Town of Weaverville
Planning and Zoning Board
Remote Electronic Meeting
Thursday, November 5, 2020, 6:00pm

Public Meeting via Zoom Meeting:
https://us02web.zoom.us/j/89273366843 - Meeting ID: 892 7336 6843
Dial +1 301 715 8592 or +1 253 215 8782 - Meeting ID: 892 7336 6843
(see attached notice for more information on how to join meeting)

Agenda

1. Call to Order – Chairman Gary Burge
2. Approval of the Agenda
3. Approval of the Minutes from the October 6, 2020 Meeting of the Board
4. Update on the Progress of Subdivision Review and 160D Compliance
5. Discussion Related to a Proposed Manufactured Home Overlay District
6. Any other Business to Come Before the Board
   • Remote or In Person Meeting Status
   • November 10 Joint Meeting with Town Council
7. Adjournment
WEAVERVILLE PLANNING AND ZONING BOARD
REMOTE ELECTRONIC MEETING ON NOVEMBER 5, 2020

The State of North Carolina, Buncombe County and the Town of Weaverville have all declared States of Emergency in response to the COVID-19 public health crisis. Because of the risks to the public that would arise from in-person meetings, the Weaverville Planning and Zoning Board’s regular meeting on November 5, 2020, will be conducted via remote electronic format.

This NOTICE OF REMOTE ELECTRONIC MEETING is to inform the public that the Weaverville Planning and Zoning Board will hold its regularly scheduled meeting on Thursday, November 5, 2020, at 6:00 p.m. as an electronic video/audio meeting via Zoom Meeting. Access to the meeting will begin at 5:45 p.m. and the meeting will start at 6:00 p.m. The instructions to access this public meeting are:

To join the meeting by computer, go to this link: https://us02web.zoom.us/j/89273366843. You may be asked for permission to access your computer’s video and audio. If so, click “allow.” You will then be asked for the Meeting ID which is: 892 7336 6843

To join the meeting by phone, call: (253)215-8782 or (301)715-8592. You will then be asked for the Meeting ID which is: 892 7336 6843

For questions or additional assistance in how to participate in this meeting, please contact Planning Director and Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

Gary Burge, Chair
Posted: 10/29/2020
Date of Meeting: Thursday, November 5, 2020
Subject: Minutes
Presenter: Planning Director
Attachments: Minutes from October 6, 2020 Meeting of the Board

Description:
Attached you will find proposed minutes from the October 6, 2020 regularly scheduled meeting of the Board.

Action Requested:
Staff is requesting that the Planning and Zoning Board adopt the aforementioned minutes as presented or amended by motion of the Board.
The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, October 6, 2020 via a remote electronic meeting.

Present: Chairman Gary Burge, Vice Chairman Catherine Cordell, Board Members John Chase and Steve Warren, Alternate Members Suzanne Devane and Bob Pace, Town Manager Selena Coffey, Town Attorney Jennifer Jackson and Planning Director James Eller. Board Member Racheal Bronson was absent.

1. Call to Order.

Chairman Gary Burge called the meeting to order at 6:00 pm.

New alternate members Devane and Pace introduced themselves to the Board.

A new roster reflective of alternate member Bronson transitioning from an alternate member to a regular member and the appointments of alternate members Devane and Pace was presented to the Board.

It was noted that alternate member Pace would be serving as a voting member of the Board in the absence of regular member Bronson.

2. Approval of the Agenda.

Upon consensus, Mr. Burge declared the agenda approved.

3. Approval of the Minutes from the August 4, 2020 Meeting of the Board.

Ms. Cordell motioned to approve the minutes as presented. Mr. Pace seconded and via a roll call vote all voted unanimously.


Mr. Eller described to the Board that the Town had received a request to release a portion of an improvement guarantee for sewer line construction within Greenwood Park phase 1 as per Section 25-83(e)(1)(B) which allows such a release following the advice of the Planning and Zoning Board and the Town’s engineer.

Ms. Cordell motioned to follow the advice of the Town’s engineer on the matter. Mr. Pace seconded and via a roll call vote all voted unanimously.

5. Discussion Related to the Comprehensive Review of the Subdivision Ordinance and 160D.

Mr. Eller and Ms. Jackson described several policy questions with the Board including the definition of a minor subdivision, improvement guarantees, exactions, sidewalks, minor modifications and the incorporation of language found in statute. Following extensive conversation the following points of consensus were reached.
• Language found in state statute should be incorporated in ordinance rather than referenced in ordinance in order to allow for ease of use.
• Consolidation of administrative language currently found in both Chapters 25 & 36 such as general provisions, administration and enforcement and appeals should be moved to Chapter 20 for ease of use and consistency across both Subdivision and Zoning Chapters.
• Sidewalks should be required for all major subdivisions. Sidewalks should also be required of minor subdivisions with the option for the property owner to apply for a sidewalk waiver through the Zoning Board of Adjustment under current ordinance Section 36-24(d) sidewalk requirements exceptions.
• The Board finds that the option of improvement guarantees should no longer be offered. As an alternative, it is desired for all improvements be approved, constructed and accepted (if desired) prior to final plat approval.
• The Board has no desire to incorporate subdivision exactions are currently allowed under North Carolina law.
• Minor modifications of duly approved plats and plans should be allowed by staff once said minor modifications are tightly defined.
• Minor subdivisions should be tightly defined and regulated to prevent the abuse of the minor subdivision process and circumvention of the major subdivision process. Also, the threshold to be eligible for a minor subdivision should remain at four lots or less.

6. Any Other Business to Come Before the Board.

Mr. Eller noted the next two meeting of the Board would be held on Thursday, November 5 (due to election day) and Tuesday, November 10 which would be a joint meeting with Town Council.

7. Adjournment.

Mr. Warren motioned to adjourn. Mr. Burge seconded and via a roll call vote all voted unanimously.

____________________
Gary Burge, Chairman
Planning and Zoning Board

ATTEST:

____________________
James W. Eller
Planning Director / Deputy Town Clerk
Date of Meeting: Thursday, November 5, 2020

Subject: Update on Comprehensive Review of the Subdivision Ordinance and 160D Compliance

Presenter: Planning Director / Town Attorney

Attachments: None

Description:

As the Board is aware, staff has been working on a comprehensive review of the subdivision ordinance for the previous few months. Unfortunately, time did not permit the completion of additional or revised language for consideration by the Board this month. It is anticipated that a substantial portion of the comprehensive review will be finalized in time for the November 10 joint meeting with Town Council.

Action Requested:

None
TOWN OF WEAVERVILLE

PLANNING AND ZONING BOARD AGENDA ITEM

Date of Meeting: Thursday, November 5, 2020

Subject: Proposed Mobile Home Overlay District

Presenter: Planning Director / Town Attorney

Attachments: Staff Report on a Proposed Manufactured Home Overlay District

Description:
The August, 2020 update of the stated goals of the comprehensive land use plan introduced a new goal to the plan. Said goal was to consider the implementation of a manufactured housing overlay district which was also given the highest priority upon adoption by Town Council.

Staff has prepared a staff report and looks forward to a conversation with the Board related to the furthering of this new stated goal.

Action Requested:
Additional direction to staff, if any, on the information presented related to a proposed manufactured home overlay zoning district.
Comprehensive Land Use Plan Stated Goal and Background Information

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in August 2020, call for the consideration of the implementation of a manufactured home overlay district. Said goal was also given the highest priority within the CLUP giving staff the direction to accomplish or address the stated goal within 12 months.

As some may recall, this conversation started months ago in relation to a general inquiry from the Planning and Zoning Board regarding large tracts of land within municipal borders which are zoned for further residential development. For those of you not on the Board at that time staff provided the following report in February.

<table>
<thead>
<tr>
<th>Address</th>
<th>PIN</th>
<th>Zoning District</th>
<th>Acres</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>105 Church</td>
<td>9742-08-0900</td>
<td>R-1</td>
<td>3.55</td>
<td>15</td>
</tr>
<tr>
<td>11 Lakeshore</td>
<td>9742-16-0551</td>
<td>R-2</td>
<td>5.51</td>
<td>32</td>
</tr>
<tr>
<td>123 Highland</td>
<td>9732-95-2862</td>
<td>R-1</td>
<td>12.22</td>
<td>53</td>
</tr>
<tr>
<td>210 Aiken</td>
<td>9732-83-6223</td>
<td>R-3</td>
<td>5.96</td>
<td>48</td>
</tr>
<tr>
<td>300 Aiken</td>
<td>9732-82-3831</td>
<td>R-3</td>
<td>12.66</td>
<td>101</td>
</tr>
<tr>
<td>41 N. Buncombe School</td>
<td>9743-33-5799</td>
<td>R-3</td>
<td>3.47</td>
<td>28</td>
</tr>
<tr>
<td>68 Highland</td>
<td>9742-06-4501</td>
<td>R-1</td>
<td>7.11</td>
<td>31</td>
</tr>
<tr>
<td>93 Church</td>
<td>9742-08-6733</td>
<td>R-1</td>
<td>2.93</td>
<td>13</td>
</tr>
<tr>
<td>96 Church</td>
<td>9742-98-9331</td>
<td>R-1</td>
<td>4.87</td>
<td>21</td>
</tr>
<tr>
<td>99 Church</td>
<td>9742-08-3833</td>
<td>R-1</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>Unaddressed Central</td>
<td>9742-06-9911</td>
<td>R-1</td>
<td>6.5</td>
<td>28</td>
</tr>
<tr>
<td>Unaddressed Church</td>
<td>9742-28-1340; 9742-27-2925</td>
<td>R-1</td>
<td>2.56</td>
<td>11</td>
</tr>
<tr>
<td>Unaddressed College</td>
<td>9742-17-9929</td>
<td>R-1</td>
<td>2.1</td>
<td>9</td>
</tr>
</tbody>
</table>
Listed units are a theoretical maximum based solely upon the minimum lot area of the zoning district and the acreage present on the subject parcel. Other variables such as minimum lot width, minimum street frontage, setbacks, existing easements, road construction or topography have not been accounted for. Hence the need for preliminary plat engineering. For instance, 108 Church Street recently before the Board carried a theoretical maximum of 12 lots but was only able to achieve 5. 50% of the units listed probably represents a more accurate assessment of units that may translate to the ground.

Properties previously subject to some form of development approval have not been included.

Even if by accident, it was this report which illustrated a large amount of land on which manufactured housing could be established by right on properties within the R-3 zoning district. A conversation between staff and the Board ensued which was reflected in the minutes of the Board meeting as follows.

“Mr. Eller further described the report on undeveloped or underutilized parcels of size within municipal borders originally presented to the Board at their previous meeting and asked the Board if they would support the creation of an overlay district to further restrict the permitting of mobile homes by right in the R-3 zoning district given the number of mobile homes which could be permitted by right. The Board affirmed.”

In February the Board identified the volume of manufactured homes which could be permitted as a concern and in August Town Council adopted the aforementioned stated goal with the advice of the Board and staff. Now staff has prepared this information for the Board to produce an informed opinion in their recommendation to Town Council on the matter. Staff is available to supply any further information or material which the Board may request for their consideration.
Definition of Manufactured Home

The Town’s code of ordinances currently defines a manufactured home as follows...

Manufactured home or mobile home. A structure as defined in G.S. 143-145(7).

North Carolina General Statute provided the following definition...

Manufactured home. – A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Manufactured vs. Modular

Staff’s experience in communicating with the general public on the matter suggests that there is usually some confusion over how a manufactured home is differentiated from a modular home. Coupled with the aforementioned definition of manufactured home the following is the definition of modular home from the Town’s code of ordinances...

Modular home. A dwelling unit constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site on each’s own
chassis or steel frame, or a series of panels or room sections transported to the site on a truck and erected, assembled, or joined there. This unit is deeded, and not titled by the state department of motor vehicles.

The differences of manufactured and modular housing provided by a combination of municipal ordinance and state statute are reflected in the following chart...

<table>
<thead>
<tr>
<th>Subject to the North Carolina Building Code</th>
<th>Manufactured</th>
<th>Modular</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembled entirely off-site</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Place on a permanent foundation</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Portable after placement</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Deeded ownership</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Titled by NCDMV</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

**Zoning Analysis**

Under current zoning regulations the Town permits with standards a manufactured home on an individual lot within the R-3 zoning district and a manufactured home park is not permissible in any zoning district.

**Sec. 36-104. - Notes on table of uses.**

**Notes:**

3. The abbreviations and symbols shown in the Table of Uses have the following meanings:

"PS" = Permitted with Standards

"-"   = Not Permitted

**Sec. 36-105. - Table of uses.**

<table>
<thead>
<tr>
<th>USES</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-12</th>
<th>C-1</th>
<th>C-2</th>
<th>I-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>-</td>
<td>-</td>
<td>PS</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
The additional standards applicable to manufactured homes were established by a text amendment related to the implementation of the table of uses in August 2017 and are as follows...

Sec. 36-129. - Manufactured home.
(a) No new manufactured home shall be permitted within floodways and nonencroachment areas as determined by the Floodplain Administrator of Buncombe County.
(b) Each new manufactured home shall be placed on an individual lot.
(c) A manufactured home must be built to or exceed the Manufactured Home Construction Safety Standards as developed by the Housing and Urban Development Code of June 15, 1976.

Statutory Limits: 160D-910 Manufactured Homes

NCGS 160D-910 establishes that a local government may adopt and enforce regulations related to the location, dimensions and appearance of manufactured homes. However, within the same statute is stated that “a local government may not adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction or that exclude manufactured homes based on the age of the home.”

Also stated is that “in accordance with the local government’s comprehensive plan and based on local housing needs, a local government may designate a manufactured home overlay district within a residential zoning district. Such overlay district may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes.”

Proposed Manufactured Home Overlay District (MH)

The creation of a mobile home overy district will take the form of both a text amendment (enumeration of the district; other standards in addition to the current additional standards, if any, applicable to manufactured homes) and a map amendment.

A proposed manufactured home overlay district could be slotted into an existing portion of municipal ordinance as follows...

Sec. 36-56. - Use districts.
The following standard use districts are hereby established:
(a)  R-1. The primary residential district is established in which the principal use of the land is for single family residential purposes and the regulations for the R-1 district are established in order to protect the existing residential development and protect and promote a suitable environment for family life.

(b)  R-2. The transitional residential district is established in which the principal use of the land is for residential purposes and the regulations for the R-2 district are established in order to protect the existing residential development and protect and promote a suitable environment for family life.

(c)  R-3. The general residential district is established in order to provide a location for manufactured homes on individual lots in which the principal use of the land is for residential purposes and the regulations for the R-3 district are established in order to protect the existing residential development and protect and promote a suitable environment for family life.

(d)  R-12. The multi-unit residential district is established in which the principal use of the land is for residential purposes and the regulations for the R-12 district are established in order to provide a location for multi-unit residential development such as apartments and to provide regulations to minimize the effects of higher density residential uses.

(e)  C-1. The central business district is established in which the principal use of the land is for retail and food service businesses and the regulations for the C-1 district are established in order to protect the present retail businesses and service development within the district and promote future development within the district of businesses compatible with a vibrant, walkable main street.

(f)  C-2. The general business district is established in which the principal use of the land is for commercial development and the regulations for the C-2 district are established in order to promote current and future development of businesses which are required to serve the needs of residents of the town with convenience shopping, goods and services.

(g)  I-1. The light industrial district is established in which the principal use of the land is for light industrial development and the regulations for the I-1 district are established in order to promote industrial development but provide that the noise, dust, glare, and odor of each such industrial operation be kept to a minimum.

The following overlay district is hereby established:

(a)  M-H. The manufactured home overlay district is established and intended for application to those areas of the zoning jurisdiction where the use or development of manufactured homes is consistent with the character of the area and compatible with surrounding developed properties.

In addition to the standard use districts, conditional zoning districts may be established in accordance with section 36-84 of this chapter.
Once the district is enumerated, it will be the responsibility of staff and the Board to identify where such an overlay district should be in place and make such a recommendation to Town Council. The text and map amendments could run concurrently through the legislative process but staff would strongly advise against the passing of any map amendment prior to the desired regulations, in the form of a text amendment, being in place.

NCGS 160D-910 also provides some guidance to this regard and states “a local government may adopt and enforce appearance dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of area residents. The criteria shall be adopted by ordinance.”

Overlay districts are often shown as “hatched” on zoning maps so the underlying zoning district remains discernable. For instance the following is a depiction of the Town owner property on the west side of the interstate with a hatched pattern outlining the property and proposed overlay zoning district.
Town of Weaverville, North Carolina

Staff Report: Proposed Manufactured Home Overlay Zoning District

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; North Carolina General Statutes; UNCSOG Legal Summaries

Additional Resources

Manufactured Housing, Modular Housing, and Zoning
https://www.sog.unc.edu/resources/legal-summaries/manufactured-housing-modular-housing-and-zoning
TOWN OF WEAVERVILLE
PLANNING AND ZONING BOARD AGENDA ITEM

Date of Meeting: Thursday, November 5, 2020
Subject: Other Business
Presenter: Planning Director
Attachments: None

Description:
With the state wide restrictions on public gatherings related to the COVID-19 pandemic having recently been loosened, staff wishes to have a conversation with the Board related to the nature of their meetings in the following months. In short, does the Board wish to continue meeting remotely during the Governors declared state of emergency or return to meeting in person with attendance capped at 25 people.

Also, please take note of the upcoming Tuesday, November 10 joint meeting with Town Council.

Action Requested:
Achieving a general consensus on the nature of meetings of the Board for the next few months.