

## ORDINANCE 353

### AMENDING THE SARATOGA MUNICIPAL CODE WITH RESPECT TO LIGHTING ON SIGNS AND ENFORCEMENT OF RULES PROHIBITING OFF-SITE SIGNS IN THE PUBLIC RIGHT OF WAY

#### Findings

1. The City of Saratoga wishes to update and amend the City Code regarding lighting on signs and enforcement of the prohibition of off-site signs on the public right of way.
2. The City Council referred this matter to the Planning Commission and the Planning Commission held a hearing on November 8, 2017. Following consideration of all testimony and written materials, the Planning Commission approved Resolution No. 17-028 on November 8, 2017 recommending approval of this ordinance.
3. The City Council of the City of Saratoga held a duly noticed public hearing on December 6, 2017 and after considering all testimony and written materials provided in connection with that hearing, introduced this Ordinance.

**Therefore, the City Council hereby ordains as follows:**

#### **Section 1. Adoption.**

The Saratoga City Code is updated and amended as set forth in Attachment A. Text to be added is indicated in bold double underlined font (e.g., **underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~). Text in standard font is readopted by this Ordinance.

#### **Section 2. California Environmental Quality Act**

The proposed amendments to the City Code are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline sections 15061(b)(3) – The general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment.

#### **Section 3. Publication.**

This ordinance or a comprehensive summary thereof shall be published in a newspaper of general circulation of the City of Saratoga within fifteen (15) days after its adoption.

*[Continued on next page.]*

Following a duly noticed public hearing the foregoing ordinance was introduced and read at the regular meeting of the City Council of the City of Saratoga held on the 6<sup>th</sup> day of December, 2017, and was adopted by the following vote following a second reading on the 20<sup>th</sup> of December, 2017.

COUNCIL MEMBERS:

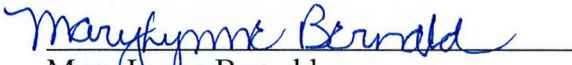
AYES: Mayor Mary-Lynne Bernald, Vice Mayor Manny Cappello, Council Members Howard A. Miller, Emily Lo

NAYS:


ABSENT: Council Member Rishi Kumar

ABSTAIN:

SIGNED:

  
Mary-Lynne Bernald  
MAYOR OF THE CITY OF SARATOGA  
Saratoga, California

ATTEST:

  
Nora Pimentel, MMC  
CITY CLERK  
Saratoga, California

APPROVED AS TO FORM:

  
RICHARD TAYLOR, CITY ATTORNEY

Attachment A - Amendments to Article 15-30 of the Saratoga Municipal Code

## **Attachment A – Amendments to Article 15-30 of the Saratoga Municipal Code**

*The sections of the Saratoga Municipal Code set forth below are amended or adopted as follows:*

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in italics is explanatory and is not an amendment to the Code.*

### **Article 15-30 – SIGNS**

#### **15-30.060 - Signs allowed in any zoning district without a sign permit.**

The following signs are allowed without a sign permit in any zoning district in the City:

- (a) Flags, provided that they display only noncommercial messages. The aggregate area of all flags displayed on any lot shall not exceed thirty square feet. No flagpole shall be higher than twenty-five feet.
- (b) Hand-held signs displaying noncommercial messages.
- (c) Window signs, provided that the signs do not comprise more than twenty-five percent of the area of any individual window.
- (d) Temporary special event signs as approved under a special event permit issued per City Code Article 10-10, provided that:
  - (1) No individual sign shall exceed ten feet in height and sixty square feet in area;
  - (2) The signs shall not be illuminated.
  - (3) No sign shall be thicker than one-half inch, except for support posts firmly planted in the ground.
  - (4) A special event sign located on private property may incorporate balloons, ribbons, streamers, or other attention-getting devices **(excluding lights)**, provided these devices are not displayed for more than twenty-four consecutive hours at a time, nor more than six twenty-four-hour periods in any one year.
  - (5) No signs shall be located on private property without the permission of the property owner.
- (e) Temporary noncommercial signs (including, but not limited to, election signs), provided that:
  - (1) No sign shall be displayed for more than seventy-five cumulative days within a one-year period.
  - (2) No sign shall exceed four square feet in area and four feet in height.
  - (3) The sign shall not be illuminated.
  - (4) No sign shall be thicker than one-half inch, except for support posts firmly planted in the ground.
  - (5) A temporary, noncommercial sign located on private property may incorporate balloons, ribbons, streamers, or other attention-getting devices **(excluding lights)**, provided these devices are not displayed for more than twenty-four consecutive hours at a time, nor more than six twenty-four-hour periods in any one year.
  - (6) No signs shall be located on private property without the permission of the property owner.

- (f) Temporary signs on lots with active construction. In addition to the temporary, noncommercial signs allowed pursuant to subsection 15-30.060(e), up to two temporary, nonilluminated on-site or noncommercial signs on any active construction site, provided that:
  - (1) The sign shall be located on the same lot as the construction project.
  - (2) One sign may be freestanding, but in such case shall not exceed six feet in height.
  - (3) One sign may be located on a construction fence.
  - (4) No sign shall exceed fifteen square feet in area.
- (g) Banners on light poles erected or cosponsored by a governmental entity.
- (h) Traffic control signs and devices erected by a government entity. Lots with a parking area exceeding ten spaces may have up to four signs for every ten parking spaces, where each sign shall not exceed two square feet in area and four feet in height.
- (i) Utility location signs, utility identification signs, and utility markers erected by a governmental entity.
- (j) City entrance signs. One permanent sign adjacent to an arterial street at each entrance to the City. The total sign area of each sign shall not exceed fifty square feet.
- (k) City median signs. Temporary signs in medians erected by a government entity at locations and in such numbers and sizes approved by the City Manager. The City Manager shall determine safe locations, numbers, and sizes for City median signs, and shall make this information available to the public. Temporary signs displayed by others at these approved locations are permissible if:
  - (1) No government entity is displaying its own sign(s) at the approved location(s);
  - (2) An application has been submitted to the City Manager to locate non-government signs at the approved locations and the City Manager has authorized the use, pursuant to procedures established by the City Council or City Manager;
  - (3) Temporary signs are non-commercial and announce events that (1) are noncommercial; (2) will be held in Saratoga; (3) are open to the general public and (4) are held by either (a) a nonprofit organization; (b) an individual or group without charge; or (c) an individual or group with a charge for the purpose of cost-recovery or raising funds on behalf of a nonprofit organization.
  - (4) The temporary signs comply with such other requirements as may be adopted by the City Council or City Manager regarding the duration, size, installation and related matters other than the content of the sign.

**15-30.110 - Temporary on-site signs on lots in any sign district.**

In addition to other signs allowed pursuant to this Article, temporary on-site signs that comply with each of the following standards are allowed on lots in any of the four sign districts without a permit:

- (a) One temporary banner or freestanding on-site sign provided that:
  - (1) Temporary on-site banner shall comply with the following:
    - a. The banner shall only be placed on a building.
    - b. The banner shall not exceed ten square feet in area.
    - c. The banner shall be constructed of durable all-weather fabric or synthetic material.

- d. Each lot shall be free of temporary on-site banners at least one hundred eighty days in a calendar year.
- e. No individual temporary on-site banner shall be displayed more than thirty consecutive days.
- (2) Temporary on-site freestanding sign (including, but not limited to, A-frame type sign) shall comply with the following:
  - a. The sign shall only be located within ten feet from the primary entrance to the building and shall not impede pedestrian travel.
  - b. The sign shall not exceed six square feet in area and four feet in height.
  - c. The sign shall not be affixed to any tree or structure.
  - d. The sign shall only be displayed when the business is open.
  - e. The sign shall be constructed of durable all-weather wood, metal, and/or blackboard.
- (b) No business shall display more than one temporary on-site sign at any one time.
- (c) No temporary on-site sign shall be located within ten feet of another temporary sign.
- (d) No temporary on-site sign shall be illuminated.
- (e) No temporary on-site sign shall include balloons, ribbons, streamers, lights, or other attention-getting devices.
- (f) No temporary on-site sign shall be located on any median, street, or travel lane, or upon any sidewalk where it impedes pedestrian travel.

**15-30.120 - Signs on lots with institutional, public, or quasi-public uses.**

In addition to other signs allowed pursuant to this Article, the following signs are allowed on lots with an institutional, public, or quasi-public use anywhere in the City:

- (a) Building signs: Any number of permanent building sign(s) on any lot are allowed with a sign permit, provided that:
  - (1) The aggregate area of all permanent building sign(s) shall not exceed forty square feet.
  - (2) No individual permanent building sign shall be greater than ten square feet in area.
- (b) Freestanding signs: Up to two permanent freestanding sign(s) per street frontage, or one permanent freestanding sign per driveway, whichever is greater are allowed with a sign permit provided that:
  - (1) The aggregate area of all permanent freestanding sign(s) shall not exceed forty square feet.
  - (2) No individual permanent freestanding sign shall exceed ten feet in height and the aggregate height of all such signs shall not exceed fifteen feet.
- (c) Temporary signs: On-site temporary signs are allowed without a sign permit, provided that the aggregate area of all such signs shall not exceed forty square feet or one-eighth square foot of area for each lineal foot of street frontage, whichever is greater. In no case shall the aggregate total of all temporary on-site signs exceed eighty square feet. If the property has more than one street frontage, the total area of on-site temporary signs shall be proportional to the lineal feet of such street frontage.
  - (1) No individual temporary on-site sign shall be displayed on a building for more than thirty consecutive days.

- (2) Up to two temporary on-site signs may be displayed on a single permanent, freestanding, dark-colored, durable, all-weather wood or metal frame structure.
  - a. The maximum height of the structure shall be six feet.
  - b. One structure may be located on each street frontage.
  - c. No individual sign shall be displayed on such freestanding structure for more than one hundred eighty consecutive days.
  - d. No temporary on-site sign shall include lights.**

**15-30.140 - Temporary on-site sign on lots with residential properties actively marketed for sale or lease.**

In addition to other signs allowed pursuant to this Article, the following signs are allowed on lots with residential properties actively marketed for sale or lease without a permit:

- (a) One temporary on-site sign may be located on a property that is actively marketed for sale or lease, provided that:
  - (1) The sign shall not exceed four square feet in area and six feet in height.
  - (2) The sign shall not include balloons, ribbons, streamers, lights, or other attention-getting devices.

**15-30.145 - Temporary on-site sign on lots with commercial properties actively marketed for sale or lease.**

In addition to other signs allowed pursuant to this Article, the following signs are allowed on lots with commercial properties actively marketed for sale or lease without a permit:

- (a) One temporary on-site sign per use may be located on a property that is actively marketed for sale or lease, provided that:
  - (1) The sign area for any one use shall not exceed ten square feet. If the sign is advertising three or more uses, it shall not exceed twenty-four square feet in area.
  - (2) No sign shall exceed six feet in height.
  - (3) No sign shall include balloons, ribbons, streamers, lights, or other attention-getting devices.

**15-30.190 - Sign conformance, violations and abatement of illegal signs.**

- (a) **Illegal signs.** Any sign, including its supporting structure, other than a legal nonconforming sign, as defined in subsection 15-30.190(b), that is in violation of this Article shall be deemed to be a public nuisance and shall be made to immediately conform by written notice.
- (b) **Legal nonconforming signs.** A "legal nonconforming sign" is a permanent sign that was in existence on the effective date of the ordinance adopting this Article and that does not conform to the provisions of this Article.
  - (1) A permanent "legal nonconforming sign" shall not be considered an "illegal sign", or in violation of this Article, or required to be removed or made to conform, unless:
    - a. It is altered or relocated, or
    - b. A conditional use permit for a new use, or design review pursuant to City Code Section 15-46.060, is required for the property on which the "legal nonconforming sign" is located.

- (2) Temporary signs and window signs are not considered permanent legal nonconforming signs for the purposes of this Article.
  - (3) The owner of the sign shall bear the burden of demonstrating to the Director that the sign was in existence on the effective date of the ordinance adopting this Article, and the Director's determination shall be final.
  - (4) Notwithstanding the foregoing, all legal nonconforming signs must comply with the maintenance requirements of subsection 15-30.030(i).
- (c) **Illegal signs on public property.**
- (1) Any sign **other than an off-site sign** located upon or affixed to any public property in violation of the provisions of this Article is subject to removal, upon the City giving at least three days' prior written notice of such violation and intended removal to the sign owner. If the sign owner cannot be ascertained or found after reasonable efforts to do so, the notice shall be posted upon the sign for a period of at least three days prior to the removal of the sign. Any such sign that constitutes an immediate and substantial hazard to the public health or safety may be promptly abated and removed with written notice of the removal provided to the sign owner, or without notice if the owner cannot be promptly ascertained.
  - (2) **Notwithstanding any other provision of this Code, any off-site sign located upon or affixed to any public property (including but not limited to any median, street, travel lane, sidewalk, or landscaping/parkway strip located between a sidewalk and street) in violation of the provisions of this Article is subject to immediate removal. The City shall make a reasonable attempt to identify the owner of the sign and shall mail notice of the removal to the owner of the sign within three business days of the date of removal. A sign that has been removed pursuant to the paragraph shall be retained by the City and may be retrieved by the owner in accordance with subsection 15-30.190(d).**
- (d) **Sign removal.** Except as provided in subsection 15-30.190(b), all signs presently existing and not in conformity with the provisions of this Article constitute a violation of this Code and shall be removed or made to conform to the provisions of this Article.
- (1) Any sign removed pursuant to this Article will be retained by the City for a period of at least ten days, during which the sign owner may retrieve the sign upon payment of all removal costs or an administrative fine established by the City Council, whichever is greater. Any person desiring to contest such payment may request a hearing before the Community Development Director, who shall waive the payment if he determines that the sign did not violate any provisions of this Article. The decision of the Community Development Director can be appealed to the City Council.
  - (2) Any sign not retrieved within the ten-day period shall conclusively be deemed to have been abandoned by the owner thereof and may be destroyed or otherwise disposed of by the City. The City shall have the right to recover from the owner of such sign all removal and destruction costs.
- (e) **Violation.** Each sign found to be in violation of any provision of this Article shall constitute a separate violation of this Code.

- (f) **Additional enforcement.** The enforcement of sign regulations pursuant to this Section shall be in addition to any other rights and remedies available to the City under Chapter 3 of this Code by reason of the same violation.