TOWN OF FAIRFAX
STAFF REPORT
February 4, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager GT
Jim Moore, Director of Planning and Building Services

SUBJECT: Introduction and first reading by title only of Ordinance 785, An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.064 ("Signs") of the Town Code

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RECOMMENDATION

1) Conduct public hearing
2) Introduce and waive first reading and read by title only Ordinance No. 785, An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.064 ("Signs") of the Fairfax Town Code

DISCUSSION

At its August 6, 2014 meeting, the Town Council discussed revisions to the sign ordinance that would allow political (i.e., campaign) signs to be posted more than 30 days prior to the election. The current Town Code allows political signs to "be erected no sooner than 30 days before and shall be removed within seven days after the election or event" [see the attached Section 17.064.03 (E)]. The existing code section was last amended in 1989. As the Code was adopted prior to the wide-spread use of absentee and mail-in ballots, the Council was concerned that the 30-day sign limitation may completely miss the campaigning window. This could be important for future ballot measures. The Council then directed staff to prepare an amendment for consideration to address the 30-day limitation for non-commercial signs. As the Sign Chapter is contained under the Zoning Code, any amendments require a recommendation by the Planning Commission prior to Council consideration.

The Planning Commission (PC), at its September meeting, recommended two additional revisions: (1) add the word "if" to the lighting requirement under the design criteria so it is not implied that all temporary commercial signage have lighting; and (2) add the word "temporary" in front of references to non-commercial signage for purposes of clarification. The overall intent was to have two categories of non-commercial signs: those that require a permit and those that do not. Revisions were kept to a minimum to simply address political and noncommercial signs.

At its December 18, 2014 meeting, the Planning Commission reviewed the changes and passed a Resolution recommending Town Council adoption of Ordinance No. 785.

This item was continued from the January 14, 2015 Council meeting because of revisions that Councilmember Weinsoff proposed to staff. To allow us time to review the revisions and prepare a redline version for Council review, staff recommended the continuance of the item. Attached is a redline of the revisions incorporated into the current Town code. The redline shows the revised language as recommended by the PC (in peach) and the language as proposed by Councilmember Weinsoff (highlighted in yellow).

AGENDA ITEM # 11

Please note that one revision of Councilmember Weinsoff's was to create two categories of signs under Section 17.064.030 Signs Permitted Without Sign Permit: "(A) Commercial Signs" and "(B) Temporary Noncommercial Signs." As a result, some subdivisions were renumbered under this section such as (5) Construction signs, (6) Temporary window signs, and (7) Garage and yard signs. Please note the redline shows the revisions as added in one place and deleted from another. However, the specific language for those subdivisions was not revised by the PC or by Councilmember Weinsoff. The intent was to help to clarify categories in the section. Councilmember Weinsoff also added "light pollution" as a criteria under Section 17.064.140 Design Criteria. Staff supports the revisions.

Two ordinances are attached: the one as recommended by the PC (attached to their resolution) and the other that contains Councilmember Weinsoff's revisions.

ATTACHMENTS

- PC Resolution recommending adoption of Ord. No. 785 (proposed version attached)
- Councilmember Weinsoff's Proposed Version Ordinance No. 785
- Redline of Town Code including both versions of the Ordinance

Planning Commission Resolution

Recommending Adoption of Ordinance No. 785

(proposed version of the Ordinance attached)

RESOLUTION NO. 14-14

Adopt a Resolution of the Fairfax Planning Commission Recommending the Fairfax Town Council Adopt Ordinance No. 785 Amending Chapter 17.064 ("Signs") Of the Fairfax Town Code

WHEREAS, the Town of Fairfax regulates the display of signs within the Town through Chapter 17.064 ('the sign ordinance) of the Town Code; and

WHEREAS, the Planning Commission has considered those certain proposed amendments to the Town's sign ordinance as set forth in proposed Ordinance No.785, a true and correct copy of which is attached hereto as Exhibit A; and

WHEREAS, the Planning Commission considered proposed Ordinance No. 785 at a duly noticed public hearing on September 25th, 2014, at which time it received oral and documentary evidence related to the proposed ordinance; and

WHEREAS, the Planning Commission finds that the proposed Ordinance No. 785 is required for the public health, safety, and general welfare, and that such ordinance is consistent with the general objectives, policies, and programs of the General Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The proposed Ordinance No. 785 has been assessed in accordance with the California Environmental Quality Act ("CEQA," codified at Public Resources Code § 21000, et seq., and as further governed by the CEQA Guidelines, 14 C.C.R. § 15000, et seq.). The proposed Ordinance makes minor adjustments to the Town Code provisions related to the display of temporary noncommercial signs, and clarifies security and lighting requirements for signs. These modifications will not result in a substantial or potentially substantial adverse change in the environment. Therefore, the Planning Commission finds that it can be seen with certainty that the proposed Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of CEQA per 14 C.C.R. § 15061(b)(3).

Section 2. The Planning Commission hereby finds that the proposed Ordinance is consistent with many General Plan policies, including, but not limited to Land Use Policy LU-1 ("Preserve scenic and natural resources"), as well as Goal LU-7 ("Preserve community and neighborhood character") in that it applies selected design criteria to both commercial and noncommercial signs to the benefit of pedestrians and motorists alike.

Section 3. The Planning Commission thus hereby recommends that the Town Council adopt proposed Ordinance No. 785, substantially as set forth in Exhibit A.

The foregoing resolution was duly introduced and adopted on the 30th day of October, 2014, by the following vote:

AYES:
NOES:
ABSENT:

Brannon Ketcham, Chairperson

ATTEST:

James M. Moore, Secretary
Director of Planning and Building Services

ORDINANCE NO. 785

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTER 17.064 ("SIGNS") OF THE TOWN CODE

WHEREAS, the Town of Fairfax regulates the display of signs within the Town through Chapter 17.064 ("the sign ordinance") of the Town Code; and

WHEREAS, the Town's sign ordinance provides for the display of both commercial and noncommercial messages, and attends to concerns including, but not limited to, lighting and proper installation, in order to protect the public health, safety, and welfare; and

WHEREAS, the Town desires to increase the amount of time that temporary noncommercial signs and displays may be posted without a permit; and

WHEREAS, the Town likewise desires to clarify certain provisions within the sign ordinance as they pertain to lighting and security matters.

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Subdivision (E) of Section 17.064.030 of the Town Code is hereby amended to read as follows:

"(E) Temporary noncommercial signs (including, but not limited to, political or ideological signs, holiday displays, and announcements for noncommercial public activities or events); with the owner's permission in all zones and when not over 24 inches by 48 inches; provided, however, that, the sign shall be erected no sooner than 60 days before and shall be removed within seven days after the election or event; or if not concerning a particular event, then the sign may be posted for 67 days without a permit. Additionally, temporary noncommercial signs are allowed in the same locations, in the same size, and for the same duration that commercial signs are allowed without a permit. (Note: Permanent noncommercial signs, and temporary noncommercial signs exceeding the size limitations set forth in Section 17.064.030, may be approved pursuant to Sections 17.064.040 and 17.064.070)."

SECTION 2: Subdivision (G) of Section 17.064.030 of the Town Code is hereby repealed, and shall read as follows:

"(G) Reserved."

SECTION 3: Subdivision (H) of Section 17.064.030 of the Town Code is hereby repealed, and shall read as follows:

"(H) Reserved."

SECTION 4: Subdivision (B) of Section 17.064.070 shall be amended to read, "No sign permit shall be issued unless the sign conforms to the applicable criteria in § 17.064.140 or unless an exception is granted in accordance with §§ 17.064.100 through 17.064.130. Noncommercial signs are allowed in the same locations in the same size and for the same duration that commercial signs are permitted.

SECTION 5: Section 17.064.140 of the Town Code is hereby amended to read as follows:

"§ 17.064.140 DESIGN CRITERIA.

(1) All permanent signs must conform to the following criteria.

(A) The sign must meet the purpose and intent of § 17.064.010 of this chapter.

(B) The sign may not be garish, excessively brilliant or otherwise inappropriate to the character or plans of the town.

(C) The sign must be architecturally a part of the design of the building rather than a feature independent of and in conflict with the design of the building.

(D) The color and material of any sign shall be compatible with the color and material of any wall on which a sign is painted or to which the sign is attached.

(E) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property.

(F) If lighting is installed, it shall not cause glare to passing pedestrians or motorists.

(2) All temporary noncommercial signs must conform to the following criteria:

(A) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property.

(B) If lighting is installed, it shall not cause glare to passing pedestrians or motorists."

SECTION 6: Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 7: CEQA. This Ordinance has been assessed in accordance with the California Environmental Quality Act ("CEQA," codified at Public Resources Code § 21000, et seq., and as further governed by the CEQA Guidelines, 14 C.C.R. § 15000, et seq.). This Ordinance makes minor adjustments to the Town Code provisions related to the display of temporary noncommercial

signs, and clarifies security and lighting requirements for signs. These modifications will not result in a substantial or potentially substantial adverse change in the environment. Therefore, this Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of CEQA per 14 C.C.R. § 15061(b)(3).

SECTION 8: This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 14th day of January 2015, and duly adopted at the next regular meeting of the Town Council on the __ day of _____, 2015, by the following vote, to wit:

AYES:
NOES:
ABSENT:

_____
Barbara Coler, Mayor

Attest:

_____ _____
Michele Gardner, Town Clerk Date

Councilmember Weinsoff's

Proposed Version of Ordinance No. 785

ORDINANCE NO. 785

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTER 17.064 ("SIGNS") OF THE TOWN CODE

WHEREAS, the Town of Fairfax regulates the display of signs within the Town through Chapter 17.064 ("the sign ordinance") of the Town Code; and

WHEREAS, the Town's sign ordinance provides for the display of both commercial and noncommercial messages, and attends to concerns including, but not limited to, lighting and proper installation, in order to protect the public health, safety, and welfare; and

WHEREAS, the Town desires to increase the amount of time that temporary noncommercial signs and displays may be posted without a permit; and

WHEREAS, the Town likewise desires to clarify certain provisions within the sign ordinance as they pertain to lighting and security matters.

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: The following definition of "Light Pollution" is hereby added to Section 17.064.020 of the Town Code, which shall read:

"*LIGHT POLLUTION*. Excessive and inappropriate artificial light that includes 'light trespass' (light falling where it is not intended, wanted, or needed), 'glare' (excessive brightness which causes visual discomfort and can decrease visibility), and 'clutter' (bright, confusing, and excessive groupings of light sources on a single sign."

SECTION 2: Section 17.064.030 of the Town Code is hereby amended to read as follows:

"§ 17.064.030 SIGNS PERMITTED WITHOUT SIGN PERMIT.

The following signs are not to be included in the measurement of the total allowable area and may be erected without a permit:

(A) Commercial Signs

(1) Nameplates and business information signs limited to name, occupation, and hours of operation, not exceeding one square foot in area, provided that they are not illuminated and contain no reflective paint or material, except gold leaf or silver leaf.

(2) Signs indicating credit cards honored, advertising stickers, trading stamps, hours of special operation or association memberships, provided that no individual sign exceeds one square foot in area and that the total area of all signs does not exceed three square feet.

(3) One sign indicating the price of gasoline which complies with the requirements of the State of California Business and Professions Code and which is no larger than 24 square feet.

(4) Real estate signs; provided, however, that, each parcel shall have no more than one sign, the sign shall not exceed three square feet in area, shall pertain only to the prospective sale or lease of the premises on which displayed and may display the name, address and telephone number of the owner, agent or lessor of the premises; provided further, that the real estate open house directional signs of similar dimensions may be located on premises other than that advertised for sale or lease between the hours of 1:00 p.m. and 4:00 p.m. on Sundays only.

(5) Construction signs; one on a site to give information about what is being constructed not to exceed 16 square feet. (The signs shall not be erected prior to the commencement of construction and shall be removed before a final release on the construction is given by the Building Officer.)

(6) Temporary window signs announcing specials, sales and/or hours of special operation.

(a) The signs may be of the following sizes:

Store Frontage	*Sign Size*
0 - 20 linear feet	Up to 6 square feet
0 - 30 linear feet	Up to 12 square feet
0 - 40 linear feet	Up to 18 square feet
0 - 40+ linear feet	1 square foot of signing per linear foot

(b) In all cases, the size of permitted signs shall not exceed 25 percent of the window area. Each sign so displayed shall be dated on the back of the sign and shall not be displayed for more than 15 days. There shall be at least eight days in any consecutive 30-day period, beginning the first of the month, where no temporary window signs shall be displayed. The lettering on read-a-boards will be considered as temporary signing under this section, but exempted from the time requirements stated above.

(8) Garage and yard sale signs located on private property when not exceeding two square feet in size, when posted and removed the day of the sale.

(B) Temporary noncommercial signs (including, but not limited to, political or ideological signs, holiday displays, and announcements for noncommercial public activities or events); with the owner's permission in all zones and when not over 24 inches by 36 inches; provided, however, that, the sign shall be erected no sooner than 60 days before and shall be removed within seven days after the election or event; or if not concerning a particular event, then the sign may be posted for 67 days without a permit. Additionally, temporary noncommercial signs are

allowed in the same locations, in the same size, and for the same duration that commercial signs are allowed without a permit. (Note: Permanent noncommercial signs, and temporary noncommercial signs exceeding the size limitations set forth in Section 17.064.030, may be approved pursuant to Section 17.064.070)."

SECTION 3: Subdivision (B) of Section 17.064.070 shall be amended to read: "No sign permit shall be issued unless the sign conforms to the applicable criteria in § 17.064.140 or unless an exception is granted in accordance with §§ 17.064.100 through 17.064.130. Noncommercial signs are allowed in the same locations in the same size and for the same duration that commercial signs are permitted."

SECTION 4: Section 17.064.140 of the Town Code is hereby amended to read as follows:

"§ 17.064.140 DESIGN CRITERIA.

(A) All permanent signs must conform to the following criteria.

(1) The sign must meet the purpose and intent of § 17.064.010 of this chapter.

(2) The sign may not be garish, excessively brilliant or otherwise inappropriate to the character or plans of the town.

(3) The sign must be architecturally a part of the design of the building rather than a feature independent of and in conflict with the design of the building.

(4) The color and material of any sign shall be compatible with the color and material of any wall on which a sign is painted or to which the sign is attached.

(5) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property.

(6) If lighting is installed, it shall not cause glare to passing pedestrians or motorists or cause light pollution.

(B) All temporary noncommercial signs must conform to the following criteria:

(1) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property.

(2) If lighting is installed, it shall not cause glare to passing pedestrians or motorists or cause light pollution."

SECTION 5: Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the

fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6: CEQA. This Ordinance has been assessed in accordance with the California Environmental Quality Act ("CEQA," codified at Public Resources Code § 21000, et seq., and as further governed by the CEQA Guidelines, 14 C.C.R. § 15000, et seq.). This Ordinance makes minor adjustments to the Town Code provisions related to the display of temporary noncommercial signs, and clarifies security and lighting requirements for signs. These modifications will not result in a substantial or potentially substantial adverse change in the environment. Therefore, this Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of CEQA per 14 C.C.R. § 15061(b)(3).

SECTION 7: This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 4th day of February 2015, and duly adopted at the next regular meeting of the Town Council on the __ day of _____, 2015, by the following vote, to wit:

AYES:
NOES:
ABSENT:

_____
Barbara Coler, Mayor

Attest:

_____ _____
Michele Gardner, Town Clerk Date

Redline of Town Code

Including both versions of proposed Ordinance No. 785

CHAPTER 17.064: SIGNS

Section

)10 Purpose and intent
)20 Definitions
)30 Signs permitted without sign permit
)40 Signs requiring permit and staff approval but exempted from design review
)50 Permanent business identification signs; regulations
)60 Signs requiring an exception
)70 Sign permit; requirements
)80 Sign permit; application requirements
)90 Building and electrical permits
100 Exception; granting authority; required findings
110 Exception; application
120 Exception; appeal from Planning Commission decision
130 Exception; term; extension
140 Design criteria
150 Non-conforming signs
160 Violations; nuisance declaration
170 Nuisance; abatement procedure

§ 17.064.010 PURPOSE AND INTENT.

The purpose and intent of this chapter is to:

(A) Protect the public health, safety and general welfare of the town by ensuring that the number, type, size and design of all signs will be compatible with the town's unique character;

(B) Safeguard and enhance property values;

(C) Protect and enhance the town's natural setting and small-scale residential character;

(D) Protect the high quality of architectural design of the newer buildings and preserve the character of the older buildings;

(E) Improve the appearance of the town as a place to live and to work, and as an attraction to non- residents who come to visit or to trade;

(F) Encourage sound signing practices as an aid to business and for the information of the public; and

(G) Encourage creative designs and a high quality sign program throughout the town through implementation of the design review criteria and standards in this title.

(Prior Code, § 17.34.010) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981)

§ 17.064.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AREA OF SIGN.

(1) The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one exposed exterior surface; should the sign have more than one surface, the sign area shall be the aggregate area of all sign surfaces measured as above; except that, strictly two-sided faced signs (surfaces back to back) shall be considered to have only one face.

(2) If any structural element which supports a sign is designed, painted or otherwise arranged so as to substantially contribute to the advertising qualities of the sign, the structural elements shall be included in the smallest rectangle used to compute the area of the sign.

(3) In the case where a name or design is applied directly to a wall the area shall be the smallest rectangle enclosing the name and/or design. In the case where a name or design is applied to an awning, the area shall also be the smallest rectangle enclosing the name and/or design.

AREA OF DOUBLE-FACED SIGN. The area of a sign in which the two faces are parallel and not more than two feet apart. In computing the area of a doublefaced sign, only one face of the sign shall be included.

BUILDING FACE. The general outer surface of a main exterior wall of a building. For example, a building whose plan is rectangular has four main exterior walls and four building faces.

BUILDING FRONTAGE. The portion of a building parallel and adjacent to a public street and serving as the main access to the building.

FREESTANDING SIGN. A sign which is self-supporting, standing on the ground in a fixed location and not attached to or projecting over any building or building projection. The signs may be supported from the ground by one or more uprights, poles or posts, with or without braces.

LIGHT POLLUTION. Excessive and inappropriate artificial light that includes 'light trespass' (light falling where it is not intended, wanted, or needed), 'glare' (excessive brightness which causes visual discomfort and can decrease visibility), and 'clutter' (bright, confusing, and excessive groupings of light sources on a single sign.

PROJECTING SIGN. Any sign, other than a wall sign, which is erected or supported by a building or roof and which projects outward or upward therefrom. Any sign under a marquee,

porch, walkway covering or similar covering structure and in place generally perpendicular to the wall of the adjoining building shall be deemed to be a projecting sign.

SIGN. Any written, pictorial representation, symbol, insignia, banner, placement of lighting or any other feature of similar character, or whatever material, which is used to identify, announce, direct attention to or advertise which is erected on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle or in or on any place whatsoever and which is visible from outside a building.

WALL SIGN. Any sign posted, painted on, suspended from or otherwise affixed to or a part of the material of the exterior surface of any building or structure in an essentially flat position or with the exposed face of the sign in a place approximately parallel to the front of a canopy, porch or similar covering structure.

WINDOW SIGN. Any sign secured to the inside or outside of any window or otherwise located within any building as to be primarily visible from the exterior of any building through any window or door.

(Prior Code, § 17.34.020) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 515, passed - -1983)

§ 17.064.030 SIGNS PERMITTED WITHOUT SIGN PERMIT.

The following signs are not to be included in the measurement of the total allowable area and may be erected without a permit:

(A) Commercial Signs

(1) Nameplates and business information signs limited to name, occupation, and hours of operation, not exceeding one square foot in area, provided that they are not illuminated and contain no reflective paint or material, except gold leaf or silver leaf;

(2) ~~(B)~~ Signs indicating credit cards honored, advertising stickers, trading stamps, hours of special operation or association memberships, provided that no individual sign exceeds one square foot in area and that the total area of all signs does not exceed three square feet;

(3) ~~(C)~~ One sign indicating the price of gasoline which complies with the requirements of the State of California Business and Professions Code and which is no larger than 24 square feet;

(4) ~~(D)~~ Real estate signs; provided, however, that, each parcel shall have no more than one sign, the sign shall not exceed three square feet in area, shall pertain only to the prospective sale or lease of the premises on which displayed and may display the name, address and telephone number of the owner, agent or lessor of the premises; provided further, that the real estate open house directional signs of similar dimensions may be located on premises other than that advertised for sale or lease between the hours of 1:00 p.m. and 4:00 p.m. on Sundays only;

(5) Construction signs; one on a site to give information about what is being constructed not to exceed 16 square feet; (The signs shall not be erected prior to the commencement of construction and shall be removed before a final release on the construction is given by the Building Officer.)

(6) Temporary window signs announcing specials, sales and/or hours of special operation.

(a) The signs may be of the following sizes:

Store Frontage	***Sign Size***
0 - 20 linear feet	Up to 6 square feet
0 - 30 linear feet	Up to 12 square feet
0 - 40 linear feet	Up to 18 square feet
0 - 40+ linear feet	1 square foot of signing per linear foot

(b) In all cases, the size of permitted signs shall not exceed 25 percent of the window area. Each sign so displayed shall be dated on the back of the sign and shall not be displayed for more than 15 days. There shall be at least eight days in any consecutive 30-day period, beginning the first of the month, where no temporary window signs shall be displayed. The lettering on read-a-boards will be considered as temporary signing under this section, but exempted from the time requirements stated above.

(7) Garage and yard sale signs located on private property when not exceeding two square feet in size, when posted and removed the day of the sale.

(~~(E~~E) ~~Political signs; one per candidate or ballot measure on improved property with the owner's permission in all zones and when not over 24 inches by 48 inches; provided, however, that, the sign shall be erected no sooner than 30 days before and shall be removed within seven days after the election or event; (The foregoing also applies to unimproved property provided that there is filed with the Planning Director the written approval of the property owner and a deposit in an amount determined by resolution of the Town Council, to be refunded upon removal of the sign.)~~ Temporary noncommercial signs (including but not limited to, political or ideological signs, holiday displays, and announcements for noncommercial public activities or events); with the owner's permission in all zones and when not over 24 inches by 4~~8~~36 inches; provided, however, that, the sign shall be erected no sooner than 60 days before and shall be removed within seven days after the election or event; or if not concerning a particular event, then the sign may be posted for 67 days without a permit. Additionally, temporary noncommercial signs are allowed in the same locations, in the same size, and for the same

duration that commercial signs are allowed without a permit. (Note: Permanent noncommercial signs, and temporary signs exceeding the size limitations set forth in Section 17.064.030, are subject to Section 17.064.070.

~~(F) Construction signs; one on a site to give information about what is being constructed not to exceed 16 square feet; (The signs shall not be erected prior to the commencement of construction and shall be removed before a final release on the construction is given by the Building Officer.)~~

~~(G) Holiday lights and displays not advertising any product or sale, provided that they are erected no sooner than 31 days before the holiday and are removed no later than five days after the holiday season; Reserved.~~

~~(H) Temporary posters announcing public activities or events, no larger than four square feet in area, to be permitted 15 days preceding the date of the event and removed two days after the event; Reserved.~~

~~(I) Temporary window signs announcing specials, sales and/or hours of special operation.~~

~~(1) The signs may be of the following sizes:~~

~~Store Frontage~~	~~Sign Size~~
~~0 - 20 linear feet~~	~~Up to 6 square feet~~
~~0 - 30 linear feet~~	~~Up to 12 square feet~~
~~0 - 40 linear feet~~	~~Up to 18 square feet~~
~~0 - 40+ linear feet~~	~~1 square foot of signing per linear foot~~

~~(2) In all cases, the size of permitted signs shall not exceed 25 percent of the window area. Each sign so displayed shall be dated on the back of the sign and shall not be displayed for more than 15 days. There shall be at least eight days in any consecutive 30-day period, beginning the first of the month, where no temporary window signs shall be displayed. The lettering on read-a-boards will be considered as temporary signing under this section, but exempted from the time requirements stated above.~~

~~(J) Garage and yard sale signs located on private property when not exceeding two square feet in size, when posted and removed the day of the sale.~~

~~(Prior Code, § 17.34.030) (Ord. 352, passed - 1973; Am. Ord. 488, passed - 1981; Am. Ord. 585, passed - 1989)~~

§ 17.064.040 SIGNS REQUIRING PERMIT AND STAFF APPROVAL BUT EXEMPTED FROM DESIGN REVIEW:

(A) *Temporary business identification signs.*

(1) A temporary business identification sign may be issued if an application for a permanent sign is pending.

(2) The signs may be up to eight square feet and in two colors.

(3) Temporary business identification signs may be approved by staff for 120 days if they meet the design review criteria of § 17.064.140.

(4) The fee for the permanent sign permit shall cover the temporary sign permit.

(B) *Banners.*

(1) *Temporary banners.*

(a) 1. A sign permit for temporary banners may be approved by staff if the banner is to inform the public of events which are not commercial enterprises.

2. For the purpose of this division (B), the following definition shall apply unless the context clearly indicates or requires a different meaning.

BANNER. A free-floating sign which is not attached to a solid surface.

(b) The banners may be up to 60 square feet with a width of three feet.

(c) Banners of larger dimensions may be approved by the Planning Commission.

(d) Banners must conform to the design review criteria of § 17.064.140 and the requirements of the Fairfax Public Works Department.

(e) Banners may be displayed seven days preceding the event and removed the day following the event.

(f) A fee set by resolution of the Town Council will be charged to cover the cost of installing

and removing the banner. The fee may be held as a deposit for applicants who accept the responsibility of installing and removing the banner themselves.

(2) *Decorative banners.*

(a) A sign permit for decorative cloth banners having no insignia, lettering or logo representing any store, manufacturer or product may be approved by staff.

(b) The banners are limited to one per ten feet of frontage up to two per storefront.

(c) The banners must be fastened to allow eight feet of clearance from the sidewalk and two feet of clearance from the curb. The sign permit shall include the right to encroach over the town right- of-way if these minimum standards are complied with.

(d) A fee set by resolution of the Town Council will be charged to cover the cost of processing the application.

(3) *Grand opening signs.* A sign permit for a grand opening sign in addition to other allowed signs may be approved by staff for 60 days, provided that, the sign conforms to size standards for temporary signs.

(C) *Conforming signs.* Signs which conform to the sign regulations in § 17.064.050 and the design criteria in § 17.064.140 are conforming signs.

(Prior Code, § 17.34.040) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 515, passed - -1983 ; Am. Ord. 764, passed 2-1-2012)

§ 17.064.050 PERMANENT BUSINESS IDENTIFICATION SIGNS; REGULATIONS.

(A) *Permitted area of signing.*

(1) The aggregate area of all permanent identification signs for any building shall not exceed one square foot for each linear foot of frontage of the building; provided, however, that, no single sign shall exceed 100 square feet in area.

(2) Projecting signs shall not exceed 16 square feet in area per face.

(3) Read-a-boards are permanent signs and their square footage shall be included in the aggregate area for the building. The information on the read-a-board shall be regulated by § 17.064.030(I), temporary window signs.

(B) *Number of permanent signs.* Two signs are allowed for each place of business in each building as long as one sign is a projecting sign.

(C) *Additional numbers.*

(1) In addition to the number of signs permitted above, one additional identification sign may be permitted for a shopping center where there is any combination of five or more businesses on a single, commonly owned or leased parcel with common access and parking.

(2) The total area of the additional sign shall not exceed 100 square feet.

(D) *Multi-sided signs.*

(1) Multi-sided signs constructed with faces at any angle shall be counted as one sign per face, both as to the number and area.

(2) Other signs constructed in the form of a cylinder, sphere or similar figure, shall be considered as one sign and the total surface area shall be computed as sign area.

(3) In computing the area of double-faced signs, only one face of a sign shall be included, provided that, the two faces shall be parallel and not more than two feet apart.

(E) *Height; projecting or wall sign.* No part of any sign shall extend above the top level of the wall upon or in front of which it is situated.

(F) *Clearances.*

(1) The owner of any sign shall maintain legal clearances from communications and electrical facilities. The clearances shall be no less than those specified by the Public Utilities Commission of the State of California.

(2) Any sign located in or projecting into a pedestrian right-of-way shall maintain a minimum eight-foot clearance from ground level to the lowest part of the sign, excluding vertical supports, and shall have a minimum two-foot clearance from the curb.

(3) Signs located in vehicular rights-of-way shall have a minimum clearance of 14 feet in height and may not be illuminated.

(4) No sign may project more than four feet from a building wall.

(5) Every freestanding sign shall be wholly on the property occupied by the use or uses identified or advertised and not within ten feet of any public right-of-way.

(G) *Prohibited locations.*

(1) No sign shall be erected in a manner that any portion of the sign or its support will interfere with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.

(2) No sign shall be erected in such a manner that it will, or reasonably may be expected to, interfere with, obstruct, confuse or mislead traffic.

(3) No sign shall be erected upon any public street, sidewalk, parking lot or other public way or place.

(Prior Code, § 17.34.050) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983)

§ 17.064.060 SIGNS REQUIRING AN EXCEPTION.

The following signs are prohibited unless an exception is granted under § 17.064.100:

(A) Vehicle signs; a sign attached to or suspended from a motor vehicle when located or displayed in a manner that the purpose of the vehicle is the display of the sign;

(B) Roof signs; no sign or structure shall be painted or erected upon or over the roof or parapet of any building; (No sign shall be supported by or connected to the roof. No sign shall project above the top level of the wall upon or in front of which it is situated.)

(C) Moving sign structures, pennants or whirligigs;

(D) Advertising signs; a permanent sign larger than one square foot which advertises or displays the make, brand name or manufacturer's name of any product, article or service, except when essential to and entirely integrated with the name of the business; (Signs which include words identifying a product which are not brand names or manufacturers' names will not be considered advertising.)

(E) Reflectors, reflective lights and flashing lights;

(F) Neon and internally illuminated signs; and

(G) Freestanding signs with a total height, including structure not exceeding the building height.

(Prior Code, § 17.34.060) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983)

§ 17.064.070 SIGN PERMIT; REQUIREMENTS.

(A) Except as provided in § 17.064.030, no sign or banner shall be installed, maintained, erected,

moved, altered, replaced or repaired, nor shall any structure work be done in connection therewith without a sign permit issued by staff.

(B) ~~No sign permit shall be issued unless the sign conforms to the criteria in § 17.064.140 or unless an exception is granted in accordance with §§ 17.064.100 through 17.064.130.~~ No sign permit shall be issued unless the sign conforms to the applicable criteria in §17.064.140 or unless an exception is granted in accordance with §§17.064.100 through 17.064.130. Noncommercial signs are allowed in the same locations in the same size and for the same duration that commercial signs are permitted.

(C) (1) When work is begun without the required permit an investigation of the work shall be made before the permit is issued.

(2) An investigation fee established by resolution of the Town Council shall be charged in addition to the sign permit fee and the double building permit fee as provided in the Uniform Building Code.

(D) (1) The staff's decision on any sign permit application may be appealed to the Planning Commission within five days of the action.

(2) The appeal shall be filed on the prescribed form and accompanied by a fee set by resolution of the Town Council.

(E) Sign permits issued for signs projecting over the town right-of-way shall include permission to encroach into the town right-of-way.

(Prior Code, § 17.34.070) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983 ; Am. Ord. passed 764, passed 2-1-2012)

§ 17.064.080 SIGN PERMIT; APPLICATION REQUIREMENTS.

(A) An application for a sign permit shall be made, in writing, and filed with a fee adopted by resolution of the Town Council and plans of the proposed sign.

(B) The plans shall include the following information in order to be considered complete:

(1) Precise location of the sign on the building;

(2) Precise location of the sign with respect to street building face;

(3) Diagram of the sign with dimensions indicated showing the exact design drawn to scale including size and style of lettering;

(4) Sample colors and materials;

(5) Electrical work and lighting; and

(6) Sections of the sign drawn to scale.

(C) The staff may waive any of these requirements or may require additional information as needed to describe the proposed signing.

(D) An application must be determined to be complete or incomplete by the staff within five days of filing and either scheduled for design review or held for additional information.

(E) The staff's determination that an application is incomplete may be appealed to the Planning Commission within five days of written notice.

(F) The appeal must be filed on a prescribed appeal form available from the Town Clerk and filed with a fee set by resolution of the Town Council.

(Prior Code, § 17.34.080) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 515, passed - -1983; Am. Ord. 764, passed 2-1-2012)

§ 17.064.090 BUILDING AND ELECTRICAL PERMITS.

(A) Upon approval of the application and upon issuance of the sign permit, a building permit shall be secured and a permit fee paid in accordance with the Uniform Building Code for freestanding and projecting signs.

(B) An electrical permit shall be secured and a fee paid for all lights.

(Prior Code, § 17.34.090) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982)

§ 17.064.100 EXCEPTION; GRANTING AUTHORITY; REQUIRED FINDINGS.

(A) The Planning Commission may grant an exception in accordance with the procedure specified in this section and §§ 17.064.110 through 17.064.130 and authorize a specific exception to §§ 17.064.050 or 17.064.060.

(B) The Planning Commission may grant an exception if it finds that the exception is not inconsistent with the purpose and intent of this chapter and that the strict adherence to the regulation may cause unnecessary hardship if one of the following exists:

(1) Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, apply to the location under consideration and not generally to other business or properties in the vicinity;

(2) The exception is the minimum necessary to serve its intended use;

(3) The application submitted is extraordinary and outstanding in design; or

(4) The sign is of historical significance.

(Prior Code, § 17.34.100) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982 ; Am. Ord. 764, passed 2-1-2012)

§ 17.064.110 EXCEPTION; APPLICATION.

(A) The application for exception from the provisions of this chapter shall be filed with the application for a sign permit, accompanied by the plans and sketches as required to properly set forth the exception required and a filing fee set by resolution of the Town Council. The application shall be acted upon by the Planning Commission in accordance with § 17.064.130.

(B) Within 30 days after an application is deemed complete, the Planning Commission shall hold a public hearing on the application at a regular or special meeting of the Planning Commission.

(C) The Planning Commission may approve or deny the application. Failure of the Planning Commission to act on an application shall constitute denial.

(D) (1) The Planning Commission may require such terms or conditions to the granting of the exception as it may deem necessary. Non- compliance with these terms or conditions shall be a cause of revocation.

(2) Revisions to the terms or conditions of a granted exception shall require a new application and fee.

(E) An application may be continued with the consent of the applicant, in writing, or recorded in the minutes of the meeting.

(F) The exception shall become effective upon issuance of the sign permit by staff.

(Prior Code, § 17.34.110) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 764, passed 2-1-2012)

§ 17.064.120 EXCEPTION; APPEAL FROM PLANNING COMMISSION DECISION.

(A) Within ten days following the date of a decision by the Planning Commission, an appeal to the Town Council from the decision may be filed with the Town Clerk by the applicant or any aggrieved person on a form prescribed by the Town Clerk.

(B) The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or wherein the decision is not supported by the evidence in the record.

(C) In considering such an appeal, the Town Council shall determine whether the proposed use conforms to the guidelines of § 17.064.140 and to any other applicable criteria, and may approve or disapprove the proposed design, or require such changes as are, in its judgment, necessary to accomplish the general purposes of this chapter.

(D) The determination of the Town Council shall be final.

(Prior Code, § 17.34.120) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 764, passed 2- 1-2012)

§ 17.064.130 EXCEPTION; TERM; EXTENSION.

(A) All approvals granted by the Planning Commission under §§ 17.064.100 through 17.064.120 shall expire within six months unless acted upon by the issuance of a building permit or the erection of the approved sign.

(B) The Planning Commission may grant an extension of the expiration period by six months if it finds that the extension is necessitated by circumstances beyond the applicant's control.

(Prior Code, § 17.34.130) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982; Am. Ord. 764, passed 2-1-2012)

§ 17.064.140 DESIGN CRITERIA.

-(~~1~~A) All permanent commercial signs must conform to the following criteria.

(~~A~~1) The sign must meet the purpose and intent of § 17.064.010 of this chapter.

(~~B~~2) The sign may not be garish, excessively brilliant or otherwise inappropriate to the character or plans of the town.

(~~C~~3) The sign must be architecturally a part of the design of the building rather than a feature independent of and in conflict with the design of the building.

(~~D~~4) The color and material of any sign shall be compatible with the color and material of any wall on which a sign is painted or to which the sign is attached.

(~~E~~5) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property. ~~Lighting shall be installed so as not to cause glare to passing pedestrians or motorists.~~

(~~F~~6) Lighting shall be installed so as not to cause glare to passing pedestrians or motorists or cause light pollution.

(~~2~~B) All temporary noncommercial signs must conform to the following criteria:

(~~A~~1) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property.

(~~B~~2) Lighting shall be installed so as not to cause glare to passing pedestrians or motorists or cause light pollution.

(Prior Code, § 17.34.140) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981; Am. Ord. 500, passed - -1982)

§ 17.064.150 NON-CONFORMING SIGNS.

(A) *One-year limitation.* Signs existing in the town prior to the date of enactment of the ordinance codified in this chapter, but prohibited herein may be continued in use without expansion or alteration for one year following the effective date of the ordinance codified in this chapter.

(B) *Elimination of non-conformity.* At the expiration of this period, the non-conforming signs shall be removed, changed so as to conform, approved as an exception under § 17.064.100 or abated.

(C) *Record of non-conforming signs.*

(1) Within three months of the effective date of adoption of the revised sign ordinance, the town shall compile a list of signs which, as of such date, do not conform to the provisions of this chapter.

(2) The town shall cause to be mailed to the owners of property on which non-conforming signs are located notice of the existence of the non- conforming signs and the time within which the same must be made to conform or abated.

(3) For purposes of the notification, the last known name and address of the owner of the property in question shall be used as shown upon the records of the county or the last equalized assessment roll of the town.

(4) Notification to the owner of the property shall be deemed to be notification to the owner of the sign in question. The mailing of the notice shall be done primarily as a convenience to the owner, and failure to give the notice, or of the owner to receive the same, shall, in no way, impair the effectiveness of the provisions of this section or the validity of any proceedings taken for the abatement of any such sign.

(D) *Abatement.*

(1) Non-conforming signs shall either be made to conform with the provisions of this chapter or abated within the applicable period of time hereinafter set forth. In the event they are not, the town shall order the same abated by the owner of the property and any other person known to be responsible for the maintenance of the sign.

(2) It shall thereafter be unlawful for any such person to maintain or suffer to be maintained any non-conforming sign on any property owned or controlled by him or her.

(E) *Alteration of non-conforming signs.* No non- conforming sign may be altered, reconstructed or moved without being made to comply in all respects with the provisions of this chapter.

(Prior Code, § 17.34.150) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981)

§ 17.064.160 VIOLATIONS; NUISANCE DECLARATION.

(A) Any sign erected or maintained contrary to the provisions of this chapter is declared to be a public nuisance in accordance with § 17.02.150 of this title.

(B) The staff may ask the Town Council to declare a sign a public nuisance if the sign has been abandoned, ceased to function or became dilapidated. The following defects will be considered in determining where a sign has ceased to function and/or become dilapidated:

(1) Substantial damage either in support structure or sign face;

(2) Illegible sign face resulting from fading, rusting or erosion, faulty lettering or missing illumination; and

(3) Safety for passing vehicles or pedestrians.

(Prior Code, § 17.34.160) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981)

§ 17.064.170 NUISANCE; ABATEMENT PROCEDURE.

(A) The notice to remove the sign shall cite this chapter as authority and shall provide that the sign shall be removed within seven days from the date of the notice and shall further provide that upon failure to heed the provision of the notice, the subject sign shall be impounded by the Police Department.

(B) Signs removed upon notice and subsequently returned to the same or similar location shall be impounded without further notice.

(C) Signs impounded under the provisions of this chapter shall be retained without guarantee for a period of 30 days and may be reclaimed within that period by the owner of the sign upon application made at Town Hall. The application shall require proper identification and the payment of a fee set by resolution of the Town Council to cover the cost of impounding and storage.

(D) Signs impounded under the provisions of this chapter and remaining unclaimed after the 30 days provided in division (C) above may be disposed of in any manner whatsoever at the discretion of the Town Manager.

(Prior Code, § 17.34.170) (Ord. 352, passed - -1973; Am. Ord. 488, passed - -1981)

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