RESOLUTION - ACTION REQUESTED 2012-562

MEETING: November 13, 2012

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: GP/ZA 2012-126 MPSA TPA Sign Ord Amendments - Resolution

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2012-126 Proposed Code Amendments Adding Additional Sign Criteria to the Mariposa County Zoning Ordinance and the Mariposa Town Plan, Specifically the Historic and Design Review Overlay Districts (HDRO and DRO), Supplementary Standards, Supplementary Use Standards, Neighborhood Commercial (CN-1) Zone, Scenic Highway Overlay (SHO) Zone, Development Standards, and Definitions. Code and Plan Changes Include Amending Regulations for Community Informational Signs Including a Specific Allowance for the Existing Sign on APN 013-182-003, Adding Provisions for Way Finding and Gateway Signs Throughout the County, Amending and Clarifying Regulations for Temporary Signs, Increasing Size Limitations for Businesses Which Fall Under the Definition of "Large Scale Development", Removing the Prohibition for Signs in the Front Yard Setback Area in Mariposa, Removing the Amortization Period Provisions for Non-Conforming Signs, Amending Circumstances When the County May Require a Non-Conforming Sign to be Removed, Clarifying Material Allowances in the HDRO, and Adding Necessary Definitions. Adopt a Resolution (TPA) with the Recommended Findings, Finding that the Project is Exempt from the California Environmental Quality Act, Directing Staff to File a Notice of Exemption for the Project, and Approving General Plan/Zoning Amendment No. 2012-126. (The Following Related Items Are No. 4 to Adopt a Resolution (Countywide); Item 3 (TPA) and Item 5 (Countywide) to Waive the First Reading and Introduce Ordinances Amending Chapters 17.65, 17.76, 17.108, 17.148 and 17.336 of the Mariposa County Code). The County of Mariposa is the Project Proponent.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Prior to initiation of the sign code update project, the Board conducted three (3) sign workshops in 2011 and two (2) in 2012. The Board also appointed an Ad Hoc Sign Committee (Supervisors Bibby & Cann) to consider changes to the County’s various sign code provisions. The Committee’s work was included in the Resolutions of Intention for the project.

On June 12, 2012, the Board of Supervisors approved Resolutions of Intention initiating the formal amendment process to amend the County’s sign code. Per the approved project schedule, the Historic Sites and Records Preservation Review Commission reviewed and commented on the sign code changes at their August 13, 2012 meeting while the Planning Commission reviewed and commented on the sign code changes at their September 7, 2012 and September 21, 2012 meetings.
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ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Alternatives: Modify suggested amendment text. Negative action would result in current sign ordinance provisions in the town of Mariposa and Countywide remaining the same

FINANCIAL IMPACT:
none

ATTACHMENTS:
GPZA 2012_126 County Sign Ordinance Revisions (PDF)
Attach 1 Draft Board Resolution MPSA TPA Specific Plan (PDF)
Attach 2 Draft Board Ordinance MPSA TPA Title 17 (PDF)
Attach 3 Draft Board Resolution Title 17 (PDF)
Attach 4 Draft Board Ordinance Title 17 (PDF)
Attach 5 Draft Summary Ordinance (PDF)
Attach 6 Notice of Exemption (PDF)
Attach 7 BoS Minutes and Public Hearings (PDF)
Questions from Marvin Wells (PDF)
Summary of Sign Code Changes 11-9-12 (PDF)

CAO RECOMMENDATION
Requested Action Recommended

[Signature]
Rick Benson, County Administrative Office

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
TO: SARAH WILLIAMS, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 2012-126 Proposed Code Amendments Adding Additional Sign Criteria to the Mariposa County Zoning Ordinance and the Mariposa Town Plan, Specifically the Historic and Design Review Overlay Districts (HDRO and DRO), Supplementary Standards, Supplementary Use Standards, Neighborhood Commercial (CN-1) Zone, Scenic Highway Overlay (SHO) Zone, Development Standards, and Definitions. Code and Plan Changes Include Amending Regulations for Community Informational Signs Including a Specific Allowance for the Existing Sign on APN 013-182-003, Adding Provisions for Way Finding and Gateway Signs Throughout the County, Amending and Clarifying Regulations for Temporary Signs, Increasing Size Limitations for Businesses Which Fall Under the Definition of “Large Scale Development”, Removing the Prohibition for Signs in the Front Yard Setback Area in Mariposa, Removing the Amortization Period Provisions for Non-Conforming Signs, Amending Circumstances When the County May Require a Non-Conforming Sign to be Removed, Clarifying Material Allowances in the HDRO, and Adding Necessary Definitions. Adopt a Resolution (TPA) with the Recommended Findings, Finding that the Project is Exempt from the California Environmental Quality Act, Directing Staff to File a Notice of Exemption for the Project, and Approving General Plan/Zoning Amendment No. 2012-126. (The Following Related Items Are No. 4 to Adopt a Resolution (Countywide); Item 3 (TPA) and Item 5 (Countywide) to Waive the First Reading and Introduce Ordinances Amending Chapters 17.65, 17.76, 17.108, 17.148 and 17.336 of the Mariposa County Code). the County of Mariposa is the Project Proponent

RES. 12-562

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 13, 2012

ACTION AND VOTE:
2. Planning RES-2012-562
Adopt a Resolution (TPA) with the Recommended Findings, Finding that the Project is Exempt from the California Environmental Quality Act, Directing Staff to File a Notice of Exemption for the Project, and Approving General Plan/Zoning Amendment No. 2012-126. (The Following Related Items Are No. 4 to Adopt a Resolution (Countywide); Item 3 (TPA) and Item 5 (Countywide) to Waive the First Reading and Introduce Ordinances Amending Chapters 17.65, 17.76, 17.108, 17.148 and 17.336 of the Mariposa County Code). the County of Mariposa is the Project Proponent.
Chair Bibby announced that this public hearing addresses agenda items R.2, R.3, R.4 and R.5 having to do with the sign ordinance. She clarified that agenda items R.2 and R.3 have to do with the Town Planning Area (TPA) while R.4 and R.5 address countywide signs.
Staff report was presented by Damon Golubics/Senior Planner, with Sarah Williams in attendance. He advised that many public meetings and workshops have been held to insure ample public input. He provided a brief history and overview noting that the Board has also considered input from the Planning Commission and the Historic Sites and Records Preservation Commission. Mr. Golubics reviewed the thirteen points of changes. He also reviewed the recommended actions. He advised that earlier in the day, staff received written correspondence from Marvin Wells, and he addressed the issues posed there as follows:
- Umbrellas with logos on them such as for Corona Beer - this is addressed by proposed changes that expand upon the present sign code to clarify the definition of a sign.
- Lit State signs and the Fairgrounds sign - State signage is not part of the County Code update; business sign standards are different as the State is usually exempt from local rules.
- Restrictions on carnival lighting during the fair - The State is exempt from the local codes on this type of restriction or code. Sign lighting by others has been addressed in the revised Sign Code.
- Graffiti covered signs and time allotment to correct - Not addressed as Mariposa County does not have a problem with graffiti over signs.
- Size, placement, color, etc. of political signs - Addressed in the last update of
the sign code; Section 17.108.190(G) of the County’s Zoning Ordinance.

- Signs printed on vehicles and a-frame signs in pickups - Following review and research, this was not addressed.
Chair Bibby verified that there were no other written comments that needed to be added to the record.
Public portion of the hearing was opened and input was provided from the following:
Jim Dulich stated that, as a merchant, he employs between seven and nine people. He stated that merchants are already subject to many rules that cost them money, and the last thing they need is more. He stated that expenses need to be kept down for the merchants; and care must be exercised to not create new expenses for the County of Mariposa with increased bureaucracy.

Supervisor Cann stated that the Board undertook this project because of inequities that seemed to exist in the original 1991 policy. He stated that the existing policy was assessed, particularly from a business perspective, but that they also tried to consider all of the issues whether affecting residents, tourists or others. He stated that they modified a number of issues that were illogical, or not enforceable; and updated with things that weren’t in existence in 1991. They also addressed way finding signs. He continued that he was pleased with the community input during the process, and clarified that the reason there are four separate items is to address issues in the Town Planning Area, as well as County wide.

Supervisor Turpin stated that he has always felt that we need to have respect for our local businesses, and nothing being done here will put a hardship on them. He further stated that for this to work it is going to need compliance. His concern is that there is not a huge fee to fix issues that are not in compliance.

Supervisor Allen commended Supervisors Bibby and Cann for spearheading this project, and stated that staff has done a great job.

Supervisor Stetson also commended all involved in the project, and stated that he felt that the clarity of the resulting document is such that it will prevent Supervisor Turpin’s concerns.

Supervisor Cann agreed with Supervisor Turpin that large fees to appeal are detrimental. He feels that a proponent of a project shouldn’t have to pay to appeal if it is found that something is wrong or not working.

Supervisor Bibby added her thanks to staff for their help and clarification. She stated that the existing sign ordinance was problematic as people were in violation of it, and problems ensued between businesses. She advised of clarification received from staff relative to the additional 32-square feet of advertising when utilizing internally lot and signs made of natural materials.

Supervisor Turpin requested clarification of language on page 5 of 18, under “i.” at the top of the page of the planning document concerning Free-standing and monument signs. He wanted to know if that statement is in the Countywide plan as it would address a problem in Don Pedro. Staff responded that it appears to only be in the Town Planning Area. Sarah Williams stated that signs are allowed in the setback area in rural parts of the county.

Supervisor Turpin sought clarification of language on page 9 of 18, regarding way finding signs being a permitted use on all parcels. He asked if way finding signs could be placed miles away at intersections. Staff responded that the intent is that it could if it is to alert motorists. Staff further clarified that such placement would be permissible only for directional signs for generic service(s),
and not off-site advertising for the specific business.
Supervisor Stetson sought clarification of information that appeared to be
missing from item 4, of page 5 of 18 (packet page 521.) Staff advised that this
pertains to other subsections of existing code not being addressed with this
item; and that they were not included for brevity.
Marvin Wells asked if it was possible to craft the ordinance in such a way
to alleviate the necessity of going through the public process again if changes
became necessary in the future; and he asked if there are definitions of what
construes a sign, and advertising.
Steve Dahlem/County Counsel answered that the Brown Act requires a public
process, which includes public notice and an opportunity to participate, in
order to amend the sign ordinance or any other ordinance. Sarah Williams
answered in the affirmative to the second part of Mr. Wells’ question, and read
aloud the definition which was the last bullet item of staff’s earlier presentation.
Supervisor Cann stated that there is also a clear definition of a temporary sign,
sandwich board signs, public interest signs and wayfinding signs; but that
there are jurisdictional issues with signs on vehicles. He noted that CHP was
brought into this discussion.
Public portion of the hearing was closed and the Board commenced with
deliberations.
Action was taken to adopt the resolution as recommended for the TPA, finding
the project is exempt from the California Environmental Quality Act, and
directing staff to file a Notice of Exemption for the project.
RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen

Cc: Steven W. Dahlem, County Counsel
File
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No 2012-562  A resolution approving amendments to Section 3 of the
Mariposa Town Planning Area Town Plan and Chapter 17.336
Supplemental Development Standards of the County Zoning
Ordinance applicable to the Mariposa Town Planning Area,
amending the County’s sign regulations.

WHEREAS, the Mariposa County General Plan is adopted by resolution; and

WHEREAS, adopted area plans are in Volume II of the General Plan; and

WHEREAS, the Mariposa Town Plan is an adopted area plan; and

WHEREAS, Section 3 of the Mariposa Town Plan establishes Land Use
Development Standards and Regulations; and

WHEREAS, Section 3.2 of the Mariposa Town Plan establishes specific
Development Standards for uses within the Mariposa Town Planning Area; and

WHEREAS, Section 3.21 of the Mariposa Town Plan establishes Setbacks from
Property Lines and Streets for the Mariposa Town Planning Area; and

WHEREAS, Section 3.21.A.2 of the Mariposa Town Plan establishes Setbacks from
Property Lines and Streets for Commercial, Institutional, and Industrial Uses
in the Mariposa Town Planning Area; and

WHEREAS, Section 3.26 of the Mariposa Town Plan establishes Architectural
Theme and Development Guidelines for the Mariposa Town Planning Area
Design Review District; and

WHEREAS, Section 3.26.D of the Mariposa Town Plan establishes Sign Standards
for the Mariposa Town Planning Area Design Review District; and

WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 17, Sub-Title 17.300 contains chapters applicable to the Mariposa
Town Planning Area and Zoning regulations and Districts; and

WHEREAS, Title 17, Chapter 17.336 contains supplementary development
standards for projects within the Mariposa Town Planning Area; and

WHEREAS, Section 17.336.060 establishes architectural theme and development
guidelines for the design review overlay zone; and
WHEREAS, Section 17.336.060.D contains sign standards for the design review overlay zone; and

WHEREAS, Section 17.336.070 establishes architectural theme and development guidelines for the historic design review overlay zone; and

WHEREAS, Section 17.336.070.A.4 contains sign standards for the historic design review overlay zone; and

WHEREAS, the adopted Mariposa County General Plan Implementation Measure 5-4c(2) states that “standards shall be included that protect visual character related to: viewsheds; structural design, landscaping and scenic environment; landform grading; site development; and lighting.” Targeted amendments to the County’s sign regulations have been drafted to consider the scenic environment of the County and tastefully bring attention to businesses located in towns and throughout the County. Under the proposed sign amendments, it is proposed that new signage will effectively blend in with the scenic natural beauty of Mariposa County; and

WHEREAS, the Board of Supervisors initiated amendments to the Mariposa Town Plan and Chapter 17.336 of the Mariposa County Code at their meeting on August 7, 2012; and

WHEREAS, the amendments were based on a series of public workshops conducted during 2011 and 2012; and

WHEREAS, the amendment was part of General Plan/Zoning Amendment No. 2012-126; and

WHEREAS, a duly noticed Historic Sites and Records Preservation Commission meeting scheduled and conducted on the 13th day of August 2012 and the Commission discussed GP/ZA No. 2012-126 and made recommendations to the Planning Commission and Board of Supervisors. The Commission’s recommendations were memorialized and forwarded in a memorandum; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled on the 7th day of September 2012 for GP/ZA No. 2012-126; and

WHEREAS, the Planning Commission did hold a public hearing on GP/ZA No. 2012-126 7th day of September 2012 and considered all of the information in the public record, including the Staff Report to the Planning Commission, the Memorandum from the Historic Sites and Records Preservation Commission, a Draft Notice of Exemption prepared by the Planning Department staff in accordance with the California Environmental Quality Act and local
administrative procedures, and correspondence and testimony presented by the public; and

WHEREAS, the Planning Commission continued the public hearing to the 21st day of September 2012; and

WHEREAS, the conducted the continued public hearing on the 21st day of September 2012; and

WHEREAS, on the 21st day of September 2012, the Planning Commission adopted Resolution No. 2012-016, recommending the Board of Supervisors approve GP/ZA No. 2012-126 with amendments, finding the action is exempt from environmental review and directing staff to file a Notice of Exemption pursuant to the California Environmental Quality Act; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 9th day of October, 2012; and

WHEREAS, the Board of Supervisors did hold a public hearing on GP/ZA No. 2012-126 on the 9th day of October, 2012 and considered all of the information in the public record, including the Staff Memorandum to the Board of Supervisors, the Memorandum from the Historic Sites and Records Preservation Commission, Planning Commission Resolution No. 2012-016, the Draft Minutes from the Planning Commission public hearings, a Draft Notice of Exemption prepared in accordance with the California Environmental Quality Act and local administrative procedures, and correspondence and testimony presented by the public; and

WHEREAS, the Board of Supervisors continued the public hearing to the 16th day of October 2012 in order to provide staff with time to prepare amended documents; and

WHEREAS, the Board of Supervisors conducted the continued public hearing on the 16th day of October 2012; and

WHEREAS, the Board of Supervisors continued the public hearing to the 13th day of November 2012 in order to provide staff with time to prepare amended final documents for adoption; and

WHEREAS, the Board of Supervisors conducted the continued public hearing on the 13th day of November 2012.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve amendments to Section 3.26 of the
Mariposa Town Plan and Sections 17.336.060 and 17.336.070 of Mariposa County Code.

BE IT THEREFORE FURTHER RESOLVED THAT the amendments to Section 3.26 of the Mariposa Town Plan and Sections 17.336.060 and 17.336.070 of Mariposa County Code amend setback provisions, expand the allowable amount of signage, increase sign area given building size, provide for new types of signage (wayfinding & sandwich board signs) and add a provision for an existing community information board sign.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the Mariposa Town Planning Area Plan Section 3.21 reads as follows (new text shown in *italicized underlined* type and deleted text shown in strike-through type):

**SECTION 3.2 DEVELOPMENT STANDARDS**

3.21 Setbacks from Property Lines and Streets

2. Commercial, Institutional, and Industrial Uses

   a. **Street and Front Yard**: The front setback shall be a minimum of thirty (30) feet from the centerline of a local street or ten (10) feet from the nearest point on the edge of a right-of-way boundary of a state highway. The front yard setback is established parallel or concentric to the front property line. Off-street parking spaces and parking aisles shall not be allowed within the front yard setback.

3. **Uses Permitted in Setback Areas** - The following uses shall be permitted in setback areas:

   a. Septic systems.
   b. Wells.
   c. Residential propane storage tanks except in the front yard setback.
   d. Mail boxes.
   e. Retaining walls not part of a building or structure.
   f. Underground utilities and appurtenant above-ground structures.
   g. Uncovered walkways.
   h. Driveways.
i. Free-standing and monument signs, as long as the sign or signs do not interfere with sight distance for any driveway or roadway.

4. Uses Prohibited in Setback Areas - The following uses shall be prohibited in setback areas:

a. Free-standing and monument signs.

5. Projections in Setback Areas - Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building shall not project more than three (3) feet into a required setback area.

6. Projections in the Public Right-of-way - Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building are allowed over and/or in the public right-of-way if a design review permit is obtained first, and then an encroachment permit shall be obtained from the Mariposa County Public Works Department and/or the California Department of Transportation, whichever has jurisdiction, for any architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building projecting within any public right-of-way. A design review permit shall also be obtained for such projections. Any existing sign projecting into a public right-of-way that is expanded, remodeled or enlarged shall be subject to these provisions. This section of county code is applicable to businesses which are at a zero (0) lot line or within three (3) feet of the edge of the right-of-way boundary.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the Mariposa Town Planning Area Plan Section 3.26 reads as follows (new text shown in italicized underlined type and deleted text shown in strike-through type):

3.26 Architectural Theme and Development Guidelines for the Mariposa Town Planning Area Design Review District

D. Sign Standards
3. Signs constructed of natural materials (wood, stone, brick, etc.) shall be encouraged. Modern materials which closely resemble natural materials are allowable.

4. Overall sign size shall be related to the scale and type of development. Maximum area for sign(s) complying with paragraph No. three (3) shall be sixty-four (64) sq. ft. for each sign and the total aggregate area of all signs for each business. Internally lit signs, or signs not made of natural materials or modern materials which closely resemble natural materials, shall have maximum area of thirty-two (32) sq. ft. for each sign and the aggregate of all signs for each business. Businesses utilizing any internally lit signs, or signs not made of natural materials or modern materials which closely resemble natural materials, shall be subject to the thirty-two (32) sq. ft. maximum sign area. If external lighting is used for signs, the lighting shall be shielded and directional, and shall not shine light off-site, and shall be an International Dark-Sky Association Approved fixture. Larger signs for large scale tourist oriented development may be considered if they comply with the overall intent of these standards. Sign size shall be defined as the area of the smallest rectangle that wholly contains the sign. Larger signs for “large scale development” may be considered if they comply with all of the standards within this paragraph. The allowance of larger signs for “large scale development” shall be based on the building square footage. Businesses which are over 10,000 square feet in size (gross floor area as established by either the Building Permit Plans for the building or as established by the Assessor/Recorder files) shall be “large scale development”. In the case of a multi-story building, the square footage of each story or floor shall be included in the calculation of the total gross floor area. Large scale development businesses shall be allowed an additional 32 square foot of advertising signage when all advertising signage complies with paragraph No. three (3) above. The additional advertising signage for large
scale development businesses allowed by this paragraph shall be located on the face of the building.

3. Temporary signs and banners for short term sales, information, and events, and other banners such as, but not limited to, "welcome" banners shall not be regulated by these policies, other than as contained herein. Banners and signs displayed for longer than 21 days shall be subject to these regulations. Advertising flag signs and sandwich board signs are considered temporary signs. Sandwich board signs are not considered temporary signs and allowed pursuant to the regulations established by the following paragraph and this code. Sandwich board signs shall only be displayed during regular business hours and shall be maintained in good repair. A display, information sign, banner or other advertising device erected for an initial business opening maybe displayed for a total of sixty (60) days or less. Temporary signs or banners for special community events shall be removed within five (5) calendar days after the event. Temporary sign size limitations are as follows: a) an individual temporary sign and the aggregate of all temporary signs displayed at any one time on-site shall not exceed thirty-two (32) square feet. Temporary signs may consist of a maximum of one banner sign and/or a maximum of 2 flag signs and/or signs displayed in windows and/or sandwich board signs. No more than five (5) temporary signs may be displayed at any one time. Sandwich board signs shall only be displayed during regular business hours and shall be maintained in good repair. A display, information sign, banner or other advertising device for an initial business opening maybe displayed for a total of sixty (60) days or less. Temporary signs or banners for special community events shall be removed within five (5) days after the event.

9. Sandwich board signs shall only be displayed during regular business hours and shall be maintained in good repair. A maximum of two (2) sandwich board signs are allowed per business. Sandwich board
10. Community information boards, not exceeding 96 sq. ft. in area and constructed of natural materials or modern materials which closely resemble natural materials, may be located within the Mariposa Town Planning Area. Such signs may include a map of the community, the location of groups, civic organizations, churches and matched business advertisements each of which may not exceed 2 sq. ft. in area. The maximum size standards shall not apply to the existing sign located at the northwest corner of the intersection of Highway 140 and 6th Street (2012 APN 013-182-003), which may be maintained, including replacement of facial copy, but which may not be increased in size.

12. Notwithstanding any other provision of this or other County Codes, a legal nonconforming sign may be relocated one time provided that:
   a. There are no changes to the sign face or copy other than those minimum changes that may be necessary regarding the new address.
   b. There is no increase to the sign size.
   e. The structure housing the original sign may not be relocated.
   d. The structure housing or supporting the relocated sign shall comply with all other relevant provisions of County Code.
   e. The amortization period established in Section 17.108.190 of County Code shall be reduced to fifty percent (50%) of the number of years remaining in the amortization period.
   f. Any sign replacing the original sign at the original site shall not increase the degree of nonconformity of the original sign and shall be subject to all provisions of County Code, including the amortization date. Replacement of a nonconforming sign at the original site shall be prohibited unless the structure housing the original sign was designed and used for multiple signs, single sign structures housing the original sign shall be removed upon relocation of the nonconforming sign.
g. Any sign replacing the original sign at the original site shall not be eligible for the one-time relocation allowance under this section.

h. The original sign location and the relocated site must both be within the Mariposa Town Planning Area.

i. Illegal signs, as defined in Section 17.148.010 of County Code, shall not be eligible for the one-time relocation allowance.

j. The square footage of the relocated sign shall count toward the total sign allowance at the new site.

11. Wayfinding signs as defined in Section 17.148.010 of Mariposa County Code are a permitted use on all parcels.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to the Mariposa Town Planning Area Plan Section 3.27 reads as follows (new text shown in italicized underlined type and deleted text shown in strike-through type):

3.27 Architectural Theme and Development Guidelines for the Mariposa Town Planning Area Historic Design Review District

All standards of the Mariposa Town Planning Area Design Review District shall apply within the Central Historic district except as modified by the following specific standards

D. Development Standards

2. Buildings within the district shall be constructed of wood, brick, adobe, or stone, or other historic materials. Modern materials which closely resemble the historic materials are allowable. Examples of the desired surface and texture of the historic material are provided as an appendix to this document.

4. Signs shall be constructed of natural materials consistent with No. 2 above. Modern materials which closely resemble the natural or historic materials are allowable. The maximum sign area for any business shall be thirty-two (32) sq. ft. Graphic elements on the signs shall be designed
utilizing the lettering types and techniques of the historic period. Lighting equipment for signs shall not be visible from public view. If external lighting is used for signs, the lighting shall be shielded and directional and shall not shine light off-site, and shall be an International Dark Sky Association Approved fixture. Sign standards shall be constructed of materials consistent with the historic architecture. Internally lit signs shall be prohibited within the district except for those provided for in Section 17.336.060.3.26.D.11. Larger signs for “large scale development” may be considered if they comply with all of the standards within this paragraph. The allowance of larger signs for “large scale development” shall be based on the building square footage. Businesses which are over 10,000 square feet in size (gross floor area as established by the Assessor/Recorder files) shall be “large scale development.” In the case of a multi-story building, the square footage of each story or floor shall be included in the calculation of the total gross floor area. Large scale development businesses shall be allowed an additional 32 square feet of advertising signage when all advertising signage complies with Paragraph No. two (2) above. The additional advertising signage for large scale development businesses allowed by this paragraph shall be located on the face of the building. Wayfinding signs as defined in Section 17.148.010 of Mariposa County Code are a permitted use on all parcels;

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.336.010 of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike thru type):

17.336.010 Setbacks from property lines and streets.

Unless otherwise prescribed, the following setback standards shall apply to all buildings, structures except as permitted by subsection C, and uses set forth in subsection D. These setback standards shall also apply to additions to existing buildings, structures, or uses set forth in subsection D.

B. Commercial, institutional, and industrial uses:
1. Street and front yard: The front yard setback shall be a minimum of thirty (30) feet from the centerline of a local street or ten (10) feet from the nearest point on the edge of a right-of-way boundary of a state highway. The front yard setback is established parallel or concentric to the front property line. Off-street parking spaces and parking aisles shall not be allowed within the front yard setback.

C. Uses permitted in setback areas:
   The following uses shall be permitted in setback areas:
   1. Septic systems.
   2. Wells.
   3. Residential propane storage tanks except in the front yard setback.
   4. Mail boxes.
   5. Retaining walls not part of a building or structure.
   6. Underground utilities and appurtenant above-ground structures.
   7. Uncovered walkways.
   8. Driveways.
   9. Free-standing and monument signs, as long as the sign or signs do not interfere with sight distance for any driveway or roadway.

D. Uses prohibited in setback areas:
   The following uses shall be prohibited in setback areas:
   1. Free-standing and monument signs.
   3. Signs attached to a building or structure which extend more than one (1) foot three (3) feet from the face of the building or structure.

E. Projections in setback areas: Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building shall not project more than three (3) feet into a required setback area.

F. Projections in public right-of-way: Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building are allowed over and/or in the public right-of-way if a design review permit is obtained first, and then an encroachment permit is shall be obtained from the Mariposa County Public Works Department and/or the California Department of Transportation, whichever has jurisdiction, for any architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building projecting within any public right-of-way. A design review permit shall also be obtained for such projections. Any existing sign projecting into a public right-of-way that is expanded, remodeled or enlarged shall be subject to
these provisions. This section of county code is applicable to businesses which are at a zero (0) lot line or within three (3) feet of the edge of the right-of-way boundary.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.336.060.D of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike thru type):

17.336.060.D Architectural theme and development guidelines for the design review district.

D. Sign standards:

3. Signs constructed of natural materials (wood, stone, brick, etc.) shall be encouraged. Modern materials which closely resemble natural materials are allowable.

4. Overall sign size shall be related to the scale and type of development. Maximum area for sign(s) complying with paragraph No. three (3) shall be sixty-four (64) sq. ft. for each sign and the total aggregate area of all signs for each business. Internally lit signs, or signs not made of natural materials or modern materials which closely resemble natural materials, shall have maximum area of thirty-two (32) sq. ft. for each sign and the aggregate of all signs for each business. Businesses utilizing any internally lit signs, or signs not made of natural materials or modern materials which closely resemble natural materials, shall be subject to the thirty-two (32) sq. ft. maximum sign area. If external lighting is used for signs, the lighting shall be shielded and directional and shall not shine light off-site, and shall be an International Dark Sky Association Approved fixture. Larger signs for large scale tourist oriented development may be considered if they comply with the overall intent of these standards. Larger signs for "large scale tourist oriented development" may be considered if they comply with all of the standards within this paragraph, the overall intent of these standards. The allowance of larger signs for "large scale development" shall be based on the building square footage. Businesses which are over 10,000 square feet in size (gross floor area as established by either the Building Permit Plans for the building or as established by the Assessor/Recorder files) shall be "large scale development". In the case of a multi-story building, the square footage of each story or floor shall be included in the calculation of the total gross floor area. Large scale development businesses shall be
allowed an additional 64 square foot of advertising signage when all advertising signage complies with paragraph No. three (3) above. Large scale development businesses shall be allowed an additional 32 square feet of advertising signage when businesses utilize any internally lit signs or signs not made of natural materials. The additional advertising signage for large scale development businesses allowed by this paragraph shall be located on the face of the building.

8. Temporary signs and banners for short term sales, information, and events, and other banners such as, but not limited to “welcome” banners shall not be regulated by these policies, other than as contained herein. Banners and signs displayed for longer than 21 days shall be subject to these regulations. Advertising flag signs and sandwich board signs are considered temporary signs. Sandwich board signs are not considered temporary signs and allowed pursuant to the regulations established by the following paragraph and this code. Sandwich board signs shall only be displayed during regular business hours and shall be maintained in good repair. A display, information sign, banner or other advertising device erected for an initial business opening maybe displayed for a total of sixty (60) days or less. Temporary signs or banners for special community events shall be removed within five (5) calendar days after the event. Temporary sign size limitations are as follows: a) an individual temporary sign and the aggregate of all temporary signs displayed at any one time on-site shall not exceed thirty-two (32) square feet. Temporary signs may consist of a maximum of one banner sign and/or a maximum of 2 flag signs and/or signs displayed in windows and/or sandwich board signs. No more than five (5) temporary signs may be displayed at any one time. Sandwich board signs shall only be displayed during regular business hours and shall be maintained in good repair. A display, information sign, banner or other advertising device for an initial business opening maybe displayed for a total of sixty (60) days or less. Temporary signs or banners for special community events shall be removed within five (5) days after the event.

9. Sandwich board signs shall only be displayed during regular business hours and shall be maintained in good repair. A maximum of two (2) sandwich board signs are allowed per business. Sandwich board signs are not counted toward the allowed sign area established by other sections of this code.
109. Community information boards, not exceeding 96 sq. ft. in area and constructed of natural materials, may be located within the Mariposa Town Planning Area. Such signs may include a map of the community, the location of groups, civic organizations, churches and matched business advertisements each of which may not exceed 2 sq. ft. in area. The maximum size standards shall not apply to the existing sign located at the northwest corner of the intersection of Highway 140 and 6th Street (2012 APN 013-182-003), which may be maintained, including replacement of facial copy but which may not be increased in size.

12. Notwithstanding any other provision of this or other County Codes, a legal nonconforming sign may be relocated one time provided that:
   a. There are no changes to the sign face or copy other than those minimum changes that may be necessary regarding the new address.
   b. There is no increase to the sign size.
   c. The structure housing the original sign may not be relocated.
   d. The structure housing or supporting the relocated sign shall comply with all other relevant provisions of County Code.
   e. The amortization period established in Section 17.108.190 of County Code shall be reduced to fifty percent (50%) of the number of years remaining in the amortization period.
   f. Any sign replacing the original sign at the original site shall not increase the degree of nonconformity of the original sign and shall be subject to all provisions of County Code, including the amortization date. Replacement of a nonconforming sign at the original site shall be prohibited unless the structure housing the original sign was designed and used for multiple signs; single sign structures housing the original sign shall be removed upon relocation of the nonconforming sign.
   g. Any sign replacing the original sign at the original site shall not be eligible for the one-time relocation allowance under this section.
   h. The original sign location and the relocated site must both be within the Mariposa Town Planning Area.
   i. Illegal signs, as defined in Section 17.148.010 of County Code, shall not be eligible for the one-time relocation allowance.
The square footage of the relocated sign shall count toward the total sign allowance at the new site.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.336.070 of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike thru type):

17.336.070 Architecture theme and development guidelines for the historic design review overlay district.

These standards shall apply to residential, commercial and industrial development within the historic design review overlay zone.

A. Development standards: All standards of the architectural theme and development guidelines for the design review overlay district zone shall apply within the historic design review overlay zone except as modified by the following specific standards:

2. Buildings shall be constructed of wood, brick, adobe, earthen or other historic materials. Modern materials which closely resemble the historic materials are allowable. Examples of the desired surface and texture of the historic material are provided as an appendix to this document.

4. Signs shall be constructed of natural materials consistent with No. 2 above. Modern materials which closely resemble the natural or historic materials are allowable. The maximum sign area for any business shall be thirty-two (32) sq. ft. If external lighting is used for signs, the lighting shall be shielded and directional, shall not shine light off-site, and shall be an International Dark Sky Association Approved fixture. Graphic elements on the signs shall be designed utilizing the lettering types and techniques of the historic period. Lighting equipment for signs shall not be visible from public view or shall be a historically compatible fixture. Sign standards shall be constructed of materials consistent with the historic architecture. Internally lit signs shall be prohibited within the district except for those provided for in Section 17.336.060.D.11. Larger signs for "large scale development" may be considered if they comply with all of the standards within this paragraph. The allowance of larger signs for "large scale development" shall be based on the building square footage. Businesses which are over 10,000 square feet in size (gross floor area as established by either the Building Permit Plans
for the building or as established by the Assessor/Recorder files) shall be “large scale development”. In the case of a multi-story building, the square footage of each story shall be included in the calculation of total gross floor area. Large scale development businesses shall be allowed an additional 32 square feet of advertising signage when all advertising signage complies with paragraph No. two (2) above. The additional advertising signage for large scale development businesses allowed by this paragraph shall be located on the face of the building. Wayfinding signs as defined in Section 17.148.010 of the Mariposa County Code are a permitted use on all parcels;

BE IT THEREFORE FURTHER RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors directs staff to file a Notice of Exemption for General Plan / Zoning Amendment 2012-126 pursuant to the California Environmental Quality Act, and Title 14 of the California Code of Regulations.

BE IT THEREFORE FINALLY RESOLVED THAT project approval is based on the following findings supported by substantial evidence in the public record:

1. FINDING: This amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

   EVIDENCE: The proposed amendments will implement Land Use Element Implementation Measure 5-4c(2) which states that “standards shall be included that protect visual character related to viewsheds, structural design, landscaping and scenic environment, landform grading, site development, and lighting.” The proposed sign code changes to Title 17, Zoning, and the Mariposa Town Plan will ensure that “rural character,” as discussed in the Land Use section of the General Plan is maintained by implementation of better, modern and less intrusive sign criteria that has been suggested for incorporation into the zoning ordinance and Mariposa Town Plan regulations.

2. FINDING: This amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making.

   EVIDENCE: The proposed amendments will create internal consistency between Title 17, Zoning, the Mariposa Town Plan, and all other General Plan Elements. The proposed sign code amendments will implement Land Use
Element Implementation Measure 5-1a(3) where “land development regulations define thresholds within which uses are complementary to the concept of rural character as defined by the General Plan and in regulations associated with Area Plans.” These sign code changes will further ensure that rural character is maintained in the Mariposa Town Planning Area and other County areas not within designated planning areas.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

**EVIDENCE:** The proposed sign code amendments are consistent with State standards for highway signage and County policies adopted to ensure effective building design is maintained and that existing rural character of the County is enhanced pursuant to standards contained in the General Plan. The Board of Supervisors finds that a referral to the Planning Commission for a report and recommendation pursuant to Government Code Section 65857 for the amendments directed at the public hearing on October 9, 2012 is not necessary as the amendments were not substantial or a material modification not previously considered by the Planning Commission.

4. **FINDING:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

**EVIDENCE:** The proposed sign code amendments will conform with all guiding policies, goals and standards of the Mariposa County General Plan, specifically those policies, goals and standards in the Mariposa Town Plan and those policies, goals and standards contained in the Land Use Element of the General Plan.

**ON MOTION BY** Supervisor Cann, seconded by Supervisor Allen; this resolution is duly passed and adopted this 13th day of November, 2012, both by the following vote:

**AYES:** STETSON, TURPIN, BIBBY, CANN, ALLEN

**NOES:** NONE

**EXCUSED:** NONE

**ABSTAIN:** NONE
Resolution No. 2012–562 A Resolution Approving Amendments to Section 3 of the Mariposa Town Planning Area Specific Plan and Chapter 17.336 Supplemental Development Standards of the County Zoning Ordinance for sign regulations.

DATE, 2012

Janet Bibby, Chair
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel