

City of Carson City Agenda Report

Date Submitted: December 29, 2009

Agenda Date Requested: January 7, 2010

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works-Planning Division

Subject Title: Action to adopt Bill No. 131, on second reading, Ordinance No._____, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Administration, Exceptions, to modify the regulations relating to the temporary display of banners and other sign devices, and other matters properly related thereto. (ZCA-09-085) (Lee Plemel)

Summary: An ordinance was adopted in January 2009 to temporarily eliminate time limits on banners for a period of one year in order to allow commercial businesses more advertising alternatives during difficult economic conditions. The ordinance expires at the end of 2009 and a new ordinance must be adopted to continue the same temporary sign provisions or modify them.

Type of Action Requested:

☐ Resolution

☒ Ordinance-Second Reading

☐ Formal Action/Motion

☐ Other (Specify)

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

Planning Commission Action: Recommended approval on December 16, 2009 by a vote of 5 ayes, 0 nays, 1 abstention and 1 absent.

Prior Board Action:: Introduced Bill No. 131 on December 17, 2009 with a vote of 5 ayes and 0 nays.

Recommended Board Action: I move to adopt Bill No. 131, on second reading, Ordinance No._____, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Administration, Exceptions, to modify the regulations relating to the temporary display of banners and other sign devices, and other matters properly 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. See the attached staff report for more explanation.

Applicable Statute, Code, Policy, Rule or Regulation: 18.02.075 Zoning Code Amendments

Fiscal Impact: N/A

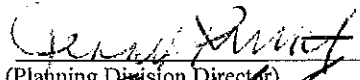
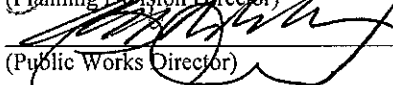
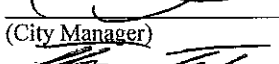
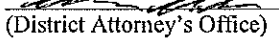
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer back to staff and Planning Commission for further review
2) Do not adopt the ordinance

Supporting Material: 1) Ordinance

Prepared By: Janice Brod, Management Assistant V

Reviewed By:  _____
(Planning Division Director)
 _____
(Public Works Director)
 _____
(City Manager)
 _____
(District Attorney's Office)

Date: 12-21-07
Date: 12-29-09
Date: 12/28/09
Date: 12-29-09

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

BILL NO. 131

ORDINANCE NO. 2010-__

AN ORDINANCE TEMPORARILY AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18 ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS DIVISION 4, SIGNS, BY AMENDING SECTION 4.4, ADMINISTRATION, 4.4.7, EXEMPTIONS, TO MODIFY THE TIME LIMITS AND PLACEMENT REGULATIONS FOR TEMPORARY ON-SITE ADVERTISING DEVICES, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DOES ORDAIN:

SECTION I:

That the Carson City Municipal Code, Title 18 Appendix, Development Standards, Division, 4 Signs, Section 4.4, Administration be modified as follows:

4.4 Administration.

4.4.1 Permit Required. It is unlawful for any person to erect, construct, enlarge, alter, or relocate within Carson City any sign or other advertising structure as defined in this Division or to install or alter any electrical wiring or fixture therein without first having obtained a permit from the Building Department of the Development Services Department.

Billboards or off-premise signs shall obtain a Special Use Permit approval and a business license for each sign.

4.4.2 Application for Permit. Application for sign permits shall be made at the Building Department on forms provided by Planning and Community Development and shall contain or have attached thereto the required information and material including:

- a. Name, address and telephone numbers of the owner of the property;
- b. Name, address and telephone numbers of the applicant (owner of sign);
- c. Name, address and telephone numbers of sign contractor if required;
- d. Location of building, structure and lot to which or upon which the sign or other advertising structure is to be attached or erected, and the lineal frontage of the building or suite which faces the street or shopping center's common parking area;
- e. Three copies of plans showing:

- (1) Position of sign or other advertising structure in relation to adjacent buildings or structures.
 - (2) The design and size, type of materials to be used, structural details and the calculations, colors proposed, and proposed location on the premises of such sign or sign structure.
 - (3) An exhibit showing or describing the size and dimensions of all existing and proposed signs on the premises at the time of making such application;
 - f. An assessment of the valuation of the proposed sign(s) material and labor (installation).
- 4.4.3 Issuance of Permits. The Building Department and Planning and Community Development shall check the application, plans and specifications for sign permits. No permit shall be issued unless the plans and specifications have been reviewed and approved by all pertinent City departments as being in conformance with pertinent laws and ordinances under their jurisdiction. If the plans and specifications conform to the requirements of this Division and other pertinent laws and ordinances, and the specified fee has been paid, then the permit shall be issued. If it is determined from the application or from the inspection of the premises that signs or other advertising structures exist in excess of allowances, no permit shall be issued for any new sign or advertising structure which would increase the gross size or dimensional area of all signs or advertising structures beyond the allowable limits of this Division.
- 4.4.4 Inspection. Every sign erected in Carson City shall be subject to inspection by the Building Department for compliance with the latest adopted edition of the Building Code as currently adopted by Carson City. Signs incorporating electrical wiring shall use products and materials that are listed as defined in Section 2.03.260. All electric signs require inspection and approval of wiring and electrical fixtures before they may be connected to the electrical power source.
- 4.4.5 Schedule of Permit Fees. Fees for sign permits shall be based upon the fee schedule established by the Administrative Code as currently adopted by Carson City with annual adjustments on July 1, based upon the cost of living index per NRS 354.59.891.
- 4.4.6 Fee For Electrical Inspection. Fees for electrical inspection shall be based upon the fee schedule established by the Administrative Code as currently adopted by Carson City with annual adjustments on July 1, based upon the cost of living index per NRS 354.59.891.
- 4.4.7 Exemptions. The following signs are exempted from all other provisions of this Division except as noted.
- a. Professional occupation signs denoting only the name, firm name and profession of an occupant in a commercial building, public institutional building or dwelling house when the area of such signs does not exceed two square feet for each professional occupant therein;

- b. Memorial signs or tablets, historical reference signs, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible material and permanently fastened to the building or structure;
- c. Identification nameplates or signs on apartment houses, rooming houses and trailer parks, public telephones and similar uses not exceeding four square feet in area;
- d. Bulletin boards not over 15 square feet in area for public charitable and religious institutions when such bulletin boards are located on the premises of said institutions;
- e. Community directory sign or community directional sign;
 - (1) Prior to the installation of any such structures, the location, size, height, width and general design shall have been approved by the Commission as being in conformance with the general purpose of this Division through Commission review procedure.
- f. Any sign denoting the name of any political campaign, charitable organization or religious institution, provided that:
 - (1) The area of such sign shall not exceed 32 square feet;
 - (2) The height of a freestanding sign shall not exceed eight feet;
 - (3) Political signs shall be removed by the candidate within 14 days after the election has been held;
- g. Off-site temporary signs and banners of a civic, charitable, educational, municipal or religious nature not to exceed a period of 30 consecutive days within any 90 day period; Planning and Community Development shall be notified by the applicant prior to installation of any such sign;
- h. Temporary promotional window signs on the interior of windows or temporarily painted on the outside of windows that provide information about a specific product, price, event, or activity;
- i. The changing of advertising copy of message on a reader board, theater marquee and/or similar sign, specifically designed for the use of replaceable copy;
- j. On-premise "open," "closed," "vacancy," or "no vacancy" signs not exceeding four square feet in area;
- k. Directional signs which do not exceed three feet in overall height and two square feet in sign area;

- I. Garage sales. Temporary signs for a noncommercial garage sale, provided that they are removed within 24 hours of the end of the sale date by the individuals conducting the sale. Such signs shall not be placed on traffic control signs or utility poles;
- m. On-premise real property signs (including future tenants, "for sale," "for rent," "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. 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. Additional off-premise signs are allowed upon prior approval of the Planning Director or his designee 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.
- n. Construction signs are permitted subject to the following conditions:
 - (1) In nonresidential zones: one sign advertising the various construction trades on any construction site. Such signs shall not exceed 100 square feet in area, shall not be installed prior to the start of construction, and shall be removed before occupancy of the site.
 - (2) In agricultural and residential zones: one sign advertising the various construction trades on any construction site. Such signs shall not exceed 32 square feet in area, shall not be installed prior to the start of construction, and shall be removed before occupancy.
- o. Replacement of sign panels which do not involve the electrical or structural modification of an existing sign structure.
- p. Pennants located on private property. The following specific standards shall apply to all pennants:
 - (1) The maximum collective length of such advertising devices across the subject parcel shall not exceed three times the width of the parcel facing a public right-of-way.
 - (2) Each individual pennant shall not exceed 18 inches in length.
 - (3) Strings of pennants shall not exceed the height of any buildings on the subject site, if no buildings are present, the maximum height shall be 20 feet. Pennants shall be maintained in good condition.
- q. Inflatable devices located on private property providing such devices are not used for a period in excess of three consecutive days within any calendar month and provided that the maximum height of such devices

shall not exceed the height of any buildings on the subject site or 20 feet, whichever is less. Inflatable devices shall be anchored securely and shall not interfere with pedestrian access, vehicular traffic movements, or traffic control devices.

- r. Balloons located on private property provided that the maximum height of such devices shall not exceed the height of any buildings on the subject site or 20 feet, whichever is less. Balloons shall be anchored securely and shall not interfere with pedestrian access, vehicular traffic movements, or traffic control devices, and shall be maintained in good condition.
- s. Banners located on private property providing such devices are not used for a period in excess of 30 consecutive days within any 90 day period. The following specific standards shall apply to all banners:
 - (1) One banner per building elevation per unit of operation or business is allowed, with a maximum of two banners per business.
 - (2) Banners for businesses with less than 10,000 square feet of gross floor area shall not exceed 50 square feet. An additional 25 square feet of banner area is permitted per 20,000 square feet of gross floor area over 10,000 square feet up to a maximum banner area of 200 square feet.
 - (3) Banners shall be securely attached to the primary structure or permitted freestanding sign. No freestanding banners are permitted.
 - (4) Any banner used for a period exceeding 30 days in any 90-day period may be allowed subject to the provisions of Section 4.5.8, Changeable Promotional Signs.
 - (5) Notwithstanding the time limitations above, a new business may utilize banners according to the standards of this section for up to 90 consecutive days upon the opening of the business. For such banners, a unit of operation or business is entitled to 100 square feet of banner area, unless additional banner area is permitted per the above provisions.
 - (6) Notwithstanding the limitations on banners above, from January 1, 2010, through January 1, 2011, the following regulations shall apply:**
 - (a) There shall be no time limits on the use of banners;**
 - (b) Banners may be securely affixed to temporary structures on-site provided that no banner shall be affixed to trees, shrubs, traffic control signs or support structures or utility poles, and provided that any**

temporary structure used to support the banner is securely affixed to the ground or other permanent structure.

(c) No banner shall be located where it obstructs the line of sight for passing motorists or vehicles at driveway exits;

(d) The use and placement of banners shall otherwise comply with this subsection.

(e) Only one freestanding temporary sign device, including but not limited to banners, changeable promotional flags and A-frame signs, may be used at any given time per business on a single street frontage. Within multiple-tenant shopping centers, no such temporary sign device may be located within 50 feet of another freestanding temporary sign device along the street frontage on the same parcel.

t. Changeable promotional flags located on private property provided such flags are not used for a period in excess of 30 consecutive days within any 90 day period. Any flag maintained in excess of 30 days may be allowed subject to the following standards:

- (1) One flag per building elevation, a maximum of two flags per site.
- (2) Flags shall not exceed a total size of 10 square feet.
- (3) Flags shall be securely attached to the primary structure. No freestanding flags are permitted.
- (4) Any flag displayed above a pedestrian area shall be maintained so that its lowest point is no less than eight feet above the pedestrian ground surface.

(5) Notwithstanding the limitations on changeable promotion flags above, from January 1, 2010, through January 1, 2011, the following regulations shall apply:

(a) There shall be no time limits on the use of changeable promotion flags;

(b) The use and placement of changeable promotion flags shall otherwise comply with this subsection;

(c) Only one freestanding temporary sign device, including but not limited to banners, changeable promotional flags and A-frame signs, may be used at any given time per business on a single street frontage. Within multiple-tenant shopping centers, no

such temporary sign device may be located within 50 feet of another freestanding temporary sign device along the street frontage on the same parcel.

- u. Signs within NDOT right-of-way in compliance with state sign regulations.
- v. Official flags flown in accordance with protocol established by the United States Congress; and corporate flags that may contain a business logo when flown on a flagpole with an official flag, provided that the corporate flag does not exceed 48 square feet or the size of the official flag, whichever is less.

w. Notwithstanding other provisions of this Division, from January 1, 2010, through January 1, 2011, "A-frame" signs are permitted subject to the following regulations:

- (1) One A-frame sign is permitted per business per street frontage;
- (2) A-frame signs may only be placed on-site and may not be placed within the right-of-way or on the public sidewalk;
- (3) A-frame signs shall not exceed 32 inches in width and 36 inches in height;
- (4) A-frame signs must be constructed of durable, weatherproof materials, maintained in good repair and neatly painted. No attachments to the A-frame sign are permitted;
- (5) A-frame signs shall not be displayed during non-business hours;
- (6) No A-frame sign shall be located where it obstructs the line of sight for passing motorists or vehicles at driveway exits;
- (7) A-frame signs shall be securely affixed to the ground to prevent the sign from blowing into traffic lanes, driveways, sidewalks, etc;
- (8) Only one freestanding temporary sign device, including but not limited to banners, changeable promotional flags and A-frame signs, may be used at any given time per business on a single street frontage. Within multiple-tenant shopping centers, no such temporary sign device may be located within 50 feet of another freestanding temporary sign device along the street frontage on the same parcel.

4.4.8 Duty to Enforce. It is the duty of the Building Department and Planning and Community Development to enforce all of the provisions of this Division.

- 4.4.9 Interference With Enforcement. It is unlawful to interfere with the building inspector or compliance officer in the performance of their duties and enforcement of this Division.
- 4.4.10 Compliance With Ordinance–Nuisance–Abatement. The Board hereby determines that the public peace, safety, morals, health and welfare require that all signs and advertising structures heretofore constructed or erected are hereby made subject to the provisions of this Division, and shall conform to this Division. Any new sign not in compliance shall be deemed a public nuisance and must be removed and abated in the manner provided by the law.
- 4.4.11 Illegal Signs. Any sign erected in violation of laws in effect at time of erection is an illegal sign and shall be removed immediately by the responsible persons upon notification.
- 4.4.12 Exception–Official Signs, Safety Signs, “OSHA” Requirements. Nothing contained in this Division shall prevent the erection, construction and maintenance of official traffic safety, fire and police signs, signals, devices and markings of the Nevada Department of Transportation (NDOT), the Board or other competent public authorities, nor the posting of notices required by law. Similarly, on-premise regulation signs and signs necessary for the safety of those members of the public using said premises, whether said signs are officially or privately erected, are not subject to the provisions of this Division.
- 4.4.13 Non-Conforming Signs. All non-conforming signs will be removed from the premises or brought into conformance with the requirements of this Division upon the expansion of an existing building which exceeds 20% of the gross floor area of the existing building or 1,000 square feet, whichever is greater, or upon replacement, damage or destruction of the sign structure that exceed 50% of the total sign valuation (replacement cost), or upon a change in the design of the sign display area, including a change in size, shape or proportions, unless the non-conforming sign is approved by special use permit.
- 4.4.14 Appeal to Commission.
- a. Appeals. Any person aggrieved by the denial of:
 - (1) Issuance of a building permit, or
 - (2) Any other decision of an administrative officer under the authority of this Division, or any officer or agency of Carson City, may appeal from such denial, issuance or decision to the Commission.
 - b. Filing. An appeal may be made within 10 calendar days after the denial or issuance of the permit or the rendering of the decision by filing a written statement of the reasons why the denial, issuance or decision is erroneous.
 - c. Hearing. The Commission shall hear the appeal and render a decision within 60 calendar days after the filing of the statement of reasons. The Commission shall give 10 calendar days written notice of the date, time

and place of the hearing to the applicant and parties involved in the application. The Commission may uphold or modify the administrative officer's decision.

- d. Appeals of the Commission's decision shall be made to the Board within 10 calendar days after the decision.
- e. Anyone desiring to appeal to a court of law after the final decision of the Board shall do so in the manner provided by and in accordance with state law.

4.4.15 Penalty For Violations.

- a. Any person, firm or corporation, whether as principal, agent, employee, or other-wise, violating any provision of this Division or violating or failing to comply with any order or regulation made hereunder is guilty of a misdemeanor, and upon conviction thereof shall be punished by the penalty prescribed in Section 1.08.010 of the Carson City Municipal Code.
- b. Such person, firm or corporation may be deemed guilty of a separate offense for each and every day during which such violation of this Division or failure to comply with any order or regulation is committed, continued or otherwise maintained.

4.4.16 Maintenance. All signs shall be maintained by the responsible party in good order and repair at all times and shall be kept free of peeling paint, faded materials, major cracks, tear and/or dangling materials. All canister type signs missing a sign panel insert shall be placed with a blank insert within 30 days of notification.

4.4.17 Construction and Safety.

- a. All signs requiring a permit in Carson City shall be regulated by the Sign Code as currently adopted by Carson City and any other applicable building, electrical and fire prevention codes as adopted by the Board and administered by the Building Department.
- b. If a permit is not required, signs shall be safely erected and maintained as specified by the Sign Code as currently adopted by Carson City and any other applicable building, electrical and fire prevention codes as adopted by the Board and administered by the Building Department.

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SECTION II:

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

PROPOSED on _____, 2010.

PROPOSED BY Supervisor _____

PASSED _____, 2010.

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2010.