

## **DRAFT ORDINANCE**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," ARTICLE I, "IN GENERAL," DIVISION 3, "SIGNS," OF THE TOWN CODE REGARDING SIGN REGULATIONS**

**WHEREAS**, the Town's Sign Ordinance is codified at Sections 29.10.100 through 29.10.140 of the Town Code and was most recently amended in 1994; and

**WHEREAS**, since then, court decisions on the topic of the First Amendment and freedom of speech have been issued, including *Reed v. Gilbert*, 576 U.S. 155 (2015) in which the court overturned a local ordinance that imposed content-based sign regulations; and

**WHEREAS**, the Town's Sign Ordinance currently includes content-based regulations for several types of temporary signs; and

**WHEREAS**, the Town Council wishes to amend the Town Code to comply with State Law and make as minimal edits as possible; and

**WHEREAS**, the Planning Commission at its meeting on February 28, 2024, reviewed the proposed amendments to the Town Code regarding sign regulations and forwarded recommendations to the Town Council to revise the Ordinance which are incorporated below; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

The following sections of the Town Code are amended to read as follows:

**SECTION I.** Section 29.10.100, "Definitions," of the Town Code is amended to read as follows:

#### **Section 29.10.100. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned sign* means a sign located on a parcel of land or on a structure either of which is vacant for a period of ninety (90) days, a sign pertaining to a past occupant or business different from the present occupant of or business on the premises, a sign pertaining to a past event or any sign abandoned as the term is used in state law.

*Arcade* means a covered passageway with business establishments along at least one (1) side.

*Attached sign* means a sign which is affixed to and made an integral part of a building or structure. Attached signs include, but are not limited to wall signs, roof signs, and projecting signs, to distinguish them from freestanding and ground signs.

*Attraction board* is a sign constructed so that letters or other advertising material can be changed, and which relates to businesses or organizations which depend, on a large part, upon trade and attendance generated by temporary, independent and frequently changing events or showing, such as those engaged in providing live or filmed entertainment or sporting events.

*Awning* is synonymous with marquee.

*Billboard* means a sign, other than a directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a place other than where the sign is erected. Included are signs erected upon benches.

*Bulletin board* is a sign located on the same premises as a church, school, hospital, or public building, and allowing changeable messages.

*Business frontage* is that portion of a building which faces a street, parking lot, pedestrian mall, arcade or walkway. The primary business frontage is one which contains a customer entrance or which includes a glass-enclosed showroom facing the street. If a building has more than one (1) business frontage with a customer entrance, the property owner must designate one (1) of them as the primary business frontage. Unless otherwise stated, the phrase "business frontage" means "primary business frontage." All other business frontage is secondary frontage. As used in this section, "parking lot" means either a publicly owned and operated parking lot or a parking lot located on the same parcel as the business frontage.

*Canopy* is synonymous with marquee.

*Conformance* means the state of being in conformity with the provisions of this division, either because of reconstruction or modification pursuant to a sign permit, or because of removal or obliteration.

*Construction sign* is a sign located on a construction site during the course of construction, which identifies the architects, engineers, contractors, financiers or other persons and other individuals or firms involved with the construction, or announcing the building, enterprise or function for which the construction is intended.

*Convenience sign* is a sign which facilitates traffic flow and safety, not erected by a governmental agency, such as entrance-exit, caution, parking, right or left turns only, stop, drive-up window, or towaway zone.

*Entity* means any person and any distinct business enterprise even where adjacent business enterprises are owned or operated by a single person.

*Erect* means to construct, place, relocate, enlarge, alter, attach, suspend, paint, post, display, hang, or affix.

*Face of a sign* is the portion or portions of the exterior surface of a sign intended to or particularly adapted either to display an advertising message or to attract attention to the sign. The face of a sign is often the front, but may be any surface including a rear or blank portion. A

sign may have more than one (1) face and may be virtually all face. The fact that no message is imprinted on a portion of a sign does not necessarily prevent that portion from being a face, as in the case of a flat sign erected near and perpendicular to a street. Such sign would have two (2) faces even if one (1) were blank. In determining what constitutes a sign face, weight will be given to whether the particular aspect in question is readily viewable from public property or any premises other than those where the sign is erected, but a sign face may exist even where the face is visible only from some part of the premises where the sign is erected if the face is viewable from out-of-doors and the other elements of the definition of face are present. Usually, all of one (1) face is visible from one (1) point. Where, for example, several "boards" of a sign are erected on a single plane or parallel planes, they together comprise one (1) face, and are measured within a single perimeter, including the spaces between them.

*Freestanding sign* is a sign which is wholly or partly supported by a structural element which is not an integral part of a building.

*Ground sign* is a freestanding sign less than seven (7) feet high.

*Height* of a freestanding sign is the elevation above finished grade of the highest point of either the sign or the stand, poles, wall or other structure upon which it is mounted. Finished grade is the general finished ground surface where the sign is erected, not taking into account mounding or other alterations to the surface made in regard to the sign. However, where finished grade is below the elevation of the top of the curb on the frontage where the sign is erected, or if there is no curb below the elevation of the margin of the street surface, height is the elevation above the top of the curb, or at the margin of the street surface if there is no curb. The point on the curb or the margin of the street surface to be used as a base point for measurement is the point intersected by a line drawn perpendicular to the centerline of the street which intersects the center of the base of the sign.

*Lot frontage* means the property line of a lot abutting on a public street which affords access to the lot. In the case of a corner lot and other lots which are bordered on more than one (1) side by a street, lot frontage is the lot line in respect to which the business for which the sign is provided has its primary business frontage.

*Marquee* means a temporary or permanent structure attached to or supported by a building, designed for shelter over a pedestrian or vehicular way and which may or may not project over public property.

*Neighborhood identification sign* is a ground sign situated where a street enters a residential neighborhood, which serves only to identify the neighborhood.

*Nonconforming sign* is one which was lawfully erected but which does not comply with this division because of:

- (1) Annexation of territory to the Town;
- (2) Amendment to the zoning ordinance;
- (3) Rezoning, other than rezoning when the application for rezoning is made by or joined in by the owner of the real property where the sign is located.

However, a sign which was lawfully erected but which does not comply with this division because of:

- (1) Division of real property where the sign is located;
- (2) Alterations to any building on the lot or parcel where the sign is located; or
- (3) Rezoning, when the application for rezoning was made by or joined in by the owner of the real property where the sign is located;

is not a nonconforming sign. A sign may be a nonconforming sign because of a single characteristic, such as height or brightness, correction of which may result in conforming status for the sign, or a new amortization date. This section does not list all classes of signs which are not nonconforming signs.

*Off-premises sign* is any sign not located on the same parcel as the entity it advertises.

*Pedestrian directional sign* is an on-premises sign which shows the direction to or location of a customer entrance to a business.

*Portable sign* is a sign which is movable, not structurally attached to the ground, nor to a building, structure, or sign. "A"-frame and sandwich signs are portable signs.

*Projecting sign* is any sign erected on the wall of a building or structure, or suspended from an overhang, with display surfaces generally not parallel to the wall.

*Roof sign* is an attached sign erected on a roof or projecting above the eave or rake of a building or coping of a parapet. A sign erected on top of a canopy, arcade, awning or marquee is a roof sign.

*Sign* is any thing, or element of a thing, located out of doors or in a place where it is visible from out of doors, created, adapted, or installed, by a person for the primary and apparent purpose of communicating a message, and may include supports, standards and fixtures. A color scheme or special lighting effect on the exterior of a building is a sign where the placement of the colors or lighting effect in relation to the building create a primary effect of advertising. Exceptions:

- (1) Merchandise on display is generally not a sign because merchandise is ordinarily possessed for the primary purpose of permitting sales from stock on hand. A merchandise display located at a distance from the point of sale or displayed in the unusual manner might constitute a sign.
- (2) A structural element of a building or the supports, standard, or fixtures of a sign would not be a sign where the element is related to reasonable structural necessity, and the circumstances show that the element is not intended to be identified by viewers with the sale or promotion of goods or services.
- (3) Nighttime, white illumination, within reasonable brightness limitations, of a building or of merchandise is not of itself a sign, where the result is only to make visible without undue emphasis that which can be seen in the daytime.

*Sign area* is the total area of the face or faces of a sign. Each face is measured by determining the smallest area within a single perimeter composed of not more than eight (8) straight lines drawn by the applicant enclosing the extreme limits of the face. Where a sign consists of letters or symbols on a wall, the wall is not designed so that one (1) of its main purposes is to support a sign, and the sign's background is an indistinguishable part of a wall. For the purposes of measurement a six-inch margin around all of the words and symbols will be included in the perimeter composed of not more than eight (8) straight lines.

*Sign permit* is the permit issued by the Planning Director to evidence approval by any of the bodies or person authorized by this division to erect a sign.

*Temporary sign* is a sign, usually constructed of cloth or fabric, cardboard, wallboard, wood or other light materials, intended to be displayed for fewer than 90 days or a short period of time as set forth elsewhere in this Division. Examples of temporary signs are yard signs, for sale signs, for rent signs, flags, balloons, and banners.

*Time and temperature sign* is a sign which shows time and/or temperature and which contains no advertising.

*Vehicular directional sign* is an off-premises sign which shows the direction to or location of a use or activity.

*Wall* is a surface which has a slope steeper than one (1) foot horizontal to two (2) vertical.

*Wall sign* is a sign erected on a wall or fascia of a building or structure (other than a structure, one (1) of whose main purposes is to support a sign), the face of which is generally parallel to the wall or fascia and all of which is below the coping of the parapet, below the rake, the top of the fascia, the eave line, or in any event, below the top of the structure. A sign which meets the definition of this section but is erected between posts, pillars, or columns which support a roof or second story, rather than on a wall, is also a wall sign. A sign which is erected on and incidental to a freestanding wall or fence, including any gateway portion of a wall or fence, is also a wall sign.

*Window sign* is a sign which is displayed in or through a window, is less than twenty-four (24) inches inside glass, and is visible from a street, walkway, parking lot, or pedestrian plaza, any of which is accessible to the public.

*Yard sign* is a temporary freestanding sign that is supported by a frame, pole, or other structure placed directly in or upon the ground on private property.

**SECTION II.** Section 29.10.105, "Generally," of the Town Code is amended to read as follows:

**Section 29.10.105. Generally.**

- (a) *Application.* The regulations in this Division apply to all signs in all zones. Regulations of the number and area of signs refer to the signs allowed on a parcel, except where the regulations prescribe the number and area of signs allowed on a business frontage.

- (b) *Intent.* The intent of this Division is as follows:
- (1) The Town is a predominantly residential community of natural beauty, distinctive architecture and historic character. The economic stability of the Town is dependent upon its high quality and Town-oriented, commercial and residential environment. Unregulated and uncontrolled erection and maintenance of advertising structures tends to create a garish and gaudy atmosphere which is not in harmony with the character and environment of the business or residential community.
  - (2) The purpose of a sign is to inform the general public that a business enterprise and function exists in the Town.
  - (3) This Chapter recognizes the right of the public to be directed, warned, advised, and informed; and also recognizes the economic need for a sign to function as a means of identification, expression of business character, and positive notification of product and service availability for consumption.
  - (4) This Chapter regulates the location, height, width, shape, proportion, design, illumination and construction (except as provided by building codes) of signs for the purpose of insuring that they are architecturally compatible with the planned image of the Town.
  - (5) The purpose of this Chapter is to assist in the continuation of existing and introduction of new commercial activities in architectural harmony with the existing and planned Town, to take advantage of the unusual character of the Town and to encourage proper maintenance and rehabilitation of real property. To accomplish this:
    - a. Local public values must be balanced with general public rights and economic functions related to signs.
    - b. The size of a sign must be prevented from overpowering its surroundings or becoming a determinant factor in consumer evaluation of competitive enterprises.
    - c. The shape of a sign must not conflict with the architectural lines of its setting.
    - d. A sign must be prevented from overpowering its surroundings through hue, saturation, and brilliance or close combination of incompatible colors.
    - e. Normal maintenance and speedy repair is required for all signs.
- (c) *Permits.* Sign permits must be obtained before erection of all signs, except as provided by section 29.10.110. A building permit may be required by another ordinance.
- (d) *Variances.* The provisions of this Chapter concerning variances are not available to modify the terms of this division.
- (e) *Authority to erect.* No sign shall be erected without the express permission of the landowner. A lease to a lessee would be sufficient evidence of the authority to erect a sign.

- (f) *Noncommercial Signs.* Notwithstanding any provision of this Section, signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

**SECTION III.** Section 29.10.110, “Exceptions,” of the Town Code is amended to read as follows:

**Section 29.10.110. Exceptions.**

A sign permit is not required for the signs described in this Section. The number and area of these signs are regulated only by this Section and they are allowed in addition to signs of other classes.

- (1) *House numbers, traffic, etc.* House numbers, street names, signs warning against danger, railroad crossing signs, authorized traffic or parking signs and rural delivery boxes.
- (2) *Nameplates.* Nameplates having an area not over one and one-half (1½) square feet, affixed flat against the wall of a building, which only show the name or address of a person or persons or entity occupying the area, up to a limit of six (6) plates per building.
- (3) *Building directories.* Building directories for buildings with more than six (6) tenants, the sign having an area not over nine (9) square feet, affixed flat against the wall of a building, which only show the name or address of the persons or entities occupying the building.
- (4) *Plaques.* Solid metal plaques or cut inscriptions, either erected by recognized historical agencies, or which show names of buildings and dates of erection, provided the sign does not exceed four (4) square feet in area.
- (5) *Temporary Sign.*
  - a. On Fence or Building. One (1) nonilluminated sign on each street frontage for any fence or building where the sign is located, provided the sign does not exceed twelve (12) square feet in area if the sign is in a commercial, professional or industrial zone, or six (6) square feet in area if the sign is in a residential zone. This exception is only available when all or part of the premises is actually available for sale or lease.
  - b. At Intersection or on Parcel. Nonilluminated, off-site, portable signs are permitted, unlimited in total number, but limited to one (1) double-faced sign per corner of an intersection or parcel. The signs shall not exceed an area of one (1) square foot per face and shall not be more than four (4) feet high. Prior permission shall be obtained from the property owner if the sign is to be placed on a privately owned parcel. The signs shall be removed each day. Such signs are an exception to the rule prohibiting off-premises signs and signs on public property.
- (6) *Interior signs.* Signs in the interior of a building, enclosed lobby or court, not visible from the outside and signs not visible from off the premises.

- (7) *Convenience signs.* Convenience signs not exceeding two (2) square feet in area providing directions only. Exception: Hospital emergency signs may be as large as four (4) square feet and may be illuminated.
- (8) *No trespassing signs.* "No trespassing" or "no dumping" signs not exceeding three (3) square feet in area.
- (9) *Window signs.* Window signs not exceeding twenty-five (25) percent of the window area.
- (10) *Parking signs.* Not more than one (1) parking control sign for each parking entrance, not exceeding an area of two (2) square feet. Parking control signs may contain the name(s) of the business(es) controlling the parking lot.
- (11) *Public notices and warnings.* Notices posted by a public officer in the performance of a public duty, or by any person for the purpose of giving legal notice, and warning or informational signs required or authorized by governmental regulations.
- (12) *Recycling and vending facilities.* Recycling and vending facility signs shall not exceed two (2) square feet, plus one (1) square foot for every one hundred (100) square feet of facility or machine in excess of one hundred (100) total square feet of floor area.
- (13) *Other public agency signs.* Street signs, traffic signs, emergency warnings, and the like erected by a public agency.
- (14) *Special event signs.* Any sign permitted by a special event permit issued under Article X of Chapter 14 of this Code.
- (15) *Temporary signs.* With the exception of yard signs, any number of temporary signs, either freestanding or attached, is permitted, limited to a total sign area not exceeding six (6) square feet in residential zones and eighteen (18) square feet in other zones. There is no limit on the number of yard signs, but no yard sign shall exceed six square feet in size. All persons who erect temporary signs, including yard signs, or who own or control the premises where temporary signs are erected, are jointly and severally responsible to remove such signs after ninety (90) days or as otherwise set forth in this Division. Temporary signs relating to an event, such as an election, shall be removed within fifteen days after the event.

**SECTION IV.** Section 29.10.115, "Prohibited signs," of the Town Code is amended to read as follows:

**Section 29.10.115. Prohibited signs.**

Except as otherwise provided in this Chapter, the signs described in this Section are prohibited.

- (1) *Lighted signs.* Lighted signs that flash on and off, fluctuate or appear to move.
- (2) *Moving signs.* Signs that rotate or move in any fashion, except barber poles.



- (3) *Excessively bright signs.* Lighted signs whose brightness is detrimental to the reasonable enjoyment of surrounding property or are a traffic hazard.
- (4) *Obstructing signs generally.* Signs which prevent free use of a door, window or fire escape, or obstruct the view from any living area in the building to which the sign is attached.
- (5) *Signs obstructing standpipes, etc.* Signs attached to a standpipe or fire escape.
- (6) *Signs obstructing traffic devices.* Signs located so as to obstruct the view of a traffic sign, signal, or device.
- (7) *Confusing signs.* Signs which might be mistaken for or confuse the viewers of a traffic light or a signal.
- (8) *Posters.* Placards, posters, announcement and similar signs erected on any fence, pole, tree, pavement, wall, bus stop, bench, or any other object in a public thoroughfare, except those of an official nature as provided in Section 29.10.110(11).
- (9) *Portable signs.* Portable signs and signs erected on parked vehicles or trailers, when such vehicles or trailers are parked in such a location or manner that it is clear the intention is to advertise the services of a business.
- (10) *Freeway signs.* Signs erected for the dominant purpose of being seen by travelers on a freeway.
- (11) *Off-premises signs.* Off-premises signs, except those authorized by sections 29.10.110(5), (15), 29.10.120(2), (4), and 29.10.130(1).
- (12) *Indecent signs.* Signs containing matter which is obscene under State law.
- (13) *Projected light signs.* Signs which are flashed or projected onto walls or other structures by means of a projector or other device.
- (14) *Billboards.* Any billboard sign.
- (15) *Temporary signs in Portions of the Public Right of Way.* Temporary signs in the median of the public right of way or the portion of the right of way between the road and the sidewalk.
- (16) *Unauthorized signs.* Any sign not specifically authorized in Sections 29.10.110, 29.10.120 and 29.10.130.

**SECTION V.** Section 29.10.120, "Temporary signs," of the Town Code is amended to read as follows:

**Section 29.10.120. Temporary Signs Requiring Permits.**

Every sign described in this Section, regardless of the manner of its construction, is a temporary sign. The number and area of such signs are regulated only by this Section and are in addition to the allowed number and area for other classes of signs.

- (1) *On Premises Sign Erected by Business.* Temporary signs erected on premises of a business are permitted for up to forty-five (45) calendar days. The total area of temporary signs may be equal to or less than the total sign area permitted for the business by Section 29.10.135. The permit shall state the maximum sign area allowed and the date the sign is to be removed as set by the erector or this Chapter, whichever is more restrictive.
- (2) *On Premises of Subdivision.* Nonilluminated, on-site signs on property which has received subdivision or development approval from the Town, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, are permitted, limited to one (1) double-faced sign not exceeding an area of twenty-five (25) square feet per face, placed at a right angle to the street, or two (2) single-faced signs not exceeding an area of twenty-five (25) square feet each placed parallel to a street. The signs shall not be more than fifteen (15) feet high and shall be erected at least fifteen (15) feet from a street right-of-way line. Up to four additional signs are permitted in residential subdivisions. Additional signs shall have an area not exceeding three (3) square feet, nor a height of more than four (4) feet. One off-premises signs erected by subdividers which are not located on a major arterial street as defined by the Town general plan is permitted. The sign shall not exceed eighteen (18) square feet in area, shall not be more than fifteen (15) feet high and shall be erected at least fifteen (15) feet from a street right-of-way line and shall be in a commercial or industrial zone. Such signs may be erected for up to 90 days. Off-premises signs erected by subdividers are an exception to the rules prohibiting billboards and off-premises signs.
- (3) *Sign Erected on Commercial, Office, or Industrial Development for Sale or Lease.* One (1) single-faced sign on property for sale or lease of a commercial, office, or industrial development to be built in the future. The sign shall not have an area exceeding twenty (20) square feet, shall not be more than fifteen (15) feet high, and shall be erected parallel to a street, at least fifteen (15) feet from a street right-of-way line. The sign shall not be erected for over 90 days.
- (4) *Sign Erected by Special Event Sponsor.*
  - a. Subject to the conditions of this Section, a permit may be issued to the sponsor of a civic, political, charitable, cultural, recreational, educational or religious event as follows:
    - (i) An event in town sponsored by a non-profit organization; or
    - (ii) An event sponsored by a non-profit organization with its principal business address in Town; or
    - (iii) An event sponsored by a public school; or
    - (iv) An event sponsored by a non-profit organization to which the Town contributes funds; or
    - (v) An event co-sponsored by the Town.

- b. If a non-profit organization's event does not qualify under subsection (a), the non-profit organization may submit an application to the Town Planning Director for a temporary sign if the organization can demonstrate to the satisfaction of the Planning Director that the event will occur within Santa Clara County and the proceeds from the event will be used to benefit residents of Los Gatos. The Planning Director shall review the application and determine whether to grant the application based upon whether the proceeds from the event will benefit residents of Los Gatos. If the Director denies the application, the applicant may appeal the decision to the Town Council within ten (10) days of the Director's decision.
- c. Application. The event sponsor shall submit an application with applicable fee to the Planning Director. The application shall specify the proposed location for each sign for which approval is requested, a calculation of the total sign area proposed and permitted under section 29.10.135, and a description of the sign material and means of posting proposed.
- d. Conditions of approval.
  - (i) The sign may not be erected more than fourteen (14) days prior to the event and shall be removed within twenty-four (24) hours after the event.
  - (ii) The sign shall be no larger than permitted under section 29.10.135.
  - (iii) No more than a total of three (3) signs per event sponsor shall be allowed in the Town. Within this limit of three (3) signs, the following restrictions apply:
    - A. Except as provided under subsection (B) below, no more than one sign per event shall be permitted in the Downtown Area.
    - B. No more than one sign shall be permitted at the event site. Should the event have a number of locations or not have a fixed location, the event site sign shall be placed within five hundred (500) feet of the beginning or end of the event. Should the event site be located within the Downtown Area, the sign at the event site shall not count against the limitation imposed by subsection (A) above.
  - (iv) Event signs shall be secured at all four (4) corners to avoid flapping.
  - (v) No temporary structure may be erected for the purpose of displaying an event sign.
- e. General restrictions.
  - (i) No more than three (3) event signs in total shall be permitted at any one time within five hundred (500) feet of any intersection in Town.
  - (ii) The square footage of an event sign shall not exceed the calculation of total sign area permitted under Section 29.10.135.

- (iii) No more than one sign is permitted on any one property at one time.
- f. For purposes of this section, "non-profit organization" is defined as:
  - (i) A non-profit corporation existing under Division 2 of Title 1 of the Corporations Code; or
  - (ii) A non-profit association as defined in Corporations Code Section 21000; or
  - (iii) A non-profit corporation existing under the laws of another state governing non-profit corporations and which is permitted to do business in California under California law.
- g. For the purposes of this section, Downtown Area means the C-2 zone.
- (5) *Signs on construction sites.* On parcels of under one acre, one (1) nonilluminated sign of not more than thirty-two (32) square feet in total area at each street frontage during the time of construction or remodeling of the property. On parcels of one acre or more, one (1) nonilluminated sign of not more than sixty-four (64) square feet in total area at each street frontage during the time of construction or remodeling of the property. No construction sign shall be erected prior to the issuance of a building permit, and each shall be removed as soon as a certificate of use and occupancy is issued.

**SECTION VI.** Section 29.10.135, "Zone regulations," of the Town Code is amended to read as follows:

**Section 29.10.135. Zone regulations.**

- (a) *Scope.* This Section specifies the signs which may be erected in each zone, other than signs which by the express provisions of this Chapter may be erected in all zones. Except where this Section specifies, nonconforming uses shall have only those signs allowed for the zone and not signs which might otherwise be allowed for similar uses in other zones.
- (b) *Residential zones.* In residential zones (defined by Section 29.40.010) the following signs may be erected:

Land Use			Class of Sign	Number of Signs	Total Area
1.	Multiple Family Developments:				
	a.	Less than 10 units	wall signs	one per lot frontage	18 sq. ft.
	b.	10 units or more	wall signs	one per lot frontage	24 sq. ft.
2.	Authorized Nonresidential Uses (including recreational activities, schools, churches, public utilities, lawful nonconforming uses, etc.)		ground signs	one per parcel	24 sq. ft.
			wall signs	one per lot frontage	24 sq. ft.
3.	Neighborhood Identification Signs (only for neighborhoods with an area of 3 acres or more)		ground signs	number and location subject to determination by the deciding body	24 sq. ft.

- (c) *Nonresidential zones.* The rules for nonresidential zones (defined by Section 29.50.010) are specified in this Section, and by number in the following list, table and footnotes. Rules 1 and 2 govern the calculation of the area of attached signs for each entity. Rules 3 through 9 govern the calculation of the total area of all signs for each parcel. The following paragraph applies to all nonresidential zones. The numbered rules apply only where the table so indicates. The maximum sign area for attached signs on any frontage may not exceed the area derived from the calculation for that frontage. Attached signs may be erected on any wall of the building, however, the area of a sign on a wall that is not a business frontage may not exceed twenty-five (25) percent of the sign area predicated on the primary business frontage. In addition, signs cannot be erected on a nonbusiness frontage wall if the parcel is contiguous to a residential zone and if the wall faces that zone.

- (1) Allowed sign area is one (1) square foot for each lineal foot of primary business frontage plus one (1) square foot for each lineal foot of secondary business frontage provided that the sign area generated by each secondary business frontage cannot exceed fifty (50) percent of the sign area generated by the primary business frontage.
- (2) Allowed sign area is one (1) square foot for each lineal foot of primary business frontage plus one-half square foot for each lineal foot of secondary business frontage.
- (3) For vehicle sales the area of freestanding signs is not restricted by any rule limiting total sign area on the parcel.
- (4) The total area of all signs on a parcel shall not exceed one (1) square foot of sign area for each lineal foot of lot frontage.
- (5) The total area of all signs on a parcel is limited to the area derived from the business frontage calculation.
- (6) For shopping centers the area of a ground sign is not restricted by any rule limiting total sign area on the parcel.
- (7) For shopping centers the area of a freestanding sign is not restricted by any rule limiting total sign area on the parcel.
- (8) The area of time and temperature signs is not restricted by any rule limiting total sign area.
- (9) The area of any attraction board shall be included in the calculation of the area of signs of the same class and in the calculation of the total area of signs on a parcel.

# TABLE OF SIGN REGULATIONS

ZONES	O	C-1	C-2	CH	LM	CM
<b>ATTACHED SIGNS</b>					(Maximum Area 100 sq. ft./sign)	
Wall	X	X	X	X	X	X
Roof		X	X	X		
Projecting		X	X	X		
Suspended from a Marquee (limited to one per entity)	X	X	X	X		
Formulas for Area Calculations	Rule 1	Rules 1 & 8	Rules 2 & 8	Rule 1	Rule 1	Rule 1
<b>TIME &amp; TEMPERATURE SIGNS</b> (limited to one per zoning plot)						
Area per Face (sq. ft.)		12	12	12		
Total Area (sq. ft.)		24	24	24		
<b>GROUND SIGNS</b> (limited to one per zoning plot except in the O and CM District - See Note 3)		See Note 1				
Area per face (sq. ft.)	16	20	16	20	20	20
Total Area (sq. ft.)	32	40	32	40	40	40
May be used as a Tenant Directory	X		X		X	X
<b>FREESTANDING SIGNS</b> (limited to one per zoning plot except in the CH District - See Note 2)		For shopping centers only		FIRST SIGN	SECOND SIGN See Note 2	
Area per Face (sq. ft.)		50		125	75	
Total Area (sq. ft.)		100		250	150	
Height (ft.)		15		25	20	
<b>ATTRACTION BOARDS</b>		X	X	X		
Rules for Calculating Total Sign Area of Zoning Plot	Rule 4	Rules 5, 6, 7, 8 & 9	Rules 5, 6, 8 & 9	Rules 3, 5, 8 & 9	Rule 4	Rule 4
<p><u>Note 1:</u> Shopping centers may have a ground sign in addition to a freestanding sign if the center has more than one lot frontage.</p> <p><u>Note 2:</u> Zoning plots which exceed one acre and have more than one lot frontage may have an additional freestanding sign.</p> <p><u>Note 3:</u> Zoning plots which have a lot frontage exceeding 300 feet may have a ground sign for each 300 feet of frontage or fraction thereof.</p>						

- (d) *Planned development overlay zone.* The signs shown on the official development plan referred to in Division 2 of Article VIII of this Chapter may be erected in the PD zone.

**SECTION VII.** Section 29.10.140, "Nonconforming signs," of the Town Code is amended to read as follow

## Section 29.10.140. Nonconforming signs.

- (a) *Scope.* This section regulates the use and removal of nonconforming, unlawful, and abandoned signs.
- (b) *Modifications to nonconforming signs.* The following modifications to nonconforming signs are allowed:
- (1) Changes in sign copy.

- (2) Modifications that reduce the extent to which the sign does not comply with this chapter.

No modification of a nonconforming sign shall have any effect on the length of the amortization period for the sign.

- (c) *Record of nonconforming signs.* The Planning Director shall prepare a list of all signs in the Town which are nonconforming signs.
- (d) *Mailing of notices.* The Planning Director shall mail a notice by certified return receipt mail to the occupant business, if known, and to the owner (as shown on the last equalized assessment roll) of the land where each nonconforming sign is located. The notice shall contain:
  - (1) A description of the land where the sign is located and a description of the sign, both in terms reasonably sufficient for the owner to identify the sign.
  - (2) A statement that the sign is a nonconforming sign.
  - (3) The applicable date for removal of the sign under the provisions of subsection (f).

Information concerning more than one (1) sign, and information concerning separate amortization dates for different characteristics of one (1) or more single signs, separately stated, may be included in a single notice. If the Planning Director subsequently learns that for any reason notice has not been given in a timely manner, or that notice given is defective in any way, the Planning Director shall promptly mail a proper notice to the occupant and owner, even if the regular time for notification has expired. Notice mailed after the time required by this subsection meets the requirements of subsection (e) and is effective to start the time period provided in subsection (f).

- (e) *Effect of mailing of notices.* Notice mailed as provided in subsection (d) is deemed to be notice to the owners of nonconforming signs and to all persons having any right, title or interest therein. The mailing of notices is intended as a convenience to sign owners. However, no failure to give notice shall invalidate any proceeding to enforce this chapter to abate any sign, or to punish any sign violation.
- (f) *Duration of nonconforming signs.* A nonconforming sign which becomes nonconforming shall be a nonconforming sign for the applicable period shown on the following schedule:
  - (1) Painted on wall signs, excessive brightness of signs, roof signs, signs suspended from a marquee: two (2) years.
  - (2) Freestanding signs, wall signs, projecting signs and all signs not otherwise specified in this section: five (5) years.
  - (3) Signs where total area of all signs on a building or parcel exceed permitted area: five (5) years.
- (g) *Notification and other procedures concerning subsequent nonconforming signs.* Within six (6) months of the date when a sign described in subsection (f) becomes a nonconforming sign, the Planning Director shall add the sign to the list of nonconforming signs and mail



notices in the manner specified in subsection (d), and such notices shall have the same effects as the notices provided for other nonconforming signs.

- (h) *Extension of nonconforming sign status.* During the deliberations on the provisions of this Chapter concerning signs, it was determined that this chapter should not include provisions for granting extensions of nonconforming status since the basic periods for nonconforming status were extended by the same number of years originally proposed for allowable extension.
- (i) *Removal of unlawful signs.* Any sign erected or maintained contrary to the provisions of this Division or any other ordinance of the Town including unlawfully erected signs, and formerly nonconforming signs whose nonconforming status has terminated, is in its entirety an unlawful sign. The provisions of Sections 29.20.950 and 29.20.955 are applicable to unlawful signs, and to those who erect or maintain them.
- (j) *Abandoned signs.* The owner must have all copy removed from an abandoned sign and the sign shall remain blank until a new entity has occupied the premises. Further, if any sign has been abandoned for a period of one (1) year the owner shall remove the sign and any appurtenant structures.
- (k) *Maintenance.* All signs shall be maintained and kept in repair and shall be painted and repainted at reasonable intervals. If the owner fails to comply, after ten (10) days' written notice by the Planning Director, or duly appointed deputy, to so maintain such signs, the Planning Director shall have the sign removed at the owner's expense.

(Ord. No. 1316, §§ 3.39.010—3.39.070, 6-7-76; Ord. No. 1380, 1-23-78)

#### **SECTION VIII. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

#### **SECTION IX. CEQA.**

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

#### **SECTION X. Publication.**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION XI. Effective Date.**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the \_\_\_\_ day of \_\_\_\_\_ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_