

TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: September 14, 2009

SUBJECT: Second Public Hearing on proposed updates to Land Use Codes and Consideration for Possible Adoption, with an effective date of January 1, 2010.

AGENDA INFORMATION

Agenda Location: Old Business
Item Number: B
Department: Planning and Development Services
Contact: Elizabeth Teague
Presenter: Ames Tryon and Buzz Yeatman, Chair and Vice Chair of Planning Board

BRIEF SUMMARY: The Planning Board and staff have reviewed comments made on the LUC draft and offer these additional recommendations for changes or additions to the LUC draft as presented to you in August:

- a. Change proposed zoning map on the southern side of Camp Branch Road east of Lakey Gap for PINs 0619-513589, 610429, 613415, 615462, 616470, 616563, 618550, 618326, 710514, 715461, 714774, 715646, 717802, 718834, 715461, from CR-1 to SR-2 (request of Don Collins and reviewed by the Planning Board);
- b. Change proposed zoning map for PIN 0618497722 west of Llama Vista from SR-2 to UR-8 (request of Doug Brock and not reviewed by Planning Board but recommended by staff);
- c. Change Section 2.1.2 in the Plumbing Code requiring a shut-off valve “within three feet of the Town’s water meter” to “within twelve feet” to avoid valves being placed within r-o-w (request of Mike Baldwin and recommended by staff and the Planning Board);
- d. Addition to Section 1.7 to allow a staff level variance in setbacks of 12” or less where a literal enforcement of setback provisions will in an individual case result in practical difficulty or unnecessary hardship and where a variance to the setback would not be contrary to the intent of the ordinance (recommended by staff).
- e. Allow a variety of grammatical and formatting corrections which do not change the content or meaning of the proposed regulations themselves (recommended by staff).

The Planning Board also considered the following comments requesting changes but did *not* take action, opting instead to leave their recommendations as they currently are in the draft:

- a. Allowing increased density for multi-family and SUPs other than what is provided in draft,
- b. Applying additional acreage or other standards for educational facilities, and
- c. Requiring additional notifications for CUPs or SUPs at time of the Planning Board Meeting.

MOTIONS FOR CONSIDERATION:

1. To open/close the public hearing
2. To adopt the Land Use Codes as presented in the August, 2009 draft with the additional changes as recommended by the Planning Board and staff above.
3. To adopt the attached Statement of Consistency in concurrence with the Planning Board.

FUNDING SOURCE: N/A

ATTACHMENTS: LUC Document provided last month; Map with requested changes in zoning from the last Hearing; Statement of Consistency Adopted by the Planning Board; Draft Statement of Consistency for your consideration for Adoption.

MANAGER'S COMMENTS AND RECOMMENDATIONS: This is the second publicized of two publicized hearings, and action may be taken on the two motions provided. If adopted as proposed, the updates to the Land Use Code would go into effect on January 1, 2009.