



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: June 19, 2008

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NOS.: 08-ZOA-004

LOCATION: Citywide

REQUESTS: A request for the Planning Commission to provide a recommendation to the City Council regarding proposed amendments to the following Sections of the Sign Regulations of the Zoning Ordinance: 9655.4 (General Entitlements); 9655.4.D (regarding illuminated business hour signage); 9655.4.I (regarding community event banners); and 9655.10.A.4 (regarding “grand opening” and “now open” banners).

ENVIRONMENTAL DETERMINATION: Addendum to the 1992 Certified Final Environmental Impact Report prepared for the City of Agoura Hills General Plan Update

RECOMMENDATION: Staff recommends the Planning Commission recommend the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-004.

I. BACKGROUND

When requested of the City Council, staff reports on code enforcement activity and procedures and seeks direction as needed on prevalent issues that would assist in enforcing the Municipal Code. On January 9, 2008, the City Council discussed Sign Ordinance enforcement activity procedures, including commercial window signs, development signs, and non-profit advertising.

Staff was given direction regarding enforcement of various provisions of the Sign Ordinance. Some components of their direction require amendments to the existing Sign Ordinance. These amendments must first be reviewed by the Planning Commission for recommendations to the City Council prior to final approval by the Council. Specifically, the City Council directed staff to prepare changes to the following provisions of the Ordinance: 1) illuminated "open" signs; 2) future development and tenant "opening soon" signs; and 3) charitable event advertising.

To assist staff in preparing the text amendments to the Sign Ordinance, staff has requested recommendations from the City Business Task Force, which consists of several local business representatives appointed by the City Council to provide input on issues affecting the business community.

II. STAFF ANALYSIS

1. Illuminated "Open" Signs

Staff has noticed an increase in the number of illuminated "open" signs which businesses are displaying in the city. The Sign Ordinance specifically states that window signs which advertise products may not be illuminated. However, a prohibition of illuminated information signs, including "open" signs, is not included.

The City Council expressed their willingness to consider allowing illuminated "open" business signs, but expressed their reservation in allowing the neon signage, or signs that appear as neon. Based on this direction, staff proposed to the Business Task Force that "open" signs of any illumination method, except exposed neon or exposed fluorescent illumination, be allowed and treated as any other temporary window sign with regard to window coverage. Staff also proposed that other types of illuminated window signs, including neon signs and flashing/scintillating signs, etc., continue to be prohibited. The Business Task Force supported these proposals, with the recommendation that illuminated "closed" signs also be allowed and that the types of allowable and prohibited illumination methods be specified. Based on these recommendations, staff proposes the following amendments (underlined) to the "informational sign" provisions of the Sign Ordinance:

"The following signs if not illuminated, except as otherwise allowed herein, shall be permitted without the requirement of a sign permit in the applicable land use districts. Such signs shall be located in a manner that does not create a traffic hazard or a hazardous condition for persons using a public right-of-way, as determined by the city engineer.

Informational signs. Signs with window areas that indicate addresses, hours and day of operation; whether a business is opened or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall be used for the name of the business in excess of twenty-five (25) percent of said sign. “Open” and “closed” signs may be illuminated by light emitting diode (LED) or incandescent methods. Exposed neon illumination, exposed fluorescent illumination and scintillating, flashing, animating or revolving “open” and “closed” signs are prohibited.”

2. “Opening Soon” Signs and Future Development Signs

The Sign Ordinance also allows the display of one 20 square foot grand opening banner for a maximum 30-day duration to advertise the initial opening of a business. The ordinance currently does not provide for the display of “opening soon” signs which are intended to advertise the pending opening of a new business. Staff informed the City Council that certain businesses which are moving into existing buildings or are awaiting completion of a new building are interested in displaying “opening soon” banners. The City Council expressed their willingness to allow for the display of “opening soon” banners provided the duration was limited.

Based on this direction staff proposed to the Business Task Force that the ordinance be amended to allow “opening soon” signs and grand opening signs within a total 60-day period, subject to issuance of a sign permit. The Business Task Force emphasized to staff that the initial opening of retail businesses is critical to their success. As such, it was recommended that temporary “coming soon” or “grand opening” signs (or “occupancy”) be allowed with a sign permit during a consecutive 90-day period, during which time the business may change the content of the sign based on the status of their opening. The Business Task Force also recommended the signs be posted for a specific business, rather than to advertise vacant space for lease or purchase. Based on these recommendations, staff is proposing the following amendments to the “special purpose signs” provision of the Sign Ordinance:

“The following signs are permitted in any land use zone, with a sign permit for a temporary sign, unless otherwise specifically prohibited:

Grand opening Occupancy signs. ~~During an authorized grand opening event,~~ For the purpose of advertising pending and recent tenant occupancy for new businesses, temporary signs, not exceeding twenty (20) square feet in area may be approved by the director. Such signs may consist of one (1) banner on the exterior wall of the building within which the subject business is located and shall specify the name of the tenant. Such signs shall not be displayed more than ~~thirty (30)~~ ninety (90) consecutive days from the issuance of the sign permit, during which time the content of the signs may change, but shall be in keeping with the purpose of this section.

In addition, during the first four (4) days of a grand opening event, captive balloons, without regard to number, may be permitted provided that such balloons do not extend beyond the lowest point of the roofline of the business, obstruct other business in the vicinity or interfere with pedestrian vehicle traffic.

The restrictions shall not in any way prohibit any person for handing out or giving away balloons as part of the normal activities of a business as long such balloons are not in a captive state attached to a structure.”

The Sign Ordinance also allows for the display of future development signs (i.e. “coming soon” signs) with a sign permit anytime after project entitlement is received from the City. These are usually painted wood signs with leasing or tenant information. One sign is allowed to be displayed per street frontage, and the size of the signs can vary from 25 square feet to 50 square feet, based on the size of the parcel. Such signs are required to be removed upon completion of the building, or when the project’s entitlement expires. Staff mentioned to the City Council and Business Task Force that when considering final building design development, building permit issuance and construction, this time period can extend from two to three years, thus becoming less characteristic of a temporary sign. The Business Task Force considered the issue, but recommended no change to this allowance and found the size of the signs to be acceptable. The Business Task Force did, however, recommend staff to review the condition of the signs when entitlement extensions are requested, and require a new sign permit for the sign if the Director of Planning and Community Development determine if the sign has deteriorated in its appearance. Rather than amending the Sign Ordinance to address this issue, staff supports the recommendation of the Business Task Force as an administrative policy.

3. Charitable and Community Event Advertising

Staff has noticed an increased interest by charity and non-profit organizations to display temporary banners in shopping centers, primarily facing public streets. Although the Sign Ordinance prohibits outdoor advertising displays, the ordinance does allow for two (2) temporary charitable (“noncommercial”) signs advertising events in the city to be displayed on any commercial or residential lot. The signs are limited to six (6) square feet in size and six (6) feet in height and are required to be removed within three (3) days after the event. Charitable signs are currently allowed to be displayed without a sign permit. Thus, multiple charitable banners can be displayed on commercial lots throughout the city. The City Council stated their desire to allow for advertising of charitable events, but expressed concern with the appearance of multiple banners visible from the street. The City Council suggested that the advertising for charitable events be allowed solely for specific events within the city, and the number of days in the banner can be displayed be restricted.

The Business Task Force was asked to provide their input on this issue, however they recommended staff instead seek input from the organizations which frequently display charity event signs. Staff subsequently contacted representatives from American Youth Soccer Organization (AYSO), Pony League Baseball, Triunfo YMCA, and the City Community Services Department regarding their needs for banner displays in the city. Staff found that with the exception of the City Community Services Department, the community organizations wish display banners just a few times each year and the size of the banners vary from 8 square feet up to 27 square feet. The Community Services Department advertises city events on a more frequent basis. Based on this input and the direction given by the City Council, staff recommends that the ordinance be amended to allow the display of one (1) non-profit charitable event sign per street frontage, subject to the issuance of a sign permit. Staff also recommends the signs be displayed for a maximum 30-day period and that they advertise a specific charitable event within the city and that the allowable size of these signs be increased to 30 square feet, not to exceed 10 feet in length and 6 feet in height. The specific proposed amendments (underlined) to the “temporary noncommercial signs and banners” provision of the Sign Ordinance are as follows:

“Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, non-profit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: On each lot a maximum of two (2) temporary freestanding signs containing only non-commercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) feet in square feet in sign area with a maximum height of six (6) feet. One (1) temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) square feet in length, and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter.

Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Environmental Review/ Mitigated Negative Declaration

The City’s existing Sign Code (Ordinance) was adopted in May 2005. Since that date, City Council has identified sections in the Code that need to be revised and/or clarified relative to sign criteria and standards. Therefore, an Amendment to the Agoura Hills Municipal Code Article

IX-Zoning, Division 5-Sign Regulations (Sign Ordinance Amendment) is proposed. The circumstances, impacts, and mitigation requirements identified in the General Plan Environmental Impact Report (EIR) remain applicable to the proposed Sign Ordinance Amendment, and the Amendment does not cause the level of impacts identified in the General Plan EIR to be exceeded. No changes are needed to the discussion of impacts or mitigation measures in the EIR. The Sign Ordinance Amendment consists of minor adjustments to the Sign Ordinance that was adopted in May 2005. The Amendment clarifies the intent and strengthens the enforceability of the Sign Ordinance. Therefore, an Addendum to the Final EIR prepared for the General Plan Update has been prepared for approval. This Addendum is consistent with the CEQA Guidelines and PRC Sections 15164 and 21166 in that none of the conditions outlined above that necessitate the preparation of a Subsequent EIR (CEQA Guidelines Section 15162) have been met.

This CEQA analysis focuses on the potential impacts of the proposed Amendment to the Sign Ordinance, and not on the impacts of subsequent development applications that are regulated by the Sign Ordinance. The City's General Plan EIR undertook a comprehensive analysis of the environmental impacts from the construction and operation of urban uses within the City. Further development applications will undergo a consistency analysis with the General Plan and its policies, and will be subject to permitting and project specific use, development and design conditions, and applicable project specific environmental review as governed by CEQA. Individual analysis of specific signs will occur in the future when such signs are proposed for construction and when CEQA review is conducted on projects defined to be within the scope of CEQA review. The proposed Sign Ordinance Amendment is a minor amendment that will not have any adverse impact on the environment.

III. RECOMMENDATION

Based on the forgoing review and analysis, it is recommended that the Planning Commission adopt the attached Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-004.

IV. ATTACHMENTS

- Draft Resolution
- Draft Ordinance
- Addendum to the Final EIR of the General Plan Update
- City Sign Ordinance

Case Planner: Doug Hooper, Assistant Director of Community Development

DRAFT RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT
TO THE SIGN REGULATIONS
(CASE NO. 08-ZOA-004)**

**THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY
RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

WHEREAS, on January 9, 2008, the City Council directed staff to make changes to the City's Sign Regulations; and

WHEREAS, staff met with the Business Task Force on two occasions and consulted with local charitable organizations to receive input concerning the proposed revisions; and

WHEREAS, the Planning Commission has considered amendments to the Zoning Ordinance to amend Chapter 6, Part 2, Division 5 – Sign Regulations, Section 9655.4 and 9655.4.D. (General Entitlements and Informational signs), Section 9655.4.I. (Temporary noncommercial signs and banners), and Section 9655.10.A.4.(Special purpose signs) of the City of Agoura Hills Zoning Ordinance. A public hearing was duly held on June 19, 2008, in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the public hearing was duly given; and

WHEREAS, amendments to the Sign Regulations are necessary to maintain and strengthen the regulation of signage in the City. The proposed ordinance will attempt to accommodate the needs of the business community while maintaining and enhancing the City's aesthetic appearance. Without adequate regulation signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public. Excessive signage can damage view corridors, diminish property values and detrimentally affect the quality of life of City residents, visitors and the traveling public; and

WHEREAS, the proposed amendments to the Sign Regulations are consistent with the purposes of the General Plan. The proposed ordinance serves to enhance the City's regulations with respect to the design, location, materials and maintenance of signs within the City. As such, the proposed ordinance will better implement the City's design and safety standards set forth in the General Plan; and

WHEREAS, the Planning Commission has considered the information contained in the Addendum to the General Plan Environmental Impact Report (EIR) prepared for this application and finds that an Addendum is appropriate because no significant impacts are anticipated that were not contemplated in the prior General Plan EIR and no additional substantial mitigation planning is necessary for project implementation.

Draft Resolution No. ____

Page 2

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the attached amendment to Chapter 6, Part 2, Division 5. – Sign Regulations, Section 9655.4. and 9655.4.D. (General Entitlements and Informational signs), Section 9655.4.I. (Temporary noncommercial signs and banners), and Section 9655.10.A.4.(Special purpose signs) of the City of Agoura Hills Zoning Ordinance.

PASSED, APPROVED and ADOPTED this 19th day of June, 2008, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS
AMENDING ZONING ORDINANCE SECTIONS
9655.4, 9655.4.D, 9655.4.I AND 9655.10.A.4 (SIGN REGULATIONS)
(CASE NO. 08-ZOA-004)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Sections 9655.4 and 9655.4.D of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9655.4 General Entitlements.

The following signs if not illuminated, except as otherwise allowed herein, shall be permitted without the requirement of a sign permit in the applicable land use districts. Such signs shall be located in a manner that does not create a traffic hazard or a hazardous condition for persons using a public right-of-way, as determined by the city engineer.”

“9655.4.D. *Informational signs.* Signs with window areas that indicate addresses, hours and day of operation; whether a business is opened or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall be used for the name of the business in excess of twenty-five (25) percent of said sign. “Open” and “closed” signs may be illuminated by light emitting diode (LED) or incandescent methods. Exposed neon illumination, exposed fluorescent illumination and scintillating, flashing, animating or revolving “open” and “closed” signs are prohibited.”

Section 2. Section 9655.4.I of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9655.4.I. *Temporary noncommercial signs and banners.* Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, non-profit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: On each lot a maximum of two (2) temporary freestanding signs containing only non-commercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) feet in square feet in

sign area with a maximum height of six (6) feet. One (1) temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) square feet in length, and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter.

Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Section 3. Section 9655.10.A.4 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

“9655.10.A.4. Grand opening Occupancy signs. During an authorized grand opening event, For the purpose of advertising pending and recent tenant occupancy for new businesses, temporary signs, not exceeding twenty (20) square feet in area may be approved by the director. Such signs may consist of one (1) banner on the exterior wall of the building within which the subject business is located and shall specify the name of the tenant. Such signs shall not be displayed more than thirty (30) ninety (90) consecutive days from the issuance of the sign permit, during which time the content of the signs may change, but shall be in keeping with the purpose of this section.

In addition, during the first four (4) days of a grand opening event, captive balloons, without regard to number, may be permitted provided that such balloons do not extend beyond the lowest point of the roofline of the business, obstruct other business in the vicinity or interfere with pedestrian vehicle traffic.

The restrictions shall not in any way prohibit any person for handing out or giving away balloons as part of the normal activities of a business as long such balloons are not in a captive state attached to a structure.”

Section 4. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

Draft Ordinance No. ___

Page 3

PASSED, APPROVED, and ADOPTED this _____ day of _____, 200__, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John M. Edelston, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

**ADDENDUM TO THE 1992 CERTIFIED
FINAL ENVIRONMENTAL IMPACT REPORT**

Prepared for the

**CITY OF AGOURA HILLS GENERAL PLAN UPDATE
State Clearinghouse No. 92091035**

**Amendment to Agoura Hills Municipal Code, Article IX-Zoning,
Division 5-Sign Regulations**

**Sign Ordinance Amendment
(Case No. 08-ZOA-004)**

Prepared by:

**The City of Agoura Hills
Planning and Community Development Department
30001 Ladyface Court
Agoura Hills, CA 9130
(818) 597-7310**

June 4, 2008

INTRODUCTION

The City of Agoura Hills has prepared this Addendum to the Final Environmental Impact Report (EIR) for the City of Agoura Hills General Plan Update (March 24, 1992) (SCH No. 92091035) for various proposed changes to the Agoura Hills Municipal Code Article IX – Zoning, Division 5 – Sign Regulations (Case No. 08-CUP-004). The proposed amendments are consistent with the General Plan, and are therefore covered under the General Plan Update EIR.

PROJECT DESCRIPTION

The proposed Sign Ordinance Amendment consists of the following changes:

1. Informational signs
 - a. Allow illuminated business hours “open” and “closed” business signs.
 - b. Clarify allowable and prohibited types of illumination for “open” and “closed” business signs.
2. Temporary noncommercial signs and banners
 - a. Noncommercial signs and banners are permitted. The proposed amendment specifies standards for the advertising of upcoming charitable or community events held within the City.
 - b. Amend the number of allowable charitable or community event signs from a maximum of two (2) per parcel to one (1) per street frontage.
 - c. Amend the maximum size of charitable or community event signs from six (6) square feet to thirty (30) square feet, not to exceed ten (10) feet in length.
 - d. Allow charitable and community event signs to be posted for a maximum of thirty (30) days per event.
3. Special purpose signs
 - a. Grand opening signs of a maximum 20 square foot size are allowed with the issuance of a sign permit. The proposed amendment would allow for a variation of occupancy signage.
 - b. Amend special purpose signs to allow for the advertisement of pending and recent tenant occupancy for new businesses.
 - c. Require the name of the tenant to be specified.
 - d. Allow for the sign(s) to be displayed for a 90-day consecutive period, during which time the content of the sign may change based on the status of the business occupancy.

RATIONALE FOR USE OF AN ADDENDUM

This document has been prepared as an Addendum to the General Plan Update EIR (1992), in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15164. Section 15164 provides that a Lead Agency “shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” These include the following:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to Section 15164, an analysis and explanation is provided herein documenting the City’s decision that preparation of a subsequent EIR is not required. Section 15164 was created in response to Public Resources Code (PRC) Section 21166, which provides that no subsequent or supplemental EIR shall be required unless “substantial changes” in the project or the circumstances under which the project is being undertaken will necessitate “major revisions” of the EIR or “new information” which was not known and could not have been known at the time the EIR was certified, becomes available.

The City's existing Sign Code (Ordinance) was adopted in May 2005. Since that date, City Council has identified sections in the Code that need to be revised and/or clarified relative to sign criteria and standards. Therefore, an Amendment to the Agoura Hills Municipal Code Article IX-Zoning, Division 5-Sign Regulations (Sign Ordinance Amendment) is proposed. The circumstances, impacts, and mitigation requirements identified in the General Plan EIR remain applicable to the proposed Sign Ordinance Amendment, and the Amendment does not cause the level of impacts identified in the General Plan EIR to be exceeded. No changes are needed to the discussion of impacts or mitigation measures in the EIR. The Sign Ordinance Amendment consists of minor adjustments to the Sign Ordinance that was adopted in May 2005. The Amendment clarifies the intent and strengthens the enforceability of the Sign Ordinance. This Addendum is consistent with the CEQA Guidelines and PRC Sections 15164 and 21166 in that none of the conditions outlined above that necessitate the preparation of a Subsequent EIR (CEQA Guidelines Section 15162) have been met.

This CEQA analysis focuses on the potential impacts of the proposed Amendment to the Sign Ordinance, and not on the impacts of subsequent development applications that are regulated by the Sign Ordinance. The City's General Plan EIR undertook a comprehensive analysis of the environmental impacts from the construction and operation of urban uses within the City. Further development applications will undergo a consistency analysis with the General Plan and its policies, and will be subject to permitting and project specific use, development and design conditions, and applicable project specific environmental review as governed by CEQA. Individual analysis of specific signs will occur in the future when such signs are proposed for construction and when CEQA review is conducted on projects defined to be within the scope of CEQA review. The proposed Sign Ordinance Amendment is a minor amendment that will not have any adverse impact on the environment.

DIVISION 5. SIGN REGULATIONS*

9655. Intent.

The purpose and intent of these regulations is to establish uniform sign regulations to:

- A. Preserve and enhance the unique character and visual appearance of the city;
- B. Assure proper expression through visual communications involving signs that are compatible with the character and environment of the community;
- C. Enhance the visual quality of the city's scenic highways;
- D. Promote fairness in competition and retain identity in the business community while recognizing the importance of well designed business signs;
- E. Recognize the integral part played by signs in the overall appearance of the city;
- F. Reduce possible traffic and safety hazards by prohibiting signs that are distracting to motorists;
- G. Recognize the function and importance of signs for businesses and the benefit of well designed business signs to the community as a whole;
- H. Provide guidance and direction for sign users and sign designers as to what constitutes appropriate signs in the city;
- I. Establish standards that will encourage business signs to be used for the purpose of business identification;
- J. Implement the goals of the city's general plan, with particular regard to developing a city that is visually attractive and to preserving and enhancing the visual quality of the community's streets and highways; and
- K. Safeguard the life, health, property, and public welfare by regulating and control-

ling the design, quality of materials and construction, illumination, location and maintenance of all signs while providing functional flexibility and create an incentive to promote good design while trying to eliminate visual blight.

- L. Support and promote viable businesses by allowing signage that provides adequate identification while also promoting and enhancing the quality of the visual environment of the city.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.1. Applicability.

No person shall place, erect, modify, alter (including changing content) or repaint, or permit the placement, erection, modification, alteration or repainting of any sign, unless otherwise specifically exempted by this part; without first obtaining a sign permit in accordance with the provisions of this division. All signs shall be erected and maintained in conformity with this division. The standards regarding number and size of signs regulated by this division are maximum standards unless otherwise stated.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.2. Definitions.

Notwithstanding the provisions of section 9120 et seq. of this article, for the purposes of this part, the following words and phrases are defined as follows:

- A. *Address sign* means the numeric reference of a structure or use to a street included as part of a wall or monument sign.
- B. *Area, sign* means the area in square feet determined by drawing a line around the outer perimeter of the writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. If the sign consists of more than one section or module, all of the area,

*Editor's note—Ord. No. 05-330, § 1, adopted May 11, 2005, amended the former Div. 5, §§ 9655—9655.8, and enacted a new Div. 5 as set out herein. The former Div. 5 pertained to similar subject matter. For complete derivation see the Code Comparative Table at the end of this volume.

- including the area between the sections or modules, shall be included in the computation of sign area. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area
- C. *Awning sign* means any sign or graphic attached to, painted on or applied to an awning or awning canopy.
- D. *Banner* means a strip of cloth, thin plastic or other flexible material on which a sign is painted, printed, or otherwise displayed.
- E. *Business sign* means a sign that displays a business name or otherwise directs attention to a business or profession, or to goods, services, or entertainment offered or produced by the business located on the same property as the business sign.
- F. *Commercial or business park complex* means a group of two (2) or more businesses which are situated as an integral unit on a single parcel of land or separate parcels of land and which businesses utilize common off street parking or access.
- G. *Construction sign* means a temporary sign stating the names of those individuals or firms directly connected with the construction or development project, their addresses and their telephone numbers.
- H. *Directional sign* means an on-site sign on private property the sole purpose of which is to direct the flow of pedestrian and vehicle traffic, transmit parking information or convey similar such information.
- I. *Director* means the director of planning and community development or such director's designee.
- J. *Directory sign* means a freestanding sign containing the name of the commercial or business park complex on which the sign is located and the names of the separate businesses also located within that complex.
- K. *Externally lighted sign* means a sign whose immediate source of illumination is not enclosed by the surface of the sign structure.
- L. *Flag*. A piece of fabric, usually rectangular in shape, that is usually displayed hanging free from a staff or pole, to which it is attached by edge so that it will float, play, or shake in an air current.
- M. *Frontage, building* means the exterior building wall facing or oriented towards a public or private right-of-way. The amount of frontage shall be measured continuously along such building wall for the entire length of the subject business or use.
- N. *Frontage, primary* means the frontage, which provides the subject building with its main or principal orientation to a public or private right-of-way, whether or not such frontage has a public entrance to the building. In shopping centers or multiple tenant buildings, the primary frontage shall be established as part of a sign program.
- O. *Frontage, secondary* means any frontage, other than the primary frontage, that has a public entrance to the subject building.
- P. *Halo illumination* means a form of internal illumination where channel lettering is used and the light source is hidden behind and glows around the edges of letters or symbols giving the effect of a light halo.
- Q. *Identification sign* means a monument sign limited to the identifying name, symbol or insignia, or any combination thereof, of a building, use or persons occupying the premises on which the sign is located.
- R. *Inflatable sign*. An object made of an airtight material, generally greater than eighteen (18) inches in diameter at its widest point, filled with air or gas to form a three (3) dimensional shape and used as a sign.
- S. *Informational sign* means a sign stating the hours of operation of a business, emer-

- agency telephone numbers, credit card usage, or other information of a similar nature.
- T. *Internally lighted* means illumination produced by a light source contained within a sign and not directly visible from outside.
- U. *Legal nonconforming sign* means a sign that was originally erected or installed in compliance with all structural, locational, design, building, and electrical regulations at the time of its erection or installation, but which no longer conforms to the provisions of this division.
- V. *Logo* means an individual sign, separated from the business letters, consisting of any name, symbol, trademark, letter style, words, figures, or decorative motifs.
- W. *Monument sign* means a sign that is completely self-supporting has its sign face or base on the ground or a maximum of twelve (12) inches above the adjacent grade or base of the sign.
- X. *Neon sign* means an illuminated sign affected by a colorless, odorless light source consisting of a neon or gas tube, which is bent to form letters, symbols or other shapes.
- Y. *Noncommercial sign* means a sign with noncommercial copy intended to display religious, charitable, cultural, governmental, informational, political, educational, or artistic messages.
- Z. *Noncommercial copy* means a message that pertains primarily to matters other than commercial products, services or activities.
- AA. *Outdoor advertising display, structure or sign* means a commercial sign placed for the purpose of advertising products or advertising services that are not produced, stored, or sold on the property upon which the sign is located. This shall also mean a billboard.
- BB. *Pole sign* means a freestanding sign that is supported by one (1) or more poles or uprights on the ground.
- CC. *Price sign* means a sign limited to the name or identification of items, products or services offered for sale on the premises and the price of the items or products at gasoline service stations.
- DD. *Portable or movable sign* means any commercial sign which is intended to be movable or capable of being moved, whether or not on wheels or other special supports, including but not limited to "A frame" type signs. Portable or movable signs also include placards, signs, banners, or similar devices attached to vehicles for advertising purposes unless such devices are an integral part of such vehicle used in the normal course of business. Portable or movable signs also include signs that are carried or worn by a person, including but not limited to sandwich boards, are not attached to a sign structure or any other structure, and are not affixed to or resting on the ground. "For Sale" signs in vehicle windows shall not be classified as a portable sign.
- EE. *Projecting sign* means a sign other than a wall sign suspended from or supported by a building or structure and projecting outward more than twelve (12) inches there from and oriented to pedestrians.
- FF. *Real estate sign* means a temporary sign advertising the sale, lease, or rental of the property upon which it is located, and the identification of the person or firm handling such sale, lease or rental.
- GG. *Revolving sign* means a sign that turns around or rotates, as on an axis.
- HH. *Right-of-way, public* means a public street or highway, but not including a freeway.
- II. *Right-of-way, private* means an off-street parking area for a business or group of businesses that does not abut a public right-of-way.
- JJ. *Roof sign* means a sign that is mounted on the roof of a building, or which is dependent upon a building for support, and which projects above the highest point of a building with a flat roof, the eave line of

a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. Signs placed on flat surface integrated into the mansard roof design shall not be considered roof signs.

KK. *Secondary sign* means any sign not located on a primary frontage.

LL. *Sign* means any thing of visual appearance primarily used for, or having the effect of, attracting attention from streets, sidewalks or other outside public areas for identification purposes. A sign shall not mean displays of merchandise, products for sale on the premises, ornamentation, design, recreational equipment, statuary, architecture, landscaping pictures, paintings and other such art forms unless the display, because of the location, size, use or nature thereof, has the substantial effect of attracting attention for identification purposes when viewed from an outside public area. "Sign" shall include a neon sign at any location inside a building if such sign can be viewed from an outside public area. For the purpose of this part, a sign is not a sign if it is inside a building, more than three (3) feet behind a window and not facing a window in such a way as to be viewed from an outside public area.

MM. *Sign face* means the surface or that portion of a sign that is visible from a single point as a flat surface or a plane and considered as such together with the frame and the background.

NN. *Single tenant building* means a building used by one (1) occupant for an individual business.

OO. *Temporary sign* means any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property. A temporary sign is any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, poster board or other light materials, with or without frames, and mounted in a nonpermanent manner.

PP. *Under canopy sign* means a sign attached to or suspended from the underside of a projecting canopy protruding over a public or private sidewalk or right-of-way.

QQ. *Vehicle-related portable freestanding sign* means a portable commercial sign affixed to a vehicle or on a trailer attached to a vehicle for the purpose of advertising products or advertising services that are not produced, stored, or sold on the property upon which the sign is located.

RR. *Wall sign* means a sign attached to or erected on the exterior wall of the building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.

SS. *Window sign* means a sign directing attention to the principal business, profession or industry attached to or within three (3) feet of the inside of the window upon the premises where the sign is displayed, or to the type of products sold, manufactured or assembled, or to services or entertainment offered on said premises.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.3. Prohibited signs.

Except as otherwise provided in this division, the following signs are prohibited:

- A. Outdoor advertising displays, structures or signs.
- B. Portable signs.
- C. Exposed neon, flashing or scintillating signs, except for public service time and temperature signs, which shall not be flashing, animated or revolving in nature.
- D. Revolving signs.
- E. Devices dispensing bubbles and free floating particles of matter.
- F. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device affixed or attached to or upon any public street, walkway, crosswalk, other right-of-way, curb, lamppost, hydrant, tree,

telephone booth or pole, lighting system or any fixture of the police or fire alarm system except for government signs.

- G. Devices projecting or otherwise producing the image of an advertising sign or message on any surface or object.
- H. Signs that project or encroach into any existing or future street right-of-way.
- I. Automatic changing signs or electronic message center signs, except for public service time and temperature signs.
- J. Streamers, banners, balloons, flares, flags, pennants, propellers, twirlers, and similar attention-getting displays or devices except as allowed by section 9655.4 (general entitlements) or section 9655.10 (special purpose signs).
- K. Pole signs, except for on-site directional signs.
- L. A vehicle-related portable freestanding sign or any sign placed within, affixed or attached to any vehicle or trailer on a public right-of-way, or on public or private property, for the purpose of advertising an event or attracting people to a place of business, unless the vehicles or trailer is used in its normal business capacity and not for the primary purpose of advertising an event or attracting people to a place of business.
- M. Signs or sign structures which by color; wording or locations resemble or conflict with traffic control signs or devices.
- N. Signs that create a safety hazard by obstructing the view of pedestrian or vehicular traffic.
- O. Sign structures and supports no longer in use, for a period of sixty (60) days, by the owner, tenant, or lessee.
- P. Signs painted directly on an exterior wall, fence, fascia or parapet.
- Q. Signs that display an obscene message or graphic representation of nudity or sexual acts.

- R. Signs for the purpose of commercial advertising created by the arrangement of vegetation, rocks, or other objects such as on a hillside visible to pedestrians or motorists.
- S. Roof signs.
- T. Awnings that are internally illuminated.
- U. Inflatable signs.
- V. Signs that are enacted after this date that do not conform to the provisions of these sections are prohibited.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.4. General entitlements.

The following signs if not illuminated, shall be permitted without the requirement of a sign permit in the applicable land use districts. Such signs shall be located in a manner that does not create a traffic hazard or a hazardous condition for persons using a public right-of-way for persons using a public right-of-way, as determined by the city engineer.

- A. *Government signs.* Traffic, fire, and police related signs, temporary traffic control signs used during construction, utility facilities and substructure location and identification signs and markers required to protect said facilities, and other signs and markers required by the City of Agoura Hills, the state department of transportation, or any other public agency. Signs for historical locations, interpretive signs, or city-sponsored community events.
- B. *Noncommercial flags.* Flags bearing only noncommercial copy that meet the following criteria: 1) a maximum vertical dimension of five (5) feet; 2) a maximum horizontal dimension of eight feet; 3) a maximum cumulative square footage of all flags on a parcel of forty (40) feet (one (1) side); a maximum of one (1) flag pole per site; and 4) a maximum height of thirty-five (35) feet. Flag poles are subject to the issuance of a building permit.

- C. *Required signs.* Official notices required to be posted by law, a court, or other government agency.
- D. *Informational signs.* Signs within window areas that indicate addresses, hours and day of operation; whether a business is open or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall not be used for the name of the business in excess of twenty-five (25) percent of said sign.
- E. *Window signs.* Temporary nonilluminated window signs advertising products for sale on the premises. One (1) sale sign per window located on the inside of such window is allowed on each public street frontage. Such sign shall be in addition to the total authorized sign area but shall not exceed twenty-five (25) percent of the total window area. The total window area shall include all windows in each individual storefront or tenant space. Said sign shall be compatible in terms of colors with the permanent signs, except fluorescent color shall be prohibited.
- F. *Business associate signs.* In addition to the basic sign entitlement, each separate business shall be allowed, without a sign permit, lettering on or behind windows facing the public view indicating the owners, operators, or business associates exercising the use, provided that such lettering shall be enclosed within a single area and shall not exceed a total of three (3) square feet.
- G. *Temporary open house and garage sale signs.* During an open house when real estate is offered for sale or rent and while a salesperson is physically present on the premises or during the time of a garage sale, one (1) nonilluminated three (3) square foot on-site sign indicating that an open house or garage sale is being conducted is permitted.
- Off-site directional signs may be permitted only for an open house, subject to the following provisions:
1. Such signs shall not exceed three (3) square feet in area or four (4) feet in height;
 2. No flags or banners shall be used;
 3. A maximum of four (4) signs are allowed;
 4. Such signs shall be located on private property only and must be approved by the private property owner;
 5. Such signs shall be allowed only during daylight hours; and
 6. Such signs shall be located not less than five (5) feet from the inside line of the sidewalk or, if there is no sidewalk, from the property line.
- H. *Temporary residential real estate advertising signs.* Residential properties may have one (1) real estate sign per unit being offered for sale, lease or rent. Such signs shall not exceed six (6) square feet in area and six (6) feet in height, and shall be designed and located in a manner approved by the director. Such sign shall be removed within seven (7) days after the property is sold or rented or the offer for sale or rent is terminated. Property shall be deemed to be sold upon the close of escrow. No flags, balloons or banners may be utilized. Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.
- I. *Temporary noncommercial signs and banners.* Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, non-profit, charitable, or special event of general public interest taking place within

the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: On each lot, a maximum of two (2) temporary freestanding signs containing only non-commercial messages are permitted. The limitation on the number of signs shall be suspended during a period of thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs and banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) square feet in sign area with a maximum height of six (6) feet. Such signs are in addition to all other signage allowed in this chapter.

Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.

J. *Vending machine signs.* Permanent signs painted on or attached to vending machines, gas pumps, ice containers or similar dispensing devices, may be display without permit so long as they are oriented primarily to pedestrians on the property and not towards the street, and the message or copy thereon relates to the items vended by such machine. Vending machine signs may not display off site commercial messages.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.5. Permit requirements and procedure.

A. *Sign permit.* Signs shall only be constructed, displayed or altered with sign permit approval by the director or appropriate decision-making body. Sign permits shall be prepared, filed, processed, and approved or denied in compliance with this section.

B. *Application.* An application for a sign permit shall be made on the form provided by the department of planning and community develop-

ment and shall be accompanied by the required fee. Such application shall set forth and contain the following information and materials:

1. The location and size of any existing or proposed buildings or structures on the property, which are or will be under the ownership or control of the applicant.
2. The location of off-street parking facilities, including major points of entry and exit for motor vehicles where directional signs are proposed.
3. The position of the proposed sign and its relationship to existing or proposed adjacent buildings and structures, which are or will be under the ownership or control of the applicant.
4. The proposed design, size, exact colors, materials and location of the sign or sign structure.
5. The method of attachment to any structure.
6. A statement showing sizes and dimensions of all other signs existing on the property under the ownership or control of the applicant.
7. A statement showing the size and color relationships of such sign or sign structure to the appearance and design of existing or proposed buildings and structures on the property.
8. Photographs of all sides of any building or renderings of proposed buildings.
9. Such other information as the department of planning and community development may require to secure compliance with this part.

C. *Review and approval authority.* A sign permit shall be approved or disapproved by the director in compliance with the criteria set forth in subsection D and the provisions of this part.

D. *Criteria.* The following criteria shall be the only criteria used in reviewing an application for a sign permit:

1. That the sign is consistent with the general plan and the provisions of this part and title;

2. That both the location of the proposed sign and the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing, and proportions) are legible under normal viewing conditions prevailing where the sign is to be installed;
 3. That the location and design of the proposed sign, its size, shape, illumination, and color are compatible with the visual characteristics of the surrounding area so as not to cause significant depreciation of the value or quality of adjacent properties. Depreciation shall be based on an independent property appraisal.
 4. That the proposed sign is consistent with the sign standards found in subsection E. and F. below.
 5. That the proposed sign is consistent with the adopted sign design guidelines available at the planning and community development public counter.
- E. *Sign standards.*
1. Sign integration requirement. All signs shall be designed as an integral part of the total building design.
 2. Number of colors. All permanent signs, except as hereinafter provided, shall contain no more than three (3) different colors. Different shades shall be considered separate colors. The planning commission may consider a sign program with a multi-color sign palette utilizing a maximum of five (5) colors. For the purposes of this section, black and white shall be considered colors. Logos with trademarked colors are exempt from this provision. Logos shall not exceed twenty (20) percent of the total combined permitted sign area.
 3. Sign copy. Not more than twenty-five (25) percent of the total area of any sign shall include descriptive wording which is not a part of the name of the business.
 4. Types of material. The types of materials for sign structures shall, if possible and practicable, be compatible with materials used in the related buildings.
 5. Illumination of signs. Unless otherwise prohibited by this part, signs may be illuminated subject to the approval of the director to ensure that such illumination does not interfere with the use and enjoyment of adjacent properties or create any public safety hazards. The approval of any illuminated sign shall not be final until thirty (30) days after installation during which period the director may order the dimming of any illumination found to be excessively brilliant, and no sign approval shall be valid until such order has been carried out to the satisfaction of the director. Illumination shall be considered excessive when it prevents perception of objects or buildings beyond or in the vicinity of the sign. In no case shall an illuminated sign or lighting device be so placed or directed as to permit the beams and/or illumination there from to be directed or beamed upon a public street, walkway, or adjacent properties so as to cause glare or reflection that may constitute a traffic or safety hazard or interfere with the use and enjoyment of adjacent properties.
 6. Screening. To minimize the visual mass and projection of the sign, all electrical transformer boxes and raceways shall be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway shall be finished to match the background wall, or integrated into the overall design of the sign. All exposed conduit shall also be concealed from public view.
- F. *Standards for specific types of signs.* The following standards are in addition to the standards set forth in subsection E. above.
1. Wall signs.
 - i. Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
 - ii. Maximum area and height. The maximum area and height shall be as

defined in section 9655.8 - sign entitlement by land use. In no case shall the sign project above the edge of the roof of a structure.

- iii. Projection from wall. The sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than twelve (12) inches.

2. Monument signs (identification, directory or address).

- i. Location. The sign shall be located a minimum of five (5) feet from any public or private right-of-way and shall comply with city standards for vehicular sight distance at the driveway intersection with the frontage street.
- ii. Maximum area. The sign shall be a maximum of forty-eight (48) square feet in area. Only one (1) side of a double-faced (back to back) sign shall be included when calculating sign area. Sign area calculations shall not include architectural treatments or support structures.
- iii. Maximum height. The maximum height of a monument sign shall be six (6) feet. Architectural treatments or support structures shall be included in the height measurement.
- iv. Materials and lighting. The use of plastic material as a background is not permitted. The sign background material shall be opaque, which means that any interior light source shall not penetrate the material and illuminate the background but shall be limited to illuminating the sign letters.
- v. Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign. The director may reduce or waive this requirement if it is determined that the additional landscap-

ing would not contribute significantly to the overall aesthetic character of the project.

3. Awning and canopy signs. Awning and canopy signs may be allowed only as an integral part of the awning or canopy to which they are attached or applied, as follows.

- i. Location. Signs may be placed only on awnings that are located on first story building frontages, including those fronting a parking lot or pedestrian way.
- ii. Maximum area. The sign area shall be included within the basic sign entitlement.
- iii. Maximum height. No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade.
- iv. Sign text or logo areas shall not occupy more than thirty (30) percent of the awning panel.
- v. Lighting. Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
- vi. Required maintenance. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

4. Under canopy signs.

- i. Location. The sign shall be placed or hung only on a ground floor facade, near the main entrance of the business, except for businesses located above the ground level with direct exterior pedestrian access.
- ii. Maximum height. The lowest point of an under canopy sign shall be at least eight (8) feet above finished grade.
- iii. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

5. Projecting signs.

- i. Maximum area. The sign area shall be included within the basic sign entitlement. Size uniformity should be maintained along street frontages to the greatest extent possible. The text, copy and logo should not exceed seventy-five (75) percent of the sign background.
- ii. Maximum height. The height shall not be less than eight (8) feet above the ground level, unless the architectural features of the structure prohibit this height.
- iii. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

G. *Findings.* If a sign permit application is denied, specific and detailed findings setting forth the reasons why the proposed sign violates the criteria set forth above or other provisions of this division shall be prepared in writing and mailed to the applicant or his agent and sign contractor within ten (10) working days.

H. *Appeals.* Any decision made by the director or the planning commission may be appealed in accordance with the provisions of this title. The decision of the city council on any appeal shall be final.
(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.6. Sign program.

A. *Purpose.* A sign program is intended to (1) integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement; and (2) provide a means for defining common sign regulations for multi-tenant projects and other users of multiple signs, in order to encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter. For the purposes of this provision, a development project is a project involving the construction or remodeling of improvements on privately-owned property.

B. *Applicability.* The approval of a sign program shall be required whenever any of the following circumstances exist, or whenever an applicant applying for a land use entitlement requests the approval of a sign program:

1. New multi-tenant developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities.
2. New multi-family developments whenever five (5) or more signs are proposed.
3. Whenever five (5) or more signs are proposed for a new or existing development;
4. When an existing shopping center requests an increase in the size, height, location and number of a monument or directory sign pursuant to subsection 9655.11 D.
5. The director determines that a sign program is needed to ensure compliance with the provisions of this chapter.

C. *Review and approval authority.* The planning commission may approve a sign program through the granting of a sign permit for a sign program.

D. *Application requirements.* A sign permit application for a sign program shall include all information and materials listed in section 9655.5 and the filing fee set by the city's fee resolution.

E. *Standards.* A sign program shall comply with the criteria established in subsection 9655.5 D. and the following standards:

1. The program shall comply with the purpose of this chapter and the overall intent of this section;
2. The program shall accommodate future revisions that may be required because of changes in use or tenants; and
3. The program shall comply with the standards of this chapter, except that a variance or modification is allowed with regard to sign area, number, location, or height to the extent that the comprehen-

sive sign program will enhance the overall development and will more fully accomplish the purposes of this division.

F. *Revisions to sign programs.* Revisions to a sign program determined to be minor in nature may be approved by the director with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new comprehensive sign program approved by the planning commission.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.7. General provisions.

A. *Sign area.* The maximum allowable sign area shall be determined by drawing a line around the outer perimeter of the writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. If the sign consists of more than one (1) section or module, all of the area, including the area between the sections or modules, shall be included in the computation of sign area. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy shall be used in computing the area of a sign.

B. *Sign height.* The maximum allowable sign height shall be measured by the distance from the average adjacent ground level within five (5) feet of the base of the sign to the top of the sign, including the superstructure and any design element.

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

D. *Owner's consent required.* The consent of the property owner or person in control or possession of the property is required before any sign may be erected on any private property in the city.

E. *Obstruction of public passage.* No signs shall be installed so as to obstruct any window, door, fire escape or other emergency exit of any building.

F. *Maintenance of signs.* All signs shall be maintained in a neat and attractive, well-repaired condition. The display surface of all signs shall be kept clean, neatly painted and free from rust, cracking, peeling, corrosion or other states of disrepair.

G. *Prohibited locations.* No signs shall be located in such a manner as to face in the direction of or be visible to property in a residential district when such sign would be less than two hundred (200) feet from such residential property unless such sign faces and is parallel to a public right-of-way.

H. *Noncommercial signs.* Noncommercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter. An approval is required for a permanent noncommercial sign only when a permanent commercial sign has not been previously approved. For purposes of this division, all noncommercial speech messages shall be deemed to be "on-site", regardless of location.

I. *Substitution of noncommercial message.* Subject to the consent of the property owner or person in control or possession of the property, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed pursuant to this chapter. Design criteria that may apply to commercial signs, such as color, lettering style or compatibility with other signs on the same parcel or other signs subject to a sign program, do not apply to noncommercial signs. No special or additional approval is required to substitute a noncommercial message for any other message on an allowable sign, provided the sign structure is already approved or exempt from the approval requirement. When a noncommercial message is substituted for any other message, the sign is still subject to the same locational and structural regulations, such as size, height, illumination, maintenance, duration of display, building and

electrical code requirements, as would apply if the sign were used to display a commercial message or some other noncommercial message. In the event of any perceived or actual conflict between the general provisions of this subsection and other specific provisions in this chapter, the provisions of this subsection shall prevail.

J. Substitution of commercial messages. The substitution of one (1) commercial message for another commercial message is not automatically allowed nor is the free substitution of a commercial message in a place where only a noncommercial message is allowed. In addition, no off-site commercial messages may be substituted for on-site commercial messages.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.8. Sign entitlement by land use.

The sign entitlements provided by this section shall be considered the maximum permitted sign entitlements under this part. Such sign entitlements may be reduced as a condition of approval for the sign permit for a particular sign or signs if necessary to satisfy the sign criteria set forth in subsection 9655.5 D of this part. The purpose of sign regulations in the residential, commercial, business and office land use zones is to limit the number of signs to eliminate clutter and to promote compatibility, proportion, simplicity and sign effectiveness.

A. Residential land use districts.

1. Apartments and condominiums. One (1) monument identification sign may be erected on each public street frontage upon which the complex has public access. In addition, interior directional signs which are visible from any public right-of-way, may be approved by the director to identify special elements of such complexes such as clubhouses and other common area facilities provided that such signs do not exceed six (6) square feet in area and four (4) feet in height. Interior directional signs not

visible from any public right-of-way shall not be subject to the requirements of this paragraph.

2. Other permitted uses except for family day care, residential care, and congregate housing. For each nonresidential use not more than one (1) monument identification sign per public street frontage upon which such use has public access may be erected to identify the use except as otherwise allowed as part of a conditional use permit.

B. Commercial and business park land use districts.

1. *Basic sign entitlement—Business parks, offices and retail uses.* Each separate business shall be limited to one (1) business sign integrated into the design of the building. The signs permitted under this paragraph shall be referred to as the "basic sign entitlement." Except as otherwise provided by this part, the following sign area limitations shall apply:

- a. *Buildings located within one hundred (100) feet of a right-of-way.* The total aggregate area of a sign for each business or any office building located within one hundred (100) feet of any public or private right-of-way shall not exceed one (1) square foot of sign area for each foot of primary building frontage. For retail tenants located in a multi-tenant building, the sign area shall be calculated using one (1) square foot of sign area for each foot of primary building frontage of the tenant space. In no event, however, shall the aggregate sign area exceed fifty (50) square feet.

Office buildings shall be limited to one (1) business sign solely identifying the name of the building. For retail tenants

located in a complex or center, the maximum sign length shall not exceed sixty-five (65) percent of the length of the tenant space in order to provide clear definition between signs and avoid a crowded appearance. The sign shall be generally centered over the store front or tenant space.

- b. *Buildings located more than one hundred (100) feet from a right-of-way.* The total aggregate area of a sign for each business or any office building located more than one hundred (100) feet from any public or private right-of-way shall not exceed one (1) square foot of sign area for each foot of primary building frontage. For retail tenants located in a multi-tenant building, the sign area shall be calculated using one (1) square foot of sign area for each foot of frontage of the tenant space. In no event, however, shall the aggregate sign area exceed seventy (70) square feet.

Office buildings shall be limited to one (1) business sign solely identifying the name of the building. For retail tenants located in a complex or center, the maximum sign length shall not exceed sixty-five (65) percent of the length of the tenant space in order to provide clear definition between signs and avoid a crowded appearance. The sign shall be generally centered over the store front or tenant space.

In addition to the basic sign entitlement, monument signs are allowed as follows:

- c. *Commercial and business complex, center or park with common name.* Any commercial and business complex, center or park

which has a common name is permitted one (1) complex monument identification sign, or one (1) directory monument sign or one (1) address monument sign.

- d. *Commercial and business complex, center or park larger than two (2) acres with frontage on two (2) or more streets.* Any commercial and business complex, center or park which has a common name and is in excess of two (2) acres in area, is permitted one (1) complex monument identification sign, or one (1) directory monument sign or one (1) address monument sign for each public street frontage.
- e. *Single tenant building or office building.* For a single business totally occupying a commercial building, which is not part of a larger complex, project, center or park or for an office building, a freestanding monument sign is permitted.

In addition to the basic sign entitlement, wall, canopy, awning and directional signs are allowed as follows:

- f. *Signs on awnings.* Painted, nonilluminated signs may be permitted on the borders of marquees, canopies, awnings, arcades, or similar structures or attachments. Such signs shall be included in the basic sign area entitlements.
- g. *Projecting signs and under canopy signs.* One (1) projecting sign or under canopy sign shall be permitted. Such signs shall be included in the basic sign area entitlements.
- h. *Major tenants in shopping centers.* Major tenants in shopping centers, which have a frontage greater than one hundred (100)

feet, are permitted to have a maximum sign area of two hundred (200) square feet.

- i. *Businesses located on second floor.* Businesses maintained exclusively on the second floor of a two (2) story commercial center building may be allowed one (1) sign, provided that the square footage of the sign not exceed one-quarter of the tenant frontage, or a maximum of ten (10) square feet, whichever is greater.

- j. *Frontage on two (2) or more streets.* A business located in a commercial or business park building having frontage on more than one (1) public right-of-way may use the basic sign entitlement on one (1) frontage and one-half of the allowance on the second public frontage. Said allowance shall only be utilized on the frontage on which the allowance is based.

For purposes, of this paragraph, frontage shall include any public entrance to the premises upon which the subject business is located from a public right-of-way even though the subject business does not actually front such right-of-way. In addition, a business with a public entrance on a secondary frontage on a private right-of-way may have a sign located on such frontage which does not exceed ten (10) square feet.

- k. *Freeway facing signage.* Subject to approval of a sign program, all commercial or business park buildings, which either directly back or side upon Highway 101, may be permitted a total of one (1) secondary sign, which shall not exceed twenty-five (25) square feet in

sign area. The secondary sign may be increased up to fifty (50) square feet in lieu of a primary sign. Such sign shall advertise solely the name of the business center or primary tenant. A maximum of one (1) secondary sign shall be allowed for a tenant occupying multiple buildings in a business park or commercial complex. This provision does not apply to those buildings or uses, which are separated by a public frontage road from the freeway.

- 1. *Vehicle directional signs.* Directional signs shall be limited in number to the greater of five (5) signs or four (4) signs per frontage for any business premises that has more than one (1) frontage. The maximum area for such signs shall be three (3) square feet, and such signs shall not exceed three (3) feet in height. A directional sign may display a logo of a business located on the subject property as well as an arrow or other directional symbol and/or words, including but not limited to "parking," "enter," "exit," "do not enter," "drive-thru," "welcome" and other similar messages.

- m. *Pedestrian directional signs.* Where the principal sign for a business is located so that it cannot be seen by pedestrian traffic a directional identification sign, in addition to that otherwise allowed under this part, is permitted. Such signs shall be not larger than three (3) square feet per side and shall be designed and located so as to not distract from the appearance of the building or violate the purposes of this part.

- n. *Off-site directional signs.* Where the primary vehicular access for a property is located on an adjacent property and the point of access is not readily evident due to the configuration of the lot or topographical issues, a vehicle directional sign may be allowed on the adjacent property to identify access to the property. The maximum area of the sign shall be three (3) square feet and such signs shall not exceed (3) three feet in height.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.9. Sign entitlement by specific land use.

A. The following signs are permitted in any land use zone, with a sign permit, unless otherwise specifically prohibited:

- 1. Gasoline service stations. In addition to the basic sign entitlement, gasoline service stations are allowed the following:
 - a. One (1) gasoline or fuel price sign per street frontage, placed on the ground, not to exceed twenty (20) square feet in area and six (6) feet in height, advertising the actual price per gallon or liter including all taxes at which all grades of legally permitted fuels are sold. Any special conditions required for sale at such price including but not limited to "cash," "credit," "full-service," "mini-service," or "self-service," shall also be indicated.
 - b. One (1) wall sign advertising the company name and/or logo; the operator; and accessory uses, including but not limited to, "mini-mart," "car wash," not to exceed fifteen (15) square feet in area; or a monument sign advertising the information listed above. The restrictions imposed by this part shall not be applicable to displays located on or above the actual fuel pumps, nor shall they apply

to stand-up or other type displays of service related products such as motor oil, windshield wipers, credit card applications and similar items. A maximum of one (1) sign shall be allowed on or above the actual fuel pumps not to exceed two (2) square feet in area.

- c. One (1) informational sign located on a building wall not to exceed ten (10) square feet in area.

- 2. Fast service restaurants. In addition to the basic sign entitlement, fast service restaurants with drive-up or walk through facilities are permitted two (2) menu or reader boards with a maximum area of thirty (30) square feet each and a maximum height of seven (7) feet. For the purposes of determining this maximum area, any pictures or photographs of food products on the perimeter of the board shall not be included within the computation of the maximum area for such board.
- 3. Theaters. In addition to the basic sign entitlement, theaters are permitted one (1) attraction board to advertise nightclub, theater, or restaurant entertainment is permitted. The maximum permitted size for an attraction board shall be fifty (50) square feet if placed on a building wall facing a public street or twenty-five (25) square feet on each side if such board is incorporated into a monument sign otherwise permitted by this part. The advertising on the attraction board shall be limited to coming and current entertainment only.
- 4. Automated or manual service facilities. Signs for drive-up or walk-up service windows or machines, whether freestanding or incorporated into a building, require special consideration, which, because of their unlimited variety and character, a uniform sign entitlement cannot be established. Therefore, the sign allowance for such facilities shall be determined when the sign permit application is being reviewed on the basis of their function and

use and such signs shall not be allowed as a method for increasing the basic sign entitlement for the principal use or to function as off-site advertising of the principal use. Examples of such facilities are drive-up or walk-up windows for banks, restaurants, liquor and grocery stores, and film processors.

(Ord. No. 05-330, § 1, 5-11-2005; Ord. No. 06-340, § 1, 12-13-2006)

9655.10. Special purpose signs.

A. The following signs are permitted in any land use zone, with a sign permit for a temporary sign, unless otherwise specifically prohibited:

1. Trade construction signs. One (1) nonilluminated sign per street frontage advertising the various construction trades is permitted on construction sites during the period that valid building permit approval exists. Such signs shall not exceed a maximum of thirty-two (32) square feet in sign area and shall be removed before a notice of completion is issued for the building being constructed. No trade construction sign shall exceed six (6) feet in height.
2. Land subdivision signs. Signs advertising land subdivisions shall be limited to one (1) double-faced sign of twenty-five (25) square feet for each street frontage. Such sign(s) shall be oriented to the public street frontage. The maximum height shall be six (6) feet. Such signs shall be at least two hundred (200) feet apart and shall be located within the subdivision. Such signs shall be removed when all lots within the subdivision are initially sold. Such signs shall not be illuminated.
3. Future development signs. One (1) sign for each street frontage advertising a future development or the lease potential for future development not to exceed twenty-five (25) square feet in area is permitted on parcels under one (1) acre in size. The area of the sign may be increased by five (5) square feet for each additional acre up to a maximum of fifty (50) square feet with approval by the director. How-

ever, such sign shall not be erected until the architectural review approval is received for the proposed project, and all such signs shall be removed before a notice of completion for the development or upon expiration of the project approval. Such signs shall face a public right-of-way and shall not be illuminated.

4. Grand opening signs. During an authorized grand opening event, temporary signs, not exceeding twenty (20) square feet in area may be approved by the director. Such signs may consist of one (1) banner on the exterior wall of the building within which the subject business is located. Such signs shall not be displayed more than thirty (30) days from the issuance of the sign permit.

In addition, during the first four (4) days of a grant opening event, captive balloons,

without regard to number, may be permitted provided that such balloons do not extend beyond the lowest point of the roofline of the business, obstruct other business in the vicinity or interfere with pedestrians or vehicle traffic.

These restrictions shall not in any way prohibit any person from handing out or giving away balloons as part of the normal activities of a business as long as such balloons are not in a captive state attached to a structure.

B. The following signs are permitted in any land use zone, with a sign permit, unless otherwise specifically prohibited:

1. Commercial and industrial real estate signs. Commercial and industrial properties may have sale, lease or rental signs on the following basis:

- a. One (1) sign per parcel, or
- b. One (1) sign per street frontage.

Signs shall not exceed three (3) feet by three (3) feet, or a total of nine (9) square feet in area and four (4) feet in height if attached to the ground by a pole(s) or other support structure. All ground mounted signs shall be displayed on a permanent sign structure designed consistent with the design of the center or building on which the real estate sign is placed. Wall or window signs shall not exceed two (2) feet by two (2) feet, or a total of four (4) square feet in area. Each sign shall be designed and located in a manner satisfactory to the director. No commercial and industrial real estate sign shall be illuminated and no banners are allowed. No other temporary real estate signs shall be allowed beyond those allowed by this provision.

All temporary commercial and business park real estate signs erected pursuant to a sign permit issued prior to the adoption of this chapter must be removed or re-permitted within six (6) months of the effective

date of this chapter. All temporary commercial and business real estate signs erected without permits must be removed or permitted immediately.

(Ord. No. 05-330, § 1, 5-11-2005)

9655.11. Administration and enforcement.

A. *Duty to enforce.* The director shall have the duty to enforce the provisions of this part.

B. *Ambiguity.* Whenever any ambiguity arises as to the interpretation of the provisions of this part. The applicant for a sign permit may request that the planning commission make a determination as to the meaning and application of the ambiguous provisions.

C. *Modifications to sign standards.* Pursuant to division 6 (section 9676 through 9676.7), the planning commission may approve minor modifications to the regulations relating to the size, height, number, and location of new or existing signs after a public hearing in those cases where an applicant is faced with exceptional circumstances related to the type or location of its business, or is trying to achieve a special design effect. The applicant shall have the burden of proving that:

1. The sign is or will not be detrimental to surrounding uses or properties or the community in general; and
2. The approval of such modification is consistent with the purposes of the general plan and this part, the sign criteria set forth in subsection 9655.5.D and the adopted sign design guidelines.

Notwithstanding the foregoing, the size or height entitlement of a sign shall not be increased by more than thirty (30) percent.

D. *Special consideration for additional signs with landscape maintenance agreement.* To avoid conflicts between the visibility of business signs in existing shopping centers and the city's parking lot shade coverage requirements, the planning commission may approve a modification to an existing sign program or a new sign program for an existing retail center or complex to allow

modifications to the size, height, number, and location of monument and/or directory signs if the property owner enters into a landscape maintenance agreement with the city. The landscape maintenance agreement shall among other items, include a provision to ensure that proper tree trimming methods are utilized. All proposed signage shall meet the following criteria:

1. The sign shall not be detrimental to surrounding uses or properties or the community in general; and
2. The approval of such modification shall be consistent with the purposes of the general plan and this part, the sign criteria set forth in subsection 9655.5.D and the adopted sign guidelines.

E. Removal of unsafe signs. Any sign that presents an immediate danger to the public health or safety may be removed by the city without prior notice. Alternatively, the director may issue a notice of violation and give the permit holder, property owner, or person in possession and control of the property fifteen (15) days to cure the violation. In the case of an unsafe sign removed by the city, the costs of such removal and storage shall be borne by the permit holder, property owner, or person in possession and control of the property, as applicable and may be collected by the city in the same manner as it collects any other debt or obligation. No unsafe sign, which has been removed and stored by the city, shall be released until the costs of removal and storage have been paid. If an unsafe sign remains unclaimed for a period of thirty (30) days after notice of removal is sent to the permit holder, property owners, or person in possession and control of the property, it shall be deemed to be unclaimed personal property and disposed of in accordance with the law.

F. Removal of illegal signs on public property. The director shall remove or cause to be removed any temporary sign unlawfully placed or located on public property. The director shall notify the owner of such sign, if such owner is known, that its sign is being held at city hall and that it will be destroyed if not claimed by the owner within ten (10) days after the date of such notice. In the

event that the owner does not claim such sign within said ten-day period, the director may destroy or otherwise dispose of such sign.

G. Violations. Violation of this chapter is a misdemeanor unless otherwise charged by the prosecuting attorney as an infraction and shall be punishable as provided in section 1200(b) of the Agoura Hills Municipal Code.
(Ord. No. 05-330, § 1, 5-11-2005)

9655.12. Nonconforming signs.

This section recognizes that the eventual elimination of existing signs (on site and off site) that are not in conformity with the provisions of this chapter is as important as the prohibition of new signs that would violate these regulations.

- A. *Continuation of nonconforming sign.* A legally established sign that does not conform to the provisions of this chapter may continue to be used, except that the sign shall not be:
 1. Structurally altered to extend its useful life;
 2. Expanded, moved, or relocated;
 3. Re-established after a business has been discontinued for sixty (60) days or more; or
 4. Re-established after damage or destruction of more than fifty (50) percent of the sign value, as determined by the director.
- B. *Sign copy changes.* The sign copy and sign faces of a nonconforming sign may be changed upon obtaining a sign permit provided that the change does not include a structural change in the display.
- C. *Correction of nonconformities required.* Approval of any structures on a site or a change in the land use on a site shall require that all nonconforming signs on the site be brought into conformity with this chapter.
- D. Within sixty (60) days after the discontinuance of a business in any commercial or industrial zone or before a new business occupies the premises, whichever

comes first, all nonconforming signs and support structures shall be removed and the wording or advertising relating to the discontinued business shall be removed from all conforming signs. This section shall not be applicable to the assignment, lease or sublease of an existing business, which continues to conduct the same business on the same premises.

(Ord. No. 05-330, § 1, 5-11-2005)

9655.13. Appeal of approval or denial of sign permit.

A. Any person seeking to appeal any decision of the director or planning commission must file a written notice of appeal with the city clerk and pay the applicable appeal fee established by city council resolution no later than fifteen (15) days after the date of the notice of the decision. The appeal notice shall state, with specificity, the factual and legal basis of the appeal. The city clerk shall expeditiously schedule a hearing before the city council and notify the appellant, in writing, of the day, time and location of the hearing, which shall be held not later than thirty (30) days after the notice of appeal is received by the city; provided, however, the hearing may be held after such thirty-day period upon the request or concurrence of the appellant. The time for compliance of any original order shall be stayed during the pendency of the hearing before the city council.

B. The city council shall provide the appellant with a written decision within ten (10) working days of the conclusion of the hearing. In the event any such sign approval, denial or revocation, or remediation or removal order is upheld by the city council, the approval, denial, revocation or order shall be effective on the date of the action by the city council, and that action shall be final and conclusive.

(Ord. No. 05-330, § 1, 5-11-2005)

DIVISION 6. NOISE REGULATIONS

9656. Noise regulations; purpose.

In order to control unnecessary, excessive and annoying sounds emanating from within areas of

the city, it is hereby declared to be the policy of the city to prohibit such sounds generated from all sources as specified in these provisions.

It is determined that certain noise levels are detrimental to the public health, welfare and safety and contrary to the public interest. Therefore, the city council does ordain and declare that creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of these sections, is a public nuisance and shall be punishable as such.

Cross references—Building construction noise, §§ 4100—4104; noise standards, § 9305.

9656.1. Designated noise zone.

All residential properties are hereby assigned to the following noise zones:

- A. *Noise zone 1:* All properties located in residential zone districts.

9656.2. Exterior noise standards.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all residential property within a designated noise zone.

Noise Standards in Noise Zone 1

<i>Noise level</i>	<i>Time period</i>
55 db(A)	7:00 a.m.—10:00 p.m.
50 db(A)	10:00 p.m.—7:00 a.m.

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five (5) db(A).

B. It shall be unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential property, either incorporated or unincorporated, to exceed:

- 1. The noise standard for a cumulative period of more than fifteen (15) minutes in any hour; or