

TOWN OF WAYNESVILLE

Planning Board

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

Development Services
Director
Elizabeth Teague

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

Regular Meeting of the Planning Board

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, April 15, 2024, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
 - Summary of Council actions on recent Planning Board recommendations
 - Board Appointments
 - Introduction of Town staff that participate in the Technical Review Committee
2. Approval of Minutes as presented (or amended):
 - February 26, 2024 Meeting Minutes
 - March 4, 2024, Meeting Minutes

B. BUSINESS

1. Public Hearing to consider the placement of an additional sign at Valleywood Farms Subdivision.
2. Public Hearing to consider text amendments pertaining to regulation of Short-Term Rentals.
3. Text amendment to update Child/Adult Day Care Home, and Residential Care Facilities.
4. Text amendment related to LDS corrections and updates, including protest petitions, tree preservation, and definition of townhomes, within multiple sections of LDS.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN

Waynesville Town Council Votes on the Planning Board Items 2023-2024

February 14, 2023

- Map Amendment for the property located at 465 Boyd Avenue (PIN 8605-96-8882) to create a Hazelwood Urban Residential MXO-3 District.
- Text Amendment to the LDS Section 17.3, Use Type Definitions, Personal Services to include tattoo parlors.

The text amendments passed unanimously.

May 23, 2023

- Stormwater Ordinance text amendment, Section 12.5 of the LDS: design standards and safety measures for stormwater control measures with steep slopes and tall banks (such as ponds).

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

- Map Amendment for the property located at 237 Ratcliff Cove Road (PIN 8626-00-9246).

The Council voted to rezone the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay-2, to be enacted 10 days after the Haywood County School Board achieves ownership of the property, and to limit the additional uses extended by the overlay to Government Services, and in so doing amending the Comprehensive Plan, Future Land Use Map to re-designate this property as "Community Facilities" in its land use typology.

June 27, 2023

- Text amendment to the LDS Section 5.10.2, Mixed-Use/Commercial Building Design Guidelines, Façade Materials.

The original text amendment was simply to add "metal panels and siding" to the list of permitted materials. The Town Council modified it by adding the following provisions:

Metal panels and siding may be used as a facade material on commercial buildings with the following restrictions:

- 1. Metal panels and siding may be used as a facade material only on commercial buildings located within Neighborhood Center, Business, and Regional Center Districts.*
- 2. Such metal panels and siding must consist of architectural-grade metal without a high-gloss finish. Standing seam metal panels may not be used as a façade material.*
- 3. The use of metal panels and siding as a façade material within a National Register Historic District or Local Historic District must be approved by the Historic Preservation Commission with the issuance of a Certificate of Appropriateness.*

The text amendments passed unanimously.

September 12, 2023

- Addition of an "Event Space" as a stand-alone use to the Land Development Standards (LDS): definition and supplemental standards.
- Creation of a Railroad Overlay District: purpose, standards, uses.
- Definition of "Freight Hauling/Truck Terminals."

The text amendments passed unanimously.

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.

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

Special Called Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786--
Monday February 26, 2024, 5:30pm

THE WAYNESVILLE PLANNING BOARD held a Special-Called Meeting on Monday, February 26th, 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.

Ginger Hain (Vice Chairman)
Stuart Bass
John Baus
Micheal Blackburn
Travis Collins
Jan Grossman
Tommy Thomas

The following board member were absent:

Susan Teas Smith (Chairman)
Peggy Hannah

The following staff members were present:

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

The following Attorney was present:

Ron Sneed, Town Attorney
Clint Cogburn, Attorney

Planning Board Minutes
February 26th, 2024

Vice Chairman Ginger Hain called the meeting to order at 5:32pm. Mrs. Hain welcomed everyone and asked Development Service Director Elizabeth Teague to give the announcements. Ms. Teague stated the Town will hold a public workshop on the Railroad Corridor Overlay District February 29th, 2024, at 5:00pm at the Recreation Center. The Planning Board will hold a Special Called Meeting on March 4th, 2024, and a regular meeting on March 18th, 2024.

Ms. Teague stated that the Town had been asked by an attorney to continue the hearing that was scheduled for today on the Longview Conditional District request. Attorney Clint Cogburn, with Ward and Smith P.A. Asheville, NC asked to address the Board and stated that he represents property owners who are near the Longview subdivision. He asked for the Board to consider granting a continuance until March 18th, so that he and his clients could meet and so that he could gather further information from the applicant.

Board member Michael Blackburn asked Ms. Teague to give the procedure of an application. She stated that the standard application process requires a Technical Review Committee, the town gives feedback prior to the formal application, then the town requires a neighborhood meeting. Hearings are scheduled based on meeting notification requirements in the Ordinance which requires 2 weeks of advertising.

Ms. Teague added that since this application is a conditional district request, there will be another public hearing with the Town Council. Attorney Ron Sneed added that the decision to respond to this request is at the Board's discretion. Mr. Patrick Bradshaw, representative for the applicant, asked to speak requesting that the Board not delay the hearing. He stated that his clients had acted in good faith to make an application and to meet the Town's requirements for this meeting.

After discussion among board members, Ms. Hain asked everyone to return to the agenda in order for the applicant and the public present to be heard.

2. Approval of Minutes as presented or amended.

A motion was made by Board member John Baus seconded by Board member Jan Grossman to approve the minutes for December 18th, 2023, Planning Board meeting. The motion passed unanimously.

A motion was made by Board member Jan Grossman seconded by Board member John Baus to approve the minutes for January 22nd, 2024, Planning Board meeting. The motion passed unanimously.

B. BUSINESS

Vice Chairman Ginger Hain read through the procedures of the Conditional District Zoning Amendment hearings and noted that if there was anyone that wanted to speak to fill out the comment card and give it to the clerk.

1. Conditional district zoning amendment for a 7.9-acre unaddressed parcel between Asheville Road and Ratcliff Cove Road (PIN 8626-00-1383). The proposal is a site plan for Biltmore Baptist Church.

Vice Chairman Ginger Hain opened the public hearing at 5:53p.m.

Land Use Administrator Olga Grooman presented her staff report. The applicant is requesting a Conditional District Rezoning in order to develop the property for Biltmore Baptist Church Campus it's 7.9-acre parcel with a 25,000-sf building that will consist of a lobby, 416-seat worship center, stage, grade school worship room, pre-school worship room, multiple classrooms, student areas, storage rooms, nursing mothers' room, restrooms, lockers, offices, coffee, and flex rooms. Outdoor amenities include a tot play area on the north side and pergola on the south side.

Ms. Grooman read from the staff report explaining the purpose of Conditional Districts, the definition of a religious institution, and the purpose and intent statement for the Raccoon Creek Neighborhood Center District.

Ms. Grooman went through the Land Development Standards to review how the site plan was consistent or lacking in the Town requirements. She referred to the staff report to explain that her comments are in red.

She suggested that the request is consistent with the 2035 Plan's goal: 1 Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill, mixed use, and context-sensitive development.
- Reinforce the unique character of Waynesville

Also that the property is designated as mixed-use / community on the Future Land Use Map within 2035 Comp Plan. She felt that the project is reasonable and in the public interest as it creates a diverse mix of community facilities along Asheville Road. The proposed church integrates both long-term zoning vision for the area and community benefits for the residents. It also increases the stream buffer along Raccoon Creek and stays outside of the floodway area.

Ms. Grooman answered questions from board members.

Board member Tommy Thomas asked if the Fire Marshall had any comments or concerns about the 249 parking spaces and the possibility of them leaving or entering at one time. Ms. Grooman stated the Fire Marshall had reviewed the plans, and they did not express any concerns or comments they comply with all the requirements as presented.

Board member Jan Grossman asked about parking in the front (zone 1) of the building and asked about the exit out onto Asheville Rd if it was right turn only and Ms. Grooman confirmed that it would be right turn only.

Applicant Neil White Administrative Pastor of Biltmore Baptist Church stated that Biltmore has seven campuses in Western North Carolina. Research conducted during and after Covid found that

people in Waynesville were watching services remotely. The church determined that Waynesville support a church campus and that there was enough interest to look for an additional church site. Mr. White stated that the facility will offer a First Responders room, that emergency services personnel could access and find water and coffee. He hopes the facility will be a resource for volunteer teams or those doing mission work. Mr. White told the board that the church contracts with police officers to assist with directing traffic during the services and the church will not have a full kitchen so they will cater local businesses for events. He also indicated that they foresee only having regular services on Sundays and that they had been successful with traffic management on their other campuses. The church provided a traffic impact analysis.

Vice Chairman Ginger Hain asked if there were any other questions or comments, and closed the public hearing at 6:31p.m.

The Board deliberated. Ms. Hain stated that this property is a major gateway into town, and it will define the town for generations to come. Ms. Hain summarized Board discussion on conditions already mentioned:

1. Transportation Impact Analysis complete.
2. Buffer and preservation of the trees along Asheville Hwy and/or work with staff if removal needed (town planted 25 yrs ago).
3. Sidewalks along Asheville Hwy could be reduced to 5ft. in order to preserve existing plantings and this will match the sidewalk on the other side of Asheville Highway. But the applicant should build the sidewalk and not be allowed to pay a fee in lieu of construction.
4. Parking would be allowed in the front.

Board member Jan Grossman stated his concerns regarding the façade. He stated that he would not want that kind of building as the entrance into Waynesville and stated it looked like storage building or place in a mall. Parking in front makes it look even more like a mall. There was discussion about the façade and if the church could add some elements to the architecture to avoid the look of the metal building.

A motion was made by Board member John Baus seconded by Board member Michael Blackburn to recommend approval of the Conditional Zoning District on the following conditions, Façade Articulation on both the sides of the building, parking in zone one, in the front of the building be allowed, the reduction on the sidewalks along Asheville hwy be allowed with the protection of the adjacent legacy trees, sidewalk required on the Ratcliff Cove side that ties into the existing sidewalk at the round-about, and that the Traffic Impact Analysis be completed.. The motion passed 5 for and 1 opposed.

A motion to recommend to the Town Council by Board member Tommy Thomas. Seconded by Board member Stuart Bass, that approval of the zoning amendment is consistent with the Town's Comprehensive Land Use Plan with Goal 1 to promote smart growth principles in land use planning and zoning conditions encourage in-fill, mixed use, and context-sensitive development to reinforce the unique character of Waynesville.

2. Conditional district zoning amendment for a 3.49-acre portion of the parcel (PIN 8604-99-9023) off Longview Drive within Waynesville Inn and Golf Club property. The proposal is to create a subdivision of 12 residential units.

Patrick Bradshaw asked to address the Board on the request for the continuance which was placed on the table by the attorney. He stated that he is an engineer with Civil Design Concepts and speaks for his clients of the Waynesville Golf Club. He said that he understands the request, but that public notice was given by 2 newspaper notices on the 7th and 14th of February. The property was also posted on the 2nd of February. His concern is that people had to travel distances to attend the hearing and that it does not seem fair to have it continued for 30 more days. A neighborhood meeting invited 120 individual property owners to join and share their concerns with only 25 attending. Now there's an attorney at the hearing representing 10 people, but only 2 are present to speak. Mr. Bradshaw said he is prepared to speak on issues tonight and to try and address the neighbors' concerns.

Ms. Hain asked Attorney Ron Sneeds for clarification, and he stated that it is up to the Board. If they would like to hear the presentation and public comment. The Board can always decide to continue the hearing at any time. Chair Hain asked the Board members who expressed their opinions to proceed.

A motion made by Board member Tommy Thomas, seconded by Board member Michael Blackburn to continue with the agenda and not grant the continuous at this time.

Vice Chairman Ginger Hain opened the public hearing at 6:58p.m.

Land Use Administrator Olga Grooman gave her presentation: The applicant is requesting a Conditional District Rezoning for 3.49-acre portion of the 102-acre property at 176 Country Club Drive is proposed as a subdivision of 12 individual lots of varying sizes for single-family homes. Single-family dwellings are permitted outright in CC-RL (LDS 2.5.3). Chapter 17.3 of the LDS. The area is within Waynesville Inn and Golf Country Club's property and within the corporate limits of the town. The project is seeking flexibility in lot size, lot width, pedestrian facilities, civic space, alternative landscape plan, and driveway.

Ms. Grooman said the project was reviewed by the Technical Review Committee in November of 2022, and an application for the Conditional District was filed in January, 2024. Staff provided notices of this public hearing in the Mountaineer newspaper (2/7/24 and 2/14/24), by posting the property (2/2/24), and via first-class mail to adjacent property owners within 500 ft (2/2/24).

Ms. Grooman said per LDS section 15.3.7, the project team held the neighborhood meeting at Waynesville Inn and Golf Club on February 19, 2024, between 3-5 pm. Staff members (Olga Grooman) attended the meeting. She stated that the attendance and notes from the meeting were handed out.

Ms. Grooman thoroughly went through the Zoning Compliance sections of the Land Development Standard. The site plan shows lots that are smaller than the minimum lot size. She also noted that the applicant is counting the golf course as their civic space. The proposed internal roadway and sidewalks are compliant.

Patrick Bradshaw, Civil Design Concepts, representing the applicant Waynesville Golf Course, started by saying that the developer is certainly willing, open, and able to meet with anyone between now and the next meeting to talk about concerns, ideas and whatever else. Mr. Bradshaw stated that these lots will be sold and developed by individual homeowners with restricted codes of what they can and can't do, including architectural design. Mr. Bradshaw shared that the Country Club has invested in work and renovations to the Club and the Course, and that the new cottages being constructed near the golf course are indicators of the investment and quality of design.

Mr. Bradshaw continued by saying that the Land Development Standards within the district allow density of 6 units per acre by right. He explained Townhomes are three or more units connected so, 6 town homes could be built per acre up to 12 units per acre with special use permit. The Country Club is proposing small single family homes instead of a town home complex in order to be more in step with the neighborhood. He noted that the project sight slopes away from Longview Drive and that the proposed lots and street would be below Longview Drive. Drainage will be directed to an existing pond on the golf course for storm water runoff.

Emily Clark, Clark Lanning Architects presented pictures of the architectural guidelines that are being written. She stated that it is the Country Club's intention to have the property owners build to the design standards and respect the surrounding neighborhood. She also noted that the guidelines accommodate different styles, that a buyer could choose from and so there is not one prototype. She stated that the guidelines are similar in character to the Cottage Development also being built. She state that the maximum height of the homes would be 1.5 stories.

Chair Hain asked if there were any questions from the Board and then asked for public comment.

Public Comment

Carol Feichter has concerns that the lots are too small, and they are not compatible with the neighborhood she stated if the lots were bigger there wouldn't be a problem.

Steve Crider said that he was not a part of the 10 people who hired the attorney. His concern is who was going to enforce the architectural guidelines due to another house that was built in the area that lacked guideline enforcement.

Bo Prevost, asked for some zoning clarification on the lot size for these two projects, if this is approved does that allow anyone to build on that small of a lot or do they need to come before board. Does the board actually go visit sites. Ms. Hain answered that individual board members go to visit sites on their own, and that the conditional district application only applies to the property in the application.

Annette Brun likes the look of the new golf course. She moved here 18 months ago and would like to see bigger lot size. She referred to the site plan and stated that lots are shown that are .14, .17, .16, up to .2ish in size. These are well below the minimum lot size for the district. Also, she wondered if old Pine Trees were being replaced and if there would be an HOA over this subdivision.

Clint Cogburn, Attorney, stated that the applicant is asking for leniency on lot size, width, design standards, civic space, landscaping, and asking neighborhood to trust them. He stated that the applicant should give more clarity to the plan. He said that this is too many requests for a conditional district.

Harry McCracken, stated that he lives at the lowest point in the neighborhood, and anything built will obstruct our view. He is concerned about added traffic, and asked if a traffic study was done. There are a lot of blind curves on Longview and it is already a dangerous road. If stated that if these are short term rentals then you will have 4 guys golfing so there would be 4 cars in each unit. He is also concerned of negative impact on property value.

Gerry Gilbert said that no one has mention a soil study. The golf course uses fertilizers and this has been the case over a hundred years. He feels that the soil could be contaminated and asked the board to have it tested.

Robert Earnest stated there are three issues with Longview Drive down to the Country Club. People speed down the road at 50-60mph. Perhaps they should look at speed humps. Also sewer in that area was put in long time ago and his sewer had broken terracotta pipelines. He stated that sidewalks are needed to the end of the street.

Linnea Meaden stated that her concerns were that there was little signage and no stop signs. People travel at top speeds. She said that the area desperately needs sidewalks to connect because of pedestrians walking with kids, dogs, and families. She feels neighborhood safety is the number one issue.

Dennis Sullivan stated that there is a need to have some control over the individual lots more than just the applicants assurances - like how tall will a home actually be when the home sits on the lot. He suggested that there should be drafted HOA documents that are approved. Just being shown drawings doesn't assure that the homes would be built to any standard.

Gretchen Clasby stated that there are 11 blind curves from Country Club to Brunswick Dr. There is a lot of extra traffic that comes from S. Main and uses Longview drive as a cut-through. She said that we need people to slow down and we need sidewalks.

Vice Chairman Ginger Hain asked if anyone else wanted to speak and closed the public hearing at 8:07p.m.

A motion was made by Board member Jan Grossman, seconded by Board Member John Baus

to recommend to deny the request for Conditional District Zoning Amendment.

The Board discussed the motion. John Baus suggested that the applicant should go back to the drawing board. Ms. Stuart Bass clarified that the Board was not approving the Conditional District but only making recommendation. He stated that he thought the Board should continue the hearing to give the neighbors and the applicant more time to meet. Chair Hain stated that there was a motion and a second on the table and asked if it should be amended. After further discussion, she but called for a vote. The Vote was 2-7, to deny the application.

A motion was made by Board member Stuart Bass, seconded by Vice Chairman Ginger Hain to continue the hearing until March 18th, 2024, meeting. The motion passes unanimously. Vice Chairman

Vice Chairman Ginger Hain to recess for 5 minutes.

Vice Chairman Ginger Hain called meeting back to order at 8:21p.m.

3. Conditional district zoning amendment for 10.99-acre portion of the parcels (PIN 8614-27-1901 and PIN 8614-27-7912) off Greenview Drive within Waynesville Inn and Golf Club property. The proposal is to create a subdivision of 13 residential units.

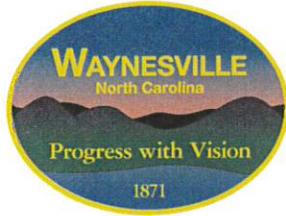
A motion was made by Vice Chairman Ginger Hain to continue this public hearing until March 18th, 2024. Board member Travis Collins seconded the motion. The motion passed unanimously.

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 8:23pm.

Susan Teas Smith, Chairman

Esther Coulter, Administrative Assistant



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Special Called Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786--
Monday March 4th, 2024, 5:30pm

THE WAYNESVILLE PLANNING BOARD held a Special-Called Meeting on Monday, March 4th, 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
Travis Collins
Jan Grossman
Tommy Thomas

The following board member were absent:

Michael Blackburn
Peggy Hannah

The following staff members were present:

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

The following Attorney was present:

Ron Sneed, Town Attorney

Planning Board Minutes
March 4th, 2024

Chairman Susan Teas Smith called the meeting to order at 5:28pm. Mrs. Smith welcomed everyone and asked Development Service Director Elizabeth Teague to give any announcements. Ms. Teague stated the Town will hold a public hearing on the March 18th regularly scheduled meeting.

Ms. Smith read through the public hearing procedures and opened the hearing at 5:36pm.

Land Use Administrator Olga Grooman gave her presentation. The major site plan proposed for PIN 8615-33-9978, would create 4 individual lots out of the existing 1.1-acre parcel and place a duplex on each lot with shared driveway access. Each duplex will be a (2) two-story, 975- sf, 2-bedroom, 2.5 bath units with separate entrances from the street. The property is located between Oakdale Road and Grayden Street and is in Pigeon Street Neighborhood Residential (PS-NR) zoning district. All units will face Oakdale Rd.

Ms. Grooman stated this procedure is an administrative decision in which the planning board is the Administrator providing review in accordance with LDS Section 15-8.2 Site Plan/Design Review (Major). The Planning Board must find the following facts to be true to approve the major site plan:

1. The plan is consistent with the adopted plans and policies of the Town.
2. The plan complies with all applicable requirements of this ordinance; and
3. The plan has infrastructure as required by the ordinance to support the plan as proposed

Ms. Grooman stated in the 2035 Comprehensive Land Use Plan (p. 26), this property is designated as Residential- Medium to High Density on the Future Land Use Map. Which reads:

Located on lands suitable for higher density residential development that are readily accessible and where utilities are available. Uses are the same as those in the low/medium category above but with increased densities generally five to ten units per acre (5-10 units /acre) with some higher density in the Urban Residential zoning district and/or with Special Use Permits. Development should provide sidewalks or multi-use paths and connect to parks, schools, and commercial areas. Types of development include: Patio homes, Townhomes, Bungalow courts, and Multifamily.

Ms. Grooman suggested that the proposed project is also consistent with the 2035 Comprehensive Plan's goals to:

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

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

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

- Encourage new housing inside city limits and extraterritorial jurisdiction (ETJ).
- Promote a diverse housing stock including market rate, workforce housing and affordable options that appeal to a variety of households.

Ms. Grooman went through the staff report reviewing the Land Development Standards that applied to the project and identifying how the site plan complied.

Board member John Baus asked about sewer taps and extension for each unit. Ms. Teague explained that the Town is under an order of consent with the State of North Carolina while the town repairs the sewage plant. The Town is not allowed to add new sewer lines that extend the sewer system, but the Town can add taps to existing sewer lines. This project will run individual taps for each unit onto the existing sewer line.

Mr. Baus asked for the record to show that the lots across the street are larger in size. He expressed concern about the density and the lot size being proposed and how different it is from the surrounding properties. Mr. Baus also asked about the sidewalks and the Public Works request to maintain the edge of the roadway for stormwater and drainage. The Board and staff discussed options for alternative sidewalk locations. Mr. Baus felt that there is not enough information for the Board to decide.

Chair Smith asked to hear from the applicant.

Applicant Jeff Powell explained to the board that when he purchased the property from the Town, his plan was to split the land into 2 parcels for 2 single family homes. On the original deed the water line was shown in the wrong location. He expressed that it is not financially feasible for the town to move the water line. The best investment plan for him was to separate the lots and stagger the buildings around the water lines. He would like to create units that could be sold to families.

Ms. Teague clarified that once the actual location of the lines was found, that the Town did offer to buy the land back from Mr. Powell.

Public Comment:

Chris Amsler who lives off of Oakdale said he apologizes to his neighbors. He stated he was the one who tried to buy the property which triggered a bidding process, and he got out bid. He wanted to preserve some green space in the neighborhood. His concerns are that when torrential rain happens that area gets a lot of water. This project will create more stormwater. Mr. Amsler said that after they do or don't do the required sidewalk the Town will come across the road and want to put sidewalks in their yards.

Ralph Michael said he and his children talked about the project and came up with 4 items:

1. Compatibility- The surrounding area is all single-family homes, and this project will not be compatible with the density of the neighborhood.
2. Safety – The project will add cars to the area on an already dangerous road.
3. Pedestrians are repeatedly mentioned in the 2035 Comprehensive Plan, but you can't walk or ride your bikes along Oakdale because cars go way too fast. There is a need for sidewalks but the development is asking for a fee in lieu of building them.

4. Drainage- when it rains the culvert on the property fills to the top and stormwater runs into the road. Another culvert that needs fixing is nearby on Broad Street. This development is going in where there is already a stormwater problem.

Kristy Michael-stated that when Mr. Powell purchased the property, he was going to make it 2 single family homes. The 2035 Comprehensive plan has consideration of putting multi-family units in larger family home areas. She stated that after seeing that the property went up for sale in January, 2023 she looked up one of the Town Council meetings minutes and that it states that Development Services said that 4 homes could be placed on the property. She also said that one of the Town Council members said to sell the land, because it doesn't support housing due to it being so narrow. Ms. Michael stated that the drainage is awful, and their basement floods, and the neighbor has cement bags lining his garage to keep water out. She asked the board to reconsider that 8 units will add 16 cars and 32 people from Pigeon St. to Broad St.

Bill McCracken-stated that with the drainage issues, cars backing out into Oakdale Street, and other issues mentioned, he wants to stress his disapproval of this project.

Kim Walzer-said she believes the water line was placed there due to the lot being small, narrow, and unbuildable. Ms. Walzer agrees that Waynesville needs housing but not on this lot.

Whalen Dillon-says that he has a 5-year-old that runs around and plays on that lot. He stated that there is a drainage problem in that area. He said they would like to have pedestrian access, but also a safer road. Mr. Dillon said 16 more cars coming up and down the road is not safer. His son said he doesn't want his field to go away. He stated he echoes all of the other comments.

There was Board discussion regarding drainage. Ms. Grooman clarified that 88% of the property was to stay impervious. She stated that there is a drainage plan in place for the development and that the developer had indicated that he would build the sidewalks or pay a fee in lieu whichever the Board decided. Mr. Powell is ok with either option and will have to address the drainage in either case.

Mr. Baus asked about the town owning the property and where the water line is located. Mr. Powell came back to the podium to explain that the town has GIS mapping that shows all utilities, and the waterline is shown close to the swale on his property. Mr. Powell had his own search of the water lines done, and found that there is a 35-foot difference from what was shown on the mapping. Instead, the waterline runs through the lot toward the center of it.

Ms. Smith asked Ms. Grooman to clarify the density allowed. Ms. Grooman said that the base density allowed for the district is 10 units per acre and 16 units per acre with a special use permit. The applicant is staying within the base density in proposing 8 units on a lot that is just over an acre.

Ms. Smith asked if there were any other questions or comments and closed the public hearing at 6:28pm.

The board deliberated. There was continued discussion regarding the concerns for runoff and drainage. Ms. Grooman stated they are working closely with Public Service Director Jeff Stines. He has been out to the site several times and sent his report. The board asked for guidance from Attorney Ron Sneed. The board deliberated the Public works request to keep the area along the edge of Oakdale available for roadway run-off and as an existing swale for stormwater. There was also discussion that sidewalks were important and that the Board did not think that a fee-in-lieu was appropriate in this case. There was discussion on other locations where a sidewalk could be placed. Mr. Powell indicated that he would work with Town staff and public works to construct sidewalks however directed.

A motion was made by Board member Jan Grossman, seconded by Board member Tommy Thamas to accept the proposal for the major site plan as proposed, because it is consistent with 2035 Comprehensive Land Use Plan, Goals 1 and 2, and contingent upon the developer providing a sidewalk plan to be approved by staff. The motion passed unanimously.

C. ADJOURN

A motion was made by Vice Chairman Ginger Hain, seconded by Chairman Susan Teas Smith, to adjourn the meeting. The motion passed unanimously. Meeting adjourns at 6:49pm.

Susan Teas Smith, Chairman

Esther Coulter, Administrative Assistant

Planning Board Staff Report

Subject: Review of Neighborhood Entrance Sign for Valleywood Farms
(PIN 8615-87-6831)
Ordinance Section: Land Development Standards Section 11.6.2
Applicant: Carolina Pools, LLC
Meeting Date: April 15, 2024

Background

The applicant, Carolina Pools, LLC, submitted and was approved for a neighborhood entrance sign for Valleywood Farms Subdivision, located on Sunnyside Road on the former Queen Farm property, in September of 2023. They are now requesting a second sign on the other side of the entry road to the Subdivision.

The property is located within the Raccoon Creek Neighborhood Residential District, and the maximum size for a sign within this district is 16 square feet and 4 feet tall. The proposed structure would be 5.6' above ground with a 5.6 square foot base. The proposed sign is designed to match what the Planning Board already approved in terms of material and scale.

Land Development Standards Section 11.6.2 specifically states that Neighborhood Entrance Signs are "subject to Planning Board design approval," with the criteria that such signs "shall be professionally designed and produced using high-quality materials and shall be appropriate in size, number and dimension for the neighborhood or district being identified."

Staff Recommendation

Although the Land Development Standards provides no specific dimensional criteria or guidance for the Planning Board to use in the design approval for a subdivision entrance sign, staff recommends that the Planning Board consider the character of the neighborhood and the scale of the sign structure in relation to the surrounding area.

The Valleywood Farms Subdivision, while a large-scale development, will consist of single-family dwellings on small individual lots. The development is surrounded by single-family properties, a church, and agricultural land. The size and scale of this proposed sign seems appropriate to the scale of this large subdivision.

Requested Actions

1. Motion to approve or disapprove the submitted Neighborhood Entrance Sign for Valleywood Farms.

VALLEYWOOD FARMS - MONUMENT 2



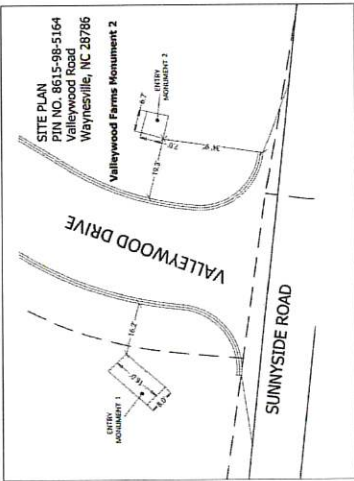
PROJECT CONTACTS

OWNER
DR Horton
80 Peach Tree Road, Suite 200
ASHEVILLE, NC 28803
CONTACT: CHUCK WILKEN
T: 828-482-4690
CAWILCKEN@DRHORTON.COM

BUILDER
CAROLINA POOLS LLC
1062 BATESVILLE ROAD, SUITE B
GREER, SC 29650
CONTACT: PAUL ADAM
T: 864-655-7016
PAUL@CARLINAPOOOLS.LLC.COM

SHEET INDEX		
NO.	SHEET NAME	REV. DATE
EM-0	COVER SHEET	1/20/24
EM-1	CONSTRUCTION NOTES	1/20/24
EM-2	MONUMENT DIMENSIONS	1/20/24
EM-3	SOLAR LIGHT LAYOUT	1/20/24

SITE MAP



VICINITY MAP



Carolina Pools LLC
1062 S. Batesville Rd.
Greer, SC 29650
TEL: (864) 655 7016
carolinapoolsllc.com

CLIENT

DR.HORTON

VALLEYWOOD FARMS
ENTRANCE MONUMENT 2
WAYNESVILLE, NC 28786

NO.	REVISIONS	DATES

SEAL:



Drawing Name:

Cover Page

PROJECT NO.	018
DESIGNED BY: PAUL	DRAWING NO.
SCALE: 1/4" = 1'	EM-0
DRAWN BY: INAH	
VERIFY BY: PAUL	
START DATE: 20 JAN 2024	REVISION # 00

Carolina Pools, Inc.
1062 S. Batesville Rd.
Greer, SC 29650
TEL: (864) 855 7016
carolinapoolsllc.com

CLIENT

DR. HORTON

VALLEYWOOD FARMS
ENTRANCE MONUMENT 2
WAYNESVILLE, NC 28786

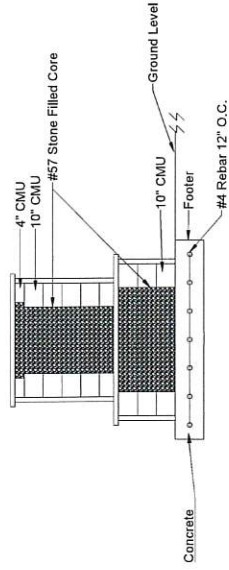
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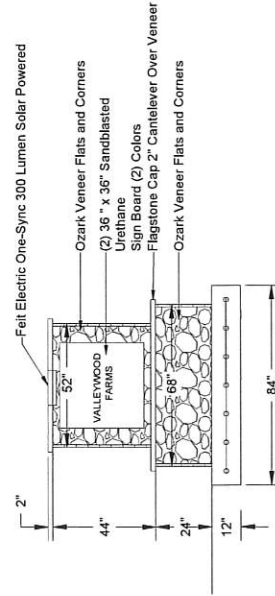
Drawing Name:

MONUMENT DIMENSIONS

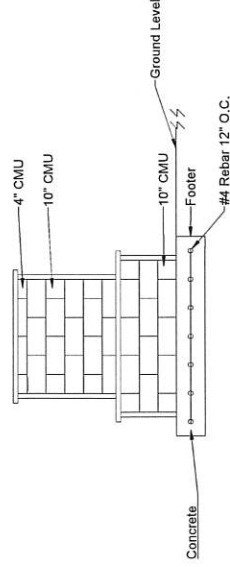
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SCALE: 1/2"=1'	
DRAWN BY: IVAN	EM-2
CHECKED BY: PAUL	
START DATE: 30 JAN 2024	REVISION #
	00



Structural Sectional View



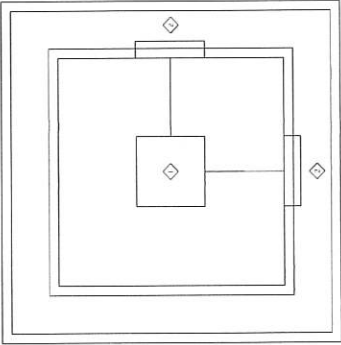
Architectural View





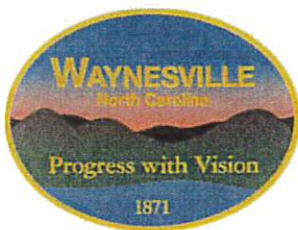
Structural Side View

EQUIPMENT LIST		
QTY	TYPE	INFO
(2)	SOLAR LIGHT	Felt Electric One-Sync 300 Lumen Solar Powered
(1)	SOLAR PANEL	Bronze Finish, Color Temp (K) 3000 Downward Facing

EQUIPMENT LEGEND		
MARK	DESCRIPTION	SYMBOL
1	SOLAR PANEL	□
2	SOLAR LIGHTS	—



<div><p>1062 S. Batesville Rd. Greer, SC 29650 TEL: (864) 666 7016 carolinapoolsllc.com</p></div> <div>CLIENT DR. HORTON</div>	<div>WAYNEWOOD FARMS ENTRANCE MONUMENT 2 WAYNESVILLE, NC 28786</div> <div><table><tr><td>NO.</td><td>EMISSIONS & REVISIONS</td><td>DATE</td></tr><tr><td>1</td><td></td><td></td></tr><tr><td>2</td><td></td><td></td></tr><tr><td>3</td><td></td><td></td></tr><tr><td>4</td><td></td><td></td></tr><tr><td>5</td><td></td><td></td></tr><tr><td>6</td><td></td><td></td></tr><tr><td>7</td><td></td><td></td></tr><tr><td>8</td><td></td><td></td></tr><tr><td>9</td><td></td><td></td></tr><tr><td>10</td><td></td><td></td></tr></table></div> <div><div>SEAL: </div><div>Drawing Name: SOLAR LIGHT LAYOUT</div></div>	NO.	EMISSIONS & REVISIONS	DATE	1			2			3			4			5			6			7			8			9			10			<div>PROJECT NO: 018</div> <div><table><tr><td>DESIGNED BY: PAUL</td><td>DRAWING NO.</td></tr><tr><td>SCALE: 1"=1'</td><td>EM-3</td></tr><tr><td>DRAWN BY: IVANI</td><td></td></tr><tr><td>VERIFY BY: PAUL</td><td></td></tr><tr><td>START DATE: 20 JAN 2024</td><td>REVISION # 00</td></tr></table></div>	DESIGNED BY: PAUL	DRAWING NO.	SCALE: 1"=1'	EM-3	DRAWN BY: IVANI		VERIFY BY: PAUL		START DATE: 20 JAN 2024	REVISION # 00
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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

Sign Permit

This form must be accompanied by scale drawings of all proposed signs, showing their placement on buildings, and a site plan showing the proposed location of any ground signs. If all proposed signage cannot be indicated on this form, please complete additional forms.

Property Street Address: Valleywood Dr. PIN: 8615-98-5164
 Business Owner(s): D.R. Horton Telephone: (828)333-3380
 Business Owner Mailing Address: 80 Peach Tree Rd. Ste. 200
 Zoning District: Raccoon Creek Overlay District (If Applicable) _____

Proposed Signs (Complete all that apply)

Ground Sign(s) Sign Dimensions: 36" x 36" Sign Height Above Grade: 30"

Is the sign illuminated? Yes ☒ No ☐ If yes, is the illumination internal ☐ or external ☒?

Building Sign(s) – Maximum of 3 building signs per façade

Building Face Dimensions: Wall Height: _____ Wall Length: _____

Building Sign(s) Dimensions: Sign #1: _____ Sign #2: _____ Sign #3: _____

Is the sign(s) illuminated? Yes ☐ No ☐ If yes, is the illumination internal ☐ or external ☐?

Window/Door Sign(s) – May not exceed 25% of the window/door area

Window Sign Dimensions: _____ Window Dimensions: _____

Temporary Sign(s): Type of Sign – Ground ☐ Building ☐

Ground Sign Dimensions: _____ Ground Sign Height Above Grade: _____

Building Sign Dimensions: _____ Building Wall Dimensions: _____

Start Date: _____ End Date: _____

Office Use Only

This signature authorizes the installation of all signage described above and in required attachments. Any deviation from the sign dimensions or placement described above and in any attachments shall require resubmittal, approval, and the issuance of a new Sign Permit. All fees are determined by the adopted fee schedule on the date of this permit.

Development Services Staff Signature

Date



DEVELOPMENT SERVICES DEPARTMENT
 9 South Main St. Suite 110
 Waynesville, NC. 28786
 Phone: 828-456-8647 Fax: 828-452-1492

OFFICE USE ONLY

PIN NUMBER: _____

☐ FLOOD ZONE

LAND DISTURBING PERMIT: _____

Driveway Permit _____

Total permit fee: \$ _____

COMMERCIAL BUILDING PERMIT APPLICATION

PLEASE PRINT CLEARLY	Property Address	City/ Zip	
	NAME	MAILING ADDRESS-NUMBER, STREET, CITY & ZIP	PHONE NUMBER
APPLICANT	Last Adam	1062 South Batesville Rd. Ste. B	(864)655-7016
	First Paul	Greer, SC 29650	
PROPERTY OWNER	Last		
	First		
GENERAL CONTRACTOR	Company Carolina Pools	1062 South Batesville Rd. Ste. B	(864)655-7016
	License # 87063	Greer, SC 29650	
ELECTRICAL CONTRACTOR	Company IES Residential	4400 Morris Park Dr. Ste. C	
	License # 27096	Charlotte, NC 28227	
PLUMBING CONTRACTOR	Company Carolina Pools	1062 South Batesville Rd. Ste. B	(864)655-7016
	License # 87063	Greer, SC 29650	
MECHANICAL CONTRACTOR	Company		
	License #		
GAS LINE	Company		
	License #		

PROVIDE INFORMATION REQUESTED-INCOMPLETE APPLICATION CANNOT BE PROCESSED

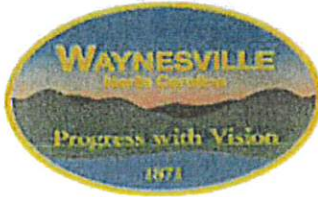
TYPE OF WORK	TYPE OF OCCUPANCY	TYPE OF CONSTRUCTION
<input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Describe Nature of Work Subdivision entrance <u>Monument/Sign</u>	<input type="checkbox"/> Assembly <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> Business <input type="checkbox"/> Educational <input type="checkbox"/> Factory <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> Hazardous <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> Institutional <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> Mercantile <input type="checkbox"/> Residential <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> Storage <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> Utility	<input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V BUILDING AREA Area Under Construction <u>50</u> sq.ft FIRE PROTECTION Sprinklers <u>yes</u> <input checked="" type="checkbox"/> no Fire Alarm <u>yes</u> <input checked="" type="checkbox"/> no *Required** COST OF PROJECT <u>\$18,000.00</u>
PLAN FILE # _____		

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction shall conform to the regulations in the North Carolina Building Code and all other codes and regulation or private building restrictions, if any, which may be imposed on the above property by deed.

Signature

Address

1062 S. Batesville Rd. Greer SC 29650



Development Services Department
9 South Main Street, Suite 110
Waynesville, NC 28786
Phone: 828-456-8647 Fax: 828-452-1492

AFFIDAVIT OF WORKERS' COMPENSATION COVERAGE
N.C.G.S. 87-14

The undersigned applicant for Building Permit # _____ being the

☒ Contractor ☐ Owner ☐ Officer/Agent of the Contract or Owner do hereby aver under penalties of perjury that the person(s), firm(s), or corporation(s) performing the work set forth in the permit:

☒ has/have three (3) or more employees and have obtained workers' compensation insurance to cover them,

☐ has/have one or more subcontractor(s) and have obtained workers' compensation insurance covering them,

☒ has/have one or more subcontractor(s) who has/have their own policy of workers' compensation covering themselves,

☐ has/have not more than (2) employees and no subcontractors,

while working on the project for which this permit is sought. It is understood that the Inspection Department issuing the permit may require certification of coverage of workers' compensation insurance prior to issuance of the permit and at any time during the permitting work from any person, firm or corporation carrying out the work.

Company Name: Carolina Pools, LLC

Signature: _____

Date: 2/15/2024

Official Seal Notary Public

Sworn to and subscribed before me this 15 day of February, 20 24

James Babbitt
SIGNATURE OF NOTARY

December 18 2033
MY COMMISSION EXPIRES



James Babbitt
NOTARY PUBLIC
State of South Carolina
My Commission Expires
December 18, 2033



Development Services Department
9 South Main Street, Suite 110
Waynesville, NC 28786
Phone: 828-456-8647 Fax: 828-452-1492

AFFIDAVIT AS TO STATUS OF LICENSURE N.C.G.S. § 87-1

To Permit Applicant: Please check the appropriate lines, provide the requested information, and sign and date below.

- ☐ I propose to construct a new building.
- ☐ I propose to set-up a properly labeled modular building.
- ☒ I am a North Carolina licensed general contractor. My license number is 87063.
- ☐ I am not a North Carolina licensed general contractor. The cost of the project I am entering into does not exceed \$30,000.00 per N.C.G.S. § 87-1.
- ☐ I am not a North Carolina licensed general contractor. I am providing to the local inspection jurisdiction a \$5,000 surety bond in accordance with N.C.G.S. § 143-139.1. (Modular set-up only)
- ☐ I am the owner of the proposed building. It is my intention to act as my own general contractor for constructing the proposed building or for setting up the proposed modular building. I have entered into a construction project where the cost of the undertaking exceeds \$30,000; I have read G.S. Section § 87-1. I certify that I am not allowing an unlicensed general contractor to perform the duties of a general contractor, which, I understand from reading G.S. Section § 87-1 include construction superintending and managing in addition to, among other things, signing written contracts. I intend to retain the finished house (or other project) exclusively for my own use, and to be occupied by me or my family for a minimum of one year after completion. I am not building a "speculation" project with the intention of selling the project once it is completed. I understand that building a "spec" project without proper licensure is a violation of G.S. § 87-13; this may be a criminal offense. Also, I understand that problems which may arise due to construction of the building or set-up of the properly labeled modular building, such as inaccurate or insufficient foundation, improper or inadequate marriage line connections, improper plumbing, mechanical, or electrical connections between the units, etc., will be solely my responsibility, and I will be left with no recourse and must assume total liability for correction of the problems. I personally have a thorough knowledge of the requirements of the NC State Building Code with regard to construction and/or setting up modular buildings.

Signature of Permit Applicant

Date

Official Seal Notary Public

Sworn to and subscribed before me this 15 day of February, 20 24.

Signature of Notary

My commission expires



James Babbitt
NOTARY PUBLIC
State of South Carolina
My Commission Expires
December 18, 2033

Town of Waynesville Planning Board Staff Report

Subject: Public Hearing on short-term rental Ordinance
 Ordinance Section: 2.5. Permitted Uses; 3.3 Supplemental Standards; 17.3 Definitions
 Staff and Board Re-initiated Discussion
 Meeting Date: April 15, 2024

Background

Short Term Rentals (or “STRs”) are private homes, condos, townhomes, or apartments that are rented through online platforms such as Vacation Rental By Owner (VRBO), AirBandB, and others, for less than 30 days. As a successful economic venture, interest in STRs has grown dramatically. The Vrbo website tells the history of how David Clouse, a retired teacher started a website to rent his condo in Breckinridge, CO in 1995, and within 25 years, Vrbo had over 2 million locations all over the world. In an interview with software consultants Granicus (<https://granicus.com/dictionary/short-term-vacation-rental-compliance/>), this month, we’re told that there were 60 different online platforms that they monitored last year for local governments, but now there are 74. In Waynesville, Granicus tracked 319 listings in Waynesville across various platforms currently. A search conducted in 2021 on Airbnb data for Waynesville indicated 444 listings. On VRBO this week, a search for a stay in Waynesville pulled up 234 properties available. The number of STRs can fluctuate annually, seasonally, and with individual bookings and decision-making.

At the request of Council in 2018, Town staff began researching and monitoring STR activity in Waynesville, and the Planning Board took up the question as to how the Town should interpret STRs within the Land Development Standards. Since the 2011 LDS update, residential uses, and lodging, and four sub-categories of lodging (bed and breakfast, boarding house, inn, hotel/motel), are specifically defined and each type of lodging has its own set of supplemental standards for how they operate. The LDS does not define or address STRs as we currently understand them, or provide guidance for enforcement. LDS section 2.5 states:

2.5 - Use Categories and Interpretation of Uses. modified

2.5.1 Use Categories.

All uses permitted in this Ordinance have been divided into nine general categories and are generally defined as follows:

- A. **Residential:** Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month's duration.
- B. **Lodging:** Premises available for short-term human habitation, including daily and weekly rental.

At that time, the Planning Board determined that the online platforms that allowed individual property owners to share private residences was not envisioned in the categories of uses for residential property. The interpretation of the Planning Board and the Planning staff since those discussion has been that STRs from online residential sharing platforms are currently permitted anywhere in the Town’s jurisdiction – keeping in mind that homeowner’s associations may adopt and enforce their own more restrictive rules. The Planning Board discussed STRs again at their October 21, 2019, and March 20, 2023, meetings seeing that there was a need for definition and policy for how STRs are treated within the Town and defined within the Land Development Standards. The attached version of the STR Ordinance, discussed at the January 22, 2024 Planning Board meeting, is being brought forward in a revised version for a public hearing tonight and possible recommendation to the Town Council.

Staff Recommendation

Past discussion at the Planning Board and Town Council levels has recognized that short-term rentals are important for both local property owners as an economic resource, and for tourism. Many property owners rely on short term rentals for income. In its 2023 Annual report, the Tourism Development Authority shows that the majority of visitors to Haywood County (53%) stayed in short term rentals. The report also indicates that the Supply (# of units or rooms) in Haywood County of hotel/motel was 1615, while the supply in STRs was 1,975. Therefore STR's are important in our tourism industry and as a source of income for local property owners.

However, there are concerns related to STRs shared by communities. The North Carolina Law Review (Volume 96, Number 6, 9-1-2018, UNC School of Law), found that while there was not a single trend or approach to regulation that had taken hold across the country, there are common points that local regulations try to address:

“STRs raise numerous local issues, including zoning, land use, taxes, affordable housing, and livability concerns for neighbors. Hotels and other traditional lodging services view the rise of web-based STR services as a threat to their businesses. Neighbors do not want their neighborhood filled with unknown, transient parties. Residents do not want to be pushed out of their homes and cities as affordable housing units are converted to STR properties. Cities struggle to properly zone STR activity, worry about increased nuisances, and fear that they are missing opportunities to gain additional tax revenue.” (p 1826-27)

In Waynesville, it is important to balance the economic benefits of STRs with neighborhood concerns and the Comprehensive Plan's goals to provide housing, not just for tourists but for the workforce of the Waynesville community. Identified local concerns related to STRs include the following.

- If not managed well, STRs can negatively impact neighbors in terms of noise and overflow parking onto streets.
- Trash management is particularly important because Waynesville and surrounding communities have an active bear population which is drawn to garbage cans left unattended or put out too early or too late for Town trash pick-up days.
- STRs owned and operated by absentee owners or corporations, can be difficult to contact or find a responsible party in a timely fashion, should something come up related to code enforcement, police, fire or emergency management services.
- STRs are appearing in traditional neighborhoods of workforce or lower income households such as in Hazelwood along Brown Avenue, Westwood Circle and Elysina, along Sulphur Springs Road, the Pigeon Community area, East Street neighborhood, and along Oakdale, raising concerns about gentrification and competition in the real estate market between people who want to live and work in Waynesville, and business investment groups.
- New development has been approved in part with the goal of creating housing for a variety of income levels, such as the Valleywood subdivision, Mountain Creek Apartments, or the duplexes and town homes recently approved on Oakdale and Sulphur Springs Road. If this new housing inventory is taken up by STRs, then the intent and purpose of those approvals and their consistency with the Comprehensive Plan Goal to create housing, is diminished.

Each time an STR ordinance has been considered, the Town has deferred to potential guidance from the State Legislature and has waited to see if any legislation was implemented. Senate Bill 667 was filed in the 2023 session which would limit any regulation of residential property used as short term rentals, but was not adopted. Staff and the Planning Board attorney have also tracked court cases related to STRs over recent years. In 2023, North Carolina courts took up the case of Schroeder vs. the City of Wilmington, created judicial precedent and set parameters for how local governments could regulate

“STRs.” With assistance from Attorney Ron Sneed, the Waynesville ordinance draft is based on the legal allowances from that case that apply to Waynesville’s local concerns.

The goal of the proposed ordinance is to:

1. Distinguish occupied properties in which a portion of the property is rented short-term as a “Homestay,” from properties in which there is no management presence on-site during rental;
2. To provide protection under the zoning ordinance to allow “Homestays,” in which a person may rent a portion of their home or property on which they live or have a full-time resident in place, for short terms under 30 days in any neighborhood.
3. Provide regulatory parameters for management of Homestays and STRs to minimize impacts on surrounding neighbors, particularly trash management and parking; and
4. Place future STRs as defined (not Homestays) in the Permitted Uses Table (LDS Section 2.5.3) and designate neighborhoods where they are allowed or prohibited, which is still to be determined.

Staff asks for Board feedback on the definitions and structure of the ordinance. More work is needed however to determine which neighborhoods within the zoning categories should be considered for prohibition of STRs, if any. Areas of new development and areas that are now viewed as traditional and affordable, are worth considering as where the Town may want to limit STRs, while commercial and business districts, the proposed Railroad Corridor Overlay, and the low density districts around the golf courses are areas where they should be allowed.

Staff also asks for the Board’s opinion on grandfathering. I suggest that those STR’s already in place should be allowed to continue wherever they are as pre-existing non-conforming uses subject to the nonconformity regulations in LDS Section 13.5.

Consistency with the 2035 Comprehensive Land Use Plan

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

The proposed project is also consistent with the 2035 Comp. Plan’s goals:

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

- Encourage infill, mixed-use and context-sensitive development.
- Reinforce the unique character of Waynesville.

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

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

Goal 5: Create Opportunities for a sustainable economy.

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

D R A F T
April 15, 2024

ORDINANCE NO.

AN ORDINANCE AMENDING THE TEXT OF THE
TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS
TO DEFINE AND REGULATE HOMESTARS 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; 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 April 15, 2024, at the regularly scheduled meeting of the Waynesville Planning Board, and on _____, 2024, at the regularly scheduled meeting of the 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 lodging use that occurs within a resident-occupied, single-family dwelling, duplex, or Townhome, or an accessory dwelling unit on the same property as a resident-occupied dwelling, wherein up to guest rooms in the home are rented to transients for compensation for a period of less than thirty days, and where the use is incidental and subordinate to the primary residential use of the property, and no meals or other services are provided by the owner or host. A homestay may or may not have a separate kitchen, bathroom and/or entrance. This use is also subject to North Carolina Occupancy Tax regulations which apply to stays up to 90 days.

Short Term Vacation Rental: Short-term vacation rental means a dwelling unit with guest rooms that is used for transient occupancy for a period of less than thirty days. A short-term vacation rental is considered a "Lodging." This term encompasses Short Term Rentals or "STRs," VRBO, or AirBandB, or other terms associated with this type of use, and is subject to North Carolina Occupancy Tax regulations which apply to stays up to 90 days.

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

Homestay is hereby added as a use with supplemental standards, and the table is amended to show that homestays are allowed as (PS) in all districts where Residential Dwelling Uses are allowed, or within RL, RM, NR, UR, NC, BD, and RC Districts on the Table of Permitted Uses.

Short term vacation rental is hereby added as a use permitted with supplemental standards ("PS"), and the table is amended to show that short term vacation rentals are allowed in the (Need Board Input) . . . districts, and to show that short term vacation rentals are allowed as a special use in the (Need Board Input) . . . districts.

Section 3.3.4 is added to the Land Development Standards, to read as follows:

3.3.4 Supplemental Use Standards for Homestays

A. There must be adequate off-street parking for homestay guests in addition to the spaces required for the property's use as a residence, unless a remote of shared-parking arrangement is provided such as rented parking on private property, or at a public or private parking deck or lot.

B. The permanent and primary resident in the home used as a homestay must reside in the home and be present or readily available at all times the residence is in use as a homestay.

Section 3.3.5 is added to the Land Development Standards, to read as follows:

3.3.5 Supplemental Use Standards for Short Term Vacation Rentals

A. Parking

1. A minimum of one off-street parking space per bedroom shall be required.

2. If off-street parking is not available on-site, shared parking or rented parking spaces in a private or public parking deck or lot may be used to satisfy the parking requirement with documentation of a shared parking agreement.
- B. 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. Not allow any party, event, classes, weddings, receptions or other large gatherings on the premises.
 3. Keep in full force and effect during all times the unit is used as a lodging commercial general liability insurance with a total limit of not less than \$500,000.00 for each occurrence for bodily injury and property damage.
 4. Prohibit and ensure that owners or hosts do not prepare and serve food for the guests and do not allow cooking in any individual bedrooms.
 5. Ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day(s) and the carts or cans are removed from the street or alley on the scheduled collection day, or that arrangements are made for a private service to solid waste collection from the site. Garbage must be secured in a garage or bear-safe enclosure on non-collection days.
 6. Exterior signage is limited to the maximum dimension of a Home Occupation in accordance with LDS Section 11.6.2.
 7. Post in a conspicuous location inside each lodging unit a notice setting forth the following information:
 - a. The name and telephone number of the operator.
 - 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
 - d. That parties, events, classes, weddings, receptions, and other large gatherings are not permitted.

ADOPTED this _____ Day of _____, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Town of Waynesville Planning Board Staff Report

Subject: Updates to Definitions for Adult / Child Day care
Ordinance Section: 17.3 Definitions
Meeting Date: April 15, 2024

Background

The State of North Carolina updated their definition of Family Day Care Homes. As part of the budget bill, NC General Statute 110-86(2) the definition for family child care homes (FCCH) and NC General Statute 110-91(7)(b) regarding FCCH capacity was revised. The new capacity options in 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.*

This means that the town's current ordinance definition which allows up to 8 children within a home is out of date. According to the DHHS website: "a change in capacity **requires** a new permit 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."

Current definitions cover both child and adult care:

Child/Adult Day Care Center (More than 8 persons). An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate more than eight children or adults at a time based on State regulations; not an accessory to residential use.

Child/Adult Day Care Home (8 or less persons). Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for no more than eight children (no more than five of which may be of pre-school age).

The Town definitions are outdated and need to be consistent with NC Department of Health and Human Services as well as Haywood County which will mean separating out "Day Care" and "Adult Care."

Staff Recommendation

The Town should amend the LDS current definition to be in compliance with the State definition so that local in-home childcare providers can be issued zoning compliance letters from the Town. The definition could be taken directly from NCGS 110-84 to cover both child care centers and in-home day care, and

should be a stand-alone definition for child-care. Then, separate and current definition for adult-care should also be considered. These uses should then replace the “Child ? Adult Day Care Home” and “Child / Adult Day Care Center,” use types in the Table of Permitted, without changing their places within the zoning districts.

Child Care facilities should be defined according to the State regulations as:

Child-Care Facility includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit. A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

Family Child-Care Home is a type of child care facility, permitted by the State under NCGS 110-84, and is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care, whether or not operated for profit.

Similarly, Adult Care Facilities should be defined as:

Adult-Care Facility (2-6 residents) are residences for aged and disabled adults who may require 24 hour supervision and help with activities of daily living and are permitted by the North Carolina Department of Social Services.

Adult-Care Facility (more than 6 residents) are residences for aged and disabled adults who may require 24 hour supervision and help with activities of daily living and are permitted by the North Carolina Department of Social Services.

Family Adult Care / Adult Day Care is a supervised program offered during the day to individuals with cognitive and/or physical impairments and permitted by the North Carolina Department of Health and Human Services.

However, in defining these terms, the Planning Board should revisit the concern regarding domestic violence shelters and whether or not these terms do not create a conflict with the protection of anonymity for victims of domestic violence. At this point, staff asks for additional time to further work with the Haywood County Department of Social Services and our local non-profit REACH, to verify definitions. Therefore, we seek initial Board feedback and ask for this hearing to be continued.

Planning Board Staff Report

Subject: Text amendment related to general corrections and updates, including protest petitions, tree preservation, and definition of townhomes
 Ordinance Section: Multiple sections of Land Development Standards (LDS)
 Applicant: Staff initiated text amendment; Development Services Department
 Meeting Date: April 15, 2024

Background

The proposed text amendments are a series of corrections and updates to the Land Development Standards. These include revisions to outdated sections and clarification of the LDS per recommendations of our Town Attorney Martha Bradley pertaining to 160D, and a revision to the definition of “townhome,” to match the current North Carolina Building Code definition, and to update the definition of tree caliper to be more precise and useful.

Staff keeps a running list of grammatical and outdated reference errors that come up periodically as they are noticed in the course of planning and zoning applications, or are pointed out by staff, municode officials, or the public. These have also been included in our continual pursuit of ordinance improvement.

Finally, staff recommends enhancing the tree protection ordinance that seeks to preserve existing trees within new development. Section 8.3 of the Land development Standards provides a landscape credit to preserve existing trees and states that “the preservation of existing trees is strongly encouraged,” but does not provide a specific requirement or threshold. The proposed ordinance would specify that 5% of existing trees must be preserved and can count towards existing buffer and/or landscaping requirements. This would force preservation of existing trees as part of compliance with Chapter 8 “Tree protection, landscaping and screening.”

If the planning board would like to further discuss the tree preservation recommendations, these could be handled separately by amending the recommended ordinance so that other corrections can still move forward while this particular item could be discussed further. Additionally, there is a broader interest, outside of zoning regulation, to promote urban forestry generally, to educate the public on the importance of native tree preservation and planting, and the potential for Waynesville to become eligible for a “tree City USA” designation. As mentioned in the last meeting, the newly formed Environmental Sustainability Board of the town, also has interest in this topic, and there may be a larger opportunity to work on tree preservation in Waynesville beyond just land use regulations.

Staff Recommended Text Changes

The proposed text amendments specifically include:

- Revised definition of townhomes to match the 2018 NC Residential Building Code;
- Eliminate references to protest petitions that were abolished by NC General Statutes in 2015; and
- Clarification of map/text amendment process following a negative recommendation from the Planning Board.
- Revised definition of tree caliper, as defined by the NC Forest Service;
- Provisions to enhance tree preservation efforts within new development;

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

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are necessary to keep our ordinance up to date and maintain its legal authority, and are therefore reasonable and in the public interest. They are also consistent with the 2035 Comprehensive Plan's goals to:

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

Goal 3: Protect and enhance natural resources.

Attachments

1. Proposed Text Amendment
2. Consistency Statement Worksheet
3. Power Point on tree protections

Recommended Motions

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

ORDINANCE NO. _____

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

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

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

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning” (Goal #1);
- The proposed text amendment will “promote conservation design to preserve important natural resources” (Goal #1);
- The proposed text amendment will “reinforce the unique character of Waynesville” (Goal #1);
- The amendment will “protect and enhance water quality and forests” (Goal #3);
- The text amendment will help to “protect rural lands, iconic views, and mountain vistas” (Goal #3);
- The Town will maintain adequate legal authority through the most up-to-date ordinance.

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

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

WHEREAS, after notice duly given, a public hearing was held on April 15, 2024 at the regularly scheduled meeting of the Waynesville Planning Board, and on _____, 2024 at the regularly scheduled meeting of the Waynesville Town Council;

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

That the Land Development Standards be amended as follows:

1. Amend Section 2.4 Dimensional Standards by District as follows:

2.4.1 Table of Dimensional Standards by Residential District.

*Table of Dimensional Standards by Residential District and Table of Dimensional Standards by Mixed-Use/Non-Residential District. Line 5c in both tables- Accessory Structure Setback, Other Standards. See Section 4.5.3 needs to be **See Section 4.5.***

2. Amend Section 8.3.1 Existing Vegetation as follows:

B. **Protection of Vegetation During Design:** The Town expects new development, through the protection of trees and existing vegetation, to be creative in design and placement of buildings, structures, parking and other impervious surfaces as to preserve natural features and to complement the existing topography when practical. **Additionally, Major Subdivisions and Major Site Plans shall preserve 5% of the existing trees on site. Tree save areas with adequate protection measures from construction activities shall be shown on the landscape plan. Tree preservation can be counted towards the required buffers, screens, and/or street trees as specified in 8.3.1. C.**

C. **Landscape Credits:** The preservation of existing trees, where possible is strongly encouraged. In order to encourage such preservation, preserved trees may be credited towards compliance with the requirements of this section at the rate of:

2"—6" caliper tree = ~~1 tree~~ **2 trees**
 7"—12" caliper tree = ~~2 trees~~ **4 trees**
 13"—18" caliper tree = ~~3 trees~~ **5 trees**
 19"—24" caliper tree = ~~4 trees~~ **6 trees**
 25" + caliper tree = ~~5 trees~~ **7 trees**

3. Amend Section 8.4.1 Buffer Yards as follows:

B. **Additional Buffer Yard Requirements:** A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, of new major subdivisions of ~~34~~ **?** or more units and special use permits in all districts, except where the above table has a stricter requirement or as part of a conservation subdivision.

4. Amend table in the LDS Section 9.8.3. D. Driveway Spacing (table) as follows:

*District Category column, Neighborhood Residential (~~NR~~) needs to be Neighborhood Residential (**NR**).*

5. Amend LDS Section 12.3.3 E. Variance Procedures as follows:

(b) Functionally dependent facilities if determined to meet the definition as stated in Section ~~17.4~~ **17.5**, provided provisions ...

(e) The necessity to the facility of a waterfront location as defined under Section ~~17.4~~ **17.5** as a functionally...

6. Amend LDS Section 15.14 Map and Text Amendments as follows:

15.14.2 Review By Planning Board.

- A. **Public Notification (Prior to Planning Board):** Level 1, 2, 3 and 4.
- B. **Neighborhood Meeting (15.3.7):** Optional.
- C. **Additional Public Notification for Large Scale Amendments:** If the land development map amendment directly affects more than fifty (50) properties, owned by at least fifty (50) different property owners the Town may elect to utilize a Level 6 notification. When this occurs, the town may use the expanded published notice provisions found in the North Carolina General Statutes at Section 160D-601 and 160D-602.
- D. **Review by Planning Board:** The Planning Board shall conduct a public hearing and receive public input on the proposed amendment and shall make recommendations to the ~~Board of Aldermen~~ **Town Council** regarding whether to approve or deny each proposed amendment within sixty-four (64) days of its first consideration on the matter.
 - 1. ~~Recommendation for Approval: If the Planning Board makes a favorable recommendation, the matter shall be scheduled a public hearing before the Board of Aldermen.~~
 - 2. ~~Recommendation for Denial: If the Planning Board makes a negative recommendation, the petitioner may, within thirty (30) days after written notification from the town clerk, request that a public hearing be held by the Board of Aldermen on the matter. This appeal process does not apply to amendments initiated by the Board of Aldermen or planning department. These amendments go immediately to the Board following a recommendation by the Planning Board.~~
- E. **Review by Town Council:** The Town Council shall conduct a public hearing and receive public input on the proposed amendment within a reasonable time following the public hearing before the Planning Board. If the Planning Board makes a negative recommendation, the petitioner may, within thirty (30) days after written notification of the Planning Board's decision and no less than twenty-four (24) hours prior to the public hearing scheduled before the Town Council, request a continuance of the Town Council hearing to revise the application to address matters raised by the Planning Board.

15.14.5 Plan Consistency.

In accordance with G.S. 160D-604(d); ~~160D-605(a); 160D-701~~, all such amendments shall be made in accordance with the Comprehensive Land Use Plan

- 7. Amend Section 15.15 Conditional Districts (CD) as follows:

Conditional Districts (~~Section 2.6~~ **Section 2.7**) are districts with conditions voluntarily added ...

15.15.2 Formal Review.

- ~~C. **Decisions:** Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.14.3 has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.~~

- C. **Decisions:** Decisions by the Town Council shall be by majority vote.**

- 8. Amend Section 17.3 Definitions, Use Type as follows:

~~**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.~~

Dwelling- Townhome. A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

9. Amend definition to Section 17.4 Definitions, General as follows:

~~**Caliper.** A standard trunk diameter measurement for nursery grown trees taken 6 inches above the ground for up to and including 4 inch Caliper size, and 12 inches above the ground for larger sizes.~~

Caliper. The diameter measurement of a tree's trunk taken six (6) inches above the ground for trees up to and including four (4) inches caliper size, and twelve (12) inches above the ground for trees exceeding four (4) inches caliper size.

ADOPTED this _____ Day of _____, 2024.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Olga Grooman, Land Use Administrator
 Date: April 15, 2024
 Subject: Text Amendment Statement of Consistency
 Description: Text Amendment related to corrections and adding definitions to the Land Development Standards
 Address: Town of Waynesville Development Services Department

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

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

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

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

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

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

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

 Susan Teas Smith, Planning Board Chair, Date

 Esther Coulter, Administrative Assistant, Date

Existing Tree Protections in LDS

Chapter 9- Parking and Driveways

9.2.2 Exemptions and Adjustments

D. Tree Preservation: The minimum number of parking spaces required may be adjusted by the Administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12-inch or greater diameter at breast height) from being damaged or removed, and where the site plan provides for the retention of said tree or trees.

1

Existing Tree Protections in LDS

Chapter 7- Civic Space

7.2.1 Required Civic Space Types

B. Green: An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be .16 acre.

D. Square: An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed.

H. Dog Park: ... The dog park shall also have a designated waste disposal facility, signage with applicable rules, a shade area (with either a structure or mature shade trees).

2

Existing Tree Protections in LDS

Chapter 8- Tree Protection, Landscaping, and Screening

8.3.1 Existing Vegetation

- A. Existing Vegetation, Fences, Walls, and Berms:** *The use of existing trees or shrubs to satisfy the landscaping requirements of this Chapter is expected. Significant existing vegetation within landscaped areas shall be preserved and credited toward required landscaping.*
- B. Protection of Vegetation During Design:** *The Town expects new development, through the protection of trees and existing vegetation, to be creative in design and placement of buildings, structures, parking and other impervious surfaces as to preserve natural features and to complement the existing topography when practical.*

3

Existing Tree Protections in LDS

Chapter 8- Tree Protection, Landscaping, and Screening

8.3.1 Existing Vegetation

C. Landscape Credits: *The preservation of existing trees, where possible is strongly encouraged. In order to encourage such preservation, preserved trees may be credited towards compliance with the requirements of this section at the rate of:*

2"—6" caliper tree = 1 tree

7"—12" caliper tree = 2 trees

13"—18" caliper tree = 3 trees

19"—24" caliper tree = 4 trees

25" + caliper tree = 5 trees

In order to receive credit, preserved vegetation must be in good health and condition. Trees designated for preservation must be indicated on the landscape and grading plans and protected (with barriers) during grading and construction.

4

Existing Tree Protections in LDS

Chapter 8- Tree Protection, Landscaping, and Screening

8.3.1 Existing Vegetation

D. Replacement of Preserved Trees: *If a preserved tree dies within twenty-four (24) months of completion of the project, it must be replaced with the total number of trees which were credited to the existing tree.*

5

Existing Tree Protections in LDS

Chapter 8- Tree Protection, Landscaping, and Screening

8.3.3 Tree Trimming and Removal

C. Tree Topping: *Tree topping and/or shearing shall be prohibited on all trees on public property, designated rights-of-way, required tree save areas, landscaping, and buffer yards unless otherwise approved by the Administrator.*

F. Protection during Surveying: *No tree greater than 12 inches in diameter at breast height (DBH) located on public property or within a required tree protection area shall be removed for the purpose of surveying without an approval from the Administrator.*

6

Existing Tree Protections in LDS

Chapter 8- Tree Protection, Landscaping, and Screening

8.8.4 Protection of Existing Trees During Construction

- **Barricades** installation
- *Limitations on land disturbance within a **tree dripline***

7

Suggested Additions

Chapter 8- Tree Protection, Landscaping, and Screening

8.3.1 Existing Vegetation

- B. Protection of Vegetation During Design:** The Town expects new development, through the protection of trees and existing vegetation, to be creative in design and placement of buildings, structures, parking and other impervious surfaces as to preserve natural features and to complement the existing topography when practical. *Additionally, Major Subdivisions and Major Site Plans shall preserve 5% of the existing trees on site. Tree save areas with adequate protection measures from construction activities shall be shown on the landscape plan. Tree preservation can be counted towards the required buffers, screens, and/or street trees as specified in 8.3.1. C.*



8

Suggested Additions

Chapter 8- Tree Protection, Landscaping, and Screening

8.3.1 Existing Vegetation

C. Landscape Credits: The preservation of existing trees, where possible is strongly encouraged. In order to encourage such preservation, preserved trees may be credited towards compliance with the requirements of this section at the rate of:

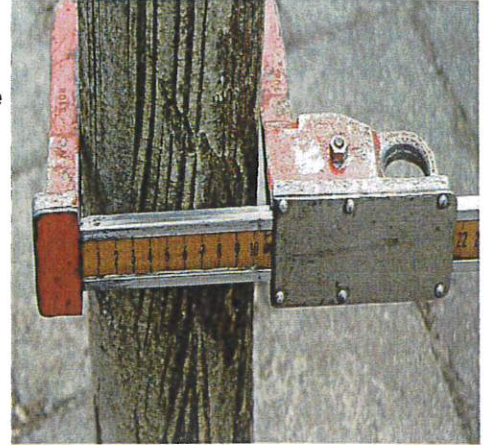
2"—6" caliper tree = ~~1 tree~~ **2 trees**

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19"—24" caliper tree = ~~4 trees~~ **6 trees**

25" + caliper tree = ~~5 trees~~ **7 trees**



Suggested Additions

Chapter 8- Tree Protection, Landscaping, and Screening

8.4.1 Required Buffer Yards

B. Additional Buffer Yard Requirements: A type B Buffer Yard is required along the side and rear lot lines, not including road frontage, of new major subdivisions of ~~34~~ **?** or more units and special use permits in all districts, except where the above table has a stricter requirement or as part of a conservation subdivision.

Suggested Additions

Section 17.4 Definitions, General

Caliper. The diameter measurement of a tree's trunk taken six (6) inches above the ground for trees up to and including four (4) inches caliper size, and twelve (12) inches above the ground for trees exceeding four (4) inches caliper size.

