

## CHAPTER 5

### REGULATION OF SIGNS AND OUTDOOR ADVERTISING

#### 9.5.102 Purpose.

a. The purpose of this title is to appropriately limit the placement, type, size, and number of signs in order to prevent traffic and safety hazards, and to ensure the installation and maintenance of quality, visually pleasing signage that will not detract from the property values, tax base, and social and economic standards of the community. The requirements of this title do not regulate the message content of a sign (sign copy), regardless of whether the message content is commercial or noncommercial. The purpose of these limitations and requirements is to:

- 1) Enable fair and consistent application and enforcement of the regulations of this title;
- 2) Encourage those signs that are compatible with the architectural style, scale, and physical characteristics of the building to which they relate, and are appropriate to the use, building, and neighborhood in which they are located;
- 3) Promote the aesthetic and environmental values of the community by providing for professional quality, well-designed, well-spaced, and well-balanced signage;
- 4) Preserve and enhance overall property values and the quality of the built environment in the City by reducing visual blight and by providing for signs that do not interfere with the appeal of the City as a place to live, work, shop, and visit;
- 5) Avoid traffic and/or safety hazards to motorists, bicyclists, and pedestrians caused by visual distractions and obstructions;
- 6) Safeguard and protect the public health, safety, and general welfare by regulating the design, size, location, construction and maintenance of signs, and by promoting signs that are clear and legible and that have appropriately sized text and graphics; and
- 7) Encourage creative, unique, and artistic signs that advance the City's image as a place of beauty, spaciousness, and high quality of life.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

#### 9.5.104 Applicability.

- a. The requirements of this chapter shall apply to all signs in all zoning districts.
- b. This chapter shall take precedence and be controlling over any other provisions of this code which are inconsistent with the provisions of this chapter.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

#### 9.5.106 Definitions.

a. In this title, unless the context otherwise requires, the following words and phrases shall have the following meanings:

- 1) "Animated sign" means a sign intended to attract attention by the movement or optical illusion of movement by any part of the sign structure, design, or graphic, including the illumination or flashing of lights; electronic reader-board signs; moving, changing, or flashing electronic marquee signs; animated characters or balloons; fan-generated characters or balloons; elements made out of reflective materials that utilize wind to move, or any other planned movement or planned simulated movement of a sign.

- 2) "Architectural detail/element" means any projection, relief, cornice, column, change of building material, window, or door opening on any building.
- 3) "Awning sign" means a sign that is painted or applied onto an awning, canopy, or similar overhang made of fabric, metal, or similar material.
- 4) "Banner sign" means a sign made of flexible, lightweight materials (such as cloth, canvas, plastic or cardboard) that is suspended along one edge or attached at the corners to a building, structure or object. It does not include a pennant or flag.
- 5) "Balloon" means an inflated sphere, ball shape, or character commonly made out of rubber, canvas or nylon material. This definition does not include large inflatable characters or figures.
- 6) "Building sign" means any type of permanent sign attached to or placed on a building. Types of building signs include awning signs, projecting signs, roof signs, suspended signs, wall signs and window signs.
- 7) "Center" shall mean a development which includes six or more tenant spaces in which businesses and structures are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.
- 8) "Community event/information sign" means a sign advertising an upcoming City-sponsored event, or displaying a City-sponsored message to the community.
- 9) "Changeable copy sign" means a sign designed to allow for the message it displays to be periodically changed through manual, mechanical, or electrical means.
  - a) "Changeable copy sign (manual)" means a sign on which copy is changed manually in the field. These signs include non-electronic reader-board signs or marquees with changeable letters, menu-board signs, directory signs, and non-electronic changeable display cases.
  - b) "Changeable copy sign (automatic)" means a sign on which the copy changes automatically on a lampbank or through mechanical means. These signs include electronic reader-board signs or marquees with scrolling or automatically updated information, and digital time and temperature signs. An automatically updating changeable copy sign includes an automatic theater marquee, a light emitting diode (LED) display, or similar sign capable of generating changeable copy.
- 10) "Cumulative sign area" means the total allowable sign area for a building, tenant space, or use, excluding the sign area of signs specifically excused under Sections 9.5.108 and 9.5.110.
- 11) "Directional sign" means an on-site or off-site sign that primarily provides information for directing and guiding traffic or pedestrians.
- 12) "Directory sign" means a sign that identifies or lists the names and locations of all or many tenants at a site.
- 13) "Drive-through business" means an establishment providing goods or services from a building through an outdoor service window to customers who remain in their automobiles. Uses in this classification include fast-food restaurants, grocery stores, pharmacies, dry cleaners, and retail banks with drive-through window service. Establishments engaged in the retail sale of gasoline or motor fuel, or that offer automotive oil changes or other vehicle services, are classified under vehicle sales and services.
- 14) "Excused sign" means a sign that does not require sign review approval, but must conform to this title.
- 15) "Fence sign" means a sign placed on a fence.
- 16) "Flag" means a piece of fabric or other flexible material containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

- a) "Flag, traditional" means a rectangle-shaped flag, or, in the case of a nautically related use, a triangle-shaped flag, raised from a flag pole that is at least four times the height of the flag when the pole is attached to the ground, and at least double the height of the flag when the pole is mounted to a building.
  - b) "Flag, nontraditional" means a flag that is not a traditional flag, including portable flags inserted into the ground in a nonpermanent, removable manner, typically associated with business promotions, and including narrow, vertically oriented rectangle-shaped flags mounted to tall flag poles in sets of three or more, typically associated with residential units for sale or rent.
- 17) "Freestanding sign" means a permanent sign that is self-supporting in a fixed location and not attached to a building. Freestanding signs include "pole/post signs" and "monument signs."
- 18) "Freeway sign" means a sign allowed under Section 9.5.124(a)(2), where the sign is used to advertise a regional commercial use or center.
- 19) Frontage.
- a) "Building frontage" means the ground floor horizontal distance of a building or portion thereof occupied by one tenant, business, or use.
  - b) "Primary building frontage" means the building frontage from which the building is most accessed by patrons. Typically, the primary building frontage is adjacent to the street, driveway, or parking lot that provides access to the building, and includes the main customer entrance to the building or tenant space. A building may have only one primary building frontage, except that when a building facade that is not the primary frontage of the structure is parallel with and adjacent to an arterial street or state highway, then two primary building frontages may be permitted.
  - c) "Secondary building frontage" means a building frontage that is either perpendicular to or parallel with the primary building frontage line. A secondary building frontage must face a public street, public open space, or parking area for the use, or must include a glass-enclosed showroom or eating area. A building may have a maximum of two secondary building frontages.
  - d) "Nonpublic building frontage" means a building frontage that is not used by patrons, such as a delivery entrance, emergency exit, or a door reserved for employees of the business. A building may have a maximum of three nonpublic building frontages.
  - e) "Street frontage" means a building frontage that faces a public street or right-of-way.
- 20) "Garage sale and yard sale sign" means a sign whose message is designed to advertise short-term rummage, estate, boutique, yard or garage sales of common household items from a residentially zoned property.
- 21) "Grand opening" means a promotional activity used by newly established businesses or businesses under new ownership to inform the public of their location and service available to the community. "Grand opening" does not mean an annual or occasional promotion of retail sales by a business. A grand opening shall last no longer than thirty (30) days prior to, and thirty (30) days after, the initial business opening date.
- 22) "Handheld sign" means a sign held by, worn by, or attached to a person.
- 23) "Illuminated sign" means a sign that is illuminated by artificial means either by flood lamp, neon, incandescent or fluorescent electrical lighting.
- a) "Internally illuminated sign" means a sign lit by a light source that is concealed behind or contained within a sign enclosure, or located behind a translucent plastic or glass sign face.
  - b) "Externally illuminated sign" means a sign that is illuminated by an artificial light source that is not contained within the sign itself and is intended or positioned to illuminate the sign.

- 24) "Legibility" means the physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which directly relate to an observer's visual acuity.
- 25) "Master identification sign" means a sign that identifies a center, complex or group of businesses under a single site name when that site name or identity comprises at least twenty-five percent (25%) of the sign face area.
- 26) "Master sign program" means a coordinated sign plan that includes details of all signs that are or will be placed on a site, including master identification, individual business and directory signs.
- 27) "Mobile sign" means a sign attached to, leaning against, placed on, mounted on or suspended from a vehicle, but that is not professionally painted or applied onto the vehicle body or a similarly integrated part of the vehicle.
- 28) "Neighborhood identification sign" means a sign that identifies a distinct residential subdivision, residential neighborhood or a mobile home park.
- 29) "New business" means the initial opening of a facility or a business establishment in the City of Oakley. A new business may include a grand reopening after a remodel, a change of ownership/management, or a similar major business event under which the operations of a business are either brand new or have substantially changed.
- 30) "Neon sign" means a sign or element of a sign consisting of exposed glass tubing filled with a neon gas for illumination.
- 31) "Noncommercial sign" means a sign that does not relate to a commercial or for-profit venture. Examples of noncommercial signs include:
- a) Signs containing only a political, civic, public service or religious message; or
  - b) An advertising or informational display placed by a nonprofit organization, person, or group such as advertisements for community festivals.
- 32) "Nonconforming sign" means a sign that does not conform with this title, but that had a valid building or sign permit when placed.
- 33) "Obsolete sign" means a sign that advertises a service, product, activity or land use for more than thirty (30) days after the service, product, activity or use has been suspended, terminated or abandoned.
- 34) "Obscene sign" means signage that, to the average person applying contemporary statewide standards, depicts or that describes a patently offensive way of sexual conduct and that lacks serious literary, artistic, political, or scientific value.
- 35) "On-site sign" means a sign that identifies the business, use or organization located on the premises or advertises or that informs about business, products or services sold or rendered on the premises.
- 36) "Off-site sign" means a sign that advertises or informs about a business, event, goods, services, or uses not directly concerning the use on the property upon which the sign is located. A sign that is placed on a portion of a building frontage that is not occupied by the sign's subject is considered an "off-site sign."
- 37) "Outdoor sales area sign" means a banner attached to a permanent structure such as a building or a light standard, located in the outdoor sales area of a business.
- 38) "Permanent sign" means a sign that is constructed of rigid, durable material that will not fade, rot, wear, tear, or deteriorate over the lifespan of the business, and that is securely attached to a building, wall, sign structure, ground, or similar feature or structure. Permanent signs are designed and intended to be used for a period of fifteen (15) or more years.

- 39) To Place. The verb "to place" and any of its variants means and includes the maintaining and the erecting, constructing, posting, installing, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible any sign. It does not include any of the foregoing activities when performed incident to the customary maintenance of a sign or to the change of message on a reader-board.
- 40) "Pole sign" means any sign that is permanently supported in a fixed location by a structure of poles, posts, uprights, or braces from the ground, when the largest diameter of the poles, posts, uprights, or braces is less than the width of the sign face that they are supporting. A pole sign is not supported wholly by a building or a base structure.
- 41) "Portable sign" means a sign that is not attached to the ground or a structure.
- 42) "Primary sign" means a visually prominent freestanding sign that is permitted only along a primary street frontage pursuant to Section 9.5.122.
- 43) "Professional quality" or "professionally designed" means a sign that appears to be designed, manufactured, and installed by a professional sign contractor. Professional signs are affixed or supported by sturdy and visually attractive materials. Professional signs are typically created digitally, unless created by a professional artist using professional quality signage materials. Professional signs are designed to withstand the elements, including wind, rain, and fading that may occur from sun exposure. Professionally designed signs do not include signs that are taped to a surface, signs that are wrinkled or curled, signs made of flexible material that is not taut, signs that are painted directly on a window (with the exception of holiday or seasonal decorations).
- 44) "Projecting sign" means a sign attached to a building or structure in such a manner that either:
- a) The sign is not parallel to that part of the building or structure to which it is attached. A sign is not considered to be projecting if it is placed vertically to a fascia or mansard that has an angle of not more than thirty (30) degrees from the vertical, and if it is attached in a horizontal plane at either the top or bottom of the sign; or
  - b) The sign extends horizontally, vertically or diagonally beyond that part of the building or structure to which it is attached. A sign placed parallel to a vertical fascia, wall or parapet and extending less than half of its height above the fascia, wall or parapet is not considered a projecting sign.
- 45) "Public open space" means any unenclosed public or private area that is open to the public for pedestrian or vehicular traffic. It includes, but is not limited to, a street, driveway, mall, courtyard or parking lot.
- 46) Reader-Board. See "changeable copy."
- 47) "Real estate sign" means a sign advertising real property for sale, rent, or lease, including an "open house" sign.
- 48) "Rider sign" shall mean a sign affixed to a real estate sign, used to identify unique building or property characteristics, additional realtor information, and other relevant property information.
- 49) "Roof sign" means a sign placed on or above the eaves, roof, overhang, deck cover, mansard, or similar feature of a building, or any sign that is dependent upon a roof for support and that projects above the roofline of a building.
- 50) "Sale or business promotion" means a special offer or special sales event that is offered for a limited time only.
- 51) "Seasonal decoration" means a decoration honoring a specific season, holiday, or occasion recognized by the general public that does not contain commercial or advertising copy.

- 52) "Service club sign" means a sign that represents a club of business or professional men or women organized for their common benefit and active in community service.
- 53) "Sign" means any medium for visual communication, including its structure or component parts, that is used or intended to be used to attract attention to an idea, activity, business, event, goods, services or land use for identification or advertising purposes. Functional architectural features of buildings are not normally signs. A sign under this title is one that is intended to be seen from a public open space, or from other premises under separate occupancy.
- 54) "Sign face" means the entire area within a single, continuous perimeter enclosing the extreme limits of writing, representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. Those portions of the supports, uprights or base of a sign that do not function as a sign shall not be considered as part of the sign face.
- 55) "Sign permit" means sign approval granted in accordance with this title. Sign approval can be granted in the form of: Community Development Director approval via issuance of a building permit or project plans stamped and signed by the Community Development Director as "approved"; Community Development Director approval via an approval letter; City Council approval via an adopted resolution; or, in the case of an appeal, City Council approval via an adopted resolution.
- 56) "Sign structure" means the supporting components of a freestanding sign or a projecting sign, including architectural details/elements.
- 57) "Sign twirler" means a person using a sign, in an attention-grabbing manner, to direct people to a business or event.
- 58) "Structural members" means the columns, cables, cross beams, braces, or similar entity supporting a sign.
- 59) "Snipping" means advertising by the pasting, posting, sticking, tacking, taping, hanging, placing, or affixing of cloth, paper, cardboard, cards, posters, or metal signs to or upon fences, posts, trees, buildings, windows, or structures in a temporary, unprofessional manner. This definition does not include any sign or notice issued by a court or public office or posted by any public officer, or any type of sign specifically permitted elsewhere in this title.
- 60) "Suspended sign" means a sign that is attached under and supported by a horizontal plane such as a canopy, awning, or similar permanent overhang or projection from a building.
- 61) "Streamer sign" means an attention-attracting device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes or similar objects strung together on a common line, pole, or similar structure, or attached to one or more products offered for sale.
- 62) "Temporary residential real estate open house sign" means a temporary off-site sign that solely indicates that residential property, or portion thereof, is for sale, lease, or rent and provides directions to the property and "open house" information.
- 63) "Temporary sign" means a sign with commercial or noncommercial text which is intended to be displayed for a short period of time. Temporary signs shall include balloons, banners, and portable signs constructed of plywood, wallboard or similar light, rigid material which is not affixed in a permanent manner to the ground or to any structure. In addition, a temporary sign shall include signs giving notice of upcoming community events, such as concerts, youth sports leagues, elections, candidacies, ballot measures, or similar events. Awning signs shall not be considered temporary signs.
- 64) "Vehicle sign" means a sign attached to, affixed to, painted on, placed magnetically, or otherwise integrated into a registered, working, operational vehicle that is intended to provide display information while the vehicle is traveling, but not solely when the vehicle is parked near the business with which it is associated.

65) "Vehicle towing sign" means a sign identifying the name of a towing company responsible for towing vehicles parked illegally in a given lot.

66) "Wall sign" means a sign attached to or erected against the wall of a building with the face of the sign on a plane parallel to the wall. A wall sign includes a sign placed on a fascia, on a parapet that is flush with the exterior building wall, or on the vertical portion below a mansard roof that is parallel to the nearest exterior building wall. Manual changeable copy signs, and menu-board signs, when placed on a building wall, are considered wall signs.

67) "Window sign" means a sign that is placed, attached, or applied in or on a window that is visible from outside the window to pedestrian or vehicular traffic. Merchandise offered for sale within two and one-half feet of the window is not considered a window sign so long as it is not affixed or attached to the window.

(Sec. 1, Ordinance No. 15-17, adopted October 10, 2017; Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

#### **9.5.108 General Regulations.**

a. The illumination of signs shall comply with all of the following regulations:

- 1) Illumination shall be concentrated on the area of the sign so as to minimize glare upon the street and any other properties.
- 2) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
- 3) Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians, bicyclists, or operators of motor vehicles.
- 4) For energy conservation, light sources shall be energy efficient and shall utilize compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency.

b. Compliance with Applicable Provisions. All signs shall comply with the applicable provisions of the uniform codes of the City, including but not limited to any other applicable City ordinances, resolutions, or regulations, and this title.

c. Copy Design Guidelines. The following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged, but not required.

- 1) Sign copy should relate only to the name and nature of the business or commercial center.
- 2) Permanent signs that advertise continuous sales, special prices, or include phone numbers, or similar information in excess of that needed to identify the business or promote a single event should be avoided.
- 3) Information should be conveyed briefly or by logo, symbol, or other graphic manner in order to increase the readability of the sign and thereby enhance the identity of the business.
- 4) The area of letters or symbols should not exceed forty percent (40%) of the background area in commercial districts or sixty percent (60%) in residential districts.
- 5) Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.

d. Design Criteria for Signs. The following design criteria shall be used in reviewing the design of individual signs. Substantial conformance with each of the following design criteria shall be required before a sign permit or building permit can be approved:

- 1) Architectural Style. The architectural style, materials, or elements of construction of the building shall be such that signs attached to the building, or freestanding signs on the premises of a building would not be in conflict with the provisions of the City of Oakley Residential and Commercial/Industrial Design Guidelines.
  - 2) Color. Colors on signs and structural members should be harmonious with one another and relate to the dominant colors of the other structures on the site. Contrasting colors may be utilized if the overall effect of the sign is still compatible with prevailing colors of structures in the vicinity.
  - 3) Design and Construction. All signs shall be designed and constructed by persons with applicable license and/or expertise to achieve professional design and professional quality as defined by this title. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability so as to reduce maintenance costs and to prevent dilapidation.
  - 4) Materials and Structure.
    - a) Sign materials (including framing and supports) shall be representative of the type and scale of materials used on other structures located on the same site as the sign. Sign materials shall match those used on the structure and on other signs on the same site or building.
    - b) The use of individual letters incorporated into the building design is encouraged.
  - 5) Street Address. The reviewing authority may require that a sign include the street address of the site, where the reviewing authority determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one or more structures on the site.
- e. Maintenance. Each sign shall be maintained in good visual and structural condition at all times including color integrity, and all parts and supports associated with the sign in accordance with its original approval by the City. Each sign shall be kept in a safe, secure, and clean condition. A sign that is not properly maintained shall be deemed a public nuisance and may be abated in compliance with the municipal code and in compliance with Section 9.5.134 (enforcement of this title and other applicable provisions of this code). Any repair to a sign shall be done using materials and design that are of equal or greater quality than the original sign. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer needed shall be removed.
- f. Method of Attachment. All signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- g. Permanent Materials. Except for banners, flags, window signs, and similar temporary signs that conform to the requirements of this title, all signs shall be constructed of permanent materials that are durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. The life of a permanent sign is fifteen (15) years.
- h. Placement.
  - 1) Placement on Property. No sign shall be placed on private or public property in the City without the consent of the owner of the property;
  - 2) Placement over or into a Public Right-of-Way. No sign or portion of a sign may be placed in or project over or into a public right-of-way unless an encroachment permit has been granted by the City Engineer or his or her designee. The placement of a sign in the public right-of-way in violation of this title or any other provisions of the municipal code shall be deemed a nuisance, and any sign so placed may be removed summarily and disposed of by the City.
- i. Posting of Information. Each sign posting information, such as hours of operation, days of operation, events, movies, enrollment, programs, shows, or similar, shall remain correct and current. Information that is incorrect or outdated shall be removed within seven days of the date the information becomes inapplicable.
- j. Safety. A sign may not be placed in such a manner that its construction, design or location may be a hazard to the health and safety of the public. A sign or its illumination may not be placed in a manner that confuses or



obstructs the view of an official traffic sign, signal or device or creates a hazard to vehicular or pedestrian traffic. Text size and fonts shall be designed to allow clear and easy visibility to drivers.

k. Sign Location. Any sign area accrued by one building frontage pursuant to Sections 9.5.128 and 9.5.130 may not be attributed to any other frontage.

l. Sign Removal. When a business, activity, or entity that is the subject of an on-site sign leaves the site, the sign identifying the business, activity, or entity shall be removed within ten (10) days thereafter. The enforcement for this section shall be as specified in Section 9.5.134.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.110 Permanent Signs Excused from Sign Permit Requirement.**

a. The following permanent signs, when placed in compliance with the regulations set forth herein and the regulations of this title, are excused from the sign permit requirement. Excused permanent signs shall not be included in the maximum cumulative sign area for a business or use as specified in Sections 9.5.128 and 9.5.130 (specific land use signs) of this title. However, if an otherwise excused permanent sign exceeds the limitations set forth herein, that sign shall be subject to a sign permit under Sections 9.5.122 and 9.5.124 (administration and entitlements), and shall be included in the maximum cumulative sign area for a given use.

- 1) Address. A sign, not included as part of a commercial sign, that bears only the building/business address or post box numbers/letters and does not exceed four square feet.
- 2) Automated Teller Machine. The first eight square feet of identification, advertising, or informational copy included on an automated teller machine. Each additional square foot of informational sign area shall be counted towards the maximum allowable sign area.
- 3) Commemorative, Memorial, or Historic Plaque. A commemorative, memorial, or historic plaque, not exceeding eight square feet, that indicates a building name, date of erection, or the significance of the building, memorial, or commemoration.
- 4) Gasoline Service Station Price Signage. A business offering motor vehicle fuel to the public shall be permitted to display the prices, types, and fuel grades of gasoline offered for sale as required by Sections 13530, 13531, and 13532 of the California Business and Professions Code, and other applicable State or County law, as hereafter may be amended. The letter height for the price per gallon shall not exceed eighteen (18) inches. The letter height for all other information required by Sections 13530, 13531, and 13532 of the California Business and Professions Code shall not exceed twelve (12) inches.
- 5) Service Station Gasoline Pumps. Signs placed on a gasoline pump, including product and gasoline brand name or logo displays on the gasoline pumps and attached to the pump island, and other identification signs intended to direct and inform customers already on the premises (not advertisements of products and services).
- 6) Governmental Agency. A permanent sign placed by a Federal or State government agency, or City, County, or other local public agency, including traffic, parking, directional, way-finding, community information, warning, or regulatory sign.
- 7) Required by Law. A sign required by law, including but not limited to gasoline service station prices.
- 8) Time and/or Temperature Device. A time or temperature device not exceeding nine square feet. The sign may not display any advertisements for the business(es) located on the site.
- 9) Towing. A vehicle towing sign, provided the sign is oriented to the parking area rather than towards public view or view from the street. A towing sign shall not be placed within twenty (20) feet of the street, and shall not be more than four square feet. Up to three towing signs for each business, tenant, or use on the site may be permitted.
- 10) Vehicle Sign. A vehicle sign when not posted in a manner prohibited by Section 9.5.114(a)(26).

11) Window Signs. A permanent window sign shall be included in the maximum cumulative sign area for a use as specified in Sections 9.5.128 and 9.5.130 (specific land use signs), but need not obtain a sign permit when it complies with the following requirements:

- a) The window sign is not a residential building or a residential tenant space in a mixed use building; and
- b) The window sign is of professional quality; and
- c) The window sign is located only on a ground floor window. Ground floor windows include a ground floor window in an entry door identifying an above or below ground use to which the door leads; and
- d) The window sign shall occupy no more than thirty percent (30%) of the ground floor window area on any building frontage; and
- e) In the case of exposed neon signs and internally illuminated cabinet signs, the window sign shall be placed no closer than three linear feet to another neon or internally illuminated sign. When multiple neon or internally illuminated signs are posted, they shall be posted on a single horizontal plane.

12) On-site directional signs not exceeding four square feet, with not more than twenty-five percent (25%) of area containing the name of the business or classification of goods sold.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.112 Temporary Signs Excused from a Sign Permit.**

a. The following temporary signs, when posted in compliance with the regulations set forth herein and the regulations of this title, are excused from the sign permit requirement. Excused temporary signs shall not be included in the total allowable sign area for a business or use as specified in Sections 9.5.128 and 9.5.130 (specific land use signs) of this title. However, if an otherwise excused temporary sign exceeds the limitations set forth herein, that sign shall be subject to a sign permit pursuant to Sections 9.5.122 and 9.5.124 (administration and entitlements) of this title.

- 1) Changes of copy on reader-board signs.
- 2) Flag, Traditional. The length or width of the flag shall not exceed one-quarter of the height of the flag pole. This does not apply to the display of the United States flag.
- 3) Governmental Agency. A temporary sign placed by a Federal or State government agency, or City, County, or local agency, including legal notices, community event/information signs, traffic signs, or similar public signs. Legal notices for public hearings shall be removed within seven days following the public hearing.
- 4) Menu signs in conjunction with a drive-through business, two menu boards not to exceed thirty (30) square feet each.
- 5) New Business and Grand Opening Signage.
  - a) Temporary banners for new businesses and grand openings within the City are exempt when the sign complies with the following regulations:
    - (1) Area. No single banner may exceed thirty-two (32) square feet.
    - (2) Duration. The signage may not be placed more than thirty (30) days prior to the initial date of the business opening, and must be removed within thirty (30) days after the initial date of the business opening.
    - (3) Number. One sign is permitted per business within the building.

- (4) Placement. The banner must be hung from the building that is or will be occupied by the new business. No banner may be placed above the parapet or roofline of the building. The banner shall be suspended flush with the building wall.
  - (5) In addition to the signs permitted pursuant to this subsection, attention-getting devices such as search lights, balloons, flags, pennants and streamers are allowed in conjunction with the special event and shall be subject to the limitations of this section. Helium filled latex and/or mylar balloons are expressly prohibited. Any attention-getting device may not be placed within the right-of-way and shall not create a traffic hazard.
- b) Temporary A-frame signs may be allowed when the sign complies with the following regulations:
- (1) Each side of sign may not exceed fifteen (15) square feet.
  - (2) Signs must be of professional quality and may consist of a framed chalkboard, tack board or changeable copy sign. The construction of the sign shall be of professional quality and shall be reviewed and approved by the Planning Department prior to receiving approval of an A-frame sign form.
  - (3) If the sign is placed on private property, the location of the sign shall not interfere with ADA accessibility, or pedestrian and vehicular traffic, as determined by the Community Development Director. Should it be determined by the City that the sign is out of compliance with this section, the City may remove the sign immediately, without notice.
  - (4) If the sign is located within the public right-of-way, the sign may only be located within landscaped areas that contain mulch. The sign may not be placed in any landscaped areas that contain low-lying landscaping, shrubs, or similar plantings. Signs located within the public right-of-way, excluding streets, medians and sidewalks, shall not interfere with ADA accessibility, pedestrian and vehicular traffic. The owner of the sign shall sign a form, which indemnifies the City from any liability resulting from the sign being placed within the public right-of-way.
  - (5) A-frame signs shall have a minimum distance of twenty (20) feet per sign.
- 6) Noncommercial window signs, not exceeding four square feet and limited to one per property.
- 7) Garage sale and yard sale signs are permitted subject to the following:
- a) For each event, there shall be permitted one on-site sign and a maximum of four off-site signs, all of which shall indicate, at a minimum, the specific date(s) and location of the event.
  - b) The owner shall obtain the approval from the property owner of any off-site sign placed on private property.
  - c) Off-site signs are not allowed on any public property (including but not limited to trees within the landscaped areas, utility boxes, and utility poles) to be located within the public right-of-way, including streets, sidewalks and medians. The signs shall not interfere with ADA accessibility or pedestrian and vehicular traffic.
  - d) The signs shall be portable ground signs, as defined in Section 9.5.106, with total dimensions including support stake or pole not to exceed four square feet, and shall be removed on the last date of the sale. The prompt removal of all signs shall be strictly adhered to.
  - e) Signs may not be posted more times than garage sale and yard sale events are otherwise allowed by Section 9.1.404(h)(5).
  - f) Any sign which does not comply with this section may be declared a public nuisance and be removed by the City immediately. If such sign is placed on public property, and causes damage to such

structure, the City may impose an administrative citation or charge the owner of the sign the cost to repair the public property, if such owner is capable of being determined from the sign itself.

8) Private parking signs, not exceeding four square feet and provided the requirements of Section 9.1.1402 of the Oakley Municipal Code are complied with.

9) Sign twirlers are permitted subject to the following:

a) A sign twirler shall not impede pedestrian or vehicular access.

b) A sign twirler shall be subject to the sight obstruction regulation within Section 9.1.1404 of the Oakley Municipal Code.

10) Temporary On-Site Real Estate Signs. A temporary on-site sign offering a single property for sale or rent is excused from the sign permit requirement when in compliance with California Civil Code Section 173, and subject to the following requirements:

a) Number. There shall be only one temporary on-site real estate sign per street frontage;

b) Size.

(1) A temporary on-site real estate sign for a single-family or duplex residential use shall not exceed six square feet. A maximum of three rider signs may be attached to the freestanding sign and shall not count towards the sign area of the freestanding sign.

(2) A temporary on-site real estate sign for a commercial, industrial, mixed use, or multifamily residential property (with three or more units) for sale or lease shall not exceed thirty-two (32) square feet;

c) Height. A temporary on-site real estate sign for a single-family or duplex residential use shall not exceed six feet in height. A temporary on-site real estate sign for a commercial, industrial, mixed use, or other nonresidential property for sale or lease shall not exceed eight feet in height;

d) Placement. No temporary on-site real estate sign shall be placed off site, or within a public or private right-of-way;

e) Relation to Site. An on-site real estate sign shall relate directly to the site, site design, or site construction (i.e., the name of the developer, contractor, real estate broker, for sale information, or similar site specific information); and

f) Duration. An on-site real estate sign shall be removed within seven days after the property is no longer for sale or lease.

11) Open house directional signs may be placed off the premises offered for sale or lease in accordance with the following:

a) Signs shall not exceed four square feet in area or three feet in height.

b) Signs may be permitted in the public right-of-way only when adjacent to property lines in such a manner that does not interfere with ADA accessibility or interrupt the normal flow of vehicle or pedestrian traffic. Signing is prohibited in the center divider, and/or traffic islands of public streets, and landscaped areas adjacent to the sidewalk.

c) Signs may be displayed only during the period when the property is available for public showing. Signs shall be removed at the end of the day after each day of showing.

12) Public service signs, not exceeding four square feet.

13) Signs of public utility companies indicating danger or which serve as an aid to public safety or which show location of underground facilities or public telephones.

14) Temporary signs giving notice of upcoming community events, such as concerts, youth sports leagues, elections, candidacies, ballot measures, or similar events.

a) Temporary signs allowing elections, candidacies, ballot measures to be taken down within ten (10) days of the event.

15) Temporary A-frame signs used to give notice of charitable or fundraising events, such as car washes, subject to the following:

a) The location of the on-site sign shall not interfere with ADA accessibility, pedestrian and vehicular traffic, as determined by the Community Development Director. Should it be determined by the City that the sign is out of compliance with this section, the City may remove the sign immediately, without notice.

b) The sign may be displayed up to seven days in advance of the event.

c) If the sign is located within the public right-of way, the sign may only be located within landscaped areas that contain mulch. The sign may not be placed in any landscaped areas that contain low-lying landscaping, shrubs, or similar plantings. Signs located within the public right-of-way, excluding streets, medians and sidewalks, shall not interfere with ADA accessibility, pedestrian and vehicular traffic. The owner of the sign shall sign a form, which indemnifies the City from any liability resulting from the sign being placed within the public right-of-way. If the sign is located within the public right-of-way, excluding streets and sidewalks, the sign shall not interfere with ADA accessibility or pedestrian and vehicular traffic. The owner of the sign shall sign a form, which indemnifies the City from any liability resulting from the sign being placed within the public right-of-way.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

#### **9.5.114 Prohibited Signs.**

a. No person may place or maintain the following types of temporary and/or permanent signs:

1) A-frame signs, with the exception of the following:

a) A-frame signs may be displayed for a grand opening provided the requirements of Section 9.5.112(a)(5)(b).

b) A-frame signs may be displayed per the requirements of Section 9.5.122(a)(1).

c) A-frame signs may be used to give notice of charitable or fundraising events, such as car washes, per the requirements of Section 9.5.112(a)(15).

2) Banners, flags, pennants, streamers, and small balloons, with the exception of the following:

a) Temporary banners provided the requirements of Section 9.5.122(a)(10) are complied with.

b) Business opening signs provided the requirements of Section 9.5.112(a)(5) are complied with.

c) Permanently installed architectural banners on buildings, subject to approval by the Community Development Director. If commercial graphics are on the banner, the area of the graphics shall be counted toward the maximum allowable sign area for the business.

d) Commercial logo flags, provided the requirements of Section 9.5.108(d) are complied with. This does not apply to the display of the United States flag.

e) As approved with the issuance of a temporary use permit for short-term promotional program.

- 3) Signs with Changes in Color or Intensity. Signs with illumination that change in color or intensity to create the appearance of blinking, flashing, or similar changes shall not be permitted. This section includes light emitting diode (LED) signs with the capability of producing scrolling, flashing, blinking, or otherwise moving or changing copy. Notwithstanding, the City Council may approve reader-board signs associated with the civic center, schools, or freeway signs.
- 4) Dilapidated. A sign or sign structure that is dilapidated or in disrepair, faded, deteriorating, abandoned or obsolete.
- 5) Exposed Braces. A sign supported by exposed wires, braces or cables, rather than a screened, disguised, or decorative support structure or system.
- 6) Home occupation signs.
- 7) Internally illuminated shingle signs.
- 8) Flashing signs.
- 9) Balloons except as otherwise allowed for per Section 9.5.112(a)(5). Large inflatable characters and figures except as allowed per Section 9.5.122(a)(10)(h).
- 10) Mobile sign.
- 11) Obscene. A sign that contains obscene matter or wording.
- 12) An off-site sign.
- 13) Painted. A sign painted on a building wall, fascia, parapet, or other rigid canopy, fence or structure. Murals, drawings or other graphic embellishments not containing any commercial message, corporate logo, registered trademark, or other business identification information are not considered signs under this provision.
- 14) A sign placed on a public utility pole or structure, shrub, tree or rock, excluding notices placed by public agencies.
- 15) Portable signs except as provided for within this chapter.
- 16) Public Property. A sign placed on public property or within a public right-of-way when the sign has been placed without:
  - a) Approval from the agency who owns that property;
  - b) An encroachment permit where applicable; or
  - c) A sign permit when required by this title.
- 17) Reflective Material. No sign shall include reflective material, except those signs placed by a governmental agency.
- 18) Roof signs.
- 19) Safety Hazards. Because of the City's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic.
- 20) Signs that cause a traffic hazard.
- 21) Signs that Interfere with Ingress/Egress. Signs, except as may be required by other code or chapter, placed or maintained so as to interfere with free ingress or egress from any door, window or fire escape.

- 22) Signs Erected without Permission. Signs erected on public or private property without the permission of the property owner.
- 23) Signs on Trees, Utility Poles, Benches, or Fences. Placards, posters, announcements or political signs posted or attached to any fence, bench, pole, tree, or other living vegetation, or to any object in a public right-of-way.
- 24) Snippings as defined by Section 9.5.106(a)(59).
- 25) Temporary signs, except as provided for in Sections 9.5.112 and 9.5.122.
- 26) Vehicle Sign. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way. The parking of any such vehicle on any street or on public or private property or the movement of any such vehicle in and/or along any street for the sole or primary purpose of displaying advertising matter is prohibited. A vehicle sign should not be left standing for the primary purpose of advertising. For the purposes of this section, a vehicle left standing for the primary purpose of advertising shall be a vehicle located in the same general vicinity for more than fifteen (15) hours per week, excluding vehicles parked at the business location that the vehicle serves. This does not prohibit small identification signs painted on or affixed to vehicles and trailers, such as small lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer and as specified in Section 9.1.1120(c)(ii)(3) of the Oakley Municipal Code.
- 27) Violation. A sign which violates a condition of its permit.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

#### **9.5.116 Sign Permits.**

- a. Sign Permit Required. No person may place or maintain a sign or modify an existing sign (including changes to copy or colors) without a sign permit unless the sign is excused under Section 9.5.110 or 9.5.112. This title and the sign permit requirements apply only to a sign or sign structure that is either located on or outside of a building, or intended to be seen from another public or private property.
- b. General Standards for Approval. A sign permit may be granted by the reviewing body only when the proposed sign meets all of the following general standards:
  - 1) The materials, colors, design, height, size and scale of the sign are visually compatible with the structure, site, and use to which the sign corresponds, and the neighborhood in which the sign is located;
  - 2) The placement and size of the sign will not threaten or impair the safety of pedestrians, bicyclists, or motorists;
  - 3) The sign is of professional quality and is clear and legible;
  - 4) The height and size of the letters and graphics on the sign enable pedestrians and motorists to readily identify the message, facility or site from a sufficient distance that will enable them to safely and conveniently read the message or access the facility or the site;
  - 5) The sign does not unreasonably impair the visibility of existing signs on adjacent property;
  - 6) The sign complies with the purpose and standards of this title.
- c. Processing. All sign permits processed pursuant to this chapter (administration and entitlements) shall be processed in accordance with California Government Code Chapter 4.5, Section 65920 (Permit Streamlining Act), except that sign permits approved by the Community Development Director may be processed concurrently with a building permit when a building permit is required.

d. Fees. The fee for such permit shall be set forth in the City of Oakley fee schedule, as adopted by City Council resolution, as amended from time to time.

e. Judicial Review. Any permit issued or denied in compliance with this title shall be subject to expedited judicial review to the extent provided by the time limits identified in Code of Civil Procedure Section 1094.8 et seq.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.118 Sign Permit Procedures.**

a. Application. The property owner, business owner, or designated applicant may file an application for a sign permit. The sign permit application shall be in a form and manner prescribed by the Community Development Director. At the time of filing, a sign permit application shall be accompanied by the designated fee set forth by City Council resolution, and by the following data and reports unless waived by the Community Development Director:

- 1) Site Plan. A fully dimensioned site plan showing the specific location and size of the proposed sign(s);
- 2) Elevation(s). Fully dimensioned elevations showing the specific placement, size, and dimensions of the proposed sign(s) and the horizontal length (in feet) of the building frontage on which the proposed sign(s) would be placed;
- 3) Renderings or images of each sign requested; and
- 4) Colors and materials of the proposed sign(s) and all structural elements.
- 5) Additional information may be required as determined by the Community Development Director in order to provide a clear graphic description of the sign proposed, and in order to ensure that the sign can be adequately evaluated pursuant to this title.

b. Building Permit. No building permit to install a sign that is subject to a sign permit under this title shall be issued prior to the approval of the sign permit.

c. Conditions. The reviewing body may impose conditions to ensure compliance with this title when granting approval of a sign permit application.

d. Decision. The reviewing body (Community Development Director or City Council) may approve, approve with conditions or deny the application.

e. Other Regulations. In case of a conflict between sign regulations, the stricter regulation applies. In addition to this title, signs in the City are governed by the general plan and by all applicable Federal, State, and City regulations.

f. Appeal. The decision of the reviewing body may be appealed to the next highest authority. A written request for appeal must be filed with the City Clerk within ten (10) days after the date of the decision. The appellant shall pay an appeal fee in an amount established by City Council resolution.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.120 Methods of Calculating Sign Area, Height, and Number.**

a. Number of Signs. For the purpose of determining the number of signs, a sign is considered to be a single display surface or display device containing elements organized, related or composed to form a unit. Where matter is displayed in a random manner, without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element is considered to be a single sign.

b. Sign Area. The size of a sign is measured by the square area of the sign face (to the perimeter of the sign) or, for random-element signs, the area of a circle or the smallest polygon containing six or fewer sides of the sign face. The supporting bracing, framework, or architectural embellishments of the sign that are clearly incidental to the display shall not be computed as sign area.



- 1) Sign Area, Maximum Cumulative. Maximum cumulative sign area includes the total square footage of all signs pertaining to the use or business, except for signs specifically excused from the maximum cumulative sign area by this title.
- 2) Sign Area, Freestanding/Projecting. Sign area shall be calculated as the area of the sign face. When calculating the size of a multi-sided sign, only one side of the sign face shall be included in the measurement of sign area.
- 3) Sign Area, Three-Dimensional. Sign area shall be calculated as the square area within the perimeter of the largest cross-section of the sign.

c. Sign Height. The height of a building sign is measured as the vertical distance between the highest point on the sign and the grade immediately below the sign. The height of a freestanding sign is measured as the vertical distance between the highest point on the sign and the grade adjacent to the sign footing.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

#### **9.5.122 Administrative Sign Permits.**

a. The following sign permit applications and entitlements shall be submitted to the Community Development Director for review and approval. The Community Development Director shall have the authority to approve or deny applications for the signs listed. The general standards required to approve a sign permit, as set forth in Section 9.5.116, apply to all Community Development Director sign permits, in addition to the standards outlined in this section. Resolutions, findings, and hearings are not required for the following sign permits, except findings are required for exposed neon signs.

- 1) A-Frame Signs. The Community Development Director may approve an application for one A-frame sign per business; provided, that:
  - a) The sign must be displayed only during business hours.
  - b) Each side of sign may not exceed fifteen (15) square feet.
  - c) The sign may consist of a framed chalkboard, tack board or changeable copy sign. The construction of the sign shall be of professional quality.
  - d) The location of the sign shall not interfere with ADA accessibility or pedestrian and vehicular traffic, as determined by the Community Development Director. Should it be determined by the City that the sign is out of compliance with this section, the City may remove the sign immediately, without notice.
  - e) The sign may be located on the business property. If the sign is located within the public right-of-way, excluding streets and sidewalks, the sign shall not interfere with ADA accessibility or pedestrian and vehicular traffic. The owner of the sign shall sign a form, which indemnifies the City from any liability resulting from the sign being placed within the public right-of-way.
  - f) The sign may be located within a landscaped area where mulch or low-lying ground cover exists.
- 2) Awning Signs. The Community Development Director may approve an application for a sign permit to install an awning sign; provided, that the proposed awning sign:
  - a) Will be placed only on a building frontage;
  - b) Will identify only the ground floor occupant of the building or portion of the building upon which the sign is placed, except that signage identifying occupants of spaces located above or below the ground floor may be placed on an awning above the ground floor entry door, and shall be no larger than eight square feet;

- c) Will not be placed on a building wall abutting or adjacent to an interior lot or lease line unless it will be placed over a public entrance door or unless it will be set back more than fifteen (15) feet from the lot or lease line;
  - d) Will not be made of translucent materials;
  - e) Will not be internally illuminated;
  - f) Will be limited to the first story of a building only, unless second story signage is allowed by an approved master sign program; and
  - g) Will comply with the general regulations for all signs, set forth in Section 9.5.108.
- 3) Directional Signs. The Community Development Director may approve an application for a sign permit to install a directional sign; provided, that:
- a) Not more than seventy-five percent (75%) of the sign face on the directional sign will be used for the business, product name, trademark, or other identification of the use of the premises;
  - b) Not more than one on-site directional sign will be placed at a single driveway;
  - c) Not more than three on-site directional signs will be placed in, at, along, or in reference to the drive-through aisle for drive-through use;
  - d) A directional sign will be necessary to adequately and safely direct patrons, visitors, and residents to the site;
  - e) The directional sign will not exceed six square feet of sign area;
  - f) The height of a freestanding sign will not exceed four feet;
  - g) The number of freestanding signs will not exceed one per driveway, or, in the case of a major subdivision in a residential district, will not exceed one per street entrance to the subdivision;
  - h) The directional sign will comply with the general regulations for all signs, set forth in Section 9.5.108.
- 4) Exposed Neon Sign.
- a) In addition to the general standards required to approve a sign permit, set forth in Section 9.5.116, the Community Development Director must make the following additional findings in order to approve a permanent exposed neon sign:
    - (1) The exposed neon is a part of a corporate business identity; or
    - (2) The exposed neon sign provides a positive artistic addition to the business, use, site, and neighborhood that could not be obtained by a two-dimensional sign;
- 5) Freestanding Sign. Applications for freestanding signs shall be reviewed by the Community Development Director in accordance with the following regulations:
- a) Number, Placement, Area, and Height Regulations. A freestanding sign may be approved by the Community Development Director only when it is in compliance with the following number, placement, area, and height regulations:

Multi-Family Residential Districts		
Number and Placement	Height	Area

<b>Multi-Family Residential Districts</b>		
<b>Number and Placement</b>	<b>Height</b>	<b>Area</b>
A maximum of 1 primary sign placed at a driveway on the primary street frontage	6 feet	15 square feet plus one additional square foot for every 10 dwelling units, up to a maximum area of 32 square feet

<b>Subdivisions in Single-Family Residential Districts and Mobile Home Parks</b>		
<b>Number and Placement</b>	<b>Height</b>	<b>Area</b>
A maximum of 1 primary sign for each street entrance to a subdivision, placed at the street entrance	6 feet	15 square feet plus one additional square foot for every 10 dwelling units, up to a maximum area of 32 square feet

<b>Commercial and Industrial Districts</b>			
	<b>Number and placement</b>	<b>Height</b>	<b>Area</b>
<b>Commercial and Industrial Businesses within a Center</b>	A maximum of 1 primary sign per street frontage of the center not to exceed 2 per center	20 feet	84 square feet (may be double-faced)
	A maximum of 1 per single tenant occupying the entire building located on a separate pad within the center	6 feet	24 square feet (may be double-faced)
<b>Commercial and Industrial Businesses Not within a Center</b>	A maximum of 1 primary sign	8 feet	36 square feet (may be double-faced)

b) General Regulations. Freestanding signs shall comply with all of the following general regulations:

- (1) Landscaping. The area around the base of a freestanding sign must be landscaped with seasonal color or a combination of seasonal color and shrubs or groundcover, unless the sign's location restricts or prohibits such landscaping. The landscaping shall be maintained in a healthy, thriving condition and shall be kept clean of weeds and garbage. The landscaped area shall be a minimum of four times the area of the sign face on the freestanding sign.
- (2) Address. A freestanding sign shall clearly and legibly display the address of the property.
- (3) Placement. A freestanding sign shall be placed generally perpendicular to the public right-of-way to which the business or use has direct access in order to increase the visibility and effectiveness of the sign.
- (4) The area and height of a freestanding sign shall not result in a sign larger than necessary to provide adequate identification from an adjacent street.

6) Outdoor Sales Area Signs. The Community Development Director may approve an application to place outdoor sales area signs for a business that relies heavily on an outdoor area for sales, such as an automobile dealer, when a business is located in a general commercial (C) district only. Outdoor sales area signs may be affixed to light standards in the outdoor sales area; provided, that the proposed signs comply with all of the following regulations:

- a) Area. No single light standard shall contain more than seventy (70) square feet of sign area. Outdoor sign area shall not be included in the maximum cumulative sign area allowances for a building, tenant space, or use, as set forth in Sections 9.5.128 and 9.5.130.

- b) Duration. Outdoor sales area signs shall be removed or replaced with new signs of a different design, before they begin to show evidence of wear and tear, or every twelve (12) months, whichever occurs first.
  - c) Permitted. Outdoor sales area signs shall be permitted only when the parcel on which the signs would be placed is more than two hundred fifty (250) lineal feet from the nearest residential property.
  - d) Placement. The signs shall be evenly dispersed throughout the sales area. Signs shall be placed only on light standards that are in good repair.
  - e) Type. Only tautly suspended banners affixed to light standards shall be permitted.
  - f) Height. No sign shall exceed twenty-five (25) feet in height.
  - g) Number. Not more than two signs may be placed on a single light standard at a given time.
- 7) Projecting Signs. The Community Development Director may approve an application for a sign permit to place a projecting sign; provided, that the proposed projecting sign:
- a) Will be attached to a building frontage, or hung from the eaves or soffit along a building frontage occupied by the business or use identified by the sign;
  - b) Will be placed only on the first story of a building when no sign program is established, or, when a sign program allows, may be placed above the ground floor to identify an occupant in a tenant space located above the ground floor;
  - c) Will be attached to or hung from an eave or soffit only when the sign is a minimum of fifteen (15) linear feet away from an interior lot line;
  - d) Will be placed below the roof line or parapet of the building;
  - e) Will be placed so that the lowest portion of the sign is a minimum of seven and one-half feet above any pedestrian walkway and will not be placed above a vehicular passageway;
  - f) Will be not more than six inches nor less than one inch thick, except as reasonably required in connection with some graphic element of the sign; and
  - g) Will be not internally illuminated.
- 8) Service Club Signs. The Community Development Director may approve an application for a sign permit to place an individual service club sign onto an existing City entry sign or permitted freestanding sign installed specifically for the purpose of housing service club signs, subject to the following regulations and standards:
- a) Service club signs shall be circular or rectangular in shape. Irregular shapes shall not be permitted;
  - b) Each individual service club sign shall be no larger than eight square feet (if rectangular) or thirty-six (36) inches in diameter (if circular);
  - c) Service club signs shall be made of professional quality materials that can resist weather decay and fading; and
  - d) Installation of a service club sign shall not violate the California Constitution, Article 16, Public Finance, Sec. 5. (Cal. Const., Art. XVI, § 5.)
- 9) Sign Face Replacements. Sign faces on existing sign cabinets may be replaced; provided, that the height or square footage of the sign face is not increased. Changes to the base or the overall style of the sign shall not constitute a sign face replacement.

10) Temporary Signs. Temporary sign permits to allow banners, nontraditional temporary signs, temporary signs at automobile dealerships, short-term promotional signs at a seasonal business, on-site subdivision signs, and off-site subdivision kiosk signs may be issued by the Community Development Director. The permit may impose conditions on the size, type, number, placement, materials, and time period for which each sign may be posted in order to ensure the safety and welfare of the general public and in order to maintain consistency with this title. An applicant requesting a temporary sign permit may request the approval of temporary signage for a single event or promotion, or may request the approval of multiple installations of temporary signs over the course of one calendar year. In the case of subdivision signage, a temporary sign permit may be issued for installations of temporary signs over a single subdivision sale period. Temporary signage shall not be included in the maximum cumulative sign area for a zoning district, as specified in Sections 9.5.128 and 9.5.130. Temporary sign permits are required in order to allow the following sign types:

- a) Banner. Any one establishment may obtain a temporary sign permit to allow a banner sign up to three times per calendar year for a maximum time period of thirty (30) consecutive days and a total of ninety (90) days per calendar year. A minimum of seven days must lapse between the posting of banners or nontraditional temporary signage at a single business or use.
  - (1) No single banner may exceed thirty-two (32) square feet.
- b) Construction Identification. A temporary sign denoting the architect, engineer, contractor, financier, persons in a similar capacity, or the future tenant(s) may be placed upon real property upon which a project is being constructed. Said signs shall be removed at the time that construction of the project is completed. If the project is phased, the sign may remain up until the last building is completed.
  - (1) Construction identification signs for residential projects shall be limited to twelve (12) square feet.
  - (2) Construction identification signs for other projects shall be limited to thirty-two (32) square feet.
- c) Temporary New Real Estate Kiosk Program. Sign panels may be authorized for the purpose of providing directional information to residential developments, including mobile home parks, which are offering the sale or rental for the first time of houses, apartments, lots or mobile home spaces, provided:
  - (1) Number. The maximum number of single-faced sign panels allowed shall be eight per development;
  - (2) Area and Dimensions. Sign panels shall be ten (10) square feet in total area, and shall measure five feet horizontal length by two feet vertical length;
  - (3) Height. Maximum sign height for a single sign structure (kiosk) shall be fifteen (15) feet;
  - (4) Kiosk Structures. All sign panels shall be located on a City approved kiosk structure;
  - (5) Permitted Locations. Signs shall be located on designated City kiosk structures within the public right-of-way. If, in the opinion of the Community Development Director, available City kiosk structures will not permit adequate directional information, kiosk structures may be approved by the Community Development Director on private property with the written permission of the property owner. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the Community Development Department prior to the acceptance of a sign permit application;
  - (6) Sign Copy. Each temporary real estate directional sign shall contain only the name of the subdivision, directions to the subdivision and a directional arrow. Furthermore, the subdivisions shall be solely located within the City of Oakley and not advertise subdivisions located within other cities. Community directional signs (City Hall, library, parks, etc.) may also be allowed on kiosk structures;

- (7) Spacing. No temporary real estate directional sign shall be placed within three hundred (300) feet of another except when they are across the street from one another. A maximum of six temporary real estate directional sign panels for different developments may be grouped on a single sign structure face. Only one panel per development may be placed on a single sign structure face;
  - (8) Right of Entry. All kiosks which are placed on private property must have written consent of the property owners to allow the City, in the event of noncompliance, to enter said property and remove the sign. A copy of said consent shall be filed with the Community Development Department prior to the acceptance of a sign permit application;
  - (9) Changes. Any sign approved for a particular subdivision within the City shall not be changed to another subdivision without prior approval of the Community Development Director;
  - (10) Cash Deposit. A cash deposit or bond in the amount of \$100 per sign panel may be required to be deposited with the City to ensure compliance with the stipulations of this chapter, and removal of signs in a timely fashion. In the event the City removes a sign, due to noncompliance with the permit or these regulations, the full amount of said bond or cash deposit shall be due the City in order to defray enforcement costs;
  - (11) Unauthorized Alterations. There shall be no additions, tag signs, attention-getting devices, or other appurtenances added to the sign as approved;
  - (12) Lighting. Illumination of temporary real estate directional signs by any means is prohibited.
- d) Temporary Signs, Nontraditional. Notwithstanding the limitations set forth in subsection (a)(10) of this section, temporary signs in the following group may be permitted with the approval of a temporary sign permit for a maximum period of seven consecutive days, three times a year, for a total of twenty-one (21) days per calendar year. A minimum of seven days must lapse between the posting of banners or nontraditional temporary signage at a single business or use. The following sign types are considered nontraditional temporary signs:
- (1) Animated sign;
  - (2) Fence sign;
  - (3) Flag, nontraditional;
  - (4) Roof sign;
  - (5) Streamer sign; and
  - (6) Three-dimensional sign.
- e) Temporary Signs at Automobile Dealerships on Sites Under One Acre in Size. In lieu of the above time limits for special temporary signs, automobile dealers in the general commercial (C) district may be permitted to post the following types of special temporary signs for up to one hundred twenty (120) days per calendar year; provided, that the same sign is not posted for more than thirty (30) consecutive days:
- (1) Animated sign;
  - (2) Roof sign;
  - (3) Streamer sign; and
  - (4) Three-dimensional signs.
- f) Short-term promotional signs at seasonal businesses. Seasonal businesses that do not occupy a space for more than three months per calendar year, such as a holiday specialty store, or a tax preparation

business, may be permitted to post a temporary banner sign identifying the business for a maximum of three months with the approval of a temporary sign permit. Additional temporary signage, including additional banner signs and nontraditional temporary signs, may be utilized with a temporary sign permit for a cumulative total of thirty (30) days.

g) Temporary signs for locally grown crops where the primary use of the property where the crops are grown and sold is agriculture.

h) Large inflatable characters and figures are only allowed for grand openings, parking lot sales, pumpkin patches, Christmas tree lots, or any other event as part of an approved temporary use permit. The size and placement of the large inflatable character shall be subject to the review and approval of the City. In no event shall the large inflatable character and figure create a safety and/or traffic hazard or be deemed to be a public nuisance. All events requiring a temporary use permit shall adhere to the requirements of Section 9.1.1606.

11) Theater Marquee. Theater marquee signs shall be excluded from the maximum cumulative sign area for the building. The Community Development Director may approve an application for a theater marquee sign if the sign complies with the following regulations:

- a) The theater marquee shall not exceed one hundred sixty (160) square feet;
- b) The theater marquee shall be permitted only on a theater building.

12) Wall Signs. The Community Development Director may approve an application for a sign permit to place a wall sign if the proposed wall sign complies with the requirements of Section 9.5.130.

(Sec. 2, Ordinance No. 15-17, adopted October 10, 2017; Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

#### **9.5.124 City Council Sign Permits.**

a. The following sign permit applications and entitlements shall be processed by the City Council. The City Council shall have the authority to approve or deny applications for sign permits, including master sign programs and freeway information signs. Applications for City Council sign permits shall be approved, approved with conditions, or denied. The general standards required to approve a sign permit, as set forth in Section 9.5.116, apply to all City Council sign permits, in addition to the standards outlined in this section. Decisions of the City Council shall be documented by resolution.

1) Master Sign Program.

a) General Requirements. A master sign program is required when a sign(s) is requested for: (1) a building or grouping of buildings which contains six or more business or office uses, or (2) community uses that request more than two identification signs. No permit shall be issued for an individual sign requiring a permit on a site with six (6) or more existing or proposed business spaces unless, and until, a master sign program for the property on which the sign will be erected has been approved by the City Council. Owners of two or more contiguous lots or the owner of a single lot with more than one building may voluntarily file with the City a master sign program conforming with the provisions of this chapter.

b) Required Information. A master sign program shall contain the following information:

- (1) An accurate plot plan of the lot, at such a scale as the Planning Division may require.
- (2) Location of buildings, parking lots, driveways and landscaped areas on the lot.
- (3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot included in the plan.
- (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.

- (5) Color scheme.
  - (6) Lettering or graphic style.
  - (7) Lighting.
  - (8) Location of each sign.
  - (9) Materials.
  - (10) Sign dimensions.
  - (11) Provisions for leasing information.
- c) Window Signs. A master sign program including window signs shall indicate the areas of the windows to be covered by window signs and the general type of the window signs permitted (e.g., paper affixed to window, painted, neon, etched on glass).
- d) Freestanding Signs. The master sign program shall address shared or common usage of freestanding signs.
- e) Other Provisions. Master sign programs may contain such other regulations as the City Council may reasonably determine are necessary to assure the program's compliance with the requirements of this chapter.
- f) Procedures. A master sign program shall be a condition of approval of any planned development, development plan, design review, use permit or other application required by the City and shall be processed prior to installation of any signs. Any sign which conforms to an approved sign program may be approved by the Community Development Director or his or her designee. Approval of a master sign program does not waive the permit requirements for individual signs.
- g) Amendment. A master sign program may be amended by filing a new master sign program that conforms with all requirements of this chapter.
- h) Existing Signs Not Conforming to a Master Sign Program. If any new or amended master sign program is filed for property on which existing signs are located, it shall include a schedule for bringing into conformance all signs not conforming to the proposed or amended program. Any signs not conforming to an approved sign program which existed at the time of adoption of this chapter shall be brought into conformance with the approved master sign program.
- i) Binding Effect. After approval of a master sign program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same ways as any provision in this chapter. The master sign program shall be attached to the lease agreements for all leasable space within the project. In case of any conflict between the provisions of such a plan and any other provision herein, this section shall control.
- 2) Freeway Signs.
- a) Regulations. In order to approve a sign intended to be viewed from a freeway, the sign must comply with the following regulations:
    - (1) Multi-business signs advertising freeway-oriented business near an interchange may be approved subject to the approval of a conditional use permit.
    - (2) The sign shall identify the City of Oakley, and at least five businesses or centers directly served by the off-ramp.



- (3) A sight line study for view and visibility distance shall be prepared and submitted with an application to justify the height of the sign requested. However, the maximum height of the sign shall not exceed forty-five (45) feet unless the City Council approves a sign exception per Section 9.5.126.
  - (4) The design of the sign structure shall incorporate design features to enhance the appearance of the sign.
  - (5) Signage, including text or graphics, must be of sufficient size to be easily readable for freeway drivers. In the event an applicant for signage disputes the requirements of "sufficient size" for readability established by the City Council, Caltrans freeway signage readability standards shall be utilized.
  - (6) A freeway sign shall only be considered in conjunction with a proposal for a City gateway and community entry feature pursuant to the Commercial and Industrial Design Guidelines. An entry feature may consist of, but is not limited to, a water feature, public art, special pavement, specimen or accent trees, and a system of diagonal or curved walls with vertical monuments.
  - (7) As part of a City gateway and community entry feature, the City Council may approve a freeway sign to identify commercial developments within one mile of Highway 4 Bypass or State Route 160. The location of a City gateway and community entry feature and a freeway sign shall be subject to City Council approval, but shall not be located more than one mile from a freeway/highway. A City gateway and community entry feature and a freeway sign may be located on the same site, or on two separate sites. Not more than one freeway sign per individual business or, in the case of a business center, one per business center may be permitted.
  - (8) The freeway sign shall be placed in an appropriate location to provide freeway visibility to the commercial corridor proximate to the freeway off-ramp, which may result in the sign being placed on a property different than the project site.
  - (9) The sign area for a freeway sign shall not exceed six hundred (600) square feet. Sign area shall not count towards the maximum cumulative sign area for a use as specified in Sections 9.5.128 and 9.5.130 (specific land use signs).
- b) In addition to the above regulations, the City Council must make the following findings:
- (1) The sign is not placed higher than necessary to provide for the clear visibility of the sign and its message from a State highway, and is located within a reasonable proximity of the start of the off-ramp to which it applies;
  - (2) The size of the text and logo is large enough for drivers to safely identify the sign from a distance, yet not so large that it substantially exceeds a size necessary for the sign to be legible to vehicular traffic;
  - (3) The sign conforms to the regulations of California Business and Professions Code Sections 5200 through 5400 and 2240 through 2519 (the Outdoor Advertising Act);
  - (4) The design of the sign structure has incorporated architectural design features that enhance the appearance of the sign.
- 3) Service Club Signs – Freestanding.
- a) Regulations. In order to approve a freestanding service club sign, the sign must comply with the following regulations:
- (1) The sign shall be located at a key entry point for the City of Oakley, subject to the approval of the City Council.

- (2) The sign shall be subject to "General Regulations" set forth for "Freestanding Signs" under Section 9.5.122.
- (3) The sign shall be designed in a manner that allows for safe and attractive installation of future individual service club signs. Attention shall be given to aesthetic balance of the sign even when empty spaces have yet to be filled.
- (4) The sign shall be no taller than six feet in height and allow for a minimum of four individual service club signs, where the bottom of each sign is at least eighteen (18) inches above the base of the sign.
- (5) Only signs falling under the definition of "service club sign" shall be permitted on the freestanding sign. All other permanent and temporary signs shall be prohibited, except signs directly associated with City-sponsored or operated events, subject to the review and approval of the Community Development Director.
- (6) Installation of a freestanding service club sign shall not violate the California Constitution, Article 16, Public Finance, Sec. 5. (Cal. Const., Art. XVI, § 5.)

(Sec. 3, Ordinance No. 15-17, adopted October 10, 2017; Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.126 Sign Exception Permit.**

a. Sign Exception. A sign exception is required to allow a sign that does not conform to the regulations set forth in this title. The general standards required to approve a sign permit, as set forth in Section 9.5.116, apply to all sign exception permits, in addition to the standards outlined in this section. Sign exception permit applications shall be approved, approved with conditions, or denied by City Council resolution. Sign exception permit applications require a public hearing. The City Council must make the following findings in order to approve any sign exception permit:

- 1) The proposed exception conforms as closely as practicable to the sign size, number and placement regulations set forth in this title;
- 2) The proposed exception is not inconsistent with the intent and purpose of the sign regulations of this title; and
- 3) Either:
  - a) Strict adherence to the sign regulations does not allow adequate identification of the site because of the site's location or configuration, or because the proposed business or use is obscured from view by adjacent buildings, vegetation, or similar circumstances, or
  - b) The architectural style, materials or construction elements of the building are such that a sign placed in conformance with this title would conflict with other aesthetic considerations set forth in the City of Oakley Residential and Commercial/Industrial Design Guidelines, or
  - c) The sign is unique, creatively designed and provides a positive artistic addition to the business, use, site, and neighborhood, and the artistic value could not be achieved without the granting of a sign exception permit, or
  - d) The sign will help to preserve or restore the architectural style, character, and integrity of the building, structure, or use to which it is attached.

b. Sign Area Exception. In addition to the general standards applicable to the approval of a sign permit, set forth in Section 9.5.116, and the general findings required to approve a sign exception permit, set forth in subsection (a) of this section, the City Council must make the following additional findings in order to approve a sign exception for sign area. Sign area exception findings are not required to approve a theater marquee sign as set forth in Section 9.5.122(a)(11).

- 1) The sign face and sign structure are not larger than necessary to provide for the clear visibility of the sign and its message from the nearest public street or open space; and
- 2) The sign size does not constitute a grant of special privileges which is not generally available to other property in the vicinity and in the same land use district.

c. Sign Height Exception. In addition to the general standards applicable to the approval of a sign permit, set forth in Section 9.5.116, and the general findings required to approve a sign exception permit, set forth in subsection (a) of this section, the City Council must make the following additional findings in order to approve a sign exception for sign height:

- 1) The sign is not placed higher than necessary to provide for the clear visibility of the sign and its message from the nearest public street or open space; and
- 2) No portion of the sign is higher than the maximum building height permitted in the zoning district in which the sign would be located, except for freeway signs.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.128 General (Sign Area and Height Regulations by Zoning District).**

a. The regulations in this chapter apply depending upon the nature of the use of a particular property. If a particular use is not designated, or if uses are combined, the reviewing body shall apply the regulations for the type of use found by it to be most similar.

b. Except where additional allowances for excused signs or sign programs are permitted in this title, the maximum cumulative sign area for each zoning district is the maximum allowed.

c. Mixed Uses. In the event a building or parcel of land is developed with mixed uses, the aggregate sign area shall be the sum of the requirements for the various uses computed separately as specified in this chapter.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.130 Sign Area and Height Regulations by Zoning District.**

The placement and display of any signs in any district are subject to the limitations and conditions set forth in Table 9.5.130:

Table 9.5.130 Sign Area and Height Regulations by Zoning District		
Zoning Districts	Maximum cumulative sign area:	Maximum height:
<b>Residential</b>	<ul style="list-style-type: none"> <li>•Each governmental and quasi-public use on a parcel, and each commercial use on a parcel, shall be subject to the maximum cumulative sign area of one square foot per lineal foot of building frontage on the primary building frontage to a maximum of 100 square feet, and 1/2 square foot of sign area for each lineal foot of secondary building frontage, to a maximum of 25 square feet.</li> </ul>	<ul style="list-style-type: none"> <li>•Sign height for building signs shall not exceed 30 feet, or the height of the building or tenant space on which the sign is located, whichever is less. When placed above a roofline on a parapet, signs shall be vertically centered between the roofline and the top of the parapet.</li> </ul>
<b>Commercial</b>	<ul style="list-style-type: none"> <li>•Minimum cumulative sign area: 20 square feet.</li> <li>•Maximum cumulative sign area: Maximum cumulative area shall be divided among building frontages within the limits specified below.</li> <li>•Primary building frontage: One square foot of sign area for each lineal foot of primary building frontage up to 150 linear feet. 1/2 square foot of sign area may be added for each</li> </ul>	<ul style="list-style-type: none"> <li>•Sign height for building signs shall not exceed 30 feet, or the height of the building or tenant space on which the sign is located, whichever is less. When placed above a roofline on a parapet, signs shall be vertically centered between the roofline and the top of the parapet.</li> <li>•Sign height for freestanding signs is regulated by Section 9.5.122(a)(5).</li> <li>•Sign height for outdoor sales area signs is regulated by Section 9.5.122(a)(6).</li> </ul>

<b>Table 9.5.130 Sign Area and Height Regulations by Zoning District</b>		
<b>Zoning Districts</b>	<b>Maximum cumulative sign area:</b>	<b>Maximum height:</b>
	<p>lineal foot of the primary building frontage in excess of 150 lineal feet, except that the total sign area on any one building frontage shall not exceed 200 square feet.</p> <ul style="list-style-type: none"> <li>•Secondary building frontage: 1/2 square foot of sign area for each lineal foot of secondary building frontage, except that no sign may exceed 75 square feet.</li> <li>•Nonpublic building frontage: Four square feet of sign area to identify the business name and address for each building frontage from which access to the business by customers or the general public is prohibited.</li> <li>•Outdoor Sign Area: For businesses in the commercial (C) district with an outdoor sales area only, 70 square feet per light standard in the outdoor sales area.</li> </ul>	
<b>Industrial</b>	<ul style="list-style-type: none"> <li>•Minimum cumulative sign area: 20 square feet.</li> <li>•Maximum cumulative sign area: Maximum cumulative area shall be divided among building frontages within the limits specified below.</li> <li>•Primary building frontage: 1/2 square foot of sign area for each lineal foot of primary building frontage. Sign area shall not exceed 150 square feet.</li> <li>•Secondary building frontage: 1/4 square foot of sign area for each lineal foot of secondary building frontage, not to exceed 25 square feet.</li> <li>•Nonpublic building frontage: Four square feet of sign area to identify the business name and address for each building frontage from which access to the business by customers or the general public is prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>•The top of a building sign shall not exceed 30 feet in height, or the height of the building or tenant space on which the sign is located, whichever is less. When placed above a roofline on a parapet, signs shall be vertically centered between the roofline and the top of the parapet.</li> <li>•Sign height for freestanding signs is regulated by Section 9.5.122(a)(5).</li> </ul>

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.132 Nonconforming Sign Regulations.**

a. Intent of Provisions. It is the intent of this section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this chapter is as important as the prohibition of new signs that would violate these provisions.

1) General Requirements.

a) A nonconforming sign may not be:

- (1) Changed to another nonconforming sign except for a change of copy;
- (2) Structurally altered to extend its useful life;
- (3) Expanded, moved or relocated, reestablished after a business has been discontinued for a continuous period of one hundred eighty (180) days or more;
- (4) Reestablished after damage or destruction of more than fifty percent (50%) of the sign value as determined by the Community Development Director;
- (5) A new sign meeting the provisions of this chapter may be approved for site, center, structure, building or use that contains nonconforming signs;

(6) All wall signs, freeway signs and directional signs addressed by the former sign code shall be allowed to continue in use, until such time the sign is significantly altered, as determined by the Community Development Director. "Significantly altered" shall, at minimum, refer to structural changes, change of an entire sign can or fifty percent (50%) of the individual letters on a sign, and redesign of the electrical. Such signs may be required to be brought into conformance in conjunction with any conditional use permit or design review permit that is hereafter granted on the same site.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.134 Enforcement.**

a. **Obsolete Signs.** Any on-site sign, including its supporting structure, or any abandoned sign can, which no longer identifies the current occupancy of the premises upon which such sign is located or otherwise fails to serve its original purpose, shall be deemed a public nuisance after a six-month lapse and shall be removed by the owner of the land or building upon which such sign is located within thirty (30) days after written notice to remove the sign is mailed by the Community Development Director.

b. **Unsafe/Damaged Signs.** Any sign that, in the opinion of the Community Development Director, is unsafe, insecure, damaged or disfigured shall be deemed a nuisance and shall be corrected or removed, together with any supporting structure, by the owner of the land or building upon which such a sign is located within thirty (30) days after written notice to remove the sign is mailed by the Community Development Director. If, in the opinion of the Community Development Director, such sign is an immediate peril to persons or property, immediate removal of such sign by the owner of the real property to which the sign is attached may be required.

c. **Removal by City, Levy of Cost.** Upon failure of any land owner to remove a sign as required in subsection (a) or (b) of this section, the Community Development Director is hereby expressly authorized to enter upon private property to effect such abatement, and it shall be unlawful for any person to interfere with, hinder or refuse to allow entrance upon private property for such purpose. The cost of such abatement shall constitute an administrative citation as provided in Chapter 1.5 of the Oakley Municipal Code.

d. **Abatement.** Whenever the Community Development Director or his or her designee has inspected or has caused to be inspected any sign and has determined that said sign is a nuisance, he or she may commence proceedings to cause abatement of the nuisance as provided in Chapter 1.6 of the Oakley Municipal Code.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)

**9.5.136 Sign Amortization Schedule.**

a. Nonconforming signs shall be subject to a requirement for removal or an order to be brought into compliance with the provisions of this chapter. In order to require removal or compliance, the City shall give the owner of the sign, as may be ascertained from the sign itself, and/or the property owner, a written notice and order, providing at least ninety (90) calendar days in which to remove the sign or bring it into compliance.

b. Pursuant to Business and Professions Code Section 5491, no notice and order shall be given regarding an on-site sign without just compensation from the City if the on-site sign was lawfully erected at the time of its installation, designed to have a useful life of fifteen (15) years or more, and is used to designate the name of the business or services offered at the site.

c. Pursuant to Business and Professions Code Section 5499, no notice and order shall be given regarding an on-site sign if special topographic circumstances would result in material impairment of visibility of the display or the owner's or user's ability to adequately and effectively continue to communicate with the public through the use of the display or a substitute display.

d. Regarding all other signs which are the subject of a notice and order, the notice and order shall not be issued unless at least three years have elapsed between the erection or installation of the sign and the issuance of the notice and order.

e. The notice and order shall inform the recipient that he or she shall have the opportunity to contest the amortization period of three years as being unreasonable. An appeal may be filed with the Hearing Officer as specified in Section 1.5.202(g) if filed within the same time period and in the same manner as provided for the appeal of an administrative citation pursuant to the provisions of Article 2 of Chapter 1.5.

f. The Hearing Officer shall consider at a minimum the following factors when reviewing any appeal: the nature of the nonconforming use, character of the sign structure, location, the portion of the appellant's total business affected, time periods, salvage value, depreciation for income tax and other purposes, amount of investment or original cost, present actual or depreciated value, date of construction or installation, remaining useful life, length and remaining term of any lease or rental agreement, monopoly or advantage resulting from similar new structures or uses being prohibited in the same area, and harm to the public if the sign remains beyond the amortization period.

g. The Hearing Officer may confirm the notice and order, modify it, or rescind it. Decisions of the Hearing Officer may be appealed to the City Council if the written appeal is filed with the City Clerk within thirty (30) calendar days of the date of the Hearing Officer's written decision. Judicial review of the City Council's decision shall be pursuant to Code of Civil Procedure Section 1094.8 et seq.

h. Any sign which is ordered to be removed or brought into compliance and remains in violation of the notice and order following appeal opportunities shall be deemed a public nuisance and may be abated in the manner identified for such abatements in this code.

(Sec. 2(A), Ordinance No. 14-13, adopted September 24, 2013; Sec. 2, Ordinance No. 19-09, adopted September 8, 2009)