

ORDINANCE NO. 2003 - 052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING ARTICLE 3 OF DIVISION 1 OF TITLE 7 OF THE ORANGE COUNTY CODE, AS ADOPTED BY THE CITY OF ALISO VIEJO, RELATING TO THE REGULATION OF SIGNS

THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Article 3 of Division 1 of Title 7 of the Codified Ordinances of the County of Orange, adopted by the City of Aliso Viejo pursuant to Ordinance No. 2001-001, is hereby amended in its entirety to read as follows:

"ARTICLE 3. SIGN STANDARDS

Subarticle 1. General Provisions

Sec. 7-1-94. Intent and purpose.

The purpose of this chapter is to establish guidelines and standards for the uniform regulation of signs and sign structures so as to assure adequate identification of businesses and other activities, as well as to maintain and improve the quality of the visual environment within the City of Aliso Viejo. The procedures and regulations of this article are enacted to:

- (a) Ensure that signs erected within the City are compatible with their surroundings and are in keeping with the goals and objectives of the General Plan of the City.
- (b) Aid in the identification of properties, land uses and businesses.
- (c) Promote commerce, traffic safety, and community identity while also promoting and enhancing the quality of the visual environment of the City.
- (d) Protect and enhance property values.
- (e) Lessen the objectionable effects of competition in the placement and size of signs.
- (f) Reduce hazards to motorists and pedestrians.
- (g) Avoid visual clutter.
- (h) Provide procedures and standards to control the location, size, type, number, and all other matters pertaining to signs with the City.

Sec. 7-1-95. Definitions.

The following words, phrases, and terms as used in this article shall have the meaning as indicated below:

Activity: A business establishment with direct access to parking lot or public right-of-way, and under separate management from any other business establishment within the same building.

Abandoned sign: Any sign which was lawfully erected, but whose use has ceased or whose structure has been abandoned by the owner thereof for a period of ninety or more consecutive days.

Advertising device: Any balloon, flag, pennant, banner, propeller, oscillating, rotating, pulsating or stationary light, or other contrivance (except lawfully permitted signs) used to attract attention.

Advertising display: Any device, contrivance, statue, or structure (other than a sign) used as a display, regardless of size and shape, for the purpose of attracting attention.

Alteration: Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Area of a sign: The measurement of a sign's surface according to Section 7-1-105.

Attached sign: Any sign that is permanently affixed to a building, including wall signs.

Automotive service station: A retail place of business engaged primarily in the sale of motor fuels, and supplying only those incidental goods and services which are required in the day-to-day operation of automotive vehicles and the fulfilling of motorist's needs.

Banner sign: A sign made of fabric, plastic, or other flexible material containing an affixed message and capable of being viewed from any public right-of-way, parking area, or neighboring property.

Billboard or outdoor advertising structure: A sign or sign structure of any kind or character erected or maintained for the purpose of advertising a business, activity, service, or product not sold or produced on the premises upon which said structure is placed.

Building frontage: The portion of a building or activity that faces either a public right-of-way or parking area. The length of the building facing the public right-of-way or parking lot shall be used to determine the amount of signage permitted.

Canopy: A roof structure connected to and projecting from a building. The structure may be constructed of any material and at any length.

Canopy sign: Any sign attached, painted, or constructed upon a canopy.

Changeable copy sign: Any sign designed and intended to have an easily and readily changeable copy.

Channel letters: Individual letters or figures, illuminated or not, affixed to a building, sign or sign structure.

Civic activity signs: A bulletin board which customarily is incident to places of worship, libraries, museums, and other similar public and private institutions.

Colonial sign: A temporary residential real estate sign constructed of a single vertical post, not to exceed seven feet, with a horizontal crossbar from which a real estate sign is suspended. The real estate sign shall not exceed 6 square feet, in area and the length and the height shall not exceed 3 feet.

Commercial center: Any site containing two or more commercial activities.

Commercial sign: A sign intended or designed to advertise, promote, or draw attention to a commercial activity, including the sale, lease, or rental of any property.

Community announcement sign: A sign intended to promote or draw attention to community services and activities that displays a fixed or changing communication from an owner of at least 100 acres of real property and with street frontage that is in excess of ten miles within the City.

Community identification monument sign: A monument sign from an owner of at least 100 acres of real property and with street frontage that is in excess of ten miles within the City that does not exceed 4 feet in height, including the base, 8 feet in width and 32 square feet in area.

Community identification sign: A ground or wall sign within the boundaries of a development or subdivision containing only the name (if desired) and the identifying symbol of the community, residential development or subdivision.

Community service club sign: An identification sign of a community nonprofit service organization that occupies the premises on which the sign is located.

Construction sign: A sign which states the name of the future site occupant and/or the name, address, and phone number of related construction, architectural, and financial firms.

Design standards: A detailed description of prescribed sign type, size, illumination, location, construction, materials, text, font, and colors for a commercial center or specific site.

Development Review Committee: The Development Review Committee shall consist of that body established pursuant to Section 7-9-14 of Ordinance 2001-025 of the City of Aliso Viejo.

Directional safety sign: A sign necessary for public safety that is designed to be viewed from on-site or adjacent to the site by pedestrians or motorists.

Director: The Director of Planning for the City of Aliso Viejo, or his or her duly authorized representative.

Electronic reader board sign: A sign that displays a fixed or changing communication that is conveyed through a series of lights. Time and temperature displays are excluded from this definition.

Elevation: A scale drawing of the side, front, or rear of a given structure.

Flag: An advertising device that will float, play, or shake in an air current. National flags or flags of political subdivisions are excluded from this definition provided they comply with the provisions of Section 7-1-113(f).

Flashing or animated sign: A sign intermittently reflecting light, or which has any illumination that is not maintained in constant intensity, color, or pattern, including electronic reader board signs.

Freestanding sign: Any sign that is permanently or temporarily attached to the ground and which does not have a building as its primary structural support.

Grand opening sign: a sign announcing the grand opening in connection with the opening of a business, major remodeling under an active building permit, or new owner of a business may be permitted with approval of the Director.

Ground level: The highest elevation of the existing ground surface under a sign.

Government official sign: A sign displaying information pertaining to services offered by city, county, state, federal or other official government agencies.

Height of a sign: The vertical distance measured from ground level along the base of the sign or sign structure, excluding any berm, to the highest point of the sign or sign structure.

Human sign: Animals, or human beings, live or simulated, holding, or carrying a sign, designed or used so as to attract attention to the premises or activity.

Identification sign: A sign limited to the identifying name, symbol or insignia, or any combination thereof, of a building, use, or person occupying the premises on which the sign is located.

Illegal sign: A sign construed or erected without compliance with all applicable laws and/or regulations.

Illuminated sign: A sign that has characters, letters, figures, designs, or outline backlighted or internally illuminated by electric lights or luminous tubes as a part of the sign.

Logo: A name, symbol, or trademark of a company, business or organization.

Major tenant: A tenant of a commercial center with a gross lease space equal to or greater than 15,000 square feet. Examples of major tenants are supermarkets, combined drug variety/garden stores, and hardware/home improvement centers.

Minor tenant: A tenant of a commercial center with a gross lease space less than 15,000 square feet.

Mixed use building: Building that is occupied, arranged, designed, or intended for combinations of land uses; including but not limited to residential, commercial, office, business park, civic, cultural, educational, or recreational uses.

Model home complex: Residential dwelling units and a sales office located in a residential development which are being used to illustrate the design of the units to potential home buyers during initial sale of units.

Model home directional sign: Sign located within the subject subdivision designed to direct motorists to a model home complex, sales office, or leasing office.

Model home identification sign: Sign that serves to identify a model home complex and that is located on the premises of the model home complex.

Monument sign: A low profile freestanding sign that may be internally or externally illuminated, erected with its base on the ground, and designed to incorporate design and building materials which complement the architectural theme of the building(s) on the site. A monument sign shall not exceed 6 feet in height from ground level, including the base, and 10 feet in width unless approved differently in a planned sign program. The base of a monument sign shall not be counted as sign area.

Multitenant directory sign: A sign identifying more than one tenant at a facility or building.

Nameplate sign: An attached sign which designates the name and/or address or a business or organization, and/or the words "entrance" or "exit."

Neighborhood watch sign: A sign indicating the establishment of a neighborhood watch program in a residential neighborhood, placed at the entrance to the neighborhood.

Noncommercial sign: A sign intended or designed to promote or draw attention to the noncommercial interests, beliefs, or concerns of any person or persons.

Nonconforming sign: A sign which complied with all applicable regulations at the time it was installed, but which is now in conflict with the provisions of this Chapter.

Off-site open house directional sign: A temporary sign that is located on property other than the property that is for sale, lease or rent, which serves to identify the direction to the property that is for sale, lease, or rent and is open for viewing.

Owner: Any person, corporation, or agency having a legal or equitable interest in the property, including any successor or assignee or agent of any of the aforesaid.

Painted-on-the-wall sign: Any sign painted directly onto the wall surface of a building.

Permanent sign: A sign intended to exist for the duration of time that the use or occupant is located on the premises. The sign shall be constructed entirely of durable materials.

Planned development permit: A precise plan of development which is reviewed and acted upon administratively by the Director or the Development Review Committee.

Pole sign: A freestanding sign directly supported by a pole or poles with air space between the ground level and the sign face.

Portable sign: A sign not securely attached or fixed to the ground or to a permanent structure, or a sign attached to or placed upon a vehicle or trailer used as a stationary advertising display, the primary purpose of which is to serve as a base, platform, or support for the sign.

Price sign: A sign that names or identifies the items or products for sale on the premises, and the price of said items or products.

Projecting sign: A sign that projects more than 12 inches from the wall of a building and has a display surface that is perpendicular to such wall.

Real estate sign: A temporary sign indicating that the premises on which the sign is located is for sale, lease, or rent.

Roof sign: An attached sign constructed upon or over a roof, or placed so as to extend above the visible roof-line; or a freestanding sign which is greater in height than the building it serves to identify.

Sandwich board sign: A-frame signs that are not securely attached or fixed to the ground or to a permanent structure.

Sign: Any device used for visual communication or attraction, including any announcement, declaration, demonstration, display, illustration, insignia, or symbol used to advertise or promote the interests of any person, together with all parts, materials, frame, and background thereof.

"Sign" and "advertising device" shall not include the following for purposes of this Chapter.

- (a) Official notices issued by any court, public body or officer.
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice.
- (c) Intra-community directional signs, warning or informational signs or structures required or authorized by federal, state, or local authority.
- (d) The flag of the City of Aliso Viejo, the State of California, the United States of America, or any official flag of any other state, county, or country provided they comply with the provisions of Section 7-1-113(f).

Sign copy: Any word, letter, number, figure, design, or other symbolic representation incorporated into or depicted upon a sign.

Sign face: The surface, or that portion of a sign that is visible from a single point as a flat surface or a plane, together with the frame and the background.

Sign structure: Any structure which supports any sign.

Site: One or more parcels of land identified by the assessor's records where an integrated building development has been approved or proposed. The site shall include all parcels of land contained within or identified as a part of the development application. An integrated building development shall include all parcels served by common access ways, driveways, parking, and landscaping.

Site (street) frontage: The length of a lot or parcel of land along or fronting a street.

Subdivision sales and model home directional sign: A sign providing direction to a residential land development project.

Temporary sign: Any sign displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area, or neighboring property.

Trespassing sign: A sign which contains the following copy only: "no trespassing."

Under-Canopy sign: Any sign attached to the underside of a projecting canopy protruding over a private sidewalk or right-of-way.

Vehicle sign: Any sign with a sign area greater than or equal to 9 square feet and which is attached to, erected on, or supported by a vehicle, boat, vessel, trailer, or other portable structure, with or without a mode of power, which can be towed, hauled, sailed, or driven.

Wall sign: Any sign which is attached or erected on the exterior wall of a building including the parapet, with the display surface of the sign parallel to the building wall, and which does not project more than 12 inches from the building, or project above the apparent roof or the height of the wall or parapet.

Window sign: Any sign posted, painted, placed, or affixed in or on any window visible from any public right-of-way, parking lot, or neighboring property, including, but not limited to, any interior sign which faces any window, visible from any public right-of-way, parking lot or neighboring property, and is located within 4 feet of the window.

Sec. 7-1-96. Enforcement authority.

The Director is hereby authorized and directed to enforce all provisions of this article in accordance with the severity of the problem and staff personnel available for enforcement.

Sec. 7-1-97. Inventory of illegal and abandoned signs.

Within one hundred twenty (120) days after the adoption of this article, the Director shall cause an inventory and identification of all illegal or abandoned signs within the City to be commenced.

The City may impose reasonable fees upon all owners or lessees of on-premises business advertising displays for the purpose of covering its actual costs of inventorying and identifying illegal or abandoned advertising displays within the City.

Sec. 7-1-98. Abatement of illegal and abandoned signs.

Every illegal or abandoned sign identified in the inventory required by Section 7-1-97, and every illegal or abandoned sign hereafter identified shall be deemed to constitute a public nuisance.

The Director is authorized to abate all illegal or abandoned signs pursuant to the procedures set forth in this Code and applicable provisions of the California Business & Professions Code.

Illegal signs posted in the public right-of-way or upon public property may be removed by the Director or a City Code Enforcement Officer. Said signs shall be retained at City Hall for a period of not less than three working days. Thereafter, any unclaimed signs may be discarded.

Should the City be required to remove any illegal or abandoned sign pursuant to this article, the reasonable cost of such removal shall be assessed against the owner of such sign. The cost of removal shall be determined by resolution of the City Council.

Sec. 7-1-99. Penalty for violation.

(a) Any person who violates any provision of this article shall be guilty of a misdemeanor. Notwithstanding the foregoing, a violation may be prosecuted through the civil citation procedures set forth in this Code.

(b) Notwithstanding the provisions of subsection (a), any person who violates Section 7-1-110(a)(2) or Section 7-1-114(a)(1) governing the placement of signs on City property or in the public right-of-way shall be punished by a fine of not less than one hundred dollars (\$100.00), and not more than one thousand dollars (\$1,000.00), for each separate offense. For purposes of this subsection, each sign placed in the public-right-of-way shall constitute a separate offense.

(c) Each day a violation of this article is committed or continues is a separate offense.

Sec.7-1-100. Maintenance requirements.

All signs permitted pursuant to this article shall be maintained in good repair, functioning properly, and free from all defects, including, but not limited to, cracking, spalling, rusting, and peeling. Signs not so maintained shall be deemed a public nuisance, and may be abated pursuant to applicable provisions of this Code.

Sec. 7-1-101. Permit application requirements.

(a) A sign permit shall be required prior to the placement, movement, erection, reconstruction, alteration or display of any sign permitted pursuant to this article, unless expressly exempt by this article. All signs, except where expressly exempt, shall conform to the current California Building and Electrical Codes as adopted by the City of Aliso Viejo. Application packages shall be submitted on 8½ x 11 inch paper and shall include:

(1) A letter from the property owner or property management association, if applicable, approving the permit and/or planned sign program and authorizing the applicant, if the applicant is not the owner, to submit the sign permit application to the City on behalf of the owner. Appropriate approvals shall be secured from any homeowner associations, as applicable, before submitting the sign permit application to the City.

(2) Sign elevations indicating overall square footage and letter/figure dimensions, letter style, color pallet or chips (indicate standard color chip number), materials, and proposed copy.

- (3) Building elevations with height dimensions, depicting accurately dimensioned signs.
 - (4) The method of attachment for wall signs, and a foundation plan, sign support, and method of attachment for freestanding signs.
 - (5) The type and method of illumination (interior/exterior), intensity in lumens and watts, and electrical installation and insulation devices, where applicable.
 - (6) A site plan showing the footprint of all buildings. The site plan shall include a vicinity map, the location of adjacent streets, the location of all proposed signs, and the location of existing signs on the site and their dimensions and square footages.
 - (7) Photographs and/or elevation drawings shall be submitted of all elevations of buildings upon which proposed signs will be installed.
 - (8) A refundable cash bond, deposit or equivalent acceptable to the Director of Finance, in an amount established by resolution of the City Council, to insure that construction is completed according to approved plans. Final inspection approval shall include installed landscaping where required.
 - (9) A method or procedure which guarantees the continued maintenance of the sign or signs and removal of such signs upon expiration or revocation of the sign permit.
 - (10) Freestanding sign applications shall include landscaping plans and architectural criteria, as well as traffic line of sight triangulation approved by the City Traffic Engineer to assure safe view of motorists and pedestrians.
 - (11) Such other information as the Director deems appropriate to determine compliance with the provisions of this article.
 - (12) A complete sign permit application shall include fully dimensional plans drawn to scale.
- (b) Sign permit applications shall be reviewed by the Director. The Director shall have the option of referring any sign permit application to the Development Review Committee for its review and approval.
- (c) Upon receipt of a completed sign permit application, the Director shall render a decision or refer the application to the Development Review Committee within ten (10) calendar days of receipt. If referred to the Development Review Committee, the Development Review Committee shall render a decision on the application within twenty (20) days of receipt.
- (d) Notwithstanding any of the time limits contained in this section, the Director and the Development Review Committee shall endeavor to render decisions in a timely manner.

Sec. 7-1-102. Planned sign program.

The purpose of the planned sign program is to encourage coordinated and quality sign design as well as permit more flexible sign standards for commercial, office, industrial, and business park centers. The provisions of this division shall be used as a guide in the design of signs which comply with or exceed the minimum standards of this article. The owner of the sign(s) shall designate a person or firm as the primary liaison with the City for the purpose of submitting sign permit requests in conformance with the approved planned sign program. A complete planned sign program shall include fully dimensional plans drawn to scale. The planned sign program shall also include a written set of design standards approved by the property owner and property management or property owner association, as applicable.

(a) The approval of a planned sign program shall be required prior to application for a sign permit for the following requests:

- (1) A request for a new freestanding sign, a request for a change in the size, copy or number of wall signs, or the replacement of any sign existing on a site.
- (2) A request for any signs for new commercial, business park, shopping center, or any other new development for which a planned development permit is required.
- (3) A request for any community identification sign.
- (4) A request for any signs for an automotive service station.
- (5) A request for exposed neon tubing signs, raceways, canopies, or lit fascia panels with or without copy.
- (6) A request for a logo or special graphic depicting a pictorial representation of thought or idea.
- (7) A request for a sign which does not conform to all specific regulations of this division.

(b) The Director shall review and approve each planned sign program subject to the following requirements:

- (1) Signs shall reflect a common theme, incorporating similar design elements in terms of materials, letter style, colors, illumination, sign type, and sign shape.
- (2) Signs shall utilize materials, colors, and a design motif which is compatible with the architecture of the buildings.
- (3) Signs shall be consistent with surrounding developments in terms of design, materials, and colors.

(4) Signs shall not be approved which exceed the permitted square footage set forth in this article.

(5) For sites with existing signs, a schedule or phasing plan for bringing such signs into conformance with this article shall be submitted and become part of the approval. A cash bond may be required to guarantee the removal of nonconforming signs.

(c) The following signs are exempt from the planned sign program requirements set forth in this article:

(1) Signs located within the interior of buildings or the interior of malls, when such signs are incapable of being viewed from the outside of said building or mall.

(2) Noncommercial signs located outside of a commercial center.

(3) Signs permitted under planned sign programs previously approved by the City.

Sec.7-1-103. Special sign permit.

The Development Review Committee may grant a special sign permit when relief from the strict application of this article is sought. A special sign permit may not be processed for any sign expressly prohibited by this article. The following findings shall be made by the Development Review Committee prior to approving any special sign permit:

(a) Strict compliance with this division will result in a substantial hardship to the applicant.

(b) The proposed sign will not adversely affect other signs in the area.

(c) The proposed signs will not be detrimental to properties located in the vicinity.

(d) The proposed signs will not obscure fire hydrants, traffic signs or traffic signals, block motorists' line of sight, or otherwise inhibit or interfere with vehicular or pedestrian traffic.

(e) Approval of the proposed sign will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity having similar circumstances.

Special sign permits shall become effective fifteen days after approval by the Development Review Committee or, if an appeal is filed, upon the final decision of the City Council.

Sec. 7-1-104. Nonconforming signs and Amortization.

The provisions of this section shall apply to all nonconforming signs. In addition to the provisions of Section 7-9-151 of this Code, a nonconforming sign shall not be:

- (a) Changed to another nonconforming sign or replaced by the same nonconforming sign.
- (b) Structurally or electrically expanded or altered unless such alteration is designed to and does bring the sign into full conformance with all current provisions of this article.
- (c) Relocated on the same site or to any other property.
- (d) Re-established after discontinuance of use for ninety days or more.
- (e) Re-established after damage or destruction of more than fifty percent of the replacement value of the sign prior to said damage or destruction.

Every on-site sign becoming nonconforming as a result of the adoption of this article must be removed as provided for in California Business and Professions Code Sections 5492, 5493, 5495 and 5497 within 5 years, unless a longer period of time is deemed necessary as determined by the Director based upon the cost of the sign, its depreciated value, remaining useful life, remaining length of leases, and harm to the public if the nonconforming sign remains.

Every off-site sign becoming nonconforming as a result of the adoption of this article must be removed in accordance with the Outdoor Advertising Act (California Business and Professions Code section 5200 et seq.), within 5 years, unless a longer period of time is deemed necessary as determined by the Director based upon the cost of the sign, its depreciated value, remaining useful life, remaining length of leases, and harm to the public if the nonconforming sign remains.

The amortization period may be administratively appealed as provided for in Section 7-1-106.

Sec. 7-1-105. Computation of sign area.

Sign area shall be determined as follows:

(a) *Distinct border or boundary:* For signs with a distinct border or boundary, the sign area shall be computed as the entire surface within the border, boundary, sign board, or sign face.

(b) *No distinct border or boundary:* For signs with no distinct border or boundary, the sign area shall be calculated by a simple rectilinear figure which contains all of the lettering or illustration on such sign.

(c) *Double sided sign:* The sign area of signs which have two identical faces, arranged back to back in parallel planes, shall be computed for one side only.

(d) *Multiple sided sign:* Signs which have more than one side and are not double sided signs, have a sign area as computed for all sides.

(e) *Including sign structure or support:* Where a sign structure is designed in such a manner to make the sign more noticeable or appear larger, the area of the sign structures shall be included in the sign area.

Sec. 7-1-106. Appeal.

(a) A decision made by the Director may be appealed to the Development Review Committee by filing a written notice of appeal with the City Clerk within fifteen calendar days of the date of the Director's decision and by paying any appeal fee established by resolution of the City Council.

(b) A decision made by the Development Review Committee may be appealed to the City Council pursuant to Section 7-9-16.

(c) A final determination of the City Council may be appealed to a court of competent jurisdiction in accordance with applicable provisions of the California Code of Civil Procedure.

Subarticle 2. Commercial Signs

Sec. 7-1-107. Permanent Signs.

Permanent signs may be permitted pursuant to the permit procedures set forth in this article and shall be governed by the standards enumerated for each category of sign. In addition to such standards, consideration shall be given to building setbacks, landscaping, visibility of the sign on the site, and the proposed sign's relationship to the overall appearance of the property and to the surrounding neighborhood. Compatible design, simplicity, and sign effectiveness shall also be used as guidelines for sign approval. Any sign permitted pursuant to this subarticle may be used for the display of noncommercial messages provided that in no event shall the height, length, character, or total square footage of the sign exceed that permitted by this subarticle. In calculating the total number and square footage of signs permitted, both commercial and noncommercial signs shall be counted.

(a) All electrical signs shall be listed by Underwriters Laboratories (UL) and shall be installed in accordance with the installation instructions and with the California Electrical Code adopted by the City.

(b) Wall signs. Wall signs may be permitted subject to an approved planned sign program in commercial, office, industrial and business park land use categories, except

where expressly prohibited. A planned sign program must be approved prior to the installation/placement of any wall sign. Wall signs shall be subject to the following:

- (1) Wall signs shall not exceed 1 square foot of sign area for each linear foot of building frontage or portion thereof. Total aggregate sign area for such signs shall not exceed 100 square feet for each business use. If the building frontage of any such use is less than 25 square feet, only one sign, having a maximum area of 25 square feet, shall be permitted.
- (2) Sign copy shall be limited to the business name, logo, or generic description of the activity, service, or business, such as "barber shop" and "hardware," unless the trade name, product, or service is an integral part of the fictitious name of the business or service.
- (3) All multistory office or multistory mixed use buildings shall have only one wall sign per building unless approved differently in a planned sign program.
- (4) Only channel letter signs shall be permitted unless approved differently in a planned sign program. Channel letters for minor tenant signs shall not be more than 18 inches in height. The size of channel letters for Major tenant signs shall be as set forth in an approved planned sign program.

(c) Business freestanding monument identification signs: Monument identification signs may be permitted, subject to an approved planned sign program, in commercial, office, industrial and business park land use categories, except where expressly prohibited Monument signs shall be subject to the following:

- (1) Monument signs shall not exceed 6 feet in height, including the base, 10 feet in width, and 36 square feet in area, unless approved differently in a planned sign program.
- (2) One identification monument sign may be permitted for each site with a street frontage in excess of 99 feet. Where a site abuts more than one street, one additional identification monument sign may be permitted on each additional street frontage that is in excess of 99 feet in length. In no case shall there be more than one monument sign on each street frontage for each site.
- (3) Sign copy shall be limited to one business, center, anchor, or major tenant name.
- (4) Each monument sign may contain the street address of the premises, in letters and/or numbers not less than 4 inches nor more than 6 inches high, unless approved differently in a planned sign program.
- (5) No monument sign shall be placed or located closer than 5 feet to the public right-of-way.

(d) Automotive service station sign: Signs may be permitted in Automotive service stations, subject to an approved planned sign program. Automotive service station signs shall be subject to the following:

- (1) One monument identification sign not to exceed 6 feet in height, including the base, from ground level and 36 square feet in area may be located along each street frontage abutting the site.
- (2) Permanently affixed price signs may be constructed with and integrated in the monument sign.
- (3) Monument signs shall be located closer than 100 feet from the point of intersection of abutting streets.
- (4) Wall signs may be permitted but shall be limited to the name of the automotive service station only. No canopy signs shall be permitted.
- (5) The total area of all freestanding, wall, and price signs for one automotive service station shall not exceed an aggregate of 100 square feet in area on the site.
- (6) No monument sign shall be placed or located closer than 5 feet to the public right-of-way.

(e) Community signs: Community announcement signs and community identification monument signs shall be permitted subject to an approved planned sign program, in commercial, office, industrial and business park land use categories.

Sec. 7-1-108. Temporary signs.

Temporary signs may be permitted pursuant to the permit procedures set forth in this article. Temporary signs shall not be located within any public right-of-way nor in any area which may constitute a safety hazard.

Prior to issuance of a sign permit for a temporary sign, the applicant or person responsible shall file a cash bond in an amount established by resolution of the City Council. All temporary signs shall display the name, address, and telephone number of the person responsible for the sign on the rear lower right hand corner of the sign. If the sign is not removed and the site restored upon expiration of the permit, the cash bond shall be forfeited to the City for the purpose of covering the cost of removal of the sign.

(a) Commercial real estate signs: Temporary signs advertising the sale, lease, or rental of nonresidential property upon which the sign is located or on real property owned by others with their consent, may be permitted pursuant to the permit procedure of this division, subject to the following:

- (1) Such signs shall be unlighted and nonilluminated.

- (2) Such signs shall not exceed 4 feet, by 4 feet, or a total of 16 square feet.
- (3) The total aggregate sign area for all such signs shall not exceed 16 square feet for each building site.
- (4) No flags or balloons shall be displayed.
- (5) No rider may be attached to the sign.
- (6) Signs shall be placed so that they do not obscure fire hydrants, traffic signs or traffic signals, block motorists' line of sight, or otherwise inhibit or interfere with vehicular or pedestrian traffic.
- (7) No part of any sign shall be within 3 feet of the back of sidewalk, but in no event shall a sign be within 3 feet of the lotline.
- (8) Permits for commercial real estate signs shall expire one year from the date of issuance or upon completion of the sale, lease or rental of nonresidential property, whichever occurs first.

(b) Construction signs: One temporary sign denoting the architect, engineer and/or general contractor placed on the site where construction, repair, or renovation is proposed or is in the progress may be permitted pursuant to the permit procedures of this division subject to the following:

- (1) Such signs shall be unlighted and nonilluminated.
- (2) Such signs shall not exceed 4 feet by 4 feet.
- (3) Only one construction sign shall be permitted per site.
- (4) Permits for construction signs shall expire one year from the date of issuance or on the date that the first certificate of occupancy is issued for the project for which the permit was acquired, whichever occurs first.

(c) Subdivision sales and model home directional signs: Subdivision sales and model home directional signs associated with the first sale of lots or units in the subdivision may be permitted subject to the following:

- (1) Model home identification signs
 - (A) Such signs shall be reviewed for compliance with the provisions of this article in conjunction with the review of the Site Plan for the model home.
 - (B) Such signs shall be placed only within the subdivision where the model home complex is located.

(C) Signs shall not exceed 16 square feet in area, nor a height of 4 feet.

(2) All subdivision sales and model home directional signs shall contain only the name of the development, the developer, directional information, the developer's or agent's address and telephone number, and indicate that the property is for sale, lease or exchange.

(3) Such signs shall be unlighted and nonilluminated.

(4) Permits for subdivision sales and model home directional signs shall expire one year from the date of issuance unless approved differently in a planned sign program.

(d) Grand opening sign: Grand opening signs associated with the opening of a business, major remodeling under an active building permit, or new owner of a business may be permitted subject to the following:

(1) Each new business or outgoing business shall be permitted to display such sign no more than one time.

(2) Such sign shall be permitted for an initial period of up to two weeks.

(3) Such sign shall not exceed a total area of 24 square feet.

(e) Temporary window signs: Temporary window signs associated with a business may be permitted subject to the following:

(1) Such signs shall not cover more than twenty percent of window area.

(2) The use of fluorescent, day-glo, and neon colors is prohibited. Such signs shall be unlighted and nonilluminated.

(3) Such signs shall be permitted for a period of time not to exceed thirty days per calendar year.

(4) Such signs shall be removed at any time upon the request of the Director upon a finding that the signs constitute a public safety hazard.

(f) Temporary seasonal banners: Temporary seasonal banners hung from parking lot light standards of nonresidential property may be permitted subject to the following:

(1) The size of seasonal banners shall not exceed 2 feet in width and 6 feet in length, length being perpendicular to the ground.

(2) Such review by the Director shall include banner design, color, text, location, number, and materials. There shall be no reflective material or the like on the banner.

(3) Seasonal banner text shall not refer to a specific business, product, or sale.

(4) Seasonal banners shall be extended only from parking lot light standards on private property and they shall not be attached to street signals whether or not such signals also contain street lights. There shall be a minimum vertical clearance of 14 feet from the ground to the bottom of the banner.

(5) A temporary seasonal banner shall not be displayed for more than 45 days a year, which must be a continuous period.

Sec. 7-1-109. Exempt signs.

The following signs are exempt from the sign permit requirements set forth in this subarticle:

(a) Residential real estate signs, including window signs, advertising the sale, lease, or rent of the property shall be permitted to be displayed on such property subject to the following:

(1) Such signs shall not exceed 4 square feet in area, and a height of 4 feet, with the exception of single family detached residences where colonial signs shall be permitted.

(2) Such signs shall be removed within twenty-four hours after close of escrow, lease, or rent.

(3) No flags or balloons shall be displayed.

(4) A rider not exceeding 6 inches in height by 24 inches in length or 8 inches in height x 18 inches in length may be attached to the top of the sign.

(5) Such signs shall be placed so that they do not obscure fire hydrants, traffic signs or traffic signals, block motorists' line of sight, or otherwise inhibit or interfere with vehicular or pedestrian traffic.

(6) No part of any sign shall be within 3 feet of the back of sidewalk, but in no event shall a sign be within 3 feet of the lotline.

(7) Such signs shall be placed at the immediate entrance of the subject residential unit, with the exception of single family detached residences where such signs shall be placed only in the front yard of the subject property. Only one sign per available lease space or residential unit shall be permitted.

(b) Off-site open house directional signs shall be permitted subject to the following:

(1) Signs shall not be permitted on public property or in the public right-of-way. An owner of real property or his/her agent may display the sign on real property owned by another with that owner's prior consent.

(2) Signs shall not exceed 4 square feet in area, and a height of 4 feet, including the vertical post.

(3) Signs are only permitted to be posted during the time an owner or owner's agent is on the premises and the premises are open for viewing.

(4) The signs shall be installed no earlier than 8:00 a.m. and removed no later than sunset.

(5) The signs shall not be installed in a manner which creates a hazard to traffic or pedestrians.

(6) No flags, pennants, balloons, or other attention-attracting devices shall be displayed.

(c) Commercial real estate window signs advertising the sale, lease, or rental of the property shall be permitted to be displayed on such property subject to the following:

(1) Signs shall not exceed 4 square feet in area.

(2) Signs shall be removed within twenty-four hours of the close of escrow or execution of lease.

(3) No flags or balloons shall be displayed.

(4) No rider may be attached to the sign.

(5) No more than one window sign per available lease space or unit shall be permitted in single story building, but in no case shall window signs be permitted above the ground floor in multistory buildings.

(d) Nameplate signs not exceeding 1 square foot in area shall be permitted in locations approved by the Director.

(e) One sign, not more than 1 foot by 1 foot, listing the hours during which the premises are open, and emergency numbers, displayed in the window of a business establishment.

(f) Signs located within the interior of buildings or the interior of malls, when such signs are incapable of being viewed from the outside of said building or mall.

(g) Directional safety signs where required by law or for public safety purposes or in compliance with an approved planned sign program.

(h) One window sign per business not to exceed 4 square feet in area describing employment opportunities with such business. The sign copy shall be limited to information relating to employment.

(i) Credit card, club, and association affiliation stickers not to exceed 1 square foot per entrance.

(j) Open/closed sign not exceeding 4 square feet in area displayed in the window of a business establishment.

(k) Temporary holiday murals, scenes, or decorations painted on windows of a business displayed from Thanksgiving Day to New Year's Day. The holiday mural, scene, or decoration shall not include references to particular products, services, sales, or events. The use of fluorescent, day-glo, and neon colors is prohibited.

(l) Warning or information signs as required or authorized by federal, state, county, or city authority or in compliance with an approved planned sign program upon prior review and approval by the Director. Examples of such signs include, but are not limited to, accessible parking signs, fire lane signs, private property/tow away signs, no parking signs, and no skateboarding signs. Such signs shall be subject to the following:

(1) The property owner shall be responsible for providing, installing, and maintaining the signs.

(2) Signs required to be posted at an entrance to a property shall be placed no closer than 20 feet to the back of the sidewalk or public right-of-way. Said signs shall be securely mounted facing the direction of travel and clearly visible to vehicular traffic entering the parking areas.

(3) Each sign shall be no larger than 18 inches by 24 inches.

(4) Where two signs are required to be placed at a particular location, such signs shall be combined into one sign with the total height of a sign not exceeding 7 feet. No more than two signs shall be placed on a single sign post.

Sec. 7-1-110. Prohibited Signs.

(a) Unless expressly permitted elsewhere in this article, the following signs are expressly prohibited:

(1) Any sign or sign structure displayed for the purpose of advertising a business not on the property upon which the sign is placed.

- (2) Any commercial sign that encroaches upon any public property or within any public right-of-way.
- (3) Flashing, moving, pulsating, or intermittently lighted signs, electronic reader boards, time and temperature signs, laser lighting, and searchlights.
- (4) Signs which conflict with or imitate any traffic control device due to color, wording, design, location or illumination, or which interfere with the safe and efficient flow of vehicular and/or pedestrian traffic.
- (5) Loudspeakers, or signs which emit sound, odor, or visible matter.
- (6) Signs with mechanical movement.
- (7) Roof signs.
- (8) Projecting signs.
- (9) Pole signs.
- (10) Signs on the rear of buildings or oriented toward a freeway unless signs for major tenants approved by the Director or Development Review Committee subject to the standards set forth herein.
- (11) Human signs.
- (12) Banners, flags, kites, pennants, balloons, or other such advertising devices or displays.
- (13) Signs which constitute a nuisance or hazard due to their intensity of light.
- (14) Signs which no longer identify a bona fide business conducted on the premises. Such signs shall be removed by the owner of the sign within 30 days of business' closing date.
- (15) Exposed neon conduit or tubing, interior or exterior neon window signs or lighting displays inside or outside the building so as to be visible from streets, parking areas or site boundaries, unless approved by a planned sign program.
- (16) Signs projecting in or on any public property or public right-of-way except as otherwise authorized by this article.
- (17) Window signs, except as expressly permitted by this division, or as required by law.

- (18) Price signs, except as required or authorized by federal, state or local law and approved by the Director.
- (19) Off-site garage sale signs, circular, poster or other such sign or displays unless permitted by a Special Event permit pursuant to Article 26 of Division 3 of Title 5.
- (20) Any other sign not expressly permitted by this division unless approved by a planned sign program.
- (21) Any sign continuously outlined with individual light bulbs or string of lights.
- (22) Canopy signs unless approved by the Director.
- (23) Portable signs and sandwich board signs.
- (24) Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of California.
- (25) Signs installed, relocated, or maintained in a manner which prevents free ingress to or egress from any door, including signs attached to a stand pipe except those signs as required by City code.
- (26) Signs located in the public right-of-way except governmental or traffic signs.
- (27) Painted-on-the-wall signs, signs constructed of cloth, canvas, fabric, cardboard, wallboard, or other light flimsy material with or without frames.
- (28) Multitenant directory sign unless approved by the City in a planned sign program.

(b) Any person who erects or causes to be erected any prohibited sign without express approval by the City is subject to penalties as set forth in Section 7-1-99.

Subarticle 3. Noncommercial Signs.

Sec. 7-1-111. Permanent Signs.

Permanent signs may be permitted pursuant to the permit procedures set forth in this article and shall be governed by the standards enumerated for each category of sign. In addition to such standards, consideration shall be given to building setbacks, landscaping, visibility of the sign on the site, and the proposed sign's relationship to the overall appearance of the property and to the surrounding neighborhood. Compatible design, simplicity and sign effectiveness shall also be used as guidelines for such approval.

(a) The owner or occupant of any site dedicated to noncommercial purposes, other than residential, may erect the following permanent noncommercial signs:

(1) Civic activity sign. One monument sign shall be permitted for each building site used for or incidental to places of worship, nonprofit service clubs, libraries, museums, social clubs, sponsor organizations, societies, or other similar uses. Such signs shall not exceed 6 feet in height, 8 feet in horizontal length, or a total of 24 square feet.

(2) Community Service Club Sign. Community service club signs shall be permitted, subject to the following:

(A) Such signs shall be placed in areas authorized by the City.

(B) Such signs shall be unlighted and nonilluminated.

(C) Such signs shall not exceed a vertical height of 6 feet, a horizontal length of 8 feet, or a total of 24 square feet unless approved otherwise by the City.

(D) That individual sign panels shall be uniform in size and materials, and compatible in color.

(3) Government Official Sign. Government official signs shall be permitted, subject to the following:

(A) The text, design, and location of such signs shall be subject to the approval of the Director.

(B) Such signs shall be placed in areas authorized by the City.

(C) Such signs shall not exceed a total of 24 square feet unless approved otherwise by the City.

(b) No person shall erect or cause to be erected any noncommercial sign upon the property of another without the express written approval of the owner of such property. All such signs shall comply with the size and square footage limitations contained within this article, and shall be removed promptly upon the request of the property owner or occupant.

(c) Community identification sign: Community identification signs may be permitted in residential land use categories except where expressly prohibited. Such signs shall be subject to the following:

(1) Such signs shall not exceed a vertical height of 6 feet or a total area of 48 square feet.

(2) Such signs shall not be permitted at major arterial intersections nor be placed so as to obscure fire hydrants, traffic signs or traffic signals, block motorists' line of sight, or otherwise inhibit or interfere with vehicular or pedestrian traffic.

Sec. 7-1-112. Temporary signs.

Temporary noncommercial signs shall be permitted pursuant to the permit procedures set forth in this article subject to the following:

(a) Temporary signs shall be permitted only to advertise an upcoming civic, patriotic, nonprofit, charitable, or special event of general public interest taking place within the boundaries of the City, when it is determined that the same will not be detrimental to the public welfare, interest or safety, or injurious to adjacent property or improvements. The text, design, and location shall be approved by the Director.

(b) Temporary signs shall not be posted more than thirty days before the event to which they relate, except for political signs expressing a message relating to an election, and shall be removed within three days after said event or election.

(c) Temporary signs shall not exceed a total area of 15 square feet unless otherwise approved by the Director.

(d) Temporary signs shall be unlighted and nonilluminated.

(e) No temporary signs shall be placed upon the property of another without the express written approval of the owner or occupant of said property. All such signs shall be removed promptly upon the request of the property owner or occupant.

(f) All temporary signs shall display the name, address, and telephone number of the person or organization responsible for the sign on the real lower right hand corner of the sign. Said individual or organization shall remove all signs posted within the time limits prescribed by this section.

(g) Should any person or organization fail to remove any sign for which said person or organization is responsible, the City may remove and dispose of such sign and assess the entire cost of said removal and disposal against the responsible person or organization.

(h) No temporary sign shall be placed so as to obstruct any fire hydrant, traffic sign or traffic signal, or interfere with any motorists' line of sight, or otherwise impede or interfere with vehicular or pedestrian traffic.

(i) No temporary sign shall be posted or otherwise affixed in any public right-of-way, or upon any public property, including, but not limited to any building, wall, bridge, railroad, trestle, hydrant, tree, shrub, tree stake or guard, street sign, or traffic sign, or upon any utility pole, wire, box, or appurtenance thereof.

(j) Temporary street banners: Temporary street banners for non-profit noncommercial special events may be permitted in the public right-of-way upon prior review and approval by the Development Review Committee subject to the following:

- (1) The size of street banners shall not exceed 2 ½ feet in width and 8 feet in length, length being perpendicular to the ground.
- (2) Such review shall include banner design, color, text, location, number, and materials. There shall be no reflective material or the like on the banner. Banner text and graphics shall be simple and free of clutter. Banners shall be confined to major City streets.
- (3) Street banner text shall not refer to a specific product.
- (4) Street banners shall be extended only from street lights. Street banners shall not be attached to street signals whether or not such signals also contain street lights. Prior to installing the street banner, the Applicant must apply with the Director for the display of the street banner. The application process shall be determined by Resolution of the City Council of the City of Aliso Viejo. The precise plan for the installation including day of week and time of day shall be subject to review and approval by the City Engineer and Director. Proper encroachment permit and utility company approval shall be secured.
- (5) Any street banner which becomes damaged shall either be repaired or removed within 24 hours.
- (6) A specific street banner for non-profit noncommercial special events shall not be displayed for more than 45 days a year, which must be a continuous period.

Sec. 7-1-113. Exempt Signs.

The following signs are exempt from the sign permit requirements set forth in this subarticle.

- (a) Directional safety signs.
- (b) Trespassing signs less than 2 square feet in area.
- (c) Neighborhood watch signs with the approval of the Public Works Director and the Chief of Police Services.
- (d) Noncommercial signs dedicated to residential purposes provided that no sign shall exceed a maximum width of four feet, a maximum height of 4 feet, or a total of 4 square feet, including the post or other stand, if any.

(e) City-owned signs indicating the boundaries or otherwise identifying the City of Aliso Viejo.

(f) National and state flags flown and displayed such that they are not construed as an attraction device for the advertisement of a product or use or in a manner to otherwise draw attention of the traveling public to an establishment or sales office. Such displays shall be limited to one national and state flag per site. The flagpole structure shall not exceed 20 feet in height from ground level unless a greater height is approved by the Director. In addition, such displays shall not be located within the required setback area for the specific zoning district in which it is located.

Sec. 7-1-114. Substitution.

In each instance and under the same conditions to which this article permits any sign, a sign containing an ideological, political or other noncommercial message shall be permitted in lieu of the permitted message.

Sec. 7-1-115. Prohibited Signs.

(a) Unless expressly permitted elsewhere in this article, the following signs are expressly prohibited:

- (1) Noncommercial signs erected or placed within or encroaching upon any public property or within any public right-of-way.
- (2) Flashing, moving, pulsating, or intermittently lighted signs.
- (3) Signs which conflict with or imitate any traffic control device due to color, wording, design, location or illumination, or which interfere with the safe and efficient flow of vehicular and/or pedestrian traffic.
- (4) Loudspeakers, or signs which emit sound, odor, or visible matter.
- (5) Roof signs.
- (6) Signs with mechanical movement.
- (7) Banners, flags, kites, pennants, balloons, or other such items or displays.
- (8) Signs which constitute a nuisance or hazard due to their intensity of light.
- (9) Multitenant directory sign unless approved by the City in a planned sign program.
- (10) Any other sign not expressly permitted by this article.

(b) Any person who erects or causes to be erected any prohibited sign without express approval by the City is subject to penalties as set forth in Section 7-1-99."

Section 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 3. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED AND ADOPTED this 20th day of August, 2003.

Cynthia Adams
Mayor

APPROVED AS TO FORM:

Scott C. Smith
City Attorney

Debbie A. Lee, CMC
City Clerk