

**City of Carson City
Agenda Report**

Date Submitted: November 21, 2011

Agenda Date Requested: December 1, 2011

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: For Possible Action: To adopt Bill No. 120, on second reading, Ordinance No. 2011-___, an ordinance amending Carson City Municipal Code Title 18 Appendix – Development Standards, Division 4, Signs, Section 4.8, Requirements for Billboards and Off-Premises Signs, by adding a new Subsection 4.8.7, Off-Premises Signs on City Bus Shelters, to allow advertising on passenger bus shelters subject to specific criteria. (ZCA-11-051) (Lee Plemel)

Summary: The proposed amendment will provide for advertising displays that are approximately four feet in width and six feet in height, and attached to existing or future transit shelters that are already positioned in the public right-of-way as an amenity to transit customers. This amendment will allow Carson City RTC the ability to sell advertising on passenger shelters for the purposes of generating income that will partially off-set the operating subsidy being contributed by Carson City to support the Jump Around Carson transit system. Currently signage on any structure within the public right-of-way is prohibited.

Type of Action Requested:

- ☐ Resolution
☐ Formal Action/Motion

- ☒ Ordinance-Second Reading
☐ Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Prior Board Action: Approved the ordinance on first reading on November 17, 2011, by a vote of 5 ayes and 0 nays.

Recommended Board Action: I move to adopt Bill No. 120, on second reading, Ordinance No. 2011-___, an ordinance amending Carson City Municipal Code Title 18 Appendix – Development Standards, Division 4, Signs, Section 4.8, Requirements for Billboards and Off-Premises Signs, by adding a new Subsection 4.8.7, Off-Premises Signs on City Bus Shelters, to allow advertising on passenger bus shelters subject to specific criteria.

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 to the Planning Commission 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

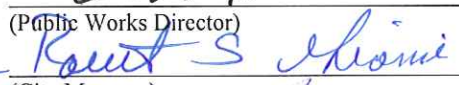
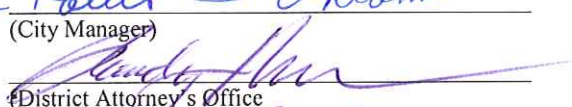
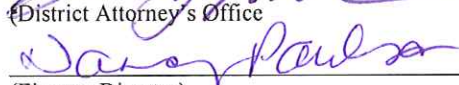
Funding Source: N/A

Alternatives: 1) Refer back to staff and Planning Commission for further review.
2) Do not introduce the ordinance (leave the code requirements the same as they are now).

Supporting Material: 1) Ordinance

Prepared By: Janice Brod, Grants Program Coordinator

Reviewed By: 
(Planning Division Director)

(Public Works Director)

Act (City Manager)

(District Attorney's Office)

(Finance Director)

Date: 11-21-11

Date: 11-21-11

Date: 11-21-11

Date: 11/21/11

Date: 11/21/11

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

BILL NO. 120

ORDINANCE NO. 2011-____

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18 APPENDIX – DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.8 REQUIREMENTS FOR BILLBOARDS AND OFF-PREMISES SIGNS, BY ADDING A NEW SUBSECTION 4.8.7, OFF-PREMISES SIGNS ON CITY BUS SHELTERS, TO ALLOW ADVERTISING ON PASSENGER BUS SHELTERS SUBJECT TO SPECIFIC CRITERIA; AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: None

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

That the Carson City Municipal Code Section 4.8 of Chapter 18 Appendix of the Carson City Municipal Code is hereby amended as follows:

4.8 Requirements for Billboards and Off-Premises Signs.

4.8.1 Name.

This chapter shall be called the off-premises sign regulations.

4.8.2 Findings.

a. Comprehensive Regulation of Off-Premises Advertising. The Board finds and declares that the purpose of developing requirements for billboards and off-premises signs is to establish a comprehensive system for the regulation of the time, manner and place of the commercial use of billboards and off-premises signs and the gradual elimination of nonconforming off-premises signs through attrition and natural deterioration. Illegal billboards and off-premises signs are public nuisances, and unless the status is changed under this chapter to nonconformance, shall be removed and abated in the manner provided by law. It is intended that these regulations:

(1) Impose reasonable standards on the number (density), size, height and location of billboards and off-premises signs and facilitate removing or bringing into conformance existing illegal and nonconforming billboards and off-premises signs in order to:

(a) Prevent and relieve distraction and clutter resulting from excessive and confusing billboard displays,

(b) Safeguard and enhance property values,

(c) Achieve the objectives of the Carson City Master Plan, and

(d) Promote the public safety and general welfare;

- (2) Provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of Carson City which is instrumental in attracting those who come to live, visit, vacation and trade;
 - (3) Eliminate hazards to pedestrian and motorists brought about by distracting and/or unsafe billboards and off-premises signs;
 - (4) Improve, enhance and preserve the appearance and other aesthetic [qualitites] qualities of Carson City.
- b. Findings and Purpose Supplementary to Other Chapters. These findings are supplementary to other statements of findings and purpose contained in this Division.
- c. Commercial Use Defined. Commercial use of billboards and signs, as used in this chapter, means and includes, without limitation, the use of signs having some or all of the characteristics and purposes listed in this section. These characteristics and purposes tend to describe the business practices and other arrangements of the persons who are engaged in the business of off-premises advertising, or of persons who use off-premises advertising in connection with their business and nonbusiness advertising, and therefore tends to describe the types of signs intended to be regulated by this chapter.
- (1) Signs on which advertising space is sold, leased, given to or otherwise made available by the sign owner to other members of the public at large for the purpose of displaying the other person's message. The sign owner may or may not, but typically does, receive revenue or other value or benefits for allowing other persons to use the advertising space. The sign owner may or may not, but [typical] typically does not, own the land occupied by the sign;
 - (2) Signs which do not advertise the interests of the person who owns or occupies the land on which the sign is located, but which do advertise the interests of persons elsewhere. The sign message is determined by the sign owner or his lessee without regard for, and sometimes adverse to, the interests of the owners of the sign site;
 - (3) Signs owned and controlled by a person other than the person who owns or controls the land on which the sign is located;
 - (4) Signs which advertise interests or uses not present at the location of the sign;
- d. No Preferences Allowed to Particular Types of Messages.
- (1) Commercial use under this chapter is not determined by making reference to the content of the sign message to determine whether the sign advertises a commercial message or a noncommercial message. Noncommercial messages are those usually considered to be, for example, ideological, religious or political in nature. A noncommercial message does not cause a billboard or off-premises sign to no longer be a "commercial use" under this chapter. Commercial use is determined by making reference to the overall practices and arrangements of the sign owners and sign site owners in making the sign available to others.

- (2) Nothing in this chapter may be construed to allow a commercial message any preference or greater protection over a noncommercial message, or to allow one noncommercial message any preference or greater protection over another noncommercial message. Any reference to the message content of a billboard or off-premises sign, to the limited extent such reference is necessary, is made for the sole purpose of classifying and segregating the two basic types of signs regulated in this Division:
 - (a) Signs subject to the requirements of Division 4.8 and which are known variously as off-premises, off-site, nonappurtenant, nonaccessory, "outdoor advertising" or "billboards";
 - (b) Signs subject to the other sections of Division 4 and which are known variously as on-premises, on-site, appurtenant, accessory and "business" signs.

4.8.3 New Billboards and Off-Premises Signs-Allowed Subject to Requirements.

- a. Special Use Permit-Compliance with Other Restrictions.
 - (1) A billboard or off-premises sign not in existence as of the effective date of the ordinance codified in this chapter may only be erected subject to the Special Use Permit process set forth in CCMC Title 18, the requirements set forth in this Division, CCMC Chapter 4.04 (Business Licenses), and all other applicable requirements of local, state and federal laws.
 - (2) A Special Use Permit issued for a sign expires automatically five years from the date of issuance.
- b. Permitted Streets.
 - (1) A sign may only be erected adjacent to the following existing streets:
 - (a) North and South Carson Street, between Douglas and Washoe Counties;
 - (b) US Highway 50, between Lyon County and ~~[the intersection of US Highway 50 and 395 (mile marker US 50 CC 7.00)]~~ **North Carson Street.**
 - (c) The south side of US Highway 50 West from the Douglas County line to 660 feet (one-eighth mile) east of that point within Section 31 of Township 15N., Range 20E.
 - (2) New streets or portions of streets not yet constructed but which will have the same designations and descriptions as described in subdivisions (1) (a), (b) and (c) of this subsection are not permitted streets adjacent to which such signs may be erected.
- c. Height.

- (1) Sign height may not exceed 28 feet from street elevation for new signs and from existing grade for existing signs. The street elevation to be used for measuring height is the permitted streets described in subsection 'b' of this section.
 - (2) Existing signs having a height less than 28 feet may be increased to that height only if the sign conforms to all requirements of this chapter including, without limitation, the issuance of a Special Use Permit for the added height.
 - (3) Appendages, cut-outs or other such components shall be allowed only where such appendage, cut-out or other such component:
 - (a) Does not extend more than two feet above the maximum height limitations set forth in this section; and
 - (b) The added sign area is not greater than 10 percent of the area of the maximum display surface set forth in Section 4.8.3(g).
- d. Number of Sign Faces on Each Structure--Position of Multiple Sign Faces.
- (1) The supporting structure of a sign may not contain more than one sign on each side of the structure, and each face must be parallel to the other face.
 - (2) Existing single-faced signs may have a second face added to the opposite side of the sign only if the sign conforms to all requirements of this chapter, including without limitation, the issuance of a Special Use Permit for the added sign face and the additional business license pursuant to Chapter 4.04 of the Carson City Municipal Code.
- e. Zoning of the Sign Site. The location of a sign must be zoned:
- (1) General Commercial; or
 - (2) General Industrial.
- f. Spacing Distance from Other Off-Premises Signs. A sign may not be closer than 1,000 feet in any direction to another billboard or off-premises sign. The spacing distance shall be measured by circumscribing the area around the sign by a full circle having the sign at the center of the circle and having a radius equal to the spacing distance.
- g. Area of Sign.
- (1) The area of a sign may not exceed 400 square feet.
 - (2) Existing signs having an area less than 400 square feet may be increased to that area only if the sign conforms to all requirements of this chapter including without limitation, the issuance of a Special Use Permit for the added sign area.
 - (3) Where an advertising display consists of individual letters, symbols, appendages, cut outs or other such components, or where such components are without an integrated background definition or are

not within a single circumscribed frame area, it shall be deemed circumscribed by a line frame and shall not exceed the square foot limitation imposed by this chapter or by a Special Use Permit issued pursuant to this chapter.

- h. Setback from Certain Uses and Zoning. A sign may not be closer than 300 feet to property zoned Agricultural, Conservation Reserve, or Residential (single-family or multifamily).
- i. Setback from Redevelopment Area. A sign may not be located within 1,000 feet of the Carson City redevelopment project area as presently defined in this code.
- j. Prohibited Supporting Structures. A sign may not be attached to a roof or wall or other surface of a building. A sign must be a freestanding sign.
- k. Prohibited Characteristics and Materials.
 - (1) No three-dimensional objects and no movable reflective materials may be used on a sign.
 - (2) A sign may be illuminated if:
 - (a) No direct rays of light project into residences or streets;
 - (b) The source of light is external from and not attached to or part of the display surface.
 - (3) Flashing, animated or intermittent illumination is not allowed on a sign.
 - (4) Moving or rotating parts or beams of light are not allowed on a sign.
 - (5) Lights which simulate or create the effect of motion or which change numbers-of- or letters are not allowed on a sign.

4.8.4 Existing Signs--Allowed to Continue in Existence Subject to Requirements.

- a. Special Use Permits for the continuance of a nonconforming sign are subject to denial or approval in accordance with the requirements for new signs as set forth in Section 4.8.3.
- b. A Special Use Permit for continuance of a nonconforming sign may not be denied on account of a sign failing to comply with the following requirements:
 - (1) The spacing distance specified in Section 4.8.3.(f)
 - (2) The setback distance from certain zoning areas and uses specified in Sections 4.8.3(h) and (i).
 - (3) The zoning requirement in Section 4.8.3(e).
- c. Any order to remove a sign adjacent to a primary or interstate highway is not effective unless the order has been submitted to the Nevada Department of Transportation (NDOT) for review and the Department has determined that

the removal will not subject the State to highway funding penalty provided for in Title 23, United States Code, Section 131.

4.8.5 Maintenance and Repair of Signs.

a. Reestablishment or Repair of Nonconforming Sign after Major Damage. A sign which does not conform to the requirements of this chapter for new signs may be continued in existence, repaired and maintained subject to the following limitations:

(1) A sign damaged by storm, fire, wind, lightning, earthquake or other natural causes, or negligence of a person to an extent greater than 50% of its depreciated replacement cost shall not be repaired or reestablished.

(a) The extent of damage is determined by the cost to repair, rebuild and reestablish the damaged physical components of the sign in conformance with the Building Code as currently adopted by Carson City, so as to make the sign able to display the same sign face as existed before the damage.

(b) The depreciated replacement cost is determined by the cost (to the same person who would perform the repair and rebuilding using the same materials, labor and equipment as would be used in the repair and rebuilding of the damaged sign) to build and replace the sign new, less depreciation.

(c) The costs are limited to the costs of the physical components of the sign and the cost of labor and equipment in performing work on those components.

(d) In comparing the costs of damage (subsection (a) (1) (a) of this section) to the depreciated replacement cost (subsection (a) (1) (b) of this section) like materials, like equipment and like labor shall be compared in order to make a valid and consistent comparison. New materials may not be compared to used materials; free or low-cost materials may not be compared to full-price materials, personal labor may not be compared to hired labor; sign owner-supplied labor or equipment may not be compared to contractor-supplied labor or equipment; inconsistent cost comparisons of any kind are not allowed in making the determinations required by this section.

(e) If the building official determines that the professional services of an engineer, appraiser, cost estimator, contractor or other appropriate person are necessary to determine the extent of damage and the depreciated replacement cost, he shall notify the owner of the sign who, as a condition of applying for a building permit to perform work on the damaged sign, shall acknowledge the owner's responsibility to pay reasonable fees incurred as a result thereof. No permit of the repair, rebuilding or reestablishment of the sign may be issued until the fees have been paid by the owner.

- b. Building Permit Exemptions for Nonstructural Work. Building permits are not required for:
 - (1) Painting or changing of copy on the display surface.
 - (2) Maintenance and repair work involving superficial, essentially nonstructural work such as painting, applying liquid preservatives, replacing light bulbs, tightening and adding fasteners, replacing walking deck, skirting, display panels, border trim on poster panels and similar work that does not involve additions, deletions, reinforcement, replacement, substitution or other changes of structural components that support the display surface of a sign, or which involve a change in materials, design or configuration of the original structural design.
 - (3) Appendages or cut-outs if:
 - (a) The added sign area of the addition is not greater than 10% of the area of the maximum display surface set forth in Section 4.8.3(g); and
 - (b) The addition does not extend more than two feet in height above the maximum height limitation set forth in Section 4.8.3(c).
- c. Building Permits Required for Structural Work. Building permits are required for any work involving additions, deletions, reinforcement, replacement, substitution or other changes of structural components that support the display surface of a sign, or any work involving a change in materials, or configuration of the original structural design.

4.8.6

Applicability of Other Laws--Severability.

- a. If other chapters of the Development Standards, Title 18, or state or federal laws impose more restrictive requirements on the construction of new signs or on the continuance of existing signs, the more restrictive law shall apply except:
 - (1) Removal of a nonconforming sign is not required if the only nonconformities are the excepted requirements of Section 4.8.3(e); and
 - (2) A more restrictive requirement shall not apply if the requirement violates the prohibitions against giving preferences or greater protection for particular messages, as described in Section 4.8.2, so as to avoid violation of the First Amendment of the Constitution of the United States.
- b. In the event the administrative and other chapters of Title 18 or the Development Standards are invalidated, the procedures and requirements provided for performing work on buildings and structures generally as provided for in other titles, chapters or divisions of this code shall apply to work performed on a sign.
- c. If any provision of this Division is declared by a court of competent jurisdiction to be illegal or unconstitutional, it shall in no way affect the

remainder of this chapter or any section thereof, it being intended that the remainder shall remain in full force and effect.

4.8.7

Off-Premises Signs located on City Bus Shelters

- a. Notwithstanding the prohibitions included in Section 4.5, Restricted and/or Prohibited Signs, Subsection 4.5.1, Signs on Trees, Shrubs, Traffic Control Signs, or Utility Poles, which prohibits signs on any structure within the right of way, this section authorizes the placement of off-premises advertising signs on authorized Carson City bus shelters located within the right-of-way and on private property.
- b. Off-premise advertising signs on bus shelters shall only be allowed in non-residential zoning districts.
- c. Off-Premise advertising signs shall be prohibited on transit bus shelters in the following areas:
 - (1) Historic District;
 - (2) Residential and Residential Office zoning districts;
 - (3) Within 100 feet of any residentially zoned property.
- d. Sign Permits may be required for off-premise advertising signs on transit bus shelters.
- e. Off-Premise transit bus shelter advertising signs shall be subject to the Carson City Regional Transportation Commission (RTC) Advertising Policy.
- f. Requirements for Carson City bus shelter signs:
 - (1) The maximum size for an advertising sign is four feet by six feet (24 square feet).
 - (2) Internal sign illumination is prohibited; any external lighting shall be shielded and must be downward.
 - (3) No signs resembling any traffic control device, official traffic control sign, or emergency vehicle marking shall be permitted.
 - (4) No banners or flying paraphernalia signs shall be permitted.
 - (5) No signs that produce sound, noise, smoke or vapor shall be permitted.
 - (6) Electronic reader board signs are prohibited, excluding signs that provide information on bus schedules and fares.
 - (7) Roof mounted signs are prohibited.
 - (8) Sign placement is limited to one side of the bus shelter only.
 - (9) Graffiti abatement shall be the responsibility of the RTC.

(10) Advertising may be permitted on transit bus shelters authorized to be in the public right-of-way as long as the sign does not create a physical or visual hazard to motorists.

SECTION II:

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

PROPOSED on _____, 2011.

PROPOSED BY Supervisor _____

PASSED _____, 2011.

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder