

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING TITLE 17, ARTICLE 4, SECTION 17.46 OF THE MARINA MUNICIPAL CODE PERTAINING TO SIGNS.

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1. The Community Development Department (CDD) for the City of Marina (City), through its regular use and implementation of the Marina Municipal Code (MMC), has discovered several sections that are unclear and may be in violation of federal law.

2. Through this amendment, staff seeks to streamline sections to add clarity to both the public and staff in the implementation of this section, change the review authority for complying signs from a public hearing to an administrative review process, and to comply with the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., which protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws.

3. Furthermore, the City seeks to allow an administrative process for Signs that comply with the code reserving the Planning Commission for the review of Signs that request exceptions or alternative designs that do not comply with the standards. This will benefit the business community and allow the Planning Commission to focus on larger projects and important policy questions.

4. The City's adopted fee schedule already includes fees for the administrative review of signs with and without an approved Sign Program as well as for the Signs that require a public hearing. No change to the adopted fee schedule is required at this time.

5. An amendment to the City's Municipal Code is needed to provide clarity and transparency in this Section. The proposed ordinance amendment is referenced herein as **Exhibit A** and is provided in a ~~strike-through~~ and underline format. Findings for the proposed amendments are included herein as **Exhibit B**

6. The City Council of the City of Marina reviewed the proposed amendments and considered the recommendations of the Planning Commission and held a duly noticed public hearing on February 7, 2023.

7. The City of Marina Planning Commission, at a duly noticed public hearing on January 12, 2023, adopted Resolution 2023-01 recommending that the City Council adopt the proposed amendment.

8. Environmental. In accordance with the California Environmental Quality Act (CEQA), this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

NOW, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals and associated findings are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City Council of the City of Marina determines the proposed ordinance amendment is not a project pursuant to CEQA Guideline Section 15061(b)(3).

SECTION 3. The City Council hereby adopts the ordinance amendment attached hereinto as **Exhibit A** and incorporated by reference, based upon the express findings set forth in **Exhibit B** attached hereto and incorporated by reference.

SECTION 4. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

SECTION 5. The City Manager is directed to execute all documents and to perform all other necessary acts to implement this Ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect on thirty (30) days after its final passage and adoption.

The foregoing Ordinance was introduced on March 21, 2023, and passed and adopted by the City Council of the City of Marina at a regular meeting duly held on April 4, 2023, by the following vote:

AYES: COUNCIL MEMBERS: Visscher, McCarthy, Biala, Medina Dirksen, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

17.46.010 Purpose and intent.

A. It is the purpose and intent of this chapter to provide the city with a viable and practical set of sign regulations that will promote the orderly growth of the community; facilitate the continual upgrading of the community; and preserve the natural beauty of Marina while simultaneously protecting the rights of property and business owners to display signs and the right of individuals to live in, work in, and visit a city that is free from the visual blight that would result from under- or non-regulation of signs.

B. These sign regulations, pursuant to the provisions of the general plan, set forth the minimum acceptable standards necessary to protect and safeguard the life, peace, health, safety, property and general welfare of the public by regulating among other things the location, placement, size, number, area, type, illumination and maintenance of signs and sign structures.

C. In addition to the standards specified above, it is hereby set forth that a primary goal of these regulations shall be to ensure that signs and sign structures are considered in light of the architectural and landscape design of the buildings and properties along with individual setting or location of the buildings and properties.

17.46.020 Application.

No sign shall be placed, displayed, painted, posted, printed, tacked, fastened, erected, relocated, constructed or otherwise except as provided in this chapter.

17.46.030 Responsibility.

It shall be the sole responsibility of the person making application to place, construct, erect, alter, relocate, tack, fasten, paint, post or display any sign in the city to obtain the necessary authorization from the owner or lessee of the property.

17.46.040 Definitions.

As used in this chapter:

“Appeal authority” means the body tasked with hearing appeals to decisions of the review authority or community development director or designee. The site and architectural design review board hears appeals for decisions of the community development director or designee, the planning commission hears appeals for decisions of the site and architectural design review board, and the city council hears appeals for decisions of the planning commission.

“Awning” means a roof-like cover, usually of canvas, extending over or before a place.

“Compliant sign” means a sign that complies with the provisions of this chapter and requires an administrative sign permit issued by the community development director or designee.

“Exempt sign” means a sign that does not require a sign permit.

“Height”, when used in reference to a monument sign, means the vertical distance from the average of the lowest and highest points at the finished grade at the base of sign to the topmost point of the sign.

“Noncompliant sign” means a sign that does not comply with the provisions of this chapter and requires a sign permit issued by the review authority.

“Official signs and notices” means signs and notices placed by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and placed by state or local government agencies or nonprofit historical societies shall be considered as official signs.

“Primary business frontage” or “PBF” means that frontage of a building containing the primary or most important entrance to the occupancy thereon. In such cases where there are multiple entrances, the community development director or designee shall determine which frontage is the primary frontage. In no case shall more than one primary business frontage be permitted.

“Public directional signs” means signs containing directional information about public places owned or operated by federal, state or local governments or their agencies; publicly owned natural phenomena, historic, cultural, scientific and educational sites; and publicly owned or operated areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

“Public utility signs” means warning signs, informational signs, notices or markers which are customarily placed by public or private utilities, as essential to their operations.

“Real estate signs” means signs used to advertise the sale, rental, lease, subdivision, or construction of property.

“Review authority” means the body tasked with reviewing and approving noncompliant sign permit applications and may include the site and architectural design review board or planning commission.

“Secondary business frontage” or “SBF” means that frontage of a building containing any entrance other than a primary business frontage. In no case shall more than two secondary business frontages be permitted.

“Service station” means a business which is primarily in the business of providing service to vehicles such as gasoline, oil, tire, mechanical assistance, parts, etc.

“Shopping center” means commercial and retail buildings and associated facilities which have been designed and developed as an integrated unit containing more than four separately owned and operated businesses which function as an integral unit and which utilize common off-street parking.

“Sign” means any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any person, partnership, corporation or unincorporated association, or any place, subject, public performance, article, machine or merchandise, whatsoever, and painted, printed, constructed, erected or displayed in any manner whatsoever.

“Sign area” means that area enclosed by a square, rectangle, triangle or other shape which connects the extreme points or edges of the sign, excluding the supporting structure which does

not form part of the sign proper. The area of a sign composed of characters, words or individual letters attached directly to a surface shall be the smallest shape that encloses the whole group. Sign area shall include only one face of any double-faced sign and shall include all faces of any multi-faced sign containing more than two faces. For the purpose of this definition, the faces of a double-faced sign shall be parallel.

“Sign area allotment” means the maximum area of signs that may be displayed on any site, premises, business, building, parcel, lot or otherwise not including signs specifically exempted in this chapter.

“Temporary sign” means a sign posted not more than sixty days prior to an event to which it pertains.

“Uniform Building Code” or “UBC”, “Uniform Electrical Code” or “UEC”, “Uniform Mechanical Code” or “UMC” means those codes which are currently in full force and effect as adopted by the city council, including any amendments or additions thereto adopted from time to time by the city council.

17.46.050 Sign permit required.



A. A sign permit is required unless the sign is exempt as provided in section 17.46.080.

1. A hearing shall be required for all noncompliant signs.† A fee shall be collected by the community development director or designee prior to consideration of any sign by the review authority. The fee shall be established from time to time by resolution of the city council.

2. All signs compliant with the provisions of this chapter shall be subject to review and approval by the community development director or designee.

B. In order to facilitate the review and approval process, any person seeking to obtain a sign permit shall submit accurate plans, drawings, color boards, examples of materials, or any such other information specified by the community development director or designee. Written appeals shall be filed with the community development director or designee no later than ten days after the decision of the review authority or community development director or designee.

C. During the course of review and approval, the review authority or appeal authority may approve, disapprove, conditionally approve or modify the plans as submitted in order to ensure compliance with the spirit and intent of this chapter.

17.46.060 Building permit required.



A. In order to ensure that the building department is provided with an opportunity to review the placement, construction, erection, relocation or alteration of any and all signs in the city, it is required, unless otherwise specified herein, that a building permit shall be obtained from the building department prior to the placement, construction, erection, relocation, alteration or otherwise of the sign.

B. Any person seeking to obtain a building permit shall provide the building department with any and all necessary plans, drawings or other materials or information required by the building department along with written evidence that a sign permit has been obtained. Following a review

of the materials submitted, the building department may issue the building permit pursuant to the provisions of the UBC. A fee shall be collected by the building department prior to the issuance of any building permit. The fee for a building permit shall be as specified by department procedure.

17.46.070 Prohibited signs.



The following signs shall be prohibited in the city. Definitions and descriptions of these signs are included in this section. Additional definitions pertaining to this chapter are contained in Section 17.46.040.

A. *Portable signs.* Signs such as A-board or other such signs capable of standing without support or attachment to a structure or the ground.

B. *Animated signs.* Signs that involve animation, rotation, flashing, projections, scintillation, or any type of movement, not including barber pole signs or time, date and temperature signs.

C. *Billboard signs.* Off-site advertising signs that are designed to direct attention to a business, commodity, service or entertainment, sold or offered elsewhere than on the premises or property on which the sign is located.

D. *Roof signs.* Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to, mansards, parapets and the like.

E. *Projecting signs.* Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward therefrom or signs that project into the public right-of-way. No provision contained herein shall be construed to prohibit the display or construction of freestanding signs.

17.46.080 Exempt signs.



The following signs are exempt from a sign permit:

A. Official signs and notices, public utility signs, and public directional signs, including time and temperature devices and signs indicating the location or direction of a place or area on the premises upon which the sign is located;

B. Professional nameplates not exceeding three square feet in area;

C. Temporary yard signs, subject to the provisions of Section 17.46.200;

D. Emergency, public service or other temporary non-advertising signs;

E. Memorial signs on tablets, names and dates of buildings when cut into any masonry surface or when flush mounted and constructed of bronze or other noncombustible materials;

F. Accessory signs of a secondary nature, e.g., savings stamp signs or credit card signs not exceeding one square foot;

G. Banners not exceeding 30 square feet when used for advertising the opening of a new business and/or the hiring of employees. Such signs shall be removed after 30 days;

H. Temporary window signs that are painted, placed, taped, displayed, or otherwise suspended within three feet of any window that are visible from outside the place of business and that are designed to be displayed for more than thirty days. Such signs are permitted to cover no more than ten percent of the area of the window; and

J. Real estate signs:

1. *Sale, rental, or lease signs.* Any property being advertised for sale, rent, or lease may have one such sign on the property not exceeding twelve square feet in area.

2. *Subdivision signs.* The land being subdivided may have no more than two signs posted upon it advertising the subdivision. Each sign shall not exceed thirty-two square feet in area.

3. *Under construction signs.* These signs shall not exceed twenty square feet in area. No more than one such sign shall be permitted and shall be removed prior to the issuance of the final occupancy permit.

4. *Portable, temporary signs displayed on private property.* In advertising a property for sale, rental, or lease, a portable sign, not exceeding six square feet in area, may be placed off the site on private property for the purpose of advertising that the subject property is open for inspection. One additional such sign may be displayed on the premises that is open for inspection. Such signs shall only be displayed when the premises are open for inspection.

5. *Model home signs.* Signs identifying model homes may be displayed on the property upon which the model homes are located. Such signs shall be located adjacent to the entrance of the model home. Such signs shall not exceed eight square feet in area nor three feet in height.

17.46.090 Nonconforming signs.



A. Any permanent sign lawfully existing prior to the adoption of this chapter and not conforming to the provisions contained in this chapter is declared to be a lawfully nonconforming sign and may remain as such.

B. No such nonconforming sign shall in any way be altered, relocated, replaced or reworded unless the sign can be made to conform to all provisions of this chapter. Nothing in this section shall be construed to prohibit the normal maintenance and repair of lawfully nonconforming signs.

17.46.100 Allowed sign types.



A. *Signs requiring a sign permit and review.* The following signs require a sign permit. Definitions of allowed signs are included in this section. Additional definitions pertaining to this chapter are contained in Section 17.46.040.

1. *Monument signs.* Freestanding signs of a permanent nature not attached to any portion of a building and not projecting over or through a roof, eaves of a building or any public right-of-way. Such signs may be placed within required yard or setback areas.

2. *Awning signs.* A sign attached to the face of or supported by an awning. Such signs must be parallel to the face to which attached and must not hang lower or project above the face to which attached.
3. *Marquee or canopy signs.* A sign attached to or supported by a marquee or canopy. Such signs must be parallel to the face to which they are attached and may not be made of cloth, canvas or other material of a similar nature nor shall such signs hang lower or project above the face to which attached.
4. *Nameplates.* Professional nameplates and occupation signs exceeding three square feet in area.
5. *Neighborhood signs.* Signs identifying a neighborhood or development, not exceeding fifty square feet in area.
6. *Readerboard signs.* A sign with detachable or interchangeable letters.
7. *Under canopy signs.* A sign attached to the underside of a canopy. The canopy must be of a permanent nature attached to and supported by a building. Such signs that do not exceed four square feet will not be included in the maximum sign area allotment. Any such sign exceeding four square feet shall be included in the maximum sign area allotment. Such signs shall have a minimum clearance of seven feet six inches above the sidewalk.
8. *Wall signs.* A sign of either solid face construction or individual letters placed against the exterior wall of any building or structure. Such signs shall not extend more than one foot beyond the wall.

17.46.110 Enforcement.



The regulations contained in this chapter shall be enforced as are other zoning, building and safety regulations as set forth in this code.

17.46.120 Remedies.



Notwithstanding the procedures for enforcement set forth in this code, the city is authorized to proceed in any other fashion, way or procedure permitted by law.

17.46.130 Abandoned signs and abatement thereof.



A. No person shall maintain or permit to be maintained on any premises owned or controlled by said person any sign which has been abandoned. Any such sign shall be promptly abated. Any sign which is located on property which becomes vacant for a period of six months or more and any sign which was erected for an occupant or business unrelated to the present occupant or their business and any sign which pertains to a time, event or purpose which no longer obtains shall be presumed to have been abandoned.

B. Unless some other form of abatement is approved by the community development director or designee in writing, abatement of abandoned signs shall be accomplished in the following manner:

1. Signs painted on buildings, walls, fences or structures shall be abated by removal of the paint constituting the sign or by painting over the sign in such a way that the sign shall not thereafter become visible.
2. Other types of signs may be abated by removal of the sign including its dependent structures and supports, unless the sign conforms to the provisions contained in this chapter, in which case all faces of the sign shall be screened from view in a manner satisfactory to the community development director or designee.

17.46.140 Abatement of signs presenting health or safety hazards.



A. Signs on private property presenting health or safety hazards. No sign may be placed upon any privately owned property in a manner that creates a public health or safety hazard. Any sign placed on, above or adjacent to any street, sidewalk or right-of-way that creates a health or safety hazard through obstructing vision or use of such street, sidewalk or right-of-way may be summarily removed by the public safety, public works or community development directors or their respective designees. Any sign so removed shall be returned to the owner upon payment of the costs of removal and storage. Any sign placed on or about private property that creates a health or safety hazard, including obstructing vision in the public right-of-way, may be removed by the public safety, public works or community development directors or their respective designees to a position on the private property where it does not create a health or safety hazard.

B. Signs on public property. No sign may be placed in or upon any public right-of-way, the exterior of any public building, any public grounds or property thereon, any public utility pole or appurtenance thereof, wherever located, or any tree on public property. Any such sign may be summarily removed and impounded by the public safety, public works or community development directors or their respective designees.

C. Impounded signs. Any sign impounded under the provisions of subsection A or B of this section shall be stored for a period of not less than thirty days at which time the signs may be salvaged, sold or destroyed in order to defray the costs of removal and storage. The person responsible for the placement of such sign shall be liable for the cost incurred in the removal and storage of the sign and the departments of public safety and public works are authorized to effect the collection of said cost.

D. Noticing sign owners. If the person who owns a sign that has been removed pursuant to this section can be identified, the city official who has removed said sign shall notify that person of the reasons the sign has been removed, the location of the sign and the procedures for the return of the sign.

17.46.150 General provisions.



A. Maintenance and construction. The appropriate sections of UBC, UEC, or any amendment thereto adopted by the city shall apply to the construction, placement or display of signs in the city. All signs having internal or built-in illumination shall be constructed wholly of noncombustible materials or other such fire resistive materials as approved by the building department. Guy wires or exposed strut-like sign structures shall not be utilized. Signs and sign structures shall at all times be maintained in a state of good repair including all braces, bolts, structural parts, supporting frames and fastenings.

B. *Safety*. In addition to all other maintenance and construction provisions contained in this chapter, all signs within the city shall comply with the following provisions:

1. *Obstructions to doors, windows or fire escapes*. No sign shall be erected, relocated, altered, maintained or otherwise so as to prevent ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe, gutter, drain or fire escape, except signs referring specifically to the standpipe, gutter, drain or fire escape to which it is attached.
2. *Signs not to obstruct traffic signals*. No sign regulated by this chapter shall be erected at any location where, by reason of its position, it will obstruct or confuse the view of any authorized traffic sign, signal or device.
3. *Exterior of signs*. On all signs which are erected within five feet of a public street or sidewalk, no nails, tacks or wires shall be permitted to protrude therefrom. All structural trim maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

C. *Signs in the coastal zone*. Notwithstanding any provision contained herein, all signs to be erected, constructed, placed, tacked, fastened, displayed, painted, posted, printed or otherwise in the Coastal Zone shall comply first and foremost with the provisions of the local coastal program (LCP) along with the spirit and intent of this chapter. In the case of any conflicts between the documents, the provisions of the LCP shall prevail. It is anticipated that signs and signing programs will be considered as a part of the coastal permit process.

17.46.160 Illumination of signs.



All illuminated signs in the city shall comply with the following standards:

- A. The use of high intensity, unshielded or undiffused lights shall not be permitted.
- B. Lights or illumination shall be shielded, oriented or diffused so as to eliminate undue glare onto adjacent properties and not conflict with safe traffic movement.
- C. The community development director or designee shall retain the right to require reduction in the intensity of illumination after the installation of any illuminated sign if said illumination creates any undue glare or hazard.
- D. To help eliminate the potential for glare associated with internally illuminated or back-lit signs, the background of such signs shall be opaque.

17.46.170 Sign regulations for commercial and industrial districts.



C-1, C-2, P-C, and M Districts.

Sign Table A: Allowed Signs in Commercial and Industrial Districts

Sign Regulations in Commercial and Industrial Districts (C-1, C-2, P-C, M)	
Sign area	1 ½ sq ft for every foot of PBF* (max. 200 sq ft) ½ sq ft for every foot of each SBF** (max. 25 sq ft per SBF)
Number of signs	4 per business (max.)

Monument sign height (in feet; max.)		7		
	Shopping Center/Industrial Park Monument Identification Signs			
Site	<u>Commercial: Less than 5 acres</u>	<u>Commercial: 5 to 25 acres</u>	<u>Commercial: More than 25 acres</u>	<u>Industrial: More than 4 buildings</u>
Height (in feet; max.)	10	15	50	10
Sign area (sq ft; max.)	100	100	250	200
Number of signs (max.)	1 per principal street frontage (max. 2)	1 per principal street frontage (max. 2)	2	1 per principal entrance
*Primary business frontage				
**Secondary business frontage				

A. *Sign area.* One and one-half square feet are permitted for every foot of primary business frontage to a maximum of two hundred square feet per business. One-half square foot is permitted for every foot of secondary business frontage to a maximum of twenty-five square feet for each secondary business frontage.

B. *Number of signs.* No more than four signs may be permitted per business. Under canopy signs are not counted for the purposes of this section.

C. *Type of sign.* Any sign specified under Section 17.46.100 may be displayed in accordance with the provisions of this chapter. Monument signs not associated with a shopping center or industrial park shall be limited to a maximum height of seven feet.

D. *Service stations.* In addition to the signing permitted under Section 17.46.100, service stations may be permitted to display two additional signs each of which shall not exceed sixteen square feet. Such signs shall be permanently affixed to the ground or a structure.

E. *Master signing program approval required.*

1. Any and all commercial, office or industrial developments designed to contain more than four occupancies, businesses or buildings are required to obtain approval of a master signing program from the review authority. Said master signing program plans must be prepared, reviewed and approved by the review authority prior to the issuance of any occupancy permit in the development. Plans for the master signing program shall include specifications, descriptions and locations of all signs to be displayed on the site including but not limited to advertising, identification, directional and public service signs. Any decision of the review authority on a master signing program may be appealed to the appeal authority. Appeals shall be in writing and shall be filed with the community development director or designee within ten days of the decision.

2. Approved master signing programs may be modified from time to time by the review authority.

3. Individual tenant sign changes that comply with an approved master signing program shall be subject to review of the community development director or designee.

4. The following provisions apply to monument identification signs in shopping centers and industrial parks:

a. Shopping centers may be permitted to erect a monument identification sign which may also indicate the principal tenant and other services available on the site. Said sign shall be located adjacent to the principal street frontage and shall not exceed one hundred square feet in area. If the shopping center has more than one principal street frontage, two such signs may be permitted. Freestanding signs allowed for the identification of shopping centers or industrial or business parks of less than five acres shall not exceed a height of ten feet and for sites of less than twenty-five acres shall not exceed a height of fifteen feet.

b. Shopping centers containing more than twenty-five acres approved under a single development permit shall be permitted to erect two monument identification signs which may also indicate the principal tenants. Such signs shall not exceed two hundred fifty square feet in area nor fifty feet in height.

c. Industrial parks containing more than four buildings designed to be architecturally compatible, whether or not on the same parcel of land, shall be permitted to place monument signs along, at, or adjacent to principal entrances to the park. Such signs shall not exceed two hundred square feet or ten feet in height.

F. *Highway signs.* Commercially zoned properties having frontage on Highway 1 are declared to be sites of special significance and all signs and signing programs shall be approved by the planning commission. In considering a sign or signing program for a site of special significance, the following items shall be considered: the signing needs of the proposed use; the location of the site in relation to the freeway access; and the responsibility of the city to protect and preserve the natural beauty of Highway 1 while balancing the city's need for a healthy highway-oriented visitor-serving industry. Any decision of the planning commission concerning a site of special significance may be appealed to the city council, in writing, within ten days of the decision of the planning commission.

17.46.180 Sign regulations for residential districts.



R-1, R-2, R-3, R-4 and ST Districts.

Sign Table B: Allowed Signs in Residential Districts

Sign Regulations in Residential Districts (R-1, R-2, R-3, R-4, S-T) for sites with more than 4 dwelling units	
Sign area (max.)	30 sq ft
Number of signs (max.)	2
<i>For sites with 4 or fewer dwelling units, only one nameplate not exceeding 3 sq ft is permitted. Home occupations are prohibited to identify or advertise businesses within residential zones per Section 17.42.110.</i>	

A. *Single-family dwellings, duplexes, triplexes, and fourplexes.* One nameplate not exceeding three square feet per dwelling.

B. *Multiple-family dwellings containing more than four dwelling units, public, quasi-public, halls, organizations, churches, clubs, lodges, and all similar uses.* Maximum of two signs, each containing a maximum of thirty square feet.

C. All signs not permitted by subsections A and B of this section are prohibited in residential districts.

17.46.190 Sign regulations for the O District.



All signs, other than exempt signs which are regulated in Section 17.46.080, shall require approval by the review authority. Any decision of the review authority may be appealed to the appeal authority. Appeals shall be in writing and shall be filed with the community development director or designee within ten days of the decision. No sign shall be approved unless and until a finding is made that the proposed sign is consistent with the purpose, spirit and intent of this chapter.

17.46.200 Regulations for temporary signs.



A. *General provisions.* The following provisions apply to all temporary signs. Temporary signs do not require a sign permit:

1. No such sign shall be located upon any public street, alley, sidewalk, right-of-way, easement, or other governmental property.
2. All such signs shall be erected, altered and maintained in accordance with the UBC and the safety provisions set forth in Section 17.46.150.
3. All such signs must be stationary and unlighted.
4. Any freestanding sign shall be located at least five feet from any right-of-way line and may not encroach upon required parking or driveways.
5. The posting of any sign regulated by this section shall not in any way affect a property owner's right to erect signs permitted by other provisions of this chapter.
6. *Time limitations.* Signs regulated by this section may be posted not more than sixty days prior to an event to which they pertain. All such signs must be removed within five days after the event to which they pertain or within sixty-five days of their initial posting, whichever occurs first.
7. *Consent of owner or occupant.* No sign regulated by this section may be posted without the consent of the owner or legal occupant of the premises on which the sign is posted.
8. *Area of signs.* No sign regulated by this section shall exceed thirty-two square feet of sign area, except that in the R-1 district the total sign area shall not exceed eight square feet.
9. *Signs in the R-1 District.* The total area of all signs regulated by this section on any one property in the R-1, single-family residential district shall not exceed eight square feet. However, in this district, the number of such signs on any one property is not limited, provided the total area of all signs does not exceed eight square feet. All signs shall be freestanding, or attached to buildings, fences or windows of buildings.
10. *Signs in all districts other than the R-1 District.* In all zoning districts except the R-1 district, signs regulated by this section shall be freestanding or attached to buildings, fences or windows

of buildings. Any freestanding sign shall be placed only upon those vacant portions of a property which are not covered by structures, landscaping, parking areas or driveways. The total area of all signs on any one property which includes at least four thousand square feet of such vacant area shall be limited to not more than one square foot of sign area for each one hundred twenty-five square feet of such vacant area. For properties which include less than four thousand square feet of vacant area, each such property shall still be allowed up to thirty-two square feet of total sign area with no limitation upon the number of signs composing the thirty-two square feet.

11. *Responsibility for removal.* It shall be the property owner's responsibility to remove all signs regulated by this section within the time limitations specified above, whether or not the owner has consented to the posting or construction of such signs.

B. *Greater sign area and time limitations allowable pursuant to use permit and design review board approval.*

1. A sign area greater than otherwise allowed by this section may be allowed subject to sign permit approval by the review authority. Sign permits for temporary signs regulated by this section shall be granted for a period of not more than six months.

17.46.210 Severability.



If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

FINDINGS

Staff finds that this project:

General Plan Compliance

- 1) General Plan Policy 4.8.5

“No commercial signs shall be permitted on buildings or properties which are visible to people using the beach, while signage which is oriented and sized to be easily visible to travelers on Highway One shall be permitted only for those properties contiguous to the Highway One right-of-way.”

Evidence: The proposed changes apply only to properties outside the Coastal zone and not subject to the City’s Local Coastal Program.

Zoning Compliance

- 2) Lateral consistency with Title 17, Section 17.46

Evidence: The amended ordinance is consistent with the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and with the City’s adopted General Plan and Local Coastal Program (LCP)

- 3) Compliance with Section 17.46.270

“Notwithstanding any provision contained herein, all signs to be erected, constructed, placed, tacked, fastened, displayed, painted, posted, printed or otherwise in the Coastal Zone shall comply first and foremost with the provisions of the Marina local coastal program (LCP) along with the spirit and intent of this chapter. In the case of any conflicts between the documents, the provisions of the LCP shall prevail. It is anticipated that signs and signing programs will be considered as a part of the coastal permit process.”

Evidence: No change is proposed to Section 17.46.270.