

TOWN OF BILTMORE FOREST  
PLANNING COMMISSION

AGENDA

Thursday, February 5, 2026  
4:00 p.m.  
Biltmore Forest Town Hall

1. Welcome – Chair Saponaro
2. Approval of Minutes – November 10, 2025
3. Lighting Ordinance Discussion and Proposed Recommendations
4. Noise Ordinance Discussion and Proposed Recommendations
5. Construction Activity and Property Maintenance Hours Discussion and Proposed Recommendations
6. Setback Delineation for Non-Residential Uses and Proposed Recommendations
7. Nuisance Ordinance Discussion and Recommendations
8. Future Zoning District Adjustments - Discussion
9. Adjourn

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

Meeting ID: 830 1514 8121  
Passcode: 226922

## **Planning Commission Meeting Minutes for November 10, 2025**

Chairman Saponaro called the meeting to order and noted that Commissioner Diane Fourton had resigned from the Planning Commission due to personal commitments. Mr. Jonathan Kaniipe will be speaking with the Board of Commissioners about finding a replacement, which is the typical process. Chairman Saponaro mentioned that if any Board members knew someone who would be a good addition, they could add that person to the consideration list. The Board will continue with four members until a replacement is found.

Those members in attendance today are: Chairman Tony Saponaro, Ms. Angela Newnam, Mr. Jonathan Gach, Dr. Ken Hornowski, Town Manager, Mr. Jonathan Kaniipe, Town Planner, Mr. Tony Williams, and Town Attorney, Mr. Billy Clarke.

### **Approval of Minutes – September 23, 2025**

Commissioner Newnam requested two adjustments to the minutes which were, on page 2, changing language about trees to "questioning whether they were being cut down without proper review" rather than "noting that they were being done without review." The second correction was adding Ms. Diane Fourton to the list of attendees for the previous meeting and removing Ms. Newnam from the list. Mr. Jonathan Gach made a motion to approve the minutes as amended. Mr. Billy Clarke seconded the motion and was unanimously approved.

### **Lighting Ordinance Discussion**

Ms. Newnam presented research on lighting ordinances, noting that 25 towns in North Carolina have lighting ordinances aimed at reducing light pollution, defined as artificial light greater than 10% of natural star or moonlight. She explained that light pollution affects circadian rhythms of people and wildlife, decreases melatonin production, impacts sleep, and affects various creatures including migratory birds and insects.

Ms. Newnam emphasized that the tree loss after Hurricane Helene (approximately 35% of the town's canopy) has made lighting issues more prominent, with some residents contacting town hall about streetlights or excessive lighting on properties.

Ms. Newnam outlined several principles for a potential lighting Ordinance which include:

- Ensuring lights have a purpose
- Targeting lights (typically downward)
- Using low wattage, especially for upward-facing landscape lighting
- Controlling lighting with timers or motion detectors
- Using warm-colored lights rather than bright white or blue light

The proposed goals for the lighting Ordinance included:

- Reducing light pollution to benefit people and wildlife
- Focusing lighting on home security and controlled low wattage for property lighting
- Employing a neighbor-friendly approach
- Engaging in positive communication and soliciting community involvement
- Creating clear, enforceable, and easy-to-understand ordinances
- Developing a phased implementation approach with grandfathering periods
- Improving the Town's lighting in common areas

The Board discussed implementation approaches, noting that completely retroactive requirements might be problematic, but that reasonable modifications could be required (like changing bulbs to lower wattage or requiring lights to be off by a certain time). The Board agreed that education efforts would be crucial.

Common aspects of lighting Ordinances were discussed, including fixture type and placement, shielding, intensity/wattage/color, height, and addressing light trespass onto neighboring properties. The Board discussed different requirements for public, commercial, and residential areas.

The Board agreed to start with the Town's existing one-page Ordinance and make improvements to it rather than adopting Asheville's more complex 8-page Ordinance.

Mr. Kanipe will take the concepts discussed to the Board of Commissioners to ensure the Planning Board is moving in the right direction before drafting specific Ordinance language.

## **Noise Ordinance Discussion**

Mr. Jonathan Gach presented his research on noise Ordinances, which included interviews with Police Chief, Chris Beddingfield, Town staff, and reviewing documentation. He noted several challenges with enforcement:

- Decibel readings are impractical as they require calibrated equipment and trained personnel
- The Town culture expects the Police Department to handle complaints so residents can remain anonymous
- The concept of "plainly audible" noise inside someone's house is a key enforcement criterion

The Chief identified common noise complaints:

- Construction activity (most common)
- Lawn care
- Business/commercial zones
- Barking dogs

The Board discussed establishing "quiet hours" for the Town, during which certain noises would be prohibited. After deliberation, they agreed to propose quiet hours from 10:00 PM to 7:00 AM. These hours would apply to resident activities, not construction (which would be handled separately).

The Board discussed allowing exceptions for special events with prior notification, though not formal permits. They also noted that different rules might apply for commercial activities versus resident activities.

## **Construction Activity and Property Maintenance Hours Discussion**

The Board discussed the current ordinance language that restricts "all construction activities and property maintenance" to between 7:30 AM and 6:00 PM, Monday through Saturday. They noted that historically, this has been interpreted and enforced as applying to commercial activities only, not homeowners doing their own work, although the literal reading doesn't make this distinction.

The Board agreed to recommend:

- Clarifying that restrictions apply to commercial construction activities only
- Allowing residents to do their own activities outside these hours, subject to the noise ordinance
- Continuing to prohibit commercial work on Sundays
- Allowing residents to do maintenance and construction on Sundays, but only between 12:00 PM and 6:00 PM

The Board also discussed whether to prohibit construction on all federal holidays or just the six currently listed (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). They suggested possibly aligning with the North Carolina state holiday calendar used by the Town.

### **Setback Delineation for Non-Residential Uses**

The Board discussed simplifying setback requirements for non-residential properties like the Biltmore Forest Country Club, Carolina Day School, and MAHEC. The current Ordinance uses terms like "front yard," "backyard," and "side yards," which can be confusing for irregularly shaped properties.

The proposal would simplify setbacks to two categories:

- 60 feet from any road
- 25 feet from any residential property

The Board confirmed that this would maintain or increase current setback requirements while making them much simpler to administer. They noted this would not affect existing structures but would apply to any new construction or changes.

The Board also discussed that this approach would maintain or enhance buffer zones between non-residential and residential properties. Any construction activity by non-residential entities that is not interior to a property would still require Special Use Permits.

The Board agreed to move forward with this proposal.

The meeting was adjourned with the next meeting scheduled for February 5, 2026 from 4:00 PM to 6:00 PM.

**PLANNING COMMISSION MEETING**  
**FEBRUARY 5, 2026**



**AGENDA ITEM - 3**

**LIGHTING ORDINANCE REVIEW AND PROPOSED RECOMMENDATIONS**

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**BACKGROUND**

During our last meeting in November, Planning Commission member Angela Newnam provided substantial information related to potential changes with the Town's lighting ordinance. The after effects from Hurricane Helene have transformed the Town's visual barriers resulting in more light being able to be observed by and between neighboring properties. Additionally, endemic in the Town's forested nature is the feeling that "darkness" is welcomed by residents and wildlife that live in and around the Town. To that end, multiple options were presented focused on exterior lighting.

**RECOMMENDATIONS**

The attached recommendations are provided based on feedback from the last meeting as well as Ms. Newnam's analysis. If the Board agrees with these provisions, the next step would be to provide this to the Board of Commissioners for their thoughts, craft a formal ordinance amendment, and bring back to this Commission for a final recommendation.

**PROPOSED ORDINANCE CHANGES**

The proposed ordinance amendments are attached to this ordinance.

## **POTENTIAL ORDINANCE AMENDMENT EXTERIOR LIGHTING**

### **A. Purpose and Intent**

The purpose of this section is to regulate exterior lighting in a manner that:

1. Preserves the residential character and visual quality of the Town;
2. Reduces light pollution, glare, and light trespass onto neighboring properties;
3. Protects public health, wildlife, and natural nighttime conditions;
4. Allows for reasonable safety, security, and wayfinding needs; and
5. Establishes clear, enforceable standards that are understandable to property owners and neighbors.

It is the intent of this section to encourage targeted, low-intensity, warm-colored lighting used only when and where needed, while avoiding excessive or intrusive illumination.

### **B. Applicability**

1. This section applies to all exterior lighting installed, replaced, or modified on any property within the Town.
2. Interior lighting that does not spill beyond the building envelope is not regulated by this section.
3. Existing lighting installations are addressed under subsection H (Nonconforming Lighting).

### **C. Definitions**

For purposes of this section, the following terms shall apply:

**Exterior Lighting:** Any artificial illumination located outdoors or installed within a structure that projects light outdoors.

**Light Trespass:** Light emitted from a fixture that extends beyond the property boundaries onto adjacent properties or the public right-of-way.

**Glare:** Excessive brightness that causes visual discomfort or reduces visibility.

**Fully Shielded Fixture:** A light fixture constructed or installed so that no light is emitted above a horizontal plane through the lowest point of the light source.

**Color Temperature:** The appearance of light measured in Kelvin (K), with lower values producing warmer light.

**Dark Hours:** The period between 11:00 p.m. and 6:00 a.m., during which reduced lighting levels are encouraged.

## D. General Lighting Standards

All exterior lighting shall comply with the following standards:

### 1. Shielding and Direction

- a) All exterior lighting shall be fully shielded and directed downward.
- b) No light source shall be visible from adjacent residential properties.

### 2. Prohibition of Uplighting

- a) Uplighting of buildings, trees, landscape features, or other objects is prohibited, except as provided in subsection F.

### 3. Light Trespass

- a) Exterior lighting shall be arranged and shielded so that light trespass onto adjacent properties is minimized.
- b) Light shall not be directed toward neighboring dwellings.

### 4. Intensity

- a) High-intensity floodlights, spotlights, flashing, flickering, or strobe lighting are prohibited.
- b) Lighting shall be the minimum intensity necessary to accomplish its intended purpose.

### 5. Color Temperature

- a) Exterior lighting shall have a color temperature of 3,000 Kelvin or less, unless otherwise approved by the Town.

## E. Residential and Landscape Lighting

### 1. Front Yard Lamps

- a) Up to two (2) freestanding lamps are permitted in the front yard of a residential lot.
- b) Such lamps shall not exceed eight (8) feet in height and shall be located at least ten (10) feet from the edge of the roadway.

### 2. Landscape Lighting

Landscape lighting is permitted provided it is:

- a) Low-intensity,
- b) Fully shielded,
- c) Directed downward,
- d) Installed to avoid glare and light trespass, and
- e) Landscape lighting used to illuminate trees or structures shall be low intensity and not trespass beyond the property to neighboring dwellings.

### 3. Porch and Entry Lighting

- a) Porch and entry lights may remain illuminated overnight, provided they are properly shielded and comply with the standards of this section.

## F. Security Lighting

1. Security lighting is permitted when necessary for safety.
2. Security lighting shall:
  - a) Be fully shielded;
  - b) Be motion-activated or equipped with timers where practicable; and
  - c) Automatically deactivate after a reasonable period of inactivity.
3. Continuous, high-intensity security lighting is discouraged and may be required to be modified if it creates glare or light trespass.

## G. Exemptions

The following are exempt from this section, provided reasonable efforts are made to minimize glare and light trespass:

1. Temporary lighting used for emergencies or public safety;
2. Temporary lighting associated with construction activity, limited to the duration of the project;
3. Holiday lighting displayed for a limited seasonal period;
4. Lighting installed or required by federal, state, local, or utility safety regulations.

## H. Nonconforming Lighting (Phased Compliance)

1. Exterior lighting legally existing prior to the effective date of this section that does not conform shall be considered nonconforming.
2. Nonconforming lighting may remain in place but shall be brought into compliance when:
  - a) The fixture is replaced or substantially modified;
  - b) A complaint is received and verified by the Town as creating excessive glare or light trespass;
  - c) The property undergoes significant redevelopment.
3. The Town may establish educational guidance and voluntary compliance periods to assist property owners in transitioning to compliant lighting.

## I. Enforcement

1. This section shall be administered by the Town Manager or designee.
2. Upon determination of a violation, the Town shall provide written notice describing the violation and allowing a reasonable time for correction.
3. Continued noncompliance may be enforced in accordance with the Town's general enforcement provisions.

## PLANNING COMMISSION MEETING

### FEBRUARY 5, 2026



#### AGENDA ITEM - 4

#### **NOISE ORDINANCE DISCUSSION AND RECOMMENDATIONS**

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#### **BACKGROUND**

During our last meeting in November, the Board reviewed the Town's existing "noise ordinance" which is in fact more of a construction ordinance. Planning Commission member Jonathan Gach has done research into this issue previously and Town staff, including the Police Chief, have provided feedback regarding what may be effective for the Town's ordinance amendment and to have a true noise ordinance.

#### **EXISTING ORDINANCE**

As mentioned, when residents call to complain of noise they often ask about the Town's noise ordinance. This, in fact, is a misnomer as the only portion that relates to noise is highlighted below:

##### **§ 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.

#### **RECOMMENDED CHANGES**

Proposed changes are attached to this memorandum for the Commission's review. As this ordinance is currently within the Town Code, it does not require a formal public hearing or recommendation from the Planning Commission. However, this Commission's review and discussion surrounding it will be exceptionally beneficial for the Board as they consider changes.

## **POTENTIAL ORDINANCE AMENDMENT**

### **NOISE ORDINANCE**

#### **A. Purpose and Intent**

The purpose of this section is to protect the quiet enjoyment of residential property by regulating excessive and unreasonable noise, while recognizing the need for ordinary daily activities.

#### **B. Applicability**

1. This section applies to all non-construction related noise occurring within the Town.
2. Construction, repair, and maintenance activities are regulated under a separate ordinance.
3. Nothing in this section shall prohibit reasonable noise associated with normal household activities conducted during permitted hours.

#### **C. Definitions**

For purposes of this section:

**Plainly Audible:** Sound that can be clearly heard by a person using normal hearing faculties, without the aid of electronic devices.

**Quiet Hours:** The period between 10:00 p.m. and 7:00 a.m., unless otherwise permitted under this section.

**Residential Property:** Any property containing a dwelling unit, whether occupied or not.

#### **D. Prohibited Noise**

It shall be unlawful for any person to create, permit, or allow noise that is:

1. Plainly audible inside a residential dwelling located on another property during Quiet Hours; or
2. Plainly audible at a distance of fifty (50) feet or more from the source property during Quiet Hours; or
3. Of such volume, duration, or repetition as to unreasonably disturb the peace and quiet of neighboring residents.

This standard may be enforced based on the observations of a law enforcement officer or other Town official from a public street, sidewalk, or other public place, without entry onto private property.

#### E. Specific Examples of Prohibited Noise

The following are examples of noise that may constitute a violation of this section when meeting the standards above:

1. Loud or amplified music, television, or sound systems;
2. Yelling, shouting, or loud gatherings;
3. Repetitive animal noise, including barking dogs, not otherwise addressed under existing animal control ordinances;
4. Mechanical equipment, generators, or similar devices not otherwise exempted under this section.

This list is illustrative and not exhaustive.

#### F. Exemptions

The following shall be exempt from this section, provided reasonable efforts are made to minimize disturbance:

1. Emergency operations or equipment necessary to protect life or property;
2. Temporary use of generators during power outages;
3. Town-authorized special events.

#### G. Enforcement

1. This section shall be enforced by the Police Department, Town Manager, or their designee.
2. A violation may be determined based on:  
The direct observation of the enforcing official a verified complaint corroborated by the enforcing official.
3. Violations shall be handled subject to the Town's general enforcement procedures.
4. The Town may issue warnings prior to enforcement where appropriate.

**PLANNING COMMISSION MEETING**  
**FEBRUARY 5, 2026**



**AGENDA ITEM - 5**

**CONSTRUCTION AND PROPERTY MAINTENANCE**  
**DISCUSSION AND RECOMMENDATIONS**

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**BACKGROUND**

Similarly, the Commission reviewed the Town's construction and property maintenance ordinance last month as it discussed the noise ordinance. There was general consensus to define the construction activity more specifically and also formally defining *when* property owners or occupants are allowed to perform work as well. The Board had general consensus to allow work by property owners or occupants on Sunday afternoons but there was some debate regarding the timing. The time shown in this proposal is reflective of that discussion but can certainly be amended based upon the Commission's discussion.

**PROPOSED CHANGES**

The proposed changes are provided as an attachment to this memorandum. Similarly to the noise ordinance, there is not a formal public hearing requirement because this is not in the Zoning Ordinance and is just part of the Town Code. This would provide substantial clarification for Town staff in addressing resident complaints.

## **POTENTIAL ORDINANCE AMENDMENT**

### **CONSTRUCTION AND PROPERTY MAINTENANCE ORDINANCE**

#### **Purpose**

The purpose of this section is to regulate noise generated by construction, renovation, repair, and property maintenance activities in a manner that protects residential quiet enjoyment while allowing reasonable activity during defined hours. This section is separate from and supplemental to the Town's general noise ordinance.

#### **Applicability**

This section applies to:

- Commercial construction and renovation activity
- Contractor-performed work
- Property maintenance activities by property owners or property occupants using powered equipment

This section does not apply to ordinary residential living activities, which are governed by the general noise ordinance.

#### **Construction and Maintenance Hours**

##### **A. Commercial Construction and Contractor Activity**

1. Permitted only between 7:30 a.m. and 6:00 p.m., Monday through Saturday.
2. No commercial construction activity is permitted on Sundays, except for emergency repairs necessary to protect life, safety, or property.

##### **B. Resident-Performed Property Maintenance**

1. Residents may perform lawn maintenance and routine property work using powered equipment outside of commercial construction hours, provided such activity complies with the Town's general noise ordinance.
2. On Sundays, resident-performed property maintenance shall be permitted between 12:00 p.m. and 6:00 p.m., unless modified by the Board of Commissioners.

##### **C. Noise Standard and Enforcement**

1. Construction or property maintenance noise shall be deemed a violation if it is plainly audible at a distance of 100 feet or more from the source, or plainly audible within an adjacent residence, during prohibited hours.
2. "Plainly audible" means noise that can be clearly heard by a police officer or code enforcement officer, without the use of measuring devices, from a public street, sidewalk, or other lawful location.
3. Officers are not required to enter private property to determine a violation.

D. Holidays

1. Commercial construction activity shall be prohibited on Sundays and on designated holidays as established by the Board of Commissioners from time to time.

E. Enforcement and Penalties

1. Violations of this section shall be enforced as provided in the Town Code.

## PLANNING COMMISSION MEETING

### FEBRUARY 5, 2026



#### AGENDA ITEM - 6

#### **SETBACK DELINEATION FOR AMORPHOUS NON-RESIDENTIAL USES**

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#### **BACKGROUND**

Admittedly, this is a bizarre sounds title. The general thought process behind these proposed setback amendments is to specifically identify areas within the Town that are large (i.e. over 25 acres) parcels that border residential areas and do not have a defined “front, rear, or side yard”. The Town’s zoning ordinance defines the setbacks based on these definitions – but it is impossible in some cases to actually define a front, rear, or side yard for large parcels that have multiple existing structures and no definitely “principal structure”.

#### **PROPOSED CHANGES**

This proposal aims to define those areas based on lot size, existing use, and the property’s relationship to public roads and neighboring residential properties. Admittedly, this will only impact a handful of properties – notably the Biltmore Forest Country Club, Carolina Day School, and potentially large and currently undeveloped parcels – but this change provides a direct and definable setback based on where these properties abut public roads or neighboring residential properties and removes any discrepancies about what is the front, back, or side yard. Further, this change does not reduce any current setback right that exists within the existing Zoning Ordinance because, once again, it is nearly impossible to define the front, rear, or side yard for purposes of these lots.

The proposed change is short, simple, and would be located within the Town’s existing dimensional requirements section of the Zoning Ordinance as a footnote. This amendment requires both a public hearing and formal recommendation from the Planning Commission.

*§ 153.007 (B)(7) For properties greater than 25 acres in size, the setback along all public roads shall be sixty (60) feet and the setback along any property line that abuts a residential property shall be twenty-five (25) feet.*

**PLANNING COMMISSION MEETING**  
**FEBRUARY 5, 2026**



**AGENDA ITEM - 7**

**NUISANCE ORDINACNE DISCUSSIONS AND  
RECOMMENDATIONS**

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**BACKGROUND**

The Commission has also discussed methods of strengthening the Town's nuisance ordinances and being thoughtful regarding the damage that still exists on some properties from Hurricane Helene. Planning Commission member Ken Hornowski has provided a recommendation for amendments to the nuisance ordinance. Please note, that there are regulations related to noise and construction activities found within this ordinance, but it is my recommendation the earlier discussed sections cover these concerns rather than including it within the noise ordinance.

**PROPOSED CHANGES**

Mr. Hornowski's proposed changes are attached to this memorandum. The nuisance ordinance is within the Town Code and therefore would not require a public hearing prior to the Board considering and adopting any changes.

# **Town of Biltmore Forest**

## **Nuisance Ordinance**

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### **Section 1. Purpose and Intent**

The purpose of this Nuisance Ordinance is to promote and protect the health, safety, welfare, and quiet enjoyment of property within the Town of Biltmore Forest. As a predominantly residential community, the Town seeks to preserve neighborhood character, property values, environmental quality, and public safety by preventing and abating conditions that unreasonably interfere with the rights of others or pose risks to the community.

This ordinance establishes standards for identifying, addressing, and abating nuisances while ensuring fair notice, due process, and reasonable opportunity for compliance by property owners and occupants.

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### **Section 2. Authority**

This ordinance is adopted pursuant to the police powers granted to the Town of Biltmore Forest under North Carolina law and is enforceable by the Town through its Police Department, designated code enforcement officials, and other authorized agents.

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### **Section 3. Applicability**

This ordinance applies to all real property within the corporate limits of the Town of Biltmore Forest, whether publicly or privately owned, improved or unimproved, and to all property owners, occupants, tenants, and persons responsible for property conditions.

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### **Section 4. Definition of Nuisance**

A nuisance is any condition, activity, or use of property that:

- Endangers or threatens public health or safety;
- Unreasonably interferes with the use and enjoyment of neighboring properties;
- Creates an unsanitary, unsafe, or unsightly condition; or
- Violates the standards set forth in this ordinance or other applicable Town regulations.

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## **Section 5. Prohibited Nuisance Conditions**

The following conditions are declared to be nuisances when they exist to a degree that impacts public safety, health, or neighboring properties. This list is illustrative and not exhaustive.

### **A. Property Maintenance and Visual Blight**

- Accumulation of trash, refuse, junk, discarded materials, or debris.
- Overgrown vegetation that obstructs sidewalks, roadways, sightlines, or creates harborage for pests.
- Dilapidated, unsafe, or poorly maintained structures, fences, or accessory buildings.

### **B. Storm-Related Debris and Downed Trees**

- Downed trees, large limbs, or storm debris that:
- Pose a safety hazard to persons, neighboring properties, or public rights-of-way;
- Block drainageways, creeks, or stormwater infrastructure;
- Create conditions conducive to pests, decay, or increased fire risk; or
- Remain on property for an extended period without evidence of active remediation following a major storm event.

The Town recognizes that significant storm events may require extended recovery periods. Reasonable allowances may be made where property owners demonstrate good-faith efforts toward cleanup or remediation.

### **C. Noise Disturbances**

Excessive, unreasonable, or recurring noise that disturbs the peace, comfort, or quiet enjoyment of residential properties is declared a nuisance.

#### **1. Quiet Hours**

Quiet hours are established throughout the Town as follows:

- **10:00 PM to 7:00 AM**, seven days a week.

During quiet hours, no person shall make, continue, or permit any loud, unnecessary, or unreasonable noise that is plainly audible beyond the property line from which it originates.

#### **2. Prohibited Noisy Activities During Quiet Hours**

During quiet hours, the following activities are prohibited when plainly audible beyond the originating property line:

- Construction, reconstruction, demolition, grading, or repair work;
- Operation of power tools, lawn equipment, leaf blowers, chainsaws, generators, or similar mechanical equipment;
- Use of amplified sound, including music, televisions, public address systems, or musical instruments;
- Any other activity that unreasonably disturbs neighboring residents.

### **3. Sunday Restrictions on Noisy Work**

To preserve the residential character and quiet enjoyment of the Town:

- **No noisy work shall be conducted on Sundays**, regardless of time of day.

Noisy work includes, but is not limited to:

- Construction, renovation, or repair activities;
- Use of power tools or motorized lawn and landscape equipment;
- Tree cutting, limb removal, debris grinding, or similar activities;
- Operation of heavy machinery.

Normal residential activities that do not generate excessive noise are permitted.

### **4. Exemptions**

The following activities are exempt from the noise provisions of this ordinance:

- Emergency work necessary to protect life, property, or public safety;
- Emergency utility repairs by public or private utility providers;
- Town-authorized public works or emergency response activities;
- Law enforcement, fire, or rescue operations.

### **D. Public Health and Safety Hazards**

- Standing water or drainage conditions that contribute to mosquito breeding or flooding of adjacent properties.
- Conditions that attract rodents, insects, or other vermin.
- Unsafe storage or handling of hazardous or combustible materials.

### **E. Obstructions and Encroachments**

- Obstruction of sidewalks, streets, or public easements without authorization.
- Vegetation or structures encroaching into public rights-of-way or onto neighboring properties.

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## **Section 6. Enforcement**

### **A. Inspection and Investigation**

Nuisance conditions may be identified through citizen complaints, observations by Town police or staff, or authorized inspections.

## **B. Notice of Violation**

When a nuisance is determined to exist, the Town shall provide written notice to the property owner or responsible party. The notice shall:

- Describe the nuisance condition;
- Cite the applicable provision of this ordinance;
- Specify corrective actions required; and
- Provide a reasonable timeframe for compliance.

## **C. Failure to Comply**

If the nuisance is not corrected within the specified timeframe, the Town may:

- Issue civil citations or fines as authorized by ordinance;
- Abate the nuisance and assess the cost to the property owner as permitted by law;
- Pursue injunctive relief or other legal remedies.

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## **Section 7. Emergency Conditions**

When a nuisance presents an immediate threat to public health or safety, the Town may take immediate action to abate the condition without prior notice. Costs incurred may be recovered from the property owner as allowed by law.

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## **Section 8. Appeals**

Any person aggrieved by a determination or enforcement action under this ordinance may appeal in accordance with procedures established by the Town and consistent with due process requirements.

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## **Section 9. Severability**

If any provision of this ordinance is held invalid or unenforceable, such determination shall not affect the remaining provisions.

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## **Section 10. Effective Date**

This ordinance shall take effect upon adoption by the Town of Biltmore Forest and shall remain in force until amended or repealed.

## PLANNING COMMISSION MEETING

FEBRUARY 5, 2026



### **AGENDA ITEM - 8**

### **FUTURE ZONING DISTRICT CHANGES - DISCUSSION**

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#### **BACKGROUND**

This discussion is to initiate a policy-level review regarding how certain long-standing, non-residential properties are classified within the Town's zoning map. This is not a proposal to amend existing residential zoning districts, nor is it intended to expand allowable land uses. Rather, it is a discussion about clarity and alignment between zoning classifications and actual land use.

Currently, several properties within the Town that are clearly non-residential in nature—such as the country club, Town offices and facilities, and Carolina Day – are zoned within single-family residential districts (R-1 and R-2). While these uses are lawful and well established, their zoning classification does not accurately reflect their function or purpose.

This long-standing approach creates confusion for residents, challenges for enforcement and interpretation, and has the potential for long-term policy risks when residential zoning districts are used as de facto placeholders for institutional or civic uses.

The Town is unique in not having amended their zoning districts. Similar jurisdictions, including Highlands, Blowing Rock, Pinehurst and others, have addressed this issue by creating limited, purpose-specific zoning districts that acknowledge existing non-residential uses without opening the door to broader commercial development. These districts are narrowly tailored, map-applied, and designed to recognize what a property is, not what it might become in the future.

The true purpose of this discussion is to begin discussing a similar approach. This type of approach preserves the integrity of the Town's primary residential zoning and improves clarity and consistency in how non-residential properties are classified.

#### **Potential New Districts**

The following are illustrative examples of how such districts could be named and defined. These are not draft ordinance language, but conceptual frameworks to support further discussion:

##### **Civic / Government District**

Intended to recognize properties owned or operated by the Town or other governmental entities and used for public administration, services, or civic purposes.

### Institutional District

Intended for educational or cultural institutions, such as private schools, that serve the community but are not residential in character.

### Recreational/Club District

Intended to recognize membership-based recreational facilities, such as a country club or golf course, that are neither residential nor commercial in nature.

### Final Takeaways

The above naming conventions and definitions are for illustrative purposes and to show *how* these changes may look. The important takeaways are that any potential changes should be guided by the following principles:

- No changes to existing residential zoning districts
- No expansion of permitted uses or development intensity
- Map-applied, limited-scope districts only
- Clear acknowledgment of actual, established land use
- Preservation of the Town's residential character

The objective in this discussion is to determine if there is a desire to initiate this review. If so, staff can further research similar jurisdictions and perhaps more acutely define the districts being discussed. Prior to any approvals, a map would be produced to show these districts more explicitly and how the district changes would look. If we can achieve the above principles while also re-defining these districts, the Town will be in a much better place to define our existing zoning map and uses.