

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING
VARIOUS SECTIONS OF CHAPTER 21.19 OF THE
EL PASO DE ROBLES MUNICIPAL CODE RELATING TO SIGNS**

WHEREAS, the City values the communication of ideas, products and services in its community through the visual display of signs; and

WHEREAS, the City also has a significant interest in maintaining the overall cleanliness and orderliness of the City, providing an aesthetically pleasing environment for residents and visitors alike, and keeping visual distractions to motorists to a minimum; and

WHEREAS, the courts have more explicitly specified the parameters of the City's ability to regulate signs since the last amendments were made to the City's Municipal Code governing signs,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 21.19 is hereby amended to read as follows:

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21.19.010 Findings

The City Council makes the following findings:

A. Signs are an essential element of the city. As such, their location, size, design, and relationship to each other and to other structures has a significant influence on the city's appearance and welfare, and a resultant effect upon a viewer's perception of the community. Signs, both commercial and non-commercial, serve a useful purpose in communicating a message.

B. When signs are not properly regulated, they contribute to visual clutter, confusion, and aesthetic blight. Signs may cause traffic hazards and impede, rather than enhance, commerce. In these situations, signs may fail to achieve their original objective of communication. A failure to appropriately regulate signs adversely affects the public health, safety, and welfare.

C. Property and facilities located within the public right-of-way, such as utility poles, benches, hydrants, bridges, traffic sign posts, and similar structures are not by tradition or designation a forum for communication by the general public. The council wishes to preserve these structures for their intended purpose, which is for the safe, efficient, and pleasant movement of vehicular and pedestrian traffic, and the safe operation of utility systems.

D. The regulations and prohibitions in this chapter are necessary to preserve items and structures located within the public right-of-way for their intended purposes and to prevent the visual clutter, blight, and traffic hazards caused by signs.

21.19.020 Purpose and Intent

The purpose of establishing regulations and standards for signs is as follows:

- A.** To maintain and improve the attractiveness and orderliness of the city's appearance as a place to live, work, and visit.
- B.** To provide for the identification of uses in a manner appropriate to the activity conducted on a site and harmonious with the purposes of the zoning district in which the site is located.
- C.** To eliminate confusing, distracting, or dangerous sign displays that interfere with vehicular traffic.
- D.** To prevent damage to or interference with the normal use of public property.
- E.** To assure the proper maintenance of signs.
- F.** To encourage a desirable city character consistent with the general plan.
- G.** To balance the rights of individuals to convey their messages and the right of the public to be protected against the unrestricted proliferation of signs and to provide for fair and equal treatment of sign users.

21.19.030 Definitions

The words used in this chapter shall be construed to have the meanings ascribed to them in this chapter.

- A.** "**Architecturally integrated base**" means a support structure for a monument sign that is constructed from materials compatible with the building or development.
- B.** "**Awning sign**" means an identification sign that is painted or applied to the face, valance or side panel of an awning or canopy.

- C.** "Banner" means a temporary sign generally made of flexible materials, usually cloth, canvas or vinyl plastic, that identifies businesses or activities, or advertises products, services or special events.
- D.** "Bench sign" means a sign located on a bench or similar structure on a public right-of-way.
- E.** "Billboard" means an off-premises sign, primarily (but not exclusively) used for a commercial purpose, and designed for changing copy.
- F.** "Construction site sign" means a sign at a construction site stating the name and address of those individuals or firms directly connected with a construction project, and/or the name of the owner or future user of the site.
- G.** "Directional sign" means a sign that is limited to a directional message such as "one way," "entrance," or "exit." Directional signs do not necessarily advertise a specific product or service, but may advertise a general product or service (such as a winery or real estate for sale).
- H.** "Directory sign" means a freestanding or wall-mounted sign that lists the occupants of a multi-tenant structure, regardless of use. A directory sign may be approved for on-or off-site locations.
- I.** "DRC" means the city's development review committee.
- J.** "Exception" means an approval to deviate from the criteria of this chapter.
- K.** "Existing pole sign" means a sign that is typically mounted on an elevated pole(s), greater than six feet in height, and which was legally established through a sign permit or other recognized form of city authorization.
- L.** "Flag or pennant" means a temporary sign generally made of flexible materials, usually cloth, paper or plastic. A flag or pennant may or may not contain copy. This definition does not include a flag of any nation, state or political subdivision.
- M.** "Freestanding sign" means a sign that has its own support structure placed on or in the ground and is not attached to a building.
- N.** "Garage/yard sale sign" means a temporary, on-site sign advertising a garage or yard sale.
- O.** "Governmental sign" means either a sign installed by a governmental entity or by a private individual or business as required by Federal, State or local laws.
- P.** "Hanging sign" means an identification sign hung from a sidewalk covering or other building projection.

Q. "Height" of a sign shall be measured from the average ground level adjacent to the base of a sign to the highest part of the sign. Where a sign is placed on an earth berm, raised planter, or similar feature, the height of a sign may include all or a portion of such a feature.

R. "Highway-oriented sign" means a freestanding sign exceeding six feet in height, located on designated properties near the intersection of State Highway 101 and 46, that identifies tourist-oriented businesses, such as gasoline service stations, restaurants, motels, and regional commercial uses and is located on the same property as the business it identifies.

S. "Icon sign" means an identification sign that is designed to be pedestrian-oriented and features an image, design or logo. An icon sign is typically constructed of metal or wood and illustrates by its shape the nature of the business within.

T. "Identification sign" means any sign referring to the name, service, or trade of a business or activity located on the same property as the sign. Generally, such signs shall not include a listing of more than three specific products or services offered for sale, subject to approval of the DRC in accordance with the standards set forth in this chapter.

U. "Illuminated sign" means a sign for which an artificial source of light is used to make the message readable. This definition shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.

V. "Inflatable sign" means a temporary sign, intended for short-term use, which may be ground mounted, roof mounted or airborne.

W. "Informational sign" means a sign erected for the safety or convenience of the public including but not limited to signs such as "restrooms," "telephone," "No Smoking," "Manager's Office," and other signs of a similar nature that do not promote or advertise a business, product or property.

X. "Master sign plan" means a uniform design for signs within a multi-tenant center.

Y. "Monument sign" means a freestanding identification sign that is set on an architecturally integrated base structure.

Z. "Multi-tenant center" means a commercial, office, or industrial building or complex of buildings that accommodates three or more tenants (businesses or activities). Multi-tenant centers may be located on a single lot or on several lots that were developed under a master development plan.

AA. "Mural" means an advertising art form such as a painting, picture, or graphic illustration applied to and made part of an exterior wall.

BB. "Non-conforming sign" means a sign that was legally established prior to the effective date of this chapter and that does not conform to the provisions therein. Signs that require city approval but have been established without the benefit of city approval are considered illegal signs and are subject to abatement pursuant to this chapter.

- CC.** "Off-premises" or "off-site" sign refers to a sign that promotes a business, activity, product, or service available on property other than that on which the sign is located, or which directs the public to a business or activity on another property.
- DD.** "On-premises" or "on-site" sign refers to a sign that promotes a business, activity, product, or service available on the property on which the sign is located.
- EE.** "Parapet" means a wall or railing that protects the edge of a platform or roof.
- FF.** "Political sign" means a non-illuminated sign that indicates the name and/or picture of any candidate for public office, relating to a current public election, referendum, or containing any social, ideological, or religious information of a non-commercial nature.
- GG.** "Projecting sign" means an identification sign that is generally oriented to vehicular traffic and is mounted from the building perpendicular to the plane of the building surface.
- HH.** "Public facility directional sign" means an off-premises sign that directs the public to a government facility.
- II.** "Public service sign" means a temporary non-commercial sign posted to advertise or provide direction to a civic event or project sponsored by a school, church, civic-fraternal organization or similar nonprofit organization.
- JJ.** "Real estate sign" means a nonilluminated sign that identifies properties or buildings or tenant spaces that are for sale, rent, or lease on the same property on which the sign is located.
- KK.** "Real estate directional sign" means an off-premises real estate sign that directs the public to properties or buildings that are for sale, rent or lease.
- LL.** "Roofline" means the line formed by the junction of the roof and the outside wall of any building.
- MM.** "Roof sign" means a sign erected on or above the roofline of a building or a sign painted on or attached directly to the roof.
- NN.** "Sign" is any physical form of visual communication (including, but not limited to, objects, pictures and architectural features) that is intended to be viewed from outdoor public areas. A sign includes all parts, portions, units and materials composing same, together with illumination, frame, background, structure, support and anchorage thereof.
- OO.** "Sign area" means the surface space within a single continuous perimeter containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building, and incidental parts not drawing attention to the subject matter. Any sign area on the reverse side of an approved double-faced sign shall not be included in a computation of sign area, provided, that the side excluded from sign area computation is no larger than the reverse side.

PP. "Vehicle-mounted sign" means a sign on or affixed to an automobile, truck, trailer, or other vehicle where the primary purpose of the vehicle relates to its use as a sign, whether parked on public or private property. A vehicle-mounted sign does not include a sign on a vehicle that is used for the purpose of lawfully making deliveries of sales or merchandise or rendering services from such vehicles. A vehicle-mounted sign also does not include a sign that advertises the sale of the vehicle to which it is affixed.

QQ. "Visitor serving directional signs" means an off-premises sign within the City of El Paso de Robles public right-of-way that is of uniform design as adopted by the city council and is used to identify public facilities, services, and/or recreational and visitor-serving uses as deemed appropriate by the city.

RR. "Wall-mounted or building-mounted sign" means an identification sign mounted on an exterior wall of a building. If no alternative space is available for adequate identification, a sign may be mounted on a block wall or fence as a wall-mounted sign provided that the block wall or fence is an integral part of the site architecture and not simply a device for sign display.

SS. "Window sign" means any identification sign painted or applied to window glass or hanging within the interior window perimeter, within three feet of the glass, that is designed to be viewed from the exterior of the building to which the window is attached.

TT. "Winery directional sign" means an off-premises sign that is intended solely to direct the public to wineries that are located either within or outside of the city limits.

21.19.040 Signs Requiring a Permit

A. General Sign Standards. All signs under this Section 21.19.040 shall be subject to the following sign standards, unless an exception is granted, pursuant to Section 21.19.090.

1. **Compatibility with Architecture.** Signs shall utilize materials, colors, and design motifs that are compatible with the architecture and color of the buildings on-site.
2. **Proportional to Building.** Signs shall be designed in scale and in proportion to the building they serve.
3. **Compatibility with Surrounding Signs.** Signs shall be designed in a manner compatible with surrounding signs that conform with this chapter.
4. **Colors.** Sign colors and materials shall complement the colors and architecture of the building. Stark white and fluorescent colors are not permitted.
5. **Illumination.** All illuminated signs shall be designed in such a way as to avoid undue glare or reflection of light on private property in the surrounding area.
6. **Lighting.** Backlighting and high intensity lights should be avoided. Instead, lighting should be directed at the sign and placed in the least visible manner possible.

7. Monument and Icon Signs Encouraged. Monument and icon signs are encouraged as effective and attractive modes of signage that enhance community appearance and reduce visual clutter.

B. Awning Signs. Awning signs shall be painted or applied flat against the awning surface and are subject to the following restriction:

1. Maximum Sign Area. For any building or tenant space frontage, the total maximum sign area for all building-mounted signs, except for freestanding, window and icon signs, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Awning signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

C. Banner Signs. A temporary use permit is required for any business that wishes to have three or more banner signs displayed at one time. A business that wishes to have two or less banner signs displayed at one time is not required to receive a temporary use permit. Banner signs are subject to the following restrictions:

1. Sign Area. The sign area shall not exceed one square foot per linear foot of building or tenant space frontage.

2. Design Standards. "Day-glow" and fluorescent colors are prohibited. Lettering must be of professional quality, done in uniform, readily legible characters. Signs shall be constructed of materials that can withstand outdoor weather conditions (such as cloth, canvas, or vinyl plastic but not paper or cardboard).

3. Time Limits. Each business or activity shall be limited to placing temporary banner signs on no more than six separate occasions per calendar year. Each such occasion shall be limited to no more than thirty (30) consecutive days and shall be separated from other occasions by a period of not less than thirty days.

4. Recurring or Ongoing Events. A permit may be approved for the use of banner signs for ongoing or recurring events.

5. Exception for New Businesses. Upon approval of a temporary use permit, during the first thirty days that a new business is open, there are no limitations on the size, location and nature of a banner sign as long as the sign(s) does not adversely affect the public health, safety or welfare.

D. Billboards. A conditional use permit shall be obtained for the placement of any billboard, subject to the following restrictions, which must be satisfied before a conditional use permit will be issued:

1. Location. The property on which the billboard shall be placed must be adjacent to the 101 or 46 Corridors. For purposes of this section, "adjacent to" includes properties separated by frontage roads but does not include lesser street corridors.

2. Zoning. Billboards shall only be located within commercial or industrial zoning designations in accordance with the State's Outdoor Advertising Act (Business & Professions Code § 5200 *et seq.*) parameters.

3. Other Agency Permits. An application for a conditional use permit must be accompanied by a California Department of Transportation (CalTrans) approved encroachment or billboard permit, if required by CalTrans.

4. Minimum Spacing. The most restrictive requirement of the following two requirements shall apply: No billboard sign shall be located more than one thousand feet from any other off-premises sign on the same side of the right-of-way or no more than three billboard signs shall be permitted in any one mile stretch. This minimum spacing requirement is enacted in the interest of driver and vehicle safety and the City's interests in aesthetics.

5. Size. No billboard shall be larger than three hundred square feet in area. Sign area shall include any irregularly shaped feature of any graphic on the billboard.

6. Height. No billboard shall exceed thirty feet, as measured from the closest adjacent grade. If any isolated feature of the sign causes it to exceed this height limitation, that feature shall be taken into account when the conditional use permit is considered and may be a basis for denial of the permit. However, if the top of a billboard is higher than the majority of buildings located on the same and/or adjacent lots, the billboard must be separated from such buildings by one foot for every linear foot of sign height. If this requirement is not satisfied, the billboard will be prohibited.

7. Construction Quality. Billboards shall be made of metal construction or otherwise have similar structural integrity.

8. Landscaping. Landscaping may be required at the base of the billboard as a means of bringing the sign into a less obtrusive scale to its surroundings.

9. Electronic Copy. Electronic reader copy is prohibited on billboard signs, as such copy is distracting to drivers and may impede vehicle safety. Only static graphics may be placed on billboards.

10. Lighting Methods. Any lighting shall be indirect and shielded so as not to create off-site glare, especially so as not to create glare for motorists.

11. Distance from Highway. Any billboard shall be set back from the state right-of-way at a minimum of one foot for every linear foot of sign height.

12. Public Property. Nothing in this section shall be construed to prohibit the city from approving a billboard or other off-premise sign designed to provide public information relative to goods and services available from the city when the city owns the property on which the billboard shall be placed. No other person, other than the city, shall be allowed to use any billboard on public property for any purpose.

E. Existing Pole Signs. Existing pole signs, as defined by this chapter, may be refaced with new sign text provided that all of the following criteria are met:

1. Location. The pole sign must be located outside of the city's historic downtown district, as defined by the adopted Main Street design guideline district boundaries (except for those properties along Riverside Avenue, east of the railroad tracks). The pole sign shall not be located along the Spring Street corridor. The existing pole sign shall not be placed within the public right-of-way.

2. Size. The sign's size and/or height shall not be increased.

F. Freestanding Signs. Freestanding signs shall be subject to the following requirements:

1. Number of Signs. Freestanding signs that identify one or two businesses or activities shall be limited to no more than one sign per street frontage.

2. Sign Area and Height. Freestanding signs shall not exceed thirty-two square feet, except for service station signs as specified in paragraph 4 of this section. Freestanding signs may not exceed six feet in height. Height limits include the architecturally integrated base or foundation of a sign, measured from the highest adjacent ground level.

3. Location. Freestanding signs shall not be placed in any location that would obstruct motorists' clear view of pedestrian and vehicular traffic. Wherever possible, freestanding signs shall be located within landscaped areas.

4. Service stations. Price signs shall be incorporated into freestanding signs. Service station signs shall not exceed twenty-four square feet in area and six feet in height. Service station signs shall comply with state law.

5. Multi-Tenant Centers. Freestanding signs in a multi-tenant center shall be subject to the following regulations:

a. Number. There shall be one multi-tenant center identification sign per street frontage. The planning commission may also provide for one multi-tenant directory sign.

b. Location. The multi-tenant directory sign may be located off-site if it is determined by the planning commission that because of unique land use or property ownership patterns such a directory sign is necessary, reasonable, and would avoid what could otherwise be a proliferation of individual user signs.

c. Master Sign Plan. The theme of a sign in a multi-tenant center shall be approved as a part of the master sign plan during the review of the plan for the center. The property owner shall designate a person or firm as the primary liaison with the city for all master sign programs.

d. Design. A freestanding sign in a multi-tenant center shall be consistent in terms of graphics, materials and color with the signage of the entire center. A multi-tenant sign does not necessarily have to include all tenants within the multi-tenant center.

6. Regional Commercial Zones. Freestanding signs in a regional commercial zone shall be subject to the following regulations:

a. Design. The number, size and height of freestanding signs for a regional commercial center are to be designed in appropriate scale and proportion to the center and in accordance with parameters to be established by resolution of the city council.

b. When Permit is Not Required. Freestanding signs in regional commercial zones are subject to approval in conjunction with an associated development plan application. In the absence of a discretionary development application, the sign(s) would be subject to permit approval.

G. Hanging Signs.

1. Maximum Sign Area. For any building or tenant space frontage, the total maximum sign area for all building-mounted signs, except for freestanding, window and icon signs, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Hanging signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

2. Clearance and Projection Limits. A hanging sign shall have a minimum vertical clearance of eight and one-half feet from a public or private sidewalk or driveway. A hanging sign shall comply with applicable Building and Fire Codes.

H. Highway-Oriented Signs. Highway-oriented signs are subject to the approval of a conditional use permit and may be placed in commercial and manufacturing zoning districts on those properties near the intersections of State Highways 101 and 46 and the intersection of Golden Hill Road and Highway 46 specifically indicated on Figure 21.19-1 and Figure 21.19-2 set forth at the end of this chapter. Highway oriented signs shall not be subject to the requirements of freestanding signs as specified in paragraph F as long as such signs meet the following requirements:

1. Purpose. A conditional use permit for a highway-oriented sign shall be approved for those signs that identify tourist-oriented businesses such as gasoline service stations, restaurants, motels and regional commercial uses.

2. Design. The city shall limit the number, height, and visual impact of highway-oriented signs when considering the conditional use permit. Pole signs shall be discouraged if adequate signage can be provided on the sides of buildings and in the form of monument signs. Combinations of more than one sign on a pole are strongly encouraged though.

3. Height. The height of permitted signs shall be limited to the lowest practical elevation when considering the line of sight from nearby highways. However, the planning commission or the DRC may require minimum clearances beneath a highway-oriented sign if necessary to protect the public health and safety. Highway-oriented signs shall also be subject to the following height limitations in specific areas as follows:

a. Pole signs located east of the Highway 101 and Highway 46 West intersection shall be limited to the maximum height of thirty-five feet above Highway 101. (For

example, if the highway is twenty feet above the subject property, the pole sign height could not extend over fifty-five feet). One-acre minimum lot sizes shall be required for a highway-oriented pole sign, unless the highway-oriented sign was approved as a part of a comprehensive sign program for a multi-use center (under which the city may approve pole signs for smaller parcels).

b. Pole signs that are located in the geographic area of Highway 46 East and Golden Hill Road are subject to the city council approved design parameters established in Resolution No. 96-35.

I. Icon Signs.

1. **Maximum Sign Area.** Icon signs shall be limited to a maximum area of twenty-five square feet. If an icon sign is used as a bracket, the bracket is to be included in figuring total signage area. Icon signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

2. **Limitation on Placement.** Icon signs shall be attached at right angles to a building. Icon signs shall have no more than two faces.

3. **Clearance and Projection Limits.** An icon sign shall have a minimum vertical clearance of eight and one-half feet from a public or private sidewalk or driveway. An icon sign shall comply with applicable Building and Fire Codes.

J. Inflatable Signs. Inflatable signs are temporary signs and are subject to the approval of a temporary use permit and are subject to the following restrictions:

1. **Size of Parcel.** The applicant's business must be located on a site or parcel that is at least two acres. This definition includes a freestanding parcel that is a part of a larger multi-tenant center that is located on a site of two acres or larger. For purposes of this definition, a multi-tenant center in excess of two acres is considered a single site.

2. **Duration Limitation.** Inflatable advertising shall not be displayed for over ninety cumulative days within any one calendar year. The ninety day maximum shall apply to the sum of all businesses in a multi-tenant center so that the number of days that any individual tenant uses an inflatable sign shall count towards the total amount of days allowed for a multi-tenant center.

3. **Number.** No more than one inflatable sign shall be permitted at any given time per site and/or multi-tenant center.

4. **Exception for New Businesses.** Upon approval of a temporary use permit, during the first thirty days that a new business is open, there are no limitations on the size, location and nature of an inflatable sign as long as the sign(s) does not adversely affect the public health, safety or welfare.

K. Monument Signs.

1. **Maximum Size.** A monument sign shall not exceed thirty-two square feet in area.

2. **Maximum Height.** A monument sign shall not exceed six feet in height, including the base.

3. **Public Right-of-Way.** The base of a support structure for a monument sign shall not be placed within the public right-of-way.

4. **Residential Zones.** In a residential zoning district, a monument sign may be used as follows:

a. To identify a subdivision or apartment project. Where a subdivision or apartment project has been required to construct an eight foot high masonry wall for noise attenuation purposes, an identification sign may be incorporated into such a wall provided that the top of the lettering or symbols do not exceed six feet.

b. To identify a use for which a conditional use permit has been approved.

5. **Developments of twenty acres or more.** In developments of twenty acres or more, the following restrictions shall apply:

a. **Size.** A monument sign shall not exceed one hundred square feet in area. The sign shall not exceed twelve feet in height. However, the one hundred square feet sign may be split into two fifty-foot monument signs on the same street frontage.

b. **Design.** The monument sign is designed to display the center's name. As such, it is recommended that no other names, products or services be listed on the monument sign.

c. **Placement.** The monument sign shall only be placed on exterior public streets that surround the project. Such monument sign shall not be placed on the interior streets within the subdivision. Two one-hundred square foot monument signs can be placed on the same street frontage, as long as there is at least one thousand feet separating the two signs.

L. Projecting Signs.

1. **Maximum Sign Area.** A projecting sign shall be limited to a maximum area of twenty-five square feet. For any building or tenant space frontage, the total maximum sign area for all building- or wall-mounted signs, except for freestanding, window and icon signs, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Projecting signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

2. **Limitation on Placement.** Projecting signs shall be attached at right angles to a building and shall have no more than two faces.

3. **Clearance and Projection Limits.** A projecting sign shall have a minimum vertical clearance of eight and one-half feet from a public or private sidewalk or driveway. A projecting sign shall comply with applicable Building and Fire Codes.

M. Real Estate Directional Signs. This section applies only to off-premises real estate directional signs. Real estate directional signs are subject to the following restrictions:

1. Size. Real estate directional signs shall not exceed thirty-two square feet in area.
2. Height. They shall not exceed six feet in height.
3. Permission. The property owner or other lawful resident shall give written consent for the real estate directional sign to be placed on the property.
4. Bond. The posting of a bond or other security of an amount to be established by resolution passed by the City Council, shall be required to ensure the removal of real estate directional signs, regardless of whether the sign requires a permit and/ or is subject to review by the DRC.
5. Time Limit. Real estate directional signs shall be removed within six months of permit issuance. Extensions of time shall be allowed, in successive six-month increments, if the request for renewal is made in writing and submitted to the city's planning division prior to the expiration date of the permit.
6. Number. No more than two real estate directional signs may be permitted on any parcel of less than 20,000 square feet in size. No more than four real estate directional signs may be approved on any parcel of 20,000 square feet or more in size.
7. Permit Exceptions. In the following instances, a permit shall not be required:
 - a. One Sign on Private Property. If one real estate directional sign is placed on a privately-owned parcel, a permit is not required.
 - b. Small Signs. In a residential zoning district, if the real estate directional sign is six square feet or less in area, a permit shall not be required. In a commercial or industrial zoning district, if the real estate directional sign is eight square feet or less in area, a permit shall not be required.
 - c. Real Estate Kiosk. The city may authorize the establishment of a "kiosk" type of real estate directional sign program in which several signs directing the public to different properties may be placed on a single support structure, provided that the signs are of a uniform size and design. Such a kiosk is exempt from the requirements of 1 through 5 of this paragraph, except that written permission from the owner or other lawful resident shall be required. In no event shall such kiosk be placed in the public right-of-way or on public property.

N. Roof Signs. For any building or tenant space frontage, the total maximum sign area for all building-mounted signs, except for freestanding, window and icon signs, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Roof signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section. Roof signs shall not project above the highest ridge or parapet.

O. Wall-Mounted Signs. For any building or tenant space frontage, the total maximum sign area for all building-mounted signs, except for freestanding, window and icon signs, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square

footage of all signage shall not exceed the sign area limits for the building. Wall-mounted signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

P. Winery Directional Signs. In addition to any signs allowed by this chapter, where allowed by state law adjacent to roads leading to a winery and/or tasting room, for the purpose of directing patrons to the site, winery directional signs are subject to the following conditions:

1. **Maximum Area and Height.** A winery directional sign shall not exceed a maximum area of 4.5 square feet and shall not exceed a maximum height of ten feet above the elevation of the adjoining roadway.

2. **Written Permission.** Written consent of the owner or other lawful resident of the property on which the winery directional sign is to be placed shall be provided in conjunction with the sign permit application.

3. **Design.** All winery directional signs shall be of a uniform design, consistent with California Department of Transportation (CalTrans) standards for tourism oriented signs as shown in Figure 1, immediately following this section. Sign copy shall consist only of directional information, as shown in Figure 1, but shall contain the name of individual wineries.

4. **Additional Permits.** Necessary permits shall be obtained from CalTrans where applicable, prior to the installation of a winery directional sign.

Q. Restrictions in the Downtown Area.

1. **Physical Description.** The downtown area consists of the geographical area bounded by 7th Street on the south, 17th Street on the north, Oak and Vine Streets on the west and State Highway 101 on the east (as shown on Figure 21.22-4).

2. **Calculating Maximum Allowable Sign Area.** The maximum allowable sign area shall be based on both public street and alley frontages. The maximum sign area for any building side shall not exceed one square foot for every linear foot of street or alley frontage. A building side with no frontage on a street or alley may receive the sign area allotment for an opposite building side that has street or alley frontage provided that the maximum sign area on the building side that has street or alley frontage is reduced proportionately. Multi-tenant buildings may allocate any portion of a frontage's maximum allowable sign area to any one specified tenant, even if the frontage of the specified tenant's space is less than the corresponding sign area. Other tenants' maximum sign areas must then be reduced accordingly.

3. **Design.** Signs within the downtown business area shall be designed with a pedestrian scale in mind. Signs within the downtown business area shall also be subject to the following restrictions:

- a. The maximum number of letter styles permitted is three, although two is preferred.
- b. Flat surface signs shall be painted in such a manner as to create the appearance of depth.
- c. Borders around signs are encouraged.

d. Sign panel materials shall be compatible with facade materials. The use of wood or metal is encouraged.

4. Illuminated signs. Illuminated signs designed to be seen from a distance are inappropriate and are discouraged in the downtown business core area. The use of most backlit plastic box signs or internally illuminated signs or awnings within the downtown business area is discouraged. Backlit cabinet signs with light translucent lettering on dark or opaque background or use of individual plastic letters that are compatible in size and style with the building will be considered on a case-by-case basis.

5. Projecting Signs, Icon Signs, Wall-Mounted Signs. Projecting signs are discouraged in the downtown area. Icon signs are encouraged in the downtown area. Wall-mounted signs or signs painted on the horizontal lintel that stretches across the store front are encouraged.

6. Prohibited Materials. The use of fluorescent materials and/or paints is prohibited on signs in the downtown business area.

7. Street Furniture. In some instances, street furniture, including portable signs, may be allowed on city sidewalks. All street furniture shall be regulated by Chapter 11.30 of the city's municipal code.

21.19.050 Sign Permit Application

Applications for a sign permit shall include the following:

- A. Planning application form signed by the applicant and property owner (if different).
- B. Two copies of a detailed and scaled drawing of the proposed sign elevation, on paper not less than eight and one-half inches by eleven inches; that accurately depicts the following:
 - 1. Size, shape and support structure of the sign.
 - 2. The sign's dimensions.
 - 3. Materials to be used in and on the sign and its support structure.
 - 4. Lettering, including a depiction of the type style, height, and an indication if the letters are to be raised above or recessed below the surface of the sign.
 - 5. Color samples
 - 6. Method of illumination (if any).
- C. Two copies of a scaled and dimensioned drawing of the existing building facade and site plan showing the exact location of the proposed sign(s), and the building's linear street frontage.
- D. A fee, according to the master fee schedule established by the city council, will be charged for review of a sign(s).

21.19.060 Administrative Review Process

A. Possible Actions. The DRC shall review an application for a sign permit for conformance with this chapter. The DRC shall review the application within twenty (20) working days from the time the application is submitted. If the application meets the requirements of this chapter, the DRC shall approve the application. DRC approval will result in the issuance of a sign permit. If the application does not comply with the terms specified in this chapter, the DRC shall issue a conditional approval and require that the sign comply with this chapter. If a conditional approval is granted, the DRC may require specific amendments to a sign permit application before a permit will be issued.

B. Written Record. The DRC shall maintain a written record of its decisions regarding the approval, conditional approval, or denial of sign permit applications. The city's planning division shall prepare the written record.

21.19.070 Denial of Sign Permit

A. Criteria. If the DRC determines that the sign permit application does not comply with the provisions of this chapter, the DRC shall deny the application and shall within five (5) working days of the decision, provide a written notice to the applicant. The written notice shall inform the applicant of the manner in which the application fails to conform to the requirements of this chapter.

B. Notice of Denial. An applicant whose application has been denied by the DRC may appeal the DRC's decision to the planning commission in accordance with chapter 21.23A.

21.19.080 Signs Exempt from Permit

Signs specified in this section are exempt from the fee and permit requirements of section 21.19.050 to the extent allowed by this chapter. Signs prohibited by section 21.19.110 are not included in this section.

A. Banner signs. Banner signs are temporary signs and are exempt from the fee and permit requirements of this chapter, subject to the following restrictions:

1. **Number.** A maximum of one banner sign may be placed on the surface of a building per street frontage. No business shall have more than two banner signs. A business that desires to have more than two banner signs shall apply for a sign permit.

2. **Sign Size and Area.** The sign area shall not exceed one square foot per linear foot of building or tenant space frontage.

3. **Design Standards.** "Day-glow" and fluorescent colors are prohibited. Lettering must be of professional quality, done in uniform, readily legible characters. Signs shall be constructed of materials that can withstand outdoor weather conditions (such as cloth, canvas, or vinyl plastic but not paper or cardboard).

4. **Time Limits.** Each business or activity shall be limited to placing temporary signs on no more than six separate occasions per calendar year. Each such occasion shall be limited to

no more than thirty consecutive days and shall be separated from other occasions by a period of not less than thirty days.

5. Exception for New Businesses. Upon approval of a temporary use permit, during the first thirty days that a new business is open, there are no limitations on the size, location and nature of a banner sign as long as the sign(s) does not adversely affect the public health, safety or welfare.

B. Construction Site Signs. Construction site signs shall be exempt from the fee and permit requirements of this chapter, subject to the following restrictions:

1. In residential zoning districts, the following restrictions shall apply:

a. One construction site sign shall be permitted at a single family residence and apartment project with fewer than five units. The sign shall be no greater than four square feet in area.

b. One construction site sign shall be permitted at a subdivision, an apartment project with more than five units, for parcels of two acres or greater, and for institutional uses (such as a church or school). The sign shall not exceed thirty-two square feet in area and six feet in height.

2. In commercial and industrial zoning districts, one construction site sign shall be allowed per property. The sign must be no larger than thirty-two square feet in area and six feet in height.

C. Directional Signs. Public service facility signs and visitor serving directional signs are exempt from the fee and permit provisions of this chapter as signs that are to be installed and maintained exclusively by the city for city purposes and within the city right-of-way. In addition to any signs allowed by this chapter, the city shall erect these signs for the purpose of directing visitors of the city to places of civic or public importance, and/or to recreational, service or business landmarks. These signs are subject to the following conditions:

1. Review and approval. A request must be considered by the city council streets and utilities committee. The request may be approved if the standards set forth in this section are determined to be met. The committee must be able to make a finding that the sign is necessary in order to aid a visitor to the community to a place of recreational, service or landmark importance.

2. Display. The sign must reference or "list" the visitor-serving use in general terms. The sign is not intended to name, identify or otherwise advertise a specific business.

3. Location. Signs shall be placed at one or more locations as deemed necessary to aid in locating the visitor-serving use from an adjacent or nearby thorough-fare(s).

4. Design. Only the city's adopted Uniform Sign face size, graphic format and installation specifications shall be used. No logos or special fonts shall be allowed.

D. Door and window signs. Signs on doors and windows are exempt from the fee and permit provisions of this chapter. Window signs, though, shall cover no more than thirty percent (30%) of the total glass area of the window on which they are placed.

E. Flags. Pennants or flags of any nation, state or municipality may be flown and are exempt from the fee and permit provisions of this chapter. This exemption does not apply to flags or pennants as defined in section 21.19.030.

F. Floor Treatments. Every non-residential use may maintain special exterior floor treatment, such as paint indicating the name of the business and/or a business logo and are exempt from the fee and permit provisions of this chapter. Such floor treatment shall be completely flush with the surrounding pavement and shall be on a floor or pavement that is completely horizontal.

G. Garage/yard sale signs. Garage/yard sale signs are exempt from the fee and permit provisions of this chapter, provided, however, that such garage/yard sale signs shall comply with the following requirements:

1. One garage/yard sale sign shall be permitted at a single family residence and apartment project with fewer than five units. The sign shall be no greater than four square feet in area.

2. One garage/yard sale sign shall be permitted at an apartment project with more than five units or for parcels of two acres or greater. The sign shall not exceed thirty-two square feet in area and six feet in height.

H. Governmental Signs. Governmental signs are exempt from the fee and permit provisions of this chapter.

I. House Numbers and Business Addresses. House number and name plate as well as business address signs are exempt from the fee and permit provisions of this chapter.

J. Informational Signs. Informational signs are exempt from the fee and permit provisions of this chapter as long as no such signs exceed two square feet in area.

K. Interior Signs. Interior signs, located completely within a building or structure, except for window signs, are exempt from the fee and permit provisions of this chapter. Any sign placed within the window perimeter and within three feet of the glass is subject to the limits for window signs specified in Paragraph D of this section.

L. Noncommercial Signs. Notwithstanding any provision herein to the contrary, any sign that may be permitted for a commercial purpose may also be used for a noncommercial purpose.

M. On-Premises Real Estate Signs. On-premises real estate signs are exempt from the fee and permit provisions of this chapter, provided, however, that such real estate signs shall comply with the following requirements:

1. In residential zoned districts, the following requirements shall apply:

a. One on-premises real estate sign shall be permitted at a single family residence and apartment project with fewer than five units. The sign shall be no greater than four square feet in area.

b. One on-premises real estate sign shall be permitted at an apartment project with more than five units or for parcels of two acres or greater. The sign shall not exceed thirty-two square feet in area and six feet in height.

2. In commercial and industrial zoning districts, the following requirements shall apply:

a. For a parcel of two acres or less, one real estate sign is allowed of up to six square feet in area.

b. For a parcel of two acres or greater area, one real estate sign is allowed of up to thirty-two square feet in area. The sign may not exceed six feet in height.

N. Off-Premises Real Estate Signs. Off-premises real estate signs directing the public to an "open house" are exempt from the fee and permit provisions of this chapter but shall comply with the following requirements:

1. Sign area shall not exceed six square feet.

2. Signs shall be placed on private property, outside of the public right-of-way.

3. Signs may only be placed on weekdays between four p.m. and nine p.m., unless an open house is actually in progress and a residence is actually open to buyers at all times while the sign is displayed. Signs may be placed all day on Saturdays, Sundays and Holidays.

4. No more than two signs shall be allowed on any parcel that is two acres or less in area. If a parcel exceeds two acres, one additional sign shall be allowed for each additional two acres of property.

O. Political Signs. Political signs shall conform to the following regulations:

1. Residential Zoning Districts. In residential zoning districts, political signs shall not exceed thirty-two square feet in area and shall be subject to the following height limits:

a. They shall not exceed a height of three feet within the required front yard setback and, for corner lots, the required setback for the side yard abutting a street.

b. Outside of the setback areas mentioned above, they shall be six feet or less in height.

2. All Other Zoning Districts. In all other zoning districts, they shall be six feet or less in height and thirty-two square feet or less in area.

3. Removal if Associated with an Election. If a political sign is related to an election, it shall be removed no later than seven (7) days following an election.

4. **Public Right-of-Way.** Unless such sign satisfies the criteria specified in Chapter 11.30, no political sign shall be placed in the public right-of-way or on public property.

5. **Location.** They shall not be located within one hundred feet of any polling place on election day.

6. **Non-Temporary Political Signs.** Political signs that are not temporary, or are otherwise not within the exemptions of this section, are permitted in all zones subject to the provisions of this chapter pertaining to signs generally.

P. Public Safety Signs and Public Facility Directional Signs. Public safety signs and public facility directional signs are exempt from the fee and permit requirements of this chapter. Visitor-service directional signs are subject to the additional requirements as set forth in paragraph C of this section.

Q. Public Service Signs. Public service signs are exempt from the fee and permit provisions of this chapter. Such signs shall not have an adverse impact on community appearance and shall be limited to thirty-two square feet in area and six feet in height. In no event shall public service signs be permitted in the public right-of-way or on public property unless the City posts such sign for a City-sponsored event.

R. Repair and change of copy. No fee or permit shall be required to repair, clean, repaint, or refurbish any lawful existing sign or to change the copy of any sign.

S. Seasonal Signs. Seasonal signs that are displayed on-site in conjunction with a seasonal event, such as pumpkin patches and holiday tree lots are exempt from the fee and permit provisions of this chapter. This definition includes all noncommercial decorative holiday displays in residential and commercial districts.

21.19.090 Application for Exception

A. Exceptions Generally. Where practical difficulties, unnecessary hardships, or physical restrictions on the land or buildings not generally shared by other properties result from the strict application of the requirements of this chapter, exceptions from such requirements may be granted by the DRC pursuant to this chapter. However, no exception from the provisions of Section 21.19.110 (Prohibited Signs) is permitted.

B. Filing of Application. Application for a sign exception shall be filed with the DRC upon forms provided for that purpose. The application shall be accompanied by a nonrefundable fee as established by City Council resolution.

C. Application. The application shall contain:

- 1. All the required information as outlined in Section 21.19.050.
- 2. A description of the exception and a justification for the request including specific facts to support the findings set forth in Section 21.19.050.

3. Any additional information or materials necessary for processing and review of the application that may be requested by the DRC to facilitate review of the application.

D. Approval Criteria. The DRC shall approve, conditionally approve, or deny the application. The DRC shall not approve the exception unless the following findings are made:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or signs involved which do not generally apply to other land, buildings or signs in the neighborhood.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

3. That the granting of the application will not materially and adversely affect the health, safety, or welfare of persons in the neighborhood, nor be materially detrimental or injurious to property or improvements in the neighborhood.

E. Notice of Action. Within ten (10) working days of the date of the decision, the planning division shall notify the applicant of the outcome of the DRC's decision, including any conditions of approval.

21.19.100 Historic Signs

The city council may declare a sign to be of "historic significance" upon application by the sign's owner and a recommendation from the DRC. For a sign to be declared "historically significant" all of the following conditions must be met:

A. Time. The sign and the use to which it pertains have been in continuous existence at the present location for not less than twenty years.

B. Graphic. The sign is an appurtenant graphic (for example, an on-premises sign that relates to the use of the property).

C. Uniqueness. The sign is unique and enhances the cultural, historic or aesthetic quality of the community.

D. Safety. The sign is structurally safe or is capable of being made so without substantially altering its historic significance.

E. Compliance with this Chapter. The sign complies with all requirements in other sections of this chapter.

21.19.110 Prohibited Signs

The following signs and/or sign structures are prohibited:

A. Conflict with Traffic Control Signs. Any sign or sign structure that by color, wording, or location resemble or conflict with any traffic control sign or device is prohibited.

B. Bench Signs. Bench signs shall be prohibited under this chapter.

C. Traffic Hazard. Any sign that creates a safety hazard by obstructing the clear view of pedestrian and vehicular traffic is prohibited.

D. Flashing Signs. Any sign that rotates (except for flags, banners, pennants and other similar types of signs), flashes, changes, reflects, blinks or appears to do any of the foregoing except for those signs that only portray time and temperature is prohibited.

E. Off-Premises Signs. Off-premises signs are prohibited, except for billboards, real estate directional signs, temporary signs, directory signs and public facility directional signs that are in conformance with this chapter, or any other off-premises sign that is allowed by this chapter.

F. Vehicle-Mounted Signs, as defined in Section 21.19.030. This section is not intended to prohibit the display of a commercial message that may cover all, or part of a vehicle, that serves the purpose of advertising a commercial message as long as that vehicle is in operation and whose primary purpose is for regular transportation. The following criteria may be used in determining whether the primary purpose of the motor vehicle is a sign. It is not necessary that any one or all of the listed criteria are met in order to determine that a sign is a prohibited vehicle-mounted sign:

1. Whether the vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable.

2. While the business is open, the vehicle is not moved and the vehicle is so parked or placed that the signs thereon are displayed to the public.

3. Whether the vehicle is regularly parked in a location and in a manner so as to be observed by passers-by.

4. Whether the vehicle is actively used as a vehicle in the daily function of the business to which such signs relate.

5. Whether the sign includes directional copy that would only be applicable if parked in the vicinity of the use.

G. Public Right-of-Way or Public Property. No person, other than a City official or City staff member, shall cause a sign to be placed or projected into the right-of-way of a public street or on any public property without the express permission of the City.

21.19.120 Nonconforming Signs.

It is the intent of this section to encourage and promote compliance of existing signs with the provisions of this chapter and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this chapter is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, California Business & Professions Code section 5200 *et seq.*, it

shall be abated following notice and hearing procedures required by Section 5499.1 *et seq.* of the California Business and Professions Code.

A. Legal Nonconforming Signs. Every on-site sign that has become non-conforming as a result of this chapter shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495 and 5497. An existing sign that was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but became non-conforming as a result of this chapter or other regulation will be allowed within the amortization period unless any of the changes described in paragraph B of this section occur.

B. Change to Nonconforming Signs. A nonconforming sign shall not be structurally altered, increased in area, relocated, or be used or modified in a manner that would change the sign copy, unless it is made to comply with all the provisions of this chapter.

C. Conditional Use Permits. In the case of applications for conditional use permits for occupancy of existing buildings or sites for architectural review for either a facade renovation or change in a portion of a property's signage, the planning commission or DRC may impose conditions to require that any existing incompatible and/or nonconforming signs be removed or brought into conformance according to the amortization schedule set forth in paragraph D of this section. Such conditions may include a schedule or phasing plan for bringing such signs into conformance. Said schedule will become part of the sign permit approval.

D. Discretionary City Approval. As a condition of the issuance of a discretionary city approval, any sign that does not conform to the requirements of these guidelines may be required to be removed or made to conform to the requirements herein through the following amortization schedule:

| Replacement Value | Time Period |
|--------------------------|--|
| \$500 or less | One year |
| \$501 to \$1,000 | Two years |
| \$1,001 to \$3,000 | Three years |
| \$3,001 and up | Any six-month increment thereafter up to a maximum period of five years. |

E. Sign Valuation. Sign valuation shall be determined by a cost-per-square foot basis that distinguishes between illuminated and nonilluminated signs, to be set by the building official and recorded on the master fee schedule. Valuation shall be based on the cost of replacing the sign.

F. Future Nonconformity. Any legal sign that later becomes nonconforming as to size or location either by reason of amendment of this chapter or its operation, may be maintained indefinitely, provided that it shall not be enlarged or moved without full compliance with this chapter.

21.19.130 Abatement

A. Nuisance Abatement. Signs not in compliance with this chapter may be declared to be a public nuisance, and be abated in accordance with the requirements of the El Paso de Robles City Code Chapter 9.06.

B. Summary Abatement. Signs located in the public right-of-way may be declared to be a public nuisance subject to summary abatement by the city's enforcement official, as defined in chapter 9.06. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign.

C. Abandoned Signs. A sign shall be deemed abandoned in the following circumstances:

1. **Change in Use.** Any sign advertising a use, occupancy or product that has not existed for a period of one hundred eighty (180) consecutive calendar days shall be deemed obsolete or abandoned. Notice shall be given to any or all owners of the sign, the occupant of the premises where the sign is located, or the owner of the premises where the sign is located, that such sign is obsolete or abandoned, and shall order that the sign and its supports, poles and structure be removed. It shall be unlawful for any sign owner, the occupant of such premises, or the owner of any such premises to fail or refuse to remove an abandoned or obsolete sign or sign support, pole or structure following an order to do so.

2. **Failure to Maintain.** All signs shall be kept in a good state of repair and preservation. A sign may be deemed abandoned if, after ninety (90) days written notice to the permit holder, the permit holder has failed or refused to maintain the sign. Upon such declaration, the sign may be considered abandoned and abated as provided in paragraph A.

D. Hazardous or Unsafe Signs. The Enforcement Official, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign or the condition or conditions that render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. Hazardous and unsafe signs include, but are not limited to, signs that obstruct views of pedestrian and vehicular traffic at street intersections or driveways, signs that create a glare or other visual distraction that impedes a driver's ability to see, and signs that are dilapidated, structurally unsound or pose a fire threat. The Enforcement Official shall determine an appropriate time period for abatement of the public nuisance based on the degree of hazard. At the expiration of the time period, if the hazard has not been voluntarily abated, the Enforcement Official shall proceed to abate the nuisance in accordance with the procedures contained in El Paso de Robles City Code Chapter 9.06.

E. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this chapter, or when the Enforcement Official has reasonable cause to believe that there exists any sign or a condition that makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Official may petition the court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this chapter.

Section 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance and adopted Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect as 12:01 on the 31st day after its passage.

INTRODUCED at a regular meeting of the City Council held on _____, 2004, and PASSED AND ADOPTED by the City Council of the City of El Paso de Robles on _____, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO. XXX N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING
VARIOUS SECTIONS OF CHAPTER 21.19 OF THE
EL PASO DE ROBLES MUNICIPAL CODE RELATING TO SIGNS**

WHEREAS, the City values the communication of ideas, products and services in its community through the visual display of signs; and

WHEREAS, the City also has a significant interest in maintaining the overall cleanliness and orderliness of the City, providing an aesthetically pleasing environment for residents and visitors alike, and keeping visual distractions to motorists to a minimum; and

WHEREAS, the courts have more explicitly specified the parameters of the City's ability to regulate signs since the last amendments were made to the City's Municipal Code governing signs,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 21.19 is hereby amended to read as follows:

- 21.19.010** *Findings* ~~Purpose.~~
- 21.19.020** *Purpose and Intent* ~~Definitions.~~
- 21.19.030** *Definitions* ~~Permit Requirements.~~
- 21.19.040** *Signs Requiring a Permit* ~~Development review required.~~
- 21.19.050** *Sign Permit Application* ~~Actions of the development review committee.~~
- 21.19.060** *Administrative Review Process* ~~Sign permit application.~~
- 21.19.070** *Denial of Sign Permit* ~~City-wide design standards and regulations.~~
- 21.19.080** *Signs Exempt from Permit* ~~Additional general design standards and regulations for signs located within the redevelopment project area.~~
- 21.19.090** *Application for Exception* ~~Nonconforming signs and signs subject to abatement.~~
- 21.19.100** *Historic Signs*
- 21.19.110** *Prohibited Signs* ~~Nonecommercial signs.~~
- 21.19.120** *Nonconforming Signs*
- 21.19.130** *Abatement*

21.19.010 *Findings* ~~Purpose.~~

The City Council makes the following findings:

A. *Signs are an essential element of the city. As such, their location, size, design, and relationship to each other and to other structures has a significant influence on the city's*

appearance and welfare, and a resultant effect upon a viewer's perception of the community. Signs, both commercial and non-commercial, serve a useful purpose in communicating a message.

B. *When signs are not properly regulated, they contribute to visual clutter, confusion, and aesthetic blight. Signs may cause traffic hazards and impede, rather than enhance, commerce. In these situations, signs may fail to achieve their original objective of communication. A failure to appropriately regulate signs adversely affects the public health, safety, and welfare.*

C. *Property and facilities located within the public right-of-way, such as utility poles, benches, hydrants, bridges, traffic sign posts, and similar structures are not by tradition or designation a forum for communication by the general public. The council wishes to preserve these structures for their intended purpose, which is for the safe, efficient, and pleasant movement of vehicular and pedestrian traffic, and the safe operation of utility systems.*

D. *The regulations and prohibitions in this chapter are necessary to preserve items and structures located within the public right-of-way for their intended purposes and to prevent the visual clutter, blight, and traffic hazards caused by signs.*

21.19.020 Purpose and Intent Definitions.

The purpose of establishing regulations and standards for signs is as follows:

A. To maintain and improve the attractiveness and orderliness of the city's appearance as a place to live, work, and visit.

B. To provide for the identification of uses in a manner appropriate to the activity conducted on a site and harmonious with the purposes of the zoning district in which the site is located.

C. *To eliminate confusing, distracting, or dangerous sign displays that interfere with vehicular traffic.*

D. To prevent damage to or interference with the normal use of public property.

E. To assure the proper maintenance of signs.

F. ~~To implement the community design objectives expressed in the~~ *encourage a desirable city character consistent with the general plan.*

G. *To balance the rights of individuals to convey their messages and the right of the public to be protected against the unrestricted proliferation of signs and to provide for fair and equal treatment of sign users.*

21.19.030 Definitions Permit Requirements.

~~**21.19.020 Definitions.**~~

The words used in this chapter shall be construed to have the meanings ascribed to them in this chapter.

- A.** "Architecturally integrated base" means a support structure for a monument sign that is constructed from materials compatible with the building or development.
- B.** "Awning sign" means an identification sign that is painted or applied to the face, valance or side panel of an awning or canopy.
- C.** "Banners" means *a* temporary signs generally made of flexible materials, usually cloth, canvas or vinyl plastic, that identify businesses or activities, or advertises products, services or special events.
- D.** "Bench sign" means a sign located on a bench or similar structure on ~~or near~~ a public right-of-way.
- E.** "Billboard" means an off-premises sign, *primarily (but not exclusively)* used for a commercial purpose, *and* designed for changing copy.
- F.** "Construction site sign" means a sign *at a* ~~on the~~ construction site stating the name and address of those individuals or firms directly connected with a construction project, and/or the name of the owner or future user of the site.
- G.** "Directional signs" means *a* signs that ~~is are~~ limited to *a* directional message such as "one way," "entrance," or "exit." Directional signs do not ~~contain any message that identifies businesses or activities or that necessarily~~ advertise *a* specific products or service, *but may* advertise *a* general product or service (such as *a* winery or real estate for sale) (~~Exception: real estate and winery directional signs as described in this chapter~~).
- H.** "Directory signs" means *a* freestanding or wall-mounted signs that lists the occupants of a multi-tenant structure, regardless of use. ~~A~~ Directory signs may be approved for on-or off-site locations.
- I.** "DRC" means *the city's* development review committee.
- J.** "*Exception*" means *an approval to deviate from the criteria of this chapter.*
- K.** "Existing pole sign" means a sign that is typically mounted on an elevated pole(s), greater than six feet in height, and which was legally established through a sign permit or other recognized form of city authorization.
- L.** "~~Flags and~~ or pennants" means *a* temporary signs generally made of flexible materials, usually cloth, paper or plastic. ~~They~~ *A flag or pennant* may or may not contain copy and ~~are primarily intended to draw attention~~. This definition does not include *a* flags of any nation, state or political subdivision.
- M.** "Freestanding sign" means a sign that has its own support structure placed on or in the ground and is not attached to a building.

- N.** **"Garage/yard sale sign"** means a *temporary, on-site sign placed on the same property as a garage/yard sale advertising a garage or yard sale.*
- O.** **"Governmental sign"** means *either a sign installed by a governmental entity or by a private individual or business as required by Federal, State or local laws.*
- P.** **"Hanging sign"** means an identification sign hung from *a sidewalk coverings or other building projections.*
- Q.** **"Height"** of a sign shall be measured from the average ground level adjacent to the base of a sign to the highest part of the sign. *Where a sign is placed on an earth berm, raised planter, or similar feature, the DRC may interpret the height of a sign to may include all or a portion of such a feature.*
- R.** **"Highway-oriented sign"** means a freestanding sign exceeding six feet in height, located on designated properties near the intersection of State Highway 101 and 46, that identifies tourist-oriented businesses, such as gasoline service stations, restaurants, motels, and regional commercial uses and is located on the same property as the business it identifies.
- S.** **"Icon sign"** means an identification sign that ~~consists of~~ *is designed to be pedestrian-oriented and features an image, design or logo. An icon sign is typically usually constructed of metal or wood that and illustrates by its shape the nature of the business within. Icons are pedestrian-oriented signs.*
- T.** **"Identification sign"** means any sign referring to the name, service, or trade of a business or activity located on the same property as the sign. *Generally, such signs shall not include a listing of more than three specific products or services offered for sale, subject to approval of the DRC in accordance with the standards set forth in this chapter.*
- U.** **"Illuminated sign"** means a sign for which an artificial source of light is used to make the message readable. This definition shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.
- V.** **"Inflatable sign"** means a temporary sign, intended for short-term use, which may be ground mounted, roof mounted or airborne.
- W.** **"Informational sign"** means *a sign erected for the safety or convenience of the public including but not limited to signs such as "restrooms," "telephone," "No Smoking," "Manager's Office," and other signs of a similar nature that do not promote or advertise a business, product or property.*
- X.** **"Master sign program plan"** means a uniform design for signs within a multi-tenant center.
- Y.** **"Monument sign"** means a freestanding identification sign ~~not exceeding six feet in height, including base, and thirty-two square feet in area,~~ *that is set on an architecturally integrated base structure.*

Z. "Multi-tenant center" means a commercial, office, or industrial building or complex of buildings that accommodates three or more tenants (businesses or activities). Multi-tenant centers may be located on a single lot or on several lots that were developed under a master development plan.

AA. "Mural" means an advertising art form such as a painting, picture, or graphic illustration applied to and made part of an exterior wall.

BB. "Non-conforming sign" means a sign that was legally established prior to the effective date of this chapter and that does not conform to the provisions therein. Signs that *require city approval but have been established without the benefit of city approval are considered illegal signs and are subject to abatement pursuant to this chapter.*

CC. "Off-premises" or "off-site" sign ~~means~~ *refers to* a sign that promotes a business, activity, product, or service available on property other than that on which the sign is located, or which directs the public to a business or activity on another property.

DD. "On-premises" or "on-site" sign *refers to a sign that promotes a business, activity, product, or service available on the property on which the sign is located.*

EE. "Parapet" *means a wall or railing that protects the edge of a platform or roof.*

FF. "Political sign" means a non-illuminated sign that indicates the name and/or picture of any candidate for public office, relating to a current public election, ~~or~~ referendum, *or containing any social, ideological, or religious information of a non-commercial nature.*

~~"Portable sign" means a sign which is capable of being carried or readily moved from one spot to another and which is not permanently attached to the ground or to a building or structure. Portable signs include, but are not limited to: "A" or "T" frame signs, balloons and inflatable objects, signs mounted on trailers or meant to be transported by wheels, umbrellas used for advertising.~~

GG. "Projecting sign" means an identification sign *that is generally oriented to vehicular traffic and is mounted from the building perpendicular to the plane of the building surface.* ~~Projecting signs are oriented to vehicular traffic.~~

HH. "Public facility directional sign" means an off-premises sign that directs the public to a government facility.

~~"Public safety sign" means a sign determined by the director of public works as necessary for public safety or convenience.~~

II. "Public service sign" means a temporary non-commercial sign posted to advertise or provide direction to a civic event or project sponsored by a school, church, civic-fraternal organization or similar nonprofit organization.

JJ. "Real estate sign" means a nonilluminated sign that identifies properties or buildings or tenant spaces that are for sale, rent, or lease on the same property on which the sign is located.

KK. "Real estate directional sign" means an off-premises real estate sign that directs the public to properties or buildings that are for sale, rent or lease.

LL. "Roofline" means the line formed by the junction of the roof and the outside wall of any building.

MM. "Roof signs" means an identification sign supported by, attached to, or projecting through the roof erected on or above the roofline of a building or higher than the eave line or parapet wall of a building a sign painted on or attached directly to the roof.

NN. "Sign" is any physical form of visual communication (*including, but not limited to, objects, pictures and architectural features*) that is intended to be viewed from outdoor public areas. ~~The definition of a sign shall include~~ A sign includes all parts, portions, units and materials composing same, together with illumination, frame, background, structure, support and anchorage thereof. ~~Objects and architectural features that function as signs are considered signs and are subject to regulation pursuant to this chapter.~~

This definition shall not apply to the following:

- ~~1. Official notices authorized by a court, public body or public office;~~
- ~~2. Directional, warning or information signs authorized by federal, state or municipal authority for public safety, health and welfare;~~
- ~~3. Signs for city sponsored events and/or city council authorized events.~~

OO. "Sign area" means the surface space within a single continuous perimeter containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building, and incidental parts not drawing attention to the subject matter. Any sign area on the reverse side of an approved double-faced sign shall not be included in a computation of sign area, provided, that the side excluded from sign area computation is no larger than the reverse side. ~~For window signs, the sign area shall include any background for sign messages that is applied directly to or immediately behind the window (e.g., paint, paper, cloth).~~

~~"Temporary sign" means a sign intended for short term use, with or without frame. Temporary signs include, but are not limited to, banners, flags and pennants, portable signs and inflatable signs. This definition does not include garage/yard sale signs real estate signs, construction site signs and political signs.~~

PP. "Vehicle-mounted signs" means a signs used for a commercial purpose on or affixed to an automobiles, trucks, trailers, or other vehicles used primarily to support or display such signs while where the primary purpose of the vehicle relates to its use as a sign, whether parked on public or private property, other than for the. A vehicle-mounted sign does not include a sign on a vehicle that is used for the purpose of lawfully making deliveries of sales or merchandise or rendering services from such vehicles. A vehicle-mounted sign also This

definition does not include a signs that advertisinges the sale of the vehicle to which it is affixed.

QQ. "Visitor serving directional signs" means an off-premises sign within the City of El Paso de Robles public right-of-way that is of uniform design as adopted by the city council and is used to identify public facilities, services, and/or recreational and visitor-serving uses as deemed appropriate by the city.

RR. "Wall-mounted or building-mounted sign" means an identification sign mounted on an exterior wall of a building. If no alternative space is available for adequate identification, ~~the DRC may consider~~ a sign *may be* mounted on a block wall or fence as a wall-mounted sign provided that the block wall or fence is an integral part of the site architecture and not simply a device for sign display.

SS. "Window sign" means any *identification* sign painted or applied to window glass or hanging within the interior window perimeter, *within three feet of the glass, that is designed to be viewed from the exterior of the building to which the window is attached.*

TT. "Winery directional sign" means an off-premises sign that is intended solely to direct the public to wineries that are located either within or outside of the city limits ~~that meet the design criteria established by this chapter.~~

**21.19.040 Signs Requiring a Permit ~~Development review required.~~
21.19.070 City-wide sign design standards and regulations.**

~~This section establishes design standards for all signs, regardless of their location in the city.~~

A. General ~~Des~~Sign Standards. *All signs under this Section 21.19.040 shall be subject to the following sign standards, unless an exception is granted, pursuant to Section 21.19.090.*

1. *Compatibility with Architecture.* Signs shall utilize materials, colors, and design motifs that are compatible with the architecture and color of the buildings on-site. ~~The DRC may require signs to be in conformance with other adopted design guidelines such as those prepared for the Main Street area and the redevelopment district subareas or others that may be subsequently adopted.~~

2. *Proportional to Building.* Signage shall be designed in scale and *in* proportion to the building ~~they serve~~ *it serves* in a manner ~~that will create visual balance.~~

~~Sign messages for identification signs shall be limited to identification of the business or the primary type of activity conducted on the premises.~~

3. *Compatibility with Surrounding Signs.* Signs shall be designed in a manner compatible with surrounding signs that conform *with this chapter* ~~with the city's sign ordinance and applicable design guidelines.~~

~~Signage for an establishment within a multi-tenant center shall be in harmony with the signage of the entire center. The theme of such signage shall be approved as a part of the master sign plan during the review of the precise plan for the center. For all master sign programs, the property owner shall designate a person or firm as the primary liaison with the city. The city is under no obligation to approve multi-tenant signs that include all tenants.~~

4. *Colors.* Sign colors and materials shall complement the colors and architecture of the building. *Stark white and fluorescent colors are not permitted.* ~~The DRC may determine certain colors to be inappropriate for the site, district, or neighborhood (e.g., in general, stark white, fluorescent or garish colors are not permitted; only off-white shades are permitted).~~

5. *Illumination.* All illuminated signs shall be designed in such a way as to avoid undue glare or reflection of light on private property in the surrounding area.

6. *Lighting.* Backlighting and high intensity lights should be avoided. Instead, ~~use~~ *lighting should be* directed at the sign and placed in the least visible manner possible.

~~In the case of applications for conditional use permits for occupancy of existing buildings or sties or for architectural review for either a facade renovation or change in a portion of a property's signage, the planning commission or DRC may impose conditions to require that any existing incompatible and/or nonconforming signs be removed or brought into conformance according to the amortization schedule set forth in Section 21.19.090. Such conditions may include a schedule or phasing plan for bringing such signs into conformance. Said schedule will become part of the sign permit approval.~~

7. *Monument and Icon Signs Encouraged.* Monument and icon signs are encouraged as effective and attractive modes of signage that enhance community appearance and reduce visual clutter.

~~On-site landscaping shall be designed so that it does not significantly impair the visibility of signs within commercial or industrial centers.~~

B. Awning Signs. Awning signs shall be painted or applied flat against the awning surface *and are subject to the following restriction:*

1. *Maximum Sign Area.* For any building or tenant space frontage, the total maximum sign area *for all building-mounted signs, except for freestanding, window and icon signs*, shall not exceed one square foot of sign area for every linear foot of building with street frontage. ~~Subject to DRC approval,~~ The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Awning signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

C. Banner Signs. A temporary use permit is required for any business that wishes to have three or more banner signs displayed at one time. A business that wishes to have two or less banner signs displayed at one time is not required to receive a temporary use permit. Banner signs are subject to the following restrictions:

1. Sign Area. The sign area shall not exceed one square foot per linear foot of building or tenant space frontage.

2. Design Standards. "Day-glow" and fluorescent colors are prohibited. Lettering must be of professional quality, done in uniform, readily legible characters. Signs shall be constructed of materials that can withstand outdoor weather conditions (such as cloth, canvas, or vinyl plastic but not paper or cardboard).

3. Time Limits. Each business or activity shall be limited to placing temporary banner signs on no more than six separate occasions per calendar year. Each such occasion shall be limited to no more than thirty (30) consecutive days and shall be separated from other occasions by a period of not less than thirty days.

4. Recurring or Ongoing Events. A permit may be approved for the use of banner signs for ongoing or recurring events.

5. Exception for New Businesses. Upon approval of a temporary use permit, during the first thirty days that a new business is open, there are no limitations on the size, location and nature of a banner sign as long as the sign(s) does not adversely affect the public health, safety or welfare.

D. Billboards. A conditional use permit shall be obtained for the placement of any billboard, subject to the following restrictions, which must be satisfied before a conditional use permit will be issued:

1. Location. The property on which the billboard shall be placed must be adjacent to the 101 or 46 Corridors. For purposes of this section, "adjacent to" includes properties separated by frontage roads but does not include lesser street corridors.

2. Zoning. Billboards shall only be located within commercial or industrial zoning designations in accordance with the State's Outdoor Advertising Act (Business & Professions Code § 5200 et seq.) parameters.

3. Other Agency Permits. An application for a conditional use permit must be accompanied by a California Department of Transportation (CalTrans) approved encroachment or billboard permit, if required by CalTrans.

4. Minimum Spacing. The most restrictive requirement of the following two requirements shall apply: No billboard sign shall be located more than one thousand feet from any other off-premises sign on the same side of the right-of-way or no more than three billboard signs shall be permitted in any one mile stretch. This minimum spacing requirement is enacted in the interest of driver and vehicle safety and the City's interests in aesthetics.

5. Size. No billboard shall be larger than three hundred square feet in area. Sign area shall include any irregularly shaped feature of any graphic on the billboard.

6. Height. No billboard shall exceed thirty feet, as measured from the closest adjacent grade. If any isolated feature of the sign causes it to exceed this height limitation, that feature shall be taken into account when the conditional use permit is considered and may be a basis for denial of the permit. However, if the top of a billboard is higher than the majority of buildings located on the same and/or adjacent lots, the billboard must be separated from such buildings by one foot for every linear foot of sign height. If this requirement is not satisfied, the billboard will be prohibited.

7. Construction Quality. Billboards shall be made of metal construction or otherwise have similar structural integrity.

8. Landscaping. Landscaping may be required at the base of the billboard as a means of bringing the sign into a less obtrusive scale to its surroundings.

9. Electronic Copy. Electronic reader copy is prohibited on billboard signs, as such copy is distracting to drivers and may impede vehicle safety. Only static graphics may be placed on billboards.

10. Lighting Methods. Any lighting shall be indirect and shielded so as not to create off-site glare, especially so as not to create glare for motorists.

11. Distance from Highway. Any billboard shall be set back from the state right-of-way at a minimum of one foot for every linear foot of sign height.

12. Public Property. Nothing in this section shall be construed to prohibit the city from approving a billboard or other off-premise sign designed to provide public information relative to goods and services available from the city when the city owns the property on which the billboard shall be placed. No other person, other than the city, shall be allowed to use any billboard on public property for any purpose.

E. Existing Pole Signs. Existing pole signs, as defined by this chapter, may be refaced with new sign text provided that all of the following criteria are met:

1. Location. The pole sign must be located outside of the city's historic downtown district, as defined by the adopted Main Street design guideline district boundaries (except for those properties along Riverside Avenue, east of the railroad tracks). The pole sign shall not be located along the Spring Street corridor. The existing pole sign shall not be placed within the public right-of-way.

2. Size. The sign's size and/or height shall not be increased.

F. Freestanding Signs. Freestanding signs shall be subject to the following requirements:

1. Number of Signs. Freestanding signs that identify one or two businesses or activities shall be limited to no more than one sign per street frontage.

2. Sign Area and Height. Freestanding signs shall not exceed thirty-two square feet, except for service station signs as specified in paragraph 4 of this section. Freestanding signs may not exceed six feet in height. Height limits include the architecturally integrated base or foundation of a sign, measured from the highest adjacent ground level.

3. Location. Freestanding signs shall not be placed in any location that would obstruct motorists' clear view of pedestrian and vehicular traffic. Wherever possible, freestanding signs shall be located within landscaped areas.

4. Service stations. Price signs shall be incorporated into freestanding signs. Service station signs shall not exceed twenty-four square feet in area and six feet in height. Service station signs shall comply with state law.

5. Multi-Tenant Centers. Freestanding signs in a multi-tenant center shall be subject to the following regulations:

a. Number. There shall be one multi-tenant center identification sign per street frontage. The planning commission may also provide for one multi-tenant directory sign.

b. Location. The multi-tenant directory sign may be located off-site if it is determined by the planning commission that because of unique land use or property ownership patterns such a directory sign is necessary, reasonable, and would avoid what could otherwise be a proliferation of individual user signs.

c. Master Sign Plan. The theme of a sign in a multi-tenant center shall be approved as a part of the master sign plan during the review of the plan for the center. The property owner shall designate a person or firm as the primary liaison with the city for all master sign programs.

d. Design. A freestanding sign in a multi-tenant center shall be consistent in terms of graphics, materials and color with the signage of the entire center. A multi-tenant sign does not necessarily have to include all tenants within the multi-tenant center.

6. Regional Commercial Zones. Freestanding signs in a regional commercial zone shall be subject to the following regulations:

a. Design. The number, size and height of freestanding signs for a regional commercial center are to be designed in appropriate scale and proportion to the center and in accordance with parameters to be established by resolution of the city council.

b. When Permit is Not Required. Freestanding signs in regional commercial zones are subject to approval in conjunction with an associated development plan application. In the absence of a discretionary development application, the sign(s) would be subject to permit approval.

G. Hanging Signs.

1. Maximum Sign Area. For any building or tenant space frontage, the total maximum sign area *for all building-mounted signs, except for freestanding, window and icon*

signs, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Hanging signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

2. Clearance and Projection Limits. A hanging sign shall have a minimum vertical clearance of eight and one-half feet from a public or private sidewalk or driveway. A hanging sign shall comply with applicable Building and Fire Codes.

H. Highway-Oriented Signs. Highway-oriented signs are subject to the approval of a conditional use permit and may be placed in commercial and manufacturing zoning districts on those properties near the intersections of State Highways 101 and 46 and the intersection of Golden Hill Road and Highway 46 specifically indicated on Figure 21.19-1 and Figure 21.19-2 set forth at the end of this chapter. Highway oriented signs shall not be subject to the requirements of freestanding signs as specified in paragraph F as long as such signs meet the following requirements:

1. Purpose. A conditional use permit for a highway-oriented sign shall be approved for those signs that identify tourist-oriented businesses such as gasoline service stations, restaurants, motels and regional commercial uses.

2. Design. The city shall limit the number, height, and visual impact of highway-oriented signs when considering the conditional use permit. Pole signs shall be discouraged if adequate signage can be provided on the sides of buildings and in the form of monument signs. Combinations of more than one sign on a pole are strongly encouraged though.

3. Height. The height of permitted signs shall be limited to the lowest practical elevation when considering the line of sight from nearby highways. However, the planning commission or the DRC may require minimum clearances beneath a highway-oriented sign if necessary to protect the public health and safety. Highway-oriented signs shall also be subject to the following height limitations in specific areas as follows:

a. Pole signs located east of the Highway 101 and Highway 46 West intersection shall be limited to the maximum height of thirty-five feet above Highway 101. (For example, if the highway is twenty feet above the subject property, the pole sign height could not extend over fifty-five feet). One-acre minimum lot sizes shall be required for a highway-oriented pole sign, unless the highway-oriented sign was approved as a part of a comprehensive sign program for a multi-use center (under which the city may approve pole signs for smaller parcels).

b. Pole signs that are located in the geographic area of Highway 46 East and Golden Hill Road are subject to the city council approved design parameters established in Resolution No. 96-35.

I. Icon Signs.

1. **Maximum Sign Area.** Icon signs shall be limited to a maximum area of twenty-five square feet. If an icon sign is used as a bracket, the bracket is to be included in figuring total signage area. Icon signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

2. **Limitation on Placement.** Icon signs shall be attached at right angles to a building. Icon signs shall have no more than two faces.

3. **Clearance and Projection Limits.** An icon sign shall have a minimum vertical clearance of eight and one-half feet from a public or private sidewalk or driveway. An icon sign shall comply with applicable Building and Fire Codes.

J. Inflatable Signs. Inflatable signs are temporary signs and are subject to the approval of a temporary use permit and are subject to the following restrictions:

1. **Size of Parcel.** The applicant's business must be located on a site or parcel that is at least two acres. This definition includes a freestanding parcel that is a part of a larger multi-tenant center that is located on a site of two acres or larger. For purposes of this definition, a multi-tenant center in excess of two acres is considered a single site.

2. **Duration Limitation.** Inflatable advertising shall not be displayed for over ninety cumulative days within any one calendar year. The ninety day maximum shall apply to the sum of all businesses in a multi-tenant center so that the number of days that any individual tenant uses an inflatable sign shall count towards the total amount of days allowed for a multi-tenant center.

3. **Number.** No more than one inflatable sign shall be permitted at any given time per site and/or multi-tenant center.

4. **Exception for New Businesses.** Upon approval of a temporary use permit, during the first thirty days that a new business is open, there are no limitations on the size, location and nature of an inflatable sign as long as the sign(s) does not adversely affect the public health, safety or welfare.

K. Monument Signs.

1. **Maximum Size.** A monument sign shall not exceed thirty-two square feet in area.

2. **Maximum Height.** A monument sign shall not exceed six feet in height, including the base.

3. **Public Right-of-Way.** The base of a support structure for a monument sign shall not be placed within the public right-of-way.

4. **Residential Zones.** In a residential zoning district, a monument sign may be used as follows:

a. To identify a subdivision or apartment project. Where a subdivision or apartment project has been required to construct an eight foot high masonry wall for noise attenuation purposes, an identification sign may be incorporated into such a wall provided that the top of the lettering or symbols do not exceed six feet.

b. To identify a use for which a conditional use permit has been approved.

5. Developments of twenty acres or more. In developments of twenty acres of more, the following restrictions shall apply:

a. Size. A monument sign shall not exceed one hundred square feet in area. The sign shall not exceed twelve feet in height. However, the one hundred square feet sign may be split into two fifty-foot monument signs on the same street frontage.

b. Design. The monument sign is designed to display the center's name. As such, it is recommended that no other names, products or services be listed on the monument sign.

c. Placement. The monument sign shall only be placed on exterior public streets that surround the project. Such monument sign shall not be placed on the interior streets within the subdivision. Two one-hundred square foot monument signs can be placed on the same street frontage, as long as there is at least one thousand feet separating the two signs.

L. Projecting Signs.

1. Maximum Sign Area. A projecting sign shall be limited to a maximum area of twenty-five square feet. For any building or tenant space frontage, the total maximum sign area *for all building- or wall-mounted signs, except for freestanding, window and icon signs*, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Projecting signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

2. Limitation on Placement. Projecting signs shall be attached at right angles to a building and shall have no more than two faces.

3. Clearance and Projection Limits. A projecting sign shall have a minimum vertical clearance of eight and one-half feet from a public or private sidewalk or driveway. A projecting sign shall comply with applicable Building and Fire Codes.

M. Real Estate Directional Signs. This section applies only to off-premises real estate directional signs. Real estate directional signs are subject to the following restrictions:

1. Size. Real estate directional signs shall not exceed thirty-two square feet in area.

2. Height. They shall not exceed six feet in height.

3. Permission. The property owner or other lawful resident shall give written consent for the real estate directional sign to be placed on the property.

4. Bond. The posting of a bond or other security of ~~no less than one hundred dollars per sign, to be approved by the city planner,~~ *an amount to be established by resolution passed by the City Council*, shall be required to ensure the removal of real estate directional signs, *regardless of whether the sign requires a permit and/ or is subject to review by the DRC.*

5. Time Limit. Real estate directional signs shall be removed within six months of permit issuance. Extensions of time shall be allowed, in successive six-month increments, if the request for renewal is made in writing and submitted to the city's planning division prior to the expiration date of the permit.

6. Number. No more than two real estate directional signs may be permitted on any parcel of less than 20,000 square feet in size. No more than four real estate directional signs may be approved on any parcel of 20,000 square feet or more in size.

7. Permit Exceptions. In the following instances, a permit shall not be required:

a. One Sign on Private Property. If one real estate directional sign is placed on a privately-owned parcel, a permit is not required.

b. Small Signs. In a residential zoning district, if the real estate directional sign is six square feet or less in area, a permit shall not be required. In a commercial or industrial zoning district, if the real estate directional sign is eight square feet or less in area, a permit shall not be required.

c. Real Estate Kiosk. The city may authorize the establishment of a "kiosk" type of real estate directional sign program in which several signs directing the public to different properties may be placed on a single support structure, provided that the signs are of a uniform size and design. Such a kiosk is exempt from the requirements of 1 through 5 of this paragraph, except that written permission from the owner or other lawful resident shall be required. In no event shall such kiosk be placed in the public right-of-way or on public property.

N. Roof Signs. For any building or tenant space frontage, the total maximum sign area *for all building-mounted signs, except for freestanding, window and icon signs*, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building. Roof signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section. Roof signs shall not project above the highest ridge or parapet.

O. Wall-Mounted Signs. For any building or tenant space frontage, the total maximum sign area *for all building-mounted signs, except for freestanding, window and icon signs*, shall not exceed one square foot of sign area for every linear foot of building with street frontage. The allowable sign area may be applied on any side of a building provided that the total square footage of all signage shall not exceed the sign area limits for the building.

Wall-mounted signs are also subject to restrictions in the downtown area, as specified in paragraph Q of this section.

P. Winery Directional Signs. In addition to any signs allowed by this chapter, where allowed by state law adjacent to roads leading to a winery and/or tasting room, for the purpose of directing patrons to the site, winery directional signs are subject to the following conditions:

1. **Maximum Area and Height.** A winery directional sign shall not exceed a maximum area of 4.5 square feet and shall not exceed a maximum height of ten feet above the elevation of the adjoining roadway.
2. **Written Permission.** Written consent of the owner or other lawful resident of the property on which the winery directional sign is to be placed shall be provided in conjunction with the sign permit application.
3. **Design.** All winery directional signs shall be of a uniform design, consistent with California Department of Transportation (CalTrans) standards for tourism oriented signs as shown in Figure 1, immediately following this section. Sign copy shall consist only of directional information, as shown in Figure 1, but shall contain the name of individual wineries.
4. **Additional Permits.** Necessary permits shall be obtained from CalTrans where applicable, prior to the installation of a winery directional sign.

Q. Restrictions in the Downtown Area.

~~**21.19.080 — Additional general design standards and regulations for signs located within the redevelopment project area.**~~

1. **Physical Description.** The downtown area consists of the geographical area bounded by 7th Street on the south, 17th Street on the north, Oak and Vine Streets on the west and State Highway 101 on the east (as shown on Figure 21.22-4).
2. **Calculating Maximum Allowable Sign Area.** The maximum allowable sign area shall be based on both public street and alley frontages. The maximum sign area for any building side shall not exceed one square foot for every linear foot of street or alley frontage. A building side with no frontage on a street or alley may receive the sign area allotment for an opposite building side that has street or alley frontage provided that the maximum sign area on the building side that has street or alley frontage is reduced proportionately. Multi-tenant buildings may allocate any portion of a frontage's maximum allowable sign area to any one specified tenant, even if the frontage of the specified tenant's space is less than the corresponding sign area. Other tenants' maximum sign areas must then be reduced accordingly.
3. **Design.** Signs within the downtown business area shall be designed with a pedestrian scale in mind. Signs within the downtown business area shall also be subject to the following restrictions:

- a. The maximum number of letter styles permitted is three, although two is preferred.
- b. Flat surface signs shall be painted in such a manner as to create the appearance of depth.
- c. Borders around signs are encouraged.
- d. Sign panel materials shall be compatible with facade materials. The use of wood or metal is encouraged.

4. Illuminated signs. Illuminated signs designed to be seen from a distance are inappropriate and are discouraged in the downtown business core area. The use of most backlit plastic box signs or internally illuminated signs or awnings within the downtown business area is discouraged. Backlit cabinet signs with light translucent lettering on dark or opaque background or use of individual plastic letters that are compatible in size and style with the building will be considered on a case-by-case basis.

5. Projecting Signs, Icon Signs, Wall-Mounted Signs. Projecting signs are discouraged in the downtown area. Icon signs are encouraged in the downtown area. Wall-mounted signs or signs painted on the horizontal lintel that stretches across the store front are encouraged.

6. Prohibited Materials. The use of fluorescent materials and/or paints is prohibited on signs in the downtown business area.

7. Street Furniture. In some instances, street furniture, including portable signs, may be allowed on city sidewalks. All street furniture shall be regulated by Chapter 11.30 of the city's municipal code.

21.19.050 Sign Permit Application Actions of the development review committee.

~~**21.19.060 Sign Permit Application.**~~

Applications for a sign permit shall include the following:

- A. Planning application form signed by the applicant and property owner (if different).
- B. Two copies of a detailed and scaled drawing of the proposed sign elevation, on paper not less than eight and one-half inches by eleven inches; that accurately depicts the following:
 1. Size, shape and support structure of the sign.
 2. The sign's dimensions.
 3. Materials to be used in and on the sign and its support structure.
 4. Lettering, including a depiction of the type style, height, and an indication if the letters are to be raised above or recessed below the surface of the sign.
 5. Color samples
 6. Method of illumination (if any).

C. Two copies of a scaled and dimensioned drawing of the existing building facade and site plan showing the exact location of the proposed sign(s), *and the building's linear street frontage.*

D. A fee, according to the master fee schedule established by the city council, will be charged for review of a sign(s).

21.19.060 Administrative Review Process ~~Sign permit application.~~

A. Possible Actions. The DRC shall review an application for a sign permit for conformance with this chapter. The DRC shall review the application within twenty (20) working days from the time the application is submitted. If the application meets the requirements of this chapter, the DRC shall approve the application. DRC approval will result in the issuance of a sign permit. If the application does not comply with the terms specified in this chapter, the DRC shall issue a conditional approval and require that the sign comply with this chapter. If a conditional approval is granted, the DRC may require specific amendments to a sign permit application before a permit will be issued.

B. Written Record. The DRC shall maintain a written record of its decisions regarding the approval, conditional approval, or denial of sign permit applications. The city's planning division shall prepare the written record.

21.19.070 Denial of Sign Permit ~~City-wide design standards and regulations.~~

A. Criteria. If the DRC determines that the sign permit application does not comply with the provisions of this chapter, the DRC shall deny the application and shall within five (5) working days of the decision, provide a written notice to the applicant. The written notice shall inform the applicant of the manner in which the application fails to conform to the requirements of this chapter.

B. Notice of Denial. An applicant whose application has been denied by the DRC may appeal the DRC's decision to the planning commission *in accordance with chapter 21.23A.* ~~Such appeal shall be made in writing and filed with the planning division within fifteen (15) calendar days of the applicant's receipt of the written denial.~~

21.19.080 Signs Exempt from Permit ~~Additional general design standards and regulations for signs located within the redevelopment project area.~~

Signs specified in this section are exempt from the fee and permit requirements of section 21.19.050 to the extent allowed by this chapter. Signs prohibited by section 21.19.110 are not included in this section.

A. **Banner signs.** Banner signs are temporary signs and are exempt from the fee and permit requirements of this chapter, subject to the following restrictions:

1. Number. A maximum of one banner sign may be placed on the surface of a building per street frontage. No business shall have more than two banner signs. A business that desires to have more than two banner signs shall apply for a sign permit.

2. Sign Size and Area. The sign area shall not exceed one square foot per linear foot of building or tenant space frontage.

3. Design Standards. "Day-glow" and fluorescent colors are prohibited. Lettering must be of professional quality, done in uniform, readily legible characters. Signs shall be constructed of materials that can withstand outdoor weather conditions (such as cloth, canvas, or vinyl plastic but not paper or cardboard).

4. Time Limits. Each business or activity shall be limited to placing temporary signs on no more than six separate occasions per calendar year. Each such occasion shall be limited to no more than thirty consecutive days and shall be separated from other occasions by a period of not less than thirty days.

5. Exception for New Businesses. Upon approval of a temporary use permit, during the first thirty days that a new business is open, there are no limitations on the size, location and nature of a banner sign as long as the sign(s) does not adversely affect the public health, safety or welfare.

B. Construction Site Signs. Construction site signs shall be exempt from the fee and permit requirements of this chapter, subject to the following restrictions:

1. In residential zoning districts, the following restrictions shall apply:

a. One construction site sign shall be permitted at a single family residence and apartment project with fewer than five units. The sign shall be no greater than four square feet in area.

b. One construction site sign shall be permitted at a subdivision, an apartment project with more than five units, for parcels of two acres or greater, and for institutional uses (such as a church or school). The sign shall not exceed thirty-two square feet in area and six feet in height.

2. In commercial and industrial zoning districts, one construction site sign shall be allowed per property. The sign must be no larger than thirty-two square feet in area and six feet in height.

C. Directional Signs. Public service facility signs and visitor serving directional signs are exempt from the fee and permit provisions of this chapter as signs that are to be installed and maintained exclusively by the city for city purposes and within the city right-of-way. In addition to any signs allowed by this chapter, the city shall erect these signs for the purpose of directing visitors of the city to places of civic or public importance, and/or to recreational, service or business landmarks. These signs are subject to the following conditions:

1. Review and approval. A request must be considered by the city council streets and utilities committee. The request may be approved if the standards set forth in this section are determined to be met. The committee must be able to make a finding that the sign is necessary in order to aid a visitor to the community to a place of recreational, service or landmark importance.

2. **Display.** The sign must reference or "list" the visitor-serving use in general terms. The sign is not intended to name, identify or otherwise advertise a specific business.

3. **Location.** Signs shall be placed at one or more locations as deemed necessary to aid in locating the visitor-serving use from an adjacent or nearby thorough-fare(s).

4. **Design.** Only the city's adopted Uniform Sign face size, graphic format and installation specifications shall be used. No logos or special fonts shall be allowed.

D. Door and window signs. Signs on doors and windows are exempt from the fee and permit provisions of this chapter. Window signs, though, shall cover no more than thirty percent (30%) of the total glass area of the window on which they are placed.

E. Flags. Pennants or flags of any nation, state or municipality may be flown and are exempt from the fee and permit provisions of this chapter. This exemption does not apply to flags or pennants as defined in section 21.19.030.

F. Floor Treatments. Every non-residential use may maintain special exterior floor treatment, such as paint indicating the name of the business and/or a business logo and are exempt from the fee and permit provisions of this chapter. Such floor treatment shall be completely flush with the surrounding pavement and shall be on a floor or pavement that is completely horizontal.

G. Garage/yard sale signs. Garage/yard sale signs are exempt from the fee and permit provisions of this chapter, provided, however, than such garage/yard sale signs shall comply with the following requirements:

1. One garage/yard sale sign shall be permitted at a single family residence and apartment project with fewer than five units. The sign shall be no greater than four square feet in area.

2. One garage/yard sale sign shall be permitted at an apartment project with more than five units or for parcels of two acres or greater. The sign shall not exceed thirty-two square feet in area and six feet in height.

H. Governmental Signs. *Governmental signs are exempt from the fee and permit provisions of this chapter.*

I. House Numbers and Business Addresses. *House number and name plate as well as business address signs are exempt from the fee and permit provisions of this chapter.*

J. Informational Signs. *Informational signs are exempt from the fee and permit provisions of this chapter as long as no such signs exceed two square feet in area.*

K. Interior Signs. Interior signs, located completely within a building or structure, except for window signs, are exempt from the fee and permit provisions of this chapter. *Any sign placed within the window perimeter and within three feet of the glass is subject to the*

limits for window signs specified in Paragraph D of this section.

L. Noncommercial Signs. Notwithstanding any provision herein to the contrary, any sign that may be permitted for a commercial purpose may also be used for a noncommercial purpose.

M. On-Premises Real Estate Signs. On-premises real estate signs are exempt from the fee and permit provisions of this chapter, provided, however, that such real estate signs shall comply with the following requirements:

1. In residential zoned districts, the following requirements shall apply:

a. One on-premises real estate sign shall be permitted at a single family residence and apartment project with fewer than five units. The sign shall be no greater than four square feet in area.

b. One on-premises real estate sign shall be permitted at an apartment project with more than five units or for parcels of two acres or greater. The sign shall not exceed thirty-two square feet in area and six feet in height.

2. In commercial and industrial zoning districts, the following requirements shall apply:

a. For a parcel of two acres or less, one real estate sign is allowed of up to six square feet in area.

b. For a parcel of two acres or greater area, one real estate sign is allowed of up to thirty-two square feet in area. The sign may not exceed six feet in height.

N. Off-Premises Real Estate Signs. Off-premises real estate signs directing the public to an "open house" are exempt from the fee and permit provisions of this chapter but shall comply with the following requirements:

1. Sign area shall not exceed six square feet.

2. Signs shall be placed on private property, outside of the public right-of-way.

3. Signs may only be placed on weekdays between four p.m. and nine p.m., unless an open house is actually in progress and a residence is actually open to buyers at all times while the sign is displayed. Signs may be placed all day on Saturdays, Sundays and Holidays.

4. *No more than two signs shall be allowed on any parcel that is two acres or less in area. If a parcel exceeds two acres, one additional sign shall be allowed for each additional two acres of property.*

O. Political Signs. Political signs shall conform to the following regulations:

1. Residential Zoning Districts. In residential zoning districts, political signs shall not exceed thirty-two square feet in area and shall be subject to the following height limits:

a. They shall not exceed a height of three feet within the required front yard setback and, for corner lots, the required setback for the side yard abutting a street.

b. Outside of the setback areas mentioned above, they shall be six feet or less in height.

2. All Other Zoning Districts. In all other zoning districts, they shall be six feet or less in height and thirty-two square feet or less in area.

3. Removal if Associated with an Election. If a political sign is related to an election, it shall be removed no later than seven (7) days following an election.

4. Public Right-of-Way. Unless such sign satisfies the criteria specified in Chapter 11.30, no political sign shall be placed in the public right-of-way or on public property.

5. Location. They shall not be located within one hundred feet of any polling place on election day.

6. Non-Temporary Political Signs. Political signs that are not temporary, or are otherwise not within the exemptions of this section, are permitted in all zones subject to the provisions of this chapter pertaining to signs generally.

P. Public Safety Signs and Public Facility Directional Signs. Public safety signs and public facility directional signs are exempt from the fee and permit requirements of this chapter. Visitor-service directional signs are subject to the additional requirements as set forth in paragraph C of this section.

Q. Public Service Signs. Public service signs are exempt from the fee and permit provisions of this chapter. Such signs shall not have an adverse impact on community appearance and shall be limited to thirty-two square feet in area and six feet in height. In no event shall public service signs be permitted in the public right-of-way or on public property unless the City posts such sign for a City-sponsored event.

R. Repair and change of copy. No fee or permit shall be required to repair, clean, repaint, or refurbish any lawful existing sign or to change the copy of any sign.

S. Seasonal Signs. Seasonal signs that are displayed on-site in conjunction with a seasonal event, such as pumpkin patches and holiday tree lots are exempt from the fee and permit provisions of this chapter. This definition includes all noncommercial decorative holiday displays in residential and commercial districts.

21.19.090 *Application for Exception* ~~Noneonforming signs and signs subject to abatement.~~

A. Exceptions Generally. Where practical difficulties, unnecessary hardships, or physical restrictions on the land or buildings not generally shared by other properties result from the strict application of the requirements of this chapter, exceptions from such requirements may be granted by the DRC pursuant to this chapter. However, no exception from the provisions of Section 21.19.110 (Prohibited Signs) is permitted.

B. Filing of Application. Application for a sign exception shall be filed with the DRC upon forms provided for that purpose. The application shall be accompanied by a nonrefundable fee as established by City Council resolution.

C. Application. The application shall contain:

1. All the required information as outlined in Section 21.19.050.
2. A description of the exception and a justification for the request including specific facts to support the findings set forth in Section 21.19.050.
3. Any additional information or materials necessary for processing and review of the application that may be requested by the DRC to facilitate review of the application.

D. Approval Criteria. The DRC shall approve, conditionally approve, or deny the application. The DRC shall not approve the exception unless the following findings are made:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or signs involved which do not generally apply to other land, buildings or signs in the neighborhood.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
3. That the granting of the application will not materially and adversely affect the health, safety, or welfare of persons in the neighborhood, nor be materially detrimental or injurious to property or improvements in the neighborhood.

E. Notice of Action. Within ten (10) working days of the date of the decision, the planning division shall notify the applicant of the outcome of the DRC's decision, including any conditions of approval.

21.19.100 Historic Signs

The city council may declare a sign to be of "historic significance" upon application by the sign's owner and a recommendation from the DRC. For a sign to be declared "historically significant" all of the following conditions must be met:

A. Time. The sign and the use to which it pertains have been in continuous existence at the present location for not less than twenty years.

- B. **Graphic.** The sign is an appurtenant graphic (for example, an on-premises sign that relates to the use of the property).
- C. **Uniqueness.** The sign is unique and enhances the cultural, historic or aesthetic quality of the community.
- D. **Safety.** The sign is structurally safe or is capable of being made so without substantially altering its historic significance.
- E. **Compliance with this Chapter.** The sign complies with all requirements in other sections of this chapter.

21.19.110 Prohibited Signs ~~Noncommercial signs.~~

The following signs and/or sign structures are prohibited:

- A. **Conflict with Traffic Control Signs.** Any sign or sign structure that by color, wording, or location resemble or conflict with any traffic control sign or device is prohibited.
- B. **Bench Signs.** Bench signs shall be prohibited under this chapter.
- C. **Traffic Hazard.** Any sign that creates a safety hazard by obstructing the clear view of pedestrian and vehicular traffic is prohibited.
- D. **Flashing Signs.** Any sign that rotates (except for flags, banners, pennants and other similar types of signs), flashes, changes, reflects, blinks or appears to do any of the foregoing except for those signs that only portray time and temperature is prohibited.
- E. **Off-Premises Signs.** Off-premises signs are prohibited, except for billboards, real estate directional signs, temporary signs, directory signs and public facility directional signs that are in conformance with this chapter, or any other off-premises sign that is allowed by this chapter.
- F. **Vehicle-Mounted Signs,** as defined in Section 21.19.030. This section is not intended to prohibit the display of a commercial message that may cover all, or part of a vehicle, that serves the purpose of advertising a commercial message as long as that vehicle is in operation and whose primary purpose is for regular transportation. The following criteria may be used in determining whether the primary purpose of the motor vehicle is a sign. It is not necessary that any one or all of the listed criteria are met in order to determine that a sign is a prohibited vehicle-mounted sign:
 1. Whether the vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable.
 2. While the business is open, the vehicle is not moved and the vehicle is so parked or placed that the signs thereon are displayed to the public.

3. Whether the vehicle is regularly parked in a location and in a manner so as to be observed by passers-by.

4. Whether the vehicle is actively used as a vehicle in the daily function of the business to which such signs relate.

5. Whether the sign includes directional copy that would only be applicable if parked in the vicinity of the use.

G. Public Right-of-Way or Public Property. No person, other than a City official or City staff member, shall cause a sign to be placed or projected into the right-of-way of a public street or on any public property without the express permission of the City.

21.19.120 *Nonconforming Signs.*

~~21.19.090 — Nonconforming signs and signs subject to abatement.~~

It is the intent of this section to encourage and promote compliance of existing signs with the provisions of this chapter and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this chapter is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, California Business & Professions Code section 5200 et seq., it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the California Business and Professions Code.

A. Legal Nonconforming Signs. *Every on-site sign that has become non-conforming as a result of this chapter shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495 and 5497. An existing sign that was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but became non-conforming as a result of this chapter or other regulation will be allowed within the amortization period unless any of the changes described in paragraph B of this section occur.*

B. Change to Nonconforming Signs. A nonconforming sign shall not be structurally altered, increased in area, relocated, or be used or modified in a manner that would change the sign copy, unless it is made to comply with all the provisions of this chapter.

C. Conditional Use Permits. *In the case of applications for conditional use permits for occupancy of existing buildings or sites for architectural review for either a facade renovation or change in a portion of a property's signage, the planning commission or DRC may impose conditions to require that any existing incompatible and/or nonconforming signs be removed or brought into conformance according to the amortization schedule set forth in paragraph D of this section. Such conditions may include a schedule or phasing plan for bringing such signs into conformance. Said schedule will become part of the sign permit approval.*

D. Discretionary City Approval. As a condition of the issuance of a discretionary city approval, any sign that does not conform to the requirements of these guidelines may be

required to be removed or made to conform to the requirements herein through the following amortization schedule:

| Replacement Value | Time Period |
|--------------------------|--|
| \$500 or less | One year |
| \$501 to \$1,000 | Two years |
| \$1,001 to \$3,000 | Three years |
| \$3,001 and up | Any six-month increment thereafter up to a maximum period of five years. |

E. Sign Valuation. Sign valuation shall be determined by a cost-per-square foot basis that distinguishes between illuminated and nonilluminated signs, to be set by the building official and recorded on the master fee schedule. Valuation shall be based on the cost of replacing the sign.

F. Future Nonconformity. Any legal sign that later becomes nonconforming as to size or location either by reason of amendment of this chapter or its operation, may be maintained indefinitely, provided that it shall not be enlarged or moved without full compliance with this chapter.

21.19.130 Abatement

~~**21.19.090 — Nonconforming signs and signs subject to abatement.**~~

A. Nuisance Abatement. Signs not in compliance with this chapter may be declared to be a public nuisance, and be abated in accordance with the requirements of the El Paso de Robles City Code Chapter 9.06.

B. Summary Abatement. Signs located in the public right-of-way may be declared to be a public nuisance subject to summary abatement by the city's enforcement official, as defined in chapter 9.06. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall become a debt owed to the City by the person responsible for or causing placement of the sign.

C. Abandoned Signs. A sign shall be deemed abandoned in the following circumstances:

1. **Change in Use.** Any sign advertising a use, occupancy or product that has not existed for a period of one hundred eighty (180) consecutive calendar days shall be deemed obsolete or abandoned. Notice shall be given to any or all owners of the sign, the occupant of the premises where the sign is located, or the owner of the premises where the sign is located, that such sign is obsolete or abandoned, and shall order that the sign and its supports, poles and structure be removed. It shall be unlawful for any sign owner, the occupant of such premises, or the owner of any such premises to fail or refuse to remove an abandoned or obsolete sign or sign support, pole or structure following an order to do so.

2. **Failure to Maintain.** All signs shall be kept in a good state of repair and preservation. A sign may be deemed abandoned if, after ninety (90) days written notice to

the permit holder, the permit holder has failed or refused to maintain the sign. Upon such declaration, the sign may be considered abandoned and abated as provided in paragraph A.

D. Hazardous or Unsafe Signs. *The Enforcement Official, upon identification of a hazardous or unsafe sign, shall give written notice to the property owner and/or party responsible for the sign or the condition or conditions that render the sign hazardous or unsafe, and an order to abate the public nuisance caused by the existence of the hazardous or unsafe sign. Hazardous and unsafe signs include, but are not limited to, signs that obstruct views of pedestrian and vehicular traffic at street intersections or driveways, signs that create a glare or other visual distraction that impedes a driver's ability to see, and signs that are dilapidated, structurally unsound or pose a fire threat. The Enforcement Official shall determine an appropriate time period for abatement of the public nuisance based on the degree of hazard. At the expiration of the time period, if the hazard has not been voluntarily abated, the Enforcement Official shall proceed to abate the nuisance in accordance with the procedures contained in El Paso de Robles City Code Chapter 9.06.*

E. Right of Entry. *When it is necessary to make an inspection to enforce the provisions of this chapter, or when the Enforcement Official has reasonable cause to believe that there exists any sign or a condition that makes such sign unsafe, abandoned, illegal or nonconforming, the Enforcement Official may petition the court to enter the lot, building, or premises on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed by this chapter.*

Section 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance and adopted Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect as 12:01 on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on November 16, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of December 2004 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk