

## PROPOSED AGENDA

### Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, January 14, 2024 at 4:30 p.m.

A. Pledge of Allegiance

B. Roll Call

Mayor George F. Goosmann, III  
Commissioner Doris P. Loomis  
Commissioner Drew Stephens  
Commissioner Allan Tarleton

C. Consent Agenda

1. Approval of Agenda
2. Approval of December 10, 2024 Minutes

D. Public Comment

E. Departmental Reports

1. Chief of Skyland Fire and Rescue
2. Chief of Police Chris Beddingfield
3. Public Works Director Harry Buckner
4. Town Planner Tony Williams
5. Town Manager Jonathan Kanipe

F. Public Hearing – ZTA 2025-01 – Amending the Town’s Zoning Ordinance regarding  
Accessory Structures

G. New Business

1. Consideration of Ordinance 2025-01 – An Ordinance to Amend the Town of Biltmore  
Forest Zoning Ordinance
2. Helene Recovery Update
3. Personal Property Debris Removal (PPDR) Program
4. Vanderbilt Road Town Property Deed Review – Town Attorney Billy Clarke

H. Adjourn

For those interested in viewing the Board meeting remotely, please utilize the following information:  
<https://us02web.zoom.us/j/82228455470?pwd=SG9WU0FwUjFSc0ZveS95b3pLTUIHdz09>

Meeting ID: 822 2845 5470

Passcode: 966757

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS  
OF BILTMORE FOREST HELD DECEMBER 10, 2024

Be it remembered by those that follow these proceedings that the Governing Board of the Town of Biltmore Forest met and conducted the following business:

Roll call taken by the Clerk:

Mayor George F. Goosmann, III, present  
Commissioner Doris P. Loomis, present  
Commissioner Fran Cogburn, present  
Commissioner Glenn Kelly, present

Mr. Jonathan Kanipe, the Town Manager, was present. The Town Attorney, Billy Clarke, was also present.

Mayor Goosmann called the meeting to order at 4:30 pm.

The Pledge of Allegiance was conducted.

Commissioner Loomis made a motion to approve the minutes from November 12, 2024. Commissioner Kelly seconded the motion, and the minutes were unanimously approved.

ORGANIZATION OF THE BOARD

The Mayor and Board of Commissioners were sworn in following the election of November 5, 2024, by Mr. Max Cogburn. The following were sworn in: Mayor George F. Goosmann, III, Mayor Pro-Tem, Doris Loomis, Commissioner Allan Tarleton, and Commissioner Andrew (Drew) Stephens.

Election of the Mayor Pro-Tem, Commissioner Doris Loomis.

### APPROVAL OF THE AGENDA

Commissioner Loomis moved to approved the agenda, Commissioner Stephens seconded the motion and was unanimously approved.

### RESOLUTIONS OF APPRECIATION FOR OUTGOING BOARD OF COMMISSION MEMBERS AND PLAQUE PRESENTATIONS

Resolution 2024-08-A Resolution of Appreciation to Honor the Service of Commissioner Fran G. Cogburn. Commissioner Fran G. Cogburn has served as a Commissioner for the Town of Biltmore Forest since 2012. Prior to that, Ms. Cogburn served as a member and chair for the Town's Board of Adjustment. Her dedicated service and devotion to the Town of Biltmore Forest is laudable and should be commended. She has contributed immensely to the Town. Mr. Kanipe read the Resolution.

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF BUNCOMBE )

TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS

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**RESOLUTION 2024-08**

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**RESOLUTION OF APPRECIATION HONORING THE SERVICE OF  
COMMISSIONER FRAN G. COGBURN**

WHEREAS, Fran Cogburn began her service as Commissioner for the Town of Biltmore Forest in December 2012; and

WHEREAS, Ms. Cogburn has admirably served the Town of Biltmore Forest for the past twelve (12) years, demonstrating unwavering commitment and dedication as a Commissioner; and

WHEREAS, prior to serving as a Commissioner of the Town, Ms. Cogburn served as the Chair of the Biltmore Forest Board of Adjustment for six years and as a member for ten years; and

WHEREAS, Ms. Cogburn served on numerous boards and commissions representing the Town, including the Metropolitan Planning Organization and the Friends of Biltmore Forest; and

WHEREAS, Ms. Cogburn played an integral role in the development and planning phases of key community projects, including the renovation and improvements to Greenwood Park, beautification efforts throughout the Town, and furthering the safety and security of the Town's citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Biltmore Forest as we take the occasion to express honor, respect, and admiration to Ms. Fran Cogburn for her outstanding contributions to the Commission, Staff, and Citizens of Biltmore Forest.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Town of Biltmore Forest, North Carolina, hereby expresses its appreciation and deep gratitude to Ms. Fran Cogburn for her leadership and guidance to the Town of Biltmore Forest as a commissioner and extends congratulations and best wishes in all future endeavors.

Adopted this 10th day of December, 2024.

Commissioner Stephens moved to approve the Resolution of Appreciation Honoring the Service of Commissioner Fran G. Cogburn. Commissioner Tarleton seconded the motion and was unanimously approved.

Resolution 2024-09-A Resolution of Appreciation to Honor the Service of Commissioner E. Glenn Kelly. Commissioner Glenn Kelly has served the Town of Biltmore Forest for a remarkable period. He began service to the Town as a commissioner in 1981 and was subsequently elected as Mayor in 1987. Mr. Kelly served in this capacity until 1999. He was elected as a Town Commissioner once again in 2003, and has served in that capacity until this time. All told, Mr. Kelly has served as an elected official for the Town of Biltmore Forest for 39 years – 12 years as mayor and 27 years as a commissioner. This is an exceptionally remarkable level of service to Biltmore Forest.

In addition to serving the Town directly, Mr. Kelly has also served as the Town's representative to the Metropolitan Sewerage District of Buncombe County (MSD) for many years. His legacy to Biltmore Forest and this region is to be commended and recognized as extraordinary.

STATE OF NORTH CAROLINA )  
  )  
COUNTY OF BUNCOMBE       )

TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS

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**RESOLUTION 2024-09**

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**RESOLUTION OF APPRECIATION HONORING THE SERVICE OF  
COMMISSIONER E. GLENN KELLY**

WHEREAS, Glenn Kelly began his most recent service as Commissioner for the Town of Biltmore Forest in December 2003; and

WHEREAS, Mr. Kelly previously served the Town as a Commissioner from 1981 through 1987; and

WHEREAS, Mr. Kelly then served the Town as Mayor from 1987 through 1999; and

WHEREAS, Mr. Kelly has admirably served the Town of Biltmore Forest for a combined thirty-nine (39) years, demonstrating unwavering commitment and dedication as a Mayor and Commissioner; and

WHEREAS, Mr. Kelly has served the Town and Community on numerous boards and commissions, including the Metropolitan Sewerage District (MSD) where he has served as chair of the finance committee; and

WHEREAS, Mr. Kelly played an integral role in the development and planning phases of key community projects throughout his tenures in office, including the renovation and improvements to the Town Hall, the Biltmore Forest Police Department, the replacement and improvement of the Town’s water system, and multiple other projects furthering the safety and security of the Town’s citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Biltmore Forest as we take the occasion to express honor, respect, and admiration to Mr. Glenn Kelly for his outstanding contributions to the Commission, Staff, and Citizens of Biltmore Forest.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Town of Biltmore Forest, North Carolina, hereby expresses its appreciation and deep gratitude to Mr. Glenn Kelly for his leadership and guidance to the Town of Biltmore Forest as a mayor and commissioner and extends congratulations and best wishes in all future endeavors.

Adopted this 10th day of December, 2024.

Commissioner Loomis moved for adoption for Resolution 2024-09-A Resolution of Appreciation to Honor the Service of Commissioner E. Glenn Kelly. Commissioner Stephens seconded the motion and was unanimously approved.

#### ELECTION OF THE MAYOR PRO-TEM

Commissioner Loomis was nominated as Mayor Pro-Tem by Commissioner Drew Stephens. Commissioner Tarleton seconded the motion and was unanimously approved.

#### PUBLIC COMMENT

There was no public comment.

#### DEPARTMENTAL REPORTS

Deputy Chief Zach Cicillian gave the report for Skyland Fire Department. There were a total of twenty-two incidents within the Town. They were also able to contact the North Pole this afternoon and confirmed Santa will be arriving on the fire truck in Town on Christmas Eve at 9am. Also water your live trees one quart per inch of the diameter of your tree. Mayor Goosmann thanked the fire department for all their hard work.

Chief Chris Beddingfield gave the report for the Police Department. There were a total of 700 calls, which was down from the previous month. The Police Department is participating in some charity events. They are participating in a “no shave December” where the officers donate to charity and can relax their beard policy for the month.

A license plate reader in the Ramble picked up a stolen plate and alerted us. Officers made the arrest. Mayor Goosmann thanked the Police Department for all their hard work.

Mr. Mike Dale gave the report for the Public Works Department. The debris removal has reached 220,000 cubic yards. They are making excellent progress.

Hyatt Pipeline crew is back and working and continuing to install stormwater improvements on Vanderbilt Road. Greenwood Park is now open. They cleaned up the interior and exterior. There are a couple of stumps left to be picked up. Rosebank Park still has a bit of cleanup to do. Finally, the Brookside trail remains to be cleaned up. The plan is to get this accomplished when we have time to do so. Mayor Goosmann said we are fortunate to have our Public Works staff and thanked them for their hard work.

Mr. Tony Williams gave the Town Planner report. There were fifty-one land use conferences. Four complaints and those were resolved. There were fourteen plans reviewed. There were two permits issued as well. All meetings will resume in January as far as Board of Adjustment and Planning Board. Mayor Goosmann thanked Mr. Williams for all of his hard work.

Mr. Jonathan Kanipe gave the report for the Town. Mr. Kanipe thanked Commissioner Cogburn and Commissioner Kelly for their dedication and helping Mr. Kanipe throughout his 10 years of employment with the Town.

Mr. Kanipe had some Hurricane Helene project updates. Regarding debris removal, the Town's initial estimate was 340,000 cubic yards. At this point, the contractor believes we may still have close to 200,000 cubic yards remaining to remove. We have substantial work left ahead but have made significant improvements over the course of the past two months. Mr. Kanipe said they have weekly meetings with the contractors. The FEMA reimbursement so far has been \$4,000,000. The project page on the Town's website has valuable information about the progression of cleanup.



Mr. Kanipe said potable water returned to the Town on November 18<sup>th</sup>, 2024. The City of Asheville lifted their boil water notice that day and the Town followed suit by lifting the notice for our system. There does not seem to be any physical damage to the Town's infrastructure because of the storm. Damage on private property have occurred as the result of trees falling and/or pulling up service lines.

Mr. Kanipe and Mr. Dale are meeting with the site inspector on December 16<sup>th</sup>, 2024, to review the parks and the trail for approval to begin remediation and debris removal. This will lead to restoration of these areas with reimbursable funding.

Regarding the Hazard Mitigation efforts, Mr. Kanipe said the Town is focusing on wildfire prevention. Funding is available at the State level, provided by FEMA, for mitigation where potential impacts to health and safety are high. The trees that fell from the storm and our forested environment leads to these concerns. Meetings are being coordinated with the State Hazard Mitigation Director and our FEMA representatives to make these applications.

Regarding FEMA reimbursement funding, the Town's reimbursement requests are being facilitated by our program administrator at FEMA and we have been meeting on a weekly basis with her reviewing projects and requests.

Mr. Kanipe said we have the American Recovery Program funding, which need to be obligated by the end of 2024. All funds must be expended by December 31, 2026. Mr. Kanipe said we are hopeful the final funds will be spent by the end of fiscal year 2025.

The Tick Reduction Committee is going to meet up and the committee's work with the UNC School of Medicine and University of South Carolina is continuing. Students from USC were in Toan and will be back to conduct tick drags and will be analyzing the ticks found for various bacteria. This information will likely be presented in February.

Mr. Kanipe said Town Hall and Public Works will be closed December 24<sup>th</sup>-December 26<sup>th</sup> and also on New Years Day. The Police Department will maintain a regular schedule during this time. There will be alterations to the trash and recycling calendar for the week of Christmas and will be announced via our CodeRed system.

Mayor Goosmann asked Mr. Kanipe to present the Planning Board information regarding the Zoning Text Amendment. Mr. Kanipe said Prior to Hurricane Helene, the Board of Commissioners asked the Planning Commission to provide comments and a recommendation on a potential zoning text amendment. This zoning text amendment provides for “allowable” accessory structures to be permitted administratively rather than through the Board of Adjustment. Currently, all accessory structures are regulated as a special use permit and require a quasi-judicial hearing by the Board of Adjustment. The Planning Commission met on December 4<sup>th</sup> and voted unanimously to recommend approval of this Zoning Text Amendment.

The Town will provide notice to the public via the Asheville Citizen Times newspaper which is statutorily required and hold the public hearing at the next regular meeting on Tuesday, January 14, 2025. A copy of the recommended amendment will be posted to the Town’s website at the same time as the notice is published.

Finally, Mr. Kanipe discussed the water billing reinstatement after the December 2024 billing cycle. Commissioners voted to suspend water billing until potable water was provided to residents. This decision resulted from the City of Asheville’s decision not to bill wholesale water customers or residential customers for the time period the water was not potable.

Ms. Fran Noel from Carter PC presented the Fiscal Year 23-24 audit. Ms. Noel said things went very well and they had an unmodified opinion on the audit, which is a clean opinion on each major fund and all the major financial statements. There were no difficulties or disagreements with management and Jonathan, Krystal, and Laura were easy to work with. Ms. Noel said they did have an internal control letter, but it was related to a Budget Ordinance issue she will discuss later. The segregation of duties comment was not repeated. There were some audit adjustments but those were GASB adjustments which are only for financial statement reporting. There was also a prior period adjustment. There was a zero interest rate note which you will notice in the financial statements too.

The Budget Ordinance issue was related to the camera system that the police chief mentioned earlier. After reading the agreement, it was determined it was qualified as a lease, which changed the way the expenses needed to be reported. It was outside of the staff's control, but it still had to be reported because it showed as a budget overage.

Ms. Noel said in the Government wide financials, the Net Position (the equity) increased by \$438,000. The total equity position was \$7,800,000. The Fund Balance in the General Fund was \$5,300,000 which is an increase of \$141,000 from the previous year. The Water/Sewer Fund had a net loss of \$203,000 but also generated \$39,000 of positive cash flow. Most of the decrease was related to non-cash items like depreciation. One of the biggest changes was in long-term debt which is related to the pensions and the liabilities associated with those. This increased a combined \$1,000,000. That is also not a cash flow item, but an actuarial item and we get those numbers from the Treasurer. Tax Collections were at 100%. Krystal Curtis was congratulated for this. Ms. Noel said investment earnings went up due to the increases in some interest rates. Overall Expenditures went up by over \$600,000 and this was offset by increases in Revenues.

Mayor Goosmann thanked Commissioner Cogburn and Commissioner Kelly for their dedicated service to the Town. Mayor Goosmann congratulated Commissioner Tarleton and Commissioner Stephens. Mayor Goosmann also praised Mr. Kanipe for all of his hard work and dedication to the Town, especially during Hurricane Helene.

The meeting was adjourned at 5:17 pm.

The next meeting is scheduled for Tuesday, January 14, 2025, at 4:30pm.

ATTEST:

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Laura Jacobs  
Town Clerk

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George F. Goosmann, III  
Mayor

Biltmore Forest Police  
355 Vanderbilt Road  
Biltmore Forest, NC 28803  
828-274-0822  
Chief M. Chris  
Beddingfield



George F. Goosmann, III, Mayor  
Doris P Loomis, Mayor-Pro Tem  
Allan Tarleton, Commissioner  
Drew Stephens, Commissioner  
Jonathan Kanipe, Town Manager

## **Biltmore Forest Police Department January 14th, 2024 Commission Report**

### **December 2024 Data**

#### **Total Calls For Service:**

739 (701 last month)

#### **Arrests:**

1-Felony Arrest-One Arrest for Possession of a Stolen Motor vehicle and Two Felony Drug Charges from a Vehicle Stop

7-Misdemeanor Arrests-Three Impaired Driving Arrests, Two from Traffic Stops and One From a Vehicle Collision, Three Arrests for Driving With a Revoked License From Traffic Stops, One Arrest for Out of Jurisdiction Warrants From a Traffic Stop.

#### **Citations:**

33-Citations for various traffic violations (12 last month)

#### **Time Consumption Summary:**

*Approximations:*

Business Checks- 6 hours

House Checks- 5 hours

Radar Operation- 2 hours

Vehicle Crash Investigation- 2 hour

#### **Notable Calls and Projects:**

Officers arrested an individual who crashed his vehicle on Cedar Cliff Road and then left the scene. He was charged with impaired driving and associated crimes.

Officers arrested an individual who was driving a stolen vehicle. The driver was also charged with several felony drug possession charges.

Santa Clause made a successful visit and tour of the town escorted by the department and Skyland Fire Department.

**Biltmore Forest Police Department**  
**355 Vanderbilt Rd**  
**Biltmore Forest, NC 28803**

Calls for Service  
12/01/2024 - 12/31/2024

BILTMORE FOREST POLICE DEPARTMENT	Count	Percent
ALARM	12	1.62%
ANIMAL CONTROL	8	1.08%
ASSIST MOTORIST	5	0.68%
ASSIST NON-RESIDENT	1	0.14%
ASSIST OTHER AGENCY	5	0.68%
ASSIST RESIDENT	6	0.81%
BUSINESS CHECK	407	55.07%
CRIME PREVENTION	22	2.98%
DEBRIS IN ROADWAY	3	0.41%
DEPARTMENT OTHER	1	0.14%
DISCHARGE FIREARM	1	0.14%
DISTURBANCE	2	0.27%
ESCORT	2	0.27%
FIRE	1	0.14%
HOUSE CHECK	113	15.29%
IMPAIRED DRIVER	1	0.14%
INVESTIGATION	2	0.27%
JUVENILE ISSUE	1	0.14%
MEDICAL EMERGENCY	8	1.08%
No CallType	1	0.14%
ORDINANCE VIOLATION	1	0.14%
RADAR OPERATION	6	0.81%
SPECIAL ASSIGNMENT	1	0.14%
SPECIAL CHECK	5	0.68%
SUSPICIOUS ACTIVITY	5	0.68%
SUSPICIOUS PERSON	8	1.08%
SUSPICIOUS VEHICLE	20	2.71%
TALK WITH OFFICER	3	0.41%
TEST CALL	3	0.41%
TOWN HALL BUSINESS	4	0.54%
TRAFFIC CONTROL	4	0.54%
TRAFFIC STOP	68	9.20%
TREE DOWN	1	0.14%
VEHICLE ACCIDENT	6	0.81%
WELFARE CHECK	2	0.27%
<b>Total Records For BILTMORE FOREST POLICE DEPARTMENT</b>	<b>739</b>	<b>Group/Total 100.00%</b>

**Total Records 739**

**BOARD OF COMMISSIONERS MEETING  
STAFF MEMORANDUM**

January 10, 2024



**Agenda Item D-3**

**Public Works Director Monthly Report**

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Recurring Activities:

The Public Works Department has completed the following activities during the months of December:

- Collected 42.53 tons of garbage.
- Diverted 15.82 tons of recycled goods from garbage.
- Picked up 45 loads of brush (approximately 980 cubic yards) over 13 days.
- Responded to 73 total utility locate requests, comprised of 43 new requests and 30 updates.
- Visited seven (7) residences for Tree Assessments, approving the removal of 17 trees and requiring the installation of 6 new trees.
- Completed daily chlorine residual tests across town and the required two (2) bacteriological tests. All tests were passed.
- Used the Beacon/Badger Meter automated meter reading system to monitor water leaks daily and attempted to contact residents of suspected leaks.
- We continued to perform litter pick-ups as needed, focusing on the entrances.

Miscellaneous Activities for December

- Maintenance of public spaces continues to be a challenge as we deal with continued storm debris removal. With residents continuing to bring material to the right-of-way, we have not been focused on clearing the other public spaces. We have cleared and opened Greenwood Park, except for several stumps in the parking areas, and we are routinely maintaining that space. Rosebank Park is still fenced off, but the playground space is accessible to residents.
- We are continuing to service our eleven (11) dog waste stations. Once storm debris is removed, we will replace damaged stations.
- We are continuing to collect debris with the Town brush truck and are using it daily to assist the larger trucks with debris removal. We are deploying it to collect smaller piles and debris that is more easily handled by the smaller truck.
- We completed the Christmas decoration installation at the Town Hall complex and assisted with the annual Tree Lighting ceremony on December 6<sup>th</sup>, 2024.
- Staff have used and will continue to use the tractor and blower to keep the roads as clear as possible.

- Staff continues to respond to broken water meters and boxes and leaks.
- We are continuing to review and respond to storm drain issues as they are uncovered and reported to the office.
- The paving repair on Cedar Hill Road associated with the replacement of the damaged storm drain pipe was completed during the first week of December
- We continue to identify random storm damaged areas requiring repairs as debris is continually being removed. We continue to develop this list and work on it as able.
- Staff installed a new water meter at 60 Cedar Hill Road.
- I successfully completed the 2024 Leading for Results program as a Civic Fellow scholarship recipient on December 9<sup>th</sup> through the 13<sup>th</sup>. I am very appreciative to Manager Kanipe and the Board for allowing me to participate in this very valuable program. I intend on implementing some of the skills and programs I learned about in the program to the department over the next year.

### Larger/Capital Projects Updates

#### *Hurricane Helene Response*

- Significant additional information is provided throughout this report and in the Manager's report.
- As of this report, approximately 291,000 cubic yards of vegetative debris has been removed from the public rights of way just within the Town of Biltmore Forest.
- The most recent estimates indicate that almost 400,000 cubic yards of debris will likely be collected within the Town limits.
- Approximately 95,000 cubic yards of wood chips have been processed and disposed of. Chips are being hauled to a facility in Waynesville for processing into mulch.

#### *Master Plan Project Area 1 & Area 9 – Vanderbilt/Stuyvesant/Lone Pine Stormwater Project*

- The Contractor began work on the stormwater project on May 20, 2024. Approximately 1,968 feet of storm drain is installed, and the project is about 60% complete.
- After the execution of Change Order #3, the substantial completion date is currently January 9, 2025, and final completion is February 8, 2025. We do anticipate these dates being extended due to winter weather and continuing impacts from the hurricane.
- We do anticipate major pipelaying activities to be concluded in early February, however we anticipate the final paving and restoration efforts to be extended further into the spring. This is necessary to allow for the most favorable weather conditions for paving and restoration of landscaped areas.
- Pipe and other material continue to be stockpiled in Rosebank Park.
- Work is currently progressing along Stuyvesant Road to the south, with the last remaining pipe work to be installed along Lone Pine Road to the east from Vanderbilt Road. Pipelaying work in the intersection of Lone Pine, Vanderbilt, and Stuyvesant Roads is finished.

### Streetlight LED Conversions and Service Upgrades

- A total of seven (7) streetlights are structurally damaged or destroyed, and an additional four (4) have more minor damage to the lamps or street signs due to hurricane Helene.
- Out of the 64 total lamps, seventeen (17) are not functioning currently. This includes six (6) of the eleven (11) damaged lamps, and eleven (11) additional ones that were disconnected by Duke Energy during the power grid repair work.
- The camera installations at Parkway/Stuyvesant Roads and at Busbee/Vanderbilt Roads are off-line due to streetlight damage, only leaving the camera at Southwood/Brookside Roads functional.
- We are currently developing a recommendation for streetlight replacements and/or repairs. We are awaiting additional debris removal to occur before finalizing troubleshooting the non-functioning lights.
- Contact has been made with MB Haynes about re-starting work on the camera installations, anticipated to begin in January.

### Greenwood Park Improvements

- On December 16<sup>th</sup>, Manager Kanipe, Supervisor Dale, and I met with our FEMA representatives to document storm damage. We continue to work on plans for repairs and improvements to begin upon the completion of debris pick-up and better weather.

### Brooklawn Park Clean-up and Trail Construction

- We have tasked the debris removal contractor, SDR, to begin clean-up in Brooklawn Park and other spaces. We anticipate this work to begin in January 2025.

### Upcoming in January

- Staff will complete the required daily chlorine and monthly bacteriological testing.
- Normal brush collection remains suspended; however, we are using the Town brush truck to assist the debris contractor with debris removal, coordinating our work locations with theirs.
- We are continuing to pick up leaves with the brush truck where possible as most leaf piles are commingled with storm debris. We are advising residents to anticipate significant leaf collection delays, however, as we are concentrating on providing broader storm debris removal. In areas with clean, leaf-only piles, we anticipate using the leaf vacuum to perform dedicated collection. We have also negotiated a temporary disposal area on the Estate for leaf disposal since our normal disposal option is closed for hurricane debris removal.
- I have secured a contractor to perform the small roof repair in the back corner of the Public Works building. I anticipate the repair to take approximately 1 day to complete, and work to occur in January. The area is temporarily secured.
- Debris removal is concluding along the northernmost portions of Vanderbilt Road. Once all the debris is removed along this section of road, we anticipate replacing several sections of guardrail. We anticipate this work to occur in January or February. We are also assessing other segments of guardrail for repair throughout town.



- We will continue to replace damaged road signs as debris removal allows us to access the appropriate replacement locations. Several new signs were installed in December.
- Supervisor Dale and I will continue to monitor the stormwater project.

As always, please do not hesitate to contact me with any questions or feedback.



## MEMORANDUM

**To:** Jonathan Kanipe, Town Manager  
Mayor and Board of Commissioners

**From:** Tony Williams, Town Planner

**Re:** December Monthly Report

**Date:** January 14, 2025

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### Recurring

- Check PD reports daily for code violations, make contact as needed to homeowners and contractors.
- Field inspections are conducted multiple times a week.
- Review plans for the Board of Adjustment for meeting packets.
- Conducted site visits with the Board of Adjustment Members for all projects to be heard.
- Communicate weekly with all who submit plans for approval.
- Advising homeowners and contractors of the ordinances.
- Addressing violations as needed.
- Issuing permits as needed.

### Monthly Breakdown

- Review of potential subdivisions: 0
- Land use conferences virtual/on site: 73
- Notice of violations verbal/written: 0
- Resolved violations/complaints: 1
- Complaints: 1
- Plans reviewed: 25
- Plans reviewed for BOA: 0 (Meeting Canceled)
- Plans reviewed for Design Review Board: 0 (Meeting canceled)
- Permits issued: 2

**BOARD OF COMMISSIONERS MEETING  
STAFF MEMORANDUM  
JANUARY 14, 2025**



**AGENDA ITEM D-5**

**Town Manager's Monthly Report**

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**Resumption of Regular Board Schedules**

The Town is resuming regular board meetings in January. This includes the Board of Adjustment, Planning Commission, and Design Review Board. The BOA meeting in January is one week delayed due to the Dr. Martin Luther King, Jr. holiday. We appreciate the public's patience as we took time to focus on initial recovery efforts before resuming more routine operations.

**FY24 Audit Response**

The Town's auditor presented the financial statements at last month's meeting. We received confirmation from the Local Government Commission this week that the submission was approved with minor corrections that needed to be made by the auditor. These will be made and sent back to the LGC for final approval.

**Professional Development**

Chief Beddingfield and I will both be away for professional development over the next month. Chief Beddingfield's annual NC Chief's Association Conference will take place January 12-15, and I will be in Winston-Salem for the annual NC City/County Managers Association conference February 4-7. These are exceptionally meaningful professional development opportunities, and we appreciate the Board support of these courses.

Additionally, Commissioner Tarleton completed the UNC School of Government's Newly Elected Officials course in early January. The Mayor, remaining members of the Board, Town Attorney, Town Clerk, and I will all be attending this session in Kannapolis at the end of January.

**FY25 Budget Preparations**

The Town's annual budget process gets underway in January. Each year, the Town Manager must submit a balanced budget recommendation to the governing board by May 31. The Town must approve a new budget by June 30. This year, I anticipate a budget retreat for the Board to review the dramatic changes brought by Hurricane Helene, our anticipated Police Department and Public Works projects, and additional ideas and policy direction from the Board. This retreat schedule is being developed currently and will be open to the public.

**REVENUE & EXPENDITURE STATEMENT**

07/01/2024 To 12/31/2024

Town of Biltmore Forest

FY 2024-2025

\*100 in the % Used column indicates that no budget exists

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>3010 Ad Valorem Tax</b>						
<b>Revenue</b>						
<b>10 General Fund</b>						
<b>3010 Ad Valorem Tax</b>						
10-3010-0000 AD VALOREM TAXES (PROPERTY)	3,042,253.00	3,066,681.87	3,066,681.87	0.00	-24,428.87	101
10-3010-0100 AD VALOREM TAXES (DMV)	123,040.00	59,591.61	59,591.61	0.00	63,448.39	48
10-3010-0200 TAX INTEREST & PENALTIES	5,000.00	12.83	12.83	0.00	4,987.17	0
<b>3010 Ad Valorem Tax Subtotal</b>	<b>\$3,170,293.00</b>	<b>\$3,126,286.31</b>	<b>\$3,126,286.31</b>	<b>\$0.00</b>	<b>\$44,006.69</b>	<b>99</b>
<b>10 General Fund Subtotal</b>	<b>\$3,170,293.00</b>	<b>\$3,126,286.31</b>	<b>\$3,126,286.31</b>	<b>\$0.00</b>	<b>\$44,006.69</b>	<b>99</b>
<b>Revenue Subtotal</b>	<b>\$3,170,293.00</b>	<b>\$3,126,286.31</b>	<b>\$3,126,286.31</b>	<b>\$0.00</b>	<b>\$44,006.69</b>	<b>99</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$3,170,293.00</b>	<b>\$3,126,286.31</b>	<b>\$3,126,286.31</b>	<b>\$0.00</b>	<b>99</b>
<b>3020 Unrestricted Intergovernm</b>						
<b>Revenue</b>						
<b>10 General Fund</b>						
<b>3020 Unrestricted Intergovernm</b>						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	233,800.00	58,554.71	58,554.71	0.00	175,245.29	25
10-3020-0100 ALCOHOL BEVERAGE TAX	6,750.00	0.00	0.00	0.00	6,750.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	789,576.00	312,754.21	312,754.21	0.00	476,821.79	40
10-3020-0300 1/2 CENT SALES TAX A.40	340,912.00	140,652.23	140,652.23	0.00	200,259.77	41
10-3020-0400 1/2 CENT SALES TAX A.42	419,097.00	166,853.83	166,853.83	0.00	252,243.17	40
10-3020-0600 SALES TAX REFUND	15,000.00	0.00	0.00	0.00	15,000.00	0
10-3020-0700 GASOLINE TAX REFUND	0.00	4,667.47	4,667.47	0.00	-4,667.47	*100
<b>3020 Unrestricted Intergovernm Subtotal</b>	<b>\$1,805,135.00</b>	<b>\$683,482.45</b>	<b>\$683,482.45</b>	<b>\$0.00</b>	<b>\$1,121,652.55</b>	<b>38</b>
<b>10 General Fund Subtotal</b>	<b>\$1,805,135.00</b>	<b>\$683,482.45</b>	<b>\$683,482.45</b>	<b>\$0.00</b>	<b>\$1,121,652.55</b>	<b>38</b>
<b>Revenue Subtotal</b>	<b>\$1,805,135.00</b>	<b>\$683,482.45</b>	<b>\$683,482.45</b>	<b>\$0.00</b>	<b>\$1,121,652.55</b>	<b>38</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$1,805,135.00</b>	<b>\$683,482.45</b>	<b>\$683,482.45</b>	<b>\$0.00</b>	<b>38</b>
<b>3030 Restricted Intergovernmen</b>						
<b>Revenue</b>						
<b>10 General Fund</b>						
<b>3030 Restricted Intergovernmen</b>						
10-3030-0000 SOLID WASTE DISPOSAL TAX	1,000.00	547.88	547.88	0.00	452.12	55
10-3030-0100 POWELL BILL	75,000.00	40,386.65	40,386.65	0.00	34,613.35	54
<b>3030 Restricted Intergovernmen Subtotal</b>	<b>\$76,000.00</b>	<b>\$40,934.53</b>	<b>\$40,934.53</b>	<b>\$0.00</b>	<b>\$35,065.47</b>	<b>54</b>
<b>10 General Fund Subtotal</b>	<b>\$76,000.00</b>	<b>\$40,934.53</b>	<b>\$40,934.53</b>	<b>\$0.00</b>	<b>\$35,065.47</b>	<b>54</b>
<b>Revenue Subtotal</b>	<b>\$76,000.00</b>	<b>\$40,934.53</b>	<b>\$40,934.53</b>	<b>\$0.00</b>	<b>\$35,065.47</b>	<b>54</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$76,000.00</b>	<b>\$40,934.53</b>	<b>\$40,934.53</b>	<b>\$0.00</b>	<b>54</b>
<b>3040 Permits &amp; Fees</b>						
<b>Revenue</b>						
<b>10 General Fund</b>						
<b>3040 Permits &amp; Fees</b>						

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10-3040-0000 ZONING PERMITS	30,000.00	19,099.00	19,099.00	0.00	10,901.00	64
10-3040-0100 DOG LICENSE FEE	1,300.00	1,310.10	1,310.10	0.00	-10.10	101
<b>3040 Permits &amp; Fees Subtotal</b>	<b>\$31,300.00</b>	<b>\$20,409.10</b>	<b>\$20,409.10</b>	<b>\$0.00</b>	<b>\$10,890.90</b>	<b>65</b>
<b>10 General Fund Subtotal</b>	<b>\$31,300.00</b>	<b>\$20,409.10</b>	<b>\$20,409.10</b>	<b>\$0.00</b>	<b>\$10,890.90</b>	<b>65</b>
<b>Revenue Subtotal</b>	<b>\$31,300.00</b>	<b>\$20,409.10</b>	<b>\$20,409.10</b>	<b>\$0.00</b>	<b>\$10,890.90</b>	<b>65</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$31,300.00</b>	<b>\$20,409.10</b>	<b>\$20,409.10</b>	<b>\$0.00</b>	<b>65</b>
<b>3050 Investment Earnings</b>						
<b>Revenue</b>						
<b>10 General Fund</b>						
<b>3050 Investment Earnings</b>						
10-3050-0000 INTEREST EARNED	233,333.00	87,359.96	87,359.96	0.00	145,973.04	37
<b>3050 Investment Earnings Subtotal</b>	<b>\$233,333.00</b>	<b>\$87,359.96</b>	<b>\$87,359.96</b>	<b>\$0.00</b>	<b>\$145,973.04</b>	<b>37</b>
<b>10 General Fund Subtotal</b>	<b>\$233,333.00</b>	<b>\$87,359.96</b>	<b>\$87,359.96</b>	<b>\$0.00</b>	<b>\$145,973.04</b>	<b>37</b>
<b>Revenue Subtotal</b>	<b>\$233,333.00</b>	<b>\$87,359.96</b>	<b>\$87,359.96</b>	<b>\$0.00</b>	<b>\$145,973.04</b>	<b>37</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$233,333.00</b>	<b>\$87,359.96</b>	<b>\$87,359.96</b>	<b>\$0.00</b>	<b>37</b>
<b>3060 Miscellaneous</b>						
<b>Revenue</b>						
<b>10 General Fund</b>						
<b>3060 Miscellaneous</b>						
10-3060-0100 AMERICAN TOWER AGREEMENT	33,800.00	32,771.32	32,771.32	0.00	1,028.68	97
10-3060-0200 MISCELLANEOUS	25,000.00	67,507.49	67,507.49	0.00	-42,507.49	270
<b>3060 Miscellaneous Subtotal</b>	<b>\$58,800.00</b>	<b>\$100,278.81</b>	<b>\$100,278.81</b>	<b>\$0.00</b>	<b>-\$41,478.81</b>	<b>171</b>
<b>10 General Fund Subtotal</b>	<b>\$58,800.00</b>	<b>\$100,278.81</b>	<b>\$100,278.81</b>	<b>\$0.00</b>	<b>-\$41,478.81</b>	<b>171</b>
<b>Revenue Subtotal</b>	<b>\$58,800.00</b>	<b>\$100,278.81</b>	<b>\$100,278.81</b>	<b>\$0.00</b>	<b>-\$41,478.81</b>	<b>171</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$58,800.00</b>	<b>\$100,278.81</b>	<b>\$100,278.81</b>	<b>\$0.00</b>	<b>171</b>
<b>3290</b>						
<b>Revenue</b>						
<b>30 Water &amp; Sewer Fund</b>						
<b>3290</b>						
30-3290-0000 INTEREST EARNED	4,400.00	2,246.27	2,246.27	0.00	2,153.73	51
<b>3290 Subtotal</b>	<b>\$4,400.00</b>	<b>\$2,246.27</b>	<b>\$2,246.27</b>	<b>\$0.00</b>	<b>\$2,153.73</b>	<b>51</b>
<b>30 Water &amp; Sewer Fund Subtotal</b>	<b>\$4,400.00</b>	<b>\$2,246.27</b>	<b>\$2,246.27</b>	<b>\$0.00</b>	<b>\$2,153.73</b>	<b>51</b>
<b>Revenue Subtotal</b>	<b>\$4,400.00</b>	<b>\$2,246.27</b>	<b>\$2,246.27</b>	<b>\$0.00</b>	<b>\$2,153.73</b>	<b>51</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$4,400.00</b>	<b>\$2,246.27</b>	<b>\$2,246.27</b>	<b>\$0.00</b>	<b>51</b>
<b>3350 Commissions, Sw Chg Coll</b>						
<b>Revenue</b>						
<b>30 Water &amp; Sewer Fund</b>						
<b>3350 Commissions, Sw Chg Coll</b>						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	8,000.00	1,876.29	1,876.29	0.00	6,123.71	23
<b>3350 Commissions, Sw Chg Coll Subtotal</b>	<b>\$8,000.00</b>	<b>\$1,876.29</b>	<b>\$1,876.29</b>	<b>\$0.00</b>	<b>\$6,123.71</b>	<b>23</b>

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<b>30 Water &amp; Sewer Fund Subtotal</b>	<b>\$8,000.00</b>	<b>\$1,876.29</b>	<b>\$1,876.29</b>	<b>\$0.00</b>	<b>\$6,123.71</b>	<b>23</b>
<b>Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$1,876.29</b>	<b>\$1,876.29</b>	<b>\$0.00</b>	<b>\$6,123.71</b>	<b>23</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$1,876.29</b>	<b>\$1,876.29</b>	<b>\$0.00</b>	<b>23</b>
<b>3430</b>						
<b>Revenue</b>						
<b>10 General Fund</b>						
<b>3430</b>						
10-3430-0003 GRANTS -POLICE DEPT	6,770.00	0.00	0.00	0.00	6,770.00	0
<b>3430 Subtotal</b>	<b>\$6,770.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$6,770.00</b>	<b>0</b>
<b>10 General Fund Subtotal</b>	<b>\$6,770.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$6,770.00</b>	<b>0</b>
<b>Revenue Subtotal</b>	<b>\$6,770.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$6,770.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$6,770.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3500 Other Financing</b>						
<b>Other Financing Source</b>						
<b>10 General Fund</b>						
<b>3500 Other Financing</b>						
10-3500-0000 SALE OF PERSONAL PROPERTY	14,970.00	0.00	0.00	0.00	14,970.00	0
10-3500-0300 TRANSFER FROM FUND BALANCE	1,213,866.00	0.00	0.00	0.00	1,213,866.00	0
10-3500-0500 GRANT (GOVERNMENTAL) FUNDS	30,000.00	0.00	0.00	0.00	30,000.00	0
<b>3500 Other Financing Subtotal</b>	<b>\$1,258,836.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,258,836.00</b>	<b>0</b>
<b>10 General Fund Subtotal</b>	<b>\$1,258,836.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,258,836.00</b>	<b>0</b>
<b>Other Financing Source Subtotal</b>	<b>\$1,258,836.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,258,836.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$1,258,836.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3710 Water Sales</b>						
<b>Revenue</b>						
<b>30 Water &amp; Sewer Fund</b>						
<b>3710 Water Sales</b>						
30-3710-0000 WATER CHARGES	641,000.00	288,632.75	288,632.75	0.00	352,367.25	45
30-3710-0100 MSD CHARGES	422,240.00	252,027.52	252,027.52	0.00	170,212.48	60
30-3710-0200 AMI TRANSMITTER CHARGES	8,867.00	4,200.72	4,200.72	0.00	4,666.28	47
<b>3710 Water Sales Subtotal</b>	<b>\$1,072,107.00</b>	<b>\$544,860.99</b>	<b>\$544,860.99</b>	<b>\$0.00</b>	<b>\$527,246.01</b>	<b>51</b>
<b>30 Water &amp; Sewer Fund Subtotal</b>	<b>\$1,072,107.00</b>	<b>\$544,860.99</b>	<b>\$544,860.99</b>	<b>\$0.00</b>	<b>\$527,246.01</b>	<b>51</b>
<b>Revenue Subtotal</b>	<b>\$1,072,107.00</b>	<b>\$544,860.99</b>	<b>\$544,860.99</b>	<b>\$0.00</b>	<b>\$527,246.01</b>	<b>51</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$1,072,107.00</b>	<b>\$544,860.99</b>	<b>\$544,860.99</b>	<b>\$0.00</b>	<b>51</b>
<b>3730 Water Tap &amp; Connect Fees</b>						
<b>Revenue</b>						
<b>30 Water &amp; Sewer Fund</b>						
<b>3730 Water Tap &amp; Connect Fees</b>						
30-3730-0000 WATER TAP AND CONNECTION FEES	10,000.00	12,480.00	12,480.00	0.00	-2,480.00	125

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<b>3730 Water Tap &amp; Connect Fees Subtotal</b>	<b>\$10,000.00</b>	<b>\$12,480.00</b>	<b>\$12,480.00</b>	<b>\$0.00</b>	<b>-\$2,480.00</b>	<b>125</b>
<b>30 Water &amp; Sewer Fund Subtotal</b>	<b>\$10,000.00</b>	<b>\$12,480.00</b>	<b>\$12,480.00</b>	<b>\$0.00</b>	<b>-\$2,480.00</b>	<b>125</b>
<b>Revenue Subtotal</b>	<b>\$10,000.00</b>	<b>\$12,480.00</b>	<b>\$12,480.00</b>	<b>\$0.00</b>	<b>-\$2,480.00</b>	<b>125</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$10,000.00</b>	<b>\$12,480.00</b>	<b>\$12,480.00</b>	<b>\$0.00</b>	<b>125</b>
<b>3900</b>						
<b>Other Financing Source</b>						
<b>10 General Fund</b>						
<b>3900</b>						
10-3900-4000 FINANCING PROCEEDS-LEASES	85,000.00	0.00	0.00	0.00	85,000.00	0
<b>3900 Subtotal</b>	<b>\$85,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$85,000.00</b>	<b>0</b>
<b>10 General Fund Subtotal</b>	<b>\$85,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$85,000.00</b>	<b>0</b>
<b>Other Financing Source Subtotal</b>	<b>\$85,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$85,000.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$85,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>4000</b>						
<b>Revenue</b>						
<b>40 Capital Project Fund</b>						
<b>4000</b>						
40-4000-1100 ARP DISTRIBUTION	451,275.58	0.00	0.00	0.00	451,275.58	0
<b>4000 Subtotal</b>	<b>\$451,275.58</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$451,275.58</b>	<b>0</b>
<b>40 Capital Project Fund Subtotal</b>	<b>\$451,275.58</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$451,275.58</b>	<b>0</b>
<b>Revenue Subtotal</b>	<b>\$451,275.58</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$451,275.58</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$451,275.58</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>4200 Administration</b>						
<b>Expenditure</b>						
<b>4200 Administration</b>						
10-4200-0200 SALARIES	357,385.00	229,701.60	229,701.60	0.00	127,683.40	64
10-4200-0500 FICA	27,340.00	17,104.23	17,104.23	0.00	10,235.77	63
10-4200-0600 HEALTH INSURANCE (MEDICAL)	41,748.00	19,462.61	19,462.61	0.00	22,285.39	47
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	10,500.00	4,304.84	4,304.84	0.00	6,195.16	41
10-4200-0675 HEALTH REIMBURSEMENT ACC	7,500.00	3,000.00	3,000.00	0.00	4,500.00	40
10-4200-0700 LGERS RETIREMENT	72,478.00	47,003.89	47,003.89	0.00	25,474.11	65
10-4200-0800 401K SUPP RETIREMENT	17,869.00	10,966.52	10,966.52	0.00	6,902.48	61
10-4200-1000 ACCOUNTING & TAXES	60,000.00	51,619.35	51,619.35	0.00	8,380.65	86
10-4200-1200 POSTAGE, PRINTING, STATIONARY	12,500.00	4,434.57	4,434.57	0.00	8,065.43	35
10-4200-1400 MILEAGE & BOARD SALARY	21,600.00	10,852.44	10,852.44	0.00	10,747.56	50
10-4200-1500 BLDG & GRNDS MAINTENANCE	15,000.00	0.00	0.00	0.00	15,000.00	0
10-4200-1700 MAINTENANCE/REPAIRS-VEHICLES	100.00	350.94	350.94	0.00	-250.94	351
10-4200-3300 SUPPLIES AND EQUIPMENT	15,000.00	5,935.51	5,935.51	0.00	9,064.49	40
10-4200-5300 DUES & FEES	12,000.00	5,566.36	5,566.36	0.00	6,433.64	46

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10-4200-5700 MISCELLANEOUS	5,000.00	98.96	98.96	0.00	4,901.04	2
10-4200-6000 CAPITAL OUTLAY	40,000.00	0.00	0.00	0.00	40,000.00	0
10-4200-6500 STAFF DEVELOPMENT	20,000.00	8,142.91	8,142.91	0.00	11,857.09	41
10-4200-8200 DEBT SERVICE LEASES-PRINCIPAL	5,400.00	3,246.60	3,246.60	0.00	2,153.40	60
10-4200-8201 DEBT SERVICE LEASES-INTEREST	2,000.00	1,346.40	1,346.40	0.00	653.60	67
<b>4200 Administration Subtotal</b>	<b>\$743,420.00</b>	<b>\$423,137.73</b>	<b>\$423,137.73</b>	<b>\$0.00</b>	<b>\$320,282.27</b>	<b>57</b>
<b>Expenditure Subtotal</b>	<b>\$743,420.00</b>	<b>\$423,137.73</b>	<b>\$423,137.73</b>	<b>\$0.00</b>	<b>\$320,282.27</b>	<b>57</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$743,420.00</b>	<b>-\$423,137.73</b>	<b>-\$423,137.73</b>	<b>\$0.00</b>	<b>57</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$743,420.00</b>	<b>-\$423,137.73</b>	<b>-\$423,137.73</b>	<b>\$0.00</b>	<b>57</b>
<b>4400</b>						
<b>Revenue</b>						
<b>40 Capital Project Fund</b>						
<b>4400</b>						
40-4400-1200 FEMA GRANT REIMBURSEMENT	9,659,000.00	3,952,539.07	3,952,539.07	0.00	5,706,460.93	41
<b>4400 Subtotal</b>	<b>\$9,659,000.00</b>	<b>\$3,952,539.07</b>	<b>\$3,952,539.07</b>	<b>\$0.00</b>	<b>\$5,706,460.93</b>	<b>41</b>
<b>40 Capital Project Fund Subtotal</b>	<b>\$9,659,000.00</b>	<b>\$3,952,539.07</b>	<b>\$3,952,539.07</b>	<b>\$0.00</b>	<b>\$5,706,460.93</b>	<b>41</b>
<b>Revenue Subtotal</b>	<b>\$9,659,000.00</b>	<b>\$3,952,539.07</b>	<b>\$3,952,539.07</b>	<b>\$0.00</b>	<b>\$5,706,460.93</b>	<b>41</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$9,659,000.00</b>	<b>\$3,952,539.07</b>	<b>\$3,952,539.07</b>	<b>\$0.00</b>	<b>41</b>
<b>5100 Police Department</b>						
<b>Expenditure</b>						
<b>5100 Police Department</b>						
10-5100-0200 SALARIES	1,100,444.00	746,279.07	746,279.07	0.00	354,164.93	68
10-5100-0300 OVERTIME	0.00	807.66	807.66	0.00	-807.66	*100
10-5100-0400 SEPARATION ALLOWANCE	16,445.00	0.00	0.00	0.00	16,445.00	0
10-5100-0500 FICA	84,184.00	56,148.82	56,148.82	0.00	28,035.18	67
10-5100-0600 HEALTH INSURANCE (MEDICAL)	141,944.00	79,737.14	79,737.14	0.00	62,206.86	56
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	35,700.00	12,199.45	12,199.45	0.00	23,500.55	34
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	13,000.00	13,000.00	0.00	12,500.00	51
10-5100-0700 LGERS RETIREMENT	239,016.00	155,648.69	155,648.69	0.00	83,367.31	65
10-5100-0800 401K SUPP RETIREMENT	55,022.00	36,204.59	36,204.59	0.00	18,817.41	66
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	949.13	2,607.63	1,658.50	7,392.37	26
10-5100-1600 MAINT/REPAIR - EQUIPMENT	5,000.00	996.06	1,548.18	552.12	3,451.82	31
10-5100-1700 MAINT/REPAIR - VEHICLES	25,000.00	15,770.33	17,201.47	1,431.14	7,798.53	69
10-5100-3100 MOTOR FUELS	18,000.00	8,831.99	8,831.99	0.00	9,168.01	49
10-5100-3300 SUPPLIES	10,000.00	14,116.49	14,116.49	0.00	-4,116.49	141
10-5100-3600 UNIFORMS	15,000.00	8,098.82	14,162.60	6,063.78	837.40	94
10-5100-3700 SOFTWARE	18,725.00	444.00	444.00	0.00	18,281.00	2
10-5100-3800 TECHNOLOGY	102,250.00	63,012.91	63,012.91	0.00	39,237.09	62
10-5100-4000 RENTALS	505.00	0.00	0.00	0.00	505.00	0



**REVENUE & EXPENDITURE STATEMENT**

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Town of Biltmore Forest

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
10-5100-5700 MISCELLANEOUS	10,000.00	16,713.99	18,841.70	2,127.71	-8,841.70	188
10-5100-5800 PHYSICAL EXAMS	2,500.00	1,550.00	1,550.00	0.00	950.00	62
10-5100-6500 STAFF DEVELOPMENT	10,000.00	7,013.47	7,806.94	793.47	2,193.06	78
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	125,000.00	157,575.80	205,588.48	48,012.68	-80,588.48	164
10-5100-8200 DEBT SERVICE-LEASE	0.00	5,722.50	5,722.50	0.00	-5,722.50	*100
<b>5100 Police Department Subtotal</b>	<b>\$2,050,235.00</b>	<b>\$1,400,820.91</b>	<b>\$1,461,460.31</b>	<b>\$60,639.40</b>	<b>\$588,774.69</b>	<b>71</b>
<b>Expenditure Subtotal</b>	<b>\$2,050,235.00</b>	<b>\$1,400,820.91</b>	<b>\$1,461,460.31</b>	<b>\$60,639.40</b>	<b>\$588,774.69</b>	<b>71</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$2,050,235.00</b>	<b>-\$1,400,820.91</b>	<b>-\$1,400,820.91</b>	<b>-\$60,639.40</b>	<b>68</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$2,050,235.00</b>	<b>-\$1,400,820.91</b>	<b>-\$1,400,820.91</b>	<b>-\$60,639.40</b>	<b>68</b>
<b>5200 Fire Services</b>						
<b>Expenditure</b>						
<b>5200 Fire Services</b>						
10-5200-0000 FIRE CONTRACT	425,000.00	212,500.00	212,500.00	0.00	212,500.00	50
<b>5200 Fire Services Subtotal</b>	<b>\$425,000.00</b>	<b>\$212,500.00</b>	<b>\$212,500.00</b>	<b>\$0.00</b>	<b>\$212,500.00</b>	<b>50</b>
<b>Expenditure Subtotal</b>	<b>\$425,000.00</b>	<b>\$212,500.00</b>	<b>\$212,500.00</b>	<b>\$0.00</b>	<b>\$212,500.00</b>	<b>50</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>-\$212,500.00</b>	<b>-\$212,500.00</b>	<b>\$0.00</b>	<b>50</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>-\$212,500.00</b>	<b>-\$212,500.00</b>	<b>\$0.00</b>	<b>50</b>
<b>5600 Public Works</b>						
<b>Expenditure</b>						
<b>5600 Public Works</b>						
10-5600-0200 SALARIES	221,831.00	149,965.14	149,965.14	0.00	71,865.86	68
10-5600-0500 FICA	16,970.00	11,182.35	11,182.35	0.00	5,787.65	66
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	41,748.00	16,459.50	16,459.50	0.00	25,288.50	39
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	10,500.00	2,951.20	2,951.20	0.00	7,548.80	28
10-5600-0675 HRA HEALTH REIMB ACCT	7,500.00	2,625.00	2,625.00	0.00	4,875.00	35
10-5600-0700 LGERS RETIREMENT	48,182.00	30,617.48	30,617.48	0.00	17,564.52	64
10-5600-0800 401K SUPP RETIREMENT	11,092.00	6,786.02	6,786.02	0.00	4,305.98	61
10-5600-1300 STREETLIGHTS ELECTRIC	16,800.00	5,234.16	5,234.16	0.00	11,565.84	31
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	7,071.78	7,698.16	626.38	2,301.84	77
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	15,000.00	3,185.03	3,185.03	0.00	11,814.97	21
10-5600-1700 MAINT/REPAIR - VEHICLES	16,800.00	4,009.29	4,009.29	0.00	12,790.71	24
10-5600-3100 MOTOR FUELS	15,000.00	7,306.95	7,306.95	0.00	7,693.05	49
10-5600-3300 SUPPLIES	9,600.00	7,383.14	7,383.14	0.00	2,216.86	77
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	570.50	570.50	0.00	429.50	57
10-5600-3600 UNIFORMS	10,000.00	3,363.46	5,131.59	1,768.13	4,868.41	51
10-5600-3800 TECHNOLOGY	1,680.00	588.58	588.58	0.00	1,091.42	35
10-5600-5200 PARKS	75,000.00	14,164.98	15,678.90	1,513.92	59,321.10	21
10-5600-5202 GREENWOOD PARK STREAM RESTORA	60,000.00	0.00	0.00	0.00	60,000.00	0
10-5600-5800 PHYSICAL EXAMS	1,000.00	0.00	0.00	0.00	1,000.00	0

**REVENUE & EXPENDITURE STATEMENT**

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10-5600-5900 MISCELLANEOUS	5,000.00	905.44	905.44	0.00	4,094.56	18
10-5600-6000 CAPITAL OUTLAY	22,800.00	0.00	0.00	0.00	22,800.00	0
10-5600-6500 STAFF DEVELOPMENT	6,000.00	2,730.07	5,526.09	2,796.02	473.91	92
40-5600-7401 ARP CAPITAL PROJECTS	451,275.58	120,648.15	120,648.15	0.00	330,627.43	27
40-5600-7402 CATEGORY A- DEBRIS	7,904,000.00	3,147,297.51	3,147,297.51	0.00	4,756,702.49	40
40-5600-7403 CATEGORY B- EMERGENCY PROTECTIV	175,000.00	2,855.76	2,855.76	0.00	172,144.24	2
40-5600-7404 CATEGORY C- ROADS & BRIDGES	50,000.00	0.00	0.00	0.00	50,000.00	0
40-5600-7406 CATEGORY E- PUBLIC BUILDINGS & COI	20,000.00	0.00	0.00	0.00	20,000.00	0
40-5600-7407 CATEGORY F- PUBLIC UTILITIES	200,000.00	0.00	0.00	0.00	200,000.00	0
40-5600-7408 CATEGORY G- PARKS, RECREATION, & C	850,000.00	0.00	0.00	0.00	850,000.00	0
40-5600-7409 CATEGORY Z- ADMINISTRATIVE COST	460,000.00	0.00	0.00	0.00	460,000.00	0
<b>5600 Public Works Subtotal</b>	<b>\$10,733,778.58</b>	<b>\$3,547,901.49</b>	<b>\$3,554,605.94</b>	<b>\$6,704.45</b>	<b>\$7,179,172.64</b>	<b>33</b>
<b>Expenditure Subtotal</b>	<b>\$10,733,778.58</b>	<b>\$3,547,901.49</b>	<b>\$3,554,605.94</b>	<b>\$6,704.45</b>	<b>\$7,179,172.64</b>	<b>33</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$10,733,778.58</b>	<b>-\$3,547,901.49</b>	<b>-\$3,547,901.49</b>	<b>-\$6,704.45</b>	<b>33</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$10,733,778.58</b>	<b>-\$3,547,901.49</b>	<b>-\$3,547,901.49</b>	<b>-\$6,704.45</b>	<b>33</b>
<b>5700 Streets &amp; Transportation</b>						
<b>Expenditure</b>						
<b>5700 Streets &amp; Transportation</b>						
10-5700-1600 MAINT / REPAIR-EQUIPMENT	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	1,000.00	1,068.25	1,068.25	0.00	-68.25	107
10-5700-2200 CONTRACTS- PAVING & STRIPING	75,000.00	79,433.47	79,433.47	0.00	-4,433.47	106
10-5700-2300 SUPPLIES	9,600.00	7,270.56	10,107.25	2,836.69	-507.25	105
10-5700-2400 TRAFFIC SIGNS	1,000.00	0.00	0.00	0.00	1,000.00	0
10-5700-2500 STORM WATER DRAINAGE	1,100,000.00	646,000.73	646,000.73	0.00	453,999.27	59
10-5700-6500 STAFF DEVELOPMENT	2,500.00	0.00	0.00	0.00	2,500.00	0
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	25,000.00	0.00	0.00	0.00	25,000.00	0
10-5700-7500 ENGINEERING	120,000.00	51,717.10	51,717.10	0.00	68,282.90	43
10-5700-8200 DEBT SERVICE LEASES-PRINCIPAL	7,700.00	3,996.72	3,996.72	0.00	3,703.28	52
10-5700-8201 DEBT SERVICE LEASES-INTEREST	3,000.00	1,668.78	1,668.78	0.00	1,331.22	56
<b>5700 Streets &amp; Transportation Subtotal</b>	<b>\$1,349,800.00</b>	<b>\$791,155.61</b>	<b>\$793,992.30</b>	<b>\$2,836.69</b>	<b>\$555,807.70</b>	<b>59</b>
<b>Expenditure Subtotal</b>	<b>\$1,349,800.00</b>	<b>\$791,155.61</b>	<b>\$793,992.30</b>	<b>\$2,836.69</b>	<b>\$555,807.70</b>	<b>59</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,349,800.00</b>	<b>-\$791,155.61</b>	<b>-\$791,155.61</b>	<b>-\$2,836.69</b>	<b>59</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,349,800.00</b>	<b>-\$791,155.61</b>	<b>-\$791,155.61</b>	<b>-\$2,836.69</b>	<b>59</b>
<b>5800 Sanitation &amp; Recycling</b>						
<b>Expenditure</b>						
<b>5800 Sanitation &amp; Recycling</b>						
10-5800-0200 SALARIES	142,326.00	103,659.75	103,659.75	0.00	38,666.25	73
10-5800-0500 FICA	10,888.00	7,852.62	7,852.62	0.00	3,035.38	72
10-5800-0600 HEALTH INSURANCE (MEDICAL)	25,012.00	13,233.30	13,233.30	0.00	11,778.70	53

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10-5800-0650 DENTAL, VISION, LIFE INSURANCE	6,300.00	2,026.48	2,026.48	0.00	4,273.52	32
10-5800-0675 HRA HEALTH REIMB ACCT	4,500.00	2,250.00	2,250.00	0.00	2,250.00	50
10-5800-0700 LGERS RETIREMENT	48,182.00	20,367.41	20,367.41	0.00	27,814.59	42
10-5800-0800 401K SUPP RETIREMENT	11,092.00	4,992.02	4,992.02	0.00	6,099.98	45
10-5800-1500 GENERAL REPAIRS & MAINTENANCE	100.00	100.00	100.00	0.00	0.00	100
10-5800-1700 MAINT/REPAIRS - VEHICLES	86,400.00	15,166.85	15,430.99	264.14	70,969.01	18
10-5800-3100 MOTOR FUELS	24,000.00	7,492.81	7,492.81	0.00	16,507.19	31
10-5800-3300 SUPPLIES	1,000.00	1,709.30	1,709.30	0.00	-709.30	171
10-5800-3800 TECHNOLOGY	1,000.00	900.17	900.17	0.00	99.83	90
10-5800-6000 CAPITAL OUTLAY	150,000.00	0.00	0.00	0.00	150,000.00	0
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	27,000.00	10,225.19	10,225.19	0.00	16,774.81	38
10-5800-8100 RECYCLING	8,000.00	2,177.33	2,177.33	0.00	5,822.67	27
10-5800-8200 BRUSH & LEAF DISPOSAL FEES	43,200.00	4,900.00	4,900.00	0.00	38,300.00	11
10-5800-8300 DUMPSTER FEES	24,000.00	13,202.17	13,202.17	0.00	10,797.83	55
<b>5800 Sanitation &amp; Recycling Subtotal</b>	<b>\$613,000.00</b>	<b>\$210,255.40</b>	<b>\$210,519.54</b>	<b>\$264.14</b>	<b>\$402,480.46</b>	<b>34</b>
<b>Expenditure Subtotal</b>	<b>\$613,000.00</b>	<b>\$210,255.40</b>	<b>\$210,519.54</b>	<b>\$264.14</b>	<b>\$402,480.46</b>	<b>34</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$613,000.00</b>	<b>-\$210,255.40</b>	<b>-\$210,255.40</b>	<b>-\$264.14</b>	<b>34</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$613,000.00</b>	<b>-\$210,255.40</b>	<b>-\$210,255.40</b>	<b>-\$264.14</b>	<b>34</b>
<b>6600 General Government</b>						
<b>Expenditure</b>						
<b>6600 General Government</b>						
10-6600-0400 OUTSIDE PROFESSIONAL SERVICES	50,000.00	2,425.00	2,425.00	0.00	47,575.00	5
10-6600-0401 LEGAL SERVICES	24,000.00	11,937.50	11,937.50	0.00	12,062.50	50
10-6600-1100 TECHNOLOGY	125,000.00	63,875.98	69,735.87	5,859.89	55,264.13	56
10-6600-1300 MUNICIPAL UTILITIES	24,000.00	12,425.48	12,425.48	0.00	11,574.52	52
10-6600-1500 GE. REPS. AND MAINT.	40,000.00	16,101.14	16,101.14	0.00	23,898.86	40
10-6600-2800 ELECTIONS	1,000.00	0.00	0.00	0.00	1,000.00	0
10-6600-5400 INSURANCE	120,000.00	124,398.10	124,398.10	0.00	-4,398.10	104
10-6600-6000 CONTINGENCY	260,708.00	0.00	0.00	0.00	260,708.00	0
10-6600-6100 MISCELLANEOUS	5,000.00	2,595.14	2,595.14	0.00	2,404.86	52
10-6600-6201 CORPORATE WELLNESS	12,000.00	707.42	707.42	0.00	11,292.58	6
10-6600-6300 COMMUNITY EVENTS	50,000.00	15,488.60	18,573.20	3,084.60	31,426.80	37
10-6600-6400 WILDLIFE MANAGEMENT	5,000.00	470.00	470.00	0.00	4,530.00	9
10-6600-6500 FOREST MANAGEMENT	60,000.00	138,054.00	138,054.00	0.00	-78,054.00	230
<b>6600 General Government Subtotal</b>	<b>\$776,708.00</b>	<b>\$388,478.36</b>	<b>\$397,422.85</b>	<b>\$8,944.49</b>	<b>\$379,285.15</b>	<b>51</b>
<b>Expenditure Subtotal</b>	<b>\$776,708.00</b>	<b>\$388,478.36</b>	<b>\$397,422.85</b>	<b>\$8,944.49</b>	<b>\$379,285.15</b>	<b>51</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$776,708.00</b>	<b>-\$388,478.36</b>	<b>-\$388,478.36</b>	<b>-\$8,944.49</b>	<b>50</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$776,708.00</b>	<b>-\$388,478.36</b>	<b>-\$388,478.36</b>	<b>-\$8,944.49</b>	<b>50</b>

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<b>6700 Debt Service</b>						
<b>Expenditure</b>						
<b>6700 Debt Service</b>						
10-6700-0500 Public Works Building-Principal	84,211.00	42,105.26	42,105.26	0.00	42,105.74	50
10-6700-0600 NCDEQ LOAN STRM REST	14,600.00	0.00	0.00	0.00	14,600.00	0
10-6700-1500 Public Works Building-Interest	12,025.00	6,366.31	6,366.31	0.00	5,658.69	53
<b>6700 Debt Service Subtotal</b>	<b>\$110,836.00</b>	<b>\$48,471.57</b>	<b>\$48,471.57</b>	<b>\$0.00</b>	<b>\$62,364.43</b>	<b>44</b>
<b>Expenditure Subtotal</b>	<b>\$110,836.00</b>	<b>\$48,471.57</b>	<b>\$48,471.57</b>	<b>\$0.00</b>	<b>\$62,364.43</b>	<b>44</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$110,836.00</b>	<b>-\$48,471.57</b>	<b>-\$48,471.57</b>	<b>\$0.00</b>	<b>44</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$110,836.00</b>	<b>-\$48,471.57</b>	<b>-\$48,471.57</b>	<b>\$0.00</b>	<b>44</b>
<b>8100 Water Dept.</b>						
<b>Expenditure</b>						
<b>8100 Water Dept.</b>						
30-8100-0200 SALARIES	199,205.00	95,490.28	95,490.28	0.00	103,714.72	48
30-8100-0400 PROFESSIONAL SERVICES	20,000.00	16,555.26	17,790.30	1,235.04	2,209.70	89
30-8100-0500 FICA	15,239.00	7,152.20	7,152.20	0.00	8,086.80	47
30-8100-0600 HEALTH INSURANCE (MEDICAL)	0.00	11,729.52	11,729.52	0.00	-11,729.52	*100
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	0.00	2,232.36	2,232.36	0.00	-2,232.36	*100
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	0.00	1,875.00	1,875.00	0.00	-1,875.00	*100
30-8100-0700 LGERS RETIREMENT	40,399.00	19,622.58	19,622.58	0.00	20,776.42	49
30-8100-0800 401K SUPP RETIREMENT	9,960.00	6,022.15	6,022.15	0.00	3,937.85	60
30-8100-1200 POSTAGE, PRINTING, & STATIONARY	2,000.00	0.00	0.00	0.00	2,000.00	0
30-8100-1500 GENERAL REPAIRS	15,000.00	0.00	0.00	0.00	15,000.00	0
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	23,191.50	27,416.04	4,224.54	-12,416.04	183
30-8100-4800 WATER PURCHASES	215,545.00	74,565.66	74,565.66	0.00	140,979.34	35
30-8100-4900 SEWER PURCHASES	422,240.00	180,474.12	180,474.12	0.00	241,765.88	43
30-8100-5000 AMI TRANSMITTER FEES	8,867.00	3,788.33	3,788.33	0.00	5,078.67	43
30-8100-6500 STAFF DEVELOPMENT	2,500.00	650.00	650.00	0.00	1,850.00	26
30-8100-7400 CAPITAL IMPROVEMENT	128,552.00	0.00	0.00	0.00	128,552.00	0
<b>8100 Water Dept. Subtotal</b>	<b>\$1,094,507.00</b>	<b>\$443,348.96</b>	<b>\$448,808.54</b>	<b>\$5,459.58</b>	<b>\$645,698.46</b>	<b>41</b>
<b>Expenditure Subtotal</b>	<b>\$1,094,507.00</b>	<b>\$443,348.96</b>	<b>\$448,808.54</b>	<b>\$5,459.58</b>	<b>\$645,698.46</b>	<b>41</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,094,507.00</b>	<b>-\$443,348.96</b>	<b>-\$443,348.96</b>	<b>-\$5,459.58</b>	<b>41</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,094,507.00</b>	<b>-\$443,348.96</b>	<b>-\$443,348.96</b>	<b>-\$5,459.58</b>	<b>41</b>

**BOARD OF COMMISSIONERS MEETING  
STAFF MEMORANDUM  
JANUARY 14, 2024**



**AGENDA ITEM F**

**PUBLIC HEARING FOR ZTA 2025-01  
AMENDING THE TOWN'S ZONING ORDINANCE  
REGARDING ACCESSORY STRUCTURES**

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**Background**

A public hearing is required prior the adoption of any amendment to the Town's Zoning Ordinance. The Town appropriately notified the public of this hearing, including publication in the Asheville *Citizen-Times* (affidavit attached).

The ordinance text may be found in Agenda Item G-1. Please note, there is a clean and fully revised version that does not show track changes and there is a version that *does* show the track changes. The clean version is the one attached to the ordinance itself.

355 Vanderbilt Rd | Biltmore Forest, NC  
Po Box 5352 | Biltmore Forest, NC 28803  
P (828) 274-0824 | F (828) 274-8131  
www.biltmoreforest.org



George F. Goosmann, III, Mayor  
Doris P. Loomis, Mayor Pro-Tem  
Drew Stephens, Commissioner  
Allan Tarleton, Commissioner

Jonathan B. Kanipe,  
Town Manager

NOTICE  
PUBLIC HEARING  
TOWN OF BILTMORE FOREST

The Town Board of Commissioners will hold a Public Hearing on Tuesday, January 14, 2025, at 4:30pm regarding amendments to the Town Zoning Ordinance. The public is invited to view or request a copy of the proposed changes to the Zoning Ordinance at the Biltmore Forest Town Hall, or alternatively can review the full draft amendments on the Town's website at <http://www.biltmoreforest.org>. The proposed changes are related to the Town's accessory structure ordinances.

The public is invited to attend and make comments.

Laura Jacobs  
Town Clerk

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Please run the above classified ad on Sunday, December 29, 2024 and Sunday, January 5, 2025. I understand that an affidavit will automatically be sent.

Send the invoice to: The Town of Biltmore Forest  
P.O. Box 5352  
Asheville, NC 28813

**ORDINANCE 2025-01**

**AN ORDINANCE TO AMEND THE  
TOWN OF BILTMORE FOREST ZONING ORDINANCE**

**WHEREAS**, the Town of Biltmore Forest has adopted a Zoning Ordinance which regulates the use of land within its corporate limits; and

**WHEREAS**, the Town of Biltmore Forest desires to revise a portion of the existing zoning ordinance; and

**WHEREAS**, the Town of Biltmore Forest Planning Commission recommended approval of this zoning ordinance amendment and found it consistent with the Town of Biltmore Forest's comprehensive plan.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BILTMORE FOREST THAT THE FOLLOWING SECTIONS OF CHAPTER 153, TOWN OF BILTMORE FOREST ZONING ORDINANCE, BE AMENDED AS FOLLOWS:**

**SECTION 1.**

§ 153.004 INTERPRETATIONS AND DEFINITIONS.

(A) Tense; singular and plural. Words used sed in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

(B) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY STRUCTURE.** A structure incidental and subordinate to the principal use or building on the lot and located on the same lot with such principal use or building. **ACCESSORY STRUCTURES** include, but are not limited to, driveways and associated walls and curbs, fences, walls, curbs, pools, play sets, statues, water features, playhouses, decorative walls, sculptures, solar collectors, residential street lamps, rock and stone moved from its original location to any other location on the property, and the like.

**ALLEY.** A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**APARTMENT.** A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family.

**APARTMENT, GARAGE.** A part of a garage consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family.

**BOARD OF ADJUSTMENT.** The Town of Biltmore Forest Board of Adjustment, and shall include both regular and alternate members.

**BOARD OF COMMISSIONERS.** The Town of Biltmore Forest Board of Commissioners.

**BONA FIDE FARM.** All land on which agricultural operations are conducted as the principal use, including the cultivation of crops, the husbandry of livestock and timber resources, and the management of open pasture land.

**BUFFER STRIP.** A strip of land together with some form of screening such as existing vegetation, planted vegetation, a landscaped earth berm or grade change, or combination of the above. The purpose of the BUFFER STRIP is to minimize the potential conflicts between adjoining land uses.

**BUILDING.** Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property. Two structures shall be deemed a single building only if connected by heated and enclosed living space.

**BUILDING, ACCESSORY.** A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot.

**BUILDING HEIGHT.** The distance measured from the average ground level at the building foundation to the highest point of the roof, but in no event above 40 feet from the highest point in the foundation. A chimney that complies with the minimum the State Building Code requirements for height of a chimney shall not be included in the calculations for height of the building; provided, that the chimney shall not extend more than five feet above the immediately adjoining ridge line of the roof.

**BUILDING, PRINCIPAL.** A building used for the same purpose as the principal use of the lot.

**BUILDING SETBACK LINE.** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Front setback lines shall be measured from the street line.

**CARETAKER.** A person that maintains grounds or structures on a lot or cares for the well-being of person(s) residing in the principal dwelling on a lot, and resides on the premises without being charged a rental fee.

**CLOTHING AND JEWELRY SALE.** The sale to the public of clothes and jewelry that have been brought to the home for that purpose.

**CLUSTERED HOUSING DEVELOPMENT.** Grouping or concentration of housing units on lots smaller than permitted by the existing zoning to preserve open space without increasing the allowable density of the development.

**COMMERCIAL SERVICE or PROFESSIONAL SERVICE.** Establishments or professions charging a fee for providing a service to the public.

**CONSUMER SERVICES.** Businesses providing services to the public for profit, including dining and restaurant services (not to include fast food service restaurants), lodging and motel services, financial, real estate and insurance services, and other personal services. In addition to the above, CONSUMER SERVICES shall not include filling and gasoline service stations or auto repair shops as defined by this chapter.

**DAY NURSERY and PRIVATE KINDERGARTEN.** A use of land and buildings to provide group care for children.



DISTRICT. A section of the Town of Biltmore Forest in which zoning regulations are uniform.

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of G.S. Ch. 160D, Art. 12, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

DWELLING, MULTI-FAMILY. A building or portion thereof used or designed as a residence for two or more families living independently.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by one family.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one family.

EASEMENT. A grant by a property owner of a strip of land for specified purpose and use by the public, a corporation, or persons.

ESTATE/AUCTION SALE. The one-time sale to the public of goods that is held at the home. The goods and items offered for sale at the auction must be personal property that has been owned by the resident(s) of the home. No goods or items to be sold shall be shipped or transported to the home from any other location. The sale shall be limited to no more than two consecutive days and the hours for the sale shall be between 10:00 a.m. and 8:00 p.m.

FAMILY. One or more persons occupying a single-dwelling unit; provided, that unless all members are related by blood or marriage or adoption, no such family shall contain over three persons, but further; provided, that domestic servants, caretakers, and security personnel employed or living on the premises may be housed on the premises without being counted as a FAMILY or FAMILIES.

GARAGE/YARD SALE. The sale to the public of typical household items that is held at the residence. The household items to be sold shall be items from the residence where the sale is to occur. Each residence is limited to one such sale per year. The sale shall not begin before 8:00 a.m. and shall end by 5:00 p.m.

GASOLINE SERVICE STATION/AUTO REPAIR SHOP. Buildings and premises where gasoline, automotive fuel, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made and no other. Sales and servicing as follows: spark plugs, batteries, and distributors and distributor parts; tire servicing and repair, but not recapping or regrooving; replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like; radiator cleaning and flushing; washing and polishing, the sale of automotive washing and polishing materials; greasing and lubrication; providing and repairing fuel pumps, oil pumps, and lines; minor servicing and repair of carburetors; emergency wiring repairs; adjusting and repairing brakes, wheel balancing and alignment, minor motor adjustments not involving removal of the head or crankcase or racing the motor; sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation; automobile body repair

services; provision of road maps and other informational materials to customers; provision of restroom facilities.

**GRADING.** Any land-disturbing activity where the ground cover on or above the soil surface is removed and reconfigured, including trees, grasses, or pavements or other surfaces either natural or human-made.

**HOME BUSINESS ACTIVITY.** A business conducted from the home such as internet enterprise, professional office, or the making of crafts or items where no one is employed that does not live in the home and no one comes to the home for a business transaction as part of the activity.

**HOME OCCUPATION.** An occupation providing a service carried on by the occupants of a dwelling; provided, that certain conditions are met as listed in § 153.008(C)(5).

**HOME STAY.** Rental of a part of a dwelling unit or accessory structure for consideration, including in kind compensation, to a transient person or persons for a period of less than 90 days. Advertising and renting a room or rooms in a dwelling unit of accessory structure on Airbnb or similar internet web sites would be an example of a HOME STAY. HOME STAYS are not allowed in any zoning district in Biltmore Forest.

**IMPERVIOUS SURFACE.** Any paved, hardened, or structural surface, including, but not limited to, buildings, driveways, walkways, parking areas, patios, decks, streets, swimming pools, tennis courts, and other structures and surfaces, that substantially reduces or prevents the infiltration of stormwater into the ground.

**INCOMPATIBLE LAND USE.** A land use requiring a special use permit from the Board of Adjustment in property zoned R-4 or R-5 adjacent to land zoned R-1, R-2, R-3, Public Service, or land zoned R-4 or R-5 in residential use.

**INDIVIDUAL SEWER SYSTEM.** Any septic tank, ground absorption system, privy, or other facility serving a single source or connection and approved by the County Sanitarian.

**INDIVIDUAL WATER SYSTEM.** Any well, spring, stream, or other source used to supply a single connection.

**LEGISLATIVE DECISION.** The adoption, amendment, or repeal of a regulation under this chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of G.S. Ch. 160D, Art. 10. Legislative decisions for development regulations shall be approved on first reading by simple majority vote.

**LEGISLATIVE HEARING.** A hearing to solicit public comment on a proposed legislative decision.

**LIVING AREA.** Includes the area inside the dwelling walls of each particular floor, but shall not include basements, utility rooms, laundry rooms, storage rooms (other than closets), pantries, garages, and attics. LIVING AREA shall, however, include living rooms, dens, studies, kitchens, bedrooms, breakfast rooms, bathrooms, and closets in any of said rooms, foyers, entrance ways, and hallways connecting any of these rooms.

**LOT.** A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. Includes the words PLOT or PARCEL.

LOT DEPTH. The mean horizontal distance between front and rear lot lines.

LOT OF RECORD. Any lot for which a plat has been recorded in the Register of Deeds Office of Buncombe County, or described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measured at the front building line.

MAY. The word MAY is permissive.

MOBILE HOME. A factory assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without permanent foundation and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

NONCONFORMING USE. Any parcel of land, use of land, building, or structure existing at the time of adoption of this chapter, or any amendment thereto, that does not conform to the use or dimensional requirements of the district in which it is located.

ORDINANCE. The Zoning Ordinance of the Town of Biltmore Forest.

PARKING SPACE. An area for parking a vehicle, plus the necessary access space. PARKING SPACE(S) shall always be located outside the dedicated street right-of-way and shall be provided with vehicular access to a street or alley.

PARKS. Includes those areas developed either for passive or active recreational activities. The development may include, but shall not be limited to, walkways, benches, open fields, multi-use courts, swimming and wading pools, amphitheaters, and the like. The term PARK shall not include zoos, travel trailer parks, amusement parks, or vehicle, equestrian, or dog racing facilities.

PERSON or APPLICANT. Includes a firm, association, organization, partnership, corporation, company, trust, and an individual or governmental unit.

PLANNED UNIT DEVELOPMENT. A development where more than one principal building is proposed to be constructed on a single tract or a clustered housing development or any residential complex containing at least six or more units or any building with a gross floor area of 50,000 square feet or more, shall be deemed a PLANNED UNIT DEVELOPMENT (PUD). Multi-family structures shall have no less than three dwelling units per structure. Residential units within a planned unit development may include single-family detached or attached units, townhouse developments, condominiums, and other multi-family type residential units, excluding time sharing units, mobile homes, and mobile home parks.

PLANNING COMMISSION. The Town of Biltmore Forest Planning Commission.

PROTECTIVE BARRIER. A protective barrier is either:

- (a) A temporary fence which is at least three feet high and constructed in a post and rail configuration, using two by four posts and one by four rails;
- (b) A temporary fence with two by four posts placed no farther than ten feet apart covered with a four-foot orange polyethylene laminar safety fencing; or
- (c) A temporary fence using an equivalent material.

**PUBLIC SEWER SYSTEM.** Any sewer system owned and operated by a local government in Buncombe County, or other sewage treatment facility serving two or more connections, or any wastewater treatment system having a discharge to surface waters when approved by the Division of Environmental Management of the Department of Natural Resources and Community Development, or a ground absorption system serving two or more connections when approved by the County Sanitarian.

**PUBLIC WATER SYSTEM.** Water systems serving 15 or more residential connections or serving more than 25 year-round residents are classified as public water supplies, and plans and specifications must be approved by the State Department of Human Resources, Division of Health Services. Also, water supply systems serving from two to 14 connections shall be regulated by the County Board of Health and plans shall be approved by the Buncombe County Health Department, Environmental Health Section.

**RECREATION USER NONPROFIT.** An indoor or outdoor recreation facility operated on a nonprofit basis, according to the laws of North Carolina.

**RECREATION USER PROFIT.** An indoor or outdoor recreation facility operated on a profit basis.

**RESIDENTIAL DENSITY.** The number of dwelling units per acre devoted to residential buildings, accessory uses, and open spaces within the site, but excluding land for streets and street rights-of-way. **RESIDENTIAL DENSITY** shall be calculated by first subtracting the land area required for streets and rights-of-way from the total or gross land area of the tract to derive a net land area, and then dividing the number of dwelling units proposed to be built by the net land area.

**RETAIL BUSINESS.** Establishments selling commodities directly to the consumer. Fast food service restaurants, gasoline service stations/auto repair, or the dispensation of gasoline as an ancillary service to a retail use shall be prohibited.

**ROOF COVERAGE.** For the purposes of building construction and the calculation of maximum roof coverage pursuant to §§ 153.029(B)(1)(b) and 153.043 (and any other section of this chapter dealing with roof coverage), **ROOF COVERAGE** shall be the area contained under the roof of the primary building or any accessory structure/building and shall also include any impervious deck surface or any other above-grade impervious surface extending from or being attached to any primary building or accessory structure/building. Both heated and unheated enclosed spaces or any open space within, under or covered by the roof of the primary building or accessory structure/building or by any above-grade impervious surface (such as a deck, and the like), extending from the primary building or accessory structure/building shall be included in the calculation of **ROOF COVERAGE**.

**ROOT PROTECTIVE ZONE.** A circle encompassing an area around an existing tree or shrub that is the greater of the following two distances:

- (a) A one-foot radius for every one inch of tree or shrub trunk caliper (diameter); or
- (b) A measurement of the furthest or most outward branch or limb from the main trunk when that distance is then drawn as a circle around the remaining portion of the tree or shrub, commonly referred to as the 'drip line'. The minimum **ROOT PROTECTION ZONE** in any case is a radius of eight feet measured from the tree trunk.

SHALL. The word SHALL is mandatory.

SHORT TERM RENTAL. Rental of a dwelling unit or accessory structure for consideration, including in kind compensation, for a period of less than 90 days. SHORT TERM RENTALS are not allowed in any zoning district in Biltmore Forest.

SPECIAL USE. A use permitted in specified zoning districts only after review by the Board of Adjustment and found to meet specific conditions and procedures as set forth in this chapter to maintain the safety and general welfare and orderly development of the community.

STREET (ROAD). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties. STREET also includes the words ROAD and HIGHWAY.

STREET LINE. The edge of the roadway pavement.

STRUCTURE. Anything constructed or erected, including, but not limited to, buildings, which requires location on the land or attachment to something having permanent location on the land.

SUBSTANTIAL COMPLETION. For the purpose of building construction; the completion of all exterior work on the building; the completion of all plumbing, electrical, and HVAC work; the completion of all window installation; the completion of all interior and exterior door installation, the completion of all wall construction, painting, and/or covering, the completion of all floor installation and/or covering; and the completion of all other work necessary to receive a certificate of occupancy from the Buncombe County Inspections Department. Minor work typically noted on a punch list may be incomplete and the structure shall be deemed to be substantially completed.

SUBSTANTIAL PROGRESS. For the purpose of building construction, it is expected that construction of the building is continuous and that progress is obvious and observable with inspections as required under the State Building Code occurring on a regular basis.

VARIANCE. As defined in G.S. § 160D-705(d) together with any amendments thereto.

WHOLESALE BUSINESS. The sale of goods in large quantities usually for resale.

YARD. A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or property line and the front line of the building, projected to the side lot lines of the lot. Driveways, to the extent possible, shall enter the property through the front yard. In the case of a lot with frontage on more than one street, the side of the lot with the most street frontage shall be considered the FRONT YARD; however, in the consideration and determination of applications for variance on such a lot, the Board of Adjustment shall take into account and consider the visibility of both the FRONT and side yards to the street and adjoining properties in any determination.

YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

**YARD, SIDE.** An open, unoccupied space on the same lot with a principal building extending the full width of the lot and being situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard. Notwithstanding the above definition, for the purposes of determining compliance with minimum yard setback of § 153.007, the **SIDE YARD** shall be the entire length of each side lot line extending from the front lot line to the rear lot line and shall equally apply to lots with a principal building, lots without a principal building and vacant lots. Driveways shall not be located in the side yard setback.

**ZONING ADMINISTRATOR.** An official or designated person of the Town of Biltmore Forest charged with enforcing and administering the zoning ordinance.

**ZONING MAP or BILTMORE FOREST ZONING MAP.** The official zoning map of the Town of Biltmore Forest.

**Section 2.**

153.006 PERMITTED USE TABLE

(A) Table. The following tables show the land uses permitted in each zoning district and the dimensional requirements for each zoning district, including minimum lot sizes, minimum lot widths, and minimum setback requirements.

<b>Zoning Districts</b>					
<b>Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Accessory Buildings	S	S	S	S	S
Accessory Structures	P	P	P	P	P
Banks				S	S
Bona Fide Farms	S		S	S	P
Business or Special Schools (art, craft, dance, and the like)				S	S
Churches/Religious Assembly				S	S
Clothing & Jewelry Sales <sup>1</sup>	P	P	P	P	P
Country, athletic, & social clubs	S	S	S	S	S
Commercial Business					S
Commercial Services (excluding retail trade)				S	S
Day nurseries/Day Care				S	S
Estate Auction Sale <sup>2</sup>	P	P	P	P	P
Fundraising events for nonprofits or political campaigns <sup>3</sup>	P	P	P	P	P
Garage/yard sales <sup>4</sup>	P	P	P	P	P

Home Business Activity <sup>5</sup>	P	P	P	P	P
Home Occupations				S	S
Libraries				S	S
Medical and dental services				S	S
Planned Unit Development <sup>6</sup>			S	S	S
Professional & Business Offices				S	S
Public recreational facilities - nonprofit parks, playgrounds, scenic parkways, and open space)	P	P	P	P	P
Public utility station and substations	S	S	S	S	S
Retail businesses					S
Schools, public and private	S	S	S	S	S
Single-family residential dwelling unit	P	P	P	P	P
S = Special Use Permit required P = Permitted Use; Zoning Review, Application, & Permit Required					

(B) General provisions. The following are general provisions applicable to the table as noted by a superscript following a specific use.

(1) Only two clothing or jewelry sales maybe held per year at each dwelling, not to exceed five consecutive days for each sale. Property owners are required to contact the Zoning Administrator prior to holding the sale so that the date of the sale may be noted. See § 153.004.

(2) Only one estate auction sale may be held during a resident's ownership of the property. Property owners are required to contact the Zoning Administrator prior to holding the estate/auction sale so that the date of the sale may be noted. See § 153.004 for additional limitations.

(3) Only four fundraising events may be held per year at each dwelling. No such event shall last longer than five hours in a single day and any such event must end by 11:00 p.m. There shall be no



sales of goods or services at any such event. Parking for such an event must not impede the normal flow of traffic and must not be upon any other property without permission from the other property owners.

(4) Only one garage/yard sale may be held per year at each dwelling. Property owners are required to contact the Zoning Administrator prior to holding the sale so that the date of the sale may be noted. See § 153.004.

(5) No home business activity shall employ any person who does not live in the home. No person shall come to the home for a business transaction of any nature as part of the home business activity, including, but not limited to, retail or commercial sales or fee for service transactions. See § 153.004.

(6) Where there is proposed more than one principal building per lot or where there is proposed any building with a gross floor area of 50,000 square feet or more, a planned unit development must be sought. See § 153.004 for additional requirements.

(C) Home stays and short term rentals are not allowed in any district. There may be only two rentals of a dwelling unit or accessory structure in any calendar year.

**Section 3.**

§ 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				
			Minimum Lot Width At Building Line in Feet	Front Yard From Street Edge	Side Yard	Rear Yard	Maximum Height in 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).

(1) 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).

(2) Footnote 2. On all corner lots, a 30-foot side yard setback is required.

(3) Footnote 3. Accessory structures shall meet all setback requirements.

(4) Footnote 4. Whichever is greater, 20,000 square feet, or twice the gross floor area of the building.

(5) 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.

(6) 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

#### Section 4.

##### § 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

(A) Accessory structures and/or necessary buildings shall not detract from nor interfere with adjacent properties. No accessory structure or building shall be constructed, erected, or located within any front yard, or within any side yard setback or rear yard setback.

(B) (1) In addition, the following standards are established for accessory structures and accessory buildings:

- (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in § 153.008;
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building must be designed in the same architectural style as the principal structure;
- (g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ 153.043 and 153.048; and
- (h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

(3) Fences, gates, and walls shall be regulated in accordance with § 153.049 of this Zoning Ordinance.

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

Editor's note:

This amendatory language was passed during a Board meeting, July 9, 2013

## Section 5.

### § 153.037 ACCESSORY BUILDINGS UTILIZED AS DWELLINGS.

(A) Upon adoption of this chapter, accessory buildings used as dwelling units and occupied by a “family” (see definition in § 153.004) member shall be a conforming use. Such units occupied by a non-family member shall be nonconforming uses.

(B) (1) The definitions and provisions of this chapter provide for this situation.

(2) Therefore, the following shall apply:

(a) An existing accessory building occupied at the time of adoption of this chapter by a non-family member can continue to be used for such purpose. If the unit occupied by a non-family member becomes vacant for more than 60 days (see § 153.036(C)(2)(c)4.), then such unit could only be reoccupied by a family member.

(b) New accessory buildings intended for use as dwellings shall only be occupied by a family member.

## Section 6.

### § 153.049 FENCE, GATE AND WALL REGULATIONS.

The Board of Commissioners for the Town of Biltmore Forest that the following amendments to the Zoning Ordinance and subsequent regulations be placed on fence, gate, and wall construction and replacement as of the effective date of this section.

(A) New fences, gates or walls may be approved administratively with the issuance of a zoning permit, so long as the gate, fence or wall meets the following requirements.

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side yard or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required.

(B) A driveway gate and supporting columns may be approved administratively with the issuance of a zoning permit so long as it meets the following requirements:

(1) The driveway gate, including columns associated with the gate structure, shall not be located in the front yard setback or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

(4) The driveway gate must open wide enough to provide for ingress and egress of emergency vehicles. The minimum acceptable standard is for the gate access to be 14 feet wide with a 14 foot minimum height clearance.

(C) Replacement of existing fences, gates, and walls shall be approved administratively with the issuance of a zoning permit so long as the replacement fence is constructed of materials deemed acceptable in § 153.049(D) and meets the requirements below. A zoning permit application to replace an existing fence, gate, or wall shall include a photograph of the existing fence or wall, specify the type of fence, gate, or wall, include a map or sketch depicting the height and length of the fence, gate, or wall and state whether the fence, gate, or wall is located within any setbacks.

(1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.

(2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

(3) Repair of more than half of an existing fence, gate, or wall shall be considered a replacement and shall be subject to this section.

(D) Acceptable materials and standards for fences and walls/maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

(1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.

(2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.

(3) No new chain link fencing or gates shall be allowed.

(4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for “Permanent Woven Wire Fencing” and “Permanent Solid-Wire Fencing.” Copies of these standards are available at the Town Hall or at the following web address (<https://www.ncwildlife.org/connect/have-wildlife-problem/tips-coexisting-wildlife/fencing-exclude-deer>)

(5) Walls should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.

(6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the Town, the Town may require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner’s expense. If the property owner fails to repair or remove the fence, gate, or wall, the Town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.

**Section 7. Effective Date.**

This ordinance amendment shall take effect upon adoption.

\_\_\_\_\_  
Date

\_\_\_\_\_  
George F. Goosmann, III  
Mayor

\_\_\_\_\_  
Laura Jacobs  
Town Clerk

§ 153.004 INTERPRETATIONS AND DEFINITIONS.

(A) Tense; singular and plural. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

(B) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY STRUCTURE.** A structure incidental and subordinate to the principal use or building on the lot and located on the same lot with such principal use or building. **ACCESSORY STRUCTURES** include, but are not limited to, [driveways and associated walls and curbs](#), fences, walls, curbs, pools, play sets, statues, water features, playhouses, decorative walls, sculptures, solar collectors, residential street lamps, rock and stone moved from its original location to any other location on the property, and the like.

**ALLEY.** A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**APARTMENT.** A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family.

**APARTMENT, GARAGE.** A part of a garage consisting of a room or rooms intended, designed, or used as a residence by an individual or a single-family.

**BOARD OF ADJUSTMENT.** The Town of Biltmore Forest Board of Adjustment, and shall include both regular and alternate members.

**BOARD OF COMMISSIONERS.** The Town of Biltmore Forest Board of Commissioners.

**BONA FIDE FARM.** All land on which agricultural operations are conducted as the principal use, including the cultivation of crops, the husbandry of livestock and timber resources, and the management of open pasture land.

**BUFFER STRIP.** A strip of land together with some form of screening such as existing vegetation, planted vegetation, a landscaped earth berm or grade change, or combination of the above. The purpose of the **BUFFER STRIP** is to minimize the potential conflicts between adjoining land uses.

**BUILDING.** Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property. Two structures shall be deemed a single building only if connected by heated and enclosed living space.

**BUILDING, ACCESSORY.** A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot.

**BUILDING HEIGHT.** The distance measured from the average ground level at the building foundation to the highest point of the roof, but in no event above 40 feet from the highest point in the foundation. A chimney that complies with the minimum the State Building Code requirements for height of a chimney shall not be included in the calculations for height of the building; provided,

that the chimney shall not extend more than five feet above the immediately adjoining ridge line of the roof.

**BUILDING, PRINCIPAL.** A building used for the same purpose as the principal use of the lot.

**BUILDING SETBACK LINE.** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Front setback lines shall be measured from the street line.

**CARETAKER.** A person that maintains grounds or structures on a lot or cares for the well-being of person(s) residing in the principal dwelling on a lot, and resides on the premises without being charged a rental fee.

**CLOTHING AND JEWELRY SALE.** The sale to the public of clothes and jewelry that have been brought to the home for that purpose.

**CLUSTERED HOUSING DEVELOPMENT.** Grouping or concentration of housing units on lots smaller than permitted by the existing zoning to preserve open space without increasing the allowable density of the development.

**COMMERCIAL SERVICE or PROFESSIONAL SERVICE.** Establishments or professions charging a fee for providing a service to the public.

**CONSUMER SERVICES.** Businesses providing services to the public for profit, including dining and restaurant services (not to include fast food service restaurants), lodging and motel services, financial, real estate and insurance services, and other personal services. In addition to the above, CONSUMER SERVICES shall not include filling and gasoline service stations or auto repair shops as defined by this chapter.

**DAY NURSERY and PRIVATE KINDERGARTEN.** A use of land and buildings to provide group care for children.

**DISTRICT.** A section of the Town of Biltmore Forest in which zoning regulations are uniform.

**DWELLING.** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of G.S. Ch. 160D, Art. 12, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**DWELLING, MULTI-FAMILY.** A building or portion thereof used or designed as a residence for two or more families living independently.

**DWELLING, SINGLE-FAMILY.** A building arranged or designed to be occupied by one family.

**DWELLING UNIT.** A building, or portion thereof, providing complete and permanent living facilities for one family.

**EASEMENT.** A grant by a property owner of a strip of land for specified purpose and use by the public, a corporation, or persons.



**ESTATE/AUCTION SALE.** The one-time sale to the public of goods that is held at the home. The goods and items offered for sale at the auction must be personal property that has been owned by the resident(s) of the home. No goods or items to be sold shall be shipped or transported to the home from any other location. The sale shall be limited to no more than two consecutive days and the hours for the sale shall be between 10:00 a.m. and 8:00 p.m.

**FAMILY.** One or more persons occupying a single-dwelling unit; provided, that unless all members are related by blood or marriage or adoption, no such family shall contain over three persons, but further; provided, that domestic servants, caretakers, and security personnel employed or living on the premises may be housed on the premises without being counted as a FAMILY or FAMILIES.

**GARAGE/YARD SALE.** The sale to the public of typical household items that is held at the residence. The household items to be sold shall be items from the residence where the sale is to occur. Each residence is limited to one such sale per year. The sale shall not begin before 8:00 a.m. and shall end by 5:00 p.m.

**GASOLINE SERVICE STATION/AUTO REPAIR SHOP.** Buildings and premises where gasoline, automotive fuel, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made and no other. Sales and servicing as follows: spark plugs, batteries, and distributors and distributor parts; tire servicing and repair, but not recapping or regrooving; replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like; radiator cleaning and flushing; washing and polishing, the sale of automotive washing and polishing materials; greasing and lubrication; providing and repairing fuel pumps, oil pumps, and lines; minor servicing and repair of carburetors; emergency wiring repairs; adjusting and repairing brakes, wheel balancing and alignment, minor motor adjustments not involving removal of the head or crankcase or racing the motor; sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation; automobile body repair services; provision of road maps and other informational materials to customers; provision of restroom facilities.

**GRADING.** Any land-disturbing activity where the ground cover on or above the soil surface is removed and reconfigured, including trees, grasses, or pavements or other surfaces either natural or human-made.

**HOME BUSINESS ACTIVITY.** A business conducted from the home such as internet enterprise, professional office, or the making of crafts or items where no one is employed that does not live in the home and no one comes to the home for a business transaction as part of the activity.

**HOME OCCUPATION.** An occupation providing a service carried on by the occupants of a dwelling; provided, that certain conditions are met as listed in § 153.008(C)(5).

**HOME STAY.** Rental of a part of a dwelling unit or accessory structure for consideration, including in kind compensation, to a transient person or persons for a period of less than 90 days. Advertising and renting a room or rooms in a dwelling unit of accessory structure on Airbnb or similar internet web sites would be an example of a HOME STAY. HOME STAYS are not allowed in any zoning district in Biltmore Forest.

**IMPERVIOUS SURFACE.** Any paved, hardened, or structural surface, including, but not limited to, buildings, driveways, walkways, parking areas, patios, decks, streets, swimming pools, tennis courts, and other structures and surfaces, that substantially reduces or prevents the infiltration of stormwater into the ground.

**INCOMPATIBLE LAND USE.** A land use requiring a special use permit from the Board of Adjustment in property zoned R-4 or R-5 adjacent to land zoned R-1, R-2, R-3, Public Service, or land zoned R-4 or R-5 in residential use.

**INDIVIDUAL SEWER SYSTEM.** Any septic tank, ground absorption system, privy, or other facility serving a single source or connection and approved by the County Sanitarian.

**INDIVIDUAL WATER SYSTEM.** Any well, spring, stream, or other source used to supply a single connection.

**LEGISLATIVE DECISION.** The adoption, amendment, or repeal of a regulation under this chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of G.S. Ch. 160D, Art. 10. Legislative decisions for development regulations shall be approved on first reading by simple majority vote.

**LEGISLATIVE HEARING.** A hearing to solicit public comment on a proposed legislative decision.

**LIVING AREA.** Includes the area inside the dwelling walls of each particular floor, but shall not include basements, utility rooms, laundry rooms, storage rooms (other than closets), pantries, garages, and attics. **LIVING AREA** shall, however, include living rooms, dens, studies, kitchens, bedrooms, breakfast rooms, bathrooms, and closets in any of said rooms, foyers, entrance ways, and hallways connecting any of these rooms.

**LOT.** A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. Includes the words **PLOT** or **PARCEL**.

**LOT DEPTH.** The mean horizontal distance between front and rear lot lines.

**LOT OF RECORD.** Any lot for which a plat has been recorded in the Register of Deeds Office of Buncombe County, or described by metes and bounds, the description of which has been so recorded.

**LOT WIDTH.** The distance between side lot lines measured at the front building line.

**MAY.** The word **MAY** is permissive.

**MOBILE HOME.** A factory assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without permanent foundation and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

**NONCONFORMING USE.** Any parcel of land, use of land, building, or structure existing at the time of adoption of this chapter, or any amendment thereto, that does not conform to the use or dimensional requirements of the district in which it is located.

ORDINANCE. The Zoning Ordinance of the Town of Biltmore Forest.

PARKING SPACE. An area for parking a vehicle, plus the necessary access space. PARKING SPACE(S) shall always be located outside the dedicated street right-of-way and shall be provided with vehicular access to a street or alley.

PARKS. Includes those areas developed either for passive or active recreational activities. The development may include, but shall not be limited to, walkways, benches, open fields, multi-use courts, swimming and wading pools, amphitheaters, and the like. The term PARK shall not include zoos, travel trailer parks, amusement parks, or vehicle, equestrian, or dog racing facilities.

PERSON or APPLICANT. Includes a firm, association, organization, partnership, corporation, company, trust, and an individual or governmental unit.

PLANNED UNIT DEVELOPMENT. A development where more than one principal building is proposed to be constructed on a single tract or a clustered housing development or any residential complex containing at least six or more units or any building with a gross floor area of 50,000 square feet or more, shall be deemed a PLANNED UNIT DEVELOPMENT (PUD). Multi-family structures shall have no less than three dwelling units per structure. Residential units within a planned unit development may include single-family detached or attached units, townhouse developments, condominiums, and other multi-family type residential units, excluding time sharing units, mobile homes, and mobile home parks.

PLANNING COMMISSION. The Town of Biltmore Forest Planning Commission.

PROTECTIVE BARRIER. A protective barrier is either:

- (a) A temporary fence which is at least three feet high and constructed in a post and rail configuration, using two by four posts and one by four rails;
- (b) A temporary fence with two by four posts placed no farther than ten feet apart covered with a four-foot orange polyethylene laminar safety fencing; or
- (c) A temporary fence using an equivalent material.

PUBLIC SEWER SYSTEM. Any sewer system owned and operated by a local government in Buncombe County, or other sewage treatment facility serving two or more connections, or any wastewater treatment system having a discharge to surface waters when approved by the Division of Environmental Management of the Department of Natural Resources and Community Development, or a ground absorption system serving two or more connections when approved by the County Sanitarian.

PUBLIC WATER SYSTEM. Water systems serving 15 or more residential connections or serving more than 25 year-round residents are classified as public water supplies, and plans and specifications must be approved by the State Department of Human Resources, Division of Health Services. Also, water supply systems serving from two to 14 connections shall be regulated by the County Board of Health and plans shall be approved by the Buncombe County Health Department, Environmental Health Section.

RECREATION USER NONPROFIT. An indoor or outdoor recreation facility operated on a nonprofit basis, according to the laws of North Carolina.

RECREATION USER PROFIT. An indoor or outdoor recreation facility operated on a profit basis.

RESIDENTIAL DENSITY. The number of dwelling units per acre devoted to residential buildings, accessory uses, and open spaces within the site, but excluding land for streets and street ~~right-of-ways~~rights-of-way. RESIDENTIAL DENSITY shall be calculated by first subtracting the land area required for streets and rights-of-way from the total or gross land area of the tract to derive a net land area, and then dividing the number of dwelling units proposed to be built by the net land area.

RETAIL BUSINESS. Establishments selling commodities directly to the consumer. Fast food service restaurants, gasoline service stations/auto repair, or the dispensation of gasoline as an ancillary service to a retail use shall be prohibited.

ROOF COVERAGE. For the purposes of building construction and the calculation of maximum roof coverage pursuant to §§ 153.029(B)(1)(b) and 153.043 (and any other section of this chapter dealing with roof coverage), ROOF COVERAGE shall be the area contained under the roof of the primary building or any accessory structure/building and shall also include any impervious deck surface or any other above-grade impervious surface extending from or being attached to any primary building or accessory structure/building. Both heated and unheated enclosed spaces or any open space within, under or covered by the roof of the primary building or accessory structure/building or by any above-grade impervious surface (such as a deck, and the like), extending from the primary building or accessory structure/building shall be included in the calculation of ROOF COVERAGE.

ROOT PROTECTIVE ZONE. A circle encompassing an area around an existing tree or shrub that is the greater of the following two distances:

- (a) A one-foot radius for every one inch of tree or shrub trunk caliper (diameter); or
- (b) A measurement of the furthest or most outward branch or limb from the main trunk when that distance is then drawn as a circle around the remaining portion of the tree or shrub, commonly referred to as the 'drip line'. The minimum ROOT PROTECTION ZONE in any case is a radius of eight feet measured from the tree trunk.

SHALL. The word SHALL is mandatory.

SHORT TERM RENTAL. Rental of a dwelling unit or accessory structure for consideration, including in kind compensation, for a period of less than 90 days. SHORT TERM RENTALS are not allowed in any zoning district in Biltmore Forest.

SPECIAL USE. A use permitted in specified zoning districts only after review by the Board of Adjustment and found to meet specific conditions and procedures as set forth in this chapter to maintain the safety and general welfare and orderly development of the community.

STREET (ROAD). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties. STREET also includes the words ROAD and HIGHWAY.

STREET LINE. The edge of the roadway pavement.

STRUCTURE. Anything constructed or erected, including, but not limited to, buildings, which requires location on the land or attachment to something having permanent location on the land.

**SUBSTANTIAL COMPLETION.** For the purpose of building construction; the completion of all exterior work on the building; the completion of all plumbing, electrical, and HVAC work; the completion of all window installation; the completion of all interior and exterior door installation, the completion of all wall construction, painting, and/or covering, the completion of all floor installation and/or covering; and the completion of all other work necessary to receive a certificate of occupancy from the Buncombe County Inspections Department. Minor work typically noted on a punch list may be incomplete and the structure shall be deemed to be substantially completed.

**SUBSTANTIAL PROGRESS.** For the purpose of building construction, it is expected that construction of the building is continuous and that progress is obvious and observable with inspections as required under the State Building Code occurring on a regular basis.

**VARIANCE.** As defined in G.S. § 160D-705(d) together with any amendments thereto.

**WHOLESALE BUSINESS.** The sale of goods in large quantities usually for resale.

**YARD.** A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**YARD, FRONT.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or property line and the front line of the building, projected to the side lot lines of the lot. Driveways, to the extent possible, shall enter the property through the front yard. In the case of a lot with frontage on more than one street, the side of the lot with the most street frontage shall be considered the FRONT YARD; however, in the consideration and determination of applications for ~~special use or~~ variance on such a lot, the Board of Adjustment shall take into account and consider the visibility of both the FRONT and side yards to the street and adjoining properties in any determination.

**YARD, REAR.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

**YARD, SIDE.** An open, unoccupied space on the same lot with a principal building extending the full width of the lot and being situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard. Notwithstanding the above definition, for the purposes of determining compliance with minimum yard setback of § 153.007, the SIDE YARD shall be the entire length of each side lot line extending from the front lot line to the rear lot line and shall equally apply to lots with a principal building, lots without a principal building and vacant lots. Driveways shall not be located in the side yard setback.

**ZONING ADMINISTRATOR.** An official or designated person of the Town of Biltmore Forest charged with enforcing and administering the zoning ordinance.

**ZONING MAP or BILTMORE FOREST ZONING MAP.** The official zoning map of the Town of Biltmore Forest.

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

153.006 PERMITTED USE TABLE

(A) Table. The following tables show the land uses permitted in each zoning district and the dimensional requirements for each zoning district, including minimum lot sizes, minimum lot widths, and minimum setback requirements.

<u>Zoning Districts</u>					
<u>Use</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>
<u>Accessory Buildings</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Accessory Structures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Banks</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Bona Fide Farms</u>	<u>S</u>	-	<u>S</u>	<u>S</u>	<u>P</u>
<u>Business or Special Schools (art, craft, dance, and the like)</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Churches/Religious Assembly</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Clothing &amp; Jewelry Sales<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Country, athletic, &amp; social clubs</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Commercial Business</u>	-	-	-	-	<u>S</u>
<u>Commercial Services (excluding retail trade)</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Day nurseries/Day Care</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Estate Auction Sale<sup>2</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Fundraising events for nonprofits or political campaigns<sup>3</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Garage/yard sales<sup>4</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Home Business Activity<sup>5</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Home Occupations</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Libraries</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Medical and dental services</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Planned Unit Development<sup>6</sup></u>	-	-	<u>S</u>	<u>S</u>	<u>S</u>
<u>Professional &amp; Business Offices</u>	-	-	-	<u>S</u>	<u>S</u>
<u>Public recreational facilities - nonprofit parks, playgrounds, scenic parkways, and open space)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public utility station and substations</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Retail businesses</u>	-	-	-	-	<u>S</u>
<u>Schools, public and private</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Single-family residential dwelling unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

(B) General provisions. The following are general provisions applicable to the table ~~in division (A)~~ as noted by a superscript following a specific use.

(1) Only two clothing or jewelry sales maybe held per year at each dwelling, not to exceed five consecutive days for each sale. Property owners are required to contact the Zoning Administrator prior to holding the sale so that the date of the sale may be noted. See § 153.004.

(2) Only one estate auction sale may be held during a resident's ownership of the property. Property owners are required to contact the Zoning Administrator prior to holding the estate/auction sale so that the date of the sale may be noted. See § 153.004 for additional limitations.

(3) Only four fundraising events may be held per year at each dwelling. No such event shall last longer than five hours in a single day and any such event must end by 11:00 p.m. There shall be no sales of goods or services at any such event. Parking for such an event must not impede the normal flow of traffic and must not be upon any other property without permission from the other property owners. ~~owners Only one garage/yard sale may be held per year at each dwelling. Property owners are required to contact the Zoning Administrator prior to holding the sale so that the date of the sale may be noted. See § 153.004.~~

(4) Only one garage/yard sale may be held per year at each dwelling. Property owners are required to contact the Zoning Administrator prior to holding the sale so that the date of the sale may be noted. See § 153.004. ~~Only four fundraising events may be held per year at each dwelling. No such event shall last longer than five hours in a single day and any such event must end by 11:00 p.m. There shall be no sales of goods or services at any such event. Parking for such an event must not impede the normal flow of traffic and must not be upon any other property without permission from the other property owners~~

(5) No home business activity shall employ any person who does not live in the home. No person shall come to the home for a business transaction of any nature as part of the home business activity, including, but not limited to, retail or commercial sales or fee for service transactions. See § 153.004.

(6) Where there is proposed more than one principal building per lot or where there is proposed any building with a gross floor area of 50,000 square feet or more, a planned unit development must be sought. See § 153.004 for additional requirements.

(C) Home stays and short term rentals are not allowed in any district. There may be only two rentals of a dwelling unit or accessory structure in any calendar year.

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



§ 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				
			Minimum Lot Width At Building Line in Feet	Front Yard From Street Edge	Side Yard	Rear Yard	Maximum Height in 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).

(1) 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).

~~—(2) Footnote 2. The minimum lot width at the street line shall be 125 feet in the R-1 District, and 80 feet in the R-2, R-3, and R-4 Districts.~~

(3) Footnote 23. On all corner lots, a 30-foot side yard setback is required.

(4) Footnote 34. Accessory structures, ~~including driveways,~~ shall meet all setback requirements. ~~Notwithstanding the foregoing, setback requirements for driveway entrance columns or driveway entrance walls may be waived or modified by the Board of Adjustment with the granting of a special use permit in accordance with § 153.110(C), without the need for a variance pursuant to § 153.110(D).~~

~~—(5) Footnote 5. Height requirements may be varied upon approval of the Board of Adjustment.~~

(6) Footnote 56. Whichever is greater, 20,000 square feet, or twice the gross floor area of the building.

(7) Footnote 67. 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.

(8) Footnote 78. Structures exceeding a roof coverage area of 7,000 square feet shall be setback 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

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

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

(A) Accessory structures and/or necessary buildings shall not detract from nor interfere with adjacent properties. No accessory structure or building shall be constructed, erected, or located within any front yard, or within any side yard setback or rear yard setback.

(B) (1) In addition, the following standards are established for accessory structures and accessory buildings:

- (a) The maximum number of accessory buildings permitted on a lot shall be one;
- (b) The maximum roof coverage area for accessory buildings shall be 750 square feet;
- (c) The maximum height for accessory buildings shall be 25 feet;
- (d) The accessory building must be screened by vegetation or other buffer as set forth in § 153.008;
- (e) The accessory building must be located behind a line parallel to the rear of the principal structure on the lot;
- (f) The accessory building must be designed in the same architectural style as the principal structure;
- (g) Any accessory structure and/or accessory building shall be included in the calculation of allowable roof coverage and allowable impervious surface coverage on the lot pursuant to §§ 153.043 and 153.048; and
- (h) Solar collectors shall be regulated in accordance with G.S. § 160D-914.

~~—(2) For all satellite dishes less than 24 inches in diameter, an application for a zoning compliance certificate shall be made directly to the Zoning Administrator; the Zoning Administrator shall issue a zoning compliance certificate.~~

(3) Fences, gates, and walls shall be regulated in accordance with § 153.049 of this Zoning Ordinance.

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

Editor's note:

This amendatory language was passed during a Board meeting, July 9, 2013

§ 153.037 ACCESSORY ~~STRUCTURES OR~~ BUILDINGS UTILIZED AS DWELLINGS.

(A) Upon adoption of this chapter, accessory buildings used as dwelling units and occupied by a “family” (see definition in § 153.004) member shall be a conforming use. Such units occupied by a non-family member shall be nonconforming uses.

(B) (1) The definitions and provisions of this chapter provide for this situation.

(2) Therefore, the following shall apply:

(a) An existing accessory ~~structure~~-building occupied at the time of adoption of this chapter by a non-family member can continue to be used for such purpose. If the unit occupied by a non-family member becomes vacant for more than 60 days (see § 153.036(C)(2)(c)4.), then such unit could only be reoccupied by a family member.

(b) New accessory ~~structures~~-buildings intended for use as dwellings shall only be occupied by a family member.

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

§ 153.049 FENCE, GATE AND WALL REGULATIONS.

The Board of Commissioners for the Town of Biltmore Forest that the following amendments to the Zoning Ordinance and subsequent regulations be placed on fence, gate, and wall construction and replacement as of the effective date of this section.

(A) New fences, gates or walls may be approved ~~by the Board of Adjustment as a special use~~ administratively with the issuance of a zoning permit, so long as the gate, fence or wall meets the following requirements.

(1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side yard or rear yard setbacks, and is constructed of materials deemed acceptable in § 153.049(D).

(2) Mature vegetation or other buffering sufficient to screen the fence, gate, or wall from neighboring properties shall be required ~~to the extent necessary~~.

(B) A driveway gate and supporting columns may be approved ~~by the Board of Adjustment as a special use~~ administratively with the issuance of a zoning permit so long as it meets the following requirements:

(1) The driveway gate, ~~including and~~ associated with the gate structure, shall not be located in the front yard setback or side yard setback of a property.

(2) The driveway gate shall not be more than eight feet in height.

(3) The driveway gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.

(4) The driveway gate must open wide enough to provide for ingress and egress of emergency vehicles. The minimum acceptable standard is for the gate access to be 14 feet wide with a 14 foot minimum height clearance.

(C) Replacement of existing fences, gates, and walls shall be approved ~~by the Board of Adjustment as a special use~~ administratively with the issuance of a zoning permit so long as the replacement fence is constructed of materials deemed acceptable in § 153.049(D) and meets the requirements below. A ~~special use~~ zoning permit application to replace an existing fence, gate, or wall shall include a photograph of the existing fence or wall, specify the type of fence, gate, or wall, include a map or sketch depicting the height and length of the fence, gate, or wall and state whether or not the fence, gate, or wall is located within any setbacks.

(1) Existing chain link fences or gates shall not be replaced with new chain link fences or gates.

(2) Existing fences, gates, or walls in the front yard shall not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

(3) Repair of more than half of an existing fence, gate, or wall shall be considered a replacement and shall be subject to this section.

(D) Acceptable materials and standards for fences and walls/maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

(1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.

(2) Non-wooden fencing and gates shall be black, dark green or brown and shall blend with surrounding trees or vegetation.

(3) No new chain link fencing or gates shall be allowed.

(4) Fences shall not exceed six feet in height except that fences designed to prevent deer or other wildlife from entering the property shall not exceed ten feet in height. Deer fences shall be constructed in accordance with North Carolina Wildlife Resources Commission standards for “Permanent Woven Wire Fencing” and “Permanent Solid-Wire Fencing.” Copies of these standards are available at the Town Hall or at the following web address

(<https://www.ncwildlife.org/connect/have-wildlife-problem/tips-coexisting-wildlife/fencing-exclude-deer>)~~Error! Hyperlink reference not valid.~~<https://www.ncwildlife.org/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>).

(5) Wall-s should be constructed of stone or similar material, and shall be compatible with the construction materials of the house located on the same property.

(6) When a fence, gate or wall is not properly maintained or fails to comply with condition(s) imposed by the ~~Board of Adjustment~~Town, the ~~T~~town ~~shall~~~~may~~ required the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner’s expense. If the property owner fails to repair or remove the fence, gate, or wall, the ~~T~~town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.

(Ord. passed 2-11-2020; Ord. passed 6-8-2021)

**BOARD OF COMMISSIONERS MEETING  
STAFF MEMORANDUM  
JANUARY 14, 2024**



**AGENDA ITEM G-2**

**HELENE RECOVERY UPDATE**

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**Background**

At this writing, it has been 105 days since Hurricane Helene’s devastation to Biltmore Forest and our entire region. We have seen tremendous work accomplished and have much left to do. The information below is intended to provide updates on many aspects of recovery, but certainly may not cover everything of interest.

The information is included by the FEMA categorization method with additional items at the end. Please let me know if you have questions or would like more information on specific items.

**Debris Removal**

*Public Rights of Way*

Through Thursday, January 8, the Town’s public right of way debris removal is in its 73rd day of direct work and its 89th day of contract work. The contractor has removed over 289,000 cubic yards of material and processed over 92,000 cubic yards of wood chips. They are now beginning work on breaking up the large stumps scattered throughout the Town and processing those materials. We received a revised estimate from the contractor that an additional 120,000 cubic yards remain on the public rights of way. This is an increase from the initial estimate of 360,000 cy to nearly 415,000 cy. We anticipate this number to increase as we request homeowners to bring their remaining material to the right of way for removal over the next several weeks.

For context, 100,000 cubic yards of debris is equivalent to one football field (100 yards) that is 66 feet deep. When finished, the contractor will have removed at least four football fields that are 66 feet deep of vegetative material. On a square mileage basis, there is no question this is the most vegetative debris to be removed in the county and likely entire region.

The Town and contractor meet weekly and have discussed when “first pass” will be finalized. This triggers the ability for the contractor to move forward with other segments of debris removal, including private property debris removal, public property removal, and waterway removal. We believe the first pass will be completed by January 21. This does not mean work along the rights of way will stop; rather, this just means that the bulk of materials on the rights of way have been removed and the contractor will be working on specific areas rather than all throughout the Town.

### *Utility Company Debris Removal*

The Town initiated meetings with the three utility companies (Duke Energy, AT&T, and Charter) regarding their debris that remains within the public right of way. At our second meeting last Thursday, there was great coordination between AT&T and Charter to assist each other with removing debris and providing help for our contractor in working through what they have left on the road. Duke has previously removed most of their debris of theirs, but has been communicative regarding more work to be done.

### *Private Property Debris Removal and Waterway Removal*

There is a separate agenda item regarding PPDR work that speaks in depth to how this process will take place. Waterway removal is a separate process within the FEMA reimbursement system and will be explained in some detail below.

Waterway removal is for areas that are impacted, within the water (creek, stream, etc. as defined by the USGS) on public or private property. This is a more strenuous process that requires drone analysis by the Town's independent monitor before getting approval from FEMA for the work. Because this is work *within* the water, it also requires permitting from federal agencies such as the US Army Corps of Engineers. We are currently working on initializing this process for town properties and those private properties identified that need assistance as well.

### *Costs Incurred and Funding Information*

The Town received expedited funding from the federal government for our debris removal process. This expedited process includes an initial fifty (50) percent payment, and the remaining fifty (50) percent is requested as a drawdown upon the prior work being done and future estimated work. To date, the Town has expended \$4,596,662 specifically for our debris removal program with Southern Disaster Recovery and DebrisTech. The initial disbursement to the Town was \$3,952,539. Our request for the remaining funds will include everything expended thus far as well as the estimated remaining cost from our contractor. The estimated remaining cost is \$2,374,500. The Town's FEMA project manager and state emergency management personnel have been helpful in assisting us with this remaining request.

### **Emergency Protective Measures**

This area is the funding necessary to reimburse the Town for efforts undertaken immediately after or shortly after the storm. For instance, nearly \$118,000 the Town spent for private contractors to clear roadways is included and has been approved for reimbursement. Other costs, such as new barricades, communication services, and other "immediate protective needs" were included in these requests and have been allocated for reimbursement. This is generally not an area where there will be updates as these action items have been completed.



## **Roadways and Bridges**

The only major direct impact from the storm was the sinkhole that occurred on the east side of Cedar Hill Road just past the Brookside Road intersection. This was the result of the culvert under the road being compromised. Fortunately, Hyatt Pipeline was able to make this repair within two weeks of the storm and has recently repaved this area. The total cost for this work was approximately \$65,000 and is being reimbursed by FEMA as a completed project. The Town is conducting inspections of each bridge within the Town and anticipate having this work completed by the end of January. We will then meet with FEMA site inspectors in early March to review other road concerns and issues that may be more noticeable after debris is removed and review the engineer's report.

## **Parks and Other Public Facilities**

FEMA site inspectors conducted park inspections in mid-December. These reviews helped provide context for what the Town could request as assistance for these areas. The largest project area is Brooklawn Park and the newly constructed walking trail. Debris removal in these parks is being accomplished via the debris removal process (as outlined above) but the actual work of mitigating impacts to the walking trail, park infrastructure, culverts/storm water structures, or other areas will be accomplished once approved by FEMA. These applications for assistance are under their beginning stages now.

## **Additional Focus Areas**

The above areas are those that are specific responses to the storm and its impact. However, other areas of concern may be considered as hazard mitigation efforts. The most important and pressing for the Town is wildfire management associated with forest cleanup. We have talked for several months about the need and ability to create "firewise" areas within the Town, particularly in areas bounded by heavily wooded and forested environments and are working create this grant application.



**Town of Biltmore Forest, NC**  
**Hurricane Helene Debris Removal Monitoring**

**Debris Removal Daily Report - 1/8/2025**

Contractor: Southern Disaster Recovery Total Work Days To Date: 73

Monitoring Firm: DebrisTech Total Days into Contract Period: 89

*Production Data*

			<i>Volume (CY)</i>	<i>Weight (Tons)</i>
Trucks in Operation Today:	<u>17</u>	Today's Debris Production:	<u>5,595.1</u>	<u>0.0</u>
Average Loads Per Truck:	<u>4.6</u>	Average Daily Production:	<u>5,193.9</u>	<u>0.0</u>

**Debris Quantity Summary - Right of Way**

	<i>Today</i>		<i>To Date</i>		<i>Volume (CY)</i>		<i>Weight (Tons)</i>	
	<i>Today</i>	<i>To Date</i>	<i>Today</i>	<i>To Date</i>	<i>Today</i>	<i>To Date</i>	<i>Today</i>	<i>To Date</i>
Vegetative Loads:	<u>57</u>	<u>4,888</u>	Vegetative Debris:	<u>3,144.7</u>	<u>286,768.8</u>	<u>0.0</u>	<u>0.0</u>	
C & D Loads:	<u>0</u>	<u>0</u>	C & D Debris:	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Public School Loads:	<u>0</u>	<u>0</u>	Public School:	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
C & D Haul Out Loads:	<u>0</u>	<u>0</u>	C & D Haul Out:	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	
Wood Chip Loads:	<u>22</u>	<u>831</u>	Wood Chips:	<u>2,450.4</u>	<u>92,385.2</u>	<u>0.0</u>	<u>0.0</u>	
Waterway Loads:	<u>0</u>	<u>0</u>	Waterway:	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	

**Debris Quantity Summary - Total Project**

	<i>Today</i>		<i>To Date</i>		<i>Volume (CY)</i>		<i>Weight (Tons)</i>	
	<i>Today</i>	<i>To Date</i>	<i>Today</i>	<i>To Date</i>	<i>Today</i>	<i>To Date</i>	<i>Today</i>	<i>To Date</i>
Total Loads Generated:	<u>79</u>	<u>5,719</u>	Total Cubic Yards:	<u>5,595.1</u>	<u>379,154.0</u>	<u>0.0</u>	<u>0.0</u>	

*Unit Rate Items*

	<i>Today</i>	<i>To Date</i>		<i>Today</i>	<i>To Date</i>
Leaning Trees (< 12.1"):	<u>0</u>	<u>67</u>	White Goods:	<u>0</u>	<u>0</u>
Leaning Trees (12.1"-24.09"):	<u>0</u>	<u>57</u>	Stumps:	<u>0</u>	<u>0</u>
Leaning Trees (24.1"-36.09"):	<u>0</u>	<u>6</u>	Traffic Control (Inter.):	<u>0</u>	<u>0</u>
Leaning Trees (36.1"+):	<u>0</u>	<u>0</u>	Traffic Control (2 Way):	<u>0</u>	<u>0</u>
Hanging Limbs:	<u>0</u>	<u>219</u>			

Note: The Quantities Listed on this Report are for Progress Reporting Only and may not Reflect Final Pay Quantities.

**BOARD OF COMMISSIONERS MEETING  
STAFF MEMORANDUM  
JANUARY 14, 2024**



**AGENDA ITEM G-3**

**PRIVATE PROPERTY DEBRIS REMOVAL (PPDR)  
PROGRAM FOR TOWN OF BILTMORE FOREST**

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**Background**

The debris removal program and reimbursement process through FEMA involves various levels of work. The first is debris removal from the public rights of way. The Town has removed just over 286,000 cubic yards from the public right of way since beginning work on October 12, 2024. As we near the completion of the “first pass” of this work, the Town is now able to move forward with the next levels of debris removal. This will include removal within public properties like parks and also the potential for debris removal from private property and waterways. The private property debris removal (PPDR) program is the most directly impactful for residents and will be explained in detail below.

**Process**

Starting on January 23, Town of Biltmore Forest property owners impacted by Hurricane Helene, who do not have debris removal insurance and have been unable to move their debris to the public right of way, may apply to have qualified disaster debris removed from their property at no cost through the Private Property Debris Removal (PPDR) Program. The program also covers the demolition of eligible unsafe structures. There are many requirements for private properties to qualify for this program, and the Town (along with the Towns of Woodfin and Weaverville) have put together the following information to address questions.

The Town will be notifying residents of this program through CodeRED notices (including phone calls, emails, and text message) that direct individuals to the Town’s website where all the information below will be located. The Town continues to encourage those who can to move material to the public rights of way as this is the most efficient and effective manner of removal and does not require individual property owners to provide a right of entry (ROE) for the Town and its private contractors to come onto an individual property.

**Eligibility**

1. What is eligible in the PPDR program?

Removal of hazardous limbs, trees, uprooted stumps or other mixed debris caused by Hurricane Helene that is:

near a commonly used area or maintained areas of a property

not in a maintained area but threatens infrastructure or homes.

Removal of debris impacting around waterways, up to the water's edge.

Removal of debris on, adjacent, or threatening a private road.

The demolition and removal of a structure that is a health hazard, deemed unfit/unsafe, and may not be recoverable, or is in threat of collapse. This may include concrete slabs.

\*Note: hazardous trees include standing trees that are leaning more than 30 degrees or have lost more than 50% of the tree canopy.

2. What is NOT eligible under the program?

Debris on vacant lots, unimproved property, and unused or unmaintained areas.

3. Required Documentation

A Right of Entry (ROE) form, signed by all property owners, is legally required before contractors providing PPDR and/or demolition can access the owner's private property. A right-of-entry is a voluntary document. Your land is private, and it is your decision to grant access. You may withdraw from the program at any time prior to the start of debris removal or demolition activities on your property. Private roads maintained by homeowner's associations must provide ROE forms signed by the individual authorized to act on behalf of the association.

### **Application Process**

1. To determine if you are eligible for debris removal or the demolition of unsafe structures on your property, visit the Town of Biltmore Forest PPDR Application Center at Biltmore Forest Town Hall.
2. Application Intake Dates will be Thursday, January 23 through Saturday, January 25 from 9am-4pm.
3. Application documents must be submitted in-person. Please have the following documents available when visiting the intake center:

A copy of your insurance policy and/or declarations page.

A copy of a utility bill from the time of the event (i.e. water, gas, power, etc.).

A color copy of your driver's license or valid U.S. government-issued ID (such as a passport).

Proof of ownership such as a copy of the Buncombe County property card, or copy of the property tax bill.

Power of attorney or legal documents to give signature authority if you are not the owner.

A simple sketch of the property identifying the locations of debris (hand-drawn is fine). Please include anything that you do not wish to have removed (i.e. a pile of wood being saved for firewood).

For building demolition only: a copy of the warranty deed.

### **Other Common FAQs**

1. What is the Private Property Debris Removal (PPDR) program? The PPDR program is designed to speed recovery by helping property owners impacted by disasters, who do not have debris removal insurance, by removing eligible disaster debris or demolishing unsafe, unrecoverable structures, on their property at no cost. Properties located within the Town of Biltmore Forest are eligible for the program if they have qualified debris on them or demolition of an unsafe structure.
2. What is Right of Entry (ROE)? A Right of Entry (ROE) is a form that, when properly executed, provides the contractors with permission to enter the private property to provide the requested services.

There are three parts to a ROE for private property:

Right of Entry form: grants property access to contractors, and subcontractors for inspecting and removing eligible storm-generated debris or demolishing any eligible unsafe, unrecoverable structures.

Hold Harmless Agreement: releases the town, state, their agencies, contractors, and subcontractors for damages, either to the property or persons situated thereon, and waives any action which might arise during inspection, debris removal and/or demolition.

Non-Duplication of Benefits: states any money you received from your insurance agency, specifically for debris removal or demolition on your property, must be returned to the government if you received it and did not spend it on debris removal/demolition services.

3. Why do I have to apply in-person at the Town Hall? Why isn't there an on-line option? The intake specialist must review the form with each applicant and verify the individual signing the ROE form is the property owner. The ROE form also requires a wet signature and may not be filed electronically.
4. What if one or more property owners are not available to sign the ROE form? The intake specialist will review the most practical option(s) with the applicant to obtain the necessary authority to move forward with a complete application. If a property owner is unable to visit an intake center, they may call the PPDR intake number at (501) 604-6453 to speak with a specialist.
5. Who determines eligibility? The designated inspector will conduct a review. FEMA ultimately determines eligibility.

6. Is commercial property eligible for the program? Some commercial properties may be allowable. Eligibility will be determined on a case-by-case basis.
7. If I have homeowner's insurance, can I still participate in the PPDR program? To avoid a duplication of benefits, your insurance company may be required to provide payment from your policy, designated for your debris removal or demolition, to the town. If you have already received a benefits payment from your insurance company for work you are requesting from the town, you may be requested to reimburse that portion. Please discuss this with the intake specialist.
8. What is the timeline after I submit my completed ROE? Intake specialists will review your ROE document with the applicant and will verify all property owners have signed.  
  
A site inspection will be scheduled.\*  
  
Eligible hazards will be documented and submitted for approval.  
  
The assigned contractor will begin debris removal and/or demolition services.  
  
Once the contractor is done removing the debris, a final inspection is performed to verify work is complete and property is returned to the pre-debris removal condition.  
  
\*If your property has been approved for the demolition of a structure, additional site visits may be required to test for asbestos, review surrounding environmental conditions, and disconnect utilities (property owner is responsible for having utilities disconnected). The town and/or its contractors will keep you informed of the progress.
9. Does this change anything related to the debris collection occurring along public roads? No. Debris collection along our public roads will continue. The PPDR program is a new, additional service for private property owners who have large amounts, or difficult to reach debris that cannot be reasonably managed by the property owner. Property owners with smaller amounts of debris may prefer to continue to bring their material to the road for collection, rather than execute a ROE that would authorize large equipment to enter their property.
10. What about common areas managed by an HOA/POA, are these areas eligible? Yes. As with private roads managed by an HOA/POA, the individual who is authorized to act on behalf of the community will need to meet with an intake specialist and execute the ROE.
11. Will the Town or FEMA reimburse me for debris removal that I have already undertaken? No. The Town is unable to do so and FEMA guidelines do not allow for reimbursement of work that was done previously. The benefit for the PPDR program is that it provides an opportunity for those who are unable to move material to the public rights of way, but the downside is that it takes substantially longer than when individuals move their material and the Town can obtain it from the road.



# DEBRISTECH

## PRIVATE PROPERTY DEBRIS REMOVAL

The Town of Biltmore Forest is **accepting applications** for a Private Property Debris Removal program (PPDR) through FEMA that can assist residents with:

- Removal of potentially eligible storm-generated debris from private property, private roads and/or driveways
- Demolition of hazardous structures

### DEBRIS:

Eligible debris must be the direct result of Hurricane Helene and must be located within the Town of Biltmore Forest. To be considered eligible the removal of the debris must be in the public interest, meaning:

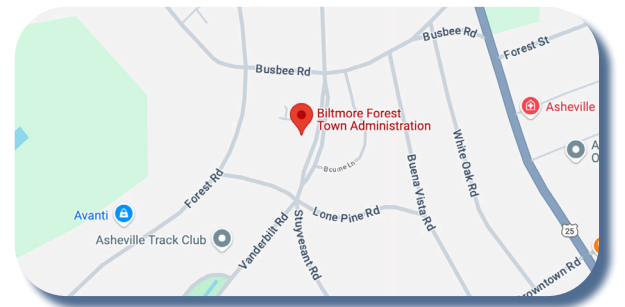
- Eliminates immediate threats to life, public health, or safety
- Eliminates immediate threats of significant damage to improved public or private property

Types of eligible storm-generated debris includes:

- Vegetative debris
- Construction and demolition debris
- White goods (household appliances)
- Household hazardous waste

If you are a residential property owner that meets the criteria for this program, DebrisTech personnel will be accepting applications at:

**Biltmore Forest Town Hall**  
**January 23: 9:00 am to 4:00 pm**  
**January 24: 9:00 am to 4:00 pm**  
**January 25: 9:00 am to 4:00 pm**  
**355 Vanderbilt Road, Asheville, NC 28803**



### REQUIRED DOCUMENTS:

- **Most Recent Tax Bill/Record \*\*\* (NOT OPTIONAL)**
- **Valid Driver's License or State Issued I.D.**
- **Utility Bill from the time of event (power, water or gas)**
- **Homeowner's Insurance Policy**
- **House Deed**

*\*Deed is only required if signing up for demolition of a structure*

**Call 501-604-6453 if you have additional questions**

**BOARD OF COMMISSIONERS MEETING  
STAFF MEMORANDUM  
JANUARY 14, 2024**



**AGENDA ITEM G-4**

**VANDERBILT ROAD TOWN PROPERTY REVIEW**

*Town Attorney Billy Clarke*

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**Background**

Mr. Clarke will provide an update for the Board on his deed review and process to move forward with the potential utilization of this property.



## **Memo re: Research on Deed Restriction Calling for Referendum**

- **August 6, 1997 Deed from Biltmore Farms, Inc. conveys 10.29962 acres to Town of Biltmore Forest.**
- **Deed contains the following restriction: Property shall not be used for any purpose except those permitted in the P-S Public service District For 15 years from July 30, 1997. Only uses allowed in P-S Public Service are open green spaces. This negative easement or restriction expired effective August 1, 2012.**
- **After 15 years, should the Town desire to use any portion of the Property for municipal purposes other than those permitted in the P-S public service district, the restriction requires the Town to give notice to the residents of the Town of the intended change in use and follow the statutory procedures for a change in zoning and present, at a public hearing, the details of the desired changes in use.**
- **Restrictions in the Deed then require the Town, at a special or scheduled election, to conduct a referendum seeking approval of the change in zoning and use proposed at the public hearing.**
- **Deed also contains this language: “This conveyance ... is intended to be for public purposes and for the benefit of the residents of the Town. The Grantee shall have no right and by recording this deed agrees that it shall have no right to convey the Property to any other entity or person or change the use of the Property except as provided above. This provision is for the citizens and residents of the Town of Biltmore Forest. “**
- **Town of Biltmore Forest has no statutory authority to conduct a referendum on this issue. It would require an act of the General Assembly to give the Town this authority.**
- Options
  - 1) Voluntary reformation of the Deed with Biltmore Farms  
McCraun v. Pinehurst, LLC, 225 N.C. App. 368
  - 2) Declaratory Judgment to reform deed based on mutual mistake / impossibility