



TOWN OF WAYNESVILLE Planning Board

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

Development Services
Director
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Scheduled Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786--
Monday January 22, 2024, 5:30pm

THE WAYNESVILLE PLANNING BOARD held a Special-Called Meeting on Monday, January 22, 2024, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present.

Susan Teas Smith (Chairman)
Ginger Hain (Vice Chairman)
Stuart Bass
John Baus
Jan Grossman
Tommy Thomas

The following board member were absent:

Peggy Hannah
Micheal Blackburn

The following staff members were present:

Olga Grooman, Land Use Administrator
Esther Coulter, Administrative Assistant

The following Attorney was present:

Ron Sneed, Town Attorney

Chairman Susan Teas Smith called the meeting to order at 5:28pm. Mrs. Smith welcomed everyone and asked Land Uses Administrator Olga Grooman to give announcements. Ms. Grooman stated that ads are being run online and in the newspapers for public workshops scheduled as follows: Public Input on the Stormwater Master Plan, Thursday, February 22nd, from 5-7 p.m.at the Recreation Center; Public Workshop on the Railroad Corridor Overlay District, Thursday February 29th, from 5-7 p.m.at the Recreation Center.

The Density Workgroup with Council Representatives and Planning Board members Ginger Hain and Jan Grossman, will meet February 28th, at 2 p.m. 2024.

Chairman Susan Teas Smith stated that the December 18, 2023, minutes will be presented in the February meeting.

B. BUSINESS

1. Discussion of Revisions to definitions for Townhomes, and Child/Adult Day Care Home, and Residential Care Facilities.

Ms. Grooman stated this report was the work of Director Elizabeth Teague and Attorney Ron Sneed. Ms. Grooman read through the staff report.

The Town's existing definition reads as follows:

Residential Care Facilities (More Than 6 Residents) A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS § 131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2), adult care homes (NCGS § 131D-2), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services and orphanages.

As part of the budget bill, NC General Statute 110-86(2) defining family childcare homes (FCCH) and NC General Statute 110-91(7)(b) regarding FCCH capacity was revised. The new capacity options in the state statute are as follows:

A family childcare home is allowed to provide care for one of the following groups of children, including the operator's own preschool-age children and excluding the operator's own school-age children up to 13 years of age:

1. *A maximum of eight children, with no more than five children who are from birth to 5 years of age, plus three school-age children.*
2. *A maximum of three children from birth to 24 months of age, plus three children from 2 to 5 years of age and three school-age children up to 13 years of age, for a total of nine children.*
3. *A maximum of 10 children if all children are older than 24 months of age.*

The town's current ordinance definition which allows up to 6 children within a home is out of date with the State revisions. According to the DHHS website: "a change in capacity requires a new permit to be issued. FCCH Operators interested in an increase in their capacity will need to provide a written request with verification there are no local zoning ordinances or homeowner association bylaws/covenants that prohibit the increase."

Ms. Teague and Mr. Sneed stated rather than wait until someone is trying to apply for increased capacity, the Town could go ahead and amend our definition to be in compliance with the State definition.

The board discussed and asked questions of Mr. Sneed. Board agreed to direct staff to work on a specific text amendment ordinance to update the definition and the table of permitted uses for the agenda packet to review at the March meeting.

Additionally, the Planning Board discussed the definition for **Townhomes**, and considered an alternate:

1. Dwelling-Townhome. Three or more attached dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls, and the land underneath each unit is titled to the unit.
2. Dwelling-Townhome. Three or more attached dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls, and the land underneath each unit is titled to the unit; PROVIDED, HOWEVER, that up to 30% of the units in a townhome development may be single family buildings or buildings consisting of only two attached units meeting all the other applicable requirements of townhomes if necessary to make more efficient and effective use of the property being developed.

The board discussed the definitions and asked Attorney Ron Sneed for guidance. The board is in favor of the staff revisiting the two definitions and member John Baus said he would meet with staff and help clarify.

2. Discussion of Short-Term Rental Ordinance.

The Planning Board reviewed and discussed the drafted ordinance. The ordinance differentiated the term of "homestay," which allows a permanent resident to rent a portion of the property on which they live, and "short-term-rental" which allows a property owner to rent the entire property. Land Use Administrator Olga Grooman clarified the board's request to allow rentals in every district where single family dwellings are allowed. Staff and board members wanted more time to think about how to limit short-term rentals to mixed use overlay areas and commercial areas, rather than to traditional neighborhoods.

The Planning Board also discussed concerns related to property management and clean-up of rental property. There was a question and discussion of whether or not existing short-term-rentals would be grandfathered in to a new ordinance.

C. ADJOURN

A motion was made by Board member Jan Grossman, seconded by Board member John Baus to adjourn the meeting. The motion passed unanimously. Meeting adjourns at 6:49pm.

Ginger Hain, Vice Chairman

Esther Coulter, Administrative Assistant