

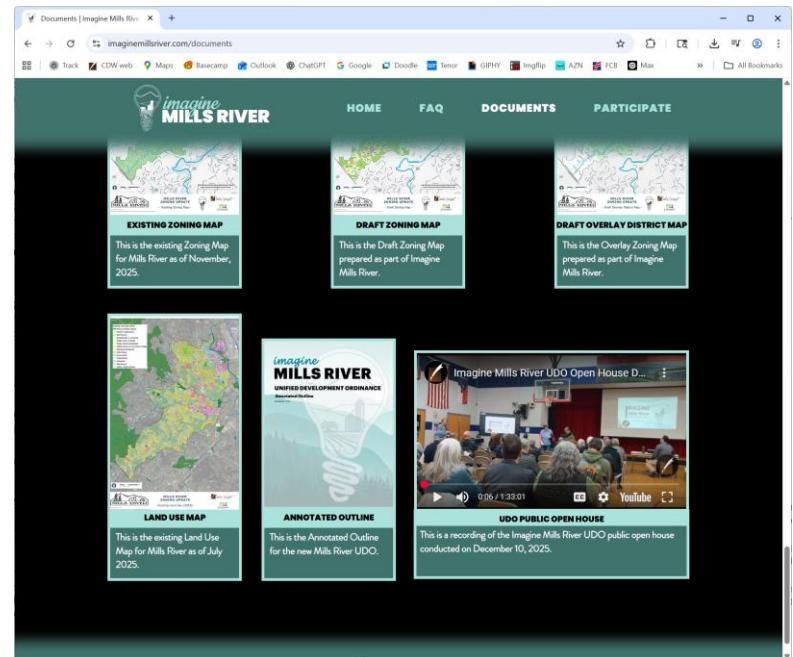


IMAGINE Mills River – new Unified Development Ordinance

December 10, 2025 Open House - Questions and Answers

12.30.25

The following are 48 questions posed by attendees of the Imagine Mills River UDO Project Open House meeting conducted at the Mills River Elementary school on December 10, 2025. Participants were asked to write any questions down they would like answered during the question and answer portion of the open house. The following are paraphrased answers provided by Town staff and the consulting team during the meeting.



A video of the open house is available for review under the Task 3 tab of the "Documents" window at

<https://www.imagine Mills River.com/documents>

(suggest using the closed captioning button on the video if it is difficult to hear).

These answers may differ slightly from the exact phrasing used during the meeting, but the intent the same, and the Town is committed to ensuring that anyone interested in the project receive answers to their questions. The project website has two places to pose additional questions to Town staff and the consulting team if you have further questions.

The questions and answers follow. Questions are shown in **bold red type** and are not provided in any particular order. Answers to the questions are beneath them in blue underlined type.

- **What exactly does “promoting sustainable development and property values” mean? This is one of the goals of the UDO?**

So-called “sustainable development” is new development that has a smaller or lighter ecological footprint or impact on the surrounding environment. It creates less stormwater or carbon than forms of development that are not considered “sustainable.” Sustainable development wastes less energy, is less susceptible to flooding, is more walkable and is less auto-dependent. Most landowners want to ultimately sell their property for more than they paid for it, thus many want the development regulations to enhance or support higher resale values. One of the ways that development regulations do that is by adding rules that require higher development quality for new forms of development.



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- **Why would the Town want to spot zone and not just out the same restrictions on all parcels?**

The Town does not want to create spot zones, but it is also necessary to recognize existing lawful development and make an effort not to re-zone property to a different zoning district designation that does not allow the kinds of existing development already established. That said, it is a balancing act to follow the guidance in the Comprehensive Plan, recognize existing land uses, and follow good planning practices. The Town currently has different zoning districts instead of applying the same restrictions on all lands, and approach will be carried forward in the new UDO.

- **How were Conservation areas determined? Why so few in the draft?**

Currently, the only lots shown in the new Conservation ("CON") zoning district are those owned by the Town. The Town does anticipate adding areas subject to existing conservation easements and similar deed restrictions to the Conservation district as those areas are identified. The district is also available for any landowner to request.

- **Why was Mills River granted this opportunity (out of 700)?**

The Town staff actively advocated for the ability to exempt the Town from Session Law 2024-57 (the "downzoning" bill) because this bill prevents the Town from applying some much-needed reductions in development potential to the MR-MU district – specifically, the ability to reduce the range of by-right uses and the ability to add some more effective dimensional standards in pursuit of rural character protection. The local State representatives and senators recognized the limitations the downzoning bill placed on Mills River in its pursuit of maintaining its rural character, and granted them a short exemption period to prepare the new UDO. After June 30, 2026, the Town (and the new UDO) will again be subject to the downzoning bill.

- **Would it be prudent for Mills River to pause all current or new applications while this process unfolds?**

Most local governments do not pause applications during these processes (with the exception of resident sponsored text amendments that contradict pending UDO text provisions). The transition provisions clarify that complete applications may follow the provisions in place at the time they were declared complete. Incomplete applications must follow the new rules. It is common for local governments to pause new zoning map amendments within a couple months of the public hearing to adopt the new Zoning Map so that there are not multiple applications to zone an individual piece of property.

- **What is the status of the cell tower atop Forge Mountain? Residents of Upper Mills River Valley need coverage. When will it be activated?**

That is a question better answered by Town staff. Suggest reaching out to the Town at (828) 890-2901 for an answer to that question.



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- I like the proposed draft zoning map zoning designations. Thank you for getting rid of the MR/MU and changing it to AGR and RUR. Better to start out with stricter zoning now. **We became a town to protect our rural character.**

Understood: thanks for the comment.

- In the Mixed-use zoning map, **WHAT** businesses or buildings or any constructed edifices including homes are already on the map?

Interested parties can check the existing land uses map on the project webpage (www.imagine Mills River.com) under the Task 03 portion of the Documents tab. This map shows the lots with existing development based on the Henderson County Tax Appraiser's data. Lots that do not have current built uses are shown as vacant/agriculture.

- **WHY?** (is the Town doing this project)

The Town adopted a new Comprehensive Plan (Making Mills River) in 2021 and the Go Mills River Pedestrian and Bicycle Plan in 2023. The new UDO is the primary way for the Town to implement the policy guidance and direction in these documents. In addition, there was a recent change in State law that prevents local governments from changing their zoning rules without prior landowner consent, and 75% of the Town is already zoned MR-MU which allows by-right 30,000 square-foot lots, a wide range of use types, with few-to-no dimensional requirements. This MR-MU district allows denser development in Mills River than is called for in the Comprehensive Plan. The changes in State law mean that the Town has a very short window of time to propose and adopt an alternative to the MR-MU district, and the UDO seeks to propose that alternative (in addition to other changes).

- IN order to this info out to ALL property owners/residents, why aren't postcards being mailed out so that everyone is aware and has a voice. Not everyone uses or has access to electronic communication.

The Town has agreed to prepare and mail postcards to all 4,800 listed landowners in the Town's jurisdiction. The postcard mailing should take place during the first two weeks of January, 2026.

- Why was there not more mailings to the residents? So many have no idea we are here. Yard signs! Post cards, etc. Awareness! Where was the investment for public knowledge? We have over 75000 residents, where are they? Not Here! Because they are clueless! Unacceptable!

See the response listed under "IN order to..." (bullet # 9 above)

- Why?

See the response listed under "WHY?" (bullet #8 above)



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- Does the results of the Mills River decision on zoning have to be approved by the NC General Assembly before it can be installed. Can it be changed by the General Assembly and changed through amendments? After approval can it be changed later by the NC General Assembly?

No, the UDO does not have to be approved by the General Assembly before it is adopted and applied by the Town. Yes, the UDO can be changed either by a vote of the Mills River Town Council (after a public hearing) or by a vote of the General Assembly (provided the outcome is not vetoed by the Governor). The General Assembly is a "supreme sovereign" and as such can strike down, add to, or amend local planning regulations (like the new UDO) at its own discretion.

- How will the timing for the new UDO work for those development applications or proposals that are already in progress?

All development approvals and applications that have been submitted and declared complete prior to the effective date of the new UDO will be allowed to continue with their development as initially proposed. Applicants may also withdraw their current applications and opt to follow the new regulations at their own discretion.

- Will Mills River disallow a data center for AI? It requires enormous amounts of water.

We are happy to include new rules for data centers modeled on others being prepared for other North Carolina communities if that is the Town's desire.

- Will you protect our night skies?

The Town already has an exterior lighting ordinance intended to limit light trespass and glare. The community needs to speak with Town staff and the Town Council about going further and including additional provisions for "dark skies" at night. These often include full shielding standards for exterior lighting that direct all light downwards, requirements for non-residential uses to turn exterior lights off (or use motion detectors) after business hours (including signage), and more restrictive limitations on the amount of light that may be generated on a site.

- Will you stop mass grading?

The UDO will include provisions that define and attempt to limit (or at least disincentivize) mass grading.

- Will you protect our mountain ridges from being developed?

The new UDO is anticipated to include new hilltop and ridgeline compatibility protection standards. These standards are likely to require larger lots in these areas, and include provisions designed to make new development less visible from lower elevations. These are draft standards that are open for discussion with the community.



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- **Will you keep our floodplains from being filled in?**

The Town has already adopted standards that prevents fill in the floodplain. Those standards will be carried forward without substantive change in the new UDO.

- **Can a landowner request their land be MXR?**

Yes. A landowner can request their land be designated as Mixed Residential (MXR) either before or after the new UDO is adopted. The zoning of land on the new Official Zoning Map is based on the current zoning, the Future Land Use Map, the existing uses on the ground, and surrounding conditions. All landowners can request the Town consider an alternative zoning district designation, and there will likely be an opportunity to request the Town consider further amendments with no fee to landowners for a short time after UDO adoption. The ultimate decision is in the hands of the Town Council, and a landowner will have to provide evidence as to why a particular zoning district is or is not correct for their property.

- **What is the position of the City Council members that will vote and put this proposal through?**

That will be better understood as the project moves along. The Town decided to update the UDO but how individual Town Council members feel and their official position is for them to clarify. We know they have been working hard to become aware of the new UDO and think about its impacts on Mills River.

- **Why did we ask for a legislative exemption for our Town to adopt a UDO instead of just taking our time doing it right and get approved after state lifts moratorium and allows it again?**

Session Law 2024-57, the “Downzoning” bill is not a moratorium. It is new legislation that limits the legislative discretion of all local governments to adopt text amendments that lower densities, reduce the range of allowable uses, or establish nonconformities on developed lots in non-residential districts without getting consent from all affected landowners beforehand. This law is permanent, it is not temporary (like a moratorium is). The Town asked for an exemption to allow it to address the unnecessary and somewhat unlimited development potential currently granted by the MR-MU district. Many in the community seek to maintain rural character, but the MR-MU district allows a wide range of use types on small lots by-right – a development template that is not rural. Without the exemption, the Town would have to collect written consent from all landowners in the current MR-MU district before it could propose a text amendment to limit the development potential in this district. The likelihood of getting 100% consent is almost zero – that is what the exemption was sought.

- **Will the existing business that are grandfathered in be conforming or non-conforming?**

Lawfully-established existing businesses will remain or become conforming under the new UDO. They will be allowed to remain and will be allowed to be altered in accordance with the standards in the new UDO. The only way a business will become nonconforming after the UDO is adopted is for its owner to request it be made nonconforming.



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- **Will those whose property becomes rezoned on 280 be compensated for loss of value?**

Generally speaking, legislative actions (like the adoption of a new UDO by a Town Council) are not always subject to compensation. This is so because assumedly, the UDO is the implementation of the adopted policy guidance, which is generally considered to be the will of the majority of landowners and residents in a community. Acting in accordance with the public interest typically (but not always) does not require compensation. There is also the question of the degree of loss of value – in most cases, compensation is only warranted when a regulation (like a new UDO) takes all or substantially all property value. As long as there is a reasonable return on investment (in the opinion of the courts) compensation is typically not required.

- **Will when the draft language be available?**

Draft language will be posted once Steering committee review is complete. In the meantime, the Annotated Outline document on the project webpage provides a great deal of information on the UDO's organization and content (including districts, uses, and related information).

- **Why are we doing this now?**

See the response listed under "WHY?" (bullet #8 above)

- **How will this affect my current property?**

Current lots and land uses that are lawfully established and not in violation of the current UDO at the time of adoption of the new UDO will be able to continue as they are without reaching full compliance with the new UDO unless there is a landowner-generated change in the use type or some form of alteration to the current development on the lot.

- **Will current uses be (grandfathered)?**

Yes, current uses will be able to continue unaffected after the new UDO is adopted. In cases where a landowner wishes to make a change to a current use, it will need to come into compliance with the rules in the new UDO, though there are numerous flexibility mechanisms embedded in the document to allow maximum flexibility while continuing to protect rural character and the environment.

- **Could you explain all the zoning districts so all understand their differences?**

Hopefully, that information is discernable from the Code Diagnosis, Annotated Outline, draft UDO, and numerous videos, presentations, and other material on www.imagine-mills-river.com. There are always options for interested parties to request office hours visits if they still have questions.

- **Can a property owner request their parcel to remain mixed use?**

No. The MR-MU zoning district is being abolished as part of the Imagine Mills River project. There are other mixed use districts (like the Mixed Residential district) available, conditional rezoning options, and the Town may ultimately decide to include other mixed-use district options, but the wide range of use types and lack of dimensional standards in the MR-MU district make it unlikely the district will be recommended for carry forward in the new UDO.



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- **How can rural character be protected?**

By requiring new development to not be visible from external roadways or adjacent developments;

- Sending new development to the areas that already have infrastructure;
- Requiring more open space from new development;
- Requiring new development to retain/protect existing trees;
- Apply design standards to non-residential development;
- And a variety of other techniques in the draft UDO.

- **Why has the Town not sent postcards to all residents or put up signs like the taxes due signs?**

See the response listed under "IN order to..." (bullet # 9 above)

- **Can we have a Town vote?**

No, the Town Council members are the only ones who vote on new ordinances, like the UDO. Town residents vote on Town Council members, who in turn vote on ordinances.

- **What percentage of Mills River town residents asked for rezoning? How was this input collected?**

At the time of the open house meeting (December 10, 2025) no-one has yet asked for a rezoning. The proposed changes to the zoning map are a part of implementing the Comprehensive Plan, including addressing concerns about the potential over-development allowed under the current MR-MU district as well as a follow-up to the Town's recent Rural Residential zoning inquiry (conducted in early 2025). It is possible that some residents or landowners may request a rezoning as part of the Imagine Mills River project, and this kind of request would be typical.

- **How quickly might we expect enacting this ordinance?**

Unless there is some sort of unforeseen delay, the new UDO will become effective on or before July 1, 2026. The public hearing by the Town Council to consider the UDO will take place in May or June, 2026.

- **What is by-right housing?**

Housing that can be established on someone's property without having to go through a rezoning or special use permit process. It could be one unit for a landowner, or it could be more than one unit, like a duplex or a triplex. By-right typically means it is easy to establish a particular use type.

- **What is accessory dwelling units?**

A second dwelling unit on the same lot or piece of property as a principal dwelling unit. It is typically smaller, shorter, and less intense than the principal dwelling. It could be in a detached building or in the principal dwelling structure, but must be owned by the same person as the owner of the principal dwelling on the same lot.



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- **What are the demographics – families, seniors, etc. Long time generational owners vs new folks?**

The Making Mills River Comprehensive Plan and the Go Mills Rover Pedestrian and Bicycle Plan contain details on the Town's population and demographics. Additional detail is available through the North Carolina Office of State Budget and Management at <https://www.osbm.nc.gov/facts-figures/population-demographics>. To our knowledge, no one collects data on the duration of ownership in the community.

- **We see the existing map that is primarily mixed use. We see the draft maps with the new zoning designations. Its it possible to see a comparison of A. New draft map and B. A map of existing development categorized with the new zoning designations. Its hard to envision what the future might look like without comparing to an overview of the present shown in the same terms.**

The webpage has a series of maps including the existing land use map, the current zoning map, the future land use map (think desired uses), and the proposed or new zoning map. Together, these maps provide a comprehensive picture of what is proposed. The draft or proposed zoning map is based on the current zoning map, existing uses, and what the comprehensive plan calls for. One thing of note is that many people see the current zoning map where 75% of the Town is MR-MU shown as green – and then they see the draft proposed map with lots of “blotches” of yellow and green – the draft zoning map looks “busy” and sometimes people interpret that “business” with an increase in development density, intensity, or activity. Actually, the opposite is true. The current zoning map shows 75% of Mills River as green – BUT green is mixed-use. That is MORE dense and more intense than the residential zoning. The draft zoning map associated with the UDO is actually a reduction in development potential from mixed-use to just residential or residential and farming.

- **The tiny house community (Acony Bell) existing as MR-MU is designated on the Draft Map as RUR. However, the property is a 50+ acre parcel, divided into individually rented lots. Does this fit RUR or is a new zoning district needed for this?**

This development will fit in the RUR district for no other reason than that it pre-dates the UDO and thus is permitted to remain. Tiny house communities are encouraged by the UDO.

- **What are some resources you can point residents to see what other successful communities have done to protect what is now and allow for beneficial growth or change? Resources can be within NC or other states. Its important to understand the real life implications of the UDO. Thank you.**

- Asheville, NC - Protected prominent slopes/ridges and required more sensitive hillside design rather than “flatten and pad” with hillside/steep-slope & ridgeline development standards explicitly aimed at preserving Asheville’s “unique visual character” and requiring more natural-appearing slopes/landscaping.
- Buncombe County, NC - Reduced risk and visual/scar impacts from steep-slope/ridge development and made requirements predictable for applicants with a ridge/steep-slope approach that includes siting constraints near ridgelines, slope/soils limitations, impervious limits, tree cover requirements, height standards, and geotechnical analyses to enforce it.



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- Highlands, NC - used “high-expectation” environmental and site development standards to keep mountain development from turning into erosion/stormwater/steep-slope damage through UDO stormwater management and steep slope protection standards.
- Blowing Rock, NC - stayed intentional about downtown/“town center” functioning and the development pattern that supports it with a consolidated land use code with detailed district structure and parking/downtown provisions (including flexibility tools like fee-in-lieu in constrained areas).
- Black Mountain, NC – working on focusing regulatory modernization on context-sensitive infill, walkability, and design/form—i.e., growth that looks like it belongs in a small mountain town.
- Brevard, NC - put “character protection” into codified architectural standards, not just a plan narrative with architectural standards organized around “Architectural Character Areas.” (standards first adopted in 2006; now being updated).
- Boone, NC - used a UDO framework to tie development expectations to comprehensive plan goals—helpful in a high-growth college/tourism context.

- **What are we doing to protect steep slopes?**

The Town is adopting a simplified means of determining average slope on lots and development sites and applying differential dimensional standards for lots with average slopes exceeding 25%. These differential provisions require larger lots, more open space, and less impervious surface on steep slope lots, while also allowing reduced lot width and reduced setbacks in recognition of the difficult nature of building on these lots, and the fact that the flattest portions of such lots may not fit well with deeper setbacks.

- **Why in the world did Mills River okay the extreme development of 191?! It certainly impacts the traffic , roads now requiring a traffic light. The density has been dramatically increased in a rather small area – and very close, obnoxiously close to the road. Pathetic decision – in additional, clear cutting trees – and regard to nature (animals), soil erosion, etc.**

That is a question better answered by Town staff. Suggest reaching out to the Town at (828) 890-2901 for an answer to that question.

- **Clement Drive is currently proposed to become TNC, which I believe is an improvement on our current zoning. However, I feel mixed residential would be even better in the sense that it would protect the residential character of the Clement Hill neighborhood, which is Mills River’s oldest neighborhood.**

Understood: thanks for the comment.

- **What sort of control does Mills River have on the amount of water withdrawn from the French Broad River during summertime months when things dry out?**

Water draw from the French Broad by Asheville or other water authority is subject to a permit granted by the State and Mills River has no control over that.



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- **What would be the maximum amount of people that would occupy all the zoned land and allowable buildings in Mills River (if it were to be fully built out)? What about tax receipts? Infrastructure costs?**

We don't know. Build out analyses like the one contemplated in the question are typically done as a part of comprehensive planning efforts, not new zoning ordinance projects. Even with these analyses, it's a hard number to pin down as there are many factors involved, utility capacity, investment, community desirability, tastes and preferences and other – these things can change.

- **Are there any plans to create a “downtown” Mills River?**

The new UDO and the new Zoning Map anticipate a new Town Center (TNC) district and the establishment of two areas of TNC zoning based on the Future Land Use Map in the Comprehensive Plan – one near the Ingles shopping center and one at the intersection of 191 and 280. This district calls for smaller building footprints, building close together, parking location standards, and more walkability like you might find in a small village or town center.

- **What about deed restrictions on property with respect to the UDO rules?**

Deed restrictions that are more restrictive than the UDO control unless the deed restriction violates State or federal law. The UDO does not address private agreements like deed restrictions and the Town should not enforce or be involved in private agreements of which it is not a part. The UDO will not have any impact on the ability to propose or apply deed restrictions.

- **One of the maps has a red area labeled “community center” – what is that?**

This is a future land use designation on the future land use map associated with the comprehensive plan. It is an area intended by the plan to be a downtown or town center area.