



TOWN OF SYLVA PLANNING BOARD MEETING

Thursday, February 23, 2023 at 5:00 PM
Board Room, 83 Allen Street Sylva, North Carolina

AGENDA

WELCOME AND OPENING REMARKS

APPROVAL OF MINUTES

1. January 26, 2023 Minutes

PUBLIC COMMENTS

NEW BUSINESS

2. Zoning Map Amendment Request--Peggy Revis (Cherry Street)
3. Lot Size Requirements--Agricultural Uses

ADJOURNMENT

PLANNING BOARD MEETING
Town of Sylva Planning Board
January 26, 2023

The Town of Sylva Planning Board held a regular meeting on October 27, 2022, at 5:00 p.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C. and streamed electronically by Zoom meeting.

PRESENT: Alan Brown
Russ Harris
Geoffrey Hirsch
Melissa Madrona
Boyd Sossamon
Amanda Murajda, Town Clerk
Paige Dowling, Town Manager

ABSENT: Rose Bauguess
Kendall Waldrop

Boyd Sossamon called the meeting to order at 5:00 p.m.

STAFF PRESENT:

VISITORS: None.

APPROVAL OF MINUTES: Russ Harris made a motion to approve the October 27, 2022, minutes. Alan Brown seconded the motion and the motion carried with a unanimous vote.

NEW BUSINESS

Agricultural Uses in City Limits: A proposed ordinance for agricultural uses in the town limits was presented to the board. The proposed ordinance includes standards that must be adhered to by any individual wishing to keep poultry including:

- Single-family detached dwelling units only
- Chickens must be kept in a coop and pen, or portable chicken tractors.
 - These may not include residential structures or garages.
- Distance: minimum setback of fifteen (15) feet is required from all property lines or not within fifty (50) feet of an adjoining property’s residential unit. The coop and pen must be closer to the chicken owner’s primary residential unit than neighboring residential unit.
- Lot size / number of hens: Where the minimum lot size meets or exceeds seven thousand (7,000) square feet and is no more than one (1) acre in size ten (10) hens are allowed. Where the lot size is greater than one (1) acre, no more than twenty (20) hens are allowed.
- Number of roosters: One (1) rooster is allowed for every ten (10) hens.

The Planning Board discussed what districts poultry keeping should be allowed. The Downtown Business district is not a district that poultry should be allowed.

Alan Brown made a motion to approve the ordinance as presented with the amendment of adding that poultry keeping is not allowed in the Downtown Business district. The motion carried with a 3-1 vote. Voting in the affirmative to approve the ordinance with the amendment were Melissa Madrona, Geoffrey Hirsch and Alan Brown. Voting against the ordinance was Russ Harris.

Board Changes: Boyd Sossamon presented his letter of resignation to the Planning Board effective immediately. Board members thanked Sossamon for his tremendous work on the Planning Board over the years. *Russ Harris made a motion to appoint Alan Brown as chairman. Melissa Madrona seconded the motion and the motion carried with a unanimous vote. Russ Harris made a motion to appoint Melissa Madrona as vice-chairman. Geoffrey Hirsch seconded the motion and the motion carried with a unanimous vote.*

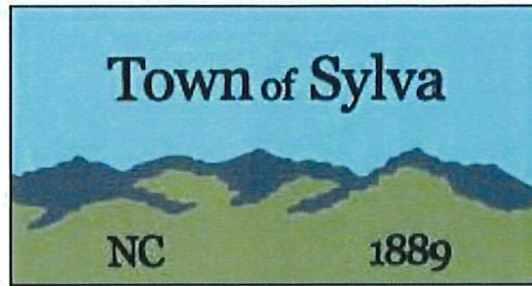
Next Meeting Discussion:

- Average lot size per district

ADJOURNMENT: *Alan Brown made a motion to adjourn the meeting at 6:00 p.m. Geoffrey Hirsch seconded the motion and the motion carried with a unanimous vote of those present.*

Boyd Sossamon
Chair

Amanda W. Murajda
Town Clerk



83 Allen Street, Sylva, NC 28779

APPLICATION FOR ZONING TEXT OR MAP AMENDMENT

Submit this completed application and all supporting documentation that may be helpful in the review process. In order to ensure that the proposed text amendment or map amendment complies with the Town of Sylva's regulations, we recommend that the applicant review the Town of Sylva Zoning Ordinance prior to application submittal. The request for a Zoning text or Zoning Map amendment may only be initiated by the Town Board of Commissioners, the Town Planning Board, Planning Staff, the owner of property in the Town of Sylva or a citizen of the Town of Sylva.

All responses in this application must be legible and filled out completely. Illegible and/or incomplete applications will be returned to the applicant. The application fee for a text amendment or map amendment is set forth in the Town of Sylva's fee schedule, is non-refundable and must be submitted with the completed application. For map amendment requests, a current survey prepared and sealed by an NC Registered Surveyor will be required. Applications are not accepted via facsimile or email. Please submit application, fees and supporting documentation to the Town of Sylva, 83 Allen Street, Sylva, NC 28779 via hand delivery or U.S. Mail.

Application deadlines are 30 days prior to the Town of Sylva's Planning Board next scheduled meeting. The applicant will be notified of scheduled hearing dates and times. The average text or map amendment petition timeline is 45 days from date of application to Town Hall. Depending on the complexity of the request, it is not unusual for a petition to take up to 6 months to be considered before the Town Board of Commissioners. Hearing schedules are not guaranteed and subject to change.

Conditional Zoning Districts (CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use.

This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

**PLEASE COMPLETE ALL SECTIONS OF THE APPLICATION;
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT;
INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE**

Contact Information:

Applicant/Agent: Peggy P. Revis

(This person will be the contact person and will receive all mailings)

Address: 144 Cherry St. Sylva, N.C. 28779

Phone: 828-586-9856 Fax: _____

Email: peggyrevisnc@gmail

Property Owner(s): _____

(If the owner is different than the applicant)

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): 94 Cherry St.

Vacant Lot corner of Caldwell + Cherry Sts

Tax Parcel Identification Number(s): 7641478063

Current Use of Property(ies): Vacant

Acreage to be Rezoned: 1.252

Deed Book: 878 + 766 Page: 60 + 366 Lot / Tract Size: 1.252 Acres (acres)

Property Street Frontage / Width: Caldwell 245.25'
Cherry 247.60' Property Depth: 2058.5'

Flood Plain: 100 year FIRM Panel: _____

Zoning Information:

Current Zoning District(s): Residential

Requested Zoning District(s): Commercial

Purpose of Zoning Change (optional): _____

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain *why* the proposed rezoning *will* or *will not* constitute a spot zoning. (For more information on spot zoning, refer to the attachment on spot zoning).

Town of Sylva LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the Town of Sylva's *Land Use Map*

Current Land Use Classification(s): _____

This rezoning request is:

Consistent with the Town's Land Use Map.

NOT consistent with the Town's Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE LAND USE MAP:

A Land Use Map Amendment is *REQUIRED*. All rezoning requests **MUST BE CONSISTENT** with the Town of Sylva's *Land Use Map* and/or the *Town's Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Town's Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain *why* the proposed Land Use Amendment will be consistent with the Town of Sylva's Land Use Plan and how the character of the area has changed (A copy of the Town of Sylva's Land Use Plan and Map can be viewed at Town Hall).

The land is consistent with the Town's Land Use Map

APPLICATION REQUIREMENTS:

All written materials and photographs must be a minimum of 8½"x11" paper; maps, surveys and plans must be submitted on a minimum 11"x17" paper. For the first level of review with the Town of Sylva Planning Board, the applicant must supply one (1) original and ten (10) copies of the completed application, supporting documents, photographs and materials. For Clerk advertisement and Board of Commissioners consideration, the Planning Staff may request additional documents as necessary. Please plan to attend all meetings and be prepared to answer questions or present information as necessary to the Planning Board or Town Board of Commissioners. Failure to attend may result in a delay or denial of your application.

1. **Legal description and property survey:** For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.
2. **Requested zoning change and use:** Indicate the current zoning classification and the proposed zoning classification being requested.
3. **Adjacent property zoning and land use:** Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.
4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.
5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.
6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.
7. **Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.
8. **Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

Notification:

All property and business owners within 100 feet of the property being considered for a text or map amendment must be mailed an Adjacent Property Owner Notification a minimum 10 days prior to the Town of Sylva Planning Board and Town Board of Commissioners meetings. The applicant is responsible for supplying a list of the names and mailing address for these properties and businesses affected by the possible text or map amendment change. In addition, the applicant must supply two (2) set of stamped, addressed #10 envelopes for each property and business owner within a 100' radius. The return address should read:

Town of Sylva
83 Allen Street
Sylva, NC 28779

SPOT ZONING**SPOT ZONING DEFINED:**

"A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called spot zoning."

How to determine whether a particular rezoning is spot zoning when a relatively small tract of land is:

- o Zoned differently from the surrounding area
- o Not taking into account the larger community context
- o Not in accordance with the comprehensive plan

Factors to Consider:**1. Size of Rezoning Area**

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

2. Compatibility with the Plan

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Town's Land use policies and objectives. Is the land suitable for the following:

- o Development (e.g., topography, soil types, wetland locations, and flood areas)
- o Availability of Services (e.g., water, sewer, roads)
- o Existing and Needed Land Uses.

3. Benefits & Detriments

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

4. Relationships of Uses

The relationship of the proposed uses versus the current uses on adjacent land.

Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

Fax, Scan or Copied images of the original document will not be accepted.

I, Peggy Revis (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: 94 Cherry Street Property PIN: _____

I hereby authorize Janet Lee (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: 144 Cherry Street

City / State / Zip Code: Sylva, NC 28779

Phone Number: 828 - 586-9856

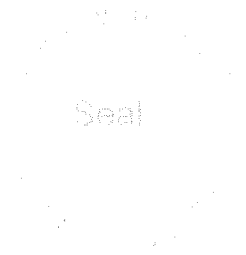
Email Address: _____

Owners Signature: Peggy Revis

Sworn to and subscribed before me, this the 10 day of January, 2023

Amanda W Murajda
Notary Public

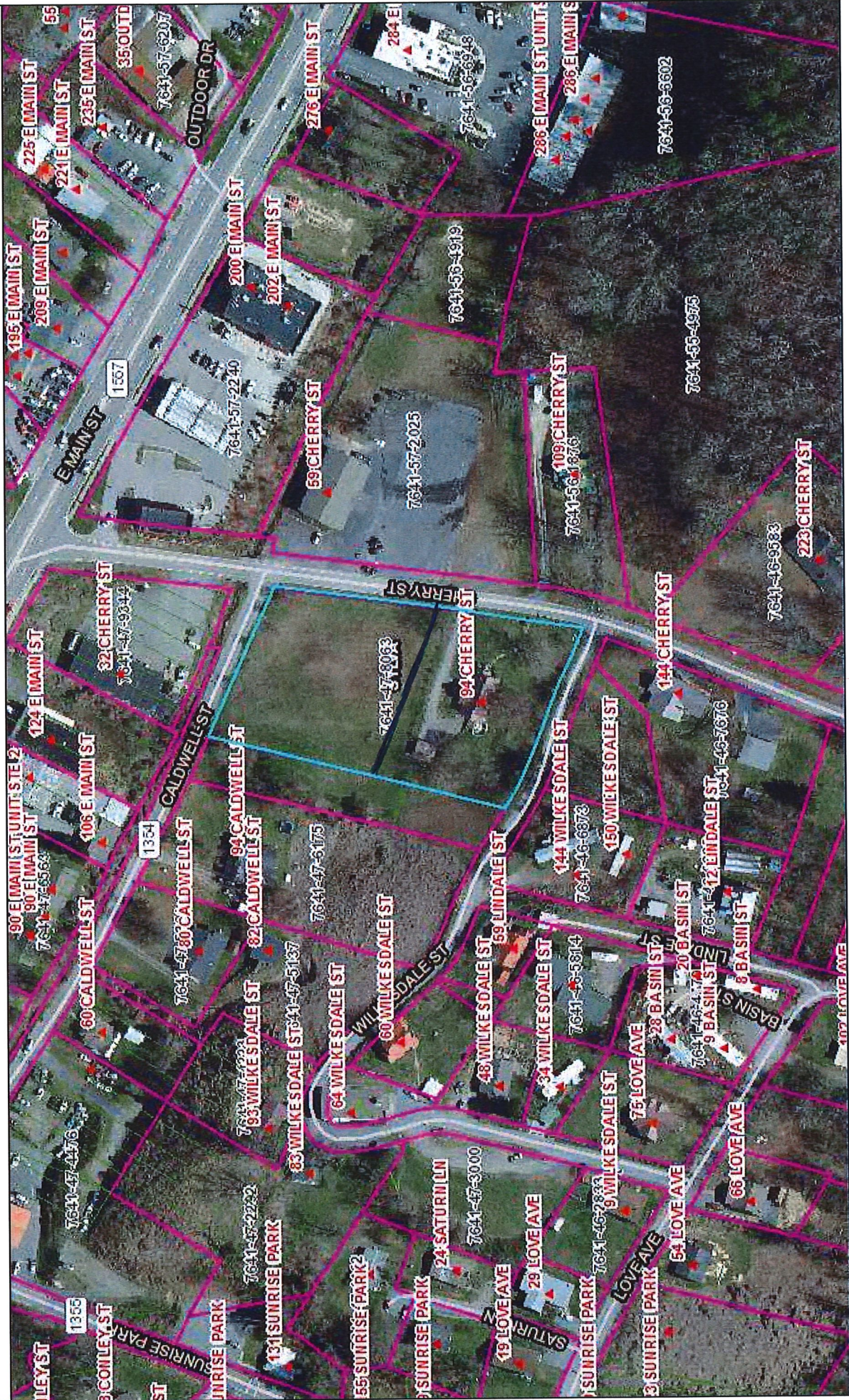
My commission expires: 3-8-2025





Item 2.

Peggy Revis--Cherry Street Zoning Map Amendment



Address Points
 Hooks
 Parcels

Centerlines
 Leader Line

Lot Lines
 Subdivision

Easement
 ROW

Address Points
 Hooks
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**Town of Sylva, North Carolina
Zoning Map Amendment Request
Staff Report – February 8, 2023**

Applicant: Peggy Revis – Property Owners

Property Location: 144 Cherry Street, Sylva NC 28779; PIN 7641-47-8063

Current Property Zoning: High Density Residential - HDR

Ordinance Section for which the Text Amendment is requested: Article 3 - Procedures - Section 3.9.B – Zoning and Map Amendments

Description of Request:

The applicant is requesting a map amendment that would designate a portion of the subject property as General Business (GB).

Background:

The General Business District (GB) is the largest district within Sylva’s commercially zoned jurisdiction. The GB District offers a broad range of permitted and special uses such as lodging, retail/commercial, restaurants, public/civil and recreational uses. Property improvements in this district are subject to development standards as set forth in the zoning ordinance including building setbacks, landscaping, architectural standards, sidewalk construction, parking, storm water treatment, etc.

The subject property is located on the southwest corner of Caldwell Street and Cherry Street intersection. This property is 1.60 acres in land area with an existing residential structure located near the southerly property line. Access to this property is from the public right-of-way of both Caldwell and Cherry Streets. Historically, this property has been used only as a private residence. This particular parcel is adjacent to properties north and east that are zoned and in the GB District and is partially located in the 100-year flood plain. This property is served by Tuckasegee Water & Sewer Authority for public utilities.

Application Response:

The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate a portion of the subject property (1.25 acres) to the General Business District.

Staff Findings:

The requested map amendment would not constitute “spot zoning” as the properties to the north and east are zoned GB.

The Town’s adopted Land Use Plan for 2040 establishes that this property will be in the future *Urban Neighborhood District*. The encouraged land uses for this future district include: primarily residential: small lot single family, townhome residential, two-, three- or four-family units, and multifamily; civic and educational uses that support community residents, live-work units, small scale in-home businesses and small scale public open space (e.g. active pocket parks, passive open space, greenways). In addition, this requested map amendment will create an available property and opportunity in the GB District that may be needed to serve the community during/after the proposed Highway 107 improvement project.

**An Ordinance to Amend Article 5.4.C.1 of the Town Code entitled:
Agricultural Uses.**

Article 5.4.C.1 is written as follows:

Article 5.4.C.1 – Agricultural Uses

1. Level 1

The production, principally for use or consumption of the property owner or community members, of plants, animals, or their products and for sale to others where such sales are incidental, including but not limited to the following: gardening, fruit production, beekeeping, and poultry and livestock products for household use only.

- a. The keeping of animals is subject to the requirements contained in the Code of Ordinances of the Town of Sylva: Chapter 6, Animals and Chapter 16, Health and Sanitation.

The ordinance is now after discussion and affirmative vote amended to state the following:

Article 5.4.C.1 – Agricultural Uses

1. Level 1

The production, principally for use or consumption of the property owner or community members, of plants, animals, or their products and for sale to others where such sales are incidental, including but not limited to the following: gardening, fruit production, beekeeping, and poultry and livestock products for household use only.

- a. The keeping of animals is subject to the requirements contained in the Code of Ordinances of the Town of Sylva: Chapter 6, Animals and Chapter 16, Health and Sanitation.
- b. Poultry. Poultry keeping is allowed within the Town of Sylva's jurisdiction, subject to meeting certain standards.
 - (1) Poultry keeping is not allowed in the Downtown Business (DTB) district.
 - (2) Chickens are permitted on lots with single-family detached dwelling units only.
 - (3) Chickens must be kept in a coop and pen, or portable chicken tractors, and such coops and enclosures may not include residential structures or garages. All chickens must be contained.
 - (4) A minimum setback of fifteen (15) feet is required from all property lines or not within fifty (50) feet of an adjoining property's residential unit. The coop and pen must be closer to the chicken owner's primary residential unit than neighboring residential unit.
 - (5) Where the minimum lot size meets or exceeds seven thousand (7,000) square feet and is no more than one (1) acre in size ten (10) hens are allowed. Where the lot size is greater than one (1) acre, no more than twenty (20) hens are allowed.
 - (6) One (1) rooster is allowed for every ten (10) hens.

This ordinance shall be in full force and effect upon its adoption on _____.

David Nestler, Mayor

Attest:

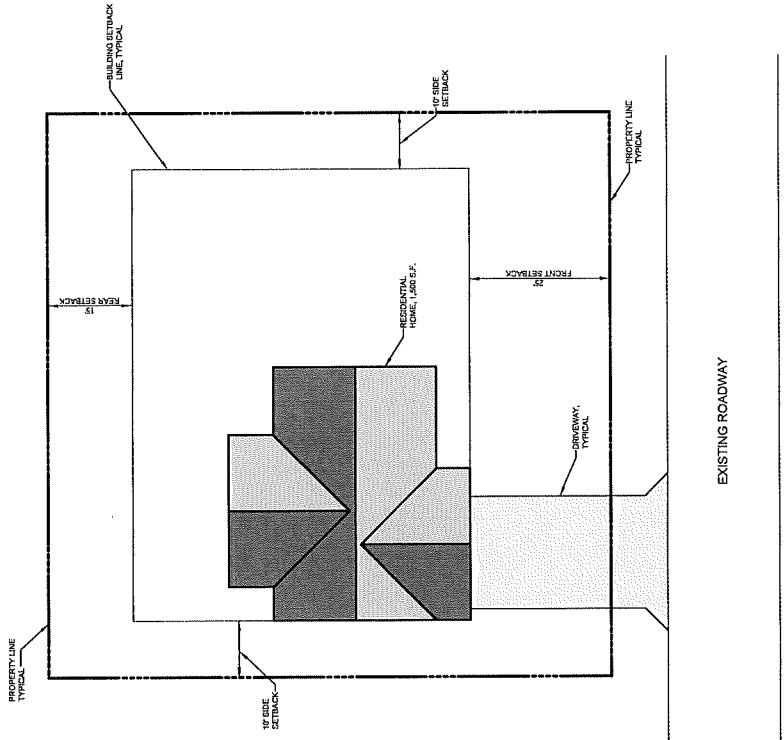
Approved as to form:

Amanda W. Murajda, Town Clerk

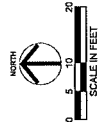
Eric Ridenour, Town Attorney

TOWN OF SYLVA MEDIUM-DENSITY RESIDENTIAL DISTRICT EXAMPLE

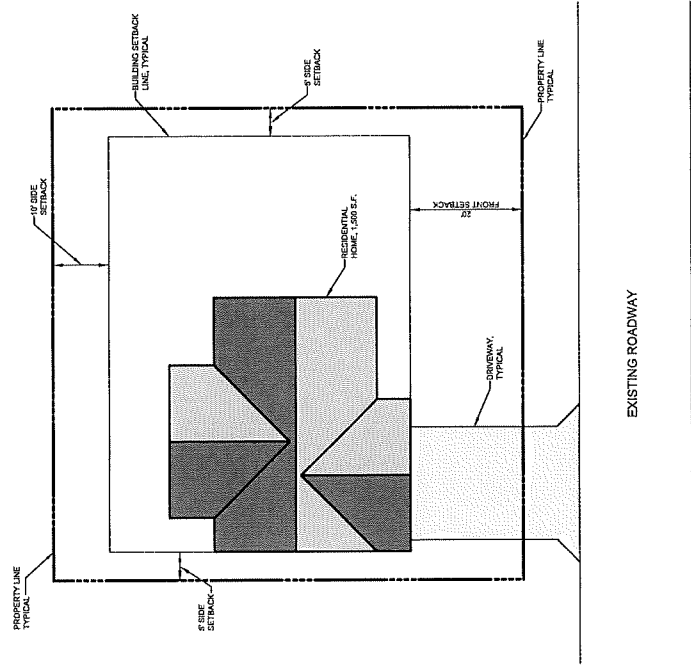
TOTAL PROPERTY AREA = 10,000 S.F.
(MINIMUM LOT SIZE IN MDR)
TOTAL "BUILDABLE" AREA = 4,800 S.F.
(IN SETBACK "BOX")



TOWN OF SYLVA HIGH-DENSITY RESIDENTIAL DISTRICT EXAMPLE



TOTAL PROPERTY AREA = 7,000 S.F.
(MINIMUM LOT SIZE IN HDR)
TOTAL "BUILDABLE" AREA = 3,950 S.F.
(IN SETBACK "BOX")



TOWN OF SYLVA LOW-DENSITY RESIDENTIAL DISTRICT EXAMPLE

