Town Council

SEPTEMBER 17, 2024

Consent Agenda

Public Comment

Presentations & Reports

Town Manager Report

SHANNON TUCH, TOWN MANAGER

Administration

- Contracts: August - September.

AmeriCorps
$11,000
(Volunteer Coordinator)

YMCA
$1,500 - $3,000
(Employee Wellness Benefit)

- Riverside Park & Taylor's Wave
- Research into Emergency Home Repair
- Police Chief Recruitment
- (End of) Summer Newsletter

Planning & PW/Facilities

- Zoning Text Amendment – Table of Uses
- RFP for Code Update – to be posted this week

- Town Hall basement repair – begins this week
- RFP for paving at the Public Works Yard – closes this month
- Lake Town Lane – stormwater work complete & discussing paving

Stormwater & Parks

- Taking over Buncombe County SW permit close out
- Adopt-a-Drain Program accepted – partnered with RL on Pigeon River Fund grant

- RS Park & Taylor's Wave – Working through de-watering challenges
- BC Passive Recreation Subcommittee Meeting – Met this afternoon
- SL Park Restrooms – water drawings complete, still waiting for electrical, mechanical and plumbing drawings.

Police

- Police Chief Recruitment process – interviews to begin this week; assessment process for early/mid October
- Radar Certification of all officers completed
- Old police vehicles all sold & five new vehicles arrived – plan to order three more for FY26
- Wholescale replacement of body cameras – exploring how to offset costs
- Exploring Flock Camera system
- PO recruitment on-going – conditional offer planned for this week

New Business

Zoning Text Amendment

Table of Uses, Definitions, Limited/Special Uses

RICKY HURLEY, PLANNING DIRECTOR

Summary:

Review and discussion of proposed text amendments to Chapter 54-Zoning. to update and expand the **Table of Uses Sec. 54-143(b)** along with related changes to definitions and Limited and Special Uses and standards.

Table of Uses:

Land Use	Zoning District												
	R7	R10	R21	R43	MV	CS	CS2	CS3	TR	LI	HI	MHO	MHC
Business													
Adult entertainment establishment	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	EXP	S	EXP	EXP
Bank and/or other financial institution						P	P	P	P				
Campground						S	S	S					
Conference and training center							P	P					
Day care center					P	P	P	P	P				
Drive-through						P	P	P					
Eating and drinking establishment						P	P	P	P				
Equipment rental										P	P		
Event venue, indoor						P	P	P					
Event venue, outdoor						S	S	S					
Fuel oil dealer										P	P		
Funeral home and/or mortuary						P	P	P		P			
Hospital						P	P	P					
Kennel						S	S	S		P	P		
Laundromat						P	P	P					
Lodging						P	P	P					
Medical office						P	P	P	P				
Microbrewery						P	P	P	P				
Motor vehicle repair garage						P	P	P		P	P		
Motor vehicle sales						P	P	P					
Motor vehicle service station						P	P	P		P	P		
Nightclub, bar, and/or lounge						S		P					
Office					P	P	P	P	P	P	P		
Parking lot						P	P	P					
Personal service					P	P	P	P	P				
Prefabricated home display area								P					
Public transportation						S	S	S		P			
Radio and/or television station						S	S	S		P	P		
Recreation facility, indoor						P	P	P					

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Definitions:

Proposed changes are shown in red underline		
Word/Phrase	Current Definition	Proposed Defnition
Campground		means an outdoor area designed to accommodate non-permanent travel trailers, tents, cabins, camper vans, and recreational vehicles on a temporary basis. Electrical, cable, water and sewage hookups may be provided on site.
Canopy	means a permanent attached structure which projects from and is supported by a building, which serves as a cover providing shelter or decoration and which extends beyond the building.	
Car wash	means the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.	means a facility that is used to clean the exterior and/or interior of motor vehicles. Including but not limited to hand washing, coin-operated, automatic in-bay and tunnel washing.
Cemetery		means a tract of land used for burials not associated with a place of worship.
Change of use	means the act of eliminating the type of land use in a structure or on a lot and replacing it with another type of land use; or the act of adding another type of land use in a building or on a lot which did not previously exist there. A change of use may or may not involve any type of new construction or building renovation.	
Channel	means those flood lands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.	
Churches Place of worship	means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.	

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Limited Uses:

Sec. 54-144. Limited ~~and special~~ uses.

(a) *Limited uses.* Limited uses are permitted by right, in the districts identified in the Table of Uses found in section 54-143 above, and provided that the specific standards set forth in this section are satisfied. The specified standards are intended to ensure these uses fit the intent of the districts within which they are permitted, and that these uses are compatible with other development permitted within the districts. Identified limited uses shall comply with the following.

(1) *Home occupation.*

a. The business activity shall be conducted entirely within the dwelling and carried on by the occupants thereof.

b. A maximum of one employee who is not a resident of the property shall be allowed.

c. No retail sales or display of goods, products, services, signage, or other forms of advertising shall be visible from outside of the dwelling.

d. A maximum of 25% of the total floor space of the home may be used for the home occupations.

e. No mechanical equipment is installed or used except such as normally used for domestic or professional purposes.

~~(2) *Homestay.*~~

~~a. A permit to establish a homestay use is required prior the use occurring on the property.~~

~~b. Only one homestay shall be permitted per lot, tract or parcel.~~

~~c. Homestay permits shall be limited to one per person, immediate household, LLC, corporation, trust or other legal entity. A person's immediate household shall include a spouse, children, or any other relative residing in the same home. An ownership stake of five percent or more in an LLC, corporation, trust or other legal entity shall constitute ownership for the purposes of this limitation.~~

~~d. The homestay operation shall be managed and carried on by a person who is: 1) 18 years or older, 2) a full-time resident of the dwelling unit; and 3) present during the homestay term for the entire time lodgers are staying at the property. To be a "full-time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this homestay ordinance, a person can only have one primary, full-time residence, and the homestay must be operated from that primary, full-time residence. In order to be~~

Special Uses:

Sec. 54-159. Special uses.

(a) Each special use is unique in nature, and needs special consideration and conditions. Section 54-69(e)(2)b ~~77(2)~~ provides conditions applicable to all uses listed as special in the designated zoning district that the board of adjustment must find to exist. The following special uses may have additional specific conditions that the board of adjustment must find to exist before granting the special use permit. These special requirements are not conclusive, in that, the board of adjustment may add or modify such requirements as they deem necessary.

(1) Such uses are limited to those permitted within the zoning district in which the project is located. In no case shall the board of adjustment authorize a use prohibited in the district in which the project is to be located.

(2) The distance of every building shall meet the setback requirements of the district in which the project is located.

(3) A proposed ~~group development~~ project should be designed by the appropriate design professional. It shall be so designed that the overall intensity of land use shall be no greater than that permitted in the zoning district in which the project is located. Furthermore, the design should guarantee permanent retention of open space and ensure its care and maintenance.

(4) ~~Group d~~Developments shall follow the review procedures for special uses as outlined in section 54-69~~77~~.

(5) The procedure for approval ~~of group development plans~~ shall include the submission of a design plan showing the proposed layout, including the location of buildings, driveways, street parking spaces, and recreation areas, to the board of adjustment for study prior to final approval. Where applicable, the design plan package shall include approvals for the proposed sanitary sewer and water distribution systems from the appropriate state and local agencies. ~~An approved project must be started within 12 months and be completed within a reasonable time after its approval.~~

(b) *Special uses listed.*

(1) Adult entertainment establishment

(2) Building supply sales yard

(3) Campground

(4) Concrete and/or asphalt plant

(5) Community center, club and/or lodge

(6) Data center and/or server farm

Notable changes:

- Consolidates certain uses into broader categories such as:
  - Numerous industrial and manufacturing uses (e.g. apple packing sheds, furriers, bottling works, or brake manufacturing) into “Light” or “Heavy” Manufacturing.
  - Restaurants, dairy bars, bakeries and similar uses into “Eating and drinking establishments”.
  - Various retail uses (e.g. floral shops, appliance repair, jewelry, or auto parts) into a “Large” or “Small” Retail.

Notable changes:

- Expands and updates definitions within Chapter 54.
  - Adds uses currently operating within the Town such as:
    - Schools, post-secondary
    - Solar farm
    - Prison
    - Fuel oil dealer
  - Adds common/contemporary or unique use definitions such as:
    - Family care and group homes
    - Server farms
    - Mining
    - Asphalt and Concrete plants
    - Shooting ranges
    - Day cares

Notable changes:

- Adjusts where each use is permitted (by-right, limited, special) or specifically prohibited in Table based on zoning district.

- Reduce number of uses requiring a SUP from 80 to 28.

- Eliminates Homestay as an allowed use within the Town's jurisdiction.
  - Low interest in Woodfin – x permits total since adopting standards in 2023
  - Difficulty in enforcing & staying true to original intent
  - Concerns re: potential impact on affordable housing

Review by other bodies:

The Woodfin Planning Board of Adjustment reviewed the request at their September 3, 2024, regular meeting and voted to recommend approval of the proposed text amendment (5:0).

Recommendation:

Staff concurs with the PBOA and recommends approval of the proposed zoning text amendment.

Additionally, staff recommends removing the definition & SUP standards for “Group Development” (not considered by PBOA)

- Public Hearing -

Suggested Motion:

I move to approve the proposed text amendment subject to the following additional conditions:

1) (*Council to add conditions here, if applicable.)*
2) ….

and find that it is reasonable, is in the public interest, is consistent with the **Woodfin Together** comprehensive plan, and meets the development needs of the community in that the request:

Suggested Motion (Cont'd.):

1. Balances the supply of land for housing and employment and protects land for economic development and ensures an adequate supply of appropriately located and sized employment space (Goals 3.1.5, 3.2.5).
2. Supports initiatives to transition toward a green economy and encourages construction of developments that use renewable energy, design, and infrastructure that reduces pollution and energy costs (Goals 3.2.2, 3.3.2).
3. Makes government decision-making accessible and transparent to all residents while updating development standards to minimize risk from new development. (Goals 4.4.3, 5.4.2).

Town Manager Performance Evaluation Instrument & Process Discussion

PERFORMANCE PLAN SUBCOMMITTEE

Community Partner Grant
Emergency Home Repair

SHANNON TUCH, TOWN MANAGER

Community Partner Program - Background

- Application process developed in 2022
- Grants awarded to applicants performing work in:
  - Education
  - Neighborhood & Community Development
  - Human Services
- Three grants awarded in 2023
- Grants renewed in 2024 + interest in adding an Emergency Home Repair grant

Community Partner Program

Emergency Home Repair Providers:

- Mountain Housing Opportunities
- Asheville Area Habitat for Humanity
- Cima/Emma PODER
- United Community Development

Community Partner Program

Nonprofit Programs:

- All require that homeowner live in the home and meet low-income standards
- 3 of 4 providers make repairs to both stick-built or manufactured housing
- One provider (Cima/Emma PODER) makes repairs to only manufactured housing

Community Partner Program

Nonprofit Programs:

- Cost of repairs vary - $1,500 - $20,000
- Nature of repairs vary
  - Modifications for accessibility
  - Heating/cooling systems
  - Roof/Floor
  - Plumbing & Electrical
  - Exterior painting/staining/siding

Community Partner Program

Next Steps:

- Update the posting & application on-line
- Reach out to providers and invite them to apply
- Form small review committee
  - Committee to include one council member
  - Reviews applications and makes selection
  - Identify conditions of the agreement
- Execute agreement with preferred provider

Community Partner Program

Recommendation:

1) Post the town's Community Partner Grant application and inform area nonprofits of the opportunity to apply, and
2) Establish a review committee to review applications and establish criteria for how the grant will be applied.
3) Authorize the Town Manager to enter into the agreement with the selected nonprofit.

Adjournment