



**Town of Weaverville
Planning and Zoning Board
Fire Department Training Room
Thursday, December 7, 2017, 5:45pm**

Agenda

1. Call to Order – Chairman Doug Theroux.
2. Approval of the Minutes from the October 3 and November 7, 2017 Meetings of the Board.
3. Discussion Related to a Final Plat for a Major Subdivision Commonly Known as Greenwood Park Phase One and The Hamlet Phase One a Portion of Reems Creek Village.
4. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for Greenwood Park Phase One.
5. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for The Hamlet Phase One a Portion of Reems Creek Village.
6. Discussion Related to a Proposed Amendment of Code Related to the Prohibition of Storage or Shipping Containers as an Accessory Structure within Residentially Zoned Districts.
7. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Proposed Revision of Code.
8. Any Other Business to Come Before the Board.
9. Adjournment.

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, October 3, 2017

The Planning and Zoning Board of the Town of Weaverville met for its regularly scheduled monthly meeting at 5:45pm on Tuesday, October 3, 2017 within Council Chambers at Town Hall.

Present: Chairman Doug Theroux, Vice-Chairman Gary Burge, Board Member Catherine Cordell, Alternate Board Members John Chase and Steve Warren, Town Attorney Jennifer Jackson and Planning Director James Eller. Absent: Board Members Leslie Osborne and Peter Stanz.

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 5:45 pm.

Chairman Theroux noted that Alternate Board Member Warren, who was appointed to the Board during the August meeting of Town Council, had been sworn into his position prior to tonight's meeting.

Chairman Theroux noted that due to the absence of Board Members Osborne and Stanz, Alternate Board Members Chase and Warren would be voting on matters before the Board.

Vice – Chairman Burge requested that the election of officers for the Board be held at the end of the meeting rather than at the present moment as noted and consensus was granted for same.

2. Approval of the Minutes from the June 27 and August 15 Joint Meetings of the Planning and Zoning Board and Town Council.

Ms. Cordell motioned to approve the minutes from the June 27 and August 15 joint meetings of the Planning and Zoning Board and Town Council as amended. Mr. Burge seconded and all voted unanimously.

3. Discussion Related to a Concept Plan and Preliminary Plat for a Major Subdivision Commonly Known as Amblers Chase.

Mr. Eller presented the proposed concept plan and preliminary plat for Amblers Chase to the Board. Particulars include a 21 lot configuration each for proposed single family homes. Mr. Eller also noted that a statement noting that all utilities will be underground should be added to the plat as per municipal ordinance and that a zoning distinction had accidentally been noted as Buncombe County rather than the Town of Weaverville.

Mr. Eller also noted the complex history of the project and the property including a previous iteration of the proposed subdivision which was not handled properly in the approval process by the Town.

Mr. Mercer, the project engineer also spoke to the Board regarding the project and noted that he would correct the mistakes previously noted by Mr. Eller.

4. Consideration of a Motion Establishing a Recommendation to the Town Council on the Aforementioned Major Subdivision.

Ms. Cordell made a motion to recommend approval of the concept plan and preliminary plat of the major subdivision commonly known as Amblers Chase with the correction of a statement on the plat regarding underground utilities and correcting the zoning authority as the Town of Weaverville. Mr. Warren seconded and all voted unanimously.

5. Discussion Related to Proposed Amendments to the Table of Uses and Definitions Related to Same.

Mr. Eller presented to the Board three staff initiated proposed revisions of the Table of Uses and definitions related to same. Proposed revisions are as follows.

- Uses defined as manufacturing, heavy transition from permitted by right to permitted via a conditional zoning district within the I-1 Zoning District.
- Eliminating the “uses permitted within the mixed use building or development shall be determined by the regulations applicable to the zoning district in which the property is located” portion of the definition of mixed use building or development.
- Eliminating the use defined as mini-warehouses as a permitted use within the C-2 zoning district and permitting same within the I-1 zoning district as a use by right.

6. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Proposed Amendments to the Table of Uses.

Mr. Warren made a motion to recommend to Council that uses defined as manufacturing, heavy be permitted via a conditional zoning district within the I-1 zoning district rather than permitted by right. Mr. Chase seconded and all voted unanimously.

Mr. Burge made a motion to amend the definition of a mixed use building or development in order to allow Town Council to consider any use within same upon receiving a recommendation of the Planning and Zoning Board. Ms. Cordell seconded and all voted unanimously.

Mr. Chase made a motion to amend the table of uses to allow any use defined as mini-warehouses to be permitted only within the I-1 zoning district and permitted by right. Mr. Warren seconded and all voted unanimously.

For each of the aforementioned motions consensus was granted by the Board that each of the changes would not conflict with the Town’s comprehensive land use plan and would be in the best interest of the public.

7. Any Other Business to Come Before the Board.

Ms. Jackson noted the need for a review of the Board’s rules and procedures and suggested that staff will bring back a proposed document for the Board’s consideration. Consensus was granted by the Board to continue meeting on the first Tuesday of each month and to move the meeting time to 6pm.

Mr. Eller noted that the date, time and location for the November and December meetings of the Board had been changed and previously adopted due to the upcoming election and a municipal event being held within Council Chambers at Town Hall.

Election of Officers

Mr. Burge nominated Mr. Theroux as Chairman of the Board. No other nominations were made.

Mr. Theroux nominated Mr. Burge as Vice-Chairman of the Board. No other nominations were made.

Mr. Theroux nominated Mr. Eller as Clerk to the Board. No other nominations were made.

8. Adjournment.

Mr. Warren motioned to adjourn. Ms. Cordell seconded and all voted unanimously.

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

ATTEST:

**James W. Eller
Planning Director / Deputy Town Clerk**

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, November 7, 2017

The Planning and Zoning Board of the Town of Weaverville met for a special called monthly meeting at 5:45pm on Tuesday, November 7, 2017 within the Weaverville Fire Department training room.

Present: Chairman Doug Theroux, Vice-Chairman Gary Burge, Board Members Catherine Cordell and Peter Stanz, Alternate Board Members John Chase and Steve Warren, Town Attorney Jennifer Jackson and Planning Director James Eller. Absent: Board Members Leslie Osborne.

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 5:45 pm.

Chairman Theroux noted that due to the absence of Board Member Osborne, Alternate Board Member Chase would be voting on matters before the Board.

2. Discussion Related to a Final Plat for a Major Subdivision Commonly Known as Greenwood Park Phase One and the Hamlet Phase One, a Portion of Reems Creek Village.

Mr. Eller presented his findings to the Board related to the two aforementioned final plats:

- Title block of the final plat for The Hamlet should reflect that the Hamlet is a part of the Reems Creek Village subdivision as per Town Councils approval of the preliminary plat for same on Monday, February 23, 2015.
- The road maintenance agreement for Greenwood park should be crafted should one not presently exist and recorded.
- The road maintenance agreement for Reems Creek Village should be amended and recorded to include the lots created by the Hamlet portion of Reems Creek Village.
- The temporary t-turnaround shown on the proposed final plat for Greenwood park should be paved as per the Fire Marshal and shown as same on the final plat.
- Due to the road construction occurring outside the requisite supervision of the Town's Public Works Department, in order to ensure that the portion of Al Dorf Drive which extends into Greenwood Park phase 1 has been built to the Town's standards, the construction standards will need to be verified by a professional engineer who oversaw the construction and performed testing. In the alternative an engineer must test the soil and pavement compaction and depth by taking core borings to determine pavement, stone and soil compaction and depth at 100 foot intervals or 50 foot intervals should the test not reveal proper construction, with a report of same being presented to the Town.
- A verification from MSD will need to be submitted ensuring that individual sewer taps are available to each lot shown on each plat.
- The water line extending into Greenwood Park phase one has not been accepted by Town Council and is therefore not eligible to be utilized. Waterline easement documents should be

executed and recorded in conjunction with Town Council's acceptance of the line into the municipal water system. Town Attorney Jennifer Jackson will need to be involved in the preparation of these documents. Additionally, at the direction of the Public Works Director, two clear water samples (bacteriological testing) will be required prior to the activation of the line in order to ensure that bacteria regrowth has not occurred.

- A notation should be made on both plats that dedications to the Town are subject to the acceptance of Town Council.
- A reminder that on January 25, 2016, Town Council required lot 101 to be removed from Greenwood Park (which has been done on the plat you presented) and added to Reems Creek Village. The plat to accomplish this has been completed, see attached. It just needs to be re-labeled as a final plat and I am prepared to obtain Town signatures quickly so that you can get it recorded. Please let me know how I can help move this along.

In relation to the aforementioned emergency vehicle access requirement, Mr. Eller presented the Board with an alternative t-turnaround resulting from a conversation between Mr. Dork and the Fire Marshal. Said turnaround is shown to extend into lot 118 within phase two of Greenwood Park. Mr. Theroux noted that same should be shown on the final plat whereas presently it is not. Ms. Jackson also noted that the t-turnaround should be constructed prior to the approval of the final plat.

Mr. Eller noted to the Board that their options following their review and a presentation by the developer and surveyor would be to recommend approval of the final plats to Council, recommend approval with conditions to Council or to disapprove the final plat and to instruct the applicant concerning revision, resubmittal and reconsideration.

Rob Brady, the surveyor of the two aforementioned plats and Amit Dorf, a representative of the developer spoke to the Board regarding their application and plats.

Mr. Theroux noted that note 15 of the preliminary plat of the Hamlet notes that it was a part of Reems Creek Village. Mr. Brady suggested that he would add the language into the notes or the title block of the final plat.

Mr. Dorf expressed his desire to have the plats conditionally approved and suggested that each correction or addition could be accomplished before the next meeting of Town Council.

Ms. Jackson suggested that the applicant should work with her moving forward for the requisite utility plat for the water line easement and acceptance.

Mr. Dorf suggested that in relation to lot 101, he would prefer to record all three plats at the same time.

Mr. Dorf suggested that the paving of the road was an oversight on their part and that they were not aware that a private road had to be built to the Town's standards. Bids had been placed for the engineering work that the town is requesting in relation to the road.

Mr. Brady asked if the waterline easement plat could be approved at the same time as a final plat. Ms. Jackson responded that the waterline easement and acceptance should come first so language contained on the final plat is true and accurate.

Mr. Theroux asked for the Board to give their thoughts having heard from both staff and the applicant:

Ms. Cordell noted her history on the Board and with this particular project. She suggested that she would like the Board to disapprove the final plat in light of the aforementioned information. Specifically she wished to have the engineering report for the road submitted, a verification from MSD submitted, the revisions noted to the title blocks noted, the road maintenance agreements submitted and the new design of the t-turnaround shown on the final plat.

Mr. Burge agreed with Ms. Cordell's assessment and suggested that they wouldn't be doing their jobs if they recommended this application and plats to Town Council.

Mr. Stanz gave his consensus to what has been suggested by each preceding Board Member.

Mr. Chase noted that water and sewer availability prior to the approval of the final plat was a crucial part of the process.

Mr. Warren gave his consensus to what has been suggested by each preceding Board Member.

Mr. Theroux noted that, due to the history of the property and project and the aforementioned information still needed for consideration, he would suggest a motion to disapprove the applications and plats as submitted and for the applicant to consider the staff report and items discussed as instruction for revision, resubmittal and reconsideration.

Mr. Eller noted that a final plat is basically a certification that the subdivision has been built to the specifications of the jurisdiction and that in his opinion those conditions have not been achieved.

3. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for Greenwood Park Phase One.

Ms. Cordell made such a motion for the application and final plat of Greenwood Park Phase One. Mr. Burge seconded and all voted unanimously.

4. Consideration of a Motion Establishing a Recommendation to Town Council or Ruling on the Major Subdivision Final Plat for the Hamlet Phase One, a Portion of Reems Creek Village.

Ms. Cordell made such a motion for the application and final plat of The Hamlet Phase One, a portion of Reems Creek Village. Mr. Burge seconded and all voted unanimously.

5. Discussion Related to a Proposed Amendment of Code Related to the Requisite Certificate of Ownership and Dedication for the Final Plat of Major Subdivisions.

Mr. Theroux noted that this subject had been approached by the Planning Board in 2014 and a similar revision of ordinance was desired.

Mr. Eller noted that language found within the Certificate of Ownership and Dedication appeared to offer ownership of infrastructure to the Town which is not subject to the purview of the jurisdiction. Ms. Jackson proposed a slightly different version of the language presented. The following proposed revision of code resulted from the language presented and conversation related to same.

Sec. 25-83. - Plat requirements for major subdivisions.

(c) Signed certificates, substantially in the forms provided for in subsections (1), (2) and (3), below shall appear on all copies of the final plat:

(1) "Certificate of Ownership and Offer of Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision jurisdiction of the Town of Weaverville and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements shown on the plat to public or private use as noted on the plat subject to official acceptance by the Town of Weaverville. ~~Furthermore, I hereby dedicate all sanitary sewers, storm sewers, and water lines shown on the plat to the Town of Weaverville.~~

Owner: _____

Date: _____/_____/_____ "

6. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Proposed Revision of Code.

Mr. Burge motioned to recommend approval of the aforementioned proposed change of ordinance to Town Council. Ms. Cordell seconded and all voted unanimously.

7. Any Other Business to Come Before the Board.

Mr. Stanz inquired as to how the Town can be proactive in attracting desirable development and how a citizen can initiate same. Ms. Jackson noted that the Town does have an Economic Development Advisory Board chaired by Councilman Jackson. An individual could also contact Town Manager Coffey or appear before Town Council.

Mr. Stanz also relayed that he had been contacted by the owner of Eluvium Brewing Company who had learned that mobile food vendors were not permissible where his business is located within the C-1 zoning district. Mr. Eller noted that in over a year of conversations with the business owner, the subject of mobile food vendors on site in conjunction with the brewery was never brought up as a possibility. Ms. Jackson noted that with the recent adoption of the table of uses mobile food vendors were only permitted within the C-1 zoning district in conjunction with a special event permit. Mr. Stanz asked how the business owner could approach a change in the ordinance and Ms. Jackson described the process to achieve a text amendment.

Mr. Chase described a conversation he had with an individual who had purchased a home within Reems Creek Village with no sewer easements to reach the public sewer system and asked if this had occurred. Mr. Theroux confirmed and described a situation where private sewer lines had been installed without the knowledge or consent of MSD.

Mr. Stanz asked if the Town could prevent the clearcutting of land as the result of new development. Mr. Eller described that the Tree City USA designation related to the care of trees on public lands and not privately owned parcels of land.

At Mr. Stanz' request, Mr. Eller provided an update on the progress of the facility being constructed at 56 North Main Street.

At Mr. Warren's request, Mr. Eller provided an update on matters going before the Zoning Board of Adjustment on Monday November 13, 2017.

At Ms. Cordell's request, Mr. Eller provided an update on a code enforcement matter in the vicinity of Florida Avenue.

8. Adjournment.

Mr. Stanz motioned to adjourn. Mr. Burge seconded and all voted unanimously.

Doug Theroux, Chairman
Planning and Zoning Board

ATTEST:

James W. Eller
Planning Director / Deputy Town Clerk

I, ROBERT K. BRADY, JR. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND SHOWN HEREON. I AM A LICENSED SURVEYOR IN THE STATE OF NORTH CAROLINA. I HAVE PERSONALLY CONDUCTED THE SURVEY AND I HAVE BEEN ASSISTED BY THE FOLLOWING ASSISTANTS: [List of names]. I HAVE BEEN ASSISTED BY THE FOLLOWING ASSISTANTS: [List of names]. I HAVE BEEN ASSISTED BY THE FOLLOWING ASSISTANTS: [List of names].

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS A UNINCORPORATED AND UNINCORPORATED PARCELS OF LAND. THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS A UNINCORPORATED AND UNINCORPORATED PARCELS OF LAND. THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS A UNINCORPORATED AND UNINCORPORATED PARCELS OF LAND.

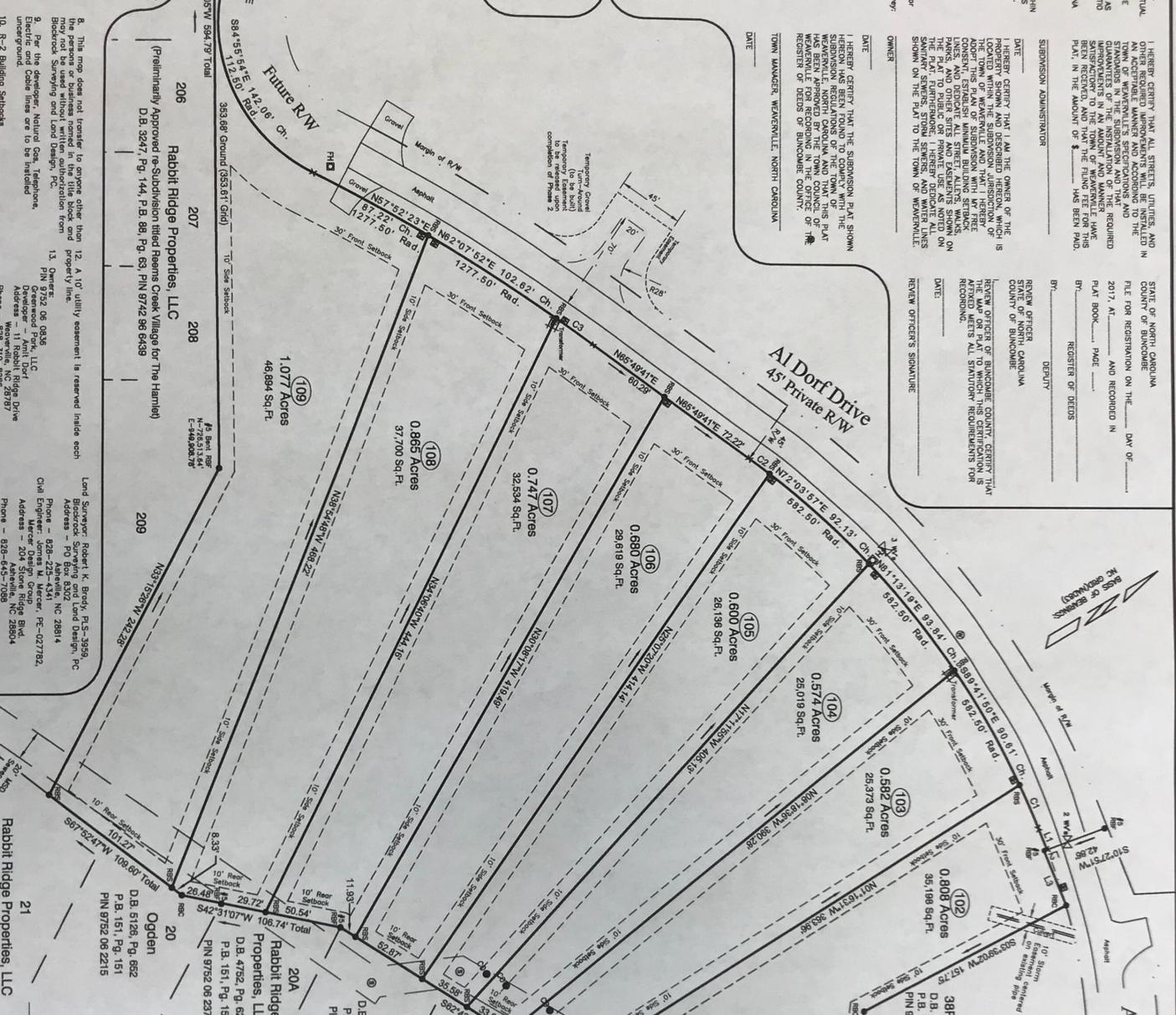
DATE: _____
 TOWN MANAGER, WAKEFIELL, NORTH CAROLINA
 DATE: _____

SEAL
 L-3988
 NORTH CAROLINA
 ROBERT K. BRADY, JR.
 LICENSED SURVEYOR

LINE	BEARING	LENGTH
L1	S82°01'39"E	15.82
L2	S10°27'51"W	2.16
L3	S82°11'46"E	40.57
L4	N51°23'38"E	13.40

CURVE	BEARING	CHORD RADIUS
C1	S83°37'57"E	32.62
C2	N65°40'45"E	17.30
C3	N65°07'50"E	31.11

GENERAL NOTES:
 1. Property subject to all easements, rights-of-way and restrictions of record.
 2. Lines not surveyed are shown on broken lines from information returned on the face of this plat.
 3. The area shown hereon was computed using the following data:
 4. Subject property is not located within a flood hazard zone as shown on the Flood Hazard Insurance Study, dated January 6, 2010.
 5. Location of utilities, whether public or private, is based upon field location of visible opportunities.
 6. All distances on horizontal ground measured in US Feet.
 7. This plat has been prepared without the benefit of a title report which may reveal additional encumbrances, liens, mortgages, judgments, or other matters which may affect the interests of the parties to this plat.
 8. The area shown hereon was computed using the following data:
 9. The area shown hereon was computed using the following data:
 10. The area shown hereon was computed using the following data:
 11. General Phase 1 Information
 Number of Lots = 8



MAJOR SUBDIVISION APPLICATION

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7013— fax (828) 645-4776 — tgupton@weavervillenc.org

Fee: \$300.00 + \$25.00 per lot

APPLICATION DATE: 10-24-17

OWNER NAME: Rabbit Ridge Properties LLC

SUBDIVISION NAME: The Hamlet Phase 1

PROPERTY ADDRESS: Governor Thomson Terrace

PIN: 9742-96-6439

DEED BOOK/PAGE: Portion of DB 3247 P 144

ORIGINAL TRACT SIZE (acres): 5.863

PROPOSED NUMBER OF LOTS: Phase 1
3 Lots 201,212,213

SUBDIVISION TYPE: RESIDENTIAL COMMERCIAL INDUSTRIAL

OWNER/AGENT NAME: Amit Dorf
ADDRESS: 11 Rabbit Ridge Dr Weaverville NC 28787

PHONE NUMBER: 828-712-5566

REGISTERED SURVEYOR: Robert Brady, PLS
ADDRESS: PO Box 8302 Asheville NC 28814

PHONE NUMBER: 828-225-4341

REGISTERED ENGINEER: Marvin Mercer, P.E.
ADDRESS: PO Box 1516 Weaverville NC 28787

PHONE NUMBER: 828-645-7088

Which utilities will serve the proposed development?:

PUBLIC SANITARY SEWER COMMUNITY SEWER SEPTIC TANKS ON EACH LOT
 PUBLIC WATER COMMUNITY WATER WELLS ON EACH LOT

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Subdivision Ordinance and Zoning Ordinance and to be fully aware of the regulations detailed therein.

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner. I understand that a copy of the recorded plat must be submitted to the Zoning Department prior to the issuance of any permits associated with this subdivision.



10-24-17

SIGNATURE OF APPLICANT

DATE

OFFICE USE ONLY

FEE:

DATE PAID:

CHECK

CASH

PRELIMINARY PLAT APPROVAL DATE:

FINAL PLAT APPROVAL

DATE:

APPROVED WITH CONDITIONS:

ARTICLE XIV. - ACCESSORY AND TEMPORARY USES AND STRUCTURES

Sec. 7-14-1. - Accessory uses and structures.

- (a) *General standards and limitations.* All accessory uses and accessory structures shall conform to the applicable requirements of this chapter. The provisions of this section establish additional requirements and restrictions for these uses and structures. Except as otherwise provided in this chapter, any accessory uses or accessory structures shall be treated as a permitted use in the zoning district in which it is located in connection with any lawfully established principal use or structure. Any accessory use or structure may be approved in conjunction with approval of the principal use or structure.
- (1) *Setback and yard requirements.* Except as otherwise provided in this chapter, an accessory uses and structures shall not be located within a required front setback area. Accessory uses and structures may encroach into a required side or rear setback area, but may not be located closer than six feet to the side or rear property line.
 - (2) *Detached canopies.* Notwithstanding subsection 7-14-1(a)(1) above, a detached canopy, located in a nonresidential district, which is subordinate to the principal structure, and situated on the same lot, and is used for purposes that are integral to the use of the principal structure shall be subject to the same minimum setback requirements as buildings in the same zoning district.
 - (3) *Temporary accessory uses and structures.* Temporary accessory uses and structures shall be governed by the standards for temporary uses set forth in section 7-14-2.
- (b) *Permitted accessory uses and structures.*
- (1) *Swimming pools.*
 - a. *Fence required.* All permanent outdoor swimming pools having a depth of 18 inches or greater at the deepest point, except for commercial pools and pools operated by hotels or motels under constant surveillance, shall be completely surrounded by a fence, barrier or a wall with a height of no less than four feet. The fence or wall may be made of any suitable and durable materials. Other design requirements may apply: See section 7-9-2 if the property is located in a Historic Preservation Overlay District or section 7-9-3 if the property is located in the Downtown Design Review Overlay Area, or section 7-8-17 if in the River District Design Area. A principal or accessory building may be used as part of such enclosure.
 - b. *Operation as business.* No private residential swimming pool which is located in a residential district shall be operated as, or in conjunction with, a business, day care operation, bed and breakfast homestay or inn, or home occupation, except for those which are approved adult and child day care homes.
 - (2) *Devices for the generation of energy or conservation.*
 - a. *Solar energy systems.* Private, noncommercial solar energy systems shall comply with the minimum setback requirements. The City of Asheville Board of Adjustment may grant a variance to the required setbacks and allow such structures to be located in the front yard in order to allow for optimal placement provided that no portion of the structure or architectural features project over the property lines, that the structure will not adversely impact adjacent properties and will be compatible with the character of the neighborhood, and that it can be demonstrated that no other design can produce the same outcome.
 - b. *Wind energy systems.* Private, noncommercial wind energy conversion systems shall be setback from all property lines a minimum distance equal to the height of the system and shall not exceed 80 feet. Noise generated by the system shall not exceed 60 decibels (dBA), as measured at the property line, except during short term events such as utility outages and severe wind storms.

- c. *Water conservation/holding tanks.* Private, noncommercial water conservation/holding tanks, 12 feet or less in height, shall comply with the minimum setback requirements. Cisterns must cover their openings to prevent contamination and entrapment.
 - 1. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
 - 2. Parking outside of a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building and the street on any lot used for single-family, duplex, or family care home purposes.
 - 3. *Accessory structures and accessory apartments.* Permitted in all residential districts as a use by right, subject to special requirements as set forth in section 7-16-1.
 - 4. *Uses not regarded as accessory.* The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.
- (3) *Accessory dwelling units.* Accessory dwelling units are allowed as permitted in the table of permitted uses located in this chapter. The purpose of the accessory dwelling unit provision is to allow the efficient use of existing housing stock, parcels of land and community infrastructure, and to increase the number and variety of residential units while respecting the scale and character of existing neighborhoods.
 - a. *General provisions.* The following standards apply to accessory dwelling units located in all residential districts except urban residential.
 - 1. An accessory dwelling unit shall be located only on a residential lot containing one single-family detached structure. The residential lot may contain other accessory structures as provided in this ordinance.
 - 2. Only one accessory dwelling unit shall be permitted per single-family detached dwelling.
 - 3. Accessory dwelling units shall not be considered as additional dwelling units for the purpose of determining minimum lot size or maximum density.
 - b. *Standards.* Accessory dwelling units may occupy conforming existing accessory structures or lawfully created non-conforming primary residential structures. The maximum size of the accessory dwelling unit shall be determined based on the following:
 - 1. A detached accessory dwelling unit:
 - Area—May not exceed the lesser of:
 - 70% percent of the gross floor area of the primary dwelling unit, or
 - 800 square feet.
 - Height—The height of a detached accessory dwelling unit may not exceed 25 feet.
 - 2. An attached accessory dwelling unit (located within the same structure as the primary dwelling unit with shared foundation, exterior walls and roof):
 - Area—May not exceed the lesser of:
 - 70% percent of the gross floor area of the primary dwelling unit, or
 - 1,000 square feet.
 - Height—The height of an attached accessory dwelling unit will be governed by the height requirements for the residential structure.

- c. *Parking.* Parking for the primary dwelling unit must be maintained or replaced on site. Parking for the accessory dwelling unit shall be provided at a rate of one parking space per accessory dwelling unit if off-street parking is required for the primary residential unit. This parking space(s) shall be located to the side or rear of the primary residential unit, outside of the front setback area.

(4) *Accessory structures.*

- a. General provisions. The following standards apply to accessory structures located in all residential districts including Urban Residential.
- b. The footprint of accessory structures located on a lot shall not exceed the following maximum footprint(s):

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

The footprint of the portion of accessory structures used as accessory dwelling units shall not be included in this calculation of footprint for accessory structures.

The footprint of any accessory structures used for agricultural purposes shall not be included in this calculation of footprint for accessory structures. Such structures must meet the requirements established for agricultural uses established in section 7-16-1 of this chapter.

- c. Accessory structures shall not exceed 25 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet.
- d. Accessory structures, except for detached garages shall be located only in side or rear yards for non-corner lots and not in front of the principal structure. On lots of more than three acres, accessory structures may be located in the front of the principal structure, but not in the required front yard. Accessory structures, including detached garages, located in side yards of corner lots whose rear or side yards are adjacent to a front yard of the adjacent lot shall maintain a setback equivalent to the front yard setback of the adjacent lot. Detached garages may be located in front of the principal structure if it is determined by the planning and development director that practical difficulties exist for garage location in side or rear yards due to topography, lot width or other physical factors. Upon this determination, detached garages may be located in front of the principal structure provided that: 1) the garage is not located in the front setback, and 2) the garage is located and/or designed so that it is clearly subordinate to the principal structure in terms of scale.
- e. Reserved.
- f. Accessory structures providing common facilities for residential developments (clubhouse, pool house, etc.) shall not be subject to the gross floor area limits set forth in subsection 7-14-1(b)(4)b. above, or the location requirements set forth in subsection 7-16-1(b)(4)d. above.

- g. Accessory structures may be located or expanded on lawfully existing nonconforming lots or lots (conforming or nonconforming) containing nonconforming structures, provided that all other requirements of this chapter and other applicable local, state, and federal regulations are met.

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 3480, § 1(a), 6-12-07; Ord. No. 3700, § 11, 2-10-09; Ord. No. 4431, § 1e, 6-23-15)

Sec. 7-14-2. - Temporary uses and structures.

- (a) *Purpose.* The following provisions are provided in recognition of the need for special allowances to be granted for temporary uses so that they may be permitted within the City of Asheville. These provisions, authorizing and regulating uses which are truly temporary in nature, are intended to permit such uses (and structures in which they are housed) when consistent with city regulations and policies and when safe and compatible with the area in which they are located.
- (b) *General provisions.* Compliance with the following general provisions is required for all temporary uses unless otherwise specified.
 - (1) *Parking and access.* Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Parking must be adequate to accommodate the proposed temporary use in addition to required parking for any permanent use or uses located on the site. The temporary use shall not create hazardous vehicular or pedestrian traffic conditions as determined by the city's traffic engineer and fire marshal. Temporary traffic control devices including signage to minimize traffic congestion may be required by the city. The design and installation of any such devices must be approved by the city's traffic engineer.
 - (2) *Temporary nature.* Substantial permanent changes to the development site to specifically accommodate the temporary activity are prohibited.
 - (3) *Signs.* Signs for temporary uses are regulated in article 13 of this chapter.
 - (4) *Lighting.* Lighting must be compliant with the City of Asheville's lighting standards.
 - (5) *Adequate facilities.* Adequate sanitary facilities, utilities, drainage, refuse management and similar necessary facilities and services must be available to serve employees, patrons or participants.
 - (6) *Setbacks.* Temporary uses are allowed to encroach within required building setbacks, but cannot be located within required buffers, street tree planting strips, or other landscaped areas required under this chapter. Temporary structures must comply with the minimum setback requirements of the zoning district in which they are located.
 - (7) *Presence of another use.* A temporary use may be located on a property housing another permanent use or may be located on a vacant lot. The location of the temporary use shall not violate any requirements placed on any permanent use.
 - (8) *Other permits, licenses, inspections.* These regulations do not exempt the operator from any other required permits or inspections such as, but not limited to, those that might be required by the building safety department, the fire marshal, the finance department (privilege licenses), the State of North Carolina, or the Buncombe County Health Department.
 - (9) *Discontinuation of use.* All materials, structures, and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion or removal of the use.

- (c) *Temporary uses/structures exempt from permit requirements.* The following uses/structures are allowed in all zoning districts, unless otherwise stipulated in this article, and shall not require a zoning permit. Such uses shall conform to the requirements set forth in (b) above, the requirements set forth below, as well as to all other applicable requirements of the City of Asheville.
- (1) City (co)sponsored events or authorized events on city-owned property must be reviewed and approved through a separate process.
 - (2) Collection and recycling centers for non-profit organizations are allowed in nonresidential districts. Containers and structures shall be located on private property and not on public rights-of-way. Structures shall not interfere with traffic circulation or visibility at intersections. Structures may not eliminate required parking spaces for other uses on the same parcel.
 - (3) *Construction containers.* Construction containers require a building permit and may be utilized for the duration of the building permit.
 - (4) Fundraising (non-commercial) events are only allowed in nonresidential districts and on property occupied by an institutional use in residential districts. If a fundraising event is specifically listed in subsection (d), below, then the provisions in subsection (d) shall apply. Except as specifically permitted as follows, a fundraising event shall be permitted for no more than three days. Seasonal sales, such as the sale of pumpkins or Christmas trees as fundraisers, may be permitted for up to 30 days.
 - (5) *Outdoor sidewalk and retail sales, small scale.* Outdoor sidewalk and retail sales, where no structure is erected in conjunction with the sale, are permitted in all nonresidential districts. Such sales must be operated by a business located on the same or adjoining property or by a non-profit organization. If the sale will take place on city rights-of-way, additional permits must be obtained.
 - (6) Private, non-commercial events on private property and evangelistic, religious events and services.
 - (7) *Push cart vendors.* Push cart vendors are regulated under section 16-144 of the Code of Ordinances of the City of Asheville.
 - (8) *Short term commercial, promotional events.* Short-term commercial, promotional events are permitted in all nonresidential districts. Such events are limited to eight hours in duration, up to four times per calendar year.
 - (9) *Storage containers, portable on demand.* Portable, on demand storage containers are allowed in all districts. Containers located in residential districts, may be permitted for a period of 14 consecutive days, up to two times per calendar year. In nonresidential districts, such containers may be located for a period of 60 consecutive days, up to two times per calendar year. The time, in all instances, shall run from the time of delivery of the container to the time of removal.

Containers in any district, may be utilized for the duration of any building permit on the same parcel. Such containers shall not be permitted on any lot that does not contain a principal building.
 - (10) *Yard/garage sales.* Yard/garage sales are permitted in all districts but must be located on a parcel containing a dwelling unit or dwelling units. Sales are permitted on any one parcel three times a calendar year. The maximum duration for each occurrence is three days.
- (d) *Short term temporary uses/structures.* A short term temporary use/structure is a use (and structure containing a use) which is located on a property no more than 180 days within any calendar year. Such uses are subject to the standards found in this section and in subsection 7-14-2(b) above and, unless otherwise specified, are only permitted in nonresidential districts.
- (1) *Permit required.* All short-term temporary uses/structures must obtain a temporary use permit as set forth in section 7-5-3 of this chapter. The permit must be displayed at all times on the premises where the temporary use/structure is in operation.

- (2) *Duration.* Except as specifically provided for elsewhere in this section, a short-term temporary use or structure shall be permitted for a period not to exceed 180 days in any calendar year. The days of operation must be listed on the permit and may be consecutive or intermittent throughout the calendar year. A day of operation shall mean any or part of any day on which the use is conducted.
- (3) *Additional standards.* In addition to the general requirements for temporary uses/structures set forth in subsection 7-14-2(b) above, all such uses/structures shall comply with the following:
- a. *Permitted uses.* Except as provided below in this section, the temporary use must be permitted (either by right or with special requirements) in the zoning district in which it is being located.
 - b. *Limitation on permits.* Only one temporary use permit shall be active on any lot or parcel at any time. However, more than one permit may be issued on any lot or parcel during a calendar year so long as the allowed period of duration is not exceeded.
 - c. *Dwelling units.* Dwellings are not allowed as temporary uses except as permitted by the building safety department in conjunction with a home that has been damaged by fire, wind, etc. that is under repair.
 - d. *Circuses, carnivals, fairs, etc.* Commercial circuses, carnivals, fairs, haunted houses and similar events may be held at a site up to three times per year with a maximum duration of 14 days per event. Such events may occur only in non-residential districts.
 - e. *Temporary mobile food sales.* Temporary mobile food vendors, pushcarts or stands may be allowed in all non-residential districts except for: the downtown area Central Business District corresponding to the Downtown Design Review Overlay District and the Biltmore Village Historic District; provided that uses/structures for mobile food sales are compliant with the following standards.
 1. *Hours of operation.* Temporary food vendors and stands shall be allowed from 6:00 a.m. to 3:00 a.m. with specific hours of operation indicated on the temporary use permit. Locations within 200 feet of a residential use will have reduced hours of 6:00 a.m. until midnight.
 2. *Proximity to public right-of-way.* All sales shall be conducted at least ten feet from all public rights-of-way.
 3. *Health department approval.* Any food service operation that sells, prepares or serves food must obtain an approved mobile food service permit from the Buncombe County Health Department and is subject to inspection.
 4. *Display of permit.* A copy of the valid, approved permit from the Buncombe County Health Department and the City of Asheville shall be visually displayed on the mobile kitchen in clear view of all patrons.
 5. *Duration on site.* All mobile food sale vehicles must leave the site every night or be parked so that the vehicle is not visible from public rights-of-way.
 - f. *Events of public interest.* An event of public interest is a temporary use involving the expected congregation of 100 or more persons at any one time. An event of public interest includes, but is not limited to: dances, fund raisers, picnics, haunted houses, outdoor concerts, tent meetings, races for motorized vehicles, and supervised public displays of fireworks. An event of public interest shall be subject to the following standards.
 1. *Public safety plan.* A public safety plan which identifies the means by which public safety will be ensured during the conduct of the temporary use must be approved by the City of Asheville.
 2. *Dates and hours of operation.* All activities and uses shall be limited to the dates and hours of operation specified in the permit and shall be limited to a maximum duration of three days (per site).

3. *Traffic control.* Traffic control shall be arranged by the operators of the event in accordance with the City of Asheville and/or Buncombe County Sheriff's Office.
 4. *Parking.* Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way.
 5. *Noise.* Noise levels associated with events of public interest, except for supervised displays of fireworks, shall adhere to the City of Asheville Noise Ordinance.
 6. *Maintenance of site.* It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike. In the event that authorized personnel from the City of Asheville and/or Buncombe County Sheriff's Office determine that the activity is a threat to the public health, safety and welfare, the City of Asheville and/or Buncombe County Sheriff's Office shall have the right to close the event.
 7. *Discontinuation of use.* All materials, structures, and products related to the event of public interest must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation. Each site occupied by an event of public interest shall be left free of debris, litter, or other evidence of the temporary use upon completion or removal of the use.
 8. *Signage.* Events with an anticipated attendance of over 100 people at any one time may utilize up to 64 square feet of temporary signage. All signage must be properly secured and located on private property and not within a public right-of-way. Events with an anticipated attendance of over 1,000 people per day are not limited in their signage but must submit a signage plan along with a separate sign permit for review and approval at the discretion of the planning director, with input from appointed officials. This plan must include detailed descriptions of the signs including purpose, type, message, location, size, height, and fasteners. Only those signs that would not otherwise be prohibited may be considered and all other applicable standards shall apply.
- g. *Storage containers, portable on demand.* Portable on demand storage containers located in non-residential districts and visible from public areas must first obtain a permit. All permits must be posted on the exterior of the container and visible to inspectors. All such containers when located in front of the principal structure must be located at a minimum of 15 feet back from the street edge and not include signage.
 - h. *Fruit and vegetable markets.* Fruit and vegetable markets may be permitted in non-residential districts and in residential districts when located on conforming institutional properties. Markets shall not overlap regular business hours for the primary use and shall operate between the hours of 8:00 a.m. to 8:00 p.m.
- (e) *Interim temporary uses/structures.* An interim temporary use/structure is a use (and structure containing a use) which is located on a property often for periods exceeding 180 days due to the nature of the use. Such uses are subject to the standards found in this section and in subsection 7-14-2(b) above and, are only permitted in nonresidential districts.
- (1) *Factory fabricated buildings for places of worship and schools.* Schools and places of worship may place factory fabricated transportable buildings on-site subject to the following conditions.
 - a. *Duration.* The time period shall not exceed five years. Time periods may not be extended by the board of adjustment.
 - b. *Property line buffers.* Property line buffers, if required, shall be installed according to the requirements set forth in section 7-11-3 of this chapter.

- (2) *Interim parking and construction staging.* Requirements for interim parking and construction staging uses are found in subsection 7-16-1(c)(39.1).
- (3) *Real estate sales and/or model home offices.* Real estate sales and/or model home offices shall be allowed within a new residential development, subject to the following conditions.
 - a. *Location.* The model home/temporary real estate sales office must be located on a lot that was approved by the planning and development director as part of the subdivision or development.
 - b. *Number.* There can be only one temporary real estate sales office in any development.
 - c. *Duration.* A real estate sales office may be approved for a period of up to three years. This period may be renewed for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the planning and development director. The request shall be submitted to the planning and development director at least 30 days prior to the expiration of the permit.
- (4) *Temporary offices.* Temporary offices for construction and security personnel are permitted during the construction of a development for which the city has issued a permit. Temporary offices are also permitted for a nonresidential use when the permanent building for such use has been destroyed by a fire or natural catastrophe.

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 2535, § 5, 1-12-99; Ord. No. 2684, § 1, 4-11-00; Ord. No. 3480, § 1(b), 6-12-07; Ord. No. 3700, § 1m, 2-10-09; Ord. No. 3757, § 1g, 7-14-09; Ord. No. 3792, § 1c, 9-22-09; Ord. No. 4007, § 1c, 9-13-11; Ord. No. 4043, §§ a—e, 1-10-12; Ord. No. 4152, § 1b, 1-8-13)

Sec. 7-2-5. - Definitions.

Accessory structure means a structure that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in areas, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located. For the purpose of the flood protection regulations only, accessory structure is the same as appurtenant structure.

Storage container means any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside of an enclosed building other than an accessory building or shed which complies with all applicable building and land use requirements.

TOWN OF WEAVERVILLE PLANNING AND ZONING BOARD 2018 SCHEDULE OF MEETINGS		
Date	Time	Location
Tuesday, January 2	6:00	Council Chambers
Tuesday, February 6	6:00	Council Chambers
Tuesday, March 6	6:00	Council Chambers
Tuesday, April 3	6:00	Council Chambers
Tuesday, May 1	6:00	Council Chambers
Tuesday, June 5	6:00	Council Chambers
Tuesday, July 3	6:00	Council Chambers
Tuesday, August 7	6:00	Council Chambers
Tuesday, September 4	6:00	Council Chambers
Tuesday, October 2	6:00	Council Chambers
*Thursday, November 8	6:00	Fire Department
*Thursday, December 6	6:00	Fire Department