



**Town of Weaverville  
Planning and Zoning Board  
Council Chambers  
Thursday, February 2, 2017, 4:00pm**

**Agenda**

1. Call to Order – Chairman Doug Theroux.
2. Discussion Related to the Proposed Table of Uses and Related Proposed Revisions of Ordinance.
3. Adjournment.



**Agenda Item 2**  
**Proposed Table of Uses**

- Attached you will find the proposed Table of Uses and definitions related to same
- Changes made from the last meeting are noted in red font

# DRAFT

**TABLE OF USES PROPOSED, Last Revised 1.30.17**

C=Conditional Zoning, P=Permitted, PS=Permitted with Standards, "-"= Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
<b>Residential</b>							
Dwelling - Single Family	P	P	P	-	-	-	-
Dwelling - Duplex	-	P	P	P	-	-	-
Dwelling - Multifamily (four or less units/building)	-	PS	P	P	-	-	-
Dwelling - Multifamily (more than four units/building)	-	-	C	C	-	-	-
Dwelling - Secondary	PS	PS	PS	-	-	-	-
Family Care Home (less than six residents)	P	P	P	-	-	-	-
<b>Child Care Home (less than six)</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Home Occupation	PS	PS	PS	PS	-	-	-
Manufactured Home	-	-	PS	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-	-	-
Boarding House	P	P	P	-	-	C	C
Hotel, Motel, Inn	-	-	-	-	C	C	C
<b>Office / Service</b>							
Animal Services, Veterinary Clinic	-	-	-	-	P	P	P
Automated Teller Machines	-	-	-	P	P	P	P
<b>Automobile Services, Gas Station</b>	-	-	-	-	P	P	P
<b>Automobile Services, Repair</b>	-	-	-	-	PS	PS	PS
Banks, Credit Unions, Financial Services	-	-	-	-	PS	P	P
Child Care Center ( six or more)	-	-	-	-	<b>C</b>	PS	PS
Community Service Organization	-	-	-	-	-	P	P
Equipment Rental ( <b>Exterior Storage</b> )	-	-	-	-	-	-	<b>P</b>
<b>Equipment Rental (Interior Storage)</b>	-	-	-	-	-	-	<b>P</b>
Funeral Home	-	-	-	-	<b>PS</b>	P	P
Group Care Facility (6 or more residents)	-	-	-	-	<b>C</b>	P	P
Government Services	-	-	-	-	P	P	P
Kennels	-	-	-	-	-	PS	PS
Medical Services - Clinic, Urgent Care Center	-	-	-	-	-	P	P
Medical Services - Doctor Office	-	-	-	-	P	P	P







## Agenda Item 6 Proposed Table of Uses

### Definitions:

*Accessory retail* - The on-premises, retail sale of products directly to customers, where the retail use is incidental to a primary use conducted upon the same premises. Examples include but are not limited to the following: a furniture manufacturer who operates a show floor for the display and sales of furniture produced by the manufacturer; a bicycle manufacturer who operates a floor for the display and sales of bicycles produced by the manufacturer; a brewery or distillery who operates a tasting room for the sampling and sales of beer or spirituous liquors produced within the brewer or distillery.

*Adult establishment* - Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as defined in N.C. General Statute, § 14.210.10 (or any successor thereto).

*Agriculture* - These establishments grow crops, raise animals, harvest timber, and harvest fish and other animals from a farm, ranch, or their natural habitats. They may be described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries. A farm, as an establishment, may be one or more tracts of land, which may be owned, leased, or rented by the farm operator. Farms may hire employees for a variety of tasks in the production process. Subcategories in this dimension differentiate establishments involved in production versus those that support agricultural production. For agricultural research establishments administering programs for regulating and conserving land, mineral, wildlife, and forest use, apply the relevant institutional or research and development categories.

*Alcoholic beverage sales store* - The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

*Amusements, indoor* - Establishments that provide commercial recreation activities completely within an enclosed structure such as pool halls, arcades, skating rinks, roller rinks, and bowling alleys.

*Amusements, outdoor* - Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments, go-cart facilities, theme parks, carnivals, fairgrounds and midways, paintball parks, and water rides.

*Animal services, **Veterinary Clinic*** - Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals. **These services may include but are not limited to the testing and medical treatment of animals and the overnight interior boarding of animals that is necessary for, or accessory to, such testing and treatment; grooming.** This term does not include **outdoor** "kennels."

*Automated teller machines* - Computerized, self-service machines used by banking customers for financial institutions without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

*Auto/mechanical parts sales* - Establishments selling new, used, or rebuilt automotive or mechanical parts and accessories. Examples include parts and supply stores, automotive stereo stores, speed shops, truck cap stores, tires and tube shops, and similar shops for other types of motorized or mechanical equipment.

***Automobile services - gas station*** - **An establishment that primarily retails automotive fuels. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included but any establishment offering repair services as defined by automobile services – repair are not allowed under this category of use.**

***Automobile services - repair*** – **An establishment that provides repair and maintenance of automobiles. ~~Any area of land, including structures thereon, which is used for the retail or wholesale sale of gasoline or any other motor vehicle fuel or oil and other lubrication substances, including any sale of motor vehicle accessories.~~** These may or may not include facilities for lubricating, washing, or otherwise servicing **motor vehicles** automobiles, but may not include the painting thereof by any means. This classification shall not include convenience stores which do not dispense motor fuels. **Gas stations as defined by automobile services – gas station may be permitted in conjunction with this use.**

*Banks, credit unions, financial services institutions* - Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and

lend funds from these deposits. In addition to banks and credit unions, financial services institutions **may include, but are not limited to,** credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and **investment banking, securities, brokerages and insurance-related services. Pawnshops shall not be considered under this definition.**

*Bar/tavern/nightclub* - A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. This term includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. It may also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

*Boarding house* - Any dwelling in which three or more persons, either individually or as families, are housed or lodged for hire, with or without meals. A boarding house shall be managed or operated by a person or family who resides on the premises. A "rooming house" and a "bed and breakfast" establishment shall be deemed a boarding house. If such an establishment is not managed by a person who resides on the premises, it shall be considered as a hotel or motel, hereinafter defined.

*Cemetery* - A parcel of land used for interment of the dead in the ground or in mausoleums.

*Crematory:* A structure where the technical process of using intense heat and flame to reduce human remains and bone fragments.

*Child care center* - An individual, agency, or organization providing supervision or care on a regular basis for children who are not legal wards or foster children of the supervising adults. Child day care centers are designed to accommodate six or more children at a time and are not an accessory to residential use. **A child care center operating in conjunction with a religious institution shall be considered an accessory use of such a religious institution.**

*Child Care Home* - Care or supervision provided on a regular basis, as an accessory use within a primary dwelling, by a resident of the dwelling for less than six children who are not legal wards or foster children of the supervising adult.

*Community service organization* - A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special assistance. This term includes **but is not limited to** counseling centers, welfare offices,

job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment but does not include any services providing on-site residential or accommodation services.

*Cultural or community facility* - Facilities designed to promote cultural advancement and serve the community. Examples include the following: live theater; dance or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums; exhibition or similar facilities; libraries; and community centers, such as the YMCA and YWCA.

*Drive-thru retail/restaurants* - A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include fast-food restaurants, drive-through coffee, dairy products, photo stores, pharmacies, etc.

*Dwelling—Duplex*: A building containing two residential dwelling units designed to have two families living independently of each other, each unit having a separate entrance from the outside or through a common vestibules.

*Dwelling—Multifamily (less than four units/building)*: A building containing more than one but less than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include duplexes and triplexes (buildings under one ownership with two or three dwelling units in the same structure), as well as town houses (a type of structure that has at least three or more separate dwelling units divided vertically, each unit having separate entrances to a front and rear yard).

*Dwelling—Multifamily (four or more units/building)*: A building containing more than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. These structure may include fourplexes (buildings under one ownership with four dwelling units in the same structure), apartments (five or more units under one ownership in a single building), and townhouses (a type of structure that has at least three or more separate dwelling units divided vertically, each unit having separate entrances to a front and rear yard).

*Dwelling – Secondary*: A dwelling unit not exceeding 800 square feet of gross floor space and located on a lot with an existing single family dwelling. No more than one such dwelling shall be situated on any lot.

*Dwelling—Single-family*: A free standing building designed to accommodate one dwelling unit.

*Dwelling Unit:* A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Equipment rental,* - Establishments renting or leasing equipment ~~such as the following:~~ **including but not limited to** a) office machinery and equipment, such as computers, office furniture, copiers, or fax machines; b) heavy equipment (without operators) used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, etc.; c) other non-consumer machinery and equipment, such as manufacturing equipment and metalworking; d) telecommunications, motion picture, or theatrical equipment; e) institutional (i.e. public building) furniture; and f) agricultural equipment without operators. **Such establishments displaying equipment to be rented entirely within a structure, at all times, shall be considered equipment rental, interior storage. Such establishments displaying equipment to be rented on the exterior of the structure shall be considered equipment rental, exterior storage.**

*Farmers Market* - A food market at which local farmers sell fruit and vegetables and often meat, cheese, and bakery products directly to consumers.

*Family care home* - A home with support and supervisory personnel providing room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons.

*Funeral home* - A building used for the activity of preparation of deceased human beings for burial and such activity is the primary use of the premises. Secondary uses may include the display of the deceased, consummation of rituals connected therewith before ~~burial~~ **burial or after burial or other disposition of the body**, the storage of funeral vehicles and funeral supplies necessary for the preparation of the dead for burial, and for the sale of caskets, urns, and other funeral supplies. **Funeral homes which also operate a crematory are subject to additional regulations as defined herein under crematory.**

*General retail* - A use category allowing premises to be available for the commercial sale of merchandise and prepared foods. Such use category does not include manufacturing.

*Group care facilities* - A facility that provides resident services to more than six individuals, at least one of whom is unrelated to the others. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are being provided services in the group care facility to meet their needs. This category includes, **but is not limited to**, uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all

ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes.

*Government services* - This term includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and judicial authority.

*Home Occupation* - Any use conducted entirely within a dwelling and which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the residential character of the dwelling. No more than one employee, other than family members residing on the premises, shall be employed in connection with the home occupation. No mechanical or electrical equipment shall be installed or used except such equipment as is normally used for domestic or professional purposes and not over 25 percent of the total floor space of any residential structure shall be used for such home occupation. Commercial sale of merchandise shall not be permitted in conjunction with a home occupation. Home occupations include child care homes as defined herein.

*Hotel, motel, inn* - Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included.

*Kennel* – A structure intended to be used for the breeding or accommodation, ~~of small domestic animals for~~ sale, training, or overnight boarding ~~of small domestic animals by someone~~ other than the owner of the property where the structure is located. This term does not include veterinary clinics or other animal services in which the overnight interior boarding of animals is necessary for, or accessory to, the testing and ~~medical~~ treatment of the physical disorders of animals.

*Manufactured home* - A structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

*Manufactured home park* - Any premises where manufactured or mobile homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to

the public parking space for travel trailers for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use as part of such park.

*Manufacturing, heavy* - A nonresidential use that involves or requires the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Typically the largest facilities in a community which have complex operations, some of which may be continuous (24 hours a day/seven days per week).

*Manufacturing, light* - A non-residential use that involves or requires the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical.

*Manufacturing, neighborhood* - The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of a building which is visually undifferentiated from an office building. This term includes medical and testing laboratories but does not include more intensive uses that require frequent deliveries by trucks with more than one axle.

*Medical services - clinic, urgent care center, hospital* - Facilities that provide ambulatory or outpatient health care, including but not limited to, emergency medical clinics, outpatient family planning services, and blood and organ banks. **Any type of hospital; facility operated in connection with a hospital such as a clinic, including mental health clinics; nursing, convalescent, or rehabilitative facility; public health center; or any facility of a local health department. The term "hospital facility" also includes related facilities such as laboratories, outpatient departments, housing and training facilities for nurses and other health care professionals, central service facilities operated in connection with hospitals, and all equipment necessary for its operation.**

*Medical services - professional office* - An office of a member of a recognized profession maintained for the conduct of that profession and licensed by the State of North Carolina, including, but not limited to, the offices of chiropractors, doctors, dentists **and psychologists or other counselors.**

*Metal products fabrication, machine or welding shop* - An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include, without limitation, the following: blacksmith and welding shops; plating, stripping, and coating shops; sheet metal shops; machine shops; and boiler shops.

*Mini-warehouses* - A building containing separate enclosed storage spaces the sizes of which may vary, which are leased or rented on an individual basis.

*Mobile Food Vendor* – Any mobile food unit, pushcart or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption food and beverages.

*Outdoor storage yard* - The open storage of various materials outside of a structure as a principal use.

*Pawnshop* – A business in which a pawnbroker, or one who engages in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders, whether licensed pursuant to Article 45 of Chapter 66 of the NC General Statutes or not, regularly conducts business which includes, but is not limited to: making loans on pledges of tangible personal property; dealing in bullion stocks; purchasing merchandise for resale from dealers, traders and wholesale suppliers; and/or any other pawn or pawn transactions.

*Personal services* - An establishment primarily engaged in providing services that are generally related to the care of a person. Such personal services include, but are not limited to, ~~the following~~: hair salons and barbershops, massage and bodywork therapists, spas, and tanning salons. Personal services shall not include any use which may be defined as an adult establishment.

*Post office* - Establishments conducting operations of the National Postal Service.

*Professional services* - Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others. Such services include, **but are not limited to**, legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services;

advertising, media, and photography services and real estate services. **Investment banking, securities, brokerages and insurance-related services are defined under banking, credit unions and financial services institutions. Medical services such as physician's and dentist's offices are defined as Medical Services – Doctor Office.**

*Public safety facility* - A facility operated by a public agency the purpose of which is public safety. This term includes, without limitation, fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters.

*Recreation facilities, indoor* - Uses or structures for active recreation including, without limitation, gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

*Recreation facilities, outdoor* - Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, riding stables, campgrounds, and golf courses, and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses, pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

*Recreational vehicle* - A vehicular-type unit which is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, or travel use.

*Recreational vehicle park, campground* - Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services include cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

*Religious institution* - Any facility such as a church, temple, monastery, synagogue, or mosque used by a non-profit organization for worship and, if applicable customary related uses such as education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, soup kitchens, and bookstores and **child care centers**.

*Restaurant* - A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant), at their tables (full-service restaurant), and at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars).

*School* - A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary and/or secondary level. This definition includes kindergartens, elementary schools, junior high schools, middle schools and high schools but does not include day care facilities, individual instruction, or classes in a specialized subject.

*Shopping Center, Multi-tenant development* – A development in which there exists a number of individual and/or separate activities and in which there are appurtenant shared facilities such as parking areas or pedestrian ways.

*Studio for art, dance, martial arts, music* - Small facilities which provide individual and/or group instruction and training in the arts, including ~~the~~ martial arts. This term also includes the processing of photographs produced only by users of the studio facilities, yoga and similar instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

*Theater* - A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

*Two or more principal buildings on the same parcel of land* - Two or more principal buildings located on a parcel of land not customarily subdivided into individual lots.

*Utilities* - Publicly or privately owned facilities or systems for the provision of public services, including, without limitation, the following: the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; and the transmission of communications. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities, provided no transmitter or antenna tower exceeds 180 feet in height.

Utilities are divided into the following classes:

*Type 1.* Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines, pumping stations, lift stations, and telephone switching facilities (up to 200 square feet in area). Elevated water storage tanks, package treatment plants, telephone switching facilities (over 200 square feet in area), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

*Type 2.* Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

*Vehicle/heavy equipment sales—Indoor* - Establishments which may have indoor showrooms for selling vehicles or heavy equipment. This term includes, without limitation, dealers for compact automobiles and light trucks, buses, trucks, bicycles, motorcycles, mopeds, ATV's and boat and marine craft.

*Vehicle/heavy equipment sales—Outdoor* - Establishments which may have indoor showrooms or open lots for selling vehicles or heavy equipment. This term includes, without limitation, dealers for compact automobiles and light trucks, buses, trucks, mobile homes, bicycles, motorcycles, mopeds, ATV's and boat and marine craft.

*Warehouse, indoor storage* - Facilities for the storage of furniture, household goods, or other commercial goods of any nature. This term includes cold storage but does not include the following: warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

*Wireless telecommunication facility, stealth* - Equipment that is unobtrusive in its appearance such as the co-location of antennas on existing tower facilities, and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

*Wireless telecommunication facility, tower* - Equipment constructed in accordance with Section 332(c)(7) of the Telecommunications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes one or more of the following: antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

*Wholesaling and distribution*: Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include, without limitation agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; merchant wholesalers; and stores primarily selling electrical plumbing, heating, and air conditioning supplies and equipment.

