

AGENDA

Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, May 10, 2022 at 4:30 p.m.

A. Roll Call by the Clerk

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

B. The minutes of the April 12, 2022 meeting will be presented for approval.

C. Reports of Officers

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

D. Duke Energy Targeted Underground Update – Mr. Avery Dolinger, Duke Energy

E. Public Hearing – Town of Biltmore Forest Comprehensive Plan

F. New Business

1. Consideration of Adoption – Town of Biltmore Forest Comprehensive Plan
2. Consideration of FY 2022 Annual Resurfacing Contract
3. Fiscal Year 2023 Budget Presentation

G. Public Comment

H. Adjourn

**Town of Biltmore Forest
Board of Commissioners Meeting
May 10, 2022**

Town of Biltmore Forest is inviting you to a scheduled Zoom meeting.

Topic: May 2022 Board of Commissioners Meeting

Time: May 10, 2022 04:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD APRIL 12, 2022

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 E. Glenn Kelly, present

Commissioner Fran Cogburn, present

Mr. Jonathan Kanipe, the Town Manager, and Mr. William Clarke, the Town Attorney, were also present.

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

Commissioner Doris Loomis made a motion to approve the minutes from March 8, 2022. The motion was seconded by Commissioner Fran Cogburn and the minutes were unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were a total of nineteen calls. Chief Lance said to replace furnace filters and check smoke detectors. Also make sure to review your emergency escape plan with your family. Mayor Goosmann thanked Chief Lance for all their hard work.

Chief of Police, Chris Beddingfield gave the report for the police department. There were a total of 633 calls for the month. A few arrests as noted in the report. There was a significant vehicle injury that involved an unoccupied vehicle. There was no driver in the car and a pedestrian was struck by an unmanned vehicle. The victim is out of the hospital and charges were pressed.

Chief Beddingfield said the phone application is almost ready. The legal agreements have been signed and set up. This will be set up by Apple and Google and we will be presenting this information soon. Individuals will be able to download the police department app on their phones and we look forward to this new feature that will be available soon.

This week is National Telecommunicator week. One of the things Chief Beddingfield has done when he first started is make the transition to have all civilian dispatchers. They do an outstanding job and Chief Beddingfield recognized them for all their hard work.

Chief Beddingfield said regarding the ten-year plan, he also asked all police personnel what they would like to see in the next ten years. One idea an officer came up with is to have an ambassador for the police department. When a new resident comes to town, have that ambassador explain the services the Town has to offer and how they can utilize our services. When Laura gets the water billing application, she will pass on the information to the ambassador so they can make an appointment with the new resident. The Board thought this was a wonderful idea. Mayor Goosmann thanked Chief Beddingfield for all of their hard work and good service.

Mr. Mike Dale gave the report for Public Works. Core samples were taken down Vanderbilt Road down to the I-40 bridge. Many potholes have been filled.

Many calls have been received about the green dots on the trees. The Town arborist is identifying potentially hazardous trees within the public right-of-way. Mr. Kanipe said more information will be sent out to residents in the next Town newsletter.

Mr. Dale said they have a couple of projects going on in Town right now. The stormwater project replacing the culvert on Park Road and everything is functioning properly. There is also a culvert failure around the area of 392 Vanderbilt. There was a sink hole in the shoulder of the road so they start working on this project tomorrow. They will also be doing some of that work on Fairway Place as well. Mr. Kanipe said there is no permitting required for Vanderbilt or Fairway place since they are emergency repairs.

Commissioner Loomis said the report is very detailed and clear. Mayor Goosmann asked Mr. Dale about bear proof garbage cans. Mr. Dale said the company providing the trash cans does not provide bear proof trash cans. Mayor Goosmann thanked public works for their hard work.

Mr. Jonathan Kanipe gave the report for the Town. The downstream side of the culvert was discussed and the sinkhole picture on Vanderbilt was shown to the Board. This situation is an emergency and will get rectified soon.

The Planning Commission held a public meeting on March 22nd and over forty citizens attended. There was a lot of good feedback received. They are currently working on the actual draft document and will have this to the Planning Commission members by the end of the week. They will meet on April 26th with an idea of giving the Board of Commissioners what they recommend. There will also be a Public Hearing to adopt the Comprehensive Plan.

Mr. Kanipe discussed the Greenwood Park stream restoration project. There are contractors doing survey work right now. Baker construction will be doing the construction. It should last between 45-60 days.

Duke Power underground project is moving along very well. They are currently working along Brookside, Greenwood, and Westwood Road right now. They will be here next month to give a full comprehensive update.

New Business discussed was the public works storage and maintenance facility. Some of the possible options were to do nothing, replace the facility at the same location, or utilize Town property to construct a new facility. There is an area on Vanderbilt which is North of the Town Hall and South of I-40. It is approximately ten acres, and we believe we can use a little more than two acres of this property for the new storage facility. It would be constructed in a way that is aesthetically pleasing to the Town. The current area would be torn down and utilized for extra parking. Mr. Kanipe said the Town needs to have a Public Hearing and vote from the citizens. The Town was gifted this property in August of 1997. Up until 2012, this property could not be utilized. After 2012, there was a specific stipulation in the deed restriction that allowed the Town to

consider using it for something other than a public service district. Per the deed, we have to draft the language to change the Zoning in the area to allow this type of facility, consider a Public Hearing to consider the changes, schedule a Special Election administered by the Town, and then include this on the ballot. If the majority of the voters approve the change, there would be an Amendment to rezone the parcel. Mr. Kanipe asked the Board what their thoughts were on moving forward with this process.

Commissioner Kelly did not support putting the facility at the proposed location and suggested saving the property for an emergency location. Commissioner Kelly preferred to see a facility built where the current location is. Commissioner Kelly also said he would not vote to change the Zoning of this.

Commissioner Cogburn made a motion to move forward asking permission of the residents to pursue using this property for this purpose. Commissioner Loomis seconded the approval of the motion. Commissioner Kelly said we are doing this backwards and said we should get a cost of the project before proceeding and the figures currently available are sketchy and wanted to know how much this would add to the tax base. Mayor Goosmann said the taxes will not be raised for what is being done. Commissioner Kelly asked Mayor Goosmann how he knew this. Mayor Goosmann said they also wouldn't have to worry about Biltmore Farms because they already met with them and they approved this. Commissioner Kelly said he was talking about the Biltmore Estate and not Biltmore Farms. Mayor Goosmann also said they cannot get a cost until it is approved here. Commissioner Kelly said they are turning public service land into commercial land forever.

Mayor Goosmann also said the gasoline area needs to be moved.

Commissioner Loomis said we definitely need to get resident input before we proceed any further.

Commissioner Loomis and Commissioner Cogburn both voted aye to the motion. Commissioner Kelly voted nay to the motion. The motion was approved.

Mr. Kanipe discussed the American Rescue Plan. The US Treasury Department issued Final Rules for the American Rescue Plan/Coronavirus State & Local Fiscal Recovery Funds (ARP/CSLFRF) in January 2022. These rules included the introduction of a “Standard Allowance” that enabled local governments to utilize up to \$10 million in ARP funds as revenue replacement. These funds may be expended upon any general government services allowed by state law, with some exceptions. As part of the Final Rule, the U.S. Treasury requires ARP recipients to adopt specific policies prior to the expenditure of funds. At minimum, all local governments must adopt and maintain the eligible use policy where local governments must adopt a policy for project requests, approving requests, and documenting that approval and justification for the approval and purchase. The allowable costs and cost principles policy is where a local government must adopt policies to ensure expenditures are eligible. A subset of this work is to develop a policy that outlines allowable costs and cost principles policy to ensure sound management and effective administration of the award. Internal controls and accountability are built into this policy. The non-discrimination policy relates to when the Town adopted a Title VI non-discrimination policy required by the North Carolina Department of Transportation in 2019. The records retention policy is required to retain certain records by North Carolina law and the Town Clerk handles these responsibilities. The proposed policies were available for the Board to review. Mr. Kanipe said the UNC School of Government has done a tremendous job explaining ARP funds.

Commissioner Loomis made a motion to approve the adoption for the American Rescue Plan policies as stated in agenda item D-2. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed agenda Item D-3 was discussed which is the Consideration of Grant Project Ordinance Amendment to Accept Lump-Sum Distribution of ARP Funds. The U.S. Treasury Department’s Final Rule for the American Rescue Plan/Coronavirus State & Local Fiscal Recovery Funds (ARP/CSLFRF) included the introduction of a “Standard Allowance”. This allowance authorizes local governments and other recipients to utilize up to \$10 million as revenue replacement for general government services. The Town’s full allocation is substantially smaller (\$451,275.58) and is being distributed in two tranches. The first tranche was received in August 2021 and the second tranche will be distributed within the next few months. This Final Rule

“Standard Allowance” provides dramatically streamlined reporting and greater flexibility for local governments. Local governments that are non-entitlement units must decide by April 30, 2022 whether to accept this “Standard Allowance”. Mr. Kanipe recommended the Town accept this “Standard Allowance” and has prepared an amended grant project ordinance to reflect this acceptance. The Town previously adopted the ARP grant project ordinance in August 2021.

Commissioner Cogburn made a motion to accept the lump-sum distribution. Commissioner Kelly seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed item D-4 which is the transportation study project. If the Board elects to implement an all-way stop at Vanderbilt and Busbee roads, the Town will follow a similar process used at Cedarcliff and Vanderbilt Roads in 2019. The process was several weeks long, however, it ensured Town residents and other motorists were well prepared for the intersection change. Commissioner Cogburn supports anything traffic calming and said she supports a traffic circle but said it may not be feasible in this area. Chief Beddingfield said the all-way stop at Cedarcliff and Vanderbilt that was done in 2019 has worked out very well and is much safer than it used to be. Mr. Kanipe suggested notifying residents before the signs went up which was also done for the Cedarcliff/Vanderbilt project. This seemed to help a lot to give driver’s a heads up before the signage went up. Mayor Goosmann, Commissioner Cogburn, and Commissioner Loomis all discussed the positive effects of having a roundabout at this location but if it can’t be accommodated, then an all-way stop would be acceptable as well. Mr. Clarke offered to reach out to the Department of Transportation as well.

Mrs. Diane Zimmerman said one of the issues driving on Busbee to Vanderbilt is the landscaping on the right side of the road which is a hazard for drivers and is very difficult to get through. If a roundabout were put here, the landscaping would need to be removed. Mayor Goosmann asked Mr. Dale to look further into the roundabout for next month’s meeting.

Mr. Kanipe discussed the Consideration of the Fiscal Year 22 Budget Amendment. This is for the current year budget. It would increase revenues by \$473,579 in the current year. We had a great year this year. Our ad valorem taxes are \$105,000 higher this year. We also received an

additional \$40,000 this year in Zoning permits. The Powell Bill was also up \$12,000. Commissioner Loomis made a motion to accept the FY 22 Budget Amendment. The bulk of increases within the General Fund expenditures are attributed to those areas within Public Works. Specifically, the bulk of increases are within stormwater construction projects and street repaving plans. ARP funds were anticipated to be used for the stormwater projects (Park Road, Fairway Place, and engineering work) but these higher revenues allow us to move forward without utilizing these funds. Additionally, an emergency repair along Vanderbilt Road revealed itself this week and must be fixed within the next few weeks to ensure the protection of the Town's road and water line. Additional funds are planned for a more comprehensive resurfacing and paving job along the northern section of Vanderbilt Road. The Town has performed a pavement analysis of this area that revealed 4 inches of asphalt that has been overlaid with minimal to no backfilling work completed. This more comprehensive work will allow us to appropriately repair our roads and build shoulders back up to align with the roadway, which should also improve stormwater conditions in the future. Mr. Kanipe recommended an increase in the maintenance costs for all three (3) public buildings, as these have risen throughout the Covid-19 pandemic. Additional increases are related to vehicle maintenance costs within the sanitation department and fuel increases in both the Public Works Department and Police Department. There remains an overage of revenue versus expenditure, and Mr. Kanipe allocated that amount (over \$100,000) into the general government contingency line item. Mr. Kanipe said they will continue to hold off on using ARP funds.

Commissioner Loomis moved for adoption of the FY22 Budget Amendment. Commissioner Kelly seconded the motion. The motion was unanimously approved.

Mr. Kanipe and Mayor Goosmann discussed the Consideration of Appointments to Town Advisory Boards. The Town's Planning Commission has two positions open for full appointment. Mr. Michael Flynn is an alternate for the Planning Commission and is recommended for full appointment. Mr. Tony Saponaro is currently on the Design Review Board but is nominated for full appointment to the Planning Commission.

The Friends of Biltmore Forest Committee have a need for two new appointments as well. Ms. Lauren Karlsson helped shepherd the new Little Free Library in Rosebank Park and has served

on various sub-committees over the past two years. Ms. Cindy Holman is serving as the chair of the Town's 100th Anniversary Committee and has served on several sub-committees helping with Town events. Each are recommended for appointment to the Friends of Biltmore Forest Committee.

Commissioner Cogburn made a motion for the Consideration of Appointments to the Town Advisory Boards. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Public Comment

Mr. Drew Stephens said he likes the idea of welcoming the new residents from the police department. He also suggested to give new residents a new welcome kit. He also said Duke Energy is doing a great job and available for feedback and suggestions. Vanderbilt rezoning sounds volatile and unclear and hope it gets cleared out for the public.

Commissioner Loomis made a motion to go into Closed Session. Commissioner seconded the motion and was unanimously approved at 5:34 p.m.

Mayor Goosmann adjourned the meeting at 6:28 p.m. The next meeting is scheduled for Tuesday, May 10, 2022 at 4:30 pm.

ATTEST:

Laura Jacobs
Town Clerk

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
E. Glenn Kelly, Commissioner
Fran Cogburn, Commissioner
Jonathan Kanipe, Town Manager

April 2022 Calls for service:

BILTMORE FOREST POLICE DEPARTMENT	Count	Percent
911 HANG-UP	1	0.15%
ALARM	21	3.15%
ANIMAL CONTROL	9	1.35%
ASSIST MOTORIST	9	1.35%
ASSIST NON-RESIDENT	4	0.60%
ASSIST OTHER AGENCY	8	1.20%
ASSIST RESIDENT	16	2.40%
B&E/VEHICLE	1	0.15%
BICYCLIST VIOLATION	1	0.15%
BUSINESS CHECK	217	32.58%
CRIME PREVENTION	2	0.30%
DEBRIS IN ROADWAY	3	0.45%
DEPARTMENT OTHER	1	0.15%
DISPUTE	1	0.15%
DISTURBANCE	1	0.15%
FIRE	1	0.15%
FOLLOW-UP INVESTIGATION	3	0.45%
HOUSE CHECK	166	24.92%
IMPROPER PARKING	9	1.35%
IVC	1	0.15%
MEDICAL EMERGENCY	9	1.35%
NOISE COMPLAINT	2	0.30%
ORDINACE VIOLATION	6	0.90%
PEDESTRIAN VIOLATION	1	0.15%
RADAR OPERATION	5	0.75%
ROAD BLOCKED	6	0.90%
SPECIAL ASSIGNMENT	3	0.45%
SPECIAL CHECK	46	6.91%
SUSPICIOUS ACTIVITY	3	0.45%
SUSPICIOUS PERSON	6	0.90%
SUSPICIOUS VEHICLE	30	4.50%
TALK WITH OFFICER	5	0.75%
TOWN HALL BUSINESS	1	0.15%
TRAFFIC CONTROL	3	0.45%
TRAFFIC STOP	43	6.46%
TREE DOWN	1	0.15%
VEHICLE ACCIDENT	8	1.20%
WARRANT SERVICE	8	1.20%
WELFARE CHECK	5	0.75%
Total Records For BILTMORE FOREST POLICE DEPARTMENT	666	Dept Calls/Total Calls 100.00%

Total Calls For Service:

666 (633 last month)

Arrests:

2-Felony Arrests-One for possession of cocaine out of a criminal investigation, One for prescription pills and paraphernalia out of a traffic stop.

2-Misdemeanor Arrests-For court violations out of traffic stops.

Citations:

21-Citations for various traffic violations (9 last month)

Time Consumption Summary:

Approximations:

Business Checks- 4 hours

House Checks- 5 hours

Radar Operation- 2 hours

Vehicle Crash Investigation- 5 hours

Notable Calls and Projects:

Work continues with NC ALE on 33 Busbee Nuisance Abatement

Multiple Incidents of subjects in mental crisis or dealing with mental illness this month

Another Impaired Driving crash on our side of Hendersonville Rd

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
E. Glenn Kelly, Commissioner
Fran G. Cogburn, Commissioner

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Jonathan Kanipe, Town Manager

Mayor and Board of Commissioners

From: Harry B. Buckner, PE, Director of Public Works 

Re: Public Works Department April 2022 Monthly Report

Date: May 6, 2022

Recurring Activities:

The Public Works Department has completed the following activities during the month of April:

- Collected 28.00 tons of garbage.
- Diverted 15.13 tons of recycled goods from garbage.
- Picked up 23 loads of brush (approximately 690 cubic yards) over 10 days.
- Responded to 242 total utility locate requests, comprised of 41 new requests and 201 updates. This total includes 3 short-notice and 3 emergency requests.
- Visited 8 residences for Tree Assessments, approving the removal of 34 trees, and requiring the installation of 56 trees.
- Completed daily chlorine residual tests across town and passed the required two bacteriological tests. Results are reported via the State's on-line reporting system.
- Used the Beacon/Badger Meter automated meter reading system to monitor for water leaks daily and informed residents of suspected leaks.
- We continue to perform litter pick-ups as needed, focusing on the entrances.
- Normal brush collection continued on the North Route on April 18th, and the South Route on May 2nd. This schedule will continue with one collection for each route per month.

Miscellaneous Activities in April

- Mr. Kasey Lake, Public Services Worker is continuing his departmental training.
- We assisted Mrs. Jacobs with the April water billing cycle by providing manual meter readings for those locations as required.

- Work was completed on April 25th on the 13/15 Park Road Culvert Replacement project. More detail is provided below in the Capital Projects update.
- We completed the emergency replacement of the storm drain under Vanderbilt Road near 392 Vanderbilt Road through an outside contractor. They installed a new 24-inch double walled HDPE pipe, replaced the existing inlet with a new precast box, stabilized the discharge, and restored the work area to original conditions. During the execution of this project, we also discovered a blocked and overflowing sewer line and damaged sewer service line that MSD was able to repair clear. Total project costs for this work totaled \$33,875.70
- I submitted the 2021 Water Supply Plan as required by the NC Public Water Supply Section. I am happy to report that the total estimated unaccounted for water loss is approximately 10%, which is about 1/3rd the amount of other North Carolina public water systems. This is a direct result of the substantial capital investment made by replacement of the aged water mains and services that occurred from 2002-2004.
- On April 19th, Supervisor Dale and I met with a specialized rock mason to discuss repairs to the Southwood Road bridge. Several rocks have fallen out of the north face of the bridge with others in imminent failure. We examined all the rock work and developed a plan to restore the jointing and improve the integrity of the structure in an historically accurate way. The specialty mason has provided a proposal to perform the work but is not available to complete repairs until August.
- On April 20th, Supervisor Dale and I participated in an on-line webinar titled “Tree Preservation Ordinances for NC Municipalities” presented by the North Carolina Urban Forest Council. This webinar reviewed a variety of tree protection strategies being utilized in counties and municipalities throughout North Carolina. Please find a link to the webinar recording [here](#). I’d encourage anyone to watch this as it contains a great, broad brush overview of other ordinances throughout the state.
- On April 28th, I attended the annual Metropolitan Sewerage District of Buncombe County’s (MSD) Capital Improvements Committee presentation of the fiscal year 2023, 10-year Capital Improvements Plan. The budgeted FY 2023 CIP budget is just over \$30,000,000. While there are no plans for capital projects inside the Town of Biltmore Forest, we continue to work very positively with the District on problems as they come to our attention.
- We have engaged our on-call engineer to perform a brief analysis of the technical feasibility analysis of installing traffic circles at either end of the divided median in front of Town Hall.
- We completed pre-planning work for another storm drain replacement project under Fairway Place at 28 Browntown Road. Work is anticipated to begin the last week of May, weather pending.
- The streetlight meter base project remains paused pending Board feedback regarding proposed alternative locations for some of the more visible bases.
- Shoulders were cleared of invasives along Busbee and Cedarcliff Roads in the vicinity of the Bell Gate entrance.

- We replaced a failed meter setter at 32 Hilltop Road.
- We repaired a storm drain box and replaced the lid at 15 Forest Road.
- We replaced a broken storm drain lid between 4 and 6 Frith Drive.
- We installed mulch in the remaining areas of the Busbee Wye and are preparing a potential planting plan that can be executed this fall in this area, pending Board feedback.
- We completed another round of invasives removals along Brookside Road between Southwood Road and Cedar Hill Road.
- A draft striping plan was completed and is being reviewed internally. Upon satisfactory completion of the plan, a budget will be established and presented to the Board.
- We completed two days of dead and damaged tree removals on Town-owned property utilizing an outside tree company.
- The initial phase of hazardous tree identifications is completed on the north side of town. Green paint dots mark the identified trees. We are continuing to analyze the list and will develop an implementation schedule in the coming months.
- We began weekly mowing of all Town property.

Larger/Capital Projects Updates

Greenwood Park Stream Restoration

- Project construction began on May 2nd. A separate agenda item for this topic is in the Manager's report.

Automatic Water Meter Reading System Endpoint Replacement Program

- Staff has completed the installation of approximately 90 of the 715 replacement endpoints (12.6%). We paused replacements around the billing cycle to minimize impacts to the bill generation process. Completion is anticipated by the end of the year.
- As we visit each water meter in Town, we are also identifying additional meter maintenance that may be required. We will develop work orders for these identified preventive maintenance improvements and schedule the work as appropriate.

Cedar Hill Road Stream Stabilization Project

- This project remains in the permitting process, which is anticipated to conclude in another 30 days or so.
- The schedule remains unchanged, with the design and permitting phase of the project being completed in the spring, allowing us to pursue informal bids. Construction is anticipated to be completed by the end of the 2022, pending Board approval.

2021/2022 Resurfacing Project

- This year's project is to resurface Vanderbilt Road between Cedarcliff Road and the I-40 Bridge. We received multiple bids via invitation, and the project award is pending Board approval. There is a separate agenda item covering this project.

Master Plan Project Area 2 – 13/15 Park Rd. Culvert Replacement

- This project was completed on April 25th, 2022, on the 13/15 Park Road Culvert Replacement project.
- Field adjustments and additional materials were required due to existing utility conflicts; however, the work was not substantially delayed beyond the anticipated project completion date.
- The project included the installation of a new 36-inch double walled HDPE pipe, new concrete headwalls, and a 5-foot junction box in the middle. A short segment of the downstream channel on the Town property was stabilized and all surfaces were restored to similar or better condition as before the project occurred.
- Total costs for the project, after all field adjustment, totaled \$66,055.20.
- I would like to thank Mr. and Mrs. Schmitt at 15 Park Road for their willingness to accommodate the project and the ease with which they worked with us. Their assistance made the project much easier and successful.

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

- Manager Kanipe, Supervisor Dale and I met with the Town's consultant to review the final 30% plans for this project on April 20th. We have asked the consultant to prepare schedule and budgetary information for use by Town staff to factor into the 2023 FY budget plans.

Upcoming in May

- Training will continue with our new Public Works employee.
- The Public Works department will be closed along with all other Town Offices on Monday, May 30th for Memorial Day. Sanitation routes that week will be delayed by one day to accommodate the holiday.
- Scheduled brush collection will continue in May, beginning Monday, May 16th for the North Route, and Tuesday, May 31st on the South Route.
- Weekly mowing of public areas will continue, weather pending.
- We will complete the required quarterly disinfection byproducts water testing in accordance with our permit requirements.
- Work began on May 4th on the upgrades to the power system in Rosebank Park. We are adding two (2) dedicated 50-amp, 240-volt circuits, and additional dedicated 20-amp circuits. These additions are fully code-compliant and replace the existing outlets that were previously installed with no ground fault system. These improvements will provide greater flexibility for power service in the park and provide more modern power options for multiple outside vendors. Work is anticipated to be complete on or around May 13th, weather pending.
- I am collaborating with a local provider to create building signage for the Administrative, Public Works, and Police Department buildings. The style will be in harmony with

existing Town signage and will help the public conduct business with Town staff more efficiently.

- We anticipate the completion of the Fairway Place culvert replacement project in late May or early June.
- We have tentatively scheduled two more days of dead or damaged tree removals from Town property in mid-May.
- We will be developing a solution to the low road shoulder at northwest corner of the intersection of Parkway and Stuyvesant Roads.
- We will continue work on the streetlight meter project, incorporating feedback from the Board.
- I continue to reach out to CES to coordinate the installation of the cart grabbers on the garbage trucks.
- We are awaiting the delivery of the new garbage cans.
- I will continue to work with Manager Kanipe on the 2022-2023 department budget and any recommended capital projects.

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

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

May 10, 2022



Agenda Item C-4

Town Manager's Monthly Report

Greenwood Park Stream Restoration Project

After much waiting, the Town's stream restoration project began this week. Surveyors were on site Monday and Tuesday, and construction commenced Thursday. The contractor anticipates construction in Phase 1 to conclude within the next 8 weeks. In order to assure the viability of plantings, the Town requested, and the contractor agreed, to wait until planting in the early fall. This portion (Phase 2) of the project will be finished by mid-October 2022. The Town closed the park in its entirety while work is ongoing and will re-open this area after Phase 1 is complete. Signage will be placed around the park regarding the work that is occurring.

Park Road Stormwater Project

Project #2 in the Town's stormwater master plan was completed at the end of April. This project included the replacement of a failed stormwater pipe under Park Road. To access this pipe and ensure future maintenance, the Town acquired an easement from the owners at 15 Park Road. The pipe and two headwalls were installed, the Town replaced the owner's concrete driveway where it was cut, and repaved the portion of Park Road that was cut.

Vanderbilt Road Emergency Stormwater Repair

The Town asked Hyatt Pipeline to make an emergency stormwater repair near 392 Vanderbilt Road in late April. This repair was necessitated by the emergence of a sinkhole on the western side of Vanderbilt Road, adjacent to the wooded portion of Rosebank Park. The bottom of the pipe was rusted away, which had resulted in water intrusion and degradation of this pipe. The new headwalls and pipe will serve the Town well for many years.

Electrical Upgrades in Rosebank Park

The Town is upgrading the electrical service in Rosebank Park to provide greater capacity for Town events, such as the Independence Day picnic celebration and Food Truck Friday's. Town Public Works staff is performing the trenching work, and an electrical contractor is performing the electrical installations.

Town-Owned Vanderbilt Road Property Review

Staff is beginning the necessary review for any potential site on the Town owned Vanderbilt Road property. The review process will be geared to providing information for the Town's citizens regarding the potential use of this property and presenting this information at the public hearing.

Traffic Circle Inquiries

Last month, the Board asked staff to investigate whether a traffic circle was feasible at the intersection of Busbee and Vanderbilt Roads. Staff has asked McGill Engineers to review this area, along with the next intersection south, to determine if this is possible. I requested this information to be available for the Board's meeting in June.

MAHEC Parking Deck Construction

Construction for the new MAHEC parking deck, first approved in December 2019, is slated to begin within the next several weeks. The Town will participate in a pre-construction meeting with Buncombe County's stormwater and erosion control administrators, the contractor, civil engineer, architect, and MAHEC facilities managers within the next week. There is likely to be minimal disruption within the Town, but construction activity is likely to be noticeable along the eastern side of Vanderbilt Road, north of Interstate 40, over the next several months.

REVENUE & EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 04/30/2022

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
3010 Ad Valorem Tax						
Revenue						
3010 Ad Valorem Tax						
10-3010-0000 AD VALOREM TAXES (PROPERTY)	2,835,096.00	2,940,958.77	2,940,958.77	0.00	-105,862.77	104
10-3010-0100 AD VALOREM TAXES (DMV)	104,332.00	80,337.67	80,337.67	0.00	23,994.33	77
10-3010-0200 TAX INTEREST & PENALTIES	10,000.00	5,206.93	5,206.93	0.00	4,793.07	52
3010 Ad Valorem Tax Subtotal	\$2,949,428.00	\$3,026,503.37	\$3,026,503.37	\$0.00	-\$77,075.37	103
Revenue Subtotal	\$2,949,428.00	\$3,026,503.37	\$3,026,503.37	\$0.00	-\$77,075.37	103
After Transfers	Excess Of Revenue Subtotal	\$2,949,428.00	\$3,026,503.37	\$3,026,503.37	\$0.00	103
3020 Unrestricted Intergovernm						
Revenue						
3020 Unrestricted Intergovernm						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	205,227.00	152,277.21	152,277.21	0.00	52,949.79	74
10-3020-0100 ALCOHOL BEVERAGE TAX	6,000.00	0.00	0.00	0.00	6,000.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	540,724.00	578,926.95	578,926.95	0.00	-38,202.95	107
10-3020-0300 1/2 CENT SALES TAX A.40	227,111.00	243,115.06	243,115.06	0.00	-16,004.06	107
10-3020-0400 1/2 CENT SALES TAX A.42	282,736.00	306,555.39	306,555.39	0.00	-23,819.39	108
10-3020-0600 SALES TAX REFUND	10,000.00	0.00	0.00	0.00	10,000.00	0
10-3020-0700 GASOLINE TAX REFUND	3,500.00	0.00	0.00	0.00	3,500.00	0
3020 Unrestricted Intergovernm Subtotal	\$1,275,298.00	\$1,280,874.61	\$1,280,874.61	\$0.00	-\$5,576.61	100
Revenue Subtotal	\$1,275,298.00	\$1,280,874.61	\$1,280,874.61	\$0.00	-\$5,576.61	100
After Transfers	Excess Of Revenue Subtotal	\$1,275,298.00	\$1,280,874.61	\$1,280,874.61	\$0.00	100
3030 Restricted Intergovernmen						
Revenue						
3030 Restricted Intergovernmen						
10-3030-0000 SOLID WASTE DISPOSAL TAX	950.00	803.77	803.77	0.00	146.23	85
10-3030-0100 POWELL BILL	55,505.00	67,821.50	67,821.50	0.00	-12,316.50	122
3030 Restricted Intergovernmen Subtotal	\$56,455.00	\$68,625.27	\$68,625.27	\$0.00	-\$12,170.27	122
Revenue Subtotal	\$56,455.00	\$68,625.27	\$68,625.27	\$0.00	-\$12,170.27	122
After Transfers	Excess Of Revenue Subtotal	\$56,455.00	\$68,625.27	\$68,625.27	\$0.00	122
3040 Permits & Fees						
Revenue						
3040 Permits & Fees						
10-3040-0000 BUILDING PERMITS	30,000.00	72,373.00	72,373.00	0.00	-42,373.00	241
10-3040-0100 DOG LICENSE FEE	1,300.00	1,205.10	1,205.10	0.00	94.90	93
3040 Permits & Fees Subtotal	\$31,300.00	\$73,578.10	\$73,578.10	\$0.00	-\$42,278.10	235
Revenue Subtotal	\$31,300.00	\$73,578.10	\$73,578.10	\$0.00	-\$42,278.10	235
After Transfers	Excess Of Revenue Subtotal	\$31,300.00	\$73,578.10	\$73,578.10	\$0.00	235
3050 Investment Earnings						
Revenue						
3050 Investment Earnings						
10-3050-0000 INTEREST EARNED	1,000.00	725.20	725.20	0.00	274.80	73
3050 Investment Earnings Subtotal	\$1,000.00	\$725.20	\$725.20	\$0.00	\$274.80	73

REVENUE & EXPENDITURE STATEMENT

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FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
Revenue Subtotal	\$1,000.00	\$725.20	\$725.20	\$0.00	\$274.80	73
After Transfers Excess Of Revenue Subtotal	\$1,000.00	\$725.20	\$725.20	\$0.00		73
3060 Miscellaneous						
Revenue						
3060 Miscellaneous						
10-3060-0100 AMERICAN TOWER AGREEMENT	38,000.00	30,244.39	30,244.39	0.00	7,755.61	80
10-3060-0200 MISCELLANEOUS	18,000.00	38,241.54	38,486.57	-245.03	-20,486.57	214
3060 Miscellaneous Subtotal	\$56,000.00	\$68,485.93	\$68,730.96	-\$245.03	-\$12,730.96	123
Revenue Subtotal	\$56,000.00	\$68,485.93	\$68,730.96	-\$245.03	-\$12,730.96	123
After Transfers Excess Of Revenue Subtotal	\$56,000.00	\$68,485.93	\$68,485.93	-\$245.03		122
3290						
Revenue						
3290						
30-3290-0000 INTEREST EARNED	50.00	12.87	12.87	0.00	37.13	26
3290 Subtotal	\$50.00	\$12.87	\$12.87	\$0.00	\$37.13	26
Revenue Subtotal	\$50.00	\$12.87	\$12.87	\$0.00	\$37.13	26
After Transfers Excess Of Revenue Subtotal	\$50.00	\$12.87	\$12.87	\$0.00		26
3350 Commissions, Sw Chg Coll						
Revenue						
3350 Commissions, Sw Chg Coll						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	8,000.00	6,554.80	6,554.80	0.00	1,445.20	82
3350 Commissions, Sw Chg Coll Subtotal	\$8,000.00	\$6,554.80	\$6,554.80	\$0.00	\$1,445.20	82
Revenue Subtotal	\$8,000.00	\$6,554.80	\$6,554.80	\$0.00	\$1,445.20	82
After Transfers Excess Of Revenue Subtotal	\$8,000.00	\$6,554.80	\$6,554.80	\$0.00		82
3500 Other Financing						
Other Financing Source						
3500 Other Financing						
10-3500-0000 SALE OF PERSONAL PROPERTY	15,000.00	3,520.00	3,520.00	0.00	11,480.00	23
10-3500-0700 INTERGOVERNMENTAL LOAN (RESTRIC	300,000.00	0.00	0.00	0.00	300,000.00	0
3500 Other Financing Subtotal	\$315,000.00	\$3,520.00	\$3,520.00	\$0.00	\$311,480.00	1
Other Financing Source Subtotal	\$315,000.00	\$3,520.00	\$3,520.00	\$0.00	\$311,480.00	1
After Transfers Excess Of Revenue Subtotal	\$315,000.00	\$3,520.00	\$3,520.00	\$0.00		1
3710 Water Sales						
Revenue						
3710 Water Sales						
10-3710-0000 TAX REFUNDS	0.00	-383.24	-383.24	0.00	383.24	0
30-3710-0000 WATER CHARGES	442,800.00	289,481.75	289,481.75	0.00	153,318.25	65
30-3710-0100 MSD CHARGES	338,789.00	171,758.23	171,758.23	0.00	167,030.77	51
30-3710-0200 AMI TRANSMITTER CHARGES	7,700.00	5,437.90	5,437.90	0.00	2,262.10	71
3710 Water Sales Subtotal	\$789,289.00	\$466,294.64	\$466,294.64	\$0.00	\$322,994.36	59
Revenue Subtotal	\$789,289.00	\$466,294.64	\$466,294.64	\$0.00	\$322,994.36	59
After Transfers Excess Of Revenue Subtotal	\$789,289.00	\$466,294.64	\$466,294.64	\$0.00		59
3730 Water Tap & Connect Fees						

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FY 2021-2022

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Revenue						
3730 Water Tap & Connect Fees						
30-3730-0000 WATER TAP AND CONNECTION FEES	6,000.00	2,660.00	2,660.00	0.00	3,340.00	44
3730 Water Tap & Connect Fees Subtotal	\$6,000.00	\$2,660.00	\$2,660.00	\$0.00	\$3,340.00	44
Revenue Subtotal	\$6,000.00	\$2,660.00	\$2,660.00	\$0.00	\$3,340.00	44
After Transfers Excess Of Revenue Subtotal	\$6,000.00	\$2,660.00	\$2,660.00	\$0.00		44
4000						
Revenue						
4000						
40-4000-1100 ARP DISTRIBUTION	451,275.58	225,637.79	225,637.79	0.00	225,637.79	50
4000 Subtotal	\$451,275.58	\$225,637.79	\$225,637.79	\$0.00	\$225,637.79	50
Revenue Subtotal	\$451,275.58	\$225,637.79	\$225,637.79	\$0.00	\$225,637.79	50
After Transfers Excess Of Revenue Subtotal	\$451,275.58	\$225,637.79	\$225,637.79	\$0.00		50
4200 Administration						
Expenditure						
4200 Administration						
10-4200-0200 SALARIES	214,530.00	184,521.19	184,521.19	0.00	30,008.81	86
10-4200-0300 OVERTIME	5,000.00	85.14	85.14	0.00	4,914.86	2
10-4200-0500 FICA	16,794.00	11,782.17	11,782.17	0.00	5,011.83	70
10-4200-0600 HEALTH INSURANCE (MEDICAL)	28,502.00	19,324.00	19,324.00	0.00	9,178.00	68
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	4,470.00	3,871.08	3,871.08	0.00	598.92	87
10-4200-0675 HEALTH REIMBURSEMENT ACC	3,750.00	3,125.00	3,125.00	0.00	625.00	83
10-4200-0700 LGERS RETIREMENT	39,581.00	28,638.81	28,638.81	0.00	10,942.19	72
10-4200-0800 401K SUPP RETIREMENT	10,976.00	9,006.56	9,006.56	0.00	1,969.44	82
10-4200-1000 ACCOUNTING & TAXES	45,000.00	30,302.98	30,302.98	0.00	14,697.02	67
10-4200-1200 POSTAGE, PRINTING, STATIONARY	6,000.00	5,749.41	7,379.73	1,630.32	-1,379.73	123
10-4200-1400 MILEAGE & BOARD SALARY	22,000.00	18,000.00	18,000.00	0.00	4,000.00	82
10-4200-3300 SUPPLIES AND EQUIPMENT	8,750.00	6,825.05	6,825.05	0.00	1,924.95	78
10-4200-5300 DUES & FEES	5,000.00	6,950.08	7,515.08	565.00	-2,515.08	150
10-4200-5700 MISCELLANEOUS	1,000.00	2,981.01	2,981.01	0.00	-1,981.01	298
10-4200-6500 STAFF DEVELOPMENT	16,000.00	7,106.70	7,931.37	824.67	8,068.63	50
4200 Administration Subtotal	\$427,353.00	\$338,269.18	\$341,289.17	\$3,019.99	\$86,063.83	80
Expenditure Subtotal	\$427,353.00	\$338,269.18	\$341,289.17	\$3,019.99	\$86,063.83	80
Before Transfers Deficiency Of Revenue Subtotal	-\$427,353.00	-\$338,269.18	-\$338,269.18	-\$3,019.99		79
After Transfers Deficiency Of Revenue Subtotal	-\$427,353.00	-\$338,269.18	-\$338,269.18	-\$3,019.99		79
4300						
Expenditure						
4300						
4300 Subtotal	\$0.00	\$0.00	\$64.11	\$64.11	-\$64.11	0
Expenditure Subtotal	\$0.00	\$0.00	\$64.11	\$64.11	-\$64.11	0
Before Transfers Deficiency Of Revenue Subtotal	\$0.00	\$0.00	\$0.00	-\$64.11		0
After Transfers Deficiency Of Revenue Subtotal	\$0.00	\$0.00	\$0.00	-\$64.11		0
5100 Police Department						

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Town of Biltmore Forest

07/01/2021 To 04/30/2022

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
Expenditure						
5100 Police Department						
10-5100-0200 SALARIES	908,986.00	814,509.20	814,509.20	0.00	94,476.80	90
10-5100-0300 OVERTIME	26,000.00	16,585.44	16,585.44	0.00	9,414.56	64
10-5100-0400 SEPARATION ALLOWANCE	30,617.00	25,906.98	25,906.98	0.00	4,710.02	85
10-5100-0500 FICA	71,526.00	54,998.72	54,998.72	0.00	16,527.28	77
10-5100-0600 HEALTH INSURANCE (MEDICAL)	148,416.00	122,232.72	122,232.72	0.00	26,183.28	82
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	18,892.00	16,040.24	16,040.24	0.00	2,851.76	85
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	21,000.00	21,000.00	0.00	4,500.00	82
10-5100-0700 LGERS RETIREMENT	168,681.00	131,072.81	131,072.81	0.00	37,608.19	78
10-5100-0800 401K SUPP RETIREMENT	45,474.00	40,631.83	40,631.83	0.00	4,842.17	89
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	20,000.00	4,886.26	9,671.37	4,785.11	10,328.63	48
10-5100-1600 MAINT/REPAIR - EQUIPMENT	2,000.00	793.24	911.24	118.00	1,088.76	46
10-5100-1700 MAINT/REPAIR - VEHICLES	12,000.00	5,043.89	6,493.56	1,449.67	5,506.44	54
10-5100-3100 MOTOR FUELS	13,000.00	16,832.52	16,832.52	0.00	-3,832.52	129
10-5100-3300 SUPPLIES	10,000.00	3,742.03	3,742.03	0.00	6,257.97	37
10-5100-3600 UNIFORMS	7,500.00	3,889.26	7,378.36	3,489.10	121.64	98
10-5100-3700 SOFTWARE	50,000.00	46,576.90	57,013.89	10,436.99	-7,013.89	114
10-5100-3800 TECHNOLOGY	60,000.00	46,373.68	49,329.60	2,955.92	10,670.40	82
10-5100-5700 MISCELLANEOUS	7,500.00	7,735.55	7,819.55	84.00	-319.55	104
10-5100-5800 PHYSICAL EXAMS	5,000.00	760.00	2,087.90	1,327.90	2,912.10	42
10-5100-6500 STAFF DEVELOPMENT	10,000.00	10,300.24	11,455.84	1,155.60	-1,455.84	115
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	125,000.00	108,731.71	121,254.92	12,523.21	3,745.08	97
5100 Police Department Subtotal	\$1,766,092.00	\$1,498,643.22	\$1,536,968.72	\$38,325.50	\$229,123.28	87
Expenditure Subtotal	\$1,766,092.00	\$1,498,643.22	\$1,536,968.72	\$38,325.50	\$229,123.28	87
Before Transfers	Deficiency Of Revenue Subtotal	-\$1,766,092.00	-\$1,498,643.22	-\$1,498,643.22	-\$38,325.50	85
After Transfers	Deficiency Of Revenue Subtotal	-\$1,766,092.00	-\$1,498,643.22	-\$1,498,643.22	-\$38,325.50	85
5200 Fire Services						
Expenditure						
5200 Fire Services						
10-5200-0000 FIRE CONTRACT	425,000.00	318,750.00	318,750.00	0.00	106,250.00	75
5200 Fire Services Subtotal	\$425,000.00	\$318,750.00	\$318,750.00	\$0.00	\$106,250.00	75
Expenditure Subtotal	\$425,000.00	\$318,750.00	\$318,750.00	\$0.00	\$106,250.00	75
Before Transfers	Deficiency Of Revenue Subtotal	-\$425,000.00	-\$318,750.00	-\$318,750.00	\$0.00	75
After Transfers	Deficiency Of Revenue Subtotal	-\$425,000.00	-\$318,750.00	-\$318,750.00	\$0.00	75
5600 Public Works						
Expenditure						
5600 Public Works						
10-5600-0200 SALARIES	239,707.00	198,923.60	198,923.60	0.00	40,783.40	83
10-5600-0300 OVERTIME	15,000.00	0.00	0.00	0.00	15,000.00	0
10-5600-0500 FICA	19,485.00	12,852.51	12,852.51	0.00	6,632.49	66
10-5600-0550 UNEMPLOYMENT INSURANCE	500.00	0.00	0.00	0.00	500.00	0
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	46,872.00	28,411.35	28,411.35	0.00	18,460.65	61

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	6,739.00	3,245.48	3,245.48	0.00	3,493.52	48
10-5600-0675 HRA HEALTH REIMB ACCT	9,000.00	5,187.50	5,187.50	0.00	3,812.50	58
10-5600-0700 LGERS RETIREMENT	45,924.00	30,696.07	30,696.07	0.00	15,227.93	67
10-5600-0800 401K SUPP RETIREMENT	12,735.00	9,290.94	9,290.94	0.00	3,444.06	73
10-5600-1000 OUTSIDE SERVICES	10,000.00	0.00	997.54	997.54	9,002.46	10
10-5600-1300 STREETLIGHTS ELECTRIC	7,000.00	1,772.54	1,772.54	0.00	5,227.46	25
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	2,702.43	2,702.43	0.00	7,297.57	27
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	10,000.00	18,195.64	18,412.64	217.00	-8,412.64	184
10-5600-1700 MAINT/REPAIR - VEHICLES	10,000.00	4,255.53	4,955.68	700.15	5,044.32	50
10-5600-3100 MOTOR FUELS	12,000.00	13,584.99	13,584.99	0.00	-1,584.99	113
10-5600-3300 SUPPLIES	10,000.00	4,566.53	4,864.30	297.77	5,135.70	49
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	195.07	440.10	245.03	559.90	44
10-5600-3600 UNIFORMS	8,000.00	2,817.59	7,558.22	4,740.63	441.78	94
10-5600-3800 TECHNOLOGY	10,000.00	4,029.60	4,329.19	299.59	5,670.81	43
10-5600-5200 PARKS	50,000.00	12,876.95	14,921.71	2,044.76	35,078.29	30
10-5600-5202 GREENWOOD PARK STREAM RESTORA	300,000.00	26,144.35	26,144.35	0.00	273,855.65	9
10-5600-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5600-5900 MISCELLANEOUS	1,000.00	773.23	1,174.48	401.25	-174.48	117
10-5600-6500 STAFF DEVELOPMENT	8,000.00	1,320.51	1,320.51	0.00	6,679.49	17
40-5600-7401 ARP CAPITAL PROJECTS	451,275.58	0.00	0.00	0.00	451,275.58	0
5600 Public Works Subtotal	\$1,294,737.58	\$381,842.41	\$391,786.13	\$9,943.72	\$902,951.45	30
Expenditure Subtotal	\$1,294,737.58	\$381,842.41	\$391,786.13	\$9,943.72	\$902,951.45	30
Before Transfers	Deficiency Of Revenue Subtotal	-\$1,294,737.58	-\$381,842.41	-\$381,842.41	-\$9,943.72	29
After Transfers	Deficiency Of Revenue Subtotal	-\$1,294,737.58	-\$381,842.41	-\$381,842.41	-\$9,943.72	29
5700 Streets & Transportation						
Expenditure						
5700 Streets & Transportation						
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	5,000.00	5,125.09	5,446.09	321.00	-446.09	109
10-5700-2200 CONTRACTS- PAVING & STRIPING	77,907.00	0.00	0.00	0.00	77,907.00	0
10-5700-2300 SUPPLIES	10,000.00	8,465.68	11,497.97	3,032.29	-1,497.97	115
10-5700-2400 TRAFFIC SIGNS	500.00	206.65	206.65	0.00	293.35	41
10-5700-2500 STORM WATER DRAINAGE	100,000.00	50,628.27	50,858.32	230.05	49,141.68	51
10-5700-3800 TECHNOLOGY	5,000.00	2,283.89	2,283.89	0.00	2,716.11	46
10-5700-6500 STAFF DEVELOPMENT	1,000.00	157.83	157.83	0.00	842.17	16
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	5,000.00	199.95	199.95	0.00	4,800.05	4
10-5700-7500 ENGINEERING	75,000.00	104,204.36	104,204.36	0.00	-29,204.36	139
5700 Streets & Transportation Subtotal	\$279,407.00	\$171,271.72	\$174,855.06	\$3,583.34	\$104,551.94	63
Expenditure Subtotal	\$279,407.00	\$171,271.72	\$174,855.06	\$3,583.34	\$104,551.94	63
Before Transfers	Deficiency Of Revenue Subtotal	-\$279,407.00	-\$171,271.72	-\$171,271.72	-\$3,583.34	61
After Transfers	Deficiency Of Revenue Subtotal	-\$279,407.00	-\$171,271.72	-\$171,271.72	-\$3,583.34	61
5800 Sanitation & Recycling						
Expenditure						
5800 Sanitation & Recycling						

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
10-5800-0200 SALARIES	121,642.00	104,282.55	104,282.55	0.00	17,359.45	86
10-5800-0300 OVERTIME	10,000.00	286.10	286.10	0.00	9,713.90	3
10-5800-0500 FICA	10,071.00	6,998.62	6,998.62	0.00	3,072.38	69
10-5800-0600 HEALTH INSURANCE (MEDICAL)	34,400.00	17,158.80	17,158.80	0.00	17,241.20	50
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	4,170.00	1,638.56	1,638.56	0.00	2,531.44	39
10-5800-0675 HRA HEALTH REIMB ACCT	4,500.00	3,750.00	3,750.00	0.00	750.00	83
10-5800-0700 LGERS RETIREMENT	23,735.00	16,521.51	16,521.51	0.00	7,213.49	70
10-5800-0800 401K SUPP RETIREMENT	6,582.00	5,271.60	5,271.60	0.00	1,310.40	80
10-5800-1700 MAINT/REPAIRS - VEHICLES	13,000.00	22,529.93	28,995.05	6,465.12	-15,995.05	223
10-5800-3100 MOTOR FUELS	12,000.00	18,228.95	18,228.95	0.00	-6,228.95	152
10-5800-3300 SUPPLIES	0.00	202.45	202.45	0.00	-202.45	0
10-5800-3600 UNIFORMS	1,000.00	1,022.45	1,022.45	0.00	-22.45	102
10-5800-3800 TECHNOLOGY	1,000.00	460.68	460.68	0.00	539.32	46
10-5800-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5800-5900 MISCELLANEOUS	1,000.00	531.64	531.64	0.00	468.36	53
10-5800-6000 CAPITAL OUTLAY	55,000.00	0.00	49,900.00	49,900.00	5,100.00	91
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	50,000.00	47,231.10	47,231.10	0.00	2,768.90	94
10-5800-8100 RECYCLING	12,000.00	0.00	0.00	0.00	12,000.00	0
5800 Sanitation & Recycling Subtotal	\$360,600.00	\$246,114.94	\$302,480.06	\$56,365.12	\$58,119.94	84
Expenditure Subtotal	\$360,600.00	\$246,114.94	\$302,480.06	\$56,365.12	\$58,119.94	84
Before Transfers	Deficiency Of Revenue Subtotal	-\$360,600.00	-\$246,114.94	-\$246,114.94	-\$56,365.12	68
After Transfers	Deficiency Of Revenue Subtotal	-\$360,600.00	-\$246,114.94	-\$246,114.94	-\$56,365.12	68
6600 General Government						
Expenditure						
6600 General Government						
10-6600-0401 LEGAL SERVICES	35,000.00	22,526.90	22,526.90	0.00	12,473.10	64
10-6600-1100 TECHNOLOGY	95,000.00	77,119.20	77,119.20	0.00	17,880.80	81
10-6600-1300 MUNICIPAL UTILITIES	20,000.00	18,777.16	18,777.16	0.00	1,222.84	94
10-6600-1500 GE. REPS. AND MAINT.	25,000.00	32,371.64	32,914.31	542.67	-7,914.31	132
10-6600-5400 INSURANCE	90,000.00	82,011.43	82,011.43	0.00	7,988.57	91
10-6600-6000 CONTINGENCY	48,931.00	0.00	0.00	0.00	48,931.00	0
10-6600-6100 MISCELLANEOUS	13,000.00	6,860.80	6,860.80	0.00	6,139.20	53
10-6600-6201 COVID EXPENDITURES	0.00	749.97	1,083.43	333.46	-1,083.43	0
10-6600-6301 4TH OF JULY	7,500.00	5,675.45	6,786.54	1,111.09	713.46	90
10-6600-6302 NATIONAL NIGHT OUT	2,000.00	3,327.90	3,465.67	137.77	-1,465.67	173
10-6600-6303 HOLIDAY LIGHTING	14,000.00	10,842.70	20,892.70	10,050.00	-6,892.70	149
10-6600-6304 ARBOR DAY EVENT	2,000.00	0.00	1,335.52	1,335.52	664.48	67
10-6600-6400 WILDLIFE MANAGEMENT	1,000.00	926.92	1,419.12	492.20	-419.12	142
10-6600-6500 FOREST MANAGEMENT	60,000.00	15,006.00	19,760.50	4,754.50	40,239.50	33
10-6600-7600 FIRE PROTECTION	0.00	106,250.00	106,250.00	0.00	-106,250.00	0
6600 General Government Subtotal	\$413,431.00	\$382,446.07	\$401,203.28	\$18,757.21	\$12,227.72	97
Expenditure Subtotal	\$413,431.00	\$382,446.07	\$401,203.28	\$18,757.21	\$12,227.72	97
Before Transfers	Deficiency Of Revenue Subtotal	-\$413,431.00	-\$382,446.07	-\$382,446.07	-\$18,757.21	93

REVENUE & EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 04/30/2022

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
After Transfers	Deficiency Of Revenue Subtotal	-\$413,431.00	-\$382,446.07	-\$382,446.07	-\$18,757.21	93
6700 Debt Service						
Expenditure						
6700 Debt Service						
10-6700-0100 Police Dept Renovations-Principal	23,334.00	17,499.99	17,499.99	0.00	5,834.01	75
10-6700-0200 Street Improvements-Principal	6,667.00	5,000.01	5,000.01	0.00	1,666.99	75
10-6700-0500 Public Works Building-Principal	84,211.00	84,564.05	84,564.05	0.00	-353.05	100
10-6700-0600 2020 POLICE CARS-PRINCIPAL	28,327.00	28,327.00	28,327.00	0.00	0.00	100
10-6700-1100 Police Dept Renovations-Interest	2,334.00	1,833.57	1,833.57	0.00	500.43	79
10-6700-1200 Street Improvements-Interest	667.00	523.87	523.87	0.00	143.13	79
10-6700-1500 Public Works Building-Interest	20,514.00	20,160.15	20,160.15	0.00	353.85	98
10-6700-1600 2020 POLICE CARS-INTEREST	1,580.00	1,578.76	1,578.76	0.00	1.24	100
6700 Debt Service Subtotal	\$167,634.00	\$159,487.40	\$159,487.40	\$0.00	\$8,146.60	95
Expenditure Subtotal	\$167,634.00	\$159,487.40	\$159,487.40	\$0.00	\$8,146.60	95
Before Transfers	Deficiency Of Revenue Subtotal	-\$167,634.00	-\$159,487.40	-\$159,487.40	\$0.00	95
After Transfers	Deficiency Of Revenue Subtotal	-\$167,634.00	-\$159,487.40	-\$159,487.40	\$0.00	95
8100 Water Dept.						
Expenditure						
8100 Water Dept.						
30-8100-0200 SALARIES	142,619.00	89,551.36	89,551.36	0.00	53,067.64	63
30-8100-0400 PROFESSIONAL SERVICES	10,000.00	3,767.68	4,048.50	280.82	5,951.50	40
30-8100-0500 FICA	10,910.00	6,214.84	6,214.84	0.00	4,695.16	57
30-8100-0600 HEALTH INSURANCE (MEDICAL)	18,351.00	13,776.97	13,776.97	0.00	4,574.03	75
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	2,718.00	2,103.88	2,103.88	0.00	614.12	77
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	2,250.00	2,437.50	2,437.50	0.00	-187.50	108
30-8100-0700 LGERS RETIREMENT	25,714.00	15,039.34	15,039.34	0.00	10,674.66	58
30-8100-0800 401K SUPP RETIREMENT	7,131.00	5,206.92	5,206.92	0.00	1,924.08	73
30-8100-1200 POSTAGE, PRINTING, & STATIONARY	5,000.00	3,289.88	3,767.08	477.20	1,232.92	75
30-8100-1500 GENERAL REPAIRS	10,000.00	0.00	0.00	0.00	10,000.00	0
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	7,360.77	9,188.52	1,827.75	5,811.48	61
30-8100-3800 TECHNOLOGY	5,000.00	2,283.89	2,283.89	0.00	2,716.11	46
30-8100-4800 WATER PURCHASES	146,066.00	154,914.75	154,914.75	0.00	-8,848.75	106
30-8100-4900 SEWER PURCHASES	275,595.00	119,888.17	119,888.17	0.00	155,706.83	44
30-8100-5000 AMI TRANSMITTER FEES	7,700.00	7,014.09	7,014.09	0.00	685.91	91
30-8100-5700 MISCELLANEOUS	14,284.00	0.00	0.00	0.00	14,284.00	0
30-8100-6500 STAFF DEVELOPMENT	5,000.00	4,943.43	5,614.07	670.64	-614.07	112
30-8100-7400 CAPITAL IMPROVEMENT	100,000.00	18,243.51	18,243.51	0.00	81,756.49	18
8100 Water Dept. Subtotal	\$803,338.00	\$456,036.98	\$459,293.39	\$3,256.41	\$344,044.61	57
Expenditure Subtotal	\$803,338.00	\$456,036.98	\$459,293.39	\$3,256.41	\$344,044.61	57
Before Transfers	Deficiency Of Revenue Subtotal	-\$803,338.00	-\$456,036.98	-\$456,036.98	-\$3,256.41	57
After Transfers	Deficiency Of Revenue Subtotal	-\$803,338.00	-\$456,036.98	-\$456,036.98	-\$3,256.41	57

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

May 10, 2022



Agenda Item D

**Duke Energy Targeted Underground Project
Phase 2 Review and Update**

Mr. Avery Dolinger, Jr.
Senior Public Engagement Manager, Duke Energy

Background

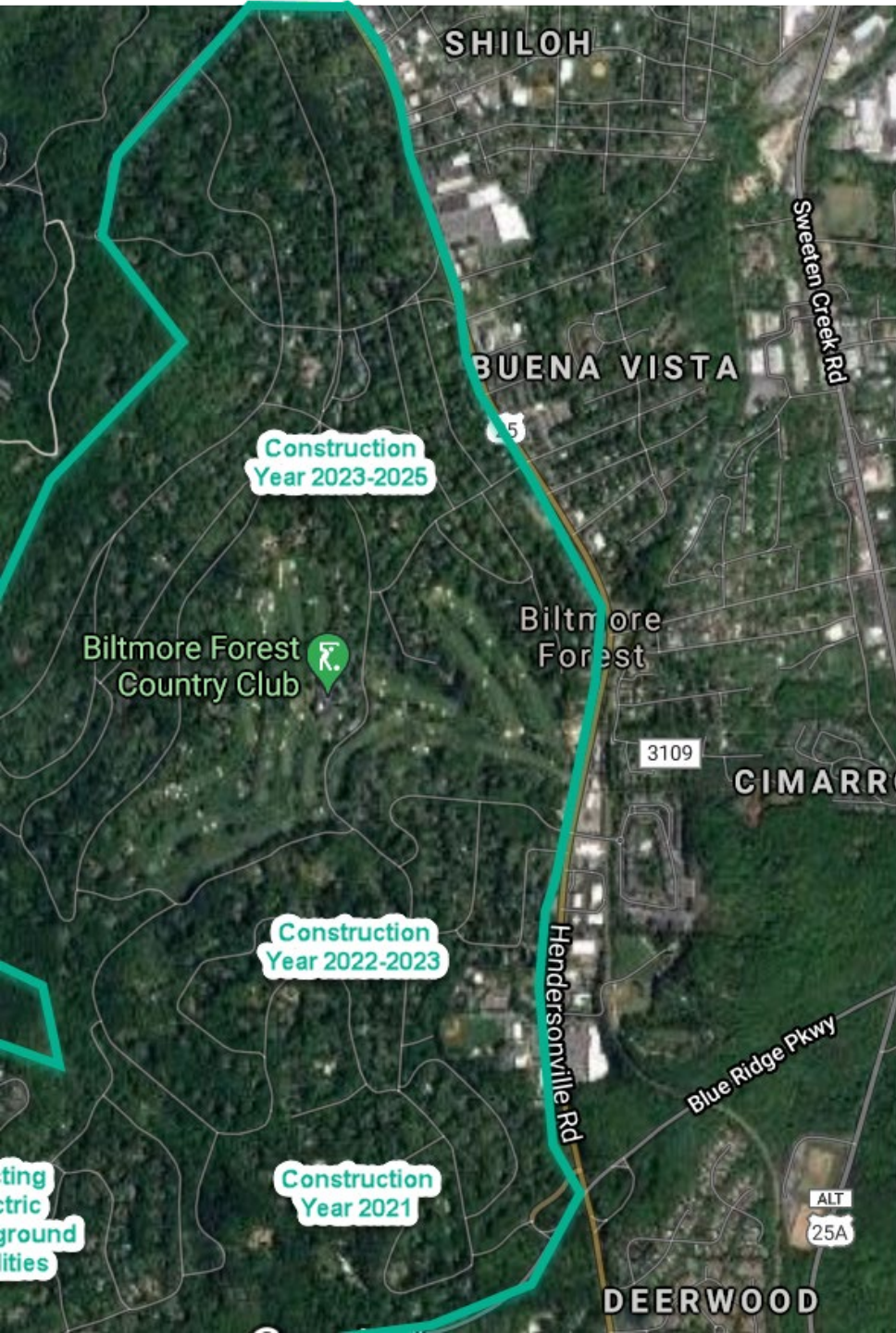
Duke Energy is continuing work in Biltmore Forest on their Targeted Underground (TUG) project. Duke sub-contractors are currently working south of Biltmore Forest Country Club along Brookside, Hilltop, Westwood, Greenwood, Stuyvesant, and Southwood Roads.

Mr. Avery Dolinger, Jr., senior public engagement manager, will provide an update to the Board of Commissioners and Public regarding the project and provide a preview for the next steps.



Town of Biltmore Forest Targeted Undergrounding Utility Project





Town of Biltmore Forest Area Map

South of Biltmore Forest Country Club

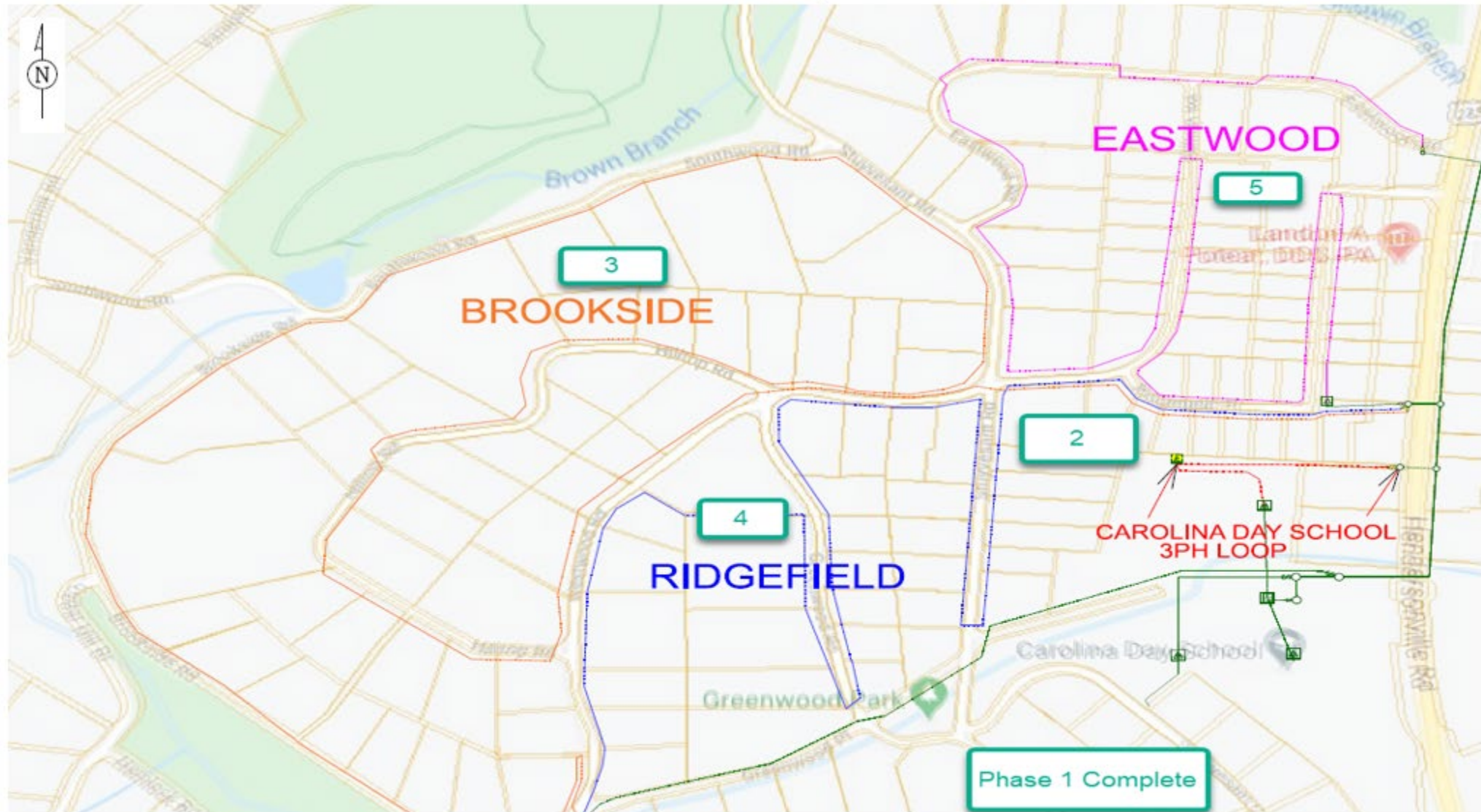
- Construction: 2021-2023
- Miles of overhead removed = 4.43
- Customers with improved reliability = 205

North of Biltmore Forest Country Club

- Construction Year: 2023-2025
- Miles of overhead removed = 7.03
- Customers with improved reliability = 316

***Construction schedule and completion is contingent upon right of way acquisition, ground conditions, annual budgets, and other variables. Updates to construction schedule will be provided when applicable.*

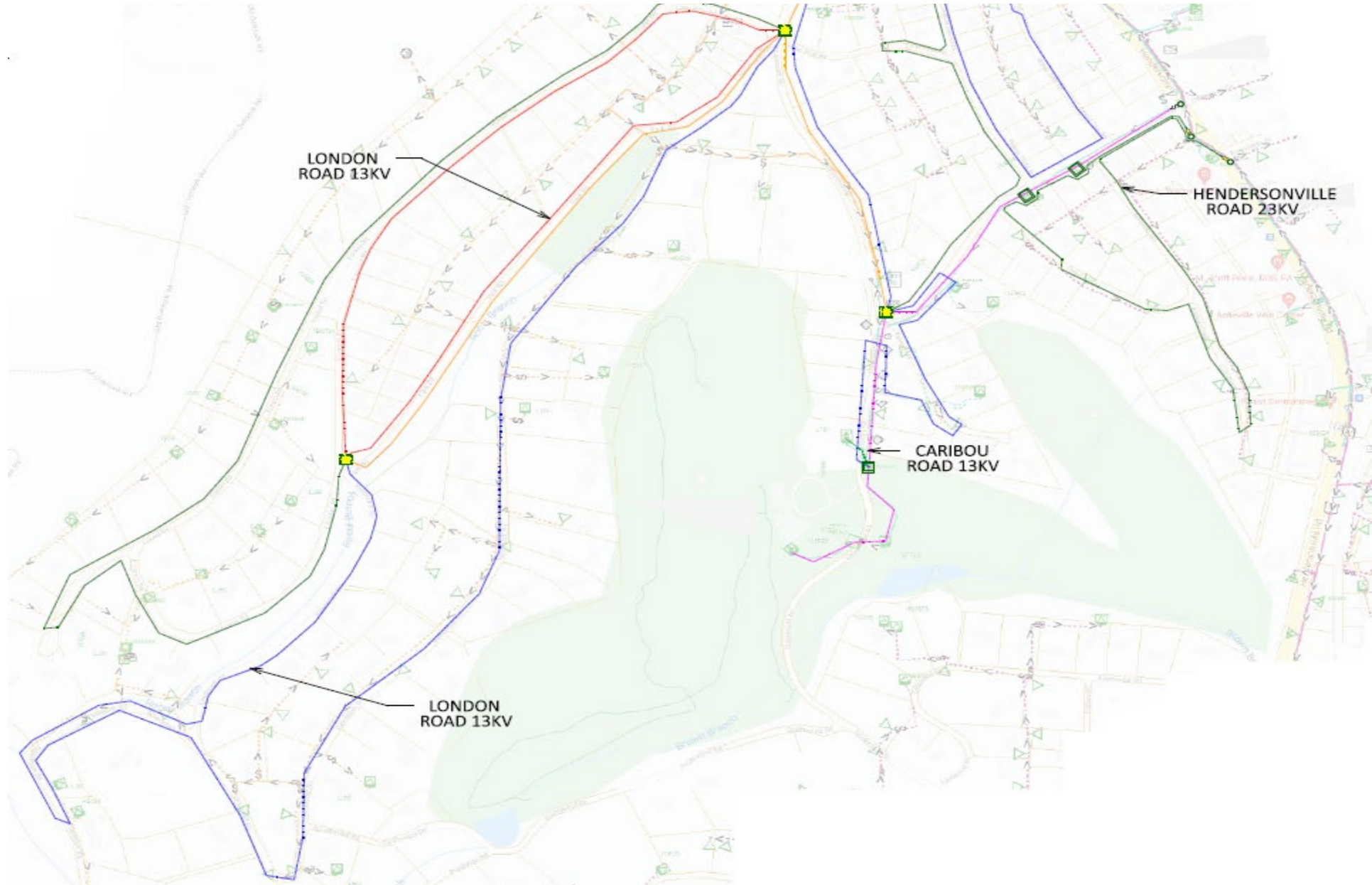
South – Phase Layout



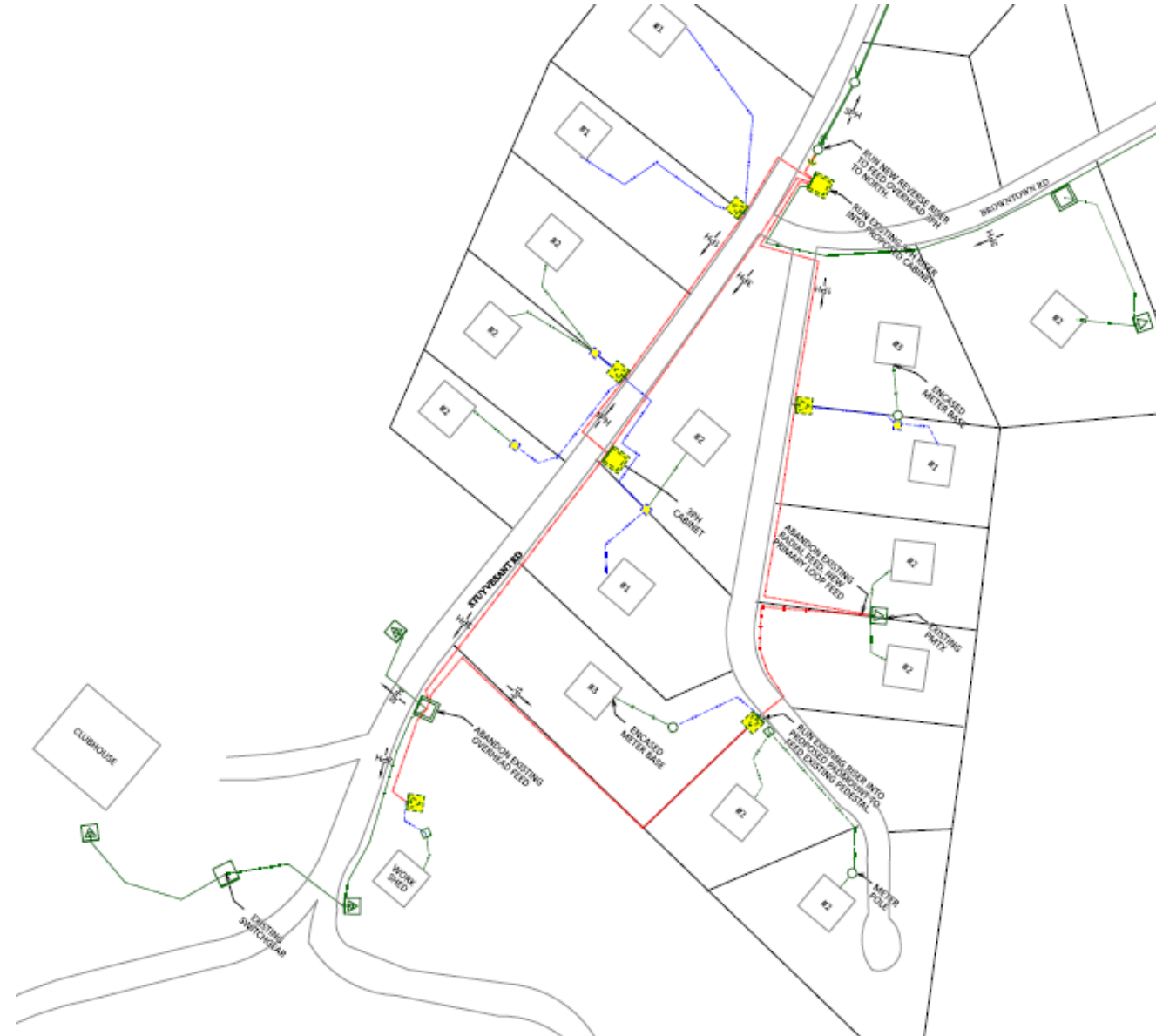
Biltmore Forest Country Club



North – Phase Layout

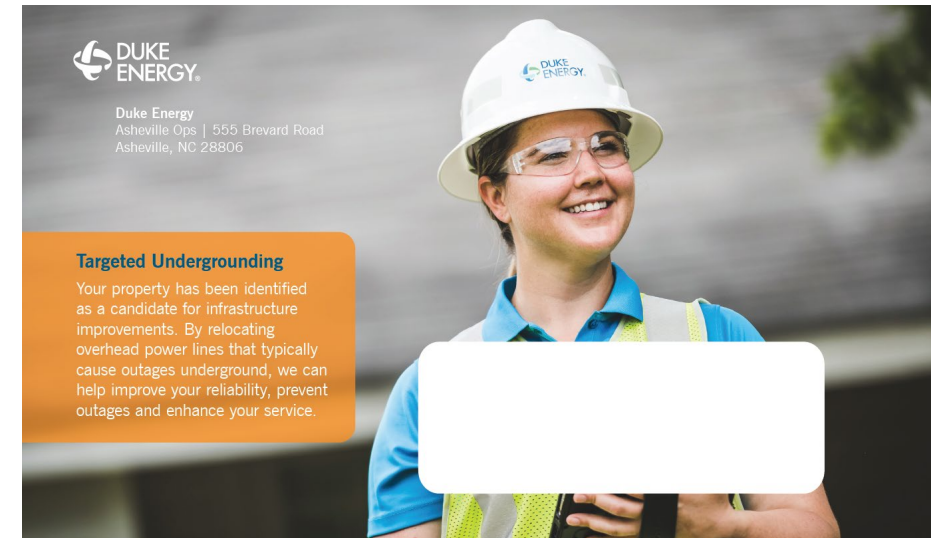


Our first phases in the North – Amherst & Clubhouse



How will you be notified?

Look for this postcard from your dedicated Public Engagement Manager.



Dear Neighbor,

We've identified overhead power lines in your area that have experienced frequent outages and we will relocate them underground.

Relocating these lines underground will help:

- Improve the quality of your electric service
- Minimize service interruptions
- Increase safety in your area following an extreme weather event
- Speed up power restoration following major storms

In order to evaluate these lines, we will need to access poles and wires in the area. A Duke Energy team member will work with you to answer questions and share project updates.



If you have any questions, contact your Public Engagement Manager:

Avery Dolinger
Avery.Dolinger@duke-energy.com
828.545.0697

For more information, please visit duke-energy.com/TUG.
For our response to COVID-19, please visit dukenegyupdates.com.



What happens next?

Contacted by a right-of-way agent for an appointment to discuss the plan.

When they visit, what to look for:

- Duke Energy identification badge.
- Company-branded materials.
- Engagement Managers' contact information – Avery Dolinger.



Program at a Glance

We are using smart data to identify outage-prone overhead power lines and relocating these lines underground.

By relocating the power lines underground, we can:

- Reduce the number of power outages, improving the quality of your electric service
- Restore power more quickly following major storms
- Minimize service interruptions
- Increase safety in your area following an extreme weather event
- Eliminate frequent and potentially disruptive tree and other vegetation trimming needed for hard-to-access lines



Targeted Undergrounding Contact Information

Please feel free to contact us directly with any questions or concerns.



828.545.0697



Avery.Dolinger@duke-energy.com



Ask our representative to see an authorized Duke Energy identification badge.



Targeted Undergrounding

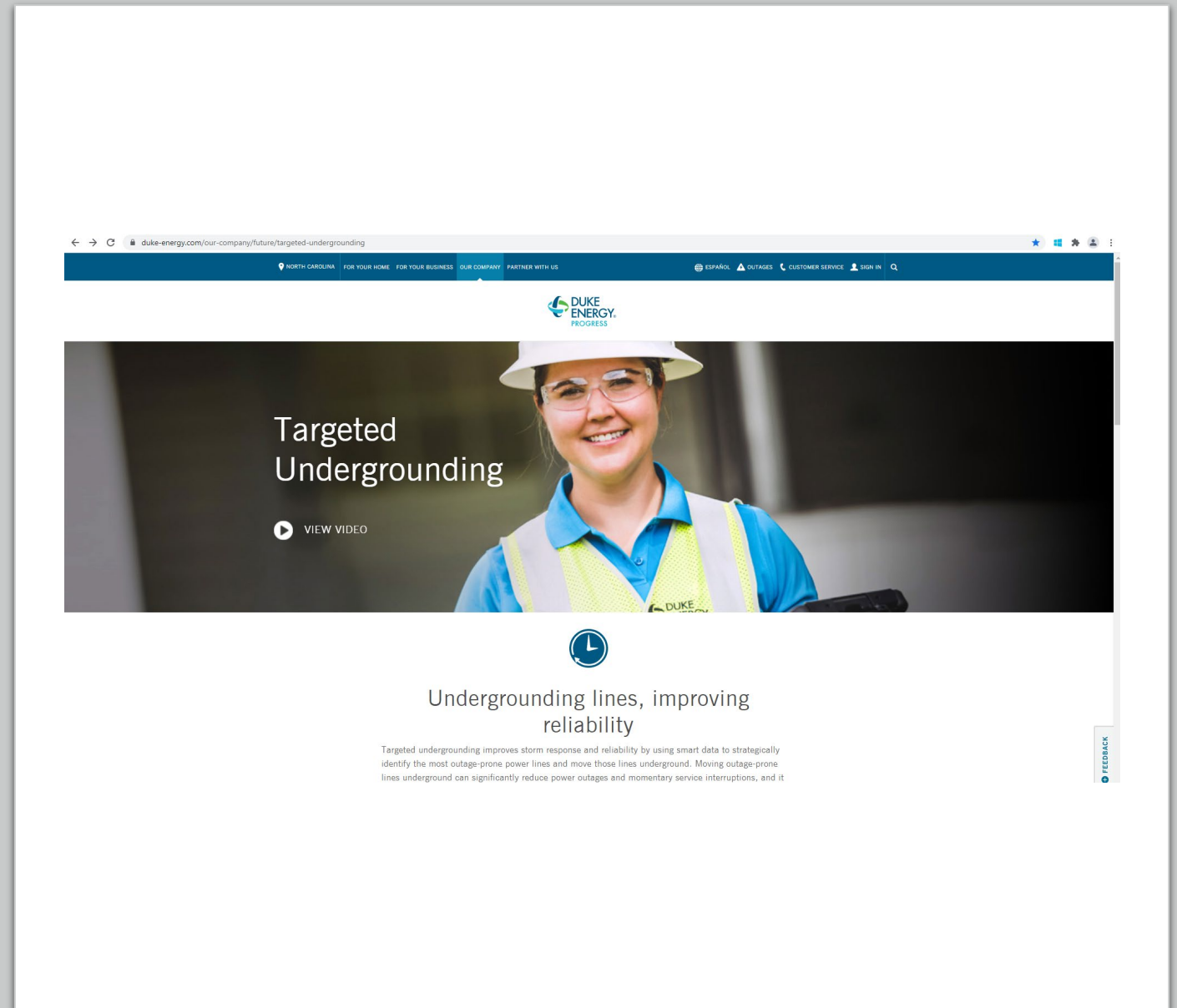
Improving the quality of electric service in your area.



BUILDING A SMARTER ENERGY FUTURE®

Targeted Undergrounding Webpage

duke-energy.com/tug



What to expect?

- Property evaluation
- Obtain Easements
- Reviewing the Plan
- Marking the Site
- Line Relocation
- Restoring the Site
- Overhead Lines removed
- Survey for you to provide opportunities for improvement, as well as successes

Targeted Undergrounding Improving the quality of electric service in your area.

What You Can Expect



Evaluation

A Duke Energy representative will be in your area to determine the best route for the proposed underground relocation. They will also look at the current meter base on your property to determine if any modifications are needed.

Obtain Easements

Easements give Duke Energy permission to install and maintain equipment along the proposed route. Duke Energy representatives will work with property owners to secure necessary easements along the planned underground route. If easements cannot be obtained, the work may be delayed or canceled.

Reviewing the Plan

You will have a chance to review the preliminary design and proposed equipment with our team so you understand the underground plan for your property.

Marking the Site

When it is time to relocate the lines underground, we will work with a utility locating service to mark and/or flag any public or privately owned preexisting facilities (e.g., water, cable, septic). These markings ensure a safe installation.



Line Relocation

When possible, Duke Energy will use low-impact drilling equipment to minimize property disruption. Once the final switch from overhead to underground takes place, there will be a short outage. We will communicate the outage date and time to you in advance so you can plan accordingly.

Restoring the Site

Once the work is complete, Duke Energy representatives will remove any overhead lines and/or other equipment. We will restore your property appropriately in coordination with you.



Other Equipment Required

In order to provide underground service in your area, we may also need to install the following equipment:

- **Padmount Transformer**

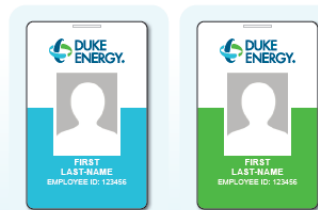
These transformers are in a locked steel cabinet mounted on a concrete pad. They are used with underground power lines to supply power to a large building or many homes.

- **Pedestal**

If necessary, a pedestal will be used to extend the underground system.

- **Meter Base Adapter**

In order to use your current meter with your new underground lines, an adapter may need to be installed. Our team will determine which adapter will work best with your meter. We will discuss details with you if we need to modify, add or remove service equipment attached to your home or business.



Ask our representative to see an authorized Duke Energy identification badge.

Communication throughout

Right of Way and construction crew team members will leave door hangers with contact info to let you know next steps.

Targeted Underground



Property Restoration Update

Date: _____

Great news!

We are happy to inform you that select overhead electrical lines in your area have been relocated underground and we have now completed our work.

As part of our commitment to you, we will be on your property soon to restore the areas impacted by our construction activities.

Respecting your property is a top priority for Duke Energy. Please contact your public engagement specialist if you have any concerns about your property restoration.

Contact: Avery Dolinger – 828.545.0697

We value your feedback.


Following restoration efforts, Duke Energy will share a short survey regarding your overall experience. We invite you to complete and return it as a way to help us improve our process.

Thank you for your patience as we work to improve the safety and reliability of your electric service.


BUILDING A SMARTER ENERGY FUTURE®

©2021 Duke Energy Corporation 172891-G Dolinger 3/21duke-energy.com/TUG

Targeted Underground Program



Planned Outage

Today's date: _____

A temporary outage is necessary as we make the conversion from overhead to underground electric lines in your area.

Your electric service will be shut off on _____ (day). We will make every effort to minimize the duration and inconvenience to you.

You don't need to be home during this time, but please ensure your yard and meter base are accessible to technicians.


If we discussed a new meter base adapter with you and it has not yet been installed, it will be installed during this planned outage.

Your project contact is:

Name: _____

Phone number: _____

Thank you for your patience as we work to increase the safety and reliability of your electric service.


BUILDING A SMARTER ENERGY FUTURE®

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Targeted Undergrounding

Improving the quality
of electric service in your area.



BUILDING A SMARTER ENERGY FUTURE®

Targeted Undergrounding Contact Information

Please feel free to contact us directly
with any questions or concerns.



828.545.0697



Avery.Dolinger@duke-energy.com

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

May 10, 2022



Agenda Item E

**Public Hearing – Town of Biltmore Forest
Comprehensive Plan**

Background

The Town is required to hold a Public Hearing prior to the adoption of any potential amendment to land use regulations, including the adoption of a Comprehensive Plan. The public hearing was appropriately noticed in the Asheville *Citizen-Times* per the attached notice.

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
Fran G. Cogburn, Commissioner
E. Glenn Kelly, 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, May 10, 2022 at 4:30pm regarding the Comprehensive Land Use Plan. The public is invited to view or request a copy of the Comprehensive Land Use Plan at the Biltmore Forest Town Hall, or alternatively can review the full draft on the Town's website at www.biltmoreforest.org.

The proposed plan is being considered in accordance with NC GS Chapter 160D.

The public is invited to attend and make comment.

Laura Jacobs
Town Clerk

Please run the above classified ad on Sunday, May, 1, 2022 and Sunday, May 8, 2022. 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

BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
May 10, 2022



Agenda Item F-2

Consideration of FY 2022 Annual Resurfacing Contract
Public Works Director Harry Buckner

Background

Typically, each year the Public Works Department identifies a segment of the Town's street system to be resurfaced or improved utilizing funds from the North Carolina Department of Transportation's Powell Bill Funding program, as well as other budgeted funds. Due to COVID shutdowns and other impacts to the industry, the Town has not pursued an annual resurfacing project since Fiscal Year (FY) 2019. For FY 2022 we have identified Vanderbilt Road from Cedarcliff Road north to the I-40 bridge to be resurfaced.

Public Works ordered an evaluation of this 0.6-mile road segment based on numerous rough sections of cracked and deteriorated surface asphalt. This evaluation included performing eight (8) core samples along the route, which indicated that while the structure of the road is sound, the surface course is showing significant deterioration. It also appeared that there could have been as many as six (6) different resurfacing projects along this road segment in the past. This helped to explain the sections of the road shoulder that have drop-offs. They are likely created over the years with each subsequent resurfacing project, combined with the lack of attention to appropriate shoulder building and repair with each project. In addition to dangerous drop-offs, this also creates drainage issues along the road shoulders, which can accelerate the deterioration of the road itself along with neighboring property.

We believe that our street system should be managed more comprehensively by including milling to correct grade and drainage issues where appropriate, improvements to the road shoulders, and attention to restoring appropriate drainage patterns. Therefore, we crafted this project to include approximately four inches of pavement removal by milling, placement of a new 2-inch surface course, and reshaping and filling in of low road shoulders with aggregate base course material to establish a stable shoulder and proper drainage patterns. This project also includes new striping with a new center double yellow line and a white edge line on each side, all with reflective beads, and new reflective thermoplastic road markings and stop bars at the Cedarcliff intersection.

To accomplish the project, Public Works staff informally solicited proposals from three reputable contractors capable of performing the work. A summary of those proposals follows:

CONTRACTOR	PROPOSAL AMOUNT
C&T Paving (Leicester, NC)	\$197,312.80, plus \$43/ton for shoulder repair*
Hyatt Pipeline, LLC (Canton, NC)	\$263,917.00 (includes shoulder repair)
Harrison Construction (Asheville, NC)	\$353,462.50 (includes shoulder repair)

** Staff estimates up to 500 tons needed for shoulder repair, which adds approximately \$21,500 to the contract amount). Shoulder repair will only occur as directed by PW staff.*

Action Requested

Based upon the proposals received, we are recommending that the Board authorize the Town Manager to execute the FY 2022 Resurfacing Contract with C&T Paving from Leicester, North Carolina. We further recommend that the board approve a budget amount of up to \$225,000 to complete the project, which includes approximately 2.5% in contingency funds for unforeseen conditions.

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

May 10, 2022



Agenda Item F-2

Consideration – Town of Biltmore Forest Comprehensive Plan

Background

The Town's Planning Commission and staff worked diligently to draft a comprehensive plan over the course of the past eight months. This process included a Town wide survey, analysis of the survey components and distillation into draft goals and objectives, a public meeting to gather feedback and information on these goals, and finally, a draft comprehensive plan.

The result of this process is the attached Comprehensive Plan. This plan was unanimously recommended for approval by the Planning Commission members at their meeting on April 26, 2022. A new comprehensive plan, or amendment to a relatively recent comprehensive plan, is required by changes to North Carolina's land use general statutes and must be in place by July 1, 2022 in order for the Town to continue exercising zoning powers. The Town's Planning Commission prepared this new Comprehensive Plan since there was no formal plan previously adopted by the Town.

Approval of the attached Comprehensive Plan is recommended unanimously by the Town's Planning Commission.

Town of Biltmore Forest Comprehensive Plan

May 10, 2022



Acknowledgments

This document would not be possible without the dedicated effort and community service of the Town's Planning Commission. The Planning Commission has served willingly and tirelessly to create a comprehensive plan that represents the history of the Town, its current state, and prepares for the future. The following members served on the Planning Commission during the Comprehensive Planning Process and during the Town's compliance with the new General Statute land use regulations.

Current Members

Mr. Paul Zimmerman, Chair

Ms. Dawn Grohs, Vice-Chair

Dr. Kenneth Hornowski

Mr. Michael Flynn

Mr. Tony Saponaro

Past Members

Ms. Karen Cragolin

Ms. Rhoda Groce, Interim Chair (*during Phase 1 Adoption*)

Ms. Toya Hauf, Former Chair (*beginning Phase 2 development*)

Mr. William Morrison

Ms. Marjorie Waddell

Special Acknowledgment

The Planning Commission wishes to make special acknowledgment to the life and service of Ms. Karen Cragolin. Ms. Cragolin passed away in January 2022 during this Comprehensive Plan development process. She was a steadfast, tireless, and vibrant defender of the environment, places, and people of Western North Carolina. Ms. Cragolin's leadership as Executive Director of RiverLink led directly to the restoration and beautification of waterways and landscapes throughout Buncombe County and Western North Carolina.

TOWN *of* *Biltmore* *Forest*

Mayor George F. Goosmann, III

Mayor Pro-Tem Doris P. Loomis

Commissioner Fran G. Cogburn

Commissioner E. Glenn Kelly

Town Attorney William Clarke

Town Manager Jonathan Kanipe

Public Works Director Harry Buckner

Police Chief Chris Beddingfield

Background

The North Carolina Legislature made significant changes to the planning and land use regulations for local governments in 2019. The implementation deadline for these changes was moved back due to the Covid-19 pandemic, and as a result, the Town's implementation moved back accordingly. NCGS 160-D imposed many changes for local governments and broke these changes down into two distinct parts. Part 1 included revising the Town's land use ordinances to comply with state law changes. The Town's Planning Commission embarked upon meeting these requirements in March 2021. After reviewing the Town's existing Zoning Ordinance and adding (or removing) requirements laid out by NCGS 160-D, the Planning Commission recommended approval to the Board of Commissioners in June 2021. The Board of Commissioners subsequently adopted the changes on June 8, 2021 after holding a public hearing. A copy of this ordinance and subsequent Zoning Ordinance, effective July 1, 2022, is found in "Appendix A" of this Comprehensive Plan.

Part 2 changes required local governments to have a reasonably maintained comprehensive plan or land-use plan in order to retain zoning authority. The Town has maintained a land use plan and formal Zoning Ordinance for many years, but has not maintained a comprehensive plan. As a result, the Town is required to undergo this planning process and adopt a comprehensive plan by July 1, 2022.

UNC School of Government land use experts provided insight into specific elements often considered in the comprehensive planning process. These elements are not required to be addressed by North Carolina law, but provide a good basis for this process.¹

- (1) Issues and opportunities facing the local government, including consideration of trends, values expressed by citizens, community vision, and guiding principles for growth and development.
- (2) The pattern of desired growth and development and civic design, including the location, distribution, and characteristics of future land uses, urban form, utilities, and transportation networks.
- (3) Employment opportunities, economic development, and community development.
- (4) Acceptable levels of public services and infrastructure to support development, including water, waste disposal, utilities, emergency services, transportation, education, recreation, community facilities, and other public services, including plans and policies for provision of and financing for public infrastructure.
- (5) Housing with a range of types and affordability to accommodate persons and households of all types and income levels.
- (6) Recreation and open spaces.

¹ Lovelady, Adam. Comprehensive Plans and Land Use Plans Required for Zoning. Accessed at <https://canons.sog.unc.edu/comprehensive-plans-and-land-use-plans-required-for-zoning/> on August 26, 2021.

- (7) Mitigation of natural hazards such as flooding, winds, wildfires, and unstable lands.
- (8) Protection of the environment and natural resources, including agricultural resources, mineral resources, and water and air quality.
- (9) Protection of significant architectural, scenic, cultural, historical, or archaeological resources.
- (10) Analysis and evaluation of implementation measures, including regulations, public investments, and educational programs.

Comprehensive Plan Development Process

An effective comprehensive planning process allows for significant public feedback. In larger or more diversely zoned local governments, this process may take over a year to complete with multiple public meetings, charrettes, and individualized surveys. Biltmore Forest is unique in its overwhelmingly residential nature with little developable property. Because of this residential nature, the Town's process was streamlined. The Planning Commission did not focus on several typical components of some comprehensive plans, such as industrial development, job growth, or increased tourism. These sectors do have significant indirect impacts on the Town, typically felt within the transportation sector, but are not the focus of Biltmore Forest's Comprehensive Plan. The Town's focus for the 2022 Comprehensive Plan was creating a vision for the Town rooted in citizen feedback and engagement.

The Comprehensive Plan process began on September 28, 2021 with the Planning Commission meeting to review statutory requirements related to NCGS 160-D. The Commission set a calendar at that meeting for completing the Comprehensive Plan by July 1, 2022.

Comprehensive Plan Schedule

Date	Process/Meeting Focus	Outcome
September 28, 2021	Comprehensive Plan Overview and Schedule Development	Approval of Schedule and Begin Prioritization
October 25, 2021	Discuss Town specific Comprehensive Plan Elements Staff review of specific Town mapping elements	Identify priorities for Comprehensive Planning Consideration and survey development
November 23, 2021	Provide draft survey for review by Commission	Approve survey for distribution to residents
December 21, 2021 (note diff. proposed date for meeting)	Review survey response rate and/or results (dependent upon survey distribution timeframe)	Define final dates for public meetings to receive input on comprehensive planning process, survey responses, and other resident land use feedback
January 25, 2022	Regular meeting – Consider holding one public meeting at this time	Likely will need to hold one public meeting during the evening (regular meeting) and one during the daytime. Receive and review public feedback and determine time for next public meeting.
February 22, 2022	Review public comments, survey responses, and Commissioner prioritization.	Define final focus for each section of the Comprehensive Plan
March 29, 2022	First draft Comprehensive Plan provided to the PC	Receive comments and make changes to comprehensive plan draft
April 26, 2022	Final draft Comprehensive Plan provided to Planning Commission	Review and provide feedback and/or consider recommendation of approval to Board of Commissioners
May 24, 2022	If final draft not approved in April, final draft review at this point	Recommendation to Board of Commissioners for adoption (last available time to do this)

Table 1.

The Commission held to this calendar and began by reviewing comprehensive plans from several other municipalities in North Carolina. Those provided context for the scope of work and an opportunity to review how other jurisdictions addressed the comprehensive plan process. This review led to discussing potential survey questions and how best to deliver a survey for Town residents. The Commission spent October discussing potential questions, and ultimately, issued a survey for all Town residents to complete beginning November 30, 2021. The survey ran through December 13, 2021.

Residents were notified of the survey opportunity through the Town's newsletter, CodeRED alerts, and immediate notices placed on the Town's website.

Call Success Report for Launch #2942427

Client Data

Active Delivery

Disposition	Count	Active Percentage
Answering Device	343	61.80 %
Answered Live	205	36.90 %

Active Connect

Disposition	Count	Active Percentage
Busy	3	0.50 %
Timed Out	4	0.70 %

Summary

Total Active	555
Total Active Client Percentage	42.00 %

CodeRED Data

Active Delivery

Disposition	Count	Active Percentage
Answering Device	234	30.20 %
Answered Live	125	16.10 %

Active Connect

Disposition	Count	Active Percentage
Busy	176	22.70 %
Timed Out	241	31.10 %

Summary

Total Active	776
Total Active CodeRED Percentage	58.00 %

Total Data

Active Delivery

Disposition	Count	Active Percentage
Answering Device	577	43.40 %
Answered Live	330	24.80 %
	907	68.20 %

Active Connect

Disposition	Count	Active Percentage
Busy	179	13.40 %
Timed Out	245	18.40 %
	424	31.80 %

Summary

Total Active	1,331
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Figure 1. CodeRED Call Data

Mr. Paul Zimmerman, current chair of the Planning Commission, led the survey development and analysis process. Mr. Zimmerman's career was leading market research for a Fortune 50 company. That experience proved invaluable during this portion of the Comprehensive Plan. Each Planning Commission member offered recommendations on survey topics and questions. The entire membership approved the final questionnaire. The Town received 238 responses. With a full-time population of 1,400, this is a response rate of seventeen (17) percent. Mr. Zimmerman's analysis and breakdown of the survey is found on the following pages, with a copy of the full survey found in Appendix B.

Results of 2021 Planning Commission Survey

An online survey among Biltmore Forest residents was conducted between 30 Nov and 13 Dec 2021 to give the Planning Commission insight on issues important to Town residents in the development of a comprehensive plan. 238 total responses were received to the survey, which is a very good sample. The average time to complete the survey was 7 min and 23 seconds.

RESULTS

1. **Overall Rating of Biltmore Forest (Q1).** The Question was asked using a standard Excellent, Very Good, Good, Fair, and Poor scale, which were then assigned standard values of 100, 75 ,50, 25 and 0. The weighted average for this question was 84, which is outstanding and in line with past responses to this question in previous surveys in Biltmore Forest. A previous town-wide survey, conducted in 2018, revealed similar overall ratings and highlighted many of the same issues laid out below.

	Excellent %	Very Good %	Good %	Weighted Average
Overall Rating	54	27	4	84

2. **Direct Rating Questions of Key Attributes (Q3).** The same scale was used for these Attributes as for the Overall Rating

Attribute (How would you rate Biltmore Forest for being a Town...)	Excellent %	Very Good %	Good %	Fair %	Poor %	Weighted Average
... that protects mature trees and the tree canopy	45	30	13	8	3	74
... where it is safe to walk	32	29	23	11	4	66
... that you are proud to live in	66	25	9	0	0	89
... that has a professional/competent Police Force	80	14	6	0	0	93
... that has a professional/competent Public Works Dept.	75	19	6	0	0	93
... that gives you confidence that Zoning Ordinances are consistently enforced	32	36	15	11	7	66
... where there are plans to guide future development	27	30	28	11	5	64
... where there are appropriate Parks to use and enjoy	45	30	17	6	2	76

... that is enjoyable for people of all ages	56	25	12	5	1	80
... that has effective speed management	37	32	16	8	6	69
... where there are Social activities	27	39	27	5	1	68
... where there are guidelines for buffering between neighbors and high traffic zones	25	32	28	13	3	63

- The ratings for Pride, Police, and Public Works were outstanding and rarely seen in surveys of this type.
 - The average rating for all questions in this survey is 75, so that you can judge which attributes are relatively high or low. A difference between ratings of approximately 8 points is statistically significant.
 - In addition to the average rating, you should also look at the percentage of people rating (Fair + Poor). When this number approaches 15%, that is taken as a strong indicator that the lower rating should be studied further using voluntary comments and not dismissed.. I have highlighted those ratings in **RED**.
3. **Importance Ratings of Key Attributes (Q4).** A 5-point 'Very Important to Very Unimportant' scale was used for these Attributes. Standard weighting of +2, +1, 0, -1, and -2 was used to calculate the weighted average.

Attribute (How IMPORTANT is it that Biltmore Forest is a Town...)	Very Important %	Important %	Neither Important or Unimportant %	Unimportant %	Very Unimportant %	Weighted Average
... that protects mature trees and the tree canopy	63	30	5	2	0	1.35
... where it is safe to walk	83	16	0	0	0	1.83
... that you are proud to live in	69	23	7	1	0	1.59
... that has a professional/competent Police Force	93	7	0	0	0	1.93
... that has a professional/competent Public Works Dept.	92	8	0	0	0	1.91
... that gives you confidence that Zoning Ordinances are consistently enforced	66	27	6	0	0	1.57

... where there are plans to guide future development	65	30	3	1	0	1.60
... where there are appropriate Parks to use and enjoy	60	34	3	1	0	1.55
... that is enjoyable for people of all ages	64	29	7	0	0	1.56
... that has effective speed management	59	37	3	1	0	1.55
... where there are Social activities	22	43	28	6	1	.80
... where there are guidelines for buffering between neighbors and high traffic zones	52	37	10	1	0	1.38

- The average for all ratings was 1.55, so you can judge whether individual ratings were relatively high or low.
- These ratings were skewed significantly toward all being positive. About 10% of all respondents skipped this question entirely. As a result, I would recommend that more emphasis be placed on the other survey question results.

- HYPOTHETICAL Directions the Town Could take. (Q5)** This is a new question designed specifically to guide the Planning Commission.

Rating	I'd like MORE of this %	Current Level is Adequate %	I'd like LESS of this %
Walking Trails within existing Parks	56	41	3
Enforcement of Zoning Ordinances	34	59	6
Speed Humps	21	53	26
Upgrading Park Activity Structures for Children	40	56	4
Enforcement of Speeding	31	66	2
New Planting of Hardwood Trees (Oak, Maple, Walnut, etc) along Roads	64	34	2

Forbidding Clear Cutting for any reason	49	44	7
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- a. This question gave interesting responses for four questions: New Plantings and Walking Trails were two issues where a significant number of residents wanted more. Close behind was an Ordinance to prohibit Clear Cutting. Interestingly, about 2/3 of respondents were happy with the current level of speed enforcement, even though the rating for Speed Enforcement (Q3) was significantly lower than average.

5. **Breakout Questions (Q6):** The following Questions were asked to understand the involvement of respondents with factors that impact the daily running of the Town.

	Yes	No
Do you live in Biltmore Forest full-time, or not?	97	3
Have you ever attended a Board of Commissioners Meeting, or not?	48	52
Are you familiar with the tree protection ordinances, or not?	82	18
Have you ever attended a Board of Adjustment Meeting, or not?	55	45
Are you familiar with the current Fences, Walls and Gates Ordinances, or not?	71	29
Are you familiar with the Accessory Structure Ordinances, or not?	64	36

MORE DETAILED CLARIFICATION/ANALYSIS:

The ratings only tell us that people are happy or not happy with a particular area – but not WHY.

The open-ended question allows us to go in and read verbatim comments about areas of concern to give a clearer understanding of what the issue really is and what the emotion is around that issue.

Below are the actual comments people made about the key areas of concern:²

Comments about Trees:

-Much of the draw to the Forest is just that...a forest. Allowing (or ignoring) more clearing and bigger square footage along with the widespread light pollution makes us no different than many other communities.

-Change here moves so slowly. Why are we talking about the same issues for years – traffic, trees, and fences?

² All responses are verbatim with no editing.

- Don't let people cut down dozens of trees at once.
- We need to look closely at all the trees that are leaning into the roads. There are many dangerous trees that are leaning and will fall in the next ice storm. I think the town is too conservative in removing those trees.
- I really wish the Town would be more strict about the people taking care of the ivy growing up their trees. If these crawling vines choke the trees, we will lose many of them and the forested nature of the neighborhood which is prized by all of us.
- The wooded nature of the neighborhood is my favorite feature.
- ...the beauty of the forest makes me sigh 'ahh' every time I enter the town.
- Biltmore Forest makes me feel good as I enter the forest. It is most calming and lovely to live here.
- I am not crazy about new houses going up resulting in the loss of trees and undeveloped land.
- Some ordinances should be changed: e.g.—Fencing and tree removal.
- BF was crated 100 yrs ago from a managed forest—it is no longer so and many of the roadside and other trees are old, dying, dead and a danger to all. Town needs a new comprehensive forestry management plan—not only aa tree ordinance.
- Too many trees are disappearing.
- We should encourage new homeowners to invest in slow growing long lived trees and native plants
- One of my concerns is that we are losing all of our white pines. Perhaps we could replace them with some larger Hardwood trees.
- This Town is overly intrusive on homeowner's rights to make changes to their properties and homes, eg fences, tree removal, sheds, etc.
- Special treatment allowing things such as more trees being cut for new home sites and on the BFCC golf course should be stopped.
- The trees are a double edges blessing – I fear for many of the really large old ones on Vanderbilt, especially the North section.
- I am a big fan of trees and want the Town to continue to protect term and to plant more along with requiring residents to do the same.
- We used to be a 'forest' That is disappearing quickly.
- The forest is now being clear cut.
- Our beautiful hardwood trees are dying from ivy growing on them.

Comments about Walking/Trails:

- If you're not going to cut back foliage to make driving and walking safer, stop saying you will!
- A sidewalk along Vanderbilt is needed. The foot traffic along this road is quite significant.
- We should have a trail system like Biltmore Park. Either maintain or get rid of the shabby bus stops.
- Also need to look at adding sidewalks in certain areas to make it more favorable to walking.
- People walking and running in the morning before the sun is up are risking their lives. Often times they are in the road without reflectors or lights. Disaster waiting to happen
- It would be nice to have a walking path in town.
- I would be nice to make it more walker friendly
- Could be more family friendly in terms of walking and biking.
- There have been times I have been almost pushed off the road or almost hit by cars AND cyclists. The cyclists are equally dangerous—not only do they speed around corners and almost hit me, but they ride side by side and ignore cars on the road.
- With all of our walkers, it's becoming dangerous for them and harder for drivers to see and avoid them.
- Roads need to be safer for autos, bicyclists and pedestrians by clearing side easements of brush, branches placed by private owners or Town neglect. This is a very dangerous situation at present for which the Town is liable.
- Walking the neighborhood is dangerous in many areas. Encroachment of vegetation along the roadside makes certain shoulders impossible. Blind corners or crests are prevalent too There's no place to go when drivers recklessly approach the combination
- There should be land purchased for walking trails and greenways.
- I wish properties were required to prune (or allow the Town to prune) their street side trees, bushes and vines in order for walkers to be safe,
- Not having to step out into the road, esp Vanderbilt, and blind curves. This includes the hotel as well as the homes.
- I wish there were sidewalks.
- Reflective clothing. All walkers, bicyclists, etc. You know what I mean. Someone is going to Get hurt or killed.
- Walking at night – I notice some people walk at night with dark clothes and makes it difficult to be seen when driving I have also been a walker when people do not see me and almost hit me and my dogs.

-Disappointed that pedestrian traffic not more encouraged and supported. The expectation that Pedestrians can/should walk into a forested/landscaped/blind spot areas instead of cars slowing down is dated, unacceptable and a public health and liability concern.

Comments about Speed

-I feel there are people who drive too quickly on Eastwood Road and I have been almost hit by people who don't stay in their lane and come around the corner too quickly. Oddly, speed bumps exist on other roads in the neighborhood, but not there.

-I saw a ray of hope when BF posted a digital speed monitor at the corner of Chauncey Circle and Niagara. THIS WAS EFFECTIVE in reducing speeds...then it was taken down as if it was some kind of an experiment. WHY WAS IT TAKEN DOWN? With the taxes I pay each year, you can sure as hell afford to place it there permanently!

-As a resident living n Chauncey Circle, I continue to see idiots towing their horse trailers at speeds approaching 40+ mph on their way to the equestrian center. They continue to drag their trailers over the grass—no regard for BF property.

-Some of the roads are dark and I wish more people would follow the speed limits.

-Speeding needs attention

-Construction traffic and tradespeople can get a little aggressive with speed and respect for pedestrians, particularly at the beginning of the day, mid-day, and end of the day. Maybe traffic calmers on Vanderbilt Road south of Park?

-Some residents and golf course users drive too fast/aggressive as well.

-I wish speed were monitored more uniformly

-We could use more speed bumps particularly on streets off 25, like Eastwood.

Comments about Parks/Public Spaces

-Much of the public areas of BF look tired. Overgrown parks and public spaces, vines climbing trees, streetscapes that are in disrepair. Our neighborhood looks unkept and this is problematic when comparing our property values to BPark, Ramble or Cliffs. We are not what we once were and a concerted effort needs to be made to get us back to the preeminent neighborhood of Asheville

-Need to invest in Parks and in saving the Hemlocks

-We need a DOG PARK! We have a perfect place for a big park – the triangular area between E Forest and Vanderbilt. People get to know each other thru their pets.

-There are NOT ENOUGH amenities for residents. We should have updated playgrounds, nicer parks and landscaping, benches, and a town sign!

-The bus stop at the corner of Stuyvesant and Southwood was knocked down by a tree and should be replaced. We can't lose the charm of the Town.

-I would like to see more Park improvements at some point

-I wish the parks were cleaned up regularly

-We need a dog park. Provide a wonderful opportunity to meet and greet neighbors that one would not otherwise have! Hope the Town will consider.....

-The parks are shabby and many of the residents don't keep their yards groomed – giving the Town an unkept look

-More attention should be paid to keeping the wooded 'parks' cleaner looking. Get rid of excess debris and fallen trees. No one should have to replant a fallen tree or a dead tree after removal. The old pine trees are a hazard to home owners and should be allowed to remove them no matter how many you have without a permit and without having to replace them.

-When we had bus service there were occasional shelters, which were useful for resting while on a walk. Most were simply removed. Something similar would be useful now; they don't need to be elaborate.

SURVEY CONCLUSIONS:

1. Biltmore Forest has maintained an extremely high satisfaction rating and many comments of the residents state that they are proud to live here.
2. Police and Public Works both received an exemplary rating, with strong positive comments from residents for the Police, Public Works, and Administration for their friendliness and efforts.
3. The areas of Walking Safety, Speed Management, buffering guideline, Consistent Enforcement of Zoning Ordinances, and Plans to Guide Future Development were all rated significantly lower than the average.
4. Voluntary Comments on ***Walking*** tended to focus on desire for walking trails and clearing hazardous right of way plantings.
5. Voluntary Comments on ***Speed*** were not specific other than the need to control it better
6. Whereas the rating for ***Protecting the Tree Canopy*** was average, there were a significant number of comments about the need to replace trees, prevent clear cutting, and manage ivy invasion. This appears to be a case where people LIKE the forest (hence the higher rating) but don't want to lose it (negative voluntary comments)
7. Similarly, whereas the rating of the ***Parks*** was average, there were again significant comments about them looking shabby and needing updating. I believe the rationale is similar to the Trees rating.

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Draft Comprehensive Plan

Vision, Goals, and Strategies

The Planning Commission members reviewed survey responses and Mr. Zimmerman's analysis through January 2022, and in February, began integrating this information with specific goals and strategies for the Town's forthcoming comprehensive plan. The resulting document, included below, was presented to the public at the Public Meeting held on March 22, 2022.

Draft Comprehensive Plan for Biltmore Forest: Vision/Goals/Strategies Revised March 9, 2022

Overall Vision	GOAL	Possible Policy/Strategy
Biltmore Forest will be the most livable residential community in Western North Carolina. It will embrace its historical founding and character while giving all residents the opportunity to live, work and play in an open and supporting environment.	Maintain our open and transparent Board of Commissioners, Town Administration and Administrative Committees (Board of Adjustment, Design Review Board, and Planning Commission)	<ol style="list-style-type: none"> 1. Maintain and improve the Town websites to make it easier to find and access meeting dates and meeting results 2. Maintain Easy Access to the Town Manager. 3. Continue to have time at each meeting for resident input. 4. Continue regular and special written newsletters to all residents.
	Maintain the Effective Community Policing capabilities of the Biltmore Forest Police Force	<ol style="list-style-type: none"> 1. Maintain a visible presence at key intersections during high traffic periods. 2. Evaluate alternative methods to reduce average speed on roads 3. Continue to support residents for special issues and needs 4. Continue to Support Asheville Police as requested on issues that affect Biltmore Forest.
	Maintain the Effective and Responsive Public Works Department	<ol style="list-style-type: none"> 1. Maintain the current level of Brush, Leaf and Trash services while ensuring employee safety and health. 2. Maintain current plans to clear public spaces, improve stormwater runoff and improve road safety conditions (berms, line-of-sight, right of ways) 3. Evaluate methods to evaluate tree coverage using available satellite data

	Protect and improve the existing Tree Canopy of Biltmore Forest	<ol style="list-style-type: none"> 1. Significantly more Hardwood Trees should be planted each year, with the Town planting trees on public land and making about 50 hardwood trees available for homeowners to plant each year. 2. Require that trees removed must be replaced with hardwoods to maintain or improve the percentage of tree canopy coverage. 3. Develop a budgeted ivy eradication program. 4. Prohibit clear cutting outside a 40ft distance from a home.
	Improve Walking and biking Safety on Streets in Biltmore Forest	<ol style="list-style-type: none"> 1. Identify streets with the highest level of pedestrian usage and increase Police presence and speed enforcement on those streets. 2. Work with Board of Commissioners to evaluate the possibility of dedicated bike or pedestrian paths, per the 2022 Transportation Study. 3. Working with homeowners whenever possible, remove landscaping town rights of way and/or reducing line-of-site visibility for drivers and walkers 4. Evaluate and improve the condition of the road berms and setbacks to eliminate drop-offs and ruts. Plant grass as necessary to eliminate mud. 5. Utilize 2022 Transportation Study opportunities and challenges map as basis for improvements
	Develop New Off-street Walking Paths in Biltmore Forest	<ol style="list-style-type: none"> 1. Develop a plan for walking paths that join existing Parks or allow walking within one park. 2. Ensure the paths are easily accessible to people with special needs and have adequate places to rest (benches or use of existing historical bus stops

	Ensure existing Zoning Ordinances are equitably enforced	<ol style="list-style-type: none"> 1. Hire a person who has enforcement as their primary responsibility. 2. Ensure the Town management and government will support and encourage enforcement. 3. Develop a clear table of Consequences (Fines, etc.) for Non-compliance.
	Control speeding by reducing the average speed on Town Streets	<ol style="list-style-type: none"> 1. Add Stop signs at Intersections where they are needed and have been approved, e.g., Busbee and Vanderbilt 2. Increased enforcement of existing Speed limits 3. Increased presence of speed monitors where speeding is a problem.
	Support optimal enjoyment of Public Parks and public spaces	<ol style="list-style-type: none"> 1. Continue plans for Greenwood Park upgrades and other park invasive plant removal 2. Establish a team of residents to evaluate all parks and public spaces for upgrades to play structures, electrical (to better support Food Trucks), trashcans and water access. 3. Develop a prioritized list of needed maintenance and upgrades identified in step 2 4. Regularly add new mulch, sand or turf in Parks, as necessary. Repair traffic island curbing as needed. 5. Renovate roofs and structural components of all bus stops as needed.
	Communicate Better with New Residents	<ol style="list-style-type: none"> 1. Prepare a brochure outlining key facts, procedures, and ordinances for new residents.

Public Meeting

The public meeting, attended by over forty (40) residents, included substantial public comment and feedback on the draft goals and strategies. Each Planning Commission member presented a section of the draft, and asked for feedback from those in attendance. Residents focused questions and comments on the preservation of the tree canopy and methods to protect existing trees, replant trees, and requirements related to the Town's overall forested environment. Discussion around increased walking opportunities in the Town, both on and off street, were incorporated into various sections of the discussion, including parks and open spaces and controlling speeding on Town roads. Current Town services, notably Public Works, the Police Department, and Administration, were lauded for responsiveness and openness. Current residents advocated for improved communication to new residents and working to provide information regarding the Town's history and zoning ordinance philosophy. Attendees discussed parks, open space development, and the potential creation of off-street walking paths and enhanced amenities in existing parks. The Town's inherent residential nature was praised by all in attendance.



Figure 2. Town Public Meeting – March 22, 2022

The Planning Commission members received this feedback and considered the discussion along with the survey responses. This public feedback serves as the backbone for this overall Comprehensive Plan, and specifically, the following vision, goals, and strategies.

Vision

To maintain and enhance the status as the preeminent residential town within Western North Carolina.

The vision for the Town of Biltmore Forest echoes the incorporation of the Town and its development nearly one hundred years ago. Embedded within this vision is the underlying, and inherent expectation that the Town will provide the highest level of service to its citizens and create public environments reflecting this vision. There are important non-residential components to the Town – the Biltmore Forest Country Club, Carolina Day School, the Blue Ridge Parkway, portions of the Biltmore Estate, the Mountain Area Health Education Campus, and many professional offices – but the heart and soul of the Town is its people. The Town was envisioned as a refuge from hustle and bustle, and as noted within the open-ended comments, residents often feel that refuge simply from turning onto a Town street.

In 1990, the United States Department of the Interior issued a “Determination of Eligibility Notification” that stated the Town of Biltmore Forest was eligible for consideration for the National Register of Historic Places. The Keeper of the National Register noted:

This property is a significant early 20th century planned suburb important within the history of Asheville as it was transformed from a resort community into a residential community. Its design and landscaping elevated residential development with a planned, well-conceived and executed framework, carried out by local professionals, which gives a specific identity to the area. Arts and Crafts movement design principles were used in the architecture of many buildings, including those of Dodge who lived and worked in Biltmore Forest. The Boundaries reflect historic direction patterns of suburban growth, and include both the larger lots and homes, as well as smaller lots of the design, both key elements of the original plan.

EO 11593
DETERMINATION OF ELIGIBILITY NOTIFICATION
 National Register of Historic Places
 National Park Service

Name of property: Biltmore Forest Historic District State: NC
 Location: Buncombe County
 Request submitted by: FWA/Nicholas L. Graf
 Date received: 3/7/90 Additional information received:

Opinion of the State Historic Preservation Officer:
☒ Eligible ☐ Not Eligible ☐ No Response

Comments:

The Secretary of the Interior has determined that this property is:
☒ Eligible Applicable criteria: A, B, C ☐ Not Eligible 36 CFR Part 63
 Determination

Comments: *This property is a significant early 20th century planned suburb important within the history of Asheville as it was transformed from a resort community into a residential community. Its design and landscaping elevated residential development with a planned, well-conceived and executed framework, carried out by local professionals, which gives a specific identity to the area. Arts and Crafts movement design principles were used in the architecture of many buildings, including those of Dodge who lived and worked in Biltmore Forest. The boundaries reflect historic direction patterns of suburban growth, and include both the larger lots and homes, as well as smaller lots of the design, both key elements of the original plan.*

Annexation
 Keeper of the National Register
 Date: 3/6/90

WASO-12

Figure 3. Determination of Eligibility Notification, March 21, 1990

Goals and Strategies

In order to maintain and enhance this vision, the Town's future land use planning and this Comprehensive Plan must acknowledge the original ethos and strive to meet these demands in today's modern world. To accomplish this task, the Town's Planning Commission and Board of Commissioners have developed the following framework for addressing land use and enhancing life within Biltmore Forest.

Goal 1 – Open and Transparent Government, Development Regulations, and Review Process

The Town of Biltmore Forest prioritizes transparency in all facets. Transparency, openness, and availability must also be hallmarks of the Town's zoning and land use regulations. The public survey revealed strong support for the Town's administration, public works, and police departments; this support flows directly from the trust imbued in Town staff from the citizens and elected officials. In identifying this goal, the Planning Commission has established four (4) key strategies.

1. Modernization of Town Zoning Regulations and Enforcement through effective and consistent treatment.
 - Increase code enforcement, for both Town Code and Zoning Ordinance violations, through dedicated code enforcement specialist
2. Maintain open and transparent Board of Commissioners, Town Administration, and Quasi-Judicial Boards and Advisory Commissions
 - Continue publication of regular newsletters and enhance mailings with special newsletters devoted to specific issues (e.g. tree protection; living with wildlife)
 - Maintain and improve Town websites and publications to increase access for meeting dates, times, locations, and meeting results
 - Maintain accessibility to Town administrative staff
 - Promote public comment portion of Town Board of Commissioners meetings
 - Inform and educate new residents regarding Town services, rules, and regulations
3. Maintain effective community policing capabilities of Biltmore Forest Police Department
 - Leverage Police Department's current level of citizen engagement and openness to create further transparency within Town government
 - Maintain a visible presence at key intersections during high traffic periods
 - Increase enforcement of existing speed limits
 - Evaluate alternative methods to reduce average speeds on Town roads
 - Continue to support residents with special needs and requests
 - Continue to support Asheville Police Department and work collaboratively on issues that affect Biltmore Forest

- Enhance radar speed limit sign usage to determine what roads experience highest level of speeding and utilize this data for enhanced speed enforcement efforts
 - Install new radar speed limit signs on an annual basis to reinforce speed limits for visitors and residents
4. Maintain effective and responsive Public Works Department
- Maintain current level of brush, leaf, and solid waste services while ensuring employee safety and health
 - Continue and enhance plans for clearing public spaces, improving stormwater drainage throughout the Town, and improving road safety conditions (e.g. berms, lines of sight, right of way maintenance)
 - Develop necessary infrastructure improvement projects within the context of the Town's original development and historical character

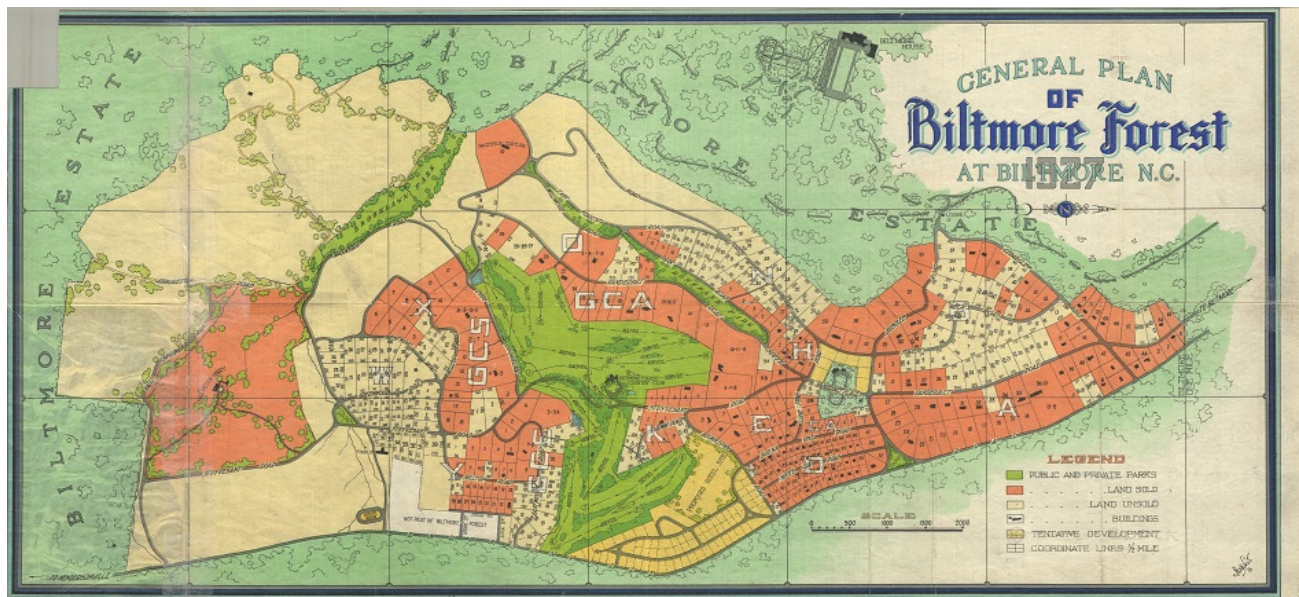


Figure 4. General Plan of Biltmore Forest, 1927.

Goal 2 – Protect and Enhance the Existing Tree Canopy within Biltmore Forest

The Town's trees and forest environment are a hallmark for residents. Survey responses and public comment revealed exceptional devotion to the tree canopy and advocacy for vigorous protection and replanting. The Town's Tree Protection Ordinance, originally adopted in 1989, is formally housed within the Town's Code of Ordinances. However, for practical reasons, the tree protection provisions often get included as part of new home plans and additions to existing homes and properties. The Planning Commission's stated goal is to protect and enhance the existing tree canopy within the Town, with specific strategies as follows.

1. Utilize the United States Forest Service's tree canopy data sets, or other geospatial information services (GIS) data, to establish a baseline for the Town's tree canopy
 - Utilize prior year data, within 5- and 10-year increments, to determine tree canopy loss since 2000
 - With baseline data in hand, set standard for preservation of 2022 level tree canopy percentage and goals to increase tree canopy over the course of fifteen (15) years, in five (5) year increments, with 5-year report to Town citizens providing data and results
2. Enhance Zoning Ordinance regulations regarding new home development, additions to existing homes, and improvements on undeveloped lots in conjunction with tree preservation goals and requirements
 - Require final landscaping plan as part of all new home development applications and for any addition greater than twenty-five (25) percent of existing home square footage
 - Require final landscaping plan for any special use permit application
 - All final landscaping plans should include, at minimum, all planned tree removal and required tree replacement as required by the Town's Tree Protection Ordinance and utilizing Town's recommended native tree and shrub list
 - Consider replanting credits for new construction or renovation when a hardwood tree greater than twenty (20) inches is saved as part of a final landscaping plan
3. Recognizing the aesthetic and health benefits of the diversity of trees in Biltmore Forest, promote replacement of a variety of trees to ensure continuity of a diverse and healthy forest.
4. Develop a budgeted ivy and invasive species eradication program, with promotion and education for private property owners through demonstration sites on public property.



Figure 5. Photo Courtesy of Helen Stephens

Goal 3 – Improve Safety along Public Streets

Biltmore Forest remains true to the concepts of Frederick Law Olmstead and design of Chauncey Beadle. The curvilinear streets that shape the Town are intertwined with beautiful landscapes and majestic homes. These same streets, many reflecting their original layout and design from the early 1920s, host numbers of vehicles on a daily basis that was incomprehensible before the Great Depression. These vehicles compete daily with the Town's residents and visitors who enjoy walking and bicycling these same roads. Roads are there to provide vehicular access and efficient movement from place to place, but there is, and must be, a synergistic relationship between vehicle and pedestrian wherein both use the road safely. The Planning Commission has developed four (4) strategies to improve safety for pedestrians and bicyclists within Biltmore Forest, as follows.

1. Identify streets with the highest level of pedestrian usage, through a visual survey, and increase police presence for speed enforcement on these streets
2. Utilize the Police Department's community engagement strategies to encourage pedestrians and bicyclists to always wear reflective clothing and utilize the appropriate sides of the road where practical
3. Enhance the Public Works Department's "Right of Way Renewal" program to work more broadly with homeowners and remove landscaping that extends within the Town's right of way, thereby providing pedestrians a necessary and safe space to step to the side of the road and away from oncoming traffic
 - Utilize the "Right of Way Renewal" program to improve the conditions of roads and rights of way through appropriate street maintenance
4. Develop plans for new walking paths (in conjunction with parks and open space goal) in Town owned property and in coordination with adjoining property owner feedback

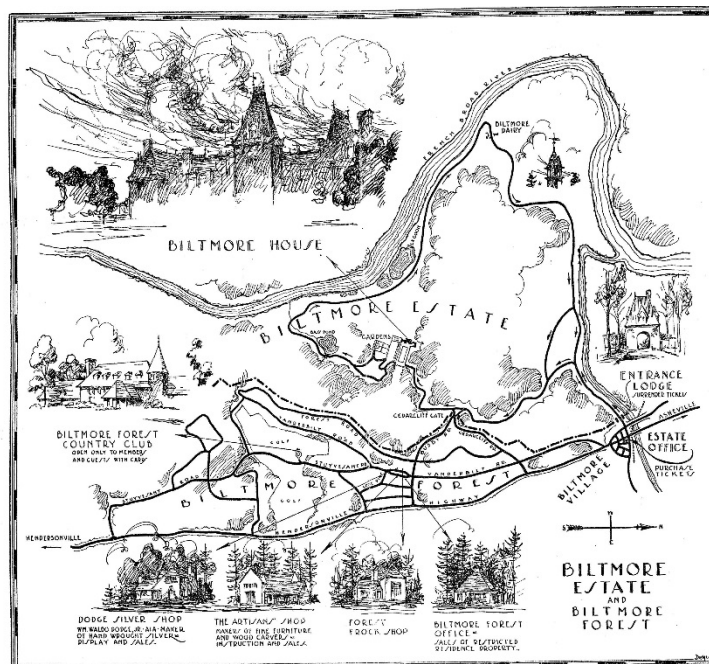


Figure 6. W.W. Dodge Streets Map.

Goal 4 – Support and Enhance Public Spaces, Parks, and Open Spaces

The Town is fortunate to have a history imbued with beauty. The tree lined streets, homes, landscaping, and open spaces combine to promote a feeling of peace. This peaceful feeling is never more apparent than when spending time with neighbors and friends in Rosebank or Greenwood Parks or overlooking the pond at Brooklawn Park. These areas are cherished by Biltmore Forest citizens, and the Town has a stake in enhancing their beauty and promoting their use. The Planning Commission has identified several strategies for focusing on these open public areas.

1. Develop a master plan for all parks.
 - Establish a resident-led committee to evaluate parks and public spaces for potential improvements, including a prioritized list of park maintenance and equipment needs
 - Explore a plan for walking paths that join existing parks or allow walking within one existing park, in conjunction with the overall park master plan
 - Convene public meetings for park master plan development to address concerns related to walking paths, additional park improvements, and gather citizen feedback
2. Execute existing plans for Greenwood Park, including the stream restoration and equipment and accessibility upgrades
3. Ensure any future public spaces are easily accessible
 - Utilize existing bus shelters for walking breaks and renovate roofs, structural components, and landscaping as necessary to promote their use
4. Continue appropriate clearing within the woodland park areas and removal of invasive species
5. Amend Town Zoning and Subdivision ordinances to require dedication of land for parks and/or open spaces, within statutory allowance



Figure 7. Fourth of July Celebration, 2018. (Courtesy Diane Zimmerman)

Conclusion

The Town's Planning Commission worked diligently, thoughtfully, and with extreme care to create the Town's 2022 Comprehensive Plan. Significant thought was put into the vision, each goal, and the strategies necessary to achieve these outcomes. The process allowed clear analysis and consideration of what makes Biltmore Forest unique, and what challenges lie ahead. It is the hope of the Planning Commission and Board of Commissioners that this document will serve as a guiding light for the next several years, enabling the Town to continue excelling and providing the highest level of service and satisfaction for its citizens.



**Town of Biltmore Forest
Ordinance 2021-01**

Zoning Text Amendment 2021-01

**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 Zoning was and is authorized to adopt zoning and land use ordinances pursuant to NCGS § 160D-201(a) *et seq.* and its predecessor statutes; and

WHEREAS, the North Carolina General Assembly adopted S.L. 2019-111 in July 2019, requiring all municipalities and counties that enforce zoning or land use regulations to revise existing land development ordinances to ensure compliance with new consolidated land use statutes effective July 1, 2021; and

WHEREAS, the Town of Biltmore Forest desires to revise its existing zoning ordinance so that it is in compliance with North Carolina law;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BILTMORE FOREST THAT:

Section 1. The attachment to this ordinance, titled "Attachment A" is hereby adopted and shall replace the Town's existing Zoning Ordinance in its entirety.

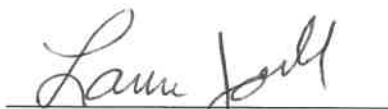
Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance amendment is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this section, subsection, sentence, clause, or phrase thereof.

Section 3. All ordinances and clauses of ordinances of the Town of Biltmore Forest in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance amendment shall take effect on July 1, 2021.

Read, approved and adopted this the 8th day June, 2021.


Mayor George F. Goosmann, III


Town Clerk Laura Jacobs

ATTACHMENT A – ZONING TEXT AMENDMENT 2021-01

CHAPTER 153: ZONING

Section

General Provisions

- 153.001 Title
- 153.002 Authority and enactment
- 153.003 Jurisdiction
- 153.004 Interpretations and definitions
- 153.005 Establishment of zoning districts and map
- 153.006 Permitted use table
- 153.007 Dimensional requirements
- 153.008 Special uses
- 153.009 Exceptions and modifications
- 153.010 Amendments
- 153.011 Violations and remedies
- 153.012 Legal status provisions
- 153.013 Conflicts of Interest

General Regulations

- 153.025 Effect on every building and lot
- 153.026 Relationship of building to lot
- 153.027 Lot frontage
- 153.028 Required yards and other spaces
- 153.029 Accessory structures and buildings
- 153.030 Home occupations
- 153.031 Visibility at intersection
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- 153.033 Signs in residential districts, R-1, R-2, R-3, R-4, and R-5
- 153.034 Land disturbance and sedimentation control
- 153.035 Buffer strip required
- 153.036 Nonconforming land uses, or structures
- 153.037 Accessory structures of buildings utilized as dwellings
- 153.038 Off-street parking
- 153.039 Off-street loading and unloading space
- 153.040 No lot subdivision of platted and recorded lots
- 153.041 Minimum dwelling unit size
- 153.042 Subdivision of tracts of land
- 153.043 Maximum roof coverage
- 153.044 Material and color requirements for residential dwelling units
- 153.045 Site design and building form and mass for residential dwelling units
- 153.046 Material and color requirements from commercial buildings
- 153.047 Site design and building form and mass commercial buildings

- 153.048 Impervious surface coverage
- 153.049 Fence, gate and wall regulations
- Buffers, Screening, and Landscape
 - 153.060 Purpose and intent
 - 153.061 General information
 - 153.062 Existing vegetation
 - 153.063 Buffer strip and screen requirements
 - 153.064 Parking lot landscaping requirements
 - 153.065 Screening of dumpsters, loading docks, outdoor storage areas, and utility structures
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 - 153.085 General process; Duties of the Zoning Administrator, Board of Adjustment, Planning Commission, Board of Commissioners, and courts on matters of administration
 - 153.086 Zoning Administrator
 - 153.087 Certificate of zoning compliance required
 - 153.088 Requirements prior to issuance of a building permit
 - 153.089 Building permit required
 - 153.090 Certificate of occupancy required
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 - 153.092 Construction completion
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 - 153.095 Appeal from the Zoning Administrator
- Board of Adjustment
 - 153.105 Establishment of Board of Adjustment
 - 153.106 Selection of alternate members
 - 153.107 Rules of conduct for members
 - 153.108 General proceedings of the Board of Adjustment
 - 153.109 Meetings
 - 153.110 Powers and duties of the Board of Adjustment
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- Design Review Board
 - 153.125 Purpose and intent
 - 153.126 Composition of Design Review Board and meeting procedure
 - 153.127 Development subject to design review

- 153.128 Application required to be filed
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- 153.130 Submittal requirements
- 153.131 Development Agreements
- 153.132 Development Agreement Vesting
- 153.133 Development Agreement Breach and Cure
- 153.134 Development Agreement Amendments
- 153.135 Development Agreement Change of Jurisdiction

153.999 Penalty

Editor's note:

Legislative history for the sections in this zoning chapter include the initial zoning ordinance, passed 10-19-1983 and the latest amendment, passed 8-12-2013. The following is a list of all zoning amendments: Ord. passed 10-19-1983; Ord. passed 2-25-1986; Ord. passed 11-29-1994; Ord. passed 12-14-1999; Ord. passed 1-9-2001; Ord. passed 10-9-2001; Ord. passed 7-9-2002; Ord. passed 3-7-2003; Ord. passed 11-9-2004; Ord. passed 12-14-2004; Ord. passed 7-12-2005; Ord. passed 9-12-2006; Ord. passed 1-9-2007; Ord. passed 12-11-2007; Ord. passed 6-10-2008; Ord. passed 9-16-2008; Ord. passed 2-8-2011; Ord. passed 9-13-2011; Ord. passed 12-13-2011; Ord. passed 4-17-2012; Ord. passed 4-9-2013; Ord. passed 7-9-2013; and Ord. passed 8-12-2013; and Ord. passed XXXXXXXXXX

GENERAL PROVISIONS

§ 153.001 TITLE.

This chapter shall be known as the "Zoning Ordinance of the Town of Biltmore Forest, North Carolina".

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.002 AUTHORITY AND ENACTMENT.

The Town Board of Commissioners, pursuant to the authority granted by G.S. § 160D, hereby ordains and enacts into law the following articles and sections for the purpose of promoting the health, safety, morals, and general welfare of the community.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.003 JURISDICTION.

The provisions of this chapter shall be applicable to all land within the corporate limits of town, as established on the map entitled "Official Zoning Map, Town of Biltmore Forest" with the exception of land owned by the town and land used by the town or entities contractually obligated to the town to provide fire protection and emergency medical services, but only during the period of time that such parties are contractually required to provide those services to the town.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

Editor's note:

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

§ 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, 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 that 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 buffer strip is 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 ridgeline 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.

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.

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 NCGS 160D, Article 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 said auction must be personal property that has been owned by the resident(s) of said 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 said 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 or 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 Article 10 of NCGS Chapter 160D. 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. 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.

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 sidelines 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 8-12-2013; Ord. 2015-01, passed 8-11-2015)

§ 153.005 ESTABLISHMENT OF ZONING DISTRICTS AND MAP.

(A) Use districts. For the purpose of this chapter, the town is hereby divided into the following use districts:

- (1) R-1 Residential District;
- (2) R-2 Residential District;
- (3) R-3 Residential District;
- (4) R-4 Residential District;
- (5) R-5 Residential District; and
- (6) P-S Public Service District.

(B) Establishment of district boundaries. The boundaries of these districts are hereby established as shown on the official zoning map of the town.

(C) Establishment of zoning map. A zoning map, entitled the “Official Zoning Map of the Town of Biltmore Forest,” depicts all approved use districts and their respective boundaries. Such map is hereby made a part of this chapter and shall be maintained by the Town Zoning Administrator and updated to reflect changes and amendments to this zoning ordinance. This map shall be available for inspection by interested persons during normal business hours of the Town Zoning Administrator. It shall be the duty of the Town Zoning Administrator to maintain the said map in paper or digital format and post any changes thereto as they may be made.

(D) Rules governing district boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, streams, rivers, or other bodies of water, shall be construed to follow such lines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following town limit lines shall be construed as following such town limit lines;

(4) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefore as indicated on the zoning map. If no distance is given on the map, such dimension shall be determined by the use of the scale shown on said zoning map; and

(5) Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by divisions (D)(1) through (D)(4) above, the Board of Adjustment shall interpret the district boundaries.

(E) Statement of district intents.

(1) R-1 Residential District.

(a) The R-1 Residential District encompasses most of the town's developed residential areas and contains residential structures of historical and architectural significance in a most unique residential environment. The intent of the R-1 District is to preserve and enhance the character of existing neighborhoods and generally to provide a pleasant living environment. These neighborhoods consist of single-family owner occupied detached dwelling units placed on relatively large lots with considerable open spaces between structures, thus creating a low-density residential environment.

(b) Nonresidential uses, including home occupations, have been limited in this District as a means of maintaining the character of these neighborhoods. Likewise, dimensional requirements pertaining to lot size, building setbacks, yard requirements, and height limitations have been established to promote the general welfare and preservation of the community.

(c) Future construction and alteration of existing structures should be oriented at maintaining and enhancing the existing character of the residential neighborhoods. Therefore, structures should be compatible in materials, height, siting, color, texture, scale, and proportion to the other structures in the neighborhood. The R-1 District also contains undeveloped areas to provide locations for future single-family subdivisions.

(d) Consistent with, and to protect the existing character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(2) R-2 Residential District.

(a) The R-2 Residential District is established to protect and maintain existing neighborhoods, which are characterized by single-family residences with smaller lots, and thus greater residential densities than found in the R-1 District.

(b) As in the R-1, nonresidential uses, including home occupations, have been limited in this District as a means of assuring a pleasant residential atmosphere.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(3) R-3 Residential District.

(a) The R-3 Residential District is intended to provide locations that will accommodate future residential growth south of the Blue Ridge Parkway. This District is intended to provide locations for future subdivisions and for planned unit residential developments as special uses when design plans show that such developments will be compatible with the surrounding development and available public services.

(b) This District is primarily a low-density residential district; however, to accommodate contemporary design and building practices, it includes residential planned unit developments as a special use at a maximum density of eight dwelling units per acre. Nonresidential uses, including home occupations will also be limited in the R-3 District in order to maintain the same quiet and pleasant living environment as found in the R-1 and R-2 Districts.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(4) R-4 Residential District.

(a) The R-4 Residential District provides areas for residential uses, and as special uses, professional offices and commercial services. Urban sprawl, strip commercial development, and congestion will be discouraged by promoting good design and clustered development. These areas

should provide sufficient space for ample off-street parking and well designed entrances and exits to avoid traffic congestion and safety hazards.

(b) Land uses in this District, other than single-family detached dwelling units, will require a special use permit as a means of assuring and promoting safety and good design. The integrity of residential uses in this zone will be preserved by requiring a 20-foot wide buffer strip between residential and nonresidential uses.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(5) R-5 Residential District.

(a) The medium-density district is established as a district where both residential and business uses are accommodated. In addition, a wide range of community facilities and services are also available. It is intended that nonresidential uses, including business uses, shall be compatible with and exist in harmony with the community in which they are located and that adequate standards will be maintained pertaining to the public health, safety, and welfare.

(b) In addition, these areas should provide sufficient space for ample off-street parking and well designed entrances and exits to avoid congestion and safety hazards. Most land use in this District will require a special use permit as a means of assuring and promoting safety and good design.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(6) P-S Public Service District.

(a) This District is designed to provide for open green spaces, including forestation and other natural vegetation throughout the jurisdiction.

(b) It is to be used to protect the ambiance of the community by providing a series of natural buffers between residential and nonresidential development.

(c) It is expressly intended that any structures and/or buildings shall be prohibited except as associated with a public park or recreational area. Any land-disturbing activity such as driveway connections or landscaping shall be approved by the Board of Adjustment.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013; Ord. 2015-01, passed 8-11-2015)

§ 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.

<i>Zoning Districts</i>					
<i>USE</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>
Accessory buildings, structures, and uses (does not include rental units by other than a family member)	S	S	S	S	S
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	P	P	P	P	P
Country, athletic, and social clubs	S	S	S	S	S
Commercial business					S
Commercial services (excludes retail trade)				S	S
Day nurseries/day care				S	S
Estate auction sale	P	P	P	P	P
Fundraising events for nonprofits or political campaigns	P	P	P	P	P
Garage/yard sales	P	P	P	P	P
Home business activity	P	P	P	P	P
Home occupations				S	S
Libraries				S	S
Medical and dental services				S	S
Planned unit development			S	S	S
Professional and business offices				S	S
Public recreation 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 & private	S	S	S	S	S
Single-family residential dwelling unit	P	P	P	P	P
P=permitted S=allowed as a special use (approval required by Board of Adjustment) Blank space = not permitted Use not listed = not permitted within zoning districts					

(B) General provisions.

The following are general provisions applicable to the table in division (A).

(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 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 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.

(7) 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 8-12-2013; Ord. 2015-01, passed 8-11-2015)

§ 153.007 DIMENSIONAL REQUIREMENTS.

Districts	Minimum Lot Area (in Square Feet)	PUD Residential Density Max. Number of Dwellings per Acre	Minimum Requirement (in Feet)					Yard	Setback
			Minimum Lot Width at Building Line	Front Yard (From Street Edge)	Side Yard	Rear Yard	Maximum Height		
			Feet						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.	N/A		

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

(4) Footnote 4. 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 6. Whichever is greater, 20,000 square feet, or twice the gross floor area of the building.

(7) Footnote 7. 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 8. 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 8-12-2013)

§ 153.008 SPECIAL USES.

(A) Purpose. The following special uses might not be appropriate without specific standards and requirements to assure that such uses are compatible with the other uses permitted in the designated districts. Such uses may be permitted in a zoning district as special uses if the provisions of this and all other sections of this chapter have been met.

(B) Development plan/site plan requirement.

(1) All applications for special use permits shall include a development plan or site plan.

(2) If the special use request is for a subdivision or planned unit development, the development plan shall contain a map or maps drawn to scale, with the date of preparation, and shall contain, where applicable, the following information:

(a) Existing site conditions, including contours, watercourses, identified flood hazard areas, any unique natural or human-made features;

(b) Boundary lines of the proposed development, proposed lot lines, and plot designs;

(c) Proposed location and use of all existing and proposed structures;

(d) Location and size of all areas to be conveyed dedicated or reserved as common open space, parks, recreational areas, school sites, and similar public or semi-public uses;

(e) The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public right-of-way. Notations of proposed ownership of the street system (public or private);

(f) Approximate location of proposed utility systems, including documentation approving the proposed water and sewer systems from the appropriate local and state agencies. Documentation of an approved Sedimentation and Erosion Control Plan shall also be submitted where required. Provisions for stormwater drainage shall be shown;

(g) Location and/or notation of existing and proposed easements and rights-of-way;

(h) The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, and walls;

(i) Information on adjacent land areas, including land use, zoning classifications, public facilities, and any unique natural features;

(j) Where applicable, the following written documentation shall be submitted:

1. A legal description of the total site proposed for development, including a statement of present and proposed ownership;

2. The zoning district or districts in which the project is located;

3. A development schedule indicating approximate beginning and completion dates of the development, including any proposed stages;

4. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development;

5. Quantitative data for the following: proposed total number and type of residential dwelling units; parcel size; residential densities (dwelling units/acre); and total amount of open space; and

6. Plan for maintenance of common areas, recreation areas, open spaces, streets, and utilities.

(k) Any additional information required by the Board of Adjustment in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if, in its opinion, the inclusion is not essential to a proper decision of the project.

(C) Special use standards.

(1) Generally, the following standards are applied to specific special uses. Before issuing a special use permit, the Board of Adjustment shall find that all standards for specific uses listed in these sections as well as all standards or requirements listed in division (B) above and §153.110(C)(1) have been met.

(2) Planned unit developments.

(a) Purpose. The purpose of this section is to encourage and provide for flexibility and innovation in the design and location of structures and land development, to provide for mixtures of housing types, to provide for the most efficient use of land resources, and to provide an opportunity to develop land areas in a manner different from the standard arrangement of one principal building on one lot. Residential densities are calculated on a project basis, thus allowing the clustering of buildings in each proposed planned unit development project in order to create useful open spaces and preserve natural site features. It is further intended that a planned unit development will be in harmony with the character of the district in which it is located.

(b) Planned unit development defined. In this chapter, a PLANNED UNIT DEVELOPMENT MEANS 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.

(c) Land development standards.

1. The following land development standards shall apply for all planned unit developments.

2. These planned unit developments may be located only in certain specified districts as special uses, subject to a finding by the Board of Adjustment that the following conditions be met.

a. Ownership control. The land in a planned unit development shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant.

b. Land uses permitted and location of PUDs. The uses permitted within a planned unit development are limited to residential uses, including multi-family residential units, and those land uses normally allowed (as either permitted or special) in the zoning district within which the PUD is located. PUDs shall be permitted in the R-3, R-4, and R-5 Districts. All PUDs must be compatible with and not violate the intent of the zoning districts.

c. Density requirements. The proposed residential density of a planned unit development (dwelling units per acre as shown in § 153.007) shall conform to that permitted in the district in which the development is located. If the planned unit development lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the planned unit development that is in a separate district and must be combined to determine the number of dwelling units allowable in the entire planned unit development.

d. Frontage requirements. Planned unit developments shall have access to a highway or road suitable for the scale and density of development being proposed.

e. Minimum requirements.

i. Waiver. The normal minimum lot size, setbacks, and frontage requirements are hereby waived for the planned unit development; provided, that the spirit and intent of this section are complied with in the total development plan, as determined by the Board of Adjustment. The Board of Adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.

ii. Height limitations. No building or structure shall exceed the height limitations of the district in which it is located, except as approved by the Board of Adjustment.

iii. Required distance between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

iv. Streets. Every dwelling unit shall have access to a public or private street, walkway, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.

f. Privacy. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants and adjacent properties for screening of objectionable views or uses, and for reduction of noise. Multi-level buildings shall be located in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

g. Perimeter requirements.

i. Structures located on the perimeter of the development must be set back from property lines and right-of-way of abutting streets in accordance with the provisions of the zoning ordinance controlling the district within which the property is situated.

ii. Structures other than single-family detached units, located on the perimeter of the development, may require buffer strip or screening in a manner which is approved by the Board of Adjustment.

h. Plans and documentation. Plans and accompanying documentation shall ensure that the water and sewer systems proposed for the planned unit development have been approved by the appropriate local and state agencies, and submitted as part of the application.

i. Preliminary plans. Preliminary plans shall include parking provisions for all proposed uses within the planned unit development in accordance with § 153.038.

j. Pedestrian and bicycle path circulation system. Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between vehicle and pedestrian traffic.

k. Parking areas, service areas, and the like. Layout of parking areas, service areas, entrances, exits, yards, courts, and landscaping, and control of signs, lighting, noise, or other potentially adverse influences shall be such as to protect the character of the district and desirable character in any adjoining district.

l. Open spaces, recreational areas, and the like. Where applicable, conveyance and maintenance of open space, recreational areas, and communally owned facilities shall be in accordance with the Unit Ownership Act (G.S. Ch. 47A) and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

(3) Country, athletic and social clubs.

(a) Off-street parking shall be sufficient to meet the requirements found in § 153.038.

(b) The Board of Adjustment may require buffering along the side and rear lot lines that meet the requirements as outlined in § 153.063, "buffer strip and screen requirements". This planting requirement may be modified by the Board of Adjustment where adequate buffering exists in the form of vegetation and/or terrain.

(c) The proposed hours of operation shall not be detrimental to the surrounding property due to noise, lights, traffic, and the like.

(d) All developments shall be compatible with surrounding residential uses, therefore, no signs with flashing lights shall be allowed. The design of all proposed signs shall be submitted with the site plan, and all non-flashing illuminated signs shall be so placed so as not to cast light on nearby residential uses.

(4) Public utility stations and substations.

(a) Structures shall be enclosed by a woven wire fence at least eight feet high.

(b) The lot shall be suitably landscaped along the side and rear property lines with vegetation that meets the requirements as outlined in § 153.063, "buffer strip and screen requirements". This planting requirement may be modified by the Board of Adjustment where adequate buffering exists in the form of vegetation and/or terrain.

(c) Entrances and exits shall be designated and designed accordingly to promote public safety.

(5) Home occupation. An occupation providing a service carried on by the occupants of a dwelling; provided, that:

(a) The occupation is conducted entirely within the dwelling and not in an accessory building or out of doors;

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes;

(c) There shall be no display, no outside storage, no change in outside appearance of the building or premises, or other visible evidence of the conduct of such home occupations;

(d) Any need for parking generated by the conduct of such home occupation shall be met off the street and not in the front yard;

(e) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses;

(f) In the case of electrical interference, no equipment or process shall be used which creates a visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises; and

(g) No retail sales shall be conducted as part of the home occupation.

(6) All commercial services, professional office uses, consumer services, and retail businesses.

(a) Off-street parking shall be sufficient to meet the requirements found in § 153.038.

(b) A driveway permit as required by the State Department of Transportation shall be submitted along with the site plan, where applicable.

(c) Front setbacks along Hendersonville Road shall be considered on a case-by-case basis by the Board of Adjustment with input from the Zoning Administrator. The Board of Adjustment shall determine the setback upon consideration of the most suitable location for parking. Required parking shall be provided at either the side, rear, or front of the proposed development, based upon the location of adjacent and/or nearby residential dwellings, topography, existing or proposed screening, or other factors that may include noise or glare. When parking is designated to be at the rear of the proposed building, the front setback shall be determined on a case-by-case basis by the Board of Adjustment; when parking is designated to be at the front of the proposed building, then the front setback shall be 50 feet.

(7) Libraries, schools, and churches. Libraries, schools and churches shall provide a buffer that meets the requirements as outlined in § 153.063, “buffer strip and screen requirements”.

(8) Accessory buildings.

(a) All accessory buildings shall meet the standards of the State Building Code where applicable.

(b) All accessory buildings shall be of a design compatible with the principal building on the lot and with the structures in the neighborhood.

(c) An additional parking space shall be required when an accessory building is permitted for use as a dwelling by a family member.

(d) Accessory buildings shall comply with the district’s setback requirements.
(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.009 EXCEPTIONS AND MODIFICATIONS.

(A) Compliance. Compliance with the requirements of this chapter is mandatory; however, under the specific conditions enumerated in the following sections, the requirements may be waived or modified as so stated.

(B) Front yard setback for dwellings. The front yard setback requirements of this chapter for dwellings shall not apply on any lot where the average front yard setback of existing buildings located within 100 feet on each side of such lot is less than the minimum required front yard setback. In such cases, the setback may be less than the required setback, but not less than the average of the setback of the aforementioned existing buildings.

(C) Completion of buildings under construction. Nothing in this chapter shall require any change in the plans, construction, or designated use of a building under construction at the date of the passage of this chapter; provided that construction of such building is diligently pursued and the entire building is completed within 18 months from the date of passage of this chapter. A building shall be deemed to be under construction upon the effective date of this chapter if a building permit has been issued.

(D) Temporary uses. Temporary uses, such as real estate sales field offices or shelter for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator, provided, they do not create health, safety, or nuisance hazards.
(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.010 AMENDMENTS.

(A) Generally. This chapter, including the zoning map, may be amended by the Town Board of Commissioners in accordance with the provisions of this subchapter.

(B) Initiation of amendments. Proposed changes or amendments may be initiated by the Town Board of Commissioners, the Planning Commission, the Board of Adjustment, or one or more owners of property within the area proposed to be changed or affected. All proposed amendments shall be referred to the Planning Commission for their review and recommendation to the Town Board of Commissioners.

(C) Application. Before any action on a proposed change or amendment, an application shall be submitted to the office of the Zoning Administrator at least ten days prior to the Planning Commission’s meeting at which the application is to be considered. The application shall contain the name(s) and address(es) of the owner(s) of the property in question, the location of the property,

and a description and/or statement of the present and proposed zoning regulation or district. All applications requesting a change in the zoning map shall include a description of the property in question. The Planning Commission and the Board of Commissioners will not consider an application for property denied within the preceding 12 months by the Board of Commissioners.

(D) Application fee. A fee, in an amount as set by the Board of Commissioners from time to time, shall be paid to the town for each application for an amendment to cover costs of advertising and other administrative expenses.

(E) Planning Commission action. Before taking any action on a proposed amendment to the ordinance, the Board of Commissioners shall consider the Planning Commission's recommendations on each proposed amendment. The Planning Commission shall have 32 days after the first consideration of the application within which to submit its recommendations to the Board of Commissioners. Failure of the Planning Commission to submit recommendations within the 32-day period shall constitute a favorable recommendation.

(F) Public hearing.

(1) Before enacting any amendment to this chapter, the Board of Commissioners shall hold a public hearing. A notice of such public hearing shall be published in a newspaper of general circulation in the county once a week for two successive weeks, the first publication shall not appear less than ten days or more than 25 days prior to the date fixed for the public hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included. The notice shall include the time, place, and date of the hearing and include a description of the property or the nature of the change or amendment to the ordinance and/or map.

(2) (a) Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land (including parcels abutting the subject property by street, railroad, or other transportation corridor) as shown on the county tax listing, shall be mailed a notice by the Zoning Administrator of the proposed classification by first class mail at the last address listed for such owners on the county tax abstracts. The Town may require the applicant to provide a fee equivalent to the cost of producing and mailing notifications to owners as specified above.

(b) The person mailing such notices shall certify to the Town Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the area to be zoned.

(G) Decision.

(1) The Town Board of Commissioners shall make a decision on the proposed amendment to this chapter initiated by owners of private property within the town within 60 days after the public hearing.

(2) There shall be no time limit after a public hearing for Board action concerning all proposed amendments initiated by the Town Board of Commissioners, the Planning Commission, or the Board of Adjustment.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.011 VIOLATIONS AND REMEDIES.

(A) Violations.

(1) Whenever, by the provisions of this chapter, the performance of any act is prohibited, or whenever any regulation, dimension, or limitation is imposed on the use of any land, or on the erection or alterations, or the use or change of use of a structure, or the uses within such structure,

a failure to comply with such provisions of this chapter shall constitute a separate violation and a separate offense.

(2) Each day of violation and noncompliance shall be considered a separate offense.

(B) Remedies. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved, or maintained, or any building, structure, or land is used in violation of this chapter, the Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance, or use, to restrain, correct, or abate the violation, to prevent occupancy of the building, structure, or land, or to prevent any illegal act, conduct of business, or use in or about the premises.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013) Penalty, see § 153.999

§ 153.012 LEGAL STATUS PROVISIONS.

(A) Conflict with other laws.

(1) When provisions of this chapter require a greater width or size of yards, or require a lower height of a building, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, provisions of this chapter shall govern.

(2) When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, or require a lower height of a building, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the provisions made by this chapter, the provisions of that statute or local ordinance or regulation shall govern.

(B) Effective date. This chapter shall take effect and be in force on October 18, 1983.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.013 CONFLICTS OF INTEREST.

Pursuant to §160D-109, the following regulations are set forth regarding conflicts of interest for legislative decisions regarding a development regulation adopted pursuant to this Chapter as follows.

(a) Governing Board. - A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) Appointed Boards. - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff. - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a

direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) Quasi-Judicial Decisions. A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection. - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship. - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

GENERAL REGULATIONS

§ 153.025 EFFECT ON EVERY BUILDING AND LOT.

No building or land shall hereafter be used, and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as provided in this chapter.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013) Penalty, see § 153.999

§ 153.026 RELATIONSHIP OF BUILDING TO LOT.

Every building hereafter erected, moved, or structurally altered shall be located on a single lot and in no case, shall there be more than one principal building and its customary accessory building on the lot, except in the case of a designed planned unit development.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.027 LOT FRONTAGE.

All lots shall front on a public street. It is suggested, but not required, that garage doors not face or be visible from the public street, that garage doors not be more than ten feet wide, and if there are multiple garage doors, that there be at least 18 inches of separation between them.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.028 REQUIRED YARDS AND OTHER SPACES.

No part of a yard or open space, or off-street parking or loading space required in §§ 153.038 and 153.039, or required in connection with any building for the purpose of complying with this chapter, shall be included as a part of a yard, open space, or off-street parking, or loading space similarly required for any other building.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

(A) Accessory structures and/or accessory 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 or rear yard setback.

(B) (1) In addition, the following standards are established for 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 8-12-2013; Ord. passed -- ; Ord, passed 2-11-2020)

Editor's note:

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

§ 153.030 HOME OCCUPATIONS.

Standards pertaining to home occupations are contained within the special use standards, specifically § 153.008(C)(5).

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.031 VISIBILITY AT INTERSECTION AND OBSTRUCTIONS WITHIN TOWN RIGHT OF WAYS.

Sight distances at intersections must meet the standards for secondary roads established by the State Department of Transportation. On corner lots, no planting, structure, sign, fence, wall, or

other obstruction shall be erected to interfere with said sight distance. In accordance with §91.02 (C)(2), the construction of curbing or obstructions across the Town right of way is prohibited. (Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.032 VACANT STRUCTURES AND LOTS.

Vacant structures, lots, and open spaces shall be maintained consistent with the surrounding neighborhood. All structures shall remain structurally sound. Vegetation shall be neatly trimmed and the accumulation of unsightly debris shall be prohibited. (Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.033 SIGNS IN RESIDENTIAL DISTRICTS, R-1, R-2, R-3, R-4, AND R-5.

(A) A small sign showing the name of the owner or occupant or the street number of a lot shall be permitted on any lot. Additional sign requirements, including real estate and construction company signs, are found in §93.02 of the Town Code.

(B) The design or layout of signs proposed for any special use shall be presented along with the development plan as specified in § 153.008(B). (Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.034 LAND DISTURBANCE AND SEDIMENTATION CONTROL.

(A) Land disturbance becoming landscaping. Any land-disturbing activity, such as grading projects or removal of natural vegetation, that involves the disturbance of 20 % or more of the land area of any lot, shall submit a landscaping and grading plan for such activity to the Board of Adjustment for review and approval. Prior to commencing such activity in a public service district, any land-disturbing activity such as grading projects or removal of natural vegetation other than routine maintenance shall be subject to approval by the Town Board of Adjustment regardless of the area to be disturbed.

(B) Maintain as natural open space areas. The intent of this requirement is to ensure that these areas are to be maintained as natural open space areas, and that any disturbance such as the building of roads, public utilities, and other such activities be designed and constructed so as to maintain the natural scenic character of these districts. A landscape plan shall be submitted and approved by the Board of Adjustment prior to any land-disturbing activity.

(C) Compliance with G.S. § 113A-54. Where applicable, all proposed development projects or land-disturbing activities shall comply with G.S. § 113A-54, and Rules and Regulations for Erosion and Sediment Control as established by the State Sedimentation Control Commission, State Department of Natural Resources and Community Development.

(D) Landscaping plans. A specific landscaping plan prepared by an appropriate professional shall be submitted to the Board of Adjustment which shall detail all plantings or reforestation to take place as part of the land-disturbing activity. (Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.035 BUFFER STRIP REQUIRED.

From the time of the adoption of this chapter, all special use development projects in the R-4 District that abut a residential lot or the other residential districts, shall provide a buffer strip that meets the requirements as outlined in § 153.063, "buffer strip and screen requirements".

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.036 NONCONFORMING LAND USES, OR STRUCTURES.

Any parcel of land, use of land, building, or structure existing at the time of the 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, may be continued and maintained subject to the following provisions.

(A) Nonconforming vacant lots.

(1) This category of nonconformance consists of vacant lots for which plats or deeds have been recorded in the County Register of Deeds office, which at the time of adoption of this chapter or any amendment thereto fail to comply with the minimum area and width requirements of the districts in which they are located.

(2) Any such nonconforming lot may be used for any of the uses permitted in the district in which it is located; provided, that:

(a) Where the lot area is not more than 20% below the minimum specified in this chapter, and other dimensional requirements are otherwise complied with, the Zoning Administrator is authorized to issue a zoning compliance permit; and

(b) Where the lot area is more than 20% below the minimum specified in this chapter or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.

(B) Nonconforming occupied lots. This category of nonconformance consists of lots, occupied by buildings or structures at the time of the adoption of this chapter or any amendment thereto, that fail to comply with the minimum requirements for area, width, yard, and setbacks for the district in which they are located. These lots may continue to be used.

(C) Nonconforming uses or structures.

(1) This category of nonconformance consists of buildings or structures used at the time of enactment of this chapter or any amendment thereto for purposes of use not permitted in the district in which they are located, or structures on conforming lots that do not comply with the dimensional requirements of this chapter such as size and height restrictions.

(2) Such uses except as provided in division (E) below may be continued as follows:

(a) 1. An existing nonconforming use may be changed to another nonconforming use of the same or higher use; provided, that the other conditions in this section are complied with.

2. For the purpose of this chapter, the rank order of uses from higher to lower shall be:

- a. Residential;
- b. Public; and
- c. Commercial services.

(b) When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

(c) A nonconforming use may not be extended or enlarged, nor shall a nonconforming structure be altered except as follows:

1. Structural alterations as required by law or ordinance to secure the safety of the structure are permissible;

2. Maintenance and repair necessary to keep a nonconforming structure in sound condition are permissible;

3. At the time of adoption of this chapter, if an expansion of a nonconforming use is in progress, that is, if at least a building permit for the expansion has been issued, then such expansion may be completed as specified in the building permit; and

4. When any nonconforming use of a building or structure is discontinued for a period in excess of 60 days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(D) Reconstruction of damaged buildings or structures. Any nonconforming use of a structure or nonconforming structure that has been damaged by fire, wind, flood, or other causes, may be repaired and used as before provided:

(1) Repairs are initiated within 12 months and completed within two years of such damage;

(2) The total amount of space devoted to a nonconforming use may not be increased; and

(3) Reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.

(E) Nonconforming home occupation. Any property owner whose home occupation was made nonconforming by the ordinance amendment adopted on July 9, 2002, shall have until July 8, 2005 to conform to the current terms of the ordinance.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 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 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 intended for use as dwellings shall only be occupied by a family member.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.038 OFF-STREET PARKING.

(A) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established in all districts. The number of parking spaces provided shall be at least as great as the number specified below for various uses. When application of said provision results in a fractional space requirement, the next larger requirement shall prevail.

(B) Each lot abutting a major thoroughfare shall be provided with vehicular access thereto and shall be provided with adequate space for turning so that no vehicle shall be required to back into the street. A parking space shall consist of an area not less than ten feet by 20 feet, plus the necessary access space unless otherwise authorized by the Board of Adjustment.

(1) Minimum parking requirements. The required number of off-street parking spaces specified below for each use shall be provided.

<i>Residential Uses</i>	<i>Required Parking</i>
<i>Business and Consumer Services of All Kinds</i>	
Business and special schools	1 space for each student
Clubs and lodges	1 space for each 3 members
Day nursery and private space for each kindergarten	1 space for each staff member, plus 1 space for each 5 students
<i>Business Uses</i>	
Commercial Services; retail space	1 space for each 200 square feet of gross floor
Medical and Dental offices	5 spaces per doctor or dentist
Professional and business offices	1 space for each 300 offices square feet of gross floor space
<i>Public and Semi-Public Uses</i>	
Churches	1 space for each four seats in the principal assembly room
Public building space	1 space for each 200 square feet of gross floor space
Recreational facilities	2 spaces for every tennis, squash, or racquetball court; health exercise facility – 1 space per 50 square feet; golf or country clubs – 2 spaces per tee; places of recreation and assembly shall have 1 space for each 200 square feet of gross floor space
Schools (public/private)	1 space for each classroom & administrative office, plus 1 space for each 20 seats or 1 space for each 400 square feet of area used primarily for public assembly
<i>Residential uses</i>	
Residential dwellings in a residential planned unit development	2 spaces for each dwelling unit
Residential dwellings, single-family	2 spaces for each dwelling unit

(2) On-site parking of vehicles.

(a) All motorized vehicles (including, but not limited to, cars, trucks, motorcycles, mopeds/scooters, golf carts) must be parked entirely upon a prepared driveway/parking surface (asphalt/pavement, concrete, pavers, gravel, pebbles) located on the lot or tract, or located on any adjoining lots or tracts, of the principal residence or structure. Parking on grassed areas, dirt/soil areas, mulched areas, landscaped areas, or any other natural areas of a lot or tract is expressly prohibited. This provision is applicable to all zoning districts within the town.

(b) Temporary parking (less than five hours per day) is excepted from the requirements of this section for vehicles operated by persons who are visiting the owners or occupiers of the residence.

(c) Nothing herein shall be deemed to modify or impact, in any way, the requirements found under § 153.071, “recreational and commercial vehicle storage”.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.039 OFF-STREET LOADING AND UNLOADING SPACE.

Every lot, on which a business is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. For the purpose of this section, an off-street loading space shall have the minimum dimensions of 12 feet by 40 feet, and an overhead clearance of 14 feet in height. All businesses shall have at least one such space.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.040 NO LOT SUBDIVISION OF PLATTED AND RECORDED LOTS.

(A) It is the express intention and purpose of this chapter to preserve the town as primarily a low-density residential area. To this end, subject to § 153.042, the number of lots within the town shall be limited to those lots as shown on plats recorded in the County Register of Deeds. Therefore, upon adoption of this chapter, all lots in the town that have been previously platted and recorded with the County Register of Deeds shall be deemed and established as individual lots, and shall remain individual lots, and shall not be subdivided.

(B) If an owner has acquired contiguous or adjoining lots, and the terminology of the deeds or other instruments of conveyance expresses intent that said lots shall be joined together as one residential lot, said lots shall thereafter be considered as one residential lot and shall not be subdivided into individual lots. If an owner of contiguous or adjoining lots develops said lots together, locating a residence on such lot or lots, and has landscaped the same or located other improvements, structures, or amenities on the lots so that from the standpoint of utility or appearance said lots seem to constitute one residential site, then said property shall not thereafter be subdivided, nor revert back to individual, separate lots.

(C) Nothing herein shall preclude property owners from subdividing unimproved previously platted and recorded lots, so as to enlarge existing residential lots or building sites. This subdivided lot shall not thereafter be reestablished as a separate residential lot.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.041 MINIMUM DWELLING UNIT SIZE.

(A) Each dwelling unit hereafter erected on any lot shall contain the following specified minimum living area floor space.

(B) Basement areas shall not be counted as a story and floor space contained in basement areas shall not be included in the minimum required living area floor space.

(1) Dwelling units consisting of a single or one primary story with living area as defined in this chapter shall contain a minimum of 2,250 square feet of living area.

(2) Dwelling units consisting of two or more primary stories with living area as defined in this chapter shall contain a minimum of 1,500 square feet of living area on the first story, and a minimum of 750 square feet of living area on the second story.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.042 SUBDIVISION OF TRACTS OF LAND.

(A) An owner of a tract of land which has not been subdivided and platted into residential lots, but desiring such subdivision and platting, shall prepare a plat and submit same for approval to the Planning Commission.

(B) Provisions shall be made for all utilities and access necessary to properly service said subdivision, subject to the provisions of Ch. 152. All other requirements of this chapter shall likewise be applicable to said subdivision before said owner shall be allowed to subdivide the tract of land.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.043 MAXIMUM ROOF COVERAGE.

(A) (1) (a) The MAXIMUM ROOF COVERAGE is defined as the total area(s) under roof of all structures (including detached garages and other accessory structures) on the lot.

(b) The maximum roof coverage standard assures that the size of structures is proportional to the lot size.

(2) The standards for the maximum roof coverage permitted are as follows:

<i>Lot Size</i>	<i>Max Roof Coverage</i>
Up to 0.5 acres	2,874 square feet
Up to 0.75 acres	3,520 square feet
Up to 1 acres	4,682 square feet
Up to 1.2 acres	5,060 square feet
Up to 1.5 acres	5,500 square feet
Up to 2 acres	6,100 square feet
Up to 2.5 acres	6,700 square feet
Up to 3 acres	7,500 square feet
Up to 3.5 acres	8,200 square feet
Up to 4 acres	8,700 square feet
Up to 4.5 acres	8,900 square feet
Up to 5 acres	9,100 square feet
Up to 5.5 acres	9,300 square feet
Up to 6 acres	9,647 square feet

(B) (1) Lots exceeding 6 acres in size: Multiply the lot size by 43,560; multiply this number by 3.25% (0.0325); provided, that the result is less than 9,647, structures on the lot may have maximum roof coverage of 9,647 square feet.

(2) If the result is greater than 9,647, structures on the lot may have maximum roof coverage equal to the result produced by the multiplication.

(C) All structures exceeding the maximum roof coverage for the lot on which they are located shall require approval of a variance by the Board of Adjustment in accordance with the procedures and standards set forth in § 153.110(D).

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.044 MATERIAL AND COLOR REQUIREMENTS FOR RESIDENTIAL DWELLING UNITS.

(A) The town is a unique community concerned with historic continuity. The town and its citizens are interested in the exterior appearance of residential structures, including the materials and color used in constructing and reconstructing such structures. To that end, those persons constructing new residences or renovating or expanding existing residences are encouraged to consider the provisions of this section regarding building materials.

(B) Regulation of exterior materials and colors of these structures will provide protection of the aesthetic and historic character and preserve the economic stability of the town.

(1) Materials.

(a) The intent of these provisions is to promote the exterior building materials that will blend with the majority of the existing residential structures and natural features of the town.

(b) As required in § 153.087, the application for the zoning compliance certificate shall be accompanied by the description of the materials to be used for the exterior siding and roofing materials.

1. Siding.

a. Suggested exterior siding materials. Painted or stained wood shingles or clapboards, stone and/or brick masonry, stucco, exterior insulation and finish system (EIFS), pre-painted aluminum, or heavy gauge vinyl to resemble clapboards, pre-cast concrete panels, fiber cement siding, cultured/cast stone, or as approved by the Design Review Board; and

b. The following exterior siding materials are discouraged. Exposed or painted concrete masonry units, light gauge vinyl siding, unpainted aluminum siding, exposed or painted concrete, paper or wood composition board, permastone or faux stone masonry, plywood (unless board and batten), asphalt shingles, ceramic tile (glazed wall tile, ceramic mosaic tile, natural clay tile, and the like), sheet glass, or glass block (not to include glass used for windows, sunrooms or conservatories), glazed brick.

2. Roofing visible from adjacent property.

a. Suggested roofing materials. Asphalt/fiberglass shingles, cedar shakes or shingles, clay or concrete tile, slate, copper, factory painted metal shingles or standing seam with concealed fasteners, or as approved by the Design Review Board; and

b. The following roofing materials are discouraged. Tin, unpainted aluminum, galvanized steel, asphaltic roll roofing, composition rubber, EPDM or PVC single ply roofing fabric, tar and gravel, asphalt and gravel.

(2) Color. The intent of these provisions is to promote colors that blend with the existing structures and preserve the existing visual environment. It is further the intent of these regulations to prevent exterior paints or stains that are distracting and present inappropriate color contrast to the surrounding natural and built environment.

(a) Suggested exterior colors. Natural and weathered stone and wood, earth tones (subdued colors and stains), including bleached tones and stains, or other colors which conform to the intent expressed this division (B)(2). Dwellings which are painted in colors that are considered to be nonconforming at the time of the adoption of this chapter may not be repainted the same color; and

(b) The following exterior colors are discouraged. The use of day-glow or fluorescent colors is discouraged.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

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

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

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

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

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

(a) Built of planted landscape elements.

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

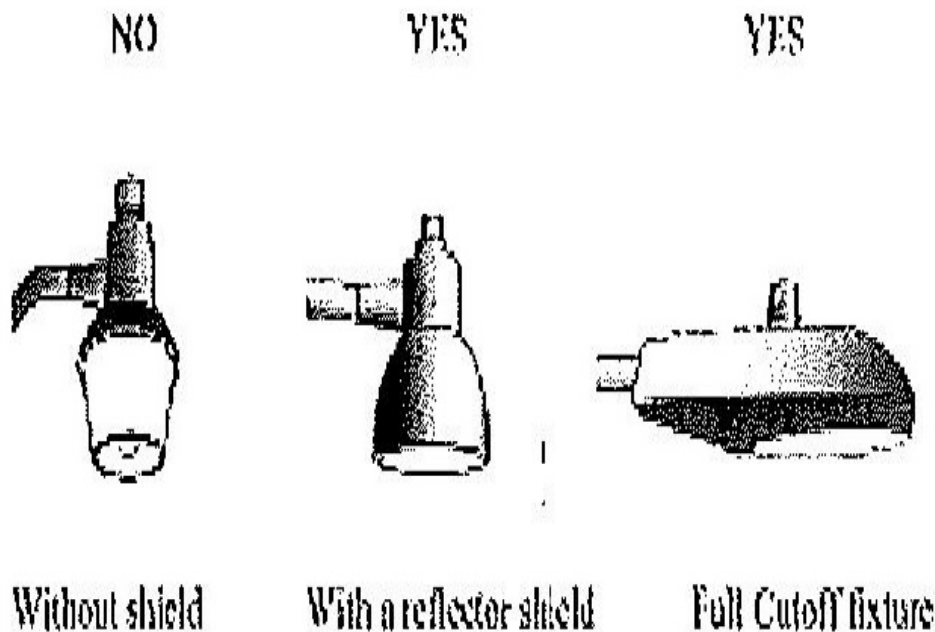
2. Prohibited. Abrupt physical configurations, (i.e., site revisions causing excessive tree removal, land slope revisions greater than natural repose).

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

(2) Prohibited.

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

(b) Examples of shielding should be as follows.



(3) Building forms and mass.

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

(b) Roof form.

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

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

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.046 MATERIAL AND COLOR REQUIREMENTS FROM COMMERCIAL BUILDINGS.

(A) The town is a unique community which is dependent on historic continuity with its past. It is within the public interest and general welfare of the town to regulate the exterior appearance of commercial structures, including the exterior materials and color used in constructing and reconstructing and painting buildings.

(B) Regulation of exterior materials and colors of these structures will provide protection of the aesthetic and historic character and preserve the economic stability of the town.

(1) Materials. The intent of these provisions is to promote the use of exterior building materials that will blend with the existing commercial structures and natural features of the town. As required in § 153.087(B)(1), the application for the zoning compliance certificate shall be accompanied by the description of the materials to be used for the exterior siding and roofing materials.

(a) Siding.

1. Permitted exterior materials. Painted or stained wood shingles or clapboards, stone and/or brick masonry, stucco, exterior insulation and finish system (EIFS), pre-painted aluminum, or heavy gauge vinyl to resemble clapboards, precast concrete panels or siding, cultured/cast stone, or as approved by the Design Review Board; and

2. Prohibited exterior materials. Exposed or painted concrete masonry units, light gauge vinyl siding, unpainted aluminum siding, exposed or painted cast-in-place concrete, paper or wood composition board, permastone or faux stone masonry, plywood, (unless board and batten), asphalt shingles, ceramic tile, (glazed wall tile, ceramic mosaic tile, natural clay tile, and the like), glazed brick, unpainted, or pre-painted ferrous or aluminum metal siding.

(b) Roofing visible from on-site location or adjacent property.

1. Permitted roofing materials. Asphalt/fiberglass shingles, cedar shakes or shingles, clay or concrete tile, slate, copper, factory painted metal shingles or standing seam with concealed fasteners or roofing as approved by the Design Review Board; and

2. Prohibited roofing materials. Tin, unpainted aluminum, galvanized steel, asphaltic roll roofing, composition rubber, EPDM or PVC single ply roofing fabric, tar and gravel, asphalt and gravel, solar panels (unless integrated into new construction). Note that for commercial buildings, flat roofs not visible from residential dwellings may use the above-mentioned roofing materials.

(2) Color. The intent of these provisions is to promote colors that blend with the existing structures and preserve the existing visual environment. It is further the intent of these regulations to prevent exterior paints or stains that are distracting and present inappropriate color contrast to the surrounding natural and built environment.

(a) Permitted exterior colors. Natural and weathered stone and wood, earth tones (subdued colors and stains), including bleached tones and stains or other colors which conform to the intent expressed in this division (B)(2).

(b) Prohibited exterior colors. Day-glow or fluorescent.

(3) Mechanical/electrical equipment.

(a) All electric service equipment and sub-panels and all mechanical equipment, including, but not limited to, air-conditioning, pool equipment, fans and vents, utility transformers (except those owned and maintained by public utility companies), and solar panels, shall be painted to match the surrounding wall or roof color or painted or screened to blend with the surrounding natural terrain. Roof-mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.

(b) Roof-mounted equipment, including ventilators and satellite dishes, shall be completely screened from view (100% opacity) or isolated so as not to be visible from any public right-of-way or residential zoning district. Roof screens when used shall be coordinated with the building to maintain a unified appearance.

(c) 1. All electrical and mechanical equipment located at ground level shall be screened from view (100% opacity) or isolated so as not to be visible from the right-of-way of an arterial street or residential zoning district. Such screens and enclosures, when used, shall be coordinated with the buildings to maintain a unified appearance.

2. Acoustical buffering is required for all emergency generators to reduce the noise level as audible from the nearest residential dwelling to that of the standard commercial air conditioning compressor.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.047 SITE DESIGN AND BUILDING FORM AND MASS COMMERCIAL BUILDINGS.

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

(B) Site design shall include grading, surface water drainage, preservation and restoration of existing flora, all landscape features, including drives, walks, patios, freestanding walls, fencing, and plantings. Of particular concern is preservation of the streetscape; signs, lighting, trees and bushes alongside the public thoroughfare. Form and mass shall refer to size and shape of the commercial structures.

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

(a) Built or planted landscape elements.

1. Permitted. All native flora and materials, (i.e., trees, bushes, flowers, stone, asphalt or concrete pavement, concrete or brick masonry paving units). Refer to the §§ 93.30 through 93.40 for tree removal regulations.

2. Prohibited. Final grades that result in slopes greater than 1:1; retaining walls that exceed seven feet in height for property zoned (R-4) and exceed 12 feet in height for property zoned (R-5).

(b) Site lighting/exterior lighting. With the exception of Americans with Disabilities Act, being 42 U.S.C. § 12101, lighting requirements and street lighting, the following design standards shall apply when exterior lighting is proposed and/or required:

1. Shielding.

a. Exterior lighting shall be shielded and directed downward so that the light source (the actual bulb) is not visible from beyond the property line on which the structure is located.

b. Exterior lighting shall not project above the horizontal plane of the building.

2. Color. Warm lighting colors are required.

a. The blue-white colors of florescent and mercury vapor lamps are prohibited.

b. Lamps emitting a color temperature in excess of 5,000 degrees Kelvin are prohibited.

3. Parking area lighting. In parking lots, a foot candle as approved by the town's lighting consultant at the perimeter, and between light sources, and a maximum of 5.0 foot candles under light fixtures as required.

4. Light fixtures.

a. The height of light fixtures shall be in proportion to the building mass and no more than 14 feet high.

b. When all businesses are closed, only a minimum of security lighting shall be maintained. Shielded spotlights may be used when highlighting trees, artwork, or other special landscape features. Lighting fixtures affixed to structures for the purposes of lighting parking areas shall be prohibited.

5. Advertising. The operation of searchlights or similar sources for advertising, display or any other commercial purpose is prohibited.

(2) Building forms and mass.

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

(b) Roof form.

1. Permitted. Gable, mansard, hip, gambrel, shed, pyramidal, salt box, barrel, vault, arch, and flat; and

2. Prohibited. Trapezoidal, butterfly, complex curvilinear (screw, bullet, mushroom shape), conical, polygonal (except as roof of minor tower), A-frame, Quonsct huts, geodesic domes, and roundettes.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.048 IMPERVIOUS SURFACE COVERAGE.

(A) (1) A maximum percentage of a residential lot that can be devoted to impervious surfaces, as defined in § 153.004, is established to assure that the character of the town is preserved and to control stormwater and runoff being directed to streets and adjacent properties.

(2) The percentage of residential lots that can be devoted to impervious surfaces shall be as set forth below.

Lot Size	Impervious Surface	Sample Calculations 43,560 Square Feet - 1 Acre
Up to 1 acre	27.5% x lot area	E.g., 0.85 acre x 43,560 x 27.5% = 10,182 square feet
Over 1 acre to 3 acres	11,979 square feet or 25% x lot area	11,979 square feet (The maximum from the previous grade) or the product of the lot size calculation. E.g., 1.75-acre x 43,560 x 25% = 19,058 square feet
Over 3 acres to 6 acres	32,670 square feet or 20% x lot area	32,670 square feet (The maximum from the previous grade) or the product of the lot size calculation. E.g., 4.5-acres x 43,560 x 20% = 39,204 square feet

(B) Lots on which new construction and/or development activity would cause the amount of impervious surface on the lot to exceed the percentages set forth above shall proceed with the proposed construction and/or development activity only if a variance for the increased impervious surface coverage is granted by the Board of Adjustment in accordance with the procedures set forth in § 153.110(D).

(C) The Board of Adjustment reserves the right to limit impervious surface coverage to prevent the unreasonable diversion of stormwater or surface water onto another property or properties or to the town streets.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 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, 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 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 so long as it meets the following requirements:

(1) The driveway gate and columns shall not be located in the front 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 so long as the replacement fence is constructed of materials deemed acceptable in § 153.049(D) and meets the requirements below. A special use 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/Learning/Species/Mammals/Whitetail-Deer/Fencing-to-Exclude-Deer#42041180-permanent-fencing>).

(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 Board of Adjustment, the town shall 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.

(Ord. passed 2-11-2020)

BUFFERS, SCREENING, AND LANDSCAPE

§ 153.060 PURPOSE AND INTENT.

(A) The town has an abundant and diverse tree and vegetative cover that is essential to the aesthetic value of the town and provides numerous ecological and economic benefits.

(B) The landscape and buffering standards set forth below require buffers and landscaping between dissimilar land uses, along public rights-of-way, and within parking lots, in order to:

(1) Encourage the preservation of existing trees and vegetation and replenish removed vegetation;

(2) Protect and improve the visual quality of the town and minimize the negative impacts of development such as noise, dust, litter, glare of lights, traffic, heat, overcrowding, odor, and views of unsightly parking lots, utilities, and mechanical systems and buildings;

(3) Provide environmental benefits such as climate modification, decreased energy consumption, reduced stormwater runoff, decreased erosion, improved water and air quality, and protection of wildlife habitat;

(4) Provide a transition between dissimilar land uses to protect abutting properties from potential negative impacts of neighboring development and to preserve the character and value of property and to provide a sense of privacy; and

(5) Improve standards for quantity, location, size, spacing, protection, and maintenance of plants and other screening materials to assure a high level of quality in the appearance of the town while allowing flexibility to promote well-designed and creative landscape plantings.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.061 GENERAL INFORMATION.

(A) Applicability.

(1) Buffer strip plantings, street trees, and parking lot trees and shrubs are required for developments within the town limits.

(2) The following developments shall bring the entire site into full compliance with this section:

(a) New nonresidential development, including special uses; and

(b) Renovations with a total cost exceeding 50% of the assessed value of the building, excluding single-family dwellings, according to the county tax records.

(3) New parking spaces or lots are not required to comply with the provisions of this section.

(B) Landscape and grading plan required. Applicants are advised to meet with town staff in order to review all ordinance requirements and procedures and receive a copy of the plan

checklists. As required in § 153.034, a landscape and grading plan shall be reviewed and approved by the Board of Adjustment prior to any grading.

(C) Alternative compliance.

(1) The landscape requirements are intended to set minimum standards for quality development and environmental protection and are not intended to be arbitrary or inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternate method of compliance with the landscape requirements. The Board of Adjustment, in consultation with the Design Review Board, may alter the requirements of this section as long as the existing or added landscape features of the development site comply with the intent of this chapter.

(2) Requests for alternative compliance shall be accepted if one or more of the following conditions are met:

(a) Topography, geologic features, drainage channels or streams, existing natural vegetation, overhead or underground utilities, or other conditions make it unreasonable or meaningless to plant a buffer or meet other landscape requirements;

(b) Space limitations, unusually shaped lots, unique relationships to other properties, and/or prevailing practices in the surrounding neighborhood (such as use of a specific type of vegetation) may justify alternative compliance when changing the use type of an existing building in an established mature neighborhood; or

(c) An alternative compliance proposal is equal or better than normal compliance in its ability to fulfill the intent of the ordinance, and exhibits superior design quality.

(4) The property owner must submit a plan of the area for which alternative compliance is requested to the Town Manager 14 days prior to the meeting of the Design Review Board at which the request will be considered. The site plan shall show existing site features and any additional material the property owner will plant or construct to meet the intent of the buffer, street tree, and parking lot tree requirements.

(5) In addition, the applicant must submit a written statement explaining and justifying the need for alternative compliance. The Design Review Board shall make a recommendation of approval, approval with conditions, or denial within ten working days of reviewing the request for alternative compliance. The Design Review Board's recommendation shall then be considered by the Board of Adjustment. Alternative compliance shall be limited to the specific project being reviewed and shall not establish a precedent for acceptance in other cases.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.062 EXISTING VEGETATION.

(A) Preserving trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, and mitigate the impacts of development on the community. It is recommended that groups of trees be preserved, as well as individual trees. Existing trees and shrubs designated for preservation may be credited towards required buffer trees, street trees, and parking lot trees.

(B) As required in § 93.32, no person shall remove or in any way damage any protected trees without first filing an application for said removal and receiving a permit from the Town Manager. This requirement is applicable to both residential and non-residential uses within the Town

(C) Special attention shall be given to protected trees located within 20 feet of the rear or side property line of property meeting the definition of an incompatible land use.

(1) Credits and other incentives to preserve vegetation within non-residential land use.

- (a) Vegetation located in the buffer strip.
 2. One existing evergreen shrub over four feet high located in the buffer strip may be credited for two new shrubs, also on a case-by-case basis by the Board of Adjustment.
- (b) Vegetation located elsewhere on the property.
 1. Trees designated for preservation may be credited at the rate of the following.

2-inch to 6-inch caliper tree = 1 tree
7-inch to 12-inch caliper tree = 2 trees
13-inch to 18-inch caliper tree = 3 trees
19-inch to 24-inch caliper tree = 4 trees
25-inch and greater = 5 trees

2. One existing shrub over four feet high may be credited for two new shrubs. In order to receive credit, vegetation designated for preservation shall be in good health and condition. Trees and shrubs designated to be preserved shall be indicated on the landscape and grading plan, as well as all protective barriers. If a tree or shrub designated for preservation dies within five years of the project's completion, it must be replaced with the total number of trees or shrubs that were credited to the existing tree or shrub.

(2) Protection of existing trees and shrubs during construction.

(a) 1. No grading or other land-disturbing activity shall occur on a site with existing trees or shrubs that are designated to be preserved in order to meet the landscaping requirements until the landscape and grading plan has been approved by the Board of Adjustment and protective barriers are installed by the developer and approved by the Zoning Administrator. Trees designated for preservation that are counted toward the landscape and buffering requirements shall be protected by barriers, while trees designated for preservation which do not count toward the landscape and buffering requirements are encouraged to be protected by barriers. The diameter of the trees designated for preservation and the location of protective barriers shall be shown on the landscape and grading and site plans with the dimensions between the tree trunk and barrier indicated.

2. Protective barriers shall be placed around the root protection zone of trees designated for preservation that are within 50 feet of any grading or construction activity. Protected ground areas for shrubs shall consist of an area twice the diameter of the shrub. All protective barriers shall be maintained throughout the building construction process.

- (b) 1. All contractors shall be made aware of the areas designated for protection.
2. No disturbance shall occur within the protective barriers, including:
 - a. Grading;
 - b. Filling, unless an aeration system certified by a registered landscape architect, certified arborist, or state cooperative extension specialist is installed to protect the tree from suffocation;
 - c. Temporary or permanent parking;
 - d. Storage of debris or materials, including topsoil;
 - e. Disposal of hazardous wastes or concrete washout; and

f. Attaching of nails, ropes, cables, signs, or fencing to any tree designated for preservation.

3. If any area within the root protection zone will be disturbed for any reason, a registered landscape architect, certified arborist, or state cooperative extension specialist shall recommend measures to minimize any potential impact and certify that the activity will not damage the tree under normal circumstances.

4. The developer shall coordinate with the utility companies early in the design process to resolve potential conflicts about the placement of utilities and buffer and screening requirements in § 153.063(B)(5). The Zoning Administrator shall approve the placement of the utilities either outside of the root protection zone or tunneled at least two feet directly below the tree roots to minimize root damage.

5. If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of a tree protection zone in order to prevent sediment from accumulating in the drip line area.

(c) Tree protection zone signs shall be installed on the tree protection barriers visible on all sides of the protection area (minimum one on each side and/or every 300 linear feet). The size of each sign shall be a minimum of two feet by two feet and shall contain the following language: “TREE PROTECTION ZONE, KEEP OUT” or “TREE SAVE AREA, KEEP OUT”.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.063 BUFFER STRIP AND SCREEN REQUIREMENTS.

(A) Certain land uses are defined in this chapter as being an incompatible land use when developed adjacent to other less intensive land uses. A buffer strip can serve to lessen adverse impacts when development occurs.

(B) The installation of the applicable buffer strip shall be the responsibility of the owner of the developing land use. Buffer strips shall be located on the property of the developing land use between the property line and any vehicular use areas, buildings, storage, service areas, or other area of activity. The buffer strip shall extend along the entire rear and/or side property line that abuts an incompatible land use, up to any required street tree planting strip.

(1) Use of buffer strips. Required buffers shall not be disturbed for any reason except for approved driveway openings and other passive or accessory uses compatible with the general separation of land uses and; provided, that the total number of required plantings are still met. Approval from the Town Manager is required prior to initiating any disturbance of the buffer.

(2) Placement of buffer plantings. The exact placement of the required plants shall be the decision of the developer or designer, but shall be reviewed by the Town Manager and approved by the Board of Adjustment. Plants shall be placed in a manner to serve as an effective screen year-round when viewed from any area accessible to the public or from adjacent properties. Trees or shrubs should be planted at least five feet away from the property line to ensure maintenance access and to avoid encroaching upon neighboring property.

(3) Composition of buffer plantings. A buffer consisting of two staggered rows of evergreen shrubs or sheared evergreen trees, planted 48 inches apart (as measured from the central stem) in a 20-foot wide strip shall be installed to screen the nonresidential use from neighboring residential properties. The trees or shrubs shall be between four and five feet high at time of planting. During times of extended dry weather, the applicant may petition the Board of Adjustment to reduce the required size of vegetation to be planted in order to better ensure its survival. It is suggested that a

mixture of two to three shrubs selected from the recommended species list be planted to encourage healthier plants.

(4) Coordination with stormwater drainage provisions. If the buffer strip is to be used as part of the area for required stormwater runoff absorption as outlined in Ch. 52, then the shrubs and trees within the buffer shall be water tolerant.

(5) Coordination with utility easements. In circumstances when the property to be developed is adjacent to a utility easement, the buffer requirement of division (C) above maybe altered to be only ten feet wide at the discretion of the Board of Adjustment, based on the factors of space, feasibility, and other considerations which may make it difficult to provide a 20-foot buffer.

(6) Additional buffering. The Board of Adjustment has the authority to require that a wall or fence be constructed next to property used for residential purposes when the Board determines that the buffer strip alone does not provide adequate buffering. The fence or wall shall be constructed in a durable fashion of wood, stone, masonry materials, or other materials if deemed appropriate and shall be built of material compatible with the principal building. When concrete block is utilized, it shall be finished with stucco on both sides. The materials and design shall be approved by the Board of Adjustment on a case-by-case basis. The finished side of the fence or wall shall face the abutting property. A chain link fence may not be used to satisfy the requirements of this section. Shrubs shall be planted on the applicant's side of the property at the rate of 25 per 100 linear feet; their placing and arrangement shall be the decision of the applicant.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.064 PARKING LOT LANDSCAPING REQUIREMENTS.

Trees and shrubs are required in and around parking lots with more than five spaces to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, help absorb runoff, reduce glare from parking lots, and to help filter exhaust from vehicles.

(A) There shall be a continuously maintained growing strip planted with grass or similar low-growing vegetation, measured from the back of the curb and extending ten feet perpendicular to the road. The purpose of this growing strip is to provide a clear line of sight for motorists, pedestrians, and cyclists entering and leaving commercial properties.

(B) (1) Where parking areas with more than five spaces adjoin a public right-of-way, a landscaped planting strip ten feet wide shall be established and continuously maintained between the growing strip and parking area(s).

(2) Street trees shall be planted within the landscaped planting strip in accordance with § 153.066 and parking areas within 50 feet of the right-of-way shall have a visually modifying screen or barrier that meets one of these standards:

(a) Evergreen shrubs shall be planted 36 inches apart as measured from the center and attain a height of at least 48 inches within four years of installation;

(b) There shall be a fence or wall three feet high constructed of the same material as the principal building; or

(c) There is an earthen berm at least two feet high, with a minimum crown width of two feet and a width to height ratio of no greater than 2:1; shrubs shall be planted on top of the berm that will attain a height of at least 36 inches within four years of installation and shall be planted 36 inches apart.

(3) No screen is required at parking lot entrances or exits, and no screen shall obstruct vision within 50 feet of an entrance, exit, or intersection. The landscaped planting strip shall be covered with living material, including groundcover and/or shrubs, except for mulched areas directly around the trees, so that no soil is exposed.

(C) (1) (a) Parking areas with more than five spaces shall have at least one large-maturing deciduous tree for every three parking spaces, with some appropriate clustering of trees permitted, and six-foot by 18-foot projecting landscaped islands generally between ten and 12 parking spaces.

(b) Whenever possible, interior parking spaces should have a continuous planter strip six feet wide between rows of parking.

(2) Where appropriate, provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas. In all cases, at least one large maturing deciduous tree shall be provided for a parking lot regardless of the number of spaces provided. No parking space shall be located more than 50 feet from the trunk of a large-maturing deciduous tree. When calculating the number of trees required, the applicant shall round up to the nearest whole number.

(D) All landscaped areas shall be bordered by a concrete curb that is at least six inches above the pavement and six inches wide or a granite curb that is at least six inches above the pavement and four inches wide.

(E) To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt, allowing a bumper overhang while maintaining the required parking dimensions.

(F) When more than the required number of parking spaces is provided, the applicant shall provide two times the required number of trees for the spaces provided above the ordinance requirement.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.065 SCREENING OF DUMPSTERS, LOADING DOCKS, OUTDOOR STORAGE AREAS, AND UTILITY STRUCTURES.

(A) All dumpsters, loading docks, outdoor storage areas, or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or buffer strip. Landscaping shall not interfere with the access and operation of any such structure or facility. Trash and storage areas shall be well maintained, including prompt repair and replacement of damaged gates, fences, and plants.

(B) Openings of trash enclosures shall be oriented away from public view or screened with sturdy gates wide enough to allow easy access for trash collection, where practical. The consolidation of trash areas between businesses and the use of modern disposal techniques is encouraged. All dumpsters shall be located a minimum of 50 feet from a residential dwelling. All unenclosed outdoor storage areas greater than 25 square feet shall also be screened from adjacent properties and streets.

(C) Screen types include:

(1) A continuous hedge of evergreen shrubs planted in a five-foot strip spaced a maximum of 36 inches apart; and

(2) A wall or fence six feet high, with the finished side of the fence or wall facing the abutting property or street. Fences longer than 25 linear feet shall be landscaped with trees and/or shrubs planted in a minimum five-foot planting area, except around access areas, spaced no farther than eight feet apart in order to screen at least 50% of the fence or wall.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.066 STREET TREES.

(A) (1) Street trees are required for all developments meeting the applicability requirements of § 153.061(A). Street trees shall be required at the rate of one large-maturing tree (over 35 feet in height) for every 40 linear feet of property abutting a street.

(2) In the event that overhead utility lines are present, then one small-maturing tree (less than 35 feet in height) may be planted for every 30 feet of property abutting a street.

(3) This does not imply that trees must be spaced exactly 30 or 40 feet apart.

(4) The exact placement of the required tree or trees may be established with input from the reviewing boards in order to fit in with sign placement and other building issues.

(B) Trees shall be planted within a landscaped planting strip adjacent to the growing strip as outlined in § 153.064(A) and according to regulations from the State Department of Transportation.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.067 CERTIFICATION OF COMPLETION.

(A) Landscaping shall be installed and inspected prior to receiving a certificate of completion. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant materials. If the season or weather conditions prohibit planting the materials, the developer may provide an irrevocable letter of credit, or other financial surety in an amount equal to 110% of the cost of installing the required landscaping to guarantee the completion of the required planting.

(B) Upon approval of the financial surety, the certificate of completion shall be issued. The financial surety shall be canceled and/or returned upon completion.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.068 MAINTENANCE.

(A) The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall shall constitute a zoning violation and shall be subject to the penalty provisions in § 153.999 if not replaced within 30 days of notification.

(B) If an act of God or other catastrophic event occurs which destroys a large quantity of vegetation, the owner or lessee shall have 120 days to replant. Replaced plant material shall comply with the minimum size, spacing, and quantity standards of the ordinance requirements in effect at the time of project approval.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.069 RESIDENTIAL SCREENING OF UTILITY STRUCTURES.

It is required that all new utility structures, whether they are part of a new dwelling or are being added to an existing dwelling, located out of doors, including, but not limited to, heat pumps, air conditioning units (with the exception of window units), and generators shall be screened on all sides except the side closest to the dwelling. The screening shall consist of evergreen shrubs

planted a maximum of 36 inches apart, with a height of 18 to 24 inches at time of planting. The shrubs may be planted three feet away from the utility structures so they do not interfere with proper functioning.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.070 PLANT SPECIFICATIONS.

(A) Recommended plant species. Plants may be chosen from the recommended plant species list available from the Town Manager. The list encourages the use of plant materials that are indigenous to this region and are readily available from local nurseries. Plant materials that are not on the list may be used following approval from the Board of Adjustment.

(B) Minimum plant size requirements.

(1) Large-maturing deciduous tree. Greater than 35 feet at maturity. Minimum size at planting shall be 12 to 14 feet in height and two inches caliper (diameter);

(2) Small-maturing deciduous tree. Smaller than 35 feet at maturity. The tree shall be at least one and one-half inch caliper and eight to ten feet high at time of planting;

(3) Evergreen tree. Minimum height of four to five feet at time of planting; and

(4) Evergreen shrub. Minimum three-gallon container or ten-inch root ball with a height of 18 to 24 inches at time of planting.

(C) Plant standards.

(1) All plants shall meet the requirements of the most recent edition of the American Standards for Nursery Stock, ANSI 260.1.

(2) Plants shall be healthy, well branched, and free of disease and insect infestation.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.071 RECREATIONAL AND COMMERCIAL VEHICLE STORAGE.

(A) (1) Commercial vehicles and recreational vehicles, including, but not limited to, motor-powered recreational vehicles, recreational trailers, campers, boats and other water craft and the trailers used to tow or transport any such boat or vehicle, shall not be parked or stored outside on any lot or tract of land.

(2) Further, nor shall any such vehicle be parked or stored in or under an open garage/carport or in or under any other type of open accessory structure/building.

(3) However, such vehicles may be parked or stored in an enclosed accessory structure/building (said accessory structure/building is to comply with all size and height requirements of this chapter) or in an enclosed garage such that the vehicle is not visible.

(B) Exceptions to this rule would be those residents who have already received certificate of zoning compliance from the Board of Adjustment.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

ADMINISTRATION, ENFORCEMENT, AND APPEALS

§ 153.085 GENERAL PROCESS; DUTIES OF THE ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, PLANNING COMMISSION, BOARD OF COMMISSIONERS, AND COURTS ON MATTERS OF ADMINISTRATION.

(A) All questions arising in connection with this chapter shall be presented first to the Zoning Administrator, who shall be responsible for the day-to-day administration of this chapter. The Board of Adjustment shall have the authority to rule on matters of interpretation of this chapter, consider appeals from decisions of the Zoning Administrator, issue special use permits, and grant variances. Any appeal from a decision of the Board of Adjustment shall be to the courts as provided by law. The duties of the Town Board of Commissioners in connection with this chapter shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as prescribed in this chapter.

(B) The duties of the Board of Commissioners in connection with this chapter shall be the duty of considering and passing upon the initial ordinance and any proposed amendments or repeal of this chapter as provided by law. The Town Planning Commission shall serve in an advisory capacity to the Board of Commissioners and shall provide recommendations to the Board, including recommendations pertaining to zoning amendments and other matters as designated in G.S. § 160A-361.

(C) Any Board, including the Board of Commissioners, Board of Adjustment, Planning Commission, and Design Review Board, shall keep minutes of its proceedings, including the names of members present and absent, a record of the vote on every question, or abstention from voting, if any, together with records of its examinations and other official actions.

(D) Pursuant to NCGS §160D-309, all members appointed to the Board of Commissioners, Board of Adjustment, Planning Commission, and Design Review Board shall, before entering their duties, qualify by taking an oath of office.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.086 ZONING ADMINISTRATOR.

(A) The town shall appoint a Zoning Administrator. It shall be the duty of the duly appointed Zoning Administrator, or their designee, to administer and enforce the provisions of this chapter.

(B) The Zoning Administrator shall issue certificates of zoning compliance and certificates of occupancy as prescribed herein. The Zoning Administrator shall serve as clerk to the Board of Adjustment, and all applications for variances and special use permits shall first be presented to the Zoning Administrator who in turn shall refer the applications to the Board of Adjustment.

(C) (1) If the Zoning Administrator finds that any of the provisions of this chapter are being violated, the person responsible for such violation shall be notified in writing for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

(2) The Zoning Administrator shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.087 CERTIFICATE OF ZONING COMPLIANCE REQUIRED.

(A) (1) No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a certificate of zoning compliance shall have been issued by the Zoning Administrator.

(2) No certification of zoning compliance shall be issued except in conformity with the provisions of this chapter.

(B) Upon approval of a special use permit or variance by the Board of Adjustment, the Zoning Administrator shall issue a certificate of zoning compliance.

(1) Applications for zoning compliance certificate.

(a) All applications for zoning compliance certificates shall be accompanied by plans drawn to scale showing the actual dimensions of the lot to be built upon, accurate dimensions and the use of the proposed building, the location on the lot of the building or structure proposed to be erected or altered, required screening of residential utility structures as outlined in §153.069 and such other information as may be necessary to provide for the enforcement of the provisions of this chapter, including the architectural or building plans of the structure proposed to be erected or altered, and the description of the materials to be used for the exterior siding and roofing materials, and the colors or stains that will be used on the residential or commercial structure.

(b) Refer to §153.130 for the complete submittal requirements. Prior to issuance of a certificate of zoning compliance, the Zoning Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this chapter.

(2) Zoning compliance certificate fee.

(a) All applications for a certificate of zoning compliance shall be accompanied with an application fee based upon construction cost. Additional fees for special use, variance, or other land development applications may be authorized by the Board of Commissioners annually within the Fee Schedule for the Town of Biltmore Forest.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.088 REQUIREMENTS PRIOR TO ISSUANCE OF A BUILDING PERMIT.

Upon approval of a certificate of zoning compliance and prior to the issuance of a building permit, where applicable, the applicant shall obtain the following approvals.

(A) If connection is to be made to the town water or sewer systems, the applicant shall obtain approval for a tap from the town.

(B) If individual septic tanks and/or wells are to be used, the applicant shall obtain preliminary approvals from the County Health Department.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.089 BUILDING PERMIT REQUIRED.

Upon receiving a certificate of zoning compliance, a building permit shall be obtained from the County Building Inspections office for the construction or alteration of any building or structure pursuant to the procedures of the County Building Inspections office.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.090 CERTIFICATE OF OCCUPANCY REQUIRED.

(A) A certificate of occupancy issued by the Zoning Administrator is required prior to:

- (1) Occupancy or use of a building hereafter erected, altered, or moved; and
- (2) Change of use of any building or land.

(B) (1) (a) In conjunction with the final building inspection, the Zoning Administrator shall certify that all requirements of this chapter have been met.

(b) The applicant shall call for such certification coincident with the final building inspection or within ten days following completion.

(c) A certificate of occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a certificate of zoning compliance and shall be issued within ten days after the erection or structural alterations or change in use of the building, or part, shall have been completed in conformity with the provisions of this chapter.

(2) (a) A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter.

(b) If the certificate of occupancy is denied, the Zoning Administrator shall state in writing the reasons for refusal and the applicant shall be notified of the refusal.

(c) A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.091 CONSTRUCTION PROGRESS.

If no substantial construction progress has been made within six months of the date of the issuance of the building permit, the Town shall contact the County Building Inspections and inquire as to whether the building permit is still valid. If the building permit is no longer valid, then the certificate of zoning compliance issued by the Town will be considered expired.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.092 CONSTRUCTION COMPLETION.

(A) Following approval of plans for construction of a structure or major remodeling of an existing structure and issuance of a building permit for the construction or remodeling, work on the structure shall be initiated within 60 days of issuance of the building permit.

(B) The construction or remodeling shall be substantially complete within two years of the date of issuance of the building permit for the construction.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013) Penalty, see § 153.999

§ 153.093 COMPLIANCE.

In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this chapter, the Zoning Administrator or any other appropriate town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.094 NOTICE OF VIOLATIONS AND INSPECTIONS.

(A) When staff determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this Chapter or other local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the Board of Adjustment pursuant to G.S. 160D-405.

(B) Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

§ 153.095 APPEAL FROM THE ZONING ADMINISTRATOR.

(A) All questions arising in connection with this chapter shall be presented first to the Zoning Administrator, and such questions shall be presented to the Board of Adjustment only on appeal from a ruling of the Zoning Administrator.

(B) Any order, requirement, decision, or determination made by the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedure found in § 153.111.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.096. REVOCATION OF DEVELOPMENT APPROVAL.

In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-405(e) regarding stays apply.

BOARD OF ADJUSTMENT

§ 153.105 ESTABLISHMENT OF BOARD OF ADJUSTMENT.

(A) A Board of Adjustment is hereby established. The Board shall consist of five members appointed by the Town Board of Commissioners. The members of the Board of Adjustment who have served as members of the Board of Adjustment under a zoning ordinance which was in effect prior to the adoption of this chapter shall serve the balance of the term to which said members were appointed.

(B) Upon completion of these terms of office, additional appointments shall be made on a staggered-term basis with one member appointed for a term of one year; two members appointed for a term of two years and two members appointed for a term of three years. All additional appointments to the Board shall be for three-year terms.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.106 SELECTION OF ALTERNATE MEMBERS.

The Board of Commissioners shall also appoint one alternate member to serve on the Board of Adjustment in the absence, for any cause, of any regular member. Such alternate member shall be appointed for a three-year term. Such alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent. The alternate member shall be subject to the provisions of § 153.107.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.107 RULES OF CONDUCT FOR MEMBERS.

(A) Members of the Board may be removed by the Board of Commissioners for cause, including violation of the rules stated below.

(B) Faithful attendance at meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite to continuing membership on the Board.

(C) No Board member shall take part in the hearing, consideration, or determination of any case in which he or she is personally or financially interested.

(D) No Board member shall vote on any specific matter unless he or she shall have attended a majority of the hearings on that matter.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.108 GENERAL PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board shall annually elect a Chairperson and a Vice-Chairperson from among its members. The Chairperson in turn will appoint a Secretary, which may be an employee of the town, and such other subordinates as may be authorized by the Town Board of Commissioners. The Chairperson, or in his or her absence the Vice-Chairperson, may administer oaths and request the attendance of witnesses in accordance with G.S. § 160D-406. The Board shall keep minutes of its proceedings, including the names of members present and absent, a record of the vote on every question, or abstention from voting, if any, together with records of its examinations and other official actions.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.109 MEETINGS.

(A) Board meetings. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All Board meetings are to be held in accordance with G.S. Ch. 143, Art. 33C commonly referred to as the Open Meeting Law.

(B) Quorum. A quorum shall consist of three members of the Board, but the Board shall not pass upon any questions relating to an appeal from a decision or determination of the Zoning Administrator, or an application for a variance or special use permit when there are less than four members present.

(C) Voting. All regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed in § 153.107. The required vote to decide appeals and applications shall be as provided in § 153.111(D), and shall not be reduced by any disqualification. In all other matters, the vote of a majority of the members present and voting shall decide issues before the Board.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.110 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.

The powers and duties of the Board of Adjustment shall be as follows:

(A) Interpretation. To interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and any other questions of interpretation that may arise in the administration of this chapter;

(B) Administrative review.

(1) The Board of Adjustment shall hear and decide requests for special use permits, variances, and appeal of decisions of the Town Manager. The term DECISION includes any final and binding order, requirement, or determination. The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals and requests for special uses and variances. The Board of Adjustment may hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development in the town.

(2) Notice of hearings conducted pursuant to this division (B) shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provide by the zoning or unified development ordinance. In the absence of evidence to the contrary, the town may rely on the county tax listings to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of hearing. Within that same time, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(3) The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. The Board of Adjustment must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments. The Board may allow parties

without standing to present competent, material, and substantial evidence that is not repetitive. If an objection arises at the hearing as to the inclusion or exclusion of administrative materials, the Board Chair must rule on this objection at the hearing. An appeal of this ruling may be considered by the full Board pursuant to NCGS 160D-406(d). Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Town Manager. The decision shall be delivered by personal delivery, electronic mail, or by first class mail to the applicant or property owner as may be applicable, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The Town Manager shall certify that proper notice has been made.

(4) Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari (G.S. § 160D-406(k)). A petition for review shall be filed with the Clerk of Superior Court within the period specified by NCGS 160D-1405(d).

(5) Members of the Board of Adjustment exercising quasi-judicial functions shall not have a fixed opinion on a matter prior to hearing; shall not have undisclosed ex-parte communication with an applicant, a close familial, business, or other associational relationship with an applicant or a financial interest in the outcome. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(6) The Chair of the Board of Adjustment or any member acting as Chair and the Town Manager are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class I misdemeanor.

(7) The Chair of the Board of Adjustment or anyone acting as Chair, may subpoena witnesses and compel the production of evidence. Any person with standing under G.S. § 160D-406(g) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair or person acting as the Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person subpoenaed fails to obey the subpoena, the Board of Adjustment or the party that requested the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed.

(C) Special uses.

(1) Upon application, the Board of Adjustment may grant in particular cases and subject to appropriate conditions and safeguards, permits for special uses as authorized by this chapter, and set forth as special uses under the various use districts.

(2) A special use permit may be granted by the Board of Adjustment only after making the following findings:

(a) An application for the special use has been submitted as prescribed by this chapter;

(b) 1. If the Board of Adjustment finds, in the particular case in question, that the use, including any proposed structures:

a. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

- b. Meets all required conditions and specifications of this chapter and other applicable rules, regulations, and standards;
- c. Will not substantially injure the value of adjoining or abutting property;
- d. Will be in general conformity with the plan of development of the town and its environs;
- e. Will be reasonably compatible with significant natural and topographic features on the site and within the immediate vicinity of the site given the proposed site design and structure design;
- f. Will be in harmony with scale, bulk, height, coverage, density, and character of the area or neighborhood in which it is located; or
- g. Is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities, and will not cause undue traffic congestion or create a traffic hazard.

2. In granting such a permit, the Board of Adjustment may designate such conditions in connection therewith that will, in its opinion, assure the proposed use will conform to the requirements and spirit of this chapter. However, the Board of Adjustment shall not impose conditions on special use permits that the Town is not statutorily allowed to impose.

(c) Before any special use permit is issued, the Board shall make written findings certifying compliance with the specific rules governing the individual special use (see §153.008), and that satisfactory provision and arrangement has been made for at least the following, where applicable:

- 1. Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control;
- 2. Provision of off-street parking and loading areas where required, with particular attention to the items in division (C)(2)(c)1 above, and the economic, noise, and odor effects of the special use on adjoining properties in the area;
- 3. Adequate and proper utilities, with reference to locations, availability, and compatibility;
- 4. Buffering, with reference to type, location, and dimensions;
- 5. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- 6. Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways, with reference to location, size, and suitability;
- 7. Buildings and structures, with reference to location, size, and use;
- 8. Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood;
- 9. With the exception of Americans with Disabilities Act, being 42 U.S.C. § 12101, lighting requirements and street lighting, the design standards as outlined in § 153.047, “site design and building form and mass for commercial buildings”, shall apply when exterior lighting is proposed and/or required; and
- 10. A site plan has been submitted as required in § 153.008.

11. The applicant/landowner must provide written consent to conditions placed on a special use permit by the Board of Adjustment.

(d) 1. The Zoning Administrator shall make periodic inspections during construction as well as a final inspection after construction is complete to determine whether the conditions

imposed and agreements made in the issuance of the permit have been met as well as whether all other requirements of this chapter have been met. The Zoning Administrator shall report his or her findings to the Board of Adjustment.

2. If at any time after a special use permit has been issued, the Board of Adjustment determines the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the operation of such use discontinued.

3. If a special use permit is terminated for any reason, it may be reinstated only after reapplying for a special use permit.

(D) Variances.

Upon application, when unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the public may not be the basis for granting a variance;

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

Editor's note:

This amendatory language was passed during a Board meeting, May 14, 2014

§ 153.111 APPEALS AND APPLICATIONS.

(A) Types of appeals and applications.

(1) Appeals. The Board shall hear and decide all appeals from any decision or determination made by the Zoning Administrator.

(2) Applications. All applications for variances and special use permits shall first be presented to the Zoning Administrator, who in turn shall refer the application to the Board of Adjustment. Applications for variances and special use permits must be made by a person with a property interest in the property or a contract to purchase the property.

(B) Appeals.

(1) The Board of Adjustment shall hear and decide appeals from decisions of the Town Manager.

(2) The following apply to all appeals heard by the Board of Adjustment:

(a) Any person who has standing under G.S. §160D-406(d) or the town may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Town Manager. The notice of appeal shall state the grounds for the appeal.

(b) The Town Manager shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owners. The written notice shall be delivered by personal delivery, first-class mail, or other electronic forms. If provided via electronic form, the file must be protected from further editing.

(c) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from the receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(d) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words “zoning decision” or “subdivision decision” in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided, the sign remains on the property for at least ten days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

(e) The Town Manager shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from are taken. The Town Manager shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(f) 1. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the Town Manager certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance.

2. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the Town Manager a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed.

3. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(g) Subject to the provisions of division (B)(2)(f) above, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

(h) 1. During the conduct of a hearing, any party may appear in person or by agent or by attorney at the hearing.

2. The order of business for the hearing shall be as follows:

a. The Chair, or such person as he or she shall direct, shall give a preliminary statement of the case;

b. The applicant shall present the argument in support of the appeal or application;

c. Persons opposed to granting the appeal or the application shall present their argument against the application;

d. Both sides will be permitted to present rebuttals to opposing testimony; and

e. The Chair or such person as he or she shall direct shall summarize the evidence that has been presented, giving the parties the opportunity to make objections or corrections. Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to only consideration of only such evidence as would be admissible in a court of law. The Board may place parties and witnesses under oath and the opposing party may cross-examine them. The Town Manager, or other Town official who filed the notice of violation, shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the Town Manager.

(i) When hearing an appeal pursuant to G.S. § 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. § 160A-393(k).

(j) The parties to an appeal that has been made under this division (B)(2)(j) may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(C) Hearings.

(1) Time. After receipt of notice of an appeal or an application, the Board Chairperson shall schedule a time for a hearing, which shall be within 36 days from the filing of such notice of appeal or application. Any additional appeal or application shall be received not less than two weeks prior to a scheduled meeting.

(2) Notice. In any application for projects involving planned unit developments, the Board shall give notice of the hearing in a newspaper having general circulation in the county five days prior to the date of the hearing. For all other applications and appeals, the Board shall send by first class mail notices of the hearing to the affected parties and to such other persons as the Zoning Administrator shall direct, at least ten days prior to the hearing. Such notice shall state the location of the building or lot, the general nature of the question involved in the appeal or application, and the time and place of the hearing.

(3) Re-hearings. An application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions of the case. The application for rehearing shall be denied by the Board if from the record it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that there has been a change, it shall thereupon treat the request in the same manner as any other appeal or application.

(D) Decisions.

(1) Time. A decision by the Board shall be made within 30 days from the time of hearing.

(2) Form.

(a) Written notice by certified or registered mail of the decision in a case shall be given to the applicant or appellant by the Secretary as soon as practical after the case is decided. In addition, written notice shall be given to owners of the subject property and to other persons who have made written request for such notice. The final decision of the Board shall be shown in the record of the

case as entered in the minutes of the Board and signed by the Secretary and the Chairperson upon approval of the minutes by the Board.

(b) 1. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. The decision on an appeal may reverse or affirm, wholly or partly, or modify the decision or determination of the Zoning Administrator. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the application for the variance was based and which the Board finds to exist.

2. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting of a variance.

3. Where a special use permit is granted, the record shall indicate, by reference to the appropriate sections of the ordinance, that all requirements and standards for the particular special use have been met.

(3) Expiration of permits. Unless otherwise specified, any order or decision of the Board in granting a variance or a special use permit shall expire if a building permit for such use is not obtained by the applicant within six months from the date of the decision.

(4) Voting. The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any decision or determination of the Zoning Administrator, or to grant a variance or to approve a special use permit.

(5) Public record of decisions. The decisions of the Board, as filed in its minutes, shall be a public record, available for inspection at all reasonable times.

(6) Variance and special use approvals run with the land.

(7) Revocations of previously approved variance and special use approvals must follow the same process as used for the approval.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

Editor's note:

This amendatory language was passed during a Board meeting, May 14, 2014

§ 153.112 APPEALS FROM THE BOARD OF ADJUSTMENT.

Appeals from the Board of Adjustment may be taken to the courts pursuant to G.S. § 160D-406(k)).

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

DESIGN REVIEW BOARD

§ 153.125 PURPOSE AND INTENT.

(A) The Town Board of Commissioners finds that new development has a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls, and building codes. Other aspects of development are more subtle. Among these are the general form of the land before and after development and the spatial relationships of the structures and open spaces as they contribute to an area as it is being developed. Such matters require the timely exercise of judgment in the public interest by people qualified to evaluate the design of new development.

(B) The design review process is intended to encourage residential and commercial developments that exemplify the best professional design practices and to promote the historic character of the town. The procedure is established to encourage individual identity for specific uses and structures; to enhance property values in the town and adjoining neighborhoods; to respect each individual site and its environmental qualities; and to minimize visual disharmony resulting from unrelated and poorly designed development.

(C) The purpose of this subchapter is to establish minimum standards for the exterior design of commercial, office, and residential structures, and to ensure high quality of development, redevelopment, and compatibility with evolving architecture or planning themes that contribute to a community image of quality, visual aesthetics, permanence, and stability which are in the best interest of the citizens of the town. These standards are intended to prevent use of materials that are unsightly, rapidly deteriorate, contribute to depreciation of area property values, or cause urban blight.

(D) These standards are further intended to ensure coordinated design of building exteriors, additions and accessory structures' exteriors in order to prevent visual disharmony; minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and buildings that detract from the character and appearance of the area. It is not the intent of this subchapter to restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use, site characteristics, and interior building layout.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.126 COMPOSITION OF DESIGN REVIEW BOARD AND MEETING PROCEDURE.

(A) The Town Board of Commissioners hereby establishes a Design Review Board.

(B) The Town Board of Commissioners shall appoint five resident members. A minimum of two members shall come from the disciplines of architecture, landscape architecture, landscape contractor, licensed general contractor, or like disciplines.

(C) Members of the Design Review Board shall serve for terms of three years, and may be reappointed. The terms of the original members may be staggered so that not all terms expire simultaneously. Vacancies shall be filled for the unexpired term only.

(D) The Board shall meet when it has business to discuss, and otherwise has no set meeting schedule.

(E) The Board of Commissioners shall also appoint one alternate member to serve on the Design Review Board in the absence, for any cause, of any regular member. Such alternate member, while attending any regular and or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all powers and duties of such regular member so absent.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.127 DEVELOPMENT SUBJECT TO DESIGN REVIEW.

The following types of development shall be subject to review by the Design Review Board:

(A) All new commercial buildings and new accessory and/or appurtenant buildings;

(B) All exterior expansions, additions, alterations, and modifications of existing commercial buildings and their accessory and/or appurtenant buildings;

(C) All new single- and multi-family dwellings and new accessory and/or appurtenant buildings;

(D) All exterior additions, alterations, and modifications to existing single- or multi-family dwellings and accessory and/or appurtenant buildings;

(E) All new accessory and appurtenant buildings on the premises of existing dwellings;

(F) Driveway redesign or realignment for new and existing residential and commercial buildings; and

(G) Any mechanical equipment when it is installed as part of a new commercial building.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.128 APPLICATION REQUIRED TO BE FILED.

(A) The property owner or authorized agent shall supply all required information and fill out an application form available in the Town Hall. Completed applications shall be considered by the Design Review Board within 30 days and sooner if possible.

(B) Applications shall be submitted at least two weeks prior to the meeting in order to give the Board members adequate time for study.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.129 DUTIES AND POWERS OF THE DESIGN REVIEW BOARD.

(A) The Design Review Board shall review all applications for the following elements: harmony of proposed building with adjacent buildings and overall town historic character, site design, building form and mass, building materials, and color as set forth in §§ 153.044 through 153.047.

(B) (1) The Design Review Board has the authority to review plans and recommend redesign of a building or driveway.

(2) The Board's comments on an application are intended to assist property owners and developers in building structures that are in harmony with the town's aesthetic and historic character, which will lead to increased property values and aesthetically pleasing structures and environments.

(C) Review shall take into account compliance with other town ordinances that effect design, such as this chapter and §§ 93.30 through 93.40.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.130 SUBMITTAL REQUIREMENTS.

(A) The applicant shall submit the following information for all residential structures:

(1) Site plan;

(2) Floor plans; and

(3) Exterior elevations, including type and color of all exterior building materials, awnings, exterior lighting, and fencing.

(B) In addition to division (A) above, applicants for commercial structures shall submit the following information:

(1) Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line;

(2) Elevations and dimensions of all existing or proposed solid waste and recycling containment areas;

(3) Type and color of all mechanical screening material, metal flashing, and the like;

(4) In order to aid in evaluating the exterior design, the applicant shall submit schematic floor plans showing, if applicable, window locations, doors, loading docks, projected interior layouts, seating, bar areas, waiting areas, vestibules, storage areas, food preparation areas, interior trash, or recycling space and the like;

(5) The height, location, and screening materials for heating, air conditioning, and ventilating and electrical equipment;

(6) Colored exterior building elevations, exterior building, and finish material samples and color pallets; and

(7) Other information as required.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

§ 153.131. DEVELOPMENT AGREEMENTS

Pursuant to NCGS Chapter 160D, Article 12, the Town of Biltmore Forest may enter into a development agreement with developers, subject to the procedures outlined below.

(A) Before entering into a development agreement, a local government shall conduct a legislative hearing on the proposed agreement. The notice provisions of G.S. 160D-602 applicable to zoning map amendments shall be followed for this hearing. The notice for the hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 25, 51(a), (b), (d).)

(B). Content and modification.

A development agreement shall, at a minimum, include all of the following:

(1) A description of the property subject to the agreement and the names of its legal and equitable property owners.

(2) The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.

(3) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.

(4) A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such

public facilities will be tied to successful performance by the developer in implementing the proposed development, such as meeting defined completion percentages or other performance standards.

(5) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.

(6) A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.

(7) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

(C) A development agreement may also provide that the entire development or any phase of it be commenced or completed within a specified period. If required by ordinance or in the agreement, the development agreement shall provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date does not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008 but must be judged based upon the totality of the circumstances. The developer may request a modification in the dates as set forth in the agreement.

(D) If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement. A local or regional utility authority may also be made a party to the development agreement.

(E) The development agreement also may cover any other matter, including defined performance standards, not inconsistent with this Chapter. The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the local government shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

(F) Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement. What changes constitute a major modification may be determined by ordinance adopted pursuant to G.S. 160D-1003 or as provided for in the development agreement.

(G) Any performance guarantees under the development agreement shall comply with G.S. 160D-804.1. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 26, 51(a), (b), (d).)

§ 153.132. DEVELOPMENT AGREEMENT VESTING.

- (a) Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.
- (b) Except for grounds specified in G.S. 160D-108(c) or G.S. 160D-108.1(f), a local government may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.
- (c) In the event State or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the development agreement.
- (d) This section does not abrogate any vested rights otherwise preserved by law. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 27, 51(a), (b), (d).)

§ 153.133. DEVELOPMENT AGREEMENT BREACH AND CURE.

- (a) Procedures established pursuant to G.S. 160D-1003 may include a provision requiring periodic review by the zoning administrator or other appropriate officer of the local government, at which time the developer shall demonstrate good-faith compliance with the terms of the development agreement.
- (b) If the local government finds and determines that the developer has committed a material breach of the agreement, the local government shall notify the developer in writing setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and providing the developer a reasonable time in which to cure the material breach.
- (c) If the developer fails to cure the material breach within the time given, then the local government unilaterally may terminate or modify the development agreement, provided the notice of termination or modification may be appealed to the board of adjustment in the manner provided by G.S. 160D-405.
- (d) An ordinance adopted pursuant to G.S. 160D-1003 or the development agreement may specify other penalties for breach in lieu of termination, including, but not limited to, penalties allowed for violation of a development regulation. Nothing in this Article shall be construed to abrogate or impair the power of the local government to enforce applicable law.

(e) A development agreement shall be enforceable by any party to the agreement notwithstanding any changes in the development regulations made subsequent to the effective date of the development agreement. Any party to the agreement may file an action for injunctive relief to enforce the terms of a development agreement. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 153.134. DEVELOPMENT AGREEMENT AMENDMENTS.

Subject to the provisions of G.S. 160D-1006(e), a development agreement may be amended or terminated by mutual consent of the parties. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 153.135. CHANGE OF JURISDICTION.

(a) Except as otherwise provided by this Article, any development agreement entered into by a local government before the effective date of a change of jurisdiction shall be valid for the duration of the agreement or eight years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction.

(b) A local government assuming jurisdiction may modify or suspend the provisions of the development agreement if the local government determines that the failure of the local government to do so would place the residents of the territory subject to the development agreement or the residents of the local government, or both, in a condition dangerous to their health or safety, or both. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

§ 153.136. Recordation.

The developer shall record the agreement with the register of deeds in the county where the property is located within 14 days after the local government and developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

§ 153.999 PENALTY.

(A) Any person, firm, or corporation who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 and/or imprisoned for a period not exceeding 30 days. Each day of violation shall be considered a separate offense.

(B) Unless extraordinary and reasonably unforeseeable delaying factors not resulting from the owner's action or inaction can be clearly demonstrated and proven, failure to have the construction or remodeling substantially complete at the end of the two-year time period shall subject the property owner to a fine of \$250 per day.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)



Planning Commission 2021 Survey

1. Considering everything about the Town of Biltmore Forest, how would you rate it OVERALL?

- ☐ Excellent
 - ☐ Very Good
 - ☐ Good
 - ☐ Fair
 - ☐ Poor
-

2. Thinking about Biltmore Forest, please tell us all your thoughts, feelings and reactions about the Town. (There are no right or wrong answers - just tell us how you honestly feel!)

3. Below, again, are a series of statements about the Town of Biltmore Forest. For each statement, please check the box that best describes how you would rate the Town:

	Excellent	Very Good	Good	Fair	Poor
Being a Town that protects mature trees and the tree canopy?	m	m	m	m	m
Being a Town where it is safe to walk?	m	m	m	m	m
Being a Town that you are proud to live in?	m	m	m	m	m
Being a Town that has professional/competent Police?	m	m	m	m	m
Being a Town that has a professional/competent Public Works Department?	m	m	m	m	m
Being a Town that gives you confidence that zoning ordinances are consistently enforced?	m	m	m	m	m
Being a Town where there are plans to guide future development?	m	m	m	m	m
Being a Town where there are appropriate Parks to use and enjoy?	m	m	m	m	m
Being a Town that is enjoyable for people of all ages?	m	m	m	m	m
Being a Town that has effective speed enforcement?	m	m	m	m	m
Being a Town where there are Social Activities?	m	m	m	m	m
Being a Town where there are guidelines for buffering between neighbors and high traffic zones?	m	m	m	m	m

4. Below, again, are a series of statements about the Town of Biltmore Forest. For each statement, please check the box that best describes how IMPORTANT you would feel each statement is:

	Very Important	Important	Neither Important or Unimportant	Not Important	Not Important at All
Being a Town that protects mature trees and the tree canopy?	m	m	m	m	m
Being a Town where it is safe to walk?	m	m	m	m	m
Being a Town that you are proud to live in?	m	m	m	m	m
Being a Town that has professional/competent Police?	m	m	m	m	m
Being a Town that has a professional/competent Public Works Department?	m	m	m	m	m
Being a Town that gives you confidence that zoning ordinances are consistently enforced?	m	m	m	m	m
Being a Town where there are plans to guide future development?	m	m	m	m	m
Being a Town where there are appropriate Parks to use and enjoy?	m	m	m	m	m
Being a Town that is enjoyable for people of all ages?	m	m	m	m	m
Being a Town that has effective speed enforcement?	m	m	m	m	m
Being a Town where there are Social Activities?	m	m	m	m	m
Being a Town where there are guidelines for buffering between neighbors and high traffic zones?	m	m	m	m	m

5. Below are a series of HYPOTHETICAL directions that the Town could take for various focus areas in the future, where we would appreciate your opinion. (Please check one box for each statement)

	I'd like MORE of this	Current Level is Adequate	I'd like LESS of this
Walking Trails within existing Parks	<input type="radio"/> m	<input type="radio"/> m	<input type="radio"/> m
Enforcement of Zoning Ordinances	<input type="radio"/> m	<input type="radio"/> m	<input type="radio"/> m
Speed Humps	<input type="radio"/> m	<input type="radio"/> m	<input type="radio"/> m
Upgraded Activity Structures for children in the parks	<input type="radio"/> m	<input type="radio"/> m	<input type="radio"/> m
Enforcement of Speeding	<input type="radio"/> m	<input type="radio"/> m	<input type="radio"/> m
New Planting of Hardwood Trees (Oak, Maple, Walnut, etc) along roads.	<input type="radio"/> m	<input type="radio"/> m	<input type="radio"/> m
Forbidding Clear Cutting for any reason	<input type="radio"/> m	<input type="radio"/> m	<input type="radio"/> m

6. The following questions are simply to help us understand responses.

	Yes	No
Do you live in Biltmore Forest Full-time (>6mo/year), or not?	<input type="radio"/> m	<input type="radio"/> m
Have you ever attended a Board of Commissioners Meeting, or not?	<input type="radio"/> m	<input type="radio"/> m
Are you familiar with the Tree Protection Ordinances, or not?	<input type="radio"/> m	<input type="radio"/> m
Have you ever attended a Board of Adjustment Meeting, or not?	<input type="radio"/> m	<input type="radio"/> m
Are you familiar with the current Fences, Walls, and Gates Ordinance, or not?	<input type="radio"/> m	<input type="radio"/> m
Are you familiar with the Accessory Structure Ordinances, or not?	<input type="radio"/> m	<input type="radio"/> m

Your survey is now complete! In the next few days--IF YOU WOULD LIKE TO DO SO--please take two (2) photos. The first should represent the thing you like the most about Biltmore Forest. The second should represent your Greatest Frustration with Biltmore Forest. When you take your photos, please go to the Town's website (www.biltmoreforest.org) and click on the SURVEY link to anonymously submit your photos and a brief comment about each one.

You should have received a postcard from the Town in the past few days with this link address. Alternatively, please call the Town office.

We plan on making a poster board of these photos for the Board of Commissioners to make the survey come alive! NO NAMES WILL EVER BE ASSOCIATED WITH ANY PHOTO!!!

**Biltmore Forest Planning Commission
Community Survey
Nov-Dec 2021
Final Verbatim Comments**

**2. Thinking about Biltmore Forest, please tell us all your thoughts, feelings and reactions about the Town.
(There are no right or wrong answers - just tell us how you honestly feel!)**

Both residents AND contractors speed too much and there is little apparent enforcement. I'd like to see walking trails and benches between our existing parks and public lands. The Board of Adjustment should be 'recalibrated' because they allow anyone to build anything (even plastic sheds) irrespective of the wishes of residents. They have abrogated their responsibility to the Town. People are clear cutting their lots and 99% of landscaping does NOT include a single real tree--even landscaping designed by local 'experts' Similarly - no one enforces these rules. Finally - Some homes (60 Forest and corner of Cedercliff and HVL Road) are in horrible repair. What can we do???

Love it

Overall truly happy with everything here. Staff is super nice and responsive. Development is happening, but not disruptive, and maintaining the overall character of the neighborhood. Events like the food trucks and trick-or-treating are quaint and well-run. Good job!

This is generally a good neighborhood. There is some loosening of the traditional restrictions on tree cutting and construction that makes it less desirable. Much of the draw to the Forest is just that...a forest. Allowing (or ignoring) more clearing and bigger square footage along with widespread light pollution makes us no different than many other communities. In addition, due to a few residents that insist on shooting household pets, the community is not safe for pets. This has gone on for years and I suspect the authorities know who is behind this. It diminishes the desirability of the Forest.

X

I feel that there are people who drive too quickly on Eastwood Rd and I have almost been hit by people who don't stay in their lane and who come around curve too quickly there. Oddly, speed bumps exist on other roads in the neighborhood but not there.

I love living in the town. Only complaint is that if possible we could make it more walker friendly.

We have lived here about 3 years...it has been fantastic..all the people that work for the town have been exceptional, and everyone we have met has been friendly and welcoming.

I appreciate the town activities, even if we do not attend them all.

At the moment there are an excessive amount of huge dump trucks every day. We live on a busy corner so it comes with the territory.

I know nice places like this take a lot of work...I feel lucky to live here!

I like the current town manager. Need traffic to slow on Stuyvesant.

Very are happy to live in Biltmore Forest. We value the quiet surroundings, friendly neighbors, well maintained homes and properties, beautiful natural forest and nearby access to both the mountains and Blue Ridge Parkway, and the city of Asheville.

beautiful, safe

Very strict design review process with occasionally excessive levels of oversight. But overall great community feel and very safe, clean, and convenient. Police are very helpful (at least assuming you look wealthy enough to live here) and town management and public services are extremely responsive.

We need a DOG PARK! 100s of dogs live in BF. 100s of residents walk them. 100s of dogs and residents could get to know each other and enjoy an opportunity to gather together just like the food truck Friday idea. If there's a dog park, fewer dogs might NOT show up at the food truck events. We have a perfect place for a big park - the triangular area between east forest and vanderbilt. Like the park along the river near river arts district has an area for small dogs and one for large. People get to know each other thru their pets.

I appreciate the Mayor and Bd. of Gov. I appreciate the committees who have devoted time and effort to create a real community ... Food trucks, etc.

I HATE all the speed bumps popping up everywhere especially the poorly designed platform at the BFCC. The nearby movie theatre has a much more car/driver friendly large and smooth speed bump. I suspect the one on Stuyvesant was designed for golfers - a small percentage of our residents

It's one of the best communities to live in, we just need to keep the activities for families growing!

It is a distinct privilege to live in Biltmore Forest. It is a peaceful, safe, and lovely environment

Due to future climate changes that can be reasonably predicted, an effort should be made to "harden" our infrastructure. Power and other services that require stringing wire on poles should be buried.

In addition, a fiber backbone should be part of the infrastructure for internet access in the Forest. Madison County is already delivering such services in a rural environment.

Great community. Beautiful tree canopy. Great landscaping in the neutral ground in front of town hall. Spectacular police and public works employees. A sidewalk along Vanderbilt is needed. The foot traffic along this road is quite significant.

Excellent town.

-Kudos to the Social Committee that organizes events.

-There are NOT ENOUGH amenities for residents. We should have a trail system like B.Park, updated playgrounds, nicer parks & landscaping, benches, a town sign, etc. Either maintain or get rid of those shabby bus stops.

-Communications have improved with calling, but still missing messages even though I'm signed up for alerts. Never got the postcard linking to this survey. Only found out about the survey b/c someone told me.

-Change here moves so slowly. Why are we talking about the same issues for years - traffic, trees, fences?

-Have folks finish renovation construction projects sooner; it shouldn't take 3-4 years! Don't let people cut down dozens of trees at once. If you're not going to cut back foliage to make walking & driving safer, stop saying you will.

-Can something be done about the undeveloped side of Cedarcliff Rd? Is that Biltmore Estate land? Looks terrible & those vine-covered trees look unsafe.

It's a wonderful place to live!

Great community. Need to invest in parks and saving Hemlocks. Lots of Hemlocks in decline. Also need to look at adding sidewalks in certain areas to make it more favorable to walking.

Having grown up in the forest, and returning after many years away, I know how special this place is. It's crucial to retain the integrity of the town and keep the traditions that make it so special. The town provides excellent services, especially the police force, who are ever-present and friendly to the residents.

I have lived in this neighborhood for almost 30 years. I perceive an increase in "recreational hostility" where a small number of our residents derive inappropriate enjoyment from using the town's rules against others. Anonymous complaints should not be allowed. Our systems should continuously reinforce the concept that it is in everyone's best interest to get along with each other.

I support the town staff, police and public works in the work they do on property owners behalf. I do not feel that health, safety and welfare of residents and ,particularly children has been given enough support by Commissioners. Road repair is needed in some parts of the town;
There should be no left turns off of Browntown onto Hendersonville road during working hours. Especially, work trucks and trailers. One block over is a traffic light!

People walking, running in the morning before the sun is up are risking their lives. Often times, they are in the road without reflectors or lights. Disaster waiting to happen! Yes, we have signs posted about walking against traffic and bicycles single file but people continue to do it.

Any thoughts to picking up recycling every week?

We really need to look closely at all the trees that are leaning into the roads. There are many dangerous trees that are leaning and will fall with the next ice, wind, or rain storm. I think sometimes the town is too conservative in removing these trees.

Tree ordinance is not flexible enough and demonstrates some overreach.

1. Police force members are first class, always respectful and helpful.
2. Towns leaf collection program is outstanding
3. Biltmore Forest always gives a "caring" appearance to everything that is done.

We love living here. I really wish the town would be more strict about people taking care of the ivy growing up their trees. If these crawling vines choke the trees, we will lose many of them and the forested nature of the neighborhood is prized by all of us. This wish extends to public lands as well -- between E Forest and Vanderbilt for example. Maybe a work day for those interested would be fun?

Wonderful place to live. Walking here everyday made dealing with the Covid pandemic possible - so much beauty everywhere you turn.

The wooded feeling of the neighborhood is my favorite feature.

Wonderful place to live.

I love the "small town" feel. I appreciate our services, including community police. I actively sought to live in BF after living in Asheville for 21 years. It is a much nicer place to live, walk and enjoy outside activities. It is still a forest. Biltmore Forest is well run and the prettiest place I've ever lived.

I absolutely love my town. Its caring employees and elected officials are exceptional and the beauty of the forest makes me sigh "ahh" every time I enter the town.

It is a wonderful place to live. I particularly like the friendly way that I am treated by all the staff. I like the way the town is kept up and always looks good.

Good, but not great. Much of the public areas of Biltmore Forest look tired. Overgrown parks and open spaces; vines climbing trees; streetscapes that are in disrepair. Our neighborhood looks unkept and this is problematic for property owners when comparing our property values to Biltmore Park, the Ramble or the Cliffs. We are not what we once were and a concerted effort needs to be made to get us back to the preeminent neighborhood of Asheville.

Lovely place to live. People are friendly.

Generally, things are very good. I feel that the process that's necessary for someone to do something as simple as construct a swing set for their children is beyond ridiculous.

We're in a bit of a "bubble". However, in today's world it is comforting, not embarrassing.

I am happy with the level of service I receive from the town.

There are too many property owners who feel the rules do not apply to them concerning structures, plantings and accessory structures.

I am very happy with town staff (police, garbage, leaf and brush pickup, maintenance).

Great town. I appreciate how there is small town feel when you are off Hendersonville Rd, although you are next to the busy city of Asheville. The Public Works Dept is a major "plus" They continually provide a level of service that is not common these days.

My wife and I moved here 1 year ago and could not be happier. This town is beautiful, safe and welcoming. We should have moved 20 years ago.

Biltmore Forest makes me feel good as I enter the forest. It is most lovely and calming to live here.

Mostly love it. Don't love construction vehicles parking on both sides of the street in front of houses/driveways, makes driving down the street when there are kids playing or pedestrians walking. The streets are very dark and while I mostly like that, it can be a challenge. My kid and I miss the old style town mailbox.

Would like to see more opportunities to recycle

I feel very fortunate to live in a community where the residents and the Town departments work in conjunction to maintain all the positive things about small town living. I also feel safe because of the professionalism of the BFPD.

we are in the Biltmore Forest part of the Ramble (Chauncey Circle). we don't know if the Police routinely monitor us, we know there is no curbside pickup of leaves and limbs, we could opt out of garbage and recycling, but we pay full taxes so we use that service. The next page has activities and facilities that we don't use so most answers are left blank

Beautiful neighborhood. Nice folks. Good police department and adequate other services (sanitation, leaf and brush pick up, snow removal). Seems odd that the Town has not had a long term master plan or a plan to manage and enhance forested areas. For example, the questions in part 5 about trees show superficial thinking about managing the forest. Were these questions, especially the question about clear cutting (how do you define this term?), included in the survey based on advice/input from a professional with experience in creating master plans for towns like BF? It doesn't appear so.

Until the city permits homeowners to fence their property, there will be little to know opportunity to enhance and beautify their homes and subsequently BF. The deer have and will continue to decimate any plant material other than hardwood trees and certain evergreens. The result is homeowners do no landscaping or they plant the same plants which are all green void of any color or interest.

I feel very blessed to live in Biltmore Forest.

Nothing negative, it's a fine little town.

I do enjoy living here very much. Having built our house a few years back, however, I did not find it very welcoming to new comers. We followed building guidelines closely, being told that there were never any exceptions. However, we later found out that exceptions are frequently granted well beyond the few minor exceptions that we would have liked to request. Very unfortunate.

It is the best place I have ever lived!

A pleasant town to live in. TOO much truck traffic. Good police protection & security.

It is a beautiful town of a size conducive to the development of close neighborhoods. There is a personal and effective relationship among the residents and the town administration, staff and employees who provide the services which allow us to live safely, securely and well.

Beautiful place to live

Biltmore Forest is making a great effort to bring neighbors together through community gatherings, which is a nice addition.

I am not crazy about the new houses going up resulting in the loss of trees, undeveloped land.

It is a wonderful community of homeowners that mostly care about others in the community. It is nice that there are opportunities to gather. It is also nice to be able to walk the neighborhood mostly in safety. Recently, there seem to be an awful lot of construction trucks and large dump trucks racing through town. It would be nice perhaps, to have a walking path somewhere in town.

As a resident of the Ramble - Biltmore Forest living on Chauncey Circle, I continue see idiots towing their horse trailers at speeds approaching at least 40mph+ on their way to the Equestrian Center. They continue dragging their trailers over the grass as if they ("horse people") have no regard for BF property.

I saw a ray of hope when BF (I assume) posted a digital speed monitor at the corner of Chauncey Circle and Niagara. THIS WAS EFFECTIVE in reducing speeds.....then it was taken as if it was some kind of experiment. WHY WAS IT TAKEN DOWN?? With what I pay in taxes each year, you can sure as hell afford to place it their permanently!

I'm pleased to live in BF. We're very satisfied with the services and conveniences offered by the Town.

It is an unbelievably great setting for our home. It affords the opportunity to live in a beautiful pastoral wooded area with the amenities of a municipality and hospital care within easy reach. Limited traffic and well adjusted speed limits allow great walking conditions. Having grown up in a city, I never tire of the privilege seeing deer, bears, and turkey. The Town's administration is relentlessly receptive and helpful.

Safe place to live. Too expensive. Quiet. Beautiful.

Beautiful place to live. I feel safe here

Excellent place to live - beautiful and safe.

Very beautiful.

The Town is a peaceful oasis adjoining an increasingly hectic and busy City of Asheville. Once you exit Hendersonville Road you know that you have entered somewhere special.

This is a poorly constructed question which reduces the value of the survey. It does not address any specifics to provide solutions on any issue.

Wonderful, friendly community.

BF is a community in transition - older, established residents are leaving, and new residents, many with only indirect ties to the Asheville economy are arriving. BF needs to evolve to be welcoming to these newcomers who will become the future heart of the community. Town government needs to become more inclusive and less exclusive - of and for the many rather than of and for the few. Everyone wants to preserve what is wonderful and beautiful and attractive about BF, but unless this is done with energy and imagination and with a view towards the future, the community will stand still or go backwards, ceding prominence and desirability to others like the Ramble and the Cliffs. BF was once unique within Asheville - it is no longer so. Notably, BF was created 100 years ago from a managed forest - it is no longer so and many of the roadside and other trees are old, dying, dead and a danger to all. The town needs a new comprehensive forestry management plan - not only a tree ordinance.

Lovely community, generally good neighborly spirit, quiet, helpful police force and town hall personnel

Some ordinances should be changed: Eg fencing, tree removal,

setbacks on certain streets that make neighbors too close
Wonderful place to live

Town does a great job

Town employees are excellent

It's a nice quiet safe place to live that is close to amenities.

I love living in Biltmore Forest. It's a beautiful town with a very rich history and many wonderful traditions.

Could be more family friendly in terms of walking and biking. Quite close to downtown is a plus for us with large lots. We appreciate the town services.

like living here ,!

Love the town and feel incredibly safe.

We are lucky to live here. First rate Police Department and public works.

Love the police department, love the public works as well- I am concerned about the amount of cyclists, and car/construction traffic on our roads. I know it is necessary but at same time quite dangerous. As a daily walker, there are times that I have almost been pushed off the road or almost hit by both cars and cyclists....the cyclists are equally as dangerous, not only do they speed around corners and almost hit me as a pedestrian but the also ride Side by side and ignore cars on the road.

Mayberry~ and that is a tough title to achieve... I think we have a great neighborhood with caring officers. We all know each other... or we know of each other.

Love the park events!

I feel safe here. Neighbors are very friendly. Town employees are very capable and treat everyone so well. I don't like the new contemporary houses, especially those not shielded behind landscaping, that are changing the character of the town's beauty. I wish the police would do a better job of keeping construction vehicles off the streets, especially on blind curves and busy corners. With all of our walkers, it's becoming dangerous for them and harder for us drivers to see and avoid them.

Overall, this is a very nice residential area and town. Having our own police force and a great fire company taking care of the town is very good, and better than relying on City of Asheville or Buncombe County. Living here and in another state as well, I am hearing more people saying that Asheville is cool, but it has big problems right now. We all know the extreme liberal politics of the City of Asheville and also Buncombe County are increasing crime, drugs and homelessness as well as other social issues that don't come to mind at the moment. Having our own police force and fire department is protecting us from these Asheville problems and issues. I appreciate this more today than 20 years ago when we purchased our house.

Well kept up community with a community spirit. The Town is helping with these.

I like the efforts for group events like food truck Fridays. Amazing place to live. Great for walking running and biking. Some of the streets are very dark and I wish more people would follow the speed limits. Feel like the police really look out for residents

Roads need to be safer for autos, bicyclists, and pedestrians by clearing side easements of brush, branches etc., placed by private owners or Town neglect. This is a very dangerous situation at present for which the Town is ultimately liable.

Love it! I have called the police on occasion and found the response time to be quite slow.

Walking the neighborhood is dangerous in many areas. Steep and uneven terrain due to erosion and encroachment of vegetation along the roadside make using certain shoulders impossible. Blind curves and crests are prevalent too. There's no place to go when drivers recklessly approach the combination. The situation is indeed dangerous. Given the available tax proceeds, it seems indigestible that public works cannot keep the shoulders safe to use, or that super mitigation means and methods be deployed to render the neighborhood safe for its residents to walk. Erosion near bridges, culverts, drains and road surfaces all seem to be allowed to degrade to the point that remediation is more expensive than necessary. Most asphalt work done seems to be of very poor quality, ie. Improper compaction, drainage slope, minimum thickness. Quality control of vendors doesn't seem to be there.

There should be land purchased for. I.e. greenways and walking trails. I would also like a gatehouse. Especially after last summer and due to all the construction trucks that no one keeps track of.

I would also like a keyed garbage entrance. Best Buy employees throw a lot of crap in there.

The water drainage on Greenwood Road has been problematic over many years. This was quite dramatically demonstrated when the system was overwhelmed by Fred this year. We have pointed this out to the town officials on several occasions but nothing has been done.

The street shoulders are in bad shape in many places. One onerous place is at Parkway and Stuyvesant turning right off of Parkway. Going into the ditch there would probably total a car and possibly cause bodily injury.

Too many trees are disappearing. Traffic laws don't seem to be enforced for work trucks.

I am totally impressed with the Town staff. The service is extraordinary and all done with a smile or a friendly wave. I appreciate how friendly the "neighborhood" is. I occasionally wonder about all the people I don't recognize walking, maybe lots of seasonal residents and visitors? If I could change anything, I would wish for greater diversity among both residents and staff; and an action to preserve as much of the actual forest as we can, and encourage new home builders to invest in slow-growing, long-lived trees and native plants.

I feel like we should be able to install privacy gates on our properties. The rise in crime in the neighborhood makes us feel quite vulnerable and having an electric gate at the entrance to our drive would make us feel much safer.

One of my concerns is that we are losing the white pines. Perhaps we could replace them with some larger hardwood trees.

The best thing about this town is its police department

Wonderful location. Tremendous employees! Love the independent police force. The public works folks are always so pleasant and helpful. could do without some of the non-resident bikers not following the rules of the road.

The town is overly intrusive on homeowner's rights to make changes to their property and homes, e.g. fences, tree removal, sheds, etc.

Good services with respect to brush and yard debris pick up, and Wednesday garbage pick up.

It is one of the most beautiful areas in the country. We are all lucky to live in BF. The Town needs to keep the charm that was established in the 1920's. Special treatment allowing things such as more trees being cut for new homes sites and on the BFCC golf course should be stopped. The bus stop at the corner of Southwood/Stuyvesant that was knocked down by a tree should be replaced. We can't lose the charm of the Town.

I am very pleased to be a member of the town.

IT all begins with leadership, and I think the Town is blessed with excellent and caring leaders who listen to residents, act on issues promptly and motivate pride in those of us fortunate enough to live here. The openness of the Board of Commissioners' meetings, kind and available key personnel and office staff make me feel part of a larger family. Also, probably the best run police force anywhere -- I cannot say enough about the sense of security here, even though I know there are interesting and concerning episodes so clearly described in the BoC meetings. The police here indeed 'serve and protect'. While near a bustling small city, it is always a calming and peaceful feeling driving off Hendersonville road and into the Forest. I appreciate the low speed limits, friendly waves from fellow residents, abundance of trees and the interesting homes

We feel that we are very fortunate to live here. We feel safe here. We really love where we live. Everyone from the Town staff, Police Department and Utilities have been more than helpful in answering questions and responding to service requests promptly. Especially appreciate the job that Mr. Kanipe is doing as Town Manager.

A great Town

Wonderful people and a great community

A safe place

It is home

Great leadership availability

Quick answers, easy to work with

Lucky to live in BF

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It was very hard to see how there was no phone call to all the citizens about the Ash Tree Borer when there was still a few weeks to treat the trees. I brought brochures from the NC Forest Service saying it was cheaper to treat than to cut them down. Most citizens might not even have known that they had Ash Trees--even though it may not have been their favorite trees, but needed to be treated. Now they are stuck with the expense of having them removed--as was the Town at taxpayers expense. Five years ago we were told that Wildeacre would 'Save the Natives, take out the invasives and not touch the creek banks even if there were invasives, because that held the banks". Many fine Natives were cut, many invasives were left, creek banks stripped. Then they were left to do another woodland. We need genuine leadership and care for our greenery and waters. Maybe hiring someone more interested than our current helpers. We need a new Forester!

I can't imagine living anywhere else. So glad to live in a forest just minutes from downtown. I think the neighborhood is beginning to suffer from too many mega mansions and too many part time residents. I am sorry that the town does not have more condominium/garden home options than the few across from the Town Hall. I would like to one day have the option to downsize but still stay in Biltmore Forest. This is a great Town to live in with nice neighbors and friendly people. I feel safe here with our police and well governed by our Mayor and Council.

*It would be nice if residents of Biltmore Forest and the Town officers, etc used Biltmore Forest instead of Asheville in their addresses.

This is my 26th home in 22 worldwide towns/cities. It is in the top 5. A wonderful town. Well managed, reasonable property taxes. Feel safe. Good services. Friendly caring neighbors. Parks. Clean, decent maintained streets. Town ordinances mostly fair. Streets need better lighting. Speeding needs attention. Need to upgrade equipment and certain certifications of a fairly new maintenance work force. Quite sure it's in the works. Thank Duke for putting power utilities underground.

I think the Town is special! with special dedicated employees. Great police, Public Works and Admin Staff. We are blessed.

Proud to be a BF resident and love living here with my family. My wife is a native and we live less than 1/2 mile from the house in which she grew up. I've lived in Asheville almost 20 yrs but only 5 in BF, which is certainly the most enjoyable, livable & beautiful spot in Avl. I was born in NYC & grew up on the North Shore of L.I. on Manhasset Bay, which was called West Egg in The Great Gatsby. I miss the salt water & air but love the mnts!

It's a well run town, which addresses problems when they arise.

We love living here. a beautiful place! Love the town service providers (garbage, recycling, yard waste personnel) just wish we had yard waste picked up more often. such old trees and plants - something is always coming down and i like to get it picked up and to the curb as soon as possible or otherwise it is overwhelming.

the alert systems are wonderful and keep us up to date. we love that the police make rounds regularly and work so hard to stay vigilant.

a very pleasant, quiet place to live

I feel extremely fortunate to live in such a lovely, safe and friendly environment

Beautiful and safe place to live.

I think it's generally doing well. I would like to see more park improvements at some point. Also, the town needs to do a better job of holding property owners responsible for incomplete work/tearing down houses. For example, I think the vacant properties at 49 Hilltop Road, 61 Forest Road, and 26 E. Forest Road are very bad for the town. (Particularly the first two properties). I don't know what can be done, but I would urge the town to look at more stringent requirements/penalties for properties like those three.

The board of adjustment should use more common sense when working with home owners. Rules and bylaws are necessary but should be flexible with reason.

Still outstanding. I am a 74 year old native who has seen some changes mostly for the good. If I have a complaint it would be the increase in part time residents. We should not be a second home community. How about a severe tax penalty for second homes.

large lots, great walking, pretty

The serpentine roads and thick forests are its signature which should never change, This luxurious use of land is totally absent in new communities like the Ramble which has different attributes. The safety and privacy are stellar yet it remains neighborly and welcoming. The location is superb with amenities within or very close by. The only thing I would like to see improved is the neatness of many overgrown lots.

Very nice safe neighborhood; one Thing that really upsets me about the town is selective enforcement of bylaws. It seems that some people do you things such as putting accessory structures on the property, fences in the front yard and do not get any prior approval while others have to go through an elaborate process which can be expensive to get these things approved.

We love our town. Please try to keep newcomers from cutting down all their trees, we're starting to get a Biltmore Park look.

I wish properties were required to prune (or allow the Town to prune) their street side trees, bushes, vines in order for walkers to be safe, not have to step out into the road esp busy Vanderbilt, and blind curves. This includes the hotel as well as homes.

I love living in an area with so many trees and with beautiful streets on which to walk - and drive for that matter. The trees are a double edged blessing - I fear for many of the really large old ones on Vanderbilt that lean into the road. Wind storms can be frightening when traveling on Vanderbilt, especially the north section. The town communicates well with the residents and all of the services are provided with a nice attitude by friendly employees. The town is the best positioned place in Asheville. I can get where I need to be pretty quickly.

Feels like a National Park! Beautiful, safe, and kind & considerate neighbors

We have very few amenities as compared to newer communities. This really has begun to affect a families expectations when buying a house.

Town is great. Employees are great. Management/Administration is great.

Construction traffic and tradesfolk can get a little aggressive with speed and respect for pedestrians, particularly at beginning of day, mid day and end of day. Maybe traffic calmers on Vanderbilt Road south of Park?

Some residents and golf course users drive too fast/ aggressive as well.

Like have a community dumpster for household trash as we just don't generate enough to warrant having regular pickup. Hate to see the stuff some just place by dumpsters or fill them up with that I think might eventually limit this resource for residents. Recycle pickup and mail delivery to the house is great.

Neighbors can be hard to meet and develop relationships with. Might be an artifact of those who chose to live here, the dynamics of the spread out community, social status, etc. Just an observation that has also been shared by some we meet.

Hate the noise and pollution of gas powered leaf blowers. Maybe limit days/hrs?

It's a great place to call home. It's a beautiful neighborhood. The Town does a great job with trash collection, recycling -- they make it very easy on the residents. They are also excellent with snow removal, the July 4th event, and food truck get togethers. I appreciate how the Town has increased opportunities for community engagement in recent years. We could do even more.

This is my dream neighborhood.

As a new resident the services and management are superior to Asheville city, very commendable. It's a great place to live. I wish some residents would take care of their yards better.

Very happy to live here

Please see email sent to Jonathan Kanipe. Not enough space here.

I'm a proud resident of BF. Love everything about it. My wife and I feel safe. The public utilities are wonderful - police, trash, etc.

its a great oasis in the midst of a rapidly expanding city and Hendersonville Road. let's keep it that way!!
Great place for a family

I love the old trees, the open spaces, the density restrictions, the neighbors, and the club. I love to run, walk, walk my dog, and ride my bike around the neighborhood. I enjoy seeing neighbors do the same and particularly like seeing kids riding their bikes around. The police force is excellent and I am very thankful for them. The administration and the services the town offer are very nice too. I am a big fan of trees and want the town to continue to protect them and to plant more along with requiring residents to do the same.

I think it is a fairly traditional-though changing-town with a very "old school" mentality. There are folks here with wealth who seem to think their money is equivalent with power. The police force is outstanding. I've never seen police who care so much. I wish there were sidewalks. I wish the parks were cleaned up regularly.

Is fantastic place to live!

Wonderful place. The town should conduct a survey to assess the environmental impact the golf course. Is BFCC in regulatory compliance with respect to chemicals used to to maintain the fairways. Is there chemical runoff fouling local streams?

Great neighborhood

It is 100% wrong and unfair that 90% of BF has a 5 foot town setback and 10% has 10 foot town setback. Especially considering the sections with 10' setback have wider roadways.

Also the inconsistency and unfairness of some residents getting variants for setbacks and others do not for similar requests. The town promised to go back and enforce the setback rules upon residents that weren't within the rules, but I have not seen one change to unapproved items in town setbacks being moved.

The inequality and favoritism coming from the town board is in excusable.

I grew up here and moved back 17 years ago. First of all it is beautiful; most of the houses are very attractive. I love the peace and quiet of it. I love our police department, and knowing they are around the corner makes me feel very secure. The town is meticulously clean thanks to the town employees who work so hard to keep it that way.

Warm friendly place, even though there are generational and political differences

Too much traffic. We need to limit access.

Wonderful sense of community

Very safe community. Reliable police force. Appreciate debris pick up. Would like weekly recycling or a place to bring recycling. Would like ability to access city service bills online.

Wish speeding were monitored more uniformly.

Grew up here. Love it

I have been very pleased with the meet-ups, the food trucks and the community celebrations that seem to appeal to all ages bringing our community together. It's nice to get to know the neighbors and the kids.

It is such a pleasure to live in a community where residents, administrators, public service personnel are on the same team with the ongoing goal of making Biltmore Forest a wonderful and safe community.

New residents often feel out of the loop.

If yard waste p/u falls on a Friday the crews come the following Monday at earliest. I think the employees may work longer

4 day workweeks with Fridays off. That may only apply during the warm months.

You can p/u new directories each month at town hall. They are updated monthly.

It was years before I heard of Christmas contribution being coordinated through town hall.

In addition,

Wooded/green (park and private property) spaces need to be kept/expanded for wildlife habitats (deer/bird/opossum/water life) for feeding, movement and reproduction. Dead trees provide important habitats for several bird species. Leave some downed trees and skeleton trees that can be left standing safely.

The waterways must be protected. Emptying saline/chlorine pool water (with or without cleaning chemicals) into live waterways/wetlands can only harm water quality and damage flora and freshwater life. Protecting the French Broad watershed is important.

I love BF. A bit disappointed that with an aging neighborhood things have not been kept up. Dead and very dangerous trees.

The park equipment for the young kids could be so much better. The drainage pipes need to be upgraded. Thank goodness Duke energy is finally getting the lines underground. I have endured many long power outages. Often. Can we please upgrade and keep this neighborhood current and safe.

Excellent community with continual support for all residents.

Protected, cared for, thoughtfully and conservatively managed.

Love it! Happy to have a police force, happy the homes are well kept, close to BFCC, not much traffic

New construction should not allow "Mega" houses, stricter setback laws, and stop "treeing" the whole property to build! Seems to be no respect for neighbors and their property!

Privileged to live here. Feel very safe and secure because of Police Department.

I do believe a historical Committee should be assembled to protect the homes in Biltmore Forest. These Ridiculously large homes being built is ruining the classic look of Biltmore Forest. I think all of the workers at the township do an amazing job!

The town is a great place to live.

I like the community events and gatherings that help bring neighbors together. We should continue those events
I love the community aspect- I feel as if I enter paradise as soon as I turn off of Hendersonville rd. Lately, there are too many construction vehicles- walking has become a nightmare

There has been too much unfettered development and too much "bending" of the rules. We are starting to look like every other mid scale neighborhood with McMansions unencumbered by trees or other desirable distractions. We used to be a "forest". That is disappearing quickly.

We've been here almost a year and we've had great experiences and are very pleased with the Town.
Good services - quiet and safe.

It was a forest now its being clear cut.... Spreading traffic with people texting from their SUV's makes walking dangerous... It is not very bike friendly. We could use more speed bumps particular on streets right off 25, like Eastwood.

I think it would be awesome to gate Biltmore

Neighborly, safe, friendly
Leaf/ limb service excellent

Very helpful town manager
Beautiful home

Love the climate, location, the friend and family feel, and our independent status from the City Of Asheville.
We really like living here.

The police and Maintenance People are outstanding. The city administration also does a great job. The parks are shabby and many of residents don't keep up their yards groomed giving the town a unkept look. Our beautiful hardwood trees are dying from ivy growing on them.

Disappointed that road shoulders were not repaired this summer as expected, and pedestrian traffic not more encouraged and supported. The expectation that pedestrians can/should walk into forested/landscaped/blind spot areas instead of cars slowing down and moving over for pedestrians is dated, unacceptable and a public health and liability concern.

Safety while walking is a concern. The old infrastructure is a concern.

I feel very safe and happy with friendly police and town service folks. The Christmas lights in front of Town Hall are spectacular!

More attention should be payed to keeping the wooded "parks" cleaner looking. Get rid of excess debris and fallen trees. The tree ordinance is out of line. Nobody should have to replant a fallen tree or a dead tree after removal. The pine trees are a real hazard to home owners and should be allowed to be removed no matter how many you have without a permit and without having to replace them.

The police force does a very good job protecting the home owners and should be commended.
I love BF

When we had bus service, there were occasional shelters, which were also useful for resting while on a walk, but also in case of rain. Most were simply removed. Something similar would be useful now; they don't need to be elaborate....

It friendly and quite with excellent services and beautiful surroundings.

Biltmore Forest is a wonderful place to live. The town needs to cut back over growth through out the neighborhood. It is out of control and very dangerous.

Friendly- older - organized- Adelgid problem killing look and feel - outdated architecture- safe- clean

In general beautifully maintained and managed however I do wish there were more options for walking
Great town to live in. Very happy with Town mgr and staff.

It has been the perfect place to raise a family. We moved here in 1982 and still live in the same house. Our son, daughter-in-law and grandchildren live here also.

I think the town is very good place. Two areas to improve are walking at night - I notice some people walk with dark clothes and make it difficult to be seen when driving. I also have been a walker when people do not seem to see me and almost hit me and my dogs. I am very conscious about wearing reflective vests or carrying a flashlight or headlamp.

The second issue is parents taking personal responsibility for their children. I moved off of White Oak Rd because the parents are not taking responsibility for their children. When these children are teens, it is going to be a mess to deal with. It is not appropriate for kids to call their neighbors "Karen", vape in neighbor's yards, for kids to use their bikes to sideswipe neighbors walking dogs or throwing balls at rescue dogs, to run around in the dark in dark clothing. The police are being called but cannot take action even when there is video of the vaping and the parents don't care or tell the neighbor to move.

It is a very clean, safe place.

Our town is a unique and beautiful oasis-my blood pressure goes down the minute I enter the town limits! We are all the stewards of this historic spot and must all be responsible for maintaining its environs and promoting its community for the next generations.

BF is beautiful and a lovely place to live. I wish we were more interested in maintaining the neighborhood piece. I personally would love for it to be gated as a way to cut down on all the congestion and speeding.

I believe the Town leadership (elected and non-elected) is doing a good job of managing the municipality.

The Town Manager is very responsive, fair and polite. The Chief of Police is very responsive and helpful.

We need a dog park. Dog parks provide a wonderful opportunity to meet & greet neighbors that one would not otherwise have! We have plenty of areas suited for doggie play time off lease. There's a wonderful dog park along the river in one of the people's parks. There's an area for small dogs and one for large dogs. Hope the Town will consider...

Reflective clothing. All walker, bicycles, etc. You know what I mean. Someone is going to get hurt or killed.

Its beauty. Safety - excellent Police Force. Excellent Town Management of our tax dollars. Protection of our Natural Resources. The involvement of residents to keep our town special. Excellent Public Works Department. Friendliness of all staff. Excellent Leadership. Love living here.

Lived here all my life

Safety and Police are main factors.

Location - shopping and food nearby

Easy access to highways

Happy

Lived here for 55 years. Feel very fortunate---GRateful for the beauty, people, police, public works, leadership, etc.

The importance of care of our tree canopy and the visual integrity of BF need greater attention by decision makers as well as residents. At the policy level, the property being developed at Stuyvesant corner adjacent to the golf course is a glaring example of inadequate mechanisms to control development, presenting an in-your-face replica of a New Jersey property belonging to rapper Cardi B. Adding insult to injury, this look-at-me house has led to the loss of countless historic trees that will never be replaced despite restoration promises. At the homeowner level, if we remove an old tree for whatever reason without permission we are fined, but if a resident allows ivy, bittersweet, and other vegetation to disfigure a tree leading to its early demise--nothing happens. The town long ago should have developed an education plan for homeowners with proper incentives to recognize and act upon the need to preserve trees that may be on individual properties---but belong to all of us in BF!

continued....BF is part of the Greater Asheville COmmunity. Perhaps we should be in front of pressing issues, not reluctant followers. The Town's slow and sotto voce agreement to join the recent COVID-19 mandate led by the City and County. Enough said.

There needs to be a lot more interaction between the Town and residents and the present arrangements to encourage and facilitate resident participation and communication are inadequate. We have attended countless Board meetings over the years struggling to hear what is being said. It was frustrating enough before the pandemic when Board discussions were difficult to follow even sitting in the front row. And now, in-person meetings have not accommodated even minimally acceptable means of virtual access. There is no need for BF to deny its residents similar access and encouragements to participate in the affairs of the community. Broad participation can only make BF stronger.

We are fortunate to have an Administrative team led by Jonathan.

Need deer control--ticks--Lyme Disease! I have been diagnosed, as has my neighbor and his yardman. This is a HEALTH ISSUE and eventually a property value issue if not addressed. REDUCE THE DEER! Quotes I have heard recently: "Biltmore Forest has most of the Lyme cases in WNC"--my dermatologist. "BF has a reputation for Lyme"---resident. "It's all over BF"--BF resident,

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

May 10, 2022



Agenda Item F-3

Fiscal Year 2022-2023 Budget Presentation

Background

The North Carolina Local Budget and Fiscal Control Act requires the Budget Officer provide a budget proposal no later than May 31st of each year. Attached to this memorandum is my proposed budget and budget message for FY2023. Pursuant to state law, notice has been provided to the Asheville *Citizen-Times* and an advertisement will be placed in the newspaper indicating the Town will hold a public hearing on Tuesday, June 7, 2022 before considering the budget for adoption.

Please let me know if you have questions regarding the budget process or notification procedures.



Town of Biltmore Forest

Fiscal Year 2022-2023

Budget Message

Presented Tuesday, May 10, 2022

Prepared for the Citizens of the Town of Biltmore Forest
and General Public

The Honorable Mayor George F. Goosmann, III

Mayor Pro-tem Doris P. Loomis

Commissioner Fran G. Cogburn

Commissioner E. Glenn Kelly

Prepared by:
Jonathan B. Kanipe
Town Manager

Introduction

I am pleased to present this year's budget message and FY23 proposed budget to the Town, Mayor, and Board of Commissioners. The current fiscal year has provided opportunities for growth in services provided to citizens. Staff has worked diligently to perform this work with a singular focus: exceeding residents' expectations in all that we do. This is a daunting goal, but one that ensures the Town and its employees move forward in service and do not become complacent in day-to-day operations. The budget message below strives to meet this goal by positioning the Town to continue moving positively into the future.

General Fund

Revenues

Property Tax – Real Estate

Property tax revenue continues to comprise the majority of the Town's General Fund revenue, remaining at 57 percent. This revenue source is robust and growing. The estimated assessed value for FY23 (tax year 2022) represents growth of 3.66 percent from last year. This 3.66 percent growth equals \$30,260,149 in added value from 2021 to 2022. This continued growth comes on the heels of Buncombe County's 2021 property revaluation that showed growth of 7.42 percent.

Property tax growth allows the Town to continue providing, and expanding, high level services without a property tax increase. **As a result, my recommendation is for the tax rate in fiscal year 2023 to remain at thirty-four and one-half cents per \$100 valuation.**

FY 23 Estimated Property Tax Information

Total Valuation (excluding motor vehicles):	\$854,830,595
Property Tax Collection Percentage (from FY21):	99.03%
Proposed Tax Rate:	\$0.345/\$100 valuation

One penny brings the Town \$84,564. This is \$2,477 per penny more than last year's assessed value, and accounts for an increase of over \$85,000 in revenue for FY23. Per state law, the Town *must* budget based upon the prior year's tax collection percentage. The percentage collected for FY22 was 0.63 percent lower than the collection in FY21. While this is still a healthy collection percentage, a half-percent increase back to prior year levels will result in greater overall revenue for the Town that is not considered within this budget.

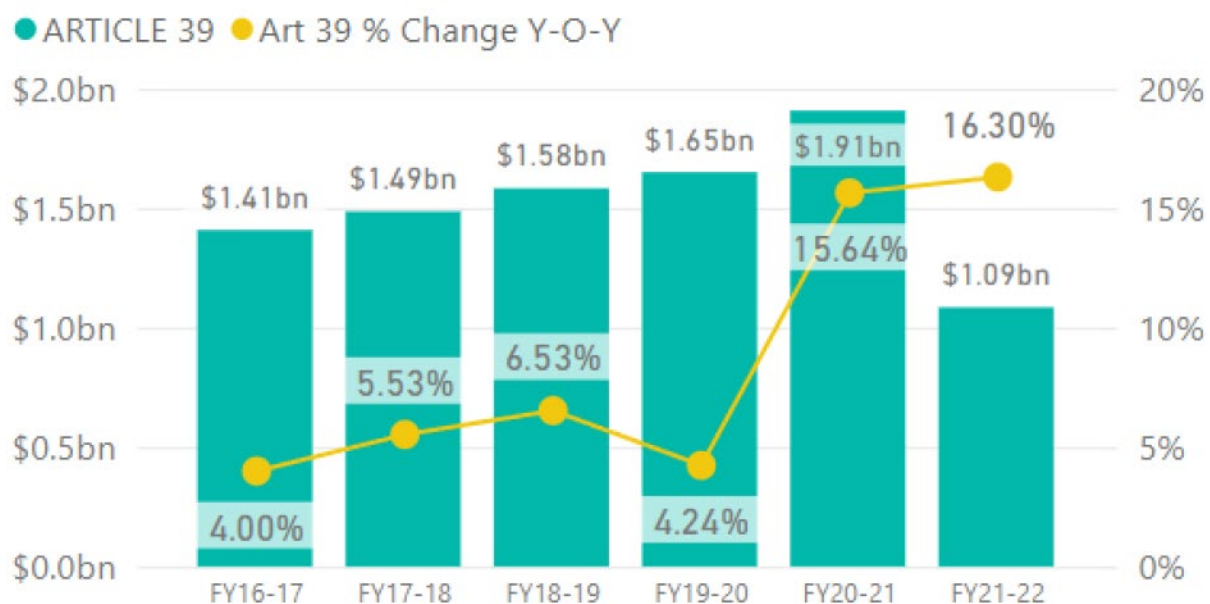
Property Tax – Motor Vehicles

Motor vehicle valuations are not included within the above assessed valuation. These payments are collected by the State and disbursed to the Town monthly. Collection percentages have increased statewide since the State combined motor vehicle taxation with registration. The Town's collection percentage is 100 percent, and we anticipate remaining at that level. For FY23, the Town's total motor vehicle valuation increased by 4.5 percent to \$31,708,853. This results in an expected increase of \$5,064 in motor vehicle property tax revenue.

Sales Tax

Sales tax continues to exceed growth expectations and projections. This is true for Biltmore Forest, Buncombe County, and most jurisdictions throughout the State. These increases were occurring before Covid-19 upended the world's economy, but at significantly smaller rates (4-6 percent). During FY20, as Covid-19 closed businesses, government offices, and people stayed home, there was trepidation and ambiguity about revenues returning to pre-Covid levels. Sales tax revenue bounced back furiously in FY21 – growing year over year by 15 percent.¹ Sales tax proceeds for the first six months of FY22 surpassed this number and are currently 16 percent higher than FY21 levels. The chart below, produced by the North Carolina League of Municipalities, clearly shows this year-over-year growth in Article 39 sales tax.²

Annual Article 39 Sales Tax Distribution (Y-O-Y Change)



These continued increases can be attributed to the stimulus payments sent directly to most Americans. Additional investment in the economy after Covid-19 resulted in this explosive growth. The Town's sales tax proceeds increased in line with the above chart. In fact, the Board of Commissioners approved a budget amendment last month that reflected the fifteen (15) percent growth already realized within our sales tax proceeds for FY22.

Forecasts for FY23 continue to estimate growth at high levels. Based upon these estimates, it is within conservative estimates that the Town's sales tax proceeds will grow by approximately 10-12 percent. As a result, the projected revenue for FY23 represents an overall increase of just over \$450,000.

¹ Madej and Nida. North Carolina League of Municipalities. *Projections for State-Collected Local Government Tax Revenue FY 22-23*.

² Ibid.

Franchise and Utility Taxes

Franchise and utility taxes are difficult to pin down. Weather plays a significant role in the amount of energy (electricity and piped natural gas) used. Similarly, increases in natural resource prices (as we are currently experiencing) also result in increased tax revenues from these sources. These increases do not extend to traditional video and telecommunications usage. These sectors continue to recede as people opt for less and less “traditional” video and telecommunications services. For FY23, my projection is for a small increase (2.5 percent) in electricity franchise taxes and flat revenue for piped natural gas. Telecommunications and video programming are forecast to continue falling.

Investment Earnings

The Covid-19 pandemic sent investment earnings plummeting. Earnings should begin to improve slightly as interest rates rise, but it is not likely we will return to pre-pandemic levels within this next fiscal year. As a result, this budget forecasts conservative growth in General Fund investment earnings.

Intergovernmental Loans

The Greenwood Park Stream Restoration project is under construction as of May 2, 2022. The loan application for this project was approved by the Board of Commissioners in April 2019. The Town has spent funds on the engineering and design work for this project, and most of those funds will be reimbursed through this zero-percent interest loan. The loan proceeds within this budget are likely to change before final budget consideration in June. Construction began May 5th, and it is likely the Town will request reimbursables before June 30, 2022.

Powell Bill Fund Revenue

Powell Bill revenues are the state’s disbursements to municipalities for maintenance and operation of non-DOT streets and roads. Powell Bill revenue in FY22 exceeded estimates by over twenty (20) percent. Based upon NCLM projected mileage and population distributions, the estimated revenue for FY23 is aligned with current year revenue. The Powell Bill allocation is based upon a Town’s population (\$21.66 per person) and its street mileage (\$1,675.48 per street mile). Estimated revenue for FY23 is \$66,849. Per state law, these funds are restricted and must be spent on street and road maintenance. The Town meets and exceeds this allowance by nearly ten times in the proposed FY23 budget.

Zoning Permit Revenue

FY22 zoning permit revenue has been phenomenal. Through May 1, 2022, the Town had received over two-hundred percent of estimated revenue. Furthering this point, through the first 10 months of FY22, the Town has issued zoning permits equating to \$30,583,435 in constructed value. That is an average of just over \$3 million in projects approved each month. The Town's zoning permit fee is based on the total value of construction. Housing costs have continued to rise within Biltmore Forest and Buncombe County, and along with this, new construction and renovation costs within the Town have risen, all leading to increased revenue. This is also noticeable in the continued assessed value of homes within Biltmore Forest. This year's tax base growth and permit demand leads to another bullish forecast for next year.

Additional Revenues

The Town's sale of personal property provides a robust income source. Likewise, the revenue generated by the Town's lease to American Tower continue to grow. This contract calls for an escalation of four (4) percent each year. The Town also receives revenue from American Tower for each communications provider located on the tower. There are currently three carriers co-located on this tower.

General Fund Revenue Takeaways

The Town's general fund revenue sources are in a great position. . Based upon the forecasts and knowledge of conditions particular to Biltmore Forest, I am confident we can meet the high levels of service we strive to provide through these estimated funds. Growth is anticipated to continue in the two largest sources of income – property tax and sales tax. The latter is more susceptible to disruption, and staff is cognizant of this possibility. Staff monitors state sales tax disbursements and analysis throughout the year. If creeping downturns or significant headwinds appear, we will re-assess and provide this information to the Board and recommend how to address these challenges

General Fund

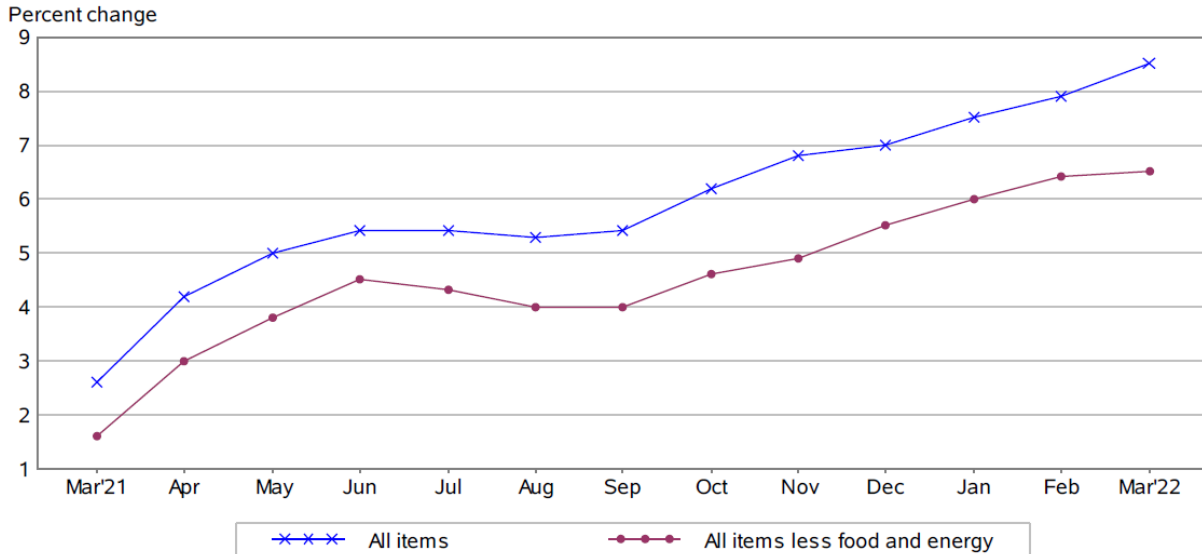
Expenditures

Town Wide Expenditures

Salaries

The Board approved a three (3) percent cost-of-living adjustment (COLA) for all full-time employees last year. For the past several years, the Town has based COLA recommendations on the March consumer price index (CPI). The CPI has risen exponentially over the past year. In March 2022, the national CPI rose 8.5 percent from March 2021.³ The increase was 8.4 percent from February 2021 to February 2022 in the southeastern United States.⁴ Even without this data, we all have first hand experiences with the sharp increase in prices for nearly all goods and services. These increases are not limited to fuel and energy, but on groceries, home goods, house prices, and general services that are impacted by logistical challenges and delays.

Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Mar. 2021 - Mar. 2022



As shown on the March 2022 CPI chart above, this increase is nearly 6.5 percent when not accounting for food and energy costs. It is for these reasons that my recommended cost-of-living adjustment for FY23 is six (6) percent. While smaller than the overall change, this increase allows the Town to provide a substantial increase for all employees that matches inflationary trends and the current job market. In addition, the approval of a six (6) percent COLA allows the Town to continue our merit pool program by offering one (1) percent of total departmental salaries for meritorious service. This has proven to be an effective tool at rewarding employees for exemplary service. This budget also raises the hourly rate for part-time employees (typically found within the Police Department) to \$20.00 per hour.

³ Consumer Price Index – March 2022. Accessed on April 18, 2022. www.bls.gov/cpi

⁴ Consumer Price Index, South Region. Accessed on March 17, 2022. www.bls.gov/regions/southeast

The Town is not alone with this recommendation. A review of other jurisdictions within Buncombe County shows similar recommendations⁵. The Town can comfortably incur this salary growth. In some instances, particularly within the Police Department, these increases bring the Town in line with entry-level salaries being offered.

<u>Jurisdiction</u>	<u>COLA Recommendation</u>	<u>Other Notes</u>
City of Asheville	4 percent	2 percent for employees hired after 1/1/22
Town of Black Mountain	5.75 percent	None
Town of Montreat	5 percent	None
Town of Weaveville	Up to 7 percent merit	None
Town of Woodfin	6 percent	None
Buncombe County	4.69 percent	Using rolling 2 year average from December for CPI development

Town Provided Benefits

The Town's comprehensive, affordable, and generous benefit package has proven to be an effective incentive for many employees. This package has also helped with employee retention. We strive to remain competitive with other jurisdictions and pursue the best benefits and options for employees while being financially responsible. The coming year allows the Town options to continue doing this, and expand upon these offerings.

Health Care – State Health Plan

The Town's health insurance, provided through the NC State Health Plan, provides effective and robust health insurance benefits to employees. The FY23 budget anticipates a five (5) percent increase for plan year 2023. One difficulty with budgeting for the State Health Plan is that new rates are not issued until October and not effective until January. This results in a lack of clarity in projecting changes.

Vision and Dental Insurance

In addition to health insurance, the Town also offers desirable vision insurance through VSP. This plan, managed by the North Carolina League of Municipalities (NCLM), provides great benefits for employees. The Town's dental plan (also managed by NCLM) is switching this year to Delta Dental. The result is an opportunity to increase our benefits from Dental II to Dental III. This increase is approximately \$15.00 per employee per month, but provides an increased "maximum" for

⁵ Recommendations as of May 4, 2022.

expenditures in a covered year and provides better orthodontia benefits. This is a manageable benefit increase for our employees.

Short-Term Disability Insurance

Staff also recommends an additional benefit for full-time employees in the coming year. The NCLM is now offering short-term disability options that cover employees who may have an accident (not workers' compensation related) that resulting in an extended time away from work. This coverage is \$13 per month per employee, and again, provides security and enhanced benefits for our employees. As Town employees *are not* considered covered employees under the Family Medical Leave Act (FMLA) this option may also prove useful for those who would otherwise have to take leave without pay due to an extended illness. This added benefit increases the overall budget by just over \$5,000.

LGERS Retirement and 401(k) Benefits

The NC Local Government Employees' Retirement System (LGERS) is the pension fund for all town employees. This pension system is managed by the North Carolina Treasurer's Office. The Treasurer's Office has been aggressive in the past few years by modifying rates to ensure the viability of the plan. The retirement rate in FY23 will increase for all employee classes. Sworn law enforcement officers will now receive a contribution of 18.94 percent to their pension. Non-sworn employees will receive a contribution of 18 percent. These are increases of 1 percent from last year. Please note, of that total percentage, it is estimated that 5.9 percent is contributed to the employees' retirement health plan. This funding is required by state law. This budget continues the Town's annual contribution of five (5) percent contribution for each employee's 401(k) plan.

Department Specific Expenditures

Administration

The administration department currently includes the Town Manager, Finance Director, and Town Clerk. The Town Clerk's salary is paid one-half out of this department and one-half out of the water fund. This is allowable due to water billing and accounts receivable work generated by the Water Fund. Generally, this budget remains consistent from year to year. For FY23, there is an added line item in this year's budget for building maintenance and repairs. Repairs have generally been paid from general government line items.

The most notable change in this departmental budget is the request for a new full-time position. This position is for a full-time code enforcement officer. If approved, this new full-time employee would be charged with daily property inspections for compliance with zoning and code regulations. This includes ensuring Board of Adjustment conditions are being met and plans are being followed as presented to the Town. This employee would be in the field the majority of each day and on a daily basis, engaging frequently with contractors, landscapers, and homeowners to ensure the Town's regulations are being followed. The goal is to have someone dedicated to providing the level of review and enforcement of ordinances the Town and its citizens expect and desire.

This desire was noted in the results of the Town's comprehensive planning survey. Residents asked for more equitable enforcement, and this is only able to be accomplished through more time devoted to ensuring the Town's ordinances are being followed. Enforcement actions, whether formally or informally, would also be driven through this employee and provide a fairer process for residents to address their appeals to the Town Manager and subsequently to either the Board of Adjustment or Board of Commissioners. The burden currently being placed on the administrative, public works, and police departments would be lifted by having a primary person responsible for code enforcement. Proactive code enforcement is possible and will result in effective and equitable compliance – but this can only be accomplished through availability and consistency. The total cost associated with this position is estimated at \$75,000.

Police Department

The Board prioritized technological improvements during the FY22 budget. These improvements included improvements in Computer Aided Dispatch (CAD) that support officers in the field and ensures their safety. Additional internal improvements focused on the Town's inventory control and call tracking capabilities. These advancements were placed into service this year.

The Board also prioritized vehicle replacement over the past three (3) budgets. Significant purchases in FY20 and FY21 have resulted in a robust and well-maintained fleet. The Town purchased two new vehicles in FY22, and the vehicle replacement plan is being met. As a result, staff does not recommend a new vehicle purchase in FY23.

The focus for the proposed FY23 budget is on equipment and safety improvements. The Town has utilized Tasers for over ten years. Each new Taser includes a five-year warranty, and the Town has not made any new Taser purchases in many years. The Town has four (4) Tasers that are no longer supported by the manufacturer but remain operable and twelve (12) Tasers which are supported. However, 4 of these 12 supported Tasers are no longer operable. Chief Beddingfield recommends the introduction of a five-year replacement plan that will upgrade the Tasers and ensure all equipment remains in warranty. Chief Beddingfield recommends the replacement of the inoperable Tasers in year 1 and purchase of new magazines and cartridges that allow appropriate Taser recertification. The next four years will allow the Town to transition through all Tasers, and by year five, all tasers will be under the manufacturer's warranty. The continuation of this replacement plan will provide assurance that officers will continually have operable and safe equipment.

The Department is also focused upon providing officers equipment needed to ensure their safety. This includes the need to purchase gas masks, canisters, and mask pouches. The Town previously purchased shields and helmets for officers, and the gas mask purchase ensures our officers will be able to handle any situation.

Similarly, the Town needs to upgrade police officer body cameras. The Town transitioned several years ago to Axon body cameras. These cameras are generally covered under a five-year plan. Upgraded body cameras purchased through Axon include all software, equipment, and maintenance guarantees for a five-year period. If the budget is approved, we would begin this process with new body cameras shortly after July 1, 2022 for just over \$13,000 per year.

It is important to note that in addition to officer safety, each of the equipment upgrades noted above also ensures the Town, Police Department, and officer are as protected as possible during high liability environments. Appropriate equipment, training, and usage are necessary to ensuring the Town's police department continues to serve the Town and its citizens to the highest degree possible.

Public Works Department

The Public Works Department has made great strides within the past several years in providing effective and efficient services for citizens. The FY22 budget authorized the hiring of a new full-time employee within the Public Works Department. This addition benefited the Public Works Department greatly as it has allowed time for more direct attention to landscaping, rights of way trimming, and other environmental enhancements. It has also allowed an ability for staff to conduct specialized work, when possible, without causing delays or interruptions to other daily services. Employees are encouraged to cross-train and obtain certifications that are important for Town duties.

The budget recommendation within the Public Works “general” department is not dramatically different from prior years. For FY23, the Town will continue focusing on park enhancement and development, including specific funding for these and other open. In addition to the Greenwood Park stream restoration, the Department is focusing on establishing benches throughout our park system and in specific places in Town. Equipment improvements in all parks are necessary but will be carried out as part of a long-range plan. The Comprehensive Plan for the Town includes a recommendation to establish a committee for citizens to participate in this feedback. This will help drive efforts for park enhancements and improvements.

The Town’s iconic streetlights are being brought into modern code compliance as Duke Energy is performing their Targeted Underground (TUG) project. This has caused some temporary aesthetic challenges, but staff is working to address these and achieve the joint goal of aesthetic beauty with functionality. This will be ongoing through the next several years as Duke continues their work and moves north through the Town.

Streets Department

Last year, the Town amended salary allocations within the Public Works Department and removed all salary line items from the Streets department. We continue that this year and this budget focuses entirely on projects. Stormwater and road improvements are the focus within the Streets Department. In FY22, the Department completed multiple in-house stormwater repairs. Two large projects were completed by outside contractors – the first was a stormwater master plan project on Park Road and the second was an emergency stormwater repair on Vanderbilt Road. There is an additional replacement project slated for Fairway Place before the end of this fiscal year.

The recommended focus in FY23 is continued work on the stormwater master plan projects. Specifically, funds are allocated for the beginning stages of several master plan projects located on Stuyvesant Road, north to the Vanderbilt Road and Lone Pine Road intersections, and then south on Vanderbilt Road to Rosebank Park. This is a large project that includes two of ten stormwater master plan projects – including the highest priority project. Thirty (30) percent engineered drawings were completed in the current fiscal year. We anticipate moving forward with final design work on this project in the coming fiscal year.

In addition to this stormwater project, the Town will also undertake a stream restoration project at Hemlock Road and Cedar Hill Drive in FY23. Engineering and design work for this project was included in the FY22 budget and is complete. The consultant is gathering necessary permitting

from federal and state agencies. This project will be bid in the summer with a start date in Fall 2022 and ensure Cedar Hill Drive is protected from further erosion.

As we have seen this year, Town staff is able to make in-house repairs and has done a good job making the stormwater system more operable during this year. Funds are also allocated for these types of repairs that arise on either an emergency or planned basis.

In addition to stormwater, the Town's other priority is the improvement and maintenance of streets. During FY22, the Town is undertaking a significant repair job on six-tenths of a mile on Vanderbilt Road. This work will be different than in previous years and include the removal of nearly four-inches of asphalt, repairing the road base, and applying new asphalt. Additionally, road shoulders will be repaired and brought back level with the road to improve stormwater issues within these areas. This is the standard to which the Town must set the bar for our roads. As we move into FY23, we have included funds for this level of street repair and repaving consistent with this level of work. The focus is likely to be on the above-referenced Vanderbilt Road and Lone Pine intersection, then south along Vanderbilt Road, and may very well tie into the stormwater project planned in this location.

Finally, another iconic symbol in the Town is our stone bridges. The stone bridge over Southwood Road needs rocks replaced and some repairs (underneath the bridge) and the Town has identified an exceptional stone mason to make these repairs. Funds for these repairs are included in the draft budget and are anticipated to commence in the late summer.

Sanitation and Recycling

In FY22, the Board approved the purchase of new solid waste containers for all residents. Worldwide shipping and logistical delays have resulted in long wait times, but the Town anticipates these carts arriving within the next several weeks. In the meantime, we are moving forward with installing the cart tippers to utilize these containers.

The most significant change in the FY23 budget is the Department's three "tipping" fees are now broken out into individual line items. This will allow the Department to more effectively specify expenses for solid waste disposal at the Buncombe County landfill, recycling costs, and brush and leaf disposal costs.

General Government

Expenditures in general government remain dedicated to projects and programs that affect the Town as a whole. Many line items remain constant with prior year actual expenses. General maintenance for buildings is slated to increase slightly as we prioritize professional and routine cleaning within each facility. The Town is actively pursuing forestry management through proactive tree removal for hazard trees and cleaning up public open spaces. This line item in FY23 also includes a pilot program for the provision of trees for residents in conjunction with our Comprehensive Planning efforts.

One special area to note is that the specific town events (4th of July picnic, Arbor Day, tree lighting) are combined into one “Community Events” category. The purpose is to provide flexibility and allow for funding for other Town events, such as the Friday Food Trucks, Friends of Biltmore Forest lectures, and perhaps most notably, events associated with the Town’s upcoming 100th anniversary. The Friends of Biltmore Forest Committee is leading this charge, with a sub-committee dedicated to the 100th Anniversary, and planning many Town events focused on this occasion.

Water Fund

Revenues

The Town's water fund continues operating efficiently and well. This budget includes a 2.5 percent increase for water charges and a three (3) percent increase for sewer charges, consistent with increases from the City of Asheville and MSD, respectively. Staff is undertaking an internal rate review and it is likely this will be rolled out during the FY24 budget process. The upcoming fee schedule will incorporate some changes and increases within the Town's tap fee cost as well as the above referenced increases.

Expenditures

Staff salaries and benefits (half for each) are allocated to the water fund for four (4) employees. This is allowable based on the time and work done by each staff person on behalf of the Town's water system. Staff development continues to be prioritized with a goal of continual cross-training and certifications for most staff. General repairs and maintenance are budgeted for FY23, but there are no large capital projects anticipated.

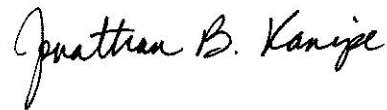
American Recovery Plan

The American Recovery Plan (ARP) funds are not included within this budget as they are housed within a separate, Capital Project Fund ordinance. The Town has received half of our funding already and anticipate receiving the final installment in mid-May. The total distribution to the Town is \$451,275.58. The Board of Commissioners have adopted ordinances, resolutions, and internal policies governing the use of these funds and ensuring compliance with United States Treasury guidelines. It is highly likely these funds will be expended within FY23, but again, they are not part of this budget ordinance.

Conclusion

The Town is in a good position financially and I anticipate this continuing in FY23. The Board of Commissioners have allowed staff to take chances and increase services for residents, and have provided support and funding to carry these ideas forward. On behalf of all Town staff members, I appreciate the support of the Citizens, Mayor, and Board of Commissioners. Thank you for your belief in the Town's staff as we endeavor to provide high quality service for all on a daily basis.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jonathan B. Kanipe". The signature is written in a cursive, flowing style.

Jonathan B. Kanipe
Town Manager

GENERAL FUND REVENUES

REVENUES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	ESTIMATED
10-3010-0000	Ad Valorem Taxes (Property)	2,447,140	2,635,641	2,670,639	2,835,096	2,920,559
10-3010-0100	Ad Valorem Taxes (DMV)	105,634	101,548	101,460	104,332	109,396
10-3010-0200	Tax Interest & Penalties	2,500	2,500	13,200	10,000	5,000
10-3010-0300	Tax Collection Prior Years	-	-	-	-	-
Total Ad Valorem		2,555,274	2,739,689	2,785,299	2,949,428	3,034,955
10-3020-0000	Franchise & Utilities Tax	168,794	215,488	177,778	205,227	211,384
10-3020-0100	Alcohol Beverage Tax	5,996	6,000	6,000	6,000	6,450
10-3020-0200	Sales Tax-Article 39	568,397	597,047	502,415	540,725	793,429
10-3020-0300	Sales Tax-Article 40	228,879	232,530	211,021	227,111	330,137
10-3020-0400	Sales Tax-Article 42	298,053	312,187	262,705	282,736	419,847
10-3020-0600	Sales Tax Refund	-	-	10,000	10,000	15,000
10-3020-0700	Gasoline Tax Refund	3,500	4,000	3,000	3,500	3,500
Total Unrestricted Intergovernmental		1,273,619	1,367,252	1,172,919	1,275,299	1,779,747
10-3030-0000	Solid Waste Disposal Tax	970	950	950	950	975
10-3030-0100	Powell Bill	63,500	62,500	56,404	55,505	66,849
10-3030-0200	Illicit Substance Tax	-	-	-	-	-
Total Restricted Intergovernmental		64,470	63,450	57,354	56,455	67,824
10-3040-0000	Zoning Permits	25,000	25,000	35,000	30,000	45,000
10-3040-0100	Dog License Fee	1,600	1,500	1,400	1,300	1,300
Total Permits & Fees		26,600	26,500	36,400	31,300	46,300
10-3050-0000	Interest Earned	15,000	59,953	1,000	1,000	2,000
Total Investment Earnings		15,000	59,953	1,000	1,000	2,000
10-3060-0000	Rental - Community Hall	-	-	-	-	-
10-3060-0100	American Tower Agreement	27,664	28,000	37,645	38,000	45,600
10-3060-0200	Miscellaneous-Other	15,000	15,000	15,000	10,000	20,000
Total Miscellaneous		42,664	43,000	52,645	48,000	65,600
10-3500-0000	Sale of Property	10,000	15,000	15,888	15,000	10,000
10-3500-0200	Installment Agreement	-	85,000	-	-	-
10-3500-0300	Transfer from Fund Balance	-	357,200	88,429	-	-
10-3500-0500	Grant (Governmental Funds)	-	181,000	-	-	-
10-3500-066	Donation (Land)	-	80,000	-	-	-
10-3500-0700	Intergovernmental Loan	-	300,000	300,000	300,000	292,000
Total Other Financing Source		10,000	1,018,200	404,317	315,000	302,000
TOTAL General Fund Revenues		3,987,627	5,318,044	4,509,934	4,676,481	5,298,426

GENERAL FUND EXPENDITURES (Administration & General Government)

GENERAL FUND EXPENDITURES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
ADMINISTRATION		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	PROPOSED
10-4200-0200	Salaries	228,184	215,249	218,357	214,530	279,063
10-4200-0300	Overtime	-	3,000	5,000	5,000	3,000
10-4200-0500	FICA	17,265	16,543	16,704	16,794	21,348
10-4200-0550	Unemployment Insurance	-	-	-	-	-
10-4200-0600	Health Insurance	24,621	25,852	27,145	28,502	33,821
10-4200-0650	Dental, Vision, Life Insurance	4,153	4,361	4,470	4,470	6,909
10-4200-0675	Health Reimbursement Acct	3,750	3,750	3,750	3,750	5,250
10-4200-0700	LGERS Retirement	32,074	33,299	36,457	39,581	50,771
10-4200-0800	401k Supplemental Retirement	11,284	10,762	10,918	10,976	14,103
10-4200-1000	Accounting & Taxes	35,000	45,000	45,000	45,000	51,400
10-4200-1200	Postage, Printing & Stationary	8,000	5,000	6,000	6,000	10,140
10-4200-1400	Board Mileage	22,000	22,000	22,000	22,000	21,600
10-4200-1500	Bldg & Grounds Maintenance	-	-	-	-	20,000
10-4200-3300	Supplies & Equipment	5,000	7,000	7,000	8,750	7,722
10-4200-5300	Dues & Fees	5,000	5,000	4,500	5,000	5,070
10-4200-5700	Miscellaneous	5,000	1,000	1,000	1,000	1,000
10-4200-6500	Training & Education	16,000	15,000	10,750	16,000	16,000
10-4200-6600	Capital Improvements	-	20,000	-	-	-
TOTAL		417,331	432,816	419,051	427,354	547,197

GENERAL FUND EXPENDITURES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
GENERAL GOVERNMENT		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	PROPOSED
10-6600-0400	Outside Professional Services	100,000	-	-	-	-
10-6600-0401	Legal Services	-	40,000	35,000	35,000	35,000
10-6600-0402	Architectural Services	-	-	-	-	-
10-6600-1100	Technology	72,061	90,000	90,000	90,000	92,120
10-6600-1300	Municipal Utilities	16,000	18,569	18,569	18,569	25,000
10-6600-1500	General Maintenance	20,000	25,000	25,000	25,000	28,200
10-6600-2800	Elections	6,000	-	6,000	6,000	6,000
10-6600-3300	Supplies & Equipment	2,000	-	30	30	-
10-6600-5400	Insurance	77,000	90,000	90,000	90,000	90,000
10-6600-6000	Contingency	2,022	2,222	2,222	2,222	129,062
10-6600-6100	Miscellaneous	10,000	5,000	5,000	5,000	10,000
10-6600-6201	Covid Expenditures	-	-	79,867	79,867	-
10-6600-6300	Community Events	20,000	-	-	-	35,000
10-6600-6301	4th of July	-	7,500	7,500	7,500	-
10-6600-6302	National Night Out	-	2,500	2500	2500	-
10-6600-6303	Holiday Lighting	-	11,500	14,402	14,402	-
10-6600-6304	Arbor Day Event	-	3,000	-	-	-
10-6600-6400	Wildlife Management	5,000	5,000	500	500	5,000
10-6600-6500	Forest Management	-	60,000	60,000	60,000	60,000
TOTAL		330,083	360,291	436,590	436,590	515,382

GENERAL FUND EXPENDITURES (Police Department & Fire Contract)

GENERAL FUND EXPENDITURES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
POLICE DEPARTMENT		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	PROPOSED
10-5100-0200	Salaries	806,975	838,265	837,914	908,986	951,387
10-5100-0300	Overtime	15,000	42,000	42,000	26,000	26,000
10-5100-0400	Separation Allowance	30,617	65,022	30,617	30,617	38,117
10-5100-0500	FICA	60,433	69,100	67,313	71,526	72,781
10-5100-0550	Unemployment Insurance	500	500	450	-	-
10-5100-0600	Medical Insurance	126,684	139,380	141,349	148,416	164,272
10-5100-0650	Dental, Vision, Life Insurance	18,333	19,358	18,892	18,892	33,558
10-5100-0675	Health Reimbursement Account	21,000	24,000	24,000	25,500	25,500
10-5100-0700	LGERS Retirement	114,593	141,112	146,508	168,681	185,598
10-5100-0800	401K Supplemental Retirement	39,499	43,888	42,721	45,474	48,996
10-5100-0900	Short Term Disability	5,000	-	-	-	-
10-5100-1500	Maint/Repair -Building & Grounds	10,000	50,000	30,000	20,000	20,000
10-5100-1600	Maint/Repair - Equipment	12,000	15,000	2,162	2,000	1,000
10-5100-1700	Maint/Repair - Vehicles	22,500	20,000	13,000	12,000	10,000
10-5100-3100	Motor Fuels	16,000	13,000	13,650	13,000	24,600
10-5100-3300	Supplies	10,000	10,000	10,000	10,000	20,080
10-5100-3600	Uniforms	10,000	22,500	6,250	7,500	15,000
10-5100-3700	Software	15,000	15,000	14,000	50,000	18,725
10-5100-3800	Technology	-	55,000	47,925	60,000	58,740
10-5100-5700	Miscellaneous	8,000	10,000	7,500	7,500	8,265
10-5100-5800	Physical Exams	1,500	2,500	3,500	5,000	2,000
10-5100-6500	Staff Development	15,000	15,000	3,000	10,000	15,000
10-5100-7400	Capital Equipment Purchases	55,000	335,000	110,000	125,000	102,500
TOTAL		1,413,634	1,945,625	1,612,751	1,766,093	1,842,120

GENERAL FUND EXPENDITURES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
FIRE CONTRACT		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	PROPOSED
10-5200-0000	Fire Contract	425,000	425,000	425,000	425,000	425,000
TOTAL		425,000	425,000	425,000	425,000	425,000

GENERAL FUND EXPENDITURES (Public Works)

GENERAL FUND EXPENDITURES PUBLIC WORKS		2018-19 BUDGET	2019-20 BUDGET	2020-2021 BUDGET	2021-2022 BUDGET ACTUAL	2022-2023 PROPOSED
10-5600-0200	Salaries	319,598	293,310	256,719	239,707	244,822
10-5600-0300	Overtime	-	15,000	10,000	15,000	5,000
10-5600-0500	FICA	24,449	23,203	20,404	19,485	19,111
10-5600-0500	Unemployment Insurance	-	-	450	500	-
10-5600-0600	Medical Insurance	37,741	39,628	37,159	46,872	43,484
10-5600-0650	Dental, Vision, Life Insurance	5,218	5,479	5,616	6,739	8,883
10-5600-0675	Health Reimbursement Account	7,500	7,500	7,500	9,000	6,750
10-5600-0700	LGERS Retirement	44,105	46,922	44,329	45,924	44,968
10-5600-0800	401K Supplemental Retirement	15,980	15,165	13,336	12,735	12,491
10-5600-1000	Outside Services	11,000	10,000	6,000	10,000	-
10-5600-1300	Streetlights Electric	7,000	7,000	7,000	7,000	7,000
10-5600-1500	Maint/Repair-Building & Grounds	5,000	10,000	8,000	10,000	9,600
10-5600-1600	Maint/Repair - Streetlights	10,000	10,000	10,000	10,000	35,000
10-5600-1700	Maint/Repair-Vehicles	23,000	30,000	10,000	10,000	10,000
10-5600-3100	Motor Fuels	15,000	15,000	11,250	12,000	20,000
10-5600-3300	Supplies	8,000	10,000	10,000	10,000	10,000
10-5600-3400	Street Signs & Numbers	1,000	1,000	1,000	1,000	1,000
10-5600-3600	Uniforms	9,000	10,000	10,000	8,000	8,650
10-5600-3800	Technology	-	-	9,000	10,000	9,500
10-5600-5200	Parks	37,500	30,000	15,000	50,000	60,000
10-5600-5202	Greenwood Park Stream Restoration	-	-	300,000	300,000	292,000
10-5600-5800	Physical Exams	-	-	250	500	500
10-5600-5900	Miscellaneous	3,000	5,000	1,000	1,000	1,000
10-5600-6000	Capital Outlay	-	85,000	8,250	-	-
10-5600-6500	Staff Development	5,000	5,000	5,000	8,000	8,000
TOTAL		589,091	674,207	807,263	843,462	857,759

GENERAL FUND EXPENDITURES (Streets & Transportation and Sanitation & Recycling)

GENERAL FUND EXPENDITURES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
STREETS & TRANSPORTATION		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	PROPOSED
10-5700-0200	Salaries	47,516	49,898	50,533	-	-
10-5700-0300	Overtime	-	5,000	5,000	-	-
10-5700-0500	FICA	3,635	3,817	3,866	-	-
10-5700-0550	Unemployment Insurance	-	-	-	-	-
10-5700-0600	Medical Insurance	6,749	7,086	7,440	-	-
10-5700-0650	Dental, Vision, Life Insurance	632	664	681	-	-
10-5700-0675	Health Reimbursement Account	1,500	1,500	1,500	-	-
10-5700-0700	LGERS Retirement	6,557	7,718	8,399	-	-
10-5700-0800	401K Supplemental Retirement	2,376	2,495	2,527	-	-
10-5700-1700	Maint/Repair - Vehicles	12,500	25,000	6,750	5,000	10,000
10-5700-2200	Contracts-Paving & Striping	83,344	80,000	35,000	77,907	210,000
10-5700-2300	Supplies	22,500	20,500	10,250	10,000	10,000
10-5700-2400	Traffic Signs	1,000	5,000	2,000	500	500
10-5700-2500	Storm Water Drainage Repairs	75,000	100,000	160,000	100,000	275,000
10-5700-3800	Technology	-	-	5,000	5,000	5,000
10-5700-6500	Staff Development	1,000	1,000	1,000	1,000	1,000
10-5700-7400	Capital Equipment Purchases	20,000	30,000	8,000	5,000	-
10-5700-7500	Engineering	75,000	50,000	65,000	75,000	100,000
TOTAL		359,309	389,678	372,946	279,407	611,500

GENERAL FUND EXPENDITURES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
SANITATION & RECYCLING		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	PROPOSED
10-5800-0200	Salaries	121,891	105,855	118,318	121,642	125,190
10-5800-0300	Overtime	-	10,000	10,000	10,000	5,000
10-5800-0500	FICA	9,325	8,863	9,815	10,071	9,960
10-5800-0550	Unemployment Insurance	-	-	-	-	-
10-5800-0600	Medical Insurance	29,716	31,202	32,762	34,400	28,989
10-5800-0650	Dental, Vision, Life Insurance	3,874	4,068	4,170	4,170	5,922
10-5800-0675	Health Reimbursement Account	4,500	4,500	4,500	4,500	4,500
10-5800-0700	LGERS Retirement	16,821	17,923	21,326	23,735	23,435
10-5800-0800	401K Supplemental Retirement	6,095	5,793	6,416	6,582	6,510
10-5800-1700	Maint/Repair - Vehicles	10,000	22,500	13,000	13,000	25,000
10-5800-3100	Motor Fuels	15,000	17,500	13,125	12,000	30,000
10-5800-3300	Supplies	2,000	1,000	1,500	1,500	1,000
10-5800-3600	Uniforms	100	-	500	1,000	1,000
10-5800-3800	Technology	-	-	1,000	1,000	600
10-5800-5800	Physical Exams	-	-	-	500	500
10-5800-5900	Miscellaneous	1,000	1,000	-	1,000	1,000
10-5800-6000	Capital Outlay	19,900	-	-	55,000	-
10-5800-8000	Landfill Tipping Fees	55,000	55,000	49,500	50,000	30,000
10-5800-8100	Recycling Disposal Fees	15,000	15,000	11,250	12,000	6,000
10-5800-8200	Brush & Leaf Disposal Fees	-	-	-	-	31,200
TOTAL		310,222	300,204	297,182	362,100	335,806

GENERAL FUND EXPENDITURES (Debt Service)

GENERAL FUND EXPENDITURES		2018-19	2019-20	2020-2021	2021-2022	2022-2023
DEBT SERVICE		BUDGET	BUDGET	BUDGET	BUDGET ACTUAL	PROPOSED
10-6700-0100	Principal Police Dept Renovations	23,334	23,334	23,334	23,334	23,334
10-6700-0200	Principal Street Improvements	6,667	6,667	6,667	6,667	6,667
10-6700-0500	Principal Public Works Bldg	-	84,211	84,211	84,211	84,211
10-6700-0600	Principal 2020 Police Cars	-	-	29,506	28,327	29,106
10-6700-1100	Interest Police Dept Renovations	5,001	4,112	3,223	2,334	1,445
10-6700-1200	Interest Street Improvements	1,429	1,175	921	667	413
10-6700-1500	Interest Public Works Bldg	-	39,986	23,343	20,514	17,685
10-6700-1600	Interest 2020 Police Cars	-	-	2,338	1,580	801
TOTAL		36,431	159,485	173,543	167,634	163,662

WATER FUND

WATER FUND REVENUE		2018-19 BUDGET	2019-20 BUDGET	2020-2021 BUDGET	2021-2022 BUDGET ACTUAL	2022-2023 ESTIMATED
30-3290-0000	Interest Earned	1,000	1,500	20	50	50
30-3350-0000	Commissions (Sewer Collection Fee)	6,000	8,000	8,000	8,000	8,000
30-3710-0000	Water Charges	415,000	384,355	434,271	442,800	369,000
30-3710-0100	Sewer Charges	280,000	306,849	346,446	338,789	248,284
30-3710-0200	AMI Transmitter Charges	7,000	7,700	7,700	7,700	7,700
30-3730-0000	Water Tap & Connection Fees	18,000	6,000	9,000	6,000	6,000
TOTAL		727,000	714,404	805,437	803,339	639,034
30-3710-0000	Transfers from General Fund	-	-	-	-	-
TOTAL		727,000	714,404	805,437	803,339	639,034

WATER FUND EXPENDITURES		2018-19 BUDGET	2019-20 BUDGET	2020-2021 BUDGET	2021-2022 BUDGET ACTUAL	2022-2023 PROPOSED
30-8100-0200	Salaries	29,371	26,363	68,050	142,619	144,572
30-8100-0300	Overtime	2,247	1,200	-	-	-
30-8100-0400	Professional Services	2,247	4,000	10,000	10,000	5,000
30-8100-0500	FICA	-	92	5,206	10,910	11,060
30-8100-0550	Unemployment Insurance	-	-	-	-	-
30-8100-0600	Medical Insurance	5,435	5,707	17,477	18,351	19,326
30-8100-0650	Dental, Vision, Life Insurance	750	884	2,718	2,718	3,948
30-8100-0675	Health Reimbursement Account	750	750	2,250	2,250	3,000
30-8100-0700	LGERS Retirement	1,469	4,078	11,310	25,714	26,023
30-8100-0800	401K Supplemental Retirement	14,600	1,318	3,403	7,131	7,229
30-8100-1200	Postage, Printing & Stationary	5,000	5,000	5,000	5,000	5,000
30-8100-1500	General Repairs	20,000	10,000	8,687	10,000	10,000
30-8100-3300	Supplies & Equipment	20,000	10,000	20,000	15,000	15,000
30-8100-3800	Technology	-	-	5,000	5,000	5,000
30-8100-4800	Water Purchases	232,656	239,636	237,275	146,066	179,580
30-8100-4900	Sewer Purchases	280,000	309,259	344,823	275,595	185,400
30-8100-5000	AMI Transmitter Fees	7,000	7,700	7,700	7,700	7,700
30-8100-5700	Miscellaneous	1,500	1,500	500	14,284	6,196
30-8100-6500	Staff Development	5,000	5,000	5,000	5,000	5,000
30-8100-7400	Capital Improvement	97,081	81,917	50,000	100,000	-
TOTAL		725,106	714,404	804,399	803,339	639,034

2022-2023 BUDGET SUMMARY

GENERAL FUND REVENUE	2018-19 BUDGET	2019-20 BUDGET	2020-2021 BUDGET	2021-2022 BUDGET ACTUAL	2022-2023 ESTIMATED
Ad Valorem	2,553,520	2,555,274	2,739,689	2,785,299	3,034,955
Unrestricted Intergovernmental	1,310,058	1,273,619	1,367,252	1,172,919	1,779,747
Restricted Intergovernmental	64,753	64,470	63,450	137,221	67,824
Permits & Fees	24,791	26,600	26,500	36,400	46,300
Investment Earnings	39,630	15,000	59,953	1,000	2,000
Miscellaneous	43,381	42,664	43,000	52,645	65,600
Other Financing Source	113,907	10,000	1,018,200	403,429	302,000
TOTAL General Fund Revenues	4,150,040	3,987,627	5,318,044	4,588,913	5,298,426
GENERAL FUND EXPENDITURES	2018-19 BUDGET	2019-20 BUDGET	2020-2021 BUDGET	2021-2022 BUDGET ACTUAL	2022-2023 PROPOSED
Administration	229,454	417,331	432,816	419,051	547,197
Planning	-	37,228	36,728	-	-
Police Department	1,338,222	1,413,634	1,945,625	1,612,751	1,842,120
Fire Contract	425,000	425,000	425,000	425,000	425,000
Public Works	617,004	589,091	807,263	843,462	857,759
Streets & Transportation	189,658	359,309	389,678	372,946	611,500
Sanitation & Recycling	361,397	310,222	300,204	297,182	335,806
General Government	324,631	330,083	368,400	431,590	515,382
Debt Service	112,227	105,729	195,436	208,758	163,662
TOTAL General Fund Expenditures	3,597,593	3,987,627	4,901,150	4,610,740	5,298,426
GENERAL FUND REVENUES					5,298,426
GENERAL FUND EXPENDITURES					5,298,426

WATER FUND REVENUE	2018-19 BUDGET	2019-20 BUDGET	2020-2021 BUDGET	2021-2022 BUDGET ACTUAL	2022-2023 ESTIMATED
Operating Revenues	773,325	727,000	805,437	803,339	639,034
WATER FUND EXPENDITURES	2018-19 BUDGET	2019-20 BUDGET	2020-2021 BUDGET	2021-2022 BUDGET ACTUAL	2022-2023 PROPOSED
Operating Expenditures	652,724	725,106	804,399	803,339	639,034
WATER FUND REVENUES					639,034
WATER FUND EXPENDITURES					639,034

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George F. Goosmann, III, Mayor
Doris P. Loomis, Mayor Pro-Tem
Fran G. Cogburn, Commissioner
E. Glenn Kelly, Commissioner

Jonathan B. Kanipe,
Town Manager

NOTICE OF PUBLIC HEARING

CONCERNING TOWN OF BILTMORE FOREST FY 22-23 BUDGET

The Fiscal Year 2022-2023 proposed budget was submitted to the Board of Commissioners for the Town of Biltmore Forest on Tuesday, May 10, 2022. This proposed budget is available for public inspection in the office of the Town Clerk at Town Hall and online at www.biltmoreforest.org. A public hearing on the proposed budget will be held on Tuesday, June 7, 2022 at 4:30 pm, or as soon thereafter as the Board can reach the matter, in the Community Room located at Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC. Persons wishing to be heard on this matter may appear at said time and place or may submit written comments to the address below.

Town of Biltmore Forest
ATTN: FY21-22 Budget Hearing
PO Box 5352
Biltmore Forest, NC 28813

Please Publish on the following dates:

Sunday, May 22, 2022

Sunday, May 29, 2022