

TOWN OF WEAVERVILLE

AGENDA

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

February 9, 2026 at 6:00 pm
Town Council Regular Workshop
Planning Board Special Called Meeting

Livestreaming of meeting via the “Live” Tab on the Town’s YouTube Channel
– Click this link: [Youtube.com Weaverville NC government Live streams](https://www.youtube.com/WeavervilleNCgovernmentLivestreams) ; and
Meeting recordings viewable under the “Videos” Tab

(unless technical difficulties are experienced)

| <i>Agenda Item</i> | <i>Pg</i> | <i>Presenter</i> |
|--|-----------|--|
| 1. Call to Order | | Mayor Lawrence Planning Vice Chair Sollazzo |
| 2. Comprehensive Land Use Plan Update Project | 2 | |
| a. Introduction and Overview of Comprehensive Land Use Plans | 3 | Asst Manager Jackson |
| b. Project to Update Weaverville’s Comprehensive Land Use Plan | 5 | Planning Director Eller |
| c. Review and Update to Goals and Priorities | 7 | Town Council/Planning Bd |
| d. New Items for Inclusion | | Town Council/Planning Bd |
| e. Next Steps and Timeline | | Town Council |
| 3. Discussion on Proposed New Residential Districts – R-6 and R-10 | 13 | |
| a. Introduction and Examples | 14 | Planning Board Eller |
| b. Planning Board Recommendation – R-6 | 24 | Planning Vice Chair Sollazzo |
| c. Planning Board Recommendation – R-10 | 31 | Planning Vice Chair Sollazzo |
| d. Questions Concerning Public Safety in R-10 | | Fire Marshal Davis |
| e. Discussion | | Town Council/Planning Bd |
| f. Town Council Direction | | Town Council |
| 4. Resolution Concerning Growth Areas | 50 | Asst Manager Jackson Town Council/Planning Bd |
| 5. Other Land Use Topics for Discussion | | Town Council/Planning Bd |
| 6. Review of Development Approval Processes | 57 | |
| a. Table of Uses | 58 | Planning Director Eller |
| b. Conventional Zoning Districts | 61 | Planning Director Eller |
| c. Conditional Districts | 62 | Planning Director Eller |
| d. Interplay between Water Requests, Annexation, and Zoning | | Asst Manager Jackson |
| e. Town Council Discussion and Direction (if any) | | Town Council |
| 7. Adjournment | | Mayor Lawrence Planning Vice Chair Sollazzo |

TOWN OF WEAVERVILLE
TOWN COUNCIL AND PLANNING BOARD AGENDA ITEM

Date of Meeting: Monday, February 9, 2026
Subject: Comprehensive Land Use Plan Update Project
Presenter: Planning Director and Assistant Town Manager
Attachments: Sec. 20-1401 Plans; Action Plan Table with Priorities; Proposed Updated Project Overview and Timeline

Description:

At tonight’s meeting Town staff will provide an introduction and overview of comprehensive land use plans that are required by North Carolina law. Attached you will find the section of town ordinance which mirrors state statute requiring a comprehensive land use plan in order to exercise land use regulations. This section also sets forth components which may be considered in the plan.

The Town of Weaverville last adopted its Comprehensive Land Use Plan in 2019 and the Planning Board and staff have been working on proposed updates to the Plan. We will provide you with an update and status report on this project.

One of the most important aspects of the Plan is the Action Plan Table that lists goals and priorities. This table is updated on an annual basis to provide guidance to the Planning Board and staff on matters related to land use which have been deemed a priority for Town Council to be addressed. This table was last updated in January 2025, so it is time for Town Council to provide input on that table so that it can be incorporated into the updated Plan. Attached you will find the proposed action plan table with priorities for discussion and possible direction.

In order to allow full participation by new Town Council members the timeline for the project was extended by 90 days. Next steps and that timeline can be discussed.

Action Requested:

A conversation between Town Council, the Planning Board, and staff is desired to review and update the action plan table and priorities. This may also include new items for consideration.

Direction from Town Council on the next steps and timeline for the update of the comprehensive land use plan project is also requested.

Sec. 20-1401. Plans.

- (a) *Requirements for zoning.* The town shall adopt and reasonably maintain a comprehensive plan or land use plan.
- i. A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.
 - ii. A land use plan is intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs.
 - iii. Planning analysis may address inventories of existing conditions and assess future trends regarding demographics and economic, environmental, and cultural factors. The planning process shall include opportunities for citizen engagement in plan preparation and adoption.
 - iv. The town may prepare and adopt such other plans as are deemed appropriate. This may include, but is not limited to, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans.
- (b) *Comprehensive plan contents.* A comprehensive plan may, among other topics, address any of the following:
- i. Issues and opportunities facing the local government, including consideration of trends, values expressed by citizens, community vision, and guiding principles for growth and development.
 - ii. The pattern of desired growth and development and civic design, including the location, distribution, and characteristics for future land uses, urban form, utilities, and transportation networks.
 - iii. Employment opportunities, economic development, and community development.
 - iv. Acceptable levels of public services and infrastructure to support development, including water, waste disposal, utilities, emergency services, transportation, education, recreation, community facilities, and other public services, including plans and policies for provision of and financing for public infrastructure.
 - v. Housing with a range of types and affordability to accommodate persons and households of all types and income levels.
 - vi. Recreation and open spaces.
 - vii. Mitigation of natural hazards such as flooding, winds, wildfires, and unstable lands.
 - viii. Protection of the environment and natural resources, including agricultural resources, mineral resources, and water and air quality.
 - ix. Protection of significant architectural, scenic, cultural, historical, or archaeological resources.
 - x. Analysis and evaluation of implementation measures, including regulations, public investments, and educational programs.
- (c) *Adoption and effect of plans.* Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. Plans adopted under G.S. Chapter 160D may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including, but not limited to, the plans required by G.S. 113A-110. Plans adopted under G.S. Chapter 160D shall be advisory in nature without independent regulatory effect. Plans adopted under G.S. Chapter 160D do not expand, diminish, or alter the scope of authority for development regulations adopted under G.S. Chapter 160D. Plans adopted under G.S. Chapter shall be considered by the planning board and

governing board when considering proposed amendments to zoning regulation as required by G.S. 160D-604 and 160D-605.

If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is complete.

(Ord. of 5-24-2021(1), § 5)

PROJECT OVERVIEW

| | Description | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. |
|-----------|--------------------------------------|-----|------|------|------|-------|------|------|------|------|------|------|------|
| Phase I | Info/Data Gathering | * | | | | | | | | | | | |
| Phase II | Community Input | | * | | | | | | | | | | |
| Phase III | Staff Draft of Plan | | | * | * | | | | | | | | |
| Phase IV | Planning Board Review and Input | | | | | * | | | | | | | |
| | Town Council Review and Input | | | | | | * | | | | | | |
| | Joint Meeting of TC and PB | | | | | | | * | | | * | | |
| Phase V | Final Draft of Plan | | | | | | | | * | | * | | |
| | Planning Board Recom. | | | | | | | | | | | * | |
| | Town Council Set PH | | | | | | | | | | | * | |
| | Town Council PH, Review and Adoption | | | | | | | | * | | | | * |

Consensus of Town Council and Planning Board to Pause Process for November General Election

PLAN DOCUMENTS CONSULTED: Weaverville Comprehensive Land Use Plan (2008, 2012, 2019), Weaverville Parks and Recreation Plan (2018), Reems Creek Greenway Feasibility Study (2014), Weaverville Water System Plans, Metropolitan Sewerage District Plans, Buncombe-Madison Hazard Mitigation Plan, Active Weaverville Plan, Weaverville Strategic Plan, Envision Buncombe Results

TOWN OF WEAVERVILLE
COMPREHENSIVE UPDATE TO THE CLUP

RESOURCE AGENCIES: US Census Bureau, State of North Carolina, NCDOT Division 13, Buncombe County, Town of Weaverville, Land of Sky Regional Council, Metropolitan Sewerage District of Buncombe County, Asheville Redefines Transit, Mountain Mobility, Connect Buncombe

TOWN COUNCIL: Dee Lawrence, John Chase, Peter McGuire, Phil Barnett, Mark Endries, Jennifer Young, Andrew Nagle

PLANNING BOARD: Jane Kelley, Michael Sollazzo, Donna Mann Belt, Jonathan Brown, Tom Flournoy

COMPREHENSIVE LAND USE PLAN

ACTION PLAN WITH STATED GOALS, RESPONSIBILITIES, AND PRIORITIES

1=high priority (addressed in 12 months); 2=medium priority (addressed in 24 months); 3=lower priority (addressed in 36 months); 0=proposed deletion

Proposed – February 2026

| 1 | 2026 | TC | PB | Staff | STATED GOAL | NOTES | Staff | PB | TC |
|----|--------------------|----|----|-------|---|--|-------|----|----|
| 2 | PRIORITIZATION | | | | RESPONSIBILITY | | | | |
| 3 | GENERAL PLAN GOALS | | | | | | | | |
| 4 | - | - | - | - | Legal and regulatory compliance | | ✓ | ✓ | ✓ |
| 5 | - | - | - | - | Clarity of regulations | | ✓ | ✓ | ✓ |
| 6 | - | - | - | - | Efficient and streamlined processes | | ✓ | ✓ | ✓ |
| 7 | - | - | - | - | Preference for development within conventional districts as opposed to conditional districts | | ✓ | ✓ | ✓ |
| 8 | - | - | - | - | Variety of zoning districts to meet the development needs of the Town | | ✓ | ✓ | ✓ |
| 9 | - | - | - | - | Diversity of housing options to provide for a range of affordability within residential development | | ✓ | ✓ | ✓ |
| 10 | - | - | - | - | Commercial areas to support residential uses | | ✓ | ✓ | ✓ |
| 11 | - | - | - | - | Open space and tree canopy preservation | | ✓ | ✓ | ✓ |
| 12 | | | | | | | | | |
| 13 | | | | | | | | | |
| 14 | | | | | | | | | |
| 15 | WATER | | | | | | | | |
| 16 | | | | 1 | Expand water infrastructure and capacity to support the growth needs of the Town | Strategic Plan Goal 1.4 WTP Expansion project underway; commitments and usage reported quarterly | ✓ | ✓ | ✓ |
| 17 | | | | 1 | Continue monitoring water production, allocations, usage, and availability | In progress by staff with quarterly reports | ✓ | | |
| 18 | | | | 1 | Continue reserving water allocation for infill development within the town | In progress by staff with quarterly reports | ✓ | | |
| 19 | | | | | | | | | |
| 20 | | | | | | | | | |
| 21 | | | | | | | | | |

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Proposed – February 2026

| 1 | 2026 | TC | PB | Staff | STATED GOAL | NOTES | Staff | PB | TC |
|----|------------------------------|----|----|-------|---|--|-------|----|----|
| 22 | STREETS AND SIDEWALKS | | | | | | | | |
| 23 | | | | 1 | Continue the Street Improvement Program | Program funded FY2026 | ✓ | | ✓ |
| 24 | | | | 1 | Conform Code to HB926 that removes authority to have different standards from minimum NCDOT standards | Legally required; Ch. 20 amdmts completed; Ch. 24 (Streets) amdmts pending | ✓ | ✓ | ✓ |
| 25 | | | | 1 | Study and develop policy/Code amendment on public street commitment requests for existing subdivision streets | Code Ch. 24, Article V | ✓ | ✓ | ✓ |
| 26 | | | | 2 | Study possible adoption of driveway construction standards – steep slope, reduction of curb cuts, common driveways | | ✓ | ✓ | ✓ |
| 27 | | | | 2 | Develop attainable goals and priorities for Town streets related to bike-ped accessibility | Bike-Ped Plan adopted 6/26/23; plan of action needed | ✓ | | ✓ |
| 28 | | | | 2 | Establish/continue funding a Sidewalk Improvement Program and/or Bike-Ped priorities | Strategic Plan Goal 5.1 Bike-Ped Plan adopted 6/26/23 | | | ✓ |
| 29 | | | | 2 | Work with NCDOT on pedestrian crossing over Reems Creek on Merrimon | Strategic Plan Goal 5.4 | ✓ | | ✓ |
| 30 | | | | 3 | Improve pedestrian and cyclist connectivity | Strategic Plan Goal 5.7, 5.8 | ✓ | ✓ | ✓ |
| 31 | | | | 0 | Review annual progress towards implementation of the Bike-Ped Plan | Bike-Ped Plan adopted 6/26/23; WEDAC | ✓ | ✓ | ✓ |
| 32 | | | | | | | | | |
| 33 | | | | | | | | | |
| 34 | HOUSING | | | | | | | | |
| 35 | | | | 1 | Consider broadening allowable housing types (duplexes, quadplexes) in residential districts by allowing multifamily or establishing new districts | PB recommended new R-6 and R-10; TC action needed | ✓ | ✓ | ✓ |
| 36 | | | | 2 | Consider ways to increase housing affordability | Strategic Plan Goal 1.5 | ✓ | | ✓ |
| 37 | | | | 3 | Consider expansion of the MH Overlay District | Strategic Plan Goal 1.5 | ✓ | ✓ | ✓ |
| 38 | | | | | | | | | |
| 39 | | | | | | | | | |

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Proposed – February 2026

| 1 | 2026 | TC | PB | Staff | STATED GOAL | NOTES | Staff | PB | TC |
|----|-------------------------------|----|----|-------|---|--|-------|----|----|
| 40 | GENERAL POLICY MATTERS | | | | | | | | |
| 41 | | | | 1 | Review & update economic development goals | WEDAC/TC working on this | | | ✓ |
| 42 | | | | 1 | Continue to annex properties along the Town’s borders in order to impose the Town’s land use regulations | TC consensus on 5/14/22 and resolution dtd 12/13/22 & last amended 5/20/24 | | | ✓ |
| 43 | | | | 1 | Continue to work with Buncombe County on planning issues, esp. in areas near Town limits | TC consensus on 5/14/22 | ✓ | | ✓ |
| 44 | | | | 1 | Engage in conversations with NCDOT about long-term planning for growth | TC consensus on 5/14/22 | ✓ | | ✓ |
| 45 | | | | 1 | Engage in conversations with MSD about long-term planning for growth | TC consensus on 5/14/22; MSD Update on 9/22/25 | ✓ | | ✓ |
| 46 | | | | 1 | Make decisions on annexation based on the ability to provide quality municipal services to proposed land uses to same extent and under current policy | TC consensus on 5/14/22 and resolution dtd 1/25 | | | ✓ |
| 47 | | | | 1 | Increase recreational opportunities, especially on Town properties | Eller Cove Watershed; Reems Creek Greenway; Quarry Rd | ✓ | | ✓ |
| 48 | | | | 1 | Evaluate need to strengthen regulations with regard to hazard mitigation | Strategic Plan Goal 2; Hazard Mitigation Plan update in progress | ✓ | ✓ | ✓ |
| 49 | | | | 1 | Seek adoption of Local Bill to remove satellite annexation cap | Sen. Mayfield is working on this for Spring 2026 | ✓ | | ✓ |
| 50 | | | | 1 | Review of overlapping land use authority (Floodplain, Stormwater, Sedimentation/Erosion Control, Building Permits & Inspections) | Strategic Plan Goal 1.3 | ✓ | | ✓ |
| 51 | | | | 2 | Negotiate interlocal agreement(s) with County (Building Permits and Inspections) | Strategic Plan Goal 1.3; Take up when County initiates | ✓ | | ✓ |
| 52 | | | | 2 | Investigate possibility of reestablishing direct bus route between Weaverville and Asheville | Strategic Plan Goal 5.5 | ✓ | | ✓ |
| 53 | | | | 2 | Enhance planning efforts in floodplain areas to reduce local flood risks | Strategic Plan Goal 1.8 | ✓ | ✓ | ✓ |
| 54 | | | | 2 | Study parking in downtown area and expand if needed | Strategic Plan Goal 3.5 | ✓ | ✓ | ✓ |

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Proposed – February 2026

| 1 | 2026 | TC | PB | Staff | STATED GOAL | NOTES | Staff | PB | TC |
|----|-------------------------------------|----|----|-------|---|--|-------|----|----|
| 55 | | | | 3 | Incentivize mixed use development and development near transit lines in areas with affordable housing and near new hospital | Strategic Plan Goal 1.7 | ✓ | ✓ | ✓ |
| 56 | | | | 3 | Prioritize green infrastructure and connectivity | Strategic Plan Goal 1.6 | ✓ | ✓ | ✓ |
| 57 | | | | | | | | | |
| 58 | | | | | | | | | |
| 59 | LAND DEVELOPMENT REGULATIONS | | | | | | | | |
| 60 | | | | 1 | Review residential uses for consistency and compatibility with policy directives | PB recommendation complete; TC action needed | ✓ | ✓ | ✓ |
| 61 | | | | 1 | Monitor any changes to down-zoning restriction and report if municipal authority reestablished | | ✓ | | |
| 62 | | | | 1 | Study & consider regulations that encourage neighborhood parks and open space | Strategic Plan Goal 4.1 | ✓ | ✓ | ✓ |
| 63 | | | | 1 | Implement regulations on Crypto Mining/Data Centers | | ✓ | ✓ | ✓ |
| 64 | | | | 1 | Implement regulations related to mobile vendors | | ✓ | ✓ | ✓ |
| 65 | | | | 1 | Study & consider a greenway overlay district | Strategic Plan Goal 6.2, 1.8, 1.6, 5.7 | ✓ | ✓ | ✓ |
| 66 | | | | 2 | Consider Town-initiated rezonings to better align established uses with underlying zoning districts or to address long dormant properties | Strategic Plan Goal 3.1 | ✓ | ✓ | ✓ |
| 67 | | | | 2 | Undertake a comprehensive review of zoning regulations | | ✓ | ✓ | ✓ |
| 68 | | | | 2 | Determine need or desire for Town grading regulations for projects between 1 acre and ½ acre | | ✓ | ✓ | ✓ |
| 69 | | | | 2 | Revise wireless telecommunication facility regulations for legal compliance and policy objectives | | ✓ | ✓ | ✓ |

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Proposed – February 2026

| 1 | 2026 | TC | PB | Staff | STATED GOAL | NOTES | Staff | PB | TC |
|----|--|----|----|-------|--|--|-------|----|----|
| 70 | | | | 3 | Continue to analyze ways to provide standard regulations in order to reserve use of conditional zoning for unique development | Areas improved: Mixed Use Development Apartments; Condos & SFR | ✓ | ✓ | ✓ |
| 71 | | | | 3 | Study & consider regulation of short-term rentals | HOLD due to legal authority change in 12/24; TC Consensus to Delay 8/20/24; | ✓ | ✓ | ✓ |
| 72 | | | | | | | | | |
| 73 | | | | | | | | | |
| 74 | PLAN CONSISTENCY REVIEW - LEGALLY REQUIRED | | | | | | | | |
| 75 | - | | - | - | Consult plan priorities if inconsistencies develop in the implementation of this Plan | | ✓ | ✓ | ✓ |
| 76 | - | | - | - | Consult the Future Land Use Map and Resolution Concerning Growth Areas for Plan consistency review | Legally required | ✓ | ✓ | ✓ |
| 77 | - | | - | - | Consult Action Plan and stated goals for Plan consistency review | Legally required | ✓ | ✓ | ✓ |
| 78 | - | | - | - | Consult additional approved plans for Plan consistency review | Legally required | ✓ | ✓ | ✓ |
| 79 | MAINTENANCE OF PLAN AND REGULATIONS – LEGAL COMPLIANCE AND ACCOUNTABILITY | | | | | | | | |
| 80 | - | | - | - | Undertake a comprehensive update to the Plan in 2031 or at such time as substantial legislative or other changes are experienced | 2031 will allow use of Census data | ✓ | ✓ | ✓ |
| 81 | - | | - | - | Conduct an annual review of progress towards accomplishment of Plan goals | Staff conducted 9/25 | ✓ | ✓ | ✓ |
| 82 | - | | - | - | Update appendix to this Plan when new plans or amendments are adopted | To keep Plan up-to-date and usable | ✓ | | |
| 83 | - | | - | - | Conduct an annual review of zoning regulations to ensure statutory compliance and consistency with stated goals | For legal compliance and progress towards Plan goals | ✓ | | |

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Proposed – February 2026

| 1 | 2026 | TC | PB | Staff | STATED GOAL | NOTES | Staff | PB | TC |
|----|------|----|----|-------|--|--|-------|----|----|
| 84 | | | | 1 | Annual or as-needed review of Future Land Use Map and Resolution Concerning Growth Areas | Strategic Plan Goal 1.1 Resolution review and adopted 1/25 | ✓ | ✓ | ✓ |
| 85 | - | | - | - | Undertake annual review of the Table of Uses | For legal compliance | ✓ | | |
| 86 | - | | - | - | Conduct an annual review of subdivision regulations to ensure statutory compliance and consistency with stated goals | For legal compliance and progress towards Plan goals | ✓ | | |
| 87 | - | | - | - | Consider development of or amendment to regulations consistent with law and Plan | For progress towards Plan goals | ✓ | ✓ | ✓ |
| 88 | | | | | | | | | |
| 89 | | | | | | | | | |

TOWN OF WEAVERVILLE
TOWN COUNCIL AND PLANNING BOARD AGENDA ITEM

Date of Meeting: Monday, February 9, 2026
Subject: Proposed New Residential Districts – R-6 and R-10
Presenter: Planning Director, Assistant Town Manager, and Fire Marshal
Attachments: Staff Report and GIS Images of Current Examples; Planning Board Recommendations

Description:

The Planning Board has been working on drafting two new residential districts that would allow for single family development on smaller lots.

Attached you will find a staff report related to high density single family residential development that was originally created in 2019 and amended in 2025. This report will hopefully aid in the conversation related to this topic showing examples of residential projects within the Town which were approved via a special use permit or conditional zoning that have similar setbacks.

It is the belief of staff that should these two new residential zoning districts be adopted, residential development through conventional districts and the traditional subdivision process may increase and the use of conditional districts for residential development may decrease.

Town staff will be at tonight's meeting to provide information and answer questions related to this matter.

The public hearing on these proposed new districts was held on December 9, 2025. Action is currently eligible.

Action Requested:

Discussion on this topic between Town Council and the Planning Board and direction from Town Council is requested.

Town of Weaverville, North Carolina

Staff Report: High Density Single Family Residential Development

Prepared: August 2019
Amended: June 2025

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

Comprehensive Land Use Plan Stated Goal and Background Information

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 directive which was given a number 1 priority.

Additionally, the Planning Board passed along to Town Council a recent recommendation which included a statement expressing a desire to explore a new residential zoning district for single family residences on smaller lots.

The remainder of this report was originally prepared in 2019 but contains information which may be material to this conversation. At that time a new zoning district to accommodate high density single family residential development was being considered. Those conversations did not come to fruition but ultimately led to the manufactured home overlay district and freed up the R-3 zoning district for more potential use without the concern of allowing additional manufactured housing.

Staff is seeking a conversation with the Board related to the creation of a higher density single family residential zoning district which has been discussed for some time. A range of Minimum dimensional requirements may be found at the end of this report to help guide the conversation.

Analysis of Existing Conditions

In order to begin analyzing the best way for the town to accomplish the stated goal of providing land use regulation that accommodates high density single family residential development, staff believes it prudent to observe the existing conditions within similar developments which were approved via a conditional zoning district or special use permit, which, to date, were the only ways for such a project to come to fruition.

Analysis of Existing Conditions Related to High Density Single Family Residential Projects

All Projects Shown Have Public Water and Sewer

Town of Weaverville, North Carolina
Staff Report: High Density Single Family Residential Development

Prepared: August 2019
 Amended: June 2025

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

| Lillie Farm Cove: | | North Main / Critter Trail | | | |
|-----------------------------|-------------|----------------------------|---------|--|--|
| Mean Lot Area: | .1113 acres | 4,848.23 sq.ft. | | | |
| Largest Lot: | .2 acres | 8,698 sq.ft. | | | |
| Smallest Lot: | .08 acres | 3,672 sq.ft. | | | |
| Approximate Mean Lot Width: | 45 ft. | | | | |
| Setbacks: | 25 front | 6 sides | 10 rear | | |

| Lakeside Meadows: | | Merrimon / Brown | | | |
|-----------------------------|-------------|------------------|---------|--|--|
| Mean Lot Area: | .1847 acres | 8,045 sq.ft. | | | |
| Largest Lot: | .289 acres | 12,589 sq.ft. | | | |
| Smallest Lot: | .134 acres | 5,837 sq.ft. | | | |
| Approximate Mean Lot Width: | 50 ft. | | | | |
| Setbacks: | 15 front | 5 sides | 10 rear | | |

| Creekside Village (Phase 3): | | Merrimon / Aiken | | | |
|------------------------------|-------------|------------------|---------|--|--|
| Mean Lot Area: | .1535 acres | 6,688 sq.ft. | | | |
| Largest Lot: | .203 acres | 8,843 sq.ft. | | | |
| Smallest Lot: | .13 acres | 5,663 sq.ft. | | | |
| Approximate Mean Lot Width: | 60 ft. | | | | |
| Setbacks: | 10 front | 5 sides | 10 rear | | |

| Weaver Village: | | Weaver / Weaver Village | | | |
|-----------------------------|--------------------------|-------------------------|--|--|--|
| Mean Lot Area: | .1222 acres | 5,323 sq.ft. | | | |
| Largest Lot: | .145 acres | 6,316 sq. ft. | | | |
| Smallest Lot: | .108 acres | 4,704 sq. ft. | | | |
| Approximate Mean Lot Width: | 60 ft. | | | | |
| Setbacks: | None: Site Specific Plan | | | | |

| Partridge Berry: | | Reems Creek / Dogwood | | | |
|-----------------------------|-------------|-----------------------|---------|--|--|
| Mean Lot Area: | .1669 acres | 7,270 sq.ft. | | | |
| Largest Lot: | .207 acres | 9,017 sq.ft. | | | |
| Smallest Lot: | .127 acres | 5,532 sq. ft. | | | |
| Approximate Mean Lot Width: | 50 ft. | | | | |
| Setbacks: | 15 front | 5 sides | 10 rear | | |

Town of Weaverville, North Carolina
Staff Report: High Density Single Family Residential Development

Prepared: August 2019
 Amended: June 2025

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

What these numbers indicate are lots which would not be permissible within any of the Town’s standard zoning districts, the approval of which would be an administrative decision, and processed through the Town’s subdivision review and approval procedures. Deficiencies include calculations related to lot area, lot width, setbacks and in some cases all three variables based upon the dimensional requirements of our residential districts.

It is the belief and understanding of staff that it is the desire of Town Council for such conditions to exist where these developments could be treated as traditional subdivisions within a standard zoning district and subject to the aforementioned review process. Here is where work begins on accomplishing one of the first prioritized stated goals of the CLUP.

How to Better Accommodate High Density Single Family Residential Development?

Staff believes there are two options to accomplish the task at hand being the creation of a new zoning district or the revision of an existing zoning district. Via consensus of the Board and Council, staff is proceeding with the creation of a new zoning district.

New Zoning District

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

Proposed R-4 District

| Zoning District | R-2 | R-3 | R-4 | R-12 |
|----------------------------|-----------------------------|----------------------------|---------------|-------------------------|
| Minimum Lot Area (sq. Ft.) | 7,500 ^{1, 2,3,4,7} | 5,445 ^{1,2,3,4,7} | 4,000 – 7,000 | 7,500 ^{4,7, 8} |
| Minimum Lot Width(ft.) | 75 | 75 | 50-75 | 75 |
| Minimum Front Yard (ft.) | 30 | 30 | 25-30 | 30 |

Town of Weaverville, North Carolina
Staff Report: High Density Single Family Residential Development

Prepared: August 2019
 Amended: June 2025

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

| | | | | |
|--|-----------------|-----------------|----|-------------------------------|
| Minimum Side Yard (ft.) Abutting Residential District | 10 ⁶ | 10 ⁶ | 10 | 10 ⁶ |
| Minimum Rear Yard (ft.) Abutting Residential District | 10 ⁶ | 10 ⁶ | 10 | 10 ⁶ |
| Height Limit (ft.) | 35 | 35 | 35 | 45 and no more than 3 stories |

Dimensional Requirements within Similar Zoning Districts in Other Jurisdictions

| | Asheville RS-8 | Buncombe County R-3 | Black Mountain UR-8 | Woodfin R-7 |
|------------------|-------------------|------------------------|------------------------|----------------|
| Min. Lot Area | 4,000 | 6,000 | 5,000 | 7,000 |
| Min. Lot Width | 40 | - | 15 | 50 |
| Setbacks (f,s,r) | 15, 6, 15 | 10, 7, 15 | 20, 10, 15 | 20, 10, 30 |

* All measurements assume public water and sewer availability

Other Considerations

- Due to statutory limitations, a municipality cannot totally prohibit manufactured housing (factory built using national HUD building code) from the jurisdiction. The R-3 zoning district within the Town exists for this purpose. Therefore, the possible amendment of the R-3 zoning district to accommodate high density single family residential will have to take this into consideration.
- Many ordinances distinguish between manufactured housing and modular housing (factory built using North Carolina Building Code). Modular units are often treated as site built homes for zoning purposes. This is the case within the Town of Weaverville as well.
- R-1 is presently the only zoning district in which the primary use of properties is for single family homes.

Town of Weaverville, North Carolina
Staff Report: High Density Single Family Residential Development

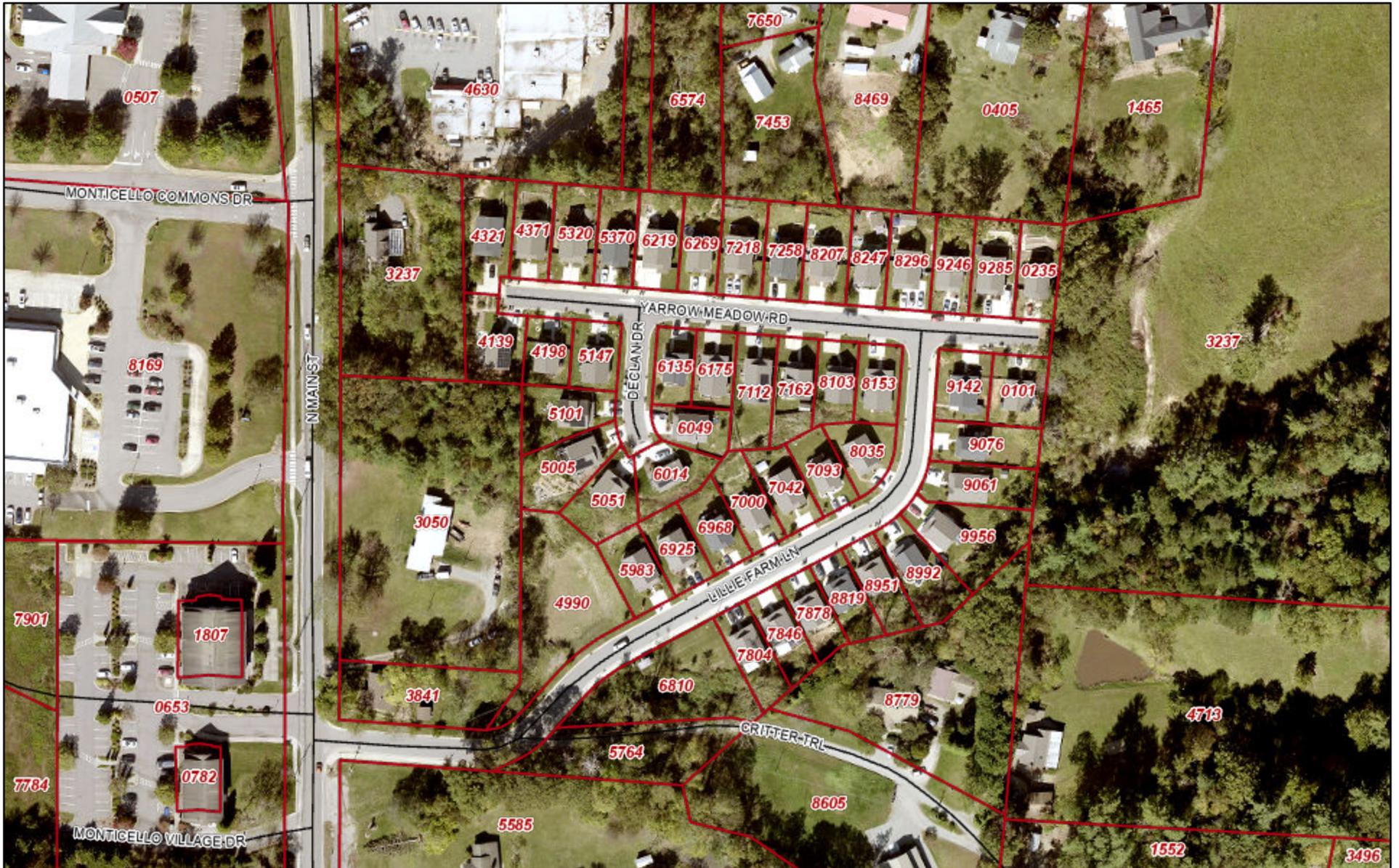
Prepared: August 2019
Amended: June 2025

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Plats Pertaining to the Developments Commonly Known as Creekside Village, Lakeside Meadows, Lillie Farm Cove, Partridge Berry and Weaver Village

- Statutory limitations also dictate that a family care home, defined as an assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services for not more than six unrelated residents, must be treated the same as a single family home. A new district created to accommodate high density single family residential uses must also permit as a right of use family care homes under state law, “if 6 or fewer disabled persons, must treat same as single family residence” and federal law, “reasonable accommodation.”
-

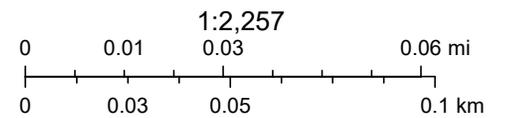


Buncombe County



February 4, 2026

LILLIE FARM COVE
SETBACKS: F: 25, S: 6, R: 10

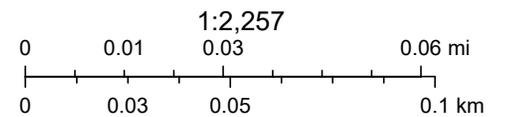


Buncombe County



February 4, 2026

Lakeside Meadows
Setbacks: F: 15, S: 5, R: 10

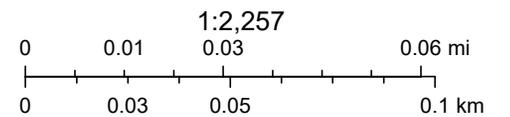


Buncombe County



February 4, 2026

Creekside Village
Setbacks: F: 10, S: 5, R: 10

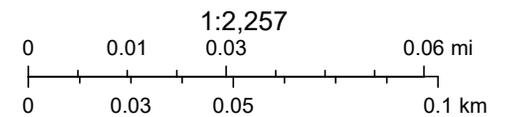


Buncombe County



February 4, 2026

**Weaver Village
Site Specific Development Plan: Setbacks are
approximately zero lot line**

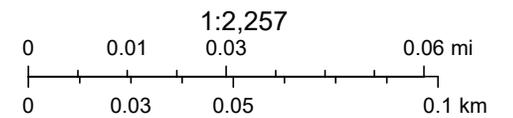


Buncombe County



February 4, 2026

Partidge Berry
Setbacks: F: 15, S: 5, R: 10





**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, 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 |

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

| | | | | | |
|---|---|---|---|---|----------------|
| | | | | | 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-

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

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)

**RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING CREATION OF NEW R-10 ZONING DISTRICT**



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, 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 | - |
| 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 | - |
| 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 | - |
| 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 |
| Tattoo Parlors | - | - | - | - | - | - | - | P | P | - |
| TEMPORARY USES | | | | | | | | | | |
| Farmers Market | PS | - |
| Mobile Food Vendor | - | - | - | - | - | - | PS | PS | PS | - |
| Temporary Use | 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

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- (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 vendor 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.

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- (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 in 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.

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- (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 in full force and effect.

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- (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

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- 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.

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- (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

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(Supp. No. 24 Upd 2)

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- 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 in full force and effect.

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- (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 AND PLANNING BOARD AGENDA ITEM

Date of Meeting: Monday, February 9, 2026
Subject: Resolution Concerning Growth Areas and Future Land Use Map
Presenter: Planning Director and Assistant Town Manager
Attachments: Resolution Concerning Growth Areas and Future Land Use Map

Description:

The resolution concerning development within identified growth areas was originally adopted in 2023 and was last amended in January 2025. This resolution, which has been mirrored on the future land use map has been a valuable tool in forecasting desired development in certain areas and aided in conversations related to voluntary annexations.

With a new Town Council seated, a review of the document to ensure the priorities set forth are amenable with a majority of the governing board is needed.

Action Requested:

Discussion on this topic and direction from Town Council is requested.

**TOWN OF WEAVERVILLE
AMENDED AND RESTATED RESOLUTION
CONCERNING GROWTH AREAS**

WHEREAS, on October 23, 2023, Town Council adopted a resolution concerning identified growth areas and, at a joint meeting with the Planning Board on August 20, 2024, several desired changes to the desired uses in the growth areas were discussed;

WHEREAS, municipal growth through annexation is essential to sound urban development and continued economic stability in the Town of Weaverville; and

WHEREAS, managing growth by extending municipal services makes sense and annexation of properties ensures that new development is built to Town of Weaverville standards;

WHEREAS, influencing where and what commercial development occurs within the Weaverville area and providing balanced residential development is desirable to the Town of Weaverville;

WHEREAS, the Town of Weaverville would like to see growth that is well-designed and that complements the development that is already within the Town;

WHEREAS, the Town of Weaverville has identified certain properties along its municipal borders as having a high likelihood of development due to the presence of public water and sewer and has identified them as growth areas as described below;

WHEREAS, the Town wishes to indicate its willingness to consider the voluntary annexation of the properties included within these growth areas and to inform the public of the types of development that the Town believes is consistent with its Comprehensive Land Use Plan and reasonable when considering the surrounding area;

WHEREAS, Town Council now wishes to amend and restated such resolution;

NOW, THEREFORE, BE IT RESOLVED, the Weaverville Town Council hereby declares and resolves as follows:

1. The Town has identified the following growth areas which are now shown on the Town's GIS map, a copy of which is attached hereto:
 - a. Growth Area 1 – Gill Branch Valley Area
 - b. Growth Area 2 – Monticello Road West Area
 - c. Growth Area 3a – Ollie Weaver Road Area – Commercial (portion of the area near and along Monticello Road and 25/70 which is more commercial in nature)
 - d. Growth Area 3b – Ollie Weaver Road Area – Residential (portion that is more rural and residential in nature).
 - e. Growth Area 4 – I-26 Corridor
 - f. Growth Area 5 – Reems Creek Road Area
 - g. Growth Area 6 – US Highway 25/70 Corridor

2. The Town is likely to favorably consider voluntary annexation petitions received for the properties shown within these growth areas. It is noted, however, that some development, especially in Growth Area 3, may best proceed without annexation as the provision of municipal services may be difficult in certain locations and some areas may be ineligible for annexation by the Town of Weaverville due to legal requirements regarding satellite annexation.
3. The following is valued, and as proposed development is considered on these properties, the Town would like to see an emphasis on:
 - a. Great streets and gathering places, where the pedestrian is prioritized;
 - b. Connections between adjoining developments and to gathering places;
 - c. Walkability through the installation of sidewalks, greenways, and other multi-modal trails, especially those that will connect to the existing or planned pedestrian network within Weaverville;
 - d. Preservation of natural spaces for public use;
 - e. Establishment of open spaces that provides recreational opportunities in the form of greenways, playing fields and/or playgrounds;
 - f. Protection of streams and creeks;
 - g. Preservation of mature trees and planting of street trees;
 - h. Landscape buffering and screening to protect views;
 - i. Reduction of stormwater runoff which threatens our water quality;
 - j. Energy conservation measures, such as EV charging stations and solar;
 - k. Inclusion of commercial uses that support compatible development.
4. Consistent with Town Council’s prior discussions and consensus, the following uses of land are found to be compatible with the Town’s adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 1 [Gill Branch Valley Area]**:
 - a. mixed use development;
 - b. single family residential development;
 - c. duplexes;
 - d. townhouses;
 - e. multifamily development;
 - f. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are most consistent with the following zoning districts: R-1, R-2, R-3, R-12, C-2, and conditional district zoning.

5. Consistent with Town Council’s prior discussions and consensus, the following uses of land are found to be compatible with the Town’s adopted Comprehensive Land Use

Plan and Future Land Use Map, and may be desirable within **Growth Area 2 [Monticello Road West Area]:**

- a. mixed use development;
- b. single family residential development;
- c. duplexes;
- d. townhouses;
- e. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are consistent with the following zoning districts: R-1, R-2, R-3, C-2, and conditional district zoning.

6. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 3a [Ollie Weaver Road Area - Commercial]:**

- a. commercial development (especially medical services such as healthcare facilities and medical offices; small general retail, restaurants, professional services; and other commercial uses supporting residential neighborhoods).

These uses are consistent with the following zoning districts: C-2, conditional district zoning, and any neighborhood commercial or light commercial district.

7. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 3b [Ollie Weaver Road Area - Residential]:**

- a. single family residential development;
- b. duplexes;
- c. commercial development (especially those supporting residential neighborhoods).

These uses are consistent with the following zoning districts: R-1, R-2, R-3, C-2, and conditional district zoning.

8. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 4 [I-26 Corridor]:**

- a. mixed use development;
- b. single family residential development;
- c. duplexes;
- d. townhouses;
- e. multifamily development;
- f. commercial development (especially medical services such as healthcare facilities and medical offices, small general retail, restaurants, hotels);

These uses are most consistent with the following zoning districts: R-1, R-2, R-3, R-12, C-2, and conditional district zoning.

9. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 5 [Reems Creek Road Area]**:

- a. mixed use development;
- b. single family residential development;
- c. duplexes;
- d. townhouses;
- e. commercial development (especially those supporting residential neighborhoods such as small general retail, restaurants, professional services).

These uses are most consistent with the following zoning districts: R-1, R-2, C-2, and conditional district zoning, and any neighborhood commercial or light commercial district.

10. The following uses of land are found to be compatible with the Town's adopted Comprehensive Land Use Plan and its Future Land Use Map, and may be desirable within **Growth Area 6 [US Highway 25/70 Corridor]**:

- a. light commercial development (especially medical services such as healthcare facilities and medical offices; small general retail supporting residential neighborhoods; professional offices).

These uses are consistent with the following zoning districts: C-2, conditional district zoning, and any neighborhood commercial or light commercial district.

11. The Town is willing to support compatible development within these growth areas by considering approval of public water requests for such development if current or anticipated capacity is available and such approval is in the best interest of the Town and/or its water system.

12. Town Council's recommended procedure for approvals is for property owners to present voluntary annexation petitions either prior to or simultaneously with a water request and zoning request. Some deviations from this recommendation are anticipated in situations where a property is ineligible for municipal annexation or where provision of municipal services will prove difficult.

13. Nothing herein is binding on the Town of Weaverville and the review and approval of all annexation petitions, land use applications, and water extension or commitment requests will be made in Town Council's discretion following procedures as required by North Carolina law and local ordinance.

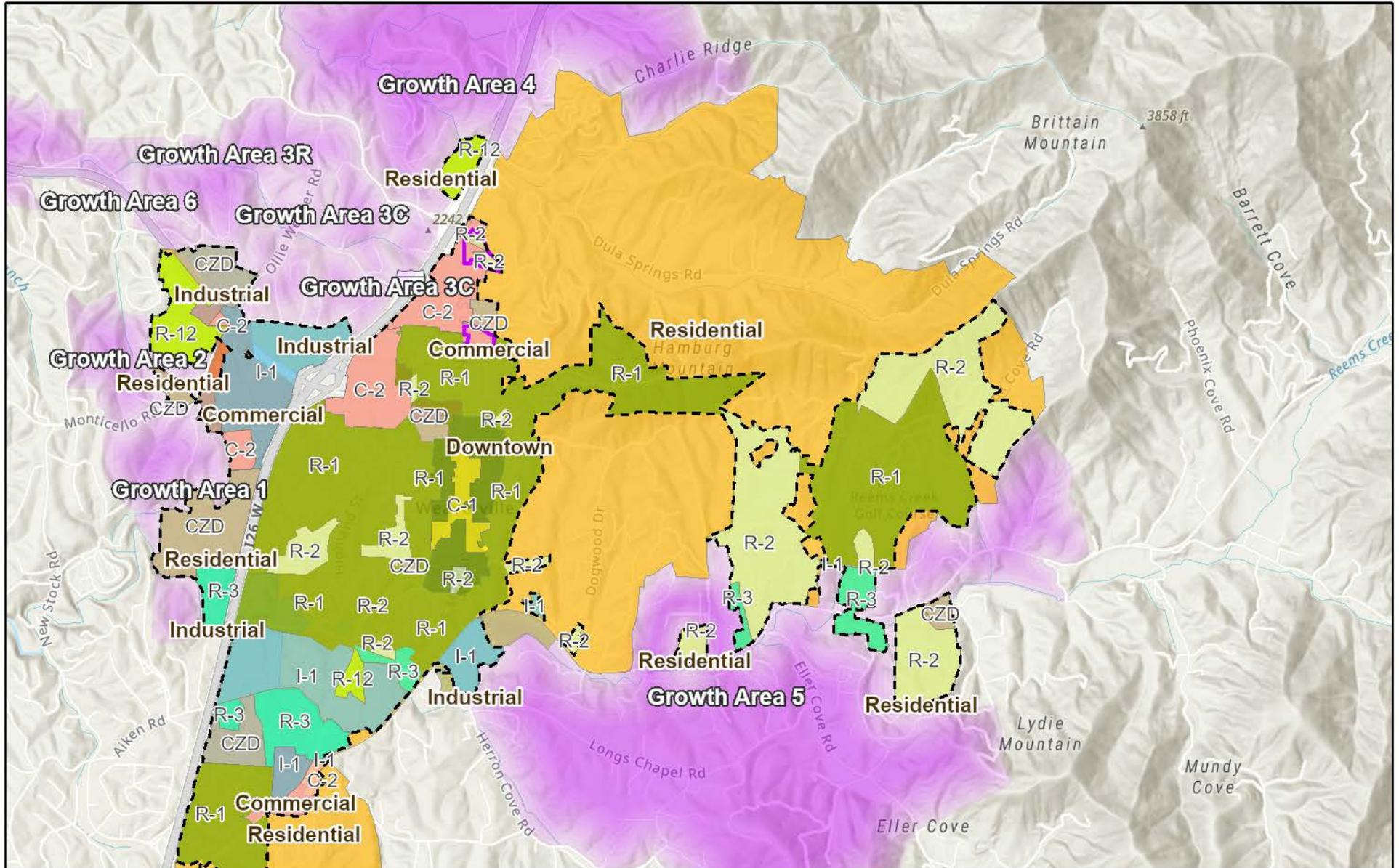
14. The Town's Comprehensive Land Use Plan is hereby automatically amended to include this amended and restated resolution concerning growth areas.

ADOPTED this the 27th day of January 2025.

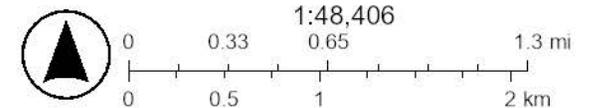
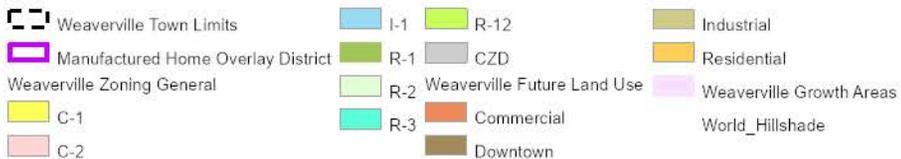

TAMARA MERCER, Town Clerk


PATRICK FITZSIMMONS, Mayor

Town of Weaverville Zoning



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TOWN OF WEAVERVILLE
TOWN COUNCIL AND PLANNING BOARD AGENDA ITEM

Date of Meeting: Monday, February 9, 2026
Subject: Review of Development Review Processes
Presenter: Planning Director and Assistant Town Manager
Attachments: Sec. 20-3205 – Table of Uses; Sec. 20-3201 – Conventional Districts; Sec. 20-3203 – Conditional Districts

Description:

Should time allow, staff will take the opportunity to review various development review processes using the table of uses, conventional districts, and conditional districts for reference.

The interplay between water requests, annexation, and zoning has been a topic of discussion for Town Council over the last few years. Town staff will be at tonight’s meeting to provide some information on this and to aid Town Council with any discussion and direction concerning requests.

Action Requested:

Discussion on this topic and possible direction from Town Council.

Sec. 20-3205. Table of uses.

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

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

| USES | R-1 | R-2 | R-3 | R-12 | C-1 | C-2 | I-1 | MHO |
|---|-----|-----|-----|------|-----|-----|-----|-----|
| RESIDENTIAL | | | | | | | | |
| Dwelling - Single Family | P | P | P | - | - | - | - | - |
| Dwelling - Duplex | - | P | P | P | - | - | - | - |
| Dwelling - Multifamily (4 or fewer units/building) | - | P | P | P | - | - | - | - |
| Dwelling - Multifamily (more than 4 units/building) | - | - | PS | PS | - | - | - | - |
| Dwelling - Secondary | PS | PS | PS | - | - | - | - | - |
| Family Care Home (6 or fewer residents) | PS | PS | PS | - | - | - | - | - |
| Child Care Home (6 or fewer children) | PS | PS | PS | - | - | - | - | - |
| Home Occupation | PS | PS | PS | PS | PS | PS | PS | - |
| Manufactured Home | - | - | - | - | - | - | - | PS |
| Manufactured Home Park | - | - | - | - | - | - | - | - |
| Recreational Vehicle | - | - | - | - | - | - | - | - |
| Recreational Vehicle Park, Campground | - | - | - | - | - | C | C | - |
| Bed & Breakfast | P | P | P | - | - | - | - | - |
| Hotel, Motel, Inn | - | - | - | - | C | C | C | - |
| OFFICE / SERVICE | | | | | | | | |
| Animal Services, Veterinary Clinic | - | - | - | - | P | P | P | - |
| Automated Teller Machines | - | - | - | P | P | P | P | - |
| Automobile Services, Gas Station | - | - | - | - | P | P | P | - |
| Automobile Services, Repair | - | - | - | - | PS | PS | PS | - |
| Banks, Credit Unions, Financial Services | - | - | - | - | PS | P | P | - |
| Child Care Center (more than 6) | - | - | - | - | C | PS | PS | - |
| Community Service Organization | - | - | - | - | - | P | P | - |

| | | | | | | | | |
|--|----|----|----|----|----|----|----|---|
| Equipment Rental (Exterior Storage) | - | - | - | - | - | - | P | - |
| Equipment Rental (Interior Storage) | - | - | - | - | - | P | P | - |
| Funeral Home | - | - | - | - | P | P | P | - |
| Group Care Facility (more than 6 residents) | - | - | - | - | C | P | P | - |
| Government Services | C | C | C | C | C | P | P | - |
| Kennels | - | - | - | - | - | PS | PS | - |
| Medical Services - Clinic, Urgent Care Center, Hospital | - | - | - | - | - | P | P | - |
| Medical Services - Doctor Office | - | - | - | - | P | P | P | - |
| Personal Services | - | - | - | - | P | P | P | - |
| Post Office | - | - | - | - | - | P | P | - |
| Professional Services | - | - | - | - | P | P | P | - |
| 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 | - |
| Recreation Facilities - Indoor | PS | PS | PS | PS | P | P | P | - |
| Recreation Facilities - Outdoor | 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 | - |

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|---|----|----|----|----|----|----|----|----|
| 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 | P | P |
| Religious Institutions | C | C | C | C | C | C | C | C |
| Schools | C | C | C | C | C | C | C | C |
| UTILITIES | | | | | | | | |
| Solar Collector System - Primary Use | - | - | - | - | - | - | PS | - |
| Wireless Telecommunication Facility - Stealth | PS |
| Wireless Telecommunication Facility - Tower | - | - | - | - | - | - | PS | PS |
| MISCELLANEOUS USES | | | | | | | | |
| Accessory Structures | PS | PS | PS | PS | P | P | P | P |
| Adult Establishment | - | - | - | - | - | - | C | C |
| Agriculture - Commercial | - | - | - | - | - | PS | PS | PS |
| Agriculture - Neighborhood | PS |
| Crematories | - | - | - | - | - | - | - | C |
| Event Center | - | - | - | - | - | C | C | C |
| Gaming Terminals | - | - | - | - | - | - | PS | PS |
| Mixed-Use Building or Structure | - | - | - | - | PS | PS | PS | - |
| Noxious Uses | - | - | - | - | - | - | - | C |
| Solar Collector System - Roof Mounted - Accessory Use | P | P | P | P | P | P | P | P |
| Solar Collector System - Ground Mounted - Accessory Use | PS |
| Tattoo Parlors | - | - | - | - | - | - | P | P |
| TEMPORARY USES | | | | | | | | |
| Farmers Market | PS |
| Mobile Food Vendor | - | - | - | - | - | PS | PS | PS |
| Temporary Use | 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. 20-3201. 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-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.
- (e) *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.
- (f) *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.
- (g) *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. 20-3203. Conditional districts.

- (a) *Intent.* It is expected that, in most cases, a conventional district will appropriately regulate site-specific impacts of permitted uses and structures on surrounding areas, however conditional districts provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the underlying conventional district has insufficient standards to mitigate the site-specific impact on surrounding area.
- (b) *Consideration for any use.* Any use may be considered for a conditional district and shall be established on an individual basis, upon petition of the property owner.
- (c) *Conditions.* Specific conditions may be proposed by the petitioner or by the town, but only those conditions approved by the town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by G.S. 160D-703(b) and this section, the town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, 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. Conditions and site-specific standards imposed in a conditional district must be limited to those that address the conformance of the development and use of the site to town ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.
- (d) *Petition.* Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. The petition must be signed by all property owners, or agents of the owners, of all of the property to be included in the district and shall be accompanied by a statement analyzing the reasonableness of the proposed rezoning request by the petitioner, the established fee, and documentation as required by the following:
 - (1) A preliminary plan or site plan that is substantially in compliance with the mapping standards set out in Code section 20-2504 and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property;
 - (2) The number and general location of all proposed structures;
 - (3) The proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
 - (4) All yards, buffers, screening, landscaping, and sidewalks required by ordinance, and notations of any deviation from requirements;
 - (5) Proposed number and location of the signs;
 - (6) Proposed phasing, if any, and the approximate completion time for the project;
 - (7) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
 - (8) Information on the height of all proposed structures;
 - (9) Exterior features of all of the proposed development including but not limited to construction and finishing materials.
- (e) *Approval procedure.* Except as specifically modified by this section, the procedures to be followed by the planning board and town council in reviewing, granting, or denying any petition for a conditional district shall

be the same as those established for zoning map amendments (see Code section 20-1504). The following additional procedures shall also apply for the approval of conditional districts:

- (1) *Initial consideration by town council.* Petitions for conditional districts shall be initially reviewed by town council. After its initial consideration of a petition for a conditional district, town council shall refer the request to the planning board for the full review process as required by G.S. Chapter 160D. Initial consideration of such petitions are intended to provide town council with the opportunity to express their preliminary thoughts related to the petition but shall not serve as a final determination on same.
 - (2) *Community meeting.* Before a public hearing may be held by the town council on a petition for a conditional district the petitioner must file in the office of the town clerk a written report of at least one community meeting held by the petitioner. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the town council but shall not be subject to judicial review. Notice of the community meeting shall be posted on the property and mailed to all the property owners within 200 feet of the property boundaries not more than 25 days nor less than ten days prior to the meeting.
- (f) *Approval and ordinance.* If a petition for a conditional district is approved, the development and use of the property shall be governed by the ordinance establishing the conditional district, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved conditional district. Each conditional district will be given a special number, distinguishing such conditional district from another zoning district. Each ordinance adopted by town council which establishes a conditional district within the town is hereby incorporated into this chapter as a separate and unique zoning district and shall be reflected on the town's zoning map. Copies of such ordinances shall be kept on file with the town clerk and may be reviewed upon request.
 - (g) *Time limits.* Time limits for the completion of the project's infrastructure and completion of construction may be established as conditions of the conditional district, subject to consent of the property owner. Extensions to established time frames shall be subject to the approval of town council.
 - (h) *Phasing of projects.* Project phasing must be reviewed and approved with the conditional district. Phases must be shown on the site plan that is adopted in conjunction with the ordinance approving the conditional district and the time periods related to the phasing must also be addressed in said ordinance.
 - (i) *Performance guarantees.* At the discretion of the town council, the property owner may be required to post performance guarantees to guarantee the successful completion of required improvements included in the approved conditional district. Such performance guarantees are subject to the provisions of G.S. 160D-804.1.
 - (j) *Judicial review.* Conditional district decisions under this section are legislative decisions that are presumed valid if there is a reasonable basis for the decision.
 - (k) *Future variance request.* Properties subject to a conditional district are not eligible for variances on the approved project.
 - (l) *Maintaining the conditional district.* A conditional district is a rezoning which represents both a text and map amendment and as such is must be maintained after the sale of the property district.
 - (m) *Modifications.* Minor modifications and major amendments to approved conditional districts shall be in accordance with Code section 20-1303.

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- (n) *Final plat approval process.* All water, sewer, stormwater infrastructure, and all street, sidewalk, and similar improvements must be installed and verified as complete by the appropriate authority prior to final plat review. Once the required infrastructure is complete, the final plat is to be reviewed by the zoning administrator and the technical review committee for compliance with the relevant portions of the ordinance approving the conditional district for the project. Upon finding that the required infrastructure is complete and the final plat is in compliance with the ordinance, the planning director, or their designee, shall approve the final plat and authorize the recordation of same. Final plats must contain all applicable information as set out in Code section 20-2504 and Code section 20-2505.

(Ord. of 5-24-2021(1), § 5; Ord. of 5-19-2025(1), § 2)