

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No 2012-017

A resolution recommending adoption of 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.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend adoption of 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 proposed amendments to Sections 17.65.010.D, 17.76.020.D, 17.108.190 and 17.148.010 would 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 will read 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, flag signs and sandwich boards are expressly prohibited within the Scenic Highway Overlay district.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.76.020 of the Mariposa County Code will read 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 will read 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 on 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 will read 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 remodeled ~~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 will read 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, shall not shine light off-site, and shall be an International Dark Sky Association 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 herein. The application shall be approved prior to sign fabrication or installation.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.108.190.I of the Mariposa County Code will read as follows (new text shown in *italicized underlined 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 will read as follows (new text shown in *italicized underlined 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.

~~C. A nonconforming sign upon which the amortization period has expired.~~

~~C.D. 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 Planning Commission recommends that the Board direct 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.

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 Commissioner Francisco, seconded by Commissioner Tucker; this resolution is duly passed and adopted this 21st day of September 2012, both by the following vote:

AYES: Francisco, Rudzik, Tucker, and Marsden

NOES: None

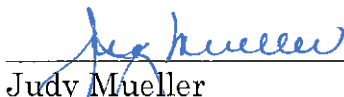
EXCUSED: Ross

ABSTAIN: None



Les Marsden, Chairman
Mariposa County Planning Commission

ATTEST:



Judy Mueller
Planning Commission Secretary