



**Town of Weaverville
Planning and Zoning Board
Council Chambers
Tuesday, February 6, 2018, 6:00pm**

Agenda

1. Call to Order – Chairman Doug Theroux.
2. Approval of the Minutes from the January 2, 2018 Meeting of the Board.
3. Discussion Related to a Preliminary Plat for a Minor Subdivision Located at 11 Moore Street.
4. Consideration of a Motion Establishing a Recommendation to the Planning Director Related to the Aforementioned Minor Subdivision.
5. Discussion Related to a Proposed Text Amendment Regarding the Land Use of Mobile Food Vendors and the Additional Standards Placed Thereon.
6. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Text Amendment.
7. 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.
8. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Proposed Revision of Code.
9. Any Other Business to Come Before the Board.
10. Adjournment.



**Agenda Item 2
Minutes**

Town of Weaverville
Planning and Zoning Board
Minutes – Tuesday, January 2, 2018

The Planning and Zoning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday, January 2, 2018 within Council Chambers at Weaverville Town Hall.

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

1. Call to Order.

Chairman Doug Theroux called the meeting to order at 6:00 pm.

2. Approval of the Minutes from the October 3 and November 7, 2017 Meetings of the Board.

Ms. Osborne motioned to approve the minutes as amended. Mr. Burge seconded and all voted unanimously.

3. Discussion Related to a Final Plat for a Major Subdivision Commonly Known as Greenwood Park Phase One.

Mr. Eller described the type and scope of the proposed development and noted additional information presented to the Board related to same including a sewer easement plat, an engineering report related to Al Dorf Drive and municipal road standards and the covenants and restrictions of Greenwood Park inclusive of a road maintenance agreement.

Ms. Jackson noted that the water line easement was recorded earlier in the day.

Mr. Eller noted the process for achieving individual water and sewer taps on each of the lots to be created. Chairman Theroux noted that due to this process staff should ensure there is no conflict with the ordinance as presently written.

Ms. Jackson noted that the covenant and restrictions would be recorded in conjunction with the final plat.

Mr. Eller noted that the waterline easement, which was also recorded earlier in the day, referenced phase one and phase two of Greenwood Park due to the configuration of the lots and clarified that phase two has not been reviewed by the Board or approved by Town Council.

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

Mr. Burge motioned to favorably recommend to Town Council the final plat for Greenwood Park phase one. Mr. Stanz seconded and all voted unanimously.

5. Discussion Related to a Final Plat for a Major Subdivision Commonly Known as The Hamlet Phase 1, a Portion of Reems Creek Village.

Mr. Eller described the type and scope of the proposed development and noted additional information presented to the Board related to same including a requisite revision of language on the final plat, and a supplemental declaration to the existing covenants and restrictions of Reems Creek Village inclusive of a revised road maintenance agreement.

Chairman Theroux noted that when future roads are constructed within The Hamlet the road maintenance agreement would need to be revised again.

6. 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.

Mr. Burge motioned to favorably recommend to Town Council the final plat for Greenwood Park phase one. Ms. Cordell seconded and all voted unanimously.

7. Discussion Related to a Proposed Rezoning of Three Contiguous Parcels Adjacent to Monticello Road.

Mr. Eller noted that despite the three parcels being contiguous and under common ownership, they are presently individually assigned three different zoning districts those being R-3, C-2 and I-1. The application the Board is being asked to consider calls for the rezoning of the three parcels to R-12.

Mr. Eller also noted that the Board and Town Council should consider each use permitted within the zoning district when deliberating a rezoning, but in this case, the R-12 Zoning District was created specifically to accommodate multifamily residential uses and such multifamily residential uses would be subject to a subsequent conditional zoning district.

Mr. Sugg of Civil Design Concepts and a representative of the applicant made himself available for questioning.

Ms. Jackson noted that the Comprehensive Land Use Plan, which the Board is required to consider, shows multifamily housing in the vicinity on the proposed future land use map.

Ms. Osborne questioned staff on the previously approved multifamily residential projects in the immediate vicinity of the subject parcels.

Ms. Cordell questioned the applicant if there would be interconnectivity with Northridge Commons immediately to the west and the applicant denied.

Ms. Jackson noted the process by which conditional zoning districts are established signifying the Planning and Zoning Boards continued involvement in the review of the proposed use.

8. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Rezoning.

Ms. Cordell motioned to favorably recommend to Town Council related to the proposed rezoning citing consistency with the Town's comprehensive land use plan. Chairman Theroux seconded and Mr. Burge cast the third vote in favor of the motion. Ms. Osborne and Mr. Stanz cast dissenting votes. Motion carries 3-2.

9. Discussion Related to a Proposed Text Amendment Regarding the Land Use of Mobile Food Vendors and the Additional Standards Placed Thereon.

Mr. Eller described to the Board the application for a zoning text amendment which proposed to alter the additional standards placed upon mobile food vendors within the C-1, C-2 and I-1 zoning districts. Mr. Eller further described that one of the aforementioned standards prohibited the use of a mobile food vendor within the C-1 zoning district absent to issuance of a special event permit by the Town Manager and the applicant wishes to establish such a use as a temporary use in conjunction with a present business located at 11 Florida Avenue. Additionally, the application calls for the reduction in linear distance between a proposed mobile food vendor and any adjacent structure used for residential purpose within a residentially zoned district.

Ms. Cordell questioned staff on the issuance of any permits for mobile food vendors and suggested that a master permit for the property would be preferable than a permit for each individual mobile food vendor.

Ms. Cordell questioned staff on how the use would have been treated prior to the adoption of the table of uses. Mr. Eller responded that the code, as constituted at that time, would have required staff to treat the use of mobile food vendors as a restaurant and therefore permit by right within the C-1 zoning district.

Mr. Warren suggested that any mobile food vendor should only be operating in conjunction with an existing primary use or structure.

Chairman Theroux questioned staff that, if permitted, the Town could limit the number of mobile food vendors. Ms. Jackson suggested that such a limitation would not be a fair application of the law.

Ms. Osborne noted that, due to the limited amount of parking in the C-1 zoning district, staff be cognizant of not permitting mobile food vendors to occupy present parking and loading spaces.

Mr. Stanz noted that the Town should be permitting existing businesses who wish to also have a mobile food vendor rather than the individual vendors.

Adding to his previous statement, Mr. Warren suggested that the hours of a mobile food vendor should be linked with the hours of the primary business on the property and would allow visitors to the mobile food vendor access to the facilities of the primary business.

Ms. Osborne made a motion to table consideration of the application in order to provide staff the opportunity to draft language reflective of the Board's deliberations.

Ms. Osborne amended her motion to send an unfavorable recommendation to Town Council related to the application.

Chairman Theroux noted that a third option would be for the applicant to withdraw the application to prevent any negative connotations being attached to same.

Jon Varner, applicant and owner of Eluvium Brewing Company, made himself available for questioning and spoke to the Board regarding the application. Mr. Varner noted that each mobile food vendor is required to return to their commissary kitchen at the conclusion of business each day by the Buncombe County Health Department. Mr. Varner noted that any mobile food vendor on the property of his business would not interfere with any present parking or vehicular or pedestrian traffic. Mr. Varner noted that due to the special requirements placed on mobile food vendors, there isn't a location on his property where the use could be established.

Mr. Varner suggested that he would rather remove his application from consideration than have a negative recommendation forwarded to Town Council.

Ms. Osborne withdrew both of her previous motions in light of the application's withdraw.

10. Consideration of a Motion Establishing a Recommendation to Town Council Related to the Aforementioned Text Amendment.

No motion was made as staff was directed to incorporate the thoughts and concerns of the Board into language for their consideration.

11. Discussion Related to a Proposed Amendment of Code Related to the Initial Consideration by Town Council of all Zoning Map and Text Amendments.

Mr. Eller noted that presently all applications for zoning map and text amendments go before Town Council for an initial consideration but those items are typically placed on the consent agenda and often commented upon. Mr. Eller continued that this adds a month to the process without much accomplishment for the applicant or the Town.

Language the Board is being asked to consider is reflective of a process which calls for zoning map amendments between two standard zoning districts to be initiated at the Planning and Zoning Board level while continuing the practice of initial consideration by Town Council for conditional zoning districts and text amendments.

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

Mr. Stanz made a motion to favorably recommend the proposed language presented related to the initial consideration of zoning map and text amendments.

13. 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.

Mr. Eller noted that, due to particular statutory limitations in place, design standards related to any structure covered by the North Carolina Residential Building Code may not be imposed.

Ms. Jackson noted that due to the lot configuration it is incredibly difficult to craft language which would address the situation specific to the storage container on Salem Road.

Chairman Theroux noted the due to the work put in by staff and the Planning and Zoning Board the issue seems to have reached a conclusion of accepting the Town cannot prohibit the particular use.

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

Ms. Osborne motioned to table the discussion until next month's meeting. Ms. Cordell seconded and all voted unanimously.

15. Any Other Business to Come Before the Board.

16. Adjournment.

Ms. Cordell 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**



Agenda Items 3, 4
11 Moore Street Minor Subdivision

Attached you will find the following items:

- **11 Moore Street Minor Subdivision Application**
- **11 Moore Street Preliminary Plat**

MINOR SUBDIVISION APPLICATION

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

Fee: \$50.00 + \$25.00 per lot
Four lot subdivision -- \$150.00 + \$25.00 per lot

APPLICATION DATE: 1/3/2018

OWNER NAME: Laura S. Richard

SUBDIVISION NAME: Moore Street Subdivision PROPERTY ADDRESS: 11 Moore Street

PIN: 9742286945

DEED BOOK/PAGE: 4404/1357

ORIGINAL TRACT SIZE (acres): 2.29 acres

PROPOSED NUMBER OF LOTS: 2

SUBDIVISION TYPE: RESIDENTIAL COMMERCIAL INDUSTRIAL

OWNER/AGENT NAME: Laura Richard

PHONE NUMBER: 484-2980

ADDRESS: 10 Moore Street, Weaverville, NC 28787

REGISTERED SURVEYOR: Bobby McMahan

PHONE NUMBER: 645-5554

ADDRESS: P.O. Box 1296, Weaverville, NC 28787

REGISTERED ENGINEER:

PHONE NUMBER: N/A

ADDRESS: N/A

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.

Laura A. Richard
SIGNATURE OF APPLICANT

1.04.18

DATE

OFFICE USE ONLY

FEE: DATE PAID: CHECK CASH CARD
PRELIMINARY PLAT APPROVAL DATE: FINAL PLAT APPROVAL DATE:



Agenda Items 5, 6
Text Amendment Related to Mobile Food Vendors

Attached you will find the following items:

- **Proposed Amendments to the Additional Standards Placed on Mobile Food Vendors**
- **Application for a Text Amendment and Supporting Documentation**



Proposed Table of Uses
Proposed

Mobile Food Vendors, Permitted with Standards in C-1, C-2, I-1

Temporary Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Farmers Market	PS	PS	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	PS	PS	PS
Temporary Use	PS	PS	PS	PS	PS	PS	PS

Definition:

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 of food and beverages. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.

Additional Standards:

Chapter 36, Article V Additional Use Standards, Sec. 36-130. – Mobile Food Vendors

- A. No waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system, or other public spaces.
- B. Mobile food vendors:
 - 1. shall be situated at least ten feet from all property lines, **excepting those separating contiguous parcels under common ownership**, and
 - ~~2. shall be situated at least ten feet any road right-of-way and~~
 - 3. shall not encroach onto any street or sidewalk and
 - 4. shall not obstruct any loading zone **or handicapped** parking space.
 - 5. shall not create a sight line obstruction
 - ~~6. This These requirements shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property.~~
- C. Mobile food vendors shall be located at least ~~200~~ 150 feet from any **primary** residential structure located within the R-1, R-2 or R-3 Zoning District.
- D. Mobile food vendors shall not be located within ten feet of any fire hydrant.

- E. Hours of operation shall be consistent with ~~7am to 10pm~~ the hours of operation of the principal building or use of the property on which the mobile food vendor is located but in no instance shall such hours exceed 7am to 11pm. ~~This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property. Such hours may be established in conjunction with the special event.~~
- F. In no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land.
- G. Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation. Municipal waste receptacles shall not be used.
- H. In addition to signage displayed directly on the vehicle, one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or 8 square feet of surface area. Such a sign shall be placed within ten feet of the mobile food unit or vehicle and must be removed when outside hours of operation.
- I. The sale of alcoholic beverages shall not be permitted by any mobile food vendor absent the issuance of the requisite special event permit.
- J. Mobile food vendors are only permitted ~~in the C-1 Zoning District~~ on public property, including but not limited to any real property, parking spot or lot, or road or right-of-way under municipal or state control and ownership in conjunction with the issuance of a special event permit. ~~Mobile food vendors operating in conjunction with a special event permit issued by the Town of Weaverville are not subject to these regulations but are governed by the conditions placed upon the permit for approval.~~
- K. Such a use is also subject to standards of the Buncombe County Health Department as it relates to the permitting, inspection and grading of all regulated food service establishments.

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weaverville.org

OWNER/APPLICANT NAME: Jon Varner

APPLICATION DATE: 4 Dec 17

PHONE NUMBER: 828-484-2390

MAILING ADDRESS: 131 Jupiter Rd

Application is made to the Town Council of Weaverville to amend:

- The Zoning Map
- The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 11 Florida Ave

PIN:

LOT AREA (acres):

CURRENT ZONING DISTRICT: C-1

PROPOSED ZONING DISTRICT:

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Natural terrain of 15% or greater grade
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND: Sec. 36-130.C and 36-130.I.

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary): Sec. 36-130.C. – Replace current text with "Mobile food vendors shall be located at least 100 feet from any residential structure located within the R-1, R-2 or R-3 Zoning District" reducing the distant requirement from 200 feet to 100 feet.

Sec. 36-130.I – Remove this section, removing the special event permit requirement for mobile food vendors in C-1 zoning district.

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

JUSTIFICATION OF PROPOSED AMENDMENT(S): These portions of the zoning text are detrimental not only to our business (Eluvium Brewing Company), but other business in the C-1 zoning district that could benefit from the additional traffic that accompanies mobile food vendors. Our entire business model revolves around mobile food vendors and the additional patrons that follow them. When we chose our location and started building our business in Weaverville these ordinances were not in place, we even constructed a special parking area with water and electrical hook ups. Many mobile food vendors bring with them a customer base that may not have come to Weaverville's business district had they not followed the mobile food vendor.

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.


SIGNATURE OF APPLICANT

4 December 2017
DATE

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

REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

FEE: \$ <u>350</u>	DATE PAID:	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING: <u>12.18.17</u>	ACTION TAKEN:		
DATE OF PLANNING BOARD MEETING: <u>1.2.18</u>	ACTION TAKEN:		
DATE OF PUBLIC HEARING & COUNCIL DECISION: <u>1.22.18</u>	FINAL ACTION:		



COUNTY OF BUNCOMBE, NORTH CAROLINA

Web Property Record Card

9742-27-9725-00000

[<< Back to Parcel Details](#)

Date Printed: 12/4/2017

Owner Information		Parcel Information	Total Property Value: 160,200
Owners:	OTR LLC	Status:	Active
Address:	1186 PATTON AVE ASHEVILLE NC 28806-2706	Deed Date:	9/23/2016
Property Location:	11 FLORIDA AVE	Deed Book/Page:	5471 / 1871
Taxing Districts		Plat Book/Page:	0164 / 0179
County:	Buncombe County	Legal Reference:	TRANSFER BY DEED
City:	WEAVERVILLE	Location:	11 FLORIDA AVE
Fire:		Class:	APT
School:		Neighborhood:	WEAVERVILLE
		Subdivision:	
		Sub Lot:	B
		Conservation/Easement:	N
		Flood:	N

Ownership History

Transfer Date	Price	Legal Reference	Deed Book/Page	Qualified	Vacant When Sold	Seller Names
09/23/16	\$1,300,000	TRANSFER BY DEED	5471 / 1871	No: A	No	SHOPE OF WEAVERVILLE LLC
10/25/13	\$0	TRANSFER BY DEED	5154 / 1457	No: C	No	NORMA GENEVIEVE G SHOPE
04/09/02	\$0	WILL OR ESTATE FILE	002E / 0524	No: C	No	W W SHOPE JR

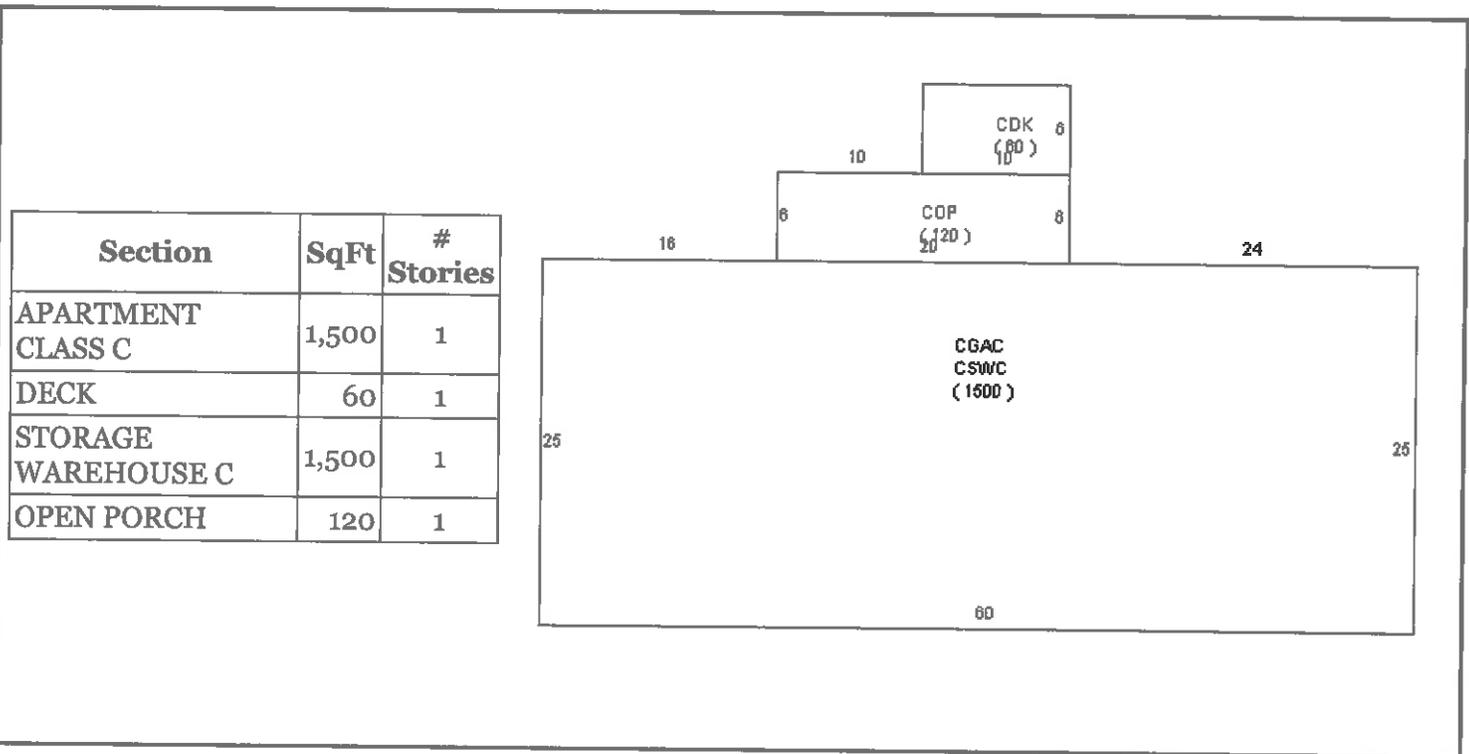
Assessment History

Year	Acres	Land	Bldgs	Other Impr	Assessed	Desc	Exemptions	Deferred	Taxable
2017	0.18	65,700	94,500	0	160,200		0	0	160,200
2016	0.18	63,000	95,900	0	158,900		0	0	158,900
2015	0.18	63,000	95,900	0	158,900		0	0	158,900
2014	0.18	63,000	95,900	0	158,900		0	0	158,900
2013	0.18	63,000	95,900	0	158,900		0	0	158,900
2012	0.18	201,700	54,700	0	256,400		0	0	256,400
2011	0.18	201,700	54,700	0	256,400		0	0	256,400
2010	0.18	201,700	54,700	0	256,400		0	0	256,400
2009	0.18	201,700	54,700	0	256,400		0	0	256,400
2008	0.18	201,700	54,700	0	256,400		0	0	256,400

2007	0.18	201,700	54,700	0	256,400	0	0	256,400
2006	0.18	201,700	54,700	0	256,400	0	0	256,400
2005	0.18	19,400	72,100	0	91,500	0	0	91,500
2004	0.18	19,400	72,100	0	91,500	0	0	91,500
2003	0.18	19,400	72,100	0	91,500	0	0	91,500
2002	0.18	19,400	72,100	0	91,500	0	0	91,500
2001	0.18	26,400	37,700	0	64,100	0	0	64,100

Land Data		Total Acres: 0.18	Land Value:	Other	Value: 0
		Acreage	65,700	Improvements	
Segment#	Units	Description			
1	0.18 Acreage	LOT IN AC			

Com. Bldg ID	Bldg Class	Sq Feet	Bsmt SqFt	Bsmt	Finished	Year Built	Grade	Condition	Value
1	MASONRY	3,000	0	0		1946	D	G	94,500

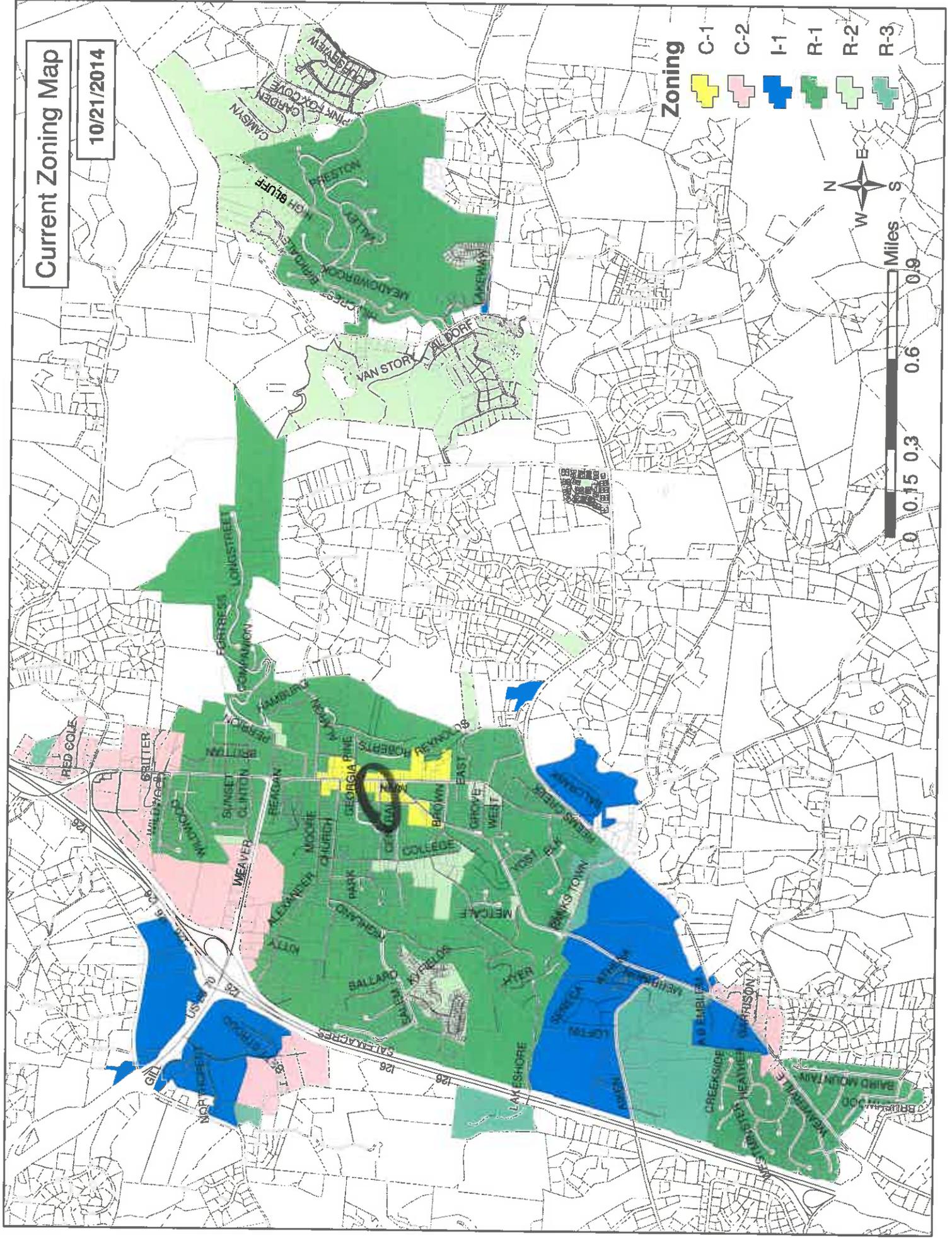


Total Building Value: 94,500

Current Zoning Map

10/21/2014

- Zoning**
- C-1
 - C-2
 - I-1
 - R-1
 - R-2
 - R-3



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 of food and beverages. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.

Mobile home. See "manufactured home", and "trailers or travel trailers".

Modular home. A dwelling unit constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two or more sections transported to the site on each's own chassis or steel frame, or a series of panels or room sections transported to the site on a truck and erected, assembled, or joined there. This unit is deeded, and not titled by the state department of motor vehicles.

Multiple tenant development. A development in which there exist a number of individual and/or separate establishments and in which there are appurtenant shared facilities such as parking areas or pedestrian ways, including but not limited to shopping and office centers. This definition does not include multi-family residential developments. **Nameplate sign.** A sign located on a particular premises which identifies a business or home occupation.

New construction. Structures for which the "start of construction" commenced on or after the effective date of this chapter.

Nonconforming occupied lot. A lot which contained a structure on the effective date of this chapter or at the time the lot was brought into the town's jurisdiction but which does not meet the minimum requirements for width, area, front, side, or rear yard, height and/or open space for the zoning district in which it is located.

Nonconforming open uses of land. An open use on a lot when the only structures are incidental and accessory to the principal open use which was in existence prior to the effective date of this chapter or at the time the lot was brought into the town's jurisdiction and which would not be permitted by this chapter in the zoning district in which it is located. Uses such as storage yards, used car lots, auto wrecking yards, and golf driving ranges are examples of open uses.

Nonconforming sign. Any sign which does not conform with the standards of this chapter.

Nonconforming structure. Any structure which does not conform with the requirements of the zoning district in which it is located, either at the effective date of the ordinance from which this chapter derives or as a result of subsequent amendments to this chapter.

Nonconforming use of structure. A use of a structure which existed prior to the effective date of this chapter, or at the time the lot on which the structure is sited was brought into the town's jurisdiction, and which would not be permitted in the zoning district in which it is located.

Nonconforming vacant lot. A lot which does not meet the dimensional requirements for the zoning district in which it is located, but which was recorded prior to the effective date of this chapter or prior to the time the lot was brought into the town's jurisdiction. This definition shall not be interpreted to include lots recorded prior to the adoption of this chapter which were in violation of any prior subdivision regulation of the town.

Noxious Uses. Any use that could be harmful to health or the environment if not properly regulated. Noxious uses include, but are not limited to, the following: power plants, water and sewage plants, landfills or recycling facilities, outdoor firing ranges, junk yards or salvage yards, rendering plants and slaughterhouses, asphalt or concrete plants or any extractive industry.

Nursing home. See group care facility.

summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the town council but shall not be subject to judicial review.

Notice of such a public hearing shall be given to all the property owners within 200 feet of the property boundaries and in accordance with the provisions of G.S. 160A-364.

(m) *Judicial review.* Conditional zoning district decisions under this section are a legislative process and not subject to judicial review.

In the event of noncompliance by a property owner or any subsequent resale or lease of a property for use other than that stipulated in the original CZD approval, the property owner would be in violation of the town zoning ordinance.

(n) *Approval procedures.* Except as specifically modified by this section, the procedures to be followed by the town council in reviewing, granting, or denying any petition for conditional zoning shall be the same as those established for general use district zoning petitions under G.S. ch. 160A, art. 19. Each ordinance adopted by town council which establishes a conditional zoning district within the Town of Weaverville is hereby incorporated into this chapter as a separate and unique zoning district and shall be reflected on the town's zoning map. Copies of such ordinances shall be kept on file with the town clerk and may be reviewed upon request.

(Ord. of 8-20-2007; Ord. of 11-17-2008, § 1; Ord. of 4-20-2009, § 3; [Ord. of 9-19-2016\(3\), § 1](#); [Ord. of 11-21-2016\(1\), § 6](#))

([Ord. of 5-16-2016\(1\), § 3](#) ; [Ord. of 9-19-2016\(3\), § 1](#) ; Ord. of [Ord. of 11-21-2016\(1\), § 3](#))

Secs. 36-86— 36-103. - Reserved.

ARTICLE IV. TABLE OF USES AND TABLE OF DIMENSIONAL REQUIREMENTS

Sec. 36-104. Notes on Table of Uses.

Notes:

1. See Article V (Sec. 36-116 *et seq.*) for additional standards for those uses identified on the Table of Uses as "permitted with standards."
2. If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the regulations and restrictions governing the use which most closely resembles the proposed use shall apply.
3. The abbreviations and symbols shown in the Table of Uses have the following meanings:
 - "C" = Conditional Zoning District required
 - "P" = Permitted
 - "PS" = Permitted with Standards
 - "-" = Not Permitted

Sec. 36-105. – Table of Uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Residential							
Dwelling - Single Family	P	P	P	-	-	-	-
Dwelling – Duplex	-	P	P	P	-	-	-
Dwelling - Multifamily (4 or fewer units/building)	-	P	P	P	-	-	-
Dwelling - Multifamily (more than 4 units/building)	-	-	C	C	-	-	-
Dwelling – Secondary	PS	PS	PS	-	-	-	-
Family Care Home (6 or fewer residents)	P	P	P	-	-	-	-
Child Care Home (6 or fewer children)	PS	PS	PS	-	-	-	-
Home Occupation	PS	PS	PS	PS	-	-	-
Manufactured Home	-	-	PS	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-	C	C
Bed & Breakfast	P	P	P	-	-	-	-
Hotel, Motel, Inn	-	-	-	-	C	C	C
Office / Service							
Animal Services, Veterinary Clinic	-	-	-	-	P	P	P
Automated Teller Machines	-	-	-	P	P	P	P
Automobile Services, Gas Station	-	-	-	-	P	P	P
Automobile Services, Repair					PS	PS	PS
Banks, Credit Unions, Financial Services	-	-	-	-	PS	P	P
Child Care Center (more than 6)	-	-	-	-	C	PS	PS
Community Service Organization	-	-	-	-	-	P	P
Equipment Rental (Exterior Storage)	-	-	-	-	-	-	P
Equipment Rental (Interior Storage)	-	-	-	-	-	P	P
Funeral Home	-	-	-	-	P	P	P
Group Care Facility (more than 6 residents)	-	-	-	-	C	P	P
Government Services	C	C	C	C	C	P	P
Kennels	-	-	-	-	-	PS	PS
Medical Services - Clinic, Urgent Care Center, Hospital	-	-	-	-	-	P	P
Medical Services - Doctor Office	-	-	-	-	P	P	P
Personal Services	-	-	-	-	P	P	P
Post Office	-	-	-	-	-	P	P
Professional Services	-	-	-	-	P	P	P

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Studio - Art, Dance Martial Arts, Music	-	-	-	-	P	P	P
Retail / Restaurants							
Accessory Retail	-	-	-	-	P	P	P
Alcoholic Beverage Sales Store	-	-	-	-	P	P	P
Auto / Mechanical Parts Store	-	-	-	-	P	P	P
Bar / Tavern / Night Club	-	-	-	-	P	P	P
Drive-Thru Retail / Restaurant	-	-	-	-	-	P	P
General Retail (Under 10,000 sq. ft.)	-	-	-	-	P	P	P
General Retail (10,000 - 24,999 sq. ft.)					PS	PS	PS
General Retail (25,000 sq. ft. or more)	-	-	-	-	C	C	C
Multi-tenant Development (Under 25,000 sq. ft.)	-	-	-	-	C	PS	PS
Multi-tenant Development (25,000 sq. ft. or more)	-	-	-	-	C	C	C
Pawn Shop	-	-	-	-	-	P	P
Restaurant	-	-	-	-	P	P	P
Vehicle / Heavy Equipment Sales - Indoor	-	-	-	-	P	P	P
Vehicle / Heavy Equipment Sales - Outdoor	-	-	-	-	-	P	P
Entertainment / Recreation							
Amusements - Indoor	-	-	-	-	P	P	P
Amusements - Outdoor	-	-	-	-	-	P	P
Cultural or Community Facility	PS	PS	PS	PS	P	P	P
Recreation Facilities - Indoor	PS	PS	PS	PS	P	P	P
Recreation Facilities - Outdoor	PS	PS	PS	PS	PS	PS	PS
Theater - Motion Picture	-	-	-	-	-	P	P
Manufacturing / Wholesale / Storage							
Manufacturing, Heavy	-	-	-	-	-	-	P
Manufacturing, Light	-	-	-	-	-	P	P
Manufacturing, Neighborhood	-	-	-	-	P	P	P
Metal Product Fabrication, Machine or Welding Shop, Auto Body Shop	-	-	-	-	-	-	P
Mini-Warehouses	-	-	-	-	-	PS	PS
Outdoor Storage Yard	-	-	-	-	-	-	C
Warehousing and Distribution - Exterior Storage	-	-	-	-	-	-	P
Warehousing and Distribution - Interior Storage	-	-	-	-	-	P	P
Civic / Institutional							
Cemeteries	-	-	-	-	-	-	C
Public Safety Facilities	C	C	C	C	C	P	P
Religious Institutions	C	C	C	C	C	C	C

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Schools	C	C	C	C	C	C	C
Utilities							
Wireless Telecommunication Facility - Stealth	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunication Facility - Tower	-	-	-	-	-	PS	PS
Miscellaneous Uses							
Adult Establishment	-	-	-	-	-	C	C
Agriculture - Commercial	-	-	-	-	PS	PS	PS
Agriculture - Neighborhood	PS	PS	PS	PS	PS	PS	PS
Crematories	-	-	-	-	-	-	C
Event Center	-	-	-	-	C	C	C
Gaming Terminals						PS	PS
Mixed-Use Building or Structure	-	-	-	C	C	C	-
Noxious Uses	-	-	-	-	-	-	C
Tattoo Parlors	-	-	-	-	-	P	P
Temporary Uses							
Farmers Market	PS	PS	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	PS	PS	PS
Temporary Use	PS	PS	PS	PS	PS	PS	PS

Sec. 36-106. - Table of dimensional requirements.

- C. Only noncommercial vehicles are permitted in conjunction with a home occupation.
- D. Business or product identification signs shall not be permitted.

Sec. 36-128. – Kennels

- A. Outside runs, holding pens, exercise areas or other open-air type enclosures or shelters, which are maintained in order to prevent the escape of animals, shall be located at least 200 feet from any dwelling, other than the property of the owner on which the structure is located, and at least 50 feet from adjoining property lines.
- B. Kennels shall be located in the side or rear yard area of any principal structure and must be on the same parcel of land.

Sec. 36-129. – Manufactured Home

- A. No new manufactured home shall be permitted within floodways and nonencroachment areas as determined by the Floodplain Administrator of Buncombe County.
- B. Each new manufactured home shall be placed on an individual lot.
- C. A manufactured home must be built to or exceed the Manufactured Home Construction Safety Standards as developed by the Housing and Urban Development Code of June 15, 1976.

Sec. 36-130. – Mobile Food Vendors

- A. No waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system, or other public spaces.
- B. Mobile food vendors shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street or sidewalk and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property.
- C. Mobile food vendors shall be located at least 200 feet from any residential structure located within the R-1, R-2 or R-3 Zoning District.
- D. Mobile food vendors shall not be located within ten feet of any fire hydrant.
- E. Hours of operation shall be limited to 7am to 10pm. This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property. Such hours may be established in conjunction with the special event.
- F. Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation. Municipal waste receptacles shall not be used.
- G. In addition to signage displayed directly on the vehicle, one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or 8 square feet of surface area. Such a sign shall be placed within ten feet of the mobile food unit or vehicle and must be removed when outside hours of operation.

- H. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.
- I. Mobile food vendors are only permitted in the C-1 Zoning District in conjunction with the issuance of a special event permit.
- J. Such a use is also subject to standards of the Buncombe County Health Department as it relates to the permitting, inspection and grading of all regulated food service establishments.

Sec. 36-131. – Multi-tenant development (under 25,000 sq. ft.)

- A. Such a development shall abut an existing major thoroughfare maintained by the North Carolina Department of Transportation or the Town of Weaverville and shall have direct access thereto.
- B. Points of ingress and egress shall be located a sufficient distance from road intersections to minimize traffic hazard, inconvenience and congestion. Additionally, each development shall have a minimum of two such points of ingress and egress to facilitate the safe flow of traffic.
- C. Parking and loading spaces shall be provided as established by Chapter 36, Article VII.
- D. Such facilities with a drive-thru window are subject to additional regulations as defined by drive-thru retail / restaurant.

Sec. 36-132. – Recreational Facilities – Indoor

- A. Such facilities operating in conjunction with a single family dwelling 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 shall be permitted as an accessory use or structure of the dwelling unit.
- B. Such facilities operating in conjunction with a school or religious institution as defined herein shall be permitted as an accessory use operating in conjunction with same.
- C. Such facilities operating in conjunction with a Conditional Zoning District, Special Use Permit, Major Subdivision or any other residential development within a residentially zoned district shall be allowed if presently in use or approved with the adoption process for each of the aforementioned forms of development.

Sec. 36-133. – Recreational Facilities – Outdoor

- A. Lighting fixtures for outdoor recreational facilities shall be mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site. Lights shall be turned off at the conclusion of any activity.
- B. Such facilities operating in conjunction with a single family dwelling 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 shall be permitted as an accessory use or structure of the dwelling unit.



Agenda Items 7, 8
Prohibition of Storage Containers as Accessory Structures

Attached you will find the following item:

- **Proposed Amendments to the Additional Standards Placed on Accessory Structures and Temporary Uses**



Table of Uses
Proposed

Accessory Structures, permitted with standards in all zoning districts

Miscellaneous Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Accessory Structures	PS	PS	PS	PS	P	P	P
Adult Establishment	-	-	-	-	-	C	C
Agriculture - Commercial	-	-	-	-	PS	PS	PS
Agriculture - Neighborhood	PS						
Crematories	-	-	-	-	-	-	C
Event Center	-	-	-	-	C	C	C
Gaming Terminals						PS	PS
Mixed-Use Building or Structure	-	-	-	C	C	C	-
Noxious Uses	-	-	-	-	-	-	C
Tattoo Parlors	-	-	-	-	-	P	P

Definition:

Accessory structure. 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 area, 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.

Additional Standards:

Chapter 36, Article V Additional Use Standards, Section 36-139 Accessory Structures

- A. The footprint of accessory structures within any residential zoning district 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

1. The footprint of any structure defined as *dwelling – secondary* shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-124.
 2. The footprint of any accessory structure implemented with any use defined as *agriculture – commercial or agriculture – neighborhood* shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-120 and Sec. 36-121.
- B. Accessory structures shall not exceed 25 feet in height or exceed the height of the primary structure.
 - C. Accessory structures, on a non-corner lot, shall only be located within the side or rear yard of the primary structure and shall only be permitted within the setbacks established by the applicable zoning district.
 - D. Accessory structures, located in the rear or side yard of a corner lot and where such yards are adjacent to the front yard of a neighboring lot, shall plant and maintain a ten foot buffer as defined herein in order to minimize visual impacts, mitigate light and noise trespass and to protect the privacy of neighbors.
 - E. Accessory structures providing common facilities for residential developments, including but not limited to a clubhouse, mail receptacle facilities, pool house, rental or property management office, shall not be subject to the footprint limits established by Sec. 36-139A and location requirements established by Sec. 36-139D.



Table of Uses
Proposed

Temporary Uses, permitted with standards in all zoning districts

Temporary Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Farmers Market	PS						
Mobile Food Vendor	-	-	-	-	PS	PS	PS
Temporary Use	PS						
Storage Container	PS						

Definition:

Storage container. 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.

Temporary structure. A structure intended to serve a specific event and to be removed upon the completion of that event. This term includes, but is not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, and other impermanent devices, which do not involve grading or landform alteration for installation, and which are not permanently affixed to the ground.

Temporary use. An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.

Additional Standards:

Chapter 36, Article V Additional Use Standards 36-134 Temporary Uses

- A. Temporary uses or structures may be permitted summarily in conjunction with a Special Event Permit issued by the Town Manager as described by Section 16-6 Special Events.
- B. ~~Construction offices and storage containers or facilities may be permitted provided the structure(s) are placed within the setbacks established by the applicable zoning district and a sunset date is established at which the structure(s) shall be removed from the property. Such structure(s) shall be directly related to the development of a lot and shall be permitted via a zoning permit obtained from the Zoning Administrator. When utilized in conjunction with any construction or renovation on the same parcel of land, storage containers shall only remain on the property for the duration of construction.~~
- C. Temporary vendors may be permitted only one structure which may not exceed 1,500 square feet. Temporary vendors operating in the parking lot associated with a primary use must not cause nonconformity with the parking requirements of this chapter. Temporary vendors may only operate in zoning districts in which general retail is also permitted. Those conducting yard sales on a property where they currently reside shall not be considered temporary vendors.
- D. Portable and on demand storage containers located within residential zoning districts are permissible for a period of 14 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.
- E. Portable and on demand storage containers located within commercial or industrial zoning districts are permissible for a period of 60 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.