

**AN ORDINANCE AMENDING TITLE XV LAND USE  
OF THE MILLS RIVER CODE OF ORDINANCES, CHAPTER 153 (SUBDIVISIONS) AND CHAPTER 154  
(ZONING) IN ACCORDANCE WITH TXT-22-01**

**ARTICLE I  
AUTHORITY**

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160D of the North Carolina General Statutes. Town Council does hereby ordain and enact into law the following amendments to the Code of Ordinances for the Town of Mills River.

**ARTICLE II  
AMENDMENT TO LAND USE**

The Administration Section of the Code of Ordinances of the Town of Mills River as enacted effective February 26, 2004, and with various amendments, is further amended as to the following articles, chapters, sections and subsections:

**§153.009 & §154.116, Traffic Impact Analysis (TIA) Required**

Text Amendment TXT-22-01 modifies §153.009 of the Mills River Subdivision Code and §154.116 of the Mills River Zoning Code to require a Traffic Impact Analysis (TIA) for any development with projected vehicle trip counts of 750 or more per day or 75 or more per peak hour. See Exhibit A for further details.

A public meeting was held by the Town of Mills River Planning Board on August 2, 2022 to consider this text amendment, and the Planning Board unanimously found TXT-22-01 consistent with the goals of the Making Mills River 2040 Comprehensive Plan and recommended for its approval.

The Mills River Town Council held a duly advertised a public hearing on September 8, 2022 to consider this text amendment, and gave the public an opportunity to be heard. Town Council concurs with the Planning Board's consistency findings and approved a statement of consistency and briefly explained why Town Council considers the action taken to be reasonable and in the public interest.

Except as specifically amended herein, Chapter 153 and Chapter 154 of the Town of Mills River Code of Ordinances 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 Code of Ordinances of the Town of Mills River, North Carolina shall take effect and be effective at 12:01 AM on September 9, 2022, 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 8th day of September 2022.



Shanon Gonce  
Mayor

ATTEST By:



Susan L. Powell, MMC, NCCMC  
Finance Director/Town Clerk



# TITLE XV: LAND USAGE

## CHAPTER 153: SUBDIVISIONS

### General Provisions

153.001	Title
153.002	Purpose
153.003	(Reserved)
153.004	Authority
153.005	Jurisdiction
153.006	General approval for subdivisions plats
153.007	Compliance required
153.008	Compliance with other provisions
153.009	Traffic impact analysis (TIA) required

### GENERAL PROVISIONS

#### § 153.009 TRAFFIC IMPACT ANALYSIS (TIA) REQUIRED.

~~Residential d~~Developments that are defined as a major subdivision (residential, commercial, or industrial), which upon completion will generate seventy-five (75) or more peak hour vehicle trips (A.M. or P.M.) or 750 or more daily vehicle trips must provide a traffic impact analysis (TIA) prepared by a licensed North Carolina engineer. The analysis must be submitted with an application for a major subdivision. The report shall document the traffic operational impacts and any recommended improvements on the key roadway segments and intersections that have been identified as primary accesses to the proposed development from major roads within the Town in accordance with the provisions of Town Zoning Code §154.116.

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# TITLE XV: LAND USAGE

## CHAPTER 154: ZONING

### General Provisions

154.001	Title
154.002	Statutory authority
154.003	Purpose
154.004	Jurisdiction
154.005	Farm exemption
154.006	Watershed buffer requirements
154.007	Word usage and definitions

### Establishment of Districts

154.025	Use districts
154.026	Districts boundaries
154.027	Zoning map
154.028	Interpretation of district boundaries

### Use Districts

154.045	Use requirements
154.046	Corridor overlay district
154.047	MR-30 residential district
154.048	(Reserved)
154.049	(Reserved)
154.050	(Reserved)
154.051	(Reserved)
154.052	(Reserved)
154.053	(Reserved)
154.054	(Reserved)
154.055	MR-light industrial district

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154.056	(Reserved)
154.057	MR-general business district
154.058	MR-neighborhood commercial (Amended)
154.059	(Reserved)
154.060	(Reserved)
154.061	(Reserved)
154.062	(Reserved)
154.063	(Reserved)
154.064	(Reserved)
154.065	(Reserved)
154.066	MR-mixed use district

**Special Provisions**

154.080	Single-family residential cluster development
154.081	Planned residential development
154.082	Multi-family development
154.083	(Reserved)
154.084	Medical, institutional care development
154.085	Structured environment homes
154.086	Site standards for certain uses in MR-MU district: tiny home parks, park model parks, and recreational vehicle parks
154.087	Site standards for certain uses in MR-MU district and other districts as specifically required
154.088	Application requirements for certain uses in MR-MU district and other districts as specifically required
154.089	Solar energy generation facility site standards

**Communication Towers**

154.090	Statutory authority; purpose
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154.091	Jurisdiction
154.092	Tower groups
154.093	Tower standards by group
154.094	Application and process
154.095	Discontinued use
154.096	Continued compliance required
154.097	Variances
154.098	Revocation of permit
154.099	Appeals
154.100	Permit fees and expenses
154.101	Penalty

**General Regulations**

154.105	Nonconforming uses
154.106	Off-street parking
154.107	Off-street loading and unloading space
154.108	Required yards and other spaces
154.109	One principal building on a lot
154.110	Conformity with regulations required
154.111	Relationship of building to lot
154.112	Accessory structures and buildings
154.113	Vehicle graveyard or mobile/manufactured home graveyard as accessory uses
154.114	Recreational vehicles
154.115	Commercial waste container screening requirements
154.116	Traffic impact analysis (TIA) <del>required</del>

## GENERAL REGULATIONS

### § 154.116 TRAFFIC IMPACT ANALYSIS (TIA) ~~REQUIRED~~.

(A) Purpose. The purpose of this section is to ensure that applicants for new construction, special use permits, major subdivisions, additions and/or expansions to existing structures, and/or changes of use consider and mitigate the impact of the development on the existing and/or proposed roadway system. A traffic impact analysis (TIA) will ensure that the transportation network has adequate capacity to handle projected transportation demand associated with the development project, identify problems with the transportation system, delineate solutions to identified problems, and identify improvements to be incorporated into the proposed development.

(B) Traffic impact analysis required. All proposals and applications for new construction, redevelopment, special use permit, additions and/or expansions to existing structures or sites, major subdivisions, changes of use, and/or any other proposed development which will result in peak hour vehicle trips equal to or greater than 75 peak hour trips or which will result in daily vehicle trips equal to or greater than 750 daily trips using trip generation rates from the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers shall include an analysis of the traffic to be generated with a TIA. The traffic impact analysis (TIA) shall be submitted to Town staff with the development application or subdivision application. In addition to the foregoing, the Town Zoning Administrator shall have the discretion to require a TIA when a development's expected traffic will substantially affect an intersection or roadway segment already identified as operating at a failing level of service, when a development may create a hazard to public safety, or when a development will substantially change the off-site transportation system or connections to it. Notwithstanding the above a TIA shall not be required if the property to be developed has been the subject of a TIA within the previous three (3) years and the projected trip generation of the newly proposed development is equal to or less than the previous TIA performed and the trip distribution has not significantly changed.

(C) Traffic impact analysis submission guidelines.

(1) Any TIA, whether required or voluntary, must be prepared by a licensed North Carolina engineer and submitted as part of a development and/or subdivision application. Prior to conducting the TIA, the developer and/or engineer that will be conducting the TIA must meet with Town staff and the North Carolina Department of Transportation (NCDOT) to identify certain assumptions and scope that shall be addressed in the TIA, including but not limited to establishing the study area, the trip distribution, the traffic counts to be utilized, approved developments in the area, additional hours of analysis (other than AM or PM peak), and resolve any other questions specific to the site.

(2) An executive summary shall be provided in the TIA outlining the following: a) detailed description of the proposed development; b) number of access points proposed and studied; c) existing and future Level of Service (LOS) for studied intersections and



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41 road segments including the LOS at the time of build-out.; d) existing traffic counts for  
42 road(s) and intersection(s) studied and dates/times counts were conducted; e) AM and  
43 PM peak hour vehicle trips for pre-development and post-development conditions; f)  
44 average daily vehicle trips for pre-development and post-development conditions; g)  
45 existing traffic accident counts; h) any recommended improvements.

46 (3) The TIA shall address the following: a) proposed land use; b) site access and site  
47 distances at all proposed access points; c) impacts on the transportation system from  
48 the proposed development; d) physical improvements or enforceable management  
49 strategies to mitigate negative impacts.

50 (4) The TIA shall take into consideration proposed and planned NCDOT roadway  
51 improvement projects and Town roadway and pedestrian / bicycle transportation  
52 projects.

53 (5) The TIA shall identify the improvements necessary to maintain level of service (LOS)  
54 D for roads and intersections as defined in the Highway Capacity Manual.

55 (6) The TIA shall conduct a pedestrian and bicycle analysis. Continuity and adequacy of  
56 pedestrian and bicycle facilities shall be provided to the nearest attraction (existing or  
57 planned) within one-fourth (1/4) mile of the boundary of the development site.  
58 Destinations of significance include public transportation stops, schools, parks, activity  
59 centers, major bicycle facilities and corridors, and high-density population centers.

60 (7) When calculating vehicle counts for commercial and industrial developments where  
61 the projected traffic primarily consists of trucks, tractor trailers, and other large  
62 commercial vehicles, the following formula shall be used to equate truck trips to regular  
63 passenger vehicle trips. A passenger car equivalent (PCE) shall be provided in addition to  
64 truck traffic counts. Truck trips shall be converted to passenger vehicle trips using a 2.0  
65 PCE factor for two-axle trucks, 2.5 PCE factor for 3-axle trucks, and 3.0 PCE factor for 4-  
66 axle trucks and larger trucks. The PCE shall be used to determine if a TIA is required for  
67 developments primarily expected to generate truck traffic.

68 (8) The Town may require special / specific analysis in the TIA relative to the proposed  
69 development.

70 (D) Improvements required. In those cases where the Town or the North Carolina Department of  
71 Transportation (NCDOT) requires improvements to be constructed in order to accommodate  
72 additional traffic generated by the proposed development, the improvements shall be funded  
73 and/or constructed by the developer in accordance with the standards and direction provided  
74 by the Town or the NCDOT. The improvements shall be complete and in place prior to issuance  
75 of any certificate of occupancy or certificate of completion/compliance required for any phase  
76 or portion of the project. The Town may require additional mitigation, onsite improvements,  
77 and/or offsite improvements provided the improvements are acceptable by NCDOT. However, a  
78 TIA shall not be utilized as a means for the Town to require the developer to make needed  
79 transportation improvements remote from and not affected by the property for which the TIA is  
80 submitted.

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- 81 (1) Left turn lane, right turn lane, acceleration / deceleration lanes, and/or right turn  
82 taper. Improvements may be required based on requirements of the NCDOT Policy on  
83 Street and Driveway Access to North Carolina Highways or other NCDOT standards.
- 84 (2) Additional right-of-way. If a proposed development falls along a road projected to be  
85 widened or improved by NCDOT or an adopted Town plan, additional right-of-way along  
86 the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
- 87 (3) Offsite improvements. If a road segment or intersection is currently performing at  
88 LOS D or better and is projected to perform at LOS E or F at the time of build-out of the  
89 proposed development, improvements must be made to maintain the road segment or  
90 intersection at LOS D. If a road segment or intersection is currently performing at LOS E  
91 or F and is projected to continue to perform at the same LOS (E or F) at the time of  
92 build-out of the proposed development, the TIA shall demonstrate how an LOS D could  
93 be achieved and also specify what improvements must be made to ensure that the road  
94 segment or intersection LOS is not degraded any further than the current levels. The  
95 Town may require improvements be made to preserve the existing LOS.
- 96 (4) Other necessary improvements. Additional improvements may be required based on  
97 the TIA recommendations related to topographic / environmental conditions, sight  
98 distance, street offsets, conflicting movements, existing traffic accident counts,  
99 circulation, and other potential traffic issues resulting from the proposed development.  
100 Additionally, the Town may require additional improvements deemed necessary to  
101 ensure the safety and welfare of the Town's citizens and transportation network users.

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104 ~~Residential developments that are defined as a major subdivision must provide a traffic impact~~  
105 ~~analysis (TIA) prepared by a licensed North Carolina civil engineer.. The analysis must be~~  
106 ~~submitted with an application for a special use permit. The report shall document the traffic~~  
107 ~~operational impacts and any recommended improvements on the key roadway segments and~~  
108 ~~intersections that have been identified as primary accesses to the proposed development.~~