

CITY OF WINTERS PLANNING COMMISSION AGENDA

Tuesday, March 22, 2016 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 794-6713
Email: jenna.moser@cityofwinters.org

Chairman: Bill Biasi
Vice Chairman: Kate Frazier
Commissioners: Dave Adams, Lisa Baker,
Paul Myer, Frank Neal, Patrick Riley
City Manager: John W. Donlevy, Jr.
Mgmt. Analyst, Planning: Jenna Moser

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

III CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. NOTICE TO SPEAKERS: Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.

IV CONSENT ITEM

- A. Minutes of the January 26, and February 2, 2016 meetings of the Planning Commission and the February 2, 2016 Joint Workshop with the City Council.

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

- A. Study Session – Consideration of various amendments to Chapter 17.80, Sign Regulations, in the Municipal Code (Zoning Ordinance).
B. Callahan Estates – Third Amendment to Development Agreement (Continued to April 26, 2016 Regular Meeting)

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON MARCH 17, 2016



JENNA MOSER, MANAGEMENT ANALYST, PLANNING – GIS

APPEALS: ANY PERSON DISSATISFIED WITH THE DECISION OF THE PLANNING COMMISSION MAY APPEAL THIS DECISION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE CITY CLERK, NO LATER THAN TEN (10) CALENDAR DAYS AFTER THE DAY ON WHICH THE DECISION IS MADE.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

MINUTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

ANY MEMBER OF THE PUBLIC MAY SUBMIT A WRITTEN REQUEST FOR A COPY OF PLANNING COMMISSION AGENDAS TO BE MAILED TO THEM. REQUESTS MUST BE ACCOMPANIED BY A CHECK IN THE AMOUNT OF \$25.00 FOR A SINGLE PACKET AND \$250.00 FOR A YEARLY SUBSCRIPTION.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: THE PLANNING COMMISSION WILL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION ON ITEMS OF BUSINESS ON THE AGENDA; HOWEVER, TIME LIMITS MAY BE IMPOSED AS PROVIDED FOR UNDER THE ADOPTED RULES OF CONDUCT OF PLANNING COMMISSION MEETINGS.

REVIEW OF TAPE RECORDING OF MEETING: PLANNING COMMISSION MEETINGS ARE AUDIO TAPE RECORDED. TAPE RECORDINGS ARE AVAILABLE FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR 30 DAYS AFTER THE MEETING.

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE WINTERS PLANNING COMMISSION
MEETING HELD JANUARY 26, 2016**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Commissioner Riley called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, Biasi

ABSENT: None

STAFF: City Manager John W. Donlevy, Jr., Contract Community Development Director Dave Dowswell, Management Analyst Jenna Moser

Dave Dowswell led the Pledge of Allegiance.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM:

- A. Minutes of the October 27, 2015 and December 16, 2015 meeting of the Winters Planning Commission.

COMMISSION REPORTS: Frazier reported on attendance at the Putah Creek Committee, and Parking Committee meetings. Biasi reported on attendance at creek and parking meetings.

STAFF REPORTS: Moser reported on the schedule for the 2/2/16 workshop and Special Planning Commission meeting.

DISCUSSION ITEM:

- A. Public Hearing and consideration of an application for Site Plan/Design Review for a remodel and addition to 117 Almond Drive. Project applicants James Douglas and Sondra Geller seek to enlarge garage and utility space, alter the building façade to include a second story exit and decorative exterior stairway, and install carriage style garage doors.

Management Analyst Moser provided an overview of the staff report and highlighted various aspects of the remodel and addition.

Applicant James Douglas gave an overview of the project and the reasons he is proposing a large single-story garage.

At 6:40 pm Biasi opened the Public Hearing.

Laura Ireland asked about garage insulation. Douglas responded that the garage would be insulated for both sound and energy efficiency.

At 6:41 pm Riley closed the Public Hearing.

Frazier voiced concerns about the long plane of the west facing elevation. Douglas responded that the west facing elevation is up against the garage side of the neighboring house, with no living space on that side of the

**MINUTES OF THE WINTERS PLANNING COMMISSION
MEETING HELD JANUARY 26, 2016**

neighboring house. Biasi suggested adding windows to the west facing elevation. Douglas has concerns about windows on that side and UV light getting on his cars. Myer suggested if UV is the concern, adding blinds or coating the windows. Neighbor Dave Damon voiced concerns about the second story deck and views into his property. Frazier asked if Douglas plans to ever use this as a second unit. Douglas responded no. Discussion followed about different surface applications of siding, stucco, and adding windows.

Baker moved, and Frazier seconded to approve application for Site Plan/Design Review for a remodel and addition to 117 Almond Drive with the addition of a condition that windows be added to the west facing elevation with staff-level review of the windows.

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

- B. Public Hearing and consideration of an application from Project applicant AKM Railroad LLC – Ken Patel or Mike Olivas for extension of the approved 1/27/2015 Site Plan/Design Review to 06/27/2016, and for Site Plan/Design Review of a 70-unit Hotel with banquet/conference center, and approximately 10,500 square feet of commercial space and meeting rooms. The project will be three stories and includes an approximately 7,500 square feet courtyard.

Contract Community Development Director Dowswell provided an overview of the staff report, the request for extension, and the proposed roof-deck.

At 6:56 pm Biasi opened the Public Hearing.

Hearing no comments, at 6:56 pm Biasi closed the Public Hearing.

Frazier asked about the somewhat complicated issues. Dowswell responded that the applicants roof use, parking, and financing. Baker stated that the public notice did not contain language about the proposed roof deck and that the notice should include this for future consideration. Riley echoed these comments and wants to be sure the neighborhood is informed. Applicant Olivas offered that he would bring back the deferred design items as well as the proposed roof deck at a future public hearing, before the expiration of the design review extension should it be approved tonight. Riley stated that the commission should act on only the extension of the Design Review tonight. Discussion followed regarding the addition of occupancy for the roof deck area, and how parking demands need to be addressed for this additional occupancy. Biasi asked if the applicant has been approached to fund a parking study for the parking committee. Donlevy responded no.

Baker moved, and Riley seconded to approve application from Project applicant AKM Railroad LLC – Ken Patel or Mike Olivas for extension of the approved 1/27/2015 Site Plan/Design Review to 06/27/2016

**MINUTES OF THE WINTERS PLANNING COMMISSION
MEETING HELD JANUARY 26, 2016**

AYES: Commissioners Adams, Baker, Myer, Neal, Riley, Biasi

NOES: Frazier

ABSTAIN: None

ABSENT: Commissioner Myer

Motion carried 6-1 with Frazier dissenting.

COMMISSIONER/STAFF COMMENTS: None

ADJOURNMENT: Commissioner Riley adjourned the meeting at 7:25 pm

ATTEST: _____

Jenna Moser, Management Analyst

Bill Biasi, Chairman

**MINUTES OF THE JOINT WORKSHOP OF THE WINTERS CITY COUNCIL AND
PLANNING COMMISSION FEBRUARY 2, 2016**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Commissioner Riley called the meeting to order at 6:30 p.m.

PRESENT: City Council Members Anderson, Cowan, Fridae, Neu, Mayor Aguiar-Curry, Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, Biasi

ABSENT: None

STAFF: City Manager John W. Donlevy, Jr., City Attorney Ethan Walsh, Management Analyst Jenna Moser

CITIZEN INPUT: None at this meeting.

CONSENT ITEM: None

STAFF REPORTS: None

DISCUSSION ITEM:

- A. Workshop Item - Urgency Ordinance amending Chapter 17.04 of the Winters Municipal Code Related to Medical Marijuana Cultivation

City Attorney Ethan Walsh provided an overview of the staff report.

Mayor Aguiar-Curry clarified that should the Planning Commission recommend approval tonight, the item would return to the City Council at the next meeting. If the governor signs the legislation removing the deadline of February 29th, the urgency item would be removed and the normal Ordinance would be brought forward for consideration by Council. Walsh confirmed and elaborated on future discussion regarding the larger issues of cultivation.

Cowan asked what date the legislation on the governor's desk extends the deadline. Walsh responded that the deadline would be removed entirely.

Biasi clarified that the item under consideration tonight only deals with commercial cultivation.

Mayor Aguiar-Curry stated that she would like to see public input as this is discussed down the line, and that regulatory and funding challenges are a concern to her. The Mayor encouraged our work with the County Ag Commissioner.

Fridae stated that access for patients is important and also encouraged staff's work with the County on coordinating a response. Mayor Aguiar-Curry responded also that the timing of this regulation allows the local government flexibility in dealing with marijuana cultivation before the state takes control of regulation by the use of this deadline. The Mayor added that Placer County has a very good ordinance. Fridae voiced concern about the fiscal impacts of future regulation.

COUNCIL/COMMISSIONER/STAFF COMMENTS: None

**MINUTES OF THE JOINT WORKSHOP OF THE WINTERS CITY COUNCIL AND
PLANNING COMMISSION FEBRUARY 2, 2016**

ADJOURNMENT: Chairman Biasi adjourned the meeting at 7:20 pm

ATTEST: _____

Jenna Moser, Management Analyst

Bill Biasi, Chairman

MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING FEBRUARY 2, 2016

DISCLAIMER: *These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Commissioner Riley called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, Biasi

ABSENT: None

STAFF: City Manager John W. Donlevy, Jr., City Attorney Ethan Walsh, Management Analyst Jenna Moser

Commissioner Adams led the pledge of allegiance.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM: None

STAFF/COMMISSION REPORTS: Biasi reported on attendance at the Parking Committee meeting with Commissioner Frazier.

DISCUSSION ITEM:

- A. Public Hearing and Consideration of an Urgency Ordinance amending Chapter 17.04 of the Winters Municipal Code Related to Medical Marijuana Cultivation

City Attorney Ethan Walsh provided an overview of the staff report.

Chairman Biasi opened the Public Hearing at 8:03 pm. Hearing no comments Biasi closed the Public Hearing at 8:03 pm.

Baker noted typographical errors and asked that future discussions and language also address edible marijuana products.

Biasi asked about staff's discussions with the County. Walsh responded that the County is moving forward with a more comprehensive regulation, and that the City would coordinate with them in developing our own plan.

Myer stated that the County and City may have diverging interests. Walsh responded that the county is looking at this as an agricultural crop, and looking at regulating rather than prohibiting.

Adams clarified typographical errors. Staff responded that the missing area should be "current City regulation".

Commissioner Baker moved and Neal seconded to approve and Urgency Ordinance amending Chapter 17.04 of the Winters Municipal Code Related to Medical Marijuana Cultivation with the amended language concerning the missing whereas area.

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING FEBRUARY 2, 2016

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

COMMISSIONER/STAFF COMMENTS: None

ADJOURNMENT: Chairman Biasi adjourned the meeting at 8:11 pm

ATTEST: _____

Jenna Moser, Management Analyst

Bill Biasi, Chairman



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: March 22, 2016
FROM: David Dowswell, Community Development Director 
SUBJECT: Study Session - Consideration of various amendments to Chapter 17.80, Sign Regulations, in the Municipal Code (Zoning Ordinance).

RECOMMENDATION: That the Planning Commission review the proposed amendments in response to the comments from the July 22, 2014 study session and written comments received from Chair Biasi after the meeting, ask questions, take comments from the public and give staff direction.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The proposed Zoning Ordinance amendments will affect businesses located throughout the city. The properties effected by these amendments are designated in the General Plan as agricultural, residential, commercial, industrial, public/quasi-public and are zoned A, R-1, R-2, R-3, R-4, C-1, C-2, C-H, O-F, B-P, M-1, M-2, and PQP.

BACKGROUND: In 2014, staff completed a review of the City's current sign regulations in response to concerns that arose during the approval process for the new Burger King and Taco Bell restaurants and ARCO gas station. The changes proposed in the draft ordinance presented at the July 22, 2014 Planning Commission study session (Attachment A) were in response to those concerns.

At the July 22, 2014 study session the Planning Commission considered various amendments to the City's sign regulations. The Planning Commission had a number of comments and questions (Attachment B). Chair Biasi had a number of written comments, which were forwarded to staff after the meeting. Staff met with the Chamber of Commerce Board on March 13, 2015 to discuss the proposed amendments. Boardmember Pickerel asked to meet with staff to discuss what effects the proposed amendments might have on the Downtown and the need to allow certain types of historically significant signage in the Downtown.

Staff met with Mr. Pickerel on February 18, 2016 and discussed the proposed amendments specifically affecting the Downtown. Mr. Pickerel wanted to make sure the proposed amendments did not preclude the use of neon on historical buildings.

ANALYSIS: When the developer of the new Burger King and Taco Bell restaurants and ARCO gas station came forward they needed to obtain a variance for the new “freeway information sign”. This was due to the existing regulations being so restrictive that without a variance to increase the allowable square footage for each businesses’ sign the signs would not have been legible to motorists travelling I-505. The current regulations (Section 17.08.030(R)(3) only permit 25 square feet in area for each business which advertises on this type of sign. The Planning Commission approved a variance to allow 60 square feet for each business. The City Council subsequently amended the variance to allow a total area of 200 square feet for four potential signs. Also, the current regulations (Section 17.80.030(R)(1) only permit one multi-business “freeway information sign” on the north and south side of State Route (SR) 128. With the installation of the Burger King/Taco Bell/ARCO “freeway information sign” no more of these types of signs could be permitted on the north side of SR128 without a variance.

Staff reviewed a number of other cities regulations for freeway information signs/multi-business freeway oriented signs. Staff found two cities (Dixon and Palm Springs) that allow these types of signs. In both instances these signs are only permitted on properties zoned highway commercial. To address the concerns raised about freeway oriented signs during the Burger King/Taco Bell/ARCO approvals staff is proposing creating a separate set of regulations for these types of signs (17.80.040), which would apply to only properties zoned Highway Service Commercial (C-H) (Attachment C), they are:

1. Requiring a use permit from the Planning Commission,
2. Restricting these types of signs from being used to advertise businesses that are not located on property zoned C-H, and
3. Requiring they be designed to accommodate a minimum of four (4) businesses’ signs, and
4. Requiring they be designed to reflect the architecture, including colors and materials, of the buildings or center the businesses are located in, and
5. Requiring they include either the name of the center or “City of Winters” on the sign. Most of the newer freeway signs in Vacaville identify the shopping center or the City or both (Attachment D).

Staff is proposing the restriction be eliminated permitting only one multi-business freeway oriented sign on the north and south side of SR128. Instead staff is proposing, as an alternative, requiring these types of signs be at least 300 feet (staff previously proposed 500 feet) apart. Requiring some separation helps avoid one sign blocking the view of another sign and also helps minimize their visual impact. According the zoning map 300 feet of separation between signs would allow for one additional sign on the north side of SR128 and none on the south side of SR128 (previously up to four signs could have been located on the PG&E property, which changed when the property was rezoned to PQP).

When the Planning Commission approved freeway information sign one of the planning commissioners stated that he would prefer not see the City's logo on the sign. Staff has proposed (see #5 above) these signs possibly include the City's name. With the potential that there will likely be only one more such sign installed on the north side of SR128 including the City's name may be preferred. The Commission can recommend that the name of the City not be required.

The proposed regulations address awning signs. Currently, the square footage of awning signs is counted towards a businesses' allowable sign area. This makes it difficult, especially in the Downtown Districts (D-A and D-B), for a business to have their name on an awning and on the building. Staff found two good examples of cities (Sausalito and Palm Springs) that regulate these types of signs. The proposed regulations for awning signs will vary slightly depending on the zoning of the property. They are more restrictive for properties zoned D-A or D-B than zoned C-H. The proposed regulations do not count the area of awning signs towards a businesses' allowable sign area. The proposed regulations (Section 17.80.080E) specifically state that neon is not a prohibited sign type. Furthermore, Section 17.58.070D3c (Form Based Code) states, "Materials. The use of neon is permitted in the D-A zone if it fits with the style of the architecture and is not a nuisance to the surrounding properties."

Vertical banners/flags (Attachment E) are a new form of advertising/signage used to draw attention to businesses. At the July 22 meeting the Commission indicated they did not support allowing this type of sign. The proposed regulations include language prohibiting vertical banners/flags. Since the July meeting a new Section 17.80.080 has been added to address abandoned signs (Attachment F).

The proposed regulations also address political campaign signs. The City Attorney indicated that the current campaign sign regulations are not legal because they violate the First Amendment. There is case law against regulations which limit how many days prior to an election campaign signs can be erected. There is some case law supporting a City's right to require the signs be removed so many days after the election, but even that becomes cloudy when a person running for office is involved in a runoff election. An attorney speaking at the League of California Cities, City Attorney Conference in 2010 suggested cities may wish to delete these regulations entirely from their code (Attachment G). Staff is not proposing to delete our current campaign sign regulations. Staff is proposing deleting from Section 17.80.030M the restriction prohibiting campaign signs from being erected 90 days prior to an election.

The remaining changes to the sign regulations are non-substantive and are mainly for clarity. Staff used the ~~strikethrough~~ and underline feature to highlight the proposed changes. Staff also added comments in the margin to help explain the reason for certain changes, where the change came from or to bring up certain observations.

As mentioned, Chair Biasi had a number of written comments. His comments are shown in the margin with the letter "B".

PROJECT NOTIFICATION: Prior to the public hearing an eighth (1/8) of a page legal notice advertising for the public hearing on the proposed amendments will be prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law.

RECOMMENDATION: That the Planning Commission review the proposed amendments, ask questions, take comments from the public and give staff direction. Staff will update the draft ordinance and schedule for a public hearing.

ATTACHMENTS:

- A. Draft ordinance showing proposed changes and Chair Biasi's comments and clean copy
- B. July 22, 2014 Planning Commission minutes
- C. Zoning Map
- D. Example of freeway oriented sign
- E. Example of vertical banner/sign
- F. Example of abandoned sign
- G. Excerpt from presentation at League of California Cities Conference, May 2010

Chapter 17.80 SIGNS

Sections:

- [17.80.010](#) Purpose and intent.
- [17.80.020](#) General provisions.
- [17.80.030](#) Signs permitted in all districts.
- [17.80.035](#) Signs permitted in central business district.
- [17.80.040](#) Signs permitted in highway service commercial district
- [17.80.045](#) Signs permitted in other commercial, office and industrial districts
- [17.80.050](#) Signs permitted in planned districts.
- [17.80.060](#) Signs permitted in all other districts.
- [17.80.070](#) Prohibited signs.
- [17.80.080](#) Abandoned signs
- [17.80.090](#) Administration.
- [17.80.100](#) Nonconforming signs.

Comment [DD1]: We will add some examples.

Comment [B2]: Add photo examples in appropriate places as in the Form Based Code and Grant Ave. Design Guidelines

17.80.010 Purpose and intent.

The purpose of this chapter is to create a comprehensive and balanced system of signs which allows adequate business identification and communication with a quality appearance. Signs authorized under this chapter should:

- A. Encourage a desirable urban character consistent with the general plan;
- B. Preserve and improve the appearance of the city as a place to live, work and visit;
- C. Eliminate confusing, distracting, or dangerous sign displays which interfere with vehicular traffic;
- D. Promote commerce;
- E. Provide for fair and equal treatment of sign users;
- F. Promote ease of sign regulation administration; and
- G. Provide for eventual elimination of pre-existing, nonconforming signs on a fair and equitable basis.
(Ord. 97-03 § 2 (part): prior code § 8-1.6005 (A))

17.80.020 General provisions.

A1. Lighting.

An illuminated sign may be permitted only if the lighting is subdued and does not create an adverse design circumstance, interfere with the reasonable enjoyment of surrounding properties, does not present a traffic or pedestrian hazard or otherwise present a public nuisance. Installation of any new sign illumination shall be subject to securing a sign permit.

2. Sign Installation.

All signs shall be installed in a safe manner and in conformance with building codes and regulations. A building permit shall be obtained as necessary for any sign installation.

3. Sign Design.

~~A wall or projecting sign may not exceed six inches in thickness.~~ Signs should achieve general conformity with the Winters design guidelines or the Grant Avenue design guidelines, including design restrictions and/or themes specific to each designated design corridor. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (B))

Comment [D3]: Created a separate provision see #4 below.

4. Construction.

A wall or projecting sign may not exceed six (6) inches in thickness.

5. Definitions.

Unless otherwise stated in this chapter, all signs shall be as defined in Section 17.04.140.

17.80.030 Signs permitted in all districts.

The following signs do not require a sign permit, unless otherwise noted, and are not counted in the sign area of a business.

A. Special Event Temporary Signs.

Comment [B4]: There should be size limits for these.

1. Signs which advertise a specific community event such as a pancake breakfast, festival, parade, etc). shall be authorized by the director of community development. Signs shall **not exceed thirty-two (32) square feet and** be permitted for a period **not exceeding thirty (30) days.** Signs remaining beyond the approved period shall be removed by city at applicant's expense.

Comment [DD5]: See added this wording.

2. ~~Temporary s~~Signs which advertise non-community activities, (such as Christmas tree sales, pumpkin patch, carnival, religious assembly, or arts and crafts show) shall be regulated by the required temporary activity permit.

Comment [DD6]: Could put a size limit or allow it to be determined as part of the temporary activity permit. The signs in section #1 discuss civic events in #2 they advertise non-civic events. Should probably remain separate.

B. Memorial Signs or Tablets.

Memorial signs or tablets, names of buildings, and dates of building erection when cut into the surface of facade or a building.

Comment [B7]: What are allowed under this permit? It is not listed in 17.32. What size can these be?

C. Public Notices.

Comment [B8]: Can these two be combined?

Official notices posted by public officers or employees in the performance of their duties.

D. Public and Quasi-Public Signs.

Signs required or specifically authorized for a public or quasi-public purpose which may be of any type, number, area, height, location, illumination, or animation authorized by the statute or regulatory ordinance under which the signs are erected. For signs not so authorized, a sign area not exceeding thirty-two (32) square feet and height of eight (8) feet shall be permitted per property.

Comment [DD9]: This is the current wording. My guess is 32 square feet was chosen because it is the size of a standard sheet of plywood.

Comment [B10]: Why such a large area (32 sf)? What are examples of these?

E. Vending Machine Signs.

Signs on vending machines, gas pumps, ice containers, etc. not exceeding four (4) square feet per sign. A maximum of twelve (12) such signs are allowed per lot. The use shall include temporary advertising signs in such locations.

~~F. Regulatory and Safety Signs.~~

~~Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety, temporary signs placed by city departments.~~

Comment [D11]: Government signs are exempt. Don't think they need to be listed.

~~GF. Single Property Real Estate Signs.~~

~~One (1) real estate sale/lease/rental sign on any lot provided such sign is located entirely within the property to which the sign applies does not exceed six (6) square feet in area, and is removed within seven days after the sale, rental or lease has been accomplished. May also include up to five (5) off-site open house "A-frame" signs, each of which may not exceed four (4) square feet, and each of which can be placed not more than one (1) day per week.~~

Comment [D12]: Can they be placed on public property?

Comment [B13]: Is this 4 sf for both sides or total for two sides?

Comment [DD14]: Unless otherwise stated the numbers quoted are for each side.

HG. Multi-lot Real Estate Signs.

Signs advertising the sale, lease or rent of developments may be allowed as shown below:

1. One (1) on-site sign advertising a multi-lot development of less than forty (40) acres, not exceeding thirty-two (32) square feet and eight (8) feet in height:
2. Up to four (4) on-site signs advertising a multi-lot development of forty (40) acres or more, not exceeding thirty-two (32) square feet per sign and eight (8) feet in height. Limit of one (1) such sign per street frontage.

HI. Construction Signs.

One (1) sign per property not exceeding fifteen (15) square feet in area ~~or and not exceeding~~ six (6) feet in height identifying contractors, owners, designers, lenders, etc. for projects under construction on that property. The sign shall be removed within seven (7) days of completion of the particular construction aspect identified on the sign.

J. Flags.

The flags, emblems or insignias of any nation or political subdivision.

K. Symbols or Insignias.

Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area and that all such symbols, plaques and identification emblems shall be placed flat against a building.

L. Interior Signs.

Any sign visible only within the structure in which it is located.

M. House Numbers and Name Plates.

House numbers and name plates not exceeding three (3) square feet in area for each one-or two-family residential building and ten (10) square feet for multifamily, commercial, office and industrial uses.

N. Political and Campaign Signs.

Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

1. The signs ~~may be erected not earlier than ninety (90) days prior to the election and shall be removed within ten (10) days following the election.~~
2. In any residential zone no more than four (4) stationary signs are permitted on any one parcel of land. The signs shall not exceed a combined total of twenty (20) square feet in area and, if freestanding, shall not exceed six (6) feet in height. The signs shall not be erected in such a manner as to constitute a roof sign.
3. In any commercial or industrial zone, political signs are permitted provided all such signs do not exceed an aggregate sign area of thirty (30) square feet. The signs shall not be erected in such a manner as to constitute a roof sign.

Comment [D15]: The City attorney has suggested eliminating the 90 day restriction as there has been case law which has found that this restriction may violate the First Amendment.

Comment [B16]: I am fine with eliminating the 90 days part

Comment [D17]: State law regulates campaign signs that are visible from a state highway or interstate cannot be erected earlier than 90 days before and must be removed 10 days after.

Comment [DD18]: Campaign signs don't derive their allowable area from the property frontage. Not sure the City can enforce this regulation.

Comment [B19]: 30sf seems like a small area for a commercial or industrial zone which may have very large property frontages. Make this based on so much per liner foot of frontage?

O. Holiday Decorations.

Seasonal decorations not referring to businesses or goods.

P. Time and Temperature Signs.

Devices giving time, temperature and similar information but not having a business identification or information.

QP. Window Signs.

R. Freeway Information Signs.

Multibusiness signs advertising freeway-oriented business near a freeway interchange may be approved subject to obtaining a sign permit from the planning commission (if the subject sign location lies within the jurisdiction of the city) and subject to the following requirements:

1. No more than one such multibusiness sign shall be allowed on the north and on the south side of State Route 128.
2. The sign shall contain space for identification of at least four businesses or centers directly served by the off-ramp.
3. No individual business identification sign shall exceed twenty-five (25) square feet.
4. Freeway information signs may not exceed a height of sixty-five (65) feet, with sign heights up to one hundred (100) feet being possible if supported by detailed line-of-sight studies, as determined by the planning commission.
5. No business identified on a multibusiness sign may have an on-site free-standing sign exceeding eight feet in height.

One (1) sign per window opening, not exceeding four (4) square feet or twenty-five (25) percent of the individual window opening area, whichever is less.

Comment [DD20]: Not sure both limits are needed. Could keep a limit on maximum sf area per window. Supermarkets and liquor stores tend to be the worst offenders.

Comment [B21]: am in favor of going with the 25 %, not 4sf

SQ. On-Premise Directional or Institutional Signs.

Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not advertise a business, exceed four (4) square feet in area, and which provide direction or instruction, such as parking lot entrance and exit location signs.

TR. Off-Premise Directional Signs.

1. Off-premise signs which provide direction to general places, destinations, and collections of uses may be permitted by the planning commission, so long as the city bears no expense in placing or maintaining the signs. Examples of places appropriate for directional signs might include historic downtown, central business district, restaurants, subdivisions, overnight lodging, fruit packers, and the civic center.
2. To the extent feasible, multiple directional signs shall be placed as a group in one supporting structure, rather than on individual supports.
3. The planning commission will exercise discretion as to height and dimensions of signs based upon the number of destinations being identified on one (1) sign. However, the signs

should be ~~of modest size (no more than twenty (20) square feet)~~ and ~~height (no more than twelve (12) feet in height)~~. When there are several sites or destinations on one (1) sign, there should be only ~~a single one~~ palette of colors. Off-premise directional signs should be inspected for maintenance not less than once each year. The director of community development shall have authority to require the owners to maintain signs including repainting. If maintenance is not performed, city shall remove signs at owner's expense.

Comment [DD22]: Suggest removing "modest size and height" wording and use the language without the parenthesis.

Comment [B23]: Define "modest size and height limits"

4. Written authorization to erect signs from real property owners shall be obtained prior to planning commission approval. The planning commission shall have authority to condition the use of directional signs including, but not limited to, the length of time such signs may be erected.

5. The planning commission shall not approve any off-premise directional signs in violation of state statutes. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (C))

17.80.035 Signs permitted in downtown central business districts.

Each sign in this Section shall comply with architectural and design standards in Section 17.58.070.

A. Freestanding sign. One (1) freestanding identification sign per site may be permitted not exceeding twenty (20) square feet and six (6) feet in height on a site where all buildings are set back at least ten (10) feet from the street curb or street pavement edge on which the use fronts. Where the subject property exceeds one (1) acre in size, the maximum sign area may be increased to forty (40) square feet and ten (10) feet in height.

Comment [DD24]: See Subsection F below regarding A-frame signs.

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not exceeding one-hundred (100) square feet:

Comment [B25]: This sounds like it could include A frame signs. I am not a fan of the A frame signs at all but if we allow them the City must enforce the policies on them.

For buildings with only a single building frontage: one-quarter (¼) square foot of sign area for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-quarter (¼) square foot of sign ~~ing~~area for each linear foot of additional frontage. The basic sign area in a multitenant center/building may be reallocated between businesses by the center manager/building owner based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet and is located eight (8) feet or higher above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building, not exceeding four-tenths (.4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of six (6) square feet per side. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs must be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

Comment [B26]: Please see comment on section 17.80.035 A above

Comment [D27]: Does the city issue permits for these types of signs? Do we enforce?

Comment [DD28]: The current regulations do require a sign permit from the CD Director.

G. Awning Sign. One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed eight (8) inches in height.

Comment [D29]: From Sausalito ordinance

2. Shall be located on the front face or any valance.

Comment [D30]: From Palm Springs ordinance

3. Shall not exceed fifteen (15) percent of the total awning area

Comment [D31]: From Palm Springs ordinance

4. May include a logo not exceeding fifteen (15) inches in height and not exceeding ten (10) percent of the total awning area.

Comment [D32]: From Palm Springs ordinance

5. Lettering shall be sewn, painted or self-adhered onto the awning.

Comment [D33]: From Palm Springs ordinance

6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

17.80.040 Signs permitted in a highway service commercial district.

Freestanding signs advertising freeway oriented businesses may be approved subject to obtaining a use permit from the planning commission subject to the following requirements:

Comment [DD34]: Will add some examples.

Comment [B35]: Add photo examples

A. Freestanding Sign. One (1) freestanding sign may be permitted per parcel of land subject to the following:

1. Located more than ~~five~~ three hundred (500) feet from another freestanding sign.

2. Advertises only businesses located within the Highway Commercial Service zone.

3. Contains space for identification of at least four (4) businesses or centers directly served by the nearest off-ramp.

4. Where applicable, shall include either the name of the center or the City of Winters on the sign.

Comment [D36]: From Dixon ordinance. Vacaville seems to have a similar requirement. It is a nice touch if done properly. Could make it a "may" instead?

5. Area of each business sign shall be determined as part of the use permit. Subdivision of leasable space business sign, other than as approved as part of the use permit, is not allowed.

Comment [B37]: Why does it need to include City name?

6. Shall not exceed forty (40) feet in height. The planning commission may approve sign heights up to sixty-five (65) feet if supported by detailed line-of-sight study.

7. Businesses identified on a freestanding sign may have one (1) on-site freestanding sign not exceeding eight (8) feet in height.

8. Square footage of the sign for any business identified on a freestanding sign shall not be counted towards the business's allowable sign area.

Comment [D38]: From Dixon ordinance

9. Shall be designed to include architectural elements, colors and materials of the adjoining buildings located on the same site or sites of the businesses identified on the sign.

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not exceeding one-hundred (100) square feet:

Comment [B39]: How is the building frontage determined? In the case of Taco Bell there could be at least two if the freeway is considered

For buildings with only a single building frontage: one-half (½) square foot for each ground-level linear foot of building frontage.

Comment [DD40]: Typically, the frontage facing the primary street is used. If a building were to be located along a single frontage but oriented such that the front of the building was much shorter than the depth staff would probably make an interpretation to allow using the longer dimension.

For buildings with multiple building frontages: one-half (½) square foot for each ground-level linear foot of primary building frontage and one-quarter (¼) square foot of sign area for each linear foot of additional frontage. The basic sign area in a multitenant center/building may be reallocated between businesses by the center manager/building owner based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet and is located eight (8) feet or higher above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building not exceeding four-tenths (4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of twenty (20) square feet. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs must be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

Comment [B41]: See previous comments on A frame signs

G. Awning Sign. . One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed eight (8) inches in height

Comment [D42]: From Sausalito ordinance

2. Shall be located on the front face or any valance.

3. Shall not exceed twenty (20) percent of the total awning area

Comment [D43]: From Palm Springs ordinance

4. May include a logo not exceeding fifteen (15) inches in height and not exceeding ten (10) percent of the total awning area.

Comment [D44]: From Palm Springs ordinance

5. Lettering shall be sewn, painted or self-adhered onto the awning.

6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

17.80.0405 Signs permitted in commercial, office and industrial districts.

A. Freestanding sign. One (1) freestanding identification sign per site allowing one-quarter (¼) foot of sign area per foot of lot frontage on which the sign is to be located, not exceeding twenty (20) square feet in area nor six (6) feet in height on a site where all buildings are set back at least ten (10) feet from the street curb or street pavement edge on which the use fronts. Where the subject property exceeds one (1) acre in size, the maximum sign area may be increased to forty (40) square feet and ten (10) feet in height.

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not to exceeding one-hundred (100) square feet:

For buildings with only a single building frontage: one-half (½) square foot of sign area for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-half (½) square foot of sign area for each ground-level linear foot of primary building frontage and one-quarter (¼) square foot of sign area for each linear foot of additional frontage. The basic sign area in a multitenant center may be reallocated between businesses by the center manager based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet in area or is located lower than seven (7) feet, six (6) inches above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building, not to exceeding four-tenths (.4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of twenty (20) square feet. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet in area.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs shall be removed from the sidewalk

and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (D))

Comment [B45]: See previous comments on A frame

G. Awning Sign. . One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed fourteen (14) inches in height.
2. Shall be located on the front face or any valance.
3. Shall not exceed twenty (20) percent of the total awning area.
4. May include a logo not exceeding twenty (20) inches in height and not exceeding ten (10) percent of the total awning area.
5. Lettering shall be sewn, painted or self-adhered onto the awning.
6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

Comment [D46]: From Palm Springs ordinance

Comment [D47]: From Palm Springs ordinance

Comment [D48]: From Palm Springs ordinance

Comment [D49]: From Palm Springs ordinance

Comment [D50]: From Palm Springs ordinance

17.80.050 Signs permitted in planned districts.

Each sign in a planned district shall comply with regulations in this Section applicable to each use permitted by the planned district development plan. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (E))

17.80.060 Signs permitted in all other districts.

A. Freestanding Signs. One (1) freestanding identification sign not exceeding sixteen (16) square feet in area nor a height of five (5) feet if all on-site building are set back at least twenty (20) feet from the street curb or street pavement edge on which the use fronts.

B. Wall Signs. One (1) wall sign per occupant not exceeding sixteen (16) square feet in area for each building frontage on the site.

C. Residential Use. No freestanding or wall signs other than as prescribed elsewhere in this chapter may be permitted for any residential uses of property. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (F))

17.80.070 Prohibited signs.

Unless otherwise authorized by this chapter, it is unlawful to erect, reconstruct, alter, maintain, or place, and no permit shall be issued for, the following types of signs:

Comment [DD51]: See new language in subsection "I" below.

Comment [B52]: Add a section to prohibit utility pole signs

A. Off-Premise Signs Advertising a Specific Location, Business, Product, Use.

1. No new off-premise signs shall be allowed which advertise a specific business, product, use, etc., except as permitted herein for freeway information signs.
2. Existing off-premise signs advertising specific businesses, products, uses, etc. shall be allowed to remain, pursuant to the nonconforming sign criteria of this section.

B. Roof Signs.

Signs attached to the roof of a building or projecting over the roof or parapet of a building.

C. Wind Activated and Balloon Signs.

Including pennants, streamers, bunting, banners, including freestanding vertical banners/flags, balloons or inflatable signs or figures, kites and similar devices, except as authorized for a special event temporary sign.

Comment [DD53]: Yes.

Comment [B54]: Are banner flags considered wind activated?

D. Flashing, or Moving or Animated Signs.

Whether electrically or wind driven (except clocks, thermometers and traditional-type barber poles that rotate).

Comment [DD55]: Yes, this would include digital signs if their message wasn't static. For example, gas pricing signs are now often displayed in a digital format. Because the price isn't constantly changing they are not animated.

Comment [B56]: Is this referring to digital signs?

E. Exposed Bulb Signs.

Any signs with exposed fluorescent tubes or incandescent bulbs or LED lights (not including neon).

F. Damaged Signs.

Any sign with cracked or broken panels, peeling paint, missing letters, or other signs of poor maintenance shall be repaired within sixty (60) days.

Any sign which has been more than fifty (50) percent damaged or destroyed by any cause, and the damage or destruction is other than facial copy replacement, and the display is not repaired within thirty (30) days of the date of its damage or destruction, shall be removed.

G. Unauthorized Signs.

No sign may be placed on a private or public property without the permission of the owners of the property.

Comment [DD57]: Addressed in Section "L" below

H. Incompatible Signs.

Any commercial sign which, whether aesthetically or by size, adversely affects adjacent commercial uses

Comment [DD58]: Vague, too subjective.

H. Nonconforming Signs.

See Section 17.80.09100.

J. Hazardous Signs.

No sign may be erected in such a manner as to interfere with, obstruct, confuse or mislead traffic or create a pedestrian or vehicular safety hazard. A-frame signs permitted under Section 17.80.040(F) may

only be placed on a sidewalk where there is adequate width of a minimum of (4 feet) for both pedestrians, including persons in wheelchairs, and vehicle overhang from the street.

Comment [DD59]: See new wording.
Comment [B60]: Define adequate width to be 4 feet minimum

KJ Signs Near Street Intersections.

No freestanding advertising sign may be erected at a street intersection within a triangular area formed by the street curb lines and their projection and a line connecting them at points forty (40) feet from the intersection of the projected curb lines. In cases where curbs do not exist, the edge of street pavement shall be used for measuring purposes.

LK Mobile Signs.

No sign may be placed upon a vehicle which is parked for the purpose of advertising to the passing public. (Ord. 97-03 § 2 (part): prior code § 8-1.6005(G))

L Signs on Public Property

No sign may be placed on a public property, which includes telephone poles, light standards, stop signs, or other structures located within the public right-of-way, unless otherwise permitted in this chapter.

17.80.080 Abandoned Signs

Any signage, sign face, or sign structure which ceases, for a period in excess of ninety (90) days, to advertise a bona fide business, product, service, or entity presently in operation shall be entirely removed by the owner of said signage, sign face, or sign structure or by the owner of the property upon which signage is located, and shall not be reestablished or reconstructed or replaced without being subject to the provisions of this chapter.

17.80.0890 Administration.

A. Sign Permit Required.

No person may erect, enlarge, or maintain a sign or modify the design or location of any existing sign without the issuance of a sign permit, unless the sign is exempt under Section 17.80.030.

B. Application.

An applicant for a sign permit shall submit a completed application form, processing fee (as applicable), and plan as required by the community development director.

C. Reviewing Body.

Signs shall be reviewed according to the following Table 7:

TABLE 7 SIGN REVIEW

Planning Commission Action	Zoning Administrator Action Community Development Director Action	Community Development Director Action	No Sign Permit Required
Freeway Identification Oriented Business Sign	Illuminated Sign	Temporary Special Community Event Sign	Permitted Signs (per Section <u>17.80.030</u> , unless otherwise noted)
Off-Premise Directional Sign	Multi-lot Real Estate Sign	Master Building Directional Sign	
Any Freestanding, Wall or Marquee Sign in the CBD Historic District	Any Freestanding, Wall or Marquee Sign in a Commercial Zone	Any Freestanding, Wall or Marquee Sign in an Office or Industrial Zone	
All Projecting Signs			
Any Sign Variance		Signs in non-residential, Commercial or Industrial Zones (per Section <u>17.80.060</u>)	
		A-frame Sidewalk Sign	

Comment [D61]: Make all of these subject to CD Director action. Would combine columns 2 and 3.

D. Findings Required.

The reviewing body or person may approve a sign permit (where required) only when it finds that all the following conditions exist:

1. The sign conforms to city ordinance requirements;
2. The design conforms to the Winters design guidelines or the Grant Avenue Design Guidelines;
3. The design is compatible with the character and design of the exterior architecture of the building(s) on the property where the sign is to be located;
4. The sign will not create a visual or safety hazard; and
5. The sign location will not impair use of the subject property, adjacent property or public right-of-way.

E. Variance.

A variance from the regulations set forth in this chapter may be granted under the procedure set forth in Chapter [17.24](#). (Ord. 97-03 § 2 (part); prior code § 8-1.6005(H))

17.80.09100 Nonconforming Signs.

A. No sign which is made nonconforming by the provisions of this title may be modified in any manner which is inconsistent with this chapter, except by the replacement of sign faces within existing sign frames or by minor maintenance activities required to repair or prevent damage to signs.

B. Nonconforming signs damaged or modified more than fifty (50) percent of their replacement value, including major repairs or structural modifications, shall be brought into full compliance with this title. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (I))

Chapter 17.80 SIGNS

Sections:

- [17.80.010](#) Purpose and intent.
- [17.80.020](#) General provisions.
- [17.80.030](#) Signs permitted in all districts.
- [17.80.035](#) Signs permitted in central business district.
- [17.80.040](#) Signs permitted in highway service commercial district
- [17.80.045](#) Signs permitted in other commercial, office and industrial districts
- [17.80.050](#) Signs permitted in planned districts.
- [17.80.060](#) Signs permitted in all other districts.
- [17.80.070](#) Prohibited signs.
- [17.80.080](#) Administration.
- [17.80.090](#) Nonconforming signs.

17.80.010 Purpose and intent.

The purpose of this chapter is to create a comprehensive and balanced system of signs which allows adequate business identification and communication with a quality appearance. Signs authorized under this chapter should:

- A. Encourage a desirable urban character consistent with the general plan;
 - B. Preserve and improve the appearance of the city as a place to live, work and visit;
 - C. Eliminate confusing, distracting, or dangerous sign displays which interfere with vehicular traffic;
 - D. Promote commerce;
 - E. Provide for fair and equal treatment of sign users;
 - F. Promote ease of sign regulation administration; and
 - G. Provide for eventual elimination of pre-existing, nonconforming signs on a fair and equitable basis.
- (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (A))

17.80.020 General provisions.

1. Lighting.

An illuminated sign may be permitted only if the lighting is subdued and does not create an adverse design circumstance, interfere with the reasonable enjoyment of surrounding properties, does not present a traffic or pedestrian hazard or otherwise present a public nuisance. Installation of any new sign illumination shall be subject to securing a sign permit.

2. Installation.

All signs shall be installed in a safe manner and in conformance with building codes and regulations. A building permit shall be obtained as necessary for any sign installation.

3. Design.

Signs should achieve general conformity with the Winters design guidelines or the Grant Avenue design guidelines, including design restrictions and/or themes specific to each designated design corridor. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (B))

4. Construction .

A wall or projecting sign may not exceed six (6) inches in thickness.

5. Definitions.

Unless otherwise stated in this chapter all definitions for signs shall be as defined in Section 17.04.140.

17.80.030 Signs permitted in all districts.

The following signs do not require a sign permit, unless otherwise noted, and are not counted in the sign area of a business.

A. Special Event Temporary Signs.

1. Signs which advertise a specific community event such as a pancake breakfast, festival, parade). shall be authorized by the director of community development. Signs shall be permitted for a period not exceeding thirty (30) days. Signs remaining beyond the approved period shall be removed by city at applicant's expense. Size and location of sign to be determined by the director of community development.

2. Signs which advertise non-community activities, (such as Christmas tree sales, pumpkin patch, carnival, religious assembly, or arts and crafts show) shall be regulated by the required temporary activity permit. Size and location of sign to be determined by the director of community development.

B. Memorial Signs or Tablets.

Memorial signs or tablets, names of buildings, and dates of building erection when cut into the surface of facade or a building.

C. Public Notices.

Official notices posted by public officers or employees in the performance of their duties.

D. Public and Quasi-Public Signs.

Signs required or specifically authorized for a public or quasi-public purpose which may be of any type, number, area, height, location, illumination, or animation authorized by the statute or regulatory ordinance under which the signs are erected. For signs not so authorized, a sign area not exceeding thirty-two (32) square feet and height of eight (8) feet shall be permitted per property.

E. Vending Machine Signs.

Signs on vending machines, gas pumps, ice containers, etc. not exceeding four (4) square feet per sign. A maximum of twelve (12) such signs are allowed per lot. The use shall include temporary advertising signs in such locations.

F. Single Property Real Estate Signs.

One (1) real estate sale/lease/rental sign on any lot provided such sign is located entirely within the property to which the sign applies does not exceed six (6) square feet in area, and is removed within seven days after the sale, rental or lease has been accomplished. May also include up to five (5) off-site open house "A-frame" signs, each of which may not exceed four (4) square feet and each of which can be placed not more than one (1) day per week.

G. Multi-lot Real Estate Signs.

Signs advertising the sale, lease or rent of developments may be allowed as shown below:

1. One (1) on-site sign advertising a multi-lot development of less than forty (40) acres, not exceeding thirty-two (32) square feet and eight (8) feet in height:
2. Up to four (4) on-site signs advertising a multi-lot development of forty (40) acres or more, not exceeding thirty-two (32) square feet per sign and eight (8) feet in height. Limit of one (1) such sign per street frontage.

H. Construction Signs.

One (1) sign per property not exceeding fifteen (15) square feet in area and not exceeding six (6) feet in height identifying contractors, owners, designers, lenders, etc. for projects under construction on that property. The sign shall be removed within seven (7) days of completion of the particular construction aspect identified on the sign.

I. Flags.

The flags, emblems or insignias of any nation or political subdivision.

J. Symbols or Insignias.

Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area and that all such symbols, plaques and identification emblems shall be placed flat against a building.

K. Interior Signs.

Any sign visible only within the structure in which it is located.

L. House Numbers and Name Plates.

House numbers and name plates not exceeding three (3) square feet in area for each one-or two-family residential building and ten (10) square feet for multifamily, commercial, office and industrial uses.

M. Political and Campaign Signs.

Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

1. The signs shall be removed within ten (10) days following the election.
2. In any residential zone no more than four (4) stationary signs are permitted on any one parcel of land. The signs shall not exceed a combined total of twenty (20) square feet in area and, if freestanding, shall not exceed six (6) feet in height.
3. In any commercial or industrial zone, political signs are permitted provided all such signs do not exceed an aggregate sign area of thirty (30) square feet.

N. Holiday Decorations.

Seasonal decorations not referring to businesses or goods.

O. Time and Temperature Signs.

Devices giving time, temperature and similar information but not having a business identification or information.

P. Window Signs.

One (1) sign per window opening, not exceeding twenty-five (25) percent of the individual window opening area, whichever is less.

Q. On-Premise Directional or Institutional Signs.

Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not advertise a business, exceed four (4) square feet in area, and which provide direction or instruction, such as parking lot entrance and exit location signs.

R. Off-Premise Directional Signs.

1. Off-premise signs which provide direction to general places, destinations, and collections of uses may be permitted by the planning commission, so long as the city bears no expense in placing or maintaining the signs. Examples of places appropriate for directional signs might include historic downtown, central business district, restaurants, subdivisions, major employers, churches, schools, parks, overnight lodging, and the civic center.
2. To the extent feasible, multiple directional signs shall be placed as a group in one supporting structure, rather than on individual supports.
3. The planning commission will exercise discretion as to height and dimensions of signs based upon the number of destinations being identified on one (1) sign. However, the signs should be of modest size (no more than twenty (20) square feet in area) and height (no more than twelve (12) feet). When there are several sites or destinations on one (1) sign, there should be only a single palette of colors. Off-premise directional signs should be inspected for maintenance not less than once each year. The director of community development shall have authority to require the owners to maintain signs including repainting. If maintenance is not performed, city shall remove signs at owner's expense.
4. Written authorization to erect signs from real property owners shall be obtained prior to planning commission approval. The planning commission shall have authority to condition the use of directional signs including, but not limited to, the length of time such signs may be erected.
5. The planning commission shall not approve any off-premise directional signs in violation of state statutes. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (C))

17.80.035 Signs permitted in downtown districts.

Each sign in this Section shall comply with architectural and design standards in Section 17.58.070.

- A. Freestanding (monument) sign. One (1) freestanding identification sign per site may be permitted not exceeding twenty (20) square feet and six (6) feet in height on a site where all buildings are set back at least ten (10) feet from the street curb or street pavement edge on which the use fronts. Where the subject property exceeds one (1) acre in size, the maximum sign area may be increased to forty (40) square feet and ten (10) feet in height.
- B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not exceeding one-hundred (100) square feet:

For buildings with only a single building frontage: one-quarter ($\frac{1}{4}$) square foot of sign area for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-quarter ($\frac{1}{4}$) square foot of sign area for each linear foot of additional frontage. The basic sign area in a multitenant center/building may be reallocated between businesses by the center manager/building owner based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet and is located eight (8) feet or higher above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building, not exceeding four-tenths (.4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of six (6) square feet per side. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs must be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

G. Awning Sign. One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed eight (8) inches in height.
2. Shall be located on the front face or any valance.
3. Shall not exceed fifteen (15) percent of the total awning area
4. May include a logo not exceeding fifteen (15) inches in height and not exceeding ten (10) percent of the total awning area.
5. Lettering shall be sewn, painted or self-adhered onto the awning.
6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

17.80.040 Signs permitted in a highway service commercial district.

Freestanding signs advertising freeway oriented businesses may be approved subject to obtaining a use permit from the planning commission subject to the following requirements:

A. Freestanding sign. One (1) freestanding sign may be permitted per parcel of land subject to the following:

1. Located more than three hundred (300) feet from another freestanding sign.
2. Advertises only businesses located within the Highway Commercial Service zone.
3. Contains space for identification of at least four (4) businesses or centers directly served by the nearest off-ramp.
4. Where applicable, shall include either the name of the center or the City of Winters on the sign.
5. Area of individual businesses identified on the sign shall be determined as part of the design review permit. Subdivision of an individual business identification sign space, other than as approved as part of the design review permit, is not allowed.
6. Shall not exceed forty (40) feet in height. The planning commission may approve sign height of up to sixty-five (65) feet if supported by detailed line-of-sight study,
7. Businesses identified on a freestanding sign may have one (1) on-site freestanding sign not exceeding eight (8) feet in height.
8. Square footage of the business identification sign shall not be counted towards the business's allowable sign area.
9. Shall be designed to include architectural elements, materials and colors of the buildings and structures located on the same site or on the site of the businesses identified on the sign.

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not exceeding one-hundred (100) square feet:

For buildings with only a single building frontage: one-half ($\frac{1}{2}$) square foot for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-half ($\frac{1}{2}$) square foot for each ground-level linear foot of primary building frontage and one-quarter ($\frac{1}{4}$) square foot of sign area for each linear foot of additional frontage. The basic sign area in a multitenant center/building may be reallocated between businesses by the center manager/building owner based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet and is located eight (8) feet or higher above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building not exceeding four-tenths (4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of twenty (20) square feet. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs must be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

G. Awning Sign. . One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed eight (8) inches in height
2. Shall be located on the front face or any valance.
3. Shall not exceed twenty (20) percent of the total awning area
4. May include a logo not exceeding fifteen (15) inches in height and not exceeding ten (10) percent of the total awning area.
5. Lettering shall be sewn, painted or self-adhered onto the awning.
6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

17.80.045 Signs permitted in commercial, office and industrial districts.

A. Freestanding (monument) sign. One (1) freestanding identification sign per site allowing one-quarter ($\frac{1}{4}$) foot of sign area per foot of lot frontage on which the sign is to be located, not exceeding twenty (20) square feet in area nor six (6) feet in height on a site where all buildings are set back at least ten (10) feet from the street curb or street pavement edge on which the use fronts. Where the subject property exceeds one (1) acre in size, the maximum sign area may be increased to forty (40) square feet and ten (10) feet in height..

B. Wall sign. One (1) wall sign per building frontage. Maximum wall sign area is determined as follows, not exceeding one-hundred (100) square feet:

For buildings with only a single building frontage: one-half ($\frac{1}{2}$) square foot of sign area for each ground-level linear foot of building frontage.

For buildings with multiple building frontages: one-half ($\frac{1}{2}$) square foot of sign area for each ground-level linear foot of primary building frontage and one-quarter ($\frac{1}{4}$) square foot of sign area for each linear foot of additional frontage. The basic sign area in a multitenant center may be reallocated between businesses by the center manager based on an overall sign plan for the center.

C. Marquee Sign. One (1) marquee sign per building occupant which does not exceed five (5) square feet in area or is located lower than seven (7) feet, six (6) inches above the grade level below it. No sign may be placed upon the roof of a marquee.

D. Projecting Sign. One (1) projecting sign per building, not exceeding four-tenths (.4) square feet for every linear foot of main entrance facade frontage, not exceeding a maximum of twenty (20) square feet. A projecting sign shall be at least eight (8) feet above grade directly below the sign.

E. Multistory Building Directory Sign. One (1) directory wall sign for each primary building entry to identify occupants in a multistory building. The sign may not exceed five (5) square feet in area.

F. A-frame Sign. One (1) freestanding A-frame sign not exceeding four (4) square feet in area and three (3) feet in height shall be permitted in front of each business establishment subject to securing a sign permit from the community development department for the operator's safe placement of the sign along a sidewalk under the terms prescribed in this chapter. A-frame signs shall be removed from the sidewalk and placed inside when the business it advertises is closed. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (D))

G. Awning Sign. . One (1) awning sign per building/store frontage may be permitted subject to the following requirements:

1. Maximum height of lettering shall not exceed fourteen (14) inches in height.
2. Shall be located on the front face or any valance.
3. Shall not exceed twenty (20) percent of the total awning area
4. May include a logo not exceeding twenty (20) inches in height and not exceeding ten (10) percent of the total awning area.
5. Lettering shall be sewn, painted or self-adhered onto the awning.
6. Area of awning sign(s) shall not be applied to the allowable wall sign area.

17.80.050 Signs permitted in planned districts.

Each sign in a planned district shall comply with regulations in this Section applicable to each use permitted by the planned district development plan. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (E))

17.80.060 Signs permitted in all other districts.

A. Freestanding (monument) sign. One (1) freestanding identification sign not exceeding sixteen (16) square feet in area nor a height of five (5) feet if all on-site building are set back at least twenty (20) feet from the street curb or street pavement edge on which the use fronts.

B. Wall Signs. One (1) wall sign per occupant not exceeding sixteen (16) square feet in area for each building frontage on the site.

C. Residential Use. No freestanding or wall signs other than as prescribed elsewhere in this chapter may be permitted for any residential uses of property. (Ord. 97-03 § 2 (part); prior code § 8-1.6005 (F))

17.80.070 Prohibited signs.

Unless otherwise authorized by this chapter, it is unlawful to erect, reconstruct, alter, maintain, or place; and no permit shall be issued for, the following types of signs:

A. Off-Premise Signs Advertising a Specific Location, Business, Product, Use.

1. No new off-premise signs shall be allowed which advertise a specific business, product, use, etc., except as permitted herein for freeway information signs.

2. Existing off-premise signs advertising specific businesses, products, uses, etc. shall be allowed to remain, pursuant to the nonconforming sign criteria of this section.

B. Roof Signs.

Signs attached to the roof of a building or projecting over the roof or parapet of a building.

C. Wind Activated and Balloon Signs.

Including pennants, streamers, bunting, banners, including freestanding vertical banners/flags, balloons or inflatable signs or figures, kites and similar devices, except as authorized for a special event temporary sign.

D. Flashing, Moving or Animated Signs.

Whether electrically or wind driven (except clocks, thermometers and traditional-type barber poles that rotate).

E. Exposed Bulb Signs.

Any signs with exposed fluorescent tubes or incandescent bulbs or LED lights (not including neon).

F. Damaged Signs.

Any sign with cracked or broken panels, peeling paint, missing letters, or other signs of poor maintenance shall be repaired within sixty (60) days.

Any sign which has been more than fifty (50) percent damaged or destroyed by any cause, and the damage or destruction is other than facial copy replacement, and the display is not repaired within thirty (30) days of the date of its damage or destruction, shall be removed.

G. Unauthorized Signs.

No sign may be placed on a private property without the permission of the owners of the property.

H. Nonconforming Signs.

See Section [17.80.090](#).

I. Hazardous Signs.

No sign may be erected in such a manner as to interfere with, obstruct, confuse or mislead traffic or create a pedestrian or vehicular safety hazard. A-frame signs permitted under Section [17.80.040\(F\)](#) may only be placed on a sidewalk where there is adequate width (4 feet) for both pedestrians, including persons in wheelchairs, and vehicle overhang from the street.

J Signs Near Street Intersections.

No freestanding advertising sign may be erected at a street intersection within a triangular area formed by the street curb lines and their projection and a line connecting them at points forty (40) feet from the intersection of the projected curb lines. In cases where curbs do not exist, the edge of street pavement shall be used for measuring purposes.

K. Mobile Signs.

No sign may be placed upon a vehicle which is parked for the purpose of advertising to the passing public. (Ord. 97-03 § 2 (part); prior code § 8-1.6005(G))

L. Signs on Public Property

No sign may be placed on a public property, which includes telephone poles, light standards, stop signs, or other structures located within the public right-of-way, unless otherwise permitted in this chapter.

17.80.080 Administration.

A. Sign Permit Required.

No person may erect, enlarge, or maintain a sign or modify the design or location of any existing sign without the issuance of a sign permit, unless the sign is exempt under Section [17.80.030](#).

B. Application.

An applicant for a sign permit shall submit a completed application form, processing fee (as applicable), and plan as required by the community development director.

C. Reviewing Body.

Signs shall be reviewed according to the following Table 7:

TABLE 7 SIGN REVIEW

Planning Commission Action	Community Development Director Action	Community Development Director Action	No Sign Permit Required
Freeway Oriented Business Sign	Illuminated Sign	Temporary Special Community Event Sign	Permitted Signs (per Section 17.80.030 , unless otherwise noted)
Off-Premise Directional Sign	Multi-lot Real Estate Sign	Master Building Directional Sign	
Any Freestanding, Wall or Marquee Sign in the CBD Historic District	Any Freestanding, Wall or Marquee Sign in a Commercial Zone	Any Freestanding, Wall or Marquee Sign in an Office or Industrial Zone	
All Projecting Signs			
Any Sign Variance		Signs in non-residential, Commercial or Industrial Zones (per Section 17.80.060)	
		A-frame Sidewalk Sign	

D. Findings Required.

The reviewing body or person may approve a sign permit (where required) only when it finds that all the following conditions exist:

1. The sign conforms to city ordinance requirements;
2. The design conforms to the Winters design guidelines or the Grant Avenue design guidelines;

3. The design is compatible with the character and design of the exterior architecture of the building(s) on the property where the sign is to be located;
4. The sign will not create a visual or safety hazard; and
5. The sign location will not impair use of the subject property, adjacent property or public right-of-way.

E. Variance.

A variance from the regulations set forth in this chapter may be granted under the procedure set forth in Chapter [17.24](#). (Ord. 97-03 § 2 (part): prior code § 8-1.6005(H))

17.80.090 Nonconforming Signs.

A. No sign which is made nonconforming by the provisions of this title may be modified in any manner which is inconsistent with this chapter, except by the replacement of sign faces within existing sign frames or by minor maintenance activities required to repair or prevent damage to signs.

B. Nonconforming signs damaged or modified more than fifty (50) percent of their replacement value, including major repairs or structural modifications, shall be brought into full compliance with this title. (Ord. 97-03 § 2 (part): prior code § 8-1.6005 (I))

MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD JULY 22, 2014

DISCLAIMER: *These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chair Bill Biasi called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Adams, Frazier, Riley, Reyes and Chair Biasi

ABSENT: Baker

STAFF: City Manager John W. Donlevy, Jr., Management Analyst Jenna Moser, Contract Planner Dave Dowswell, Intern Charlie Tschudin

Wade Cowan, Council Member, led the Pledge of Allegiance.

Winters Express Editor Debra DeAngelo introduced new City Reporter Lindsay Hickman.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM:

1. Approval of Meeting Minutes of the April 25, 2014 Regular meeting of the Planning Commission.

Commissioner Riley moved to approve the Meeting Minutes of the April 25, 2014 Planning Commission Meeting. Seconded by Commissioner Frazier.

AYES: Commissioners Adams, Frazier, Riley, Reyes and Chairman Biasi.

NOES: None

ABSTAIN: None

ABSENT: Baker

COMMISSION REPORTS: None

STAFF REPORTS: None

CONSENT ITEM:

1. Approval of Minutes from the May 27, 2014 meeting of the Winters Planning Commission.

Commissioner Riley moved to approve the Minutes from the May 27, 2014 Winters Planning Commission. Seconded by Commissioner Frazier.

AYES: Commissioners Adams, Frazier, Riley, Reyes and Chairman Biasi

NOES: None

ABSTAIN: None

ABSENT: Baker

Freeway Oriented Sign

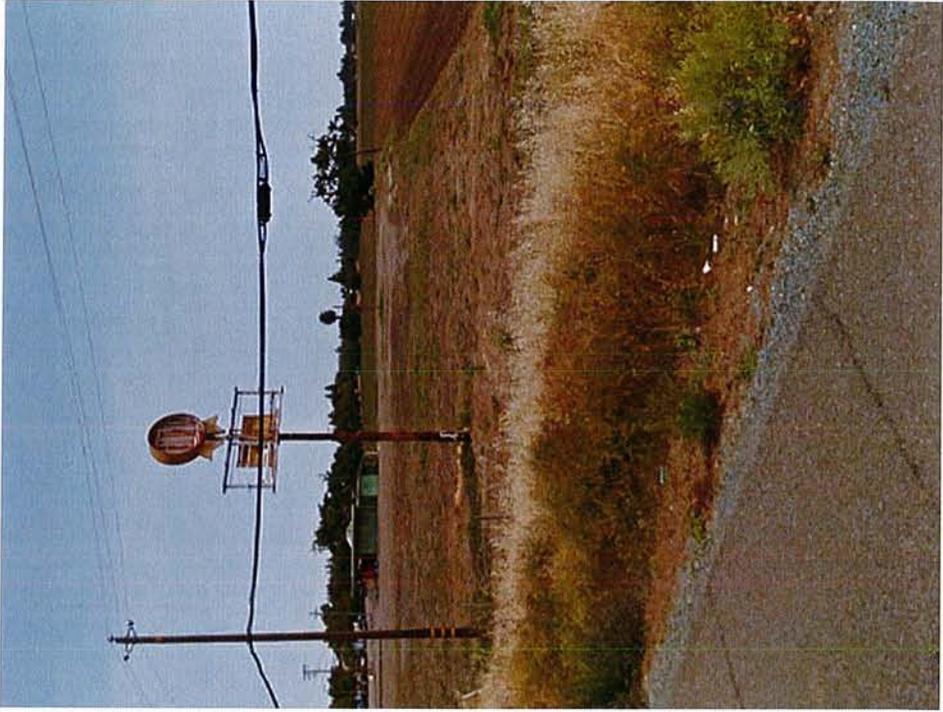




Vertical Banner/Flag Sign and Signs on Utility Pole



Abandoned Sign



REGULATION OF POLITICAL, CAMPAIGN AND ELECTION SIGNS
copyright 2009, 2010 Randal R. Morrison
rrmatty@yahoo.com
www.signlaw.com

Presented at the California League of Cities, City Attorneys Convention, Santa Barbara, May 2010.

The opinions expressed in this paper and in the live presentation are those of the author / presenter and do not necessarily reflect those of the League of California Cities or any of its officials, officers, or employees.

I. POLITICAL, CAMPAIGN AND ELECTION SIGNS

Special rules for “political signs” or “campaign signs” or “election oriented signs” are common in sign ordinances, and pose a major legal risk.

When challenged in court, political sign rules are almost always invalidated and the government is ordered to pay large attorney fee awards to challengers. The key problem is that political sign rules, even when written to “treat everybody alike,” still amount to “the government choosing the topic of debate,” and thus violating the Mosley principle.

II. THE MOSLEY PRINCIPLE: NO GOVERNMENT FAVORITISM

The most basic idea in sign regulation comes from *Police Dept. of Chicago v. Mosley*, 408 U.S. 92 (1972):

The central problem with Chicago’s ordinance is that it describes permissible picketing in terms of its subject matter. Peaceful picketing on the subject of a school’s labor-management dispute is permitted, but all other peaceful picketing is prohibited. The operative distinction is the message on a picket sign. **But, above all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.**

III. STATUTORY LIMITS ON POLITICAL SIGN RULES

Limits on private agreements (leases *etc.*) banning political messages: Cal. Civil Code 1353.6 – common interest housing, noncommercial speech; Cal. Civil Code 798.51(e) – political signs on mobile homes. Caltrans is statutorily prohibited from regulating political or other noncommercial messages on signs. B&P 5275.

IV. IMPORTANT POLITICAL SIGN CASES

A city may not ban political and other non-commercial signs from residential areas. *Ladue v. Gilleo*, 512 U.S. 43 (1994) (ban on all residential signs except those falling in one of ten exemptions, which did not include political, religious and personal messages). However, reasonable TPM rules are permissible.

Members of City Council v. Taxpayers for Vincent, 466 U.S. 789 (1984) (complete ban on all signs on utility poles and guy wires: valid); *Sussli v. San Mateo*, 120 Cal.App.3d 1 (1981) (city can ban all inanimate signs on public property).

Baldwin v. Redwood City, 540 F.2d 1360 (9th Cir. 1976) (size limits: 16 sf per sign, 80 sf cumulative for all political signs on the property - valid; cumulative size limit for any one candidate or issue - unconstitutional; ban on political signs in residential areas - unconstitutional; inspection and removal fees - unreasonable under the factual record; summary seizure of nonconforming signs - violation of due process).

G.K. Ltd. Travel v. Lake Oswego, 436 F.3d 1064, 1067 (9th Cir. 2006) (display right turns on event - election - not message, and applies regardless of message content; valid).

Verilli v. Concord, 548 F.2d 262 (9th Cir. 1977) (size limits, removal bond, requirement that political signs be freestanding, all unconstitutional).

Whitton v. Gladstone, 54 F.3d 1400 (8th Cir. 1995) (close of election did not moot challenge to political sign rules; 30 day display rule, 7 day removal rule, ban on external illumination, vicarious liability for failure to remove signs after election - all unconstitutional).

Arlington County Republic Party v. Arlington County, 983 F.2d 587 (4th Cir. 1993) (limit of two political signs per residence - unconstitutional).

Beaulieu v. Alabaster, 454 F.3d 1219 (11th Cir. 2006) (city allowed political signs only in residential area; attorney running for elective judgeship should not have to cover over her law office shingle to display "vote for me" sign; "message substitution did not solve the whole problem").

Maguire v. American Canyon, 2007 WL 1875974 (ND CA 2007) (90 day display limit is unconstitutional); *Antioch v. Candidate's Outdoor Graphic Service*, 557 F.Supp. 52 (ND CA 1982) (60 day display limit is unconstitutional).

See: Regulating Election Signs, Public Law Journal, Vol. 31, No. 2 (Spring 2008) (California version); Regulating Election Signs, Municipal Lawyer Magazine (July August 2008; published by International Municipal Lawyers Ass'n) (national version of same article).

V. ELECTION DAY RULES

In *Burson v. Freeman*, 504 U.S. 191 (1992) a plurality of the U.S. Supreme Court approved a rule forbidding all electioneering, including signs, within 100 feet of a polling place on election day. This is one of the rare examples of content based regulation of "core speech" being sufficiently justified (preventing voter intimidation and maintaining the integrity of the election system). California has codified essentially the same rule at Election Code 18370.

VI. AVOIDING "POLITICAL SIGN" PROBLEMS

Recommendation: purge the sign ordinance, and all city code, of all rules that are specific to political signs, and replace them with rules that apply to temporary structures displaying any kind of noncommercial messages. Allow such signs at all times and on all properties. An option: increase the allowable display area a certain defined period of time before the election; so long as the rule applies equally to every variety of noncommercial message, it will qualify as a time rule, and should have a good chance of being sustained on a court challenge. See *G.K. Ltd. Travel v. Lake Oswego OR*, 436 F.3d 1064 (9th Cir. 2006). Consider: on non-residential properties, consider allowing a certain amount of display area on temporary structures that can be used only for noncommercial messages.

If the city allows any kind of commercial speech on traditional public forum areas (sidewalks, streets, parks, exterior of city hall), then equal display rights must be granted to all varieties of noncommercial speech. This issue usually arises when "open house" / Real Estate For Sale signs are allowed on sidewalks.



**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: March 22, 2016
FROM: David Dowswell, Community Development Director 
SUBJECT: Callahan Estates Subdivision – Public Hearing and consideration by the Winters Planning Commission of the proposed Amended and Restated Development Agreement and Amended Tentative Map Conditions

RECOMMENDATION: Staff recommends the Planning Commission continue this item to the April 26, 2016 meeting.

BACKGROUND: In April 2005, the City approved the Callahan Estates Subdivision and Development Agreement (DA). In February 2009 a First Amendment was approved regarding the deferral of development impact fees from building permit to certificate of occupancy, conveying a portion of the land needed for the new public safety facility and revising the maximum number of non-market rate units that can be built per year. In August 2013 a Second Amendment was approved transferring the ownership from Winters Investors, LLC to Turning Point Acquisitions V, LLC, regarding the expiration date of the DA.

Late last year the City met with a representative of Turning Point Acquisitions V, LLC, to discuss possible amendments to the DA. These amendments to the Callahan Estates DA are essentially to “modernize” it to recognize capital improvements made during the interim, needs of the City and the Developer, and also to acknowledge the new fiscal realities of residential development. The amendments are discussed below.

Late last week the applicant was given comments on the draft DA from the City’s Engineer. The comments were received after the public hearing notice was published in the newspaper. A couple of the comments were significant enough that the applicant is requesting this item be held over until the next meeting (Attachment A).

ATTACHMENT:

A. Email from applicant requesting holding this item over until April 26, 2016.

Dave Dowswell

From: Jim Hildenbrand <jimhildenbrand@gmail.com>
Sent: Wednesday, March 16, 2016 11:30 AM
To: Dave Dowswell
Subject: Re: Continuance request

Dave,
This email is to request a continuance until April 26, 2016 of the DA amendment hearing.
Best
Jim Hildenbrand

On Wed, Mar 16, 2016 at 11:03 AM, Dave Dowswell <dave.dowswell@cityofwinters.org> wrote:

Jim,

Can you send me a simple email asking that the DA amendment hearing be held over until April 26, 2016. Thanks.

Dave

David Dowswell, AICP
Community Development Department
City of Winters
318 First Street
Winters, CA 95694