



COMMUNITY DEVELOPMENT

P.O. Box 1609 Mammoth Lakes, CA 93546

MEETING DATE: April 27, 2011

PLANNING COMMISSION ITEM:

SUBJECT: Zone Code Amendment (ZCA) 11-001: Sign Code Update, Municipal Code Chapter 17.40

FROM: Jen Daugherty, Associate Planner

APPLICANT: Town of Mammoth Lakes

LOCATION: Town-wide

ZONING/GENERAL PLAN: All zones and land use designations

PROJECT DESCRIPTION: The project is an update of the Town's Municipal Code Chapter 17.40, Signs

STAFF RECOMMENDATION: Staff recommends that the Planning Commission adopt the attached resolution recommending to the Town Council:

- 1) Adoption of the Mitigated Negative Declaration for the Sign Code Update, and
- 2) Adoption of Zone Code Amendment 11-001, Sign Code Update, amending Chapter 17.40 of the Town of Mammoth Lakes Municipal Code, and including the findings as listed in the resolution and all conditions of approval.

BACKGROUND

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 update to the Sign Code ahead of the rest of the Zoning Code Update.

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 17.40.010, 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 likes, criticisms, and issues with the current sign regulations. Eleven listening sessions were held with various community and interest groups. Public notification has been provided via email to interested parties and the Town's website Notify Me feature. Attachment 5 contains a list of the outreach meetings conducted.

In August 2010, the Planning Commission held a workshop to identify and discuss key issues related to the current sign regulations and requirements. Staff used these issues, in addition to issues raised by the Zoning Code Users Group (ZCUG), public, local sign companies, businesses, and other interested parties during the workshop and through other outreach and engagement to inform the Sign Code Update.

Public workshops were also held in February 2011 with both the Planning Commission and Town Council to discuss a draft version of the Sign Chapter. Comments received during these workshops were incorporated into the revised Sign Chapter (see Attachment 2, Proposed Sign Chapter - track changes). Since the February workshops, staff has continued outreach to the public and interested parties via email, phone, and the media.

DEVELOPMENT PROPOSAL

The project is a comprehensive update of the Town's Sign Chapter, Chapter 17.40 of the Municipal Code. The Sign Chapter regulates all signs within the Town's Urban Growth Boundary (UGB). The sign regulations have been structured to control the number, placement, height, size, type, and lighting of signs with the intent to: advance community design standards identified in the Town's General Plan; discourage visual clutter; and eliminate glare and minimize light pollution.

Generally, the project would provide greater flexibility in the type, number, size, and design of signs than in the current sign code, and reflects some sign regulations already in place at The Village at Mammoth. The project includes regulations based on zoning district (e.g., residential zones and non-residential zones) that are tailored to the land use characteristics and intensity of various areas. The following is a summary of the major proposed changes to the Sign Chapter:

1. **Halo lit signs allowed.** Halo lit signs would be allowed in non-residential zones. Only one halo lit sign of no more than 20 square feet would be allowed per business. This type of back lit sign is currently prohibited.
2. **Signs with neon details allowed.** Signs with neon details would be allowed in non-residential zones. Only one sign with neon details would be allowed per business. Sign with neon details would not be allowed for monument signs or on signs larger than 20 square feet. Currently, only one neon open sign of two and one-half square feet is allowed per business.
3. **Electronic message sign allowed subject to limitations.** Electronic message signs would be allowed in the Public and Quasi-Public Zone only. Only one electronic message sign would be allowed per property. Electronic message signs would not be allowed to flash or blink, but could display changing messages as long as each message is displayed for at least four seconds. This type of internally lit sign is currently only allowed for regulatory and/or public safety signage.
4. **Banners allowed subject to certain requirements.** Banners would be allowed for sales and promotions for no longer than a total of 30 days per year. Only one banner per business would be allowed to be displayed at any one time. These types of banners are currently prohibited.
5. **Allowable aggregate sign area increase allowed.** A 20% increase in the total allowable aggregate sign area would be allowed when a sign and subject building are located 140 feet or more from the street centerline. This would apply to limited circumstances, generally along State Route 203/Main Street. Currently, an adjustment or variance is required to increase the allowable sign area.

6. **Minimum sign area.** Every business would be allowed a minimum of 12 square feet of signage regardless of the length of the business frontage. This would allow businesses with less than 18 feet of frontage a reasonable amount of sign area. There is no minimum sign area provision in the current sign code.
7. **Mall identification signs not counted towards sign area.** Multi-tenant center identification signs would not count toward total allowable sign area. These signs would identify the name of the multi-tenant center and not advertise any particular business or product. Multi-tenant center identification signs are currently counted towards allowable sign area.
8. **One hanging or projecting sign not counted towards sign area.** Pedestrian-oriented signs would be encouraged by not counting one small hanging or projecting sign per business towards allowable sign area. These signs would be counted towards total sign area under the current sign code.
9. **Sign area calculation based on business frontage.** Sign area would be calculated based on business frontage instead of building frontage, which would allow for an easier calculation, especially for multi-tenant buildings and/or when master sign plans/programs are unclear.
10. **Additional sign allowed.** Two signs would be allowed for each business frontage; however, only one of each sign type (e.g., wall sign, hanging sign, etc.) would be allowed per frontage. The current sign code only allows one sign per frontage except for corner units, which does not typically allow adequate signage for businesses with larger frontages.
11. **Across the street banners allowed in additional locations.** Across the street banners would be allowed in commercial and mixed-use corridors, including Main Street/State Route 203, Old Mammoth Road commercial district, and streets segments in the North Village Specific Plan. Currently, across the street banners are only allowed over Main Street/State Route 203 and as subject to Caltrans requirements.
12. **More flexible real estate signs regulations.** One real estate sign (e.g. “for sale”, “for lease”, “for rent”, etc.) would be allowed per property. Real estate signs would be allowed to be four square feet in residential zones and 12 square feet in non-residential zones. In addition to the one real estate allowed per property, multi-tenant properties would be allowed one sign in each available tenant space. The current sign 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.

13. **Durable materials for monument signs adjacent to the right-of-way.** Highly durable materials would be required for monument signs adjacent to public rights-of-way to withstand snow removal operations. Monument signs adjacent to public rights-of-way have been damaged and/or destroyed by snow removal operations. Materials such as high density polyurethane would not be allowed unless the sign design is approved by the Public Works Director. The current code is not this specific regarding sign materials and durability.
14. **Master Sign Programs required for four or more businesses/tenants.** Master Sign Programs (MSPs) would be required for any site with four or more businesses or tenants. Currently, MSPs are required for sites with three or more businesses or tenants.
15. **Allowable height increase allowed.** In locations where the base of a sign is five feet or more below the centerline of the street on which the sign faces, sign height may be increased subject to the Director's approval; however no sign shall exceed 16 feet in height. This would apply to limited topographic circumstances where properties are located below the street level (e.g., John's Pizza). Currently, an increase in height is only allowed in areas where snow removal equipment cannot access the sign area. This provision is included based on public comments during the February 2011 Workshops and is discussed under *Regulations to Address Unique Circumstances*, below.
16. **More flexible sign location.** Signs would be allowed on sides of buildings or businesses not considered as business frontage (i.e., where no customer access is available) when the building wall fronts on a public street or faces a plaza, courtyard, pedestrian corridor or walkway, parking lot, or alley. This would apply in situations where uncommon building placement exists (e.g., InTouch Microspa building). Currently, signs are only allowed to be located on the building frontage. This provision is included based on public comments during the February 2011 Workshops and is discussed under *Regulations to Address Unique Circumstances*, below.
17. **Portable signs allowed.** Portable signs such as sandwich board signs would be allowed consistent with comments received from the public. One portable sign would be allowed on-site for each business and up to five off-site, which could be located in the Town's right-of-way subject to an encroachment permit. These signs would be allowed to be up to six square feet on each side. Portable signs would be allowed to be displayed Thursdays, Fridays, Saturdays, Sundays, and Federal or State holidays, between 8 a.m. and dusk, for no more than eight hours per day. These regulations are included based on comments during the February 2011 Workshops and are discussed under *Mammoth Lakes Board of Realtors, Inc. Comments*, below.

The complete language proposed for the Sign Code Update is included in Exhibit C of Attachment 1.

SUBJECT PROPERTY AND SURROUNDING LAND USES

The proposed Sign Code Update affects all zones within the Town's Urban Growth Boundary (UGB). Land surrounding the UGB principally consists of open space and public lands under the jurisdiction of Inyo National Forest and other state and federal agencies.

ISSUES ANALYSIS

The issues identified during the February Planning Commission and Town Council Workshops are discussed in this section. Various revisions were made to the draft Sign Chapter to reflect these edits as described below.

Regulations to Address Unique Circumstances

Regulations have been included in the draft Sign Chapter to address two unique circumstances. These are:

1. Allowing additional height when a property is located a substantial distance below street level (Subsection 17.40.090.D.1.d); and
2. Allowing signs to be located on sides of buildings or businesses that do not have customer access but face a parking lot, plaza, or other pedestrian area (Subsection 17.40.090.B.3).

Staff worked with those who provided these comments during the February Workshops to draft these regulations to ensure the issues are addressed.

Mammoth Lakes Board of Realtors, Inc. Comments

The Mammoth Lakes Board of Realtors, Inc. (MLBR) provided a comment letter during the February Workshops; their comments are discussed below.

Portable/Off-Site Signs (Open House Signs)

MLBR expressed concern that the Sign Chapter would not allow open house signs to be located within the public right-of-way, and requested an increase in the number of permitted off-site signs. MLBR's concerns about open house signs implicate both portable and off-site signs. Staff researched comparison codes to understand how other municipalities address open house signs, and worked closely with the Town Attorney to analyze MLBR's concerns.

Because it is unconstitutional to regulate signs based on content, the Town is not permitted to apply regulations to open house signs that are different than other similar commercial signs. Thus, any regulation of off-site and portable signs must be uniformly applied to all similar uses through the Town.

Upon receiving MLBR's letter and additional public input, Town staff drafted the proposed amendments to the off-site and portable sign regulations. The proposed amendments were drafted after reviewing comparison codes, including the Town of

Truckee, and analyzing the impact of the amendments on businesses throughout the town, as well at the Town generally. The amended portable and off-site sign regulations have been inserted into the draft Sign Chapter at subsection 17.40.100.N.3. These provisions would allow portable and off-site signs with any message content (i.e., not restricted to only open house signs) and would apply to all commercial signs equally.

The Town would have the opportunity to “test” these new portable signs regulations in the time period between adoption of the Sign Code Update and adoption of the entire Zoning Code Update, anticipated to occur by January 2012. If modifications to these regulations are appropriate, they can be made when the Zoning Code Update is adopted, which provides approximately six months to “test” the new regulations of the Sign Code Update.

Other MLBR Comments

A revision addressing the MLBR comment that the sign structure of real estate signs should be included in the maximum sign area has been made to Subsection 17.40.050.C.5.d of the draft Sign Chapter.

Lastly, the MLBR requested the Town adopt an administrative review process for semi-permanent commercial real estate signs and conduct annual inspections. Permits are and would continue to be required for real estate development signs and site construction signs, which would be considered semi-permanent. Code compliance efforts would ensure signs are maintained in a manner consistent with the sign permit and sign regulations.

Miscellaneous Revisions

In addition to the revisions to the draft Sign Chapter discussed above, miscellaneous edits have been made to address other comments:

- Caltrans – Comments from Caltrans have been incorporated. These comments include reflecting State sign requirements under the Outdoor Advertising Act.
- Legal – The Town Attorney reviewed the draft Chapter and recommended various revisions. Edits from the Town Attorney have been included in the Sign Chapter.
- Minor edits and clarifications have been made, but are not tracked in Attachment 2 (Proposed Sign Chapter - track changes) in order to highlight the more substantive revisions to the draft Sign Chapter since the February workshops.

Nonconforming Signs

During the February Workshops the general consensus was that nonconforming signs should be eliminated, but there was no consensus as to which method of removal is appropriate. The options of attrition, amortization, and providing fair compensation or payment for nonconforming signs were discussed. Amortization is discussed here; other options to address nonconforming signs are discussed under *Incentives for Removal of Nonconforming Signs*, below.

Amortization is the process of permitting a nonconforming sign to remain in use for a period long enough to allow the owner to fully depreciate his or her investment. 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). This is a constitutionally acceptable method for achieving the removal of nonconforming signs.

Since the draft Sign Chapter is generally more lenient and flexible than the current sign regulations, it is not expected that any more signs would become nonconforming as a result of the update; therefore, amortization is not proposed in the draft Sign Chapter. In addition, an amortization provision was included in the sign regulations when the Town incorporated, but this provision was ultimately repealed because of controversy regarding its enforcement.

It should be noted that State law does not allow the Town to require removal of any nonconforming sign on the basis of its height or size if special topographic circumstances would result in a material impairment of visibility of the sign or the owner's or use's ability to adequately and effectively continue to community with the public through the sign (Subsection 17.40.130.H).

If the Commission and Council wish to adopt an amortization provision, draft language prepared by the Town Attorney is identified below for consideration:

Amortization of nonconforming signs. All nonconforming signs shall have a useful and legal life of fifteen (15) years, after which they may be removed in compliance with the requirements of the California Business and Professions Code.

If adopted by Town Council, this language would be inserted into Subsection 17.40.130.F, entitled "Inventory." The 15 year amortization period was found to be appropriate and legal based on review of comparison codes and Business and Professions Code 5490(b).

Additional Issues to be Addressed Outside of the Sign Code Update

Certain issues identified during the Sign Code Update process are not appropriate to address in the draft Sign Chapter. These issues may be addressed after the draft Sign Chapter is adopted and/or during the 2011-2012 Fiscal Year budget process.

- **Master Sign Programs.** Master Sign Programs/Plans (MSP) are required for multi-tenant properties of three or more tenant (Sign Code Update would require a MSP if there are four or more tenants). Therefore, most of the multi-tenant commercial properties in town are subject to an existing MSP that was approved under the current Sign Code. Many of these existing MSP establish repetitive sign guidelines with limited flexibility, unlike the draft sign regulations.

Although the Sign Code Update will revise town-wide sign regulations, it will not automatically affect existing MSP. As a result, once the Sign Code Update is adopted, many businesses may wish to upgrade their signage in a manner

consistent with the Sign Code Update but not permitted under the MSP. It is the Town's desire for existing MSP to be amended after adoption of the Sign Code Update to reflect the updated regulations. However, it is the property owner's discretion as to whether he or she chooses to update a MSP. After the Sign Code Update is adopted, the Town will continue to conduct outreach to multi-tenant property owners to inform them of the new sign regulations and how updating their MSP could be to their benefit.

Additionally, the Town could develop potential incentives to encourage property owners to update their existing MSP, such as developing a rebate program for MSP amendment processing fees, and/or expediting the processing of MSP. A business improvement/assistance program may be included in the Town's 2011-2012 Fiscal Year Work Program that that could incorporate these types of incentives if determined appropriate by Council.

- **Incentives for Removal of Nonconforming Signs.** Whether or not amortization is included in the Sign Code Update, the Town may consider other options to encourage the removal of nonconforming signs, especially those signs that may be considered visually intrusive and not in keeping with Mammoth's character, such as large pole signs. The Town could identify those signs of special interest and offer financial or other incentives for removal of the sign.

Incentives could include a sign and building permit fee rebate program for replacing a nonconforming sign with a conforming sign. A business improvement/assistance program may be included in the Town's 2011-2012 Fiscal Year Work Program that that could incorporate these types of incentives if determined appropriate by Council.

- **Code enforcement.** 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.
- **Sticker program.** A suggestion was to develop a "sticker program" where Town-issued stickers would be placed on approved temporary and/or permanent signs that could increase the efficiency of code compliance efforts. If the Town wishes to support such a program, additional research into the cost of such a program should be completed and considered to determine whether the Town could afford its administration.
- **Permit costs.** A consistent issue raised is 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 also considered as part of the Town budget process.

Examples for Comparison

Examples have been included in Attachment 4 to show how the proposed Sign Code Update regulations could allow different signage than under the current sign regulations. The examples include: 1) John's Pizza Works, 2) Roberto's Café, 3) Mammoth High School, and 4) 1849 Condominiums. The purpose of these examples is to showcase how these businesses or properties could alter their existing signage under the draft Sign Chapter; other outcomes would also be possible.

Questions for Discussion

Staff has posed the following questions to Planning Commission for discussion:

1. **Portable/off-site signs.** Are the portable sign regulations in Sign Chapter Subsection 17.40.100.N.3 appropriate?
2. **Amortization.** Should amortization be included in the Sign Chapter? If so, is the attached language identified in the *Amortization* section of this report appropriate?

CONFORMANCE WITH THE GENERAL PLAN & VISION

Updating the Zoning Code to implement the General Plan 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. The proposed Sign Chapter will advance community design standards and safety standards identified in the General Plan, such as strengthening the identity of the community as a premier, year-round destination resort and encouraging creative designs that add character to streets and districts, contributing to attractive and hospitable streetscapes. In addition, the Sign Code Update would continue to discourage visual clutter, eliminate glare, and minimize light pollution to improve public safety and preserve views of the stars and night sky, while still being progressive and business-friendly.

CEQA COMPLIANCE

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Sign Code Update and was circulated for public review from February 25, 2011 to March 27, 2011. Based on the IS/MND, it was found that there would not be a significant effect on the environment from the Sign Code Update; the IS/MND is included as Attachment 3, and provides the detailed analysis to support this conclusion. During the public comment period on the IS/MND, no comments were received.

Since the IS/MND was prepared, a number of revisions were made to the Sign Code Update in response to comments received during public workshops and legal review. Those revisions included the addition of portable sign regulations and minor changes that would not result in significant impacts. Therefore, the findings of the IS/MND would remain unchanged.

LEGAL CONSIDERATIONS

The proposed Sign Chapter has been reviewed by the Town Attorney to ensure applicable laws are met, including the California Business and Professions Code, the First and Fifth Amendments, and the Lanham Act.

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.

Federally Registered Trademarks (Lanham Act)

Federal 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, location, and materials. As another option, the Town may prohibit the display of federally registered trademarks altogether, but that is not proposed in the draft Sign Chapter.

OPTIONS ANALYSIS

- Option 1: Recommend adoption of the Mitigated Negative Declaration for the Sign Code Update and the Sign Code Update (Zone Code Amendment 11-001) to Town Council as proposed or as modified by Planning Commission.
- Option 2: Do not recommend amending the Chapter 17.40, Signs, of the Municipal Code at this time.

Option 1 would allow Zone Code Amendment 11-001, Sign Code Update, to proceed to a Town Council public hearing.

Option 2 would not allow Zone Code Amendment 11-001, Sign Code Update, to proceed to a Town Council public hearing. Chapter 17.40, Signs, of the Municipal Code would be adopted during the adoption of the entire Zoning Code Update.

RECOMMENDATION

Staff recommends that the Planning Commission choose Option 1 and adopt the attached resolution recommending to the Town Council:

- 1) Adoption of the Mitigated Negative Declaration for the Sign Code Update, and
- 2) Adoption of Zone Code Amendment 11-001, Sign Code Update, amending Chapter 17.40 of the Town of Mammoth Lakes Municipal Code, and including the findings as listed in the resolution and all conditions of approval.

Attachments:

1. Planning Commission Resolution
Exhibit A: Proposed Text Amendment, Municipal Code Chapter 17.40, Signs
2. Proposed Sign Chapter - Track Changes from 1-25-11 Draft Chapter (minor edits are not tracked)
3. Sign Code Update Initial Study/Mitigate Negative Declaration
Exhibit A: Initial Study/Mitigate Negative Declaration (previously distributed); available at <http://www.ci.mammoth-lakes.ca.us/index.aspx?nid=387>
Exhibit B: Mitigation Monitoring and Reporting Program
4. Existing Sign Conditions for Example Comparisons
5. List of Outreach Meetings for the Sign Code Update

Recording Requested by and)
 When Recorded Mail To:)
)
 Town of Mammoth Lakes)
 Community Development Department)
 P.O. Box 1609)
 Mammoth Lakes, CA 93546)_____

Space Above for Recorder's Use

RESOLUTION NO. PC-2011-

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION
 RECOMMENDING TO TOWN COUNCIL ADOPTION OF THE
 SIGN CODE UPDATE MITIGATED NEGATIVE DECLARATION AND
 ADOPTION OF ZONE CODE AMENDMENT 11-001
 UPDATING MUNICIPAL CODE CHAPTER 17.40 – SIGNS.**

WHEREAS, a request for consideration of a Zone Code Amendment was filed by the Town of Mammoth Lakes to allow the Sign Code Update, in accordance with Section 17.72 of the Town of Mammoth Lakes Municipal Code; and

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the application request on April 27, 2011, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The Agenda Report to the Planning Commission with exhibits;
2. The State Map Act (if applicable), Specific or Master Plan (if applicable), General Plan, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing; and
4. Written evidence submitted at the hearing.

NOW THEREFORE, THE PLANNING COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS

1. **CEQA** (Section 15074 of the CEQA Guidelines):
 - a. The Planning Commission considered the proposed Initial Study/Mitigated Negative Declaration for the Sign Code Update (State Clearinghouse No. 2011022063) together with the Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA) Guidelines, and finds that on the basis of the whole record, there is no substantial evidence that the Sign Code Update (“Project”) will have a significant effect on the environment.
 - b. The Planning Commission finds that the Initial Study/Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis.
 - c. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546.
 - d. A program for reporting on or monitoring the required mitigation measures has been prepared and will be adopted with the Mitigated Negative Declaration.
 - e. The Planning Commission finds that the Project will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working in the Project area with the incorporation of mitigation measures identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
 - f. No mitigation measure was revised as a result of the public review process because no comments were received during the Initial Study/Mitigated Negative Declaration public review period.
 - g. All mitigation measures have been incorporated into the Project (i.e., Sign Chapter) prior to approval.
2. **MUNICIPAL CODE FINDINGS** (Section 17.72 of the Mammoth Lakes Municipal Code):
 - a. That the change is consistent with the goals, objectives and policies of the General Plan, any applicable specific plan or adopted master plan of development, and Title 17 of the Municipal Code because the Sign Code Update will advance community design standards and safety standards

identified in the General Plan, such as strengthening the identity of the community as a premier, year-round destination resort and encouraging creative designs that add character to streets and districts, contributing to attractive and hospitable streetscapes. Also, the Sign Code Update would continue to discourage visual clutter, eliminate glare, and minimize light pollution to improve public safety and preserve views of the stars and night sky, while still being progressive and business-friendly.

- b. That the change is in the interest of or will further the public health, safety, comfort, convenience and welfare because the Sign Code Update will allow for more flexible regulations to ensure signs are visible and conveniently located for effectiveness. Additional types of signs would be allowed that would provide a convenience to local businesses and uses.
- c. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties because the Sign Code Update provides regulations based on zoning district (e.g., residential zones and non-residential zones) that are tailored to the land use characteristics and intensity of various areas.
- d. That the neighborhood infrastructure is adequate or will be modified to accommodate any increase in intensity of land use if such would occur from a change in the zone classification because the Sign Code Update would only affect sign regulations and would not result in increased density or increased commercial uses.

SECTION 2. PLANNING COMMISSION ACTIONS. The Planning Commission hereby takes the following actions:

- 1. Recommend to the Town Council adoption of the Sign Code Update Mitigated Negative Declaration (State Clearinghouse No. 2011022063), including the Mitigation Monitoring and Reporting Program; and
- 2. Recommend to the Town Council adoption of Zone Code Amendment 11-001, Sign Code Update, as detailed in Exhibit A:

(SEE EXHIBIT "A")

PASSED AND ADOPTED this 27th day of April 2011, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Mark Wardlaw
Community Development Director

Tony Barrett, Chair of the Mammoth
Lakes Planning Commission

NOTE: This action is subject to Chapter 17.68 of the Municipal Code, which specifies time limits for legal challenges.

EXHIBIT “A”
Resolution No. PC-11-
Case No. ZCA 11-001

The Town of Mammoth Lakes Municipal Code, Title 17, Chapter 17.40, Signs, shall be amended and replaced with the following:

Chapter 17.40

Signs

Sections:

- 17.40.010 - Purpose of Chapter
- 17.40.020 - Applicability
- 17.40.030 - Definitions
- 17.40.040 - Sign Permit Requirements
- 17.40.050 - Signs Not Requiring a Permit
- 17.40.060 - Master Sign Program
- 17.40.070 - Prohibited Signs
- 17.40.080 - Measurement of Sign Area and Height
- 17.40.090 - General Requirements for All Signs
- 17.40.100 - Standards for Specific Types of Signs
- 17.40.110 - Sign Standards by Zoning District
- 17.40.120 - Sign Variances and Adjustments
- 17.40.130 - Nonconforming Signs
- 17.40.140 - Abandoned Signs
- 17.40.150 - Public Nuisance, Violation, and Abatement

17.40.010 - 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 state or federal law.

17.40.020 - 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.

17.40.030 – Definitions

Abandoned sign. Any lawfully erected sign that, for a period of 90 days or more, 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.

Commission. The Town of Mammoth Lakes Planning Commission.

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.

Department. The Town of Mammoth Lakes Community Development Department.

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”).

Director. The Town of Mammoth Lakes Community Development Director.

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.

Ground level business. A business where the main pedestrian entrance is accessed directly from a street, sidewalk, surface parking lot, or plaza.

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, or products that produce the same or similar effect as neon, such as flexible light-emitting diode (LED) neon.

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.

Pedestrian-oriented sign. A sign designed and directed toward pedestrians; typically a small hanging or projecting sign legible to pedestrians adjacent to the structure.

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

Portable sign. Any sign or advertising device that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame or sandwich board signs. Portable signs do not include pole or wooden post signs.

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 shiny material or device reflecting light and creating glare.

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.

Works of art. An artistic creation such as a painting, sculpture, architecture, landscape design, mural, and other objects. Works of art not used to advertise or identify any business or product are not considered a sign.

17.40.040 - 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 17.40.050. 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 12 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. 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 17.40.040.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. State review and approval, including the issuance of an encroachment permit, is required for signs located within the State right-of-way. Signs located within 660 feet of either State Route 203 or U.S. Highway 395 may require a permit from the Outdoor Advertising Division of Caltrans.

D. Review authority. Table 17-40.1 identifies the responsible review authority for each type of sign approval.

**Table 17-40.1
Sign Review Authority**

SIGN REVIEW AUTHORITY				
Type of Permit or Decision	Procedure is in Section	Role of Review Authority¹		
		Director²	Planning Commission	Town Council
Master Sign Program	17.40.040		Decision	Appeal
Sign Permit	17.40.040	Decision	Appeal	Appeal

Notes:

(1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals of an earlier decision, in compliance with Chapter 17.68 (Appeals).

(2) The Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision.

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 90 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 60 calendar days from when the Town determines the project is exempt from the California Environmental Quality Act or adopts a negative declaration for the project. 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.

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 or master 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 17.68 (Appeals) shall apply following a decision on a sign permit.

I. Expiration and extension of sign permit approval.

1. A sign permit shall expire 12 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 90 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 90 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 12 months from the original date of expiration based on site specific conditions justifying the original approval and whether or not those conditions have changed. The Director may make the extension subject to new conditions of approval should site-specific conditions warrant revised or new conditions.
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.

17.40.050 - 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 and/or utilize neon.

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 17.40.050.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 to be displayed during the hours of the sale. Garage sale signs shall only be displayed on the private property where the sale is located, and shall not be placed within any public right-of-way.

4. **Political signs.**

- a. Political signs shall not exceed six square feet and shall not be located within any public right-of-way or on public property.
- b. A campaign sign may be displayed on a wooden post or wire frame, shall be no taller than four feet, and shall be removed within five days following the election.
- c. Political signs within 660 feet of a State highway shall comply with the Outdoor Advertising Act.

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 12 square feet per property.
- c. **Multi-tenant properties.** In addition to the real estate signs listed in Subsection 17.40.050.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, including tenant spaces above the second story.
- d. **Freestanding real estate signs.** Freestanding real estate signs shall not exceed four feet in height and may be a portable sign or displayed on a wooden post. Sign structure shall be reasonably durable and clearly incidental to the sign, or otherwise shall be counted towards sign area.
- e. **Open house signs.** Open house signs are allowed consistent with regulations for temporary portable signs, Subsection 17.40.100.N.3.

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.** American flags are exempt from these regulations. 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.
 - 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 30 feet in height.
 - c. Flags shall have a minimum clearance of eight feet over pedestrian areas and 15 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 17.40.070.B.11). 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 16 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 12 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.

17.40.060 - 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 tenant spaces, regardless of whether the tenant spaces are occupied. A Master Sign Program may be requested by an applicant for a site with less than four businesses or tenant spaces, but is not required. No sign permit shall be approved for a site with four or more businesses or tenant spaces unless and until the Commission has approved a Master Sign Program for the subject site.
- B. Application requirements.** An application for a Master Sign Program shall be made to the Department on a form provided for that purpose. 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 17.40.060.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 17.40.060.E.
- C. Time line for decision; waiver of time.** See Subsection 17.40.040.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 master 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 17.40.040.H.

G. No expiration for Master Sign Programs. A Master Sign Program shall have no expiration date, but may be revised consistent with Subsection 17.40.060.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.

17.40.070 - 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. Illegal signs;
3. Inflatable or tethered signs or devices;
4. Internally illuminated signs, except as allowed by this Chapter;

5. Moving signs, including blinking or flashing signs, except as allowed by this Chapter, signs that emit a varying intensity of light or color, or signs that contain moving parts;
6. Home occupation signs;
7. Off-premise signs, except as allowed by this Chapter;
8. Pole signs, including signs attached to utility poles or snow stakes;
9. Pricing signs, except vehicle station fuel price signs, menu display boxes, and drive-up menu boards as allowed by this Chapter;
10. Roof signs;
11. 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 17.40.050.F.7, Signs on vehicles);
12. Signs burned, cut, or otherwise marked on or otherwise affixed to a tree;
13. 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;
14. Signs with reflective surfaces, except for street and traffic signs or other signs for public safety;
15. Signs within a public right-of-way, except as allowed by Subsection 17.40.090.B.4;
16. Statuary signs;
17. Temporary signs, except as allowed by this Chapter; and
18. Walking signs, including costumed characters or signs held or supported by human beings, except for non-commercial signs.

17.40.080 - 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 defined below.

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 17-40.A.

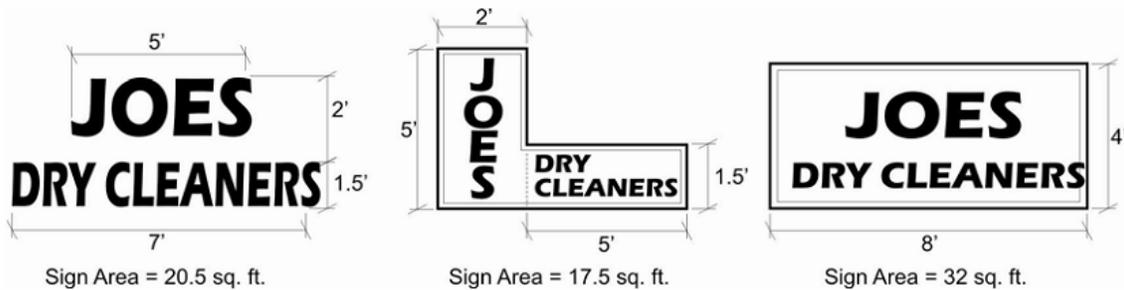


Figure 17-40.A: Sign area measurement¹

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 24 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 17-40.B.

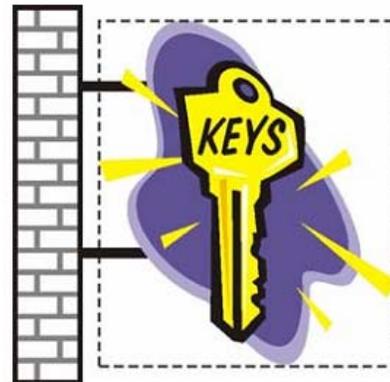


Figure 17-40.B: Three-dimensional sign measurement²

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 17-40.C.

¹ City of Grass Valley Municipal Code

² City of Grass Valley Municipal Code

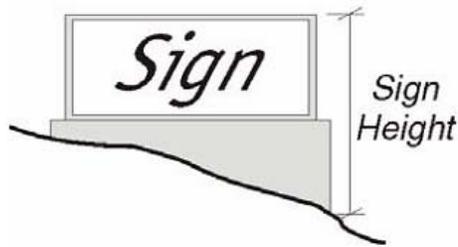


Figure 17-40.C: Sign height measurement³

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 12 inches above existing grade as defined in 17.40.080.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.

17.40.090 - 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.

³ City of Grass Valley 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. Signs shall be allowed on sides of buildings or businesses not considered as businesses frontage (i.e., where no customer access is available) when the building wall fronts on a public street or faces a plaza, courtyard, pedestrian corridor or walkway, parking lot, or alley.
4. No sign shall be placed on or project over public property or into a 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/or the State as required for the sign, and allowed by this Chapter;
 - c. A sign constructed by a public agency on its property, which is allowed by this Chapter;
 - d. A monument sign consistent with Subsection 17.40.100.H.4; and
 - e. A portable sign consistent with Subsection 17.40.100.N.3.b.
5. No sign shall be located in a manner that will impede or obstruct pedestrian, bicycle, or vehicular safety.
6. No sign shall be placed so as to interfere with the operation of a door, fire escape, window, or other required exit.
7. Signs located within 660 feet of either State Route 203 or U.S. Highway 395 shall comply with the Outdoor Advertising Act and Regulations administered by Caltrans.

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 $\times \frac{2}{3}$ = maximum allowable sign area in square feet).
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 17.40.100. No sign shall exceed 30 square feet, except as specifically provided in this Chapter.
5. Any business not having the necessary frontage to permit at least 12 square feet of aggregate sign area shall, in any event, be permitted 12 square feet of aggregate sign area.
6. The total allowable aggregate sign area may be increased by 20 percent if a sign and business frontage identified by the sign are located 140 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 140 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 approved after the adoption of this Chapter.
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 17.40.050);
 - 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 17.40.100.A;
 - f. Drive-up menu boards;
 - g. Identification signs for multi-tenant centers that do not advertise any particular business or product;

- h. One pedestrian-oriented business identification sign per business (i.e., a hanging or projecting sign) of no greater than six square feet;
- i. Temporary banners as approved by the Town in compliance with this Chapter; and
- j. Tenant directory signs of no more than 12 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 12 feet in height.
- b. Sign structures may extend 12 inches above the allowable height for the purposes of sign structure enhancement or embellishment. See Figure 17-40.D.

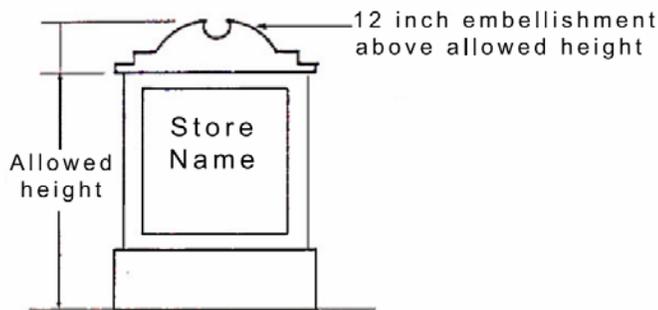


Figure 17-40.D:
Monument sign with
enhancement or
embellishment

- 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 16 feet in height.
- d. In locations where the base of a sign is five feet or more below the centerline of the street on which the sign faces, sign height may be increased subject to the Director’s approval; however, no sign shall exceed 16 feet in height.

2. **Signs on structures.**

- a. No sign shall be displayed above the second story of any building, except for multi-tenant property real estate signs consistent with Subsection 17.40.050.C.5.c.
- 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 public rights-of-way and properties in compliance with Chapter 17.34 (Outdoor Lighting) and the following standards.

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 (e.g., 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 and electronic message signs 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.
10. Where Chapter 17.34 (Outdoor Lighting) conflicts with this Chapter 17.40 (Signs), Chapter 17.40 (Signs) will take precedence.

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.

- a. Signs should express individuality, 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.
4. **Sites with less than four businesses or tenant spaces.** Master Sign Programs are not required for sites with less than four businesses or tenant spaces; 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.

17.40.100 - 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 17.40.090 (General Requirements for All Signs), Section 17.40.110 (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 17.40.090.C.7. Sign permits are required for all signs except for those identified in Section 17.40.050 (Signs Not Requiring a Permit). Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Chapter.

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 50 percent of lineal awning frontage or 30 square feet, whichever is less.
3. Translucent awning materials are prohibited.
4. No duplication of wording shall be permitted on an awning.



Figure 17-40.E: Awning sign⁴

- 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.



Figure 17-40.F: Changeable copy sign

- C. Decorative banners and flags.** Decorative banners and flags shall only be allowed if approved by a Master Sign Program under Section 17.40.060. 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.**
1. Electronic message signs shall only be located in the Public and Quasi-Public Zone.
 2. Electronic message signs shall not flash, blink, flutter, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic messages signs may display changing messages; however, each message shall be displayed for no less than four seconds.
 3. One electronic message sign may be allowed per property.
 4. Electronic message signs shall be limited to a brightness level of 0.3 foot candles above ambient light and shall incorporate automatic dimming technology to consistently maintain the required light levels.
 5. Electronic message signs shall include well-designed opaque roof features to keep light from shining up. Signs and roof features shall be consistent with Subsection 17.40.090.F (Sign materials and design).

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6. A design review permit and Planning Commission approval shall be required for approval of an electronic message sign.

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 20 square feet.



Figure 17-40.G: Halo lit sign

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.

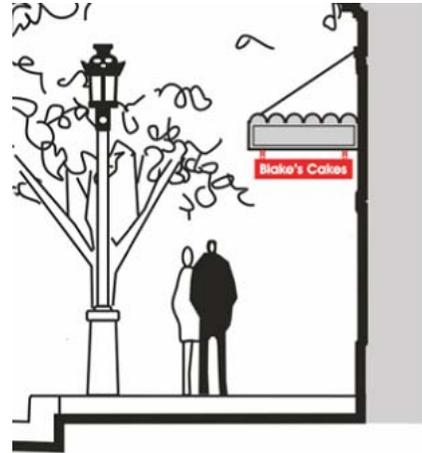


Figure 17-40.H: Hanging sign⁵

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 75 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 75 foot separation impractical.

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3. **Setback.** Generally, there shall be a minimum five foot setback from a 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 17.40.010).
4. **Encroachment.** Monument signs may encroach into a 200 foot or greater two lane right-of-way when the sign will not be closer than 20 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.
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 40 percent of the width of the sign face. See Figure 17-40.I.

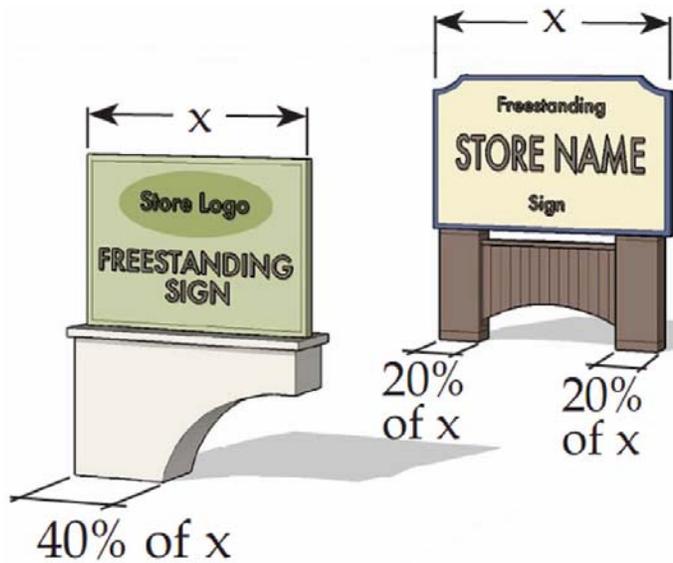


Figure 17-40.I:
Monument sign base

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 30 square foot sign shall require 30 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” and “vacancy/no vacancy” signs are allowed in compliance with Subsection 17.40.050.B.3 and 4 and are not subject to the requirements of this Subsection. The use of neon on other types of signs shall be subject to the following requirements.

1. Neon shall only be used for sign details that are intended to provide accessory graphics and artistic elements to a sign (e.g., a sign’s copy, background, or border shall not be composed entirely of neon tubing).
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 elements shall not be permitted on any monument sign or any sign larger than 20 square feet.
4. Signs with neon details shall incorporate dimming capabilities to the extent feasible (e.g., technologies such as flexible light-emitting diode (LED) neon are capable of being dimmed).

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 12 square feet and shall be double-sided.



Figure 17-40.J: Projecting Sign⁶

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 30 square feet as necessary to adequately display current or coming programs to the public. Theater signs may utilize changeable copy. Any theater sign greater than 30 square feet shall not utilize an electronic message sign or be internally illuminated.

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L. Wall signs.

1. A wall sign shall not project more than six inches from the surface to which it is attached.
2. 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.

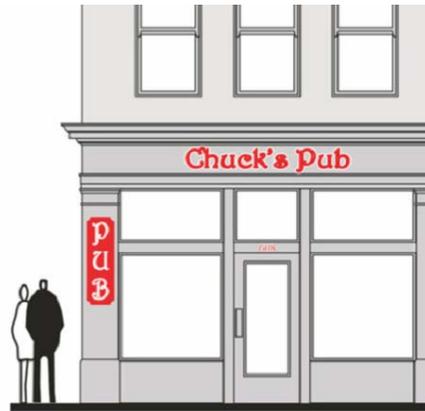


Figure 17-40.K: Wall signs⁷

M. Window signs (permanent and temporary).

1. **Placement.** Permanent and temporary window signs shall be allowed only on windows located on the ground level and second story of a business frontage.
2. **Size.** Permanent and temporary window signs shall not occupy more than 25 percent of the total window area. No temporary window sign shall exceed six square feet.
3. **Number.** There shall be no more than four window signs per business, including permanent and temporary window signs. Only two window signs may be temporary.



Figure 17-40.L: Window signs⁸

4. **Application.** Permanent window signs shall be permanently painted, mounted, or applied directly to the inside of the glass (i.e., windows and/or doors). Permanent and temporary window signs shall be no more than one inch thick.
5. **Duration of display for temporary signs.** Temporary window signs displayed for up to 15 days not more than once per calendar quarter do not require a permit; temporary window signs displayed for a longer or more frequent period or periods, up to a maximum of 30 consecutive days, require a sign permit.

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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 or display 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 20 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 30 consecutive days.



Figure 17-40.M: Grand opening banner⁹

ii. A new business banner may be displayed for a period of not more than 90 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 30 days per year. A permit may be issued for not less than two consecutive days, up to 30 days.

c. **Design.** A banner shall not be overly bright, distracting, or disharmonious with the building to or property on which it is displayed.

d. **Deposit.** A deposit may be required by the Director for a temporary sign permit for a banner. The deposit 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 be associated with a civic, community, educational, or cultural event and shall contain no commercial or advertising copy.

ii. Banners shall be approved by the State and/or Town through an encroachment permit and/or other necessary permit(s).

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- iii. Across the street banners shall be limited to Main Street/State Route 203, Old Mammoth Road commercial district, and the following street segments in the North Village Specific Plan: Minaret Road north of Main Street and south of Forest Trail, Canyon Boulevard, and Lake Mary Road.
- iv. Banners shall be displayed for a period of no less than seven days and no more than 21 days.
- v. Banners shall be installed in an approved location by the State and/or Town.
- vi. Banners shall be the minimum size necessary to accomplish the intended use and may exceed 30 square feet if approved by the Director.
- vii. 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.

- a. Community event signs shall not be subject to sign permit fees.
- b. Signs may be permitted off-site subject to the approval of the Director and the owner of the property on which the sign would be located. Signs may be permitted within the public right-of-way consistent with Subsection 17.40.090.B.4.b.
- c. Signs may be larger than 30 square feet, subject to the Director's approval.
- d. Signs may include temporary portable informational and directional signs, banners, or other types of signs as approved by the Director.

3. Portable signs. The use of small portable signs is allowed subject to the following requirements.

- a. One portable sign may be allowed on-site in addition to all other permanent signs allowed for the business or activity.
- b. Five additional off-site portable signs may be located within the Town's right-of-way subject to approval of an encroachment permit by the Director and Town Engineer, provided they do not interfere with vehicular or pedestrian movement or wheelchair access to, through, and around the site on which the sign is located. A minimum access width of six feet shall be maintained along all sidewalks and building entrances accessible to the public. The Town Engineer may require additional minimum access width for high-use pedestrian areas.

- c. Portable signs shall not be located within the State's right-of-way.
- d. Portable signs shall not encroach into required parking areas, shall not obstruct pedestrian traffic, and shall not create traffic hazards.
- e. There shall be at least 50 feet between portable signs.
- f. Portable signs are limited to six square feet per side, and shall be no taller than four feet.
- g. Portable signs are only allowed on Thursdays, Fridays, Saturdays, Sundays, and Federal or State holidays, between 8 a.m. and dusk, for no more than eight hours per day. However, in no case shall a portable sign be displayed during non-business hours.
- h. Portable signs located on-site shall be counted towards the maximum cumulative display periods and total sign area allowed for temporary signs.
- i. All businesses with portable signs shall furnish proof of insurance and indemnity and hold harmless the Town from any action or expense that may occur as a result of a portable sign being located on any sidewalk or Town right-of-way, satisfactory to the Town Attorney. Portable signs for any business that fails to indemnify the Town shall be deemed illegal, nonconforming, and shall be removed.
- j. Portable signs shall be constructed of durable, weather-resistant materials, and shall be professional in appearance at all times.
- k. A sign permit is not required for a portable sign that is consistent with the requirements of this Subsection, unless the sign would be located within the Town's right-of-way as allowed by Subsection b, above.
- l. Signs shall be maintained in compliance with Subsection 17.40.090.A.

4. 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.

5. 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 17-40.2
Standards for Temporary Signs**

Allowed Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Time Limit	Permit Required?	Additional Requirements¹
Banner - Across the street	Not limited by number	May exceed 30 s.f. if approved by Director	Limited by supporting structure	7-21 days	Yes	See Subsection 17.40.100.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	See Subsection 17.40.100.N.2
Community event information	Not limited by number	Limited by sign type	Limited by sign type	Removed 2 days after event	No	See Subsection 17.40.050.C.1
Directional sign	Not limited by number	6 s.f.	Limited by sign type	As deemed necessary by the Director	No	See Subsection 17.40.050.C.2
Garage sale sign	1 per garage sale	4 s.f.	4 feet	Only during hours of sale	No	See Subsection 17.40.050.C.3
Political sign	Not limited by number	6 s.f.	4 feet	Removed within 5 days after election	No	See Subsection 17.40.050.C.4
Portable signs	1 on-site per property and up to 5 off-site in the Town's right-of-way	6 s.f. per side	4 feet	Thursdays, Fridays, Saturdays, Sundays, and Federal or State holidays. between 8 a.m.	No (on-site signs); Yes (off-site signs)	See Subsection 17.40.100.N.3

				and dusk for no longer than 8 hours		
Real estate signs	1 per property ³ ; 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 sign: 4 feet; Other: limited by sign type; signs in tenant spaces above the second story are allowed	When property is available for sale, lease, rent, or other disposition	No	See Subsection 17.40.050.C.5
Real estate development sign	1 per development site	30 s.f.	Limited by sign type	After land use permit is approved and until it expires	Yes	See Subsection 17.40.100.N.4
Site construction sign	1 per development site	30 s.f.	Limited by sign type	After building permit issued, and until final inspection or certificate of occupancy	Yes	See Subsection 17.40.100.N.5
Window sign (temporary)	No more than 2 per business	25% of window ⁴ or 6 s.f per sign, whichever is less	Not above the second story	30 days	No (less than 15 days quarterly); Yes (more than 15 days quarterly)	See Subsection 17.40.100.M.5

Notes:

- (1) See Standards for Specific Types of Signs, Temporary Signs (17.40.100.N) and Signs Not Requiring a Permit (17.40.050).
- (2) No business shall have more than one banner sign displayed at any one time (17.40.100.N.1).
- (3) Additional signage may be allowed for the second frontage consistent with Subsection 17.40.090.C.3.
- (4) Permanent and temporary window signs shall not exceed 25% of window area (17.40.100.M.2).

17.40.110 - Sign Standards by Zoning District

In addition to the standards in this Section, each sign shall also comply with Section 17.40.090 (General Requirements for All Signs), Section 17.40.100 (Standards for Specific Types of Signs), and all other applicable provisions of this Chapter. Temporary signs are address in Table 17-40.2 (Standards for Temporary Signs), above.

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

**Table 17-40.3
Sign Standards for Residential Zones**

Allowed Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Permit Required?	Additional Requirements
Residential Use – Single-Family Uses						
Residential nameplate (17.40.050.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
Residential Use – Multi-Family Uses and Subdivisions¹						
Residential nameplate: same standards as Residential Use – Single-Family Uses, above						
Monument or wall (17.40.100.H, 17.40.100.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
Non-Residential Use – Public, Quasi-Public, and/or Institutional Uses						
Monument or wall (17.40.100.H, 17.40.100.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 17.40.100.H and 17.40.100.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 17.40.090.C.3.
- (3) More than one monument sign may be allowed consistent with Subsection 17.40.100.H.1.
- (4) Additional monument sign height may be allowed consistent with Subsection 17.40.090.D.1.

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

**Table 17-40.4
Sign Standards for Non-Residential Zones**

Allowed Sign Type	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Maximum Number	Maximum Sign Area (Aggregate)	Additional Requirements¹
Awning (17.40.100.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 business frontage; however, only 1 of each sign type is allowed per business frontage ^{3,4,5}	Total allowable sign area shall not exceed 2 square feet for each 3 lineal feet of business frontage ³ ; each business is allowed a minimum of 12 s.f. of signage regardless of frontage length	8 foot clearance; translucent material prohibited; See Subsection 17.40.100.A
Changeable copy (17.40.100.B)	Limited by sign type	Limited by sign type				See Subsection 17.40.100.B
Hanging (17.40.100.G)	8 s.f.	Ground level businesses only	Indirect lighting, halo lit, and neon details allowed			Cannot extend more than 6 feet from wall; 8 foot clearance; See Subsection 17.40.100.G
Monument (17.40.100.H)	30 s.f.	8 feet; 12 feet on Main Street and Lake Mary Road ⁶	Indirect lighting and halo lit allowed			See Subsection 17.40.100.H
Projecting (17.40.100.J)	12 s.f.	Ground level businesses only	Indirect lighting, halo lit, and neon details allowed			Shall be double-sided; See Subsection 17.40.100.J
Theater (17.40.100.K)	May exceed 30 s.f. if approved by Director	Limited by sign type	Indirect lighting, internal illumination, halo, and neon allowed; Only indirect lighting allowed if greater than 30 s.f.			See Subsection 17.40.100.K
Wall (17.40.100.L)	30 s.f.	Not displayed above the second story	Indirect lighting, halo lit, and neon details allowed			Cannot project more than 6 inches from wall; See Subsection 17.40.100.L
Window (17.40.100.M)	25% of window or 30 s.f., whichever is less	Ground level and second story only	No			No more than 4 per business
Electronic message (17.40.100.E)	Limited by sign type, and no greater than	Limited by sign type	Internal illumination (electronic)	One per property ⁷	Only allowed in the Public and Quasi-Public Zone; requires a design	

	30 s.f.		message)			review permit; See Subsection 17.40.100.E
Halo lit (17.40.100.F)	20 s.f.	Limited by sign type	Internal illumination (halo)	One per business ⁷		Not in any residential zone; See Subsection 17.40.100.F
Neon details (17.40.100.I)	20 s.f.	Limited by sign type	Internal illumination (neon)	One per business ⁷		Not in any residential zone; See Subsection 17.40.100.I
Other signs: See Standards for Specific Types of Signs (17.40.100) and Signs Not Requiring a Permit (17.40.050)						

Notes:

- (1) See Standards for Specific Types of Signs (17.40.100) and Signs Not Requiring a Permit (17.40.050).
- (2) Copy on an awning that does not exceed six inches in height and consistent with Subsection 17.40.100.A is not counted towards total allowable sign area or number.
- (3) Additional signage may be allowed for the second frontage consistent with Subsection 17.40.090.C.3.
- (4) More than one monument sign may be allowed consistent with Subsection 17.40.100.H.1.
- (5) Signs shall be allowed on sides of buildings or businesses not considered as business frontage consistent with Subsection 17.40.090.B.3.
- (6) Additional monument sign height may be allowed consistent with Subsection 17.40.090.D.1.
- (7) Signs count towards the maximum number of signs allowed.

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

1. Monument signs shall not exceed 650 square feet in gross area with 450 square feet of useable (information imparting) area per sign where such signs are within 300 feet of a State or Federal highway right-of-way.
2. Signs within 300 feet of a State or Federal highway right-of-way shall not exceed 25 feet in height.
3. Subsection 17.40.090.C.6 shall not apply to signs in the Airport Zone.

17.40.120 - 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 17.64 (Variances).
- B. Adjustment.** An adjustment may allow for an increase of not more than 10 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 17.76 (Adjustments and Reasonable Accommodation).
- C. Master Sign Program exceptions.** A Master Sign Program exception in compliance with Subsection 17.40.060.D shall not require a variance or an adjustment.

D. Additional Finding. In addition to the findings required by Chapter 17.64 (Variances) or Chapter 17.76 (Adjustments and Reasonable Accommodation), 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.

17.40.130 - Nonconforming Signs

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 50 percent or less of the sign is destroyed, provided that restoration is started within 90 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 17.40.130.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 17.60 (Use Permits).

E. Abandoned nonconforming signs. An interruption in the use of a nonconforming sign for a period of 90 days or more shall be deemed to be an abandonment of the sign consistent with and subject to Section 17.40.140 (Abandoned Signs).

F. Inventory. As often as may be desirable, but no less frequently than required by State law, the Community Development Director shall authorize an identification and inventory of all illegal and abandoned signs within the Town in accordance with the requirements of State law.

G. 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 50 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 50 percent destroyed if the estimated cost of reconstruction or repair exceeds 50 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.

H. 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.

17.40.140 - 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 90 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 17.40.140.A, the Director shall give the owner 30 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.

17.40.150 - 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 17.80 (Enforcement).

(No other changes to the Municipal Code are included.)