The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, February 22, 2021, at 7:00 p.m. as an electronic video meeting via Zoom Meeting.

Councilmembers remotely present were: Mayor Al Root, Vice Mayor Doug Jackson, and Councilmembers Andrew Nagle, Dottie Sherrill, Jeffrey McKenna and Patrick Fitzsimmons.

Staff members remotely present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, and Water Treatment Supervisor Trent Duncan.

1. **Call to Order**
   *Mayor Al Root called the meeting to order at 7:00 p.m.*

2. **Approval/Adjustments to the Agenda**
   *Without objection Mayor Root declared the agenda adopted by consent.*

3. **Approval of the Minutes**
   *With no comment related to the minutes and no objection, Mayor Root declared the minutes adopted.*

4. **General Public Comment**
   On a temporary basis due to the COVID-19 public health emergency, general public comments must be submitted in advance of the meeting. Comments are limited to no more than 450 words and must observe normal rules of decorum. Only comments that are timely received will be read into the record during the public comment period. Public comments can be submitted (1) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) by mailing your written comment (must be received not later than Monday’s mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

   No public comment was received.
5. **Consent Agenda**

Councilmember Nagle moved for the approval of the Consent Agenda. Councilmember McKenna seconded the motion and in a roll call vote all Councilmembers voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 5-0.

A. **Monthly Tax Report** – Information only – submitted by Buncombe County Tax Department.
B. **Board Appointment; Planning Board** – Appointment of Suzanne Devane as a regular member of the Planning Board and Andrew Willis as an alternate member of the Planning Board.
C. **Budget Amendment: ABC Distribution** – Approved budget amendment reflective of alcohol education and law enforcement activities.
D. **Waterline Acceptance: 828 North Project** – Accepted waterline and related improvements subject to staff level approval and the establishment of a $5,000 repair guarantee.
E. **Waterline Acceptance: Holston Residences Project** – Accepted waterline and related improvements subject to staff level approval and the establishment of a $1,000 repair guarantee.
F. **Annexation Agreement with Town of Woodfin** – Ordinance adopted establishing an annexation agreement and mutual boundary lines between the Town and Woodfin

6. **Town Manager’s Report**

Ms. Coffey presented her Manager’s report to Council which included information related to the Tree City award, a sales tax update and waterline extension project update.

7. **Discussion and Action Items**

A. **Action on Proposed Zoning Map and Text Amendments for Manufactured Home Overlay District and R-3 Zoning District.**

Mr. Eller presented Council with information related to the proposed text amendments which would prohibit a manufactured home on an individual lot within the R-3 zoning district, allow the placement of a manufactured home on an individual lot within a proposed manufactured home overlay zoning district and a zoning map amendment to apply the overlay district in three areas of town.

Mr. Eller noted the duly advertised public hearing which occurred at the last meeting of Council, the unanimous favorable recommendation from the Planning Board supporting the amendments, described an information meeting that occurred with staff and interested members of the public, and addressed concerns lodged from two emails received related to the matter. Councilman Nagle commented on the work of staff and the Planning Board on the proposed amendments.

Councilmember Nagle motioned to adopt the proposed zoning text and map amendments through the adoption of the Ordinance Amending Weaverville Town Code Chapter 36 Concerning the R-3 Zoning District and the Establishment of a Manufactured Home Overlay District and the Ordinance Amending the Town’s Zoning Map to Establish a Manufactured Home Overlay District on Certain Properties. Councilmember McKenna seconded and in a roll call vote all voted in favor of the motion. Motion passed 5-0.

B. **Water Treatment Plant Expansion Project**

Ms. Jackson presented to Council information related to a proposal for professional services submitted by WithersRavenel for the Water Treatment Plant Expansion Project, which provides a project description, scope of services, additional services, Town responsibilities, and compensation for services for the water treatment expansion project. Ms. Jackson also described a budget amendment and reimbursement resolution requisite to progress the project.
Councilmember Nagle asked if other firms had been considered and Mr. Pennell affirmed that WithersRavenel was selected by Council through a qualifications based selection process in which five firms were considered.

_Council Member Fitzsimmons motioned to approve the proposal for professional services and the standard USDA approved engineering services agreement for the Town’s water treatment plant expansion project; approve the budget amendment for the project; and adopt the reimbursement resolution. Vice-Mayor Jackson seconded and in a roll call vote all voted in favor of the motion._

C. **Town Charter Amendments**

Ms. Jackson indicated that Town Council could now take action related to the proposed charter amendments which would increase the number of Councilmembers from five to six beginning with the municipal elections in 2021 and provide the elected mayor the right to vote on all matters beginning with the organizational meeting of Town Council following the 2021 municipal elections. It was noted that there was no public comment related to the matter was received during the public hearing at the last meeting of Council or in the days that followed.

_Vice-Mayor Jackson motioned to approve the Ordinance Amending the Charter of the Town of Weaverville to Change the Number of Councilmembers from Five to Six and to Provide the Elected Mayor with the Right to Vote on All Matters. Councilmember Sherrill seconded and in a roll call vote all voted in favor of the motion. Motion passed 5-0._

D. **NCGS Chapter 160D Compliance Project Update.**

Ms. Jackson reported on the work that staff and the Planning Board have been doing on the project and supplied Council with a revised 160D project timeline reflecting the Planning Board’s request for additional time to review the amendments. Mayor Root noted the consensus of Council to hold the public hearing on the matter during the May 24 Town Council meeting and encouraged the Planning Board to conclude its work by not later than the Planning Board’s regular meeting in May.

E. **Solar Panel Systems Update**

Ms. Coffey presented to Council information related to the possible installation of solar panels at the new Community Center, Water Treatment Plant, and Fire Department. Ms. Coffey recommended that the proposals be discussed and considered for funding in the upcoming fiscal year.

The installation of conduit within the Community Center was discussed and it became the consensus of council to have this installed to facilitate the addition of solar panels on the Community Center roof at a later date.

Vice-Mayor Jackson noted a discrepancy in the rebate amounts within two of the proposals.

F. **Audit Services**

Finance Director Tonya Dozier spoke to Council regarding the options for an audit contract for the fiscal year 2021-2022 audit. These options included: proceed as normal and issue an RFP in March 2021; negotiate a one year contract with Gould Killian for the fiscal year 2021-2022 and postpone the RFP until next year; or negotiate another three year contract with Gould Killian.

Following the deliberation of Council, Mayor Root noted the consensus of Council to proceed with the negotiation of another three year contract with Gould Killian.
G. Quarterly Report – Fire
   Fire Chief Williams presented Town Council with the quarterly report for the Fire Department.

H. Quarterly Report – Police
   Police Chief Davis presented Town Council with the quarterly report for the Police Department.

8. Adjournment
   Without objection, Mayor Root declared the meeting adjourned at 8:10 p.m.

James Eller, Town Clerk
TOWN OF WEAVERVILLE
RESOLUTION DECLARING OFFICIAL INTENT TO
REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING ON THE
WATER TREATMENT PLANT EXPANSION PROJECT

WHEREAS, the Town of Weaverville plans to undertake a capital project to expand its Water Treatment Plant (the "Water Treatment Plant Expansion Project"); and

WHEREAS, the Water Treatment Plant Expansion Project is preliminarily estimated to cost more than $6 million; and

WHEREAS, the Town of Weaverville expects to finance the Water Treatment Plant Expansion Project on a long-term basis by issuing tax-exempt bonds or other tax-exempt obligations (collectively, the "Bonds") in an amount to be determined; and

WHEREAS, because the Bonds may not be issued prior to commencement of the Water Treatment Plant Expansion Project, the Issuer must provide interim financing to cover costs of the Water Treatment Plant Expansion Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, the Town Council deems it to be necessary, desirable, and in the best interests of the Town to advance moneys from its funds on hand on an interim basis and to secure conventional financing to pay the costs of the Water Treatment Plant Expansion Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Weaverville, North Carolina that:

SECTION 1. EXPENDITURE OF FUND. The Town of Weaverville shall make expenditures as needed from its funds on hand to pay the cost of the Water Treatment Plant Expansion Project until interim conventional financing and/or the proceeds of the Bonds become available.

SECTION 2. DECLARATION OF OFFICIAL INTENT. The Town of Weaverville hereby officially declares its intent under Treas. Reg. Section 1.150-2 to reimburse said expenditures with the proceeds of the Bonds so issued.

SECTION 3. UNAVAILABILITY OF LONG-TERM FUNDS. No funds for payments for the Water Treatment Plant Expansion Project, from sources other than the Bonds, are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Town pursuant to its budget or financial policies.

SECTION 4. PUBLIC AVAILABILITY OF OFFICIAL INTENT RESOLUTION. This Resolution shall be made available for public inspection at the office of the Town Finance Officer within 30 days after its approval in compliance with the applicable state law governing the availability of records of official acts, and shall remain available for public inspection until the Bonds are issued.
SECTION 5. EFFECTIVE DATE. This Resolution shall be effective upon its adoption and approval.

ADOPTED THIS the 22nd day of February, 2021, by a vote of 5 in favor and 0 against.

_______________________
ALLAN P. ROOT, Mayor

ATTESTED BY:

JAMES ELLER, Town Clerk

APPROVED AS TO FORM:

JENNIFER O. JACKSON, Town Attorney
An Ordinance Establishing an Annexation Agreement Between the Town of Woodfin, North Carolina and the Town of Weaverville, North Carolina for the Mutual Boundary Lines Between These Two Municipalities

Whereas, North Carolina General Statutes (NCGS) Chapter 160A, Article 4A, Part 6 (NCGS 160A-58.21 et seq.) authorizes two (2) or more municipalities to enter into binding agreements regarding future annexations in or to enhance orderly planning by such cities; and

Whereas, the governing boards of the Town of Woodfin, North Carolina and the Town of Weaverville, North Carolina seek to carry out plans for future land uses, provision of important public facilities, and the protection of greenspace and the environment; and

Whereas, potential conflict and confusion may occur along the interface between two (2) jurisdictions when the future municipal boundaries between the two (2) are unclear; and

Whereas, the governing board and its staff of both municipalities desire to foster good intergovernmental relations; and

Whereas, the governing boards and staff of both municipalities have engaged in a process of discussion that has led to the determination of an ultimate municipal boundary between the two (2) communities; and

Whereas, this ordinance has been adopted following independent public hearings by the Town of Woodfin on February 16, 2021, and the Town of Weaverville on January 25, 2021, with notice provided in accordance with NCGS 160A-31(c);

NOW, THEREFORE IT BE ORDAINED by the Board of Commissioners of the Town of Woodfin, North Carolina and the Town Council of the Town of Weaverville, North Carolina:

Section 1: Establishment of Annexation Boundary Line. Both governing bodies agree to the annexation boundaries as shown on the attached map entitled
“Boundary Agreement,” the contents of which are incorporated herein by reference.

**Section 2: Town of Weaverville Annexation Area.** That the areas inside of the Blue lines and shown as Sections 1-A and 1-B on the attached map, are located within Buncombe County, North Carolina and will be subject to future annexation by the Town of Weaverville and no portion of said area is subject to annexation or extraterritorial jurisdiction by the Town of Woodfin during the term of this agreement.

**Section 3: Town of Woodfin Annexation Area.** That the area inside of the Red line and shown as Section 2 on the attached map, is located within Buncombe County, North Carolina and will be subject to future annexation by the Town of Woodfin and no portion of said area is subject to annexation or extraterritorial jurisdiction by the Town of Weaverville during the term of this agreement.

**Section 4: Notice of Annexations.** That each participating municipality which proposes any annexation within the annexation areas identified in this agreement must give written notice, in the form of a “Notice of Intent to Annex,” to the other municipality of such annexation at least (60) days before the adoption of such annexation ordinance. The notice shall be in compliance with NCGS 160A-58.24(a) and (b) and shall be sent by mail to the chief appointed official of the other municipality.

**Section 5: Effective Date.** That this agreement shall become effective immediately following its adoption by ordinance of the governing body of both the Town of Woodfin and the Town of Weaverville.

**Section 6: Modification of Amendments.** That this ordinance may be modified or amended with a subsequent agreement entered into by both participating Towns pursuant to NCGS 160A-58.24(d). All modifications and amendments to this agreement shall be approved by ordinance and adopted after public hearings by both municipalities.

**Section 7: Term of this Agreement.** The term of this agreement shall be for a period of five (5) years. In order to comply with this agreement, a “Notice of Intent to Annex” must be approved by the governing body before the end of the five (5) year term.
Section 8: Termination of Agreement. That this agreement may be terminated by the consent of both jurisdictions as evidenced by an amendment to the agreement. This agreement shall be effective until such termination occurs or five (5) years, whichever comes first.

Adopted by the Town of Woodfin this the 16th day of February, 2021.

________________________  _____________________________
M. Jerry Vehaun, Mayor    Woodfin Town Clerk
Town of Woodfin

Adopted by the Town of Weaverville this 22nd day of February, 2021.

________________________  _____________________________
Allan P. Root, Mayor        James Eller, Weaverville Town Clerk
Town of Weaverville
Section 1-A
Weaverville Area

Section 1-B
Weaverville Area

Section 2
Woodfin Area

Draft Annexation Areas - Revised for Weaverville

December 3, 2020
AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF WEAVERVILLE TO CHANGE THE NUMBER OF COUNCILMEMBERS FROM FIVE TO SIX AND TO PROVIDE THE ELECTED MAYOR WITH THE RIGHT TO VOTE ON ALL MATTERS

WHEREAS, having adopted a resolution of intent to amend its charter on December 21, 2020, and, after proper notice, having held a public hearing on January 25, 2021, all in accordance with N.C.G.S. 160A-102;

BE IT ORDAINED by the Town Council of the Town of Weaverville:

SECTION 1. Pursuant to G.S.160A-101 and 160A-102, the Charter of the Town of Weaverville, as set forth in Chapter 335 of the 1909 Private Laws of North Carolina, as amended, is further amended as follows:

(a) to provide that the Town Council shall consist of six members beginning with the 2021 municipal elections such that three councilmembers and a mayor shall be elected in 2021, and every four years thereafter, and three councilmembers shall be elected in 2023, and every four years thereafter; and

(b) to provide the elected mayor with the right to vote on all matters coming before Town Council beginning with the organizational meeting following the 2021 municipal elections.

SECTION 2. The Town Clerk shall cause a notice to be duly published, stating that an ordinance amending the Charter to change the number of members of the Town Council from five to six and to provide the elected mayor with the right to vote on all matters has been adopted.

SECTION 3. This ordinance shall be in full force and effect from and after adoption.

ADOPTED THIS the 22nd day of February, 2021, in a unanimous vote vote of 5 in favor and 0 opposed.

______________________________
ALLAN P. ROOT, Mayor

ATTESTED BY:

______________________________
JAMES ELLER, Town Clerk

APPROVED AS TO FORM:

______________________________
JENNIFER O. JACKSON, Town Attorney
TOWN OF WEAVERVILLE
AN ORDINANCE AMENDING THE TOWN’S ZONING MAP TO ESTABLISH A MANUFACTURED HOME OVERLAY DISTRICT ON CERTAIN PROPERTIES

WHEREAS, Town Council wishes to amend its zoning map to zone the following parcels of land with the manufactured home overlay district (MHO):

<table>
<thead>
<tr>
<th>Parcel Identification Number</th>
<th>Physical Address</th>
<th>Current Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>9743-43-0246</td>
<td>N. Buncombe School Rd</td>
<td>David Cole</td>
</tr>
<tr>
<td>9743-43-0162</td>
<td>30 Red Cole Drive</td>
<td>David Cole</td>
</tr>
<tr>
<td>9743-33-9113</td>
<td>21 Red Cole Drive</td>
<td>Lamar Cole</td>
</tr>
<tr>
<td>9743-33-8364</td>
<td>N. Buncombe School Rd</td>
<td>Lamar Cole</td>
</tr>
<tr>
<td>9743-33-6380</td>
<td>N. Buncombe School Rd</td>
<td>James Cole</td>
</tr>
<tr>
<td>9743-33-4367</td>
<td>15 N. Buncombe School Rd</td>
<td>Michael Boles</td>
</tr>
<tr>
<td>9743-33-4513</td>
<td>23 N. Buncombe School Rd</td>
<td>Norman Bradford</td>
</tr>
<tr>
<td>9743-33-6553</td>
<td>N. Buncombe School Road</td>
<td>Raymond Cole</td>
</tr>
<tr>
<td>9743-33-3697</td>
<td>31 N. Buncombe School Rd</td>
<td>Heidi Cole</td>
</tr>
<tr>
<td>9743-33-5799</td>
<td>41 N. Buncombe School Rd</td>
<td>Isabel Cole</td>
</tr>
<tr>
<td>9743-31-5384</td>
<td>25 Coleman Hensley Drive</td>
<td>Michael Hensley</td>
</tr>
<tr>
<td>9743-31-5585</td>
<td>4 Coleman Hensley Drive</td>
<td>Jack Hensley</td>
</tr>
<tr>
<td>9732-80-0678</td>
<td>341 Merrimon Avenue</td>
<td>Jones Family Properties, LLC</td>
</tr>
</tbody>
</table>

WHEREAS, the Weaverville Planning and Zoning Board reviewed this map amendment on December 1, 2020, found that the establishment of the MHO on the above properties is reasonable and in the public interest in that it is consistent with the future land use map, provides a balance of residential uses, and is compatible with the current uses on those properties and with the uses in the surrounding area, and, by a unanimous vote, recommended that Council approve the zoning map amendment;

WHEREAS, Town Council held a public hearing on this map amendment on January 25, 2021, as required by law and by Town Code;

WHEREAS, Town Council finds that the map amendment is consistent with the Town’s Comprehensive Land Use Plan, is reasonable and in the public interest in that it is consistent with the future land use map, provides a balance of residential uses, is compatible with the current uses on those properties and with the uses in the surrounding area, will allow the highest and best use of the property, and is in the best interest of the public;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Weaverville, North Carolina, that the official Weaverville Zoning Map is hereby amended to reflect that the manufactured home overlay district applies to the above-referenced properties effective immediately.
ADOPTED THIS the 22nd day of February 2021, by a vote of 5 in favor and 0 against.

_______________________
ALLAN P. ROOT, Mayor

ATTESTED BY:  
JAMES ELLER, Town Clerk

APPROVED AS TO FORM:

JENNIFER O. JACKSON, Town Attorney
ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 36 CONCERNING THE R-3 ZONING DISTRICT AND
THE ESTABLISHMENT OF A MANUFACTURED HOME OVERLAY DISTRICT

WHEREAS, N.C. Gen. Stat. 160D-910 authorizes the adoption of appearance and
dimensional standards for manufactured homes and the use of a manufactured home
overlay district to provide such regulation as long as such regulations do not have the effect
of excluding manufactured homes from the entire zoning jurisdiction;

WHEREAS, consistent with the priorities established in the Comprehensive Land
Use Plan and at the direction of Town Council, the Planning and Zoning Board met on 5
November 2020, 1 December 2020, and 5 January 2021, and in those meetings studied and
reviewed the Town’s existing regulations and proposed new regulations concerning the
establishment of a manufactured home overlay district;

WHEREAS, the Planning and Zoning Board has found such amendments consistent
with the Town’s comprehensive land use plan, reasonable, and in the best interest of the
public in that the overlay district, if established, adds to the balance of residential uses and
allows for a closer analysis on the compatibility of manufactured homes with surrounding
developed properties prior to the application of the district, and will not have the effect of
excluding manufactured homes from the entirety of the zoning jurisdiction, and with a
unanimous vote of the Planning and Zoning Board, recommends such amendments;

WHEREAS, after proper notice the Town Council held a public hearing on January
25, 2021, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council adopts the findings and recommendations of the Planning
and Zoning Board presented during the public hearing;

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

1. The findings and recommendations of the Planning and Zoning Board are hereby
incorporated by reference and adopted by Town Council.

2. All amendments adopted in this Ordinance are shown in red with added language
underlined and deleted language shown with strike-throughs.

3. Section 36-56 is hereby amended as follows:

Sec. 36-56. - Use and overlay districts.

The following standard use districts and overlay districts are hereby established:

(a) R-1. The primary residential district is established in which the principal use of the land is
for single family residential purposes and the regulations for the R-1 district are
established in order to protect the existing residential development and promote a suitable environment for family life.

(b)  R-2. The transitional residential district is established in which the principal use of the land is for residential purposes and the regulations for the R-2 district are established in order to protect the existing residential development and promote a suitable environment for family life.

(c)  R-3. The general residential district is established in order to provide a location for manufactured homes on individual lots in which the principal use of the land is for residential purposes and the regulations for the R-3 district are established in order to protect the existing residential development and protect and promote a suitable environment for family life with a higher allowable density than the R-1 and R-2 districts.

(d)  R-12. The multi-unit residential district is established in which the principal use of the land is for residential purposes and the regulations for the R-12 district are established in order to provide a location for multi-unit residential development such as apartments and to provide regulations to minimize the effects of higher density residential uses.

(e)  C-1. The central business district is established in which the principal use of the land is for retail and food service businesses and the regulations for the C-1 district are established in order to protect the present retail businesses and service development within the district and promote future development within the district of businesses compatible with a vibrant, walkable main street.

(f)  C-2. The general business district is established in which the principal use of the land is for commercial development and the regulations for the C-2 district are established in order to promote current and future development of businesses which are required to serve the needs of residents of the town with convenience shopping, goods and services.

(g)  I-1. The light industrial district is established in which the principal use of the land is for light industrial development and the regulations for the I-1 district are established in order to promote industrial development but provide that the noise, dust, glare, and odor of each such industrial operation be kept to a minimum.

(h)  MHO. The manufactured home overlay district is established and intended for application to those areas of the zoning jurisdiction where the use or development of manufactured homes on individual lots is consistent with the character of the area and compatible with surrounding developed properties.

... 4. The table of uses established in Section 36-105 is hereby amended to remove manufactured homes as a use permitted with standards in R-3 and to add a MHO district which permits manufactured homes with standards as follows:
Sec. 36-105. - Table of uses.

<table>
<thead>
<tr>
<th>USES</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-12</th>
<th>C-1</th>
<th>C-2</th>
<th>I-1</th>
<th>MHO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>-</td>
<td>-</td>
<td>PS</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>PS</td>
</tr>
</tbody>
</table>

5. Section 36-106 is hereby amended to establish dimensional requirements for the MHO district as follows:

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

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-12</th>
<th>C-1</th>
<th>C-2</th>
<th>I-1</th>
<th>MHO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sq. Ft.)</td>
<td>10,000</td>
<td>7,500</td>
<td>5,445</td>
<td>7,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width(ft.)</td>
<td>100</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>0</td>
<td>50</td>
<td>0</td>
<td>75</td>
</tr>
<tr>
<td>Minimum Front Yard (ft.)</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Major Thoroughfare</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>60</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>Minor Thoroughfare</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>25</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>With Parking in Front</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>60</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Without Parking in Front</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>40</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minimum Side Yard (ft.) Abutting Residential District</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>30</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>Minimum Side Yard (ft.) Abutting Commercial or Industrial District</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>Minimum Rear Yard (ft.) Abutting Residential District</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>30</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>Minimum Rear Yard (ft.) Abutting Commercial or Industrial District</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>Height Limit (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>45</td>
<td>75</td>
<td>75</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Buffer if Abutting a Residential District (ft.)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>Note 9</td>
<td>20</td>
<td>20</td>
<td>0</td>
</tr>
</tbody>
</table>
6. Section 36-107 is hereby amended to add the following note:

Sec. 36-107. - Notes for table of dimensional requirements.

Notes:

11. The dimensional standards for the MHO district only apply to manufactured homes. To the extent that a dimensional requirement for a manufactured home in the MHO district is inconsistent with the corresponding dimensional requirement of the underlying use district, the more restrictive dimensional requirement shall apply to that manufactured home.

7. Section 36-129 is hereby amended to add additional standards for manufactured homes:

Sec. 36-129. - Manufactured home.

(a) No new manufactured home shall be permitted within floodways and non-encroachment 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.

(d) Manufactured homes must not be more than a single story measured from front ground level and may not be stacked.

(e) Manufactured homes must either be properly tied down and underpinning/skirting installed and maintained or must be placed on a permanent foundation. If piers are used they must be engineered and skirting must be installed.

8. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.

9. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the 22nd day of February 2021, by a vote of 5 in favor and 0 against.

_______________________  
ALLAN P. ROOT, Mayor

ATTESTED BY:  
JAMES ELLER, Town Clerk

APPROVED AS TO FORM:  
JENNIFER O. JACKSON, Town Attorney