ORDINANCE #

AN ORDINANCE TO AMEND CHAPTER 4, ZONING REGULATIONS, SECTION 4.4, PROVISIONS GOVERNING ALL LOTS, SUBSECTION 4.4.2, LOT ACCESS AND SECTION 4.7, ZONING REGULATIONS BY DISTRICT, SUBSECTION 4.7.11.5, DESIGN STANDARDS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE

WHEREAS, the Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Boad made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because zoning regulations do not indicate that either the Town or State is committed to the construction of roadways and consistently referring to all types of roadways; and

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statues, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Zoning regulations do not indicate that either the Town or State is committed to construction of roadways

WHEREAS, after notice duly given, a public hearing was held on November 9, 2026, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE BE IT RESOLVED that Chapter 4, Zoning Regulations, Section 4.4, Provisions Governing All Lots, Subsection 4.4.2, Lot Access and Section 4.7, Zoning Regulations by District, Subsection 4.7.11.5, Design Standards, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):

Chapter 4 Zoning Regulations

Section 4.4 Provisions Governing All Lots
4.4.2 Lot Access

A. No building, structure or use of land for other than conservation purposes shall be established on a lot which does not have access to a ~~public~~ **street that is publicly accessible** directly or by means of an easement.

Section 4.7 Zoning Regulations by District

4.7.11.5 Design Standards

D. Streets, alleys and pathways:
   1. ~~Public streets~~ **Streets** that are publicly accessible shall provide access to all lots.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 9th day of November 2026.

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Jennifer E. Tipton, Interim Town Clerk