

TOWN OF WAYNESVILLE Planning Board

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Planning Board Members

Susan Teas Smith (Vice Chairman)
Stuart Bass
Robert M Blackburn
H.P. Dykes, Jr.
Ginger Hain
Don McGowan
Marty Prevost
John Thomas
Gregory Wheeler

Development Services

Director
Elizabeth Teague

Regular Meeting

Town Hall – 9 S Main St., Waynesville, NC 28786
Monday, September 21, 2020, 5:30 pm

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting September 21, 2020 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

The following members were present:

Susan Teas Smith (Vice Chairman)
Stuart Bass
Robert M Blackburn
H.P. Dykes, Jr.
Ginger Hain
Don McGowan
Marty Prevost
John Thomas
Gregory Wheeler

The following Attorney were present:

Ron Sneed

The following staff members were present:

Bryon Hickox, Land Use Administrator
Esther Coulter, Administrative Assistant

Vice Chairman Susan Smith called the meeting to order at 5:31pm.

Planning Board Meeting
September 21, 2020

1. Welcome/Calendar/Announcements

Vice Chairman Susan Smith asked Land Use Administrator Byron Hickox about the Comprehensive Plan. Mr. Hickox presented each of the Planning Board members a paper copy of the updated Comprehensive Plan adopted by the Board of Alderman.

Mr. Hickox gave the board a copy of a checklist of changes from the School of Government about the General Statutes Chapter 160D, he told them there was a website to access information about 160D and that local governments will have to update regulations to come in compliance.

Attorney Ron Sneed gave a brief description of 160D. He stated that it's a rewrite of the Local Planning and Development Regulation. The Legislature combined chapters 153A and 160A of NC General Statutes into a single unified chapter. It places the statutes into a more logical, coherent organization.

Mr. Hickox gave the board members a copy of information on the powers and duties of a Planning Board Member.

2. Election of Officers

A motion was made by Board Member Marty Prevost, seconded by Board Member Michael Blackburn to nominate Susan Smith for Chairman.

A motion was made by Board Member Bucky Dykes Jr., seconded by Board Member Don McGowan to nominate Gregory Wheeler as Chairman.

Board member Gregory Wheeler said he appreciated the nomination and that he cares a lot for Waynesville, he was born here and grew up here. He has a desire to give back to the community, but with being a new member he wants to be able to have more experience before taking that seat.

The motion passed with 5 votes in favor of Board Member Susan Smith for Chairman and 2 votes in favor for Board Member Gregory Wheeler for Chairman.

A motion was made by Board Member Susan Smith, seconded by Board Member Ginger Hain, to nominate Board Member Gregory Wheeler for Vice-Chairman. The motion passed unanimously.

B. Business

1. Public hearing on staff-initiated text amendments to Section 4.3.4 Encroachments, (f) Handicapped ramps (legislative proceeding)

Mr. Hickox read the definition of handicapped ramps and is asked for the board input on changing some of the wording to clarify and separate handicapped ramps and fire escapes.

Handicapped Ramps: *Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard but may not be closer than three feet to any property line.*

Mr. Hickox said staff recommends that Section 4.3.4(F)- **Handicapped Ramps** be retitled and changed to read:

Accessibility Ramps: *and Emergency Escape and Rescue Openings, or Fire Escapes: Ramps for handicap accessibility and fire escapes that are required by the North Carolina State Building Code may encroach into any required yard. When an accessibility ramp is constructed in a yard that adjacent to a public sidewalk, the ramp may encroach into the required yard to the extent necessary to connect to the sidewalk.*

Mr. Hickox stated that some goals are consistence with the 2035 Comprehensive Land Development Plan and could apply:

- Create walkable and attractive neighborhoods and commercial centers.
- Context-sensitive development.
- Promote a diverse housing stock including market rate workforce housing and affordable options appeal to a variety of households.
- Encourage creativity designed, mixed-use walkable centers and commercial districts that appeal to residents and visitors.
- Provide and interconnected transportation network of roadways, greenways, freight mobility bicycle routes, and sidewalks that improves safety and strategic address for all users.

A motion was made by Board Member Don McGowan, Seconded by Board Member Michael Blackburn to find the recommended text amendment to LDS Section 4.3.4 Encroachments as attached (or as amended) as being consistent with the 2035 Land Use Plan. The motion passed unanimously.

A motion was made by Board Member Marty Prevost, Seconded by Board Member Ginger Hain to recommend staff-initiated text amendment as attached (or as amended) to the Board of Aldermen.

2. Public hearing on 4.5 Accessory Uses and Structures (legislative proceeding).

Mr. Hickox stated the Table of Permitted Uses on page 8 of the staff report is an example to amend the LDS Section 4.5. Staff has added one more column to the chart to create equal size lots with the right size and number of the accessory uses and structures.

Mr. Hickox stated that some goals are consistence with the 2035 Comprehensive Land Development Plan and could apply

- Create walkable and attractive neighborhoods and commercial centers.
- Context-sensitive development.

Ms. Hain gave examples of some of her neighbors and suggest that the maximum number go up to 3,3,5. Some other board members gave their opinions and discussion began with different scenarios of what kind accessory structures and lot size and number of structures.

Mr. McGowan asked if staff could make changes and bring it back to the board. Mr. Hickox suggested a sub-committee and Chairman Smith agreed. The Sub-Committee consists of Don McGowan, Bucky Dykes Jr., Susan Smith. Mr. Hickox suggested a tour to look at various accessory buildings to provide visual examples. Chairman Smith said that the sub-committee will discuss with staff to decide on changes and bring result back to the board for approval.

3. Public hearing on Zoning Board of Adjustment initiated text amendment to Section 13.5 Non-conforming Uses and Structures (legislative proceeding).

Mr. Hickox stated the Land Development Standards Chapter 13 addresses non-conformities which generally are lots, uses and/or structures.

A nonconforming lot: is a lot of record that does not meet the dimensional requirements. (not grandfathered in)

Nonconforming Use: A nonconforming use is a use which was once a permitted use on a parcel of land or with a structure, or which precedes and Ordinances. (grandfathered in)

Nonconforming Structure: A nonconforming structure does not conform to dimensional, design locational, or other requirements of this Ordinance.

As written, the Land Development Standards interchange language among paragraphs creating confusion among how nonconforming uses and structures are addressed in the code. Mr. Hickox referred the Board to suggested language clarifying these paragraphs, specifically, 13.5.2 and 13.5.3, for Board review.

Mr. Hickox continued that staff believes that this text amendment is consistent with the 2035 Comprehensive Land Development Plan, because it clarifies rules associated with pre-existing non-conforming structures and how they can be re-used and restored. Specifically, this text amendment will:

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

- Create walkable and attractive neighborhoods and commercial centers.
- Encourage infill, mixed -use and context-sensitive development.

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

- Promote a diverse housing stock including market rate workforce housing and affordable options appeal to a variety of households.

Goal 5: Create opportunities for a sustainable economy.

- Encourage creativity designed, mixed-use walkable centers and commercial districts that appeal to residents and visitors.

A motion was made by Board Member Marty Prevost, Seconded by Board Member Susan Smith to find the recommended text amendment to LDS Section 13.5 Nonconforming Uses and Structures as attached as being consistent with 2035 Land Use Plan. The motion passed unanimously.

A motion was made by Board Member Marty Prevost, Seconded by Board Member Susan Smith to recommend Zoning Board of Adjustment initiated text amendment as attached to the Board of Aldermen. The motion passed unanimously.

4. Discussion and Board feedback on definitions and Zoning relative to Outdoor recreation.

Mr. Hickox stated on August 25, 2020 regularly scheduled meeting, the Board of Aldermen directed Development Services Staff and the Planning Board to “refer to the definition of “Recreation Facilities, Outdoor” for review. Mr. Hickox asked the Board to consider the current definition:

***Recreation Facilities, Outdoor:** Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campground, and golf courses and their customary accessory uses including, but not limited to maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters, This definition is inclusive of both non-profit and for-profit operations.(adopted in 2011 LDS).*

He noted that the definition appears to combine definitions from the previous 2006 LDS which had defined some of the uses in the uses listed distinctly. Mr. Hickox then shared definitions from other local government ordinances which the Board considered: Campgrounds, Camping Cabins, Park Model, Travel Trailer, Travel Trailer/RV Parks. Mr. Hickox then proposed new definitions as follows:

Recreation Facilities, Outdoor. Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, and riding stables and their customary accessory uses including, but not limited to, maintenance sheds, food concessions, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

Golf Course/Country Club. A clearly defined area designed for playing golf, consisting of a course of at least 9 holes, each with a tee, fairway, and green. Accessory facilities and uses may include, but are not limited to, clubhouses (with or without food and beverage service), locker and shower facilities, event facilities (ballrooms, pavilions, conference rooms, etc.), lodging facilities, driving ranges, the retail sale of golf-related merchandise,

maintenance buildings, and golf cart storage, rental, and sale facilities. This definition does not include miniature golf courses or stand-alone driving ranges.

Campground. A designated area in which tents or recreational vehicles may be set up for temporary occupancy. Accessory facilities and uses may include, but are not limited to, bathing facilities, swimming pools, the retail sale of camping-related merchandise, maintenance buildings, and picnic shelters.

There was Board discussion surrounding each of the definitions and how they might fit into the permitted uses table. Board Member Don McGowen stated that campgrounds should not be allowed into low-med residential districts. Ginger Hain said she did some research and she could not find any campgrounds within the city limits. Mr. Hickox stated that most people want campgrounds in natural areas. Board members John Thomas stated that there shouldn't be campground/RV parks in the city limits but should be out in the county. Board member Ginger Hain said that Waynesville is very fortunate to have State Parks, and National Parks around us, and many private campgrounds/RV parks in Maggie Valley. Mr., Hickox stated that one campground is in the Extra Territorial Jurisdiction in Lake Junaluska. Board members proposed that campgrounds and RV parks be excluded from all districts within the permitted uses table, indicating that they were more suited to rural, county areas as opposed to within the Town of Waynesville.

Mr. Hickox asked Attorney Ron Sneed to determine if Campground and Travel Trailer/RV park could be left off the permitted uses table all together. This would leave it blank all the way across the table that will explicitly mean that it is a prohibited use. Mr. Sneed indicated that he would have to consider whether that would be legal.

Board directed staff to move their recommendation on to the Board of Aldermen to avoid delay in getting proposed text amendment back to the Board as they requested.

A motion was made by Chairman Susan Smith, Seconded by Board Member Ginger Hain to have Mr. Hickox amend the definition in the definition chapter and update the Table of Permitted Uses. The motion passed unanimously.

Mr. Hickox summarized the planning board members directions stating that will draft the following changes for the Aldermen:

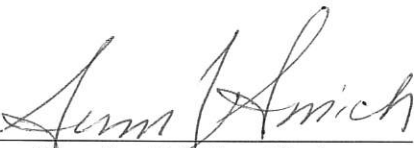
- Amend the definition of Outdoor Recreation Facilities, remove campground, and golf courses supplemental standards will continue to apply still be permitted where they are permitted.
- Add a definition in the definition chapter for campground and specifically prohibited in all districts.
- Add a definition in the definition chapter for RV/Travel Trailer park and specifically prohibited in all districts.
- Add a definition in the definition chapter for Golf Courses/Country Clubs will only be permitted in the 4 low density residential districts.

5. Discussion and Board feedback on definitions and zoning relative to hallway houses and other congregate care facilities.

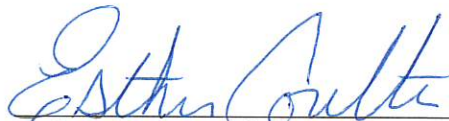
Board Member Bucky Dykes Jr. and Don McGowan are on the board of the Housing Authority and want to discuss with the Chairman if there is a conflict of interest before proceeding with this discussion. Chairman Susan Smith stated the board will continue with this discussion at next month's meeting.

C. ADJOURN

A motion was made by Board Member Bucky Dykes, seconded by Board Member Don McGowan to adjourn the meeting at 7:36 p.m. The motion passed unanimously.



Susan Teas Smith, Vice Chairman



Esther Coulter, Administrative Assistant

