

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

	Pg#	
1. Call to Order		Vice Chair Kelley
Introduction of new alternate member Johnathan Brown		
2. Election of Officers	2	
3. Adoption of Agenda		
4. Approval of Minutes – 6/6/2024 Regular Meeting	4	
5. Downtown Residential Zoning Districts Discission	8	
6. Joint Town Council and Planning Board Meeting Aug. 20, 2024		
7. Adjournment		

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, August 6, 2024

Subject: Election of Officers

Presenter: Planning Director

Attachments: None

Description:

Sec. 2-153. – Municipal ordinance calls for the election of officers for the Planning Board. These officers include Chair, Vice Chair and Secretary. With the resignation of the former Chair, this election of officers is being held one month prior than usual.

Sec. 2-153. Officers.

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

The membership of the Board is determined by Town Council while the leadership of the Board is determined by the Board Members which have been appointed.

Action Requested:

Action to elect a Chair, Vice Chair and Secretary of the Board is appropriate at this time.

WEAVERVILLE PLANNING BOARD				
Regularly meets 1 st Tuesday of the month at 6 pm in Community Room/Council Chambers at Town Hall				
NAME AND POSITION	CONTACT INFORMATION	FIRST APPT	DATE OF APPT	TERM (3 YEARS)
Jane Kelley Regular Member Vice Chair	Moore Street	2021	August 2023	September 2023 – 2026
Mark Endries Regular Member	Grove Street	2021	March 2022	September 2024 - 2027
Donna Mann Belt Regular Member	Highland Street	2021	August 2023	September 2023 – 2026
Stefanie Pupkiewicz-Busch Regular Member	Clinton Street	2023	August 2023	September 2023 – 2025
Michelle Rippon Regular Member	Holston View Drive	2023	June 2024	June 2024 – 2025
Michael Sollazzo Alternate Member	South Main Street	2024	May 2024	September 2024 - 2027
Jonathan Brown Alternate Member	North Main Street	2024	June 2024	June 2024 – 2025
James Eller Town Planner	828-484-7002 (direct line) jeller@weavervillenc.org			
Tamara Mercer Clerk/Bd Sec.	828-484-7003 (direct line) tmercerc@weavervillenc.org			

Last updated August 2024

**Town of Weaverville
Planning Board
Thursday, June 6, 2024
Meeting Minutes**

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

Present: Chair Bob Pace, Vice Chair Jane Kelley, Donna Mann Belt, Mark Endries, and Stefanie Pupkiewicz Busch and alternate members Michelle Rippon and Michael Sollazzo.

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

Chairman Pace called the meeting to order at 6:00 p.m. and welcomed new alternate member, Michael Sollazzo.

2. Adoption of Agenda

Without objection, Mr. Pace declared the agenda approved. Carried unanimously. 5-0.

3. Approval of Minutes – 5/7/2024 Regular Meeting

Ms. Mann Belt stated that at the May 7th meeting minutes that she was not in favor of Woodfin's regulations, and she moved to approve the May 7, 2024 meeting minutes as amended. Without objection the meeting minutes approved as amended for May 7, 2024. Carried unanimously. 5-0.

4. Short Term Rentals Planning Director Eller and Attorney Jackson

Attorney Jackson provided a review of the short-term rental topic process and public input information gathering phases. The Planning Board has been working on the Short-Term Rental Project since March of 2023. The first phase of its work was learning about short-term rentals and receiving public input on the topic. The 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. This project was deemed a high priority within the CLUP. The Planning Board has discussed this complicated topic at 8 or more of its meetings since its joint meeting with Town Council on the topic was held on March 21, 2023, and devoted large amounts of time outside of those meetings to better understand the issues.

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.

Staff continued to craft regulations based on the May meeting input to consider. Planning Director Eller proposed definitions for homestays, to be included in the table of uses and revisions permitted for single family dwellings across zoning districts. The non-conforming language remains as is.

Consideration of Action Items Polled:

- 1) Should short-term rentals be regulated? Jane Kelley, Donna Mann Belt, Mark Endries, and Stefanie Pupkiewicz Busch who said 'yay' and Bob Pace who said 'nay'. 4-1.
- 2) Are the drafted regulations presented to the Planning Board reflective of the Planning Board discussion? Board members agreed unanimously, 5-0.
- 3) Are the draft regulations consistent with the CLUP? Board members agreed unanimously that this is not addressed in the CLUP, 5-0.

There was further discussion regarding: residential and commercial zoning uses, short-term rental property owner income, the Comprehensive Land Use Plan, economic development, affordable housing, impacts and economic benefits that supports small businesses, visitors and tourism, signage, duplex and multi-family zoning, higher density, housing pricing and market trends, and housing stocks in Weaverville. Nuisance abatement and STR complaints, the Town's code of ordinances was discussed as well as court challenges, risks, and State legislation which has not been passed addressing short-term rentals.

Chairman Pace noted that as Buncombe County has delayed short-term rental regulations and that short-term rentals were not addressed by the Comprehensive Use Plan, warrants Town Council inclusion to provide better guidance on the issue. Mr. Pace believed the Town could delay adoption of short-term rental regulations until Buncombe County implements regulations, and he called the vote.

Chairman Pace moved to approve the short-term rental regulations, and Jane Kelley, Donna Mann Belt, and Stefanie Pupkiewicz Busch who voted 'yay' and Bob Pace and Mark Endries who voted 'nay'. 3-2.

As prepared by Attorney Jackson the Planning Board's review of the draft regulations offers comments as contained herein.

On the question of whether short-term rentals should be regulated in the Town of Weaverville, the Planning Board voted 4 to 1 in favor of regulating short-term rentals within the Town. With a majority vote of 3 to 2, the Planning Board submits a favorable recommendation to Town Council on the drafted text amendments and supports the adoption of these regulations of short-term rentals. This favorable recommendation is based on the findings as stated herein.

The Planning Board has reviewed this regulation against the CLUP and unanimously found that the CLUP does not directly address this topic and would recommend that the CLUP be amended to provide better guidance on the issue.

The Planning Board also noted that the following impacts/concerns over the regulation of Short-Term Rentals were expressed by one or more of the Planning Board members:

- The number of short-term rentals within the Town, when considering the overall number of housing units, may not justify the need for regulation.

Recommendation and amendments to Chapter 20 regarding short-term rentals:

- Amount of resources that may be needed to adequately enforce these regulations
- Generally applicable regulations (sanitation, noise, parking) apply to short-term rental uses and most problems can be handled through general regulations
- Delay of adoption might be considered pending a decision by Buncombe County on similar regulations
- To delay adoption may result in more short-term rentals that are allowed to continue in the R-1, R-2, and R-3 districts and may result in the Town being a safe harbor for short-term rentals
- Concern about potential legal risks
- Concern about entrenching the existing STRs within the R-1, R-2, and R-3 district
- This regulation provides an opportunity for an increase in housing availability
- Short-term rentals provide economic opportunities that regulation may limit
- Role of government is to protect the general public and often times does so by enacting regulation
- Concern about respecting the general character of residential areas

It should be noted that to make short-term rental uses legal in the R-12, C-1, C-2, and I-1 as proposed, an expansion of the districts within which single family dwellings can be constructed was necessary. A thorough review of the residential use section of the Table of Uses should be undertaken.

General consensus these reflect the Planning Board comments were unanimous. 5-0.

5. Other Business - Amend Growth Areas Resolution Attorney Jackson & Planning Director Eller

Planning Director Eller updated the Board that as result of the 75 Cole Road annexation request and approval by Town Council, the I-26 corridor growth area 4 would be reevaluated to expand the desired uses along the corridor.

6. Special Called Joint Town Council and Planning Board Meeting Chairman Pace

It was noted that on Tuesday, August 20, 2024 Town Council may call a joint meeting with the Planning Board. Vice Chair Kelley stated she may not be available. The meeting will be verified by Manager Coffey, in the interim:

Chairman Pace moved to call a special called joint meeting of the Planning Board and Town Council to be held on August 20, 2024 at 6:00 p.m. in Council Chambers. Carried Unanimously. 5-0

7. Adjournment - Chairman Pace

There being no further business and without objection, Chairman Pace requested adjournment at 7:20 p.m. Carried Unanimously. 5-0

ATTEST:

Tamara Mercer, Town Clerk

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, August 6, 2024
Subject: Downtown Residential District
Presenter: Planning Director
Attachments: Sample Plats from Downtown Residential Areas

Description:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in November 2023, call for the study and consideration of a downtown residential district with smaller lot sizes and/or lot widths. The goal of studying a downtown residential district was also given number 1 (highest) priority within the CLUP giving staff the direction to accomplish or address the stated goal within 12 months.

An issue is the volume of lots within the downtown residential area which are preexisting nonconforming lots. As the Board of Adjustment had routinely been granting variances for construction on such lots, in early 2023 language related to nonconforming lots was amended to allow for more approvals of construction on nonconforming lots to be approved administratively rather than quasi-judicially.

Action Requested:

Staff is seeking a conversation with the Board related to the aforementioned stated goal of the CLUP. To further this stated goal, the creation of a new zoning district or the revision of the existing table of dimensional standards can be explored.

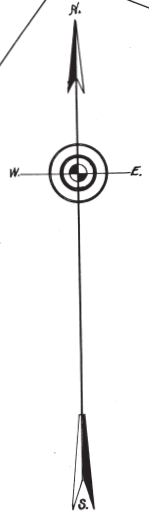
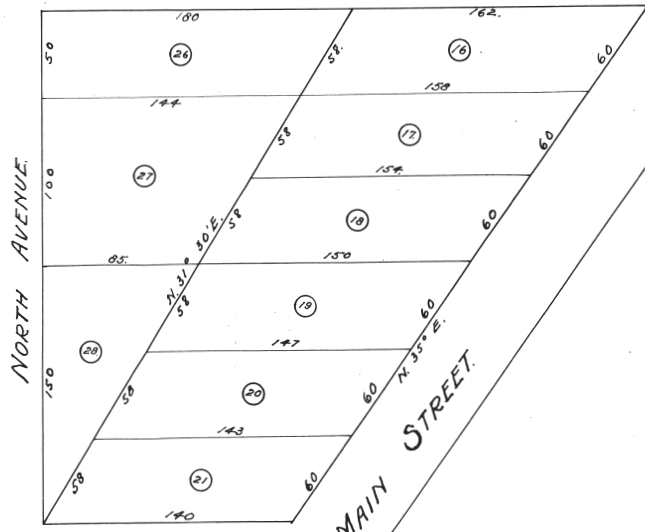
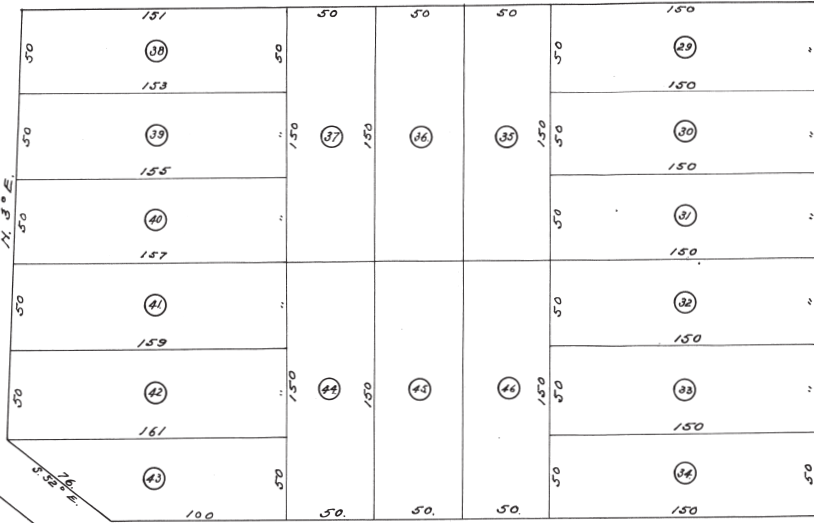
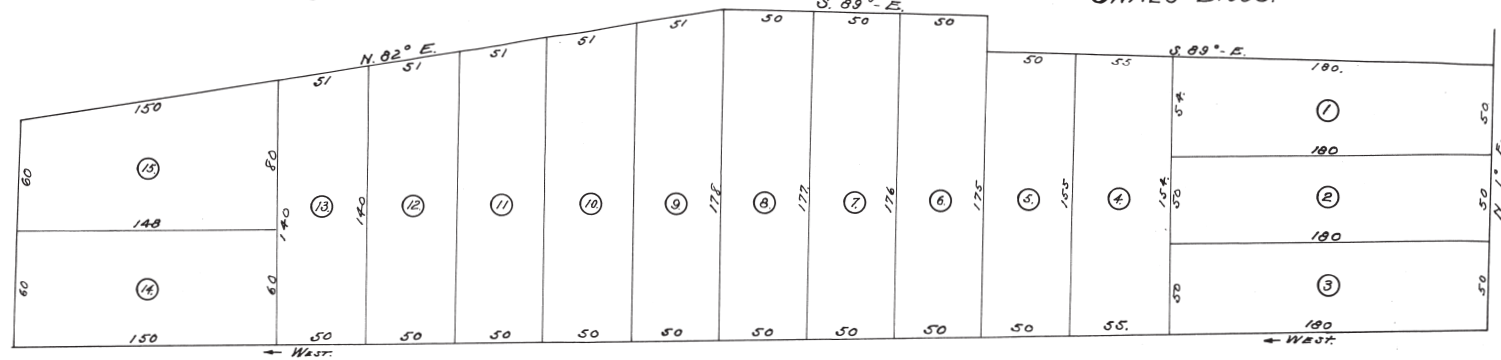
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C. C. BROWN.

JAMES BIGGS.

Spring.
Park
Station.

GROVE PARK
ELECTRIC R.R.

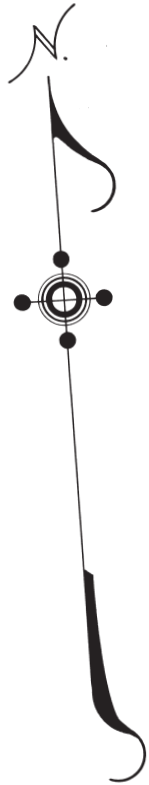
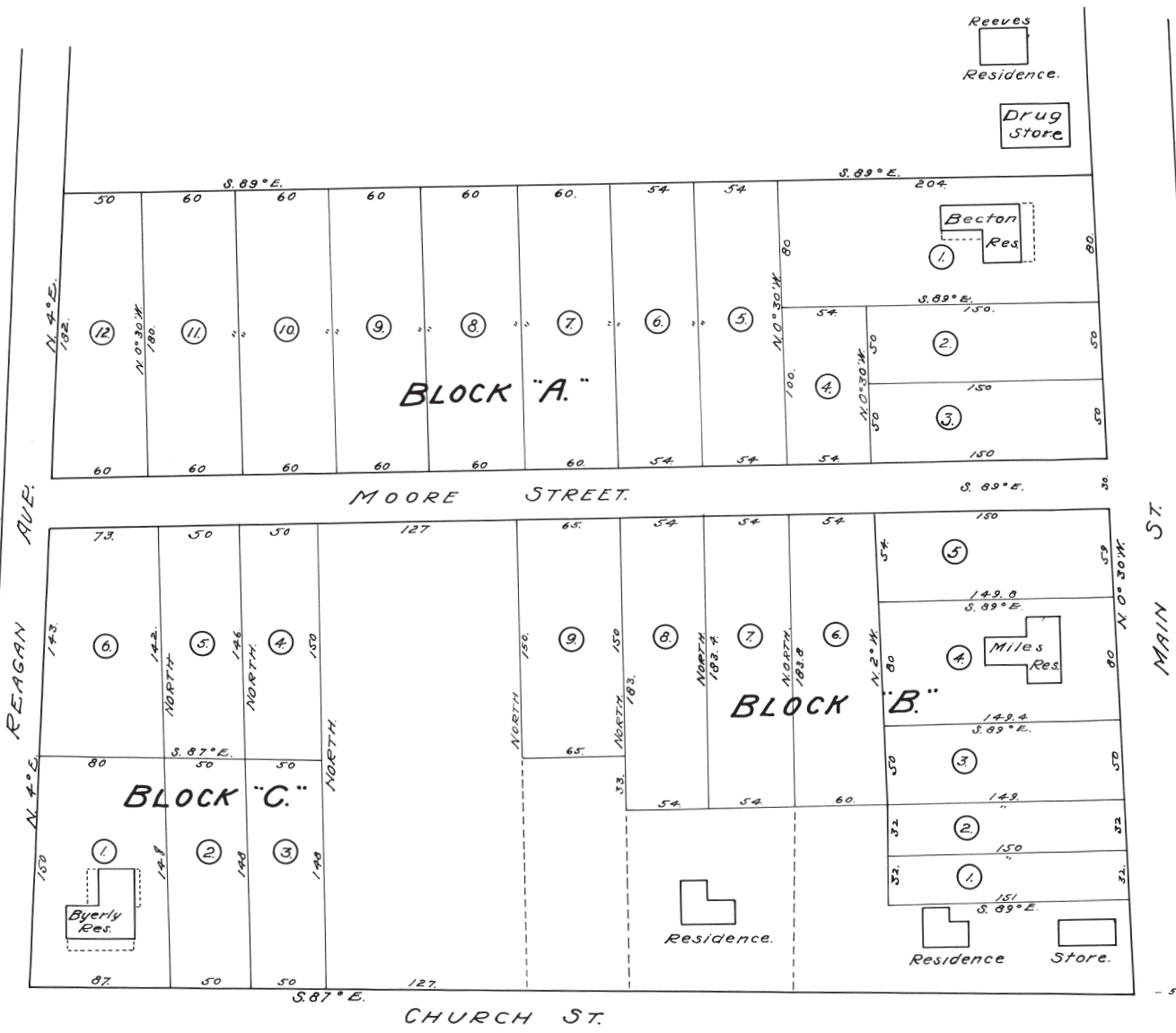


Reems Cr.
Road.

LANDS OF
E. F. VANDIVER,
WEAVERVILLE, N. C.

J. J. Reagan, Surveyor
Sept. 1910.
Scale 50'-1".





MAP OF
 MILES, BYERLY & BECTON PROPERTY,
 Weaverville, N.C.
 J. J. Reagan Surveyor.
 FOR SOUTHERN LAND AUCTION CO.
 of
 Asheville, N.C.
 Scale: 1" = 50'

COLLEGE HEIGHTS

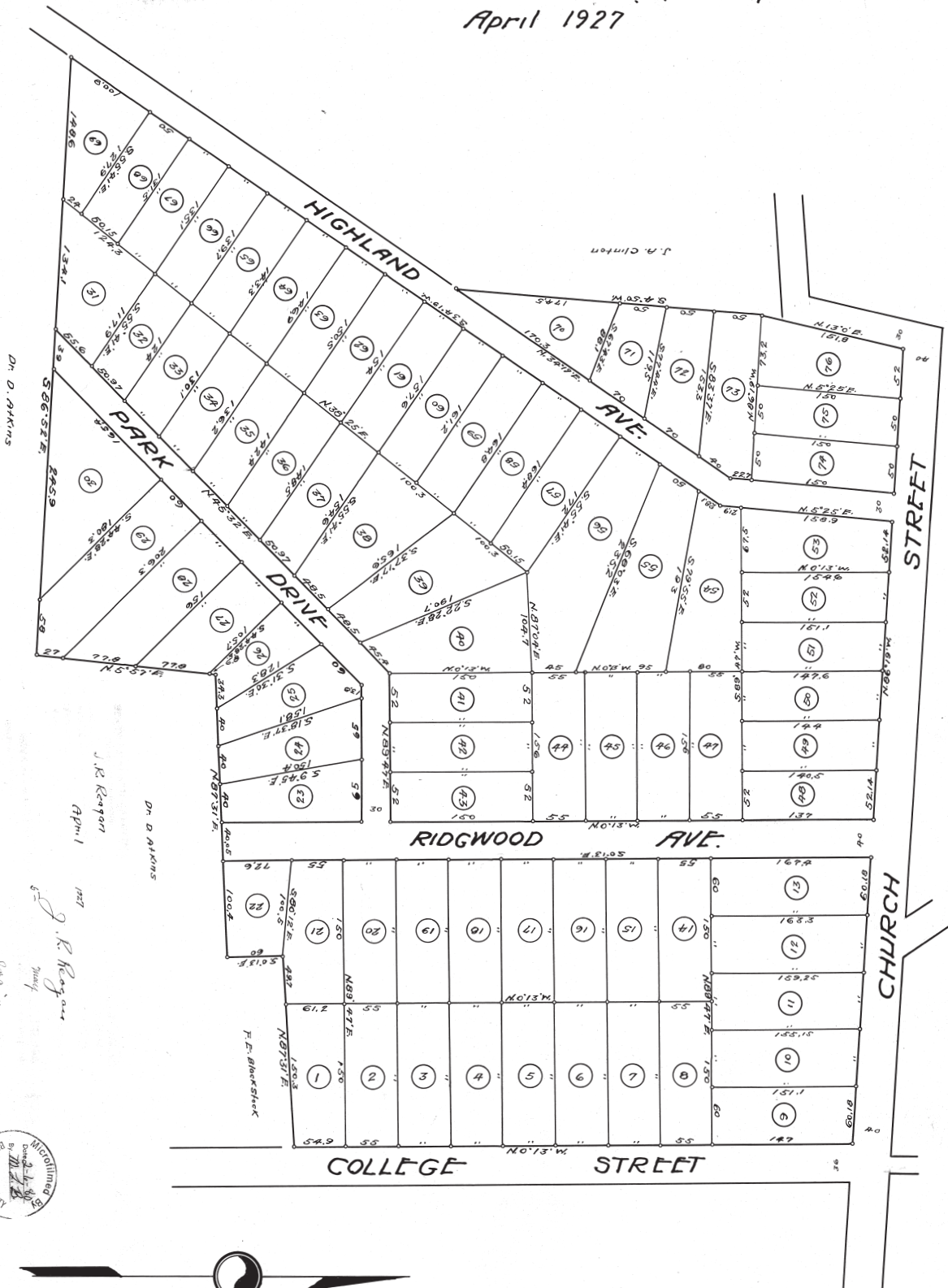
WEAVERVILLE N.C.

Property of

STERNBERG AND LYKES

Scale 1"=60' J. R. Reagan Engr.

April 1927



Dr. D. Akins

J. R. Reagan
Apr 1

Dr. D. Akins

J. R. Reagan
1927



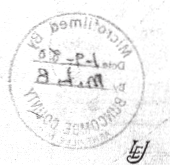
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THE J.W. PHIPPS PROPERTY
 WEAVERVILLE, N.C.
 Sub-divided by
 SOUTHERN LAND AUCTION CO.
 of
 ASHEVILLE, N. C.

Scale 1"=50'
 R. W. Parker Eng'g
 We Sell Lots and Lots of Lots, and Farms, My Way



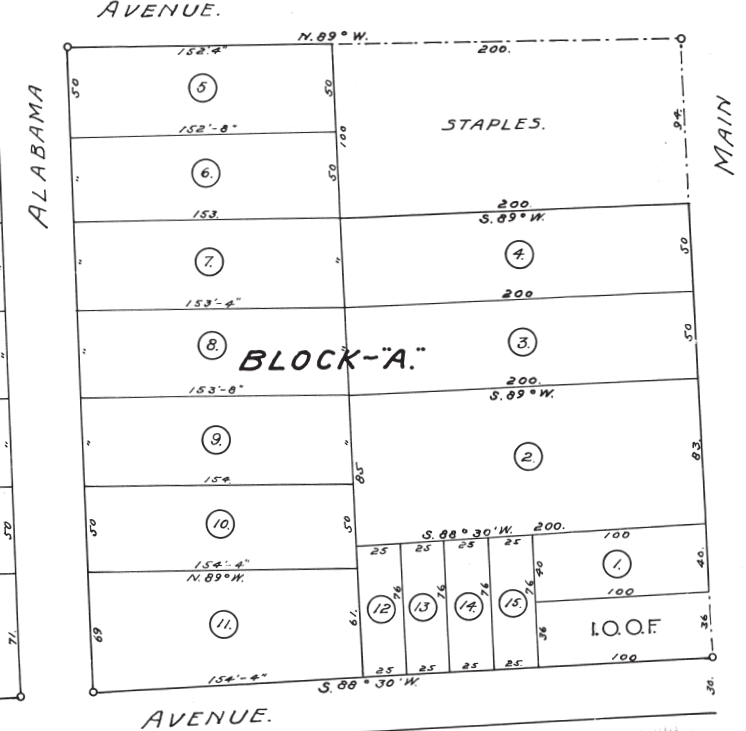
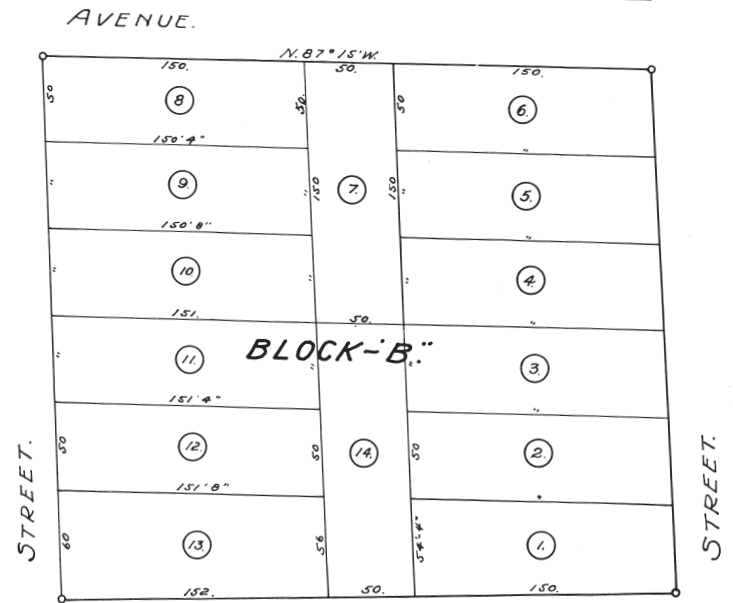
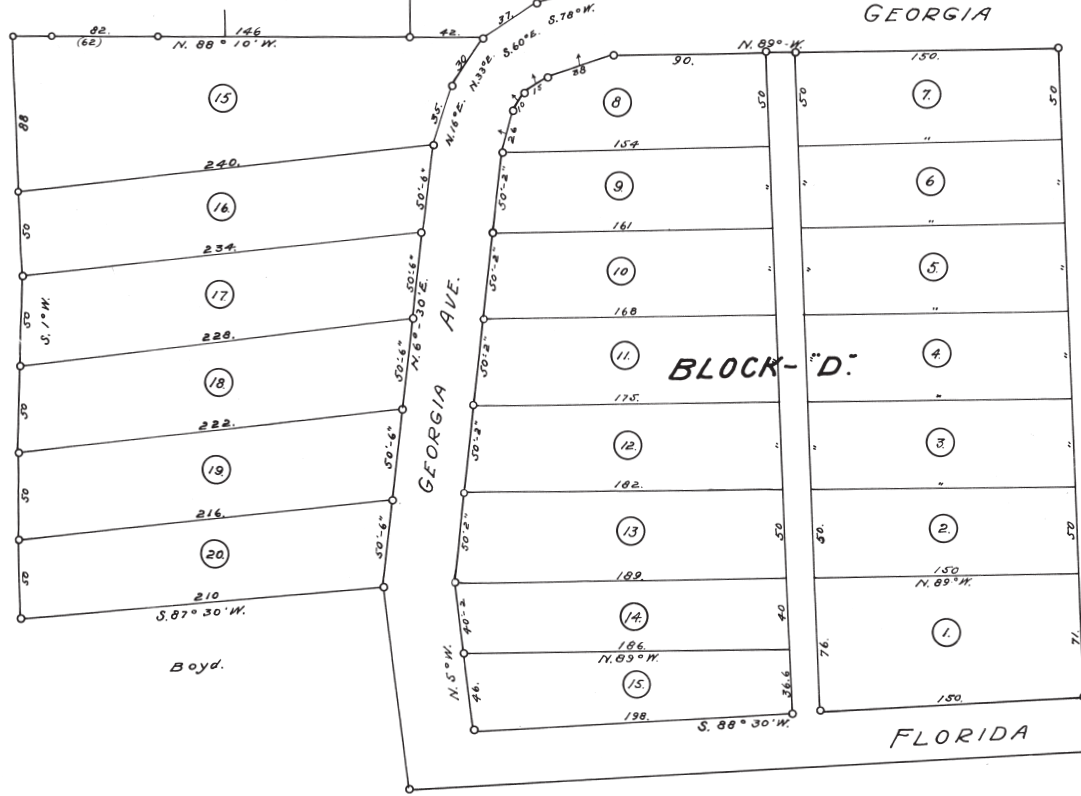
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MAP
OF
"VANDIVER LANDS"
OF
"CURRY-JOHNSON, & MOORE"

J. J. Reagan, Surveyor.
Traced by Bradley.
August, 1917.
Scale: 1 inch = 50 FT.



Sec. 20-3206. Table of dimensional requirements.

Zoning District	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO ¹¹
Minimum Lot Area (sq. Ft.)	10,000 ^{2,7}	7,500 ^{1, 2,3,4,7}	5,445 ^{1,2,3,4,7}	7,500 ^{4,7, 8}	0	0	0	5,445 ^{1,2,3,4,7}
Minimum Lot Width(ft.)	100	75	75	75	0	50	0	75
Minimum Front Yard (ft.)	30	30	30	30	0	0	0	30
Major Thoroughfare	30	30	30	30 ⁵	0	60	35 ⁵	30
Minor Thoroughfare	30	30	30	30 ⁵	0	25 ⁵	35 ⁵	30
With Parking in Front	-	-	-	-	-	60	-	-
Without Parking in Front	-	-	-	-	-	40	-	-
Minimum Side Yard (ft.) Abutting Residential District	10	10 ⁶	10 ⁶	10 ⁶	0	30	40	10 ⁶
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40	10 ⁶
Minimum Rear Yard (ft.) Abutting Residential District	10	10 ⁶	10 ⁶	10 ⁶	0	30	40	10 ⁶
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40	10 ⁶
Height Limit (ft.)	35	35	35	45 and no more than 3 stories	Note 10	75	75	18
Buffer if Abutting a Residential District (ft.)	0	0	0	20	Note 9	20	20	0

The following notes apply to the Table of Dimensional Requirements set out above:

See sections on dwelling setbacks (Code section 20-3208(h) and (i)), nonconforming lots (Code section 20-1602); and right-of-way (Code section 20-3208(b)).

Additional Notes corresponding to the table:

1. 10,000 square feet if no public sewerage is available.
2. 20,000 square feet if neither public water or sewerage is available.
3. 5,000 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 8 units per acre.
4. 10,000 additional square feet for each additional dwelling unit when public water and/or sewer is not available.
5. 40 feet if property directly across the right-of-way is zoned residential.
6. 15 feet for duplexes; 25 feet for all other multi-family dwelling units.
7. Additional square footage may be required by the authority having jurisdiction over private water and/or sewerage systems located on individual lots.

-
8. 3,280 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 12 units per acre.
 9. Where a lot in the C-1 district abuts a residential district, either directly or across a street (on the side of the C-1 lot), and any use is hereafter established on the C-1 lot by the construction of a new building thereon or by the enlargement of an existing building on the C-1 lot which enlargement exceeds by 25 percent the floor area of the existing building, such building and such lot shall be screened from the lot in the residential district by a vegetative screen on the side of the building or lot facing the residential lot shall require screening. Exceptions to this buffering requirement in C-1 are as follows:
 - (a) These provisions shall not apply to any lot which is used for a use which would be permitted in the adjacent residentially zoned district.
 - (b) The vegetative screen required shall be omitted along the street where the C-1 lot fronts.
 - (c) The board of adjustment shall have the authority to alter or eliminate the required vegetative screen where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this section, between the owner of the lot requiring the vegetative screen and the owner of the adjacent lot zoned residential. Any such agreements shall be attached to the application for zoning permit and retained by the town.
 10. In the C-1 district, every building or structure hereafter erected or structurally altered to exceed 35 feet in height, shall, above such 35-foot height, be set back from the front line of the property on which the building or structure is located on the ratio of one set back foot for each two-foot rise above such 35-foot height. In no case shall the height be greater than 57 feet (which would require a setback of 11 feet).

Where more than one-half of the street frontage in a particular street block is zoned residential and the remaining frontage on the same side of that street block is zoned C-1, the height regulations for the residential district shall apply to the lots zoned for commercial uses on that side of the street block.
 11. The dimensional standards for the MHO district only apply to manufactured homes. To the extent that a dimensional requirement for a manufactured home in the MHO district is inconsistent with the corresponding dimensional requirement of the underlying use district, the more restrictive dimensional requirement shall apply to that manufacture home.

(Ord. of 5-24-2021(1), § 5; Ord. of 4-24-2023(1), § 3)