



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 July 25, 2022
Date: July 15, 2022

The **Town of Black Mountain Planning Board** will meet on **Monday, July 25, 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 June 27, 2022;
3. Text Amendment – Central Business District; and
4. Text Amendment – Height Limit in TND

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, July 25, 2022, at 6:00 p.m.
Lunes 25 de julio de 2022, a las 6:00 p.m.

The Black Mountain Planning Board will meet for their regular monthly meeting on **Monday, July 25, 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 25 de julio 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 07/01/2022

www.townofblackmountain.org



**Planning Board Regular Meeting
July 25, 2022**

PROPOSED AGENDA

I. CALL TO ORDER

- **Welcome**
- **Determination of Quorum**

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of June 27, 2022, as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Text Amendment – Central Business District
- Text Amendment - Height Limit in TND

VI. PUBLIC COMMENT

VII. COMMUNICATION FROM PLANNING BOARD

VIII. COMMUNICATION FROM STAFF

IX. ADJOURNMENT

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, June 27, 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 (arrived late)
Pam Norton, Vice Chair
Kathy Phillips
Lauronda Teeple
Rick Earley
Chas Fitzgerald

Absent:

Shawn Slome

Staff:

Jennifer Tipton, Senior Admin
Ron Sneed, Town Attorney

The meeting was called to order at 6:00 p.m. and duly constituted and opened for business with a quorum of five (5) members.

II. ADOPTION OF AGENDA

The agenda was adopted by consensus.

III. ADOPTION OF MINUTES

Lauronda Teeple made a motion to approve the minutes of May 23, 2022, as written. The motion was seconded by Rick Earley and approved by a vote of 5-0.

IV. NEW BUSINESS

1. Tree Buffering and Landscape Chapter of UDO – Kelli McCormick, Kendig Keast Collaborative

Kellie McCormick gave a brief overview of the UDO process and showed the board Encode, which is the platform that will be used for housing the UDO and will also be used for editing the UDO. Ms. McCormick told the board that there are two kinds of review and those are legal and oversight. It is important to keep in mind and think about the funding implications, council support, fairness and equity, and a practical approach when looking at the regulations. The board looked at the title and purpose section, the applicability section, the official zoning map section, the zoning district establishment section, and the trees, buffering, and landscaping section. Ms. McCormick spoke about enforcement of the trees, buffering, and landscaping section and that it can be difficult to enforce if it is too strict but if it is not strict enough, it may not meet the intended goal. The board went through the chapter and Ms. McCormick made notes in Encode so that staff can see them and eventually, Planning Board members when they receive their credentials for Encode. Overall, the board asked for some additional criteria and some clarification. Ms. McCormick explained a little more about the landscaping section and asked the board to go through that section again and to email

Planning Board Regular Meeting
June 27, 2022

comments to staff. Staff will bring back this section with the changes for another review. This section will not be adopted separately and will be adopted with the UDO.

2. Planning Board Applications

Jennifer Tipton explained that there seven applications for the three upcoming vacant seats. One applicant withdrew his application before the meeting. The board allowed each applicant to introduce themselves and explain why they wished to be on the Planning Board. Voting by ballot, the Planning Board recommended Chris Collins, Lauronda Teeple, and Joe Laudenslayer to fill the upcoming three vacant seats.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

None.

VIII. COMMUNICATION FROM STAFF

None.

VX. ADJOURNMENT

With no further business, the meeting was adjourned at 7:58 p.m.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin

Text Amendment Staff Report

Summary

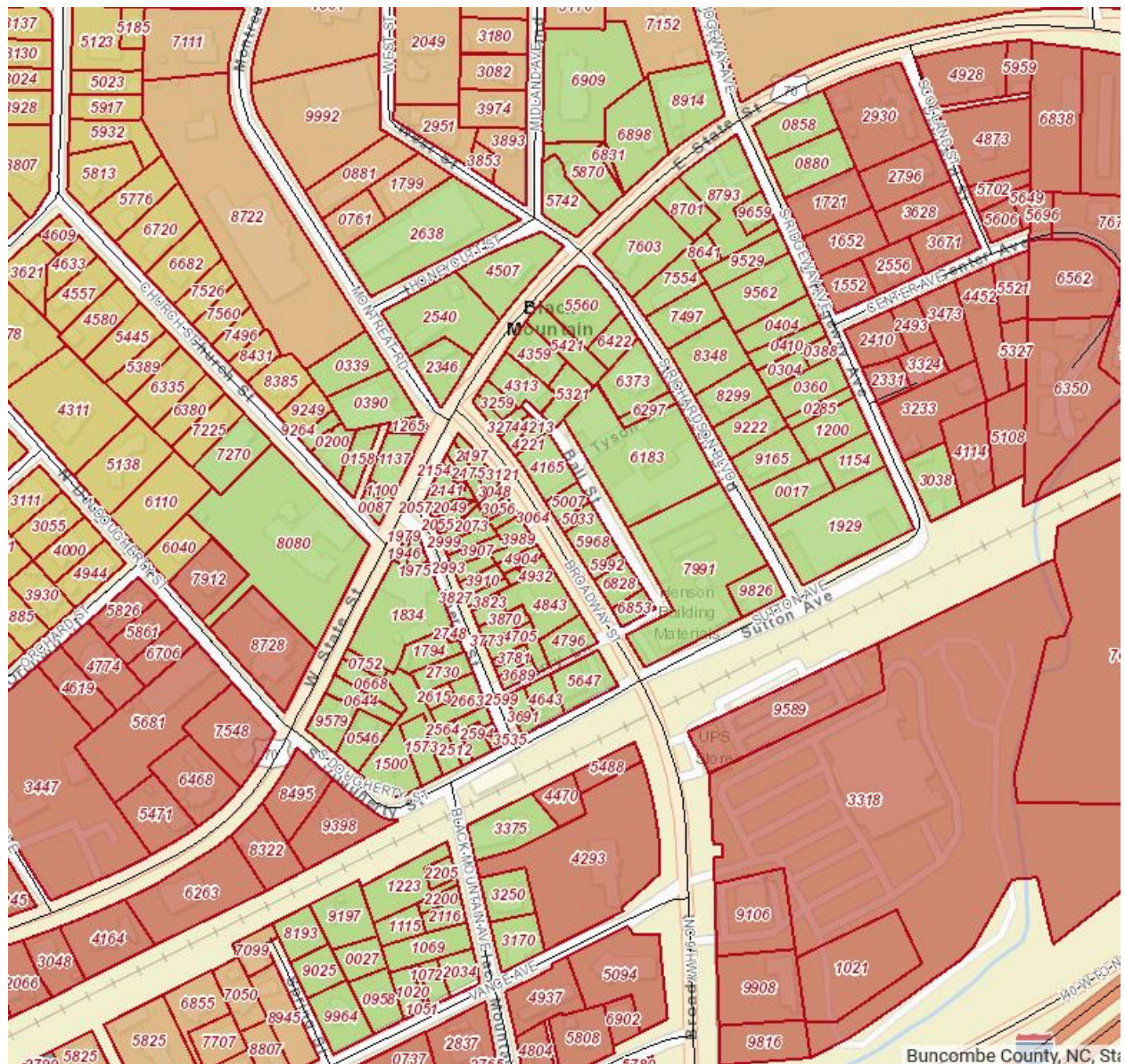
Recently a ground level-retail store on Cherry Street changed occupancies from retail to residential. The residential use allowed the owner to utilize the ground-level as a residence, including the option for a short-term rental. Multiple businesses owners have reached out to town staff and Council members voicing their concern about this change. Town Council has directed Planning Board to propose a text amendment prohibiting residential use on the ground level of mixed-use buildings in the Central Business District. Staff supports this recommendation and has prepared a draft amendment for your consideration.

Draft Amendment

The attached drafted text amendment clarifies the residential use is prohibited on ground level for mixed use buildings and prohibits multi-family projects with all -residential units from the district and adds mixed-use with above ground level residential as a use by right. It does not impact the permitted residence on the ground floor.

You may also consider revising the table to permitted uses to prohibit one- and two-family dwellings in the district. The one single family dwelling on Cherry Street is currently being convert to an art gallery.

The Ice House building, however, was recently converted from non-residential to residential. Removing one- and two-family dwellings would prohibit such a change in the future. It would also prohibit a building being razed and replaced by a one- or two-family dwelling.



4.7.14 Table of uses by zoning district.

Table of Uses for Zoning Districts

Category	Uses	CR-1	SR-2	TR-4	UR-8	NMU-8	OI-6	CBD	HB-8	LI-8
Special Uses	Conservation Subdivision	S	S	S	S	S	S	S		
Special Uses	Cottage Housing Development (CHD)	S	S	S	S	S	S	S	S	
Special Uses	Industrial Park Development								S	S
Special Uses	Planned Unit Development (PUD) - Commercial					S	S	S	S	S
Special Uses	Planned Unit Development (PUD) - Residential	S	S	S	S	S	S	S	S	S
Residential	Manufactured Home Parks			S	S				S	S
Residential	Manufactured Homes on individual lots	A	A	A	A					
Residential	Multi-family residential <u>all levels</u>	S	S	S	S	S	S	S	S	S
<u>Residential</u>	<u>Mixed-used residential second floor and above</u>							<u>P</u>		
Residential	Secondary Dwellings	A	A	A	A	A				
Residential	Shared housing/Community living facilities				P	P	P		P	P
Residential	Single-Family Residences	P	P	P	P	P	P	P	P	
Residential	Two-family Residences (duplex)	P	P	P	P	P	P	P	P	
Public/Institutional	Government facilities	P	P	P	P	P	P	P	P	P
Public/Institutional	Group home					P	P		P	P
Public/Institutional	Hospitals								P	P
Public/Institutional	Meeting halls for civic, social, and fraternal uses							P	P	P
Public/Institutional	Places of worship	P	P	P	P	P	P	P	P	P
Public/Institutional	Boarding House	A	A	A	A	A	A	A		
Public/Institutional	Conference Centers					P		P	P	P
Public/Institutional	Cultural, Community Facilities							P	P	P
Public/Institutional	Educational facilities						P		P	P
Public/Institutional	Family Care Homes	A	A	A	A	A	A	A	A	A
Public/Institutional	Public utilities	P	P	P	P	P	P	P	P	P
Other	Accessory Structures	P	P	P	P	P	P	P	P	P
Other	Agriculture	A	A	A	A	A	A		A	
Other	Automobile parking (principal use)									
Other	Campgrounds						A		A	A
Other	Camps, summer	P	P	P	P		P			
Other	Communications towers								S	S
Other	Laboratories and research facilities									P
Other	Outdoor Theater									P

Created: 2022-06-17 10:13:59 [EST]

(Supp. No. 11)

Other	RV, camper hook-up						A				
Industrial	Breweries/Distilleries/Wineries/ Cideries						P	P	P	P	
Industrial	Chemical treatment									P	
Industrial	Crematories										
Industrial	Distribution									P	
Industrial	Freight handling facilities								P	P	
Industrial	Junkyards and salvage yards										
Industrial	Manufacturing										
Industrial	Manufacturing, light (indoor)								P	P	
Industrial	Recycling sorting, processing, or storage									P	
Industrial	Warehousing								P	P	
Industrial	Wood and Yard Waste Facility										
Commercial	Adult Establishments								S		
Commercial	Agriculture	A	A	A	A	A	A		A		
Commercial	Amusements and entertainment uses								P	P	
Commercial	Animal services							P	P	P	
Commercial	Art studio and galleries					P	P	P	P	P	
Commercial	Automotive sales, rental and service								P	P	
Commercial	Bank and financial services							P	P	P	
Commercial	Bar						P	P	P	P	
Commercial	Bed and Breakfast Homes	P	P	P	P	P	P	P	P	P	
Commercial	Bed and Breakfast Inns	A	A	A	A	A	A	A	A	A	
Commercial	Building material sales								P	P	
Commercial	Business services							P	P	P	
Commercial	Construction or contractor services									P	
Commercial	Convenience Store					P		P	P	P	
Commercial	Day care centers				A	A	A	A	A	A	
Commercial	Farm supply stores								P	P	
Commercial	Funeral homes								P	P	
Commercial	Garden Markets	A	A	A	A	A	A	A	A	A	
Commercial	Health and fitness facilities					P	P	P	P	P	
Commercial	Heavy equipment sales, rental and service								P	P	
Commercial	Heritage crafts							P	P	P	
Commercial	Home Occupations	P	P	P	P		P	P	P		
Commercial	Hotels and motels							P	P	P	
Commercial	Industrial cleaning services							P	P	P	
Commercial	Instruction services and studios								P	P	
Commercial	Laundromat					P	P		P	P	
Commercial	Laundry and dry cleaning							P	P	P	
Commercial	Lumber yards										

Commercial	Manufactured home sales and service								P		
Commercial	Medical offices and clinics					P	P	P	P	P	
Commercial	Micro-breweries/distilleries/wineries/cideries							P	P	P	
Commercial	Mini-storage									P	
Commercial	Mini-storage or self-storage								P	P	
Commercial	Mixed use buildings							P	P	P	
Commercial	Neighborhood Fueling Facility					A	A				
Commercial	Professional offices and services					P	P	P	P	P	
Commercial	Restaurant (sit down)					P			P	P	
Commercial	Restaurant brew pub/tavern						P	P	P	P	
Commercial	Restaurants and taverns (walk- up, drive-thru, sit down)						P	P	P	P	
Commercial	Retail							P	P	P	
Commercial	Retail (Up to 2,500 sf)						P		P	P	
Commercial	Taxi and Transportation Services					P	P	P	P	P	
Commercial	Warehousing (accessory to retail)							P	P	P	
Commercial	Wholesale								P	P	
Commercial	Wholesale and retail bakery							P	P	P	
		P = Permitted by Right						C = Special Use			
** See Land Use Code Section 1.2.3 for definitions of uses		A = Additional Requirements									

TEXT AMENDMENT APPLICATION www.townofblackmountain.org**APPLICANT INFORMATION**Applicant Name Sikes RaganApplicant Address (Number, Street, City, State, ZIP) 14 Jane Jacobs Rd. Blk Mtn NC 28711

Home Phone

Cell Phone

Email Address

TEXT AMENDMENT LOCATION AND REQUEST

I request a text amendment for the following provision(s) of the ordinance:

Chapter: 4 Section: 7.11.5 (B.4) Title: Design Requirements**Current Text:**No structure shall exceed 35 feet in height.**Requested Amendment:**Structure height shall be developed during the master plan review process.**Reason for Requested Amendment:**Cheshire's masterplan was approved prior to the adoption of this TND ordinance, which already vested the masterplan's structure heights and densities. This change also follows the same guidance as density within the TND section, which seems more appropriate.**CERTIFICATION**

I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I acknowledge that attendance at the Planning Board meeting is mandatory for the review of this application.


Applicant Signature7/15/22
Date**OFFICE USE ONLY**

Date Received:

Fee: \$200.00

Cash: ☐ Check: ☐ # Credit: ☐Vote: ____ to ____ For ☐ Against ☐

Planning Board Meeting Date:

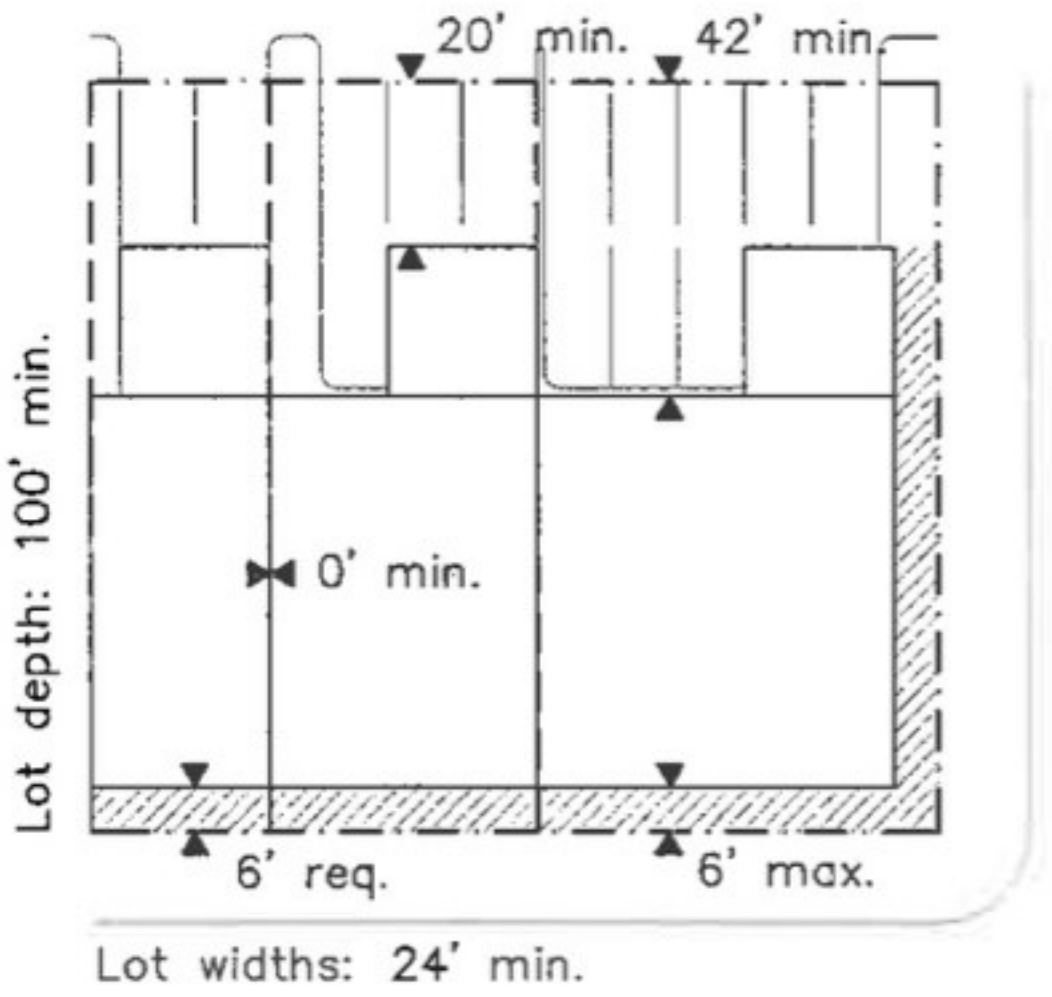
Vote: ____ to ____ For ☐ Against ☐

Board of Aldermen Meeting Date:

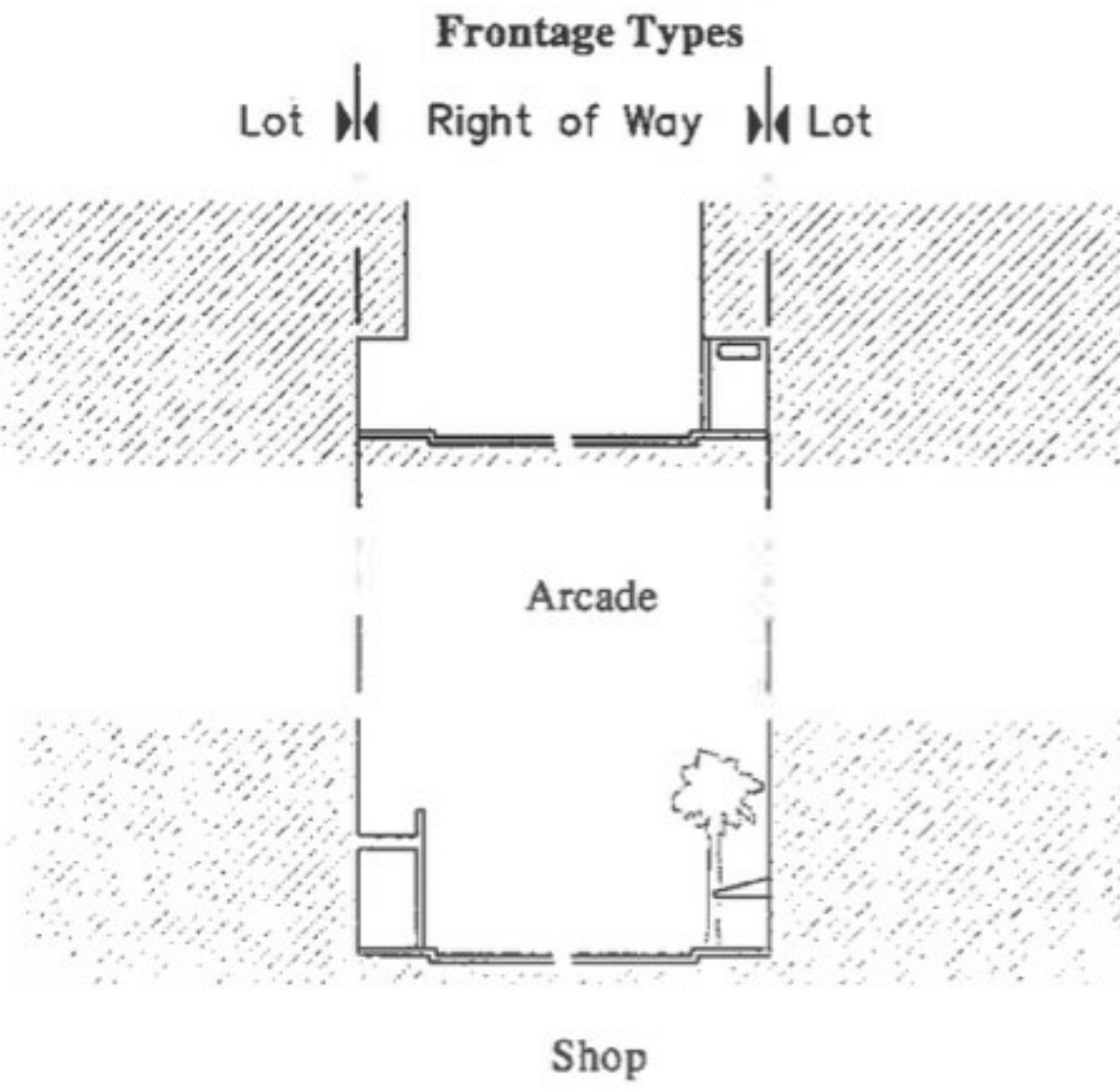
Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030

NEIGHBORHOOD CENTER - LIVE/WORK

A **Live/Work Building** has one dwelling above a commercial loft. Live/Work buildings may share common walls on the side lot lines. Within the Neighborhood Center this type occupies lots 24 feet minimum in width by 100 feet minimum in depth. The building setbacks measured from the lot lines shall be 6 feet required from the frontage, 0 feet from a side and 42 feet minimum from the rear. Arcades, awnings, and canopies may encroach into the setbacks. Buildings may be a maximum of three stories tall and shall be entered at grade. Parking shall be provided at the back of the lot, and adjacent on-street parking shall be counted toward the parking requirement.

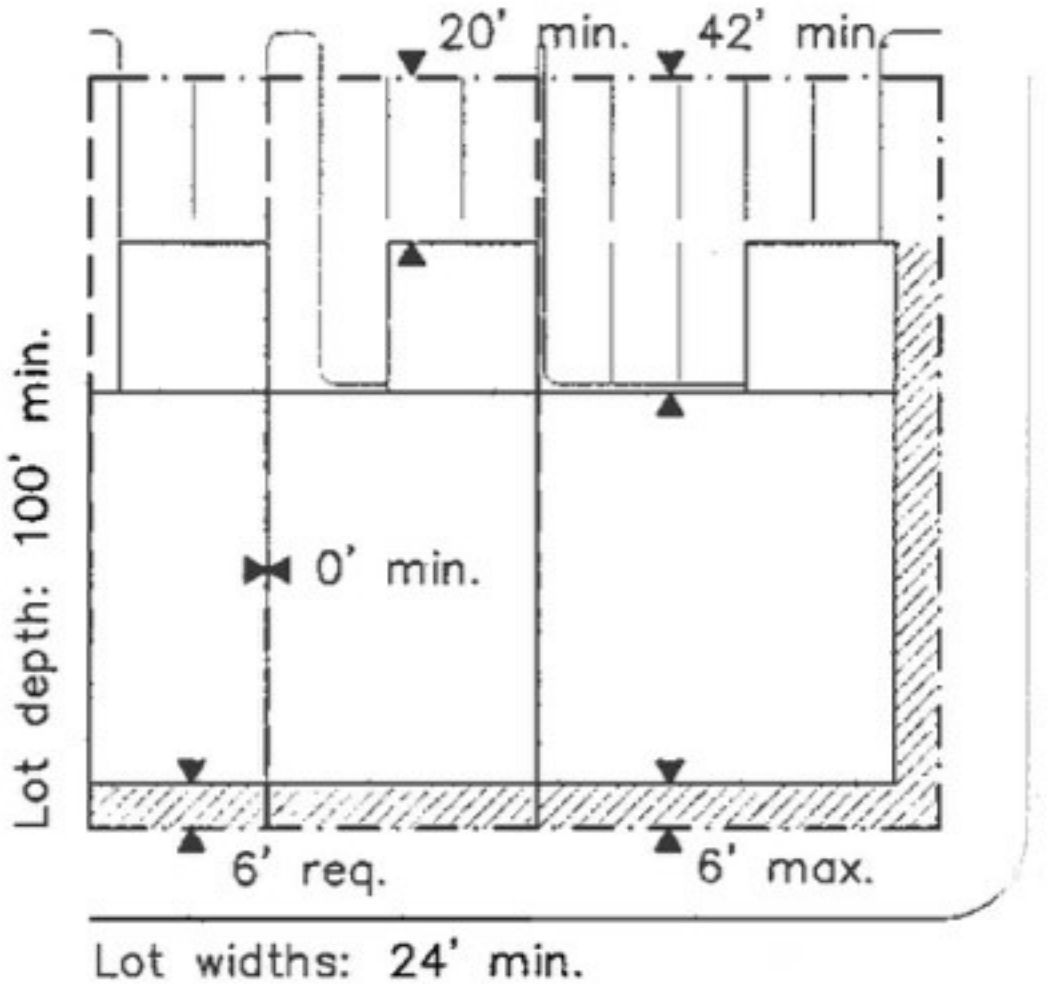


Lot size	24 ft. x 100 ft. min.
Setbacks	
at Building Frontage	6 ft. req.
at Building Side	0 ft. min.
at Building Rear	42 ft. min.
at Outbuilding Rear	20 ft. min.
Building Frontage at Setback	80% of lot width
Encroachments	
at Building Frontage	6 ft. max.
at Building Side	
Height	3 stories max.
of First Floor above grade	0 ft. req.
Parking	4 spaces per building



NEIGHBORHOOD CENTER - SHOPFRONT (COMMERCIAL)

A **Commercial Building** has commercial use throughout. Within the Neighborhood Center this type occupies lots 24 feet minimum in width by 100 feet minimum in depth. The building setbacks measured from the lot lines shall be 6 feet required from the frontage, 0 feet minimum from a side and 42 feet minimum from the rear. Arcades, awnings, and canopies may encroach into the setbacks. Buildings may be a maximum of three stories tall and shall be entered at grade. Parking shall be provided at the rear of the lot, and adjacent on-street parking shall be counted toward the parking requirement.



Lot size	24 ft. x 100 ft. min.
Setbacks	
at Building Frontage	6 ft. req.
at Building Side	0 ft. min.
at Building Rear	42 ft. min.
at Outbuilding Rear	20 ft. min.
Building Frontage at Setback	80% of lot width
Encroachments	
at Building Frontage	6 ft. max.
at Building Side	
Height	3 stories max.
of First Floor above grade	0 ft. req.
Parking	4 spaces per building

