



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, Zoning Administrator
Re: Agenda Packet for October 22, 2018
Date: October 15, 2018

The **Town of Black Mountain Planning Board** will meet on **Monday, October 22, 2018 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 September 21, 2018 and September 24, 2018;
3. Proposed Text Amendment for Privilege Licenses; and
4. Proposed Text Amendment for Notices of Violation.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9373.

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) 419-9373 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Josh Harrold, Town Manager
Ron Moore, Interim Town Manager



PUBLIC NOTICE

BLACK MOUNTAIN PLANNING BOARD

REGULAR MEETING

Monday, October 22, 2018 at 6:00 p.m.

The Black Mountain Planning Board will meet for their monthly meeting on **Monday, October 22, 2018 at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C. The purpose of this meeting is to consider text amendments to the building code section with no longer requiring a privilege license and to consider text amendments to notice of violations by providing warning letters.

The meeting is open to the public.



Jennifer Tipton
Zoning Administrator

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at (828) 669-2030 or by email at Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 10/08/18

www.townofblackmountain.org



**Planning Board Regular Meeting
October 22, 2018**

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 September 21, 2018 and September 24, 2018 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

1. Text Amendment Proposal– Notices of Violation

- Staff Report
- Adoption of Statement of Consistency
- Vote to recommend/not recommend to Board of Aldermen

2. Text Amendment Proposal – Privilege Licenses and Building Permits

- Staff Report
- Adoption of Statement of Consistency
- Vote to recommend/not recommend to Board of Aldermen

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT



**Town of Black Mountain
Building, Planning and Zoning**

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

MEMORANDUM

To: Black Mountain Planning Board
From: Jennifer Tipton, Zoning Administrator
Date: October 22, 2018
RE: Text Amendment – Notices of Violation

Please find pertinent information attached.

Summary:

The current language says that staff may provide a warning letter upon determination that a violation exists. In order to keep the process equitable and fair, the proposed amendment replaces may with shall to require that all determination of violations get a warning letter before a notice of violation and removes the sentence that says that warning is not required before issuance of a notice of violation.

Proposed Amendment:

Section 1.10.5 – Warning of violation.

On determining that a violation exists, the planning and development staff ~~may~~ **shall** provide the person alleged to be violating this code a written warning. The written warning shall include a description of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the planning director, building inspector or zoning administrator to discuss the violation and how it may be corrected. The planning director may provide the alleged violation additional written warnings of the violation. ~~A warning of violation is not required to be issued prior to issuance of a notice of violation and correction order.~~

Attachments:

Text Amendment Application
Consistency Statement Worksheet



Town of Black Mountain
160 Midland Avenue ♦ Black Mountain, NC 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030
www.townofblackmountain.org

TEXT AMENDMENT APPLICATION

APPLICATION INFORMATION

Applicant Name: Town of Black Mountain Planning Staff Date: 10/11/18

Address: 160 Midland Ave, Black Mtn, NC 28711

Phone: 828-419-9300 Fax: 828-669-2030 Email: jennifer.tipton@townofblackmountain.org

TEXT AMENDMENT LOCATION AND REQUEST

Chapter: 1 Section: 1.10 Title: Enforcement and Penalties

Current Text: See attached

Requested Amendment: see attached

Reason for Requested Amendment: _____

Jennifer Tipton
Applicant Signature

Jennifer Tipton
Applicant Printed Name

10/11/18
Date

FOR OFFICE USE ONLY

Date Received: 10/11/18 Received by: Jennifer Tipton

Fee: \$100.00 Cash: _____ Check: _____ Credit: _____

Planning Board Meeting Date: 10/22/18 Vote: 4 to 0 For ☒ Against ☐

Board of Aldermen Call for Public Hearing Date: 11/19/18

Board of Aldermen Meeting Date: _____ Vote: _____ to _____ For ☐ Against ☐

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To: The Board of Aldermen for the Town of Black Mountain

From: The Planning Board for the Town of Black Mountain

Date: October 22, 2018

Subject: Zoning Text Amendment

Description: Require Warning Letters for Violations

Address: N/A

The Planning Board hereby adopts and recommends to the Board of Aldermen the following statements:

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

How consistent with plan: clarifies ordinance for staff purpose

Why is it reasonable and in the public interest: makes process equitable and fair

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

How inconsistent with the plan: _____

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

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



**Town of Black Mountain
Building, Planning and Zoning**

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

MEMORANDUM

To: Black Mountain Planning Board
From: Jennifer Tipton, Zoning Administrator
Date: October 22, 2018
RE: Text Amendment – Privilege Licenses

Please find pertinent information attached.

Summary:

In 2015, the General Assembly repealed the authority for cities to issue privilege licenses. As such, the current language that requires a privilege license be obtained is now obsolete and not enforceable so the proposed amendment removes the language from the ordinance.

The Board of Aldermen have approved the replacement of the privilege license section in Chapter 9 of the Code of Ordinances with Business Registrations.

Proposed Amendment:

~~Section 2.1.7 — Business privilege license required.~~

~~———— Any person, firm or corporation conducting construction, renovation, mechanical work, or installation for remuneration within the jurisdiction of the Town of Black Mountain must have a business privilege license issued by the town in accordance with Title XI: Business Regulations [chapter 9 of the Code of Ordinances].~~

Attachments:

Text Amendment Application
Consistency Statement Worksheet



Town of Black Mountain
160 Midland Avenue ♦ Black Mountain, NC 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030
www.townofblackmountain.org

TEXT AMENDMENT APPLICATION

APPLICATION INFORMATION

Applicant Name: Town of Black Mountain Planning Staff Date: 10/11/18

Address: 160 Midland Avenue, Black Mountain, NC 28711

Phone: 828-419-9300 Fax: 828-669-2030 Email: jennifer.tipton@townofblackmountain.org

TEXT AMENDMENT LOCATION AND REQUEST

Chapter: 2 Section: 2.1 Title: Building Codes

Current Text: See attached

Requested Amendment: See attached

Reason for Requested Amendment: General Assembly repealed privilege licenses authority from cities so we can no longer require a privilege license so this language is now obsolete

Jennifer Tipton Applicant Signature
Jennifer Tipton Applicant Printed Name
10/11/18 Date

FOR OFFICE USE ONLY

Date Received: 10/11/18 Received by: Jennifer Tipton

Fee: \$100.00 Cash: _____ Check: _____ Credit: _____

Planning Board Meeting Date: 10/22/18 Vote: 4 to 0 For ☒ Against ☐

Board of Aldermen Call for Public Hearing Date: 11/19/18

Board of Aldermen Meeting Date: _____ Vote: _____ to _____ For ☐ Against ☐

TOWN OF BLACK MOUNTAIN
PLANNING BOARD
CONSISTENCY STATEMENT

To: The Board of Aldermen for the Town of Black Mountain

From: The Planning Board for the Town of Black Mountain

Date: October 22, 2018

Subject: Zoning Text Amendment

Description: Remove Privilege License Requirement from Building Code Section

Address: N/A

The Planning Board hereby adopts and recommends to the Board of Aldermen the following statements:

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

How consistent with plan: clean up land use code to be in compliance
with state statutes

Why is it reasonable and in the public interest: removes language that is
unenforceable and obsolete

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

How inconsistent with the plan: _____

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

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

