

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest  
Planning Commission

To be held Tuesday, November 29, 2022 at 5:30 p.m.

***MEETING OPEN TO THE PUBLIC***

*Viewing Options via Zoom available at Bottom of Page*

- A. Roll Call for Attendance
  - B. Approval of Minutes – October 25, 2022 Meeting
  - C. Tree Ordinance Discussion – Mr. Tony Saponaro
  - D. Additional Items for Presentation
    - a. Quick Reference Guide – Mr. Zimmerman
    - b. Additional Ordinances to Consider for Revision – Mr. Zimmerman
  - E. Schedule Next Meeting
  - F. Adjourn
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<https://us02web.zoom.us/j/83015148121?pwd=aG12eDZFU2RFSWx2Q09NOFFLMFAwQT09>

Meeting ID: 830 1514 8121  
Passcode: 226922

## Planning Commission Meeting Minutes

October 25, 2022

5:30pm

Roll call was taken by Chairman Paul Zimmerman. Those in attendance are Chairman Paul Zimmerman, Mr. Michael Flynn (Via Zoom), Mr. Tony Saponaro, Ms. Dawn Grohs, Mr. Ken Hornowski, Mr. Jonathan Kanipe, Town Manager were also present.

Chairman Zimmerman started the meeting at 5:30pm.

Chairman Zimmerman asked for approval of the minutes from the September 27, 2022 meeting. Mr. Tony Saponaro moved to approve the minutes as amended. Mr. Ken Hornowski seconded the motion. The motion was unanimously approved.

Chairman Zimmerman went over the Tree Ordinances from four different Towns throughout North Carolina. Mr. Saponaro went over suggestions regarding potential changes to Tree Protection Ordinances. They would like to move the Tree Protection Ordinances into the Town Zoning Ordinances. In effect, combining paragraphs 93.30-93.99 and 153.060-153.070. Mr. Saponaro proposed to create separate provisions between residential and non-residential lots with each to have specific and occasionally different tree ordinances. The residential section could be further separated into new construction and existing residences. As an example, new construction could include existing dwellings that request changes over 15% of the existing roof coverage, any estimated cost of over \$100,000 or any significant movement from the existing footprint from the current dwelling. Non-residential could be separated into commercial which would be those along Hendersonville Road and large multi-structure lots to include the Biltmore Forest Country Club, Carolina Day School, and MAHEC.

Mr. Michael Flynn asked what the terms were of the Biltmore Forest Country Club being public or private. Mr. Jonathan Kanipe said the Country Club status is R-1(residential district one) which is 130+ acres. Mr. Kanipe referenced Section 153.008 permitted use table is what is allowable

within each zoning district and what is allowable for the R-1 district is country and social clubs. The functions of that are allowable within the R-1 district.

Mr. Saponaro said these suggestions allow for differentiated requirements to be more easily developed, implemented, regulated, and amended based on the different and often unique land usage within the town.

And at the same time, we recommend reaffirming the intention outlined currently in 93.30; that is to strictly control (and limit) tree and buffering removal “along the roads and around the perimeter of lots” which is further addressed in 153.034. A few examples of these changes include increasing the tree and buffering replacement requirements for the removal of trees within a setback or along on a lot line or roadway. These requirements could include specifying the number, size, type, and location of replacement trees.

Mr. Saponaro suggested providing flexibility for the amount and location of trees that are well outside of the above parameters for non-residential tree removal. Specifically for tree removal from anywhere over 75 feet from any contiguous lot line, setback, or roadway (such as between fairways) the tree replacement guidelines would be different. This kind of logic would be applied to CDS or MAHEC or any other future large multi structure, multi-use lot.

Mr. Saponaro also mentioned enhancing and increasing the number of replacement tree charts as shown in 93.38(a). Currently the chart only differentiates tree size and whether protected or not. Enhancements could include:

- a) Having a different chart for the four different land uses specified above
- b) Having different (increased) replacement requirements when a tree is in a setback, along a roadway or lot perimeter.
- c) Increasing both the size (DBH) and number of replacement trees the bigger the removed trees were
- d) Perhaps designate species of replacement trees, inventing certain types.
- e) Require both a preliminary as well as final landscaping plan, as well as a grading plan, before construction begins and to allow for inspection and adherence once the project is completed and approved. (Suggested tree placement charts provided separately).

Mr. Hornowski said he likes the plan, and some of the current plans are too detailed. Mr. Hornowski said we must look at single family homes differently than commercial properties. Ms. Grohs agreed with Mr. Saponaro's plan. Mr. Flynn also agreed with Mr. Saponaro's plan. Mr. Zimmerman asked the Board if this could be a future framework for potentially developing all ordinances. The Board agreed. Mr. Kanipe said unless it reflects on a legal perspective of making a recommendation to the Board of Commissioners. All Board members were in favor.

Mr. Zimmerman went over what Board members did not like about the different town ordinances provided in the packet. For the City of Winston-Salem, board members liked the root zone protection even when considering neighboring properties. Also, they liked the "tree save" area in commercial ordinances. They also like the plant/tree list which was very impressive. There were no dislikes.

Regarding the Village of Pinehurst, the Board liked the defined specimen trees,  $\geq 24$ ", and a specific species as appropriate. Pinehurst provided excellent examples of buffers. This should be tied in the comprehensive plan in the introduction to the ordinances. There were no dislikes by the Board.

The next ordinance discussed was the City of Asheville. The board favored separate residential and commercial sections. They also liked different land uses have different rules. A historic tree designation may be a good idea for the Town. The dislikes included not liking the concept of "buying our" of compliance to rules. Some other towns also had this concept. They also discussed the percent of tree canopy coverage and asked if it may be too low. They also said a negative is that this only applied to public land. The Board discussed that to our knowledge, no town regulates canopy coverage on private land-although it may be a good idea to do so.

The final place discussed was the Town of Chapel Hill. The Board liked the minimum canopy coverage percent is explicitly specified. Also, rare and specimen trees were identified and defined very well. Also, 6" DBH trees are not regulated like they are in Biltmore Forest. Chapel Hill also has specificity on size of replacement trees. They also have a great listing of native trees. The penalties are also very clear with a nice write up of exceptions to those rules. The Board disliked the mitigation funds saying this was not a good idea and said the "tree stand" definition is rather confusing.

Mr. Zimmerman said he is working on a quick reference guide for the Town which is something that has been requested for a while. Mr. Zimmerman said it is four pages of a quick reference guide that would be great for new residents. Mr. Zimmerman asked the Board to look it over and see what they like and dislike about this new guide. Mr. Zimmerman asked if the Board could turn in their changes by November 15<sup>th</sup>.

Chairman Zimmerman adjourned the meeting at 7:01 pm.

The next meeting is scheduled for Tuesday, November 29, 2022 at 5:30pm.

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Ms. Laura Jacobs, Town Clerk

Town Clerk

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Mr. Paul Zimmerman

Chair

# PLANNING COMMISSION CHAIR MEMORANDUM

November 29, 2022



## Agenda Item - C

### Tree Ordinance Review - Principles

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#### Background

Mr. Tony Saponaro is leading the discussion regarding principles to be proposed as part of recommended revisions to the Town's tree protection ordinance. During the Commission's last meeting, it was determined to establish a new framework for future ordinances---breaking the current ordinances into Residential and Non-residential groups, with each being further subdivided into New Construction and Improved Existing Construction.

#### Examples of Principles

An example of this review is discussing whether to establish a numerical target for canopy coverage or a more general statement such as "The Town endeavors to maintain or improve the current tree canopy coverage". Mr. Saponaro will lead the group in discussion regarding the establishment of focus areas for trees being the side and rear setbacks and the road frontage region. Additionally, attached to this email is a copy of the Town's currently used tree and shrub list developed by Public Works Supervisor Mike Dale. The Commission may wish to consider adopting Mr. Dale's list as part of the overall revised tree ordinance when on-site inspection shows a high tree coverage versus a low tree coverage.

Another topic for consideration is what percent change in the size of a home via a new addition should qualify it as needing to follow New Construction ordinances versus simple tree removal ordinances? This is just a partial list, but the plan is to agree to general principles which could then be written into ordinances.

#### Next Steps

Once the Planning Commission confirms and defines the principles of the ordinance, a smaller sub-group consisting of Town staff, the Town Attorney, and Mr. Saponaro will begin working on a revised ordinance to present to the Planning Commission.

#### Attachment

- (1) Current Town Recommended Replanting Lists

# Recommended Tree List

Scientific Name	Common Name	Type	Size	Habit
<b>Large Trees</b>				
<i>Acer rubrum</i>	Red Maple	D	40'-60'+ high w/ 25'-60' spread	Irregular elliptical to round
<i>Acer saccharum</i>	Sugar Maple	D	50'-70'+ high w/ 30'-50' spread	Upright w/ oval to rounded crown
<i>Aesculus flava</i>	Yellow Buckeye	D	50'-75'+ high w/ 30'-50' spread	Upright oval
<i>Betula alleghaniensis</i>	Yellow Birch	D	60'-70' high w/ 40'-60' spread	Pyramidal to rounded. Can be multi-stemmed
<i>Betula lenta</i>	Sweet Birch	D	60'-75' high w/ 45'-65' spread	Pyramidal to rounded. Can be multi-stemmed
<i>Betula nigra</i>	River Birch	D	40'-70'+ high w/ 40'-60' spread	Irregular rounded spreading
<i>Carya cordiformis</i>	Bitternut Hickory	D	50'-75' high w/ 30'-50' spread	Broadly columnar
<i>Carya glabra</i>	Pignut Hichory	D	50'-80' high w/ 25'-40' spread	Rounded crown
<i>Cedus alantica</i>	Atlas Cedar	E	40'-120' high w/ 30'-100' spread	Pyramidal in youth, flat-topped when mature
<i>Cerdidiphyllum japonicum</i>	Katsuratree	D	40'-60' high w/ 20' to 50' spread	Upright to spreading
<i>Cladrastis kentuckea</i>	Yellowwood	D	30'-50' high w/ 40'-50' spread	low branching with rounded crown
<i>Cryptomeria japonica</i>	Cryptomeria	E	50'-60' High w/ 20'-30' spread	Conical
<i>Fagus grandifolia</i>	American Beech	D	50'+ high w/ equal or greater spread	Wide spreading crown
<i>Fagus Sylvatica</i>	European Beech	D	50'-60' high w/ 35'-45' spread	Densley pyramidal to oval or rounded
<i>Ginko biloba</i>	Ginko	D	50'-80'+ high w/ 30'-50'+ spread	Varies widely, wide spreading when mature
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	D	60'-75'+ high w/ 40'-50' spread	Ascending branches w/obovate crown
<i>Juniperus virginiana</i>	Eastern Red Cedar	E	40'-50' high w/ 8'-20' spread	Columnal to pyramidal
<i>Liquidambar styraciflua</i>	Sweetgum	D	60'-75'+ high w/ 35'-65' spread	Oblong to rounded crown
<i>Liriodendron tulipifera</i>	Tulip Poplar	D	70'-90'+ high w/ 35'-50' spread	Narrow ovoid to oval-rounded canopy
<i>Magnolia acuminata</i>	Cucumbertree Magnolia	D	50'-80' high w/ similar spread	Prymidal when young, broad rounded outline when mature
<i>Magnolia grandiflora</i>	Southern Magnolia	E	60'-80' high w/ 30'-50' spread	Densley pyramidal
<i>Metasequoia glyptostrobodies</i>	Dawn Redwood	D	70'-100'+ w/ 25' spread	Prymidal, conical
<i>Nyssa sylvatica</i>	Black Tupelo	D	30'-50' high w/ 20'-30' spread	Irregularly Rounded
<i>Picea abies</i>	Norway Spruce	E	40'-60'+ high w/ 25'-30' spread	Pyramidal with pendulous branches
<i>Picea pungens</i>	Colorado Spruce	E	30'-60' high w/ 10'-20' spread	Narrow pyramidal
<i>Picea rubens</i>	Red Spruce	E	60'-70'+ high w/ 15'-25' spread	Broad conical crown
<i>Picea omorika</i>	Serbian Spruce	E	50'-60' high w/ 20'-25' spread	Narrow pyramidal
<i>Platanus occidentalis</i>	Sycamore	D	75'-100'+ high w/ similar or greater spread	Wide-spreading open crown
<i>Prunus serotina</i>	Black Cherry	D	50'-60' high w/ 30'-45' spread	Oval
<i>Quercus alba</i>	White Oak	D	60'-100' high w/ 50'-80' spread	Upright-rounded to broad-rounded
<i>Quescus coccinea</i>	Scarlet Oak	D	50'-70' high w/ 40'-50' spread	Open rounded crown
<i>Quercus falcata</i>	Southern Red Oak	D	60'-80' high w/ 40'-50' spread	Open rounded crown
<i>Quescus palustris</i>	Pin Oak	D	50'-70' high w/ 40'-60' spread	Broad pyramidal crown
<i>Quescus phellos</i>	Willow Oak	D	40'-100' high w/ 40'+ spread	Oval to rounded crown
<i>Quercus prinus</i>	Chestnut Oak	D	50'-70' high w/ similar or larger spread	Dense rounded crown
<i>Quercus rubra</i>	Red Oak	D	60'-75' high w/ 40'-50' spread	Rounded crown
<i>Quercus shumardii</i>	Shumard Oak	D	40'-60' high w/ 30'x40' spread	Broad open crown
<i>Quercus stellata</i>	Post Oak	D	35'-50' high w/ similar spread	Rounded crown

<i>Sophora japonica</i>	Pagodatree	D	50'-75' high w/ similar spread	Upright spreading
<i>Taxodium distichum</i>	Baldcypress	D	50'-70' high w/ 20'-30' spread	Slender pyramidal
<i>Tilia americana</i>	American Linden	D	60'-80' high w/ 40'-60' spread	Ovate
<i>Tilia cordata</i>	Little Leaf Linden	D	50'-70' high w/ 30'x50' spread	Upright-oval to pyramidal-rounded
<i>Tsuga canadensis</i>	Canadian Hemlock	E	40'-70' high w/ 25'-35' spread	Pyramidal
<i>Tsuga caroliniana</i>	Carolinia Hemlock	E	45'-60' high w/ 20'-25' spread	Pyramidal
<i>Ulmus parifloia</i>	Chinese Elm	D	40'-60' high w/ 40' Spread	Rounded to oval
<i>Zelcova serrata</i>	Zelcova	D	50'-80' high w/ similar spread	Vase-shaped

### Small Trees

<i>Acer campestre</i>	Hedge Maple	D	25'-35' high w/ similar spread	Dense rounded
<i>Acer ginnala</i>	Amur Maple	D	15'-20' high w/ similar spread	Multi-stemmed. Rounded
<i>Acer griseum</i>	Paperbark Maple	D	20'-30' high w/ 15'-30' spread	Upright-oval, oval to rounded
<i>Acer palmatum</i>	Japanese Maple	D	15'-25' high w/ equal or greater spread	Rounded to broad-rounded
<i>Acer spicatum</i>	Mountain Maple	D	10'-30' high w/ equal spread	Rounded
<i>Aesculus x carnea</i>	Red Horsechestnut	D	30'-40' w/ similar spread	Round
<i>Aesculus parvia</i>	Red Buckeye	D	10'-20' high with similar spread	Multi-stemmed. Round
<i>Amelanchier arborea</i>	Serviceberry	D	15'-25' high w/ 15'-25' spread	Multi-stemmed. Rounded crown
<i>Carpinus carolina</i>	American Hornbeam	D	20'-35' high w/ similar spread	Multi or single-stemmed. Irregular crown
<i>Cercis canadensis</i>	Redbud	D	20'-30' high w/ 25'-35' spread	Spreading flat-topped to rounded crown
<i>Chionanthus virginicus</i>	Fringetree	D	15'-20' high w/ similar spread	Spreading open crown, often wider than tall
<i>Cornus florida</i>	Flowering Dogwood	D	10'-25' high w/ similar or greater spread	Flat topped crown with horizontal branching
<i>Cornus kousa</i>	Kousa Dogwood	D	20'-30' high w/ similar spread	Vase shaped when young. Horizontal spreading with age
<i>Cotinus obovatus</i>	Smoketree	D	10'-15' high w/ 10'-15' spread	Upright spreading. Can be multi-stemmed
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	D	25'-30' high w/ 20'-25' spread	Broadly oval to dense rounded crown
<i>Halesia carolina</i>	Carolina Silverbell	D	30'-40' high w/ 20'-35' spread	Rounded crown, shrubby
<i>Hamamelis virginiana</i>	Common Witch-hazel	D	15'-20' high with similar spread	Irregular to rounded open crown
<i>Ilex opaca</i>	American Holly	E	15'-30' high w/ 10'-20' spread	Pyramidal in youth, can be irregular and open with age
<i>Ilex x 'attenuata'</i>	Foster Holly	E	20'-30' high w/ 10'-20' spread	Dense, narrow, conical
<i>Ilex x 'conaf'</i>	Oak Leaf Holly	E	15'-20' high w/ 12'-15' spread	Upright pyramidal
<i>Ilex x 'Nellie R Stevens'</i>	Nellie Stevens Holly	E	15'-25' tall w/ 10'-15' spread	Dense conical
<i>Lagerstroemia indica</i>	Common Crape myrtle	D	10'-25' high w/ similar spread	Upright, multi-stemmed
<i>Magnolia x soulangiana</i>	Saucer Magnolia	D	20'-30' high w/ 25'-30' spread	Pyramidal to round
<i>Magnolia stellata</i>	Star Magnolia	D	15'-20' high w/ 10'-15' spread	Upright
<i>Magnolia virginiana</i>	Sweetbay Magnolia	D	15'-40' high w/ 15'x40' spread	Upright. Multi-stemmed
<i>Malus spp.</i>	Crabapple	D	15'-30' high w/ similar spread	Rounded to broad-rounded
<i>Ostrya virginiana</i>	Ironwood	D	25'-40' high w/ 15'-30' spread	Pyramidal to rounded
<i>Oxydendrum arboreum</i>	Sourwood	D	20'-30' high w/ 20' spread	Pyramidal
<i>Prunus sargentii</i>	Sargent Cherry	D	20'-35' high w/ similar spread	Dense broad-rounded crown
<i>Syringa reticulata</i>	Japanese Tree Lilac	D	20'-30' high w/ 15'-25' spread	Oval to rounded crown
<i>Thuja occidentalis</i>	American Arborvitae	E	40'+ high w/ 10'-15' spread	Dense, conical to narrow-pyramidal
<i>Tilia cordata</i>	Little Leaf Linden	D	50'-70' high w/ 35'-50' spread	Pyramidal to ovate form
<i>Viburnum prunifolium</i>	Blackhaw Viburnum	D	12'-15' high w/ 8'-12' spread	Can be multi-stemmed. Round



# PLANNING COMMISSION CHAIR MEMORANDUM

November 29, 2022



## Agenda Item - D

### Additional Items for Presentation

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#### Quick Reference Guide

Last month, Mr. Zimmerman provided a Quick Reference Guide for the Commission to review and requested feedback. Staff and Commission members provided feedback over the course of the month, and Mr. Zimmerman has modified the Quick Reference Guide. The amended guide is attached to this memorandum and is designed to be printed as a booklet, similar to the Town's Directory.

#### Additional Ordinances for Review

Mr. Zimmerman has provided several additional amendments for ordinances to consider over the next month. These are being presented for the Commission's information only as a precursor for discussion later – not for discussion at the November 29 meeting.

#### Attachments

- (1) Quick Reference Guide
- (2) Draft Ordinance for Commission's Information
  - a. Maximum Roof Coverage
  - b. Impervious Surface Coverage
  - c. Electric Vehicle (EV) Charging Station
  - d. Abandoned and Junk Vehicles
  - e. Recreational and Commercial Vehicles

# BILTMORE FOREST QUICK REFERENCE GUIDE

DECEMBER 2022

**WELCOME TO BILTMORE FOREST! — a great Town located in close proximity to the best Western North Carolina has to offer. A friendly, welcoming, and a wonderful wooded retreat from everyday hustle and bustle.**

## **...The Basics.....**

Biltmore Forest is an independent Town, chartered in 1923, that is surrounded to the west by the Biltmore Estate, to the east and north by the City of Asheville, and bisected at the south by the Blue Ridge Parkway. A portion of The Ramble community lies within the Town limits.

As residents of Biltmore Forest, you pay real estate property taxes to: 1- the Town of Biltmore Forest (\$0.345/\$100 tax value) and 2- Buncombe County (\$0.488/\$100 tax value).

The Town has its own Police Department staffed 24/7, our own Public Works Department, and our own Administrative Offices. All are housed in the Town Hall Complex at 355 Vanderbilt Road.

The Town's ZIP code is 28803. In addition to Biltmore Forest, this zip code also covers portions of Shiloh and Biltmore Village and extends south to Long Shoals Road, and east to Exit 55 on Interstate 40. While you can certainly put Asheville as your address city – we encourage you to put Biltmore Forest.

The Town's Website is [www.BiltmoreForest.org](http://www.BiltmoreForest.org). The website is updated frequently and includes answers to many questions.

Homes located south of the Blue Ridge Parkway on Valley Springs Road, but outside the gates of The Ramble, are part of Biltmore Forest and must follow Biltmore Forest ordinances.

Voting on Election Day for primary, general, and special elections takes place at the Biltmore Forest Town Hall. Early one-stop voting DOES NOT take place at the Town Hall.

## **THUMBNAIL HISTORY OF BILTMORE FOREST**

Biltmore Forest was started in 1920 with the idea of creating an upscale development on 1500 acres of land owned by the Vanderbilts and the Biltmore Estate. Edith Vanderbilt, Junius Adams, Thomas Raoul and Burnham Colburn came together to support the new community. Roads were mapped out; homes were built and a golf course was designed and constructed. In 1923, Junius Adams and Thomas Raoul went to the North Carolina Legislature and began the process of changing Biltmore Forest from a real estate venture to a self-sufficient town. February 14<sup>th</sup> was the birth of Biltmore Forest. This town can be proud of the fact that we have remained true to the founder's vision of an oasis of trees and beautiful homes in the midst of a vibrant and scenic city. We are looking forward to another 100 years!

## **POLICE DEPARTMENT**

The Biltmore Forest Police Department is located immediately behind Town Hall. The Police Department has a new mobile application and strongly encourages you to download this app to your smartphone. This APP is available at either the App store (for iPhones) or Google Play (for Android devices). This App allows you to receive up-to-date alerts about road closures or weather events, set up a vacation home inspection, be notified about lost dogs or bears in your neighborhood, and other important alerts.

Most residents leave a set of keys to their homes with the Police. In the unlikely event they need to get into your home while you are gone or in the event of a medical emergency (e.g., if you are alone), having a key will greatly facilitate that need. These keys are stored in a lockbox within the Police Department.

The Police are always glad to perform a safety audit of your home and answer any questions you may have relative to safety and security.

## **FIRE DEPARTMENT**

The Town contracts with Skyland Fire Department to provide fire services for our Town. Their Biltmore Forest station is staffed 24/7 and is located on Valley Springs Road, just west of Hendersonville Road and south of the Blue Ridge Parkway. Their typical response time is less than 2 minutes to any home in Biltmore Forest.

## **PUBLIC WORKS DEPARTMENT**

The Biltmore Forest Public Works Department is located behind Town Hall and to the left of the Police Department.

**SANITATION:** Public Works provides household trash, recycling, and brush collection free of charge. Trash is picked up weekly at your residence. Recycling is picked up biweekly at your residence, and brush is picked up monthly between January 15<sup>th</sup> and November 1<sup>st</sup>. Only leaves are picked up between Nov 1<sup>st</sup> and January 15<sup>th</sup>. Brush collection begins the 15<sup>th</sup> of each month for residences north of the Country Club and on the 30<sup>th</sup> of each month for residences at the south end of Biltmore Forest. Please place brush out no earlier than 5 days before your scheduled pickup and only on your own property. Both 95-gallon **green** Recycling Bins and either a 65- or 95-gallon **brown** Trash bin are available, for free, from Public Works. If you need more bins, they are available for purchase. Each year, new waste and recycling

schedules are distributed by the Town, but you can also get one on the Town website or by calling 274-3919.

If you put brush out at the curb, it must not extend on to the street and leaves should not be more than 6 feet from the street (so that the vacuum hoses can reach them). Please do NOT commingle yard waste with leaves. If you place tree waste or branches out at the curb, please cut them into 6ft long sections and ensure all sections are less than 6" in diameter. Grass clippings are not picked up.

For your convenience, there are two large dumpsters in the Town Hall complex to use in case you are leaving town before a pickup. They are not to be used for any electrical, plumbing, furniture, mattresses, or construction waste. Period. All boxes should be broken down flat. The town has dedicated video surveillance of the dumpster to aid with compliance.

**WATER SERVICE:** Public Works operates and maintains the water distribution system for Town residents (except for those residents in The Ramble – who are served by the City of Asheville) Please contact Town Hall (274-0824) to set up service. Meter readings are performed by a cellular-based automatic reading system, and residents can access their own water usage data online. Visit [www.eyeonwater.com](http://www.eyeonwater.com) or any of the trusted app stores to create your account to access your data or to be automatically notified of any water leak.

**STREET MAINTENANCE:** Public Works also maintains 22 miles of roads, providing pothole, shoulder, signage and striping repairs. The original historic 100-year-old street lights are also maintained by Public Works and do require quite a bit of maintenance. If you see either roads or lights needing maintenance, please visit the Town website and click the “Report a Concern” tab.

Public Works staff also conduct tree removal inspections. (See the below section on Trees under ‘Ordinances’)

## **ADMINISTRATIVE OFFICES**

The Town’s Administrative Offices are located in the Town Hall.

The Town functions under a Council/Manager form of government. The Town Manager, Town Clerk and Finance Director strive to provide effective and quick customer service for all. The Town Hall is your first stop to set up your water account, arrange for automatic payment of water bills, discuss tax issues, license your dog with the Town, and to review any approval necessary before beginning any exterior work on your property or home.

The Town publishes a Biltmore Forest directory, which is updated monthly and available free of charge at the Town Hall. The directory is for Biltmore Forest residents only and is not for any Commercial purpose. These addresses, phone numbers and emails should not be used for any business purpose nor given to anyone to use for that purpose. The Town has a resident update form on its website for those interested in updating their information.

The large social/meeting room and kitchen in Town Hall is only available for Town Functions – it is not rented out.

## **GOVERNMENT OF BILTMORE FOREST**

Biltmore Forest has an elected Board of Commissioners and Mayor (4 residents total), an appointed Board of Adjustment (5 members) (§153.105—10), and an appointed Planning Commission (5 members).

All meetings are open to the public with meeting times, agendas and minutes located on the Town Website. Residents are encouraged to attend!

## **ROADS and PARKS**

All roads are public. By original Town vision and design, we do not have sidewalks. Walkers are encouraged to walk against traffic flow wherever possible, to wear light colored or reflective clothing, and to keep toward the side of the road. Please keep pets on a leash.

Drivers are encouraged to slow down substantially when approaching walkers. The speed limit throughout town is 25mph, unless otherwise posted.

Bicyclists must obey all traffic rules for automobiles – especially stopping at stop signs and riding single file.

### **WE HAVE TWO MAIN PUBLIC PARKS:**

**Rosebank Park** (intersection of Park and Vanderbilt) has play structures, a beautiful tree-canopy covered picnic area, a Little Library to exchange books for children and adults, and a very large open field. It is used for July 4<sup>th</sup> celebrations and all “Food Truck Fridays”

**Greenwood Park** (Stuyvesant and Greenwood) is a smaller park which has a natural stream, play structures, and benches. A large stream restoration project was just completed in Fall, 2022 and additional improvements are upcoming in Spring 2023.

## **PETS**

A maximum of three cats or dogs are permitted per household. Dogs are required to be registered and wear a Biltmore Forest Tag, which you can get by going to Town Hall paying a yearly \$5 fee. This enables the Town to assist when a dog is loose or missing. You must walk your dog on a leash, and we ask that you please pick up after your dog. There are numerous posts with dog bags and special trash bins located around Town for your convenience.

## **EXPECT WILDLIFE INTERACTIONS! THERE ARE BEARS, DEER AND WILD TURKEYS IN BILTMORE FOREST**

Biltmore Forest is next door to the Biltmore Estate and the Pisgah National Forest which is the historical home to many native wildlife species, including black bear and deer. Bears are protected wild animals that cannot be relocated. You are encouraged to be diligent in watching for them – especially mothers with their cubs – as their behavior may be unpredictable and dangerous. We ask that you do not plant fruit trees OR have bird feeders in your yard. The bears are likely to destroy your feeder and trees in order to get a snack. We also pick up trash at your garage door and ask that you set it out only on your trash pick-up day so that the bears do not learn when the trash will be set out.

Deer are also prominent in Biltmore Forest. The Town works with the NC Wildlife Commission to appropriately manage the deer population each year. When considering landscaping, the Town strongly suggests plantings that are not appealing to deer (see Town Hall for suggestions) or to use a repellent such as Liquid Fence. Liquid Fence has been shown to work when applied per label instructions. Deer Fencing, and any fencing, is regulated heavily by the Town and strict specifications may be found within the Zoning Ordinance.



## ORDINANCES

Biltmore Forest writes, administers and enforces its own Town ordinances and Land-Use ordinances. The Town's Zoning Ordinance is more stringent than most other municipalities within North Carolina. For that reason, the Town urges residents to contact Town Hall well before making a decision regarding ANY change to the exterior of your residence or modifying your property in any way.

Below are some of the most frequently asked-about ordinances. All Ordinances area available on the Town's website or you can reach out to the Town Hall.

### **KEEP THE STREET SETBACKS CLEAR, PLEASE!**

Walking is very important to Biltmore Forest residents and the Town has a 5 ft or 10 ft setback, depending upon your street, from the edge of the road. This is also used for the placement of the water and gas lines for the Town, so there is a utilities need for easy access to this space. To allow walkers to step off the road, and to maintain the State required line of site requirements, residents are asked to clear their own right-of-way of foliage. (see §153.031)

### **ANY ACCESSORY STRUCTURES MUST BE APPROVED**

Accessory Structures include any structure that sits on or in the ground other than the main residence, such as fences, walls, play structures, patios, fire pits, sculptures, pools, tennis courts, and large architectural rocks, (see §153.004 and §153.029). Multiple accessory structures are allowed per lot, but all must receive approval from the Board of Adjustment.

Placement of **any** accessory structure onto a lot must be approved by the Board of Adjustment, even if it is not in a setback area. The Town's website provides guidance for applying for Board of Adjustment review and approval. The Town's staff are happy to assist with this process.

## **ACCESSORY BUILDINGS**

An accessory building is a structure which has a roof - such as a detached garage, a covered walkway to the garage, or a gazebo.

**One** accessory building is allowed per site and the area under the roof can be no more than 750 square feet in size. (see §153.029)

Placement of **any** accessory building onto a lot must be approved by the Board of Adjustment. Please see the Town Administration for details on how a structure is applied for, reviewed, and approved. This requirement applies even if the structure is not placed in any setback.

## **DOING LANDSCAPING or IRRIGATION?**

Protecting existing trees is a high priority within Biltmore Forest. Special attention is given to trees in the side and rear setbacks and to street trees. Site grading, fill and Irrigation systems must not be installed in a way that would damage the root system of trees or shrubs – potentially including trees that are on a neighbor's property. (see §153.062)

## **CAN I STORE MY RECREATIONAL OR COMMERCIAL VEHICLES AT MY HOME?**

Motorhomes, RV trailers, Boats and their trailers, and enclosed commercial trailers shall not be parked or stored on any tract of land or in any open carport (see §153.071). Of course, if you are preparing for a trip, they may be kept in your driveway for no more than 48 hours.

## **STREET PARKING**

There is no parking allowed on the street. (§153.038) If you have a party or event, parking is allowed for no more than 5 hours. If it's a large party, we suggest you make the Police Department aware of the event to get guidance on parking near intersections, etc.

## **MAINTAINING OUR TREE CANOPY**

Biltmore Forest is a forest whose mature trees provide a welcoming emotional, physical, and environmental benefit to all residents. Our Town can be 5-10 degrees cooler than the surrounding area---just due to our trees. Both individual trees and groups of trees must be preserved. The Town encourages you to plant new trees, where possible, off the Town's right of way but near road frontages. All trees greater than 6" in diameter at breast height (DBH) must be inspected by the Town prior to removal. Everyone must contact the Public Works Department and get a permission to remove the tree(s) only after a site inspection. (§153.062 and §93.30-93.42). Removal of existing trees may necessitate the required planting of new, substantive trees.

## **FENCING, GATES, and ENTRY PILLARS**

Fencing is governed by Ordinance §153.049. All fencing must be approved by the Board of Adjustment. Highlights of the ordinance are as follows:

1. Existing chain link fences in the front yard shall not be replaced.
2. No new fences, gates or walls shall be allowed in the front yard.
3. Wooden fencing shall be a natural, stained or painted compatible with the house and yard.

4. Non-wooden fencing shall be dark green, brown or black to blend in with surrounding vegetation.
5. Fences shall not exceed six (6) feet in height, except deer fencing, which shall not exceed ten (10) feet.
6. Walls shall be constructed of stone or similar material compatible with the home.

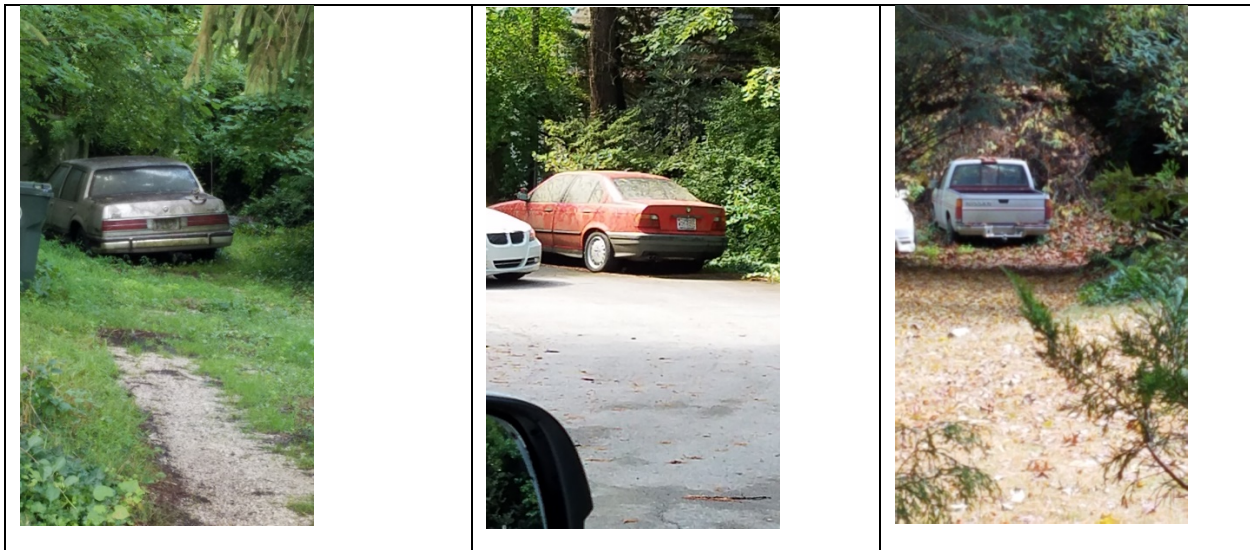


## DRAFT ABANDONED CAR ORDINANCE - NEW

§ ABANDONED CARS An abandoned car is considered to a car or truck that can be seen from the road that has not moved in three months AND which has either NO License Plate or a license plate with an expired tag. If a car is found to be abandoned, the homeowner shall be notified in writing that the car is considered abandoned. At that point, they have 30 days to get an appropriate State License tag. Additionally, they must drive the car to the Police station for an inspection to ensure that the car is roadworthy. (If it is NOT roadworthy because of old tires, engine or exhaust problems, etc., then all problems must be corrected). IF this is not done, then the Town will have the car towed, with the cost being passed onto the homeowner.

Why is this needed?

There are currently 4 abandoned cars in Biltmore Forest that are visible from the street. Here are three examples: (note the truck has NO plate!)



## DRAFT EV CHARGING STATION ORDINANCE - NEW

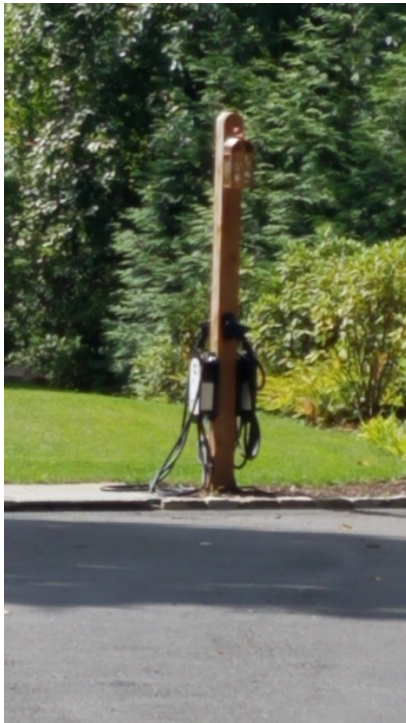
§ **EV CHARGING STATIONS.** We anticipate that the number of EV Charging Stations will significantly increase in future years. It is specified that, whenever possible, the Charging station shall be located inside the garage. For homes without garages, EV Charging stations shall be placed either:

1. On the side of the home closest to the driveway, or:
2. On a post, not in the front or side setbacks, that is not in the direct line of site from the road.

In ALL cases, the EV Charging Station shall be buffered with approved perennial, non-deciduous plantings such that the EV Charging Station itself cannot be seen from the street.

Why is this needed?

We are beginning to see EV Charging Stations installed, visible from the street, and unbuffered.



DRAFT IMPERVIOUS SURFACE COVERAGE ORDINANCE - RESIDENTIAL

§153.048

(A) (1) The maximum percentage of a residential lot that can be devoted to impervious surfaces, as defined in §153.004, is established to assure that the character of the Town is preserved and to control stormwater and runoff directed to the streets and adjacent properties.

(2) The maximum impervious coverage is proportional to the lot size. The maximum area permitted is as follows:

Lot Size (Acres)	Max Impervious Surface	Lot Size (Acres)	Max Impervious Surface	Lot Size (acres)	Max Impervious Surface
0.3	3600	1.4	17175	3.0	23892
0.4	6135	1.5	17783	3.25	24597
0.5	8102	1.6	18352	3.5	25250
0.6	9708	1.7	18886	3.75	25858
0.7	11067	1.8	19390	4.0	26427
0.8	12244	1.9	19866	4.25	26961
0.9	13282	2.0	20318	4.5	27465
1.0	14310	2.2	21158	4.75	27941
1.1	15050	2.4	21925	5.0	28393
1.2	15817	2.6	22630	5.25	29233
1.3	16522	2.8	23284	5.5	29625

(C) All structures exceeding the Maximum Impervious Surface Coverage for the lot on which they are located shall require approval of a variance by the Board of Adjustment in accordance with the procedures and standards set forth in §153.110(D).

(D) The Board of Adjustment reserves the right to limit Impervious Surface Coverage to prevent the unreasonable diversion of stormwater or surface water onto another property or town streets.

(E) The equation which may also be used to calculate Maximum Impervious Coverage (MIC) is:  $MIC = 8812.5 \ln(\text{Acreage})$ , where 'LN' is the natural logarithm mathematical function. This may be calculated using Excel, if necessary

**DRAFT MAXIMUM ROOF COVERAGE**

**§153.043**

(A) (1) (a) The MAXIMUM ROOF COVERAGE is defined as the total area under roof, of all primary and accessory structures and buildings, on the lot. This is measured from the outside edge of the gutter, if any, vertically to the ground.

(b) The maximum roof coverage assures the total size of buildings and structures is proportional to the size of the lot.

(2) The maximum roof coverage permitted is as follows:

The below table can also be used by simply rounding up or down to the nearest lot acreage. For lots larger than 5.5 acres or for exact MRC allowances for lots falling between points in the below table, the below equation shall be used as the definitive allowance.

Lot Size (Acres)	Max Roof Coverage	Lot Size (Acres)	Max Roof Coverage	Lot Size (acres)	Max Roof Coverage
0.3	1110	1.4	5459	3.0	7611
0.4	1922	1.5	5654	3.25	7837
0.5	2552	1.6	5836	3.5	8047
0.6	3067	1.7	6008	3.75	8241
0.7	3502	1.8	6169	4.0	8424
0.8	3879	1.9	6322	4.25	8595
0.9	4212	2.0	6467	4.5	8756
1.0	4509	2.2	6736	4.75	8921
1.1	4779	2.4	6981	5.0	9054
1.2	5024	2.6	7207	5.25	9191
1.3	5250	2.8	7417	5.5	9325

(C) All structures exceeding the Maximum Roof Coverage for the lot on which they are located shall require approval of a variance by the Board of Adjustment in accordance with the procedures and standards set forth in §153.110(D).

(D) The equation which may also be used to calculate MRC is:  $MRC = 2823.5 \ln(\text{Acreage})$ , where 'LN' is the natural logarithm mathematical function. This may be calculated using Excel, if needed.



## DRAFT RECREATIONAL AND COMMERCIAL VEHICLE STORAGE ORDINANCE

§153.071

(A) (1) Commercial vehicles and recreational vehicles, including, but not limited to: motor-powered recreational vehicles (**motor homes and all-terrain vehicles of any kind**), recreational trailers or campers, **sailboats**, motorboats and other watercraft and the trailers used to tow or transport any such boat or vehicle, and **enclosed utility trailers** – shall not be parked or stored outside on any lot or tract of land.

(2) Further, nor shall any such vehicle be parked or stored in or under an open garage/carport or in any other type of open accessory structure.

(3) However, such vehicles may be parked or stored in an enclosed accessory structure/building (said accessory structure/building is to comply with all size and height requirements of this chapter) or in an enclosed garage such that the vehicle is not visible.

(B) Exceptions to this rule would be those residents who have already received a certificate of zoning compliance from the Board of Adjustment

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

Why is this needed? There was no explicit mention of ATV/4-wheelers, nor was there mention of enclosed trailers. There is currently 1 enclosed trailer permanently stored in a driveway visible from the street:

