

El Dorado County Joint BOS/PC Meeting Sign Code Update Introduction

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JANUARY 28, 2013

Meeting Purpose

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- 1. INTRODUCTION TO AND EDUCATION ABOUT SIGN REGULATIONS**
- 2. GAME PLAN FOR MOVING FORWARD**
- 3. OPPORTUNITY FOR INPUT, FEEDBACK, AND DIRECTION**

Meeting Plan

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PROJECT SCOPE AND PROCESS
ZONING REGULATION BASICS
LEGAL FRAMEWORK FOR SIGN REGULATIONS
EXISTING SIGN CODE
KEY ISSUES TO ADDRESS
WHAT TO EXPECT
FOLLOW UP AND NEXT STEPS

Project Scope

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- Prepare Sign Code Update
 - Research and analysis of sign code issues
 - Preparation of draft sign code
 - Public meetings to consider sign code (Study Sessions)
 - Revisions to draft sign code
 - Public hearings
 - Complete Admin Draft of sign code for Project Description
- Prepare Focused EIR for Sign Code Update
 - Project description and Notice of Preparation (NOP)
 - Prepare Draft EIR and Notice of Completion and Availability
 - Prepare response to comments and Final EIR

Project Process

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- 8 month process (February 2013 – September 2013)
 - Staff has started work as directed by Board in Fall 2012
 - Relationship to comprehensive zoning code update
- 5 primary project phases for Sign Code Update:
 - Phase 1 – Understanding the issues (listening, data gathering, analyzing and vetting)
 - Phase 2 – Documenting (drafting sign code update and EIR)
 - Phase 3 – Evaluating and reviewing (study sessions with decision makers and public, review of EIR)
 - Phase 4 – Revising documents and responding to comments
 - Phase 5 – Presenting and adopting (public hearings)

Land Use Basics Governing Signs

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- General Plan and Zoning are valid execution of police power (including regulation of signs)
 - Local authority to regulate land to protect public health, safety and welfare
 - Courts require clear purpose and regulations tied to purpose for same protections, then burden of proof is on challenger
 - Aesthetics is a valid purpose
 - Signs are generally regulated based on aesthetics, complicated due to First Amendment
- Zoning is required by law to be consistent with the General Plan
- All Zoning regulations should/must be:
 - Logically organized/structured
 - Internally consistent
 - Well written with tables and graphics to simplify, support, or clarify text as appropriate

Legal Framework (Protections) for Signs

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- Signs are a form of speech
 - ✦ Illegal to base regulations on sign message/content
 - ✦ No distinction between commercial and non-commercial speech
- Sign codes must provide due process
 - ✦ Includes review, appeal, and exception processes
- Government can only regulate the time, place, and manner aspects of signs
- Sign regulations must pass a three-part test:
 - ✦ Are they content neutral?
 - ✦ Do they serve a substantial governmental interest?
 - ✦ Are there other options for effective communication?

Considerations for EDC Sign Ordinance

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- Sign Location - on-site vs. off site signs
 - Codes that distinguish between on- and off-site signs must refer to the content of the sign and have failed content neutrality text in the courts. Prohibition on all off-site signs may be permissible if content neutral (e.g., all off-site billboards are prohibited).
- Sign Location - public property vs. private property
 - Regulating signs on County property separately lets the County use proprietary capacity to impose stricter regulations.
 - ✦ Time, place and manner restrictions
 - ✦ More legal standing to base regulations on sign content

Legal Considerations for EDC Sign Ordinance

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- Special legal considerations for certain types of signs:
 - Cannot prohibit real estate signs on private property
 - Special rules govern temporary political signs and differentiate between public right-of-ways and private residential land
 - Temporary signs, other than real estate signs and non commercial signs, can be regulated more easily, including prohibition, as long as not based on content
- Design considerations
 - Design standards should be objective, quantifiable, and focused on the physical aspects of a sign (e.g., visibility, legibility, contrast with surroundings, readability)

Existing Sign Code

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- Existing Zoning Code Section 17.16 (Signs)
 - Very narrow in scope (2 pages total)
 - Last amended in August 2000
 - Addresses exceptions for public signs, identification and wall signs
 - Includes minimal provisions for allowed number of signs, location, sign area calculations, and sign lighting
 - Establishes process to consider off-site signs
- Additional sign regulations are listed in individual zoning district chapters
- Sign procedures and policies can be found in separate ordinances (codified and uncodified), resolutions, and by MOU.
- Need to modernize; ensure full compliance with case law updates; consolidate for ease of use and clarity

13 Key Issues to Address in Sign Code Update

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1. Update sign regulations for consistency with state and federal laws
2. Clean up sign permit requirements and process
3. Reduce sign clutter by encouraging sign consolidation (e.g., multi-tenant signs) and allowing community identity and directional signage
4. Update real estate and political sign regulations
5. Clean up signs and sign regulations in the public right-of-way
6. Consider allowing certain type of off-site signs

13 Key Issues to Address in Sign Code Update

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7. Amortize existing billboard signs, signs in scenic corridors, and other non-conforming signs and preclude these signs in the future
8. Establish special provisions for signs in historic areas
9. Establish exempt sign and temporary sign regulations
10. Consider allowing changeable copy signs in limited circumstances
11. Protect view sheds
12. Add lighting standards
13. Address parked vehicle signs used solely for purpose of advertising

Question and Answer

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What's Next?

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FOLLOW UP - HOW WILL INPUT BE USED?

NEXT STEPS:

DRAFT SIGN CODE (FEBRUARY/MARCH)

STUDY SESSIONS (APRIL/MAY)

REVISE DRAFT SIGN CODE (JUNE)

PUBLIC HEARINGS

(JULY/AUGUST/SEPTEMBER)