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 December 1, 2020 Meetings of the Board
4. Final Plat for Northridge Commons Townhomes
   • Discussion Related to the Final Plat
   • Consideration of a Motion Establishing a Recommendation to Town Council on the
     Proposed Final Plat
5. Proposed Manufactured Home Overlay District
   • Presentation of the Proposed Manufactured Home Overlay District Recommendation
   • Consideration of a Motion Establishing a Recommendation to Town Council on the
     Proposed Manufactured Home Overlay District
6. Discussion Related to Code Amendments Associated with 160D
   • Conflicts of interest, Planning and Zoning Board, Zoning Board of Adjustment
7. Any other Business to Come Before the Board
   • Updated Roster
8. Adjournment
WEAVERVILLE PLANNING AND ZONING BOARD
REMOTE ELECTRONIC MEETING ON JANUARY 5, 2021

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 January 5, 2021, 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 Tuesday, January 5, 2021, 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: 12/29/2020
TOWN OF WEAVERVILLE

PLANNING AND ZONING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 5, 2021
Subject: Minutes
Presenter: Planning Director
Attachments: Minutes from December 1, 2020 Meeting of the Board

Description:
Attached you will find proposed minutes from the December 1, 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 Thursday, December 1, 2020 via a remote electronic meeting.

Present: Chairman Gary Burge, Vice Chairman Catherine Cordell, Board Member John Chase, Alternate Members Suzanne Devane and Bob Pace, Town Councilmember Andrew Nagle, 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.

It was noted that alternate members Ms. Devane and Mr. Pace would be serving as a voting members of the Board in the absence of regular member Ms. Bronson and a currently vacant position on the Board.

2. **Approval of the Agenda.**

Mr. Eller requested that an agenda item related to the proposed rezoning of 16 Reems Creek Road be added to the agenda which was sent out in the agenda packet.

Upon consensus, Mr. Burge declared the agenda approved as amended.

3. **Approval of the Minutes from the November 5 and November 12, 2020 Meetings of the Board.**

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

4. **Discussion Related to a Proposed Manufactured Home Overlay District.**

Mr. Eller and Ms. Jackson reviewed language constituting a text amendment discussed with the Board at their previous monthly meeting related to the proposed manufactured home overlay district. The areas of town which may be appropriate for the manufactured home overlay district were discussed. It became the consensus of the Board that three areas of town would be suitable for the new proposed district including the existing manufactured home park on Merrimon Avenue, the existing manufactured home park on Coleman Hensley Drive and an aggregate of properties in the vicinity of North Buncombe School Road and Red Cole Drive.

It was also the consensus of the Board to offer a formal recommendation on the manufactured home overlay district in January once the proposed ordinance had been crafted and reviewed.

5. **Proposed Rezoning of the Property Commonly Known as 16 Reems Creek Road from I-1 to R-3.**
Mr. Eller noted the location of the property in question and described the rezoning application which called for a change from I-1 to R-3. It was also noted that this property abuts 24 Reems Creek Road, under common ownership, which was recently voluntarily annexed and given the initial zoning distinction of R-3.

Noting the recent initial zoning of 24 Reems Creek Road as R-3 Ms. Cordell motioned to offer a favorable recommendation to Town Council on the rezoning of the property from I-1 to R-3, Ms. Devane seconded and via a roll call vote all voted unanimously.


A guidance document from the School of Government related to administrative modifications which had been discussed at a previous meeting was supplied for informational purposes. Mr. Eller and Ms. Jackson noted that this information would be used to incorporate language related to administrative modifications in the subdivision and zoning ordinances along with 160D modifications.

7. Any Other Business to Come Before the Board.

The 2021 schedule of meetings for the Board was provided.

Mr. Burge motioned to approve the schedule of meetings. Ms. Devane seconded and via a roll call vote all voted unanimously.

8. Adjournment.

Mr. Burge motioned to adjourn. Ms. Cordell 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
TOWN OF WEAVERVILLE

PLANNING AND ZONING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 5, 2021

Subject: Final Plat for Northridge Commons Townhomes

Presenter: Planning Director

Attachments: Final Plat for Northridge Commons Townhomes, Waterline Acceptance Plat

Description:

Following three months of review by the Planning Board the conditional zoning district for Northridge Commons Townhomes was adopted by Town Council in October of the same year. Over the previous two years, work on the infrastructure for the project has been underway and the final plat has been submitted.

Action Requested:

Staff is requesting that the Planning and Zoning Board review and offer a recommendation to Town Council on the final plat.
TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: December 21, 2020
SUBJECT: Waterline Acceptance – Northridge Commons Townhouses
PRESENTER: Public Works Director
ATTACHMENTS: Approved Easement Plat

DESCRIPTION/SUMMARY OF REQUEST:

The Northridge Commons Townhouses project behind Walmart is nearing completion. As a part of that project the property owner, Northridge Commons Investors, LLC, has constructed the water infrastructure necessary to provide this development with public water. A water easement plat is attached showing the lines and the easement area.

Although there are still some punchlist items outstanding, the Public Works Director is requesting that Town Council accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Public Works Director, Town Manager and Town Attorney. The Public Works Director also urges Town Council to set a waterline repair guaranty at $15,000 to cover any defects that might be discovered within three years of our acceptance. The Town Attorney has been working with the owner to get the necessary easement documents in place pending Town Council approval.

The recording of a final plat of the project is required before the development can begin selling lots. A final plat will be undergoing review and recommendation by staff and the Planning and Zoning Board prior to it coming to Town Council for approval in January 2021. To ensure that all outstanding punchline items on the water system are completed, final plat approval should be withheld if the Public Works Director has not issued a final approval of the water system.

ACTION REQUESTED:

Council action to (1) accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney and Public Works Director, and (2) set the repair guaranty amount at $15,000. The following is suggested as a motion:

I move that we accept the waterline extension and related improvements for the Northridge Commons Townhouses project into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney and Public Works Director, and to set the repair guaranty amount at $15,000.
TOWN OF WEAVERVILLE
PLANNING AND ZONING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 5, 2021
Subject: Proposed Mobile Home Overlay District
Presenter: Planning Director / Town Attorney
Attachments: Proposed Recommendation and Ordinances Related to the Manufactured Home Overlay District Text and Map Amendments

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.

Over the previous two months the Board has reviewed language constituting a zoning text and map amendment for the proposed manufactured home overlay district. At the direction of the Board, staff has prepared a recommendation from the Board to Town Council, complete with a text and map amendment ordinance, for the Board’s consideration.

Action Requested:

Staff is requesting the formal adoption of the recommendation representative of the Board’s discussions and findings.
On Thursday, November 5 and Tuesday, December 1, 2020 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached proposed text and map amendment which formally creates a manufactured home overlay zoning district.

It has been found that the proposed text and map amendment is consistent with the Town’s Comprehensive Plan in that the plan calls for language related to such an overlay district as follows:

Consider Implementation of a Manufactured Home Overlay District

The Planning and Zoning Board considers approval both reasonable, and in the best interest of the public in that the overlay district, if established, adds to the balance of residential uses and allows for a closer analysis on the compatibility of manufactured homes with surrounding developed properties prior to the application of the district, and will not have the effect of excluding manufactured homes from the entirety of the zoning jurisdiction.

______________________________

Gary Burge
Chairman, Planning and Zoning Board
ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 36 CONCERNING THE R-3 ZONING DISTRICT AND
THE ESTABLISHMENT OF A MANUFACTURED HOME OVERLAY DISTRICT

WHEREAS, N.C. Gen. Stat. 160D-910 authorizes the adoption of appearance and
dimensional standards for manufactured homes and the use of a manufactured home
overlay district to provide such regulation as long as such regulations do not have the effect
of excluding manufactured homes from the entire zoning jurisdiction;

WHEREAS, consistent with the priorities established in the Comprehensive Land
Use Plan and at the direction of Town Council, the Planning and Zoning Board met on 5
November 2020, 1 December 2020, and 5 January 2021, and in those meetings studied and
reviewed the Town’s existing regulations and proposed new regulations concerning the
establishment of a manufactured home overlay district;

WHEREAS, the Planning and Zoning Board has found such amendments consistent
with the Town’s comprehensive land use plan, reasonable, and in the best interest of the
public in that the overlay district, if established, adds to the balance of residential uses and
allows for a closer analysis on the compatibility of manufactured homes with surrounding
developed properties prior to the application of the district, and will not have the effect of
excluding manufactured homes from the entirety of the zoning jurisdiction, and with a
majority/unanimous vote of the Planning and Zoning Board, recommends such
amendments;

WHEREAS, after proper notice the Town Council held a public hearing on January
25, 2021, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council adopts the findings and recommendations of the Planning
and Zoning Board presented during the public hearing;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville,
North Carolina, as follows:

1. The findings and recommendations of the Planning and Zoning Board are hereby
incorporated by reference and adopted by Town Council.

2. All amendments adopted in this Ordinance are shown in red with added language
underlined and deleted language shown with strike-throughs.

3. Section 36-56 is hereby amended as follows:

Sec. 36-56. - Use and overlay districts.
The following standard use districts and overlay 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 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 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 promote a suitable environment for family life with a higher allowable density than the R-1 and R-2 districts.

(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.

(h) MHO. 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 on individual lots is consistent with the character of the area and compatible with surrounding developed properties.

... 4. The table of uses established in Section 36-105 is hereby amended to remove manufactured homes as a use permitted with standards in R-3 and to add a MHO district which permits manufactured homes with standards as follows:

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>
<th>MHO</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5. Section 36-106 is hereby amended to establish dimensional requirements for the MHO district as follows:

Sec. 36-106. - Table of dimensional requirements.

<table>
<thead>
<tr>
<th>Zoning District</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>L-1</th>
<th>MHO¹¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. Ft.)</td>
<td>10,000</td>
<td>7,500</td>
<td>5,445</td>
<td>7,500</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5,445</td>
</tr>
<tr>
<td>Minimum Lot Width(ft.)</td>
<td>100</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>0</td>
<td>50</td>
<td>0</td>
<td>75</td>
</tr>
<tr>
<td>Minimum Front Yard (ft.)</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Major Thoroughfare</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>60</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>Minor Thoroughfare</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>25</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>With Parking in Front</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>60</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Without Parking in Front</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>40</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minimum Side Yard (ft.) Abutting Residential District</td>
<td>10</td>
<td>10⁶</td>
<td>10⁶</td>
<td>10⁶</td>
<td>0</td>
<td>30</td>
<td>40</td>
<td>10⁶</td>
</tr>
<tr>
<td>Minimum Side Yard (ft.) Abutting Commercial or Industrial District</td>
<td>10</td>
<td>10⁶</td>
<td>10⁶</td>
<td>10⁶</td>
<td>0</td>
<td>0</td>
<td>40</td>
<td>10⁶</td>
</tr>
<tr>
<td>Minimum Rear Yard (ft.) Abutting Residential District</td>
<td>10</td>
<td>10⁶</td>
<td>10⁶</td>
<td>10⁶</td>
<td>0</td>
<td>30</td>
<td>40</td>
<td>10⁶</td>
</tr>
<tr>
<td>Minimum Rear Yard (ft.) Abutting Commercial or Industrial District</td>
<td>10</td>
<td>10⁶</td>
<td>10⁶</td>
<td>10⁶</td>
<td>0</td>
<td>0</td>
<td>40</td>
<td>10⁶</td>
</tr>
<tr>
<td>Height Limit (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>45 and no more than 3 stories</td>
<td>Note 10</td>
<td>75</td>
<td>75</td>
<td>18</td>
</tr>
<tr>
<td>Buffer if Abutting a Residential District (ft.)</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>Note 9</td>
<td>20</td>
<td>20</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

6. Section 36-107 is hereby amended to add the following note:

Sec. 36-107. - Notes for table of dimensional requirements.

Notes:

11. The dimensional standards for the MHO district only apply to manufactured homes. To the extent that a dimensional requirement for a manufactured home in
the MHO district is inconsistent with the corresponding dimensional requirement of the underlying use district, the more restrictive dimensional requirement shall apply to that manufacture home.

7. Section 36-129 is hereby amended to add additional standards for manufactured homes:

Sec. 36-129. - Manufactured home.

(a) No new manufactured home shall be permitted within floodways and non-encroachment 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.

(d) Manufactured homes must not be more than a single story measured from front ground level and may not be stacked.

(e) Manufactured homes must either be properly tied down with underpinning/skirting installed and maintained or must be placed on a permanent foundation. If piers are used they must be engineered and skirting must be installed.

8. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.

9. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the ___ day of __________, 2021, by a vote of __ in favor and __ against.

__________________________________________
ALLAN P. ROOT, Mayor

ATTESTED BY: ________________________________
JAMES ELLER, Town Clerk

APPROVED AS TO FORM:

__________________________________________
JENNIFER O. JACKSON, Town Attorney
TOWN OF WEAVERVILLE
AN ORDINANCE AMENDING THE TOWN’S ZONING MAP TO ESTABLISH A MANUFACTURED HOME OVERLAY DISTRICT ON CERTAIN PROPERTIES

WHEREAS, Town Council wishes to amend its zoning map to zone the following parcels of land with the manufactured home overlay district (MHO):

<table>
<thead>
<tr>
<th>Parcel Identification Number</th>
<th>Physical Address</th>
<th>Current Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>9743-43-0246</td>
<td>N. Buncombe School Rd</td>
<td>David Cole</td>
</tr>
<tr>
<td>9743-43-0162</td>
<td>30 Red Cole Drive</td>
<td>David Cole</td>
</tr>
<tr>
<td>9743-33-9113</td>
<td>21 Red Cole Drive</td>
<td>Lamar Cole</td>
</tr>
<tr>
<td>9743-33-8364</td>
<td>N. Buncombe School Rd</td>
<td>Lamar Cole</td>
</tr>
<tr>
<td>9743-33-6380</td>
<td>N. Buncombe School Rd</td>
<td>James Cole</td>
</tr>
<tr>
<td>9743-33-4367</td>
<td>15 N. Buncombe School Rd</td>
<td>Michael Boles</td>
</tr>
<tr>
<td>9743-33-4513</td>
<td>23 N. Buncombe School Rd</td>
<td>Norman Bradford</td>
</tr>
<tr>
<td>9743-33-6553</td>
<td>N. Buncombe School Road</td>
<td>Raymond Cole</td>
</tr>
<tr>
<td>9743-33-3697</td>
<td>31 N. Buncombe School Rd</td>
<td>Heidi Cole</td>
</tr>
<tr>
<td>9743-33-5799</td>
<td>41 N. Buncombe School Rd</td>
<td>Isabel Cole</td>
</tr>
<tr>
<td>9743-31-5384</td>
<td>25 Coleman Hensley Drive</td>
<td>Michael Hensley</td>
</tr>
<tr>
<td>9743-31-5585</td>
<td>4 Coleman Hensley Drive</td>
<td>Jack Hensley</td>
</tr>
<tr>
<td>9732-80-0678</td>
<td>341 Merrimon Avenue</td>
<td>Jones Family Properties, LLC</td>
</tr>
</tbody>
</table>

WHEREAS, the Weaverville Planning and Zoning Board reviewed this map amendment on December 1, 2020, found that the establishment of the MHO on the above properties is reasonable and in the public interest in that it is consistent with the future land use map, provides a balance of residential uses, and is compatible with the current uses on those properties and with the uses in the surrounding area, and, by a unanimous vote, recommended that Council approve the zoning map amendment;

WHEREAS, Town Council held a public hearing on this map amendment on ___ as required by law and by Town Code;

WHEREAS, Town Council finds that the map amendment is consistent with the Town’s Comprehensive Land Use Plan, is reasonable and in the public interest in that it is consistent with the future land use map, provides a balance of residential uses, is compatible with the current uses on those properties and with the uses in the surrounding area, will allow the highest and best use of the property, and is in the best interest of the public;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Weaverville, North Carolina, that the official Weaverville Zoning Map is hereby amended to reflect that the manufactured home overlay district applies to the above-referenced properties effective immediately.
ADOPTED THIS the ___ day of __________, 2021, by a vote of ___ in favor and ___ against.

________________________________________
ALLAN P. ROOT, Mayor

ATTESTED BY:                              APPROVED AS TO FORM:

________________________________________
JAMES ELLER, Town Clerk                    JENNIFER O. JACKSON, Town Attorney
TOWN OF WEAVERVILLE

PLANNING AND ZONING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 5, 2021

Subject: Code Amendments Associated with 160D

Presenter: Planning Director / Town Attorney

Attachments: Chapter 2 - Administration

Description:

The attached proposed ordinance amendment represents language related to the Planning Board, Board of Adjustment and conflicts of interest as staff continues to work on code amendments associated with 160D.

Action Requested:

Staff is requesting the Planning and Zoning Board review the language presented as a part of the larger 160D update process.
Chapter 2 – Administration

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 2. PLANNING BOARD

Sec. 2-151. Establishment
Pursuant to the authority granted in G.S. 160D-301, the town council establishes a planning board of the town, which board shall consist of five regular members and up to two alternate members who shall all serve at the pleasure of town council. Only residents of the Town of Weaverville are eligible to serve on the planning board. Members shall be appointed by the mayor with the approval of the town council. An alternate member may serve on the planning board in the absence or temporary disqualification of a regular member and when so serving has all of the powers and duties of a regular member.

The term of office of each member and alternate member of the planning board shall be for three years. In appointing original members or in filling vacancies caused by the expiration of the terms of existing members, the mayor and town council may appoint certain members for less than three years so that the terms of all members do not expire at the same time. Vacancies occurring on the planning board shall be filled for the unexpired term only.

Members of the planning board shall receive no compensation for their services.

Any member of the planning board who is absent without good cause from three consecutive meetings of the board shall be reported to the mayor and may be removed from the board and replaced in the manner prescribed for appointments.

Sec. 2-152. Records
The planning board shall keep records of its meetings and proceedings and may certify attendance of board members to the town council.

Sec. 2-153. Officers
The planning board shall elect a chair and a vice-chair from its membership, who shall each serve for one year or until reelected or until their successors are elected. The planning board shall appoint a secretary, who may be a municipal officer, an employee of the town, or a member of the board.

Sec. 2-154. Rules of Procedure
The planning board shall adopt appropriate rules of procedure, which rules shall be consistent with G.S. Chapter 160D and subject to the approval of the town council. A
copy of the adopted rules of procedure shall be maintained by the town clerk and posted on the town’s website.

Sec. 2-155. Duties
The planning board shall primarily act in an advisory or administrative capacities and shall perform the following duties:

1. To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;

2. To facilitate and coordinate citizen engagement and participation in the planning process;

3. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

4. To advice the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604;

5. To exercise any functions in the administrative and enforcement of various means for carrying out plans that the governing board may direct;

6. To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board;

7. To perform any other related duties that the governing board may direct, either through ordinance or action.

DIVISION 3. BOARD OF ADJUSTMENT

Sec. 2-161. Establishment
Pursuant to the authority granted in G.S. 160D-302, the town council establishes a board of adjustment of the town, which board shall consist of five regular members and up to two alternate members who shall all serve at the pleasure of town council. Only residents of the Town of Weaverville are eligible to serve on the board of adjustment. Members shall be appointed by town council. An alternate member may serve on the board of adjustment in the absence or temporary disqualification of a regular member and when so serving has all of the powers and duties of a regular member.

The term of office of each member and alternate member of the board of adjustment shall be for three years. In appointing original members or in filling vacancies caused by the expiration of the terms of existing members, the mayor and town council may appoint certain members for less than three years so that the terms of all members do not expire at the same time. Vacancies occurring on the board of adjustment shall be filled for the unexpired term only.
Members of the board of adjustment shall receive no compensation for their services. Any member of the board of adjustment who is absent with or without good cause from three consecutive meetings of the board shall be reported to the mayor and may be removed from the board and replaced in the manner prescribed for appointments.

Sec. 2-162. Records
The board of adjustment shall keep records of its meetings and proceedings and may certify attendance of board members to the town council.

The board of adjustment shall keep a record of all quasi-judicial matters which shall include the decision and all documents and exhibits submitted to the board of adjustment, together with the minutes of the meeting or meetings at which the decision was considered and decided. To aid the board of adjustment in creating the record of quasi-judicial matters, audio or videotaping of the hearing is recommended.

Sec. 2-163. Officers
The board of adjustment shall elect a chair and a vice-chair from its membership, who shall each serve for one year or until reelected or until their successors are elected. The board of adjustment shall appoint a secretary, who may be a municipal officer, an employee of the town, or a member of the board.

Sec. 2-164. Rules of Procedure
The board of adjustment shall adopt appropriate rules of procedure which shall be consistent with G.S. Chapter 160D and subject to the approval of the town council. A copy of the adopted rules of procedure shall be maintained by the town clerk and posted on the town’s website.

Sec. 2-165. Duties
The board of adjustment shall primarily act in a quasi-judicial capacity and shall perform the following duties:

(a) Quasi-Judicial Procedures – The board of adjustment shall follow quasi-judicial procedures as specified in G.S. 160D-406 and Code Sec. ____ when making any quasi-judicial decision.

(b) Appeals – Except as otherwise provided by G.S. Chapter 160D, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of all development regulations and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. 160D-405 and Code Sec. ____ governing appeals of administrative decisions, and G.S. 160D-406 and Code Sec. ____ governing quasi-judicial procedure are applicable to these appeals.
(c) **Special Use Permits** – The board of adjustment shall hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the development regulations adopted by the town. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions made include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this section shall be include requirements for which local government does not have authority under statute to regular nor requirements for which the courts have held to be unenforceable if imposed by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Changes to approved special use permits are subject to Code Sec. ______. Special use permits are required to be recorded with the Buncombe County Register of Deeds.

(d) **Variance** – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon the showing of all of the following:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made on the property;
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from the actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
5. The requested variance is not a request to permit a use of land, building, or structure which is not permitted in the zoning district in which the property is located.
6. The requested variance is not a request to permit a prohibited sign. Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. Other development regulations that
regulate land use or development, including the subdivision regulations, may provide for variances from the provisions of those ordinances consistent with the provision of this section. Approved variances are required to be recorded with the Buncombe County Register of Deeds.

ARTICLE VI. CONFLICTS OF INTEREST

Sec. 2-301. Governing Board
A governing board member, including all town council members and the mayor, shall not vote on any legislative decision, including but not limited to a development regulation adopted pursuant to G.S. Chapter 160D or Code Chapter 20, where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any text or map amendment if the landowner of the property subject to such amendment or the applicant for the amendment is a person with whom the governing board member has a close familial, business, or other associational relationship.

Sec. 2-302. Appointed Boards
Members of appointed boards, including but not limited to the planning board and the board of adjustment, shall not vote on advisory, administrative or legislative decisions, including but not limited to a development regulation adopted pursuant to G.S. Chapter 160D or Code Chapter 20, where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any administrative decision or text or map amendment if the landowner of the property subject to such decision or amendment or the applicant for the development approval or amendment is a person with whom the governing board member has a close familial, business, or other associational relationship.

Sec. 2-303. Administrative Staff
No staff member shall make a final decision on an administrative decision, including but not limited to any decision required by G.S. Chapter 160D or Code Chapter 20, if the outcome of the decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this chapter unless the staff member is the owner of the land or building involved. No staff member of other individual or an employee of a company contracting with the town to provide staff support shall engage in any work that is
inconsistent with his or her duties or with the interest of the town as determined by the town.

**Sec. 2-304. Quasi-Judicial Decisions**
A member of any board exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with the affected person, or a financial interest in the outcome of the matter.

**Sec. 2-305. Resolution of Objection**
If an objection is raised to a member’s participation at or prior to the hearing or vote on that matter and the member does not recuse themselves, the remaining members of the board shall by majority vote rule on the objection.

**Sec. 2-306. Familial Relationship**
For purposes of this article, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild, and those step, half, and in-law relationships.
TOWN OF WEAVERVILLE
PLANNING AND ZONING BOARD AGENDA ITEM

Date of Meeting: Tuesday, January 5, 2021
Subject: Other Business
Presenter: Planning Director
Attachments: Updated Roster

Description:
The attached updated roster has been prepared and is reflective of Mr. Warren’s resignation from the Board and Mr. Chase’s change of address.

Action Requested:
None.
# Weaverville Planning and Zoning Board

Regularly meets 1st Tuesday of the month at 6 pm in Community Room/Council Chambers at Town Hall

<table>
<thead>
<tr>
<th>Name and Position</th>
<th>Contact Information</th>
<th>First APPT</th>
<th>Date of APPT</th>
<th>Term (3 Years)</th>
</tr>
</thead>
</table>
| Gary Burge               | 3 High Bluff Drive  
                               | April 2019  | September 2020 – 2023 |
| Regular Member Chair     | 13 Hamburg Drive  
                               | 2014        | August 2020   | September 2020 – 2023 |
| Catherine Cordell        | 13 Hamburg Drive  
                               | 2012        | August 2020   | September 2020 – 2023 |
| Regular Member Vice-Chair| 20 Brown Street  
                               | 2018        | August 2019   | September 2019 – 2022    |
| John Chase               | 31 Reynolds Lane  
                               | 2019        | September 2020 | September 2020 – 2022  |
| Regular Member           | 31 Reynolds Lane  
                               | 2019        | September 2020 | September 2020 – 2022  |
| Rachael Bronson          | 31 Reynolds Lane  
                               | 2019        | September 2020 | September 2020 – 2022  |
| Vacant Regular Member    | 31 Reynolds Lane  
                               | 2019        | September 2020 | September 2020 – 2022  |
| Suzanne Devane           | 3 High Bluff Drive  
                               | 2020        | September 2020 | September 2020 – 2021  |
| Alternate Member         | 3 High Bluff Drive  
                               | 2020        | September 2020 | September 2020 – 2021  |
| Bob Pace                 | 3 High Bluff Drive  
                               | 2020        | September 2020 | September 2020 – 2022  |
| Alternate Member         | 3 High Bluff Drive  
                               | 2020        | September 2020 | September 2020 – 2022  |
| Andrew Nagle             | 3 High Bluff Drive  
                               | 2020        | September 2020 | September 2020 – 2022  |
| Non-Voting Town Council Liaison | 300 Aiken Road  
                               | 2020        | July 2020     | July 2021                   |
| James Eller              | 828-484-7002 (direct line)  
                               | 2020        | August 2020   | September 2020 – 2023    |
| Planning Director        | 828-442-1858 (cell)  
                               | 2020        | August 2020   | September 2020 – 2023    |
| Jennifer Jackson         | 828-484-7002 (direct line)  
                               | 2020        | August 2020   | September 2020 – 2023    |
| Town Attorney            | 828-442-1858 (cell)  
                               | 2020        | August 2020   | September 2020 – 2023    |

Last updated January, 2021