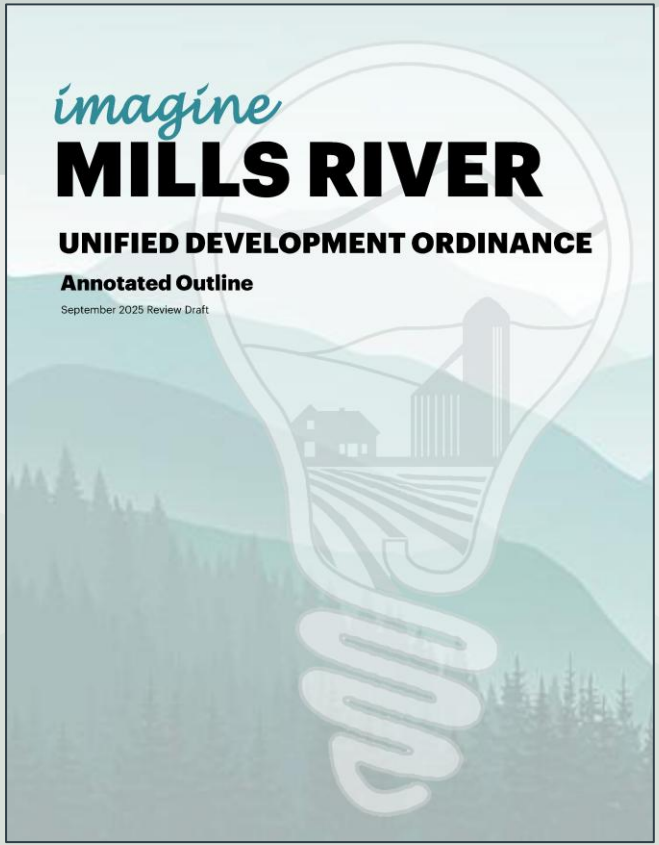
imagine Mills River

unified development ordinance

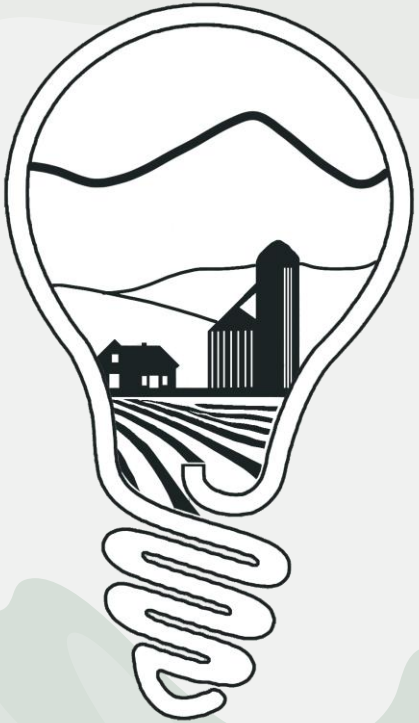
Annotated Outline
Town Council Presentation 9-25-25

OVERVIEW

- Project Background
- Annotated Outline Overview
- Questions for Council
- Next Steps



THIS VISIT



- Zoning Map Review with Staff 9/24/25
- Steering Committee Meeting 4 9/24/25
- Public Forum 2 12-5:30 9/25/25
- Presentation to Town Council 9/25/25 @ 6:30
- Office Hours 9/26/25 9-12

- Will post Annotated Outline & draft Zoning Map to project website on Friday

www.imaginemillsriver.com

PROJECT GOALS

1. Protect Community Character
2. Implement Town Policy
3. Create a User-Friendly Code
4. Protect the Environment
5. Increase Housing Options
6. Promote Development Quality
7. Modernize Uses

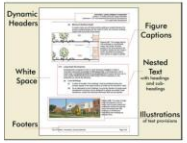
07 Code Diagnosis

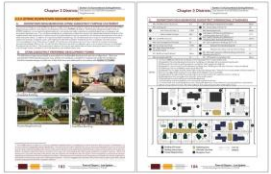
The Code Diagnosis outlines the issues to address in the new UDO. It summarizes the input we have collected and makes recommendations organized into SEVEN KEY THEMES. Each of the 7 themes are listed below:

1

Create a UDO Document that is Easy to Use and Understand

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





2

Design Zoning Districts to Reflect Rural Character

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

3

Implementing the Town's Adopted Land Use Policies

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

4

Modernize and Expand Land Uses

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

5

Protect Environmental and Natural Features of the Town

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

Example of conventional subdivision

Example of cluster development

6

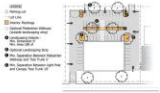
Provide a Greater Range of Housing Choices

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

7

Promote Quality Development

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



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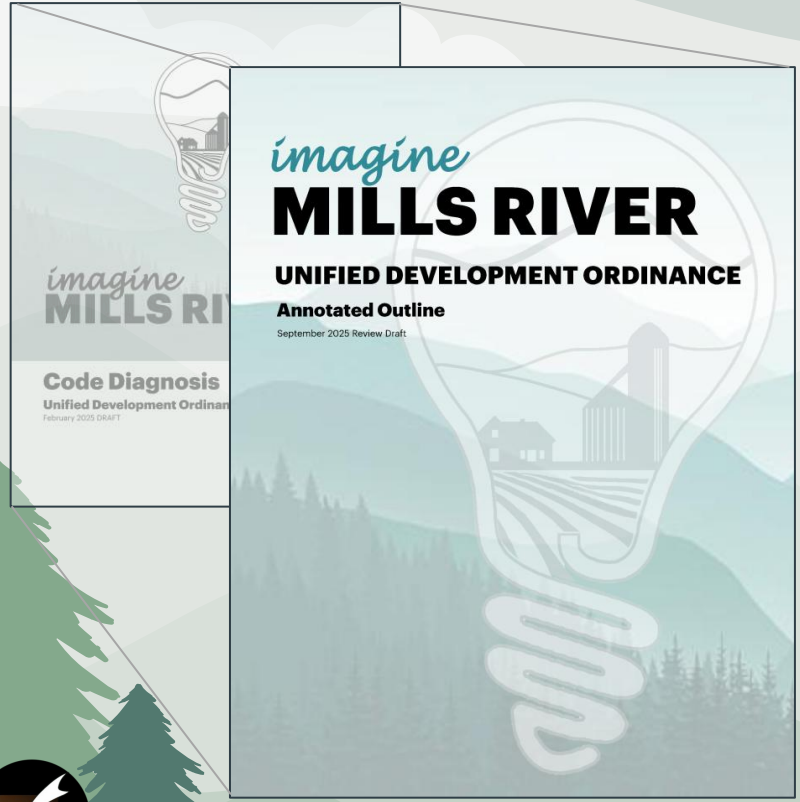
ANNOTATED OUTLINE



1. Refinement of concepts discussed in Code Diagnosis (Task 2)
2. UDO document format
3. Article & Section organization
4. Procedures, Districts, Uses
5. Exploration of proposed Development Standards

UDO PAGE LAYOUT

2.4.17. APPLICATION AMENDMENT

This section clarifies that any application may only be amended in accordance with the procedure used for its establishment.

2.4.18. EXPIRATION OF APPROVAL

This section sets down the general rules for expiration of a development approval, including expiration within two years for failure of an applicant to achieve substantial commencement of work identified in the permit or maintain substantial progress towards completion of the work allowed under the permit. The section also clarifies that the maximum time period between approval and expiration is halted during appeals of the approval or litigation associated with the approval.

§ 2.5 SPECIFIC APPLICATION PROCEDURES

This section of the UDO includes each of the 30+ different specific application types included in the Ordinance. Each application has a standardized structure with specified review criteria and a procedural flow chart. The Administrative Adjustment procedure below provides an example of how the review procedures will be organized. While there is discussion of each procedure included here, completion of the other application subsections will take place during the code drafting effort.

2.5.1. ADMINISTRATIVE ADJUSTMENT

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards, but not density). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative Adjustments shall only be granted when the proposed development complies with all applicable requirements, including advancement of the purposes of this Ordinance as described in Section <>, Purpose and Intent of Ordinance.

B. APPLICABILITY

01. Except where otherwise prohibited, an Administrative Adjustment may be requested for a modification or deviation to any of the following:

a. A zoning district dimensional standard in Chapter 3, Districts.

b. A numeric use-specific standard in Chapter 5, Land Uses.

c. A numeric requirement in Chapter 7, Standards.

02. In no instance shall an Administrative Adjustment application seek to reduce any of the following:

a. The maximum allowable residential density on a lot;

b. The minimum required separation distance between two use types;

c. The requirements specified in a transportation impact analysis;

d. Reductions to the standards pertaining to flood damage prevention; or

e. Reductions to required infrastructure standards, including streets, potable water, or wastewater system requirements.

03. Applications seeking a Variance shall not also be subject to a simultaneous Administrative Adjustment application.

FIGURE <>: ADMINISTRATIVE ADJUSTMENT PROCEDURE

Step	Action
1	Pre-Application Conference (optional)
2	File Application (may be filed alone or with another application)
3	Completeness Determination
4	Staff Review
5	Decision by Planning Director (if submitted with another application, decision on Administrative Adjustment is rendered first)
6	Written Notice of Decision
7	Review of Associated Applications (if applicable)

C. AMOUNT OF ADJUSTMENT

An administrative adjustment may allow a deviation from a numeric standard in this Ordinance in accordance with the amount specified in Table <>, Maximum Adjustment Amount.

1. New Numbering System
2. Use of Colors, Bolding, & Indentation to organize text
3. Navigational Aids
4. Flowcharts, Diagrams
5. Plain English

UDO STRUCTURE

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CHAPTER 1 ADMINISTRATION

Prefatory information

Legal ‘boilerplate’

Transitional standards

Vested rights

§ 1.1 APPLICABILITY

§ 1.2 AUTHORITY

§ 1.3 CONFLICT

§ 1.4 CONSISTENCY WITH ADOPTED POLICY GUIDANCE

§ 1.5 DOCUMENT TITLE

§ 1.6 EFFECTIVE DATE

§ 1.7 PURPOSE AND INTENT OF ORDINANCE

§ 1.8 SEVERABILITY

§ 1.9 TRANSITIONAL PROVISIONS

§ 1.10 VESTED RIGHTS

CHAPTER 2 APPLICATIONS

§ 2.1 CHAPTER INTRODUCTION

§ 2.2 APPLICATION SUMMARY TABLE

§ 2.3 REVIEW AUTHORITIES

§ 2.4 REVIEW PROCESS

§ 2.5 SPECIFIC APPLICATION PROCEDURES

§ 2.1 CHAPTER INTRODUCTION

This section outlines how the Applications chapter is organized into a summary table, a complete listing of the review authorities, a set of basic or standardized review procedures the Town will follow when processing applications, and the specific application procedures themselves. It also explains the uniform structure of each application section and provides a key to the symbols and colors in each application's procedural flow chart.

§ 2.2 APPLICATION SUMMARY TABLE

The application summary table identifies the type of development applications, review authorities for each application type, a cross-reference to the relevant UDO section, and whether a pre-application conference is required or optional. This table clarifies who hears appeals of certain decisions and indicates which decisions require a public hearing specifying the type of hearing, legislative or evidentiary.

TABLE <>: APPLICATION SUMMARY TABLE

Type of Action: C=Comment; R=Recommendation; D=Decision; -=Not Applicable
Pre-Application Conference: M=Mandatory; O=Optional; -=Not Applicable
Type of Hearing: L=Legislative; E=Evidentiary; -=Not Applicable
Appeal Authority: BOA=Board of Adjustment; SC=Superior Court; NC=NC Dept of Insurance or Residential Code Council
[#] = Table Note (see end of table)

APPLICATION TYPE[*]	PRE-APPLICATION CONFERENCE	REQUIRED PUBLIC HEARING TYPE	REVIEW AUTHORITY					APPEAL AUTHORITY	UDO REFERENCE
			TECHNICAL REVIEW COMMITTEE	PLANNING DIRECTOR	PLANNING BOARD	TOWN COUNCIL	BOARD OF ADJUSTMENT		
Administrative Adjustment	-	-	-	D	-	-	-	BOA	<>
Annexation	O	L	-	C	-	D	-	SC	<>
Appeal	-	E	-	-	-	-	D	SC	<>
Building Permit	Decided by Henderson County Building Department								
Certificate of Occupancy [1]	Decided by Henderson County Building Department								
Conditional Rezoning [2]	M	L	C	C	R	D	-	SC	<>
Conservation Subdivision [3]	M	-	C	D	-	-	-	BOA	<>
Construction Drawings	O	-	D	-	-	-	-	BOA	<>
Conventional Rezoning	O	L	-	C	R	D	-	SC	<>
Determination	-	-	C	D	-	-	-	BOA	<>
Development Agreement	M	L	C	R	-	D	-	SC	<>
Driveway Permit [4]	-	-	-	D	-	-	-	BOA	<>
Exempt Subdivision	-	-	-	D	-	-	-	BOA	<>

[*] Verify with staff the necessity of each of these permits / applications, understanding the Town will need time from adoption to effective date in order to prepare applications and procedures for each.

CHAPTER 3 DISTRICTS

§ 3.1 CHAPTER INTRODUCTION

§ 3.2 CONVENTIONAL ZONING DISTRICTS

§ 3.3 CONDITIONAL ZONING DISTRICTS

§ 3.4 GENERAL DIMENSIONAL STANDARDS

§ 3.5 INCENTIVES & ALTERNATIVES

§ 3.6 OVERLAY ZONING DISTRICTS

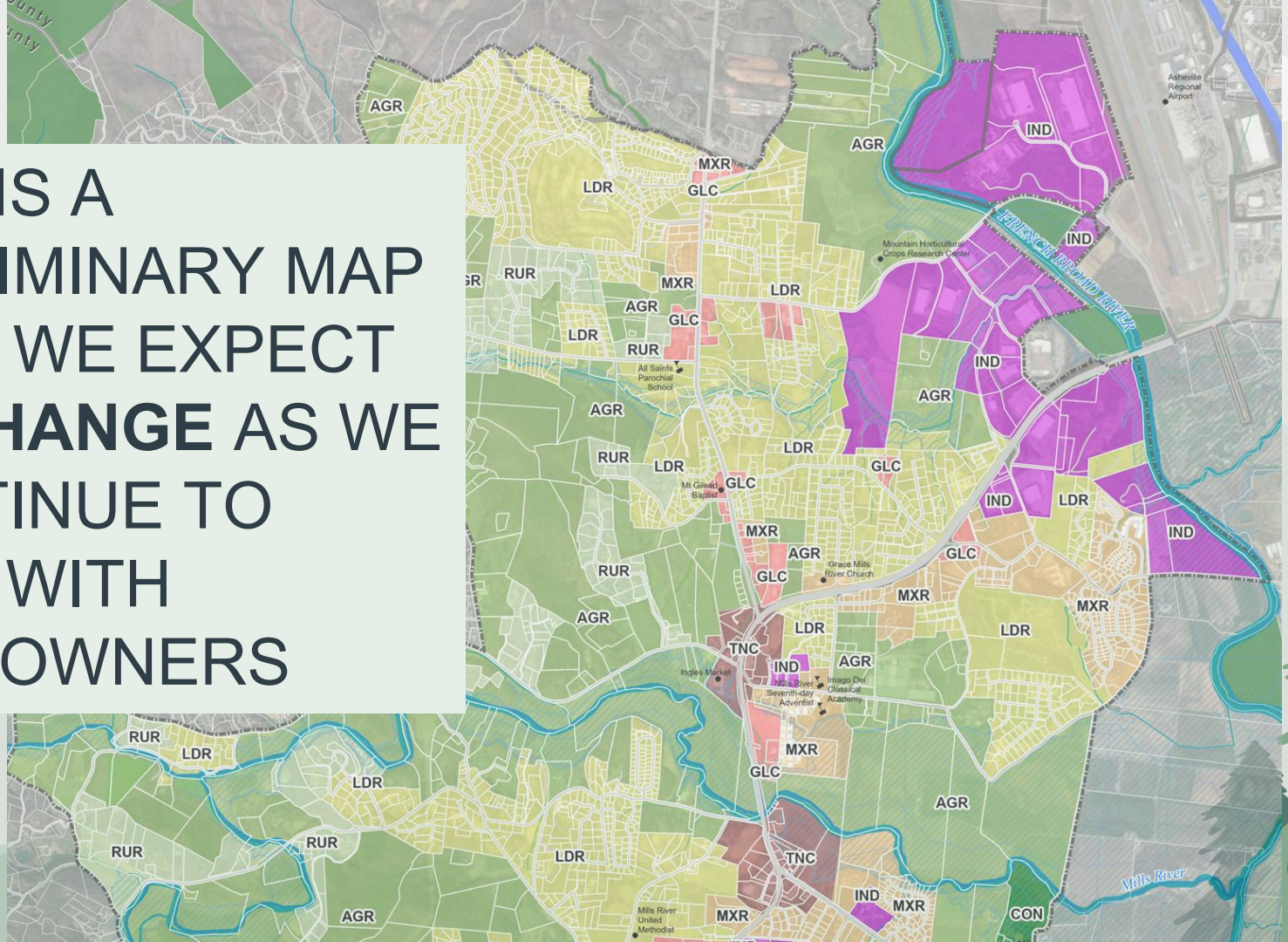
§ 3.7 ZONING MAP

TABLE <>: ZONING DISTRICTS ESTABLISHED

FORMER ZONING DISTRICTS		ZONING DISTRICTS IN THIS ORDINANCE	
CONSERVATION			
(New)		CON	Conservation
CONVENTIONAL RESIDENTIAL			
(New)		AGR	Agricultural Residential
MR-RR	Rural Residential [1]	RUR	Rural Residential
MR-30	Low Density District	LDR	Low Density Residential
(New)		MXR	Mixed Residential
CONVENTIONAL NON-RESIDENTIAL			
MR-NC	Neighborhood Commercial [2]	(Delete)	
MR-GB	General Business	GLC	General Commercial
MR-MU	Mixed-Use [3]	(Delete)	
(New)		TNC	Town Center
MR-LI	Light Industrial	IND	Industrial
CONDITIONAL [4]			
MR-R-CD	Residential Conditional [5]	RCZ	Residential Conditional
MR-M-CD	Mixed-Use Conditional [5]	MCZ	Mixed-Use Conditional
MR-C-CD	Commercial Conditional [5]	CCZ	Commercial Conditional
MR-I-CD	Industrial Conditional [5]	ICZ	Industrial Conditional
OVERLAY			
	Corridor Overlay District	(Delete) [6]	
	Water Supply Watershed Protection District	WSWO	Water Supply Watershed Overlay
(New)		FDPO	Floodplain Overlay [7]

NOTES:
[1] The Rural Residential District has been adopted and codified, but no land has this zoning designation.
[2] Some existing MR-NC will be translated into MXR.
[3]The current MR-MU Mixed-Use district is being abolished and is proposed for replacement with the VEC village Core district located in the core area of Mills River only.
[4] A conditional district may be either Type 1, Limited or Type 2, Unrestricted (Concept Plan), as requested by the applicant.
[5] No land has any conditional zoning district designation.
[6] The Corridor Overlay district standards are being integrated into a series of design and development standards applied to all forms of non-residential development.
[7] This is not a FEMA flood damage prevention ordinance, but rather a Town ordinance that addresses flooding.

THIS IS A PRELIMINARY MAP THAT WE EXPECT TO **CHANGE** AS WE CONTINUE TO TALK WITH LANDOWNERS



CHAPTER 4 LAND USES

TABLE <>: LISTING OF COMMON PRINCIPAL USES

P=Permitted by right, subject to a Zoning Permit & applicable use standards
S=Permitted, subject to a Special Use Permit & applicable use standards
C=Permitted within a conditional use district, subject to applicable use standards
"•"=Prohibited
[#]=See Note at end of table

USE CATEGORY		CONVENTIONAL RESIDENTIAL DISTRICTS				CONVENTIONAL NONRESIDENTIAL DISTRICTS					CONDITIONAL DISTRICTS				USE STDS
USE TYPE	CON	AGR	RUR	LDR	MXR		GLC		TNC	IND	RCZ	MCZ	CCZ	ICZ	
Current Districts & Uses (in yellow rows)			MR-RR	MR-3O		MR-NC	MR-GB	MR-MU		MR-LI	MR-R-CD	MR-M-CD	MR-C-CD	MR-I-CD	
AGRICULTURAL USE															
Agricultural Production															
Agricultural Processing	•			•	•		•		•	P	•	•	•	C	
Agricultural Products	•	P	P	•	•		•		•	•	•	•	C	•	
Commercial Greenhouse	•	P	P	•	•		•		•	P	•	•	C	•	
Farm and Produce Stands			P												
Horticulture	•	P	P	•	•		•		•	•	•	•	C	•	
Nursery (retail or wholesale)	•	P	P	•	•		•		•	•	•	•	C	•	
Viticulture (including winery or vineyard, but excluding event venues)	•	P	P	•	•		•		•	•	•	•	C	•	
Livestock Related															
Animal Husbandry	•	P	•	•	•		•	•	•	P	•	•	•	C	
Animal Processing	•	•	•	•	•		•	•	•	S	•	•	•	C	
Equestrian Facility	•	P	•	•	•		•	•	•	•	C	•	C	•	
Riding Stables			P												
COMMERCIAL USE CLASSIFICATION															
Animal Related															
Animal Boarding, Indoor and/or Outdoor	•	P	S	•	•		•		•	P	C	•	C	C	
Animal Boarding, Indoor Only	•	•	•	•	•		P		P	P	C	C	C	C	
Animal Grooming	•	P	P	•	•		P		P	P	C	C	C	C	
Animal Shelter	•	•	•	•	•		•		•	P	•	•	C	C	
Animal Hospitals / Kennels							P	P							
Dog Training Facility	•	P	P	•	•		P		•	P	•	•	C	C	
Kennel and Animal Boarding			S												
Veterinary Service	•	P	P	•	P		P		•	•	•	C	C	•	
Veterinary Clinic						S		P							
Eating and Drinking															
Bar, Cocktail Lounge, or Private Club	•	•	•	•	P		P		P	•	•	C	C	•	
Bakery							P	P							

§ 4.1 CHAPTER INTRODUCTION

§ 4.2 PRINCIPAL USES

§ 4.3 PROHIBITED USES

§ 4.4 SECONDARY USES

§ 4.5 TEMPORARY USES

§ 4.6 UNLISTED USES

CHAPTER 5 NONCONFORMITIES

This chapter is likely to evolve further over the course of UDO drafting as the consulting team works with staff to craft regulations in response to changing State laws regarding downzoning

§ 5.1 CHAPTER INTRODUCTION

§ 5.2 PRIOR NONCONFORMITIES ABOLISHED

§ 5.3 STATE & FEDERAL NONCONFORMITIES

§ 5.4 NONCONFORMITIES ESTABLISHED THROUGH CONSENT

§ 5.5 CONTINUATION OF NONCONFORMITIES

CHAPTER 6 STANDARDS

§ 6.1 CHAPTER INTRODUCTION

§ 6.2 ACCESS & CIRCULATION

§ 6.3 ARCHITECTURAL STANDARDS & GUIDELINES

§ 6.4 EXTERIOR LIGHTING

§ 6.5 FENCES & WALLS

§ 6.6 INFRASTRUCTURE

§ 6.7 LANDSCAPING & SCREENING

§ 6.8 MAINTENANCE OF PROPERTY

§ 6.9 OPEN SPACE SET-ASIDE AND PARKLAND DEDICATION

§ 6.10 OWNERS' ASSOCIATIONS

§ 6.11 PARKING AND LOADING

§ 6.12 REFUSE AND RECYCLING COLLECTION

§ 6.13 RESOURCE PROTECTION

§ 6.14 SIDEWALKS AND GREENWAYS

§ 6.15 SIGNAGE

§ 6.16 STORMWATER AND SEDIMENTATION

§ 6.17 SUBDIVISION DESIGN

§ 6.18 TREE PROTECTION

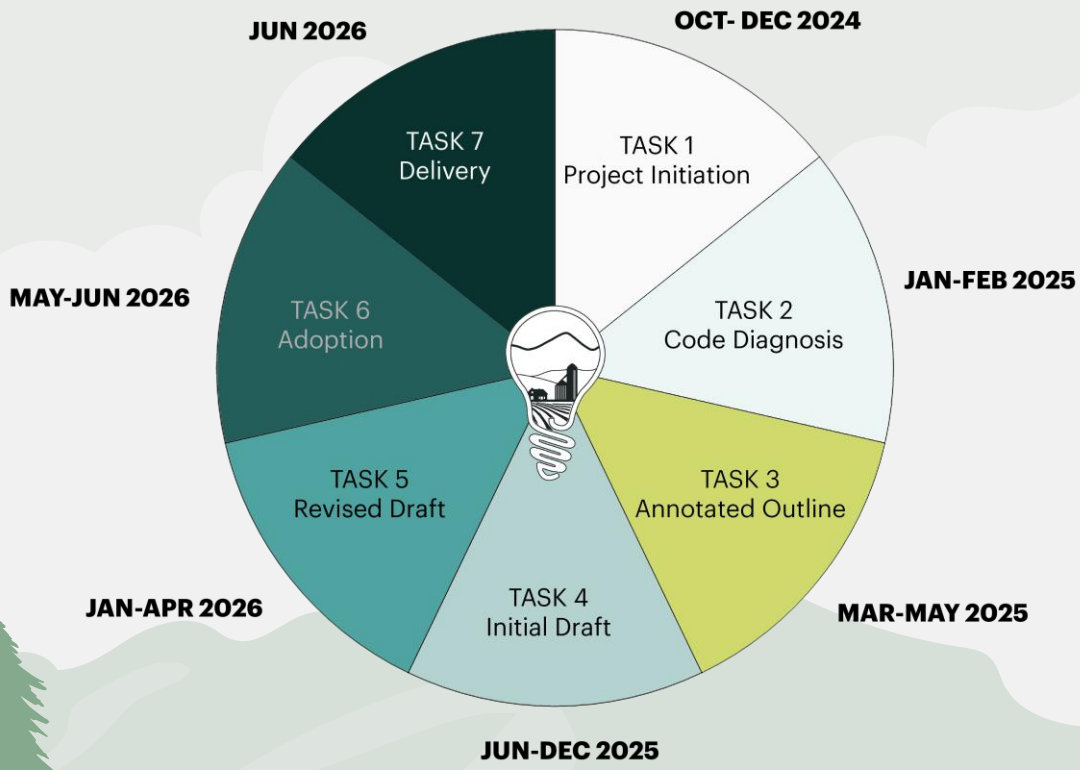
QUESTIONS FOR COUNCIL…

1. Should we regulate farms and agriculture or just exempt these?

2. Is there support to apply design controls from the corridor overlay to nonresidential development townwide? Proximate to highways? Based on Building Size?

3. Should we consider including incentives that grant density bonuses (above 4 units per acre)?

NEXT STEPS



- About 4 months behind due to SB382
- We will make up time in Tasks 4 & 5
- The document needs to be adopted by July 1, 2026