

**Town of Weaverville  
Planning Board  
Regular Monthly Meeting  
Tuesday, May 7, 2024, 6:00pm  
Agenda**

	Pg#	
1.		Call to Order ..... Chairman Pace
2.		Adoption of Agenda ..... Chairman Pace
3.	2	Approval of Minutes – 4/2/2024 Regular Meeting ..... Chairman Pace
4.	6	Short Term Rentals ..... Planning Director Eller
5.	11	Sign Regulations ..... Attorney Jackson & Planning Director Eller
6.		Adjournment ..... Chairman Pace

Reminder: next scheduled Planning Board meeting is Thursday, June 6, 2024

**Town of Weaverville  
Planning Board  
Thursday, April 2, 2024  
Meeting Minutes**

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 6:00pm on Tuesday April 2, 2024

Present: Chair Bob Pace, Vice Chair Jane Kelley and Board Members Donna Mann Belt, and Stefanie Pupkiewicz Busch. Alternate members present Ryan Gagliardi and Michelle Rippon.

Absent: Mark Endries

Staff Present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, Town Clerk Tamara Mercer and Land of Sky Regional Council Planner, Kayla DiCristina.

**1. Call to order**

Chairman Pace called the meeting to order at 6:00 p.m. and recognized alternate member, Michelle Rippon as a voting member.

**2. Adoption of Agenda**

*Without objection, Mr. Pace declared the agenda approved. Carried unanimously. 5-0.*

**3. Approval of the Regular Meeting Minutes March 7, 2024**

*Without objection Chairman Pace declared the meeting minutes approved as presented for March 7, 2024. Carried unanimously. 5-0.*

**4. 75 Cole Road Zoning Request Planning Director Eller**

Planning Director Eller reviewed the zoning request located at 75 Cole Road and said the property consists of +/- 22 acres with one single family residence. This parcel is near the I-26 interchange just north of Town municipal limits and within the Town's Growth Area 4. Town development regulations concerning zoning map amendments require the Planning Board to review the application for plan consistency and reasonableness. The applicant requests an R-12 zoning designation. Representatives for the applicant, Mr. Warren Suggs, engineer, and Mr. Jesse Swords, attorney were present.

There was discussion regarding the R-12 designation as incompatible with the Future Land Use Plan, which states commercial development especially medical services such as healthcare facilities and medical offices, small general retail, restaurants, hotels. These uses are most consistent with the following zoning districts, C-2 and conditional district zoning. Chairman Pace

suggested mixed use for compliance with the FLUP, to which Director Eller added that residential and commercial in the I-26 corridor for Growth Area 4 and high density as highest and best use. Currently there is one single-family residence there.

Attorney Swords agreed and compared R-12 to Buncombe County's R-3 which allows up to 12 units per acre and multifamily. Twelve units per acre is comparable to Weaverville's R-12 zoning. Dense residential use is synergistic and desirable as the subject site is near the transportation corridor. The project will bring sewer across I-26 which will lead to commercial uses. The Metropolitan Sewer District (MSD) is pushing for connection in this area, and this satisfies the MSD goals. The Fire and Police Department annexation study noted this type of housing supports the downtown and businesses. Attorney Swords added the development would provide highest and best use of the current dormant use of one dwelling. The R-12 designation increases tax value.

There was discussion regarding commercial uses in the corridor, potential commercial use growth in that area, compatible commercial and residential uses, MSD sewer connection, and MSD sewer allocation.

Mr. Suggs stated that the developer will install 6.5 miles of sewer under I-26. The sewer infrastructure and upgrade of the lines from 8" to a 16" sewer pipe as per MDS agreement and allocation for their development capacity of 264 dwelling units. Mr. Suggs provided the site plan layout and description of the project.

In response to Vice Chair Kelley's question, Mr. Suggs said the only access point will be from Cole Road, and NCDOT requires a traffic impact study per any improvements on State roads, therefore the developer will conduct a traffic impact study.

Attorney Jackson stated that the project does not claim vested rights so the roadways must be built to town standards and regulations if it were to be annexed. Sewer is not in the location, so Town Council anticipated this to be the next commercial area in the Future Land Use Plan discussions but was not negating residential uses. This proposed project would be the catalyst for development if the sewer infrastructure is installed under the highway.

In response to Ms. Pupkiewicz Busch question regarding the process of annexation before construction, Mr. Sugg noted that Town Council has preferred the Town of Weaverville annexation prior to allocating water capacity as new customers. Attorney Jackson confirmed, as we expand town limit boundaries, the Town is stricter than Buncombe County regulations, so differences in Buncombe County code and Weaverville's regulations is addressed first in the annexation process. Town Council has expressed a development annex first prior to water allocation.

The Planning Board further deliberated on the plan consistency and compliance with comprehensive plan. Attorney Jackson explained it is plausible, and within the purview of the Planning Board to find the project is reasonable for addressing housing stock but it is not consistent with the adopted Comprehensive Land Use Plan. A recommendation for Council to address or amend the CLUP plan to make it consistent.

Attorney Jackson further explained the process for a Conditional District mixed use in C-2 zoning. Chairman Pace noted that Growth Area 4 could include higher density residential and mixed use.

*Chairman Pace made a motion that the Planning Board recommends an R-12 zoning designation as reasonable, but to revise the Comprehensive Land Use Plan (CLUP) as this is inconsistent with the CLUP, which recommends commercial use development in Growth Area 4 (I-26 Corridor). Carried unanimously. 5-0.*

Letter of recommendation by the Planning Board Chairman written as follows:

At the meeting on April 2, 2024, the Planning Board reviewed the project for compliance with the Comprehensive Land Use Plan (CLUP) and the reasonableness factors contained in Town Code Section 20-1505(d). With a unanimous vote the Planning Board sends a favorable recommendation to Town Council for R-12 with findings that R-12 zoning is reasonable, but inconsistent with the CLUP. In the same vote the Planning Board recommended that Town Council consider amending the CLUP to include a mix of residential and commercial uses within Growth Area 4 and the addition of R-12 as a desirable zoning district within that I-26 Corridor. The finding that the requested zoning district of R-12 was inconsistent with the CLUP was based exclusively on the Future Land Use Map and the Resolution Concerning Growth Areas which was last adopted by Town Council on 23 October 2023 and now incorporated in the CLUP ("growth area resolution"). The description in the growth area resolution seems to limit the desired districts in Growth Area 4 to C-2 and conditional zoning. Therefore, R-12 zoning was found to be inconsistent with the CLUP. In finding the R-12 zoning designation to be reasonable the Planning Board considered the I-26 corridor area, the current and desirable uses, and what it might take to get the uses that are desired in Growth Area 4. The Planning Board considered that a multifamily residential project may be most likely to result in public sewer getting to the west side of I-26, and that public sewer was likely necessary to support the commercial uses that were found to be desirable in Growth Area 4. Put another way, a multifamily project will likely be a catalyst to the commercial development in this area that is desired by Town Council. It was also considered that a multifamily project in this location pushes development out of the downtown area and other areas that are saturated with multifamily projects, while also providing additional support for downtown business. It also considered that a multifamily residential project might generally be of a higher and better use than what might be perceived as an underutilized property (one single family residence on a large tract of land). This type of use may also be less intensive than some of the uses, like a hospital, that were noted as desirable. The Planning Board also considered that the property is currently zoned County R-3 which allows multifamily developments up to 12 units per acre, similar to Town's R-12 district. This proposed zoning district represents a consistent and compatible use when considering the zoning and current uses in the area, including properties within the Town and just outside its municipal limits, and could serve to increase housing availability and affordability and diversify the housing stock within the Town's municipal limits.

## **5. Sign Regulations Attorney Jackson & Planning Director Eller**

Director Eller stated that Staff will be presenting proposed amendments and a review of the sign regulations for legal compliance and policy objectives. This is listed as priority 1 goal in the Comprehensive Land Use Plan chart as federal law and the Town of Weaverville sign ordinance is not consistent. Ongoing court cases require the town to exam the sign ordinance. He provided examples such as election signs, which sites content in the ordinance. Staff will craft new sign regulations to remain content neutral stated Attorney Jackson, and the proposed regulations will come back before the Planning Board next month.

## 6. Short-term rentals

Director Eller reviewed the process to-date on the topic of short-term rentals. At the Town Council meeting the Councilmembers provided feedback for the Planning Board to recommend definitions for the short-term rentals and items related to short-term rentals. Staff will draft language for the definition and proposed regulations for the Planning Board to review at the next meeting. Town Council did not seek to amortize short-term rentals but expect crafted definitions of the short-term rental timeframe, whole house short-term rentals, homestay rentals, detached and attached dwellings uses for short-term rental.

There was discussion to consider the Buncombe County, Woodfin, Asheville, and Brevard regulations for primary and secondary residents, non-owner occupied and operated rentals, on-site management, long-term rentals, neighborhoods and character, affordable housing, bed-and-breakfasts, motels and hotels, single-family residence, multi-family apartments and condos.

The Planning Director and the Attorney's Office stress the town cannot regulate ownership, such as a corporate entity or trust entity or enforce where an owner lives. Legal compliance with the law and legal enforcement is the challenge. Non-conforming uses and zoning will be defined, Mr. Eller noted property by-right permitting process and square footage compliance.

Twon Manager Coffey added that we must consider adding enforcement staffing and compliance costs to the budget. She has a quote from Granicus for the software AirDNA to track short-term rentals and all those cost estimates must be considered when drafting an ordinance.

The Planning Department will include the proposed table of uses for residential and commercial districts, Staff prefer to keep simple, noted Attorney Jackson and next month's discussion on May 7<sup>th</sup> the Planning Board's recommendation can go before Town Council in May.

## 7. Adjournment

*There being no further business and without objection Chairman Pace requested adjournment. at 7:45 p.m. Carried Unanimously. 5-0*

ATTEST:

---

Tamara Mercer, Town Clerk

**TOWN OF WEAVERVILLE**  
**PLANNING BOARD AGENDA ITEM**

**Date of Meeting:** Tuesday, May 7, 2024  
**Subject:** Short-Term Rentals  
**Presenter:** Planning Director  
**Attachments:** Regulations Related to Short-Term Rentals

**Description:**

During last month's meeting the Board consensus was reached on a few issues related to the potential regulation of short-term rentals. These consensus positions have been written into the attached proposed text amendments which are now ready for review and discussion by the Board.

**Action Requested:**

Review of proposed regulations and, when appropriate, a motion establishing a recommendation to Town Council on the proposed zoning text amendments.

**Sec. 20-1202. Specific definitions.**

Unless otherwise provided in this chapter or any other development regulations adopted by the town, the following definitions shall apply in the administration of all development regulations adopted by the town:

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

*Hotel, motel, inn:* A building or group of buildings containing in combination ten (10) or more lodging units intended primarily for rental or lease to transients by the day or week. This term does not include short-term rentals.

~~*Hotel, motel, inn.* Establishments providing lodging and short term accommodations for travelers. These establishments may offer a wide range of services including, but not limited to, overnight sleeping space, food services, convention hosting services, laundry services, and/or entertainment and recreation activities.~~

*Short-term rental.* A residential use within a single dwelling unit, whether attached or detached, that is rented for compensation for periods of less than 30 days. The following activities shall not be considered as a short-term rental use for the purposes of this ordinance:

- a) Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached secondary dwelling units where the operator lives on the same property.
- b) Rental of property in any permitted hotel, motel, inn, or bed and breakfast establishment.
- c) Bed and breakfasts are not considered short-term rentals.

**Sec. 20-3205. Table of uses.**

The following notes shall be applicable to the Table of Uses established herein.

- (1) Additional standards for those uses identified on the Table of Uses as "permitted with standards" are found in article III of part III of this chapter.
- (2) If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the zoning administrator shall make a determination on which use most closely resembles the proposed use and shall apply those regulations and restrictions. Such determination may be made as a formal interpretation, or as part of an issuance or denial of a zoning permit or a notice of violation. The zoning administrator's determination is subject to an appeal of an interpretation which shall be heard by the board of adjustment.
- (3) The abbreviations and symbols shown in the Table of Uses have the following meanings:  
 "C" = Conditional District required  
 "P" = Permitted  
 "PS" = Permitted with Standards  
 "-" = Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
RESIDENTIAL								

[Type here]

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)	-	-	PS	PS	-	-	-	-
Dwelling - Secondary	PS	PS	PS	-	-	-	-	-
Family Care Home (6 or fewer residents)	PS	PS	PS	-	-	-	-	-
Child Care Home (6 or fewer children)	PS	PS	PS	-	-	-	-	-
Home Occupation	PS	PS	PS	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	-
Short-Term Rental	-	-	-	PS	PS	PS	PS	-

**Sec. 20-3301. Intent.**

This article sets forth standards for those uses that have been identified as "permitted with standards" in the Table of Uses set forth in Code section 20-3205. All generally applicable regulations (including but not limited to sidewalks, traffic analysis, street lighting, off-street parking and loading, etc.) shall apply to the uses set out in the sections of this article unless provided otherwise by the specific provisions within this article.

**Sec. 20-3328. Short-term rentals.**

- (a) Existing short-term rentals in R-1, R-2, and R-3 in operation at the time of the effective date of this ordinance shall be allowed to continue operations as a nonconforming use, in accordance with section 20-1604.
- (b) A zoning permit shall be required to establish new short-term rentals and all existing short term rentals existing as of \_\_\_\_\_, the time of the adoption of this ordinance.
- (c) Signs for short-term rentals operating as a nonconforming use in R-1, R-2, and R-3 are limited to one sign which shall not exceed 3 square feet. Signs for short-term rentals operating as a conforming use within the R-12, C-1, C-2, I-1 zoning districts are limited to one sign which shall not exceed 3 square feet.

**Sec. 20-1604. Nonconforming uses.**

- (a) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this article. A nonconformity must have been legal when it was established in order to receive nonconforming protection. A use which is a violation of the zoning ordinance when it was established shall not ripen into a lawful nonconformity.
- (b) Except as provided herein, no nonconforming use can be extended, expanded, enlarged, or moved if such change results in an increase in the extent or intensity of the nonconforming use as it existed at the time the lawful nonconformity was created.
- (c) Residential uses made nonconforming by a text amendment or a map amendment which rezones the property to a zoning district which does not permit residential uses cannot be expanded to increase the number of residences or family units from those existing at the time the lawful nonconformity was created. See Code section 20-1603(e) concerning nonconforming residential structures.

[Type here]



- 
- (d) Replacement of nonconforming uses.
- (1) A nonconforming use of a structure may be replaced by another nonconforming use if it falls within the same use definition as the original nonconforming use. Such lawful replacement of use may be permitted by the zoning administrator.
  - (2) A nonconforming use of a structure may be replaced by another nonconforming use if it is no less compatible with the surrounding properties and district than the nonconforming use which it replaces. Such requests must be submitted to the board of adjustment which is authorized to grant such a request if the applicant can present competent, substantial and material evidence that the proposed use is as compatible or more compatible with the surrounding properties and district than the original nonconforming use. Factors for the board's consideration include, but are not limited to, traffic, noise, site activity, hours of operation, lighting, vibration, dust, smoke, odor emissions, and any other factors that the board finds relevant to compare or differentiate between the existing use(s) and the proposed replacement use(s). The board of adjustment may establish conditions to ensure that the compatibility factors are maintained as approved.
- (e) No use may be established if it renders a conforming use as nonconforming.
- (f) Once a nonconforming use is changed to a conforming use, that nonconforming use cannot be lawfully reestablished.
- (g) Where a nonconforming use is visibly discontinued for 180 consecutive days, regardless of any intent or efforts to resume the use, then the use shall not be reestablished or resumed, and any subsequent use of the land or structure must conform to the requirements of town code.
- (h) Where a structure in which a nonconforming use is located is destroyed or damaged by fire, flood, wind, or other disaster, the structure may be repaired or restored to its original dimensions or substantially similar dimensions if the nonconformity is not increased, and as long as a zoning permit for the repair or restoration is issued within 180 days of the date of the damage and the nonconforming use can resume. Upon request, the board of adjustment is authorized to extend this period up to an additional 180 days if the applicant can present competent, substantial and material evidence showing good cause for such extension. Good cause could include, but is not limited to, delays related to estate administration, casualty insurance issues, or litigation concerning the property.
- (i) Signage for a lawful nonconforming use shall be limited to one wall mounted or attached sign which shall not exceed ten percent of the total surface area on which the sign is located. Said signage may be illuminated but must be shielded in a fashion to prevent light trespass and to brighten only the surface of the sign.
- (j) Short term rentals that are nonconforming use shall be deemed discontinued if the property/unit is not listed or rented for short term rental purposes for a period of 180 days.

(Ord. of 5-24-2021(1), § 5)

[Type here]



# Next Steps

1. Consider **forming a work group** to understand the current STR environment & impact in Weaverville objectively.
2. Consider **conducting public engagement** through community meetings, a survey, or focus groups to gather feedback on STR impacts in the community, both positive and negative.
3. Consider **developing STR regulations**, utilizing the questions asked in this presentation, that are contextual to Weaverville.
4. Consider **implementing and evaluating** the impact of these regulations.

**TOWN OF WEAVERVILLE  
PLANNING BOARD AGENDA ITEM**

**MEETING DATE:** May 7, 2024  
**SUBJECT:** Sign Regulations – Update  
**PRESENTER:** Planning Director and Town Attorney  
**ATTACHMENTS:** Proposed Revisions

**DESCRIPTION/SUMMARY OF REQUEST:**

Consistent with the current priorities within the Comprehensive Land Use Plan, Town staff has been working on revisions to the sign regulations within the Town’s Code of Ordinance.

The primary focus of this work has been on legal compliance. As discussed with the Board at its last meeting, recent U.S. Supreme Court cases have significantly impacted how local governments are able to regulate signs. In general, the Town can no longer establish regulations based on the content of the sign. This puts any regulation that requires you to read the sign in jeopardy. The Town can, however, continue to regulate the time, place, and manner of the placement of signs.

Much of the staff’s work has been to change the regulations to be content neutral. Some revisions have also been proposed in order to clarify the regulations or to resolve inconsistencies between the sign regulations and other provisions of the Town Code.

The Planning Director and Town Attorney will be at tonight’s meeting to review the proposed changes with the Board and will be able to assist with the Board’s recommendations on this matter tonight or at a subsequent meeting of the Board.

**PLANNING BOARD ACTION REQUESTED:**

Planning Board review of the proposed amendments to the sign regulations and, when appropriate, a motion establishing a recommendation to Town Council on the revised regulations.

## **ARTICLE I. SIGN REGULATIONS**

### **Sec. 20-4101. Findings, Purpose and Intent Purpose.**

- A. The purpose of this article is to regulate and control ~~the time, place and manner in which signs may be placed and their placement~~ throughout the town's planning and development regulation jurisdiction. The sign regulations contained herein are designed to enhance the health, safety and visual communication of the residents within the area in addition to preserving the natural beauty of the surrounding environment. This chapter also establishes the procedures through which such goals can be fulfilled.
- B. This chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- C. Signs placed on land or a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate to their intended purpose while balancing the individual and community interests identified herein.
- D. Regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity or use to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound condition.
- E. These regulations do not regulate every for and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth herein.
- F. These regulations do not entirely eliminate all harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while reducing and mitigating the extent of the harms caused by signs.
- G. It is the intent of this article to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as shown on the zoning map of the town whether a sign is directly visible from the street right-of-way or not.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-4102. Signs exempt from regulation Authorized signs.**

The following signs are considered authorized and allowed **by right** in all zoning districts without permit:

- (a) Signs erected or installed by a governmental agency under governmental authority to identify public buildings, welcome or direct visitors, or to regulate, control or direct traffic, including signs indicating bus stops, ~~taxi stands~~, and similar transportation facilities. Such signs may be illuminated, flashing or moving as

---

required for public safety. Furthermore, signs erected by a governmental agency which convey information regarding a public service or the location of a public facility may also be illuminated as necessary.

- (b) Signs erected, maintained or otherwise posted, owned or leased by the local, state, or federal governments.
- (c) Legal notices, warnings, regulatory informational signs erected, or required, by a public agency to ensure the public health, safety, or general welfare.
- (d) Signs required by law, including, but not limited to, building permits, exit signs, etc.
- (e) Signs which warn of hazard to life, limb, and property, such as high voltage electrical equipment, explosives, etc.
- (f) "No Trespassing" and "No Parking" signs equal to or containing less than four square feet of surface area and located on private property.
- ~~(e) Trade names or product names and graphics which are customarily painted on newspaper stands, soft drink machines, gasoline pumps and automatic teller machines.~~
- ~~(f) Temporary display of decorations, when such are clearly incidental to, and are customarily and commonly associated with any national, local or religious holiday or celebration.~~
- ~~(g) Signs indicating finance or credit information such as Visa, MasterCard, etc., not to exceed one square foot per financial sign.~~
- ~~(h) One freestanding church sign located on church property, or two freestanding church signs on church property if said church is located on a corner lot (one sign facing each street that borders the lot). Exempt church signs shall not exceed 36 square feet in surface area per side of sign up to a maximum of 72 square feet of aggregate surface area.~~
- ~~(i) One church bulletin board not to exceed 12 square feet of surface area (which may be a wall sign or a freestanding sign).~~
- ~~(j) Church directional signs. These signs may be located on private property with permission of the owner, at the nearest intersection of the major thoroughfare and/or collector street to the site of the church.~~
- ~~(k) The display of the flag of the United States, North Carolina, Buncombe County, or the Town of Weaverville.~~
- ~~(l) Private residential signs indicating the name, box, or house number of a particular residence not to exceed two square feet.~~
- ~~(m) Temporary signs or festival signs indicating town, civic club or school sponsored events, which must be removed within three days after the event is held.~~
- (g) Signs which are located inside a particular establishment and which are not intended for external viewing. ~~are not regulated by this chapter.~~
- ~~(e) Signs considered to be historically significant and/or landmark signs if so designated by resolution of the town council.~~
- ~~(p) Fence wraps – see Code section 20-4114.~~
- (h) Temporary signs with an aggregate sign face area not to exceed 6 square feet.** Off premises commercial signs are not considered temporary signs under this section.
- (i) Political signs are temporary signs and the regulations of G.S. 136-32(b)—(e), which are incorporated herein by reference, apply to all political signs within all rights-of-way for North Carolina's highway system and within all rights-of-way for town streets.

---

( Ord. of 5-24-2021(1) , § 5)

**Sec. 20-4103. Prohibited signs.**

The following signs shall not be erected or maintained in any zoning district within the jurisdiction of the town:

- (1) Any sign located in a manner or place so as to constitute a hazard to traffic as determined by the ~~zoning administrator~~ **Planning Director** or a law enforcement officer.
- (2) Any sign (except a governmental sign) located within a street right-of-way, or projecting into a street right-of-way.
- (3) Any sign which obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.
- (4) ~~Billboards and other types of off-premise advertising signs, except such signs located along U.S. 19-23 (Future I-26) and U.S. 25-70, which permitted signs must, nevertheless, comply with all DOT and Buncombe County sign restrictions.~~ Any sign which violates any provision of North Carolina law relative to outdoor advertising.
- (5) Roof signs. (Except signs painted or affixed to awnings, canopies, facades, parapets or soffits which shall be allowed.)
- (6) Any flashing device or sign displaying flashing or intermittent lights, or lights of changing degrees of intensity, except a sign indicating time and/or temperature, with changes alternating ~~on not less than a five-second cycle more frequently than five seconds.~~
- (7) Any sign painted on a roadway (except governmental signs) or any sign posted to utility poles, ~~trees, fences, rocks,~~ or upon other signs.
- (8) Any sign which is a copy of or an imitation of an official governmental sign, or which purports to have official status.
- (9) Portable or moveable signs such as rented or leased signs, not permanently affixed to the ground or to a building.
- (10) ~~Business or product identification signs associated with home occupations.~~
- (11) ~~Signs not expressly permitted as being allowed by right or otherwise expressly allowed by Town Council or the Board of Adjustment consistent with the provisions of this chapter.~~

( Ord. of 5-24-2021(1) , § 5)

**~~Sec. 20-4104. Sign—generally.~~**

~~No freestanding pole sign, ground level sign, marquee or menu board, shall be greater than six feet in height measured from street grade of the closest point in the street upon which the sign is located or from the grade at the base of the sign, whichever is higher, to the highest point of the sign or sign structure. This shall not include wall signs, multiple tenant development signs, mobile home park residential development name signs or projecting signs. All signs shall be aesthetically appealing and in harmony with the environment.~~

( Ord. of 5-24-2021(1) , § 5)

---

### **Sec. 20-4105. Temporary signs.**

Temporary signs shall be allowable in all zoning districts, but are subject to the following regulations:

- (1) Signs used prior to and during construction to identify the name of contractor(s) and/or developer(s) shall be considered temporary signs, and shall meet the following requirements:
  - a. Each contractor shall have no more than one sign per location which shall be removed upon completion of the project.
  - b. Construction signs shall not be placed on trees, rocks, or other natural objects.
  - c. Construction signs shall be either attached to the building or affixed to a secure temporary post.
  - d. Construction signs shall be no greater than 32 square feet per side of the sign up to a maximum of 64 square feet of aggregate surface area for the entire sign.
- (2) Political signs are temporary signs and the regulations of G.S. 136-32(b)-(e), which are incorporated herein by reference, apply to all political signs within all rights-of-way for North Carolina's highway system and within all rights-of-way for town streets.
- (3) Real estate signs (signs offering property for sale, lease or development) shall be considered temporary signs, and shall meet the following requirements:
  - a. Real estate signs in residential zoning districts shall not exceed six square feet in surface area per side of sign up to a maximum of 12 square feet of aggregate surface area for the entire sign.
  - b. Real estate signs in all other areas shall not exceed 16 square feet in surface area per side of sign up to a maximum of 32 square feet of aggregate surface area for the entire sign.
  - c. Real estate signs shall be erected only on the property which is being offered for sale, rent, lease and development.
  - d. Real estate signs shall conform to all other applicable provisions of the ordinance not inconsistent with this section.
  - e. Real estate signs shall be removed with seven days after the sale or lease of the property is closed.
  - f. Real estate directional signs (sign indicating the direction to a property being offered for sale) must be located on private property, with written permission of the property owner, at the nearest intersection of the major thoroughfare or collector street to the street upon which the property which is being offered for sale, rent, lease or development is located.
- (4) Any other temporary sign must be approved by the zoning administrator, and shall be of a size and height which is consistent with signs permitted in the neighborhood in which it will be located. Concerning the length of time a temporary sign may be displayed, the applicant must choose between the following options within a calendar year: (a) up to four 15-day periods, (b) up to two 30-day periods; or (c) one 60-day period. In no event may a temporary sign be displayed for more than 60 days within any given calendar year.

(Ord. of 5-24-2021(1), § 5)

### **Sec. 20-4106. Sign restrictions for R-1, R-2, And R-3 districts.**

In addition to the sign regulations contained in Code section 20-4104, the following restrictions apply within R-1, R-2 and R-3 districts:

- 
- (a) ~~Professional services, medical services doctor offices, personal services, and bed and breakfast establishments~~ Signs displaying commercial messaging for legally operating nonconforming uses shall be allowed one nameplate sign not to exceed eight square feet per side of sign for a maximum total aggregate sign area of 16 square feet.
  - (b) ~~Manufactured or mobile home parks shall be allowed one freestanding sign per entrance. Such sign shall be no larger than 32 square feet of surface area per side up to a maximum of 64 square feet of aggregate surface area per sign.~~
  - (c) Each residential development approved under a special use permit or conditional district, or as a major subdivision, **or legally operating nonconforming residential uses** shall be allowed one freestanding sign per entrance. Said sign shall be no larger than 50 square feet of surface area per side of sign up to a maximum of 100 square feet of aggregate surface area per sign **and shall not exceed six feet in height.**
  - (d) **Flags:**
    - 1. **Size:** Not to exceed 24 square feet in area.
    - 2. **Height:** Not to exceed 24 feet in height or no higher than the highest point of the principal building roof, whichever is lower.
    - 3. **Number:** Up to three flags on one flagpole per lot shall be allowed on the property.
    - 4. **Location:** Flagpoles shall be placed inside the setbacks of the applicable zoning district.

( Ord. of 5-24-2021(1) , § 5)

## **Sec. 20-41075. Sign restrictions for C-1, C-2, I-1, And R-12 districts.**

- (a) Wall signs shall not cover an area greater than 50 percent of the total surface area of the wall(s) upon which the sign(s) is located. (The surface area of a wall(s) shall be computed excluding windows and doors). All signs attached to a building, including all the visible face of flat signs, and both sides of projecting signs, and suspended signs shall be computed to determine the 50 percent wall coverage limitation. Within the R-12 district, excluding signs which show the address or building number of residential units, such attached signage shall only be permissible on common buildings which are not primarily used for residential purposes within the development.
- (b) Projecting or suspended signs shall be limited to one per business per building front, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign.
- (c) Signs overhanging any sidewalk shall be placed at least ~~7½ feet~~ **80 inches** above the sidewalk and shall not extend over the sidewalk for a distance equal to or greater than two-thirds of the width of the sidewalk ~~and in no event shall such a sign extend more than ten feet from the building upon which it is located.~~ **In all circumstances signs overhanging sidewalks must fully comply with the standards for protruding objects set forth in the Americans with Disabilities Act.**
- (d) Changeable copy signs shall be limited to one per store front, not to exceed 50 square feet in surface area per side up to a maximum of 100 square feet of aggregate surface area.
- (e) Detached ground-level signs, excluding private directional signs, shall be limited to one per commercial site. Ground level signs shall not extend more than six feet, at their highest point above ground level and shall not exceed 50 square feet in aggregate surface area per side of sign and shall not exceed a maximum of 100 square feet of aggregate surface area for the entire sign.



- 
- (f) All ground level signs and freestanding pole signs shall be located on the **immediate** premises of the advertised commercial establishment, and shall be no closer than ten feet to any street pavement, but in no event shall such sign be erected on a street right-of-way.
  - (g) Private directional signs on premise shall not be over six feet in sign height, and shall not have a surface area greater than four square feet per side up to a maximum of eight square feet in aggregate surface area for all sides.
  - (h) Where two or more business premises share a common courtyard, alley, or access area, the businesses therein shall be limited to one freestanding identification sign, no higher than 20 feet from top of grade, which shall contain no greater than 75 square feet of surface area per side of sign up to a maximum of 150 square feet of aggregate surface area for the entire sign. Each business establishment located within the development shall be permitted one nameplate sign, not to exceed 12 square feet in surface area per side of sign up to a maximum of 24 square feet of aggregate surface area for the entire sign to be attached to (or hung from) the freestanding identification sign for the development as a whole. (Nameplate signs shall not be of changeable copy). The total square footage of the identification sign and all of the attached nameplate signs shall not exceed 150 square feet per side of sign or 300 square feet for both sides. Signage within the R-12 district is not permitted under this subsection.
  - (i) The proper installation and/or secure attachment of any sign permitted under this chapter is the responsibility of the owner of the building, the tenant and/or the person installing/securing the same. A Buncombe County building permit may be required in addition to the requisite sign permit from the Town of Weaverville.
- (d) **Flags:**
1. **Size: Not to exceed 96 square feet in area.**
  2. **Height: Not to exceed 54 feet in height or no higher than the highest point of the principal building roof, whichever is lower.**
  3. **Number: Up to three flags on one flagpole per lot shall be allowed on the property.**
  4. **Location: Flagpoles shall be placed inside the setbacks of the applicable zoning district.**

( Ord. of 5-24-2021(1) , § 5)

**Sec. 20-41086. Sign construction, design, and illumination.**

- (a) All signs, except temporary signs and window signs, shall be constructed of materials which will not rapidly deteriorate, fade, fall apart, or in any way become a threat to the public's health, safety, and general welfare.
- (b) All signs shall be securely fastened, anchored, and generally placed so as to withstand ordinary adverse weather conditions.
- (c) No sign shall use a light reflecting background, but may use light reflecting letters.
- (d) Any sign may be illuminated unless otherwise prohibited by Code section 20-4103(6). The lights of indirectly illuminated signs shall be shielded in such a manner so as to illuminate only the face of the sign.

( Ord. of 5-24-2021(1) , § 5)

---

**Sec. 20-410~~97~~. Sign maintenance.**

- (a) The owner of each sign shall be responsible for maintaining the area around the sign, including the cutting of weeds and grass, and the removal of all trash and litter from the sign locale.
- (b) In the event that one sign is placed over another sign, the original sign shall be adequately covered or removed so that the original sign is not visible.
- (c) All signs, supports, braces, poles, wires and the anchors thereof shall be kept in good repair. They shall be maintained in a clean and safe condition, free from deterioration, missing parts, and peeling paint. Any sign not in compliance with these standards shall be deemed a nuisance and shall be subject to removal by the sign owner or by the town through the ~~zoning administrator~~ **Planning Director or their designee**.

( Ord. of 5-24-2021(1) , § 5)

**Sec. 20-41~~108~~. Sign permit required.**

- (a) ~~Unless otherwise authorized by this Chapter,~~ all signs placed or erected within the town shall require a sign permit issued by the ~~zoning administrator~~ **Planning Director or their designee**. Failure to secure a permit, when required, shall constitute a violation of this article. A sign permit fee shall be charged for each sign placed or erected after the effective date of the ordinance from which this chapter derives. Fees shall be charged in accordance with the schedule of fees established by town council.

~~(b) A sign permit shall not be required for the following types of signs; provided they meet all of the other requirements of this chapter:~~

~~(1) Private directional or safety signs;~~

~~(2) Temporary construction signs;~~

~~(3) Real estate signs;~~

~~(4) Political signs;~~

~~(5) Window signs;~~

~~(6) Any flag, badge, insignia or design customarily displayed by any governmental, charitable, civic, fraternal, patriotic, religious or similar organization;~~

~~(7) Municipal, school, recreational and civic club sponsored signs which indicate a schedule of events or rules and regulations, and school and public park signs which do not exceed 48 square feet of aggregate surface area per sign.~~

~~(c) All signs which are erected or which are in place prior to the adoption of this chapter or the adoption of any amendment thereto shall require a sign permit in order to be allowed to remain or shall require a statement of noncompliance issued by the zoning administrator setting forth those things which must be done by the sign owner in order to bring the sign within the provisions of the article. Such statements of noncompliance or sign permits shall be issued by the town within 180 days after the initial adoption of this chapter or after the adoption of subsequent amendments hereto which affect a sign. No permit fee shall be collected for the issuance of such noncompliance statement or sign permit.~~

~~(d) In the event that the town fails to issue a sign permit or statement of noncompliance within the 180-day period, the sign owner may assume that the sign is in compliance with all provisions of this chapter and that the sign is permitted to stand but the town shall not be bound by such assumption and may challenge the permissibility of the sign at a later date. A sign owner may request, at any time, that the town issue a sign permit stating that the subject sign is in compliance with the provisions of this chapter.~~

---

~~(e) Sign permit applications for which a statement of noncompliance is issued, shall include a list of all reasons for such statement of noncompliance. The owner of such sign shall have 90 days from receipt of the statement of noncompliance within which to bring the sign into compliance with the article or to remove the sign. If the sign is not brought into compliance or removed prior to the expiration of the 90-day period, the town may remove the same at the owner's expense.~~

(f) All signs erected or placed after the adoption of this article without prior sign permit approval shall immediately be removed upon inspection by the town if found not to be in compliance with the provisions of this article. If the sign is found to be in full compliance, an after-the-fact permit may be issued provided that all specified fees charged and collected.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~119~~. Obsolete or abandoned signs.**

(a) Signs or parts of signs which advertise or pertain to a development, complex, business, product, service, commodity, or which pertain to a purpose which no longer exists or which has not been in use for 90-days or more shall be deemed to be an obsolete or abandoned sign. Signs which are associated with a seasonal business shall not be considered obsolete or abandoned provided there is clear intent to continue the business in an upcoming season.

(b) Obsolete or abandoned signs are prohibited and shall be removed by the owner or agent of the owner within 30-days after the termination of the business or event so advertised.

(c) If the owner or agent of an abandoned or obsolete sign fails to remove said sign within the time allowed, the town may seek removal of the sign by an order of abatement pursuant to G.S. § 160A-175.

( Ord. of 5-24-2021(1) , § 5)

### **~~Sec. 20-4112. Miscellaneous provisions.~~**

~~Any sign which is not clearly covered by the provisions of this chapter shall, for the purposes of this chapter, be considered a commercial sign and shall comply with all of the provisions concerning commercial signs.~~

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~1310~~. Violation of article.**

(a) *Notice of violation.* The ~~code enforcement officer~~ Planning Director or ~~his~~ their designee shall have the authority to issue a notice of violation for all violations of this article. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee, a copy of the notice of violation shall be delivered to the sign owner by hand delivery or by registered or certified mail. In all other cases, a copy of the notice of violation shall be posted on the sign. A copy of the notice of violation shall also be delivered by hand delivery or registered or certified mail to the owner of the property where the sign is located as shown on the Buncombe County tax records. In addition, service of a notice of violation hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure.

(b) *Time to remedy violation.* Other than for temporary signs, all violations shall be remedied within 30-days after notice of the violation. The 30-day period shall commence upon the service of the notice of violation by any means set forth above. ~~Violations of regulations for temporary signs shall be remedied within 24 hours after service of the notice of violation by any means set forth above.~~

- 
- (c) *Extension of time for compliance.* ~~Other than for violations of regulations for temporary signs,~~ The ~~code enforcement officer~~ Planning Director or ~~his~~ their designee shall have the authority to grant a single 30-day extension of time within which to remedy the violation. For violations of regulations for temporary signs, the ~~zoning administrator~~ Planning Director or ~~his~~ their designee shall have the authority to issue a single 24-hour extension of time within which to remedy the violation. Either single extension of time may be issued based upon a written request for an extension of time which sets forth valid reasons for not complying within the original time period.
- (d) *Remedies for failure to comply.* Pursuant to G.S. § 160A-175, the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee may choose from the remedies set forth below to enforce the requirements of this article when there is a failure to comply with the notice of violation. Those remedies are as follows:
- (1) In addition to or in lieu of the other remedies set forth in this section, the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee may issue a citation and impose a civil penalty as provided in ~~Sec.1-6 of the code of ordinances.~~ In the case of a continuing violation, each 72-hour period during which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person(s) described in subsection (a) by the means set forth therein. In the event the offender does not pay the penalty within 30 days of service of the citation, the civil penalty shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14-4.
  - (2) In addition to or in lieu of the other remedies set forth in this section, the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee shall have the authority to issue an order to remove for any sign not repaired or otherwise brought into compliance within the provisions of this chapter within the time required by the foregoing provisions. Orders to remove shall be issued to and served upon the person(s) described in subsection (a) by the means set forth therein. Any sign ordered to be removed shall be removed 30-days after the service of the order to remove at the expense of the offender. The order to remove shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the order to remove, including specific reference to the provisions of this article which have been violated.
  - (3) In addition to or in lieu of the other remedies set forth above, the town may use all of the remedies set forth in G.S. § 160A-175. ~~Specifically, the person violating a provision of this chapter may be charged with a misdemeanor or infraction pursuant to G.S. § 14-4 and fined in accordance with the provisions.~~
- (e) *Removal and recovery of expense.* In the event of the failure to comply with the requirements of an order to remove, the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee may cause such sign to be removed. The sign owner and property owner shall be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (a) by the means set forth therein. If the cost of removal is not paid within 30-days thereafter, such costs shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14-4.
- (f) *Removal of dangerous signs.* Pursuant to G.S. § 160A-193, the town, through the planning director or ~~his~~ their designee shall have the authority to summarily remove, abate or remedy a sign which is determined to be dangerous or prejudicial to the public health or safety. The expense of removal shall be paid by the sign owner, or if the sign owner cannot be determined, by the owner of the property, and if not paid, the expense shall be a lien upon the land or premises where the sign is located and shall be collected in the same manner as unpaid taxes.
- ~~(g) —Removal of prohibited signs. The planning director or his their designee shall have the authority to remove summarily any signs prohibited under Code section 20-4103 of this article.~~
- (g) *Stay upon appeal.* In the event of a timely appeal of a decision of the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee to the board of adjustment, enforcement of all proceedings and the

---

furtherance of the action appealed from shall be stayed, unless the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee certifies to the board of adjustment that a stay would cause imminent peril to life or property.

- (h) In addition to the remedies set forth in this section, the Planning Director or their designee may remove any illegally posted temporary sign or sign which has been ordered to be removed. Any such removed sign will be retained for seven days, during which period the sign may be retrieved by the owner. After those seven days illegal signs removed by the town may be disposed of or destroyed.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~14~~11. Fence wraps.**

Pursuant to G.S. 160D-908, fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation pertaining to signage until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this section or G.S. 160D-908 may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~15~~12. Outdoor advertising.**

The provisions of this Article establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards). The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between Town regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent. In cases where there is no applicable State/Federal standard, then existing Town regulations shall be enforced.

Notwithstanding any of the foregoing, the mandatory provisions of G.S. 160D-912 shall apply.

( Ord. of 5-24-2021(1) , § 5)