

**PLANNING COMMISSION  
STAFF REPORT**

Subject: Zoning Code Update – Chapter 17.48 (Signs)

Initiated by: Jen Daugherty, Associate Planner

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**BACKGROUND:**

The purpose of this report is for the Planning Commission to review the draft Zoning Code chapter regulating signs. The Town’s current Sign Code (Chapter 17.40 of the Municipal Code) was adopted in 1993. Although there have been minor modifications to the Sign Code since 1993, the Sign Code is in need of a comprehensive update. A goal of the Sign Code update is for sign regulations to support current Town goals, including those related to community design and economic development.

The Sign Code update was initiated by Town Council with the intent of being more progressive and business-friendly. Although part of the larger Zoning Code Update work effort, the Planning Commission and Town Council identified the Sign Code as an early priority due to the importance of effective and appropriate signage throughout town. Therefore, the Town Council has directed staff to complete the Sign Code ahead of the rest of the Zoning Code Update.

The Town Council will also hold a workshop on the draft Sign Chapter on February 16, 2011. Planning Commission’s recommendations will be identified in the Town Council agenda bill. The draft Sign Chapter will then be revised based on feedback from the Planning Commission and Town Council workshops. Also, legal review of the draft Sign Chapter is underway, which may result in revisions to the draft language. Public hearings for adoption of the updated Sign Chapter are anticipated for March and April 2011.

The proposed updated sign regulations are presented in draft chapter format and were reviewed by the Zoning Code Users Group (ZCUG) on February 2, 2011 (Attachment 1). Additionally, reference tables are included to show how the proposed code provisions relate to the current sign chapter (Attachments 2 and 3).

## **ANALYSIS/DISCUSSION:**

### *Objectives of the Sign Code Update*

Signs play a major role in the success of retailers and local economies through identification, advertising, and wayfinding. It is important to recognize the consumer's need for information, the business's need to identify itself and advertise goods and services, and the community's demand for aesthetically pleasing districts that enhance the desired graphic character of the community.

The basic purpose of a sign is to clearly communicate a desired message; the sign regulations focus on achieving this basic purpose. The Purpose Section of the draft Sign Chapter, Section 17.48.010, outlines the intent and objectives of the updated Sign Code.

### *Review of Comparison Codes*

The Town has selected six zoning codes from different California cities/towns to use as comparison documents: City of Sonoma, City of Culver City, City of Chico, Placer County, Grass Valley, and the Town of Truckee. Given that sign regulations are often controversial and complex, staff also reviewed sign codes from the following municipalities: Livermore, Tahoe Basin, Carmel-by-the-Sea, Mono County, Santa Barbara, and Durango. In addition, staff carefully reviewed the Village at Mammoth Sign Regulations to use as a foundation for the updated Sign Chapter. Certain sections from these comparison codes were utilized, in part, to address some issues and improve the overall sign regulations.

### *Public Outreach*

Extensive outreach was conducted to elicit criticisms and issues with the current sign regulations. Eleven listening sessions were held with various community and interest groups. The draft Sign Chapter was made available on January 25<sup>th</sup>, over two weeks before this workshop. Public notification of the draft Chapter's availability was provided via email to interested parties and the Town's website Notify Me feature. Also, advertisements in both The Sheet and Mammoth Times will run for three weeks to cover both the Planning Commission and Town Council workshops.

### *Existing Issues*

On August 25, 2010, the Planning Commission held a workshop to identify and discuss key issues related to the current sign regulations and requirements. Attachment 4 is the preliminary issues identification table distributed at this workshop. Staff used this issues table, in addition to issues raised by the ZCUG, public, local sign companies, businesses, Planning Commission, and other interested parties during

the workshop and through other outreach and engagement to inform the Sign Code update.

Certain issues raised are not proposed to be addressed in the draft Sign Chapter, which are discussed below:

- **Amortization.** Some comparison codes include provisions requiring nonconforming signs to be removed after a certain period of time, called an amortization period. Amortization is used to eliminate nonconforming signs over time in lieu of providing compensation as required by the Fifth Amendment (i.e. private property cannot be taken without just compensation). The draft Sign Chapter is generally more lenient and flexible than the current sign regulations; therefore, it is not expected that any more signs would become nonconforming as a result of the new Sign Chapter. Also, an amortization provision was included in the Sign Code when the Town incorporated; however, this provision was ultimately repealed because of controversy regarding its enforcement.
- **Code enforcement.** Recent budget issues have reduced code compliance resources. There has been difficulty in consistently enforcing sign regulations, especially for temporary signs. The Town has held off on more aggressive code enforcement efforts for temporary signs because of this pending Sign Code Update. Code compliance resources in some comparison municipalities conduct sign inspections on a daily basis. The draft Sign Chapter does not address code compliance resources because staffing resources are part of the Town budget process.
- **Permit costs.** A consistent issue raised was that permitting costs for signs are too high. Although, permit costs are not specifically addressed in the draft chapter, clear and easy to apply regulations will help to streamline the sign permitting process, thereby reducing staff time and permit fees. The draft Sign Chapter was prepared to be user-friendly and unambiguous. Permit costs are considered as part of the Town budget process.

#### *Zoning Code Users Group Review*

Staff reviewed the draft Sign Chapter with the ZCUG on February 2, 2011. The ZCUG discussed the questions posed to Planning Commission in this staff report, and their consensus comments are included in the questions section on pages 6-8 of this report.

### *Chapter 17.48 Signs*

Proposed Chapter 17.48 includes similar content and detail as our comparison codes, but incorporates regulations specific to Mammoth. Based on staff's review of comparison codes, issues analysis (discussed above), legal research, and direction from the ZCUG and Planning Commission, the following substantive changes are included in the draft Chapter 17.48 Signs:

1. **Halo lit signs allowed.** Allow halo lit signs in non-residential zones. Only one halo lit sign is allowed per business of no more than twenty square feet. This type of internally lit sign is currently prohibited. Please see Question 2.a, page 7.
2. **Signs with neon details allowed.** Allow signs with neon details in non-residential zones. Only one sign with neon details is allowed per business. Sign with neon details are not allowed for monument signs or on signs larger than twenty square feet. Currently, only neon open signs of two and one-half square feet are allowed. Please see Question 2.b, page 7.
3. **Electronic message sign allowed displaying public information.** Allow electronic message signs for public, quasi-public, and non-profit uses such as government signs, schools, libraries, hospitals, and churches. No commercial messages are allowed. Only one sign is allowed per property in non-residential zones. This type of internally lit sign is currently prohibited, except for regulatory or safety signage. Please see Question 2.c, page 7.
4. **Banners allowed subject to certain requirements.** Banners are allowed for sales and promotions for no longer than a total of thirty days per year. These types of banners are currently prohibited. Please see Question 2.d, page 7.
5. **Allowable aggregate sign area increase allowed.** Allow a 20% increase in the total allowable aggregate sign area when a sign and subject building are located 140 feet or more from the street centerline. This provision typically applies to signage on Main Street that is set back from the road, such as Schat's Bakery, Motel 6, and John's Pizza Works. Currently, an adjustment or variance is required to increase the allowable sign area. Please see Question 2.e, pages 7-8.
6. **Minimum sign area.** Every business shall have a minimum of 12 square feet of signage regardless of the length of the business

frontage. This allows businesses with less than eighteen feet of frontage a reasonable amount of sign area. There is no minimum sign area provision in the current sign chapter.

7. **Mall identification signs not counted towards sign area.** Multi-tenant center identification signs do not count toward total allowable sign area. Therefore, mall identification signs do not reduce allowable sign area for businesses. Mall identification signs are currently counted towards allowable sign area.
8. **One hanging or projecting sign not counted towards sign area.** Pedestrian-oriented signs are encouraged by not counting one small sign per business towards allowable sign area. These signs would be counted towards total sign area under the current code. Please see Question 2.f, page 8.
9. **Sign area calculation based on business frontage.** Calculate sign area based on business frontage instead of building frontage, which allows for an easier calculation, especially for multi-tenant building and/or when master sign plans are unclear.
10. **More flexible real estate signs regulations.** One real estate sign (e.g. “for sale”, “for lease”, “for rent”, etc.) is allowed per property. Real estate signs are allowed to be four square feet in residential zones and twelve square feet in non-residential zones. In addition to the one real estate allowed per property, multi-tenant properties are allowed one sign in each available tenant space. The current code allows real estate signs of up to three square feet with a maximum of two per property, which does not allow for adequate notification of available tenant space for multi-tenant properties.
11. **Durable materials for monument signs adjacent to the right-of-way.** Highly durable materials are required for monument signs adjacent to public right-of-ways to withstand snow removal operations. Materials such as high density polyurethane shall not be allowed unless the sign design is approved by the Public Works Director. Two monument signs have already been destroyed this winter due to snow removal operations; therefore, this provision was included at the request of the Public Works Department. The current code is not this specific regarding sign materials and durability.
12. **Master Sign Programs required for four or more businesses/tenants.** Master Sign Programs are required for any

site with four or more businesses or tenants. Currently, Master Sign Programs are required for sites with three or more businesses or tenants. Therefore, smaller sites or sites with fewer businesses or tenants are not required to have a Master Sign Program.

13. **Tables and graphics.** Tables identifying sign regulations by zone and sign type are included in the draft chapter for ease of use. Graphics have also been compiled to supplement the regulations. The current sign code does not include any tables or graphics.

Other changes include an updated list of definitions, a detailed description of how to measure sign area and height, and more comprehensive regulations for nonconforming signs. These sections have been included, updated, and/or expanded to make the regulations user-friendly.

Staff has posed the following questions for discussion:

1. Does the proposed draft sign chapter address the issues raised during the issues workshop and outreach efforts?

*ZCUG Consensus: The ZCUG expressed that the proposed draft Chapter provides an appropriate “middle ground” to address issues raised with the current sign regulations.*

2. Are the proposed substantive changes to sign regulations appropriate?
  - a. Is it appropriate to allow halo lit signs subject to the limitations in the draft chapter (Subsection 17.48.100.F)?

*ZCUG Consensus: Yes. Halo lit signs are attractive, and the proposed limitations are appropriate.*

- b. Is it appropriate to allow signs with neon details subject to the limitations in the draft chapter (Subsection 17.48.100.I)? Is the description of allowable neon details in Subsection 17.48.100.1 appropriate or should an additional description of intent be included (e.g. neon elements are intended to provide accessory graphics and artistic elements to a sign)?

*ZCUG Consensus: An expanded description of “neon details” is appropriate, and providing photos as examples would be useful. Neon details should allow for similar products to neon*

*that achieve the same result (e.g. LED neon). Staff is researching to determine if dimming neon is a feasible limitation.*

- c. Is it appropriate to allow electronic message signs subject to the limitations in the draft chapter (Subsection 17.48.100.E)? Should these signs be allowed for public, quasi-public, and non-profit uses, or limited to only public and quasi-public uses?

*ZCUG Consensus: Electronic message signs should be allowed only in the Public and Quasi-Public Zone. Careful consideration will be necessary to ensure the intent and limitations of this regulation are legal.*

- d. Is it appropriate to allow banners for sales and promotions subject to the limitations in the draft chapter (Subsection 17.48.100.N.1.b.iii)?

*ZCUG Consensus: Proposed limitations for sales and promotional banners appear appropriate.*

- e. Should an increase in total allowable aggregate sign area be allowed if the building and sign are 140 feet from the centerline (Subsection 17.48.090.C.6)?

*ZCUG Consensus: This provision would only apply in very limited circumstances and seems appropriate in those circumstances.*

- f. Should one pedestrian-oriented sign not count towards allowable sign area (Subsection 17.48.090.C.7.h)?

*ZCUG Consensus: The ZCUG agreed that this provision is reasonable.*

- 3. Should projecting signs be allowed on the second story of a structure? Subsection 17.48.100.J.1 would only allow projecting signs for ground level businesses. Projecting signs are not currently allowed on or above the second floor of any structure.

*ZCUG Consensus: Projecting signs should be located at the main pedestrian entrance of a business. It does not seem appropriate to locate projecting signs along the second story of a structure where there is no pedestrian access.*

4. The Planning Commission and public may have additional questions which should also be discussed during this workshop.

### **LEGAL CONSIDERATIONS:**

The Sign Code update will involve legal counsel review to ensure applicable laws are met. Specific questions for legal counsel have been identified in the draft Sign Chapter, and legal review is underway.

#### *First Amendment*

Signs, as a form of speech, are entitled to protection under the First Amendment (freedom of speech). Therefore, content-based regulations (i.e. regulations based on the information of a sign rather than the type or structure) can be problematic and subject to legal challenge.

#### *Fifth Amendment*

The Fifth Amendment also applies to signs when considering the removal or amortization of signs (private property cannot be taken without just compensation). Government may lawfully require the removal of illegal or unsafe signs without raising significant takings issues. However, requiring the removal of a lawfully erected and well-maintained sign that has simply become nonconforming as a result of regulation enacted after the sign was erected can give rise to a takings challenge. Amortization, permitting a nonconforming sign to remain in use for a period long enough to allow the owner to fully depreciate one's investment, is a technique often used by government to defeat such takings claims<sup>1</sup>.

#### *Federally Registered Trademarks (Lanham Act)*

Federally law prohibits any jurisdiction from requiring alterations to registered marks that would display the mark differently than that issued by the U.S. Patent and Trademark Office. A mark is a word, phrase, symbol or design, or combinations of these that identifies and distinguishes the source of the goods of one party from others. However, a jurisdiction can regulate signs utilizing federally registered trademark by sign standards such as size, number, height, and location. As another option, the Town may prohibit the display of federally registered trademarks altogether, but that is not proposed in the draft Sign Chapter (*Blockbuster Videos, Inc. v City of Tempe*).

### **OPTIONS ANALYSIS:**

This is a workshop item only; no options are presented.

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<sup>1</sup> Morris, Hinshaw, Mace, Weinstein, Context-Sensitive Signage Design, APA.

### **VISION CONSIDERATIONS:**

Updating the Zoning Code to implement the General Plan, codify accepted neighborhood district plans, and provide clear and user-friendly regulations will ensure the provision of the very highest quality of life for our residents and the highest quality of experience for our visitors.

### **STAFFING CONSIDERATIONS:**

The Zoning Code Update and the Sign Chapter are high priority items in the adopted CDD FY 2010-2011 work program.

### **FINANCIAL CONSIDERATIONS:**

This work program is part of the CDD FY 2010-2011 work program and is funded by the General Fund.

### **ENVIRONMENTAL CONSIDERATIONS:**

The required California Environmental Quality Act (CEQA) review for the Sign Code update will be completed prior to public hearings. It is anticipated that the required CEQA will be a Negative Declaration or Mitigated Negative Declaration.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission discuss staff's analysis and recommendations for sign regulations of Article III of the Zoning Code and obtain consensus on the proposed draft Chapter 17.48 Signs.

### **Attachments:**

1. Draft Zoning Code Chapter 17.48 – Signs
2. Comparison Table – New Sign Sections vs. Old Sign Sections
3. Comparison Table – Current vs. Proposed Sign Regulations
4. Sign Code: Preliminary Issues Identification (August 25, 2010 Planning Commission Workshop)
5. PowerPoint Presentation (February 9, 2011)

## Chapter 17.48 *(Note: Legal review underway)*

### Signs

#### Sections:

- 17.48.010 - Purpose of Chapter
- 17.48.020 - Applicability
- 17.48.030 - Definitions
- 17.48.040 - Sign Permit Requirements
- 17.48.050 - Signs Not Requiring a Permit
- 17.48.060 - Master Sign Program
- 17.48.070 - Prohibited Signs
- 17.48.080 - Measurement of Sign Area and Height
- 17.48.090 - General Requirements for All Signs
- 17.48.100 - Standards for Specific Types of Signs
- 17.48.110 - Sign Standards by Zoning District
- 17.48.120 - Sign Variances and Adjustments
- 17.48.130 - Nonconforming Signs
- 17.48.140 - Abandoned Signs
- 17.48.150 - Public Nuisance, Violation, and Abatement

#### **17.48.010 - Purpose of Chapter**

- A.** The purpose of this Chapter is to establish regulations that control signage allowed within the town, including the number, placement, height, size, type, and lighting of signs, to:
1. Advance the community design standards and safety standards identified in the General Plan;
  2. Support the local economy and help nurture businesses;
  3. Strengthen the identity of the community as a premier, year-round destination resort;
  4. Encourage creative design that adds character to streets and districts, contributing to an attractive and hospitable streetscape;
  5. Discourage visual clutter and negative impacts to the public realm;
  6. Eliminate glare and minimize light pollution to improve public safety and preserve views of the stars and night sky;
  7. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically compatible with the structures they identify;

8. Safeguard and protect the public health, safety and general welfare;
  9. Avoid traffic safety hazards to pedestrians, bicyclists, and motorists caused by visual distractions and obstructions;
  10. Maximize public convenience by providing easily visible traffic, directional, informational, and wayfinding signage; and
  11. Minimize the cost of sign permits through clear and user friendly regulations.
- B.** The regulations of this Chapter are not intended to permit any violations of the provisions of any other lawful ordinance or to prohibit the use of any sign required by any law superior to this Ordinance.

#### **17.48.020 - Applicability**

- A. Signs regulated.** The regulations provided in this Chapter shall apply to all signs in all zoning districts. Only signs authorized by this Chapter shall be allowed.
- B. Applicability to sign content.** The provisions of this Chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or non-commercial. Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Chapter.
- C. Applicability to federally registered marks.** The provisions of this Chapter shall not require alteration of the display of any registered mark, or any trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.
- D. Regulatory interpretations.** Where a particular type of sign is proposed in a permit application, and the type is not expressly allowed, restricted, or prohibited by this Chapter, then the Director or the Commission shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this Chapter.

#### **17.48.030 – Definitions**

**Abandoned sign.** Any lawfully erected sign which, for a period of ninety days or more, which no longer advertises or identifies an on-going business, activity, product, service, or other use available on the premise where the sign is located.

**Awning.** A projecting structure, consisting of a frame and a material covering, attached to and wholly supported by a wall of a building and installed over and partially in front of doors, windows, or other openings in a building; also, a canopy.

**Awning sign.** Any sign copy displayed on an awning.

**Banner.** Any flexible device used to advertise, draw attention, or relay a message, typically displayed outdoors. A banner is only allowed for use as a temporary sign.

**Business frontage.** The width of a building occupied by a single business tenant, that fronts on a public street or faces a plaza, courtyard, pedestrian corridor or walkway, parking lot, or alley, where customer access to the building is available. Width is measured as the widest point on an architectural elevation.

**Changeable copy sign.** A sign with a message comprised of letters, numbers, or other characters that are designed to be manually or mechanically changed to display different messages. A changeable copy sign does not include internally lit or electronic message signs.

**Community event sign.** Any sign identifying or communicating information about any type of race, parade, show, competition, special or temporary event, or community activity to which the general public is invited.

**Community information sign.** A community information sign publicizes only community events and conditions (e.g. weather, road conditions, and other safety information), and is not used to identify or advertise products or businesses. A community information sign is operated and/or maintained by the Town in coordination with other public agencies for public health, safety, and general welfare. A community information sign may be an electronic message sign, a sign with a changeable copy, or other type of sign as allowed by this Chapter.

**Directional sign.** A sign designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic from an entry or exit point, or to or from various points of passage on or within a private property (e.g. “entrance,” “exit,” “deliveries in rear,” “one-way,” “fire lane,” and “no parking”).

**Double-faced sign.** A sign constructed to display its message on the outer surfaces of two identical and parallel planes.

**Drive-up menu board.** A drive-up menu board is for the convenience of customers of drive-through businesses and not for advertising. Drive-up menu boards shall only display products available for sale and the prices of those products.

**Electronic message sign.** A sign with a fixed or changing display composed of a series of lights that are electronically changed to display different messages.

**Governmental sign.** Erected by or on behalf of the Town or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian, bicycle, or vehicular traffic. Signs of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes, and emergency warning signs erected by the Town or other public entity, a public utility company, or contractor doing authorized or permitted work on public property, are considered governmental signs.

**Halo lit sign.** A sign illuminated by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the night time perception of a halo around the silhouette of each sign character.

**Hanging sign.** A sign attached to and located below any eave, roof, canopy, awning, or wall bracket.

**Illegal sign.** Any sign erected without complying with all ordinances and regulations in effect at the time of its construction and erection or use.

**Informational sign.** A sign used to provide information including signs indicating hours of operation, and such signs as “open,” “closed,” “no smoking,” “no solicitors,” current credit card signs, phone number, trade association emblems, and signs of similar purpose.

**Institutional sign.** A sign used to provide information related to a public, quasi-public, or non-profit use such as a school, library, hospital, or church.

**Internally illuminated sign.** A sign with a light source located in the interior of the sign so the light shines through the face of the sign, or with a light source which is attached to the face of the sign and is perceived as a design element of the sign.

**Master Sign Program.** A sign plan for any multiple use or multi-tenant property, which specifies the number, size, description, and location of all signs located or to be located on the property.

**Menu display box.** A freestanding or wall sign enclosed in glass or other transparent material for the purpose of displaying menus oriented to pedestrians.

**Monument sign.** An independent, freestanding sign that is displayed on and totally supported by one or more support elements that are on the ground, with no part of the sign attached to a building or similar structure.

**Multi-tenant center identification sign.** A sign stating the name of the multi-tenant property and not advertising any particular business or product.

**Multi-tenant property.** A building or property consisting of two or more separate businesses that share either the same property or structure and use common access and parking facilities.

**Neon sign.** Any sign illuminated by or utilizing in any way tubes filled with neon and/or related inert gases.

**Nonconforming sign.** Any permanent or temporary sign, including structural supports, which was lawfully erected and maintained, but does not comply with the requirements of this Chapter.

**Off-site sign.** Any sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign.

**Political sign.** A sign for the purpose of advocating a political party, platform, ideology, and/or candidate or proposition for a public election.

**Projecting sign.** A sign projecting six inches or more from a wall or building that is supported by a wall or building with the display surface of the sign perpendicular to the building wall.

**Real estate development sign.** A temporary sign used to identify a proposed real estate development and/or the owners, architects, contractors, real estate agent, or lenders involved with a development for which a valid land use permit has been approved, but which is not under construction. Sale and lease information may be included on such a sign.

**Real estate open house sign.** An on-site or off-site sign identifying a residence for sale when the residence is open for view to the public, and when the seller or seller's agent is at the residence.

**Real estate sign.** A temporary sign indicating the availability of land, property, or building for sale, lease, rent, or other permanent or temporary disposition, not including a real estate development sign or site construction sign.

**Reflective surface.** Any material or device having the effect of intensifying reflected light.

**Residential nameplate.** A sign for the sole purpose of identifying the inhabitants of a residential structure or the house name, which does not contain any form of advertising or business identification (e.g. "The Wilson's"). Residential nameplates do not include addressing as required by Chapter 16.32 (Street Name and Address Regulations).

**Roof sign.** A sign constructed upon or over a roof or placed so that any portion of the sign extends above the edge of the roof.

**Sign.** Any emblem, icon, insignia, logo, replica, symbol, or trademark that displays a message in lettered, written, numbered, pictorial, or any other visual perceptible form, and including the support elements, all component parts, and illumination, which is used or intended to be used to advertise a property, product or service, or to convey a message

of any sort, and which is visible by the general public from any public right-of-way or any public area. “Visible” means capable of being seen, whether or not capable of being read. A sign does not include signs or displays located entirely inside of a structure and not clearly visible from public view, or works of art not used to advertise or identify any business or product.

**Sign copy.** All portions of a sign displaying a message, including text and symbols, not including the supporting structure or base of a sign.

**Site construction sign.** A temporary sign used to identify a real estate development which is under construction, and/or the owners, architects, contractors, real estate agents, or lenders involved with the development. Sales and lease information may be included on such signs.

**Support element.** The structural portion of a sign securing the sign to the ground, a building, or to another structure.

**Temporary sign.** A sign which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window.

**Tenant directory sign.** A sign for listing the tenants and their suite numbers or addresses in a multiple tenant structure or center.

**Theater sign.** A sign displaying current or coming movies, plays, concerts, performance, or other programs to the public, which may utilize changeable copy.

**Vehicle station fuel price sign.** Price sign for gasoline stations or businesses that sell motor vehicle fuel to the public.

**Walking sign.** Any commercial sign, including sandwich board type signs or costumed characters, which is held or supported by a person and visible from a public right-of-way or public area. Walking signs do not include writing or commercial logos on normal clothing.

**Wall sign.** Any sign that is displayed on or attached to an exterior wall of a building or structure, with the sign parallel to, and not projecting more than six inches from, the wall.

**Wayfinding sign.** A sign constructed or authorized by the Town to direct persons to specific districts, destinations, or facilities. Wayfinding signs also include kiosks or similar information stands intended to be a convenience for the traveling and visiting public as approved and authorized by the Town.

**Window area.** Window area shall include perimeter window frames, mullions, and glass doors located on the ground level and second story of a business frontage.

**Window sign.** Any permanent or temporary sign displayed on the surface of any glass or glazed material (e.g. window or door) in any way and exposed to public view, not including merchandise included in window displays. Window signs shall not include common wall windows on the inside of a building not visible by the general public from any public right-of-way or any public area.

#### **17.48.040 - Sign Permit Requirements**

- A. Applicability.** A permit is required in compliance with this Section to erect, move, alter, replace, suspend, display, or attach a sign, whether temporary or permanent, unless the sign is allowed without a sign permit in accordance with Section 17.48.050. Each business requires a separate sign permit. A permit is required for a change in business name.
1. Minor alterations may be approved without a new permit.
  2. Permits for temporary signs may be approved on an annual basis provided the applicant submits a plan for the display of all temporary signs for a period of twelve consecutive months, and the plan is approved by the Department.
- B. Application requirements.** An application for a sign permit shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.\_\_\_\_ (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, together with the required fees. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection 17.48.040.G.
- C. Other permits required.** In addition to the requirements of this Title, all signs shall be in conformance with applicable requirements of the Uniform Building Code. Where required, the applicant shall also obtain a building permit and/or electrical permit from the Building Division.
- D. Review authority.** Table 17-\_\_\_\_ in Chapter 17.\_\_\_\_ (Applications, Processing, and Fees) identifies the responsible review authority for each type of sign approval.
- E. Temporary sign during permit processing.** For new businesses, the Director may authorize a temporary sign to be displayed for a period not to exceed ninety days while the Department is processing a permanent sign application for such new business.
- F. Time line for decision; waiver of time.** At each level of review, all sign related decisions, including any hearing when procedurally required, shall be made within sixty calendar days of when the permit application is deemed complete. The time line requirement may be waived by the applicant. The failure of the review authority to render any decision within the time frames established in this Subsection shall be

deemed to constitute a denial and the applicant shall have the immediate right to appeal. [Legal: Consistent with Govt Code 65950.a.4]

**G. Findings and decision.** After a sign permit application is deemed complete, the review authority shall approve, conditionally approve, or deny the application. The review authority may approve a sign permit application, with or without conditions, only after the following findings are made:

1. The sign complies with the standards of this Chapter, any applicable specific plan, and any applicable Master Sign Program; and
2. The sign is in substantial compliance with the Town's Design Guidelines.

**H. Post approval procedures.** The procedures and requirements in Chapter 17.\_\_\_\_ (Appeals) and Chapter 17.\_\_\_\_ (Revocation and Modifications) shall apply following a decision on a sign permit.

**I. Expiration and extension of sign permit approval.**

1. A sign permit shall expire twelve months from the date of approval unless the sign has been installed or a different expiration date is stipulated in the approval; temporary signs shall comply with time limits identified for temporary signs in this Chapter.
2. A sign permit shall expire when the activity, product, business, service, or other use which is being advertised or identified has ceased for a period of not less than ninety days or has moved from the location where the sign was permitted.
3. A sign permit shall expire when a sign is removed from the approved location for more than ninety days or a new permit is approved for a replacement sign.
4. Upon written request by the applicant, the original review authority may extend the sign permit up to an additional twelve months from the original date of expiration only after the findings in Subsection 17.64.060.B.4 are made.
5. The expiration date of a sign permit shall be automatically extended to concur with the expiration date of the companion building permit or other applicable permits for the project.

#### **17.48.050 - Signs Not Requiring a Permit**

The following signs and sign maintenance and modification activities are allowed without sign permit approval subject to the limitations specified herein; however, such signs shall obtain any required building permits. These signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a property or business. However, any deviation from the limitations specified herein shall

require a sign permit and may be counted toward the total allowable number of signs or total allowable sign area at the discretion of the Director.

**A. Nonstructural modifications and maintenance.**

1. **Modifications to changeable copy.** Modification or changes to the face or copy of conforming changeable copy signs. A permit shall be required for a change in business name.
2. **Maintenance.** The normal maintenance of conforming signs, including painting, repairing, or cleaning of a sign. A permit shall be required for a change of color, materials, or design of an existing sign.

**B. Permanent signs.**

1. **Addresses.** Addresses consistent with Chapter 16.32 (Street Name and Address Regulations).
2. **Informational and directional signs.** Informational and directional signage of no greater than an aggregate of four square feet per business and no more than two signs per business, provided that such signage does not contain any advertising, brand, or product information. Additional sign area or number of signs shall be allowed if required by the Town or other public agency for the purpose of public health, safety, and general welfare.
3. **“Open” signs.** One “open” sign of no more than two and one-half square feet is allowed per business. “Open” signs may utilize neon; however, blinking or flashing signs are prohibited.
4. **Vacancy/no vacancy signs.** Each transient rental business is allowed one vacancy/no vacancy sign of no more than two and one-half square feet. Vacancy/no vacancy signs may be internally illuminated.

**C. Temporary signs.**

1. **Community event information.** Posters, flyers, and announcements promoting community events, not containing advertisements for products or services not associated with the community event, and removed within two days of the close of the event.
2. **Directional signs (temporary).** Temporary directional signs, in addition to those allowed by Subsection 17.48.050.B.2, not to exceed six square feet in total area.
3. **Garage sale signs.** One sign for a garage, yard, rummage, or estate sale of no greater than four square feet and no taller than four feet is allowed on the private

property where the sale is located. These types of signs shall only be displayed during the hours of sale.

4. **Political signs.** Political signs shall not exceed six square feet and shall not be located within any public right-of-way or on public property. A campaign sign may be displayed on a wooden post no taller than four feet, and shall be removed within fourteen days following the election [Legal: Consistent with *Collier v. City of Tacoma*?; time limits for other temporary signs are included].

5. **Real estate signs.** Real estate signs in compliance with California Civil Code Section 713 and subject to the following limitations:

a. **Residential zones.** Properties within residential zones are allowed one real estate sign of no more than four square feet per property.

b. **Non-residential zones.** Properties within non-residential zones are allowed one real estate sign of no more than twelve square feet per property.

c. **Multi-tenant properties.** In addition to the real estate signs listed in Subsection 17.48.050.C.5.a. and b., above, multi-tenant properties in all zones are allowed one real estate sign of no more than four square feet, located within each available tenant space. [Note: New standard to allow adequate real estate signage for multi-tenant properties]

d. **Freestanding real estate signs.** Freestanding real estate signs shall not exceed four feet in height and may be of the A-frame board design or displayed on a post.

e. **Open house signs.** One on-site open house sign is allowed per property, and up to four off-site open house signs are allowed subject to approval of the property owner. Open house sign copy shall be no more than three square feet each, and shall be displayed only between dawn and dusk. Signs may be of the A-frame board design. Signs shall not be located within any public right-of-way [Legal: Can these sign be allowed in ROW, subject to restrictions (i.e. not impeded car/ped travel - current code 17.48.090.B)?].

**D. Governmental signs.** Signs installed by the Town, County, or a Federal or State governmental agency, because of their responsibilities for the protection of public health, safety, and general welfare. These signs may be internally illuminated if necessary for the protection of public health, safety, and general welfare.

1. Emergency and warnings signs necessary for public safety or civil defense.
2. Traffic signs and devices erected and maintained by an authorized public agency.
3. Legal notices, licenses, permits, and other signs required to be displayed by law.

4. Signs showing the location of public facilities, destinations, or attractions (e.g. directional, information, and wayfinding signs).
5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibilities.

**E. Signs damaged or destroyed by snow.** The replacement of signs substantially damaged or destroyed by snow, snow plows, or other snow management efforts by the Town or public agencies, with the same or substantially similar sign shall be allowed regardless of structural changes required, provided that any required building permit is obtained.

**F. Miscellaneous signs.**

1. **Flags.** Official flags of national, State, or local governments, or nationally recognized fraternal, public service, or religious organization; provided that the flag is not used for commercial advertising (i.e. contains no commercial copy) and subject to the following limitations:
  - a. There shall be no more than three such flags per property [Legal: Consistent with 1<sup>st</sup> Amendment?].
  - b. Maximum flag size shall be three feet by five feet when hung from a building, and five feet by seven feet when hung from a flag pole over thirty feet in height.
  - c. Flags shall have a minimum clearance of eight feet over pedestrian areas and fifteen feet over vehicular areas.
2. **Historical items.** Historical plaques erected and maintained by the Town or historical agencies, memorials, building cornerstones, and date-constructed stones; provided that none of these exceed four square feet in area.
3. **Menu display boxes.** Menu display boxes of up to three square feet. Menu display boxes may include an area used to communicate daily, weekly, or other “specials.”
4. **Merchandise.** Merchandise incorporated as an integral part of an indoor window display, including photographic window display of real estate available for sale, lease, or rent from a licensed real estate broker.
5. **Residential nameplates.** Residential nameplates of not more than two square feet, one per property, that have no commercial message or identification.

6. **Seasonal displays.** Temporary, non-commercial decorations or displays associated with any national, local, or religious celebration.
7. **Signs on vehicles.** Signs neatly and permanently affixed on a vehicle, one sign per vehicle side, and only identifying the name of a business, generic services, contact information, and location; provided, however, such vehicles shall not be used as parked or stationary outdoor display signs (i.e. Subsection 17.48.070.B.12). Such signage shall not be a banner, board, paper, or any temporary sign and shall not substantially project or deviate from the vehicle profile.
8. **Theater poster cases.** Theaters may use glass-enclosed cases to display posters that advertise current or forthcoming programs. One poster case, not exceeding sixteen square feet, is allowed for each movie screen or stage.
9. **Vehicle station fuel price signs.** Vehicle station fuel price signs required by State law, one sign per station not to exceed twelve square feet or other size as required by State law. No information other than as required or allowed by local, State, or Federal law shall be displayed. These signs may utilize changeable copy. Vehicle station fuel price signs shall not be internally illuminated.

#### **17.48.060 - Master Sign Program**

- A. Applicability.** A Master Sign Program approved by the Commission shall be required for any site with four or more businesses or tenants. A Master Sign Program may be requested by an applicant for a site with less than four businesses or tenants, but is not required. No sign permit shall be approved for a site with four or more businesses or tenants unless and until the Commission has approved a Master Sign Program for the subject site. [Note: MSP currently required for 3 or more businesses/tenants]
- B. Application requirements.** An application for a Master Sign Program shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.\_\_\_\_ (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, together with the required fees. If the application includes a request for an exception to this Chapter, consistent with Subsection 17.48.060.D, information shall be provided explaining why the exception is warranted and how the exception is consistent with the purpose and intent of this Chapter. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection 17.48.060.E.
- C. Time line for decision; waiver of time.** See Subsection 17.48.040.F.
- D. Exceptions to this Chapter.** As part of a Master Sign Program approval, the Commission may grant exceptions to the standards of this Chapter for the maximum number and size of signs, based on site-specific conditions and design features including architectural style, building mass, and site visibility to ensure that signs for

a uniquely planned or designed development area are most appropriate for that particular development or area. A Master Sign Program may also be more restrictive than this Chapter.

**E. Findings and decision.** After a Master Sign Program application is deemed complete, the Commission shall approve, conditionally approve, or deny a Master Sign Program application. The Commission may approve a Master Sign Program application, with or without conditions, only after the following findings are made:

1. The Master Sign Program complies with the standards of this Chapter and any applicable specific plan; or
2. If the Master Sign Program does not comply with the standards of this Chapter, the Master Sign Program complies with the purpose and intent of this Chapter;
3. The Master Sign Program is in substantial compliance with the Town's Design Guidelines; and
4. The signs within the Master Sign Program are visually related to each other and to the structure and/or developments they identify.

**F. Post approval procedures.** See Subsection 17.48.040.H.

**G. No expiration for Master Sign Programs.** A Master Sign Program shall have no expiration date, but may be revised consistent with Subsection 17.48.060.I.

**H. Individual sign permits required.** Individual sign permits are required for signs located within a site subject to an approved Master Sign Program. All signs erected or maintained within a site subject to a Master Sign Program shall conform at all times to the approved Master Sign Program.

**I. Revisions to Master Sign Programs.** Minor revisions to a Master Sign Program may be approved by the Director if it is determined that the intent of the original approval, and any conditions attached thereto, are not affected. Major revisions to a Master Sign Program shall be approved by the Commission.

#### **17.48.070 - Prohibited Signs**

**A. Types of prohibited signs.** All signs not expressly allowed by this Chapter shall be prohibited.

**B. Examples of prohibited signs.** Examples of prohibited signs include the following:

1. Abandoned signs;

2. A-frame board and other portable sidewalk signs, except for real estate signs, temporary directional signs, and community event signs as allowed by this Chapter [Legal: Consistent with 1<sup>st</sup> Amendment or content-based?];
3. Illegal signs;
4. Inflatable or tethered signs or devices;
5. Internally illuminated signs, except as allowed by this Chapter;
6. Moving signs, including blinking or flashing signs, signs that emit a varying intensity of light or color, or signs that contain moving parts;
7. Home occupation signs;
8. Off-premise signs, except as allowed by this Chapter;
9. Pole signs, including signs attached to utility poles or snow stakes;
10. Pricing signs, except vehicle station fuel price signs, menu display boxes, and drive-up menu boards as allowed by this Chapter;
11. Roof signs;
12. Signs attached to or suspended from any vehicle, boat, mobile home, snowmobile, or other movable object parked within or next to a public right-of-way or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle (i.e. Subsection 17.48.050.F.7, Signs on vehicles);
13. Signs burned, cut, or otherwise marked on or otherwise affixed to a tree;
14. Signs including obscene content [Legal: Definition for obscene];
15. Signs that simulate in color, size, or design any traffic control sign or signal, or signs that make use of characters, symbols, or words in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic;
16. Signs with reflective surfaces, except for street and traffic signs or other signs for public safety;
17. Signs within the public right-of-way, except as allowed by Subsection 17.48.090.B.3;
18. Statuary signs;
19. Temporary signs, except as allowed by this Chapter; and

20. Walking signs, including costumed characters or signs held or supported by human beings, except for non-commercial signs.

#### **17.48.080 - Measurement of Sign Area and Height**

**A. Measurement of sign area.** The measurement of sign area for the purpose of determining compliance with this Chapter is as follows:

1. **Surface area.** The surface area of a sign shall be calculated by enclosing the extreme limits of all writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight perimeter lines, or within a single circle. See Figure 17-\_\_\_\_ (insert GV-type figure 3-13)
2. **Sign structure.** Supporting structure, bracing, and/or framework that are determined by the Director to be clearly incidental to the sign display itself shall not be included in the calculation of total sign area.
3. **Double-faced signs.** The area of a double-faced sign shall be calculated for one face only if the two faces are back-to-back, parallel, and separated by no more than twenty-four inches, and the copy is identical on both faces.
4. **Three-dimensional signs.** The area of a sign consisting of one or more three-dimensional objects (e.g. balls, cubes, clusters of objects, or sculpture), shall be measured as their maximum projection upon a vertical plane. See Figure 17-\_\_\_\_ (insert GV-type figure 3-14)

**B. Measurement of sign height.**

1. **Sign height.** Sign height shall be measured as the vertical distance from the lowest point of existing grade adjacent to the sign to the top of the highest attached component of the sign. Existing grade means the grade prior to ground disturbance for installation of the sign. See Figure 17-\_\_\_\_ (insert GV-type figure 3-15)
2. **Signs in planters.** The height of a sign located in a planter may be measured from the top of the planter, provided that the planter is no greater than twelve inches above existing grade as defined in 17.48.080.B.1, above.
3. **Sign frame and lighting.** Subject to the Director's approval, sign frame and lighting may exceed the height limit, provided such is a necessary structural design feature.

#### **17.48.090 - General Requirements for All Signs**

All signs shall be subject to the following requirements, whether or not the sign requires a permit.

**A. Sign maintenance.** The following maintenance standards shall be continually met for all signs:

1. Each sign, including the supporting structure and hardware, shall be structurally sound, maintained in good repair, and functioning properly at all times. No sign shall constitute a hazard to safety, health, or public welfare.
2. All signs shall be maintained as originally approved in a clean, neat, and undamaged condition.
3. Maintenance of a sign shall include periodic cleaning, mending or replacement of any faded, peeled, cracked, rusted, or otherwise damaged or broken parts thereof, replacement of flickering, burned out, or broken light bulbs, and other actions as necessary to comply with the purpose of this Chapter.
4. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed, and any newly exposed portions of a building or structure on which the sign is displayed shall be repaired and repainted as necessary to restore a uniform appearance to the building surface or structure.
5. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance and may be abated in compliance with the Municipal Code.

**B. Sign location.**

1. Each sign shall be located on the same site as the subject of the sign, except as otherwise allowed by this Chapter.
2. Signs shall be located on the business frontage, except as otherwise allowed by this Chapter.
3. No sign shall be placed on or project over public property or into the public right-of-way, except for the following:
  - a. Governmental signs including bus stop signs, emergency warning signs, signs to direct or regulate pedestrian, bicycle or vehicular traffic, public notices, information signs, and wayfinding signs;
  - b. Community event signs and community information signs, including across the street banners as approved by the Town and allowed by this Chapter;
  - c. A sign constructed by a public agency on its property, which is allowed by this Chapter; and

- d. A monument sign allowed through an encroachment permit approved by the Public Works Director consistent with Subsection 17.48.100.H.4.
4. No sign shall be placed so as to interfere with the operation of a door, fire escape, window, or other required exit.
5. No sign shall be located in a manner that will impair pedestrian, bicycle, or vehicular safety.

### C. Sign area.

1. The aggregate area of all signs displayed on a site shall not exceed total allowable sign area established by this Subsection, unless such sign is specifically exempt from being counted towards total allowable sign area.
2. The total square footage of allowable sign area for any business shall not exceed two square feet for each three lineal feet of business frontage (i.e. linear feet of business frontage x  $2/3$  = maximum allowable sign area in square feet). [Note: Changed from “building” to “business” frontage for ease of use]
3. Where a business has two separate frontages, additional signage for the second frontage shall be allowed up to the amount otherwise allowed for the primary frontage alone. The second frontage may or may not include a customer access point to the building. Such additional signage may be allowed for corner units and businesses in a single building.
4. Signs are subject to the size restrictions identified in Section 17.48.100. No sign shall exceed thirty square feet, except as specifically provided in this Chapter.
5. Any business not having the necessary frontage to permit at least twelve square feet of aggregate sign area shall, in any event, be permitted twelve square feet of aggregate sign area. [Note: 18 ft frontage = 12 s.f. signage allowed]
6. The total allowable aggregate sign area may be increased by twenty percent if a sign and business frontage identified by the sign are located one hundred and forty feet or more from the centerline of the street on which they face; provided however, that the increase shall only be applied to the sign located one hundred and forty feet or more from the centerline of the street on which they face. The increased aggregate sign area shall not increase the maximum sign sizes as allowed by this Chapter or by a Master Sign Program. [Note: Would typically apply to Main Street (e.g. Steller Brew, Napa, Schats, Motel 6, John’s); current required building setback is 120 feet and sign setback is 105 feet]
7. The following signs shall not be counted towards the total allowable aggregate sign area or the total allowable number of signs; however, any sign that deviates

from the limitations specified herein shall be counted toward the total allowable aggregate sign area:

- a. Signs Not Requiring a Permit (Section 17.48.050);
- b. Across the street banners;
- c. Community event signs including banners, directional, and informational signs for the event;
- d. Community information signs;
- e. Copy on an awning that does not exceed six inches in height and consistent with Subsection 17.48.100.A;
- f. Drive-up menu boards;
- g. Identification signs for multi-tenant centers that do not advertise any particular business or product; [Note: New standard so identification signs don't reduce sign area for businesses]
- h. One pedestrian-oriented business identification sign per business (i.e. a hanging or projecting sign) of no greater than six square feet; [Note: New standard proposed to encourage pedestrian-oriented signs]
- i. Temporary banners as approved by the Town in compliance with this Chapter; and
- j. Tenant directory signs of no more than twelve square feet with up to two inch high lettering displayed on the first floor.

#### **D. Sign height.**

1. **Monument signs.** A monument sign shall not exceed eight feet in height except as follows:
  - a. Signs along Main Street and Lake Mary Road shall not exceed twelve feet in height.
  - b. Sign structures may extend twelve inches above the allowable height for the purposes of sign structure enhancement or embellishment. (Insert Flagstaff/Context-Sensitive type graphic)
  - c. In locations where snow removal equipment cannot access the sign area, sign height may be increased subject to the Director's approval; however, no sign shall exceed sixteen feet in height.

## 2. **Signs on structures.**

- a. No sign shall be displayed above the second story of any building.
- b. No sign shall extend above the top of the wall to which the sign is attached.

## **E. Sign lighting.** Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties in compliance with Chapter 17.\_\_\_\_ (Outdoor Lighting) and the following:

1. External light sources shall be directed and shielded to prevent glare and light trespass onto adjacent properties and public rights-of-way.
2. Signs with internal light sources (i.e. halo lit, neon, and other signs as allowed by this Chapter) shall be designed to prevent glare and light trespass onto adjacent properties and public rights-of-way.
3. The light source (e.g. bulb) shall not be visible off-site, including public rights-of-way, except for sign with neon tubing as allowed by this Chapter.
4. Sign lighting shall not exceed that necessary for sign legibility and shall not be of an intensity or brightness that will create a nuisance for residential properties.
5. Sign illumination shall not blink, flash, flutter, or change light brightness, color, or intensity.
6. Signs shall not use colored lights or other design elements that may be confused with or mistaken for traffic control devices.
7. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians, bicyclists, or operators of motor vehicles.
8. Light sources shall utilize energy-efficient fixtures to the greatest extent feasible.
9. All light fixtures, conduit, and shielding shall be painted in flat dark colors, or painted to match either the building or supporting structure that serves as the background of the sign.

## **F. Sign materials and design.**

1. **Materials.** Sign materials shall be durable and capable of withstanding snow, wind, and weathering over the life of the sign with reasonable maintenance. The use of natural materials and materials made to resemble natural materials are encouraged.

2. **Compatibility.** All signs shall be compatible with the theme, visual quality, and overall character of the surrounding area, and appropriately related in size, shape, materials, and character to the function and architectural character of the building or premise on which they will be displayed. In assessing compatibility, sign style, color, material, lighting, support elements, and the buildings, structures, and premises on which they are displayed, shall be considered.
3. **Design.** [Note: Consider preparing new sign design guidelines separately]
  - a. Signs should be thoughtfully designed, unique, and creative, especially in non-residential and non-industrial zones.
  - b. Permanent signs should include three-dimensional elements or some sort of relief. “Flat” signs without any relief should not be allowed for permanent signs in non-residential and non-industrial zones. This requirement shall not apply to temporary signs.

[Legal: Consistent with 1<sup>st</sup> Amendment or move to design guidelines?]

4. **Sites with less than four businesses or tenants.** Master Sign Programs are not required for sites with less than four businesses or tenants; however, signs on these sites shall not compete against each other for attention in a manner taking advantage of extreme, disharmonious, or clashing colors, shapes, locations, or materials. [Legal: Consistent with 1<sup>st</sup> Amendment or move to design guidelines?]

#### **17.48.100 - Standards for Specific Types of Signs**

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign shall also comply with Section 17.48.090 (General Requirements for All Signs), Section 17.48.110 (Sign Standards by Zoning District), and all other applicable provisions of this Chapter. Each sign shall be included in the calculation of the total allowable aggregate sign area and the total allowable number of signs except for those signs identified in Subsection 17.48.090.C.7. Sign permits are required for all signs except for those identified in Section 17.48.050. Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Chapter.

Insert graphic – CC/GV type showing all different types of signs

#### **A. Awnings.**

1. Signs on awnings are limited to ground level businesses only. The minimum clearance between the lowest point of an awning and the grade immediately below shall be eight feet.
2. Copy on an awning shall not exceed fifty percent of lineal awning frontage or thirty square feet, whichever is less.
3. Translucent awning materials are prohibited.

4. No duplication of wording shall be permitted.

**B. Changeable copy signs.** A changeable copy sign shall be allowed for businesses and uses that communicate changing messages such as theaters and vehicle station fuel price signs. Such a sign shall be subject to the limits for the physical type of sign it is (e.g. wall sign); however, it shall not be internally illuminated.

**C. Decorative banners and flags.** Decorative banners and flags shall only be allowed if approved by a Master Sign Program under Subsection 17.48.060. Decorative banners and flags shall not contain or display any commercial or advertising copy.

**D. Drive-up menu boards.** Menu boards of drive-through businesses may either be internally or externally illuminated. Lighting and electrical components shall be such that menu boards are not readily readable or audible from adjacent properties or from public rights-of-way.

**E. Electronic message signs.** An electronic message sign shall only display public information (e.g. community information or institutional sign); no commercial or advertising copy shall be allowed. Electronic message signs shall not flash or blink. One electronic message sign may be allowed per property, and shall not be allowed in any residential zone. A use permit shall be required for approval of an electronic message sign. [Legal: Consistent with 1<sup>st</sup> Amendment or content-based?; new standard]

**F. Halo lit signs.** Only one halo lit sign shall be allowed per business or property, not in any residential zone. Halo lit signs shall not be larger than twenty square feet. [Note: New standard to allow more creatively designed and attractive signs]

**G. Hanging signs.**

1. Hanging signs are limited to ground level businesses only, located on business frontages with customer access. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet.
2. No hanging sign shall extend more than six feet from a building wall.
3. Hanging signs shall not be larger than eight square feet.
4. Sign supports shall be well-designed and compatible with the design of the sign.

**H. Monument signs.**

1. **Number.** Generally, one monument sign is allowed per business, property, or multi-tenant center. However, more than one monument sign may be permitted if reasonable identification cannot otherwise be achieved, such as properties where

access points are separated by long distances or corner properties with access points on two separate streets.

2. **Separation.** Multiple monument signs shall be separated by a minimum of seventy-five feet to ensure adequate visibility for all signs. The Director may modify this requirement where the locations of existing signs on adjacent properties would make the seventy-five foot separation impractical. [Note: Required lot width in CG/CL is 75 feet]
  3. **Setback.** Generally, there shall be a minimum five foot setback from the public right-of-way to any monument sign. A smaller setback may be approved by the Town to meet the intent of this Chapter (Section 17.48.010).
  4. **Encroachment.** Monument signs may encroach into a two hundred foot or greater two lane right-of-way when the sign will not be closer than twenty feet from the pavement in such right-of-way, the primary access for the subject use is off such right-of-way, and an encroachment permit is obtained from the Public Works Director and/or the State, as required for the sign.
  5. **Durable materials.** Monument signs adjacent to public rights-of-way shall be constructed of highly durable materials and designed to withstand the impacts of snow removal operations; materials such as high density polyurethane shall not be allowed unless the sign design is approved by the Public Works Director. [Note: New requirement due to signs damaged by snow blowers]
  6. **Sign base.** A rock base or similar architectural design is required for the frame and base of all monument signs. The base shall have an aggregate width of at least forty percent of the width of the sign face. (Insert Flagstaff/Content-Sensitive type figure)
  7. **Landscaped area.** Landscaping shall be provided at the base of the supporting structure equal to the area of one face of the sign; for example, a thirty square foot sign shall require thirty square feet of landscaped area. The Director may modify this requirement if necessary to avoid creating or increasing a parking nonconformity or safety hazard.
  8. **Signs for more than one business.** Monument signs identifying more than one business shall be designed as one sign.
- I. **Neon signs.** Neon “open” signs are allowed in compliance with 17.48.050.B.3 and are not subject to the requirements of this Subsection. The use of neon tubes on signs other than “open” signs shall be subject to the following requirements:
1. Neon tubing shall only be used for sign details (e.g. a sign’s copy, background, or border cannot be composed entirely of neon tubing) [Q: Will this work?].

2. No more than one sign with neon details shall be allowed per business, and shall not be located in any residential zone.
3. Neon tubing shall not be permitted on any monument sign or any sign larger than twenty square feet.
4. Neon tubing shall be designed to accommodate a dimmer in order to reduce the brightness of the neon if necessary.

[Note: New standards to allow more creatively designed and attractive signs]

**J. Projecting signs.**

1. Projecting signs are limited to ground level businesses only, located on business frontages with customer access. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet.
2. No projecting sign shall extend more than six feet from a building wall.
3. Projecting signs shall not be larger than twelve square feet and shall be double-sided.
4. Sign supports shall be well-designed and compatible with the design of the sign.

**K. Theater signs.** Subject to the review and approval of the Director, a theater sign may exceed thirty square feet as necessary to adequately display current or coming programs to the public. Theater signs may utilize changeable copy, but shall not utilize an electronic message sign or be internally illuminated.

**L. Wall signs.**

1. One wall sign is allowed on the primary building or business frontage.
2. A wall sign shall not project more than six inches from the surface to which it is attached.
3. Wall signs on multi-tenant buildings shall have a minimum four foot horizontal separation. The Director may approve deviation from this requirement where unusual building design or configuration conditions prevent a reasonably visible sign opportunity.

**M. Window signs (permanent and temporary).**

1. Window signs shall be allowed only on windows located on the ground level and second story of a business frontage.

2. Permanent and temporary window signs shall not occupy more than twenty-five percent of the total window area.
3. There shall be no more than four window signs per business, including permanent and temporary window signs. Only two window signs may be temporary.
4. Signs shall be permanently painted, mounted, or applied directly to the inside of the glass (i.e. windows and/or doors). Window signs shall be no more than one inch thick.
5. Temporary window signs are subject to Subsections 17.48.100.M.1, 2, and 3. No temporary window sign shall exceed six square feet.

**N. Temporary signs.** Except as allowed by this Chapter, temporary signs are prohibited. Temporary signs shall not be illuminated unless approved by the Town for public safety. The application for temporary sign permits shall include the dates proposed by the applicant for use of the sign.

1. **Banners.** No business shall have more than one banner sign displayed at any one time.
  - a. **Size.** Banners shall not exceed twenty square feet except as otherwise provided in this Subsection.
  - b. **Duration of display.**
    - i. Grand opening banners for newly established businesses may be allowed for a period of not longer than thirty consecutive days.
    - ii. A new business banner may be displayed for a period of not more than ninety days while a permanent sign application is being processed.
    - iii. Special sales and promotional banners, including parking lot sales and going out of business sales, may be allowed for a period or periods of not longer than a total of thirty days per year. A permit may be issued for not less than two consecutive days, up to thirty days. [Note: New standard to be more flexible with temporary business signage]
  - c. **Design.** A banner shall not be overly bright, distracting, or disharmonious with the building to or property on which it is displayed.
  - d. **Bond.** A bond may be required by the Director for a temporary sign permit for a banner. The bond may be revoked if the temporary banner is not removed within two days following the end of the approved duration of display.

- e. **Across the street banners.**
  - i. Banners shall contain no commercial or advertising copy or shall be associated with a civic, community, educational, or cultural event.
  - ii. Banners shall be approved by the State and/or Town through an encroachment permit and/or other necessary permit(s).
  - iii. Banners shall be displayed for a period of no less than seven days and no more than twenty-one days.
  - iv. Banners shall be installed in an approved location by the State and/or Town.
  - v. Banners shall be the minimum size necessary to accomplish the intended use and may exceed thirty square feet if approved by the Director.
  - vi. The Town may charge a reasonable fee to cover the cost of installing the banner, as determined by resolution of the Council.
- 2. **Community event signs.** Community event signs shall not be subject to sign permit fees. Signs may be permitted off-site and may be larger than thirty square feet, subject to the Director's approval. Temporary informational and directional signs may be permitted for community events. Event signs may include banners, A-frame signs, or other types of signs as approved by the Director.
- 3. **Real estate development signs.**
  - a. One real estate development sign shall be allowed for each development site.
  - b. A real estate development sign shall be removed at or before expiration of the entitlement permits for the site (e.g. use permit, tentative map, etc). However, if a building permit is issued for the site, the real estate development sign may remain and shall be treated as a site construction sign.
- 4. **Site construction signs.**
  - a. One site construction sign shall be allowed for each development site.
  - b. A site construction sign may be displayed after the issuance of a building permit for the site and shall be removed at or before final building inspection or the issuance of a certificate of occupancy. If the building permit expires, the sign shall be immediately removed.

**Table 17-\_\_\_\_  
Standards for Temporary Signs**

<b>Allowed Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Sign Area</b>	<b>Maximum Sign Height</b>	<b>Time Limit</b>	<b>Permit Required?</b>	<b>Additional Requirements (1)</b>
Banner - Across the street	Not limited by number	Minimum size necessary	Limited by supporting structure	7-21 days	Yes	See Subsection 17.48.100.N.1.e
Banner - Grand opening (2)	1 per business	20 s.f.	Not above the second story	30 days	Yes	For newly established businesses
Banner - New business sign (2)	1 per business	20 s.f.	Not above the second story	90 days	No	Displayed while a permanent sign application is being processed
Banner - Special sale/promotion (2)	1 per business	20 s.f.	Not above the second story	2-30 days per year	Yes	Periods of display do not have to be consecutive
Community event sign	Not limited by number	May exceed 30 s.f. if approved by Director	Limited by sign type	At the discretion of the Director	Yes	May be permitted off-site; includes informational and directional signs
Community event information	Not limited by number	Limited by sign type	Limited by sign type	Removed 2 days after event	No	See Subsection 17.48.050.C.1
Directional sign	Not limited by number	6 s.f.	Limited by sign type	30 days	No	See Subsection 17.48.050.C.2
Garage sale sign	1 per garage sale	4 s.f.	4 feet	Only during hours of sale	No	See Subsection 17.48.050.C.3
Political sign	Limited by area, not number	6 s.f.	4 feet	Removed within 14 days after election	No	See Subsection 17.48.050.C.4
Real estate signs	1 per property; 1 sign for each tenant space on multi-tenant properties	Residential zone: 4 s.f. Non-residential zone: 12 s.f. Tenant spaces: 4 s.f.	Freestanding post sign: 4 feet; Other: Limited by sign type	When property is available for sale, lease, rent, or other disposition	No	See Subsection 17.48.050.C.5
Real estate development sign	1 per development site	30 s.f.	Limited by sign type	After land use permit approved until they expire	Yes	See Subsection 17.48.100.N.3
Real estate open house sign	1 on-site per property and up to 3 off-site	3 s.f.	4 feet	When property is available for viewing, between dawn and dusk	No	May be A-frame design; not in public right-of-way; Subsection 17.48.050.C.5
Site construction sign	1 per development site	30 s.f.	Limited by sign type	After building permit issued, and until final inspection or	Yes	See Subsection 17.48.100.N.4

				certificate of occupancy		
Window sign	No more than 2 per business	25% of window (3) or 6 s.f per sign, whichever is less	Not above the second story	15 days, 4 times per year	Yes	See Subsection 17.48.100.M.5

Notes:

- (1) See Standards for Specific Types of Signs, Temporary Signs (17.48.100.N) and Signs Not Requiring a Permit (17.48.050).
- (2) No business shall have more than one banner sign displayed at any one time.
- (3) Permanent and temporary window signs shall not exceed 25% of window area (17.48.100.M.2).

**17.48.110 - Sign Standards by Zoning District**

In addition to the standards in this Section, each sign shall also comply with Section 17.48.090 (General Requirements for All Signs), Section 17.48.100 (Standards for Specific Types of Signs), and all other applicable provisions of this Chapter. Temporary signs are address in Table 17-\_\_\_ (Standards for Temporary Signs), above.

**A. Residential zones.** Each sign in a residential zone shall comply with the following requirements.

**Table 17-\_\_\_  
Sign Standards for Residential Zones**

Allowed Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Permit Required?	Additional Requirements
<b>Residential Use – Single-Family Uses</b>						
Residential nameplate (17.48.050.F.5)	1 per property	2 s.f.	Shall conform to the height limits for the type of sign erected	No	No	No commercial message or identification allowed
<b>Residential Use – Multi-Family Uses and Subdivisions (1)</b>						
Residential nameplate: same standards as Residential Use – Single-Family Uses, above						
Monument or wall (17.48.100.H, 17.48.100.L)	1 monument or wall sign per property (2, 3)	30 s.f.	Monument: 8 feet (4); Wall: not displayed above the second story of a building	Only indirect lighting (no internal illumination, halo, or neon allowed)	Yes	Only the name and address of the subdivision or multi-family development allowed
<b>Non-Residential Use – Public, Quasi-Public, and/or Institutional Uses</b>						
Monument or wall (17.48.100.H, 17.48.100.L)	1 monument or wall sign per property (2, 3)	30 s.f.	Monument: 8 feet (4); Wall: not displayed above the second story of a building	Only indirect lighting (no internal illumination, halo, or neon allowed)	Yes	See Subsections 17.48.100.H and 17.48.100.L

Notes:

- (1) Includes bed and breakfasts, hotels, motels, mobile home parks, and group living quarters.
- (2) Additional signage may be allowed for the second frontage consistent with Subsection 17.48.090.C.3.
- (3) More than one monument sign may be allowed consistent with Subsection 17.48.100.H.1.
- (4) Additional monument sign height may be allowed consistent with Subsection 17.48.090.D.1.

**B. Non-residential zones.** Each sign in non-residential zones shall comply with the following requirements.

**Table 17-\_\_\_\_  
Sign Standards for Non-Residential Zones**

Allowed Sign Type	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Maximum Number	Maximum Sign Area (Aggregate)	Additional Requirements (1)
<b>Awning</b> (17.48.100.A)	Not exceed 50% of lineal awning frontage or 30 s.f, whichever is less (2)	Ground level businesses only	Only indirect lighting (no internal illumination, halo, or neon allowed)	2 of any combination of allowed sign types per primary business frontage; however only 1 of each sign type is allowed per business frontage (3, 4)	Total allowable sign area shall not exceed 2 square feet for each 3 lineal feet of business frontage (3); each business is allowed 12 s.f. of signage regardless of frontage length	8 foot clearance; translucent material prohibited; See Subsection 17.48.100.A
<b>Changeable copy</b> (17.48.100.B)	Limited by sign type	Limited by sign type				See Subsection 17.48.100.B
<b>Hanging</b> (17.48.100.G)	8 s.f.	Ground level businesses only	Indirect lighting, halo lit, and neon details allowed			Not extent more than 6 feet from wall; 8 foot clearance
<b>Monument</b> (17.48.100.H)	30 s.f.	8 feet; 12 feet on Main Street and Lake Mary Road (5)	Indirect lighting and halo lit allowed			See Subsection 17.48.100.H
<b>Projecting</b> (17.48.100.J)	12 s.f.	Ground level businesses only	Indirect lighting, halo lit, and neon details allowed			Shall be double-sided; See Subsection 17.48.100.J
<b>Theater</b> (17.48.100.K)	May exceed 30 s.f. if approved by Director	Limited by sign type	Only indirect lighting (no internal illumination, halo, or neon allowed)			See Subsection 17.48.100.K
<b>Wall</b> (17.48.100.L)	30 s.f.	Not displayed above the second story	Indirect lighting, halo lit, and neon details allowed			Not project more than 6 inches from wall; See Subsection 17.48.100.L
<b>Window</b> (17.48.100.M)	25% of window or 30 s.f, whichever is less	Only on the ground level and second story	No			No more than 4 per business
<b>Electronic message</b>	Limited by sign type	Limited by sign type	Internal illumination	One per property	Display public information; not in any	

(17.48.100.E)			(electronic message)			residential zone; requires a use permit
<b>Halo lit</b> (17.48.100.F)	20 s.f.	Limited by sign type	Internal illumination (halo)	One per business		Not in any residential zone
<b>Neon details</b> (17.48.100.I)	20 s.f.	Limited by sign type	Internal illumination (neon)	One per business		Not in any residential zone; See Subsection 17.48.100.I
<b>Other signs:</b> See Standards for Specific Types of Signs (17.48.100) and Signs Not Requiring a Permit (17.48.050)						

Notes:

- (1) See Standards for Specific Types of Signs (17.48.100) and Signs Not Requiring a Permit (17.48.050).
- (2) Copy on an awning that does not exceed six inches in height and consistent with Subsection 17.48.100.A is not counted towards total allowable sign area.
- (3) Additional signage may be allowed for the second frontage consistent with Subsection 17.48.090.C.3.
- (4) More than one monument sign may be allowed consistent with Subsection 17.48.100.H.1.
- (5) Additional monument sign height may be allowed consistent with Subsection 17.48.090.D.1.

**C. Airport zone.** All signs in the Airport Zone shall conform to this Chapter except for the following:

1. Monument signs shall not exceed six hundred and fifty square feet in gross area with four hundred and fifty square feet of useable (information imparting) area per sign where such signs are within three hundred feet of a state or federal highway right-of-way.
2. Signs within three hundred feet of a state or federal highway right-of-way shall not exceed twenty-five feet in height.
3. Subsection 17.48.090.C.6 shall not apply to signs in the Airport Zone.

[Legal: #1 and 2, above, were negotiated as part of the Hot Creek DA; should we leave this in place?]

**17.48.120 - Sign Variances and Adjustments**

- A. Variance.** A variance to the dimensional provisions of this Chapter, such as sign area, spacing, and setbacks, shall be processed in compliance with Chapter 17.\_\_\_\_ (Variances).
- B. Adjustment.** An adjustment may allow for an increase of not more than ten percent of the allowed height or area of a sign. Adjustments to the sign height or area provisions of this Chapter shall be processed in compliance with Chapter 17.\_\_\_\_ (Adjustments). An exception for a Master Sign Program in compliance with Subsection 17.48.060.D shall not require an adjustment.
- C. Additional Finding.** In addition to the findings required by Chapter 17.\_\_\_\_ (Variances) or Chapter 17.\_\_\_\_ (Adjustments), a finding shall also be made prior to

approval of a sign variance or adjustment that the sign meets the purpose and intent of this Chapter and any applicable Master Sign Program.

**17.48.130 - Nonconforming Signs** [Note: Be consistent with nonconforming chapter]

**A. Applicability.** The provisions of this Section apply to any permanent or temporary sign, including its physical structure and/or its supporting elements, which was lawfully erected and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation, but which does not now comply with the provisions of this Chapter.

**B. Allowed modifications to nonconforming signs.**

1. Except as otherwise provided herein, a nonconforming sign may be continued and shall be maintained in good condition as required by this Chapter.
2. Sign copy and face changes, non-structural modifications, and non-structural maintenance (e.g. painting and rust removal) are allowed so long as there is no alteration to the physical structure or support elements of the sign. Changes to sign copy and face require a sign permit.
3. A nonconforming sign may be restored if fifty percent or less of the sign is destroyed, provided that restoration is started within ninety days of the damage occurring and is diligently pursued to completion.

**C. Prohibited modifications to nonconforming signs.** A nonconforming sign shall not be:

1. Changed to another nonconforming sign;
2. Structurally altered to extend its useful life;
3. Altered unless required by law or unless the alteration results in the elimination of the nonconformity;
4. Enlarged;
5. Moved or replaced; or
6. Re-installed after façade improvements that required the removal of the sign during construction.

**D. Exception.** The Commission may grant an exception to the requirements of Subsection 17.48.130.C only after the following findings are made:

1. The new proposed sign or alteration to the existing nonconforming sign is significantly more conforming to the provisions of this Chapter than the existing nonconforming sign; and/or
2. The nonconforming sign has historic significance apart from its main purpose of advertising, in which case a use permit shall be required for continued use of the nonconforming sign in compliance with Chapter 17.\_\_\_\_ (Use Permits).

**E. Abandoned nonconforming signs.** An interruption in the use of a nonconforming sign for a period of ninety days or more shall be deemed to be an abandonment of the sign consistent with and subject to Section 17.48.140.

**F. Removal or modification of nonconforming signs to comply with this Chapter.** A nonconforming sign shall be removed or modified to comply with this Chapter if the following occurs:

1. More than fifty percent of the sign is destroyed, and the destruction is other than facial copy replacement. A nonconforming sign shall be deemed to be more than fifty percent destroyed if the estimated cost of reconstruction or repair exceeds fifty percent of the replacement cost as determined by the Director. Destruction may be voluntary or required by law;
2. The sign is remodeled or altered in a manner not in compliance with this Chapter;
3. A structural change is made to the sign or sign structure and/or support elements;
4. The sign is temporary;
5. The sign is moved or relocated, except where the relocation occurs as a result of a Town public improvement project;
6. The sign is or may become a danger to the public or is unsafe; or
7. The sign constitutes a traffic hazard not created by the relocation of streets or by acts of the Town.

**G. Special topographic circumstances.** The Town shall not require the removal of any nonconforming sign on the basis of its height or size by requiring conformance with this Chapter if special topographic circumstances would result in a material impairment of visibility of the sign or the owner's or user's ability to adequately and effectively continue to communicate with the public through the use of the sign. Special topographic circumstances include but are not limited to terrain, contours, off-site structures, streets, and other off-site impediments as determined by the Director. Under these circumstances, the owner or user may maintain the sign, including change of copy, at the business premises and at a location necessary for

continued public visibility at the height or size at which the sign was previously erected consistent with Business and Professions Code Section 5499.

**17.48.140 - Abandoned Signs**

- A. Any sign, including the structural support, which was lawfully erected shall be removed by the owner or lessee of the premises upon which the sign is located when for a period of not less than ninety days the activity, product, business, service, or other use which is being advertised or identified has ceased, the premises has been vacated, or the sign is no longer displayed on the sign structure.
- B. If the owner or lessee fails to remove the sign, including the structural support, pursuant to Subsection 17.48.140.A, the Director shall give the owner thirty days written notice to comply. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense consistent with Business and Professions Code Section 5497.b.

**17.48.150 - Public Nuisance, Violation, and Abatement**

A sign that fails to comply with the requirements of this Chapter, other applicable State statutes, or Town ordinances, or for which a sign permit has not been obtained in compliance with this Chapter, shall be declared a public nuisance and subject to abatement consistent with Chapters 8.20 (Nuisances) and 17.\_\_\_\_ (Enforcement).

## Old Zoning Code/New Zoning Code Cross Reference

New ZC Chapter	Section Title	Staff Comments	Key Ideas	Old ZC Chapter
<b>Chapter 17.48 SIGNS</b>				
17.48.010	Purpose of Chapter	Purpose updated to reflect current General Plan, community design, and economic goals.	Outlines the purpose and intent of the Chapter.	17.40.010
17.48.020	Applicability	Updated existing code per comparison codes and legal research.	Describes that Town does not regulate sign content and does not require alterations to federally registered trademarks. Also allows for Director interpretations.	17.40.030, 17.40.040, and 17.32.130.A.5
17.48.030	Definitions	Definitions expanded and updated from existing code.	Lists definitions specific to the sign regulations for ease of use.	17.40.020
17.48.040	Sign Permit Requirements	This section was updated and expanded based on comparison codes and legal research (i.e. time line for making a decision on a sign permit added).	Describes permit application requirements, time line for making a decision, findings required, permit expiration, and extensions.	17.40.040 and 17.32.140.C
17.48.050	Signs Not Requiring a Permit	More flexible real estate sign regulations added based on comparison codes and issues with multi-tenant properties.	Signs that are minor or routine do not require a sign permit (e.g. "open" signs, political signs, real estate signs, governmental signs, flags, signs on vehicles, etc.).	17.40.030
17.48.060	Master Sign Program	Commission may grant exceptions to the Sign Chapter standards for number and size of signs as part of a Master Sign Program (MSP). MSP are required for four or more businesses/ tenants, instead of three.	Describes MSP application requirements, time line for making a decision, findings required, and revisions to MSPs.	17.40.060
17.48.070	Prohibited Signs	Updated prohibited signs per comparison codes.	Outlines the types of signs that are prohibited.	17.40.100 and 17.40.050
17.48.080	Measurement of Sign Area and Height	This section was added based on comparison codes, and provides a clear explanation of how to measure sign area and height. Height is measured from existing grade, not finished grade.	Describes how to measure sign area and height for ease of use.	17.40.020 and 17.40.080.D.5

## Old Zoning Code/New Zoning Code Cross Reference

17.48.090	General Requirements for All Signs	Total allowable sign area measured as 2/3 of the business frontage. A minimum sign area of 12 s.f. is allowed for every business. A 20% increase in sign area is allowed if located 140 feet from street centerline.	Identifies requirements for all types of signs, including maintenance, location, area, height, lighting, and materials and design. The maximum sign size remains at 30 s.f.	17.40.050, 17.40.070, 17.34.070.F, 17.34.080, and 17.32.120
17.48.100	Standards for Specific Types of Signs	Electronic message signs, halo lit signs, and signs with neon details are allowed subject to limitations. Highly durable materials are required for monument signs adjacent to public right-of-ways. Banners are allowed for sales and promotions for no more than 30 days per year.	Standards for permanent and temporary signs are described. A table for temporary sign requirements is included for ease of use.	17.40.080 and 17.40.090
17.48.110	Sign Standards by Zoning District	Sign standards by zoning district included based on comparison codes. This section repeats standards identified in Sections 17.48.050 and 17.48.100. No changes proposed to Airport Zone standards due to lawsuit.	Tables identify allowed sign types by zone for ease of use.	N/A
17.48.120	Sign Variances and Adjustments	Sign variances and adjustments moved to this Chapter to keep all sign information in one place. Variance and Adjustment Chapters refer to Sign Chapter.	A variance or an adjustment can be requested to the sign regulations.	17.64.080 and 17.76.010
17.48.130	Nonconforming Signs	Rather than simply refer to the Nonconforming Chapter, this section has been expanded from the current code.	Only certain modifications are allowed to nonconforming signs. Removal or modification of nonconforming signs to comply is required in certain circumstances.	17.40.130, 17.44.010, 17.44.030, 17.44.040, and 17.44.060
17.48.140	Abandoned Signs	Expanded existing code based on comparison codes and legal research.	Abandoned signs must be removed when a use has ceased for 90 days. If not removed, notice shall be given to comply.	17.40.050.H and 17.40.100.N
17.48.150	Public Nuisance, Violation, and Abatement	Refers to Chapter 8.20 (Nuisances) and Enforcement Chapter.	Signs that fail to comply with the Sign Chapter or other laws shall be declared a public nuisance and subject to abatement.	17.40.110 and 17.40.120

Comparison Table: Current vs. Proposed Sign Regulations

Sign Regulation	Current Code	Proposed Code	Rational
<b>Size</b>			
Maximum sign area calculation	Calculated as <i>2/3 building</i> frontage.	Calculated as <i>2/3 business</i> frontage.	Allows for easier calculation, especially for multi-tenant buildings.
Sign area measurement	Measured by a single continuous perimeter composed of not more than 14 segments measured at 90 degree angles, or may be measured by a single circle or oval.	Measured by a single continuous perimeter composed of squares or rectangles with no more than 8 perimeter lines, or may be measured as a single circle.	Allows for easier measurements, and based off comparison codes.
3-dimensional sign measurement	N/A	Measured as the maximum projection upon a vertical plane.	Anticipate 3-dimensional signs in future.
Maximum sign area	30 s.f.	No change proposed.	N/A
Minimum sign area	N/A	Each business shall be allowed a minimum of 12 s.f. of signage regardless of business frontage.	Allows businesses with less than 18 feet of frontage to have a reasonable amount of signage.
Increase in total allowable aggregate sign area	N/A	Total allowable aggregate sign area may be increased by 20% when the sign and subject building are 140 feet or more from the centerline of the street on which they face. This shall not allow for individual sign areas to exceed the maximum sign sizes as allowed by the Sign Code or a Master Sign Program.	Addresses buildings and signs that are set far back from the road and have difficulty being adequately identified or advertised.
Signs not counted towards sign area	Community event signs, community information signs, tenant directory signs, and copy on awnings not exceeding 6 inches.	In addition to those included in current Code, multi-tenant center identification signs, one pedestrian-oriented sign of no more than 6 s.f., temporary banners as approved by the Town in compliance with the Sign Code, drive-up menu boards, and signs not requiring a permit.	List expanded for clarity and consistency, to encourage pedestrian-oriented signs, and to accommodate temporary banners.
<b>Height</b>			
Sign height measurement	Measured from the highest approved finished grade under the sign to the top of the sign.	Measured from the lowest point of existing grade adjacent to the sign to the top of the highest attached component of the sign. Existing grade means the grade prior to ground disturbance for installation of the sign.	Revised to be consistent with Zoning Code and comparison codes.

Comparison Table: Current vs. Proposed Sign Regulations

<b>Sign Regulation</b>	<b>Current Code</b>	<b>Proposed Code</b>	<b>Rational</b>
Maximum height	8 feet, except 12 feet along Main Street and Lake Mary Road.	No change proposed.	N/A
Additional height allowances	Sign frame and lighting may exceed the height limit, providing such is a necessary structural design feature and subject to discretionary approval.	Subject to Director's approval, sign frame and lighting may exceed the height limit, provided such is a necessary structural design feature.	No substantial change proposed; N/A.
	In locations where snow removal equipment cannot access the sign area, sign height may be increased subject to the Director's approval.	In locations where snow removal equipment cannot access the sign area, sign height may be increased subject to the Director's approval; however, no sign shall exceed 16 feet.	Includes maximum height of 16 feet to provide a limit to Director's approval. Additional height, other than described below, would require a variance.
	N/A	Sign structures may exceed 12 inches above the allowable height for the purposes of sign structure enhancement or embellishment.	Encourages creative and artistic sign design.
	N/A	Signs in planters may be measured from the top of the planter, provided the planter is no greater than 12 inches above existing grade.	Based on a Planning Commission interpretation (Minaret Cinemas, 1996).
Signs on structures	Shall not be displayed above the 2nd story.	Shall not be displayed above the 2nd story. No sign shall extend above the top of the wall to which the sign is attached.	Provides additional clarification; no substantial change proposed.
<b>Number</b>			
Number of signs	Only 1 business identification sign per business is permitted. However, two signs may be permitted for corner units provided each sign is separated by a 90 degree angle.	2 signs allowed per primary business frontage; however, only 1 of each sign type is allowed per frontage.	More flexibility provided for number of signs based on comments that 1 sign per business is not typically adequate.
<b>Location</b>			
Location of signs	Signs shall be located on-site, except as otherwise allowed by the Sign Code (e.g. open house signs, community event signs, etc).	Signs shall be located on-site and/or on the business frontage, except as otherwise allowed by the Sign Code (e.g. open house signs, community event signs, etc).	Clarified that in addition to being located on-site, signs shall be placed on business frontage.

Comparison Table: Current vs. Proposed Sign Regulations

Sign Regulation	Current Code	Proposed Code	Rational
<b>Internal Illumination</b>			
Electronic message signs	Not allowed.	Allowed for the display of public information; no commercial or advertising copy is allowed. Signs shall not flash or blink; only one per property and not in any residential zone. A use permit is required.	These types of signs have been requested by the schools. Providing community event information in this manner would be efficient.
Halo lit signs	Not allowed.	One allowed per business or property, not in any residential zone. Sign may not exceed 20 s.f.	Halo lit signs are attractive and allowed in the Village.
Neon signs	Only neon "open" signs of no more than 2 1/2 s.f. are allowed.	Neon "open" signs of 2 1/2 s.f. are still allowed. Neon details are allowed on signs. One allowed per business, not in any residential zone. Neon details shall not be placed on any monument sign or any sign larger than 20 s.f.	Signs with neon details are allowed in the Village and can be very artistic, creative, and attractive.
<b>Materials</b>			
Materials	Predominately natural materials or materials made to resemble natural materials.	The use of natural materials and materials made to resemble natural materials are encouraged. Materials shall be durable and capable of withstanding snow, wind, and weathering.	No substantial change proposed; N/A.
<b>Design</b>			
Design	Wood signs with relief are encouraged.	Signs should be thoughtfully designed, unique, and creative, especially in non-residential and non-industrial zones. Permanent signs should include 3-dimensional elements or some sort of relief, especially in non-residential and non-industrial zones.	Provides additional clarification regarding well-designed signs; no substantial change proposed.
<b>Master Sign Program (MSP)</b>			
Applicability	Required for buildings containing 3 or more separate businesses.	Required for any site with 4 or more businesses or tenants.	MSPs can be a financial burden for smaller multi-tenant buildings.
Exceptions to regulations	Unclear as to whether a MSP can include regulations that deviate from the Sign Code.	MSPs can deviate from standards for maximum number and size of signs subject to Commission approval.	Provides clarification that exceptions to the Code are allowed by MSPs.

Comparison Table: Current vs. Proposed Sign Regulations

<b>Sign Regulation</b>	<b>Current Code</b>	<b>Proposed Code</b>	<b>Rational</b>
Expiration	N/A - however, practice has been for a MSP to expire after 10 years.	No expiration date for MSPs.	Eliminates the "second bite at the apple" approach.
<b>Monument Signs</b>			
Number	Generally one permitted per business, parcel, or shopping center. However, more may be permitted where access points are substantially separated and reasonable identification cannot otherwise be achieved.	No change proposed.	N/A
Separation	N/A	Monument signs shall be separated by 75 feet to ensure adequate visibility. Director may modify this requirement where impractical.	Included based on comparison codes to ensure sign visibility.
Materials	Same as general materials requirements. above.	Monument signs adjacent to public right-of-way require highly durable materials to withstand snow removal operations. Materials such as high density polyurethane shall not be allowed unless the sign design is approved by the PW Director.	Included at the request of the Public Works Dept because two monument signs have already been destroyed by snow removal operations this winter.
<b>Banners</b>			
Across the street	Allowed for town-wide events and shall not identify a business or service.	No change, except may be displayed for 7-21 days.	Time limits included based on comparison codes and legal research.
Grand opening	One banner, not to exceed 20 s.f., is allowed for new businesses for a maximum of 15 days.	No change, except may be displayed for up to 30 days.	Provides more flexibility to new businesses to be successfully advertised.
New business	One banner allowed while a sign permit for a permanent sign is being processed for up to 90 days.	No change proposed.	N/A
Sale or promotion	Not allowed.	Allowed up to 20 s.f., one sign per business at any one time, and can be displayed for 30 days a year.	Included with the intent of increasing sales during special events/promotions.

Comparison Table: Current vs. Proposed Sign Regulations

<b>Sign Regulation</b>	<b>Current Code</b>	<b>Proposed Code</b>	<b>Rational</b>
Design	N/A	Banners shall not be overly bright, distracting, or disharmonious with the building or property on which it is displayed.	Banners will need to meet certain design standards to meet aesthetic goals.
Bond	N/A	A bond may be required by the Director for a banner permit, which may be revoked if the banner is not removed within 2 days following the end of the approved duration of display.	The option of a bond would help to enforce banner display limitations.
<b>Real Estate Signs</b>			
Number	2 per property.	1 per property.	Number reduced based on proposed size increase, below, which is based on comparison codes.
Multi-tenant properties	N/A	In addition to the 1 sign per property, multi-tenant properties are allowed 1 sign of no more than 4 s.f. within each available tenant space.	Allows adequate notification of availability for multi-tenant spaces.
Size - Residential zones	3 s.f. for "For Sale" signs and 1 s.f. for "For Rent" signs in all zones.	4 s.f.	Revised based on comparison codes.
Size - Commercial zones		12 s.f.	
Height	4 feet.	No change proposed.	N/A
Open-house signs	3 off site signs allowed in the public right-of-way, but shall not be placed in landscaped medians, on any paved portion of the right-of-way or pedestrian way, and not placed where the use may impede vehicular or pedestrian travel.	Four off-site signs allowed. Not allowed in the public right-of-way.	Potentially a content-based issue if only certain types of signs are allowed in the right-of-way. Need further discussion with legal counsel.
<b>Community Information Signs</b>			
Community information signs	Maximum size is 6 s.f.	Maximum size based on the sign type (i.e. up to 30 s.f.).	Allows community information signs to have more usable space, which can identify upcoming community events and other public information.

Comparison Table: Current vs. Proposed Sign Regulations

<b>Sign Regulation</b>	<b>Current Code</b>	<b>Proposed Code</b>	<b>Rational</b>
<b>Event Signage</b>			
Event signage	Minimum size necessary to accomplish the intended use. Sign permit required.	No change proposed, except also not subject to sign permit fees.	No financial burden placed on community events to obtain sign permits.
<b>Double-Faced Signs</b>			
Double-faced signs	No thicker than 18 inches.	No thicker than 24 inches.	Included based on Truckee's code, which should improve the durability of signs.
<b>Wayfinding Signs</b>			
Wayfinding signs	Not clearly addressed.	Wayfinding signs are defined and do not require a permit.	Provides clarification of how wayfinding signs are addressed in the Code.

**Zoning Code Update: Sign Code (Chapter 17.40)**  
**Preliminary Issues Identification**  
**August 19, 2010**

Understanding the issues with the current Sign Code is fundamental to crafting updated sign regulations that are effective, reasonable, appropriate, unambiguous, and easy to understand and implement. Preliminary issues identified with the current Sign Code are listed below; it is expected that this list expands as we go through the Sign Code update process to ensure that all issues are identified and addressed.

Issues are grouped by the fifteen sections of the current Sign Code. These preliminary issues, and all other issues identified throughout the process, will lead to the development of new sign regulations to be included in the updated Sign Code.

Issue	Sign Code Section
<b>Purpose (17.40.010)</b>	
1. None at this time.	N/A
<b>Definitions (17.40.020)</b>	
2. Definitions will need to reflect sign code update.	17.40.020
<b>Exemptions (17.40.030)</b>	
3. Should historic plaques erected by the Town or historic agencies be considered as a marker and be exempt (e.g. Clampers monument plaque at corner of Old Mammoth Road and Main Street approved by Caltrans)?	17.40.030.H
4. Is it desirable to exempt seasonal flashing or moving lights (e.g. Christmas lights) on the exterior of buildings and visible to the public from November 1 <sup>st</sup> through January 31 <sup>st</sup> only? Or is it desirable to allow twinkle lights in the commercial areas for a longer period? Should seasonal displays/decorations and landscape/streetscape appurtenances be clearly differentiated from signs? Consider addressing through the Outdoor Lighting Ordinance?	17.40.030.N
5. Some federally registered trademarks are not consistent with the Town’s sign regulations; however, the Town cannot prohibit usage of these federally registered trademarks.	17.40.030.V.1; 15 US Code 1121
<b>Permit Process (17.40.040)</b>	
6. How should a sign permit be processed when a master sign plan is required and one is not in place or has expired? (Also see Issues #14 and 15 regarding master sign plans)	17.40.040.E; 17.40.060.A

Sign Code Update – Preliminary Issues Identification

<b>General Requirements of Signs (17.40.050)</b>	
7. Sign code is dated with regard to materials and technologies. Requiring signs to be constructed predominately of natural materials may not best reflect current sign materials and technologies.	17.40.050.A; 17.40.010.J
8. Should artistic design and flexibility be allowed for use of future materials and technologies?	17.40.050.A
9. Sign regulations should allow and encourage signage that is visible to both pedestrians (pedestrian-oriented signs) and motorists (vehicle-oriented signs).	17.40.050
10. Halo lighting (opaque letter face with only the sides emanating light), neon, and other unique lighting designs are permitted for signs within the Village Master Sign Plan. Although, these types of lighting have been successful in the Village, they are not permitted elsewhere in town, except for those sign listed in Issue #11.	17.40.050.D; 17.40.070.F.15; 17.40.100.B
11. Should any signs be added or removed from the following list of permitted internally illuminated and neon signs: <ul style="list-style-type: none"> <li>a. Vacancy/No Vacancy</li> <li>b. Neon Open Signs</li> <li>c. Drive Up Menu Boards</li> <li>d. Regulatory and Safety Signage</li> </ul>	17.40.070.F.15; 17.40.080.H; 17.40.030.V.1; 17.40.030.A
12. Should internally lit Community Information Boards be allowed to identify community-wide events? The School District inquired to the possibility of this type of message board for school events and activities. (Also see Issue #20 regarding Community Information Board size)	N/A
13. Should interchangeable signs be allowed as part of permanent signage (e.g. “Now serving lunch”)?	N/A
<b>Master Sign Plans (17.40.060)</b>	
14. Master sign plans are required for buildings containing three or more separate businesses. Is this requirement too restrictive?	17.40.060.A
15. Master sign plans are valid for ten years. Is this duration appropriate? Or does a time limit create an unnecessary and costly renewal process, as discussed by the Zoning Code Users Group (ZCUG)?	N/A
16. Some multi-tenant buildings have master sign plans that do not create the “wow factor” seen in the Village that helps to create a pleasant pedestrian environment and remain cohesive.	N/A

Sign Code Update – Preliminary Issues Identification

<b>Maximum Sign Area (17.40.070)</b>	
17. Requiring the maximum sign area to not exceed 2/3 of the building frontage can be difficult for smaller buildings to have adequate and legible signage.	17.40.070.A
18. Should multi-tenant property identification signs (i.e. Sierra Center Mall, The Plaza, etc) be counted towards the total allowable sign area for the mall? Since these signs don't advertise any particular business or product, it is reasonable to exempt these types of sign so more adequate space is provided for businesses.	17.40.070.A
19. Some business use greater than 25% of window area for signs, as allowed by the code. The Village Master Sign Plan allows up to 30% of the window area to be used for window signs, subject to certain standards.	17.40.070.F.3
20. Should Community Information Boards, publicizing community-wide events and conditions, be allowed to be larger than six square feet? Should additional regulations for these types of public signs be developed?	17.40.070.F.18
21. To achieve a desired commercial corridor experience, the code and master sign plans should encourage animation in addition to storefront signs that is exempt from sign area. Awnings do not count toward sign area.	N/A; 17.40.080.A
22. Don't allow large, ugly signs that detract from other signs and properties.	17.40.070.C
<b>Specific Standards – Permanent Signs (17.40.080)</b>	
23. Freestanding signs are allowed to be 12 feet tall along Main Street and Lake Mary Road and 8 feet tall elsewhere. In locations where snow removal equipment cannot access the sign area, sign height may be increased subject to discretionary approval. Does this adequately address visibility during winter conditions? Consider additional standards to address location and proper sizing of freestanding signs?	17.40.080.D.5
<b>Specific Standards – Temporary Signs Requiring Permit (17.40.090)</b>	
24. The code does not have different requirements for residential and commercial real estate signage. Multi-tenant commercial lease properties have had difficulty adequately advertising spaces available for rent or lease with "For Rent" signs limited to one square foot and a maximum of two per property.	17.40.030.I.1
25. Is more flexibility needed to address banners? If so, under what conditions and design context? The following banners are allowed: <ul style="list-style-type: none"> <li>a. Grand opening banners up to 20 square feet erected within 60 days of the new business opening and can remain for a maximum of 15 days.</li> <li>b. Parking lot sales banners up to 20 square feet.</li> <li>c. Event banners subject to Town approval.</li> </ul>	17.40.090.A

Sign Code Update – Preliminary Issues Identification

26. The sign permit process for temporary and permanent signs is the same process and cost as a permanent sign. How can we simplify the temporary sign permit process?	N/A
<b>Prohibited Signs (17.40.100)</b>	
27. None at this time.	N/A
<b>Violations (17.40.110)</b>	
28. None at this time.	N/A
<b>Penalties and Remedies (17.40.120)</b>	
29. None at this time.	N/A
<b>Nonconforming Signs (17.40.130)</b>	
30. Are there reasonable methods to bring legal nonconforming signs into conformance? (Also see Issue #32)	Business and Professions Code 5495.d
<b>Hearing and Appeal (17.40.140)</b>	
31. None at this time.	N/A
<b>Inventory and Identification of Illegal and Abandoned Signs (17.40.150)</b>	
32. Update as required by law. The Town is required to identify and inventory all illegal or abandoned signs if the code update is more restrictive than existing regulations.	17.40.150; Business and Professions Code 5491.1