

Article IX. Zoning Regulations for Off-Site Outdoor Advertising Structures.

Sec. 26.9.1. Application of Article.

This Article shall apply to all commercial Outdoor Advertising Structures within the City that are not located on the same Lot as the goods or services being advertised. This Article does not apply to on-site or noncommercial Outdoor Advertising Structures. All legally established off-site commercial Outdoor Advertising Structures existing on the effective date of this Ordinance that are not in compliance with the requirements of this Article are Legal Nonconforming Uses. (Ord. No. 1227, § 2.)

Sec. 26.9.2. Development Agreement Required.

The installation, construction, modification, or replacement of any Outdoor Advertising Structure is permitted in the I Zone and all Overlay Zones, with the exception of the Housing Overlay Zone, subject to the approval of a Development Agreement between the City and applicant, with appropriate standards and terms to be negotiated with the City, and complying with all other conditions imposed by this Article. (Ord. No. 1227, § 2.)

Sec. 26.9.3. General Conditions.

Sec. 26.9.3-1. Sign Dimensions.

(a) The sign face of an Outdoor Advertising Structure shall not exceed eight hundred fifty (850) square feet in area, including the border and trim, but excluding the base or apron supports and other structural members.

(b) Cutouts and other special advertising features or additions to a sign face shall not project more than five (5) feet above the maximum height limit.

(c) Bi-directional or double-faced signs shall be located on the same Outdoor Advertising Structure. For parallel double-faced signs, the distance between sign faces shall not exceed eight (8) feet. (Ord. No. 1227, § 2; Ord. No. 1242, § 2, Exh. A.)

Sec. 26.9.3-2. Structure Design and Materials. Each Outdoor Advertising Structure shall have no more than two poles, and shall be constructed of noncombustible material. (Ord. No. 1227, § 2.)

Sec. 26.9.3-3. Maximum Height. The overall height of each Outdoor Advertising Structure shall not exceed thirty-five (35) feet, exclusive of cutouts or special additions, measured from the higher of either:

(a) The finished grade of the roadway adjacent to the Lot on which the Outdoor Advertising Structure is located and from which the advertising display is to be viewed, or

(b) The finished grade of the base of the Outdoor Advertising Structure. (Ord. No. 1227, § 2.)

Sec. 26.9.3-4. Location. The location of the Outdoor Advertising Structures shall be restricted as follows:

(a) An Outdoor Advertising Structure shall not be located within any required setback area of the Zone or Overlay Zone in which the Outdoor Advertising Structure is located.

(b) Outdoor Advertising Structures shall not be located within five (5) feet of any Building or within ten (10) feet of any Lot line.

(c) Outdoor Advertising Structures with Digital or Static Displays that are located within two hundred (200) feet of the edge of the Right-of-way of the I-710 freeway and are designed to be primarily viewed from the I-710 freeway are subject to the following standards:

(1) An Outdoor Advertising Structure with a Digital Display that is located within two hundred (200) feet of the edge of the Right-of-way of the I-710 freeway and designed primarily to be viewed from the I-710 freeway shall not be located within five hundred (500) feet of another Outdoor Advertising Structure with a Static Display located on the same side of the freeway or within one thousand (1,000) feet of another Outdoor Advertising Structure with a Digital Display located on the same side of the freeway and designed to be oriented toward the freeway; and

(2) An Outdoor Advertising Structure with a Static Display that is located within two hundred (200) feet of the edge of the Right-of-way of the I-710 freeway and designed primarily to be viewed from the I-710 freeway shall not be located within five hundred (500) feet of any another Outdoor Advertising Structure located on the same side of the freeway and designed to be oriented toward the freeway.

(3) Notwithstanding Sec. [26.9.3-3](#), the overall height of each Outdoor Advertising Structure shall not exceed fifty (50) feet, exclusive of cutouts or special additions, such height to be measured in the same manner as in Sec. [26.9.3-3](#).

(d) Outdoor Advertising Structures constructed after the effective date of this Ordinance and not oriented towards the I-710 freeway shall not be located within two thousand five hundred (2,500) feet of another Outdoor Advertising Structure.

(e) Outdoor Advertising Structures existing on the effective date of this Ordinance may not be replaced unless they are in conformity with the dimension, height, and location requirements specified herein.

(f) For purposes of this Article, measurements shall be made along the edge of the Street from which the display on the Outdoor Advertising Structure is designed to be primarily viewed, from a line perpendicular to the centerline of that Street passing through the nearest edge of the existing sign, to a line perpendicular to the centerline passing through the nearest edge of the proposed Outdoor Advertising Structure, as shown in [Diagram 26.9.3-4](#) Measurement for Outdoor Advertising Structures.

 **DIAGRAM 26.9.3-4**

(Ord. No. 1227, § 2; Ord. No. 1235, § 5; Ord. No. 1242, § 2, Exh. A.)

📖 *Sec. 26.9.3-5. Prohibited Outdoor Advertising Structures.* The following types of signs shall not be permitted:

(a) Any form of movement, animation, or the appearance of an optical illusion of movement, oscillating or rotating sign, or any other design intended to attract attention through movement or the semblance of movement of the whole or any part of the sign or any other method or device that suggests movement, except such movement of a permitted Digital Display associated with changing from one message to another; or

(b) Inflatable objects; or

(c) Flashing signs, containing illuminated light or other devices which are intermittently on and off, which change in intensity, or which create the illusion of flashing in any manner; or

(d) Obscene or pornographic signs. (Ord. No. 1227, § 2.)

📖 *Sec. 26.9.3-6. Safety and Appearance.*

(a) No Outdoor Advertising Structure, including its supporting structure and lighting, shall present any hazard to the safety of pedestrian or vehicular traffic by obstructing the flow of such traffic, obstructing the sight lines required for the safe movement of pedestrian or vehicular traffic, interfering with the visibility and effectiveness of any traffic control or warning device, or in any other manner as determined by the Director.


(b) All signs shall be designed and maintained to be compatible with the design and materials used in the structure on which the sign is located.

(c) No sign face or sign area shall be added to an existing sign unless within a permanent frame or panel indicated for such purpose on approved plans for the total sign structure.

(d) All signs shall be maintained in good condition and working order, as determined by the Director, and free of graffiti, peeling paint, faded colors, and broken and damaged materials.

(e) All signs must have the sign owner's name, address and telephone number conspicuously and permanently attached on the exterior of the sign.

(f) The images on Digital Displays shall not change more than once every eight (8) seconds. The images shall change instantaneously, with no special effects or video. The brightness of the sign shall be such that the difference of ambient light measurement and the operating sign light turned on to full white copy shall be no greater than 0.3 foot-candles when measured from a distance as determined in the Development Agreement. (Ord. No. 1227, § 2.)

 *Sec. 26.9.3-7. Political Signs.* Political signs are permitted in the I Zone and all Overlay Zones as follows:


(a) All of the terms of this Article IX apply to political signs, except that signs pertaining to a particular election do not require a Conditional Use Permit.


(b) All political signs pertaining to a particular election shall be removed within ten (10) days after the date of the election.

(c) The candidate, committee, or any other authorized Person posting political signs shall ensure that all signs include the name, address, and the required committee identification number of the campaign or political organization, if any.

(d) If the Director finds that any political sign has been posted or is being maintained in violation of the provisions of this Section, the Director may cause said sign to be removed without prior notice.

(e) Any political sign that remains posted for more than fourteen (14) days after the election to which it pertains shall be deemed abandoned. (Ord. No. 1227, § 2.)

 *Sec. 26.9.3-8. Continuation of Nonconforming Signs.* Every nonconforming Outdoor Advertising Structure may remain in use unless and until it has been deemed to be abandoned, as described in this Section [26.9.3-8](#), "Continuation of Nonconforming Signs." For purposes of this Chapter, an Outdoor Advertising Structure shall be deemed to have been abandoned if no copy appears on the sign for a period of at least one hundred and eighty (180) consecutive calendar days, or it is otherwise relatively clear that the sign has been forsaken or deserted; provided, however, that political signs shall be deemed abandoned as set forth in Section [26.9.3-7\(e\)](#). (Ord. No. 1227, § 2.)

 *Sec. 26.9.3-9. Abandoned Outdoor Advertising Structures.* All nonconforming Outdoor Advertising Structures that have been abandoned shall be brought into full conformity with this Article or be removed, without amortization or compensation. If an abandoned Outdoor Advertising Structure is in violation of the location requirements, it shall be removed. The

Director may cause any abandoned signs and any signs which constitute an immediate peril to persons or property to be removed summarily and without prior notice. (Ord. No. 1227, § 2.)

Article X. Zoning Regulations for Drive-through and Drive-up Facilities.

Sec. 26.10.1. Purpose.

This Section provides locational and operational guidelines for retail trade or service uses providing drive-through and drive-up facilities to ensure that the facilities are designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, pedestrian safety, traffic, and unsightliness. (Ord. No. 1227, § 2.)

Sec. 26.10.2. Application of Article.

The Article shall apply to drive-through and drive-up facilities. (Ord. No. 1227, § 2.)

Sec. 26.10.3. General Conditions.

Sec. 26.10.3-1. Inwardly focused. Drive-through aisles should be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible. (Ord. No. 1227, § 2.)

Sec. 26.10.3-2. Pedestrian walkways. Pedestrian walkways (including ADA access areas) should not intersect the drive-through access aisles, but where they do they shall have clear visibility and be emphasized by enhanced paving or markings. (Ord. No. 1227, § 2.)

Sec. 26.10.3-3. No reduction in off-street parking. The provision of drive-through and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces. (Ord. No. 1227, § 2.)


Sec. 26.10.3-4. Accommodation of waiting vehicles.

(a) Drive-through access aisles should provide sufficient space before the menu board to accommodate at least five waiting vehicles and at least five waiting vehicles between the menu board and the drive-up service window.

(b) Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls or pedestrian access.


DIAGRAM 26.10.3-4(a). Accommodation of Drive-through Vehicles


(Ord. No. 1227, § 2.)


 *Sec. 26.10.3-5. Menu and preview boards.* Menu and preview boards may only be installed in compliance with all of the following requirements.

(a) As practical, visibility of outdoor menu and preview boards should be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.

(b) Any proposed carhop and/or walk-up menu boards shall not exceed four square feet in area. (Ord. No. 1227, § 2.)

 *Sec. 26.10.3-6. Noise.* Amplification equipment (e.g., speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses. Noise standards in [Table 26.4.1-7\(b\)\(2\)](#) Noise Standards shall apply to any amplification equipment. (Ord. No. 1227, § 2.)

 *Sec. 26.10.3-7. Prevention of headlight glare.* Each drive-through aisle should be appropriately screened with a combination of landscaping, low walls, and/or berms maintained at a minimum height of three feet to prevent headlight glare from impacting adjacent streets, adjoining properties, and parking lots. (Ord. No. 1227, § 2.)

 *Sec. 26.10.3-8. Wall required when adjoining residential uses.* A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use. The design of the wall and the proposed

construction materials shall be subject to review and approval through the Site Plan and Design Review process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway. (Ord. No. 1227, § 2.)

📖 **Article XI. Enforcement.**

📖 **Sec. 26.11.1. Application of Article.**

This Article provides for the enforcement of penalties in the case of violation of any of the terms or provisions of this Chapter and of any permit or right or exception granted hereunder. The enforcement rights set forth herein are in addition to those provisions of the Code that also specifically set forth the City's rights of enforcement and remedies available to the City. All of the provisions of the Chapter of the Code setting forth enforcement rights and remedies shall apply to any violation of any of the terms or provisions of this Chapter and of any permit or right or exception granted hereunder. (Ord. No. 1227, § 2.)

📖 *Sec. 26.11.1-1. Violation.* It is unlawful for any Person to violate any term or provision of this Chapter or any part hereof or any permit, license, or exception granted hereunder, or to fail to comply with any order or regulation made hereunder. Whenever a violation occurs, the violation shall include not only the act or omission constituting the violation, but it shall also include causing, allowing, permitting, aiding, abetting, suffering, withholding, or concealing the fact of such act or omission, or destroying or tampering the evidence associated with the act or omission. The provisions of this Chapter and all permits and rights granted hereunder shall apply to any Person, whether or not the Person was the original owner of the property or applicant for the permit, right, exception, or approval, and whether the Person is the owner, lessee, licensee, agent, or employee, if the Person has notice of the terms and conditions of the permit or approval. (Ord. No. 1227, § 2.)

📖 *Sec. 26.11.1-2. Criminal and Civil Enforcement.* The City may enforce violations as a criminal (infraction or misdemeanor), civil, or administrative action, or any combination thereof. Any Person who violates any term or provision of this Chapter or any part hereof or any permit, license, or exception granted hereunder, or who fails to comply with any order or regulation made hereunder is guilty of a misdemeanor; provided, however, that in the sole discretion of the City Attorney's office, a violation may be prosecuted as an infraction where the City Attorney's office has determined that such action would be in the best interest of justice. The City Attorney may specify in the citation, accusatory pleading, or by amendment during the prosecutorial process that the matter will be prosecuted as an infraction. Any Person who has violated any term or provision of this Chapter or any part hereof or any permit, license, or exception granted hereunder, or has failed to comply with any order or regulation made hereunder shall be subject to the criminal, civil, and administrative penalties set forth in the Code and otherwise provided by law. (Ord. No. 1227, § 2.)

📖 *Sec. 26.11.1-3. Continuing Violations.* A Person is guilty of a separate offense for each and every day, or any portion thereof, during which there is any violation or failure to comply as described in this Section 26.11.1, "Application of Article," et seq. that is committed, continued, permitted, or allowed by such Person. (Ord. No. 1227, § 2.)

📖 *Sec. 26.11.1-4. Voiding of Permit, Certificates, and Licenses.* Any permit, certificate, or license issued in conflict with the provisions of this Chapter shall be void. (Ord. No. 1227, § 2.)

📖 *Sec. 26.11.1-5. Public Nuisance.* In addition to the penalties herein provided, any condition caused, or permitted to exist, in violation of any of the provisions of this Chapter or any part hereof or of any permit, license, or exception granted hereunder, or in violation of any order or regulation made hereunder is hereby declared to be unlawful and a public nuisance, and may be summarily abated as such by this City, and shall further be subject to injunctive relief granted by any court of competent jurisdiction. Each day or portion of a day that such condition continues shall be regarded as a new and separate offense. (Ord. No. 1227, § 2.)

📖 *Sec. 26.11.1-6. Remedies.* All remedies permitted under this Chapter or the Code shall be cumulative and not exclusive. Conviction and punishment of any Person hereunder shall not relieve such Person from the responsibility of correcting prohibited conditions or removing prohibited Buildings, structures, or improvements, and shall not prevent the enforced correction or removal thereof. Nothing in this Article shall prevent the City from using one or more other remedies to address violations of this Chapter. (Ord. No. 1227, § 2.)

Sec. 26.11.1-7. Responsibility. The Director shall have principal responsibility for monitoring and enforcing the conditions and standards imposed on all land use standards and entitlements granted by the City pursuant to this Chapter. In accordance with the provisions of California Penal Code Section 836.5(a), employees of the Department of Public Works, as directed and designated from time to time by the Director, are hereby authorized to issue citations for violations of this Chapter. The procedures to be followed for the issuance of said citations are those that are or may be authorized from time to time by provisions of the California Penal Code. (Ord. No. 1227, § 2; Ord. No. 1240, § 2.)

📖 *Sec. 26.11.1-8. Enforcement.* In addition to any other remedy provided for in this Code or otherwise by law, the Director may take any or all of the following actions for any violation of this Chapter or of the terms and conditions of any permit or approval that may be provided for in this Chapter:

(a) Institute proceedings to revoke or suspend any permit or approval, including, without limitation, a Variance, Conditional Use Permit, Minor Conditional Use Permit, or Temporary Use Permit;

(b) Revoke the business license held by any violator in accordance with the provisions of [Chapter 5](#), “Business License Taxes and Other City Tax,” Section [5.68](#), “Revocation and suspension of licenses – hearing”;

(c) Impose an enforcement fee as provided for in Section [26.11.1-9](#), “Enforcement Fees”;

(d) Cause to be issued an administrative citation or compliance order as provided for in the Code;

(e) Institute proceedings against a Person with multiple violations of the Code for “unfair business practices” under California Business and Professions Code Section 17200;

(f) Request that the City Attorney take appropriate enforcement action. Referral by the Director is not a condition precedent to any enforcement action by the City Attorney. (Ord. No. 1227, § 2.)

📖 *Sec. 26.11.1-9. Enforcement Fees.*

(a) An enforcement fee may be imposed by the City against each Person who has violated the provisions of this Chapter or the terms and conditions of any permit, license, exception, or approval that has been provided pursuant to this Chapter. The purpose of this fee is to recover the costs of enforcement from any Person who violates the provisions of this Chapter or any permit, license, exception, or approval granted hereunder. The City Council shall establish the enforcement fees by Resolution, and may, from time to time, amend such fees.

(b) The Director shall cause to be issued a notice imposing fees under this Section. The notice shall provide that the fee shall be due and payable within fifteen (15) days from the date of the notice. A penalty of ten percent (10%) per month shall be added to any fees that have not been paid when due.

(c) Any person upon whom fees have been imposed pursuant to this Section may appeal the action in accordance with the following procedure:

(1) A notice of appeal shall be filed with the Director within ten (10) days of the date of the notice.

(2) At the time of filing the notice of appeal, the appellant shall deposit with the City Treasurer money in the amount of all fees due. If, as a result of the hearing, it is determined that the City is not entitled to all or a portion of the money, the City shall refund to the Person all or a portion of the money deposited.

(3) The City Council shall hold a hearing on the appeal within sixty (60) days of the date of filing of the appeal. The City shall give the appellant at least five (5) days notice of the time and place of the hearing. The City Council shall render a decision within fifteen (15) days of the date of the hearing. The hearing may be continued if additional information is required in order to allow the City Council to render a decision. The purpose of the hearing shall be limited to whether or not the violation occurred.

(4) The decision of the City Council shall be final except for judicial review.

(5) Any notice issued pursuant to this Section shall set forth the appeal rights as provided for in this Section. (Ord. No. 1227, § 2.)

 *Sec. 26.11.1-10. Business License Revocation or Suspension.*

(a) Notwithstanding any other provision of this Code, the Director may suspend a business license for thirty (30) days or less, or may revoke a business license issued pursuant to this Code, if the holder of such business license has violated the provisions of this Chapter or the terms and conditions of any permit or approval issued hereunder, in accordance with the procedure set forth in this Section.

(b) Upon being notified of a second violation of this Chapter, or the terms and conditions of any permit or approval granted hereunder, within a three (3) year period from the date of the first violation, the Director shall notify the Person that a third violation within such three (3) year period may result in the suspension or revocation of the Person's business license.

(c) Upon being notified of a third violation of this Chapter, or the terms and conditions of any permit or approval granted hereunder within a three year period from the date of the first

violation, the Director may notify the Person of the revocation or suspension of the Person's business license.

(d) Any notice of revocation or suspension issued pursuant to this Section shall be final upon the expiration of the appeal period if no appeal is timely filed or upon the decision of the City Council if an appeal is filed.

(e) Any Person may appeal the suspension or revocation of the business license in accordance with the following procedures:

(1) A notice of appeal shall be filed with the Director within fourteen (14) days from the date of the notice of revocation or suspension.

(2) The City Council shall hold a hearing on the appeal within sixty (60) days of the date of the filing of the appeal. The City Council shall give the appellant at least ten (10) days notice of the time and place of the hearing. The City Council shall render a decision within fifteen (15) days of the date of the hearing.

(3) The decision of the City Council shall be final except for judicial review.

(4) Any notice revoking or suspending a business license pursuant to this Section shall set forth the appeal rights as provided for in this Section. (Ord. No. 1227, § 2.)