

**Town of Weaverville
Planning Board
Regular Monthly Meeting
Tuesday, September 8, 2026, 4:00pm
Town Hall Council Chambers
Agenda**

		Pg#	
1.	Call to Order		Vice Chair Sollazzo
2.	Adoption of Agenda		Vice Chair Sollazzo
3.	Approval of Minutes – 8/3/26 Regular Meeting Minutes....	2	Board Clerk Crawford
4.	Election of Officers.....	5	Vice Chair Sollazzo
5.	Zoning Text Amendment – Session Law 2026-39..... Parking Requirements	6	Planning Director Eller
6.	Zoning Text Amendment – Session Law 2026-51..... No-Impact Home-Based Businesses	17	Planning Director Eller
7.	Discussion Related to a New Commercial District.....	22	Planning Director Eller/ Vice Chair Sollazzo
8.	Other Business..... • Session Law 2026-59 – Regulatory Relief • Stormwater		Planning Director Eller
9.	Adjournment.....		Vice Chair Sollazzo

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, September 8, 2026
Subject: Minutes
Presenter: Board Clerk
Attachments: Minutes from the August 3, 2026 Meeting of the Board

Description:

Attached you will find proposed minutes from the August 3, 2026 meeting 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.

Planning Board Meeting Minutes

August 3, 2026

The Planning Board of the Town of Weaverville met for a regularly scheduled monthly meeting at 4:00 pm on Monday, August 3, 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.

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

Planning Board members absent: Alternate Fred Borth

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 – 6/1/2026 Regular Meeting Minutes

Sollazzo moved to approve the minutes for the 6/1/2026 Regular Meeting.

The motion to adopt the minutes carried 5-0.

4. Zoning Map Amendment – 21 Parker Cove Road

Director Eller introduced the zoning map amendment that is before the board, and stated that the desired rezoning will strip a previously adopted conditional district that governs the property commonly known as 21 Parker Cove Road, and change it to the conventional R-1 zoning district.

The rezoning comes before the planning board to receive recommendation on its consistency with the town's comprehensive land use plan and a statement of reasonableness.

The board found the rezoning application to be both consistent with the town's comprehensive land use plan as well as reasonable, as R-1 is specifically enumerated in the specific growth area that this property is within and is the least intense residential zoning district in the Town's ordinance.

Sollazzo moved to find the zoning map amendment for 21 Parker Cove Rd consistent and reasonable and also provide a positive recommendation to rezone the property to R-1. The motion carried 5-0.

5. Zoning Text Amendment – Parking Requirements Session Law 2026-39

Director Eller introduced the zoning text amendment which largely eliminates Section 20-3501 Off-street parking from the town's code of ordinances. The zoning text amendment stems from the recently enacted Session Law 2026-39 which in part will prohibit local jurisdictions from requiring off street parking places. This law becomes effective January, 1 2027. The zoning text amendment will also ensure the town's land use regulations are statutorily compliant.

Sollazzo moved to find the zoning text amendment reasonable and consistent and provide a positive recommendation to Town Council on the proposed zoning text amendment to ensure the town's land use regulations are compliant with state law. The board also noted that Session Law 2026-39 will potentially result in unintended consequences by limiting local government's ability to regulate off-street parking.

The motion carried 5-0.

6. Other Business

- Session Law 2026-22 Satellite Annexation
 - Director Eller informed the board of the recently adopted local bill by the NC General Assembly that removed the Town's 10% cap on satellite annexations. The other constraints related to satellite annexations remain in effect.
- Buncombe/Madison RHM Plan
 - Director Eller introduced the recently adopted Regional Hazard Mitigation Plan to the Planning Board, no action was requested from the board.
- Woodfin/Weaverville Greenway Feasibility Study
 - Director Eller introduced the Woodfin to Weaverville Greenway Feasibility Study, no action was requested from the board.
- Next Meeting: September 8 due to Labor Day
 - Director Eller reminded the board the next regular scheduled meeting will take place on Tuesday September 8th at the regular time of 4pm and location 30 S Main St.

7. Adjournment

Without objection Chair Kelley declared the meeting adjourned at approximately 4:36pm.

Graham Crawford, Clerk to the Board

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, September 8, 2026

Subject: Election of Officers

Presenter: Planning Director

Attachments: None

Description:

Sec. 2-153. Officers.

The planning board shall elect a chair and a vice-chair from its membership, who shall each serve for one year or until reelected or until their successors are elected. The planning board shall appoint a secretary, who may be a municipal officer, an employee of the town, or a member of the board.

The membership of the Board is determined by Town Council while the leadership of the Board is determined by the Board Members which have been appointed.

Action Requested:

Action to elect a Chair, Vice Chair, and Secretary of the Board is appropriate at this time.

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, September 8, 2026
Subject: Text Amendment Related to Parking Requirements
Presenter: Planning Director
Attachments: Session Law 2026-39, Proposed Text Amendments

Description:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in April 2026, call for an ongoing review of the land use regulation to ensure statutory compliance.

On July 6, 2026 the General Assembly enacted Session Law 2026-39 which in part will prohibit local jurisdictions from requiring off street parking places. This law becomes effective January 1, 2027.

Previously the Planning Board reviewed and offered a recommendation on a proposed text amendment which eliminated Section 20-3501 Off-street parking from the land use regulations. However, staff neglected to eliminate parking requirements found within Article III – Additional Standards for Certain Uses.

Action Requested:

Staff is seeking a recommendation from the Board to Town Council on the proposed text amendments related to the town's parking requirements.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2026-39
HOUSE BILL 162

AN ACT TO RESTRICT LOCAL GOVERNMENTS FROM REGULATING CERTAIN ASPECTS OF OFF-STREET PARKING SPACES AND TO MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY.

The General Assembly of North Carolina enacts:

PART I. PROHIBITING CERTAIN ZONING AND DEVELOPMENT LIMITATIONS RELATED TO OFF-STREET PARKING

SECTION 1.(a) G.S. 160D-702 reads as rewritten:

"§ 160D-702. Grant of power.

...

- (c) **A zoning or other development regulation shall not do any of the following:**
- (1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.
 - (2) Require ~~a~~an off-street parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.
 - (2a) Require an off-street parking lot to meet a minimum number of parking spaces per development or structure, regardless of occupancy or use.** The limitations of this subdivision shall not, however, apply to local governments located in the coastal area, as those terms are defined under G.S. 113A-103, except with respect to the following properties located in the coastal area:
 - a. Within the boundaries of a National Register Historic District or a local historic district.
 - b. That are either (i) individually listed in the National Register of Historic Places or (ii) individually designated as a local historic landmark.
 - c. Individual properties on the Study List for the National Register of Historic Places as maintained by the North Carolina State Historic Preservation Office or a national or State historic landmark, or properties located within a district on the Study List for the National Register of Historic Places as maintained by the North Carolina State Historic Preservation Office or a national or State historic landmark.
 - (3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.
 - (4) Establish or require pavement design standards for public roads or private roads that are more stringent than the minimum pavement design standards adopted by the Department of Transportation.



...."

SECTION 1.(b) This section becomes effective January 1, 2027.

PART II. MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY

SECTION 2.(a) G.S. 143-214.7 reads as rewritten:

"§ 143-214.7. Stormwater runoff rules and programs.

...

(a1) Definitions. – The following definitions apply in this section:

(1) Built-upon area. – As defined in G.S. 143-214.7D.

(2) Development. – Any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil. ~~When additional development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional stormwater control requirements, and stormwater control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law.~~

(2)(3) Redevelopment. – Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control to that of the previous development.

...

(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) ~~preexisting development~~ existing built-upon area or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. ~~When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. When development or redevelopment occurs at a site that has existing built-upon area, (i) the existing built-upon area shall not be included in the density calculations for additional stormwater control requirements, irrespective of whether the existing built-upon area is to be demolished, relocated, replaced, or remains in place during development activity, (ii) the existing built-upon area at the site is not subject to additional stormwater control requirements under this section, regardless of whether the existing built-upon area is demolished, relocated, replaced, or remains in place during the development activity, (iii) for purposes of determining the size of the area for which stormwater control measures are required for a development or redevelopment, built-upon area that existed before the development or redevelopment shall be applied on a square-foot-for-square-foot basis to reduce the built-upon area for which stormwater control measures are required, and (iv) stormwater control requirements cannot be applied retroactively to existing built-upon area, unless otherwise required by federal law.~~ A property owner may elect to treat the stormwater resulting from the net increase in built-upon area above the ~~preexisting existing built-upon area~~ at the development or redevelopment for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3). This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances.

...

(b8) A local government may offer nonmandatory incentives that waive building, zoning, connection, or other regulations or fees; provide additional tax and financial benefits; or institute

other incentives for development or redevelopment that implements additional stormwater control measures beyond those required by this section and rules adopted thereunder.

...."

SECTION 2.(b) Each local government that implements a stormwater management program shall amend its stormwater ordinance to conform to G.S. 143-214.7(b3), as amended by subsection (a) of this section, within 12 months of the effective date of this section. Any local stormwater ordinance that is inconsistent with G.S. 143-214.7(b3), as amended by subsection (a) of this section, is void and unenforceable on and after that date. A local government may adopt, amend, or repeal ordinance provisions implementing G.S. 143-214.7(b8) at any time after the effective date of this section.

SECTION 2.(c) This section is effective when it becomes law and applies to stormwater rules and stormwater program amendments adopted on or after that date.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2026.

s/ Rachel Hunt
President of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 3:04 p.m. this 6th day of July, 2026

Sec. 20-3301. Intent.

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

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3308. Cultural or community facility.

~~(a) Off-street parking shall be provided at one space for each two hundred square feet within the principal assembly space.~~

- (a) Where the lot abuts a residential district, a ten-foot buffer shall be provided as defined in Code section 20-1202 of this chapter and said buffer may be placed within the setbacks established by the zoning district applicable to the property.
- (b) Signage shall be limited to one wall mounted or attached sign and shall not exceed ten percent of the total surface area on which the sign is located. Said signage may be illuminated but must be shielded in a fashion to prevent light trespass and to brighten only the surface of the sign.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3309. Dwelling - Secondary.

- (a) Secondary dwelling units shall be accessory and subordinate to the primary living quarters.
- (b) No more than one secondary dwelling unit is permitted on any lot.
- (c) A secondary dwelling unit may only be located within a side or rear yard and within the setback established by the applicable zoning district.
- (d) No secondary structure shall exceed two stories in height.
- (e) Secondary dwelling units may be created as an independent structure, an addition to an existing primary structure, or a second story within detached garages.
- (f) The gross floor space of a secondary dwelling unit shall not exceed 800 square feet. The ground floor area of an attached garage shall not be calculated as part of the total square footage of any secondary dwelling that is built as the second story of a detached garage; provided, such ground floor garage area shall not be converted into a dwelling space.

~~(g) At least one off-street parking space shall be provided.~~

- (g) Properties with multifamily dwellings as defined herein shall not be permitted a secondary dwelling.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3311. General retail (10,000—24,999 sq. ft.).

- (a) Such a development shall abut an existing major thoroughfare maintained by the North Carolina Department of Transportation or the town and shall have direct access thereto.

- (b) Points of ingress and egress shall be located a sufficient distance from road intersections to minimize traffic hazard, inconvenience and congestion. Additionally, each development shall have a minimum of two such points of ingress and egress to facilitate the safe flow of traffic.

~~(c) Parking and loading spaces shall be provided as established by article V of this part III.~~

- (c) Such facilities with a drive-thru window are subject to additional regulations as defined by drive-thru retail/restaurant.

(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~~
 - (3) 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; Ord. of 2-23-2026(1), § 2(Att. A))

Sec. 20-3316. Multi-tenant development (under 25,000 sq. ft.).

- (a) Such a development shall abut an existing major thoroughfare maintained by the North Carolina Department of Transportation or the Town of Weaverville and shall have direct access thereto.
- (b) Points of ingress and egress shall be located a sufficient distance from road intersections to minimize traffic hazard, inconvenience and congestion. Additionally, each development shall have a minimum of two such points of ingress and egress to facilitate the safe flow of traffic.

~~(c) — Parking and loading spaces shall be provided as established by article V of this part III.~~

- (c) Such facilities with a drive-thru window are subject to additional regulations as defined by drive-thru retail/restaurant.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3319. Temporary use.

- (a) Temporary uses or structures may be permitted summarily in conjunction with a special event permit issued by the town manager pursuant to Code section 16-6 governing special events.
- (b) When utilized in conjunction with any construction or renovation on the same parcel of land, storage containers shall only remain on the property for the duration of construction.
- (c) Temporary vendors may be permitted only one structure which may not exceed 1,500 square feet.
~~Temporary vendors operating in the parking lot associated with a primary use must not cause nonconformity with the parking requirements of this chapter.~~ Temporary vendors may only operate in zoning districts in which general retail is also permitted. Those conducting yard sales on a property where they currently reside shall not be considered temporary vendors.
- (d) Portable and on-demand storage containers located within residential zoning districts are permissible for a period of up to 14 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.
- (e) Portable and on-demand storage containers located within commercial or industrial zoning districts are permissible for a period of up to 60 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-3325. Mixed-use building or structure.

- (a) Additional standards applicable only within the R-12 district for uses defined mixed use building or structure.
 - (1) Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional district in the C-1 or C-2 district.

- (2) The dimensional requirements for the R-12 district and additional standards for the use defined as dwelling-multifamily (more than four units/per building are also fully applicable to the use defined mixed-use building or structure.
- (3) In no case shall the number of dwelling units exceed 12 units per acre.
- (4) Street lighting requirements made necessary by article VI of this part III are fully applicable to the use of mixed use building or structure except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
- (5) The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
- (6) All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - a. All containment areas shall be enclosed to contain windblown litter.
 - b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.
 - e. Enclosures shall contain gates to allow for access and security.
 - f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - g. Enclosures shall be landscaped in accordance with article IV of this part III.
- (b) Additional standards applicable only within the C-1 district for uses defined as mixed use building or structure.
 - (1) Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional district in the C-1 district.
 - ~~(2) In no case shall the number of dwelling units exceed four units per building notwithstanding the latter permissible density bonus for additional off street parking places provided.~~

- (2) Street lighting requirements made necessary by article VI of this part III are fully applicable to the use of mixed use building or structure except that such requirements are hereby modified to provide the following:
- All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
- (3) The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
- A waiver of the foregoing requirement may be achieved in writing from the town manager or their designee upon showing of good cause. Factors for consideration include but are not limited to available space on the subject property, or any variable related to the public health or safety.
- (4) All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
- All containment areas shall be enclosed to contain windblown litter.
 - Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
 - Enclosures shall contain gates to allow for access and security.
 - Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - Enclosures shall be landscaped in accordance with article IV of this part III.
- ~~(6) Within the C-1 district additional dwelling units may be permitted up to a maximum of eight dwelling units per building provided the property owner provide off street parking in addition to those spaces required by article V of this part III at a ratio of two spaces per additional dwelling unit.~~
- (c) Additional standards applicable only within the C-2 district for uses defined as mixed use building or structure.
- Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional district in the C-1 or C-2 district.

- (2) The dimensional requirements for the C-2 district and additional standards for the use defined as dwelling-multifamily (more than four units/per building are also fully applicable to the use defined mixed-use building or structure.
- (3) In no case shall the number of dwelling units exceed eight units per acre.
- (4) Street lighting requirements made necessary by article VI of this part III are fully applicable to the use of mixed use building or structure except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
- (5) The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
- (6) All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - a. All containment areas shall be enclosed to contain windblown litter.
 - b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
 - e. Enclosures shall contain gates to allow for access and security.
 - f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - g. Enclosures shall be landscaped in accordance with article IV of this part III.

(Ord. of 5-24-2021(1), § 5)

Sec. 20-1202. Specific definitions.

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

Dimensional and/or numerical development requirements or standards include, but are not limited to, those requirements or standards associated with density, lot size, lot width, lot depth, setbacks, height, structure size standards, open space, ~~number of parking spaces~~, or separation requirements between particular uses or zoning districts.

Sec. 20-1602. Nonconforming lots.

- (a) Except as provided herein, a nonconforming lot may be used as a building site subject to the compliance with applicable use regulations and limitations, and minimum dimensional or numerical development requirements for the zoning district in which the lot is located including, but not limited to, minimum lot area and width, setback and yards, height, open space, buffers, ~~and screening and parking~~. The minimum lot width for nonconforming lots shall be the width of the lot as shown on a recorded plat that pre-dates zoning regulations if such width is 50 feet or more. If the lot width as originally platted is less than 50 feet and the property adjoins another lot under common ownership, then such lots must be combined to meet a minimum of 50 feet in lot width.
- (b) If compliance with the applicable minimum dimensional or numerical development requirements is not possible, the nonconforming lot may be used as a building site subject to the following:
 - (1) Where the lot area and/or lot width are not more than 20 percent below the minimum standards specified, and all other dimensional requirements are otherwise complied with, the zoning administrator is authorized to issue a zoning permit;
 - (2) Where the lot area and/or lot width are more than 20 percent below the minimum standards specified in this chapter or other dimensional requirements cannot be met, the board of adjustment is authorized to consider requests for variances of such dimensional and numerical requirements as shall conform as closely as possible to the required dimensions.
- (c) If a lot is nonconforming in that it does not have street access as described in Code section 20-3208(g), a building can be constructed on such lot if the applicant can provide evidence of a recorded legal access to a publicly maintained street or roadway which will support actual vehicular access to the lot.

(Ord. of 5-24-2021(1), § 5; Ord. of 4-24-2023(1), § 2)

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, September 8, 2026
Subject: Text Amendment Related to No-impact Home Businesses
Presenter: Planning Director
Attachments: Session Law 2026-51, Proposed Text Amendments

Description:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in April 2026, call for an ongoing review of the land use regulation to ensure statutory compliance.

On July 7, 2026 the General Assembly enacted Session Law 2026-51 which provides that cities shall not prohibit no-impact home-based businesses. The statutory definition for these businesses has been incorporated in the definitions of Chapter 20, and a new enumerated use has been added to the table of uses.

Given it's close proximity to the use defined as "home occupation," information related to home occupations have been included as well.

Action Requested:

Staff is seeking a conversation with the Board in order to craft a text amendment for future consideration.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

**SESSION LAW 2026-51
HOUSE BILL 372**

AN ACT TO PROVIDE THAT CITIES SHALL NOT PROHIBIT CERTAIN HOME-BASED BUSINESSES WITHIN THEIR JURISDICTIONAL LIMITS.

The General Assembly of North Carolina enacts:

PART I. CITIES SHALL ALLOW CERTAIN HOME-BASED BUSINESSES WITHIN THEIR JURISDICTIONAL LIMITS

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.8. No-impact home-based businesses.

(a) A city shall not adopt an ordinance or other regulation prohibiting no-impact home-based businesses within its jurisdictional limits or require a person to apply, register, or obtain any permit, license, variance, or other type of approval to operate a no-impact home-based business within its jurisdictional limit. A city may impose reasonable regulations on no-impact home-based businesses if the regulations are narrowly tailored for any of the following purposes:

- (1) Ensuring the protection of public health and safety, as allowed by law.
- (2) Ensuring that the business activity meets all of the following:
 - a. Is compatible with the residential use of the property and surrounding residential use.
 - b. Is secondary to the use of the property as a residential dwelling.
 - c. Complies with State and federal law, including the payment of applicable taxes.
- (3) Prohibiting or limiting the use of no-impact home-based businesses for the purpose of selling illegal drugs, liquor, operating or maintaining a structured sober living home, pornography, obscenity, or nude or topless dancing or other adult-oriented businesses.

(b) A city shall not require as a condition of operating a no-impact home-based business that the owner or occupant of the property do the following:

- (1) Submit a petition for rezoning the property for commercial use.
- (2) Install or equip fire sprinklers in any building or structure subject to the North Carolina Residential Code.

(c) The provisions of this section shall not apply if the operation of a no-impact home-based business is prohibited by the terms of:

- (1) Any deed, covenant, or agreement restricting the use of the land.
- (2) Any master deed, bylaws, or other documents applicable to a homeowners association.

(d) The following definitions apply in this section:

- (1) Goods. – Any merchandise, equipment, products, supplies, or materials.
- (2) Home-based business. – Any business owned and operated by the owner or occupant of the residential dwelling that manufactures, provides, or sells goods or services.



- (3) No-impact home-based business. – A no-impact home-based business for which all of the following apply:
- a. The total number of on-site employees and clients do not exceed the city's occupancy limit for the residential property.
 - b. The business activities are characterized by all of the following:
 - 1. Are limited to the sale of lawful goods and services.
 - 2. Do not generate on-street parking or a substantial increase in traffic through the residential area.
 - 3. Occur inside or in the yard of the residential dwelling.
 - 4. Are not visible from the street.
 - 5. Do not store merchandise, equipment, products, supplies, or materials outside of the premises."

PART II. EFFECTIVE DATE

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

In the General Assembly read three times and ratified this the 1st day of July, 2026.

s/ Rachel Hunt
President of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 9:49 a.m. this 7th day of July, 2026

Sec. 20-1202. Specific definitions.

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

Home occupation. An occupation conducted entirely within a dwelling or accessory structure and which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the residential character of the dwelling.

No-impact home based business. A no-impact home-based business for which all of the following apply:

- a. The total number of on-site employees and clients do not exceed the town's occupancy limit for the residential property.
- b. The business activities are characterized by all of the following:
 1. Are limited to the sale of lawful goods and services.
 2. Do not generate on-street parking or a substantial increase in traffic through the residential area.
 3. Occur inside or in the yard of the residential dwelling.
 4. Are not visible from the street.
 5. Do not store merchandise, equipment, products, supplies, or materials outside of the premises.

Sec. 20-3205. Table of uses.

- (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										
Home Occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
<u>No-impact Home-based Business</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Sec. 20-3312. Home occupation.

- (a) Home occupations shall be clearly incidental to the residential use of a dwelling and shall not change the residential character of the dwelling or the neighborhood.
- (b) Home occupations shall be contained entirely within the interior of the dwelling or accessory structure. Home occupations within a dwelling shall not occupy more than 25 percent of the gross floor area of the dwelling. Should a home occupation occur within an accessory structure, said use shall not exceed 25 percent of the aggregate square footage of both the dwelling unit and accessory structure.
- (c) Only noncommercial vehicles are permitted in conjunction with a home occupation.

- (d) Business or product identification signs shall not be permitted.
- (e) Commercial sale of merchandise is limited to catalog and internet sales only. On-site customers are expressly prohibited. Products may be received and shipped from the premises to fulfill orders provided that goods, products or commodities are stored within the home, within an accessory structure, or off-site.
- (f) The installation or use of mechanical or electrical equipment not normally used for domestic purposes shall not be permitted.
- (g) Home occupations may include child care homes as defined herein.

TOWN OF WEAVERVILLE
PLANNING BOARD AGENDA ITEM

Date of Meeting: Tuesday, September 8, 2026
Subject: New Commercial District
Presenter: Planning Director / Vice Chair
Attachments: None

Description:

In the recent conversations related to the proposed rezoning of two parcels at the intersection of North Main Street and Weaver Boulevard, the possibility of a new commercial zoning district ("C-1 light") was discussed by both the Board and Town Council. However, no formal direction to explore such a district has been given.

Action Requested:

The Board asked to reach a consensus on exploring a new commercial district or to seek direction from Town Council on same.