



MINUTES

**Town of Weaverville
State of North Carolina**

**Community Information Meeting/
Town Council Workshop II
Tuesday, August 8, 2017**

The Town Council for the Town of Weaverville met for a Community Information Meeting/ Town Council Workshop on Tuesday, August 8, 2017, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Dottie Sherrill, Vice Mayor/Councilman John Penley, Councilman Doug Jackson, Councilman Doug Dearth, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present were: Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake and Town Planner James Eller.

1. Call to Order

Mayor Dottie Sherrill called the meeting to order at 6:00pm.

2. Discussion and Community Input Related to a Proposed Table of Uses.

a. Review of Concept Documents

Town Planner James Eller gave an overview to the citizens of Weaverville who weren't present at the June 25 meeting on how the Planning and Zoning Board has gotten to this point. The documents that Town Council are being asked to consider is the product of 20 hours of deliberation and discussion over the course of 12 meetings. Mr. Eller noted the intent of this document is two-fold, since the language in the ordinance basically states if a specific use isn't set out as permitted in a zoning district then that use shall be prohibited. As related to land use regulations under North Carolina law, this is not permissible and the Zoning Administrator is charged with finding the next closest use to the proposal brought forth and applying those regulations to the referred zoning district. This document does increase the number of uses specified by the code from 55 to 78 and the number of uses permitted with additional standards from 3 to 22. It will allow the governing board to pass down to administrative staff additional conditions they would like to find present, prior to any administrative decisions being made to whether that use can occur on a piece of property. The Town will transition away from special use permits, a quasi-judicial process, to conditional zoning districts, which is a legislative process. The importance of transitioning to the Table of Use means it will go to the Planning and Zoning Board for review then passed along with their recommendation to Town Council for a final decision. Under legislative process, Town Council has the capacity to act in any way they see fit. As for the quasi-judicial process, it goes before the Zoning Board of Adjustments for final decisions. This document eliminates the current pyramid structure, meaning if it is

August 8, 2017
Community Input/Town Council
Workshop II Minutes

permissible in the R-1 district then it is permissible across the board. Lastly, Mr. Eller stated that this does not change the current Zoning map in any way, there are no new zoning districts being proposed or new changes of zoning on any individual parcels of land.

b. Questions and Comments from the Public

Earl Valois, 42 Loftin Street, commented that he recently moved to Weaverville in May this year from New Orleans where he was the Fire Chief. Mr. Valois has served on the International Code Council, Fire Code Action Committee and NFPA 72 Correlating Committee, so he knows a lot about model codes. He believes that this process may need to be started over and align with model codes. This way we are up to date and everybody that picks up these documents will be able to understand them. He recommends that the documents be revised and adjusted more towards the model codes.

Town Attorney Jennifer Jackson discussed that the land use regulations in North Carolina are governed by Article 19 G.S 160A and requires all cities and towns to abide by this. All of the Town of Weaverville's land use regulations come from the powers of the G.S. 160A and have attempted to bring this into alignment and make uniform definitions accordingly. There is a difference between building code and fire code. The building codes are enforced through Buncombe County and to the extent that we are consistent with these codes then developers will have some common language. Certainly it is not going to match up perfectly, but we have tried to rely on the statutory definitions that we are required to abide by and used common language where it would be helpful.

Town Planner James Eller mentioned that the fire code and building code of the State of North Carolina are administered within our municipal borders, regardless of what it says on the zoning documents. Town Council is simply passing down to the public within the jurisdiction, what they think a particular property should be used for in a particular zoning district.

Town Attorney Jennifer Jackson also stated that the definitions were looked at with a limited focus of incorporating a table of uses. In addition, any typographical mistakes and incorrect statutory references found along the way have been fixed. However, after this first step we will need to take a more comprehensive and broader look into the definitions and zoning provisions.

Chuck Fink, 85 Church Street, wanted to know if any of this zoning would affect the open hay fields on Church Street. If so, what would they plan to use them for?

Town Planner James Eller commented that the Zoning map is not going to be changed in any way with these amendments and the density standards are going to stay the same as well.

c. Questions and Discussion by Council

Councilman Nagle reiterated that we need to keep in mind that we are changing from the individual to a collective and Town Council will have more responsibility, since legally it is moving away from the quasi-judicial process to a legislative process.

Town Attorney Jennifer Jackson mentioned that the next meeting on this matter will be a Joint Meeting between Town Council and the Planning and Zoning Board on August 15 at 6 p.m. at the

August 8, 2017
Community Input/Town Council
Workshop II Minutes

Town Hall. This is a working meeting between Town Council and Planning and Zoning Board so it will be up to Council on whether they want to allow public comment at this joint meeting. It is a public meeting, but was not advertised as a public comment meeting. Up to this point, we have been working off the concept documents and now they are going to be migrated into amendments. So at this meeting, the Planning and Zoning Board will be presenting these amendments to Town Council to make sure that they are accomplishing what the concept documents call for and that the Code of Ordinances are able to accomplish that as well. Any comments that Town Council and the public had for the Planning and Zoning Board will be looked over and added to the documents for review.

d. Direction to Staff/Planning and Zoning Board

Planning and Zoning Board was asked to review the actual ordinance amendments necessary to incorporate the concept documents in the Code for the meeting on August 15, 2017. The remaining meeting schedule was reviewed.

3. Adjournment.

Councilman Dearth made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 6:20 p.m.



DEREK K. HUNINGHAKE, Town Clerk