

TOWN OF BILTMORE FOREST
PLANNING COMMISSION

AGENDA

Tuesday, April 22, 2025

4:00 p.m.

Biltmore Forest Town Hall

1. Welcome – Chairman Saponaro
2. Approval of Minutes – March 25, 2025
3. Consideration of Zoning Text Amendment 2025-02 Recommendation
4. Tree City USA Update/Discussion
5. Adjourn

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

Meeting ID: 830 1514 8121

Passcode: 226922

PLANNING COMMISSION MEETING
TUESDAY MARCH 25th, 2025 at 4:00PM

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

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

Chairman Saponaro made a motion to approve the minutes from February 25, 2025. Ms. Angela Newnam seconded the motion and was unanimously approved.

The Planning Commission discussed accessory buildings and maximum roof coverage. Mr. Kanipe said it would be good to go through the draft chart. Right now, everyone in Town can have a 750 square foot accessory structure even if they are on a lot under one acre. Mr. Gach said when looking at the draft chart, he feels like it may not be a linear percentage for lot size and may be more of a curve so someone can still make their land as productive as possible. Chairman Saponaro said in the prior two meetings, the Board discussed a lot with accessory buildings. 2% of lots in Town are five acres or greater, 12% of the lots are 2-5 acres, the rest are less than two acres. The majority needs to be addressed, which is properties with two acres or less. We are trying to give the homeowner the ability to add an additional accessory structure which would give the homeowner a chance to utilize their property and make an adjustment on the size of the structure. The percentages we chose in this chart provides ample opportunity for people to have a 2-3 car garage as an example. It maintains the integrity of prior ordinances not having many buildings on a lot.

Ms. Newnam said the reason the Board of Commissioners wanted the Planning Board to look this over is that 750 square feet may not be enough footage to have a 2-3 car garage. If it's attached to the house, it's as big as the maximum roof coverage will allow. Ms. Newnam said even if these guidelines were put into effect, people can still apply for a variance and have it reviewed.

Commissioner Drew Stephens said he has two acres and 1,700 square feet of roof coverage. 25% of that is 430 square feet. You need to have a 3,000 square footprint to get to 750 square feet. Chairman Saponaro said they are proposing 750 square feet as a minimum. Commissioner Stephens said as the acreage goes up and the existing footprint stays small, can someone say up to 1,000 as an example. Doing a two-car garage with a little workshop space in it would go past 750 square feet. As you get to two acres and three acres, can that have a "not to exceed."

Mr. Kanipe said you could say up to 1,000 square feet of roof coverage up to two acres. Chairman Saponaro said with the amendments of 750 and 1,000 Mr. Kanipe would like to redraft this and then present it to the Board of Commissioners.

Mr. Kanipe discussed the forest restoration plan. One is going through public spaces and parks which is the first track. The Town is working with Eco-Foresters, and we have thirty acres of public property working on invasive species control. That will end up being a five-year process. This work will begin in April. In conjunction with them, we have plans through the summer to work on a restoration of our public spaces including forest and stream areas. Stream bank restoration as well as fortification of the stream bank. The last piece of that will be in the fall and winter of next year which will be replanting.

The second track is private property recommendations. We are going to publicize and provide information to people on how they can remove invasive species on their property. Also, what plants they can replant from a native category and how best to maintain this. On Saturday, April 26th, we will have an Arbor Day celebration event at the Town Hall which will have different groups who will provide information to people. We will also be giving people restoration packets which will be a packet of five tree saplings. This will include a how to guide for planting. Mr. Kanipe also discussed the Town being part of Tree City USA, which the Town will follow the guidelines for.

The last topic of discussion was impervious surface definition. Chairman Saponaro. Last month, the Commission reviewed a question about impervious surface and definitions. The specific question was whether decks with small gaps in between the boards could be treated as pervious surfaces and not count as impervious surface. Ms. Newnam's concern was if it wasn't part of the building that could be any size. Mr. Kanipe said he doesn't recall any instances lately where a deck has the impervious issue presented. Mr. Kanipe understood Ms. Newnam's concerns about size. Design cannot be regulated anymore but a deck is something we could allow or regulate based on wrapping around the house as an example. There haven't been any issues with this in the past and we still have regulations with the Board of Adjustment. The board also discussed clearly defining the terms more formally in the definition section. Mr. Clarke said Mr. Gach has some good definitions in his email that he sent to the board.

The next Planning Commission meeting will be held on Tuesday, April 22nd at 4:00pm.

Chairman Saponaro adjourned the meeting at 5:01pm.

**PLANNING COMMISSION MEETING
STAFF MEMORANDUM**

April 22, 2025



AGENDA ITEM - 3

CONSIDERATION OF RECOMMENDATION

*Zoning Ordinance Amendment regarding Accessory
Buildings and Maximum Roof Coverage*

BACKGROUND

The Planning Commission received a request from the Board of Commissioners to consider potential changes to the accessory building ordinance and the maximum roof coverage for accessory buildings. The Planning Commission has discussed this issue over the past several months and, last month, directed staff to draft a final recommendation for the Board of Commissioners consistent with the discussion.

AMENDMENT FOR RECOMMENDATION

The attached portions of the Town's Zoning Ordinance include the deleted verbiage from the existing ordinance and proposed language for the new portions of this ordinance. Specifically, this ordinance allows more than one accessory building as property sizes increase, consistent with a property's ability to tolerate more structures. Additionally, the ordinance creates a higher baseline allowance for accessory building roof coverage. The new allowances for an accessory building's roof coverage is 1,000 square feet or twenty-five percent of the main residence roof coverage, whichever is greater.

STAFF RECOMMENDATION

Staff's recommendation is that the Planning Commission recommend approval for this ordinance. Specifically, the Staff recommends the following motion be approved by the Planning Commission.

Motion for Recommending Approval to the Board of Commissioners

Move that the recommendation to the Board of Commissioners regarding a proposed zoning ordinance amendment for accessory structures be adopted, and further, that the proposed zoning ordinance amendment is consistent with the Town of Biltmore Forest's Comprehensive Plan.

DRAFT ORDINANCE 153.029 FOR PLANNING COMMISSION CONSIDERATION
APRIL 22, 2025

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§ 153.029 ACCESSORY STRUCTURES AND BUILDINGS.

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

(B) (1) ~~In addition, the following standards are established for accessory buildings:~~ Accessory buildings are allowed with a special use permit in accordance with the following chart, provided that the requirements in items a-h below, where applicable, are met:

<u>Lot Size</u> <u>(Acres)</u>	<u>Max # of</u> <u>Accessory</u> <u>Buildings</u>	<u>Accessory Buildings</u>			
		<u>Accessory</u> <u>Building # 1</u>	<u>Accessory</u> <u>Building # 2</u>	<u>Accessory</u> <u>Building # 3</u>	<u>Accessory Building</u> <u># 4 or more</u>
<u>0 - .99</u>	<u>1</u>	<u>25%</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>1 - 1.99</u>	<u>2</u>	<u>25%</u>	<u>15%</u>	<u>N/A</u>	<u>N/A</u>
<u>2 - 2.99</u>	<u>3</u>	<u>25%</u>	<u>15%</u>	<u>10%</u>	<u>N/A</u>
<u>3 - 3.99</u>	<u>4</u>	<u>25%</u>	<u>15%</u>	<u>10%</u>	<u>5%</u>
<u>4 - 4.99</u>	<u>5</u>	<u>25%</u>	<u>15%</u>	<u>10%</u>	<u>5%</u>
<u>5+</u>	<u>5+</u>	<u>25%</u>	<u>15%</u>	<u>10%</u>	<u>5%</u>
<u>Notes</u>					

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(a) ~~The maximum number of accessory buildings permitted on a lot shall be one;~~ The total roof coverage for all buildings may not exceed the maximum allowable roof coverage for a parcel, as found in § 153.043;

(b) ~~The maximum roof coverage area for accessory buildings shall be 750 square feet;~~ primary residence provides the basis for the accessory building percentage;

(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~~ Properties greater than five (5) acres may only exceed four accessory buildings if approved by the Board of Adjustment;

DRAFT ORDINANCE 153.029 FOR PLANNING COMMISSION CONSIDERATION
APRIL 22, 2025

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(h) ~~-An accessory building may be a maximum of 1,000 square feet of roof coverage OR the percentage relative to the primary residence, whichever is greater. 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.~~

**PLANNING COMMISSION MEETING
STAFF MEMORANDUM**

April 22, 2025



AGENDA ITEM - 4

TREE CITY USA UPDATE/DISCUSSION

BACKGROUND

The Town must meet four core standards to be accepted as a Tree City, USA:

1. Maintaining a tree board or department
2. Having a community tree ordinance
3. Spending at least \$2 per capita on urban forestry
4. Celebrating Arbor Day

The Town has already accomplished items 2-4, with the Arbor Day Celebration occurring on Saturday, April 26. The Town's population is 1,500, and the Town just spent over \$4,500.00 for the tree giveaway in mid-April. The Town also performs routine urban forestry work all year long too. Finally, the Town has a tree protection ordinance which governs trees throughout the Town. The only aspect missing is the formation of a formal tree board.

RECOMMENDATION

As discussed briefly last meeting, a logical place for the tree board to exist is under the auspices of the Town's existing Planning Commission. This allows land use items or amendments to the Town's tree protection ordinance to come organically through the same board that would be responsible for considering recommendations to the ordinance.

Staff requests any additional feedback prior to making a recommendation to the Board of Commissioners to allow the Planning Commission to host a sub-committee tree board for the above purpose.