

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

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 Portmanville 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.

Planning Board Regular Meeting
September 26, 2022

VIII. COMMUNICATION FROM STAFF

None.

VX. ADJOURNMENT

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

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin