

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest
Planning Commission

To be held Tuesday, February 21, 2023 at 5:30 p.m.

- A. Roll Call
 - B. Approval of Minutes – January 24, 2023 Meeting
 - C. Consideration of Recommendation to Board of Commissioners
Abandoned and Junked Vehicle Ordinance
 - D. Consideration of Recommendation to Board of Commissioners
Electric Vehicle Charging Station Ordinance
 - E. Update on Additional Planning Issues
 - 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

January 24, 2023

5:30pm

Roll call was taken by Chairman Paul Zimmerman. Those in attendance are Chairman Paul Zimmerman (Via Zoom), Mr. Michael Flynn (Via Zoom), Mr. Tony Saponaro, Mr. Jonathan Kanipe, Town Manager, and Town Attorney, Mr. Billy Clarke (via Zoom).

Chairman Zimmerman started the meeting at 5:30pm.

Chairman Zimmerman asked for approval of the minutes from the November 29, 2022 meeting. Mr. Michael Flynn moved to approve the minutes as amended. Mr. Tony Saponaro seconded the motion. The motion was unanimously approved.

Three separate issues were discussed: abandoned and junked vehicle ordinance, electric vehicle charging station ordinance, and an update on the tree ordinance. Also, topics for consideration for the joint meeting with the Board of Adjustment were discussed.

Mr. Clarke said the abandoned and junked vehicle ordinance is a good idea. After reviewing § 160A-303.2. Mr. Clarke said we need to have an opportunity for a hearing for those who have their vehicles taken. A notice and a hearing need to be included within this ordinance and put in a format that is consistent with state law. Mr. Saponaro asked if we've received many complaints about abandoned vehicles. There have been some concerns about abandoned vehicles. Mr. Kanipe and Mr. Clarke will get together to finalize the written language of this ordinance. Mr. Flynn said he has not seen any junk or abandoned vehicles but agreed this ordinance is a good idea.

The next topic of discussion is electric vehicle charging stations. A cursory review of other local government ordinances did not reveal any specific ordinances related to EV charging stations or their placement. These types of utility structures would typically fall into a gray area within the Town's existing ordinances. The inclusion of EV charging stations within the existing accessory

structure ordinance is certainly possible, but we typically do not regulate placement of structures related to utility service (i.e. generators, water RPZ devices, HVAC units) but simply request they be buffered. Mr. Clarke said do not put this in the zoning ordinance or refer to this as an accessory structure that requires approval from the Board of Adjustment. Mr. Clarke liked how Mr. Zimmerman defined the draft ordinance, Mr. Zimmerman asked Mr. Clarke why this should not be presented in front of the Board of Adjustment. Mr. Clarke said if we make this an accessory structure, it cannot be placed in the front yard, and we may have to deal with Variance issues. We should regulate location to a certain extent. Mr. Saponaro said the language should be changed to say if the charging station were located in the garage, it would not have to be buffered. Mr. Clarke agreed with Mr. Saponaro but said the language could say the charging station could not be visibly located from the road. Mr. Clarke also suggested having the Board of Adjustment look at this. Mr. Zimmerman said the charging station and folding it into the solar panel guidelines should be looked at as one of the topics at the joint meeting with the Planning Commission and Board of Adjustment.

The third item of discussion is the joint meeting with the Board of Adjustment and Planning Commission. Mr. Zimmerman composed a list of topics of discussion for the meeting. The purpose of the meeting is to discuss whether or not there are any ordinances that should be clarified, relaxed, or tightened in order to: 1. Better serve the residents of Biltmore Forest and 2. Eliminate confusion when residents bring forward requests for Conditional Use or Variances. The Board of Adjustment has to interpret Ordinances almost every month and therefore has first-hand knowledge of any issues that arise. The Planning Commission has responsibility for proposing new Ordinances, but does not have the first-hand working experience.

Background: A review of 145 Board of Adjustment cases between 2014 and 2019 was undertaken. (These numbers add up to more than 100% because a request for a fence that was in a setback would be counted twice) Of these:

32% were requests for a Variance.

24% were for a front wall/terrace/or deck

19% were for a Gate or fence

8% were for a Deer Fence, specifically

6% were for a Play Structure

22% were for a Building/Porch, etc

3% were for a Roof Size issue

6% were for an Impervious Area

The following are some of the areas the Planning Commission would like to discuss:

1. The requirement for FINAL landscape and grading plans prior to BOA approval. (Otherwise there is no way to judge whether or not the landscaping was done as approved)
2. A revised Tree Ordinance with a more specific requirement to plant canopy trees.
3. The requirement for the resident installing a fence to be responsible for buffering between the fence and the neighbor's property. The responsibility for requiring buffering should not be on the shoulders of the neighbor.
4. Clarify the need to keep the Road Setback clear of vegetation and structures (so that walkers can set off the road as necessary)
5. Rewrite the Impervious Area Ordinance to make it in line with the Roof Area Ordinance. (Right now, there are 3 groupings with a fixed percent allowed in each grouping. Because of this, a 3-acre lot can have LESS impervious area than a 2.9-acre lot. A 5-acre lot can have 20%-[1-acre] as impervious – which seems like it is excessive. It is suggested that a smooth curve be developed, similar to the roofing are ordinance in design, with Impervious area maxing out at about 2/3 acre.
6. Should separate buildings connected by a heated hallway be considered as one building?
7. Add pools and tennis courts as accessory structures.
8. New ordinance for EV charging stations.
9. Are there some items that could be accomplished without a BOA review? Does a low stone wall next to a driveway, not going into any setbacks, need BOA approval? How about a play structure in the middle of a back yard that cannot be seen by neighbors?

Mr. Zimmerman asked for an update on the tree ordinance. Mr. Kanipe said he will have this ready for next month's meeting to review the changes and an updated draft. Mr. Saponaro said the tricky part is how many trees get replaced, at what size, and the location. They have asked Mr. Buckner and Mr. Dale for guidance on this. Mr. Dale has been helping tremendously with this due to his expertise being an arborist and landscape architect.

Mr. Kanipe said we will provide joint meeting dates.

Chairman Zimmerman adjourned the meeting at 6:35 pm.

The next meeting is scheduled for Tuesday, February 21, 2023 at 5:30pm.

Ms. Laura Jacobs, Town Clerk
Town Clerk

Mr. Paul Zimmerman,
Chair



PLANNING COMMISSION MEETING
STAFF MEMORANDUM
FEBRUARY 21, 2023

AGENDA ITEM C
CONSIDERATION OF RECOMMENDATION TO BOARD OF COMMISSIONERS
ABANDONED AND JUNKED VEHICLE ORDINANCE

Background

Last month, the Planning Commission reviewed abandoned and junked vehicle ordinances from the City of Asheville and Buncombe County. Discussion during the meeting centered around the necessity of an ordinance, with the consensus being that formally regulating abandoned and junked vehicles was appropriate. Staff was directed to prepare an ordinance that satisfies state law and is applicable to the Town's specific areas of concern.

Draft Ordinance for Review

The attached draft ordinance complies with North Carolina statutes regarding abandoned and junked vehicles. The ordinance provides the parameters used by town officials when determining whether the benefit to the community of removing a vehicle from a private property outweighs the monetary loss to the apparent owner. These measurements allow decisions to be made in a timely manner, with basis for and justification for removal, rather than having to wait a certain period before action can be taken. Certainly, the practical day-to-day process will involve Town staff (either via the Police Department or Administration) reaching out to the property owner to determine the status of the vehicle. But, in the event the property owner or vehicle owner is unwilling to abide by the Town's standards, this ordinance provides levers for taking appropriate action.

Consideration of Recommendation to Board of Commissioners

This ordinance is being drafted for placement within the Town's Municipal Code. This is different than the Zoning Ordinance and does not require a formal recommendation from the Planning Commission. This ordinance does not require a public hearing prior to consideration and adoption. However, since the Planning Commission originated the discussion around this ordinance, it is appropriate to provide a formal review and recommendation to the Board.

CHAPTER 94: ABANDONED, JUNKED AND NUISANCE VEHICLES

Section

- 94.01 Intent
- 94.02 Definitions
- 94.03 Administration
- 94.04 Abandoned vehicle unlawful; removal authorized
- 94.05 Nuisance vehicle unlawful; removal authorized
- 94.06 Junked motor vehicle regulated
- 94.07 Removal of vehicles; pre-towing notice required; appeals
- 94.08 Exceptions to prior notice requirement
- 94.09 Removal of vehicles; post-towing notice requirements
- 94.10 Right to probable cause hearing before sale or final disposition of vehicle
- 94.11 Redemption of vehicle during proceedings
- 94.12 Sale and disposition of unclaimed vehicle
- 94.13 Conditions on removal of vehicles from private property
- 94.14 Protection against criminal or civil liability
- 94.15 Exceptions
- 94.16 Unlawful removal of impounded vehicle

§ 94.01 INTENT.

It shall be the intent of this chapter to promote and enhance the aesthetic appearance of the town; to protect property values in the town; and to enhance public safety. It is further the intent of this chapter to promote and enhance the attractiveness and safety of the town's residential streets by controlling and regulating abandoned, junked and nuisance vehicles.

§ 94.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. As authorized and defined in G.S. § 160A-303, an **ABANDONED MOTOR VEHICLE** is a motor vehicle which:

- (1) Is left upon a public street or highway in violation of a law or ordinance a;
- (2) Is left on a public street or highway for longer than two days;
- (3) Is left on property owned or operated by the town for longer than 24 hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two hours.

AUTHORIZING OFFICIAL. Any code enforcement officer or police officer on duty that day or the Town Manager, respectively, is designated to authorize the removal of vehicles under the provisions of this chapter.

JUNKED MOTOR VEHICLE. As authorized and defined in G.S. § 160A-303.2, a vehicle that does not display a current license plate upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.

MOTOR VEHICLE OR VEHICLE. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

NUISANCE VEHICLE. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance and unlawful and including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement, such as trunks, hoods and the like, which cannot be operated from inside the area of confinement;
- (6) One so situated or located that there is a danger of it falling or turning over;
- (7) One which is a point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal, glass or other rigid materials; or
- (9) The creation of another similar condition(s) or circumstance(s) which exposes the public to safety or health hazards.

§ 94.03 ADMINISTRATION.

The Police Department and the Town Manager shall be responsible for the administration and enforcement of this chapter. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be “abandoned” on the public streets and highways within the town and on property owned by the town. The Town Manager or Town Manager’s designee shall be responsible for administering the removal and disposition of “nuisance” or “junked motor vehicles” located on private property. The town may, on a case-by-case basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department in enforcing other laws or in otherwise carrying out their duties.

§ 94.04 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) Upon investigation, a proper authorizing official of the town may determine and declare that a vehicle is a health or safety hazard or an abandoned vehicle as defined above, and order the vehicle removed.

(B) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared an abandoned vehicle.

§ 94.05 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) Upon investigation, a proper authorizing official of the town may determine and declare that a vehicle is a health or safety hazard or a nuisance vehicle as defined above, and order the vehicle removed.

(B) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

§ 94.06 JUNKED MOTOR VEHICLE REGULATED.

(A) Upon investigation, the Town Manager or Town Manager’s designee may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Indirect protection of public health and safety;

- (3) Preservation of the character and integrity of the community; or
- (4) Promotion of the comfort, happiness and emotional stability of area residents.

Provided, however, no vehicle that is used on a regular basis for business or personal use shall be removed or disposed of pursuant to this division (A).

(B) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

§ 94.07 REMOVAL OF VEHICLES; PRE-TOWING NOTICE REQUIRED; APPEALS.

(A) Notice required. Except as set forth in § 94.08, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. Reasonable diligence shall include notification to the registered owner of the vehicle at his or her last known address according to the latest registration certificate or certificate of title on file with the North Carolina Division of Motor Vehicles; notice to the owner of real property as recorded in the Buncombe County Registry; notice to the owner, lessee or occupant as contained in the records of the town. The person who mails the notice shall retain a written record to show the name and address to which mailed, and the date mailed. If the names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specific date (no sooner than two days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on specified date, no sooner than two days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(B) Appeals. The registered owner or person entitled to possession of a vehicle which has been determined to be an abandoned vehicle on private property, nuisance vehicle or junked motor vehicle who has received a notice pursuant to division (A) of this section may appeal the determination. In the case of notice for removal of a junked motor vehicle where the determination has been made that the aesthetic benefits of removing the vehicle outweigh the burdens on the private property owner, in accordance with § 94.06(A), the registered owner or person entitled to possession of the junked motor vehicle may appeal that determination. Any appeal shall be made within ten days upon receipt of the notice for removal of the vehicle as provided in division (A) of this section. All appeals shall be made to the Town Board of Commissioners in writing. Appeals held pursuant to this section shall be conducted by the Town Board of Commissioners within 45 days after the receipt of a request for a hearing, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

§ 94.08 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

The following vehicles may be removed without prior notice to the owner or person entitled to possession:

(A) Vehicles abandoned on the public streets. For vehicles left on the public streets and highways, the Police Department or Town Manager hereby determines that immediate removal of the vehicles may be warranted when they are:

- (1) Obstructing traffic;
- (2) Parking in violation of an ordinance prohibiting or restricting parking;
- (3) Parked in a no-stopping or standing zone;
- (4) Parked in loading zones;
- (5) Parked in violation of temporary parking restrictions imposed under any town ordinance.

(B) Nuisance vehicles and abandoned vehicles on private property. These vehicles may be removed without giving prior notice in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in a location or manner posing a traffic hazard or vehicles causing damage to public or private property.

(C) Vehicles left on private property. A vehicle may be removed that has been left on private property without the consent of the owner, occupant or lessee thereof for longer than two hours and the owner, occupant or lessee has complied with § 94.13, or in those circumstances where there is a finding of a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare.

§ 94.09 REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS.

(A) Any abandoned, nuisance or junked vehicle which has been ordered removed may, as directed by the proper authorizing official of the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform those services for the town. Whenever a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, the notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(B) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in

divisions (A)(1) through (5) of this section, shall also be mailed to the registered owner's last known address, unless the notice is waived in writing by the vehicle owner or his or her agent.

(C) If the vehicle is registered in North Carolina, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours of the removal of the vehicle. Written notice by mail shall be deemed to have been given upon deposit in the US mail.

(D) Whenever an abandoned, nuisance or junked motor vehicle is removed and the vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify him or her of the information set forth in divisions (A)(1) through (5) of this section.

§ 94.10 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in accordance with the provisions of G.S. Chapter 20, Article 7A, as amended.

§ 94.11 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of the fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter.

§ 94.12 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance, or junked vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of the vehicle shall be carried out in accordance with G.S. Chapter 44A, Article 1.

§ 94.13 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

Except as provided in § 94.06(A), as a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of the property could have the vehicle removed under applicable state laws. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a

nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Manager pursuant to § 94.06(A). The town shall require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale thereof.

§ 94.14 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

Any person who removes a vehicle pursuant to this chapter shall not be held liable for damages for the removal of the vehicle to the owner, lien holder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of the vehicle, or intentionally or negligently inflicts injury upon any person in the removal of the vehicle, may be held liable for damages.

§ 94.15 EXCEPTIONS.

Nothing in this chapter shall apply to any vehicle:

(A) Which is located in a bona fide "automobile graveyard" or "junkyard" as defined in G.S. §§ 136-143, et seq. and G.S. §§ 160A-303.1 and 160A-303.2;

(B) Which is in an enclosed building;

(C) Which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or

(D) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

§ 94.16 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this chapter unless and until all towing and impoundment fees which are due, or bond in lieu of the fees, have been paid.



PLANNING COMMISSION MEETING
STAFF MEMORANDUM
FEBRUARY 21, 2023

AGENDA ITEM D
CONSIDERATION OF RECOMMENDATION TO BOARD OF COMMISSIONERS
ELECTRIC VEHICLE (EV) CHARGING STATION ORDINANCE

Background

The Planning Commission discussed the possibility of an ordinance to regulate electric vehicle (EV) charging stations, and specifically how to adequately require buffering if the station was outside. The consensus was not to treat the charging station as an accessory structure but to provide specific guidelines for buffering when outside.

Draft Ordinance for Review

The attached draft ordinance adds a new section to the existing Zoning Ordinance that governs residential screening of utility structures. As shown within the existing ordinance, these are generally considered those pieces of utility equipment (HVAC, generators) that allow for the operation of a residence. This seemed an appropriate place for the EV charging ordinance.

Consideration of Recommendation to Board of Commissioners

This ordinance is being drafted for placement within the Town's Zoning Ordinance within the existing section 153.069 that regulates screening of utility structures. This ordinance requires a formal recommendation to the Board of Commissioners and, if the recommendation is to approve the ordinance, a statement from the Planning Commission that this proposed ordinance is consistent with the Town's Comprehensive Plan.

Existing Ordinance

§ 153.069 RESIDENTIAL SCREENING OF UTILITY STRUCTURES.

It is required that all new utility structures, whether they are part of a new dwelling or are being added to an existing dwelling, located out of doors, including, but not limited to, heat pumps, air conditioning units (with the exception of window units), and generators shall be screened on all sides except the side closest to the dwelling. The screening shall consist of evergreen shrubs planted a maximum of 36 inches apart, with a height of 18 to 24 inches at time of planting. The shrubs may be planted three feet away from the utility structures so they do not interfere with proper functioning.

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

Proposed Change

§ 153.069 RESIDENTIAL SCREENING OF UTILITY STRUCTURES.

(A) —It is required that all new utility structures, whether they are part of a new dwelling or are being added to an existing dwelling, located out of doors, including, but not limited to, heat pumps, air conditioning units (with the exception of window units), and generators shall be screened on all sides except the side closest to the dwelling. The screening shall consist of evergreen shrubs planted a maximum of 36 inches apart, with a height of 18 to 24 inches at time of planting. The shrubs may be planted three feet away from the utility structures so they do not interfere with proper functioning.

(B) Electric vehicle (EV) charging stations are hereby included as a utility structure for the purposes of this chapter. The Town recommends that EV charging stations be installed inside a garage and out of the public view. However, when this is not possible, the following requirements shall apply.

- 1) The EV charging station shall not be located within a front, side, or rear yard setback.
- 2) The EV charging station shall be screened from the public road and adjacent properties per requirements in section (A) above. The only exception to this requirement is that screening is not required in a location inhibiting the ability to charge the vehicle per the manufacturer's recommendation.
 - a. A site plan shall be provided to the Town prior to installation indicating the location, species, and planting timeline for screening. This site plan shall also include applicable setback lines for the appropriate zoning district and the distance of the proposed EV charging station to each property line.
- 3) Upon approval from the Town regarding the placement of the EV charging station, the property owner must obtain building inspections approval from Buncombe County for installation. The applicant shall provide all appropriate documentation submitted to Buncombe County, and subsequent approvals, to the Town once permitted.



PLANNING COMMISSION MEETING

STAFF MEMORANDUM

FEBRUARY 21, 2023

AGENDA ITEM E

OTHER UPDATES

Board of Adjustment/Planning Commission Joint Meeting

The joint meeting between the Planning Commission and Board of Adjustment will take place on Monday, March 6 at 4pm. The purpose of the meeting is to have dialogue between the two boards and gather feedback from Board of Adjustment members on the Town's Zoning Ordinance. Specifically, the Planning Commission is interested in the Board of Adjustment opinion on whether there are ordinances that should be clarified, strengthened, or even relaxed. The Board of Adjustment will provide feedback on frequent requests for variances and provide input and suggestions on these ordinances, as well as others. The meeting is open to the public.

Tree Protection Ordinance

I had hoped to have substantial progress on revisions to the tree protection ordinance by this meeting, but I am not quite there yet. Town Arborist Mike Dale and I continue to review the plans related to replacement guidelines and species. I hope to have this for the Commission's review at our March meeting.

Town Planner Hiring Process

As discussed last month, the Board of Commissioners approved the creation of a new full-time Town Planner position. We have received twenty applications and have several good, qualified candidates. I will begin the interview and assessment process for this position within the next few weeks.