

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> July 10, 2013 Time: 10:00 A.M.	<b>Agenda Item No.:</b> 5
<b>Project Description:</b> Hold a workshop and provide input on minor amendments to Title 21, including: 1) General Plan Amendment Process; 2) Sign Ordinance Clean-Up; 3) Minor and Trivial Amendment process (Inland Area); and 4) Administrative Permits.	
<b>Project Location:</b> Inland Area Only (Non-coastal)	<b>APN:</b> Inland Area Only (Non-coastal)
<b>Planning File Number:</b> 130054	<b>Owner:</b> N/A <b>Agent:</b> N/A
<b>Planning Area:</b> Inland Area Only (Non-coastal)	<b>Flagged and staked:</b> N/A
<b>Zoning Designation:</b> Inland Area Only (Non-coastal)	
<b>CEQA Action:</b> Statutorily Exempt per 15262	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission hold a workshop and provide input on minor amendments to Title 21 (Inland Zoning Ordinance), including:

- 1) Introduction to the General Plan Amendment Process;
- 2) Sign Ordinance Clean-Up, (Chapter 21.60 – Regulations for Signs);
- 3) Introduction of a Minor and Trivial Amendment process in the Inland Area; and
- 4) Amendment to Section 21.70.060 A.5 of Chapter 21.70 - Administrative Permits.

### PROJECT OVERVIEW:

Title 21 is the Monterey County Zoning Ordinance for non-coastal areas. Title 21 was last comprehensively updated in the 1990s, but over the years has been revised in response to new state laws, directives from the Monterey County Planning Commission and Board of Supervisors and to clarify and streamline the process. In 2010, the County of Monterey completed a comprehensive update of its General Plan (for the non-coastal areas), which contained numerous directives for changes and additions to Title 21, Inland Zoning Ordinance.

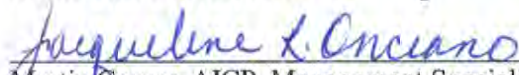
The objective of this workshop will be to present minor revisions to Title 21 that respond to minor policy adjustments adopted as part of the 2010 General Plan and/or address immediate problems identified by Planning Staff as a result of permit processing work. The amendments and a discussion of the issues are presented in Exhibit A. These amendments are proposed to the Inland Zoning Ordinance (Title 21). We will present amendments to the Coastal Zoning Ordinance (Title 20) at a later date.

**OTHER AGENCY INVOLVEMENT:** Information about the proposed amendments was presented to the Permit Streamlining Committee in June 2013. The Committee had no comments due to the non-substantive nature of the proposed amendments.

**CEQA APPROACH:**

This public workshop is statutorily exempt per Section 15262 of the California Environmental Quality Act (CEQA), because the Planning Commission is not considering approving any ordinance at this time and there will be no legally binding effects of the actions of the Planning Commission regarding the discussion of the Minor Title 21 revisions.

/S/ Martin Carver, AICP

  
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July 1, 2013

cc: Front Counter Copy; Planning Commission (10); LUACs (11), Jacqueline R. Onciano, Planning Services Manager; Martin Carver, Project Planner; Marti Noel, Assistant RMA Director; Wendy Strimling, County Counsel; The Open Monterey Project; LandWatch; Refinement Group, Streamlining Task Force Committee; Planning File REF130054

Attachments: Exhibit A Discussion  
Exhibit B Draft of proposed Chapter 21.60 Regulations for Signs  
Exhibit C Proposed Draft Ordinance for Minor and Trivial Amendment process in the Inland Area

This report was reviewed by Jacqueline R. Onciano, Planning Services Manager.

## EXHIBIT A DISCUSSION

The proposed minor amendments to Title 21 consist of four separate items:

1. General Plan Amendment Process (Long Range Planning Work Program [LRPWP] Task #76) and General Plan Amendment Criteria (LRPWP Task #77) — This task, in combination with Task #77 may result in the drafting of a new chapter in Title 21. The new chapter will follow the guidance of General Plan Policies LU-9.6 and LU-9.7. Policy LU-9.6 outlines the process and timeline for general plan amendments, LU-9.7 recommends the establishment of criteria for the evaluation of amendments.
2. Sign Ordinance Clean-Up (LRPWP Task #99) — This item is a non-substantive revision to Chapter 21.60, Regulations for Signs. The chapter has been reorganized and edited to eliminate ambiguity and inconsistency in the regulations. It also addresses election signs so as to incorporate prior interpretations on election sign regulations. The substance of sign regulation by the County of Monterey will not change with the passage of this revised regulation. See Exhibit B.
3. Minor and Trivial Amendments (LRPWP Task #121) — This item provides a process to make minor and trivial amendments to permits that have already been approved and issued by RMA-Planning. It would add new subsections to Section 21.70 (Administrative Permits), Section 21.74 (Use Permits), and Section 21.76 (Combined Development Permits). The process establishes the same process that already exists in Title 20 (Coastal Zoning Ordinance) that allows for minor and trivial amendments in the Coastal Zone. (See Exhibit C).
4. Amendment to Section 21.70.060 A.5 of Chapter 21.70 - Administrative Permits – This amendment would modify the language relating to referring controversial projects to a public hearing. This amendment would make the wording in the code consistent with the recent actions by the Board of Supervisors on amendments to Title 19, Non-Coastal Subdivision Ordinance, where language was deleted to clarify that a public hearing request can be made by any member of the public (individual or entity).

The policy basis for the proposed changes is presented below.

Item	GP Policy Basis
1a. General Plan Amendment Process	
LU-9.6	<p>The County shall develop a specific process for general plan amendments recognizing:</p> <ol style="list-style-type: none"> <li>a. The right of an individual to apply;</li> <li>b. The need to collectively review plan amendments in a comprehensive, cumulative and timely manner;</li> <li>c. A need for an early assessment of plan amendment requests to determine the suitability of the request and provide early feedback to applicants before embarking on an extensive, expensive amendment process; and,</li> <li>d. The Board shall consider two packages of general plan amendments</li> </ol>

Item	GP Policy Basis
	per year. Projects deemed complete prior to October 16, 2007 shall not be subject to this limit.
<b>1b. General Plan Amendment Criteria</b>	
	<p>LU-9.7 The County shall develop criteria for consistently evaluating amendments. Amendments should be considered if:</p> <ol style="list-style-type: none"> <li>a. There is a demonstrable error or oversight in the adopted plan; or,</li> <li>b. There is a clear change of facts or circumstances; or,</li> <li>c. The amendment better carries out the overall goals and policies of the general plan and the amendment is in the public interest.</li> </ol>
<b>2. Sign Ordinance Clean-Up</b>	
	This reorganization is largely non-substantive and meant to deal with problems of interpretation and comprehension at the current planning counter and by the public.
<b>3. Minor and Trivial Amendments – Inland Area</b>	
	This item responds to a request by Current Planning staff to provide a streamlined method to process small changes to approved permits. Adoption of this ordinance would create a consistent approach across coastal and non-coastal areas.
<b>4. Amendment to Section 21.70.060 A.5 of Chapter 21.70 - Administrative Permits</b>	
	<p>This item will provide consistent language for referring administrative decisions to a public hearing. Recent changes to the Subdivision Ordinance would also be codified in this section.</p> <p>21.70.060 REFERRAL TO PUBLIC HEARING.</p> <p>An Administrative Permit shall be referred to the Zoning Administrator for consideration at a public hearing if there is evidence of public controversy or public opposition to the proposed use of development. Such evidence includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. A staff recommendation for denial;</li> <li>2. The project is not categorically exempt under the California Environmental Quality Act;</li> <li>3. The applicant or applicant's representative requests, in writing, a public hearing;</li> <li>4. Zoning violations exist on the property;</li> <li>5. Written request, based on substantive issue, for a public hearing <del>by one or more owners or residents in the area.</del></li> </ol>

## EXHIBIT B

### *Chapter 21.60* **REGULATIONS FOR SIGNS**

(Note: This is an existing chapter. The strikethrough indicates deleted language and the underline depicts proposed revisions)

#### Sections:

21.60.010	Title.
21.60.020	Scope.
21.60.030	Authority.
21.60.040	Intent and Purposes.
21.60.050	Definitions.
21.60.060	General Regulations.
21.60.065	Regulations Applicable to All Signs.
21.60.070	<del>Residential Zoning District Sign Regulations</del> <u>Signs not requiring a Permit.</u>
<u>21.60.075</u>	<u>Signs Requiring a Permit</u>
<del>21.60.080</del>	<del>Agricultural, Resource Protection and Public Zoning District Sign Regulations.</del>
<del>21.60.090</del>	<del>Commercial and Industrial Zoning District Sign Regulations.</del>
21.60.100	Community Entrance Sign Regulations.
21.60.110	Design Control CD) and Visual Sensitivity (VS) Zoning District Sign Regulations.
21.60.120	Non-Commercial Sign Regulations.
21.60.130	Exempt Signs.
21.60.140	Prohibited Signs.
21.60.150	Special Sign Regulations.
21.60.160	Legal Nonconforming Signs.
21.60.170	Sign Procedures.
21.60.175	Appeals and Administration.
21.60.180	Enforcement.
21.60.190	Severability.

#### **21.60.010 TITLE**

This Chapter shall be known as the Sign Ordinance of Monterey County (Inland).

#### **21.60.020 SCOPE**

This Chapter regulates signs mounted or displayed on private property within the unincorporated areas of Monterey County, outside the Coastal Zone. Signs in the Coastal Zone are regulated by Chapter 20.60 of the Monterey County Code. Signs located on County-owned land or on public rights of way are regulated by Chapter 14.30 of the Monterey County Code.

**21.60.030 AUTHORITY**

This Chapter is adopted pursuant to the California Constitution, Article XII, Section 7, California Government Code sections 65000 et seq. and 65850(b), Business and Professions Code sections 5200 et seq. and 5490 et seq., Civil Code section 713, and other applicable state laws.

**21.60.040 INTENT AND PURPOSES**

The purposes of this Chapter are to:

- A. Serve the public interests in aesthetics and safety;
- B. Assure by the regulation of signage that the integrity and nature of residential, agricultural, resource protection, public, commercial and industrial areas are protected from the indiscriminate and inappropriate proliferation of signs;
- C. Ensure adequate opportunity for persons to exercise their right of free speech by display of signs;
- D. Provide sufficient opportunities for identification of businesses, establishments, and residences;
- E. Provide for signage which is informative in nature;
- F. Protect and preserve the character of residential areas by prohibiting commercial signage in such areas, except as required by state law or applicable judicial decisions; and
- G. Establish procedures to allow the continued use, maintenance and repair of nonconforming historic signs that preserve locally recognized values of community appearance or that reflect unique characteristics of development.

**21.60.050 DEFINITIONS**

The definitions given in this Section apply to this Chapter. All definitions shall be adapted to context as to gender, number, tense and other inflections. Words not defined in this Chapter shall be controlled by relevant definitions found elsewhere in this Title, or by the standard legal conventions for determining definitions.

- A. **BILLBOARD** means a permanent structure sign that meets one of more of the following criteria: 1) it is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) display space on the sign is routinely rented, leased or donated to advertisers other than the owner or operator of the sign, or 4) the sign structure is a principal use, as opposed to an accessory or appurtenant use, of the land. A shopping center sign is not within this definition, so long as it is not used to display advertising for commercial enterprises located outside the shopping center.
- B. **CHANGE OF COPY** means a change which affects only the display face of a previously permitted or legally exempt sign.
- C. **COMMERCIAL MASCOT** means live human being(s) and/or animal(s) used for the purpose of commercial advertising, such as, by way of example and not limitation, sign spinners, sign clowns, sandwich board signs over a live human body, and persons dressed to appear or suggest as a trademark or symbol of a commercial enterprise. In-person protestors and demonstrators expressing non-commercial messages are not within this definition.
- D. **COMMERCIAL MESSAGE** means a message on a sign that identifies, advertises or attracts attention to an establishment, product, service or activity, or that concerns the economic interests of the sign sponsor or audience, or which proposes an economic transaction.
- E. **CONSTRUCTION SIGN** means a sign displayed on the site of a construction project during the period of time that construction is diligently pursued.
- F. **COUNTY** means the County of Monterey, a political subdivision of the state of California.
- G. **ESTABLISHMENT** means a non-residential use of real property, which involves structures that would be subject to a building permit if constructed anew, and the routine presence of live human beings for at least 24 hours per week.
- H. **ELECTION PERIOD** means the period of time that commences 60 days before any primary, general, or special election, and ends 10 days after such election has been held.

- I. **FREESTANDING SIGN** means a sign that is self-supporting, permanently, in a fixed location and not attached to a building. "Portable sign" is not included in this definition.
- J. **GENERAL ADVERTISING** means the business of promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising. "General advertising" has the same meaning as "advertising for hire."
- K. **NON-COMMERCIAL SIGN** means a sign that does not identify, advertise or attract attention to a business, product or service, or propose an economic transaction. Typical examples include signs whose message addresses a topic of public concern or controversy including, but not limited to, politics, religion, philosophy, science, art or social commentary.
- L. **OFF-SITE SIGN** means a sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered elsewhere than upon the same lot or parcel where the sign is displayed. The off-site distinction applies only to commercial messages.
- M. **ON-SITE SIGN** means a sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same lot where the sign is displayed. However, signs relating to tenants or establishments located within a multi-tenant non-residential development are all considered on-site anywhere within the development. The off-site distinction applies only to commercial messages.
- N. **PERMIT** means a written authorization to erect or display a sign that is subject to such authorization by this Chapter. Permits authorized by this Chapter do not include those permits issued by the Building Services Department under the authority of Title 18 of the Monterey County Code.
- O. **PORTABLE SIGN** means a sign that is not permanently in a fixed location and not attached to the ground or a building. Personal apparel, appearance, commercial mascots and hand-held signs are not within this definition.
- P. **REAL ESTATE SIGN** means a sign that advertises a real property, building or tenant space for sale, exchange, lease or other economic transaction. All signs within the scope of Civil Code section 713 are within this definition. This definition does not include signs concerning transient occupancy, such as vacancy signs at hotels and motels.
- Q. **SIGN** means any device, fixture, placard or structure, including its component parts, which by display of a visual image communicates a message or information regarding an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any street, road, highway, right-of-way or public parking area. Notwithstanding the generality of the foregoing, the following are not within the definition of "sign" for the regulatory purposes of this Chapter:
- 1) Architectural Features including decorative or ornamental elements of buildings, not including letters, trademarks or moving parts.
  - 2) Automatic Teller Machines (ATMs).
  - 3) Cornerstones, foundation stones, and similar permanent indicators of date of construction, dedication or installation.
  - 4) Cultural and holiday decorations of a noncommercial nature, mounted on private residential property that pertain to cultural and religious observances.
  - 5) Fireworks.
  - 6) Grave markers, including gravestones, insignia on tombs, mausoleums and other insignia of the deceased, which are part of a burial, interment, mausoleum or memorial site.
  - 7) Hot air balloons that carry persons and do not display general advertising images.
  - 8) Interior signs that are not visible from the public right of way.
  - 9) Manufacturer's marks on tangible products, such as trademarks and logos, that identify the maker, seller, provider or product, and that customarily remain attached to the product or its packaging after sale.

- 10) News racks including any self-service or coin-operated box, container, storage unit, fixture or other dispenser placed, installed or maintained for display and sale or other distribution of one or more newspapers, periodicals or other publications.
  - 11) Non-commercial symbols integrated into architecture, such as 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 which is otherwise legal. By way of example and not limitation, such symbols include church bells, stained glass windows, carved doors, artistic statuary.
  - 12) Party jumps, including inflatable gymnasium devices, commonly used at birthday parties.
  - 13) Personal appearance items or devices of personal apparel, decoration or appearance, including apparel, tattoos, makeup, masks and costumes, but not including hand-held commercial signs or commercial mascots.
  - 14) Shopping carts, golf carts, personal scooters, horse drawn carriages, and similar small, personal transportation devices, when not used for the display of general advertising. Any vehicle which may legally traverse by its own power on any state road or federal highway is not within this definition.
  - 15) Special event signage temporarily used in conjunction with special events, parades, demonstrations, protests and street closures.
  - 16) Vending machines.
  - 17) Visual images on trains or duly licensed public mass transit vehicles which legally pass through the County.
- R. STREET FRONTAGE means the property line of a parcel abutting the right-of-way to which such parcel has a legal right of access.
- S. STRUCTURE MOUNTED SIGN means a sign that is permanently in a fixed location on a building. "Portable sign" is not included in this definition.

#### **21.60.190 GENERAL REGULATIONS**

The principles stated in this Section apply to all signs and procedures within the regulatory scope of this Chapter and to all provisions of this Chapter, and override more specific provisions to the contrary.

- A. Compliance and Permits. All signs within the regulatory scope of this Chapter shall conform to the provisions of this Chapter. No person shall erect, place, display or maintain any sign in violation of this Chapter. A permit shall be required for any sign identified as requiring an Administrative or Use Permit, unless the sign is expressly exempted from the permit requirement by a provision within this Chapter.
- B. Message Neutrality. It is the County's policy and intent to regulate signs in a manner which is consistent with the speech freedoms of both the United States and California constitutions.
- C. Message Substitution.
  - 1) Subject to the property owner's consent, a noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any noncommercial message, provided that the sign itself is legal without consideration of message content.
  - 2) Any unused allowance for signage may be used for temporary display of any non-commercial message. When the new sign qualifies as a structure requiring a building permit pursuant to Title 18 of the Monterey County Code, a building permit must be obtained prior to construction or placement of the sign.
  - 3) Substitution of any message may be made without any additional approval or permitting. The substitution right is on-going and continuous, and may be utilized an unlimited number of times.
  - 4) This Section does not:
    - a) Create a right to exceed the total amount of permanent signage on a site or parcel;



- b) Create a right to substitute an off-site commercial message in place of an on-site commercial message, or in place of a non-commercial message;
  - c) Affect the requirement that a sign structure or mounting device be properly permitted; or,
  - d) Authorize changing the physical method of message display without any required permit.
- D. **Change of Copy.** For permanent signs that are attached to or mounted on real property, a new permit is not required for a “change of copy.” However, if a change of copy also includes a physical change to the structure or mounting device, then the change is subject to any applicable permit requirement as if it were a new sign. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter or other law), or the ownership of sign structures.
- E. **Billboards.** The construction, erection or use of any and all billboards as defined herein, other than those which legally exist in the County, or for which a valid permit has been issued and has not expired, as of the date on which this provision, or when a prior version of this Chapter containing a provision to the same effect, was adopted, is prohibited. In approving this Chapter, the Board of Supervisors affirmatively declares that it would have adopted this billboard prohibition even if it were the only provision in this Chapter. The “change of copy” provision applies to properly permitted, legally existing billboards. To the extent consistent with state law, existing, legal billboards may not be converted to a more visually intense method of image presentation, such as converting a flat, static display to a moving, animated or changing image display. The Board intends for this billboard prohibition to be severable and separately enforceable even if other provision(s) of this Chapter may be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable. This prohibition does not prohibit or limit agreements to relocate presently existing legal billboards, as encouraged by state law including, but not limited to, Business and Professions Code section 5412.
- F. **Property Owner’s Consent.** No sign may be displayed on private tangible property or other regulated land without the property owner’s consent.
- G. **On-site/off-site Distinction.** The on-site/off-site distinction applies only to commercial messages and signs displaying commercial messages.
- H. **Mixed Uses.** For purposes of this Chapter, wherever a parcel may be legally used for both residential and nonresidential uses, all legal residential uses shall be treated as if they were located in a residential district, which would allow a residential unit of the same type (i.e., single family residence and/or multifamily residence), and all legal non-residential uses shall be treated as if they were located in a nonresidential district allowing nonresidential uses of the same type.
- I. **The following signs are subject to a Use Permit (Chapter 21.74):**
- 1) **Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.**
  - 2) **Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs. (extracted from more detailed regulations below)**

**21.60.190 REGULATIONS APPLICABLE TO ALL SIGNS**

- A. **Permit Required.** Permits are required as described in this Chapter. A building permit is required for any sign that meets the definition of a structure requiring a building permit pursuant to Title 18 of the Monterey County Code.
- B. **Glare.** When allowed, lighting of signs attached to structures shall be arranged so as not to produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent property or a public street.
- C. **General Development Plan.** In addition to the regulations in this Chapter, signs in commercial and industrial zoning districts are also subject to the General Development Plan provisions of the zoning district. A General Development Plan may establish a sign program that modifies size and location regulations, found in this Chapter, for the applicable property; however, aggregate size limitations for the property shall not be modified by a General Development Plan. If a General Development Plan is not required, signs shall conform to this Chapter.

- D. Height. Signs may be attached to a structure providing the sign does not project above the peak of the roof of the structure or above the parapet of the wall and are in conformance with all other applicable provisions of this Chapter.
- E. Mounting. Signs may be mounted below the soffit of a canopy, overhanging, or porch and may be perpendicular to the structure providing that they do not exceed 12 inches below the soffit or beam and maintain a minimum of 8 feet vertical clearance along corridors or exit courts below.
- F. Setbacks. Signs shall meet the rear and side yard setback requirements of the applicable zoning district. Front yard setbacks shall meet the following requirements:
  - 1) Driveway and Corner Visibility. All signs shall be maintained in accordance with the provisions of this subsection. Signs shall not be located such that:
    - a) They interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
    - b) They conflict with overhead utility lines, overhead lights, or walkway lights; or
    - c) They block pedestrian or bicycle ways.
  - 2) Visibility at street corners and at driveways connecting with a public street shall be maintained as an area of unrestricted visibility as follows:
    - a) For Street Corners. That area between 3 feet and 10 feet above grade which lies 25 feet from the intersection of the street rights-of-way measured along both the right-of-way lines;
    - b) For Driveways. That area between 3 feet and 10 feet above the driveway grade which lies 15 feet from the intersection of the edge of the driveway and the property line measured along both the driveway and the property line;
    - c) Exceptions. The Planning Director may allow exceptions to the unrestricted visibility for street corners and driveways, following a determination by the Public Works Director that such exceptions will not adversely affect sight distance or pose a hazard to motorists and pedestrians.
- G. Rules for Computation of Sign Area.
  - 1) The area of a sign is computed by multiplying the height by the length of the sign, not including framework of the sign. The base or supporting structure of a sign shall not be considered part of the sign, unless it is part of the message presentation.
  - 2) The area of a two-sided back to back sign shall be computed by multiplying the height by the length of only one side,
  - 3) The area of a two-sided or multi-faced sign, where the signs are not flat back to back, shall be computed by multiplying the height by the length of each sign face.
  - 4) The area of signs which are composed of letters individually mounted or painted on a structure, without a border or frame enclosure, shall be computed from the smallest single parallelogram in which all the letters or words can be enclosed.
  - 5) Time and temperature displays are considered part of the allowable sign display area, and are subject to the same size and height rules as other aspects of a sign.
  - 6) For establishments providing services to customers while in their vehicles, signs related to such services are allowed, but are counted in the aggregate allowed signage for the use. Drive-through establishment menu boards shall not be included in this calculation.

**21.60.190 SIGNS NOT REQUIRING A PERMIT**

- A. The following sign types are allowed without permits. Notwithstanding the size limitations in this Section, property within a Design Control (“D”) or Visual Sensitivity (“VS”) combining district shall not exceed the sign limitations in Section 21.60.110.
  - 1) Nameplates, etc. Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If

such a sign is freestanding, then the height limit is 6 feet. If the sign is attached to a building, then the sign may not project above the roofline or parapet of a wall. One such sign is allowed per street frontage.

2) Real Estate signs.

a) On site:

- i. The sign area, in the aggregate, may not exceed 7 square feet.
- ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.

b) Off-site:

- i. The sign area, in the aggregate, may not exceed 7 square feet.
- ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- iii. The signs shall not be located within any road right of way.
- iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.

3) Projects under Construction.

a) Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:

- i. at the time of occupancy of the project;
- ii. when a notice of completion or notice of acceptance is issued; or
- iii. in the case of a new tract housing development, when the sale closes on the last available unit.

b) Construction signs are subject to the following standards:

- i. There shall be no more than two temporary construction signs per lot.
- ii. The signs shall not exceed in the aggregate 24 square feet in area.
- iii. The signs shall not be illuminated.
- iv. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- v. The signs shall be stationary.
- vi. The signs shall not be located within or project over or into any public right-of-way.

4) Clustered Residential Signs. Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments are allowed signs, subject to:

- a) There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.
- b) The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.
- c) The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- d) The signs shall be stationary.
- e) The signs shall not be located within or project over or into any public right-of-way.

- f) If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.
- 5) Appurtenant signs for non-residential uses in residential zones. Except as regulated elsewhere in Title 21, signs that are appurtenant to any allowed, non-residential use in any residential zone, not including construction signs and signs on clustered residential projects, may be displayed, subject to:
  - a) Maximum number and area: One sign of up to 24 square feet is allowed. An additional two signs (single or double-faced), with a maximum display area of up to 75 square feet in the aggregate may be allowed subject to an Administrative Permit (Chapter 21.70) in each case.
  - b) Maximum height: The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- 6) For non-residential uses, signs not over 20 square feet in the aggregate and appurtenant to any permitted use except for those signs provided in Section 21.60.080(B) subsections 1 and 2. A Use Permit (Chapter 21.74) is required for signs between 75 and 300 square feet in the aggregate appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

**21.60.75 SIGNS REQUIRING A PERMIT**

**A. Residential Zoning Districts:**

- 1) The following signs are subject to a Use Permit (Chapter 21.74):
  - a) Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.
  - b) Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

**B. Agricultural, Resource Protection, and Public/Quasi-Public Zoning Districts:**

- 1) The following signs are subject to an Administrative Permit (Chapter 21.70):
  - a) Signs not over 100 square feet in the aggregate for advertising the sale of the property. Limit of two signs in each case.
  - b) Except as provided in 21.60.080(B), subsections 3 and 4, signs between 20 and 75 square feet in the aggregate appurtenant to any allowed use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.
- 2) The following signs are subject to a Use Permit (Chapter 21.74):
  - a) Signs between 75 and 300 square feet in the aggregate appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

**B. Commercial and Industrial Zoning Districts:**

- 1) The following signs are subject to an Administrative Permit (Chapter 21.70):
  - a) Real estate signs between 7 and 32 square feet. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- 2) The following signs are subject to a Use Permit (Chapter 21.74):
  - a) Signs advertising the sale of parcels in a subdivision that are larger than located off site.
  - b) Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

- 3) Sign Area. Signs shall be permitted to have an area not to exceed one (1) square foot for each one (1) foot of structure frontage; provided, that any business establishment shall be allowed a sign of a minimum 50 square feet and no more than 300 square feet; and, further provided, that the area permitted may be divided into not more than six (6) single-faced or double-faced signs; said formula shall apply to each street frontage. These regulations are not applicable in Design Control ("D") and Visual Sensitivity ("VS") combining districts (see Section 21.60.110 below). Signs for advertising the sale of parcels in a subdivision shall be limited to 100 square feet in size, with a limit of two signs per subdivision.

**21.60.190 RESIDENTIAL ZONING DISTRICT SIGN REGULATIONS**

C. ~~Applicability. In addition to the non-commercial message signs allowed by Section 21.60.120, these regulations apply in the following zoning districts:~~

- 1) ~~High Density Residential (HDR)~~
- 2) ~~Medium Density Residential (MDR)~~
- 3) ~~Low Density Residential (LDR)~~
- 4) ~~Rural Density Residential (RDR)~~

D. ~~Scope. In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") or Visual Sensitivity ("VS") combining district shall not exceed the sign limitations in Section 21.60.110.~~

- 1) ~~Nameplates, etc. Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is 6 feet. If the sign is attached to a building, then the sign may not project above the roofline or parapet of a wall. One such sign is allowed per street frontage.~~

2) ~~Real Estate signs.~~

a) ~~On site:~~

- i. ~~The sign area, in the aggregate, may not exceed 7 square feet.~~
- ii. ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~

b) ~~Off site:~~

- i. ~~The sign area, in the aggregate, may not exceed 7 square feet.~~
- ii. ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~
- iii. ~~The signs shall not be located within any road right of way.~~
- iv. ~~The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.~~

3) ~~Projects under Construction:~~

a) ~~Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:~~

- i. ~~at the time of occupancy of the project;~~
- ii. ~~when a notice of completion or notice of acceptance is issued; or~~
- iii. ~~in the case of a new tract housing development, when the sale closes on the last available unit.~~

b) ~~Construction signs are subject to the following standards:~~

- i. ~~There shall be no more than two temporary construction signs per lot.~~
- ii. ~~The signs shall not exceed in the aggregate 24 square feet in area.~~
- iii. ~~The signs shall not be illuminated.~~
- iv. ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~
- v. ~~The signs shall be stationary.~~
- vi. ~~The signs shall not be located within or project over or into any public right-of-way.~~

- 4) ~~Clustered Residential Signs. Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments are allowed signs, subject to:~~
  - a) ~~There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.~~
  - b) ~~The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.~~
  - c) ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~
  - d) ~~The signs shall be stationary.~~
  - e) ~~The signs shall not be located within or project over or into any public right-of-way.~~
  - f) ~~If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.~~
- 5) ~~Appurtenant signs for non-residential uses in residential zones. Except as regulated elsewhere in Title 21, signs that are appurtenant to any allowed, non-residential use in any residential zone, not including construction signs and signs on clustered residential projects, may be displayed, subject to:~~
  - a) ~~Maximum number and area: One sign of up to 24 square feet is allowed. An additional two signs (single or double-faced), with a maximum display area of up to 75 square feet in the aggregate may be allowed subject to an Administrative Permit (Chapter 21.70) in each case.~~
  - b) ~~Maximum height: The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~

E. ~~The following signs are subject to a Use Permit (Chapter 21.74):~~

- 1) ~~Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.~~
- 2) ~~Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.~~

**21.60.190 AGRICULTURAL, RESOURCE PROTECTION AND PUBLIC/QUASI-PUBLIC ZONING DISTRICT SIGN REGULATIONS**

C. ~~Applicability. In addition to the non-commercial message signs allowed by Section 21.60.120, these regulations apply in the following zoning districts:~~

- 1) ~~Farmlands (F)~~
- 2) ~~Rural Grazing (RG)~~
- 3) ~~Permanent Grazing (PG)~~
- 4) ~~Resource Conservation (RC)~~
- 5) ~~Open Space (O)~~

~~6) Public/Quasi-Public (PQP)~~

~~D. Scope. In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") or Visual Sensitivity ("VS") combining district shall not exceed the sign limitations in Section 21.60.110.~~

~~1) Nameplates, etc. Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is 6 feet. If the sign is attached to a building, then the sign may not project above the roofline or parapet of a wall. One such sign is allowed per street frontage.~~

~~2) Real Estate signs.~~

~~a) On site:~~

~~i The sign area, in the aggregate, may not exceed 7 square feet.~~

~~ii The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~

~~b) Off site:~~

~~i The sign area, in the aggregate, may not exceed 7 square feet.~~

~~ii The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~

~~iii The signs shall not be located within any road right of way.~~

~~iv The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.~~

~~3) Projects under Construction:~~

~~a) Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:~~

~~i At the time of occupancy of the project;~~

~~ii When a notice of completion or notice of acceptance is issued; or~~

~~iii In the case of a new tract housing development, when the sale closes on the last available unit.~~

~~b) Construction signs are subject to the following standards:~~

~~i There shall be no more than two temporary construction signs per lot.~~

~~ii The signs shall not exceed in the aggregate 24 square feet in area.~~

~~iii The signs shall not be illuminated.~~

~~iv The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~

~~v The signs shall be stationary.~~

~~vi The signs shall not be located within or project over or into any public right of way.~~

~~4) Clustered Residential Signs. Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments are allowed signs, subject to:~~

~~a) There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.~~

b) ~~The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.~~

e) ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~

d) ~~The signs shall be stationary.~~

e) ~~The signs shall not be located within or project over or into any public right-of-way.~~

f) ~~If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.~~

5) ~~For non-residential uses, signs not over 20 square feet in the aggregate and appurtenant to any permitted use except for those signs provided in Section 21.60.080(B) subsections 1 and 2.~~

E. ~~The following signs are subject to an Administrative Permit (Chapter 21.70):~~

1) ~~Signs not over 100 square feet in the aggregate for advertising the sale of the property. Limit of two signs in each case.~~

2) ~~Except as provided in 21.60.080(B), subsections 3 and 4, signs between 20 and 75 square feet in the aggregate appurtenant to any allowed use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.~~

F. ~~A Use Permit (Chapter 21.74) is required for signs between 75 and 300 square feet in the aggregate appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.~~

#### **21.60.190 COMMERCIAL AND INDUSTRIAL ZONING DISTRICT SIGN REGULATIONS**

A. ~~Applicability. In addition to the non-commercial message signs allowed by Section 21.60.120, these regulations apply in the following zoning districts:~~

1) ~~Light Commercial (LC)~~

2) ~~Heavy Commercial (HC)~~

3) ~~Visitor Serving/Professional Office (VO)~~

4) ~~Agricultural Industrial (AI)~~

5) ~~Light Industrial (LI)~~

6) ~~Heavy Industrial (HI)~~

B. ~~Scope. In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control (“D”) or Visual Sensitivity (“VS”) combining districts shall not exceed the sign limitations in Section 21.60.110.~~

1) ~~Nameplates, etc. Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is 6 feet. If the sign is attached to a building, then the sign may not project above the roof line or parapet of a wall. One such sign is allowed per street frontage.~~

2) ~~Real Estate signs:~~

a) ~~On site:~~

i. ~~The sign area, in the aggregate, may not exceed 7 square feet.~~

ii. ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall,~~

b) ~~Off-site:~~



- i. ~~The sign area, in the aggregate, may not exceed 7 square feet.~~
- ii. ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~
- iii. ~~The signs shall not be located within any road right-of-way.~~
- iv. ~~The signs shall not utilize banners, balloons, lights, or other similar attention-getting devices.~~

3) ~~Projects under Construction:~~

- a) ~~Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:~~
  - i. ~~at the time of occupancy of the project;~~
  - ii. ~~when a notice of completion or notice of acceptance is issued; or~~
  - iii. ~~in the case of a new tract housing development, when the sale closes on the last available unit.~~
- b) ~~Construction signs are subject to the following standards:~~
  - i. ~~There shall be no more than two temporary construction signs per lot.~~
  - ii. ~~The signs shall not exceed in the aggregate 24 square feet in area.~~
  - iii. ~~The signs shall not be illuminated.~~
  - iv. ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~
  - v. ~~The signs shall be stationary.~~
  - vi. ~~The signs shall not be located within or project over or into any public right-of-way.~~

4) ~~Clustered Residential Signs. Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments are allowed signs, subject to:~~

- a) ~~There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.~~
- b) ~~The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.~~
- c) ~~The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~
- d) ~~The signs shall be stationary.~~
- e) ~~The signs shall not be located within or project over or into any public right-of-way.~~
- f) ~~If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.~~

5) ~~Sign Area. Signs shall be permitted to have an area not to exceed one (1) square foot for each one (1) foot of structure frontage; provided, that any business establishment shall be allowed a sign of a minimum 50 square feet and no more than 300 square feet; and, further provided, that the area permitted may be divided into not more than six (6) single-faced or double-faced signs; said formula shall apply to each street frontage. These regulations are not applicable in Design Control ("D") and Visual Sensitivity ("VS") combining districts~~

C. ~~An Administrative Permit (Chapter 21.70) is required for real estate signs between 7 and 32 square feet. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.~~

~~D. The following signs are subject to a Use Permit (Chapter 21.74):~~

- ~~1) Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision that are larger than located off site. Limit of two signs in each case.~~
- ~~2) Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.~~

#### **21.60.190 COMMUNITY ENTRANCE SIGN REGULATIONS**

On property adjacent to any state highway or freeway that approaches, passes through or goes near a city or community, signs displaying non-commercial messages are allowed, in addition to signs otherwise allowed by this Chapter, subject to a Use Permit and the following criteria:

- A. The maximum sign area may not exceed 400 square feet.
- B. No more than one such sign may be allowed on a lot.
- C. The sign may not exceed 15 feet in height.

#### **21.60.190 DESIGN CONTROL (D) AND VISUAL SENSITIVITY (VS) ZONING DISTRICT SIGN REGULATIONS**

- A. These regulations apply in the following combining districts:
  - 1) Design Control (“D”)
  - 2) Visual Sensitivity (“VS”)
- B. Where signs are allowable under the regulations of the zoning districts identified in Sections 21.60.070 and 21.60.080, the total area of such signs shall not exceed 35 square feet in the aggregate. This limitation in total area shall apply even though the use has frontage on two or more streets.
- C. Where signs are allowable under the regulations of the zoning districts identified in Section 21.60.090, each establishment shall be allowed in the aggregate 35 square feet of signage. In commercial and industrial centers where more than one establishment exists, the center may have an additional 35 square feet of signage to identify the center. Such signs may not, however, identify specific businesses within the center.

#### **21.60.190 NON-COMMERCIAL SIGN REGULATIONS**

In addition to the non-commercial message which may be displayed under the “message substitution” regulations, signs which display non-commercial messages may be displayed at all times and in all zones, subject to the rules stated in this Section:

- A. Elections. During any election period, the allowable display area may be doubled. An election period begins 60 calendar days before a primary, general or special election, and ends 10 days after such election.
- B. Size. The maximum display face area, in the aggregate per parcel, of signs allowed at all times by this Section is:
  - 1) In residential zoning districts: 6 square feet for each separate, legal, residential unit;
  - 2) In agricultural, resource protection and public zoning districts: 6 square feet per parcel;
  - 3) In commercial and industrial zoning districts: 6 square feet per establishment;
- C. Height. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.

#### **21.60.190 EXEMPT SIGNS**

The following signs are exempt from permit requirements, subject to the rules stated in this Section:

- A. Traffic control and safety signs, including those on roads and highways, waterways, airports, and at railroad crossings.
- B. Signs required or authorized by federal, state or County law or authority, including but not limited to all legally required public notices, court orders, and announcements authorized by courts and public officials.

- C. Images that are painted on or attached flat to the surface of an automobile, truck, airplane or boat that do not constitute general advertising or advertising for hire.
- D. Signs that provide functional information and warning about utilities and safety matters, including but not limited to telephone access, entrance and exit, danger—high voltage, dump stations, restroom identification, brake and smog certification, smoking and dress code rules, traffic and parking directions, gasoline grades, etc., provided that such signs do not exceed 4 square feet in display surface area each.
- E. Signs prohibiting trespassing and hunting, provided that they do not exceed 2 square feet in area each.
- F. Advertising signs on buses and taxis.
- G. Signs attached to bus stops and shelters.
- H. Directional, warning, or identification signs not exceeding 2 square feet in area for petroleum drilling and extraction activities.

**21.60.190 PROHIBITED SIGNS**

The following signs are prohibited in all zoning districts:

- A. Any sign or device which is an imitation of, or resembles, an official traffic control device, or which attempts to direct the movement contrary to the rules set by traffic officials, or which hides from view any official traffic control device.
- B. Advertising signs that include the words, “Stop, Look, Listen” or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public.
- C. Permanent structure signs which rotate, move, present moving images or the illusion thereof, or flashes, scintillates, or utilizes animated illumination.
- D. Signs on wheeled, non-motorized vehicles.
- E. Devices which are inflatable or activated by wind, air or forced gas, whether free floating or tethered to the ground, and which are used for commercial advertising messages. This rule does not apply to inflatable gymnasiums used for parties, or to displays used in parades.
- F. Moving or rotating signs, pennants, banners.
- G. Signs extending above roofs, and roof signs, except where specifically provided for under the provisions of this Chapter for signs attached to structures.
- H. Any other advertising device attached to a structure, fence, pole, or vehicle on display not specifically authorized by this Chapter.

**21.60.190 SPECIAL SIGN REGULATIONS**

- A. Electronic time and temperature signs as part of an allowed on-site sign are allowed as regulated by this Chapter as to height and size.
- B. Exit, entrance, or other on-site traffic directional signs are allowed, provided that the signs do not exceed 6 feet in height and contain no advertising or message other than for traffic directions. Signs may be attached to a structure providing the sign does not project above the roof of the structure.
- C. Special signing required for drive-in windows for drive-in restaurants, banks, or similar businesses are permitted, provided the sign copy is necessary for information, instruction, or directions and specifically related to the special use, subject to review and approval of a Design Approval application by the Director of Planning if located in a “D” or “VS” combining district. The Design Approval process shall not exercise discretion as to the message content or graphic design of the message.

**21.60.190 LEGAL NONCONFORMING SIGNS**

Existing signs that are rendered legal non-conforming by this Chapter shall be subject to the requirements of Chapter 21.68 of this Title, except Section 21.68.040, and as follows:

- A. The enlargement, extension, reconstruction or structural alteration of a nonconforming sign may be allowed if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which it is located.
- B. Ordinary maintenance and repairs, including structural repairs and foundations, may be made to any sign which is nonconforming as to height or setbacks or to a sign used for a legal nonconforming use, provided:
  - 1) No structural alterations are made; and
  - 2) Such work does not exceed 50 percent of the estimated replacement cost of the structure in anyone year period.

Additional maintenance and repair in a one year period is allowable subject to the issuance of a Use Permit in each case.

- C. No legal nonconforming sign shall be moved in whole or in part to any other location unless every portion of such sign which is moved is made to conform to all the regulations of the district in which it is located.

**21.60.190 SIGN PROCEDURES**

- A. Scope. This Section applies to all signs that may be erected, maintained or displayed.
- B. Purpose of Permitting. All permitting and approval processes required by this Chapter are intended to ensure compliance with this Chapter and various safety codes, as well as to prevent the loss of time, effort, materials and investment which might otherwise be invested in an illegal sign.
- C. Application for Sign Permit or Design Approval. Any person seeking a permit or design approval for a sign shall submit to the Planning Department a written application for such permit or design approval pursuant to Chapter 21.44, Chapter 21.70 or Chapter 21.74 for a Design Approval, Administrative Permit or Use Permit, respectively. The application shall be processed according to the applicable provisions of the County Code.
- D. Multiple Sign Applications. When an application proposes two or more signs on one parcel, the application may be granted or denied either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the County’s decision shall specify the grounds for each such denial.
- E. Signs Which Are Part of a Larger Project. When approval is sought for a development that includes one or more signs, the sign aspects of the proposed development must satisfy the applicable provisions of this Chapter.
- F. Appropriate Authority. The Director of Planning is authorized and assigned the responsibility for administering all provisions of this Chapter. The Zoning Administrator is the Appropriate Authority to consider and decide all discretionary permits for signs; except as stated in this Chapter.
- G. Right to Permit or to Display. When any sign permit application complies fully with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued, unless a change of relevant law or policy is pending. In the case of signs that are expressly exempt from the permit requirement, there is a right to erect, display and maintain such signs as are authorized by this Chapter, subject to the applicable regulations.
- H. Discretionary Approvals.
  - 1) When a sign is subject to a discretionary permit, discretion may not be exercised as to the message content or graphic design of the message. However, in “D” (Design Control) and “VS” (Visual Sensitivity) combining districts, the overall design of a sign may be considered for consistency with the special purposes of those districts.
  - 2) Factors to be considered in sign decisions shall include location of buildings, topography, vegetation, sign structures, speed of travel on adjacent roadways, sight visibility, visibility of access ramps, scale and mass of the sign, and the effective utility of the sign. In applying these factors, the County shall not act as an art jury as to the graphic design on the display face of the sign.
- I. Safety Codes. When a sign qualifies as a structure requiring a building permit pursuant to Title 18 of the Monterey County Code, a building permit shall also be required.

**21.60.190 APPEALS AND ADMINISTRATION**

- A. Appeal. Design Approval, Administrative Permit or Use Permit decisions rendered under this Chapter may be appealed pursuant to Chapter 21.80 of the Monterey County Code. Administrative Interpretations may be appealed pursuant to Chapter 21.82 of the Monterey County Code.
- B. Administrative Interpretations.
  - 1) All interpretations of this Chapter are to be exercised in light of the County's message neutrality and message substitution regulations stated in this Section.
  - 2) Where a particular type of sign is proposed in a permit application, and the type of sign is neither expressly allowed nor prohibited by this Chapter, or whenever a sign is not a structure as defined pursuant to Title 18 of the Monterey County Code, the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Chapter, in light of the purposes of this Chapter.
- C. Status Quo. During the pendency of any review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes a significant and immediate threat to public safety.
- D. Judicial Review. Following a final decision by the County, including all appeals, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure section 1094.5, in conjunction with 1094.6 or 1094.8, as applicable.
- E. Non-Communicative Aspects of Signs. All rules and regulations concerning the non-communicative aspects of signs including, but not limited to, location, size, allowable area height, illumination, spacing between signs, orientation and density, stand enforceable independently of any permit or approval process.
- F. Signage Rights and Duties. The legal rights and duties relating to permanent signs are attached to and travel with the land, and are not personal in nature. This provision does not affect a sign owner's right to remove a sign from one location and apply for a permit to mount it in another location subject to the rules applicable in the new location.

**21.60.180 ENFORCEMENT**

The provisions of this Chapter shall be enforced pursuant to Chapter 1.20 of the Monterey County Code or other applicable provisions of state law.

**21.60.190 SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have enacted this Chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

# EXHIBIT C

## MINOR AND TRIVIAL AMENDMENTS (Note: This is the introduction of a new Ordinance)

ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING TITLE 21 OF THE MONTEREY COUNTY CODE RELATING TO MINOR OR TRIVIAL AMENDMENTS TO PREVIOUSLY APPROVED LAND USE PERMITS.

#### County Counsel Summary

*This ordinance amends Title 21 (non-coastal zoning ordinance) of the Monterey County Code to add sections 21.70.130 (Amendment to Administrative Permits), 21.74.120 (Amendments to Use Permits), and 21.76.120 (Amendments to Combined Development Permits) to provide procedures for amendments to previously approved land use permits. The new sections would allow for administrative approval by the Director of Planning of "Minor or Trivial Amendments" to previously approved permits under specified circumstances. If a proposed amendment does not qualify as a Minor or Trivial Amendment, the ordinance would require consideration of the proposed amendment by the original hearing body at a noticed public hearing.*

The Board of Supervisors of the County of Monterey ordains as follows:

#### SECTION 1. FINDINGS AND DECLARATIONS [Forthcoming]

SECTION 2. Section 21.70.130 is added to the Monterey County Code to read as follows:

##### **21.70.130 Amendments to Administrative Permits**

Proposed amendments to any permit issued under the provisions of this Chapter shall be submitted to the Planning Department in writing and in sufficient detail to adequately assess the nature of the amendment and any potential impacts of the amendment. Proposed amendments shall be handled in the following manner:

- A. If, in the opinion of the Director of Planning, the amendment is of a minor or trivial nature, with no impacts not already assessed in the original permit action, and generally in keeping with the action of the appropriate authority, then the amendment shall be considered to be a "Minor or Trivial Amendment" and may be approved by the Director of Planning. The Director shall post notice of pending approval at the project site and by mail to all parties that the Director has reason to know may be interested in the application. If no written objections are received by the Planning Department within ten days of posting such notice, the pending approval of the amendment shall be final. If objections are received, the amendment shall be considered under Section 21.70.130.B below.
- B. If, in the opinion of the Director of Planning, the proposed amendment does not qualify as a "Minor or Trivial Amendment", the proposed amendment shall be taken to the decision making body of the original permit and processed consistent with the original permit procedures.

SECTION 3. Section 21.74.120 is added to the Monterey County Code to read as follows:

##### **21.74.120 Amendments to Use Permits**

Proposed amendments to any permit issued under the provisions of this Chapter shall be submitted to the Planning Department in writing and in sufficient detail to adequately assess the nature of the amendment and any potential impacts of the amendment. Proposed amendments shall be handled in the following manner:

- A. If, in the opinion of the Director of Planning, the amendment is of a minor or trivial nature, with no impacts not already assessed in the original permit action, and generally in keeping with the action of the appropriate authority, then the amendment shall be considered to be a "Minor or Trivial Amendment" and may be approved by the Director of Planning. The Director shall post notice of pending approval at the project site and by mail to all parties that the Director has reason to know may be interested in the application. If no written objections are received by the Planning Department within ten days of posting such notice, the pending approval of the amendment shall be final. If objections are received, the amendment shall be considered under Section 21.74.120.B below.
- B. If, in the opinion of the Director of Planning, the proposed amendment does not qualify as a "Minor or Trivial Amendment," the proposed amendment shall be taken to the decision making body of the original permit and processed consistent with the original permit procedures.

SECTION 4. Section 21.76.120 is added to the Monterey County Code to read as follows:

**21.76.120 Amendments to Combined Development Permits**

Proposed amendments to any permit issued under the provisions of this Chapter shall be submitted to the Planning Department in writing and in sufficient detail to adequately assess the nature of the amendment to any potential impacts of the amendment. Proposed amendments shall be handled in the following manner:

- A. If, in the opinion of the Director of Planning, the amendment is of a minor or trivial nature, with no impacts not already assessed in the original permit action, and generally in keeping with the action of the appropriate authority, then the amendment shall be considered to be a "Minor or Trivial Amendment" and may be approved by the Director of Planning. The Director shall post notice of pending approval at the project site and by mail to all parties that the Director has reason to know may be interested in the application. If no written objections are received by the Planning Department within ten days of posting such notice, the pending approval of the amendment shall be final. If objections are received, the amendment shall be considered under Section 21.76.120.B below.
- B. If, in the opinion of the Director of Planning, the proposed amendment does not qualify as a "Minor or Trivial Amendment," the proposed amendment shall be taken to the decision making body of the original permit and processed consistent with the original permit procedures.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day following its adoption.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES: Supervisors  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Fernando Armenta, Chair  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM BY:

Wendy S. Strimling  
Senior Deputy County Counsel