



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** September 6, 2018

**Staff Contact:** Lee Plemel, Community Development Director

**Agenda Title:** For Possible Action: To adopt Bill No. 112 on second reading, Ordinance No. 2018-\_\_, an ordinance amending Title 18 Appendix (Development Standards), Division 4 (Signs), Sections 4.3 (Definitions) and 4.4 (Administration) of the Carson City Municipal Code to amend regulations related to temporary banners, flags, A-frame signs and other temporary sign devices, and to modify the definition of “frontage of building” to make the method of measurement of allowable sign area consistent between shopping centers and other commercial uses. (Lee Plemel, lplemel@carson.org)

**Staff Summary:** Currently, banners and freestanding flags are permitted for up to 30 days in any 90-day period, and A-frame signs are prohibited except within the downtown area. The proposed changes include allowing flags, without time limitation, only attached to buildings, allowing A-frame signs adjacent to all businesses, and removing time limitations for banners. Also, the definition of “frontage of building” is being modified to create consistency in the way permitted sign area is measured for commercial uses.

**Agenda Action:** Ordinance - Second Reading

**Time Requested:** 5 minutes

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## **Proposed Motion**

I move to adopt, on second reading, Ordinance No. 2018-\_\_, an ordinance amending Title 18 Appendix of the Carson City Municipal Code to amend regulations related to temporary banners, flags, A-frame signs and other temporary sign devices, as discussed and as published on the agenda.

## **Board's Strategic Goal**

Economic Development

## **Previous Action**

June 27, 2018: The Planning Commission recommended approval of the proposed ordinance by a vote of 5-0 (2 absent).

August 2, 2018: The Board of Supervisors introduced the ordinance.

August 16, 2018: The Board of Supervisors considered the ordinance, on second reading, and proposed a minor modification to the provisions for banners to ensure that banners are not used in lieu of permanent wall signage. This change has been incorporated into the proposed ordinance.

## **Background/Issues & Analysis**

The Board of Supervisors discussed various issues pertaining to temporary commercial signs at its meeting on May 17, 2018, and gave general direction to staff to draft an ordinance for the Planning Commission's and Board's consideration. A key issue that the Planning Commission considered is the use of “feather flags” along the commercial corridors. The Planning Commission also consider regulations pertaining to banners, A-frame signs, and inflatable devices.

Following is a table summarizing the current code regulations regarding these types of temporary sign devices, the regulations as recommended by the Planning Commission, and the proposed ordinance that includes the Board of Supervisors' recommended modifications.

| <b>Under Current Regulations:</b>  | <b>Planning Commission recommendation:</b>                                       | <b>Proposed Ordinance per Board of Supervisors' modifications:</b>  |
|--|--|---|
| One <b>flag</b> per frontage attached to the building, no time limit.<br>One <b>freestanding flag</b> per frontage for up to 30 consecutive days in any 90-day period. | No change.<br><br>Freestanding flags ONLY permitted with Special Event permit.   | One flag or banner per business, attached to the building, no time limit.<br><br>Freestanding flags prohibited except with a special event. |
| <b>A-frame signs</b> prohibited except in DTMU (Downtown Mixed-Use) zoning district.   | One A-frame sign per frontage permitted within 20 feet of the business entrance. | One A-frame sign per business located within 20 feet of the business entrance.  |
| One <b>banner</b> per frontage, with size limitations, attached to the building, for up to 30 consecutive days in any 90-day period.                                   | No change.   | One banner or flag per business, with size limitations, no time limits; may not be used in lieu of permanent signage.                       |
| One <b>inflatable device</b> , with height limitations, for up to three consecutive days within any 30-day period.   | No change.   | Inflatable devices prohibited except with special event.  |

Following is a more detailed description of the current and proposed regulations for each of these temporary sign types.

**Banners** (see ordinance, Development Standards 4.4.7[s])

A “banner” is a temporary flexible sign device. Banners are permitted to be used for up to 30 consecutive days within any 90-day period. Banners must be attached to the primary structure.

Issues: Consistent enforcement should be maintained.

Board of Supervisors' recommendation: Eliminate time limits for banners to help with equity in the use of banners and efficiency in the enforcement of banner regulations, and reduce the total number of permitted banners from two to one; allow only one banner or flag at any given time. Include provisions to ensure that banners are not used in lieu of permanent wall signage.

Rationale: Removing time limits for banners will help with consistent and efficient code enforcement of the regulations due to the difficulties in code enforcement staff determining the exact day on which a banner is placed. The proposed ordinance would also limit the use of freestanding flags, so the additional time available for the use of banners allows businesses to advertise promotions, specials, etc.

**Changeable Promotional Flags & Feather Flags** (Development Standards 4.4.7[t])

Changeable promotional flags, which include “feather flags,” are currently permitted to be placed anywhere on-site for a period of up to 30 days in any 90-day period. If used for longer than 30 days, flags must be attached to the primary structure and are limited to 10 square feet in size.

Issues: Appearance and distraction of flags along the public rights-of-way.

Board of Supervisors' recommendation: Prohibit freestanding flags, except with a special event, and only allow one flag or banner attached to the building at any given time.

Rationale: Freestanding flags are unattractive and ineffective along the commercial corridors. The proposed regulations make enforcement easy, i.e. any freestanding flag would be prohibited unless a Special Event permit has been issued.

#### **A-Frame Portable Signs (Development Standards 4.4.7[x], added)**

Current sign regulations prohibit the use of A-frame signs (defined as "portable signs") except within the Downtown Mixed-Use zoning district. The intent in the downtown area is for the signs to be more pedestrian-oriented rather than attracting (or distracting) the attention of motorists.

Issues: Many businesses in commercial centers and shopping centers would like to use A-frame signs in a similar manner as downtown properties, with the signs near the business entrances to attract customers in the parking lot or once customers are out of their vehicles and walking around. There is a perceived unfairness in allowing A-frame signs downtown and not on other commercial properties.

Board of Supervisors' recommendation: Allow A-frame signs with the same general standards as downtown, limiting the location of the signs to within 20 feet from the primary business entrance to prevent A-frame signs along the commercial corridor streets.

Rationale: The primary reason for prohibiting A-frame signs other than in the DTMU zoning district is to eliminate such signs along the vehicle-oriented portions of the corridor, where they are visually unattractive, ineffective (not legible) and a potential distraction. By allowing all commercial businesses to use A-frame signs with the proposed limitations, including limiting them to be located next to the building, this goal will continue to be achieved while providing for consistent regulations among all commercial uses citywide. The proposed regulations are also clear and relatively easy to enforce.

#### **Inflatable Devices (Development Standards 4.4.7[q])**

An "inflatable device" is defined in CCMC as "an inflated object filled, whether mechanically or otherwise, with air or other gas for the purpose of attracting attention, excluding "balloons" as defined in [the sign ordinance]." They include "dancing balloon men," large inflatable animals, and other large inflatables used to attract attention to a business.

Current code allows inflatable devices to be used for up to three consecutive days within any calendar month (12 days within a calendar month for new car dealerships). Such devices are not allowed to exceed the height of the primary structure.

Issues: In some cases, inflatable devices are being used as permanent advertisement devices. Consistent enforcement should be maintained.

Board of Supervisors' recommendation: Prohibit inflatable devices except with a special event.

Rationale: The lack of consistent enforcement has led to the appearance that inflatable devices are becoming a problem along the City's commercial corridors. Similar to the proposed flag regulations, inflatable devices should only be used for special events.

#### **Other code clean up and clarifications:**

The ordinance also includes some "clean up" language throughout the applicable section of the sign code for consistent terminology and clerical corrections. In addition to the substantive changes noted above, the changes also include a modification to the definition of "frontage of building" to make the definition consistent between shopping centers and other commercial properties. The term is used elsewhere in the Sign Ordinance to

determine the amount of permitted sign area for a property or an individual business, and the proposed change would make that measurement the same for every business whether located within a shopping center or a stand-alone commercial property. No issues were identified by the Planning Commission in regard to this proposed change.

**FINDINGS:**

For approval of a Zoning Code Amendment, the Board of Supervisors must make the findings of fact found in CCMC 18.02.075(5). The following findings were recommended by the Planning Commission:

1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.

*Staff response: The proposed project is consistent with the following goal of the Master Plan:*

*Guiding Principle 5: A Strong Diversified Economic Base – The City will seek to maintain and enhance its enviable base of primary jobs and to provide a broader range of retail services that serve both residents of Carson City and those in surrounding counties.*

*Goal 6.1 – Promote high quality development.*

*The use of temporary commercial signs helps promote retail businesses, while regulation of such signs promotes a positive design and appearance of the commercial corridors.*

2. That 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.

*Staff response: The proposed temporary sign standards will be equally applied among commercial properties, consistent with the adjacent land uses.*

3. That 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.

*Staff response: The proposed modification of regulations pertaining to temporary signs has no impact on public services or public health, safety and welfare.*

Contact Lee Plemel at 283-7075 or lplemel@carson.org if you have questions regarding this item.

**Applicable Statute, Code, Policy, Rule or Regulation**

CCMC 18.02.075 (Zoning Text Amendments), NRS Chapter 244 and 278 and Article 2 of the Carson City Charter

**Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number: N/A

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact: Zoning regulations under NRS 278 are exempt from business impact statement requirements.

**Alternatives**

The Board of Supervisors may consider alternative regulations to the various aspects of temporary sign regulations as discussed above in this staff report.

**Attachments**

Proposed Ordinance

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Summary: An ordinance related to regulations for temporary signs.

BILL NO. 112

ORDINANCE No. 2018 - \_\_

AN ORDINANCE RELATING TO TEMPORARY SIGNS; AMENDING TITLE 18 APPENDIX (DEVELOPMENT STANDARDS), DIVISION 4 (SIGNS), SECTIONS 4.3 (DEFINITIONS) AND 4.4 (ADMINISTRATION) OF THE CARSON CITY MUNICIPAL CODE TO AMEND REGULATIONS RELATED TO TEMPORARY BANNERS, FLAGS, A-FRAME SIGNS AND OTHER TEMPORARY SIGN DEVICES, AND TO MODIFY THE DEFINITION OF "FRONTAGE OF BUILDING" TO MAKE THE METHOD OF MEASUREMENT OF ALLOWABLE SIGN AREA CONSISTENT BETWEEN SHOPPING CENTERS AND OTHER COMMERCIAL USES; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 4 (Signs), Section 4.3 (Definitions), is hereby amended as (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

4.3 Definitions.

Definitions of terms not listed below may be found in the Sign Code as currently adopted by Carson City and/or Section 18.03 (Definitions) of Title 18 of the Carson City Municipal Code (CCMC) as adopted. Where differences exist between definition of terms in this division and those of the Sign Code as currently adopted by Carson City and/or Section 18.03 (Definitions) of Title 18 of the CCMC, the more restrictive definition will be applied. Unless a different meaning is clearly indicated, the terms listed in this division will have the following meanings when used in this title.

"Administrative Code" is the latest edition as currently adopted by and in effect in Carson City.

"Area identification sign" means a permanent sign used to identify a neighborhood, subdivision, shopping district or industrial district.

"Area of sign" is any portion of a sign display surface area on which the sign copy appears.

"Balloon" is an inflatable device that is less than 18 inches in height and width.

"Banner" means a temporary flexible sign or similar device.

"Billboards" mean outdoor advertising signs containing a message, commercial or otherwise, which is unrelated to the merchandise for sale or services performed by the person or business on whose property the sign is located, posted for a fee by the owner of the sign framework.

"Building Code" is the latest edition as currently adopted by and in effect in Carson City.

"Building facade" means face of a building to the lower edge of the roof.

"Building inspector" is the Carson City Building Official or their duly authorized designee.

"Changeable promotional flag" is a flag that may or may not contain a commercial message, excluding official flags.

"Changeable promotional sign" is a sign consisting of a permanent exterior framework structure surrounding a temporary changeable copy sign intended for the advertisement of special events, promotions and sales.

"Compliance officer" is the Carson City [~~planning and~~] community development director (director) or designee.

"Community directional sign" is any permanent sign erected and maintained by the city, county, state or federal government within the public right-of-way for traffic direction to any school, hospital, historical site, or church, or to any public service, property or facility.

"Community directory sign" is a permanent sign located within the public right-of-way along the major arterial entrances to the city that give information about local religious institutions and civic organizations.

"Corporate flag" is a flag that contains the corporate logo of the business located on the parcel on which the flag is flown.

"Directional sign" is an on-premise sign giving directions, instructions or facility information, including but not limited to parking, exit and entrance signs. A directional sign may contain a logo, but no advertising copy, provided that the logo may not comprise more than 20% of the total sign area.

"Display surface" means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

"Dissolve" is a mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

"Double-faced sign" is any sign designed to be viewed from [2] **two** directions and on which [2] **two** faces of the sign are either parallel or the angle between them is 30 degrees or less.

"Downtown business directional sign" is any sign erected in the right-of-way within the downtown area that may contain advertisement for businesses located within the downtown area and is intended to assist pedestrians in locating downtown businesses.

"Electronic message display" is any sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

"Erect" means to build, construct, attach, hang, place, suspend or affix and also includes the painting of wall signs.

"Fade" is a mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**"Feather flag" means a vertically oriented banner of flexible material attached to a single pole allowing the fabric to hang loose at one or two sides of the banner.**

"Flag, official" includes the flags of the United States of America, the state of Nevada, the consolidated municipality of Carson City, flags of the U.S. military including P.O.W./M.I.A. flags, and any flag approved by the board or any foreign nation having diplomatic relations with the United States which are flown in accordance with protocol established by the Congress of the United States.

"Flashing sign" is an illuminated sign in which the artificial light is not maintained in a stationary or constant intensity.

"Frame" is a complete, static display screen on an electronic message display.

"Freestanding sign" means a sign which is permanently supported by any structure which is not an integral part of any building located upon the premises. This definition does not include portable signs.

"Freeway intersection" is a point at the intersection of the centerlines of the freeway and a street at which there is a freeway off-ramp.



"Freeway-oriented sign" is any freestanding on-premise sign that exceeds the maximum permitted sign height or sign area for a commercial use or shopping center and is designed to be visible from at least one direction of the Carson City Freeway.

"Frontage of building" means the lineal length of any portion of a building facing any adjacent public street or [~~shopping center's common~~] parking area. **Where the allowable sign area is a function of building or business frontage, no more than two frontages may be counted in calculating the allowable area for any building occupant.**

"Hanging sign" is a sign attached to and located below any eave, roof, canopy or awning.

"Height, sign" means the height of a sign as determined by measurement from adjacent, finished grade to the highest point of the sign's structure.

"Indirectly lighted or Shadow-lighted sign" means any illuminated sign constructed so that the immediate source of the illumination is not visible when the sign is lighted.

"Inflatable device" is an inflated object filled, whether mechanically or otherwise, with air or other gas for the purpose of attracting attention, excluding "balloons" as defined in this division.

The terms "listed and listing" refer to equipment or materials included in a list published by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

A "logo" is a graphic representation or symbol of a company name, trademark, abbreviation, etc., used for ready recognition.

"Marquee" is a sign other than a wall sign which is attached to and projects either perpendicular to or at any angle from a building.

"Monument sign" means a detached sign with a solid base equal to or greater than the length of the sign copy and connected solidly to or arising from the ground.

"Non-conforming sign" is a sign which may have been validly installed under laws or ordinances in effect prior to the effective date of this division, but which is now in conflict with the provisions of this division.

Official Flag. (See "Flag, official.")

"Off-premise sign" is a sign which advertises or informs about goods, products, services or uses not directly concerning the use on the property upon which the sign is located.

"Parapet" is that portion of a wall of a building which extends higher than the roof of the same building.

"Parapet sign" is a sign which is affixed to the parapet of a building and parallel thereto.

"Parcel" means any real property shown on the latest adopted tax roll as a unit.

"Pennant" is any lightweight plastic, fabric or other material not exceeding 18 inches in length, whether or not containing a message of any kind, suspended from a rope, pole, wire or string, usually in a series or as a single flag, designed to move in the wind.

"Permanent sign" is any sign which from nature and effect of its proposed composition, construction, message to be carried, or its proposed placement would make it reasonable to determine that it was intended for continuous display.

"Person" means any person, firm, partnership, associations, co-partnership, company or organization of any kind.

"Political sign" is a sign designed for the purpose of advertising support of or opposition to a candidate or proposition.

"Portable sign" is a sign that is designed to be movable and is not structurally attached to the ground, a building, a structure or any other sign, and includes signs carried by a person/pedestrian.

"Projecting sign" is a sign other than a wall sign which is attached to and projects either perpendicular to or at any angle from a building.

"Reader board sign" is a sign or a part of a sign on which the messages are readily changeable.

"Real-property sign" is a sign placed upon real property to advertise that the property upon which the sign is placed, or any piece or parcel thereof, or any interests therein, is or will be for sale, exchange, lease or rent.

"Roof sign" means a sign erected upon a roof, the ridge of a roof or a parapet of a building or structure.

"Roof-mounted sign" means a sign erected upon a roof of a building which extends higher than the highest portion of the roof or parapet where the sign is located.

"Shopping center" means a group of [5] **five** or more commercial establishments planned and developed as a unit on a single parcel or commonly managed parcels of land that utilize an undivided or unsegregated parking area.

"Sign" means anything displayed with the intent to attract attention, advertise, promote and or direct any person when the sign is placed so that it is visible from any public right-of-way, common parking area, or surrounding properties.

"Sign area" is any portion of a sign display surface area on which the sign copy appears.

"Sign Code" is the latest edition as currently adopted by and in effect in Carson City.

"Street" includes any public street, alley, way, place or thoroughfare. The sidelines of the right-of-way constitute the sidelines of a street.

"Structure" means a structure which is built or constructed, any edifice or building of any kind or any piece of work artificially built up or parts joined together in some definite manner.

"Temporary sign" refers to any sign meeting the definition of a "sign" which is not permanently installed.

"Transition" is a visual effect used on an electronic message display to change one message to another.

"Value" is the total estimated cost of the sign including labor materials.

"Wall sign" means any sign attached, painted or erected against a wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

"Window sign" is a sign maintained in or painted upon a window, including all signs located inside and affixed to, whether temporary or permanent, lighted or unlighted, intended to be viewed from the exterior of the building. The term does not include advertising located within the building.

## SECTION II:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 4 (Signs), Section 4.4 (Administration), is hereby amended as (**bold, underlined** text is added, ~~stricken~~ text is deleted) 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 **Division** [~~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~~] **Division** on forms provided by [~~Planning and Community Development~~] **the Division** 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, **as applicable**;
- e. Three (3) 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 **Division** [~~Department and Planning~~] and Community Development **Department** 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 **Division** ~~[Department]~~ for compliance with the latest adopted editions of the **applicable building and electrical codes**. ~~[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 (2) 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 (4) square feet in area;
- d. Bulletin boards not over fifteen (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 thirty-two (32) square feet;
    - (2) The height of a freestanding sign shall not exceed eight (8) feet;
    - (3) Political signs shall be removed by the candidate within fourteen (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 thirty (30) consecutive days within any ninety-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 (4) square feet in area;
  - k. Directional signs which do not exceed three (3) feet in overall height and two (2) square feet in sign area;
  - l. Garage sales. Temporary signs for a noncommercial garage sale, provided that they are removed within twenty-four (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 (5) acres or more in any land use district may have signs which do not exceed thirty-two (32) square feet of total surface area.
- (2) Parcels of less than five (5) acres may have signs which do not exceed six (6) square feet in residential districts, or twenty (20) square feet in nonresidential districts.
- (3) Signs shall not exceed eight (8) feet in height above average ground level.
- (4) Not more than one (1) sign shall be allowed on each parcel of land. If the property is located on two (2) street frontages, one (1) sign is permitted on each street frontage. One (1) 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 thirty-six (36) inches from the ground to the top of the sign, and the sign area must not have a horizontal dimension of more than twenty-four (24) inches and a vertical dimension of more than eighteen (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 (3) 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 (1) mile (closest travel distance) from an arterial street, as designated on the Carson City Roadway Functional Classification map.

- (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 (2) different open house signs may be placed at a single street intersection, with preference given to the first two (2) legal signs placed at the intersection.
- n. Construction signs are permitted subject to the following conditions:
  - (1) In nonresidential zones: one (1) sign advertising the various construction trades on any construction site. Such signs shall not exceed one hundred (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 (1) sign advertising the various construction trades on any construction site. Such signs shall not exceed thirty-two (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 (3) times the width of the parcel facing a public right-of-way.
  - (2) Each individual pennant shall not exceed eighteen (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 twenty (20) feet. Pennants shall be maintained in good condition.

- q. **Except as otherwise provided in these development standards,** ~~[Inflatable]~~ **inflatable** devices located on private property ~~[providing such devices are not used for a period in excess of three (3) consecutive days within any calendar month]~~ **provided that the inflatable device is used in conjunction with a special event where a special event permit has been obtained pursuant to Chapter 4.04 (Business Licenses) of the Carson City Municipal Code, subject to the time limitation and any other limitations of the special event permit.** ~~[and provided that the]~~ **The** maximum height of such devices shall not exceed the height of any buildings on the subject site or twenty (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 twenty (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 thirty (30) consecutive days within any ninety-day period]~~. The following specific standards shall apply to all banners:
- (1) One (1) banner ~~[per building elevation]~~ per ~~[unit of operation or]~~ business is allowed ~~[, with a maximum of two (2) banners per business]~~.
  - (2) Banners for businesses with less than ten thousand (10,000) square feet of gross floor area shall not exceed fifty (50) square feet. An additional twenty-five (25) square feet of banner area is permitted per twenty thousand (20,000) square feet of gross floor area over ten thousand (10,000) square feet up to a maximum banner area of two hundred (200) square feet.
  - (3) Banners shall be securely attached to the primary structure or permitted freestanding sign. No freestanding banners are permitted.
  - (4) **Only one banner or promotional flag may be used by a business at any given time.** ~~[Any banner used for a period exceeding thirty (30) days in any ninety-day period may be~~

allowed subject to the provisions of Section 4.5.8, Changeable Promotional Signs.]

- (5) Notwithstanding the [time] **size** limitations above, a new business may utilize [banners] **a banner of one hundred (100) square feet or a size permitted under subparagraph (2), whichever is greater,** [according to the standards of this section] for up to ninety (90) consecutive days upon the opening of the business. [For such banners, a unit of operation or business is entitled to one hundred (100) square feet of banner area, unless additional banner area is permitted per the above provisions.]
  - (6) **Banners may only be used as secondary signage to the primary, permitted wall signage for any business. A banner may only be used for up to sixty (60) consecutive days from the date of the opening of a business when a permanent, permitted wall sign for the business is not in place.**
- t. Changeable promotional flags **or feather flags** located on private property [provided such flags are not used for a period in excess of thirty (30) consecutive days within any ninety day period. Any flag maintained in excess of thirty (30) days may be allowed] subject to the following standards:
- (1) One (1) flag per **business.** [building elevation, a maximum of two (2) flags per site.]
  - (2) [Flags] **A flag** shall not exceed a total size of [ten (10)] **twelve (12)** square feet.
  - (3) [Flags] **A flag** shall be securely attached to the primary structure **in which the business is located.** 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 (8) feet above the pedestrian ground surface.
  - (5) **Only one promotional flag or banner may be used by a business at any time.**
- 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 forty-eight (48) square feet or the size of the official flag, whichever is less.

- w. One off-premise electronic message display sign, if such sign:
- (1) Is owned by a community college, state college or university within the Nevada System of Higher Education, which by this exemption is deemed to be an important community asset;
  - (2) Is located within one (1) mile of the community college, state college or university that owns the sign;
  - (3) Is located on an arterial street, as designated on the Carson City Roadway Functional Classification map;
  - (4) Does not exceed 20 feet in height;
  - (5) Does not exceed 90 square feet in area for the electronic message display portion of the sign and 120 square feet in total sign area; and
  - (6) Complies with the provisions of Section 4.6.6 of this Appendix.

**x. Notwithstanding any other provision of this Division, A-frame signs are subject to the following standards:**

- (1) One (1) A-Frame sign is permitted per business.**
- (2) The sign must be placed within twenty (20) feet of the doorway to the business.**
- (3) If placed on a pedestrian sidewalk or walkway, a minimum of six (6) feet of unobstructed sidewalk clearance must be maintained.**
- (4) Signs must be professionally manufactured and shall not exceed 32 inches in width and 36 inches in height. Chalkboard frames with erasable letters are also allowed.**
- (5) All signs shall be in good repair and neatly painted. Attachments to signs are prohibited.**
- (6) Signs shall not be displayed during non-business hours.**

**(7) Signs may not be located in any area or in any manner such that obstruction of the line of sight for passing motorists or within proximity to a driveway occurs.**

4.4.8 Duty to Enforce. It is the duty of the Building **Division** [~~Department and Planning~~] and Community Development **Department** 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 Carson City Public Works Department**, 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 twenty percent (20%) of the gross floor area of the existing building or one thousand (1,000) square feet, whichever is greater, or upon replacement, damage or destruction of the sign structure that exceed fifty percent (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 ten (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 sixty (60) calendar days after the filing of the statement of reasons. The Commission shall give ten (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 ten (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 thirty (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 **Division** [~~Department~~].

SECTION III:

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

PROPOSED on \_\_\_\_\_, 2018.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2018.

VOTE: AYES: SUPERVISORS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

NAYS: SUPERVISORS: \_\_\_\_\_

ABSENT: SUPERVISORS: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Robert Crowell, Mayor

ATTEST:

\_\_\_\_\_  
 SUE MERRIWETHER

CLERK/RECORDER

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

***Carson Shopping Center***  
**1805 N. Carson Street**  
**Carson City, NV 89701**  
**775-884-4748**



Supervisors of Carson City

Hand Delivered: Lee Plemel

RE: Sign ordinance

August 28, 2018

Dear Supervisors:

I believe the sign ordinance, as it currently stands, violates the equal protection of the law in regard to sandwich board signs. By prohibiting these signs to retailers, except those that have businesses downtown, the city has created a privileged class of business. All businesses should have the right to advertise as long as that advertisement is not unsafe to others and does not degrade the neighborhood. The current proposal has similar flaws as the current ordinance because it prohibits advertising close to the street when the store is set back from the street. How close a store is to the street affects neither the safety of its sign for pedestrians nor the acceptability of the sign for the area.

I believe that the proposal would be fairer to all businesses if the following changes were made to 4.4.7 item x on page 14. Remove provision x (2) because it uses the building, rather than the street curb, to position a street advertising sign and because it requires the building be close to the street in order to allow a business to have sandwich board advertising. This gives the form of more fairness but not the substance of fairness. Replace provision x (3) with "The sign must be located at least six (6) feet from the street curb". This would cause uniformity for all businesses in Carson City. Also as currently proposed, signs can be either side of a walkway and pedestrians could be forced to walk from side to side if a group were walking together.

Thank you for considering these changes.

Bill Horne  
Manager