

**AN ORDINANCE AMENDING TITLE XV LAND USE OF THE MILLS RIVER CODE OF ORDINANCES,  
CHAPTER 154 (ZONING) IN ACCORDANCE WITH TXT-22-02**

**WHEREAS**, the Mills River Fire & Rescue Department initiated a zoning text amendment to the Mills River sign code, specifically §154.260(B), in order to allow for the installation of electronic changeable copy signs on public property, so Mills River Fire & Rescue may place a digital sign at their new headquarters fire station location at 5400 Boylston Highway, Mills River.

**WHEREAS**, Mills River Fire & Rescue held a pre-application conference with Town Council on September 22, 2022, as required by §154.196(C), and Town Council voted 3-2 to allow the text amendment to proceed.

**WHEREAS**, Mills River Fire & Rescue submitted a complete text amendment application on September 26, 2022 with the appropriate fee and staff assigned the case number TXT-22-02.

**WHEREAS**, a public meeting was held by the Town of Mills River Planning Board on October 4, 2022 to consider the text amendment, and the Planning Board unanimously found TXT-22-02 consistent with goals identified in the Making Mills River 2040 comprehensive plan and recommended for its approval.

**WHEREAS**, the Mills River Town Council held a public hearing on November 10, 2022 to consider said request, and gave the public an opportunity to be heard.; The hearing was recessed so staff and the Town Attorney could research other ordinance amendment options that would achieve the same result requested by Mills River Fire & Rescue, and reconvened the hearing on December 8, 2022.

**WHEREAS**, on advice of the Town Attorney, an option to revise §154.261 and amend the definition of a governmental sign was presented, considered, and adopted with modifications, which Town Council approved with a 3-2 vote.

**WHEREAS**, the Town Council concurred with the Planning Board's consistency findings, voted 3-2 to approve a statement of plan consistency, and briefly explained why Council considers the action taken to be reasonable and in the public interest.

**WHEREAS**, this Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160D 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.

**WHEREAS**, the Administration Section of the Code of Ordinances of the Town of Mills River as enacted effective February 26, 2004, and with various amendments, is further amended as to the following articles, chapters, sections and subsections:

§154.261(B), Signs Exempt from Obtaining a Sign Permit

Text Amendment TXT-22-02 modifies §154.261 of the Mills River Zoning Code to clarify the meaning of an exempt sign, and to further define an exempt governmental sign being a sign in furtherance of an essential governmental service, which is exempt from obtaining a sign permit but must meet the sign ordinance dimensional requirements set forth in §154.258 & §154.260 of the Mills River Code of Ordinances. See Exhibit A for further details.

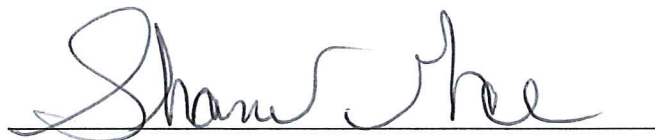
Except as specifically amended herein, Chapter 154 of the Town of Mills River Code of Ordinances shall remain valid and in full force and effect.

**WHEREAS**, 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.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLS RIVER:**

**THAT**, text amendment TXT-22-02 modifies §154.261 of the Mills River Zoning Code and the definition of a governmental sign to allow for exempt governmental electronic changeable copy signs in furtherance of an essential governmental service which must abide by the applicable dimensional requirements, and shall take effect and be effective at 12:01 AM on December 9, 2022, 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 12th day of January 2023.



Shanon Gonce  
Mayor

ATTEST By:



Susan L. Powell, MMC, NCCMC  
Finance Director/Town Clerk



## **SIGNS**

### **§ 154.250 PURPOSE AND INTENT.**

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

- (A) To encourage the effective use of signs as a means of communication in the town.
- (B) To preserve Mills River as a community that is attractive to business and industry while also preserving the natural beauty of the area.
- (C) To protect existing property values in both residential and non-residential areas.
- (D) To improve pedestrian and traffic safety.
- (E) To minimize the possible adverse effects of signs on nearby public and private property.
- (F) To improve the overall aesthetics of the community by preventing over-concentration, improper placement, and excessive height, bulk, and area of signs.

(Ord. 2017-07, passed 11-10-2017)

### **§ 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.

(Ord. 2017-07, passed 11-10-2017)

### **§ 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 governmental or~~ public official ~~or entity~~ in the performance of ~~an essential public service, his or her office or duty~~ including, but not limited to, traffic control signs, street name signs, warning and directions signs, public notice signs, 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 as "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 freestanding, 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 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.

(Ord. 2017-07, passed 11-10-2017)

**§ 154.253 SIGN PERMIT REQUIRED.**

(A) 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.

(B) 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).

(C) 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.

(Ord. 2017-07, passed 11-10-2017)

**§ 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 § [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.

(Ord. 2017-07, passed 11-10-2017)

**§ 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.

(Ord. 2017-07, passed 11-10-2017)

**§ 154.256 CONSTRUCTION STANDARDS.**

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

(Ord. 2017-07, passed 11-10-2017)

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

(A) 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 § [154.258](#), will be considered except for those expressly prohibited by the Town Code .

(B) 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.

(Ord. 2017-07, passed 11-10-2017)

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

(A) Freestanding signs.

- (1) The maximum height of a freestanding sign shall be 20 feet.
- (2) The maximum area of a freestanding sign shall be 80 square feet.
- (3) The maximum area of a freestanding sign requiring a common signage shall be 125 square feet.
- (4) The maximum number of freestanding signs shall be 1 per street frontage.
- (5) 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.
- (6) No sign shall be placed so as to interfere with automobiles entering or exiting the roadway.
- (7) Freestanding signs that adjoin a residential use shall adhere to a 15-foot side yard setback.

(B) Projecting signs.

- (1) The minimum width of a building front for a projecting sign shall be 20 feet.
- (2) The maximum height of a projecting sign shall be 8 feet.
- (3) The maximum area of a projecting sign shall be 16 square feet.
- (4) The maximum projection from a wall shall be four (4) feet.
- (5) The maximum number of projecting signs shall be one (1) per tenant frontage.
- (6) No projecting sign shall extend above the highest point of a roofline or parapet.
- (7) No projecting sign shall be permitted on the same facade along which there is a wall sign.

(C) Marquee or awning signs.

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

(D) Wall signs.

- (1) 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.
- (2) No wall sign shall project more than 18 inches from the building wall.
- (3) No wall sign intended for the facade of a building shall cover any window or part of a window.
- (4) Signs that are displayed on or through windows are exempt.
- (5) No wall sign shall extend above the highest point of a roofline or parapet.

(E) Monument signs.

- (1) 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.
- (2) All monument signs shall be located behind the street right of way or 10 feet to any adjacent lot line. A 15-foot side yard setback shall be required of the side lot line abuts a residential use.
- (3) Changeable copy is not permitted for a monument sign that is subject to this subchapter.



(4) The maximum number of monument signs shall be 1 per street frontage.

(5) Computation of sign height and area shall be 50% of allowable height and area of a freestanding sign.

(Ord. 2017-07, passed 11-10-2017; Am. Ord. 2021-06, passed 4-22-2021)

**§ 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 § [154.258](#).

(Ord. 2017-07, passed 11-10-2017)

**§ 154.260 CHANGEABLE COPY SIGNS.**

(A) *Manual* changeable copy signs. Manual changeable signs must comply with the following standards:

(1) 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.

(2) The copy area (background) must be one uniform color.

(3) The letters and numbers may be colored red or black.

(B) *Electronic* changeable copy signs. Electronic changeable copy signs which are subject to the subchapter shall not be permitted in Mills River. Electronic changeable copy signs permitted before (~~Amendment adoption date~~ March 13, 2020) must comply with the following standards:

(1) Shall be located on freestanding signs only.

(2) 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.

(3) Messages shall remain in a fixed position for at least 8 seconds.

(4) Messages shall not contain flashing, scrolling, blinking or similar type movements. In addition, messages shall not contain any animation.

(5) Message transition must be instantaneous.

(6) Electronic changeable copy shall ~~shall~~ have a black background screen. All lighted characters, letters, and numbers shall only be green or red in color.

(Ord. 2017-07, passed 11-10-2017; Am. Ord. 2020-06, passed 3-13-2020)

**§ 154.261 SIGNS EXEMPT FROM OBTAINING A SIGN PERMIT.**

The following signs are exempt from the provisions of this subchapter and shall not require a permit or otherwise be subject to regulation by the Town of Mills River:

(A) Signs required by law, statute, or ordinance.

(B) ~~Public (Governmental)~~ Signs in furtherance of an essential governmental service. Governmental Signs are subject to the ordinance dimensional standards of §154.258 and §154.260.

(1) 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. 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. 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. Signs that are designed to advertise seasonal agricultural products and are limited to 32 square feet of copy area.

(K) Sidewalk. 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.

<i>On Premise</i>				
	<i>Maximum Number</i>	<i>Maximum Square Feet</i>	<i>Maximum Height</i>	<i>Maximum Time</i>
<i>On Premise</i>				
	<i>Maximum Number</i>	<i>Maximum Square Feet</i>	<i>Maximum Height</i>	<i>Maximum Time</i>
Real Estate/For Lease (Residential)	2	12	6	Until sold/leased

EXHIBIT A

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
<i>Off Premise</i>				
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

(Ord. 2017-07, passed 11-10-2017; Am. Ord. 2021-06, passed 4-22-2021)