



**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 October 24, 2022  
Date: October 17, 2022

The **Town of Black Mountain Planning Board** will meet on **Monday, October 24, 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 September 26, 2022;
3. Table of Permitted Uses.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.  
[jennifer.tipton@tobm.org](mailto: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](mailto:jennifer.tipton@tobm.org).

CC: Jessica Trotman, Planning Director  
Russell Cate, Planner 1/Zoning Administrator  
Ron Sneed, Town Attorney



**PUBLIC NOTICE**  
**AVISO PÚBLICO**

**BLACK MOUNTAIN PLANNING BOARD**

**REGULAR MEETING**  
**REUNIÓN ORDINARIA**

**Monday, October 24, 2022, at 6:00 p.m.**  
**Lunes 24 de octubre de 2022, a las 6:00 p.m.**

The Black Mountain Planning Board will meet for their regular monthly meeting on **Monday, October 24, 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 24 de octubre 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.

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**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](mailto:Jennifer.tipton@tobm.org).

*Posted to the Town Bulletin Board 10/03/2022*

[www.townofblackmountain.org](http://www.townofblackmountain.org)



**Planning Board Regular Meeting  
October 24, 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 September 26, 2022, as written [or as amended]

**IV. OLD BUSINESS**

- **Table of Permitted Uses**

**V. NEW BUSINESS**

**VI. COMMUNICATION FROM PLANNING BOARD**

**VII. COMMUNICATION FROM STAFF**

**VIII. ADJOURNMENT**

**TOWN OF BLACK MOUNTAIN  
PLANNING BOARD**

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The Black Mountain Planning Board held its regular meeting on Monday, September 26, 2022, at 6:00 p.m. in the Board Room of Town Hall at 160 Midland Avenue, Black Mountain, N.C. 28711.

**I. CALL TO ORDER**

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

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

Absent:

Joe Laudenslayer

Staff:

Jennifer Tipton, Senior Admin  
Jessica Trotman, Planning Director  
Russell Cate, Planner I  
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 six (6) members.

**II. ADOPTION OF AGENDA**

Chris Collins made a motion to adopt the agenda as presented. The motion was seconded by Lauronda Teeple and approved by a vote of 6-0.

**III. ADOPTION OF MINUTES**

Chas Fitzgerald made a motion to adopt the minutes of August 22, 2022, as written. The motion was seconded by Pam Norton and approved by a vote of 6-0.

**IV. NEW BUSINESS**

1. UDO Review – Land Use Standards

Jessica Trotman began by saying that the board will need to make two votes. One vote will be for the table of permitted uses and one vote will be for the land use standards text. Ms. Trotman said that all grammatical corrections, organizational corrections, illegal items, and items for clarity will automatically be sent back to the consultant, so those will not be considered in the vote. Ms. Trotman briefly went over a few questions that keep coming up. The Town cannot prohibit uses; there must be a place for everything. Any change that creates a legal non-conformity will always grandfather the non-conformity unless the Town chooses to go with amortization. Short-term rentals will not be discussed as the Town Council has decided to wait and discuss this topic until after the first of the year.

Jennifer Tipton went over the table of permitted uses. The board asked to add mobile retail (pop-up), vape and tobacco shops and CBD dispensaries. Staff has broken out several categories, such as single-family attached and detached and separating farmer's markets and fruit and vegetable

Planning Board Regular Meeting  
September 26, 2022

stands. The board chose to remove fishing preserves, crop production, and animal production. In their interest of time, Ms. Tipton suggested that the board consider the rest of the uses and then staff can revise the table and add the districts and bring that back to the next meeting. The board voted by consensus to bring the table of permitted uses to the next meeting.

Jessica Trotman went through the Land Use Standards text and below are the items that are to be amended:

- Remove sentence about prohibited uses (page 9).
- Change minimum lot size for animals to small and large animals with appropriate lot sizes (page 10).
- Consistent language with land use terms.
- Add the word “housing” 3F for enclosures (page 10).
- Change downtown to Central Business District (page 11).
- Remove RV’s and tiny homes (page 12).
- Add general statute requirements for bed and breakfast homes and inns (page 13).
- Add existing special uses to special use section (page 19).
- Consider other points of reference for fence heights (page 25).
- Home Occupations (pages 26-27)
  - Remove purpose statement and replace with existing statement.
  - Remove entrance requirement.
  - Remove sign requirement and replace with existing sign requirement.
  - Remove alteration requirement, floor area requirement, and parking requirement and replace with existing language.
  - Remove two employees and replace with existing language of no outside employees.
  - Remove delivery section and replace with existing language.
  - Remove outdoor storage, required conformance, hazardous materials, and nuisance, and replace with existing language.
- Remove metal carports and shipping containers sentences (page 29).

Lauronda Teeple made a motion to recommend the proposed changes be sent to the consultant. The motion was seconded by Kathy Phillips and approved by a vote of 6-0.

**V. OLD BUSINESS**

None.

**VI. PUBLIC COMMENT**

**Shawn Slome, 113 Third Street**, suggested that the board consider removing the designated entrance requirement for home occupations.

**Kiersten Hall, 100 Portmanvilla Road**, asked for the definition of an adult hotel, questioned why the Town would regulate and go after tattoo artists but allow a vape shop to open up across from a school, spoke about protecting the community park and possible deed restrictions, allowing seasonal employees in home occupations, looking at tabulated complaints for hens, and protecting the Central Business district from franchises.

**VII. COMMUNICATION FROM PLANNING BOARD**

None.

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**VIII. COMMUNICATION FROM STAFF**

None.

**VX. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:15 p.m. by consensus.

Prepared by:

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Chris Collins, Chair

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Jennifer Tipton, Senior Admin

Use Category	Specific Use	CR-1	SR-2	TR-4	UR-8	NMU-8	OI-6	CBD	HB-8	LI-8	HI-0
Agricultural and Residential											
Agricultural and Animal-Related	<del>Animal Production &amp; Support (excl. Urban Hens)</del>										
	Auction Sales – Livestock Only									P	P
	Beekeeping/Apiaries	L	L	L	L	L	L		L	L	L
	Urban Chickens	L	L	L	L	L	L	L	L	L	L
	<del>Crop Production</del>										
	Farmer's Market					P	P	P	P	P	P
	Fruit/Vegetable Stand	P	P	P	P	P	P	P	P	P	P
	Forestry and Logging	P									P
	Hunting, <del>Fishing</del> , and Game Preserve (Commercial)	P									
	Pet Care Service (without outdoor kennels)					P	P	P	P	P	P
	Pet Care Service (with outdoor kennels)	P					P		P	P	P
	Veterinarian Office or Hospital, Large Animal								P	P	P
	Veterinarian Office or Hospital, Small Animal					P	P	P	P	P	P
	Agriculture	L	L	L	L	L	L		L		
	<del>Animal Services</del>										
	<del>Garden Markets</del>	L	L	L	L	L	L	L	L		
	<del>Community Garden</del>	P	P	P	P	P	P	P			
Household Living	<del>Duplex Two-Family Dwelling</del>	P	P	P	P	P	P				
	Multi-Family Dwelling		S	S	S	S	S	S	S		
	Single-Family Dwelling, Attached	P	P	P	P	P	P				
	Single-Family Dwelling, Detached	P	P	P	P	P	P				
	Manufactured Home Park			S	S				S	S	
	Manufactured Home, <b>Single-Wide*</b>			P	P				P	P	

	Manufactured Home, <b>Double-Wide</b>	P	P	P	P	P	P		P	P	
	<b>Secondary Dwellings</b>	L	L	L	L	L		L			
	<b>Shared Housing/Community Living Facilities</b>				P	P	P		P	P	P
	<b>Cottage Housing Development</b>	S	S	S	S	S	S		S		
	<b>Planned Unit Development - Residential</b>	S	S	S	S	S	S		S	S	
	<b>Accessory Structures</b>	P	P	P	P	P	P	P	P	P	P
	<b>Home Occupations</b>	L	L	L	L	L	L	L	L	L	L
	<b>Modular Home</b>										
	<b>Recreational Vehicle</b>										
	<b>Recreational Vehicle Park</b>										
	<b>Tiny Home</b>										
	<b>Zero Lot Line Housing</b>										
Group Living	Family Care Home	L	L	L	L	L	L	L	L	L	
	Residential Care Facility	L	L	L	L	L	L	L	L	L	
	<b>Congregate Care Facility</b>						S				
	All Other Group Living Uses	L	L	L	L	L	L	L	L	L	
<b>Institutional and Civic</b>											
Community Amenities	<b>Swimming Pool</b>	P	P	P	P	P	P	P	P		
	<b>Library</b>	P	P	P	P	P	P	P	P		
	<b>Ball Fields/Soccer Fields</b>	P	P	P	P	P	P	P	P		
	All Community Amenities	P	P	P	P	P	P	P	P		
Day Care	All Day Care Uses				L	L	L	L	L		
Educational Facilities	School, Public or Private, Elementary or Secondary						P		P	P	P
	University or College						P		P	P	P
	All Other Educational Facilities						P		P	P	P
Government Facilities	Correctional Institution										L
	All Other Government Facilities	P	P	P	P	P	P	P	P	P	P
Medical Facilities	Medical and Dental Office					P	P	P	P	P	P
	<b>Hospital</b>								P	P	P
	<b>Nursing Care Institution</b>						S				





Commercial											
Entertainment, Indoor	Amusement Arcade								P	P	P
	<b>Brewery/Distillery/Winery/Cidery</b>						P	P	P	P	P
	<b>Microbrewery/Microdistillery/ Microwinery/Microcidery</b>						P	P	P	P	P
	<del>Brewpub/Microbrewer, Microwinery, Microdistillery, Microcidery</del>										
	Dance Halls, Night Clubs, Private Clubs, Bars, Lounges, Taverns, Pubs						P	P	P	P	P
	<del>Electronic Gaming Establishment</del>										
	Fortune Telling/Palm Reading							P	P	P	P
	Reception Facility	P					P	P	P	P	P
	Tattoo Parlor, Body Piercing								L	L	L
	All Other Indoor Entertainment, excluding Sexually Oriented Businesses							P	P	P	P
Entertainment, Outdoor	Amusement Park								P	P	P
	Drive-In Theater							L		P	P
	All Other Outdoor Entertainment							P	P	P	P
Offices	Contractors Office (without outdoor storage)									P	P
	Contractors Office (with outdoor storage)										P
	Financial Institutions							P	P	P	P
	<b>Accounting</b>					P	P	P	P	P	P
	<b>Insurance</b>					P	P	P	P	P	P
	<b>Engineering Services</b>					P	P	P	P	P	P
	<b>Counselors and Therapists</b>					P	P	P	P	P	P
	<b>Healthcare Providers</b>					P	P	P	P	P	P
<b>Property Management</b>					P	P	P	P	P	P	

	Architect					P	P	P	P	P	P	
	Lawyer					P	P	P	P	P	P	
	All Other Office Uses					P	P	P	P	P	P	
Overnight Accommodations	Bed and Breakfast Home	P	P	P	P	P	P	P	P			
	Bed and Breakfast Inn	P	P	P	P	P	P	P	P			
	Boarding House	L	L	L	L	L	L	L				
	Hotel							P	P	P	P	
	Motel							P	P	P	P	
	Short-Term Rental	L	L	L	L	L	L	L	L			
	Summer Camp	P	P	P	P		P					
	Campground							S		S	S	S
	Recreational Vehicle Park							S		S	S	S
	All Other Overnight Accommodations								P	P	P	P
Parking, Commercial	Truck, Tractor Trailer, or Bus Storage (does not include inoperable vehicles)										P	
	Automobile Parking										P	
	All Other Commercial Parking Uses (does not include inoperable vehicles)										P	
Retail, Repair, Sales, and Service UsesfLO	Firearms and Ammunition Sales								P	P	P	
	Funeral Home (without crematorium)								P	P	P	
	Funeral Home (with crematorium)								P	P	P	
	Lawn and Garden Supply (without outdoor display or storage)							P	P	P	P	
	Lawn and Garden Supply (with outdoor storage display or storage)								P	P	P	
	Liquor Sales (ABC Store)								P	P	P	
	Outdoor Market						P	P	P	P	P	

Flea Market									P	P	P
Pawn Shop									P	P	P
Vaping and Tobacco Shop									L	L	L
Art Studio and Galleries				P	P	P	P		P	P	P
Convenience Store					P		P		P	P	P
Health and Fitness Facilities					P	P	P		P	P	P
Heritage Crafts				L				P	P	P	P
Instruction Services and Studios									P	P	P
Laundromat					P	P			P	P	P
Laundry and Dry Cleaning							P		P	P	P
Farm Supply Store									P	P	P
Retail							P		P	P	P
Retail (up to 2,500 sf)						P			P	P	P
Grocery Store									P	P	P
Neighborhood Market					P	P			P	P	P
Corner Store					P	P			P	P	P
Bookstore							P		P	P	P
Fitness Studio and Gym							P		P	P	P
Moving Van Rental									P	P	P
Mixed-Use Residential/Non-Residential					P	P	P		P	P	P
Mixed-Use Non-Residential						P	P		P	P	P
Drug Store							P		P	P	P
Hair Salon/Barber Shop							P		P	P	P
Beauty Parlor/Nail Salon							P		P	P	P
Printing							P		P	P	P
Building Material Sales									P	P	P
Mobile Retail					P	P	P	P		P	P
Florist					P	P	P		P	P	P
CBD Dispensary							P		P	P	P
Planned Unit Development – Commercial					S	S	S		S	S	S



	<b>Chemical Treatment</b>									P	P
	<b>Freight Handling Facilities</b>									P	P
	<b>Distribution</b>									P	P
	<b>Industrial Park Development</b>								S	S	S
	All Other Heavy Industrial Uses									P	P
Light Industrial	Small Scale Manufacturing									P	P
	Micromanufacturing									P	P
	Scientific Research & Development Services								P	P	P
	<b>Laboratories and Research Facilities</b>								P	P	P
	<b>Industrial Cleaning Service</b>									P	P
	All Other Light Industrial Uses									P	P
<b>Resource Extraction</b>	<b>All Resource Extraction Uses</b>										
Self-Service Storage	<b>Mini-Storage</b>									P	P
	<b>Self-Storage</b>								P	P	P
	All Other Self-Service Storage Uses								P	P	P
Warehousing and Storage	All Warehousing and Storage								P	P	P
Waste Related Service	Landfill										P
	Salvage Yard (including vehicles)										S
	Junk Yard										S
	<b>Recycling Sorting, Processing, or Storage</b>									P	P
	<b>Wood and Yard Waste Facility</b>										P
	All Other Waste Related Service									P	P
Wholesale Trade	Building Material Supply (with outdoor storage)								P	P	P
	Farm Products, Sales, Bulk								P	P	P
	Farm Supply Product Sales (with outdoor storage)								P	P	P

