

TITLE XV: LAND USAGE

CHAPTER 153: ZONING CODE

Part D

Section

Conditional Uses

- 153.090 Purpose
- 153.091 Standards
- 153.092 Application procedure
- 153.093 Unified Business Development
- 153.094 Unified Housing Development
- 153.095 Apartment buildings and townhouses
- 153.096 Day care centers
- 153.097 Junkyards
- 153.098 Curbs cuts and access points
- 153.099 Wireless communication facility development standards
- 153.100 Planned Unit Development (PUD)
- 153.101 Standards for Campgrounds

CONDITIONAL USES

153.090 PURPOSES.

The purpose of this subchapter is to insure that adequate review and control of various specific uses or developmental proposals that may have a direct influence or impact upon neighboring or contiguous land uses. This review is intended to aid in protecting the private and public values and interests in such land uses whether residential or commercial in nature. (Ord., passed 12-13-82; Am. Ord., passed 7-11-83)

153.091 STANDARDS.

While there are many uses shown in Section 153.079 which are classified as conditional uses, only a few require compliance with specific design or other criteria in order to be approved. For these few, the following sections of this subchapter provide both the application procedure to be followed, Section 153.092 and the special criteria which must be satisfied to obtain approval. All conditional uses shall be reviewed by the Planning board and subject to recommendation to the Zoning board of Adjustment. No conditional use permit shall be recommended by the Planning board unless the board shall find that:

(A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(B) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

TITLE XV: LAND USAGE

(C) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(D) The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or with the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhoods.

(E) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

(F) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(G) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may, in each instance, be modified by the Zoning Board of Adjustment pursuant to the recommendations of the Planning Board.

* (H) Landscaping, consisting of grass, trees and ornamental shrubs shall occupy no less than five percent (5%) of the total lot area. A Landscaping Plan shall describe proposed landscape materials parking lot screening, screening or garbage containers, and buffering of adjoining uses. The landscape plan shall include an inventory of all trees greater than four inches in diameter at breast height by species, size and location. The plan shall include plans to protect existing trees. Where trees are proposed to be removed, the plan shall indicate where replacements are to be located. Areas containing standing water and/or supporting wetland plants shall also be identified and provisions for protection identified on the landscape plan. The plan shall provide for re-vegetation of all disturbed area with plant materials and seed mixes specified on the plan.

* (I) The architectural style, surface treatment, and placement on the lot of the proposed structure shall be done in a way that is in harmony and in character with the surrounding properties and the neighborhood as a whole. The Zoning Board of Adjustment shall determine if this standard is met based on materials required in the general plan and other information that the Zoning Board of Adjustment may obtain. In particular, the roof pitch shall be considered by the Zoning Board of Adjustment in making this determination.

* (J) Solid waste storage facilities shall be provided either in the form of a screened and accessible bulk container or individual containers for each dwelling unit. When used, individual containers shall be screened, uniform in appearance, provided with the number of the dwelling unit that they serve, and provided with locking lids.

* (K) All on-site utilities shall be placed under ground.

TITLE XV: LAND USAGE

* (L) The erosion control plan shall be approved by the Buncombe County Erosion Control Office.

* **Items (H), (I), (J), (K) and (L) apply only to conditional use applications for multi-family dwellings.**

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord., O-97-09, passed 6-9-97) Penalty, see Section 153.999

TITLE XV: LAND USAGE

CONDITIONAL USE PERMITS

153.092 APPLICATION PROCEDURE

(A) The applicant must be the owner, owners, lessee, lessees, or their legal representative of all land and structures included within the tract, or a governmental agency. The holder of a conditional sales contract or lease land and structures shall, for the purposes of application, be deemed to be the owner or lessee of the land and structures covered by the option or contract.

(B) The Application Form for Conditional Use Permits shall be obtained from the Zoning Administrator. Completed forms, in addition to information showing the location, intended use and topography of the site, the names of all property owners and existing land uses within 200 feet, shall be filed with the Zoning Administrator who shall forward all information to the Planning Board.

(C) Applications for Conditional Use Permits must be submitted in proper form, at least two weeks prior to a Planning Board meeting in order to be heard at that meeting. An application fee, as set forth in § 153.998, shall accompany each application and the fee shall be non-refundable except in any case where the application is withdrawn prior to its consideration by the Planning Board. Applications shall show the location and intended use of the site. The Town shall provide notice to all the property owners within 200 feet of the site's property lines. In addition, the Town shall cause notice to be posted on the property to be developed, providing information concerning the conditional use request and the date and time of the public hearing on the issue. This notice shall be posted during the same period of time that the required legal notice of the hearing is published in the newspaper.

(D) Meeting of the Planning Board. All papers and other data submitted on behalf of the Conditional Use Permit shall be transmitted to the Planning Board. The Planning board, at regular meetings, shall review and prepare a recommendation on the request for transmittal to the appropriate governing board.

(1) The Planning board, at regular meetings, shall review and prepare a recommendation on the request for transmittal to the appropriate governing board.

(2) All meetings of the Planning Board shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.

(3) No member of the Planning Board shall participate in a matter in which he or she has any pecuniary or special interest.

(4) Following action by the Planning Board, all papers and data pertinent to the application shall be transmitted to the Zoning Board of Adjustments for final action.

(E) Final jurisdiction. Final approval of Conditional Use Permits shall be granted by the Zoning Board of Adjustment.

TITLE XV: LAND USAGE

(F) Public hearing. Before passing judgment on a Conditional Use Permit, the designated board shall hold a public hearing thereon. At least ten days notice of the time and place of the hearing shall be published in a newspaper of general circulation in town weekly for two consecutive weeks. Public hearings shall be held during the regularly scheduled meetings or during a call meeting of the Zoning Board of Adjustment.

(G) Use permit. Following the public hearing, the Zoning Board of Adjustment may issue a Conditional Use Permit. In granting such a permit, the board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements of the chapter. If at any time after a Conditional Use Permit has been issued, the Board of Aldermen find that the conditions imposed and agreements made have not been or are not being fulfilled by the owner of a permit, the permit shall be immediately terminated and the use discontinued. If a Conditional Use Permit is terminated for any reason, it shall not be brought back before the Planning Board for a period of six months from the date of termination. (Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord., O-97-09, passed 6-9-97; Am. Ord. 0-99-09, passed 6-14-99) Penalty, see Section 153.999

153.093 UNIFIED BUSINESS DEVELOPMENT.

(A) Purpose. To establish additional criteria for Unified Business Developments Consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots and which will not be so subdivided.

(B) Requirements.

(1) No Unified Business Development shall contain less than three acres.

(2) Such development shall abut a major existing thoroughfare or collector street as designated on the Thoroughfare Plan of the town and shall have direct access thereto.

(3) Points of ingress and egress shall be located a sufficient distance from highway intersections to minimize traffic hazard, inconvenience and congestion. Furthermore, each development shall have a minimum of two such points to ensure the safety of the inhabitants.

(a) Minimum pavement width for two-way streets 24 feet or 18 feet if usable all-weather shoulders are provided on each side to effect an overall useable minimum width of 24 feet.

(b) Minimum pavement width for one-way streets, 12 feet.

TITLE XV: LAND USAGE

(4) The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.

(5) Parking areas shall have a paved surface as required in Section 153.110 through 153.117 and all traffic lanes shall be clearly marked.

(a) Paved parking areas may be constructed for the individual units to within ten feet of the front of the unit and flush with the side of any unit.

(b) If a parking lot system is used, the buildings must have the proper setback from the edge of the pavement.

(6) Storm and sanitary sewerage shall be provided, as approved by the Director of Public works and in accordance with the regulations set forth by the State of North Carolina.

(C) General plan. Each application shall be accompanied by a general plan, drawn neatly and to scale, showing:

(1) Property lines, street and other public right-of-way lines, public utility easements and rights-of-way.

(2) Topography of the site, showing five foot contours and true elevations.

(3) Location and approximate size of all existing and proposed buildings and structures within the site and ownership of abutting properties within 500 feet adjacent thereto.

(4) Proposed points of access and egress together with the proposed pattern of internal circulation and parking areas.

(5) Proposed provision for storm-water collection and disposal, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches.

(6) Proposed connections with the town water and sewerage systems and proposed locations of trash or garbage bulk containers.

(7) Landscaping, consisting of grass, trees, and ornamental shrubs, to occupy a minimum of 5% of the total lot area; such landscaping shall be done in addition to any required screening or buffer; and location and type of landscaping shall be shown on the site plan. (See also Landscape Ordinance Section 153.043.)

(8) Each plan shall be accompanied by an Erosion Control Plan, a copy of which has been submitted to Buncombe County Planning & Development.

TITLE XV: LAND USAGE

(9) Other requirements as may be considered essential by the Planning Board for the protection of the public health, safety, welfare and convenience.

(D) Area requirements. Area and building requirement shall be the same as for the district in which it is located.

(E) Off-street parking and loading regulations. See Sections 153.110 through 153.117.

(F) Screening requirements. It shall be the responsibility of the property owner or lessee to provide the following screening measures: If the property adjoins a residential district, then a fence, hedge or other natural planting of comparable opacity shall be provided along the side or rear lines where the property adjoins said residential district. Such fence, wall or hedge shall be at least six feet in height measured from the ground along the common line of the adjoining lot in the residential district. Hedges or comparable natural evergreen plantings shall be planted at an initial height of at least three feet. Barriers shall be in place before beginning construction on any structure.

(G) Subsequent performance.

(1) Detailed plans. After the approval of the application and general plans, the applicant shall file detailed plans for review by the Zoning Administrator showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change any of the details of the proposed development, further detailed plans shall be filed for review by the Zoning Administrator. No building permit for the proposed development, or any part thereof, shall be issued until the Zoning Administrator has determined that the pertinent detailed plans are in accordance with the application and general plans as approved and with the objectives of this section.

(2) Construction. If construction or improvements have not begun within a 12-month period beginning from the approval of the detailed plans, then approval of the development shall become null and void. One six-month extension may be granted by the Planning Board when reasonable cause is shown. No Certificate of Zoning Compliance shall be issued until a detailed report is submitted by the applicant to the Zoning Administrator showing the outcome of construction and he has certified that all the requirements of this subchapter have been met.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; Am. Ord., O-94-06, passed 4-11-94; Am. Ord., O-97-09, passed 6-9-97) Penalty, see Section 153.999

TITLE XV: LAND USAGE

153.094 UNIFIED HOUSING DEVELOPMENT.

(A) Purpose. To establish additional criteria and guidelines for Unified Housing Developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots, but which may or may not be divided or retained in single ownership.

(B) Applicability. The following housing developments, except subdivisions, shall be classified Unified Housing Developments and be subject to the provisions set forth herein:

- (1) One or more buildings consisting of 25,000 square feet or more.
- (2) Two or more multi-family buildings.
- (3) Nine or more living units.

(C) Requirements.

(1) The yard regulations and height regulations set forth in this chapter may be modified for a Unified Housing Development provided that, for such a development as a whole, excluding driveways and streets but including parks and other permanent open spaces, densities shall not be greater than ten dwelling units per acre of the proposed site on which such development is located.

(2) Points of access and egress shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion. Furthermore, each development shall have a minimum of two such points to ensure the safety of the inhabitants.

(a) Minimum pavement width for two-way streets, 24 feet or 18 feet if usable shoulders are provided on each side to effect an overall useable minimum width of 24 feet.

(b) Minimum pavement width for one-way streets, 12 feet.

(c) The minimum amount of right-of-way necessary in order for the Town of Black Mountain to consider the dedication of streets within a Unified Housing Development is thirty (30) feet.

(3) The number, width, and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.

(4) Parking areas shall be paved as required in §§ 153.110 through 153.117 and all parking areas and traffic lanes shall be clearly marked.

TITLE XV: LAND USAGE

(5) Storm and sanitary sewage shall be provided, as approved by the Public Works Director and in accordance with the regulations set forth by the state.

(D) Multi-family residential buildings. Notwithstanding any more provisions of this chapter where two or more multi-family residential buildings are constructed under single ownership, whether simultaneously or at different times, the entire parcel of land occupied by such multi-family residential buildings shall be considered one lot and parking spaces and usable open space will continue to be available in the same proportions to all occupants of the buildings on the lot.

(1) Dimensional regulations. The following dimensional regulations shall apply to the construction of all multi-family residential buildings.

(a) Minimum horizontal distance facing walls:

(1) Between two walls, both of which contain a window or windows, 50 feet;

(2) When only one facing wall contains a window, 30 feet;

(3) When neither of the facing walls have a window or windows, 25 feet.

(b) Minimum horizontal distance between any buildings or between any building and any lot line (other than a street right-of-way), 25 feet.

(2) Other requirements. No parking of motor vehicles shall be permitted within the required yards. The space within the required yard may not be used as maneuvering space for vehicles, except that driveways providing ingress or egress to the parking area may be installed across the yard area.

(E) General plan. Each application shall be accompanied by a general plan, drawn neatly and to scale, showing:

(1) Property lines, street and other public rights-of-way lines, public utility easements and rights-of-way.

(2) Topography of the site showing five foot contours and elevations.

(3) Location and approximate size of all existing and proposed buildings and structures within the site and ownership of abutting properties within 500 feet adjacent thereto;

(4) Proposed points of access and egress together with the proposed pattern of internal circulation and parking areas.

TITLE XV: LAND USAGE

(5) Proposed provision for storm water collection and disposal including both natural and man-made features, and the proposed treatment of ground cover slopes, banks, and ditches.

(6) Each plan shall be accompanied by an Erosion Control Plan, a copy of which has been submitted to the State Department of Natural Resources and Community Development.

(7) Proposed connections with the town water and sewage systems and proposed location of trash or garbage bulk containers.

(8) An adequate amount, and safe location of recreational areas according to the concentration of residential occupancy. Only usable land areas will be considered as recreational areas. The Planning Board may require the dedication of land not exceeding 10% of the total area for public recreation areas or schools.

(9) Landscaping, consisting of grass, trees and ornamental shrubs, to occupy 5% of the total lot area; the landscaping shall be done in addition to any required screening or buffer; and location and type of landscaping shall be shown on the site plan.

(10) Other requirements as may be considered essential by the Planning Board for the protection of the public health, safety, welfare and convenience.

(F) Permitted uses. See § 153.079. Use regulations may be modified to permit uses which are necessary and incidental to the operation of the development, such as maintenance buildings and management offices. The structures shall be in appropriate harmony and character with surrounding property.

(G) Area requirements. The requirements of the district into which the development is placed shall apply except as otherwise provided for herein.

(H) Off-street parking and loading regulations. See §§ 153.110 through 153.117.

(I) Subsequent performance.

(J) Detailed plans. After the approval of the application and general plans, the applicant shall file detailed plans for review by the Zoning Administrator showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change the details of the proposed development, further detailed plans shall be filed for review by the Zoning Administrator. No building permit for the proposed development or any part thereof shall be issued by the Zoning Administrator until it has been determined that the pertinent detailed plans are in accordance with the application and general plans as approved and with the objective of this section.

TITLE XV: LAND USAGE

(K) Construction. If construction or improvements have not begun within a 12-month period beginning from the date of approval of the detailed plans, then the approval of the development shall become null and void. One six-month extension may be granted by the Planning Board when reasonable cause is shown. No Certificate of Zoning Compliance shall be issued until a detailed report is submitted by the applicant to the Zoning Administrator showing the outcome of construction and he has certified that all of the requirements of this subchapter have been met.

(Ord., passed 12-13-82; Am. Ord., passed 7-11-83; (Ord. 0-97-04, passed 4-21-97) Penalty, see § 153.999.

153.095 APARTMENT BUILDINGS AND TOWNHOUSES.

1. Purpose. To establish additional criteria and guidelines for Multi-Family Housing Developments consisting of one principal structure or building containing three to eight living units and accessory structures or buildings to be constructed on a lot or plot.

2. Applicability. The following multi-family housing developments shall be subject to the provisions set forth herein:

- a) One building consisting of less than 25,000 square feet.
- b) A single principal structure or building.
- c) Three to eight living units.

3. Requirements.

a) The yard regulations, density, and height regulations set forth in this chapter for the zoning district in which the proposed building is to be located shall be met. No more than eight dwelling units shall be allowed per structure or per development proposal. No structure shall exceed thirty five (35) feet in height.

b) Points of access and egress shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion. The development proposal shall provide for:

TITLE XV: LAND USAGE

i) A clearly defined entrance to the parking area shall be provided of no more than twenty-four feet in width. Direct access to individual parking spaces from public rights-of-way shall not be allowed. Minimum pavement width for two-way entrances is 18 feet. Minimum pavement width for one-way entrances is 12 feet.

ii) Parking shall be provided at a rate of 2 spaces per dwelling unit.

iii) Parking areas shall be paved as required in Sections 153.110 through 153.117 and all parking areas and traffic lanes shall be clearly marked.

iv) If the street or road serving the proposed development does not meet the Town street standards, the developer shall make the necessary improvements to bring the street or road up to Town standards or shall make a payment to the Town to cover the cost of such improvements. The Town may waive this requirement for street or road improvements if the Town determines that the improvement will cause more community disruption than justified by the increased traffic from the proposed development.

v) Parking areas shall be screened from public rights of way and adjoining properties by land forms or evergreen vegetation so as to provide a barrier that will be at least three feet high and provide a 75 percent visual barrier within two years.

vi) The plan shall provide for internal pedestrian circulation and sidewalks proposed to be constructed along public rights-of-way consistent with Town construction specifications. All requirements of the Americans with Disabilities Act shall be met. In addition to internal pedestrian consideration, the plan shall allow for the provision that the developer will provide the Town with a minimum eight foot sidewalk right-of-way along any adjoining Town dedicated street.

vii) No grade within the parking area or access lanes shall exceed 14 percent.

c) Landscaping consisting of grass, trees and ornamental shrubs shall occupy no less than 5% of the total lot area. The landscaping shall be done in addition to any required screening or buffer. The location and type of landscaping shall be shown on the site plan.

d) Storm and sanitary sewerage shall be provided, as approved by the Town and in accordance with the regulations set forth by the state. Storm water facilities shall be provided which will control any increase in the rate of storm water runoff as a result of development.

TITLE XV: LAND USAGE

e) The architectural style, surface treatment and placement on the lot of the proposed structure shall be done in a way that is in harmony and in character with the surrounding properties and the neighborhood as a whole. The Town shall determine if this standard is met based on materials required in the general plan and other information that the Town may obtain. In particular, the roof pitch shall be considered by the Town in making this determination.

f) The yard requirements in the district for which the development is proposed shall be met, except that the Town may require a lesser or greater front setback to harmonize with surrounding structures. The building shall face the street.

g) Solid waste storage facilities shall be provided either in the form of a screened and accessible bulk container or individual containers for each dwelling unit. When used, individual containers shall be screened, uniform in appearance, labeled with the number of the dwelling unit that they serve and provided with locking lids.

h) All on-site utilities shall be placed under ground.

4. General Plan. Each application shall be submitted to the Zoning Administrator accompanied by a general plan, drawn neatly and to scale, showing:

a) Property lines, street and other public rights-of-way lines.

b) Topography of the site showing five foot contours and elevations as well as slopes in excess of 20 percent, water bodies, wetlands, floodplain boundaries and floodway boundaries.

c) Location and approximate size of all existing and proposed buildings and structure within the site and ownership of abutting properties within 300 feet of the property lines of the proposed development. The location of structures on adjoining properties along the public street shall be depicted in plan view.

d) Elevation drawings shall be provided of all sides of the proposed structures including the nature and color of surface treatments.

e) Existing and proposed utilities including water, sewer, electric, telephone, cable, gas and storm water.

f) Proposed points of access and egress together with the proposed pattern of internal circulation and parking areas. Automobile circulation shall be depicted insufficient detail to allow the Town to evaluate consistency with the specifications and the requirements set forth in this code.

TITLE XV: LAND USAGE

g) A landscaping plan describing proposed landscape materials, parking lot screening, screening of garbage containers, and buffering of adjoining uses. The landscape plan shall include an inventory of all trees greater than four inches in diameter at breast height by species, size and location. The plan shall include provisions to protect existing trees. Where trees are proposed to be removed, the plan shall indicate where replacements are to be located. Areas containing standing water and/or supporting wetland plants shall also be identified and protected on the landscape plan. The plan shall provide for re-vegetation of all disturbed areas with plant materials and seed mixes specified on the plan.

h) Proposed provisions for storm water collection and disposal including both natural and man-made features, and the proposed ground cover treatment of slopes, banks, and ditches. The plan shall include calculations by a qualified professional demonstrating that the proposed storm water management facilities shall not increase the rate of storm water runoff as a result of the proposed development. The plan shall address methods used to prevent storm water impacts on adjoining properties.

i) Each plan shall be accompanied by an Erosion Control Plan, a copy of which has been submitted to the Buncombe County Erosion Control Office. Evidence shall be provided of receipt of that plan by Buncombe County.

j) Proposed location of trash cans or bulk garbage containers including provisions for screening and provisions for access for collection.

k) Other requirements as may be considered essential by the Planning Board for the protection of the public health, safety, welfare and convenience.

5. Area Requirements. The requirements of the district into which the development is placed shall apply except as otherwise provided for herein.

6. Off-Street Parking and Loading Regulations. See General Statute 153.110 through 153.117.

7. Subsequent Performance. Commitments made in plans submitted and approved by the Town and any subsequent revisions and any additional requirements placed on the proposed multi-family development shall be met on a continuing basis. Failure to meet any requirement or commitment shall constitute a basis for withdrawal of zoning compliance approval by the Town.

8. Detailed Plans. After the approval of the application and general plans, the applicant shall file detailed plans for review by the Zoning Administrator showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change the details of the proposed development, further detailed plans shall be filed for review by the Zoning Administrator. No building permit for the proposed development or any part thereof shall be issued until it has been determined that the pertinent detailed plans are in accordance with the application and general plans as approved and with the objective of this section.

TITLE XV: LAND USAGE

9. Construction. If construction or improvements have not begun within 6 months, beginning from the date of approval of the detailed plans, then the approval of the development shall become null and void. One six-month extension may be granted by the Planning Board when reasonable cause is shown. No Certificate of Zoning Compliance shall be issued until a detailed report is submitted by the applicant to the Zoning Administrator showing the outcome of construction and he has certified that all of the requirements of this subchapter have been met. (Ord. 0-97-09, passed 6-9-97)

153.096 DAY CARE CENTERS.

(A) Purpose. To establish additional review guidelines for day care centers to ensure that such centers will provide the community with adequate, safe facilities to protect the children and the interests of adjoining property owners.

(B) General plans. Each applicant for a day care center as a conditional use must submit a general plan, drawn to scale, with the application permit. The plans must show adequate play area, as prescribed below as well as the structural facilities located on the property and the names of adjoining property owners. Additional information may be required as the Planning Board sees fit.

(C) Standards.

(1) Facilities shall provide for 100 square feet of outdoor play area for each child.

(2) The outdoor play area shall be surrounded by a sturdy fence of not less than four feet in height.

(3) The facility shall meet the state requirements for day care centers. (Ord., passed 12-13-82; Am. Ord., passed 7-11-83) Penalty, see 153.999

153.097 JUNKYARDS.

(A) Purpose. To set forth review guidelines and criteria for the establishment of junkyards.

(B) Compliance with State Junkyard Control Act. All junkyards established in accordance with this section shall conform, as appropriate, with the provision of G.S. Chapter 136, Article XII of the State Junkyard Control Act.

TITLE XV: LAND USAGE

(C) Approval. Each junkyard location shall be specifically approved by the Board of Aldermen after evaluation by the Planning Board of the site plan for the proposed junkyard plus any other pertinent factors with the appropriate recommendation by that body to the Board of Aldermen.

(D) Site Plan. Each application for approval of a junkyard as a Conditional Use shall be accompanied by a site plan, drawn to scale of one inch equals 50 feet and including contour lines at five-foot intervals, which shall include the following information: property lines, setback lines, existing and proposed structures, existing or proposed right-of-way or easements, utilities, drainage provisions, street or highway access, location of signs, proposed screening, and adjacent land use for a distance of 300 feet in all directions. If it is planned that the project will be developed in phases, the approximate areas to be included for each phase for which is approval is requested shall be shown. Additional information may be required, as necessary, to judge the probable effect of the proposed activity on neighboring properties and to carry out the intent of this chapter.

(E) Standards.

- (1) Maximum lot area, five acres.
- (2) Minimum lot area, one acre.
- (3) Minimum distance to closest residence, 300 feet, measured from the boundary of the junkyard as shown in the approved site plan to the nearest residential structure.
- (4) Minimum building setback, as prescribed for the district in which it is located.
- (5) Maximum building height, 35 feet.
- (6) Sign regulations, see 153.130 through 153.136.
- (7) Distance between junkyard, junkyard shall not be located within ½ mile of another.

(F) Screening requirement. It shall be the responsibility of the property owner or lessee to provide the following screening measures: All junkyard shall be screened along street or highway rights-of-way and along any boundary abutting a residential district by either eight foot high, closed fence and evergreen barrier such as to keep the junkyard area itself from being visible from any public right-of-way or adjacent residential property. Barriers shall be in place before beginning construction on any structure.

Ord., passed 12-13-82; Am. Ord., passed 7-11-83) Penalty, see 153.999

TITLE XV: LAND USAGE

153.098 CURBS CUTS AND ACCESS POINTS.

Curb cuts and access points for off-street parking areas shall be subject to a conditional use permit to ensure that State Department of Transportation approval has been granted. See also 153.115. (Ord., passed 12-13-82; Am. Ord., passed 7-11-83) Penalty, see 153.999

153.099 WIRELESS COMMUNICATION FACILITY DEVELOPMENT STANDARDS.

The following definitions and development standards for the zoning jurisdiction of the Town of Black Mountain shall; 1) apply to the installation, construction, attachment and alteration of facilities to accommodate wireless communication facilities; 2) provide the criteria for evaluating such proposed activities; 3) provide a procedure for the suitability certification and accomplishing related purposes.

I. Purposes

- A. The Town recognizes that the Town of Black Mountain desires to encourage the orderly development of wireless communication technologies for the benefit of the Town and its citizens. The Town also recognizes the character of the communities of the Town. As a matter of public policy the Town aims to encourage the delivery of new wireless technologies throughout the Town while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Black Mountain.

Specifically, the Wireless Communication Facility Development Standards are designed to achieve the following:

1. Provide a range of locations for Wireless Communication Facilities in various zoning districts.
2. Encourage the location of Wireless Communication Facilities onto existing structures to reduce the number of new communication towers needed within the Town of Black Mountain;
3. Encourage collocation and site sharing of new and existing Wireless Communication Facilities;
4. Control the type of tower facility constructed when towers are permitted;
5. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
6. Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of Wireless Communications Facilities by requiring reasonable siting conditions;

TITLE XV: LAND USAGE

7. Promote the use of suitable lands for the location of wireless antennae, towers, and/or Wireless Communication Facilities.
8. Insure the harmonious, orderly and efficient growth and development of Wireless Communication Facilities within the Town;
9. Stabilize the economy of the Town through the continued use of the Town's public resources;
10. Provide development standards in which the zoning regulations permit the development of Wireless Communication Facilities which are consistent with the requirements of the Telecommunications Act of 1996 and in the best interest of the future of the Town of Black Mountain;
11. Provide clear performance standards addressing the siting of Wireless Communication Facilities; and
12. Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996;

II. Certain Uses Not Covered By This Ordinance

Nothing in this ordinance shall reduce any of the permitted uses of any zoned property within the Town of Black Mountain. Nothing in this ordinance shall affect the right of a property owner to use or develop their property consistent with existing zoning regulations. Nothing in the ordinance shall affect the right of a property owner to continue any legal non-conforming use.

III. Interpretation And Definitions

- A. Construction Of Other Ordinances - To the extent these development standards conflict with the Zoning Ordinance, Sign Ordinance or any other Article ordinance of the Town of Black Mountain, these development standards shall control.
- B. Rules For Words And Phrases - For the purposes of Section, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used or occupied; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.
- C. Definitions - All definitions defined herein are in addition to all definitions in the Town of Black Mountain Zoning Ordinance. For the purpose of this Section certain words, phrases and terms used herein shall be interpreted as stated in this Subsection III. The Zoning Administrator or designee shall define any word, phrase or term not defined

TITLE XV: LAND USAGE

herein. The interpretation shall be based upon its common and ordinary usage in the region.

Antenna Array. An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

Attached Wireless Communication Facility. An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Collocation/Site Sharing. Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

Equipment Facility. An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

Federal Aviation Administration. FAA

Federal Communications Commission. FCC

Federal Telecommunications Act of 1996. FTA

Height. When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, excluding the Antenna Array.

Setback. Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

TITLE XV: LAND USAGE

Support Structure. A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

Temporary Wireless Communication Facility. Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

Tower and Antenna Use Application (TAA). A form provided to the applicant by the Town, and issued by the Town for the applicant to specify the location, construction, use and compliance with the development standards of a proposed Wireless Communications Facility subject to an approved site plan and any special conditions determined by the Zoning Administrator or designee appropriate under the provisions of this Ordinance.

Wireless Communications. Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility. A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

IV. Preferred Locations For Wireless Communication Facilities And Applicability

A The following Wireless Communication Facilities may be allowed within the Town of Black Mountain as follows:

1. Antenna Attachments. Antenna attachments onto existing Support Structure or onto an Attached Wireless Communication Facility shall be permitted by administrative approval subject to the development criteria of Section V.
2. All lands identified in Appendix A. Antenna attachments or Wireless Communication Facilities with support structures shall be permitted by administrative approval subject to the development criteria of Section V and Appendix A.
3. Other Lands. Wireless Communication Facilities with support structures shall only be permitted on all other lands not identified in Appendix A by means of approval of a Conditional Use Permit. Prior to applying for a Conditional Use Permit, the applicant shall provide the Town with adequate information to establish that lands included in 1 or 2 above cannot be made suitable for Wireless Communication Facility locations. However, in no instance shall a new tower be allowed on a building.

TITLE XV: LAND USAGE

- B. The following shall apply in the Town of Black Mountain.
1. Tower and Antenna Use Application Required. No person, firm or corporation shall install or construct any Wireless Communication Facility unless and until a Tower Antenna Use Application (TAA) has been issued pursuant to the requirements of this ordinance.
 2. Pre-existing Wireless Communications Facility. Wireless Communications Facilities for which a permit has been issued prior to the effective date of this Ordinance shall be considered as nonconforming and shall not be required to meet the requirements of this Ordinance.
 3. Amateur Radio Exclusion. This Section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator.
 4. Relationship to Other Ordinances. This Ordinance shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communication Facilities.
 5. Airport Zoning. Any Wireless Communication Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.
 6. Building Codes. Construction of all Wireless Communication Facilities shall comply with the requirements of the Town of Black Mountain Building Codes and permitting process in addition to the requirements of this Ordinance.

V. Development Standards

- A. Development standards for Wireless Communication Facilities will include the criteria for the underlying zoning district and the following development standards:
1. Height Standards. The following height standards shall apply to all Wireless Communications Facility installations:
 - a. Attached Wireless Communications Facilities. Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum permitted height of that tower.
 - b. Wireless Communication Facilities with Support Structures identified in Appendix A shall have a maximum height as set out in Appendix A.
 - c. Height for Wireless Communication Facilities with Support Structures on other lands not identified in a. or b. above shall be reviewed on a case by case basis as part of the Conditional Use Permit process. The height of the proposed Wireless

TITLE XV: LAND USAGE

Communication Facility should be consistent with the height standards indicated in Appendix A for similar properties in similar locations; and considering ground elevations, topographical conditions and other site development criteria within this Ordinance.

2. Setback Standards. The following setback standards shall apply to all Wireless Communication Facility installations.
 - a. Attached Wireless Communication Facilities. Attached Wireless Communications Facilities shall meet the setback provisions of the underlying zoning district in which they are located. However, an Attached Wireless Communication Facility Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
 - b. Wireless Communications Facilities with Support Structures. Wireless Communications Facilities with Support Structure shall meet the setback requirements for principal structures of the underlying zoning district in which they are located.
3. Landscaping. The following landscaping requirements shall apply to all Wireless Communications Facility installations.
 - a. New Construction. New Wireless Communications Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance that may now or hereafter be adopted.
 - b. Land Form Preservation. Existing mature tree growth and natural Land Form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.
 - c. Existing Vegetation. Existing vegetation on a Wireless Communication Facility site may be used in lieu of required landscaping where approved by the Zoning Administrator.
 - d. Minimum Site Disturbance. Grading for the new Wireless Communication Facility shall be minimized and limited only to the area necessary for the new facility.
4. Aesthetics, Placement, Materials and Colors. Wireless Communications Facilities shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the Wireless Communications Facility, the use of compatible or neutral colors, or camouflage technology.

TITLE XV: LAND USAGE

5. Lighting. The following lighting requirements shall apply to all Wireless Communications Facility installations. Artificial Illumination. Wireless Communications Facilities shall not be artificially illuminated, directly or indirectly, except for:
 - a. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and
 - b. such illumination of the Wireless Communications Facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.
 - c. Unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lens used to reduce ground lighting when the site is within 100' of a residential dwelling.
6. Signage. Wireless Communications Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing Wireless Communications Facilities.
7. Fencing. Wireless Communications Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than 6 feet in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of State or Federal agencies.
8. Radio Frequency Emissions/Sound. The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations:
 - a. Radio Frequency Impact. The FTA gives the FCC jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
 - b. FCC Compliance. In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested. Applicants for Wireless Communications Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
 - c. Sound Prohibited. No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

TITLE XV: LAND USAGE

9. Structural Integrity. Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled “Structural Standards for Steel Antennas Towers and Antenna Support Structures” (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays.
10. Collocation Support Structure Design. All Wireless Communication Facilities with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 2 antenna array. All Wireless Communication Facilities with a support structures up to a height of more than 150 feet shall be engineered and constructed to accommodate at least 3 antenna array.
11. Collocation Agreement. All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communications Facility users. The statement shall include the applicant’s policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a Tower Antenna Use Application (TAA). A TAA shall not be issued unless the applicant complies with the collocation policy outlined in Section VIII of this ordinance.
12. Utility Service – All utility lines for Wireless Communications Facilities shall be installed underground to the Wireless Communications Facility.
13. Access – Access to the tower site must be graded and stoned in a manner that will allow access by police and fire/rescue units.

TITLE XV: LAND USAGE

VI. Review Process

- A. The applicable development criteria referred to herein are those set forth in this Ordinance.
1. Permitting Procedures. Attached Wireless Communications Facilities with or without new building construction that meet the development criteria may be permitted by administrative review in all zoning districts except as hereinafter specified. All Wireless Communications Facilities with Support Structures that meet the development criteria and that are located on lands in Appendix A, or Antenna Array attachments onto existing structures may be permitted by administrative review unless the proposed facility is located on lands meeting criteria in 2. or 3. below. All other proposed Wireless Communication Facilities shall be subject to the Conditional Use Permit.
 2. Any Wireless Communications Facility (Attached or with a Support Structure), regardless of type, to be located within an established historic area, Historic District or other designated Overlay District will be subject to review by the appropriate District Commission and the Planning Board. Review by a District Commission shall be in accordance with that District Ordinance administrative procedures for a certificate of appropriateness. All Wireless Communications Facility applications that do not conform to the Development Criteria or are otherwise not eligible for Administrative Review shall be subject to the Planning Board Review process.
 3. Wireless Communications Facilities as a part of a Coordinated Development Approval. Wireless Communications Facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.
 4. Temporary Wireless Communications Facilities may be permitted by Administrative Approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the Administrative Review shall be expedited to the extent feasible.

VII. Approval Process

- A. Application Submission. All Tower Antenna Use Applications, regardless of Wireless Communication Facility type shall include all of the requirements contained in this section.
1. Application Contents. Each applicant requesting a TAA under this Ordinance shall submit a sealed complete set of drawings prepared by a licensed architect or

TITLE XV: LAND USAGE

engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a Radio Frequency Intermodulation Study with their application. Applicants proposing to build a new tower not on lands identified on Appendix A shall also submit the names of all property owners and existing land uses within five hundred (500) feet of the subject site. The applicant shall show proof of actual notification of all property owners within five hundred (500) feet pursuant to conditional use requirements.

2. Submission requirements. Application for a TAA shall be submitted to the Town on forms prescribed by the Town. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If the application cannot be approved by the Zoning Administrator by administrative approval, it must be submitted to the Zoning Board of Adjustment as an application for a Conditional Use Permit. The application and site plan shall be placed on the next available Planning Board agenda for review in accordance with the agenda deadlines established by the Town. The Planning Board will submit its recommendations to the Zoning Board of Adjustment within forty-five days after its regular meeting at which it first considers the application.
3. Construction. If construction or improvements have not begun within a 12-month period beginning from the approval of the detailed plans, then approval of the tower shall become null and void. One, six-month extension may be granted by the Board of Adjustment when reasonable cause is shown. No Certificate of Zoning compliance shall be issued until a detailed report is submitted by the applicant to the Zoning Administrator showing the outcome of construction and he has certified that all the requirements of this subsection have been met.

TITLE XV: LAND USAGE

4. Application Fees. A plan review fee of \$500 and a Radio Frequency Intermodulation Study (collocation applicants only) shall accompany each application. These fees may be used by the Town to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required).
 5. Technical Assistance. In the course of its consideration of an application, the Town may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the Town in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the Town not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final Town hearing on the TAA.
- B. Administrative Review. The following administrative review process shall apply to all wireless communications facility applications eligible for administrative review.
1. Review Authority. Review of wireless communication facilities under this Section shall be conducted by the Zoning Administrator or the designee upon filing a wireless communication facility application.
 2. Review Criteria. Each application shall be reviewed for compliance with the development criteria specified in Section V.
 3. Timing of Decision. The Zoning Administrator or designee shall render a decision on the wireless communication facility application by written response to the applicant within twenty (20) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant. Should an application not be reviewed within twenty (20) business days then a written explanation to the applicant for the delay shall be provided to the applicant and the applicant may decide to submit the plans to the Zoning Board of Adjustment for review.
 4. Application Denial. If Administrative approval is not obtained or is denied due to noncompliance with the development criteria, the applicant may appeal the denial by applying for Zoning Board of Adjustment review.
 5. Application Approval. If the TAA application together with all required addenda are in compliance with the development criteria and otherwise meets the requirements of this Section, the Zoning Administrator or designee shall approve the Tower Antenna Use Application and authorize issuance of the proper permits.
- C. Zoning Board of Adjustment Review. The following shall apply to all Tower Antenna Use Applications requiring submission to the Zoning Board of Adjustment.

TITLE XV: LAND USAGE

1. Review Authority. The Zoning Board of Adjustment shall be the review authority for TAA applications not eligible for Administrative Review or otherwise referred to the Zoning Board of Adjustment.
2. Notice. Notice of the application and the public hearing by the Zoning Board of Adjustment shall be in accordance with the Black Mountain Zoning Ordinance.
3. Hearing. The Zoning Board of Adjustment shall review and consider the TAA application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The Zoning Board of Adjustment shall consider the following in reaching a decision.
 - a. Development Criteria. The complete Tower Antenna Use Application shall be reviewed for compliance with the development criteria set forth in Section V; provided that the applicable development criteria may be modified as long as the approval of the wireless communication facility meets the goals and purposes of the Ordinance. The Zoning Board of Adjustment may recommend alternative development criteria, provided the alternative development criteria are reasonable and capable of being accomplished, by specific inclusion in a motion for approval.
 - b.) Tower Siting Conditions. The Zoning Board of Adjustment may impose conditions and restrictions on the application or on the premises benefited by the TAA as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communication facility with the surrounding property, in accordance with the purposes and intent of this Ordinance. The violation of any condition shall be grounds for revocation of the TAA. The Zoning Board of Adjustment may require additional development standards in addition to the development criteria upon the following findings:
 - i.) The wireless communication facility will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
 - ii.) The wireless communication facility meets all required conditions, specifications and development standards of this Ordinance;
 - iii.) The wireless communication facility will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
 - iv.) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs;

TITLE XV: LAND USAGE

- v.) The wireless communication facility would result in significant adverse visual impact on nearby residences.
 - vi.) The conditions are based upon the purpose and goals of this Ordinance.
 - vii.) The conditions are reasonable and capable of being accomplished.
- c.) Action. Following the public hearing and presentation of evidence, the Zoning Board of Adjustment shall take one of the following actions:
- i.) Approve the application as submitted;
 - ii.) Approve the application with conditions or modifications;
 - iii.) Refer the application for additional information or neighborhood input; or
 - iv.) Deny the application in writing.
4. Findings. All decisions rendered by the Zoning Board of Adjustment concerning a Tower Antenna Use Application shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.
5. Timing of Decision. The Zoning Board of Adjustment shall render its decision within 60 days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the Zoning Board of Adjustment.
6. Appeals. The decision of the Zoning Board of Adjustment shall follow the guidelines described in Article XII. The decision of the Zoning Board of Adjustment may be appealed to the Superior Court for Buncombe County, North Carolina, on a petition for writ of certiorari no later than 30 days after service of the final order of the Board of Adjustment granting or denying a permit, or affirming or disaffirming the decision of the Zoning Administrator, upon the parties to the application process and those who appealed the decision of the Zoning Administrator to the Zoning Board of Adjustment, by certified mail, return receipt requested. Only the applicant and those who registered an objection to the TAA in the record of the Zoning Board of Adjustments shall have standing to appeal.

VIII. Shared Facilities and Collocation Policy

Collocation. All new Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. A TAA shall not be issued until the applicant proposing a

TITLE XV: LAND USAGE

new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.

IX. Removal of An Abandoned Support Structure

Any support structure that has not supported an active antenna array for at least six (6) months shall be considered abandoned, and the Town, at its election, may require the support structure owner to remove the support structure within 90 days after notice from the Town to remove the support structure. If the abandoned support structure is not removed within 90 days, the Town may remove it and recover its costs from the support structure owner. If there are two or more users of a single support structure, this provision shall not become effective until all providers cease to use the support structure. If the owner of an abandoned support structure cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the support structure are located.

X. Nonconforming

A. Wireless Communication Facilities in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this Ordinance (nonconforming wireless communications facility) are subject to the following provisions:

1. Expansion. Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this Ordinance except as further provided in this Section.
2. Additions. Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers) subject to Administrative Review under this Ordinance.
3. Repairs or Reconstruction. Nonconforming wireless communications facilities which become damaged due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this Ordinance. Provided, however, that if the damage to the wireless communication facility exceeds 50% of replacement cost, said wireless communication facility may only be reconstructed or repaired in compliance with this ordinance.

B. Any nonconforming wireless communications facility not in use for six months shall be deemed abandoned and all rights as a nonconforming use shall cease.

XI. Revocation of Tower And Antenna Use Applications

The approval of any Tower and Antenna Use Application issued pursuant to this Ordinance may be revoked after a hearing as provided hereinafter. If the Zoning Administrator or designee finds that any permit holder has violated any provision of this Ordinance, or has failed to make good faith reasonable efforts to provide or seek collocation, the Zoning Administrator or designee

TITLE XV: LAND USAGE

shall notify the permit holder in writing that the TAA is revocable due to the permit holder's non compliance with the conditions of the permit and the Zoning Administrator or designee shall convene a meeting with the Permit holder no later than 30 days from the date of the letter. The Zoning Administrator or designee may require the permit holder to correct the violation within a reasonable amount of time or the Zoning Administrator or designee may recommend to the Zoning Board of Adjustment that the Tower Antenna Use Application be revoked. After the appropriate public hearing, the Zoning Board of Adjustment may revoke the Tower Antenna Use Application (TAA) upon such terms and conditions, if any, that the Zoning Board of Adjustment may determine. Prior to initiation of revocation proceedings, the Town shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the Town with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the Zoning Board of Adjustment shall convene a public hearing to consider revocation of the Tower Antenna Use Application. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the Town not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The Zoning Board of Adjustment may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at that party's expense.

XII. Penalty

Violations of any provisions of the Ordinance shall subject the offender to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each specified offense, and that if a thing prohibited or rendered unlawful continues in violation after notice of violation and the time provided for the offender to effect a cure, the offender shall be subject to a civil penalty of one hundred dollars (\$100.00) per day for each day that each violation continues after the end of the period allowed to cure or correct the violation, which said civil penalties may be recovered by the Town in the nature of a debt if the offender does not pay the penalty within the prescribed period of time after he has been cited for the violation.

XIII. Annual Review

The Planning Board should review this ordinance on an annual basis and shall alter or amend the same as required in the manner provided by law.

TITLE XV: LAND USAGE

Appendix A

1	Water Tank		Attachments or 80' Monopoles
2	Rocky Branch Wells		Omit
3	Dunsmore Cove Reservoir		Omit
4	Water Tank		Attachments or 80' Monopoles
5	Municipal Property		New 911 Monopole Tower
6	Parking Lot		Omit
7	Library		Omit
8	City Golf Course		Omit
9	City Golf Course		Omit
10	Lake Tomahawk		Omit
11	Fire Training & Park		Omit
12	Carver Community tr.		Omit
13	Recreation Park		100' Re-constructed Light Poles
14	Public Works Building		100' - 120' Monopoles
15	Cemetery		Omit

(Ord. O-99-12, Adopted 7-12-99)

TITLE XV: LAND USAGE

153.100 PLANNED UNIT DEVELOPMENT (PUD)

(A) Purpose. The purpose of this Section is to define additional criteria and guidelines for Planned Unit Developments (PUDs). These planned residential communities may incorporate a full range of housing types and configurations. In order to encourage high-quality design, innovative arrangements of buildings and open space throughout the project site, this district provides for flexibility in site design that permits a mixture of housing types, flexibility in dimensional requirements and the combination of housing with other compatible uses. This flexibility in site design is intended to accomplish the following purposes:

- (1) Facilitate more affordable housing by providing possibilities for savings in infrastructure, installation costs, and energy costs through clustering of dwellings;
- (2) Retain natural features and encourage developments that will be compatible with environmentally sensitive areas;
- (3) Encourage pedestrian circulation within and adjacent to the PUD;
- (4) Encourage quality design and management of open space.

The requirements in this section allow a broader range of flexibility and individuality in site design, while providing for the installation of adequate vehicle parking and access, pedestrian facilities, utilities, landscaping, open space, screening and other conditions which will insure the safety and aesthetic environment of the development for its residents and adjacent properties.

(B) Applicability. All Planned Unit Developments shall be subject to the provisions set forth herein.

(C) Design Requirements.

- I. Development Density. The total residential density for the PUD shall not exceed 10 dwelling units per acre.
- II. Dimensional Requirements. The lot size and yard regulations set forth in this Chapter for the zoning district in which this proposed building is to be located may be modified. Property located on the perimeter of the project shall have setbacks and buffers that are consistent with the setbacks and buffers of the adjoining zoning district. The maximum building height of any structure in the PUD shall not exceed 35 feet.
- III. Streets, Pathways and Parking. Points of access and egress shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion. The development proposal shall provide for the following:
 - A. Public streets shall provide access to all tracts and lots and streets shall be designed according to standards set forth in Chapter 152, *Subdivision Regulations*, § 152.42.
 - B. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and

TITLE XV: LAND USAGE

projected streets outside the development. Cul-de-sacs and dead-end streets are discouraged and should only occur where absolutely necessary due to natural conditions.

- C. Designs shall permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the relationship of the street to the overall project and town street network.
- D. Parking shall be provided based on the uses that make up the PUD, using the parking requirements specified in Sections 153.110 through 153.117.
- E. If the street or road serving the proposed development does not meet the Town street standards, the developer shall make the necessary improvements to bring the street or road up to Town standards or shall make a payment to the Town to cover the cost of such improvements. The Town may waive this requirement for street or road improvements if the Town determines that the improvement will cause more community disruption than justified by the increased traffic from the proposed development.
- F. The plan shall provide for internal pedestrian circulation and sidewalks proposed to be constructed along public rights-of-way consistent with Town construction specifications. All requirements of the Americans with Disabilities Act shall be met. Sidewalks shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate project facilities and principal off-site pedestrian destinations. Pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate.

In addition to internal pedestrian consideration, the plan shall allow for the provision that the developer will provide the Town with a minimum eight foot sidewalk right-of-way along any adjoining Town dedicated street.

- IV. Landscaping. Landscaping requirements, specified in §153.043, shall be met.
- V. Recreation areas and open space. Each Planned Unit Development shall be required to dedicate an adequate amount, and safe location of recreational areas and open space according to the concentration of residential occupancy. Only land usable for recreational purposes will be considered as recreation areas. A minimum of two percent (2%) shall be set aside and developed for recreational purposes. The Planning Board may require up to five percent (5%) of the total area be set aside for recreational purposes. Covered space, including a community building, shall be permitted in the recreation area as long as it does not occupy more than half of the total recreation area.
- VI. Storm and sanitary sewerage shall be provided, as approved by the Town and in accordance with the regulations set forth by the state. Storm water facilities shall be

TITLE XV: LAND USAGE

provided which will control any increase in the rate of storm water runoff as a result of development.

- VII. The architectural style, surface treatment and placement on the lot of the proposed structures shall be done in a way that is in harmony and in character with the surrounding properties and the neighborhood as a whole. The Town shall determine if this standard is met based on materials required in the general plan and other information that the Town may obtain. In particular, the roof pitch shall be considered by the Town in making this determination.
- VIII. Solid waste storage facilities shall be provided either in the form of screened and accessible bulk containers or individual containers for each dwelling unit. When used, individual containers shall be provided with locking lids.
- IX. All on-site utilities shall be placed under ground.

(D) Master Plan. Each application shall be submitted to the Zoning Administrator accompanied by a general plan, drawn neatly to scale, showing:

- I. Property lines, street and other public rights-of-way lines.
- II. Topography of the site showing five foot contours and elevations as well as slopes in excess of 20 percent,
- III. Natural features, such as wooded areas, water bodies, wetlands, floodplain boundaries and floodway boundaries, along with plans to preserve the unique features of the property.
- IV. Location and approximate size of all existing and proposed buildings and structures within the site and ownership of abutting properties within 200 feet of the property lines of the proposed development. The location of structures on adjoining properties along the public street shall be depicted in plan view.
- V. Elevation drawings shall be provided for all sides of the proposed structures including the nature and color of surface treatments.
- VI. Existing and proposed utilities including water, sewer, electric, telephone, cable, and gas.
- VII. The proposed pattern of internal circulation and parking areas, depicted in sufficient detail to evaluate consistency with the specifications and the requirements set forth in this Code.
- VIII. Plans for landscaping as specified in § 153.043.
- IX. Open space areas and active and passive recreation areas.
- X. Proposed location of trash cans or bulk garbage containers including provisions for screening and provisions for access for collection.
- XI. Other requirements as may be considered essential by the Planning Board for the protection of the public health, safety and welfare.

TITLE XV: LAND USAGE

(E) Permitted Uses. The following uses shall be permitted:

- Bed and Breakfast Homes and Inns
- Community Gardens
- Cultural and community facilities
- Customary home occupations
- Eating Facilities (Cafeteria/Restaurant)
- Family care homes
- Greenhouses (non-commercial)
- Group care facilities
- Health care facilities and assisted living facilities
- Nurseries, day care, kindergarten and preschool facilities
- Parks and public recreational facilities (except auto racing and shooting ranges)
- Pools – private and public
- Schools - public/private, elementary/secondary/college
- Single family and multi-family dwellings
- Small scale business and offices uses which primarily serve the residents in the PUD
- Townhouses
- Zero lot line dwellings

(F) Area Requirements. The requirements of the district into which the development is placed shall apply except as otherwise provided for herein.

(G) Subsequent Performance. Commitments made in plans submitted and approved by the Town and any subsequent revisions and any additional requirements placed on the proposed Planned Unit Development shall be met on a continuing basis. Failure to meet any requirement or commitment shall constitute a basis for withdrawal of zoning compliance approval by the Town.

(H) Detailed Plans. After the approval of the application and general plans, the applicant shall file detailed plans for review by the Zoning Administrator showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change the details of the proposed development, further detailed plans shall be filed for review by the Zoning Administrator. The Zoning Administrator may approve minor amendments at the site plan level, provided:

- (a) building floor areas are not changed by more than 20 percent,
- (b) building or structure heights are not increased by more than 20 percent,
- (c) relocated buildings or uses maintain the same general building relationships, landscaping and utility standards, and
- (d) the amendment preserves compliance with any specific requirement of this Chapter.

TITLE XV: LAND USAGE

Plan amendments that do not meet the criteria listed above must be approved by the Board of Adjustment. No building permit for the proposed development or any part thereof shall be issued until it has been determined, by the Zoning Administrator or the Board of Adjustment as specified in this subsection, that the pertinent detailed plans are in accordance with the application and general plans as approved and with the objectives of this Section.

If the PUD involves the subdivision of land, the project shall proceed through the subdivision and other review and permitting processes outlined in this Chapter and in Chapter 152 (Subdivision Regulations).

(I) Construction. If construction or improvements have not begun within 12 months from the date of approval of the detailed plans, then the approval of the development shall become null and void. One six-month extension may be granted by the Planning Board when reasonable cause is shown. No Certificate of Zoning Compliance shall be issued until a detailed report is submitted by the applicant to the Zoning Administrator showing the outcome of construction and he has certified that all of the requirements of this subchapter have been met. (Ord. 0-99-10, Passed 6-14-99) Penalty, see section 153.999

TITLE XV: LAND USAGE

153.101 STANDARDS FOR CAMPGROUNDS

A. Campgrounds In General

All campgrounds, regardless of whether the campsites are offered for sale, developed as rental sites, or let on assignment, are subject to the regulation concerning subdivisions contained herein unless separate standards are specified. Specific developments may be excluded from certain portions of the regulations, when, in the opinion of the Planning Board and Board of Aldermen, application of the regulations would serve no reasonable purpose or not be in keeping with the intent of these regulations and standards. Plat requirements for subdivisions set out in this ordinance apply to all campgrounds.

B. Definitions

1. Independent Recreational Vehicle (RV) – A recreational vehicle which *can* operate independently of connections to sewer, water and electric systems. It may contain water flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage, greywater storage, and sewage holding tanks located within the RV.
2. Dependent Recreational Vehicle (RV) - A recreational vehicle which is dependent upon a service building for toilet and lavatory facilities.
3. Tent campground – A campground designed for use of tents by persons in vehicles. This shall *not* include the camping of persons in vehicles not designed for camping purposes. Such campgrounds are dependent upon a service building for toilet and lavatory facilities.
4. Walk-In Campground - A camping area designed exclusively for those persons which walk, bicycle, or use some other non-motorized means of access. Such areas shall contain only service roads for maintenance of campground facilities and shall not be used for parking associated with camping. (This shall be a tent use area only.) Such campgrounds are dependent upon a service building for toilet and lavatory facilities.

C. Campground Standards for All Campgrounds

The following standards shall apply to all campgrounds containing two or more campsites or camp lots, including sites for tents, accommodations for backpackers and recreational vehicles (RV's).

1. All plans shall be submitted to the planning board for review. The planning board may review all developments in two phases. A preliminary development plan shall be required and shall be received at least 14 days before the next planning board meeting. When this preliminary development plan is approved or approved with conditions, construction of the campground may begin. When the construction is complete, the planning board may request a review approval of final or as-built plan of the campsite. This review shall be mandatory if the preliminary

TITLE XV: LAND USAGE

development plan was approved with conditions, or if the final or as-built plan has had significant changes since the submittal of the preliminary development plan. Significant changes shall be defined at the discretion of the planning board and staff. After all approvals have been completed, a Certificate of Compliance shall be issued.

2. *Minimum acreage of campsites* – All proposed campgrounds shall be a minimum of three (3) acres in size.

3. *Certificate of Compliance required* - Any proposed campground shall not be allowed to open until such campground has met all planning and building requirements of this ordinance for the Town of Black Mountain and the State of North Carolina.

4. *Water-sewer line extensions* - All proposed and required water sources and sanitary facilities serving campgrounds shall conform to the requirements of the Town of Black Mountain and/or the Metropolitan Sewer District. Any applicant shall further be responsible for development and submittal of all water and sewer plans necessary for submittal to above-mentioned agencies for approval as extensions to systems operated by these agencies.

5. *Fire requirements* - In all campgrounds with facilities for recreational vehicles, there shall be installed and maintained in good repair, ¾ inch (19 mm) standpipes connected to water mains, to which shall be permanently affixed a hose, not greater than 100 ft (30 m) long with a nozzle. Such hose shall be enclosed in a cabinet approved by the fire official and plainly marked: FOR FIRE ONLY. A sufficient number of these standpipe units shall be installed in each campground with facilities for recreational vehicles, so that at least one nozzle will reach each recreational vehicle or recreational vehicle park site. In addition, portable fire extinguishers with a minimum rating of 2-A:20-B:C shall be located within 100 ft (30 m) travel distance of any recreational vehicle or recreational vehicle site. The required extinguishers must be in the same location as the standpipes, in cabinets approved by the fire official. In addition, any Permanent buildings located with the campground area shall be within 1000 feet of a fire hydrant.

6. *Other permanent structures* - Permanent structures other than camp platforms and recreational support and sanitary facilities shall be prohibited unless the developer or the owner can prove to the Planning Board's satisfaction, the necessity or desirability for such a structure. Such structures commonly considered to fall under the three above categories would include, as examples, gatehouse, office, laundry area, video/amusement area, and common area shelters. Additionally, picnic table shelters could be considered for campsites. Camping cabins shall also be an allowed part of an established campground. Suitability of structures defined as cabins shall be at the discretion of the planning board in consultation with the campground developer.

TITLE XV: LAND USAGE

7. *Building types* - Conventional, industrialized (modular) and manufactured houses are prohibited on all campsites. Such structures shall only be allowed for the purpose of housing the owner or caretaker of the campground or as used for camping cabins in the campground.

8. *Storage of RV's* - Storage of all types of recreational vehicles within campgrounds shall be limited to no more than 1 stored RV per 10 RV sites. Such storage area shall be buffered and screened, preferably by vegetation, from the campground or outside areas.

9. *Number of days permitted to camp* - Continuous camping shall be restricted to a period of no more than 180 consecutive days within a one-year period. Tent camping shall be limited to a period of 30 consecutive days within 60-day period.

10. *Access to water for all campsites/RV utility islands* - Each campground shall have access to a source of potable water approved by the applicable health authority and building codes. It is preferable to provide one (1) water outlet per non-RV camping unit; however a *minimum* of one (1) outlet for every two (2) non-RV units shall be provided with two (2) hose bibs equipped with vacuum breakers. As an alternative to on-site water outlets for non-RV camping sites, a centralized location of potable water not more than 200 feet from any non-RV site could also be used as an alternative. Each site intended for use as a RV camping site shall have access to water within the RV's utility island. All water outlets, sanitary sewer line taps, and electrical outlets for RV's shall be located on an approved RV utility island. All water taps or outlets serving all campsites shall be of a type compatible with garden hose connections. All water facilities serving campsites of any type shall be required to have backflow prevention devices as required by the Black Mountain Department of Public Works.

11. *Road circulation pattern* - The road circulation pattern should be a one-way paved or gravel reinforced system attached to a main two-way circular thoroughfare. If a loop system is used, it shall contain a pull-through site arrangement or back-in site ranging from a forty-five (45) to a ninety (90) degree angle. **Parking on all access roads to the entire campground area shall be prohibited.** A turning radius for all emergency vehicles shall be required as approved by the fire department. The turning radius in loops and turns shall not be less than those required by the fire department, including those for parking spurs at individual RV sites.

a. *Road width/slope in campground* - Road widths on the one-way loop shall be at least fifteen (15) feet wide. Double lane roads shall have a minimum width of twenty (20) feet. The circulation system shall parallel existing contours as closely as possible, and shall not exceed a sixteen (16%) percent slope.

b. *Land disturbance* - A Soil and Erosion Sedimentation Plan shall be filed and approved by the Buncombe County Erosion Control Office prior to any construction.

TITLE XV: LAND USAGE

12. *Campfires* - All campfires shall be contained and controlled. Stoves or grills are recommended for all campsites. Fire rings shall be required at those locations where fires are permitted. Facilities provided for above activities shall either be provided for at campsites, or restricted to designated locations. No fire shall be allowed within ten (10) feet of a bottled gas container or other combustible source of fuel, and no open fire shall be left unattended. No fires outside of structures intended for the containment and control of fires shall be permitted.

13. *Refuse disposal* - All campgrounds shall provide fly-proof, watertight, containers for the disposal of refuse. These containers shall also be constructed and located such that they are not subject to rodent infestation or dog and bear invasion. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse for camping areas shall be collected at least once a day.

14. *Overflow parking area* - All campsites shall be limited to a total of one non-RV parking space. *An additional area for parking* of such vehicles shall be provided equal to one parking place for every ten campsites. Such parking area can be surfaced with gravel. **AT NO TIME SHALL PARKING BE PERMITTED ON ACCESS ROADS TO THE CAMPGROUND.**

15. *Insect control* - Owners of such parks shall be responsible for adequate insect control in the camping area such as the periodic spraying for mosquitoes.

16. *Lighting* - Overnight lighting for all bathhouses and centralized water sources shall be required. Reflectors denoting paths to above mentioned structures are recommended. Other minimal lighting should be installed as needed for the safety and comfort of campground residents.

D. Campsites for Accommodation of Independent RV's

General Requirements:

1. *Density of sites.* To prevent intensive site use, and to maintain an aesthetic camping atmosphere, density shall not exceed fifteen (15) sites per acre.

2. *RV parking sites material/slope.* Each recreational vehicle site with individual parking shall contain at least 5 inches of crushed gravel leveled to not more than three (3%) percent slope.

3. *RV utility islands.* Each RV site shall contain, within the utility island, hookups to water, sewer, and electrical service and shall be constructed as shown in Exhibit B. Utility Islands shall be located to the left center of the RV and at the discretion of the campground owner/developer based on the topography of the land.

TITLE XV: LAND USAGE

4. *RV utility islands water/sewer plumbing requirements.* Campgrounds with access to a sewage system shall provide that each campsite contain a sewer connection with suitable fittings to permit a watertight junction with the RV outlet. Each sewer connection shall be constructed so that it can be closed, and when not in use shall be capped to prevent escape of odors. All water taps or outlets serving RV campsites shall be of a type compatible with garden hose connections. Sewer and water piping and installation shall be constructed as specified in the North Carolina Building Code.

5. *Electrical outlets.* Each RV site shall have access to electrical power. Configuration of power supply needed shall be the decision of the campground owner. However, a recommended one (1) in ten (10) RV sites should have access to fifty (50) amp service. All electrical outlets shall be located in a properly constructed utility island.

6. *Parking dimensions RV Sites.* Parking dimensions may vary from single auto trailer attached vehicle back-in of ten (10) x sixty (60) feet to side-by-side arrangements of trailer and auto of twenty-nine (29) feet long and thirty (30) feet wide. Various combinations may be used to accommodate the recreational vehicle and one additional parking place, but dimensions to accommodate trailer width with extended outside awning shall be at least fourteen (14) feet. Parking spurs shall be located so that trailer doors face away from interior roads and into the site. Parking for all recreational vehicles and any additional vehicle shall be of a minimum 5 inch gravel base.

7. *RV campsite spacing.* RV parking sites shall be at least twenty (20) feet apart (this 20 foot area will include any yard, cooking areas, dining areas, and utility island for next RV site), edge-to-edge, and the center of all camping units should be at least 10 feet from the edge of the campground road.

8. *Other RV site requirements.* Each RV site should have a picnic table or grill within the campsite area. There shall be a total area for both uses, including general yard area, of not less than 400 square feet with a width of not less than 20 feet.

9. *RV dump station.* A sanitary dump station built to the requirements of the local health department shall be provided at the entrance to the campground or other location convenient to all campsites. The dump station shall be located so that the left rear of vehicles will slope slightly toward the dump station when connected for emptying.

E. Sanitary Facilities for Accommodation of Dependent RV's and Tent Campsites

All campgrounds for the accommodation of dependent RV's and tents shall provide sanitary facilities connected to a sewerage system. Whenever possible, these facilities shall be connected to a public sewerage system.

1. Toilets, lavatories, and bathing facilities shall be as provided under North Carolina State Building Code Volumes 1C and 2.

TITLE XV: LAND USAGE

2. Toilet facilities shall be plainly marked, separate for each sex, lighted at night, and shall be located no farther than 200 feet from any camp pad.
3. Toilet facilities may be located in a central building or in two or more buildings according to the size of the campground and location of the campsites in relation to the facilities.
4. Adequate provisions shall be made for the disposal of dishwater according to the size of the campground. A suggested ratio is one (1) disposal unit per ten (10) campsites.

F. Campsites for Tents

Construction of tent pads is not required for pup tents or other small shelters used by backpackers. Provisions for walk-in campgrounds are contained below.

1. Each tent site should contain a minimum space of thirty (30) x thirty (30) feet. Density **shall not exceed ten sites per acre**. Tent sites with individual parking arrangements shall contain one automobile parking space at least twenty (20) feet x ten (10) feet.
2. Each site should contain a reinforced, fairly level tent pad. The pads shall be approximately sixteen (16) x sixteen (16) feet to provide maximum flexibility of use, but shall not contain less than an area of twelve (12) x twelve (12) feet. The tent pad shall be a minimum of six (6) inches high and constructed of gravel, crushed aggregate, or equivalent material that will allow run-off from precipitation to flow through the pad. Pads constructed of tamped earth, asphalt or other impervious materials are prohibited. Tent pads in excess of ten (10%) percent slope should be leveled. A three percent slope is preferable.
3. Provisions for sanitary facilities are the same as for dependent RV's set out hereinabove.

G. Walk-in Campgrounds

Camping is prohibited in areas where a source of potable water and access to sanitary facilities is not provided.

1. Walk-in campgrounds shall have access to a source of potable water within seventy-five (75) feet of all sleeping areas. In locations where a water supply system is not possible, potable water may be supplied by an approved well with a hand pump or by water from pickup stations.
2. All walk-in campgrounds shall have access to the use of a toilet facility to be located within 300 feet of each camping space.

TITLE XV: LAND USAGE

H. Campsites for Mixed Uses

Campgrounds may be developed to provide more than one type of camping site in the same area. When uses are mixed, the highest, or most strict, standards shall apply to development of the entire campground with the exception of walk-in camping areas in a campground designed for mixed uses. In such a development, areas for walk-in campers shall be separated from the types of campsites and located so that campfire smoke or noise from group activities will not constitute a nuisance to other campers.

I. Campground Design

The general designs for campgrounds as well as detailed designs for specific features are contained as Exhibit A, and recommended for compliance with the requirements contained in the Ordinance. The ideal design is one which will be compatible with the natural features and topography of the tract undergoing development; and one which provides safe, healthful and convenient camping facilities for campground users consistent with minimum land disturbance.

TITLE XV: LAND USAGE

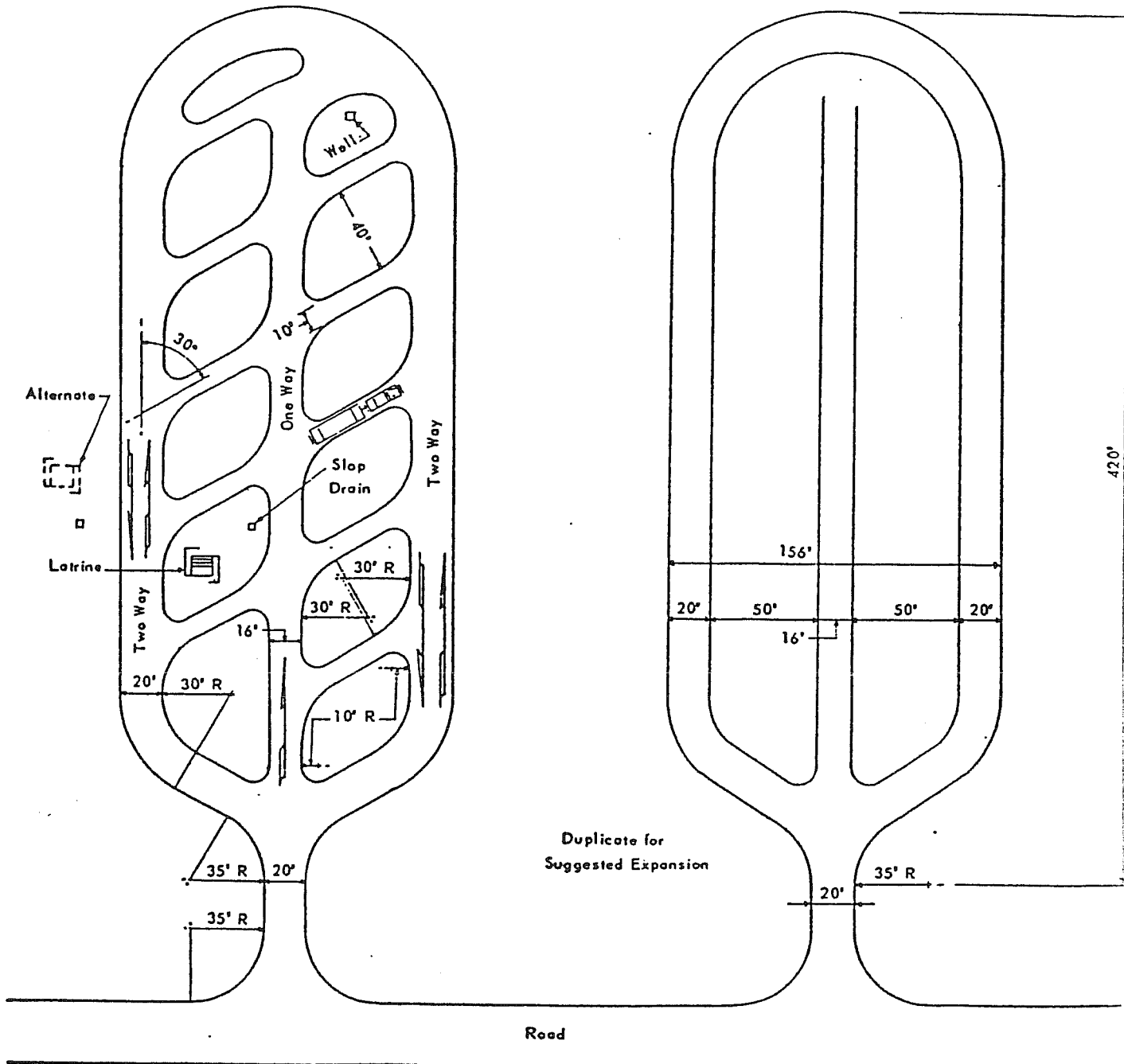
J. Campground Standards Checklist

A complete preliminary plan of any new, expanded or altered park shall be submitted to the Town of Black Mountain for approval before construction. The following information shall be included in any plans submitted to the Town of Black Mountain.

- Name and address of applicant;
- Location and legal description of the park;
- Minimum acreage of the park;
- Location of fire hydrants and other fire facilities as required under C-5, Campground Standards for all Campgrounds;
- Complete plans of proposed park (9 for Planning Board and 9 for Board of Aldermen);
- The number and location of RV's and tenting sites (including vehicle access tent sites and walk-in tent sites);
- The location of roadways;
- Location of water and sewer lines and riser pipes;
- Plan, locations, specifications, and purpose of all buildings located within the park;
- Detailed description of type and quantity of sanitary facilities contained within the buildings which house such facilities;
- Location and detail of lighting and electrical systems;
- Location of any RV storage areas or additional/overflow parking.

(Ord. 0-00-17, passed 10-9-00)

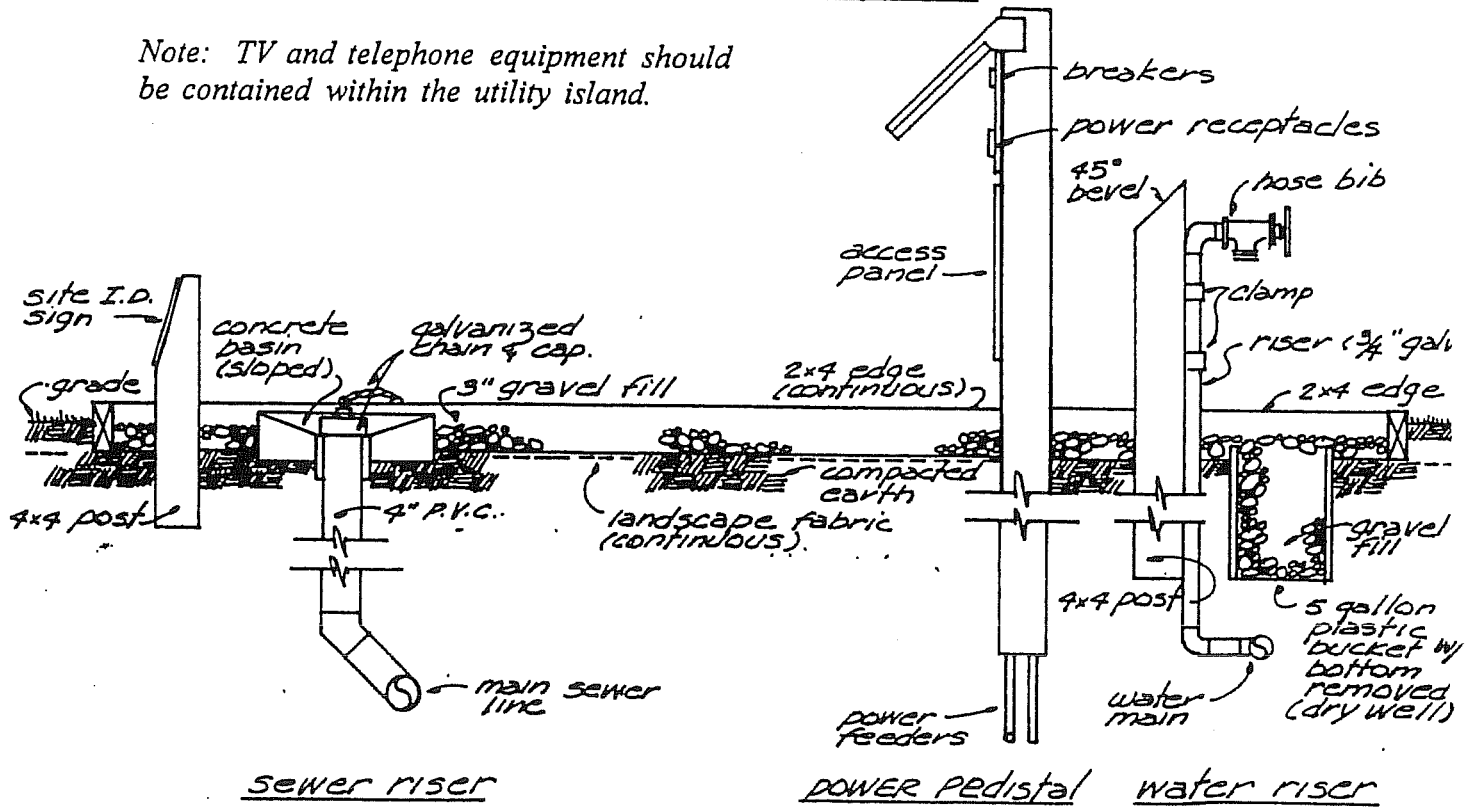
Ease of access and "take-off" makes this recreation vehicle parking area ideal for the "one night stand" traveler.

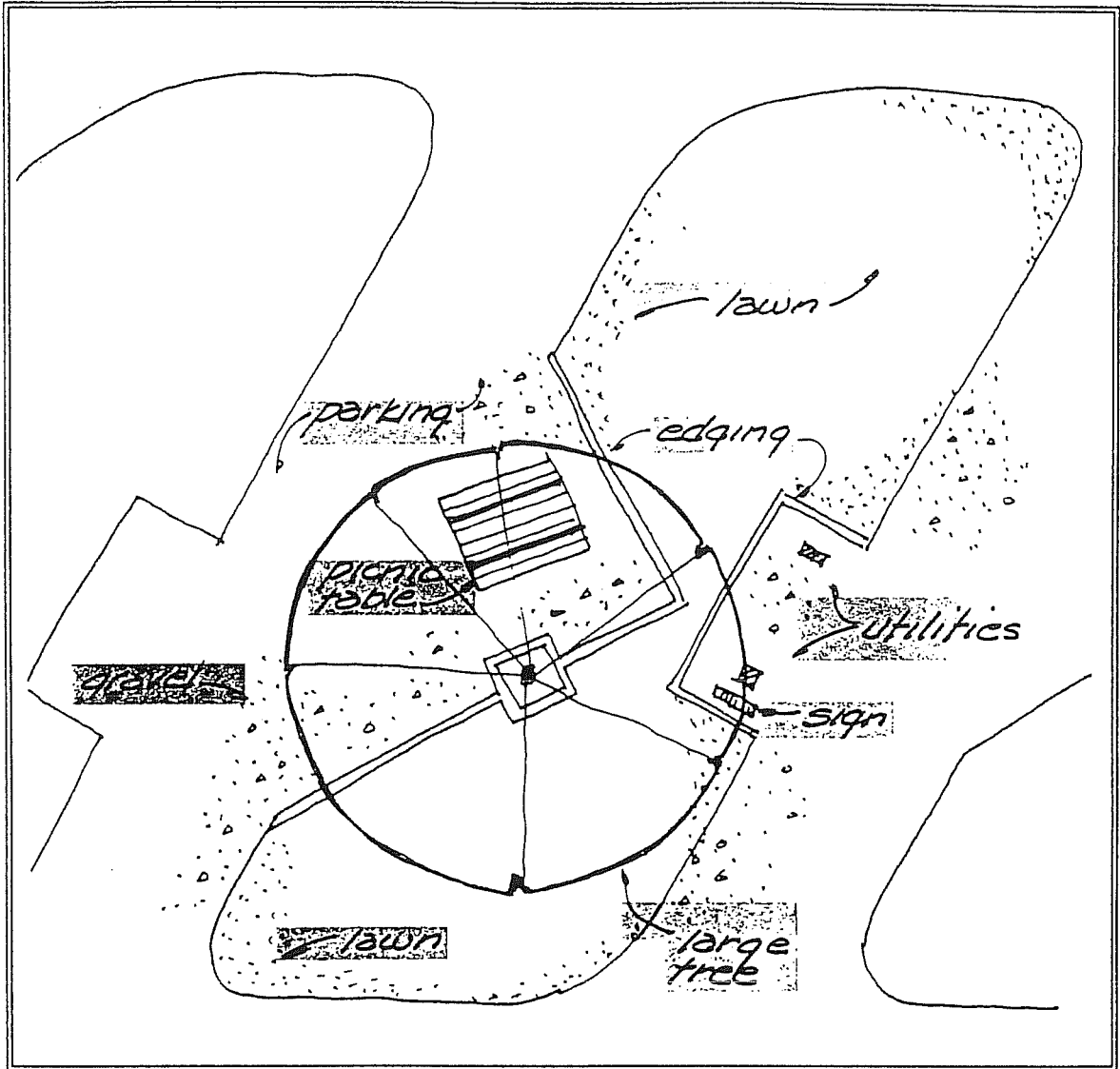


Trailer Camp

Properly Developed Utility Island

Note: TV and telephone equipment should be contained within the utility island.





Pull-through Site "B"

Design I

Approximate Scale: 1"=10'0"

SITE PAD

Surface composed of compacted porous material, such as 3/4" or 5/8" minus road mix.

