

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Brett Taylor

COMMISSIONERS: Adam Peck, Brett Taylor, Liz Wynn, Lawrence Segrue, Chris Gomez

MONDAY, APRIL 25, 2016; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. **Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.**
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
  - No Items on Consent Calendar
5. PUBLIC HEARING – Andy Chamberlain  
Variance No. 2016-02: A request by Dr. Karen MacKenzie to allow a variance to the minimum required rear yard area, for a garage and second dwelling unit, in the Single Family Residential (R-1-6) Zone. The site is located at 609 N. Encina Street. (APN: 094-012-017)  
The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2016-08
6. PUBLIC HEARING – Brandon Smith  
Recommendation to Adopt Zoning Text Amendment No. 2015-05: A request by the City of Visalia to repeal Chapter 17.48 (Signs) of the Visalia Municipal Code Title 17 (Zoning Ordinance) and adopt a new Chapter 17.48 of the Visalia Municipal Code pertaining to sign regulations. The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2015-17
7. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired,

please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

**APPEAL PROCEDURE**

**THE LAST DAY TO FILE AN APPEAL IS THURSDAY, MAY 5, 2016 BEFORE 5 PM**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.visalia.city](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MAY 9, 2016**



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** April 25, 2015

**PROJECT PLANNER:** Andrew Chamberlain, Senior Planner  
Phone No. 713-4003

**SUBJECT:** Variance No. 2016-02: A request by Dr. Karen MacKenzie to allow a variance to the minimum required rear yard area, for a garage and second dwelling unit, in the Single Family Residential (R-1-6) Zone. The site is located at 609 N. Encina Street. (APN: 094-012-017)

## STAFF RECOMMENDATION

Staff recommends approval of Variance No. 2016-02, based on the findings and conditions in Resolution No. 2016-12. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Historic Element, and Zoning Ordinance

## RECOMMENDED MOTION

I move to approve Variance No. 2016-02, as recommended by staff, based on the findings and conditions in Resolution No. 2016-02.

## PROJECT DESCRIPTION

The variance request is to allow a garage and second dwelling unit, which would exceed the 20% coverage requirement in the required rear yard area for enclosed structures. The allowed coverage in the rear yard is 250 sq. ft. and the proposal would have approximately 385 sq. ft., thereby resulting in this variance request.

As shown in Exhibit "A", the second dwelling unit and garage are located at the rear of the site, detached from the primary dwelling unit. There is no garage on the site at this time. The elevations in Exhibit "B" show that the proposed architectural style for the proposed addition matches the existing primary structure. The existing driveway will be extended to the back to serve the garage.

The subject site is within the Historic District, and the structure is listed on the Local Register of Historic Structures. The Historic Preservation Advisory Committee has reviewed the proposed construction and variance request, approving the proposed project and recommending approval of the variance to the Planning Commission.

## BACKGROUND INFORMATION

General Plan Land Use Designation: Low Density Residential  
Zoning: (R-1-6) Low Density Residential  
Surrounding Zoning and Land Use: North: (R-1-6) Low Density Residential - SFD  
South: (R-1-6) Low Density Residential - SFD  
East: (R-1-6) Low Density Residential - SFD  
West: (R-1-6) Low Density Residential - MFD  
Environmental Review: Categorical Exemption No. 2016-08

Special Districts:

Historic District, and is listed on the Local Register of Historic Structures

Site Plan:

NA

**RELATED PLANS & POLICIES**

The proposed project is consistent with applicable plans and policies. See attached summary of related plans and policies.

**RELATED PROJECTS**

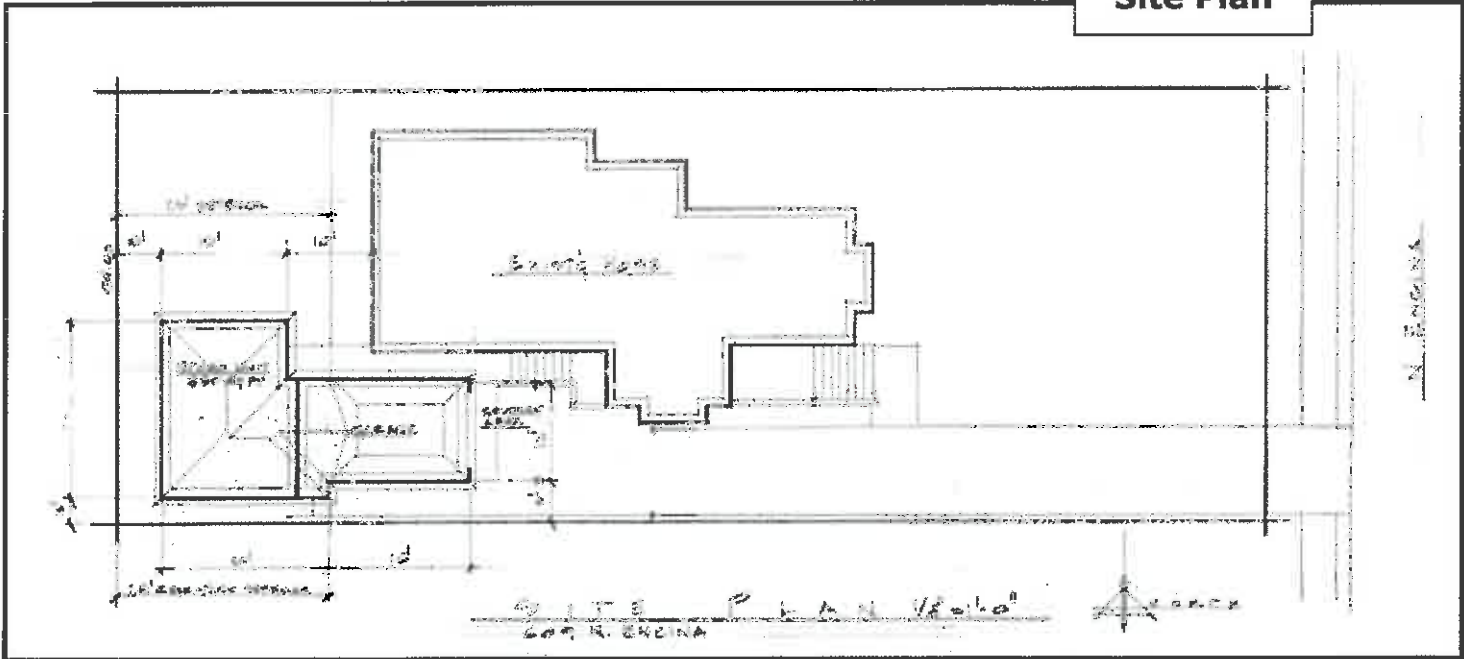
HPAC No. 2016-01 – On February 24, 2016 the Historic Preservation Advisory Committee reviewed and approved (7-0) the requested project, including the recommendation to the Planning Commission to approve a variance to allow 30% required rear yard coverage by an enclosed structure.

**PROJECT EVALUATION**

The proposed variance would allow the applicant to have 30% of the required rear yard area covered with an enclosed structure, rather than the maximum 20% provided by Zoning Ordinance Section 17.12.100-B. The required rear yard area is the last 25 feet of the yard, then multiplied by the width (25 X 50 = 1250 sq. ft.), to obtain the area.

The square footage of the proposed second dwelling unit and garage exceed the 20% requirement. Approval of the variance would allow the reduction of the required open area in the rear yard.

**Site Plan**



## Historic Preservation Advisory Committee

This action began at the Historic Preservation Advisory Committee because the site is within the Historic District, and the structure is listed on the Local Register of Historic Structures as an "Exceptional" classified "Italianate". The Committee approved the requested project site plan, elevations and recommendation for this variance based upon the following findings and conditions listed below in HPAC No. 2016-01. The Committee found the request to be consistent with the existing development in the Historic District related to rear yard coverage, and the use of matching architectural style.

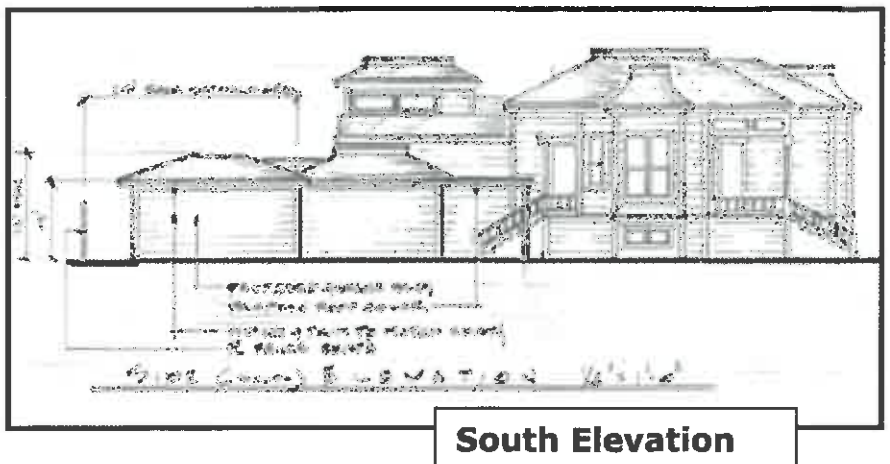
### Findings

1. The site is within the Historic District, and is listed in the Local Register of Historic Structures as an "Exceptional" classified "Italianate".
2. That the applicant's elevations are a match for the existing architectural design and meet the Historic Element and Ordinance policies and provisions for the addition of new structures to the Historic District.
3. The proposal is consistent with the site and the character of the Historic District.
4. That the proposed garage and second dwelling unit would be in keeping with the intent of the Historic Preservation Element and Ordinance, while maintaining the historic character of buildings within the District.
5. That the recommendation to Planning Commission for approval of a variance to rear yard coverage, is consistent with the historic placement of garages and accessory structures in the Historic District.
6. That the proposed project would not be injurious to the surrounding properties or character of the Historic District.

### Conditions:

1. That the addition be developed consistent with Exhibits "A" and "B", matching the main residential unit for architectural consistency.
2. That any other exterior alterations be brought before this Committee for review prior to their installation.
3. That all other City codes and ordinances be met.

In considering the item, the fact that the primary unit is setback approximately 45 feet from the front property line, thus reducing the amount of rear yard area to work with, and the fact that most historic residential units have their garage located in or close to the rear yard led the Committee to feel that the proposed project was appropriate for the Historic District and Local Register as



presented. In addition, the matching architectural style and the fact that there is a two story multiple family apartment complex 10 feet behind the subject site meant there would be no adverse impact to the adjacent property to the rear.

Architectural Consistency: The primary dwelling unit is on the Local Register as an Exceptional classified Italianate. The elevations provided in Exhibit "B" illustrate the matching architectural design of the proposed addition. The style and materials are consistent with the main structure.

Maximum Height: The maximum height for accessory structures in the required rear yard area is 12 feet above average grade adjacent to the structure. The proposed design would be at the 12-foot height limit.

#### Applicant Findings

The applicant's variance findings below identify the basis for a reduction in the required rear yard open space to allow 30% coverage by an enclosed structure.

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Meeting the required maximum 20% required rear yard area coverage would require the relocation or elimination of portions of the project resulting in an unreasonable hardship.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

The existing primary structure setback of 45 feet, and lot width of 50 feet, limits the ability to locate garages and second dwelling units which are typically found in the rear yard areas in the Historic District.

3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*

There are numerous sites in the immediate area where the rear yard coverage is exceeded well beyond what is being requested in this action. This appears to be very typical of historic homes in the older developed areas of town, both in and outside of the Historic District.

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

There are numerous sites in the immediate area where the rear yard coverage is exceeded well beyond what is being requested in this action. This appears to be very typical of historic homes in the older developed areas of town, both in and outside of the Historic District.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The proposed reduction of the rear yard area to allow approximately 30% coverage by an enclosed structure is consistent with other properties in this area and as



designed will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Staff concurs with the applicants findings and is recommending that the Planning Commission approve the variance.

### Environmental Review

The requested action is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2016-08).

## **RECOMMENDED FINDINGS**

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Meeting the required maximum 20% required rear yard area coverage would require the relocation or elimination of portions of the project resulting in an unreasonable hardship.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

The existing primary structure setback of 45 feet, and lot width of 50 feet, limits the ability to locate garages and second dwelling units which are typically found in the rear yard areas in the Historic District.

3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*

There are numerous sites in the immediate area where the rear yard coverage is exceeded well beyond what is being requested in this action. This appears to be very typical of historic homes in the older developed areas of town, both in and outside of the Historic District.

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

There are numerous sites in the immediate area where the rear yard coverage is exceeded well beyond what is being requested in this action. This appears to be very typical of historic homes in the older developed areas of town, both in and outside of the Historic District.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The proposed reduction of the rear yard area to allow approximately 30% coverage by an enclosed structure is consistent with other properties in this area and as designed will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

6. That the Historic Preservation Advisory Committee recommends approval of the proposed project, finding it consistent with the Historic District and Local Register of Historic Structures per their approval action on HPAC No. 2016-01.
7. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2016-08).

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the site be developed in substantial compliance with the site plan and elevations in Exhibits "A" and "B".
2. That the project meet the requirements of HPAC No. 2016-01.
3. That all other City codes and ordinances be met.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2016-02, prior to the issuance of any building permits for this project.

### **APPEAL INFORMATION**

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.ci.visalia.ca.us](http://www.ci.visalia.ca.us) or from the City Clerk.

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2016-12
- Exhibit "A" – Site Plan
- Exhibit "B" – Elevations
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map



## **RELATED PLANS AND POLICIES**

### **R-1 SINGLE-FAMILY RESIDENTIAL ZONE (Excerpts)**

#### **17.12.00A Article 1. General**

##### **17.12.010 Purpose and intent.**

In the R-1 single-family residential zone, the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions which require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use. (Prior code § 7270)

##### **17.12.020 Permitted uses.**

In the R-1 single-family residential zone, permitted uses include:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48,
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Second dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Single-family residential subdivisions with mixed lot size, subject to the provisions of Sections 17.12.210 through 17.12.240;
- N. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070. (Ord. 9605 § 30 (part), 1996: prior code § 7271)

##### **17.12.030 Accessory uses.**

In the R-1 single-family residential zone, accessory uses include:

- A. Home occupations subject to the provisions of Section 17.32.030;
- B. Accessory buildings subject to the provisions of Section 17.32.050. (Prior code § 7272)

##### **17.12.040 Conditional uses.**

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

- A. Planned unit development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than twelve (12) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city,

county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;

- E. Electric distribution substations;
- F. Gas regulator stations;
- G. Public service pumping stations, i.e., community water service wells;
- H. Communications equipment buildings;
- I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;
- J. Residential development specifically designed for senior housing;
- K. Mobile home parks in conformance with Section 17.32.040;
- L. Developments with modified residential standards in the R-1-6 zone in conformance with Chapter 17.30, Article 2;
- M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
- N. Adult day care in excess of twelve (12) persons;
- O. Duplexes on corner lots;
- P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
- Q. Other uses similar in nature and intensity as determined by the city planner. (Ord. 9605 § 30 (part), 1996: prior code § 7273)

**17.12.050 Site area.**

In the R-1 single-family residential zone, the minimum site area shall be as follows:

Zone	Permitted or Conditional Use
R-1-6	6,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

Zone	Interior Lot	Corner Lot
R-1-6	60 feet	70 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet. (Prior code § 7274)

**17.12.060 One dwelling unit per site.**

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site. (Prior code § 7275)

**17.12.070 Replacement and expansion of legally existing multiple family units.**

In the R-1 single-family residential zone, in accordance with Sections 17.10.020, 17.12.020 and 17.14.030, legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

A. A planned development permit as provided in Chapter 17.28 is required for all expansions or replacements.

B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.32, Article 5.

C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.

D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.

- E. The number of multiple family units on the site shall not be increased.
- F. All rights established under Sections 17.10.020, 17.12.020, 17.12.070 and 17.14.030 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a planned development permit does not constitute compliance with this requirement. (Prior code § 7276)

**17.12.080 Front yard.**

In the R-1 single-family residential zone:

- A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-6	25 feet
R-1-12.5	30 feet
R-1-20	35 feet

- B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

- C. On cul-de-sac lots where the side lot line is perpendicular to the main axis of the street, the minimum front yard shall be no less than twenty (20) feet along the curved portions of the right-of-way, with an average of twenty-five (25) foot setbacks. (Prior code § 7277)

**17.12.090 Side yards.**

In the R-1 single-family residential zone:

- A. The minimum side yard shall be five feet in the R-1-6 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.

- B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

- C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.

- D. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

- E. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions. (Prior code § 7278)

**17.12.100 Rear yard.**

In the R-1 single-family residential zone, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

- A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.

- B. Accessory structures not exceeding one story may be located in the required rear yard but not closer than three feet to any lot line. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot. In placing accessory structures in a required rear yard, a usable, open, rear yard area of at least one thousand two hundred (1,200) square feet shall be maintained.

- C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits. (Ord. 9605 § 30 (part), 1996: prior code § 7279)

**Chapter 17.56**  
**HISTORIC PRESERVATION DISTRICT**

**17.56.010 Purposes and intent.**

A. There is created a historic district, the boundaries of which are shown on the two maps entitled, "Historic District Overlay," which accompany the ordinance codified in this chapter and which are on file in the office of the city clerk, on the 19th day of November, 1979 and dated 19th day of November, 1979. Said maps are adopted and made a part of this chapter.

B. This chapter is enacted to preserve and promote the public health, safety and welfare of the residents of the city, and to express the commitment of the city to assure that the city's cultural heritage, as reflected in its historic structures, sites, and features is not destroyed, through:

1. The protection and preservation of historic structures;
2. The preservation and maintenance of historic residential areas as cohesive neighborhood units;
3. The enhancement of property values in the older areas of the city;
4. The assurance that the community's cultural heritage, as reflected in the environment, is not lost;
5. The encouragement of the development of vacant and incompatibly developed properties in accordance with the character of the historic district;
6. The involvement of residents of the older areas in planning their own neighborhoods.

(Ord. 2001-13 § 4 (part), 2001: prior code § 7700)

**17.56.020 Components of the chapter.**

This chapter shall include:

1. The ordinance, which specifies the historic district overlay designation, design evaluation criteria, and the formation, powers and duties of a historic preservation advisory committee;
2. Creation of a local register of historic structures, sites and features which may be modified from time to time by resolution of the city council.
3. Two maps which designate the historic district overlay. (Ord. 2001-13 § 4 (part), 2001: prior code § 7701)

**17.56.030 Definitions.**

A. All definitions, general and specific, set forth in Section 17.04.030 shall be applicable to this chapter.

B. Definitions.

"Construction" means any building activity requiring the issuance of a building permit, except for any activity which does not affect the exterior appearance of the structure.

"Enlargement" means construction which results in the expansion of the gross floor area of a structure.

"Historic structure" means a structure listed on the Local Register.

"Local register" means the listing of local historic structures, sites and features adopted by the city council and maintained by the historic preservation advisory committee, and incorporated herein by reference. (Ord. 2001-13 § 4 (part), 2001: prior code § 7702)

**17.56.040 Regulation of structures.**

No structure shall be constructed, altered or enlarged which is located in the historic district or which is listed as an "exceptional" or "focus" structure on the local register and is located outside the historic district, unless such a permit is issued pursuant to the terms of this chapter. No structure listed on the local register shall be moved or demolished unless a permit is issued pursuant to the terms of this chapter. (Ord. 2001-13 § 4 (part), 2001: prior code § 7703)

**17.56.050 Creation of historic preservation advisory committee.**

In order to execute the purposes declared in this chapter, there is created a historic preservation advisory committee.

A. Committee Membership.

1. The historic preservation advisory committee shall consist of seven members appointed

by the city council to serve without compensation. All committee members shall be residents of the city at the time of their appointment and will lose their position if they move outside the city limits during their term of office. Members shall be appointed on the basis of:

- a. Relevant professional or business qualifications;
- b. Ownership of property within the historic district;
- c. Practical experience in restoration or preservation;
- d. Exceptional civic interest.
- e. Terms of office shall be for three years.

2. Vacancies which may occur on the committee shall be filled by appointment of a new member of the city council for the duration of the unexpired term of office. The council shall also have the power to remove any member from the committee by an affirmative vote of three council members.

3. Four members of the committee shall constitute a quorum for the transaction of business.

B. Procedures for the Review of Applications. The operating procedures of the historic preservation advisory committee shall be prescribed from time to time by resolution of the city council, for the purpose of carrying into effect the standards and specifications of this chapter. The committee may adopt, amend, and repeal rules and regulations governing the conduct of its meetings, as long as said rules do not violate the procedures established by the city council or the terms of this chapter.

C. Duties and Responsibilities. The historic preservation advisory committee shall review applications only as specified in this chapter, consistent with the rules and regulations adopted from time to time by resolution of the city council (as referred to in Section 17.56.050(B)). Applications shall be approved or disapproved based solely on the considerations set forth in this chapter. It is the intent of this chapter that the historic preservation advisory committee shall encourage applicants to make alterations and repairs to structures in the spirit of the architectural style of the structure. The duties and responsibilities of the historic preservation advisory committee shall include the following:

1. It shall be the duty of the historic preservation advisory committee to review all proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the historic district. The committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the historic or architectural significance of the affected structure(s), neighborhood, or the entire historic district. The committee's recommendation shall be forwarded to the planning commission for its consideration.

2. It shall be the duty of the historic preservation advisory committee to review all applications for planned development permits within the historic district for compliance with the provisions of this chapter. Items which shall be subject to review by the committee include but are not limited to vehicular access, location and screening of parking, setbacks, location of service use areas, walls and landscaping. The committee may recommend approval, conditional approval, disapproval or resubmittal of the planned development permit application. The committee's recommendation shall be forwarded to the site plan review committee for its consideration.

3. It shall be the duty of the historic preservation advisory committee to review all applications for the construction or exterior alteration or enlargement of structures within the historic district or for structures located outside the historic district and listed as "exceptional" or "focus" structures on the local register. The committee shall have the power to approve, modify or disapprove such applications before a building permit can be issued, subject to the provisions of Sections 17.56.100 and 17.56.110.

4. It shall be the duty of the historic preservation advisory committee to review all applications for sign permits within the historic district or for properties located outside the historic district and listed as "exceptional" or "focus" on the local register. The committee may recommend approval, conditional approval or denial of the sign permit application based upon the proposed design and/or materials, but not upon the proposed size or location. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48. Sign permits shall be issued only in compliance with the recommendation of the committee. Approval by the committee in no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.



5. It shall be the duty of the historic preservation advisory committee to review all applications for the moving or demolition of structures listed on the local register. The committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.56.130.

6. It shall be the duty of the historic preservation advisory committee to compile and update the historic survey and inventory, and to nominate properties to the local register and the National Register of Historic Places. In selecting properties for nomination to the local register, the board shall consider:

- a. Architectural significance and style;
- b. Historic significance, including age of structure, original owners, and events related to the structure, site or original owners.

The committee shall review the local register annually, make recommendations for the addition or deletion of structures or sites, and submit said recommendations to the planning commission and city council for certification.

7. Permits may be issued for air conditioners, electrical work and plumbing work which is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the historic preservation advisory committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered.

This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Swimming pools;
4. Masonry repairs with like materials;
5. Chimney repair with like materials. (Ord. 2001-13 § 4 (part), 2001: prior code § 7704)

#### 17.56.060 Appeal.

Any person or persons jointly or severally aggrieved by a decision of the historic preservation advisory committee may make an appeal in writing therefrom to the city council within ten days of said action. The city council, after proceeding in the manner as provided therein and with the same power and authority there invested in passing upon appeals before it under the provisions of law and this chapter and in the exercise thereof, may reverse, affirm or modify or affirm as modified the action of the historic preservation advisory committee. Appeals of a decision of the site plan review committee shall be filed with the planning commission in the manner prescribed in Section 17.28.050. (Ord. 2001-13 § 4 (part), 2001: prior code § 7705)

#### 17.56.070 Demolition or moving of historic structures.

A. The demolition of structures listed on the local register, and the moving of local register structures from their sites, shall be discouraged. The historic preservation advisory committee shall review all applications for demolition or moving permits for structures on the local register and for any structures within the historic district boundaries.

B. After due consideration, the committee shall exercise one of the options listed below:

1. The committee may approve the demolition permit if it finds that the structure is a hazard to public health or safety, as determined by the building official or his designee, in consultation with the historic preservation advisory committee.

2. The committee may decide that up to a six month moratorium be placed upon the processing of the demolition or moving permit, in order to allow time for the applicant and the committee to find alternative uses for the structure and to seek alternative solutions to the demolition or moving of the structure. If no alternatives are found, after the six month moratorium has expired, the committee must approve the application.

3. In the case of local register structures which have been classified as "exceptional," the committee may deny an application for demolition, after the six month moratorium has expired. Denial of a demolition permit by the committee is subject to appeal to the city council pursuant to Section 17.56.060.

4. The committee may approve the application.



C. When an application is acted upon, the committee shall notify the building official of the approval, conditional approval or denial. Upon receipt of said notification, the building official shall process the application accordingly. If, after six months from the date of filing of the application, the building official has not received such notification, a permit may be issued. Approval of a permit application by the committee in no way implies approval by the building official, whose approval must also be secured. (Ord. 2001-13 § 4 (part), 2001: prior code § 7706)

17.56.080 Ordinance maintenance and repair.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within the historic district; provided such work involves no change which requires issuance of a building permit. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature which in the view of the proper authority acting lawfully is required for the public safety because of an unsafe or dangerous condition. (Ord. 2001-13 § 4 (part), 2001: prior code § 7708)

17.56.090 Exceptions to Visalia Municipal Code requirements.

Due to the peculiar conditions of design and construction in historic neighborhoods where structures were sometimes built close to lot lines, and where ownership patterns have changed over the years, it is sometimes in the public interest to retain the historic appearance of a neighborhood by making an exception to normal setback, parking, landscaping, fencing and screening requirements of the Visalia Municipal Code, where such an exception does not interfere with the public health or safety. Within the historic district, where it is deemed that such an exception is warranted and will not adversely affect neighboring properties, the historic preservation advisory committee may initiate and/or recommend to the planning commission that such exception to Visalia Municipal Code requirements be made. (Ord. 2001-13 § 4 (part), 2001: prior code § 7709)

17.56.100 Building design compatibility criteria.

This section contains criteria for reviewing all applications for new construction and sign permits within the historic district, and for any rehabilitation, renovation, alteration, reconstruction, or enlargement affecting the exterior appearance of any structure within the historic district which is not listed on the local register, which requires the issuance of a building permit. Each application shall be considered in terms of its compatibility or complementariness with a majority of structures in the immediately surrounding area. In reviewing an application, the historic preservation advisory committee shall consider the following general design standards and principles:

A. Height and Scale. New buildings should be constructed to a height within a reasonable average height of existing adjacent buildings.

B. Spacing of Buildings on Street. A rhythm of recurrent building masses to separations should be retained.

C. Relationship of Materials and Textures. Choice of building materials and texture (smooth and rough) should enhance the desired neighborhood qualities such as compatibility, similarity and continuity.

D. Relationship of Architectural Details and Roof Shapes. Choice of architectural details and roof shape should insure compatible appearance with surrounding structures.

E. Walls of Continuity. Physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses should be used to form continuous cohesive walls of enclosure along the street.

F. Landscaping. Landscaping should reflect the predominant quality and quantity of landscaping within the surrounding area. The concern here is more with mass and continuity.

G. Directional Expression of Front Elevations. Structural shape, placement of openings, and architectural details should be used to give a compatible appearance with adjacent structures which may be horizontal, vertical or nondirectional in nature. (Ord. 2001-13 § 4 (part), 2001: prior code § 7710)

17.56.110 Local register structures.

This section contains criteria for reviewing all applications for building permits for exterior rehabilitation, renovation, alteration, reconstruction, or enlargement of any local register structure within the historic district, or any "exceptional" or "focus" local register structure outside the historic district, and for any interior modification which requires the issuance of a building permit for a publicly owned

and publicly accessible local register structure. In reviewing an application, the historic preservation advisory committee shall consider the following general standards and principles:

A. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historic basis and which seek to create an earlier appearance shall be discouraged.

D. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity.

F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken, without prior approval of the historic preservation advisory committee.

H. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project. (Ord. 2001-13 § 4 (part), 2001: prior code § 7711)

RESOLUTION NO. 2016-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2016-02: A REQUEST BY DR. KAREN MACKENZIE TO ALLOW A VARIANCE TO THE MINIMUM REQUIRED REAR YARD AREA, FOR A GARAGE AND SECOND DWELLING UNIT, IN THE SINGLE FAMILY RESIDENTIAL (R-1-6) ZONE. THE SITE IS LOCATED AT 609 N. ENCINA STREET. (APN: 094-012-017)

**WHEREAS**, Variance No. 2016-02 is request by Dr. Karen MacKenzie to allow a variance to the minimum required rear yard area, for a garage and second dwelling unit, in the Single Family Residential (R-1-6) Zone. The site is located at 609 N. Encina Street. (APN: 094-012-017); and

**WHEREAS**, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on April 25, 2016; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2016-02, as conditioned by staff, to be in accordance with Chapter 17.42 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15305.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia makes the following specific finding based on the evidence presented:

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

*Meeting the required maximum 20% required rear yard area coverage would require the relocation or elimination of portions of the project resulting in an unreasonable hardship.*

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

*The existing primary structure setback of 45 feet, and lot width of 50 feet, limits the ability to locate garages and second dwelling units which are typically found in the rear yard areas in the Historic District.*

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

There are numerous sites in the immediate area where the rear yard coverage is exceeded well beyond what is being requested in this action. This appears to be very typical of historic homes in the older developed areas of town, both in and outside of the Historic District.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

There are numerous sites in the immediate area where the rear yard coverage is exceeded well beyond what is being requested in this action. This appears to be very typical of historic homes in the older developed areas of town, both in and outside of the Historic District.

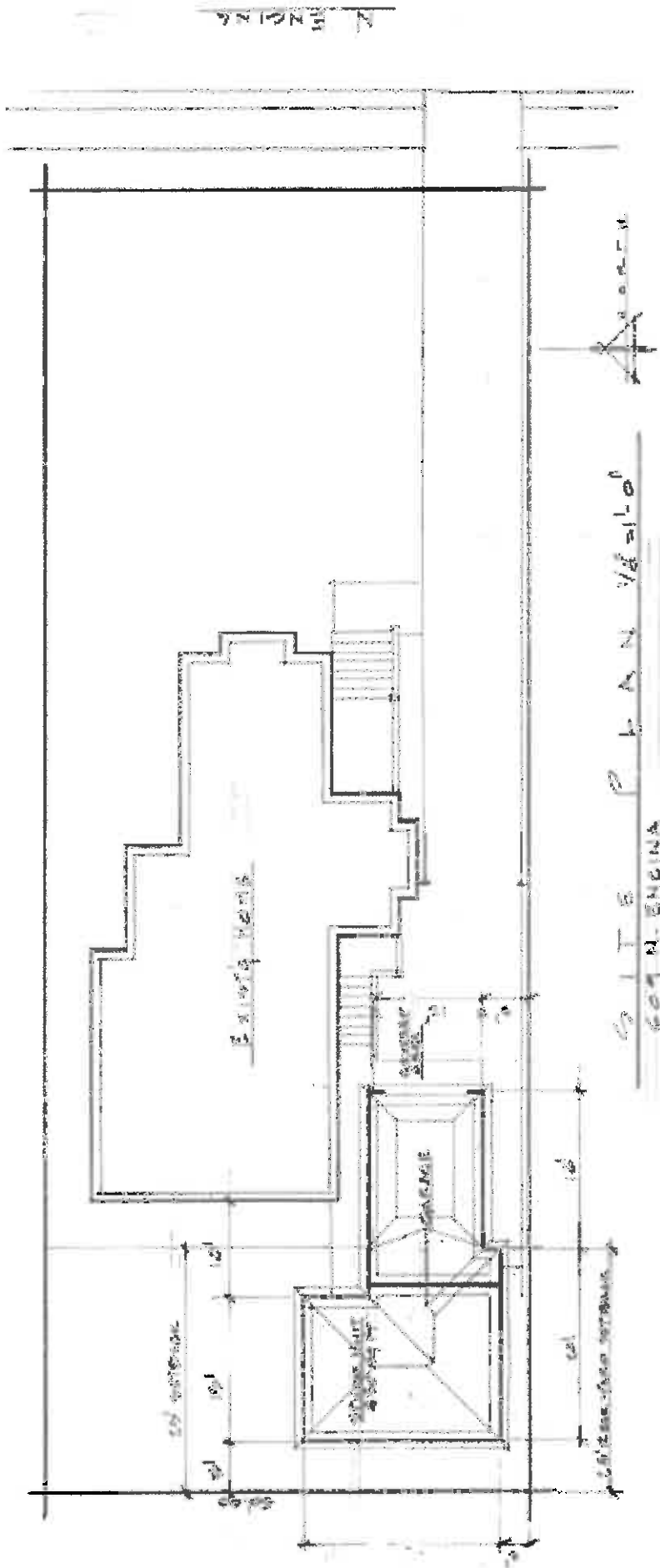
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed reduction of the rear yard area to allow approximately 30% coverage by an enclosed structure is consistent with other properties in this area and as designed will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

6. That the Historic Preservation Advisory Committee recommends approval of the proposed project, finding it consistent with the Historic District and Local Register of Historic Structures per their approval action on HPAC No. 2016-01.
7. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2016-08).

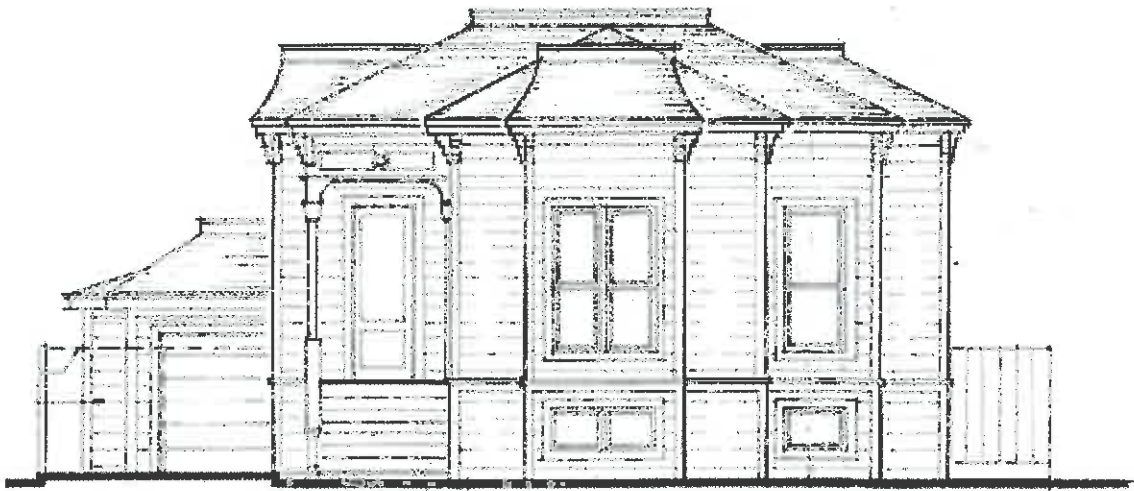
**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Variance No. 2015-09, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed in substantial compliance with the site plan and elevations in Exhibits "A" and "B".
2. That the project meet the requirements of HPAC No. 2016-01.
3. That all other City codes and ordinances be met.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2016-02, prior to the issuance of any building permits for this project.



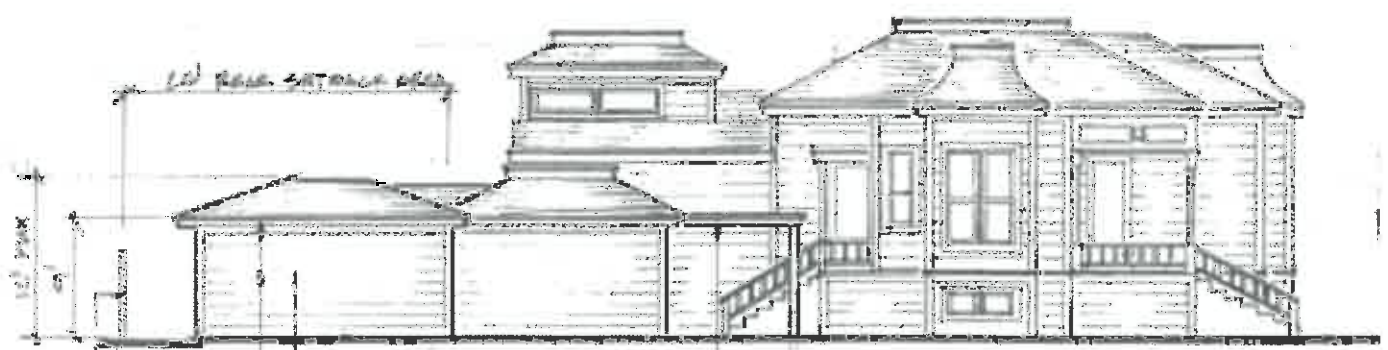
**Exhibit - A**





WEST ELEVATION

NORTH ELEVATION

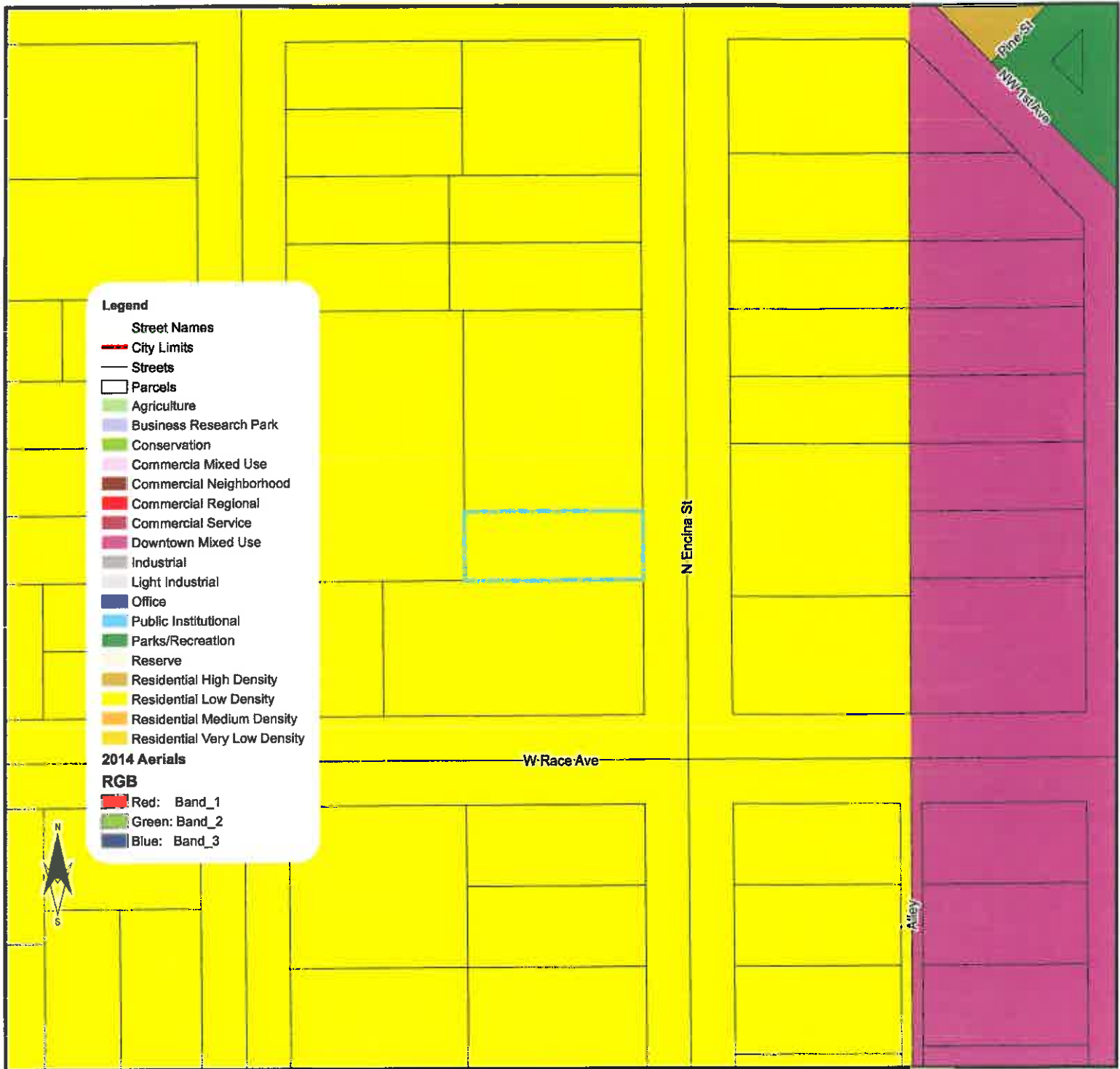


PROPOSED QUARTER ROUND  
 PORCH ROOF COVER  
 SIDING A TRIM TO MATCH EXISTG  
 RE FENCE EXISTG

SIDE (SOUTH) ELEVATION 1/8" = 1'-0"



# City of Visalia



## Land Use Designations

0 20 40 80 120 160 Feet

Var. No. 2016-01

# City of Visalia



## Zoning Designations

0 20 40 80 120 160 Feet

Var. No. 2016-01

# City of Visalia



0 10 20 40 60 80 Feet

## Aerial Photo

Var. No. 2016-01

# **City of Visalia**

## **Memo**



**To:** Planning Commission  
**From:** Brandon Smith, Senior Planner  
**Date:** April 25, 2016  
**Re:** Recommendation to Adopt Zoning Text Amendment No. 2015-05: A request by the City of Visalia to repeal Chapter 17.48 (Signs) of the Visalia Municipal Code Title 17 (Zoning Ordinance) and adopt a new Chapter 17.48 of the Visalia Municipal Code pertaining to sign regulations.

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### **SUMMARY / STAFF RECOMMENDATION**

The Draft of the City Sign Ordinance (Chapter 17.48 of the Visalia Zoning Ordinance), with new revisions that include the removal of regulations pertaining to “content-based” signage, is provided to the Planning Commission for review and consideration. Staff recommends that the Planning Commission receive a staff presentation and public testimony, and make a recommendation of approval to the City Council for the adoption of the revised Sign Ordinance.

### **RECOMMENDED MOTION**

That the Planning Commission recommend approval of Zoning Text Amendment No. 2015-05 by adoption of Resolution No. 2016-22, recommending that the City Council adopt the amended Sign Ordinance.

### **BACKGROUND**

In 2013, the City Council directed staff to initiate a comprehensive update to the City's Sign Ordinance. The Council's action to move forward with the update was based on a number of issues related to signage, including the current ordinance's shortcomings in addressing current issues and enforcement, the need for targeted community outreach, and addressing case law issues in current ordinance language. Later in the year, the City Council authorized entering into a contract with planning consultant Dyett & Bhatia for the preparation of a comprehensive update, and authorized the formation of a Technical Advisory Committee (TAC) to help identify issues in the current ordinance and to provide recommendations on regulations during the update.

The TAC meetings culminated in the development of an initial Draft Sign Ordinance document dated March 17, 2015. This document was first reviewed by the Planning Commission during a work session held on March 23, 2015. On April 13, 2015, the Planning Commission considered additional analysis and information prepared by staff regarding the Sign Ordinance, and voted 5-0 to recommend adoption of the Draft Sign Ordinance with modifications.

The Draft Sign Ordinance was then presented to the City Council on May 18, 2015, for a first reading. After holding a public hearing the Council requested a continuance to allow time for staff to work further with the business community and seek consensus direction regarding window signage and other certain types of temporary signage.



## **REED V. TOWN OF GILBERT**

On June 18, 2015, the United States Supreme Court issued its decision in the case of *Reed v. Town of Gilbert*. The decision made significant changes to the manner in which local governments may regulate temporary signs based on their content. In summary, the Supreme Court concluded that the Town of Gilbert's sign code was content-based on its face because it defined categories of political, ideological, and directional temporary signs on the basis of their message, and then applied different restrictions. Because the sign code was content-based, the Court concluded that it need not even consider the Town of Gilbert's justifications or purposes for enacting its sign code. Nonetheless, the Court went on to discuss a multitude of reasons why the sign code would not survive strict scrutiny review.

The ruling represented a significant departure from previous Ninth Circuit precedent and eliminated local jurisdictions' ability to regulate various temporary signs by categories based upon a sign's function or purpose, i.e. assigning different controls for non-profit event signs, grand opening signs, political signs, temporary directional signs, etc. In response to this decision, staff together with the City Attorney had to re-draft selected provisions of the Draft Sign Ordinance to uphold legal compliance.

## **TECHNICAL ADVISORY COMMITTEE (TAC) REVIEW FOLLOWING REED**

The first re-draft of the Sign Ordinance was completed in September 2015 and was presented to the Sign Ordinance Technical Advisory Committee on October 21, 2015. The re-drafted Ordinance differed from the original largely in that it removed the regulation of "purpose" or "content-based" signs and substituted it with broader type categories to differentiate levels of regulation (i.e. portable signs, banners, window signs).

Several stakeholder interviews were then held by staff in November 2015 to obtain input on the revisions. Individuals that were interviewed did not object to the framework of the re-drafted ordinance, although many individuals stated concern with a new prohibition of temporary off-site signs with a commercial/advertising message. Through the interviews there emerged concerns on other sign regulations not affected by the Reed holding and not changed in the revised ordinance, including concerns on permanent and temporary window signs.

The TAC held three additional meetings on November 24, 2015, January 7, 2016, and March 24, 2016, to discuss and make formal recommendations toward the revision of several regulations in the Draft Sign Ordinance. These TAC recommendations resulted in a further re-draft of the Sign Ordinance that contains revisions as recommended by staff and the City Attorney and where consensus was reached by TAC.

The culminating Draft Sign Ordinance document, dated April 15, 2016, is included as Attachment "A" of this report.

Although the TAC made a series of recommendations which formed the basis for the revised Draft Sign Ordinance, staff anticipates that several issues will be discussed in the adoption hearings before final action is taken by the City Council. Furthermore, the TAC was not always unanimous in reaching consensus on issues. Viewpoints that were dissenting from the TAC consensus were noted and are shared alongside with the consensus recommendations in the analysis.

## OVERVIEW OF AMENDED “DRAFT” SIGN ORDINANCE

The Zone Text Amendment proposes to repeal the existing Sign Ordinance (Chapter 17.48) in its entirety and replace it with the amended Sign Ordinance attached as Exhibit “A”. The amended Sign Ordinance has different formatting and organization as a result of the consolidation of some existing regulations, the addition of new sections, and restructuring due to the elimination of content-based sign categories.

The following table lists each section in the revised Draft Sign Ordinance and significant changes that have occurred in each section following Planning Commission’s recommendation to approve on April 13, 2015:

<b>Section</b>	<b>Title</b>	<b>Changes since 2015 Public Hearing</b>
17.48.010	Purpose	No change.
17.48.020	Applicability and Severability	<ul style="list-style-type: none"> <li>Severability clause added to section.</li> </ul>
17.48.030	Exempt Signs	<ul style="list-style-type: none"> <li>Category-based sign types eliminated and content-based criteria removed based on Reed case.</li> <li>Window sign discussion moved to Sections 17.48.110 and 17.48.130.</li> </ul>
17.48.040	Prohibited Signs	<ul style="list-style-type: none"> <li>Ban on Commercial Mascots added.</li> <li>Ban on animated or moving signs and air-activated graphics reinforced.</li> </ul>
17.48.050	Permits Required	No change.
17.48.060	Sign Design Principles	No change.
17.48.070	Rules for Sign Measurement	No change.
17.48.080	General Sign Standards	<ul style="list-style-type: none"> <li>Changeable Copy provision modified to eliminate category-based exceptions to sign area allowance for changeable copy based on Reed case.</li> <li>Prohibition of electronic signs in downtown removed.</li> </ul>
17.48.090	Standards for Agriculture and Residential Zones	<ul style="list-style-type: none"> <li>Real Estate Signs section removed due to content-based criteria; now regulated as temporary signs.</li> <li>Temporary Sign section overhauled.</li> </ul>
17.48.100	Standards for Other Zones	<ul style="list-style-type: none"> <li>Real Estate Signs section removed due to content-based criteria; now regulated in Section 17.48.130.</li> </ul>
17.48.110	Standards for Specific Sign Types	<ul style="list-style-type: none"> <li>A-Frame Signs moved to Section 17.48.130.</li> <li>Residential subdivision signs moved to 17.48.090.</li> <li>Directional, Historic, Service Station, Theater, and Vehicle Dealership Signs eliminated.</li> </ul>
17.48.120	Downtown Retail Design (DRD) District Sign Standards	<ul style="list-style-type: none"> <li>Window sign &amp; banner regulations made same as City-wide, Sections 17.48.110 and 17.48.130.</li> <li>New section added for Enclosed Bulletin Boards and Message Centers.</li> <li>Removed prohibition on internal illumination of projecting signs.</li> </ul>



17.48.130	Temporary Signs	<ul style="list-style-type: none"> <li>• Temporary Sign section overhauled. Comprised of three sign categories: portable, banner, and window signs</li> </ul>
17.48.140	Master Sign Program	No change.
17.48.150	Variances and Exceptions	No change.
17.48.160	Nonconforming Signs	No change.
17.48.170	Maintenance, Abandonment, and Enforcement	<ul style="list-style-type: none"> <li>• Added regulations regarding like-new condition, fading &amp; aged signs</li> </ul>
17.48.180	Definitions	<ul style="list-style-type: none"> <li>• Definitions deleted, added for clarity, or revised for clarity based on Reed decision.</li> <li>• Definitions modified to address quality of material revisions.</li> <li>• Feather banners redefined as a portable sign.</li> <li>• Window signs redefined to exclude displays of merchandise.</li> </ul>

## OUTSTANDING ISSUES CONSIDERED BY T.A.C. LIKELY TO RECEIVE PUBLIC COMMENT AND FURTHER DISCUSSION

**Temporary off-site “advertising for-hire” signs on residential properties (i.e. open house) (Section 17.48.090.D).** When revisions were first made to the Sign Ordinance following the Reed decision, off-site commercial (i.e. advertising for hire) signs became a prohibited sign type. This became a concern among some TAC members and stakeholders, including the Building Industry Association, since advertising for-hire not only pertained to the sales of a profession or product but also open houses, non-profit special events, and the like.

Based on this feedback, the most recent revisions to the Sign Ordinance allow for a small portion of a site’s temporary sign allowance for general advertising for hire. For developed residential properties, the area was allotted to 4 sq. ft. of the 24 sq. ft. already designated for non-commercial messages. The area was set small to allow for a very limited amount and to restrict the proliferation of advertising messages. The TAC agreed to the proposed area of 4 sq. ft. on developed sites, although The Chamber of Commerce felt that this number may be too low.

For undeveloped residential properties, the allowed area was allotted to the entire 12 sq. ft. already designated for non-commercial messages. The intent of the larger area specified for off-site advertising was to provide opportunities for off-site subdivision signage, although the sign area could similarly be used for any advertising for hire. The TAC also agreed to this number.

**Temporary off-site “advertising for-hire” signs on commercial properties (i.e. non-profit event) (Section 17.48.130.B).** One of the last deliberations of the TAC was to discuss potential parameters for an off-site temporary sign allowance for “advertising for hire” in commercial zones. The interest in allowing these types of signs was to provide an opportunity for off-site advertising for subdivisions, non-profit special events, or other commercial messages. Conversely it would also allow for any type of commercial advertising message for a business or product.

The TAC came to consensus that this type of signage should be allowed under certain circumstances and reached consensus on specific criteria for allowing the signage. Namely, signs shall be temporary portable signs and only allowed on undeveloped lots. Each parcel is allowed up to 16 square feet of sign area, all of which could be used for advertising for hire.

**Temporary portable signs (i.e. feather banners) on commercial properties (Section 17.48.130.B).** As part of the overhaul of temporary sign regulations, standards for feather banners were moved from the banner regulations to the portable sign regulations. This was based on feather banners possessing similar characteristics to other portable signs (i.e. A-Frame signs) wherein they could be put up and taken down on a daily basis.

The TAC felt that allowing 16 sq. ft. of sign area, effectively one feather banner per parcel, was too strict and was restrictive toward large parcels. In turn, the TAC on March 24, 2016, requested that staff come up with a reasonable formula for determining sign area based on the parcel's amount of street frontage.

The draft language established by staff largely mirrors the banner language. Where a parcel or business location has a street frontage exceeding 75 lineal feet, the aggregate sign area for all portable signs (including feather banners) shall be 16 square feet for each 75-foot segment of street frontage. The language does not include a cap on signage.

Staff's research that culminated in the allowance of additional sign area based on street frontage included calculating the street frontages of several businesses that currently utilize feathers, such as auto dealerships and retail shopping centers. Counting the number of 75-foot segments, auto dealerships range about 3 to 7 for interior lots and 11 to 16 for corner or triple-fronting lots. Many big-box retail stores such as WalMart and Dicks Sporting Goods, while having large amounts of building square footage, have fewer 75-foot segments (average 1 to 3) because smaller commercial pads line the street frontage.

**Temporary window sign coverage (Section 17.48.130.D).** In the course of the TAC discussions on setting regulations for window signs, the TAC came to a consensus to move away from regulations that limit the area of the window that signs can cover and move towards regulations that only require a certain level of quality to be maintained and certain material types to be used. The TAC as a whole had difficulty coming to an agreement on an acceptable maximum coverage for the windows – some members preferred to maintain a limit while others preferred no limit. Public comment on the matter was also mixed.

In the end, the TAC did come to consensus on permanent window signs that qualitative standards shall serve as the regulations. This in turn necessitated a revision to Section 17.48.170 regarding Maintenance to add requirements regarding signs to be in like-new condition and to repair or remove fading or aged signs. Thus, the Draft Sign Ordinance as presented would allow for unlimited permanent window signage as long as the signs meet the required materials and maintenance standards.

The TAC did not reach consensus on what the maximum coverage should be for temporary window signs. Therefore, the number was set at 40% per window area in the Draft Ordinance. The Planning Commission may choose to recommend 40% coverage or a higher amount of coverage (up to 100%).

## SECTION BY SECTION DESCRIPTION OF ORDINANCE REVISIONS SINCE APRIL 13, 2015

Where applicable and as noted, the TAC has discussed the revised regulation and provided a recommendation.

### 17.48.020 Applicability and Severability.

- This section now includes a “severability” clause that preserves the balance of the ordinance if a legal challenge results in certain parts of the ordinance being found unconstitutional. This change was made to enhance the ordinance’s protection against potential challenges.

### 17.48.030 Exempt Signs.

- Exempted signs that were found to be in conflict with the Reed holding, which essentially prohibited sign regulations that were categorical based, speaker based, or event based, were removed. The following signs were removed:

- “Commemorative Signs”
- “Change of Business Signs”
- “Construction Signs”
- “Equipment Signs”
- “Garage Sale Signs”
- “Incidental Business Signs”
- “Manufacturers Marks”
- “Menu Display Boards”
- “Small Service Signs”
- “Sponsorship Signs and Banners”
- “Time and Temperature Devices”
- “Vehicle Insignia”

The removal of these exemptions do not necessarily result in prohibition of these sign types, as they may be allowed under other temporary sign allowances. This change was made in response to conflict with Reed.

- Content based criteria included in the regulation of “Flags” and the exemption for “Portable Signs” was changed to “Temporary Signs” to ensure clarity that all types of the latter that are allowed do not require a permit. This change was made for added clarity.
- The section regarding window signs was moved to “Standards for Specific Sign Types”, Section 17.48.110, for permanent signs and “Temporary Signs”, Section 17.48.130, for temporary signs.

### 17.48.040 Prohibited Signs

- The previous draft contained a blanket prohibition of “Temporary Signs,” with a reference to certain exceptions elsewhere in the ordinance. With the modifications to the temporary sign provisions necessitated by *Reed*, the exceptions essentially swallowed the prohibition. Accordingly, the prohibition was modified to include only those types of temporary signs, based upon their physical characteristics that are completely prohibited (Animated or Moving Signs, Air Activated Graphics and Other Attention-Getting Devices). A more clear definition

of eligible exempt “Temporary Signs” was added to Section 17.48.030. This change was made in response to conflict with Reed and for added clarity.

- The section prohibiting general advertising for hire (off-site signage) has been modified to allow for specific exceptions (discussed further below) to the general prohibition. This change was made in response to concerns voiced by the TAC and stakeholders, to compensate for the elimination of content-based sign categories.
- A clear ban on “Commercial Mascots” has been added, which includes sign twirlers and the like. While the previous version of the ordinance included general clauses that could have been construed as a ban on sign twirlers, a specific provision was seen as more instructive. This change was made for added clarity.

**17.48.080 General Sign Standards**

**D. Changeable Copy.** This provision was modified to eliminate exceptions to sign area allowance for changeable copy. The exceptions were category and speaker based allowances in conflict with *Reed*. The effect of this change is to remove some of the flexibility of the allowances for Changeable Copy signs; it does not expand the amount of signage allowed. The practical implications are most likely very limited, as the exceptions arguably involved business entities that have largely moved away from the use of Changeable Copy signs (e.g. – movie theatres moving to digital signage). This change was made in response to conflict with Reed.

**E. Electronic Signs.** This section has been modified to eliminate the prohibition of electronic copy in the Downtown Retail District. This change was made in response to feedback from the TAC.

**17.48.090 Sign Standards for Agriculture and Residential Zones**

- The section for “Real Estate Signs” pertaining to residential properties has been eliminated due to conflicts with Reed. This type of sign is now allowed and regulated as a “Temporary Sign” in Section D for developed/undeveloped properties and Section E for developing properties.

**C. Permanent Noncommercial Signs Allowed on Residential Properties.** This section has undergone a minor wording change and has reduced the aggregate sign area for all permanent noncommercial signs on a developed lot or site from 16 sq. ft. to 8 sq. ft. This change was made for added clarity.

	<u>Approved by Commission</u> <u>April 13, 2015</u>	<u>Draft Sign Ordinance</u> <u>April 15, 2016</u>
Maximum aggregate sign area	16 square feet.	8 square feet. Criteria for sign type, location, maximum height & number removed.

**D. Temporary Signs on Developed Residential Properties.** This is a new section created to compensate for the elimination of content-based sign categories from the previous Draft Sign Ordinance. The previous draft of the sign ordinance did not contain this section since the previous types of temporary signage allowed in the residential zones (i.e. political signs, real estate signs, construction signs, garage sale signs) specified the standards.

For example, under the previous draft, at any given time, a residential homeowner could maintain 16 square feet of “noncommercial signs” (political signs), 8 square feet of real estate signage, 4 square feet of construction signs, and 4 square feet of garage sale signs. That amounts to 32 square feet of temporary signage per lot, plus open house and directional signs sprinkled throughout the neighborhood.

To correct the conflicts with *Reed* which promote content-neutral material, a general temporary sign area allotment or budget has been derived. Staff proposed and the TAC recommended in favor of 24 sq. ft. for a developed lot, which was felt to strike a reasonable balance among the number of signs that could be allowed on the site.

This section was later modified for properties to utilize a small portion (4 sq. ft.) of a residential property’s 24 sq. ft. temporary sign allowance for general “advertising for hire” or commercial message signs. This was done to provide greater clarity regarding the use of certain types of signs that could be argued to be off-site signage, and that were otherwise going to be permitted prior to the elimination of the content based categories necessitated by *Reed* (open house signs, construction signs, non-profit signs).

Undeveloped residential properties that are not part of a developing residential subdivision may use their entire 12 sq. ft. temporary sign allowance for general advertising for hire. This would provide opportunities for off-site subdivision signage.

*This change was made in response to conflict with Reed.*

	<u>Approved by Commission</u> <u>April 13, 2015</u>	<u>Draft Sign Ordinance</u> <u>April 15, 2016</u>
Maximum aggregate sign area, developed lots	Standards varied based on exempt sign type (i.e. construction sign, garage sale sign, political sign, real estate sign)	24 square feet. Up to 4 square feet may be used for advertising for hire.
Maximum aggregate sign area, undeveloped lots		12 square feet. All of this area may be used for advertising for hire.
Sign Types		Portable signs, window signs, or banners
Location		Posted or displayed from the yard, window, door balcony, or outside wall of a building
Maximum height		6 feet for freestanding signs; 12 feet for banner and window signs
Maximum size		12 square feet maximum for any sign

**E. Temporary Signs on Developing Residential Properties.**

In order to preserve the on-site temporary signage allowances for developing subdivisions, a second new temporary sign provision was added for “developing residential properties.” The provision allows for varying temporary sign allowances in cases where a house, apartment complex, or condominium has an issued building permit, or a final subdivision map has been issued.

For properties with an issued building permit, the sign area allotment was set at 32 square feet (the “standard” sheet of plywood size).

For properties with an issued subdivision map, all on-site temporary sign allowances were carried over from the previous version of the draft sign ordinance. This section was modified pursuant to the Building Industry Association’s point that a developing subdivision may have multiple tentative subdivision maps, and hence multiple final subdivision maps such that the temporary sign allowance starts when the first final subdivision map for the development is approved.

*This change was made in response to conflict with Reed.*

	<u>Approved by Commission</u> April 13, 2015	<u>Draft Sign Ordinance</u> April 15, 2016
E.1 Maximum aggregate sign area <b><u>per developing lot with building permit</u></b>	No standards developed.	32 square feet.
Sign Types		Portable signs, window signs, or banners
Maximum height		8 feet for freestanding signs; 12 feet for banner and window signs
E.2 Maximum aggregate sign area <b><u>per developing lot with final map</u></b>	Maximum of either two signs or up to one sign for every 300 lineal feet that the subdivision site fronts upon a street.	The greater of 64 square feet or 32 square feet for every 300 lineal feet that the subdivision site fronts upon a street.
Maximum size	32 square feet maximum for any sign	No change
Maximum height	8 feet for freestanding signs; 12 feet if located behind an exterior wall of a subdivision	No change
Additional standards regarding location & signage within subdivision	No change. See Section 17.48.090.E.2 in new draft.	



**G. Public and Quasi-Public Uses & H. Entrance Signs.** The code was changed to eliminate content regulation from the time, place and manner criteria. This change was made in response to conflict with Reed.

#### **17.48.100 Sign Standards for Other Zones**

- The section for “Real Estate Signs” pertaining to commercial properties has been eliminated due to conflicts with Reed. This type of sign is now allowed and regulated as a “Temporary Sign” in Section 17.48.130, subject to the time, place and manner limitations in that section.

#### **17.48.110 Standards for Specific Sign Types**

- Provisions related to A-Frames are now regulated under Temporary Signs.
- Categories for “Directional and Non-Advertising Signs in Parking Lots”, “Directional Signs”, and “Historic Signs” have been eliminated based upon content distinctions that violate Reed.
- The “Residential Subdivision” sign regulations for off-site signs were deleted because of conflicts with Reed. Regulations for onsite temporary signs have been incorporated into the “Temporary Signs on Developing Residential Properties category” (see above). Provisions for offsite temporary subdivision signs have been readdressed in the “temporary Signs” section and remain an outstanding issue (see discussion below under Outstanding Issues), wherein the TAC gave direction on new provisions that do not conflict with *Reed* but did not review final language.
- The sections for “Service Station Signs”, “Theatre Signs,” and “Vehicle Dealership Signs,” have been eliminated due to conflicts with Reed. This essentially eliminates certain specific controls on signs in these categories, leaving the general sign standards as the only limitations. For Vehicle Dealership signs, however, the elimination of specific provisions results in the elimination of additional allowances for temporary signage, which the auto dealers were provided within in the previous draft sign ordinance.

**F. Permanent Window Signs.** All clauses regarding Permanent Window Signs were moved to this section from the Exempt Signs section.

TAC discussion on this item was heavy following the time that Planning Commission last reviewed the Draft Sign Ordinance. When the Draft Sign Ordinance went before the City Council prior to the issuance of the Reed holding, window signs had become a new emergent issue. The Council had directed the TAC to further discuss and develop a recommendation on this issue.

After much debate, the TAC’s consensus and recommendation was to eliminate the maximum coverage requirement per window (30% in the Draft Sign Ordinance) thereby allowing permanent window signs to cover the entire window if desired. This essentially opens the door for allowing window wraps, responding to concerns voiced by the business community. In lieu of quantitative regulations, the TAC recommended that provisions for high quality materials and maintenance of materials be utilized to ensure that the aesthetic and welfare qualities of the signage are maintained. Such signage will not count against the permanent sign allowance for the site.

	<u>Approved by Commission</u> <u>April 13, 2015</u>	<u>Draft Sign Ordinance</u> <u>April 15, 2016</u>
Materials	No standards developed.	Shall be made for materials intended for permanent display as further described.
Maintenance	Shall be maintained in accordance with requirements of Section 17.48.170.	Shall be maintained in accordance with requirements of Section 17.48.170, revised to address like-new condition, fading & aged signs.
Sign Area	Maximum of 30% coverage of aggregate window area.	No limit. They shall not be considered in computing allowed building signage.

#### **17.48.120 Downtown Retail Design District Sign Standards**

**E. Window Signage.** Window sign and banner regulations remain the same as the City-wide regulations, contained in Sections 17.48.110 and 17.48.130.

**F. Enclosed Bulletin Boards and Message Centers.** This section was added to allow for enclosed bulletin boards and message centers in the Downtown Retail District. Such signs already exist in the Downtown, and this would allow additional such signs to be installed. These bulletin boards, by their very nature, would allow off-site advertising opportunities for non-profit events and the like. *This change was made to provide further accommodations for allowing temporary off-site signs to advertise non-profit events and other information.*

**G. Temporary Signs (A-Frames).** In Downtown Design District, banners and A-frames are the only types of temporary signs allowed. Provisions were added to ensure that these signs are of high quality and that they are properly maintained. Sites can also utilize their A-Frame allowance as general advertising for hire, which would provide non-profits with additional opportunities for event signs. Also, following the TAC recommendation, the requirement for obtaining an Encroachment Permit for placing A-Frame signs in the right-of-way was eliminated. *This change was made to provide further accommodations for allowing temporary off-site signs to advertise non-profit events and other information, and to address stricter material requirements similar to other temporary signs.*

**H. Projected Signs Mounted to Building Face.** A prohibition on internal illumination of projecting signs has been removed. *This change was made in response to feedback from the TAC.*

#### **17.48.130 Temporary Signs**

The previous draft of the Sign Ordinance prohibited "all" temporary signs but made exceptions for various specific categories of temporary signs, and then established varying limitations on these various categories. These categories included "Grand Opening Signs", "Special Promotion Signs", "Non-Profit Off-site Special Event Signs," and "Political Signs."

Because of the *Reed* case, differential treatment based on content categories became prohibited, and therefore the regulations for temporary signs needed to be revisited.

The revised draft focuses more heavily on regulating content-neutral “types” of signage based solely upon the physical characteristics of the sign. Three distinct categories have been created based upon common sub-types: portable signs, banners, and window signs. All are further defined in the Definitions section.

**B. Temporary Signs: Portable Signs**

This provision was revised to include feather banners, which were previously proposed to be regulated with wall banners. As described in the Outstanding Issues section above, the TAC felt that allowing 16 sq. ft. of sign area, effectively one feather banner per parcel, was too strict and was restrictive toward large parcels. Following the TAC’s direction at their final meeting on March 24, 2016, staff and the City Attorney came up with a formula for determining sign area based on the parcel’s amount of street frontage. The formula is similar to that established for banners. Also, language was added requiring feather banners to be removed when the business is closed (like A-Frames).

Additional language was added regarding materials and maintenance of portable signs, as well as the locations on the property in which they can be displayed. Regulations on specific time, place and manner of display of these types of temporary signs are included for each. The duration for portable signs has not changed – A-Frame signs and feather banner signs may be displayed during open business hours and one-half hour before and after closing.

	<u>Approved by Commission</u> <u>April 13, 2015</u>	<u>Draft Sign Ordinance</u> <u>April 15, 2016</u>
Relation to Associated Business	Can be located up to 300 feet away if it remains on development site	No change
Maximum Number / Sign Area per Parcel/Business	Limit of one sign.	Multiple signs, not to exceed aggregate sign area of 16 sq. ft. For parcels with street frontage exceeding 75 feet, 16 sq. ft. for each 75-foot segment of street frontage. A total of 16 sq. ft. may be used as advertising for hire.
Maximum Size and Sign Area	4' height, 7.5 sq. ft. area	Portable Signs: 8' height, 8 sq. ft. area A-Frames: 4' height, 7.5 sq. ft. area Feather banners: 10' height, 16 sq. ft. area
Materials and Maintenance	No standards for materials. Shall be maintained in accordance with requirements of Section 17.48.170.	Material regulations added. Shall be maintained in accordance with requirements of Section 17.48.170, revised to address like-new condition, fading & aged signs.
Placement, Prohibited Locations, Hours	No change in regulation, except for revisions to address feather banners and obstruction of view.	

### C. Temporary Signs: Banners and Pennants

Language was added specifically prohibiting use of banners as permanent signs. Business must have a primary permanent identification sign in conformance with code before they are allowed a banner. This will eliminate use of banners as the primary identifier for a business and will give the City the ability to abate banners where there is a clear intent to utilize a banner in lieu of otherwise allowed permanent signage. Additional language was also added regarding materials and maintenance of banners.

In lieu of a timed maximum duration, the revised code simply states that banners shall not be used as permanent signs.

	<u>Approved by Commission</u> April 13, 2015	<u>Draft Sign Ordinance</u> April 15, 2016
Maximum Number / Sign Area per Parcel/Business	Limit of one promotional sign & one banner per street frontage. When street frontage exceeds 75 feet, one additional promotional sign & banner allowed for each 75 lineal feet of street frontage.	Multiple signs, not to exceed aggregate sign area of 32 sq. ft. for each 75-foot segment of street frontage
Maximum Size for a single sign	Banner: 60 sq. ft. area	Banner: 64 sq. ft. area Pennant: 24 sq. ft. area
Maximum Height	Shall not exceed roofline or parapet of wall	No change
Banners as permanent signs prohibited	No standards developed.	Banners as permanent signs prohibited.
Materials and Maintenance	No standards for materials. Shall be maintained in accordance with requirements of Section 17.48.170.	Material regulations added. Shall be maintained in accordance with requirements of Section 17.48.170, revised to address like-new condition, fading & aged signs.
Maximum Duration	Maximum 60 days, followed by a 30-day lapse before a new banner is displayed. Maximum four 60-day periods per year.	Standard removed.
Allowable Locations	Allowed on sites where permanent signs are allowed.	No change

**D. Temporary Signs: Window Signs**

The allowance for temporary window signs was set at 40% per window area. Language was added to clarify the parameters of what constitutes a single window. Materials and maintenance provisions were added.

In the course of the TAC discussions on setting regulations for permanent window signs, the TAC favored moving towards regulations that require a certain level of quality to be maintained and certain material types to be used in lieu of a maximum percentage of window coverage.

While the TAC did come to consensus on permanent window signs that qualitative standards shall serve as the regulations, the TAC did not reach consensus on what the maximum coverage should be for temporary window signs. Therefore, the number was set at 40% per window area in the Draft Ordinance. The Planning Commission may choose to recommend 40% coverage or a higher amount of coverage (up to 100%).

	<u>Approved by Commission</u> <u>April 13, 2015</u>	<u>Draft Sign Ordinance</u> <u>April 15, 2016</u>
Maximum Sign Area	Up to 10% coverage of the aggregate window area or 40 sq. ft., whichever is less.	No consensus by TAC on maximum coverage, but draft ordinance states 40% coverage which was discussed during TAC meetings.
Materials and Maintenance	Allowed materials specified in code. Maintain in accordance with requirements of Section 17.48.170.	Shall be made of suitable materials and be professional in appearance. Shall be maintained in accordance with requirements of Section 17.48.170, revised to address like-new condition, fading & aged signs.
Maximum Height	No standard.	No limit. TAC recommended removing prohibition of window signs above second story.
Illumination	Temporary window signs shall not be illuminated.	Temporary window signs shall not be illuminated.



## 17.48.170 Maintenance Abandonment, and Enforcement

**A. Maintenance Required.** This provision provides detailed maintenance requirements, and was modified to further ensure normal wear and aging provide some practical limitations on the duration that temporary signs may be displayed.

## 17.48.180 Definitions

- The following definitions were deleted because of conflicts with *Reed*, or revisions resulting from *Reed* obviated their need for inclusion.

“Business Directory Sign”

“Business Sign”

“Construction Sign”

“Directional Sign”

“Fuel Pricing Sign”

“Grand Opening Sign”

“Incidental Business Sign”

“Political Sign”

“Real Estate Sign”

- The following definitions were added for clarity.

“Commercial Mascot”

“Permanent Window Sign” & “Temporary Window Sign”, combined as “Window Sign”

- Existing definitions were revised for further clarity.

“Banner”

“Feather Banner”

“Inflatable Sign”

“Portable Signs”

- Definitions for Banner Signs, Feather Banners, Portable Signs and Window Signs were all modified to comport with the quality of materials revisions found in the foregoing sections. Feather Banners were modified so that it was clear they are considered a portable sign. Window signs were further defined to exclude displays of merchandise in window boxes from regulation under the sign ordinance.

## **Environmental Review**

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), acting on “the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The project is also categorically exempt pursuant to Section 15305 (minor land use limitations).

## **RECOMMENDED FINDINGS**

1. That the proposed Zoning Ordinance Text Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Zoning Ordinance Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is Categorically Exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) (no significant effect on the environment) and is also categorically exempt pursuant to CEQA Guidelines Section 15305, and Notice of Exemption No. 2015-17 has been prepared for this project.

## **ATTACHMENTS**

- Resolution No. 2016-22, Recommending approval of Zoning Ordinance Text Amendment No. 2015-05
- Attachment "A" – Draft Sign Ordinance, Chapter 17.48 of Visalia Municipal Code, dated April 15, 2016

RESOLUTION NO. 2016-22

RESOLUTION OF THE VISALIA PLANNING COMMISSION  
RECOMMENDING APPROVAL OF ZONING ORDINANCE TEXT AMENDMENT NO.  
2015-05: A REQUEST BY THE CITY OF VISALIA TO REPEAL CHAPTER  
17.48 (SIGNS) OF THE VISALIA MUNICIPAL CODE TITLE 17 (ZONING  
ORDINANCE) AND ADOPT A NEW CHAPTER 17.48 OF THE VISALIA  
MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS.

**WHEREAS**, Zoning Ordinance Text Amendment No. 2015-05, is a request by the City of Visalia to repeal Chapter 17.48 (Signs) of the Visalia Municipal Code Title 17 (Zoning Ordinance) and adopt a new Chapter 17.48 of the Visalia Municipal Code pertaining to sign regulations; and

**WHEREAS**, Title 17, Chapter 17.48 of the Visalia Municipal Code sets forth certain regulations regarding signs; and

**WHEREAS**, the City Council of the City of Visalia has directed that the Sign Ordinance be comprehensively updated, for reasons including to address the Ordinance's shortcomings in addressing current issues and enforcement and in addressing case law issues in current ordinance language; and

**WHEREAS**, a Technical Advisory Committee was assembled to help identify issues in the Ordinance and to provide recommendations on regulations during the update, and in the course of its meetings – all of which included opportunity for public comment – the Committee developed a set of recommendations for a draft ordinance; and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on April 25, 2016, to consider the adoption of the new sign regulations; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Zone Ordinance Text Amendment No. 2015-05 to be in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15061(b)(3) of the CEQA Guidelines and is also categorically exempt pursuant to Section 15305 of the CEQA Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval of Zone Ordinance Text Amendment No. 2015-05 based on the following specific findings and evidence presented:

1. That the proposed Zoning Ordinance Text Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Zoning Ordinance Text Amendment is not inconsistent with any other Element of the General Plan.
3. That the project is Categorically Exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) (no significant effect on the environment) and is also categorically exempt pursuant to CEQA Guidelines Section 15305, and Notice of Exemption No. 2015-17 has been prepared for this project.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval of the Zoning Ordinance Text Amendment No. 2015-05 as provided in Exhibit "A", in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

**EXHIBIT "A"**

The existing regulations in Title 17, Chapter 17.48 of the Visalia Municipal Code is repealed in its entirety, and is replaced by the regulations as follows:



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## **Chapter 17.48 Signs**

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### **Sections:**

<b>17.48.010</b>	<b><i>Purpose</i></b>
<b>17.48.020</b>	<b><i>Applicability and Severability</i></b>
<b>17.48.030</b>	<b><i>Exempt Signs</i></b>
<b>17.48.040</b>	<b><i>Prohibited Signs</i></b>
<b>17.48.050</b>	<b><i>Permits Required</i></b>
<b>17.48.060</b>	<b><i>Sign Design Principles</i></b>
<b>17.48.070</b>	<b><i>Rules for Sign Measurement</i></b>
<b>17.48.080</b>	<b><i>General Sign Standards</i></b>
<b>17.48.090</b>	<b><i>Sign Standards for Agricultural and Residential Zones</i></b>
<b>17.48.100</b>	<b><i>Sign Standards for Other Zones</i></b>
<b>17.48.110</b>	<b><i>Standards for Specific Sign Types</i></b>
<b>17.48.120</b>	<b><i>Downtown Retail Design District Sign Standards</i></b>
<b>17.48.130</b>	<b><i>Temporary Signs</i></b>
<b>17.48.140</b>	<b><i>Master Sign Program</i></b>
<b>17.48.150</b>	<b><i>Variations and Exceptions</i></b>
<b>17.48.160</b>	<b><i>Nonconforming Signs</i></b>
<b>17.48.170</b>	<b><i>Maintenance, Abandonment, and Enforcement</i></b>
<b>17.48.180</b>	<b><i>Definitions</i></b>

### **17.48.010 Purpose**

*The purpose of this Chapter is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of Visalia, its residential neighborhoods, its Downtown, and commercial/industrial areas, while also providing an effective means for members of the public to express themselves through the display of signs. These regulations recognize the importance of business activity to the economic vitality of the City as well as the need to protect the visual environment. Specifically, these regulations are intended to implement the General Plan and:*

- A. *Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures;***

- B. *Preserve and enhance the visual attractiveness of the City for residents, businesses, and visitors;*
- C. *Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;*
- D. *Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, create hazards or unreasonable distractions for pedestrians and drivers;*
- E. *Provide adequate opportunity for the exercise of the free speech by display of a message or image on a sign, while balancing that opportunity with other community and public interests;*
- F. *Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on the same premises, rather than functioning as general advertising for hire; and*
- G. *Prohibit signs that may cause traffic or pedestrian safety hazards or interfere with ingress and egress.*

#### **17.48.020 Applicability and Severability**

*This Chapter regulates signs that are located or mounted on private property within the jurisdictional boundaries of Visalia. The provisions in this Chapter apply in all Zoning Districts within the City. No sign within the regulatory scope of this Chapter shall be erected or maintained anywhere in the City except in conformity with this Chapter. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause term or word in this Chapter is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Chapter.*

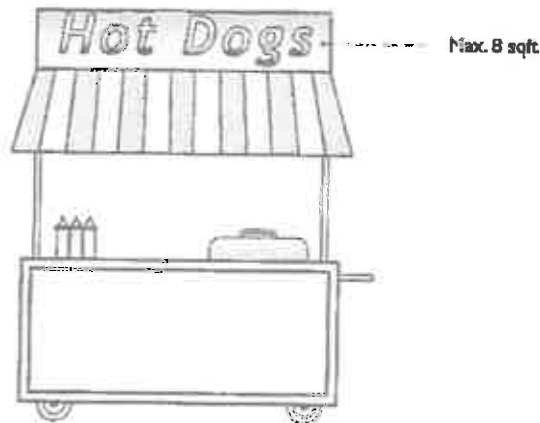
#### **17.48.030 Exempt Signs**

*The following signs are exempt from the permit requirements of this Chapter and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:*

- A. *Address Signs. One nameplate, not exceeding two square feet in area, identifying the address of the property.*
- B. *Barber Poles. Barber poles, not exceeding 18 inches in height, located on a non-residential zoned property and containing no lettering.*
- C. *Commercial Displays On Vehicles. Signs on vehicles may be displayed, provided that:*

1. *The message pertains to the establishment of which the vehicle is an instrument or tool; and*
  2. *The message does not utilize changeable copy or special illumination.*
- D. *Decorations. Holiday and cultural observance decorations on private property. Decorations cannot include commercial advertising. This exemption includes strings of lights associated with a holiday decoration.*
- E. *Flags. Flags may be erected and located in accordance with the following standards:*
1. *Location. Flagpoles must not be located within any required side yard setbacks.*
  2. *Maximum Flagpole Height. If a flag is on a flag pole, the pole height must not exceed 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less.*
  3. *Maximum Size. The maximum individual flag area on a lot is 48 square feet in all zoning districts.*
- Pennants, banners, feather banners, strings of ornamental fringes and streamers are not included in this exemption and are regulated under Section 17.48.130, Temporary Signs.*
- F. *Government Signs. Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; noncommercial bus stop signs erected by a public transit agency, or other signs required or authorized by law. This exemption also covers signs and banners for special civic events sponsored by the City, which may be displayed in public rights of way.*
- G. *Interior Signs. Signs that are located entirely within a building or enclosed structure and not visible from the public right of way.*
- H. *Mobile Vendor Signs. Signs and menu display boards fixed to mobile vending carts or food trucks that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart or food truck is limited to a maximum of eight square feet of sign area, plus a menu display board.*

FIGURE 17.48.030(H): MOBILE VENDOR SIGNS



- I. **Newspaper Stands.** Signs that are part of newspaper stands provided the sign area does not exceed four square feet.
- J. **Temporary Signs.** Signs that conform to the standards of Sections 17.48.090(C), 17.48.090(D), 17.48.110(B), 17.48.120(G) or 17.48.130.
- K. **Public Carrier Graphics.** Graphic images mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the City.
- L. **Window Signs.** Permanent Window Signs that conform to the standards of Section 17.48.110(I).

#### 17.48.040 Prohibited Signs

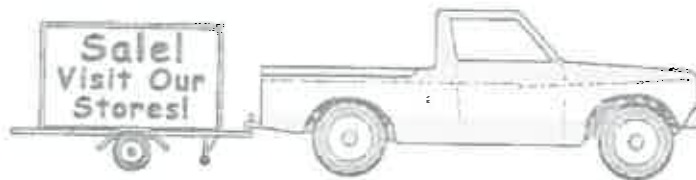
Unless expressly allowed by another Section of this Chapter or other applicable law, the following signs, locations, and materials are prohibited:

- A. **Animated or Moving Signs.** Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind, unless expressly permitted under this Chapter. This prohibition does not apply to signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods, which are permitted, subject to the regulations of this Chapter.



- B. Air Activated Graphics and Other Attention-Getting Devices.** *Balloons, blimps and air activated graphics which serve as attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind or activated by forced air, that direct, promote, or that are otherwise designed to attract attention for outdoor advertising purposes are prohibited in all zoning districts. Stationary, inflatable signs displayed and secured at ground level are allowed as temporary portable signs.*
- C. General Advertising (for Hire).** *Except as otherwise specifically provided in this Chapter, temporary signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as advertising for hire.*
- D. Mobile Billboards.** *The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. This prohibition does not apply to signage on a licensed commercial vehicle that is related to the goods or services provided by the vehicle owner or operator and to public transit/public carrier graphics on properly licensed buses and taxicabs.*

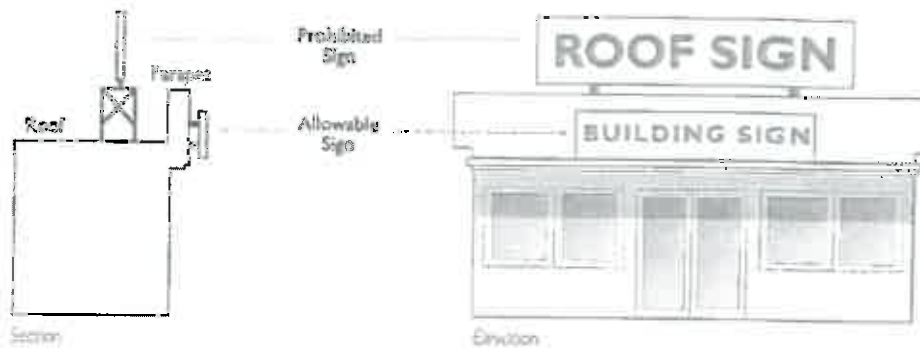
**FIGURE 17.48.040(D): MOBILE BILLBOARDS**



- E. Murals.** *Murals which contain advertising copy or function as advertising. Murals without advertising copy must be approved by the City Council under the provisions of the City's adopted mural policy.*
- F. Outdoor Advertising Displays ("Billboards").** *Permanent signs that display outdoor advertising for hire are prohibited in all zones.*
- G. Roof Signs.** *Roof signs, including signs mounted or painted on roofs, except those painted on a flat roof and not visible from the public right of way.*



FIGURE 17.48.040(G): ROOF SIGNS



- H. **Search Lights and Klieg Lights.** Search and Klieg lights when used as attention attracting devices for commercial uses. They may be allowed with a temporary conditional use permit for special events.
- I. **Signs in the Public Right-of-Way without an Encroachment Permit.** Other than government signage, no sign can be placed in the public right-of-way in median strips or islands, sidewalks, on street trees or retaining walls, on bridges, public benches, traffic signals, public fences, street poles, utility poles and equipment, street lighting, traffic signs, or within a railroad right-of-way, unless it has been authorized by an encroachment permit issued by the City.
- J. **Signs on Doors, Windows, or Fire Escapes.** Signs shall not be located or installed on any door, window, or fire escape that will prevent free ingress or egress. No sign shall be attached to any standpipe or fire escape, except those required by other codes.
- K. **Signs that Create a Traffic Hazard or Affect Pedestrian Safety.** Signs located in such a manner as to constitute a safety hazard or to impede the public use of the public right of way. These signs include but are not limited to:
- x. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic or any authorized traffic sign or signal device.
  2. Signs that may create confusion with any authorized traffic sign, signal, or traffic control device because their color, design, illumination, location or wording, or use of any phrase, symbol, or character which interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device.
  3. Signs within five feet of a fire hydrant, street sign, or traffic signal.

- 4. *Signs erected at or near the intersections of public and/or private rights-of-way in such a manner as to create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.*
- L. *Signs that Produce Noise or Emissions. Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles, such as drive up windows at banks or pharmacies, provided these latter units comply with the standards of the City's Noise Ordinance.*
- M. *Commercial Mascots. All commercial signs held, posted or attended by commercial mascots, as defined, are prohibited in all zones.*
- N. *Snipe Signs. Signs tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, government signs, fences, trailers, temporary construction barriers or other supporting structures.*

#### **17.48.050 Permits Required**

- A. *Sign Permit Required. No sign shall be erected, altered, reconstructed or relocated without a sign permit. A permit is not required for ordinary maintenance and repairs to signs and for temporary signs on private property that conform to the standards of this Chapter. The Planning Department will review all applications for sign permits for consistency with this Chapter.*
- B. *Encroachment Permit. Signs that project over or extend into a public street or sidewalk shall be subject to Encroachment Permit approval by the Public Works Department pursuant to the provisions of Chapter 12 of the Municipal Code.*
- C. *Conditional Use Permit Required. A Conditional Use Permit, issued pursuant to Chapter 17.38 of the Visalia Municipal Code, is required for Master Sign Programs (see paragraph E below) and electronic signs, excluding interior electronic signs and digital displays that are regulated as window signs and are exempt from permit requirements.*
- D. *Owner's Consent Required. Consent of the property owner or business owner is required before any sign may be displayed on any real or personal property in the City.*
- E. *Master Sign Program. A Master Sign Program, prepared pursuant to Section 17.48.130, is required for the following projects:*
  - 1. *New or remodeled non-residential or mixed used projects on a site of five or more acres; and*
  - 2. *Any development in the BRP zone.*

### **17.48.060 Sign Design Principles**

*The following sign design principles should be used as criteria for review and approval of sign permits and Master Sign Programs.*

- A. Architectural Compatibility.** *A sign, including its supporting structure, if any, should be designed as an integral design element of a building's architecture and be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that covers a window or that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings is detrimental to visual order and will not be permitted. Common indicators of compatibility include:*
- 1. Quality sign design and construction;*
  - 2. Proportional size and scale; and*
  - 3. Use of materials, shapes and colors that complement the building's architectural style and the surrounding environment.*
- B. Legibility.** *The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night. Symbols and logos can be used in place of words. Substantial contrast should be provided between the color and materials of the background and the letters or symbols to make the sign easier to read in both day and night.*
- C. Readability.** *A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign.*
- D. Visibility.** *A sign should be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates.*
- E. Placement.** *Often, a building's architectural details create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building's façade. On buildings with a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion. Well-designed and well-located retail signs create visual interest and continuity with other storefronts on the same or adjacent buildings. Signs should not obstruct windows or doors.*

### **17.48.070 Rules for Sign Measurement**

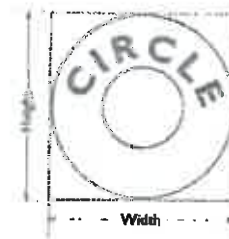
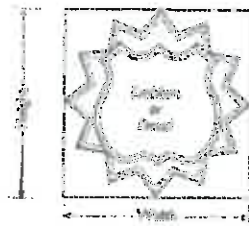
- A. Calculation of Sign Area.** *The area of an individual sign must be calculated as follows:*



1. *Single-Faced Signs.* Sign area includes the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 17.48.070(A)(2).
2. *Double-Faced Signs.* Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the sign area must be computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces will be counted toward sign area. See Figure 17.48.070(A)(3).

FIGURE 17.48.070(A)(2): MEASUREMENT OF SIGN AREA

Sign Area = Height x Width

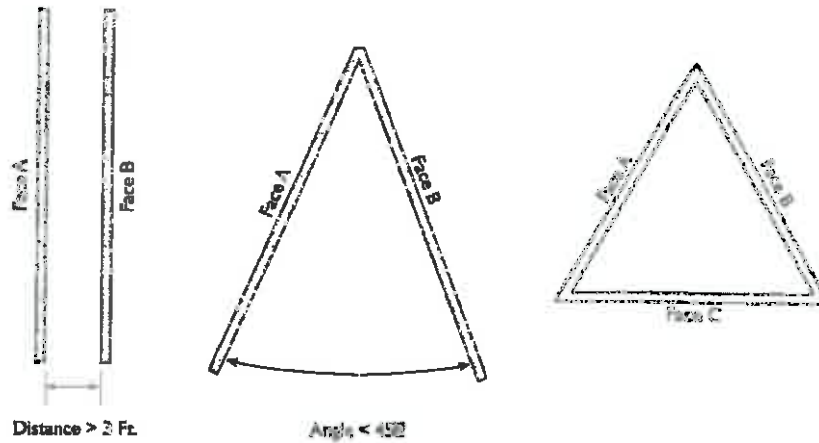


3. **Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.



FIGURE 17.48.070(A)(3): MEASUREMENT OF MULTI-FACED SIGNS

Total Sign Area = Sum of All Sign-Faces



4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of two adjacent sides of the smallest cube that will encompass the sign. See Figure 17.48.070(A)(4).

FIGURE 17.48.070(A)(4): MEASUREMENT OF 3-DIMENSIONAL SIGNS

Sign Area = Sum of Two Adjacent Sides



- B. **Calculation of Lot Frontage.** If a lot fronts on two streets, both frontages may be used for calculating the allowable sign area. On lots with three or more frontages on a public street, the length of only two contiguous sides shall be added together to determine allowable sign area.

- C. **Measuring Sign Height.** *The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, including any structural or architectural components of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.*
- I. **Height of Freestanding Signs.** *The height of freestanding signs shall be measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed to the highest point of the sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign's overall height. Signs oriented towards a freeway shall be measured from the project site grade or pad, whichever is lower.*
- D. **Measuring Sign Clearance.** *Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.*
- E. **Building Frontage.** *Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces in which main customer access is provided to the business. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.*

#### 17.48.080 General Sign Standards

- A. **Message Neutrality.** *It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.*
- B. **Maximum Sign Area.** *The maximum allowable, permittable sign area for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be installed. These standards are established in subsequent Sections of this Chapter.*
- C. **Message Substitution.** *A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any noncommercial message may be substituted, in whole or in part, for any other noncommercial message.*
- I. **No Additional Approval.** *Such substitution of message may be made without any additional approvals. The purpose of this Section is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.*

2. *Limitations.* This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.
- D. **Changeable Copy.** Non-electronic changeable copy shall represent no more than 20 percent of the total allowable sign area. Copy shall not be changed more than once every 24 hours.
- E. **Electronic Copy.**
1. *Location.* Electronic copy is allowed as a display medium wherever monument signs are allowed. A Conditional Use Permit, issued pursuant to Chapter 17.38 of the Visalia Municipal Code, is required for the installation of any electronic sign except an interior electronic sign or digital display, which are regulated as permanent window signs.
  2. *Physical Standards.*
    - a. The sign display face must be directed in a manner that is not visible from the front or side yards of residential properties located in a residential zone district.
    - b. Electronic display faces must be an integral part of the remainder of the sign area.
  3. *Operational Standards.*
    - a. Electronic display shall be limited to no more than 30 lumens output, measured at 10 feet from the sign face.
    - b. No portion of the electronic display (either sign copy or pictures) shall change more frequently than once every six seconds.
    - c. No audible output from any portion of the sign shall be permitted.
    - d. Electronic signs shall be operative only during the hours of operation of the associated business.
    - e. Sign copy or electronic picture displays shall be limited to advertising related to the use(s) on the property for which the monument sign is located, except for message substitution, as allowed in Section 17.48.060 D.
    - f. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.



- g. *No display shall create a potential distraction to drivers by virtue of the frequency of changes of images (i.e. the time between images expressed in seconds), and the Planning Commission may impose limitations on the number of images that can be displayed over a specified time period for reasons of traffic safety.*

F. ***Illumination.*** *The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:*

1. ***Light Intensity.*** *Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign.*
2. ***Shielding Required.*** *External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according to Table 17.48.080.F.2 below.*

<b>Fixture Lamp Type</b>	<b>Shielding Required</b>	<b>Filtering Required</b>
Low Pressure Sodium <sup>1</sup>	None	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes <sup>4</sup>
Fluorescent	Fully <sup>2</sup>	Yes <sup>2</sup>
Quartz <sup>3</sup>	Fully	None
Incandescent Greater than 100W	Fully	None
Incandescent 100W or less	None	None
LED	Fully	None
Mercury Vapor	Not permitted.	
Neon/Fuel	None	None
Glass Tubes filled with neon, argon, or krypton	None	None
Other Sources	As approved by the Director.	
1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations. 2. Warm white natural lamps are preferred to minimize detrimental effects. 3. For the purposes of this article, quartz lamps are not considered an incandescent light source. 4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements. 5. Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.		

3. ***Energy Conservation.*** *Light sources shall be hard-wired fluorescent or compact florescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited, except when used in signs of historic character as part of the architectural design.*

4. ***Light Sources Adjacent to Residential Areas.*** *Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.*

- G. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for Temporary Signs in Section 17.48.130. Fabric signs are restricted to Awnings, Canopies, Flags, and Temporary Signs.
- H. **Mounting Required.** All permanent signs shall be firmly anchored and comply with all requirements for public safety and codes.
- I. **Minimum Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment, or lines, underground facilities and conduits.
- J. **Concealed Electrical Systems.** External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.

#### **17.48.090 Sign Standards for Agricultural and Residential Zones**

- A. **Purpose and Applicability.** This Section establishes standards for signs associated with specific types of land uses in Agricultural and Residential zones. Unless otherwise specified below, each sign type also is subject to the standards established in Section 17.48.110, Standards for Specific Sign Types.
- B. **Permanent Commercial Signs Prohibited for Residential Zones.** Unless otherwise allowed or exempted by this Chapter, permanent signs displaying a commercial message are prohibited in Residential Zones.
- C. **Permanent Noncommercial Signs Allowed on Residential Properties.** The aggregate sign area allowance for all permanent noncommercial signs on a developed lot or site in Residential Zones, excluding exempt signs or signs otherwise allowed by this Chapter, is 8 square feet.
- D. **Temporary Signs Allowed on Residential Properties.** The aggregate sign area allowance for all temporary signs on a developed lot or site, or on the common area of a fully developed residential subdivision with 5 or more parcels, or on the common area of fully developed multi-family apartment or condominium complexes with 5 or more units, excluding exempt signs or signs otherwise allowed by this Chapter, is 24 square feet, 4 square feet of which may be used as general advertising for hire. For an undeveloped lot or site not subject to regulation pursuant to subsection E, the basic sign area allowance for all temporary signs is 12 square feet, all of which may be used as general advertising for hire.
  - 1. **Sign Types, Materials and Maintenance.** Allowable temporary signs include portable signs, window signs, or banners. Portable signs shall be constructed of materials and maintained as set forth in Section 17.48.130.B.4 below, temporary window signs shall be constructed of materials and maintained as set forth in Section 17.48.130.C.5 below, and banners shall be



constructed of materials and maintained as set forth in Section 17.48.130.D.2 below. All temporary signs shall also be maintained in accordance with Section 17.48.170.

2. *Location.* Signs may be posted or displayed from the yard, window, door, balcony, or outside wall of a building.
3. *Maximum Height.* Six feet for freestanding signs. Banner and window signs must not be more than 12 feet above grade.
4. *Maximum Size.* The maximum sign area for any individual sign shall be 12 square feet.

**E. Temporary Signs on Developing Residential Properties.**

1. *The aggregate sign area allowance for all temporary signs on residential zoned property for which a building permit has been issued for purposes of constructing a single-family home or multi-family apartment complex, excluding exempt signs or signs otherwise allowed by this Chapter, is 32 square feet.*
  - a. *Duration.* Temporary signs shall be allowed on a developing residential lot or site after the building permit has been issued and shall be removed upon its expiration, cancellation or termination.
  - b. *Sign Types.* Signs may be portable signs, window signs, or banners.
  - c. *Maximum Height.* Eight feet for freestanding signs. Banners and window signs must not be more than 12 feet above grade.
2. *Temporary signs on a developing residential subdivision for which at least one final subdivision map has been issued pursuant to Chapter 16.24 are allowed as follows:*
  - a. *Duration.* Temporary signs shall be allowed on a developing residential subdivision site after at least one final subdivision map has been issued and shall be removed when all of the parcels within the subdivision are sold. However, once individual lots or sites are developed and sold, subdivision D above shall apply to those developed and sold lots or sites.
  - b. *External Temporary Signage.* Temporary signs located and intended to be viewed from the public streets surrounding a developing residential subdivision may be erected and maintained within the boundaries of the subdivision in accordance with the sign area allowance above. The basic sign area allowance for external temporary signage is the greater of 64 square feet, or 32 square feet for every 300 lineal feet that the subdivision site fronts upon a public

street. External temporary signage shall be non-illuminated, shall not be made or constructed from cloth, bunting, plastic, paper or similar material, and shall be maintained in accordance with the requirements of Section 17.48.170. Dimensions for temporary external signage shall not exceed four feet by eight feet per sign and 32 square feet per sign face, or a height of eight feet, or if located behind an exterior wall of a residential subdivision, at a height not to exceed 12 feet. The signs shall be no closer than 300 feet from each other.

c. *Internal Temporary Signage.* Additional portable signs, banners and flags may be maintained within the boundaries of a residential subdivision, provided that they are predominantly not viewable from the exterior of the developing residential subdivision, and do not create a safety hazard by obstructing the clear view of pedestrian and vehicular traffic within the developing residential subdivision. Inflatable signs may only be displayed on Saturdays and Sundays. Portable signs shall be constructed of materials and maintained as set forth in Section 17.48.130.B.4 below and banners shall be constructed of materials and maintained as set forth in Section 17.48.130.D.2 below. All internal temporary signs shall also be maintained in accordance with Section 17.48.170.

d. *Wall Mounted Banners.* Banners or wall mounted temporary signs not exceeding 80 square feet in the aggregate are allowed on an exterior wall of a residential subdivision.

F. *Agricultural Zones.* Permanent commercial signs incidental to agricultural operations conducted in Agricultural Zones may be erected subject to the following standards:

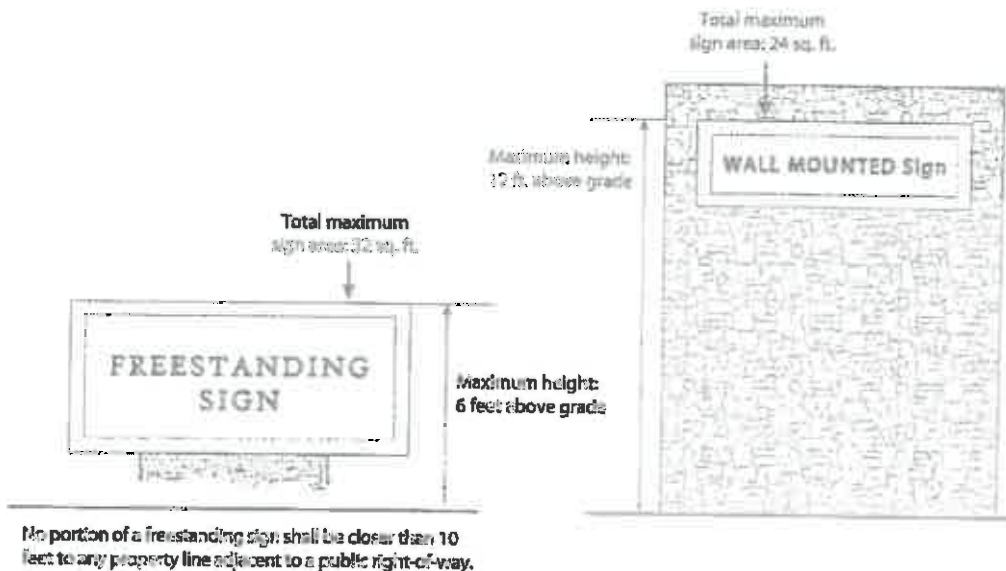
1. *Maximum Number of Signs.* One sign per street frontage, which may be either a freestanding sign or a wall sign.
2. *Location.* Signs shall be setback a minimum of five feet from the public right-of-way.
3. *Maximum Sign Area per Sign.* 32 square feet.
4. *Maximum Height.* Six feet.

G. *Public and Quasi-Public Uses.* Signs for Public and Quasi-Public uses located in Agricultural and Residential Zones may be erected subject to the following standards. Public and Quasi-Public uses are those identified as permitted or conditionally permitted pursuant to Chapter 17.52.

1. *Maximum Number of Signs:* One freestanding sign and one wall sign.

2. **Maximum Sign Area per Sign:** Freestanding signs shall not be more than 35 square feet in area. Wall signs shall not be more than 36 square feet in area.
3. **Maximum Sign Height:** Freestanding signs shall not be more than 6 feet in height above grade. Wall mounted signs shall not be more than 12 feet in height above grade.
4. **Setback, Freestanding Signs:** Freestanding signs shall be setback a minimum of 10 feet from the public right-of-way.
5. **Illumination:** Signs may be internally illuminated.

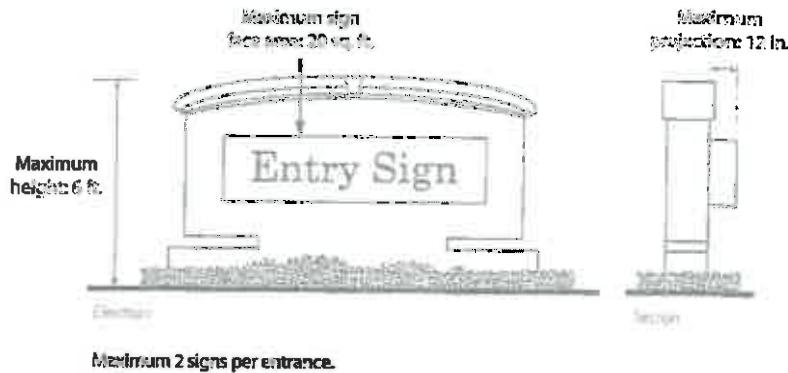
FIGURE 17.48.090(G): PUBLIC AND QUASI-PUBLIC USES



- H. **Entrance Signs.** Entrance signs for residential subdivisions with 5 or more than residential parcels, or multi-family apartment or condominium complexes with 5 or more units, shall be permitted subject to the following standards:
1. **Maximum Number:** Two signs per entrance.
  2. **Maximum Sign Face per Sign:** 20 square feet.
  3. **Maximum Height:** Six feet.
  4. **Maximum Projection:** 12 inches from sign surface.
  5. **Location:** Entrance signs may be attached to a wall, fence, or project identification feature located at or within 100 feet of the entrance to a development.

6. **Illumination.** Entrance signs may be externally illuminated.

FIGURE 17.48.090(H): ENTRANCE SIGNS



**17.48.100 Sign Standards for Other Zones**

- A. **Purpose and Applicability.** This Section establishes sign area allowances for specific Zones as well as dimensional standards for the type of signs permitted. Unless otherwise specified below, standards for each sign type are in Section 17.48.110.
- B. **Aggregate Wall Sign Area.** In all Zones other than Agricultural and Residential Zones, the basic sign area allowance for all wall signs on a lot or site, excluding signs for which no permit is required under Section 17.48.030 (Exempt Signs), is as follows:

**TABLE 17.48.100.B: MAXIMUM AREA FOR WALL SIGNS BY ZONE**

	Commercial Zones	Office Zones	Industrial Zones	Quasi-Public Zones
Total Sign Area Allowed*	2 sq. ft. x ln. ft. of frontage	1 sq. ft. x 2 ln. ft. of frontage	1 sq. ft. x ln. ft. of frontage	0.5 sq. ft. x ln. ft. of frontage
	Maximum 150 sq. ft.	Maximum 30 sq. ft.	Maximum 100 sq. ft.	Maximum 100 sq. ft.

\* Total Sign Area is based on an allowance in square feet per lineal foot (ln. ft.) of street frontage.  
(1); Unless the standards in the specific Design District state otherwise.

1. **Sites with Multiple Frontages.** On lots and sites with more than one frontage on a public street (excluding alleys), the maximum permitted wall sign area is calculated as follows:
- Corner and Through Lots.** Where a lot fronts on two streets (a corner or "through lot"), either both the front and side, or front and rear lot lines as related to the applicable frontages may be used for calculating the allowable wall sign area.
  - Three or More Frontages.** Where a lot has three or more frontages on a public street, the length of only two contiguous sides, one of which must



be the principal street frontage, are added together to determine allowable wall sign area.

FIGURE 17.48.100(B)(1): SITES WITH MULTIPLE FRONTAGES

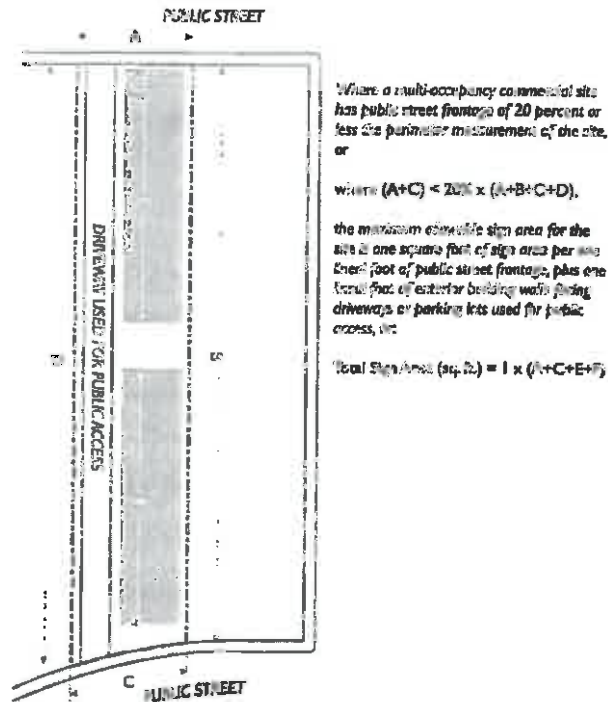


Lot Frontage for Determining Allowable Sign Area =  $x + y$

2. ***Multiple-Occupancy Commercial Sites with Limited Frontage.*** Where a multiple-occupancy commercial site has public street frontage equal to 20 percent or less of the perimeter measurement of the site, the maximum allowable wall sign area for the site is calculated as follows (see Figure 17.48.100(B)(2)):
  - a. ***One square foot of sign area per one lineal foot of public street frontage; plus***
  - b. ***One lineal foot of exterior building walls fronting on driveways and parking lots that are generally used for public access and are located on the same site.***
  - c. ***Pedestrian-only passageways that are lined on both sides by building walls are considered interior spaces, and although signs may be placed on such walls, the area of such walls is not included in the calculation of the maximum allowable sign area for the site.***



**FIGURE 17.48.100(B)(2): CALCULATION OF AGGREGATE SIGN AREA FOR MULTI-OCCUPANCY COMMERCIAL SITES WITH LIMITED FRONTAGE**



3. ***Additional Allowance for Signs in Shopping Centers.*** Shopping centers may exceed the basic sign allowance by up to 25 percent through the approval of a Conditional Use Permit issued pursuant to Chapter 17.38 of the Visalia Municipal Code.
4. ***Minimum Allowance in Multi-Tenant Projects.*** For multi-tenant commercial projects, the aggregate sign area may be increased to the extent that each tenant has a minimum of 0.5 square feet of sign area per lineal foot of business frontage on a primary access way.

**C. Dimensional Standards for Signs.** The Table below presents the dimensional standards for signs in Zoning Districts other than Agricultural and Residential Zones. Detailed controls by sign type are located in Section 17.48.110.

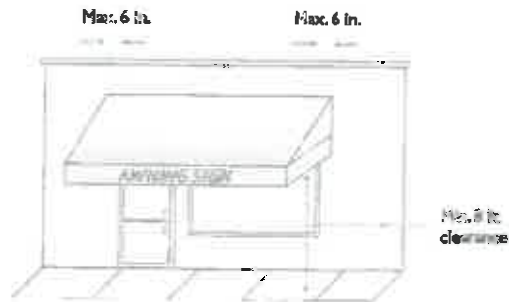
TABLE 17.48.100.C: STANDARDS FOR SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS					
Sign Type	Maximum Number Permitted	Maximum Area per Individual Sign	Maximum Height	Maximum Horizontal Projection from Wall	Additional Regulations
Awning or Canopy Sign	N/A	25% of exterior surface of awning or canopy	N/A	N/A	Minimum 8 ft. vertical clearance.
Freestanding Sign	1 per street frontage	35 sq. ft. per face; 70 sq. ft. total	12 ft. in Commercial Districts; 6 ft. in Office and Industrial Districts	N/A	
Projecting Sign	1 per building frontage or canopy space	8 sq. ft. per face; 3 sq. ft. per face if under awning canopy	18 ft. but not above the ground floor of the frontage or canopy space	4 ft.	
Wall Sign	N/A	See Table 17.48.100.B.	The height of the wall of the building	6 in.	
Window Signs	N/A	30 % of aggregate window area for permanent window signage plus 10% for temporary window signage	Not allowed above second story	N/A	

### 17.48.110 Standards for Specific Sign Types

- A. **Purpose.** This Section establishes location and other general standards for specific sign types that apply to all areas where such signs are permitted. Additional standards applicable to these signs in specific Zoning Districts are located in Sections 17.48.090 and 17.48.100.
- B. **Awning and Canopy Signs.** The installation of awnings and canopies and signage located on awnings and canopies are subject to the following standards:
1. **Location.** Awning signs shall be located on the ground floor of buildings and the maximum height above grade shall not exceed 14 feet.
  2. **Minimum Vertical Clearance.** Eight feet.
  3. **Width.** Awnings shall be designed to fit the width of the storefront opening or individual window opening. Awnings shall not extend more than six inches on either side of the storefront or window opening.
  4. **Materials.** Awning signs must be made of durable, long lasting materials.
  5. **Types.** Awnings may have a flexible or fixed skirt, be open or closed on the sides, and be fixed or retractable.

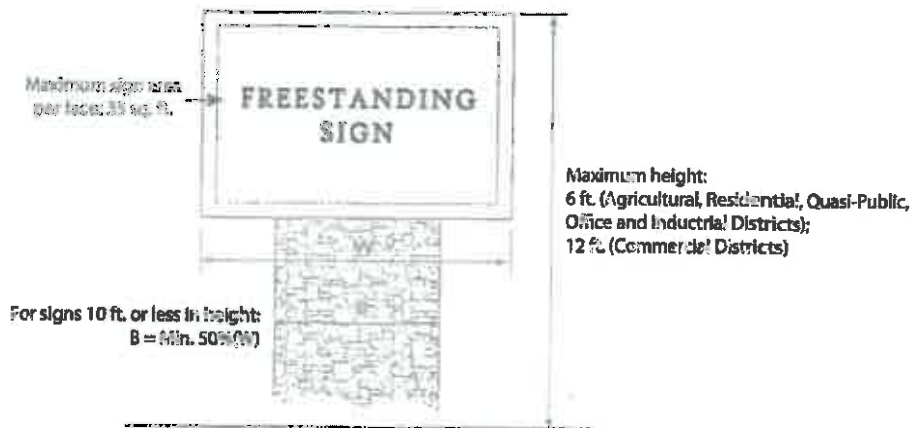
6. **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of other signage but may not exceed the total aggregate sign area. The area of the sign copy shall not exceed 25 percent of the exterior surface of the awning or canopy.

FIGURE 17.48.110(B): AWNING AND CANOPY SIGNS



- C. **Freestanding Signs.** Freestanding signs are subject to the following standards:
  1. **Where Allowed.** The base of the supporting structure must be setback at least five feet from the street right-of-way.
  2. **Maximum Number.** One per street frontage or one per occupancy/tenant.
  3. **Maximum Height.**
    - a. *Agricultural, Residential, and Quasi-Public Districts:* Six feet.
    - b. *Commercial Districts:* 12 feet.
    - c. *Office and Industrial Districts:* Six feet.
  4. **Maximum Area.** The sign area must not exceed 35 square feet per face, not to exceed 70 square feet in total. The total aggregate surface of the sign faces and sign structure shall not exceed 140 square feet.
  5. **Setback.** Freestanding signs may be located within the required setback areas as long as they are a minimum of five feet from the front property line, and 20 feet from any interior side property line.
  6. **Sign Base.** Freestanding signs of 10 feet or less shall be mounted on a base, the width of which shall not be less than 50 percent of the width of the widest part of the sign.

FIGURE 17.48.110(C): FREESTANDING SIGNS



Max. 1 freestanding sign per street frontage or 1 per occupancy/tenant.

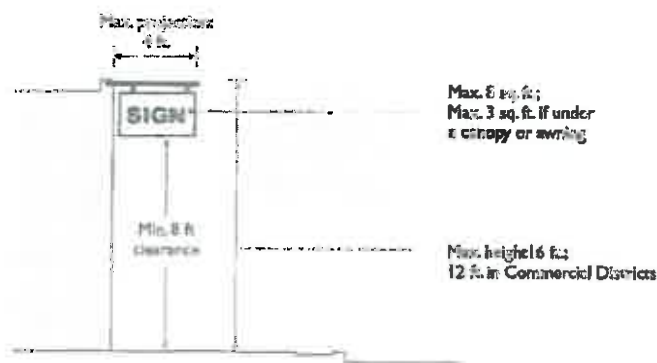
Max. total sign face area: 70 sq. ft.; Max. total aggregate sign face and sign structure area: 140 sq. ft.

7. **Monument Base Exception.** *The City Planner, or their designee, may approve a post or similar style sign structure instead of the required monument base for properties which are residential conversions wherein all of the following criteria are met:*
  - a. *The sign structure is designed to match the primary structure on the site in architectural style and general appearance.*
  - b. *All other sign requirements are met.*
  - c. *The primary structure is a residential conversion which has maintained a residential character/appearance.*
8. **Open Air Uses.** *For open air uses such as automobile dealerships, the additional standards apply to freestanding signs:*
  - a. *Maximum Sign Area. 35 square feet per face, with the total sign area not exceeding 70 square feet.*
  - b. *Setback. 20 feet from any interior side property line*
- D. **Projecting Signs.** *A sign may project horizontally from the exterior wall of a building or beneath a canopy structure subject to the following standards:*
  1. **Maximum Number.** *One per building or tenant space.*
  2. **Maximum Size.**
    - a. **Projecting Signs.** *Eight square feet.*



- b. *Under Canopy of Awning Signs.* Three square feet.
3. *Maximum Height.* 18 feet; 12 feet in Commercial Districts.
4. *Minimum Vertical Clearance.* Eight feet.
5. *Projection Allowed.* A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.

FIGURE 17.48.110(D): PROJECTING SIGNS

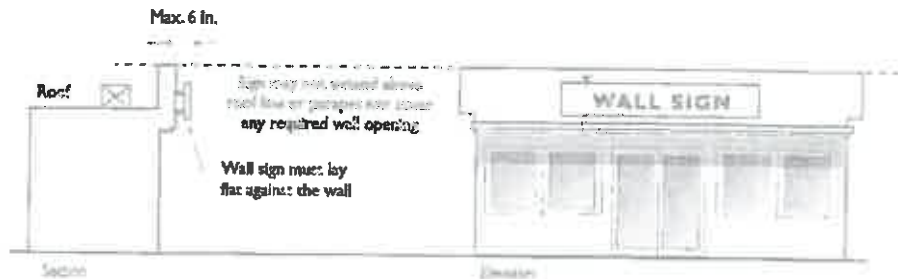


**E. Wall Signs.** Wall signs are subject to the following standards:

1. *Maximum Number.* No limit, provided that the total area of wall signs does not exceed the limits in Table 17.48.100.B.
2. *Maximum Height.* No higher than the roof line or the parapet of the wall of the building to which the sign is attached, whichever is lower.
3. *Maximum Sign Area per Sign.* See Table 17.48.100.B.
4. *Projection Allowed.* Wall signs shall not extend more than six inches beyond the face of the wall to which they are attached.
5. *Placement.* No wall sign may cover, wholly or partially, any required wall opening.
6. *Orientation.* Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.



FIGURE 17.48.110(E): WALL SIGNS



7. **Rear Facades.** Where a property has two facades and both are visible from the public right-of-way, a wall sign may be installed on the rear (non-primary) facade if it meets the following:
  - a. **Size.** Maximum of 25 percent of the allowed sign area calculated for the primary occupancy frontage.
  - b. **Illumination.** Signs on rear facades may not be internally illuminated.

F. **Window Signs.** Permanent window signs affixed to either side of an exterior window of a building, or erected or mounted in the interior of the building within two feet of a window and intended to be viewed from the exterior of such building, are allowed subject to the following standards:

1. **Materials.** Permanent window signs shall be made from or involve the use of materials intended for permanent display, such as:
  - a. Etching, frosting, painting or similar chemical or physical non-removable glass treatments.
  - b. Interior electronic signs or digital displays.
  - c. Window shades, blinds, draperies or similar window treatments bearing a commercial message and utilized for the primary purpose of energy efficiency and sun glare and UV ray reduction to the interior of a building or structure.
2. **Maintenance.** All permanent window signs shall be maintained in accordance with the requirements of Section 17.48.170. The structural integrity of signs shall be maintained at all times. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign, based on the current condition of the sign compared to the appearance of the sign when first installed. Exposed surfaces shall be cleaned and painted and defective parts shall be replaced if necessary.

3. *Sign Area.* Window sign area shall not be considered in computing the maximum allowed building signage.

#### **17.48.120 Downtown Retail Design District Sign Standards**

*The following standards apply to all signage within the Downtown Retail Design District.*

##### **A. Size Standards.**

1. *Two square feet of sign area is permitted for each linear foot of occupancy frontage to a maximum of 50 square feet.*
2. *Users may choose any exterior side of the building as the primary frontage for the purpose of calculating the permitted sign area. The building sign so calculated must then be mounted on that side of the building.*
3. *A building sign may be affixed to or incorporated as a part of the design of an awning; however, such sign area shall be deducted from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.*
4. *Additional signs of a maximum 25 percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages or buildings that have frontages on two streets with no common visibility for vehicles or pedestrians. In these latter two cases, the allowable signage is in addition to the amount calculated above, and shall be calculated on the basis of two square feet of sign area per linear foot of public street or alley frontage.*

##### **B. Projecting Signs Beneath a Canopy/Awning Structure.**

1. *One double-faced sign not exceeding an area of three square feet per face is permitted. Signs shall be a minimum of 7 feet above the sidewalk and shall not exceed a maximum height of 12 feet.*
2. *A sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign face shall not exceed three square feet for each individual shop or tenant.*

##### **C. Alley Signs.** *The maximum building sign area on an alley frontage is calculated separately from that permitted for the primary occupancy frontage, using the same allowance as for the primary occupancy frontage (two square feet per linear foot of the wall length).*

**D. Reader Boards and Multi-Tenant Buildings.**

1. *Each building may display a reader board of a maximum area of 20 square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area is calculated, the sign area used for the reader board shall be deducted from the total permitted for that building; otherwise it is considered exempt from sign area limits. Reader boards shall be designed as one with each copy panel consisting of similar materials and designs. Permits for reader boards shall not be issued without the consent of the property owner.*
2. *Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way, shall be allowed at least 10 square feet of building sign area, regardless of building occupancy frontage. Commercial uses have a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building sign area referred to in this section.*

**E. Window Signage.** See Sections 17.48.110.F and 17.30.130.D.

**F. Enclosed Bulletin Boards and Message Centers.** Enclosed bulletin boards or message centers shall be allowed in the Downtown Retail Design District, subject to the following requirements.

1. *Locations Allowed.* Unless located on private property, enclosed bulletin boards and message centers shall require an encroachment permit.
2. *Size.* Enclosed bulletin boards and message centers shall not be greater than eight feet in height and 12 feet in width.
3. *Materials and Maintenance.* Enclosed bulletin boards and message centers shall be constructed of metal painted frames, shall have lockable display cases with shatter resistant glass or similar materials, and may only include internal illumination. Enclosed bulletin boards and message centers shall be maintained in accordance with the requirements of Section 17.48.170.
4. *Prohibitions.* Enclosed bulletin boards and message centers shall not include electronic message displays.

**G. Temporary Signs.** Banners shall be allowed in the Downtown Retail Design District pursuant to the requirements of Section 17.48.130.C. All portable signs covered in Section 17.48.130.B shall be prohibited in the Downtown Retail Design District, except A-frame signs, which shall be allowed subject to the following requirements. A-Frames and easels are generally allowed for the purpose of advertising the location, goods or services offered on the premises, however, they may be used as general advertising for hire subject to the limitations in this section.



1. *Prohibitions.* A-Frame signs are prohibited from any form of broadcasting or audio presentation.
2. *Materials and Maintenance.* A-frame signs must be made of a durable, rigid material not subject to rapid deterioration, such as, without limitation, wood, plastic or metal, and must be professional in appearance. A-frame signs must be maintained in accordance with the requirements of Section 17.48.170.
3. *Locations Allowed.* A-Frame signs are allowed within a front or corner side setback area and in the public right-of-way directly in front of a business.
4. *Maximum Height and Area.* The A-Frame sign, when placed in an open position must not exceed a height of four feet from ground level to the top of the sign and be no more than 7.5 square feet per sign face.
5. *Maximum Number:* One A-Frame sign is allowed per business, which does not count against maximum allowed permanent sign area. They must be removed at the close of business.
6. *Placement:* A-Frame signs shall be placed so that a minimum of four feet is left clear for pedestrian passage on all sidewalks and walkways. They shall only be placed at grade level and shall not be placed in site visibility triangles or on walls or boulders, within planters, flower beds or tree wells, on vehicles, on other signs or on or affixed to any other type of structure.
7. *City's Right to Remove:* If at any time any portion of the public right-of-way occupied and used by the A-Frame sign may be needed or required by the City, or the business fails to maintain the permitted sign in accordance with the requirements of this subsection, it may be removed by the City.

## **II. Projecting Signs Mounted to Building Face.**

1. *Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the façade. A double face projecting sign shall be considered one sign.*
2. *The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than five feet horizontally. In no case may the sign come within 2.5 feet of the curb.*
3. *Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.*
4. *Projecting signs shall be counted against overall allowed signage square footage per location.*

## 17.48.130 Temporary Signs

### A. General Requirements.

1. *General.* Each developed property or establishment, or property for which a building permit has been issued, in non-residential zones, as specified, shall be allowed sign copy area for the display of temporary signs, in addition to allowed permanent signage as specified in this Chapter. No permit shall be required for temporary signage.
2. *Limits.* Temporary signage must comply with the sign area limits and maximum number of allowed temporary signs, for each of the categories of temporary signage specified in this section. No other temporary signage shall be allowed in non-residential zones.
3. *Illumination.* Temporary signs cannot be illuminated or constructed with reflective materials.

### B. Portable Signs. Portable signs are allowed subject to the following standards.

1. *Relation to Associated Business.* Portable signs may be located up to 300 feet away from the business so long as they remain within the development site with which the business is associated and the business obtains property owner authorization.
2. *Maximum Sign Area per Parcel or Business Location.* The total aggregate sign area for all portable signs may not exceed 16 square feet for each developed or developing parcel, or business location where more than one business is located on a single parcel. Where a parcel or business location has a street frontage exceeding 75 lineal feet, the aggregate sign area for all portable signs shall be 16 square feet for each 75-foot segment of street frontage. Each undeveloped parcel shall have a maximum aggregate portable sign area of 16 square feet, all of which may be used as general advertising for hire.
3. *Maximum Size and Sign Area.* All portable signs, except A-Frame signs and feather banners, shall not exceed 8 feet in height above ground level, nor have a maximum sign area greater than 8 square feet. A-Frame sign, when placed in an open position, must not exceed a height of four feet above the ground level, to the top of the sign, nor have a maximum sign area greater than 7.5 square feet. Feather banners must not exceed a height of ten feet above the ground level, nor have a maximum sign area greater than 16 square feet.
4. *Materials and Maintenance.* Portable signs shall:
  - a. Be constructed of durable, weather-resistant materials not subject to rapid deterioration or fading, and be professional in appearance.
  - b. Be maintained in accordance with the requirements of Section 17.48.170.



- c. *Portable signs shall be constructed of acceptable materials such as corrugated extruded, twin wall plastic or acrylic sheets mounted to stakes or polls, metal sign blanks, traditional painted wood or vinyl or paper film attached to a plywood core, or similar materials. Acceptable materials for feather banners include vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar materials.*
  - d. *Be affixed to supporting structures made of a durable, rigid material such as, without limitation, wood, plastic or metal. Feather banners must be secured and stabilized so as to withstand wind gusts, or be removed during windy conditions.*
5. *Placement. The portable signs shall be placed on private property on the same lot or development site as the establishment that qualifies for such sign and, with an encroachment permit, may be placed in the public right of way in front of the associated use or on the nearest sidewalk provided a four-foot wide pedestrian clear zone is maintained. Portable signs must be a minimum of seven feet from the back of the curb, or edge of pavement where no curb exists. Feather banners cannot interfere with either pedestrian or vehicular sight distances, any view corridor or obstruct views to any existing business or existing permanent sign.*
6. *Prohibited Locations. Portable signs shall not be located:*
- a. *In any public right-of-way;*
  - b. *In parking lot driving lanes, aisles or stalls;*
  - c. *On multi-use trails or sidewalks if they would block a four-foot wide pedestrian clear zone;*
  - d. *At any location where they would block pedestrian access;*
  - e. *Within 100 feet on either side, or in front of a monument sign;*
  - f. *Within 20 feet from any other portable sign; and*
  - g. *Within 30 feet from a shopping center access drive or street intersection.*
7. *Hours for Display for A-frame Signs and Feather Banners. A-frame signs and feather banners are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. They must be removed during hours when the establishment is not open to the public.*

C. *Banners and Pennants. Banner signs and pennants, including similar devices such as strings of ornamental fringes or streamers, are allowed for establishments within commercial zones, subject to the following standards:*

1. **Maximum Sign Area per Parcel or Business Location.** The total aggregate sign area for banners and pennants may not exceed 32 square feet for each parcel, or business location where more than one business is located on a single parcel. Where a parcel or business location has a street frontage exceeding 75 lineal feet, the aggregate sign area for banners or pennants shall be 32 square feet for each 75-foot segment of street frontage.
  2. **Maximum Size.** The maximum size for any banner is 64 square feet, provided that the parcel or business location has an aggregate sign area allowance that allows for banners within this maximum size allowance.
  3. **Maximum Height.** Banners and pennants shall not extend above the roofline or the parapet of a wall.
  4. **Banners as Permanent Signs Prohibited.** Banners shall not be used as permanent signs, and shall not otherwise replace the primary permanent identification sign(s) for the business or establishment, and the business or establishment utilizing a banner must have a permanent sign application on file with the City.
  5. **Materials and Maintenance.** Banners and pennants shall be constructed of durable, weather-resistant materials not subject to rapid deterioration or fading, and shall be professional in appearance. Acceptable materials include but are not limited to vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, or durable fabric. Banners and pennants shall be maintained in accordance with the requirements of Section 17.48.170.
  6. **Allowable Locations.** Banners are only allowed on sites where permanent signs are allowed.
- D. **Temporary Window Signs.** Temporary window signs are allowed for establishments within commercial zones, subject to the following standards:
1. **Maximum Sign Area.** The allowable sign area of temporary window signs shall not exceed 40 percent of the total window area for each window or transparent door in a building or structure. For the purpose of defining window area, multiple windows separated by mullions or frames of less than four (4) inches are considered a single window.
  2. **Materials and Maintenance.** Temporary window sign shall be constructed of suitable materials and be professional in appearance. Suitable materials include glossy paper, matte paper, card stock or presentation bond paper, vinyl, polypropylene, or paint-on decals, water-based or other easily removable paint or similar materials. Temporary window signs shall be maintained in accordance with requirements of Section 17.48.170.
  3. **Illumination.** Temporary window signs shall not be illuminated.



## 17.48.140 Master Sign Program

- A. **Purpose.** *The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall design of the development to achieve a more unified appearance. Master Sign Programs may also be used for subdivision projects with a phased development and/or sales plan. Minor variations in dimensional standards and other limitations of this Section may be approved, provided they achieve a result that is superior to what would otherwise be allowed. The Sign Program must demonstrate how it:*
1. *Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;*
  2. *Provides for sign design or placement appropriate for the area;*
  3. *Incorporates sign design and placement related to architectural and landscape features on site; and*
  4. *Incorporates sign designs, scale, and placement oriented to pedestrian traffic.*
- B. **Applicability and Approval Required.**
1. **Master Sign Program Required.** *A Master Sign Program approved by the Planning Commission is required for:*
    - a. *New or remodeled non-residential or mixed used projects on sites of five acres or more;*
    - b. *Multiple tenant commercial or mixed use buildings where the entire façade is being remodeled; and*
    - c. *Any development in the BRP Zone.*
  2. **Optional Sign Program.** *A Master Sign Program may be substituted for specific sign designs and individual applications if requested by an applicant and approved by the Planning Commission.*
- C. **Required Submittals.** *Applications for a Master Sign Program must include the following plans and text:*
1. *A site plan showing the location of buildings, parking lots, driveways and landscaped areas;*
  2. *Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed, if proposed;*

3. *An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;*
  4. *Color schemes, lettering and graphic style (if tenants are not known, generic styles may be presented);*
  5. *Lighting and sign construction materials; and*
  6. *Sign dimensions (if tenants are not known, generic dimensions may be presented); and*
  7. *A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement.*
- D. *Findings. The Planning Commission will only approve a Master Sign Program if the following findings are made:*
1. *That the proposed signs are in harmony and visually related to:*
    - a. *Other Signs Included in the Master Sign Program. This may be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.*
    - b. *The Buildings They Identify. This may be accomplished by utilizing materials, colors or design motifs included in the building being identified.*
    - c. *The Surrounding Development. Approval of a planned sign program must not adversely affect surrounding land uses or obscure adjacent conforming signs.*
  2. *That the proposed signs will comply with all the provision of this Section, except with regard to:*
    - a. *Number of signs allowed; and*
    - b. *Location and height of signs.*
- E. *Conditions. Reasonable conditions of approval may be imposed by the Planning Commission to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.*
- F. *Post-Approval Procedures. After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such Program, and such Program may be enforced in the same way as any provision in this Section.*

1. *Lease Agreements.* The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.
2. *Individual Signs.* Any sign that conforms to an approved Master Sign Program may be approved by the City Planner or designee; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.
3. *Amendments.* The City Planner or designee may approve minor amendments to a Master Sign Program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval shall be processed as a new application.

### **17.48.150 Variances and Exceptions**

#### **A. Purposes.**

1. *Variances.* The Planning Commission may grant variances for setbacks, locational and dimensional standards that apply to signs in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this chapter. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity that would affect the signing of a site or building.
2. *Exception.* The Planning Commission may grant an exception to the physical design standards if it can be demonstrated that such an exception is necessary to facilitate an improved aesthetic relationship between a sign and the structures upon which it is mounted.

#### **B. Application Procedures.** Application for a sign variance or sign exception shall be submitted to the City Planner on an approved form and include the following:

1. *Name and address of the applicant;*
2. *Statement that the applicant is the owner of the property, is the authorized agent of the owner(s), or is or will be the plaintiff in an action in eminent domain to acquire the property involved;*
3. *Address and legal description of the property;*
4. *Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty which would result from the strict interpretation and enforcement of the standards in this Chapter;*



5. *The application shall be accompanied by such sketches or drawings as may be necessary to clearly show applicant's proposal in comparison with the standards that otherwise would apply; and*
6. *The required fee or deposit.*

*The application shall be reviewed by the City Planner, who shall determine whether it is complete or, if not, what additional information is needed. Once the application is determined to be complete, the City Planner shall give notice to the applicant of the time when the application will be considered by the Planning Commission. The City Planning also may give notice of the time to any other interested party.*

**C. *Public Notice and Hearing.***

1. *Notice of a public hearing on a sign variance or sign exception shall be given not less than ten days nor more than 30 days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing.*
2. *After the required notice has been provided, the Planning Commission shall hold a public hearing on an application for a variance.*

**D. *Staff Report.*** *The City Planner shall prepare a staff report on the application, including a recommendation, which shall be submitted to the Planning Commission.*

**E. *Public Hearing Procedure.*** *At a public hearing the Planning Commission shall review the application and the statements and drawings submitted by the applicant and the staff report and the evidence presented in that report with respect to the findings listed below, that are required to approve a variance or exception.*

**F. *Findings Required for a Variance.***

1. *The Planning Commission may grant a variance to a regulation or standard prescribed by this Chapter, as applied for or as modified by the Commission, provided that, on the basis of the application and staff report and/or evidence submitted, the Commission determines:*
  - a. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign regulations;*
  - b. *That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;*

- c. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;*
    - d. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and*
    - e. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
  - 2. *A variance may be revocable, may be granted for a limited time period, or may be granted subject to such reasonable conditions as the Commission may prescribe.*
  - 3. *The Planning Commission must deny a variance application if the required findings can not be made.*
- G. Findings Required for an Exception.** *The Planning Commission may approve, conditionally approve or deny a request for an exception to the physical design standards of this chapter. For the Planning Commission to approve or conditionally approve an exception, the following findings must be made:*
- 1. *That the granting of the exception is necessary to attain a high aesthetic sign design which would be restricted if the provisions and standards of this Chapter were strictly applied;*
  - 2. *That the granting of an exception would not adversely affect the visibility of signs on adjacent properties; and*
  - 3. *That the granting of an exception would not constitute a granting of a special privilege.*
- H. Appeal to City Council.** *The decision of the Planning Commission on a variance or exception application shall be subject to the appeal provisions of the zoning ordinance.*
- I. Revocation.** *A variance or exception granted subject to a condition or conditions shall be revoked by the Planning Commission if the applicant fails to comply with any the condition of approval.*
- J. Time Limits for Filing a New Application.** *Following the denial of a variance or exception application or the revocation of a variance or exception, no application for the same or substantially the same sign shall be filed within one year of the date of denial of the variance or exception application or the date of revocation of the variance or exception.*



#### **17.48.160 Nonconforming Signs**

- A. **Purpose.** *A nonconforming sign is a sign that was lawfully constructed and maintained prior to the adoption of the regulations codified in this Chapter but which does not conform to the provisions of this Chapter. The purpose of the regulations in this Section is to limit the number and extent of nonconforming signage by prohibiting alteration or enlargement of such signage so as to increase the discrepancy between their condition and the standards and requirements of this Chapter.*
- B. **Continuance and Maintenance.** *Reasonable and routine maintenance and repairs may be performed on signs that are nonconforming provided there is no expansion of any nonconformity with the current requirements of this Chapter.*
- C. **Abandonment of Nonconforming Sign.** *Whenever a nonconforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of 90 days, the nonconforming sign must be removed.*
- D. **Restoration of a Damaged Sign.** *An on-premise sign may be restored that meets any of the following criteria:*
  - 1. *A sign with damage that does not exceed 50 percent of the total sign area, including hardware and attachments, provided that the repairs start within 30 days and diligently pursued to completion.*
  - 2. *A sign that is a danger to the public or is unsafe as determined by the Building Official.*
- E. **Signs Rendered Nonconforming by Annexation.** *Any sign that becomes nonconforming subsequent to the effective date of this Chapter by reason of annexation to the City of the site upon which the sign is located is subject to the provisions of this Section.*

#### **17.48.170 Maintenance, Abandonment, and Enforcement**

- A. **Maintenance Required.** *All signs and associated supporting structures shall be maintained in like-new condition, without rips, tears, fading and similar damage that inevitably occurs as a result of normal wear and aging.*
  - 1. **Deteriorated Signs.** *Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, ripped, torn, faded, or other deteriorating or dilapidated condition shall be promptly repaired, to the satisfaction of the City, or removed.*
  - 2. **Graffiti.** *Graffiti on a sign shall be removed within two days of notice of its placement on such sign.*
  - 3. **Maintenance Standards.** *All parts, portions, units and materials composing a sign, together with the frame, background, surface, support or enclosure shall*

*be maintained in a like-new, safe condition, painted, and adequately protected from weathering with all braces, bolts and structural parts and supporting frames and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute a nuisance.*

4. *Summary Removal of Hazards. Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the same may be removed by City personnel, or its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.*
- E. *Abandoned or Obsolete Sign. An on-premise sign advertising an activity, business, service or product must be removed within 30 days following the actual discontinuance of the activity, business, service or product. If the sign is not so removed, the City Planner or designee may have the sign removed in accordance with the public nuisance abatement provisions of this Code.*
- C. *Illegal Signs. Any sign, banner, or sign structure not erected, constructed or located in conformance with this Chapter and not classified as a legal nonconforming sign is an illegal sign and is subject to abatement in accordance with the public nuisance abatement procedures set forth elsewhere in the Visalia Municipal Code.*
- D. *Enforcement. Signs which do not conform to the provisions of this Chapter and are erected after its effective date and signs erected after the effective date of this Chapter without obtaining the permit required thereby are declared to be unlawful and a public nuisance. All signs declared to be unlawful by this Section and all persons erecting or maintaining them shall be subject to the terms of Chapter 17.46, Administration and Enforcement, specifically Sections 17.46.010 to 17.46.060, of this Code and all amendments thereof, as well as Chapter 11.13, Administrative Code Enforcement. The City Planner or designee shall forthwith take all necessary actions or proceedings for the abatement, removal and enjoinder pursuant of said sections of the Visalia Municipal Code. The remedies provided for in this Section are cumulative and nonexclusive.*

#### **17.48.180 Definitions**

*The following definitions apply within this Chapter, regardless of how the terms may be defined in the Municipal Code.*

**A-Frame Sign.** *A portable upright, rigid, self-supporting frame sign in the form of a triangle or letter "A".*

**Abandoned Sign.** *A sign remaining in place or not maintained for 30 days that does not provide direction for, advertise, or identify a legally established business, product, or service available on the business premises where the sign is located.*



**Animated Sign.** A sign with messages that visually change, or images that move or appear to move, flash on or off, wink or blink with varying light intensity, show motion or create the illusion of motion, or revolve to create an illusion of being on or off. This definition does not include traditional barber poles or scoreboards, nor does it include "commercial mascots," "digital displays" and "electronic signs", which are defined separately.

**Awning.** Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

**Awning or Canopy Sign.** Sign copy placed on an awning or any other projecting structure made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.

**Banner Sign.** Any sign of vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar material that is mounted to a structure or a building at one or more edges with no enclosing framework on which a message or image is painted or otherwise affixed. Flags are not within this definition.

**Billboard:** See Outdoor Advertising Display.

**Changeable Copy Sign.** A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each 24 hour period. Examples include signs for an auditorium, theater, school, church, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic signs.

**Commercial Mascot.** A person or animal, whether or not costumed or decorated, intended to serve or function as a commercial advertising device. Includes "sign twirlers", "sign clowns", "human sandwich boards", and persons or animals holding or supporting any sign or advertising device displaying commercial speech or conveying a commercial message. This definition also applies to robotic devices intended to simulate a live person and/or animal.

**Commercial Message.** A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

**Copy.** Any letters, numerals, or symbols displayed on a sign face conveying a message to the public.

**Digital Display.** A method of displaying a visual image that uses liquid crystal cells or other types of light emitting diodes (LEDs) or their functional equivalents allow for the message or



image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images.

**Electronic Sign.** A sign that is capable of presenting variable message displays by projecting an electronically controlled pattern and which can be programmed to periodically change the message display. See also Digital Display.

**Exempt Sign.** A sign which may be legally displayed, erected or maintained, but is not subject to a sign permit requirement.

**Externally Illuminated Sign.** Any sign that is lit by a light source that is external to the sign directed towards and shining on the face of the sign.

**Face.** That portion of a sign upon which the copy is mounted or displayed.

**Feather Banner.** A portable sign consisting of a vertical banner made of vinyl, nylon reinforced vinyl, polyethylene or polyester-like materials, durable fabric or similar material, the longer dimension of which is typically attached to a pole or rod that is driven into the ground, supported by an individual stand or bracketed to a structure. Also called a "blade sign," "swooper," "flutter flag," "bow sign" or "teardrop" banner. This definition includes functionally similar devices.

**Flag.** Any fabric or banner containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

**Freestanding Sign.** A permanent sign that is self-supporting in a fixed location and not attached to a building. It includes monument signs, which are connected or attached to a sign structure, fence, or wall that is not an integral part of a building, and pole signs, which is mounted on a pole(s) or other support(s) that is placed on and anchored in the ground or on a base and that is independent from any building or other structure. Freestanding signs are of two types: monument and pole. Flag poles are not within this definition.

**Graffiti.** Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.

**Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. Ambient lighting, by itself, does not make a sign "illuminated."

**Inflatable Sign.** A form of inflatable device that includes a commercial or noncommercial message displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building.

**Master Sign Program.** A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business and directory signs.

**Mobile Billboard.** Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

**Monument Sign.** See *Freestanding Sign*.

**Moving Sign.** A sign or any portion thereof that rotates, moves, or appears to move in some manner by mechanical, electrical, natural, or other means.

**Mural.** A work of graphic art on an exterior building wall that may or may not contain a commercial logo or trademark but does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

**Name Plate.** A sign that identifies an occupant and/or address.

**Noncommercial Message.** A message or image on a sign, or portion of a sign, which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern. This definition shall be construed and interpreted in light of relevant court decisions. Noncommercial messages do not have a location factor, such as on-site or off-site.

**Non-Communicative Aspects.** Those aspects of a sign that are not directly communicative, such as physical structure, mounting device, size and height, setback, illumination, spacing, and scale relative to other structures.

**Nonconforming Sign.** A sign lawfully erected and legally existing on the effective date of this Section, or of amendments thereto, but which does not conform to the provisions of this Chapter.

**On-Site or On-Premise Sign.** Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.

**Outdoor Advertising Display.** A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location or which identifies by brand name a service or product which, although sold on the premises, does not constitute the principal item for sale on the premises. The off-site/on-site distinction applies only to commercial messages. This type of sign is also known as a billboard.

**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention. Flags and banners are not within this definition.

**Pole Sign.** See Freestanding Sign.

**Portable Sign.** A movable sign that is not constructed or designed for the purpose of being permanently attached to the ground or a building. The definition includes A-frame type signs, feather banners, stationary inflatable signs displayed and secured at ground level, and other free standing temporary signs made of materials not suitable for or intended for permanent display, affixed to stakes or poles or similar supporting structures that accommodate the ability to affix such free standing temporary signs in multiple locations.

**Projecting Sign.** A single or double faced sign that is perpendicular to the face of a building and projects more than 18 inches from the face. This category includes awning and under canopy signs.

**Primary Building Face.** The wall of a building which contains the principal entrance(s) to the building. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Primary building face" shall include not only the wall itself but all doors, windows, or other openings therein and projections therefrom.

**Readerboard.** A sign structure or mounting device on which at least a portion of the display face may be used for changeable copy that is either non-commercial or commercial, electronic or manual.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Roof Sign.** Any sign located on a roof of a building or having its major structural supports attached to a roof.

**Sign.** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

- A. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function;



- B. *Fireworks, etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;*
- C. *Foundation stones, cornerstones;*
- D. *Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;*
- E. *Personal Appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and*
- F. *Symbols Embedded in Architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.*

**Sign Area.** *The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.*

**Sign Face.** *An exterior display surface of a sign, including non-structural trim, exclusive of the supporting structure. It includes the area of a sign which is available for mounting and public display of the visually communicative image.*

**Temporary Sign.** *A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials which is not intended for or suitable for long term or permanent display.*

**Vehicle Display Sign.** *A sign mounted, attached, affixed, or painted upon any surface of a motor vehicle, trailer, or similar conveyance parked on public or private property for the purpose of general advertising for hire.*

**Wall Sign.** *Any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof.*

**Window Sign.** *Any structure, device or substance used for the public display of visual messages or images and affixed to either side of an exterior window of a building, or in the interior of the building, within two feet of a window, intended to be viewed from the exterior of such building, which is not intended for or suitable for long term or permanent display. Window displays placed behind a window that are presentations of merchandise provided by the establishment with associated artwork and features are not considered signs.*