RESOLUTION - ACTION REQUESTED 2012-563

MEETING: November 13, 2012

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: GP/ZA 2012-126; Countywide Sign Ord Amendments - Resolution

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution 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.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
No specific action on this specific project.

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:
Attach 3 Draft Board Resolution Title 17 (PDF)

CAO RECOMMENDATION
Requested Action Recommended

[Signature]
Rick Benson, County Administrator 11/6/2012

RESULT: ADOPTED [UNANIMOUS]
MOVER: Lee Stetson, District I Supervisor
SECONDER: Kevin Cann, District IV Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No 2012-563

A resolution approving amendments to Title 17, Zoning, amending countywide sign regulations, Sections 17.65, 17.76, 17.108 and 17.148 of the Mariposa County Code, zoning ordinance.

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

WHEREAS, Title 17, Chapter 17.65 establishes Scenic Highway Overlay (SHO) zoning standards; and

WHEREAS, Section 17.65.010 establishes criteria to protect the scenic qualities of public highways or roadways designated a scenic highway by the State of California and/or the Board of Supervisors; and

WHEREAS, Section 17.65.010.E establishes special development standards for multi-family residential, commercial and industrial uses within the SHO; and

WHEREAS, Section 17.65.010.E.4. establishes sign standards for developments within the SHO; and

WHEREAS, Section 17.65.010.E.4.g establishes sign criteria for freestanding signs within the SHO; and

WHEREAS, Title 17, Chapter 17.76 establishes Neighborhood Commercial Zone-1 (Indoor)(CN-1) zoning standards; and

WHEREAS, Title 17, Section 17.76.020 establishes development standards for the Neighborhood Commercial Zone-1 (Indoor)(CN-1) zoning district; and

WHEREAS, Title 17, Section 17.76.020.D establishes criteria for temporary and permanent signs in the Neighborhood Commercial Zone-1 (Indoor)(CN-1) zoning district; and

WHEREAS, Title 17, Section 17.76.020.D.2 establishes specific sign standards for permanent sign within the Neighborhood Commercial Zone-1 (Indoor)(CN-1) zoning district; and

WHEREAS, Title 17, Chapter 17.108 establishes Supplementary Standards for land uses; and

WHEREAS, Title 17, Section 17.108.190 establishes sign criteria for all zoning districts unless specific sign standards have been included in specific district regulations and standards; and
WHEREAS, Title 17, Section 17.108.190.A regulates temporary and permanent sign area and precludes off-site signs; and

WHEREAS, Title 17, Section 17.108.190.C are rules and regulations pertaining to non-conforming signs; and

WHEREAS, Title 17, Section 17.148.010 establishes Definition of terms and phrases used throughout the zoning ordinance; 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, landscaping and scenic environment, landform grading, site development, and lighting.” Adding changes to the zoning ordinance that enhance business signage and signage in general must consider and further this implementation measure to further protect the visual character of the Mariposa County; and

WHEREAS, the Board of Supervisors initiated amendments to Chapters 17.65, 17.76, 17.108, and 17.148 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 on the 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 21\textsuperscript{st} day of September 2012; and

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

WHEREAS, on the 21\textsuperscript{st} day of September 2012, the Planning Commission adopted Resolution No. 2012-017, 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 9\textsuperscript{th} day of October, 2012; and

WHEREAS, the Board of Supervisors did hold a public hearing on GP/ZA No. 2012-126 on the 9\textsuperscript{th} 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. 2012-017, 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 16\textsuperscript{th} 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 21\textsuperscript{st} day of October 2012; and

WHEREAS, the Board of Supervisors continued the public hearing to the 11\textsuperscript{th} day of November 2012; and

WHEREAS, the Board of Supervisors conducted the continued public hearing on the 11\textsuperscript{th} day of October 2012.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve amendments to Sections 17.65.010.E, 17.76.020.D, 17.108.190 and 17.148.010 of Mariposa County Code.

BE IT THEREFORE FURTHER RESOLVED THAT the amendments to Sections 17.65.010.D, 17.76.020.D, 17.108.190 and 17.148.010 will expand the allowable amount of signage, increase sign area given building size, provide for
new types of signage (wayfinding & gateway signs), incorporate additional sign definitions and remove the amortization code provision for nonconforming signs.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.65.010.E.4. of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.65.010.E.4 Scenic Highway Overlay (SHO).

4. Sign standards.

  g. One free standing sign shall be permitted per business parcel providing the sign meets all other standards of this section. The height of free standing signs shall be limited to twenty (20) feet.

  j. Temporary signs, including but not limited to banners and flag signs and sandwich boards are expressly prohibited within the Scenic Highway Overlay district. Sandwich board signs are not considered temporary signs. A maximum of two sandwich board signs may be displayed during regular business hours and shall be maintained in good repair.

  k. 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.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.76.020 of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.76.020 Development Standards for CN-1.

D. Signs:

  1. The following signs shall be permitted in the CN-1 zone:

     a. Temporary signs not exceeding sixteen (16) sq. ft. The term of such signs shall be the term of the special event and shall not exceed six (6) months, or the term of time the property is offered for sale or lease.
b. Signs complying with the standards of this title and advertising the business or services located on the parcel upon which the sign is located.

2. Sign standards:
   a. The aggregate sign area for any business shall be 1 sq. ft. of sign area per one (1) lineal foot of the business frontage with a maximum sign area of thirty-two (32) square feet.

   b. A business within a building having frontage on more than one (1) public right-of-way may use the maximum aggregate sign area on one frontage and one-half (1/2) the maximum aggregate sign area on the other frontage with a maximum sign area of forty-eight (48) square feet.

   c. Signs shall be incorporated into the building design and shall not extend above the peak of the roof of the building upon which the sign is located. A monument sign shall be allowed as an alternative to or in addition to the building.

   d. In addition to the maximum aggregate sign area, commercial centers having a common name and containing three (3) or more business entities may contain a monument sign not exceeding thirty-two (32) square feet and six (6) ft. in height. The monument sign shall only identify the complex and shall not be used to advertise the individual businesses.

   e. 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. The additional advertising signage for large scale development businesses allowed by this paragraph shall be located on the face of the building. A business which utilizes the additional sign area permitted for “large scale” development by this section is not entitled to the additional sign area permitted by 17.76.020.D.2.b.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.108.190.A of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

17.108.190  Signs.
A. A temporary or permanent on-site sign or signs with maximum aggregate area of 16 sq. ft. and containing no outline tubing, flashing lights or moving parts shall be a permitted use on all parcels. Such signs shall have a maximum height of 20 feet. Off-site signs are prohibited unless specifically permitted by the principal zone. Wayfinding signs as defined in Section 17.148.010 of Mariposa County Code are a permitted use on all parcels. Signs on school district property throughout Mariposa County, regardless of the land use or zoning designation, shall be exempt from all specific sign standards outlined in the Mariposa County Code. Time limits for temporary signs are contained in Section 17.148.010 of the Mariposa County Code.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.108.190.C of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike thru type):

17.108.190 Signs.

C. All legally installed and permitted signs which do not conform with the standards of this title shall be considered non-conforming and shall be permitted to remain on a parcel for a period of 15 years from May 1, 1991 or until such sign becomes an illegal sign or is subject to any of the following conditions:

1. The sign is remodelled beyond a change in facial copy or relocated, the business name changes or there is any change in business ownership.

2. The property owner requests permission to expand, remodel or enlarge the building or land use on the parcel containing the sign and the sign is affected by the construction.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.108.190.H of the Mariposa County Code reads as follows (new text shown in italicized underlined type and deleted text shown in strike thru type):

17.108.190 Signs.

H. Gateway signs, as defined by this title, shall comply with all of the following conditions and requirements:

1. The following locations shall be considered gateways to Mariposa County:

   a. The Mariposa and Merced County line at State Highway 140;
b. The Mariposa and Madera County line at State Highway 49;
c. The Mariposa and Madera County line at State Highway 41 (one location to be chosen);
d. The Mariposa and Stanislaus County line at State Highway 132;
e. The Mariposa and Tuolumne County line at State Highway 49;
f. The Mariposa and Tuolumne County line at State Highway 120;
g. Additional locations for gateway signs that are not listed above may be considered by the Board of Supervisors pursuant to a formal application, processing fee, and subsequent review and approval by the Board.

2. One sign shall be allowed at each identified community gateway location. The sign may be single or double faced.

3. No gateway sign shall be placed within the right-of-way of any state highway or other county public right-of-way.

4. No gateway sign shall be larger than two hundred and forty (240) square feet.

5. The maximum height of each gateway sign shall not exceed 16 feet in height from existing ground surface or from existing road grade measured horizontally from highest point on the travel lanes of the road adjacent to the proposed sign location, whichever is highest.

6. The specific message or copy of each sign shall be directed at tourists entering or exiting Mariposa County and highlighting the tourist amenities that Mariposa County has to offer. All other information on gateway signs shall be prohibited.

7. Signs may incorporate external illumination into the sign design, however internally illuminated signs shall be strictly prohibited. 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 Associate Approved fixture.

8. No gateway sign shall be placed in such a manner as to create any safety hazard for vehicular traffic.

9. Subsections D. and E. of this section shall apply to gateway signs.

10. The proposed design of each gateway sign shall be reviewed and approved by the Board of Supervisors through a design review application, together with applicable processing fees, submitted by the proponent to the Planning Department to ensure that the sign complies with the requirements contained.
BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.108.190.I of the Mariposa County Code reads as follows (new text shown in italicized underline type and deleted text shown in strike-thru type):

17.108.190.I Signs.

I. Prior to adoption of an area plan, community information signs, not exceeding ninety-six (96) sq. ft. in area, may be located within a planning area. Such signs may include a map of the community, the location of or information about groups, civic organizations, and churches in the area. Such signs may also include information about meetings of community interest and other community activities and events. If the community information board is combined with an on-site advertising sign for a business or public entity, the advertising portion of the sign (for the business or public entity) shall not exceed that which is otherwise allowed by county code.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.148.010 of the Mariposa County Code reads as follows (new text shown in italicized underline type and deleted text shown in strike-thru type):

17.148.010 Definitions of terms and phrases.

Sign:
A structure or device designed or intended to convey information to the public in written or pictorial form which is visible from the exterior of a building and/or from a public road or public right of way and/or from an adjacent parcel.

Sign, amortization period:
A period of fifteen (15) years established as the economic life of all nonconforming signs. (Ord. 800 Sec.V, 1991).

Sign, illegal:
A sign that complies with one (1) or more of the following criteria:
A. Any sign erected without compliance with applicable building code and/or zoning code standards including signs expanded, remodeled or enlarged after May 15, 1991 without a permit or design review approval (if required).
B. Any sign advertising a use that has ceased to exist for a period of not less than ninety (90) days.
G. A nonconforming sign upon which the amortization period has expired.

C. E. Any sign determined by the Mariposa County building official to be a danger to the public health and safety from the standpoint of structural integrity.

D. E. Any sign determined by the Mariposa County public works director to be a traffic hazard not created by the relocation of streets or highways or other acts of the County. (Ord. 800 Sec.V, 1991).

**Sign, temporary:**

A display, information sign, banner or other advertising device which is displayed for a total of twenty-one (21) days or less, in a period of three (3) consecutive months or quarterly. Advertising flag signs and sandwich board signs are considered temporary signs. The allowance for temporary signs is not intended to provide additional permanent advertising signs displayed on-site.

**Sign, wayfinding:**

Wayfinding signs are aides to help first time visitors to an area or community locate businesses and attractions. Wayfinding signs provide information at optimal decision points. Wayfinding signs are planned, connected, esthetically pleasing and are intended to create a positive first impression. Wayfinding signs shall be in accordance with a county-sponsored program, and shall not contain any business names or logos.

**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 longterm 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.
Resolution No. 2012-563  A Resolution Approving Amendments to Title 17, amending countywide sign regulations, Chapters 17.65, 17.76, 17.108 and 17.148 of the Mariposa County Code.

DATE, 2012

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ON MOTION BY Supervisor Stetson, seconded by Supervisor Call; 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

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