

**ARTICLE III
DEVELOPMENT REQUIREMENTS**

152.306 SIGNS

152.306.01 Purpose

The purpose of this Chapter is to provide equitable rights, reduce conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

152.306.02 Definitions

For the purposes of this Chapter, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Building Frontage: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this chapter. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the building or canopy shall be used to compute the allowable sign area.

Canopy Sign: A sign hanging from a canopy or eve, at any angle relative to the adjacent wall.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Height: Height is measured from the grade of the curb line lowest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

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Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Integrated Business Center: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership.

Internal Illumination. A source of illumination from within a sign.

Message Sign: A sign which can change its message electronically including, but not limited to, signs displaying time and temperature.

Multi-faced Sign: A sign which has two or more identical sign faces, contained in a single sign structure.

Mural: A covering of the surface area of a wall with paint or other artistic medium, that creates a pictorial or abstract design and usually without advertising or commercial symbolism - such as logos or trademarks - or any representation of a product or business, except to identify the artist.

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this Chapter but, which due to the adopted requirements, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: The owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground; a sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this Code.

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Projecting Signs: A sign projecting from a structure, the face of which is not parallel to the wall on which it is mounted.

Roof Line: Either the eaves of the roof, or, the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including illustration or decoration; emblem, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Sign Structure: The supports, uprights, braces, framework and other structural components of the sign.

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Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Gaston.

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall.

152.306.03 Review Procedures

- (A) Permit Required. Unless otherwise authorized by provisions in this Chapter, sign permits shall be required for all residential, commercial, industrial and public/semi-public uses. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- (B) Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this Code are not required to obtain a permit.
- (C) Application Requirements. An application for a sign permit shall be made on a form provided by the City. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location and graphic design. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The City shall issue a permit for a sign unless the sign is in violation of the provisions of these or other provisions of the Gaston Development Code. Sign permits mistakenly issued in violation of these or other provisions of the Development Code are void. The City may revoke a sign permit if it finds there was a material and misleading false statement of fact in the application for the permit.

152.306.04 General Provisions

- (A) Conflicting Standards. Signs shall be allowed subject to the provisions of this Chapter, except when these provisions conflict with the specific standards for signs in the subject district.

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- (B) Signs Subject to State Approval. All signs visible to the traveling public from State highways are subject to the regulations and permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.
- (C) Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
- (1) All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other similar regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 - (2) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
 - (3) All signs shall be maintained in a good structural condition and readable at all times.
 - (4) The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Codes regulating signs.

152.306.05 Nonconforming Signs

- (A) Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or similar calamity, such sign face shall be restored to its original condition within 90-days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
- (B) Permits for Properties with Nonconforming Signs. No permits shall be issued for new or altered signs unless all signs of the individual property or business comply with these regulations.

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152.306.06 Signs Generally Permitted

The following signs and sign work are permitted in all zones. No permit shall be required and the sign shall not be included when determining compliance with total allowed area:

- (A) Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Code. If structural changes are made, the sign shall conform in all respects with these regulations.
- (B) Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
- (C) Incidental signs that do not exceed 6 square feet.
- (D) Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- (E) Signs within a building.
- (F) Signs painted or hung on the inside of windows.
- (G) One residential name plate not exceeding two square feet in area.
- (H) Murals for commercial and industrial uses. Otherwise, that portion of the mural considered advertising shall be included in the sign area calculation. The calculation shall be in accordance with provisions in the sign area definition.
- (I) Murals for buildings and structures owned by public agencies, without restriction regarding advertising and sign area.

152.306.07 Prohibited Signs

The following signs are prohibited in all zones:

- (A) Balloons or similar types of tethered objects.
- (B) Portable signs, except where allowed as a part of a permitted temporary business or otherwise permitted by Municipal Code or City Council.

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- (C) Roof signs.
- (D) Signs that emit odor, visible matter, or sound; however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- (E) Signs that use or employ side guy lines of any type.
- (F) Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- (G) Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.
- (H) The use of a vehicle or trailer parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This provision applies where the primary purpose of the vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, which is primarily used for business purposes other than advertising.
- (I) Rotating/revolving signs, except by conditional use permit per Section 152.306.12.
- (J) Flashing signs, except by conditional use permit per Section 152.306.12.
- (K) Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least 8-feet above the sidewalk.
- (L) Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.
- (M) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.
- (N) Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.

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- (O) Message signs, except by conditional use permit per Section 152.306.12.
- (P) Any sign on unimproved property, unless as an incidental sign.

152.306.08 Residential Signs - Single Family and Duplex

The following sign regulations shall apply to single family homes and duplexes:

- (A) Area and Number. Only one sign shall be permitted per dwelling unit. The maximum sign area shall be eight square feet.
- (B) Location. The sign may be located on a wall or within any yard area. Signs placed within a yard shall be limited to a maximum height of 4 feet as measured from the adjacent ground level to the highest point of the sign.
- (C) Lighting. The use of interior lighted signs and flashing lights shall be prohibited. No light may be directed onto an adjacent residence.

152.306.09 Residential Signs – Other Developments

The following sign regulations shall apply to multi-family developments, manufactured home parks, subdivisions and planned unit developments:

- (A) Area and Number. Any combination of signs not exceeding 32 square feet in area, provided the total sign area on a free-standing sign shall be limited to a maximum of 24 square feet.
- (B) Sign Height. The maximum sign height for a free-standing sign shall be 5-feet.
- (C) Lighting. Signs shall be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited.

152.306.10 Public and Semi-Public Signs

The following regulations apply to signs for public and semi-public uses:

- (A) Area and Number. Any combination of signs not exceeding 64 square feet in area, provided the total sign area on a free-standing sign shall be limited to a maximum of 48 square feet.

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- (B) Sign Height. The maximum sign height for a free-standing sign shall be 12-feet.
- (C) Lighting. Signs shall be illuminated only by indirect lighting. The use of interior lighted signs and flashing lights shall be prohibited.

152.306.11 Commercial and Industrial Signs

The following regulations apply to signs for commercial and industrial uses:

(A) Signs for Businesses not in Integrated Business Centers:

- (1) Total Sign Area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet.
- (2) Type, Number and Sign Size. Within the total allowed area, one free standing sign per street frontage, and a total of no more than two wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 48 square feet in area.
- (3) Sign Height. The maximum sign height shall be as follows:
 - (a) Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - (b) Free-standing signs: Maximum height of 12 feet.
- (4) Sign Location. Signs shall be located as follows:
 - (a) Wall signs: May project up to 1.5 feet from the building.
 - (b) Free-standing sign - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

(B) Signs for Integrated Business Centers:

- (1) Total Sign Area. For wall and canopy signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center.

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- (2) Free-standing Sign. In addition to this allowed area, for each integrated business center, one free-standing sign per street frontage not exceeding 100 square feet in area.
 - (3) Sign Height. The maximum sign height shall be as follows:
 - (a) Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - (b) Free-standing signs: Maximum total height of 12 feet.
 - (4) Sign Location. Signs shall be located as follows:
 - (a) Wall signs: May project up to 1.5 feet from the building.
 - (b) Free-standing sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
- (C) Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs:
- (1) Directional signs, such as "Exit" or "Entrance", are allowed either as wall or freestanding signs. Such signs shall be limited to 4 square feet in area and 2 per driveway. Free standing directional signs shall be limited to a height of 4 feet.
 - (2) Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-thru restaurant are allowed as follows: One per business limited to 32 square feet in area and a maximum height of 8 feet. Any order sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge.
- (D) Temporary Business Signs. Temporary businesses may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

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152.306.12 Conditional Use Permits - Signs

A conditional use approval shall be required for rotating/revolving signs, flashing signs, or message signs located in the in a Commercial Industrial or Public Facility zones. A conditional use to Chapter 152.306 will be processed according to the conditional use procedures in Chapter 152.407, but shall be subject to the following criteria:

- (A) The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
- (B) The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
- (C) The proposed sign will not present a traffic or safety hazard.
- (D) If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effects consisting of external lights, lamps, bulbs or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed.
- (E) If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute.
- (F) The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.
- (G) The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions.

152.306.13 Variances - Signs

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Chapter 152.306 will be processed according to the variance procedures in Chapter 152.404 or Chapter 152.406 but shall be subject to the following criteria:

- (A) There are unique circumstances of conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;

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- (B) The requested variance is consistent with the purpose of the Chapter as stated in Section 16.84.010; and
- (C) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.
- (D) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.
- (E) The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.
- (F) The variance request shall not be the result of a self-imposed condition or hardship.