## 4.7.11 TND traditional neighborhood development (master planned).

***4.7.11.1 Purpose and Intent.*** The purpose of this district is to allow for the development of fully integrated, mixed-use pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. The provisions of this district are based on urban design and development conventions which were widely used in the United States from colonial times until the 1940's and were based on the following principles:

A. All neighborhoods have identifiable centers and edges.

B. The center of the neighborhood is easily accessed by non-vehicular means from lots on the edges (i.e. approximately one-quarter-mile from center to edge, or a five-minute walk).

C. Uses and housing types are mixed and in close proximity to one another.

D. Street networks are interconnected and blocks are small.

E. Civic buildings are given prominent sites throughout the neighborhood.

***4.7.11.2 Master plan required.***

A. A master plan in compliance with TND design standards and the general provisions of the subdivision regulations shall be provided with any application to reclassify a property to TND zoning. A rezoning request for TND zoning is contingent upon the approval of a master plan; if a master plan is not approved for the property, then it reverts to its previous zoning classification(s). No use or development of any property located in a TND district shall be permitted until a master plan, showing the proposed uses and development of the property, has been approved by the town council, upon a recommendation made by the planning board. Once the master plan has been approved, the developer must follow the processes and regulations set forth in the Town of Black Mountain's Subdivision Regulations to proceed with development of the property.

B. All submissions for approval shall include an agreement and approval by the associated TND master association governing the overall development. Specifically each new phase will have appropriate design standards and restrictions agreed upon and submitted to the appropriate county authority in the form of a supplemental master declaration. These additional design standards and restrictions shall be approved and filed prior to the commencement of any construction associated with that phase. The final plat submission and approval shall follow the same guidelines as the above preliminary plan.

C. The master plan shall be certified by a registered architect, registered landscape architect or certified planner.

D. If a developer proposes to construct the subdivision in phases, then the master plan shall be prepared for the entire property, and shall show the proposed phases of development. Each phase of development shall be preceded by the submission and approval of a preliminary plat for that phase, followed by the submission and approval of a final plat. In addition the master plan shall include:

1. An outline of any additional regulatory intentions or design guidelines,
2. Show intended phasing of development, and
3. Include any other information, e.g., conceptual building prototypes, which may be required to evaluate the interior pedestrian environment and conditions at project edges.

E. Approval process:

1. The owner or developer shall submit ten copies of the master plan to the zoning administrator for consideration by the planning board at least ten working days prior to the next scheduled meeting of the planning board.

2. The zoning administrator shall submit to the planning board at its next meeting any master plan that is in compliance with the design standards specified herein.

3. A filing fee shall be paid. Any master plan re-submitted within one year for substantially the same property shall not pay an additional filing fee. (0-99-09, adopted 6-14-99)

4. The planning board shall review a master plan submission or re-submission for no more than 180 days from the first meeting it is presented, in order to make a recommendation to the town council. Failure to make a recommendation accordingly shall cause the master plan to be forwarded to the town council without a recommendation. The applicant may withdraw a master plan by a written request to the zoning administrator. A withdrawn master plan may be re-submitted to the planning board for further reconsideration at a later time.

5. Before approving a master plan and subsequent rezoning, the town council shall first hold a public hearing. Staff shall place notification of the public hearing in a newspaper of general circulation within the Town of Black Mountain once a week for two successive calendar weeks. The notice shall be published the first time not less than ten days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Meeting notice shall include the time and place of hearing.

   (a) Staff shall prominently post a notice of the public hearing on the site of the proposed master plan and rezoning or on an adjacent public street or highway right-of-way. Staff shall provide notice by first class mail to all property owners within 200 feet of the property boundary of the proposed master plan and rezoning and the date of the public hearing. Notice shall also be posted to the town website indicating the date and time of the hearing.

6. Master plans not approved by the town council and subsequently revised shall be re-submitted through the approval process.

7. Approved master plans shall not be revised without re-submission through the approval process. However, minor amendments at the site plan level for specific land uses or developments may be approved by the zoning administrator, provided:

   - Building floor areas are not changed by more than 20 percent;
   - Building or structure heights are not increased by more than 20 percent;
   - Parking areas or spaces are not diminished by more than 20 percent;
   - Relocated buildings or uses maintain the same general building relationships, landscaping and utility standards; and
   - The amendment preserves compliance with any specific requirements of the TND district and the town's general guidelines;
   - Appropriate HOA (master association) has reviewed and approved all revisions and submittals for a new phase commencement. This approval shall be in the form of a supplemental master declaration which is agreed to and approved by the master association.

8. Once a master plan has been approved, the project may proceed through the major subdivision and permitting processes outlined in the subdivision regulations of chapter 3, with the master plan being considered as a preliminary plat.

***4.7.11.3 Development Parameters.***

A. No minimum development size; however 40 acres is the recommended minimum size.

B. No maximum development size; however 200 acres is the recommended maximum size.

C. Maximum permitted densities and total number of dwelling units shall be established during the master plan review process.

D. Buffer requirements shall be established during the master plan review process. Property located on the perimeter of the TND district shall have setbacks and buffers that are consistent with the setbacks and buffers of the adjoining zoning district, including provisions for accessory buildings, but shall be a minimum of 15 feet.

***4.7.11.4 Uses.***

A. Permitted uses shall be based on the general category of use that has been established for a lot or group of lots in the TND master plan. The general land use categories are listed below with particular uses allowed and suggested amounts for each, expressed as a percentage of the total gross area of the neighborhood.

| **Use** | **Amount** | **Allowable Uses** |
|---|---|---|
| Public | At least 5% | Parks, squares, greenbelts, sidewalks/walkways, streets, alleys, civic uses, and emergency housing. |
| Civic | At least 2% | Community buildings including meeting halls, libraries, post offices, schools, child care centers, clubhouses, religious buildings, recreational facilities, museums, performing arts buildings, municipal buildings, and emergency housing. |
| Shop front | 2% to 20% | Residential and commercial uses; approximately 50% of the building area shall be designated for residential use. *Also, emergency housing. |
| Attached Homes (Multi-Family) | 15% to 30% | Buildings for residential use and limited commercial use, such as a coffee house, home occupation, bed and breakfast inn, and emergency housing. |
| Detached Homes | 30% | Buildings for residential uses, customary home occupational uses, bed and breakfast inns, and emergency housing. |
| Business | 5% to 15% | Office, bar/brewery, restaurant, brew pub/tavern, retail, including eating establishments, mobile retail vendors***, and other commercial uses provided they produce little or no noise, odor, dust or vibration**. Also, emergency housing. |

* Residential uses are not permitted on the ground floors of shop front buildings.

** Business uses shall be grouped together as follows: office and retail may be grouped with shop front buildings to form town centers. All other business uses shall be grouped together outside town and neighborhood center.

***Mobile retail vendors shall allow up to six vendors per parcel and there is a limit of ten mobile retail vendors allowed in the district.

B. Special uses:

1. Cemeteries, mausoleums or columbaria.
2. Churches.
3. Electric power and public utility stations or substations and public utility transmission lines.
4. Fairgrounds.
5. Drive-thru restaurants.
6. Automotive services.
7. Community living facilities.
8. Laboratories.
9. Outdoor theaters.
10. Public or non-residential swimming pools.
11. Schools—Public or private.
12. Stalls or merchandise stands for outdoor sale of goods at street front.
13. Veterinarian offices.

C. Prohibited uses:

1. Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, except service stations.
2. Carting, moving, or hauling terminal or yard.
3. Chemical manufacturing, storage or distribution as a primary use.
4. Enameling, painting or plating, except artist's studios.
5. Kennels.
6. Landfills.
7. Manufacturing, storage or disposal of hazardous waste materials.
8. Mobile homes.
9. Outdoor advertising or billboard as a principle use.
10. Parking lot as principal use.
11. Prisons, detention centers, or half-way houses.
12. Sand, gravel, or other mineral extraction.
13. Scrap yards.
14. Any use which produces the following adverse impacts; noise at a level greater than typical street or traffic noise, offensive vibration, emission of noxious solids, liquids, or gases.

*Large-scale, single-use facilities (e.g., conference centers, theaters, athletic facilities) shall generally occur above or behind smaller scale street front space.

***4.7.11.5 Design standards.***

A. *Neighborhood form.*

1. Dwellings at the edge of the neighborhood shall be roughly a five-minute walk to the center of the neighborhood.
2. A great variety of housing types and price ranges shall exist in the neighborhood, with the highest density of housing located towards the center of the neighborhood.
3. Within a neighborhood the following land uses shall be arranged to serve the needs of the residents in a convenient walking environment: open space/recreational areas, civic buildings, low and high density residential, retail/commercial, business/workplace, and parking.
4. The area of the TND shall be divided into blocks, streets, lots and open space.
5. Similar land uses shall generally enfront across each street. Dissimilar land uses shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.
6. Along existing streets, new buildings shall be compatible with the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
7. The appearance of the neighborhood should blend in with existing neighborhoods and feature the use of natural materials in construction.

B. *Lots and buildings:*

1. All lots shall share a frontage line with a street or public space; lots fronting on a public space shall have access to a rear alley.
2. Consistent build-to lines shall be established along all streets and public space frontages.
3. All buildings, except accessory structures, shall have their main entrance opening on a street or public space.
4. No structure shall exceed 35 feet in height.

C. *Inclusion of affordable housing:*

1. Ten percent of all units created, whether for rental or purchase, must meet the affordable housing thresholds established by Buncombe County Community Development. Affordable units must blend into the overall development and not be aesthetically distinguishable from the other units, but may be of a higher density or smaller scale than other units within the development. For example, by making one of the buildings into a duplex, or by building a smaller sized unit of similar style, a developer can decrease their per unit cost and maintain the architectural integrity of their design.
2. Instead of constructing affordable units, developers may opt to convey an undeveloped lot or lots within the development for construction by a town approved affordable housing agency to meet the ten-percent requirement as long as the lot(s) conveyed can accommodate an equal or greater number of units to ten percent of the overall development.
3. A developer may also pay a fee-in-lieu of development or conveyance of a lot of equal value to ten percent of the overall estimated construction cost of the built-out master plan to the Town of Black Mountain for the purpose of creating new and affordable housing opportunities.

D. *Streets, alleys and pathways:*

1. ~~Public streets~~ **Streets that are publicly accessible** shall provide access to all lots. Designs shall permit comfortable use of the street by motorists, pedestrians and bicyclists. Pavement widths, design speeds, and 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 building types which front on the street and the relationship of the street to the overall town street network. All roads shall be in compliance with the requirements as indicated in the Town of Black Mountain Standards and Detail Manual.
2. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development. Cul-de-sac and dead-end streets are discouraged and should only occur where absolutely necessary due to natural conditions.
3. No block face should have a length greater than 500 feet without dedicated alley or pathway providing through access.
4. To prevent the build-up of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided.
5. A continuous network of rear alleys is recommended for all lots in a TND.
6. Utilities shall be underground and shall run along alleys wherever possible.
7. Streets shall be organized according to a hierarchy based on function, size, capacity and design speed. Streets and rights-of-ways are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted master plan and each street type shall be separately detailed in the master plan.
8. Every street, except alleys, shall have a sidewalk on at least one side that is at least five feet wide. In shop front areas, sidewalks shall be at least ten feet wide.

E. *Parking:*

1. On-street parking should be provided on all streets. Occasional on-street parking can be accommodated without additional pavement width. For streets which serve workplace and storefront buildings, on-street parking is required and should be marked as such. On-street parking should be parallel to street unless the street lends itself to other parking layouts.
2. Parking lots shall generally be located at the rear or at the side of buildings and 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.
3. To the extent practicable, adjacent parking lots shall be interconnected.
4. Small and strategically placed parking areas are recommended.
5. Parking areas shall be paved as required in chapter 10 and all parking areas and traffic lanes shall be clearly marked.
6. The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.
7. Off-street parking and loading requirements as outlined in the town's parking regulations may be used as guidance.
8. The developer shall demonstrate the provision of adequate parking and off-street loading areas for different areas of the development, based on the uses allowed and the density of development.

9. In addition to landscaping provided for screening above, trees should be planted around the perimeter and interior of parking lots to provide shade.

F. *Landscaping:*

1. Trees shall be planted within rights-of-way parallel to the street along all streets except alleys.
2. Tree spacing shall be determined by species type. Large maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center. Small and medium maturing trees shall be planted a minimum of ten feet and a maximum of 30 feet on center.
3. Large maturing trees shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts and civic structures.
4. Small maturing trees shall generally be planted along non-residential streets, interior portions of parks, squares, greenbelts and civic lots. Storefronts shall not be obstructed by the planting pattern.
5. The natural features of the landscape shall be incorporated into the landscaping plan.
6. All plantings shall be with native or appropriate species (refer to list in appendix).

G. *Requirements concerning sidewalks and greenways:*

1. Sidewalks or greenway easements shall be provided in locations shown on the adopted comprehensive pedestrian master plan or shall connect to pedestrian facilities shown on the comprehensive pedestrian master plan. A fee-in-lieu of construction or dedication of easement may be provided to the town at an equivalent cost to construction upon approval of the town planning board.
2. Existing sidewalks at the time of development or re-development must be improved, repaired, or replaced as necessary in order to be compliant with town and ADA regulations as part of new projects.

(Ord. No. O-24-14, 9-9-2024; Ord. No. O-24-16, 12-9-2024; Ord. No. O-25-01, 1-13-2025)