



**Gastonia Planning Commission
Meeting Schedule
March 9, 2017**

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
March 9, 2017 – 5:30 pm

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Item 1c: Approval of February 9, 2017 Minutes

Item 2: Public Hearing – James R. Latta (File # 8724)

Subject hearing involves amending the C-1 CD (Neighborhood Commercial Conditional District), File #106-03, for approximately 1.07 acres. The property is located at 512 S. New Hope Road. The property is owned by Poffie Girls Properties, LLC.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 3: Preliminary Major Subdivision Plat – Elizabeth Commons (File #8664)

Subject hearing involves Preliminary Major Subdivision Plat for John Doster.

Staff Presentation: Keith Lineberger, Land Development Project Manager

Item 4: Public Hearing – Amending the Unified Development Ordinance (UDO) (File # 8725)

Subject hearing involves an ordinance amending *Chapter 2 Definitions, Section 12.8 Nonconforming Signs* and *Section 12.12 Off-Premise Signs* found in Chapter 12 Signs of the Unified Development Ordinance to define and list standards and specifications for digital electronic changeable face and changing/trivison off-premise outdoor signs (also known as billboards) as well as identify in *Subsection M of Section 12.8 Nonconforming Signs* the certain instances when these types of signs are permitted.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 5: Other Business

- Update on Council Votes
- Representative for March 21st City Council Meeting (if needed)

Gastonia Planning Commission
February 9, 2017

Vice-Chairperson Bob Cinq-Mars declared a quorum and the Gastonia Planning Commission meeting opened at 5:34 pm on Thursday, February 9, 2017, in the Council Chambers at City Hall.

Present: Commissioners Alec Long, Rodney Armstrong, Jerry Fleeman, Mark Epstein, Bob Cinq-Mars, Jim Stewart, and Bob Biggerstaff

Absent: Chairperson Pamela Goode

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Planner II; and Chrystal Howard, Secretary.

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners stated there were no contacts.

Item 1c: Approval of January 5, 2017 Minutes

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

Commissioner Cinq-Mars explained the rules of procedure and time limitations.

Item 2: Public Hearing – Granny’s Self Storage, LLC (File # 8709)

Subject hearing involves amending the C-3 CD district (General Commercial Conditional District), File #5056, for approximately 6.67 acres. The property is located at 1410 Shannon Bradley Road. The property is owned by Carolina Tractor and Equipment Company.

Commissioner Cinq-Mars opened the public hearing and recognized Jana McMakin, AICP, Planner II for the purpose of staff presentation.

Ms. McMakin stated in March of 2008, a Conditional District (File #5056) for the C-3 CD district was applied to 1410 Shannon Bradley Road for Carolina Tractor and Equipment Company. It had a service building, sales/sales building, and storage area for different types of heavy equipment. The development was never built; moreover, the property remains vacant. The applicant, Mr. Tex Teixeira with Granny’s Self Storage, LLC, is proposing a new use of mini-warehouse. The applicant submitted site and elevation plans, application, and a proposed rendering showing the office building and site. Ms. McMakin explained the modification of the revised site plan.

An AT&T office building is located immediately adjacent to the subject property to the north (zoned C-3). Immediately across Shannon Bradley Road from the subject property is a row of single-family lots that have direct access to this minor thoroughfare. While these lots are currently zoned I-2, several of the lots are currently used for single-family dwellings. The greater Bessemer City Road / Interstate 85 interchange area is characterized by a mixture of commercial and industrial uses.

The plan indicates that two buildings, one climate controlled, and the main office building would be built in Phase I and the remaining three buildings (an additional climate controlled) would be built in Phase II. The property would be accessed by an entrance and exist gate requiring a code. The site will be paved and have parking. Stormwater detention, landscaping, buffer are shown on the site plan. The maximum square footage shown is 89,400 square feet. The site has roughly 690 feet of frontage on Shannon Bradley Road as well as approximately 1,190 feet of frontage on Interstate 85. The site is visible from Interstate 85; therefore, staff will work with the applicant with meeting compliance with the Urban Standards Overlay.

Proposed Zoning Conditions

1. Development shall conform to the attached site plan.
2. Exterior building materials and appearance shall be consistent with the attached representative elevations. Final architectural elevations of buildings must provide details to ensure compliance with Section 7.6.5 USO Urban Standards Overlay of the Unified Development Ordinance.
3. The applicant will work with staff on final details for landscaping plan.
4. A single pole sign shall be allowed along the property frontage along Interstate 85. A single monument sign, of design and materials consistent with the buildings, shall be permitted

Gastonia Planning Commission
February 9, 2017

along the Shannon Bradley Road frontage. 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.

Consistency with the Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plan indicates commercial development for this area.

The current C-3 zoning does permit the mini-warehouse use with supplemental regulations. The applicant has submitted a site plan showing he can meet these standards. Based on the use previously approved and the C-3 zoning adjoining the site and the I-2 zoning located across Shannon Bradley Road, staff recommends approval. No questions were asked by the Commissioners.

Commissioner Cinq-Mars recognized Mr. Tex Teixeira, 252 Will Green Road of Marshall, NC. Mr. Teixeira was present to answer any questions. Commissioner Cinq-Mars and Mr. Teixeira reiterated the development of four buildings in Phase I and three buildings in Phase II. Commissioner Cinq-Mars inquired about the possibility of expanding Interstate 85 and if it will affect the subject property. Mr. Teixeira received feedback that an expansion would end prior to this property. Ms. McMakin stated the applicant came to the Technical Review Committee meeting and Ms. Randi Gates, Senior Transportation Planner, commented on this issue at the meeting that she reviewed the site plan and felt there would not be a conflict based on how much right-of-way there is and the extra area that exists.

Commissioner Fleeman made the motion to approve the amending request as presented with the statement of consistency and reasonableness and Commissioner Long seconded that motion. The motion was approved unanimously.

Item 3: Public Hearing – Amending the Unified Development Ordinance (UDO) (File # 8717)

Subject hearing involves an ordinance amending Table 7.3-1 Bulk and Use Chart of the Unified Development Ordinance to allow flexibility of dimensional requirements in certain instances for creating new lots located in the RS-8 zoning district.

This item will be heard by the City Council on Tuesday, February 21, 2017 in the Public Forum Room at the Gaston County Courthouse.

Commissioner Cinq-Mars opened the public hearing and recognized Jana McMakin, AICP, Planner II for the purpose of staff presentation.

Ms. McMakin began by explaining situations to consider amending an ordinance within reason. Considering both, Urban and Historic District neighborhoods, several lots are zoned RS-8 and have situations that cannot be subdivided. The proposed amendment would add a new footnote number (6) under table 7.3-1 for single-family dwellings only. Currently, a subdivision of property within the RS-8 zoning district is required to be developed using RS-8 standards for lot size (8,000 sq. ft.) and lot width (60 ft.). There have been previous modifications to allow a slight reduction in setbacks. The proposed modification would allow for the development of newly created lots only in the RS-8 zoning district that cannot achieve the required lot area and lot width; however, that would be consistent with existing lots within 200 linear feet. This change would allow some opportunities for in-fill development while not changing the scale and character of the area. The amendment language for footnote number (6):

In the RS-8 district, the required lot area and lot width may be reduced for a new lot(s) if each of the following are met: (a) the existing tract to be subdivided is no greater than two (2) acres, (b) the lot area and lot width may be determined by the averaging of at least two (2) lots located on the same block, facing the same street, and within two hundred (200) linear feet from the lot in question, and (c) no more than three (3) lots will result after the subdivision is completed.

Commissioner Cinq-Mars, Mr. Thompson, and Ms. McMakin discussed a sample provided. A minor subdivision would have to be processed through Land Development and the Planning Department. Mr. Thompson compared this situation with Plan Residential Development which provides lot dimensional flexibility and reminded the board that this only applies to the RS-8 District. Commissioner Fleeman needed clarification on the two (2) acres and 8,000 square foot

Gastonia Planning Commission
February 9, 2017

lots and Ms. McMakin stated this was a suggestion from Mr. Keith Lineberger, Civil Engineer. From the subdivision ordinance standpoint, if it is no more than two (2) acres and no more than three (3) lots then it is exempt. Mr. Thompson and Ms. McMakin informed the Commissioners that the acreage can be reduced. Commissioner Fleeman shared his concern and provided a theoretical situation. Commissioner Cinq-Mars was in agreement with Commissioner Fleeman and provided another theoretical situation. Mr. Thompson reminded that board that resulting lots from a subdivision are to be determined based on other existing lot widths in the area. Mr. Thompson provided an example of what would be allowed, such as, neighboring lots are 55' lot widths. An applicant could subdivide a 110' lot width to two (2) 55' lot widths. The revised proposed amendment will encourage a new investment ability for residents to build new houses in some of the older neighborhoods. Commissioner Fleeman revisited the discussion of the two (2) acres. Commissioner Fleeman provided an example of having two (2) acres and subdividing into two 8,000 square feet lots and left a remaining lot. Later, subdividing additional lots basically creating a Planned Residential Development. Mr. Thompson commented that additional language can be added and Mr. Thompson and Ms. McMakin displayed A.4. of Section 8.1.12. Infill Residential Development as an example:

A. Infill Development Guidelines

4. Gross Acreage and Density

- In no instance may a second infill subdivision be carved out of the same tract of land (or portions thereof) within any five-year continuous period.

Commissioner Epstein and Ms. McMakin discussed the possibility of a subdivision, whether it would be considered a major subdivision, with staff monitoring the parent tract and subdivision(s). Commissioner Epstein emphasized this possibility and commented that City Council should be made aware it. Further discussion ensued amongst commissioners and staff.

Based on a previous item presented at a Planning Commission meeting, Commissioner Fleeman stated that he would like the board to be permissive and not restrictive for revitalization. Commissioner Epstein stated that if it becomes a problem for the neighborhood, it can be addressed at a City Council and consideration can be made to make a change.

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

Commissioner Fleeman made a request for staff to review the current requirements and possibly bring back to the Commission revisions that may be needed for existing *Section 8.1.12 Infill Residential Development* of the Unified Development Ordinance.

No timeline for request was discussed.

Item 4: Other Business

No update on Council votes and no representative is needed for the February 21, 2017 City Council Meeting.

There being no other business, Commissioner Cinq-Mars adjourned the meeting at 6:28 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pamela Goode, Chairperson

**PUBLIC HEARING
STAFF REPORT
File # 8724
Hearing Date: March 9, 2017**

OWNER: Poffie Girls Properties LLC
APPLICANT: James R. Latta
PROPOSED ZONING ACTION: Rezone from C-1 CD to C-1 CD
LOCATION: 512 S. New Hope Road
TRACT SIZE: Approximately 1.07 acres
WARD: 2

EVALUATION:

Site Description and Proposed Zoning Action

In 1991 several parcels located at the southeast intersection of S. New Hope Road and Country Club Road of the Grayland Business Park were issued a Conditional Use Permit (CUP) with thirteen zoning conditions and a site plan. There were two subsequent amendments to the CUP in 1992 and 2003 (2003 CUP zoning conditions attached). The subject property consists of one tract currently zoned C-1 CD (Neighborhood Commercial Conditional District). The site has access easements to two existing driveways on Country Club Road and one on S. New Hope Road.

The applicant has completed additions to the building in the past that were located within the setbacks required by the original zoning approval. The applicant has submitted a survey showing a proposed 30' x 30' two-story addition located to the rear of the existing building. There is a zoning condition that states "No principal buildings, with the exception of the existing garages, shall be erected any closer than one hundred sixty (160') feet of the rear property line (Banner residence line); except one (1) of the buildings on the Harris property described in paragraph 11 may be erected no closer than ninety (90) feet of said rear property line as depicted on the attached site plan."

The proposed addition would be approximately 144 feet from the rear property line. In the event the building would need future expansion or the applicant may expand the existing garage, the applicant is requesting to revise this original condition to reduce the rear setback to the existing garage location which is approximately 80 feet.

Proposed Zoning Conditions

1. The "Special Terms and Conditions" from City of Gastonia Case File #106-03, recorded in Book 3882 Pages 659-668 will remain in effect, except as modified below.
2. This item 2 will revise the rear setback of item 12 in the City of Gastonia Case File #106-03 from 160 feet to 80 feet.
3. Exterior building materials and appearance of addition shall be consistent with the existing building.
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.

Description of Adjoining Properties and Zoning

An existing retail building (Douglas R. Harris Jewelers) is located immediately north and the former City Club is located just south of the subject property (zoned C-1 CD). Single family residential (RS-12) zoning and a single-family home is located to the east and additional office buildings are located to the west (zoned C-1 CD)

Recent Land Use Trends in the Area

The overall land use activity in the vicinity has been active over the past several years.

Available Public Facilities

S. New Hope Road is a major thoroughfare and a widening project is projected to begin this spring along this portion of the road. Country Club Road is a two-lane road.

Consistency with the Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plan indicates commercial development for this area.

Conclusion

The current C-1 CD zoning does permit additions to the existing building on the subject property. The applicant has submitted a request to revise the rear setback to accommodate the expansion. Based on the existing fence along the property line and a greater than required setback still to apply to the subject property, **staff recommends approval.**

Jana McMakin, AICP
Planner II

Statement of consistency and reasonableness: The proposed rezoning is consistent with the 2025 Comprehensive Plan and is in harmony with the current zoning and development in proximity of the subject property. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

Applicant: James R. Latta

Owner: Poffie Girls Properties LLC

Planning Comm Hearing: March 9, 2017

Request: Amend C-1 CD District

Ward: 2

Tract Size: 1.07 acres

Tax ID #: 117593



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
 - RD 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
- Roads
 - ▭ Buildings
 - ▭ Parcels

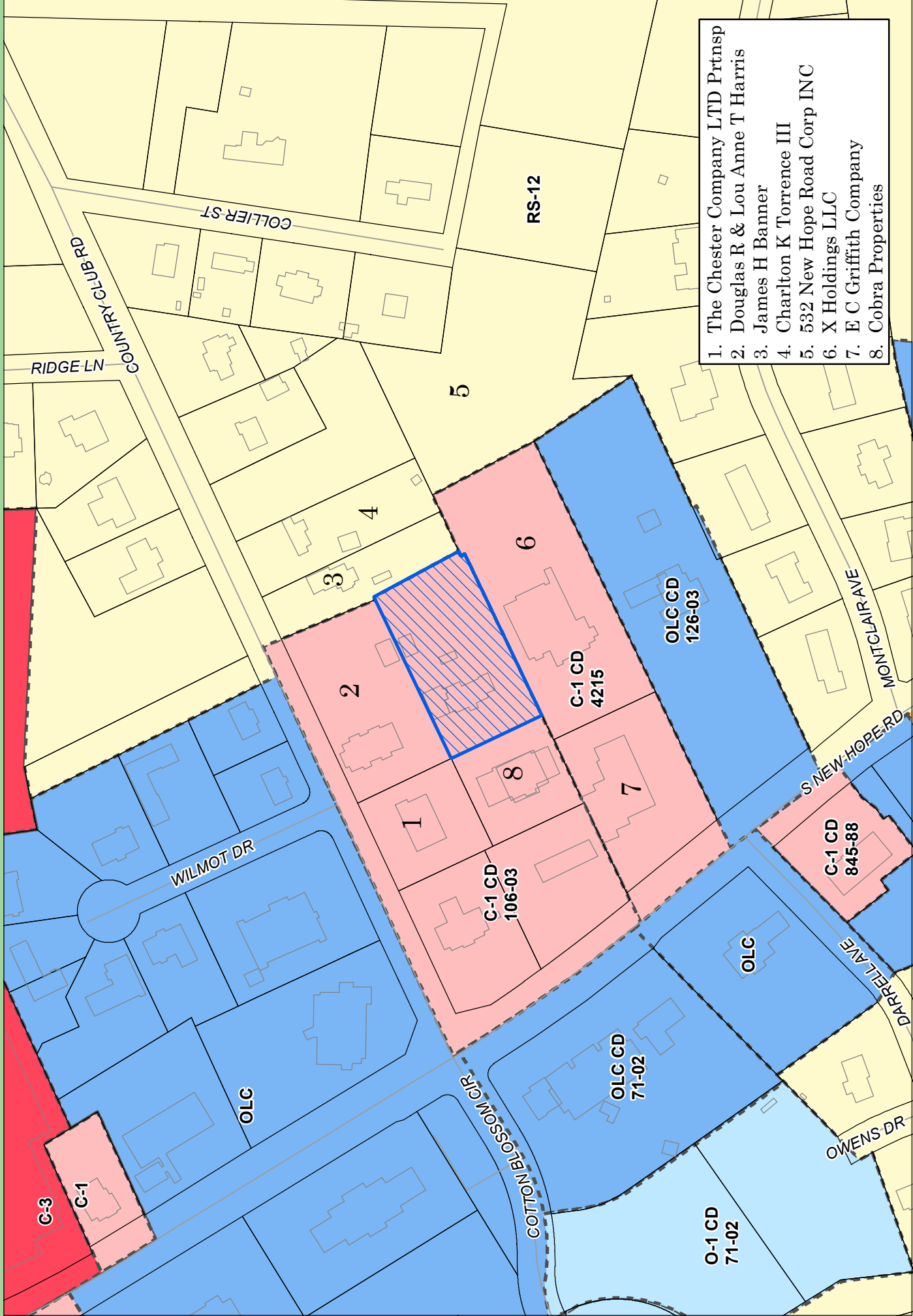
Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the Office of City Planning at (704) 854-6652.



1 : 1,200

1 inch represents 200 feet

Plot Date: February 20, 2017



1. The Chester Company LTD Prtnsp
2. Douglas R & Lou Anne T Harris
3. James H Banner
4. Charlton K Torrence III
5. 532 New Hope Road Corp INC
6. X Holdings LLC
7. E C Griffith Company
8. Cobra Properties



I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2017.

Application #8724

Drawn By **ARTHURS & FOLTZ**, Attorneys at Law, 420 E. Long Avenue,
P. O. Box 2206, Gastonia, NC 28053-2206

RETURN TO:

**STATE OF NORTH CAROLINA,
COUNTY OF GASTON.**

**AMENDED
CONDITIONAL USE PERMIT**

A conditional use permit was issued by the City of Gastonia on February 19, 1991 and was subsequently amended by the City of Gastonia on August 19, 1992 and an application has been made for an additional amendment to the Conditional Use Permit as recorded in Deed Book 2207 at Page 628 of the Gaston County Registry and the property owners have consented to the Amended Conditional Use Permit as follows:

Zoning District: B-1(C)

Conditional Uses: Said uses shall remain the same as specified in the original Conditional Use Permit as previously amended and as amended herein.

DESCRIPTION OF PREMISES

Location: A 5.167 acre tract of land at the southeast corner of South New Hope Road and Old Country Club Drive in Gastonia, North Carolina.

Tax Map Reference: 1-119-36, 1-119-37, 1-119-37.01, 1-119-37.02, 1-119-37.03, and 1-119-37.04.

SPECIAL TERMS AND CONDITIONS

GENERAL CONDITIONS

Revised August 18, 2003

1. This plan reflects a concept of development with regard to the arrangement and shape of buildings, entrances, parking, circulation, etc.; however, minor variations will be allowed based on final design layout, tenant needs, site constraints, etc., so long as the maximum limits regarding square footage, building height, permitted uses, etc. are not exceeded.
2. The developer has previously dedicated an additional ten (10') feet of street right-of-way along both street fronts in addition to making curb and gutter and storm drainage improvements.
3. Lighting for the project shall be designed in such a manner to directly illuminate only the parking and pedestrian areas of the project along with accent lighting to illuminate the buildings and shall not be directed or create a glare to adjoining properties.
4. The project shall adhere to all City of Gastonia Land Development requirements and ordinances, including off-street parking, signage, storm drainage, etc.
5. The project shall comply with The City of Gastonia screening ordinances. The developer has previously erected a six (6') high wood privacy fence along with evergreen plantings along the rear property line to create a twenty (20') foot wide buffer.
6. Only the following permitted uses shall be allowed in conjunction with the development of this site:

- A. Barber shops and beauty parlors.
 - B. Florist.
 - C. Tailor shops.
 - D. Laundry and dry cleaning establishments (only to the extent of drive-through pick up stations).
 - E. Shoe shops.
 - F. Clothing and related stores with dry goods and apparel.
 - G. Antique shops.
 - H. Photography studios, camera and music stores.
 - I. Branch banks and financial institutions.
 - J. Professional offices, including medical clinics.
 - K. Sporting goods stores.
 - L. Toy stores.
 - M. Book stores and related computer/tele-communications stores.
 - N. Jewelry stores.
7. All new buildings constructed on the site may be a combination of varied building heights, but in no event shall a building exceed 35' in height (eave height). Furthermore, all new buildings shall be designed in a traditional architectural style to include such elements as a pitched roof, brick, stucco or other masonry veneer, gables, residential type detailing for windows and doors, etc. The existing residential structure (now Poffie Girls) located at the rear portion of the site shall be retained. This structure may be allowed minor exterior renovations and additions so long as any addition is designed to compliment the existing architectural style of the structure.
- 7A. As a condition to this site plan amendment, the developer may demolish the existing residential structure known as "The Former Gray Residence". The developer may erect two (2) buildings in its place (with the existing garage to be removed upon construction of the second building) as depicted on the attached site plan for the lot, subject to the architectural guidelines established by the architectural rendering offered by the developer/applicant (see attached).
- 7B. This rendering and noted guidelines are intended to illustrate the architectural character or theme of any proposed buildings built in the project, such as pitched roofs, gables, and other residential-style fenestration.
8. Buildings constructed in this project (both existing and proposed) shall be limited to a grand total of 48,000 gross square feet, inclusive of the existing First Community Bank structure provided that all parking space requirements are met.
9. Building shapes and sizes may vary from those depicted on the site plan based upon final design plans and to conform to applicable land development ordinances.
10. Parking lot areas will be landscaped with trees and/or shrubs in a fashion similar to that depicted on the site plan. It is the intent of the parking lot design to avoid large asphalt areas, which are not attractive and not in keeping with the quality design and aesthetics promoted by this overall project.
11. The maximum building footprint (first floor area) shall not exceed 6,500 square feet for any one building. In the event more than one building is placed on one of the six existing lots, the total combined building footprints (first floor area) of the buildings shall not exceed 6,500 square feet for all such buildings on the lot. In addition, the Harris Property, Lot 3 as shown on plat recorded in Plat Book 46 at Page 90, shall be restricted to a total combined maximum square footage of 9,500 square feet for all space in all buildings on the lot.
12. No principal buildings, with the exception of the existing garages, shall be erected any closer than one hundred sixty (160') feet of the rear property line (Banner residence line); except one (1) of the buildings on the Harris property described in paragraph 11 may be erected no closer than ninety (90) feet of said rear property line as depicted on the attached site plan.
13. Of the 48,000 square foot maximum building area outlined in Item 8. above, a maximum of 30,000 square feet shall be designated retail space, allowing uses described in Item 6. above.

IN WITNESS WHEREOF, the City of Gastonia has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned being all of the property owners of the property above described, having executed this instrument in evidence of their acceptance of said Conditional Use Permit as a covenant running with the land unless subsequently changed or amended as provided for in the City of Gastonia Zoning Ordinance.

CITY OF GASTONIA

By: _____
 Mayor

**Poffie Girls
Past Additions**



COUNTRY CLUB RD. - 60' PUBLIC R/W

11' 10" DRAIN

N 01°28'07" E 1177.64'
TIE TO ACRES "ACRES"

PID# 117540
DOUGLAS R. HARRIS
D.B. 3208 PG. 486

PID# 11758
JAMES H. BAI
D.B. 2844 PG.

1589
P LTC PARTNERSHIP
PG. 121
P.B. 90

S 04°38'40" W 154.95'
THE LINE

N 44°03'32" E 285.10'
719.02'

LOT 6
1.0701 Acres
46639.30 Sq. Feet

PID# 117542
COBRA PROPERTIES
D.B. 2248 PG. 625
P.B. 46 PG. 90
LOT 5

PID# 201286
X HOLDINGS LLC
D.B. 4874 PG. 1221
P.B. 68 PG. 42
TRACT 2

40'



GRAPHIC
FILE: IF

File # 8724
Date Rec'd: 1/19/17
Rec'd By: CH
Fee: 256 check # 36463

**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.)

REDUCE REAR SETBACK ON REAR OF PROPERTY
ON C.U.P. FOR FUTURE EXPANSION C-1 CD

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: 117593
Subject property address: 512 S. NEW HOPE RD., GASTONIA, NC 28054

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 _____ the signs approximately 15 days prior to the meeting.

WHITE FRAME HOUSE (POSSIE GIRLS) EAST - (REAR) JAMES BANNER
NORTH - DOUGLAS HARDIS JEWELRY, WEST - GRAY, LAYTON KENSH ATT.
SOUTH - VACANT LOT (CITY CLMB)

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 JAMES R. (BOB) LATTA
+ SYBLE LATTA / POSSIE GIRLS PROPERTIES
as evidenced in deed from _____ recorded in Deed Book
2124 at page 231 in the Gaston County Registry.

7. The real property for which the above request is sought is located on the east side of
S. New Hope Road between Country Club Road and Northclaire Avenue
having a frontage of width @ 161 feet and depth of @ 285 feet
and acreage of 1.07.

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: JAMES R. LATTA
2206 HEALINGSTONE DR. GASTONIA, NC 28056
Telephone #: 704-689-2095 (cell) Fax #:
E-mail address: bob.latta.2@yahoo.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 YES - CONDITIONAL USE PERMIT ON PROPERTY WHEN PURCHASED IN 1991

15. Name and address of person to present item at public hearing JAMES R LATTA
(BOB)
Telephone number (704) 689-2095

I, JAMES R LATTA, certify that I have read the information provided in the public hearing information package on the 19TH day of JAN, 2017.

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

[Signature]

[Signature]

MEMORANDUM

Date: February 20, 2017
To: Gastonia Planning Commission
From: Tucker Johnson, PE, Assistant City Engineer
Thru: Rusty Bost, PE, City Engineer
Subject: **Item for March 9, 2017 Gastonia Planning Commission Agenda**

**PRELIMINARY MAJOR SUBDIVISION PLAT
ELIZABETH COMMONS
JOHN DOSTER
FILE NO. 8664**

John Doster has submitted a preliminary subdivision plat for their development to be known as Elizabeth Commons. The property is located on the south side of Kendrick Road, between Robinwood Road and Barrington Drive. Elizabeth Commons will contain 17 single-family lots. The property is located within the Gastonia corporate limits and is zoned RS-12 CD.

Kendrick Road is currently not constructed to City standards and is recommended for road improvements. The developer will dedicate 30 feet of right-of-way (if not already dedicated) and will widen the pavement to 14.5 feet from the existing centerline of pavement. The developer will also be responsible for installing concrete curb and gutter, storm drainage, sidewalks, and any other necessary improvements on Kendrick Road along the entire length of the property. All improvements to Kendrick Road shall meet both City of Gastonia and NCDOT requirements. The developer will also be responsible for any other road improvements (onsite or offsite) as required by NCDOT.

Public water and sewer will service the property. Public water will be extended throughout the development from an existing water line along Kendrick Road. Sewer service will be provided by extensions to the existing outfall line that runs through the western edge of the property.

The "Preliminary Plat" is in conformance with the City of Gastonia's Subdivision Ordinance and is therefore recommended for approval subject to the following conditions:

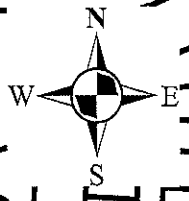
1. Adhere to all requirements of the Conditional Use Permits (attached) granted by the City of Gastonia.
2. No building permits or site work shall be allowed prior to the recording of the final plat.
3. All open space to be dedicated and maintained by a Homeowners Association.
4. Final plat to be signed and sealed by Professional Land Surveyor.
5. All owners of the property included in the subdivision are to sign the final recording plat.
6. Location of driveway/road entrances to be approved by the City.
7. Developer shall secure the necessary approval, permits, and encroachments from private utilities as required.
8. Comply with Gaston County Erosion Control Ordinance.
9. Comply with "General Storm Drainage System Notes" as shown on the subdivision plan review copy and checklist.
10. Secure street name approval.
11. Developer to verify that all lots are buildable with respect to all jurisdictions, encumbrances such as easements, setbacks, minimum lot size, etc., prior to recording of final plat.
12. Secure water and sewer approvals from the appropriate review agencies, enter into agreement for installation of utilities with the City of Gastonia, and dedicate the necessary easement prior to construction.
13. Developer is responsible for location of existing underground utilities prior to construction.

14. Dedicate the standard interior, exterior, and rear lot line drainage and utility easements unless otherwise shown.
15. Comply with all City comments as shown on the preliminary plat.
16. Complete all appropriate submittals for major subdivisions.
17. Show buildings setback lines on all lots.
18. Comply with all applicable City Codes and Ordinances.
19. No encroachments, including fill material or structures, shall be permitted along any stream unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
20. The Developer is to secure any necessary Army Corp of Engineers wetland permits required for this project. A copy of the notice of concurrence shall be given to the City staff for file purposes.
21. Within a year after approval of the preliminary plat, the subdivider shall have construction plans approved or the preliminary plat shall become null and void.
22. Site grading shall not occur prior to the submission of an approved soil erosion and sedimentation control plan and the approval of engineering construction plans.
23. The construction plans shall adhere to latest revision of the City of Gastonia "Subdivision Grading Minimum Design Standards."
24. No Certificates of Occupancy will be issued until all proposed public improvements are completed in accordance with the engineering plans approved by the City Engineer.

(Presentation to be made by: Keith Lineberger)



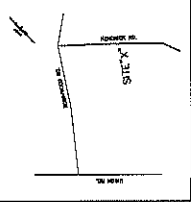
Tucker Johnson, P.E.
Assistant City Engineer



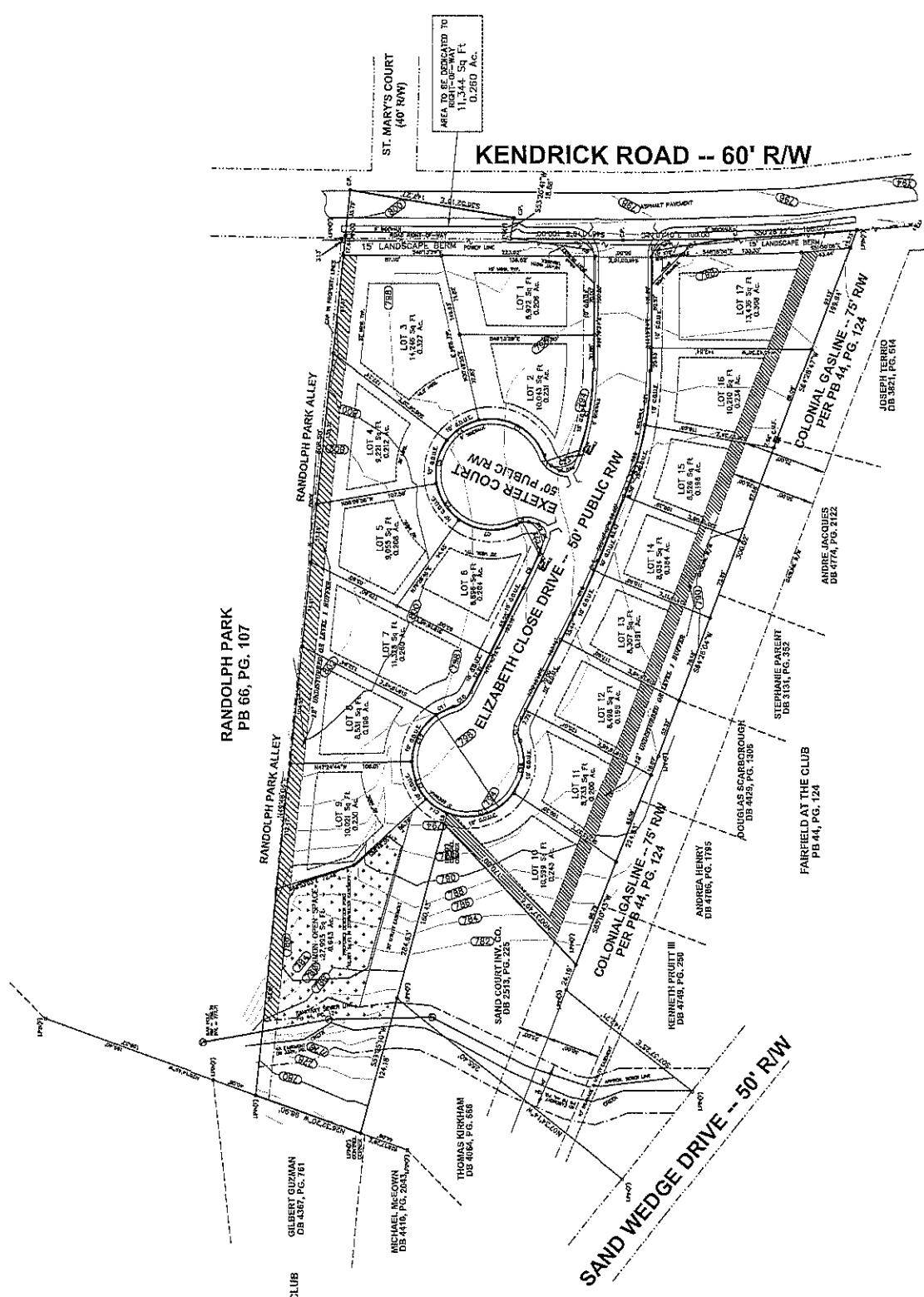
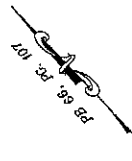
SUBJECT PROPERTY



PRELIMINARY
NOT FOR RECORDATION,
CONVEYANCES OR SALES



LOCATION MAP-NOT TO SCALE



LINE TABLE

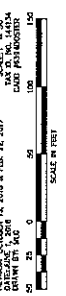
LINE	LENGTH	BEARING
L1	8.41	S67°26'59"W
L2	1.24	S89°08'45"W
L3	2.04	S24°19'14"E
L4	7.72	N75°00'00"E
L5	1.02	N89°00'00"E
L6	1.02	N89°00'00"E

CURVE TABLE

CURVE LENGTH	RADIUS	CHORD	DELT
C1	89.73	29.553	16.596
C2	24.44	8.040	4.747
C3	24.44	8.040	4.747
C4	31.21	9.500	5.521
C5	31.21	9.500	5.521
C6	39.71	11.900	7.025
C7	34.13	10.200	5.925
C8	34.13	10.200	5.925
C9	38.00	11.577	6.641
C10	38.00	11.577	6.641
C11	48.74	14.830	8.625
C12	48.74	14.830	8.625
C13	26.69	8.200	4.747
C14	26.69	8.200	4.747
C15	48.74	14.830	8.625
C16	48.74	14.830	8.625
C17	48.74	14.830	8.625
C18	48.74	14.830	8.625
C19	5.19	1.638	0.949
C20	5.19	1.638	0.949
C21	48.74	14.830	8.625
C22	48.74	14.830	8.625
C23	48.74	14.830	8.625
C24	48.74	14.830	8.625
C25	48.74	14.830	8.625
C26	48.74	14.830	8.625
C27	48.74	14.830	8.625
C28	48.74	14.830	8.625
C29	48.74	14.830	8.625
C30	48.74	14.830	8.625
C31	48.74	14.830	8.625
C32	48.74	14.830	8.625
C33	48.74	14.830	8.625
C34	48.74	14.830	8.625
C35	48.74	14.830	8.625
C36	48.74	14.830	8.625
C37	48.74	14.830	8.625
C38	48.74	14.830	8.625
C39	48.74	14.830	8.625
C40	48.74	14.830	8.625
C41	48.74	14.830	8.625
C42	48.74	14.830	8.625
C43	48.74	14.830	8.625
C44	48.74	14.830	8.625
C45	48.74	14.830	8.625
C46	48.74	14.830	8.625
C47	48.74	14.830	8.625
C48	48.74	14.830	8.625
C49	48.74	14.830	8.625
C50	48.74	14.830	8.625
C51	48.74	14.830	8.625
C52	48.74	14.830	8.625
C53	48.74	14.830	8.625
C54	48.74	14.830	8.625
C55	48.74	14.830	8.625
C56	48.74	14.830	8.625
C57	48.74	14.830	8.625
C58	48.74	14.830	8.625
C59	48.74	14.830	8.625
C60	48.74	14.830	8.625
C61	48.74	14.830	8.625
C62	48.74	14.830	8.625
C63	48.74	14.830	8.625
C64	48.74	14.830	8.625
C65	48.74	14.830	8.625
C66	48.74	14.830	8.625
C67	48.74	14.830	8.625
C68	48.74	14.830	8.625
C69	48.74	14.830	8.625
C70	48.74	14.830	8.625
C71	48.74	14.830	8.625
C72	48.74	14.830	8.625
C73	48.74	14.830	8.625
C74	48.74	14.830	8.625
C75	48.74	14.830	8.625
C76	48.74	14.830	8.625
C77	48.74	14.830	8.625
C78	48.74	14.830	8.625
C79	48.74	14.830	8.625
C80	48.74	14.830	8.625
C81	48.74	14.830	8.625
C82	48.74	14.830	8.625
C83	48.74	14.830	8.625
C84	48.74	14.830	8.625
C85	48.74	14.830	8.625
C86	48.74	14.830	8.625
C87	48.74	14.830	8.625
C88	48.74	14.830	8.625
C89	48.74	14.830	8.625
C90	48.74	14.830	8.625
C91	48.74	14.830	8.625
C92	48.74	14.830	8.625
C93	48.74	14.830	8.625
C94	48.74	14.830	8.625
C95	48.74	14.830	8.625
C96	48.74	14.830	8.625
C97	48.74	14.830	8.625
C98	48.74	14.830	8.625
C99	48.74	14.830	8.625
C100	48.74	14.830	8.625

AREA TO BE DEDICATED TO
PUBLIC USE
11,341.55 SQ. FT.
0.260 AC.

ELIZABETH COMMONS
PRELIMINARY SUBDIVISION PLAN
FOR
WILLIAM TURNER
GASTONIA TOWNSHIP
GASTON COUNTY, N.C.



RETURN TO
CITY OF GASTONIA
ENGINEERING DEPARTMENT
P.O. BOX 1748
GASTONIA, NC 28053

RANDOLPH PARK
PB 66, PG. 107

KENDRICK ROAD -- 60' R/W

COLONIAL GASLINE -- 75' R/W
PER PB 44, PG. 124

SAND WEDGE DRIVE -- 50' R/W

PERMIT DATA:
PROJECT NO. 2018-0001
SUBDIVISION NO. 2018-0001
PROJECT NAME: ELIZABETH COMMONS
PROJECT ADDRESS: 15 LANDSCAPE DRIVE, GASTONIA, NC 28053
PROJECT CONTACT: WILLIAM TURNER
PROJECT PHONE: 704-907-1007
PROJECT FAX: 704-907-1007
PROJECT EMAIL: WTURNER@TURNERENGINEERING.COM

DEVELOPER DATA:
DEVELOPER: TURNER ENGINEERING, INC.
DEVELOPER ADDRESS: 15 LANDSCAPE DRIVE, GASTONIA, NC 28053
DEVELOPER PHONE: 704-907-1007
DEVELOPER FAX: 704-907-1007
DEVELOPER EMAIL: WTURNER@TURNERENGINEERING.COM

NOTES:
1. THIS PLAN IS A PRELIMINARY SUBDIVISION PLAN AND IS NOT TO BE USED FOR RECORDATION OR SALES.
2. THE PROPERTY IS SUBJECT TO THE 200-11 ZONING ORDINANCE.
3. THE PROPERTY IS SUBJECT TO THE 200-11 ZONING ORDINANCE.
4. THE PROPERTY IS SUBJECT TO THE 200-11 ZONING ORDINANCE.
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8. THE PROPERTY IS SUBJECT TO THE 200-11 ZONING ORDINANCE.
9. THE PROPERTY IS SUBJECT TO THE 200-11 ZONING ORDINANCE.
10. THE PROPERTY IS SUBJECT TO THE 200-11 ZONING ORDINANCE.

CAROLINAS DESIGN GROUP, PLLC
LAND SURVEYING & LAND PLANNING
201 West Second Avenue, Gastonia, NC 28052
Phone: 704-954-9328 • 704-964-9007 • Fax: 704-965-6861

WORK SHEET # 154

MEMORANDUM

Date: March 2, 2017

To: Ed Munn
City Manager

From: Jana McMakin, AICP
Planner II

Through: Jason Thompson, AICP
Planning Director

Subject: An ordinance amending *Chapter 2 Definitions, Section 12.8 Nonconforming Signs* and *Section 12.12 Off-Premise Signs* found in *Chapter 12 Signs* of the Unified Development Ordinance to define and list standards and specifications for digital electronic changeable face and changing/trivison off-premise outdoor signs (also known as billboards) as well as identify in *Subsection M of Section 12.8 Nonconforming Signs* the certain instances when these types of signs are permitted (File #8725)

Background

The Gastonia Unified Development Ordinance (UDO) became effective in November 2009 after approval by the Gastonia City Council and thus staff has been administering the provisions of the UDO since its adoption. In working with the developers, other agencies and the general public, issues are sometimes identified that necessitate evaluation of potential ordinance changes in order to improve the code for reasons such as addressing changing technology and to provide additional options.

Currently, new installations of off-premise advertising signs (also known as billboards in the UDO) are not permitted. *Section 12.8 Nonconforming Signs* does, however, allow new installations when either (1) two (2) existing signs are removed or (2) one (1) sign is removed from certain specific geographic areas within the city. This is referred to as “consolidation” under the UDO. The only type of off-premise advertising signs currently allowed are known as static billboards (non-electronic). Over the past several years, electronic billboards have been installed in locations across North Carolina and the country.

At the City Council’s Strategic Planning Workshop held in January, there was consensus directing staff to provide further research and the text amendments necessary for their review to permit additional types of off-premise advertising signs under the current consolidation/replacement/relocation provisions of the UDO.

Billboards located within a certain distance from federal highways and federally-assisted primary highways are subject to the standards and permitting requirements of the Outdoor Advertising Control Act. In North Carolina these regulations are administered by the North Carolina Department of Transportation (NCDOT), which include state highways. Therefore, in addition to a local sign permit, any billboards, including for new construction and/or maintenance, must receive permit approval from NCDOT.

Proposed UDO Text Amendments

- Make electronic and tri-vision billboards eligible under the consolidation ordinance.
- Only interstate highways and other divided highways would be eligible locations for electronic and tri-vision billboards.
- Clearly stipulate distance and size requirements.
- Add the Urban Mixed Use District (UMU) to the “one-for-one” consolidation provision (currently the Gateway Overlay, the Central Business District and local & national historic districts are the only one-for-one areas).

Conclusion

If approved, this ordinance would permit electronic billboards only when either one or two existing billboards are removed within the city. Approval of this ordinance amendment would both allow for the deployment of an industry technology that is increasingly common across the region and the nation, and represents an opportunity to achieve the removal of existing billboards in designated areas within the center city. **Staff recommends approval of these ordinance amendment requests as presented.**

Note: Additional graphics will be provided at the March 9th Planning Commission meeting.

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

An ordinance amending Table 2.7-1 Defined Terms and Section 12.8 Nonconforming 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 facilitate the use of land and signage and 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 12.8 *Nonconforming Signs* be amended, and Table 12.8-*Off-Premise Advertising Signs* be added in the Unified Development Ordinance as follows:

Table 2.7-1 – Defined Terms

Term	Definition
<p align="center">Sign, Off-Premise Advertising</p>	<p>A sign, other than a "directional sign," "real estate sign," "political sign," "non-commercial copy sign" or other sign specially allowed by this Ordinance to be placed off-premises, that draws attention to or communicates information about a business, service, or commodity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located. An "off-premise advertising sign" may also be referred to as a "billboard." <u>Types of off-premise advertising signs typically include electronic changeable face, changing/tri-vision, and static.</u></p> <p><u>Off-premise advertising sign, Electronic Changeable Face – A digital advertising sign is a sign which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED’s), fiber optics, or other similar technology where the message change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, still images, still graphics or still pictures, with or without textual information. Electronic changeable face outdoor advertising signs do not include animated or scrolling images, graphics, video active images (similar to television images), projected images or messages onto buildings or other objects.</u></p> <p><u>Off-premise advertising sign, Tri-vision – A type of electronic advertising sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and which properly functioning allows on a single sign structure the display at any given time of up to three images.</u></p> <p><u>Off-premise advertising sign, Static – A type of outdoor advertising sign, generally, but not limited to, a rigidly assembled sign, display, or devise, that is free-standing and affixed to the ground, the primary purpose of which is to display advertising messages or information that can be changed manually in the field. Such signs are generally design so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.</u></p>



SECTION 12.8 NONCONFORMING SIGNS

- A. Subject to the restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming. This provision shall not apply when the nonconformity is the result of the acquisition of right-of-way by a public entity. The City Manager in such instances may authorize the continuation or replacement of a sign in the right-of-way.
- C. A nonconforming sign may not be moved or sign structure replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign structure is removed (i.e., the removal of any structural elements below the sign cabinet) from the premises or otherwise taken down or moved, said sign only may be replaced or placed back into use with a sign that is in conformance with the terms of this Ordinance.
- D. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign in sound condition are permitted, not including the replacement of structural elements below the sign cabinet.
- E. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign shall be considered "destroyed" if it receives damage to an extent of greater than fifty (50) percent of its current replacement cost.
- F. Notwithstanding other provisions contained in this section, the message and/or sign cabinet of a nonconforming sign may be changed or replaced so long as such change does not increase the degree of any nonconformity.
- G. If a nonconforming on-premises sign remains blank for a continuous period of six (6) months, that sign shall be deemed abandoned and, within thirty (30) days after such abandonment, be altered to comply with this Chapter or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign shall be deemed "blank" if:
 - 1. It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating, offered, or being conducted; or
 - 2. The advertising message it displays becomes illegible in whole or substantial part; or
 - 3. It does not contain an advertising message. (For such purposes, the terms "sign for rent," "sign for lease," "sign for sale," etc., shall not be deemed to be an advertising message).
- H. Any off premise sign for which there is in effect a valid permit issued by the North Carolina Department of Transportation may be repaired or reconstructed so long as the square footage of its advertising surface area is not increased. Reconstruction includes the replacement of an existing multipole structure with a monopole structure.
- I. All other advertising signs which are nonconforming by virtue of their height, setback, spacing (i.e., distance between two (2) advertising signs, or location in a zoning district other than a residential (R) zoning district), shall not be required to be removed and may continue subject to all other applicable portions of this section.
- J. Reserved.
- K. G.S. 136-131.1 requires that "just compensation" be paid upon removal of certain outdoor advertising signs adjacent to the highway on the national system of interstate and defense highways or a highway on the federal-aid primary highway system for which a valid permit has been issued by all appropriate governmental agencies. Section 12.8(H) shall not require that any sign be removed if compensation must be paid upon removal of such sign due to any state or federal law that mandates such form of "just compensation" upon removal. Should any such state or federal requirement become inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within seven (7) years of such state or federal requirements becoming inoperative or otherwise failing to apply to such sign.
- L. Any sign which is prohibited under Section 12.3 (prohibited signs) which was lawfully existing at the time it became prohibited (April 18, 1995) shall be allowed to continue provided that:

1. No additions or expansions of the sign occur;
2. Message display time shall not be less than one second;
3. The same message shall not be repeated without an intervening message; and
4. At no time shall light rays be cast directly upon residential dwellings.

M. Subject to the provisions of this Subsection, the Zoning Administrator may approve the consolidation, relocation and replacement of certain ~~nonconforming~~ off-premise advertising signs upon the submission by the owner of such signs of a plan for such consolidation, relocation and replacement provided the Zoning Administrator finds that the plan meets either purpose and all applicable requirements of this Subsection. The first purposes of this Subsection shall be to allow the removal and consolidation of older, structurally deteriorating, obsolete or visually deteriorated off-premise advertising signs into fewer more structurally sound and visually appealing structures and fewer sign faces in the City's zoning jurisdiction. The second purpose shall be to allow the relocation of off-premise advertising signs from locations of significant aesthetic interest, such as historical areas and gateways as set forth in Paragraph (2) of this Subsection.

1. **Consolidation/relocation/replacement of Off-premise Advertising Signs.** The Zoning Administrator may approve an application for the consolidation, relocation and replacement of ~~certain off-premise advertising signs with static, electronic changeable face, or changing/tri-vision off-premise advertising signs~~ off-premise advertising signs identified by the owner of said signs (and/or owner of the property on which the signs are located) in the application. ~~The application shall also identify the location of the replacement sign which shall be; (i) within one hundred (100) feet of the location of one of the sign structures proposed for removal; or (ii) be in an eligible location within an eligible zone and shall be no closer than six hundred (600) feet linear street distance from an existing advertising sign on either side of the street, as measured continuously along the centerlines of either (a) the street on which the sign is intended to be viewed and/or (b) any other street intersecting the street on which the sign is intended to be viewed.~~

Each consolidation/relocation/replacement plan shall result in the removal of at least two (2) active off-premise advertising signs and two (2) sign structures. Each plan shall result in the erection of either one static, electronic changeable face, or changing/tri-vision off-premise advertising sign structure with no more than two (2) faces, having no more than one face per direction of travel. Stacked (double decker) and side-by-side off-premise advertising signs proposed for removal, shall count as one (1) sign structure regardless of any structural system that may connect or separately support them. Any two (2) signs proposed for removal within twenty (20) feet of each other, whether or not connected to each other shall count as one sign structure. The removal of the entire sign or signs proposed for removal must be completed before the erection of the replacement or relocated sign.

The replacement sign must meet the following standards and specifications:

TABLE 12.8 - Off-Premise Advertising Signs		
<u>Off-Premise Sign Type</u>	<u>Electronic Changeable Face or Changing/Tri-vision</u>	<u>Static</u>
<u>Zoning District Permitted</u>	<u>C-2, C-3, I-1, I-2, I-3, or I-U</u>	<u>C-2, C-3, I-1, I-2, I-3, or I-U</u>
<u>Location</u>	<u>Interstates and Divided Highways</u>	
<u>Prohibited Areas</u>	<u>No off-premise advertising sign shall be located within the CBD, UMU, Historic (HD) Overlay District, or in any National Register Historic District, or within a Gateway Corridor Overlay.</u>	<u>No off-premise advertising sign shall be located within the CBD, UMU, Historic (HD) Overlay District, or in any National Register Historic District, or within a Gateway Corridor Overlay.</u>
<u>Setbacks</u>	<u>No part of the sign and sign structure shall be located closer than ten (10) feet from any street right-of-way.</u>	<u>No part of the sign and sign structure shall be located closer than ten (10) feet from any street right-of-way.</u>
<u>Maximum Sign Face Area</u>	<u>On any street, other than an Interstate highway, the area of each sign face shall not exceed 300 square feet or the average size of the sign faces being replaced,</u>	<u>On any street, other than an Interstate highway, the area of each sign face shall not exceed 300 square feet or the average size of the sign faces being replaced, whichever</u>

	<u>whichever is less. On Interstate highways the size faces shall not exceed 382 square feet.</u>	<u>is less. On Interstate highways the size faces shall not exceed 382 square feet.</u>
<u>Maximum Height</u>	<u>The top of the sign shall be no more than 40 feet (50 feet for Interstate Highways) above the street or natural grade, whichever is higher.</u>	<u>The top of the sign shall be no more than 40 feet (50 feet for Interstate Highways) above the street or natural grade, whichever is higher.</u>
<u>Maximum Number of Sign Faces</u>	<u>One per side of structure, but no more than two sides and each sign face must face a different direction. Neither stacked (double-decker) nor side-by-side advertising signs shall be permitted.</u>	<u>One per side of structure, but no more than two sides and each sign face must face a different direction. Neither stacked (double-decker) nor side-by-side advertising signs shall be permitted.</u>
<u>Sign Support</u>	<u>Freestanding with monopole construction only.</u>	<u>Freestanding with monopole construction only.</u>
<u>Limitations</u>	<u>No moving or rotating (except in the use of tri-vision signs), fluttering, blinking, or flashing elements are permitted. No animation, video, audio, pyrotechnic, or bluecasting components are permitted.</u> <u>Current UDO also restricts three-dimensional components</u>	<u>No moving, rotating, fluttering, blinking, or flashing elements are permitted. No lights emanating from the sign face, animation, video, audio, pyrotechnic, or bluecasting components are permitted.</u> <u>Current UDO also restricts three-dimensional components</u>
<u>Message</u>	<u>Advertising messages or information shall remain in a fixed, static position for a minimum of eight (8) seconds. The change sequence must be accomplished within an interval of two (2) seconds or less.</u>	<u>The advertising sign message shall be changed only by manual means such as pasting or attachment of two-dimensional sheets or repainting.</u>
<u>Illumination</u>	<u>The off-premise advertising sign shall have an automatic dimmer (factory set to the illumination intensities set below) and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. The sign shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.</u> <u>Any external illumination devices shall be effectively shielded so as to prevent beams</u>	<u>The off-premise advertising sign shall be lighted only by a source external to the sign face (floodlighting).</u> <u>Any external illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use.</u>

	<u>or rays of light from being directed at any portion of a street or highway, or any residential use.</u>	
<u>Spacing of Sign to Residential Districts</u>	<u>There shall be a minimum spacing of 400 feet between the electronic changeable face/tri-vision off-premise advertising sign and Residential Districts. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential district.</u>	<u>There shall be a minimum spacing of 200 feet between the static off-premise advertising sign and Residential Districts. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential district.</u>
<u>Spacing to Off-Premise Advertising Signs on the Same Side of the Street</u>	<u>There shall be a minimum spacing of 2,000 feet between an electronic changeable face/tri-vision off-premise advertising sign and any other electronic changeable face/tri-vision off-premise advertising sign on the same side of the street. There shall also be a minimum of 1,000 feet spacing between electronic changeable face/tri-vision off-premise advertising signs on the same side of the street and any other static off-premise advertising signs. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed and/or any other street intersecting the street on which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>	<u>There shall be a minimum of 1,000 feet spacing between electronic changeable face/tri-vision off-premise advertising signs on the same side of the street and any other static off-premise advertising signs. There shall also be a minimum of 600 feet spacing between static off-premise advertising signs on the same side of the street and any other static off-premise advertising sign. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed and/or any other street intersecting the street on which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>
<u>Spacing to Off-Premise Advertising Signs on the Opposite Side of the Street</u>	<u>There shall be a minimum spacing of 1,000 feet between electronic changeable face/tri-vision off-premise advertising signs on the opposite side of the street. There shall also be a minimum of 500 feet spacing between electronic changeable face/tri-vision off-premise advertising sign and static off-premise advertising signs on the opposite side of the street. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>	<u>There shall be a minimum of 500 feet spacing between electronic changeable face/tri-vision off-premise advertising sign and static off-premise advertising signs on the opposite side of the street. There shall also be a minimum of 500 feet spacing between static off-premise advertising signs and static off-premise advertising signs on the opposite side of the street. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.</u>
<u>Spacing to Existing Buildings</u>	<u>20 feet minimum between an off-premise advertising structure and any existing building. The distance shall be the shortest measured distance between the nearest</u>	<u>20 feet minimum between an off-premise advertising structure and any existing building. The distance shall be the shortest measured distance between the nearest</u>

	<u>point of the off-premise advertising structure to the edge of the building.</u>	<u>point of the off-premise advertising structure to the edge of the building.</u>
System Malfunction	<u>Electronic changeable face off-premise advertising sign shall contain a default design that will freeze the sign in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.</u>	N/A

- a. ~~It must be located in a C-2, C-3, I-1, I-2, I-3, or I-U zone; provided however, it shall not be located in an historic (HD) Overlay District, Gateway Corridor Overlay, or in any National Register Historic District, nor shall it be located within two hundred (200) feet of any dwelling located within a residential (R) district.~~
- b. ~~On any street, other than an Interstate highway, the area of each sign face shall not exceed three hundred (300) square feet or the average size of the sign faces being replaced, whichever is less. On Interstate highways the size faces shall not exceed the average size of the sign faces being replaced or one-half (1/2) the total square footage the faces being replaced, whichever is greater, but in no case shall any replacement face on an Interstate highway exceed three hundred eighty-two (382) square feet. The sign structure may contain two (2) faces, but each sign face must face a different direction of street travel. Neither stacked (double-decker) nor side-by-side advertising signs shall be permitted.~~
- c. ~~No part of the advertising sign shall be located closer than ten (10) feet from any street right-of-way.~~
- d. ~~The advertising sign structure must be of monopole type (single vertical support column anchored to a ground footing). The horizontal dimension of the face shall be longer than the vertical dimension.~~
- e. ~~The top of the advertising sign shall be no more than forty (40) feet (fifty (50) feet for Interstate highways) above the street or natural grade, whichever is higher.~~
- f. ~~The Zoning Administrator shall determine that the billboard will be situated so as to not substantially block the view from vehicular traffic from either direction of travel of any on-premise business identification sign within two hundred (200) feet of the billboard (this does not apply to views from an Interstate highway).~~
- g. ~~The entire advertising image or copy of the sign shall be two-dimensional (flat to face) and contained within the regular frame or boundary of the sign face. It shall contain no moving parts, reflective or windblown parts, lights emanating from the sign face, three-dimensional components or other such embellishments. The advertising sign message shall be changed only by manual means such as pasting or attachment of two-dimensional sheets or repainting.~~
- h. ~~The advertising sign shall be lighted only by a source external to the sign face (floodlighting).~~

2. **Relocation of Off-premise Advertising Signs from Certain Areas.** The Zoning Administrator may approve an application and plan for the relocation of one or more existing off-premise advertising signs from the CBD (Central Business District), UMU (Urban Mixed Use) or any Historic (HD) Overlay District, Gateway Corridor Overlay, or any National Register Historic District to location(s) outside such areas, but within eligible locationsthe C-2, C-3, I-U, I-1, I-2, or I-3 zones. Relocation of such eligible signs shall be on a one sign face for one sign face basis; however, the term "relocation" shall mean the removal of the complete sign structure and all faces from its existing/original location. The term "relocation" shall also include the installation of a new replacement sign structure to replace the removed sign structure and not necessarily the actual structure from the original location. Any relocated sign shall not exceed the size of the sign at the original location or three hundred (300) square feet in sign face area, whichever is less. ~~The term "relocation" shall also include the installation of a new replacement sign structure to replace the removed sign structure and not necessarily the actual structure from the original location. The relocated sign shall meet the 600-foot linear separation from an existing advertising sign as measured according to Paragraph (1) of this Section. The relocated sign must meet all the requirements listed in (1)-a through (1)-h Table 12.8 of this Subsection.~~

3. ~~When any advertising sign or signs are being relocated, consolidated, or replaced pursuant to this Subsection, the Zoning Administrator shall require the removal of the entire sign or signs proposed for removal before the erection of the replacement or relocated sign.~~

The application for consolidation/relocation/replacement of off-premise advertising signs shall be submitted in accordance with Section 5.7 Sign Permit and shall include a survey prepared by a registered surveyor showing the following:

- a. Location of the off-premise advertising sign for which the permit is requested, showing a scaled representation of the structure, for measuring purposes
- b. The zoning district in which the sign is located
- c. Type of off-premise advertising sign
- d. Message duration time, if applicable
- e. Maximum sign height
- f. Maximum sign face area
- g. The tax parcel identification number of the property
- h. The setbacks of the site
- i. All buildings located on the site within 20' of the subject sign
- j. Distance from the subject sign to any residential zoning district within 400 feet
- k. Show the location of nearby existing off-premise advertising signs in the vicinity, and provide the following:
 - The distance from the proposed sign to all existing off-premise advertising signs located within 2000 linear feet on the same side of the street,
 - The distance from the proposed sign to all existing off-premise advertising signs located within 1000 linear feet on the opposite side of the street,
 - Information to show the off-premise advertising sign will be situated so as to not substantially block the view from vehicular traffic from either direction of travel of any on-premise business identification sign within two hundred (200) feet of the off-premise advertising sign (this does not apply to views from an Interstate highway).

(Ord. No. 12-613, § 1, 6-19-12; Ord. No. 13-628, § 17, 11-19-13)

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 and after the date of its adoption.

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.

This the 21st day of March, 2017.

John D. Bridgeman, Mayor

ATTEST:

City Clerk