

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, October 25, 2021, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Chris Collins, Chair
Pam Norton, Vice Chair
Kathy Phillips
Lauronda Teeple
Shawn Slome (arrived late)
Rick Earley
Chas Fitzgerald

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner I/Zoning Administrator
Anna Stearns, Town Attorney

The meeting was called to order at 6:06 p.m. and duly constituted and opened for business with a quorum of six (6) members. Member Shawn Slome arrived late.

II. ADOPTION OF AGENDA

Rick Earley made a motion to adopt the agenda as presented. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-0.

III. ADOPTION OF MINUTES

Chas Fitzgerald made a motion to adopt the minutes of September 27, 2021, as written. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

IV. NEW BUSINESS

1. UDO Presentation – Kelli McCormick, Kendig Keast Collaborative

Jessica Trotman introduced Kelli McCormick from Kendig Keast Collaborative who is our consultant for the UDO process. Ms. McCormick did a tour of the town with staff both on foot and driving. Ms. McCormick said that the town and the residents will be the ones in charge of developing the UDO and her role is to help guide that process. Ms. McCormick spoke about Encode, which is a software that their CEO developed and is used to house all sections of the UDO. The town can choose to keep the UDO on Encode or it can be integrated with Municode. Encode will also be used to draft the code. Ms. McCormick explained that a UDO is a way to look at zoning, development, subdivision, and administration codes that can be put together into one document that all have to do with land and development. The UDO will not be a rezoning and it will be an update that will use much of the existing land use code. It will incorporate graphics and tables and be easy to read and more understandable. Tools will be looked at to achieve compliance with the Elevate Black Mountain plan. The UDO will help streamline processes and incorporate best practices from throughout North Carolina. The UDO process will look at development standards, housing types, parking, Covid-19 related issues, park spaces, and

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many other things to make sure that the codes all work together for development purposes. The objectives of the UDO will include writing a code that is more predictable and understandable. Stakeholder interviews will be conducted and all of the existing ordinances will be reviewed, including those that have not been codified yet and then an annotated outline will be provided. Once the outline is approved, a collaborative draft will begin and will be sent in pieces to staff and the Planning Board for review, comments, and feedback. Open house meetings will be conducted and then a public review draft will be posted for comments and feedback. A public hearing draft will be the last step and will be sent to the Planning Board for review and recommendation and then to the Town Council for adoption. The whole process will take about two years to complete.

V. OLD BUSINESS

1. Proposed Text Amendment – Sign Definitions

The only change was to add a definition for murals and the board felt that all the other definitions were sufficient. Anna Stearns did recommend deletion of the last sentence under the definition for signs. Chris Collins made a motion to recommend the definitions as amended as it is consistent with the town's comprehensive plan and is reasonable and in the public interest because it supports the sign ordinance that was recommended and supports the orderly and planned community goals of the comprehensive plan. The motion was seconded by Chas Fitzgerald and approved by a vote of 5-0.

2. Proposed Text Amendment – Sign Ordinance

Anna Stearns went over the small changes that were requested from the last meeting. Flag size was proposed to be less than twenty-four square feet and anything larger would require a permit. Balloons and string lights were removed from the prohibited sign section. Wind signs would be included under motion or moving signs and do not necessarily need to be in the prohibited sign sections. Existing signs will continue to be allowed but new non-conforming signs can be removed by staff and charge a small fee for the sign to be retrieved. Ms. Stearns wants to tweak that language just a bit but does not feel that it should hold up recommendation to the Town Council. Jake Hair presented some pictures of signs around town that are existing and if they would be conforming or non-conforming under the proposed ordinance. Pre-existing non-conforming signs will be grandfathered until such time the business goes away or a new use is put in place. Amortization is a tricky legal tool that would have to take into account the age of the sign, the amount of loss to the business, and other things that result in the courts finding flaws with amortization. The recommendation from legal is to grandfather the pre-existing non-conforming signs and not pursue amortization of signs. Temporary signs will not be grandfathered. Chas Fitzgerald made a motion to recommend the proposed sign ordinance with the proposed amendments and Ms. Stearns' changes to the enforcement section as it consistent with the comprehensive plan because of the goal of supporting and fostering a vibrant economy and supporting independent businesses and is reasonable and in the public interest because it supports wayfinding education to the consumer and increases public knowledge and helps direct traffic and find employment. The motion was seconded by Lauronda Teeple and approved by a vote of 7-0.

3. Proposed Text Amendment – Food Trucks

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Jessica Trotman went through the changes from the last meeting which included a definition for a mobile food vendor court and made a checklist of the required parameters. The amendment is concise and addresses concern about the regulations being heavy-handed. Fire code requires a ten-foot separation from a building and building code requires a separation of three feet from a property line in areas with a zero-setback requirement, so those have been included. The site plan requirement needs to be added to section 5.25. Parking requirements cannot override existing parking requirements and the two sections about parking requirements will be combined to provide better clarity. Accessory structures would be allowed for the food vendor courts but for individual trucks, the accessory structure would be for the primary building on the lot and not the vehicle. Ms. Stearns recommended removing the sentence about accessory structures. The board chose to delete the hours of operation since they will be covered under the noise ordinance and it can always be added later if it becomes a problem. Staff will make the suggested changes and will bring back another draft at the next meeting.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

None.

VIII. COMMUNICATION FROM STAFF

Jessica Trotman said she is excited about the UDO process starting and thinks it will be really great and to stay tuned because there will be many updates.

IX. ADJOURNMENT

Chris Collins made a motion to adjourn the meeting. The motion was approved by consensus.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin