

TOWN OF BILTMORE FOREST  
PLANNING COMMISSION

AGENDA

Monday, November 10, 2025

4:00 p.m.

Biltmore Forest Town Hall

1. Welcome – Chair Saponaro
2. Approval of Minutes – September 23, 2025
3. Lighting Ordinance Discussion
4. Noise Ordinance Discussion
5. Construction Activity and Property Maintenance Hours Discussion
6. Setback Delineation for Non-Residential Uses
7. Adjourn

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

Meeting ID: 830 1514 8121

Passcode: 226922

1 of 24

## PLANNING COMMISSION MEETING

Tuesday, September 23rd, 2025 at 4:00pm

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

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

Chairman Saponaro called the meeting to order at 4:01pm.

Mr. Ken Hornowski made a motion to approve the minutes from June 24<sup>th</sup>, 2025. Ms. Angela Newnam seconded the motion and was unanimously approved.

### **Consideration of Recommendation to Board of Commissioners Zoning Text Amendment**

Mr. Jonathan Kanipe presented a proposed Zoning Text Amendment for a property owned by the Town. He explained that the town has owned a 10-acre parcel south of Interstate 40 and east of Vanderbilt Road since 1997, when it was gifted by Biltmore Farms. The property was zoned as Public Service (PS) district, and the deed included a restriction that required any development on the property to be approved by a public vote after a 15-year waiting period.

Mr. Kanipe explained that this deed restriction was legally unenforceable, and the Town had been working with Biltmore Farms to secure a waiver of this requirement. Town Attorney, Mr. Billy Clarke provided additional information about the legal work that had been completed, confirming that a waiver had been signed and was awaiting recording.

Mr. Kanipe shared that the Town is proposing to use approximately 3-4 acres of this property to build a public works facility that would house town trucks, equipment, storage materials, bins, and office space. He presented concept renderings of the facility, showing that it would be below grade from Vanderbilt Road with appropriate buffering to minimize visibility.

The amendment under consideration would modify the language in the PS district ordinance to allow for "town owned and operated public facilities" in addition to the currently permitted uses related to public parks or recreational areas.

Chairman Saponaro raised a concern about ensuring the amendment would only apply to the specific property in question and not to other PS-zoned areas like Rosebank Park or Brooklawn Park where such facilities would be inappropriate. Mr. Clarke offered to develop language that would specifically prevent construction of public works facilities on other parks in the Town.

Commissioner Drew Stevens, speaking as a citizen, noted that this text amendment would allow the Town to move forward with architects and planning while a more comprehensive zoning reevaluation would take place in the future.

A motion to recommend approval of the Zoning Text Amendment to allow the construction of the public works facility on this property, subject to modification of the language in subparagraph c to prevent construction of public works facilities on other parks in the town, was made by Ms. Newnam, seconded by Mr. Hornowski, and unanimously approved.

### **Joint Meeting Review and Work Items**

Chairman Saponaro led a discussion about follow-up items from the joint meeting with the Town Board of Commissioners and Board of Adjustment. He noted that several items were identified for the Planning Commission to address, while other issues like restricting entrance to Hendersonville Road and walking trails were being handled by other entities.

The Board reviewed the five main work items that emerged from the joint meeting:

1. Construction Activity Ordinance - The Board discussed the need to clarify what activities are prohibited on Sundays and holidays, noting that current language technically prohibits homeowners from performing quiet activities like raking leaves or interior painting on their own properties.

2. Noise Ordinance - The Board reviewed the current noise ordinance, noting that it contains subjective language about "quiet enjoyment of properties" which makes enforcement difficult for the Police Chief.
3. Nuisance/Property Cleanup - Mr. Kanipe reported that the Town had issued approximately 45 notices of violation following Hurricane Helene, with about 90% compliance. The Board discussed the challenges with larger properties and the need for more specific metrics to define violations.
4. Lighting Standards - The Board discussed the need for simpler, clearer standards regarding outdoor lighting.
5. Setbacks - Chairman Saponaro raised the need to revisit setback requirements for non-residential properties like the Country Club, Carolina Day School, and MAHEC, where defining front, side, and rear yards is challenging.

Ms. Newnam expressed concern about tree removal at the Country Club, noting that trees were being cut down within setbacks without proper review. Mr. Kanipe explained the current tree ordinance thresholds and acknowledged that there might be a need to revisit these standards.

The Board established a plan to address these items, with members taking lead roles on specific topics:

- All members would prepare ideas for the construction activity and noise ordinances
- Mr. Clarke, Mr. Hornowski, and Ms. Fourton would work on nuisance property standards
- Ms. Newnam would lead work on lighting standards
- Chairman Saponaro and Mr. Clarke would work on setback requirements

The Board agreed to schedule their next meeting for Monday, November 10, 2025, from 4:00 to 6:00 p.m., with the goal of completing work on these items before the end of the year.

The meeting was adjourned at 5:42 pm.

**PLANNING COMMISSION MEETING**  
**COMMISSION MEMBER NEWNAM MEMORANDUM**  
**NOVEMBER 10, 2025**



**AGENDA ITEM - 3**

**LIGHTING ORDINANCE REVIEW**

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**BACKGROUND**

Over the last 100 years, humans have transformed the night sky. While crucial to our modern life, artificial light has a downside - Light Pollution. Light pollution is a topic in all parts of the country. Eighty (80) percent of Americans live in "polluted" sky areas. Polluted night sky is defined as artificial light greater than ten (10) percent of natural star/moon light. Light pollution has implications for circadian rhythm disruption, decreased melatonin, decreased sleep, and therefore decreased health levels. In addition to impacts on people, light pollution has negative impacts on many creatures, including migratory birds, night hunting animals and birds, and even insects. In addition, DarkSky, a non-profit focused on reducing light pollution, estimates that thirty (30) percent of outdoor lighting is wasted in the United States each year. While outdoor and exterior lighting is often used to increase security and safety, DarkSky points out that excessive and unshielded lighting can create shadows and glare that actually reduce safety.

While Western North Carolina has less light pollution than larger metropolitan areas such as Charlotte and the Triangle, Asheville and the surrounding areas are noticeable on the DarkSky maps - see attached. In fact, Asheville has added a lengthy light ordinance (Section 7-11-10), and is one of 25 towns in North Carolina that has an ordinance targeted at reducing light pollution. It is 10 pages long and quite detailed - provided as an attachment..

At the request of the Mayor and Commissioners, the planning committee was asked to review options and suggestions to reduce light pollution in Biltmore Forest. With the loss of over 10,000 trees and thirty-five (35) percent of our tree canopy, as well as the medium trees and plants underneath, our neighborhood landscape has dramatically changed. Houses once tucked in the woods with significant lot privacy, now have virtually no vegetation barriers. Lighting complaints have been made to Town Hall. by some residents. On the flip side, many street lights were damaged by the storm, creating areas that are too dark at the road..

**PROPOSED ORDINANCE IMPROVEMENTS**

Given this background information, below is some structure to guide our discussions on a potential lighting ordinance.

## Principles of Outdoor Lighting

1. Useful - with a purpose
2. Targeted - downward, focused on structures, upright landscape low wattage
3. Low Level - generally low wattage
4. Controlled - time, timers, motion
5. Warm colored- Correlated color temperature (CCT) 3000K or lower - soft white light not bright white or blue white

## Lighting Goals

1. Reduce light pollution in Biltmore Forest to benefit people and wildlife
2. Focus lighting on home security and controlled low wattage property lighting
3. Employ a "friendly neighbor" approach - encourage consideration
4. Engage in positive and clear communications and solicit community involvement
5. Draft ordinances that are clear, enforceable, and easy to understand and follow
6. Develop a phased implementation to adapt over time, such as add lighting review to building/renovation permit - similar to landscape plans, while using a "grandfather" approach to non-compliant fixtures to be phased out over a longer time period
7. Improve Town property lighting at Town facilities and along roadways to improve safety and set an example

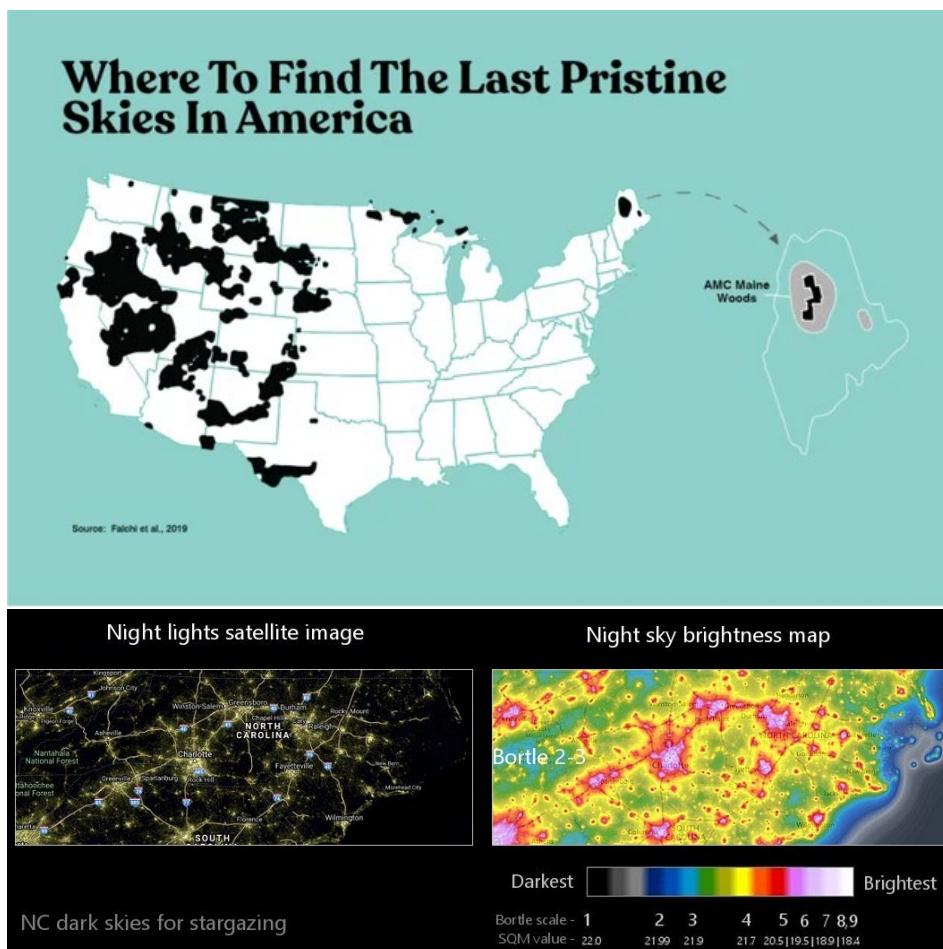
## Common Aspects of Other Municipal Lighting Ordinances

1. Fixture types and placement which includes:  
Direction, Shielding, Intensity (wattage and color CCT), and Height with specifics on structures vs landscape, with driveways counting as structures. (Note images in Asheville code)
2. Light trespass - Visibility from other properties/neighbors - "creep" and impact - to address interior and exterior lighting with a "good neighbor" approach.
3. Light design - Public vs commercial vs residential
  - Security lighting, landscape lighting, parking lots, streetlights, outdoor recreational facilities, signage - public and private
  - Consider lot size/light trespass or exterior wattage guidelines per acre?
4. Timing and controls - time of day for various types (street lights, club, home, landscape) and controls (timers, motion, manual)
5. Implementation - phased in over time, new builds/renovations vs existing/grandfathered, leverage the permitting process

6. Enforcement - "friendly neighbor" approach with emphasis on voluntary compliance - neighbor walk-about, notifications, similar to tree ordinance?

### Next Steps

1. Discussion and Revisions to Above Principles and Goals
2. Review with Mayor and Board Commissioners
3. Citizen Input – this is a Zoning Ordinance Amendment, so would require a public hearing
4. Draft ordinances
5. Town Hall/ communications/input/revisions
6. Final ordinance review in committee
7. Final review/vote by Commissioners



*Night Sky Map*

### Attachments

City of Asheville Lighting Ordinance

Town of Biltmore Forest Site Lighting Ordinance

## Sec. 7-11-10. Outdoor lighting standards.

(a) *Purpose.* The purpose of this section is to promote the public health, safety, security, and the nighttime use and enjoyment of property, including:

- To protect and improve safe travel for all modes of transportation;
- To reduce light pollution, light trespass, glare, and unnecessary high light levels and intensity;
- To promote energy efficient lighting practices and systems; and
- To maintain and improve nighttime aesthetics of Asheville, including preservation of the night sky.

This ordinance provides basic outdoor lighting requirements based on industry standards. Creative use of outdoor lighting to supplement building architecture, enhance outdoor enjoyment and other uses of lighting are encouraged within the framework of ordinance requirements.

(b) *Definitions.* For the purposes of this section, the following terms are defined.

### Cutoff Classifications:

*Full cutoff.* A luminaire light distribution where zero candela intensity occurs at or above an angle of 90° above nadir. Additionally the candela per 1,000 lamp lumens does not numerically exceed 100 (ten percent) at or above a vertical angle of 80° above nadir. This applies to all lateral angles around the luminaire.



*Cutoff.* A luminaire light distribution where the candela per 1,000 lamp lumens does not exceed 25 (2.5 percent) at or above an angle of 90° above nadir, and 100 (ten percent) at or above a vertical angle 80° above nadir. This applies to all lateral angles around the luminaire.



*Semicutoff.* A luminaire light distribution where the candela per 1,000 lamp lumens does not exceed 50 (five percent) at or above an angle of 90° above nadir, and 200 (20 percent) at or above a vertical angle 80° above nadir. This applies to all lateral angles around the luminaire.



*Noncutoff.* A luminaire light distribution where there is no candela limitation in the zone above maximum candela.



### Other Definitions:

*Backlight, uplight, and glare (BUG) rating.* A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) ratings to evaluate luminaire optical performance related to light trespass, sky glow, and high angle brightness control.

*Ballast.* A device used with an electric-discharge lamp to obtain the necessary circuit conditions (voltage, current, and waveform) for starting and operating.

*Candela.* The metric unit luminous intensity (that is, power emitted by a light source in a particular direction, with wavelengths weighted by the luminosity function, a standardized model of the sensitivity of the human eye).

*Direct glare.* Glare resulting from high luminances or insufficiently shielded light sources in the field of view. It is usually



associated with bright areas, such as luminaires, ceilings, and windows that are outside the visual task or region being viewed. A direct glare source can also affect performance by distracting attention.

*Directional lighting.* Lighting provided on the workplane or on an object. Light that is predominantly from a preferred direction.

*Fixture.* See luminaire.

*Flood lamp.* A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.



*Flood light.* A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp. These lights are prohibited in the City of Asheville.



*Footcandle (FC).* A quantitative unit measuring the amount of light (illumination) falling onto a given point. One footcandle equals one lumen per square foot.

*Fully shielded.* A light fixture constructed, installed and maintained in such a manner that all light emitted from the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixtures lowest light emitting part.

*Glare.* The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

*Horizontal footcandles.* A quantity of illumination (footcandle(s)) at a given point that is measured or calculated at a specified height in a plane parallel to the line of sight when looking at the brightest light source in the field of view.

*IESNA.* The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

*Illuminance.* The amount of light (luminous flux incident) at a point on a surface (measured in lux or footcandles).

*Internal refractive lens.* A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

*Lamp.* The device in a lighting fixture that provides illumination, typically a bulb, florescent tube, or light emitting diode (LED).

*Light source.* The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

*Light trespass.* Unwanted light spilling onto an adjacent property and/or an excessive brightness (i. e. glare) is occurring in the normal field of vision.

*Low luminosity lighting.* Lighting fixtures whose lumen output does not exceed 1,000 lumens. See also Very low luminosity lighting.

*Low level decorative lighting.* Lighting fixtures whose lumen output does not exceed 60 lumens.

*Low voltage lighting.* Lighting equipment powered through a transformer such as a cable conductor that lowers the voltage supplied to the luminaires to 25v or less.

*Lumen.* A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.

*Luminaire (light fixture).* A complete lighting unit consisting of a lamp or lamps and ballast(s) (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

*Lux.* A unit of illuminance. One lux equals one lumen per square meter. One footcandle equals 10.76 lux (often rounded to 10 lux for ease of use).

**Maintained footcandles.** Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

**Medium base.** The size of lamp socket designed to accept a medium or Edison base lamp (typical size used in the home).

**Nadir.** The point directly below the luminaire.

**Outdoor display area.** Areas used to show products, merchandize, or other items for evaluation (i.e. cars, RVs, boats, etc.).

**Outdoor performance area.** An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheaters and similar open or semi-enclosed structures.

**Post mounted decorative fixtures.** Luminaires/fixtures that are mounted on a post (typically a 20-foot mounting height or less) and are decorative in style and appearance.

**Right-of-way.** An interest in land to the city which provides for the perpetual right and privilege of the city, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

**Seasonal lighting.** Holiday/temporary lighting displays to be utilized less than 30 days in any one year.

**Shield.** A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded".

**Street light.** A luminaire that is used to light a street or roadway.

**Top shield.** A shield that is attached onto the top part of the luminaire or inserted into a luminaire to reduce/prevent uplight.

**Uplight.** The portion of luminous flux (light) from a luminaire emitted at angles above the horizontal.

**Vehicular canopy.** A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

**Vertical footcandles.** A quantity of illumination (footcandle(s)) at a given point that is measured or calculated at a specified height in a plane perpendicular to the line of sight when looking at the brightest light source in the field of view.

**Very low luminosity lighting.** Temporary, seasonal, or permanent lighting fixtures whose luminosity does not exceed 15 lumens. See also low luminosity lighting.

**Wall-mounted fixture.** A luminaire/fixture that is typically mounted on or attached to a wall, column or building surface.

**Wall pack.** A type of light luminaire/fixture typically flush-mounted on a vertical wall surface.

Noncutoff Wallpack



Full Cutoff Wallpack



**Wide-body refractive globe.** A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures). "Wide-body" refers to a wider than average size globe (greater than 15.75 inches in diameter). "Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

(c) **Light measurement technique.** Light level measurements shall be made at the property line of the property upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in footcandles. All footcandle values below are maintained footcandles.



(d) *Applicability.* This section shall apply to all outdoor lighting fixtures and land uses established after the effective date of this ordinance [November 25, 2008] in all of the following conditions:

- (1) New development requiring Level I, II, or III site plan review pursuant to section 7-5-9 of this chapter;
- (2) New residential lighting for one- and two-family dwelling units;
- (3) All new street lighting for all private and publicly maintained streets within the City of Asheville and all streets that are subject to City of Asheville construction standards and subdivision review pursuant to section 7-5-8.
- (4) New outdoor lighting systems as part of an existing commercial, industrial, or multi-family residential lighting installation even if the original lighting installation was purchased and/or installed before the effective date of this ordinance, unless part of an expansion not greater than ten percent of the original outdoor fixture count.

(e) *Exemptions to outdoor lighting standards.* The following conditions are exempted from the standards set forth in this subsection, provided that they do not constitute a public safety concern or create a nuisance, and are maintained in a safe condition.

- (1) All lighting required by state and federal agencies.
- (2) Seasonal lighting displays or very low luminosity lighting displays using multiple lamps.
- (3) Temporary lighting for emergency, repair, construction, special events or similar activities.
- (4) Ornamental gas lights that meet the definition of low level decorative lights.
- (5) Historic landmark structures.
- (6) Lighting fixtures located in a local Historic District when compliance with these standards conflicts with the district's guidelines.
- (7) Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.
- (8) A suspended string of lights when found in one of the following conditions:
  - a. On properties supporting one- and two-family dwelling units, when located outside of required setbacks, or
  - b. Around, in, or over the permitted dining area(s), belonging to a lawful eating and drinking establishment, when the following output limits are met:
    - i. Incandescent lights—no more than 25 lumens per bulb; or
    - ii. LED lights—no more than 50 lumens per bulb.

Lights must be turned off when the outdoor dining area is not in use.

- (9) All lighting required by the North Carolina State Building Code.

(f) *Lighting prohibitions.* The following types of outdoor lighting are specifically prohibited:

- (1) Lighting that could be confused for a traffic control device.
- (2) Lighting that is oriented upward, except as otherwise provided for in this ordinance.
- (3) Search lights, laser source lights, or any similar high intensity lights unless otherwise exempt.
- (4) Blinking, flashing, moving, flickering, changing intensity, changing color lights not otherwise permitted in this ordinance.
- (5) Any exposed lamp or bulb visible from the property boundary of the parcel on which the light is located, unless otherwise exempted.
- (6) A suspended string of lights with individual lamps larger than 15 lumens, unless otherwise exempted.
- (7) Any lighting fixture or device that is operated in such manner as to constitute a hazard or danger to

persons, or to safe vehicular operation.

(8) Unshielded accent building mounted luminous tube (such as neon, LED, fluorescent or other similar technology).

(9) Flood lights.

(10) Internally illuminated wall panels.

(11) Lighting of any angled building surface (i.e. roof pitch).

(g) *General standards for new outdoor lighting.* Unless otherwise exempted or allowed by this ordinance, the following standards shall apply to all outdoor lighting.

(1) All exterior light fixtures shall be classified as providing full cutoff light distribution.

(2) The maximum light level at any property line shall be 0.5 footcandle maintained.

(3) Directional lighting allowed by the ordinance shall be directed downward.

(4) All flood lamps shall not exceed 1,250 fixture lumens and must be shielded and aimed down 60 degrees from horizontal. Lamps shall be aimed such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

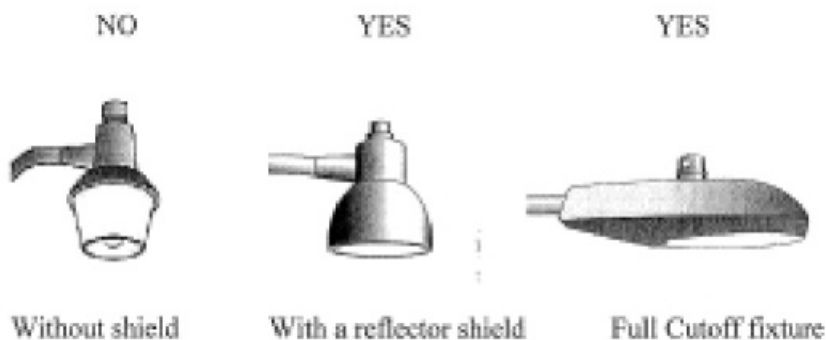


(5) All pole mounted lights shall not exceed 37-foot mounting height above grade.

(6) All new dusk-to-dawn security lights shall be full cutoff fixtures with a maximum rating of not to exceed 9,500 fixture lumens (6,000 fixture lumens in residential zoning districts) or comply with subsection (n) (Non-conformities) with a mounting height not to exceed 25 feet.

a. All new dusk-to-dawn utility type fixtures must be equipped with a reflector shield that provides a full cutoff light distribution as defined in subsection (b) of this article. An approved alternative is to install a different type of fixture that has a full cutoff light distribution with a maximum rating of not to exceed 9,500 lumens.

b. All new LED dusk-to-dawn utility type fixtures shall comply with the LED standards listed in subsection (8) below.



(7) Where land elevations to be lighted are higher or lower than a nearby street, residential dwelling or other type of facility and the lighting installation causes offensive light trespass and/or glare, the city planning director may request one or more of the following:

- Shields to be installed on the fixtures,
- Change the aiming of offending fixtures,
- Change the location and/or mounting height or the offending poles,
- Change the light distribution pattern of the offending fixtures, or
- Remove the offending poles and fixtures from the site.

(8) All LED lighting shall meet the B-U-G ratings noted in the applicable subsections and comply with all other applicable requirements, and shall also meet the following standards:

- a. The LED correlated color temperature (CCT) shall not be higher than 4,300 K (Kelvin degrees).
- b. The maximum number of fixture lumens shall not exceed 6,500 in residential districts and no more than 20,000 lumens in non-residential districts or for legal non-residential uses in residential districts, unless otherwise allowed or exempted.

(9) Reserved.

(h) *Street lighting.*

- (1) The director of public works shall be responsible for executing the street lighting program and policies.
- (2) The director of public works or his designee shall evaluate requests for additions, removals or other changes to street lighting and respond to the requestor within 30 days.
- (3) These standards shall not apply to residential subdivisions lawfully established prior to the effective date of this ordinance (November 25, 2008) or extend to those properties acquired as part of such communities prior to November 25, 2008, provided it can be demonstrated that these properties were included in a documented community master plan.

(3a) Existing non-LED street lights may be replaced with similar non-LED fixtures where warranted by NCDOT and approved by the director of public works.

(4) General design standards.

- a. *Spacing.* Newly installed standard pole mounted street lights shall be placed at the following intervals as measured along the street centerline:
  - i. In residential areas street lights shall be placed at intervals of 125 feet to 150 feet. The public works director may approve wider spacing for low density residential subdivisions provided the overall density is less than two units per acre and both the streets and light fixtures are privately maintained.
  - ii. On major arterial roadways, street lights shall be placed at intervals of 75 feet to 100 feet.
  - iii. In business districts, street lights shall be placed at intervals of 55 feet to 80 feet.
  - iv. Preference in placement shall be given to street intersections and street curves.
  - v. Alleys are excluded from the spacing and placing requirements of this policy but are encouraged to be illuminated using private security lights, wall packs, or other fixture utilizing a full-cutoff design.
  - vi. In areas where post-mounted fixtures (18-foot mounting height or less) are installed, the spacing of posts should be adjusted to the particular fixtures used and as approved by the director of public works or his/her designee. IESNA Recommended Practice 8 (Roadway Lighting) should be used as a guide for street lighting design.
- b. *Alignment.* Street lighting on newly constructed streets shall be alternately staggered on each side of the street wherever possible.
- c. *Luminance.* Newly installed street lighting fixtures shall utilize the city's standard and meet the following lumen ratings:
  - i. In residential districts — no greater than 6,500 fixture lumens, with exceptions noted in subsection (5) below.
  - ii. In commercial districts — no greater than 20,000 fixture lumens, with exceptions noted in subsection (5) below.
- d. *Mounting support.* It is preferred that existing poles and associated mounting hardware be used to mount street lights. However, decorative poles and associated mounting hardware may be used upon agreement between the requestor, Progress Energy and the City of Asheville.
- e. *Historic district.* Full cut-off fixtures are required, however, semi-cutoff and cutoff decorative post-mounted fixtures (18-foot mounting height or less) may be used in historic districts when compliance with the district's design guidelines require it. All fixtures should limit glare, light trespass and light pollution.
- f. *Interstate highway lighting.* The installation of lighting on existing or future interstate highways within the City of Asheville shall require a municipal agreement between the city and the NC Department of Transportation.
- g. *Assumption of private street lighting.* The City of Asheville may also, upon approval of the governing body, assume responsibility for streetlights that at the time of construction of private roadways, providing the following conditions are met:

- The street lights are installed in accordance with this policy.
- The private roadway(s) served by the streetlights are accepted into the City of Asheville or NCDOT road system.
- h. *Variations in land elevations.* Where land elevations vary and cause the street lighting poles to be installed higher or lower than adjacent roads or property, thus causing offensive light trespass and/or glare, the standards set forth in subsection (g)(7) may also be applied to street lighting.

(5) All LED street lighting shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of B3, U3, G3 on commercial streets and major arterial DOT and City of Asheville roads, and a maximum of B2, U1, G2 on residential streets.

Exceptions:

- a. Use of LED street lights in residential areas over 6,500 and up to 8,200 fixture lumens are allowed at intersections and safety sensitive locations, as deemed necessary by the director of public works.
- b. Use of LED street lights on commercial and major arterial roads over 20,000 fixture lumens are allowed to ensure public safety as deemed necessary by NCDOT and by the director of public works.

(6) The director of public works may grant exceptions to these standards when, based on the director's determination, conditions (including but not limited to topography, road geometry, heavy foliage, and criminal activity, etc.) are adversely impacting public safety and welfare.

(i) *Site lighting.* All ground mounted light fixtures shall comply with the general standards listed in subsection (g) above as well as the standards listed here.

(1) Pedestrian lighting on posts with a mounting height of 18 feet or less shall be directed to paths and sidewalks. Lighting should be placed to provide good uniformity, to limit glare, light trespass, light pollution and the casting of shadows on sidewalks. All pedestrian lighting fixtures shall comply with the other sections of this ordinance.

(2) Outdoor display areas, as defined in article 2 of this chapter, shall have a maximum average of illuminance of 20 maintained footcandles.

(3) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 37 feet above finished grade.

(4) Illumination of all open or surface parking and outdoor commercial areas shall comply with the following light levels limits, uniformity ratios and other criteria listed below:

- a. Open parking facilities - For lighted parking lots the recommended minimum light level shall be no less than 0.2 footcandles. All light levels are measured at ground level. The minimum light level requirements vary depending on the activity classification. The specified minimum FC value above 0.2 FC as outlined in the following table means that the lowest light level point or location in the parking lot must not exceed the minimum stated FC value in the table (i.e. 0.9 FC for large shopping centers). An average to minimum uniformity ratio of 4:1 means that the average FC to minimum FC ratio cannot be worse (higher) than 4:1. See the following table:

***Light Levels for Open Outdoor Parking Facilities\****

| <b><i>Use/Task</i></b>                                                                                                                                                                                              | <b><i>Maintained<br/>Footcandles</i></b> | <b><i>Uniformity<br/>Avg./Min.</i></b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------|
| (a) Parking, residential, multi- family                                                                                                                                                                             |                                          |                                        |
| · Low to medium vehicular/pedestrian activity                                                                                                                                                                       | Range from 0.2 Min. to<br>0.7 Min.       | 4:1                                    |
| (b) Parking, industrial/commercial/Institutional/municipal                                                                                                                                                          |                                          |                                        |
| · High activity, i.e. large shopping centers/fast food facilities, major athletic/civic cultural events                                                                                                             | 0.9 Min.                                 | 4:1                                    |
| · Medium/low activity, i.e. community shopping, office parks, hospitals, commuter lots, cultural/civic/recreational events, residential neighborhood shopping, industrial employee parking, schools, church parking | Range from 0.2 Min. to<br>0.7            | 4:1                                    |

\* Source: IESNA 8th Edition Lighting Handbook; Modifications: Medium and Low Activity Level recommendations have been combined and modified.

Notes:

1. Illumination levels are horizontal on the task, e.g. pavement or area surface.
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. For example, for commercial parking medium/low activity, the average footcandles shall not be in excess of 2.8 ( $0.7 \times 4$ ).
3. The planning director or his/her designee shall be responsible for determining the activity level for a development based on the criteria found in subsection 7-8-1(d)(1).

(5) All LED site lighting shall comply with the standards in subsection (g)(8) and comply with the following.

- a. Post-mounted decorative fixtures shall have a maximum BUG rating of B3, U1, G1 when 9,500 fixture lumens or less and not taller than 18-feet, unless otherwise exempted.
- b. LED site lighting greater than 9,500 fixture lumens or taller than 18 feet shall have a maximum BUG rating of B3-U0-G3, unless otherwise excepted.

(6) Historic districts require the use of full cut-off fixtures; however, semi-cutoff and cutoff decorative post-mounted fixtures (18-foot mounting height or less) may be used in historic districts when compliance with the district's design guidelines requires it. All fixtures should limit glare, light trespass and light pollution.

(7) Post mounted lawn luminaires may be installed in residential applications provided the fixture delivers a maximum of 1,000 lumens output (equivalent to a 60 watt incandescent bulb) and utilizes a translucent lens covering the light source. The height of the post shall not exceed eight feet above the finished grade.

(8) All ornamental or aesthetic lighting of buildings and landscaping lighting not attached to a building shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, plantings, and other intended site feature and away from adjoining properties, the night sky, and the public street right-of-way. Additionally, these fixtures shall also meet the following standards:

- a. Illumination on any vertical surface shall not exceed .5 FC average maintained and shall not spill over roof lines or building edges. Reflected glare bouncing off windows or other glazing that is visible from adjacent property is prohibited.
- b. All ground mounted landscape and residential façade lighting systems not aimed downward shall utilize low level decorative lighting fixtures and shall be aimed no greater than 60 degrees from the horizontal ground level. The luminaires shall be shielded and aimed such that the light source cannot be seen from adjacent property or public areas or rights-of-way.

(j) *Lighting attached to structures or buildings.* All light fixtures attached or mounted against a building or structure shall comply with the general standards listed in subsection (g) above as well as the standards listed here.

(1) *Covered parking facilities.* Top levels of garages open to the sky shall comply with the requirements outlined in subsection (i)(4) for open parking facilities. The mounting height on the top level of a garage shall not be greater than 22 feet above the parking deck top floor including raised foundations and the light fixture classification shall be full cutoff.

Additionally, all lighting within open parking garages shall be fully shielded so as not to create glare off-site.

(2) *Lighting for vehicular canopies.* Areas under a vehicular canopy shall have an average maximum horizontal illuminance of 20 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection (i) above. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

- a. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy that provides a full cutoff or fully shielded light distribution.
- b. Surface mounted fixture incorporating a flat glass that provides a full cutoff light distribution.

(3) *Skylights.* Buildings equipped with skylights or other horizontal daylighting openings must control the light trespass and light pollution that is projected upward from the interior lighting system through the daylight glazing into the outdoor night environment and shall also meet the following standards:

- a. Skylight glazing shall specify a maximum light transmission of 20 percent.
- b. Businesses operating on a 24-hour basis shall employ the use of shielding, louvers or other approved control devices installed to restrict light trespass, light pollution and glare.
- c. Light fixtures shall not be located in or directly below light wells that are not utilizing shielding or louvers.

Exception: This subsection does not apply to one- and two-family dwelling units.

(4) *Ornamental and general use lighting.* All ornamental and general use fixtures attached to buildings or structures shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building façade or the ground immediately below the fixture. Additionally, these fixtures shall also meet the following

standards:

- a. All wall-mounted fixtures, wall packs, porch lights, ceiling mounted and pendant style fixtures shall be full cutoff fixtures.

Exception: The fixture delivers a maximum of 1,000 lumens output (equivalent to a 60 watt incandescent bulb) and utilizes a translucent lens covering the light source.

- b. All recessed ceiling fixtures incorporating a lens cover shall be restricted to lenses that are either recessed or flush with the ceiling.
- c. Lamps providing minimum exit discharge lighting as required by the NC Building Codes shall be shielded unless otherwise exempt.
- d. Dual purpose fixtures (general use and exit discharge) fitted with battery back-up for emergency use shall be full cut-off. Those fixtures that come on only during an emergency or power outage are exempt.

Comparison of efficacy by power (120 Volt incandescent lamps)

| <b>Output (Lumens)</b> | <b>Power (Watt)</b> |            |            |
|------------------------|---------------------|------------|------------|
|                        | <b>Incan</b>        | <b>CFL</b> | <b>LED</b> |
| 500                    | 40                  | 8—10       | 9          |
| 850                    | 60                  | 13—18      | 12—15      |
| 1,200                  | 75                  | 18—22      | 15         |
| 1,700                  | 100                 | 23—28      | 18         |

- (5) All LED lighting attached to buildings or structures shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of B2, U0, G2, unless otherwise exempted or excepted.

(k) *Outdoor sports and outdoor performance area lighting.* Outdoor lighting for all sports court, sports field, and outdoor performance areas, along with the associated seating, shall be subject to the following standards when such facilities are open to the public and are the primary use on the property. These standards do not apply when the facility is ancillary to other uses on the property in which case, general standards shall apply.

- (1) The mounting height for outdoor sports field, stadium seating, and outdoor performance area lighting fixtures shall not exceed 90 feet from finished grade. The mounting height for outdoor sports courts shall not exceed 50 feet from finished grade.
- (2) All outdoor sports and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area and not into adjacent property or road rights-of-way.
- (3) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.
- (4) The maximum number of fixture lumens shall not exceed 38,600 lumens for sports courts and 121,000 lumens for sports fields and outdoor performance areas.
- (5) The maximum correlated color temperature (CCT) shall not be higher than 4,300 K (Kelvin degrees) for sports courts and 5,700 K for sports fields and outdoor performance areas.

(l) *Signs.*

- (1) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign façade and glare is significantly reduced. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.
- (2) Internally illuminated signs are permitted so long as the sign is not too bright from the surroundings and does not create a nuisance or hazard to motorists.
- (3) Lighting fixtures shall be directed downward rather than upward.
- (4) This ordinance does not regulate signs. See the City of Asheville sign ordinance for this information.

(m) *Permits.* The applicant for any permit required for work involving outdoor lighting shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this Code. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Code:

- (1) For all Level III projects, a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices must be furnished. For lower level projects, a point by point array must be furnished upon request. The printout shall indicate compliance with the maintained footcandle limit required by



the appropriate section of this Code.

(2) For all Level III projects, a description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indication fixture classification (cutoff fixture, wallpack, flood light, etc) must be furnished. For lower level projects, this same information will be required upon request.

(3) All Level III projects, special use permit projects and conditional zoning projects will be evaluated on a case specific basis and may be held to a standard that exceeds those minimum standards set forth in this ordinance.

(4) Inspection or plan review personnel may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this Code.

(n) *Non-conformities.*

(1) Any lighting fixture lawfully in place or approved by the city prior to the adoption of this ordinance shall be exempt from these requirements. Routine maintenance, including changing the lamp, starter, photo control, lens, and other required components is permitted for all existing fixtures.

(2) All dusk to dawn utility type lights installed prior to November 25, 2008, will be exempted from full cutoff requirements for five years from this date. After five years, all such lights shall be discontinued, removed or made to conform to the provisions of this ordinance.

(3) All utility owned flood lights installed prior to [insert effective date here] will be exempted from the prohibition on flood lights for five years from this adoption date. After five years, all such lights shall be discontinued, removed or replaced with conforming fixtures. Existing floodlights that are privately owned may continue to be used provided the light fixture is angled down and/or shielded so that it produces a full cutoff distribution.

(4) Should the property owner fail to bring the lighting system into compliance, the owner shall be subject to the civil penalties set forth in subsection 7-18-2(b).

(o) *Appeals.* Appeals regarding the interpretation or application of this ordinance may be taken to the board of adjustment in the manner provided in article VI.

(Ord. No. 3676, § 1, 11-25-08; Ord. No. 4148, § 1, 12-11-12; Ord. No. 4275, § 1, 1-28-14; Ord. No. 4686, § 1a—e, 7- 24-18; Ord. No. 4361, § 1kk, II, 3-23-21; Ord. No. 5057, § 1k, 1-23-24)

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

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

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

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

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

(a) *Built of planted landscape elements.*

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

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

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

(2) *Prohibited.*

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

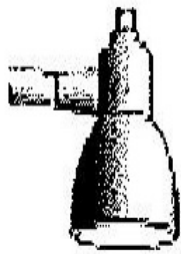
(b) Examples of shielding should be as follows.

NO



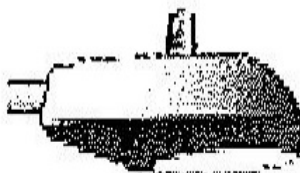
Without shield

YES



With a reflector shield

YES



Full Cutoff fixture

(3) *Building forms and mass.*

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

(b) *Roof form.*

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

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

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

**PLANNING COMMISSION MEETING**  
**STAFF MEMORANDUM**  
**NOVEMBER 10, 2025**



**AGENDA ITEM - 4**

**NOISE ORDINANCE REVIEW**

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**BACKGROUND**

The existing Town ordinances related to noise are located under a specific section in the Town Code titled “Sounds Impacting Residential Life”. A copy of the existing ordinance is attached. This ordinance was created by the Board of Commissioners in 2006 as a means to control construction activity (and subsequent noise) within the Town, but was not directly enacted to control overall all noise levels in Biltmore Forest. As a result, the subjectivity surrounding the true *noise* component of the ordinance (shown in italics below) is such that it prevents the Town or Police Department from effectively enforcing the ordinance.

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

The goal of this discussion is twofold: one, to craft an effective and true noise ordinance that provides objective methods for enforcement and, two, to separate the construction and maintenance activity portion of the ordinance from the noise ordinance and ensure each section is sufficiently drafted to stand on its own. The second portion of this goal will be discussed in agenda item 4.

**NOISE ORDINANCE DISCUSSION**

Planning Commission Member Jonathan Gach has done significant research into this issue and provided this information previously, and I have included it all for you below. Additionally, Chief Beddingfield and I have discussed at length and do not believe that a “decibel measurement” is the appropriate method necessary for the Town. There are other methods (e.g. sound heard from a certain distance) that may provide the effectiveness we desire.

**NOISE ORDINANCE DISCUSSION FROM PLANNING COMMISSIONER GACH**

Dear Planning Board Members,

Ahead of our upcoming meeting, I wanted to share a summary of the research and recommendations compiled in support of our work to update Biltmore Forest’s noise ordinance. The primary objective is to draft a legally sound, clearly enforceable ordinance that reflects the character of our community and addresses longstanding resident concerns.

## Key Goals of the Updated Ordinance

- Apply across all land uses (residential, commercial corridors, club, school)
- Use a practical “plainly audible inside a home” standard rather than decibel level
- Employ civil fines (not misdemeanors) for enforcement
- Establish clear quiet hours and time-of-day restrictions for common noise sources
- Allow a controlled permit process for temporary exceptions (e.g. events, construction)
- Ensure legal compliance with North Carolina municipal authority and precedent

## Notable Findings from NC Municipal Ordinances

- **Raleigh, Charlotte, and Fayetteville** now rely on “plainly audible” standards tied to distance or property boundaries, replacing complex decibel enforcement.
- **Civil citation frameworks** (e.g. \$100 first offense, escalating to \$500) are preferred to reduce prosecution burdens and improve compliance.
- Cities like **Asheville** and **Wake Forest** have implemented clear restrictions for construction, lawn equipment, and amplified music, often using 7 a.m.–7 p.m. or 8 a.m.–6 p.m. windows.
- **Noise permits and neighbor notifications** are standard for special events; violations can void permits mid-event.
- Ordinances that failed in court (e.g. *State v. Garren*) lacked specificity—ours must tie audibility to location, time, and context.

## Key Elements for Biltmore Forest’s Ordinance Draft

- **Quiet Hours:** 9 or 10 p.m.–7 a.m., with reduced tolerance for any plainly audible sound beyond the property line or within neighboring homes.
- **Prohibited Acts:** Excessive animal noise, amplified music, construction or landscaping noise outside allowed hours, mechanical system noise, etc.
- **Exemptions:** Emergency services, utility work, church bells, permitted events, and routine residential lawn maintenance during designated hours.
- **Permit Process:** Pre-approved exceptions with time limits and required neighbor notice; permits revocable for noncompliance.
- **Enforcement:** Civil penalties, escalating fines, appeal process to Town Manager; repeat violations may be treated as nuisances.

## Discussion Topics for the Meeting

- Do we want to align quiet hours uniformly, or differentiate by land use?
- What distances or location references (property line vs. feet) should define audibility?
- Should we allow Sunday construction or create stricter Sunday standards?
- What’s an appropriate limit on the number or frequency of noise permits per property?
- Should we empower officers to issue citations immediately, or require warnings first?

I look forward to your insights and discussion. The goal is to produce a draft ordinance that is effective, enforceable, and reflective of our town’s values and built environment.

## **§ 130.02 SOUNDS IMPACTING RESIDENTIAL LIFE.**

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

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

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

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

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

**PLANNING COMMISSION MEETING**  
**STAFF MEMORANDUM**  
**NOVEMBER 10, 2025**



**AGENDA ITEM - 5**

**CONSTRUCTION AND PROPERTY MAINTENANCE  
ACTIVITIES**

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**BACKGROUND**

As noted in the prior agenda item, the Board of Commissioners enacted the “Sounds Impacting Residential Life” ordinance in 2006 to effectively control construction and property maintenance activity hours and days. This control has largely been successful in regards to commercial activity. The ordinance as written, however, is stated to be applicable to *any* property – which includes property maintenance by residents or homeowners. A copy of the ordinance is attached in this agenda packet, but the pertinent portion is 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.*

**DISCUSSION**

The question is whether the Town desires to enforce the same parameters for property maintenance by residents as it does for property maintenance or construction activities by commercial contractors. If the answer is yes, then the question becomes whether or not specific hours over and above contractor allowances should be granted (i.e. a portion of time on Sundays for work) and whether this covers work performed outside or inside as well.

The construction activity portion of the ordinance – and contractor work, generally – is fairly effective. However, specific differentiation between resident work and contractor work will provide needed clarity to allow equitable enforcement by the Town. Discussion for this matter should revolve around resident work on “quiet days/times” and then what work is allowed during such times.

**PLANNING COMMISSION MEETING**  
**STAFF MEMORANDUM**  
**NOVEMBER 10, 2025**



**AGENDA ITEM - 6**

**SETBACK DELINEATION FOR LARGE, NON-RESIDENTIAL PROPERTIES**

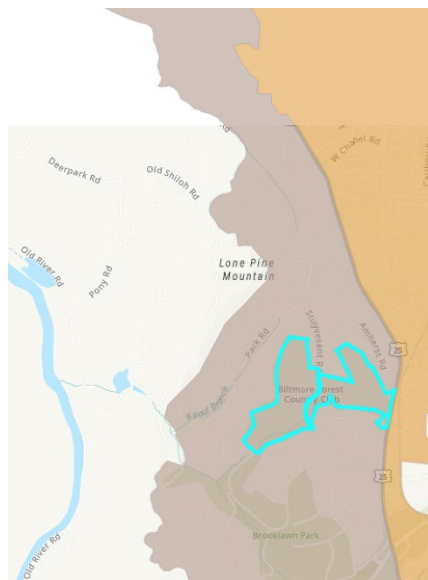
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**BACKGROUND**

The Town's definition for non-residential uses, as found in the tree protection ordinance, applies to the following properties

***NON-RESIDENTIAL USES.** For the purposes of this chapter, non-residential uses may include specific uses found throughout the town that do not encompass single-family or multi-family residential dwellings. These uses may exist within a residential zoning district, but by actual use, are not residential in nature. Examples of these uses include, but are not limited to, public or private schools; country, athletic, and social clubs; medical or dental offices and campuses.*

This definition is useful when reviewing large, amorphous properties within the Town that do not have readily identifiable “front, side, or rear yards”. A prime example is the Biltmore Forest Country Club property in the center of town. It is impractical to try and define a “front” of this property and then delineate setbacks based on this front.



Even without zooming in to the property or parcel, it is evident how difficult it is to define any portion of this property for setback purposes. In an effort to provide consistent guidance for these

landowners, as well as provide defined setbacks for neighboring property owners, we believe a change in setbacks for these parcels may be necessary. Currently, setbacks are only differentiated between zoning districts, as shown in the chart below. Since much of the Town is zoned R-1 or R-2, these setbacks are the same as neighboring residential properties.

**§ 153.007 DIMENSIONAL REQUIREMENTS.**



(A) *Table.* The following table sets out dimensional requirements.

| <i>Districts</i> | <i>Minimum Lot Area In Square Feet</i> | <i>PUD Residential Density Maximum Number of Dwellings Per Acre</i> | <i>Minimum Yard Setback Requirement in Feet</i>   |                                    |                  |                  |                               |
|------------------|----------------------------------------|---------------------------------------------------------------------|---------------------------------------------------|------------------------------------|------------------|------------------|-------------------------------|
|                  |                                        |                                                                     | <i>Minimum Lot Width At Building Line in Feet</i> | <i>Front Yard From Street Edge</i> | <i>Side Yard</i> | <i>Rear Yard</i> | <i>Maximum Height in Feet</i> |
| R-1              | 43,560                                 | 0                                                                   | 150                                               | 60                                 | 20               | 25               | 40                            |
| R-2              | 20,000                                 | 0                                                                   | 100                                               | 50                                 | 15               | 20               | 40                            |
| R-3              | 20,000                                 | 8                                                                   | 100                                               | 50                                 | 15               | 20               | 40                            |
| R-4              | 20,000                                 | 2                                                                   | 100                                               | 50                                 | 15               | 20               | 40                            |
| R-5              | Footnote 6                             | 8                                                                   | 100                                               | 50                                 | 15               | 20               | 40                            |
| PS               | No Min.                                | 0                                                                   | No Min.                                           | No Min.                            | No Min.          | No Min.          | Not App.                      |

### **Potential Setback Delineation**

To effectively define these setbacks, it seemed appropriate to identify what existed in/around the properties as control points – namely, public roads and private property bordering the parcels. By defining the setbacks from this perspective, it ensures the large parcels have consistent setbacks from roads as well as these neighboring properties which are often in a rear or side yard. In essence, this would create the definition lacking from the amorphous shapes of these parcels.

The proposal is that these parcels (defined as noted above, and perhaps further limited by lot size) would have 60 feet setbacks from any public road and a 25 foot setback from any private property. This would ensure clarity for the large non-residential owners as well as those who border these properties. The setbacks would define the properties and anything built within them would be required to go through the same process with the Board of Adjustment as any other properties wherein setback intrusions are requested. In addition to the Biltmore Forest Country Club, the most notable properties in town that would qualify for these defined setbacks would be Carolina Day School and MAHEC.

We look forward to discussing this in greater detail Monday and receiving feedback from the Board regarding this idea and new delineation.