

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held its regular meeting on Monday, February 28, 2022, at 6:00 p.m. electronically via Zoom.

I. CALL TO ORDER

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

Chris Collins, Chair
Pam Norton, Vice Chair
Kathy Phillips
Shawn Slome
Rick Earley

Absent:

Lauronda Teeple
Chas Fitzgerald

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner I/Zoning Administrator
Anna Stearns, Town Attorney

The meeting was called to order at 6:04 p.m. and duly constituted and opened for business with a quorum of five (5) members.

II. ADOPTION OF AGENDA

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

III. ADOPTION OF MINUTES

Rick Earley made a motion to approve the minutes of December 21, 2021. The motion was seconded by Shawn Slome and approved by a vote of 5-0.

IV. NEW BUSINESS

1. UDO Diagnostic Presentation – Kelli McCormick, Kendig Keast Collaborative

(a copy of the presentation is hereby attached to and made a part of the minutes)

Kelli McCormick presented the diagnostic report for the UDO (Unified Development Ordinance). Mrs. McCormick spoke about the background of the project and that we are almost at the iterative drafting of the project. The UDO will be presented in two parts. Mrs. McCormick stressed that the UDO is not a property tax policy, it is not a mass rezoning, it is not a capital improvement program. The UDO will tackle weaknesses in organization and consistency, zoning classifications and uses, including conditional subdivisions, open space, landscaping, trees, flood plain development, stormwater and stream buffers, and short-term rentals and housing type issues. The UDO will also place items in the correct places. The UDO will have visual representation of unclear standards and show additional details. The UDO will look at consistency, be more user friendly, clarify day-to-day administration for staff, consolidate administrative duties, review charts, track total development review, and be more efficient. A UDO is not a comprehensive plan and is a set of laws, procedures, standards, and a zoning map

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that implements the policies identified in the comprehensive plan. A UDO should protect the public health, safety, and welfare, implement land use policies, and be flexible enough to allow property owners some freedom. The PARK analysis from the stakeholder interviews looked at items to preserve, add, remove, and keep out. Some of the land use items that will be addressed will be nonresidential uses, prohibited uses, temporary uses, and special and conditional uses and zoning. Site development standards will include parking, landscaping, signs, buildings, floodplain management. Procedures will include clarity and efficiency, additional staff decision-making, infrastructure responsibility, open space requirements, character, and resiliency. The diagnostic assessment found that the UDO will align with the Elevate Black Mountain plan by incorporating the following:

- Promote a variety of housing development
- Protect existing, stable neighborhoods
- Review mixed-use developments
- Conform with the State's building materials and restrictions
- Allow ADU's to promote aging in place and housing affordability
- Zoning districts chart
- Improve use regulations
- Rely on use categories
- Definitions
- Use standards
- Home occupations
- Post-Covid
- Accessory uses
- Enhance site development standards
- Parking and parking reform
- Low-impact development
- Legal matters
- Standardize and streamline review procedures
- Procedural streamlining – increased administrative authority and review clarity
- Legislation and case law
- Create a more user-friendly code
- Provide user-friendly enhancements
- Re-organize permits and procedures

The conversion will start with an annotated outline looking at items from a citizen's perspective. Then the outline is looked at from a technical user's perspective. Comments will be provided on the side of the annotated page so that everyone can see all the comments without having to email. A website will be setup that will have meeting dates, information, drafts, and other items related to the UDO. Major subdivisions currently have pedestrian circulation requirements, and the UDO has the ability to address some other ways of providing walkability. Shawn Slome asked if available land and zoning of neighborhoods will be looked at with the addition of different housing types. Mrs. McCormick said that the housing types will be incorporated into the existing land and zoning, and it may be that lot sizes or setbacks might have to be changed but all of that will be looked at. The UDO will look at existing conditions. Rick Earley asked about creating a tree ordinance between now and the creation of the UDO to control tree removal. Mrs. McCormick said that there are lots of good examples of tree ordinances throughout the state if

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the Town wants to consider a band-aid until the UDO is resolved. Ms. Trotman said that tree protection was included in the RFP so that we could have the experts give their feedback, but the board could bring forth an amendment if they would like but we were trying to get away from doing band-aid text amendments so that we are not having to redo them in the UDO process. Mrs. McCormick did clarify that a tree ordinance would not be a stand-alone ordinance but would be woven in through several sections of UDO. Mrs. McCormick also clarified that the board will need to decide if they want a tree planting ordinance or a tree protection ordinance because they are separate ordinances.

2. Proposed Text Amendment – Mobile Food Vendors

Jessica Trotman said that the first mobile food vendor text amendment was approved by the Town Council but shortly after, it was discovered that the text amendment was in conflict with the NC Administrative Code. The main thing is that you are either a vehicle or a building. Felissa Vasquez, Buncombe County Environmental Health, spoke about how food trucks are not allowed to be permanently hooked up to water and sewer but may have an electrical outlet. Mobile food vendors must leave and return to their commissary kitchen at the end of the day. Mobile food vendors cannot offer seating but they are able to park at a brewery or park that has seating but that must be in writing. Mobile food vendors are temporary uses and mobile food vendor courts are a principal use on a property that would allow for permanent facilities and seating and is a place to allow the mobile food vendors to come and set-up. Propane tanks must be checked by the agricultural division for safety purposes. Chris Collins made a motion to recommend the updated mobile food vendor and mobile food vendor court text amendment as it is consistent with the comprehensive plan and reasonable in the public interest as it promotes a livable environment and a viable economy and promotes the general safety and welfare of the community. The motion was seconded by Rick Earley and approved by a vote of 5-0.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

Shawn Slome asked about the board disclosing a conflict of interest at each meeting. Ms. Stearns said that each board member has a responsibility to disclose a conflict of interest and the policy is covered in the Boards and Commissions Handbook. The requirement to disclose conflicts of interest is in Chapter 1, Section 1.4.3 of the Land Use Code and aligns with the new requirements from 160D. There are two types of conflict of interest: a direct financial impact or a close familial or business relationship. Board members are required be transparent and to be impartial when making decisions. Elected officials are only governed by the direct financial impact conflict of interest.

VIII. COMMUNICATION FROM STAFF

None.

VX. ADJOURNMENT

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The meeting was adjourned at 7:53 p.m.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin