



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, October 15, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, October 15, 2018, at 6:30 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Andrew Nagle, Councilman Patrick Fitzsimmons and Councilman Jeff McKenna.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Water Treatment Plant Supervisor Trent Duncan and Public Works Director Dale Pennell.

1. Call to Order

Mayor Al Root called the meeting to order at 6:30 p.m.

2. Public Hearing: Proposed Code Amendments – Nonconformities, Conditional Zoning Districts, and Political Signage

Mayor Root opened the Public Hearing.

Town Planner James Eller started the Public Hearing by covering the proposed code amendments for Political Signage first. Currently, the Town is non-compliant with state statute on political signage, so staff has amended the code to include a definition and reference state statute. This will change the number of days to have signs removed after elections from two to ten days. Town Attorney Jennifer Jackson added that this treats all town and state maintained streets as the same, in regards to Political Signs. Mr. Eller noted that this proposal has been reviewed by the Planning and Zoning Board and they offer a unanimous recommendation on this revision of language.

Next, Town Planner Eller covered the proposed code amendments for Conditional Zoning Districts. He mentioned that as far as the approval process goes, a vast majority of the language already exists, but has been cleaned up to flow better. Certain provisions were highlighted. The steps of the approval process starts in front of Town Council for initial consideration, then to the Planning and Zoning Board for review and comment, where a statement of reasonableness and recommendation will be given to Council. After this the developer will hold a public involvement meeting to speak with the public and staff prior to the public hearing. Lastly a public hearing is held by Town Council and Town Council is authorized to take action on the CZD after the public hearing. Mr. Eller then covered time limit language on CZD and indicated that

what is proposed gets away from legislated time frames and allows Town Council in setting time limits based on the scope of construction. As for modifications, what staff is allowed to modify is limited to exclude anything that would affect the final plat of the property. Lastly, appeals of administrative decisions go to Zoning Board of Adjustment, however, staff is required to notify Town Council of any appeals so that the Town has the ability to appear and participate in the proceedings with Zoning Board of Adjustment. Town Attorney Jennifer Jackson mentioned that there were some typographical errors in subsection E within the Conditional Zoning District language that will need to be cleaned up.

Lastly, Town Planner Eller covered the proposed code amendments on nonconformities and mentioned that the Town is obligated to provide protection for legal nonconformities. As it relates to nonconforming lots that have a dimensional variable less than 20%, staff can issue a zoning permit for a structure on property. If it is more than 20% nonconforming then they are required to go to Zoning Board of Adjustment to achieve a variance. Moving into nonconforming structures, when the Table of Uses was implemented it created some nonconformities, since prior to that a single family home could be built in any commercial or industrial district. This specifically allows for continued residential use within a commercial or industrial zoning district providing that the requirements for R-1 district are met. As for nonconforming uses, it may be replaced by another nonconforming use, if it falls within the use definition as the original nonconforming use. If it doesn't, then they are required to go in front of the Zoning Board of Adjustment to prove that that the change of use doesn't increase the degree of nonconforming of the use. Mr. Eller next covered the discontinuance of a nonconforming uses and mentioned that the discontinuance language has basically stayed the same except that the amount of time has been decreased. Language has also been added to allow for signage for existing nonconforming uses.

Town Planner James Eller stated that each text amendment has gone before the Planning and Zoning Board and each received a unanimous recommendation which were attached to the public hearing materials and received for consideration. In addition the public hearing was noticed in the Weaverville Tribune on October 3 and 10.

No one from the public had any comments to offer.

Councilman Nagle made the motion to close the public hearing; Councilwoman Sherrill seconded and all voted in favor of closing the public hearing.

3. Public Hearing: Conditional Zoning District for Northridge Commons Townhouses

Mayor Root opened the Public Hearing

Town Planner James Eller stated that the public hearing was noticed in the Weaverville Tribune on October 3 and 10. The issue before Town Council tonight is that the conditional zoning district that was passed for Northridge Commons Townhouses included language that suggested the applicant had a certain amount of time to take ownership of the property otherwise the ordinance would become void. The applicant experienced some difficulty with the private covenants and restrictions that were placed upon their property. This additional time wasn't calculated up front and their deadline to acquire the property has come and gone. The language that is in front of Town Council is the exact copy of the ordinance that was passed, except for one exception that allows the applicant until April 16, 2019 to acquire the property. This date is also the date that the water allocation expires. Town Planner Eller noted that this has been reviewed and

unanimously recommended by the Planning and Zoning Board, a copy of the recommendation was included in the public hearing materials and received by Town Council.

No one from the public had any comments to offer.

Councilman Nagle made the motion to close the public hearing and adjourn the special called meeting; Councilwoman Sherrill seconded and all voted in favor of closing the public hearing and adjourning the meeting at 6:45pm.

Derek K Huninghake

Derek K. Huninghake, Town Clerk

APPROVED