



CITY OF HUGHSON
 REGULARLY SCHEDULED
PLANNING COMMISSION MEETING
 City Hall Council Chambers
 7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, AUGUST 15, 2017 – 6:00 P.M.

CALL TO ORDER: Chair Alan McFadon

ROLL CALL: Chair Alan McFadon
 Vice Chair Ken Sartain
 Commissioner Julie Ann Strain
 Commissioner Brian Evans
 Commissioner Kevin Cloherty

Staff to be Present: Jaylen French, Community Development Director
 Susana Diaz, Deputy City Clerk
 Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Alan McFadon

RULES FOR ADDRESSING THE PLANNING COMMISSION

*Members of the audience who wish to address the Planning Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.***

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a “Citizen Request Form” which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

3.1: Approve the Minutes of the Special Meeting of July 18, 2017.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Consideration to Determine that the Proposed Amendment to Section 17.03.080 of the Hughson Municipal Code Addressing Regulation of Signs Within the City is Consistent with the City of Hughson General Plan

5. INFORMATIONAL ITEMS: NONE.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

City Clerk:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

May 11 – Sept 28	▪ Hughson Downtown Farmers Market, Hughson Avenue, Thursdays, 5:00 P.M. – 8:00 P.M.
Ongoing	▪ Young At Heart Health Classes, Senior/Community Center, 2307 4 th Street, Mondays and Wednesdays, 9:00 A.M. to 10:30 A.M.
August 19	▪ Hughson Historical Society 17 th Annual Appreciation Dinner, 6:00 P.M.
August 28	▪ City Council Meeting, City Council Chambers, 7:00 P.M.

September 9	<ul style="list-style-type: none"> ▪ Deputy Dennis Wallace Soccer Fields Dedication & Ribbon Cutting Ceremony, Hughson Sports & Fitness Complex, 8:00 A.M.
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**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

AFFIDAVIT OF POSTING

DATE: August 11, 2017 **TIME:** 5:00 pm
NAME: Susana Diaz **TITLE:** Deputy City Clerk

General Information: The Hughson Planning Commission meets in the Council Chambers on the *third Tuesday* of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054.



CITY OF HUGHSON
PLANNING COMMISSION MEETING

CITY HALL COUNCIL CHAMBERS
 7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, JULY 18, 2017 – 6:00 P.M.

CALL TO ORDER: Chair Alan McFadon

ROLL CALL:

Present: Chair Alan McFadon
 Vice Chair Ken Sartain
 Commissioner Julie Ann Strain
 Commissioner Brian Evans
 Commissioner Kevin Cloherty

Staff Present: Jaylen French, Community Development Director
 Susana Diaz, Deputy City Clerk
 Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Alan McFadon

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comment.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

3.1: Approve the Minutes of the Regular Meeting of June 6, 2017.

SARTAIN/STRAIN 5-0-0-0 motion passes to approve the Minutes as presented.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

- 4.1:** Consider determining that the Proposed Amendment is Consistent with the City of Hughson General Plan and Recommend that the Hughson City Council Adopt Ordinance No. 2017-05, Amending Section 17.03.060 of the Hughson Municipal Code Pertaining to Parking on Unimproved Surfaces.

Director French presented the staff report on item 4.1. Chair McFadon opened the Public Hearing at 6:26 P.M. There was no public comment; Chair McFadon closed the Public Hearing at 6:26 P.M. The Planning Commissioners deliberated. Resident Ken Doberenz submitted a letter regarding a potential exemption for areas of the City which do not have improved sidewalks.

STRAIN/SARTAIN 5-0-0-0 Motion passes to recommend that the Hughson City Council Adopt Ordinance No. 2017-05, amending section 17.03.060 of the Hughson Municipal Code pertaining to Parking on Unimproved Surfaces.

5. INFORMATION ITEMS: NONE.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

- 7.1:** Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

Community Development Director French invited the Planning Commissioners to the Goals & Objectives Public Workshop scheduled for Saturday, July 29, 2017 9:00 A.M. – 1:00 P.M.

Director French provided an update on the Fox Road striping project.

Director French provided an update on the Hatch Road/Santa Fe Ave signalization project.

Director French informed the Planning Commission of the City’s final approval of Coco’s Taqueria’s restaurant expansion.

Director French provided an update on the status of Golden Bowl Restaurant’s new location and the delays they have experienced in opening.

Director French updated the Planning Commission on the progress of the Province Place subdivision.

Director French provided an update on Measure L funding for various roadway and sidewalk improvement projects throughout the City.

City Clerk: NONE.

City Attorney: NONE.

7.2: Commissioner Comments: (Information Only – No Action)

Commissioner Strain expressed interest in exploring the process of bringing a skate park to Hughson.

Chairman McFadon informed the Planning Commission of the Annual Conference & Expo sponsored by the League of California Cities at the Sacramento Convention Center in September 13 – 15, 2017.

ADJOURNMENT:

Chair McFadon adjourned the meeting at 6:59 P.M.

ALAN MCFADON, Chair

SUSANA DIAZ, Deputy City Clerk



**PLANNING COMMISSION
AGENDA ITEM NO. 4.1
SECTION 4: PUBLIC HEARING**

Meeting Date: August 15, 2017
Subject: Consideration to Determine that the Proposed Amendment to Section 17.03.080 of the Hughson Municipal Code Addressing Regulation of Signs within the City is Consistent with the City of Hughson General Plan.
Enclosures: Draft Ordinance No. 2017-XX
Presented By: City Attorney

Staff Recommendation:

Adopt Resolution No. PC 2017-xx determining that the proposed amendment to Section 17.03.080 of the HMC addressing regulation of signs within the City is consistent with the Hughson General Plan.

Background and Overview:

Currently, sign regulation under HMC Section 17.03.080 is largely directed by the content, or message of the sign itself.

On June 18, 2015, the U.S. Supreme Court decided the case of *Reed v. Town of Gilbert* resulting in the Town of Gilbert's sign ordinance being found to be unconstitutional because its content based regulations violated the First Amendment.

Discussion:

As a result of the Supreme Court decision, the City reviewed its sign regulations to determine which regulations might be in conflict with the Court's ruling and how to legally amend any portions of the ordinance as necessary to comply. Staff found that the existing regulations would not comply with the Supreme Court's decision.

For example, "Real Estate Signs" are currently regulated as follows:

"One nonilluminated sign on each street frontage for any lot or building which serves solely to advertise the sale, lease or rental of or an offer to build to suit on the premises where the

sign is located, provided the sign does not exceed 24 square feet in area and 10 feet in height if the sign is in a commercial or industrial zone, or six square feet in area and four feet in height if the sign is in a residential zone.”

There are two problems with this regulation under *Reed*. First, a specific type of commercial speech, “Real Estate Signs,” is being regulated. Second, the regulation is content based as demonstrated by the bold underlined portion of the regulation. Therefore, it is likely that it wouldn’t survive a constitutional challenge.

As amended, the proposed regulation of “Real Estate Signs” is moved to the “Temporary Signs” Section and identified as “Commercial Signs in Residential and Commercial Zones.” The amended regulation reads as follows:

“One nonilluminated sign on each street frontage for any lot or building which is currently for sale, lease or rent, or offering to build to suit on the premises where the sign is located, provided the sign does not exceed 24 square feet in area and 10 feet in height if the sign is in a commercial or industrial zone, or six square feet in area and four feet in height if the sign is in a residential zone.”

This is a sample of how the proposed amendments to the HMC strive to achieve the desired results of sign regulation without utilizing content based characterizations. The proposed amendments to the HMC make use of content neutral regulations of such factors as time of posting signs, size limits of signs, material with which signs are constructed, and location of signs.

City staff is recommending this item to adjust regulations of signs within the City to remove content based distinctions and varying allowances or restrictions based on the sign’s message. This is a clean-up amendment to comply with the U.S. Supreme Court’s ruling.

The Hughson Planning Commission is tasked with determining that the proposed amendment is consistent with the City’s Adopted General Plan (2005). The General plan is coordinated with the Zoning Code, Chapter 17—a chapter of the HMC. City staff has reviewed the General Plan and found nothing that would be contrary to this amendment.

**CITY OF HUGHSON
PLANNING COMMISSION
RESOLUTION NO. PC 2017-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUGHSON
ESTABLISHING THAT PROPOSED AMENDMENT TO SECTION 17.03.080 OF THE
HUGHSON MUNICIPAL CODE ADDRESSING REGULATION OF SIGNS WITHIN
THE CITY IS CONSISTENT WITH THE CITY OF HUGHSON GENERAL PLAN**

WHEREAS, Section 17.03.080 of the Hughson Municipal Code regulates signs within the City of Hughson through exemptions and/or regulations of signs based on content; and

WHEREAS, a recent U.S. Supreme Court decision *Reed v. Town of Gilbert* prohibits cities from regulating signs differently based on content; and

WHEREAS, in order to comply with the *Reed* decision, the City desires to amend Section 17.03.080 to regulate signs within the City in a content neutral manner; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hughson, does hereby establish that the proposed amendment to Section 17.03.080 of the Hughson Municipal Code addressing regulation of signs within the City is consistent with the City of Hughson General Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Hughson at its regularly scheduled meeting on this 15th day of August 2017 by the following vote:

AYES: .

NOES: .

ABSTENTIONS: .

ALAN MCFADON, Chair

ATTEST:

SUSANA DIAZ, City Clerk

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2017 – XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING SECTION 17.03.080 – “SIGNS” OF MUNICIPAL CODE CHAPTER 17.03 –
“CITYWIDE REGULATIONS AND SPECIAL PROVISIONS”**

WHEREAS, The City Council of the City of Hughson desires to amend Section 17.03.080 of the Hughson Municipal Code, Chapter 17.03 addressing regulation of signs within the City.

WHEREAS, The City Council held a duly noticed public hearing on this Ordinance on _____, 2017, at which time it considered all evidence presented, both written and oral.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 17.03.080 subsections A.5, A.7, A.9, A.10, A.12, A.13 and A.14 of Chapter 17.03 of Title 17 of the Hughson Municipal Code are deleted in their entirety.

Section 2. Section 17.03.080 subsection A.11 is amended to read as follows:

“Bulletin Boards. Bulletin boards not over 24 square feet in area and no higher than the lowest point of the roofline of the nearest structure on or off the property, for public or non-residential non-commercial properties when the bulletin boards are located on the premises of such limitations.”

Section 3. Section 17.03.080 subsection E.9.d is amended to read as follows:

“d. In addition to the allowable signs noted above, one freestanding or attached commercial sign may be permitted in conjunction with drive-through windows, location and architectural style subject to the approval of the planning officer. These signs may not be located within any required setback, may not be located along the primary street frontage, and may not be permitted to obstruct traffic visibility.”

Section 4. Section 17.03.080 subsection E.10 is amended to read as follows:

“10. Permanent Signs for Single-Occupant and Multi-Occupant Commercial and Industrial Buildings on Sites Over One Acre in Size.

a. Freestanding Center Identification Signs. In addition to the occupant identification signs permitted in this section, Single-Occupant and Multi-

Occupant Commercial and Industrial Buildings located on sites greater than one acre may have a maximum of one freestanding center identification sign not exceeding 150 square feet per side, or one-half square foot of sign area per lineal foot of street frontage, whichever is less. On commercial and industrial building sites over five acres in size that have frontage on more than one street, two such signs, one for each frontage, are permitted. These signs may not exceed a maximum height of 25 feet. Freestanding center identification signs shall be located in a landscaped portion of the front setback.”

b. In addition to other signs allowed by this section, one ground or monument sign identifying the name of the commercial development may be permitted on each side of the main entrance. The sign, or lettering on a wall, may not exceed 30 square feet in area. The signs shall be located in a landscaped planter or setback, and shall not be permitted to obstruct traffic visibility.”

Section 5. Section 17.03.080 subsection F is amended to read as follows:

“F. General Requirements for Temporary Signs. All temporary signs, as defined in HMC 17.01.090 and allowed by this section, shall be free of lighting or illumination of any kind and shall not include any permanent construction. Temporary signs shall be subject to restrictions based on location and activities for events and conditions of a short and limited time duration. Temporary signs shall be allowed for a specified period of time as determined by the planning officer, not to exceed one year.”

Section 6. Section 17.03.080 subsection G is amended to read as follows:

“G. Standards for Specific Types of Temporary Signs. Other types of signs shall be subject to the general requirements of subsection F of this section and the rest of this section unless the planning officer determines that they shall be exempt.

1. Portable or “A-Frame” Signs. Portable signs shall be allowed in nonresidential districts, subject to the following requirements:

a. A business may display one portable sign, with a maximum area of eight square feet on each face and a maximum of two faces. The sign shall be displayed on the premises of, or on a sidewalk adjacent to, the property on which the business is located. These signs may only be displayed during the hours of operation of the business.

b. Portable signs shall have a maximum height of three feet and a maximum width of two feet, and they shall occupy no more than three square feet of ground area.

c. No portable sign shall be placed within 10 feet of any other portable sign.

d. No portable signs shall be placed where they would obstruct the movement of pedestrians.

e. Portable signs located on a public sidewalk shall be subject to an administrative permit conditioned upon the owner assuming all liability for the sign and indemnifying the city for any liability arising out of the sign's location on a public sidewalk.

f. For commercial developments where multiple tenants share a building or complex of buildings, a maximum of one portable sign for each three tenants may be displayed at any given time, up to a maximum total of four portable signs.

2. Commercial Signs in Residential and Commercial Zones. Temporary Commercial Signs shall be allowed in Residential and Commercial Zones subject to the following requirements:

a. One nonilluminated sign on each street frontage for any lot or building which is currently for sale, lease or rent, or offering to build to suit on the premises where the sign is located, provided the sign does not exceed 24 square feet in area and 10 feet in height if the sign is in a commercial or industrial zone, or six square feet in area and four feet in height if the sign is in a residential zone.

b. Three nonilluminated signs, each not exceeding six square feet in area and 42 inches in height, which shall be permitted during daylight hours only in the general vicinity of an open house for any lot or building which is currently for sale or lease or rent.

c. Three nonilluminated signs which shall be displayed only at the site of the Garage Sale as defined by HMC 5.04.010, not to exceed six square feet in area nor six feet in height, are permitted subject to the time limitations of HMC 17.03.088. Placement of signs subject to the requirements of this section shall not be placed within the public right-of-way.

d. One nonilluminated double-faced sign not to exceed six square feet in area is permitted per residential building site, located a minimum of 10 feet from the street right-of-way line. No sign shall be erected prior to the issuance of a building permit, and must be removed upon expiration of a building permit or occupancy of the completed structure.

3. Non-Commercial Signs in Residential and Commercial Zones. Temporary Non-Commercial Signs shall be allowed in Residential and Commercial Zones subject to the following requirements:

a. Nonilluminated signs, either freestanding or attached, limited to a total sign area of six square feet per sign in residential zones and not exceeding 32 square feet in other zones, as long as the total area does not exceed one square

foot of sign area per lineal foot of primary street frontage, are permitted. No such sign shall be erected on private property without the property owner's consent. No such sign shall be located within 100 feet of a polling place.

b. During the time period of no earlier than 90 days prior to an election and 10 days after such election, the total area not to exceed one square foot of sign area per lineal foot of primary street frontage is not operative for nonilluminated signs, either freestanding or attached, with a sign area of six square feet per sign in residential zones and not exceeding 32 square feet in other zones are permitted. No such sign shall be erected on private property without the property owner's consent. No such sign shall be located within 100 feet of a polling place.

4. Commercial Signs in Undeveloped Recorded Subdivisions. Temporary Commercial Signs in recorded subdivisions shall be allowed subject to the following requirements:

a. A maximum of two on-site, nonilluminated double-faced signs during the period of time beginning with the recording date of the subdivision are permitted, limited to 32 square feet per side, two sides maximum, and eight feet in height, located a minimum of 10 feet from the street right-of-way. These signs shall be removed not later than two years from the recording date of the subdivision, except that the planning officer may grant one-year time extensions until 90 percent occupancy is reached.

b. Two nonilluminated off-site signs during the period of time beginning with the recording date of the subdivision shall be permitted, limited to 32 square feet per side, two sides maximum, and eight feet in height. The sign shall be located on private property, a minimum of 10 feet from the street right-of-way, where it shall not constitute a traffic hazard. These signs shall be removed no later than two years from the recording date of the subdivision, except that the planning officer may grant one-year extensions until 90 percent occupancy is reached.

c. Additional on-site signs are permitted in residential subdivisions, provided there is not more than one such sign for each respective model within the subdivision. Signs shall not have an area exceeding three square feet nor a height of more than three feet, and shall be located immediately adjacent to models within the subdivision. Signs authorized under this section shall not be erected until the subdivision map is recorded and building permits are issued for the construction of the project.

d. One banner which coincides with the grand opening of a subdivision not to exceed 72 square feet in area or 20 feet in height may be permitted within the boundaries of the recorded subdivision. In addition, a maximum of four flags

not to exceed 20 feet in height and eight square feet in area may be permitted within the subdivision.

e. One nonilluminated sales office sign which shall not exceed 12 square feet in area may be permitted to be attached to the model home or temporary trailer, and shall not be higher than the plane surface to which it is attached.

f. Temporary commercial signs in recorded subdivisions shall be removed within 30 days of the completion of construction or the sale of all available parcels or units, as applicable.

5. Grand Opening and Special Event Signs. Temporary signs which coincide with a grand opening and/or special event are permitted as long as the grand opening or special event does not exceed 30 calendar days. Signs displayed in conjunction with permits issued for temporary uses as described in HMC 17.03.088 shall specify the number and area of signs and permit their use for the duration of the permit.

6. Commercial Signs in Commercial Building Sites Subject to Building Permit Requirement. On any commercial building site subject to Title 15 of this code, one such sign not to exceed 40 square feet in area and eight feet in height is permitted per building site, located a minimum of 10 feet from the street right-of-way line. No sign shall be erected prior to the issuance of a building permit, and must be removed upon expiration of a building permit or occupancy of the completed structure.”

Section 7. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 8. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 9. This ordinance shall become effective thirty (30) days after its final passage.

Section 10. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on _____, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on _____, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

JERAMY YOUNG, Mayor

ATTEST:

SUSANA DIAZ, City Clerk

17.03.080 Signs.

A. Purpose. The purpose of this section is to provide minimum standards to safeguard the life, health, property, and public welfare and to enhance the aesthetic character of development in the city, by regulating and controlling the design, number, area, height, quality of materials, construction, illumination, location and maintenance of all signs and sign structures and to implement the purposes, policies and programs of the general plan.

This section is intended to ensure that signs effectively attract and direct persons to various activities and enterprises, thereby providing for maximum public convenience and promoting the economic viability of businesses, while safeguarding the following city goals:

1. To promote and enhance the character of residential neighborhoods and property values by prohibiting obtrusive and incompatible signs;
2. To limit visual clutter; and
3. To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship, spacing, and location.

B. Applicability. This section shall apply to all permanent and temporary signs as defined in HMC [17.01.090](#), including those within buildings that are visible from the street, except the following:

1. Official Signs. Official signs posted pursuant to and in the discharge of any governmental function by public officials in the performance of their duties (including traffic and street name signs, as well as notices, emblems, or other forms of identification and signs required by law).
2. Interior Signs. Signs located in the enclosed lobby or court of any building or group of buildings, which are not visible from or located within the public right-of-way.
3. Window Signs. The size of signs in windows shall not be restricted.
4. Informational Signs. Signs for the safety and convenience of the public such as "restrooms," "telephone," "danger," "impaired clearance," "no smoking," and other signs of a similar nature, up to two square feet per sign, unless a larger sign is otherwise required by state or federal law.
- ~~5. Temporary Political Signs. Nonilluminated signs intended to influence the vote for the passage or defeat of a measure, or nomination, election or defeat of a candidate in any governmental elections are permitted in any number, either freestanding or attached, limited to a total sign area of six square feet per sign in residential zones and not exceeding 32 square feet in other zones. Any such sign shall be erected not earlier than 90 days prior to an election and shall be removed within 10 days after such election. No such sign shall be erected on private property without the property owner's consent. No such sign shall be located within 100 feet of a polling place.~~
6. Nameplates, Street Addresses, and Building Directories. Street addresses and nameplates not exceeding two square feet in area for single-family or duplex structures and four square feet per sign for all other uses, and displaying only the name of the premises upon which it is displayed; the name of the owner or lessee of such premises; and/or the address of such premises. Buildings with more than five occupants may have building directories not to exceed nine square feet, affixed flat against the wall

of a building, or as a ground or monument sign, which only show the name and/or address of the persons or entity occupying the building.

~~7. Seasonal Decorations. Holiday greetings, decorations, and displays, such as those which relate to any religious or legal holiday, excluding advertising signs disguised as seasonal decorations.~~

8. Plaques. Solid metal plaques or cut inscriptions, either erected by recognized historical agencies, or which show names of buildings and dates of construction, provided the sign does not exceed four square feet in area.

~~9. Flags. The flag of the United States of America, a state, county, city, school, or duly constituted governmental body, or charitable, civic, or nonprofit organization, when not intended to be displayed for advertising purposes.~~

~~10. Artwork. Any sculpture, display or decoration clearly intended to be a work of art rather than related to the use of the property, as determined by the planning officer. Any decision of the planning officer relative to artwork may be appealed as provided in HMC 17.04.004.~~

11. Bulletin Boards. Bulletin boards not over 24 square feet in area and no higher than the lowest point of the roofline of the nearest structure on or off the property, ~~for public, charitable or religious institutions~~ for public or non-residential non-commercial properties when the bulletin boards are located on the premises of such institutions.

~~12. Religious Symbols. Nonilluminated, religious symbols on the site of a religious institution, as long as the symbol is not higher than the overall height of the building on the same site, except as may be permitted by planning commission approval.~~

~~13. Real Estate Signs.~~

~~a. One nonilluminated sign on each street frontage for any lot or building which serves solely to advertise the sale, lease or rental of or an offer to build to suit on the premises where the sign is located, provided the sign does not exceed 24 square feet in area and 10 feet in height if the sign is in a commercial or industrial zone, or six square feet in area and four feet in height if the sign is in a residential zone.~~

~~b. Three nonilluminated open house directional signs, each not exceeding three square feet in area and 42 inches in height, which shall be permitted during daylight hours only in the general vicinity of the open house, provided they do not contain any advertising message other than the real estate office and that such signs are located on private property with permission of the property owner.~~

~~14. Garage Sale Signs. Three signs may be permitted to advertise said sale, which sign shall be displayed only at the sale, only during the date or dates and hours of said sale, not to exceed six square feet in area nor six feet in height, provided the resident has obtained any permit that may be required by HMC 17.03.088. Placement of signs within the public right-of-way shall not be allowed.~~

C. Application Requirements. Permanent signs regulated by this section shall require an administrative permit, subject to the requirements of HMC [17.04.008](#) and this section. Temporary signs shall require a zoning clearance, subject to the requirements of HMC [17.04.052](#) and this section. Applicants for both shall submit materials showing how they have met the requirements of this section and any information deemed

necessary by the planning officer. Applications shall be accompanied by a fee as determined by the city council.

D. General Standards for Permanent Signs. General requirements for permanent signs as defined in HMC [17.01.090](#) shall be as follows:

1. Materials and Structural Components.

a. All outdoor signs shall be constructed of durable, weatherproof materials.

b. All materials, structural components, and methods of illumination shall meet the applicable requirements of HMC Title [15](#).

2. Lighting.

a. Any sign that includes lighting shall conform to the lighting performance standards in HMC [17.03.056](#).

b. Any conduits or wires that are connected to a sign's lighting source shall be screened or hidden from view where practical.

3. Location.

a. On-Site Location Required. All signs shall be located on the same site as the use with which they are associated, except as provided otherwise in this section.

b. Placement for Public Safety. No sign shall be placed in a location where the sign would obstruct an entry or exit to a building or a safety device such as a fire alarm. In addition, no sign shall be located so as to obstruct a required sight distance area.

c. General Placement Requirements. The permitted signs for a use shall be located on the street-facing portion of the building or site where that use is located, except as follows:

i. Where a building is located on a one-way street, or where public visibility of the front face or front entrance of the building is limited or impaired, permitted signs may be placed on the side or rear portion of the building or site; provided, that the signs conform to all applicable requirements for the size and number of signs.

ii. Where a use is in a multi-tenant building and has no street-facing, ground-level frontage, signs for the use shall be limited to a building directory sign placed at the building entrance, or on a multi-tenant monument sign if that type of sign is allowed, except as provided elsewhere in this section.

d. Frontage on Multiple Streets. On lots where a building has frontage on multiple streets, signs may be placed on any street frontage. The permitted sign area for each building frontage shall not be transferred between the frontages.

4. Area. The area of a sign shall be calculated as follows, and as shown in

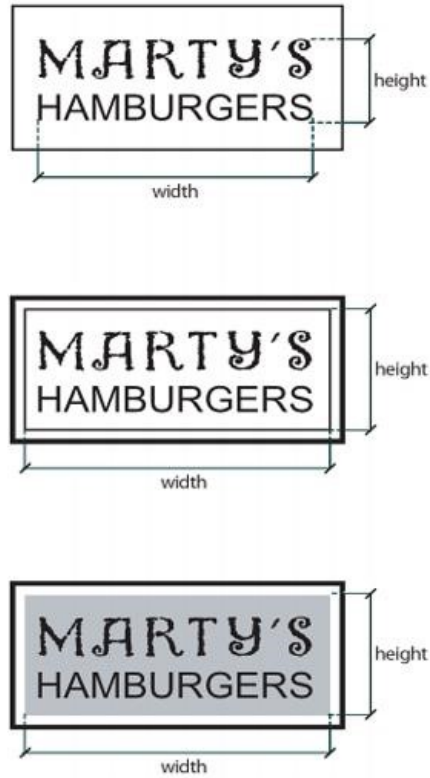


Figure 17.03.080.1:

Figure 17.03.080.1. Measurement of sign area.

a. The area of each face of a sign shall be measured as the area of the smallest rectangle or circle that encloses all of the following:

- i. Any words, characters, symbols and images on the sign face.
- ii. Any border or frame around the information on the sign face.
- iii. Any background color on the sign face.

b. The area of a sign with two parallel faces of different sizes, such as a projecting sign, shall be measured as the area of the largest face, as shown in Figure 17.03.080.2.

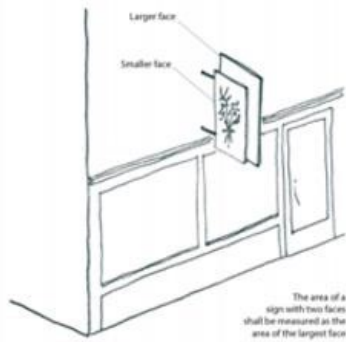


Figure 17.03.080.2. Measurement of area of signs with two parallel faces of different sizes.

c. The area of a spherical, conical, cylindrical or other nonrectangular three-dimensional sign shall be measured as the maximum projection of that sign onto a vertical plane, as shown in Figure 17.03.080.3.

5. Height. The height of a sign shall be measured from the ground level or grade at which the sign is placed to the highest point of the sign, including any decorative or supporting structures associated with the sign.

6. Vertical Clearance. All signs shall provide a minimum vertical clearance of 14 feet above vehicular circulation areas and eight feet above pedestrian circulation areas; provided, however, that awnings shall have a minimum vertical clearance of seven feet above pedestrian circulation areas.

7. Maintenance. All signs, together with all of their supporting structural elements, shall be kept in a state of good repair at all times. Failure to comply with this requirement shall be considered a violation of this section.

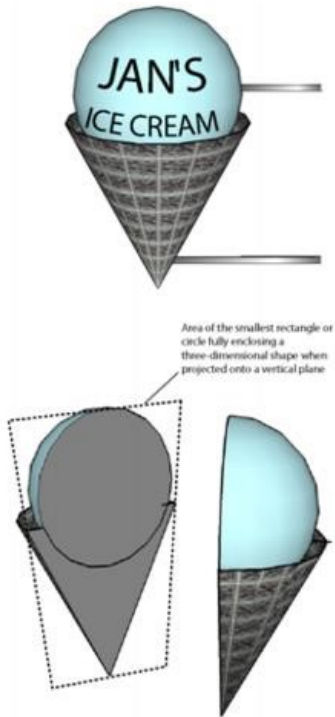


Figure 17.03.080.3. Measurement of three-dimensional signs.

E. Standards for Specific Types of Permanent Signs.

1. Awning Signs. Awning signs shall meet the requirements listed below and shall be as illustrated in HMC [17.01.090](#):

- a. May be placed at the sides or ends of the awning and shall not project from the surface of the awning.
- b. Shall cover no more than 50 percent of any side of the awning.

2. Freestanding Signs. Freestanding signs shall meet the requirements below as illustrated in HMC [17.01.090](#):

- a. Shall not be placed adjacent to any building frontage that measures less than 75 feet in width, or with a building with a setback of less than 25 feet.
- b. A minimum distance of 75 feet shall separate any two freestanding signs.
- c. Where practical, freestanding signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.
- d. The maximum width of a freestanding sign shall be one-quarter of its height.

- e. No portion of a freestanding sign shall be placed on or project above a public right-of-way.
 - f. Freestanding signs are not permitted to obstruct traffic visibility.
 - g. The maximum height of freestanding signs is six feet, and the maximum allowable sign area is eight square feet.
3. Monument Signs. Monument signs shall meet the requirements below, as shown in Figure 17.03.080.4 and shall be as illustrated in HMC [17.01.090](#):

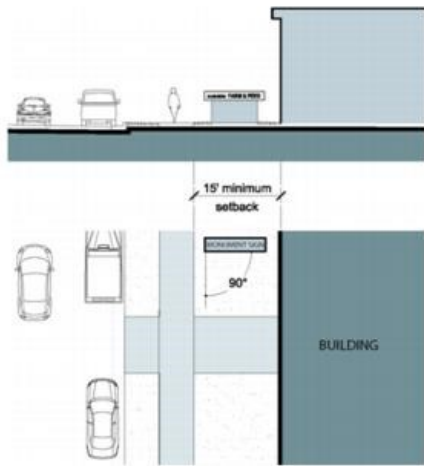


Figure 17.03.080.4. Location of monument signs.

- a. Monument signs shall not be placed adjacent to any building frontage with a setback of less than 15 feet from the public right-of-way.
 - b. A minimum distance of 50 feet shall separate any two monument signs.
 - c. Where practical, monument signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.
 - d. The maximum height of a monument sign shall be eight feet, except as provided otherwise in this section.
4. Projecting Signs. Projecting signs shall meet the requirements below and shall be as illustrated in HMC [17.01.090](#):
- a. Projecting signs may be provided only for uses located on the ground floor of a building.
 - b. A projecting sign may include a projection above a maximum of five feet of the width of a public right-of-way; provided, that the sign includes the minimum vertical clearance specified by subsection (D)(6) of this section and provides a two-foot horizontal clearance from the curb face.
 - c. In a multi-story building, projecting signs shall be placed at or below the sill of the second floor windows in a multi-story building.
 - d. No part of a projecting sign shall extend more than one-third of the sign height or eight feet, whichever is less, above the top of the portion of the building facade that is adjacent to the sign.

e. Where practical, projecting signs shall be placed so that the sign face is perpendicular to the adjacent right-of-way.

f. The total area of a projecting sign shall not exceed 50 square feet.

g. The thickness of any projecting sign shall not exceed one foot.

5. Reader Boards. Reader boards, as defined in HMC [17.01.090](#), shall meet the requirements below:

a. May be provided as part of any allowed sign.

b. The area of a reader board shall be counted toward the total allowed area of the sign and shall not exceed 40 square feet on any one face; in no case shall a reader board be provided on more than two faces of a sign.

6. Wall Signs. Wall signs shall meet the requirements below and shall be as illustrated in HMC [17.01.090](#).

a. No part of a wall sign shall extend more than one-third of the sign height or eight feet, whichever is less, above the top of the portion of the building facade that is adjacent to the sign.

b. The thickness of any wall sign shall not exceed one foot.

7. Permanent Signs for Single-Family Homes in Residential Districts.

a. One unlighted nameplate not more than two square feet in area announcing the name of an on-site business is permitted, providing that a home occupancy permit has been approved for the occupants of the dwelling.

b. For single-family residential subdivisions, one monument sign identifying the name of the development may be permitted on each side of the main entrance. The sign, or lettering on a wall or fence, may not exceed 20 square feet in area. The sign shall be located in a landscaped common or dedicated area, and shall not be permitted to obstruct traffic visibility. Property owners shall make provisions for the ongoing maintenance of the sign and landscaping.

8. Permanent Signs for Multifamily Homes in Residential Districts. One attached, project identification ground or monument sign per street frontage is permitted, not to exceed 20 square feet per face. For projects with 30 or more dwelling units, additional ground or monument project identification signs may be permitted if warranted, at the discretion of the planning officer.

9. Permanent Signs for Retail and Commercial Districts. The following regulations apply to single-occupant buildings, or multiple-occupant buildings located on sites less than one acre in size. Shopping centers, single-occupant and multi-occupant commercial buildings located on sites more than one acre in size are described in subsection (E)(10) of this section.

a. Any number of attached signs are permitted, as long as the total area does not exceed one square foot of sign area per lineal foot of primary street frontage, and one-half square foot of sign area per lineal foot of secondary street frontage. However, no sign shall be required to be smaller than 50 square feet of total sign area.

b. Awning, canopy and marquee signs are allowed and considered as attached signs. These signs may project over the public right-of-way, to be maintained a minimum of eight feet clearance above the sidewalk and two feet from the face of the curb.

c. One ground or monument sign is permitted, not to exceed 25 square feet in area and six feet in height.

d. In addition to the allowable signs noted above, one freestanding or attached ~~menu board~~ commercial sign may be permitted ~~for uses within conjunction with~~ drive-through windows, location and architectural style subject to the approval of the planning officer. These signs may not be located within any required setback, may not be located along the primary street frontage, and may not be permitted to obstruct traffic visibility. ~~The main function of this type of sign is for customer convenience rather than business advertisement.~~

10. Permanent Signs for ~~Shopping Centers~~, Single-Occupant and Multi-Occupant Commercial and Industrial Buildings on Sites Over One Acre in Size.

a. Freestanding Center Identification Signs. In addition to the occupant identification signs permitted in this section, ~~business centers~~ Single-Occupant and Multi-Occupant Commercial and Industrial Buildings located on sites greater than one acre may have a maximum of one freestanding center identification sign not exceeding 150 square feet per side, or one-half square foot of sign area per lineal foot of street frontage, whichever is less. On commercial and industrial buildings ~~business centers~~ over five acres in size that have frontage on more than one street, two such signs, one for each frontage, are permitted. These signs may not exceed a maximum height of 25 feet. Freestanding center identification signs shall be located in a landscaped portion of the front setback.

b. In addition to other signs allowed by this section, one ground or monument sign identifying the name of the commercial development may be permitted on each side of the main entrance. The sign, or lettering on a wall, may not exceed 30 square feet in area. The signs shall be located in a landscaped planter or setback, and shall not be permitted to obstruct traffic visibility.

11. Permanent Signs for Industrial Uses. Awning, canopy and marquee signs are allowed and considered as attached signs. These signs may project over the public right-of-way, to be maintained a minimum of eight feet above the sidewalk and two feet from the face of the curb.

a. Any number of attached signs are permitted, as long as the total area does not exceed one square foot of sign area per lineal foot of primary street frontage, and one-half square foot of sign area per lineal foot of secondary street frontage; provided, that the maximum area per sign does not exceed 100 square feet.

b. Awning, canopy and marquee signs are allowed and considered as attached signs. These signs may project over the public right-of-way, to be maintained a minimum of eight feet above the sidewalk and two feet from the face of the curb.

c. One ground or monument sign is permitted, not to exceed 30 square feet in area and six feet in height.

F. General Requirements for Temporary Signs. All temporary signs, as defined in HMC 17.01.090 and allowed by this section, shall be free of lighting or illumination of any kind and shall not include any permanent construction. Temporary signs shall be ~~permitted to provide information on~~ subject to restrictions based on location and activities for events and conditions of a short and limited time duration. Temporary signs shall be allowed for a specified period of time as determined by the planning officer, not to exceed one year. ~~Permitted temporary signs include but are not limited to residential development sale signs, grand opening signs, construction signs, sale and promotion~~

~~signs, going out of business signs, and temporary business identification signs for use prior to the installation of permanent business identification signage.~~

G. Standards for Specific Types of Temporary Signs. Other types of signs shall be subject to the general requirements of subsection F of this section and the rest of this section unless the planning officer determines that they shall be exempt.

1. Portable or "A-Frame" Signs. Portable signs shall be allowed in nonresidential districts, subject to the following requirements:

a. A business may display one portable sign, with a maximum area of eight square feet on each face and a maximum of two faces. The sign shall be displayed on the premises of, or on a sidewalk adjacent to, the property on which the business is located. These signs may only be displayed during the hours of operation of the business.

b. Portable signs shall have a maximum height of three feet and a maximum width of two feet, and they shall occupy no more than three square feet of ground area.

c. No portable sign shall be placed within 10 feet of any other portable sign.

d. No portable signs shall be placed where they would obstruct the movement of pedestrians.

e. Portable signs located on a public sidewalk shall be subject to an administrative permit conditioned upon the owner assuming all liability for the sign and indemnifying the city for any liability arising out of the sign's location on a public sidewalk.

f. For ~~shopping centers, office complexes and any other commercial~~ developments where multiple tenants share a building or complex of buildings, a maximum of one portable sign for each three tenants may be displayed at any given time, up to a maximum total of four portable signs.

~~2. Food Merchants. Food merchants may post signs made of paper or cardboard, which are affixed to the merchant's building for a period not to exceed 365 days.~~

2. Commercial Signs in Residential and Commercial Zones. Temporary Commercial Signs shall be allowed in Residential and Commercial Zones subject to the following requirements:

a. One nonilluminated sign on each street frontage for any lot or building which is currently for sale, lease or rent, or offering to build to suit on the premises where the sign is located, provided the sign does not exceed 24 square feet in area and 10 feet in height if the sign is in a commercial or industrial zone, or six square feet in area and four feet in height if the sign is in a residential zone.

b. Three nonilluminated signs, each not exceeding six square feet in area and 42 inches in height, which shall be permitted during daylight hours only in the general vicinity of an open house for any lot or building which is currently for sale or lease or rent.

c. Three nonilluminated signs which shall be displayed only at the site of the Garage Sale as defined by HMC 5.04.010, not to exceed six square feet in area nor six feet in height, are permitted subject to the time limitations of HMC 17.03.088.

Placement of signs subject to the requirements of this section shall not be placed within the public right-of-way.

d. One nonilluminated double-faced sign not to exceed six square feet in area is permitted per residential building site, located a minimum of 10 feet from the street right-of-way line. No sign shall be erected prior to the issuance of a building permit, and must be removed upon expiration of a building permit or occupancy of the completed structure.

3. Non-Commercial Signs in Residential and Commercial Zones. Temporary Non-Commercial Signs shall be allowed in Residential and Commercial Zones subject to the following requirements:

a. Nonilluminated signs, either freestanding or attached, limited to a total sign area of six square feet per sign in residential zones and not exceeding 32 square feet in other zones, as long as the total area does not exceed one square foot of sign area per lineal foot of primary street frontage, are permitted. No such sign shall be erected on private property without the property owner's consent. No such sign shall be located within 100 feet of a polling place.

b. During the time period of no earlier than 90 days prior to an election and 10 days after such election, the total area not to exceed one square foot of sign area per lineal foot of primary street frontage is not operative for nonilluminated signs, either freestanding or attached, with a sign area of six square feet per sign in residential zones and not exceeding 32 square feet in other zones are permitted. No such sign shall be erected on private property without the property owner's consent. No such sign shall be located within 100 feet of a polling place.

4. Development Signs Commercial Signs in Undeveloped Recorded Subdivisions. Temporary ~~development Commercial S~~signs, ~~such as those identifying a subdivision and providing sales, in~~ recorded subdivisions shall be allowed subject to the following requirements:

a. A maximum of two on-site, nonilluminated double-faced signs ~~during the period of time beginning with the recording date of the subdivision~~ ~~advertising a residential subdivision~~ are permitted, limited to 32 square feet per side, two sides maximum, and eight feet in height, located a minimum of 10 feet from the street right-of-way. These signs shall be removed not later than two years from the recording date of the subdivision, except that the planning officer may grant one-year time extensions until 90 percent occupancy is reached.

b. Two nonilluminated off-site ~~subdivision sales~~ signs ~~during the period of time beginning with the recording date of the subdivision~~ ~~identifying the location of a residential subdivision~~ shall be permitted, limited to 32 square feet per side, two sides maximum, and eight feet in height. The sign shall be located on private property, a minimum of 10 feet from the street right-of-way, where it shall not constitute a traffic hazard. These signs shall be removed no later than two years from the recording date of the subdivision, except that the planning officer may grant one-year extensions until 90 percent occupancy is reached.

c. Additional on-site ~~signs containing information about the model name or number, floor plan, area or price~~ are permitted in residential subdivisions, provided there is not more than one such sign for each respective model within the subdivision. Signs

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~~concerning models~~ shall not have an area exceeding three square feet nor a height of more than three feet, and shall be located immediately adjacent to ~~the models to which they refer~~ within the subdivision. Signs authorized under this section shall not be erected until the subdivision map is recorded and building permits are issued for the construction of the project.

d. One banner ~~for which coincides with the~~ grand openings of a subdivision not to exceed 72 square feet in area or 20 feet in height may be permitted within the boundaries of the recorded subdivision. In addition, a maximum of four flags not to exceed 20 feet in height and eight square feet in area may be permitted within the subdivision.

e. One nonilluminated sales office sign which shall not exceed 12 square feet in area may be permitted to be attached to the model home or temporary trailer, and shall not be higher than the plane surface to which it is attached.

f. Temporary commercial signs in recorded subdivisions ~~development signs~~ shall be removed within 30 days of the completion of construction or the sale of all available parcels or units, as applicable.

54. Grand Opening and Special Event Signs. Temporary signs ~~used in conjunction which coincide~~ with a grand opening and/or special event are permitted as long as the grand opening or special event does not exceed 30 calendar days. Signs displayed in conjunction with permits issued for temporary uses as described in HMC 17.03.088 shall specify the number and area of signs and permit their use for the duration of the permit.

65. ~~Construction~~ Commercial Signs in Commercial Building Sites Subject to Building Permit Requirement. On any commercial building site subject to Title 15 of this code. ~~One~~ such sign not to exceed 40 square feet in area and eight feet in height is permitted per building site, located a minimum of 10 feet from the street right-of-way line. No ~~construction~~ sign shall be erected prior to the issuance of a building permit, and must be removed upon expiration of a building permit or occupancy of the completed structure. ~~In addition to information on the new building(s), and/or identification of architects, engineers, contractors and financiers, the sign may include a sketch or architectural rendering of the building under construction.~~

H. Sign Programs.

1. Purpose. Sign programs are specifically intended to address the unique needs of certain uses and properties that include multiple uses on one site, or multiple signs for uses with special sign needs. Sign programs shall be used to achieve aesthetic compatibility between the signs within a project and provide flexibility in the number, size, location and type of signs.

2. Applicability. Sign programs are permitted, and may be required by the planning commission when issuing a conditional use permit or as a condition of development review, specifically for the following:

a. The downtown district, as shown in Figure LU-1 of the city's general plan.

b. Shopping centers, and any other building or complex of buildings that contain multiple tenants on one or more contiguous sites.

c. Automobile or other vehicle sales.

d. All uses within a planned development district.

3. Modification of Standards. A sign program may modify any of the following standards of this section:

a. The number of signs allowed.

b. The size allowed for an individual sign; provided, however, that the total area of all signs in the sign program shall not exceed the total area allowed by this section by more than 10 percent.

c. The maximum height of monument and freestanding signs that display information for multiple tenants; provided, however, as follows:

i. The height shall not exceed 15 feet.

ii. The maximum height shall not be increased for signs in a residential district.

d. The location and type of signs allowed; provided, however, as follows:

i. A sign program shall allow no more than one sign to be placed off site, in addition to any off-site signs that may be allowed by this section.

ii. A sign program shall not include a prohibited sign.

4. Design Requirements.

a. Sign programs shall be designed so that all signs have visually compatible themes and placement.

b. Signs shall draw from a common palette of materials, colors, shapes, lettering types and sizes, and illumination methods. This common palette shall be compatible with the architecture and scale of the site's buildings, as well as the architecture and design of buildings and signs on other nearby properties.

5. Review of Sign Programs. All sign programs shall be subject to development review, in accordance with the requirements of HMC [17.04.020](#) and the requirements of this section. Development review of a sign program shall be limited to consideration of the following issues:

a. Whether the signs included in the sign program have one or more common design elements, such as their placement, colors, materials, illumination, sign type, sign shape, letter size and lettering type.

b. Whether the colors, materials, size and placement of the signs included in the sign program are compatible with the materials, architecture and scale of the buildings and signs on the site, and on other sites in the area.

c. Whether the number and placement of signs included in the sign program is similar or dissimilar to the number and placement of signs on other nearby properties.

d. Whether the signs included in the sign program conform to the requirements of this section, as well as any applicable specific plan or design guidelines adopted by the city.

I. Violations.

1. If the planning officer shall find that any sign which has been constructed or erected or is being maintained in violation of the provisions hereof, written notice shall be given of such conditions to the permittee or, in the event no valid permit exists, to the owner thereof. If the permittee fails to remove or alter the sign so as to comply with the standards herein set forth, within 30 days after such notice, such sign may be removed

or altered to comply when so directed by the planning officer and such cost shall be at the expense of the permittee or the owner of the property upon which the sign is located.

2. Any sign found to be unsafe and an immediate peril to persons or property may be removed summarily and without notice when so directed by the planning officer. The cost of such removal shall be assessed against the owner of the sign removed.

3. Any sign erected upon public property in violation of the provisions hereof may be removed or destroyed when so directed by the planning officer.

4. The cost of removal or alteration of any sign and any expense incident thereto which by the terms of this section shall be paid by a permittee, sign owner, property owner or any other person, shall become a debt owing the city. The city may initiate civil action in its own name for collection of the debt.

J. Prohibited Signs. Except as otherwise provided in this section, the signs described in this subsection are prohibited:

1. Signs constituting a potential traffic hazard by being placed in such a manner as to obstruct free and clear vision of pedestrian or vehicular traffic, or signs which simulate in size, color, lettering or design any traffic sign or signal. Any sign erected, posted or displayed by any private person or entity, without authorization as provided in HMC Title [10](#), which purports to regulate or control parking on public streets or use of the public ways or streets, shall be immediately removed, and the erection, posting, or displaying of any such sign shall be a misdemeanor.

2. Signs within the public right-of-way, including those on street trees, utility poles, street signals, street lights, street name signs, or traffic warning signs, except signs permitted by the following:

a. Temporary signs may be posted on any publicly owned kiosk that provides space intended for the posting of signs.

b. Official signs posted or required by a government agency, or a public utility or service, may be affixed to structures in the public right-of-way.

3. Signs consisting of any moving, swinging, rotating, flashing, blinking, or otherwise animated components, with the exception of barber poles, clocks or thermometers and time-temperature signs.

4. Windblown devices and signs whose movement is designed to attract attention, such as pennants, flags, inflatable signs or balloons, inflatable animals or similar signs, with the exception of those specifically permitted or exempted by this section.

5. Vehicle signs or signs painted or affixed to vehicles which are parked on the premises for a period in excess of 24 hours shall be considered signs within the meaning of this section and shall be specifically prohibited except such signs as are normally displayed on business vehicles.

6. Portable signs or freestanding signs not permanently affixed, anchored, or secured to the ground or structure on the lot they occupy, unless specifically allowed by this section.

7. Obstructing signs or signs erected, constructed and maintained upon or over the roofline of any building.

8. Roof signs, or any signs erected, constructed and maintained upon or over the roofline of any building.

9. Any sign located on vacant or unoccupied property that was erected for a business which has since vacated the premises.

10. Signs that bear or contain obscene or indecent statements, words, or pictures that offend public morals or decency. Whether this provision is applicable in regard to a sign shall be determined by the planning officer. Any decision of the planning officer in regard to such signs may be appealed as provided in HMC [17.04.004](#).

K. Nonconforming and Obsolete Signs.

1. Obsolete Signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business it advertises is no longer on the premises. If the owner or lessee fails to remove the sign after the business has been discontinued, the planning officer shall issue the owner a citation. If the sign is not removed within 90 days after the citation has been issued, the sign shall be deemed in violation of this section and shall be removed as provided in subsection J of this section.

2. Allowances and Requirements for Conformance. Existing, nonconforming signs shall be allowed to remain in use, except as follows:

a. Any structural modifications to a nonconforming sign shall require immediate conformance with the requirements of this section.

b. If a business or use for which the nonconforming sign is provided has been discontinued for a continuous period of more than 90 days, the sign and its associated structures shall be removed or brought into conformance with the requirements of this section.

c. If more than 50 percent of a nonconforming sign is destroyed, and structural repairs are required to restore the sign to good condition, the sign shall be removed or brought into conformance with the requirements of this section.

3. Exceptions.

a. If, in the opinion of the planning commission, the provisions of this section would seriously hamper a business because of the impossibility of locating a new sign in a position where it would not be completely obstructed by existing signs, the planning commission may grant a variance allowing a nonconforming sign to be retained or modified, or a new nonconforming sign to be erected.

b. Lawfully erected off-premises signs, including billboards, shall be required to be removed in accordance with the provisions of Section [5412](#) et seq. of the Business and Professions Code.

c. A sign that is part of a historic building or structure, as described in HMC [17.03.040](#), shall be deemed nonconforming only if at least one of the following conditions applies:

i. The sign does not contribute to the historic significance of the historic building or structure.

ii. The sign poses an immediate threat to public safety. If the sign is deemed nonconforming solely because it threatens public safety, the sign shall be repaired or modified, if possible, rather than removed. (Ord. 08-06 § 1, 2008)