

TITLE V - Chapter 51
Zoning Ordinance

All fuel tanks, LP gas tanks and similar storage receptacles must meet these requirements no later than July 1, 1998. ¹⁵

Section 1113. Driveway Culvert.

(1987)

Where a driveway entrance crosses a ditch line to adjoin an existing public roadway, a corrugated metal pipe culvert with a minimum diameter of fifteen (15) inches must be installed.¹⁶

Section 1114. Cutting and Trimming of Trees.

The purpose of the Zoning Ordinance is to meet the needs of the Town of Beech Mountain and its residents in preserving the beauty and "naturalness" of the area. The following provision is to achieve that purpose. ¹⁷

1114.01 All persons paid compensation to cut or trim trees in the Town of Beech Mountain must be registered in the office of the Beech Mountain Zoning Administrator. The registration shall consist of obtaining a copy of this Section, and by signature, affirm that they will abide by the rules prescribed by this Section. No person shall be allowed to register unless all civil penalties owed to the Town have been paid in full.¹⁸

1114.02 No live trees measuring in excess of six (6) inches in diameter measured four (4') feet above the ground (at its highest point) may be cut down without the written approval of the Zoning Administrator. Both the property owner(s) and the person(s) hired to cut the trees shall sign the approval form. Approval shall be valid for ninety calendar days. A copy of the approval form shall be kept on the property where the trees are being cut.¹⁹ The Zoning Administrator may approve the cutting of trees in excess of six (6) inches in diameter measured four (4') feet above the ground (at its highest point) when: ^{20 21}

(a) said trees are within ten (10) feet of the main structure being constructed on the building site; or

¹⁵ Added by amendment June 10, 1997.

¹⁶ Added by amendment April 10, 1983.

¹⁷ Amended July 27, 1988.

¹⁸ Added by amendment December 14, 2004.

¹⁹ Added by amendment December 14, 2004.

²⁰ Amended November 14, 2000.

²¹ Amended December 14, 2004.

- (b) said trees are within five (5) feet of an approved septic tank or septic drain field; or
- (c) said trees are within five (5) feet of a driveway or parking area, the location of which has been approved by the Zoning Administrator; or
- (d) said trees pose a hazard to the property owner and/or other residents; or
- (e) the cutting of said trees promotes the growth and development of other trees on the lot; or
- (f) said trees are diseased or damaged.

With regard to (a), (b) and (c) above, no trees shall be cut pursuant to these criteria until the owner is ready to begin construction as evidenced by the issuance of a building permit.²² The contractor listed on the building permit is not required to register as a tree cutter.²³

1114.03 On lots which may have a majority of trees under six (6) inches in diameter at ground level or lots which presently have a lack of natural vegetation, clear cutting is not allowed without the approval of the Zoning Administrator. Under no circumstances can more than fifty percent (50%) of the natural vegetation, equally balanced across the entire lot, be cut regardless of the size or diameter of the vegetation, without approval of the Zoning Administrator. The above criteria (a) through (f) will again be followed.

1114.04 Trees may be topped or limbed to the extent that it does not become detrimental to the health of the tree. Indiscriminate or detrimental trimming is prohibited.

1114.05 A property owner shall only hire persons to cut or trim trees who are registered with the Town.²⁴

1114.06 Any person required to register pursuant to Section 1114.01 above who cuts or trims trees without registering with the Town shall be subject to a civil penalty of \$100 pursuant to Chapter 10, Section 1-1 of the Beech Mountain Code of Ordinances. Each day's continuing violation of this provision shall be a separate and distinct violation.²⁵

²² Amended April 10, 1983, October 8, 1985 and July 27, 1988.

²³ Added by amendment December 14, 2004.

²⁴ Added by amendment December 14, 2004.

²⁵ Added by amendment December 14, 2004.