TOWN OF BLACK MOUNTAIN
PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, June 26, 2023, at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

I. CALL TO ORDER

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

Pam Norton, Vice Chair
Rick Earley
Lauronda Teeple
Kathy Phillips
Chas Fitzgerald

Absent:

Chris Collins, Chair
Joe Laudenslayer

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Russell Cate, Planner I/Zoning Administrator
Ron Sneed, Town Attorney

The meeting was called to order at 6:02 p.m. and duly constituted and opened for business with a quorum of five (5) members.

II. ADOPTION OF AGENDA

Pam Norton made a motion to adopt the agenda as presented. The motion was seconded by Kathy Phillips and approved by a vote of 5-0.

III. ADOPTION OF MINUTES

Rick Earley made a motion to adopt the minutes of May 11, 2023, as written. The motion was approved by a vote of 5-0.
There were two changes made to the minutes of May 22, 2023.
Chas Fitzerald made a motion to adopt the minutes of May 22, 2023, as amended. The motion was approved by a vote of 5-0.

IV. NEW BUSINESS

1. Text Amendment – Vested Rights

Conditional zoning is currently listed under site-specific vested rights and it should not be so the text amendment is to remove it from that section. Pam Norton made a motion to recommend the text amendment to Town Council and that the text amendment is consistent with the comprehensive plan because it removes a barrier to using conditional zoning within the correct settings and it is reasonable and in the public interest because it meets the needs of conditional zoning. The motion was seconded by Lauronda Teeple and approved by a vote of 5-0.

2. UDO Chapters

Jessica Trotman explained that staff is looking at another strategy for moving forward with the remainder of the UDO. Staff will make all of the changes going forward and we will only use the

consultant for minimal things going forward. Staff will be going back over each chapter to make sure all comments have been included. Illicit discharge, pet waste, and debris in stormwater drainage systems will be moved to the Code of Ordinances because they are not development regulations. Floodplain, flood hazard, and Phase II Stormwater are mandatory and we do not have the authority to make substantial changes. FEMA will have to bless the floodplain and flood hazard sections and the only changes to the Phase II Stormwater will be removing some language that is not needed and working on reorganizing for better readability. The only substantial change to minimum housing is changing it from being applicable to only rental units to now being applicable to all dwelling units. The following chapters are ready for review: subdivision, definitions, signs, and public art. We have added exempt, family, conservation, and planned subdivisions to the type of subdivisions. Staff will send out an email for a workshop on these chapters. Going forward we will have a final workshop for the full draft, public input, a second read, and then the public hearing. The consultant will create a presentation of the significant changes that will be used for public input and the public hearing.
The multi-family section is not ready yet, but we are looking to make it a use by right in some instances with scalable factors. We want to have more diversification of housing types and that is something that is clear of being needed and wanted in the comprehensive plan. The UDO will replace the current land use code.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

Chas Fitzgerald asked for a diagram that would show a primary structure and a secondary structure with parameters such as parking. This will be used as a tool that can be placed on the website but will not be included in the UDO.
Chas Fitzgerald asked about how many structures are currently in the floodplain and Jessica Trotman said she estimates there to be about 200 structures. A floodplain development permit is required for any work in the floodplain.
Pam Norton asked if agenda packets could be hole punched before they are sent out. Staff said that would be no problem.

VIII. COMMUNICATION FROM STAFF

None.

VX. ADJOURNMENT

With no further business, the meeting was adjourned at 6:46 p.m.

Prepared by:

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Chris Collins, Chair

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Jennifer Tipton, Senior Admin