

**ORDINANCE NO. 2017-07**

**AN ORDINANCE AMENDING THE TOWN OF MILLS RIVER CODE OF  
ORDINANCES**

**CHAPTER 153 - SUBDIVISIONS**

**CHAPTER 154 - ZONING**

Deletions to 153.006 and 153.046 struck through

Additions to 153.046 and 154.110 highlighted

Signs section fully re-written

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160A of the North Carolina General Statutes. Town Council does hereby ordain and enact into law the following amendments to the Code of Ordinances for the Town of Mills River:

153.006        GENERAL APPROVAL FOR SUBDIVISION PLATS

A final plat must be prepared and approved pursuant to this chapter whenever a subdivision of land occurs. No land disturbing or construction activity carried out in conjunction with the development of a subdivision shall be commenced until a development plan has been approved (for a major subdivision) or until a plat has been conditionally approved (for a minor subdivision). Prior to recordation, all plats must meet the requirements of G.S. 47-30.

153.046        PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS

153.046 (A)(6)

Applications for minor subdivisions with 4 or more lots must contain a road development plan that has a scaled drawing of the proposed road cross section and associates drainage improvements, which shall be in conformance with the standards in 153.069. Upon review of a preliminary plat and approval of the drawings, the Subdivision Administrator shall issue a "letter of conditional approval" whereby the applicant may begin construction of the roads and drainage improvements shall issue a conditional approval of the preliminary plat. Upon completion and subsequent inspection and approval by the Subdivision Administrator and upon satisfaction of the applicable requirements in division (A)(7)below, the final plat may be approved by the Subdivision Administrator.

153.046 (A)(7)

In additions to the requirements above, a minor subdivision must comply (where applicable) with 153.067 (Sedimentation and Erosion Control Plan), 153.068 (Water supply and sewer system

required), 153.069 (Roads in general), 153.070 (Shoulder stabilization), 153.071 (Road name approval), 153.072 (Subdivision names and name signs), 153.073 (Road name signs and regulatory signs), 153.074 (Conformance with approved thoroughfare plan), 153.075 (Right-of-way access), 153.076, Road frontage and existing off-site access), 153.077 (Stormwater drainage), 153.079 (Lot designs), and 153.082 (Air quality) of this chapter.

#### 154.110 CONFORMITY WITH REGULATIONS REQUIRED

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered, except in conformity with the regulation herein specified for the district in which it is located and except herein provided in this chapter. Any existing building or land that is proposed for a change of use shall conform to the regulation herein specified for the district in which it is located.

### SIGNS

#### 154.250 PURPOSE AND INTENT

It is the intent of this subchapter to authorize the use of signs:

1. To encourage the effective use of signs as a means of communication in the Town.
2. To preserve Mills River as a community that is attractive to business and industry while also preserving the natural beauty of the area.
3. To protect existing property values in both residential and non-residential areas.
4. To improve pedestrian and traffic safety.
5. To minimize the possible adverse effects of signs on nearby public and private property.
6. To improve the overall aesthetics of the community by preventing over-concentration, improper placement, and excessive height, bulk, and area of signs.

#### 154.251 GENERAL PROVISIONS/APPLICABILITY

The regulations in the following sections pertaining to signs specify the number, types, sizes, heights, and locations of signs, which are permitted within the jurisdiction of the Town. Except as otherwise provided, no sign shall be erected, placed, altered, constructed, moved, converted, or enlarged except with the provisions of this chapter.

#### 154.252 DEFINITIONS

The following words or terms shall have the meanings as herein defined:

***ABANDONED SIGN.*** A sign erected on property in conjunction with a particular use, which use has been discontinued for a period of 180 days or more, or a temporary sign for an event which has occurred.

**AGRICULTURAL SIGN.** A sign in use advertising the sale of seasonal produce, crops, livestock and animal products and horticulture products.

**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 chapter.

**BANNER.** A sign or outside advertising display having the characters, letter, illustrations, ornamentation, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic or like kind of malleable material, with or without frame. The term **BANNER** shall include flags, pennants, ribbons, spinners, streamers, kites, balloons and/or, or any other material or outside advertising display fastened in such a manner as to move upon being subjected to movement of the atmospheres or any mechanical device. Flags on residential use properties are exempt from regulation.

**BILLBOARD.** A panel for the display of advertisements in public areas, such as along highways or on the sides of buildings.

**CHANGEABLE COPY SIGN.** A sign on which message copy is changed manually in the field or through electronic means. Time and temperature signs are not included in this definition.

**CONSTRUCTION SIGN.** A temporary sign whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with construction on a specific site, the name of the building, the intended purpose of the building and the expected completion date

**EXEMPT SIGN.** Any sign that is specifically listed as exempt from this subchapter. The listed exempt signs are not regulated by the terms of this subchapter.

**FLASHING SIGN.** A sign that incorporates flashing, strobe, pulsating or blinking lights, or a sign with moving or rotating parts or parts which simulate movement, including signs or lights or signs reflecting or emitting a glaring light that could impair driver vision.

**FREESTANDING SIGN.** A sign which stands alone or on its own foundation free of support or attachment to a building or other structure.

**GOVERNMENTAL SIGN.** Any sign erected by or on the order of an authorized public official in the performance of his or her office or duty including, but not limited to, traffic control signs, street name signs, warning and directions signs, public notice or signs of a similar nature.

**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 a "Drive Thru", "ATM", "Loading Dock", "Truck Entrance Only", and the like.

**MARQUEE (AWNING).** A permanent rooflike structure other than a roof attached to, supported by, and projecting from a building, providing protection from the natural elements over the ground, sidewalk, or walkway.

**MONUMENT SIGN.** Similar to a freestanding sign, typically with a substantial base made of natural material and with a lower height requirement.

**NONCONFORMING SIGN.** A sign legally erected and in existence prior to the date of adoption of this subchapter or an amendment, that does not meet the standards imposed by this chapter.

**NO TRESPASSING/WARNING SIGNS.** A sign which carries a message forbidding the unlawful entry upon the land or building of another or a sign which carries a message warning of danger which could cause injury to a person entering upon the land or building of another.

**POLITICAL SIGN.** A sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town may vote.

**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.

**PROJECTING SIGN.** A sign which projects from and is supported by a building or other structure.

**REAL ESTATE SIGN.** A sign erected by the owner, or his or her agent, advertising real property upon which the sign is located for rent, for lease or for sale.

**SEASONAL/HOLIDAY SIGN.** A sign setting forth information concerning the observance of activities which occur once per year.

**SETBACK.** The shortest horizontal distance between the edge of the pavement or traveled surface and the closest point of a sign or its supporting member.

**SIGN.** Any form of publicity or advertising which is designed to be visible from any public way, directing attention to an individual business, commodity, service, activity or product by means of words, lettering, numerals, trade names or trademarks, or other pictorial matter designed to convey such information. **SIGNS** shall include the "sign structure."

**SIGN STRUCTURE.** A supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided however, said definition shall not include a building or fence.

**SUBDIVISION AND DEVELOPMENT SIGNS.** Signs that are intended to identify larger scale developments such as major subdivisions, multi-family developments, office parks, and industrial parks.

**TEMPORARY SIGN.** Any sign, whether attached to a principle structure or free standing, which is intended to be displayed for a limited time. This definition does not include portable signs. If a sign display area is permanent but the copy displayed is subject to periodic changes, that sign shall not be regarded as temporary.

**WALL SIGN.** A sign which is placed on and/or attached to and supported throughout its entire length by the facade or exterior side of a building wall by means of adhesive, paint, manufacturing

process, structural and/or mechanical attachment, which said sign is not more than twelve (12) inches from the facade or exterior wall line and when its exposed face is parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Such sign may not extend above the roofline.

#### 154.253 SIGN PERMIT REQUIRED

Unless otherwise provided, all signs must obtain a sign permit. This includes the erection, placement, alteration, construction, moving, conversion, or enlargement of any sign within the Town's jurisdiction.

All permit requests are reviewed by the Zoning Administer of his/her designee. Applications for a sign permit shall be accompanied by plans or drawings that depict the location and dimensions of said sign(s). Sign permits expire after 6 months after issuance unless the applicant has completed construction of the permitted sign(s).

Notwithstanding the above, changing or replacing the permanent copy of an existing and conforming sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of the Town Code.

#### 154.254 DETERMINATION OF SIGN COPY AREA AND SIGN HEIGHT

(A) In measuring the copy area of a sign, the entire face of the sign shall be included. Where both sides of a double-faced sign contain lettering or other allowable display, one side only shall be used to compute the allowable copy area of the sign. Where the sign consists of individual letters, numbers, characters, figures, or displays attached in some manner to a building or a sign face of irregular shape, the sign copy area shall include the area of the smallest circle, square, or rectangle that can encompass the total sign area composed of letters, numbers, characters, figures, or displays or the irregular shaped sign face. Where signs have appendages or additions, such as "pop-ups" or "cutouts" that extend beyond the main sign copy area, the area of such appendages or additions shall be measured separately, but included in the total sign copy area. Also to be included in the total sign copy area shall be any area designed for changeable copy as defined in Section 154.261. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces shall be computed from the smallest three-dimensional geometrical shape or shapes which best approximate the actual surface area of the sign.

(B) The maximum height of a sign shall be measured from the highest point of natural grade under the sign to the highest point of the sign. The grade shall not be altered in such a way as to increase the sign height.

#### 154.255 SIGN ILLUMINATION

All sign illumination shall be provided by a continuous light source that is installed only with the intent to illuminate said sign.

(A) Signs illuminated by an external source shall be directed to the sign only with minimal spillover onto a street or adjacent properties.

- (B) Whether illuminated internally or externally, the sign shall not produce glare or reflection that interferes with traffic safety.
- (C) No internal or external illuminated sign shall flash, pulse, blink, strobe, or alternate light at any time.

154.256 CONSTRUCTION STANDARDS

All signs shall be constructed according to requirements of Chapter 31 of the North Carolina State Building Code, as amended.

154.257 COMMON SIGNAGE PLAN FOR MULTI-UNIT DEVELOPMENTS OR DEVELOPMENTS WITH MORE THAN ONE PRINCIPAL BUILDING

A Common Signage Plan shall be prepared for developments with multiple buildings and/or multiple units. The signs must be uniform in design and features. All types and colors of signs, as long as they produce a unifying theme and meet all dimensional requirements in Section 154.258, will be considered except for those expressly prohibited by the Town Code.

A site layout plan shall be part of the sign permit application for each existing and proposed signs. The plan shall contain all sign types, location, lighting scheme, and provisions for shared usage of freestanding signs.

154.258 SIGNS PERMITTED IN THE MR-GB, MR-NC, MR-LI, AND MR-MU ZONING DISTRICTS

(A) Freestanding Signs

- a. The maximum height of a freestanding sign shall be 20 feet.
- b. The maximum area of a freestanding sign shall be 80 square feet.
- c. The maximum area of a freestanding sign requiring a Common Signage shall be 125 square feet.
- d. The maximum number of freestanding signs shall be 1 per street frontage.
- e. All freestanding signs shall be located behind the street right-of-way or 10 feet from the curb or edge of a street where right-of-way does not exist or cannot be determined.
- f. No sign shall be placed so as to interfere with automobiles entering or exiting the roadway.
- g. Freestanding signs that adjoin a residential use shall adhere to a 15 foot side yard setback.

(B) Projecting Signs

- a. The minimum width of a building front for a projecting sign shall be 20 feet.
- b. The maximum height of a projecting sign shall be 8 feet.
- c. The maximum area of a projecting sign shall be 16 square feet.
- d. The maximum projection from a wall shall be 4 feet.
- e. The maximum number of projecting signs shall be 1 per tenant frontage.
- f. No projecting sign shall extend above the highest point of a roofline or parapet.
- g. No projecting sign shall be permitted on the same facade along which there is a wall sign.

(C) Marquee or Awning Signs

- a. The maximum height shall be 16 inches.
- b. The maximum width shall be 40 inches.
- c. Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning.
- d. Sign clearance shall be 8 feet from sidewalk or other walkway.

(D) Wall Signs

- a. Wall signage shall not exceed 10% of the total surface area of the wall to which the sign(s) is located up to a maximum of 150 square feet. The 150 square foot maximum can be waived as part of a Common Signage Plan if no sign(s) on a building wall or building unit exceeds the 10% surface area wall requirement.
- b. No wall sign shall project more than 18 inches from the building wall.
- c. No wall sign intended for the façade of a building shall cover any window or part of a window.
- d. Signs that are displayed on or through windows are exempt.
- e. No wall sign shall extend above the highest point of a roofline or parapet.

(E) Monument signs

- a. Only buildings set back more than 30 feet from the right of way and having 100 feet or more of street frontage may use a monument sign.
- b. All monument signs shall be located behind the street right of way or 10 feet to any adjacent lot line. A 15 feet side yard setback shall be required of the side lot line abuts a residential use.
- c. Changeable copy is not permitted for a monument sign.
- d. The maximum number of monument signs shall be 1 per street frontage.
- e. Computation of sign height and area shall be 50% of allowable height and area of a freestanding sign.

154.259 SIGNS FOR NON-RESIDENTIAL USES PERMITTED IN THE MR-30 ZONING DISTRICT

Signs for permitted uses in the MR-30 zoning district shall not exceed 50% of the requirements found in Section 154.258.

154.260 CHANGEABLE COPY SIGNS

Changeable copy signs are permitted by right in the MR-GB zoning district. In all other zoning districts a Special Use Permit approval from Town Council is required as defined in 154.138 and 154.180.

(A) Manual changeable copy signs

- a. In no case shall a manual changeable copy sign comprise more than 40% of the freestanding sign copy area, up to a maximum of 32 square feet.
- b. The copy area (background) must be one uniform color.
- c. The letters and numbers may be colored red or black.

(B) Electronic changeable copy signs

- a. Shall be located on freestanding signs only.

- b. In no case shall an electronic changeable copy sign comprise more than 40% of the freestanding sign copy area, up to a maximum of 32 square feet.
- c. Messages shall remain in a fixed position for at least 8 seconds.
- d. Messages shall not contain flashing, scrolling, blinking or similar type movements. In addition messages shall not contain any animation.
- e. Message transition must be instantaneous.
- f. Electronic changeable copy signs shall have a black background screen. All lighted characters, letters, and numbers shall only be green or red in color.

154.261 SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT

(A) Signs Required by Law, Statute, or Ordinance.

(B) Public (Governmental) Signs

- a. Signs erected by or pursuant to the authorization of governmental agencies including but not limited to DOT (Department of Transportation), Americans with Disabilities Act signage and warning or hazard signage. Governmental signs unique to the Town of Mills River are required to abide by the sign ordinance which would include for example school signage or water treatment facility signage.

(C) Flags (Non-advertising/non-informational)

(D) Political Signs

- a. Political signs (less than 4 square feet) may be placed up to 60 days prior to an election and must be removed within 72 hours of the close of voting. This includes polling place identification signage. Candidates should obtain property owners permission before placing signs on their property.

(E) Address Numbers

(F) Window Signs

- a. Signs placed or attached to the interior side of a window or door glass of a building.

(G) Building Memorial Sign

(H) No Trespassing or warning Signs (Soliciting, Hunting, Fishing, Parking, etc.)

(I) Signs Associated with a Seasonal or Religious Holiday

(J) Agricultural Signs

- a. Signs that are designed to advertise seasonal agricultural products and are limited to 32 square feet of copy area.

(K) Sidewalk

- a. Signs that are used by businesses to advertise daily specials, sales, etc. These signs must be placed on sidewalks within the development (not on sidewalks in public right of way).

(L) Temporary Signs

On Premise

	<u>Max #</u>	<u>Max Sq. ft.</u>	<u>Max Height</u>	<u>Max Time</u>
Real Estate/For Lease (Residential)	2	12	6	until sold/leased
Real/Estate/For Lease (Commercial)	2	32	10	until sold/leased
Grand Opening	1	20	10	30 days



Going Out of Business	1	20	10	30 days
Construction	1	32	10	project duration
Remodeling/Repair	1	12	10	project duration
Special Event	1	32	10	30 days prior to event
Info/Advertisement (Banners/Flags, etc.)	2	12	10	30 days
Off Premise				
Real Estate/For Lease	2	6	6	until sold/leased
Directional (for events)	2	6	6	event duration
Special Event	2	20	6	30 days prior to event

#### 154.262 EXTENDED USE TEMPORARY SIGNS

Signs that are listed in Section 154.261(P) that are larger than the maximum dimensions/time may be permitted with an extended use temporary sign permit. The sign shall not exceed 32 square feet of copy area with a height not to exceed 10 feet. Extended use temporary signs can be issued for up to one year and can be applied for annually.

#### 154.263 SIGNS PROHIBITED

- (A) Billboards (Outdoor Advertising)
- (B) Flashing, Strobing, Pulsating, Blinking
- (C) Motion
- (D) Snipe
  - a. Signs attached to utility poles, fences, street lights, hydrants, trees, etc. on public property or right of way.
- (E) Signs Obstructing Motorist Visibility
- (F) Signs in Right of Way
- (G) Signs Above Roofline
- (H) Obscene Signs
- (I) Permanent Off-Premise
- (J) Balloons and Other Inflatables
- (K) Signs Erected or Placed without a Permit or not in Compliance with Regulations

#### 154.264 SUBDIVISION AND DEVELOPMENT SIGNS

- (A) Residential Subdivisions and Developments
  - a. 1 monument sign (per Section 154.258) is allowed for each road or driveway into the development.
  - b. The sign may identify a single-family residential subdivision or multi-family residential complex.
  - c. The sign must be located on a parcel that is associated with the approved subdivision or development.
- (B) Industrial and Office Parks

- a. 1 monument sign (per Section 154.258) is allowed for each road or driveway into the development.
- b. The sign may identify the name of the subdivision and/or the tenants of the subdivision.
- c. The sign must be located on a parcel that is associated with the approved subdivision or development.
- d. Said signs are allowed in addition to the signage allowed for each individual development in the subdivision.

#### 154.265 NON-CONFORMING SIGNS

Signs that were erected and were in place prior to the adoption of this ordinance but which do not conform to the provisions of this chapter are declared non-conforming signs. Signs that were erected and that are in place and which conformed to the provisions of this ordinance at the time erected, but which do not conform to an amendment of this ordinance enacted subsequent to the erection of said signs are also declared non-conforming signs. Any sign erected after the passage of this chapter must meet all criteria within this chapter.

- (A) A non-conforming sign may be continued but shall not be:
- a. Changed or replaced with another non-conforming sign, except that copy may be changed.
  - b. Expanded or modified in any way which increases the sign's non-conformity or adds illumination.
  - c. Moved except to bring the sign into conformity.
  - d. Re-established once the sign structure has been removed.
  - e. Re-established after the sign has been damaged as defined in Section 154.268.
  - f. Re-established after it has been discontinued regardless of reason or intent for 180 days or more.

#### 154.266 SIGN MAINTENANCE

All parts of a sign, including the copy area, supports, braces, poles, wires, and other appurtenances of signs or sign structures shall be kept in good repair and maintained in safe condition. Any sign deemed to be in a state of disrepair by this section shall be considered in violation of this chapter.

- (A) A sign shall be in a state of disrepair when more than 20% of its total surface area is covered with disfigured, cracked, ripped, or peeling paint or poster paper or any combination of these conditions.
- (B) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than 15 degrees from the perpendicular.
- (C) No sign or sign structure shall be allowed to have weeds, vines, or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed.
- (D) No illuminated sign shall be allowed to stand with only partial illumination operational. All illuminated signs must comply with Section 154.255.

(E) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within a public right-of-way of any road or highway except as required by the North Carolina Department of Transportation. The Administrator may use discretion in determining alternative forms of compliance for landscaping in situations where sign visibility is affected.

154.267 DANGEROUS OR UNSAFE SIGNS

Pursuant to G.S. 160A-193, the Town Council shall have the authority to summarily remove, abate, or remedy a sign which is dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be determined, the land owner, and if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.

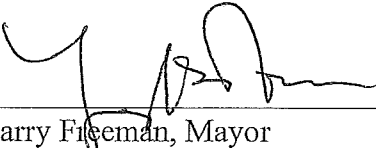
154.268 ENFORCEMENT


If the Zoning Administrator or his/her designee shall find any of the provisions of the Sign Ordinance are in violation, he/she shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it or shall take any other action authorized by Section 154.999 of the Town Code.

In addition to actions authorized by Section 154.999 of the Town Code, civil penalties for sign ordinance violations shall double from \$50 to \$100 after 15 days from the date the individual is notified. Each day's violation after the initial 15 day period shall be treated as a separate offense.

**ADOPTED AND PASSED** by the Town Council of the Town of Mills River, North Carolina, effective on the 10th day of November, 2017 at 12:01am.

ATTEST By:

  
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Larry Freeman, Mayor

  
\_\_\_\_\_  
Susan L. Powell, MMC, NCCMC  
Town Clerk

