

**TOWN OF WEAVERVILLE**

**AGENDA**

**Town Hall Council Chambers  
30 South Main Street  
Weaverville, N.C. 28787**

**March 20, 2017 at 6:00pm  
Town Council Monthly Meeting**

- 1. **Call to Order**..... Mayor Sherrill
- 2. **Approval / Adjustments to the Agenda**..... Mayor Sherrill
- 3. **Approval of Minutes**..... Mayor Sherrill
  - A. February 27, 2017 Town Council Regular Meeting
- 4. **Employee Recognition**..... Town Manager
- 5. **General Public Comments**
- 6. **Consent Agenda**..... Mayor Sherrill
  - Motion to approve the consent agenda*
  - A. Monthly Tax Report and Order to Advertise Tax Liens  
*Tax Collector is requesting adoption of an order to advertise tax liens.*
  - B. Set Public Hearing on the FY 2017/2018 Budget  
*Town Manager recommends setting public hearing for May 15, 2017, at 6pm*
- 7. **Discussion & Action Items:**
  - A. Update on the Zoning Table of Uses ..... Town Planner
  - B. Ad Hoc Committee on the Lake Louise Community Center ..... Town Manager
  - C. Conservation Board / Tree Board ..... Town Manager
- 8. **Public Hearing and Action on:  
Proposed Revision to Sign Ordinance Related to Temporary Signs and  
Signs in the R-12 District** ..... Planning Director
  - Town Council may take action after this public hearing if so desired – a draft ordinance is included.*
- 9. **Town Manager’s Report**..... Town Manager
- 10. **Adjournment**..... Mayor Sherrill

## MINUTES

**TOWN OF WEAVERVILLE  
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING  
MONDAY, FEBRUARY 27, 2017**

The Town of Weaverville Town Council met on Monday, February 27, 2017 beginning at 6:00pm in Council Chambers within Weaverville Town Hall at 30 South Main Street.

Council Present: Mayor Dottie Sherrill, Vice Mayor John Penley, Council Members Doug Dearth, Patrick Fitzsimmons, Doug Jackson and Andrew Nagle.

Staff Present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Police Chief Greg Stephens, Public Works Director Tony Laughter, Fire Chief Ted Williams, Planning Director James Eller and Finance Director Tonya Dozier.

### **1. Call to Order**

*Mayor Sherrill called the meeting to order at 6:00pm.*

### **2. Approval/Adjustments to the Agenda**

*Councilman Dearth motioned to approve the agenda as presented. Vice-Mayor Penley seconded and all voted unanimously.*

### **3. Approval of the Minutes**

*Councilman Jackson motioned to approve the minutes as presented for the January 23, 2017 and February 6, 2017 meetings of Council. Councilman Fitzsimmons seconded and all voted unanimously.*

### **4. Employee Recognition**

Town Manager Selena Coffey recognized Public Works Director Tony Laughter for being with the Town of Weaverville for 20 years.

### **5. General Public Comment**

Tom Plaut, speaking in capacity as President of the LLPA, spoke to Town Council about his endorsement for the Weaverville Tailgate Market.

### **6. Consent Agenda**

#### **A. Distribution of Audit Report for Fiscal Year 2015-2016**

*Auditors presented their findings in January. The approved Audit Report will be distributed.*

- B. Monthly Tax Report  
*Provided for information purposed only.*
  - C. Set Public Hearing on Revision to Town Code regarding R-12 & Temporary Signage  
*Staff recommends this Public Hearing be scheduled for March 20, 2017 at 6:00pm.*
  - D. Board Appointments: Planning & Zoning Board  
*Town Manager recommends approval of appointment and adjustments as stated.*
  - E. Approval of Major Subdivision: Town Walk  
*Request Council approval of this major subdivision as it meets requirements of Town Code.*
- Councilman Dearth motioned to approve the consent agenda. Vice Mayor Penley seconded and all voted unanimously.*

**7. Discussion and Action Items**

- A. Reems Creek Greenways Presentation.  
Chris Tomsic of Connect Buncombe provided the presentation related to the Reems Creek Greenway project. Presentation was intended to provide information to Town Council.  
  
*No action was taken by Town Council.*
- B. Appointment of Town Clerk by Town Manager.  
Town Manager Selena Coffey resigned her duties as Town Clerk and exercised her authority granted by Council to appoint Derek Huninghake as Town Clerk effective February 27, 2017. James Eller will continue to serve as Deputy Town Clerk with specific responsibilities to Weaverville’s Planning and Zoning Board and Zoning Board of Adjustments.  
  
*Vice Mayor Penley motioned to approve Town Managers resignation of Town Clerk and appointment of new Town Clerk request. Councilman Jackson seconded and all voted unanimously.*
- C. Update on Water Capacity and Temporary Moratorium.  
Public Works Director Tony Laughter requests authorization from Town Council to approve up to 50 individual outside municipal limit, single family residential water allocations from the previously established temporary moratorium. It is expected that these 50 requested water allocations will be made up with the vacation of previous water allocations associated with an apartment complex.  
  
*Vice mayor Penley motioned to approved Public Works Directors request. Councilman Fitzsimmons seconded and Councilman Dearth also voted in favor. Councilman Jackson and Nagle voted against the motion. Motion carries 3-2.*
- D. Code Amendments regarding Alcohol in the Public Places & Special Events Permitting.  
Town Attorney Jennifer Jackson described to the board an ordinance, which has been drafted, to allow staff to issue special event permits, which could also allow sale and consumption of alcoholic beverages in public places. The revision of additional codes related to the affirmation ordinance were also noted. Town Attorney Jennifer Jackson also noted that the special event

permit listed in the ordinance would be valid thru the expiration of the 2016-17 FY at which point the values would transition to the schedule of fees in conjunction with the municipal budget. *Vice mayor Penley motioned to adopt the ordinance as discussed. Councilman Nagle seconded and all voted unanimously.*

- E. Initial Review by Council of CZD Application for Monticello Commons.  
Planning Director James Eller spoke to Council regarding an application for a CZD on the property commonly known as Monticello Commons. The application calls for 264 dwelling units within nine buildings, placed on a parcel of land which is 17.21 acres, for a requested density of 15.3 units per acre.  
Chris Day of Civil Design Concepts, also spoke to Council on behalf of the applicant. Consensus was granted that the proposed density height of the structures, traffic generated and loss of commercially zoned property were the concerns of Council.

*No action was taken.*

- F. Consideration of Resolution Opposing HB 64 / SB 667  
Town Attorney Jennifer Jackson described to Council a resolution that had been prepared for their consideration to oppose HB 64 & SB 667.

*Councilman Dearth motioned to adopt the resolution as presented. Councilman Jackson seconded and all voted unanimously.*

**8. Public Hearing and action on the proposed rezoning of +/- 2.49 acres of 30 Garrison Branch Road to C-2.**

*Councilman Nagle motioned to enter Public Hearing. Councilman Dearth seconded and all voted unanimously.*

Planning Director James Eller described to Council the nature of the proposed rezoning which calls for the conversion of approximately 2.5 acres of land in the vicinity of 30 Garrison Branch Road from R-12 to C-2. Mr. Eller also reported that the proposed rezoning had been reviewed and is recommended to Town Council via a unanimous vote.

*Councilman Nagle motioned to close Public Hearing. Councilman Jackson seconded and all voted unanimously.*

*Councilman Dearth motioned to adopt the ordinance approving the rezoning. Councilman Jackson seconded and all voted unanimously.*

**9. Town Manager's Report**

Town Manager Selena Coffey shared that the next Budget Workshop is March 14, 2017. Ms. Coffey described to Council the process of selling surplus municipal property on the GovDeals website and that the Town had requested for an OSHA Consultation visit. The Town of Weaverville won the Tree City Award for the 27<sup>th</sup> year, Citizens Academy has continued to grow to 18 people and the Lake Louise fountain is being fixed in house by Public Works, which is saving the Town

monetarily. Ms. Coffey also expressed that the Town website is still being developed but should be finished soon.

**10. Closed Session**

*Councilman Dearth motioned to enter closed session as per N.C.G.S. Chapters 143-318.11(a)(3) to consult with the Town Attorney. Councilman Fitzsimmons seconded and all voted unanimously.*

*Councilman Nagle motioned to exit closed session. Councilman Jackson seconded and all voted unanimously.*

**11. Adjournment**

*Councilman Jackson motioned to adjourn. Councilman Nagle seconded and all voted unanimously.*

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**James W. Eller, Deputy Town Clerk**

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** March 20, 2017  
**SUBJECT:** Monthly Tax Report and Order to Advertise Tax Liens  
**PRESENTER:** Town Attorney  
**ATTACHMENTS:** Monthly Tax Report  
Proposed Order to Advertise Tax Liens

**DESCRIPTION/SUMMARY OF REQUEST:**

The most current monthly tax report is attached for Town Council's information. The monthly reports that Council receives, including the one provided in February, provide the amount of taxes collected to date and the amount of unpaid taxes for FY 2016/2017. Town Council should note that the collection rate is currently 97.72% which is in line with rates reported in March of recent years. The Tax Collector continues to utilize mailed notices, telephone calls, attachments and garnishments, and payment plans where appropriate to get the unpaid taxes collected. Foreclosure actions are only considered as a last resort.

In accordance with North Carolina law and in order to aid the Tax Collector with her collection efforts, the Tax Collector intends to advertise all outstanding tax liens during the first week in April in the Asheville Citizens-Times, the Town's website and e-Focus newsletter.

**TOWN COUNCIL ACTION REQUESTED:**

The Town Attorney advises that N.C. Gen. Stat. §105-369 requires Town Council to order the Tax Collector to advertise the tax liens. A proposed Order is attached for Council's consideration.

**Town of Weaverville  
Monthly Tax Report  
FY 2016-2017**

	<u>As of 3/14/17</u>
Real Property:	556,501,364
Real Property Discoveries:	<u>1,682,045</u>
<b>Total Real Property:</b>	<b>558,183,409</b>
Personal:	84,886,939
Personal Discoveries:	<u>236,136</u>
<b>Total Personal:</b>	<b>85,123,075</b>
Public Utilities:	5,244,545
Exemption:	(6,925,227)
Releases:	<u>(785,445)</u>
<b>Total Tax Value</b>	<b>640,840,357</b>
<b>Tax Levy (\$0.44 per \$100 Valuation):</b>	
Real Property:	2,456,007.00
Personal Property:	374,411.00
Public Utilities:	23,076.00
Less Under \$5 Adjustment	<u>(44.00)</u>
<b>Total Public Utilities:</b>	<b>23,032.00</b>
Exemption:	(30,471.00)
Releases:	<u>(3,456.00)</u>
<b>Total Levy (Total Billed)</b>	<b>2,832,043.00</b>
<b>Total Current Year Collections</b>	<b>2,767,334.00</b>
<b>% Collected</b>	<b>97.72%</b>
<b>Total Left to be Collected:</b>	<b>64,709.00</b>
<b>Prior Years Paid</b>	5115

**STATE OF NORTH CAROLINA**

**ORDER TO ADVERTISE TAX LIENS**

**TOWN OF WEAVERVILLE**

**TO THE TAX COLLECTOR OF THE TOWN OF WEAVERVILLE:**

You are hereby ordered pursuant to N.C. Gen. Stat. § 105-369 to advertise the tax liens for all unpaid taxes within the Town of Weaverville in accordance with procedures set forth in Article 26 of Chapter of 105 of the North Carolina General Statutes.

**WITNESS** my hand and official seal, this 20th day of March, 2016.

**TOWN OF WEAVERVILLE**

By: \_\_\_\_\_  
Dottie Sherrill, Mayor

**ATTESTED BY:**

\_\_\_\_\_  
Derek K. Huninghake, Town Clerk

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** March 20, 2017  
**SUBJECT:** Set Public Hearing on the FY 2017/2018 Budget  
**PRESENTER:** Town Manager  
**ATTACHMENTS:** None

**DESCRIPTION/SUMMARY OF REQUEST:**

The Town Manager recommends that Town Council go ahead and schedule a public hearing on the Fiscal Year 2017/2018 Budget for May 15, 2017, at 6:00 p.m., so that the public hearing can be advertised.

**TOWN COUNCIL ACTION REQUESTED:**

Town Council's action to set the public hearing on the budget for May 15, 2017, at 6:00 p.m.

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** March 20, 2017  
**SUBJECT:** Update on Zoning Table of Uses  
**PRESENTER:** Planning Director/Town Attorney  
**ATTACHMENTS:** None

**DESCRIPTION/SUMMARY OF REQUEST:**

At Town Council's direction the Planning and Zoning Board and Staff have been working diligently on language that would incorporate a table of uses into the Town's zoning ordinance. This is a large and complicated project that the Planning and Zoning Board has devoted much time and attention to during its regular monthly meetings and in four (4) special meetings called for the sole purpose of discussing the table of uses.

Staff will be at tonight's meeting to give Council an update on this project and the progress that has been made.

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** March 20, 2017  
**SUBJECT:** Ad Hoc Committee regarding Lake Louise Community Center  
**PRESENTER:** Town Manager  
**ATTACHMENTS:** None

**DESCRIPTION/SUMMARY OF REQUEST:**

At its meeting on February 6, 2017, Town Council expressed interest in forming an ad hoc committee to review the studies that have been done on the Lake Louise Community Center and develop some recommendations concerning the Community Center. The Town Manager would like to discuss the composition and appointments to this committee at tonight's meeting. Her proposal includes the following members:

- John Penley – Town Council Representative
- Andrew Nagle – Town Council Representative
- Laura Ayers – Secretary
- Weaverville Business Association Representative
- Weaverville Business Association Representative
- Lake Louise Preservation Association Representative
- Lake Louise Preservation Association Representative
- Tailgate Market Representative
- Tony Laughter - Staff

Laura Ayers has agreed to serve as the secretary for the committee and the Town Manager has reached out to all groups listed to see who might be interested in serving on this committee.

**TOWN COUNCIL ACTION REQUESTED:**

The Town Manager would like to confirm Council's representatives on this committee and get authority from Council to have this committee begin meeting as soon as the WBA, LLPA and Tailgate Market representatives have been identified by those associations/groups.

Town Manager also recommends that Council provide the committee some indication of when Council would like to receive a report on their findings and recommendations.

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** March 20, 2017

**SUBJECT:** Conservation Board / Tree Board Discussion

**PRESENTER:** Mayor/Town Manager

**ATTACHMENTS:** Article II of Chapter 32 – Conservation/Tree Board  
Sec 36-150 - Landscaping  
Current Roster of Conservation Board

**DESCRIPTION/SUMMARY OF REQUEST:**

Article II of Chapter 32 of the Town's Code of Ordinances (a copy of which is attached) creates and establishes a Conservation Board of the Town of Weaverville. These Code provisions set out the composition, terms of office, duties and responsibilities of that board. In addition to those duties and responsibilities enumerated in Section 32-44, Section 36-150 provides the Conservation Board with the authority to conduct plant rescues on property which is to be clear cut. The Conservation Board serves as the Town's Tree Board and performs those duties as well as duties associated with maintaining the Town's certification as a community wildlife habitat. Council will likely recall that in March of 2015 it combined several boards, including the Tree Board and the Wildlife Habitat Committee, into the Conservation Board.

Section 36-46 provides for Council's oversight of the Conservation Board and the work that it does. The Mayor and Town Manager have been made aware that some of the members of the Conservation Board may be feeling overwhelmed with the large scope of the Board's responsibilities and are questioning the benefit of continuing the Conservation Board versus transitioning back to a Tree Board with a more limited scope. The Mayor and Town Manager thought this might be a good time for Council to review its thoughts with regard to the Conservation Board, especially its purpose, duties and responsibilities.

Council will also note that the current roster of the Conservation Board reflects membership that is not consistent with Sec. 32-41 which provides only 5 members appointed by the Mayor with approval of Town Council, plus the Town Manager who serves ex officio. Sec. 32-42 also contemplates staggered terms for its membership, which are not reflected on the roster. Kaita Collier has advised that she is no longer available to serve as the Chairman of this board. The Town Manager has reached out to the other members of the Conservation Board to gauge their interest in serving as a chairman and to ask for any thoughts that they may have concerning the Board's scope.

**TOWN COUNCIL ACTION REQUESTED:**

Town Council's discussion concerning the Conservation Board and any action that Council might wish to take concerning the Conservation Board, its purpose, duties and responsibilities, and/or composition is recommended.

ARTICLE II. - TREE BOARD<sup>21</sup>

Footnotes:

--- (2) ---

**Editor's note**— [Ord. of 3-16-2015, § 1](#), repealed former Art. II, §§ 32-41—32-46, and enacted a new Art. II as set out herein. Former Art. II pertained to similar subject matter. For prior history, see Code Comparative Table.

**Cross reference**— Boards, commissions and committees, § 2-126 et seq.

Sec. 32-41. - Creation, establishment, role.

There is created and established a conservation board of the Town of Weaverville (hereinafter the "town"), which shall consist of five members who are citizens and residents of the town, who shall be appointed by the mayor with the approval of the town council. The town manager shall serve as an ex officio member.

The role of the conservation board shall be to serve as an advisory board to the town council regarding measures required to manage, protect, and plan for the town's natural resources and open areas, and to implement such measures that are within the scope of the board's responsibilities.

([Ord. of 3-16-2015, § 1](#))

Sec. 32-42. - Term of office.

The term of the conservation board shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years, in order to create staggered terms of board members. If a vacancy shall occur during the term of any member, the successor shall be appointed in the same manner for the unexpired portion of the term.

([Ord. of 3-16-2015, § 1](#))

Sec. 32-43. - Compensation.

Members of the conservation board shall serve without compensation.

([Ord. of 3-16-2015, § 1](#))

Sec. 32-44. - Duties and responsibilities.

The conservation board shall have the following duties and responsibilities:

- (1) It shall be the responsibility of the conservation board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs, and invasive exotic plants in parks, along streets, and in other places within the town's jurisdiction. Such plan will be presented annually to

the town council and upon its acceptance and approval shall constitute the official comprehensive town plant management plan.

- (2) The conservation board, when requested by the town council, shall consider, investigate, make findings, report upon, and recommend any special matter of question coming within the scope of its work.
- (3) The conservation board shall facilitate the planting, growth, and protection of trees and other native plantings, as well as manage activities relating to the control of invasive exotic plants on town properties.
- (4) It shall advise the town on management of Main Street Nature Park, including making recommendations for development of park infrastructure, appropriate use of park facilities, and restoration of the native plant community.
- (5) In accordance with the designation of the town as a community wildlife habitat, the conservation board is charged with enhancing wildlife habitat within the town by encouraging and assisting property owners wishing to certify their properties with the National Wildlife Federation. The conservation board will be responsible for meeting annual goals agreed upon with the National Wildlife Federation to maintain community wildlife habitat certification.
- (6) The conservation board will perform the duties of a tree board, in accordance with requirements of the Tree City, USA program. These duties include:
  - a. Fostering the communication among citizens of the town that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town;
  - b. Conducting a tree survey of existing trees along streets and on public property within the town;
  - c. Developing an official street tree species list comprised of three groups of trees—small trees, medium trees and large trees. No trees other than those included in the list may be planted as street trees without permission of the conservation board.
  - d. Establishing guidelines for the spacing of town trees in accordance with the three species size classes in the official street tree species list. These guidelines will cover:
    - Spacing between street trees;
    - The distance street trees may be planted from curbs or curb lines and sidewalks;
    - The distance street trees may be planted from any street corner; and
    - The location of the street trees relative to overhead and underground water lines, sewer lines, transmission lines or other utility, and any other areas involving the spacing of street trees, park trees or town-owned trees.
- (7) The conservation board shall investigate available grants, loans or contributions from other governmental agencies, public or private corporations, or individuals, and recommend the expenditure of any proceeds toward the accomplishment of its purpose.
- (8) The conservation board shall conduct continuing research, planning and feasibility studies required to support the purposes stated in this article.
- (9) The conservation board shall organize educational programs and workshops, sponsor informational booths, and develop/distribute informational materials.
- (10) The conservation board shall submit an annual report of its activities and recommendations to the town council and shall submit to the town clerk copies of its minutes and proceedings of its regular and special meetings.

[\(Ord. of 3-16-2015, § 1\)](#)

Sec. 32-45. - Operation.

- (a) The conservation board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations. This record shall be a public record. The conservation board shall set a regular schedule for meetings, and the chairman may call a special meeting upon request of a majority of the members of the board. A majority of the members shall be a quorum for the transaction of business.
- (b) The conservation board may appoint committees or task forces to carry out its duties and responsibilities.

[\(Ord. of 3-16-2015, § 1\)](#)

Sec. 32-46. - Review by town council.

The town council shall have the right to review the conduct, acts and decisions of the town conservation board. Any person may appeal from any ruling or order of the conservation board to the town council, who may hear the matter and make a final decision.

[\(Ord. of 3-16-2015, § 1\)](#)

Sec. 36-150. - General provisions.

- (a) All plant materials used to comply with the requirements of this article shall be selected from the list of recommended species unless otherwise approved by the zoning administrator.
- (b) When any landscaped area required by this article involves clear cutting of the property, the Conservation Board will be permitted to conduct a plant rescue survey and, if feasible, be permitted to remove desirable native plants for use in town parks or on other town property. The Conservation Board shall have 30 days from the issuance of the zoning permit to conduct the survey and remove the plants. Absent agreement by the property owner and/or the permit holder, no expense for the survey or removal of the plants shall be borne by the property owner and/or the permit holder.
- (c) When any landscaped area required by this article is adjacent to parking or vehicular circulation areas, such planted area shall be protected by curbing or other parking barriers.
- (d) Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard. Such landscaping shall not violate the guidelines set forth in the town's minimum construction standards for streets.
- (e) All landscaped areas herein required shall be stabilized from dust and soil erosion immediately upon planting and shall thereafter be so maintained until the use of the property or the zoning thereof is changed. Water efficient landscapes and practices are encouraged.
- (f) The property owner of record shall be responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants shall be replaced within 120 days after death with locally adapted plants which conform to the planting standards of this chapter. In the event that plant material is severely damaged due to unusual weather occurrence or other acts of God, the owner shall have two years to complete the replanting of the area so damaged.

<b>WEAVERVILLE CONSERVATION BOARD</b>			
<b>NAME AND POSITION</b>	<b>CONTACT INFORMATION</b>	<b>DATE OF APPOINTMENT</b>	<b>TERM (3 YEARS)</b>
Kaita Collier	30 Reynolds Lane Weaverville, NC 28787 843-408-5199 <a href="mailto:kaitabird@gmail.com">kaitabird@gmail.com</a>	April 2016	April 2016 - 2019
Doug Jackson	PO Box 1125 2 College Crescent Weaverville, NC 28787 645-5894 <a href="mailto:djackson@weavervillenc.org">djackson@weavervillenc.org</a>	April 2015	April 2015 - 2017
Rob Mangum	7 South College Street Weaverville, NC 28787 (C) 713-2588; (W) 645-4929 <a href="mailto:rob@mangumpottery.com">rob@mangumpottery.com</a>	April 2016	April 2016 - 2019
Brian Schneider	1 Chestnut Street Weaverville, NC 28787 785-2555 <a href="mailto:brianjschneider@gmail.com">brianjschneider@gmail.com</a>	July 2016	July 2016 - 2019
Terrence Yeager	107 Elk Lane Weaverville, NC 28787 645-7177 <a href="mailto:tyeager107@gmail.com">tyeager107@gmail.com</a>	July 2016	July 2016 - 2019
Patsy Beyer	PO Box 8237 Asheville, NC 28814 727-365-0734 <a href="mailto:pjbeyer@aol.com">pjbeyer@aol.com</a>	September 2016	September 2016 - 2019
Erin Calloway	32 Chestnut Street Weaverville, NC 28787 828-200-1207 <a href="mailto:Calloway.erin@yahoo.com">Calloway.erin@yahoo.com</a>	September 2016	September 2016 - 2019
Dottie Sherrill Mayor (ex officio)	452 Kyfields Weaverville, NC 28787 645-7579 <a href="mailto:dsherrill@weavervillenc.org">dsherrill@weavervillenc.org</a>		
Selena Coffey Town Manager (ex officio)	30 South Main Street Weaverville, NC 28787 484-7001 <a href="mailto:scoffey@weavervillenc.org">scoffey@weavervillenc.org</a>		

*Updated per Dottie Sherrill on 2/28/2017*

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** Monday, March 20, 2017

**Subject:** Public Hearing on a proposed revision of the Sign Ordinance related to temporary signs and signage within the R-12 Zoning District.

**Presenter:** Town Planner

**Attachments:** Proposed revisions to Section 36-201 – Temporary Signs and 36- 203 – Sign Restrictions for C-1, C-2 and I-1 Zoning Districts, Planning and Zoning Board recommendation and proposed ordinance.

**Description:**

Presently the Town Code as it relates to temporary signage allows for the placement of such signage for a period of time not to exceed thirty days. On two occasions, signs have been taken down by the business and then they immediately reapplied for an additional temporary sign permit.

In the creation and implementation of the R-12 Zoning District, language related to signage within the zoning district was not adopted. Monticello Apartments, now within municipal borders, have applied for a sign permit and the error has been discovered.

The language has been reviewed and unanimously recommended to Town Council by the Planning and Zoning Board.

**Action Requested:**

Council action is appropriate following the public hearing and staff is seeking approval of the language presented related to temporary signs and signage within the R-12 Zoning District. An ordinance reflecting the aforementioned changes is included for Council's consideration should it wish to enact the suggested revisions.



**Town of Weaverville  
Planning and Zoning Board**

**On Tuesday, March 7<sup>th</sup>, 2017 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached revision to Section 36-201 – Temporary Signs and 36-203 – Sign Restrictions for C-1, C-2 and I-1 Zoning Districts.**

**It has been found that the revision to the Town's sign ordinances would not conflict with the Town's Comprehensive Plan. The Planning and Zoning Board considers approval both reasonable and in the public interest to better regulate temporary signage and to permit identification signage within the R-12 Zoning District.**

A handwritten signature in cursive script, reading "Doug Theroux", is written over a horizontal line.

**Doug Theroux  
Chairman, Planning and Zoning Board**

Proposed revision of Code related to temporary signage and signage within the R-12 Zoning District  
Changes proposed by staff are noted in red font.

Sec. 36-201. - Temporary signs.

Temporary signs shall be allowable in all zoning districts.

- (1) Signs used prior to and during construction to identify the name of contractor(s) and/or developer(s) shall be considered temporary signs, and shall meet the following requirements:
  - a. Each contractor shall have no more than one sign per location which shall be removed upon completion of the project.
  - b. Construction signs shall not be placed on trees, rocks, or other natural objects.
  - c. Construction signs shall be either attached to the building or affixed to a secure temporary post.
  - d. Construction signs shall be no greater than 32 square feet per side of the sign up to a maximum of 64 square feet of aggregate surface area for the entire sign.
- (2) Political signs shall be considered temporary signs, and shall meet the following requirements:
  - a. No political sign shall be placed in any town or state public right-of-way which includes utility poles and/or street medians.
  - b. All such signs shall be removed within two days after the election day.
- (3) Real estate signs (signs offering property for sale, lease or development) shall be considered temporary signs, and shall meet the following requirements:
  - a. Real estate signs in residential zoning districts shall not exceed six square feet in surface area per side of sign up to a maximum of 12 square feet of aggregate surface area for the entire sign.
  - b. Real estate signs in all other areas shall not exceed 16 square feet in surface area per side of sign up to a maximum of 32 square feet of aggregate surface area for the entire sign.
  - c. Real estate signs shall be erected only on the property which is being offered for sale, rent, lease and development.
  - d. Real estate signs shall conform to all other applicable provisions of the ordinance not inconsistent with this section.
  - e. Real estate signs shall be removed with seven days after the sale or lease of the property is closed.
  - f. Real estate directional signs (sign indicating the direction to a property being offered for sale) must be located on private property, with written permission of the property owner, at the nearest intersection of the major thoroughfare or collector street to the street upon which the property which is being offered for sale, rent, lease or development is located.
- (4) Any other temporary sign must be approved by the zoning administrator, and shall be of a size and height which is consistent with signs permitted in the neighborhood in which it will be located ~~and limited to a maximum of 30 days.~~ Concerning the length of time a temporary sign may be displayed, the applicant must choose between the following options: (a) up to four fifteen-day periods that can occur not more frequently than every three months in each calendar year, (b) up to two thirty-day periods that can occur not more frequently than every six months in each calendar year; or (c) one sixty-day period that can occur once a calendar year.

Sec. 36-203. - Sign restrictions for C-1, C-2, ~~and I-1 districts~~, and R-12 Zoning Districts.

- (a) Wall signs shall not cover an area greater than 50 percent of the total surface area of the wall(s) upon which the sign(s) is located. (The surface area of a wall(s) shall be computed excluding windows and doors). All signs attached to a building, including all the visible face of flat signs, and both sides of projecting signs, and suspended signs shall be computed to determine the 50 percent wall coverage limitation. Within the R-12 Zoning District, excluding signs which show the address or building number of residential units, such attached signage shall only be permissible on common buildings which are not primarily used for residential purposes within the development.
- (b) Projecting or suspended signs shall be limited to one per business per building front, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign.
- (c) Signs overhanging any sidewalk shall be placed at least 7½ feet above the sidewalk and shall not extend over the sidewalk for a distance equal to or greater than two-thirds of the width of the sidewalk. In no event shall such a sign extend more than ten feet from the building upon which it is located.
- (d) Changeable copy signs shall be limited to one per store front, not to exceed 50 square feet in surface area per side up to a maximum of 100 square feet of aggregate surface area.
- (e) Detached ground-level signs, excluding private directional signs, shall be limited to one per commercial site. Ground level signs shall not extend more than six feet, at their highest point above ground level and shall not exceed 50 square feet in aggregate surface area per side of sign and shall not exceed a maximum of 100 square feet of aggregate surface area for the entire sign.
- (f) All ground level signs and freestanding pole signs shall be located on the immediate premises of the advertised commercial establishment, and shall be no closer than ten feet to any street pavement, but in no event shall such sign be erected on a street right-of-way.
- (g) Private directional signs on premise shall not be over six feet in sign height, and shall not have a surface area greater than four square feet per side up to a maximum of eight square feet in aggregate surface area for all sides.
- (h) Where two or more business premises share a common courtyard, alley, or access area, the businesses therein shall be limited to one freestanding identification sign, no higher than 20 feet from top of grade, which shall contain no greater than 75 square feet of surface area per side of sign up to a maximum of 150 square feet of aggregate surface area for the entire sign. Each business establishment located within the development shall be permitted one nameplate sign, not to exceed 12 square feet in surface area per side of sign up to a maximum of 24 square feet of aggregate surface area for the entire sign to be attached to (or hung from) the freestanding identification sign for the development as a whole. (Nameplate signs shall not be of changeable copy). The total square footage of the identification sign and all of the attached nameplate signs shall not exceed 150 square feet per side of sign or 300 square feet for both sides. Signage within the R-12 Zoning District is not permitted under this subsection.
- (i) The proper installation and/or secure attachment of any sign permitted under this Chapter is the responsibility of the owner of the building, the tenant and/or the person installing/securing the same. A Buncombe County building permit may be required in addition to the requisite sign permit from the Town of Weaverville.

**ORDINANCE AMENDING SECTIONS 36-201 AND 36-203  
OF THE TOWN OF WEAVERVILLE'S CODE OF ORDINANCES**

**WHEREAS**, the Town wishes to amend its Code provisions concerning temporary signs and permitted signage within the R-12 zoning district;

**WHEREAS**, said amendments have been reviewed by the Town's Planning and Zoning Board which found that the amendments are consistent with the Town's Comprehensive Land Use Plan and Zoning Code and in the public's interest and recommended their adoption by Town Council;

**WHEREAS**, Town Council held a public hearing on these amendments on March 20, 2017, after proper notice of same, and the adoption of these amendments is in order;

**WHEREAS**, Town Council finds that these amendments are consistent with the Town's Comprehensive Land Use Plan, are reasonable and shall serve the public's interest;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Weaverville, North Carolina, as follows:

1. For all amendments to Code adopted herein, all deleted language is shown with strikethroughs and all added language is shown as underlined.
2. Section 36-201 is hereby amended as follows:

Sec. 36-201. - Temporary signs.

Temporary signs shall be allowable in all zoning districts.

- (1) Signs used prior to and during construction to identify the name of contractor(s) and/or developer(s) shall be considered temporary signs, and shall meet the following requirements:
  - a. Each contractor shall have no more than one sign per location which shall be removed upon completion of the project.
  - b. Construction signs shall not be placed on trees, rocks, or other natural objects.
  - c. Construction signs shall be either attached to the building or affixed to a secure temporary post.
  - d. Construction signs shall be no greater than 32 square feet per side of the sign up to a maximum of 64 square feet of aggregate surface area for the entire sign.
- (2) Political signs shall be considered temporary signs, and shall meet the following requirements:
  - a. No political sign shall be placed in any town or state public right-of-way which includes utility poles and/or street medians.
  - b. All such signs shall be removed within two days after the election day.

- (3) Real estate signs (signs offering property for sale, lease or development) shall be considered temporary signs, and shall meet the following requirements:
- a. Real estate signs in residential zoning districts shall not exceed six square feet in surface area per side of sign up to a maximum of 12 square feet of aggregate surface area for the entire sign.
  - b. Real estate signs in all other areas shall not exceed 16 square feet in surface area per side of sign up to a maximum of 32 square feet of aggregate surface area for the entire sign.
  - c. Real estate signs shall be erected only on the property which is being offered for sale, rent, lease and development.
  - d. Real estate signs shall conform to all other applicable provisions of the ordinance not inconsistent with this section.
  - e. Real estate signs shall be removed with seven days after the sale or lease of the property is closed.
  - f. Real estate directional signs (sign indicating the direction to a property being offered for sale) must be located on private property, with written permission of the property owner, at the nearest intersection of the major thoroughfare or collector street to the street upon which the property which is being offered for sale, rent, lease or development is located.
- (4) Any other temporary sign must be approved by the zoning administrator, and shall be of a size and height which is consistent with signs permitted in the neighborhood in which it will be located. and limited to a maximum of 30 days. Concerning the length of time a temporary sign may be displayed, the applicant must choose between the following options: (a) up to four fifteen-day periods that can occur not more frequently than every three months in each calendar year, (b) up to two thirty-day periods that can occur not more frequently than every six months in each calendar year; or (c) one sixty-day period that can occur once a calendar year.

3. Section 36-203 is amended as follows:

Sec. 36-203. - Sign restrictions for C-1, C-2, ~~and I-1 districts.~~ and R-12 Zoning Districts.

- (a) Wall signs shall not cover an area greater than 50 percent of the total surface area of the wall(s) upon which the sign(s) is located. (The surface area of a wall(s) shall be computed excluding windows and doors). All signs attached to a building, including all the visible face of flat signs, and both sides of projecting signs, and suspended signs shall be computed to determine the 50 percent wall coverage limitation. Within the R-12 Zoning District, excluding signs which show the address or building number of residential units, such attached signage shall only be permissible on common buildings which are not primarily used for residential purposes within the development.
- (b) Projecting or suspended signs shall be limited to one per business per building front, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign.
- (c) Signs overhanging any sidewalk shall be placed at least 7½ feet above the sidewalk and shall not extend over the sidewalk for a distance equal to or greater than two-thirds of the width of the sidewalk. In no event shall such a sign extend more than ten feet from the building upon which it is located.
- (d) Changeable copy signs shall be limited to one per store front, not to exceed 50 square feet in surface area per side up to a maximum of 100 square feet of aggregate surface area.

- (e) Detached ground-level signs, excluding private directional signs, shall be limited to one per commercial site. Ground level signs shall not extend more than six feet, at their highest point above ground level and shall not exceed 50 square feet in aggregate surface area per side of sign and shall not exceed a maximum of 100 square feet of aggregate surface area for the entire sign.
  - (f) All ground level signs and freestanding pole signs shall be located on the immediate premises of the advertised commercial establishment, and shall be no closer than ten feet to any street pavement, but in no event shall such sign be erected on a street right-of-way.
  - (g) Private directional signs on premise shall not be over six feet in sign height, and shall not have a surface area greater than four square feet per side up to a maximum of eight square feet in aggregate surface area for all sides.
  - (h) Where two or more business premises share a common courtyard, alley, or access area, the businesses therein shall be limited to one freestanding identification sign, no higher than 20 feet from top of grade, which shall contain no greater than 75 square feet of surface area per side of sign up to a maximum of 150 square feet of aggregate surface area for the entire sign. Each business establishment located within the development shall be permitted one nameplate sign, not to exceed 12 square feet in surface area per side of sign up to a maximum of 24 square feet of aggregate surface area for the entire sign to be attached to (or hung from) the freestanding identification sign for the development as a whole. (Nameplate signs shall not be of changeable copy). The total square footage of the identification sign and all of the attached nameplate signs shall not exceed 150 square feet per side of sign or 300 square feet for both sides. Signage within the R-12 Zoning District is not permitted under this subsection.
  - (i) The proper installation and/or secure attachment of any sign permitted under this Chapter is the responsibility of the owner of the building, the tenant and/or the person installing/securing the same. A Buncombe County building permit may be required in addition to the requisite sign permit from the Town of Weaverville.
4. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.
5. These amendments shall be effective immediately upon adoption.

**ADOPTED THIS** the 20th day of March, 2017, by a vote of \_\_ in favor and \_\_ against.

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**DOTTIE SHERRILL**, Mayor

**ATTESTED BY:**

**APPROVED AS TO FORM:**

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**DEREK K. HUNINGHAKE**, Town Clerk

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**JENNIFER O. JACKSON**, Town Attorney