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 Recorded: 08/05/2020 at 02:34:00 PM
 Fee Amt: \$0.00 Page 1 of 36
 Gaston, NC
 Susan S. Lockridge Register of Deeds
 BK **5144** PG **1725-1760**

RESOLUTION TITLE: ZONING TEXT AMENDMENT: ZTA20-02, GASTON COUNTY PLANNING BOARD (APPLICANT); TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO): CHAPTER 2 (DEFINITIONS): TABLE 2.7-1; CHAPTER 7 (USE AND BUILDING LOT STANDARDS): TABLE 7.1-1; CHAPTER 8 (SUPPLEMENTAL REGULATIONS): SECTION 8.4.30; CHAPTER 9 (GENERAL PROVISIONS): SECTION 9.15(H); CHAPTER 12 (SIGN REGULATIONS): SECTIONS 12.1.1, 12.1.2, 12.2, 12.3, TABLE 12.4-4, TABLE 12.4-6, 12.5, 12.5.2, 12.5.3, 12.5.4, 12.5.5, 12.5.9, 12.5.10

WHEREAS, the County Ordinance (approved April 24, 2008), sets forth Amendment procedures in Chapter 5, requiring a joint public hearing by the Planning Board and Commission, with said hearing being conducted June 23, 2020 to take public comment (comments are on file in the Commission Clerk's Office as a part of the minutes of the meetings); and,

WHEREAS, the Text Amendments are requested by the Gaston County Planning Board as the amendments relate to minor modifications and changes to the UDO; and,

WHEREAS, the Gaston County Planning Board met during its regular meeting on January 28, 2020, and reviewed proposed text amendments and approved a recommendation to move the proposed amendments to the public hearing format for the Board of Commissioners consideration; and,

WHEREAS, the Planning Board recommended approval of the text amendment to amend UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 7 (Use and Building Lot Standards): Table 7.1-1; Chapter 8 (Supplemental Regulations): Section 8.4.30; Chapter 9 (General Provisions): Section 9.15(H); Chapter 12 (Sign Regulations): Sections 12.1.1, 12.1.2, 12.2, 12.3, Table 12.4-4, Table 12.4-6, 12.5, 12.5.2, 12.5.3, 12.5.4, 12.5.5, 12.5.9, 12.5.10, on June 23, 2020, based on: public hearing comment and staff recommendation, the request is reasonable and in the public interest and is in accordance with the County's Comprehensive Land Use Plan. The text amendments apply minor modifications to existing sign regulations and small cell towers to the Unified Development Ordinance (UDO), as mandated by NC General Statutes. These changes will help enable Gaston County to grow in an orderly manner and improve the quality of life for the residents of Gaston County, all of which are goals of the Gaston County Comprehensive Land Use Plan.

36 RECORDING N/C
 REVENUE -
 NSF -
 ROTC ☐ PQ ☐ CS ☐
 Mail: Donna Buff

Motion: Vinson Second: Hurst Vote: Unanimous
 Aye: Attaway, Brooks, Hurst, Harris, Horne, Houchard, Sain, Vinson
 Nay: None
 Absent: Ally, Hollar
 Abstain: None

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFrale	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2020-171	06/23/2020	RW	CB	A	A	A	A	A	A	A	U

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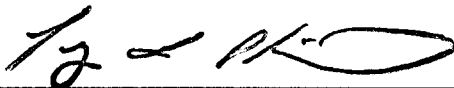
A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

Zoning Text Amendment: ZTA20-02, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments To The Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 7 (Use and Building Lot Standards): Table 7.1-1; Chapter 8 (Supplemental Regulations): Section 8.4.30; Chapter 9 (General Provisions): Section 9.15(H); Chapter 12 (Sign Regulations): Sections 12.1.1, 12.1.2, 12.2, 12.3, Table 12.4-4, Table 12.4-6, 12.5, 12.5.2, 12.5.3, 12.5.4, 12.5.5, 12.5.9, 12.5.10
Page 2

NOW, THEREFORE, BE IT RESOLVED that after consideration of the proposed amendments, public hearing comment and Planning Board recommendation, the Commission considers this action to be reasonable and in the public interest and finds the proposed amendment to be consistent with the Comprehensive Land Use Plan. The text amendments apply minor modifications to existing sign regulations and small cell towers to the Unified Development Ordinance (UDO), as mandated by NC General Statutes. These changes will help enable Gaston County to grow in an orderly manner and improve the quality of life for the residents of Gaston County, all of which are goals of the Gaston County Comprehensive Land Use Plan.

The Commission hereby approves the amendments to UDO Chapter 2 (Definitions): Table 2.7-1; Chapter 7 (Use and Building Lot Standards): Table 7.1-1; Chapter 8 (Supplemental Regulations): Section 8.4.30; Chapter 9 (General Provisions): Section 9.15(H); Chapter 12 (Sign Regulations): Sections 12.1.1, 12.1.2, 12.2, 12.3, Table 12.4-4, Table 12.4-6, 12.5, 12.5.2, 12.5.3, 12.5.4, 12.5.5, 12.5.9, 12.5.10, effective with the passage of this Resolution.

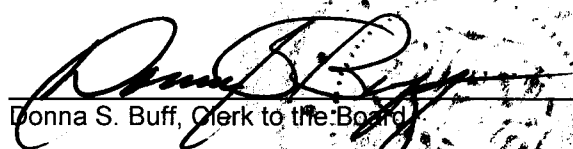
The County Manager is authorized to make necessary notifications in this matter to appropriate parties.



Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Zoning Text Amendment: ZTA20-02, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO) Chapters 2, 7, 8, 9 and 12 (*Attached*), as adopted by the Board of Commissioners on June 23, 2020 and is to be set forth in the Gaston County Unified Development Ordinance (UDO) upon adoption.



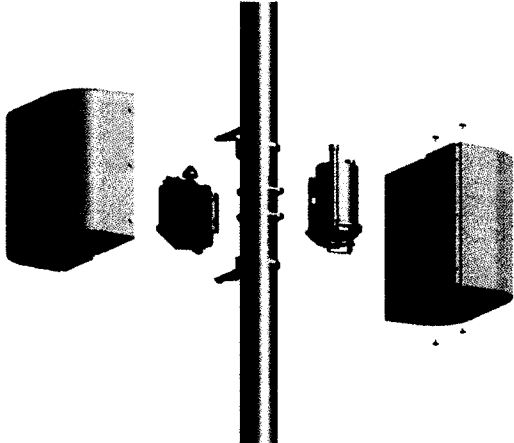
Donna S. Buff, Clerk to the Board

SEAL





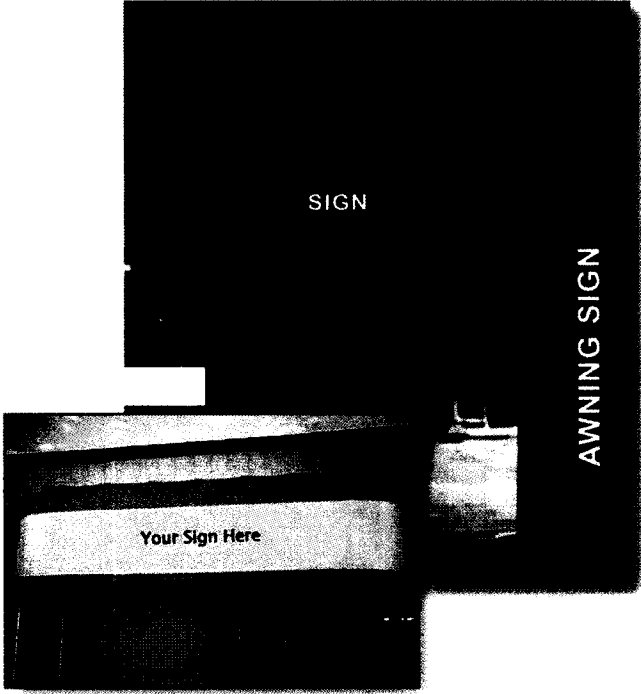
(Chapter 2 – Definitions)

Term	Use Table Subcategory*	Definition
Billboard		See "Sign, Off-premises"
Shroud		<p>A box or other container that contains and is designed to camouflage or conceal the presence of, a telecommunications facility, antenna, or accessory equipment.</p>  A diagram showing a vertical pole with two rectangular boxes (shrouds) attached to it. The boxes are positioned on opposite sides of the pole, and each contains a telecommunications facility, antenna, or accessory equipment. The shrouds are designed to camouflage or conceal the presence of the equipment.
Sight Triangle		The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

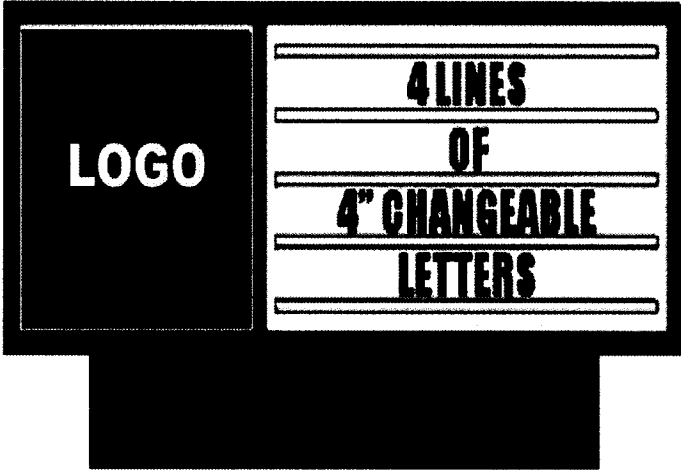


Sign		Any object, display, or structure, or part thereof, which includes words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
Sign, Animated		Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
Sign, Area		The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered
Sign, Attention-Getting Devices		Inflatable characters of shapes, air puppets, statues (other than memorials or grave markers), symbols, and objects used to attract attention to a lot, building, business or activity are considered signs
Sign, Banner		A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind.
Sign, Beacon		Any sign with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.
Sign, Blade		A flag sign which is normally taller than wide and in any shape, i.e. feather, flutter, teardrop, rectangle. Blade signs are a type of temporary sign.



<p>Sign, Awning</p>		<p>A sign located on an awning.</p> 
<p>Sign, Building Marker</p>		<p>Any sign indicating the name of a building and date and incidental information about its construction. Such sign is typically cut into a masonry surface or made of bronze or other permanent material.</p>
<p>Sign, Canopy</p>		<p>A sign attached to, painted, or printed onto located on a canopy. See also, Sign, Marquee.</p>

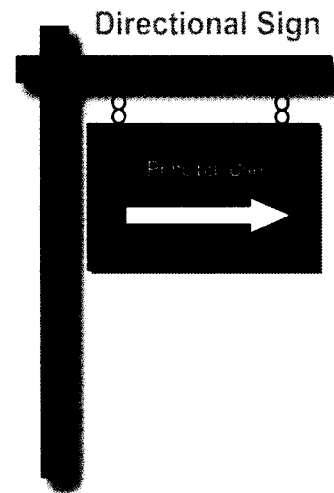


Sign, Changeable Copy		<p><i>A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign.</i></p>  <p>The diagram shows a rectangular sign with a black border. On the left side, there is a black square labeled "LOGO" in white capital letters. To the right of the logo, there are four horizontal lines, each containing a word in bold, black, sans-serif capital letters. The words are "4 LINES", "OF", "4\" CHANGEABLE", and "LETTERS". The sign is mounted on a black rectangular base.</p>
Sign, Copy		<p>Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.</p>



Sign, Directional

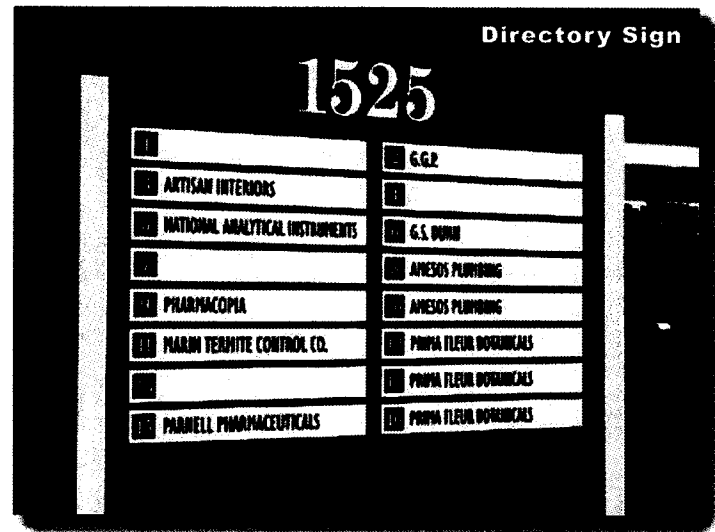
An on-premises sign designed to guide vehicular and/or pedestrian traffic.





Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property is identified.



Sign Face

The part of the sign that is or can be used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting to attract attention.

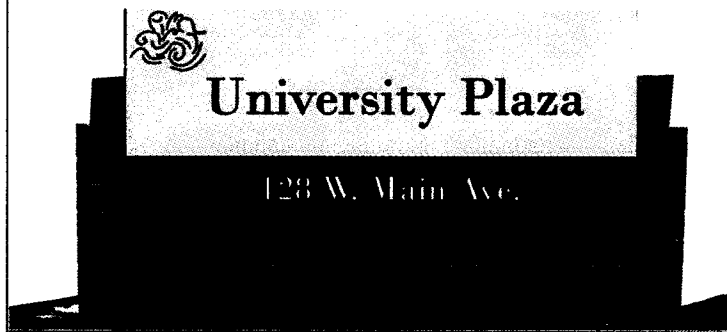
Sign, Flag

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

Sign, Flashing

A sign that uses an intermittent, scrolled or flashing light source or windblown, solar and/or mechanically moved reflective material to attract attention.



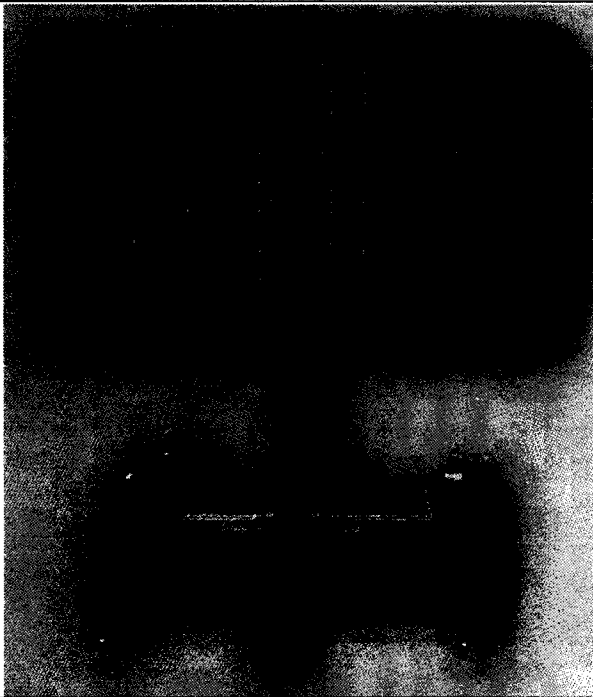
Sign, Free-Standing		Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.
Sign, Government		A sign usually erected and maintained by a public agency that provides the public with information and in no way relates to a business, commercial activity or specific use. Examples include, but are not limited to: speed limit signs, city limits signs, stop signs and street name signs.
Sign, Ground Mounted		Any sign which extends from the ground or which has supports which place the bottom thereof less than three and one-half feet from the ground directly beneath the sign. 
Sign, Height		The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
Sign, Identification		A sign which indicates the name, purpose or importance of a structure, feature or place.
Sign Illuminated		A sign either internally or external illuminated. See Sign, Lighted or Sign, Luminous <i>externally</i>

QSB 8/25/10




Sign, Incidental		A sign used in conjunction with equipment or other functional elements for use or operation. These shall include, but not be limited to drive through menu boards, signs on automated teller machines, gas pumps, vending machines, or newspaper delivery boxes.
Sign, Instructional		See Sign, Directional
Sign, Interactive		An electronic or animated sign that reacts to the behavior or electronic signals of the viewer.
Sign, Light Emitting Diode (LED)		A sign using light emitting diode technology that is designed to project an advertising display that is controlled via the use of a computer or similar type equipment. Such sign may emit messages that are either scrolled or static.

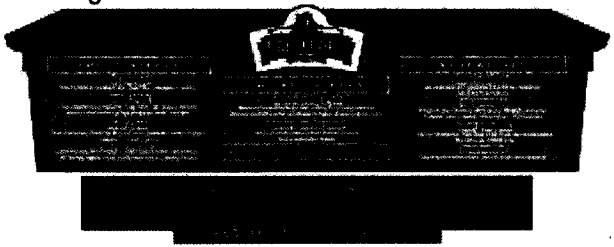


		
Sign, Lighted		A sign illuminated only by light cast upon the sign from an external light source.
Sign, Luminous		A sign lighted by or exposed to artificial lighting either by lights on or in the sign.



Sign, Mailbox		<p>The writing, text, representation, graphic, emblem or other display, together with any material or color forming an integral part of the background of the display that is placed on or is in any way affixed to a mailbox used for the purposes of official mail delivery to a lot.</p> 
Sign, Marquee		<p>Any sign attached to, in any manner, a marquee. For the purposes of this definition, a marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, designed and constructed to provide protection from the weather.</p>
Sign, Memorial or Plaque		<p>A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.</p>

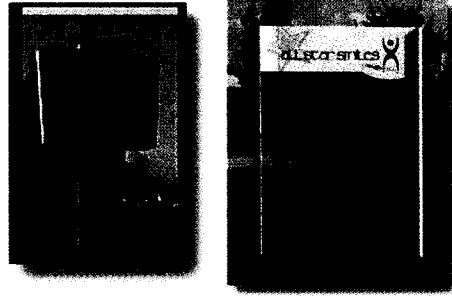


Sign, Menu Board		<p>An accessory sign providing items and prices associated with a drive-through window.</p> 
Sign, Monument		<p>A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than 18 inches above the adjacent grade</p>
Sign, Multi-Tenant		<p>See Sign, Directory</p>
Sign, Mural, Building Wrap Super Graphics		<p>A sign mounted or painted on the side of a building.</p>
Sign, Non-commercial Copy		<p>A sign, other than a "political sign" that contains a message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.</p>
Sign, Nonconforming		<p>A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one (1) or more of the regulations set forth in this Ordinance.</p>



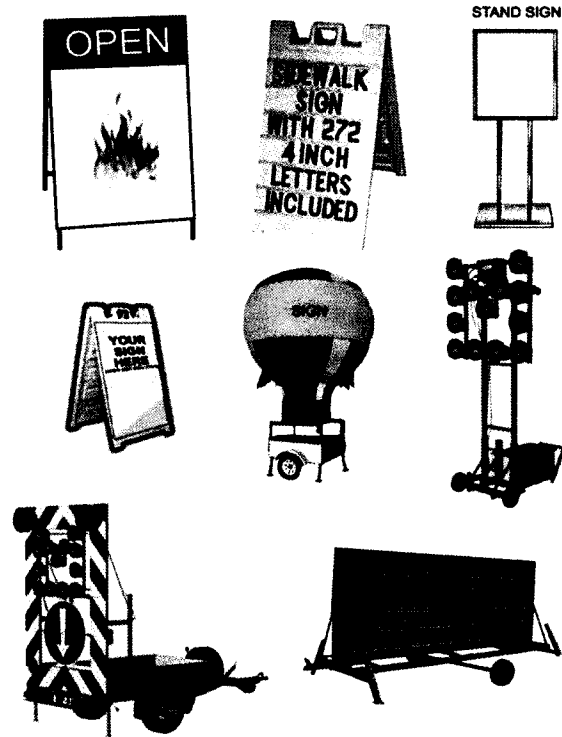
Sign, Off-Premises		A sign at a location other than the premises for which the purpose of the sign is erected.
Sign, On-Premises		A sign on the premises for which the purpose of the sign is erected
Sign, People		A sign held by a person or a person in costume or decorative clothing.
Sign, Pennant		Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
Sign, Permanent Banner		Any banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags.
Sign, Pole		A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such signs shall be equal or greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.



		
Sign, Political		A temporary sign that consists of a poster, placard, board, banner or other similar medium that contains a message related to a candidate running for office or a ballot issue, and which contains no commercial message.

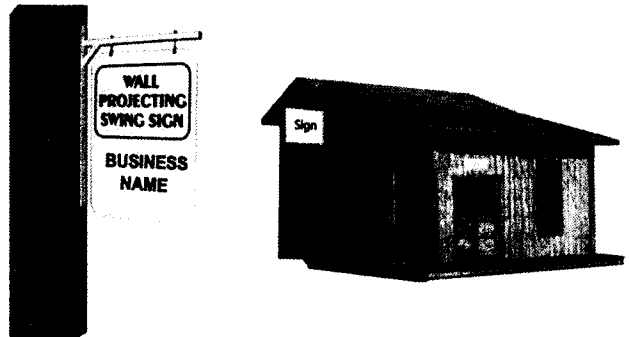
**Sign, Portable**

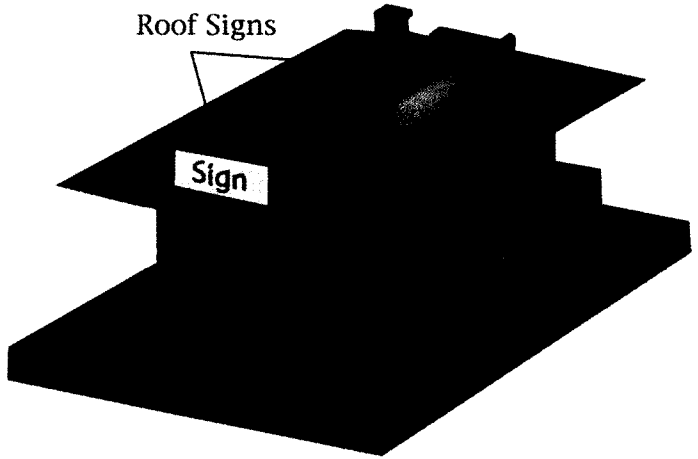
Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-frames (sidewalk signs); changeable letter signs, electronic message signs, menu and sandwich board signs; balloons and umbrellas. Portable signs are considered to be Temporary Signs.

**Sign, Projected-Image**

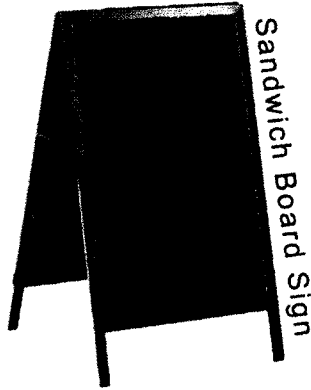
Any sign image projected onto a building, sidewalk or other surface using laser light or other projection technology.



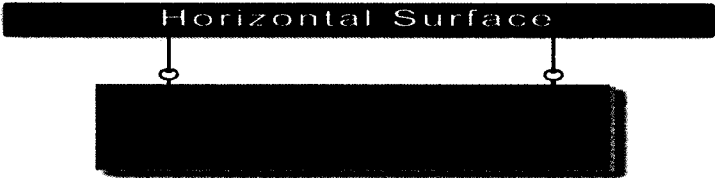
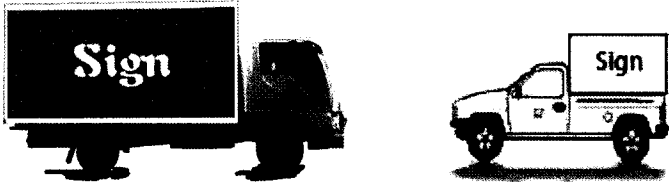
Sign, Projecting		<p>Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.</p>  <p>The illustration shows two examples of projecting signs. On the left, a rectangular sign is mounted on a vertical wall. The sign has the text "WALL PROJECTING SWING SIGN" at the top and "BUSINESS NAME" at the bottom. On the right, a small building is shown with a sign mounted on its side. The sign is labeled "Sign".</p>
Sign, Public Interest		<p>A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.</p>
Sign, Real Estate		<p>A sign which is used to offer for sale, lease, or rent the premises upon which such sign is placed.</p>

Sign, Roof		<p>A sign erected or maintained wholly or partially on or over the roof or parapet of a building.</p>  <p>The illustration shows a building with a sign mounted on its roof. The sign is labeled "Sign". A line points from the text "Roof Signs" to the sign.</p>
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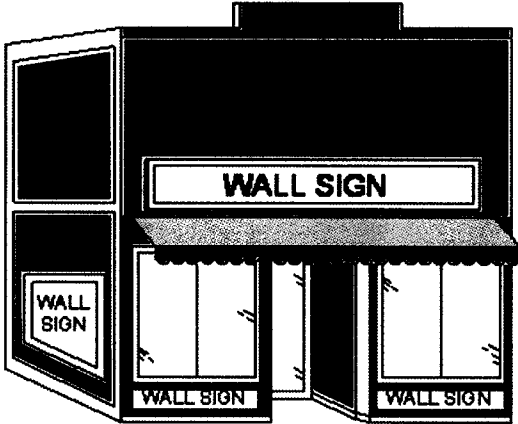


Sign, Rotating		A sign that revolves or turns or has external sign elements that revolves or turns. Such signs may be power-driven or be propelled by the force of wind or air.
Sign, Sandwich Board		<p>A temporary A-frame sign not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one (1) or more panels that form both the structure and sign face, and that is intended to be placed in a sidewalk or pedestrian way.</p> 
Sign Shop	<i>Commercial Services</i>	A place of business which constructs and / or erects signs for public display / uses.
Sign, Snipe		Any sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, street lights, or other objects, or places on any public property or in the public right-of-way.
Sign Structure		The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.
Sign, Subdivision Identification		A sign that gives the name of a residential or non-residential subdivision or multi-family development.



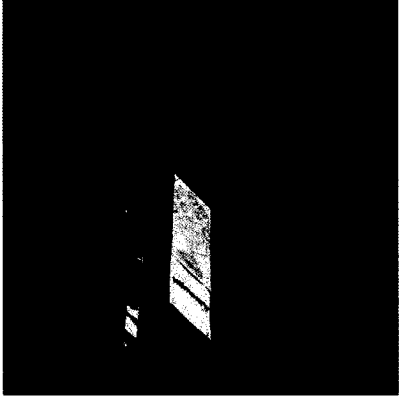
Sign, Suspended		<p>A sign that is suspended from the underside of a surface and is supported by such surface.</p> 
Sign, Temporary		<p>A sign that is not permanently installed in the ground or affixed to any structure or building.</p>
Signs, Vehicular		<p>Signs painted on (wrapped) or attached to parked vehicles visible from the public right-of-way and located on or near the premises for which the purpose of the sign was created.</p> 



Sign, Wall		<p>Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.</p> 
Sign, Window		<p>Any sign, pictures, symbol, or combination thereof, placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. This may include an etching of the glass.</p>

Term	Use Table Subcategory*	Definition
Wireless Facility, Small		<p>The same meaning as the term "small wireless facility: as defined in G.S. 160D-931</p>



Wireless Support Structure		<p>The same meaning as the term "wireless support structure" as defined in G.S. 160D-931. A utility pole or County utility pole is not a wireless support structure.</p> 
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(Chapter 8 – Supplemental Regulations)

8.4.30 TELECOMMUNICATION TOWERS, UP TO 45 FEET, SMALL CELL

- A. Small Cell Telecommunication Towers regulations in addition to section 8.4.25
- B. Shall be located on an existing pole or streetlight.
- C. Shall comply with all other regulations in Chapter 9 of this ordinance.
- D. No new towers shall be located in areas where all utilities are located underground.

(Chapter 9 – General Provisions)

SECTION 9.15 GENERAL PROVISIONS FOR ALL COMMUNICATION TOWERS

H. Collocation of Small Wireless Facilities, Supplemental

1. Siting: To protect the unique aesthetics of the County, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna-supporting structures, the County prefers that small wireless facilities be located outside the public right-of-way; collocated on existing utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. These preferences are intended as guidance for development of an application for small wireless facilities.

2. **Collocation of Small Wireless Facilities:** Collocation of small wireless facilities on land used as single-family residential property or vacant land that is zoned for single-family development, and any small wireless facility that extends more than ten (10) feet above the utility pole, County utility pole, or wireless support structure on which it is collocated, are subject to this Section. Notwithstanding the foregoing, replacement of an existing streetlight for which the County's financially responsible with a streetlight capable of including a collocated, concealed small wireless facility is permitted on land used as single-family residential property or vacant land that is zoned for single-family development.
3. An abandoned small wireless facility shall be removed within one hundred eighty (180) days of abandonment.
4. Small wireless facilities shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.
5. All small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed. Small wireless facilities shall blend with or match the structure to which they are attached.
6. Small wireless facilities to be collocated with a streetlight must be designed such that all cabling is inside the streetlight pole.
7. Ground equipment shall be screened, to the extent possible, with evergreen plantings or other acceptable alternatives approved by the Administrator.
8. Small wireless facilities must meet applicable codes.
9. The placement of new utility poles is prohibited in single family residential property where all utilities are underground. Modification or replacement of qualifying utility poles and qualifying County or public utility poles existing as of March 1, 2020, is not prohibited; however, the maintenance, modification, operation, or

replacement or qualifying utility poles and qualifying County or public utility poles associated with small wireless facilities are subject to the following requirements:

- a. Applicant must obtain all other required permits, authorizations, approvals, agreements, and declarations that may be required for installation, modification, and/or operation of the proposed facility under federal, state, or local law, rules, or regulations, including but not limited to encroachment agreements and FCC approvals. An approval issued under this Section is not in lieu of any other permit required under the Unified Development Ordinance (UDO) or NC Building Code, nor is it a franchise, license, or other authorization to occupy the public right-of-way, or a license, lease, or agreement authorizing occupancy of any other public or private property. It does not create a vested right in occupying any particular location, and an applicant may be required to move and remove facilities at its expense consistent with other provisions of applicable law. An approval issued in error, based on incomplete or false information submitted by an applicant or that conflicts with the provisions of this ordinance, is not valid. No person may maintain a small wireless facility in place unless required state or federal authorization remain in force.
- b. All small wireless facilities and related equipment, including but not limited to fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless facility shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practical, and in no instance more than thirty (30) calendar days from the date of notification by the County. In public right-of-ways, damaged or deteriorated components must be corrected within five (5) business days of notification.
- c. Collocation of small wireless facilities shall commence within six (6) months of approval and each small wireless facility shall be activated for use no later than one (1) year from the date of approval. These time limits shall be extended if delay is caused by a lack of commercial power to the small wireless facility. The Administrator may grant an extension of these time limits, for good cause shown, upon receiving a request from the applicant before the expiration of the applicable time limit.

Gaston County, North Carolina
Chapter 12 – Sign Regulations

Gaston County, North Carolina
Chapter 12 – Sign Regulations

(Chapter 12 – Sign Regulations)

SECTION 12.1 GENERAL PROVISIONS

12.1.1 PURPOSE

The purposes of these sign regulations are:

- A. To encourage the effective use of signs as a means of communication.
- B. To provide a pleasing overall environmental setting and good community appearance;
- C. To create and promote a productive, enterprising, professional business atmosphere;
- D. To allow signs appropriate to the planned character and development of each zoning district;
- E. To ensure that permitted signs do not become a hazard or nuisance;
- F. To promote traffic safety and safe way-finding for motorists, cyclists and pedestrians;
- G. To prevent permanent and temporary signs from conflicting with public safety signs;
- H. To protect and enhance the value of properties; and

- I. To ensure that the constitutionally guaranteed right of free speech is protected.

12.1.2 APPLICABILITY

- A. It shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the Administrator as required by this ordinance. A fee shall be charged for each sign permit issued.
- B. Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the physical dimensions of the sign so as to render it in violation of this ordinance.
- C. If any section, specific provision, or standard of these regulations, that now exists or may exist in the future, is found by a court of competent jurisdiction to be invalid for any reason, the decision of the courts shall not affect the validity of any other section, provision, or standard if these regulations except the provision in question. The other portions of these regulations not affected by the decision shall remain in full force and effect.

SECTION 12.2 SIGNS NOT REQUIRING A PERMIT

The following signs shall be exempt from the regulations contained in this Chapter 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 County or NCDOT.

- A. The following temporary signs and flags are permitted without a zoning permit in all residential zoning districts, but shall be in conformance with all other requirements of this ordinance:
 - *Balloons – less than two (2) feet in diameter*
 - *Banners and Posters – 24 square feet or less*

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- *Blade, Flutter, Feather Flags – 42 square feet or less*
 - *Decorations and holiday displays exhibited for less than 60 days*
 - *Flags – 42 square feet or less based on zoning district*
 - *Temporary – 24 square feet or less, one per lot*
 - *People Signs – 16 square feet or less or as costumed*
- B. The following temporary signs and flags are permitted without a zoning permit in all commercial and industrial zoning districts, but shall be in conformance with all other requirements of this ordinance:
- *Balloons – less than two (2) feet in diameter*
 - *Banners and Posters – 24 square feet or less*
 - *Blade, Flutter, Feather Flags – 42 square feet or less*
 - *Decorations and holiday displays – in place no longer than 60 consecutive days*
 - *Flags – 42 square feet or less based on zoning district*
 - *Temporary – 24 square feet or less, one per lot*
 - *People Signs – 16 square feet or less or as costumed*
 - *Sidewalk signs – 12 square feet or less*
 - *Umbrellas – no higher than 8 feet from the ground or balcony*
 - *Vehicle Signs – permit is required only if the vehicle is stationary during operating hours and located in view of a public right-of-way*
 - *Window signs – covering less than 25% of window space*
- C. 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.
- D. 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.
- E. Governmental Signs

SECTION 12.3

PROHIBITED SIGNS

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 (except light emitting diode (LED) signs with electronically scrolled messages, government traffic signs and signs which give time and temperature information) shall be prohibited. LED signs with electronically scrolled signs shall be allowed under the following conditions:

1. Each message shall remain static for a minimum period of eight (8) seconds;
2. There shall be a transition time period of no greater than two (2.0) seconds between sign messages;
3. The message area shall constitute no greater than fifty (50) percent of the sign area face.
4. *The sign must contain a default design that will freeze the sign in one position if a malfunction occurs.*
5. *The maximum brightness shall be 5000 nits during daylight hours (dawn to dusk). All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset (dusk), as determined by the National Oceanic and Atmospheric Administration (NOAA), for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, (dawn) as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.*
6. *All signs along state-maintained roadways must meet North Carolina Department of Transportation regulations.*

M. Off-premise advertising signs.

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N. *Inflatable objects, including balloons with a diameter of two (2) feet or greater.*

O. *Any other sign not expressly permitted by this Chapter shall be prohibited.*

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TABLE 12.4-4
DIMENSIONAL AND LOCATIONAL STANDARDS FOR SIGNS REQUIRING A PERMIT
IN THE OLC, O-1, and O-M ZONING DISTRICTS

SIGN TYPE	SUPPL. REG.	NUMBER OF SIGNS ALLOWED**	MAXIMUM SIGN AREA (sq. ft.）**	MAXIMUM SIGN HEIGHT **	SIGN LOCATION***
<u>Ground *</u> Individual Business	12.5.4	One (1) per street front*	Two hundred (200) sq. ft-hospital; otherwise: If structure 0-25,000 sq. ft. gfa= <i>sixty-four (64)</i> sq. ft If structure over 25,000 sq ft gfa= <i>one hundred (100)</i> sq. ft	Ten (10) feet, except Twenty-four (24) feet for a hospital	12.5.4 G
<u>Ground *</u> Multi-Tenant Development Identification	12.5.4	One (1) per street front*	Sixty-four (64) sq. ft, plus six (6) sq ft for each tenant within the development up to one hundred (100) sq ft	Ten (10) feet	12.5.4 G
<u>Wall Signs*</u> Individual Business and Multi-tenant Developments	12.5.5	Three (3) per building wall.	Ten (10) percent of individual wall area up to an aggregate of sixty-four (64) sq ft per building wall*	No higher than the wall upon which the sign is mounted	N/A

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<u>Canopy/ Awning Signs*</u> Individual Business and Multi-tenant Developments	12.5.1	One (1) per exterior customer entrance	Fifty (50) percent of canopy/awning area, up to a maximum of fifty (50) sq ft	N/A	N/A
<u>Projecting/ Suspended Signs*</u> Individual Business and Multi-tenant Developments	12.5.7	One (1) per exterior customer entrance	One (1) sq ft per linear foot of public street frontage, up to a maximum of sixteen (16) sq ft	N/A	N/A

* Refer to supplemental regulations for additional specifications

** Refer to Section 12.5.10 regarding “Master Sign Plans”, approvals of which may allow for deviations from the standards shown herein

*** Refer to Section 12.5.4 (F) for sign setback requirements

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TABLE 12.4-6
DIMENSIONAL AND LOCATIONAL STANDARDS FOR SIGNS REQUIRING A PERMIT
NON-RESIDENTIAL USES IN THE GPX, NBS, C-1, C-2, C-3, I-1, I-2, I-3 and I-U ZONING DISTRICTS

SIGN TYPE	SUPPL. REG.	NUMBER OF SIGNS ALLOWED***	MAXIMUM SIGN AREA (sq. ft.)***	MAXIMUM SIGN HEIGHT ***	SIGN LOCATION
<u>Ground / Pole / Off Premise *</u> Individual Business	12.5.4	A. 1. One (1) sign on each public street front provided that no two (2) signs are located within a straight line distance of two hundred (200) feet. 2. For any non-residential use, which contains more than one (1) principal structure, one (1) group or monument identification sign may be placed within twenty (20) ft. of each structure provided that the structure does not contain any wall identification sign.	A. 1. Sixty four (64) sq. ft., 2. Ten (10) sq. ft. B. For industrial uses located in an industrial zoning district, located on a lot adjacent to a four (4)-lane limited access divided highway = two hundred (200) sq. ft. provided that the sign is intended to be read from such divided highway. C. Pole signs = Forty eight (48) sq. ft.	A. 1. Twenty (20) feet, 2. Four (4) feet B. Twenty (20) feet for signs advertising an industrial use and intended to be read from a four (4)-lane divided highway. C. Twenty (20) feet	Outside of street right-of-way and required sight triangle*

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Ground / Pole* Multi-Tenant Development Identification	12.5.4	One (1) freestanding sign on each thoroughfare frontage. Such sign shall be at least two hundred (200) linear feet apart as measured using the shortest straight line distance. The owner or manager of the development must file a statement with the zoning administrator that he will apprise all tenants of the development of sign regulations contained in this chapter.	Detached multitenant development sign: A. One hundred (100) sq. ft. B. Two hundred (200) sq. ft. for developments with a GFA greater than 25,000 sq. ft.	A. Twenty (20) feet B. Twenty five (25) feet	Outside of street right-of-way and required sight triangle*
Wall Signs* Individual Business and Multi-tenant Developments	12.5.5	No limit	Ten (10) percent of individual wall area up to an aggregate of one hundred (100) sq. ft. per building wall*	No higher than the wall upon which the sign is mounted	N/A
Canopy/ Awning Signs* Individual Business and Multitenant Developments	12.5.1	One (1) per exterior customer entrance	Fifty (50) percent of canopy/awning area. Square footage shall count towards total for wall sign square footage on applicable wall face.	N/A	N/A
Projecting/ Suspended Signs*/** Individual Business and Multi-tenant Developments	12.5.7	One (1) per exterior customer entrance	Up to ten (10) sq. ft.. Square footage shall count towards total for wall sign square footage on applicable wall face.	N/A	N/A

* Refer to supplemental regulations for additional specifications

** Refer to Section 12.5.9 for special regulations for permanent on-premise banners for automobile, truck, boat, manufactured home and recreational vehicle sales and rental facilities

*** Refer to Section 12.5.10 regarding "Master Sign Plans", approvals of which may allow for deviations from the standards shown herein



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 12.5.7, and sandwich board signs per Section 12.5.8) 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 NCDOT.

A. Construction Standards

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- 1) All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
 - 2) All temporary signs shall be constructed of materials and printed on by inks capable of withstanding normal weather conditions.
 - 3) All signs, except for banners, flags, temporary signs, and window signs, conforming in all respects with the requirements of this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure
- B. Electrical Standards – All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source*
- C. Maintenance of Signs – All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.*
- D. Obstructions Prohibited – No sign shall be placed so as to obstruct the clear sight triangle at a street intersection nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.*
- E. Relation to Other Building Elements*
- 1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows*
 - 2) Sign material and style shall complement the building façade in terms of design, scale, and materials.*
 - 3) Individual shop signs in a single storefront shall relate to each other in terms of design, size, placement on the building, and lettering style.*
 - 4) Signs placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the signs are located.*
- F. Sign Lighting*
- 1) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs if non-flashing and nonmoving may be mounted on the inside of store windows.*
 - 2) Signs shall be lighted with indirect light sources (e.g. backlighting). Floodlights may also be used if the light is directed only on the sign and not onto adjacent properties, roadways or the sky and the light fixtures are fully shielded from view through the use of landscaping.*
 - 3) No sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure shall be illuminated between the hours of 11:00 pm and 6:00 am.*
 - 4) See Section 12.3 (E) for provisions for Electronic Message Signs and LED signs*



Figure A – Flag Light

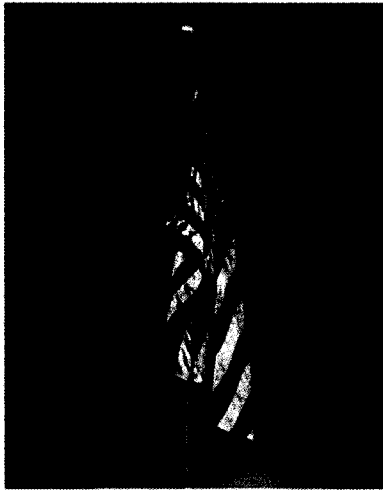


Figure B – Sign Light



5) Lighting or Signs and Flags

- a) For signs not internally illuminated, top-mounted fixtures are preferred for legally existing lighted signs. Lighting fixtures used to externally illuminate a sign are preferred to be mounted on the top of the sign structure and direct all light down toward the sign. See Figure B. Fixtures mounted on the ground shall use the minimum lumens necessary to illuminate the sign and shall not exceed 3,700 lumens. All such fixtures shall comply with the shielding requirements of this section.
- b) Signs constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Total lamp lumens per sign shall not exceed 3,700 lumens.
- c) Top-mounted fixtures for the illumination of any flags are preferred. Lighting fixtures used to illuminate a flag can be mounted on the top of the flagpole and direct all light down toward the flag. See Figure B.
- d) Ground mounted fixtures shall not exceed 3,700 lumens and shall be directed specifically on the flag and no other features. All such fixtures shall comply with the shielding requirements of this section.



- e) *No flag, except national flags, within 100 linear feet of a pre-existing residential structure shall be illuminated between the hours of 11:00 pm and 6:00 am.*
- f) *All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset (dusk), as determined by the National Oceanic and Atmospheric Administration (NOAA), for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, (dawn) as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.*
- g) *All signs along state-maintained roadways must meet North Carolina Department of Transportation regulations.*
- h) *Any interior lighted signs may not be lit at night when the face of the sign is removed or damaged in such a way that the light may distract drivers or adjacent property owners.*

12.5.2 DIRECTORY SIGNS

Directory signs shall be allowed where a particular site includes more than one (1) principal use and shall not be counted towards meeting the maximum allowable sign area for the site or development, provided that:

- A. Directory signs shall be allowed in multi-tenant developments provided that such signs are: (i) located at least fifty (50) feet from any external public street right-of-way, and (ii) placed at internal street intersections within the development
- B. Such signs shall each have a maximum area of twenty-four (24) square feet and be no greater than six (6) feet in height.
- C. Reserved
- D. Reserved



- E. In lieu of a ground-mounted directory sign, such sign may be placed on a building wall. If so placed, such sign shall not exceed ten (10) percent of the allowable wall signage for such use.

12.5.4 GROUND / POLE SIGNS / OFF-PREMISES

12.5.5 WALL SIGNS

- D. Reserved
- E. Wall signs on designated historic buildings shall be placed within the sign frieze, or distinct place within which a wall sign was intended to be placed. No wall sign shall extend beyond such space. If there is no such sign frieze, the wall sign shall be placed below the typical second floor window area.
- F. If no on-premise ground mounted or pole signs are used where otherwise a ground mounted or pole sign would be allowed per Table 12.4-1 and Section 12.5.4, the aggregate allowable wall sign area may be increased by a factor of twenty-five (25) percent.
- G. Signs attached to a mansard portion of a roof shall be considered to be a wall sign.

12.5.9 RESERVED

12.5.10 MASTER SIGN PLAN FLEXIBILITY OPTION

B. APPLICABILITY

The planned development flexibility option is available to the following uses:

1. Planned unit developments and traditional neighborhood developments;



Gaston County

Gaston County
Board of Commissioners
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Planning Board Action

File #: 20-073

Commissioner Philbeck - Planning & Development Services - Zoning Text Amendment: ZTA20-02, Gaston County Planning Board (Applicant); To Consider Proposed Text Amendments to the Unified Development Ordinance (UDO): Chapter 2 (Definitions): Table 2.7-1; Chapter 7 (Uses and Building Lot Standards): Table 7.1-1; Chapter 8 (Supplemental Regulations): Section 8.4.30; Chapter 9 (General Provisions): Section 9.15(H); Chapter 12 (Sign Regulations): Sections 12.1.1, 12.1.2, 12.2, 12.3, Table 12.4-4, Table 12.4-6, 12.5, 12.5.2, 12.5.3, 12.5.4, 12.5.5, 12.5.9, 12.5.10

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

BACKGROUND

The Unified Development Ordinance (approved April 24, 2008), sets forth procedures for amendment procedures in Chapter 5, requiring a joint public hearing by the Planning Board and Commission. A recommendation on the amendments is provided by the Planning Board, with final action on said amendments by the Commission, to consider text amendments to Application Number ZTA20-02 Gaston County Planning Board (Applicant), to request the Board of Commission to consider approval of the proposed text amendments to the UDO: Chapter 2 (Definitions): Table 2.7-1; Chapter 7 (Uses and Building Lot Standards): Table 7.1-1; Chapter 8 (Supplemental Regulations): Section 8.4.30; Chapter 9 (General Provisions): Section 9.15(H); Chapter 12 (Sign Regulations): Sections 12.1.1, 12.1.2, 12.2, 12.3, Table 12.4-4, Table 12.4-6, 12.5, 12.5.2, 12.5.3, 12.5.4, 12.5.5, 12.5.9, 12.5.10. A joint public hearing was advertised and held on June 23, 2020 with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on the same date, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the zoning text amendments. The proposed amendments reflect modifications to existing sign regulations and small cell towers. The Planning Board reviewed the amendments at its last regular Planning Board meeting (01/28/2020) and unanimously recommended to move them to the public hearing process.

ATTACHMENTS

Resolution - ZTA20-02; Zoning Text Amendments - ZTA20-02

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2020-171	06/23/2020	RW	CB	A	A	A	A	A	A	A	U

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