

Town of Maggie Valley
Planning Board Nuisances Ordinance Workshop
July 9th, 2015
Minutes

Members Present: Chairman Billy Case, Connie Dennis, James Heffron, Kivanc Senocak

Not Present: Duane Vanhook

Staff Present: Andrew Bowen, Town Planner and Shelly Coker, Administrative Assistant

Others Present: James & Diane Waddill, Gerald & Lynne Hemness, Bill & Janet Banks, Jasay Ketchum

Opening

Chairman Case called the workshop to order at 5:35pm on Thursday, July 9th, 2015 in the Town Hall Boardroom. The Pledge of Allegiance was said. There was a call for Public Comments – there were none.

- Planner Bowen began by speaking of the Weeds and Organic Rubbish portion of the Nuisances Ordinance, located on page 15 of the handout. He would like to have the Board consider not having to write a letter each time the weeds grow. Mr Case asked why not call? Mr Bowen mentioned the lack of a phone number log. Mr Case asked about the mowing of the rights of way? Mr Bowen explained about mowing on the DOT right of way. DOT is mowing less often due to a smaller budget. Property owners maintain their own portion of town rights of way. There was discussion of two letters to be sent, then go ahead and mow afterwards. No letter would be sent if the field has historically been a hay field. Ms Dennis asked if snakes were ever a factor? Yes they are along with other possibilities. Mr Senocak asked about the timing of the letters? Mr Bowen responded usually spring and fall. The letters would stress that the whole lot must be maintained. Mr Bowen mentioned that most issues are on a complaint basis. Mr Case mentioned that some subdivisions allow lots to be planted in wildflowers.
- Solid Waste is currently regulating trash, plus will need to take on esthetics for the future. Under Investigation of Nuisance, the Town is currently unable to declare a lot a nuisance since the Town no longer has a Building Inspector. Stacked tires or a leaking oil barrel may be targeted by Mr Bowen, other issues, not so. The suggestion was made to re-word sub-section 91.037. Perhaps write a new sub-section with Town authority? Environmental issues are always handled by Haywood County Health Department. Esthetic issues are more a concern for us for the future. Mr Case pointed out incomplete work left for too long. Mr Bowen said that soil and erosion control are solely in the hands of the County. Mr Senocak had done research on esthetics – unsightly to some, controversial also as junk vehicles might be interpreted as antiques. Also, public versus private nuisances – determinations will be challenged. Mr Bowen spoke of junk vehicle letters and the use of old vehicles as decoration to enhance a business. It is difficult to make the distinction.

Mr Bowen spoke of the quantity of vehicles a business may need for operation. Also, license plates are not on decorative vehicles or junk vehicles. Mr Case spoke of using cost-prohibitive screening. Mr Heffron mentioned having so many years to have fencing or something around the property. Mr Senocak mentioned that junk yards are unsightly. Zoning use of an area and maintenance were discussed. Mr Bowen would like a better definition of Solid Waste. The Town has done well with the Community Clean-Up. Mr Heffron mentioned a time frame for change to occur. Mr Bowen will work on this. Mr Heffron stated that examples, pictures and visuals might be included within the Ordinance for clarity. The Ordinance may be changed according to what the Aldermen would like. Ms Dennis spoke of a flyer or booklet to demonstrate good practices. The clause on page 27 needs attention: "an abandoned vehicle" must meet that criteria then the junk criteria. The "partially dismantled or wrecked" description is somewhat ambiguous. There was also discussion of what is a vehicle? Also should the on-going restoration be visible?

- R-3 Zoning – what is it? A recent Planning Board recommendation was based on density, flat ground, parcel not in the floodway, good access, etc. R-3 discussion brought up the fact that future development could have been a mobile home park by the current description. Mr Bowen mentioned that the attorney's recommendation was to split R-3. Mr Bowen asked how density should be handled in the future? What can be allowed in R-3? Mobile home parks may not be able to be excluded by law. Mr Case had a question about the density of some existing park model neighborhoods? Mr Bowen explained that those are on one parcel. Mr Senocak spoke of pulling the housing down off the mountain for walking and population concentration and to help the Downtown happen. There was discussion of high density and how four story buildings would be allowed. The Mayor and aldermen have charged the Committee to look at R-3. Were they specifically wanting more flexibility or more restriction? A new Ordinance may be needed to cover outdoor sales of rocks, firewood, sculptures, carvings and other garden supplies. More and more of these types of businesses are occurring. Currently it is a Special Exception then on to the Aldermen. The determination of legitimate business will need to be made. Explicit descriptions of what is allowed need to be written. Ms Dennis and Mr Heffron spoke of specifics. What about noise? Would processing be on site or away? Mr Bowen mentioned acreage, how large a lot should be, no storage allowed, etc. Mr Case asked who controls firewood specifications to keep wood from transferring insects? Without the USDA stamp, wood is not allowed in the National Park. Mr Senocak spoke of three specific areas in a sample Ordinance – display, building and storage. Design standards should be required also, whether new or existing building. Every building in Maggie Valley must have a restroom. Zoning permits may or may not be required. There was discussion of Municipal Licenses no longer being required. A sign change would sometimes be the only way to know now that a new business has moved in to the valley. Mr Case questioned the upcoming process concerning Ordinance amendment and Ordinance creation.

There was discussion about next month's meeting. There may be a trip through the valley planned to look at some of the parcels in question. Mr Bowen will provide a Draft of Ordinances for members to study. He will email working documents to all members. Andrew thanked everyone for attending. Mr Case adjourned the meeting at 6:55pm.

Chairman Billy Case

Shelly J Coker,
Administrative Assistant