

*imagine*

# MILLS RIVER

## UNIFIED DEVELOPMENT ORDINANCE

**Adoption Draft**

May 2026



# CHAPTER 3. DISTRICTS

<b>§ 3.1 CHAPTER INTRODUCTION</b>	<b>131</b>
3.1.1. Chapter Organization	131
3.1.2. Districts Distinguished	131
3.1.3. Districts Established	131
<b>§ 3.2 DISTRICTS: CONVENTIONAL</b>	<b>133</b>
3.2.1. Conservation (CON)	133
3.2.2. Rural Preservation (RPV)	135
3.2.3. Rural Residential (RUR)	137
3.2.4. Low Density Residential (LDR)	139
3.2.5. Mixed Residential (MXR)	141
3.2.6. General Commercial (GLC)	145
3.2.7. Rural Mix (RUM)	147
3.2.8. Town Center (TNC)	149
3.2.9. Industrial (IND)	151
<b>§ 3.3 DISTRICTS: CONDITIONAL</b>	<b>153</b>
3.3.1. General Provisions	153
3.3.2. Residential Conditional (RCZ)	155
3.3.3. Commercial Conditional (CCZ)	156
3.3.4. Industrial Conditional (ICZ)	157
3.3.5. Mixed-Use Conditional (MCZ)	157
<b>§ 3.4 DISTRICTS: OVERLAY</b>	<b>159</b>
3.4.1. General	159
3.4.2. Special Flood Hazard Area Overlay (SFHA)	159
3.4.3. Water Supply Watershed Protection Overlay District (WSPO)	162
<b>§ 3.5 GENERAL LOT STANDARDS</b>	<b>171</b>
3.5.1. Multiple Buildings or Structures on a Lot	171
3.5.2. Required Lot Configuration	171
3.5.3. Required Yards	172
3.5.4. Special Purpose Lots	172
3.5.5. Split Zoning	173
3.5.6. Unified Development	173
<b>§ 3.6 ZONING MAP</b>	<b>173</b>
3.6.1. Generally	173
3.6.2. Incorporated by Reference	173



3.6.3. Interpretation of Map Boundaries .....	174
3.6.4. Maintenance and Revision of Maps.....	174

## CHAPTER 3. DISTRICTS - KEY CHANGES IN THE NEW UDO

Article 3, Districts consolidates the standards in current Chapter 154, along with the new standards for Special Flood Hazard Areas adopted by the Town in 2025.

Other key changes in this Chapter 3 also include:

- Establishment of a new section that introduces the zoning districts and explains the distinctions between conventional, conditional, and overlay districts.
- There is a new translation table that explains how the current zoning districts are revised in the new UDO, include the establishment of four new conventional zoning districts: Conservation (CON), Rural Preservation (RPV), Rural Mix (RUM), Mixed Residential (MXR), and Town Center (TNC). The recently adopted Rural Residential (RUR) district has also been integrated into this UDO.
- The new UDO does away with the current MR-MU Mixed-Use district and converts these lands to one of the other conventional zoning districts, as appropriate (see the Town’s Zoning Map Methodology worksheet for details about how the translations took place).
- The Neighborhood Commercial district is removed and translated to Mixed Residential, General Commercial, or Town Center, as appropriate.
- The conventional zoning district information has been reorganized to locate use-related material in Chapter 4, to specify more detail regarding district purpose, to provide more precise dimensional standards tables, and to include precedent imagery.
- The conventional district dimensional standards include more detail about density, lot width, impervious surface cover (outside the WSPO), required open space, and more detail about setbacks (secondary uses, intra-building separation, and perimeter setbacks for unified developments).
- Many of the dimensional standards are now calibrated for a lot’s average slope (lots with average slopes over 25% must be larger, have lower impervious surface, and provide more open space).
- The notion of four generic conditional zoning districts has been carried forward, but there is more detail about Type 1 (limited) versus Type 2 (unlimited) districts as well as more detail on concept plans and which set of dimensional standards will be applied (unless modified via a condition of approval).
- This Corridor Overlay zoning district is not carried forward in favor of new development and design standards that will be applied generally to commercial, multi-family, and mixed-use development townwide.
- This UDO includes the recently adopted Special Flood Hazard Area overlay district, but the current standards have been reorganized from a “standalone” ordinance to follow the UDO structure where procedures, definitions, standards, and related materials are organized by chapter.
- The Town’s water supply watershed overlay district standards have been reviewed and updated in accordance with the State’s new model ordinance (and the same kinds of UDO structural re-organization as was applied to the Special Flood Hazard Area overlay).
- The UDO includes a new set of general lot standards that address common questions and confusion about unified developments, special purpose lots, multiple buildings on lots, and similar aspects.



## § 3.1 CHAPTER INTRODUCTION

### 3.1.1. CHAPTER ORGANIZATION

#### A. CONVENTIONAL ZONING DISTRICT SECTION

01. Sections <> through <> include the detailed purpose statements, dimensional standards, and example development imagery for each conventional zoning district listed in Table <>, Zoning Districts Established. The conventional zoning districts in these sections are listed from districts with a low development potential to districts with a high development potential instead of in alphabetical order.
02. The range of allowable principal use types for each zoning district is identified in Section <>, Listing of Common Principal Uses.
03. In cases where a conventional zoning district also includes unique district-specific standards that apply to all lands in that conventional zoning district classification, the unique district-specific standards are also included in the relevant zoning district section.

#### B. CONDITIONAL ZONING DISTRICT SECTION

Section <>, Districts: Conditional, sets out the standards applicable to the conditional zoning districts listed in Table <>, Zoning Districts Established.

#### C. OVERLAY ZONING DISTRICT SECTION

Section <>, Districts: Overlay, sets out the standards applicable to the overlay districts listed in Table <>, Zoning Districts Established, and how they interact with one another and the underlying conventional or conditional zoning districts.

#### D. GENERAL LOT STANDARDS SECTION

Section <>, General Lot Standards, describes how lots are arranged, rules for addressing multiple structures on a single site, the provisions for flag and special purpose lots, and the provisions for lots with bifurcated zoning district classifications.

#### E. ZONING MAP SECTION

Section <>, Zoning Map, establishes the Official Zoning Map, describes how it is updated and interpreted, how copies may be obtained, and recognizes other related maps such as the Official Overlay Zoning District Map.

### 3.1.2. DISTRICTS DISTINGUISHED

- A. All land subject to these standards shall be classified into one of the conventional or conditional zoning districts identified in Table <>, Zoning Districts Established.
- B. Land in any conventional or conditional zoning district may also be classified with one or more overlay zoning district designations.
- C. In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to the standards governing development in the underlying conventional or conditional zoning district.
- D. Conflicts between underlying and overlay zoning districts are addressed in accordance with Section <>, Conflict.
- E. Land in the Town shall be classified or reclassified into a conventional or conditional zoning district only in accordance with the procedures and requirements set forth in Section <>, Conditional Rezoning, or Section <>, Conventional Rezoning, as appropriate.

### 3.1.3. DISTRICTS ESTABLISHED

- A. Table <>, Zoning Districts Established, sets out the conventional, conditional, and overlay zoning districts established by this Ordinance. Conventional zoning districts are organized into Residential and Nonresidential district categories. The districts in the table are generally organized from the lowest intensity or development potential to the highest intensity or development potential.



- B. On *(insert the effective date of this Ordinance)*, land zoned with a zoning district classification from the Town’s previous zoning ordinance is translated or reclassified to one of the zoning districts set forth in [Table <>, Zoning Districts Established](#).
- C. The table below summarizes this translation or reclassification. For example, the table shows that all lands classified as MR-30 in the previous ordinance under the column named “Former Zoning Districts” are now classified LDR, Low Density Residential in this Ordinance as shown under the column titled “Zoning Districts in this Ordinance.”
- D. Zoning districts marked “N/A” in the Former Zoning Districts Column are new zoning districts that do not have counterparts in the Town’s previous zoning ordinance.
- E. Zoning districts marked “N/A” in the Zoning Districts in this Ordinance Column are not carried forward from the prior zoning ordinance and have been abolished as part of the adoption of this Ordinance. Land located within a prior zoning district that is abolished by adoption of this Ordinance is reclassified into the most appropriate zoning district found under the Zoning Districts in this Ordinance column.

**TABLE <>: ZONING DISTRICTS ESTABLISHED**

FORMER ZONING DISTRICTS		ZONING DISTRICTS IN THIS ORDINANCE	
CONSERVATION			
N/A		CON	Conservation
CONVENTIONAL RESIDENTIAL			
N/A		RPV	Rural Preservation
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	RUM	Rural Mixed [1]
N/A		TNC	Town Center
MR-LI	Light Industrial	IND	Industrial
CONDITIONAL [2]			
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		N/A	
N/A		WSPO	Watersupply Watershed Protection Overlay
N/A		SFHA	Special Flood Hazard Area Overlay

**NOTES:**

- [1] This is a legacy zoning district established during and shortly after the UDO adoption process that relies upon a request by a landowner and subsequent verification of existing mixed-use development by the Town.
- [2] A conditional district may be either Type 1, Limited or Type 2, Unlimited, as requested by the applicant.



## § 3.2 DISTRICTS: CONVENTIONAL

### 3.2.1. CONSERVATION (CON)

#### A. CONSERVATION (CON) DISTRICT PURPOSE STATEMENT

The Conservation (CON) District is established to preserve and protect sensitive natural resources and areas of environmental concern as well as a district for governmental use types. The district is intended to protect areas with steep slopes, floodplain, wetlands, riparian corridors, and ridge lines. The purpose of the CON district is to limit development potential to help minimize danger to public health and safety from erosion and sedimentation; to retain and protect environmentally-sensitive areas from the potentially damaging impacts of development; to protect wildlife corridors and scenic vistas from disturbance; and to preserve and maintain the aesthetic and rural qualities and appearance of the Town. The district allows governmental facilities, gardens, community centers, public recreation uses, parks, single-family detached dwellings, and very low intensity utility uses like small wireless or minor antenna collocations.

#### B. CONSERVATION (CON) DISTRICT PREFERRED DEVELOPMENT EXAMPLES

The following images are provided as examples of differing building configurations and site layouts. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The residential densities depicted in these images are likely greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with [Section <>, Conflict.](#)

GARDENS



PLAYGROUNDS



**BOARDWALKS**



**COMMUNITY CENTER**



**C. CONSERVATION (CON) DISTRICT DIMENSIONAL STANDARDS**

DIMENSIONAL REQUIREMENTS (BY AVERAGE SLOPE OF LOT)	AVERAGE SLOPE UNDER 25%	AVERAGE SLOPE 25% OR MORE
Maximum Residential Density (du/ac)	0.66	0.5
Minimum Lot Area (sf) [1]	66,000	87,120
Minimum Lot Width (ft) [1]	80	60
Maximum Lot Coverage (% of Lot Area) [2]	35	30
Minimum Open Space Set Aside (% of Lot Area)	None required	None required
Minimum Street Setback for Major and Minor Streets (ft) [3]	50	20
Minimum Side Setback for Principal Uses (ft)	20	10
Minimum Rear Setback for Principal Uses(ft)	30	20
Minimum Side and Rear Setbacks for Secondary Uses (ft)	15	15
Minimum Perimeter Setback for Unified Developments (ft) [4]	50	20
Minimum Spacing Between Buildings on the Same Lot (ft)		
Principal	20	15
Secondary (whether from a principal or another secondary building)	10	10
Maximum Building Height (ft/# of stories) [5]	26/2	26/2

Notes:

- [1] Minimum lot area and lot width not applied to sites subject to conservation easements.
- [2] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.
- [3] Applied from the edge of the public right-of-way. Setbacks from private streets shall be at least five feet from the edge of pavement or sidewalk, if provided.
- [4] Unified developments are exempted from side and rear setbacks along internal lot lines. Perimeter setbacks shall apply along all perimeter property lines and street right-of-way edges.
- [5] Increased to 35 feet for non-residential buildings.



**3.2.2. RURAL PRESERVATION (RPV)**

**A. RURAL PRESERVATION (RPV) DISTRICT PURPOSE STATEMENT**

The Rural Preservation (RPV) District is a zoning designation intended to preserve agricultural operations, maintain open viewsheds, and reinforce the Town’s rural character. New development should be configured to minimize conflict with existing farming activities, avoid fragmentation of existing farms and forests, preserve existing drainage patterns, and minimize its visibility from major roadways and public lands. The district provides for a mix of farming, large-lot single-family detached residential, rural homesteads, and modern agricultural activity (like greenhouses or controlled-environment horticulture). It also allows outdoor commercial recreation, and a wide range of governmental and institutional use types, provided such uses do not interfere with agricultural activity or the established rural character. Single-family detached homes and manufactured homes on individual lots are permitted. The district also permits conservation subdivisions comprised of smaller lots where significant amounts of agricultural lands or open lands are preserved and the visibility of the developed portion of the site from off-site areas is strictly limited.

**B. RURAL PRESERVATION (RPV) DISTRICT DEVELOPMENT EXAMPLES**

The following images are provided as examples of differing building configurations and site layouts. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The residential densities depicted in these images are likely greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with Section <>, Conflict.

**SINGLE-FAMILY  
RESIDENTIAL**



**CONSERVATION  
SUBDIVISION**



**AGRICULTURE  
(CONTROL. ENVIRONMENT)**



**MANUFACTURED HOME**



**C. RURAL PRESERVATION (RPV) DISTRICT DIMENSIONAL STANDARDS**

DIMENSIONAL REQUIREMENTS	SINGLE- FAMILY		CONSERVATION SUBDIVISION	NON- RESIDENTIAL
	AVG. SLOPE UNDER 25%	AVG. SLOPE 25% OR MORE		
Maximum Residential Density (du/ac)	0.33	0.25	0.33 [1]	N/A
Minimum Site Size (ac)	N/A	N/A	10.0	3.0
Minimum Lot Area (sf)	132,000 [2]	174,240 [2]	10,890	130,680
Minimum Lot Width (ft)	100	80	60	150
Maximum Lot Coverage (% of lot area) [3]	25	20	50	40
Minimum Open Space Set Aside (% of lot or site size) [4] [5]	20	30	50	5
Minimum Street Setback for Major Streets (ft)	80	80	200	80
Minimum Street Setback for Minor Streets (ft)	30	20	20 internal 200 external	40
Minimum Side Setback for Principal Uses (ft)	20	10	5	40
Minimum Rear Setback for Principal Uses (ft)	30	30	5	50
Minimum Side and Rear Setbacks for Secondary Uses (ft)	20	20	10	30
Minimum Perimeter Setback for Unified Developments (ft)	30	25	200	50
Minimum Spacing Between Buildings on the Same lot (ft)				
Principal	20	15	20	20
Secondary (from principal or another secondary building)	10	10	10	10
Maximum Building Height (ft/ # of stories)	26/2	26/2	26/2	35/2

Notes:

- [1] Average density across entire site.
- [2] Lots established in accordance with Section <>, Family Subdivision, may be one acre in area.
- [3] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.
- [4] Not applied to development of an individual single-family lot.
- [5] See Section <>, Open Space Set-Aside and Parkland, for the type of open space required.



**3.2.3. RURAL RESIDENTIAL (RUR)**

**A. RURAL RESIDENTIAL (RUR) DISTRICT PURPOSE STATEMENT**

The purpose of the district is to facilitate very low density development in areas where rural character and environmentally-sensitive lands are predominant features of the landscape. New development should complement traditional patterns of home siting, open fields, wooded areas, and agricultural landscapes. It should also avoid mass grading and other significant changes to existing topography, preserve open land and natural features, and minimize the deeper extension of infrastructure into other rural or agricultural areas. The district permits a wide range of agricultural uses, governmental and assembly uses, outdoor commercial recreation, conservation subdivisions, single-family detached homes, duplexes, manufactured dwellings, and pocket neighborhoods. Development within the district should reinforce the visual and functional qualities of rural living, maintain compatibility with agriculture and forestry, and ensure that land use transitions to more suburban districts occur in an orderly and context-sensitive manner.

**B. RURAL RESIDENTIAL (RUR) DISTRICT EXAMPLE DEVELOPMENT TYPES**

The following images are provided as examples of differing building configurations and site features. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The residential densities depicted in these images are likely greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with [Section <>, Conflict.](#)

**SINGLE-FAMILY  
RESIDENTIAL**



**DUPLEX DWELLING**



**POCKET  
NEIGHBORHOOD**



# CHAPTER 3. DISTRICTS

## § 3.2 Districts: Conventional

### Subsection 3.2.3. Rural Residential (RUR)

#### C. RURAL RESIDENTIAL (RUR) DISTRICT DIMENSIONAL STANDARDS

DIMENSIONAL REQUIREMENTS	SINGLE-FAMILY/ DUPLEX		POCKET NEIGHBORHOOD	CONSERVATION SUBDIVISION	NON-RESIDENTIAL
	AVG. SLOPE UNDER 25%	AVG. SLOPE 25% OR MORE			
Maximum Residential Density (du/ac)	0.66	0.5	3.0 [1] [2]	0.66 [2]	N/A
Minimum Site Size (ac)	N/A	N/A	2.0	10.0	1.5
Minimum Lot Area (sf)	66,000	87,120	10,000	10,890	65,340
Minimum Lot Width (ft)	80	60	50	60	100
Maximum Lot Coverage (% of lot area) [3]	35	30	60	60	60
Maximum Building Size (sf)	N/A	N/A	2,500	N/A	7,500
Minimum Open Space Set Aside (% of lot or site size) [4]	15	20	35	50	5
Minimum Street Setback for Major Streets (ft)	40	40	50	200	100
Minimum Street Setback for Minor Streets (ft)	30	20	10	20 internal 200 external	60
Minimum Side Setback for Principal Uses (ft)	15	10	5	5	30
Minimum Rear Setback for Principal Uses (ft)	15	10	5	5	30
Minimum Rear / Side Setbacks for Secondary Uses (ft)	5	5	5	5	15
Minimum Perimeter Setback for Unified Developments (ft)	40	35	35	200	40
Minimum Spacing between Buildings on the Same Lot (ft)					
Principal	15	10	10	15	15
Secondary	10	10	10	10	10
Maximum Building Height (ft/ # of stories)	26/2	26/2	26/2	26/2	35/2

Notes: [1] Limited to no more than 15 units per neighborhood.  
 [2] Average density across entire site.  
 [3] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District  
 [4] Not applied to an individual single-family or duplex lot.



**3.2.4. LOW DENSITY RESIDENTIAL (LDR)**

**A. LOW DENSITY RESIDENTIAL (LDR) DISTRICT PURPOSE STATEMENT**

The Low Density Residential District (LDR) serves as the Town’s primary residential neighborhood designation. It creates opportunities for low-density, suburban-style residential neighborhoods and complimentary institutional and open space uses on individual lots. Lands within the LDR district are typically served by public or shared community-level water and sewer, an informal curvilinear street pattern, and a blend of active recreation and open space areas that serve nearby dwellings. The district acts as a transition between rural and agricultural areas and more intense non-residential areas like highway corridors. It allows a limited range of assembly, governmental, open space, and minor utility uses in addition to assisted living facilities. The district also allows a broad range of residential use types including traditional single-family detached dwellings, conservation subdivisions, duplexes, pocket neighborhoods, and bungalow courts configured in ways that maintain the Town’s low density mountain community character. The minimum lot size is 30,000 square feet in area, and some developments, like bungalow courts and pocket neighborhoods have maximum development sizes. Commercial and industrial development or uses that interfere with the quiet residential nature of the LDR district or that are contrary to the established community character are not permitted.

**B. LOW DENSITY RESIDENTIAL (LDR) DISTRICT EXAMPLE DEVELOPMENT TYPES**

The following images are provided as examples of differing building configurations and site features. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The residential densities depicted in these images are likely greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with [Section <>, Conflict.](#)

**BUNGALOW COURT**



**POCKET NEIGHBORHOOD**



# CHAPTER 3. DISTRICTS

## § 3.2 Districts: Conventional

### Subsection 3.2.4. Low Density Residential (LDR)

#### C. LOW DENSITY RESIDENTIAL (LDR) DISTRICT DEVELOPMENT STANDARDS

DIMENSIONAL REQUIREMENTS	SINGLE-FAMILY & DUPLEX		BUNGALOW COURT / POCKET NEIGHBORHOOD	CONSERVATION SUBDIVISION	NON-RESIDENTIAL
	<25% AVG. SLOPE	≥25% AVG. SLOPE			
Maximum Residential Density (du/ac)	1.45	1.25	4.0 [1] [2]	1.35 [2]	N/A
Minimum Site Size (ac)	N/A	N/A	1.75	9.0	.70
Minimum Lot Area (sf)	30,000	34,850	9,000	10,890	30,000
Minimum Lot Width (ft)	80	60	50	60	100
Maximum Lot Coverage (% of lot area) [3]	35	30	70	70	70
Minimum Open Space Set Aside (% of lot or site size) [4]	15	20	35	50	5
Minimum Street Setback for Major Streets (ft)	75	75	85	200	75
Minimum Street Setback for Minor Streets (ft)	60	30	10	200 [5]	60
Minimum Side Setback for Principal Uses (ft)	30	25	5	5	30
Minimum Rear Setback for Principal Uses (ft)	30	25	5	5	30
Minimum Rear and Side Setbacks for Secondary Uses (ft)	10	5	5	5	10
Minimum Perimeter Setback for Unified Developments (ft)	60	50	55	200	60
Minimum Spacing between Buildings on the Same Lot (ft)					
Principal	15	10		15	15
Secondary (from principal or another secondary building)	10	5		5	10
Maximum Building Height (ft/ # of stories)	26/2	26/2	26/2	26/2	35/2

Notes:

[1] Limited to no more than 15 units per neighborhood.

[2] Average density across entire site.

[3] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.

[4] See Section <>, Open Space Set-Aside and Parkland, for the type of open space required.

[5] 20-foot setback from minor streets internal to the conservation subdivision.



**imagineMILLS RIVER**

Unified Development Ordinance

Adoption Draft May 2026

[\(Return to Table of Contents\)](#)

**3.2.5. MIXED RESIDENTIAL (MXR)**

**A. MIXED RESIDENTIAL (MXR) DISTRICT PURPOSE STATEMENT**

The Mixed Residential (MXR) District is a low-to-medium density mixed district found in the more developed portions of Town along and adjacent to major transportation corridors. It is intended to accommodate a wide variety of residential building types, including single-family detached, duplex, triplex, quadplex various small lot/small size residential uses, and live/work use types, in order to expand local housing choices and support a balanced, resilient housing supply. The MXR district is applied in locations with direct access to major transportation corridors to facilitate residential and small business growth in areas capable of supporting higher trip volumes while reducing development pressure on more rural, agricultural, and environmentally-sensitive areas. In addition to its focus on residential, it allows small-scale, low-impact neighborhood-serving non-residential uses, including personal services, low-intensity offices, limited retail, and several institutional use types designed to serve nearby neighborhoods and encourage a walkable community without detracting from the district's primarily residential character. Intensive commercial, industrial, and other high intensity uses are not permitted in the district. Land use compatibility in the district is maintained through creative architecture and site configuration rather than through separation by large lots or suburban-style landscaping buffers.

**B. MIXED RESIDENTIAL (MXR) DISTRICT EXAMPLE DEVELOPMENT TYPES**

The following images are provided as examples of differing building configurations. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The residential densities depicted in these images are likely greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with Section <>, Conflict.

**DUPLEX**



**TRIPLEX**



**CHAPTER 3.  
DISTRICTS**

**§ 3.2 Districts: Conventional  
Subsection 3.2.5. Mixed Residential (MXR)**

**QUADPLEX**



**LIVE/WORK**



**IN-LINE SHOPPING CENTER**



**C. MIXED RESIDENTIAL (MXR) DISTRICT DEVELOPMENT STANDARDS**

**TABLE 1 OF 2**

DIMENSIONAL REQUIREMENTS	SINGLE-FAMILY & TWO-FAMILY		TRIPLEX / QUADPLEX	
	<25% AVG. SLOPE	≥25% AVG. SLOPE	<25% AVG. SLOPE	≥25% AVG. SLOPE
Maximum Residential Density (du/ac)	2.0	1.85	1.25	1.0
Minimum Site Size (ac)	N/A	N/A	2.0	
Minimum Lot Area (sf)	21,780	24,000	34,850	43,560
Minimum Lot Width (ft)	70	50	100	80
Maximum Lot Coverage (% of lot area) [3]	40	35	35	30
Minimum Open Space Set Aside (% of lot or site size) [4]	15	20	20	25
Minimum Street Setback for Major Streets (ft)	65	65	65	65
Minimum Street Setback for Minor Streets (ft)	50	25	50	25
Minimum Side Setback for Principal Uses (ft)	25	20	25	20
Minimum Rear Setback for Principal Uses (ft)	25	20	25	20
Minimum Rear and Side Setbacks for Secondary Uses (ft)	10	5	10	5
Minimum Perimeter Setback for Unified Developments (ft)	50	40	50	40
Minimum Spacing Between Buildings on the Same Lot (ft)				
Principal	12	8	12	8
Secondary (from principal or another secondary building)	8	5	8	5
Maximum Building Height (ft/ # of stories)	26/2	26/2	26/2	26/2

- Notes:
- [1] Limited to no more than 15 units per neighborhood.
  - [2] Average density across entire site.
  - [3] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.
  - [4] See Section <>, Open Space Set-Aside and Parkland, for the type of open space required.
  - [5] 20-foot setback from minor streets internal to the conservation subdivision.



**C. MIXED RESIDENTIAL (MXR) DISTRICT DEVELOPMENT STANDARDS**

TABLE 2 OF 2

DIMENSIONAL STANDARD	LIVE / WORK		BUNGALOW COURT / POCKET NEIGHBORHOOD	CONSERV. SUBDIVISION	MIXED-USE		NON-RESIDENTIAL	
	<25% AVG. SLOPE	≥25% AVG. SLOPE			<25% AVG. SLOPE	≥25% AVG. SLOPE	<25% AVG. SLOPE	≥25% AVG. SLOPE
Maximum Residential Density (du/ac)	3.0	2.5	4.0 [1] [2]	2.0 [2]	4.0	3.0	N/A	
Minimum Site Size (ac)	.70		1.75	8.0	N/A		.70	1.0
Minimum Lot Area (sf)	30,500	33,000	9,000	9,000	43,560	50,000	30,000	43,560
Minimum Lot Width (ft)	100	80	50	50	100	80	100	80
Maximum Lot Coverage (% of lot area) [3]	75	70	70	70	75	70	70	65
Minimum Open Space Set Aside (% of lot or site size) [4]	7	10	35	50	7	10	5	7
Minimum Street Setback for Major Streets (ft)	65	65	75	200	65	65	65	65
Minimum Street Setback for Minor Streets (ft)	50	25	10	200 [5]	50	25	50	30
Minimum Side Setback for Principal Uses (ft)	25	20	5	5	25	20	25	20
Minimum Rear Setback for Principal Uses (ft)	25	20	5	5	25	20	25	20
Minimum Rear and Side Setbacks for Secondary Uses (ft)	10	5	5	5	10	5	10	5
Minimum Perimeter Setback for Unified Developments (ft)	50	40	55	200	50	40	50	40
Minimum Spacing Between Buildings on the Same Lot (ft)								
Principal	12	8	8	8	12	8	12	8
Secondary (from principal or another secondary building)	8	5	5	5	8	5	8	5
Maximum Building Height (ft/ # of stories)	26/2	26/2	26/2	26/2	35/2	35/2	35/2	35/2

Notes: [1] Limited to no more than 15 units per neighborhood.  
 [2] Average density across entire site.  
 [3] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.  
 [4] See Section <>, Open Space Set-Aside and Parkland, for the type of open space required.  
 [5] 20-foot setback from minor streets internal to the conservation subdivision.



**3.2.6. GENERAL COMMERCIAL (GLC)**

**A. GENERAL COMMERCIAL (GLC) DISTRICT PURPOSE STATEMENT**

The General Commercial (GLC) District is applied to lots along the Town’s major commercial roadways like Boylston Highway (NC 280) and NC Highway 191 where access, visibility, and traffic volumes support more intensive non-residential uses. It is intended to accommodate a broad range of community-serving and highway-oriented non-residential uses that provide goods and services to residents, visitors, and the traveling public. The district accommodates a wide range of commercial development types, including large floorplate shopping uses likely to generate significant amounts of traffic, as well as institutional uses, offices, and personal services. Development in the GLC district tends to be low-rise single-use buildings configured for easy access by patrons travelling in automobiles. Development sites may be comprised of a mix of individual buildings on individual sites and multi-tenant, or multi-building developments organized into shopping center or campus-style developments located near major roadway intersections. In addition to commercial uses, the district also accommodates a wide range of office and institutional uses. Only limited forms of residential, such as live/work units, are permitted as part of mixed-use development. Public or shared community-level water and sewer service is required for new development, and uses in the district are subject to standards intended to ensure safe vehicular and pedestrian circulation, and to preserve and maintain the Town’s rural character.

**B. GENERAL COMMERCIAL (GLC) DISTRICT EXAMPLE DEVELOPMENT TYPES**

The following images are provided as examples of differing building configurations and site features. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The development intensities depicted in these images may be greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with [Section <>, Conflict.](#)

**STAND-ALONE  
COMMERCIAL**



**SHOPPING CENTER**



**MIXED-USE**



**C. GENERAL COMMERCIAL (GLC) DISTRICT DIMENSIONAL STANDARDS**

DIMENSIONAL REQUIREMENTS	NON-RESIDENTIAL		MIXED-USE	
	<25% AVG. SLOPE	≥25% AVG. SLOPE	<25% AVG. SLOPE	≥25% AVG. SLOPE
Maximum Residential Density (du/ac)	N/A	N/A	4.0	3.0
Minimum Site Size (ac)	None		None	
Minimum Lot Area (sf)	None		43,560	50,000
Minimum Lot Width (ft)	75	60	75	60
Maximum Lot Coverage (% of lot area) [1]	65	60	75	70
Maximum Building Footprint Size (% of lot area)	50		60	
Minimum Open Space Set Aside (% of lot area) [2]	5	7	7	10
Minimum Street Setback for Major Streets (ft)	50	50	50	50
Minimum Street Setback for Minor Streets (ft)	40	20	40	20
Minimum Side Setback for Principal Uses (ft)	15	10	15	10
Minimum Rear Setback for Principal Uses (ft)	30	25	30	25
Minimum Rear and Side Setback for Secondary Uses (ft)	10	5	10	5
Minimum Perimeter Setback for Unified Developments (ft) [3]	50	40	50	40
Minimum Spacing between Buildings on the Same Lot (ft)				
Principal	10	5	10	5
Secondary (from principal or another secondary building)	5	5	5	5
Maximum Building Height (ft/ # of stories)	35/2	35/2	35/2	35/2

Notes: [1] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.  
 [2] See Section <>, Open Space Set-Aside and Parkland, for the type of open space required.



**3.2.7. RURAL MIX (RUM)**

**A. RURAL MIX (RUM) DISTRICT PURPOSE STATEMENT**

The Rural Mix (RUM) zoning district is a legacy conventional zoning district intended to recognize and accommodate existing mixed-use development consisting of a principal residential use and an associated non-residential use or uses operated by persons residing in the on-site residential use (or their direct relatives). It allows two or more principal uses from different use classifications to operate on the same lot, including existing, lawfully-established non-residential uses. The district permits the continuation and limited expansion of existing uses, but does not permit the establishment of new use types that do not exist at the time the RUM district designation is authorized for the lot or site. Expansions of existing uses are permitted subject to compliance with the applicable dimensional requirements for the district. Requests for the designation of land to the Rural Mix zoning district must be submitted to the Town by all listed landowners, and will only be considered until July 1, 2027. No requests for establishment of the RUM district will be considered after July 1, 2027. Boundaries of an existing RUM district may not be expanded, though the land may become the subject of a subsequent Official Zoning Map Amendment through the conditional rezoning procedure (see Section <>, Conditional Rezoning), or the conventional rezoning procedure (see Section <>, Conventional Rezoning).

**B. RURAL MIX (RUM) DISTRICT EXAMPLE DEVELOPMENT TYPES**

**RURAL MIXED USE**



**RURAL MIXED-USE**



**C. RURAL MIX (RUM) DISTRICT DIMENSIONAL STANDARDS**

DIMENSIONAL REQUIREMENTS	ALL ALLOWABLE USE TYPES
Maximum Residential Density (du/ac)	1.0
Minimum Site Size (ac) [1]	1.0
Minimum Lot Area (sf) [1]	43,560
Minimum Lot Width (ft) [1]	100
Maximum Lot Coverage (% of lot area) [2]	75
Maximum Building Footprint Size (% of lot area) [3]	40,000
Minimum Open Space Set Aside (% of lot area)	None
Minimum Street Setback for Major Streets (ft)	65
Minimum Street Setback for Minor Streets (ft)	50
Minimum Side Setback for Principal Uses (ft)	25
Minimum Rear Setback for Principal Uses (ft)	25
Minimum Rear and Side Setback for Secondary Uses (ft)	10
Minimum Perimeter Setback for Unified Developments (ft) [3]	50
Minimum Spacing Between Buildings on the Same Lot (ft)	
Principal	12
Secondary (from principal or another secondary building)	8
Maximum Building Height (ft/ # of stories)	35/2

Notes: [1] May be smaller on a lawfully-established lot of record created prior to **(insert the effective date of this Ordinance)**.  
 [2] Subject to applicable lot coverage limits in **Section <>**, Watersupply Watershed Protection Overlay (WSPO) District.  
 [3] Applied solely to the largest principal building on the site.



**3.2.8. TOWN CENTER (TNC)**

**A. TOWN CENTER (TNC) DISTRICT PURPOSE STATEMENT**

The Town Center (TNC) zoning district is established to preserve, reinforce, and enhance the traditional heart of the Mills River community by encouraging a more compact, walkable, mixed-use environment that reflects the rural, mountain character of the Town. It serves as the community’s cultural, and commercial focal point, supporting small businesses, essential services, and public gathering spaces within a form and scale that is compatible with the surrounding area. TNC encourages a mix of residential and non-residential uses in the same buildings, on the same lots, or in close proximity to one another to support increased residential densities and a more walkable environment. Buildings should be close to the street, organized in a unified “campus” setting, or organized around gathering areas with the prominence of off-street parking reduced. Signage should be small in scale and more pedestrian oriented (with the exception of a single directory sign oriented to passing motorists). Buildings should be close to one another, well-designed, human-sized in scale, and should favor pedestrian movement over the automobile.

**B. TOWN CENTER (TNC) DISTRICT EXAMPLE DEVELOPMENT TYPES**

The following images are provided as examples of differing building configurations. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The development intensities depicted in these images may be greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with Section <>, Conflict.

**PEDESTRIAN-ORIENTED RETAIL**



**MIXED-USE DEVELOPMENT**



# CHAPTER 3. DISTRICTS

## § 3.2 Districts: Conventional Subsection 3.2.8. Town Center (TNC)

### COMMERCIAL BUILDINGS



### C. TOWN CENTER (TNC) DISTRICT DIMENSIONAL STANDARDS

DIMENSIONAL REQUIREMENTS	NON-RESIDENTIAL	MIXED-USE	RESIDENTIAL
Maximum Residential Density (du/ac)	N/A	4.0	4.0
Minimum Site Size (ac)	No minimum	No minimum	3.0
Minimum Lot Area (sf)	No minimum	43,560	43,560 [1]
Minimum Lot Width (ft)	30	50	20
Maximum Lot Coverage (% of lot area) [2]	85	75	60
Maximum Building Footprint Size (% of lot area)	50	50	N/A
Minimum Open Space Set Aside (% of lot area) [2]	5	7	10
Minimum Street Setback for Major Streets (ft)	30	30	30
Minimum Street Setback for Minor Streets (ft)	10	10	10
Minimum Side Setback for Principal Uses (ft)	5	5	5
Minimum Rear Setback for Principal Uses (ft)	10	10	10
Minimum Rear and Side Setback for Secondary Uses (ft)	5	5	5
Minimum Perimeter Setback for Unified Developments (ft) [3]	30	30	30
Minimum Spacing between Buildings on the Same Lot (ft)			
Principal	5	5	5
Secondary (from principal or another secondary building)	5	5	5
Maximum Building Height (ft/ # of stories)	35/2	35/2	35/2

Notes: [1] Not applied to lots intended for individual single-family dwellings.  
[2] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.



**3.2.9. INDUSTRIAL (IND)**

**A. INDUSTRIAL (IND) DISTRICT PURPOSE STATEMENT**

The Industrial Zoning District (IND) is intended to provide areas of Town, near transportation corridors, complete with public water and sewer, for industrial and related development. As the basis for the Town's tax base, industrial zoning is vital but must be balanced with the Town's desire to retain its small-town feel. Where possible, these developments should be located and oriented in ways that are not visible from nearby roadways in order to maintain the Town's rural and agricultural character. Screening could also be accomplished with landscaping provisions, berms, building placement, and retention of existing vegetation.

**B. INDUSTRIAL (IND) DISTRICT EXAMPLE DEVELOPMENT TYPES**

The following images are provided as examples of differing building configurations. These are provided for informational purposes only, and do not constitute a standard or requirement under this Ordinance. The development intensities depicted in these images may be greater than what could be established in Mills River. Conflicts between images and the text of this Ordinance are addressed in accordance with Section <>, Conflict.

**FLEX SPACE**



**LIGHT MANUFACTURING**



**HEAVY MANUFACTURING**



**C. INDUSTRIAL (IND) DISTRICT DEVELOPMENT STANDARDS**

DIMENSIONAL REQUIREMENTS	<25% AVERAGE SLOPE	≥25% AVERAGE SLOPE
Maximum Residential Density (du/ac)	N/A	N/A
Minimum Site Size (ac)	N/A	N/A
Minimum Lot Area (sf)	43,560	50,000
Minimum Lot Width (ft)	200	150
Maximum Lot Coverage (% of lot area) [1]	65	60
Maximum Building Footprint Size (% of lot area)	50%	55%
Minimum Open Space Set Aside (% of lot area)	None required	None required
Minimum Street Setback for Major Streets (ft)	75	60
Minimum Street Setback for Minor Streets (ft)	60	45
Minimum Side Setback for Principal Uses (ft)	15	10
Minimum Rear Setback for Principal Uses (ft)	20	15
Minimum Rear and Side Setback for Secondary Uses (ft)	10	10
Minimum Perimeter Setback for Unified Developments (ft) [3]	75	75
Minimum Spacing between Buildings on the Same Lot (ft)		
Principal	30	25
Secondary (from principal or another secondary building)	10	10
Maximum Building Height (ft/ # of stories)	35/2	35/2

Notes: [1] Subject to applicable lot coverage limits in Section <>, Watersupply Watershed Protection Overlay (WSPO) District.



## **§ 3.3 DISTRICTS: CONDITIONAL**

### **3.3.1. GENERAL PROVISIONS**

#### **A. PURPOSE AND INTENT**

Conditional zoning districts are established to:

- 01.** Provide an alternative to conventional zoning districts when a conventional zoning district may allow a range of uses or a development configuration that could have adverse impacts on public facilities or surrounding lands;
- 02.** Create an adequate amount of flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions or contexts;
- 03.** Allow a landowner to propose, and the Town Council to consider, additional conditions or restrictions on the range of allowable uses, use-specific standards, development intensities, development standards, and other applicable regulations;
- 04.** Allow a landowner to propose, and the Town Council to consider, a reduction in use specific standards, development intensities, development standards, and other applicable regulations that would otherwise apply, in accordance with these standards;
- 05.** Identify the range of development standards that may not be reduced or varied as part of a conditional rezoning application; and
- 06.** Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated problems that may arise from the proposed development.

#### **B. CREATION**

Land shall be classified into a Type 1, Limited or a Type 2, Unlimited conditional zoning district only in accordance with this section and the procedures and requirements set forth in [Section <>, Conditional Rezoning](#). This section sets out the district-specific standards for each conditional zoning district in this Ordinance.

#### **C. DISTRICTS ESTABLISHED**

The conditional zoning districts are established in accordance with the summary table in [Section <>, Districts Established](#).

#### **D. CONDITIONS AND CONCEPT PLANS, GENERALLY**

Applications for the establishment of a conditional zoning district shall include conditions proposed in accordance with [Section <>, Conditions of Approval](#), and the following standards:

- 01.** Conditions associated with a conditional zoning district may be proposed by an applicant or the Town Council. Regardless of how proposed, only those conditions agreed to by both the applicant and the Town Council shall be included in the approved conditional rezoning.
- 02.** All conditions of approval shall be consented to, in writing, by the applicant, prior to issuance of the conditional rezoning application approval.
- 03.** Conditions associated with a conditional rezoning application may be either more restrictive or less restrictive than the general standards in this Ordinance, but in no instance shall a conditional rezoning include a condition that proposes a reduction to applicable standards identified in [Section <>, Limitations on Reductions](#).
- 04.** In cases where a Type 2, Unlimited Conditional Rezoning application is proposed, the applicant shall provide the following as part of the application materials:
  - a.** A Concept Plan, prepared in accordance with [Section <>, Concept Plans Associated with a Type 2 Conditional Rezoning](#);
  - b.** An explanation as to why the proposed conditions are necessary;
  - c.** The ways in which approval of a reduction in standards or a deviation from otherwise applicable requirements will result in development that is in closer alignment with the provisions in [Section <>, Purpose and Intent of Ordinance](#), and the Town's adopted policy guidance; and
  - d.** Applicants are strongly encouraged to provide mitigation for any potential negative impacts anticipated to result from proposed conditions that are less restrictive than the applicable requirements.

#### **E. CONCEPT PLANS ASSOCIATED WITH A TYPE 2 UNLIMITED CONDITIONAL REZONING**



**01. GENERALLY**

A Concept Plan, prepared in accordance with this section, shall be provided with an application for a Type 2 Unlimited Conditional Rezoning application (see Section <>, Conditional Rezoning). Concept plans may not be submitted for a Type 1 Limited Conditional Rezoning (since these kinds of applications may not propose a deviation or a reduction from the standards in this Ordinance).

**02. PREPARATION**

A Concept Plan shall be prepared by a professional engineer, a licensed architect, or a licensed landscape architect.

**03. DEVIATIONS OR REDUCTIONS**

- a. Applicants seeking a Type 2 Conditional Rezoning that includes a request for a deviation or reduction from the generally applicable Ordinance standards are responsible for demonstrating, in the Concept Plan or related application materials, that the proposed development will result in a higher quality development than would otherwise result from strict compliance with the standards. Alternatively, the applicant shall demonstrate how the proposed development with the requested deviations will result in a development that is in closer alignment with the Town's adopted policy guidance than would otherwise result from a strict application of the standards.
- b. Concept Plans shall clarify the degree to which the development depicted in the Concept Plan will or will not comply with all applicable standards in Chapter 6, Standards.
- c. In cases where the application seeks a deviation from the applicable standards, the Concept Plan shall clearly identify all deviations in both narrative and graphic forms.
- d. It is insufficient to simply prepare a plan that depicts a building or site configuration that deviates from the applicable standards. Deviations from standards must be clearly noted and described in terms of their scope. Language in the narrative must match or be consistent with visual representations and vice versa.

**04. METHODS OF HIGHER QUALITY DEMONSTRATION**

In cases where a Type 2 Unlimited Conditional Rezoning seeks a deviation or reduction in accordance with subsection (3) above, the following are optional ways for an applicant to mitigate the deviation or demonstrate development quality or alignment with adopted policy guidance:

**a. ENHANCED LANDSCAPING**

While not required, enhanced landscaping is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements. Increasing the caliper size at time of planting of newly planted material by an amount 50 percent or greater beyond that required by Section <>, Plant Material Specifications, in combination with any of the following additional alternatives may be proposed as a means of demonstrating increased development quality:

- i. Use of planted berms (trees and shrubs) as a means of establishing increased visual and acoustic separation between uses;
- ii. Establishment of a minimum number of new trees and shrubs that exceeds what would have been required for a typical development;
- iii. Exceed a minimum percentage requirement of evergreen planted materials or inclusion of evergreen plants where none are required;
- iv. Inclusion of a greater amount of species diversity than required in Section 6.6.8E, Species Diversity;
- v. Utilization of plants that create year-round visual interest, including winter flowering plants, plants that bloom more than once per year, or plants with unique leaf shapes, colors, or forms; or
- vi. Other alternative configuration for consideration by the Technical Review Committee.

**b. ENHANCED OFF-STREET PARKING**

While not required, enhanced off-street parking that includes one or more level high-speed EV charging stations is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements.

**c. ENHANCED TRAFFIC CONTROL DEVICES**

While not required, use of metal mast arm-style traffic control signal supports, in a flat black or other neutral finish, supplemented with the ability to accommodate street lights or traffic cameras, is one technique that can be used by a development to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements.

**d. OTHER ENHANCEMENTS**

Applicants are free to propose other site features, configurations, or elements to help address the requirement for the Type 2 Conditional Rezoning to exceed the development quality that would otherwise result from a strict application of the Ordinance requirements.



**05. PRINCIPAL AND SECONDARY USES**

- a. Conditional Rezoning application materials shall include a list of proposed principal and secondary uses.
- b. It is insufficient to reference the table of common principal or secondary uses; the application shall list all potential allowable uses.
- c. Uses that are not identified in approved Conditional Rezoning materials shall be considered unlisted uses subject to the process identified in [Section <>, Determination](#).

**06. PHASING**

If development in conditional zoning district is proposed to be phased, the Concept Plan shall include phasing details or a phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the Town's capital improvements program.

**07. CONSISTENCY**

All Subdivisions, Site Plans, and Zoning Compliance Permit applications associated with a Conditional Rezoning approval shall be substantially consistent with the approved Concept Plan. A Concept Plan may only be modified in accordance with [Section <>, Amendment](#).

**08. LIMITATIONS ON REDUCTIONS**

In no instance shall any of the following standards in this Ordinance be waived or reduced as part of an application for a conditional rezoning:

- a. Any of the applicable overlay district standards in [Section <>, Districts: Overlay](#);
- b. The maximum allowable residential density, unless the landowner complies with the applicable provisions in [Section <>, Incentives and Alternatives](#);
- c. Any applicable conservation subdivision standards in [Section <>, Conservation Subdivision](#);
- d. Any use-specific standards in [Section <>, Standards for Specific Principal Uses](#);
- e. Any of the standards applicable in [Section <>, Prohibited Uses](#);
- f. Any applicable standards in [Section <>, Infrastructure](#);
- g. . Any applicable standards in [Section <>, Stormwater](#).

**09. COMPLIANCE WITH SUBDIVISION REQUIREMENTS**

Divisions of land within a conditional zoning district shall be subject to all applicable subdivision requirements in [Section <>, Specific Application Procedures](#).

**10. RELATIONSHIP TO OVERLAY DISTRICT STANDARDS**

Regulations governing development in an overlay zoning district shall apply in addition to all other applicable conditional zoning district standards.

**3.3.2. RESIDENTIAL CONDITIONAL (RCZ)**

**A. PURPOSE AND INTENT**

The RCZ district is established to provide greater flexibility in terms of the range of allowed uses or applicable development standards that are permitted within the conventional residential zoning districts. The RCZ district creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's residential development goals. The dimensional standards for the RCZ district shall be based on the standards in the MXR district and may be further modified as explained in this section.

**B. DIMENSIONAL STANDARDS**

Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the dimensional standards in [Section <>, MXR, Mixed Residential](#), shall apply to all residential development in a RCZ district.

**C. ALLOWABLE DENSITY**

In no case shall the allowable density of four units per acre be exceeded by any conditional rezoning application.



**D. ALLOWABLE USES**

- 01. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the RCZ column of the table in Section <>, Listing of Common Principal Uses.
- 02. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the RCZ column of the table in Section <>, Listing of Common Secondary Uses.
- 03. In no instance shall a principal or secondary use that is not listed in the RC columns of the appropriate table be permitted within a RCZ District.

**E. USE SPECIFIC STANDARDS**

The use-specific standards in Section <>, Standards for Specific Principal Uses, or Section <>, Standards for Specific Secondary Uses, as appropriate, shall apply to development in a RCZ District.

**F. DEVELOPMENT STANDARDS**

- 01. Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the RCZ district.
- 02. Type 2, Unlimited Conditional Rezoning applications shall comply with the standards in Section <> Limitations on Reductions.

**3.3.3. COMMERCIAL CONDITIONAL (CCZ)**

**A. PURPOSE AND INTENT**

The CCZ district is established to provide greater flexibility in terms of the range of allowed uses or applicable development standards that are permitted within the conventional commercial zoning districts. The CCZ district creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's commercial development goals. The dimensional standards for the CCZ district shall be based on the standards in the GLC district and may be further modified as explained in this section.

**B. DIMENSIONAL STANDARDS**

Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the dimensional standards in Section <>, General Commercial, shall apply to all development within a CCZ district.

**C. ALLOWABLE DENSITY**

In no case shall the allowable density of four units per acre be exceeded by any conditional rezoning.

**D. ALLOWABLE USES**

- 01. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the CCZ column of the table in Section <>, Listing of Common Principal Uses.
- 02. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the CCZ column of the table in Section <>, Listing of Common Secondary Uses.
- 03. In no instance shall a principal or secondary use that is not listed in the CCZ column of the appropriate table be permitted within a CCZ District.

**E. USE SPECIFIC STANDARDS**

The use-specific standards in Section <>, Standards for Specific Principal Uses, or Section <>, Standards for Specific Secondary Uses, as appropriate shall apply to development in a CCZ District.

**F. DEVELOPMENT STANDARDS**

- 01. Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the CCZ district.



02. Type 2, Unlimited Conditional Rezoning applications shall comply with the standards in Section <> Limitations on Reductions.

### **3.3.4. INDUSTRIAL CONDITIONAL (ICZ)**

#### **A. PURPOSE AND INTENT**

The ICZ district is established to provide greater flexibility in terms of the range of allowed uses or applicable development standards that are permitted within the conventional industrial zoning district. The ICZ district creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's industrial development goals. The dimensional standards for the ICZ district shall be based on the standards in the IND district and may be further modified as explained in this section, however, the goals of protecting community character may not be reduced or waived via the unlimited option.

#### **B. DIMENSIONAL STANDARDS**

Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the dimensional standards in Section <>, IND, Industrial, shall apply to development within an ICZ district.

#### **C. ALLOWABLE DENSITY**

In no case shall the allowable density of four units per acre be exceeded by any conditional rezoning.

#### **D. ALLOWABLE USES**

01. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in the ICZ column of the table in Section <>, Listing of Common Principal Uses.
02. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the ICZ column of the table in Section <>, Listing of Common Secondary Uses.
03. In no instance shall a principal or secondary use that is not listed in the ICZ column of the appropriate table be permitted within an ICZ District.

#### **E. USE SPECIFIC STANDARDS**

The use-specific standards in Section <>, Standards for Specific Principal Uses, or Section <>, Standards for Specific Secondary Uses, as appropriate shall apply to development in an ICZ District.

#### **F. DEVELOPMENT STANDARDS**

01. Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the ICZ district.
02. Type 2, Unlimited Conditional Rezoning applications shall comply with the standards in Section <> Limitations on Reductions.

### **3.3.5. MIXED-USE CONDITIONAL (MCZ)**

#### **A. PURPOSE AND INTENT**

The MCZ district is established to provide greater flexibility in terms of the range of allowed uses or applicable development standards that are permitted within the conventional mixed use zoning districts. The MCZ district creates a means for an applicant to voluntarily restrict a proposed development in order to protect community character or seek relief from otherwise applicable standards in order to produce a development that is in closer alignment with the Town's mixed use development goals. The dimensional standards for the MCZ district shall be based on the standards in the TNC district and may be further modified as explained in this section, however, the goals of creating a small-scale, pedestrian-oriented area may not be waived or reduced via the unlimited option.

#### **B. DIMENSIONAL STANDARDS**

Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the dimensional standards in Section <>, TNC, Town Center, shall apply to development within an ICZ district.



**C. ALLOWABLE DENSITY**

In no case shall the allowable density of four units per acre be exceeded by any conditional rezoning.

**D. ALLOWABLE USES**

01. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable principal uses shall be in accordance with the principal uses listed in MCZ column of the table in Section <>, Listing of Common Principal Uses.
02. Unless further limited by a Type 1, Limited Conditional Rezoning application, the range of allowable secondary uses shall be in accordance with the secondary uses listed in the MCZ column of the table in Section <>, Listing of Common Secondary Uses.
03. In no instance shall a principal or secondary use that is not listed in the MCZ column of the appropriate table be permitted within a MCZ District.

**E. USE SPECIFIC STANDARDS**

The use-specific standards in Section <>, Standards for Specific Principal Uses, or Section <>, Standards for Specific Secondary Uses, as appropriate shall apply to development in a MCZ District.

**F. DEVELOPMENT STANDARDS**

01. Unless modified as part of a Type 2, Unlimited Conditional Rezoning application, the standards in Chapter 6, Standards, shall apply to all development in the MCZ district.
02. Type 2, Unlimited Conditional Rezoning applications shall comply with the standards in Section <> Limitations on Reductions.



## **§ 3.4 DISTRICTS: OVERLAY**

### **3.4.1. GENERAL**

#### **A. PURPOSE**

Overlay zoning districts are superimposed over either all or a portion of one or more underlying conventional or conditional zoning districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

#### **B. ESTABLISHMENT**

The overlay zoning districts are established in accordance with the summary table in [Section <>, Districts Established](#).

#### **C. CLASSIFICATION**

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in [Section <>, Conventional Rezoning](#), and this section.

#### **D. RELATIONSHIP TO UNDERLYING ZONING DISTRICTS**

- 01.** Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying conventional or conditional zoning district, unless otherwise expressly stated.
- 02.** In cases where the standards governing an overlay zoning district expressly conflict with those governing an underlying conventional or conditional zoning district, the provisions in [Section <>, Conflict](#), shall control.
- 03.** Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the provisions in [Section <>, Conflict](#), shall control.

### **3.4.2. SPECIAL FLOOD HAZARD AREA OVERLAY (SFHA)<sup>5</sup>**

#### **A. INTRODUCTION**

##### **01. STATUTORY AUTHORIZATION**

Authorization to adopt and administer these provisions is granted to the Town by the Legislature of the State of North Carolina in accordance with the standards in Article 8 of Chapter 160A and NCGS§143-215.61.

##### **02. FINDINGS OF FACT**

The Town Council of the Town of Mills River, North Carolina does ordain as follows:

- a.** The flood prone areas within the jurisdiction of the Town of Mills River are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b.** These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

##### **03. STATEMENT OF PURPOSE**

It is the purpose of this section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to minimize hazards within flood prone areas. These standards are adopted in pursuit of the following objectives:

- a.** To protect human life safety, and health;

<sup>5</sup> This section is derived from the newly adopted Hazard Prevention Ordinance. Please note that items have been pulled from the original text and placed or absorbed by other Ordinance sections. Article 2. Definition has been added to Chapter 8, Word Usage. Compliance, Abrogation, and Interpretation are all absorbed by regulatory language in Chapter 1. Violations has been moved to Chapter 7. Administration, Permits, Variances, Fee schedule, and Amendments have been moved to Chapter 2.



- b. To help maintain a stable tax base by providing for the sound use and development of property in all flood prone areas of the Town;
- c. To secure safety from the dangers posed by water and flooding; and
- d. To promote public health, safety, and general welfare

**04. APPLICABILITY**

These standards shall apply to all Special Flood Hazard Areas within the jurisdiction of the Town of Mills River.

**B. GENERAL STANDARDS**

**01. PROHIBITION OF DEVELOPMENT IN SPECIAL FLOOD HAZARD AREA**

- a. Development in a Special Flood Hazard Area is prohibited except where:
  - i. The application is for a residential accessory structure with no dwellings, temperature control, or utilities in the structure; or
  - ii. The application is for bona-fide farm and/or agricultural land uses, land maintenance activities, or structures, as defined and regulated in this Ordinance; or
  - iii. The application is for a functionally dependent facility; or
  - iv. The application is for a governmental or public utility use; or
  - v. The application is for a stream restoration, natural lands restoration, or floodplain restoration project that will help improve water quality and the functioning of streams, wetlands, and floodplains; or
  - vi. The application is for a private residential road through a Special Flood Hazard Area to access a residential single-family dwelling that is not located within a Special Flood Hazard Area.
- b. All other forms of development in the Special Flood Hazard Area are expressly prohibited, including but not limited to non-residential uses and structures, commercial uses and structures, industrial uses and structures, residential structures containing a single-family dwelling, and residential structures containing multi-family dwellings.

**02. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Henderson County dated October 2, 2008, which are adopted by reference and declared to be a part of this Ordinance, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Ordinance, and all revisions thereto.

**03. ESTABLISHMENT OF FLOOD HAZARD PERMIT**

A Flood Hazard Permit, issued in accordance with Section <>, Flood Hazard Permit, shall be required prior to the commencement of any permitted development activities within the Special Flood Hazard Area.

**04. WARNING AND DISCLAIMER OF LIABILITY**

These standards are not intended to provide any flood protection but are considered reasonable for regulatory purposes and is based on scientific and engineering considerations to limit hazards to the community in flood prone areas. These standards do not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from damage or hazards. These standards shall not create liability on the part of the Town of Mills River or by any officer or employee thereof for any damages or hazards that result from reliance on these standards or any administrative decision lawfully made hereunder.

**C. PROVISIONS FOR HAZARD REDUCTION**

**01. SPECIFIC STANDARDS**

The following requirements shall apply in all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided:

**a. RESIDENTIAL CONSTRUCTION**

New construction of residential structures is prohibited in any Special Flood Hazard Area, unless the application is for the development of a residential accessory structure with no dwellings or utilities in the structure that must be located outside the floodway / non-encroachment area.

**b. NON-RESIDENTIAL CONSTRUCTION**

New construction of any commercial, industrial, or other non-residential structure is prohibited in any Special Flood Hazard Area, unless the application is for a functionally dependent facility, a governmental or public utility use, or bona-fide farm use or agricultural structure located outside the floodway / non-encroachment area.



**c. SECONDARY STRUCTURES**

The following requirements apply to secondary structures (sheds, detached garages, etc.) when located within a Special Flood Hazard Area:

- i. Secondary structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas). In order to facilitate this, accessory structures in SFHAs will not be permitted with water and wastewater utility connections;
- ii. Secondary structures shall not be temperature-controlled;
- iii. Secondary structures shall be designed to have low flood hazard potential;
- iv. Secondary structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters; and
- v. Secondary structures shall be firmly anchored.

**d. STORAGE TANKS**

The following criteria apply to gas, petroleum products, chemicals, and other liquid storage tanks when located within a Special Flood Hazard Area (including storage tanks serving a bona-fide farm / agricultural uses):

**i. Underground Tanks**

Underground tanks in Special Flood Hazard Areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy, assuming the tank is empty;

**ii. Above-ground Tanks, Elevated**

Above-ground tanks in Special Flood Hazard Areas shall be elevated to or above the BFE on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable Special Flood Hazard Area;

**iii. Above-Ground Tanks, not Elevated**

Above-ground tanks that do not meet the elevation requirements of this Ordinance shall be permitted in Special Flood Hazard Areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

**iv. Tank Inlets and Vents**

Tank inlets, fill openings, outlets and vents shall be:

- 1. At or above the BFE or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**02. FLOODWAYS AND NON-ENCROACHMENT AREAS**

Floodways or non-encroachment within the Special Flood Hazard Areas shall comply with the following:

- a. No encroachments, including fill, new construction, and other developments shall be permitted, unless the work is an agriculture / bona-fide farm land maintenance activity, or work related to the removal of storm debris from a property, or repair of existing structures and infrastructure on a governmental or public utility property due to the impacts from a declared natural disaster, as long as the work results in the property being returned to its pre-storm condition only.

**03. STANDARDS FOR FILL**

**a. GENERALLY**

Deposition of fill in the Special Flood Hazard Area is prohibited, except as part of the following specific activities:

- i. Bona-fide farm and agricultural development, redevelopment, and land maintenance, including but not limited to fill for the elevation of agricultural structures outside the floodway and non-encroachment area;
- ii. Fill for the installation or replacement of culverts, pipes, drainage infrastructure, utilities, farm roads, and other activities related to a bona-fide farm use of the subject property anywhere within the SFHA, and agricultural land maintenance related to repairing the banks of a surface water body (stream, creek, river, etc.) that was damaged due to severe erosion or a streambank blowout due to a natural storm event, which shall not change the elevation or topography of the streambank area beyond its condition prior to the storm event. Agricultural land maintenance activities shall not cause a significant change in the topography of the property nor a significant change in the elevation of the farm land.
- iii. Governmental and public utility development, redevelopment, and land maintenance done by a unit of government, including but not limited to fill for public utilities; public roads and transportation improvement projects; public infrastructure; active and passive recreation projects; land and environmental remediation, stabilization, restoration, and conservation; and other activities reasonably related to providing a governmental service to the public.
- iv. A functionally dependent facility.



- v. A stream restoration, natural lands restoration, or floodplain restoration project that will help improve water quality and the functioning of streams, wetlands, or floodplains.
- vi. A private residential road through a SFHA to access a residential single-family dwelling that is located outside the SFHA, when there are no other reasonable options for access.

**b. FILL REQUIREMENTS AND LIMITATIONS ON AMOUNT OF FILL IN THE SPECIAL FLOOD HAZARD AREA**

- i. Fill shall only be placed in the SFHA when absolutely necessary, and reasonable justification for the placement of fill shall be provided with the hazard development permit application. The proposed amount of fill shall represent the minimum amount of SFHA fill intrusion necessary for the proposed development.
- ii. Fill for bona-fide farm and agricultural land maintenance activities shall not cause any significant change in the topography or elevation of land in the SFHA, and does not require a no-rise certification by a licensed engineer. This includes agricultural land maintenance activities in a floodway / non-encroachment area, which can include but is not limited to land maintenance occurring to repair the banks of a surface water body (stream, creek, river, etc.) that was damaged due to severe erosion or a streambank blowout due to a natural storm event.
- iii. A property owner may fill up to five percent (5%) of the SFHA for the allowed development types listed in this section. Any deviation from this standard requires a Water-Related Variance from the BOA. This limitation also applies to the placement of fill for the elevation of agricultural structures in the SFHA.
- iv. A property owner may place fill that raises the elevation of the property no more than the base flood elevation. Any deviation from this standard requires a Water-Related Variance from the BOA, which must be accompanied by a no-rise certification analysis. This limitation also applies to the placement of fill for the elevation of agricultural structures in the SFHA.
- v. Any placement of fill in the SFHA requires a non-conversion agreement with the Town of Mills River to be recorded in the Henderson County Register of Deeds Office, which shall run with the land in perpetuity and bind future property owners, including the owners of future subdivided parcels from the main tract of land subject to the fill activity. The purpose of the non-conversion fill agreement is to ensure that subsequent fill operations that may be done by future property owners over longer periods of time do not violate the provisions of this Ordinance. Non-conversion agreements are not required for agricultural land maintenance activities, as defined in this Ordinance.

**c. PROHIBITIONS ON FILL**

Fill in the SFHA is prohibited for the following development types and activities:

- i. Fill for nonresidential, nonagricultural development.
- ii. Fill for any type of residential dwelling.
- iii. Fill for the purpose of raising the elevation of land for future unallowed development types.

**3.4.3. WATER SUPPLY WATERSHED PROTECTION OVERLAY DISTRICT (WSPO)<sup>6</sup>**

**A. PURPOSE**

The purpose of the Water Supply Watershed Protection Overlay District to mitigate negative impacts of land development and contaminated stormwater runoff on drinking water resources as required by the State of North Carolina.

**B. AUTHORITY**

The General Assembly has, in NCGS §§143-214.5, 160A-174, 160D-702, 160D-801 and 160D926, delegated the responsibility and directed the Town to establish water supply watershed protection programs, to regulate land use and development within water supply watersheds and to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

**C. APPLICABILITY**

- 01.** Except for development exempted in accordance with Section <>, Exemptions, nothing in these standards shall repeal, modify, or amend any Federal or State law or regulation.
- 02.** Subdivisions of land located within the WSPO shall be subject to the standards in this section.
- 03.** Lots located within divisions of land exempted from the subdivision provisions of this Ordinance shall continue to be subject to the standards in this section except that the lot need only comply with the minimum buffer requirements to the maximum extent practicable.

<sup>6</sup> These standards have been updated for compliance with the most recent State model ordinance.



## CHAPTER 3. DISTRICTS

### § 3.4 Districts: Overlay

#### Subsection 3.4.3. Water Supply Watershed Protection Overlay District (WSPO)

04. These regulations shall not interfere with any easement, covenant, or other agreement between private parties except when these regulations impose greater restrictions or higher standards for the use of a building or land, in which case these provisions shall control.
05. The provisions of this overlay shall apply within the area designated as a public water supply watershed by the N.C. Environmental Commission and are defined and established on the map entitled "Overlay Zoning District Map," and as otherwise designated by the Town.

#### D. EXEMPTIONS

##### 01. EXISTING DEVELOPMENT

Development meeting the standards of existing development as used in this section, as well as expansions to existing development, shall be subject to the standards in Section <>, Standards for Existing Development.

##### 02. LOTS WITHIN A FAMILY SUBDIVISION

Any lot created as part of a family subdivision that is developed with one single-family detached residence shall be exempt from the standards in this section.

##### 03. NONCONFORMING LOTS OF RECORD

In cases where a nonconforming lot of record is located within the WSPO and is proposed for development, the lot shall be combined with any other contiguous lots along the same roadway frontage under common ownership in accordance with Section <>, Lots with Contiguous Frontage in One Ownership. In cases where a nonconforming lot of record is developed for single-family residential purposes and is not contiguous to another lot owned by the same party, it shall not be subject to the standards in this section.

#### E. EFFECTIVE DATE

The standards in this Section are effective on *(insert the effective date of this Ordinance)*.

#### F. WATERSHED AREAS DISTINGUISHED

01. The Town of Mills River contains the following water supply watershed district within its jurisdictional boundaries:
  - a. Upper Mills River WS-II-C (Critical Area);
  - b. Upper Mills River WS-II-B (Balance of Watershed);
  - c. Lower Mills River WS-III-B (Balance of Watershed); and
  - d. Upper French Broad River WS-IV-P (Protected Area).
02. The districts are depicted on the map entitled, Overlay Zoning District Map, dated December 8, 2022, and as otherwise designated by the Town.
03. The Overlay Zoning District Map is on file and is available for public inspection in the offices of the Planning Department during normal working hours.

#### G. PROCEDURES FOR DEVELOPMENT

##### 01. PERMITS REQUIRED

- a. Any development proposed inside the WSPO shall require a Water Supply Watershed Protection Permit as described in Section <> Water Supply Watershed Protection Permit.
- b. No building or built-upon area shall be erected, moved, enlarged, or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a watershed protection permit has been issued by the Water Supply Watershed Administrator.

##### 02. SUBDIVISION OF LAND

- a. All lots shall provide adequate building space in accordance with the standards in the zoning district where located and this section.
- b. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- c. Roads shall be located outside of critical areas and watershed vegetated conveyance areas where possible. Where roads must be constructed within these areas, they shall be designed and constructed to minimize their impact on water quality.



# CHAPTER 3. DISTRICTS

## § 3.4 Districts: Overlay

### Subsection 3.4.3. Water Supply Watershed Protection Overlay District (WSPO)

#### 03. STORM WATER DRAINAGE FACILITIES

The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates stormwater control measures to minimize water quality impacts.

#### 04. VARIANCE

Applicants for development inside the WSPO may request to reduce or deviate from the standards described in Section <>, Water Supply Watershed Protection Overlay (WSPO) District, by following the procedure described in Section <>, Water-Related Variance.

## H. PRINCIPAL USE PROVISIONS

All land within the WSPO shall comply with the following allowable and prohibited use requirements.

#### 01. ALLOWABLE USES

Table <>, Allowable Uses in the WSPO, identifies the allowable and prohibited land uses within the WSPO.

**TABLE <>: ALLOWABLE USES IN THE WSPO**

TYPE OF ACTIVITY OR USE	PERMITTED IN WS-II-C	PERMITTED IN WS-II-B	PERMITTED IN WS-III-B	PERMITTED IN WS-IV-P
New landfills	No	Yes	Yes	Yes
New permitted residual land application	No	Yes	Yes	Yes
New permitted petroleum contaminated soils sites	No	Yes	Yes	Yes
NPDES General or Individual Stormwater discharges	Yes	Yes	Yes	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes	Yes	Yes	Yes
NPDES Individual Permit trout farm discharges	Yes	Yes	Yes	Yes
New NPDES Individual Permit domestic treated wastewater discharge	No	No	Yes	Yes
New NPDES Individual Permit industrial treated wastewater discharge	No	No	No	Yes
Non-process industrial waste	No	No	Yes [2]	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	No	No	No	Yes
Sewage [1]	No	No	No	No
Industrial Waste [1]	No	No	No	No
Other wastes [1]	No	No	No	No
Groundwater remediation project discharges [3]	Yes	Yes	Yes	Yes
Agriculture [4]	Yes	Yes	Yes	Yes
Silviculture [5]	Yes	Yes	Yes	Yes
Residential Development [6]	Yes	Yes	Yes	Yes
Non-residential Development [6]	Yes	Yes	Yes	Yes
Nonpoint Source Pollution [7]	Yes	Yes	Yes	Yes



**TABLE <-: ALLOWABLE USES IN THE WSPO**

TYPE OF ACTIVITY OR USE	PERMITTED IN WS-II-C	PERMITTED IN WS-II-B	PERMITTED IN WS-III-B	PERMITTED IN WS-IV-P
Animal Operations [8]	Yes	Yes	Yes	Yes
NOTES:	<p>[1] Only allowed if specified in 15A NCAC 02B .0104.                      [2] Except non-process industrial discharges are allowed.                      [3] Where no other practical alternative exists.                      [4] In Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10-foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies                      [5] Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209).                      [6] See density requirements in 15A NCAC 02B .0624.                      [7] Non point source pollution shall not have adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use.                      [8] Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217.</p>			

**02. PROHIBITED USES**

The following uses shall be prohibited within the WSPO regardless of whether the use is allowed in the underlying general or conditional zoning district:

- a. Sites for petroleum contaminated soils;
- b. Demolition or sanitary landfills, incinerators, and waste processors;
- c. Solid waste management facilities;
- d. Collection, storage, or application of industrial or other wastes;
- e. Land application of residuals or petroleum-contaminated soils;
- f. Airports;
- g. Heavy manufacturing uses;
- h. Metal salvage facilities, including junkyards;
- i. Manufacturing, use, or storage of any material or substance determined by the Town Council to be injurious to the public's health, safety, or welfare due to the explosive, flammable, or toxic characteristics of the materials which may include hazardous production material (HPM) or highly toxic material (HTM);
- j. Collection, storage, or application of untreated sewage;
- k. Package treatment plants and community sewage facilities unless authorized by the Henderson County Environmental Health Department;
- l. Extractive Industry; and
- m. Fuel oil / bottled gas distributor;

**03. EXISTING NONCONFORMING USES**

**a. GENERALLY**

Lawfully-established existing uses in place prior to (*insert the effective date of this Ordinance*), but not permitted by these standards, may be continued except as follows:

- i. Such use of land, if changed, shall be changed only to an allowed use.
- ii. When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- iii. When such use ceases for a period of at least 180 days, it shall not be reestablished.

**b. RECONSTRUCTION**

Any existing building or built-upon area not in conformance with the standards in this section that has been damaged or removed may be repaired and/or reconstructed.

**I. DEVELOPMENT STANDARDS APPLIED TO LANDS IN THE WSPO**



# CHAPTER 3. DISTRICTS

## § 3.4 Districts: Overlay

### Subsection 3.4.3. Water Supply Watershed Protection Overlay District (WSPO)

The standards in this sub-section shall apply to all new development constructed after *(insert the effective date of this Ordinance)*, on lands located within the WSPO.

#### 01. DENSITY AND BUILT-UPON AREA LIMITS IN THE WSPO

##### a. GENERAL REQUIREMENTS

- i. All new development on land within the WSPO shall be configured either under the low density or the high density option in accordance with Table <>, Densities and Built-Upon Area in the WSPO, and the additional standards in this sub-section.

**TABLE <>: DENSITIES AND BUILT-UPON AREA IN THE WSPO**

DENSITY OPTION	TYPE OF DEVELOPMENT	MAXIMUM ALLOWABLE PROJECT DENSITY OR MINIMUM LOT SIZE [1]
<b>WS-II-C Areas</b>		
Low Density [2]	Single-Family Detached Residential	1 dwelling unit (du) per 2 acres or 1 du per 80,000 square foot lot excluding roadway right-of-way or 6% built-upon area [3]
	Non-Residential and all Other Residential	6% built-upon area
High Density [4]	All Types	Up to 24% built-upon area
<b>WS-II-B Areas</b>		
Low Density [2]	Single-Family Detached Residential	1 du per 1 acre or 1 du per 40,000 square foot lot excluding roadway right-of-way or 12% built-upon area [3]
	Non-Residential and all Other Residential	12% built-upon area
High Density [4]	All Types	Up to 30% built-upon area
<b>WS-III-B Areas</b>		
Low Density [2]	Single-Family Detached Residential	1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area [3]
	Non-Residential and all Other Residential	24% built-upon area
High Density [4]	All Types	Up to 50% built-upon area
<b>WS-IV-P Areas</b>		
Low Density [2]	Single-Family Detached Residential	1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon; or 36% built-upon area without curb and gutter street system as a drainage/filtering bonus [3]
	Non-Residential and all Other Residential	24% built-upon area
High Density [4]	All Types	Up to 70% built upon area

Notes:

- [1] Excludes any road right-of-way.
- [2] The low-density option shall be subject to the standards in this table and Section <>, Density Averaging.
- [3] In cases where the underlying zoning district designation requires a larger lot area, the more restrictive standard shall control.
- [4] The high-density option requires shall be subject to the standards in this table and Section <>, Additional Standards for High Density Projects. All development to be served by engineered stormwater controls configured in accordance with Section <>, Stormwater Runoff Control Requirements.



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Unified Development Ordinance  
Adoption Draft May 2026  
(Return to Table of Contents)

- ii. Any new development subject to these standards and including an above-ground chemical or petroleum-based product storage tank with 250 gallons of capacity or more shall submit for approval and provide a spill containment plan for review and approval by the Town.

**b. CALCULATION OF PROJECT DENSITY**

- i. Project density shall be calculated as the total built-upon area divided by the total project area.
- ii. A project with "existing development," as defined in these standards, may use the calculation method in sub-section (01) above or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
- iii. Expansions to existing development (as defined in these standards) shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).
- iv. Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
- v. Where existing development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built-upon area limits.
- vi. Total project area shall exclude areas below the normal pool elevation.
- vii. Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that they may be considered to have both high and low density areas based on one or more of the following criteria:
  - 1. Natural drainage area boundaries;
  - 2. Variations in land use throughout the project; and
  - 3. Construction phasing.

**c. DENSITY AVERAGING**

An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:

- i. The properties are within the same water supply watershed. However, if one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
- ii. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
- iii. Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.
- iv. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- v. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
- vi. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deeds. Any such limitations or restrictions on uses shall be irrevocable.
- vii. Development permitted under density averaging and meeting applicable low-density requirements shall transport stormwater runoff by vegetated conveyances, to the maximum extent practicable.
- viii. A Watershed Permit (see Section <>, Watershed Permit) to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.

**d. ADDITIONAL STANDARDS FOR LOW DENSITY PROJECTS**

In addition to complying with the project density requirements in **Table <>**, Densities and Built-Upon Area in the WSPO, low density projects shall also comply with the following:

**i. Vegetated Conveyances**

Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances, to the maximum extent practicable. In determining whether this criteria has been met, the Town shall take into account site-specific factors such as topography and site layout as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances shall meet the following requirements:

- 1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the local government that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and



2. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

**ii. Curb Outlet Systems**

In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

1. The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
2. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
3. The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
4. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
5. The minimum length of the swale or vegetated area shall be 100 feet; and
6. Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the standards in sub-sections (1 through 5 above).

**e. ADDITIONAL STANDARDS FOR HIGH DENSITY PROJECTS**

In addition to complying with the project density requirements in [Table <>](#), Densities and Built-Upon Area in the WSPO, high density projects shall also comply with the following:

- i. Stormwater control measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;
- ii. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
- iii. Stormwater runoff from off-site areas and existing development (as defined in these standards), shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
- iv. SCMs shall meet the relevant minimum design criteria set forth in 15A NCAC 02H .1050 through .1062; and
- v. Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

**02. STORMWATER RUNOFF CONTROL REQUIREMENTS**

Development configured in accordance with the high-density option shall provide stormwater runoff control in accordance with the standards in this section.

- a. Stormwater runoff control shall be by use of an approved stormwater control measure (SCM) configured to meet the performance standards of control of the first one inch of rainfall and removal of 85 percent total suspended solids (TSS) and meeting the guidelines in the North Carolina Department of Environmental Quality's Stormwater Design Manual.
- b. Stormwater control measures located within five miles of the Asheville Regional Airport shall not include standing surface water as such measures can attract waterfowl.
- c. All SCMs required by this section shall be designed by a professional with qualifications appropriate for the type of system being employed. Professionals authorized to design an SCM in accordance with these standards include:
  - i. Professional engineers or landscape architects licensed by the State of North Carolina; and
  - ii. Professional land surveyors in cases when the design represents incidental drainage within a subdivision as provided in Section 89 (C)-3(7) of the North Carolina General Statutes.
- d. When an SCM serves more than one lot, a homeowners' association or other party shall be responsible for the maintenance of the structure(s).
- e. Maintenance of an SCM shall be performed at such time as the designated sediment storage volume of the measure has been lost to sediment or a part of the installation is not functioning as originally designed, as determined by the Stormwater Administrator.
- f. The landowner or owners' association shall inspect all SCMs annually, record the results on forms approved or supplied by the North Carolina Division of Water Resources, provide the inspection reports to the Town, and notify the responsible party when maintenance or repairs are required. Failure to conduct an annual inspection is a violation of this Ordinance in accordance with the applicable provisions in Chapter 7, Violations.
- g. All required repairs and maintenance shall be performed within 90 days after notice From the Stormwater Administrator.
- h. In case of failure by the responsible party to perform the required inspections, reporting, maintenance, or repairs within the stated period, the Town may perform the maintenance or repairs and recover all costs plus an additional 10 percent from the responsible party.



**03. CLUSTER DEVELOPMENT**

Single-family detached development within the WSPO may be configured as a conservation subdivision in accordance with the following standards:

- a. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in **Table <>**, Densities and Built-Up Area in the WSPO.
- b. Density or built-upon area for the project shall not exceed that allowed for the critical area or protected area, whichever applies.
- c. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- d. Areas of concentrated density development shall be located in upland area and as far as practicable from surface waters and drainageways.
- e. Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
- f. The remainder of the tract not occupied by dwellings shall be considered as an open space set-aside, and shall remain in a vegetated or natural state.
- g. The title to the open space set-aside area shall be conveyed to any of the following:
  - i. An owners' association;
  - ii. To a local government for preservation as a park or open space; or
  - iii. To a conservation organization for preservation in a permanent easement.
- h. Where an owners' association is not incorporated, a maintenance agreement shall be filed with the property deeds.

**04. VEGETATED SETBACKS REQUIRED**

- a. A minimum 100-foot vegetative setback is required for all new development activities that exceed the low-density option; otherwise, a minimum 30-foot vegetative setback for development activities is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local studies.
- b. All other riparian buffers within the Mills River and French Broad watersheds apply.
- c. Desirable artificial streambank or shoreline stabilization is permitted.
- d. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.
- e. No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices. Any such development shall be subject to the standards in **Section <> Watershed Permit**.

**J. STANDARDS FOR EXISTING DEVELOPMENT**

Any existing development located within a WSPO may be continued and maintained subject to the following:

**01. EXPANSION**

- a. Expansions to existing structures shall comply with all applicable requirements in this Ordinance at the time of application submittal.
- b. The total built-upon area added to a lot after **(insert the effective date if this Ordinance)**, shall not exceed the built-upon requirements of the WSPO.
- c. The built-upon area of the existing development is not required to be included in the built-upon area calculations.

**02. RECONSTRUCTION OF BUILDINGS OR BUILT-UPON AREAS**

- a. Any existing building or built-upon area not in conformance with the restrictions of these standards that has been damaged or removed may be repaired or reconstructed provided the size of the building or built-upon area is not increased.
- b. The total amount of space devoted to a built-upon area may not be increased unless the additional built-upon area meets the requirements in **Table <>**, Densities and Built-Up Area in the WSPO.

**03. NONCONFORMING USES**



Lawfully established uses in place prior to the effective date of these standards may be maintained and remain in place. Changes of principal use shall comply with all applicable standards in this Ordinance.

**04. VACANT LOTS**

- a. A vacant lot of record may be used for any use allowable in the WSPO and the underlying general or conditional zoning district.
- b. Lots of record that do not conform to these standards may be used in accordance with the standards in [Section <>](#), Nonconforming Lots of Record.

**K. ENFORCEMENT**

The standards in this section shall be enforced in accordance with the standards in Chapter 7, Violations, and the following:

**01. VIOLATION**

- a. If the Watershed Administrator or other appropriate Town staff member finds that any of the provisions of this section are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.
- b. Orders for correction may include any of the following requirements:
  - i. Discontinuance of the illegal use of land, buildings, or structures;
  - ii. Removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto;
  - iii. Discontinuance of any illegal work being done; or
  - iv. Any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- c. Decisions of the Watershed Administrator may be appealed in accordance with [Section <>](#), Appeal.

**02. CRIMINAL PENALTIES**

- a. Any person violating any provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Section 14-4 of the North Carolina General Statutes.
- b. The maximum fine for each offense shall not exceed \$500.00.
- c. Each day that a violation continues shall constitute a separate offense.

**03. REMEDIES**

- a. Any development in violation of the standards of this section may be subject to the remedies established in [Section <>](#) Remedies, including the assessment of civil penalties in accordance with [Section <>](#), Assessment of Civil Penalties.
- b. In addition, the North Carolina Environmental Management Commission may also assess civil penalties in accordance with NCGS§143-215.6A .
- c. Each day that the violation continues shall constitute a separate offense.



## § 3.5 GENERAL LOT STANDARDS

### 3.5.1. MULTIPLE BUILDINGS OR STRUCTURES ON A LOT

In no instance shall there be more than one principal building per lot, except as allowed by the following:

#### A. DEVELOPMENT EXISTING PRIOR TO EFFECTIVE DATE

Lawfully-established existing development established prior to *(insert the effective date of this Ordinance)*;

#### B. NON-RESIDENTIAL UNIFIED DEVELOPMENT

Two or more separate principal non-residential buildings may be permitted on a single lot as a unified development provided the development has been reviewed and approved in accordance with Section <>, Site Plan, and provided that each building shall be served by a street or an accessway that is maintained in passable condition for service and emergency vehicles;

#### C. MULTIPLE FAMILY DEVELOPMENT

Two or more separate principal residential buildings may be permitted on a single lot as a part of a townhouse, multiple-family detached, or multi-family development subject to the applicable use standards in Section <>, Standards for Specific Principal Uses, and approval of a Site Plan in accordance with Section <>, Site Plan. Each building with residential units shall be served by a street or accessway that is maintained in passable condition for service and emergency vehicles;

#### D. MANUFACTURED OR MOBILE HOME PARK

Manufactured or mobile home buildings may be permitted in a manufactured home park on a single lot, subject to approval of a Site Plan (see Section <>, Site Plan), and compliance with all applicable use-specific standards; and

#### E. IN THE RURAL MIXED (RUM) DISTRICT

Existing development located within the RUM district.

### 3.5.2. REQUIRED LOT CONFIGURATION

#### A. DIMENSIONAL REQUIREMENTS

01. The size, width, depth, shape, orientation, and minimum setback lines of lots shall be as required for the zoning district where located in accordance with the standards in Chapter 3, Districts, and Section <>, Rules of Measurement.
02. Except for lawfully-established nonconforming lots of record, and special purpose lots, all lots created after *(insert the effective date of this Ordinance)*;, shall have sufficient area, dimensions, and access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance.
03. Lots intended for non-residential, multi-family, and mixed-use development shall be of an adequate size and shape to accommodate required off-street parking, loading, landscaping, and on-site circulation features.

#### B. DOUBLE FRONTAGE LOTS

01. Double frontage (or “through” lots) shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific challenges of topography and orientation.
02. In cases where a double frontage lot abuts a major street, access to the lot shall be provided from the street with the lowest average daily trips. This requirement may be waived by the Planning Director in cases where compliance with this standard will likely result in dramatic increases in traffic within residential areas.
03. A double frontage lot shall include an easement of at least ten feet in width across the rear of the lot which shall prohibit access to the abutting street.

#### C. FLAG LOTS

##### 01. NEW FLAG LOTS

New flag lots established after *(insert the effective date of this Ordinance)* shall comply with the following requirements:

- a. Flag lots shall not be established as part of a conservation subdivision;



- b. The “pole,” arm,” or “pan handle” portion of a flag lot shall maintain a minimum width of at least 30 feet;
- c. In no instance shall there be more than one flag lot accessway for every 100 feet of lot frontage of the ‘parent’ lot;
- d. Two or more adjacent driveways shall maintain a minimum separation of 20 feet from each other where they gain access to a street; and
- e. Flag lots with driveways beyond 150 feet in length shall include a turn around suitable for emergency access vehicles.

**02. EXISTING FLAG LOTS**

Lawfully-established flag lots created prior to *(insert the effective date of this Ordinance)*, shall comply with the following standards:

- a. Nothing shall limit the recombination of existing flag lots, and consolidation of existing access is encouraged;
- b. Use of a single driveway to serve an adjoining lot is encouraged. Wherever possible, the shared driveway shall be on the flag lot; and
- c. In no case shall flag lots be configured to have two “poles,” “arms,” or “pan handles” on different lots adjacent to one another.

**D. MINIMUM LOT SIZE**

- 01.** Except for special purpose lots, or in cases of governmental acquisition of land in accordance with Section <>, Governmental Acquisition of Land, no lot established after *(insert the effective date of this Ordinance)*, shall be reduced in size or dimension such that noncompliance with respect to any dimensional requirement, setback, parking, landscaping, or other development standard is created.
- 02.** Except for special purpose lots, or lots subject to a valid approval in accordance with Section <>, Incentives and Alternatives, all lots created after *(insert the effective date of this Ordinance)*, shall meet the minimum lot dimensional requirements for the district where located.
- 03.** Corner lots shall be of sufficient size to ensure development may be configured in accordance with the standards in Section <>, Sight Distance Triangles.

**E. MINIMUM LOT FRONTAGE**

The minimum frontage of any lot at the right-of-way line shall be at least 20 linear feet.

**F. SIDE LOT LINES**

Side lines of lots should be at or near right angles or radial to street lines.

**3.5.3. REQUIRED YARDS**

- A.** The land area between a lot line and the inner boundary of a required setback is considered as a required yard.
- B.** The location of street, side, or rear yards on irregularly-shaped lots shall be determined by the Planning Director in accordance with Section <>, Rules of Measurement. Wherever possible, the Planning Director shall interpret these boundaries in ways that minimize nonconformities.
- C.** Except where otherwise provided in Section <>, Setback Encroachments, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.

**3.5.4. SPECIAL PURPOSE LOTS**

Zoning district requirements related to street frontage, lot width, minimum lot area, and minimum lot dimensions shall not apply to special purpose lots, which shall be configured in accordance with the following:

**A. LOTS DISTINGUISHED**

Lots established for the sole purpose of family or church cemeteries, cluster mailbox units, guard houses, wellhouses, wastewater lift stations, wastewater treatment facilities, and similar utility uses shall be considered special purpose lots in accordance with these standards;

**B. MINIMUM SIZE**

A special purpose lot shall be permitted only after the Planning Director, or TRC, as appropriate, has determined if the proposed lot has sufficient dimensions to accommodate the intended use and any additional required elements;

**C. ACCESS REQUIRED**



If the special purpose lot does not have direct access to a public or private street, an easement for ingress and egress with a minimum width of ten feet shall be platted; and

**D. IDENTIFICATION**

The boundaries and purpose for all special purpose lots shall be included on Preliminary and Final Plats.

**3.5.5. SPLIT ZONING**

- A.** Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.
- B.** In no instance shall a conditional zoning district designation be applied to only a portion of a lot.

**3.5.6. UNIFIED DEVELOPMENT**

- A.** A unified development is a residential, non-residential, or mixed-use development like a shopping or a lifestyle center consisting of at least two buildings located on one or more lots that are planned, permitted, developed, and/or operated as a single unit.
- B.** Structures and land uses located on different lots within a unified development are subject to perimeter setbacks rather than traditional side and rear setbacks applied to individual lots.
- C.** All the buildings and land uses within a unified development are treated as a single use or structure with respect to the amount of off-street parking (see Section <>, Unified Developments), the location of landscaping, the application of exterior lighting provisions, the amount and location of required open space set-aside, stormwater requirements, and tree protection provisions.
- D.** Signage provisions shall be applied to individual lots and uses unless subject to a uniform sign plan in accordance with Section <>, Uniform Sign Plan.

**§ 3.6 ZONING MAP**

This section establishes the basic provisions related to the Official Zoning Map.

**3.6.1. GENERALLY**

- A.** The digital Official Zoning Map maintained in the offices of the Planning Department shall be the final authority as to the status of the current zoning district classification of land in the Town’s planning jurisdiction, and shall only be amended in accordance with Section <>, Revision.
- B.** The Official Zoning Map designates the location and boundaries of the conventional and conditional zoning districts established in this Ordinance. The boundaries of overlay zoning districts like the WSPO or the SFHA districts are depicted on the Overlay Zoning District Map.
- C.** The Flood Insurance Rate Map (FIRM) shall designate the location and boundaries of the Special Flood Hazard Area (SFHA) .
- D.** The Official Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning Department and are available for public inspection during normal business hours.
- E.** The Town’s Planning Director shall maintain digital copies of superseded versions of the Official Zoning Map for historical reference, as appropriate.
- F.** Copies of the Official Zoning Map may be purchased from the Town and paper copies of the map that are certified by the GIS Administrator in accordance with NCGS§160A-79 shall be admissible in evidence and have the same force of effect as the original map.

**3.6.2. INCORPORATED BY REFERENCE**

- A.** The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.
- B.** The Overlay Zoning District Map, as amended, is hereby incorporated by reference herein and made a part of this Ordinance.



**3.6.3. INTERPRETATION OF MAP BOUNDARIES**

The Planning Director shall be responsible for determination of boundaries on the Official Zoning Map in accordance with the standards in Section <>, Determination, and the following standards:

- A.** Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public accessway shall be interpreted as following the centerline of the right-of-way or easement for the utility line or accessway.
- B.** If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
- C.** Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving ten feet or less, the zoning boundary shall be interpreted as moving with the lot line.
- D.** Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
- E.** Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
- F.** Boundaries shown as following the boundary of the Town’s corporate limits shall be interpreted as following the boundary of municipal incorporation.
- G.** Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.
- H.** If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the map’s scale to determine the boundary’s distance from other features shown on the map.
- I.** Where the actual location of existing physical or natural features vary from that shown on the Official Zoning Map, the Overlay Zoning District Map, or in other circumstances that are not covered by this subsection, the Planning Director shall have the authority to determine the district boundaries.
- J.** Determinations of the SFHA or WSPO District boundaries shall be made by the Planning Director, in accordance with the standards in Section <>, Special Flood Hazard Area, or Section <>, Water Supply Watershed Protection (WSPO) Overlay District, as appropriate.
- K.** In cases where boundaries on the Town’s Official Zoning Map or the Overlay Zoning District Map are based on another official map promulgated by the State or other federal agency and the other State or federal map is amended, the Town’s maps shall automatically be amended to remain consistent with the officially promulgated State or federal map.

**3.6.4. MAINTENANCE AND REVISION OF MAPS**

- A.** Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance and shall only be made in accordance with Section <>, Conditional Rezoning, or Section <>, Conventional Rezoning, as appropriate.
- B.** Changes to the Official Zoning Map approved by the Town Council shall be entered on the Official Zoning Map by the Planning Director promptly after the approval.
- C.** Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning Director shall enter the boundary on the Official Zoning Map in accordance with the ordinance wording.
- D.** Upon entering the most recently approved amendment on the Official Zoning Map, the Planning Director shall also change the date of the map to indicate the date of its latest revision.
- E.** Prior versions of the Official Zoning Map shall be retained in a digital format that is capable of being reproduced on paper if requested.

