

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

**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 19. Town Council does hereby ordain and enact into law the following amendments to the Zoning Ordinance for 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, and amended effective October 1, 2013, is further amended to add the following revisions to the following articles, sections and subsections:

• **154.177 – DECISIONS OF ZONING BOARD OF ADJUSTMENT**

A. Remove existing language:

“The concurring vote of 4/5 of the members of the Zoning Board of Adjustment shall be necessary to approve a variance. All other reversal of any order, quasi-judicial matter, requirement or decision of determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation of this chapter. On all appeals, applications and other matters brought before the Board of Adjustment, the Board shall inform in writing all parties involved of its decisions and the reasons thereof. The Zoning Board of Adjustment is authorized to interpret the Zoning Map of the Town of Mills River and pass upon disputed questions of lot lines or district boundary lines and other similar questions as they arise in the administration of this chapter.”

B. Insert the following:

“The concurring vote of 4/5 of the members of the Zoning Board of Adjustment shall be necessary to approve a variance. The concurring vote of a majority of the members shall be required to decide any other quasi-judicial matter, to determine an appeal to the Zoning Board of Adjustment in the nature of certiorari or any other matter upon which the Zoning Board of Adjustment is required to act. For purposes of this Ordinance, vacant positions on the Zoning Board of Adjustment and members who are disqualified from voting on quasi-judicial matters shall not be considered members of the Zoning Board of Adjustment for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. On all appeals, applications and other matters brought before the Board of Adjustment, the Board shall inform in writing all parties involved of its decisions and the reasons thereof. The Zoning Board of Adjustment is authorized to interpret the Zoning Map of the Town of Mills River and pass upon disputed questions of lot lines or district boundary lines and other similar questions as they arise in the administration of this chapter.”

- **154.180 – POWERS AND DUTIES OF MILLS RIVER TOWN COUNCIL**

- **154.180 . Insert following language:**

- (D) Voting for Special Uses. The consideration of a special use permit is a quasi-judicial matter. The granting of a special use permit shall require the concurring vote of a majority of the Mills River Town Council. For purposes of this section, vacant positions on the Mills River Town Council and members who are disqualified from voting on quasi-judicial matters shall not be considered members of the Mills River Town Council for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

- **154.180 – POWERS AND DUTIES OF MILLS RIVER TOWN COUNCIL**

- **A. 154.179 (A) (1) - (DELETE REFERENCE)**

- (A) Special uses; conditions governing application. The Mills River Town Council shall have the power to 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.

- (1) The Mills River Town Council shall not grant a special use permit unless and until:

- (a) A written application for a special use permit is submitted, indicating the section of this chapter under which the special use permit is sought.

- (b) A public hearing is held. Notice of the public hearing shall be given per § 154.182.

- **B. 154.180 (A) (1) - (CORRECT REFERENCE)**

- (A) Special uses; conditions governing application. The Mills River Town Council shall have the power to 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.

- (1) The Mills River Town Council shall not grant a special use permit unless and until:

- (a) A written application for a special use permit is submitted, indicating the section of this chapter under which the special use permit is sought.

- (b) A public hearing is held. Notice of the public hearing shall be given per § 154.182.

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

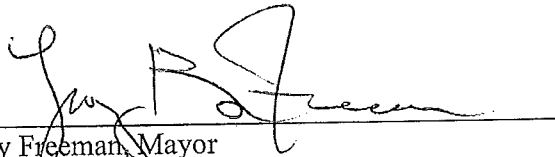
Each section and subsection of said ordinance as adopted herein constitutes a separate and distinct provision. Whenever possible, each provision of such Ordinance shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision so such Ordinance shall 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**

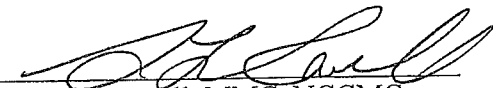
This Ordinance and the Amendment to the Zoning Ordinance of the Town of Mills River, North Carolina shall take effect and be effective at 12:01AM on December 12, 2014, and shall be in full force and effect at all times thereafter until duly amended.

ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina, this the 11th day of December, 2014.

ATTEST By:



Larry Freeman, Mayor



Susan L. Powell, MMC, NCCMC
Town Clerk

