



**Gastonia Planning Commission
Meeting Schedule
October 6, 2016**

- | | |
|---------------------|--|
| 5:00 – 5:30 | Dinner
(City Hall – City Council Chamber) |
| 5:30 – Until | Planning Commission Meeting
(City Hall – City Council Chamber) |

Gastonia Planning Commission
City Council Chamber, City Hall
October 6, 2016 – 5:30 pm

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Item 1c: Oath of Office

Item 1d: Approval of August 4, 2016 Minutes

Item 2: Public Hearing – Haywood Equity Group, LP (File # 8613)

Subject hearing involves rezoning approximately .99 acre from C-1 (Neighborhood Commercial District) to C-3 (General Commercial District). The property is located at 2709 S. York Road. The property is owned by Haywood Equity Group Limited.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 3: Public Hearing – Brian and Dorothy Buchanan (File # 8630)

Subject hearing involves rezoning approximately 10.47 acres from I-2 (General Industrial District) to C-3 (General Commercial District). The property is located at 3100 Northwest Boulevard. The property is owned by Brian and Dorothy Buchanan.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 4: Public Hearing – Esel Jay and Hannah Oh (File # 8633)

Subject hearing involves rezoning approximately 1.55 acres from I-2 (General Industrial District) to C-1 CD (Neighborhood Commercial Conditional District). The property is located at the intersection of Radio Street and Wren Turnpike. The property is owned by Esel Jay and Hannah Oh.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 5: Public Hearing – Amending the Unified Development Ordinance (UDO) (File # 8644)

Subject hearing involves an ordinance amending various sections of Chapter 12 Signs of the Unified Development Ordinance in order to be in compliance with the U.S. Supreme Court *Reed v. Town of Gilbert* decision and to clearly define and regulate temporary signs.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 6: Other Business

- Chairperson/Vice-Chairperson
- Update on Council Votes
- Representative for October 18th City Council Meeting (if needed)

Gastonia Planning Commission
August 4, 2016

Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:31 pm on Thursday, August 4, 2016, in the Council Chambers at City Hall.

Present: Commissioners Rodney Armstrong, Jerry Fleeman, Jim Stewart, Commissioner Bob Cinq-Mars, and Chairperson Pamela Goode.

Absent: Commissioners Mark Epstein, Alec Long, and Bob Biggerstaff

Staff Members Present: Melissa Magee, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Planner II; Julia Baker, Planning & GIS Specialist I, Chrystal Howard, Secretary, and Tucker Johnson, PE, Assistant City Engineer

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners stated there were no contacts.

Item 1c: Oath of Office

Ms. Howard administered the Oath of Office for reappointed members, Bob Cinq-Mars and Jim Stewart.

Item 1d: Approval of June 9, 2016 Minutes

Commissioner Fleeman made a motion to approve the June minutes as written and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Chairperson Goode explained the rules of procedure and time limitations.

Item 5: Public Hearing – Special Exception to the Flood Hazard Overlay (File # 8542)

Subject hearing involves the granting of a special exception under section 7.6.1-17(A).11 of the flood overlay district to permit fill to construct a detention basin and improvements to the Robinwood Lake dam located along Catawba Creek in the City of Gastonia, North Carolina. These improvements will serve the new YMCA that is proposed adjacent to Robinwood Lake.

Geoscience Group, Inc. has submitted a flood study for the City of Gastonia to place fill within the 100-year flood zone on Catawba Creek as designated by the Flood Insurance Rate Map as established by the Federal Emergency Management Agency (FEMA). All work within the Catawba Creek flood zone is associated with the proposed YMCA.

Geoscience Group, Inc. has prepared a flood study in support of the "zero rise" certification required in the above criteria listed in the referenced section of the City of Gastonia Zoning Ordinance.

Chairperson Goode opened the public hearing and recognized Mr. Tucker Johnson, Assistant City Engineer for the purpose of staff presentation.

Mr. Johnson stated that he will present the request for special exception to the flood plain ordinance for the YMCA site. Mr. Johnson stated that the YMCA Flood Plain Encroachment Map fairly depicts the proposed fill placement in the flood plain. Mr. Johnson briefly explained the ordinance requirement. The applicant submitted a flood study to the City for review. City staff has reviewed the flood study and it appears there is no rise in the base flood elevation due to the improvements. Mr. Johnson continued to explain the YMCA Flood Plain Encroachment Map. The flood study engineer was not able to be present to answer technical questions. Mr. Tony Sigmon with the Gaston County Family YMCA is present to answer site questions. Staff recommends approving this request for a special exception.

Commissioner Fleeman ask Mr. Johnson to briefly explain how a flood study is generated. Mr. Johnson answered that flood studies are received and reviewed by City Engineering staff. Engineering staff will run flood studies through a FEMA model that depicts existing conditions and proposed changes providing various computations. No questions were asked by the board.

Chairperson Goode recognized Ms. Denise Bowman, 2078 Shannon Drive of Gastonia. Ms. Bowman is in opposition of the rezoning request. Ms. Bowman asked if the development is

Gastonia Planning Commission
August 4, 2016

happening in a federal flood zone and Commissioner Fleeman identified and explained the area in conflict. Ms. Bowman inquired about the need for a special exception if there isn't a problem. Commissioner Fleeman answered that the City of Gastonia has a zero rise ordinance in the level of the flood zone. Commissioner Fleeman explained that the exception is only for the area identified on the map to improve the dam and prevent dam failure. No other construction is in the flood zone. Ms. Bowman asked if another retention pond will be built and Commissioner Fleeman explained the detention pond shown on the map is for the entire site. Ms. Bowman asked if the detention pond is still on the property and the Commissioner Cinq-Mars answered yes. Ms. Bowman had a concern regarding the level of water and Commissioner Cinq-Mars stated that the Commissioners do not have purview on the management of the pond. Ms. Bowman asked the Commissioners what they see as the benefit for this special exception. Commissioner Fleeman answered that the benefit is less flooding, it is certified to be zero rise, and it'll keep the dam in good condition so it does not collapse. No questions were asked by the board.

Chairperson Goode recognized Mr. Clyde Bowman, 2078 Shannon Drive of Gastonia. Mr. Bowman wanted to know if his property will be classified as a flood zone property. And Ms. Magee stated that this will not change any existing flood zones that exist today. No questions were asked by the board.

Chairperson Goode recognized Mr. Gary Miller 8040 Arrowridge Boulevard of Charlotte. Mr. Miller did not come forward to speak.

Chairperson Goode recognized Ms. Katrina Keogh, 2060 Shannon Drive of Gastonia. Ms. Keogh presented concerns and questions for previously held public hearings. However, Ms. Keogh did not understand why the engineering report was not provided in the notification received in the mail and why there is a lack of clarity. Ms. Keogh explained to the board her confusion with the notice map and what is being presented this evening of the flood zone.

Chairperson Goode informed Mr. Keogh that the concerns she presented should have been addressed when the public received notifications for prior public hearings related to when YMCA presented their rezoning requests. Chairperson Goode explained the subject being heard this evening. Chairperson Goode expressed her feelings on questions being asked and reiterated that when questions should have been presented. Commissioner Cinq-Mars explained the purpose of the map and who receives the notice.

Ms. Keogh also noted she heard an untruth by going to the engineering department today and Commissioner Cinq-Mars stated that the board has no idea.

Commissioner Stewart also provided a brief explanation of the special exception request.

Ms. Keogh summarized what she would like clarity in regards to the progress, including trees being leveled and an erosion issue with the dam. No questions were asked by the board.

Commissioner Cinq-Mars made the motion to close the Public Hearing and Commissioner Fleeman seconded the motion. The motion was approved unanimously.

Commissioner Fleeman discussed with the board about agenda page 5-2 approving the conflict area on granting the special exception between the dark blue (flood zone) and red triangle (dam improvements) area plus the dark blue (flood zone) and the base of rectangle (detention pond). Staff certified that it is a zero rise as the ordinance requires.

Commissioner Fleeman made the motion to approve the request as presented and Commissioner Stewart seconded that motion. The motion was approved unanimously.

Item 2: Public Hearing – The Sign Mill Group, LLC (File # 8572)

Subject hearing involves a Conditional Use Permit for an animal hospital with indoor kennels. The property is zoned UMU (Urban Mixed Use District) and RS-8 (Residential District, minimum 8,000 sq. ft. lots) and is located at 425 W. Franklin Boulevard. The property is owned by The Sign Mill Group, LLC.

Gastonia Planning Commission
August 4, 2016

Chairperson Goode explained the quasi-judicial format of this hearing and requested that anyone signed up to speak be sworn in as required by North Carolina law. Ms. Howard administered the oath.

Chairperson Goode formally recognized Commissioner Stewart recusing himself from voting on Item 3: Public Hearing – The Sign Mill Group, LLC (File # 8572) as Commissioner Stewart is the architect on the project. Chairperson Goode declared a quorum for this item.

Chairperson Goode recognized Jana McMakin, AICP, Planner II for the purpose of staff presentation.

Ms. McMakin stated that this property is owned by The Sign Mill Group, LLC and the applicant is The Animal League of Gaston County. The Animal League of Gaston County currently has their animal hospital located at 972 E. Franklin Boulevard. Based on the need for more space, the Animal League is pursuing a conditional use permit (CUP) for the property located at 425 W. Franklin Boulevard. An animal hospital (with indoor kennels only) is permitted in the UMU (Urban Mixed Use) district with the issuance of a CUP. A portion of the property is also zoned RS-8 (Residential, 8,000 sq. ft. minimum lot size) but the applicant is not going to use this portion of the property and it is currently gated from the building and parking area. It is staff's understanding that some of the building will be used for the Animal League offices. Ms. McMakin explained the aerial photo of the existing building and parking lot.

The subject property is located in the York-Chester Historic District. The Animal League also received a Certificate of Appropriateness (# 8573) from the Historic District Commission for their request to develop a Memorial Garden in the rear yard behind the parking area. The garden will have grass, shrubs, and flowering plants. Statuary, benches and a memorial walkway will be installed, as funding permits.

Proposed conditions for the CUP:

1. Permit allows for the use of the site for animal hospital with indoor kennels only.
2. Development of the site shall be consistent with approved Certificate of Appropriateness (#8573).
3. Portion of subject property zoned RS-8 to remain undeveloped and no access to the animal hospital with the exception of a possible trail to 2nd Avenue sidewalk.
4. Street trees and restriped parking area and total number of spaces to be shown on a sketch plan prior to building permit submittal.
5. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
6. In no instance shall the zoning conditions exempt a project from other development requirements.
7. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

Description of Adjoining Properties and Zoning

The subject property is surrounded by non-residential uses on the portion to be utilized. There is CBD (Central Business District) zoning to the north across W. Franklin Boulevard on a property that is owned by Gaston County. The Oakwood Cemetery is located to the east and zoned O-1 (Office District). There is a vacant tract located west of the subject property that is zoned UMU (Urban Mixed Use). The narrow portion of the subject property zoned RS-8 (Residential, minimum 8,000 sq. ft. lots) is surrounded by RS-8 zoning.

Consistency with the Comprehensive Plan

The Future Land Use Map within the 2025 Comprehensive Plan shows the property as Mixed Use. Therefore the request can be considered consistent and appropriate with the 2025 Comprehensive Plan and Future Land Use Map.

Statement of consistency and reasonableness:

The proposed Conditional Use Permit is consistent with the current and surrounding zoning and the land use identified in the Gastonia 2025 Comprehensive Plan, any applicable duly adopted small area plans, and any other development plans adopted by the City, in that the property has been developed for nonresidential use, the surrounding uses are nonresidential and the proposed

Gastonia Planning Commission
August 4, 2016

use only allows for indoor kennels, therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

Staff recommends that the request be approved as presented.

No questions were asked by the board.

Chairperson Goode recognized Mr. Ed Starr, 515 W. Second Avenue of Gastonia. Mr. Starr is in favor of the services provided by The Animal League of Gaston County and he does not have a problem with the business being located at this location. Mr. Starr's concern was alleviated that certain portion of the property would be closed and would have no access from W. Second Avenue. No questions were asked by the board.

Chairperson Goode recognized Ms. Terry Kenny, 1331 Heatherlock Drive of Gastonia. Ms. Kenny is in favor of the Conditional Use Permit request. Ms. Kenny is present tonight to answer any questions of the board. Ms. Kenny provided a brief history of their organization and read the proposed findings of fact:

- A. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, in that the use of the property will be for a veterinary hospital with only indoor kennels and a pet memorial garden along the back of the property. The property will not contain any dangerous or noxious substances, will not house any dangerous activity and will not be loud or disruptive to the community.

The animal hospital that will occupy the property is presently located approximately 2 miles from the subject site on the same street, Franklin Blvd. The animal hospital has been in its present location since 2009 and there has never been a police report of any kind made against the clinic. The veterinary hospital and memorial garden will be to be a clean, quiet and safe business.

- B. The use meets all required conditions and specifications in that the property is located in an Urban Mixed Use (UMU) zoning district which allows a veterinary hospital with indoor kennels as a use of right. The building is located such that it is not near any residential dwellings. It is located along a major commercial corridor of Gastonia. Along the rear of the property (excluding the narrow street right-of-way), the new owners will open a pet memorial garden, which will be immediately adjacent to Edgewood Cemetery. The memorial garden will be a quiet-peaceful place with trees, landscaping, and statuary. The memorial garden will provide an additional buffer for residents located along Second Avenue.
- C. The use will not substantially injure the value of the adjoining or abutting property unless the use is a public necessity because the exterior of the building will remain substantially the same. The veterinary hospital is a quiet operation, with all indoor kennel walls soundproofed. The subject property is located within a busy commercial corridor, with the Gaston County Police Department across the street, the recreational center several and fish market lots further west and other commercial establishments across the street. A veterinary hospital will fit well into the present commercial mix.
- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which is to be located and will be in general conformity with the adopted Gastonia Land Use Plan and other plans for physical development of the City as adopted by the City Council in that the building will remain basically the same and will be a professional business establishment. The businesses within the general area of the subject property include a variety of uses from a commercial fish market, recreational center, cemetery to the police department. Having another professional commercial establishment along Franklin Blvd. fits into Gastonia's plan for controlled and measured growth along this busy commercial corridor. The subject area would benefit from another professional business locating within the existing building.

Commissioner Cinq-Mars asked about the purchase of the property contract and whether the current property is being rented. Ms. Kenny stated that the current property is rented and they do have a contract to purchase this property. Commissioner Cinq-Mars would like to know if long

Gastonia Planning Commission
August 4, 2016

range plans with the development of the properties to the west of subject property are anywhere near the subject property. Mr. Thompson answered that he has seen similar plans and it is conceptual at this point. The plans are in the vicinity, but do not directly abut.

No further questions were asked by the board.

Commissioner Fleeman made the motion to close the Public Hearing and approve the Conditional Use Permit with the findings of fact as stated and presented Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously.

Item 3: Public Hearing – Haywood Equity Group, LP (File # 8574)

Subject hearing involves rezoning approximately 0.31 acres from RS-8 (Residential District, minimum 8,000 sq. ft. lots) to C-2 CD (Highway Commercial Conditional District). The property is located at 204 Beverly Drive. The property is owned by Haywood Equity Group Limited Partnership.

Chairperson Goode recognized Jana McMakin, AICP, Planner II for the purpose of staff presentation.

Ms. McMakin began by explaining the site description and background. Staff met with the applicant and their representative, after Technical Review Committee, who submitted a rezoning request to accommodate a driveway to allow access off of Beverly Drive. The subject property, 204 Beverly Drive, is adjacent to other land owned by the applicant and affiliated companies on which a drive thru restaurant (Wendy's) is proposed to be developed. The site plan for the Wendy's has been processed through the City's Technical Review Committee. The applicant subsequently submitted a rezoning request for adjacent property located at 204 Beverly Drive to construct a driveway for the Wendy's that would give access to Beverly Drive.

The subject property for this rezoning request consists of one tax parcel (105238) totaling approximately 0.31 acre. The lot contains an existing single-family residential home and is zoned RS-8 (Residential, minimum 8,000 sq. ft. lots). The applicant has submitted a site plan showing the driveway and the 30' Type D buffer being shown along the property line adjacent to RS-8 zoning (see attached site plan).

Proposed Zoning Conditions:

1. Allowable use shall be as shown on the site plan.
2. The applicant must obtain a driveway permit for the new commercial driveway.
3. A planted Type D (30') buffer must be installed as shown on the site plan.
4. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
5. In no instance shall the zoning conditions exempt a project from other development requirements.

Adjoining Properties and Land Use Trends

Land use trends have been consistent in the area. Single family residential uses (RS-8 zoning) are generally located to the north and west of the subject property along Beverly Drive and Circle Drive. The applicant also owns the single-family property located just north of the site as well as the commercial property zoned C-3 (General Commercial District) located just east of the site along N. New Hope Road. McDonald's is located just south of the subject property and is zoned C-2 (Highway Commercial District) and fronts E. Franklin Boulevard.

Available Public Facilities

Public sewer and water currently serve the site. Current access from Beverly Drive to the property is by an unimproved driveway and does extend to the parking area of 109 N. New Hope Road. N. New Hope Road (NC-279) is a 5-lane divided highway. Beverly Drive is a 2-lane residential street with no curb and gutter or sidewalk.

Ms. McMakin stated that Wendy's site plan currently shows a right-in and right-out access off of N. New Hope Road and E. Franklin Boulevard. If the rezoning were to be approved, then the Wendy's would also have an access for a right turn and a left turn movement off of Beverly Drive.

Gastonia Planning Commission
August 4, 2016

The Future Land Use Map in the 2025 Comprehensive Plan shows the subject property as residential.

Ms. McMakin informed the board of rezoning concerns that staff reviewed with the applicant, as well as, in the staff review meeting. Ms. McMakin noted that she fielded a couple phone calls about the rezoning.

Staff recommends that the request be denied.

No questions were asked by the board.

Chairperson Goode recognized Mr. David Smith, 516 S. New Hope Road of Gastonia. Mr. Smith is representing Haywood Equity Group Limited Partnership. Mr. Smith briefly explained the history of Haywood Equity Group Limited Partnership. Mr. Smith distributed a booklet to each Commissioner. Mr. Smith explained that the plan is to develop the northwest corner lot of Franklin Boulevard and New Hope Road with a new Wendy's restaurant. Mr. Smith directed Commissioners to photographs in their booklet of the proposed building and driveway that Wendy's will locate on the premises. Mr. Smith provided information concerning the Haywood Equity Group Limited Partnership's contract with Wendy's, lease requirements, any demolition or development on property, and the rezoning request. Mr. Smith read a couple segments from the Gastonia 2025 Comprehensive Plan, "It must be emphasized that unlike a zoning ordinance, the plan is not law and does not impose any special regulations on any person or their property. It is a tool, albeit a powerful tool, that provides many benefits to the community, including benefits to existing and future residents and those wishing to invest in our community.", as well as, "the plan serves as a guide for consistent decision making". Mr. Smith further expressed his thought on the reason and purpose of the Planning Commission. Mr. Smith continued explaining the proposed demolition and development on property. Mr. Smith also talked about concerns addressed. Mr. Smith fielded various questions of the board.

Chairperson Goode recognized Mr. Gary Miller, 8040 Arrowridge Boulevard of Charlotte. Mr. Miller is representing the Carolina Restaurant Group. Mr. Miller stated that Carolina Restaurant Group owns the Wendy's a couple blocks from the proposed relocation and has resided at their location for 22 years. Mr. Miller is present to answer any questions of the board. Mr. Miller fielded various questions of the board.

Mr. Thompson informed the board that staff received a copy of the traffic study that was referenced by Mr. Smith yesterday; therefore, Planning and Engineering staff has not had an opportunity to review this information. Also, Wendy's is seeking an additional access point and it can be developed without this request. If the rezoning is approved, a revised site plan showing driveway attached to the approved site plan will need to be resubmitted to the Technical Review Committee to be reviewed for compliance.

Mr. Smith also commented that the lease with Wendy's requires Haywood Equity Group Limited Partnership to deliver the driveway in the back.

Further discussion ensued amongst Commissioners, staff and applicant. No further questions were asked by the board.

Chairperson Goode recognized Mr. Randy Goddard, 2459 Wilkinson Boulevard of Charlotte. Mr. Goddard fielded questions from the board.

Chairperson Goode recognized Mr. Ralph Dickson, 3510 Carnoustie Court of Gastonia. Mr. Dickson expressed his interest in improving the look of this area, having a new business, and ingress and egress to the site. No questions were asked by the board.

Chairperson Goode recognized Ms. Betzy Hernandez, 3701 Catawba Creek Drive of Gastonia. Ms. Hernandez leases property on New Hope Rd. Ms. Hernandez commented that the driveway is currently used for commercial use as ingress and egress of traffic. Ms. Hernandez believes this rezoning would improve the driveway and make it better and safer for people to use. No questions were asked by the board.

Gastonia Planning Commission
August 4, 2016

Commissioner Cinq-Mars made the motion to close the Public Hearing and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Discussion ensued amongst the board.

Commissioner Cinq-Mars made the motion to approve rezoning as presented, although it is inconsistent with the 2025 Comprehensive Plan, it is still reasonable and in the public interest. It will increase safety along S. New Hope Road and egress, decrease the number driveways, and it will improve the development on the area. Commissioner Stewart seconded the motion. The motion was approved unanimously.

Item 4: Public Hearing – Amending the Unified Development Ordinance (UDO) (File # 8586)

Subject hearing involves an ordinance amending Table 2.7-1-Defined Terms, Table 7.1-1-Table of Uses and adding a new Section 8.2.46 Tattoo Studios of the Unified Development Ordinance.

Chairperson Goode recognized Mr. Jason Thompson, AICP, Planning Director for the purpose of staff presentation.

Mr. Thompson began with stating that this is a potential ordinance amendment to the Unified Development Ordinance (UDO). At the June 7, 2016 Gastonia City Council meeting the Council voted unanimously to direct staff to draft a UDO amendment for consideration regarding tattoo establishments in the Central Business District (CBD). Currently, such businesses are prohibited in the CBD and the only zoning district in the city that permits tattoo parlors is the Urban Mixed Use District (UMU).

As drafted, the proposed amendment would establish a new use category called “Tattoo Studio” that would be a use separate and distinct from the current “Tattoo Parlor/Body Piercing Establishment” that is present in the UDO. The former would differ from the latter in that business would be conducted by appointment only and the studio would be subject to a series of supplemental regulations including:

- limited hours of operation between 9am and 9pm
- restricted to locations along major thoroughfares
- restricted to occupying spaces at least 3,000 square feet or greater
- separated from any other tattoo establishment by at least 1,000 feet

Discussion ensued amongst the board and staff.

Mr. Thompson reiterated that the proposed amendment would only allow a Tattoo Studio in the CBD and not in the UMU. Commissioner Fleeman indicated Table 7.1-1-Table of Uses allows a Tattoo Studio in the UMU District without any condition. Mr. Thompson stated that this is a typo error and is not intended. The intention is to allow this new use in the CBD with limitations and avoid proliferation.

Mr. Thompson stated this item will be heard on Tuesday, August 16, 2016 in the Public Forum Room at the Gaston County Courthouse.

Commissioner Cinq-Mars made the motion to recommend that the ordinance amendment be denied and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Item 6: Other Business

No update on Council votes.

Mr. Thompson commented that File # 8586 - Amending the Unified Development Ordinance (UDO) will be heard on Tuesday, August 16, 2016 in the Public Forum Room at the Gaston County Courthouse. Chairperson Goode will attend as the representative if needed. Also, File # 8542 – Special Exception to the Flood Hazard Overlay will be heard on Tuesday, September 6, 2016 in the City Council Chamber at City Hall.

Mr. Thompson welcomed Julia Baker to the Planning Department. Ms. Baker previously worked at Lancaster County Public Safety as a GIS Specialist and has a background in Engineering Technology. Ms. Baker is replacing Nancy Ross as the Planning and GIS Specialist.

Gastonia Planning Commission
August 4, 2016

Mr. Thompson informed the board that the September 8, 2016 may be cancelled.

There being no other business, Chairperson Goode adjourned the meeting at 7:17 pm.

Respectfully submitted,

Chrystal Howard, Secretary

Pamela Goode, Chairperson

**PUBLIC HEARING
STAFF REPORT
File No. 8613
Hearing Date: October 6, 2016**

OWNER: Haywood Equity Group Limited

APPLICANT: Same

PROPOSED ZONING ACTION: Rezone from C-1 to C-3

LOCATION: 2709 S. York Road/Intersection of S. York Road
and Beam Avenue

TRACT SIZE: Approximately .99 acre

WARD: 6

EVALUATION:

Site Description & Background

The subject property consists of one tax parcel totaling approximately .99 acre that is currently zoned C-1 (Neighborhood Commercial District) and this request is to rezone the site to C-3 (General Commercial District). An existing building with two retail businesses and paved parking is currently located on the subject property.

Description of Adjoining Properties and Zoning

The subject property is bordered by C-1 zoning to the north. The property located across Beam Avenue is zoned C-3. The property directly to the rear and west of the subject property is in Gaston County's jurisdiction and is zoned RS-12 (Residential). A C-3 conditional use permit was approved in 2008 for the towing and wrecker service located across from the subject property fronting S. York Road.

Recent Land Use Trends in the Area and Available Public Facilities

Land use and zoning in this area has been generally steady over the past decade with a variety of commercial uses along this portion of S. York Road. Public water and sewer currently serve the subject property. There is an existing driveway from S. York Road and from Beam Avenue providing access to the site.

Consistency with the Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plans indicates the subject property as suitable for commercial uses.

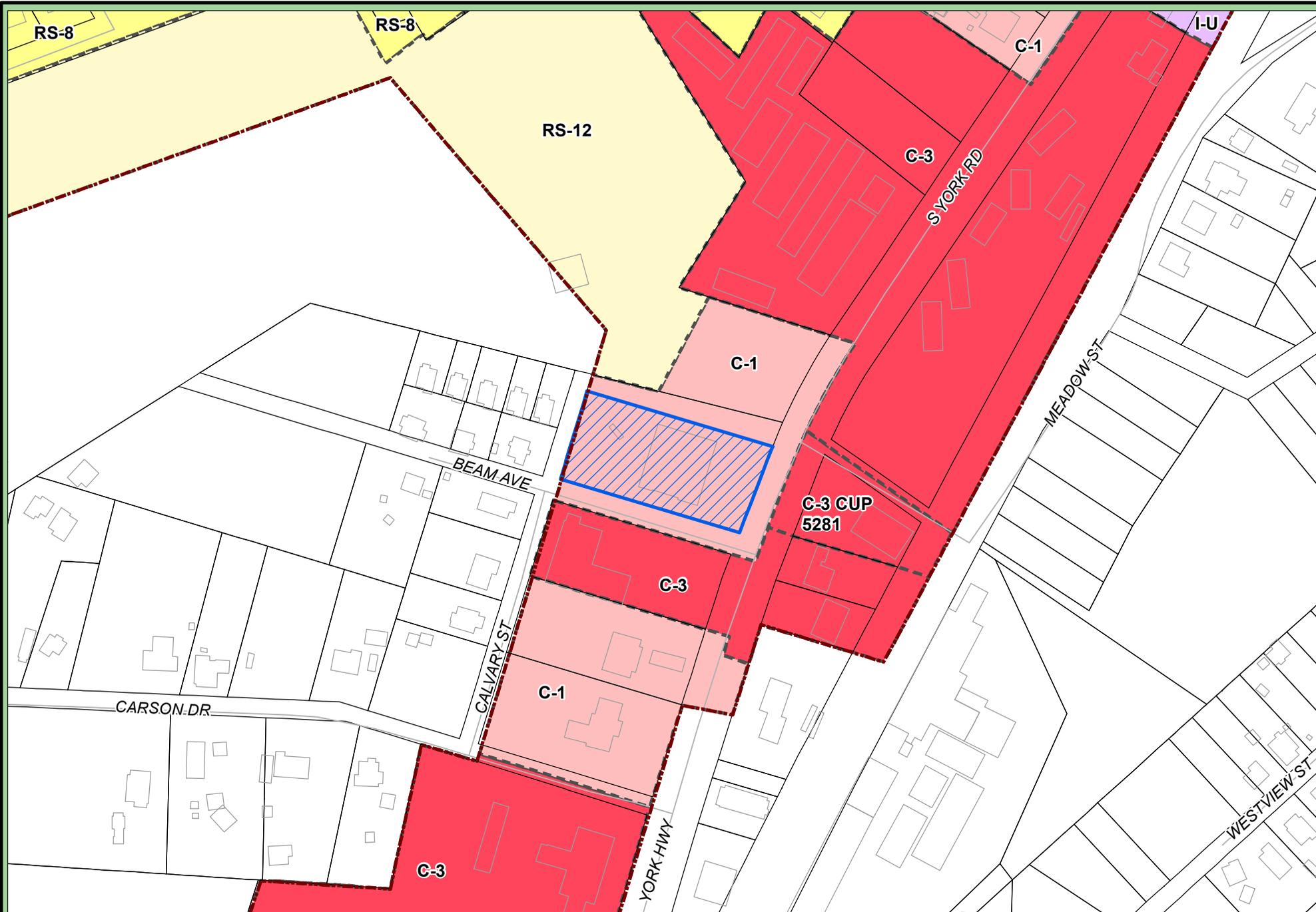
Conclusion

The subject property is currently zoned for commercial uses on the Official Zoning Map. Given the presence of existing commercial zoning on and around the site and the fact that the site is currently being utilized by commercial uses, **staff recommends approval of the request as presented.**

Jana McMakin, AICP
Planner II

Statement of consistency and reasonableness:

The proposed rezoning is consistent with the commercial land uses projected along the western side of S. York Road designated in the 2025 Comprehensive Plan and is in harmony with the current commercial zoning and development surrounding the subject property off of S. York Road. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.



Applicant: Haywood Equity Group Limited
Owner: Same
Planning Comm Hearing: Oct. 6, 2016
Request: C-1 to C-3
Ward: 6
Tract Size: 0.99 acres
Tax ID #: 114855

 **Subject Property**

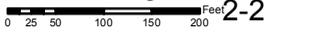
- Legend**
-  AP Airport
 -  C-1 Light Commercial
 -  C-2 Highway Commercial
 -  C-3 General Commercial
 -  CBD Central Business District
 -  I-U Urban Industrial
 -  I-1 Light Industrial
 -  I-2 General Industrial
 -  O-1 Office
 -  OLC Office/Light Commercial
 -  O-M Medical Office
 -  PD IRD Planned District Infill Res Devt
 -  PD PRD Planned District Planned Res Devt
 -  PD PUD Planned District Planned Unit Devt
 -  PD TND Planned Dist Traditional Neighborhood Devt
 -  RLD Residential Low Density
 -  RS-12 Residential 12000sqft lots
 -  RS-8 Residential 8000sqft per lot
 -  R-A Rural Agricultural
 -  RMF Residential Multi-Family District
 -  SP State Park District
 -  TMU Transitional Mixed Use
 -  UMU Urban Mixed Use District
-  City Boundary
 -  Roads
 -  Buildings
 -  Parcels

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the Office of City Planning at (704) 854-6652.

Application #8613

I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2016.



 1 : 2,400
 1 inch represents 200 feet
 Plot Date: Aug. 24, 2016
 0 25 50 100 150 200 Feet **2-2**

File # 8613
Date Rec'd: 7/18/16
Rec'd by: JM
Fee: \$465 Check # 2771

**CITY OF GASTONIA
APPLICATION FOR PUBLIC HEARING**

Detach pages 1-10 from this packet and retain for your records.

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

1. Identify the request (example: rezone from RS-12 to OLC CD or CUP for outdoor storage; etc.)
C-1 to C-3

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

2. Gaston County Tax Identification Number: 114855
Subject property address: 2709 S. York Road, Gastonia, NC

3. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business X located on the East side). Staff will erect the signs approximately 15 days prior to the meeting.
9000 square foot store building

4. Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient). Deed Book 2877 Page 232 attached

5. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes

6. The real property to be rezoned is owned in fee simple by Haywood Equity Group Limited
as evidenced in deed from Ralph A. Dickson, Jr. & wife Louise Dickson recorded in Deed Book 2877 at page 232 in the Gaston County Registry.

7. The real property for which the above request is sought is located on the west side of S. York Road between Bean Avenue and Mountainview St. having a frontage of 145.41 feet and depth of 295.31 feet and acreage of .99.

8. Are sewer and water available on the property? Yes

9. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.)

10. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary.)

11. Name and address of applicant: Haywood Equity Group Limited
P. O. Box 458, Gastonia, NC 28053-0458
Telephone #: 704-824-9079 Fax #: _____
E-mail address: r.dickson3@malinapa.com

12. Interest in subject realty Owner
13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False
14. Has this property previously been subject to any of the following? conditional use permit planned unit development subdivision ordinance unified development
If yes, please explain _____
15. Name and address of person to present item at public hearing Douglas P. Arthurs,
Arthurs & Foltz, LLP, P. O. Box 2206, Gastonia, NC 28053-2206
Telephone number (704) 865-1900

I, Douglas P. Arthurs, certify that I have read the information provided in the public hearing information package on the 13th day of July, 2016.

SIGNATURES: All property owners must sign when either a Conditional Use Permit or CD is requested.

Douglas P. Arthurs
Attorney for Owner

**PUBLIC HEARING
STAFF REPORT
File No. 8630
Hearing Date: October 6, 2016**

OWNER: Brian and Dorothy Buchanan
APPLICANT: Same
PROPOSED ZONING ACTION: Rezone from I-2 to C-3
LOCATION: 3100 Northwest Boulevard
TRACT SIZE: Approximately 10.47 acres
WARD: 4

EVALUATION:

Site Description & Background

The subject property consists of one tax parcel that is currently zoned I-2 (General Industrial District). This request is to rezone the property to C-3 (General Commercial District). The parcel includes an existing building, paved parking, and loading area. Currently a church leases a portion of the building and additional building space is utilized by Buchanan Concrete. According to Table 7.1-1 Table of Uses of the Unified Development Ordinance, churches/places of worship are not permitted in the I-2 zoning district.

Description of Adjoining Properties and Zoning

The subject property is bordered by I-85 to the north. I-2 zoning surrounds the property to the south, east, and west and across Northwest Boulevard. A cell tower is located just west of the existing parking area.

Recent Land Use Trends in the Area and Available Public Facilities

Land use and zoning in this area has been very steady over the past decade. Public water and sewer currently serve the subject property. There is an existing driveway located off of Northwest Boulevard.

Consistency with the Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plans indicates the subject property as suitable for industrial use.

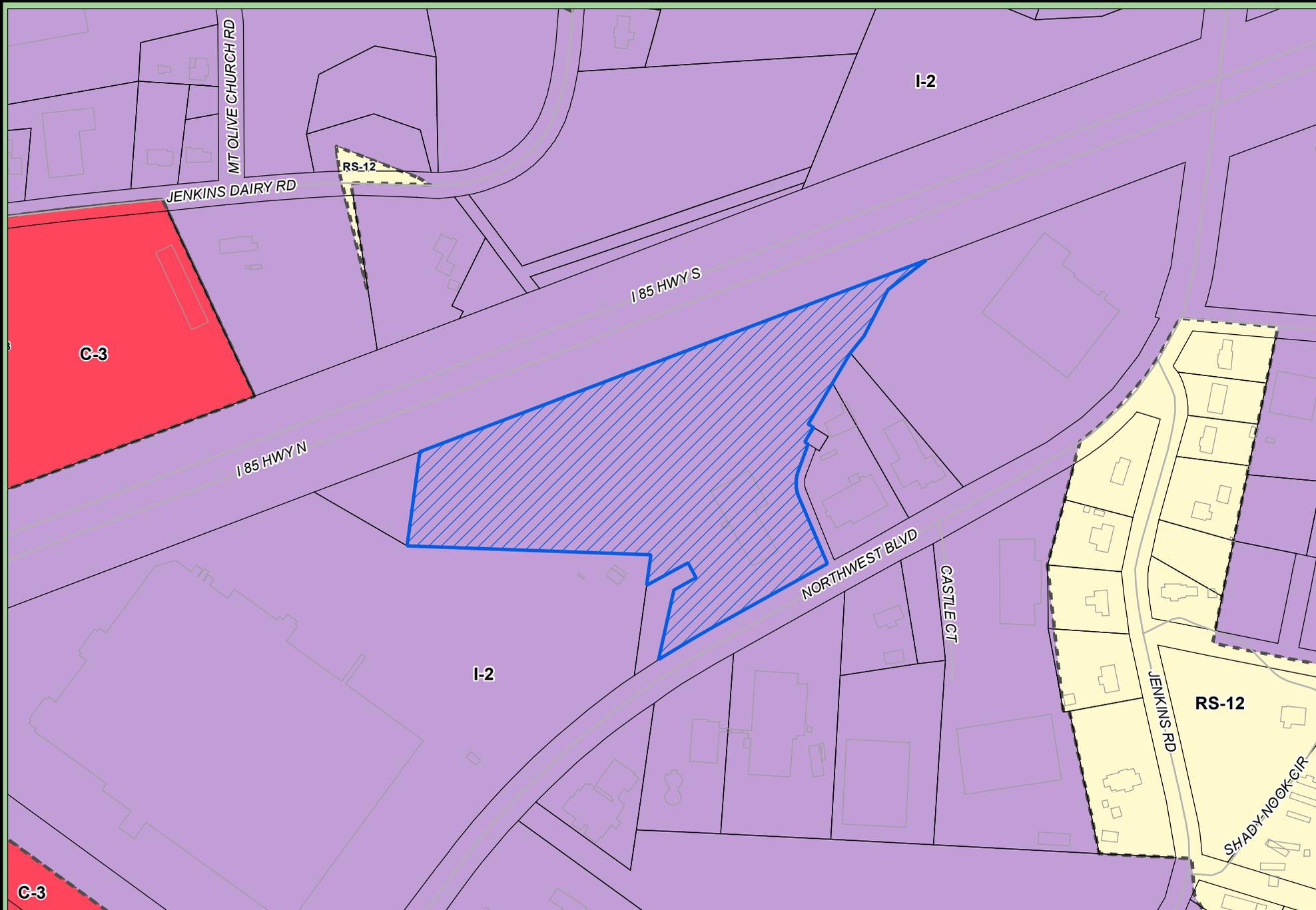
Conclusion

The church is currently non-conforming with the current I-2 zoning. If the property is rezoned to the C-3 district, the church would become a conforming use while still permitting a variety of additional uses on the site. Based on the existing uses of the site and a mix of industrial and commercial uses around the subject property, **staff recommends approval of the request as presented.**

Jana McMakin, AICP
Planner II

Statement of consistency and reasonableness:

While the proposed rezoning is commercial rather than industrial as indicated in the 2025 Comprehensive Plan, the general commercial zoning would still be largely compatible with the existing zoning and development surrounding the subject property. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.



Applicant: Brian and Dorothy Buchanan
Owner: Same
Planning Comm Hearing: Oct. 6, 2016
Request: I-2 to C-3
Ward: 4
Tract Size: 10.47 acres
Tax ID #: 224572

 **Subject Property**

Legend

-  AP Airport
 -  C-1 Light Commercial
 -  C-2 Highway Commercial
 -  C-3 General Commercial
 -  CBD Central Business District
 -  I-U Urban Industrial
 -  I-1 Light Industrial
 -  I-2 General Industrial
 -  O-1 Office
 -  OLC Office/Light Commercial
 -  O-M Medical Office
 -  PD IRD Planned District Infill Res Devt
 -  PD PRD Planned District Planned Res Devt
 -  PD PUD Planned District Planned Unit Devt
 -  PD TND Planned Dist Traditional Neighborhood Devt
 -  RLD Residential Low Density
 -  RS-12 Residential 12000sqft lots
 -  RS-8 Residential 8000sqft per lot
 -  R-A Rural Agricultural
 -  RMF Residential Multi-Family District
 -  SP State Park District
 -  TMU Transitional Mixed Use
 -  UMU Urban Mixed Use District
-  City Boundary
 -  Roads
 -  Buildings
 -  Parcels

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the Office of City Planning at (704) 854-6652.



1 : 3,600
 1 inch represents 300 feet
 Plot Date: Aug. 24, 2016
 3-2

Application #8630

I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2016.



File # 8630
 Date Rec'd: 08/16/11
 Rec'd By: Ca
 Fee: 175 check # 26139

**CITY OF GASTONIA
 APPLICATION FOR PUBLIC HEARING**

Detach pages 1-10 from this packet and retain for your records.

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

1. Identify the request (example: rezone from RS-12 to OLC CD or CUP for outdoor storage; etc.)
I-2 to C-3

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

2. Gaston County Tax Identification Number: 224572
 Subject property address: 3100 Northwest Blvd.
3. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business X located on the East side). Staff will erect the signs approximately 15 days prior to the meeting.
A building containing New Beginnings missionary Baptist Church
4. Complete legal description by metes and bounds of said realty is attached to the application (a copy of the deed is sufficient). Deed Book 4837 Page 2008 attached
5. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes
6. The real property to be rezoned is owned in fee simple by Brian E. Buchanan and wife, Dorothy W. Buchanan as evidenced in deed from Brian & Dorothy Buchanan recorded in Deed Book 4837 at page 2008 in the Gaston County Registry.
7. The real property for which the above request is sought is located on the South side of I-85 between _____ and Jenkins Rd. having a frontage of 450 feet and depth of Approx 490 feet and acreage of 10.47.
8. Are sewer and water available on the property? Yes
9. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.) Attached
10. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary.)

11. Name and address of applicant: Brian & Dorothy Buchanan
4512 King Crowder Drive, Gastonia, NC, 28052
 Telephone #: 704-874-0070 Fax #: _____
 E-mail address: brian@buchananconcrete.com

12. Interest in subject realty Owner

13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False

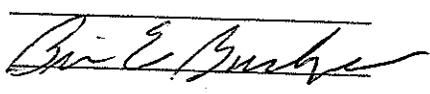
14. Has this property previously been subject to any of the following? conditional use permit planned unit development subdivision ordinance unified development
If yes, please explain _____

15. Name and address of person to present item at public hearing Douglas P. Arthurs
P.O. Box 2206, Gastonia, NC 28053 E-mail: dpa@arthursfoltz.com
Telephone number (704) 865-1900

I, Brian E. Buchanan, certify that I have read the information provided in the public hearing information package on the 10 day of August, 2016.

SIGNATURES: All property owners must sign when either a Conditional Use Permit or CD is requested.

Brian E. Buchanan



**PUBLIC HEARING
STAFF REPORT
File # 8633
GPC Hearing Date: October 6, 2016**

OWNER: Esel Jay and Hannah Oh

APPLICANT: Same

PROPOSED ZONING ACTION: Rezone from I-2 to C-1 CD

LOCATION: Intersection of Radio Street and Wren Turnpike

TRACT SIZE: Approximately 1.55 acres

WARD: 4

EVALUATION:

Site Description and Background

The subject property for this rezoning request consists of one tax parcel (100114) totaling approximately 1.55 acres. The lot is currently vacant and is zoned I-2 (General Industrial). The applicant is proposing to rezone the property to the C-1 CD (Neighborhood Commercial Conditional District) to accommodate a convenience store (without fuel sales) and other potential retail, personal services, and restaurant space. The applicant has submitted a site plan and proposed elevations of the new building (see attached).

Proposed Zoning Conditions:

1. Allowable uses shall be those permitted in the C-1 zoning district.
2. A Type C buffer must be installed as shown on the site plan along the property line adjacent to residential zoning.
3. No access to the site will be permitted from Radio Street.
4. The dumpster enclosure must match the architecture and building materials.
5. Sidewalk and curb and gutter must be installed along the subject property's road frontage on Radio Street and Wren Turnpike.
6. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
7. In no instance shall the zoning conditions exempt a project from other development requirements.

Adjoining Properties and Land Use Trends

Land use trends have been consistent in the area. The property is located at the entrance to the Gaston Business Park. Parcels in the Business Park located north and east across Wren Turnpike from the subject property are zoned I-2 (General Industrial) and are currently vacant. Weldon Heights, a multi-family residential development (RMF zoning), is located along most of the western property line. A C-3 (General Commercial) zoned parcel also in the Business Park is located along the northwest property line and is currently vacant. Highland School of Technology is located to the south of the site across Radio Street and is zoned (RS-8, Residential).

Available Public Facilities

Public sewer and water can serve the site with extensions. The site will be served by access from Wren Turnpike.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan shows the subject property as industrial.

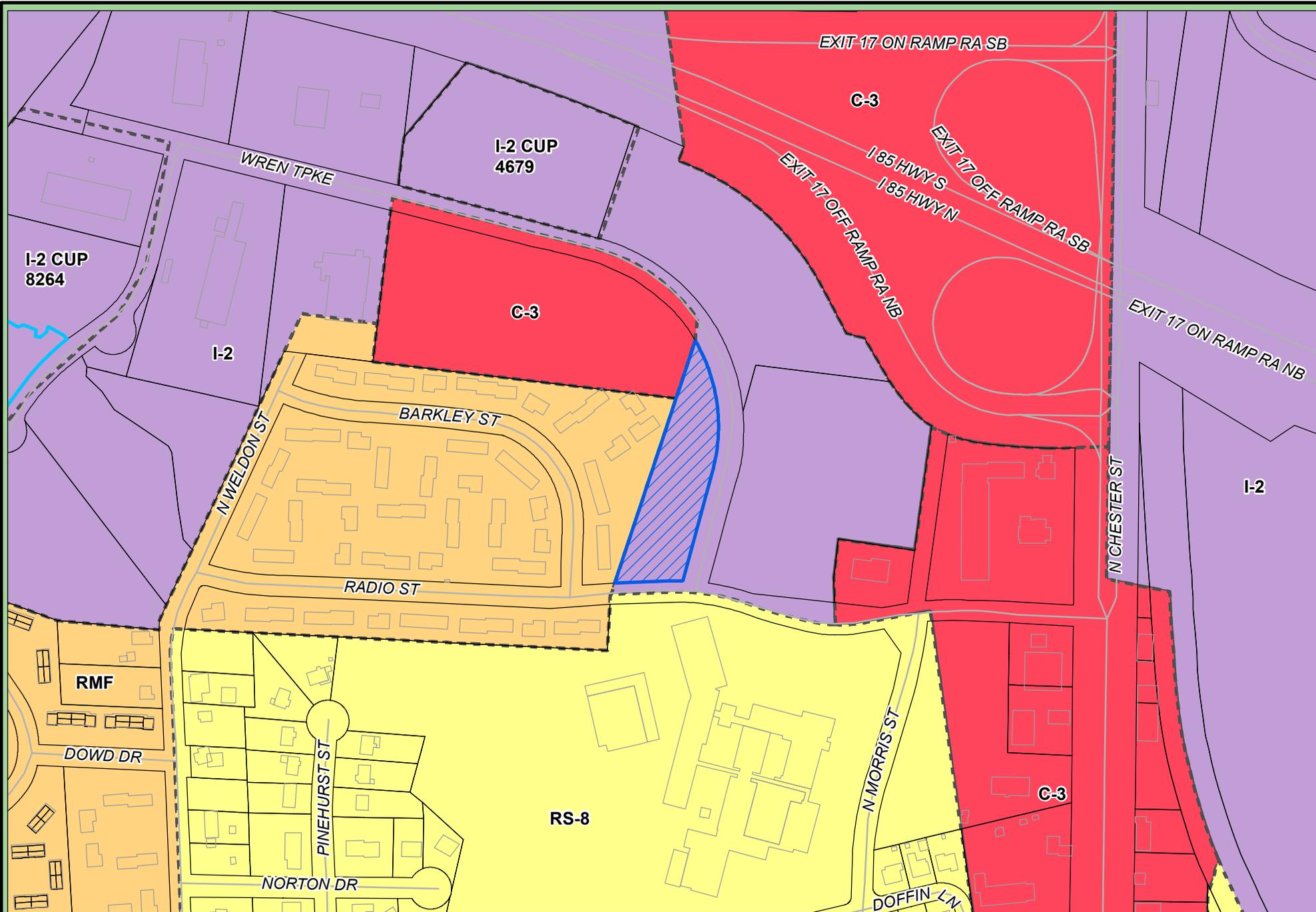
Conclusion

The subject property's current I-2 zoning allows for several types of uses, including several commercial and industrial uses. The rezoning to the C-1 CD district would restrict the number of permitted uses while offering convenient shopping and other personal services to those living adjacent to the site and within walking distance of those working in the Business Park or staying at the extended stay hotel. The site would also provide a transition between the east of the Weldon Heights community and the Gaston Business Park uses. Given the presence of the existing I-1 zoning and surrounding mix of land uses and zoning, **staff recommends approval of the request as presented.**

Jana McMakin, AICP
Planner II

Statement of consistency and reasonableness:

The proposed rezoning is consistent with the adjacent mix of zoning and existing and future land uses designated in the 2025 Comprehensive Plan and is in harmony with the uses permitted on the property under the current zoning district. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.



Applicant: Esel Jay and Hannah Oh
Owner: Same
Planning Comm Hearing: Oct. 6, 2016
Request: I2- to C-1 CD
Ward: 4
Tract Size: 1.55 acres
Tax ID #: 100114

 **Subject Property**

- Legend**
-  AP Airport
 -  C-1 Light Commercial
 -  C-2 Highway Commercial
 -  C-3 General Commercial
 -  CBD Central Business District
 -  I-U Urban Industrial
 -  I-1 Light Industrial
 -  I-2 General Industrial
 -  O-1 Office
 -  OLC Office/Light Commercial
 -  O-M Medical Office
 -  PD IRD Planned District Infill Res Devt
 -  PD PRD Planned District Planned Res Devt
 -  PD PUD Planned District Planned Unit Devt
 -  PD TND Planned Dist Traditional Neighborhood Devt
 -  RLD Residential Low Density
 -  RS-12 Residential 12000sqft lots
 -  RS-8 Residential 8000sqft per lot
 -  R-A Rural Agricultural
 -  RMF Residential Multi-Family District
 -  SP State Park District
 -  TMU Transitional Mixed Use
 -  UMU Urban Mixed Use District
-  City Boundary
 -  Roads
 -  Buildings
 -  Parcels

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the Office of City Planning at (704) 854-6652.

Application
#8633

I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2016.



1 : 3,600
 1 inch represents 300 feet
 Plot Date: Aug. 25, 2016
 Feet 4-3


File # 8633
Date Rec'd: 8/22/16
Rec'd By: CH
Fee: check # 2328

CITY OF GASTONIA APPLICATION FOR PUBLIC HEARING

Detach pages 1-10 from this packet and retain for your records.

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

1. Identify the request (example: rezone from RS-12 to OLC CD or CUP for outdoor storage; etc.)
Rezone from I-2 (Industrial District) to C-1 CD (Neighborhood Commercial Conditional District).

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

2. Gaston County Tax Identification Number: Parcel No. 100114
Subject property address: Northwest corner of Radio Street and Wren Turnpike.
3. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business X located on the East side). Staff will erect the signs approximately 15 days prior to the meeting.
The subject property is undeveloped. It is bordered by property to the north owned by COW-III, LLC to the north, Gastonia Housing Authority to the west, McSwain Investments, Inc. across the street to the east and Gaston County Highland School of Technology to the south.
4. Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient).
5. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes.
6. The real property to be rezoned is owned in fee simple by _____
Esel Jay Oh and Hannah Oh.
as evidenced in deed from North Carolina General Warranty Deed recorded in Deed Book
2707 at page 430 in the Gaston County Registry.
7. The real property for which the above request is sought is located on the NW CORNER of
Wren Turnpike and Radio Street
having a frontage of 124.52 feet and depth of 480.18 feet
and acreage of 1.55 acres.
8. Are sewer and water available on the property? Yes. _____
9. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.)
10. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary.)
Esel Jay Oh and Hannah Oh.
2115 North Graham Street
Charlotte, NC 28206
11. Name and address of applicant:
William S. Ashlin, AIA., ALR Architecture, 517 East Blvd., Charlotte, NC 28203
Telephone #: 704. 348. 2699 Fax #: 704. 348. 9399
E-mail address: b.ashlin@alr-arch.com (CC: Suzanne Lambert at s.lambert@alr-arch.com)

12. Interest in subject realty IS IN THE PROPERTY OWNER'S INTEREST.

13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. X True ___ False

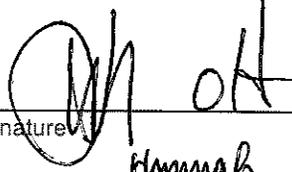
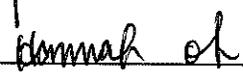
14. Has this property previously been subject to any of the following? **NO** conditional use permit
___ planned unit development ___ subdivision ordinance ___ unified development
If yes, please explain _____

15. Name and address of person to present item at public hearing _____
William Ashlin, AIA, Principal ALR Architecture, Inc.
517 East Blvd., Suite 100, Charlotte, NC 28203 - T. 704. 348. 2699
(Frank Craig, P.E., Civil Engineer - T. 704. 813. 3764)

I, William Ashlin, AIA , **certify that I have read the information provided in the public hearing information package on the 19th day of August, 2016.**

SIGNATURES: All property owners must sign when either a Conditional Use Permit or CD is requested.

Esel Jay Oh _____
Hannah Oh _____

Signature  _____
Signature  _____

MEMORANDUM

Date: September 29, 2016

To: Ed Munn
City Manager

From: Jana McMakin, AICP
Planner II

Through: Jason Thompson, AICP
Planning Director

Subject: An ordinance amending Table 2.7-1-Defined Terms and various sections of Chapter 12 Signs of the Unified Development Ordinance. (File #8644)

Background

Currently, temporary signage in the Unified Development Ordinance is largely directed by the content of the sign itself. For example, the City's current ordinance includes varying allowances for real estate, political, and not-for-profit organizations. In June of 2015, the US Supreme Court made a decision in the *Reed v. Town of Gilbert* case that impacts all sign ordinances across the country. This is based on the Court's decision that the sign's content cannot be the determining factor on the varying standards of the sign.

Proposed Text Amendment

As drafted, the proposed changes to the Unified Development Ordinance strive to bring the City's sign ordinance into compliance with the *Reed v. Town of Gilbert* decision as well as further define and clarify temporary signage. In order to achieve these goals, the main content changes, additions, and deletions include the following:

- Defining what is considered a Temporary Sign by adding a new definition in the table of defined terms (Chapter 2) and with adding subsections describing the general standards (Chapter 12)
- Deleting the content based temporary sign provisions
- Describing allowances (size, number permit, timeframe, etc.) for temporary signs
- Clearly shows which temporary signs require a permit and those that do not
- Removes provision allowing political signage in the right-of-way
- Deleting subsection for grand opening signs

Conclusion

Based on a proposed effective date of January 1, 2017, if approved by the City Council, this ordinance amendment would bring the City's sign regulations into compliance with the Court decision as well as provide a definition and guidelines for temporary signage in all zoning districts.

Statement of Reasonableness and Consistency:

This ordinance is consistent with the Gastonia 2025 Comprehensive Plan and any applicable duly adopted small areas plans, and is reasonable and in the public interest because it brings the City's signage regulations into compliance with the US Supreme Court ruling and brings more clarity regarding temporary signage in the Unified Development Ordinance.

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GASTONIA

An ordinance amending Table 2.7-1 Defined Terms and multiple sections of Chapter 12 Signs of the Unified Development Ordinance as follows:

WHEREAS, the City of Gastonia deems it necessary to update the Unified Development Ordinance in order to maintain consistency with state and federal law and to provide additional clarification as needed; and

WHEREAS, the City of Gastonia deems it necessary to and in the public interest to have clear, concise and consistent standards for the management of growth and development throughout the city; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GASTONIA as follows:

Section 1. Table 2.7-1-Defined Terms be amended, Section 12.2 *Signs Not Requiring a Permit* be amended, Section 12.3 *Prohibited Signs* be amended, Table 12.4-1 Table of Signs Requiring a Sign Permit be amended, Table 12.4-7 Temporary Signs Type 2 and Type 3-All Districts be added, Section 12.5 *Design and Construction Standards* be amended, Section 12.5.6 *Temporary Use/Grand Opening Signs* be deleted, Section 12.5.7 *Projecting/Suspending Signs* be renumbered, Section 12.5.7 *Sandwich Board Signs* be renumbered, Section 12.5.8 *Temporary Signs* be added, and Section 12.7 *Signs in the Public Right-of-Way* be amended in the Unified Development Ordinance as follows:

Table 2.7-1 – Defined Terms

<u>Sign, Temporary</u>	<u>A sign that is not affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques or permanently secured to a building.</u>
------------------------	---

SECTION 12.2 SIGNS NOT REQUIRING A PERMIT

The following signs shall be exempt from the regulations contained in this Ordinance and shall not be required to have had a permit issued from the Administrator for their placement. Unless otherwise specified (e.g., signs specifically allowed to be located off-premises or placed in a street right-of-way), such signs shall not fall into any of the "prohibited sign" categories contained in Section 12.3. See Section 5.7 for procedures for obtaining a sign permit. Notwithstanding, any sign shown herein, except as where noted shall be placed outside of a street right-of-way or required sight distance triangle, unless specific authorization for such placement is granted by the City or NCDOT.

- A. Any official or public notice or warning sign required by a valid or applicable federal, state, or local law; by a public utility company; or by a court of competent jurisdiction.
- B. Building marker signs that include the building name, date of construction, or historical data, if such sign is cut or etched into the building masonry, bronze or similar material; architectural features, building decorations, or other works of art attached as long as there are no letters, lights, or moving parts.
- ~~C. On-premise Decorational, Seasonal, or Corporate Logo Flags. Decorational, seasonal flags, or corporate logo flags (that may include the company name, insignia or symbol) may be up to twenty-four (24) square feet.~~
- ~~D. Governmental Signs.~~
- ~~E. On-premise Public Interest Signs. Signs indicating vehicular entrances and exits, parking areas, one-way traffic, "no trespassing," "no loitering," etc. Such signs may be illuminated, shall not exceed four (4) square feet in area and shall be located at the driveway entrance or where other instruction is required.~~
- ~~F. Memorial signs, plaques or grave markers that are noncommercial in nature.~~
- ~~G. Flags, pennants, insignia, or religious symbols of any government, nonprofit or not-for-profit organization when not displayed as an advertising device for commercial purposes.~~
- ~~H. On-premise (ground or wall) identification signs for residential uses that show the name and may also include the street address, with a maximum aggregate area of six (6) square feet.~~
- ~~I. Incidental signs. Such on-premise signs shall be displayed for the convenience of the general public and includes such signs as signs for public rest rooms; automobile inspection; hours of operation; credit cards accepted, etc. Such signs may be illuminated and contain no other sign copy other than service information, trade names, and logos. Such signs shall be a maximum of six (6) square feet apiece.~~

J. Political Signs. Such signs shall be allowed if the following conditions are met:

1. If placed within the street right-of-way:

- a. Sign area shall not exceed six (6) square feet;
- b. Sign height shall not exceed thirty six (36) inches above the street level surface nearest to said sign; provided however, if said sign is located within twelve (12) feet of the point of intersection of the edges of pavement of two (2) intersection streets, no such sign shall exceed thirty (30) inches in height above said street level. Notwithstanding the foregoing, the Administrator shall remove any such sign or group of signs that he deems to be an obstruction to the safe vision of motorists.
- c. Such signs shall not be put up more than thirty (30) days prior to the beginning date of "one stop" early voting and must be removed within ten (10) days following election day; provided however, signs of candidates in a runoff election may remain up until ten (10) days after said runoff election.
- d. No such sign shall be placed over any curb, street surface or sidewalk, or on any utility pole, government sign or signpost, bridge, tree, rock, fence, or guardrail; nor within fifteen (15) feet of any fire hydrant.
- e. The tenant or other person entitled to possession of the property fronting along the street right-of-way on which such sign is placed may remove such sign at any time.
- f. Such signs shall not be placed on right-of-way fronting public facilities (e.g., government office or operations center, post office, public park, public cemetery, courthouse, public safety station, public library, public museum, public school, etc.) except on election day where said public facility is a polling place and placed in accordance with the rules of the Gaston County Board of Elections.
- g. The permittee must obtain the permission of any property owner of a residence, business or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

1. No sign shall be permitted in the right-of-way of a fully controlled access highway.

2. No sign shall be closer than three (3) feet from the edge of pavement of the road.

3. No sign shall obscure motorist visibility at an intersection.

2. If placed on private property, outside the street right-of-way:

a. Sign area shall not exceed thirty two (32) square feet.

b. Sign height shall not exceed ten (10) feet or two and one half (2.5) times the vertical dimension of the sign face, whichever is less.

c. Such signs shall be removed within ten (10) days following election day; provided however, signs of candidates in a runoff election may remain up until ten (10) days after said runoff election.

d. No such sign shall obstruct the safe vision of motorists.

e. Irrespective of location, no campaign or election sign shall be lighted or luminous, nor shall it have any flashing lights or moving or windblown parts.

3. No campaign or election sign shall be placed on public property outside the street right-of-way, except at polling places on election day in accordance with the rules of the board of election.

4. Signs not erected in accordance with these rules shall be subject to removal by the administrator.

K. Temporary real estate signs advertising a specific property for sale, lease, rent or development, or "open houses" shall be located as follows:

1. For Lease, For Rent, For Sale Signs

a. One sign per street frontage advertising real estate "For Sale," "For Rent," "For Lease," or "For Development." The maximum area of such sign shall be as follows:

1. Six (6) square feet in a residential district. A maximum area of sixteen (16) square feet shall be allowed in all residential districts for any lot with an area of three (3) acres or more and having over three hundred (300) feet of linear frontage along a thoroughfare, provided said sign is located along said thoroughfare;

2. Sixteen (16) square feet in any Office, or UMU District;

3. Thirty two (32) square feet in area in all other districts.

4. Such area allowances shall be followed provided that the sign is located on the property being advertised and so long as said sign is located behind the street right-of-way line.

5. If the property so advertised lies on a corner lot or through lot, then a second sign may be permitted along the second street so long as the two signs are at least two hundred (200) linear feet apart as measured by the shortest straight line.

b. Up to eight (8) off-premise temporary directional signs per residential development for the purpose of providing directions to multiple new dwellings for sale or lease in said development; provided, each such sign is no larger than three (3) square feet in size and four (4) feet in height, and is attached to its own support anchored in the ground, and said sign is in place only between 6:00 p.m. on Fridays and 6:00 p.m. on Sundays.

c. ~~Two (2) off-premise directional signs per residential dwelling for sale; provided, each is no larger than two (2) square feet in size and two and one-half (2.5) feet in height, and is attached to its own support anchored in the ground.~~

2. ~~"Open House" Signs~~

a. ~~No greater than four (4) such off-premise signs shall be allowed per open house event.~~

b. ~~No greater than two (2) such signs shall be located per event shall be located at any one intersection that points motorists in the same direction.~~

c. ~~Such signs shall be in place from 6:00 p.m. on Fridays until 6:00 p.m. on Sundays only.~~

d. ~~Such signs shall not exceed four (4) square feet in area apiece.~~

e. ~~No sign allowed under this subsection shall be illuminated.~~

f. ~~Any real estate sign located in the public right-of-way shall be deemed a violation of this Ordinance and may be removed by the Administrator and destroyed without notice.~~

g. ~~No signs shall be located within fifteen (15) feet of any fire hydrant.~~

L. ~~Signs providing agricultural products for sale shall be allowed, provided that:~~

1. ~~On properties where agricultural products for sale are grown, one such ground sign shall be allowed on roads upon which the property has frontage.~~

2. ~~On other private properties, with the permission of the property owner, provided that:~~

a. ~~No more than two (2) such signs shall be allowed on any such piece of property.~~

b. ~~No person, entity, or family shall be allowed more than eight (8) such signs for any sale location.~~

c. ~~Such signs may be erected and in place only during the season where agricultural products are actually being sold.~~

d. ~~Such signs shall not exceed four (4) square feet in area apiece. Such signs shall not be illuminated.~~

M. ~~Other on-premise temporary banners for nonresidential uses located in a nonresidential district, provided that: For a continuous advertising period not to exceed fourteen (14) days, on-premise banners; balloons less than two (2) feet in diameter; pennants; and flags for special events and grand openings are permitted so long as said sign objects are not located in a street right-of-way. Within any calendar year, any use may be permitted temporary signs of this nature for no greater than three (3) 14-day periods. No such banners or balloons shall be placed on a roof. Any banner or flag shall have a maximum area of twenty four (24) square feet. No more than three (3) on-premise banners and/or flags shall be allowed during each advertising period. Requirements for other signs (that require sign permits) relating to "grand openings" are found in Section 12.5.6.~~

N. ~~Off-premise directional signs for public, quasi-public and not-for-profit uses provided that:~~

1. ~~Such signs shall be permanent ground signs. Portable signs shall not be allowed.~~

2. ~~No greater than two (2) directional signs shall be allowed at any street corner.~~

3. ~~No greater than two (2) directional signs per use shall be allowed.~~

4. ~~No two (2) directional signs shall be located within five (5) linear feet of each other.~~

5. ~~All directional signs shall be constructed of durable wood or non-reflective metal or plastic materials.~~

6. ~~Directional signs shall not be illuminated.~~

7. ~~More than one sign may be placed on the same sign support. The maximum area of any one sign shall be two (2) square feet. However, the maximum aggregate area of all signs on any sign structure shall be four (4) square feet.~~

O. ~~Special event signs for public, quasi-public or not-for-profit organizations. Such signs may be erected by organizations (e.g., schools, churches, etc.) without a permit under the following conditions:~~

1. ~~The sign is in association with a special event (e.g., barbeque, rummage sale, fair, etc).~~

2. ~~Such signs shall be non-illuminated and may not be of a sign variety that is "prohibited" as shown in Section 12.3.~~

3. ~~Such signs shall have a maximum area of thirty-two (32) square feet.~~

4. ~~A temporary wall or a portable sign shall be allowed.~~

5. ~~For scheduled events such as rummage sales, barbeques, parades, fairs, festivals, etc., on-premise signs (including portable signs) shall be allowed. One off-premise sign is allowed as long as written permission is first obtained from the owner upon which the sign is to be placed and said permission is filed with the zoning administrator prior to placement of the sign. Each sign may remain in place for not greater than fourteen (14) days prior to the date of the event and removed no greater than seven (7) days after the termination of the event.~~

P.H. ~~Commercial signs may be placed in an athletic field and other enclosed outdoor space where such signs are intended to be visible by persons attending such events at such facilities. A signage plan should be submitted showing the location of the proposed sign display areas, the location of adjacent streets, and the location of the athletic field or other outdoor space. The general concept must be~~

approved by staff, evaluated based on the general appropriateness of the field or facility for the placement of signs, the location of the field or facility, the surrounding districts and land uses, the size and number of signs proposed, the material construction and other design features of the proposed signs. Once the template is approved, individual signs will not require a permit.

- ~~Q. Noncommercial copy signs provided that such signs are ground signs and are no greater than sixteen (16) square feet in area apiece and provided that such signs do not fit under any of the categories of "prohibited signs" as set forth in Section 12.3.~~
- ~~R. Reserved.~~
- ~~S]. Other internal building signs, such that if a sign is inside a building and cannot be seen by a person of ordinary eyesight who is outside the building.~~
- ~~T.J. Breezeway or entryway signs, such that if a sign is located inside a breezeway or entranceway, under the roof and within the foundation line of the building but outside the actual entrance door and such sign cannot be seen by a person of ordinary eyesight who is not under the roof of the building or is outside the building.~~
- ~~U. Construction/Improvement signs (including financing signs and future development signs) are allowed under the following conditions:~~
- ~~1. Signs in conjunction with any residential use shall not exceed four (4) square feet each.~~
 - ~~2. Signs in conjunction with all other uses shall have a maximum area of thirty-two (32) square feet each.~~
 - ~~3. One sign per premises shall be allowed.~~
 - ~~4. Such signs shall not be illuminated.~~
 - ~~5. Such signs shall appear only at the construction site.~~
 - ~~6. Such sign shall be allowed only after the building permit for such construction has been issued and is in effect. Such sign shall be removed within seven (7) days after a certificate of occupancy for any portion of the project has been issued.~~
- ~~V.K. Signage on mailboxes shall be limited to that allowable under U.S. Postal Service Provisions, and shall also be limited to individual name(s) and the address of the property served by the mailbox. Commercial messages and directional information shall be prohibited.~~
- ~~W. External bulletin boards for any government, nonprofit or not-for-profit organization, provided that the bulletin board does not exceed sixteen (16) square feet in area and is located on-site to be readily accessible to the public.~~
- ~~XL. Sidewalk cafes, restaurants and other outdoor eating and social venues shall be allowed to have tables, chairs, umbrellas and similar objects normally associated with commercial signage.~~
- ~~Y. Identification signs for residential uses and established neighborhoods or communities. Neighborhood and community designation signs shall be approved by the City Manager. Signage within the street right of way shall be approved by the Subdivision Administrator.~~
- ~~ZM. Entrance flags located upon the premises of multi-family developments with more than one hundred (100) units, as follows:~~
- ~~1. May consist of any color or design;~~
 - ~~2. Shall not contain any copy or logo;~~
 - ~~3. Shall be located ten (10) feet from all property lines;~~
 - ~~4. Shall be located at driveways connecting the site to a thoroughfare;~~
 - ~~5. Shall be securely affixed to three (3) or more corners;~~
 - ~~6. Shall be no more than sixteen (16) square feet in area (each);~~
 - ~~7. May consist of cloth, fiberglass, vinyl, or any non-rigid material, however, flags shall not consist of any reflective and/or shiny material; and~~
 - ~~8. Specified developments may have up to two (2) flags on both sides of each entrance driveway.~~

N. Type 1 Temporary Sign

1. Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns and meeting announcements. Such signs are also subject to NCGS 136-32(b).

2. Type 1 temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.

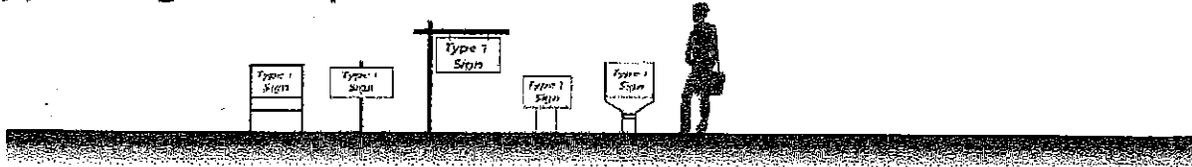
3. Type 1 temporary signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.

4. Type 1 temporary signs shall not be placed in a manner that obstructs clear sight distance (with the required sight triangle) for motorists at street intersections or driveways.

5. Type 1 temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.

Temporary Signs – Type 1 - All Districts				
	<u>Maximum Size</u>	<u>Maximum Height</u>	<u>Maximum Sq. Footage</u>	<u>Max. Duration</u>
<u>All Uses</u>	<u>6 sq. ft. (per sign)</u>	<u>4 ft.</u>	<u>24 sq. ft. total</u>	<u>No limit</u>

Type 1 Sign Examples



(Ord. No. 10-585, § 7, 8-17-10; Ord. No. 11-593, § 4, 8-2-11; Ord. No. 11-595, § 1, 9-20-11; Ord. No. 12-608, § 5, 4-17-12)

SECTION 12.3 PROHIBITED SIGNS

All signs not expressly addressed under this Ordinance (or elsewhere in this Ordinance) are prohibited. Any permitted or non-permitted sign shall not violate this Section. Such signs include, but are not limited to:

- A. Any sign that obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- B. Signs, other than traffic regulatory signs, which contain lights, rotating disks, words and other devices not erected by a public authority that may be erroneously construed as government signs or emergency-warning signs shall be prohibited. An example of this is a sign that contains a picture of a traffic sign plus the word "Stop," "Yield," etc. Any sign located outdoors that interferes with free passage from or physically obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air shall be prohibited. (NOTE: Signs painted onto windows shall not be prohibited, nor shall neon and similar signs attached to windows.)
- C. Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, (with the exception of certain projecting/suspended signs and sandwich board signs per Sections 12.5.67 and 12.5.78 of this Ordinance and/or other signs specifically listed as being allowed for placement within a street right-of-way) unless otherwise authorized by the City Manager or the Subdivision Administrator shall be prohibited. Signs placed in a required sight distance triangle without having first received approval for such placement from the City shall also be prohibited. (NOTE: The Administrator shall have the authority to remove and may discard without notice any such prohibited sign illegally placed within a street right-of-way or sight triangle and, at local discretion, may immediately destroy such sign.)
- D. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign shall be prohibited.
- E. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with scrolled messages, signs with electronically scrolled messages (except government traffic signs and signs which give time and temperature information) shall be prohibited. Provided, however, sign lights shall change in degree of intensity based on ambient light conditions to conform to the requirements of Section 12.15.

If a time and temperature sign alternates between a time message and a temperature message, it shall continuously show one message a minimum of two and one-half (2.5) seconds in time before switching to the other message. Except as noted in this paragraph, or allowed under of Section 12.15, signs with a message or text made wholly or partially of lights, including but not limited to, light emitting diodes (LED), incandescent lights, or exposed light bulbs, or highly reflective materials, so as to generate a contrast between the sign and adjacent surfaces or the surrounding area shall be prohibited. This provision shall not apply to static neon signs where the neon creates the sign message.

- F. Portable signs, excluding temporary signs otherwise permitted as set forth in Section 12.2 and Section 12.4. A sign originally constructed as a portable sign may not be converted into a permanent sign by chaining or bolting it to the ground, or by other means or alterations.

- G. Vehicular signs.
- H. Rotating signs.
- I. Electric signs which are not installed and/or wired in accordance with the national electric code.
- J. Signs not installed in accordance with the North Carolina building code.
- K. Roof signs.
- L. Signs that contain language and/or pictures deemed obscene per G.S. 14-190.1.
- M. Signs that advertise an activity or business no longer conducted on the property upon which the sign is located.
- N. Off-premise advertising signs.
- O. Inflatable objects, including balloons with a diameter of two (2) feet or greater.
- P. Freestanding signs which are not installed into the ground shall be prohibited.
- Q. Any other sign not expressly permitted by this Ordinance shall be prohibited.

(Ord. No. 10-585, § 7, 8-17-10)

SECTION 12.4 PERMITTED SIGNS: LOCATION, SIZE, NUMBER

Signs requiring the issuance of a sign permit by the Administrator shall be permitted in accordance with Table 12.4-1 to 12.4-6 and shall also be subject to any conditions placed on a particular development, through the issuance of a Conditional Use Permit or Conditional Zoning District. Any allowed sign shall also be subject to the design and construction standards for such type of sign as set forth in Section 12.5.

**TABLE 12.4-1
TABLE OF SIGNS REQUIRING A SIGN PERMIT**

SIGN TYPE	Residential Districts	TMU District	Office Districts	CBD	UMU District	Commercial Districts (except CBD)	Industrial Districts	Conditions
FREESTANDING SIGNS								
- Directory	X	X	X	X	X	X	X	12.5.2
- Menu Board		X	X	X	X	X	X	12.5.3
- Ground/Pole	X (ground only)	X (ground only)	X (ground only)	X (ground only)	X (ground only)	X (ground/pole)	X (ground/pole, except ground only in I-U))	12.5.4
- Home Occupation	X	X	X	X	X	X	X	Refer to Section 9.1
- <u>Type 2 and 3 Temporary</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>12.5.8</u>
BUILDING SIGNS								
- Canopy/Awning		X	X	X	X	X	X	12.5.1
- Home Occupation	X	X	X	X	X	X	X	Refer to Section 9.1

- Menu Board		X	X	X	X	X	X	12.5.3
- Projecting/ Suspended		X	X	X	X	X	X	12.5.67
- Wall Temporary Use/Grand Opening	X	X	X	X	X	X	X	12.5.56
- Type 2 Temporary	X	X	X	X	X	X	X	12.5.5-8

NOTE: An "X" indicates that the sign will be permitted with an approved sign permit, as outlined in Section 5.7.

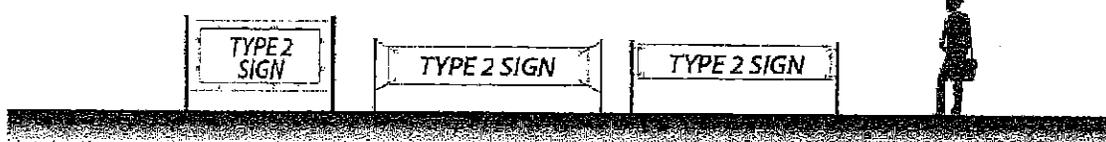
* Refer to Section 12.5 for additional specifications.

**TABLE 12.4-7
DIMENSION AND LOCATION STANDARDS FOR SIGNS REQUIRING A PERMIT
TEMPORARY SIGNS TYPE 2 AND TYPE 3 - ALL DISTRICTS**

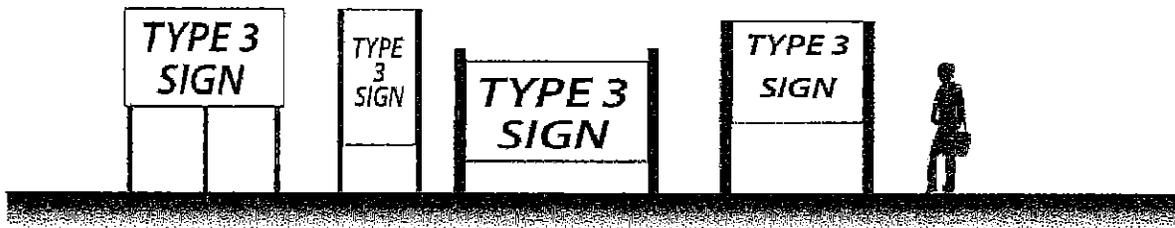
Temporary Signs – Type 2 - All Districts				
	<u>Maximum Size</u>	<u>Maximum Height</u>	<u>Number Permitted</u>	<u>Max. Duration</u>
<u>All uses except single-family and two-family dwellings</u>	<u>16 square feet</u>	<u>4 feet</u>	<u>1</u>	<u>14 days up to 6 times per calendar year with minimum 7 days separation</u>
Temporary Signs – Type 3 - All Districts				
<u>All uses except single-family and two-family dwellings</u>	<u>16 square feet</u>	<u>6 feet</u>	<u>1</u>	<u>1 year</u>

* Refer to Section 12.5 for additional specifications.

Type 2 Sign Examples



Type 3 Sign Examples



(Ord. No. 12-608, § 5, 4-17-12; Ord. No. 12-613, § 1, 6-19-12; Ord. No. 13-622, § 1, 7-16-13)

SECTION 12.5 DESIGN AND CONSTRUCTION STANDARDS

Any sign shown herein (except canopy/awning signs per Section 12.5.1, projecting/suspended signs per Section 12.5.67, and sandwich board signs per Section 12.5.78) shall be placed outside of a street right-of-way or required sight distance triangle, unless specific authorization for such placement is granted herein and/or by the Subdivision Administrator.

(Ord. No. 10-585, § 7, 8-17-10)

~~12.5.6 TEMPORARY USE/GRAND OPENING SIGNS~~

~~Signs for temporary uses and "grand openings," permitted under Section 5.4, shall be allowed provided that:~~

- ~~A. Such signs shall be located only on private property.~~
- ~~B. Sign permits shall be limited to the duration of the temporary use as stated on the temporary use permit.~~
- ~~C. Reserved.~~
- ~~D. Except as may be permitted by the temporary use permit, temporary use signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed thirty-two (32) square feet in surface area.~~
- ~~E. Where a temporary use permit specifically authorizes the use of a temporary ground sign, such sign shall not exceed four (4) feet in height and sixteen (16) square feet in area.~~
- ~~F. There shall be only one temporary ground sign, plus one additional ground sign for street frontage on a second public street, provided that the frontage on that street is at least one hundred fifty (150) feet in length and that an actual entrance to the site is permitted on such street. A minimum distance of two hundred (200) linear feet shall separate such two (2) signs.~~
- ~~G. Sign permits for new business "grand openings" shall be issued only upon the initial opening of a business for a period that shall end not later than thirty (30) days after issuance of the first business license for that business in that location or from the issuance of a Certificate of Occupancy for that location.~~

~~12.5.67 PROJECTING/SUSPENDED SIGNS~~

- ~~A. A projecting or suspended sign shall not project more than five (5) feet from the wall.~~
- ~~B. The bottom of the projecting or suspended sign shall be at least eight (8) feet above the ground immediately below it.~~
- ~~C. In no case may a projecting or suspended sign extend more than three (3) feet into the street right-of-way, unless otherwise approved by the Subdivision Administrator.~~
- ~~D. The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects.~~

(Ord. No. 10-585, § 7, 8-17-10)

~~12.5.78 SANDWICH BOARD SIGNS~~

~~Sandwich board signs shall be allowed as provided in the Section 12.4 provided the following requirements are met:~~

- ~~A. The total area of the signboard shall not exceed eight (8) square feet per side. Such signs shall not be used in calculating maximum allowed square footage for the use.~~

- B. The sign shall have a maximum height of four (4) feet and a maximum width of two (2) feet. Easel and pedestal signs may be six (6) feet in height.
- C. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood and similar unfinished surfaces shall not be used for such signs.
- D. Signs may be placed in a sidewalk or within a street right-of-way (but outside a vehicular travel way) but such signs shall not interfere with pedestrian or vehicular movement and circulation.
- E. Signs shall be removed by the end of the business day.

12.5.8 TEMPORARY SIGNS

A. Temporary Signs shall comply with the following standards:

- 1. Type 2 Freestanding Temporary Sign. Signs in this category are typically referred to as "banners" that are typically associated with (but not limited to) the announcement of community, sporting, grand opening, special sales, and special events.
- 2. Type 3 Freestanding Temporary Sign Signs in this category are large temporary signs typically associated with (but not limited to) the advertisement of large tracts of land for sale, construction and development activity or the advertisement of commercial or industrial building for sale or lease.
- 3. Temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.
- 4. Temporary signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
- 5. Temporary signs shall not be placed in a manner that obstructs clear sight distance (with the required sight triangle) for motorists at street intersections or driveways.
- 6. Temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.
- 7. Temporary signs shall not be illuminated or be provided with any electric service.
- 8. Temporary signs shall not be placed within any public street right-of-way, including within medians, unless expressly permitted by this Ordinance.
- 9. Temporary signs attached to building walls (other than permitted temporary window signs) shall not be placed in a manner that obstructs any window, door, fire department sprinkler connection, or street number sign.
- 10. Temporary signs shall not be place upon any sidewalk or other pedestrian walkway.
- 11. Where temporary signs are limited in the duration of their display and limited in the total number of displays per calendar year, any required period of separation between such displays shall carry through to the following calendar year, and shall be observed prior to initiating the first allowed display during the new calendar year.

SECTION 12.7 SIGNS IN THE PUBLIC RIGHT-OF-WAY

- A. No signs shall be allowed in the public right-of-way, except for the following:
 - 1. Government signs;
 - 2. Bus stop signs erected by a public transit company;
 - 3. Informational signs of a public utility regarding its poles, lines, pipes or other facilities;
 - 4. Signs appurtenant to a use of public property permitted under a franchise or lease with the City;
 - 5. Canopy/Awning signs per Section 12.5.1;
 - 6. Projecting/suspended signs per Section 12.5.67;
 - 7. Ground signs with the name of the residential or non-residential subdivision or multi-family development shall comply with Section 12.5.11 and may be located in the roadway median under the following guidelines:
 - A. The sign shall have a maximum height of four (4) feet.
 - B. If located within the public street right-of-way, specific approval for such location must be granted by the Subdivision Administrator.
 - 8. ~~Political signs per Section 12.2(J).~~

B. Unless otherwise specifically allowed per this Ordinance, all other signs placed in the street right-of-way shall be prohibited and shall be subject to removal per Section 12.3(C).

(Ord. No. 10-585, § 7, 8-17-10)

Section 2. All ordinances or portions of ordinances in conflict herein are hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 4. This ordinance shall take effect and be in force from its effective date of January 1, 2017.

Section 5. This ordinance is consistent with the Gastonia 2025 Comprehensive Plan and any applicable duly adopted small area plans, and is reasonable and in the public interest because it promotes the health, safety, and welfare and brings the City's ordinance into compliance with federal law.

This the 18th day of October, 2016.

John D. Bridgeman, Mayor

ATTEST:

City Clerk