CITY COUNCIL AGENDA: FEBRUARY 17, 2015

SCHEDULED MATTER

SUBJECT: REQUEST FOR DIRECTION RELATED TO POTENTIAL SIGN ORDINANCE MODIFICATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Recently, City staff has encountered a variety of signage-related issues. The goal of this report is to request guidance on how, if, and when the City Council would like staff to bring forward proposed amendments to the Municipal Code as it pertains to signs.

Issue #1: Signage on Public Land

Off-site commercial signage is specifically prohibited in Section 305.06(c) of the Development Ordinance, but off-site non-commercial signage is allowable, subject to approval of the property owner, per Section 305.02(f) and (g). Section 305.07(h) notes that any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer. As a result of these code sections, staff has, in the past, not allowed signage on public land unless otherwise associated and permitted with an event. However, staff desires that the City's regulations as to signage located on public property be clarified.

Local regulation of signs must be consistent with the constitutionally protected First Amendment right to free speech. While cities can ban the posting of any and all signs on public property, cities cannot regulate based on the content of the signs ("content neutrality"). Requiring permits to erect signs on public property may be constitutional, provided that the process is governed by clear content-neutral guidelines that involve no official discretion. Currently, there is a case pending before the United States Supreme Court that is expected to provide guidance as to the precise meaning of "content neutrality." In the lower court decision, the 9th Circuit held that distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs are content-neutral. This is directly contrary to prior precedent that disallowed activity described by its subject matter. The Supreme Court decision is expected this May or June.

Issue #2: Outdoor Alcohol Advertisement

The City of Porterville requires a Conditional Use Permit in order to sell alcoholic beverages at restaurants and bars (on-sale) or stores (off-sale). Historically, under the "old" zoning ordinance that was effective from 1980 through 2010, Conditional Use Permits were only required for bars and nightclubs that did not include a bona fide eating establishment. All other alcohol-related uses (restaurants, grocery stores, convenience stores, etc.) were allowed by right. An amendment in 2004

DD JB Appropriated/Funded N/A CM

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required that new off-sale businesses within 600 linear feet of a sensitive use must obtain a Conditional Use Permit.

A Conditional Use Permit allows a land use authority to use its quasi-judicial powers to approve a use not otherwise allowed in a zone district under specified conditions which assure that the use will not be detrimental to the public health, safety, and welfare, and will not impair the integrity of the zoned district.[1]One standard condition of approval typically used in previous alcohol-related Conditional Use Permits was the prohibition of outdoor signage. Because of the correlation of a Conditional Use Permit being associated with proximity to a sensitive use, it has been suggested by previous applicants that such conditions are only relevant when in the vicinity of such a sensitive use.

The 2010 Development Ordinance does not differentiate between on-sale or off-sale alcohol sales, except to provide locational restrictions for liquor stores. Because all alcohol-related uses now require a Conditional Use Permit, staff requests direction from Council on whether or not the prohibition of outdoor signage should be applied as a general assurance that the use will not be detrimental to the public health, safety, and welfare, and will not impair the integrity of the surrounding area.

Issue #3: Off-site signage and Mobile signage

As noted above, off-site commercial signage is prohibited in the Development Ordinance in Section 305.06. There are numerous specific prohibitions, including the following:

(a) Animated, Flashing or Moving Signs
(c) Billboards
(j) Portable Signs
(k) Posters
(m) Signs Creating Traffic Hazards
(n) Vehicle Displays

Currently, staff has noted many signs city-wide that are out of compliance with the prohibitions listed in this code, and has been working on city-wide compliance efforts associated with prohibited signs and unpermitted signs. At least one member of the Council has expressed interest in reconsidering the prohibitions on off-site signage, specifically mobile digital signage. Staff requests that the Council consider the current ordinance related to off-site commercial signage and, if the Council so chooses, provide direction to staff as to the extent of changes that should be brought back.

[1]Definition excerpted from Curtin's Land Use and Planning Law, 2010

RECOMMENDATION:	That the City Council consider the noted signage-related issues and provide direction to staff as to the extent and timing of possible code amendments.
ATTACHMENTS:	Porterville Municipal Code, Chapter 21, Series 300, Chapter 305-Sign Ordinance

Chapter 305 Signs

Sections:

305.01 Purpose
305.02 Policies
305.03 Applicability
305.04 Design Principles
305.05 Exempt Signs
305.06 Prohibited Signs
305.07 General Standards
305.08 Sign Standards for Residential Districts
305.09 Sign Standards for Non-Residential Districts
305.10 Standards for Specific Types of Signs
305.11 Temporary Signs
305.12 Permits Required; Review Process
305.13 Master Sign Program
305.14 Nonconforming Signs
305.15 Abatement and Removal of Illegal Signs

305.01 Purpose

The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and Federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy. Specifically, these regulations are intended to:

(a) Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;

(b) Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;

(c) Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well being of the City;

(d) Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and firefighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and

(e) Otherwise protect the public health, safety, morale, and promote the public welfare.

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305.02 Policies

The policies and principles stated in this Section apply to all signs within the regulatory scope of this Chapter, and to all procedures set forth in, or invoked by, this Chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

(a) **Permit Requirement.** Unless expressly exempted by a provision of this Chapter, or by other applicable law, signs within the regulatory scope of this Chapter may be displayed only pursuant to a permit issued by the City.

(b) **Message Neutrality.** It is the City's policy to regulate signs in a constitutional manner, that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

(c) **Regulatory Interpretations.** All regulatory interpretations of this Chapter are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or wherever a sign does not qualify as a "structure" as defined in the Building Code, then the Zoning Administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.

(d) **Substitution of Messages.** Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over any other noncommercial message. This provision does not create the right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message; and does not allow one particular on-site commercial message to be substituted for another without a permit.

(e) **Rules for Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

(f) **Situs of Non-commercial Message Signs.** The onsite/offsite distinction applies only to commercial messages on signs.

(g) **Property Owner's Consent**. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

(h) **Legal Nature of Signage Rights and Duties.** As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.

(i) **Sign Programs**. Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the Approving Authority, may modify the rules stated herein as to sign size, height, number, illumination, spacing, orientation or other non-communication aspects of signs, but may not override or modify any of the Basic Policies stated in this Section. All the provisions of this Section shall automatically apply to and be deemed a part of any sign program after the date on which this provision is initially adopted.

(j) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

305.03 Applicability

The requirements and development standards in this chapter apply to signs in all zoning districts, unless otherwise specified.

305.04 Design Principles

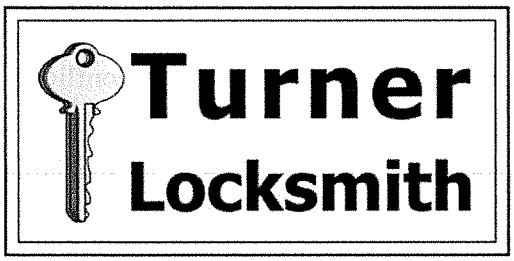
(a) **Architectural Compatibility**. A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not permitted.

(b) **Consistency with Area Character**. A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.

(c) **Legibility**. The proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

FIGURE 305.04(C): LEGIBILITY OF SIGNS

This:



Not This:

This:

Not This:

(d) **Finish**. Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.

(e) **Visibility**. A sign shall be conspicuous and readily distinguishable from its surroundings.

305.05 Exempt Signs

The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign number or area limit for a site, provided that they conform to the specified standards and obtain building permits when required by law.

(a) **Civic Signs.** Signs for historical or memorial buildings, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.

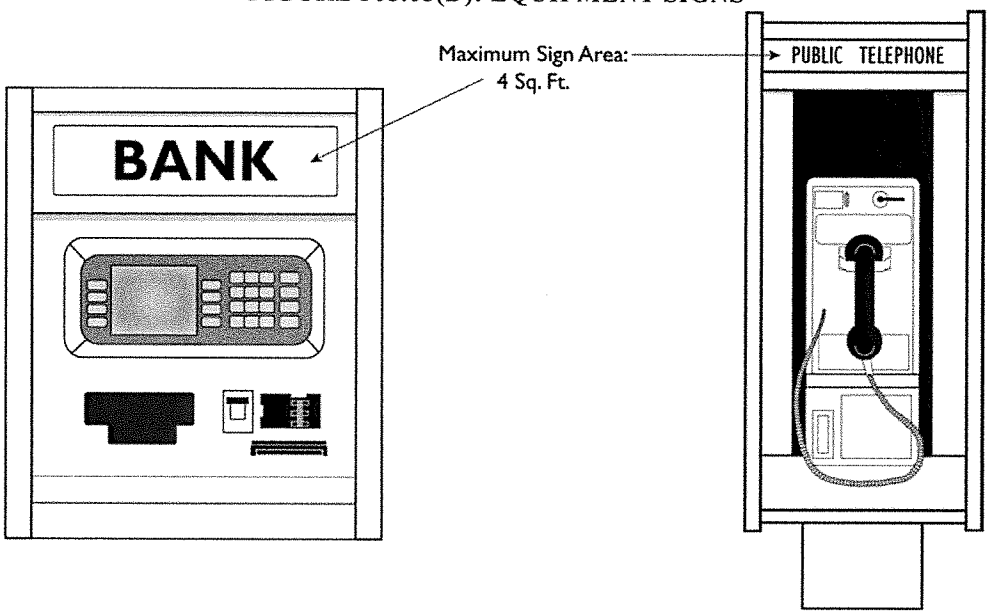
(b) **Change of Business Signs**. A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than thirty (30) days following the change of ownership or activity for which the sign is intended, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.

(c) **Construction Signs**. One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural

alteration or repair is to take place, or is taking place. Construction signs shall be removed upon final building inspection.

(d) **Equipment Signs**. Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.

FIGURE 305.05(D): EQUIPMENT SIGNS



(e) **Flags**. Flags with the display of only noncommercial speech.

(f) **Handbills**. Handbills, Advertising Circulars, Etc., must comply with the standards and licensing contained in Chapter 3, Article II, of the Porterville Municipal Code

(g) **Identification Signs**. Signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.

(h) **Information Signs**. Displays commemorating legal holidays, hours of operation, opened or closed, etc., not exceeding four (4) square feet in area.

(i) **Name Plates**. Name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.

(j) **Official Government Signs, Plaques, and Legal Notices**. Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law.

(k) **Parking and Directional Signs**. On-site parking and directional signs for public or private developments, denoting the entrance, exit, and direction of traffic flow and not exceeding four (4) square feet in area per face, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City.

(l) **Real Estate Offered for Sale, Rent or Lease (Off-site Directional)**. Not more than one (1) off-site sign with a maximum size of twenty (20) square feet and a maximum height of eight (8) feet, Permission from the property owners of the site where the sign is placed is required. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental, or lease.

(m) **Real Estate Offered for Sale, Rent or Lease (On-site)**. Not more than one (1) on-site real estate sign with a maximum size of six (6) square feet (excluding rider signs no larger than a total of six (6) square feet) and a maximum height of six (6) feet in the R districts, and a maximum size of thirty-two (32) square feet and a maximum height of eight (8) feet in all other districts, shall be allowed per street frontage of a parcel. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental or lease.

(n) **Reader Panels**. Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed twenty (20) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall also be allowed as exempt signs for public, charitable or religious institutions.

(o) **Sponsorship Signs**. One (1) sponsorship sign per business noting a business, which sponsors and contributes to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event or season. Such sign shall be removed within fifteen (15) days after the event or season.

(p) **Transit Signs**. Bus stop flags and blades, passenger information, shelter, and bus stop bench advertisement displays as permitted by the Transit Advertising Policy.

(q) **Warning Signs**. Non-commercial warning signs or no trespassing signs on private property posted no closer than one-hundred (100) feet apart nor exceeding two (2) square feet in area per sign.

305.06 Prohibited Signs

The following types of signs and devices are specifically prohibited:

(a) **Animated, Flashing or Moving Signs**. Signs that incorporate, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy

message center display signs and barber poles, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.

(b) **Balloons, Banners, Streamers and Pennants**. Signs, balloons, banners, pennants, or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, or in Section 305.11, Temporary Signs.

(c) **Billboards**. Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one (1) of the principal items for sale on the premises unless otherwise provided by the California Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486, inclusive).

(d) **Emissions**. Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.

(e) **Fence Signs**. Signs attached or painted on fences or freestanding walls that are not part of a building, except for subdivision entry signs as allowed in Section 305.08 (b).

(f) **Obscenities**. Signs that depict, describe or relate to "specified sexual activities" or "specified anatomical areas" as defined in Chapter 700, Terms and Definitions.

(g) **Obstructions to Exits**. Signs erected, constructed or maintained which obstruct any firefighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the Fire Marshal.

(h) **Obstructions to Driver Visibility**. Signs in corner cut-offs and lines of sight in accordance with the provisions of Section 300.16, Visibility at Driveways and Intersections.

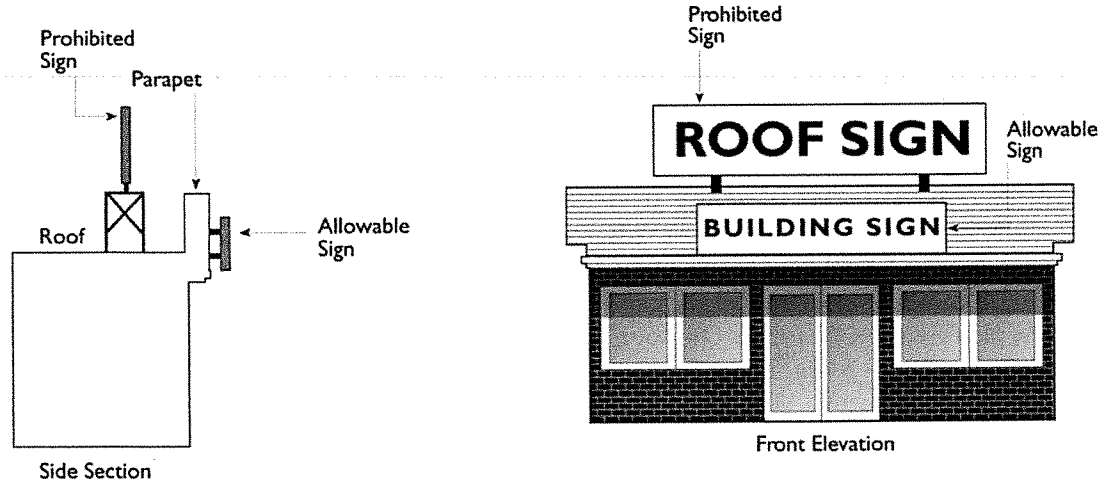
(i) **Obstructions to Ventilation**. Signs that interfere with any opening required for ventilation.

(j) **Portable Signs**. Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.

(k) **Posters**. Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this chapter. This section excludes signs placed in windows per Section 305.10 (e).

(l) **Roof Signs**. Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the ridge line or top of parapet, except as allowed in this chapter.

FIGURE 305.06(L): ROOF SIGNS



(m) **Signs Creating Traffic Hazards**. Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

(n) **Vehicle Displays**. Signs placed or displayed on vehicles parked in a conspicuous location with the primary purpose of on-site or off-site advertising of a commercial product or service, with the exception of vehicle identification signs.

305.07 General Standards

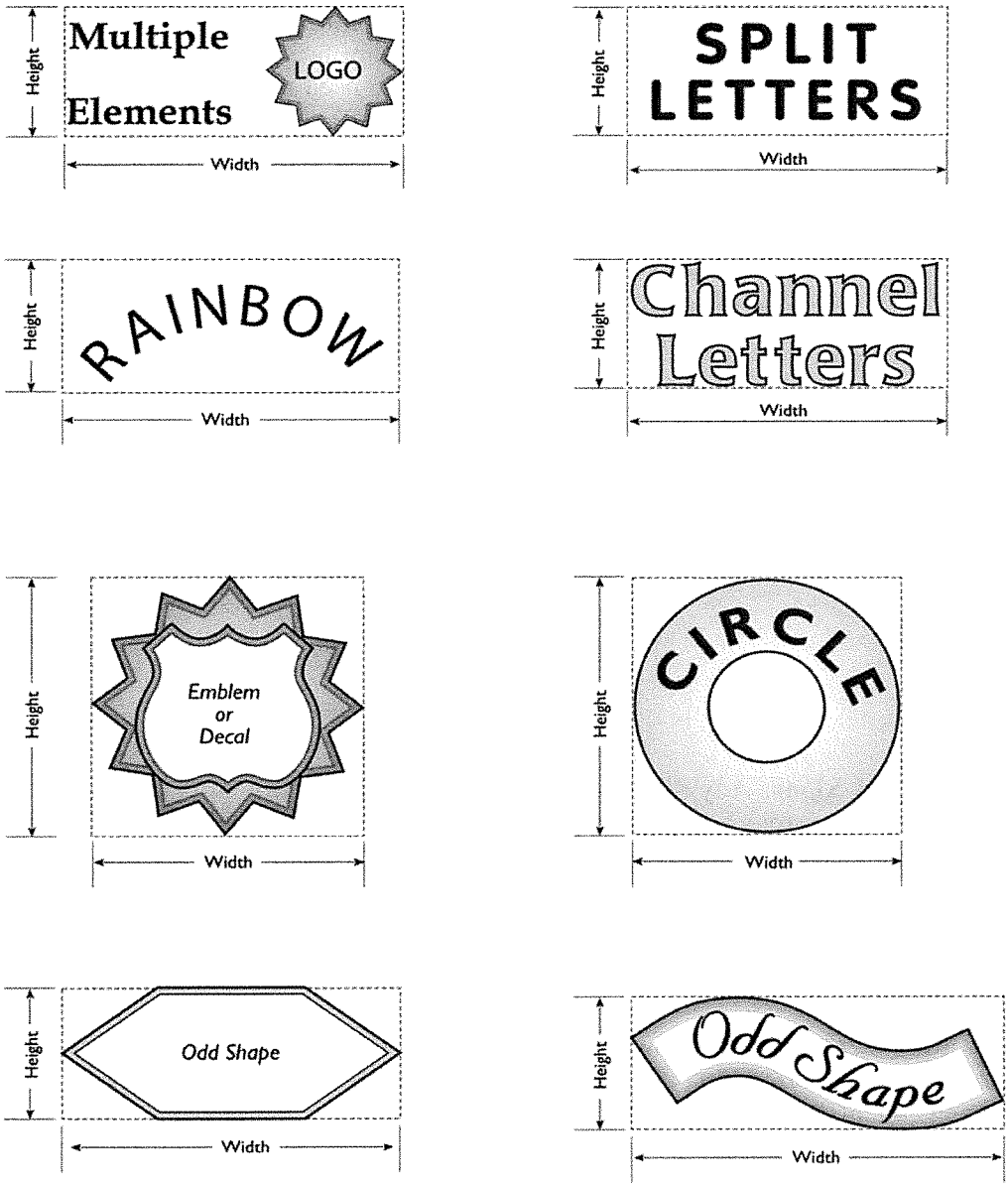
This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g. wall signs, awning signs) are in Section 305.10, Standards for Specific Sign Types. In addition to these general standards, all signs shall conform to the specifications of Municipal Code Chapter 3, Advertising and Signs.

(a) **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 305.09, unless a different limit is approved under a Master Sign Program.

(b) **Measuring Sign Area**. Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.

FIGURE 305.07(B): MEASURING SIGN AREA

Sign Area = Height x Width



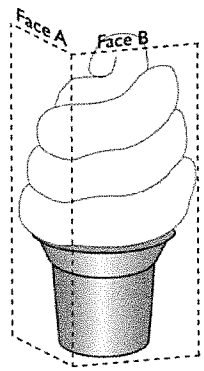
(1) ***Double-Faced Signs***. For double-faced signs, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

(2) ***Multi-faced Signs***. The sign area of signs with three (3) or more sign faces shall be calculated as the sum of two (2) sign faces. Where the faces are not equal in size, the larger sign faces shall be used as the basis for calculating sign area.

(3) ***Three-dimensional Signs***. Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides or sign faces.

FIGURE 305.07(B)(3): THREE-DIMENSIONAL SIGNS

Sign Area = Sum of Two Adjacent Sides



(c) **Abandoned Signs**. Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of ninety (90) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.

(d) **Building Frontage**. Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage in accordance with Table 305.09. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation. All, or a percentage, of the allowable sign area may be transferred to the other building elevations provided the sign area on any wall shall not exceed the maximum allowable for that wall in accordance with Table 305.09. For buildings that have no public street frontage, building frontage shall be determined by the Zoning Administrator.

(e) **Changeable Copy**. Changeable copy shall cover no more than forty (40) percent of the total sign allowance for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than forty (40) percent of the total sign allowance. The following uses are exempt from this restriction: religious institutions, cinemas, government or civic signs, gas price signs at gas stations, indoor theaters, schools, and colleges.

(f) **Clearance from Utilities**. Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.

(g) **Construction and Maintenance**

(1) Unless exempt, signs and supporting structures shall be installed in accordance with the latest adopted Building Code.

(2) All signs, together with all supporting structures, shall be maintained in the following manner:

a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.

b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.

c. Failed, damaged, or blinking illumination shall be promptly replaced.

d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.

e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.

(h) **Encroachment into Public Street or Sidewalk**. Any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer.

(i) **Illumination**. Channel letters, internally illuminated signs and neon signs are permitted. Bare bulbs visible from the public right of way are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 306, Performance Standards.

(j) **Materials**. Paper, cardboard, untreated plywood and other materials subject to rapid deterioration shall be limited to signs displayed for no more than (30) days

305.08 Sign Standards for Residential Districts

(a) Religious facilities, multi-family residential projects, schools, civic uses and other nonresidential uses in R districts are allowed one (1) building-mounted sign and one (1) monument sign with a maximum cumulative sign area of thirty-two (32) square feet.

(b) Residential subdivisions are allowed one (1) monument sign or wall sign per street frontage for entry into the subdivision. Each sign shall not exceed a maximum size of thirty-two (32) square feet.

305.09 Sign Standards for Non-Residential Districts

Signage in non-residential districts shall comply with the standards in Table 305.09 unless a different sign area allowed for a specific use is described elsewhere in this code. Buildings without clearly defined tenant space frontage shall share total sign area allowed per building as determined in Table 305.09. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.

Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
Zoning Districts (Frontage)	*Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)*	*Permitted Sign Types*
DR-N, D-MX	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-PO	2	Awning and canopy
		Projecting
		Monument
		Window
D-PS	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
		Window
DR-D, DR-S	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-GC	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
		Window

Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS		
Zoning Districts (Frontage)	*Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)*	*Permitted Sign Types*
CMX, CN, PO	1.5	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
CG, CR	3	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
IP, IG, IA	2	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
REC, PK, PS	2	Awning and canopy
		Monument
		Freestanding
		Projecting
		Wall

305.10 Standards for Specific Types of Signs

(a) **Awning and Canopy Signs**. Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning and canopy signs are subject to the specific zoning district standards and the following standards:

(1) ***Maximum Sign Area Per Awning or Canopy Sign:***

a. Downtown, CMX, and CN districts: twenty-four (24) square feet

b. CG, CR, and Employment districts: sixty (60) square feet

(2) ***Sign Clearance.*** Minimum of eight (8) feet.

(3) ***Height Limit.*** Twenty-five (25) feet.

(4) ***Number of Signs.*** Four (4) maximum per building façade, which includes any wall signs.

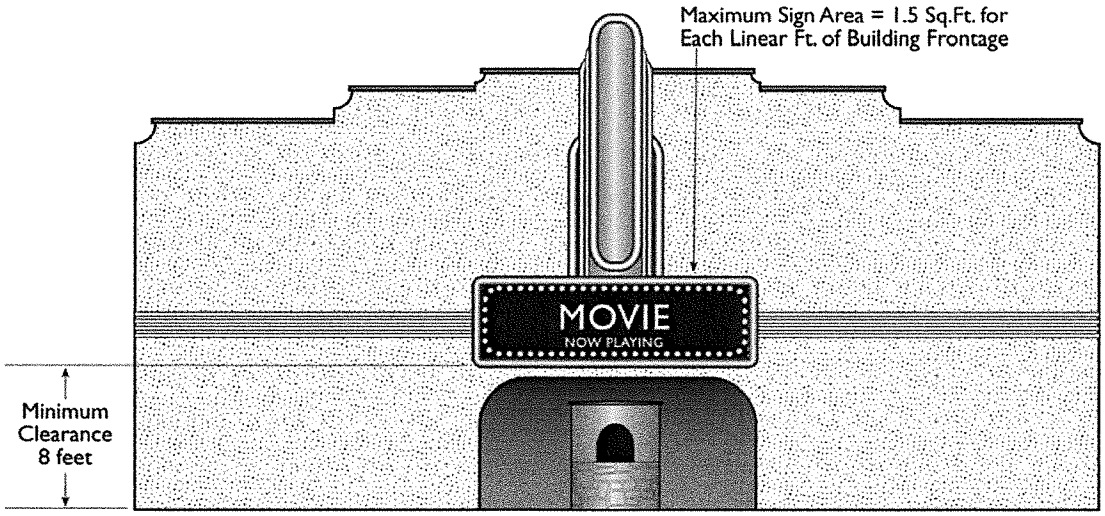
(b) **Marquee Signs**. A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:

(1) ***Maximum Number of Signs***: One (1) marquee sign per site.

(2) ***Maximum Sign Area Per Sign***: One and one-half (1.5) square feet per linear foot of building frontage.

(3) ***Sign Clearance.*** Minimum of eight (8) feet.

FIGURE 305.09(B): MARQUEE SIGNS



(c) **Projecting Signs**. Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:

(1) ***Maximum Number of Signs***: One (1) projecting sign per building façade or tenant space frontage.

(2) ***Maximum Sign Area Per Sign***: Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.

(3) ***Sign Clearance.*** Minimum of eight (8) feet.

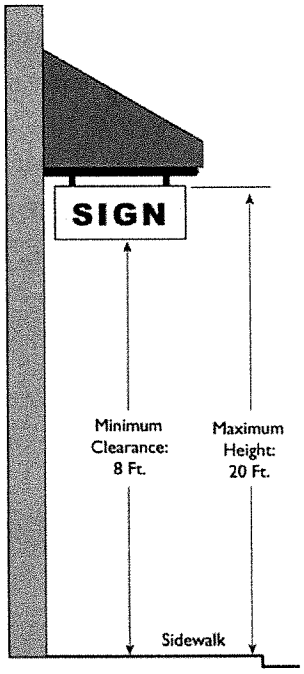
(4) ***Height***. A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher than twenty (20) feet above ground level or above an eave or roof, whichever is lower.

(5) ***Projection***

a. A projecting sign cannot extend more than three (3) feet from the building to which it is attached.

b. An under-canopy sign, attached to and hanging from an awning or canopy shall be located completely under the canopy or awning and shall not project beyond its edge. An under-canopy sign shall not count towards the sign area allowed.

FIGURE 305.10(C): PROJECTING OR UNDER-CANOPY SIGNS



(d) **Wall Signs**. Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a parapet or mansard roof. Wall signs attached to the fascia shall be channel letters and shall be architecturally consistent with other signage in the development. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:

(1) ***Maximum Number of Signs***. Four (4) maximum per building façade or tenant space frontage, which includes any awning or canopy signs.

(2) ***Maximum Sign Area Per Sign***: Three hundred (300) square feet.

(3) ***Height***. Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.

(4) ***Coverage***. Wall sign copy shall not occupy more than seventy-five (75) percent of the length of the wall to which the sign is attached.

(5) ***Projection***. Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.

(6) ***Design***. Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building façade.

(e) **Window Signs**. Window signs painted or otherwise adhered directly onto a window are exempt from the permit requirements of this chapter and do not count towards the total sign area limit for a site, but are subject to the specific zoning district standards and the following standards:

(1) ***Coverage***. Window signs shall cover no more than fifty (50) percent of the total glass window area along each building façade.

(2) ***Height***. Window signs shall not be mounted or placed on windows higher than the second story.

(f) **Monument Signs**. Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:

(1) ***Maximum Number of Signs***. One (1) monument sign per frontage per site.

(2) ***Maximum Sign Area Per Sign***:

a. D-PO, D-PS, D-GC, CMX, and CN districts: thirty-two (32) square feet.

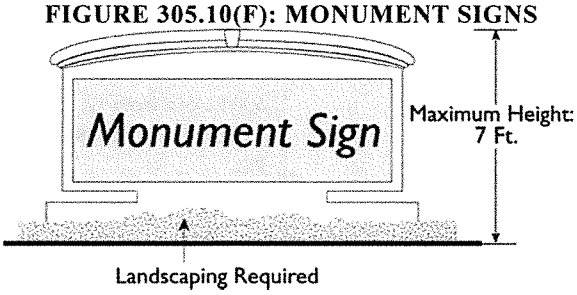
b. CG, CR, and Employment districts: sixty (60) square feet

c. PS, REC and PK districts: thirty-two (32) square feet.

(3) ***Height***. A maximum of seven (7) feet.

(4) ***Landscaping***. All monument signs shall require automatic irrigated landscaping at the base equivalent to the area of the sign copy.

FIGURE 305.10(F): MONUMENT SIGNS



(g) **FreestandingSigns**. Freestanding signs are allowed subject to the specific zoning district standards and the following standards:

(1) ***Maximum Number of Signs***: One (1) freestanding sign per site.

(2) ***Allowable Sign Area Per Sign***. The area of any freestanding sign shall be included in the maximum allowed sign area per Table 305.09.

(3) ***Architectural Treatment***. Freestanding signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material at least one foot in diameter, subject to approval by the Zoning Administrator as to proportion and architectural compatibility.

(4) ***Landscaping***. Freestanding signs shall be placed within a landscaped planter with at least twenty-four (24) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.

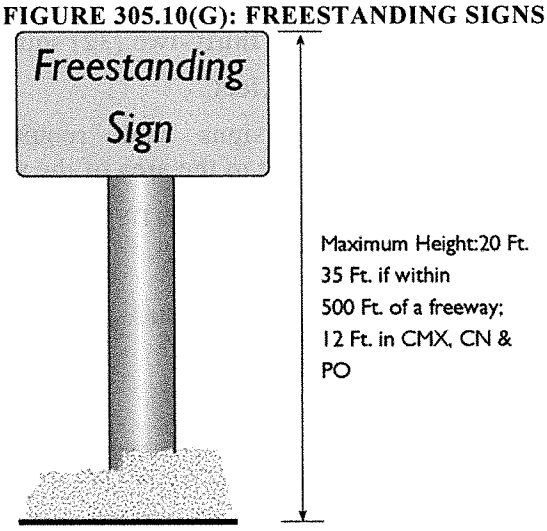
(5) ***Height***

a. A maximum of twenty (20) feet; thirty-five (35) feet within five hundred (500) feet of a freeway right of way. Pole signs shall have a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over interior pedestrian walkways.

b. A maximum of twelve (12) feet in the CMX, CN and PO zone districts.

(6) ***Projection***. Freestanding signs shall not project beyond the property line.

FIGURE 305.10(G): FREESTANDING SIGNS



(h) **Other Sign Types**

(1) ***Center Identification Signs***. Center identification signs may be erected in the Commercial and Employment districts, subject to the following limitations:

a. *Allowable Areas.* The center shall consist of a commercial or industrial development with an integrated site and design plan creating a single unified development with three (3) or more uses.

b. *Area Not Counted.* The area of the sign shall not count towards the sign area allowed for the individual tenant space or building on the lot.

c. *Sign Area Allowed.* The maximum sign area may be no more than one (1) square foot for each linear foot of street frontage, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.

d. *Sign Height.* The maximum sign height shall not exceed twenty (20) feet in the CMX, CN and PO zone districts; thirty-five (35) feet in all other Commercial and Employment zone districts.

e. *Sign Base*. The sign base is to be located within a planter box or planting area at least twenty-four (24) square feet in area and the design and location is to be approved by the Zoning Administrator.

(2) ***A-Frame/Sandwich Board Signs***. Temporary, portable A-frame or sandwich board signs may be erected in all nonresidential zone districts, subject to the following limitations:

a. *Area Not Counted.* The area of the sign shall not count towards the permissible sign area of the individual lot.

b. *Maximum Number of Signs*. One (1) A-frame/sandwich board sign per tenant space.

c. *Maximum Sign Area*. The total sign area shall not exceed a maximum of six (6) square feet per side.

d. *Location*. Such sign may encroach into the right of way up to two (2) feet from the property line provided there remains a five (5) foot wide walkable area when the sign is in place.

e. *Removal*. Such sign is to be removed during non-operational hours.

305.11 Temporary Signs

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

(a) **Commercial Banners, Handheld Signs, Portable Signs and Inflatable Signs:** Banners, handheld signs, portable signs and other similar temporary advertising devices shall be prohibited, except for business openings, special events,

promotional events and signs advertising a subdivision being developed in the City and are subject to the following:

(1) A temporary sign permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in subsection (a)(6) of this section. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with subsection (a)(6) of this section.

(2) A temporary sign permit shall be granted for any one business or building for a period of three (3) calendar months. A temporary sign permit shall authorize the business to display a banner, handheld sign, portable sign or inflatable sign for the duration of the sign permit. A maximum of two (2) such signs may be permitted with a single application.

(3) No more than one temporary sign permit shall be in effect simultaneously for any business.

(4) Each business shall be limited to a maximum of four (4) temporary sign permits in any calendar year. A temporary sign is not intended to be in lieu of a permanent sign. A temporary sign permit shall not be permitted longer than one (1) year before a permanent sign is installed.

(5) Each business shall be limited to a maximum of one temporary sign permit for the purpose of advertising a "going out of business sale," or the equivalent in any calendar year.

(6) Unless otherwise authorized by a master sign program, freestanding temporary signs for multiple tenants of any one building, shopping center, office complex, or unified development shall be separated by a minimum of one hundred (100) feet.

(7) All banners, regardless of their ratio allowance of signage to linear building frontage, shall not exceed forty (40) square feet in size.

(8) A-frame signs are not considered temporary and as such do not apply to this section.

(9) No temporary sign shall be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridge line of a structure.

(b) **Non-commercial Message Signs on Residential Uses**. On residential uses, non-illuminated temporary signs displaying non-commercial messages, with the size restrictions as specified in (c) below may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

(c) **Non-commercial Message Signs on Commercial, Business, Industrial and Manufacturing Uses**. On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying non-commercial messages, with

the size as specified below, may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary, or run-off election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

(1) ***Permission Required.*** Such temporary signs may be erected or placed on private property or in the public right of way provided that the permission of the legal owner, or in the case of public right of way the owner or tenant of that property immediately adjacent to the public right of way where the sign is placed, is first obtained. Said signs shall not require a sign permit.

(2) ***Prohibited Locations***

a. Any location that would constitute a hazard to vehicular and pedestrian traffic.

b. Attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.

c. Placement within or on a roadway or on the sidewalk.

d. Within the public right-of-way abutting any public property including parklands or within City maintained landscaped parkways within public right of way.

(3) ***Size Limitations in a Residential Zone District.*** The following size limitations apply:

a. Four (4) square feet when located on private property with frontage on a local street as designated in the General Plan.

b. Eight (8) square feet when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.

(4) ***Size Limitations in a Non-Residential Zone District.*** The following size limitations apply:

a. Sixteen (16) square feet when located on private property.

b. Four (4) square feet when located within the public right of way.

(5) ***Violations.*** Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.

(d) **Subdivision Signs**. Signs advertising a subdivision being developed in the City are subject to the following requirements:

(1) ***On-Site Signs***. One (1) sign per street frontage with a maximum of three (3) temporary real estate subdivision signs may be permitted on the subdivision site in accordance with the following:

a. *Maximum Sign Area.* The maximum sign area may be no more than one hundred (100) square feet (total of all signs).

b. *Height*. A maximum of ten (10) feet

c. *Duration*. Subdivision signs shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.

d. *Letter of Agreement*. A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Zoning Administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs shall be removed, or a new Letter of Agreement shall be submitted from the buyer to permit the signs to remain and granting the City right to enter the property and remove the signs.

(2) ***Off-Site Signs***. Up to four (4) off-site directional real estate subdivision signs directing traffic to open houses and subdivisions involved in real estate sales may be permitted in any zone, provided that:

a. *Maximum Sign Area*. The maximum sign area per sign may be no more than thirty-two (32) square feet.

b. *Height*. A maximum twelve (12) feet.

c. *Duration*. Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.

d. *Consent of Landowner*. A completed application form, including a notarized affidavit signed by each property owner of each site is required prior to issuance of a sign permit.

305.12 Permits Required; Review Process

(a) **Authority**. Unless otherwise stated, the Zoning Administrator shall review and approve all signs as specified in this chapter.

(b) **Applicability**. Except for certain signs exempted in compliance with Section 305.05, Exempt Signs, no sign shall be erected, re-erected, constructed or altered (excluding change of copy on a can or cabinet sign) without Zoning Administrator approval and a building permit is issued by the Building Division.

(c) **Applications for Filing, Processing and Review**

(1) ***Applicant***. Sign owners or their designees shall apply for Building Permits for signs that require them.

(2) ***Filing and Filing Fee***. Application for such permits shall be made upon forms furnished by the Zoning Administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy, of the sign in accordance with applicable sign design guidelines and the linear footage of building frontage owned or leased by the business

(3) ***Compliance with Standards.***

a. Upon acceptance of a sign application, the Zoning Administrator shall review the request for compliance with the locational and operational standards identified in this chapter, and with any standards established in a Master Sign Program pursuant to Section 305.13, Master Sign Program.

b. The Zoning Administrator's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.

(d) **Appeals**. Decisions by the Zoning Administrator may be appealed subject to the provisions of Chapter 612, Appeals.

305.13 Master Sign Program

(a) **Purpose**. The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. It is not the intent of this section to be used solely to request relief from the sign regulations in order to circumvent any requirements or purpose of this chapter.

(b) **Applicability**. A Master Sign Program may be processed for any development. However, shown below are examples of when a Master Sign Program may be most appropriate:

(1) Nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks); or

(2) Developments with multiple structures with limited frontage or no frontage on a public street; or

(3) Businesses conducted primarily outside of a building; or

(4) New multi-family residential developments of one hundred (100) or more units, or

(5) Other developments where the strict application of the sign code unduly restricts the allowable signage that can be located on the parcel.

(c) **Application**. Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.

(d) **Allowable Modifications**. A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the

Master Sign Program is consistent with the sections on design principles and general standards.

(e) **Review Authority**. All Master Sign Programs are subject to review and approval of the Zoning Administrator, unless the signs are associated with a project that requires City Council review and approval; then the City Council shall review and approve it as part of the overall project approval.

(f) **Required Findings**. In order to approve a Master Sign Program, the decision-making body shall find that all of the following are met, in addition to other applicable regulations in this section:

(1) The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;

(2) Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification;

(3) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and

(4) Use of the Master Sign Program provides a more desirable functional and aesthetic appearance than would otherwise be provided by standard code requirements.

(g) **Lessees to Be Informed of Master Sign Program**. Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.

(h) **Revisions to Master Sign Programs**. Revisions to an approved Master Sign Program shall be approved by the Zoning Administrator.

305.14 Nonconforming Signs

(a) All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.

(b) Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require the signs to be brought into conformance with this chapter.

(c) A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises for one hundred eighty (180) days, at which time it shall be considered an abandoned sign, subject to the requirements of Section 305.07(c), Abandoned Signs.

305.15 Abatement and Removal of Illegal Signs

(a) **Authority to Abate**. The City has the authority to abate illegal and abandoned signs.

(b) **Illegal Signs in the Public Right-of-Way**. Illegal signs posted in the public right-of-way or upon public property may be removed by the Zoning Administrator or officer without notice or hearing. Signs shall be retained by the City for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.

(c) **Recovery of Costs**. When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).

(d) **Sign Removal**

(1) Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Building Division.

(2) Any sign which the Building Division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Building Division.

(3) Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Zoning Administrator that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid to the owner of the property, and, if known, the owner of the sign.

(4) After the periods specified in paragraphs (1) and (2) above, the Building Division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.

(5) If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Building Division.

If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.