TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711
Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Planning Board
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for February 28, 2022
Date: February 18, 2022

The **Town of Black Mountain Planning Board** will meet on **Monday, February 28, 2022, at 6:00 p.m.** electronically via Zoom.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;

2. Draft minutes from December 20, 2022;

3. UDO Diagnostics Presentation – Kelli McCormick; and

4. Text Amendment – Mobile Food Vendors and Mobile Food Courts.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@tobm.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@tobm.org.

CC: Jessica Trotman, Planning Director
Jake Hair, Planner 1/Zoning Administrator
Ron Sneed, Town Attorney
Anna Stearns, Town Attorney

PUBLIC NOTICE

BLACK MOUNTAIN PLANNING BOARD

In order to maintain the safety of Town residents, staff, and the Planning Board, the Planning Board regular meeting scheduled for **Monday, February 28, 2022, at 6:00 p.m. will be conducted electronically using Zoom software** in lieu of its in-person meeting. The Town of Black Mountain Town Hall will not be open for this meeting.

There are three ways the public can participate in the meeting:

1. **Join the meeting through Zoom on your computer or smart device.** *Citizen video feeds will not be enabled. There is no password.

   https://us02web.zoom.us/j/81620633392

   Meeting ID: 816 2063 3392

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at Zoom.us/download and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

   Simply call US **Toll-free 1-877-853-5247** or US **Toll-free 1-888-788-0099**

   Meeting ID: 816 2063 3392 followed by the Pound sign (#)

3. **Email or call in your comments or questions prior to the meeting.**

   Call in comments prior to the meeting: Clerk to Planning Board at 828-419-9371

   Email comments to: jennifer.tipton@townofblackmountain.org

Jennifer Tipton
Jennifer Tipton
Senior Admin

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Posted to the Town Bulletin Board 01/31/2022
www.townofblackmountain.org

Planning Board Regular Meeting
February 28, 2022

PROPOSED AGENDA

I. CALL TO ORDER
- **Welcome**
- **Determination of Quorom**

II. ADOPTION OF AGENDA
- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES
- **Motion:** To adopt the minutes of December 20, 2021, as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS
- UDO Diagnostics Presentation – Kelli McCormick
- Proposed Text Amendment – Mobile Food Vendors and Mobile Food Courts

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN
PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, December 20, 2021, at 6:00 p.m. at Town Hall and 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
Rick Earley
Chas Fitzgerald

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner
Ron Sneed, Town Attorney

The meeting was called to order at 6:04 p.m. and duly constituted and opened for business with a quorum of seven (7) members.

II. ADOPTION OF AGENDA

Chris Collins made a motion to adopt the agenda as presented. The motion was seconded by Shawn Slome and approved by a vote of 7-0.

III. ADOPTION OF MINUTES

Shawn Slome made a motion to adopt the minutes of October 25, 2021, as written. The motion was seconded by Chas Fitzgerald and approved by a vote of 7-0.

Chas Fitzgerald made a motion to adopt the minutes of November 22, 2021, as written. The motion was seconded by Rick Earley and approved by a vote of 7-0.

IV. NEW BUSINESS

1. Rezoning Request – 713 NC 9 Hwy (TR-4 to HB-8)

Jake Hair presented the rezoning application for 713 NC 9 Hwy. The owner is Steve Holland and he is requesting to rezone the property from TR-4 to HB-8 to allow for commercial uses. The structure is currently used as a residential structure. The HB-8 zoning district would require stricter setbacks as the property abuts a residential zone and would allow an additional five feet in height. The HB-8 zoning district also allows a wide variety of commercial uses. The property is not in an overlay district and currently does not have any sidewalks but the main access is off of NC 9 Hwy.

Scott McDonald, 55 High Bluff, is the co-owner of 713 NC 9 Hwy and they are looking to rehab the structure as it is and use as a small office. The structure has handicap accessible ramps which is required for commercial. The structure is currently forty-one feet from the rear setback.

Ms. Trotman reminded the board that they cannot hold the applicant to the intended use as they would be allowed to pursue any use in the assigned district, however, there are site constraints that would make some of the uses impossible. The site constraints include topography, size of the lot, and parking requirements. Ms. Trotman said that the request is typical of what we would see for this area as it abuts commercially zoned properties, is along a highway, and the change in conditions that will coming from the interchange project and the continuing Cheshire development support commercial along this area.

Chris Collins made a motion to allow for public comment. The motion was seconded by Rick Earley and approved by a vote of 7-0.

Kevin Melton, 115 Hill Street, said that he thought in the drawings he had seen of the roundabout project that it would take part of the subject property. Mr. Melton said that the traffic is terrible and he has been hit trying to pull out of Hill Street because there is a blind curve and people fly down NC 9 Hwy. Mr. Melton said he is also worried about his views if the owners were to add to the structure. Mr. Melton asked if there was any way that the hill on the south property of Hill Street could be trimmed down to provide better visibility.

The current plans shows that part of the property will be used for easements only and shows that there will be no taking of any of the property.

Ms. Trotman said that parking requirements would be looked at for any proposed use but typically, the applicant has already done their due diligence and gone through the requirements and will know what they won't be able to do. Ms. Trotman did say that DOT has a complete streets policy so they will include some sidewalk component in the areas of the proposed project.

Chas Fitzgerald said that Cheshire is advocating for a sidewalk along NC 9 Hwy. Ron Sneed said that the town has been looking to get easements from property owners along NC 9 Hwy for a sidewalk but didn't want to put in a sidewalk for DOT to come and tear it out so that process will resume once the DOT project is finished. Ms. Trotman also said that she has asked the MPO for a corridor plan along Blue Ridge Road. Ms. Trotman will also send the visibility concerns to the project manager for the interchange project.

Joe Tyson, 309 N Dougherty Street, said that he eventually sees all of the properties in this area being commercial but that the access is dangerous. Mr. Tyson said that there is an increased traffic risk and he agrees with Mr. Melton and would not put additional traffic onto Hill Street from his commercial property.

Ms. Trotman said that she does have a DOT engineer coming out to look at another project and that maybe they could look at this area while they are here and see if there might be an interim solution until the roundabout is completed.

Kevin Melton, 115 Hill Street, asked if sewer lines would be extended because it was his understanding that commercial projects had to have sewer. Ms. Trotman said that this project is for surface transportation only and would have to check with MSD about any sewer projects. Ms. Trotman also said that MSD is the one who will determine the capacity based on the use and they will issue a permit. The due diligence of this is on the applicant.

Scott McDonald, 55 High Bluff, said he feels that this would not negatively impact the neighbors because of the site constraints and it would give a business access to the highway.

Rick Earley asked about postponing the decision until staff could talk to DOT. Ms. Trotman said that DOT will look at traffic counts and there is plenty of capacity for the road, however, the conditions are not great. Traffic from an office building will not be significantly greater than current traffic. Rezoning applications cannot ask for a traffic impact analysis. Ms. Trotman said

that it is a valid concern but this would not make it any worse because the conditions already exist.
Chris Collins said that the future land use map shows this area as being walkable mixed-use and that Hill Street will have the same problems regardless of the use of the structure on the subject property.
Kevin Melton, 115 Hill Street, spoke about the Bush restaurant on S. Ridgeway Avenue and how there are parking issues and traffic problems there. Ms. Trotman said that she has requested a parking and traffic study for that area that will look at parking, intersection safety and other elements in that area. Ms. Trotman said that changing conditions prompt a change in transportation needs and factors.
Pam Norton said that we need to put the needs of the residents first and that the area is not commercial now and should stay residential until after the Blue Ridge Road Interchange project.
Chris Collins said that while it is unlikely, rezoning the property would open it up to all uses within the HB-8 zoning designation and he has seen some unconventional developments.
Scott McDonald, 55 High Bluff, said that the structure would be limited to a small office space due to the size, location, and the steep driveway. The structure currently has two full baths and one half bath and had heard that at one time it was a church.
Chris Collins made a motion to not recommend the rezoning request because the impact to the neighbors is unknown, there is a problematic traffic situation, there are unknowns about the DOT project, and there is the possibility of unconventional development. The motion was seconded by Chas Fitzgerald and approved by a vote of 6-1 with Kathy Phillips voting against.
Jennifer Tipton reminded the applicant and the audience that this will go to the Town Council for public hearing. If the request is denied by the Town Council, the applicant may apply for a conditional rezoning with a specific site plan proposal.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

None.

VIII. COMMUNICATION FROM STAFF

Jessica Trotman said that Kendig Keast is almost done with diagnostics for the UDO and that the backend of the website is ready.

Ms. Trotman also reminded everyone that we have options when it comes to meeting formats due to the ongoing pandemic and those meetings can remain in a hybrid form or they can go back to all virtual. Staff will poll the board for the January meeting.

VX. ADJOURNMENT

Chris Collins made a motion to adjourn at 7:47 p.m. The motion was approved by consensus.

Prepared by:

_____
Chris Collins, Chair

_____
Jennifer Tipton, Senior Admin

Town of Black Mountain
Planning & Development
160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

Our consulting firm, Kendig Keast Collaborative has completed the "diagnostic" phase of the UDO process which will be presented at the next Planning Board meeting. The UDO includes many topics and is a highly detailed document. To make sure we have an organized conversation, and to provide our consultant time to do any research if needed, it will be helpful if you submit your questions ahead of time. Please submit your questions to staff by the 23rd.

You will certainly be able to ask other questions during the meeting as needed.

Jessica Trotman, MSEH
Planning Director
Town of Black Mountain

KENDIG KEAST COLLABORATIVE

Town of Black Mountain, NC

Ordinance Diagnosis

Unified Development Ordinance Project

OVERVIEW

01 BACKGROUND

02 CODE DIAGNOSIS

03 CODE CONVERSION

01 BACKGROUND

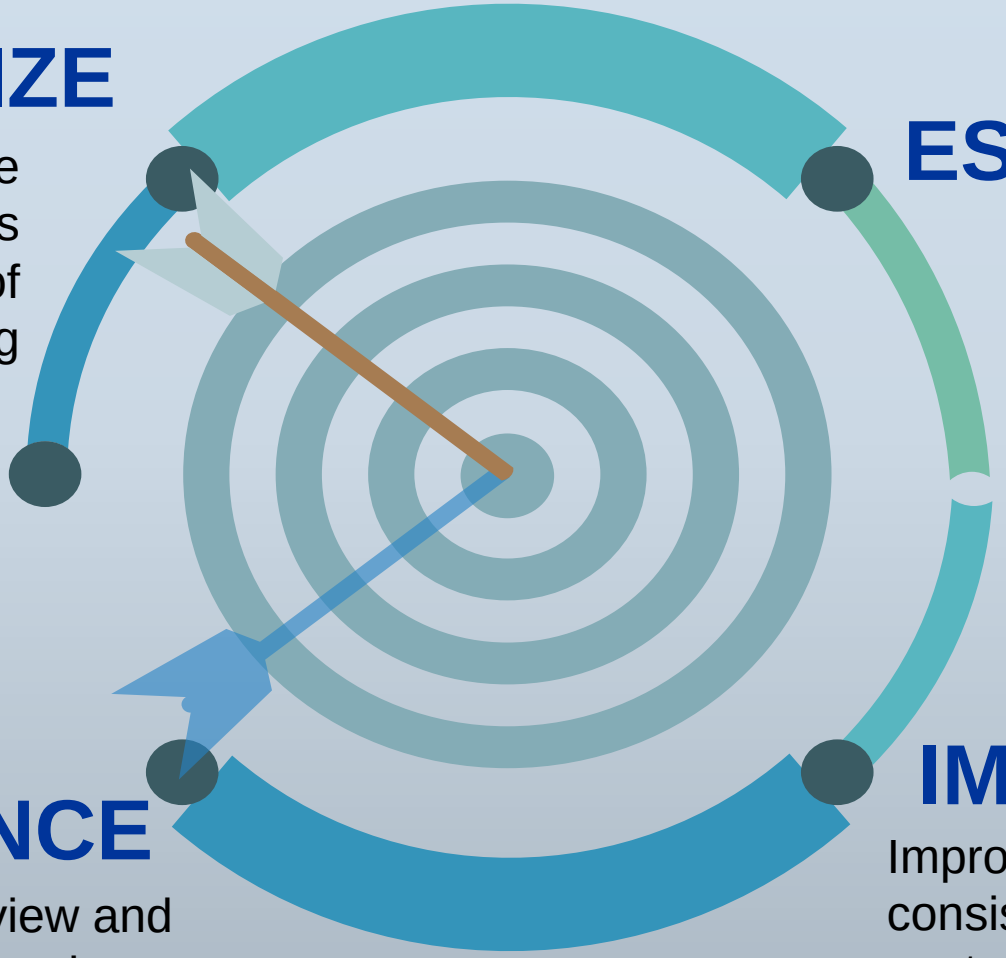
Project Goals

MODERNIZE

Update and modernize the zoning provisions within confines of existing zoning

ESTABLISH

Establish standards to achieve quality, resilient outcomes



ALIGN

Align regulations with Town policies

ENHANCE

Enhance review and approval procedures

IMPROVE

Improve user-friendliness, consistency, and correct contradictions

TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Background / Work So Far

- **June 2021**
  - Town Council adopts Elevate Black Mountain Comprehensive Plan
- **September 2021**
  - Kendig Keast begins work with Town
  - Introductory Teleconference
- **October 2021**
  - Tour of Black Mountain with Staff
  - Project introduction with Planning Commission
- **November and December 2021**
  - Ordinance and other document review
- **January 2022**
  - Focus Group Listening Sessions
  - Ordinance Diagnostic Preparation

Project Process | Milestones

SEPT-DEC 2021

KICK-OFF

Staff Coordination
Document Review

CODE DIAGNOSTIC

Regulatory Critique
Stakeholder Input

Beginning 2022

ITERATIVE DRAFTING

UDO Modules (2)
Staff Review
Board and Council Presentations

Late 2022

PUBLIC REVIEW

Public Review Draft
Planning Board and Town Council Meeting

2023

ADOPTION

Public hearing draft
Public Hearings

TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

What does a UDO include?

Unified Development Ordinance (UDO)

A single source for all (or most) land development regulations, including:

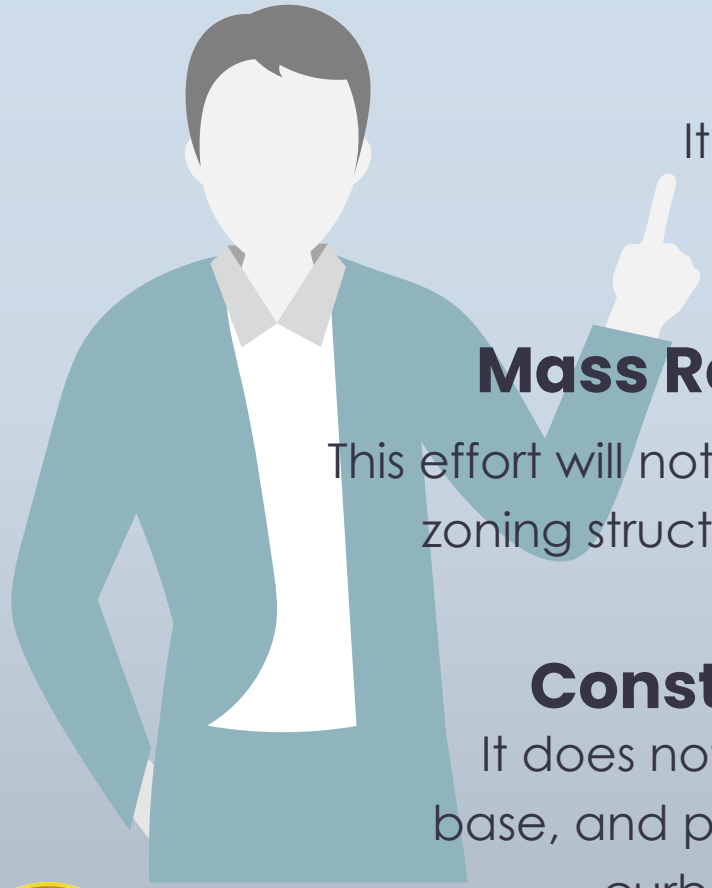
UDO = Unified Development Ordinance

A single source for all (or most) land development regulations, including:

- ✓ Zoning / Land use
- ✓ Subdivision of land
- ✓ Building and site design
- ✓ Development review bodies and procedures
- ✓ Nonconformities
- ✓ Enforcement
- ✓ Definitions

Kendig Keast Collaborative

Background | What the UDO Isn't



Property Tax Policy

It will not raise or lower the Town's property tax rate.

Capital Improvements Program

It does not set policy for the extension or improvement of public infrastructure.

Mass Rezoning

This effort will not alter the underlying zoning structure of the Town.

Building Code

A building code regulates how structures are built to ensure their future structural soundness and safety.

Construction Standards

It does not specify how thick subbase, base, and paved surfaces should be, how curb and gutter is built, etc.

TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Background / UDO Basics

The UDO Will Tackle:

- **Weaknesses in Organization and Consistency**
- **Short Term Rentals and other Housing Type issues**
- **Open Space**
  - For example, in Chapter 3, the open space requirement is 15% without nuanced review; Need to define open space and making it meaningful.
- **Trees, Stream Buffers and Stormwater, Flood Plain Development, Landscaping and Buffering**
- **Zoning Classifications and Uses, including Conditional**
- **Subdivisions**
  - For example, subdivision standards are very basic
  - Clarification and new subdivision types (major, minor, conservation, exempt, family, etc)

Background / UDO Basics

Things that aren't in the correct place:

- Tree conservation standards
- Lighting standards
- Stream buffer requirements
- Sexually oriented businesses
- Chapter 43- driveways, standards and details, fire code
  - Appendix D (North Carolina Fire Code)
- Appendix A- Land Use Code

Background / UDO Basics

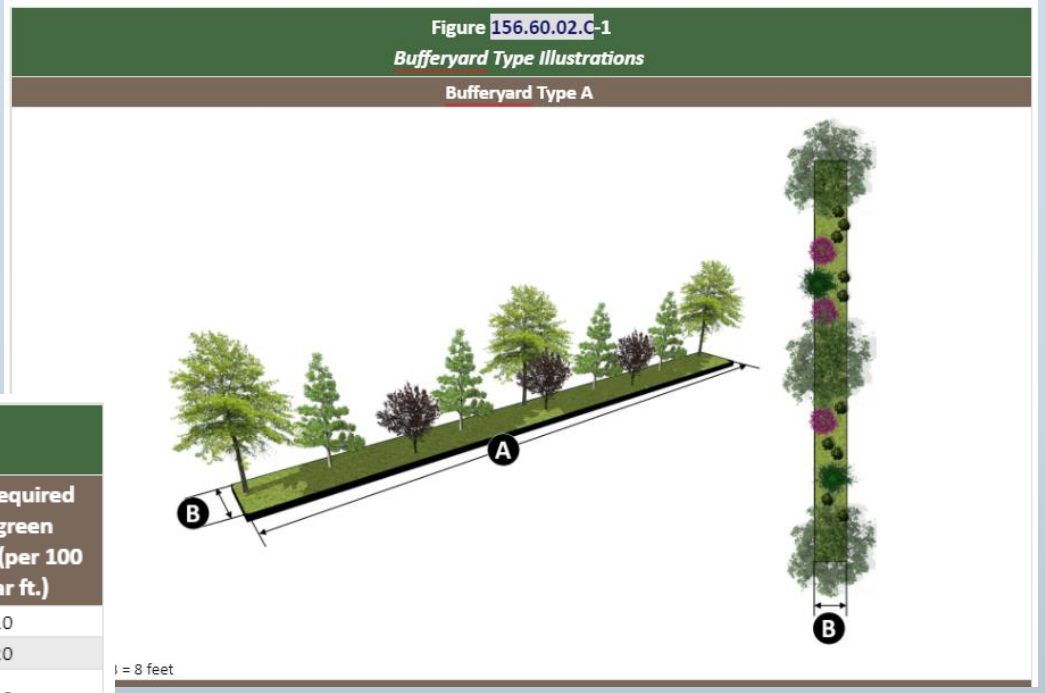
Things the UDO will have:

- **Visual interpretation of unclear standards**
  - Show details for lot access, height, buffering, screening, etc.

Table 156.60.02.C-1
Bufferyard Standards by Type

Buffer Yard Type	Minimum Width	Min. Required Shade Trees (per 100 linear feet)	Min. Required Ornamental Trees (per 100 linear feet)	Trees Required to be Evergreen (per 100 linear feet)*	Min. Required Evergreen Shrubs (per 100 linear ft.)
A	8'	3	5	2	10
B	15'	5	10	4	20
C	20' or 15' w/ 6' high berm, fence or wall	10	20	15	30
D	50' or 25' w/ 6' high berm, fence, or wall	15	25'	20	40

TABLE NOTES:
*Evergreen trees shall be interspersed with other required plantings on a regular interval.



Background / UDO Basics

- Procedural **consistency** due to a single source of standards & procedures
- Makes the regulations more **user-friendly** for the development community and lay persons, as well as the for **day-to-day administration** by staff
- Consolidation of **definitions** helps prevent issues of **interpretation** and inconsistent understandings
- Consolidation of all **administrative duties** into a single section making clear the **roles and responsibilities** of each official and public body
- Location of the development review procedures in a single place, which is helpful to identify **timing for submittals** and final actions
- Improved ability to **track the total development review process** from application to issuance of a building permit and certificate of occupancy.
- Easier to enforce = more **efficient**

KENDIG KEAST COLLABORATIVE

Background / UDO Basics

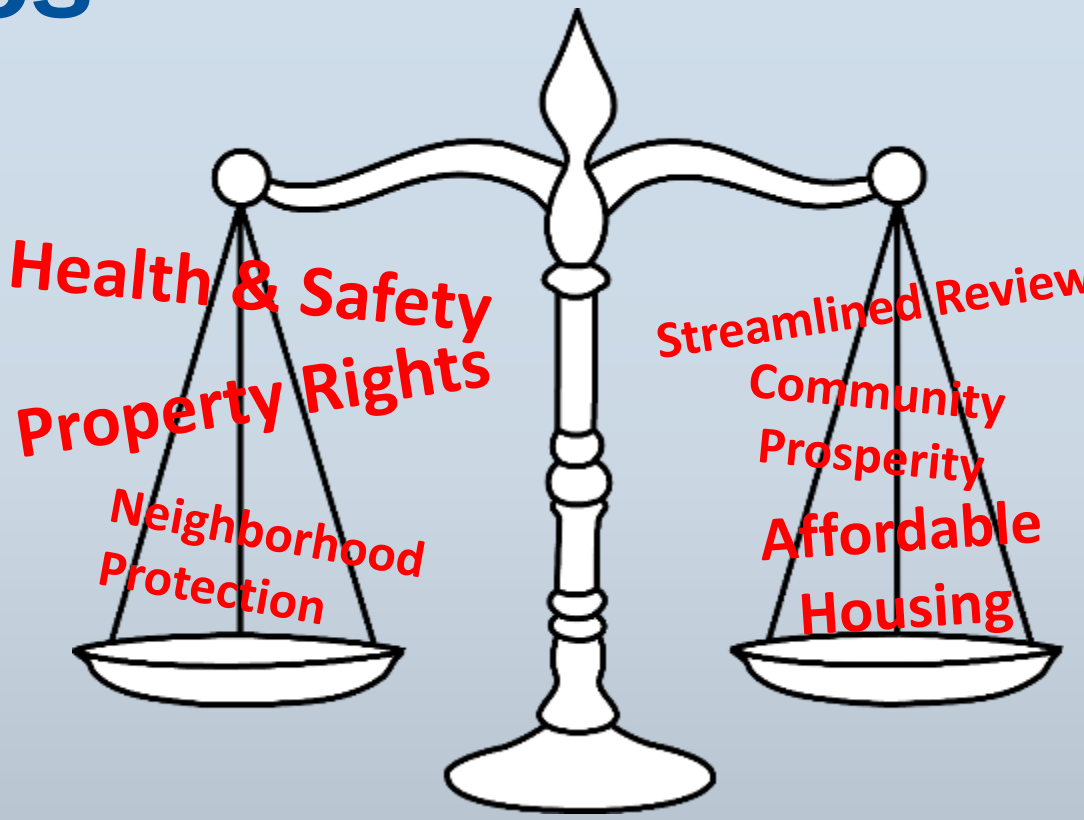
Difference Between a Comprehensive Plan and UDO

- Plans set broad **policies** for the growth and economic development of the Town and its specific areas
- The UDO is a set of **laws, procedures, standards, and a zoning map** that implement those policies
- Zoning divides the Town into districts
- Each district has:
  - A uniform set of permitted, limited, conditional, and prohibited uses
  - Consistent dimensional standards (height, setbacks, lot size)
  - Consistent development standards (landscaping, signs, parking)

Background / UDO Basics

A UDO should:

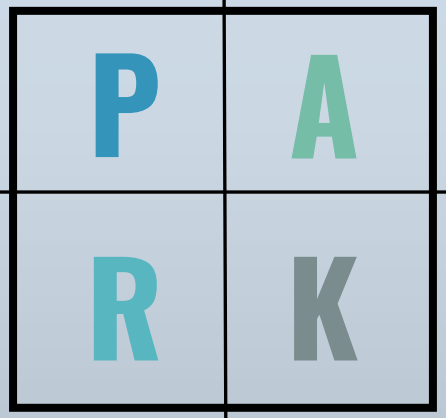
- Assure the **protection** of the public's health, safety, and welfare
- Implement the **land use policies** of the Town's adopted plans
- Be flexible enough to allow property owners the **freedom to create** lasting, valued, and affordable communities without unreasonable regulatory barriers that may delay a project or stifle creativity



Background / Stakeholder Interviews: PARK Analysis

PRESERVE
- Community spirit
- Downtown businesses
- Natural Spaces
- Access to natural amenities
- Walkability in neighborhoods
- Small town charm
- Livability, security, and safety

ADD
- Flexibility to code
- Diversification of housing
- Real tree protection
- Ability for affordability
- Parking regulations/solutions
- Clear regulations on ADUs and STRs
- Stronger buffer/landscape standards
- Meaningful open space provisions



REMOVE
- Outdated requirements
- Barriers to affordability
- Legalese that doesn't make sense
- Any inconsistencies between Zoning and Subdivision regulations
- TND district

KEEP OUT
- Confusing processes
- Inconsistency

Background / Stakeholder Interviews: Land Use/Zoning

- **Generally**
  - Are uses in the correct zones?
- **Nonresidential uses**
  - Address micromanufacturing opportunities and cottage industries
  - Co-working as use?
- **Residential**
  - More variety of housing types permitted by right, diversification of types in each district
  - Density based
  - Short-term rentals (STR): simplify
  - Accessory Dwelling Units (ADUs): Are these just becoming STRs?
- **Prohibited Uses**
  - RV park or mobile?
  - Junk yards?
- **Temporary Uses**
  - Address temporary uses (e.g. food trucks, downtown district uses)
- **Special/Conditional Uses and Zoning**
  - Keep Special Use permits for controlling certain uses
  - Use Conditional Zoning more specifically and intently
  - Changing confusing and hard to administer areas into conditional zones moving forward, including Cheshire, Montreat, The Settings, and Highland Farms

Background / Stakeholder Interviews: Site Development Standards

- **Parking**
  - Better Loading/Unloading
  - Business owners parking on street all day
  - Standards dated; Need updating
  - Update joint and shared parking regs as needed
  - Make stacking requirements
  - Is Structured Parking an option?

- **Landscaping**
  - Strengthen landscape buffering
  - Tree protection needed
  - Landscape within districts and between uses

- **Signs**
  - Include recently updated sign sections
  - Reduce overuse of signage (wall signs, especially for closed business):
    - Address Temporary signs
    - Remove abandoned signs

Background / Stakeholder Interviews: Site Development Standards

Buildings

- Public art review could be added to new UDO
- 1st floor retail in mixed-use buildings
- Protecting and promoting walkability is important
- Review floodplain standards

Floodplain Management

- Review standards
- Look at State standards
- Stream buffering is important; conflicts with Corps? How to address?
- Consider as part of open space
- Minimizing fill and uses within flood prone areas
- Incorporate updates and best practices for Phase II Post Construction requirements

Background / Stakeholder Interviews: Review Procedures (Subdivisions) and Other Stuff

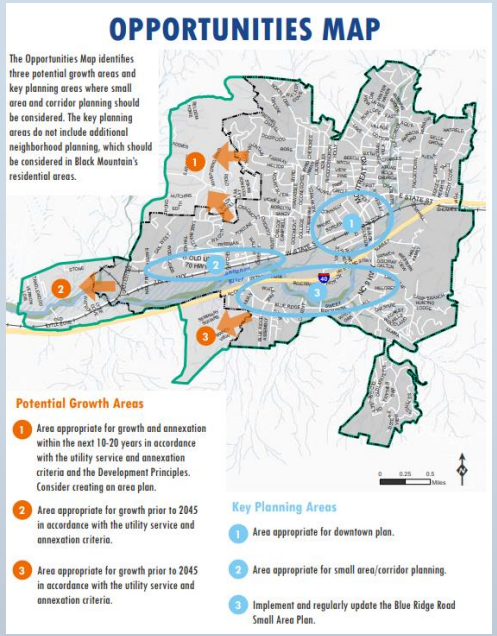
- **Development Process (General)**. Want more efficiency and predictability in process.
- **Clarity**. Make more processes more explicit, clear in expectations, criteria.
- **Decision-Making**. Make sure who decides what is clear. Provide flexibility for staff to have additional authority in specific situations with precise guidelines where everything does not go to a Board or Council in those cases
- **Sidewalks**
  - When, where, and who is responsible for future maintenance?
- **Infrastructure Responsibility**
  - When in ROW, who owns? Inlets, curb, gutter, sidewalks, bridges, water and sewer
    - Clarity in the process to take over
- **Open Space requirements**
- **Post-COVID**: How will COVID trends impact the new UDO?
  - *Drive-thru stacking; office space, parking, outdoor dining, temporary uses and signs, shared use parking, ghost kitchens, co-working, etc.*
- **Character**: Balance between Black Mountain's small town charm and growth in Buncombe County
- **Resiliency**: Ensure UDO addresses resiliency

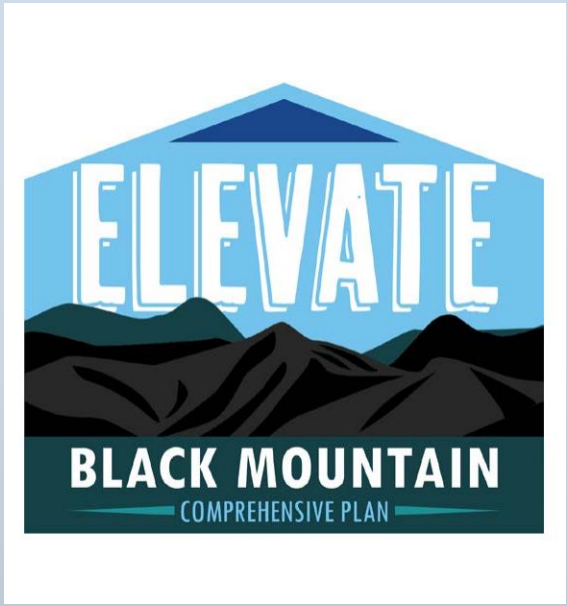
02 CODE DIAGNOSIS

Align UDO with Comprehensive Plan

Elevate Black Mountain Focus Areas:

1. Future Land Use
2. Walkable and Livable
3. Green and Resilient
4. Vibrant Economy
5. Civic Engagement
6. Connected and Accessible





"Black Mountain will be a thriving community with a vibrant downtown surrounded by livable neighborhoods. The town strives to offer everyone the opportunity to live, work, play, access the arts, and be civically engaged. We embrace our community's special mountain character and unique identity as a foundation for economic development, environmental stewardship, and a future of opportunity." *Community Vision, Elevate Black Mountain*

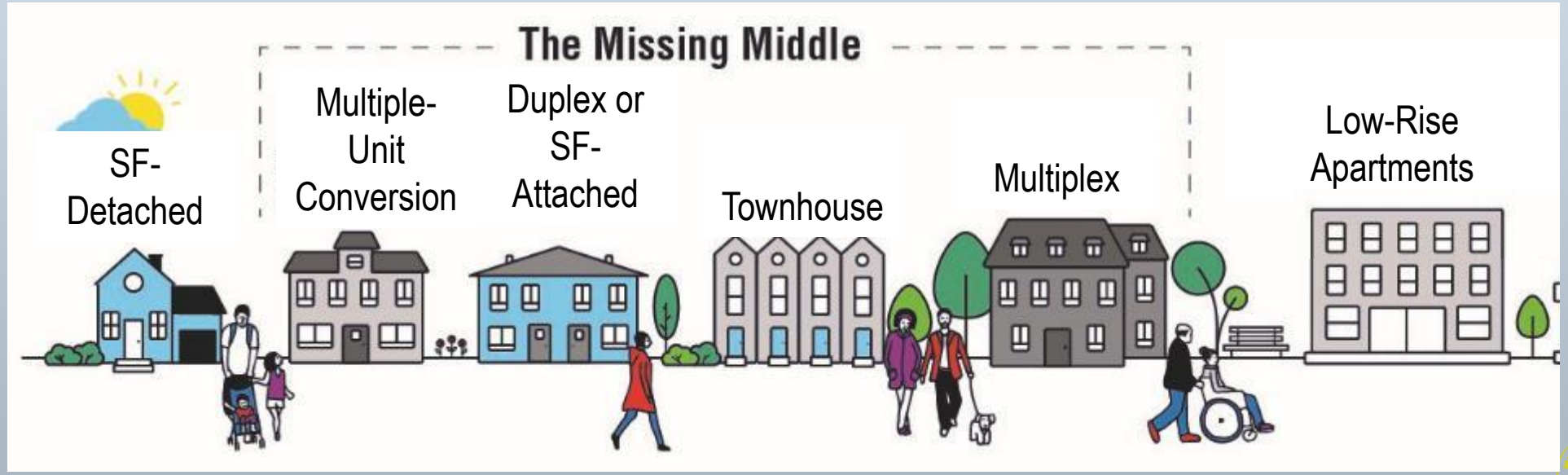
TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Promote a Variety of Housing Development

Recommendation: Encourage housing types that facilitate more housing options without sacrificing the character.

- Allow diversity of housing types in multiple districts
- Provide design standards for housing types to minimize impact and possible community pushback
- Supports “Aging in Place” strategies



KENDIG KEAST COLLABORATIVE

Protect Existing, Stable Neighborhoods

- **Character-based approach**
  - Limit development intensity on non-residential adjacent to residential areas
  - Set parameters for placement and building orientation for non-residential structures
- **Focus on site and building design:**
  - Provide specific buffering requirements

Review Mixed-Use Developments

- **Flexibility**
  - Current code has limited mixed-use tools; opportunity to define specific standards in conditional zones rather than hard to manage districts that are super specialized
- **Destinations**
  - Provide “destination” development that mix uses, provides amenities, and promotes walkability and quality design
- **Compatibility**
  - Ensure compatibility with nearby development through site standards (e.g. parking, lighting, buffering, signage, etc.)

Conform with State's Building Materials Restrictions

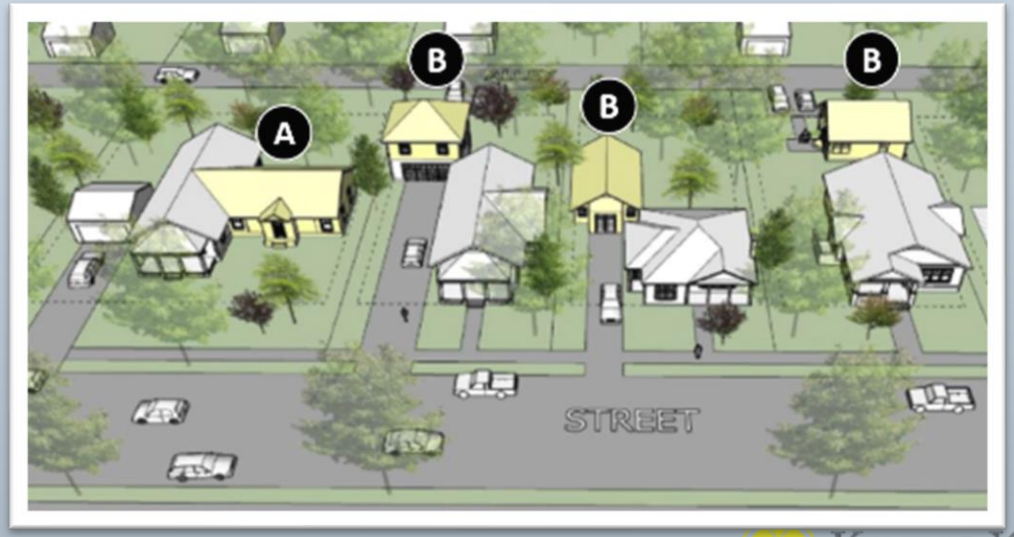
- **How Can the Town Actually Regulate?**
  - **Cannot Regulate:**
    - Exterior building color
    - Type or style of exterior cladding material
    - Style or materials of roofs or porches
    - Exterior nonstructural architectural ornamentation
    - Location or architectural styling of windows and doors, including garage doors
    - Location of rooms and Interior layout of rooms.
  - **Can Regulate**:
    - Height, bulk, orientation on the lot, location of structure on a lot
    - Use of buffering or screening to minimize visual impacts, to mitigate impacts of light or noise, or to protect the privacy of neighbors; and
    - Regulations governing permitted uses of land or structures.

Allow ADUs to Promote Aging in Place and Housing Affordability

- **Proposal**:
  - Modern best practices to consider:
    - *Size limits* – how big compared to multiple district options
    - *ADU Types* –attached, detached, or both? To what degree?
    - *Height* – additional height restrictions?
    - *Ownership requirements* – limit ownership and residency (e.g., primary resident on property; family use)?

Attached ADU

Detached ADU



Zoning Districts Chart

- **“Future Land Use Designation”**: based on Comprehensive Plan
- **“Zoning Districts”**: shows zoning based on Land Use Designations
- **“Development Types”**: shows development type options within districts
- **“Current Districts”:** shows the Town’s current zoning districts and how they correspond to the Future Land Use Designations

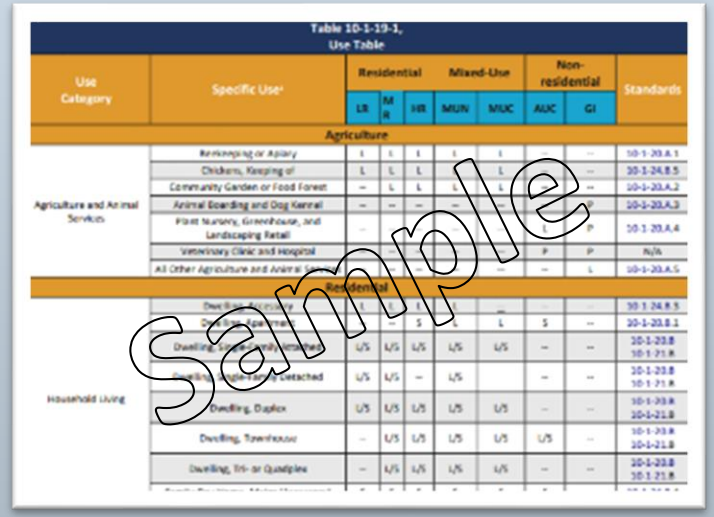
Zoning District Consolidation Table

Future Land Use Designation	Proposed New Districts	Development Type	Current Districts
Residential Districts			
Suburban Residential	SR, Suburban Residential	Conventional	Residential Single-Family Detached District (R-1)
General Residential	GR, General Residential	Conventional	Residential Single-Family Detached District (R-2) Multiple-Family Residential District (RM-1)
		Infill	Multiple-Family Residential District (RM-2)
Waterfront Residential	WR, Waterfront Residential	Conventional	Residential Single-Family Detached District (R-1), Residential Single-Family Detached District (R-2), Multiple-Family Residential District (RM-1), Multiple-Family Residential District (RM-2)
Mixed-Use Districts			
Waterfront Mixed-Use	WMU, Waterfront Mixed-Use	Mixed Use	Multiple-Family Residential District (RM-1), Multiple-Family Residential District (RM-2), Commercial District (C) Marine Commercial (M-C) Marine Residential-Multiple (M-RM)
Corridor Mixed-Use	CMU, Corridor Mixed-Use	Mixed Use	Multiple-Family Residential District (RM-1), Multiple-Family Residential District (RM-2), Commercial District (C)
Urban	U, Urban	Mixed Use	Commercial District (C) Urban District (U)
Nonresidential Zoning Districts			
Suburban Commercial	SC, Suburban Commercial	Nonresidential	Commercial District (C)
General Commercial	GC, General Commercial		Commercial District (C)
Industrial	GI, General Industrial		Commercial District (C)
Special Purpose Districts			
N/A	PUD, Planned Unit Development	Planned	Planned Unit Devt. (PUD)
Parks/Recreation	REC, Recreation	Open Space	Public Ownership (PO-1) Public Marine (M-P) Lake District (L)

Draft

Improve the Use Regulations

- Rely on Use Categories
- Concentrate on Behavior
- Other Issues to Address:
  - Separate Accessory from Primary Uses
  - Establish a unified table of allowed uses
  - Provide for flexibility, yet establish specific standards for certain uses
  - Update regulations to reflect preemptive subjects



Rely on Use Categories

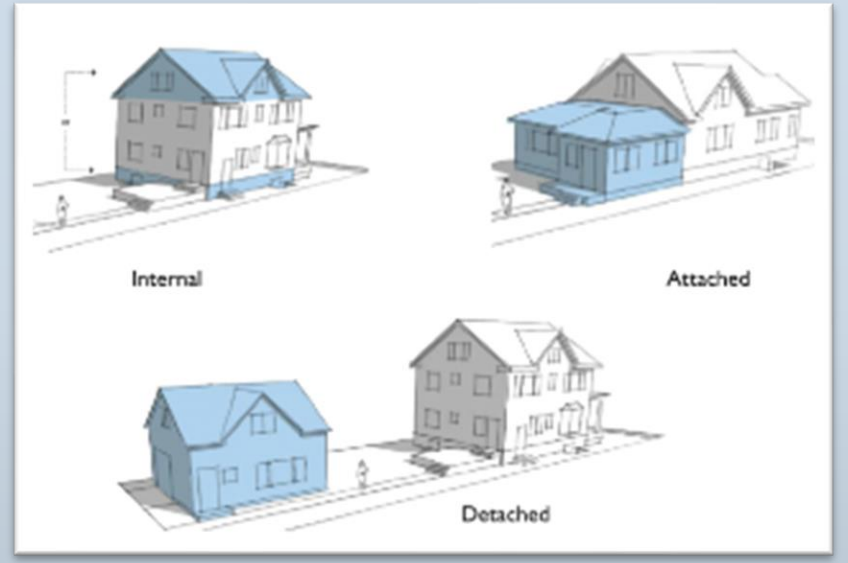
- Group Land Uses Together in Categories
- Treat Like Uses the Same
- Define Residential Housing Types

Proposed Use Categories	Existing Principal Uses from Current Zoning Ordinance
Residential and Agricultural	
Agricultural and Animal Related Use Category	Inside kennels for boarding
Household Living Use Category	Single-family detached dwellings, Single-family attached dwellings (townhouse dwellings of two (2) to eight (8) dwelling units), Nonowner-occupied single-family dwellings, Duplex dwelling units Attached townhouses of not more than eight (8) units. Multiple-family dwellings Manufactured homes in a manufactured home park
Group Living Use Category	Operational facilities of volunteer rescue squads may provide nontransient housing, for up to four (4) active members of the organization, so long as each individual resides at the facility no more than twenty-four (24) cumulative months
Civic and Institutional	
Community Amenities Use Category	Charitable or benevolent institutions; Civic, educational, charitable, scientific, religious, and philanthropic uses for a public or nonprofit institutional organization; public libraries; community buildings; Governmental, business and professional offices and financial institutions; Public uses;
Day Care Use Category	Adult day care centers; child day care centers; Major family day home
Educational Facilities Use Category	College and university buildings and functions, which are either owned or leased by such institutions, and which may include fraternities and sororities; Training facilities and vocational schools; Public schools or a private school having a function substantially the same as a public school;

Sample

Other Issues to Address

- **Definitions:**
  - Ensure All Land Uses and Use Categories Have Definitions and Update Existing Definitions
- **Use Standards:**
  - Provide Details for Specific Accessory Use Regulations, Such as Considering Accessory Dwelling Use Regulations
- **Home Occupations:**
  - Modernize Home Occupation Requirements
- **Post-Covid:**
  - Other Ways of Helping to Enable Businesses and Organizations to Prosper Post-COVID-19



KENDIG KEAST COLLABORATIVE

Accessory Uses

- **Current**:
  - Separate accessory uses from primary uses in “permitted uses”
- **Proposed:**
  - *Short-Term Rentals*: Strengthen to protect over-use and consider option as accessory use (to primary residence)
  - *ADUs*: Review provisions for ADUs and assign better standards to regulate use
  - *Home Occupations*: Review and Update for 2022 and beyond
  - *Others:* Modernize and update

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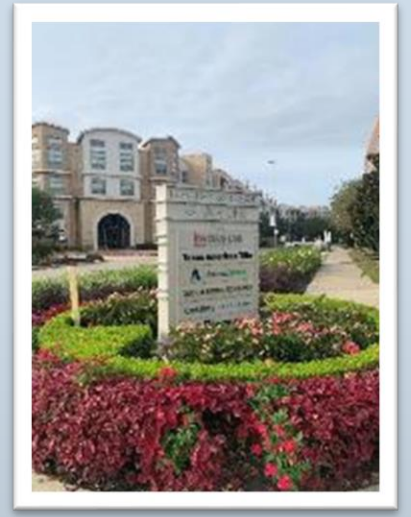
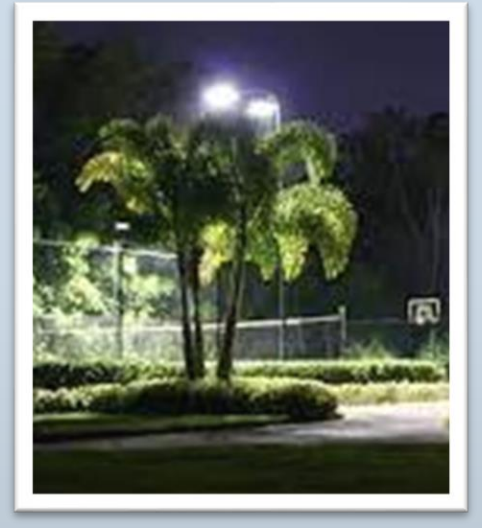
Enhance Site Development Standards



Signs

Parking

Landscaping



Outdoor Lighting

Parking | Parking Reform

- **Planning Basis**
  - Design of Parking
  - Placement of Parking (front, side, rear)
  - Exploration of Parking Maximums
  - More Parking Reductions
  - Payment recommendations?
- **Considerations for Right-Sizing**
  - Use / Density
  - Structure vs. Surface
  - Alternatives to Off-Street
  - On-street parking (in certain zones)
  - Shared Parking

Figure 10-2-18 (E) (E)-2
Vehicle Surface Parking Location[1]

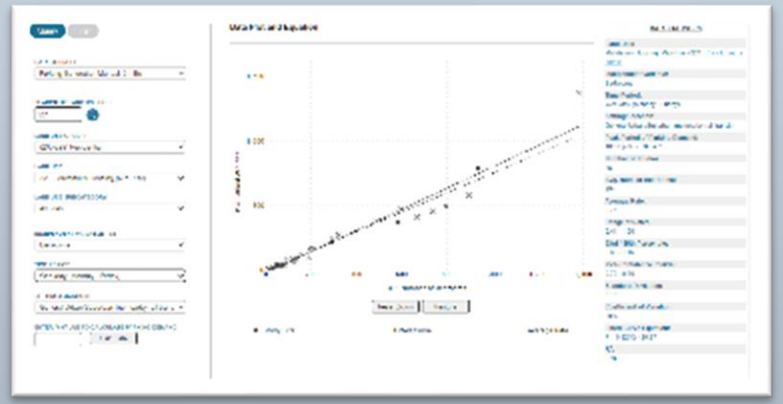
A = Rear Parking B = Front Parking C = Corner Side Parking D = Interior Side Parking

[1] Illustrations are conceptual only and are intended to show parking area locations in relation to buildings. They are not intended to show amount of parking required for any particular land use or any other required features or characteristics.

Parking Locations	Character Areas			
	DNR	DTA	DMS	DMU
Rear Parking	P	P	P	P
Front Parking	X	X	X	X
Corner Side Parking	P	P	X	P
Interior Side Parking[3]	p[2]	p[2]	p[2]	p[2]

TABLE NOTES
P = Parking Location Permitted
X = Parking Location Prohibited

[2] A buffer in accordance with Section 10-2-18(H)5, *Buffers*, below, shall be required between the interior side parking area and a single- or two-family residential use. Otherwise, the buffer type required in Paragraph 10-2-18(H)5 applies.
[3] Interior side parking that does not have access from a public right-of-way may require the owner to obtain a cross access easement together with the adjacent property in accordance with Subsection (I), *Shared and Cross Access*.



▲ *Provide visuals to guide design*

◀ *Update using ITE guidelines and research*

TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Low-Impact Development (LID)

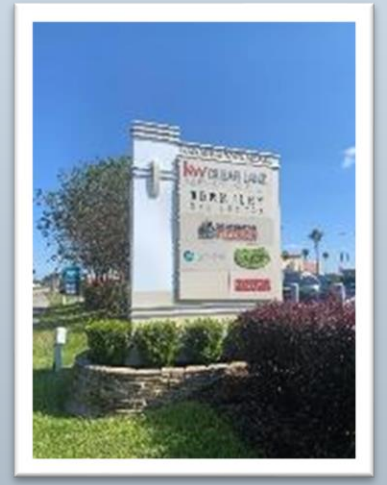
- Promote and potentially incentivize **Low Impact Development (LID)** strategies, tools, and techniques and other strategies for reducing flooding risk and impacts such as multi-purpose open space
- Evaluate the potential to update **landscaping requirements** to reflect best management practices for *plant and tree selection, irrigation design, graywater re-use, and maintenance*

Low-Impact Development Features: Cistern and Swale

KENDIG KEAST COLLABORATIVE

Legal Matters | Reed vs. Gilbert

- **Supreme Court Case**
  - With Some Exceptions, Cities and Towns Cannot Regulate Signs Based on Content or Purpose
- **Current Sign Regulations vs Modern Practices**
  - Review for consistency with current laws and also for modern sign types



TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Standardize And Streamline Review Procedures

- Increased administrative review, rather than discretionary review
  - More uses permitted subject to limitations, rather than Specific Uses and Special Exceptions
  - Add provisions for additional conditional uses
- Establish clear review criteria to facilitate Staff review and final decisions
- Indirectly, through the consolidation of zoning districts with variable development options

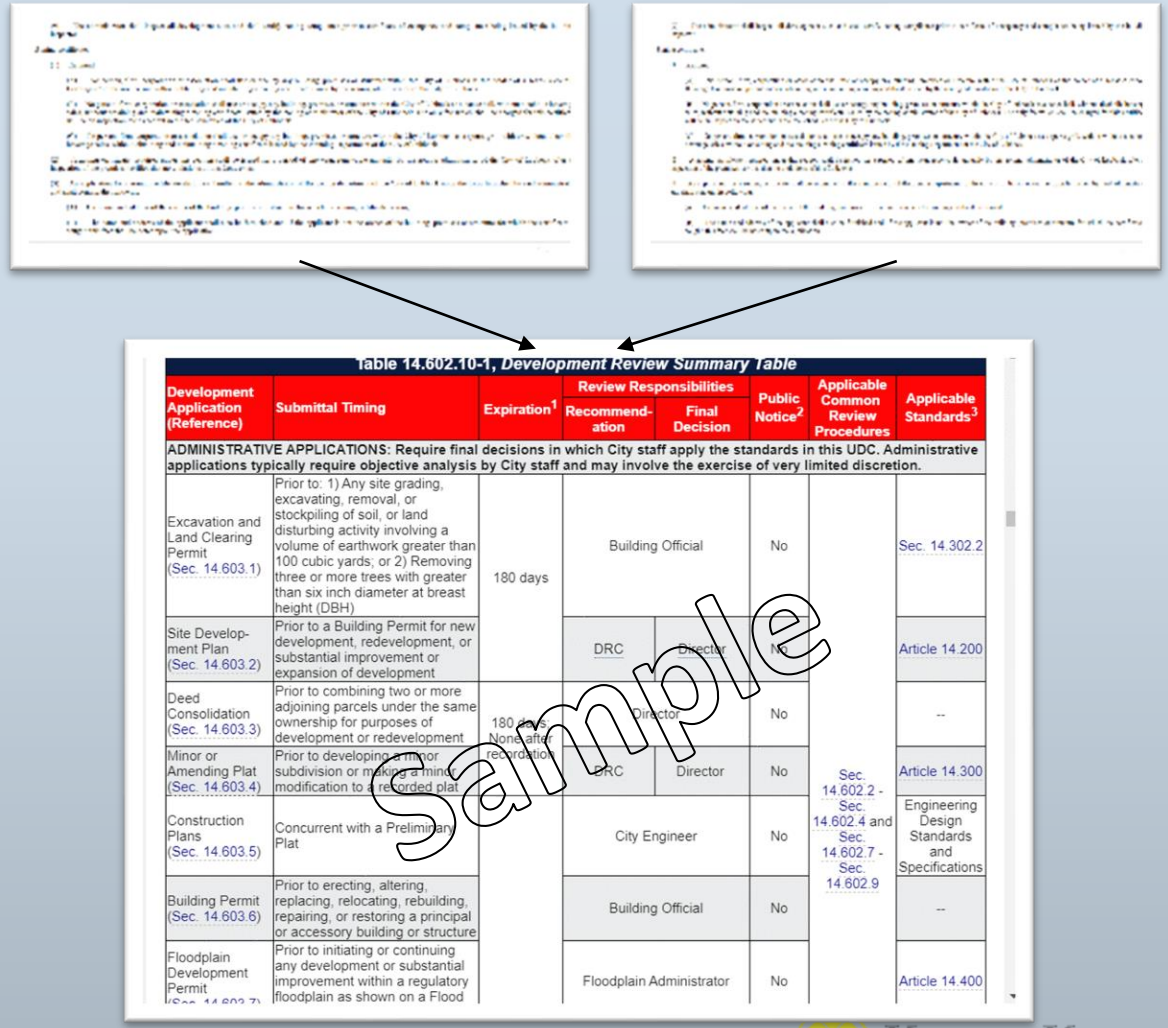


Table 14.602.10-1, *Development Review Summary Table*

Development Application (Reference)	Submittal Timing	Expiration[1]	Review Responsibilities: Recommend-ation	Review Responsibilities: Final Decision	Public Notice[2]	Applicable Common Review Procedures	Applicable Standards[3]
ADMINISTRATIVE APPLICATIONS: Require final decisions in which City staff apply the standards in this UDC. Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.							
Excavation and Land Clearing Permit (Sec. 14.603.1)	Prior to: 1) Any site grading, excavating, removal, or stockpiling of soil, or land disturbing activity involving a volume of earthwork greater than 100 cubic yards; or 2) Removing three or more trees with greater than six inch diameter at breast height (DBH)	180 days	Building Official		No	Sec. 14.602.2 - Sec. 14.602.4 and Sec. 14.602.7 - Sec. 14.602.9	Sec. 14.302.2
Site Development Plan (Sec. 14.603.2)	Prior to a Building Permit for new development, redevelopment, or substantial improvement or expansion of development		DRC	Director	No		Article 14.200
Deed Consolidation (Sec. 14.603.3)	Prior to combining two or more adjoining parcels under the same ownership for purposes of development or redevelopment	180 days; None after recordation	Director		No		--
Minor or Amending Plat (Sec. 14.603.4)	Prior to developing a minor subdivision or making a minor modification to a recorded plat		DRC	Director	No		Article 14.300
Construction Plans (Sec. 14.603.5)	Concurrent with a Preliminary Plat		City Engineer		No		Engineering Design Standards and Specifications
Building Permit (Sec. 14.603.6)	Prior to erecting, altering, replacing, relocating, rebuilding, repairing, or restoring a principal or accessory building or structure		Building Official		No		--
Floodplain Development Permit	Prior to initiating or continuing any development or substantial improvement within a regulatory floodplain as shown on a Flood		Floodplain Administrator		No		Article 14.400

Sample

Procedural Streamlining | Increased Administrative Authority & Review Clarity

- Consolidate Common Review Procedures for Zoning and Subdivision into a Single Article
- Shows Purpose of Procedure
- Expiration
- What Review Bodies Make Recommendation and Which Take Final Action
- Types of Public Notice Required (if any)
- Cross-Reference to Associated Standards

Table 07.20.2-1, *Summary of Procedures*

Development Application (Reference)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice[2]	Applicable Standards[3]
			Recommendation	Final Action		
LEGISLATIVE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety, and general welfare, including the City's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.						
Landmark and Historic Overlay Designation (Sec. 07.22.1)	Prior to a structure, area, or site being designated as a Landmark or part of a Historic Preservation Overlay Zone. **Application Deadline:** 15 business days prior to the public hearing.	None	1st: BOARD 2nd: PC	CC	Pu: 15 M: 15 Po: 15	--
Master Development Plan (Sec. 07.22.2)	Prior to any other development activity for a project taking place within a cluster, planned, or tiny house neighborhood type.	180 days	Administrator	PC	N/A	Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*
NDC Text Amendment (Sec. 07.22.3)	N/A	None	1st: Administrator 2nd: PC	CC	Pu: 7/21[4]	--
District Map Amendment (Sec. 07.22.4)	Prior to establishing or expanding a building type or use prohibited in the current character district	None	1st: Administrator 2nd: PC	CC[5]	Pu: 7/21[4] M: 14[7] Po: 14	--
Development Plan (Sec. 07.22.5)	Accompanying all applications for a character map amendment to the SU, AUC, SO, or Industrial character districts, except for single- or two-unit dwellings	180	1st: Administrator 2nd: PC	CC[5]	Pu: 7/21[4] M: 14[7] Po: 14	--
QUASI-JUDICIAL APPLICATIONS: Require final decisions that establish the way design or development will occur on specific sites in manners that either vary from the standards of this NDC or that are contested by an aggrieved party. Such final decisions are characterized by exercise of discretion.						
Appeal of Administrative Decision (Sec. 07.23.1)	Within 30 days after an appellant or their agent received notice or the action of the official that is the subject of the appeal	N/A	Administrator	BOARD	Pu: 7 M: 7	--
	Prior to the operation of any land use that is					Nonconforming Uses: Sec. 05.16.1, *Uses*

SAMPLE

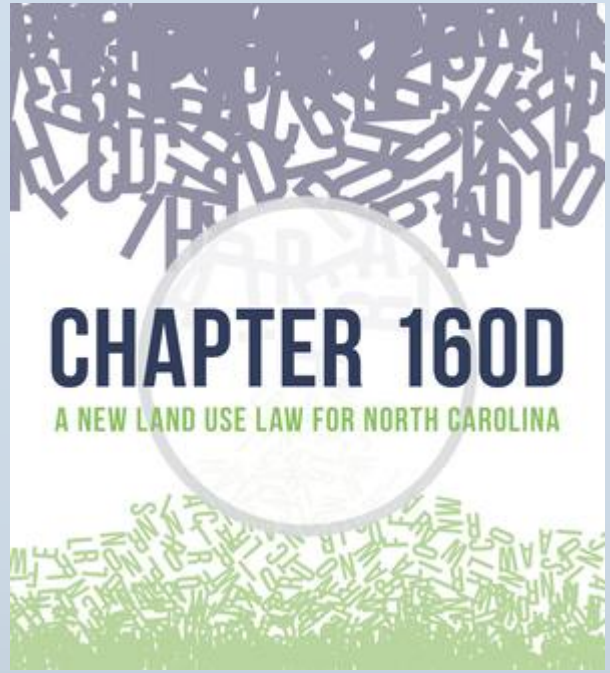
TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Legislation and Case Law

160D

- In 2019, the North Carolina General Assembly adopted S.L. 2019-111
- Chapter 160D was a complete reorganization and modernization of the State's planning and development regulations – the first since 1905.
- The new chapter repeals the previous enabling statutes for both counties (153A) and municipalities (160A) and consolidates them into a single, unified chapter that is reorganized into a more logical and cohesive order.
- Chapter 160D became effective on June 19, 2020, and local governments had until July 1, 2021 to amend any development ordinance affected by the new law.



TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Create a More User-Friendly Code

- Keep Standards ***out*** of Definitions and the Names of Uses
- Consolidate and Simplify Names of Uses
- Keep Standards with Standards and Procedures with Procedures
- Define common review criteria
- Assign Review and Decision Responsibilities to Actual Bodies or Staff Positions, Rather than “the Town”

Table 156.J.002.5-1
Common Review Criteria Applicability

Common Review Criteria	All Applications[1]	Legislative Applications[1]	Quasi-Judicial Applications
The request complies with the applicable standards of this Zoning Ordinance, the City Code of Ordinances, and any applicable county, state, or federal requirements.	Yes	No	No
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Special Use Permit, Master Development Plan, or Site Plan.	Yes	No	No
The administrative body has considered the recommendation of staff.	No	Yes	Yes
The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of	No	Yes	Yes

Town of Black Mountain 1893 North Carolina

Kendig Keast Collaborative

Recommendation: Provide User-Friendly Enhancements

- **User-Friendly Enhancements**
  - Maintain a deliberate and consistent hierarchy / numbering system
  - Use of font types, sizes, and tabs to establish visual hierarchy
  - Keep similar provisions together (e.g. Major Subdivision Design Guidelines vs. Approval of Final Plat Procedure)
  - Clearly assign duties ("The Planning Director shall…" instead of "The Town shall…")
  - Turn guidelines or policies into standards or remove

Clearly articulate all requirements without ambiguity and subjectivity and provide clear illustrations, graphics, and tables.

Re-Organize Permits and Procedures

- **Organize by the type of application, instead of the type of review approval required.**
  - For example, group Ordinance and Map amendments (e.g., rezoning), Site Development Permits (e.g., special use permit), Subdivision Procedures (e.g., final plat), and Flexibility and Relief provisions (e.g., variances).

Administrative

Legislative

Quasijudicial

TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

03 CODE CONVERSION

Proposed Organization

- In the manner in which the code is most often used:
  - What is my property zoned?
  - What uses are permitted?
  - Where and how much can I build?
  - What design standards are required?
  - Who makes recommendations and decisions?
  - What are the steps in the process?
  - How are nonconforming uses or structures treated?
  - How are words defined?

Citizen User

Technical User

Streamlining
- Administrative approvals and modifications
- More by-right options; less time and expense
- Alternative means of compliance

Predictability
- Articulate standards
- Specific requirements

Navigation and Readability
- Intuitive organization
- District and standards tables
- Hyperlinked definitions and cross-references

Two into One: UDO

- Objectives
  - Align with the Elevate Black Mountain Plan and other policy documents
  - Preserve / enhance neighborhood character and form, rather than overregulation
  - Streamline review procedures
  - Integrate flexible yet objective best practices
- Outcomes
  - Realization of character and form visualized in the plan
  - Increased predictability and certainty
  - Incentivize good development, preservation, and reinvestment
  - Contemporary, well-articulated Ordinances that are understandable and workable

TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

FINAL PRODUCT

Harrisburg, NC Draft Unified Development Ordinance

WebMaster

Draft Unified Development Ordinance

- UNIFIED DEVELOPMENT ORDINANCE (Curr
- TITLE XV: LAND USAGE (Harrisburg Draft U
  - Chapter 120: Zoning Districts and Land U
    - § 120.01 General Provisions
    - § 120.02 Zoning Districts and Standard
      - 120.02.01 Residential Districts (4.3
      - 120.02.02 Nonresidential and Mixed-
    - § 120.03 Special Purpose and Overlay
    - § 120.04 Land Use Standards (Administ
    - § 120.05 Measurements and Allowance
  - Chapter 121: Building and Site Design (C
  - Chapter 122: Subdivision Standards
  - Chapter 123: Environmental Managemer
  - Chapter 124: Administration[WD]
  - Chapter 125: Development Review Proce
  - Chapter 126: Nonconformities[WD]
  - Chapter 127: Enforcement and Remedie
  - Chapter 128: Word Usage
- Appendices[WD]

120.02.01 Residential Districts (4.3 Working in from the HALUP's FLU Categories and including conventional, conservation, and planned development options with

Source

h4 Definitions

PL Planned Planned development may include a mixture of different lot sizes, retail and office uses, and varying housing types clustered around civic spaces, greenways, and resource features in a horizontal mixed-use environment.	

C. **Permitted Uses**. Table 120.02.01-2, *Permitted Uses by Residential Zoning District and Development Type*, lists the land uses permitted in the various residential zoning districts by development type.

1. *Symbols*. Table 120.02.01-2 uses the following symbols:

   a. "P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Administrator.

   b. "P(L)" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is also subject to Section 120.04, *Land Use Standards (Administrative and Special)*.

   c. "S" means that the use is allowed as a Special Use, which may be approved following a public hearing by

body h4

https://online.encodeplus.com/regs/harrisburg-nc/maintain/editdoc.aspx#

Comments

New ☐ Show Completed

Comment Text	Id
There are many Group Living type uses (adult care home, assisted living, family care home, and more) that are defined but that do not show up in the existing use table. Edit Reply Followup ☐ Completed ☐	124 By: Brian Mabry Date: 09/07/2020 10:13:56 AM ☐ Hidden ☐ Followup ☐ Completed
This will be covered in 125.05.03 Exception. Edit Reply Followup ☐ Completed ☐	122 By: Brian Mabry Date: 09/04/2020 11:05:23 AM ☐ Hidden ☐ Followup ☐ Completed

Final Product

View | Search | Archives | Maps

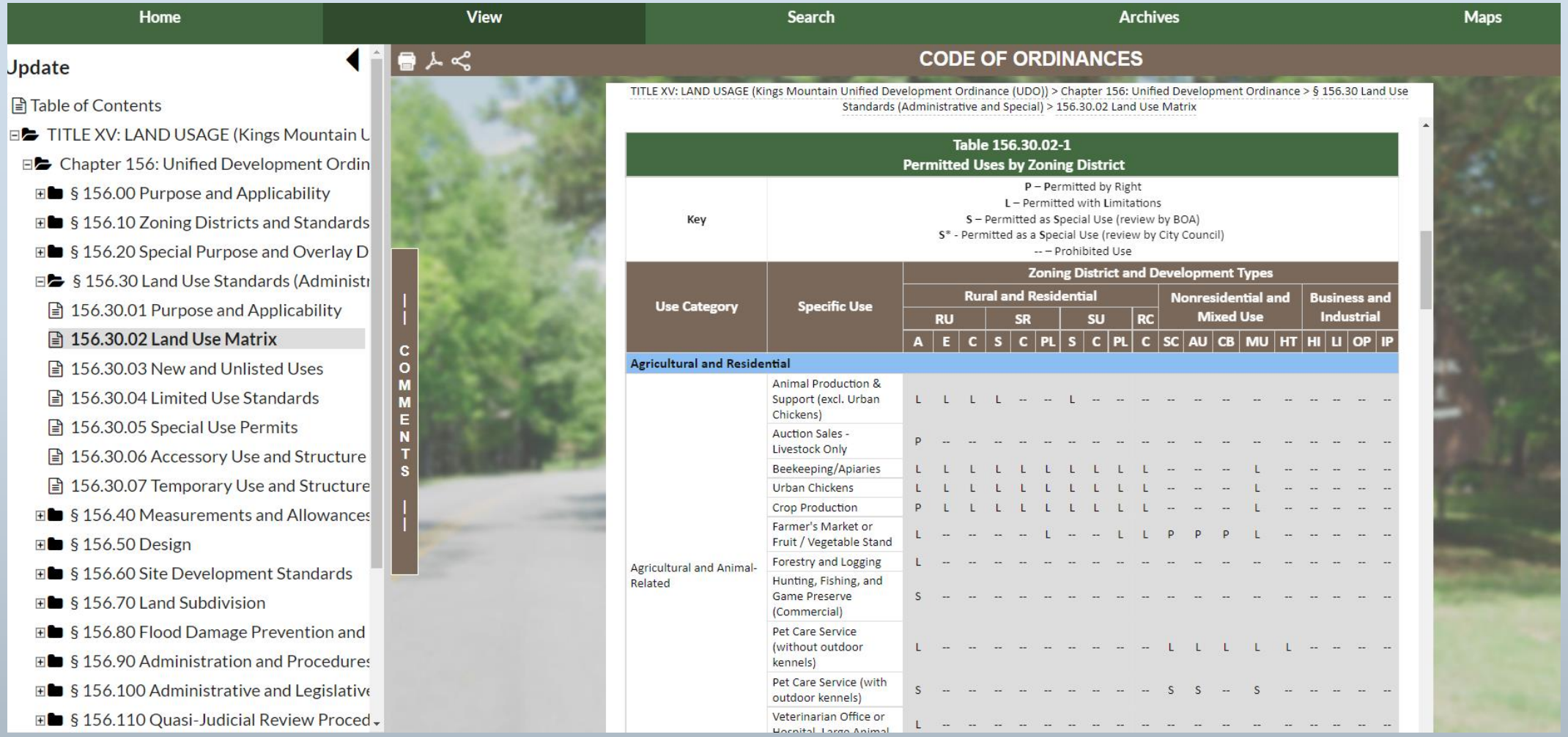
CODE OF ORDINANCES

KINGS MOUNTAIN
NORTH CAROLINA

As a growing city with a rich history, Kings Mountain is a place with small town charm with great potential for the future. As such, the City has realized the need to update their ordinances for their changing community. The new ordinances will come from a review of the current standards and engagement in order to bridge existing documents and policies with the vision of the community. Given the tenure of the current regulations, this project will embrace what's good about the current standards while using new tools to enhance character, livability, and economic attractiveness of Kings Mountain. The resulting documents must be practical, understandable, and usable while being forward-looking. We are pleased you have decided to learn about and participate in this effort!

KEAST COLLABORATIVE

FINAL PRODUCT



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Update

- Table of Contents
- TITLE XV: LAND USAGE (Kings Mountain U
  - Chapter 156: Unified Development Ordin
    - § 156.00 Purpose and Applicability
    - § 156.10 Zoning Districts and Standards
    - § 156.20 Special Purpose and Overlay D
    - § 156.30 Land Use Standards (Administr
      - 156.30.01 Purpose and Applicability
      - **156.30.02 Land Use Matrix**
      - 156.30.03 New and Unlisted Uses
      - 156.30.04 Limited Use Standards
      - 156.30.05 Special Use Permits
      - 156.30.06 Accessory Use and Structure
      - 156.30.07 Temporary Use and Structure
    - § 156.40 Measurements and Allowances
    - § 156.50 Design
    - § 156.60 Site Development Standards
    - § 156.70 Land Subdivision
    - § 156.80 Flood Damage Prevention and
    - § 156.90 Administration and Procedures
    - § 156.100 Administrative and Legislative
    - § 156.110 Quasi-Judicial Review Proced

CODE OF ORDINANCES

| COMMENTS |

TITLE XV: LAND USAGE (Kings Mountain Unified Development Ordinance (UDO)) > Chapter 156: Unified Development Ordinance > § 156.30 Land Use Standards (Administrative and Special) > 156.30.02 Land Use Matrix

Table 156.30.02-1
Permitted Uses by Zoning District

Key
P – Permitted by Right
L – Permitted with Limitations
S – Permitted as Special Use (review by BOA)
S* - Permitted as a Special Use (review by City Council)
-- – Prohibited Use

Use Category	Specific Use	Zoning District and Development Types																	
		Rural and Residential									Nonresidential and Mixed Use					Business and Industrial			
		RU			SR			SU			RC								
		A	E	C	S	C	PL	S	C	PL	C	SC	AU	CB	MU	HT	HI	LI	OP	IP
Agricultural and Residential																			
Agricultural and Animal-Related	Animal Production & Support (excl. Urban Chickens)	L	L	L	L	--	--	L	--	--	--	--	--	--	--	--	--	--	--
	Auction Sales - Livestock Only	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	Beekeeping/Apiaries	L	L	L	L	L	L	L	L	L	L	--	--	--	L	--	--	--	--
	Urban Chickens	L	L	L	L	L	L	L	L	L	L	--	--	--	L	--	--	--	--
	Crop Production	P	L	L	L	L	L	L	L	L	L	--	--	--	L	--	--	--	--
	Farmer's Market or Fruit / Vegetable Stand	L	--	--	--	--	L	--	--	L	L	P	P	P	L	--	--	--	--
	Forestry and Logging	L	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	Hunting, Fishing, and Game Preserve (Commercial)	S	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	Pet Care Service (without outdoor kennels)	L	--	--	--	--	--	--	--	--	--	L	L	L	L	L	--	--	--
	Pet Care Service (with outdoor kennels)	S	--	--	--	--	--	--	--	--	--	S	S	--	S	--	--	--	--
	Veterinarian Office or Hospital, Large Animal	L	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

TOWN OF BLACK MOUNTAIN 1893 NORTH CAROLINA

KENDIG KEAST COLLABORATIVE

Next Steps

KENDIG KEAST COLLABORATIVE

KENDIG KEAST COLLABORATIVE

Town of Black Mountain, NC

Ordinance Diagnosis

Unified Development Ordinance Project

Definitions:

Mobile food vendor: any mobile food unit, pushcart or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption of food and beverages.

Mobile food court/food vendor court: a plot of ground upon which two or more spaces and associated amenities are regularly provided for use by mobile food vendors to offer food or beverages for sale to the public.

Table of Permitted Uses:

Category	Uses	CR-1	SR-2	TR-4	UR-8	NMU-8	OI-6	CBD	HB-8	LI-8	HI-0
Commercial	**Mobile Food Vendor**					**P**	**P**	**P**	**P**	**P**	**P**
Commercial	**Mobile Food Vendor Courts**					**P**	**P**	**P**	**P**	**P**	**P**

Mobile food vendors.

A. Temporary use permit required.
   1. **Any mobile food vendor operating in the Town of Black Mountain must obtain a permit issued by the zoning administrator.**
   2. **The vendor shall submit an application to the Planning Department, which shall include a site plan showing the location or locations where the mobile food vendor will operate and demonstrate that all requirements of this ordinance can be met while operating at each location.**
   3. **The vendor shall only operate at those locations specified in the permit.**
   4. **A permit shall be valid for a period of one year from the date of issuance.**

B. A valid health department inspection grade card from the Buncombe County Health Department shall be visually displayed on the mobile food truck or cart in clear view of all patrons.

C. Mobile food vendors shall operate only on private property with the permission of the owner. No mobile food vendor shall operate on a public street, sidewalk or right-of-way.

D. Mobile food vendors shall comply with the setback requirements for the zoning district in which the truck or cart is operating and, for purposes of setback regulations, shall be treated as a building or structure. No mobile food vendor shall be parked closer than ten feet (10') from a structure or other mobile food vendor.

E. Each mobile food vendor shall have sufficient space to maneuver onto the lot and to allow for safe access by pedestrians and emergency response vehicles.

F. At least one onsite parking space per mobile food vendor is required, except that no onsite parking shall be required for a mobile food vendor operating in the Central Business District. Allocation of parking spaces to the mobile food vendor must not reduce available parking for other uses such that those uses would not longer meet minimum parking requirements.
G. Mobile food vendors shall remove trash and litter from the site each day and as needed. Mobile food vendors must maintain cleanliness of the site.
H. No temporary toilet facilities are allowed.
I. No seating may be provided.
J. No permanent water or sewer connections.
K. These regulations do not apply to mobile food vendors operating solely as part of a special event for which a permit has been issued by the Town of Black Mountain, or as part of a non-commercial, private event on private property when that event is non-recurring and of a temporary duration.

Mobile food vendor courts.

A. Site requirements.
   a. Before obtaining a zoning permit, the owner shall submit a site plan showing the location of spaces to be used by mobile food vendors, kitchen or restroom facilities, seating for patrons, site maneuvering, and parking.
   b. There shall be at least one trash can per vendor or one dumpster for the entire court (see screening requirements).
   c. Outdoor seating is allowed.
   d. Permanent restroom facilities are allowed.
   e. A permanent, on-site commissary kitchen is allowed.
   f. Permanent power is recommended.

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To: Black Mountain Planning Board

From: Planning Staff

Date: February 28, 2022

Subject: Text Amendment

Description: Text Amendment for Mobile Food Vendors and Mobile Food Courts

Address: N/A

The Planning Board hereby adopts and recommends to Town Council the following statements:

_____ The zoning amendment **is approved and is consistent with the Town's comprehensive plan** and **is reasonable and in the public interest** because:

How consistent with plan: _____
_____

Why is it reasonable and in the public interest: _____
_____

_____ The zoning amendment **is rejected because it is inconsistent with the Town's comprehensive plan** and/or **is not reasonable and in the public interest** because:

How inconsistent with the plan: _____
_____

Why is it not reasonable and in the public interest: _____
_____

_____ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's comprehensive plan**. The change in conditions taken into account amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest are as follows:

_____
_____
_____