

**Town of Weaverville
 Planning Board
 Regular Monthly Meeting
 Thursday, June 6, 2024, 6:00pm
 Agenda**

	Pg#	
1. Call to Order		Chairman Pace
Welcome Michael Sollazzo, Alternate Member		
2. Adoption of Agenda		Chairman Pace
3. Approval of Minutes – 5/7/2024 Regular Meeting	2	Chairman Pace
4. Short Term Rentals	5	Planning Director Eller
5. Other Business - Amend Growth Areas Resolution	14	Attorney Jackson & Planning Director Eller
6. Special Called Joint Town Council and Planning Board Meeting		Chairman Pace
7. Adjournment		Chairman Pace

Reminder: next scheduled Planning Board meeting is Tuesday, July 2, 2024

**Town of Weaverville
Planning Board
Tuesday, May 7, 2024
Meeting Minutes**

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday May 7, 2024

Present: Chair Bob Pace, Vice Chair Jane Kelley, Donna Mann Belt, and Mark Endries

Absent: Stefanie Pupkiewicz Busch and alternate members Ryan Gagliardi and Michelle Rippon

Staff Present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, and Town Clerk Tamara Mercer

1. Call to order

Chairman Pace called the meeting to order at 6:00 p.m.

2. Adoption of Agenda

Without objection, Mr. Pace declared the agenda approved. Carried unanimously. 4-0.

3. Approval of the Regular Meeting Minutes April 2, 2024

Without objection Chairman Pace declared the meeting minutes approved as presented for April 2, 2024. Carried unanimously. 4-0.

4. Short-term rentals

Director Eller stated that at the last Planning Board meeting, staff were directed to provide definitions and proposed regulations for the Planning Board to review and deliberate on the topic of short-term rentals. Mr. Eller reviewed the proposed definitions specific for short-term rentals and the proposed regulations. Mr. Eller read the definitions, reviewed the strikethroughs and pointed out additions proposed to the Table of Uses, section 20-3205.

In response to Ms. Kelley's question regarding licensure, Mr. Eller replied that privilege license requirements were removed by North Carolina legislatures in 2014, so there are no business license renewals.

There was discussion regarding homestays separated from whole-house short-term rental, as a use in the table of uses. Mr. Eller reviewed the definition of Bed-and-Breakfast, currently in the code and homestays. Attorney Jackson recapped the uses in the table of uses: under A) homestays, property owner who lives on-site and is allowable as directed by the Planning Board at the last meeting.

There was further discussion clarifying homestays versus a Bed-and-Breakfast, which are not considered short-term rentals and as provided by the definition. Mr. Eller added that BnBs have

been in the code as an allowed use since the inception of town. The table of uses has been in place since 1978, but in 2017 an adopted code amendment decision by Town Council changed this, at that time it was decided it was not the highest and best use for residential uses to be allowed in commercial districts. He said currently we cannot establish a new single-family home in a non-residential district. Mr. Eller further explained that the only existing housing stocks in non-residential districts is the Creekside Villages subdivision, which is not zoned residential. There are estimated 150 units in Creekside Villages which is zoned industrial. So, there would potentially be only 150 where you could establish a non-conforming use as a short-term rental under the new proposal.

Attorney Jackson pointed out that there is limited available area to establish a new short-term rental, if the intention of the Board is to limit STRs, then it should be stated that no STRs can be established. As proposed, the drafted language of the regulations would not allow a residential structure in a commercial district. Therefore, if the true intent is to protect R-1, R-2, R-3 residential, a non-conforming use of a short-term rental would not be allowed to be built, only a single-family dwelling to house permanent residents or as a long-term rental would be allowed in all residential districts, as residential structures are not allowed to be built in commercial districts.

There was further discussion to address a narrow approach or a broad comprehensive approach in order to address these inconsistencies. Mr. Endries was agreeable to change the allowable uses in the table of uses chart and to treat STRs in table of uses to treat it strategically and to address problematic issues such as parking, signage, garbage and noise with code enforcement management. Attorney Jackson said that is already being addressed by existing ordinances.

Ms. Mann Belt stated she was in favor of approving the Town of Woodfin's regulations to stop more short-term rental businesses in Weaverville. She believes regulations would reduce short-term rentals in residential neighborhoods. Deliberations continued regarding zoning regulations in industrial, commercial, and residential districts permitted uses and nonconforming uses, locating STRs, and enforcement mechanisms such as annual registration of short-term rentals, and costs. There was general consensus of the Board to update the table of use chart to include residential structures in the commercial and industrial districts.

Attorney Jackson reminded the Board that at the Town Council meeting, the Councilmembers provided feedback for the Planning Board to recommend definitions for the short-term rentals and items related to short-term rentals, and the Planning Board recommendation should consider if it is reasonable and in the public interest.

In response to Chairman Pace's question regarding the procedure and vote with only four members, Attorney Jackson reminded the Board that there was a quorum, and she reviewed the next steps for the Board should they elect to take a vote or not since they are absent a regular member and absent the alternate members to vote. Chairman Pace reiterated the Board may either go ahead and vote on the matter or delay the vote, to which Ms. Mann Belt was in favor of voting on the matter, Mr. Endries and Ms. Kelley agreed with Chairman Pace to wait another month until the June meeting.

Chairman Pace made a motion to table the agenda item regarding short-term rental regulations to the upcoming Planning Board meeting on June 6th. The decision to defer this matter is to

ensure that all Planning Board members are present to participate in the voting process. 4-0 unanimously carried.

5. Sign Regulations Attorney Jackson & Planning Director Eller

Director Eller reviewed the Staff's revisions to the sign regulations as the proposed amendments to the code are consistent with the current priorities for the Comprehensive Land Use Plan.

The proposed sign regulations will meet legal compliance with the U.S. Supreme Court ruling on how local governments can regulate signs. The policy objectives are listed as priority 1 goal in the Comprehensive Land Use Plan chart as Federal Law and the Town of Weaverville sign ordinance is currently not consistent. Ongoing court cases require the town to exam the sign ordinance, and Mr. Eller provided examples such as election signs and temporary sign which are not content neutral in the ordinance.

Attorney Jackson reiterated the inconsistencies and provided the updates to sign regulations to remain content neutral.

Chairman Pace moved to adopt the revised sign regulations, Article I. Sec. 20-4101 – Sec. 20-4112 as presented and find the code amendments consistent with Comprehensive Land Use Plan are reasonable and in the interest of the public for legal compliance. 4-0 Unanimously

6. Adjournment

There being no further business and without objection Chairman Pace requested adjournment. at 7:23 p.m. Carried Unanimously. 4-0

ATTEST:

Tamara Mercer, Town Clerk

TOWN OF WEAVERVILLE

PLANNING BOARD AGENDA ITEM

Date of Meeting: Thursday, June 6, 2024
Subject: Short-Term Rental Regulations
Presenter: Planning Director and Town Attorney
Attachments: Draft Regulations
Relevant Town Code Sections and NC General Statutes

Description:

The Town’s adopted Comprehensive Land Use Plan sets out the following as a high priority: “Study & consider regulation of short-term rentals”.

The Planning Board has been working on the Short-Term Rental Project since March 21, 2023. The first phase of its work was learning about short-term rentals and receiving public input on the topic. This first phase concluded in March 2024 with the final report and presentation by Kayla DiChristina with Land of Sky Regional Council. The Board then shifted its focus to possible regulation as requested by Town Council on March 25, 2024.

Based on the information gathered during the input sessions and the Planning Board’s conversations on April 2 and May 7, staff has developed a set of draft regulations. The Planning Board’s role tonight is to review and offer comment on those draft regulations. This role is set out in Town Code §§ 20-1503 and 20-1505 and N.C Gen. Stat. §§ 160D-601 and 160D-604 (attached).

Staff will be at tonight’s meeting to review the draft regulations, answer questions and guide the Planning Board through its deliberations.

Action Requested:

Planning Board action to adopt findings, comments, and a recommendation on the draft regulations. The following information could be helpful to Town Council and action could be based on the following questions and motions:

- (1) Should short-term rentals be regulated within the Town? [Board vote]
- (2) Do the draft regulations reflect the conversations of the Planning Board throughout the project? [Board vote]
- (3) Are the draft regulations consistent with the CLUP? [Board vote; identification of CLUP provisions]
- (4) Does the Board support the adoption of the draft regulations? [Motion to support adoption of the draft regulations and relevant findings; Board vote]:
 - a. Motion passes = favorable recommendation
 - b. Motion fails = unfavorable recommendation
- (5) Are there comments that the Board would like to include with the recommendation? [comments to be included upon Board consensus]

Sec. 20-1202. Specific definitions.

Unless otherwise provided in this chapter or any other development regulations adopted by the town, the following definitions shall apply in the administration of all development regulations adopted by the town:

Bed and breakfast. Any dwelling in which three or more persons, either individually or as families, are housed or lodged for hire, with or without meals. A bed and breakfast must be managed or operated by a person or family who resides on the premises. A "rooming house" and a "boarding house" establishment shall be deemed a bed and breakfast. If such an establishment is not managed by a person who resides on the premises, it shall be considered as a hotel, motel, or inn as herein defined.

Homestay: Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached secondary dwelling units where the operator lives on the same property.

Hotel, motel, inn: A building or group of buildings containing in combination ten (10) or more lodging units intended primarily for rental or lease to transients by the day or week. This term does not include short-term rentals.

~~*Hotel, motel, inn.* Establishments providing lodging and short-term accommodations for travelers. These establishments may offer a wide range of services including, but not limited to, overnight sleeping space, food services, convention hosting services, laundry services, and/or entertainment and recreation activities.~~

Short-term rental. A residential use within a single dwelling unit, whether attached or detached, that is rented for compensation for periods of less than 30 days. The following activities shall not be considered as a short-term rental use for the purposes of this ordinance:

- a) Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached secondary dwelling units where the operator lives on the same property.
- b) Rental of property in any permitted hotel, motel, inn, or bed and breakfast establishment.
- c) Bed and breakfasts are not considered short-term rentals.

Sec. 20-3205. Table of uses.

The following notes shall be applicable to the Table of Uses established herein.

- (1) Additional standards for those uses identified on the Table of Uses as "permitted with standards" are found in article III of part III of this chapter.
- (2) If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the zoning administrator shall make a determination on which use most closely resembles the proposed use and shall apply those regulations and restrictions. Such determination may be made as a formal interpretation, or as part of an issuance or denial of a zoning permit or a notice of violation. The zoning administrator's determination is subject to an appeal of an interpretation which shall be heard by the board of adjustment.
- (3) The abbreviations and symbols shown in the Table of Uses have the following meanings:
 - "C" = Conditional District required
 - "P" = Permitted

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"PS" = Permitted with Standards

"-" = Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
RESIDENTIAL								
Dwelling - Single Family	P	P	P	P	P	P	P	-
Dwelling - Duplex	-	P	P	P	-	-	-	-
Dwelling - Multifamily (4 or fewer units/building)	-	P	P	P	-	-	-	-
Dwelling - Multifamily (more than 4 units/building)	-	-	PS	PS	-	-	-	-
Dwelling - Secondary	PS	PS	PS	PS	PS	PS	PS	-
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	-
Child Care Home (6 or fewer children)	PS	PS	PS	-	-	-	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	PS	-
Manufactured Home	-	-	-	-	-	-	-	PS
Manufactured Home Park	-	-	-	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-	C	C	-
Bed & Breakfast, Homestay	P	P	P	P	P	P	P	-
Hotel, Motel, Inn	-	-	-	-	C	C	C	-
Short-Term Rental	-	-	-	PS	PS	PS	PS	-

Sec. 20-3301. Intent.

This article sets forth standards for those uses that have been identified as "permitted with standards" in the Table of Uses set forth in Code section 20-3205. All generally applicable regulations (including but not limited to sidewalks, traffic analysis, street lighting, off-street parking and loading, etc.) shall apply to the uses set out in the sections of this article unless provided otherwise by the specific provisions within this article.

Sec. 20-3328. Short-term rentals.

- (a) Existing short-term rentals in R-1, R-2, and R-3 in operation at the time of the effective date of this ordinance shall be allowed to continue operations as a nonconforming use, in accordance with section 20-1604.
- (b) A zoning permit shall be required to establish new short-term rentals and all existing short term rentals existing as of _____, the time of the adoption of this ordinance.
- (c) Signs for short-term rentals operating as a nonconforming use in R-1, R-2, and R-3 are limited to one sign which shall not exceed 3 square feet. Signs for short-term rentals operating as a conforming use within the R-12, C-1, C-2, I-1 zoning districts are limited to one sign which shall not exceed 3 square feet.

Sec. 20-1604. Nonconforming uses.

- (a) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this article. A nonconformity must have been legal when it was established in order to receive nonconforming protection. A use which is a violation of the zoning ordinance when it was established shall not ripen into a lawful nonconformity.

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- (b) Except as provided herein, no nonconforming use can be extended, expanded, enlarged, or moved if such change results in an increase in the extent or intensity of the nonconforming use as it existed at the time the lawful nonconformity was created.
 - (c) Residential uses made nonconforming by a text amendment or a map amendment which rezones the property to a zoning district which does not permit residential uses cannot be expanded to increase the number of residences or family units from those existing at the time the lawful nonconformity was created. See Code section 20-1603(e) concerning nonconforming residential structures.
 - (d) Replacement of nonconforming uses.
 - (1) A nonconforming use of a structure may be replaced by another nonconforming use if it falls within the same use definition as the original nonconforming use. Such lawful replacement of use may be permitted by the zoning administrator.
 - (2) A nonconforming use of a structure may be replaced by another nonconforming use if it is no less compatible with the surrounding properties and district than the nonconforming use which it replaces. Such requests must be submitted to the board of adjustment which is authorized to grant such a request if the applicant can present competent, substantial and material evidence that the proposed use is as compatible or more compatible with the surrounding properties and district than the original nonconforming use. Factors for the board's consideration include, but are not limited to, traffic, noise, site activity, hours of operation, lighting, vibration, dust, smoke, odor emissions, and any other factors that the board finds relevant to compare or differentiate between the existing use(s) and the proposed replacement use(s). The board of adjustment may establish conditions to ensure that the compatibility factors are maintained as approved.
 - (e) No use may be established if it renders a conforming use as nonconforming.
 - (f) Once a nonconforming use is changed to a conforming use, that nonconforming use cannot be lawfully reestablished.
 - (g) Where a nonconforming use is visibly discontinued for 180 consecutive days, regardless of any intent or efforts to resume the use, then the use shall not be reestablished or resumed, and any subsequent use of the land or structure must conform to the requirements of town code.
 - (h) Where a structure in which a nonconforming use is located is destroyed or damaged by fire, flood, wind, or other disaster, the structure may be repaired or restored to its original dimensions or substantially similar dimensions if the nonconformity is not increased, and as long as a zoning permit for the repair or restoration is issued within 180 days of the date of the damage and the nonconforming use can resume. Upon request, the board of adjustment is authorized to extend this period up to an additional 180 days if the applicant can present competent, substantial and material evidence showing good cause for such extension. Good cause could include, but is not limited to, delays related to estate administration, casualty insurance issues, or litigation concerning the property.
 - (i) Signage for a lawful nonconforming use shall be limited to one wall mounted or attached sign which shall not exceed ten percent of the total surface area on which the sign is located. Said signage may be illuminated but must be shielded in a fashion to prevent light trespass and to brighten only the surface of the sign.
 - (j) Short term rentals that are nonconforming use shall be deemed discontinued if the property/unit is not listed or rented for short term rental purposes for a period of 180 days.

(Ord. of 5-24-2021(1), §

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Article 6.

Development Regulation.

§ 160D-601. Procedure for adopting, amending, or repealing development regulations.

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) Notice to Military Bases. – If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the governing board of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance.

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d).)

§ 160D-604. Planning board review and comment.

(a) **Initial Zoning.** – In order to exercise zoning powers conferred by this Chapter for the first time, a local government shall create or designate a planning board under the provisions of this Article or a local act of the General Assembly. The planning board shall prepare or shall review and comment upon a proposed zoning regulation, including the full text of the regulation and maps showing proposed district boundaries. The planning board may hold public meetings and legislative hearings in the course of preparing the regulation. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation.

(b) **Zoning Amendments.** – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

(c) **Review of Other Ordinances and Actions.** – Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the planning board for review and comment. Any other action proposed to be taken pursuant to this Chapter may be referred to the planning board for review and comment.

(d) **Plan Consistency.** – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

(e) **Separate Board Required.** – Notwithstanding the authority to assign duties of the planning board to the governing board as provided by this Chapter, the review and comment required by this section shall not be assigned to the governing board and shall be performed by a separate board. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(c).)

Sec. 20-1503. - Procedure for approval of text amendments.

New development regulations or proposed changes or amendments to the text of this chapter may be initiated by town council, the planning board, the board of adjustment, town staff, any owner of a legal or equitable interest in land located within the town, or any resident of the town.

Development regulations shall be adopted, amended, or repealed, in accordance with a comprehensive plan and pursuant to the following procedures:

- (a) *Initial review by town council.* All proposed new development regulations or proposed amendments to existing development regulation, or the concept of such regulation, shall be presented to town council for initial review. Initial consideration by town council is intended to provide town council with the opportunity to express preliminary thoughts related to the proposed regulation and any comments made are advisory only and shall not serve as a final determination on the matter.
- (b) *Planning board review and comment.* The planning board shall review and comment on all proposed development regulations and amendments thereto as set out in Code section 20-1505.
- (c) *Hearing with published notice.* Before adopting, amending, or repealing any ordinance or development regulation authorized by G.S. 160D, the governing board shall hold a legislative hearing. Town council shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board, unless more than 90 days have elapsed since the matter was first considered by the planning board. A notice of hearing on a text amendment shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of the publication is not to be included by the day of the hearing shall be included.
- (d) *Citizen comments.* If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the town clerk at least two business days prior to the proposed vote on such change, the town clerk shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the town clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all member of the board shall not disqualify any member of the board from voting.
- (e) *Governing board statement.* Town council is not bound by the recommendation, if any, of the planning board. Town council shall adopt statements as required by G.S. 160D-605 and Code section 20-1506 prior to taking action on proposed development regulations or amendments

thereto.

- (f) *Ordinance adoption.* A development regulation adopted pursuant to G.S. Chapter 160D shall be adopted by ordinance and codified.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-1505. - Planning board review and comment.

- (a) *New development regulations.* The planning board shall review and comment upon a proposed development regulation, including the full text of such regulations and any proposed zoning maps associated with the regulations. The planning board may hold public meetings and legislative hearings in the course of preparing the regulation. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation. The governing board is not bound by the recommendations, if any, of the planning board.
- (b) *Development regulation and zoning map amendments.* Subsequent to initial adoption of a any development regulation, all proposed amendments to the development regulation or zoning map shall be submitted to the planning board for review and comment. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation. If no written report is received from the planning board within 90 days of referral of the amendment to the board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.
- (c) *Plan consistency.* When conducting a review of proposed zoning text or map amendments pursuant to G.S. 160D-604 and this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map

amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

- (d) *Reasonableness statement for rezonings.* When conducting its review of proposed zoning map amendments, the planning board shall, as part of its plan consistency statement or separately, provide a statement analyzing the reasonableness of the proposed rezoning. Such analysis should consider, among other factors: (i) the size, physical conditions, and other attributes of the area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If the zoning map amendment qualifies as a large scale rezoning the analysis of reasonableness may address the overall rezoning.
- (e) *Separate board required.* Notwithstanding the authority to assign duties of the planning board to the governing board as provided in G.S. Chapter 160D, the review and comment required by this section shall not be assigned to the governing board and must be performed by the planning board.

(Ord. of 5-24-2021(1), § 5)

**TOWN OF WEAVERVILLE
AMENDED AND RESTATED RESOLUTION
CONCERNING GROWTH AREAS**

WHEREAS, on October 23, 2023, Town Council adopted a resolution concerning identified growth areas and, at the Planning Board’s recommendation, Town Council wishes to broaden the uses deemed desirable within Growth Area 4;

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;

WHEREAS, Town Council now wishes to amend and restated such resolution;

WHEREAS, a public hearing was held on 20 May 2024 on the amendments set out herein and Town Council wishes to amend the Town’s Comprehensive Land Use Plan to include the amendments adopted herein;

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

1. The Town has identified the following growth areas which are now shown on the Town’s GIS map, a copy of which is 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-2, 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-2, 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).

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

7. 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. mixed use development;
- b. single family residential development;
- c. duplexes;
- d. townhouses;
- e. multifamily development;
- f. 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: R-1, R-2, R-3, R-12, 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-2, 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.
12. The Town's Comprehensive Land Use Plan is hereby automatically amended to include this amended and restated resolution concerning growth areas.

ADOPTED this the 20th day of May, 2024.


TAMARA MERCER, Town Clerk


PATRICK FITZSIMMONS, Mayor