

## SUMMARY OF KEY CHANGES

### Exempt Signs/General Entitlement (Section 9655.4)

The ordinance has been updated consistent with new land use law relative to content neutrality. Content neutrality means a sign regulation may not regulate the content of a sign. Currently the ordinance lists signs such as temporary political signs, American flags, sales/special event signs, and religious, charitable, civic, homeowners association and educational signs as exempt from requiring a sign permit. These types of signs have been deleted and/or revised to remove reference to language such as political signs, American flag, sales/special event signs, etc. because they define the content of a sign. In the revised ordinance American flags would fall under the category of “noncommercial flags” and sales/special event signs are now “window signs”. All noncommercial (religious, charitable, civic, homeowners, and educational signs) would fall under a new category entitled “temporary noncommercial signs and banners”.

The only setting in which the courts have allowed some content-based regulations is in the area of commercial speech. Cities may prohibit offsite commercial billboards entirely and may also prohibit on-site commercial billboards except where they relate to activity on the premises. If the City chooses to regulate commercial on-site signs by limiting the text to naming, designating or identifying the business, enterprise, or products or services available, the code needs to provide language indicating that this does not apply to the erection or use of noncommercial signs. Staff has added substitution clauses (Sections 9655.7 G., H., and I.) that provide that any sign authorized by this chapter is allowed to contain noncommercial copy in lieu of other copy. In other words, an ordinance must allow a noncommercial message any place where a commercial message is allowed

### Sign Standards (Section 9655.5)

*Colors* – The existing code allows a maximum of two (2) colors for all permanent signs and includes black and white as colors. The Sign Committee felt that this was too restrictive and could result in monotonous signs. The proposed sign ordinance allows a total of three (3) colors. Further, the code will allow shopping centers with a major tenant a total of five (5) different colors through a Sign Program approved by the Planning Commission.

*Monument Signs* - The current ordinance includes the base of a monument sign when calculating allowed sign area. This results in monument signs being proposed without a base since the base is counted as part of their allowed signage. The proposed ordinance has eliminated this provision and the Sign Design Guidelines encourage the use of stone or rock bases for monument signs. Standards have been included in the ordinance that prohibit the use of plastic material as background and requires that the interior light source illuminate only the sign letters not entire panel. These code provisions and other design criteria will enhance the design of monument and directory signs in the City.

*Directory Signs* - The ordinance has been simplified to remove the restrictive design parameters that are in the existing Code. These include provisions that the top panel of the sign must have a

minimum height of 18 inches, the address must be maximum six (6) inch high characters and all other individual business signs panels must have a minimum of height of six (6) inches. Staff recommended removal of these provisions because they over regulate the design of a directory sign while not necessarily ensuring a well designed attractive directory sign. However, the size and number of panels and height of characters will be reviewed on an individual basis as part of the Sign Program.

*Projecting Signs and Under Canopy Signs* - In the existing code projecting signs are prohibited. This provision was meant to prohibit businesses from utilizing large projecting signs on a store front in lieu of a wall sign. The proposed code would allow projecting signs and under canopy signs as accessory pedestrian oriented signs.

#### Sign Lighting (9655.7/9554)

The existing sign regulations include the following provision.

*“No sign shall be illuminated after 11:30 p.m. or close of business, whichever occurs last.”*

The Sign Committee had recommended deleting this section from the new sign regulations. However, the Planning Commission decided to keep the existing Code language which would require sign lights to be turned off at 11:30 p.m. or close of business, whichever occurs last.

Lighting of signs in Old Agoura was also discussed and the Planning Commission is recommending the addition of language that would requires signs in a special geographic area be turned off at 9:30 p.m. or close of business, whichever occurs last.

This special geographic area covers lots generally fronting on Agoura Road, Dorothy Drive and Lewis Road and is considered to be the historic commercial origins of Old Agoura. This area is characterized by offices, equestrian retail uses, and a variety of other quaint retail and service related businesses. Moreover, there are no street lights and curb/gutters on the Agoura Road section. The Zoning Ordinance recognizes the special, unique ambiance of this area and limits land uses to those that are in keeping with this ambience.

#### Freeway Facing Signs (9655.8 B)

Existing language permitting freeway oriented signage has the effect of allowing some businesses freeway facing signage while prohibiting similar signage for other freeway adjacent business. For instance, those businesses that front on a frontage road such as Canwood Street or Roadside Drive can have signage facing the frontage road thus visible from the freeway, while business located in areas without a frontage road are limited in their ability to have freeway visible signage.

The current ordinance allows commercial complexes and offices that have one side of the building that does not abut a street and exceeds 125 feet in length to have a secondary sign. This allowance for a secondary sign is often utilized on buildings that back or side upon H-101.

Symark and Countrywide are examples of buildings that were granted a freeway facing sign based on this provision. Currently secondary signs cannot be illuminated unless approved by the Planning Commission. In addition, a secondary sign is limited in size to either ½ the size of the primary sign (50 square feet for buildings located within 100 feet of the public street and 70 square feet for buildings located more than 100 feet from a public street). The Sign Committee recommended that all buildings that back or side upon the freeway, regardless of the length of the building, be allowed to have an illuminated freeway facing sign approved by the Community Development Director. The Planning Commission felt that all freeway facing signs should be required to have a Sign Program approved by the Planning Commission.

In order to ensure that not only freeway facing signs but all signs in the City are of high quality, existing sign standards have been strengthened and new standards have been added to the Code. In addition, another tool that the Planning Commission will have to review these signs is the new Sign Design Guidelines.

#### Real Estate Signs (9655.10)

The Sign Committee discussed the issue of temporary real estate signs in detail and expressed concern that many “temporary” real estate signs are 1) installed using temporary materials (plywood) without regard to established design criteria and 2) remain up permanently. In order to address this issue, the Committee recommended that all commercial real estate signs be required to obtain a Temporary Use Permit. This will allow the City to monitor the length of time the sign is installed and require the removal of the sign after an established time period. The Committee discussed the option of requiring each shopping center to construct a permanent sign structure designed consistent with the design of the center on which the real estate signs could be placed. However, a real estate representative in attendance at the meeting with shopping center owners felt this would be a burden on real estate agents because they typically utilize the same (in terms of size) sign for each City and it would be difficult for the real estate agents to be required to install a different type of sign for each City.

In order to minimize the impact of these temporary signs, the Sign Committee also recommended that the height be restricted to four (4) feet. However, based in part on concern from staff that this would create a Code Enforcement problem for the City since six feet is the typical height allowed for real estate signs and the vast majority of real estate signs are already installed at six feet in height, the Planning Commission agreed that six (6) feet would be more appropriate. In addition, lease potential signs and residential real estate signs are currently allowed at six feet in height.

#### Sign Modifications and Tree Canopy Conflicts (9655.11)

The provision that allowed the Planning Commission to approve minor modifications of up to 30% to the size, height, number and location of new or existing signs was left in tact in the Code as staff believes that it is important to give the Planning Commission the flexibility to accommodate special circumstances related to a business while ensuring high quality signage.

In an effort to address the conflict between the City's requirement for 50% shade coverage and the impact the trimming these shade trees to increase views of the business signs, a new provision was added that would allow the Planning Commission to grant modifications to sign size, height, number and location greater than 30% for monument and directory signs if the property owner enters into a Landscape Maintenance Agreement that will be recorded on the property and include a provision to ensure that proper tree trimming methods are utilized.

#### Nonconforming Signs (Section 9655.12)

This section of the sign ordinance (9655.12) has been updated consistent with State law. In addition, all of the amortization schedules were deleted from the Code. The City has been successful in the abatement of the majority of pole signs in the City without utilizing the amortization process. To date, only 9 pole signs out of the original 44 exist in the City. The ordinance does continue to prohibit nonconforming signs from being expanded, moved or relocated and if a business has been discontinued for more than 60 days all nonconforming signs must be removed.