
COUNTY OF SAN LUIS OBISPO

SIGN ORDINANCE UPDATE PUBLIC REVIEW DRAFT (CLEAN)



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Please submit comments on the Public Review Draft to Kimmie Nguyen, by Friday, April 17th, 2020. Comments may be submitted by e-mail or mail (County Planning and Building, ATTN: Kimmie Nguyen).

Introduction

The following are proposed amendments to the County's sign regulations (located in Title 22 and Title 23), in order to be consistent with federal law regarding content neutrality and protect the First Amendment right of free speech. In 2015, the U.S. Supreme Court ruling in *Reed v. Town of Gilbert* limited the ability of local governments to regulate signs on the basis of their content or message. For a local ordinance to be considered content-neutral, regulations should be based on the "time, place, and manner" of a sign, rather than the message the sign conveys.

In this legal case, the Town of Gilbert, Arizona provided different standards for political signs, ideological signs, real estate signs, and others. A local church, Good News Community Church, placed temporary signs in public right-of-way to direct visitors to worship services, which were held at different venues every week. Gilbert staff enforced the sign ordinance by removing the church's temporary signs, which exceeded the display time limit and did not provide the date of event, as required. Meanwhile, other types of temporary signs – such as those with political or commercial messages – were allowed by the sign ordinance to be displayed on a larger area, and for a longer period of time. The church's pastor, Clyde Reed, filed a lawsuit and a challenge to Gilbert's sign ordinance, which was heard by the U.S. Supreme Court in 2015. In the final decision, all nine Supreme Court justices agreed that the Town of Gilbert, Arizona's sign ordinance failed to meet the content neutrality requirement of the First Amendment.

Most local sign ordinances, like the Town of Gilbert's, place different restrictions on a sign depending on what it says – giving commercial, political, and ideological speech vastly unequal treatment, depending on the jurisdiction. The Sign Ordinance Update aims to amend the County's regulations to be constitutionally sound and legally defensible, while protecting the community's visual character.

Summary of Proposed Amendments

The proposed amendments represent a targeted approach to come into alignment with the content neutrality requirement of *Reed v. Gilbert*, rather than a wholesale revision of the County regulations. Currently, the County's sign ordinance contains many instances of content-based regulations. The current sign ordinance provides uneven standards for sign height, area, and display time depending on the content of the sign (e.g. agricultural signs, political election signs, real estate signs, and temporary event signs). In a few instances, the current regulations even restrict what can appear on the message of the sign.

The following is a list summarizing the proposed amendments:

- **Expanded purpose statements.** The proposed statements are intended to protect the constitutionally guaranteed right of free speech, and to prevent the favoring of commercial speech over non-commercial speech or vice-versa.
- **New principles regarding message substitution and applicability.** Section 22.20.030 (General Principles) emphasizes that the County will administer and enforce the sign ordinance in a content-neutral manner. It also clarifies regulations outside of Title 22 and Title 23 which apply to signs.
- **Clarified sign permit requirements, sign authorizations, and sign prohibitions.** "Exempt signs" have been re-termed as "authorized signs", as they must still comply with the regulations of the ordinance.
- **Revise sign authorizations and allowances based on location (land use category), rather than content.** In this amended approach, the land use category generally determines the signage allowance. For example, a property in an Agricultural and Rural Land Use Category may display up to 16 square feet of temporary signs – regardless of what the content is (e.g. a sign with a religious message is subject to the same standards as a sign advertising a special event). By the same token, allowances previously based on content (e.g. political signs and real estate signs) have been removed.
- **Remove prohibition for off-premise signs; remove allowance for winery directional signs.** In this amended approach, wineries do not have exclusive allowances for directional signs. This allowance would be open to all uses, according to the land use category they are located in.
- **Revise content-based standards for specific land uses.** Revise several standards for specific land uses which explicitly restrict what content a sign may contain.

Proposed text is shown as it would appear in Title 22 and Title 23, if adopted. No changes, revisions, or deletions from current regulations are tracked in this document.

Proposed Amendments to Title 22 (Land Use Ordinance)

Item #1 - Proposed amendments to Article 3, Chapter 22.20 (Signs)

Substantial revisions to update sign Countywide sign regulations, consistent with content neutral requirements of First Amendment speech and *Reed v. Gilbert*.

CHAPTER 22.20 - SIGNS

22.20.010 - Sign Ordinance

The standards this Chapter shall be known and may be cited as the “San Luis Obispo County Sign Ordinance.” These requirements apply to all signs constructed or altered after the effective date of this Title, except as otherwise provided by Section 22.20.040. These requirements apply to proposed signs in addition to all applicable provisions of the California Outdoor Advertising Act (Business and Professions Code Sections 5200 et seq., and California Administrative Code Title 4, Sections 2240 et seq.).

22.20.020 - Purpose Of Chapter

This Chapter establishes sign regulations that are intended to:

- A.** Support the use of signs to aid orientation, identify businesses and activities, express local history and character, or serve other information purposes; and
- B.** Protect the ability of the public to identify uses and premises without confusion by encouraging signs to be designed with a scale, graphic character and type of lighting compatible with the appearance of the buildings or uses identified by signs, as well as other buildings and uses in the vicinity; and
- C.** Support the use of signs that are maintained in a safe and attractive condition that do not:
 - 1.** Create distractions that may jeopardize pedestrian or vehicular traffic safety; or
 - 2.** Produce glare that adversely affects residential uses.
- D.** Allow adequate avenues for both commercial and non-commercial messages, and protect the constitutionally guaranteed right of free speech; and

- E. Protect the character of the various communities within the County and safeguard the public health and safety.

22.20.030 - General Principles

A. Applicability.

- 1. Applicable codes.** In addition to complying with the provisions of this Chapter, all signs must be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies,
- 2. Applicable County regulations.** In addition to complying with the provisions of this Chapter, all signs must comply with other regulations of this Title, including Planning Area Standards (Article 9), Community Planning Standards (Article 10), and the Highway Corridor Design Standards (Section 22.10.095).
- 3.** These regulations are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, or leased by the State of California, the federal government, or the County. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps demonstrate the type of sign that is exempt from regulation under this Chapter.

- B. Regulatory interpretations.** The County shall apply this Chapter in a content-neutral manner. This Chapter shall be interpreted in a manner consistent with the free speech protections guaranteed by the First Amendment to the United States Constitution and Article 1, Section 2 of the California Constitution. The noncommunication aspects of all signs shall comply with the regulations and standards set forth in this Title. “Noncommunicative aspects” includes regulations that do not relate to the content of the sign, including the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

- C. Message substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message; and any non-commercial message may be substituted for any non-commercial message.

- 1. No additional approval required.** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the County. This provision prevents any inadvertent favoring of commercial speech over non-commercial speech or favoring any non-commercial message over any other non-commercial message.
- 2. Limitations.** This provision does not allow the following:

- a. Create the right to increase the total amount of signage for a parcel, lot, or land use;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted; or
 - c. Allow a change in the physical structure of a sign or its mounting device.
- D.** Nothing in this Section shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel, or violate any other reasonable time, place, and manner restrictions adopted by the County.
- E. Severability.** If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid, 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 Title which can be given effect without the invalid portion. In adopting this Title, the Board of Supervisors affirmatively declares that it would have approved and adopted the Title even without any portion which may be held invalid, unconstitutional, or unenforceable.

22.20.040 - Sign Permit Requirements

No sign shall be constructed, displayed or altered without first obtaining a sign permit as required by this Section, except where a sign is exempted from permit requirements by Subsection B (Authorized Signs).

A. Permit procedures.

- 1. Zoning Clearance.** The application, processing, review and approval of a land use permit for a sign shall be as set forth in Section 22.62.030 (Zoning Clearance), except where otherwise provided by Section 22.20.060 (Signs Allowed – Type and Area), for signs of specific size or height or where signs are approved as part of an overall development project land use permit.
- 2. Minor Use Permit.** Greater numbers of signs or areas of signing larger than the allowances permitted by Section 22.20.060, including modifications to an existing sign, require a Minor Use Permit as set forth in Section 22.62.050 (Minor Use Permit).
- 3. Concurrent Review.** Where signs are proposed for a project subject to land use permit approval, a separate sign permit is not required. The land use permit application shall include complete information about the type, area, location and

number of signs proposed, or such information is provided for Department review for conformity with the regulations of this Title before installation.

4. Construction Permit. If required by the Uniform Sign Code, a construction permit shall also be obtained in compliance with Title 19 of this code before the installation of any sign.

B. Authorized signs. The following signs are allowed without a land use permit, and shall not be included in determinations on the allowable number, type or area of signs in compliance with Section 22.20.060 (Signs Allowed – Type and Area), provided that they conform to the specified standards. Nothing in this Subsection shall exempt a sign from the necessity of construction permit approval if an electrical or building permit is required by the Building and Construction Ordinance or Uniform Sign Code. This Subsection supersedes Section 303 of the Uniform Sign Code.

1. Temporary signs. Temporary signs are allowed on a property for a total of 120 calendar days per year. Each sign is allowed for up to 60 consecutive days, and shall be removed within 14 days after the conclusion of the purpose served by the sign. The height of any temporary sign shall not exceed 10 feet. Temporary signs shall adhere to the setback standards of the land use category of the property they are located in. The maximum aggregate sign area for temporary signage is as follows.

a. Agricultural and Rural Land Use Categories. In the Agriculture and Rural Lands Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of 16 square feet.

b. Residential Land Use Categories. In the Residential Rural, Residential Suburban, Residential Single-Family, and Residential Multi-Family Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of four square feet.

c. Commercial and Industrial Land Use Categories. In the Office and Professional, Commercial Retail, Commercial Service, and Industrial Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of 24 square feet.

d. Special Purpose Land Use Categories. In the Open Space, Recreation, and Public Facilities Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of 16 square feet.

2. Directory signs. Wall-mounted building directory signs located at or within the entrance of a building that rents or leases space to tenants, provided that such directories do not exceed 20 square feet on any single building wall, nor a height of eight feet.

3. **Hazard signs.** Signs warning of construction, excavation, or similar hazards so long as the hazard exists.
4. **Historical markers.** Signs including historical plaques, memorial signs or tablets, or commemorative signs not exceeding four square feet in area, located on historical sites, buildings or areas, placed by a historical society, chamber of commerce or public agency.
5. **Information kiosks.** Free-standing structures, located outdoors and adjacent to a building open to the public, or in a space open to the public, on which pamphlets, leaflets, and guides may be affixed to a bulletin-board type surface. The total area of kiosk display surfaces shall not exceed 40 square feet or a height of eight feet. Kiosks shall be separated from adjacent structures by a minimum of six feet.
6. **Internal signs.** Signs located in interior areas of a building or site, and intended to be not visible from public streets or adjacent properties.
7. **Miscellaneous information signs.** Miscellaneous permanent information signs in nonresidential categories, with an aggregate area not to exceed four square feet at each public entrance nor 12 square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit card information and emergency address and telephone numbers.
8. **Official flags.** Official federal, state or local government flags, emblems and historical markers.
9. **Official signs/government signs.** Official federal, state or local government traffic, directional guide and other informational signs and notices issued by any court, person or officer in performance of a public duty; notices posted by a utility or other quasi-public agency; or other signs required or authorized by law.
10. **Prohibition signs.** "No Trespassing", "No Parking", and similar warning signs.
11. **Residential identification signs.**
 - a. Signs located on individual residences and home occupations, limited to a total aggregate area of two square feet.
 - b. One sign with a maximum area of 20 square feet for each lot or parcel containing multi-family dwellings or subdivisions, provided such signing is approved as part of a subdivision map or land use permit for the project.
12. **Safety and directional signing.** Parking lot and other private traffic directional signs, including handicapped access and parking signs, each not exceeding five square feet in area. Such signs shall be limited to guidance of pedestrian or

vehicular traffic within the premises on which they are located, and shall not display any logo or name of a product, establishment, service, or any other advertising.

- 13. Vehicle signs.** Displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the County.
- 14. Window signs.** Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of such signs shall not exceed 25 percent of the window area.
- 15. Exterior wall murals.** Exterior wall murals are allowed up to a maximum area of 100 square feet and may not be placed on a dwelling. Compensation will not be given or received for the right to place the original art on site.

C. Prohibited signs and sign materials. In addition to any sign or sign materials not specifically in accordance with the provisions of this Title, the following are prohibited:

- 1. Signs creating traffic or pedestrian safety hazards.** Signs placed, located, or displayed in such a manner as to constitute a traffic or pedestrian safety hazard shall be prohibited, including:
 - a.** Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or makes use of words, symbols or characters so as to interfere with, mislead or confuse pedestrian or vehicular traffic.
 - b.** Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic control device, as prohibited by Section 21464 of the California Vehicle Code.
 - c.** Signs that obstruct use of any door, window, or fire escape.
 - d.** Signs that impede normal pedestrian use of public sidewalks.
 - e.** Signs that constitute a traffic hazard or obstruct the view of traffic, any authorized traffic sign, or signal device.
- 2. Animated or moving signs.** Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and barber poles.
- 3. Signs for discontinued uses.** Any sign or sign structure identifying a use or activity that has not occupied the site for a period greater than six months.

4. **Signs located in the public right-of-way or on public property.** Other than official government signs or hazard or prohibition signs required by law, no sign can be placed in or project into the public right-of-way or on public property unless authorized by a County encroachment permit and/or agreement with a public agency such as the California Department of Transportation.
5. **Signs affixed to trees or terrain.** Signs cut, burned, marked, or displayed in any manner on a tree, sidewalk, cliff, hillside, or other terrain feature shall be prohibited.

22.20.050 - Measurement Of Sign Area

For the purpose of evaluating whether a sign is in conformity with the provisions of this Title, the area of a sign shall be measured as the number of square feet of the smallest rectangle within which a single sign face can be enclosed, as follows:

- A. **Sign faces counted.** Where a sign has two faces containing sign copy, which are oriented back-to-back and separated by not more than 36 inches at any point, the area of the sign shall be measured using one sign face only.
- B. **Wall-mounted letters.** Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is that of the smallest single rectangle within which all letters and words can be enclosed.
- C. **Three-dimensional signs.** Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects or sculptural or statue-type trademarks, the sign area shall be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

22.20.060 - Signs Allowed - Type And Area

The following permanent signs are allowed on a site subject to approval of a sign permit, in addition to any authorized signs allowed by Section 22.20.040.B.

- A. **Sign area limitations by land use category.** The number and area of signs allowed on a site shall be as follows, based upon the land use category of the site, except where Subsection C. would also allow specialized signing:
 1. **Agricultural and Rural land use categories.** Two signs with a total aggregate area not exceeding 32 square feet and a height not to exceed 10 feet for each lot or parcel. Each sign may not exceed 16 square feet.
 2. **Commercial Retail, Commercial Service, and Industrial land use categories.** The following signs are allowed in the Commercial Retail, Commercial Service and

Industrial categories, with a maximum aggregate area of 100 square feet of signing per site, or one square foot per one linear foot of the lot's largest street frontage on a public street, whichever is greater:

- a. Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 15 percent of the building face, up to a maximum of 80 square feet. Such wall signs may be located on building faces other than those with public entrances.
- b. One suspended sign with a maximum area of 10 square feet for each business or tenant.
- c. One free-standing or monument sign for each 300 linear feet of site frontage or portion thereof, with a maximum area of 60 square feet each.
- d. One projecting sign with a maximum area of 20 square feet for each business or tenant.
- e. Marquee signing for each business or tenant, with a maximum area of 40 square feet.

3. Office and Professional, Recreation, and Public Facilities land use categories. The following signs are allowed in the Office and Professional, Recreation, and Public Facilities land use categories, with a maximum aggregate area of 100 square feet of signing per site, or one square foot per one linear foot of the lot's largest street frontage on a public street, whichever is greater:

- a. Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 10 percent of the building face, up to a maximum of 50 square feet. Such wall signs may be located on building faces other than those with public entrances.
- b. One suspended sign with a maximum area of 10 square feet for each business or tenant.
- c. One monument sign for each business or tenant with a maximum area of 40 square feet and a maximum height of five feet.

4.. Commercial or public assembly uses in other land use categories. Where commercial or public assembly uses are located in the Agriculture, Rural Lands or Residential land use categories, signing is allowed as set forth in Subsection A.3 for the Office and Professional, Recreation, and Public Facilities land use category.

B. Location of freestanding signs. Freestanding signs may be located within the setback areas required by Section 22.10.140, provided that the signs are:

1. Monument signs with a maximum height of three feet or less; or
2. Signs elevated above 12 feet; or
3. Authorized through Minor Use Permit approval.

Freestanding signs with a height between three and 12 feet shall be located outside of the setback areas required by Sections 22.10.140 et seq.

C. Specialized sign requirements.

1. **Shopping, business or industrial center signing.** When approved as part of a Minor Use Permit, a shopping, business or industrial center with five or more separate uses or tenancies on a single site sharing common driveways and parking areas, is allowed one common identification sign with a maximum area of 60 square feet, in addition to the total sign area allowed by Subsection A. Where visible from a public street, signing on shopping center sites shall be of a uniform design throughout the center as to the size, finished framing materials and location on buildings of such signs.
2. **Community identification signs.** One community identification sign is allowed at or within an urban or village reserve line on each arterial street entering a community, with a maximum area of 100 square feet and a maximum height of 12 feet.
3. **Freeway identification signs.** In addition to the signs allowed by Subsection A., sites located in Office and Professional, Commercial Retail, and Commercial Service land use categories adjacent to Highway 101 or a Highway 101 Frontage Road may be authorized through Conditional Use Permit approval to use an on-site freeway identification sign with a maximum area not to exceed 125 square feet. The maximum height for freeway identification signs shall be 50 feet above grade, provided that the Commission may require a reduced height where deemed appropriate.
4. **Viticultural area signing.** Each area of the county recognized as an American Viticultural Area by the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (BATF), may be identified by roadside signs:
 - a. **Required sign location.** On private property along a state highway, at or within the boundary of the viticultural area as determined by BATF.

- b. **Maximum area and height.** A maximum area of 80 square feet and a maximum height of 12 feet above the elevation of the adjoining roadway.

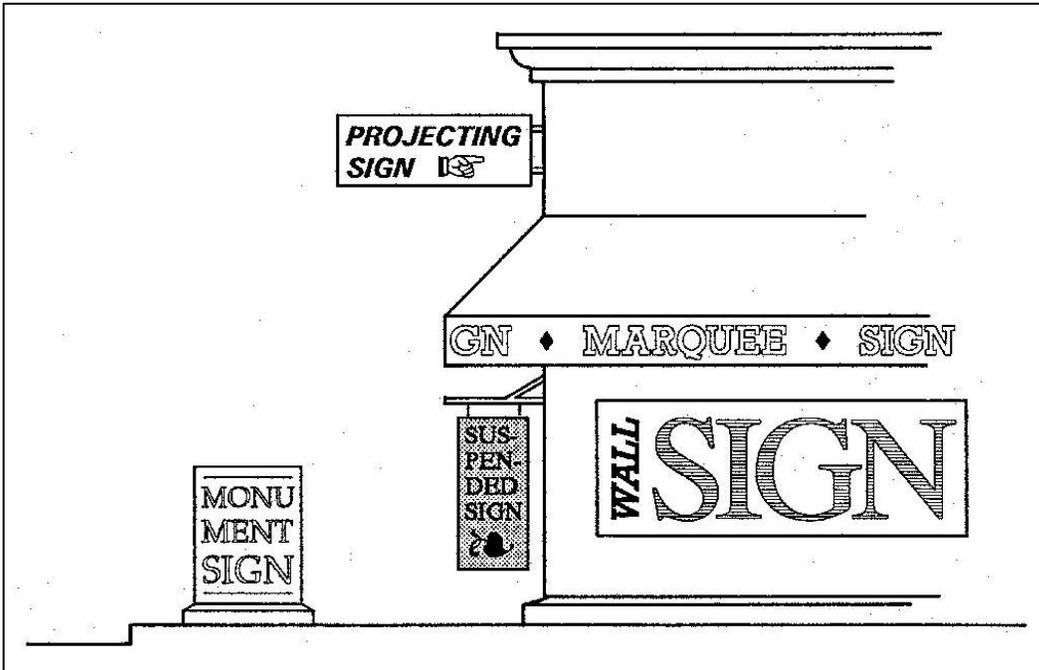


Figure 10-54 - Sign Types

22.20.070 - Sign Construction Standards

The design and construction of signs shall comply with Uniform Sign Code Sections 401 through 1402, and the following:

- A. Height.** The height of any sign or sign support structure shall be a maximum of 24 feet, or no higher than the building, whichever is less, except where otherwise provided by Section 22.20.060 (Signs Allowed - Type and Area). The height of any building-mounted sign shall be no higher than the height of the building, except where otherwise provided by Section 22.20.060 (Signs Allowed - Type and Area).
- B. Lighting and Illumination.** Signs shall be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it.

22.20.100 - Sign Maintenance Required

All signs shall be properly maintained in a safe and legible condition at all times. Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the sign may be removed by County personnel, or repaired to the

satisfaction of the County. Signing that is not in conformity with the provisions of this Chapter is subject to Section 22.72.070 (Nonconforming Signs).

Item #2 - Proposed amendments to Article 4, Section 22.30.130 (Automobile Service Stations and Gas Stations)

Remove content-based criteria and restrictions under Subsection C.5.

- 1. Signs.** Signage shall be as provided by Chapter 22.20 (Signs) of this title.

Item #3 - Proposed amendments to Article 4, Section 22.30.230 (Home Occupations)

Remove content-based criteria and restrictions under Subsection H.

- H. Signs.** Signage shall be as provided by Chapter 22.20 (Signs) of this title.

Item #4 - Proposed amendments to Article 4, Section 22.30.240 (Indoor Amusement and Recreation Facilities)

Remove content-based criteria and restrictions under Subsection C.1.F.

- f. Signs.** Signage shall be as provided by Chapter 22.20 (Signs) of this title.

Item #5 - Proposed amendments to Article 4, Section 22.30.390 (Recycling – Collection Station)

Remove content-based criteria and restrictions under Subsection E.4.

- 4. Signs.** Signage shall be as provided by Chapter 22.20 (Signs) of this title.

Item #6 - Proposed amendments to Article 8, Section 22.80.030 (Definitions of Land Uses, and Specialized Terms and Phrases)

Revisions to Subsection C., Subsection N., and Subsection S. Add “Commercial Message”, “Non-commercial Message”, “Sign, Government”, and “Sign, Permanent”. Revise existing

definitions for “Sign”, “Sign Area”, “Sign Face”, “Sign, Freestanding”, “Sign, Freeway Identification”, and “Sign, Temporary.”

C. Definitions, “C.”

Commercial Message. A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discuss in the marketplace of goods and services.

N. Definitions, “N.”

Non-commercial Message. A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

S. Definitions, “S.”

Sign. Any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premise, product, service, person, organization, business, or event. A display, device, or object need not contain lettering to be a sign.

Sign Area. The area contained within the smallest rectangle enclosing all parts of sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

Sign Face. The entire display surface area of a sign upon, against, or through which sign copy is placed.

Sign, Freestanding. A sign not attached to any buildings, erected and maintained with its own support structure, frame, mast, or pole.

Sign, Freeway Identification. An on-site sign permitted for a highway-oriented use, that is erected and maintained within the view of highway motorists (see Chapter 22.20 (Signs)).

Sign, Government. A sign constructed, placed, or maintained by local, state, or federal government or issued by any court, person, or officer in performance of a public duty; notices posted by a utility or other quasi-public agency; or other signs required or authorized by law.

Sign, Permanent. A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.

Sign, Temporary. A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials (e.g. paper, cloth, canvas, plastic sheet, cardboard) which is not intended for or suitable for long term or permanent display.

Proposed Amendments to Title 23 (Coastal Zone Land Use Ordinance)

Item #7 – Proposed amendments to Section 23.04.300 through Section 23.04.314 (Sign Ordinance)

Substantial revisions to update sign Countywide sign regulations, consistent with content neutral requirements of First Amendment speech and *Reed v. Gilbert*, and consistent with the revisions to Title 22 in Item #1.

23.04.300 - Sign Ordinance

The standards of Section 23.04.300 through 23.04.314 are to be known and may be cited as the “Sign Ordinance of the County of San Luis Obispo.” The sign regulations of this chapter. These requirements apply to all signs constructed or altered after the effective date of this title, except as otherwise provided by Section 23.04.306. These requirements apply to proposed signs in addition to all applicable provisions of the California Outdoor Advertising Act (Business and Professions Code Sections 5200 et seq.; and California Administrative Code Title 4, Sections 2240 et seq.). The sign regulations of this chapter are organized into the following sections:

23.04.302	Purpose
23.04.304	General Principles
23.04.306	Sign Permit Requirements
23.04.308	Measurement of Sign Area
23.04.310	Signs Allowed - Type and Area
23.04.312	Sign Construction Standards
23.04.314	Sign Maintenance Required

23.04.302 - Purpose

The purpose of these sections is to establish sign regulations that are intended to:

- a. Support the use of signs to aid orientation, identify businesses and activities, express local history and character, or serve other information purposes; and
- b. Protect the ability of the public to identify uses and premises without confusion by encouraging signs to be designed with a scale, graphic character and type of lighting compatible with the appearance of the buildings or uses identified by signs, as well as other buildings and uses in the vicinity; and

- c. Support the use of signs that are maintained in a safe and attractive condition that do not:
 - (1) Create distractions that may jeopardize pedestrian or vehicular traffic safety; or
 - (2) Produce glare that adversely affects residential uses.
- d. Allow adequate avenues for both commercial and non-commercial messages, and protect the constitutionally guaranteed right of free speech; and
- e. Protect the character of the various communities within the County and safeguard the public health and safety.

23.04.304 – General Principles

a. Applicability.

- (1) **Applicable codes.** In addition to complying with the provisions of this Chapter, all signs must be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies,
- (2) **Applicable County regulations.** In addition to complying with the provisions of this Chapter, all signs must comply with the other regulations of this Title, including Planning Area Standards (Part II of the Land Use Element).
- (3) These regulations are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, or leased by the State of California, the federal government, or the County. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps demonstrate the type of sign that is exempt from regulation under this Chapter.

b. Regulatory interpretations. The County shall apply this Chapter in a content-neutral manner. This Chapter shall be interpreted in a manner consistent with the free speech protections guaranteed by the First Amendment to the United States Constitution and Article 1, Section 2 of the California Constitution. The noncommunication aspects of all signs shall comply with the regulations and standards set forth in this Title. “Noncommunicative aspects” includes regulations that do not relate to the content of the sign, including the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

c. Message substitution. A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message; and any non-commercial message may be substituted for any non-commercial message.

- (1) No additional approval required.** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the County. This provision prevents any inadvertent favoring of commercial speech over non-commercial speech or favoring any non-commercial message over any other non-commercial message.
- (2) Limitations.** This provision does not allow the following:
 - (i) Create the right to increase the total amount of signage for a parcel, lot, or land use;
 - (ii) Affect the requirement that a sign structure or mounting device be properly permitted; or
 - (iii) Allow a change in the physical structure of a sign or its mounting device.
- d.** Nothing in this Section shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel, or violate any other reasonable time, place, and manner restrictions adopted by the County.
- e. Severability.** If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid, 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 Title which can be given effect without the invalid portion. In adopting this Title, the Board of Supervisors affirmatively declares that it would have approved and adopted the Title even without any portion which may be held invalid, unconstitutional, or unenforceable.

23.04.306 - Sign Permit Requirements

No sign shall be constructed, displayed or altered without first obtaining a sign permit as required by this section, except where a sign is exempted from permit requirements by subsection b of this section.

a. Permit procedures:

- (1) Plot Plan.** The application, processing, review and approval of a land use permit for a sign is to be as set forth in Section 23.02.030 (Plot Plan), except where otherwise provided by Section 23.04.310 (Sign Area Standards), for signs of specific size or height or where signs are approved as part of an overall development project land use permit.

- (2) **Minor Use Permit.** Greater numbers of signs or areas of signing larger than the allowances permitted by Section 23.04.310 (Sign Area Standards), including modifications to an existing sign, require a Minor Use Permit as set forth in Section 23.02.033 (Minor Use Permit).
 - (3) **Concurrent Review.** Where signs are proposed for a project subject to land use permit approval, a separate sign permit is not required. The land use permit application shall include complete information about the type, area, location and number of signs proposed, or such information is provided for Planning Department review for conformity with the regulations of this Title before installation.
 - (4) **Construction Permit.** If required by the Uniform Sign Code, a construction permit shall also be obtained pursuant to Title 19 of this code before the installation of any sign.
- b. Authorized signs:** The following signs are allowed without a land use permit, and are not to be included in determinations on the allowable number, type or area of signs pursuant to Section 23.04.310 (Sign Area Standards). Nothing in this subsection shall exempt a sign from the necessity of construction permit approval if an electrical or building permit is required by the Building and Construction Ordinance or Uniform Sign Code. This subsection supersedes Section 303 of the Uniform Sign Code.
- (1) **Temporary signs:** Temporary signs are allowed on a property for a total of 120 calendar days per year. Each sign is allowed for up to 60 consecutive days, and shall be removed within 14 days after the conclusion of the purpose served by the sign. The height of any temporary sign shall not exceed 10 feet. Temporary signs shall adhere to the setback standards of the land use category of the property they are located in. The maximum aggregate sign area for temporary signage is as follows.
 - (i) **Agriculture and Rural Land Use Categories:** In the Agriculture and Rural Lands Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of 16 square feet.
 - (ii) **Residential Land Use Categories:** In the Residential Rural, Residential Suburban, Residential Single-Family, and Residential Multi-Family Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of four square feet.
 - (iii) **Commercial and Industrial Land Use Categories:** In the Office and Professional, Commercial Retail, Commercial Service, and Industrial Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of 24 square feet.

(iv) Special Purpose Land Use Categories: In the Open Space, Recreation, and Public Facilities Land Use Categories, temporary signage is allowed up to a maximum aggregate sign area of 16 square feet.

- (2) Directory signs:** Wall-mounted building directory signs located at or within the entrance of a building that rents or leases space to tenants, provided that such directories do not exceed 20 square feet on any single building wall, nor a height of eight feet.
- (3) Hazard signs:** Signs warning of construction, excavation, or similar hazards so long as the hazard exists.
- (4) Historical markers:** Signs including historical plaques, memorial signs or tablets, or commemorative signs not exceeding four square feet in area, located on historical sites, buildings or areas, placed by a historical society, chamber of commerce or public agency.
- (5) Information kiosks:** Free-standing structures, located outdoors and adjacent to a building open to the public, or in a space open to the public, on which pamphlets, leaflets, and guides may be affixed to a bulletin-board type surface. The total area of kiosk display surfaces shall not exceed 40 square feet or a height of eight feet. Kiosks are to be separated from adjacent structures by a minimum of six feet.
- (6) Internal signs:** Signs located in interior areas of a building or site, and intended to be not visible from public streets or adjacent properties.
- (7) Miscellaneous information signs:** Miscellaneous permanent information signs in nonresidential categories, with an aggregate area not to exceed four square feet at each public entrance nor 12 square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit card information and emergency address and telephone numbers.
- (8) Official flags:** Official federal, state or local government flags, emblems and historical markers.
- (9) Official signs/government signs:** Official federal, state or local government traffic, directional guide and other informational signs and notices issued by any court, person or officer in performance of a public duty; notices posted by a utility or other quasi-public agency; or other signs required or authorized by law.
- (10) Prohibition signs:** "No Trespassing", "No Parking", and similar warning signs.
- (11) Residential identification signs:**

- (i) Signs located on individual residences and home occupations, limited to a total aggregate area of two square feet.
 - (ii) One sign with a maximum area of 20 square feet for each lot or parcel containing multi-family dwellings or subdivisions, provided such signing is approved as part of a subdivision map or land use permit for the project.
- (12) Safety and directional signing:** Parking lot and other private traffic directional signs, including handicapped access and parking signs, each not exceeding five square feet in area. Such signs are to be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located, and are not to display any logo or name of a product, establishment, service, or any other advertising.
- (13) Vehicle signs:** Displays on vehicles related to the goods or services provided by the vehicle owner or operator and public transit/public carrier graphics on properly licensed buses, taxicabs, and similar vehicles for hire that legally pass through the County.
- (14) Window signs:** Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of such signs is not to exceed 25% of the window area.
- (15) Exterior Wall Murals:** Exterior wall murals are allowed up to a maximum area of 100 square feet and may not be placed on a dwelling. Compensation will not be given or received for the right to place the original art of site.
- c. Prohibited signs and sign materials:** In addition to any sign or sign materials not specifically in accordance with the provisions of this Title, the following are prohibited:
- (1) Signs creating traffic or pedestrian safety hazards.** Signs placed, located, or displayed in such a manner as to constitute a traffic or pedestrian safety hazard shall be prohibited, including:
 - (i)** Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or makes use of words, symbols or characters so as to interfere with, mislead or confuse pedestrian or vehicular traffic.
 - (ii)** Signs attached or placed adjacent to any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic control device, as prohibited by Section 21464 of the California Vehicle Code.
 - (iii)** Signs that obstruct use of any door, window, or fire escape.
 - (iv)** Signs that impede normal pedestrian use of public sidewalks.

- (v) Signs that constitute a traffic hazard or obstruct the view of traffic, any authorized traffic sign, or signal device.
- (2) **Animated or moving signs.** Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and barber poles.
- (3) **Signs for discontinued uses.** Any sign or sign structure identifying a use or activity that has not occupied the site for a period greater than six months.
- (4) Freestanding signs other than monument signs.
- (5) **Signs located in the public right-of-way or on public property.** Other than official government signs or hazard or prohibition signs required by law, no sign can be placed in or project into the public right-of-way or on public property unless authorized by a County encroachment permit and/or agreement with a public agency such as the California Department of Transportation.
- (6) **Signs affixed to trees or terrain.** Signs cut, burned, marked, or displayed in any manner on a tree, sidewalk, cliff, hillside, or other terrain feature shall be prohibited.

23.04.308 - Measurement Of Sign Area:

For the purpose of evaluating whether a sign is in conformity with the provisions of this title, the area of a sign is to be measured as the number of square feet of the smallest rectangle within which a single sign face can be enclosed, as follows:

- a. **Sign faces counted:** Where a sign has two faces containing sign copy, which are oriented back-to-back and separated by not more than 36 inches at any point, the area of the sign is to be measured using one sign face only.
- b. **Wall-mounted letters:** Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is that of the smallest single rectangle within which all letters and words can be enclosed.
- c. **Three-dimensional signs:** Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects or sculptural or statue-type trademarks, the sign area is to be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

23.04.310 - Signs Allowed - Type And Area

The following permanent signs are allowed on a site subject to approval of a sign permit (Section 23.04.306a), in addition to any authorized signs allowed by Section 23.04.306b.

a. Sign area limitations by land use category. The number and area of signs allowed on a site shall be as follows, based upon the land use category of the site, except where subsection c. of this section would also allow specialized signing:

(1) Agricultural and Rural land use categories. Two signs with a total aggregate area not exceeding 32 square feet and a height not to exceed 10 feet for each lot or parcel. Each sign may not exceed 16 square feet.

(2) Commercial Retail, Commercial Service, and Industrial land use categories: The following signs are allowed in the Commercial Retail, Commercial Service and Industrial categories, with a maximum aggregate area of 100 square feet of signing per site, or one square foot per one linear foot of the lot's largest street frontage, whichever is greater:

(i) Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 15% of the building face, up to a maximum of 80 square feet. Such wall signs may be located on building faces other than those with public entrances.

(ii) One suspended sign with a maximum area of 10 square feet for each business or tenant.

(iii) One monument sign for each 300 linear feet of site frontage or portion thereof, with a maximum area of 60 square feet each.

(iv) One projecting sign with a maximum area of 20 square feet for each business or tenant.

(v) Marquee signing for each business or tenant, with a maximum area of 40 square feet.

(3) Office and Professional, Recreation, and Public Facilities land use categories: The following signs are allowed in the Office and Professional and Recreation land use categories, with a maximum aggregate area of 100 square feet signing per site, or one square foot per one linear foot of the lot's largest street frontage, whichever is greater:

(i) Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public

entrance to the business. The allowed area for the wall signs shall be 10% of the building face, up to a maximum of 50 square feet. Such wall signs may be located on building faces other than those with public entrances, provided they are designed as an integral part of the structure they identify.

- (ii) One suspended sign with a maximum area of 10 square feet for each business or tenant.
- (iii) On monument sign for each business or tenant with a maximum area of 40 square feet and a maximum height of five feet.

(4) Commercial or public assembly uses in other land use categories: Where commercial or public assembly uses are located in the Agriculture, Rural Lands or Residential land use categories, signing is allowed as set forth in subsection a(2) of this section for the Office and Professional, Recreation, and Public Facilities land use category.

b. Location of monument signs. Monument signs may be located within the setback areas required by Sections 23.04.100 et seq., provided such signs do not exceed three feet in height.

c. Specialized sign requirements:

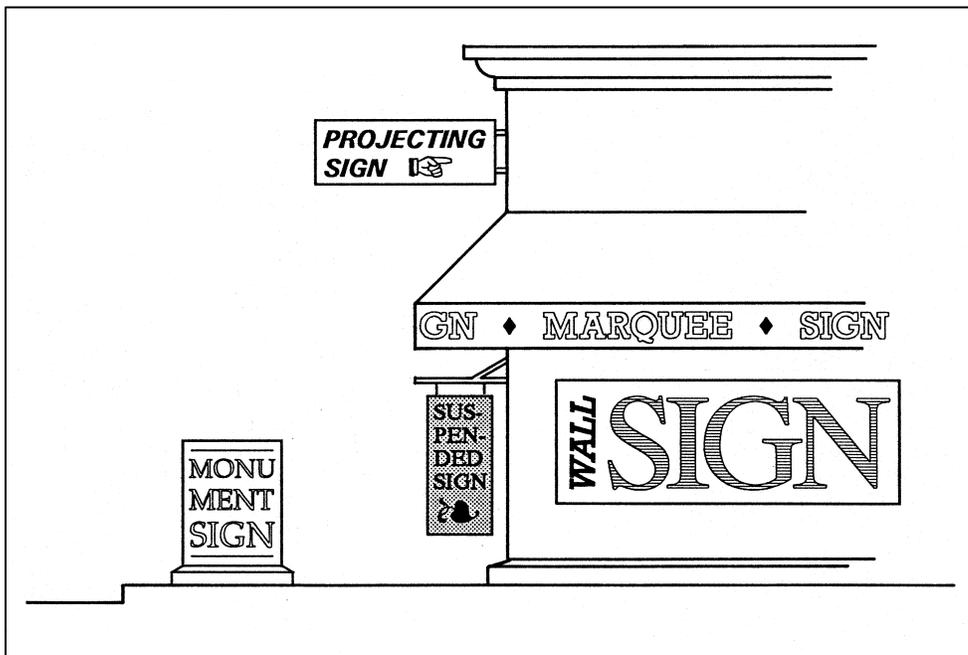
- (1) Shopping, business or industrial center signing:** When approved as part of the Development Plan, a shopping, business or industrial center with five or more separate uses or tenancies on a single site sharing common driveways and parking areas, is allowed one common identification sign with a maximum area of 60 square feet, in addition to the total sign area allowed by subsection a of this section. Where visible from a public street, signing on shopping center sites is to be of a uniform design throughout the center as to the size, finished framing materials and location on buildings of such signs.
- (2) Community identification signs:** One community identification sign is allowed at or within an urban or village reserve line on each arterial street entering a community, with a maximum area of 100 square feet and a maximum height of 12 feet.
- (3) Freeway identification signs:** In addition to signs allowed by subsection a of this section, sites located in Office and Professional, Commercial Retail, and Commercial Service land use categories adjacent to State Highway 101 or a Highway 101 Frontage Road may be authorized through Development Plan approval to use an on-site freeway identification sign with a maximum area not to exceed 125 square feet. The maximum height for freeway identification signs is to be 50 feet above grade, provided that the Planning Commission may require a reduced height where deemed appropriate.

(4) **Viticultural area signing.** Each area of San Luis Obispo County recognized as an American Viticultural Area by the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (BATF), may be identified by roadside signs:

- (i) **Required sign location:** On private property along a state highway, at or within the boundary of the viticultural area as determined by BATF.
- (ii) **Maximum area and height:** A maximum area of 80 square feet and a maximum height of 12 feet.

23.04.312 - Sign Construction Standards

The design and construction of signs is to be in accordance with Sections 401 through 1402 of the Uniform Sign Code, and the following:



Signs - Example

- a. **Height:** The height of any sign or sign support structure is to be a maximum of 24 feet, or no higher than the building, whichever is less, except where otherwise provided by Section 23.04.310 (Signs Allowed – Type and Area).
- b. **Lighting and Illumination:** Signs are to be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it.

23.04.314 - Sign Maintenance Required

All signs shall be properly maintained in a safe and legible condition at all times. Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, the sign may be removed by County personnel, or repaired to the satisfaction of the County. Signing which is not in conformity with the provisions of this chapter is subject to Section 23.09.032 (Nonconforming Signs).

Item #8 - Proposed amendments to Section 23.08.202 (Service Stations)

Remove content-based criteria and restrictions under Subsection D.5, consistent with the revisions to Title 22 in Item #2.

23.08.202 – Service Stations

(5) **Signs.** Signage shall be as provided by Section 23.04.300 through Section 23.04.314.

Item #9 - Proposed amendments to Section 23.08.030 (Home Occupations)

Remove content-based criteria and restrictions under Subsection H., consistent with the revisions to Title 22 in Item #3.

h. Signs. Signage shall be as provided by Section 23.04.300 through Section 23.04.314.

Item #10 - Proposed amendments to Section 23.08.062 (Indoor Amusements and Recreation)

Remove content-based criteria and restrictions under Subsection C.1.(v)., consistent with the revisions to Title 22 in Item #4.

(v) **Signs.** Signage shall be as provided by Section 23.04.300 through Section 23.04.314.

Item #11 - Proposed amendments to Section 23.08.098 (Recycling Collection Stations)

Remove content-based criteria and restrictions under Subsection F.4, consistent with the revisions to Title 22 in Item #5.

(4) **Signs.** Signage shall be as provided by Section 23.04.300 through Section 23.04.314.

Item #12 - Proposed amendments to Section 23.11.020 (Coastal Zone Land Use Ordinance Definitions)

Consistent with the revisions to Title 22 in Item #6, add “Commercial Message”, “Non-commercial Message”, “Sign, Government”, and “Sign, Permanent”; and revise existing definitions for “Sign”, “Sign Area”, “Sign Face”, “Sign, Freestanding”, “Sign, Freeway Identification”, and “Sign, Temporary”.

Commercial Message. A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discuss in the marketplace of goods and services.

Non-commercial Message. A message or image on a sign that directs public attention to or advocates an idea or issue of public interest or concern that does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

Sign. Any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premise, product, service, person, organization, business, or event. A display, device, or object need not contain lettering to be a sign.

Sign Area. The area contained within the smallest rectangle enclosing all parts of sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

Sign Face. The entire display surface area of a sign upon, against, or through which sign copy is placed.

Sign, Freestanding. A sign not attached to any buildings, erected and maintained with its own support structure, frame, mast, or pole.

Sign, Freeway Identification. An on-site sign permitted for a highway-oriented use, that is erected and maintained within the view of highway motorists (see Chapter 22.20 (Signs)).

Sign, Government. A sign constructed, placed, or maintained by local, state, or federal government or issued by any court, person, or officer in performance of a public duty; notices posted by a utility or other quasi-public agency; or other signs required or authorized by law.

Sign, Permanent. A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.

Sign, Temporary. A structure or device used for the public display of visual messages or images, which is typically made of lightweight or flimsy materials (e.g. paper, cloth, canvas, plastic sheet, cardboard) which is not intended for or suitable for long term or permanent display.