



**Town of Weaverville  
MINUTES**

**Joint Meeting of Town Council and Planning and Zoning Board  
Tuesday, August 15, 2017 – Town Hall**

The Town Council and Planning and Zoning Board for the Town of Weaverville met for a Joint Meeting on Tuesday, August 15, 2017, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Planning and Zoning Board members present: Chairman Doug Theroux, Vice Chairman Gary Burge and Board Member Catherine Cordell. Board Member Stanz and Osborne and Alternate Board Member Chase were absent.

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

**1. Call to Order**

Mayor Sherrill informed the public that this meeting is an information meeting between Town Council and Planning and Zoning Board and was not advertised as a public comment meeting, but Town Council is going to allow three minutes for each public comment.

*Mayor Dottie Sherrill called the meeting to order on behalf of Town Council at 6:00pm.  
Chairman Doug Theroux called the meeting to order on behalf of Planning and Zoning Board at 6:00pm.*

Town Manager Selena Coffey commented that the Town has been very careful to make sure all the proposed Table of Uses meetings were advertised well in advance. They have been advertised on the Town's website, newspaper, Town's E-newsletter and on signs all around the Town of Weaverville. The meetings included were two Joint Meetings of Town Council and Planning and Zoning Board on June 27, 2017 and August 15, 2017, two Community Input and Town Council Workshops on July 25, 2017 and August 8, 2017, and a Public Hearing scheduled for August 21, 2017.

**2. Questions and Comments from the Public**

Earl Valois, 42 Loftin St., commented that he believes the Town of Weaverville should follow the International Zoning Codes and structure the zoning ordinance after it. He believes it would

be easier to follow. It is a very comprehensive plan, but can be flexible and used in any jurisdiction. This would help bring the Town up to model codes.

### **3. Presentation of Ordinance Amendments and Discussion Related to the Proposed Table of Uses**

Town Attorney Jennifer Jackson mentioned to Town Council that the Planning and Zoning Board has reviewed the 145 page set of Ordinance Amendments, which folded in the Table of Uses. She and Town Planner James Eller have kept a list of potential changes that have been brought up during the last couple of meetings and would like to review them with Council, then answer any questions or concerns that Town Council has before action can be taken at the Public Hearing. The list of recommended changes to the proposed amendments to the Weaverville Code of Ordinances is attached.

Councilman Dearth noted that if there are significant comments made at the Public Hearing that Town Council not feel obliged to act on this decision immediately, however if there isn't anything controversial than go ahead and move forward. Councilman Dearth also wanted to hear the rationale used by the Planning and Zoning Board again in making the decision for family care homes and child care homes (6 or fewer) in all residential districts except R-12 considering the impact of parking and traffic in this area.

Town Planner James Eller explained that the child care home is the legacy language that carried over from the way the ordinance reads and the reason for the family care homes in R-1 is because they have specific statutory limitations placed upon them and by North Carolina law are required to be treated as single family homes. Councilman Dearth asked the Planning and Zoning Board if they could make child care home permitted with standards with the understanding that parking and off street parking be considered when an application is received. Chairman Theroux said that the board discussed this in their meeting, but didn't see much difference between family care home and child care home. However, he doesn't have a problem with child care homes switching to be permitted with standards.

Councilman Dearth asked if the term "boarding house" on the Table of Uses could be switched to "bed and breakfast" instead. Town Planner James Eller and Town Attorney Jennifer Jackson commented that this was just legacy language, but it can be changed to bed and breakfast including boarding house within the definition. Chairman Theroux said that he doesn't have an issue with changing it from boarding house to bed and breakfast. Board member Catherine Cordell said she didn't have a problem with changing it to bed and breakfast, but it would change the definition a little bit.

Councilman Dearth inquired about mobile food vendors under temporary uses being allowed in C-1. It is permitted with standards, but he doesn't think that it would be a good idea to have a semi-permanent food truck on Main Street considering the limit in size and other food businesses. He would also like to hear from the Weaverville Business Association about this too. Board member Catherine Cordell mentioned that the board spent a lot of time discussing food vendors and with Zebulon brewery and another brewery coming soon; it might be convenient to allow mobile food vendors to setup by them. It wouldn't be semi-permanent, but it would allow them to setup on Saturdays and special events. Board member Gary Burge said that he didn't think it is fair to protect the downtown businesses in C-1 from mobile food vendors, but allow them to setup out on the Weaver Boulevard in C-2 district. Councilman Nagle mentioned that in

the additional standards it doesn't say how long mobile food vendors are able to stay and thinks there should be something written in the standards that says no more than three days continuance or no overnight stays. Chairman Theroux said that they could place the time limit under hours of operation in the additional standards. Board member Catherine Cordell commented that if the time limit doesn't work then maybe it could be allowed for special events. Not just 4<sup>th</sup> of July or Labor Day, but really think about all the other events that the Town could have.

Town Attorney Jennifer Jackson asked if there was consensus among Town Council to make a change to the standard so that staff could start drafting this for the Public Hearing. It can also be drafted after the Public Hearing if Council would like some more time to think about it.

Councilman Dearth mentioned to change the standard definition for mobile food vendors in only C-1, so that it be limited to special events only.

Town Attorney Jennifer Jackson mentioned that Town Manager Selena Coffey had all the Department Heads review the ordinance to make sure there weren't any issues missed. Most of the revisions were typographical errors, but there were some substantive ones that were briefly covered.

- Public Works Director Tony Laughter questioned whether the acreage requirement under agriculture for both neighborhood and commercial is strictly pasture land or property. Revisions were made to the definition so that the required acreage for livestock is usable land, excluding impervious surfaces.
- The Planning and Zoning Board deleted the section that said, "Tattoo parlors shall be regulated as a personal service". Now they are regulated under C-2 and I-1 in the Table of Uses.
- Under Section 36-12 – Street Access, the sentence was changed to read "any lot in the C-2 general business district used for commercial purposes shall have its primary access upon the street on which it fronts". They changed only access to primary access.
- Public Works Director Tony Laughter commented about run off maintenance for commercial agriculture, so a provision was added to standards requiring management of runoffs.

Chairman Theroux commented about changing the language of the Noxious Uses definition to include "but not limited to" because when you start listing uses, it will leave the door open for other uses. Councilman Dearth and Nagle both agreed that it would be acceptable to change the language of the Noxious Uses definition to reflect this.

Chairman Theroux thanked Town Attorney Jennifer Jackson, Town Planner James Eller and staff for all their time and hard work spent in getting to this point.

#### **4. Direction to Staff/Planning and Zoning Board**

Staff was asked to write up the amendments to reflect the discussed changes for the Code of Ordinances and have available for Public Hearing on August 21, 2017.

#### **5. Adjournment**

*Councilman Dearth made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 7:00 p.m.*

*Vice Chairman Burge made the motion to adjourn; Board member Cordell seconded and all voted to adjourn the Council's meeting at 7:00 p.m.*

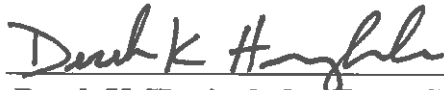


**Dottie Sherrill, Mayor**



**Doug Theroux, Chairman  
Planning and Zoning Board**

**ATTEST:**



**Derek K. Huninghake, Town Clerk**

APPROVED

**RECOMMENDED CHANGES TO AND PUBLIC COMMENTS REGARDING  
PROPOSED AMENDMENTS TO THE WEAVERVILLE CODE OF ORDINANCES**

PG#	PROPOSED CHANGE	NATURE OF CHANGE	REQUESTED BY
	Entire Ordinance - Revise entire ordinance to bring into compliance with model codes - uniformity of terms, streamlined	Substantive	Public Comment 8/8/17
2	4-39 Keeping livestock; max number - Ag Commercial Clarify that the minimum acreage is land usable for livestock and excludes impervious surfaces	Substantive/Clarification	Staff
3	4-40 Keeping livestock; max number - Ag - Neighborhood Clarify that the minimum acreage is land usable for livestock and excludes impervious surfaces	Substantive/Clarification	Staff
6	Definition of adult establishment - Change "14.202.10" to "14-202.10"	Typo	P&Z - 8/1/17
10	Definition of clinic - Change reference from "hospital facility" to "medical services - clinic, urgent care center, hospital"	Cleanup/consistency	P&Z - 8/1/17
10	Deleted definition of "clinic"	Cleanup - Not used	Staff - Legal
11	Definition of development - Changed "contect" to "context"	Typo	P&Z - 8/1/17
11	Definition of development regulation - Changed "regularion" to "regulation"	Typo	P&Z - 8/1/17
12	Definition of dwelling - multi-family - Slightly different from concept docs		
12	Definition of dwelling - slightly different from concept docs		
14	Add definition of fowl	Cleanup	Staff - Planning
15	Definition of hotel, motel, inn - Added "including but not limited to" language	Consistency/Broader language	P&Z - 8/1/17
17	Definition of lot - Changed "terms" to "term"	Typo	P&Z - 8/1/17
17	Add definition of livestock	Cleanup	Staff - Planning
17	Definition of manufactured home - slightly different from concept docs		
19	Definition of multiple tenant development -	Consistency/Broader language	P&Z - 8/1/17

PG#	PROPOSED CHANGE	NATURE OF CHANGE	REQUESTED BY
	Changed "a pedestrian mall area" to "pedestrian ways"		
23	Definition of school - Added "includes but is not limited to" language	Consistency/Broader language	P&Z - 8/1/17
27	Definition of tattoo parlor - Delete sentence that read "Tattoo parlors shall be regulated as a personal service."	Substantive change - Tattoo parlors added to TOU	P&Z - 8/1/17
30	Section 36-12 - Street Access - Added sentence is changed to read "Any lot in the C-2 general business district used for commercial purposes shall have its <u>primary</u> access upon the street on which it fronts." [changes "only" to "primary"]	Substantive change - allows back access for loading	P&Z - 8/1/17
34	Section 36.24 - Sidewalk requirements - Changed (c)(1) to read "... the town manager is authorized to <u>waive</u> the requirement for sidewalks." [changes "waiver" to "waive"]	Typo	P&Z - 8/1/17
44	Section 36-27(d) and (e) - Delete brackets in description of subsection	Cleanup	Staff - Legal
45	Section 36-27(f), (g) and (h) - Delete brackets in description of subsection	Cleanup	Staff - Legal
45	Section 36-27(i) - Change "but in not event" to "but in no event"	Typo	P&Z - 8/1/17
63	Section 36-104 - Table of Uses Renumbered to Section 36-105	Organizational - To move Notes on Table of Use to before the Table	P&Z - 8/1/17
65	Table of Uses - Added Tattoo Parlors under Miscellaneous Uses - Permitted in C-2, I-1	Substantive	P&Z - 8/1/17
65	Section 36-105 - Notes on Table of Uses Renumbered to Section 36-104	Organizational - To move Notes on Table of Use to before the Table	P&Z - 8/1/17
70	Agriculture - Neighborhood Add a provision to standards requiring management of runoff	Substantive	Staff - Public Works

last updated 8/14/17

<b>PG#</b>	<b>PROPOSED CHANGE</b>	<b>NATURE OF CHANGE</b>	<b>REQUESTED BY</b>
71	Agriculture - Neighborhood Revise so that the required acreage for livestock is usable land; exclude impervious surfaces	Substantive	Staff - Public Works
71	Agriculture - Neighborhood Reduce the acreage so that smaller farms are allowed to have livestock	Substantive	Public Comment 7/25/17
71	Agriculture - Commercial Add a provision to standards requiring management of runoff	Substantive	Staff - Public Works