

ORDINANCE NO. 1158

**AN ORDINANCE OF THE CITY OF LOS BANOS
AMENDING ARTICLE 28 CHAPTER 3 TO TITLE 9
OF THE LOS BANOS MUNICIPAL CODE
RELATING TO SIGNS**

WHEREAS, The City Council directed the Community and Economic Development Department to review the Sign Ordinance relative to Temporary Signs and Automobile Dealership Signage;

WHEREAS, on September 27, 2017 the Planning Commission conducted a duly noticed public hearing on the proposed ordinance amendment at which time all individuals desiring to comment on the proposed ordinance amendment were heard;

WHEREAS, on September 27, 2017 the Planning Commission adopted Resolution No. 2017-26 recommending that the City Council adopt an ordinance amending the Sign Ordinance relating to Temporary Signs and Automobile Dealership Signage; and

WHEREAS, the City Council conducted a duly noticed public hearing on the recommended changes to the Sign Ordinance on October 18, 2017 at which time all individuals desiring to comment on the proposed amendments were heard.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

Section 1. Section 9-3.2805 Subsection (v) of Article 28, Chapter 3 Title 9 of the Los Banos Municipal Code is amended to read as follows:

Section 9-3.2805 (v) Signs which are Portable, "A" frame and "I" Frame Signs and Reader Board Signs. These signs may be located within the public right-of-way (sidewalk) if placed directly in front of the business displaying the sign and there is a minimum of four (4') feet of clearance on the sidewalk and no blockage of doorways or fire escape exits. In no case may the sign be displayed when a business is closed. "A" frame and "I" frame signs are not to exceed thirty-six (36") inches by twenty-four (24") inches in all Zoning Districts and are required to be professionally designed and constructed of durable materials.

Section 2. Section 9-3.2806 Subsection (f) of Article 28, Chapter 3 Title 9 of the Los Banos Municipal Code is added to read as follows:

Section 9-3.2806 (f) Banana flags/banners, feather flags/banners, teardrop flags/banners are prohibited.

Section 3. Section 9-3.2818 of Article 28, Chapter 3 Title 9 of the Los Banos Municipal Code is retitled and amended to read as follows:

Section 9-3.2818. Temporary Signs (other than window) and Windblown Devices.

(a) Temporary signs are those signs and/or advertising devices on private property in conjunction with an event or sale, designed to be displayed for a short period of time and not permanently affixed to a building or property, including but not limited to:

- (1) Windblown devices and signs whose movement is designed to attract attention, such as strings of pennants, clusters of flags, streamers, balloons or other inflated objects, or reflective attachments to sign faces;
- (2) Banners; and
- (3) Other temporary signs or temporary advertising devices.

(b) Banana flags/banners, feather flags/banners, teardrop flags/banners, and blimps are prohibited.

(c) Signs and or advertising devices allowed by this Section shall be displayed for a maximum of ten (10) consecutive days four (4) times each calendar year a minimum of forty five (45) days apart.

(d) Windblown devices, inflated devices, and signs whose movement is designed to attract attention, such as strings of pennants, clusters of flags, streamers, balloons or other inflated objects, must be located entirely on private property and be a minimum of five (5') feet behind the public right-of-way outside of vision triangles and shall not extend into or be allowed to move into the public right of way or exceed twenty-five (25') feet in height measured from the ground (but in no event extend above the roof line). No more than one of these devices will be allowed for every fifty (50') feet of street frontage or portion thereof on any property. These devices shall be fastened securely to a wall or ground mounted pole, anchor, or similar structure. These devices shall not be fastened to any landscaping/tree, fence or retaining wall.

(e) Banners shall be located entirely on private property, outside of vision triangles and shall not extend into or be allowed to move into the public right-of-way and be a minimum of five (5') feet behind the public right-of-way outside of vision triangles and shall not extend into or be allowed to move into the public right of way or exceed twenty-five (25') feet in height measured from the ground (but in no event extend above the roof line). No banner shall be located closer than ten (10) feet to another banner. No more than one banner will be allowed for every fifty (50') feet of street frontage or portion thereof on any property. Banners shall be made of durable fabric intended for outside use. Banners shall be a maximum of thirty (30) square feet in size. Banners shall be fastened from the top and bottom to a wall or ground mounted pole, anchor, or similar structure. Banners shall not be fastened to any landscaping/tree, fence or retaining wall.

(f) Other temporary signs or temporary advertising devices must be located entirely on private property and be a minimum of five (5') feet behind the public right-of-way outside of vision triangles and shall not extend into or be allowed to move into the public right of way or exceed twenty-five (25') feet in height measured from the ground (but in no event extend above the roof line). No more than one of these devices will be allowed for every fifty (50') feet of street frontage or portion thereof on any property.

(g) The Community and Economic Development Director review and approval is required for all temporary signs and windblown devices, inflated devices, and banners permitted by this Section. The Community and Economic Development Director may impose reasonable conditions to mitigate any potential adverse effects on the neighborhood or surrounding area when such restrictions are deemed necessary in the interest of public health and safety.

(h) The decision of the Community and Economic Development Director or designee may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this chapter.

Section 4. Section 9-3.2819 subsection (j) of Article 28, Chapter 3 Title 9 of the Los Banos Municipal Code is added to read as follows:

(j) Subdivision Model Home Directional Blimps (Temporary/On-Site). One helium or air filled blimp may be used on Saturdays and Sundays, for subdivisions/residential developments with open model homes, under the following conditions:

- (1) The subdivision shall have three (3) or more model homes open to the public.
- (2) The blimp shall not be more than twenty (20') feet in length.
- (3) The blimp shall not be flown higher than one hundred fifty (150') feet and shall be flown above the model homes.
- (4) The blimp may be flown only when the model homes are open to the public and only between the hours of 8am and 7pm on Saturdays and Sundays.

- (5) No more than one (1) blimp per subdivision.
- (6) The blimp shall be made of durable materials designed for outside use.
- (7) The blimp must be tethered securely to an anchor on subdivision property.
- (8) The blimp shall not be fastened to any landscaping/tree, fence or retaining wall.

Section 5. Section 9-3.2819.1 of Article 28, Chapter 3 Title 9 of the Los Banos Municipal Code is added to read as follows:

Section 9-3.2819.1 Automobile Dealership Signage.

(a) **Purpose.** Automobile dealerships, due to the nature of their operations which include large outdoor sales areas, the need for site identification to compete on a regional basis, and importance as significant economic resources to the City, warrant and require signs which is unique and separate from other uses within the City. The following regulations shall apply only to automobile dealerships where the principal use is the sale of new and used cars. The purpose of his section is to allow auto dealership signage that will provide flexibility while maintaining project identification that is visible, adequate, safe and noticeable to the motoring public from surface streets and highways.

(b) **Definitions.** Auto dealership"- means a new or used car sales establishment whose primary use is for the outdoor display and sales of new and used automobiles and trucks, which may engage in secondary activities, including parts sales and repair service on a single parcel/ site or multiple adjacent parcels/ sites. The term does not include establishments for which the sale of vehicles is an incidental or secondary use.

(c) **Permitted Signage/Advertising Devices.** In addition to signage allowed by this Article the following additional types of signs/advertising devices are permitted for auto dealerships:

(1) Pole banners, consisting of vertical fixed panels mounted at the top and bottom with brackets on light standards or poles, according to the following criteria:

- (A) No more than one per permanent light standard or pole, or two (2) if directly opposite each other.
- (B) May not exceed sixty (60) square feet in total area.
- (C) Must have a minimum vertical clearance of eight feet (8').
- (D) May not extend above the top of the light standard or pole it is attached to.
- (E) Shall be located entirely on private property outside of vision triangles and shall not extend into or be allowed to move into the public right of way.
- (F) Shall not be permitted off site or on public utility poles.

(2) Sno-cones/fan display pole banners, according to the following criteria:

- (A) No more than one per permanent light standard or pole.
- (B) May not exceed eight feet (8') in height and four feet (4') in width.
- (C) May not extend above the top of the light standard or pole it is attached to.
- (D) Must have a minimum vertical clearance of four feet (4').
- (E) Shall be located entirely on private property outside of vision triangles and shall not extend into or be allowed to move into the public right of way.
- (F) Shall not be permitted off site or on public utility poles.

(3) Flags (nongovernmental), according to the following criteria:

- (A) No more than twenty-four (24) square feet in area per flag.
- (B) No more than one flag per permanent light standard or pole.
- (C) Shall be located entirely on private property outside of vision triangles and shall not extend into or be allowed to move into the public right of way.
- (D) Shall not be permitted off site or on public utility poles.
- (E) Banana flags/banners and/or feather flags/banners and/or teardrop flags/banners are prohibited.

(d) **Concentration.** Each auto dealership may display a maximum of one pole banner, sno-cones/fan display pole banners, and /or flag, permitted by this Section for every thirty lineal feet of street frontage or every four hundred square feet of outside auto display area whichever is greater.

(e) **Maintenance.** All signs/advertising devices permitted by this Section shall be maintained in good condition at all times and shall be of durable fabric intended for outdoor use. Any sign/advertising device that is faded, torn or otherwise determined by the Community and Economic Development Director to not be in good condition shall be removed immediately upon request.

(f) **Review and Approval Process.** The Community and Economic Development Director review and approval is required for all signage and advertising devices permitted by this Section. The Community and Economic Development Director may impose reasonable conditions to mitigate any potential adverse effects on the neighborhood or surrounding area when such restrictions are deemed necessary in the interest of public health and safety.

(g) **Appeal.** The decision of the Community and Economic Development Director or designee may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this chapter.

Section 6. Section 9-3.2822.1 of Article 28, Chapter 3 Title 9 of the Los Banos Municipal Code is added to read as follows:

Section 9-3.2822.1 Sign Alterations, Minor Adjustments.

(a) **Purpose.** The Director may grant minor adjustments in order to prevent unnecessary hardships which would result from a strict and literal interpretation and enforcement of certain regulations required by this chapter. A practical difficulty or unnecessary hardship may result from the size, shape, or dimensions of a site or the location of existing structures on the site, from geographic, topographic, or other physical conditions on the site, or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity which would affect the placement of signs on the site or structure.

(b) **Exception purposes.** The Director may grant a minor adjustment if it can be demonstrated that an exception is necessary to facilitate an improved aesthetic relationship between the signs and the structures upon which they are mounted, or to overcome an unusual site condition.

(c) **Procedure.** All minor adjustments for signs shall be referred to the Director where the applicant desires one or more adjustments from the requirements of this chapter. The Director may allow adjustments within the limits listed in this section. Appropriate findings, consistent with Section 9-3.2323 of this chapter, shall be made a part of the granting of the adjustment. The Director may in his or her sole discretion require the applicant to process the adjustment as a use permit requiring a public hearing before the Planning Commission.

(1) Sign area.

(A) Total amount of adjustments is limited to twenty-five percent (25%) of the allowed sign area.

(2) Sign height.

(A) Total amount of adjustments is limited to twenty-five percent (25%) of the allowed sign height.

(3) Transfer of sign area.

- (A) To overcome a disadvantage because of an exceptional setback between the street and the sign or orientation of the sign location;
- (B) To achieve an effect which is essentially architectural, graphic art, or sculptural and which, in the opinion of the Director, enhances the sign and site's development;
- (C) To permit more sign area in a single sign than is allowed, but less than the total allowed for the entire site, where a more orderly and concise pattern of signs will result;
- (D) To allow a sign compatible with other conforming signs in the vicinity;
- (E) To establish the allowable amount and location of signs when no street frontage exists or when, because of an unusual parcel shape (e.g., a flag lot), the street frontage is excessively narrow in proportion to the average width of the parcel; and
- (F) To allow sign area to be transferred to a street building frontage when the main entrance does not face the street.

(4) Alternative sign locations.

- (A) On site. To transfer allowed signage from a structure wall to an allowed freestanding sign based upon the finding that the alternative location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or parking lot or an exceptional setback;
- (B) Parcels not fronting on any street. Under sign review, approval may be given for the placement of a sign on an access easement to a parcel not having street frontage, at a point where viewable from the adjoining public street; and
- (C) Other. Alternative locations may be granted in order to further the intent and purpose of this chapter or where normal placement would conflict with the architectural design of a structure, including transfer of sign area on the same building.

(5) Alternative types of signs.

- (A) To facilitate compatibility with the architecture of structures on the site and improve the overall appearance of the site.

(d) **Conditions.** The Community and Economic Development Director may impose reasonable conditions to mitigate any potential adverse effects on the neighborhood or surrounding area when such restrictions are deemed necessary in the interest of public health and safety.

(e) **Appeals.** The decision of the Community and Economic Development Director or designee may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this chapter.

Section 7. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 8. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 9. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

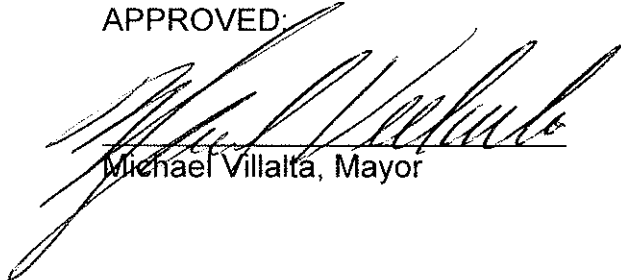
Section 10. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Lewis and seconded by Council Member Silveira on the 18th day of October, 2017.

Passed on the 1st day of November , 2017 by the following vote:

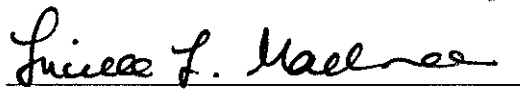
AYES: Council Members Faria, Johnson-Santos, Lewis, Silveira,
Mayor Villalta
NOES: None
ABSENT: None

APPROVED:



Michael Villalta, Mayor

ATTEST:



Lucille L. Mallonee, City Clerk