

To: Michael Malecek, Town of Mills River
From: Chad Meadows, CodeWright 
Date: 01.12.25
CC: File, Karen Mallo, Jake Petrosky
RE: Imagine Mills River
Task 4, DRAFT UDO, Module 1 Trip Notes



MESSAGE

These are the meeting notes from the Imagine Mills River UDO project, Task 4 Draft UDO (Module 1) trip conducted in Mills River on 12/10/25 through 12/12/25. These notes document the activities conducted during the trip and summarize the discussions. Copies of presentation slides are also included.

Imagine Mills River is an effort to consolidate and update the Town's development regulations into its first unified development ordinance (or "UDO"). The new UDO is proposed to implement *Making Mills River*, the Town's new Comprehensive Plan (adopted in 2021). In addition, the new UDO will establish a comprehensive set of development application review procedures, new review criteria, measurable standards, consistent terminology, best practices, and innovations such as incentives for preferred forms of development. The project includes a review of current zoning districts and strives to protect the community's rural character while also ensuring sustainable and beneficial growth in appropriate areas.

Task 4 is the first draft of the UDO. The December trip highlighted Module 1, which consisted of Chapter 1, Administration, Chapter 3, Districts, Chapter 4, Uses, Chapter 5, Nonconformities, and Chapter 7, Violations. The consulting team prepared Module 1 and then traveled to Mills River to meet with the public, Town staff, Steering Committee, and Town officials. Trip 4, Draft UDO, included the following activities:

1. Project Steering Committee Meeting #5;
2. Public Forum #3;
3. Staff Discussion;
4. Office Hours, Block 1;
5. Project Steering Committee Meeting #6;
6. Conducting Presentation and Discussion at Meeting #4 with the Town Council;
7. Office Hours, Block 2; and
8. Staff Debrief

These trip notes provide additional details on the activities undertaken during the Task 4 trip conducted in December 2025.

codeWright



1. Project Steering Committee Meeting 5

The consulting team conducted the fifth meeting with the project Steering Committee during the afternoon of December 10, 2025. The presentation focused on Module 1 of the DRAFT UDO, with specific focus on Chapters 3 (Districts) and 4 (Uses).

The following is a brief outline of the notes from the meeting that coincided with the Presentation from the Consultant team (slides follow notes):



1. Trip Agenda

- Wednesday, December 10th we will cover Chapters 3 and 4.
- Office Hours to be held on Thursday and Friday, Virtual Office Hours may be available after the trip, as needed
- Module 1 – Completed Draft
- Module 2 – Before Holiday break

2. Chapter 3 – Districts (General Discussion)

- Flexibility is built into the Ordinance. It is important to know where that is and how it is used (eg., alternative parking plan, performance bonuses)
- Typical to update and revise Ordinance as priorities change
- Three types of districts: Conventional, Conditional, and Overlay
- Home based business are located throughout the Town – plumbers, electricians, etc.
- Nonconformities will be addressed by allowing everyone, as of July 1, 2026 to keep what they have forever. However, they need to come into conformity to change at all or be considered a nonconformity; all require consent.

3. Proposed Conventional Zoning Districts

- The UDO provides a similar structure for each Zoning District
- Agricultural Residential (AGR) – Why limit the # of stories yet have a height of 40’?
- Conservation Subdivision – How do we screen it? Screening to be addressed in Chapter 2 or Chapter 6
- Pocket Neighborhoods – higher density but only allows a maximum of 15 units.
- Intent is to provide alternative housing types
- LDR – 7 types of residential uses
- MXR – Successor to NC&MR; encourages a mix of uses within the same building, 3.8% of Mills River to be zoned as MXR.
- Recommendation to consider increasing SF, Attached in LDR to max of 2 units per acre
- Look at proposed building heights in Non-Residential districts. Commercial to 35’, vertical mixed use to 40’ and industrial to 60’ (max).

4. Proposed Conditional Zoning Districts

- Type 1, Limited. Type 2, Unlimited
- Why would you request a Limited? To appease neighbors. Limit the number of allowed uses so it calms fears and reduces potential impacts.
- Never allow a split zoning – half conventional, half conditional





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- Allows for consent to downzone
 - Give and get between the applicant and the Town
5. Proposed Overlay Zoning Districts
- SFHA – Special Flood Hazard Area Overlay (newly passed ordinance)
 - WSPO – Water Supply Watershed Protection Overlay (state model)
6. Chapter 4 – Uses
- Permitted Uses, Uses Permitted with SUP, Uses Permitted with Conditional Rezoning, and Uses Prohibited / Not Allowed
 - Why are Agricultural uses NOT permitted in the Conservation District? What about preserved farmland? All Bona Fide farms are exempt from regulation. These restrictions are for farms that are not bona-fide.
 - What happens to uses that are not on the table? Can either add or change permissions.
 - Can we add uses to table after UDO approval? Yes, but caution taking uses off the table.
7. Zoning Map Discussion (Jake Petroski)
- Town property currently shown as CON, Conservation
 - New Districts vs carry-overs; merging of districts and assignments based on criteria
 - Agricultural Residential names is confusing. What is more rural than rural? This district contains forests, large estates, agriculture.
 - SFHA – show on map
 - Updates for zoning changes after adoption will be a six month correction process., probably in 2, 3 month batches. Will follow process – application, PB, Council.
 - TNC, Town Center – different from General Commercial
8. Moving Forward / Review procedures
- Teams calls with Steering Committee to facilitate more frequent discussions; every 2-3 weeks

The following pages includes the slides from Steering Committee Meeting 3:





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CHAPTER 3 DISTRICTS

General Provisions
Special Hazard Area Overlay (SHAO)
Water Supply Watershed Protection Overlay (WSWPO)

1. Purpose and Intent
2. Districts
3. Districts and Land Uses
4. Districts and Standards
5. Districts and Standards

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General Provisions
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1. Purpose and Intent
2. Districts
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4. Districts and Standards
5. Districts and Standards

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CONDITIONAL DISTRICTS

- General Provisions
- Residential Conditional (RCZ)
- Commercial Conditional (CCZ)
- Industrial Conditional (ICZ)
- Mixed-Use Conditional (MCZ)

OVERLAY DISTRICTS

- Special Hazard Area Overlay (SHAO)
- Water Supply Watershed Protection Overlay (WSWPO)

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GENERAL LOT STANDARDS

- Multiple Buildings or Structures on a Lot
- Required Lot Configuration
- Required Yards
- Special Purpose Lots
- Split Zoning
- Unified Development

ZONING MAP

Generally Incorporated by Reference
Interpretation
Maintenance and Revision of Map

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CHAPTER 4 DISTRICTS

Principal Uses
Standards for Specific Uses
Prohibited Uses
Secondary Uses
Temporary Uses
Unlisted Uses

CHAPTER 4. LAND USES

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CHAPTER 4 DISTRICTS

Principal Uses
Standards for Specific Uses
Prohibited Uses
Secondary Uses
Temporary Uses
Unlisted Uses

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CHAPTER 4 DISTRICTS

Principal Uses
Standards for Specific Uses
Prohibited Uses
Secondary Uses
Temporary Uses
Unlisted Uses

20

CHAPTER 4 DISTRICTS

Principal Uses
Standards for Specific Uses
Prohibited Uses
Secondary Uses
Temporary Uses
Unlisted Uses

21

CHAPTER 4 DISTRICTS

Principal Uses
Standards for Specific Uses
Prohibited Uses
Secondary Uses
Temporary Uses
Unlisted Uses

22

CHAPTER 4 DISTRICTS

Principal Uses
Standards for Specific Uses
Prohibited Uses
Secondary Uses
Temporary Uses
Unlisted Uses

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CHAPTER 4 DISTRICTS

Principal Uses
Standards for Specific Uses
Prohibited Uses
Secondary Uses
Temporary Uses
Unlisted Uses

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2. Public Forum #4

From 6:00 PM until 8:30 PM on Wednesday, December 10th, the Town staff and the consulting team conducted the third public forum of the Imagine Mills River project. The presentation and Q&A event took place at Mills River Elementary School (94 School House Road). The public forum was conducted to provide an introduction to the project for those who were unable to attend the previous forums and provide new information on the proposed zoning map. It was also an opportunity for residents to ask questions about the process, provide feedback and address any errors or concerns regarding the proposed zoning. After the Q&A session, there was an opportunity for attendees to visit multiple “stations” that provide copies of existing and proposed zoning maps, the proposed use tables, and copies of planning documents, such as the Annotated Outline. Over 120 people attended.



The following is a collection of the information Boards that were only display during the public forum, the slides from the introductory presentation that was recorded and is available for review on the project website, and a summary of questions asked at the forum

Station 1 – Welcome and Introduction

Station 1 a welcome board that provided an overview of the Forum and a sign-in sheet. This was manned by Town staff to not only collect names and email addresses of those in attendance but to also register people for Office Hours and encourage people to submit questions for the discussion.

WELCOME!
We are so glad you joined us today!

- The Imagine Mills River project is the update to the Town’s development ordinances and creation of the Unified Development Ordinance (UDO).
- Today we are discussing the first DRAFT of zoning ordinance text – focusing on new zoning districts and land uses.
- We are presenting the recently adopted Future Land Use Map and the new DRAFT Zoning Map
- Ask questions! We are here to help.

  **imagine Mills River**





IMAGINE Mills River – new Unified Development Ordinance

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Station 2 – Project Background

Introduction

What is the Unified Development Ordinance (UDO)?

- A set of rules and regulations adopted by the Town Council that governs how development occurs
- Combines current zoning ordinance and subdivision ordinance and other development-related codes from Code of Ordinances
- It codifies which uses are allowed, where they are allowed, and how they are to be built and operated
- It gives standards for signs, lighting, landscaping, parking, environmental protection, streets, and design of subdivisions
- Provides procedures for development from application through construction to occupancy
- Includes the Official Zoning Map which graphically shows where the uses are permitted



What is 'Imagine Mills River'?

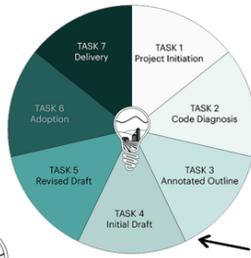
- Name of the project undertaken by the Town of Mills River, with assistance from CodeWright Planners, to prepare a new UDO and updated Official Zoning Map
- The use of 'Imagine Mills River' is to ensure project document and engagement effort are easily recognizable to the community

Why is the Town Doing This Now?

- Recently approved Comprehensive Plan, Making Mills River
- Legislation gives exceptions for Mills River, provided UDO is adopted by July 2026.
- Increased rates of development, escalating land costs, concern over loss of character
- Protection of sensitive environmental areas
- Moderate the pace and location of new development
- Protect public safety
- Current regulations need more refinement

Where are we in the Process?

The draft of the Annotated Outline is complete. Public review is happening now.



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Code Diagnosis Summary

The Code Diagnosis final document details the research on the Town's policy guidance (Comprehensive Plan) and review of current ordinances. It summarizes the interviews and meetings held with Staff, Steering Committee, Town Council, and Stakeholders during project initiation. It then consolidates those findings into SEVEN KEY ELEMENTS:

1

Create a UDO Document that is Easy to Use and Understand

- Consolidate provisions into a UDO
- Use an intuitive structure for chapters
- Include navigational aids and a new dynamic page layout
- Remove lengthy paragraphs; standardized procedural language;
- Clear & measurable decision-making criteria.
- Add diagrams to zoning districts, rules of measurement, and development standards; add new illustrated design standards with precedent imagery;
- Incorporate summary tables wherever possible; add procedural flow charts.



2

Design Zoning Districts to Reflect Rural Character

- Arrange zoning districts to align with future land use mapping
- Target growth in areas where utilities are available;
- Consideration of overlays to address character areas and environmental resources
- Ensure balance of residential and non-residentially zoned land
- Enforce buffers, building setbacks, and viewsheds
- Consider cluster and conservation subdivisions
- Creation of farmland preservation standards.

3

Implementing the Town's Adopted Land Use Policies

- Manage growth through density and design standards;
- Creation of use standards
- Creation of a unified development ordinance;
- Protection of natural resources
- Diversity in housing
- Update and clarify administrative rules and those of Town Boards
- Implementation of design standards
- Require infrastructure improvements and target growth where utilities are available.



4

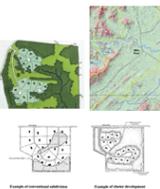
Modernize and Expand Land Uses

- Remove uses from district narratives
- Utilize a new use table
- Incorporate a wider-range of new, modern-use types with associated use-specific standards;
- Reduce reliance on special use permits;
- Add list of prohibited uses;
- Create procedure for determining unlisted uses.

5

Protect Environmental and Natural Features of the Town

- Establish resource conservation areas and/or standards
- Encourage native and habitat-forming landscape options
- Offer incentives for tree protection; create perimeter buffer requirements
- Update water supply watershed requirements
- Slope protection standards
- Implement sustainable development incentives
- Consideration of overlays to address environmental resource areas.



6

Provide a Greater Range of Housing Choices

- Allow a wider range of by-right housing
- Allow additional small house / small lot options
- Encourage accessory dwelling units
- Permit more multi-family and townhouse development subject to new standards
- Revisit standards for tiny homes and add live/work units.



7

Promote Quality Development

- Provide new and clear design standards
- Add optional single-family residential design guidelines and a suite of new non-residential design standards
- Modernize and enhance numerous development standards (parking, lighting, open space, etc.)
- Limit off-premise signage
- Add new use-specific standards for most uses.



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How Might the UDO Affect Me?

You may wonder how this set of laws regulating development affects you? Here are some typical ways:

- Health, safety, and welfare
- Providing for adequate housing
- Ensuring goods and services are available
- Protecting opportunities for recreation
- Transportation
- Property value protection
- Open space protection
- Environmental protection
- Agricultural stewardship
- Accessory uses (pools, in-law units, sheds)
- Sign permit
- Buffers
- Enforcement
- Balance of tax base (industrial vs residential)

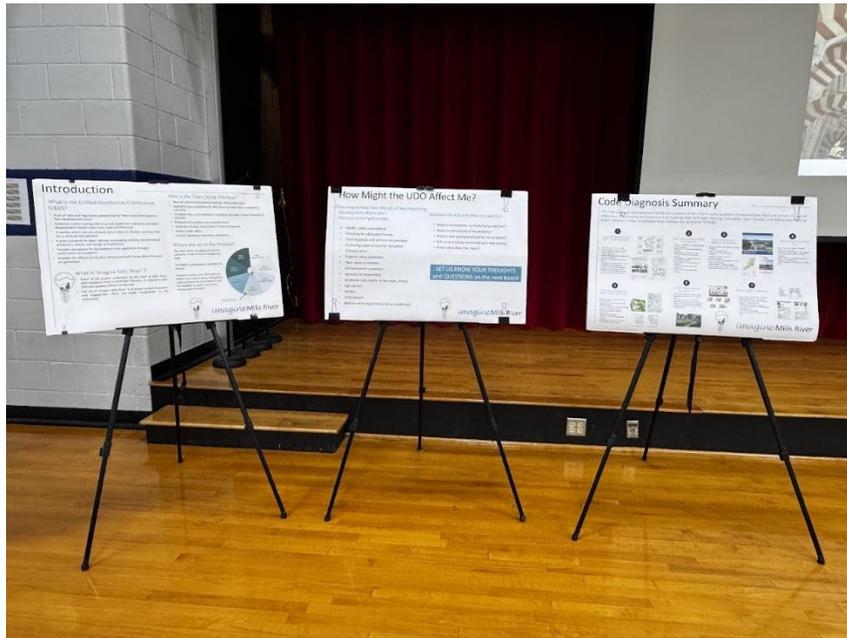
Questions to Ask and What to Look For:

- What is my property currently being used for?
- What current zoning of my property?
- What is new zoning proposed for my property?
- Will current use be permitted with new zoning?
- If not, what does that mean?

LET US KNOW YOUR THOUGHTS and QUESTIONS on the board below



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IMAGINE Mills River – new Unified Development Ordinance

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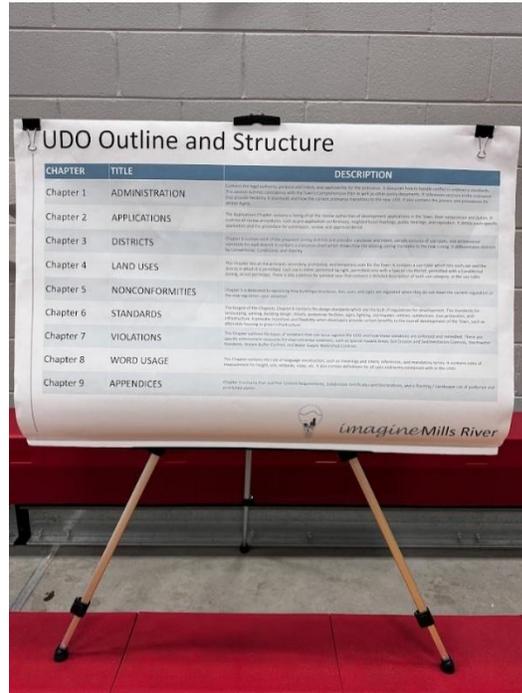
Station 3 – Table of Permitted Uses, Text Questions, and Annotated Outline

UDO Outline and Structure

CHAPTER	TITLE	DESCRIPTION
Chapter 1	ADMINISTRATION	Contains the legal authority, purpose and intent, and applicability for the ordinance. It discusses how to handle conflict in ordinance standards. This section outlines consistency with the Town's Comprehensive Plan as well as other policy documents. It references sections in the ordinance that provide flexibility in standards and how the current ordinance transitions to the new UDO. It also contains the process and procedures for Vested Rights.
Chapter 2	APPLICATIONS	The Applications Chapter contains a listing of all the review authorities of development applications in the Town, their composition and duties. It outlines all review procedures, such as pre-application conferences, neighborhood meetings, public hearings, and expiration. It details each specific application and the procedure for submission, review, and approval/denial.
Chapter 3	DISTRICTS	Chapter 3 outlines each of the proposed zoning districts and provides a purpose and intent, sample pictures of use types, and dimensional standards for each district. It contains a transition chart which shows how the existing zoning translates to the new zoning. It differentiates districts by Conventional, Conditional, and Overlay.
Chapter 4	LAND USES	This Chapter lists all the principal, secondary, prohibited, and temporary uses for the Town. It contains a use table which lists each use and the district in which it is permitted. Each use is either permitted by right, permitted only with a Special Use Permit, permitted with a Conditional Zoning, or not permitted. There is also a section for unlisted uses that contains a detailed description of each use category in the use table.
Chapter 5	NONCONFORMITIES	Chapter 5 is dedicated to explaining how buildings/structures, lots, uses, and signs are regulated when they do not meet the current regulation or the new regulation upon adoption.
Chapter 6	STANDARDS	The longest of the Chapters, Chapter 6 contains the design standards which are the bulk of regulations for development. The standards for landscaping, parking, building design, streets, pedestrian facilities, signs, lighting, stormwater, utilities, subdivision, tree protection, and infrastructure. It provides incentives and flexibility when developers provide certain benefits to the overall development of the Town, such as attainable housing or green infrastructure.
Chapter 7	VIOLATIONS	This Chapter outlines the types of violations that can occur against the UDO and how these violations are enforced and remedied. There are specific enforcement measures for environmental violations, such as Special Hazard Areas, Soil Erosion and Sedimentation Controls, Stormwater Standards, Stream Buffer Controls and Water Supply Watershed Controls.
Chapter 8	WORD USAGE	This Chapter contains the rule of language construction, such as meanings and intent, references, and mandatory terms. It contains rules of measurement for height, lots, setbacks, slope, etc. It also contains definitions for all uses and terms contained within in the UDO.
Chapter 9	APPENDICES	Chapter 9 contains Plan and Plat Content Requirements, Subdivision Certificates and Declarations, and a Planting / Landscape List of preferred and prohibited plants.



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Multiple Stations – Future Land Use, Existing Zoning, Proposed Zoning Maps and Zoning District Descriptions

Zoning Districts

FORMER ZONING DISTRICTS		ZONING DISTRICTS IN THIS ORDINANCE	
CONSERVATION			
N/A		CON	Conservation
CONVENTIONAL RESIDENTIAL			
		AGR	Agricultural Residential
MR-RR	Rural Residential	RUR	Rural Residential
MR-30	Low Density District	LDR	Low Density Residential
N/A		MXR	Mixed Residential
CONVENTIONAL NON-RESIDENTIAL			
MR-NC	Neighborhood Commercial		N/A
MR-GB	General Business	GLC	General Commercial
MR-MU	Mixed-Use		N/A
N/A		TNC	Town Center
MR-LI	Light Industrial	IND	Industrial
CONDITIONAL [1]			
MR-R-CD	Residential Conditional	RCZ	Residential Conditional
MR-M-CD	Mixed-Use Conditional	MCZ	Mixed-Use Conditional
MR-C-CD	Commercial Conditional	CCZ	Commercial Conditional
MR-I-CD	Industrial Conditional	ICZ	Industrial Conditional
OVERLAY			
			N/A
		WSPO	Water Supply Watershed Protection Overlay
N/A		SHAO	Special Hazard Area Overlay

AGRICULTURAL RESIDENTIAL (AGR)

CRITERIA: LOT SIZE IS THREE (3) ACRES OR GREATER

Intended to encourage and preserve agricultural uses. The Agricultural Residential (AGR) district will provide for a mix of agricultural, apartment, low-density residential, and associated agricultural commercial uses (such as farm stands, commercial greenhouses, etc.). Minimum lot size will be three acres with the option for conservation subdivisions where agricultural lands are preserved.

RURAL RESIDENTIAL (RUR)

CRITERIA: LOT SIZE IS GREATER THAN 1.5 ACRES BUT LESS THAN THREE (3) ACRES

This district is the former MR-RR, Rural Residential zoning district. It carries forward the intent and language from the current zoning. The purpose of the district is to facilitate orderly development in rural areas not well served by public utilities where the primary uses of land are single family residential on large lots under three acres in size, agriculture, and light commercial uses.

LOW DENSITY RESIDENTIAL (LDR)

CRITERIA: CURRENT MR-30 AND/OR UNDER 1.5 ACRES

This district is the former MR-30, Low Density Residential zoning district. The new LDR is district is a low-moderate density residential district that permits development of single-family detached residential dwellings, duplexes, and a series of smaller-sized/smaller-lot residential development (like pocket neighborhoods and bungalow courts) subject to applicable compatibility controls. The district also permits conservation subdivisions, minor utilities, assembly and educational uses, government uses and recreational/open space uses.

MIXED RESIDENTIAL (MXR)

CRITERIA: AREAS WITH UTILITIES, EXISTING MIX OF USES, SOME CURRENT MR-NC

The MXR is a new zoning district. This is a medium-intensity residential district designed to contain a mix of medium density, single family housing and low-intensity, non-residential uses that support and are proximate to residential neighborhoods.

CONSERVATION (CON)

CRITERIA: TOWN-OWNED OR DESIGNATED AREAS

It is intended that this district, at the onset contain, Town-owned properties or Town-designated properties. This may include properties containing conservation easements or natural resources, properties owned by the State, other government agency, or a non-profit for the protection of natural resources, recreation, etc. The intent is to provide protection of contiguous corridors for agriculture, wildlife, scenic vistas, natural resources, and open space.

GENERAL COMMERCIAL (GLC)

CRITERIA: FORMER MR-GB, EXISTING USE

The new General Commercial (GLC) district replaces the former MR-GB General Business zoning district. This is the Town's most intense commercial district typically found in linear stretches along major roadways and at major highway intersections. In addition to the wide range of commercial uses, the district also permits a limited variety of residential uses such as live/work and upper-story residential uses (provided in a mixed-use development context).

TOWN CENTER (TNC)

CRITERIA: AVAILABLE UTILITIES, CROSSROADS, FUTURE LAND USE, EXISTING USE

A new Town Center (TNC) zoning district is created. The district encourages the creation of gathering spaces and community services through a mix of residential and non-residential uses in the same buildings or on the same lots to support increased residential densities and walkable communities.

INDUSTRIAL (IND)

CRITERIA: EXISTING MR-LI

This converts the existing Light Industrial (MR-LI) into a new IND, Industrial District. Residential uses, except social services, are prohibited.

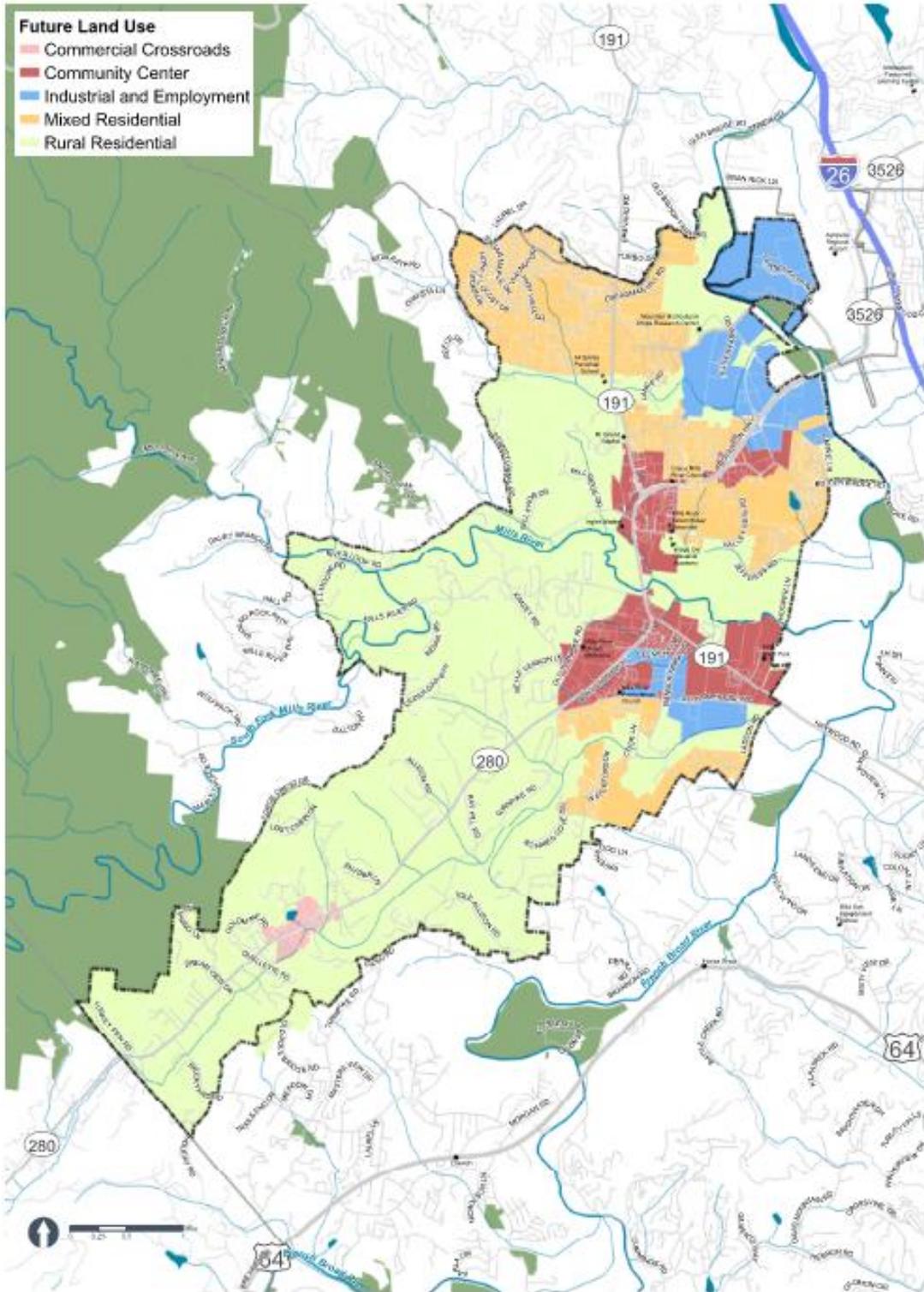




IMAGINE Mills River – new Unified Development Ordinance

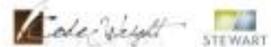
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MILLS RIVER ZONING UPDATE

- Future Land Use -

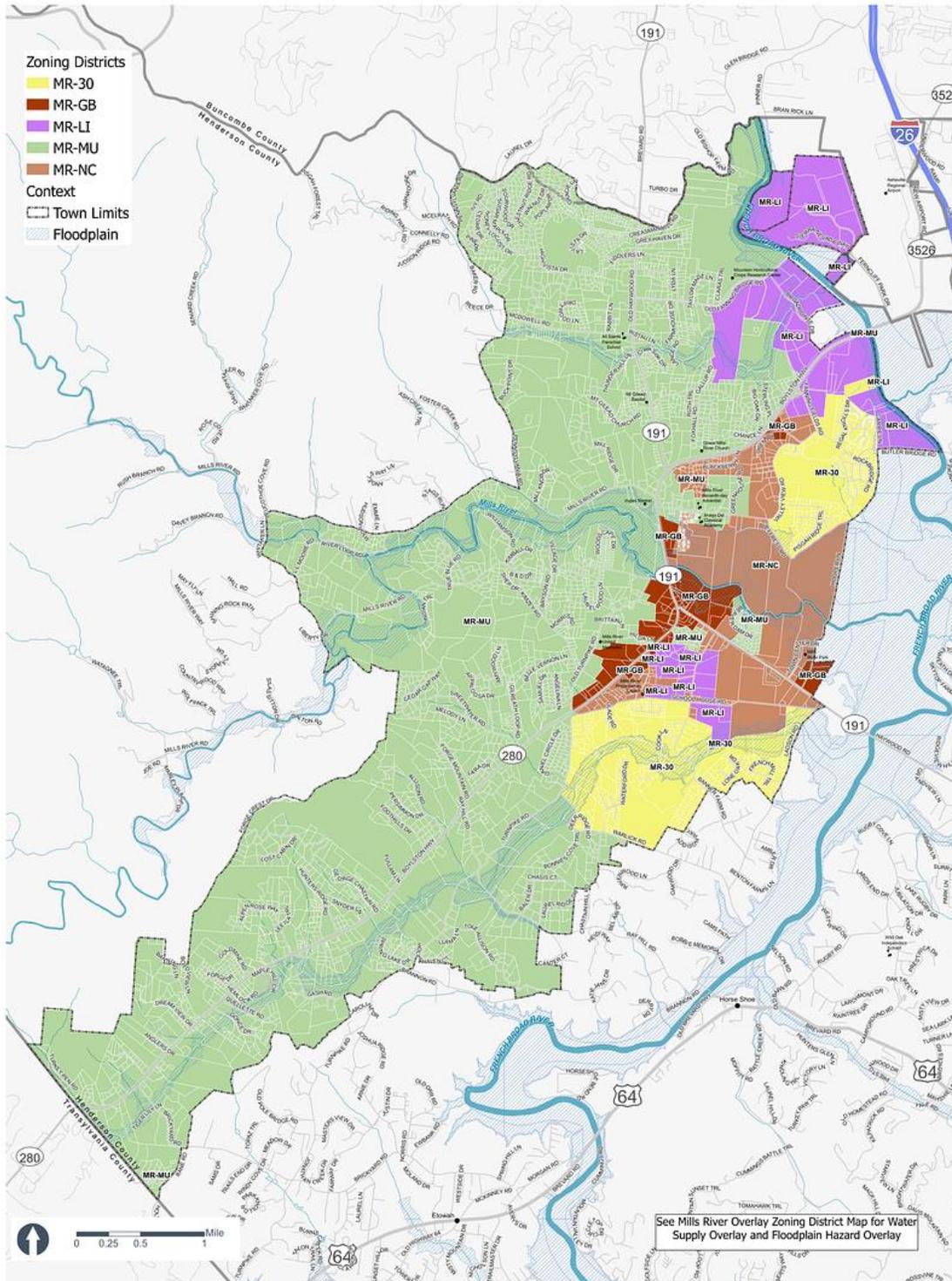




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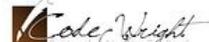
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MILLS RIVER ZONING UPDATE

- Existing Zoning Map -



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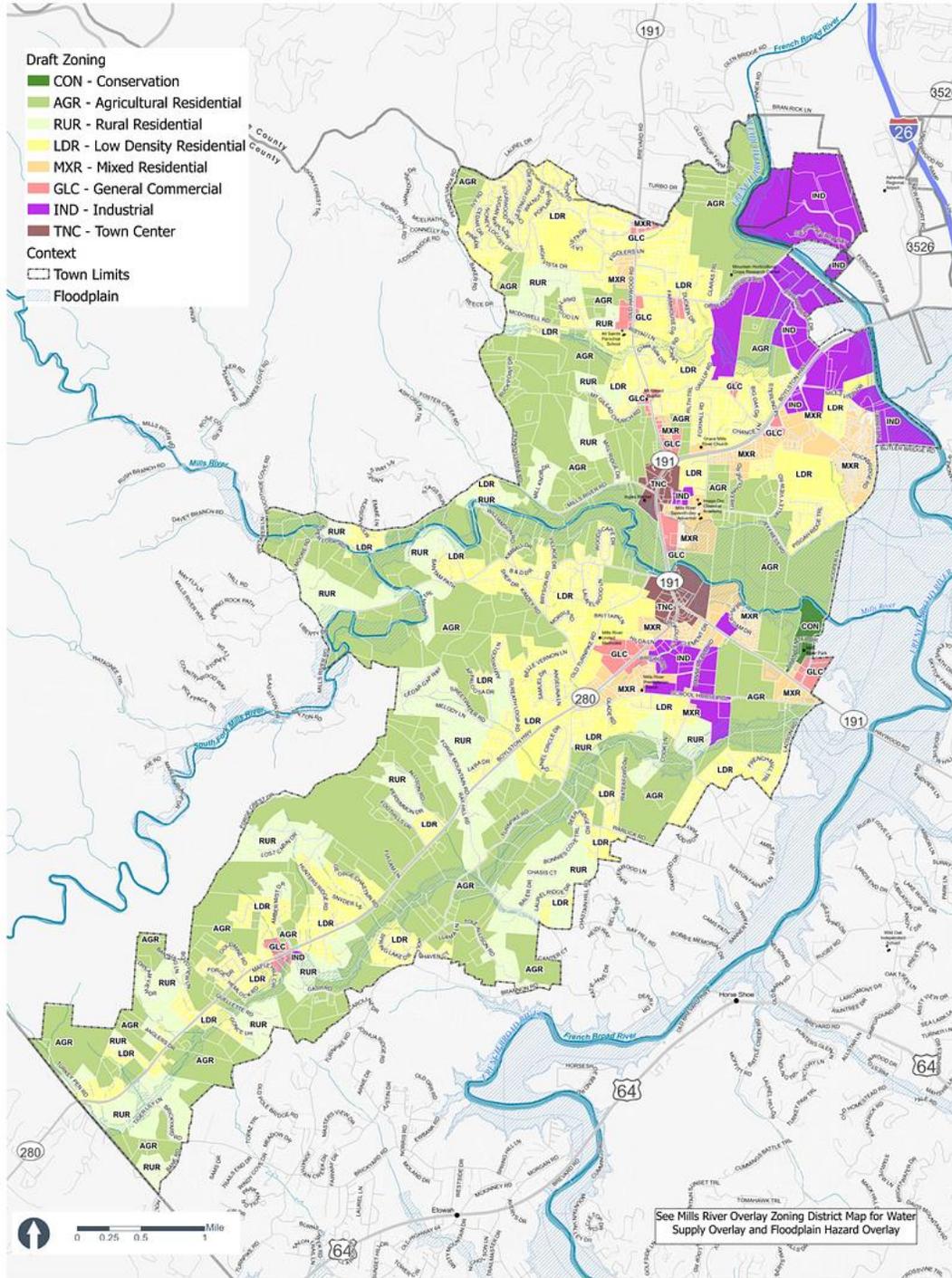




IMAGINE Mills River – new Unified Development Ordinance

Trip 4, Task #4 UDO DRAFT – Module 1

01.12.26



MILLS RIVER ZONING UPDATE

- Draft Zoning Map -



Date Modified/Printed: 8/24/2023
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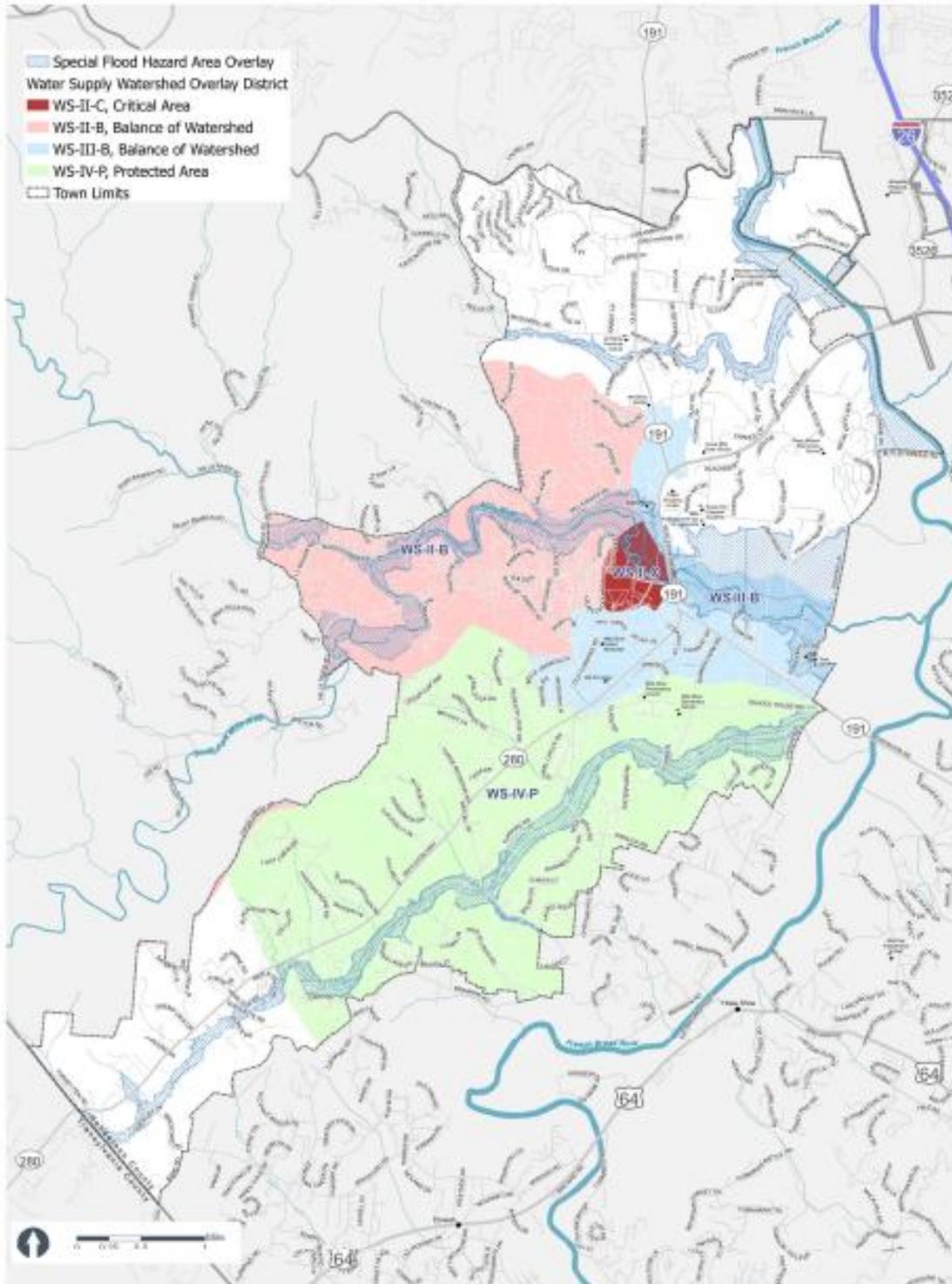




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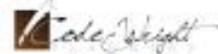
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MILLS RIVER ZONING UPDATE

- Draft Overlay District Map -





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IMAGINE Mills River – new Unified Development Ordinance

Trip 4, Task #4 UDO DRAFT – Module 1

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The following are images of the slides presented at the beginning of the public forum on Wednesday evening:

1. **IMAGINE Mills River** unified development ordinance
Public Forum 1/12/26

2. **1. PRESENTATION** WHAT IS A UDO? UDO & ZONING MAP REVIEW
2. OPEN HOUSE QUESTIONS & ANSWERS 2 STATIONS SHARE YOUR THOUGHTS

3. **WHAT IS A UDO?** 'Unified Development Ordinance'
1. The regulatory document that controls what kinds of land uses can go in what locations
2. How land uses must be configured on their sites
3. The process the Town uses to consider development applications
4. The rules for the operation of land uses in the Town

4. **WHAT IS A UDO?** TOOL for implementing the comprehensive plan UNIFIED location of all development rules REGULATES:
• Zoning • Landscape and Screening
• Subdivision of land • Transportation and Mobility
• Stormwater • Site Features
• Appearance (parking, signs, open space, etc.)

5. **WHAT IS A UDO?** Includes the Official Zoning Map
• Base Zoning Districts (5)
• Overlay Districts (2)

6. **WHAT IS Making Mills River?**
• Comprehensive Plan for the future (through 2040)
• Establishes the Town's vision for the future
• Identify the goals and actions to take

7. **WHY DO WE HAVE A PLAN?** GUIDE for Town staff and elected officials for future land use decisions
TOOL to understand the future vision of growth, development and resiliency
FOCUS private investment in areas of desired growth
PROJECT property values, open spaces, character

8. **PLAN & UDO...** What's the difference?
• The Plan **guides** land use but decisions can go against guidance
• UDO **regulates** land uses and building form - development must comply with rules
How are they related?
• The Plan's Future Land Use Map is applied using the Town's UDO and zoning map
• The UDO is the primary tool for implementing the Plan's policy framework

9. **Imagine Mills River** PROJECT BACKGROUND

10. **PROJECT GOALS**
1. Protect Community Character
2. Implement Town Policy
3. A User-Friendly Code

11. **PROJECT GOALS**
4. Protect the Environment
5. Increase Housing Options
6. Promote Development Quality
7. Maintain Taxes

12. **WORK PROGRAM**
A circular diagram showing a timeline from Jan 2024 to Jan 2025 with various project milestones.

13. **WELCOME TO IMAGINE MILLS RIVER**
MILLS RIVER
imaginemillsriver.com

14. **Imagine Mills River** Code Diagnosis
Unified Development Ordinance

15. **UDO STRUCTURE**
TABLE OF CONTENTS:
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CHAPTER 3 LAND USES 30
CHAPTER 4 NONCONFORMITIES 50
CHAPTER 5 SIGNAGE 60
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CHAPTER 7 MISCELLANEOUS 80

16. **CHAPTER 3 DISTRICTS**

17. **USE TABLE**

18. **ZONING MAP**





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The following are the questions that were asked on forum participants. Some of these were answered publicly at the meeting:

- What exactly does “promoting sustainable development and property values” mean? This is one of the goals of the UDO?
- Why would the Town want to spot zone and not just out the same restrictions on all parcels?
- How were Conservation areas determined? Why so few in the draft?
- Why was Mills River granted this opportunity (out of 700)?
- What is the status of the cell tower atop Forge Mountain? Residents of Upper Mills River Valley need coverage. When will it be activated?
- 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.
- In the Mixed-use zoning map, WHAT businesses or buildings or any constructed edifices including homes are already on the map?
- WHY?
- 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.
- Why was there not more mailings to the residents? So many have no idea we are her. 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!
- Why?
- 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?
- Will Mills River disallow a data center for AI? It requires enormous amounts of water.
- Will you protect our night skies?
- Will you stop mass grading?
- Will you protect our mountain ridges from being developed?
- Will you keep our floodplains from being filled in?
- Can a landowner request their land be MXR?
- What is the position of the City Council members that will vote and put this proposal through?
- 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?





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- Will the existing business that are grandfathered in be conforming or non-conforming?
- Will those whose property becomes rezoned on 280 be compensated for loss of value?
- Will when the draft language be available?
- Why are we doing this now?
- How will this affect my current property?
- Will current uses be (grandfathered)?
- Could you explain all the zoning districts so all understand their differences?
- Can a property owner request their parcel to remain mixed use?
- How can rural character be protected?
- Why has the Town not sent postcards to all residents or put up signs like the taxes due signs?
- Can we have a Town vote?
- What percentage of Mills River town residents asked for rezoning? How was this input collected?
- How quickly might we expect enacting this ordinance?
- What is by-right housing?
- What is accessory dwelling units?
- What are the demographics – families, seniors, etc. Long time generational owners vs new folks?
- 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 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?
- 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.
- What are we doing to protect steep slopes?
- 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.
- 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.





3. Project Status Meeting with Staff

The consultant team met with Planning Director, Mike Malecek on Thursday morning to recap the Public Forum and review project status. The following items were covered:

- Confirmed dates for remote Steering Committee meetings as December 30, January 7, January 21, February 4, February 18, March 4, March 18, all at 6:00 pm
- Discussed changing the AGR (Agricultural Residential) to RAG, Residential Agriculture
- Changing some of the use standards for secondary uses.
 - Take out outdoor storage in the Home Occupation
 - Remove 25% requirement; can occupy all of the secondary structure
 - Base secondary structures size on zoning district: RAG = 5,000 sf, RUR = 2000 sf; LDR = 500 sf or 25%
- Special Event Permit
 - Revisit “other” special event permits; don’t need specifics
 - What is the “threshold” that triggers the permit?
 - Levels I and II
 - Only issues are noise; already a noise ordinance
- Revisions – Will have redlined versions of each Chapter to staff. Clean versions will be posted on the website

4. Office Hours, Block 1

The hours between 10:00 AM and 3:00 were set aside as Office Hours for members of the community to stop by and ask questions of the Staff and Consulting Team. Three slots were filled. The following items were discussed during Block 1:

- Individual (business owner/non-resident) had a few concerns regarding the 280 Corridor:
 - Consider having the first 500’ feet from the roadway be a commercial overlay
 - Concern of downzoning from current mixed use to residential and not commercial.
 - Should allow for “septic” limitations dictate the development potential
 - Mills River has no control over location or expansion of water and sewer
 - Fire safety along southern portion of Town
 - Developers paying to extend water
 - Future Land Use Map should be changed to reflect growth in the southern portion of Town
 - State doesn’t want down-zoning; this is not warranted
- Individuals came to discuss redesignation of family business from TNC to GLC and additional agricultural/ residential properties from AGR to LDR.
 - Does the Ag definition /exemption extend to all ag uses or only Bonafide Farms?
 - Steep slopes will be determined with an “easy” method (see Laurel Park)
 - Will there be flexibility, such as alternative plan?
- Couple came in to ask questions of team. Only one partner was able to attend the meeting and the other wanted to get more information about the process and their zoning designation.





5. Project Steering Committee Meeting (Meeting 5)

On Thursday, December 11th, the Steering Committee met in the afternoon, from 3:00 PM to 5:00 PM. The following items we discussed during the meeting:

1. Recap of Last Night's Public Forum

- 100+ people
- Recorded the entire presentation and Q&A
- Written questions and comments
- 3 people attended Office Hours today
- Ideas/Feedback: Focus on the Comprehensive Plan (origin of process), Get as much input as possible.

2. Upcoming Meeting Schedule

- Next in person visit will be January 21 and 22nd
- Teams Meetings (virtual), December 30th, January 7th, February 4th, February 18th, March 4th, March 18th
- No agenda – just discussion. Allow Steering Committee to bring questions
- Separate Council and staff engagement
- Planning Board recommendation meeting will be in May, can just be a public meeting

3. Module 1 Continued – Agricultural Exemption

- Section 1.1.4 Exemptions for Bonafide farms
- State Law exempts bona fide farms in the County and ETJ but not exempt from subdivision, stormwater, and flood
- Consultant poses questions – What about non-ag uses on a bona-fide farm? Agreed that there is no exemption
- Already have light and sound ordinances that prevent the nuisances caused by some of these non-ag uses
- There is no list of existing bona fide farms in Town
- VAD (Voluntary Agricultural District) provisions need to added to the UDO DRAFT language

4. Chapter 5, Nonconformities

- Section 5.2.2. Authority to Continue. Be clear: You are under a notice of violation (approximately 10 of them currently)
- Can someone build back / Replace as is?
- Nonconformities can exist in perpetuity
- Can rezone, ask for variance. Process request to become non-conforming
- Every procedure has an appeal process

5. Chapter 7. Violations

- Money collected from violations go to school board
- Nuisance ordinance currently being reviewed at this time (may need to explain the difference)
- Enforcement procedures are not codified in the current ordinance
- Criminal penalties
- Statute of limitations





6. Next Steps

- Revisions prior to the public release of the document
- December 20th next virtual meeting

7. Discussion

- Audience not receptive to history of development patterns. Also, why multi-family uses are important.
- Perception: Mixed Use is shown in “GREEN” on the current zoning map. New zoning changes the colors and new map looks “chaotic”
- Zoning messages to carry forward / incorporate:
 - Put Town in Control
 - Flexibility for housing
 - Doesn’t change existing uses
 - Doesn’t keep landowners from making a profit.

Slides from the Consultants presentation are followed on the next page.





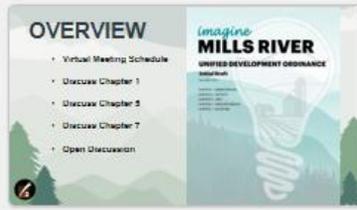
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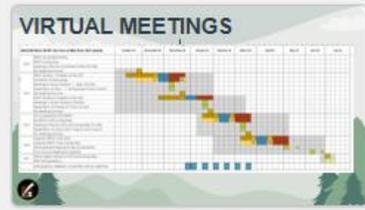
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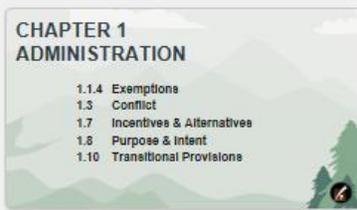
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6. Presentation at Town Council Meeting (Meeting 4)

A crucial portion of the trip was a presentation of the ideas and concepts presented in the Code Diagnosis and Module 1 DRAFT of the UDO to Town Council. This presentation provided details on the Chapters included in UDO Module 1. Slides from this presentation are included below. Following the slides are the comments and questions from the Council members.

The presentation consists of 12 slides:

- Slide 1:** Title slide for 'Imagine Mills River Unified Development Ordinance - Module 1'.
- Slide 2: OVERVIEW**
 - Module 1 Chapter Review
 - Project Goals and Concerns
 - Process from here
 - Questions or Comments
- Slide 3: UDO CHAPTERS**
 - Administration
 - Procedures
 - Districts
 - Land Uses
 - Nonconformities
 - Standards
 - Violations
 - Word Usage
 - Appendix
- Slide 4: CHAPTER 1 ADMINISTRATION**
 - § 1.1 PURPOSE
 - § 1.2 SCOPE
 - § 1.3 CONSISTENCY WITH ADJACENT POLICY BODIES
 - § 1.4 OCCUPATION
 - § 1.5 APPLICABILITY
 - § 1.6 IDENTIFICATION OF PROBLEMS
 - § 1.7 IDENTIFICATION OF PROBLEMS
 - § 1.8 PURPOSE OF ORDINANCE
 - § 1.9 TREATMENT OF PROBLEMS
 - § 1.10 VISION STATE

KEY THINGS TO KNOW:

 - Address conflicts
 - Identify flexibility mechanisms
 - Purpose & intent
 - How we handle development in process
- Slide 5: CHAPTER 3 DISTRICTS**
 - § 3.1 CHAPTER INTRODUCTION
 - § 3.2 DISTRICTS: CONVENTIONAL
 - § 3.3 DISTRICTS: CONDITIONAL
 - § 3.4 DISTRICTS: OVERLAY
 - § 3.5 GENERAL LOT STANDARDS
 - § 3.6 ZONING MAP

KEY THINGS TO KNOW:

 - 4 new districts (CCN, AGU, WAF, INC)
 - Replacing 2 districts (M1-MU & M1-NC)
 - Conditional Zoning Districts
 - More clarity about requirements
 - Addressing slope
- Slide 6: CHAPTER 4 LAND USES**
 - § 4.2 CHAPTER ORGANIZATION
 - § 4.3 STANDARDS FOR SPECIFIC PRINCIPAL USES
 - § 4.4 PROHIBITED USES
 - § 4.5 SECONDARY USES
 - § 4.6 TEMPORARY USES
 - § 4.7 UNLISTED USES

KEY THINGS TO KNOW:

 - New use table – easier to use
 - Wider array of uses, including residential
 - More clarity about standards for principal uses
 - Recognize standards for secondary & temporary uses
- Slide 7: CHAPTER 5 NONCONFORMITIES**
 - § 5.1 CHAPTER INTRODUCTION
 - § 5.2 NONCONFORMING USES, GENERALLY
 - § 5.3 NONCONFORMING LOTS OF RECORD
 - § 5.4 NONCONFORMING SIGNS
 - § 5.5 NONCONFORMING STRUCTURES
 - § 5.6 NONCONFORMING USES

KEY THINGS TO KNOW:

 - Strategy for dealing with deteriorating law
 - Existing uses and development remain unaffected by UDO
 - Current nonconformities granted annually
- Slide 8: CHAPTER 6 ENFORCEMENT**
 - § 6.1 CHAPTER INTRODUCTION
 - § 6.2 COMPLAINT PROCEDURE
 - § 6.3 PROVISIONS OF UDO APPLICABLE
 - § 6.4 ENFORCEMENT FOR UDO VIOLATIONS
 - § 6.5 ENFORCEMENT PROCEDURE
 - § 6.6 VIOLATIONS
 - § 6.7 STATUS OF VIOLATIONS
 - § 6.8 VIOLATION OF ZONING DISTRICT CONTROL
 - § 6.9 VIOLATION OF ZONING DISTRICT CONTROL

KEY THINGS TO KNOW:

 - Seek compliance, not punishment
 - More clarity
 - Most of this set by State law
- Slide 9: POLICY GUIDANCE**
 - 1.2.1 Define areas where development will be targeted, create development regulations to define the nature of the development, and ensure infrastructure is available to support the demands created by development in target areas.
 - 1.6.1 Maintain zoning districts and associated use requirements that supply an adequate amount and diversity of housing types to accommodate anticipated housing demand.
 - 2.2.1 Allow for a variety of housing types including single family dwellings, apartments, multiple unit buildings, townhomes, condominiums, accessory housing and manufactured homes.
 - 3.1.1 Seek opportunities to preserve forested land, lowlands and wetlands and critical habitat through land purchase agreements, conservation easements or other measures.
 - 6.4.2 Identify land suitable for commercial development and maintain an adequate supply of developable land to support new investment.
- Slide 10: PROJECT GOALS**
 - Protect Community Character
 - Implement Town Policy
 - Create a User-Friendly Code
 - Protect the Environment
 - Increase Housing Options
 - Promote Development Quality
 - Modernize Use
- Slide 11: OUR THOUGHTS**
 - This is the final draft and the start of discussion
 - It's the town's UDO; we don't need what we don't need
 - The goal is to balance character protection with property rights protection
 - The document blends the predictable with the flexible
 - There is always an appeal path to every decision – always recourse
- Slide 12: NEXT STEPS**
 - 1. Review the UDO
 - 2. Review the UDO
 - 3. Review the UDO
 - 4. Review the UDO
 - 5. Review the UDO
 - 6. Review the UDO
 - 7. Review the UDO
 - 8. Review the UDO
 - 9. Review the UDO
 - 10. Review the UDO
 - 11. Review the UDO
 - 12. Review the UDO

The following are the questions and comment received during the presentation to Town Council:

- In Section 3.3.3.B what covenants are considered illegal or would be voided? Those would be any covenants that restrict by age, religion, race, color, etc.





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- The Definitions Chapter would be helpful to have to understand uses and other terms in the UDO. Council should let consultant know if there are terms that are not included that should be.
- Possibility for a family subdivision. Allow for multigenerational living (or multiple houses with one driveway). Deed restrict.
- Secondary Uses to allow Home-based Businesses. Need to balance between using property how you want and impact on neighbors
- Allow horses, cows and other farm animals on residential properties throughout Town.
- Congregate Care in LDR and MXR and Residential Conditional Zoning. Watershed may limit.
- Ensure farming is permitted in all zoning districts, including gardening
- How do we protect agricultural uses that are not considered Bonafide farms (horses, rentals to farmers to grow hay, greenhouses, processing chickens, etc)?
- Determine thresholds for ag uses
- Definitions are essential
- Tiny homes, pocket neighborhoods will be dependent on the availability of water and sewer unless community systems are permitted.
- Awareness of this new UDO is limited. Most folks unaware of the process.
- Town will consider rezoning requests for a time period after adoption. No application fee, done in batches.
- Where did the use standards come from?
- Public comment on this text is necessary
- Provide input on Use Standards
- Print flyers

7. Office Hours, Block 2

Office hours are an opportunity for Mills River residents and business owners to come and meet with members of the consulting team about the project during the team's visits. On this trip, the consulting team held a second block of time for office hours on Friday, December 12 from 9 AM to 12 PM; one resident came to discuss potential zoning of their property and ask questions of the process. The subject property contains a commercial shop with outdoor storage, the primary residence (a SF detached home), and boarding for foster pets. This is a typical situation in Mills River and highlighted the need for a "legacy" district of sorts where a primary residence and a business can coincide on the same lot and is not necessarily considered a typical home-based business as it may require additional commercial buildings or structures.

8. Debrief with Staff

Before the consultant team departure, the Team met with Town staff to debrief on the concerns and input from citizens, Town Council, and the Steering Committee. The following items were discussed:

1. Applications / Procedures:
 - Conservation Subdivisions
 - Community System
 - Open Space Set-Aside to contain drain fields
 - Require sewer?
 - Driveway Permit: Yes





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- Exempt Subdivision: Yes
 - Final Plat: No TRC Review
 - Flood Hazard Permit: Yes, for development in the SFHA
 - Subdivisions:
 - Major, 9+lots, any major infrastructure
 - Minor, 8 lots or less
 - Limited
 - Exempt / Recombination
 - Conservation
 - Family. Smaller minimum lot size. Lower application fee, no sale for five years (keep as current)
 - Performance Guarantee – keep basic
 - Community Meetings – for Conditional Rezoning Only (optional for other applications)
 - Text Amendments – disallow from outside parties
 - Tree Clearing Certificate: No
 - Variances – differentiate between normal and those required for water (watershed, riparian, flood)
 - Water Variances
 - Watershed Review Board
 - State EAC
 - Reasonable Accommodations
 - Vested Rights Certificate
 - 2 year vesting right for anything with a hearing
 - 1 year fo anything administrative
 - Up to 5 year term for Town Council (QJ) approval
 - 7 year term for Multi phased Development
 - Unlimited vesting for Developers Agreements
 - Zoning Compliance – only permit issued today by Staff for building and non-building applications
2. To-Do / Follow-up
- UDO Definitions
 - Type up Questions from public forum and include responses on website
3. New Legacy District
- To limit to those lots that are developed could be considered a violation of due process
 - New district name – Rural Mixed
 - How do we limit moving forward
 - How do we change use, expand? Special Use Permit? Conditional Rezoning?
4. Spot Zoning (when residents petition for rezoning)
- Arbitrary and capricious
 - One-off decisions
 - DRAFT map at some point to Council and Board to decide

END OF DOCUMENT

