TOWN OF WEAVERVILLE
Weaverville Community Room at Town Hall
30 South Main Street, Weaverville, NC 28787

TOWN COUNCIL AGENDA

December 9, 2025 at 6:00 pm
Town Council Workshop Meeting

Livestreaming of meeting via the "Live" Tab on the Town's YouTube Channel – Click this link: Youtube.com Weaverville NC government Live streams ; and Meeting recordings viewable under the "Videos" Tab
(unless technical difficulties are experienced)

1.	**Call to Order**		Vice Mayor Chase
2.	**PUBLIC HEARING – Code Amendments – Chapter 20 – Land Use**	2	Planning Director Eller and Public
	a. Technical Changes for Legal Compliance	4	
	b. Technical Changes - Residential Signage	11	
	c. New R-6 Residential District	13	
	d. New R-10 Residential District	20	
3.	**Code Amendment – Chapter 20 – Legal Compliance & Residential Signage –** ***Action Recommended***	39	Planning Director Eller
4.	**Code Amendment – Chapter 20 – New Residential Districts –** ***Discussion & Direction***	48	Planning Director Eller
5.	**Fire Engine Replacement**	60	Interim Fire Chief Davis
6.	**Recognition of Outgoing Mayor and Town Council Members**		Town Council and Manager
7.	**Social Gathering**		Town Council and Public
8.	**Adjournment**		Vice Mayor Chase

*Public comments may be submitted during the meeting or in writing in advance related to the public hearings. Normal rules of decorum apply to all comments and duplicate comments are discouraged. Comments during the meeting are generally limited to 3 minutes. You must be recognized before giving your comment. Written comments timely received will be provided to Town Council and reviewed during the meeting as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) 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, (2) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (3) by mailing your written comment (received not later than Tuesday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

PUBLIC HEARING

MEETING DATE: December 9, 2025

SUBJECT: Code Amendments – Chapter 20 – Land Use

PRESENTER: Planning Director Eller

ATTACHMENTS: Public Hearing Notice
Planning Board Recommendation – Legal Compliance
Planning Board Recommendation – Residential Signage
Planning Board Recommendation – New R-6 District
Planning Board Recommendation – New R-10 District

DESCRIPTION/SUMMARY OF REQUEST:

Town staff and the Planning Board have been working on several Code Amendments that are recommended for adoption.

The first recommendation is for legal compliance with newly enacted legislative changes that include vested rights, elimination of waiting periods between development requests, minimum street standards, special use permits, and display of governmental flags.

The second recommendation is for a technical amendment to clarify regulations concerning certain signage in residential districts.

The third and fourth recommendations involve the creation of two new residential districts, both of which attempt to provide for single family residential development on smaller lots with reduced minimum lot widths and reduced side yard setbacks.

> The R-6 district would allow up to 6 units per acre with a 75-foot minimum lot width and setbacks of: 30 feet in front, and 10 feet in the rear and side.
>
> The R-10 district would allow up to 10 units per acre with a 50-foot minimum lot width and the following setbacks: 30 feet in front, 10 feet in the rear, and 6 feet on the side.

The new residential districts were taken up as a way to potentially avoid conditional district zoning for residential projects that are seeking smaller lot sizes. They could also provide more consistent treatment among lots within the downtown area given that many lots are able to build on smaller lots under nonconforming lot provisions. If these new districts are adopted they would not automatically be applied to any property within the Town, but would be an available option for zoning as a map amendment.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on the proposed Code Amendments.

TOWN OF WEAVERVILLE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled workshop on **Tuesday, December 9, 2025, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter, **on proposed amendments to Town Code Chapter 20 concerning the creation of two residential zoning districts, regulations pertaining to signage within residential districts, and for legal compliance with Session Law 2025-94.**

This public hearing will occur as an in-person meeting in Council Chambers/Community Room at Town Hall, 30 South Main Street, Weaverville, NC.

WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be read into the record of the public hearing. Written public comments can be submitted as follows: (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 the day of the meeting) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

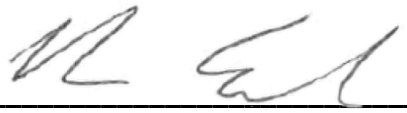
If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearings, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director James Eller at 828-484-7002 or jeller@weavervillenc.org or Town Clerk Tamara Mercer at 828-484-7003 or tmercer@weavervillenc.org.

Town of Weaverville
Planning Board

Recommendation and Plan Consistency Statement for
Proposed Text Amendments

On November 3, 2025, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendment which provides for statutory consistency with recent legislation which causes various local development regulations to be amended for legal compliance. This favorable recommendation is based on the findings as stated herein.

The Planning Board recently undertook a review of Session Law 2025-94 passed by the General Assembly in October of 2024. The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments align municipal ordinance with the recently enacted statute and the CLUP calls for the continuous review of zoning regulations to ensure statutory compliance.



Mark Endries, Vice-Chair of the Planning Board
November 3, 2025

Sec. 20-1116. Vested rights and permit choice.

(a) *Findings.* The North Carolina General Assembly has recognized that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The General Assembly also finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation. The provisions of this section and G.S. 160D-108 and 160D-108.1 strike an appropriate balance between private expectations and the public interest.

(b) *Permit choice*. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

(c) *Vested rights*. Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

i. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.

ii. Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.

iii. A site-specific vesting plan pursuant to G.S. 160D-108.1.

iv. A multi-phased development pursuant to subsection (f) of G.S. 160D-108 and this Code section.

v. A vested right established by the terms of a development agreement authorized by Article 10 of G.S. Chapter 160D.

The establishment of a vested right under any subdivision of subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided in this section, G.S. 160D-108, or common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use. A vested right obtained by permit or other local government approval shall not preclude the use or extinguish the existence of any vested right or use by right attached to the property.

(d) *Duration of vesting*. Upon issuance of a developmental permit, the statutory vesting granted by subsection (c) of this section or subsection (c) of G.S. 160D-108 for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section, G.S. 160D-108, or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance

period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

(e) *Multiple permits for development project*. Subject to subsection (d) above, and subsection (d) of G.S. 160D-108, where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

(f) *Multi-phased development*. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection or subsection (f) of G.S. 160D-108 remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

(g) *Continuing review*. Following issuance of a development permit, a local government may make subsequent inspections and reviews to ensure applicable compliance with the land development regulations in effect at the time of the original application.

(h) *Process to claim vested rights*. A person claiming a statutory or common law vested rights may submit information to substantiate that claim to the subdivision administrator or zoning administrator who shall make an initial determination as to the existence of the vested right. The decision of the administrator may be appealed under G.S. 160D-405 or Code section 20-1308. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal to the board of adjustment in accordance with G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.

(i) *Miscellaneous provisions*. The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and 136-131.2 in which case the rights granted by this section and section (i) of G.S. 160D-108 run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists. In a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(j) *Definitions.* Notwithstanding any other provisions of this chapter, as used in this section, the following definitions apply:

i. Development - As defined by G.S. 143-755(e)(1).

ii. Development permit - As defined in G.S. 143-755(e)(2).

iii. Land development regulation - As defined in G.S. 143-755(e)(3).

iv. Multi-phased development - A development containing 25 acres or more that is both of the following:

a. Submitted for development permit approval to occur in more than one phase.

b. Subject to a master development plan with continued elements showing the type and intensity of use of each phase.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-1508. Waiting period for subsequent requests.

~~When an application for a zoning map amendment has been approved or denied by town council, no rezoning applications covering the same property shall be accepted or considered within 12 months after the date of approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.~~

~~The waiting period required by this section may be waived by a three-fourths (3/4) vote of town council if it determines that there have been substantial changes in conditions or circumstances which may relate to the request.~~

Withdrawn or Denied Applications. – This development regulation does not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-2403. Streets.

(a) Access to a publicly maintained street must be provided to all lots within a subdivision. Existing direct public street access or access to a public street through recorded access easements must be documented.

(b) All new streets ~~proposed for a subdivision shall be constructed in accordance with the requirements of Code chapter 24, including street construction standards for private streets and construction standards and inspection procedures for public streets.~~ shall be constructed in accordance with the most recently adopted or revised North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards.

(c) If new private streets are proposed, appropriate easements and road maintenance agreements must be recorded at the time the final plat is recorded to provide all lots with access to a publicly maintained street. Documentation evidencing such private street easements and road maintenance agreements must be submitted by the subdivider as part of the final plat review process.

(d) Where curbs are provided on streets or where curbs, ramps, and sidewalks are constructed within any subdivision, any construction or reconstruction of such curbs, ramps, and sidewalks shall be in full compliance with ADA accessibility standards.

(e) Any guardrails or bridges proposed must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code as adopted by the town, whichever is stricter.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3108. Quasi-judicial zoning decisions.

(a) *Quasi-judicial procedures.* The board of adjustment shall follow quasi-judicial procedures as specified in G.S. 160D-406 and Code section 20-1309 when making any quasi-judicial decision.

(b) *Appeals of administrative decisions.* Except as otherwise provided by G.S. Chapter 160D, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of all development regulations and may hear appeals arising out of any other ordinance that regulates land use or development. A majority vote of the members shall be required to decide an appeal. The provisions of G.S. 160D-405 and Code section 20-1308 governing appeals of administrative decisions,

and G.S. 160D-406 and Code section 20-1309 governing quasi-judicial procedure are applicable to these appeals.

(c) *Special use permits.* The board of adjustment shall hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in Code section 20-3204. A majority vote of the members shall be required to issue a special use permit. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. In addition to the provisions of this section, Code section 20-1303 shall apply to minor modifications of special use permits. Any revocation or modification other than a minor modification shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification. Special use permits be recorded with the register of deeds. If a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.

(d) *Variances.* When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation when, based on competent, material, and substantial evidence, it finds all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made on the property;

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;

(3) The hardship did not result from the actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship;

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved;

(5) The requested variance is not a request to permit a use of land, building, or structure which is not permitted in the zoning district in which the property is located; and

(6) The requested variance is not a request to permit a prohibited sign or to eliminate a required sidewalk.

Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. Other development regulations that regulate land use or development, including the subdivision regulations, may provide for variances from the provisions of those ordinances consistent with the provision of this section. The concurring vote of four-fifths (4/5) of the board of adjustment shall be

necessary to grant a variance. Approved variances are required to be recorded with the Buncombe County Register of Deeds upon approval.

(e) *Vegetative screening and/or buffer waivers.* The board of adjustment shall have the authority to alter or eliminate the required vegetative screening or buffering requirement where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this chapter, between the owner of the lot requiring the vegetative screen and the owner of the adjacent lot zoned residential. These waivers may be granted by the board upon a majority vote of the members based on competent, material, and substantial evidence and any such agreements shall be attached to the approved waiver.

(Ord. of 5-24-2021(1), § 5; Ord. of 11-22-2021(1), § 5; Ord. of 5-23-2022(2), § 6; Ord. of 1-22-2024(1), § 6)

Sec. 20-4102. 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 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.

(g) Signs which are located inside a particular establishment and which are not intended for external viewing.

(h) Temporary signs with an aggregate sign face area not to exceed six 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.

(j) Display of official governmental flags; public restrictions (NCGS: 144-7).

(a) For purposes of this section, an “official governmental flag” shall mean any of the following:

(1) The flag of the United States of America.

(2) The flag of nations recognized by the United States of America.

(3) The flag of the State of North Carolina.

(4) The flag of any state or territory of the United States.

(5) The flag of a political subdivision of any state or territory of the United States.

(b) A county, city, consolidated city-county, or unified government shall not prohibit an official governmental flag from being flown or displayed if the official governmental flag is flown or displayed:

(1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended; and

(2) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.

(c) Notwithstanding subsection (a) of this section: (i) for the purpose of protecting the public health, safety, and welfare, reasonable restrictions on flag size, number of flags, location, and height of flagpoles are not prohibited, provided that such restrictions shall not discriminate against any official governmental flag in any manner; and (ii) with respect to the flag of the United States of America and the flag of the State of North Carolina, however, enforcement of a restriction as to a particular property shall require evaluation of and written findings of fact to document the public health, safety, and welfare concerns justifying enforcement of the ordinance at that particular property. If a traffic-based justification is asserted concerning such flag on a particular property, a site study conducted by the Department of Transportation shall be performed to evaluate whether traffic concerns will arise with manner or placement of the display of such flag at a particular location, and such flag shall only be prohibited if the Department of Transportation determines traffic concerns would in fact arise.

Town of Weaverville
Planning Board

Recommendation and Plan Consistency Statement for
Proposed Text Amendments

On June 3, 2025, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendment which addresses sign regulations for permitted uses within the R-1, R-2, and R-3 zoning districts. This favorable recommendation is based on the findings as stated herein.

The Planning Board has found that this proposed code amendment is consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that the proposed amendment seeks to provide guidance on signage within certain residential districts for permitted uses which are currently not addressed by the code. Also, the CLUP calls for an ongoing review of zoning regulations.

Jane Kelley
_____

Jane Kelley, Chairman of the Planning Board
June 3, 2025

RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING RESIDENTIAL SIGNAGE TEXT AMENDMENT

Sec. 20-4104. Sign restrictions for R-1, R-2, and R-3 districts.

(a) Signs displaying commercial messaging for legally operating nonconforming uses, or permitted 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) 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.

(c) 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.

Town of Weaverville
Planning Board

Recommendation and Plan Consistency Statement for
Proposed Text Amendments

On July 1, 2025, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendment which creates the R-6 zoning district. This favorable recommendation is based on the findings as stated herein.

The Planning Board has found that this proposed code amendment is consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that the proposed amendment seeks to provide a higher density single family zoning district. Also, the CLUP calls for an ongoing review of zoning regulations and a review of residential uses or districts for consistency and compatibility with policy directives.

Jane Kelley

Jane Kelley, Chairman of the Planning Board
July 1, 2025

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-6	R-12
Dwelling - Single Family	P	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	PS	-
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	-
Child Care Home (6 or fewer children)	PS	PS	PS	PS	-
Home Occupation	PS	PS	PS	PS	PS
Manufactured Home	-	-	-	-	-
Manufactured Home Park	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-
Bed & Breakfast	P	P	P	P	-
Hotel, Motel, Inn	-	-	-	-	-
Animal Services, Veterinary Clinic	-	-	-	-	-
Automated Teller Machines	-	-	-	-	P
Automobile Services, Gas Station	-	-	-	-	-
Automobile Services, Repair	-	-	-	-	-
Banks, Credit Unions, Financial Services	-	-	-	-	-
Child Care Center (more than 6)	-	-	-	-	-
Community Service Organization	-	-	-	-	-
Equipment Rental (Exterior Storage)	-	-	-	-	-
Equipment Rental (Interior Storage)	-	-	-	-	-

Funeral Home	-	-	-	-	-
Group Care Facility (more than 6 residents)	-	-	-	-	-
Government Services	C	C	C	C	C
Kennels	-	-	-	-	-
Medical Services - Clinic, Urgent Care Center, Hospital	-	-	-	-	-
Medical Services - Doctor Office	-	-	-	-	-
Personal Services	-	-	-	-	-
Post Office	-	-	-	-	-
Professional Services	-	-	-	-	-
Studio - Art, Dance Martial Arts, Music	-	-	-	-	-
Accessory Retail	-	-	-	-	-
Alcoholic Beverage Sales Store	-	-	-	-	-
Auto / Mechanical Parts Store	-	-	-	-	-
Bar / Tavern / Night Club	-	-	-	-	-
Drive-Thru Retail / Restaurant	-	-	-	-	-
General Retail (Under 5,000 sq. ft.)	-	-	-	-	-
General Retail (5,000 - 9,999 sq. ft.)	-	-	-	-	-
General Retail (10,000 - 24,999 sq. ft.)	-	-	-	-	-
General Retail (25,000 sq. ft. or more)	-	-	-	-	-
Multi-tenant Development (Under 25,000 sq. ft.)	-	-	-	-	-
Multi-tenant Development (25,000 sq. ft. or more)	-	-	-	-	-
Pawn Shop	-	-	-	-	-
Restaurant	-	-	-	-	-
Vehicle / Heavy Equipment Sales - Indoor	-	-	-	-	-
Vehicle / Heavy Equipment Sales - Outdoor	-	-	-	-	-
Amusements - Indoor	-	-	-	-	-
Amusements - Outdoor	-	-	-	-	-
Cultural or Community Facility	C	C	C	C	C
Recreation Facilities - Indoor	PS	PS	PS	PS	PS
Recreation Facilities - Outdoor	PS	PS	PS	PS	PS
Theater - Motion Picture	-	-	-	-	-
Manufacturing, Heavy	-	-	-	-	-
Manufacturing, Light	-	-	-	-	-
Manufacturing, Neighborhood	-	-	-	-	-
Metal Product Fabrication, Machine or Welding Shop, Auto Body Shop	-	-	-	-	-
Mini-Warehouses	-	-	-	-	-
Outdoor Storage Yard	-	-	-	-	-
Warehousing and Distribution - Exterior Storage	-	-	-	-	-
Warehousing and Distribution - Interior Storage	-	-	-	-	-
Cemeteries	-	-	-	-	-
Public Safety Facilities	C	C	C	C	C
Religious Institutions	C	C	C	C	C
Schools	C	C	C	C	C

Solar Collector System - Primary Use	-	-	-	-	-
Wireless Telecommunication Facility - Stealth	PS	PS	PS	PS	PS
Wireless Telecommunication Facility - Tower	-	-	-	-	-
Accessory Structures	PS	PS	PS	PS	PS
Adult Establishment	-	-	-	-	-
Agriculture - Commercial	-	-	-	-	-
Agriculture - Neighborhood	PS	PS	PS	PS	PS
Crematories	-	-	-	-	-
Event Center	-	-	-	-	-
Gaming Terminals	-	-	-	-	-
Mixed-Use Building or Structure	-	-	-	-	PS
Noxious Uses	-	-	-	-	-
Solar Collector System - Roof Mounted - Accessory Use	P	P	P	P	P
Solar Collector System - Ground Mounted - Accessory Use	PS	PS	PS	PS	PS
Tattoo Parlors	-	-	-	-	-
Farmers Market	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	-
Temporary Use	PS	PS	PS	PS	PS

(Ord. of 5-24-2021(1), § 5; Ord. of 10-24-2022(2), § 2; Ord. of 5-23-2022(2), § 3; Ord. of 1-22-2024(1), § 2)

RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING CREATION OF R-6 ZONING DISTRICT

Sec. 20-3206. Table of dimensional requirements.

Zoning District	R-1	R-2	R-3	R-6	R-12
Minimum Lot Area (sq. Ft.)	10,000[2,7]	7,500[1,2,3,4,7,12]	5,445[1,2,3,4,7,12]	7,260[1,2,7]	7,500[4,7,8,12]
Minimum Lot Width(ft.)	100	75[12]	75[12]	75	75[12]
Minimum Front Yard (ft.)	30	30[12]	30[12]	30	30[12]
Major Thoroughfare	30	30	30	30	30[5]
Minor Thoroughfare	30	30	30	30	30[5]
With Parking in Front	-	-	-	-	-
Without Parking in Front	-	-	-	-	-
Minimum Side Yard (ft.) Abutting Residential District	10	10[6,12]	10[6,12]	10	10[6,12]
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10[6]	10[6]	10	10[6]
Minimum Rear Yard (ft.) Abutting Residential District	10	10[6,12]	10[6,12]	10	10[6,12]
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10[6]	10[6]	10	10[6]
Height Limit (ft.)	35	35	35	35	45 and no more

					than 3 stories
Buffer if Abutting a Residential District (ft.)	0	0	0	0	20

The following notes apply to the Table of Dimensional Requirements set out above:

See sections on dwelling setbacks (Code section 20-3208(h) and (i)), nonconforming lots (Code section 20-1602); and right-of-way (Code section 20-3208(b)).

Additional Notes corresponding to the table:

1. 10,000 square feet if no public sewerage is available.
2. 20,000 square feet if neither public water or sewerage is available.
3. 5,000 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 8 units per acre.
4. 10,000 additional square feet for each additional dwelling unit when public water and/or sewer is not available.
5. 40 feet if property directly across the right-of-way is zoned residential.
6. 15 feet for duplexes; 25 feet for all other multi-family dwelling units.
7. Additional square footage may be required by the authority having jurisdiction over private water and/or sewerage systems located on individual lots.
8. 3,280 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 12 units per acre.
9. Where a lot in the C-1 district abuts a residential district, either directly or across a street (on the side of the C-1 lot), and any use is hereafter established on the C-1 lot by the construction of a new building thereon or by the enlargement of an existing building on the C-1 lot which enlargement exceeds by 25 percent the floor area of the existing building, such building and such lot shall be screened from the lot in the residential district by a vegetative screen on the side of the building or lot facing the residential lot shall require screening. Exceptions to this buffering requirement in C-1 are as follows:

(a) These provisions shall not apply to any lot which is used for a use which would be permitted in the adjacent residentially zoned district.
(b) The vegetative screen required shall be omitted along the street where the C-1 lot fronts.
(c) The board of adjustment shall have the authority to alter or eliminate the required vegetative screen where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this section, between the owner of the lot requiring the vegetative screen and the owner of the adjacent lot zoned residential. Any such agreements shall be attached to the application for zoning permit and retained by the town.

10. In the C-1 district, every building or structure hereafter erected or structurally altered to exceed 35 feet in height, shall, above such 35-foot height, be set back from the front line of the property on which the building or structure is located on the ratio of one set back foot for each two-foot rise above such 35-

foot height. In no case shall the height be greater than 57 feet (which would require a setback of 11 feet).

Where more than one-half of the street frontage in a particular street block is zoned residential and the remaining frontage on the same side of that street block is zoned C-1, the height regulations for the residential district shall apply to the lots zoned for commercial uses on that side of the street block.

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 manufacture home.
12. For "multifamily dwelling" or "dwelling, multifamily" projects which are designed to offer individual dwelling units or lots for sale rather than rent, the dimensional requirements shall be as set forth in subsection (d) of Code section 20-3324.

(Ord. of 5-24-2021(1), § 5; Ord. of 4-24-2023(1), § 3; Ord. of 3-24-2025(1), §§ 5, 6)

Town of Weaverville Planning Board

Recommendation and Plan Consistency Statement for
Proposed Text Amendments

On September 1 and October 6 the Planning Board studied and developed a new R-10 zoning district to accommodate single family residential development on smaller lots with reduced minimum lot widths and reduced side yard setbacks. This matter was taken up as a way to potentially avoid conditional district zoning for residential projects that are seeking smaller lot sizes.

With a majority vote of 3 to 2, the Planning Board offers a favorable recommendation on the attached text amendment. The Planning Board has found that this proposed amendment is consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public. Given that land prices are very expensive, the proposed amendment seeks to provide a higher density single family zoning district that will potentially provide a lower cost single family residential option to developers and help address the housing shortage and affordability issues in the area.

The proposed minimum lot width in the new R-10 district is 50 feet with the following setbacks: 30 feet in front, 10 feet in the rear, and 6 feet on the side. There was a significant amount of discussion concerning the side yard setback which is reduced from the typical 10 feet to 6 feet. A majority of the Planning Board approved the 6-foot side yard setback to accommodate housing designs that include a front facing garage in order to better handle parking. This reduced setback was also found to be consistent with several of the developments within and around Weaverville such as Lillie Farm Cove, Partridge Berry, Lakeside Meadows, Creekside Village, and the development on Wheeler Road.

Two members of the Planning Board expressed concern that the reduced side yard setback will allow houses to be built too close together, citing fire safety concerns. It is noted that the NC Fire Code applies to all residential development so any housing built within the new R-10 district must meet Fire Code standards that are in place at the time of development.

Jane Kelley
_____

Jane Kelley, Chairman of the Planning Board
October 8, 2025

Sec. 20-3201. Conventional districts.

The following conventional districts are hereby established:

(a) *R-1 district.* 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 residential life in a low density community.

(b) *R-2 district.* 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 protect and promote a suitable environment for residential life in a moderate density community.

(c) *R-3 district.* The general residential district is established in 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 residential life with a higher allowable density than the R-1 and R-2 districts.

(d) *R-6 district.* The residential district is established in which the principal use of the land is for single-family residential purposes. The regulations for the R-6 district are established to provide an opportunity for higher density single-family development in areas where such development is compatible with the surrounding environment. With smaller dimensional requirements compared to the R-1 district, the R-6 district allows for a more efficient use of land while still maintaining a residential character and promoting a suitable environment for family living in a low-density residential community.

(e) *R-10 district.* The residential district is established in which the principal use of the land is for single-family residential purposes. The regulations for the R-10 district are established to accommodate slightly higher-density single-family residential development through reduced lot area requirements, while still ensuring the preservation of the character of the neighborhood. The R-10 district provides flexibility for development while promoting a suitable environment for residential life within a moderately dense, single-family residential area.

(f) *R-12 district.* 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.

(g) *C-1 district.* 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.

(h) *C-2 district.* 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.

(i) *I-1 district.* 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.

(Ord. of 5-24-2021(1), § 5)

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-6	R-10	R-12	C-1	C-2	I-1	MHO
RESIDENTIAL										
Dwelling - Single Family	P	P	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	PS	PS	-	-	-	-	-
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	-	-	-	-	-
Child Care Home (6 or fewer children)	PS	PS	PS	PS	PS	-	-	-	-	-
Home Occupation	PS	PS	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	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	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	-
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 5,000 sq. ft.)	-	-	-	-	-	-	P	P	P	-
General Retail (5,000 - 9,999 sq. ft.)	-	-	-	-	-	-	C	P	P	-
General Retail (10,000 - 24,999 sq. ft.)	-	-	-	-	-	-	C	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	C	C	C	C	C	C	C	C	C	-
Recreation Facilities - Indoor	PS	PS	PS	PS	PS	PS	P	P	P	-
Recreation Facilities - Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Theater - Motion Picture	-	-	-	-	-	-	-	P	P	-
MANUFACTURING / WHOLESALE / STORAGE										
Manufacturing, Heavy	-	-	-	-	-	-	-	-	C	-
Manufacturing, Light	-	-	-	-	-	-	-	P	P	-
Manufacturing, Neighborhood	-	-	-	-	-	-	P	P	P	-
Metal Product Fabrication, Machine or Welding Shop, Auto Body Shop	-	-	-	-	-	-	-	-	P	-
Mini-Warehouses	-	-	-	-	-	-	-	-	P	-
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	C	C	P	P	-
Religious Institutions	C	C	C	C	C	C	C	C	C	-
Schools	C	C	C	C	C	C	C	C	C	-
UTILITIES										
Solar Collector System - Primary Use	-	-	-	-	-	-	-	-	PS	-
Wireless Telecommunication Facility - Stealth	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Wireless Telecommunication Facility - Tower	-	-	-	-	-	-	-	PS	PS	-
MISCELLANEOUS USES										
Accessory Structures	PS	PS	PS	PS	PS	PS	P	P	P	-
Adult Establishment	-	-	-	-	-	-	-	C	C	-
Agriculture - Commercial	-	-	-	-	-	-	PS	PS	PS	-
Agriculture - Neighborhood	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Crematories	-	-	-	-	-	-	-	-	C	-
Event Center	-	-	-	-	-	-	C	C	C	-
Gaming Terminals	-	-	-	-	-	-	-	PS	PS	-
Mixed-Use Building or Structure	-	-	-	-	-	PS	PS	PS	-	-
Noxious Uses	-	-	-	-	-	-	-	-	C	-
Solar Collector System - Roof Mounted - Accessory Use	P	P	P	P	P	P	P	P	P	P
Solar Collector System - Ground Mounted - Accessory Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Tattoo Parlors	-	-	-	-	-	-	-	P	P	-
TEMPORARY USES										
Farmers Market	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Mobile Food Vendor	-	-	-	-	-	-	PS	PS	PS	-
Temporary Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	-

(Ord. of 5-24-2021(1), § 5; Ord. of 10-24-2022(2), § 2; Ord. of 5-23-2022(2), § 3; Ord. of 1-22-2024(1), § 2)

Sec. 20-3206. Table of dimensional requirements.

Zoning District	R-1	R-2	R-3	R-6	R-10	R-12	C-1	C-2	I-1	M
Minimum Lot Area (sq. Ft.)	10,000[2,7]	7,500[1,2,3,4,7,12]	5,445[1,2,3,4,7,12]	7,260	4,356	7,500[4,7,8,12]	0	0	0	5
Minimum Lot Width(ft.)	100	75[12]	75[12]	75	50	75[12]	0	50	0	7
Minimum Front Yard (ft.)	30	30[12]	30[12]	30	30	30[12]	0	0	0	3

Major Thoroughfare	30	30	30	30	30	30[5]	0	60	35[5]	3
Minor Thoroughfare	30	30	30	30	30	30[5]	0	25[5]	35[5]	3
With Parking in Front	-	-	-	-	-	-	-	60	-	-
Without Parking in Front	-	-	-	-	-	-	-	40	-	-
Minimum Side Yard (ft.) Abutting Residential District	10	10[6,12]	10[6,12]	10	6	10[6,12]	0	30	40	1
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10[6]	10[6]	10	6	10[6]	0	0	40	1
Minimum Rear Yard (ft.) Abutting Residential District	10	10[6,12]	10[6,12]	10	10	10[6,12]	0	30	40	1
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10[6]	10[6]	10	10	10[6]	0	0	40	1
Height Limit (ft.)	35	35	35	35	35	45 and no more than 3 stories	Note 10	75	75	1
Buffer if Abutting a	0	0	0	0	0	20	Note 9	20	20	0

Residential District (ft.)										

The following notes apply to the Table of Dimensional Requirements set out above:

See sections on dwelling setbacks (Code section 20-3208(h) and (i)), nonconforming lots (Code section 20-1602); and right-of-way (Code section 20-3208(b)).

Additional Notes corresponding to the table:

1. 10,000 square feet if no public sewerage is available.
2. 20,000 square feet if neither public water or sewerage is available.
3. 5,000 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 8 units per acre.
4. 10,000 additional square feet for each additional dwelling unit when public water and/or sewer is not available.
5. 40 feet if property directly across the right-of-way is zoned residential.
6. 15 feet for duplexes; 25 feet for all other multi-family dwelling units.
7. Additional square footage may be required by the authority having jurisdiction over private water and/or sewerage systems located on individual lots.
8. 3,280 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 12 units per acre.
9. Where a lot in the C-1 district abuts a residential district, either directly or across a street (on the side of the C-1 lot), and any use is hereafter established on the C-1 lot by the construction of a new building thereon or by the enlargement of an existing building on the C-1 lot which enlargement exceeds by 25 percent the floor area of the existing building, such building and such lot shall be screened from the lot in the residential district by a vegetative screen on the side of the building or lot facing the residential lot shall require screening. Exceptions to this buffering requirement in C-1 are as follows:
   (a) These provisions shall not apply to any lot which is used for a use which would be permitted in the adjacent residentially zoned district.
   (b) The vegetative screen required shall be omitted along the street where the C-1 lot fronts.
   (c) The board of adjustment shall have the authority to alter or eliminate the required vegetative screen where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this section, between the owner of the lot requiring the vegetative screen and the owner of the adjacent lot zoned residential. Any such agreements shall be attached to the application for zoning permit and retained by the town.
10. In the C-1 district, every building or structure hereafter erected or structurally altered to exceed 35 feet in height, shall, above such 35-foot height, be set back from the front line of the property on which the building or structure is located on the ratio of one set back foot for each two-foot rise above such 35-foot height. In no case shall the height be greater than 57 feet (which would require a setback of 11 feet).

    Where more than one-half of the street frontage in a particular street block is zoned residential and the remaining frontage on the same side of that street block is zoned C-1, the height regulations

for the residential district shall apply to the lots zoned for commercial uses on that side of the street block.

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 manufacture home.

12. For "multifamily dwelling" or "dwelling, multifamily" projects which are designed to offer individual dwelling units or lots for sale rather than rent, the dimensional requirements shall be as set forth in subsection (d) of Code section 20-3324.

(Ord. of 5-24-2021(1), § 5; Ord. of 4-24-2023(1), § 3; Ord. of 3-24-2025(1), §§ 5, 6)

Sec. 20-3310. Farmers market.

(a) Vendors may offer seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products.

(b) Vendors may offer value-added horticultural, agricultural, aquacultural or forest products which were produced by the vendor, including but not limited to baked goods, meat, dairy, honey, cider, preserves, relishes, jams, jellies and similar products.

(c) Vendors may offer hand-made crafts and works of art which were produced by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation.

(d) Vendors may offer food items prepared by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation, and provided that the vendor shall comply with all applicable requirements of the director of public health and the North Carolina Department of Agriculture.

(e) The sale of live animals is prohibited.

(f) Off-street parking shall be provided in order to maintain the safe flow of traffic in the immediate vicinity.

(g) Farmers markets operating within the R-1, R-2, R-3, R-6, R-10 or R-12 districts shall only be conducted on property owned by the town. Additionally, these farmers markets may not operate more than one day per week and for no longer than eight hours on such day.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3315. 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 not encroach onto any street or sidewalk, and

(3) Shall not obstruct any loading zone or parking space required by this chapter, and

(4) Shall not create a sight line obstruction.

(c) Mobile food vendors shall be located at least 150 feet from any primary residential structure located within the R-1, R-2, R-3, R-6 or R-10 district.

(d) Mobile food vendors shall not be located within ten feet of any fire hydrant.

(e) Hours on site shall be consistent with 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 7:00 a.m. to 11:00 p.m.

(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. Town 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 eight square feet of surface area, is permitted. Such a sign shall be placed within ten feet of the mobile food unit or vehicle and shall only be displayed during 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 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 are not subject to these regulations but are governed by the conditions placed upon the permit for approval.

(j) Mobile food vendors are 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.

(k) In no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land.

(l) A zoning permit is required for each parcel which proposes to establish a mobile food vendor. The fee for said permit may be found within the schedule of fees.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-4104. Sign restrictions for R-1, R-2, R-3, R-6 and R-10 districts.

(a) 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) 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.

(c) 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 06-24-2024(1), § 2)

Sec. 20-4209. Wireless telecommunication facilities - Microcell.

(a) Use districts: C-1, C-2, I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3, R-6, and R-10.

(b) Microcellular wireless telecommunication facilities are permitted on buildings and other existing structures (other than off-premises signs) which do not require an increase in height to accommodate the facility. Electric distribution poles may be extended in height in R-3 residential zoning districts to the lesser of 20 feet above the vegetative canopy in the vicinity of the site as determined by the town zoning administrator or 100 feet in height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.

(c) All antennas associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be flush-mounted against the side of the building or structure and camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted.

(d) Antennas associated with a microcellular wireless telecommunication facility mounted on a utility pole must be mounted atop the pole or flush mounted against the sides of the pole, and shall be colored to match or complement the color of the utility pole and shall be mounted in as unobtrusive a manner as possible.

(e) Antennas associated with a microcellular wireless telecommunication facility may not be collocated on a tower or other support structure used by an amateur radio operator.

(f) Equipment enclosures associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be mounted inside the building or structure, attached to an exterior surface, or placed underground or on a concrete pad on the ground outside the building or structure. If mounted on an exterior surface, the enclosures shall be colored or camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted. If placed on a concrete pad on the ground, the enclosures shall be screened so as to make them unobtrusive.

(g) Equipment enclosures associated with a microcellular wireless telecommunication facility mounted on a utility pole, must be mounted on the utility pole provided, however, if combiners are used to allow collocation by sharing of an antenna or antenna array and pole-mounting of equipment enclosures cannot be accommodated on the pole, the combiner and additional equipment enclosures may be placed underground or on a concrete pad on the ground. If placed on a concrete pad on the ground, such additional equipment enclosures shall be screened so as to make them unobtrusive.

(h) All cabling and wiring connecting antennas, equipment enclosures, and other components of a microcellular wireless telecommunication facility shall be colored or concealed in a manner as to render them unobtrusive.

(i) No towers may be mounted on a roof structure.

(j) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(k) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town of Weaverville in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

(l) As part of its application each applicant for a microcellular wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of and ultimately remove the facility upon abandonment or cessation of operations. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Weaverville for all costs it incurs to perform any work required of the applicant by the agreement that the applicant fails to perform. A $5,000.00 cash bond, or other security acceptable to the Town of Weaverville, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

(m) Abandoned or unused wireless telecommunication facilities shall be removed within one year (365 days) of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town of Weaverville shall give 30 days' written notice of its intention to do so to the permittee at its last known address.

(n) An annual wireless telecommunication facility permit shall be required for each wireless telecommunication facility located in the Town of Weaverville. Before an annual permit shall be issued or renewed an applicant or permittee must certify that:

(1) It currently holds an FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not an FCC licensee, that the license of each of its FCC tenants is in good standing.

(2) The wireless telecommunication facility continues to be operated by the permittee and that it has a continuing need for the facility to meet the requirements of its FCC license.

(3) That the facility continues to comply with all FCC and FAA rules and regulations.

(4) That the permittee currently has general liability insurance of at least $1,000,000.00 in force covering the wireless telecommunication facility as evidenced by a certificate of insurance attached to its renewal application.

(5) That it is in compliance with its maintenance/removal agreement and that any bond or other security given in conjunction therewith remains it full force and effect.

(6) That it has not constructed, maintained, modified or operated any wireless telecommunication facilities in the Town of Weaverville without the town's approval or, if it has done so, that it has ceased operating and has removed all such facilities.

Failure to obtain or renew an annual wireless telecommunication facility permit shall result in the wireless telecommunication facility being deemed abandoned and subject to removal, as well as subjecting the facility's owner to all other penalty and enforcement provisions of this Code. The Town of Weaverville shall give 30 days' advance written notice to the permittee at its last known address of the pending expiration of the permittee's

annual wireless telecommunication facility permit. Fees for annual wireless telecommunication facility permits shall be in accordance with the Town of Weaverville Fees and Charges Manual.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-4210. Wireless telecommunication facilities - concealed.

(a) Use districts: C-1, C-2, I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3, R-6, and R-10.

(b) Concealed wireless telecommunication facilities are permitted on buildings and alternative structures (other than off-premises signs and telecommunication towers).

(c) For purposes of this section antennas mounted on an electric transmission tower shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten feet above the top of the supporting structure, nor more than two feet from the sides of the structure. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad and screened so as to make them unobtrusive.

(d) For purposes of this section, antennas mounted on an electric distribution tower, street lighting pole or traffic light pole shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten feet above the top of the supporting structure, nor more than two feet from the sides of the structure, and equipment enclosures associated with the facility occupy less than 60 cubic feet. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground on a concrete pad. Electric distribution poles may be extended in height in I-1, zoning districts to 20 feet above the vegetative canopy in the vicinity of the site as determined by the town zoning administrator. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.

(e) Panel antennas associated with concealed wireless telecommunication facilities may not exceed eight feet in height. If flush-mounted on the side of a building or alternative structure, antennas shall be camouflaged to match or complement the color and architectural treatment of the surface. Antennas extending above the roofline of a building shall be concealed behind a RF-transparent parapet wall or facade, which is camouflaged to match or complement the color and architectural treatment of the building or structure. Such parapet walls or facades shall not extend more than ten feet above the roofline. Where a parapet wall is at least eight feet in height, omnidirectional (whip-type) antennas may extend above the parapet wall by a distance equal to the height of the parapet wall.

(f) Antennas associated with a concealed wireless telecommunication facility may not be collocated on a tower or other support structure used by an amateur radio operator.

(g) Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, except as provided in subsection (d) above, equipment enclosures shall be screened so as to make them unobtrusive.

(h) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication facilities shall be colored or concealed in a manner as to render them unobtrusive.

(i) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(j) Reserved.

(k) Applicants for concealed wireless telecommunication facilities shall first be encouraged to consider properties owned by the Town of Weaverville, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.

(l) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

(m) Before a concealed wireless telecommunication facility is approved an applicant shall be required to post a $5,000.00 cash bond, or other security satisfactory to the town, to secure the costs of maintaining the exterior appearance of the facility if the wireless provider or its successors or assigns fails to continually do so, or removing such facility in the event the wireless provider shall fail to do so within one year (365 days) of abandonment or cessation of operation of the facility. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

(n) Abandoned or unused wireless telecommunication facilities shall be removed within one year (365 days) of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the town shall give 30 days' written notice of its intent to do so to the permittee at its last known address.

(o) An annual wireless telecommunication facility permit shall be required for each wireless telecommunication facility located in the town. Before an annual permit shall be issued or renewed an applicant or permittee must certify that:

(1) It currently holds an FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not an FCC licensee, that the license of each of its FCC tenants is in good standing.

(2) The wireless telecommunication facility continues to be operated by the permittee and that it has a continuing need for the facility to meet the requirements of its FCC license.

(3) That the facility continues to comply with all FCC and FAA rules and regulations.

(4) That the permittee currently has general liability insurance of at least $1,000,000.00 in force covering the wireless telecommunication facility as evidenced by a certificate of insurance attached to its renewal application.

(5) That it is in compliance with its maintenance/removal agreement and that any bond or other security given in conjunction therewith remains it full force and effect.

(6) That it has not constructed, maintained, modified or operated any wireless telecommunication facilities in the town without the town's approval or, if it has done so, that it has ceased operating and has removed all such facilities.

Failure to obtain or renew an annual wireless telecommunication facility permit shall result in the wireless telecommunication facility being deemed abandoned and subject to removal, as well as subjecting the facility's owner to all other penalty and enforcement provisions of this Code. The town shall give 30 days' advance written notice to the permittee at its last known address of the pending expirations of the permittee's annual wireless telecommunication facility permits. Fees for annual wireless telecommunication facility permits shall be in accordance with the Town of Weaverville Fees and Charges Manual.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-4211. Wireless telecommunication facilities - collocated.

(a) Use districts: Use Districts: C-1, C-2, I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3 R-6, and R-10.

(b) Application fees for a collocated wireless telecommunication facility shall be in accordance with the Town of Weaverville's Fees and Charges Manual.

(c) Wireless telecommunication facilities may be collocated on any structure which hosts one or more permitted and approved wireless telecommunication facilities provided, however, that the proposed collocated wireless facility must meet equipment enclosure and antenna size restrictions for the type of facility and zoning district in which the existing facility was approved (i.e., microcell and concealed wireless telecommunication facilities).

(d) Where collocation is proposed by use of a combiner (allowing two or more commercial wireless service providers to share a common antenna or antenna array), an equipment enclosure which houses only the combiner and amplifiers may exceed the maximum permitted dimensions for other types of equipment enclosures.

(e) Antennas associated with a co-located wireless telecommunication facility may not be collocated on a tower or other support structure used by an amateur radio operator.

(f) Collocated wireless telecommunication facilities shall meet the following design standards:

(1) Use of dual-band/multi-band antennas (to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands) or by using combiners (to allow antenna sharing by users of the same frequency band) is encouraged in order to minimize the height of support structures and the visual impact of multiple collocated antennas or antenna arrays.

(2) Antennas associated with a collocated wireless telecommunication facility shall be mounted so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

i. Compact dual-polarized antennas in a cylindrical unicell arrangement extending less than two feet from the structure, and mounted atop the tower;

ii. Panel antennas flush-mounted against the tower;

iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

(3) No collocated wireless telecommunication facility located on a telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or

straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.

(4) All equipment enclosures and other improvements accessory to a collocated wireless telecommunication facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed 12 feet in height. Ground mounted equipment shall be screened from view, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

(5) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(6) Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence may be topped with barbed wire. The zoning administrator may require as a condition of approval that the fencing be screened by appropriate landscaping or other means, or may waive or modify the fencing requirement if it determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

(7) Signage at any ground-based portion of a collocated wireless telecommunication facility site shall conform to the following provisions:

i. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing. Maximum size of the sign is four square feet.

ii. Equipment hazard warning and informational signs are permitted.

iii. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.

(g) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

(h) Before a collocated wireless telecommunication facility is approved, an applicant shall be required to post a $5,000.00 cash bond, or other security satisfactory to the town, to secure the costs of maintaining the exterior appearance of the facility if the wireless provider fails to continually do so, or removing such facility in the event the wireless provider shall fail to do so within one year (365 days) of abandonment or cessation of operation of the facility. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

(i) Abandoned or unused wireless telecommunication facilities shall be removed within one year (365 days) of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the town shall give 30 days' written notice of its intention to do so to the permittee at its last known address.

(j) Collocated wireless telecommunication facilities shall not be constructed unless the facility owner has general liability coverage of at least $1,000,000.00. The owner of a collocated wireless telecommunication facility shall provide the town with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.

(k) An annual wireless telecommunication facility permit shall be required for every wireless telecommunication facility located in the town. Before a permit shall be issued or renewed an applicant or permittee must certify that:

(1) It currently holds an FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not an FCC licensee, that the license of each of its FCC tenants is in good standing.

(2) The wireless telecommunication facility continues to be operated by the permittee and that it has a continuing need for the facility to meet the requirements of its FCC license.

(3) That the facility continues to comply with all FCC and FAA rules and regulations and all conditions of its conditional use permit.

(4) That the permittee currently has general liability insurance of at least $1,000,000.00 in force covering the wireless telecommunication facility as evidenced by a certificate of insurance attached to its renewal application.

(5) That it is in compliance with its maintenance/removal agreement and that any bond or other security given in conjunction therewith remains in full force and effect.

(6) That it has not constructed, maintained, modified or operated any wireless telecommunication facilities in the town without the town's approval or, if it has done so, that it has ceased operating and has removed all such facilities.

Failure to obtain or renew an annual wireless telecommunication facility permit shall result in the wireless telecommunication facility being deemed abandoned and subject to removal, as well as subjecting the facility's owner to all other penalty and enforcement provisions of this Code. The town shall give 30 days' advance written notice to the permittee at its last known address of the pending expiration of the permittee's annual wireless telecommunication facility permit. Fees for annual wireless telecommunication facility permits shall be in accordance with the Town of Weaverville Fees and Charges Manual.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-4212. Wireless telecommunication facilities - monopole.

(a) Use districts. Use districts C-2 and I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3, R-6, and R-10.

(b) Applications fees for a monopole wireless telecommunication facility shall be in accordance with the Town of Weaverville's Fee and Charges Manual.

(c) Monopole wireless telecommunications facilities may be located on any property located in the C-2 and I-1 district that can provide the required fall zones as described herein. In addition, a wireless telecommunications company may construct a monopole telecommunication facility only if they can prove that no other type of wireless telecommunication facility will allow them to provide service.

(d) Monopole wireless telecommunication facilities shall meet the following design standards:

(1) Use of dual-band/multi-band antennas (to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands) or by using combiners (to allow antenna sharing by users of

the same frequency band) is encouraged in order to minimize the height of support structures and the visual impact of multiple collocated antennas or antenna arrays.

(2) Antennas associated with a monopole wireless telecommunication facility shall be mounted so as to present the smallest possible silhouette, profile, or cross section. Preferred antenna mounting scenarios are, in order of descending preference:

i. Compact dual-polarized antennas in a cylindrical unicell arrangement extending less than two feet from the structure, and mounted atop the tower;

ii. Panel antennas flush-mounted against the tower;

iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

(3) No monopole wireless telecommunication facility shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket and shall not extend more than two feet from the structure.

(4) All equipment enclosures and other improvements necessary to a monopole wireless telecommunications facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed 12 feet in height. Ground-mounted equipment shall be screened from view, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

(5) Generators may not be used as the primary electrical power source. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(6) Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence may be topped with barbed wire. The zoning administrator may require as a condition of approval that the fencing be screened by appropriate landscaping or other means, or may waive or modify the fencing requirement if he determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

(7) Signage at a monopole wireless telecommunications facility shall conform to the following provisions:

i. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be mounted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing. Maximum size of the sign is four square feet.

ii. Equipment hazard warning and informational signs are permitted.

iii. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.

(8) Notwithstanding any height limitations otherwise set forth in this Code, monopoles may be constructed up to, but shall not exceed 150 feet in height in the C-2 and I-1 use districts and 100 feet in height in all other use districts.

(e) Monopoles shall be constructed in a manner to provide a fall zone all around the monopole in a length of one-half of the heights of the monopole unless the applicant provides a sealed statement from a North

Carolina professional engineer that a shorter length for all or a part of the fall zone area shall provide adequate distance to provide protection from damage to adjacent property. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each wireless service provider's FCC license. If FCC licenses have been previously filed with the Town of Weaverville in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

(f) Before a monopole wireless telecommunication facility is approved, an applicant shall be required to post a $25,000.00 cash guarantee or other security satisfactory to the town, to secure the costs of maintaining the exterior appearance of the facility, including the property on which the facility is located and any improvements on the property which are associated with the facility if the wireless provider fails to continually do so, or removing such facility in the event the wireless provider shall fail to do so within one year (365 days) of abandonment or cessation of operation of the facility. The applicant shall be required to continue such guarantee or other security until such time as the facility has been removed and all other requirements of its maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunications facility at their principal place of business and governmental users are exempt from the guarantee requirement.

(g) Abandoned or unused wireless telecommunications facilities shall be removed within one year (365 days) of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the town shall give 30 days' written notice of its intention to do so to the permittee at its last known address. The remedies of the town set forth herein are not exclusive and the town may elect to use any or all of the remedies for enforcement of town ordinances set forth in section 1-6 of this Code or any other remedies available to the town in state statutes or other applicable law.

(h) Monopole wireless telecommunication facilities shall not be constructed unless the facility owner has general liability coverage of at least $1,000,000.00. The owner of a collocated wireless telecommunication facility shall provide the town with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.

(i) An annual wireless telecommunication facility permit shall be required for every monopole wireless telecommunication facility located in the town. Before a permit shall be issued or renewed, an applicant or permittee must certify that:

(1) It currently holds an FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not an FCC licensee, that the license of each of its FCC tenants is in good standing.

(2) The wireless telecommunication facility continues to be operated by the permittee and that it has a continuing need for the facility to meet the requirements of its FCC license.

(3) The facility continues to comply with all FCC and FAA rules and regulations and all conditions of its conditional use permit.

(4) The permittee currently has general liability insurance of at least $1,000,000.00 in force covering the wireless telecommunication facility as evidenced by a certificate of insurance attached to its renewal application.

(5) It is in compliance with its maintenance/removal agreement and that any bond or other security given in conjunction therewith remains it full force and effect.

(6) It has not constructed, maintained, modified or operated any wireless telecommunication facilities in the town without the town's approval or, if it has done so, that it has ceased operating and has removed all such facilities.

Failure to obtain or renew an annual wireless telecommunication facility permit shall result in the wireless telecommunication facility being deemed abandoned and subject to removal, as well as subjecting the facility's owner to all other penalty and enforcement provisions of this Code. The town shall give 30 days' advance written notice to the permittee at its last known address and pending the expiration of the permittee's annual wireless telecommunications facility permit. Fees for annual wireless telecommunication facility permits shall be in accordance with the Town of Weaverville Fees and Charges Manual.

(Ord. of 5-24-2021(1), § 5)

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting:	December 9, 2025
Subject:	Code Amendment – Ch. 20 – Land Use Legal Compliance and Residential Signage
Presenter:	Planning Director Eller
Attachments:	Proposed Ordinance

Description:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for a continuous review of the zoning regulations. It has been the practice of staff to bring forth text amendments for legal compliance and when difficulties are encountered.

The proposed amendments update Chapter 20 for consistency with Session Law 2025-94 and clarify regulations concerning certain signage in residential districts.

An ordinance has been drafted for Town Council consideration.

Action Requested:

Following tonight's public hearing, Town Council is asked to approve this requested Code Amendment by adopting the attached ordinance. A suggested motion is:

> *I move the adoption of the* ***ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20 CONCERNING LEGAL COMPLIANCE AND TECHNICAL AMENDMENT REGARDING RESIDENTIAL SIGNAGE*** *as presented.*

ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20 WITH TECHNICAL CHANGES RELATED TO RESIDENTIAL SIGNAGE AND FOR LEGAL COMPLIANCE WITH SESSION LAW 2025-94

WHEREAS, the Planning Board met 3 June 2025 in order to review a technical amendment to the regulations regarding residential signage and found that the proposed code amendment is consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendment provide for better clarity of its regulations;

WHEREAS, the Planning Board met on 3 November 2025 in order to consider amendments necessary for compliance with Session Law 2025-94, including technical changes related to vested rights and permit choice, elimination of waiting periods between applications, minimum street standards, special use permits, and display of official governmental flag, and found such amendments to be consistent with the Town's comprehensive land use plan and necessary for legal compliance;

WHEREAS, after proper notice the Town Council held a public hearing on 9 December 2025 in order to receive input from the public on these amendments;

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 Board are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town's adopted comprehensive land use plan and reasonable.

2. Concerning residential signage, Code Section 20-4104 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-4104. Sign restrictions for R-1, R-2, and R-3 districts.

(a) Signs displaying commercial messaging for legally operating nonconforming uses, or permitted 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) 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.

(c) 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

3. For legal compliance, Code Sections 20-1116, 20-1508, 20-2403, 20-3108, and 20-4102 are amended with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-1116. Vested rights and permit choice.

(a) *Findings.* The North Carolina General Assembly has recognized that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. The General Assembly also finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation. The provisions of this section and G.S. 160D-108 and 160D-108.1 strike an appropriate balance between private expectations and the public interest.

(b) *Permit choice*. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

(c) *Vested rights*. Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

i. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.

ii. Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.

iii. A site-specific vesting plan pursuant to G.S. 160D-108.1.

iv. A multi-phased development pursuant to subsection (f) of G.S. 160D-108 and this Code section.

v. A vested right established by the terms of a development agreement authorized by Article 10 of G.S. Chapter 160D.

The establishment of a vested right under any subdivision of subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided in this section, G.S. 160D-108, or common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use. A vested right obtained by permit or other local government approval shall not preclude the use or extinguish the existence of any vested right or use by right attached to the property.

(d) *Duration of vesting*. Upon issuance of a developmental permit, the statutory vesting granted by subsection (c) of this section or subsection (c) of G.S. 160D-108 for a development project is

effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section, G.S. 160D-108, or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.

(e) *Multiple permits for development project*. Subject to subsection (d) above, and subsection (d) of G.S. 160D-108, where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

(f) *Multi-phased development*. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection or subsection (f) of G.S. 160D-108 remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

(g) *Continuing review*. Following issuance of a development permit, a local government may make subsequent inspections and reviews to ensure applicable compliance with the land development regulations in effect at the time of the original application.

(h) *Process to claim vested rights*. A person claiming a statutory or common law vested rights may submit information to substantiate that claim to the subdivision administrator or zoning administrator who shall make an initial determination as to the existence of the vested right. The decision of the administrator may be appealed under G.S. 160D-405 or Code section 20-1308. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal to the board of adjustment in accordance with G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.

(i) *Miscellaneous provisions*. The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and 136-131.2 in which case the rights granted by this section and section (i) of G.S. 160D-108 run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists. In a particular case or that a compensable taking has occurred. Except as

expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(j) *Definitions.* Notwithstanding any other provisions of this chapter, as used in this section, the following definitions apply:

i. Development - As defined by G.S. 143-755(e)(1).

ii. Development permit - As defined in G.S. 143-755(e)(2).

iii. Land development regulation - As defined in G.S. 143-755(e)(3).

iv. Multi-phased development - A development containing 25 acres or more that is both of the following:

a. Submitted for development permit approval to occur in more than one phase.
b. Subject to a master development plan with continued elements showing the type and intensity of use of each phase.

Sec. 20-1508. Waiting period for subsequent requests.

~~When an application for a zoning map amendment has been approved or denied by town council, no rezoning applications covering the same property shall be accepted or considered within 12 months after the date of approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.~~

~~The waiting period required by this section may be waived by a three-fourths (3/4) vote of town council if it determines that there have been substantial changes in conditions or circumstances which may relate to the request.~~

Withdrawn or Denied Applications. – This development regulation does not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.

Sec. 20-2403. Streets.

(a) Access to a publicly maintained street must be provided to all lots within a subdivision. Existing direct public street access or access to a public street through recorded access easements must be documented.

(b) All new streets ~~proposed for a subdivision shall be constructed in accordance with the requirements of Code chapter 24, including street construction standards for private streets and construction standards and inspection procedures for public streets.~~ shall be constructed in accordance with the most recently adopted or revised North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards.

(c) If new private streets are proposed, appropriate easements and road maintenance agreements must be recorded at the time the final plat is recorded to provide all lots with access to a publicly maintained street. Documentation evidencing such private street easements and road maintenance agreements must be submitted by the subdivider as part of the final plat review process.

(d) Where curbs are provided on streets or where curbs, ramps, and sidewalks are constructed within any subdivision, any construction or reconstruction of such curbs, ramps, and sidewalks shall be in full compliance with ADA accessibility standards.

(e) Any guardrails or bridges proposed must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code as adopted by the town, whichever is stricter.

Sec. 20-3108. Quasi-judicial zoning decisions.

(a) *Quasi-judicial procedures.* The board of adjustment shall follow quasi-judicial procedures as specified in G.S. 160D-406 and Code section 20-1309 when making any quasi-judicial decision.

(b) *Appeals of administrative decisions.* Except as otherwise provided by G.S. Chapter 160D, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of all development regulations and may hear appeals arising out of any other ordinance that regulates land use or development. A majority vote of the members shall be required to decide an appeal. The provisions of G.S. 160D-405 and Code section 20-1308 governing appeals of administrative decisions, and G.S. 160D-406 and Code section 20-1309 governing quasi-judicial procedure are applicable to these appeals.

(c) *Special use permits.* The board of adjustment shall hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in Code section 20-3204. A majority vote of the members shall be required to issue a special use permit. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S.

160A-307, or other unauthorized limitations on the development or use of land. The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. In addition to the provisions of this section, Code section 20-1303 shall apply to minor modifications of special use permits. Any revocation or modification other than a minor modification shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification. Special use permits be recorded with the register of deeds. If a special use permit expires and does not vest, the current zoning classification or regulation for the property applies.

(d) *Variances.* When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation when, based on competent, material, and substantial evidence, it finds all of the following:

(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made on the property;

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;

(3) The hardship did not result from the actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship;

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved;

(5) The requested variance is not a request to permit a use of land, building, or structure which is not permitted in the zoning district in which the property is located; and

(6) The requested variance is not a request to permit a prohibited sign or to eliminate a required sidewalk.

Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. Other development regulations that regulate land use or development, including the subdivision regulations, may provide for variances from the provisions of those ordinances consistent with the provision of this section. The concurring vote of four-fifths (4/5) of the board of adjustment shall be necessary to grant a variance. Approved variances are required to be recorded with the Buncombe County Register of Deeds upon approval.

(e) *Vegetative screening and/or buffer waivers.* The board of adjustment shall have the authority to alter or eliminate the required vegetative screening or buffering requirement where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this chapter, between the owner of the lot requiring the vegetative screen and the owner of the

adjacent lot zoned residential. These waivers may be granted by the board upon a majority vote of the members based on competent, material, and substantial evidence and any such agreements shall be attached to the approved waiver.

Sec. 20-4102. 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 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.

(g) Signs which are located inside a particular establishment and which are not intended for external viewing.

(h) Temporary signs with an aggregate sign face area not to exceed six 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.

(j) Display of official governmental flags; public restrictions (NCGS: 144-7).

(a) For purposes of this section, an “official governmental flag” shall mean any of the following:

(1) The flag of the United States of America.

(2) The flag of nations recognized by the United States of America.

(3) The flag of the State of North Carolina.

(4) The flag of any state or territory of the United States.

(5) The flag of a political subdivision of any state or territory of the United States.

(b) A county, city, consolidated city-county, or unified government shall not prohibit an official governmental flag from being flown or displayed if the official governmental flag is flown or displayed:

(1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended; and

(2) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.

(c) Notwithstanding subsection (a) of this section: (i) for the purpose of protecting the public health, safety, and welfare, reasonable restrictions on flag size, number of flags, location, and height of flagpoles are not prohibited, provided that such restrictions shall not discriminate against any official governmental flag in any manner; and (ii) with respect to the flag of the United States of America and the flag of the State of North Carolina, however, enforcement of a restriction as to a particular property shall require evaluation of and written findings of fact to document the public health, safety, and welfare concerns justifying enforcement of the ordinance at that particular property. If a traffic-based justification is asserted concerning such flag on a particular property, a site study conducted by the Department of Transportation shall be performed to evaluate whether traffic concerns will arise with manner or placement of the display of such flag at a particular location, and such flag shall only be prohibited if the Department of Transportation determines traffic concerns would in fact arise.

4. 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.
5. These amendments shall be effective immediately upon adoption and codified.

ADOPTED THIS the 9th day of December, 2025, by a vote of ___ in favor and ___ against.

_____

PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

_____

TAMARA MERCER, Town Clerk

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting: December 9, 2025

Subject: Code Amendment – Ch. 20 – Land Use
Proposed New Residential Zoning Districts

Presenter: Planning Director Eller

Attachments: Proposed Ordinance

Description:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for a review of residential uses for consistency and compatibility with policy directives. With that work the Planning Board recommends that Town Council consider the creation of two new residential districts, both of which attempt to provide for single family residential development on smaller lots with reduced minimum lot widths and reduced side yard setbacks.

> The R-6 district would allow up to 6 units per acre with a 75-foot minimum lot width and setbacks of: 30 feet in front, and 10 feet in the rear and side.
>
> The R-10 district would allow up to 10 units per acre with a 50-foot minimum lot width and the following setbacks: 30 feet in front, 10 feet in the rear, and 6 feet on the side.

The new residential districts were recommended as a way to potentially avoid conditional district zoning for residential projects that are seeking smaller lot sizes. They could also provide more consistent treatment among lots within the downtown area given that many lots are able to build on smaller lots under nonconforming lot provisions.

If these new districts are adopted they would not automatically be applied to any property within the Town, but would be an available option for zoning through map amendments.

An ordinance has been drafted for Town Council consideration.

Action Requested:

Following tonight's public hearing, Town Council is asked to take one of the following actions: (1) schedule more discussion on the topic, (2) approve this requested Code Amendment by adopting the attached ordinance, either as presented or amended, or (3) provide other direction to staff. If adoption is desire, the following motion could be considered:

> *I move the adoption of the* ***ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20 TO ADD NEW RESIDENTIAL ZONING DISTRICTS IDENTIFIED AS R-6 AND R-10*** *as presented/as amended.*

ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20
TO ADD NEW RESIDENTIAL ZONING DISTRICT IDENTIFIED AS R-6 AND R-10

WHEREAS, one of the current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, calls for a review of residential uses for consistency and compatibility with policy directives and, as part of that work, the Planning Board has considered the implementation of residential districts to provide for single family residential development on smaller lots;

WHEREAS, the Planning Board met 1 July 2025 an considered code amendments to create of an R-6 zoning district that would allow single family residential development on smaller lots with reduced minimum lot width and with a unanimous vote found such amendments to be consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendment provides additional zoning options;

WHEREAS, on 1 September 2025 and 6 October 2025 the Planning Board studied and developed code amendments for a new R-10 zoning district to accommodate single family residential development on smaller lots with reduced minimum lot width and reduced side yard setbacks and, with a majority vote, found those amendments to be consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendment provides additional zoning options;

WHEREAS, after proper notice the Town Council held a public hearing on 9 December 2025 in order to receive input from the public on these amendments;

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 Board are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town's adopted comprehensive land use plan and reasonable.

2. Code Sections 20-3201, 20-3205, 20-3206, 20-3310, 20-3315, 20-4101, 20-4209(a), 20-4210(a), 20-4211(a), and 20-4212(a) are amended with the added language shown as underlined and deleted language, if any, is shown with strike-throughs, all as shown on Attachment A which is incorporated herein by reference.

3. 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.

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

ADOPTED THIS the _____ day of _____, 2025/2026, by a vote of ____ in favor and ____ against.

_____
Mayor

ATTESTED BY:

_____
TAMARA MERCER, Town Clerk

ATTACHMENT A

Sec. 20-3201. Conventional districts.

The following conventional districts are hereby established:

(a) *R-1 district.* 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 residential life in a low density community.

(b) *R-2 district.* 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 protect and promote a suitable environment for residential life in a moderate density community.

(c) *R-3 district.* The general residential district is established in 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 residential life with a higher allowable density than the R-1 and R-2 districts.

(d) *R-6 district.* The residential district is established in which the principal use of the land is for single-family residential purposes. The regulations for the R-6 district are established to provide an opportunity for higher density single-family development in areas where such development is compatible with the surrounding environment. With smaller dimensional requirements compared to the R-1 district, the R-6 district allows for a more efficient use of land while still maintaining a residential character and promoting a suitable environment for family living in a low-density residential community.

(e) *R-10 district.* The residential district is established in which the principal use of the land is for single-family residential purposes. The regulations for the R-10 district are established to accommodate slightly higher-density single-family residential development through reduced lot area requirements, while still ensuring the preservation of the character of the neighborhood. The R-10 district provides flexibility for development while promoting a suitable environment for residential life within a moderately dense, single-family residential area.

(f) *R-12 district.* 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.

(g) *C-1 district.* 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.

(h) *C-2 district.* 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.

(i) *I-1 district.* 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.

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-6	R-10	R-12	C-1	C-2	I-1	MHO
RESIDENTIAL										
Dwelling - Single Family	P	P	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	PS	PS	-	-	-	-	-
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	-	-	-	-	-
Child Care Home (6 or fewer children)	PS	PS	PS	PS	PS	-	-	-	-	-
Home Occupation	PS	PS	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	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	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	-
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 5,000 sq. ft.)	-	-	-	-	-	-	P	P	P	-
General Retail (5,000 - 9,999 sq. ft.)	-	-	-	-	-	-	C	P	P	-
General Retail (10,000 - 24,999 sq. ft.)	-	-	-	-	-	-	C	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	C	C	C	C	C	C	C	C	C	-
Recreation Facilities - Indoor	PS	PS	PS	PS	PS	PS	P	P	P	-
Recreation Facilities - Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Theater - Motion Picture	-	-	-	-	-	-	-	P	P	-
MANUFACTURING / WHOLESALE / STORAGE										
Manufacturing, Heavy	-	-	-	-	-	-	-	-	C	-
Manufacturing, Light	-	-	-	-	-	-	-	P	P	-
Manufacturing, Neighborhood	-	-	-	-	-	-	P	P	P	-
Metal Product Fabrication, Machine or Welding Shop, Auto Body Shop	-	-	-	-	-	-	-	-	P	-
Mini-Warehouses	-	-	-	-	-	-	-	-	P	-
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	C	C	P	P	-
Religious Institutions	C	C	C	C	C	C	C	C	C	-
Schools	C	C	C	C	C	C	C	C	C	-
UTILITIES										
Solar Collector System - Primary Use	-	-	-	-	-	-	-	-	PS	-
Wireless Telecommunication Facility - Stealth	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Wireless Telecommunication Facility - Tower	-	-	-	-	-	-	-	PS	PS	-
MISCELLANEOUS USES										
Accessory Structures	PS	PS	PS	PS	PS	PS	P	P	P	-
Adult Establishment	-	-	-	-	-	-	-	C	C	-
Agriculture - Commercial	-	-	-	-	-	-	PS	PS	PS	-
Agriculture - Neighborhood	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Crematories	-	-	-	-	-	-	-	-	C	-
Event Center	-	-	-	-	-	-	C	C	C	-
Gaming Terminals	-	-	-	-	-	-	-	PS	PS	-
Mixed-Use Building or Structure	-	-	-	-	-	PS	PS	PS	-	-
Noxious Uses	-	-	-	-	-	-	-	-	C	-
Solar Collector System - Roof Mounted - Accessory Use	P	P	P	P	P	P	P	P	P	P
Solar Collector System - Ground Mounted - Accessory Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Tattoo Parlors	-	-	-	-	-	-	-	P	P	-
TEMPORARY USES										
Farmers Market	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Mobile Food Vendor	-	-	-	-	-	-	PS	PS	PS	-
Temporary Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	-

Sec. 20-3206. Table of dimensional requirements.

Zoning District	R-1	R-2	R-3	R-6	R-10	R-12	C-1	C-2	I-1	MHO[11]
Minimum Lot Area (sq. Ft.)	10,000[2,7]	7,500[1,2,3,4,7,12]	5,445[1,2,3,4,7,12]	7,260	4,356	7,500[4,7,8,12]	0	0	0	5,445[1,2,3,4,7]
Minimum Lot Width(ft.)	100	75[12]	75[12]	75	50	75[12]	0	50	0	75
Minimum Front Yard (ft.)	30	30[12]	30[12]	30	30	30[12]	0	0	0	30
Major Thoroughfare	30	30	30	30	30	30[5]	0	60	35[5]	30
Minor Thoroughfare	30	30	30	30	30	30[5]	0	25[5]	35[5]	30
With Parking in Front	-	-	-	-	-	-	-	60	-	-
Without Parking in Front	-	-	-	-	-	-	-	40	-	-
Minimum Side Yard (ft.) Abutting Residential District	10	10[6,12]	10[6,12]	10	6	10[6,12]	0	30	40	10[6]
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10[6]	10[6]	10	6	10[6]	0	0	40	10[6]
Minimum Rear Yard (ft.) Abutting Residential District	10	10[6,12]	10[6,12]	10	10	10[6,12]	0	30	40	10[6]
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10[6]	10[6]	10	10	10[6]	0	0	40	10[6]
Height Limit (ft.)	35	35	35	35	35	45 and no more than 3 stories	Note 10	75	75	18
Buffer if Abutting a Residential District (ft.)	0	0	0	0	0	20	Note 9	20	20	0

The following notes apply to the Table of Dimensional Requirements set out above:

See sections on dwelling setbacks (Code section 20-3208(h) and (i)), nonconforming lots (Code section 20-1602); and right-of-way (Code section 20-3208(b)).

Additional Notes corresponding to the table:

1. 10,000 square feet if no public sewerage is available.
2. 20,000 square feet if neither public water or sewerage is available.
3. 5,000 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 8 units per acre.
4. 10,000 additional square feet for each additional dwelling unit when public water and/or sewer is not available.
5. 40 feet if property directly across the right-of-way is zoned residential.
6. 15 feet for duplexes; 25 feet for all other multi-family dwelling units.
7. Additional square footage may be required by the authority having jurisdiction over private water and/or sewerage systems located on individual lots.
8. 3,280 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 12 units per acre.
9. Where a lot in the C-1 district abuts a residential district, either directly or across a street (on the side of the C-1 lot), and any use is hereafter established on the C-1 lot by the construction of a new building thereon or by the enlargement of an existing building on the C-1 lot which enlargement exceeds by 25 percent the floor area of the existing building, such building and such lot shall be screened from the lot in the residential district by a vegetative screen on the side of the building or lot facing the residential lot shall require screening. Exceptions to this buffering requirement in C-1 are as follows:
   (a) These provisions shall not apply to any lot which is used for a use which would be permitted in the adjacent residentially zoned district.
   (b) The vegetative screen required shall be omitted along the street where the C-1 lot fronts.
   (c) The board of adjustment shall have the authority to alter or eliminate the required vegetative screen where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this section, between the owner of the lot requiring the vegetative screen and the owner of the adjacent lot zoned residential. Any such agreements shall be attached to the application for zoning permit and retained by the town.
10. In the C-1 district, every building or structure hereafter erected or structurally altered to exceed 35 feet in height, shall, above such 35-foot height, be set back from the front line of the property on which the building or structure is located on the ratio of one set back foot for each two-foot rise above such 35-foot height. In no case shall the height be greater than 57 feet (which would require a setback of 11 feet).

    Where more than one-half of the street frontage in a particular street block is zoned residential and the remaining frontage on the same side of that street block is zoned C-1, the height regulations for the residential district shall apply to the lots zoned for commercial uses on that side of the street block.
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 manufacture home.

12. For "multifamily dwelling" or "dwelling, multifamily" projects which are designed to offer individual dwelling units or lots for sale rather than rent, the dimensional requirements shall be as set forth in subsection (d) of Code section 20-3324.

Sec. 20-3310. Farmers market.

(a) Vendors may offer seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products.

(b) Vendors may offer value-added horticultural, agricultural, aquacultural or forest products which were produced by the vendor, including but not limited to baked goods, meat, dairy, honey, cider, preserves, relishes, jams, jellies and similar products.

(c) Vendors may offer hand-made crafts and works of art which were produced by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation.

(d) Vendors may offer food items prepared by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation, and provided that the vendor shall comply with all applicable requirements of the director of public health and the North Carolina Department of Agriculture.

(e) The sale of live animals is prohibited.

(f) Off-street parking shall be provided in order to maintain the safe flow of traffic in the immediate vicinity.

(g) Farmers markets operating within the R-1, R-2, R-3, R-6, R-10 or R-12 districts shall only be conducted on property owned by the town. Additionally, these farmers markets may not operate more than one day per week and for no longer than eight hours on such day.

Sec. 20-3315. 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 not encroach onto any street or sidewalk, and

(3) Shall not obstruct any loading zone or parking space required by this chapter, and

(4) Shall not create a sight line obstruction.

(c) Mobile food vendors shall be located at least 150 feet from any primary residential structure located within the R-1, R-2, R-3, R-6 or R-10 district.

(d) Mobile food vendors shall not be located within ten feet of any fire hydrant.

(e) Hours on site shall be consistent with 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 7:00 a.m. to 11:00 p.m.

(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. Town 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 eight square feet of surface area, is permitted. Such a sign shall

be placed within ten feet of the mobile food unit or vehicle and shall only be displayed during 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 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 are not subject to these regulations but are governed by the conditions placed upon the permit for approval.

(j) Mobile food vendors are 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.

(k) In no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land.

(l) A zoning permit is required for each parcel which proposes to establish a mobile food vendor. The fee for said permit may be found within the schedule of fees.

Sec. 20-4104. Sign restrictions for R-1, R-2, R-3, R-6 and R-10 districts.

(a) 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) 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.

(c) 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.

Sec. 20-4209. Wireless telecommunication facilities - Microcell.

(a) Use districts: C-1, C-2, I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3, R-6, and R-10.

Sec. 20-4210. Wireless telecommunication facilities - concealed.

(a) Use districts: C-1, C-2, I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3, R-6, and R-10.

Sec. 20-4211. Wireless telecommunication facilities - collocated.

(a) Use districts: Use Districts: C-1, C-2, I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3, R-6, and R-10.

Sec. 20-4212. Wireless telecommunication facilities - monopole.

(a) Use districts. Use districts C-2 and I-1 and all Town of Weaverville owned property located in R-1, R-2, R-3, R-6, and R-10.

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

Date of Meeting: December 9, 2025

Subject: Fire Engine Replacement

Presenter: Interim Fire Chief Davis

Attachments: Letter of Intent to Purchase

Description:

The engine in one of the Town's fire trucks caught fire in September as a result of a mechanical failure. Our insurance carrier has totaled the truck and will be paying the Town $232,500 for the claim. This money can be applied towards a replacement fire truck.

There are limited opportunities to purchase fire trucks, but a Pierce Enforcer Custom Pumper is available through Atlantic Emergency Solutions with no money down and an estimated 5-month delivery time. **This fire engine meets the Town's needs and is available for $1,052,346 with a quick delivery time. Town Council is asked to approve this purchase.**

Town staff recommends a fuller review of the fire apparatus needs of the Fire Department and the funding plan for this purchase be scheduled for a future meeting prior to the truck being delivered, which is anticipated in May 2026.

Action Requested:

Town Council action to approve the purchase of the Pierce Enforcer Custom Pumper fire truck through Atlantic Emergency Solutions for $1,052,346.

ATLANTIC EMERGENCY SOLUTIONS

Proposal for Furnishing Apparatus

Dec 3, 2025
Department: Town of Weaverville FD
Attn: Scottie Harris

Upon an order being placed by you, and final acceptance by Pierce the apparatus and equipment herein named will be manufactured for the following prices:

Bid # 1421	Price
Pierce Enforcer Custom Pumper	$1,052,346.00

Total : $1,052,346.00

Any discount(s),whether implied or explicit, will be applied upon delivery, acceptance, and final invoicing of Apparatus.Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control notpreventing, within about 150 calendar days after receipt of this order and the acceptance thereof by Pierce. Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract, and merely an approximation based on current information. Delivery updates will be made available, and a final firm delivery date will be provided as soon as possible.

Persistent Inflationary Environment: If the Producer Price Index of Components for Manufacturing [www.bls.gov Series ID:WPUID6112] ("PPI") has increased at a compounded annual growth rate of 5.0% or more between the month Pierce accepts our order ("Order Month") and a month 14 months prior to the then predicted Ready For Pickup date ("Evaluation Month"),then pricing may be updated in an amount equal to the increase in PPI over 5.0% for each year or fractional year between the Order Month and the Evaluation Month. Atlantic will document any such updated price for the customer's approval before proceeding and provide an option to cancel the order.

Taxes: Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due.

Cancellation: In the event this proposal is accepted, and a purchase order is issued then cancelled or terminated by Customer before completion, Atlantic Emergency Solutions may charge a cancellation fee of 30% of the purchase price.

Terms: The terms of this proposal will be governed by the laws of the Commonwealth of Virginia. Atlantic Emergency Solutions requires an authorized individual from the above stated Customer sign and date this proposal and have it referenced on any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by Customer. No additional terms or conditions will be binding upon Atlantic Emergency Solutions unless agreed to in writing and executed by a duly authorized officer of Atlantic Emergency Solutions.

This proposal is valid Until SOLD

Sincerely,

Chris Grace

This Instrument has been preaudited
In the manner required by the Local
Government Budget and Fiscal Control Act.

12/3/2025
Signature of Finance Officer
or Deputy Finance Officer

X David Scott H
Name: DAVID Scott HARRIS
Title: TOWN MANAGER
Date: 12-3-2025