

**Town of Weaverville  
 Planning Board  
 Regular Monthly Meeting  
 Monday, May 4, 2026, 4:00pm  
 Town Hall Council Chambers  
 Agenda**

	Pg#	
1. Call to Order .....		Chair Kelley
2. Adoption of Agenda .....		Chair Kelley
3. Approval of Minutes – 2/9/26 Special Called Meeting and 4/6/2026 Regular Meeting.....	2	Chair Kelley
4. Zoning Map Amendment – 5 and Unaddressed Reagan.....	8	Planning Director Eller
5. Other Business		
• Presentation of Comprehensive Land Use Plan.....	19	Planning Director Eller
• Notes from School of Government Workshop.....	20	Planning Director Eller
• Senate Bill 811 – Satellite Annexation.....	56	Planning Director Eller
6. Adjournment.....		Chair Kelley

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

**Date of Meeting:** Monday, May 4, 2026  
**Subject:** Minutes  
**Presenter:** Board Clerk  
**Attachments:** Minutes from the February 9 and April 6, 2026 Meetings of the Board

**Description:**

Attached you will find proposed minutes from the February 9 and April 6, 2026 meetings of the Board.

**Action Requested:**

Staff is requesting that the Planning Board adopt the aforementioned minutes as presented or amended by motion of the Board.



## **Town Council Regular Workshop Meeting & Planning Board Meeting Joint Meeting Minutes for February 9, 2026**

The Town Council regularly scheduled workshop and Planning Board special-called meeting was jointly held on Monday, February 9, 2026, at 6:00 p.m. in the Town Council Chambers at Town Hall, 30 S. Main Street, Weaverville, N.C.

### **1. Call to Order**

Mayor Deed Lawrence called the Town Council Workshop to order at 6:00 p.m.; Planning Board Vice Chair Michael Sollazzo called the Planning Board Special Called meeting to order at 6:00 p.m.

Town Council Present: Gary “Dee” Lawrence, John Chase, Peter McGuire, Jennifer Young, Phil Barnett, Mark Endries, and Andrew Nagle.

Planning Board Present: Michael Sollazzo, Donna Mann Belt, Jonathon Brown and Tom Flournoy. Planning Board Chair Jane Kelley was absent.

Staff Present: Town Manager Scottie Harris, Assistant Town Manager Jennifer Jackson, Planning Director James Eller, Fire Marshal Kile Davis, Planner Graham Crawford (serving as Planning Board Clerk), Town Clerk Tamara Mercer, and A/V Coordinator Lauren Ward.

### **2. Comprehensive Land Use Plan Update Project**

#### **A. Introduction and Overview of Comprehensive Land Use Plans**

To exercise land use regulations a comprehensive land use plan must be adopted. Adoption and amendment of a comprehensive plan is a legislative decision and follows the process mandated for zoning text amendments set by G.S. 160D-601.

Assistant Manager Jackson provided an overview stating the current Comprehensive Land Use Plans was adopted by the Town Council in 2019 with a subsequent annual review by Town Council addressing the priorities and goals as provided in the action plan. She reviewed the process for adoption and the components which may be considered in the plan such as trends, future growth, goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.

Jackson added that the proposed action plan table with priorities that has been reviewed annually, provides guidance to the Planning Board and staff on matters related to land use which have been deemed by the Town Council to be a priority. The Planning Board recommendations include the statements on whether or not something is consistent with the adopted comprehensive land use plan. This is one of the reasons that a comprehensive land use plan is so important.

**B. Project to Update Weaverville's Comprehensive Land Use Plans**

Planning Director Eller reviewed the steps, timeline, and overview of the project to update the 2019 version of the Town’s comprehensive land use plan.

The action plan table with the various priority goals help to direct staff's focus for the next year and for longer-term goals in a two-year and three-year timeframe and is a key component to the comprehensive land use plan.

The next steps are to review the action plan table and establish priorities and make any other revisions to the table so that it can be included in the draft of the updated comprehensive land use plan. This draft will be reviewed by the Planning Board in a final draft format, after which those recommendations will be presented to Town Council. Town Council must hold a public hearing on the draft plan prior to discussion and adoption in the months to come.

**C. Action Plan Table and Review of Updated Goals and Priorities**

Mr. Eller said goals receiving priority #1 will become staff's higher priority, and as directed by Council should be accomplished within a one-year period. Priority #2 to implement in 24 months, and #3 to be addressed in a 36-month timespan.

The draft table included staff priorities and was reviewed with active conversation by both Town Council and the Planning Board.

Both Town Councilmembers and Planning Board members provided their rankings and ratings for the action plan by topic.

Further discussion ensued regarding a town throughfare analysis, timely enhancements for the new hospital facility and improved transportation mobility for emergency services and access routes, as well as long-term growth planning and main transportation routes to be coordinated with the French Broad River Metropolitan Planning Organization and NCDOT roadways. Events and special programs on Main Street were discussed noting concerns with emergency service calls and response times delays on streets and sidewalks and working with the Weaverville Business Association over these concerns and establishing emergency only lanes and access roads during events.

Staff will include the agreed upon goals and priorities chart in the proposed updated comprehensive land use plan.

**3. Discussion on Proposed New Residential Districts – R-6 and R-10**

Mr. Eller introduced the proposed draft for the two new family residential districts which would allow for single family development on smaller lots. The Planning Board recommendations for the R-6 and R-10 districts were provided in the materials, as was a staff report.

The public hearing on the proposed code amendment for the new districts was held on December 9, 2025.

Discussions on the topic included additional examples of residential development in the downtown area, downtown lot width, side setbacks, building code standards, flammable and fire-resistant materials, fire safety and public safety, higher-density residential units, costs and expenses, the real estate market, sidewalks and access, the permitting process, and review standards, conditional district permit process, versus permitted by-right zoning for multi-family housing. Other areas of concern were neighborhood character, and growth areas, one-way development entrances, ingress and egress access for emergency services. Included in the discussion was the private non-profit, Mountain Housing Opportunity as they develop

affordable community housing, old subdivision plats that allow development on smaller lots vs. new development.

Mayor Lawrence noted in a straw poll of members there was general consensus of Council in favor of R-6 district but can address appropriateness of R-10 in growth areas.

Staff was directed to place the proposed districts on the next agenda for possible Town Council action.

- 4. **Resolution Concerning Growth Areas [postponed]**
- 5. **Other Land Use Topics for Discussion [postponed]**
- 6. **Review of Development Approval Processes [postponed]**
- 7. **ADJOURNMENT**

*Motion to adjourn the Council workshop at 8:19 p.m.*

*Moved by: Dee Lawrence*

**Aye:** Peter McGuire, Dee Lawrence, John Chase, Mark Endries, Jennifer Young, Phil Barnett, and Andrew Nagle

**Carried unanimously. 7-0**

*Motion to adjourn the Planning Board at 8:19 p.m.*

*Moved by: Michael Sollazzo*

**Aye:** Michael Sollozzo, Donna Mann Belt, Jonathan Brown, Tom Flournoy

**Carried unanimously. 4-0**

  
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Gary D. Lawrence, Mayor

  
\_\_\_\_\_  
Tamara Mercer, Town Clerk

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Jane Kelley, Planning Board Chair

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Graham Crawford, Clerk to the Board

# Planning Board Meeting Minutes

## April 6, 2026

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 4:00 pm on Monday, April 6, 2026, within the Council Chambers at the Weaverville Town Hall, 30 S Main St., Weaverville, NC.

### 1. Call to Order

Chair Kelley called the meeting to order at 4:00 pm and recognized alternate member Fred Borth as a voting member of the Board due to regular member absences.

Planning Board members present: Chair Jane Kelley, Vice Chair Michael Sollazzo, Jonathan Brown, Donna Mann Belt, Tom Flournoy, Alternate Fred Borth

Planning Board members absent: Alternate Brent Koenig

Staff present: Planning Director James Eller, Assistant Town Manager Jennifer Jackson, Planner Graham Crawford

### 2. Adoption of Agenda

Sollazzo moved to adopt the agenda as presented. The motion carried 5-0.

### 3. Approval of Minutes – 3/2/2026 Regular Meeting

Sollazzo moved to approve the minutes with a correction to remove additional characters that were added upon conversion of the minutes document from Word to PDF for the board's agenda packet. The motion carried 5-0.

### 4. Zoning map Amendment – 5 and Unaddressed Reagan

Director Eller highlights for the board the process for a proposed map amendment, specifically the role the planning board plays in that process. Director Eller also presents the prepared staff report regarding the proposed rezoning. Property owners of 5 and Unaddressed Reagan Lane simultaneously applied for a zoning map amendment to rezone their respective properties from R-1 to C-2. Additionally, Director Eller highlights the conditional district located directly to the West of the subject properties known as Weaver Village where the shopping center including Goodwill, Aldi, Zaxby's, etc. are located. This conditional district most closely resembles the traditional C-1 zoning district.

Chair Kelley asks where the closest C-2 zoned property is to the subject properties, the nearest being to the west on Weaver Blvd at Weaverville Crossing and the Ingles grocery store and to the north near Tommy's Family Restaurant and the business center at Monticello Village Dr.

Assistant Manager Jackson explains to the board the factors of what the board should base their decision on. The board should look for consistency with the comprehensive land use plan as well as formulating a reasonableness statement for the rezoning.

Sollazzo notes some of the differences between the traditional zoning districts C-1 and C-2 and the permitted uses in each. It was noted the importance for the board to consider all permitted uses in a zoning district when considering a rezoning.

Kelley offers the opinion that these properties would be better suited to be rezoned C-1 if rezoned at all.

Brown states he would be open to rezoning these properties to either C-1 or C-2 and that these properties are generally suited for commercial uses.

Mann Belt states she would prefer the properties to front Weaver Blvd as opposed to Main St. if rezoned, as the current properties that front on that section of Main St. is mostly residential.

Flournoy states he would oppose a rezoning to these properties due to the concern of traffic and vehicular access to the properties, stating that the intersection of Main St. and Weaver Blvd. is a chokepoint for the Town's traffic.

The board conducted a series of straw polls to rezone the properties to both C-1 and C-2, considering both the consistency with the comprehensive land use plan (CLUP) and the reasonableness of those zoning districts.

- C-2 consistency with CLUP – 5-0 no
- C-2 Reasonableness – 5-0 no
- C-1 consistency with CLUP -5-0 yes
- C-1 Reasonableness – 5-0 yes

Sollazzo motions to find that C-2 is not consistent nor reasonable due to the desire of the preservation of the Downtown district, it being a dramatic shift from R-1, and some of the permitted uses in the requested zoning district .

The motion carried 5-0

## 5. Adjournment

Without objection Chair Kelley declared the meeting adjourned at approximately 5:00pm.

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

**Date of Meeting:** Monday, May 4, 2026  
**Subject:** Zoning Map Amendment for Reagan Lane Parcels  
**Presenter:** Planning Director  
**Attachments:** Section 20-1504 and Section 20-1505, Staff  
Report, Table of Uses

**Description:**

Staff is in possession of a zoning map amendment application for two parcels southwest of the intersection of Weaver Boulevard and North Main Street. Given that the amendment does not involve a conditional district or overlay district, initial review by Town Council is not required and the application may originate at the Planning Board level.

**Action Requested:**

The Board asked to review and offer a recommendation to Town Council as per Sections 20-1504 and 20-1505.

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## Sec. 20-1504. Procedure for approval of zoning map amendments.

Except for petitions for a conditional zoning which must follow the procedures set out in Code section 20-3203, proposed zoning map amendments may be initiated by town council, the planning board, the board of adjustment, town staff, any owner of a legal or equitable interest in land located within the town, or any resident of the town.

Development regulations shall be adopted, amended, or repealed, in accordance with a comprehensive plan and pursuant to the following procedures:

- (a) *Initial review by town council.* All proposed map amendments involving conditional districts or overlay districts shall be presented to town council for initial review. Initial consideration by town council is intended to provide town council with the opportunity to express preliminary thoughts related to the map amendment and any comments made are advisory only and shall not serve as a final determination on the matter.
- (b) *Planning board review and comment.* The planning board shall review and comment on all proposed development regulations and amendments thereto as set out in Code section 20-1505.
- (c) *Hearing with mailed and posted notice.* Before adopting, amending, or repealing any ordinance or development regulation authorized by G.S. 160D, the governing board shall hold a legislative hearing. Notice of the legislative hearing shall be provided as follows:
  - (1) *Mailed notice.* The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the hearing. If a zoning map amendment is being proposed in conjunction with an annexation petition, separate hearings on the zoning map amendment and the annexation must be held.
  - (2) *Notice for large-scale zoning map amendments.* The first-class mail notice required by subsection (1) above is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the town elects to use the expanded published notice provided for in this subsection. In this instance, the town may elect to make the mailed notice provided for subsection (1) or, as an alternative, elect to publish the notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (1) above.
  - (3) *Posted notice.* When a zoning map amendment is proposed, the town shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the town shall post sufficient notices to provide reasonable notice to interested persons.
  - (4) *Optional communication requirements.* When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents.

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- (5) *Citizen comments.* If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the town clerk at least two business days prior to the proposed vote on such change, the town clerk shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the town clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all member of the board shall not disqualify any member of the board from voting.
  - (6) *Governing board statement and action.* Town council shall adopt plan consistency and reasonableness statements as required by G.S. 160D-605 and Code section 20-1506, prior to taking action on proposed zoning map amendments.
  - (7) *Ordinance adoption.* A development regulation adopted pursuant to G.S. Chapter 160D shall be adopted by ordinance.

(Ord. of 5-24-2021(1), § 5)

### **Sec. 20-1505. Planning board review and comment.**

- (a) *New development regulations.* The planning board shall review and comment upon a proposed development regulation, including the full text of such regulations and any proposed zoning maps associated with the regulations. The planning board may hold public meetings and legislative hearings in the course of preparing the regulation. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation. The governing board is not bound by the recommendations, if any, of the planning board.
- (b) *Development regulation and zoning map amendments.* Subsequent to initial adoption of a any development regulation, all proposed amendments to the development regulation or zoning map shall be submitted to the planning board for review and comment. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation. If no written report is received from the planning board within 90 days of referral of the amendment to the board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.
- (c) *Plan consistency.* When conducting a review of proposed zoning text or map amendments pursuant to G.S. 160D-604 and this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement

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describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

- (d) *Reasonableness statement for rezonings.* When conducting its review of proposed zoning map amendments, the planning board shall, as part of its plan consistency statement or separately, provide a statement analyzing the reasonableness of the proposed rezoning. Such analysis should consider, among other factors: (i) the size, physical conditions, and other attributes of the area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If the zoning map amendment qualifies as a large scale rezoning the analysis of reasonableness may address the overall rezoning.
- (e) *Separate board required.* Notwithstanding the authority to assign duties of the planning board to the governing board as provided in G.S. Chapter 160D, the review and comment required by this section shall not be assigned to the governing board and must be performed by the planning board.

(Ord. of 5-24-2021(1), § 5)

# Town of Weaverville, North Carolina

## Staff Report: Proposed Rezoning

### Reagan Lane

Prepared March 2026  
Updated April 2026

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

#### Introduction to the Properties

Town Council is set to consider a rezoning of the property commonly known as 5 and Unaddressed Reagan Lane and a rezoning from R-1 to **C-2 C-1** is desired. These parcels consist of 2.23 acres and may be found immediately southwest of the intersection of Weaver Boulevard and North Main Street.

Following the April meeting of the Board, where C-2 zoning was considered for these properties, staff met with the respective owners of these parcels regarding a path forward for the rezoning request. Given that the owners have no perspective buyers or projects, staff advised against a conditional zoning request which would lock the parcels into a site-specific ordinance and development plan. The owners have chosen to proceed with a standard C-1 zoning map amendment.



# Town of Weaverville, North Carolina

## Staff Report: Proposed Rezoning

### Reagan Lane

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#### Comprehensive Land Use Plan Compliance

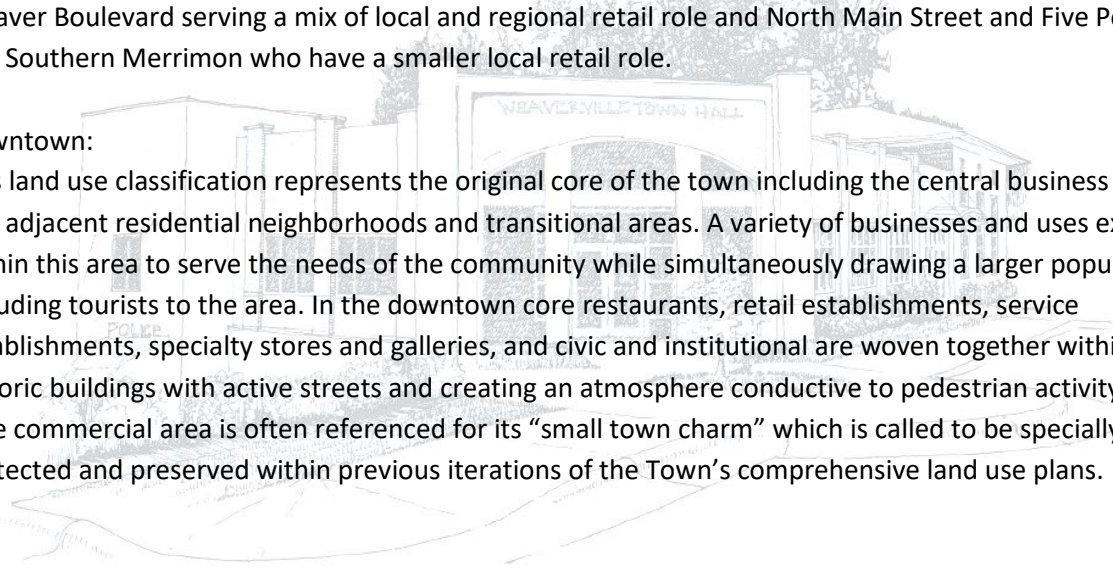
When considering compliance with the Town’s Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map. Here it is found that the unaddressed parcel is shown for “commercial” future uses and the Parcel at 5 Reagan is shown for “downtown” future uses. These future land use map use categories are described as follows:

##### Commercial:

This land use classification is intended to identify and reinforce the existing general commercial land use patterns. The Town’s four primary commercial areas are, in addition to the downtown core, North Main Street and Five Points, Northridge Commons, Weaver Boulevard and Sothern Merrimon near the intersection of Merrimon Avenue and Garrison Road. These defined areas serve different roles for the community with Northridge Commons serving a regional retail role with national retail establishments, Weaver Boulevard serving a mix of local and regional retail role and North Main Street and Five Points and Southern Merrimon who have a smaller local retail role.

##### Downtown:

This land use classification represents the original core of the town including the central business district and adjacent residential neighborhoods and transitional areas. A variety of businesses and uses exist within this area to serve the needs of the community while simultaneously drawing a larger population including tourists to the area. In the downtown core restaurants, retail establishments, service establishments, specialty stores and galleries, and civic and institutional are woven together within historic buildings with active streets and creating an atmosphere conducive to pedestrian activity. This core commercial area is often referenced for its “small town charm” which is called to be specially protected and preserved within previous iterations of the Town’s comprehensive land use plans.



# Town of Weaverville, North Carolina

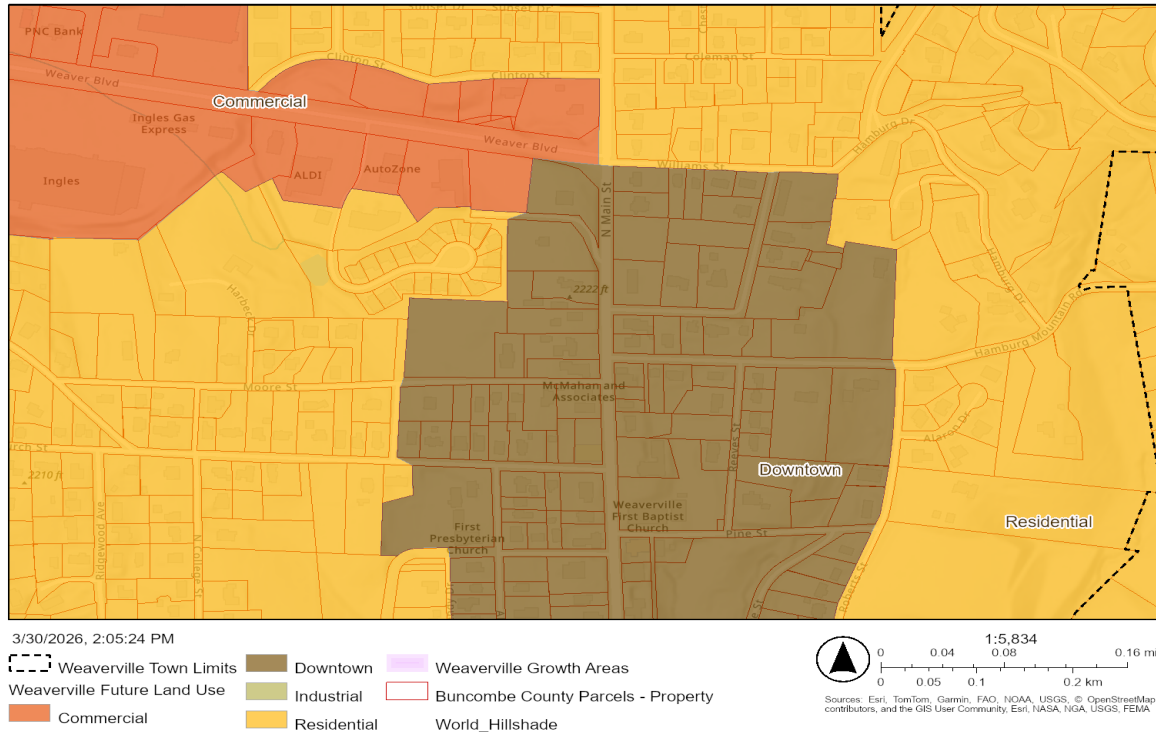
## Staff Report: Proposed Rezoning

### Reagan Lane

Prepared March 2026  
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Town of Weaverville Zoning



### Zoning Analyst

When the Planning Board and Town Council consider a zoning map amendment which proposes a change to a standard zoning district, all uses permitted in the desired standard zoning district should be considered.

Given that most of the downtown core is zoned C-1, and C-2 zoning is desired for this map amendment, staff will be prepared to describe uses, such as drive-thru retail or restaurant, that differentiate the zoning districts, and the following is a link to the table of uses for your review.

[https://library.municode.com/nc/weaverville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH20PLDE\\_PTIIIZORE\\_ARTIICODIOVDICODITAUSTADIREZOMADIBOMI\\_S20-3205TAUS](https://library.municode.com/nc/weaverville/codes/code_of_ordinances?nodeId=PTIICOOR_CH20PLDE_PTIIIZORE_ARTIICODIOVDICODITAUSTADIREZOMADIBOMI_S20-3205TAUS)

# Town of Weaverville, North Carolina

## Staff Report: Proposed Rezoning

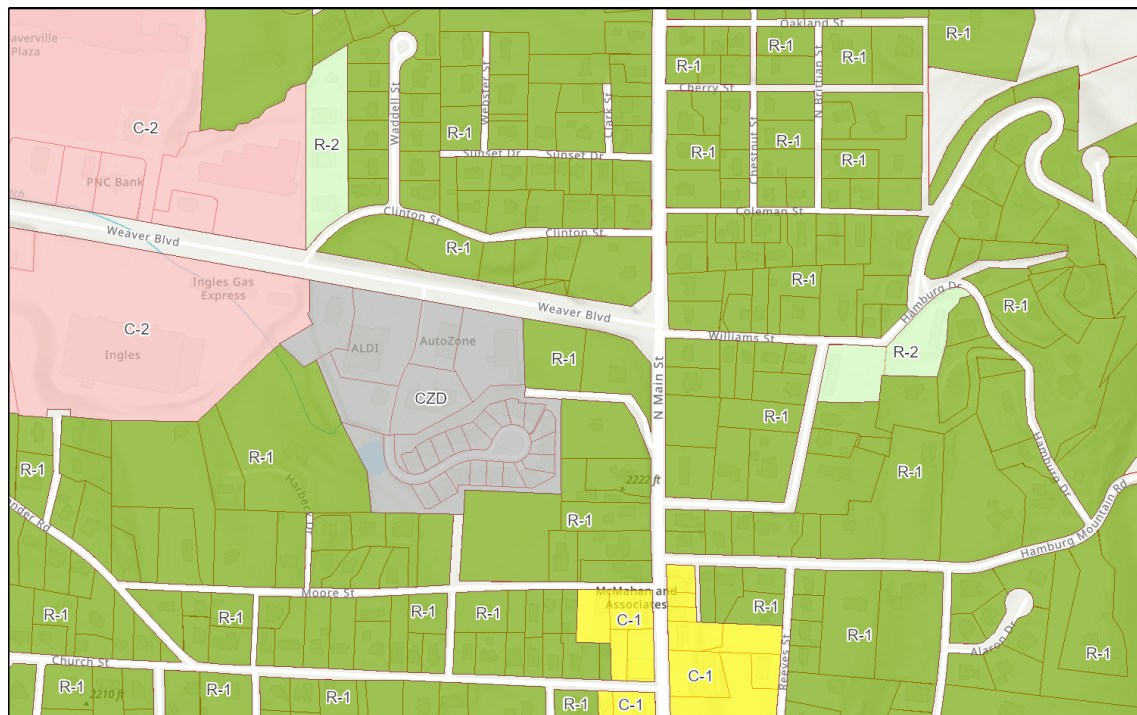
### Reagan Lane

Prepared March 2026  
**Updated April 2026**

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

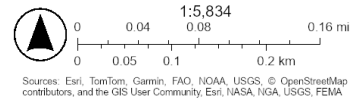
The neighboring conditional district for Weaver Village was discussed at length in the previous meeting of the Board. This conditional district largely allows most uses within the C-1 zoning district, and therefore, this rezoning to C-1 rather than C-2, seems to be more in line with uses allowed immediately to the west and downtown.

Town of Weaverville Zoning



4/1/2026, 8:44:16 AM

- Manufactured Home Overlay District
- C-1
- C-2
- I-1
- R-1
- R-2
- R-3
- C-ZD
- Buncombe County Parcels - Property
- World\_Hillshade



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, NASA, NGA, USGS, FEMA

**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
<b>RESIDENTIAL</b>								
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	-
<b>OFFICE / SERVICE</b>								
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	-
<b>RETAIL / RESTAURANTS</b>								
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	-
<b>ENTERTAINMENT / RECREATION</b>								
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	PS	PS	PS	PS	PS	PS	-
Theater - Motion Picture	-	-	-	-	-	P	P	-
<b>MANUFACTURING / WHOLESALE / STORAGE</b>								
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	-
<b>CIVIC / INSTITUTIONAL</b>								
Cemeteries	-	-	-	-	-	-	C	-
Public Safety Facilities	C	C	C	C	C	P	P	-
Religious Institutions	C	C	C	C	C	C	C	-
Schools	C	C	C	C	C	C	C	-
<b>UTILITIES</b>								
Solar Collector System - Primary Use	-	-	-	-	-	-	PS	-
Wireless Telecommunication Facility - Stealth	PS	PS	PS	PS	PS	PS	PS	-
Wireless Telecommunication Facility - Tower	-	-	-	-	-	PS	PS	-
<b>MISCELLANEOUS USES</b>								
Accessory Structures	PS	PS	PS	PS	P	P	P	-
Adult Establishment	-	-	-	-	-	C	C	-
Agriculture - Commercial	-	-	-	-	PS	PS	PS	-
Agriculture - Neighborhood	PS	PS	PS	PS	PS	PS	PS	-
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	PS	PS	PS	PS	PS	PS	PS
Tattoo Parlors	-	-	-	-	-	P	P	-
<b>TEMPORARY USES</b>								
Farmers Market	PS	PS	PS	PS	PS	PS	PS	-
Mobile Food Vendor	-	-	-	-	PS	PS	PS	-
Temporary Use	PS	PS	PS	PS	PS	PS	PS	-

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

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

**Date of Meeting:** Monday, May 4, 2026

**Subject:** Other Business

**Presenter:** Planning Director

**Attachments:** None

**Description:**

Presentation of the Comprehensive Land Use Plan

On April 27, 2026, Town Council adopted the new Comprehensive Land Use Plan. Due to the length of the document, it has not been included in this packet, but staff will have hard copies available to distribute to the Board at the meeting. The plan should be posted to the Planning and Zoning page of the town's website by the end of this week.

Notes from School of Government Regional Workshop

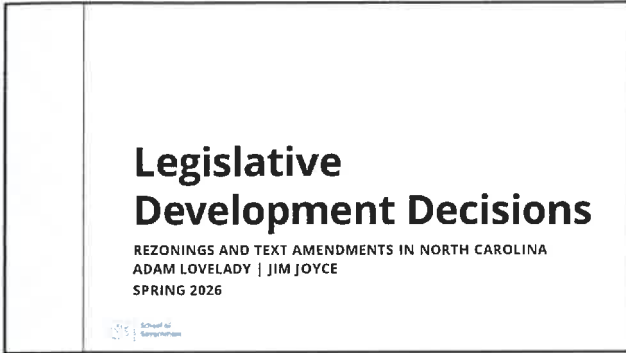
On April 28, 2026, I had the opportunity to attend a UNC School of Government workshop related to legislative development decisions with Chair Kelley and Vice-Chair Sollazzo. Slides from the workshop have been included in this packet for review at your convenience.

Senate Bill 811 – Satellite Annexation Percentage

On April 21, 2026 Senators Daniel, Moffitt and Mayfield filed a bill which seeks to remove the cap on satellite annexations for the Town of Weaverville. Staff will continue to monitor and inform the Board of any additional information related to this bill.

**Action Requested:**

No action requested as these items are presented for information.



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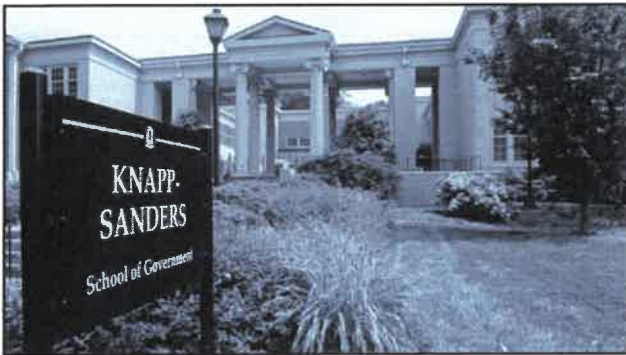
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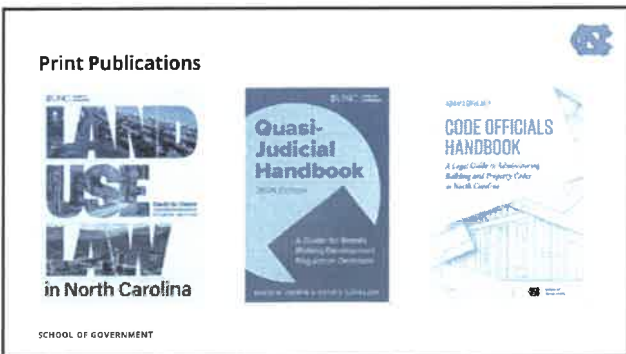
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**Online Resources**

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**Meet Your Neighbor**

- Name and Jurisdiction?
- How long have you been involved?
- What is one question you have for today?

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**Outline**

- 1. Development Rules**
- 2. Land Use Planning**
- 3. Rezoning Considerations**
- 4. Rezoning Procedures**

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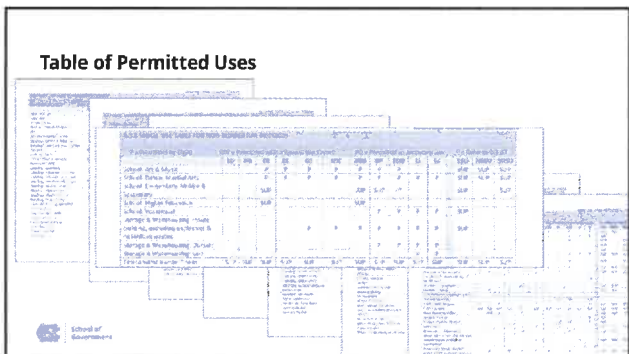
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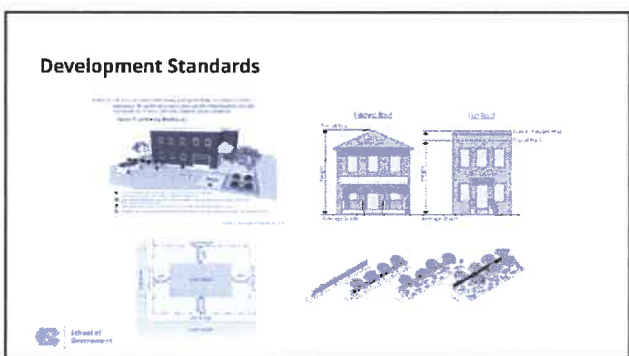
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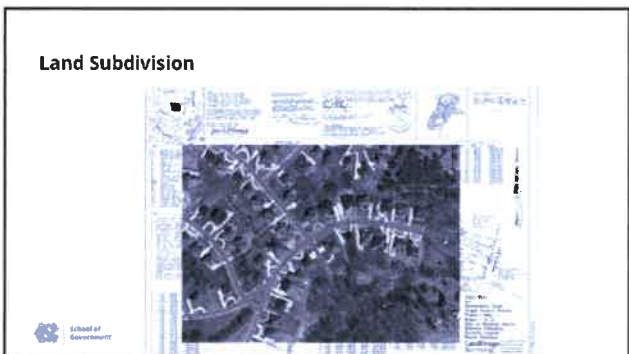
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**Infrastructure Standards**

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**Environmental Regulations**

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**Building Codes**

- Technical codes for building safety
- Adopted by the state
- Enforced at the local level

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**Code Enforcement**

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**Development Regulations**

- Land Use Zoning
- Land Subdivision
- Manufactured Home Ordinance
- Stormwater Ordinance
- Flood Damage Prevention Ordinance
- Sign Ordinance
- Adult Business Ordinance
- Historic Preservation
- Minimum Housing Code
- Commercial Maintenance Code

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**Types of Decisions**

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**Administrative Decisions**  
(Clear Objective Standards, Very Little Discretion) 

- Staff decision-maker (typically)
- No hearing (typically)
- Minimal public notice and public input

**EXAMPLES**

- Zoning Notice of Violation
- Basic Zoning Permit
- Building Permit
- Site Plan Approval (typically)
- Subdivision Plat Approval (typically)

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**Quasi-Judicial**  
(Discretionary Standards Needing Evidence) 

- Notice to neighbors
- Formal evidentiary hearing (sworn testimony)
- Decision must be by a board
- Decision must be based on evidence in the record
- Modest public engagement

**EXAMPLES**

- Variance
- Special Use Permit
- Appeal of Administrative Decision
- Certificate of Appropriateness (Historic Preservation)

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**Legislative Decisions**  
(setting the rules and policies) 

- Planning Board Review
- Notice of Hearing
- Legislative Hearing
- Broad public notice and public engagement
- Broad discretion in decision-making

**EXAMPLES**

- Zoning Ordinance Amendment
- Zoning Map Amendment (Rezoning)
- Conditional Zoning Approval
- Development Agreement

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## Conditional Zoning

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**“Conditional Zoning” and “Conditional Districts”**

- “Conditional zoning, – A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.” (160D-102(7))
- “Conditional districts, in which site plans or individualized development conditions are imposed.” (160D-703)

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**Only at Owner's Request (160D-703)**

- Property may be placed in a conditional district only in response to a petition by all owners of the property to be included.




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**Consent to Conditions (160D-703)**

- "Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations."




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**Substance of Conditions (160D-703)**

- "Conditions and site-specific standards imposed in a conditional district shall be limited to those that address:
  - the conformance of the development and use of the site to local government 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."




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**Broad Authority (160D-703)**

"Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government 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."



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**Outline**

- 1. Development Rules**
- 2. Land Use Planning**
- 3. Rezoning Considerations**
- 4. Rezoning Procedures**



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**Land Use Planning**

Types of Plans  
 Comprehensive Plans and Land Use Plans  
 Planning Board Basics



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**Comprehensive Plan**

- Traditional focus of local land use planning
- Long range view (10 to 20 years)
- Integrated view of issues (land use, transportation, housing, economic development, environment, etc.)
- May be streamlined into *land use plan*



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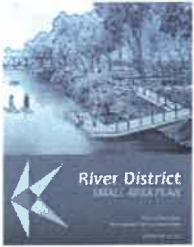
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**Specialized Plans**

- Neighborhood Plans
- Small Area Plans
- Corridor Plans
- Historic District Plans
- Watershed Plans



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**Functional Plans**



- Transportation plans
- Public utility plans
- Recreation and open space plans
- Capital improvement plans and budgets

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**Strategic Planning**

- Focuses on a few critical issues
- Emphasizes action (particularly useful for spending decisions)
- Works best for issues like economic development, housing, and education involving a number of players
- Focuses on steps to be taken, who will take them, and how much it will cost



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**Comprehensive and Land Use Planning**

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**Land Use Planning Requirement**

Article 5.  
Planning.

§ 160D-501. Plans.  
(b) Requirements for Zoning. – As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan or land-use plan.



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**Land Use Planning (160D, Article 5)**

- "A comprehensive plan sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction."
- "A land-use plan uses text and maps to designate the future use or reuse of land."
- Both are "intended to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of present and future needs."



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**Plan Process (160D-501)**

- "shall include opportunities for citizen engagement in plan preparation and adoption"
- "Plans shall be adopted by the governing board with the advice and consultation of the planning board."
- "legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601."
- "shall adopt *and reasonably maintain*"



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**Plan Effect (160D-501)**

- "Plans adopted under this Chapter . . ."
- "shall be advisory in nature without independent regulatory effect."
- "do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter."
- "Plans adopted under this Chapter shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605."



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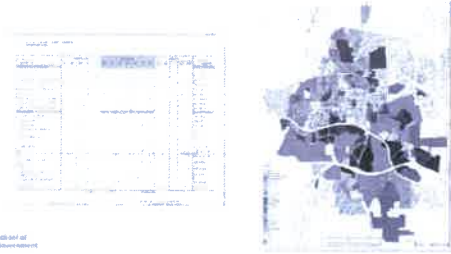
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**Implementing a Plan:  
Development Regulations and Decisions**



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**Implementing a Plan:  
Public Infrastructure & Investments**



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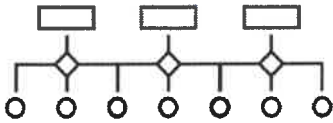
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### Implementing a Plan: Government Actions and Organization

- Public lands and building
- Departmental organization and work plans



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### Planning Board Basics



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### Composition (G.S. 160D-301)

- At least three members
- Proportional representation for ETJ (G.S. 160D-307)
- Broad local discretion: local rules for composition, terms, process for appointments, etc. (160D-310)
- Members
  - Must take an oath of office (G.S. 160D-309)
  - May get compensation (G.S. 160D-301 & -502)



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**Alternatives**

- May establish joint planning board
- May assign duties to another board




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**Statutory Duties**

- **Advise** on Comprehensive and Land Use Planning (G.S. 160D-301 & -601)
- **Advise** on Initial Zoning (G.S. 160D-604(a))
- **Advise** on Zoning Amendments (Plan Consistency) (G.S. 160D-604(b))
- May **advise** on other development regulations (G.S. 160D-604(c))




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**Potential Decision-Making**

- Preliminary and final subdivision plats (G.S. 160D-803)
- Special use permits (G.S. 160D-705)
- May serve as
  - Board of Adjustment (variances, appeals, etc.)
  - Historic Preservation Commission (certificates of appropriateness)




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**Rules of Procedure (G.S. 160D-308)**

- May be adopted by governing board
- If not adopted by governing board, then may be adopted by the board itself
- Maintained by local government clerk (or another authorized official)
- Posted to the website

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**Discussion: Plans and Planning**

Consider your plans and planning in your community.

- Are your adopted plans current?
- What ways are you implementing your plans?
- What are missed opportunities for implementation?

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Outline

1. Development Rules
2. Land Use Planning
3. Rezoning Considerations
4. Rezoning Procedures



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## Considerations for Legislative Zoning Decisions

Good Considerations  
Topics Out of Bounds  
Spot Zoning, Contract Zoning, and Conflicts of Interest



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## Good Considerations

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**Good Consideration: General Land Use Impacts**

- To the owner/developer
  - Property value, free use of land, investment expectations
- To the neighbors
  - Safety, noise, odor, traffic, aesthetics, stormwater, property value, investment expectations
- To the community
  - Safety, convenience, traffic, appropriateness of use, character of community, property values, availability of housing types
- To the local government
  - Infrastructure costs (capital and maintenance), service costs, tax implications, diversity of economy, mix of housing types

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**Good Consideration: Consistency with Applicable Plans**

 A collage of four planning documents is shown. From left to right: a '2015 Land Use Plan' cover, a 'A Greater Greenville' document cover, a 'ROUTE US 21' road sign, and a '2015 Land Use Plan' document cover.
 

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**Good Consideration: Recs from Planning Board and Staff**



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**Good Consideration: Consider All Uses**



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**Good Consideration: Reasonableness for Small Scale Rezoning**

- (i) the size, physical conditions, and other attributes of the area proposed to be rezoned,
- (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community,
- (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
- (iv) why the action taken is in the public interest; and
- (v) any changed conditions warranting the amendment.

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## Out of Bounds

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**Out of Bounds:**  
Character of the Applicant, Owner, or Tenants



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**Out of Bounds: Renter v. Owner**



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**Out of Bounds: Lack of Land Use Rationale**



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**Out of Bounds: Conditions Unless Cond'l Zoning**

- Standard zoning districts are uniform across the properties in that district
- Promises by a developer beyond the uniform standards are unenforceable (and must not be considered in making the legislative decision)
- Conditional zoning allows project-specific conditions and standards

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**Note: Protected Land Uses**

- Agriculture
- Adult Businesses
- Architectural Design Controls
- Cell Towers
- Family Care Homes
- Manufactured Homes
- Religious Land Uses
- And more

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# Spot Zoning, Contract Zoning, and Conflicts

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## Spot Zoning

- Courts defer to legislative decisions (Legislative action is presumed reasonable)
- But, there are scenarios where that presumption is altered (shift the burden to the government to justify the action)
- "Spot Zoning": the rezoning of a relatively small area
- In North Carolina, courts push the burden to the local government to justify spot zoning, but spot zoning is legal if reasonable.



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## Factors in Spot Zoning

- Is it spot zoning?
  - Small tract
  - Single owner
- Is it reasonable?
  - Size of the tract,
  - Compatibility with plans,
  - Benefits and detriments, and
  - Relationship of uses

The following information is provided for informational purposes only. It is not intended to constitute an offer of insurance or any other financial product. Please contact your agent for more information. The information is provided for informational purposes only and is not intended to constitute an offer of insurance or any other financial product. Please contact your agent for more information.



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**Contract Zoning**

- Local governing board (commission or council) cannot bargain away legislative prerogative ("we promise to rezone the property in exchange for some benefit to the gov")
- Similarly, governing board cannot make a legislative decision based on unenforceable promises from the developer ("I promise I'll build that new fire station for the town in exchange for the rezoning.")
- Current law allows negotiated decisions through conditional zoning and development agreements
- Permissible because the governing board is making a legislative decision now with enforceable conditions (consented by the applicant) and attached to decision




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**Conflicts of Interest (160D-109)**

- Financial Interest  
"Members of appointed boards shall not vote . . . where the outcome of the matter being considered is reasonably likely to have a *direct, substantial, and readily identifiable financial impact* on the member."
- Close Relationship  
"An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship."




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**Discussion: Legislative Considerations**

Which are legitimate issues for the board to consider in making the legislative land use decision?

1. Neighbor: "That road is already backed up and dangerous at rush hour. This is gonna make traffic even worse. And the sewer system is already stretched thin. We don't have capacity for this."
2. Developer: "I can assure you, we will build according to the site plan and architectural renderings attached to the application."
3. Community activist: "This is just a giveaway to some out-of-town developer."
4. Neighbor: "You can't rezone to allow multifamily. The future land use map says 'low density residential.' And we don't want those people move into our neighborhood."

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**Outline**

1. Development Rules
2. Land Use Planning
3. Rezoning Considerations
4. Rezoning Procedures

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**Process for Legislative Zoning Decisions**

Transparency  
Application and Staff Review  
Planning Board Review  
Governing Board Review and Decision

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**Open Meetings (G.S. 143-318.10(d))**

An official meeting is "a *meeting, assembly, or gathering together at any time or place* or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon *or otherwise transacting the public business* within the jurisdiction, real or apparent, of the public body."



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**Public Records (G.S. 132-1)**

- Public Records are "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, *regardless of physical form or characteristics*, made or received . . . in connection with the transaction of public business . . . ."



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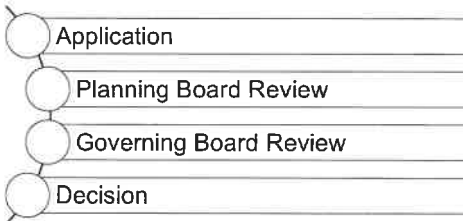
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**PROCESS FOR LEGISLATIVE DECISIONS**



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**Right to Petition for Legislative Change**

- Citizen
- Property Owner
- Local Government




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**Local Procedures (160D-602)**

“an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter.”




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80

**Applications and Staff Review (160D-402)**

- “The local government shall have the authority to enact ordinances, procedures, and fee schedules relating to the administration and the enforcement of this Chapter.”
- “Duties assigned to staff may include . . . determining whether applications for development approvals are complete; receiving and processing applications for development approvals; providing notices of applications and hearings; . . . and any other actions that may be required in order adequately to enforce the laws and development regulations under their jurisdiction.”
- (Option for Preapplication Meeting and Neighborhood Meeting)




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81

**Limits on Downzoning (G.S. 160D-601(d))**

- No downzoning without property owner's consent
- Downzoning defined to include:
  - Decreasing density
  - Reducing permitted uses
  - Creating any type of nonconformity



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**No Waiting Period to Reapply**

**PROHIBIT WAITING PERIODS FOR REFILEING OF DEVELOPMENT APPLICATIONS**

SECTION 16. (G.S. 160D-601) is amended by adding a new subsection to read:

"(2) Downzoning or Denial Application. — A development regulation or amended development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from reapplying a denial or withdrawal application for a zoning map amendment, text amendment, development application, or request for development approval."

House Bill 926      Session Law 2023-91      Page 7



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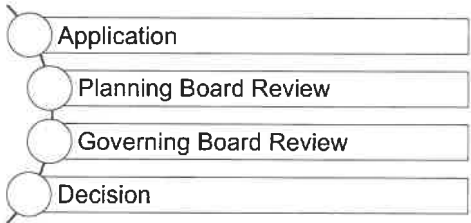

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**PROCESS FOR LEGISLATIVE DECISIONS**

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**Referred to Planning Board for Recommendation (160D-604)**

- For initial adoption of zoning: "The planning board shall prepare or shall review and comment upon a proposed zoning regulation"
- For subsequent amendments: "all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment."
- Option for other Dev Regs: "Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment."




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85

**Timing for Planning Board Review (160D-604)**

- At least 30 days for review: "If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report."




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86

**Substance of Planning Board Recommendation (160D-604)**

- Plan consistency: "the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable."
- Written rec: "planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board."
- Rec for large-scale rezoning may be general: "the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made."




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87

**Planning Board is Merely Advisory (160D-604)**

- Advisory: "The governing board is not bound by the recommendations, if any, of the planning board."
- "a comment by the planning board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval"



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**Planning Board Meeting**

- State law does not specify "legislative hearing" or "notice of the hearing" for planning board review
- Local ordinance or procedures may specify



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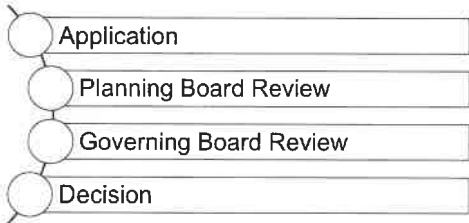
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**PROCESS FOR LEGISLATIVE DECISIONS**



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graph TD
    A((Application)) --> B[ ]
    B --> C((Planning Board Review))
    C --> D[ ]
    D --> E((Governing Board Review))
    E --> F[ ]
    F --> G((Decision))
    G --> H[ ]
  
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**Notice . . . Published in Newspaper (160D-601)**

- "A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included."



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**Notice . . . Posted at the Site (for Rezonings) (160D-602)**

- Specific to map amendments
- "on the site proposed for the amendment or on an adjacent public street or highway right-of-way"
- "posted within the same time period specified for mailed notices of the hearing" [10-25 days before hearing]
- For rezoning including multiple parcels, don't have to post every parcel, but "post sufficient notices to provide reasonable notice to interested persons"



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**Notice . . . Mailed to Neighbors (for Rezonings) (160D-602)**



- Specific to map amendments
- Mailed to "[t]he owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land"
  - "properties are 'abutting' even if separated by a street, railroad, or other transportation corridor"
- Mailed by "first-class mail at the last addresses listed for such owners on the county tax abstracts."
- "deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing"

SCHOOL OF GOVERNMENT

93

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**Other Notice Considerations**

- For large-scale rezonings, an option for half-page newspaper in place of some mailed notice (160D-602)
- Special notice to military base commanders for rezonings within five miles of military base (160D-601)
- Zoning notice may be aligned with ETJ notice when expanding ETJ (160D-602)

SCHOOL OF GOVERNMENT

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94

**"Legislative Hearing" (160D-102(20))**

- "Legislative hearing. - A hearing to solicit public comment on a proposed legislative decision."
- May have reasonable rules for participation
  - Time limits on speakers
  - Sign up sheets
  - Overall time limits
- Must maintain fundamental fairness (but strict procedures of quasi-judicial do not apply)
- May continue to a subsequent meeting

SCHOOL OF GOVERNMENT

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95

**PROCESS FOR LEGISLATIVE DECISIONS**

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graph TD
  A[Application] --> B[Planning Board Review]
  B --> C[Governing Board Review]
  C --> D[Decision]
  
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SCHOOL OF GOVERNMENT

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**Decision . . . Adopted as an Ordinance (160D-601)**

- "A development regulation adopted pursuant to this Chapter shall be adopted by ordinance."




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97

**Calculating the Vote**

- Simple majority
  - No protest petition for super-majority
  - No super-majority for date of introduction
- For municipalities (160A-75)
  - Governing board members have an obligation to vote (unless conflict of interest)
  - If member fails to vote without being excused, counts as a negative vote (for other votes it would be counted as affirmative)




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98

**Governing Board Statements**

- Plan Consistency
- Reasonableness (for small rezonings)




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99

**Statement of Plan Consistency (160D-605)**

- “When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan.”
- If inconsistent rezoning is approved, it automatically updates the plan’s future land use map




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100

**Statement of Plan Consistency (160D-605)**

- Sufficient if meeting minutes show “the governing board was aware of and considered the planning board’s recommendations and any relevant portions of an adopted comprehensive or land-use plan”
- For large scale rezoning, statement “may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.”




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101

**Statement of Reasonableness (for small rezonings) (160D-605)**

- “When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board.”
- May be combined with statement of plan consistency




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102

**Statement of Reasonableness (for small rezonings)  
(160D-605)**

- Factors to consider:
  - (i) the size, physical conditions, and other attributes of the area proposed to be rezoned,
  - (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community,
  - (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
  - (iv) why the action taken is in the public interest; and
  - (v) any changed conditions warranting the amendment.




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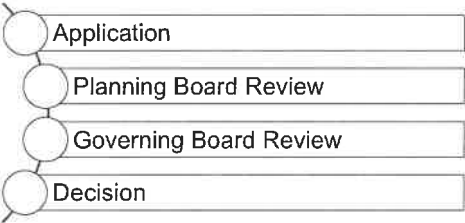

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**PROCESS FOR LEGISLATIVE DECISIONS**


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104



**School of  
Government**

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105

### Discussion: Legislative Procedures

CONSIDER THE FOLLOWING SCENARIOS. ANY CONCERNS?

1. David serves on the planning board. Jane is an applicant for rezoning. David and Jane went to the same high school, live in the same neighborhood, and are second cousins twice-removed. Also, unrelated to the zoning application, David and Jane jointly own a restaurant downtown.
2. One evening, while bored at home, board member Samantha started a text chat with the whole board. "Hey y'all, I am not loving this rezoning application for next week. What do you think?" Within moments, all but one of the board members was responding, debating the pros and cons of the rezoning.
3. Planning board member Jay is not a fan of the rezoning. He fears the governing board will approve it ("they are all growth, all the time"). Jay suggests "How about we just sit on this another month? And another month after that."

UNC SCHOOL OF GOVERNMENT

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106

#### Outline

1. Development Rules
2. Land Use Planning
3. Rezoning Considerations
4. Rezoning Procedures



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108

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

FILED SENATE  
Apr 21, 2026  
S.B. 811  
PRINCIPAL CLERK

S

D

SENATE BILL DRS35358-NQx-9

Short Title: Weaverville/Remove Cap: Satellite Annexations. (Local)

Sponsors: Senators Daniel, Moffitt, and Mayfield (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT REMOVING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF  
3 WEAVERVILLE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-58.1(b) reads as rewritten:

6 "(b) A noncontiguous area proposed for annexation must meet all of the following  
7 standards:

8 ...

9 (5) The area within the proposed satellite corporate limits, when added to the area  
10 within all other satellite corporate limits, may not exceed ten percent (10%)  
11 of the area within the primary corporate limits of the annexing city.

12 This subdivision does not apply to the Cities of Archdale, Asheboro,  
13 Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia,  
14 Greenville, Hickory, Kannapolis, Kings Mountain, Locust, Lowell, Marion,  
15 Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke  
16 Rapids, Rockingham, Saluda, Sanford, Salisbury, Shelby, Southport,  
17 Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden,  
18 Belville, Benson, Bladenboro, Bridgeton, Bunn, Burgaw, Calabash, Carthage,  
19 Catawba, China Grove, Clayton, Columbia, Columbus, Cramerton, Creswell,  
20 Dallas, Dobson, Four Oaks, Franklin, Franklinton, Franklinville,  
21 Fuquay-Varina, Garner, Godwin, Goldston, Granite Quarry, Green Level,  
22 Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills,  
23 Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Laurel  
24 Park, Liberty, Lillington, Louisburg, Madison, Maggie Valley, Maiden,  
25 Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount  
26 Pleasant, Nashville, North Wilkesboro, Norwood, Oak Island, Oakboro,  
27 Ocean Isle Beach, Pembroke, Pine Level, Pollocksville, Princeton, Ramseur,  
28 Ranlo, Richlands, Rockwell, Rolesville, Rutherfordton, Shallotte, Siler City,  
29 Smithfield, Spencer, Spring Lake, Stanley, Stem, Stovall, Surf City,  
30 Swansboro, Taylorsville, Troutman, Troy, Vass, Wallace, Warsaw, Watha,  
31 Waynesville, Weaverville, Weldon, Wendell, West Jefferson, Wilson's Mills,  
32 Windsor, Wingate, Yadkinville, Youngsville, and Zebulon."

33 SECTION 2. This act is effective when it becomes law.

