

TOWN OF BILTMORE FOREST
PLANNING COMMISSION

AGENDA

Wednesday, April 8, 2026

4:00 p.m.

Biltmore Forest Town Hall

1. Welcome – Chair Saponaro
2. Approval of Minutes – February 5, 2026
3. Consideration of Recommendation to Board of Commissioners
Zoning Text Amendments
Jonathan Kanipe, Town Manager
 - a. Lighting Ordinance Zoning Text Amendment
 - b. Setback Delineation for Non-Residential Uses Zoning Text Amendment
4. Consideration of Recommendation to Board of Commissioners
Town Code Text Amendments
Jonathan Kanipe, Town Manager
 - a. Noise Ordinance Town Code Amendment
 - b. Construction Activity and Property Maintenance Hours Town Code Amendment
 - c. Nuisance Ordinance Town Code Amendment
5. Adjourn

Planning Commission Meeting Minutes for February 6, 2026

Chairman Saponaro called the meeting to order on Thursday, February 5, 2026 at 4:00pm.

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

Ms. Angela Newnam made a motion to approve the minutes from November 10, 2025. Mr. Jonathan Gach seconded the motion and was unanimously approved.

Lighting Ordinance Discussion and Proposed Recommendations

The Board engaged in a detailed review of the draft lighting ordinance. Town Manager, Mr. Jonathan Kanipe noted that the draft represented about 75% of the work previously discussed by the Board, presented in ordinance language format to facilitate discussion.

The Board worked through the draft, making several substantive changes:

- Under definitions, they agreed to include clarity around terms like "shielded" to mean a bulb that is not visible
- They revised language regarding light direction, removing the requirement that all lighting be "directed downward" as this was deemed too restrictive for certain types of lighting fixtures like sconces
- The Board agreed that upward-facing landscape lighting should be allowed if low intensity and fully shielded
- For color temperature, they maintained the 3000 Kelvin maximum standard, noting this helps contractors understand what qualifies as acceptable lighting
- Front yard lighting provisions were modified to clarify the allowance of up to two freestanding lights rather than "lamps"
- Landscape lighting requirements were refined to specify low voltage, low intensity, fully shielded fixtures that avoid glare

- Security lighting provisions were modified to require automatic deactivation within 30 minutes after activation

Regarding enforcement and compliance for existing lighting, the Board decided against setting a specific timeline for bringing non-conforming lighting into compliance. Instead, they agreed on a phased approach where lights would need to be brought into compliance when:

- A structure is substantially redeveloped
- Lighting fixtures are replaced or repaired
- Complaints are received about specific problematic lighting

The Board also discussed special considerations for institutional properties like the Biltmore Forest Country Club and Carolina Day School, recognizing their unique lighting needs while ensuring they would still be subject to the general provisions of the ordinance.

Noise Ordinance Discussion and Proposed Recommendations

The Board reviewed a draft noise ordinance that separates general noise regulations from construction-specific provisions. Key elements included:

- Establishing "quiet hours" from 10:00 PM to 7:00 AM, aligning with construction hours
- Removing language about "reasonable" and "excessive" noise in favor of more objective standards
- Eliminating specific examples of noises that could constitute violations, as these were deemed potentially confusing
- Adding exemptions for emergency situations and town-approved special events

The Board emphasized the importance of having clear enforcement procedures that require a town official to verify violations, rather than acting solely on neighbor complaints.

Construction Activity and Property Maintenance Hours Discussion and Proposed Recommendations

The Board reviewed provisions for construction hours and property maintenance activities:

- Construction hours were maintained at 7:00 AM to 6:00 PM Monday through Saturday, with no activity permitted on Sundays
- For resident property maintenance using mechanical equipment:
- Allowed any time except during quiet hours (10:00 PM to 7:00 AM)
- On Sundays, limited to 12:00 PM to 6:00 PM
- Emergency repairs exempted from these restrictions

The Board decided to add specific language listing Town recognized holidays when construction activity would be prohibited, following the state holiday calendar.

Setback Delineation for Non-Residential Uses and Proposed Recommendations

The Board reviewed a proposal to establish clear setback definitions for properties greater than 25 acres, particularly addressing non-residential properties like the country club, school, and other institutional uses.

The proposal aimed to provide clarity on how to measure setbacks on irregularly shaped large properties. The commission agreed the proposal would benefit both the town in enforcement and property owners in understanding their development limitations.

The setbacks established would maintain or exceed current requirements, ensuring no reduction in existing property protections.

Nuisance Ordinance Discussion and Recommendations

The Board reviewed a draft nuisance ordinance that defines what constitutes a nuisance in Biltmore Forest. They made several changes:

- Added language about "quiet enjoyment for residents and their property" in the purpose statement
- Modified the applicability section to include "all real property or persons" within town limits

- Revised the definition of nuisance to include "unmaintained property" rather than just "unsightly conditions"
- Restructured the examples section to classify various nuisances as "examples" rather than "declared nuisances"
- Added language addressing overgrown vegetation that creates unsafe conditions

The Board emphasized the need for clear enforcement procedures including notification requirements and appeal processes.

Future Zoning District Adjustments - Discussion

Mr. Kanipe presented a concept for redefining the town's zoning districts to better reflect actual land uses. The current system zones the entire town as residential, with special provisions for non-residential uses. The proposed changes would:

- Create specific zoning designations for non-residential properties (like the country club, school, and institutional buildings)
- Better define the actual use of properties rather than treating all as residential
- Protect the town from potential future development if large properties like the country club were to change hands

The Board recognized this as a significant long-term project requiring public hearings and extensive review.

Additionally, the Board briefly discussed a proposal to allow adjoining property owners to jointly place fences on lot lines when both agree, rather than requiring setbacks or variances. This generated significant discussion about the Town's historical preference for limiting fences to maintain the open character of Biltmore Forest.

The Board agreed to meet again on April 8, 2026, at 4:00 PM to review finalized ordinance drafts before making formal recommendations to the Board of Commissioners.

Chairman Saponaro adjourned the meeting at 6:09pm.

**PLANNING COMMISSION MEETING
STAFF MEMORANDUM
APRIL 8, 2026**



AGENDA ITEM - 3

CONSIDERATION OF RECOMMENDATION

***Zoning Text Amendments regarding Lighting Ordinances
and Setbacks for Large, Individual Parcels***

BACKGROUND

The Planning Commission has reviewed several amendments to the Town's Zoning Ordinance. Two amendments, regarding exterior lighting and setbacks for large parcels, are attached to this memorandum.

AMENDMENT FOR RECOMMENDATION

The attached portions of the Town's Zoning Ordinance include the recommended amendments as discussed during the last meeting. The result of the ordinance approval would be new and updated regulations regarding exterior lighting and a clarification and definition for setbacks on large parcels that are amorphous in nature.

STAFF RECOMMENDATION

Staff's recommendation is that the Planning Commission recommend approval for this zoning text amendment. Specifically, the Staff recommends the following motion be approved by the Planning Commission. The Town will hold a public hearing regarding this proposed zoning text amendment at the May 12, 2025 Board of Commissioners meeting regardless of the recommendation.

Motion for Recommending Approval to the Board of Commissioners

Move that the Planning Commission make a recommendation for adoption to the Board of Commissioners regarding the proposed zoning text amendment, and further, that the proposed zoning ordinance amendment is consistent with the Town of Biltmore Forest's Comprehensive Plan.

ZONING TEXT 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, and low-intensity, warm-colored lighting 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.

2. Uplighting

- a) Uplighting of buildings, trees, landscape features, or other structures is allowed, except as provided in subsection E(2).

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) lights are permitted in the front yard of a residential lot.
- b) Such lights 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 voltage;
- b) Low intensity;

- c) Fully shielded,
 - d) Installed to avoid glare and light trespass, and
 - e) Landscape lighting shall 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 shall:
 - a) Be fully shielded;
 - b) Be motion-activated or equipped with timers where practicable; and
 - c) Automatically deactivate after a thirty minute (30) period of inactivity.
2. Continuous, high-intensity security lighting is prohibited.

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, otherwise in accordance with the Town's construction hour requirements;
3. Holiday lighting displayed for a limited seasonal period;
4. Lighting installed or required by federal, state, local, or utility safety regulations.

H. Phased Compliance for Nonconforming Lighting

1. Exterior lighting 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 requiring a zoning permit.
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.

PROPOSED ZONING TEXT AMENDMENT
SETBACKS FOR LARGE PARCELS

§ 153.007 DIMENSIONAL REQUIREMENTS.

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

Districts	Minimum Lot Area In Square Feet	PUD Residential Density Maximum Number of Dwellings Per Acre	Minimum Yard Setback Requirement in Feet				
			Feet				
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.

(B) General provisions. The following are footnotes applicable to the table in division (A).

- Footnote 1. The minimum lot area for lots not served by public water and/or sewer shall be subject to approval by the County Health Department to ensure the proper operation of septic tanks and wells. In no case, however, shall minimum lot area be less than those specified in the table in division (A).
- Footnote 2. On all corner lots, a 30-foot side yard setback is required.
- Footnote 3. Accessory structures shall meet all setback requirements.
- Footnote 4. Whichever is greater, 20,000 square feet, or twice the gross floor area of the building.
- Footnote 5. An increase in the side and rear yard setbacks is required for homes (structures) that exceed 25 feet in height. Homes (structures) greater than 25 feet in height shall be setback from the side and rear property lines an additional one and one-half feet for each one foot, or portion thereof, that the home (structure) exceeds 25 feet in height.
- Footnote 6. Structures exceeding a roof coverage area of 7,000 square feet shall be set back from side and rear property lines an additional 20% of the required setback for each 500 square feet, or increment thereof, that the roof coverage areas exceeds 7,000 square feet.

Example: The rear setback for a single story 8,200 square foot house in the R-1 District would be calculated as follows:

$$8,200 - 7,000 = 1,200$$

$$1,200/500 = 2.4 \text{ (round to 3 to account for increment of change)}$$

$$3 \times 20\% = 60\%$$

$$60\% \times 20 = 12$$

$$25 + 12 = 37$$

Rear setback will be 37 feet

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
STAFF MEMORANDUM
APRIL 8, 2026**



AGENDA ITEM - 4

CONSIDERATION OF RECOMMENDATION

***Town Code Text Amendments regarding Construction
Activity Hours, Noise, and Nuisance Ordinances***

BACKGROUND

The Planning Commission has reviewed several amendments to the Town Code. Three amendments, regarding construction activity hours, noise, and nuisance ordinances are attached.

AMENDMENT FOR RECOMMENDATION

The attached portions of the Town Code include the recommended amendments. The result of the ordinance approval would be updated and clarified regulations regarding construction activity hours, noise, and nuisance ordinances.

INCLUSION OF UNSAFE/UNFIT STRUCTURES AND STORM DEBRIS LANGUAGE

Since the Planning Commission's last meeting, staff reviewed several examples of ordinances that would be beneficial as we encourage property owners to clean up after Hurricane Helene. This language – specifically related to unsafe/unfit structures and storm debris and vegetation – is included within the draft nuisance ordinance.

STAFF RECOMMENDATION

Staff's recommendation is that the Planning Commission recommend approval for this Town Code text amendment.

There is no public hearing required since these ordinances are not housed within the Town's Zoning Ordinance. The proposed ordinances will be presented to the Board of Commissioners at the same time, however, as the zoning text amendments in May.

Motion for Recommending Approval to the Board of Commissioners

Move that the Planning Commission make a recommendation for adoption to the Board of Commissioners regarding the proposed Town Code amendments.

POTENTIAL TOWN CODE 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 7:00 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 mechanical equipment provided such activity complies with the Town's general noise ordinance, except as provided below.
2. On Sundays, resident-performed property maintenance shall be permitted between 12:00 p.m. and 6:00 p.m., except for emergency repairs necessary to protect life, safety, or property.

C. Noise Standard and Enforcement

1. "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.
2. Officers are not required to enter private property to determine a violation.

D. Holidays

1. Commercial construction activity shall be prohibited on designated holidays consistent with the State of North Carolina holiday calendar.

E. Enforcement and Penalties

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

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 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 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.

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. 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 approved 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 or 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.

Town of Biltmore Forest, North Carolina

Ordinance Amending Chapter 92 – Health and Safety

An ordinance amending Chapter 92 of the Code of Ordinances to expand nuisance provisions, regulate storm debris and vegetative waste, and add procedures for unfit and unsafe dwellings and structures.

SECTION 1. Add new § 92.06:

§ 92.06 Nuisance conditions; illustrative examples.

The following conditions are declared nuisances when they exist to a degree that endangers public health or safety or unreasonably interferes with the use and enjoyment of property. This list is illustrative and not exhaustive:

1. Accumulation of trash, refuse, junk, discarded materials, or debris.
2. Overgrown vegetation creating unsafe conditions or obstructing sidewalks, roadways, or sightlines.
3. Downed trees or storm debris that create safety hazards, obstruct drainage, contribute to pest infestation or fire risk, or remain without remediation for an unreasonable period of time.
4. Standing water contributing to mosquito breeding or flooding.
5. Conditions attracting rodents, insects, or other vermin.
6. Unsafe storage or handling of hazardous or combustible materials.

SECTION 2. Add new § 92.23:

§ 92.23 Storm debris and vegetative waste.

(A) No property owner shall allow storm debris or vegetative debris to accumulate in a manner that creates a fire hazard, endangers persons or property, obstructs drainageways or rights-of-way, or constitutes a nuisance.

(B) Reasonable temporary storage of debris after storm events or tree removal is permitted, provided the property owner demonstrates good-faith cleanup efforts.

(C) Large accumulations of combustible vegetative materials near structures or property lines may be required to be removed as a fire hazard.

SECTION 3. Add new Article III to Chapter 92:**ARTICLE III. UNFIT AND UNSAFE DWELLINGS AND STRUCTURES****§ 92.30 Purpose and authority.**

This article is adopted pursuant to N.C. General Statutes Chapter 160D to protect the public health, safety, and welfare by establishing procedures for addressing unfit or unsafe dwellings and structures.

§ 92.31 Definitions.

Dwelling means any building intended for human habitation. Structure means any building or improvement affixed to land. Unfit or unsafe means conditions rendering a structure dangerous to life, health, or safety.

§ 92.32 Unlawful conditions.

Any dwelling or structure determined to be unfit or unsafe is declared unlawful.

§ 92.33 Public officer.

The Town Manager or their designee is designated as the Public Officer pursuant to N.C.G.S. § 160D-1203.

§ 92.34 Investigation and complaint.

The Public Officer may investigate suspected unfit or unsafe structures and issue complaints and notices of hearing.

§ 92.35 Hearing and determination.

The Public Officer shall conduct a hearing and determine whether a dwelling or structure is unfit or unsafe.

§ 92.36 Orders.

The Public Officer may order repair, vacation, closure, or demolition in accordance with law.

§ 92.37 Failure to comply.

If an owner fails to comply, the Town may abate the condition and assess costs as a lien.

§ 92.38 Appeals.

Any decision or order may be appealed pursuant to N.C.G.S. § 160D-1208.