

## STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF OCTOBER 28, 2009

FILE NO: ZCA-09-085

AGENDA ITEM: H-2

STAFF AUTHOR: Lee Plemel, Planning Director

APPLICANT: Carson City Planning Division

**SUBJECT:** DISCUSSION ONLY regarding a possible 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 display of temporary banners and other temporary sign devices.

**RECOMMENDED MOTION:** (No action.)

### BACKGROUND:

The Board of Supervisors adopted an ordinance on January 5, 2009, to temporarily eliminate time limits for the display of banners advertising on-site businesses for a period ending December 31, 2009. The purpose of the ordinance was to grant sign enforcement relief to business owners during difficult economic times, particularly for retail businesses, in order to help increase taxable sales and services in the City.

The ordinance was adopted on a limited trial basis in order to assess the effects of less restrictive temporary sign regulations and determine if these regulations should be continued, modified or rescinded.

Following is the code verbiage in the Development Standards Division 4, Signs, Section 4.4.7, Exceptions, as amended in January 2009. Added verbiage is underlined and deleted text is shown bracketed and stricken. On January 1, 2010, the code section will revert back to the original verbiage, unless otherwise modified by a new ordinance. The purpose of this discussion item is to get Planning Commission and public comment on how to proceed with temporary sign regulations after January 1, 2010.

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

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 or other temporary structure. [No freestanding banners are permitted.] No banners shall be affixed to trees, shrubs, traffic control signs or support structures, utility poles, or any structure within the public right-of-way.*
- (4) *Any banner [used for a period exceeding 30 days in any 90-day period] may also be allowed subject to the provisions of Section 4.5.8, Changeable Promotional Signs.*
- (5) *Notwithstanding the [time limitations] provisions above, a new business may utilize banners [according to the standards of this section] not exceeding 100 square feet in size 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.*

#### **DISCUSSION:**

The amended ordinance generally tried to accomplish two things: 1) Allow banners to be used all year long rather than limited to 30 days within any 90-day period, and 2) allow banners (or other advertising signage) to be displayed on temporary structures, such as temporary stakes in the ground, rather than only attached to the building or freestanding stand in order to be more visible from the street.

Time limits are generally intended to minimize sign clutter, improving community aesthetics, while maximizing the effectiveness of temporary signs. However, this is, arguably, the most difficult aspect of sign regulations to enforce because there are no set dates for banner display and each business uses their banners at different intervals throughout the year. It requires a large degree of self-enforcement or constant Code Enforcement staff monitoring.

Secondly, the ability to use temporary structures for banners, rather than having to attach them to the building or existing sign, allows the banner to be placed where it is more visible from the street. On the other hand, the original intent of not allowing such temporary sign placement also prevents the appearance of sign clutter along our commercial corridors.

Based on the intent of the temporary ordinance, temporary A-frame signs and flags were also permitted under the provisions of the temporary banner regulations over the past year. It should be noted that A-frame signs are usually prohibited, except within the Downtown Mixed-Use zoning district, under the prohibition of any “portable sign.” However, they were permitted as having temporary signage on “other temporary structures” per the temporary banner ordinance.

Retail and service businesses continue to struggle locally, regionally and nationwide. Staff anticipates that there is a desire to continue to allow local businesses more latitude with advertising displays, as a matter of City policy, at least during continued economic difficulties.

Staff has received positive feedback from businesses regarding the ability to use banners and other temporary sign devices without time limitations. Additionally, enforcement of the temporary regulations has been easier for Code Enforcement than enforcing the prior time limits for such devices. There have been no complaints to the Planning Division or Code Enforcement from

businesses or citizens regarding any banners, flags or A-frame signs over the past year. Generally, the temporary ordinance allowing more display of temporary signage has not led to a significant proliferation of obtrusive signage along our commercial corridors. However, if additional temporary signage is continued to be allowed, additional controls may be appropriate to limit the total number of such devices that are used at any given location.

Other sections of the code that may be considered for temporary amendment:

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

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.*

**4.5 *Restricted and/or Prohibited Signs.***

**4.5.17 *Portable Signs.*** *Portable signs are prohibited unless carried by a person on private property to advertise a business located on the same property for no more than three days within a calendar month.*

(Specific standards to allow A-frame signs, which fall under the definition of “portable signs,” may be considered.)

**Current DT-MU A-frame sign standards (consider using similar standards elsewhere in the City):**

**6.6.3 *Signage***

**g. *A-Frame Signs (“Sandwich-Board” Signs).***

- (1) *One A-Frame sign is permitted per business per street frontage.*
- (2) *Sign must be placed against the building the business operates from or within the landscaped area between the sidewalk and the street.*
- (3) *A minimum of six feet of unobstructed sidewalk is required.*
- (4) *Signs must be professionally manufactured and shall not exceed 32 inches in width and 36 inches in height. However, chalkboard frames with erasable letters are also appropriate.*
- (5) *All signs shall be in good repair and neatly painted. No attachments to signs are permitted.*
- (6) *Signs shall not be displayed during non-business hours.*
- (7) *No sign shall be located where it obstructs the line of sight for passing motorists.*

**STAFF RECOMMENDATIONS:**

Based upon feedback from businesses, Code Enforcement staff, City Supervisors and others, staff recommends preparing an ordinance to include the following for a period of one year (through 2010):

1. Continue the provisions eliminating time limits on the display of banners, and continue to allow banners to be displayed on “other temporary structures.”
2. Allow the use of temporary A-frame signs consistent with the provisions for banners, with limitations on sign size, number and appearance (similar to downtown; see current DT-MIU standards, above).
3. Allow the use of advertising flags consistent with the provision for banners.
4. Add verbiage limiting the total number of temporary advertising devices used at any given time (i.e. so a banner, A-frame sign and flag are not all used at the same time).
5. Limit the number of freestanding temporary signs that may be placed for a shopping center, e.g. one per 100 feet of street frontage, to limit the total number of temporary signs along the street where a shopping center has multiple tenants that may use such sign devices.

Respectfully Submitted,  
PLANNING DIVISION

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