

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
FEBRUARY 17, 1988

SUBJECT: TO CONSIDER THE PROPOSED AMENDED CITY OF LODI SIGN ORDINANCE

INDICATED ACTION: That the Mayor open the hearing on the off-premise sign amendments and declare that the hearing will be postponed to an undetermined date.

BACKGROUND: The Planning Commission has continued this item until its February 22, 1988 meeting in order that the staff can make recommendations on the structure content and duration of a committee to meet with the off-premise sign representative to review alternatives. The off-premise sign companies have agreed not to apply for new signs pending final action by the Planning Commission and City Council.


James B. Schroeder
Community Development Director

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NOTICE OF PUBLIC HEARING
TO CONSIDER THE PROPOSED AMENDED CITY OF LODI SIGN ORDINANCE

NOTICE IS HEREBY GIVEN that on Wednesday, February 17, 1988 at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing to consider the proposed amended City of Lodi Sign Ordinance.

Copies of the proposed amended ordinance are available in the City Clerk's office during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., except holidays.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral Statements may be made at said hearing.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, at or prior to, the **Public** Hearing.

By Order of the Lodi City Council

Alice M. Reimche
City Clerk

Dated: January 20, 1988

Approved as to form:

Ronald M. Stein
City Attorney

NOTICE OF A PUBLIC HEARING BEFORE THE LODI CITY COUNCIL
TO CONSIDER THE ADOPTION OF AN AMENDED CITY OF LODI SIGN ORDINANCE

The Lodi City Council will conduct a public hearing on Wednesday, February 17, 1988 at 7:30 p.m., in the Council Chambers of City Hall, 2nd floor, 221 West Pine Street, Lodi, to consider the adoption of an amended City of Lodi Sign Ordinance.

Information regarding this item may be obtained in the office of the City Clerk, 221 West Pine Street, Lodi, California, or by telephoning (209) 333-6702.

Date: January 20, 1988

Alice M. Reimche
City Clerk

SIGNS

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
REPEALING LODI MUNICIPAL CODE TITLE 17, CHAPTER 17.63
SIGN ORDINANCE AND REENACTING A NEW SIGN ORDINANCE

Sections:

Section 1. Establishment of Ordinance

Article 1. Regulating all signs

- Section 2. Title; Effect; Construction
- Section 3. Purpose, Scope, and Authority
- Section 4. Non-commercial Messages
- Section 5. Sign Regulation Definitions
- Section 6. Community Development Director's Powers
- Section 7. Appeals Procedure
- Section 8. Sign Inspection and Responsibilities
- Section 9. Signs on Public and Utility Property
- Section 10. Exempted Signs
- Section 11. Prohibited Signs
- Section 12. Special Standards by Type of Sign
- Section 13. Permits and Enforcement

Article 11. Additional Requirements

- Section 14. General Standards, On-Premise Signs
- Section 15. Special Standards by Zone
- Section 16. Removal or Restoration of Signs
- Section 17. Continued Use of Non-conforming Signs
- Section 18. Abandoned Signs
- Section 19. Violations
- Section 20. Ordinance Conflicts
- Section 21. Element for Automatic Amendment
- Section 22. Public Notice and Effect

BE IT ORDAINED BY THE LODI CITY COUNCIL.

SECTION 1. Lodi Municipal Code Title 17, Chapter 17.63 regulating signs is hereby repealed and a new sign ordinance is reenacted in its place as follows:

I. REGULATING ALL SIGNS

SECTION 2. Title; Effect: Construction.

Sections 1 through 21 shall be called sign regulations. These sections shall be liberally construed to effect the purpose of imposing stricter and more precise standards on the number and size of signs, and to effect the purpose of advancing the declaration of Section 3. These sections shall not be construed or applied in such a way that would give a preference or greater degree of protection to a sign conveying a commercial message than is given to a sign similarly situated and constructed conveying a non-commercial message. These sections must be construed to apply to all signs, irrespective of the commercial or non-commercial character of the content, except that specific types of commercial signs are to be regulated more strictly. Any ambiguity or question shall be resolved by allowing a non-commercial sign the same benefits, exemptions and other preferences that may be given to a commercial sign similarly constructed and situated, or by imposing on such commercial sign the same restrictions imposed on the non-commercial sign similarly constructed and situated.

SECTION 3. Purpose, Scope and Authority.

1. The city council finds and declares that the purpose of this chapter is to establish a comprehensive system for the regulation of the leasing out, erection and relocation of signs and/or sign structures. This chapter is not to be interpreted to affect the messages on the signs. It is intended that these regulations:

- a) Impose reasonable standards on the number, size, height and location of signs, and facilitate the removal or replacement of nonessential or nonconforming signs and/or sign structures in order to:
 - (1) Prevent and relieve needless distraction and clutter resulting from excessive and confusing sign displays;
 - (2) Safeguard and enhance property values; and
 - (3) Promote the public safety and general welfare.
- b) Provide one of the tools essential to the preservation and enhancement of the environment, which is instrumental in attracting those who come to live, visit, vacation and trade, thereby protecting an important aspect of the economy of the city.
- c) Eliminate hazards to pedestrians and motorists brought about by distracting signs and/or sign structures.
- d) Improve, enhance and preserve the appearance and other aesthetic qualities of the city.

SECTION 4. Non-commercial Messages.

Notwithstanding any other provisions of this chapter, any sign sponsor may allocate sign area on any sign authorized by this Chapter to a non-commercial message.

SECTION 5. Sign regulation definitions.

As used in Sections 2 through 21, unless the context otherwise requires, the words and terms defined in Section 5 have the meanings ascribed to them in that Section.

_____ "Abandoned sign" means a sign which has not been maintained in accordance with the provisions of this chapter for a period in excess of 60 days following legal notice to the owner of property and the owner of the advertising display that such sign does not meet, in the discretion of the Community Development Director, minimum maintenance standards.

_____ "Advertising display" means any arrangement of material or symbols erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial or non-commercial interests of any person or entity, located in view of the general public and visible from a public street, and may include signs, billboards, posters, graphic advertising messages, advertising copy, accessory signs and similar displays.

_____ "Advertising message" means any copy, symbol, logotype or graphics which identify, promote or advertise any product, service, business, institution or other commercial or non-commercial interest of any person or entity.

_____ "Advertising structure" means any structure or device erected for the purpose of supporting any sign or other advertising display, and the framework of the sign.

_____ "Allowable sign area" means the total sign area permitted under this chapter for any site or business (see also "Sign Area Computation").

_____ "Amortization" means the elimination of nonconforming signs over a period of time intended to allow the owner to realize the value of his/her investment in the sign.

_____ "Animated sign" means a sign with action or motion, flashing color changes activated by electrical energy, electronic or manufactured sources of supply, but not including wind-actuated elements such as flags, banners or pennants.

_____ "Architectural graphic" means a painted design, mural, relief, mosaic or similar feature which is incorporated into the architectural design of a building and conveys no advertising message.

____ "Area identification sign" means a permanent, decorative sign used to identify a neighborhood, subdivision, commercial or office complex, shopping district, industrial district or similar distinct area of the community,

____ "Area of a sign" means the sum total of the geometric areas of the display surfaces which make up the total sign or advertising display. Necessary supports or uprights are excluded.

____ "Business frontage" means the length of building frontage occupied by an individual building occupant. An occupant may have more than one business frontage if it occupies building frontage facing on two or more streets or public areas.

____ "City" means the City of Lodi .

____ "Civic display" means a temporary display of banners , balloons , flags, lights or similar decorations erected on a public street or other public property in connection with a holiday, civic event or celebration.

____ "Commercial sign" means, when describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction.

____ "Community Development Director" means the Community Development Director of the City of Lodi and/or his/her duly authorized assistants or designees, hereinafter referred to as "Community Development Director".

____ "Copy" means that portion of a sign or advertising display which is made up of language, letters, numbers, pictures, or symbols which state a message.

____ "Directional sign" means a permanent sign which directs the flow of traffic or pedestrians on private property and which contains no advertising message.

____ "Directory sign" means a sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.

____ "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message or display.

____ "Erect" means to arrange, build, construct, attach, hang, paint, place, suspend, affix or otherwise establish an advertising display.

_____ "Flashing sign" means a sign which uses blinking, flashing or intermittent illumination or light reflectors, either direct, indirect or internal.

_____ "Frontage" See "business frontage" and "site frontage".

_____ "Freestanding sign" means any sign erected upon or standing on the ground, also referred to as a ground sign. For the purpose of this Chapter said signs shall be supported from the ground by one or more poles, columns, uprights or braces.

_____ "Freeway Information Area" includes that area within the city described as follows: on the west by a line drawn fifty feet west of the west right-of-way line of Cherokee Lane or five hundred feet west of the west right-of-way line of the U. S. Highway 50-99 Freeway, whichever is greater; on the east by a line drawn five hundred feet east of the east right-of-way line of U. S. Highway 50-99 Freeway; and on the north and south by the present city limits or as the same may exist in the future.

_____ "Height of sign" means the vertical distance measured from the adjacent street grade or upper surface of the nearest curb of a street or highway to the highest point of a sign or advertising display.

— "Holiday decoration" means any display commonly associated with a local, state, national or religious holiday, and which is not left in place for more than 60 days during any single observance.

_____ "Indoor poster" means a temporary sign or poster displayed inside a window for a period not to exceed 30 days to provide information about a specific product, price, event or activity.

_____ "Inflatable sign" means any device which is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message.

_____ "Mobile sign" means a sign attached to or suspended from any type of vehicle, other than normal lettering identifying the business owning or served by the vehicle. Such signs shall not include those normally painted on or attached permanently to business vehicles, mass-transit vehicles, taxicabs or special events signs.

_____ "Noncommercial sign" means, when describing the content of a sign, a sign not conforming to the definition of a commercial sign.

_____ "Nonconforming sign" means any sign and/or sign structure which **was** lawfully erected prior to the adoption of the ordinance codified in this chapter, or amendments thereto, which would not be permitted under the current provisions of this chapter.

_____ "Off-premises sign" means any sign which identifies, advertises or directs attention to a business, activity, product, service or other commercial or non-commercial interest of any person not located on the

premises where the sign is located; or a freestanding structure on which a sign is located, where the sign structure is on a premises, not owned by the owner of the sign structure, or where the sign message is not sponsored by the owner of the premises. The sign may contain a commercial or non-commercial message.

____ "Official sign" means any sign erected by or at the direction of any governmental agency. Such signs may include public information bulletin boards or kiosks when sponsored by any governmental agency.

____ "On-premises sign" means any sign which identifies, advertises or directs attention to a business, activity, product, service or other commercial or non-commercial interest of any person located on the premises where the sign is located, or which sign structure and/or sign was erected or built by; and/or the message on the sign is sponsored by the owner of the site of the sign. The sign may carry a commercial or non-commercial message.

____ "Permanent sign" means any sign permanently affixed at the site, which, from the nature and effect of its proposed composition, construction, message to be carried or its proposed placement, is intended for continuous display for a period of time greater than 60 calendar days.

____ "Permit" shall mean a written authorization by the Community Development Director to erect or establish a sign and/or sign structure after compliance with this or other appropriate codes, adopted by the Lodi City Council. The written authorization is a sign permit. A building permit may also be required.

____ "Person" means a natural person and any organization, association or entity having an existence recognized by law.

____ "Portable sign" means any sign which is designed and constructed in such a manner that it can conveniently be moved from place to place. This definition shall include, but is not limited to, cardboard, paper, fabric, canvas and plastic banners and flags.

____ "Premises" means such contiguous land in the same ownership and which is not divided by a public highway, street, alley or right of way.

____ "Projecting sign" means a sign which is supported by a decorative bracket or hanger and extends at an angle from the face of a building. This definition shall also include any sign which, because of its shape or thickness, extends more than 12 inches from the face of a building when mounted flat against the face of the building, but shall not include a marquee which is designed as an integral part of a building, or any sign which is suspended from or is supported by a wall or building and which projects outward therefrom.

____ "Project sales sign" means a sign which is erected for the purpose of promoting the sale or lease of property in a residential, office, commercial or industrial project on the site where the sign is located,

and which is under construction or has been substantially complete for less than one year.

_____ "Real estate sign" means a sign offering for sale, rent or lease the real property on which it is located.

_____ "Roof" means a horizontal or sloping surface of a building which serves as a cover for the building or its entry, portico or other appurtenances. This definition includes any part of a building which resembles a roof in form or function.

_____ "Roof sign" means any sign located on the roof of a building and either supported by the roof or by an independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure or architectural blade is not a roof sign.

_____ "Shopping center" means a group of commercial establishments, the perimeter of which is clearly definable, developed on a continuous area of land, planned and developed as a single unit and providing on-site parking appropriate to the number, types and sizes of stores.

_____ "Sign" means any structure, symbol, display, device or painting on or in any other manner making representation on or attached to the land, building(s), structure(s), or part thereof. Such structures, displays, symbols, devices or paintings include but are not limited to letters, numbers, words, illustrations, decorations, emblems, trademarks and lights displayed to the public for the purpose of identifying, advertising or promoting the commercial or non-commercial interests of any person, persons, firm, corporation or other entity by conveying an advertising message or attracting the attention of the public. This definition includes all parts of such a device, including its structure and supports and also includes balloons, banners, pennants, flags, lights, reflectors, reflected lights, streamers or other devices which are used to attract the attention of the public, whether or not they convey a specific advertising message. Signs used by public utilities for the safety, welfare or convenience of the public shall be exempt from the provisions of this definition: examples of such signs are: "Danger -- High Voltage." "Public Telephone" or "Underground Cable."

_____ "Sign area computation". The area of each sign surface shall be computed by calculating the area within the frame enclosing the letters or material which composes the sign, or, where there is no frame, by calculating the area of the surface upon, against or through which the message is displayed. Where a sign is composed of separate letters which are placed or painted on a building or other similar surface not designed specifically for sign presentation, the sign area shall be computed on the basis of a shape closest to the extremities encompassing individual letters, words, or symbols.

_____ "Sign structure" means those parts of a sign designed to support it in place.

____ "Site" means a lot or parcel, or contiguous lots or parcels of land on which a building or complex of buildings is located.

____ "Site frontage" means the linear dimension of a site abutting on a public or private street right-of-way.

____ "Suspended sign" means a sign supported from, located below, or completely covered by a building soffit or permanent canopy.

____ "Street frontage" means the property line of a lot abutting public street right-of-way, excluding alleys to which such property has the legal right of access.

____ "Temporary sign" means a sign made of paper, cardboard, cloth, plastic or similar material having limited durability if exposed to the elements; a sign, irrespective of its durability, intended for display for less than 60 days, and/or a sign without structural support. The sign message on any temporary sign may be commercial or non-commercial or a combination of both. Temporary signs do not include signs carried by a natural person, or changing copy on permanent signs lawfully erected and maintained.

____ "Time and temperature sign" means a sign which displays only the current time, temperature, and/or news of current events and carries no advertising message. A time and temperature sign shall not be considered a flashing or animated sign.

____ "Wall sign" means a sign painted on, attached to, or erected against the face or wall of a building with the face of the sign in a parallel plane with that of the building face or wall.

____ "Wind sign" means any sign, part of a sign or series of signs, designed or erected in such a manner as to move when subjected to wind pressure. Wind sign does not include "suspended signs".

SECTION 6. Community Development Director's Powers/Right of Entry.

1. Authority. The Community Development Director is authorized and directed to enforce all the provisions of this chapter. The Community Development Director may, in his/her sole discretion, permit variations in area and height requirements **if it** can be shown that such would promote uniformity, architectural compatibility or community aesthetics. No variation shall exceed 20 percent of spacing and height limitations imposed by this chapter.

2. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Community Development Director has reasonable cause to believe that there exists a condition which makes a sign unsafe, he/she may enter the premises upon which such sign is located, at all reasonable times to inspect the sign or to perform any duty imposed by this chapter, provided that:

(a) If the premises upon which the sign located is occupied, the Community Development Director shall first present proper credentials and demand entry; and

(b) If the premises is unoccupied, the Community Development Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises, and demand entry. If such entry is refused, the Community Development Director may pursue every remedy provided by law to secure entry.

3. Inspection. Any sign which is subject to this chapter shall be inspected by the Community Development Director to insure compliance with this chapter.

4. Failure to permit entry. Any owner or occupant or any other person having charge, care or control of any building or premises, who fails or neglects, after proper demand is made to permit entry therein by the Community Development Director for the purpose of inspection and examination pursuant to this chapter, shall have violated this chapter.

SECTION 7. Appeals procedure.

1. Planning Commission. In order to determine the suitability of materials and methods of construction, and to provide for reasonable interpretations of any ambiguous provisions of this chapter, appeals may be taken to the Planning Commission.

2. Appeals. Appeals to the Planning Commission may be taken by: Any person aggrieved by his/her inability to obtain a sign or building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this chapter, or by any person who suffers a unique hardship due to the strict application of the provisions of this chapter.

3. Time. The time within which an appeal must be made and the form, fees or other procedure relating thereto shall be as specified by resolution of the city council may be amended from time to time.

SECTION 8. Sign Inspection and Responsibilities.

1. Inspection. Every on-premises or off-premises sign and/or sign structure erected in the city is subject to inspection by the Community Development Director, to assure compliance with the provisions of this chapter.

2. Responsibility. The owner of the sign and/or sign structure is responsible for its proper construction, maintenance, repair and compliance with the provisions of this chapter.

SECTION 9. Signs on Public and Utility Property.

1. Prohibited Signs. No person shall paint, mark or write on, or post or otherwise affix, any hand-bill, sign or sign structure to or upon or over real or personal property, easements or rights-of-way owned by a public agency or by a privately-owned public utility, any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or wire pole, or wire appurtenance thereof, or upon any fixture of the fire alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, life buoy, life preserver, lifeboat or other life saving equipment, street sign or traffic sign,

2. Exemptions. Signs exempted from the prohibition in paragraph 1 are:

- (a) Signs which are erected for the safety of motorists and pedestrians in connection with hazardous activities being conducted on the property, easement or right-of-way or on adjacent private property ;
- (b) Official signs and signs required by law;
- (c) House numbers painted on curbs;
- (d) Signs carried by natural persons.

3. Removal. Any sign found erected contrary to the provisions of this Section shall be removed by the City public works department, after five days' written notice of removal shall be given. The removed signs must be stored for 30 days. During that period, the sign will be made available to the owner and will be returned upon payment of the cost incurred in the removal and storage.

SECTION 10. Exempted Signs.

Except to the extent they are subject to special standards, the following types of signs and displays, whether on-premises or off-premises, are not subject to the provisions of this chapter and need not be included in any aggregate area computations:

- 1. Official traffic-control or regulatory signs, signals or devices, street-name signs or other signs required by law;
- 2. Changes in copy or advertising display on an existing sign which do not alter the structure, size or configuration of the sign;
- 3. Holiday decorations ;
- 4. Safety or caution signs, legal notices, public utility signs;

5. Memorial tablets, plaques or markers of bronze, stone or concrete;
6. "Open", "Closed", "No Trespassing", "Warning" and similar signs not exceeding 2 square feet;
7. Address numbers or plates and residential nameplates;
- a. Civic displays;
9. Flags, emblems or insignia of any nation, state or political subdivision, provided that the individual surface area is not greater than 60 square feet, and that the supporting structures are not greater than the larger of 25 feet high or 10 feet more than the permitted height for a freestanding sign, whichever is greater. Such signs not exempted are counted and regulated in accordance with this chapter;
10. Indoor posters;
11. Architectural graphics;
12. Signs which are located within a structure and not visible from a public street, sidewalk or alley or other public area;
13. Directional signs;
14. Stationary lights which illuminate a building or adjacent grounds and do not directly illuminate another sign; lights which outline building features and are not part of the integrated background or outline of a sign;
15. "For Sale" signs on private property;
16. Signs constructed by a public agency on public land;
17. Signs that are permitted for home occupations provided that a Home Occupation Permit has been obtained; such signs shall be an unlighted name plate mounted on the building, not exceeding 2 square feet in area announcing name and home occupation.

SECTION 11. Prohibited Signs.

The following types of signs and displays are prohibited:

1. Off-premises signs ;
2. Freestanding signs in any residential , neighborhood shopping, downtown commercial core districts, except those exempted in Section 12.
3. Freestanding signs for individual businesses in a multi-tenant complex.

4. Roof signs;
5. Signs which constitute a hazard to traffic or pedestrians;
6. Signs located within any right-of-way of stream or drainage channel ;
7. Mobile signs or portable signs unless carried by a person or by a motor vehicle as provided in Section 12;
- a. Three dimensional figures of humans or animals;
9. Signs which produce odor, sound, smoke, flame or other emissions;
10. Signs which imitate or simulate official signs, or which use yellow or red blinking or intermittent lights resembling danger or warning signals;
11. Strobe lights or individual light bulbs exceeding 60 watts, if rays of light project directly from the source into residences or streets, or any moving beam of light;
12. Wind signs, other than those exempted;
13. Moving signs;
14. Electrically animated and flashing signs and electronic variable message signs;
15. Inflatable signs.

SECTION 12. Special standards by type of sign.

1. Mobile and Portable Signs. Mobile and portable signs, are permitted under the following conditions:
 - (a) The sign must be painted or otherwise directly attached flat against the exterior surface of the body of the vehicle or trailer or, if on a cargo-type body, the sign must be attached flat against the **stake** racks or other standard vehicle accessories used to confine cargo loads on the bed of the vehicle or trailer;
 - (b) The vehicle or trailer must be currently licensed and registered by the California Department of Motor Vehicles and must be legally operable and capable of being operated on the public roads;
 - (c) The vehicle or trailer is required for and is used to transport people or goods in connection with the business or other activity or interest being advertised; and

(d) The sign may not be illuminated and may not contain letters or symbols which are manually replaceable in order that the copy can be easily changed from time to time.

2. Directory Signs. Directory signs shall be permitted at major entrances to residential, commercial, institutional, industrial or office complexes to identify occupants, addresses or building numbers for the convenience of visitors and to facilitate emergency services. Directory signs shall not exceed 6 feet in height and shall not exceed a maximum total of 48 square feet. No more than 3 square feet shall be devoted to any single occupant. Directory signs shall not be included in allowable sign-area limit computations or when calculating the number of signs on a site.

3. Directional Signs. Directional signs on either face of such signs shall not exceed 4 square feet in size and shall be limited to a maximum of 2 signs for each institution, community service organization or church. Directional signs shall not be included in allowable sign area computations or when calculating the number of signs on a site.

4. Area Identification Signs. Area identification signs shall be permitted at major entrances to neighborhoods, subdivisions, residential complexes, and office or industrial complexes. Area identification signs shall not exceed 6 feet in height, and 128 square feet in total area and shall not be included in allowable sign-area computations or when calculating the number of signs on the site.

5. Multi-Tenant Complex Identification Signs. Multi-tenant complex identification signs shall be permitted for each multi-tenant complex. Multi-tenant complex identification signs shall be limited to one per multi-tenant complex and shall not exceed 35 feet in height and shall be a maximum of 300 square feet for all readable surfaces if in a C-1 zone or 600 square feet in a C-S or higher zone. 100 square feet of the total sign area may be used for individual business identification signs uniform in size, shape, and lettering. A multi-tenant complex identification sign shall not be included in allowable sign area computations or when calculating the number of signs on the site.

6. Temporary Signs. Temporary signs shall be permitted under the following conditions:

- (a) The sign area may not be more than 128 square feet;
- (b) The height of the sign may not be more than 8 feet;
- (c) The aggregate sign area of all temporary signs on the premises may not be more than 128 square feet;
- (d) Sign may not be in place more than 60 days;
- (e) If the sign message refers directly (certain date) or indirectly (i.e., a picture of a candidate) to a date certain, then said sign must be removed 10 days after that date certain;

(f) The sign must contain the name and address of a person or entity to contact, in the event the sign remained after the time allowed for in this chapter;

(g) The sign, if it is a commercial sign, complies with the requirements of subsection 7 through 9;

(h) The location is at a distance not less than 10 feet from any public right, of way, unless a building is so located on the premises as to preclude erecting the sign anywhere on the premises, in which case the sign may be attached to or mounted against the building;

(i) The sign shall not be placed on any public or utility property in violation of Section 9 of this chapter.

7. Temporary project sales signs. Notwithstanding the area and height limitations of Subsection 6, project sales signs shall be allowed during the period when a developer or builder is actively engaged in the sale of lots or houses, or the sale or lease of space in a commercial, industrial or office development, provided they are maintained in good condition. One sign is allowed for each of no more than 2 major public entrances to the project area. Individual signs may not exceed 64 square feet or 8 feet in height.

8. Temporary real estate signs. One sign conforming to the height and area limitations in subsection 6 is allowed on residential property and on any property less than one acre in size. On commercial, industrial or office properties over one acre, one sign not to exceed 32 square feet in size is allowed.

9. Monument signs or any sign with a base, frame, or supporting structure. The size of sign structures is limited to a maximum of 60 percent of the sign area.

SECTION 13. Permits and enforcement.

1. Permit required. A sign permit is required for every sign erected within the city regardless of type of sign, whether temporary or permanent, on-premises or off-premises. It is unlawful for any person to erect, enlarge, alter (except for normal maintenance or repair and changes in advertising copy or relocation within the city) any sign without first having obtained a sign permit and a building permit for the construction of the sign from the Community Development Director, and paying the permit fees.

2. Application for permit. Application for a sign or building permit for the construction of a sign, shall be made on forms provided by the city and shall include, or be-accomplished by, the following:

(a) Name, address, telephone number of the property owner;

(b) Name, address, telephone number and signature of the applicant;

(c) Name, address, telephone number and license number of the licensed contractor, if sign is to be erected by same;

(d) A plot plan showing the boundaries of the parcel on which the sign is to be located, as well as the location of the sign and all structures on the site, including data showing building and property frontages. Parking, landscaping and other site features shall also be indicated;

(e) Two copies of drawings of the proposed sign(s) showing:

(1) the position of the sign in relation to adjacent structures or buildings;

(2) the design, dimensions, mounting height, materials of construction and structural details;

(3) Drawings or pictures of all existing on-premises or off-premises signs on the site, showing their sizes, locations and the total area of all existing signs;

(4) Any other information deemed necessary by the Community Development Director.

3. Structural engineering. The Community Development Director may require structural engineering or such other information necessary to preserve the safety and welfare of the general public or to insure compliance with this chapter or other provision of law.

4. Business license. Owners or applicants who are in the business of constructing advertising structures or leasing such structures for advertising purposes shall provide evidence that they have a valid business license from the finance department of the city.

5. Issuance of Permits. When all requirements of this chapter have been satisfied and all fees paid, a sign and/or building permit shall be issued by the Community Development Director.

6. Permit Fees. Fees for sign and building permits shall be as set by resolution of the Lodi City Council from time to time.

7. Validity of permit. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other law or ordinance.

8. Stop work order. Whenever any advertising display or structure is being erected or maintained contrary to the provisions of this chapter, the Community Development Director may order the work stopped by serving the permittee or owner of the property or by posting a notice on the work being done. The owner or person responsible for

the performance of such work shall promptly cease performing any work on the advertising display or structure until the Community Development Director gives him/her authority to proceed.

9. Suspension and revocation. Any sign or building permit issued in error, or in reliance on a falsified application, may be revoked by the Community Development Director. Any sign erected or partially erected under a permit issued pursuant to a falsified application may be ordered removed at the owner's expense.

I!. ADDITIONAL REQUIREMENTS

SECTION 14. General Standards, On-Premises Signs.

1. Regulated signs. All signs erected or located in the city which are not exempted by Section 10, are subject to the provisions of this chapter as to their location, size, height, type and function. Types of signs which are not specifically mentioned are permitted subject to the regulations contained in this chapter.

2. Sign area computation -- Individual Signs. The allowable sign area shall apply to all readable surfaces of the sign. No one side of any sign may contain more than 50 percent of the total sign area allowed. Where a sign consists of individual letters, numbers or symbols, painted on or attached directly to a building which are without an integrated background and are not enclosed in a frame or cabinet, the area of the display shall be the average height of the display, times the average width. If such a display consists of more than one line or component, the area of each line or component may be calculated separately. Where a display is enclosed in a frame or cabinet, or has an integrated background, the entire area within the frame, cabinet, or background must be included.

3. Allowable sign area.

(a) Where the allowable sign area is a function of business frontage, no more than 2 business frontages may be counted in calculating the allowable area for any building occupant. When 2 business frontages are used, only 75 percent of the total of the 2 frontages can be used in calculating allowable sign area;

(b) The sign area of all sides of all signs on a lot shall be counted and shall not exceed the maximum calculated allowable sign area. In no case shall the total sign area on a lot exceed the maximum allowance established for the zone in which the lot is located as provided in Section 15;

(c) Where both on-premises and off-premises signs are located on the same site, the allowable on-premises sign area shall be reduced by the amount of off-premises sign area, on the same premises, until the off-premises signs are either fully amortized or removed;

(d) The total sign area on any premises shall not be transferable to any other property or parcel so as to allow a parcel or property owner to accumulate sign area credits;

(e) Any portion of signage on a lot which exceeds the maximum allowed becomes non-conforming and is subject to the provisions in Section 17.

4. Number of signs. The number of freestanding signs located on any business frontage shall not exceed 1 sign for any single business or shopping center in the appropriate zones. Any advertising display contained within a single frame, cabinet or integrated background shall count as 1 sign. If a display is not so contained, a single message or business name shall be counted as 1 sign. A business name combined with a brief slogan may be counted as 1 sign if the elements are visually integrated. Multiple signs on a single freestanding structure, where permitted, are allowed if the other requirements of subsection 3 and this subsection are satisfied, provided that all signs supported by a single structure are visually compatible with one another.

5. Maintenance, repair and appearance. All signs shall be maintained in good repair and shall be neat in appearance. Any sign which is determined by the Community Development Director, to be unsafe or unsightly because of bent, broken or missing parts or poor maintenance generally, may be declared a public nuisance.

6. Location of signs. Signs located on private property shall not extend across property lines into adjacent property. Signs may be located within, or project into, setbacks, except that no sign may overhang more than 1 foot over a public right-of-way or be located in a manner that would create a hazard for traffic or pedestrians.

The supporting structure of a freestanding must be located at least 10 feet from the back of the curb in residential zones and at least 2 feet in commercial and industrial zones.

7. Wall signs. Wall signs may not extend above or beyond the wall or surface to which they are attached and may not project more than 1 foot from the wall.

8. Projecting signs are allowed subject to these conditions:

(a) The sign may not extend above the wall or other surface to which it is attached; and

(b) The sign may not be attached to or located on/or above a roof;

(c) The sign is located in the appropriate zone.

SECTION 15. Special standards by zone.

SPECIAL STANDARDS BY ZONE

	R-1	R-2	R-LD	R-GA	R-MD	R-HD	R-CP	C-1	C-S	C-2	C-M	M-1	M-2	P-D	F-P	U-H	PUB																																	
A	Are off-premise signs allowed?																	NO																																
J	Maximum height of freestanding signs																	20'				35'			35' (75' IN FIA)				*		20'																			
C	Maximum number of freestanding signs																	ONE																																
D	Maximum size of any one sign (ft ²)																	6		48				200		300			480				*		6		200													
E	Ratio of allowable total sign area																	NOT APPLICABLE																	.5:1		2:1			3:1				*		N/A		.5:1		
F	Maximum allowable total sign area																	6		48				200		300			480				*		6		200													
G	Can signs be indirectly lit?																	NO		YES				NO													YES													
H	Can signs be interiorly lit?																	NO		YES													NO		YES															
I	Are animated signs allowed?																	NO																																
J	Are projecting signs allowed?																	NO				YES									NO																			
K	Maximum number of readable surfaces																	FOUR PER SIGN																																
L	Setback from curb																	10'				2'									*		10'																	

* Varies, depending on underlying zoning or usage

- Notes:
1. The ratio of allowable sign area depends upon lineal site or business frontage
 2. Businesses with 2 frontages take 75 percent of the total for allowable sign area
 3. No one side of a sign may contain more than 50 percent of the allowed sign area
 4. FIA is the Freeway Information Area

See Chart.

SECTION 16. Removal or Restoration of Signs.

The Community Development Director may issue a written Remove or Restore Notice to the owner of an on-premises sign and/or sign structure, requiring the removal or restoration of the sign and/or sign structure within 30 days of the Notice, if any of the following conditions is determined to exist:

- 1) Any sign and/or sign structure erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use;
- 2) Any sign and/or sign structure which was lawfully erected, but whose use has ceased, or the sign structure has been abandoned by its owner, for a period of 90 days;
- 3) Any sign and/or sign structure which has been more than 50 percent destroyed, and the destruction is other than facial copy replacement, and the sign and/or sign structure cannot be repaired within 30 days of the date of its destruction;
- 4) Any non-conforming sign and/or sign structure whose owner, outside of a change of copy, requests permission to remodel and remodels that sign and/or sign structure, or expand or enlarge the building or land use upon which the sign and/or sign structure is located, and the sign and/or sign structure is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the sign and/or sign structure exceeds 50 percent of the cost of reconstruction of the building;
- 5) Any sign and/or sign structure whose owner seeks relocation thereof and relocates the sign and/or sign structure;
- 6) Any sign and/or sign structure for which there has been an agreement between the sign and/or sign structure's owner and the city, for its removal as of any given date;
- 7) Any sign and/or sign structure which is temporary;
- 8) Any sign and/or sign structure which is or may become a danger to the public or is unsafe;
- 9) Any sign and/or sign structure which constitutes a traffic hazard not created by relocation of streets or highways or by acts of the city.

Said Remove or Restore Notice shall be issued by certified mail. If the sign and/or sign structure is not removed or restored within the 30-day period, the Community Development Director may cause the removal of the sign and/or sign structure, and the costs thereof may be charged to

the legal owner of the sign and/or sign structure. The Community Development Director may allow an abandoned sign and/or sign structure to remain in place, provided that the sign and/or sign structure is maintained in good condition, and that there is a reasonable possibility that the sign can be restored to use within a 1-year period.

SECTION 17. Continued Use of Nonconforming Signs.

1. Continuance of a nonconforming sign. Any advertising display which becomes nonconforming as the result of the adoption of this chapter is subject to the conditions hereinafter stated:

(a) A nonconforming sign damaged by wind or other natural causes to an extent greater than 50 percent of its replacement cost, as determined by a member of the American Institute of Real Estate Appraisers selected by the Community Development Director, shall not be reestablished. If the Community Development Director determines that an appraisal is necessary to satisfy the requirements of this Section, he/she shall notify the owner of the sign who shall give him/her written authorization to hire an appraiser and acknowledge owner's responsibility to pay all fees incurred as a result thereof. No permit for reconstruction of the damaged sign shall be issued until the Community Development Director is presented with satisfactory evidence that the appraisal fees have been paid;

(b) A nonconforming display which is damaged or destroyed as a result of vandalism or other malicious act may be restored or rebuilt. This Section does not permit the display or supports to be constructed of a different material;

(c) A nonconforming sign which is determined to be abandoned shall be removed. The right of a person to maintain an abandoned, nonconforming sign shall terminate following his/her receipt of notification that the Community Development Director has deemed the sign abandoned. Responsibility for removal of an abandoned, nonconforming sign rests with the owner of the sign or the owner of the property upon which the sign is constructed;

(d) A nonconforming sign must be removed if the parcel on which the sign is located is subjected to any of the following changes:

- (1) Approval of a parcel map;
- (2) Approval of a tentative subdivision map;
- (3) Approval of a major project review;
- (4) Approval of a resolution of intent to change land use district.

2. Amortization of nonconforming off-premise signs. Any off-premise advertising display that becomes non-conforming as a result of the

adoption of this chapter is subject to the conditions in Paragraph 1 and the conditions hereinafter stated:

(a) Amortization period. The right to maintain and continue the use of a non-conforming off-premises sign shall cease 7 years from the date on which the sign became nonconforming. The Community Development Director shall give notice at least 3 years before ordering a nonconforming sign removed, and may do so during the 7-year amortization period. Notice shall be given by certified mail to the owner of the property on which the sign is located and to the owner of the sign, if not the same as the property owner. The owner of the sign shall be responsible for removing the sign or bringing it into conformance with the requirements of this chapter;

(b) Order to remove. Upon expiration of the 7-year amortization period provided in this Section, the Community Development Director shall order the nonconforming sign to be removed;

(c) Additional signage. No new sign or building permits will be issued until excess signage is fully amortized or removed, whichever occurs first.

SECTION 18. Abandoned Signs.

1. Removal of abandoned signs. Any sign and/or sign structure which has been abandoned for a period of 90 days shall be removed or restored to use within 30 days after a notice to restore or replace issued to the owner of the sign and/or sign structure. Notice shall be given by the Community Development Director, using certified mail. The Community Development Director may allow an abandoned sign and/or sign structure to remain in place, provided that the sign or sign structure is maintained in good condition, and that there is a reasonable possibility that the sign can be restored to use within a 1-year period.

2. Criteria for establishing abandonment. A sign Or sign structure shall be considered abandoned when any of the following occurs:

(a) Any copy thereon is out of date;

(b) Any business advertised thereon is no longer located at the advertised premises;

(c) Any product or service advertised thereon is no longer offered on the advertised premises;

(d) The structure no longer supports a sign or the sign no longer contains an advertising display;

(e) A sign, structure or advertising display is visibly damaged or partially missing.

(f) The event which is being advertised has occurred.

SECTION 19. Violations.

1. Procedure for violations. Any advertising display or structure erected or maintained, or any use of property contrary to the provisions of this chapter, is unlawful and a public nuisance. The following procedure applies to enforcement of the provisions of this chapter:

(a) Notice of Violation. In the event of a violation of this chapter, the Community Development Director shall deliver to the person or persons in violation of this chapter a "Notice of Violation" ordering the persons to comply with the provisions of this chapter within 10 days of receipt of the notice;

(b) Noncompliance; Citation. Upon failure of the persons in violation to comply, the Community Development Director may issue to the persons in violation, a citation to appear before the Lodi Municipal Court and may refer the notice of the violation to the city attorney for commencement of an action or actions for the abatement, removal and enjoinder of such violation as a public nuisance and the institution of a criminal action in the manner provided by law.

2. Remedies. All remedies provided for in this chapter are cumulative and not exclusive. The conviction and punishment of any person under this chapter does not relieve such person from the responsibilities of correcting conditions or removing prohibited sign displays and structures which are in violation of this chapter.

3. Penalties. Any person violating any of the provisions of this chapter or any applicable provisions of the Uniform Building Code is guilty of a separate offense for each day or a portion thereof during which a violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction for any such violation shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 6 months, or by both fine and imprisonment.

SECTION 20. All ordinances or parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 21. This ordinance may be automatically amended from time to time as deemed necessary by the city council so as not to be found discriminatory or to deny equal protection.

SECTION 22. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

Attest:

EVELYN M. OLSON
MAYOR

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held _____ and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____ by the following vote:

Ayes : Council Members -
Noes : Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

RONALD M. STEIN
City Attorney

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