

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 36 CONCERNING THE R-3 ZONING DISTRICT AND
THE ESTABLISHMENT OF A MANUFACTURED HOME OVERLAY DISTRICT**

WHEREAS, N.C. Gen. Stat. 160D-910 authorizes the adoption of appearance and dimensional standards for manufactured homes and the use of a manufactured home overlay district to provide such regulation as long as such regulations do not have the effect of excluding manufactured homes from the entire zoning jurisdiction;

WHEREAS, consistent with the priorities established in the Comprehensive Land Use Plan and at the direction of Town Council, the Planning and Zoning Board met on 5 November 2020, 1 December 2020, and 5 January 2021, and in those meetings studied and reviewed the Town's existing regulations and proposed new regulations concerning the establishment of a manufactured home overlay district;

WHEREAS, the Planning and Zoning Board has found such amendments consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that the overlay district, if established, adds to the balance of residential uses and allows for a closer analysis on the compatibility of manufactured homes with surrounding developed properties prior to the application of the district, and will not have the effect of excluding manufactured homes from the entirety of the zoning jurisdiction, and with a unanimous vote of the Planning and Zoning Board, recommends such amendments;

WHEREAS, after proper notice the Town Council held a public hearing on January 25, 2021, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council adopts the findings and recommendations of the Planning and Zoning Board presented during the public hearing;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville, North Carolina, as follows:

1. The findings and recommendations of the Planning and Zoning Board are hereby incorporated by reference and adopted by Town Council.
2. All amendments adopted in this Ordinance are shown in red with added language underlined and deleted language shown with strike-throughs.
3. Section 36-56 is hereby amended as follows:

Sec. 36-56. - Use and overlay districts.

The following standard use districts and overlay districts are hereby established:

- (a) R-1. The primary residential district is established in which the principal use of the land is for single family residential purposes and the regulations for the R-1 district are

established in order to protect the existing residential development and protect and promote a suitable environment for family life.

- (b) R-2. The transitional residential district is established in which the principal use of the land is for residential purposes and the regulations for the R-2 district are established in order to protect the existing residential development and protect and promote a suitable environment for family life.
- (c) R-3. The general residential district is established ~~in order to provide a location for manufactured homes on individual lots in which the principal use of the land is for residential purposes and the regulations for the R-3 district are established in order to protect the existing residential development and protect and promote a suitable environment for family life with a higher allowable density than the R-1 and R-2 districts.~~
- (d) R-12. The multi-unit residential district is established in which the principal use of the land is for residential purposes and the regulations for the R-12 district are established in order to provide a location for multi-unit residential development such as apartments and to provide regulations to minimize the effects of higher density residential uses.
- (e) C-1. The central business district is established in which the principal use of the land is for retail and food service businesses and the regulations for the C-1 district are established in order to protect the present retail businesses and service development within the district and promote future development within the district of businesses compatible with a vibrant, walkable main street.
- (f) C-2. The general business district is established in which the principal use of the land is for commercial development and the regulations for the C-2 district are established in order to promote current and future development of businesses which are required to serve the needs of residents of the town with convenience shopping, goods and services.
- (g) I-1. The light industrial district is established in which the principal use of the land is for light industrial development and the regulations for the I-1 district are established in order to promote industrial development but provide that the noise, dust, glare, and odor of each such industrial operation be kept to a minimum.
- (h) MHO. The manufactured home overlay district is established and intended for application to those areas of the zoning jurisdiction where the use or development of manufactured homes on individual lots is consistent with the character of the area and compatible with surrounding developed properties.

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4. The table of uses established in Section 36-105 is hereby amended to remove manufactured homes as a use permitted with standards in R-3 and to add a MHO district which permits manufactured homes with standards as follows:

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
RESIDENTIAL								
Manufactured Home	-	-	PS -	-	-	-	-	PS

5. Section 36-106 is hereby amended to establish dimensional requirements for the MHO district as follows:

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

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

6. Section 36-107 is hereby amended to add the following note:

Sec. 36-107. - Notes for table of dimensional requirements.

Notes:

11. The dimensional standards for the MHO district only apply to manufactured homes. To the extent that a dimensional requirement for a manufactured home in the MHO district is inconsistent with the corresponding dimensional requirement of the underlying use district, the more restrictive dimensional requirement shall apply to that manufacture home.

7. Section 36-129 is hereby amended to add additional standards for manufactured homes:

Sec. 36-129. - Manufactured home.

- (a) No new manufactured home shall be permitted within floodways and non-encroachment areas as determined by the Floodplain Administrator of Buncombe County.
- (b) Each new manufactured home shall be placed on an individual lot.
- (c) A manufactured home must be built to or exceed the Manufactured Home Construction Safety Standards as developed by the Housing and Urban Development Code of June 15, 1976.

(d) Manufactured homes must not be more than a single story measured from front ground level and may not be stacked.

(e) Manufactured homes must either be properly tied down and underpinning/skirting installed and maintained or must be placed on a permanent foundation. If piers are used they must be engineered and skirting must be installed.

8. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.

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

ADOPTED THIS the 22nd day of February 2021, by a vote of 5 in favor and 0 against.

ALLAN P. ROOT, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

JAMES ELLER, Town Clerk

JENNIFER O. JACKSON, Town Attorney