

Summary of Comments on Ch. 153.034 - Landscaping and Grading Ordinance (REV.230928) - CLEAN.pdf

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§ 153.034 LANDSCAPING AND GRADING PLANS, LAND DISTURBANCE, AND SEDIMENTATION CONTROL.

(A) Plans Required. A landscaping and grading plan, as defined in the Town's Zoning Application process, are required for any or all of the following activities.

(1) Any land-disturbing activity, such as grading projects or removal of natural vegetation, that involves the disturbance of 20% or more of the land area of any lot. Prior to commencing such activity in a public service district, any land-disturbing activity, such as grading projects or removal of natural vegetation other than routine maintenance, shall be subject to approval by the Town Board of Adjustment regardless of the area to be disturbed.

(2) Any residential construction activity that results in an addition of greater than five-hundred (500) square feet of roof coverage.

(3) Any non-residential construction activity as defined in § 153.061 of the Town of Biltmore Forest Zoning Ordinance.

(B) All landscape and grading plans shall demonstrate compliance with the Town's Tree Protection and Preservation regulations as found in §153.050-153.059 and §153.061(C) for existing residential and non-residential tree maintenance and new construction activities, respectively.

(C) Pre-construction conference and supervision.

- (1) Prior to the commencement of any pre-construction land-clearing or soil disturbance, a pre-construction conference will take place between a representative of the Town and the applicant to review procedures for protection and management of protected trees and other landscape elements identified in the approved landscape plan. The applicant will designate one or more persons responsible for ensuring the protection of new or existing landscaping elements to be preserved. The responsible person shall be present on site whenever activity is taking place that could damage or disturb such landscape elements, and will notify the Ordinance Administrator that such activity is taking place.
- (2) The applicant shall provide the following at least seven (7) days prior to the pre-construction conference:
 - a) Approved landscaping plan, showing all protected and unprotected trees to be removed, and all replacement trees to be planted.
 - b) Chart showing the quantity of trees, scientific species name, and tree designation (protected, unprotected, or tree of preference) and replacement quantities required.
 - c) Final grading plan showing tree preservation limits and limits of disturbance.

(D) Construction Supervision and Additional Compliance Requirements.

(1) The Town shall have developed sites inspected periodically to ensure work is conforming to the approved landscape plan and the applicable sections of this subchapter. Prior to the commencement of any pre-construction land-clearing or soil disturbance, the developer/contractor shall be required to sign a document agreeing

- Author: jkanipe Subject: Highlight Date: 10/2/2023 10:09:00 AM
Revised title, to encompass requirements for landscaping plans. Previous title was "Land disturbance and sedimentation control"
- Author: jkanipe Subject: Highlight Date: 10/2/2023 10:21:09 AM
New language for landscaping and grading plans and allowing requirements of each plan to be developed at the staff level. Allows continual updating of requirements (or removal of requirements) based on Town needs and not specifically delineated within the Zoning Ordinance.
- Author: jkanipe Subject: Highlight Date: 10/2/2023 10:28:10 AM
Existing language that dictates most development projects to be reviewed by Board of Adjustment prior to construction.
- Author: jkanipe Subject: Highlight Date: 10/2/2023 10:30:40 AM
New language requiring landscaping and grading plans (as defined in the zoning application process) for any addition greater than 500 square feet of roof coverage.
- Author: jkanipe Subject: Highlight Date: 10/2/2023 10:17:56 AM
New language requiring landscaping and grading plans in non-residential construction section of zoning ordinance.
- Author: jkanipe Subject: Highlight Date: 10/2/2023 10:18:53 AM
New requirement for landscaping and grading plans to comply with tree protection and preservation ordinance tables for residential and non-residential construction activities.
- Author: jkanipe Subject: Highlight Date: 10/2/2023 10:26:46 AM
New language specifying town inspections for landscaping and grading plans.

to abide by the conditions stipulated in this subchapter. At the option of the Town, a compliance bond may be required.

Author: jkanipe Subject: Highlight Date: 10/2/2023 10:27:09 AM
New language allowing the Town to require a bond for landscaping, grading, or erosion control plans.

- (2) Compliance with G.S. § 113A-54. Where applicable, all proposed development projects or land-disturbing activities shall comply with G.S. § 113A-54, and Rules and Regulations for Erosion and Sediment Control as established by the State Sedimentation Control Commission, State Department of Natural Resources and Community Development.