

154.251
154.254

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
FOR THE TOWN OF MILLS RIVER**

**ARTICLE NO. 1
AUTHORITY**

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160A of the North Carolina General Statutes, particularly Article 18. Town Council does hereby ordain and enact into law the following amendments to the Sign Ordinance for the Town of Mills River which is to be a part of the Zoning Ordinance of the Town of Mills River.

**ARTICLE II
AMENDMENT TO ZONING ORDINANCE**

The Zoning Ordinance of the Town of Mills River as enacted effective March 1, 2004, is amended to add the following revisions to the following articles, sections and subsections of the Sign Ordinance for the Town of Mills River:

- ✓ 1. Section 154.251. Add item (C) Sign permits shall expire 6 months after issuance unless the applicant has completed actual construction on the ground of the sign.0-
2. Section 154.254.
 - ✓A. Add definition AWNINGS. Cloth, vinyl, plastic or other similar type material permanently attached to a rigid frame on the face of a structure, typically over a door or entryway. This is not intended to include banners as defined and regulated in this ordinance.
 - ✓B. Amend definition for Banner to include last sentence of "Flags on residential use properties are exempt from regulation".
 - ✓C. Add definition for CALENDAR YEAR. January 1 through December 31 of each year.
 - ✓D. Amend definition for Freestanding Sign to read "FREESTANDING SIGN. A sign which stands alone or on its own foundation free of support or attachment to a building or other structure.
 - ✓E. Amend definition for Incidental Sign to read "INCIDENTAL SIGN. A single face, non-illuminated professional or announcement sign attached wholly to a building, window or door or posted on property containing information relative to emergencies, store hours, credit cards honored and other similar accessory information. Including

signs directing drivers such as "Drive Thru", "ATM", "Loading Dock", "Truck Entrance Only", etc.

- ✓ F. Add definition for MONUMENT SIGN. Similar to a freestanding sign, typically with a substantial base made of natural material and with a lower height requirement.
 - ✓ G. Amend definition for Portable Sign to read "PORTABLE SIGN. A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Such signs may be designed for changeable messages. Signs painted on or attached to operational vehicles and trailers with permanent signage are not included in this definition.
 - ✓ H. Amend definition for Temporary Sign to read "TEMPORARY SIGN. Any sign, whether attached to a principle structure or free standing, which is intended to be displayed for a limited time for a specific event. If a sign display area is permanent but the copy displayed is subject to periodic changes, that sign shall not be regarded as temporary. *no change*
- ✓ 3. Section 154.258.
- ✓ A. Add item (B) (6). The maximum area listed in 154.259 is the total area allowed for up to three wall signs.
 - ✓ B. Add item (B) (7). Multi-tenant building's walls signs shall be calculated by using the building frontage of each tenant. Each tenant may have up to three wall signs that meet the maximum area as calculated under § 154.259.
 - ✓ C. Add item (D) (6). Changeable copy may be incorporated into a monument sign provided that the changeable copy area does not exceed 32 square feet. Changeable copy may be digital (including LEDs), but may not change more than one time per day.
 - ✓ D. Add item (E) (3). Changeable copy may be incorporated into a freestanding sign provided that the changeable copy area does not exceed 32 square feet. Changeable copy may be digital (including LEDs), but may not change more than one time per day.
 - ✓ E. Add item (E) (4). Multi-tenant signs must reflect at least two tenants on site and may be required to submit documentation of separate legal entities operating from the site.
4. Section 154.259. Replace charts with following:

Permitted Sign Types	Maximum Area	Maximum Height	Maximum Number
Freestanding multiple tenant	125 square feet	20 feet	1 per frontage
Freestanding single tenant	80 square feet	20 feet	1 per frontage
Monument	120 square feet	15 feet	1 per frontage

Permitted Sign Types	Maximum Area	Maximum Height	Maximum Number
Wall, window, awning, canopy	1.5 square feet per linear foot of building frontage	N/A	3 per establishment * see 154.258
Suspended shingle post/arm signs	6 square feet	6 feet	1
Projecting	16 square feet	N/A	2 sign faces per business

5. Section 154.260.
- A. Add final sentence to Section (A). Special event signs and special event directional signs related to events sponsored by non-profit organizations must apply for and receive a temporary use permit, but are waived from fees and all limits on number.
- B. Amend item (B) to read "Portable signs. Portable signs will be allowed in addition to the permitted signs on a temporary basis not to exceed 30 days. A portable sign shall not exceed 32 square feet of total aggregate surface area per sign. Portable sign height may not exceed 20 feet. Portable signs must be approved and permitted by town staff through a "temporary sign permit". A maximum of 4 temporary sign permits will be issued per calendar year to any given business. Special event signs and special event directional signs related to events sponsored by non-profit organizations must apply for and receive a temporary use permit, but are waived from fees and all limits on number."
- C. Add item (C). Extended use temporary signs. Exempt signs as listed in 154.261 in this chapter that are larger than maximum dimensions listed for each sign type may be permitted with an Extended Use Temporary Permit. The sign shall not exceed 32 square feet of total aggregate surface area per sign with a height not to exceed 20 feet. Extended use temporary signs are issued for one year at a time and may be applied for annually.

- ✓ D. Add item (D). New business and non-profit signs. A new business or non-profit may apply for a new business sign allowing the use of a banner as a primary sign for up to one year. The banner must be tied wholly to a building wall or to rigid backing that prevents the banner from moving. The intent of the new business sign permit provision is to support new businesses starting in Mills River to have a sign at minimal initial cost. The total aggregate area shall not exceed 32 square feet and 20 feet in height.
 - ✓ E. Change existing item (C) to item (E).
 - ✓ F. Add to item (E) (3). Changeable copy signs may be digital providing the message does not change more than one time per day.
 - ✓ G. Change existing item (D) to item (F).
 - ✓ H. Change existing item (F) to item (G).
 - ✓ I. Add item. Commercial and Industrial Properties with Flags. Flags not representing governmental, non-profit or business organization on commercial or industrial property must be 32 square feet or less per flag and are limited to 2 per property unless permitted as a banner with a temporary sign permit.
- ✓ 6. Section 154.261.
- ✓ A. Add first sentence to read "Signs that are exempt by type, but larger than the restrictions below may be permitted under the extended use temporary signs [see 154.260(c)]."
 - ✓ B. Amend item (E) to read "(E). Flags or insignia of any governmental, non-profit or business organization. All flags on residential, religious institution or educational use property."
 - ✓ C. Delete Section (G). (Special event signs and special event directional signs, including portable signs and banners related to events sponsored by non-profit organizations).
 - ✓ D. Re-letter items to account for deletion of item (G).
 - ✓ E. Add item (K). Operational vehicles and trailers with permanent signage attached.

Except as specifically amended herein, the Zoning Ordinance of the Town of Mills River shall remain valid and in full force and effect.

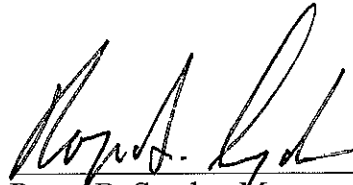
**ARTICLE III
SEVERABILITY**

Each section and subsection of said ordinance as adopted herein constitutes a separate and distinct provision. Whenever possible, each provision of such Ordinance shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision so such Ordinance shall finally be determined by competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from such Ordinance but every other provision of the Ordinance shall remain in full force and effect.

**ARTICLE NO. IV
EFFECTIVE DATE**


This Ordinance and the Amendment to the Zoning Ordinance of the town of Mills River, North Carolina shall take effect and be effective at 12:01AM on May 23, 2008, and shall be in full force and effect at all times thereafter until duly amended.

ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina, this the 22nd day of May, 2008.



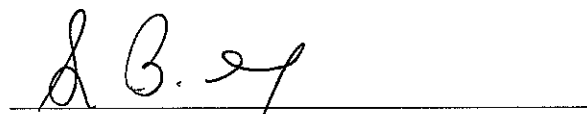
Roger D. Snyder, Mayor

ATTEST By:



Susan L. Powell, CMC
Town Clerk

Approved as to Form:



Sharon B. Alexander, Town Attorney