

CITY COUNCIL

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CITY OF ORLAND

INCORPORATED 1909

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CITY MANAGER
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CITY OFFICIALS

Angela Crook
Assistant City Manager/City Clerk
Pamela Otterson
City Treasurer

Meeting Place: Carnegie Center
912 Third Street
Orland, CA 95963

AGENDA
REGULAR MEETING, ORLAND PLANNING COMMISSION

Thursday, August 18, 2016

7:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ORAL AND WRITTEN COMMUNICATIONS**

Citizen Comments:

Members of the public wishing to address the Commission on any item(s) not on the agenda may do so at this time when recognized by the Chairperson; however, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. **(Oral communications will be limited to three minutes).**

5. **APPROVAL OF THE MINUTES FROM JUNE 16, 2016.**
6. **PUBLIC HEARING –**

Zoning Ordinance Text Amendment #2016-01: A city-initiated amendment to Title 17, *Zoning* of the City of Orland Municipal Code to modify the Sign Ordinance to include new and revised regulations for temporary signage, electronic message boards, and off-site, multi-tenant signs. This amendment package includes the following action components:

Chapter 17.78 Signs – Amend existing code to address legally mandated requirements for temporary signage; establish development regulations for electronic message board signs; and, multi-tenant, off-site monument signs.

Environmental Review: Staff is recommending that the Planning Commission determine that the project is *exempt* from further environmental review pursuant to Section 15061(b)(3) of the State CEQA guidelines. A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project is a text amendment to the City’s zoning ordinance and will not result in or otherwise compel any physical disturbance to the existing physical environment.

7. ITEMS FOR DISCUSSION OR ACTION

8. STAFF REPORT

Department Activity Report.

9. COMMISSIONER REPORTS

10. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on August 15, 2016.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk’s Office 865-1601 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PLANNING COMMISSION MINUTES

June 16, 2016

1. Call to Order - The meeting was called to order by Chairperson Shoop at 7:00 PM
2. Pledge of Allegiance - Commissioner Crane
3. Roll Call: Commissioners Present - Stephen Shoop, Wade Elliott, Steve Crane, Doris Vickers and Sharon Lazorko

Commissioners Absent - None
Councilmember Present - Dennis Hoffman
Also present - Scott Friend, Ann Butler, and Janet Wackerman

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments – None

5. APPROVAL OF THE MINUTES FROM April 21, 2016

Upon motion made by Commissioner Vickers and seconded by Commissioner Lazorko, the minutes of April 21, 2016 were approved. The motion carried unanimously. Ayes – Commissioners Vickers, Lazorko, Crane, and Shoop; Noes – None; Absent – Elliott

6. PUBLIC HEARING - None

7. ITEMS FOR DISCUSSION OR ACTION

City Planner Scott Friend brought an amendment to the zoning code for discussion regarding a Supreme Court case (Reed v. the town of Gilbert) There will be no action taken tonight at this meeting, but a public hearing will be scheduled at a later Commission meeting.

Commissioner Elliott responded with a question on amending municipal codes if there could be other implications or opportunities that take place with these changes? City Planner Friend stated there would be an amendment to include multi-tenant pylon signs, and electronic reader board signs that the City Ordinance does not allow at present.

Commissioner Elliott stated for the record that he will be supportive in addressing both multi-tenant pylon signage and electric reader board signage categories in this municipal code review.

Commissioner Vickers asked if the temporary signs that are placed on the pole in front of post office will be addressed. City Planner Friend stated that type of posting is already addressed in the current sign ordinance and is prohibited but not enforced.

Commissioner Crane asked about the enforcement of yard sale signs, odds and ends signs, etc. that don't get picked up. City Planner Friend stated if we see a hazard or receive a complaint the City will pick up the sign.

Commissioner Lazorko asked if hate, profanity, etc. were protected. City Planner Friend stated categorized speech is not protected.

Commission Crane asked if the water tower can be written on. City Planner Friend stated no commercial messages are allowed to be written on public property.

Commission Shoop asked if a non-protected free speech sign is allowed, will there be a definition on what is protected. City Planner Friend stated the court will make the decision on the definition.

8. STAFF REPORT

City Planner Friend stated there is a lot of interest in the property next to the proposed La Quinta Hotel project but no applications have been submitted to date.

A sit down restaurant is proposed for the former Prickly Pear site on Eighth Street; its site plan has been approved. Additionally, the Melton Group is currently working on a streetscape project for Walker Street. There will be community meetings on this project to receive public input.

An application for a seven lot tentative parcel map on Almond Way has been submitted. This property meets the requirements for a parcel map, and does not need to go before the City Council.

City Planner Friend also reported that there has been a spike in City building permits on various plots around town. The noise threshold has been met for the Benson Estates located at Cortina and Newport streets and the residential units are in construction.

A metal RV and boat storage building at the former Peterson Storage on Road 200 has been approved and Little Caesars Pizza will build a trash receptacle pad.

City Planner Friend asked Commissioners to think about the time of day and day of the week that suits them best for meetings. Commissioner Crane asked for Commissioners to be honest about the time they spend traveling to get to the meeting after their workday. This matter will be placed on the next regular agenda for further discussion.

COMMISSIONER REPORTS

Commissioner Lazorko stated the traffic flow on Highway 32 going through town is getting more congested. City Planner Friend stated that the matter is being looked at but is not a traffic alert with Cal-Trans at this time.

Commissioner Shoop stated that the duty of a Commissioner is a liaison role for the citizens of the City; a person that the citizens can share their concerns with to take to the Planning Commission meetings.

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Commissioner Vickers shared her gratitude that the stop sign at the Travel Center on Newville and Commerce Lane has flashing red lights; a safety feature that is well needed at that location.

Commissioners commented that the Dutch Bros. Coffee drive-through has traffic overflow that is becoming a problem on Newville Road. There is not enough road space to handle the flow volume onto the road. City Planner Friend stated the geometrics and adding a crosswalk is being reviewed by Cal-Trans.

Commissioner Elliott welcomed Ann Butler, as Commission Secretary, replacing Janet Wackerman who has been promoted to Accounting Manager.

10. ADJOURMENT - 7:59 PM

Respectfully submitted,

Ann Butler, Secretary

Stephen Shoop, Chairperson



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: August 18, 2016; 7:00 p.m.
Carnegie Center, 912 Third Street, Orland, CA 95963
SUBJECT: **ZCA #2016-02: Temporary Signs**

Summary:

In June of this year, planning staff distributed to the Planning Commission a draft zoning code text amendment to Orland Municipal Code Chapter 17.78, Sign Ordinance. The City Attorney and the City Planner drafted a revision to the City's sign code in response to a recent Supreme Court ruling dealing with the content of signs and local regulation of such.

This item is a public hearing for which action in the form of a recommendation to the City Council is being requested.

Discussion:

A ruling by the U.S. Supreme Court in July of 2015 changed the way local governments may regulate signs and signage within their jurisdiction. Prior to the ruling, a majority of lower federal courts had upheld the idea that cities and counties could enforce a limited number of content-based regulations on signs – regulations relating to the actual content of a sign's message – provided such standards were not intended to either censor or restrict speech. In Reed v. Town of Gilbert (No. 13-502), the U.S. Supreme Court ruled that if a sign has to be read in order to determine if a certain regulation applies, then that regulation is content-based and presumed to be *unconstitutional*. Specifically, the court ruled that “[t]he provisions of a municipality's sign code that impose more stringent restrictions on signs directing the public to the meeting of a non-profit group than on signs conveying other messages are content-based regulations of speech that cannot survive strict scrutiny”.

As a result of this decision, direction was provided to the City Attorney to work with the Planning Department to modify the City's sign code to conform to the court's decision. After reviewing the existing code language, staff identified that the regulations pertaining to temporary signage (e.g. political signs, special event signs, yard-sale signs, realtor signs, etc.) needs to be modified to ensure that all temporary sign types are regulated in the same manner.

Code Modification Summary:

Specific modifications to the Orland Municipal Code are as follows:

- 1) Insertion of a *Findings and Purpose* section at 17.78.020 outlining the intent of the Purposes and Intent of the Section;
- 2) Insertion of an *Applicability and Scope* section at 17.78.030 outlining the parameters of the application and coverage of the Section;

- 3) Minor modifications and new numbering of the *Definitions* section at 17.78.040 making changes to the definitions of “off-site”, “temporary”, “sign” and “temporary” signs;
- 4) Adding new narrative to Section 17.78.050 *General Standards* to add new text as items Q through V;
- 5) Modification of Section 17.78.440 – (existing) *Special and community event signs* to re-title the Section as *Temporary Signs* and making modifications to the general development standards regarding duration of use, types of signs included as temporary, and enforcement; and,
- 6) Modifications to the existing text of the *Exempt Signs* section at 17.78.750 to conform with the modifications to the Chapter.

California Environmental Quality Act:

Staff is recommending that the Planning Commission determine that the project is *exempt* from further environmental review pursuant to Section 15061(b)(3) of the State CEQA guidelines. A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project is a text amendment to the City’s zoning ordinance and will not result in or otherwise compel any physical disturbance to the existing physical environment.

Recommendation:

Staff recommends that the Planning Commission recommend approval of the proposed amendments to Title 17, *Zoning*, of the Orland Municipal Code to the City Council as presented with this report. Staff also recommends that the Planning Commission make a recommendation to the City Council that the proposed action is *exempt* from CEQA review under Public Resources Code Section 15061(b)(3), commonly described as the ‘general rule’ exemption. Staff proposes the following process for the consideration of this matter:

1. Accept report by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Commission; and
4. Motion and vote by the Commission making a recommendation on the draft amendment to the City Council.

If the Planning Commission determines that it is appropriate to take action on the amendment as presented or amended, staff recommends that the Commission make the following motion:

Move that the Planning Commission adopt Planning Commission Resolution 2016-___ recommending that the City Council determine that the proposed project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3); and recommend approval of ZCA#2016-02 to the City Council to amend Title 17, Zoning, by revising Chapter 17.78 Sign Ordinance.

However, if the Planning Commission believes that revisions are necessary to the draft amendment as presented that cannot be addressed during the meeting, it is recommended that the Commission refer the matter back to staff with appropriate direction so that the proposed amendment can be revised.

Attachment(s):

- **Attachment A – Proposed Code Amendment Language (strike/add text version)**
- **Attachment B – CEQA Notice of Exemption**
- **Attachment C – Planning Commission Resolution 2016-___**

Chapter 17.78 - SIGN ORDINANCE

17.78.010 - Authority.

This Chapter is adopted pursuant to the authority vested in the City of Orland and the State of California, including but not limited to: the State Constitution Article XI, Section 5, California Government Code Sections 65000 et seq., 38774, 38775, 65850(b), California Business and Professions Code Section 5230, and Penal Code 556.

17.78.020 - Findings and Purpose.

The City Council finds that unregulated and uncontrolled construction, erection, and lack of maintenance of signage in the City will result in excessive and inappropriate signage that has an adverse impact on the overall visual appearance of the City, which will adversely affect economic values. Unregulated and inappropriate signage can also increase risks to traffic and pedestrians by creating hazards and unreasonable distractions. It is, therefore, necessary to enact sign regulations to safeguard and preserve the health, property and public welfare of Orland residents through control of the design, construction, location and maintenance of signs as an information system, which preserves and enhances the aesthetic character and environmental values of the City of Orland, its residential neighborhoods and commercial/industrial districts consistent with the goals, policies, and strategies of the General Plan while providing an effective means for members of the public to express themselves through the display of signs. Regulations within this Chapter will minimize visual clutter, enhance safety through design and placement of signs, and preserve the aesthetics and character of the community. By adopting this Chapter, the City Council intends to balance the needs of the City's residents, businesses, institutions, and visitors for adequate identification, communication, and advertising with the objectives of protecting public safety and welfare and preserving and enhancing the aesthetic character and environmental values of the community, by:

- A. Encouraging communications that aid orientation and promote economic vitality while preventing visual clutter that will detract from the aesthetic character of the City;
- B. Applying basic principles of good design and sensitivity to community appearance to signage to avoid the creation of nuisances and privacy violations that will degrade the value of surrounding properties;
- C. Enhancing safety by ensuring that signs are designed, constructed, installed, and maintained in compliance with minimum standards necessary to provide adequate visibility and to avoid the creation of hazards or unreasonable distractions for pedestrians or drivers; and
- D. Ensuring that the constitutionally-guaranteed right of free speech is protected.

17.78.030 - Applicability and Scope.

This Chapter regulates signs, as defined herein, that are located or mounted on private property within the corporate limits of the City of Orland, as well as signs located or mounted on public property that is owned or controlled by public entities other than the City of Orland, and over which the City has land use or zoning authority. The provisions set forth in this Chapter shall apply in all zoning districts of the City, except where expressly stated otherwise. No sign within the regulatory scope of this Chapter shall be erected or maintained anywhere in the City except in conformity with this Chapter. This Chapter applies prospectively only. For the regulatory purposes of this Chapter, the following are not within the definition of "sign":

- A. Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);
- B. Symbols embedded in architecture: Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building that is otherwise legal; also includes foundation stones, corner stones and similar devices;
- C. Manufacturers' marks: Marks on tangible products, that identify the maker, seller, provider or product, and that customarily remain attached to the product even after sale;
- D. Certain insignia on vehicles and vessels: on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;
- E. Newsracks and newsstands;
- F. Door mats, floor mats, welcoming mats and similar devices;
- G. Legally placed vending machines displaying only onsite commercial or noncommercial graphics, and drive-up or walk up service facilities such as gas pumps and automated teller machines.
- H. Shopping carts identifying the establishment to which they belong.

17.78.040 - Definitions.

Generally. As used in this title, the following words and phrases shall have the meanings respectively ascribed to them by this chapter. Explanatory diagrams of some of the sign definitions set forth herein are provided at the end of this chapter.

"Advertising surface (facing)" means the entire surface on which any type of letter, figure, emblem, trademark, logo, picture, or other advertising materials is placed, or may be placed

unless otherwise described pursuant to Sections 17.78.052 or 17.78.053 [sic]. For portable signs, the "advertising surface" area of the sign shall be calculated as the full exterior dimensions of the physical sign.

"Appurtenant sign" means a sign pertaining to the business or activity carried on at the premises upon which the sign is located, constructed or erected.

"Awning or canopy" includes any structure made of cloth, metal or other suitable material with a metal frame attached to a building and projecting over a public or private pedestrian walk and supported by the ground or building sidewall.

"Awning/canopy sign" means any advertising of any nature, which is painted, printed, sewed or otherwise attached to an awning or canopy.

"Building" means any structure having a roof supported by columns or by walls and designed for the shelter and housing of any person, animal or chattel, including any underground shelter, swimming pool, or any commercial or industrial structure designed for the sale, storage, or manufacture of anything of value.

"Bulletin board" means a place where people can leave public messages, for example, to advertise things to buy or sell, announce events, or provide information.

"Community event signs" means any temporary signs which are displayed for the purpose of identifying an upcoming community and/or non-profit event, such as a benefit dinner, a home and garden show, a sporting event, or a school theater performance.

"Corner lot" means a lot located and being at the junction to two or more intersecting streets with a boundary line thereof bordering on each of such streets and where such streets intersect at an interior angle of not more than one hundred thirty-five (135) degrees. If the intersection angle is more than one hundred thirty-five (135) degrees the lot is considered an interior lot. The shortest such street frontage shall constitute the front of a rectangular lot for purposes of determining front, side and rear yards. Where the front of a lot differs by the reason of the prevailing custom of the other buildings on the block, the planning director may determine the front lot line consistent with the orientation of other structures in the area.

"Curb line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the director of public works.

"Electrical Code" means the electrical code of the city of Orland.

"Electrical sign" means any sign which is wired to provide current employed in illuminating or animating any part of the sign, except flood lighting.

"Embellishments" means that portion of any sign structure or sign which contains no moving parts, is not animated, nor illuminated, and which contains no advertising copy, nor conveys any portion or all of any advertising message, and is generally located above the message portion of

any sign and is constructed for aesthetic purposes as part of the decorative trim of the design of the overall sign structure.

"Erect" means to build, construct, attach, hang, place, suspend or affix to or upon any surface.

"Face of building" means the general outer surface of a structure or wall of a building facing a street.

"Facing or surface" means the surface of the sign upon, against, or through which the copy or message is displayed or illustrated on the sign.

"Flag signs" means any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle, ~~not including~~ 17.78.

"Frontage" means the full length of a plot of land or a building measured alongside the road on to which the plot or building fronts.

"Hanging sign" means a sign that is hanging from a permanent building canopy or marquee existing over a pedestrian walkway and is sized and located in a manner to service pedestrians using the walkway, advising them of the adjacent use.

"Marquee" means a permanent roofed structure, attached to and supported wholly by the building and projecting over a pedestrian walkway.

"Monument sign" is a freestanding ground mounted sign not exceeding eight feet above ground level.

"Multiple tenant sign" means a sign that includes as copy, only the names of two or more businesses, places, organizations, buildings or persons it identifies.

"Noncommercial sign" means any sign not advertising or promoting a business entity, commercial activity or product for sale and sets forth the ideas or beliefs of the owner or occupant of the property upon which such sign is placed regarding political, sociological, religious, or economic subjects of public interest or general concern.

"Off-site sign" means a sign identifying a use, facility, service, event or product that is not located, sold, held, offered or manufactured on the same premises as the sign. Off-site signs shall not be permitted, except for temporary ~~exempted~~ community event signs per Section 17.78.440.

"On-site sign" means a sign identifying a use, facility, service, or product that is located, sold, and/or manufactured on the same premise as the sign.

"Pole sign" or "post sign" means any advertising of any nature which is wholly supported by one or more pole or posts set in or attached to the ground.

"Portable sign" means any sign which is designed to be portable or readily moveable by a person to identify the location of a business, the sales of merchandise or to advertise an event and which is generally to be located on the ground or on a legal and permanent fixture attached to the ground. Sandwich signs; T-, H-, and A-frame signs; signs with wheels, banner signs, flag signs and similar types of signage are all considered to be portable signs.

"Projecting sign" means any sign other than a wall sign, which is suspended from or supported by any building, pole, post, or structure, which projects outward therefrom.

"Real estate sign" means any sign advertising for sale or lease of the lot or parcel of land upon which it is erected or maintained.

"Roof sign" means any sign of any nature, together with all its parts and supports, which is erected, constructed, or maintained on or above the roof or parapet of any building including wall signs which extend above the roof or parapet of any building. Roof signs are prohibited within the Orland city limits.

"Seasonal signs" means any signs which are displayed in conjunction with an approved use permit for a seasonal event, such as pumpkin patches, Christmas tree lots, and firework displays. Seasonal signs must adhere the conditions of the use permit and to Section 17.78.700 - Prohibited signs, but are otherwise exempt.

"Sign" means any medium including its structure and component parts, which is erected out of doors and which is used or intended to be used to attract public attention of the ~~general public to~~ the subject matter therein, including for advertising purposes together with window signs as defined herein in Section 17.78.650.

"Sign business" means the business of selling, offering for sale, leasing or renting, electric and non-electric signs and includes the business of painting, construction, erection, maintenance or repair of signs upon buildings, fences, windows, posts, structures and surfaces.

"Sniping" means advertising by the pasting, posting, sticking, tacking, hanging, affixing or placing of cloth, paper or cardboard bills, cards or posters, or metal signs, to or upon fences, posts, trees, buildings, structures or surfaces other than outdoor advertising structures. This definition does not include any sign or notice issued by any court or public office or posted by any public officer in performance of a public duty or by a private person in giving a legal notice, or any cloth, paper or cardboard sign advertising for sale or lease the property upon which it stands or any type of sign permitted elsewhere in this title.

"Special event signs" means any temporary signs which are displayed for the purpose of identifying a business, use, service or a special business-related event. Such signs shall not be used for the purpose of advertising specific products. Examples of special events are grand openings, special sales, and moving sales.

"Street" means a public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground or underground.

"Structural trim" means the molding, battens, cappings, nailing strips, latticing, platforms and letters, figures, characters or representations in cut out or irregular form which are attached to the sign structure.

"Temporary signs" ~~means as regulated by this title includes any sign, banner, pennant, valance or advertising display~~ constructed of durable weather-resistant material, such as cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, intended to be displayed on a temporary basis. Regulation of temporary signs is provided in section 17.78.440. ~~for three months or less only. An administrative use permit will be required for all temporary signs to ensure compliance with setbacks.~~

"Use permits or conditional use permits" are conditional use permits as provided in Chapter 17.80 of Title 17 of the zoning ordinance, and shall comply with all procedures and requirements as provided therein.

"Wall" means any exterior surface of a building or any part thereof excluding the roof.

"Wall sign" means any sign of any nature which is attached to or supported by a wall of a building, or painted directly on the wall and shall include all parts and supports of such sign. Signs hanging from a porch or canopy and parallel to the face of the building shall be considered wall signs.

"Window sign" shall mean a sign that is applied or attached to a window or located within two and a half feet of the inside of a window and intended for view by the pedestrian or vehicular traffic.

17.78.050 - General standards.

- A. Total Advertising Surface Limitations. The maximum, total exterior advertising surface permitted is as follows:

Single Use Parcel: One hundred (100) square feet maximum of total sign area for parcels with street frontage less than one hundred (100) linear feet measured from the longest single street frontage. For parcels equal to or greater than one hundred (100) linear feet of street frontage measured from the longest single street frontage: one additional square foot for every ten (10) linear feet of the longest single street frontage of one parcel subject to the other requirements of Chapter 17.78, with the exception of an allowed increase of fifty (50) percent of permitted individual sign area described in Sections

17.78.100 through 17.78.400. This exception does not allow for the increase of accumulated sign area beyond those discussed previously. No combining of multiple parcel street frontages is allowed. Total sign area is not to exceed one hundred and fifty (150) square feet.

Multiple Use Parcel: Two hundred and fifty (250) square feet maximum for lots with street frontage less than one hundred (100) linear feet measured from the longest single street frontage. For lots equal to or greater than one hundred (100) linear feet of street frontage measured from the longest single street frontage: one additional square foot of area for every five (5) linear feet of a street frontage of one parcel subject to the other requirements of Chapter 17.78, with the exception of an allowed increase of fifty (50) percent of permitted individual sign area described in Sections 17.78.100 through 17.78.400. This exception does not allow for the increase of accumulated sign area beyond those discussed previously. No combining of multiple parcel street frontages is allowed. Total sign area is not to exceed three hundred and fifty (350) square feet.

A use permit may be granted by the planning commission to exceed the maximum sign area as provided in Chapter 17.80.

- B. Advertising Surface Calculation. The "advertising surface (facing)" of a sign shall be either the area of the entire sign face, or where individual sign letters and/or other components are mounted individually on a building surface, the area calculated by enclosing the extreme limits of all writing, logo, representation, emblem, or other display within no more than three parallelograms or triangles.
- C. Sphere Calculations. In the case of a sphere of any type, only one-half thereof shall be considered the "advertising surface (facing)" unless the sphere may be observed on all sides by the public, in which event the entire surface area of said sphere shall be considered the "advertising surface (facing)."
- D. Sign Height. No sign shall exceed the building height limits as set forth in each zone district as specified in Title 17 unless the proposed sign qualifies for an exception by use permit pursuant to Chapter 17.80.
- E. Sign Height Above Public Property. Signs projecting over public property, if permitted, shall comply with the minimum standard set forth in the latest edition of the California Building Code and the California Electrical Code. In no event shall the clearance be less than eight feet unless a use permit is obtained.
- F. Illumination of Signs. Illumination of signs shall be permitted; provided, however, when reflectors, flood lights, or spotlights are used, they shall be installed, focused and maintained as to concentrate their illumination upon the sign face or outdoor advertising structure face and shall not cause glare upon the street or adjacent private property or cause sky reflected glare. An administrative permit shall be required for all illumination signs to ensure compliance with city of Orland Municipal Code.

- G. **Electric Signs and Outline Lighting.** All electric signs and outline lighting shall comply with Article 600 of the current edition of the California Building Code. A building permit and approval by the building official is required prior to the installation of any such electrical sign or outline lighting.
- H. **Quasi-Public Uses Identification.** In addition to any other allowed signing, churches, schools, hospitals and other uses of a quasi-public nature, as determined by the planning director, shall be allowed one monument sign and one wall sign. However, the sign permit and the review and approval process shall be required. Said monument sign shall not exceed eight feet in height and the advertising surface shall not exceed twenty-four (24) square feet per side; the wall sign shall not exceed twelve (12) square feet in area. Both types of signs may be internally or externally illuminated.
- I. **Visibility Triangles.** Signs shall maintain a minimum seventy-five (75) foot visibility triangle at street intersections, a minimum thirty-three (33) foot visibility triangle at driveways, shall not be located less than ten (10) feet behind the edge of pavement and shall not be located so as to create a traffic hazard as determined by city staff.
- J. **Engineering Plans Required.** The following signs shall require engineered plans, and the building permit application shall include complete plans and calculations sealed by an engineer or architect registered in the state of California.
1. Canopy and marquee signs, when the area of the face of one sign or the aggregate area of all signs exceeds twenty-five (25) square feet.
 2. Wall signs exceeding fifty (50) square feet in area, except:
 - a. Wall signs constructed of cut-out letters and insignia attached directly to the building and for which no individual letter exceeds fifty (50) square feet in area.
 - b. Any signs painted directly upon the wall of a building.
 3. Ground or pole signs when the area of the face of one sign or the aggregate area of all signs on the sign structure exceeds thirty-five (35) square feet and the structure exceeds six feet in height.
 4. As otherwise required by the city building official.
- K. **Building Code Compliance.** All signs shall be required to meet all stipulations of the Building Code.
- L. **Sign Permits.** All signs, except those exempted by Section 17.78.750, will require an administrative use permit, to be processed by the city planner, with appeal to the city manager, on forms as approved by the eCity of Orland.

- M. Permit Fees. A sign permit fee, to be established by resolution, shall be paid by the applicant upon application for a sign permit.
- N. Flashing Signs. All electrical signs intended to attract attention by any flashing on and off, or simulating any motion through a series of rapid light changes are only allowed in the "C-2" (Community Commercial), "C-H" (Highway Service Commercial), or "P-D" (Planned Development) Zoning Districts and shall require an approved administrative use permit. These signs shall be appropriate to the surrounding environment and shall not cause potential safety issues.
- O. Moving Signs. Signs with movement or moving parts which is generated by electronic means shall be allowed with an approved administrative use permit and engineered plans shall be required. Moving signs shall be evaluated prior to approval to ensure that they will not create a safety hazard.
- P. Marquee Signs. Marquee signs shall be prohibited except for theaters, religious facilities, schools, gasoline pricing signs, restaurants, and hotels/motels. These signs shall be allowed with an approved administrative use permit and shall not be larger than twenty-five (25) square feet. However, these signs may be a maximum of one hundred (100) square feet within six hundred (600) feet of Interstate 5.
- Q. Message Neutrality. It is the City's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
- R. Regulatory Interpretations. All regulatory interpretations of this Chapter are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, then the City shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.
- S. Substitution of Messages. Subject to the property owner's consent, a protected noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over protected noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its

mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message.

T. Property Owner's Consent. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

U. Legal Nature of Signage Rights and Duties. As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.

V. Severance. If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion, which may be held invalid or unenforceable.

17.78.100 – Hanging signs.

17.78.150 – Projecting signs.

17.78.200 – Awning and canopy signs.

17.78.250 – Pole signs.

17.78.300 – Monument signs.

17.78.350 – Multiple tenant signs.

17.78.400 – Wall signs.

17.78.440 – Temporary signs. ~~Special and community event signs.~~

~~Permitting. Special event signage and Community Event signage are subject to the provisions under Sections 17.78.420 and 17.78.430.~~

General Standards.

Temporary signs may be displayed subject to the requirements of this section.

- A. Material. Temporary exterior signs shall be made of a durable weather-resistant material.
- B. Duration. Unless otherwise specified by these regulations, temporary signs may be displayed for a maximum of 45 consecutive days. The total number of days during which all temporary signage may be displayed shall not exceed 90 days per year.
- C. Illumination. Temporary signs shall not be illuminated.
- D. Standards for Specific Temporary Sign Types.
1. Real Estate Signs. One real estate sign, which advertises the sale, rental or lease of the premises is permitted on each parcel frontage as follows:
 - a. Single-family residential zoned parcels, six square foot maximum area per sign.
 - b. Multi-family residential zoned parcels, twelve (12) square foot maximum area per sign.
 - c. Nonresidential zoned parcels, eight square foot maximum area per sign.
 - d. The residential signs shall not exceed six feet in height above the ground, and the nonresidential signs eight feet above the ground.
[Note: this is taken from 17.78.750(B)(1)(a).]
 2. Directional Signs for Open Houses. Notwithstanding any other provision in this Chapter, up to three off-site signs directing the public to "open house" events for the viewing of lots, premises, dwellings or structures that are for sale, lease, or rent, are permitted subject to the approval of the property owner provided they comply with the following standards:
 - a. No sign or signs shall exceed 4 square feet in area, or 3 feet in height from finished grade.
 - b. The sign or signs may not be placed more than 12 hours before the start or remain more than 12 hours after the conclusion of the open house event.
 3. Subdivision Signs. In all zones, a maximum of three unlighted double-faced temporary subdivision signs, not exceeding 40 square feet in area per display face and 15 feet in overall height, may be erected and maintained with a subdivision during sale of the lots. Such signs shall be located within the subdivision and shall be a minimum distance of 300 feet apart from each other. All signs shall be removed at the close of escrow of the model complex houses.

4. Protected Non-Commercial Political and Free Speech Signs. Non-illuminated temporary signs displaying protected non-commercial messages, maximum 4 feet in height, totaling no more than 6 square feet in area may be displayed upon any single property/parcel, with the permission of the property/parcel owner within the city at any time. However, during the period of time beginning 60 days before a general, special, primary or runoff election, and ending 15 days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision. This display area allowance is in addition to that allowed under the message substitution policy. [Different display areas for non-residential property?]

5A. Special Event Signs standards.

- ~~1. Special event signs can include portable signs, banners, flags, pennants, balloons, or other forms of advertising;~~
- ~~2. Signs for special events shall only be temporary signs. No permanent signage is allowed;~~
- a3. Special event signage may be displayed for a maximum of thirty (30) days within a ninety-day period.
- b4. Special event signage shall be prohibited in the public right-of-way, except as permitted in Sections 17.78.420 and 17.78.430;
- c5. Special event signs shall not use, incorporate, or affix materials or accessory attachments not a part of the sign itself (streamers, balloons, wind socks, reflectors, etc.) to increase visibility;
- d6. Special event signs shall not be attached to utility poles, light fixtures, traffic control devices or similar objects;
- e7. Special event signs shall not be placed within a street site visibility triangle area measuring (thirty (30) feet by thirty (30) feet) or in an area where they would in any way block the view of drivers of vehicles or pedestrians when at or approaching intersections or driveways;
- f8. Special event signs shall be located so that they do ~~it does~~ not interfere with pedestrian movement or in a manner that presents a safety hazard to pedestrians or vehicles; ~~and~~.
- i9. Special event signage are is prohibited in residentially zoned property.

6B. Community Event Signs standards:

~~1. Signs for community events shall only be temporary signs. No permanent signage is allowed.~~

a2. Community event signage may be displayed for a maximum of thirty (30) days before the event and must be removed within three days upon event completion.

b3. Except in the mixed use designated commercial downtown area, no community event sign shall be placed on public property or within any public right-of-way.;

c4. No community event sign shall be placed on private property without the permission of the property owner.;

d5. Community event signs shall not use, incorporate, or affix materials or accessory attachments not a part of the sign itself (streamers, balloons, wind socks, reflectors, etc.) to increase visibility.;

e6. Community event signs shall not be attached to utility poles, light fixtures, traffic control devices or similar objects.;

f7. Community event signs shall not be placed within a street site visibility triangle area measuring (thirty (30) feet by thirty (30) feet) or in an area where they would in any way block the view of drivers of vehicles or pedestrians when at or approaching intersections or driveways.;

g8. Community event signs shall be located so that it does not interfere with pedestrian movement or in a manner that presents a safety hazard to pedestrians or vehicles.

E. Enforcement. ~~In addition to all remedies provided in this code, enforcement of The city shall enforce the provisions of this section of the code with enforcement to includes the physical removal of temporary signs by the city that do not comply with the time, place or manner provisions of not legally placed pursuant to this section. In the event that the sign is removed from the public right-of-way due to safety hazard concerns, signs shall be stored by the city for a period of not less than sixty (60) days after which the time the sign may be disposed. Signs that are placed illegally but that are not determined to be safety hazards shall be subject to normal enforcement through the code enforcement process.~~

17.78.450 – Exceptions.

17.78.500 – Federal and state law provisions.

17.78.600 – Sign maintenance and materials.

17.78.650 – Comprehensive sign plan.

17.78.700 – Prohibited signs.

17.78.750 - Exempt Signs.

A. General Compliance Requirements. All signs not expressly exempted by a provision of ~~Section 17.78.650~~ this Chapter shall be subject to the provisions of this code and shall comply with all applicable provisions thereof.

B. Exempt Signs.

1. The provisions and regulations of this title shall not apply to the following signs:

- ~~a. One real estate sign, which advertises the sale, rental or lease of the premises is permitted on each parcel frontage as follows:~~
 - ~~(i) Single family residential zoned parcels, six square foot maximum area per sign;~~
 - ~~(ii) Multi family residential zoned parcels, twelve (12) square foot maximum area per sign;~~
 - ~~(iii) Nonresidential zoned parcels, eight square foot maximum area per sign;~~
 - ~~(iv) The residential signs shall not exceed six feet in height above the ground, and the nonresidential signs eight feet above the ground;~~
- ab. Window signs, the combined total of which do not exceed twenty (20) percent of the window area;
- be. Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions, as part of an approved monument sign;
- cd. Signs denoting the architect, engineer contractor, or financing institution when placed upon work under construction, and not exceeding twelve (12) square feet in area;
- de. Signs placed flat against the facade of a building that identifies the history and name of a building or historic events not exceeding three square feet in area and constructed of bronze, brass, or other like incombustible material;
- ef. Traffic or other municipal signs, legal notices or railroad crossing signs;

- fg. Signs of public service companies indicating danger, and aids to service or safety;
- gh. Signs placed on the interior of a property and not seen from the public right-of-way;
- hi. Gasoline price signs not exceeding twenty (20) square feet per side; with no more than two separate signs per parcel;
- ij. California, United States and other flags not used as general advertising for hire;

jk. Signs placed in parking lots to direct traffic and inform users of parking requirements;

kl. Warning signs to indicate danger or to serve as an aid to public safety or to show the location of public utilities' underground facilities;

~~m. Political signs. These signs shall be removed within the time frame allowed by state and federal law;~~

~~n. Yard sale/rummage sale signs. These signs shall be removed forty eight (48) hours after the sale.~~

lo. Farmers' market signs. City approved farmers' markets are allowed two on-site signs with a maximum area of thirty-two (32) square feet each and two off-site signs with a maximum area of twelve (12) square feet with permission from the property owner. Each vendor may display one temporary sign with a maximum area of twenty square feet. No sign shall be located in the public right-of-way.

2. Ordinary maintenance and repair of an existing conforming advertising structure provided there is no structural modification including repainting with the same colors.

3. Informational window signs shall be exempt as follows:

a. Small non-illuminated informational signs related to the operation of the business located on the windows or glass doors are exempt from these provisions and are not included in the total allowed sign area. Examples of such signs are "open/closed" signs, credit card signs, rating or professional signs, and signs of a similar nature. Only one of each type of sign is allowed, not to exceed one square foot in area per sign with no more than four in number at any individual business.

- b. One neon or other "open" sign is permitted in the window per each street frontage as a sign exempt from the provisions of this title and shall not exceed four square feet in area. The area of the open sign is not included in the total allowed window sign area.

~~4. Temporary signs promoting short term retail sales programs, special products, activities, or events are exempt provided they comply with the following standards:~~

~~a. The sign shall not be displayed for more than ninety (90) days.~~

~~b. No more than one such sign is allowed for each street frontage.~~

~~c. Maximum sign area not to exceed fifty (50) square feet. The area of an inflatable device shall be measured like a sphere as described in Section 17.78.050 and shall not exceed one hundred (100) square feet with an aggregate maximum of two hundred (200) square feet.~~

~~d. If temporary signs are placed in windows, they shall not exceed fifty (50) square feet or twenty (20) percent of the total window and glass door area, whichever is the most restrictive requirement.~~

~~e. Portable signs are not permitted as a temporary sign.~~

C. Fee Exempt Signs. All temporary signs and signs erected by nonprofit or volunteer organizations are exempt from the requirement of paying application and sign permit fees. An application and sign permit for any such sign is required in the same manner as otherwise provided in this title. These signs shall not be displayed for more than ninety (90) days. An extension may be granted upon authorization by the city of Orland planning department.

D. Exempt Parking and Directional Signs.

1. Parking directional signs not exceeding eight square feet per side located in close proximity to driveway entrances are exempt.
2. Directional signs located within a nonresidentially zoned parcel for the purpose of directing vehicular traffic or pedestrians to specific entrances or services at the business facility shall be exempt provided that the face of any such sign shall not exceed eight square feet.

Notice of Exemption

To: ■ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: City of Orland
815 Fourth Street
Orland, CA 95963

■ County Clerk
County of Glenn
526 West Sycamore Street
Willows, CA 95988

Project Title: ZCA #2016-02 – A city-initiated amendment to Title 17, *Zoning* of the City of Orland Municipal Code to address the use of temporary signs within the city of Orland by making modifications to Chapter 17.78, Sign Ordinance of the Orland Municipal Code.

Project Location - Specific: The project is a minor amendment of the Title 17, *Zoning* of the Orland Municipal Code. As an ordinance of the City of Orland, the ordinance affects all properties located in the City of Orland.

Project Location – City: Orland **Project Location – County:** Glenn

Description of Project: An Amendment to Title 17, *Zoning* of the Orland Municipal Code to modify existing guidelines for the use of temporary signs in the City to conform to recent case law requirements promulgated by the U.S. Supreme Court. As proposed, the amendment would revise Chapter 17.78 *Sign Ordinance* to eliminate the classification of temporary sign types by type or message and replace individual signage requirements with a single set of use standards for all temporary signage types.

Name of Public Agency Approving Project: City of Orland

Name of Person or Agency Carrying Out Project: City of Orland

Exempt Status: (*check one*)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number:
- Statutory Exemptions. State code number: §15061(b)(3) General Rule

Reasons why project is exempt: Project is exempt from the California Environmental Quality Act under §15061(b)(3) of the CEQA Guidelines because the proposed action to amend the City’s Zoning Code would not permit new development at a density or intensity in excess of what is permitted at the current time and under current regulations and would not allow for new development methods, techniques or applications that would physically impact the environment. The project would amend the text of the City’s Zoning Code to address discrepancies, omissions or minor modifications in the Orland Municipal Code. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Lead Agency

Contact Person: Scott Friend, AICP Area Code/Telephone/Extension: (530) 865-1608

Signature: _____ Date: _____ Title: City Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: _____

CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2016-__

A RESOLUTION OF THE CITY OF ORLAND PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY MODIFYING CHAPTER 17.78 – SIGN ORDINANCE BY MAKING CHANGES TO THE STANDARDS USED TO REGULATE TEMPORARY SIGNAGE .

WHEREAS, City staff has proposed an amendment to Title 17, *Zoning*, of the City of Orland Municipal Code to modify Chapter 17.78, *Sign Ordinance*, to modify the City's regulations relating to the use of temporary signage; and

WHEREAS, the Planning Commission reviewed the draft amendment to Title 17, *Zoning*, at the Commission's regularly scheduled meeting on August 18, 2016; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the amendments to Title 17, *Zoning*, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

WHEREAS, the Planning Commission determined the proposed amendments to Title 17, *Zoning* meet the standards to qualify as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *General Rule* of the State CEQA Guidelines.

WHEREAS, the Planning Commission has recommended that the City Council approve ZCA#2016-02 as presented on **Attachment A** to this Resolution. (Additions are underlined, deletions are ~~overstruck~~).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt the proposed amendments to Title 17, *Zoning*, of the City of Orland Municipal Code.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC 2016-____, was duly noticed as a public hearing and introduced and considered by the Orland Planning Commission at a regular meeting held on the 18th day of August, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

E. Ann Butler, Clerk of the Planning Commission