December, 2024

4

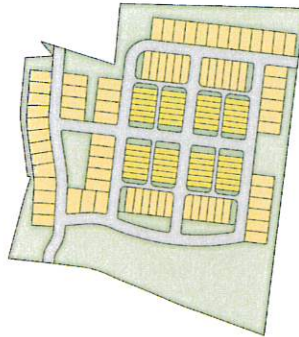
Concept Designs

Recent Development



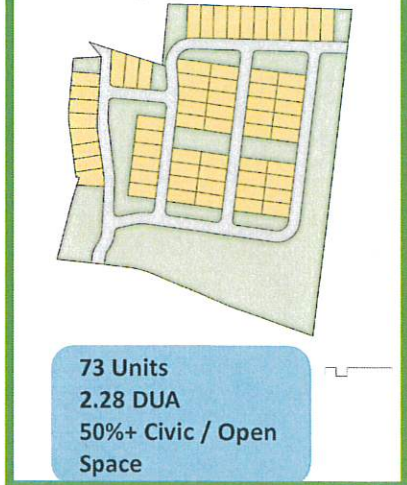
115 Units
3.59 DUA
14% Civic / Open Space

Option 1A/1B



126 Units
4 DUA
40% Civic / Open Space

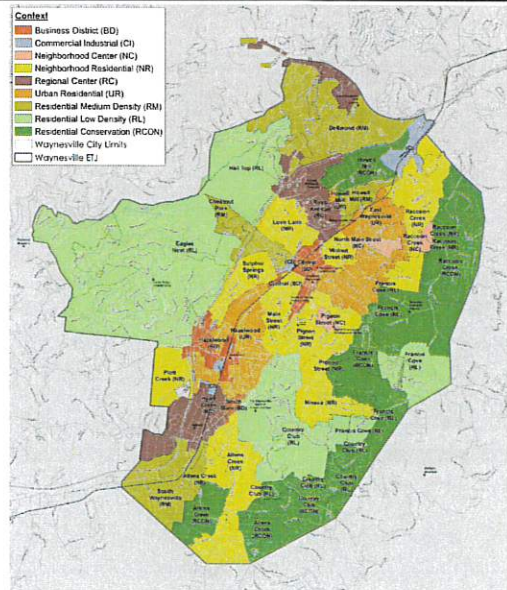
Option 2A/2B



73 Units
2.28 DUA
50%+ Civic / Open Space

5

- Existing Average Parcel Size
 - Howell Mill RCON: 3.36 acres
 - Allen Creek RCON: 4.59 acres
 - Country Club RCON: 1.59 acres
 - Francis Cove RCON: 3.75 acres
 - Raccoon Creek RCON: 3.41 acres

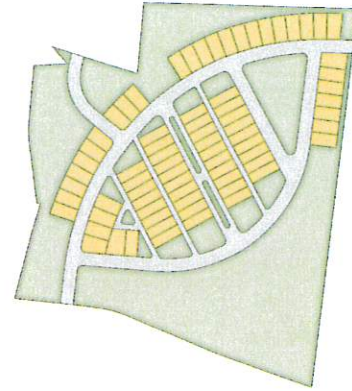


Zoning Amendment

6

Proposed Residential Conservation District

- **Density**
 - 2.5 DUA Max
 - Up to 6 DUA with Special Use Permit
 - ½ Acre lots if conventional subdivision
 - Smaller lots allowed if conservation subdivision (50%+ Civic / Open Space)
- **Permitted uses**
 - Single Family Residential
 - Townhomes with standards
 - Agriculture and institutional uses
 - Cemeteries (permitted with standards)
 - Schools with Special Use Permit
- **Design requirements**
 - Lot widths under 50' required to be alley loaded
 - Priority open space types
 - Minimum width of open space



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Other Options / Recommendations

Civic / Open space requirements

- Adjust balance between passive open space and active recreation space, less active space could be required in more undeveloped areas
- Change exemption to be lower (>1 DUA) – currently DUA < 2 exempt from civic space reqs...

Cluster / Conservation Option

- Move or add reference to cluster / conservation option in code....
Buried in Chapter 15 – Administration

Add max density to NC District

- Currently no max density (*although height does limit max*)

Height

- Revisit height regulations – currently 3 story of 60ft
- In new Residential Conservation district could be 40ft measured from highest adjacent grade (*same as protected ridge law*)

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Planning Board Meeting (9/16)

Comments

- *Maintenance of common areas should be covered by ordinance*
- *Concern over density reductions – are we getting away from smart growth?*
 - *Answer was no – these are targeted adjustments, not reducing density in a lot of places*
- *Does Conservation District allow for conventional development still? Yes at ½ acre lot or so, also still allows 6 DUA with SUP*
- *Need to further work on density in the rest of town – some discrepancies between intent and what is feasible and appropriate.*

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Recent Developments

General Statute 160D-601

- Allows municipalities to initiate downzoning amendments (reducing density or permitted uses on property)
- Legislative amendment that requires notification
- Has been upheld in courts

SB 382

- Helene relief bill with provisions stripping power from municipalities
- Includes provision to require written consent from property owners for any type of zoning change that limits density or allowable uses.
- Would necessitate consent or an alternative amendment or approach to address development design without limiting density or uses.
- **Current bills under consideration may repeal all or part of SB 382.**

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Alternatives

Option 1: Retool Amendment to be Overlay with CSO standards

- Base zoning districts remain option
- **Leverage Conservation Subdivision Option (CSO)** in LDC currently
 - *Emphasize design and more open space in district description.*
 - *Encourage CSO in this area. Potentially add a maximum density cap of 2.5-3 DUA for CSO in Rural Preservation District.*

Option 2: Change in Approval Process for Large Subdivisions

- Currently major subdivisions (>8 lots) have to go to PB as admin approval
- **Potential change of all large subdivisions to Conditional Zoning process** in Rural Preservation District Overlay area or across the board
 - *> 50 unit or size (acres) threshold*
- **Update comp plan to specify 2.5 DUA in Residential Conservation Area** and update Future Land Use Map to match extent of proposed Rural Preservation District.

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Alternatives

Option 3: Create Rural Preservation District as New Base Zoning District

- **Create Rural Preservation District**
- Conduct engagement activities and notify public and property owners of new district and options
- **Create a process for property owners to opt in** via rezoning or other form of consent

Questions and Notes

- Currently vested rights legislation allows permit choice for 18 months
- Further study needed to determine feasibility of encouraging development form via tie to water and sewer extension policy
- Still awaiting outcome of legislative session on potential changes to SB 382

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REVISED DRAFT (# 5) For Planning Board Discussion
March 17, 2025

ORDINANCE NO.

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

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

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

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

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen during public hearings at their April 15, 2024 regular meeting and at their _____ meeting; and

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

WHEREAS, after notice duly given, a public hearing was held on _____, at the regularly scheduled meeting of the Waynesville Town Council;

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

That the Land Development Standards be amended as follows:

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

Homestay: Homestay means a short-term rental use that occurs within a resident-occupied, single-family dwelling, duplex, or an accessory dwelling unit on the same property as a resident-occupied dwelling, wherein parts of the home or property are rented to transients for a period of less than thirty days; where the use is incidental and subordinate to the primary, full-time residential use of the property; where hosts or management remain onsite during the guests' stays, and no meals or other services are provided by the owner or host. This use is subject to North Carolina Occupancy Tax regulations which apply to stays up to 90 days, and subject to Town ordinances that apply to residential uses.

Short Term Vacation Rental: Short-term vacation rental means a short-term rental use within a dwelling unit for transient occupancy for a period of less than thirty days, and does not have an owner-occupant, resident, or manager on-site. A short-term vacation rental is considered a "Lodging" that is distinct from a bed and breakfast, boardinghouse, inn, or hotel/motel, and encompasses commercial home-sharing platforms such as VRBO, AirBandB, Flipkey, or other platforms on properties that do not qualify as a *homestay*. This use is subject to North Carolina Occupancy Tax regulations which apply to stays up to 90 days, and subject to Town ordinances that apply to lodging.

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

Homestay is hereby added as a permitted use ("P") as a residential use type, and the table is amended to show that homestays are allowed in all districts where Residential Dwelling Uses are allowed on the Table of Permitted Uses.

Short term vacation rental is hereby added as a use permitted with supplemental standards as a lodging use type ("PS"), and the table is amended to show that short term vacation rentals are allowed in all districts where residential uses are allowed.

Section 3.3 Supplemental Standards – Lodging is amended to add:

3.3.4 Short Term Vacation Rentals

A. Parking

1. Short-term rentals must comply with the Town parking standard for lodging Section 9.2.1), or 1 space per bedroom, with a minimum of two spaces per unit, except in the Central Business and Hazelwood Business Districts where permitted uses are exempt from the minimum parking standards.

B. Signs

1. One on-premise sign may be placed to identify/advertise a short term vacation rental, and must comply with the maximum square footage for home occupations, or a maximum of 8 square feet. Signs may incorporate contact information to meet the requirements of this section of the ordinance, C.3 below.

C. Property owner responsibilities: Any property owner operating a STR lodging, as well as any host, shall:

1. Ensure compliance with all federal, state, and local laws, including but not limited to, tax code, North Carolina State Building Code, fire code and environmental health regulations for the level of occupancy of the lodging.
2. Ensure that all refuse is managed according to Town ordinance. Trash should be stored in appropriate containers and set out for collection on the proper collection day(s) and the carts or cans should be removed from the street or alley within 24 hours after the scheduled collection day. For units not served by the Town, arrangements must be made for a private service to manage solid waste collection from the site, and in a way that does not attract animals.
3. Post in a conspicuous location outside each lodging unit a notice setting forth the following information:
 - a. The name and telephone number of the operator and property manager to contact in the case of an emergency.
 - b. The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.
 - c. Phone number of the Town of Waynesville Police Department.

Section 13.5 Nonconforming Uses and Structures is amended to add

13.5.1 Definition and Applicability

C. Short Term Vacation Rentals: Residential structures used for short-term vacation rentals prior to the adoption of the Town Ordinance _____ are exempt from the standards for nonconforming uses and accessory uses. Owners of Short Term Rentals may continue or discontinue use of a residential living space without penalty or subjection to non-conformity rules.

ADOPTED this _____ Day of _____, 2025.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney