

**Regular Meeting Minutes of the Town of Highlands Board of Commissioners Meeting of July 15, 2021, at the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina**

Town Board Present: Commissioner John Dotson, Mayor Pro Tempore Amy Patterson, Commissioner Brian Stiehler, Commissioner Marc Hehn and Mayor Pat Taylor

Town Board Absent: Commissioner Donnie Calloway

Also Present: Town Manager Josh Ward, MIS/GIS Director Matt Shuler, Police Chief Andrea Holland, Parks & Recreation Director Lester Norris, Planning & Development Director Assistant Michael Mathis and Town Clerk Gibby Shaheen

**1. Meeting Called to Order**

Mayor Taylor called the meeting to order at 7:00pm.

**2. Moment of Silence & Pledge of Allegiance**

Mayor Taylor started with condolences to the family of businessman Tug Helmer in his passing and held a moment of silence then led the Pledge of Allegiance

**3. Public Comment Period**

Robert Irvin of 452 Dog Mountain Road expressed his concern about short term rental houses with noise and traffic, and has been a problem for years, and overnight rentals are not allowed in R-1, urge the Board not to wait and see, please take-action.

Dennis Wilson asked the Board if possible raising the money to renovate the kitchen at the community building. Some members of the community and himself had the idea to have new appliances and cooking equipment, and the rear deck needs to be removed and possibly build a loading dock, and would like permission to go ahead with a design. Mayor Pro Tempore Patterson asked the Recreation Committee to review.

Dr. Scott Baker said he had elder patients who were not up to a long hike and asked the Board to review the parking on Fifth and South Street. Mayor Taylor said we'll look into it.

**4. Adjust and Approve the Agenda**

Commissioner Hehn requested Item number 12 be removed until Town Attorney Jay Coward was present.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO APPROVE THE AGENDA AS AMENDED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

**5. Approval of the May 27<sup>th</sup>, 2021, Regular Meeting Minutes**

Commissioner Hehn wanted to clarify Item 15 that his email was compromised and his Town email was not working.

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE MAY 27<sup>TH</sup>, 2021, REGULAR MEETING MINUTES AS AMENDED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

**Approval of the June 17<sup>th</sup>, 2021, Regular Meeting Minutes**

COMMISSIONER STIEHLER MADE A MOTION TO APPROVE THE JUNE 17<sup>TH</sup>, 2021, REGULAR MEETING MINUTES AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS UNANIMOUS.

**6. Reports**

**A. Mayor**

Mayor Taylor introduced Tom Neal who gave an update of the hospital growing the services over the next 60-90 days including the CNA program.

Mayor Taylor reported there was some question about concerts and then the fact of construction noise between the hours of 7:30am-6pm Monday through Friday and workers are pushed with all the building going on, but it refers to landscaping and requested the Land Use Committee to review; and fourth of July at Founders park the Board decided no alcohol and would like it to look at that again to be modified or changed.

### **B. Commissioners and Committee Reports**

Commissioner Hehn reported he got a call from an employee working at the hospital that their landlord was selling their house, so there are serious housing.

### **C. Town Manager**

Town Manager Josh Ward informed the Board that the Laurel Street Alley situation discussed previously had a remedy, our street, electric and water crews started last week and relocated the Alley off of the private property and our workers did a great job and saved the Town a lot of money and want to be sure they get the credit. Ward continued the only issue is you have some Mountain Findings folks parking in the grass and we may have to put up some ribbon to get the grass growing.

## **7. Consent Agenda**

Public Works Department  
Police Department  
Parks & Recreation Department  
Planning & Development Department  
Treasurer's Report  
FD Tahoe Surplus



### **Agenda Item**

**Date:** July 15, 2021  
**To:** Mayor Patrick Taylor and Town Board of Commissioners  
**Prepared By:** Rebecca Shuler, Finance Director  
**Subject:** **Disposal of Surplus**

### **Background:**

As you are aware, periodically with the purchase of new equipment and vehicles the Town has surplus items that no longer have a value to the Town. In order for the Town to dispose of these equipment/vehicles, they must be declared surplus. The Fire Dept. purchased the Assistant Chief a new vehicle in the 2020/2021 Fiscal Year and is now ready to sell their 2005 Chevrolet Tahoe.

1	2005 Chevrolet Silverado, 66,918 miles
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### **Recommendation:**

Staff would recommend the Board approve the disposal of the items listed above.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

**8. Recognition of new physicians at the Blue Ridge Health Clinic**

Robin Tindall of Highlands-Cashiers Health Foundation introduced Dr. Ann Davis and Dr. Kristy Fincher, they gave a short history and were thankful for the opportunity to serve the community.

**9. Resolution recognizing the volunteer efforts of the Covid Vaccination clinic**



**Resolution Recognizing the Volunteers of the  
COVID Vaccination Clinics in Highlands, North Carolina  
Resolution No. 2021-07-Res**

**WHEREAS**, in appreciation for the many people who volunteered thousands of hours working in the clinics and call center for to the Highlands-Cashiers Plateau COVID Initiative; and

**WHEREAS**, through this initiative over 12,000 COVID-19 vaccination were given; and

**WHEREAS**, this volunteer effort made the Plateau safer and contributed to keeping our economy strong.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Highlands adopts this Resolution to recognize the outstanding efforts of the volunteers of the COVID vaccination clinics.

Upon motion duly made and seconded, the Resolution was unanimously adopted by the Board of Commissioners at a regularly scheduled meeting held on the 15<sup>th</sup> day of July, 2021, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 15<sup>th</sup> day of July, 2021.

\_\_\_\_\_  
Patrick L. Taylor, Mayor

ATTEST:

\_\_\_\_\_  
Gilberta B. Shaheen, Town Clerk

COMMISSIONER HEHN MADE A MOTION TO APPROVE THE RESOLUTION AS PRESENTED, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

**10. Public Hearing:  
Rezoning Request from Bennett Williams at 1459 South Fourth Street  
B-3 Commercial to R-1 Residential**

**A. Open Public Hearing.**

COMMISSIONER DOTSON MADE A MOTION TO OPEN THE PUBLIC HEARING ON THE REZONING REQUEST FROM BENNETT WILLIAMS AT 1459 SOUTH FOURTH

STREET B-3 COMMERCIAL TO R-1 RESIDENTIAL AT 7:38PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

**B. Staff Comments/Recommendation**

Assistant Planning & Development Director Michael Mathis stated on May 13th, a Petition for Rezoning was submitted to the Planning Department by Bennett Williams. The application is for his property at 1459 South 4th Street (PIN #7449273173). The lot is 0.28 acres and located within the Balance Area of the Town's Watershed. Currently, the subject property is zoned B-3 Commercial, but the building operates as a single-family dwelling. Mr. Williams is requesting that the property be rezoned to R-1 to fit the residential nature of the building. The Planning Board reviewed this item on May 24th and recommended approval. The recommendation is to approve the Rezoning Request as submitted.

**C. Public Comments**

There were no comments.

**D. Close Public Hearing**

COMMISSIONER STIEHLER MADE A MOTION TO CLOSE THE PUBLIC HEARING ON THE REZONING REQUEST FROM BENNETT WILLIAMS AT 1459 SOUTH FOURTH STREET B-3 COMMERCIAL TO R-1 RESIDENTIAL AT 7:40PM, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

**E. Council Action**

Mayor Pro Tempore Patterson said in the current zoning of this parcel it can have residential at this location and changing that is not consistent with the 1998 Land Use Plan which was made for the best interest of the town. In 5 years, it might have a business home occupation there, so if we change the zoning it will be limiting the use for the future. Commissioner Hehn politely disagreed and said that it would protect the appearance approaching town. Commissioner Dotson added that there were business enterprises that didn't have a need to be downtown, and many couldn't afford the rent if they wanted, we need to reserve the potential.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO DENY THE REZONING REQUEST FROM BENNETT WILLIAMS AT 1459 SOUTH FOURTH STREET B-3 COMMERCIAL TO R-1 RESIDENTIAL, WHICH WAS SECONDED BY COMMISSIONER DOTSON AND THE VOTE WAS 3 TO 1 WITH COMMISSIONER HEHN OPPOSING.

**11. Request for Public Hearing:  
Proposed Amendments to the Unified Development Ordinance for  
NCGS 160D Compliance (Developmental Approvals)**

Assistant Planning & Development Director Michael Mathis stated in using a North Carolina School of Government-provided checklist, staff was able to make all the necessary ordinance amendments and bring our UDO into compliance with state statute. Shortly after the last revisions were approved, we learned that one of the checklist items never got changed. That ordinance applies to all development approvals. According to state statute, all development approval applications now have a one-year vesting period. The exception to this ordinance is the issuance of a building permit which remains at six months. The Planning Board reviewed this item on June 28, 2021, and recommended approval. The recommendation is to set a public hearing for the August 19, 2021 Town Board Meeting.



**ORDINANCE AMENDMENT**

**Pursuant to an affirmative vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and an affirmative vote of \_\_\_\_ yeas to \_\_\_\_ nays by The Board of Commissioners at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ if required, the following ordinances are hereby AMENDED:**

Unified Development Ordinance of Highlands, NC (UDO)  
Article 4 – Applications and Permits,  
Sec. 4.6 Special Use Permit – 4.6.6 Expiration of Special Use Permits

(EXISTING CODE LANGUAGE IN BLACK & **PROPOSED AMENDMENTS**  
**IN RED.**)

**ARTICLE 4 – APPLICATIONS AND PERMITS**

**Sec. 4.6 Special Use Permit**

**4.6.6 Expiration of Special Use Permits**

Unless a vested right is established for a Special Use Permit as outlined in Sec. 4.21.2, Establishment of a Vested Rights for Special Use Permits, a Special Use Permit issued in accordance with this Section shall expire if a Zoning Certificate or Certificate of Compliance for such use is not obtained by the applicant within ~~six (6)~~ **Twelve (12)** months from the date of the decision. If, after commencing work under a Special Use Permit and prior to completion of the entire project, work is discontinued for a period of twelve (12) months, the Special Use Permit shall become void, and no work may be performed until a new Special Use Permit has been issued. If, after issuance of a Certificate of Compliance for a Special Use Permit, that use is discontinued for a period of twelve (12) consecutive months, the Special Use Permit shall become void, and the use may not be re-established until a new Special Use Permit has been issued. When a Special Use Permit expires, the Zoning Board shall treat re-application for a new Special Use Permit in the same manner as any other application, and the provisions of this Ordinance currently in effect shall be applicable.



**ORDINANCE AMENDMENT**

**Pursuant to an affirmative vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and an affirmative vote of \_\_\_\_ yeas to \_\_\_\_ nays by The Board of Commissioners at its regular meeting on the \_\_\_\_**

day of \_\_\_\_\_, 20\_\_\_\_ if required, the following ordinances are hereby AMENDED:

Unified Development Ordinance of Highlands, NC (UDO)  
Article 4 – Applications and Permits  
Sec. 4.7 - Zoning Certification, 4.7.2 Application Requirements

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS  
IN RED.)

**ARTICLE 4 – APPLICATIONS AND PERMITS**

**Sec. 4.7 Zoning Certification**

**4.7.2 Application Requirements**

- A. Application for a Zoning Certificate shall be filed with the Planning and Development Director and may be made prior to or in conjunction with application for a permit under the North Carolina State Building Code, shall be made per the requirements of Sec. 4.2.3, Application Requirements, and shall at a minimum contain the information listed below. See also Sec. 4.7.3, Additional Requirements in Commercial Zoning Districts, and Sec. 4.7.8, Watershed Protection Permit.
1. A Site Plan, drawn to an appropriate scale, of the parcel of property showing its actual dimensions and indicating the size, location, and distance from property lines of the proposed building, any other existing building(s), and any other improvements proposed to be accomplished, including but not limited to driveways, sidewalks, and parking areas;
  2. A drawing of the proposed building drawn to scale and in sufficient clarity and detail to indicate the nature and character of the work to be done, and consisting at minimum of a floor plan and elevations of the building (except, however, that the Planning and Development Director may approve minor construction work without compliance with this requirement);
  3. The use to which the completed project shall be devoted; and
  4. Any other information the Planning and Development Director may deem reasonably necessary to evaluate the compliance of the applicant's proposal with the provisions of this Ordinance.
- B. The Planning and Development Director shall review each element of the application and if he is satisfied that the work described therein complies with the Zoning Ordinance, he shall issue a Zoning Certificate; said Certificate may be issued prior to or in conjunction with application for a permit under the North Carolina State Building Code. After a Zoning Certificate has been issued, no changes or deviations from the terms of the application, plans, or permit shall be made until specific written approval has been obtained from the Planning and Development Director. If the Planning and Development Director finds the application to be deficient or the information contained therein to be contrary to the provisions of this Ordinance, he shall reject the application and deny the applicant's request for a Zoning Certificate in writing, setting forth the reasons for the rejection and denial.
- C. Approval of a Zoning Certificate does not relieve the applicant of the obligation to procure any other permit, as required by this Ordinance or State and Federal Law. These include, but are not limited to Sec. 4.13, Landscape Plan Permits, Sec. 4.14, Land-Disturbing Activity Permits, Sec. 4.14.4, Erosion and Sedimentation Control Plan Requirements, and Sec. 4.17, Sign Permit and any permit required by the North Carolina State Building Code.
- D. A Zoning Certificate shall expire ~~six (6)~~ **Twelve (12)** months after the date of issuance if the work authorized has not been commenced. If after commencement the work is discontinued for a period of twelve (12) months, the Certificate shall immediately expire. Upon expiration, the Certificate shall become void, and no work may be performed until a new Certificate has been secured.

(Amend. of 8-18-16(1))



## ORDINANCE AMENDMENT

Pursuant to an affirmative vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and an affirmative vote of \_\_\_\_\_ yeas to \_\_\_\_\_ nays by The Board of Commissioners at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ if required, the following ordinances are hereby AMENDED:

Unified Development Ordinance of Highlands, NC (UDO)  
Article 4 – Applications and Permits,  
Sec. 4.15 Dam Impoundment Draining Permit, 4.15.1 Applicability

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS  
IN RED.)

### ARTICLE 4 – APPLICATIONS AND PERMITS

#### Sec. 4.15 Dam Impoundment Draining Permit

##### 4.15.1 Applicability

- A. Draining of Dam Impoundments shall be allowed within Town Jurisdiction, in accordance with the following procedures. The owner or his agent shall not proceed with the draining without issuance of an impoundment draining permit from the Watershed Administrator.
1. Before the owner of any dam drains an impoundment, he or she shall first notify the Town's Watershed Administrator in writing not less than thirty (30) days prior to doing so. This notification will specify the following:
    - a. The name of the impoundment, if any;
    - b. The location of the impoundment;
    - c. The surface area of the impoundment;
    - d. The size of the contributing drainage area.
  2. In order to be issued an Impoundment Draining Permit the applicant shall provide the Watershed Administrator two (2) signed copies of written permission by the following regulatory entities:
    - a. The regional office of the Army Core of Engineers.
    - b. The regional Office of the North Carolina Department of Environmental Quality (NCDEQ).
    - c. The regional office of the United States Fish and Wildlife Service.

The contact information for both regulatory offices are below:

**Asheville US Army Corps of Engineers Regional Office**

151 Patton Avenue, Room 208  
Asheville, North Carolina 28801-5006  
Phone: (828) 271-7980  
Fax Number: (828) 281-8120

**Asheville NCDEQ Regional Office**

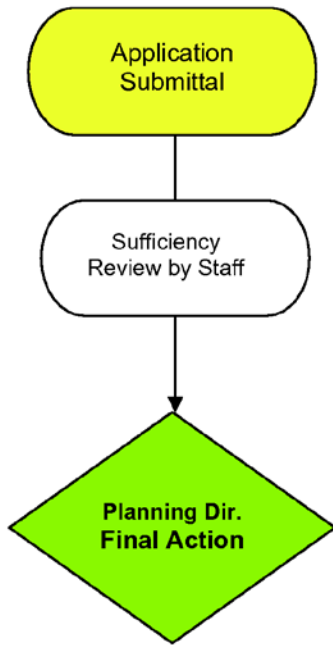
2090 U.S. 70 Highway Swannanoa, NC 28778-8211  
Phone: (828) 296-4500

Fax: (828) 299-7043

**Asheville Ecological Services Field Office**  
160 Zillicoa St.  
Asheville, NC 28801  
Phone: (828) 258-3939  
Fax: (828) 258-5330

B. Upon receiving said permissions, an Impoundment Drainage Permit will be granted and be valid for **twelve (12) months** ~~ninety (90) days~~. The permit holder shall also be required to notify the Town of any permit time restrictions placed by any regulatory agency and will be held also to those restrictions.

(Amend. of 5-24-18(1))



**Pursuant to an affirmative vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and an affirmative vote of \_\_\_ yeas to \_\_\_ nays by The Board of Commissioners at its regular meeting on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ if required, the following ordinances are hereby AMENDED:**

Unified Development Ordinance of Highlands, NC (UDO)  
Article 4 – Applications and Permits,  
Sec. 4.18 Variances, 4.18.2 - Zoning Board of Adjustment Variances

(EXISTING CODE LANGUAGE IN BLACK & **PROPOSED AMENDMENTS IN RED.**)



## **ARTICLE 4 – APPLICATIONS AND PERMITS**

### **Sec. 4.18 Variances**

#### **4.18.2 Zoning Board of Adjustment Variances**

- A. All applications for variances, other than Administrative, shall be addressed and submitted to the Zoning Board of Adjustment and shall be delivered to the office of the Planning and Development Director. Upon receipt of an application for a variance, the Zoning Board of Adjustment shall call a public hearing and shall give notice, as outlined in Sec. 4.2.4, Notice and Public Hearings. Applications for a variance shall be made on the proper form obtainable from the Planning and Development Director and shall include the following information (some of these requirements may be waived as may be applicable, such as for changes of use in existing buildings involving no expansions in building or parking areas, etc.):
1. A Site Plan, including twelve (12) copies and an electronic copy, drawn to an appropriate scale and supporting information and text that specify the actual use or uses intended for the property. The site plan shall be neatly drawn, with north arrow, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions. The following information must be provided on the site plan, if applicable:
    - a. Indicating the property lines of the parcel upon which the use is proposed;
    - b. The identity of neighboring properties;
    - c. All adjacent streets, designated as public or private;
    - d. All existing or proposed structures, showing setbacks to rights-of-way and property lines;
    - e. Parking areas showing the number and arrangement of parking spaces and driveway entrances; and
    - f. Utilities and surface water drainage; and significant natural features, such as wooded areas, streams, ponds, or marshes.
  2. Elevations and a floor plan, indicating dimensions of the building, gross floor space, number of seats, or any other applicable information.
  3. A complete and detailed description of the use proposed, together with any other pertinent information which the applicant feels would be helpful to the Zoning Board in considering the application.
- B. When unnecessary hardships would result from carrying out the strict letter of the ordinance, the Zoning Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
  3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
  4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
- C. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance.

- D. The Zoning Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
- E. A variance issued in accordance with this Section shall expire if a Zoning Certificate or Certificate of Compliance and/or, in a Watershed Overlay District, a Watershed Protection Permit and a Watershed Protection Occupancy Permit is not obtained by the applicant for such use within ~~six (6)~~ **Twelve (12)** months from the date of the decision.
- F. If an application calls for the granting of a Major Variance as defined, the Zoning Board of Adjustment shall hear the application in accordance with Sec. 4.18.2, Zoning Board of Adjustment Variances, and shall either deny or grant the application according to the same criteria defined therein. If the Board decides in favor of granting a major variance, such variance shall only become effective upon the approval of the North Carolina Environmental Management Commission, in accordance with the following procedure:
1. The Board shall prepare a preliminary record of the hearing with all deliberate speed, and shall forward such record to the North Carolina Environmental Management Commission for its review. The preliminary record of the hearing shall include, at minimum:
    - a. The variance application;
    - b. The hearing notices;
    - c. The evidence presented;
    - d. Motions, offers of proof, objections to evidence, and rulings on them;
    - e. Proposed findings and exceptions; and
    - f. The proposed decision, including all conditions proposed to be added to the permit.
  2. If the North Carolina Environmental Management Commission concludes from the preliminary record that the variance qualifies as a major variance and that the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and the variance, if granted, will not result in a serious threat to the water supply, then the North Carolina Environmental Management Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The North Carolina Environmental Management Commission shall prepare a decision and send it to the Zoning Board of Adjustment.
  3. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that, the property owner can secure a reasonable return from or make a practical use of the property without the variance or, the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a decision and send it to the Zoning Board of Adjustment.
- G. Appeals from the North Carolina Environmental Management Commission must be filed with the Superior Court as a petition for writ of certiorari within thirty (30) days from the date of the decision.



**ORDINANCE AMENDMENT**

**Pursuant to an affirmative vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and an affirmative vote of \_\_\_\_ yeas to \_\_\_\_ nays by The Board of Commissioners at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ if required, the following ordinances are hereby AMENDED:**

Unified Development Ordinance of Highlands, NC (UDO)  
Article 4 – Applications and Permits,  
Sec. 4.20 Expiration or Extensions, 4.20.1 Table

(EXISTING CODE LANGUAGE IN BLACK & **PROPOSED AMENDMENTS IN RED.**)

**ARTICLE 4 – APPLICATIONS AND PERMITS**

**Sec. 4.20 Expiration or Extensions**

Certain permits do expire within a fixed time frame. Unless otherwise specified in this Ordinance or as provided for by State law, any order or decision or the Zoning Board of Adjustment granting an exception, Special Use Permit, or a variance shall expire if a building permit or certificate of occupancy for such use is not obtained by the applicant within ~~six (6)~~ **Twelve (12)** months from the date of the decision.

**4.20.1 Table**

<b>Procedure</b>	<b>Expiration</b>	<b>Extension</b>	<b>Process</b>	<b>Notes</b>
Preliminary Plat	One Year	One Time, One Year	Request to BOC	Sec. 4.4.5.E
Conditional Zoning w/Site Specific Development Plan	Two Years	Up to Five Years	Vested Rights Determination	Sec. 4.21.1
Special Use Permit - if Zoning Certificate or Certificate of Compliance not obtained	<del>Six</del> <b>Twelve</b> Months after date of issuance	No	Void Upon Expiration	Sec. 4.6.6
Special Use Permit - if Zoning Certificate or Certificate of Compliance obtained but work discontinued	Twelve months	No	Void Upon Expiration	Sec. 4.6.6
Special Use Permit w/Site Specific Development Plan	Two Years	Up to Five Years	Vested Rights Determination	Sec. 4.21.2
Zoning Certificate/Watershed Protection Permit - no work commenced	<del>Six</del> <b>Twelve</b> Months after date of issuance	No	Void Upon Expiration	Sec. 4.7.2.D
Zoning Certificate/Watershed Protection Permit - work	Twelve Months	No	Void Upon Expiration	Sec. 4.7.2.D

commenced then discontinued				
Erosion and Sed. Control Plan	Not to Exceed Three Years	No	Void Upon Expiration	Sec. 4.14.4.C
Dam Impoundment Draining Permit	<del>Sixty Days</del> Twelve Months	Yes	Written Permission from Watershed Admin.	Sec. 4.15.2. A.1.a & 2.a
Stormwater Management Permit	One Year	One Year, One Time	Request to Stormwater Admin.	Sec. 4.16.3.I
Sign Permit - Temporary Sign for Planned Development	Three Years	One Time, Two Years	Request to Plan & Dev. Dir.	Sec. 4.17.3.A.3
Variance - ZBA, where no Zoning Certificate/Watershed Protection Permit or Certificate of Compliance/Watershed Protection Occupancy Permit	<del>Six</del> Twelve Months	No	Void Upon Expiration	Sec. 4.18.2.E

(Amend. of 8-18-16(1))



### ORDINANCE AMENDMENT

Pursuant to an affirmative vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and an affirmative vote of \_\_\_\_ yeas to \_\_\_\_ nays by The Board of Commissioners at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ if required, the following ordinances are hereby AMENDED:

Unified Development Ordinance of Highlands, NC (UDO)  
Article 16 – Flood Damage Prevention Ordinance, Sec. 16.6 Legal Status Provisions,  
16.6.1 Effect Upon Outstanding Floodplain Development Permits

(EXISTING CODE LANGUAGE IN BLACK & PROPOSED AMENDMENTS  
IN RED.)

#### ARTICLE 16 – FLOOD DAMAGE PREVENTION ORDINANCE

##### Sec. 16.6 Legal Status Provisions

##### 16.6.1 Effect Upon Outstanding Floodplain Development Permits

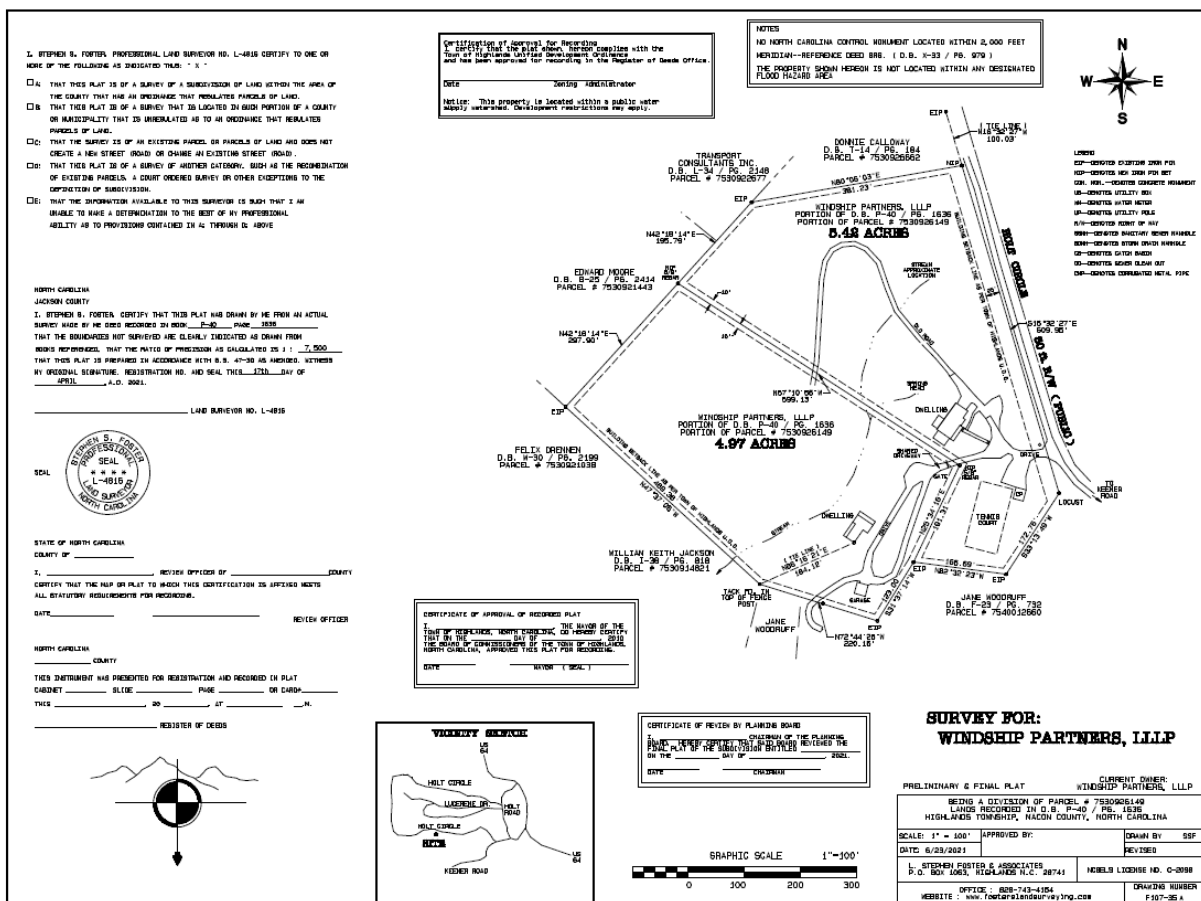
Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Article; provided, however, that

when construction is not begun under such outstanding Permit within a period of ~~six (6)~~ **Twelve (12)** months subsequent to the date of issuance of the outstanding Permit, construction or use shall be in conformity with the provisions of this Article.

MAYOR PRO TEMPORE PATTERSON MADE A MOTION TO SET A PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE FOR NCGS 160D COMPLIANCE (DEVELOPMENTAL APPROVALS) FOR THE NEXT REGULARLY SCHEDULED BOARD MEETING OF AUGUST 19, 2021 AT 7PM, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

## 12. Windship Partners, LLLP Subdivision (Holt Circle) Preliminary & Final Plat Approval Request

Assistant Planning & Development Director Michael Mathis stated a preliminary plat was submitted to the Planning Department by Windship Partners, LLLP concerning a property subdivision at 655 Holt Circle, PIN #: 7530926149. Currently, the property is 10.39 acres, located in the R-1 zoning district, and in the Critical Area of the Town's Watershed (WS III – CA). According to the Town's Unified Development Ordinance (UDO), § 8.2.1, **Dimensional Standards**, the minimum lot size for a property located in the R-1 zoning district and the Critical Area of the Town's Watershed is 1.00 acre. According to the "Preliminary and Final Plat" prepared by L. Stephen Foster & Associates (Drawing #F107-35A), the 10.39-acre parcel will be split into two lots. The first lot is 5.42 acres and the second lot is 4.97 acres. Both properties will (1) share an existing driveway; (2) are already connected to Town utilities; and (3) are separately metered. The recommendation is to approve the Windship Partners, LLLP Preliminary and Final Plat as submitted.



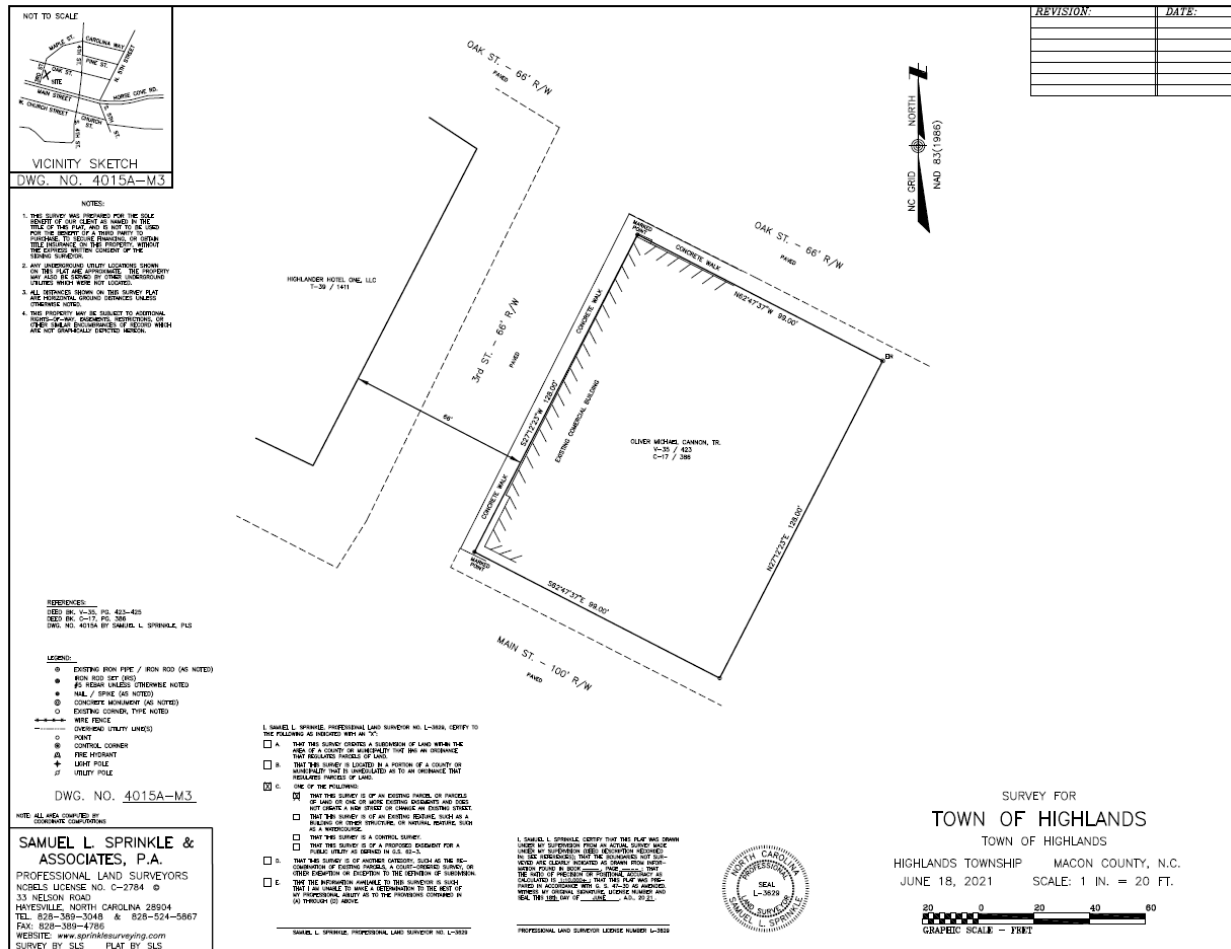
Commissioner Dotson asked if the drive on the North side of the property accessed another property beyond.

Mayor Pro Tempore Patterson said it needed to be labeled if it is an old road, newly created or existing to see if it requires a new right of way designation.

COMMISSIONER DOTSON MADE A MOTION TO TABLE THE REQUEST, WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND THE VOTE WAS UNANIMOUS.

### 13. 3rd Street Sidewalk Proposal Update

Town Manager Josh Ward said at the last meeting the Board requested to determine who owned the sidewalk and who was required to maintain and the answer is the Town, shown on the plat prepared by Samuel Sprinkle.



Discussion was held as what to do with the existing sidewalk and Mayor Pro Tempore Patterson reminded the Board the decision didn't have to be made now, but needed Public Works Director and Town Engineer Lamar Nix support of the plan.

Mayor Taylor asked the Board if it agreed it is our sidewalk and need to take-action with design and maintenance and to move forward, the Board agreed.

### 14. Clay/Macon Hazard Mitigation Plan Update Approval

Town Manager Josh Ward said this is the plan that helps with flooding, hurricanes, tropical storms, etc. disaster funds and this is an update to the current plan.



## Resolution to Adopt the Clay Macon Regional Hazard Mitigation Plan Resolution No. 2021-08-Res

**WHEREAS**, the Town of Highlands is vulnerable to an array of hazards that can cause loss of life and damages to public and private property; and

**WHEREAS**, the Town of Highlands desires to seek ways to mitigate situations that may aggravate such circumstances; and

**WHEREAS**, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

**WHEREAS**, it is the intent of the Board of Commissioners of the Town of Highlands to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

**WHEREAS**, it is also the intent of the Board of Commissioners of the Town of Highlands to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Highlands; and

**WHEREAS**, the Town of Highlands, in coordination with Clay and Macon counties and participating municipalities within those Counties has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials;

**WHEREAS**, the North Carolina Emergency Management and the Federal Emergency Management Agency have reviewed the Clay Macon Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Highlands hereby:

1. Adopts the Clay Macon Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Upon motion duly made and seconded, the Resolution was unanimously adopted by the Board of Commissioners at a regularly scheduled meeting held on the 15<sup>th</sup> day of July, 2021, in the Highlands Community Building, 71 Poplar Street, Highlands, North Carolina.

This the 15<sup>th</sup> day of July, 2021.

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Patrick L. Taylor, Mayor

ATTEST:

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Gilberta B. Shaheen, Town Clerk

MAYOR PRO TEMPORE MADE A MOTION TO APPROVE THE RESOLUTION AS PRESENTED, WHICH WAS SECONDED BY COMMISSIONER STIEHLER AND THE VOTE WAS UNANIMOUS.

#### **15. Comprehensive Plan Update**

Consultant Jake Petrosky gave a presentation of the updated Comprehensive Plan.

#### **16. Fiber Construction Completion Update**

MIS/GIS Director Matt Shuler stated we were close to the end, splicing - to be finished by Friday of next week; construction - 35 anchors to be installed by end of July; and financial – there are no projected overages and errors to be absorbed. Shuler continued that Town Manager Josh Ward and the lawyers are meeting next week with a few items and will bring the Contract to the Board in August and Jonathan will be here, and once Contract signed it will be an estimate of 3 months. If items not completed by the end of July, Town Attorney Jay Coward will send a letter about the delay.

**17. Adjournment**

AS THERE WERE NO FURTHER MATTERS TO COME BEFORE THE BOARD OF COMMISSIONERS, COMMISSIONER DOTSON MOVED TO ADJOURN WHICH WAS SECONDED BY MAYOR PRO TEMPORE PATTERSON AND UPON A UNANIMOUS VOTE, THE TOWN BOARD ADJOURNED AT 9:15PM.

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Patrick Taylor  
Mayor

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Gilberta B. Shaheen,  
Town Clerk