

TOWN OF BILTMORE FOREST
PLANNING COMMISSION

AGENDA

Tuesday, September 23, 2025

4:00 p.m.

Biltmore Forest Town Hall

1. Welcome – Chair Saponaro
2. Approval of Minutes – June 24, 2025
3. Consideration of Recommendation to Board of Commissioners
Zoning Text Amendment
Jonathan Kanipe, Town Manager
4. Joint Meeting Review and Work Items *Anthony Saponaro, Chair*
5. Adjourn

<https://us02web.zoom.us/j/83015148121?pwd=aG12eDZFU2RFSWx2Q09NOFFLMFAwQT09>

Meeting ID: 830 1514 8121

Passcode: 226922

PLANNING COMMISSION MEETING

TUESDAY JUNE 24th, 2025 at 4:00PM

The meeting was called to order at 4:00pm.

Chairman Anthony Saponaro called the meeting to order for the Planning Commission. In attendance were Ms. Angela Newnam, Mr. Jonathan Gach. Mr. Jonathan Kanipe, Mr. Tony Williams, and Mr. Billy Clarke, Town Attorney, were also present. Ms. Diane Fourton and Mr. Ken Hornowski were not present.

Chairman Saponaro called the meeting to order, noting that at least three members were present, making it an official meeting. He acknowledged the presence of the members

Chairman Saponaro asked if anyone had any adjustments to the minutes from April 22, 2025.

Mr. Billy Clarke made a motion by Billy to approve the minutes from April 22, 2025. Second by Angela. Motion passed unanimously.

Chairman Saponaro noted that Town Manager Jonathan Kanipe had prepared a report that was shared with the group prior to the meeting.

Mr. Jonathan Kanipe discussed the evolution of the Planning Commission, noting that it previously met infrequently (once every other year), then increased to bi-weekly meetings, and eventually monthly meetings. He proposed changing the meeting schedule to quarterly meetings to be more effective. This approach would give administration more time to prepare materials, allow for more targeted solutions, and potentially result in more productive meetings that could last longer than the typical one-hour timeframe.

There was discussion about how work would continue between meetings. Mr. Kanipe noted that board members could work in pairs on specific projects without constituting an official meeting. Commissioner Drew Stephens(in the audience) raised concerns about open

meeting laws, pointing out that if three or more members communicate via email about commission business, it would constitute a public meeting. Mr. Kanipe clarified that two members could work together on a project, but they should not engage the full commission in discussions outside of public meetings.

The board discussed several work items:

1. **Noise Ordinance:** Angela mentioned that dog barking was the most frequent noise complaint according to police reports. The commission discussed potential approaches to noise regulation including:
 - Defining a "quiet day" on Sundays with restrictions on construction and powered equipment
 - Establishing "quiet hours" during evenings (potentially 10 PM to 6 AM)
 - Using the standard of "audible from inside the home" as the threshold for violations
 - Including exceptions for events, holidays, and necessary early morning activities
 - Implementing warnings before issuing fines

The board reviewed research on noise ordinances from the North Carolina School of Government and other municipalities. Chief Beddingfield had advised against using decibel meters due to training requirements, calibration issues, and challenges holding up in court.

2. **Lighting:** The board briefly mentioned addressing lighting issues but did not discuss it in detail during this meeting.
3. **Construction and Property Maintenance:** Discussion included potential requirements for construction permits to include notification to neighbors and restrictions on timing of activities.

Mr. Kanipe mentioned that the commission had accomplished many requested tasks and had more to do. He noted that they were planning a joint meeting with the Board of Commissioners and Board of Adjustment to ensure alignment on priorities and direction.

Chairman Saponaro discussed the plan to move to quarterly meetings with potentially longer durations. This would allow more time for preparation and substantive discussion. The board agreed that the new schedule would be more efficient than monthly meetings.

The board also discussed holding a joint meeting with the Board of Commissioners and Board of Adjustment in August (rather than July due to member availability). This meeting would help establish priorities and ensure alignment across the town's governance bodies.

Mr. Kanipe noted that by July 1st, the town would likely be finished with Hurricane Helene cleanup activities, allowing them to focus on moving forward with planning initiatives.

Mr. Tony Williams, has experience responding to noise complaints, shared insights about the types of complaints received, which included dog barking, construction activities, music, and children playing.

A motion was made by Chairman Saponaro to adjourn the meeting and seconded by Mr. Jonathan Gach and was unanimously approved.

Chairman Saponaro adjourned the meeting at 4:35 pm.

PLANNING COMMISSION MEETING
STAFF MEMORANDUM
September 23, 2025



AGENDA ITEM - 3

CONSIDERATION OF RECOMMENDATION

*Zoning Text Amendment regarding Allowable Uses within
P-S Zoning District*

BACKGROUND

The Planning Commission received a request from the Board of Commissioners to consider a potential amendment to the permitted use table for the P-S Zoning District. Specifically, the Board requests a recommendation from the Planning Commission for including “Town-owned and operated public facilities” as a permitted use within this district.

AMENDMENT FOR RECOMMENDATION

The attached portions of the Town’s Zoning Ordinance include the addition of this specific allowance within the P-S Zoning District.

The result of this ordinance is that the Town would be able to utilize the 10.2 +/- acres south of Interstate 40 and east of Vanderbilt Road for an additional public works facility to better serve the citizens of Biltmore Forest.

STAFF RECOMMENDATION

Staff’s recommendation is that the Planning Commission recommend approval for this ordinance. Specifically, the Staff recommends the following motion be approved by the Planning Commission. The Town will hold a public hearing regarding this proposed zoning text amendment at the October 13, 2025 Board of Commissioners meeting regardless of the recommendation.

Motion for Recommending Approval to the Board of Commissioners

Move that the Planning Commission make a recommendation for adoption to the Board of Commissioners regarding a proposed zoning text amendment for allowable uses within the P-S Zoning District, and further, that the proposed zoning ordinance amendment is consistent with the Town of Biltmore Forest’s Comprehensive Plan.

DRAFT ZONING TEXT AMENDMENT
FOR RECOMMENDATION TO BOARD OF COMMISSIONERS
SEPTEMBER 23, 2025

§ 153. 005 (6) *P-S Public Service District.*

- a) This District is designed to provide for open green spaces, including forestation and other natural vegetation throughout the jurisdiction.
- b) It is to be used to protect the ambiance of the community by providing a series of natural buffers between residential and nonresidential development.
- c) It is expressly intended that any structures and/or buildings shall be prohibited, except as associated with a public park, ~~or~~ recreational area, or town owned and operated public facilities.
- ~~e)d~~ Any land-disturbing activity such as driveway connections or landscaping shall be approved by the Board of Adjustment.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

PLANNING COMMISSION MEETING

STAFF MEMORANDUM

September 23, 2025



AGENDA ITEM - 4

JOINT MEETING REVIEW

BACKGROUND

The Planning Commission, along with the Boards of Commissioners and Adjustment, held a joint meeting on August 27. The purpose of this meeting was to identify specific land use related areas to address, and particularly, to review these needs subsequent to Hurricane Helene's impact in Biltmore Forest. Several items were discussed that relate directly to the Planning Commission's work, as noted below:

1. Construction Activity Ordinance
2. Noise Ordinance
3. Nuisance Ordinance, particularly related to cleanup from Helene and large properties
4. Lighting standards for residential properties
5. Long term discussion regarding zoning map amendments and clarifications

The above items are only for discussion at this meeting and to assist in determining the Planning Commission's work over the next several years. The existing ordinances related to these items are included as attachments to this memorandum.

GENERAL PROVISIONS

§ 92.01 ABATEMENT OF NUISANCES.

(A) (1) Whenever a nuisance shall exist on any premises in the town, the Chief of Police or the County Health Officer shall give notice to the owner or occupant of the premises of the existence of the nuisance and shall direct that the nuisance be abated.

(2) It shall be unlawful for any person receiving a notice to abate a nuisance, given pursuant to this section, to fail to start abatement of the nuisance within 24 hours after such notice.

(B) In the event the owner or occupant of the premises shall fail to abate a nuisance on his or her premises after having been given notice pursuant to division (A) above, the town may abate the nuisance and the costs of abatement shall be certified to the tax collector and collected as taxes.

(2013 Code, § 10-1) Penalty, see § 10.99

Statutory reference:

Abatement of public health nuisances, see G.S. § 160A-193

§ 92.02 STAGNANT WATER.

It shall be unlawful for any person to allow stagnant water to accumulate or stand in ponds, holes, ditches, vats, or otherwise upon any lot or premises so as to be detrimental to health. Such stagnant water shall be subject to abatement as a nuisance as provided in § 92.01.

(2013 Code, § 10-2) Penalty, see § 10.99

§ 92.03 OBSTRUCTION OF NATURAL DRAINAGE.

No person shall erect any dam or obstruction of any kind which shall prevent the natural flow of water or which shall cause the same to be collected or dammed in a pool or pools upon any lot in the town, or upon any street, road, or alley; nor shall they do or cause to be done any work, the effect of which will cause the formation of such pool or pools; provided, however, that nothing in this section shall prevent the owner or owners of any lot or lots from filling up the same as may be found desirable if adequate drainage is provided through or across the same to care for the surface water that may be collected or diverted from its natural flow.

(2013 Code, § 10-3) Penalty, see § 10.99

§ 92.04 CLEANLINESS OF PREMISES.

(A) Owners or occupants of premises shall be required to keep such premises free from noxious weeds, trash or any other form of refuse which may be dangerous or detrimental to the public health or which may be unsightly.

(B) Proper maintenance requires that grass and weeds are to be cut neatly as reasonably required.

(C) Areas, such as decks, porches, yards and play areas, and the like, that are in view of neighboring property or in view from the streets, shall be maintained and arranged in an orderly open, uncluttered manner, utilizing furniture and appointments appropriate to the area.

(D) Failure to comply with this provision shall constitute a misdemeanor and shall also be subject to abatement as a nuisance as provided in § 92.01.

(2013 Code, § 10-4) Penalty, see § 10.99

§ 92.05 REMOVAL OF DEAD ANIMALS.

It shall be the duty of the owner to remove any dead animal from the town within eight hours.

(2013 Code, § 10-5)

Cross-reference:

Animals, see Ch. 90

Statutory reference:

Removal of dead animals and fowl, see G.S. § 106-403

§ 130.02 SOUNDS IMPACTING RESIDENTIAL LIFE.

(A) (1) As a means of controlling and reducing noise levels in the town, all construction activities and property maintenance, including delivery of worker's material, machinery, or equipment to or from a work site, must be conducted from 7:30 a.m. until 6:00 p.m., on Monday thru Saturday.

(2) Such activities are prohibited on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. These restrictions apply on all properties within the town, except for clubs.

(B) Should conditions on any property within the town occur that have the potential of injury or damage to persons or property during prohibited hours, persons in charge or involved in such matters shall contact the town's police officer in charge, present the problem, and seek permission to take appropriate action.

(C) Any sound from radio, music, or other noises are not permitted to the extent that they disrupt the quiet enjoyment of property.

(2013 Code, § 12-2) (Ord. passed 11-12-2006) Penalty, see § 130.99

§ 153.045 SITE DESIGN AND BUILDING FORM AND MASS FOR RESIDENTIAL DWELLING UNITS.

(A) (1) The town is a unique community and it is within the public interest and general welfare of the town to regulate the site design and building form and mass encompassing all residential structures.

(2) Site design shall include grading, surface water drainage, preservation and restoration of existing flora, all landscape features, including drives, walks, patios, freestanding walls, fencing, and plantings.

(B) Of particular concern is preservation of the streetscape, signs, lighting, trees, and bushes alongside the public thoroughfare. Form and mass shall refer to size and shape of the residential structures.

(1) *Site materials and features.* The intent of these provisions is to encourage site materials and features which blend with the existing visual environment, e.g., native flora and curvilinear roadways.

(a) *Built of planted landscape elements.*

1. *Permitted.* All native flora and materials, (e.g., trees, bushes, flowers, stone, asphalt or concrete pavement, concrete masonry paving units); and

2. *Prohibited.* Abrupt physical configurations, (e.g., site revisions causing excessive tree removal, land slope revisions greater than natural repose).

(b) *Site lighting.* Permitted; low-intensity security or decorative lighting, up to two street lamps in front yards not to exceed eight-feet in height and located a minimum of ten feet from the edge of the road.

(2) *Prohibited.*

(a) High-intensity flood or spot lighting of either the buildings or landscape features, neon. No flickering or flashing lights and all lighting shall be shielded such that light is not directed toward adjacent residential properties; and

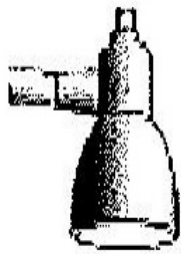
(b) Examples of shielding should be as follows.

NO



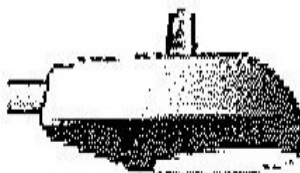
Without shield

YES



With a reflector shield

YES



Full Cutoff fixture

(3) *Building forms and mass.*

(a) *Intent.* The intent of these provisions is to encourage exterior building forms which blend with the majority of existing residential structures and natural features of the town.

(b) *Roof form.*

1. *The following roof forms are encouraged.* Gable, mansard, hip, gambrel, shed, pyramidal, salt box, barrel, vault, and arch; and

2. *The following roof forms are discouraged as inconsistent with existing structures in the town* Trapezoidal, butterfly, complex curvilinear (screw, bullet, mushroom shape), conical, polygonal (except as roof of minor tower), A-frame, Quonset huts, geodesic domes, and roundettes.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)