

ORDINANCE 1321

AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLE 35 (SIGNS) OF CHAPTER 10.08, ZONING REGULATIONS, OF THE TRACY MUNICIPAL CODE

WHEREAS, City Council, in September 2019 discussed the addition of Digital Freeway Signs as an allowable sign type and directed staff to draft regulations to permit up to two such signs along the I-205 corridor, and

WHEREAS, The Planning Commission considered this Ordinance at a noticed public hearing held on September 22, 2021, and recommended approval, and

WHEREAS, The City Council considered this Ordinance at a noticed public hearing held on November 2, 2021, and

WHEREAS, City Council adopted a Mitigated Negative Declaration for this project, in accordance with California Environment Quality Act Guidelines, on November 2, 2021.

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Article 35, Signs, of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, is amended in its entirety to read as set forth in the attached Exhibit A.

SECTION 2: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

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The foregoing Ordinance 1321 was introduced at a regular meeting of the Tracy City Council on the 2nd day of November, 2021, and finally adopted on the 16th day of November, 2021, by the following vote:

AYES:	COUNCIL MEMBERS: ARRIOLA, BEDOLLA, DAVIS, VARGAS, YOUNG
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE

SIGNED: Nancy D. Young, Mayor

ATTESTED: Adrienne Richardson, City Clerk

Exhibit A to Ordinance
“Article 35, Signs.

10.08.4430 - Purpose.

The purpose of this article is to provide standards to safeguard the health, safety and welfare of the community by regulating and controlling the type, number, area, height, structural design, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. The sign regulations of this article are intended to accomplish the following results:

- A. Implement the purposes, policies and programs of the General and Specific Plans.
- B. Make the city attractive to residents, visitors, and commercial, industrial and professional businesses while maintaining economic stability through attractive and effective signage.
- C. Protect and enhance the character of residential neighborhoods, commercial areas, and property values by preventing visual clutter caused by excessive and obtrusive signage.
- D. Provide a reasonable system of sign control throughout the city consisting of sign type, number, area, height, structural design, quality of materials, construction, illumination, location and maintenance of signs.
- E. Attract and direct the public to available activities, goods and services.
- F. Encourage a desirable community character, which has a minimum of visual clutter.
- G. To not subject citizens of the City to excessive competition for their visual attention.
- H. Reduce and, to the extent permissible and practicable, eliminate traffic and safety hazards posed to motorists and pedestrians by outdoor advertising structures and other signs that may distract motorists and pedestrians.
- I. Ensuring that the constitutionally guaranteed right of free speech is protected.

10.08.4440 - Definitions.

As used in this article:

“Billboard” shall mean a freestanding sign providing advertising in the manner provided by an off-site sign with a display with an easy change of copy but is not digital. A billboard is located along a freeway, highway, or major street and is of a large size typically ranging from ten feet by 25 feet to 14 feet by 48 feet.

"Building face" shall mean the exterior surface of any building, regardless of frontage.

"Building frontage" shall mean the building elevations facing a street, plaza, or mall. Where the building contains multiple uses, "building frontage" shall mean the linear frontage of that portion of the building between the occupancy separation walls.

"Business" shall mean any non-residential use.

“Change of copy” shall mean the changing of a message on a lawfully erected sign. A change of copy does not include the following (all of which acts shall be considered as the placing of a new sign): any alteration or reconfiguration of the outside dimensions of a sign, any structural modifications of a sign and/or relocation of all or any portion of a sign.

“Changeable copy sign” shall mean a sign on which message copy can be changed manually through use of attachable letters and numerals.

"City civic organization sign" shall mean a sign owned by the City that displays the name, logo, and meeting time and location of one or more civic or nonprofit organizations located in the city.

"Digital freeway sign" shall mean a sign visible from a freeway, with a static message formed by selective internal illumination, and with a display that can be changed electronically. These may contain text or images and may be programmable.

"Directional sign" shall mean a sign to facilitate or control pedestrian or vehicular traffic and is placed on the premises to which the public is directed.

"Director" shall have the same meaning as provided in section 10.08.257 of this Code.

"Directory sign" shall mean a sign to facilitate locating residential, business, or industrial uses within a building, subdivision, center, or complex.

"Electronic readerboard sign" shall mean a changeable, moving message sign consisting of a matrix of lamps, light emitting diodes (LEDs), or similar devices.

"Flag" shall mean a non-rigid piece of material, such as cloth, vinyl or nylon, varying in size, shape and color and design attached at one edge to a pole or staff.

"Flags for new residential developments" shall mean flags used as signs located on new residential subdivisions.

"Freeway sign" shall mean a freestanding sign designed to be viewed from vehicles travelling upon a freeway and located within 350 feet of the freeway.

"Height" shall mean the distance from the grade at the base of the sign to the top of its highest element, including any structural element.

"Illumination" shall mean a source of light is used in order to make the message readable. Signs that have illumination shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.

"Marquee sign" shall mean a sign attached to, and projecting from, the wall of a building.

"Memorial sign or tablet" shall mean a sign or tablet when cut into masonry surfaces or constructed of bronze or other incombustible materials.

"Monument sign" or "Freestanding sign" shall mean any sign that is not attached to a building or fence, or a wall attached to a building, and supported by a solid base, one or more uprights, braces, columns, poles, or other similar structural components placed on or into the ground, and not attached to a building. Monument or Freestanding signs shall not have more than two (2) faces.

"Mural" means a hand-painted or hand-tiled or digitally printed work of visual art temporarily or permanently affixed to a building wall, freestanding wall, or fence, distinguished from signage in that it does not advertise a business, goods, products or services sold, manufactured, distributed or offered on or off the premises or facilities on which the visual art is located.

"Off-site" and "Off-site sign" shall mean a sign which advertises the business, goods, products or services which are not located, sold, manufactured or distributed on or from the premises or facilities or site on which the sign is located.

"Off-site directional subdivision signs" shall mean signs allowed on a temporary basis off of the property or site in which the new subdivision is located.

"On-site," and "On-site sign" shall mean a sign which advertises the business, goods, products or services which are located, sold, manufactured or distributed on or from the premises or facilities or site on which the sign is located.

"Pitch" (or peak) shall mean the highest point as in the highest point of a roof.

"Portable sign" shall mean any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; and menu and sandwich board signs.

"Roof sign" shall mean a sign erected upon a roof, or parapet wall of a building, and which is wholly or partially supported by such building.

"Sign" shall mean any medium, including its structure and component parts, which is used, or intended to be used, to attract attention to the subject matter for advertising purposes, announcement, declaration, demonstration, display, projected image, illustration, insignia, surface, object, or space when erected, or background including painted in contrasting colors, or maintained in view of the general public for identification, advertisement, or the promotion of the interests of any person, entity, product, or service. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign under this article.

"Sign area" shall mean the entire surface area, excluding support structures, of a sign.

"Sign structure" shall mean a structure which supports a sign.

"Temporary sign" shall mean a sign not permanently attached to the ground, a wall, fence, or a building, and not designed or intended for permanent display.

"Temporary signs on property with development project" shall mean signs allowed on a temporary basis on property undergoing development.

"Under canopy sign" shall mean a sign attached to the underside of a canopy, protruding over public or private sidewalks or rights-of-way.

"Wall sign" shall mean a sign which is attached directly to, and parallel with, the building face or painted upon the wall of a building or structural part thereof.

"Window sign" shall mean a sign painted, printed, attached, glued, or otherwise affixed to the exterior side of a window.

10.08.4450 - Administration.

All signs require a sign permit to be approved by the Director, unless otherwise exempted or requiring the approval of a Conditional Use Permit as described in this article. In addition, building permits shall be required for the erection of signs, as determined by the Building Official, following the issuance of written approval by the Director or designee.

10.08.4460 - Scope of responsibilities.

The Director or designee shall be responsible for the following functions:

- (1) Interpretations of this article; and
- (2) The review of sign permit applications for conformance with this article.

10.08.4470 - Sign approval.

- (a) Applications: Form. Applications for sign approval shall be made upon forms provided by the Department in the manner thereon ascribed.

- (b) Review of sign applications. Permission for signs shall be issued only after review by, and the approval of, the Director, or designee. The Director, or designee, shall approve or disapprove the sign application on the basis that it conforms to the purpose and the requirements of this article, any applicable specific plan, or sign guidelines.
- (c) Appeals.
 - (1) In the event the applicant is not satisfied with the decision of the Director, the applicant, within ten working days after the decision is rendered, may file an appeal with the Commission. The appeal shall be filed in writing with the City Clerk.
 - (2) In the event the applicant is not satisfied with the decision of the Commission, within ten working days after the decision is rendered, the applicant may file an appeal with the Council. The appeal shall be filed in writing with the City Clerk. The Council shall render a decision within 45 days after the filing of such appeal.

10.08.4480 - General requirements.

The general requirements and limitations shall be as follows:

- (a) Construction materials. All permanent signs shall be constructed of wood, metal, plastic, glass, or like material (except wall signs or murals painted upon the building) as approved by the Director; however, a building permit may also be required by the Building Division.
- (b) Area.
 - (1) A double-faced sign with parallel planes, back-to-back, not more than 24 inches apart, shall count as a single sign, and only one side shall be counted for the total area.
 - (2) In cases of multi-face signs, add the outer dimensions of all the faces capable of presenting a sign. The sign area shall be the total area of all the faces.
 - (3) In the event a sign falls under more than one sign definition, the more restrictive sign regulations found in this article shall apply.
 - (4) Sign face changes which do not structurally alter the sign (including sign area and configuration) shall not require a sign permit, unless the sign is a nonconforming sign, whereupon the sign face change shall comply with this article.
 - (5) The total sign area on a parcel shall be calculated as the sum of the sign areas of all types of signs on the parcel, except directional and temporary signs. The total sign area shall not exceed one-half square foot for each lineal foot of building frontage to which the signs pertain, except that individually-lettered wall signs shall be permitted a ratio of one square foot of sign area for each lineal foot of building frontage of business being advertised when individually-lettered wall signs comprise over 50 percent of the sign area of all sign types at such business being advertised.
 - (6) Standard sign area. For all businesses with lineal building frontages which total less than 20 feet, the maximum sign area shall be 20 square feet, unless otherwise limited by sign type. All other provisions of this article shall apply to signs with a standard sign area.
- (c) Location. All signs, except those so stated by this article, shall be on-site signs.
 - (1) Any sign shall not be erected at an intersection so as to intrude into a triangle formed by the projection of the curb line (if none, the property line) and an imaginary line 25 feet from the intersection of such projecting lines, unless less than two feet or more

than eight feet above the curb grade and the support is no more than 18 inches in diameter.

(2) Any sign shall not be located so that it interferes with visibility at an intersection, public right-of-way, driveway, or other ingress/egress.

(3) Any sign shall not be located so that it adversely affects traffic control or safety.

(d) Illumination. Illumination shall be allowed on all signs upon the approval of the Director, unless otherwise set forth in this article.

(e) Installation. Prior to installation of the sign, any appropriate construction permit(s) as may be required by the Building Official, shall be obtained.

(f) Message Substitution. The message of any type of existing sign may be substituted with a noncommercial message, in whole or in part, without consideration of the message content; provided, that the sign structure or mounting device is legal without consideration of message content. This substitution of message may be made without any additional approval or permitting. The purposes of this subsection is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. This subsection does not create a right to increase the total amount of signage on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message. This subsection prevails over any more specific section or subsection to the contrary within this article.

10.08.4490 - Prohibited signs and locations.

The following signs shall be prohibited:

- (a) Any sign that emits sound;
- (b) Any sign mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a special business establishment;
- (c) Any sign or sign structure which has become a public nuisance due to inadequate maintenance, dilapidation, or abandonment;
- (d) Any sign which obstructs in any manner the ingress to, or egress from, a required door, window, fire escape, or other required accessway;
- (e) Any sign containing any matter that is obscene as that term is defined in Penal Code Section 311;
- (f) Any sign unlawfully installed, erected, or maintained;
- (g) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold as prescribed in this article;
- (h) Any sign within or over the public right-of-way or upon City property, including, but not limited to any notice, placard, bill, card, poster, sticker, banner, advertising, or other device affixed or attached to or upon any public street, walkway, crosswalk, or other

right-of-way, curb, lamp post, hydrant, tree, telephone booth or pole, lighting system or any fixture of the police or fire alarm system, except:

(1) Official sign. The City has a compelling interest in facilitating traffic safety for pedestrians and motorists. This interest is directly advanced by having official signs that help direct pedestrians and motorists away from roadway hazards, toward public services, and informs those persons of the applicability of certain regulations. To accomplish this compelling purpose, the City finds it must allow for such signs to be erected, moved and changed by governmental officials. Official traffic, fire and police related signs, temporary traffic-control signs used during construction, utility facilities and substructure location and identification signs and markers required to protect said facilities, and other signs and markers required by the City, the State Department of Transportation, or any other public agency; and

(2) Under canopy sign; and

(3) Temporary activity signs on public property, as provided for under section 10.08.4500(j)(4); and

(4) Civic organization signs, as provided for under section 10.08.4500(a); and

(5) Banner signs on City property, as provided for under section 10.08.4510.

(6) Any sign in conjunction with an event permitted on City property through an approved Special Event Permit in accordance with Chapter 4.40.

(7) Off-site downtown directional signs. The City has a compelling interest in directing pedestrians, motorists and visitors to the downtown. Downtown is the singular cultural and historic City center functioning as the sole governmental administrative hub and primary city-wide gathering space. This interest is directly advanced by having signs that help direct pedestrians, motorists and visitors to the downtown. Up to 16 City-owned off-site directional signs for downtown Tracy shall be permitted at the locations indicated below. Said signs shall be installed in City of Tracy public right-of-way and maintained by the City. The specific siting in the public right-of-way at each location will be determined by normal City standards for traffic control signs regarding visibility, safety, and installation considerations. The design of said signs will be standard City of Tracy green and white street signs, approximately six inches tall by 30 inches wide, mounted approximately seven feet above sidewalk grade, containing the word "DOWNTOWN" with an arrow indicating the direction from the sign to the intersection of Tenth Street and Central Avenue. The 16 locations at which signs will be permitted include the following:

- (1) On the westbound off-ramp of I-205 at Grant Line Road, pointing east;
- (2) On the eastbound off-ramp of I-205 at Grant Line Road, pointing east;
- (3) On the westbound off-ramp of I-205 at Tracy Boulevard, pointing south;
- (4) On the eastbound off-ramp of I-205 at Tracy Boulevard, pointing south;
- (5) On the westbound off-ramp of I-205 at MacArthur Drive, pointing south;
- (6) On the eastbound off-ramp of I-205 at MacArthur Drive, pointing south;
- (7) On westbound Pescadero Avenue at MacArthur Drive, pointing south;
- (8) On eastbound Grant Line Road at Tracy Boulevard, pointing south;
- (9) On eastbound Eleventh Street at Corral Hollow Road, pointing east;
- (10) On southbound Tracy Boulevard at Eleventh Street, pointing east;

- (11) On southbound MacArthur Drive at Eleventh Street, pointing west;
- (12) On westbound Eleventh Street at Holly Drive, pointing south;
- (13) On eastbound Eleventh Street at Central Avenue, pointing south;
- (14) On southbound East Street at Tenth Street, pointing west;
- (15) On Tracy Boulevard at the Tracy Municipal Airport directing traffic north;
- (16) On northbound Tracy Boulevard at Eleventh Street, pointing east.
- (i) Any sign which flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same except for as provided for under section 10.08.4500 (e);
- (j) Any sign not expressly permitted;
- (k) Any sign attached to a tree;
- (l) Any sign erected or maintained which has less horizontal or vertical clearance from communication lines or energized electrical power lines than that prescribed by the State or rules and regulations duly promulgated by agencies thereof;
- (m) Any sign serving as a billboard.

10.08.4500 - Standards by sign type.

- (a) *City civic organization sign.*
 - (1) Maximum height: Eight feet.
 - (2) Maximum area: 68 square feet.
 - (3) Ground clearance: Not more than two feet.
 - (4) Permitted locations: City-owned property.
 - (5) Permitted sites: One civic organization sign is allowed within one-half mile of each of the following four locations:
 - (i) West Eleventh Street at Lammers Road.
 - (ii) East Eleventh Street at Mac Arthur Drive.
 - (iii) North Tracy Boulevard at I-205.
 - (iv) South Corral Hollow Road at I-580.
- (b) *Digital freeway sign.*
 - (1) Permitted Locations: As prescribed by the I-205 Corridor Specific Plan
 - (2) Maximum height: Fifteen feet measured from the crown of the nearest freeway or 45 feet, whichever is less.
 - (3) Maximum area: 300 square feet
 - (4) Number of faces: Two digital display faces are allowable, each positioned to be visible from opposing directions of traffic.
 - (5) Display characteristics: The sign face display may change no more often than every eight seconds, and each message shall be static; i.e. not moving or “animated”.
 - (6) Sign permit needed: No. Requires a conditional use permit.

(7) Consistency with state and federal law. In addition to the other requirements set forth herein and in the I-205 Corridor Specific Plan, the digital freeway signs shall comply with the requirements of the Outdoor Advertising Act and Regulations, California Business and Professions Code Section 5200 et seq., and other state and federal statutes. To the extent of any conflict between the provisions of this Section, the I-205 Corridor Specific Plan, and state and federal law, state and federal law shall prevail.

(c) *Directional signs.*

The City has a compelling interest in ensuring traffic safety, and to directly advance that interest, the City will allow on-site directional signage in accordance with the following standards so as to assist and direct traffic circulation into, out of, and through, parking lots on private property.

- (1) Maximum height: Eight feet.
- (2) Maximum area: 24 square feet.
- (3) Calculation of permitted number and area: Permitted by site plan review to give functional information on directions.
- (4) Permitted zones: All zones.
- (5) Sign permit needed: Yes.

(d) *Directory signs.*

- (1) Maximum height: Eight feet.
- (2) Maximum area: 50 square feet.
- (3) Calculation of area: One-half foot of sign area for each lineal foot of building frontage to which the directory sign pertains.
- (4) Permitted zones: All zones with the exception of agriculture.
- (5) Sign permit needed: Yes.
- (6) Sign location: No directory sign which is a freestanding sign may be erected closer than fifteen (15') feet to any neighboring property line or to any driveway or other point of ingress/egress.

(e) *Electronic readerboard sign*

Upon issuance of a conditional use permit, one electronic readerboard sign on the property of a public or private school if the site is one-half acre or more and the school contains any of grades one (1) through twelve (12), to advertise only noncommercial, on-site activities and events. In evaluating the conditional use permit (TMC section 10.08.4250 and following), the Commission shall consider appropriate hours of illumination, brightness, size, height, and other sign characteristics as they relate to the sign's location and surrounding land uses. Any electronic readerboard sign or other sign that flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same shall be removed within ninety (90) days after the site is no longer used as a qualifying school.

(f) *Freeway signs.*

- (1) Maximum height: 15 feet measured from the crown of the nearest freeway or 45 feet, whichever is less.
- (2) Maximum area: 300 square feet per sign face.

- (3) Minimum ground clearance: Eight feet from the bottom of the sign.
 - (4) Permitted sites: The sign and the site(s) being advertised must be within 350 feet of a freeway.
 - (5) Permitted zones: GHC, CS, M-1, M-2, HS, and as permitted in a PUD or Specific Plan zone, subject to first securing a conditional use permit.
 - (6) Sign permit needed: No. Requires a conditional use permit.
 - (7) Maximum number of signs permitted: One sign per parcel, advertising a business on the parcel or immediately adjacent to the parcel. No business may be advertised on more than one freeway sign.
- (g) *Monument signs.*
- (1) Standard Monument Signs.
 - (i) Maximum height: Six feet in the MO, NS, CS, HS, and GHC Zones and in Use Group 30 in the RE, LDR, MDC, MDR, HDR, POM, M-1 and M-2 Zones and four feet for all other land uses and use groups in the RE, LDR, MDR, HDR, and POM Zones, or as established in a PUD or Specific Plan zone.
 - (ii) Maximum area: 24 square feet in the MO, NS, CS, HS, and GHC Zones and in Use Group 30 in the RE, LDR, MDC, MDR, HDR, and POM Zones; 36 square feet in the M-1 and M-2 zones, or as established in a PUD or Specific Plan zone.
 - (iii) Calculation of permitted area: One-half square foot of sign area for each lineal foot of building frontage for which the sign pertains.
 - (iv) Ground clearance: Monument signs will not have a ground clearance exceeding two feet.
 - (v) Permitted zones: All zones with the exception of agricultural.
 - (vi) Sign permit needed: Yes.
 - (vii) Maximum number of signs permitted: Two per parcel.
 - (2) Freestanding Monument Sign.
 - (i) Maximum height: 15 feet.
 - (ii) Maximum area: 100 square feet.
 - (iii) Calculation of permitted area: One-half square foot of sign area for each lineal foot of parcel frontage.
 - (iv) Permitted locations: Zones CS, CBD, GHC, M-1, M-2, and HS; and school sites as described in subsection (vii)D below.
 - (v) Sign permit needed: Yes.
 - (vi) Sign location: No freestanding sign may be erected closer than 15 feet to any property line or closer than 14 feet to any driveway, alley, or vehicular access.
 - (vii) Freestanding signs may only be permitted on the following sites or conditions:
 - A. Shopping centers with four or more individual establishments;
 - B. Office complexes including eight or more suites or exceeding 15,000 square feet of floor area;

C. Any parcel with 200 or more feet of street frontage;

D. Upon issuance of a conditional use permit, a school containing any of grades one through 12, where the school site is one-half acre or more, and advertising is only for on-site, noncommercial activities or events.

(3) Off-site monument sign.

(i) Any business may construct and maintain one off-site monument sign, if, and only if, all of the following requirements are met:

A. The business does not have a freeway sign or a freestanding monument sign; and

B. The parcel on which the business is located (the "business parcel") has a recorded easement, or other real property interest recorded against the parcel on which the sign is located (the "sign parcel"), which provides: (1) access from the business to the public right-of-way across the sign parcel; and (2) the continued maintenance of the off-site monument sign in accordance with all City standards, including this article;

C. The off-site monument sign is located within the access easement referenced in subsection (i)(B), above;

D. The business has no more than one monument sign on the business parcel, and no more than one off-site monument sign;

E. The sign parcel shall have no more than two total monument signs;

F. The off-site monument sign is designed in accordance with all City standards, including subsection 10.08.4500(g)(1).

(h) *Murals*

(1) Maximum Height: None

(2) Maximum Area: None

(3) Allowable Locations: Not above the roofline

(4) Sign permit needed: No.

(i) *Roof signs.*

(1) Maximum height: Four feet above the eaves of the roof, but in no case higher than the pitch of the roof.

(2) Maximum area: 40 square feet.

(3) Calculation of permitted area: One-half square foot of sign area for each lineal foot of building frontage of business being advertised.

(4) Permitted zones: MO, POM, CS, NS, CBD, GHC, M-I, M-2, HS and any non-residential specific plan or PUD.

(5) Sign permit needed: Yes.

(j) *Temporary signs.*

The City has a compelling interest in making the City attractive to residents, visitors and business owners. To accomplish this interest, the City finds it necessary to establish standards for temporary signs and to regulate their duration. All temporary signs in the

City shall be subject to the following requirements unless otherwise provided for in this subsection (j):

- (i) Maximum height: Not to exceed the roof line of the nearest building or the building affixed to, but in no case higher than 30 feet.
- (ii) Maximum area: 300 square feet.
- (iii) Calculation of area for businesses: One-half square foot of sign area for each lineal foot of building frontage of business to which the sign pertains.
- (iv) Permitted zones: All zones.
- (v) Sign permit needed: No.
- (vii) Permitted time: Temporary signs may not be utilized for more than 30 days.
- (viii) Temporary signs shall not be illuminated nor use reflective paint or fluorescent colors.
- (ix) Temporary signs may be placed on private property with the owner's permission. Nothing in this subsection shall prohibit the owner of a piece of property, or his or her authorized representative, from removing a temporary sign from his or her property when the sign has been erected without his or her consent.
- (x) Temporary signs shall be maintained in good condition, with no indications of wear and tear.

(1) Construction project sign.

- (i) Allowed to be erected on a site in conjunction with a construction project with a building permit.
- (ii) Sign standards:
 - A. Maximum area: 100 square feet
 - B. Maximum height: Eight feet, unless legally required by governmental contract to be larger.
- (iii) Permitted time: Must be removed within 30 days of final inspection of certificate of occupancy.

(2) Flags for new residential developments

- (i) Maximum height: Pole height is limited to 20 feet.
- (ii) Maximum area: Flag area to be no more than 24 square feet per flag.
- (iii) Calculation of area: New subdivisions are permitted a cumulative total of ten flags and are to be located on the model home lots or sales office lot or clustered at the entryway on private property.
- (iv) Flags are to be replaced when the fabric is torn or otherwise determined by the City to be in a state of disrepair.
- (v) Sign permit needed: No.

(3) Off-site directional subdivision signs.

- (i) One off-site directional subdivision sign may be constructed per site located on private property only. A second off-site directional subdivision sign may be approved by the Planning Commission through the conditional use permit process. The

following ten sites (within one-quarter mile radius) are hereby approved as sign locations and have their center at the intersections of:

- A. Corral Hollow Road and Grant Line Road;
 - B. Tracy Boulevard and Grant Line Road;
 - C. Tracy Boulevard and I-205;
 - D. I-205 and MacArthur Drive;
 - E. MacArthur Drive and Grant Line Road;
 - F. Tracy Boulevard and Eleventh Street;
 - G. Eleventh Street and MacArthur Drive;
 - H. Corral Hollow Road and Cypress Drive;
 - I. Tracy Boulevard and Schulte Road; and
 - J. Schulte Road and MacArthur Drive.
 - K. Any site approved through a Conditional Use Permit by Planning Commission.
- (ii) Maximum of six panels per subdivision, phase, tract or tentative map throughout the City and four panels total per structure.
 - (iii) Seven-inch minimum letter height, and twelve-inch maximum letter height. Height of structure not to exceed 14 feet. Sign must have a minimum ground clearance of three feet. Sign area of each panel not to exceed 16 square feet and no panel is to be greater than eight feet in length.
 - (iv) A panel shall be removed from the sign structure(s) following close of the on-site sales office.
 - (v) Copy change or new panels not required to go before the Planning Commission.
 - (vi) Sign permit needed: yes.
 - (vii) Sign structure to be removed within 60 days after sign advertises no subdivisions.
- (4) Temporary activity signs on public property. A sign placed by the organizer of a temporary activity may be placed in the public right-of-way if the owner complies with all of the following:
- (i) Activity. Applies to temporary activity signs for an activity that is permitted within the residential zone.
 - (ii) Temporary. With respect to subsection 4(ii), "temporary activity signs" means a sign placed during daylight hours on a weekend and legal holiday.
 - (iii) Location. The temporary activity sign may only be located within one mile of the property to which the temporary activity is taking place, and within the public right-of-way in any residential zoning district in the following locations:
 - A. Along a major arterial street where there is a public soundwall, landscaping and pedestrian walkway separating the adjacent private property from the roadway.
 - B. Where the frontage is improved with a monolithic curb, gutter and sidewalk, behind the sidewalk on residential and collector streets.

- C. Where the frontage is improved with vertical face curb, parkway and sidewalk, within the parkway between the curb and sidewalk on residential and collector streets.

The sign shall not be located:

- In a median;
- In a city park;
- On a sidewalk or pedestrian walkway;
- In the vehicular travel lane, bicycle lane, parking lane or red zone of the street;
- Within one foot of the curb;
- On a utility pole or fixture;
- On street signs or other public signs.

(iv.) Material. Portable sign. Signs shall be of sufficient weight in order to keep upright and in place. Signs shall not include balloons, ribbons, pennants, streamers, or other attachments.

(v) Number of signs. For each activity, there shall be no more than a total of four signs displayed in the public right of way, and no more than one sign at an intersection. There shall be no more than a total of four signs at any intersection or one sign on each corner.

(vi) Size. The sign may not exceed six square feet in area or three feet in height.

(5) Temporary non-commercial signs.

(i) Maximum height: Six feet.

(ii) Maximum area: 32 square feet.

(iii) Calculation of area: One-half square foot of sign area for each lineal foot of parcel frontage.

(iv) Permitted zones: All zones.

(v) Sign permit needed: No.

(vi) Installation: Signs may not be erected sooner than 45 days preceding an event (such as an election, community event, or cultural event).

(vii) Removal: Signs shall be removed within five days following an event (such as an election, community or cultural event).

(6) Temporary on-site commercial signs. May be displayed as follows:

(i) During the period when the property is for sale, lease or rent.

(ii) Residential property. Sign standards:

A. On residential property of less than one acre, one temporary on-site commercial sign not to exceed six square feet in area is permitted.

B. On residential property of more than one acre, one temporary on-site commercial sign not to exceed 32 square feet in area per street frontage is permitted. In cases of properties with more than one frontage, not more than one temporary on-

site commercial sign may be placed along each frontage, no closer than 200 feet apart.

C. One temporary on-site commercial sign may be permitted on each arterial or collector street within a subdivision. When there are no arterial or collector streets within the subdivision, one such sign may be permitted on a local street within the subdivision. Temporary on-site commercial signs shall meet the minimum front yard setback requirements, and shall not exceed 100 square feet in area, or be more than 15 feet in height. Notwithstanding subsection (4)(i), above, such signs shall be removed immediately after the completion of the sales activity of the property or subdivision by the builder. A sign permit shall be obtained before the placement of such signs.

(iii) Commercial or industrial property. Sign standards:

A. On a commercial or industrial parcel of less than one acre, one temporary on-site commercial sign of 12 square feet in area plus one square foot of additional sign area for every ten linear feet of street frontage up to, but not exceeding 32 square feet in total sign area shall be permitted.

B. On a commercial or industrial parcel of one acre or more, one sign per frontage, not to exceed 32 square feet in area per sign, is permitted.

(iv). Temporary signs on property with development project. May be permitted on the site only under the following:

A. The site shall be at least 35 acres.

B. The site shall have an approved commercial project by the City for the entire site.

C. Sign standards:

1. Maximum area: 100 square feet;

2. Maximum height: 15 feet;

3. Two signs per project or parcel whichever is less.

D. The temporary sign shall be removed prior to the issuance of the first final inspection or certificate of occupancy for any structure in the project, or after one year from the date of sign permit approval, whichever occurs first. The owner may receive up to a one-year extension of the permit if a final inspection or certificate of occupancy has not been granted for any structure in the project and the owner provides written justification for the extension, to the satisfaction of the Director.

E. No temporary sign may be permitted on a site longer than two years after original approval unless a new sign permit application, submitted with appropriate fee, is approved by the Director pursuant to this article.

F. Sign permit needed: Yes.

(7) Temporary window signs. Temporary window signs not exceeding 25% of the window area provided visibility into the building is maintained.

(k) *Under canopy signs.*

(1) Height: Minimum eight foot clearance under the sign.

(2) Maximum area: Four square feet.

(3) Permitted zones: All non-residential zones.

(4) Maximum number of signs: One per parcel or business.

(5) Sign permit needed: Yes

(l) *Wall signs.*

(1) Maximum height: Not to exceed the pitch of the roof.

(2) Maximum area: 100 square feet.

(3) Calculation of area: One-half square foot of sign area per lineal foot of building frontage of business being advertised.

(4) Permitted zones: MO, POM, CS, NS, CBD, GHC, M-I, M-2, HS, PUD, Specific Plan zones and applicable residential zones.

(5) Sign permit needed: Yes.

(m) *Window signs.* One permanent window sign not exceeding four square feet in area.

10.08.4510 - Banner signs on public property.

(a) *Purpose.* The purpose of this section is to establish the manner by which City banners may be displayed on City property to promote the City of Tracy, to promote co-sponsored, community-wide public events, and for beautification of the City.

(b) *Definitions.* For the purpose of this section:

"Banner" means either of the following two (2) types:

(1) "Street light banner" means a City banner on a City street light pole, including a light pole on any City-owned property, and which is affixed by brackets.

(2) "Over-the-street banner" means a City banner traversing the public right-of-way at one of three (3) locations as set forth in subsection (d)(2) below.

"City-sponsored" means the City alone (including a City Board or Commission) is sponsoring the public event.

"Co-sponsor" means the City is co-sponsoring a public event in one of the following ways:

(1) The City has entered into a memorandum of understanding (MOU) with an organization to cooperate in putting on the event (pursuant to Council Resolution No. 2005-076, or the successor co-sponsorship guidelines); or

(2) The City has made a substantial contribution of money and or City services toward the event.

(c) *City banners to promote or beautify the City.* The City may install street light banners throughout the City to promote the City or for beautification of the City. No sign permit is necessary.

(d) *Banners for City-sponsored or co-sponsored events.* The City may install banners to advertise an upcoming community-wide event for which the City is a sponsor or co-sponsor. No sign permit is necessary. However, the applicant must obtain a special events permit from the Parks and Community Services Department, and the Parks and Community Services Director is authorized to approve the placement of banners and their conformance to the banner guidelines.

- (1) Street light banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following zones:
 - (A) *Zone 1*: Eleventh Street between Lammers Road and Corral Hollow Road;
 - (B) *Zone 2*: Tenth Street between A and East Streets;
 - (C) *Zone 3*: Central Avenue between Eleventh and Sixth Streets.

These three (3) zones do not include the four (4) street corners at Tenth Street and Central Avenue, which are reserved for City banners.

- (2) Over-the-street banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following locations, once the City has installed appropriate pole structures:
 - (A) In the center median of Eleventh Street between Lammers Road and Crossroads Drive;
 - (B) On Central Avenue between Eleventh Street and Tenth Street; and
 - (C) At Sixth Street and Central Avenue, upon completion of the Downtown Plaza.
- (3) The Director shall establish banner guidelines, including banner specifications, length of time banners may be displayed, scheduling and utilization of the special event permit process. The Director may revise the banner guidelines as necessary, as long as they conform to this section.
- (4) Banners shall be installed and removed by City staff.

10.08.4520 - Nonconforming signs.

The lawful use of signs existing prior to the adoption, or subsequent amendments of this article, although such use does not conform with the provisions of this article, may be continued; provided, however, a nonconforming sign which has been abandoned, or the use for which it is advertised has ceased to function for a period of 90 days or more, shall be brought into conformity with the provisions of this article.

- (a) No nonconforming sign shall be, in any manner, structurally altered, reconstructed, or moved without being made to comply in all respects with the provisions of this article; however, nothing in this subsection shall prohibit the painting, maintenance, or repairing of such sign, including the face and changing of copy, except that such repairs shall not exceed 50 percent of the value of such sign within any consecutive five year period.
- (b) If at any time any sign in existence or maintained prior to the adoption, or subsequent amendments of this article, which sign does not conform with the provisions of this article, is destroyed by fire, accident, explosion, or act of God to the extent of more than 50 percent of the value thereof, then, without further action of the City, such sign, from and after the date of such destruction, shall be subject to all the provisions of this article. For the purposes of this article, the value of any sign shall be the estimated cost and replacement of the sign in kind as determined by the Building Official.

10.08.4530 - Removal of signs.

A sign shall be removed under any of the following conditions:

- (a) The sign no longer qualifies as an on-site or off-site sign, and the sign exists 90 days after the cessation of such business;

- (b) The sign was installed or painted illegally;
- (c) The sign is a nonconforming sign and was destroyed in a manner reducing the value of such sign by 50 percent or more;
- (d) The sign is in violation of any part of this article;
- (e) The sign endangers the safety or welfare of citizens; and
- (f) The sign is dilapidated, decayed, or otherwise neglected.

10.08.4540 - Nature of removal.

- (a) A sign subject to removal shall be removed in a safe manner.
- (b) Any accessory structures or foundations or mounting materials which are unsightly or a danger to the safety and welfare of citizens shall be removed at the time of the sign removal.

10.08.4550 - Enforcement.

In the event a sign is found to not conform with this article, and such sign does not place citizens in immediate danger or peril, the City shall serve the business owner (or property owner if the business has ceased) a written certified notice explaining the nature of such violation and demand compliance with this article (by the modification or removal of such sign) within 30 days after the receipt of such notice. Should the business owner fail to comply with this article in the prescribed time, the City shall issue a citation to the business owner and the owner shall pay a fine prescribed by resolution, except when during the 30 day notice period the business owner or designee files a variance application with the Development Services Department.

In the absence of substantial evidence to the contrary, the person who is featured on a sign or who otherwise benefits from its display shall be presumed to be the person who both owns the sign and was responsible for the placement of the sign: (i) the real estate agent, broker, brokerage firm or other person whose name or telephone number appears on the sign is the person responsible for posting the sign promoting a property for sale, lease, or rent; (ii) the candidate seeking office is the person responsible for posting a sign promoting the candidate for public office; (iii) the owner, or lessee, if the property is leased, of property used for a yard or garage sale is the person responsible for posting a sign promoting a yard or garage sale; (iv) the person whose name, telephone number, or address appears as the person to contact on any sign posted is the person responsible for posting the same.

10.08.4560 - Signs placing citizens in immediate peril or signs in public rights-of-way and/or easements.

The City shall immediately cause the removal of any sign which is found to be within the public right-of-way and/or easements or found to place citizens in immediate peril by any or a combination of the following methods, using sound judgment under the circumstances:

- (a) The removal or modification of such sign by City staff with the business owner or party responsible for the sign to be billed for time and materials;
- (b) Notification in writing to the business owner or party responsible for the sign causing the removal of such sign within a 24 hour period or a lesser period of time, as prescribed by the Building Official or designee; or
- (c) The immediate citation of the business owner or party responsible for such sign."