

Item # 8A

**City of Carson City
Agenda Report**

Date Submitted: December 11, 2007

Agenda Date Requested: December 20, 2007

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to introduce, on first reading, Bill No. _____, an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Exemptions, modifying the provisions for open house signs by adding regulations to allow off-premise "open house" signs with certain limitations, and other matters properly related thereto. (File ZCA-07-171)

Staff Summary: Open house signs are presently only allowed by City code to be placed on the lot of the open house. The proposed ordinance would allow off-premise open house signs to be placed consistent with a trial policy that was implemented during the past two summers, subject to limitations on the location and number of signs..

Type of Action Requested:

☐ Resolution

☐ Formal Action/Motion

☒ Ordinance - First Reading

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☐ No

Planning Commission Action: Approved 7:0 at the Planning Commission Meeting of November 28, 2007.

Recommended Board Action: I move to introduce, on first reading, Bill No. _____, an ordinance amending Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Exemptions, modifying the provisions for open house signs by adding regulations to allow off-premise "open house" signs with certain limitations and other matters related thereto.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18 Zoning, Section 18.04.175 (Zoning Code Amendments) and Chapter 18.16 (Development Standards), Division 4 (Signs).

Fiscal Impact: N/A

Explanation of Impact: N/A

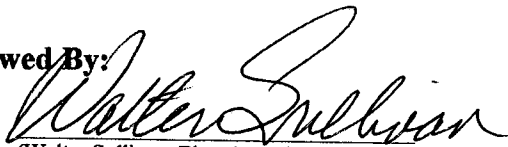
Funding Source: N/A

Alternatives: 1) Refer the matter back to Planning Commission for further review.
2) Deny the amendment

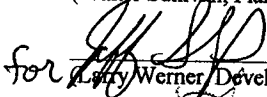
Supporting Material: 1) Ordinance
2) Case Record
3) Staff Report

Prepared By: Donna Fuller, Administrative Services Manager

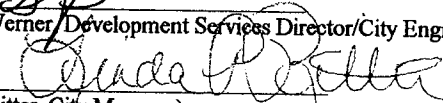
Reviewed By:


(Walter Sullivan, Planning Director)

Date: 12-05-07

for 
(Larry Werner, Development Services Director/City Engineer)

Date: 12/11/07


(Linda Ritter, City Manager)

Date: 12-11-07


(District Attorney's Office)

Date: 12-11-07

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)

BILL NO. ____

ORDINANCE NO. 2007-__

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.4.7, EXEMPTIONS, MODIFYING THE PROVISIONS FOR OPEN HOUSE SIGNS BY ADDING REGULATIONS TO ALLOW OFF-PREMISE OPEN HOUSE SIGNS WITH CERTAIN LIMITATIONS, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

The Board of Supervisors of Carson City, do ordain:

SECTION I:

That a portion of Section 4.4.7, specifically subsection 4.4.7(m) of Division 4 (Signs) of Chapter 18.16 (Development Standards), of the Carson City Municipal Code is hereby amended, as follows (underlined text is added, stricken text is deleted):

4.4.7 Exemptions. The following signs are exempted from all other provisions of this Division except as noted.

m. On-premise real property signs (including future tenants, "for sale,"¹[-] "for rent,"¹[-] "open house," etc.) are permitted subject to the following conditions:

- (1) Parcels of five acres or more in any land use district may have signs which do not exceed 32 square feet of total surface area.
- (2) Parcels of less than five acres may have signs which do not exceed six square feet in residential districts, or 20 square feet in nonresidential districts.
- (3) Signs shall not exceed eight feet in height above average ground level.
- (4) Not more than one sign shall be allowed on each parcel of land. If the property is located on two street frontages, one sign is permitted on each street frontage

excluding any street frontage that is located along a rear property line. One additional on-site "open house" sign per street frontage is permitted during open house events described in subparagraph (5), below. On-site signs may include flags, streamers, balloons or similar devices during such events.

(5) In addition to the on-premise signs permitted above, off-premise "open house" signs may be placed subject to the following conditions:

(a) The signs must be for a designated open house that is listed for sale or lease.

(b) The overall height of a sign must not exceed 36 inches from the ground to the top of the sign, and the sign area must not have a horizontal dimension of more than 24 inches and a vertical dimension of more than 18 inches.

(c) Signs shall have no riders with the exception of the listing agent's name and/or firm's name; no additions, tags, streamers, balloons or other appurtenances may be added to the sign. Directional arrows may be incorporated into the permitted sign face area but may not be added appurtenant to the sign.

(d) No more than three off-premise open house signs shall be allowed per open house. A fourth off-premise sign is allowed upon prior notification to the Planning Director if the open house is more than one mile (closest travel distance) from an arterial street as designated in the City's Transportation Master Plan.

(e) Signs may be displayed on the day of the open house from 8:00 a.m. to 6:00 p.m. while the home is open to the public and shall be removed by 6:00 p.m. or when the open house is closed, whichever comes first.

(f) No sign shall be placed on public property including State right-of-way. A sign may be placed within City right-of-way behind the curb and sidewalk but may not be placed on a

sidewalk, in a street, on or within a median strip, traffic island or center roadway divider, or within a traffic safety site area. Signs shall not be attached to trees, utility poles or traffic control devices.

- (g) No more than two different open house signs may be placed at a single street intersection, with preference given to the first two legal signs placed at the intersection.

SECTION II:

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2007.

PROPOSED BY Supervisor _____

PASSED _____, 2007.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

MARV TEIXEIRA, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of the year 2007.

STAFF REPORT FOR PLANNING COMMISSION MEETING OF NOVEMBER 28, 2007

FILE NO: ZCA-07-171

AGENDA ITEM: H-4

STAFF AUTHOR: Lee Plemel, AICP, Principal Planner

REQUEST: An ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Exemptions, to allow off-premise "open house" signs with certain limitations.

APPLICANT: Carson City Planning Division

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZCA-07-171, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Exemptions, modifying the provisions for open house signs by adding provisions to allow off-premise open house signs with certain limitations, based upon the findings for approval contained in the staff report."

DISCUSSION:

Off-premise open house signs are currently prohibited by the Carson City Municipal Code, although they have been widely used in Carson City by the real estate industry and property owners. Enforcement of the laws relating to such signs involves city staff removing illegal signs, generally on a complaint-driven basis. This enforcement can involve significant City staff time and resources.

Enforcement actions against many open house signs in early summer 2006 led to discussions between Planning staff and the Realtors Association regarding the possibility of allowing off-premise open house signs within certain parameters. These discussions led to a trial policy agreed to by the Realtors Association and the Planning Division in which off-premise open house signs were permitted subject to the limitations outlined in the policy, which included limitations on the number, size and location of signs. This trial policy ran from June 1 through September 1, 2007, when it was agreed that Planning staff would evaluate the success of the policy to determine if an ordinance should be pursued to allow such signs.

The Planning Commission reviewed this issue at its meeting of October 24, 2007, and directed staff to return with an ordinance addressing off-premise open house signs as presented at that meeting. The attached draft ordinance has provisions for the time, place, size, location and other parameters for the placement of open house signs. Based on the previous discussion with the Planning Commission, staff has also added language to subsection (4) of Division 4.4.7 prohibiting secondary "for sale" signs in a rear yard area where a parcel's rear yard is located along a right-of-way. Current code language allows that to occur. Other clerical corrections have been made, as well, but are not substantive changes.

PUBLIC COMMENTS: Public notices were published in the newspaper for the Zoning Code Amendment in accordance with the provisions of NRS and CCMC 18.02.045. As of November 16, 2007, no public comments have been received. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

No written comments from any other city department comments were received.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Code Amendments).

FINDINGS: Staff provides the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments.

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed Zoning Code Amendment is in substantial compliance with the goals, policies and action programs of the Master Plan by promoting regulations to reduce sign clutter while permitting open signs to encourage economic growth within the city.

2. ***The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

Rationale: The proposed amendments make no changed to the code that would have an impact on permitted uses. Therefore, the proposed amendments will have no detrimental impacts to properties within Carson City.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

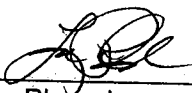
Rationale: The proposed amendments will have no impact on existing or planned public services or facilities and provide standards to ensure that open house signs do not negatively impact public facilities such as streets and sidewalks. With the proposed regulations, the open signs would not have a negative impact on the public health, safety and welfare.

Attachments:

- A) Draft ordinance

Respectfully submitted,

PLANNING DIVISION



Lee Plemel, AICP, Principal Planner

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 28, 2007

AGENDA ITEM NO.: H - 4

APPLICANT(s) NAME: Carson City
PROPERTY OWNER(s):

FILE NO. ZCA-07-171

ASSESSOR PARCEL NO(s):
ADDRESS:

APPLICANT'S REQUEST: To amend the Carson City Municipal Code, Title 18, Zoning, chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Exemptions, modifying the provisions for open house signs by adding regulations to allow off-premise "open house" signs with certain limitations.

COMMISSIONERS PRESENT: ☒ REYNOLDS ☒ VANCE ☒ BISBEE
☒ MULLET ☒ PEERY ☒ KIMBROUGH ☒ WENDELL

STAFF REPORT PRESENTED BY: LEE PLEMET

☐ REPORT ATTACHED

STAFF RECOMMENDATION: ☒ CONDITIONAL APPROVAL

☐ DENIAL

APPLICANT REPRESENTED BY: STAFF

☒ APPLICANT/AGENT
PRESENT

☒ APPLICANT/AGENT
SPOKE

☐ APPLICANT/AGENT
NOT PRESENT

☐ APPLICANT/AGENT
DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

☐ PERSONS SPOKE IN FAVOR OF THE PROPOSAL

☐ PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD: STEVEN LINCOLN, REALTOR - EXCLUDING SIGNS IN REAR YARD IS NOT FAIR. ALSO, M.5(D) DIRECTOR APPROVAL NOT NECESSARY

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND APPROVAL

- ☐ WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT
- ☐ WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED
- ☐ WITH THE FINDINGS AND CONDITIONS OF THE COMMISSION ENUMERATED ON THIS CASE RECORD

MOVED: WENDELL SECOND: BISBEE PASSED: 7 /AYE 0 /NO 0 /DQ 0 /AB

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: 12-20-07