



**Town of Weaverville
Planning Board
Regular Monthly Meeting
Tuesday, August 1, 2023, 6:00pm**

Agenda

1. Call to Order – Chair Bob Pace	Pg #
2. Approval of the Agenda	
3. Approval of the Minutes	3
• July 6, 2023 regular meeting of the Board	
4. Maple Trace Initial Zoning Upon Annexation	5
5. Update of Comprehensive Land Use Plan Priorities	24
• Planning Board Consensus on Priorities of the CLUP	
• Any Additions or Subtractions to Priorities	
6. Short Term Rentals	30
• Presentation of Information Gained from other Jurisdictions	
• Additional Parties to be Included in the Study of Possible Regulation of Short Term Rentals	
7. Any Other Business	41
• Joint Meeting of the Planning Board and Town Council	
8. Adjournment	

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, August 1, 2023

Subject: Minutes

Presenter: Planning Director

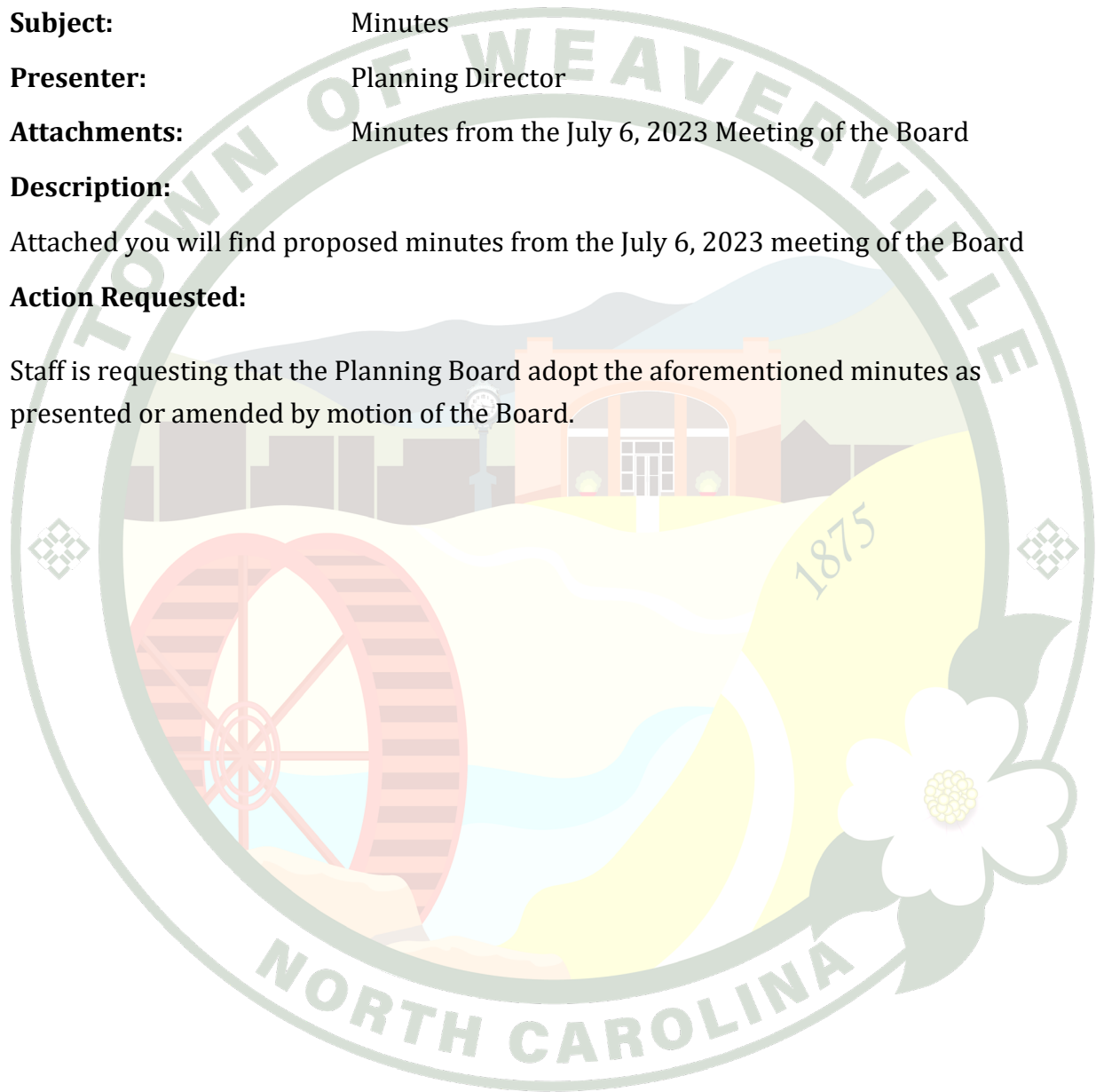
Attachments: Minutes from the July 6, 2023 Meeting of the Board

Description:

Attached you will find proposed minutes from the July 6, 2023 meeting of the Board

Action Requested:

Staff is requesting that the Planning Board adopt the aforementioned minutes as presented or amended by motion of the Board.



Town of Weaverville
Planning Board
Regular Monthly Meeting
Thursday, July 6, 2023, 6:00pm
Minutes

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00 pm on Thursday July 6, 2023, within Council Chambers at Town Hall.

Present: Chair Bob Pace, Board Members Jane Kelley, Donna Mann Belt and Alternate Member, Stephanie Pupkiewicz-Busch. Town Council Liaison Michelle Wood, Town Attorney Jennifer Jackson, Planning Director James Eller and Town Clerk Tamara Mercer.

Call to Order – Chair Bob Pace called the meeting to order at 6:00 p.m.

Chairman Pace appointed the Town Clerk as Secretary to the Planning Board without objection. Chairman Pace recognized alternate member, Stephanie Pupkiewicz-Busch as a voting member without objection.

2. Adopt the Agenda

With no objections Chairman Pace adopted the agenda by consent.

3. Planning Board regular meeting minutes June 6, 2023

Jane Kelley moved to approve the June 6, 2023, meeting minutes as presented and the motion carried 4-0 unanimously.

4. Discussion Related to the Potential Implementation of a Conservation Design Concept

Potential conservation design concepts have been drawn from the NC Forestry Service addressing the urban conservation design ordinance and was presented by Planning Director, James Eller.

Mr. Eller noted that ‘conservation designs’ are incentives to improve conservation and he proposed that they be applicable to development for major subdivisions as defined in the code. As discussed in the previous meeting, Staff is presenting an incentive program. If the Board wishes to propose requirements for conservation measures instead, that is at the discretion of the Board. Mr. Eller and Attorney Jackson answered questions and discussed how incentive based conservation measures might work in a variety of situations.

Discussion included minimum lot acreage requirements, infrastructure, and public utilities, rural versus urban definitions, minor and major developments, tree inventory, the watershed in cluster developments and environmentally sensitive areas. Mr. Eller noted that four lots or less, with infrastructure in place, constitutes a minor subdivision. A major subdivision has five or more lots or where infrastructure does not exist and would have to be installed.

Chairman Pace noted that Ms. Kelley and the other members were concerned with tree conservation, so they were not inclined to implement an incentive program, but rather require conservation measures. In light of the CLUP language which states “Consider regulations that encourage open space or greenway dedication, conservation measures,” Attorney Jackson

recommended that Town Council guidance on this issue be sought. It was the Planning Board consensus not to pursue an incentive approach to conservation but instead focus on an approach that requires conservation measures for all residential development, and Staff will consult the Town Council for further guidance.

5. Short Term Rentals

Mr. Eller reviewed the options and next steps as provided by Staff and the Land of Sky Regional Council report on STRs. A facilitator cost was discussed, and Councilmember Wood noted she can provide Brevard's research as they had a large task force in the process of implementing regulations. Attorney Jackson provided the task force/stakeholders list and others that might have relevant information, including the following: WBA, short term rental property owners, law enforcement which includes law enforcement data, Public Works and Planning Staff, Buncombe County Tourism Development Authority, who may be able to provide data on the occupancy tax dollars collected, realtors, citizens in general, and regional jurisdictions.

Chairman Pace suggested adding special meetings on STRs and Attorney Jackson provided options for meeting and gathering public input with the stakeholders. She added that Staff will contact the regional jurisdictions for information and provide that data to the Board at a subsequent meeting.

Councilmember Wood wanted to include the City of Brevard discussion points and data and determine how to implement enforcement and the Board wished to include the jurisdictions of Asheville, Woodfin, Hot Springs, and Buncombe County. Attorney Jackson stated Staff will send the discussion points which will include: general description and definitions of short-term rentals, STR statuses, legal challenges, regulations that worked well, and what procedures were changed, and enforcement of short-term rentals. We will invite them to respond in writing and/or attend in person or remotely at the August 1st Planning Board meeting.

6. Any Other Business

Mr. Eller provided an update on Various Development Projects, specifically the Buncombe County Board approval of a Conditional District multi-tenant commercial mixed use development.

Attorney Jackson provided the Board with a priority project list and requested members to rank and/ or include priority projects of their own. The list and rankings will provide guidance and input for the next Planning Board meeting. The recommendations from the Planning Board would then go before Town Council.

7. Adjournment

There being no further business, Chairman Pace adjourned the meeting at 7:51 p.m. without objection.

Tamara Mercer, Town Clerk

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, August 1, 2022

Subject: Maple Trace – Initial Zoning Upon Annexation

Presenter: Planning Director, Town Attorney

Attachments: Resolution Concerning Voluntary Annexation Petition for Maple Trace, GIS Image, Maple Trace Subdivision Preliminary Plat and Final Plats for Phases 1-4, Future Land Use Map, Resolution Regarding Development in Identified Growth Areas

Description:

The Maple Trace Homeowners' Association, Inc., and property owners within the Maple Trace Subdivision have submitted a voluntary annexation petition that encompasses all of the subdivision lots and common space within the existing subdivision known as Maple Trace. The area is approximately 65 acres and is located near the intersection of Reems Creek Road and Parker Cove Road on private subdivisions roads named Water Leaf Drive, Wild Ginger Court, Checkerberry Court, Bell Lily Drive, and Rosebud Orchid Way. Construction of single-family homes has been completed on just about all lots and vested rights are claimed so that the subdivision can be completed as originally planned and permitted.

While vested rights are being claimed, staff has offered the opinion that the Town's R-2 zoning district is the most appropriate for the properties in question and the property owners are agreeable with this assessment.

Action Requested:

The Board is being asked to consider the initial zoning of the properties upon annexation and offer a recommendation to Town Council on the proposal's consistency with the comprehensive land use plan and reasonableness of the proposed zoning amendment.

**TOWN OF WEAVERVILLE
RESOLUTION CONCERNING VOLUNTARY ANNEXATION PETITION
FOR MAPLE TRACE SUBDIVISION**

WHEREAS, a petition requesting annexation of the entirety of Maple Trace Subdivision has been received by the Town of Weaverville and the Weaverville Town Council deems it advisable to proceed in response to this request for annexation; and

WHEREAS, N.C. Gen. Stat. § 160A-58.2 provides that the sufficiency of a non-contiguous annexation petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, a Planning Board review and recommendation on the initial zoning of the areas to be annexed is required prior to Town Council taking any action to amend the zoning map should these properties be annexed, although vested rights are claimed for all development; and

WHEREAS, staff analysis on the effect that this annexation will have on the provision of Town services is advisable prior to Town Council taking any action on the annexation petition;

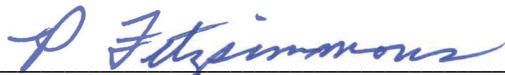
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville as follows:

1. The Town Clerk, with the assistance of the Town Attorney, is hereby directed to investigate the sufficiency of the voluntary annexation petition and to certify to Town Council the result of her investigation.
2. The Planning Director is directed to place the properties that are the subject of the annexation petition on the Planning Board's agenda for review and recommendation as to the most appropriate zoning district for an initial Town zoning of these properties, that consistency with the Town's Comprehensive Land Use Plan be part of that review, and that a Planning Board recommendation be submitted to Town Council as soon as practical, but in no event later than any public hearing that may subsequently be held on this matter.
3. The Town staff is directed to provide a report analyzing the effect that this annexation might have on the provision of Town services and any additional resources that will be needed to extend Town services to these properties should they be annexed.
4. The Public Works Director is directed to develop a testing and inspection program, to be performed by or on behalf of the petitioners and at petitioners' expense, for evaluation of the private street construction standards, condition of the streets and related stormwater system on all of the streets that are proposed for acceptance into the Town's public street system. The Public Works Director is authorized to work with the petitioners and provide guidance concerning the testing and inspection and to advise the petitioners on any remedial measures that will be

recommended based on the Public Works Director's review of the testing results. The Public Works Director is further directed to provide such reporting to Town Council as necessary to keep them informed of the testing results, remedial work undertaken and/or completed, and his final recommendation concerning acceptance of the streets into the Town's public street system.

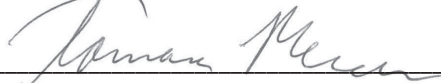
5. It is acknowledged that this voluntary annexation petition covers approximately 65 acres and approximately 1.4 miles of streets, and involves a large number of petitioners (representing approximately 135 lots, and 8 common areas), and that it will take staff time to provide the analysis, certifications, and recommendations required by this resolution. Staff is directed to provide an update at its November 2023 regular meeting, if not before.

THIS the 24th day of July, 2023



PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



TAMARA MERCER, Town Clerk



[illegible]

1:9,028

8

PROPOSED LOTS:



[illegible]

LINE	ADDRESS	DISPATCH
14	00000000	00000000
15	00000001	00000001
16	00000002	00000002
17	00000003	00000003
18	00000004	00000004
19	00000005	00000005
20	00000006	00000006
21	00000007	00000007
22	00000008	00000008
23	00000009	00000009
24	0000000A	0000000A
25	0000000B	0000000B
26	0000000C	0000000C
27	0000000D	0000000D
28	0000000E	0000000E
29	0000000F	0000000F
30	00000010	00000010
31	00000011	00000011
32	00000012	00000012
33	00000013	00000013
34	00000014	00000014
35	00000015	00000015
36	00000016	00000016
37	00000017	00000017
38	00000018	00000018
39	00000019	00000019
40	0000001A	0000001A
41	0000001B	0000001B
42	0000001C	0000001C
43	0000001D	0000001D
44	0000001E	0000001E
45	0000001F	0000001F
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53	00000027	00000027
54	00000028	00000028
55	00000029	00000029
56	0000002A	0000002A
57	0000002B	0000002B
58	0000002C	0000002C
59	0000002D	0000002D
60	0000002E	0000002E
61	0000002F	0000002F
62	00000030	00000030
63	00000031	00000031
64	00000032	00000032
65	00000033	00000033
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113	00000063	00000063
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115	00000065	00000065
116	00000066	00000066
117	00000067	00000067
118	00000068	00000068
119	00000069	00000069
120		

[illegible]


AGE	GRADE	NAME	HOME	PHONE
1	1	Walter Lee Dr	Waverly, NC	28387
2	2	Walter Lee Dr		
3	3	Walter Lee Dr		
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93	93	Walter Lee Dr		
94	94	Walter Lee Dr		

OUTSTANDING DEBTS
BY FURNISHING WITH INDEX 47-56.1, THIS PAGE IS BEING RECORDED
IN ORDER TO INCLUDE THE BALANCE OF THE BURKLAND COUNTY
STROMBERGER ROAD PROJECT.

[Signature]

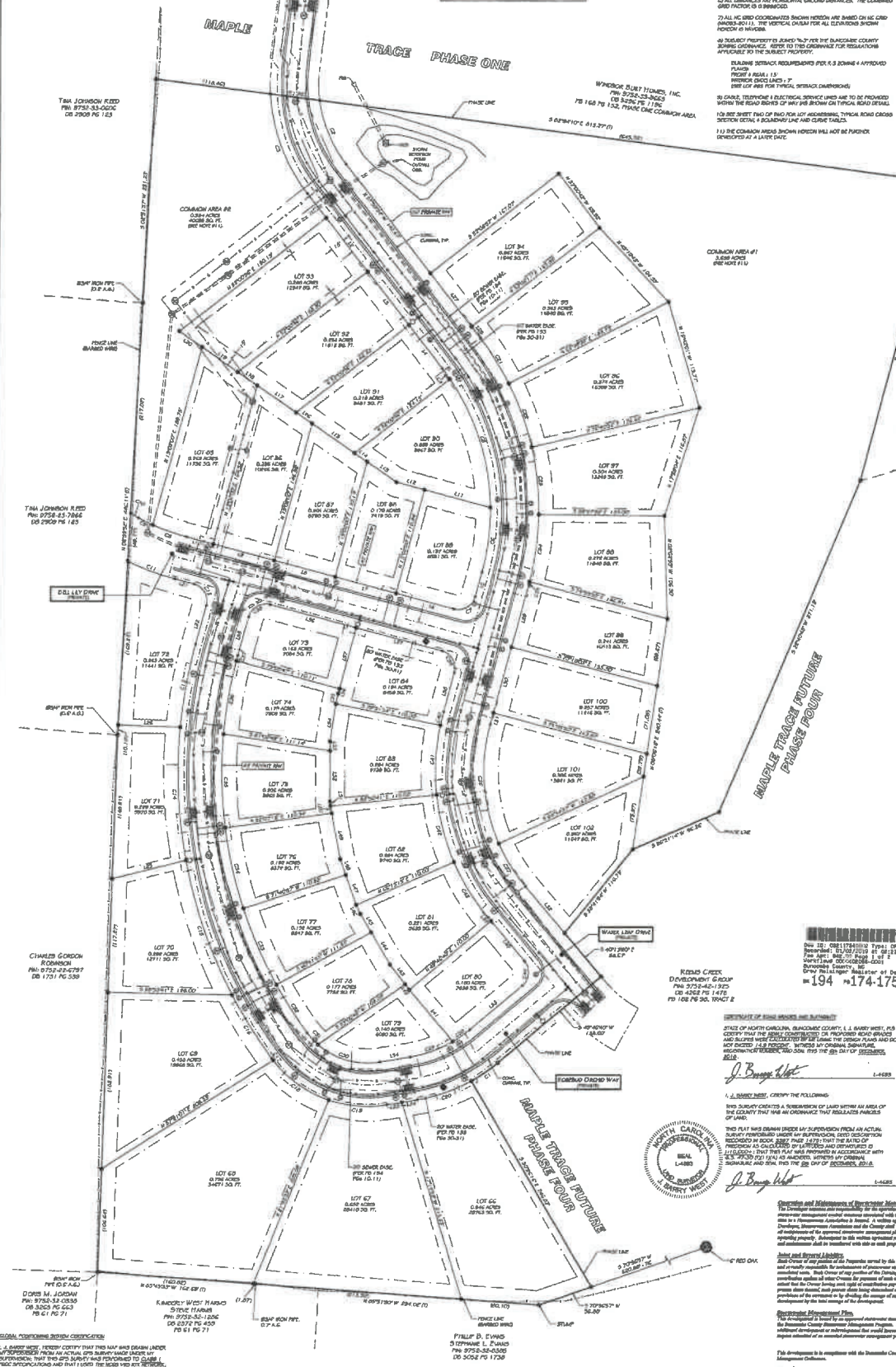
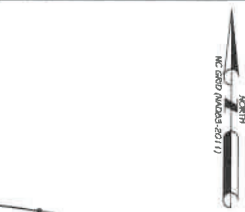
4-28-88

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 <p>McABEE & ASSOCIATES, P.A. PROFESSIONAL LAND SURVEYING</p> <p>Eric B. McAbee, PLS J. Barry West, PLS www.mcabeesurvey.com</p> <p>File #2018-058-1294 Telephone: (813) 538-1294 McAbee & Associates, P.A. (S) 12/18/18 3 McAbee Trail Fairview North Carolina, 28730 PLS License Number: C-884</p>		<p>REVISION HISTORY</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		NO.	DATE	DESCRIPTION	BY																									<p>SUBDIVISION DATA</p> <p>MAPLE TRACE - PHASE 1</p> <p>NEAR CREEK TOWNSHIP BLAINE COUNTY, N.C.</p> <p>PATCH T19: 54-4: 148</p>		<p>DATE: 12-12-18</p> <p>PROJECT #: 17470</p> <p>DRAWN BY: 0-15-886-A</p> <p>CHECKED BY: 010</p> <p>SCALE: 1" = 60'</p>
NO.	DATE	DESCRIPTION	BY																															

An aerial photograph of a street intersection. A label "E. 80 STREET OAK STEN RD 172 Pg 129" points to a specific spot on Oak Street near its intersection with E. 80 Street. The map shows several other streets and buildings in the area.

- DEVELOPMENT DATA:**
- CHURCH DEVELOPED BY: WINDSOR BUILT HOMES, INC.
40 WEST DRESDEN STREET, SUITE 800
GREENVILLE, SC 29601
 - TOTAL AREA OF PARENT PLANT & TRACT 17.813 ACRES
 - TOTAL NUMBER OF LOTS IN PLOT IS 37
 - LARGER PORTION OF LOTS IN PLOT & BEING SPLIT INTO 1 PLOT OF 16 LOTS AND 5 LOTS OF 3 LOTS EACH. BECAUSE OF CHURCH W/IN. 200-0-0
 - SAWYER STREET INTERSECT 40-20-11 AND PRECEDENT PLAT RECORDED IN PLAT BOOK 194 PAGE(S) 10-11
 - WRITER 200-0-0 AS SUBLOT AND DOWNSIDE PLAT RECORDED IN PLAT BOOK 199 PAGE(S) 30-31

[illegible]

the WHOLE WATER TREATMENT AND WATER SERVICE ARE PROVIDED BY METROPOLITAN GOVERNMENT DISTRICT - BUNGE COUNTY AND TOWN OF IRVINGDALE RESPECTIVELY. BUNGE COUNTY GOVERNMENT SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF REPAIR OF SAID WATER TREATMENT AND WATER SERVICE WITHIN THE SUBDIVISION.

CERTIFICATE OF APPROVAL

THIS FINAL PLAN HAS BEEN APPROVED BY THE BUNGE COUNTY PLANNING AND DEVELOPMENT DEPARTMENT AND MEETS THE REQUIREMENTS FOR A MAJOR SUBDIVISION. THIS APPROVAL SHALL BE VOID UNLESS THE FINAL PLAN IS RECORDED IN THE OFFICE OF THE BUNGE COUNTY CLERK OF DEEDS WITHIN 180 DAYS FROM THE DATE OF APPROVAL.

12-31-2018 *W. Phillips*
DATE COUNTY CLERK

STATE OF NORTH CAROLINA
COUNTY OF BLANCHARD
Gillian Phillips REVIEW
CLERK OF BLANCHARD COUNTY. CERTIFY THAT THE MAP
OF THE CHESAPEAKE RIVER IS A TRUE AND CORRECT COPY OF
ALL STATUTORY REQUIREMENTS FOR RECORDING.
G. Phillips 12-31-2013
CLERK OF OFFICE PAGE 2
STATE OF NORTH CAROLINA
COUNTY OF BLANCHARD
ADJUDICATED THIS DAY OF DECEMBER 2013
AT BLANCHARD COUNTY RECORDS IN BOOK 174
PAGE 174
Dawn P. Rains
CLERK OF OFFICE
ORIGINAL DOCUMENT RETURNED TO CUSTOMER AT TIME OF RECORDING

Doc ID: C821774-0000 Type: CDP
Recorded: 07/02/2010 at 08:24:33 PM
Fee Amt: \$42.00 Page: 1 of 2
Workload: C0C-C0E086-C001
Buncombe County, NC
Grow: Realigner Register of Deeds
#194 #174-175

[illegible]

RECORD & IDENTIFICATION

- PO = PLAT BOARD
- PD = DEED BOOK
- PL = PAGE
- AB = ABSTRACT OF MAP
- PL = PLAT, IDENTIFICATION MAP
- 9 CAGULATORY POINT
- REPT MARKED IN FIELD
- RECOVERED DOUGLASS MONUMENT
- 14 KENNA W. HIGGINS D. BY CAG.
- RELINE EXTENSION NOTES
- DOUGLASS MONUMENT SET BY CAG.
- 14 KENNA W. D. BY CAG
- DOUGLASS LINE FIELD SURVEYS
- DOUGLASS SCARFOLD, PLATTS
- FROM RECOVERED DOUGLASS
- CORR. = CONCRETE
- CE = CEMENT
- PE = DUCTILE IRON PIPE
- CS = CEMENT
- CS = ALUMINUM
- PE = PLASTER AND STRUCTURE
- PE = IRON
- CS = CONCRETS
- CCSN = CONTROL STRUCTURE
- CCSN = POINT CEMENT
- SAFETY SINKER LAMP
- SAFETY SINKER LAMP
- SAFETY SINKER LAMP
- SAFETY SINKER LAMP
- (S) = TOTAL DISTANCE

[illegible][illegible]

 **McABEE &
ASSOCIATES, P.A.**
PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLIS Fax: (252) 626-1294
J. Barry West, PLIS Telephone: (252) 626-1295
Wallace S. McAbee, PLIS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-954

[illegible]

SUBDIVISION PLAT OF:
MAPLE TRACE - PHASE 2

CASE #: SUB2015-00005	DATE: 12/06/2015
	PROJECT #: 11478
	DRAWING #: G-10-456
	DRAWN BY: JWH
	SCALE: 1" = 30'
OWNER / DEVELOPER: MINCOFF ROYCE AGRI INC. 400 WEST ORCHARD STREET, SUITE 200 GREENWALD, SC 29601 PHONE: (843) 471-2635	SHEET 1 OF 2 RETAIN CREEK FARMstead BLANCHARD COUNTY, N.C.

VICINITY MAP
NOT TO SCALE

ADDITIONAL DATA:

- DANGER / CONVEYOR
- WINDSON BLAST TOWER, INC.
- NO WEST BOUND OFFSET, DUTTE DOO
- BREXIDVALE, NC 27601

- TOTAL AREA OF PARCEL PHASE B TRACT: 10.581 ACRES
- TOTAL NUMBER OF LOTS IN PHASE B: 84
- GROSS FOOTAGE OF ROADS IN PHASE B: BRUSH LANE: 694.2' WILD HANGER COUNTRY: 964.2'

[illegible]

SPRINKLER IN PROGRESS
 DC = DISTINGUISH
 FES = PLANNED END SECTION
 FIRE HYDRANT
 OCS = OUTLET CONTROL STRUCTURE
 OPEN THROAT CATCH BASIN
 PVC = POLY VINYL CHLORIDE PIPE
 SANITARY SEWER CLEAN-OUT
 SANITARY SEWER GROUND LAYER JUNCTION



original document returned to sender at time of recording

STATE OF NORTH CAROLINA, LENOIR COUNTY, J. J. BARRY HAS
CERTIFY THAT THE ABOVE DESCRIBED OR PROPOSED ROAD OF
AND SLOPES WERE CALCULATED BY ME USING THE DESIGN PLANS
AND SLOPES 14.1 PERCENT. WITHOUT MY ORIGINAL SIGNATURE,
REPRESENTATION THEREOF AND SIGN THE 2ND DAY OF SEPTEMBER
1917.

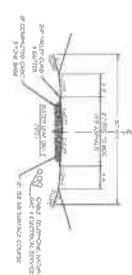
J. Bruce Watt
I, J. Bruce Watt, certify the following:
This survey creates a subdivision of land within an area
the county that has an ordinance that regulates parcels
of land.

THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION. DEDD DESCRIBED BY REFERENCE TO BOOK 8886 PAGE 12708, THAT THE RATIO OF PROVISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 110.000001 THAT THIS PLAT WAS PREPARED IN ACCORDANCE W/ U.S. 30-30 (P.L. 93A) AS AMENDED, WITHOUT ANY ORIGINAL SIGNATURE AND SEAL THIS 2nd DAY OF NOVEMBER, 1917.

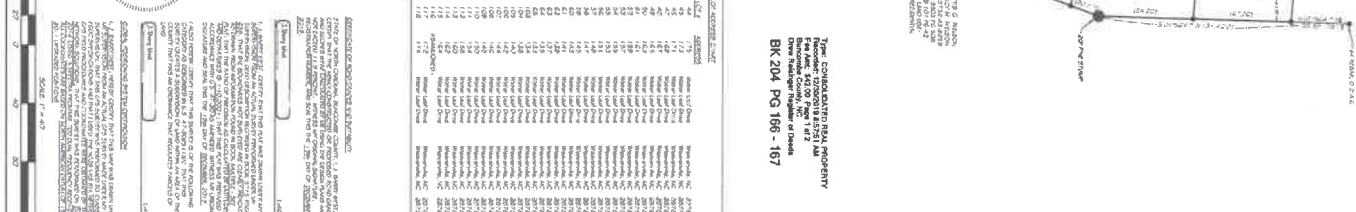
SCALE 1" = 40'

DATE:	10/11/2011
PROJECT #:	
DRAWING #:	0-11
DRAWN BY:	

CHERRY / ORCHARD
WINDSOR REALTY INC.
400 WEST BROAD STREET, SUITE 300
GREENWELL, SC 29601
PHONE 803-271-8888



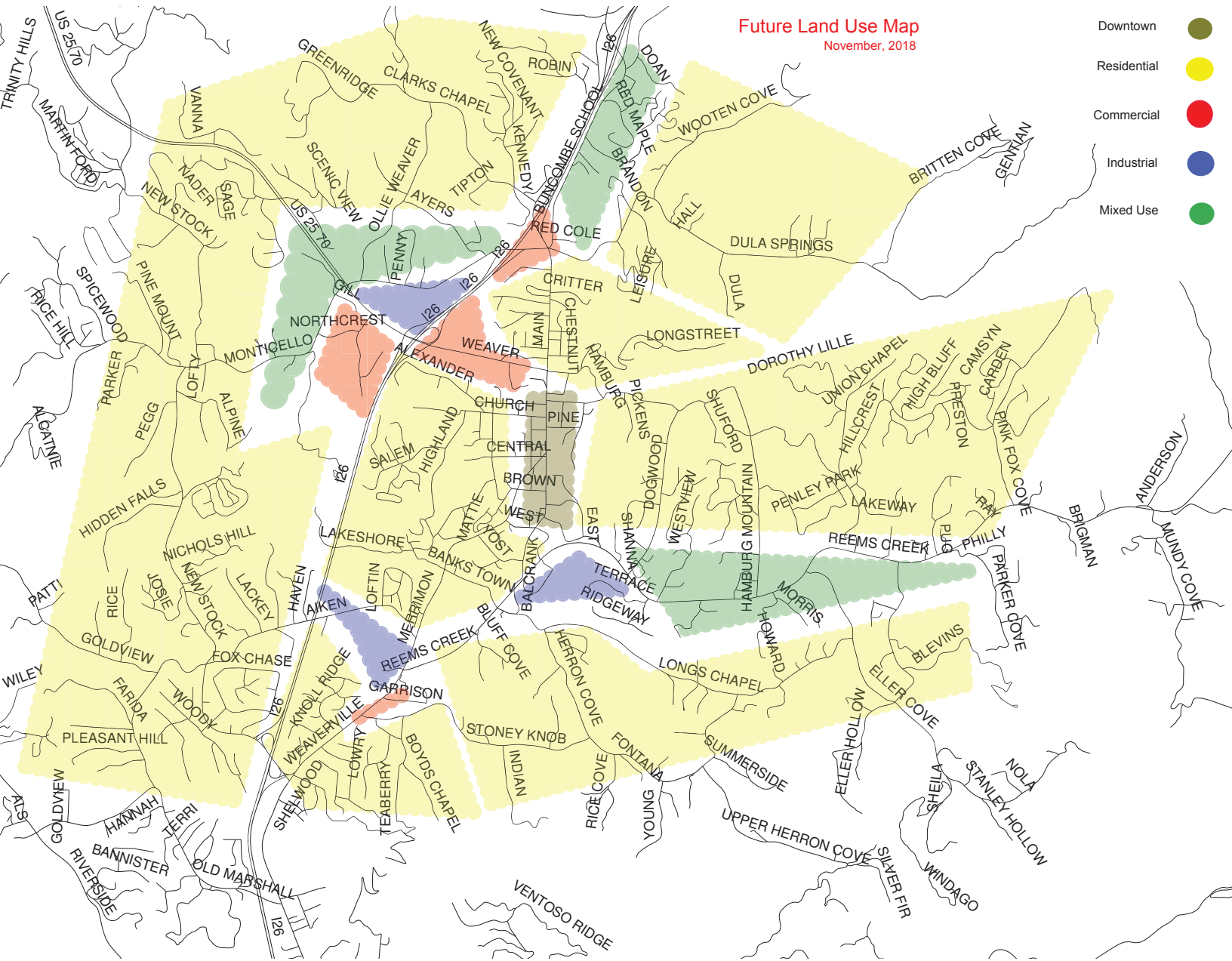
75-2463
JUN 3 1975
FBI - NEW YORK
COMM-FBI
RE: NEW YORK TELETYPE TO BUREAU
JUN 2 1975
FROM: NEW YORK (100-100000)
SUBJECT: MURDER OF MARTIN LUTHER KING, JR.
RE: NEW YORK TELETYPE TO BUREAU
JUN 2 1975
FROM: NEW YORK (100-100000)
SUBJECT: MURDER OF MARTIN LUTHER KING, JR.



Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/20/2018 8:57:51 AM
Fee Amt: \$42.00 Page: 1 of 2
Brunswick County, NC
Drive Realtime Register of Deeds
BK 204 PG 166 - 167

SUB2015-00005	
REEMUS C. PUGH, TOWNSHIP BUNCOMBE COUNTY, N.C.	DATE: 12/09/2019
	PROJECT #: 11478
	DRAWING #: G-19-4893
	DRAWN BY: JBM
	SCALE: 1" = 40'
CHANGES TO DATE "REVISIONS" MUST BE MADE TO THE WEST BOUND STREET, SQUARE 500 LAWRENCE, NC 28603	13 SHEET ONE OF TWO

- Downtown
- Residential
- Commercial
- Industrial
- Mixed Use



**TOWN OF WEAVERVILLE
RESOLUTION REGARDING DEVELOPMENT WITHIN
IDENTIFIED GROWTH AREAS**

WHEREAS, on May 14, 2022, Town Council held a workshop regarding growth pressures and land use and reached some consensus regarding these topics and wishes to formalize some of the matters achieving consensus by adopting a resolution which provide some guidance to staff, developers, and the general public;

WHEREAS, municipal growth through annexation is essential to sound urban development and continued economic stability in the Town of Weaverville; and

WHEREAS, managing growth by extending municipal services makes sense and annexation of properties ensures that new development is built to Town of Weaverville standards;

WHEREAS, influencing where and what commercial development occurs within the Weaverville area and providing balanced residential development is desirable to the Town of Weaverville;

WHEREAS, the Town of Weaverville would like to see growth that is well-designed and that complements the development that is already within the Town;

WHEREAS, the Town of Weaverville has identified certain properties along its municipal borders as having a high likelihood of development due to the presence of public water and sewer and has identified them as growth areas as described below;

WHEREAS, the Town wishes to indicate its willingness to consider the voluntary annexation of the properties included within these growth areas and to inform the public of the types of development that the Town believes is consistent with its Comprehensive Land Use Plan and reasonable when considering the surrounding area;

NOW, THEREFORE, BE IT RESOLVED, the Weaverville Town Council hereby declares and resolves as follows:

1. The Town has identified the following growth areas with maps being attached hereto:
 - a. Growth Area 1 – Gill Branch Valley Area
 - b. Growth Area 2 – Monticello Road West Area
 - c. Growth Area 3 – Ollie Weaver Road Area
 - d. Growth Area 4 – I-26 Corridor
 - e. Growth Area 5 – Reems Creek Road Area
2. The Town is likely to favorably consider voluntary annexation petitions received for the properties shown within these growth areas. It is noted, however, that some development, especially in Growth Area 3, may best proceed without annexation as the provision of municipal services may be difficult in certain locations and some areas may be ineligible for annexation

by the Town of Weaverville due to legal requirements regarding satellite annexation.

3. The following is valued, and as proposed development is considered on these properties, the Town would like to see an emphasis on:
 - a. Great streets and gathering places, where the pedestrian is prioritized;
 - b. Connections between adjoining developments and to gathering places;
 - c. Walkability through the installation of sidewalks, greenways, and other multi-modal trails, especially those that will connect to the existing or planned pedestrian network within Weaverville;
 - d. Preservation of natural spaces for public use;
 - e. Establishment of open spaces that provides recreational opportunities in the form of greenways, playing fields and/or playgrounds;
 - f. Protection of streams and creeks;
 - g. Preservation of mature trees and planting of street trees;
 - h. Landscape buffering and screening to protect views;
 - i. Reduction of stormwater runoff which threatens our water quality;
 - j. Energy conservation measures, such as EV charging stations and solar;
 - k. Inclusion of commercial uses that support compatible development.
4. Consistent with Town Council's prior discussions and consensus, the following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 1 [Gill Branch Valley Area]**:
 - a. mixed use development;
 - b. single family residential development;
 - c. duplexes;
 - d. townhouses;
 - e. multifamily development;
 - f. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are most consistent with the following zoning districts: R-1, R-3, R-12, C-2, and conditional district zoning.

5. Consistent with Town Council's prior discussions and consensus, the following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and Future Land Use Map, and may be desirable within **Growth Area 2 [Monticello Road West Area]**:
 - a. mixed use development;
 - b. single family residential development;
 - c. duplexes;
 - d. townhouses;

- e. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are consistent with the following zoning districts: R-1, R-3, C-2, and conditional district zoning.

- 6. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 3 [Ollie Weaver Road Area]:**

- a. single family residential development;
- b. duplexes;
- c. commercial development (especially those supporting residential neighborhoods).

- 7. These uses are consistent with the following zoning districts: R-1, R-3, C-2, and conditional district zoning. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 4 [I-26 Corridor]:**

- a. commercial development (especially medical services such as healthcare facilities and medical offices, small general retail, restaurants, hotels).

These uses are most consistent with the following zoning districts: C-2, and conditional district zoning.

- 8. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 5 [Reems Creek Road Area]:**

- a. mixed use development;
- b. single family residential development;
- c. duplexes;
- d. townhouses;
- e. multifamily development;
- f. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are most consistent with the following zoning districts: R-1, R-3, R-12, C-2, and conditional district zoning.


- 9. The Town is willing to support compatible development within these growth areas by considering approval of public water requests for such development if current or anticipated capacity is available and such approval is in the best interest of the Town and/or its water system.

- 10. Town Council's recommended procedure for approvals is for property owners to present voluntary annexation petitions either prior to or simultaneously


with a water request and zoning request. Some deviations from this recommendation are anticipated in situations where a property is ineligible for municipal annexation or where provision of municipal services will prove difficult.

11. Nothing herein is binding on the Town of Weaverville and the review and approval of all annexation petitions, land use applications, and water extension or commitment requests will be made in Town Council's discretion following procedures as required by North Carolina law and local ordinance.

ADOPTED this the 13th day of December, 2022.



JAMES ELLER, Town Clerk



PATRICK FITZSIMMONS, Mayor

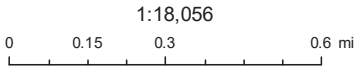


Buncombe County



May 5, 2022

GROWTH AREA 5



TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, August 1, 2023

Subject: Annual Review of Progress towards Accomplishment of Goals as Stated in the Comprehensive Land Use Plan (CLUP) and update of the Action Plan Table with Priorities

Presenter: Planning Director / Town Attorney

Attachments: Action Plan Table with Priorities

Description:

One year after the latest update of the CLUP staff wishes to conduct a conversation with the Planning Board related to the accomplishment of the goals as stated in the CLUP. It is my belief that the reprioritization of remaining stated goals will provide valuable guidance on the progress toward remaining and new goals of the CLUP moving forward.

Action Requested:

Staff is requesting that the Planning Board complete the attached action plan table with priorities in order to facilitate a conversation during the meeting and an annual update of the action plan table with priorities within the CLUP. You will see that the staff scores have been provided.

In the Planning Board column, labeled PB, please score the associated goal so staff may relay to Town Council the position of the Board based upon an average of the aggregated totals. Scores are:

- 1: High Priority
- 2: Medium Priority
- 3: Low Priority

We will discuss additions or subtractions to the stated goals as well.

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)

Proposed –August/September 2023

1	2023	2022	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
2	PRIORITIZATION							RESPONSIBILITY		
3		WATER								
4		1			1	Update Plan and regulations to slow land use development if water treatment plant expansion is postponed or terminated and water usage and commitments reach 70% of available water supply	WTP Expansion project underway; commitments and usage reported quarterly	✓	✓	✓
5		1			1	Continue monitoring water production, allocations, usage, and availability	In progress by staff with quarterly reports	✓		
6		1			1	Continue reserving water allocation for infill development within the town	In progress by staff with quarterly reports	✓		
7		2			2	Development of Water System GIS Layer	Anticipated FY2024 or FY2025	✓		
8		STREETS AND SIDEWALKS								
9		1			1	Continue the Street Improvement Program	Program funded FY2023	✓		✓
10		1			2	Consider implementing a Sidewalk Improvement Program and Master Plan	Bike-Ped Plan adopted 6/26/23; implementation being planned			✓
11		2			2	Study possible adoption of driveway construction standards – steep slope, reduction of curb cuts, common driveways		✓	✓	✓
12		3			3	Implementation of the Bike-Ped Plan	Bike-Ped Plan adopted 6/26/23	✓	✓	✓
13		HOUSING								
14		1			0	Define and consider ways to achieve balanced residential development	Related to TC consensus on 5/14/22			✓
15		2			2	Consider ways to increase housing affordability	TC considered in 2020	✓		✓
16		2			2	Consider broadening allowable housing types in residential districts (duplexes, quadplexes)				✓
17		2			3	Consider expansion of the MH Overlay District				✓

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)

Proposed –August/September 2023

1	2023	2022	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
18		GENERAL POLICY MATTERS								
19		1			2	Review of overlapping land use authority	Waiting on County	✓		✓
20		1			2	Negotiate interlocal agreement(s) with County (Building Permits and Inspections)	Waiting on County	✓		✓
21		1			1	Review & update economic development goals	WEDAC/TC working on this			✓
22		1			1	Continue to annex properties along the Town's borders in order to impose the Town's land use regulations	Related to TC consensus on 5/14/22 and resolution dtd 12/13/22			✓
23		1			0	Continue to work with Buncombe County during its on-going long term planning	Related to TC consensus on 5/14/22; Co adopted CLUP	✓		✓
24		1			1	Engage in conversations with NCDOT about long-term planning for growth	Related to TC consensus on 5/14/22	✓		✓
25		1			1	Engage in conversations with MSD about long-term planning for growth	Related to TC consensus on 5/14/22	✓		✓
26		1			1	Comprehensive review of Future Land Use Map	Related to TC workshop 5/14/22	✓	✓	✓
27		1			1	Make decisions on annexation based on the ability to provide quality municipal services to proposed land uses to the same extent and under current policy	Related to TC consensus on 5/14/22 and resolution dtd 12/13/22			✓
28		2			2	Investigate possibility of reestablishing direct bus route between Weaverville and Asheville		✓		✓
29		2			3	Investigate possibility of establishing a "Park and Ride" in Weaverville to provide a shared ride option to Asheville	Existing lot located on I-26 near Town limits; available as not at usage capacity	✓		✓
30		3			0	Consider reestablishing the Town's extraterritorial jurisdiction		✓		✓
31		3			3	Evaluate need to strengthen regulations with regard to hazard mitigation	Buncombe-Madison Hazard Mitigation Plan dated 6/21	✓	✓	✓
32		-								

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)

Proposed –August/September 2023

1	2023	2022	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
33		LAND DEVELOPMENT REGULATIONS								
34		1			1	Consider regulations that encourage open space or greenway dedication, conservation measures	Planning Board discussion 5/23, 7/23	✓	✓	✓
35		1			2	Consider Town-initiated rezonings to better align established uses with underlying zoning districts or to address long dormant properties	Focusing on long dormant properties	✓	✓	✓
36		2			2	Undertake a comprehensive review of zoning regulations		✓	✓	✓
37		2			1	Review sign regulations for legal compliance and policy objectives	Legal compliance requires amendments	✓	✓	✓
38		2			1	Review hillside/steep slope regulations for legal compliance and policy objectives		✓	✓	✓
39		2			2	Determine need or desire for Town grading regulations for projects less than between 1 acre and ½ acre		✓	✓	✓
40		3			3	Continue to analyze ways to provide standard regulations in order to reserve use of conditional zoning for unique development	Areas improved: Mixed Use Development Apartments	✓	✓	✓
41		3			3	Study mountain ridge protection regulations for possible implementation		✓	✓	✓
42		3			2	Revise wireless telecommunication facility regulations for legal compliance and policy objectives		✓	✓	✓
43		-			1	Study & consider downtown residential district with smaller lot size/width				
44		-			1	Study & consider regulation of short-term rentals				
45		-			1	Study & consider regulations on min/max parking and loading areas				
46		-								
47		-								
48		-								

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)

Proposed –August/September 2023

1	2023	2022	TC	PB	Staff	STATED GOAL	NOTES	Staff	PB	TC
49		PLAN CONSISTENCY REVIEW - LEGALLY REQUIRED								
50		-		-	-	Consult plan priorities if inconsistencies develop in the implementation of this Plan		✓	✓	✓
51		-		-	-	Consult the Future Land Use Map and use descriptions for Plan consistency review	Legally required	✓	✓	✓
52		-		-	-	Consult Action Plan and stated goals for Plan consistency review	Legally required	✓	✓	✓
53		-		-	-	Consult additional approved plans for Plan consistency review	Legally required	✓	✓	✓
54		MAINTENANCE OF PLAN AND REGULATIONS – LEGAL COMPLIANCE AND ACCOUNTABILITY								
55		-		-	-	Conduct an annual review of progress towards accomplishment of Plan goals	July/August each year	✓	✓	✓
56		-		-	-	Update appendix to this Plan when new plans or amendments are adopted	To keep Plan up-to-date and usable	✓		
57		-		-	-	Conduct an annual review of zoning regulations to ensure statutory compliance and consistency with stated goals	For legal compliance and progress towards Plan goals	✓		
58		-		-	-	Undertake annual review of the Table of Uses	For legal compliance	✓		
59		-		-	-	Conduct an annual review of subdivision regulations to ensure statutory compliance and consistency with stated goals	For legal compliance and progress towards Plan goals	✓		
60		-		-	-	Consider development of or amendment to regulations consistent with law and Plan	For progress towards Plan goals	✓	✓	✓
61		-		-	-	Undertake a comprehensive update to the Plan in 2025 or at such time as substantial legislative or other changes are experienced	2025 is proposed in order to provide for 5 year updates that better align w/ Census	✓	✓	✓

COMPREHENSIVE LAND USE PLAN

STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

(1=high priority, addressed in 12 months; 2=medium priority, addressed in 24 months; 3=lower priority, addressed in 36 months; 0=proposed deletion)
Proposed –August/September 2023

	COMPLETED							
✓	1				Investigate interconnection with Asheville for supplemental water	TC resolution adopted 6/27/22; completed	✓	
n/a	1				Negotiate interlocal agreement with Asheville for purchase of supplemental water	Investigated and TC decided not to pursue	✓	✓
✓	1				Develop annexation guidelines that include consideration of how quality municipal services will be provided	Resolution adopted 12/13/2022		✓
✓	1				Establish Priority List for Sidewalk Installation	Sidewalk priority list adopted 10/24/22	✓	✓
✓	1				Development of Stormwater System GIS Layer	Completed 5/23; LOSRC grant funding	✓	
✓	1				Comprehensive review of Table of Uses	PB review 3/23 through 5/23; amendments proposed	✓	✓
✓	1				Review regulations for non-conforming lots	Adopted 4/23	✓	✓
✓	1				Initiate small area studies for growth areas: Gill Branch Valley, Monticello Rd West, Ollie Weaver Rd, I-26 Corridor, Reems Creek Rd	Related to TC workshop 5/14/22	✓	✓
✓	1				Consider adoption of land use regulations which provide greater control of retail development in Main Street area (C-1)	Adopted 10/24/22	✓	✓
n/a	0				Study removal of floodplain areas from density calculation		✓	✓
n/a	0				Initiate special area studies: Downtown, North Main Street-“Five Points” Area, Monticello Road corridor, and Reems Creek Road corridor	Proposed for deletion; see line 43	✓	✓
✓	-				Conduct an annual review of progress towards accomplishment of Plan goals	7/5/22 – PB Review; 7/19/22 Jt Mtg b/w TC and PB	✓	✓
✓	-				Update appendix to this Plan when new plans or amendments are adopted	August 2022	✓	
✓	1				Consider simplification of outdoor lighting regulations	Amendments proposed for adoption 7/25/22	✓	✓
✓	1				Continue the Street Improvement Program	Program funded FY2023	✓	✓

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, August 1, 2023
Subject: Short-Term Rentals
Presenter: Planning Director and Town Attorney
Attachments: Responses to STR Questionnaire

Description:

As per the Board's request, staff sent out questions related to short term rental regulations to certain local jurisdictions and the NC Plan listserv. Responses to the following questions were received from Asheville, Black Mountain, Buncombe County, Greensboro, and Woodfin.

- General description of your STR project and status.
- What are/were challenges and how were they resolved?
- What, if anything, would you have done differently?
- Has your ordinance been challenged, legally or otherwise?
- What has worked well and what hasn't?
- How does enforcement work or what is contemplated for enforcement?
- Anything else you would like to add?

Additionally, Town Council determined that the Planning Board may seek additional members on the short term rental working group should you choose to do so. These additional members, if any, are at the discretion of the Board and Town Council has declined to be the appointing authority. If it is the consensus of the Board, staff intends to make contact with the noted stakeholders (WBA, Buncombe County TDA, Police, Public Works and Planning staff, and short term rental owners) to determine if they have a member or representative who is willing to assist the Planning Board in their deliberations on this topic.

Action Requested:

Any direction on the next steps of potentially regulating short-term rentals.

MEMORANDUM

TO: Ben Woody, AICP, Assistant City Manager
FROM: Chris Collins, AICP, Land Development Division Manager
DATE: Jul 17, 2023
SUBJECT: Answers to questions from the Town of Weaverville regarding short-term rentals.

SUMMARY STATEMENT:

The following are the answers to recently submitted questions about the City's regulation and enforcement of Short-Term Rentals. The questions were submitted by staff from the Town of Weaverville.

What is the general description of your STR program and status?

The City of Asheville allows for whole-dwelling unit short-term rentals in one zoning district (RESORT) and allows homestays in many other districts. Homestays are a permitted use in an occupied residential dwelling unit and are defined as:

Homestay means a lodging use that occurs within a private, resident occupied dwelling unit, and where up to two guest rooms are provided to transients for compensation for periods less than 30 days and where the use is subordinate and incidental to the main residential use of the building. A homestay may or may not have a separate kitchen, bathroom and/or entrance. A homestay is considered a "lodging" use under this UDO.

What are/were challenges and how were they resolved?

The City of Asheville has faced many challenges with regulating and enforcing UDO provisions related to short-term vacation rentals. In regard to the City's zoning allowance for Homestays (see above), most substantial challenges were related to defining a "dwelling unit" for the purpose of establishing where a homestay may be operated. After many iterations, the City landed on the following definitions which provide some clarity to the identification of a dwelling unit:

MEMORANDUM

Dwelling unit means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets, sleeping rooms, and a kitchen.

Staff found that the above definition (in practice) hinged greatly on further defining a “kitchen” as many homestay hosts desired some form of convenience area that might include a counter and refrigerator. Based on this, the current definition of “Kitchen” in the City’s UDO now reads as follows:

Kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food.

This definition allows staff to exercise some judgment regarding a kitchen and has assisted in working through the issues that were present.

Regarding entire-dwelling unit occupying Short-Term Rentals, most of the City’s challenges have arisen from enforcement of units that are established in zoning districts where the use is not allowed. The most prevalent online platforms for advertising and operating these rentals generally obscure location information which makes it difficult for staff to locate and enact enforcement upon illegal units. The City has attempted to solve this by contracting with a third party service that verifies the physical addresses of properties advertising Short-term rental activity as well. This has greatly assisted enforcement efforts.

What, if anything, would you have done differently?

Through the different evolutions of the City’s regulations regarding the short-term rental of property, City staff have learned much and of course would have been best equipped to tackle the obstacles and problems with this knowledge. While it is certain that some things could have been done differently or different groups engaged at different points in the process, these are points that are hard to quantify. Staff would be happy to have a further conversation regarding this topic if it would be helpful.

MEMORANDUM

Has your ordinance been challenged, legally or otherwise?

The City's UDO provisions regarding short-term rentals were challenged several years ago as part of a lawsuit filed by the City to collect violation fines, and the City's current zoning regulations were upheld. No recent legal challenges have been filed.

What has worked well and what hasn't?

Homestay permitting is a popular program (with over 600 active permits) allowing residents to utilize a portion of their home to create additional income. The permitting process has become streamlined over the years and functions well with few complaints to this day.

Use of a third-party platform to identify addresses of properties under investigation has worked well. Trying to use staff resources to do this job without the third-party service did not work well.

How does enforcement work or what is contemplated for enforcement?

In general, the City's enforcement of short-term rental uses is driven by complaints received like most other zoning violations within the City. When a complaint is received, City enforcement staff utilize the City's permitting database and the third-part STR identification service to determine whether the particular property is operating legally. If the property is not legally operating, a notice of violation is sent advising the operator of a 30-day window to bring the property into compliance. This usually means stopping the use, moving the rental to a 30 day minimum or changing the use in some other way to achieve compliance. If compliance is not documented within the time provided to cure, staff will issue a citation.

From: [Selena Coffey](#)
To: [James Eller](#)
Cc: [Jennifer Jackson](#)
Subject: FW: Short Term Rentals
Date: Friday, July 14, 2023 1:34:02 PM
Attachments: [image001.png](#)

FYI.... Good response rate so far, although not extremely helpful because it appears that several of us are in the same position.

From: Avril Pinder <Avril.Pinder@buncombecounty.org>
Sent: Friday, July 14, 2023 1:32 PM
To: Josh Harrold <josh.harrold@tobm.org>; Selena Coffey <scoffey@weavervillenc.org>; Debra Campbell <dcampbell@ashevillenc.gov>
Cc: Shannon Tuch <stuch@woodfin-nc.gov>
Subject: RE: Short Term Rentals

Selena, we are the same place as Black Mountain.

Thanks,



Avril M. Pinder

She/Her

County Manager

[\(828\) 250-4101](tel:(828)250-4101)

200 College St., Asheville, NC 28801

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From: Josh Harrold <josh.harrold@tobm.org>
Sent: Friday, July 14, 2023 1:01 PM
To: Selena Coffey <scoffey@weavervillenc.org>; Debra Campbell <dcampbell@ashevillenc.gov>
Cc: Shannon Tuch <stuch@woodfin-nc.gov>; Avril Pinder <Avril.Pinder@buncombecounty.org>
Subject: Re: Short Term Rentals

Selena,

Here's what we do in BM:

- What is the general description of your STR program and status? We don't currently have a program for STR's. They are allowed without restrictions.
- What are/were challenges and how were they resolved? We are developing a new UDO. In the UDO, the planning board is requesting to regulate STR's in some form or fashion. Council has also agreed they would like to see some type of requirements for STR's.

From: [Selena Coffey](#)
To: [James Eller](#)
Cc: [Jennifer Jackson](#)
Subject: FW: Short Term Rentals
Date: Friday, July 14, 2023 1:05:35 PM

FYI

From: Josh Harrold <josh.harrold@tobm.org>
Sent: Friday, July 14, 2023 1:01 PM
To: Selena Coffey <scoffey@weavervillenc.org>; Debra Campbell <dcampbell@ashevillenc.gov>
Cc: Shannon Tuch <stuch@woodfin-nc.gov>; Avril Pinder <Avril.Pinder@buncombecounty.org>
Subject: Re: Short Term Rentals

Selena,

Here's what we do in BM:

- What is the general description of your STR program and status? We don't currently have a program for STR's. They are allowed without restrictions.
- What are/were challenges and how were they resolved? We are developing a new UDO. In the UDO, the planning board is requesting to regulate STR's in some form or fashion. Council has also agreed they would like to see some type of requirements for STR's.
- What, if anything, would you have done differently? N/A
- Has your ordinance been challenged, legally or otherwise? N/A
- What has worked well and what hasn't? N/A
- How does enforcement work or what is contemplated for enforcement? This concerns me as we are a small town and enforcement will be challenging.
- Anything else you would like to add? Not at this time.

Thanks,

Josh M. Harrold, ICMA-CM, AICP, CZO
Town Manager
Town of Black Mountain

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From: Selena Coffey <scoffey@weavervillenc.org>
Sent: Thursday, July 13, 2023 9:20:37 PM
To: Debra Campbell <dcampbell@ashevillenc.gov>
Cc: Josh Harrold <josh.harrold@tobm.org>; Shannon Tuch <stuch@woodfin-nc.gov>; Avril Pinder <Avril.Pinder@buncombecounty.org>
Subject: RE: Short Term Rentals

From: [Nelson, Andrew](#)
To: [James Eller](#); jgray@burgawnc.gov
Subject: RE: Short Term Rentals
Date: Friday, July 14, 2023 1:17:15 PM
Attachments: [image005.png](#)

You don't often get email from andrew.nelson@greensboro-nc.gov. [Learn why this is important](#)

Good afternoon,

I'm a (very) junior planner here, but I'm pretty sure our current division manager and the Director won't have time to respond, so hopefully this is helpful:

We're in the process of changing the controlling language in our LDO regarding STRs. We have had to apply the traditional "tourist home" use definition and standards to contemporary STRs, which has not been great; it requires a special use permit in single-family residential districts, and you can probably guess how often people proactively go out of their way to get one before listing on Airbnb...

The legacy Tourist Homes (Bed and Breakfast) use:

30-8-10.4 Office, Retail, and Commercial Uses

Q. Tourist Homes (Bed and Breakfast)

1. A **tourist home** may not locate within 400 feet of a [rooming house](#) or another **tourist home**.
2. No more than 6 guest rooms are allowed.
3. The owner or operator of the **tourist home** must reside on site.
4. **Tourist homes** are allowed only in [buildings](#) originally constructed as [dwellings](#).
5. Only one kitchen facility is allowed. Meals may be provided only for guests and employees of the **tourist home**. Rooms may not be equipped with cooking facilities.
6. Patrons may not stay in a specific **tourist home** more than 15 [days](#) within a 60-day period.
7. Signage for **tourist homes** is limited to one attached sign mounted flat to the front wall of the building that does not exceed 4 square feet in area and 6 feet in height above ground level. Only external illumination is allowed.

This is unworkable, however, and our BOA was exasperated with the case load. We're working on a text amendment for it - [Short Term Rentals | Greensboro, NC \(greensboro-nc.gov\)](#) – that's still in process.

The process of updating this has been prolonged and a bit of a rollercoaster. The general feeling was we were out front and leading public engagement/outreach on the matter, but the hearing and input activity has still drawn a bit of controversy. Be ready for that, for sure. The existing Tourist Home use has not been legally challenged, but that might have been because some local stakeholders expected the transition into our new STR system. In terms of BOA workload, it has absolutely been challenged. There's a strong push from some neighborhoods to have distance boundaries, despite the Wilmington case. Differentiating between homestay and whole-home rentals also appears to alleviate some concerns.

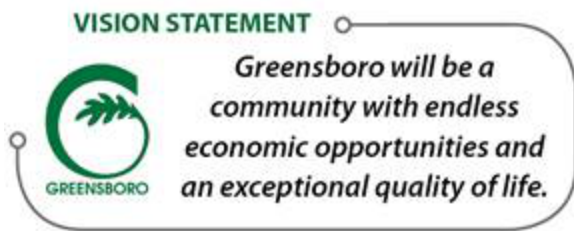
Part of the push for the change has been the extreme difficulty in enforcement. We find out about them in a mostly complaint-driven process, and that turns into disgruntled variance/SUP requests. The new STR

proposal we're likely to implement will include budget to tender an RFP for a service provider to handle permitting, because the staff workload and BOA caseload has to go down.

Have a good one,

-AN

Andrew Nelson, MPA, Planner
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From: jeller@weavervillenc.org <ncplan@listserv.unc.edu>

Sent: Friday, 14 July, 2023 11:44

To: NCPlan mailing list <ncplan@listserv.unc.edu>

Subject: [ncplan] Short Term Rentals

WARNING: External Email – Don't get hooked by a phishing email. Never click on links or open attachments unless you know the content is safe.

Serv,

Our Planning Board is working on preparing information for Town Council's consideration regarding short-term rentals. They have asked that staff reach out with the following questions. If you have a few moments to respond to the following it would be greatly appreciated.

- What is the general description of your STR program and status?
- What are/were challenges and how were they resolved?
- What, if anything, would you have done differently?
- Has your ordinance been challenged, legally or otherwise?
- What has worked well and what hasn't?
- How does enforcement work or what is contemplated for enforcement?
- Anything else you would like to add?

James Eller

From: [Selena Coffey](#)
To: [James Eller](#)
Cc: [Jennifer Jackson](#)
Subject: FW: Short Term Rentals
Date: Monday, July 17, 2023 11:22:11 AM

FYI

Selena D. Coffey, MPA, ICMA-CM
Town Manager

Town of Weaverville
PO Box 338 | 30 S. Main St.
Weaverville, N.C. 28787
Phone: 828.645.7116

All correspondence to and from this email address is subject to public review in accordance with N.C. public records law.

----- Original message -----

From: Shannon Tuch <stuch@woodfin-nc.gov>
Date: 7/17/23 9:05 AM (GMT-05:00)
To: Selena Coffey <scoffey@weavervillenc.org>, Josh Harrold <josh.harrold@tobm.org>, dcampbell@ashevillenc.gov, Avril Pinder <Avril.Pinder@buncombecounty.org>
Subject: RE: Short Term Rentals

Hi Selena – please see answers to your questions below:

- What is the general description of your STR program and status?
The town had formerly adopted standards that did not permit STRs in our low-density residential districts, but we amended our standards last year to **not allow them in any residential district**. We even considered an amortization schedule to eliminate the existing ones over time but, ultimately, our Town Council decided to allow the existing ones to remain and continue to operate as non-conforming units. In addition to not allowing any more in any residential district, we also: 1) increased fines, 2) limited the number of STRs any individual could own to one, and 3) updated definitions so that an STR could have no more than 3 bedrooms.

The town continues to allow “homestays” where there is a permanent resident on the property, and they simply rent rooms in their home. Homestays also require a permit.

- What are/were challenges and how were they resolved?
Identifying and tracking the illegal rentals was one of our bigger challenges. We hired

Granicus (formerly Host Compliance) to identify and monitor all the short-term rentals in town and this has been going well. The other challenge we have are the folks who had been running a rental before we changed the rules but, for whatever reason, never followed through on obtaining a permit. In these instances, we are not allowing them to obtain a permit now, even if they had been running it consistently for a couple years. However, per the statutes, we do not enforce against homes that can show that they have been operating continuously for 7 years.

Another challenge has been documenting all the units that were, or could be, grandfathered. We asked anyone operating a unit lawfully before the rules change to obtain a permit as the easiest way to document, and we add notes to the our permit system detailing the circumstances. However, we've also had a number of units that would never have been allowed but for whatever reason, the town didn't enforce against them. In these instances, we don't issue a permit but instead issued a zoning determination clarifying why they are allowed to continue.

Lastly, we continue to struggle with housing supply, especially affordable housing. Unfortunately, the town allowed STRs in the zoning districts that contained our older, more affordable housing stock. So, we've lost a lot of those units to STR conversions. We are trying to encourage more high-density housing in some of our commercial areas, but are worried that instead of housing, developers will build STRs. Limiting an individual owner to one unit has helped discourage that – and we make it clear for any of our conditional zoning applications that we won't support STRs as part of the development, but this can still occur with smaller applications.

- **What, if anything, would you have done differently?**

Personally, I would have liked to see the existing units amortized and removed over time; however, I very much understand why our Council chose not to go that far. Also, if I had known that we would abandon the amortization, I might have recommended hiring Granicus first, and have them identify all the units that could have been permitted before the rules change, and send everyone a notice giving them a period of time to obtain a permit. We did offer a window of time to obtain a permit but, at the time, we didn't know who was operating units so notice was provided just through public meetings, social media, email announcements, website postings, etc. but some folks fell through the cracks and didn't know they had to get a permit.

- **Has your ordinance been challenged, legally or otherwise?**

We've received a number of desperate/frustrated/upset calls from STR owners who "didn't know the rules" or "were told they didn't need a permit" or "bought the house to be able to run an Airbnb", etc. Those conversations are not fun, but we've not had any legal challenges. We are careful to talk with folks and get as much information as we can and, if there's a way to grandfather them, we do (provided they can supply appropriate documentation). We have also met with one attorney whose client owns multiple units already and wants to expand into a commercial district, but because he already owns several, we've told him he cannot own any more (although he can sell them to other people

to operate STRs) – he didn’t like that alleging that we were regulating ownership, but we’ve not been formally challenged.

- **What has worked well and what hasn’t?**

It’s all working well. Identifying the units is tricky but Granicus makes this extremely easy. There would be a bit of a learning curve with a system like this, but it is pretty user friendly. All our Planning staff (including me) had experience with this or similar systems in Asheville, so it was pretty seamless for us.

Despite the new rules, neighbors experiencing nuisance issues are still not happy. We have a three-strikes rule that would allow us to revoke a permit for a year if we can document multiple violations, but that’s not been easy to document.

- **How does enforcement work or what is contemplated for enforcement?**

Our Town Planner handles most of the enforcement. She reviews the Granicus database on a regular basis and when she finds an unpermitted STR, especially one that has a short history of renting, she will send a Notice of Zoning Violation. All our NOV’s allow 30 days to resolve the issue – and how it gets resolved will depend on the property and owner. In some instances, they just need to apply for a permit; but the most common remedy is to stop the short-term renting (these often convert to 30-day rentals or homestays). If there is no response, or if the matter is not resolved within 30 days, we issue a Citation that will include a fine of \$100/day for every day they continue to rent. If we catch them again, we move immediately into a citation that escalates (\$300, then \$500) for each subsequent violation.

- **Anything else you would like to add?**

We also held several public meetings (one community forum, and 3 public hearings) before adopting the rules. There are good arguments on both sides of the issue but for us, it came down to prioritizing housing and preserving the character/harmony of our neighborhoods. There is still plenty of property that could allow STRs if an investor is really motivated, so we try to steer people to those areas when possible. We also recognize anything over 30 days as a long-term rental, and that has worked for some folks in addition to converting an STR to a homestay. These rule changes have primarily impacted investors, or people with enough security to afford more than one home and, while we don’t want to interfere with free-enterprise, we’re not as concerned about those folks who most often do not live in Woodfin.

For better or worse, I have a fair amount of experience with STRs so if I can help in any other way, please feel free to reach out.

Regards,

Shannon

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, August 1, 2023

Subject: Other Business

Presenter: Planning Director

Attachments: None

Description: Joint Meeting of Town Council and the Planning Board

At this time Town Council is anticipating a joint meeting with the Planning Board in September.

Action Requested:

None at this time. Once the meeting is set by Council, staff will request the Planning Board to set a special called meeting for the date, time and location of choice.

