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SUMMARY: An ordinance amending Washoe County Code, Chapter 110, Development Code, Section 110.505.30, to allow certain Electronic Message Display (EMD) signs to be located closer than the existing 200 foot minimum distance requirement between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be placed within 100 feet of a residentially zoned property if it (1) is operated by a governmental entity, (2) is located on property owned or controlled by a governmental entity, and (3) only conveys public health, safety, and welfare information including traffic control and directional information.

BILL NO. ____

ORDINANCE NO. ____

TITLE:

An ordinance amending Chapter 110 of the Washoe County Code (Development Code) within Article 505, Section 110.505.30 (Electronic Message Display Signs), to allow certain Electronic Message Display (EMD) signs to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign (1) is operated by a governmental entity, (2) is located on property owned or controlled by a governmental entity, and (3) only conveys public health, safety, and welfare information including traffic control and directional information.

WHEREAS :

- A. This Commission desires to amend Article 505, Signs, of the Washoe County Development Code (Chapter 110) as provided herein; and,
- B. As authorized by Washoe County Code Section 110.818.05, the Washoe County Commission initiated an amendment to the Development Code for Division Five by Resolution on February 28, 2017; and,
- C. The Planning Commission held a duly noticed public hearing for WDCA17-0001 on May 2, 2017, and adopted Resolution Number 17-XX recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1. Article 505, Sign Regulations, of Chapter 110 of the Washoe County Code, is hereby amended to read as follows:

Article 505

SIGN REGULATIONS

Sections:

110.505.00	Purpose
110.505.05	Applicability, Exemptions, Interpretation, Severability and Variance
110.505.10	Mobile and Temporary Signs
110.505.15	General Standards
110.505.20	Principal Use Types
110.505.25	Specialty Signs
110.505.30	Electronic Message Display (EMD) Signs
110.505.35	Prohibited Signs
110.505.40	Permits and Enforcement
110.505.45	Continued Use and Maintenance of Nonconforming Outdoor Advertising Displays and Framework
110.505.50	Continued Use and Maintenance of Nonconforming Signs
110.505.55	Termination of Nonconforming Use/Maintenance Rights
110.505.60	Signs on County Property
110.505.65	Billboards
110.505.70	Definitions

Section 110.505.00 Purpose. The purpose of this Article is to create the legal framework for a comprehensive system of the regulation of the time, place and manner of displaying signs in the unincorporated Washoe County that is content neutral, complies with applicable law and balances the following goals:

- (a) To respect the right of free speech and expression;
- (b) To promote the use of signs which are aesthetically pleasing, and appropriately related in size, shape, materials, lettering, color, illumination and character of the building or premises on which they will be displayed and are compatible with existing adjacent activities and land uses and scenic views;
- (c) To preserve and enhance the environment, including skylines and dark skies, thereby protecting an image that attracts those who come to live, visit, vacation and trade in the County;
- (d) To promote traffic safety, the free flow of traffic and prevent injury and property damage that may be fully or partially attributable to cluttered and distracting signage;
- (e) To promote commerce, economic development and reduce confusion and traffic disruption by providing for adequate and aesthetically integrated site, event and business location information;
- (f) To prevent property damage and injury which may be caused by signs which are improperly constructed or poorly maintained;
- (g) To protect property values, the local economy, and the quality of life, and the image of Washoe County;
- (h) To regulate the size, brightness, flashing, and message transition, of electronic message displays to reduce roadway distraction and offensiveness to surrounding neighborhoods;
- (i) To limit signage on County property only for locational, directional, traffic control and public safety, health and welfare purposes and allowing the expression of ideas in traditional public forums;
- (j) To provide standards and a system of sign permitting and enforcement of this Article that respects due process rights.

Section 110.505.05 Applicability, Exemptions, Interpretation, Severability and Variance.

- (a) Applicability. This Article applies to all signs located in the unincorporated Washoe County, unless superseded by a legally adopted Master Plan. Unless otherwise required by law, all signs not specifically permitted or exempted by this Article are prohibited.
- (b) Exemptions. Except to the extent they are prohibited by Section 110.505.35, Prohibited Signs, or subject to special standards, the following types of signs and displays are not subject to the provisions of this article and need not be included in any aggregate sign computations. In the event that a sign fails to meet any criteria, condition or qualification established for exemption in this section, the sign shall be subject to and governed by all other applicable requirements of this Article.
 - (1) Signs owned and/or maintained by a governmental agency for the purposes set out in subparagraphs (d) and (i) of Section 110.505.00.

- (2) Changes in copy on an existing sign which does not alter the display area or framework, size, lighting, location or configuration of the sign.
- (3) Plaques or markers under 4 square feet in size that cannot be read from a public roadway.
- (4) Tombstones and grave markers.
- (5) Signs posted to warn against trespassing, security or dangerous conditions on the property not exceeding 2 square feet in size.
- (6) Address numbers or plates and nameplates. Residential nameplates shall not exceed 2 square feet in size and non-residential nameplates shall not exceed 4 square feet in size.
- (7) Flags, emblems or insignia of any nation, state or political subdivision, provided that they do not number more than 3, that the individual surface area is not greater than 60 square feet, and that the supporting framework are not greater than the larger of 20 feet high or 10 feet more than the permitted height for a freestanding sign at that location.
- (8) Signs which are not visible from an adjacent public roadway.
- (9) Signs carried or worn by a natural person including symbols and messages on clothing.
- (10) Any sign required by County, State or Federal statute.
- (11) Signs or copy permanently embroidered, screened, dyed, stenciled or painted into the fabric of umbrellas.
- (12) Signs painted on and integral to vending machines and fuel dispensing pumps and legally required inspection stickers.
- (13) Holiday decorations. However, such decorations must comply with nuisance and other provisions in the Development Code.
- (14) Signs on benches or shelters for passengers of public mass transportation when permitted by state law.
- (15) Election Period Signs. An election period begins the first day of filing for, and ends ten days after the general election conducted under federal, state, county, or city laws or ordinances in which residents of Washoe County are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or city officials, any ballot questions, referendum or advisory vote. Additional election period signs may be displayed on any site during an election period, subject to the following limitations, standards and requirements.
 - (i) Number and Size. There is no limitation on the number of signs or the maximum allowable sign display area per site for election period signs, and election period signs which otherwise comply with this subsection do not count against the number of signs or the allowable sign display area for a site as set out in Table 110.505.15.1. However, individual signs shall not exceed a sign display area of 128 square feet per sign.

- (ii) No Sign Permit Required. A sign permit is not required for any election period sign which otherwise complies with this section.
 - (iii) Standards, requirements and limitations. Each election period sign need not meet the standards and limitations for all signs set out in this Article with the exception that they shall not be illuminated (to include electronic message displays) and they shall not be placed in a prohibited sign area as identified in Section 110.505.35, Prohibited Signs.
- (c) Interpretation.
 - (1) This Article is to be liberally construed to effectuate the purpose set forth herein, irrespective of the commercial or noncommercial content or the viewpoint of the message. Any sign allowed herein may contain any lawful message, so long as said sign complies with the size, location, height, area and other requirements of this Article.
 - (2) Where a particular type of sign is proposed that is neither expressly allowed nor prohibited by this Article, or where the sign is proposed on a structure that is not a building as defined in the Development Code, the Director of the Planning and Development Division, Community Services Department or his designee shall have the discretion to approve or disapprove the proposed sign based on whether it is more similar to a type of sign that is expressly allowed or to one that is expressly prohibited.
- (d) Severability. If a decision of any court of competent jurisdiction holds any section, sentence, clause, phrase, word, portion or provision of this Article is invalid or unconstitutional, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion or provision of this Article which can be given effect without the invalid provision. The invalidation of any section, sentence, clause, phrase, word, portion or provision of this Article as applied to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.
- (e) Variance. Variances to the provisions of this Article can be made only by the Planning Commission or the Board of County Commissioners and only upon a finding supported by written legal opinion of the District Attorney that the variance is required to comply with the constitution, laws or judicial decisions of the United States or State of Nevada.

Section 110.505.10 Mobile and Temporary Signs.

- (a) Mobile signs are permitted under the following conditions.
 - (1) The mobile sign must be painted or otherwise directly attached flat against the exterior surface of the body of a vehicle or trailer or, if on a cargo-type body, the sign must be attached flat against the stake racks or other standard vehicle accessories used to confine cargo loads on the bed of the vehicle or trailer.
 - (2) The vehicle or trailer must be currently licensed and registered and must be legally operable and capable of being operated on public roads.

- (3) The mobile sign shall not be illuminated and shall not contain letters or symbols which are manually replaceable in order that the copy can be easily changed from time to time.
- (4) Any mobile sign greater than 9 square feet shall not be parked in one location visible from a public roadway for more than 3 consecutive days.
- (5) The mobile sign shall not be an electronic message display (EMD) sign.
- (6) The mobile sign shall not count against the maximum allowable sign display area or maximum number of signs per site as set out in Table 110.505.15.1.

(b) Temporary Sign Standards.

- (1) Temporary signs shall not be placed in a prohibited sign area pursuant to per Section 110.505.35, Prohibited Signs.
- (2) Temporary signs need not be affixed to the ground or building.
- (3) Temporary signs shall not be illuminated nor be an electronic message display (EMD).
- (4) The location requirements in Section 110.505.15(f), Location of Signs, shall not apply to temporary signs.
- (5) Temporary signs do not count against the maximum allowable sign display area or maximum number of signs per site as set forth in Table 110.505.15.1, but individual signs may not exceed the limitations (sign height, maximum sign display area for individual signs) as set forth in Table 110.505.15.2.
- (6) Except as provided under subsections (7) and (8) below, no temporary sign shall be placed on any site for more than 10 consecutive days. At least 90 days must elapse between any display of a temporary sign signs on any site.
- (7) If a property is currently advertised for sale or lease, a temporary sign shall be allowed until 5 days after the recordation of the sale or execution of the lease agreement. The sign is limited to the size as set forth in Table 110.505.15.2. Freestanding signs shall meet a minimum setback of five (5) feet from all property lines.
- (8) If construction is occurring on a site, a temporary sign shall be allowed until 5 days after issuance of a final inspection or a certificate of occupancy. A valid building permit for the construction is required. The sign may be up to sixteen square feet in size and shall be setback a minimum of 5 feet from all property lines.

Section 110.505.15 General Standards.

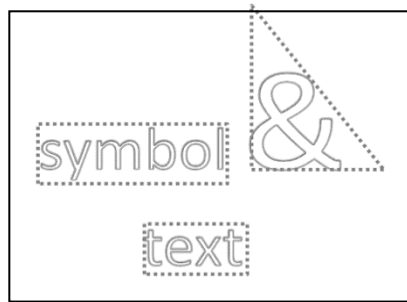
- (a) Allowable Sign Display Area. Where the allowable sign display area is a function of business frontage, no more than 2 business frontages may be counted in calculating the allowable area for any building occupant. The two business frontages shall be determined by the sign permit applicant.

(b) Visible from a Public Roadway. Unless otherwise provided in this Article (such as exempt signs and temporary or mobile signs) any sign that is visible from a public roadway shall count towards the total number of signs allowed and allowable sign display area per site as set forth in Table 110.505.15.1 and shall comply with all applicable standards in this Article.

(c) Sign Display Area Computation.

(1) Where a sign consists of copy, painted on or attached directly to a building, which are without an integrated background and are not enclosed in a frame or cabinet, the area of the display shall be measured as the total area of the smallest height and width of a geometric shape (or combination of geometric shapes not to exceed 5 geometric shapes) that encompass the entire copy of the sign. Such geometric shapes shall only include rectangles, circles and right triangles, as generally shown with dotted lines in examples 1 through 3, below:

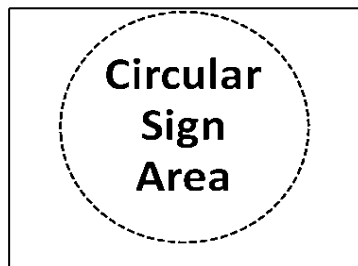
Example 1:



Example 2:



Example 3:



- (2) Where a display is enclosed in a frame or cabinet, or has an integrated background, the entire area within and including the outer edge of framework, cabinet or background must be included in the sign display area computation.
 - (3) Where both signs and billboards are located on the same site, the allowable sign display area shall not be reduced by the amount of billboard's display area.
- (d) Number of Signs. Any display(s) contained within a single frame, framework, cabinet or integrated background shall be counted as one (1) sign. Multiple sign displays on a single freestanding framework are counted as one sign and are allowed if all other requirements of this section are satisfied.
- (e) Maintenance, Repair and Appearance. All signs shall be maintained in good repair and appearance. No sign, flag or banner, whether temporary or permanent, shall be torn, ripped, tattered, or in disrepair.
- (f) Location of Signs. Signs located on private property:
- (1) Shall not extend across property lines into adjacent property or public rights-of-way or easements;
 - (2) Shall be setback a minimum of 5 feet from any property line;
 - (3) Shall not be located in a manner that would create a hazard for traffic or pedestrians;
 - (4) Shall not, for a freestanding sign, be located within 75 feet from any other freestanding sign or billboard, whether on or off the site; and,
 - (5) Shall be prohibited within any special flood hazard area as defined by any adopted flood control plan and within 300 feet of the centerline of the Truckee River.
- (g) Wall Signs. Wall signs shall not extend above the wall or surface of the building frontage to which they are attached and shall not project more than 1 foot from the wall.
- (h) Roof Signs. Roof signs shall meet all of the following criteria:
- (1) Shall not exceed 4 feet in vertical dimension;
 - (2) Shall not extend above the upper edge of the roof, below the lower edge of the roof, or beyond any other terminating edge of the roof;
 - (3) Shall be constructed separately from the roof surface;
 - (4) Shall be mounted perpendicular to level grade and parallel to the nearest horizontal roof line; and,
 - (5) Shall have all supports enclosed or otherwise made not visible from a public roadway.
- (i) Projecting Signs. Projecting signs are permissible subject to the following criteria:

- (1) The sign shall not extend above the wall or other surface to which it is attached.
 - (2) The sign shall not be attached to or located above a roof and must be attached perpendicular to a vertical surface.
- (j) Maximum Height of Freestanding Sign. A freestanding sign shall be measured from the finish grade except if a freestanding sign is located adjacent to a public roadway and the edge of the roadway is above the grade where the sign is located, then the freestanding sign will be measured from the grade of the road at the edge of pavement. If a sign is subject to NRS 278.0213 (outdoor advertising structures obstructed by noise abatement improvements), the Director may authorize an adjustment of the height or relocation of the sign as provided in Table 110.505.15.1 and only to the extent consistent with the provisions of that statute. Decisions of the Director may be appealed to the Board of Adjustment, per Article 912 of the Washoe County Development Code.
- (k) Established Principal Use Type Required. Except for signs regulated under Section 110.505.10, Mobile and Temporary Signs, no sign shall be erected or located on a property unless the property has an established principal use type pursuant to Section 110.505.20.
- (l) Sign Restrictions. Except for signs regulated under Section 110.505.65, Billboards, and except for non-commercial signs, all other signs must meet the following restrictions:
- (1) The sign shall display only messages that identify, advertise or direct attention to a business, activity, product, service or interest of a person located on the premises where the sign is located.
 - (2) The use of the sign is allowed only as long as the principal use type on the site remains active. Upon discontinuance of the principal use type, the sign shall be immediately removed.
- (m) Illumination standards for signs that do not include electronic message displays. Signs which include electronic message displays are governed by Section 110.505.30. For all other signs, (including freestanding and building signs) the following illumination standards apply:
- (1) No sign may use beacons, search lights, strobe lights, exposed light bulbs which are not shielded toward the sign face, blinking or flashing lights, or any form of lighting that would impair the vision of a driver on any roadway. No sign may use any form of illumination that would impair the effectiveness of any Official Sign.
 - (2) Signs that face and are within 100 feet of any properties which have a residential regulatory zone or are actually used for residential purposes must use only indirect lighting cast upon the sign from an external light source that is shielded from direct view and shall comply with all light and glare standards as set forth in Section 110.414.21, Light and Glare, of this Code.

Table 110.505.15.1 Permanent Sign Regulations by Principal Use Type of Sites

Principle Use Type of Sites ⁽¹⁾	Freestanding Signs				Building Signs	
	Max Number per Site	Max Height	Max Size per Sign	Max Sign Area per Site	Max Number per Site or Business Frontage	Max Sign Area per Business Frontage
Residential – Single Family	1 per residential dwelling unit	4 feet	4 sf	4 sf	1 per residential dwelling unit	4 sf
Residential – Multifamily & Man. Home Parks	1 per residential dwelling unit	4 feet	2 sf	2 sf	1 per residential dwelling unit	2 sf
Limited Commercial	1	6 feet	16 sf	16 sf	1 per parcel or BF	16 sf
Commercial and Retail	1 per site frontage	20 feet or Up to 30 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽³⁾	1 sf for each 1 foot of LSF	2 per BF up to 4 for any business or occupant.	2.5 sf for each 1 foot of BF
Recreation and Travel	1 per site frontage	20 feet or Up to 30 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽²⁾	1 sf for each 1 foot of LSF	2 per BF up to 4 for any single business or occupant.	2.5 sf for each 1 foot of BF
Regional Recreation, Travel and Tourism	1 per site frontage	20 feet or Up to 45 feet with SUP ⁽³⁾	120 sf or up to 300 sf with AP or over 300 sf up to 450 sf with SUP ⁽³⁾	1 sf for each foot of LSF or as approved by SUP	2 per BF up to 4 for any single business or occupant.	5 sf for each foot of BF
Manufacturing Warehousing and Industry	1 per site frontage	20 feet or Up to 25 feet with AP ⁽²⁾	120 sf or Up to 200 sf with AP ⁽²⁾	1 sf for each foot of LSF	2 per BF up to 4 for any single business or occupant.	1 sf for each 100 sf of GFA
Agricultural	1	6 feet	16 sf	16 sf	1 per building	16 sf
Civic	4 per site unless otherwise determined by approved AP ⁽²⁾	6 feet	80 sf for one sign; 40 sf for all other signs	120 sf; Over 120 sf requires AP ⁽²⁾	2 per BF up to 4 for any single occupant for all non-residential uses.	120 sf; Over 120 sf requires AP ⁽²⁾

GFA = Gross Floor Area; LSF = Linear Site Frontage; BF = Business Frontage s.f. = square feet. AP = Administrative Permit; SUP = Special Use Permit; ⁽¹⁾The principal use types are defined in Section 110.505.20; ⁽²⁾Administrative Permit required pursuant to Section 110.505.40. ⁽³⁾Regional Recreation, Travel and Tourism uses may apply for a Special Use Permit for a freestanding sign that exceed the size limits of this table following the provisions of Section 110.505.40

Table 110.505.15.2 Temporary Sign Regulations by Principal Use Type

Principal Use Type of Sites ⁽¹⁾	Temporary Signs			Front Yard Setback ⁽⁴⁾
	Max Size	Max Number	Max Height ⁽³⁾	
Residential – Single Family – Less than 2 acres	6 sf per unit	1 per residential lot	6 feet	5 feet
Residential – Single Family – Between 2 acres and less than 10 acres	16 sf	1 per residential lot	6 feet	10 feet
Residential – Single Family – 10 acres or greater	32 sf	1 per residential lot	6 feet	15 feet
Residential – Multifamily & Man. Home Parks	2 sf per unit	1 per residential lot	6 feet	5 feet
Limited Commercial	16 sf	1 per parcel or bf	6 feet	10 feet
Commercial and Retail	32 sf	1 per parcel or bf	6 feet	10 feet
Recreation and Travel	32 sf	1 per parcel or bf	6 feet	10 feet
Regional Recreation, Travel and Tourism	32 sf	1 per parcel or bf	6 feet	10 feet
Manufacturing, Warehousing and Industry ⁽²⁾	32 sf	1 per parcel or bf	6 feet	10 feet
Agricultural	32 sf	1 per parcel	6 feet	10 feet
Civic	32 sf	1 per parcel or bf.	6 feet	10 feet

bf = Business Frontage; sf = square feet; ⁽¹⁾ The principal use types are defined below in Section 110.505.20; ⁽²⁾ One additional temporary sign up to 100 sf may be mounted to the side of a building if the building is 25,000 sf or larger in size. ⁽³⁾ The maximum height applies to freestanding signs only. ⁽⁴⁾ If the sign does not exceed six square feet than the front yard setback shall be 5 feet off the property line.

Section 110.505.20 Principal Use Types of Sites. These principal use types only apply to Article 505:

- (a) Residential – Single Family: “Residential – Single Family” refers to properties containing single family uses on individual residential sites. This use type also refers to properties that allow single family uses but are currently vacant for the purpose of erecting a temporary sign.
- (b) Residential – Multi Family and Manufactured Home Parks: “Residential – Multifamily & Manufactured Home Parks” refers to individual units within a multi-family complex.
- (c) Limited Commercial: “Limited Commercial” refers to uses that generate minimal traffic require limited sign visibility and are typically located within residential districts. These use types include, but are not limited to: Family Daycare, Large Family Daycare, Group Care, Dog Training Services, custom manufacturing and Bed and Breakfast Inns.
- (d) Commercial and Retail: “Commercial and Retail” refers to all uses identified in Table 110.302.05.3, Commercial Use Types, of this Code that have not been specifically identified within another defined principal use type within this section. This principal use type also includes Hospital uses.
- (e) Recreation and Travel: “Recreation and Travel” refers to lodging and entertainment uses. Such use types include , but are not limited to Commercial Campground Facilities/RV Parks, Destination Resorts, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Sports and Recreation, Outdoor Entertainment, Hotels and Motels, Condominium Hotel, Hostels and Vacation Time Shares.

- (f) Regional Recreation, Travel and Tourism: “Regional Recreation, Travel and Tourism” refers to large-scale entertainment uses intended to attract crowds of 1,000 people or more per event and also include unlimited gaming facilities that attract visitors from both inside and outside of the immediate region of Washoe County. Such use types may include: Casinos with Unlimited Gaming and Outdoor Entertainment venues.
- (g) Manufacturing, Warehousing and Industry: “Manufacturing, Warehousing and Industry” refers to all use types identified in Table 110.302.05.4, Industrial Use Types, of this Code, with the exception of custom manufacturing use types, that have not been specifically identified within another defined principal use type within this section.
- (h) Agricultural: “Agricultural” refers to uses that primarily involve agricultural activities. This category includes all uses identified in Table 110.302.05.5, Agricultural, of this Code, as well as Commercial Stables, Veterinary Services –Agricultural and Wholesale Nursery Sales.
- (i) Civic: “Civic” refers to all uses types identified in table 110.302.05.2, Civic Use Types, of this Code, with the exception of family daycare and large family daycare use types, that have not been specifically identified within another defined principal use type within this section.

Section 110.505.25 Specialty Signs. In addition to the signs permissible in Table 110.505.15.1, one directory and one area identification sign shall be allowed per entrance as described below:

- (a) Directory Signs. Directory signs are permanent signs and shall be permitted at major entrances to residential, commercial, industrial or office complexes to identify occupants, addresses or building numbers for the convenience of visitors and to facilitate emergency services. Directory signs shall not exceed 6 feet in height. No more than 3 square feet shall be devoted to any single occupant. Directory signs shall be included in allowable sign-area limit computations and when calculating the number of signs on a site.
- (b) Area Identification Signs. Area identification signs are permanent signs and shall be permitted at major entrances to neighborhoods, subdivisions, residential complexes, shopping centers, and office or industrial complexes. Area identification signs shall not exceed 6 feet in height, nor 64 square feet in area and shall not be included in allowable sign-area computations or when calculating the number of signs on the site.
- (c) Window Signs. Window signs are not subject to the sign area or number limitations of this Article. The total area of all window signs in a business frontage shall not exceed 25 percent of the total area of all windows of that business frontage. Permits are not required for any window signs. The maximum size for any illuminated window sign shall be three (3) square feet. Window signs are prohibited on the exterior of a window.

Section 110.505.30 Electronic Message Display Signs. All electronic message display (EMD) signs shall require the approval of an administrative permit by the Board of Adjustment; or a special use permit by the Board of County Commissioners if the EMD is a Regional Recreation, Travel and Tourism sign over 300 square feet in size. An EMD shall meet the following criteria unless otherwise approved by the Board of County Commissioners by means of a special use permit:

- (a) EMDs shall contain static copy only.
- (b) Static copy on the EMD must be displayed for a minimum of 8 seconds with instantaneous transition from one message to the next.

- (c) Each EMD shall meet the standard building setback requirements of Article 406, Building Placement Standards, of this Code for the regulatory zone in which the sign is proposed to be located.
- (d) **Except as otherwise provided herein**, an EMD shall not be placed within 200 feet from any residential regulatory zone property line. **If the EMD is otherwise permitted under the provisions of this Section, is operated by a governmental entity, and is located on property owned or controlled by a governmental entity, then the EMD shall not be placed within 100 feet from any residential regulatory zone property line if the sign will be used only:**
 - (1) For any of the purposes identified in WCC 110.505.00(d);**
 - (2) To convey locational, directional, or traffic control information; or**
 - (3) To promote public safety, health, and welfare.**
- (e) An EMD shall not be placed within 200 feet from any other EMD.
- (f) An EMD shall only be located on properties with regulatory zones of General Commercial (GC), Tourist Commercial (TC), Neighborhood Commercial (NC), and Industrial (I) on parcels one acre in size or larger or on properties with regulatory zones of Public/Semi-Public Facilities (PSP) and Parks and Recreation (PR) that are ten acres or larger in size. Only one EMD shall be allowed per site.
- (g) A freestanding EMD sign structure shall not exceed 12 feet in height and shall be a monument sign as defined at Section 110.505.75, Definitions, unless the EMD is placed on a property with a Regional, Recreation, Travel and Tourism use type.
- (h) Within the General Commercial (GC), Neighborhood Commercial (NC) and Industrial (I) regulatory zones, an EMD shall only be allowed within a Commercial Center as defined at Section 110.304.25(f) of this Code.
- (i) An EMD shall not exceed 50% of the allowable sign display area of signs allowed on any site per this Article and an EMD shall not exceed a maximum of 120 square feet in size.
- (j) EMDs shall not operate at brightness levels of more than 0.3 foot-candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the following formula: Measurement Distance =

$$\sqrt{\text{Area of Sign} \times 100}$$
 The measurement distance can be rounded to the nearest whole number.
- (k) All permitted EMDs shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be either programmed to automatically dim according to ambient light conditions, or manually adjusted to comply with subsection (j) above.
- (l) All special use permit or administrative permit applications for EMDs shall include a statement by a licensed engineer certifying that the lighting will comply with the lighting standards of this Article Code.

- (m) EMDs shall not be allowed within any designated scenic corridor or scenic byway as identified in either state statute, or in Washoe County Code or Master Plan.
- (n) Illumination Measurement Criteria:
 - (1) The illuminance of an EMD shall be measured with a light meter set to measure foot-candles accurate to at least two decimals.
 - (2) Illuminance shall be measured with the EMD off, and again with the EMD displaying a solid white image for a full color capable EMD, or a solid message for a single-color EMD. Measurements shall be taken one hour after sunset.
 - (3) All measurements shall be taken facing the sign structure with the light meter pointed at the center of the EMD and measured from the edge of the travelway of the nearest public roadway or at the property line of any residential regulatory zone.

Section 110.505.35 Prohibited Signs. The following types of signs and displays are prohibited:

- (a) Signs which constitute a hazard to traffic, motorists or pedestrians.
- (b) Signs that block visibility from any intersection or driveway, as identified in Article 110.412.30, Public Safety, of this Code.
- (c) Signs which produce odor, sound, smoke, flame or other emissions.
- (d) Signs which imitate or simulate official signs, or which use blinking or intermittent lights resembling danger or warning signs.
- (e) Strobe lights or any moving beam of light.
- (f) Signs on public property or rights-of-way; signs attached to utility poles, street-light standards, trees or fences, except as provided for at Section 110.505.10 (Mobile and Temporary Signs) and Section 110.505.60 (Signs on Public and Utility Property) of this Article.
- (g) Moving signs, including wind signs and signs moved by forced air.
- (h) Vertical sail signs.
- (i) Signs prohibited by any other Washoe County Code provision.
- (j) Any billboard that is not identified on the most current billboard inventory list as adopted by resolution by the Board of County Commissioners.

Section 110.505.40 Permits and Enforcement.

- (a) A permit is required to be issued by Washoe County Building and Safety Division for the construction of any new permanent sign over 4 square feet in size and for the repair of existing signs other than routine maintenance. Sign permits shall be issued within 60 days from the date of submission of an application meeting all applicable provisions of the Washoe County Code.

- (1) It is unlawful to erect or keep a permanent non-exempt sign whose sign display area exceeds four square feet without first obtaining a sign permit from the Washoe County Building and Safety Division. A sign permit is required after an Administrative Permit or Special Use Permit is approved by Washoe County as provided below.
 - (2) An application for a sign permit must be on forms provided and describe the location, sign display area and dimensions of the sign, and the physical characteristics of the sign (including illumination), and must include a listing of the location and display area of all other signs on the site. If the sign structure requires a building permit under the Washoe County Building Code, plans and specifications of the structure must be included. The fee established by resolution of the Board of County Commissioners must accompany the application.
 - (3) A sign permit shall be issued if the proposed sign complies with this Article, and the sign structure complies with all applicable building codes.
 - (4) If a decision on an application for a sign permit is not made and communicated to the applicant within 60 days from receipt of complete application (meeting all applicable provision of this Code) and fees, the sign permit is deemed approved, unless otherwise agreed between the applicant and the approving authority.
- (b) Administrative Permit. Except for exempt signs or signs governed by 110.505.40(c), an administrative permit pursuant to Article 808 of this Code, Administrative Permits, approved by the Board of Adjustment shall be required pursuant to the provisions of Table 110.505.15.1 for any permanent sign. In addition to the findings required by Article 808, Administrative Permits, the Board of Adjustment must find that the proposed sign complies with all the requirements of this Article.
- (c) Special Use Permit for Regional Recreation, Travel and Tourism Signs. A Special Use Permit pursuant to Article 810, Special Use Permits, of this Code may be granted by the Board of County Commissioners to increase the size and height, as is otherwise allowed in Table 110.505.15.1, for one freestanding sign, for each "Regional Recreation, Travel and Tourism" development. Before granting a special use permit, the Board of County Commissioners shall make all the findings required by Article 810 and all of the following findings:
- (1) The freestanding sign is located immediately adjacent to an interstate highway having at least four travel lanes.
 - (2) The freestanding sign is located within ¼ mile of an exit providing access to the Regional Recreation, Travel and Tourism or Unlimited Gaming development from the interstate highway.
 - (3) There is only one freestanding sign exceeding 300 square feet within ¼ mile of any exit providing access to a "Regional Recreation, Travel and Tourism" development, from the interstate highway.
 - (4) The freestanding sign is located on the same parcel of land or a parcel of land directly adjacent to the "Regional Recreation, Travel and Tourism" development.
 - (5) That the parcel upon which the freestanding sign is located has a regulatory zone of Industrial, General Commercial or Tourist Commercial.

- (6) That all other applicable sections of the Development Code and this Article are met.
 - (7) The special use permit has been conditioned to require removal of the freestanding sign upon discontinuance of the “Regional Recreation, Travel and Tourism” principal use type.
 - (8) That approval of the special use permit for the enlarged sign will benefit the general welfare of citizens of Washoe County.
 - (9) The freestanding sign shall not be located within 500 feet from any residential regulatory zone.
- (d) Enforcement. The Director may commence any enforcement proceeding authorized under Article 910, Enforcement, of this Code regarding any sign which is not consistent with any of the provisions of this Article.

Section 110.505.45 Continued Use and Maintenance of Nonconforming Outdoor Advertising Displays and Framework. If a sign is a “nonconforming outdoor advertising structure” as defined by, and within the meaning of, NRS 278.0215, the provisions of Sections 110.505.50 and 110.505.55 shall apply to the sign in the same manner as those sections would apply to any other non-conforming sign under this Article except:

- a) If removed, the displays and framework may not be relocated to another site; and,
- (b) To the extent that any provision in this Code conflicts with state statute, Nonconforming Outdoor Advertising structures are subject to the requirement that compensation must be paid if the sign is ordered removed or routine maintenance is not authorized as provided in that statute.

Section 110.505.50 Continued Use and Maintenance of Nonconforming Signs.

- (a) Use and routine maintenance authorized. A non-conforming sign or a nonconforming outdoor advertising display and framework may be used and maintained in accordance with this section until the right is terminated as provided in section 110.505.55.
- (b) No changes. A nonconforming sign shall not be changed to an EMD and there must be no change in the size, height, location or materials, and no enhancement to the nonconforming sign.
- (c) Conformance with applicable law. The nonconforming sign must have complied with and must continue to comply with all requirements that were in effect at the time the sign was erected including any requirements in any special use permit, variance, or other approval for the sign or the use of land.
- (d) Maintenance required. Maintenance can and must be regularly performed on all nonconforming signs so that they are kept in good and nonhazardous condition in accordance with standards set out in this Article. A building permit may be required before repairs or maintenance are performed.

Section 110.505.55 Termination of Nonconforming Use/Maintenance Rights. A nonconforming sign shall be removed or brought into conformity with this Article when any of the following events or circumstances occurs.

(a) Destruction. Destruction or damage of a nonconforming sign in excess of 50 per cent of its material structural value as a result of :

(1) A natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and snowstorm; or,

(2) An event that is within the control of the owner of the sign.

A nonconforming sign damaged by an act of third party vandalism or other cause beyond the control of the owner of the sign may be repaired. Proof of vandalism in the form of a Washoe County Sheriff's report must be submitted to Washoe County.

(b) Termination of lease or right to use land. A nonconforming sign shall be removed or brought into conformance upon the expiration or termination of any land lease, license, or other right to use the land on which a nonconforming sign is located.

(c) Abandoned Sign. A sign shall be determined to be abandoned when there has been no copy displayed for 12 months. A notice shall be sent to the property owner stating that the sign is apparently abandoned and that they have 30 days to remedy the problem, by coming into conformance with the Development Code. After that time period, removal of the sign will be enforced as provided in Article 910, Enforcement, of this Code.

(d) Development or redevelopment of land. If property is being developed or redeveloped with a new or a changed use(s), a public hearing is required before a sign may be ordered to be removed.

(e) Discretionary Approval(s). If an existing sign is not in compliance with the provisions of a discretionary action such as a special use permit, variance, etc., the Director may order the sign removed or brought into compliance. Orders of the Director are subject to appeal pursuant to Section 110.912.10 of this Code.

(f) Hazard. As determined by the Director, after consultation with a licensed professional engineer, that a nonconforming sign has become a public safety hazard, the Director may order repairs or removal as follows. Orders of the Director are subject to appeal pursuant to Section 110.912.10 of this Code.

(1) Repairs. The Director may order repairs to the nonconforming sign if in the reasonable judgment of the Director, the cost of the repairs would be less than 50 per cent of the sign's material structural value. To the extent necessary to remove the hazardous condition, the Director may order a change in the size, height, location or materials used in the nonconforming sign, but shall not order any enhancement to the nonconforming sign that increases illumination and/or the visual effect of the sign.

(2) Removal. The Director may order removal of the sign if, in the reasonable judgment of the Director, the cost of repairs would exceed 50 per cent of the sign's material structural value, or if repairs are ordered and the order is not complied with.

Section 110.505.60 Signs on County Property.

(a) Signs Prohibited. No person may erect a sign on or over real or personal property, easements or rights-of-way owned by Washoe County unless exempted pursuant to Section 110.505.05(b), Exemptions.

- (b) Removal. Any sign found erected contrary to the provisions of this section shall be removed by Washoe County. Advance notice of removal need not be given. The removed signs must be stored for thirty (30) days. During that period, the sign must be made available to the owner and must be returned upon payment of the cost incurred in the removal.
- (c) Additional Regulations for Signs on County Property. Unless otherwise prohibited by law, any person may carry any flag, any hand held sign and any sign worn on clothing:
- (1) Anywhere in the Washoe County administration complex;
 - (2) In any Washoe County building, parking lot or area adjacent to any Washoe County owned or occupied building;
 - (3) In any Washoe County park; or,
 - (4) In any other part of a Washoe County property that is considered a “traditional public forum” as defined by controlling law.

Otherwise, only Washoe County may place a sign on any property, right of way or easement owned or occupied by Washoe County. The Washoe County Manager or any person or persons designated by the County Manager may authorize a County sign to be placed on Washoe County property for locational, directional, traffic control or public safety, health and welfare purposes. Any other sign must be authorized by the Board of County Commissioners.

Section 110.505.65 Billboards. Billboards are signs larger than 450 square feet in size and/or are identified on the most current billboard inventory as adopted by resolution by the Board of County Commissioners and maintained by the Community Services Department, Planning and Development Division. Signs on the billboard inventory are legal nonconforming billboards as these billboards do not comply with the standards established in Table 110.505.15.1 of this Article. Additionally, all such billboards shall comply with Sections 110.505.45, 110.505.50 and 110.505.55 of this Article. The Director of the Planning and Development Division shall maintain and modify the approved billboard inventory to reflect changes in jurisdictions (i.e. annexations, rollback of sphere of influences, etc.) and removed billboards.

Section 110.505.70 Definitions.

Area Identification Sign. “Area identification sign” means a permanent sign used to identify a neighborhood, subdivision, commercial or office complex, industrial district or similar distinct area of the community.

Billboard. “Billboard” means any sign larger than 450 square feet and/or identified in the most current billboard inventory list as maintained by the Washoe County Community Services Department. The total number of permitted billboards is determined by the most current billboard inventory adopted by resolution by the Board of County Commissioners and maintained by the Washoe County Community Services Department.

Building Frontage. “Building frontage” means the length of the face or wall of a completely enclosed building which fronts directly on a public roadway.

Building Sign. Refer to “wall sign”.

Business Frontage. “Business frontage” means the length of the ground floor building frontage occupied by an individual building occupant. An occupant may have more than one (1) business frontage if it occupies building frontage facing on two (2) or more public roadways.

Copy. “Copy” means letters, numbers, language, symbols or pictures.

Directional Sign. “Directional sign” means a permanent sign which directs the flow of traffic or pedestrians.

Director. “Director” means the Director of the Planning and Development Division of the Community Services Department of Washoe County or his/her designee.

Directory Sign. “Directory sign” means a sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.

Electronic Message Display (EMD). “Electronic message display” means a sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

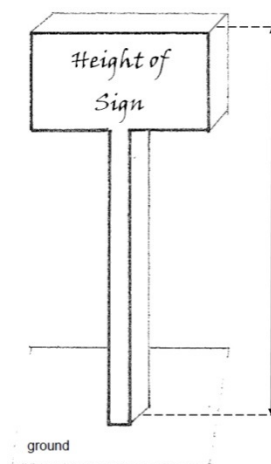
Erect. “Erect” means to arrange, build, construct, attach, hang, paint, place, suspend, affix or otherwise establish a sign.

Flashing Sign. “Flashing sign” means a sign which uses blinking, flashing or intermittent illumination or light reflectors, either direct, indirect or internal.

Freestanding Sign. “Freestanding sign” means a sign which is supported by its own framework apart from a building and which is not regulated as a billboard.

Gross Floor Area. “Gross floor area” means the total horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two building, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

Height of Sign. “Height of sign” means the vertical distance from the topmost part of a sign to the finish grade at the base of the sign.



Holiday Decoration. "Holiday decoration" means any display commonly associated with a local, state, national or religious holiday, and which is not left in place for more than forty-five (45) consecutive days during any single observance.

Linear Site Frontage. "Linear site frontage" means the linear dimension of a site abutting on a public roadway.

Material Structural Value. "Material structural value" means the cost of labor and material necessary to erect a sign. The term does not include any revenue or expenses related to the lease of real property upon which the sign is located.

Maximum Sign Display Area. "Maximum sign display area" means the total sign display area permitted per Table 110.505.15.1.

Mobile Sign. "Mobile sign" means a sign supported by a sign framework that is mounted on wheels, skids or other device designed to make the framework conveniently movable or portable. Mobile signs include vehicles, trailers and frameworks not structurally attached to the ground or a building.

Monument Sign. "Monument sign" means a freestanding sign generally having a low profile with little or no open space between the ground and the sign copy.



Moving Sign. "Moving sign" means any sign which includes visible moving or rotating parts or beam of light.

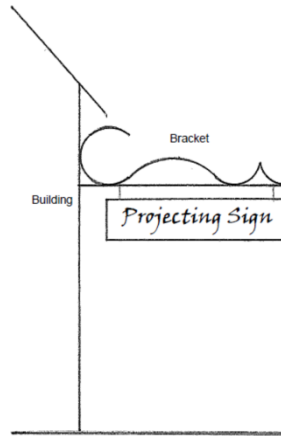
Nonconforming Outdoor Advertising Display and Framework. "Nonconforming outdoor advertising display and framework" as defined in NRS 278.0215(7).

Nonconforming Sign. "Nonconforming sign" means a sign which was constructed or erected in conformance with all applicable county ordinances and codes in effect on the date the sign was first displayed but which does not conform subsequently because of a change to the County codes or ordinance.

Official Sign. "Official sign" means any sign erected by or at the direction of a governmental agency.

Permanent Sign. "Permanent sign" means any sign which is designed, constructed and affixed at the site in such a manner that it cannot be conveniently moved from place to place.

Projecting Sign. "Projecting sign" means a sign which is supported by a decorative bracket or hanger and extends at right angles from the face of a building. This definition shall also include any sign which, because of its shape or thickness, extends more than 12 inches from the face of a building when mounted flat against the face of the building.

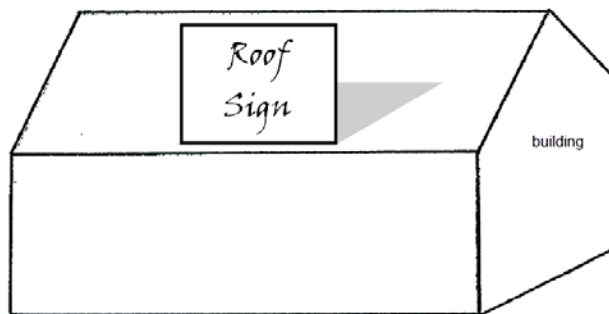


Public Roadways. “Public roadways” means a street or highway that is improved, designed or ordinarily used by the public for vehicular travel and which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically designated as a private road or a nonpublic road.

Repair of a Sign. “Repair of a sign” means the replacement of framework and support material of an existing sign with the same material with no change in the support system of the existing sign.

Residential Lot. “Residential lot” means any parcel of land or building used exclusively for residential purposes. Residential lots may also include any accessory buildings, uses and exterior space that are ancillary to the residential use.

Roof Sign. “Roof sign” means a sign painted on, supported by or attached to the roof or roof structure of a building. This definition does not include a sign attached flat against the wall of a penthouse, or other integral part of a building, which projects above the main roof.



Routine Maintenance. “Routine maintenance” means normal repair and upkeep of the structural integrity and appearance of a sign or outdoor advertising display framework. The term does not include any increase in the size or height of the sign or sign framework or any addition or enhancement to the sign or sign framework that increases the visual effect of the display and/or framework or increases the impact on the use of the land in that area around the display and/or framework. Such improvements are classified as non-routine maintenance.

Sign. “Sign” means (i) a device, including but not limited to a pennant, flag, vertical sail, wind sign, forced air tube, sound speaker, or light whether or not it contains copy, displayed for the purpose of attracting attention, or (ii) a visual display of copy designed to identify, announce, entertain, direct, advertise, or

communicate information. If the device or display is part of a sign structure, the term “sign” includes the framework.

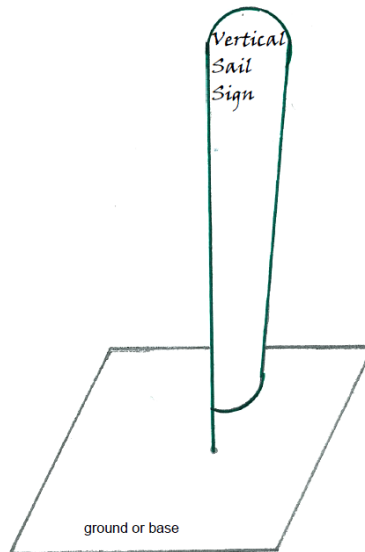
Sign Display Area. “Sign display area” means the part or parts of the sign which contains copy.

Sign Framework. “Sign framework” means those parts of a sign designed to support it in place but does not include the area of the sign display.

Site. “Site” means any parcel of land which includes any unit or contiguous units of land in the possession of or recorded as the property of one person.

Temporary Sign. “Temporary sign” means any non-illuminated sign not designed to be permanently attached to a building or structure, or anchored to the ground, and intended to be displayed for a limited amount of time and then removed.

Vertical Sail Signs. “Vertical sail signs” means signs of varying shapes and sizes, single or double sided, that are usually attached to a single pole, but may have a two pole design, that are staked into the ground or weighted on hard surfaces, and that move in the wind. Commonly referred to as flying banners, wind sail signs, feather flags, vertical flags, flutter flags or vertical sail signs. Most are of fabric type material and can be used indoors but are primarily used outdoors to promote retail establishments, grand openings or attract visitors from the roadway.



Wall Sign. “Wall sign” means a sign which is painted on, supported by or attached to a wall or other vertical surface of a building.

Wind Sign. “Wind sign” means any sign, part of a sign or series of signs, designed or erected in such a manner as to move when subjected to wind pressure or forced air.

Window Sign. “Window sign” means any sign that is placed inside a window and is visible from the exterior of the window.

SECTION 2. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on _____ (month) _____ (day), _____ (year).

Proposed by Commissioner _____.

Passed _____ (month) _____ (day), _____ (year).

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

Attest:

County Clerk

Chair of the Board

This ordinance shall be in force and effect from and after the
_____ day of the month of _____ of the year _____.