

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
FOR THE TOWN OF MILLS RIVER**

153.026
153.047
153.028
153.009
2.23.07

**ARTICLE NO. 1
AUTHORITY**

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160A of the North Carolina General Statutes, particularly Article 18. Town Council does hereby ordain and enact into law amendments to the Subdivision Ordinance for the Town of Mills River which is and shall continue to be a part of the Zoning Ordinance of the Town of Mills River.

**ARTICLE II
AMENDMENT TO ZONING ORDINANCE**

The Zoning Ordinance of the Town of Mills River as enacted effective March 1, 2004, is amended in particular Title XV, Chapter 153 of the Code of Ordinances for the Town of Mills River as set out below:

- ✓ 1. § 153.026 Definitions of Terms is amended as to the definition of Family Subdivision to read the degrees of kinship as four (4).
- ✓ 2. § 153.026 Definitions of Terms is amended as to the definition of Planning Board to read the Town of Mills River Planning Board.
- ✓ 3. § 153..047 Procedure for Review of Family Subdivisions, Section A is amended to read:
 "The purpose of the family subdivision is to allow the creation of lots from larger tracts for the use of bona-fide family members. Application does not require submission of a development plan, only submission of the final plat for approval. No application forms are required; however, § 300-41, Fees, shall apply. The applicant, however, must satisfy the Subdivision Administrator that such division is in fact a "family subdivision" by submitting a statement in a form substantially similar to that provided in Appendix 10. Each family member may be deeded only one (1) lot of record per family subdivision. The deed for each lot in a family subdivision must contain an express statement that the conveyance is a conveyance of a lot within a family subdivision and must contain an express grant of a right-of-way to a public road. "
- ✓ 4. § 153..047 Procedure for Review of Family Subdivisions, Section B is amended to read:
 "If the family subdivision complies with the standards set forth in this section, the Subdivision Administrator shall provide approval in writing on the face of the final plat and shall retain a copy for Town records. Once the plat has been

approved, the final plat may be recorded and a copy of the recorded plat shall be returned to the Town of Mills River for the record."

- ✓ 5. § 153..047 Procedure for Review of Family Subdivisions, Section C is amended to become Section D.
- ✓ 6. § 153..047 Procedure for Review of Family Subdivisions is amended to include the following new language for Section C: "Within a family subdivision, there must be a minimum of 30 feet right of way to each lot on the face of the plat and reflected on each deed."
- ✓ 7. § 153.068 Minimum Design and Construction Standards, Water Supply and Sewer System Required, Section C is amended to become Section D.
- ✓ 8. § 153.068 Minimum Design and Construction Standards, Water Supply and Sewer System Required, Section B and C are amended to read as follows:

"B. If the subdivision in question is to have a sewer system other than one connected to a municipal system, and other than described in ~~Subsection A~~ ^{Subsection} above, the following required:

- (1) The applicant must provide a statement of responsibility for any sewer lines extending beyond the subdivision tract to the point(s) of connection.
- (2) The applicant must provide drawings of sewer lines extending beyond the subdivision tract to the point(s) of connection. These drawings should also show all locations with sufficient area for repair, if needed;
- (3) Sealed approval of the local Health Department or agency currently in authority; and,
- (4) Engineered plans, including drawings of sewage lift stations, as to the system.
- (5) If the private sewer line is to run along a public road with no recorded easement, a third party agreement with the agency currently in authority of said road, the Town of Mills River, and the subdivision must be reached.

C. Public water supply and sewer system connection requirement.

- (1) A subdivision shall be required to connect to a public water supply system when the subdivision is located within a distance from the existing water system equal to the product of 100 feet multiplied by the number of lots proposed for the subdivision. However, if the subdivision is located more than 5,000 feet from an existing water line, such connection is not a requirement.
- (2) A subdivision shall be required to connect to a public sewer system when the subdivision is located within a distance equal to the product of 50 feet multiplied by the number of proposed lots; however, the maximum distance required for connection shall be 2,500 feet.
- (3) Exceptions to this provision may be allowed on the basis of terrain, availability of acquiring easements, denial of allocation by the public utility, insufficient capacity of the public system or other circumstances which are

unusual or unique to this site. Requests for exceptions must be made, in writing, to the Subdivision Administrator who may require that such requests be supported by a professional engineer's review of the subdivision plans and planned route of the utility extension. If the Subdivision Administrator determines that it would not be economically feasible for a subdivision to be connected to a public water or sewer system, another system may be used, subject to approval by the appropriate agencies."

- ✓ 9. § 153.069 Roads in General, Section B is amended to read:

"B. Private roads. All roads not intended for public use shall be designated "private" on plats and plans and shall be designed and constructed in accordance with the standards of this Ordinance. (See also Table 1 in this section.) Where private roads are proposed as extensions of existing public roads, the developer must clearly justify why existing public roads should not be extended for public use. Roads within family subdivisions are expressly exempt from the provisions of this section and are required only to meet the minimum standards as set forth in § 153.047 of this Ordinance. Where private road designs are used for approvals of a subdivision, a note shall be placed on the final plat stating: The private roads indicated on this final plat need not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system."

Except as specifically amended herein, the Zoning Ordinance of the Town of Mills River shall remain valid and in full force and effect.

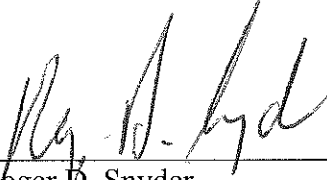
ARTICLE III SEVERABILITY

Each section and subsection of said ordinance as adopted herein constitutes a separate and distinct provision. Whenever possible, each provision of such Ordinance shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision so such Ordinance shall finally be determined by competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from such Ordinance but every other provision of the Ordinance shall remain in full force and effect.

ARTICLE NO. IV EFFECTIVE DATE

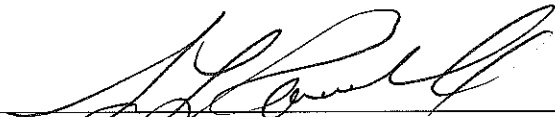
This Ordinance and the Amendment to the Zoning Ordinance of the Town of Mills River, North Carolina shall take effect and be effective at 12:01AM on August 24, 2007, and shall be in full force and effect at all times thereafter until duly amended.

ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina, this the 23rd day of August, 2007.



Roger D. Snyder
Mayor

ATTEST BY:



Susan L. Powell, Town Clerk

Approved as to Form:



Sharon B. Alexander, Town Attorney