



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 June 27, 2022
Date: June 17, 2022

The **Town of Black Mountain Planning Board** will meet on **Monday, June 27, 2022, at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

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

1. The proposed agenda;
2. Draft minutes from May 23, 2022;
3. UDO – Chapter 1 and Trees, Landscape, and Buffering; and
4. Review of Planning Board Applications.

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
Ron Sneed, Town Attorney



PUBLIC NOTICE
AVISO PÚBLICO

BLACK MOUNTAIN PLANNING BOARD

REGULAR MEETING
REUNIÓN ORDINARIA

Monday, June 27, 2022, at 6:00 p.m.
Lunes 27 de junio de 2022, a las 6:00 p.m.

The Black Mountain Planning Board will meet for their regular monthly meeting on **Monday, June 27, 2022, at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C.

La Junta de Planificación de Black Mountain se reunirá para su reunión mensual regular el **lunes 27 de junio de 2022 a las 6:00 p.m.** en el Ayuntamiento, 160 Midland Avenue, Black Mountain, N. C.

The meeting is open to the public.
La reunión está abierta al público.

Jennifer Tipton
Senior Admin

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La ciudad de Black Mountain se compromete a proporcionar instalaciones, programas y servicios accesibles para todas las personas en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA). Si necesita ayuda o un alojamiento en particular para esta reunión, comuníquese con Jennifer Tipton al (828) 419-9371 o por correo electrónico a Jennifer.tipton@tobm.org.

Posted to the Town Bulletin Board 06/01/2022

www.townofblackmountain.org



**Planning Board Regular Meeting
June 27, 2022**

PROPOSED AGENDA

- I. CALL TO ORDER**
 - Welcome
 - Determination of Quorum
- II. ADOPTION OF AGENDA**
 - **Motion:** To approve the agenda as presented [or as amended]
- III. ADOPTION OF MINUTES**
 - **Motion:** To approve the minutes of May 23, 2022, as written [or as amended]
- IV. OLD BUSINESS**
- V. NEW BUSINESS**
 - UDO – Chapter 1 and Trees, Landscape and Buffering
 - Review Planning Board Applications
- VI. PUBLIC COMMENT**
- VII. COMMUNICATION FROM PLANNING BOARD**
- VIII. COMMUNICATION FROM STAFF**
- IX. ADJOURNMENT**

The Black Mountain Planning Board held its regular meeting on Monday, May 23, 2022, at 6:00 p.m. in the Board Room of Town Hall.

I. CALL TO ORDER

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

Chris Collins, Chair

Kathy Phillips

Shawn Slome

Chas Fitzgerald

Absent:

Pam Norton, Vice Chair

Rick Earley

Lauronda Teeple

Staff:

Jennifer Tipton, Senior Admin

Jessica Trotman, Planning Director

Jake Hair, Planner

Ron Sneed, Town Attorney

The meeting was called to order at 6:01 p.m. and duly constituted and opened for business with a quorum of four (4) members.

II. ADOPTION OF AGENDA

Jessica Trotman said that the presentation from Kelli McCormick has been rescheduled to the June meeting. Chris Collins made a motion to approve the agenda as amended. The motion was seconded by Chas Fitzgerald and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Shawn Slome asked that the minutes clarify the conflict of interest be noted in the minutes and that Mr. Sneed wanted the record to reflect that Mr. Slome had contacted the School of Government about the conflict and that the School of Government had said that there was not a conflict so that there would be more nuance to the conversation. Jennifer Tipton explained that the exchange would have to be added as an attachment because it was not a conversation that took place during a Planning Board meeting and cannot be added to the minutes. Shawn Slome made a motion to add the email exchange with Chris McLaughlin be added to the April 25, 2022, minutes in order for the record to be accurate. The motion was seconded by Chas Fitzgerald and approved by a vote of 4-0. Chris Collins made a motion to approve the April 25, 2022, minutes as amended. The motion was seconded by Chas Fitzgerald and approved by a vote of 4-0.

IV. NEW BUSINESS

New business was removed and rescheduled to the June meeting.

Staff provided board members a copy of the Trees, Buffering, and Landscaping section of the UDO. Staff read through the text and made several comments that are being worked on as well as having the tree section expanded. An updated version of the text will be available by the end

of the week. The board will have to come to consensus on comments as they are coming from the Planning Board and not individually. Kelli McCormick will be presenting next month with a thorough presentation on the Trees, Buffering, and Landscaping and then a high-level presentation of a couple of other chapters.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

None.

VIII. COMMUNICATION FROM STAFF

Jessica Trotman announced that this is Jake Hair's last meeting and appreciated his work and was our first Planner 1. The Board also thanked Jake and wished him luck.

VX. ADJOURNMENT

Chris Collins made a motion to adjourn at 6:25 p.m. The motion was seconded by Kathy Phillips and approved by a vote of 4-0.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin



CHAPTER 1 PURPOSE, AUTHORITY, AND JURISDICTION

ARTICLE 1 TITLE, PURPOSE, AUTHORITY, JURISDICTION, AND TRANSITIONAL PROVISIONS

Division 1.100 Title and Purpose

1.101 Title and Purpose

- A. **Title.** This Ordinance shall be known as and may be cited as the Unified Development Ordinance. It may also be known and may be referred to as the 'UDO'. The map referred to herein is identified by the title 'Official Zoning Map of Black Mountain, North Carolina,' and may be known as the 'Zoning Map'.
- B. **Purpose.**
1. *Establish Zoning and Development Regulations.* Establish base and overlay zoning districts as necessary that provide for development and redevelopment within the Town and to provide dimensional standards for such districts.
 2. *Conformance with Plan.* The zoning regulations and districts shown on the Zoning Map have been made in accordance with the Town's Comprehensive Plan.
 3. *Reasons for UDO.*
 - a. Secure safety from flooding, fire, panic, and other dangers;
 - b. Promote health and the general welfare;
 - c. Provide adequate light and air;
 - d. Prevent the improper use of land;
 - e. Lessen congestion;
 - f. Avoid undue concentration of population; and
 - g. Facilitate the adequate provision of transportation, public utilities, recreation, and other public requirements.
 4. *Character.* The Town Council has given due consideration to the character of each zoning district, its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

Applicability

- A. **Applicability and Authority.** The Town is authorized by the North Carolina General Statutes ("NCGS") to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building. Through this UDO, the Town intends to use all powers provided by virtue of Article 2, Chapter 160D-201, *Planning and Development Regulation Jurisdiction*. The powers granted by NCGS Chapter 160D may be exercised by the Town within its corporate limits.

- B. **Effect on Building and Use.** No building or land shall be used and no building, in whole or in part, shall be erected, moved or altered except in conformity with the regulations for the district in which it is located.
- C. **Required Conformance.** Except as specified otherwise in this UDO, no building or land may be used, and no building may be erected, altered, or moved that is used or designed to be used for any purpose other than a use that is permitted or conditionally permitted in a zoning district in which that building or land is located. To be built upon, a parcel of land shall be platted or meet the requirements of this UDO.
- D. **Repeal of Existing Ordinances.** The adoption of this UDO repeals the existing Land Use Code.
- E. **NCGS 160D.** The standards and regulations of NCGS 160D, as amended, shall govern where this ordinance does not or is more restrictive.

~ Zoning Districts and Standards

Official Zoning Map

- A. **Incorporated by Reference.** The Official Zoning Map for the Town and all notations, references, and other information shown on the map are incorporated by reference and made a part of this UDO and have the same legal force and effect as the UDO.
- B. **Official Zoning Map Adopted.** Zoning districts are shown on the map entitled "Official Zoning Map" of the Town of Black Mountain which is made part of this UDO.
- C. **Status.** The map that is officially on file at Town Hall is available for public inspection. This map shall control in the event of a conflict between the official map and any other reproduction of the map.
- D. **Interpretations.** Where the map appears to be unclear regarding the location of district boundaries, the Director, or at the Director's discretion, the Planning Board, shall make a determination using the following criteria:
 - 1. *Rights-of-Way or Easements.* Where boundary lines appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the zoning boundary shall be construed to follow the center line of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the features on the ground control.
 - 2. *Town Limits.* Where district boundaries are indicated as approximately following the Town limits, such Town limits shall be considered the district boundaries.
 - 3. *Property Lines.* Where the boundaries are indicated as approximately following property or other lot lines, such lines shall be construed to be the boundaries.
 - 4. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of drainage ways, streams, creeks, water bodies including the reservoirs and lakes, or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such watercourses, the district boundary shall be construed as moving with the channel centerline.
 - 5. *Unsubdivided Land or No Identifiable Feature.* On unsubdivided land, or where a district boundary does not follow an identifiable feature, the location of the boundary, unless the same is indicated by dimensions, shall be determined by applying, in order, the following rules:
 - a. *Legal Description.* The boundary shall be according to the legal description in the ordinance establishing the district boundaries.
 - b. *Text Dimensions.* The boundary shall be located by reference to dimensions shown in the text on the Official Zoning Map, if any.

- c. *Map Scale.* The boundary shall be located using the map scale appearing on the Official Zoning Map.
- 6. *Vacation or Abandonment.* Where a public street, alley, or parcel of land is officially vacated or abandoned, the regulations applicable to the abutting property apply equally to the vacated or abandoned street or alley.
- E. **Conflicts Resolved.** In the event of a conflict between the district boundaries on the Official Zoning Map and the zoning of property provided by a duly enacted rezoning ordinance adopted before the effective date of this UDO, the Official Zoning Map shall control.

~ Zoning District Establishment

- A. **Generally.** The Town of Black Mountain is divided into zoning districts according to Table ~, *Zoning Districts*, below, which specifies each district along with the recommended land use category from the Future Land Use Map of the Comprehensive Plan. Pursuant to NCGS 160D, this UDO must be consistent with the map and plan. This section describes the relationship between the zoning districts and the land use map and categories described in the plan.
- B. **Jurisdiction.** For the purpose of this UDO and as established in X, the zoning jurisdiction of the Town of Black Mountain shall include the land within the corporate limits of the Town.
- C. **Zoning Districts Established.** For the purpose of this ordinance, the Town of Black Mountain, North Carolina, is hereby divided into the following use districts:
 - 1. *Base Districts.*
 - a. The districts set forth in the table below are those for uses permitted by right (P), those with supplemental standards known as limited uses (L), conditional uses approved as a zoning district by Town Council (C), or those subject to a quasi-judicial evidentiary hearing by special use permit (S). These base districts shall be established by Town Council and amended according to regulations set forth in X, X, and X.
 - b. Within each district is a series of by-right development options that provide for different types and forms of development suitable in various areas of the Town.
 - 2. *Overlay Districts.* The Zoning Districts established in X may also include Overlay Districts as designated herein and shown on the Official Zoning Map. In such a case, the land is subject to the requirements of the underlying Zoning District and the additional provisions of the Overlay District.

~ Trees, Buffering, and Landscaping

~ Purpose and Applicability

- A. **Purpose.** The Town of Black Mountain desires to preserve existing trees and vegetation. The purpose of this section is to improve the appearance, quality and quantity of landscaping, tree conservation and preservation, and buffering in Black Mountain and to regulate the protection, installation, and long-term management of these and to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, from adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of the built environment and blends new development with our natural, mountain landscape. Existing vegetation should be retained where possible to ensure cohesive landscaping. This chapter is also provided in order to:
1. Provide visual buffering and to enhance the beautification of the town;
 2. Safeguard and enhance property values and to protect public and private investment;
 3. Preserve, protect, and restore the unique identity and environment of the Town of Black Mountain and to preserve the economic base for tourism and visitors to the town;
 4. Encourage the preservation of existing trees and vegetation;
 5. Aid in stabilizing the environment by contributing to the process of air purification, ground water recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat reduction;
 6. Conserve energy; and
 7. Protect the public health, safety and general welfare of the town.
- B. **Where Required.** All new developments shall be designed in accordance with the requirements of this section. A change of use or expansion of an existing building or parking area also requires compliance with the requirements of this chapter, except when resealing or re-striping a parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material. Where necessary to accommodate creativity in site design, or where conformance with the strict requirements of this chapter are not feasible, the Board of Adjustment may modify these requirements through a variance procedure or as part of a special use permit request, provided that the type and amount of landscaping or other features are equivalent in effectiveness.
- C. **Exemptions.** No section of this chapter applies to one and two family dwellings.
- D. **Plan Required.** Any plan required by this section shall accompany a request for a building permit or plat approval by the Town of Black Mountain or be part of a development with an approved plan. No building permit shall be issued, nor plat approved until the plan is approved by the Director. The Director may request any additional information needed to determine compliance with this section.
- E. **Approved with Stormwater Plan.** Landscaping requirements may be met as part of an approved stormwater plan and as incorporated into stormwater management practices such as planted swales or rain gardens.

General Provisions

- A. **Clear Cutting of Trees and Other Vegetation.** The removal or clear cutting of trees and other existing vegetation on undeveloped or under-developed sites within the corporate limits is prohibited except as otherwise permitted in this section. Any clear cutting or vegetation removal on vacant, undeveloped, or underdeveloped sites shall be done in accordance with an approved site and/or subdivision plan. Any property that has vegetation removed prior to a request for an approved site and/or subdivision plan shall be required to wait a minimum of one year before submitting an application for any development approvals. This provision

shall not apply to any property that is being managed in accordance with an approved Forestry Management Plan through the North Carolina Forestry Service, and any such plan shall be submitted as part of the development plan request.

B. Plan Requirements. Plans required under this section shall show the following:

1. *Existing Vegetation Used to Satisfy Requirements.* Plans should identify those areas of vegetation, including heritage trees and significant vegetation, before site and/or subdivision plans are so far advanced that it is unreasonable and impractical to modify the plans to protect the vegetation identified to be saved on the plan. Existing vegetation or trees that will be used to satisfy landscaping requirements may include:
 - a. Vegetation/trees to remain and to be installed shall be shown on the landscape plan;
 - b. Show existing vegetation/trees and label existing vegetation/trees to be removed on the grading plan;
 - c. Tree protection fencing, including groups of trees and individual trees standing apart from any woods. Standards for tree protection are found below under **Tree Protection During Construction**;
 - d. Tree survey data for groups of individual and freestanding trees, including survey data of the initial ten interior feet of buffer edge abutting construction area; and,
 - e. Limits of preservation for significant existing vegetation.
2. *Other Existing Vegetation.* Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan, but will not count toward requirements.
3. *New Proposed Plantings.* Proposed plantings that will be used to satisfy requirements, including:
 - a. Plant schedule, in chart form, to include scientific and common name, size at time of installation, method of containment (container size, etc.), quantity, and comments;
 - b. Symbols designating type, size, and location, with center of each tree noted (shrubs and groundcover can be shown as a mass);
 - c. Landscape beds and architectural planting surrounding existing and/or proposed structures on the site; and,
 - d. Any planting within designated bufferyard areas that is required to satisfy ordinance requirements, with widths dimensioned.
4. *Utilities and Rights-of-Way.* Existing and Proposed Utility Easements, Rights-of-way, and Electrical Lines:
 - a. Easements for underground utilities shall be combined with driveways and internal roads wherever possible to minimize the disturbance of preserved areas of native vegetation;
 - b. Adequate in size to include room for trench wall sloping or benching, equipment access, and deposition of soil;
 - c. Associated clearing area for installation and/or relocation; and
 - d. Associated Grading Areas for road widening.
 - e. All developments shall ensure that proper height under powerlines is met with appropriate tree species.
5. *Hardscape.* Hardscape Items (such as sidewalks, plazas, benches, fountains, trash cans, light poles, etc.). If more detail is needed, submit a separate hardscape plan.
6. *Bufferyards.* When required, location and width of landscaped bufferyards, including height of berms if required.

7. *Scale and Labeling.* Planting areas drawn to scale with a list of the botanical and common names, number, and size of all plants designated for each area.
8. *Maintenance.* A statement that maintenance will be performed in accordance with the requirements of this section.
9. *Irrigation.* If irrigation is used, it shall be noted.

C. Plant Materials Standards.

1. *Generally.* All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals. In order to reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site. Suggested plant lists are on file with the Town of Black Mountain.
2. *Timing.* All planting materials specified by the landscape plan shall be installed prior to the issuance of the Certificate of Occupancy. An exception may be granted for a period not to exceed 180 days for the following circumstances, as determined by the Director:
 - a. The unavailability of specified plant material;
 - b. Weather conditions that prohibit the completion of the project or jeopardize the health of the plant material;
 - c. Actions or directives issued by any governing body with jurisdictional authority.
 - d. In such circumstances, the property owner or developer shall submit documentation of the estimated cost for the purchase and installation of the required planting areas and may be required to post a performance guarantee equal to the amount of the contract. The Director may issue a Conditional Certificate of Occupancy but shall not issue a Final Certificate of Occupancy until the planting requirements have been completed and approved.
3. *Prohibited.* Invasive non-native species listed by the North Carolina Invasive Plant Council as inappropriate for the region are prohibited plant materials.
4. *Size.* All required plants shall meet the size and variety requirements in *Table ~, Minimum Plant Sizes and Varieties*.

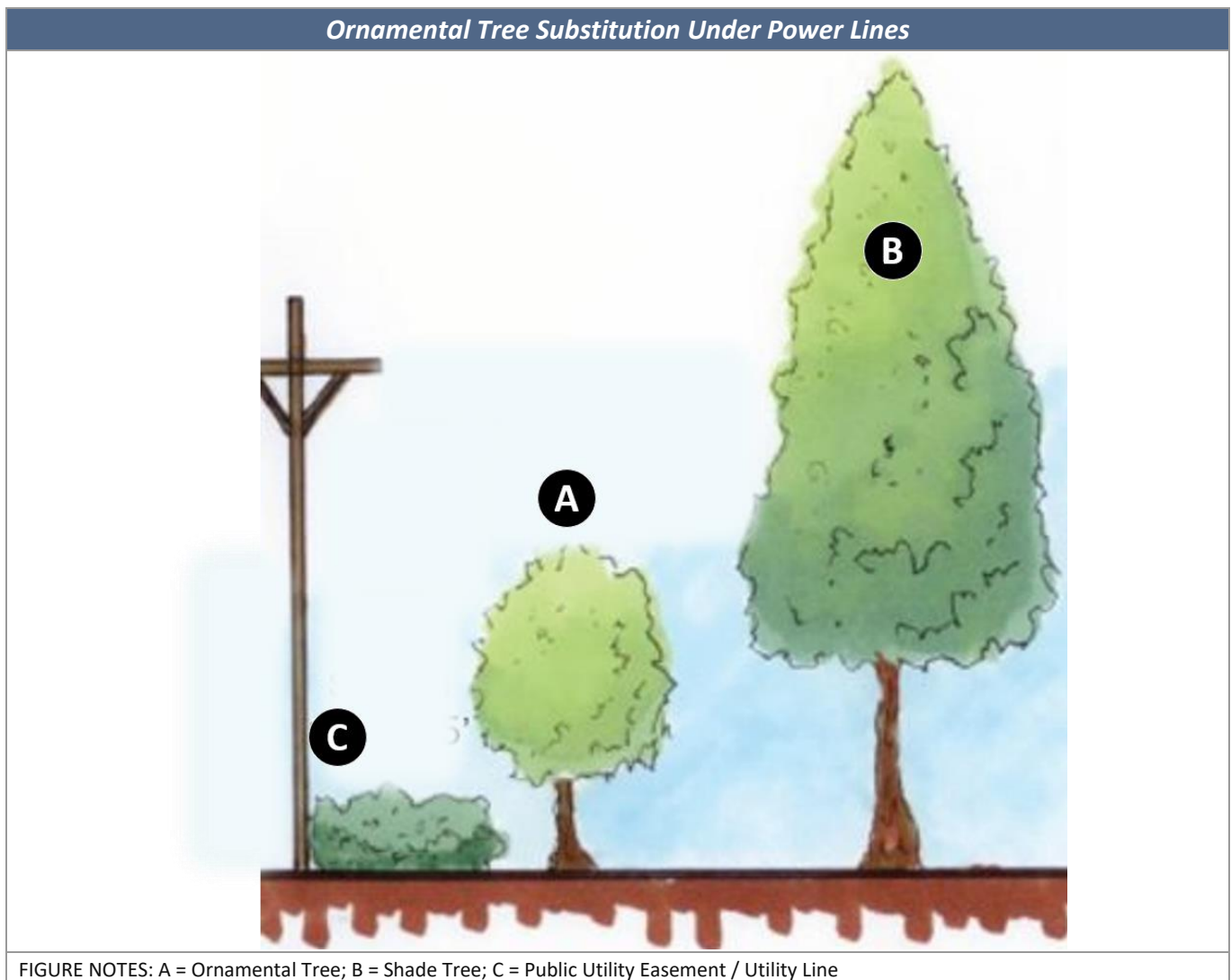
Table ~ <i>Minimum Plant Sizes and Varieties</i>		
Plant Type	Minimum Size or Varieties	Minimum Height
Shade Trees	2.0-inch caliper	10 feet
Ornamental Trees	1.5-inch caliper	6 feet
Evergreen Tree	NA	6 feet
Shrubs	3-gallon container	3 1/2 feet

D. Plant Locations. All plantings shall comply with the following:

1. *Public Right-of-Way.* A permit shall be obtained prior to planting any street tree or landscape material in the public right-of-way, this includes required streetscape plantings. In the event that the property line runs to the centerline of the street where there is no right-of-way, plantings shall observe a sight triangle as described below under *Edge of Curb*.
2. *Sight Triangle.* No landscaping may be planted in violation of the visibility triangle established in Section X, *Measurements*. Corner lots, and in situations where driveways and alleys intersect with street rights-

of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian.

3. *Edge of Curb.* In the event that the property line is the centerline of the road with no public right of way, a minimum planting setback equal to an applicable site triangle as described above shall apply.
4. *Easements.* Shade trees shall not be placed within any public utility easement or under utility lines. The presence of overhead power lines requires street yard trees to be ornamental trees as depicted in Figure ~,
5. *Ornamental Tree Substitution Under Power Lines.* Larger shade tree varieties are encouraged where overhead power lines are not present.
6. *Fire Safety.* Landscaping shall meet minimum clearances from all fire hydrants and building sprinkler systems as required by the most recent version of the North Carolina Fire Code.
7. *Spacing.* In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.



E. **Plant Substitutions.** The following substitution of tree planting requirements may be made:

1. One shade tree may be substituted in place of 10 required shrubs.
2. One ornamental tree may be substituted in place of five required shrubs.
3. One shade tree may be substituted in place of two required ornamental trees. Ornamental trees may not be substituted for required shade trees.
4. Three ornamental grasses may be substituted for one required shrub.

~ Tree Preservation

- A. **Tree Clearing Permit.** Pursuant to NCGS §160D, prior to the commencement of any vegetation clearing or removal on any undeveloped property, the owner (or authorized agent) of such property must obtain a Tree Clearing Permit from the Town of Black Mountain.
- B. **Canopy Coverage.**
1. *Tree Canopy Coverage Requirement.* All parcels, except for those provided for in exemptions under Purpose and Applicability, in the Town of Black Mountain shall maintain a minimum tree canopy coverage as shown in Figure ~-1, *Canopy Coverage*, below.
 2. *Priority Tree Protection Areas.* The minimum canopy coverage requirement may be met through the retention of existing vegetation, supplemental plantings, or a combination of both; however, every reasonable effort should be made to meet the baseline canopy coverage area through the retention of existing vegetation in the following priority areas of the site:
 - a. Required buffer yards between conflicting uses (as defined in this chapter);
 - b. Thoroughfare buffers and street yards;
 - c. Conservation easements;
 - d. Special Flood Hazard Areas;
 - e. Historic or Specimen Trees.

Table ~-1, Canopy Coverage	
District	Canopy Coverage Requirement
CR-1, SR-2	2 canopy trees per 5,000 sq ft of parcel area, or 1 canopy tree and 1 understory tree per 4,000 sq ft of parcel area
TR-4, UR-8, NMU-8, OI-6, CB	1 canopy tree per 10,000 sq ft of parcel area
HB-8, LI-8, HI-0	1 canopy tree per 10,000 sq ft of parcel area

- D. **Tree Preservation.**
1. *Credits For Tree Preservation.* Credit may be applied toward the baseline tree canopy requirements by the preservation of existing trees in Priority Tree Protection Areas as well as other additional tree preservation areas on site. Credit will only be applied to existing vegetation that is healthy and meets the requirements of this section. Tree credit rates for each tree preserved shall be determined by the following methods, schedules, and standards:
 - a. *Credit for Preservation of Wooded Areas.* In order to receive credit for wooded areas, the trees contained in these areas shall be a mixture of healthy and useful canopy and understory trees. The method for calculating tree credits in wooded areas is as follows: one tree per 700 square feet of protected area. Watercourse buffer areas and wetlands are not eligible for the tree credit and the respective amount of parcel area is exempt from the baseline tree coverage requirement.

b. Credit for Preservation of Historic or Specimen Trees.

Table ~-2, Credit for Preservation	
Existing DBH of Preserved Tree(s)	Number/Type (Canopy or Understory) of Tree Credits
8"+ (Understory)	2/Understory
20"-30"	3/Canopy
31"-41"	4/Canopy
42"+	5/Canopy
DBH shall be rounded off to the nearest inch. Trees must be of Specimen quality.	

c. All Other Trees. All other trees preserved will receive 1 tree credit with the exception of trees less than 2.5 inches DBH and trees with less than 10 years of remaining life, as determined by the Director.

d. Invasive, Dead and Unhealthy Trees.

- No credit will be allowed for any invasive exotic tree, dead tree, any tree in poor health, or any tree subject to grade alterations.
- The death or unhealthy state of any tree(s) used for preservation credit, within 3 years of establishing the Tree Save Area (TSA), detailed below, shall require the property owner to plant new trees equal to the number of credited trees.
- If any tree(s) used for preservation credit is improperly protected or determined to be hazardous, the Director may require new trees be planted equal to the number of credit trees.
- The Director may require trees left outside preservations areas to be removed if improperly protected or determined to be hazardous.

e. Land Dedication. Land that is dedicated to the town that is part of the property being developed may be used towards the tree preservation requirement, if the dedicated land contains trees that meet the requirements above.

E. **Tree Save Areas.** Trees survive the stress of construction best when they are left in stands or larger groupings. For that reason, it is encouraged that, wherever possible, the site should be designed and developed so that tree save areas (TSAs) are designated in a single, contiguous unit. In order to qualify for the purpose of meeting the requirements of this section, designated tree save areas must conform to the following standards:

2. *Prohibited Activities in Tree Save Areas.*

- Land Disturbance. There shall be no clearing, excavation, soil compaction or changes of the existing grade within the delineated tree save area or tree protection zones. Should the removal of underbrush vegetation take place, every effort should be made to minimize the disturbance.
- Storage of Equipment. The storage of construction or other vehicles and/or equipment, site construction materials, portable buildings, including portable toilets, or other heavy objects is prohibited within delineated tree save areas and tree protection zones.
- Encroachments. If during the course of construction, it does become necessary for activities to take place inside TSA or tree protection zones, then the Director shall be consulted, in advance of any activity. Such activities include but are not limited to the erection of scaffolding, vehicle movement, trenching or excavation. The Director shall review the most appropriate way to undertake such activities. If such an encroachment is anticipated, the following preventive measures shall be employed at a minimum:

- i. Where utilities must encroach upon a delineated tree save area or tree protection zone, they should be installed by tunneling, rather than by trenching. If it is necessary for roots to be disturbed, then proper root pruning procedures shall be employed.
 - ii. The removal of trees adjacent to tree saved areas can cause inadvertent damage to the protected trees. Wherever possible, it is strongly recommended to cut minimum one and one-half-foot trenches along the limits of land disturbance, so as to cut, rather than tear, roots.
 - iii. Where compaction might occur due to traffic or materials through the tree protection zone, the area must first be mulched with a minimum 6-inch layer of processed pine bark or coarse wood chips. Equipment or materials storage or disposal shall not be allowed within tree protection areas.
 - iv. Fences and walls may only be installed in tree save areas if:
 - (A) The root systems of existing trees shall be taken into consideration;
 - (B) Post holes and trenches close to trees shall be dug by hand and adjusted as necessary to avoid damage to major roots; and
 - (C) Continuous footers for masonry walls shall end at the point where major large roots are encountered and those roots are bridged.
3. *Minimum Dimensional Requirements.* The extent of the Critical Root Zone (CRZ) of the tree or trees at the outer edges of the tree save area shall constitute the limits of construction for the purposes of this sub-section. The CRZ is the circular area of ground surrounding a tree extending from the center of tree to the greater of
- a. 6 feet;
 - b. The dripline (furthest extent of tree canopy) of the tree, or
 - c. 1.5 feet per caliper inch DBH of the tree.
4. *Protective Fencing.* The CRZ shall be completely enclosed with a sturdy and visible fence that encircles the critical root zone of the trees or buffers to be preserved before grading begins according to the following:
- a. Where Required. Required fencing shall be installed around the CRZ. Fencing of areas adjacent to existing and proposed roadways is required if the preserved tree's critical root zone is within three feet of the public right-of-way. Fencing is required on all Town and Department of Transportation road projects that are adjacent to protected streetscapes or buffers. The applicant and Administrator shall consider existing site conditions in determining the exact location of any tree protection fencing.
 - b. Type of Fence. All fencing required by this Section shall be four feet orange polyethylene laminar fencing, or equivalent, a minimum four feet high and of durable construction. Passive forms of tree protection may be utilized to delineate tree save areas that are remote from areas of land disturbance at the discretion of the Director.
 - c. Signs. Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area (minimum one on each side and/or every 300 linear feet). The size of each sign shall be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION AREA, KEEP OUT."
 - d. Designation of Plan and Plats. The tree protection fencing shall be clearly shown on the site and/or subdivision plan. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area. Fencing shall be maintained until the final site inspection prior to the Certificate of Occupancy is scheduled (including any required perimeter buffer for single-family

home construction). The fencing shall be removed after the final site inspection for the Certificate of Occupancy.

5. *Minimum Content Requirements.* The TSA should contain, as determined by an informal site assessment, predominantly canopy tree species which are at least 2 inches in diameter at breast height (DBH) and a minimum of 10 feet in height.
6. *Maintenance and Ownership.* When a TSA is established in association with the incentives as listed in this section, it should be designated, where possible, as a dedicated open space, or in a conservation easement.
7. *Tree Removal Inside Tree Save Areas.* Trees that are in poor health or invasive, exotic species, as determined by the Director, may be removed from tree save areas. All tree removal within TSA must have prior approval by the Director pursuant to the provisions of this section. However, in an emergency situation due to storm damage, or to alleviate an imminent hazard to the health, safety and welfare of the citizens, or to repair property damage, prior approval for tree removal in previously approved designated tree save areas is not required.
8. *Flexibility in Other Requirements.* Flexibility in other design requirements will be considered on a case-by-case basis to accommodate the establishment of a TSA.
9. *Tree Save Area Incentives.* The following incentives are offered to encourage tree preservation in tree save areas.

Table ~-3, Tree Save Area Incentives	
Single-Family Residential or Two-Family Residential	
Establishment of TSA	Reduction of minimum lot area equal to area of TSA (up to 20% maximum reduction)
Establishment of TSA along a street	Reduction by up to 50% of required street tree plantings at the rate of one less street tree for every 200 square feet of TSA established
Establishment of a tree save area in or along a required bufferyard	Reduction by up to 50% of required bufferyard plantings at the rate of 5% less plantings for every 200 square feet of TSA established
All Other (Multifamily and Non-Residential)	
Establishment of a tree save area	Reduction by up to 20% of minimum parking requirement at the rate of one less parking space for each 200 square feet of TSA established
Establishment of a tree save area adjacent to a parking lot	Reduction by up to 50% of required parking lot plantings at the rate of one tree for each 200 square feet of TSA established

- F. **Historic or Specimen Trees.** It is the intent of this section to promote the preservation of trees which are of a significant enough size and/or of such a historic nature as to be an asset to the community as a whole.
2. *Exemptions.* Non-residential lots that are less than two acres in size are exempt from the requirements set forth under this Section in relation to historic or specimen trees.
 3. *Specimen Trees.* Where there exists one or more Specimen Trees on property subject to the regulations of this section, every effort shall be made to preserve and protect that tree or trees, according to the protection standards as outlined in this section. For the purposes of this section, Specimen Trees shall be defined as those trees which meet one or more of the following:

- a. Any tree in fair or better condition which equals or exceeds the following diameter sizes or which otherwise is noteworthy because of species, age, size, or other exceptional quality, uniqueness and rarity:

Table ~-4, Specimen Trees	
Tree Type	Tree Diameter Size
Canopy	20 inch DBH
Understory	8 inch DBH (Reference ANSI Z60.1-2004 for multi-stem trees)

- b. A tree in fair or better condition must meet the following minimum standards:
 - i. A life expectancy of greater than 10 years;
 - ii. A relatively sound and solid trunk with no extensive decay or hollowness, and less than 20% radial trunk dieback;
 - iii. No more than one major and several minor dead limbs;
 - iv. No major insect or pathological problem.
 4. *Historic Trees.* Where there exists one or more designated Historic Trees on property subject to the regulations of this section, every effort shall be made to preserve and protect that tree or trees, according to the methods outlined in this section. For the purposes of this section, Historic Trees shall be defined as those trees which meet one or more of the following:
 - a. Designation: Upon petition by the owner of the property on which the tree(s) is located, and the recommendation of the Director, the Town of Black Mountain may designate a specific tree or group of trees as either a Landmark, Historic, or both. In order to be designated as such, the following criteria must be demonstrated by the owner:
 - i. Landmark Trees.
 - (A) Using the measurement and point system established for state and national champion trees, a nominated tree must have a point total of at least 50% of the current state champion for the particular species; or be a highly visible or recognizable tree or group of trees which has significance for the entire community; and,
 - (B) Must exhibit such health, condition, and form as to have a reasonable prospect of continuing useful life.
 - ii. Historic Trees.
 - (A) Must be at least 50 years old and exhibit such health, condition, and form as to have a reasonable prospect of continuing useful life; and,
 - (B) Must be associated with a specific and significant historic event or individual; or contribute to the character of a historic building or property.
 5. *Replacement of Specimen Trees.*
 - a. When a specimen tree is removed from a site during construction, or dies within 2 years following construction, the applicant or developer shall replace such tree on the lot with an amount of trees and/or landscaping of equal value. Valuation of the tree removed or lost shall be determined by the Director in consultation with a person qualified by training or experience to have expert knowledge of the subject. Valuation of trees and vegetation shall be established in accordance with standards established by the Council of Tree and Landscape Appraisers (CTLA).

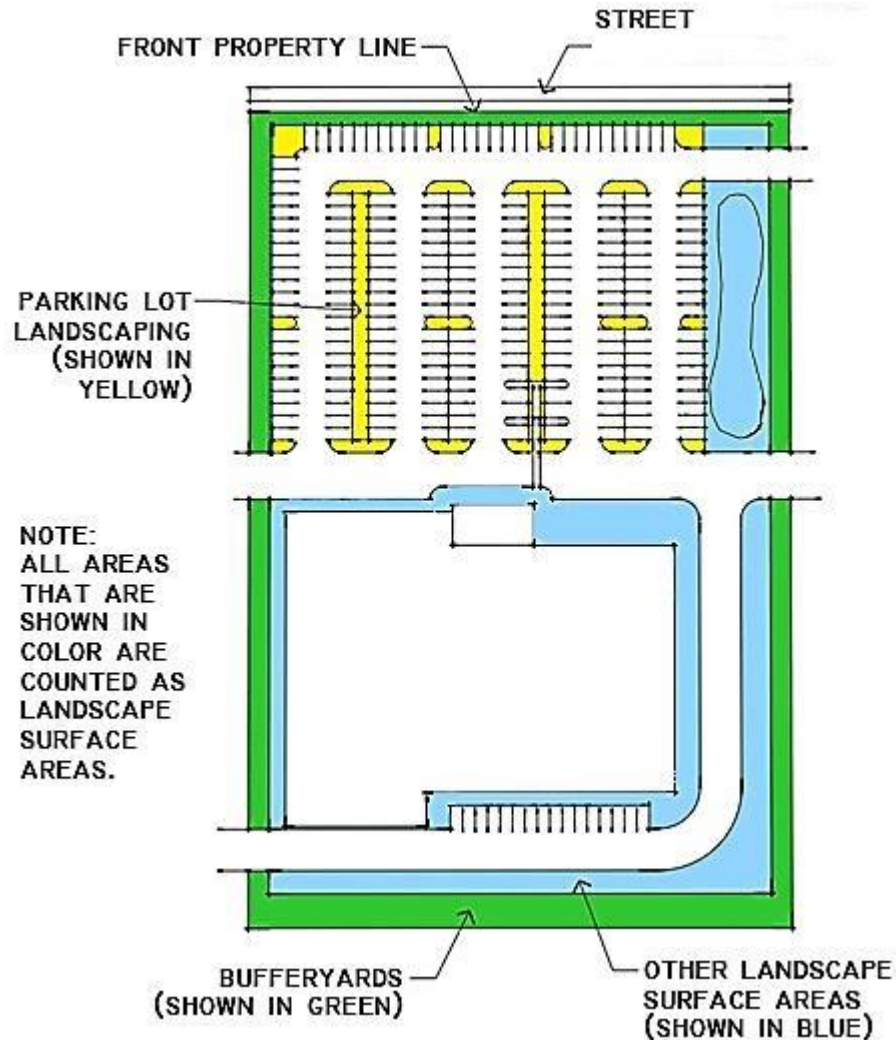
- b. If replacement is not feasible or desired, as determined by the Director, a monetary sum equal to the value of the lost or removed specimen tree(s) may be paid to a tree planting fund maintained by the Town of Black Mountain for the purposes of planting and maintaining trees throughout the jurisdiction of the town
- 6. *Waivers for Emergencies.* During emergencies, such as windstorms, ice storms, fire, or other disasters, the Director may waive the requirements of this Section in order to avoid hampering private or public work to restore order in the Town. This Section shall not be used, however, to otherwise circumvent the requirements of this Section.
- 7. *Removal of Specimen Trees.* The Director shall review a request to remove a specimen tree and may approve removal if the tree is adversely impacted by one of the following and no practical alternative location exists:
 - a. Required road connections,
 - b. Required sanitary sewer or storm drain lines,
 - c. Public infrastructure improvements made by others,
 - d. Danger to planned structures,
 - e. Required stormwater treatment devices located in geographically and topographically appropriate areas, or
 - f. Town design standards that limit the location of buildings and/or other features such as parking and requirements for the building to front on streets.
- 8. *Alternatives for Replacement of Specimen Trees.*
 - a. A development may meet the total inches required for mitigation by planting larger shade trees for the required buffers and/or landscaping. Any shade tree that is planted larger than the required minimum size may use the excess inches to count towards the Tree replacement requirements. This standard is only applicable for non-residential and mixed use developments.
 - b. If the developer chooses to protect trees that could otherwise be removed, the inches protected may count towards the mitigation requirements for the removal of Specimen Trees. These areas that are to be protected are called "Tree Save Areas" and shall be protected as outlined above.
- G. **General Tree Replacement Standards.** Any tree or vegetation required as part of the development requirements of this ordinance that is damaged, removed, or excessively pruned shall be replaced according to the following standards:
 - 2. *Square Inch for Square Inch Replacement.* Where the cross-sectional (basal area can be documented, an equal amount of new vegetation ("square inch for square inch") shall be used to quantify the required replacement vegetation. All replacement trees shall have a DBH of at least 2 inches each and a cumulative cross-sectional (basal) area equal to or greater than that of the original tree(s).
 - 3. *Area Replacement.* For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required shall be the type and amount that is necessary to provide the type of landscaped area required under this section and/or as required by the approved landscape plan.
 - 4. *Location of Replacement Vegetation.* Replacement vegetation should be located within the vicinity of the violation. If replacement is not practical within the vicinity, a more suitable location on the site may be selected. If no suitable location can be found, a monetary payment may be required. This monetary payment will be based on the current market price for any replacement tree(s) and/or shrubs. This payment shall be used to fund plantings on public properties.

5. *Establishment Period.* Replacement trees shall be maintained through an establishment period of at least 2 years. The applicant may be required to post a performance guarantee acceptable to the town guaranteeing the survival and health of all replacement trees during the establishment period and guaranteeing any associated replacement costs. If the replacement trees do not satisfactorily survive the establishment period in the judgment of the Administrator, the performance guarantee will be used to purchase and install new replacement trees.

~ Site and Parking Lot Landscaping

- A. **Generally.** As described in the *Purpose and Applicability*, site and parking lot landscaping is required for all uses other than individual infill single-family detached residential uses and duplexes.
- B. **Planting Location.** The planting areas described in this section are shown below in Figure ~-1, *Site Landscaping Areas*. As shown, plantings are not required in areas that are designed for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with a service window, but shall be installed adjacent to the building foundation and between the parking and vehicular use areas and the property line under all other conditions.

Figure ~-1, Site Landscaping Areas



- C. **Protection of Planting Areas.** Planting areas shall be protected by wheel stops and six inch curbs. Curbs may be punctuated to allow for storm water flows into biological treatment areas, as applicable, pursuant to an approved drainage plan, provided that the punctuations do not interfere with their protective function.
- D. **Site Landscaping.** The required planting area shall be planted as follows:
1. *Front and Street Side.* One canopy tree shall be planted within the front and street side planting areas for each 30 linear feet measured parallel to the building, or portion thereof. A continuous row of shrubs shall be planted at intervals of not more than five feet between the primary shrub trunk or from the center of the root ball, as applicable, or the shrubs may be designed in groupings, if an equal or a greater number of plants are used. All remaining ground surface areas shall be in groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings. As approved by the Director, wet ponds with fountains, vegetated rain gardens, naturalized wetlands, and/or other gardens may be used in lieu

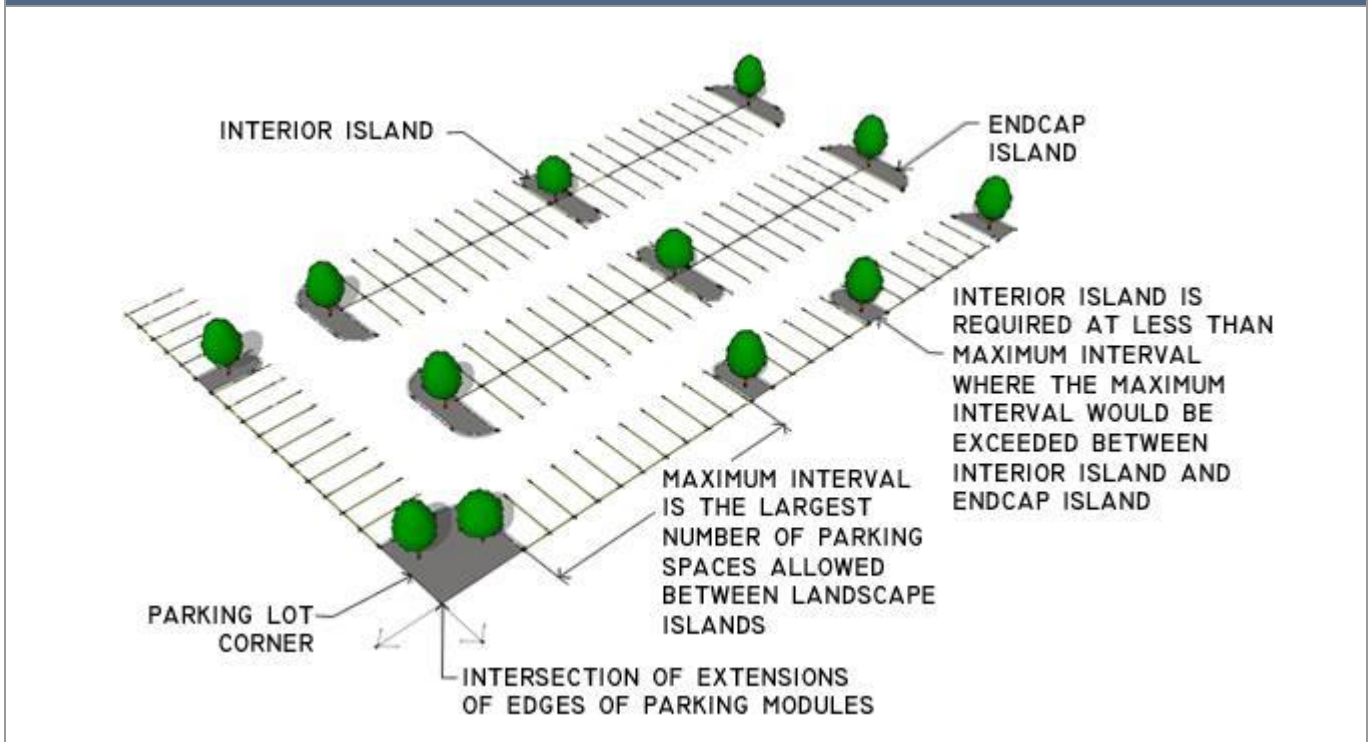
of or together with the required shrubbery and groundcover. Sculptures, monuments, and other public art installations are encouraged.

2. *Side.* Trees shall be planted with a maximum spacing of eight feet between the primary tree trunk or from the center of the root ball, as applicable, which may also be designed in groupings if an equal or a greater number of trees are used. Shrubs shall be planted as set out in above. Ornamental grasses may be used to meet up to 25 percent of the shrubbery requirement. All remaining ground surface areas shall be in groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.
3. *Rear.* A rear planting area that is adjacent to a drive-through lane or a parking lot with a parking lane width of 40 feet or more shall meet the requirements of a side. All other rear planting and ground surface areas shall be in groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.

E. Parking Lot Landscaping.

1. *Generally.* Parking lot landscaping is required within and around parking lots that contain more than five parking spaces, excluding those for single- and two-family dwellings.
2. *Parking Lot Landscape Areas.* As illustrated below, landscaping is required in all of the following areas:
 - a. At the ends of parking aisles, planted in islands that are not less than nine feet wide and 36 feet long, with 10 foot curb radii on the side that faces outward from the parking aisle.
 - b. In the middle of parking rows at intervals required below, planted in interior islands that are not less than nine feet wide and 36 feet long, with five foot curb radii at both ends.
 - c. At the corners of parking lots, planted in corner islands, which is the area defined by the extension of the edges of intersecting parking modules.

Figure ~-2, Parking Lot Landscape Areas



3. *Planting Requirements.* Parking lot landscape islands shall be provided at an interval of one island for each 15 parking spaces, or fraction thereof, planted as follows
 - a. Each interior and endcap island shall be planted with a minimum of:
 1. One canopy tree or two non-canopy trees; and
 2. Groundcover, which may be sod, ornamental grasses, or perennial or seasonal plantings, or shrubs planted at intervals of not more than five feet between the primary shrub trunk or from the center of the root ball, as applicable, with the remaining area in groundcover.
 - b. Each parking lot corner shall be planted with two canopy trees or five non-canopy trees.

~ Bufferyard Landscaping

- A. **Purpose.** The purpose of a bufferyard is to provide a transitional buffer between zoning districts and/or uses that may differ in development intensity and density, provide a minimum buffer between uses of similar intensity and density and provide land space buffer between back-to-back lots within a subdivision. These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses.
- B. **Exemptions.** Certain uses are exempt from the buffer requirements as described in this Section. Exemptions include, but are not limited to the following:
 1. *Common Ownership.* Lot or parcels, under common ownership, on which the uses or buildings demonstrate compatible design elements and are linked to adjacent lots or buildings by a common system of sidewalks or other pedestrian walkways across property lines;
 2. *Separation by ROW.*
 - a. Lots or parcels separated by a public street right-of-way greater than 30 feet in width;

b. Lots or parcels separated by a railroad right-of-way.

- C. **Bufferyard Zoning/Land Use Classes.** There shall be five different classes of zoning districts and land uses for purposes of determining the bufferyard type required. Land use classes shall be based upon the specific land use or use category to be developed or the existing zoning district in the following groupings of zoning districts, land uses, and use categories.

Class 1

Conservation residential district (CR-1)

Suburban residential district (SR-2)

Single- and Two- Family Residential uses outside of these districts

Class 2

Town residential district (TR-4)

Urban Residential (UR-8)

Neighborhood mixed use district (NMU-8)

Group Living use category and Multifamily Residential uses outside of these districts

Class 3

Office and institutional district (OI-6)

Office use category and Institutional, and Civic uses outside of these districts

Class 4

Highway business district (HB-8)

Central business district (CB)

Retail Repair, Sales, and Service uses and Wholesale Trade use categories outside of these districts

Class 5

Light industrial district (LI-8)

Heavy industrial district (HI-0)

Light Industrial and Heavy Industrial use categories outside of these districts

Passenger Terminal, Warehousing and Storage, Waste Related Use, and Utilities use categories

- D. **Bufferyard Types and Standards.**

1. *Generally.* Table ~-1, *Bufferyard Standards by Type*, outlines each of the four bufferyard types, including the required plantings and dimensions. Minimum dimensions shall apply, and be measured, horizontally.
2. *Measuring Width.* The width of the bufferyard and the density of plantings increase as the difference in the nature and intensity of development in adjacent land uses increases. Widths shall be measured from the property line, except where bufferyards are permitted to straddle property lines, as set forth in this Section.
3. *Measuring Length.* Where bufferyards turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

Table ~-1
Bufferyard Standards by Type

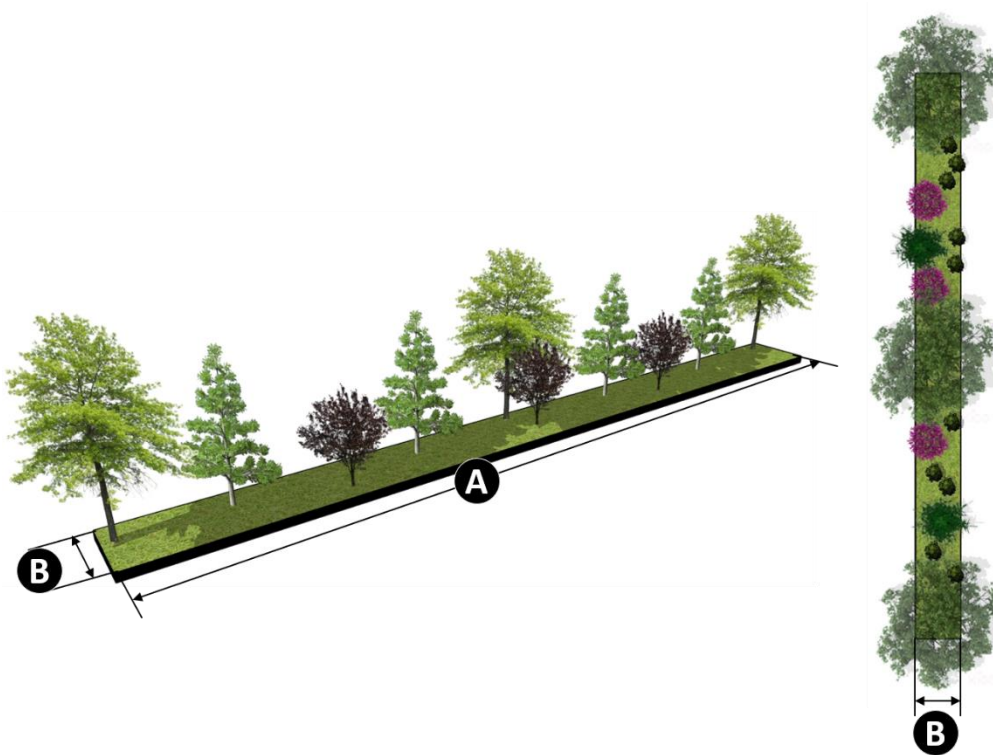
Buffer Yard Type	Minimum Width	Min. Required Shade Trees (per 100 linear feet)	Min. Required Ornamental Trees (per 100 linear feet)	Trees Required to be Evergreen (per 100 linear feet)*	Min. Required Evergreen Shrubs (per 100 linear ft.)
A	8'	3	5	2	10
B	15'	5	10	4	20
C	20' or 15' w/ 6' high berm, fence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

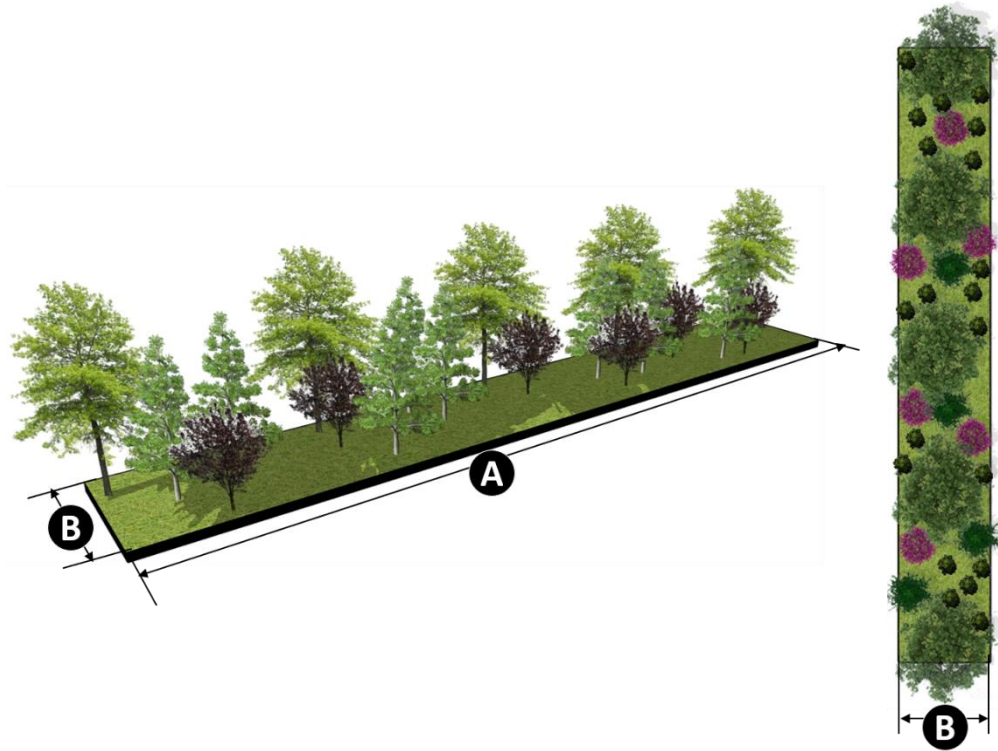
Figure ~-1
Bufferyard Type Illustrations

Bufferyard Type A



A = 100 feet; B = 8 feet

Figure ~-1
Bufferyard Type Illustrations
Bufferyard Type B

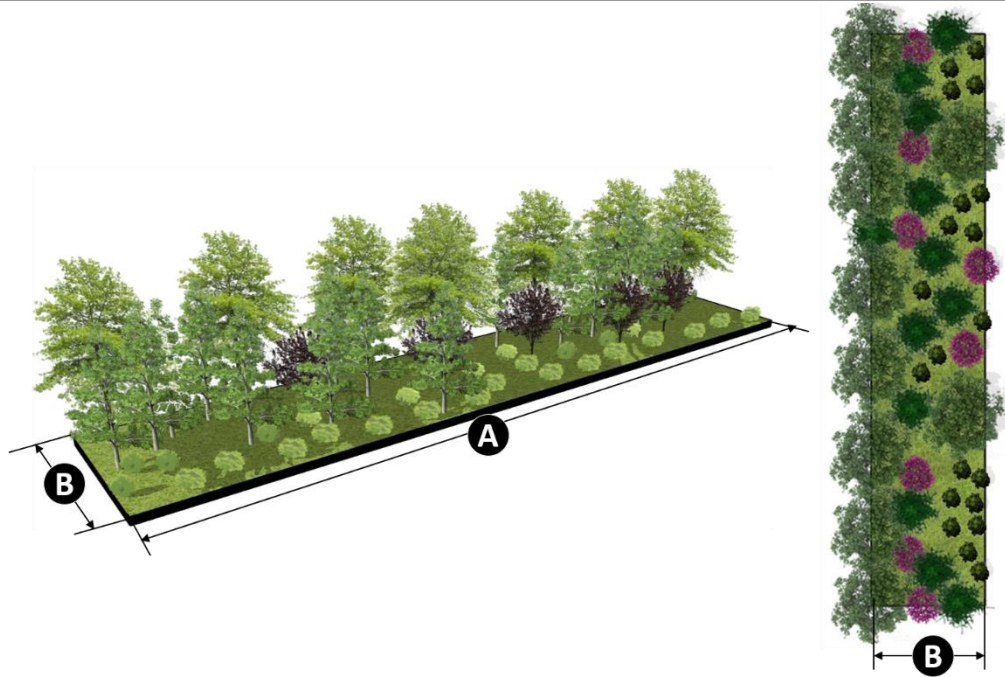


A = 100 feet; B = 15 feet

Figure ~-1
Bufferyard Type Illustrations

Bufferyard Type C

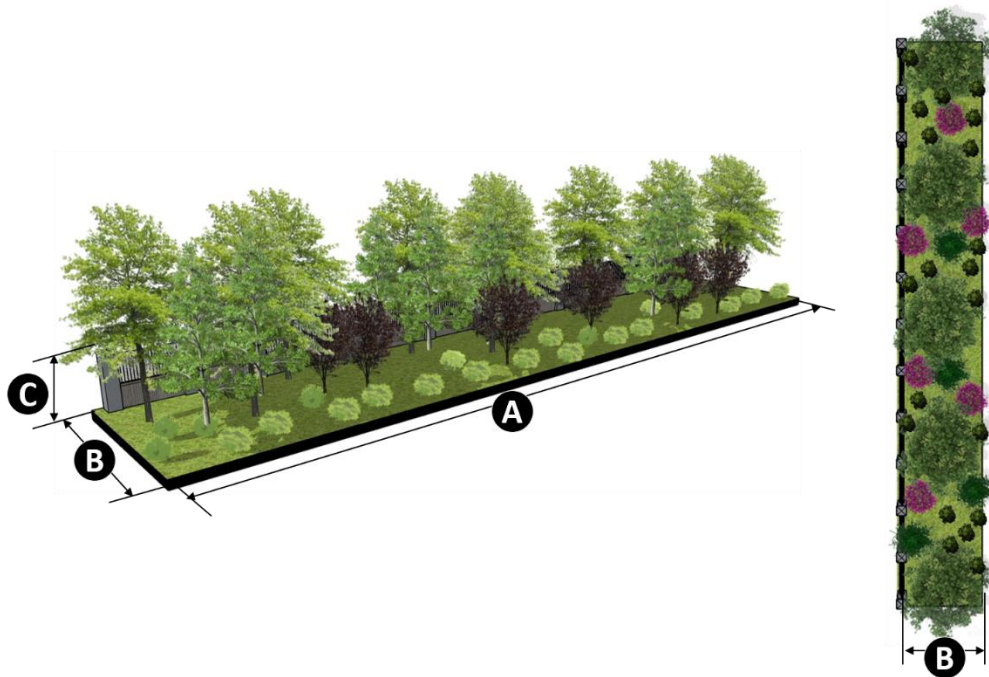
Without Fence or Wall



A = 100 feet; B = 20 feet

With Fence or Wall

Figure ~-1
Bufferyard Type Illustrations



A = 100 feet; B = 15 feet; C = 6 feet

Bufferyard Type D

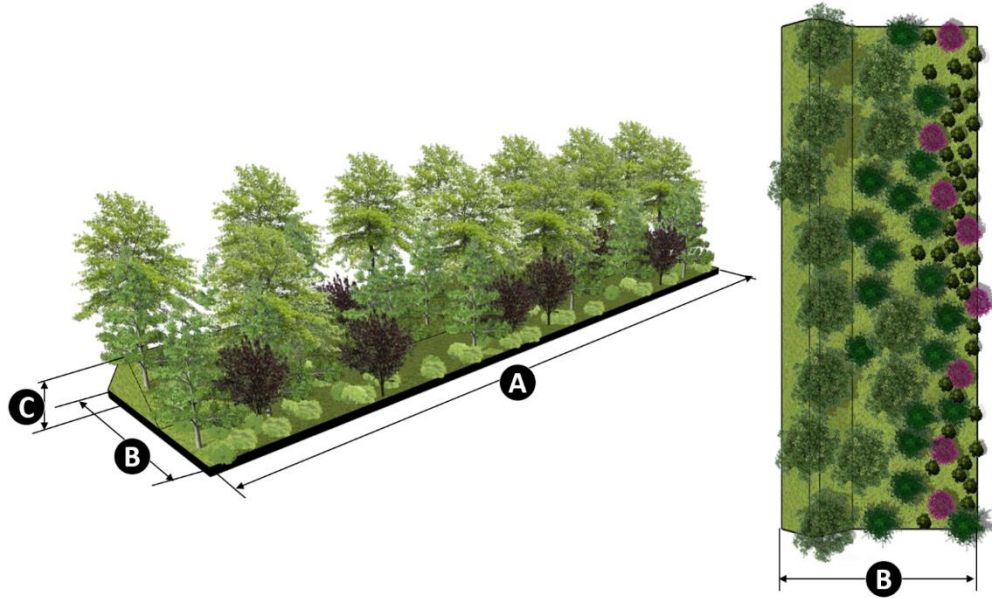
Without Berm



A = 100 feet; B = 50 feet

Figure ~-1
Bufferyard Type Illustrations

With Berm



A = 100 feet; B = 25 feet; C = 6 feet

E. **Required Bufferyard for Development.**

1. *Development in All Other Districts.* Table ~-2, *Required Bufferyard for Development in All Other Districts*, identifies the bufferyard type required for proposed development in all districts, except the CB district.
2. *Development in CB District.* Table ~-3, *Required Bufferyard for Development in CB District*, identifies the bufferyard type required for proposed development in CB, Central Business District.

F. **Interpretation of the Table.** The rows indicate the Bufferyard Class, as outlined above, of the proposed development and the columns indicate the Bufferyard Class of existing adjacent development. N/A indicates no bufferyard is required.

Table ~-2
Required Bufferyard for Development in All Other Districts

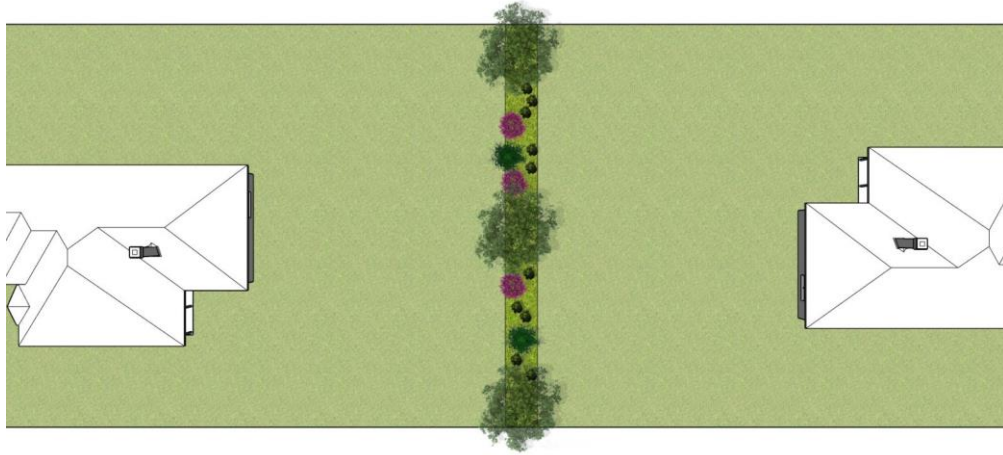
Bufferyard Class of Proposed Development	Bufferyard Class of Adjacent Existing Development				
	Class 1	Class 2	Class 3	Class 4	Class 5
Class 1	A	N/A	N/A (B ²)	N/A (C ²)	N/A (D ²)
Class 2	A	A	B	C	D
Class 3	B ¹	B ¹	A	A	C
Class 4	C ¹	C ¹	B ¹	A	B
Class 5	D ¹	D ¹	C ¹	B ¹	B

Table ~-2 <i>Required Bufferyard for Development in All Other Districts</i>					
Bufferyard Class of Proposed Development	Bufferyard Class of Adjacent Existing Development				
	Class 1	Class 2	Class 3	Class 4	Class 5
TABLE NOTES: ¹ Complete visual separation is required through the use of densely planted landscaping that would provide complete visual separation within three years of planting. See below for definition of "Visual Separation". ² New single-family subdivisions shall provide the required buffer yard, if they abut existing non-residential developments which were constructed before the adoption of this UDO and lack the required buffer yard. If an adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivision. ³ All approved development projects consisting of a primary structure/user and outparcels shall maintain that the primary user shall provide the buffer yards for all external boundaries. All outparcels shall be required to maintain a buffer yard between it and the primary user. The primary user is not responsible for an additional buffer yard between it and outparcels.					

Table ~-3 <i>Required Bufferyard for Development in CB District</i>					
Bufferyard Class of Proposed Development	Bufferyard Class of Adjacent Existing Development				
	Class 1	Class 2	Class 3	Class 4	Class 5
Class 1	N/A	N/A	N/A (A ²)	N/A (B ²)	N/A (C ²)
Class 2	A	N/A	B	B	C
Class 3	A ¹	A ¹	N/A	A	B
Class 4	B ¹	B ¹	A ¹	N/A	A
Class 5	C ¹	C ¹	B ¹	A ¹	N/A
TABLE NOTES: Refer to table notes in <i>Required Bufferyard for Development in All Other Districts</i>.					

- G. **Back to Back Residential Lots.** Residential Subdivisions with back to back lots that share a common property line shall have a planted landscape buffer easement a minimum of eight feet in width, equally divided on each lot, as depicted in Figure ~, *Rear Landscape Easement Illustration*. Such buffer easement shall be deeded and recorded.

Figure ~-2
Rear Landscape Easement Illustration



- H. **Subdivision Entries.** Subdivision entries in all districts shall have a divided entry with a landscaped median. The median shall be planted with the planting material required for a Type A buffer. If topography is determined to be a barrier to meeting this requirement, the Planning Board shall be authorized to approve an alternative method of compliance or grant a waiver from this requirement.
- I. **Prohibited Uses and Structures.** The following are prohibited within bufferyards:
1. *Buildings and Equipment.* The construction of any structure or the placement of any mechanical equipment within the landscape buffer yard except for equipment necessary for the provision of utilities;
 2. *Signs.* Signs, other than subdivision entrance signs;
 3. *Recreational Uses.* Active recreational uses, such as playfields, swimming pools, racquetball and tennis courts, or other active, structured recreational uses; and
 4. *Vehicle Use Area.* Vehicle use areas, off-street parking areas, or circulation drives.
- J. **Permitted Uses.** The following other uses may be permitted in a bufferyard provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the bufferyard is maintained, and all other requirements of this Section are met:
1. Passive recreation;
 2. Sculpture, outdoor furniture, picnic areas; pedestrian, bike or equestrian trails; golf courses,
 3. Stormwater retention basins;
 4. Parks and open space.
- K. **Reduction in Required Bufferyard.** Where a dedicated bufferyard exists on an abutting property, the Director may eliminate the buffer yard requirement for the property to be developed.
- L. **Existing Vegetation.** Existing healthy vegetation may be counted toward required landscaping. In order to do so, the landscape plan shall indicate the type, number and size of existing plants that are sufficient to comply with the respective bufferyard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this UDO shall be required to be listed.
- M. **Application Toward Setback Requirement.** Bufferyard areas shall be counted towards required building setbacks.

- N. **Designation of Bufferyard on Applications and Plats.** Bufferyards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.
- O. **Bufferyard on Property Line.** When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.
- P. **Visual Separation.** Where complete visual separation is required, it shall be accomplished through the use of landscaping which provides year-round opaque screening. In addition, to provide complete visual separation within three years of planting, when and if needed, landscaping may be combined with earthen berms or masonry walls to accomplish the required visual separation.
- Q. **Maintenance of Buffer.** It is the intent of the Town that all buffers will be maintained in their natural state and will not be excessively pruned or trimmed except as necessary to maintain compliance with all other Town regulations, such as those prohibiting obstruction of roadway sight distances or obstruction to the free use of public sidewalks or streets. Infectious, invasive, exotic, dead, and damaged trees shall be removed if no damage is done to other vegetation.

~ Alternative Compliance

- A. **Generally.** Under the criteria listed below, the Board of Adjustment, as appropriate, may review and approve an alternative compliance plan upon determining that such plan meets the following criteria.
- B. **Purpose.** The alternative compliance plan meets the purpose of this Section; and
- C. **Conditions.** Site conditions inhibit creative site design or pose prohibitive constraints to appropriate development as a result of strict compliance with the requirements set forth in this Section in a minimum of one of the following manners:
 - 1. *Shape and Size.* The subject property is peculiarly-shaped, through no action of the owner or previous owner, or contains extensive undeveloped area;
 - 2. *Limitations.* The subject property has space limitations as a result of the locations of existing structures, paved areas, surrounding existing development, and other built feature; and
 - 3. *Features.* The subject property contains unique natural features such as soil characteristics, topography, geological characteristics, water features, and significant existing vegetation.
- D. **Financial Hardship.** Financial hardship is not justification for alternative compliance.

~ Installation and Maintenance

- A. **Generally.** All developments and projects shall provide for the care and maintenance of landscaping and trees within the landscape plan.
- B. **Maintenance Responsibility.** The owner of the lot or parcel or the manager or agent (which may be a mandatory property owners' association if such is provided in the association's governing documents), shall be responsible for the maintenance of all landscape areas and their plant materials, including abutting landscaped portions of public rights-of-way.
- C. **Irrigation.** If landscaped areas are irrigated, they shall meet the following requirements:
 - 1. *Irrigation systems.* They shall be designed to avoid sprinkling and unnecessary runoff onto paved areas, including parking, loading, and street pavement areas. Prevailing winds shall be considered in the design of the irrigation systems.
 - 2. *Water Meter and SDF.* Irrigation systems require a separate water meter and may require a separate System Development Fee.

3. *Constrained Areas.* Irrigation of constrained areas such as street rights-of-way, parkways, and medians shall be by drip irrigation or other systems.
- D. **Maintenance Standards.** All landscaped areas shall be kept free from refuse and debris. Maintenance and care of landscaping on mixed-use and nonresidential properties shall be according to the most current [ANSI A300 Standards for Tree Care Operations](#). In other areas, maintenance and care shall meet the following standards:
1. *Abutting rights-of-way.* Landscape areas, including abutting landscaped portions of public rights-of-way, shall be pruned as needed to present a healthy, neat, and orderly appearance at all times.
 2. *Dead Plants.* Maintenance shall include the removal and replacement of dead, dying, or diseased plant material.
 3. *Trees over a street.* Trees extending over a street shall be kept pruned so as to not interfere with street traffic.
 4. *Utility Easements.* Nothing in this Section shall require any application or permit from any public utility provider prior to removing a tree whenever it has determined the tree poses a hazard, or interferes with restoration or continuation of utility services.
- E. **Landscape Installation and Maintenance Plan.** A landscape installation and maintenance plan shall identify the proposed plant installation methods and both short and long-term landscape maintenance programs for all landscaped areas except landscaping of private lots (unless a property owners' association is to maintain the landscaping on private lots). The following is required to be addressed on the maintenance plan:
1. *Open Space Landscaping (including common parking lots, if present).* The maintenance responsibility shall be set out in the landscape plan that is required by this Section.
 2. *Landscape Surface Area Landscaping (including parking lots).* The maintenance responsibility shall be set out in the landscape plan that is required by this Section.
 3. *Single-Family and Two-Family Lot Landscaping.* Landscaping of residential lots as part of a development shall be the responsibility of the lot owner, unless a declaration of covenants, conditions, and restrictions assigns the responsibility to a property owners' association. The maintenance responsibility, if an HOA, shall be noted in the landscape plan that is required by this Section. There shall not be specific requirements for individual lots to maintain specific ornamental landscaping by the Town of Black Mountain.
 4. *Street Trees (as applicable).* The maintenance responsibility shall be set out in the landscape plan that is required by this Section.
- F. **Approval and Timing of Approval.** Plans meeting the standards of this UDO shall be approved. However, in reviewing the plans, adjustments in the location of plants may be required where the Town finds such alterations would better serve the purposes for which they are intended. Landscape plans containing street trees and open spaces shall be submitted for approval at the preliminary plat application stage. Landscape plans containing site features, bufferyards, and required landscaping shall be submitted for approval at the building permit stage.



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711
Phone (828) 419-9300 Fax (828) 669-4204
TDD 800-735-2962
www.townofblackmountain.org



The Town of Black Mountain Town Council have adopted this application for use by individuals interested in appointment to the Town's advisory boards and commissions. To ensure that your application will receive full consideration, please answer all questions **completely**. Incomplete applications will **NOT** be considered.

Return this application either in person, by mail/fax/email to: Town Clerk, Town of Black Mountain, 160 Midland Ave., Black Mountain, NC 28711. townclerk@townofblackmountain.org Fax (828)669-4204

APPLICANT INFORMATION

NAME: Christopher Collins DATE: 06.06.2022

PREFERRED NAME: Chris

HOME ADDRESS: 524 Rhododendron Avenue

MAILING ADDRESS (if different):

CITY, STATE and Zip: Black Mountain, NC. 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No ☐

EMAIL ADDRESS (this is mainly how we will communicate with you): christopher.r.collins@gmail.com

PHONE NUMBER(S): MAIN 404.242.1130 EMERGENCY 404.242.1130

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Board Are you seeking re-appointment? Yes ☒ No ☐

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separatesheet.

As an AICP certified Urban Planner currently employed as the Planning & Development Manager for the City of Asheville, I wish to use my specialized knowledge and skills to help guide the policy and built environment of the town that I've watched my three children grow up in. Black Mountain is a special place. Having grown up in suburban Atlanta where I witnessed many small towns lose and then try to regain their "specialness" and identity I would like to work to keep that from happening here.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

BA, Business Administration, Warren Wilson College

MUP, Master of Urban Planning, University of Louisville

Certified Planner (AICP), American Institute of Certified Planners

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

Planning & Development Manager, City of Asheville

Deputy Director of Planning, City of Duluth, GA

Planner I, Louisville Metro Government, Louisville, KY

Owner & Principal Planner, CRC Planning, Black Mountain, NC

Current Chair of the Black Mountain Planning Board

Member in Good Standing, American Planning Association

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.



Applicant's Signature

June 6, 2022

Date

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www.townofblackmountain.org



Town of Black Mountain

160 Midland Avenue, Black Mountain, NC 28711

Phone (828) 419-9300 Fax (828) 669-4204

TDD 800-735-2962

www.townofblackmountain.org



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APPLICANT INFORMATION

NAME: Alice Berry DATE: 6/1/2022

PREFERRED NAME: Alice

HOME ADDRESS: 103 Altamahaw Ave, Black Mtn, NC 28711

MAILING ADDRESS (if different): - Same -

CITY, STATE and Zip: - see above -

Do you live inside the town limits of Black Mountain? Yes ☒ No ☐

EMAIL ADDRESS (this is mainly how we will communicate with you): berry.schenck@gmail.com

PHONE NUMBER(S): MAIN (404) 783-2606 EMERGENCY

ADVISORY BOARD/COMMISSION PREFERENCE

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Board or Commission: Planning Board Are you seeking re-appointment? Yes ☐ No ☒

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

See attached

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

Licensed Clinical Mental Health Counselor - Associate - NC Board of LCHC

National Certified Counselor

Music Therapist, Board Certified

Master of Arts in Clinical Mental Health Counseling - Appalachian State University

Master of Music Therapy - Appalachian State University

Bachelor of Music - St. Olaf College

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

See attached

CERTIFICATE OF APPLICANT

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I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Anna Beley

Applicant's Signature

6/6/22

Date

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APPLICANT INFORMATION

NAME: Shawn Slome DATE: 5/22/2022

PREFERRED NAME: same

HOME ADDRESS: 115 3rd st

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes _____ No _____

EMAIL ADDRESS (*this is mainly how we will communicate with you*): shawn.slome@gmail.com

PHONE NUMBER(S): MAIN 919-491-1217 EMERGENCY 919-815-6445

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Board Are you seeking re-appointment? Yes ☒ No ☐

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

I stay informed regarding the functions of the Town. I care about the town and want to help make improvements. I have business managerial experience and I am open to sharing my perspective with the relevant departments or individuals. I attend or view the Town Council meetings. I have experience in real estate brokerage and investing. I have a lot to give. I'm afraid to speak truth to power.

My wife has a Physical Therapy business in town. My daughter has three retail businesses in town

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

BA Biology, UNC Chapel Hill. Former Licensed Real Estate Broker. Mediation and facilitation training

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

Small business mentor with SCORE Asheville. I serve on the Community Garden Advisory Board.
I volunteer at Bounty and Soul. I Volunteer at the Children's Home Thrift Shop. I volunteer with the Food Connection. Neighborhood Bear Wise program. Volunteer with the Chamber of Commerce on occasion.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Shawn Slome
Applicant's Signature

5/22/2022
Date

Thank you for your interest in appointment to the Town of Black Mountain's Boards and Commissions. Individuals selected for appointment by the Town Council will assume their position on the date of Town Council approval and after they are sworn in. The Town Clerk will contact you to make arrangements for swearing in. All Town of Black Mountain Advisory Boards and Commissions must operate by the ethics, policies and laws set forth in the Boards & Commissions Handbook.

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APPLICANT INFORMATION

NAME: Shannon-Heather Wall DATE: 6/6/22

PREFERRED NAME: Shannon-Heather

HOME ADDRESS: 118 Forest Hills Drive, Black Mountain, NC 28711

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: _____

Do you live inside the town limits of Black Mountain? Yes Yes No _____

EMAIL ADDRESS (this is mainly how we will communicate with you): shannonheatherwall@gmail.com

PHONE NUMBER(S): MAIN (828) 712-0060 EMERGENCY (828) 273-0952

ADVISORY BOARD/COMMISSION PREFERENCE

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Board or Commission: Planning Are you seeking re-appointment? Yes _____ No _____

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

I'm Here to help.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

— Bachelor of Arts from the University of North Carolina, Greensboro

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

— I've been on the board for the Greensboro Jaycees, the Junior League of Asheville, and the Fun
— Fourth Festival in Greensboro. I was also on the Historic Commission of Black Mountain.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

Shannon-Heather O'Brien Wall

Applicant's Signature

Date

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APPLICANT INFORMATION

NAME: Charlotte McRanie DATE: 6/5/22

PREFERRED NAME: Charlotte

HOME ADDRESS: 251 Valley Ridge Lane

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain NC 28711

Do you live inside the town limits of Black Mountain? Yes ☒ No _____

EMAIL ADDRESS (*this is mainly how we will communicate with you*): camcranie@gmail.com

PHONE NUMBER(S): MAIN 404-561-0131 EMERGENCY Barbara Bell 828-216-6952

ADVISORY BOARD/COMMISSION PREFERENCE

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Board or Commission: Planning Board Are you seeking re-appointment? Yes _____ No ☒

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

- I believe we are at a critical developmental phase in this region and in Black Mountain specifically. Workers _____
- needed by merchants and the town cannot find affordable housing anywhere nearby. The state legislature is _____
- considering bills that may limit the choices that small towns like ours may have going forward. It is critical that _____
- we begin looking at what has been done effectively elsewhere and consider innovative long-term solutions. I _____
- believe that my 30-year exposure to real estate markets and the affordably housing/community investment _____
- arena as well as my long-term strategic planning experience will be an asset to the Planning Board during this _____
- challenging time. _____

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

Graduated Deerfield-Windsor High School, Albany, Ga - 1973

BBA in Accounting, Valdosta State University, Valdosta Ga -- 1977

Passed CPA exam in 1977 -- received certification in GA in 1979 while working for KPMG, one of the Big Four accounting firms.

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

I started my career as a CPA but broadened my experience in later years to include banking operations and long-term strategic planning. I worked in savings and loans for many years during up and down cycles in the real estate industry dealing with commercial and residential development. In addition, the company I worked for the last 20 years of my career -- Federal Home Loan Bank of Atlanta -- had as part of its charter the funding of Community Investment and Affordable Housing throughout a seven-state southeast region that included NC. I am currently a member of Friends of the Library and Treasurer of the Asheville Quilt Guild. I have held numerous non-profit leadership positions over the past 20+ years.

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.

C. McRorie

Applicant's Signature

6-5-22

Date

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APPLICANT INFORMATION

NAME: Herman Folkers DATE: _____

PREFERRED NAME: Chip

HOME ADDRESS: 25 Woodbend Ln

MAILING ADDRESS (if different): _____

CITY, STATE and Zip: Black Mountain, NC 28711

Do you live inside the town limits of Black Mountain? Yes X No _____

EMAIL ADDRESS (this is mainly how we will communicate with you): folkerchip@gmail.com

PHONE NUMBER(S): MAIN 641 903-1937 EMERGENCY 641 430 5937

ADVISORY BOARD/COMMISSION PREFERENCE

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Board or Commission: Planning Board Are you seeking re-appointment? Yes _____ No X

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separate sheet.

Although we've owned our house in Black Mountain since 2017 we've only recently become North Carolina and full time Black Mountain residents. We think it's important to participate in the discussions and decision making processes that will shape the future of this very charming and desirable community.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

Law Degree - University of Iowa 1967
Iowa Bar Association
US District Court
Navy JAG Certification

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

In addition to maintaining a private law practice
I served as City Attorney for the City of Mason City,
Iowa for approximately 22 years until retiring in 2004.
During that time I was legal advisor to all of the
various board and commissions including the local
Planning Board (Planning and Zoning Commission).

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.


Applicant's Signature

June 3, 2022
Date

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APPLICANT INFORMATION

NAME: Lauronda Teeple DATE: 05/09/2022

PREFERRED NAME: Lauronda Teeple

HOME ADDRESS: 106 Rhododendron Avenue

MAILING ADDRESS (if different): N/A

CITY, STATE and Zip: Black Mountain NC 28711

Do you live inside the town limits of Black Mountain? Yes X No

EMAIL ADDRESS (*this is mainly how we will communicate with you*): L@threesheetsdesign.com

PHONE NUMBER(S): MAIN (828) 712-0861 EMERGENCY (814) 341-9829 - Dave, boyfriend

ADVISORY BOARD/COMMISSION PREFERENCE

Please list the name of the board or commission to which you are applying or seeking reappointment. (You may apply for more than one, however you must submit a separate application for each board or commission you apply for.) Applicants will only be considered for one board or commission seat.

Board or Commission: Planning Board Are you seeking re-appointment? Yes X No

Why do you wish to serve the Town (or continue serving) in this capacity?

If additional space is needed please attach a separatesheet.

I have truly enjoyed serving on the Planning Board these past 3 years. It has been such a pleasure to learn about the various ordinances and methods by which our town oversees matters related to land use and community development. I appreciate being "part of the process" with my fellow board members in making recommendations to our Town Council (or Board of Adjustments), as it makes me feel as if I'm partnering with our local government to help - and to learn how - to best serve our community and residents.

EDUCATION & CERTIFICATIONS

Please list your educational background and any certifications you have. Include names of all schools attended.

Haywood Community College, 1998-1999: Cosmetology

UNCA, 1993-1997: Double major in Computer Science & Fine Arts

Enka High School: 1989-1993, National Honors Society, 7th in Class

EXPERIENCE & CIVIC INVOLVEMENT

Please describe any experience you have that would contribute to the purpose of the Board or Commission in which you are applying. Please list the names of all civic organizations in which you currently hold membership.

2019 - 2022: Served term on Town of Black Mountain's Planning Board

2016 - Current: Ministry of Hope, 2022 Board Chair (501c3 based in Black Mountain, works in collaboration with Western Correctional Center for Women) - pre and post-release transitional services/programs

2020 - Current: Swannanoa Valley Tree Alliance, Volunteer & Graphic Design/Marketing Services

2017 - Current: Green Built Alliance: Event Operations Management, Graphic Design/Marketing Services

2016 - 2019: Served term on Town of Black Mountain's Historic Preservation Commission

2014 - 2019: MountainTrue: Event Operations Management, Graphic Design/Marketing Services

2001 - 2008: Worked for Real Estate Developers, Real Estate Brokerage & Board of Realtors (Asheville)

CERTIFICATE OF APPLICANT

This application is a public record.

I certify that, to the best of my knowledge and belief, the statements given truly represent my background and experience.



Applicant's Signature

05/08/22

Date

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