

Town of Mills River
Minutes of the Planning Board
Tuesday, February 16, 2021

The Town of Mills River Planning Board met on Tuesday, February 16, 2021, at 6:30 PM in the Mills River Town Hall. Board members present were: Sherri Hill, Jim Foster, Cheryl Janoski, James Cantrell, Mary Ann Osby, Wayne Carland, Ryan Perry, Heath Wiggins and Jeff Moore. Staff present were Town Manager Daniel Cobb, Town Planner Alan Steinbeck, and Tax Collector/Deputy Town Clerk Aurelie Taylor.

Chairperson Sherri Hill called the meeting to order and led the Pledge of Allegiance.

Due to the length of the Agenda and the presence of interested parties in the last item, Chairperson Sherri Hill asked that the Board approve the amending of the agenda to switch agenda items "New Business A" and "New Business B".

Heath Wiggins made a motion to switch the two "New Business" items on the agenda. Ryan Perry seconded the motion and the motion passed by unanimous verbal assent.

Approval of the Minutes

Ryan Perry made a motion to accept the minutes of February 2, 2021. Cheryl Janoski seconded the motion and the motion passed by unanimous verbal assent.

Public Comment: Town Manager Daniel Cobb read emailed public comments, the texts of which follow:

From: Natural Touch Landscaping [mailto:info@ntlwnc.com]

Sent: Wednesday, February 3, 2021 12:01 PM

To: daniel.cobb@millsriver.org

Subject: noise ordinance

Hello, This is Susan Sauer and Jacob Reuter. We own our home at 70 country drive, Mills River, which is one of the houses closest to Bold Rock. We are upset to hear that there may be a noise ordinance in Mills River that could affect the live music played outdoors in our area. We enjoy hearing this outdoor music from our yard or porch and believe that it is never offensive music, not at inappropriate times, and never at a loud level that is disturbing. We never can hear this music from inside our home. Please consider this as a benefit to our community and something that makes it unique. And realize that as an adjacent neighbor to this venue that it is not offensive in any way.

Thank you,

Susan Sauer

Jacob Reuter

Natural Touch Landscaping

828-231-6576 Office

From: Maria Aponte [mailto:maria@frs247.com]

Sent: Wednesday, February 3, 2021 11:14 AM

To: daniel.cobb@millsriver.org

Subject: we support live music in Mills River

Hello Mr. Cobb,

I am a resident of Mills River and I was made aware of the discussion of noise ordinances in Mills River. I wanted to email you saying that my fiancé Mark and I support the local businesses (breweries, Bold Rock, etc) having live amplified music. We live on Banner Farm Rd and Bold Rock is practically in our backyard, well...across the field. We've missed having the fun atmosphere and events and music due to COVID. In our opinion, it's been far too quiet.

We and so many of our friends enjoy the live music whether it's in-person at one of the local places or from our backyard. It's not loud enough to bother us inside and it doesn't last late enough to bother us at night.

I am sure you're hearing many complaints about noise, but we disagree, we are in support of our local businesses and musicians. Please don't restrict this any further!

Thank you.

Maria Aponte

Client Relations Manager

FIRST RESTORATION SERVICES

phone: 828-684-1582 / cell: **(828) 702-5279**

fax: 828-684-3720 / email: maria@frs247.com

From: Maria Aponte [mailto:maria@frs247.com]
Sent: Wednesday, February 3, 2021 11:14 AM
To: daniel.cobb@millsriver.org
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Maria Aponte

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phone: 828-684-1582 / cell: **(828) 702-5279**

fax: 828-684-3720 / email: maria@frs247.com

From: Dean Cagle [mailto:summit896@yahoo.com]
Sent: Thursday, February 4, 2021 2:40 AM
To: daniel.cobb@millsriver.org
Subject: Music ordinance

Hello Daniel.....my wife and I live in Mills River Village and love this community !! I understand that there are complaints about the music coming from the Cidery/Brewerys that are located here. I'm just reaching out to say that we are in total support of them and the way that they handle their entertainment. We love going to their venues and supporting our local businesses. As far as playing late (music) anytime we've been they generally shut down on time !! As with anything....there will always be someone who complains.....and I could understand if they played music late.....but that's not the case !! Thanks!! Dean & Brenda Cagle

From: Ramona Ritter [mailto:kkritter@ix.netcom.com]

Sent: Saturday, February 6, 2021 2:34 AM

To: daniel.cobb@millsriver.org

Subject:

Noise Ordinance in Mills River

Hello,

My name is Ramona Ritter. I grew up in Mills River until I went to college then married a Naval Officer and moved away. We have retired and couldn't wait to come back to Henderson county. I love the animals, water, clean air, outdoor activities and friendly people. I love the outdoors music provided by the breweries. It's nice to be able to hear the music.

Thanks,

Ramona Jaynes Ritter

220 W. Sunset Ridge Drive

Etowah, NC.

From: Jeanne West [mailto:jeanne100@msn.com]

Sent: Thursday, February 11, 2021 6:23 PM

To: info@millsriver.org

Subject: Noise tolerance issue

Good morning. I read in Hendersonville newspaper about the noise tolerance issue. I live in Haywood knolls and have thoroughly enjoyed going to the various venues in the area that offer outside music. It is a great way to spend a warm spring, summer and evening as well as supporting local businesses. It would be a shame to limit this. These venues also support many community activities, ie blood drives, humane society.

I hope you take this into consideration when you begin the debate process.

Feel free to contact me.

Thank you

Jeanne West

From: Susan Cunningham [mailto:hodoku@bellsouth.net]

Sent: Tuesday, February 16, 2021 3:34 PM

To: cheryl.jones@janoski.us; jimfoster101@gmail.com; sherri@mudcreekchurch.org; jemoore@qfnet.com; waynescarlana@bellsouth.net; bluedogspirit@gmail.com; jcantrell@vanwingerdenintl.com; maryann.osby@gmail.com; heath@heathwiggins.com; Sue Powell <susan.powell@millsriver.org>; Daniel Cobb <daniel.cobb@millsriver.org>; Bettye Dorn <eytteb@gmail.com>; Jennifer Heaslip <jenheaslip79@gmail.com>

Subject: Noise ordinance

As my neighbors and I are well aware town council has charged the long range planning committee to develop a noise ordinance. At the recent meeting of this committee we heard council's request to simplify. Our concern is that if the wording is too simple it will leave room for abuse. Whether you choose to regulate it by the time of day/night, or the volume, or combination of both, we ask that you consider addressing the issue as such -Amplified music and excessive noise (not to exclude music produced by radio, CD, DJ, karaoke and large gatherings of people). This will eliminate the problems that plague our neighborhood and would set a precedent for future venues to disrupt the lives and well being of their neighbors. If the ordinance simply addresses amplified music it could be narrowly defined as musical instruments that are amplified and do nothing to help remedy the problems that already exist. We appreciate your consideration.

Susan Cunningham

Wedgewood Subdivision

There was no in-person public comment.

Old Business:

A. Noise Ordinance

Chairperson Sherri Hill recapped the discussion at the previous meeting, which included members of the Mills River Town Council, Captain Andrew Starling and Ron Justice of the Henderson County Sheriff's office. She wanted to be sure that public record noted that Sierra Nevada Brewing, Mills River Brewery, Bold Rock Cider, and Burning Blush Brewery were all invited to send representatives to the meeting, but none attended. At that time it was decided that staff should concentrate on amplified sound only and come back with revised language.

Ryan Perry wanted to clarify what he was expressing to the Board via Zoom at the last meeting. It is his opinion that the Town should adopt the same noise ordinance as Henderson County and then, in the future, revise it to better fit Mills River.

Town Manager Daniel Cobb passed out a copy of the Chapter 152 with the applicable language highlighted in blue print, the text of which appears below:

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TITLE XV: LAND USAGE

CHAPTER 152: NUISANCES

152.01 Purpose and objectives

- 152.02 Jurisdiction and exception
- 152.03 Definitions
- 152.04 Prohibitions
- 152.05 Outdoor storage
- 152.21 Establishment of Noise Ordinance
- 152.22 Prohibited Uses
- 152.23 Exceptions
- 152.24 Motor Vehicle Operation
- 152.25 Amplified Sound
- 152.26 Sounds Impacting Residential Areas
- 152.27 Noise Level Measurement
- 152.28 Maximum Permitted Noise Levels
- 152.29 Permits to Exceed Limits
- 152.30 Noise Complaints
- 152.31 Warnings and Violations
- 152.9106 Administration and enforcement
- 152.9107 Investigation and response to public nuisance
- 152.9308 Vehicle restoration permit
- 152.9409 Appeals
- 152.99 Violations, penalties, costs, and reimbursements

1 § 152.01 PURPOSE AND OBJECTIVES.

2 (A) *Purpose.* This Chapter is enacted to protect the health, safety, and
 3 general welfare of the people of the Town of Mills River pursuant to powers granted
 4 under G.S. 160A-175, G.S. 160A-193, G.S. 160A-303, G.S. 160A-303.1, G.S. 160A-303.2;
 5 the Mills River Town Code; subsequent recodifications and/or amendments; and
 6 other applicable ordinances as may be adopted in the future.

7 (B) *Objectives.* The principal objectives of this chapter are:

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8 (1) To prevent injury and illness to occupants of property and the
 9 public and to remove public nuisances.

10 (2) To provide town wide standards for the abatement of public
 11 nuisances, including but not limited to **noise**, solid waste, junked motor vehicles and
 12 abandoned manufactured homes.

13 (3) To establish responsibility of involved parties and assure that
 14 people are not unnecessarily exposed to dangers of public nuisances.

15 (4) To ensure proper actions may be taken to abate public
 16 nuisances.

17 (Ord. 2019-02, passed 10-12-2019)

18 § 152.02 JURISDICTION AND EXCEPTION.

19 (A) *Jurisdiction.* This chapter shall apply to all the land within the corporate
 20 limits of the Town of Mills River.

21 (B) *Exception.* This chapter shall not regulate property being actively used
 22 as a bona fide farm which is any tract of land used for dairying, the raising of
 23 agricultural products, forest products, livestock or poultry, or any other use defined
 24 as **AGRICULTURE** in § 154.007 of the Town Code and including facilities for the sale
 25 of such products from the premises where produced.

26 (Ord. 2019-02, passed 10-12-2019)

27 **§ 152.03 DEFINITIONS.**

28 The following terms are defined for purposes of this chapter:

29 **ABANDONED MANUFACTURED HOME.** A manufactured home that has not
30 had legal power or was not properly connected to a permitted septic/sewer system
31 and water supply in the most recent six months, not to be interpreted to include a
32 manufactured home stored or parked in accordance with a valid zoning permit.

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33 **ABATEMENT.** The proper removal, repair, and/or containment of substances
34 or materials hazardous to humans and/or the environment. Abatement is part of
35 remediation.

36 **AMBIENT NOISE LEVEL.** An average A-weighted sound level based on at least
37 three readings made and recorded over a period of no less than ten minutes, made at
38 the location where a complainant claims to be disturbed by an alleged violation but
39 at a time when no noise is then being alleged to violate this ordinance, and made at a
40 point no closer than outside the property line of the property from where the noise is
41 generated.

42 **AMPLIFIED SOUND.** Using or operating a loudspeaker or other sound
43 amplification device or system in a fixed or movable position exterior to any building,
44 or mounted upon any motor vehicle, for the purpose of commercial advertising,
45 giving instructions, information, directions, talks, addresses, lectures, or providing
46 entertainment to any persons or assemblage of persons on any private or public
47 property.

48 **A-WEIGHTED SOUND LEVEL.** The sound pressure level in decibels as
49 measured on a sound level meter using the A-weighting network measured by a
50 sound level meter, following the criteria approved by ANSI.

51 **BUILDING.** Any structure having a roof supported by columns or by walls and
52 intended for shelter, housing or enclosure of persons, animals or chattels. Two
53 buildings connected by a common roof shall be considered as one building, provided
54 that the width of the connecting roof shall be at least 20% of the principal building
55 width, but in no case less than six feet in width. The connection of two buildings by
56 means of an open porch, breeze way or passageway without a roof, or with a roof less
57 than six feet in width, shall not be deemed to make them one building.

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58 **DECIBEL (dB).** A unit of measuring the amplitude of sound equal to 20 times
59 the logarithm to the base ten of the ratio between the pressure of sound measured to
60 the reference pressure, which is 20 micronewtons per square meter, as approved by
61 ANSI.

62 **DISTURBING NOISE.** Noise which is perceived by a person of ordinary
63 sensibilities as interrupting the normal peace and calm of the area. In determining
64 whether a noise is unreasonably loud and disturbing, the following factors incident
65 to such noise are to be considered: whether the noise has been enhanced in volume
66 or range by any type of electronic or mechanical means

67 **JUNK.** Any discarded, abandoned, or scrapped copper, brass, metal, rope, rags,
68 batteries, appliances, paper or rubber; discarded, dismantled, abandoned, or wrecked
69 automobiles or other vehicles or parts thereof; dismantled or abandoned
70 mobile/manufactured homes or RV's or travel trailers or parts thereof; discarded,
71 dismantled or wrecked motorized or non-motorized equipment or parts thereof;

72 discarded or scrapped iron, steel or other scrapped ferrous material; or any other
73 materials, items or equipment similar to those listed herein.

74 **JUNKED MOTOR VEHICLE.** A motor vehicle that does not display a current
75 license plate or vehicle registration and is partially dismantled or wrecked, cannot be
76 self-propelled or moved in the manner it was originally intended to move, or is more
77 than five years old and appears to be worth less than \$500 as provided by the
78 municipality, or a junked motor vehicle as defined in G.S. 160A-303.2.

79 **MANUFACTURED HOME.** A single-family residential dwelling built in
80 accordance with the Federal Manufactured Housing Construction and Safety
81 Standards Act of 1974 (which became effective June 15, 1976), as amended. For
82 purposes of this chapter, however, the term also includes mobile homes.

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83 **OCCUPANT.** Any person who occupies real property, whether with or without
84 any right, title or interest in the property, and any person in possession or charge of
85 such property, in the event the owner resides or is located elsewhere.

86 **OWNER.** Any person, persons, organization, or corporation that owns, in
87 whole or in part, the land, structure, or other property or is the purchaser of the
88 property under contract for deed.

89 **PERSONAL PROPERTY.** All property other than that defined in the definitions
90 of **PROPERTY** and **REAL PROPERTY, REAL ESTATE AND LAND** of this section that is
91 subject to ownership.

92 **PLANNING/ZONING DEPARTMENT.** The town department responsible for
93 enforcing this chapter.

94 **PROPERTY.** Publicly or privately owned real property including parcels of
95 land, buildings, or structures.

96 **PROPERTY AGENT.** A person authorized by a property owner to act in
97 transacting business matters or in managing the affairs of the subject property.

98 **PUBLIC NUISANCE.** Any activity or use of property or personal property or
99 failure to act that adversely affects the public and shall include, but is not limited to,
100 any condition which poses an immediate and direct hazard to human health if left
101 unheeded due to the existence of the condition itself or due to the immediate threat
102 of transmission of disease through insects, animals, or other means of transmission
103 or infections.

104 **RECREATIONAL VEHICLE.** A vehicular type unit primarily designed as
105 temporary and mobile living quarters for recreational, camping or travel use, which
106 either has its own motive power or is mounted on and drawn by another vehicle. The
107 units do not satisfy the dimensional requirements of a manufactured home.

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108 **REMEDIATION.** The action of stopping or reversing conditions, uses,
109 substances or materials hazardous to humans and/or the environment or otherwise
110 creating a nuisance.

111 **UNREASONABLY LOUD NOISE.** A level of noise that is substantially
112 incompatible with the time and location where created to the extent that it creates an
113 actual or imminent interference with peace or good order.

114 **VEHICLE RESTORATION PERMIT.** A permit that allows persons to actively
115 restore an unlicensed and unregistered vehicle.

116 (Ord. 2019-02, passed 10-12-2019)

117 **§ 152.04 PROHIBITIONS.**

118 The creation or maintenance of a public nuisance is prohibited. Without
119 limiting the generality of the foregoing, the following are hereby expressly declared
120 to be public nuisances:

121 (A) Improper sewage disposal to such degree that sewage or effluent is
122 discharging onto the surface of the ground, backing up into a structure, or discharging
123 into a body of water.

124 (B) An unsecured opening caused by improperly abandoned cistern, well
125 pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft
126 or tunnel.

127 (C) Failure to keep waste, refuse, or garbage in an enclosed building or
128 properly contained in a closed, insect and rodent proof container designed or
129 reasonably adapted for such purpose.

130 (D) Accumulation of carcass(es) of animals, birds, or fish by failing to bury,
131 store, or otherwise dispose of in a sanitary manner within 24 hours after death.

132 (E) Significant outdoor storage of solid waste including but not limited to:
133 decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage,

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134 rotting lumber, packing materials, scrap metal, pallets, fuel storage containers, tools,
135 tires and wheels, furnaces, home appliances, furniture, plumbing fixtures,
136 construction materials, amusement park devices, metal, pipes, rubber, glass bottles,
137 machinery, wood, brick, cement block, all-terrain vehicles, toys, bicycles, junk or any
138 other substances in which flies, mosquitoes, other disease-carrying insects, rodents
139 or other vermin can harbor.

140 (F) Accumulations of rubbish or junk as to become dangerous or injurious
141 to the health and safety of any individual or to the public.

142 (G) Any junked motor vehicles without a current vehicle restoration
143 permit and/or any abandoned manufactured home as defined.

144 (H) Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae,
145 hookworm larvae or other insects, parasites or vermin.

146 (I) Breeding grounds which support mosquito larvae and mosquitoes
147 capable of carrying diseases, or any other disease-causing microorganism.

148 (J) Use of a recreational vehicle as a primary residence without permitted
149 electric, water, and sewerage connections.

150 (K) Recreational vehicles used to store solid waste.

151 (Ord. 2019-02, passed 10-12-2019)

152 **§ 152.05 OUTDOOR STORAGE.**

153 Outdoor storage by commercial and industrial uses shall be limited to items
154 that are designed and intended for permanent outdoor usage, storage, and/or sale.

155 Outdoor storage areas in business and industrial zones shall conform to a minimum
156 of one-half the minimum front building setback and not block or obstruct parking
157 spaces or any line of sight for a public road.

158 (Ord. 2019-02, passed 10-12-2019)

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159 **NOISE CONTROL**

160 **§ 152.21 ESTABLISHMENT OF NOISE ORDINANCE.**

161 This subchapter shall be known as the "Noise Ordinance for the Town of Mills River."

162 **§ 152.22 PROHIBITED NOISES.**

163 (A) General prohibitions. It shall be unlawful to create, cause or allow the
164 continuance of any amplified and unreasonably loud or disturbing noise that
165 substantially interferes with the reasonable use and enjoyment of neighboring uses
166 and neighborhoods.

167 (1) The playing of any amplified radio, phonograph or other musical
168 instrument in such a manner or with such volume, particularly during the hours
169 between 9:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose
170 of any persons in any dwelling, hotel or other type of residence.

171 **§ 152.23 EXCEPTIONS.**

172 (A) The following are exempt from the provisions of this subchapter:

173 (1) Any noise resulting from activities of a temporary duration
174 permitted by law, and for which a license or permit therefor has been granted
175 by the Town in accordance with the Mills River Town Code. Regulations of
176 noises emitting from operations under permit shall be according to the
177 conditions and limits stated on the permit.

178 (2) Unamplified sound at street fairs, parades, or other special events
179 permitted by the Town.

180 (3) Amplified sound emanating from religious institutions.

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181 **§ 152.25 AMPLIFIED SOUND.**

182 (A) Using or operating a loudspeaker or other sound amplification device
183 or system in a fixed or movable position exterior to any building, or mounted upon
184 any motor vehicle, for the purpose of commercial advertising, giving instructions,
185 information, directions, talks, addresses, lectures, or providing entertainment to any
186 persons or assemblage of persons on any private or public property, between the
187 hours of 9:00 p.m. and 7:00 a.m. the following day on Sunday through Thursday and
188 between the hours of 10:00 p.m. and 7:00 a.m. the following day on Friday and
189 Saturday is hereby prohibited.

190 (B) Except in accordance with a permit issued pursuant to this subchapter, it
191 shall be unlawful to operate or allow the operation of sound amplification equipment
192 out of doors or directed out of doors or to allow live music out of doors or directed
193 out of doors other than during the times listed below or so as to create sounds
194 registering in excess of:

195 (1) 85 dB Sunday through Thursday between 8:00 a.m. and 9:00 p.m.;

196 (2) 60 dB Sunday through Thursday between 9:00 p.m. and 12:00 a.m.

197 the following day;

198 (3) 85 dB Friday or Saturday between 8:00 a.m. and 10:00 p.m.; or

199 (4) 60 dB between 10:00 p.m. and 12:00 a.m. the following day.

200 **§ 152.27 NOISE LEVEL MEASUREMENT.**

201 (A) In order to document and prove a prima facie violation of this
202 subchapter the ambient noise level shall be determined. If it is reasonably practicable
203 to do so in the discretion of the law enforcement officer or officers, or code
204 enforcement officer or officers responding to the noise complaint, then the alleged

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violation n 205 oise level shall be determined at the same location or the edge of the
206 property emanating the noise.

207 (B) For the purpose of determining dB levels as referred to in this
208 subchapter, the noise shall be measured on the A-weighting sale on a sound level
209 meter of standard design and quality having characteristics established by the
210 American National Standards Institute (ANSI).

211 (C) The decibel limits prescribed in this subchapter shall be measured at
212 the property line of the property from which the sound is being generated unless
213 otherwise specified.

214 (D) A level of noise as determined by law enforcement officer or officers, or
215 code enforcement officer or officers responding to the noise complaint that is
216 substantially incompatible with the time and location where created to the extent that
217 it creates an actual or imminent interference with peace or good order.

218 **§ 152.28 MAXIMUM PERMITTED NOISE LEVELS.**

219 (A) Unless otherwise allowed for under this subchapter or described in a
220 permit issued by the Town of Mills River, a violation of this subchapter shall have
221 occurred if the alleged violation noise level exceeds the ambient noise level:

222 (1) By ten decibels, between the hours of 9:00 p.m. and 7:00 a.m.; or

223 (2) By 20 decibels, between the hours of 7:00 a.m. and 9:00 p.m.

224 (B) If, due to the nature of the alleged violation noise level, no
225 determination of an ambient noise level is practicable in the discretion of the law
226 enforcement officer or officers, or code enforcement officer or officers responding to
227 the noise complaint, then a violation shall have occurred if the alleged violation noise
228 level exceeds:

229 (1) 60 decibels between the hours of 9:00 p.m. and 7:00 a.m.; or

230 (2) 70 decibels between the hours of 7:00 a.m. and 9:00 p.m.

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231 (C) If no decibel readings or comparison between ambient noise levels and
232 alleged violation noise levels are practicable a violation will have occurred in the
233 discretion of the law enforcement officer or officers, or code enforcement officer or
234 officers responding to the noise complaint, if it is determined the noise creates an
235 actual or imminent interference with peace or good order.

236 **§ 152.29 PERMITS TO EXCEED LIMITS.**

237 (A) A person or group of persons may produce or cause to be produced
238 sound in excess of levels authorized in this subchapter, only if a permit to exceed the
239 limit for the time and place of the activity has been obtained. Permitted activity may
240 be covered in a noise permit or as part of a temporary use permit or special use permit
241 at the discretion of the Town of Mills River.

242 (B) Any person or group or persons desiring a permit shall apply as
243 provided herein and shall provide all information required. All applications shall be
244 submitted to the Town of Mills River at least five business days prior to the first
245 scheduled event to be held under the ordinance. Failure to comply with this
246 requirement shall be grounds for denying the permit.

247 (C) The Mills River Town Manager shall have authority to take final action
248 on all applications for permits specified in this subchapter. In considering and acting
249 on such applications, the Town Manager or Town Manager's designee shall consider,
250 but shall not be limited to, the following in issuing or denying such permit: the
251 timeliness of the application; the nature of the requested activity; previous

252 experience with the applicant; the nature of the event; other activities in the vicinity
253 of the location proposed; the frequency of the application; the cultural or social
254 benefit of the proposed activity; the effect of the activity on the residential areas of
255 the town; previous violations, if any, of the applicant.

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256 (D) Permits to exceed limits shall specify the duration for which
257 noncompliance shall be permitted and may prescribe the conditions or requirements
258 necessary to minimize adverse effects upon the community or surrounding
259 neighborhood. The Town Manager or Town Manager's designee may require, but
260 shall not be limited to, the following:

261 (1) That no sound speakers shall be set up more than ten feet above the
262 ground;

263 (2) That the permit holders change the arrangement of the loud
264 speakers or the sound instruments so as to minimize the disturbance to others
265 resulting from the position or orientation of the speakers or from
266 atmospherically or geographically caused dispersal of sound beyond the
267 property lines.

268 (E) Permit holders shall agree to cooperate with the Henderson County
269 Sheriff's Department and the Town of Mills River in enforcing the noise ordinance by
270 having signers of the permit available at the site of the event during the entire time
271 for which a permit has been issued and capable of assisting in enforcing the noise
272 control ordinance. Failure of the permittee or designees to be present or to assist the
273 Henderson County Sheriff's Department and the Town of Mills River in compliance of
274 this subchapter will result in revocation of said permit.

275 **§ 152.30 NOISE COMPLAINTS.**

276 (A) Any person having reasonable grounds for believing any provision of
277 this subchapter is being violated may make a report thereof to the Henderson County
278 Sheriff's Department or the Town of Mills River, which shall investigate the alleged
279 violation. If any such investigation reveals a violation, the investigating deputy or
280 code enforcement officer has the authority to cause a written complaint to be made
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281 and may issue a citation for a civil penalty, and may obtain other enforcement
282 measure as allowed in this chapter.

283 (B) It shall be unlawful for any person to file a false report or to provide
284 false information to any enforcement official involving any investigation of any
285 reported violation of this subchapter. Any person found violating this provision shall
286 be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00.

287 (C) It shall be unlawful for any person to repeatedly file frivolous or
288 unfounded complaints with law enforcement in order to intimidate or harass any
289 member of such department or any animal owner, or to otherwise hinder or interfere
290 with any function of the department of animal control. Any person found violating
291 this provision shall be guilty of a Class 3 misdemeanor and shall be fined not more
292 than \$500.00.

293 **§ 152.31 WARNINGS AND VIOLATIONS.**

294 (A) Any producer of prohibited noise as defined in this subchapter that has
295 been determined to be non-cooperative pursuant to this subchapter shall be subject
296 to enhanced civil penalties. Violations shall result in the following:

297 (1) Upon a first violation, enforcing authority shall issue a warning
298 or a notice of need for permit if violator is not already permitted to generate
299 subject noise producing activities.

300 (2) A second violation shall result in a fine not more than \$500.00.

301 (3) A third violation shall result in a fine not more than \$500.00 and
302 a six month revocation of permit if applicable.

303 (4) Violations that occur after a revocation and before a renewal of
304 a permit shall result in a fine not more than \$1,000.00.

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305 (5) In cases where no permit has been issued, fourth and
306 subsequent violations that occur less than one year from a first violation shall
307 result in a fine not more than \$1,000.00.

308 (B) The Mills River Town Council may set fines for noise violations by type,
309 location, user or number of instances.

310 ADMINISTRATION

311 § 152.9106 ADMINISTRATION AND ENFORCEMENT.

312 Where there is a violation of any provision of this chapter, the town, in its
313 discretion, may require any appropriate action as described in this chapter.

314 (A) Town *ordinances*. Except where otherwise specified, this chapter is
315 subject to all provisions of the Mills River Town Code. The Town Manager or his/her
316 designee (Department) shall be responsible for administration and enforcement of
317 this chapter.

318 (B) *Declaration as a public nuisance*.

319 (1) It shall be the duty of the Planning/Zoning Department acting
320 by and through its authorized delegate to determine whether or not a public nuisance
321 exists. The Department shall act by and through complaints only.

322 (2) For purposes of emergency response and notification to
323 applicable authorities and posting for the public, the Planning/Zoning Department
324 may determine that a structure, property, or portion of a property constitutes an
325 immediate environmental health nuisance pursuant to Chapter 130A and the North
326 Carolina General Statutes and North Carolina Administrative Code. In the event the
327 Department makes this determination the nuisance will be referred to the Henderson
328 County Department of Public Health for administration and abatement.

329 (C) *Modifications to or dismissal of the public nuisance declaration*.

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330 (1) The Planning/Zoning Department may modify conditions of the
331 declaration or dismiss the declaration of a public nuisance.

332 (2) Such modifications or dismissal shall occur only after the
333 Planning/Zoning Department has confirmed that the violation no longer exists or if
334 there has been substantial and continuing improvement towards abating the
335 nuisance.

336 (3) The Planning/Zoning Department will base its criteria for
337 determining levels of nuisance on the best health and safety information available at
338 the time of the declaration and cannot be held liable for future discoveries.

339 (4) For good cause shown, the owner or occupant may request
340 authorization from the Planning/Zoning Department for an extension of time to

341 complete abatement activities. An extension may be granted if the extension does not
342 increase the risk to public or safety and is deemed appropriate. Extensions may not
343 be granted unless the owner or occupant shows substantial improvement toward
344 abating the nuisance and shall be for a period of be no longer than 30 days. Additional
345 extensions shall be at the discretion of the Planning/Zoning Department and shall
346 only be considered if there has been substantial and continuing improvement
347 towards abating the nuisance.

348 (D) *Access to premises and records.* The owner or occupant shall, upon the
349 request of the Town and after proper identification, permit access to all parts of the
350 site or structure where a nuisance has been declared as often as necessary, and at any
351 reasonable time for the purposes of inspection, remediation and abatement, and shall
352 exhibit and allow copying of any and all records necessary to ascertain compliance
353 with this chapter. If the occupant will not permit entry upon the property, the
354 Planning/Zoning Department shall complete the requirements of an administrative
355 search warrant in order to inspect the complaint.

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356 (E) *Interference.* No person shall in any way interfere with or hinder the
357 Planning/Zoning Department in the performance of duties, or refuse access to gather
358 information necessary to ascertain compliance with this chapter.
359 (Ord. 2019-02, passed 10-12-2019)

360 **§ 152.9207 INVESTIGATION AND RESPONSE TO PUBLIC**
361 **NUISANCE.**

362 (A) *Owner notification.* Upon declaration of a public nuisance, the
363 Planning/Zoning Department shall give written notice of its determination and
364 orders to abate the nuisance to the owner, occupant and property agent, if applicable.
365 A recipient of any such notice must take all action required within the time period
366 stated in the notice. This notice shall be served in person, by regular mail, or by an
367 officer authorized to serve a warrant and contain the following:

368 (1) Property location by street address, parcel identification
369 number, or other property description.

370 (2) Information identifying the nature of the public nuisance at the
371 property.

372 (3) A summary of the owner's and occupant's responsibilities under
373 this chapter.

374 (4) Specific orders for abatement or remediation of the public
375 nuisance.

376 (5) A date for completion of the abatement not to exceed 30 days
377 following the receipt of the notice unless a shorter time is required due to the
378 Planning/Zoning Department's further determination that the immediate abatement
379 is necessary to protect public and safety. In such cases, the reason for a shortened
380 abatement period shall be specified.

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381 (6) Information regarding a right of appeal as provided in § 152.09
382 of this chapter and that, unless the threat to public is abated or removed in accordance
383 with the terms of the notice, the Planning/Zoning Department will have the public
384 nuisance abated or removed at the expense of the owner under the provisions of this
385 chapter and/or other applicable state or local law.

386 (B) *Unknown or absent* property owner. In the event the owner of the
387 property is unknown or absent and has no known representative upon whom the
388 notice can be served, the Planning/Zoning Department shall post a written or printed
389 notice on the property stating that, unless the threat to the public is abated or
390 removed within 30 days of the date of posting, the Planning/Zoning Department will
391 have the public nuisance abated or removed at the expense of the owner under the
392 provisions of this chapter and/or other applicable state or local law.

393 (C) *Public notification*. The Planning/Zoning Department shall provide
394 information in writing about the public nuisance declaration and potential hazard(s)
395 to the following persons as applicable and appropriate:

396 (1) Child Protective Services Division of the Henderson County
397 Department of Social Services in situations of potential child maltreatment or
398 endangerment.

399 (2) Adult Protective Services Division of the Henderson County
400 Department of Social Services in situations of potential vulnerable adult
401 maltreatment or endangerment.

402 (3) Neighbors in close proximity likely to be affected by the
403 conditions found at the site.

404 (4) Local law enforcement officers.

405 (5) Henderson County Environmental (Public) Health.

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406 (6) Other state and local authorities that may have public or
407 environmental protection responsibilities.

408 (D) *Warning sign*. The Planning/Zoning Department shall post a warning
409 sign when deemed necessary to further protect the public and safety. The warning
410 sign shall be posted on the entrance(s) of the structure or property and contain
411 information sufficient to alert visitors or returning occupants to the site that it may
412 be dangerous to enter, that entry is prohibited unless authorized by the
413 Planning/Zoning Department or law enforcement department posting the sign. Any
414 person other than the Planning/Zoning Department or designated agent that
415 removes a warning sign shall be in violation of this chapter.

416 (E) *Abating* public nuisance. If the owner, property agent or occupant fails
417 or neglects to comply with the requirements in the notice provided under division (A)
418 of this section, then the Planning/Zoning Department shall abate or remediate the
419 public nuisance described in the notice. The town will recoup such costs as necessary
420 to abate the public nuisance as provided in § 152.99 of this chapter.

421 (F) *Vacating the public nuisance order*. Upon verification and acceptable
422 proof of proper abatement, remediation, repair, or removal at the site, the
423 Planning/Zoning Department shall issue written notice to those persons served
424 notice under subsection A of this section that the public nuisance order is vacated.
425 Notice shall also be provided, as applicable and appropriate, to those persons
426 provided information under division (C) of this section.

427 (Ord. 2019-02, passed 10-12-2019)

428 **§ 152.9308 VEHICLE RESTORATION PERMIT.**

429 (A) Persons storing any motor vehicle for more than 30 days outside a fully
430 enclosed permanent structure for the purpose of restoration shall obtain a vehicle

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431 restoration permit from the Planning/Zoning Department. The permit shall be placed
432 in the vehicle in a location viewable from outside the vehicle.

433 (B) This permit shall allow for one restoration vehicle and up to one parts
434 vehicle that must be compatible with the vehicle being restored.

435 (C) The permit allows for outdoor storage of the vehicle(s) for a period of
436 up to six months.

437 (D) A maximum of two six-month extensions may be granted upon request,
438 provided substantial progress can be proven in the restoration of the vehicle at each
439 extension interval. Progress will be measured by receipts for the purchase of parts or
440 services or visible reconstruction or deconstruction.

441 (E) At no time shall the vehicle become a public health nuisance by
442 collecting water to breed mosquitoes, losing fluid to contaminate the soil or becoming
443 a harborage for vermin.

444 (F) If restoration work is not complete upon the permit expiration date, the
445 vehicle shall be removed or placed inside a fully enclosed building as required by this
446 chapter.

447 (Ord. 2019-02, passed 10-12-2019)

448 **§ 152.9409 APPEALS.**

449 (A) *Right of appeal.* When a public nuisance is declared, an owner of the
450 affected property may appeal the declaration, including an order for abatement or
451 remediation, by filing a written request with the Mills River Zoning Board of
452 Adjustment.

453 (B) *Hearing.* If any owner makes a written request to the Zoning Board of
454 Adjustment for an **evidentiary** hearing, such hearing shall be held in accordance to
455 procedures as described in §§ 154.175 through 154.179 of the Town Code.

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456 (1) *Schedule.* The **evidentiary** hearing shall be held at the next
457 available meeting that satisfies public notice requirements after the request for a
458 hearing was received.

459 (2) *Witnesses and evidence.* All parties shall have full opportunity to
460 respond to and present evidence and witnesses.

461 (3) *Standard of proof.* The appellant shall have the burden of
462 proving its position by clear and convincing evidence.

463 (4) *Rules of evidence.* Hearings shall be informal and the rules of
464 evidence as applied in the courts shall not apply. Irrelevant, immaterial, and
465 repetitious evidence shall be excluded.

466 (C) *Record of hearing.* The hearing shall be recorded, and the minutes of the
467 meeting shall be approved by the Zoning Board of Adjustment at their next scheduled
468 meeting.

469 (D) *Notice of decision.* The decision of the Zoning Board of Adjustment shall
470 be issued in writing within ten calendar days following the hearing. Unless otherwise
471 provided by law, the decision of the Zoning Board of Adjustment shall constitute the
472 final decision.

473 (E) *Further appellate rights.* Any party aggrieved by a final decision is
474 entitled to judicial review of the decision. A petition for a writ of certiorari by the
475 party must be filed with the Court of Appeals not more than 30 calendar days after
476 notice of the final decision has been issued from the Zoning Board of Adjustment.
477 (Ord. 2019-02, passed 10-12-2019)

478 **§ 152.99 VIOLATIONS, PENALTIES, COSTS, AND**

479 **REIMBURSEMENTS.**

480 (A) *Civil penalties.* Unless otherwise specified in this chapter, Any person
481 who is an owner or occupant of property and who violates this chapter, or permits a
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482 nuisance to exist on the property under his/her control, or fails to take action to abate
483 the existence of the violation(s) within the time specified in the notice described in §
484 152.9207 above, when ordered or notified to do so by the Planning/Zoning
485 Department, shall be subject to a civil penalty of \$50 or other amount as determined
486 by Town Council. Each day's violation shall be treated as a separate offense.
487 (B) *Civil action.* In the event of a violation of this ordinance or any order
488 entered for abatement of a nuisance, the town may take appropriate action to enforce
489 this chapter, including application for injunctive relief, action to compel performance,
490 or other appropriate action in court, if necessary, to prevent, restrain, correct, or
491 abate such violations. The town may recover all costs and expenditures expensed
492 towards remedying the violation, including administrative time and attorneys' fees.
493 (C) *Criminal violation.* A violation of this ordinance is a Class 3
494 misdemeanor pursuant to G.S. 14-4.
495 (D) If required to remove, abate or remediate a public nuisance, the town
496 shall make every reasonable effort to recover costs incurred in removal, abatement
497 or remediation in a civil action. The cost of enforcement action under this chapter
498 may be assessed and charged against the real property on which the public nuisance
499 was located. The town shall extend the cost as assessed and charged against said real
500 property. Nothing herein precludes or limits the town from seeking recovery of costs
501 through other methods allowed by Federal or state law.
502 (E) *Subrogation rights.* Nothing in this chapter is intended to limit the
503 subrogation rights of any party and the owner occupants. The town shall maintain the
504 right to recover costs, referenced in this section, from persons contributing to the
505 damage.
506 (F) *Revocation of Development Approvals.* In addition to initiation of
507 enforcement actions, Town issued permits may be revoked by notifying the holder in
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Much discussion and commentary ensued, including whether the use of “jake” brakes was included in the ordinance, whether the County would enforce the rest of their noise ordinance in Mills River, some requests for wording changes, time limits, noise levels, and the permitting process.

Jim Foster made a motion to recommend to Town Council that the noise ordinance be adopted as presented. Wayne Carland seconded the motion and the motion passed. Ryan Perry abstained from voting.

B. 160D Updates – Chapter 154

Town Manager Daniel Cobb went through the Chapter 154 Zoning Code showing the changes required by 160D. Except for clarification of setbacks, the changes were either matching definitions, clarifications, or grammatical changes. No regulation was changed.

Ryan Perry made a motion to recommend that Town Council adopt the changes as written. Jim Foster seconded the motion and the motion passed by unanimous verbal assent.

New Business:

B. Food Truck Text Amendments

Town Planner Alan Steinbeck gave an overview of the amendments, the language of which appears below:

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TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: TEMPORARY VENDORS

General Provisions

111.001 Title

111.002 Purpose

111.003 Definitions

111.004 Temporary Vendor Permits

111.005 Temporary Vendor Operations

111.006 Temporary Vendor Locations

111.007 Food Parks

1 GENERAL PROVISIONS

2 § 111.001 TITLE.

3 This chapter shall be known and may be cited as the "Temporary Vendor
4 Ordinance of the Town of Mills River, North Carolina."

5 § 111.002 PURPOSE.

6 The provisions set forth in this chapter are designed to ensure that vending
7 from vehicles, temporary structures and movable units within the jurisdiction of the
8 Town of Mills River will be orderly, attractive and safe.

9 (A) Temporary vending and vending from movable units will be facilitated
10 by permits issues by the Town.

11 (B) Food and other vending will be an established use and regulated based
12 on this chapter and the Zoning Ordinance.

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13 § 111.003 DEFINITIONS.

14 (A) For the purposes of this chapter and in the administration of the Zoning
15 Ordinance, the following definitions shall apply.

16 **FOOD PARK.** A designated area where two to eight food trucks or
17 trailers may park and vend.

18 **FOOD STAND.** A food business in a non-mobile structure with
19 outdoor walk up service.

20 **FOOD TRAILER.** A mobile food business unit that can be hitched and
21 towed by a vehicle.

22 **FOOD TRUCK.** A mobile vehicle supporting a food business.

23 **TEMPORARY VENDOR.** The individual or business operating under
24 a temporary vendor permit.

25 **TEMPORARY VENDOR SPOT.** Designated parking space where truck
26 or trailer vendor may operate one unit.

27 **§ 111.004 TEMPORARY VENDOR PERMITS.**

28 (A) A permit issued by the Town shall be required of all temporary
29 vendors that vend within the Town limits.

30 (B) Application for a permit to become a temporary vendor in the Town
31 shall include the following information and requirements:

32 (1) The name, permanent address, phone number, and driver's
33 license number of the applicant.

34 (2) The proposed location of operation if a permanent location is
35 sought.

36 (3) A description of the merchandise to be sold.

37 (4) Proof of liability insurance.

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38 (5) Approval from Henderson County Department of Public Health
39 if vending involves food service.

40 (5) The currently required application fee.

41 (6) If employed or acting as an agent, the name and address of the
42 employer or principal, together with credentials establishing the exact
43 relationship.

44 (7) The length of time for which the permit is desired, which shall
45 not exceed one year.

46 (C) Any temporary vendor permit may be suspended or revoked for
47 fraud or misrepresentation in the application for the permit or for the conduct of the
48 business in such a manner as to create a public nuisance or constitute a danger to
49 the public health, safety or welfare or which is contrary to the provisions of the Mills
50 River Town Code.

51 (D) A temporary vendor permit is not transferable.

52 **§ 111.005 TEMPORARY VENDOR OPERATIONS.**

53 (A) Temporary vendors shall operate under the following conditions:

54 (1) Hours of operation shall be limited to between 7:00 a.m. and
55 10:00 p.m. except for special events operating under a temporary use permit.

56 (2) Food trucks and food trailers shall be parked on private
57 property with the property owner's permission and shall not be parked
58 within any street, right-of-way or sidewalk area.

59 (3) Temporary vendors are responsible for the proper disposal of
60 waste and trash associated with the operation. Waste and trash shall be
61 removed from the location of operation at the end of each day to maintain
62 the health and safety of the public.

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63 (4) No grease shall be disposed of in public places, streets,
64 stormwater drainage system, or sanitary sewer system.

65 (5) Advertising and signage is limited to what is displayed on the
66 vendor truck, trailer or structure and any permitted signs on the site of
67 operation.

68 (6) Food vendors shall display or otherwise make available menu
69 items and prices.

70 (7) Vendor operations shall be walk up arrangements only. Drive
71 through operations are prohibited.
72 (8) Vendor operations as an accessory use shall not impede or
73 otherwise compromise the vehicle access, pedestrian access or parking
74 arrangements of principal uses on the same site.

75 **§ 111.006 TEMPORARY VENDOR LOCATIONS.**

76 (A) Temporary vendors are required to operate in Town-designated
77 temporary vendor spots.

78 (B) Temporary vendor spots shall be designated by the Zoning
79 Administrator based on one of the following conditions:

80 (1) As an accessory use under a commercial zoning compliance
81 permit.

82 (2) As a principal use under a commercial zoning compliance
83 permit.

84 (3) As part of a food park under a special use permit.

85 (C) Temporary vendor spots shall only be designated in the Mixed Use,
86 Light Industrial, Neighborhood Commercial and General Business zoning districts.

87 (D) Temporary vendor spots and the permitting thereof are the
88 responsibility of the property owner or the business owner of the principal use on
89 the site.

90 **§ 111.007 FOOD PARKS.**

91 (A) Food parks shall be constructed and operated under the following
92 conditions:

93 (1) Restrooms and hand washing facilities shall be provided on
94 site.

95 (2) A minimum of two tables shall be provided per designated
96 temporary vendor spot.

97 (3) One common sign is permitted per site.

98 (4) A minimum of four parking spaces shall be provided for each
99 designated temporary vendor spot.

100 (5) Sites and structures must meet the requirements of the Zoning
101 Ordinance unless otherwise documented in a special use
102 permit.

A permit would be needed for both the location and the individual vendor so that the Town would know where vendors were allowed to set up and what vendors were operating in the Town. Current vendors and property owners would have to apply for a permit. Sanitation grades would have to be displayed. Lighting was discussed for food parks, but since the Town has no requirements for lighting at other businesses, it shouldn't be required. Permit costs are determined by Town Council.

Heath Wiggins made a motion to recommend that Town Council adopt the Food Truck Amendments as written. Ryan Perry seconded the motion and the motion passed by unanimous verbal assent.

A. Cottages At Hayes Mill Subdivision – MS-21-01

The Cottages at Hayes Mill is composed of 16 units located off of Old Haywood Road. The Planning Board is charged with reviewing the application and either approving it, approving it with conditions, or denying it. Town Manager Daniel Cobb's Staff Report is shown below:

STAFF REPORT

Planning Board, Tuesday, February 11, 2021

Title: Cottages at Hayes Mills – MS – 21-01

Planning Board will consider approval the Cottages at Hayes Mill

Major Subdivision

Speaker: Daniel Cobb, AICP, CFM, CZO, Town Manager

From: Administration

Planning

Background

On January 18, 2021 the Town of Mills River received a subdivision application (Attachment A) for the Cottages at Hayes Mill. This proposal consists of 16 single-family lots and is considered a *major subdivision* per Town Code §153.049(B). The subject property is located on Old Haywood Road approximately one quarter mile north of the intersection of Old Haywood Road and Boylston Highway, and approximately 1,000 feet south of McDowell Road.

Discussion

Subdivisions are classified in one of four different categories: minor, family, nonstandard, or major. Major subdivisions of residential properties are subdivisions resulting in more than 10 lots, these require Planning Board approval. The proposed subdivision (MS-21-01) is considered a Major Subdivision (Attachment B).

The Planning Board's role in this process is to assess the application for impacts to the orderly growth and development of the town. Additionally the Board should review the development plan for general conformity with the Town's development standards. For example, road design, subdivision design, or lots created.

Subdivisions of this scale require a 60' landscape buffer when adjacent to a public road. However, this buffer can be reduced to 30' with an earth berm. Moreover, applicants are encouraged to maintain existing vegetation. Plans for this site (Attachment C) show a 30' buffer atop an existing berm above Old Haywood Road.

All lots will be served with public water supply from the City of Hendersonville. Each lot will have its own septic system (Attachment D).

Policy Analysis

The process for reviewing major subdivisions includes review at the staff level for ordinance compliance and final approval from the Planning Board. The Board's role in this process is to provide additional oversight to ensure all development standards are met. Conditions may be placed on this request to achieve the spirit and intent of the ordinance.

Recommendation

Staff recommends approval of the application as submitted.

The Board's options are as follows:

1. Approve the application as submitted
2. Approve the application with conditions
3. Table the item for additional consideration (up to a maximum of 60 days)

Attachments

- A. Application
- B. Subdivision Plans
- C. Buffer Plan
- D. Public Water Availability

APPENDIX 1: SUBDIVISION APPLICATION FORM

Town of Mills River
SUBDIVISION APPLICATION FORM

Date of Application Subdivision Name Application Number

Major Subdivision Minor Subdivision Other

Property Owners Name: Address: City, State, Zip: Owner's Agent: Telephone No: PIN Deed Book/Page Zoning District Fire District Watershed Location of property to be divided:

Type of Subdivision: Residential Commercial Industrial Present Use

No. Lots Created Original Tract Size New Tract Size No. New Lots

Road System: Public Private Combination Public and Private
Water System: Individual Community Municipal
Sewer System: Individual Community Municipal

Fee: \$ Paid Method

I certify that the information shown above is true and accurate and is in conformance with the Town of Mills River Subdivision Ordinance.

APPLICANT (OWNER OR AGENT) DATE

TOWN USE ONLY

Received by: Date:

Fee Paid: Received by: Date:

Development Plan Approval / Conditions

Final Plat Approval: Plat Recorded

feet and would not be sold as lots alone. He expects that the home will sell for between \$350,000 and \$400,000.

Jim Foster made a motion that MS-21-01 be approved as presented. James Cantrell seconded the motion and the motion passed by unanimous verbal assent.

Additional Items

There will be a virtual public input workshop to discuss the Comprehensive Land Use plan draft tomorrow, February 17 at 3:30 pm and 6:30 pm. Please visit makingmillsriver.com website to register for this.

As there was no further business to discuss, Ryan Perry made a motion to adjourn the meeting. Wayne Carland seconded the motion and the motion passed by unanimous verbal assent.

Respectfully submitted,

Aurelie Taylor
Tax Collector/Deputy Town Clerk