

**Town of Weaverville  
Planning Board  
Thursday, 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 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