

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV

**Th6b**

Prepared June 18, 2009 (for July 9, 2009 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, District Manager *DC*  
Katie Morange, Coastal Planner *KM*

Subject: **Monterey County LCP Major Amendment Number 1-08 Part 2 (Sign Ordinance).**  
Proposed major amendment to the Monterey County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's July 9, 2009 meeting to take place at the Government Center in San Luis Obispo.

**Summary**

Monterey County is proposing to amend its certified Local Coastal Program (LCP) Coastal Implementation Plan (CIP, also known as the LCP zoning code) to modify regulations governing signs and billboards, including prohibiting new billboards, in the Monterey County Coastal Zone. The majority of proposed changes are minor and involve reorganizing and clarifying existing CIP Chapter 20.60. The sign regulations establish specific zoning district sign requirements, add definitions, and identify exempt (from permit requirements) and prohibited signs. Modifications to the regulations include a ban on new billboards, clarifying size limits in design control zoning districts, adding definitions, establishing site visibility requirements, modifying permit requirements, and modifying standards related to nonconforming signs.

The proposed prohibition related to new billboards would be consistent with LCP Land Use Plan (LUP) policies that place a high priority on preservation and protection of scenic resources because it would prevent further view degradation and blockage from billboards along the Highway 1 corridor and other scenic roadways in the Coastal Zone. The LCP amendment does not require removal of existing billboards, largely because of a state law (Business and Professions Code Section 5412) that prohibits removal of billboards without payment of just compensation. Business and Professions Code Section 5412 and the proposed amendment do, however, allow for the possibility that an existing permitted billboard can be relocated, and it is suggested that the amendment be modified to relocate existing billboards outside the Coastal Zone when billboard relocation is contemplated. Similarly, another recommended modification includes a requirement that any changes or modifications to existing legal billboards be consistent with all applicable LCP provisions, including visual and scenic resource policies, and is designed to ensure that existing such signs that are modified are made to better reflect LCP requirements in that process.

The remainder of the LCP amendment is intended to reorganize and clarify the existing sign regulations for the Monterey County Coastal Zone. Staff has recommended changes that clarify coastal development permit requirements for signs, clarify definitions, and ensure that the Chapter applies to not only private



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only private lands in the County Coastal Zone but also public land.

Staff believes that the modifications identified are necessary to ensure that the proposed amendment is consistent with and adequate to carry out the certified LUP, specifically the visual and scenic resource protection policies of the LUP. **As such, staff recommends that the Commission approve the modified LCP amendment.** The necessary motions and resolutions can be found on page 3 below. The County has indicated that it is in agreement with the proposed modifications.

**LCP Amendment Action Deadline:** This proposed LCP amendment was filed as complete on June 2, 2008. It is an IP amendment only and the original 60-day action deadline was August 1, 2008. On July 10, 2008 the Commission extended the action deadline by one year to August 1, 2009. Thus, the Commission has until August 1, 2009 to take a final action on this LCP amendment. As such, the July hearing is the last hearing available to the Commission to act on this item.

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## I. Staff Recommendation – Motion and Resolution



Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

1. Denial of Implementation Plan Major Amendment Number 1-08 Part 2 as Submitted  
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (1 of 2).** I move that the Commission **reject** Implementation Plan Major Amendment Number 1-08 Part 2 as submitted by Monterey County.

**Resolution to Deny.** The Commission hereby **denies** certification of Implementation Plan Major Amendment Number 1-08 Part 2 as submitted by Monterey County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

2. Approval of Implementation Plan Major Amendment Number 1-08 Part 2 if Modified  
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (2 of 2).** I move that the Commission **certify** Implementation Plan Major Amendment Number 1-08 Part 2 if it is modified as suggested in this staff report.

**Resolution to Certify with Suggested Modifications.** The Commission hereby **certifies** Implementation Plan Major Amendment Number 1-08 Part 2 to Monterey County's Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.



## II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If Monterey County accepts each of the suggested modifications within six months of Commission action (i.e., by January 9, 2010), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

1. **Changes to existing billboards and billboard relocation.** Modify Section 20.60.060.E (General Regulations) of the Coastal Implementation Plan as follows:

**20.60.060.E. Billboards.** The construction, erection or use of any and all billboards as defined herein, other than those which legally exist in the County, or for which a valid permit has been issued and has not expired, as of the date on which this provision, or when a prior version of this Chapter containing a provision to the same effect, was adopted, is prohibited. If any physical or structural changes (except for change of copy) of existing legal billboards are undertaken beyond customary repair and maintenance, the billboard must be made consistent with all applicable LCP regulations, including visual and scenic resource protection policies. In approving this Chapter, the Board of Supervisors affirmatively declares that it would have adopted this billboard prohibition even if it were the only provision in this Chapter. The "change of copy" provision applies to properly permitted, legally existing billboards. To the extent consistent with state law, existing, legal billboards may not be converted to a more visually intense method of image presentation, such as converting a flat, static display to a moving, animated or changing image display. The Board intends for this billboard prohibition to be severable and separately enforceable even if other provision(s) of this Chapter may be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable. This prohibition does not prohibit or limit agreements to relocate presently existing legal billboards if and when a billboard owner applies to relocate a billboard, as long as such relocated billboards are located outside of the Coastal Zone, as encouraged by state law including, but not limited to, Business and Professions Code section 5412.

2. **Legal nonconforming signs and billboards.** Add and delete text in Section 20.60.160 (Legal Nonconforming Signs) of the Coastal Implementation Plan as follows:

**20.60.160 LEGAL NONCONFORMING SIGNS.** Existing legal non-conforming signs (including billboards) and/or signs (including billboards) that are rendered legal non-conforming by this Chapter ~~that are rendered legal non-conforming by this Chapter~~ shall be subject to the requirements of Chapter 20.68 of this Title, except 20.68.040, and as follows:

**20.60.160.C.** No legal nonconforming sign (excluding billboards) shall be moved in whole or in



part to any other location unless every portion of such sign which is moved is made to conform to all the regulations of the district in which it is located. See Section 20.60.060.E. for relocation provisions applicable to billboards.

- 3. Prohibited signs.** Add billboards to the list of prohibited signs under Section 20.60.140.

**20.60.140.I. Billboards pursuant to Section 20.60.060.E.**

- 4. Permit requirements.** Modify the following sections of the Coastal Implementation Plan as follows:

20.60.050.G. ESTABLISHMENT means a non-residential use of real property, which involves structures that would be subject to a building permit and/or coastal development permit if constructed anew, and the routine presence of live human beings for at least 24 hours per week.

20.60.050.N. PERMIT means a coastal development permit, coastal administrative permit, or combined development permit ~~written authorization~~ to erect or display a sign that is subject to such authorization by this Chapter. Permits authorized by this Chapter do not include those permits issued by the Building Services Department under the authority of Title 18 of the Monterey County Code.

20.60.060.A. Compliance and Permits. All signs within the regulatory scope of this Chapter shall conform to the provisions of this Chapter. No person shall erect, place, display or maintain any sign in violation of this Chapter. A permit shall be required for any sign identified in this Chapter or elsewhere in the LCP as requiring a permit ~~a Coastal Administrative or Coastal Development Permit~~, unless the sign is expressly exempted from the permit requirement by a provision within this Chapter and/or from permit exemptions elsewhere in the LCP. If a Coastal Administrative or Coastal Development Permit or Design Approval is required for a sign pursuant to the County's certified Local Coastal Program, the sign shall comply with the applicable viewshed and other policies and regulations of the applicable certified land use plan and coastal implementation plan in addition to the provisions of this Chapter.

20.60.060.C.2. Any unused allowance for signage may be used for temporary display of any non-commercial message. When the new sign qualifies as a structure requiring a Coastal Development Permit or Coastal Administrative Permit pursuant to Title 20 of the Monterey County Code and/or a building permit pursuant to Title 18 of the Monterey County Code, those ~~a building~~ permits must be obtained prior to construction or placement of the sign.

20.60.065.A. Permit Required. Permits are required as described in this Chapter and as described elsewhere in Title 20 and Parts 2 through 5 of the Coastal Implementation Plan. A building permit is required for any sign that meets the definition of a structure requiring a building permit pursuant to Title 18 of the Monterey County Code.



20.60.070.B, 20.60.080.B, and 20.60.090.B Scope. In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated or unless it qualifies as non-exempt development elsewhere in Title 20. Notwithstanding the size limitations in this Section, property within a Design Control (“D”) combining district shall not exceed the sign limitations in Section 20.60.110.

20.60.070.C. and 20.60.090.D The following signs are subject to a Coastal Development Permit (Chapter 20.70):

1. Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.
2. Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.
3. Signs that are considered non-exempt development under Title 20.

20.60.080.D. A Coastal Development Permit (Chapter 20.70) is required for signs between 75 and 300 square feet in the aggregate appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs and for any signs that are considered non-exempt development under Title 20.

20.60.130. EXEMPT SIGNS. The following signs may be ~~are~~ exempt from permit requirements if they meet all other permit exemption provisions of this Title, subject to the rules stated in this Section...

20.60.170.B. Purpose of Permitting. All permitting and approval processes required by this Chapter are intended to ensure compliance with this Chapter and all other parts of the LCP and various safety codes, as well as to prevent the loss of time, effort, materials and investment which might otherwise be invested in an illegal sign.

**5. Definitions.** Modify Section 20.60.050 and 20.06 as follows:

A. BILLBOARD means a non-portable ~~permanent~~ structure mounted sign that meets one or ~~of~~ more of the following criteria: 1) it is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) display space on the sign is routinely rented, leased or donated to advertisers other than the owner or operator of the sign, or 4) the sign structure is a principal use, as opposed to an accessory or appurtenant use, of the land. A shopping center sign is not within this definition, so long as it is not used to display advertising for commercial enterprises located outside the shopping center.

T. STRUCTURE means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on



the ground, but not including any trailer or tent.

**20.06.1070 SIGN.** ~~See definition in Section 20.60.050. Sign means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved, or otherwise fastened, affixed or made visible for out of door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever.~~

**20.06.1080 SIGN, APPURTENANT.** ~~Appurtenant sign means a sign relating only to the sale of goods or rendering of services upon the building site on which said sign is erected or maintained.~~

**20.06.1090 SIGN, DIRECTIONAL AND INFORMATIONAL.** ~~Directional and informational sign means any sign which is confined to the giving of directions to a community or population center, or which, in addition to such directions, also gives general information as to the services, products, or facilities available therein, without, however, naming or otherwise identifying any particular establishment, purveyor of goods or services, or brand or manufacturer of products.~~

**20.06.1100 SIGN, DIRECTORY.** ~~Directory sign means an on-site sign providing a listing of and directions to the particular uses, structures, or occupants of a building or complex.~~

**20.06.1110 SIGN, OUTDOOR ADVERTISING.** ~~Outdoor advertising sign means any sign other than an appurtenant sign, a directional and informational sign or a directory sign.~~

6. **Scope of regulations.** Modify Section 20.60.020 of the Coastal Implementation Plan to add new text as follows:

This Chapter regulates signs mounted or displayed on public and private property within the unincorporated areas of Monterey County, inside the Coastal Zone. In addition to the regulations in this chapter, the regulations from the applicable Coastal Implementation Plan (Parts 2 through 6) shall also apply. Signs outside the Coastal Zone are regulated by Chapter 21.60 of the Monterey County Code. Signs located on County-owned land or on public rights of way are also regulated by Chapter 14.30 of the Monterey County Code.

### III. Findings and Declarations

The Commission finds and declares as follows:

#### A. Proposed LCP Amendment

In addition to more general LCP provisions that also apply, signage in the Monterey County Coastal Zone is explicitly regulated by Chapter 20.60 of the certified LCP coastal implementation plan (CIP). Chapter 20.60 establishes size and height limits, location, number of signs, and identifies exempt and



prohibited signs. The proposed amendment modifies, clarifies, and reorganizes Chapter 20.60. Proposed modifications include but are not limited to prohibiting new commercial/advertising billboards, clarifying size limits in design control zoning districts, adding definitions, establishing site visibility requirements, and modifying permit requirements. The amendment also deletes Section 20.68.070 of Chapter 20.68 (Legal Nonconforming Land Uses) which requires, first, that legal nonconforming outdoor advertising structures be removed on or before January 1, 1979 except for those in commercial and industrial zoning districts and, second, that legal nonconforming outdoor advertising structures shall be removed within 5 years from the date a property is reclassified into some other zoning district, unless reclassified to a commercial or industrial district. The amendment also moves relevant legal nonconforming text from Chapter 20.68 to Chapter 20.60. Please see Exhibit A for the Board of Supervisors resolution of intent and Exhibit B for the proposed CIP changes.

The existing text of Chapter 20.60 does not explicitly define billboards or distinguish billboards from other signs. Existing LCP regulations do, however, require all outdoor advertising and any other signs used for offsite advertising to be located in industrial or commercial zoning districts, and state that they are subject to obtaining a coastal development permit (CDP) pursuant to CIP Chapter 20.70. The proposed amendment would define billboards and distinguish them from other types of signs. The amendment would prohibit the construction, erection, or use of any and all billboards, other than the continuing use of those billboards which have already been legally established. The amendment also removes outdated regulations for legal nonconforming signs in Chapter 20.68 and adds new regulations for legal nonconforming signs (including billboards) consistent with state law that allows them to be altered, repaired, and relocated so long as they are made to conform to all the regulations of the zoning district within which they are located.

The existing text of Chapter 20.60 includes regulations for signs in residential, agricultural, commercial and industrial zoning districts. The proposed amendment carries forward many of the same regulations that are currently in the LCP, but adds requirements for additional zoning districts (Resource Conservation, Open Space Recreation, and Public/Quasi-Public) and provides slightly more detailed and expanded requirements in all districts for a wider range of sign types. The proposed amendment adds a section on general regulations applicable to all signs that does not currently exist in Chapter 20.60, including a requirement for signs to allow for unrestricted visibility at street corners and driveways. The proposed amendment also adds a section of definitions (including definitions for “sign,” “billboard,” and “permit”) applicable to the chapter which currently does not exist in the chapter. The amendment would also change the sign regulations to apply to only private property, whereas the current regulations apply to all property (public and private).

In general, the LCP amendment clarifies and updates the existing sign ordinance and does not change many of the substantive aspects of the existing sign regulations. The most notable component of the amendment (and the primary focus of the LCP amendment analysis) is the proposed prohibition of new billboards in the Coastal Zone.





## B. LUP Consistency Analysis

### 1. Standard of Review

The standard of review for proposed modifications to the County's LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the County's CIP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. CIP (zoning) standards then typically further refine LUP policies to provide guidance, including sometimes on a parcel by parcel level. Because this is a CIP (only) LCP amendment, the standard of review is the certified LUP.

### 2. Applicable Policies

The proposed amendment (in particular, new billboard regulations) primarily affects visual and scenic resources. Applicable LUP policies from the four certified area LUPs (North County, Carmel, Del Monte Forest, and Big Sur Coast) include the following.

#### North County LUP

The North County LUP key policy related to the protection of visual resources requires that development be prohibited or minimized to protect important public viewsheds (LUP Key Policy 2.2.1). It also contains several general policies requiring that open views, particularly to and along the ocean, be maximized and that development be designed to be unobtrusive and compatible with the rural visual character of the area (see, generally, LUP Policies under Section 2.2.2). Further, LUP Policies 2.2.3.3, 2.2.3.7, and 2.2.3.8 deal specifically with blocking public views of the shoreline, and billboards and signs:

***North County LUP Key Policy 2.2.1:*** *In order to protect the visual resources of North County, development should be prohibited to the fullest extent possible in beach, dune, estuary, and wetland areas. Only low intensity development that can be sited, screened, or designed to minimize visual impacts, shall be allowed on scenic hills, slopes, and ridgelines.*

***North County LUP Policy 2.2.2.1:*** *Views to and along the ocean shoreline from Highway One, Molera Road, Struve Road and public beaches, and to and along the shoreline of Elkhorn Slough from public vantage points shall be protected.*

***North County LUP Policy 2.2.2.4:*** *The least visually obtrusive portion of a parcel should be considered the most desirable site for the location of new structures. Structures should be located where existing topography and vegetation provide natural screening.*

***North County LUP Policy 2.2.3.3:*** *Structures shall generally be sited so as not to block public views of the shoreline; development proposals shall be revised if necessary to accomplish this goal. Necessary structures in public view between the road and shoreline (such as agricultural*



*buildings) shall be functionally designed, and sited so as to protect the maximum possible open views. Other development in public view between the road and shoreline (such as residential or commercial structures) shall be designed with materials, colors, landscaping and fencing appropriate to the rural setting.*

***North County LUP Policy 2.2.3.7:*** *Outdoor advertising signs shall be restricted and, where present, removed as soon as possible in conformance to existing County regulations. Highway direction and other public signs should be minimized and designed to complement the visual character of the area.*

***North County LUP Policy 2.2.3.8:*** *Commercial and industrial signs shall be constructed of natural materials. They shall not be internally illuminated.*

#### Carmel Area LUP

The Carmel Area Land Use Plan contains similarly stringent policies requiring the protection of visual resources. The key visual resources policy requires that all categories of public and private land use and development conform to the basic viewshed policy of minimum visibility (LUP Policy 2.2.2). The following additional policies regulate scenic viewshed protection in the Carmel area, including Policy 2.2.4.13 which specifically addresses signs:

***Carmel Area LUP Key Policy 2.2.2:*** *To protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.*

***Carmel Area LUP Policy 2.2.3.1:*** *The design and siting of structures, whether residential, commercial, agricultural, or public, and the access roads thereto, shall not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed.*

***Carmel Area LUP Policy 2.2.3.3:*** *New development on slopes and ridges within the public viewshed shall be sited within existing forested areas or in areas where existing topography can ensure that structures and roads will not be visible from major public viewpoints and viewing corridors. Structures shall not be sited on non-forested slopes or silhouetted ridgelines. New development in the areas of Carmel Highlands and Carmel Meadows must be carefully sited and designed to minimize visibility. In all cases, the visual continuity and natural appearance of the ridgelines shall be protected.*

***Carmel Area LUP Policy 2.2.3.4:*** *The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures.*



*Consistency with other plan policies must be considered in determining appropriate siting.*

***Carmel Area LUP Policy 2.2.3.6:*** Structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.

***Carmel Area LUP Policy 2.2.4.9:*** To protect both scenic quality and visual access to the shoreline, design review of all new structures or modification of existing structures shall be exercised. “Structures” shall include commercial facilities, homes, garages, fencing, watertanks, solar collectors, utility poles, etc. Where new development or intensification of existing uses is proposed, structures shall be sited to maximize plan policy. Furthermore, landscaping plans shall also be required and approved by the County as a secondary protection.

***Carmel Area LUP Policy 2.2.4.10.c:*** Structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in “earth” tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.

***Carmel Area LUP Policy 2.2.4.12:*** Public highway facilities including signs, guardrails, and restrooms shall be of a design complementary to the scenic character of the Carmel area, with preference materials. Private driveway entrances, gates, roadside fences, mailboxes, and signs along Highway 1 should reflect the same design concept. Protective barrier by Caltrans should utilize boulders or walls or rock construction.

***Carmel Area LUP Policy 2.2.4.13:*** Signs are generally discouraged. Signs on private property along Highway 1 should be of wood, unpainted except for lettering; nor shall any signs be internally illuminated. No neon or animated advertising signs will be allowed inside windows or outdoors.

#### Del Monte Forest LUP

The Del Monte Forest LUP also mandates protection of visual resources. Like the other area LUPs it contains policies that require scenic viewsheds to be maximized and development to be subordinate to, blend with, and enhance the natural scenic assets of the area. Applicable policies include:

***Del Monte Forest LUP Policy Guidance Statement:*** The Del Monte Forest Area and 17-Mile Drive are important visitor destinations. It is the objective of this Plan to protect the areas magnificent scenic and visual resources, to avoid incompatible development, and to encourage improvements and facilities which complement the natural scenic assets and enhance the public’s enjoyment of them. In order to protect the scenic and visual resources of the Del Monte Forest Area, only compatible development along 17-Mile Drive should be allowed.



***Del Monte Forest LUP Policy 55:*** Areas within the viewshed of scenic corridors identified on the LUP Visual Resources Map shall be zoned with a district, which requires adequate structural setbacks (generally a minimum of 50), the siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.

***Del Monte Forest LUP Policy 56:*** Design and siting of structures in scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. Structures, including fences, shall be subordinate to and blended into the environment, using appropriate materials, which will achieve that effect. Where necessary, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening.

***Del Monte Forest LUP Policy 59:*** New development, including ancillary structures such as fences constructed between 17-Mile Drive and the sea (Pacific Grove Gate to Carmel Gate portion) shall be designed and sited to minimize obstructions of views from the road to the sea. Examples of methods to reduce obstruction include, but are not limited to the following: height limits, use of see-through materials for fences, limitations on landscape materials, which would block views.

#### Big Sur LUP

Protection of visual resources and scenic beauty is the principal mandate of the Big Sur Coast LUP, and it contains some of the strongest policies for the protection of visual resources along the entire California coastline. The key scenic resources policy prohibits all new development visible from Highway 1 and major public viewing areas (i.e., the “critical viewshed”). The LUP also includes scenic protection policies for areas outside the critical viewshed, and includes exception areas where some development may occur in the critical viewshed.

***Big Sur LUP Key Policy:*** Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

#### ***Big Sur LUP Policy 3.2.4 (Land not in the critical viewshed)***

***A.1:*** So that the visual continuity may remain undisturbed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract



*from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.*

*A.3: New development should be subordinate and blend with its environment, using materials or colors that will achieve that effect. Where necessary, appropriate modifications will be required for siting, structural design, size, shape, color, textures, building materials, access, and screening.*

***Big Sur LUP Policy 3.2.5 (exceptions to the Key Policy)***

- A. Rural service centers*
- B. Essential ranching structures*
- C. Highway 1 facilities*
- D. Utilities*
- E. State Park parking*
- F. Rocky Point area vacant parcels*
- G. Otter Cove*
- H. Coastal-dependent uses*

In sum, each of the four Monterey County LUPs mandate the protection and enhancement of visual and scenic resources. Further, the North County and Carmel Area LUPs contain specific provisions discouraging outdoor signage and billboards.

### 3. Analysis

#### A. Billboard Prohibition

The Monterey County Coastal Zone is divided into four areas (North County, Del Monte Forest, Carmel, and Big Sur) and four area-specific LUP/IP segments for purposes of the LCP. Each area is connected by Highway 1 and contains unique viewsheds and scenic resources, both natural and manmade. In the North County area, agricultural landscapes dominate the landscape, with the exception of the natural features of the Elkhorn Slough, industrial and harbor development at Moss Landing, and the sand dunes at the southerly end adjacent to the City of Marina. The majority of the Del Monte Forest and Carmel areas can be characterized as an urban forest, primarily occupied by residential development, golf courses, some coastal agriculture, large swaths of forest and related habitat areas, and ocean views. The Big Sur Highway 1 viewshed is dominated by dramatic natural features, including the Santa Lucia Mountains, coastal plains and bluffs, the rocky shoreline, and limited low intensity residential and visitor-serving development.

Currently, all billboards in the County Coastal Zone exist in the North County area along the Highway 1 corridor. Billboards through this area are located along the periphery of Highway 1 where it intersects agricultural fields along the highway from the County line in the north to the Marina city limits in the south, and are concentrated primarily from the Moss Landing area to the Castroville area. These existing billboards were erected prior to the coastal permitting requirements of Proposition 20 (the Coastal Initiative) in 1972, and the Coastal Act in 1976. The Del Monte Forest area, as a primarily residential



and recreational enclave, does not contain any Highway 1 frontage or other major arterial roadway that supports billboard advertising. The Carmel area and the Big Sur area also do not contain any billboards. All of the County's coastal zone areas include smaller signs, such as signs for businesses along the Highway and agricultural signs identifying crops and the like, but these are of a lesser scale than the billboards that advertise for off-site businesses.

Although the existing sign ordinance and individual zoning district regulations do not prohibit billboards, other area-specific policies and regulations related to scenic resources and viewsheds act to restrict them. In particular, the Big Sur segment of the County's LCP contains a prohibition against all new development in the "critical viewshed," which is defined as everything within view of Highway 1 and all other major public viewing areas. Since adoption of the Big Sur segment of the LCP, the critical viewshed policies have ensured that almost no new visible development<sup>1</sup> including—in addition to every other type of development—the erection of billboards and other large-scale outdoor advertising, has occurred. The Carmel and Del Monte Forest area LCPs also have stringent viewshed policies that have prevented the proliferation of billboards. The North County LCP has similarly stringent viewshed protection policies, including an LUP policy that calls for the restriction and removal of outdoor advertising signs as soon as possible in conformance with existing County regulations (North County LUP Policy 2.2.3.7). The proposed LCP amendment would define billboards as a distinct type of sign, and would explicitly prohibit them in the County's Coastal Zone (see pages 3 and 8 of Exhibit B). The amendment would be consistent with LUP policies in each of the four area plans that place a high priority on preservation and protection of scenic resources because it would prevent further view degradation and blockage from billboards along the Highway 1 corridor and other roadways in the Coastal Zone. In general, LUP visual resource policies for each area require all development to be subordinate to and blended into the environment, emphasizing that the least visible portion of parcels be used to site new development. Billboards are clearly intended to attract attention and not blend into the environment, resulting in significant inconsistencies with existing visual resource protection policies. The LCP amendment ensures that the important scenic resources of the County's Coastal Zone will not be further degraded by new, visually intrusive billboards.

Although the LCP amendment goes a long way to protect the County's Coastal Zone from viewshed degradation from new billboards, it does not include any requirements to remove or phase out existing billboards. This is largely because of a state law (Business and Professions Code (BPC) Section 5412) that prohibits removal of advertising displays without just compensation.<sup>2</sup> Although the Coastal Act

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<sup>1</sup> The LCP includes certain critical viewshed exceptions for, among other things, essential highway development, utilities, certain pre-LCP residential enclaves, and rural service centers provided that any new visible development that falls under the exceptions is carefully designed and sited so as not to significantly intrude on the viewshed (see Big Sur LUP Section 3.2.5).

<sup>2</sup> Business & Professions Code Section 5412 states "Notwithstanding any other provision of this chapter, no advertising display which was lawfully erected anywhere within this state shall be compelled to be removed, nor shall its customary maintenance or use be limited, whether or not the removal or limitation is pursuant to or because of this chapter or any other law, ordinance, or regulation of any governmental entity, without payment of compensation, as defined in the Eminent Domain Law (Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure), except as provided in Sections 5412.1, 5412.2, and 5412.3. The compensation shall be paid to the owner or owners of the advertising display and the owner or owners of the land upon which the display is located."



(and by extension, the LCP) is a separate and distinct law, it is the Commission's intent to harmonize the Coastal Act with other state laws to the maximum extent practicable without jeopardizing coastal resources. The proposed LCP amendment recognizes the limitations imposed by BPC Section 5412 and does not attempt to impose regulations that would require removal or phasing out of existing billboards (including through removal of Section 20.68.070 which requires removal of legal non-conforming billboards) except as provided for in BPC Section 5412. BPC Section 5412 and the proposed amendment do, however, address the possibility that an existing permitted billboard can be relocated. To ensure that the LCP amendment is consistent with applicable LUP visual and scenic resource protection policies, within the constraints imposed by BPC Section 5412, a suggested modification to the billboard relocation provisions in Section 20.60.060.E is identified that would require existing billboards to be relocated outside of the Coastal Zone if and when a billboard owner applies to relocate a billboard. This ensures that any relocated billboard is consistent with such LUP policies as North County Policy 2.2.3.7, which requires outdoor advertising signs be removed as soon as possible, while still being consistent with BPC Section 5412 which encourages relocation of billboards to allow local governments to continue to develop in a planned manner. Along these same lines, suggested modification 1 includes a requirement that any changes or modifications to existing legal billboards must be consistent with all applicable LCP provisions, including visual and scenic resource policies. This suggested modification is consistent with the County-proposed changes to existing legal non-conforming billboards in Section 20.60.160 and would ensure consistency with the visual and scenic resource policies of the LCP. See suggested modification 1.

Suggested modification 2 makes changes to the legal nonconforming signs section (Section 20.60.160). Specifically, this modification clarifies that this section applies to existing legal non-conforming signs (including billboards) as well as all other signs (including billboards) made legal non-conforming by virtue of the revised Chapter 20.60, and includes a reference to Section 20.60.060.E specifically in terms of relocation of billboards. Finally, suggested modification 3 adds "billboards" to the prohibited signs section (20.60.140).

#### B. Scope of Sign Regulations

The LCP amendment proposes to change the sign regulations (including the billboard ban) to apply to only private property, whereas the current regulations apply to all property (public and private). The proposed amendment language indicates that signs located on County-owned land or on public rights-of-way are regulated by Chapter 14.30 of the Monterey County Code, but it is silent on other public lands. LUP visual resource policies (and all other resource protection policies) do not prescribe certain protections (or lack thereof) based on land ownership or otherwise discriminate between private and publicly-owned lands. Therefore, in order to ensure maximum consistency with the LUP policies discussed above, a suggested modification is identified to apply Chapter 20.60 to both public and private lands. See suggested modification 6.

#### C. Permit Requirements

Signs, like all other forms of development in the LCP-certified areas of the Monterey County Coastal



Zone, are subject to the coastal development permit (CDP) provisions of the Monterey County LCP. Chapter 20.60 provides permit requirements for specific types of signs (for example, in residential zoning districts, CDPs are required for signs not over 100 square feet in the aggregate for advertising the sale of a subdivision and signs not over 75 square feet that are appurtenant to any permitted use, provided that the area permitted may be divided into not more than 3 single-faced or double-faced signs). Chapter 20.60 does not specifically reference other CDP requirements, such as those in other sections of Title 20. The individual zoning district regulations under Title 20 include lists of “non-exempt” development, which are types of development that require a CDP regardless of which category of allowed use it falls into. Non-exempt development includes development that would cause a significant environmental impact (under CEQA), is located within the Big Sur critical viewshed, is located on 30% or greater slopes, is ridgeline development, is located within 100 feet of an environmentally sensitive habitat area, and/or development with a positive archaeological report. Other LCP sections that address permit requirements for development are Chapter 20.70 (Coastal Development Permits), Chapter 20.76 (Coastal Administrative Permits), and the four area-specific regulations of the LUP and CIP (Parts 2 through 5). In sum, Chapter 20.60 is not the only LCP section that regulates permits for signs, rather the LCP must be read as a whole to determine if an allowed sign constitutes development and requires a permit or not.

The proposed amendment adds new language to Chapter 20.60 that addresses permits. It specifically adds a definition of a permit, general regulations for when a permit is required for a sign, and modifies the existing zoning district permit requirements for signs. As proposed, it is not entirely clear that other CDP requirements that exist are applicable to signs. Without language in Chapter 20.60 that cross references or clearly states the other relevant permit requirements of the LCP, the proposed amendment has the potential to result in confusion with respect to which signs require CDPs, and this confusion could ultimately result in resource impacts from unpermitted or incorrectly permitted signage. The proposed amendment does not cross-reference the individual zoning district regulations that list categories of non-exempt development that would require permitting regardless of what Chapter 20.60 says about the size of the sign, for example. To ensure internal LCP consistency and protection of coastal resources against impacts from sign development, the proposed permit requirements have been modified to better reflect the coastal permit requirements of the LCP. See suggested modification 4.

#### D. Definitions

The proposed amendment includes detailed definitions applicable to the Chapter. However, different definitions of some of the same or similar things (sign; sign, appurtenant; sign, directional and informational; and sign, outdoor advertising) already exist in Chapter 20.06 (definitions) of Title 20. For internal consistency, it is suggested that these definitions in Chapter 20.06 be deleted and a reference to the new definition of “sign” in Chapter 20.60 be inserted. In addition, it is suggested that the definition of “structure” from Chapter 20.06 be added to the new definitions in Chapter 20.60, and that the definition of “billboard” be modified to be consistent with the other definitions in the new chapter (i.e., change it from “permanent” to “non-portable” and “structure mounted”) so that it is clear what constitutes a billboard. This is particularly important given the billboard prohibition and suggested





billboard treatment otherwise proposed. See suggested modification 5.

#### E. Other Code Changes

The proposed amendment clarifies an existing requirement for signage in Design Control (D) districts for commercial and industrial centers; establishes a requirement for signs to allow for unrestricted visibility at street corners and driveways; and allows for more signage for multi-family residential complexes, relative to the size of the residential complex. In some cases, these proposed changes merely clarify the existing code (namely, the “D” district change), and in the other cases, the proposed changes would have an insignificant effect on visual resources in the County’s Coastal Zone. The new site visibility standards would be expected to slightly improve visual resources, and the change to multi-family complex signage is not expected to affect visual resources, primarily because the ability to construct additional signage is related to the size of the property, and most multi-family residential complexes are located in more urbanized areas of the Coastal Zone and outside the scenic viewshed.

In general, Chapter 20.60 (both as amended through this LCP amendment and prior to being amended) is not entirely clear on the maximum allowed sign sizes. The chapter does not include a section that specifically lays out the maximum sizes of various types of signs allowed in each zoning district that are covered by the ordinance. Rather, the ordinance is structured to identify sign types that don’t need a permit, and sign types that do need a permit, but it doesn’t clearly articulate how the LCP should be read to apply to signs types not identified at all. For example, in the residential zoning district sign regulations (Section 20.60.070), certain types of signs (nameplates and street address signs, real estate signs, construction signs, clustered residential signs, and certain appurtenant signs for non-residential uses) under a certain size may be exempt from a CDP or coastal administrative permit (CAP) (provided they area also not non-exempt elsewhere in the LCP). This section then goes on to identify certain types and sizes of signs that are always subject to a CAP or CDP (e.g., signs not over 75 square feet in aggregate and appurtenant to any allowed use). However, it does not specify that 75 square feet (or some other upper bound) is the maximum allowed sign size in the district. As a result, there is some question about signs that are larger than those identified as possibly exempt or needing a permit. Although not made explicit in the text, it is clear that signs that are larger than those identified are not contemplated and not allowed in those districts. The Commission therefore understands that any signs that exceed the size limits identified in Section 20.60.070 are prohibited, with or without permits. The same understanding applies in the same way to the signs regulated in other zoning districts (Sections 20.60.080 and 20.60.090) and elsewhere in the Chapter (e.g., under Section 20.60.100, community entrance sign regulations).

#### 4. Conclusion

The proposed amendment is intended to clarify and update the existing sign regulations for the Monterey County Coastal Zone. In general, the proposed amendment as modified would provide greater specificity and direction for existing and future signs in the Monterey County Coastal Zone (including, among other things, onsite advertising and identifying signs, onsite residential signs, interpretive signs,



and agriculturally-related signs), and is expected to better achieve LUP public viewshed goals and objectives as a result, both in terms of curtailing inappropriate signs and allowing for others that are a part of the fabric and character of certain viewsheds in many ways. Furthermore, the most substantive aspect of the amendment, the ban on new billboards, brings greater protection for the County's scenic and visual resources and brings the existing sign regulations into better conformance with the visual resource protection policies of the four LUPs. To ensure an even higher level of LUP conformity, it is suggested that the proposed amendment be modified such that billboards subject to relocation are moved outside the Coastal Zone to locations where they will not impact views from the Coastal Zone. Other suggested modifications address the need for the sign regulations to apply to all lands in the County, public and private, to ensure maximum consistency with LUP visual resource policies that apply to all lands in the Coastal Zone. Finally, it is suggested that the proposed amendment be modified so that CDP requirements are clear and so that the applicable CDP regulations are cross-referenced, and modified so certain definitions are clear. As so modified, the Commission finds the proposed amendment consistent with and adequate to carry out the certified LUP.

#### D. California Environmental Quality Act (CEQA)

Local governments are not required to prepare CEQA documents analyzing the environmental effects of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA.

In this case, the County prepared a negative declaration for the proposed LCP amendment. This staff report has discussed the relevant coastal resource issues with the proposal, and has identified appropriate modifications to lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



**Before the Board of Supervisors  
County of Monterey, State of California**

**Resolution No. 07-426** )  
 Resolution of Intent to amend )  
 Chapter 20.60 and repeal Section )  
 20.68.070 of Title 20, Part 1 of the )  
 Coastal Implementation Plan and )  
 submit the proposed amendment to )  
 the California Coastal Commission )  
 for certification (PLN070228). )

Proposed amendment to Title 20, Part 1 of the Coastal Implementation Plan came on for hearing on November 27, 2007 before the Monterey County Board of Supervisors. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby resolves as follows:

**I. RECITALS:**

1. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program (LCP) for that portion of the coastal zone within its jurisdiction.
2. On January 5, 1988, Monterey County adopted the Coastal Implementation Plan (CIP) of the Local Coastal Program consistent with Section 30512.1 of the Public Resources Code.
3. Section 30514 of the Public Resources Code provides for amendments to adopted Local Coastal Programs.
4. On September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the LCP-CIP.
5. Pursuant to Public Resources Code sections 30000 et seq., the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the Local Coastal Program and that the Board of Supervisors hold a noticed public hearing on the proposed amendment, adopt a resolution of intent, and submit the proposed amendment to the Coastal Commission for certification prior to formal adoption by the Board of Supervisors.
6. County staff prepared ordinances amending Titles 20 and 21 of the Monterey County Code to modify County regulations governing signs (Planning file PLN070228.) The sign regulations of Titles 20 and 21, which are proposed to be amended control the size, location, type and number of signs that can be placed or constructed on private land in the unincorporated area of Monterey County. The text of the existing

ordinances has been in place for over 15 years in both the Coastal and Inland areas. The amendments would establish definitions, prohibit new billboards, codify an existing interpretation allowing 35 square feet per business in a Commercial District with a Design Control Combining District, provide site visibility and setback regulations, determine which size signs require discretionary permits, and reorganize and clarify existing regulations, most of which will remain in place. The ordinances also repeal a section of County's legal nonconforming regulations which have been preempted by state law.

7. Staff prepared an initial study analyzing the potential environmental impacts of the proposed amendments. The Initial Study/Negative Declaration was circulated through the State Clearinghouse for public review from October 19, 2007 to November 19, 2007.
8. On October 31, 2007 and November 14, 2007, the Planning Commission conducted duly noticed public hearings to consider and make recommendations to the Board of Supervisors concerning the proposed amendments to Chapters 20.60 and 20.68 and comparable chapters of Title 21 of the Monterey County Code. The Planning Commission recommended that the Board of Supervisors adopt the Negative Declaration and adopt the proposed amendments, with the proviso that the text of the ordinance should be clarified to indicate that the proposed changes to the sign regulations in the Coastal Zone do not supersede the Local Coastal Program viewshed policies. That clarification has been made to language in Section 20.60.060.A.
9. On November 27, 2007, the Board of Supervisors of Monterey County conducted a noticed public hearing to consider the proposed negative declaration, amendments to Chapters 20.60, 20.68, 21.60, and 21.68 of the Monterey County Code to modify regulations governing signs. At least 10 days before the public hearing, notices of the hearing before the Board of Supervisors were published in the Salinas Californian, the Monterey Herald, the Register Pajaronian, and the King City Rustler.
10. On November 27, 2007, prior to taking this action, the Board adopted a Negative Declaration that analyzed the potential environmental effects of the proposed amendments and adopted the ordinance amending Chapters 21.60 and 21.68 of the Monterey County Code
11. This amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code Sections 30000 et seq.). Staff has prepared materials sufficient for a thorough and complete review of the amendment to accompany the submission of the amendment to the Coastal Commission.
12. The proposed ordinance amending Title 20 is attached to this Resolution as Attachment A and is incorporated herein by reference.

## II. DECISION:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby:

1. Intends to adopt the ordinance, attached hereto as Attachment A and incorporated herein by reference, to amend Chapter 20.60 and repeal Section 20.68.070 of Chapter 20.68 of Title 20, Part 1 of the County's Coastal Implementation Plan;
2. Certifies that the proposed ordinance is intended to be carried out in a manner fully in conformity with the California Coastal Act; and
3. Directs staff to submit the proposed amendment to the California Coastal Commission, together with materials sufficient for a thorough and complete review.

**PASSED AND ADOPTED** on this 27<sup>th</sup> day of November, 2007 by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas, and Potter  
NOES: None  
ABSENT: None

I, Lew C. Bauman, Clerk to the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 74, on November 27, 2007.

Dated: November 30, 2007

Lew C. Bauman, Clerk of the Board of Supervisors,  
County of Monterey, State of California

By Denise Hancock for  
Denise Pennell, Deputy

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

I, Lew C. Bauman, Clerk of the Board of Supervisors, do hereby certify the foregoing to be a full, true and correct copy of the original  
Resolution No. 07-426 on file in my office.

Witness my hand and seal of the Board of Supervisors  
This 10<sup>th</sup> day of March, 2008

LEW C. BAUMAN

Clerk of the Board of Supervisors

Seal

By Denise Hancock Deputy

ATTACHMENT A

ORDINANCE NO. 5098

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 20.60 AND REPEALING SECTION 20.68.070 OF CHAPTER 20.68 OF THE MONTEREY COUNTY CODE RELATING TO SIGNS**

**County Counsel Summary**

*This ordinance amends Chapter 20.60 and repeals Section 20.68.070 of Chapter 20.68 of Title 20 (Zoning) of the Monterey County Code to modify regulations governing signs. Regulations establish size and height limits, location, number of signs, and identify exempt and prohibited signs. Modifications include but are not limited to clarifying size limits in design control zoning districts, prohibiting new billboards, adding definitions, and modifying permit requirements in the unincorporated coastal areas.*

The Board of Supervisors of the County of Monterey ordains as follows:

**SECTION 1:** Chapter 20.60 of the Monterey County Code is amended to read as follows:

**Chapter 20.60**

**REGULATIONS FOR SIGNS**

**Sections:**

20.60.010	Title
20.60.020	Scope
20.60.030	Authority
20.60.040	Intent and Purposes
20.60.050	Definitions
20.60.060	General Regulations
20.60.065	Regulations Applicable to All Signs
20.60.070	Residential Zoning District Sign Regulations
20.60.080	Agricultural, Resource Protection and Public Zoning District Sign Regulations
20.60.090	Commercial and Industrial Zoning District Sign Regulations
20.60.100	Community Entrance Sign Regulations
20.60.110	Design Control (D) Zoning District Sign Regulations
20.60.120	Non-Commercial Sign Regulations
20.60.130	Exempt Signs
20.60.140	Prohibited Signs
20.60.150	Special Sign Regulations
20.60.160	Legal Nonconforming Signs
20.60.170	Sign Procedures

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## ATTACHMENT A

20.60.175	Appeals and Administration
20.60.180	Enforcement
20.60.190	Severability

### **20.60.010 TITLE.**

This Chapter shall be known as the Sign Ordinance of Monterey County (Coastal).

### **20.060.020 SCOPE.**

This Chapter regulates signs mounted or displayed on private property within the unincorporated areas of Monterey County, inside the Coastal Zone. In addition to the regulations in this chapter, the regulations from the applicable Coastal Implementation Plan (Parts 2 through 6) shall also apply. Signs outside the Coastal Zone are regulated by Chapter 21.60 of the Monterey County Code. Signs located on County-owned land or on public rights of way are regulated by Chapter 14.30 of the Monterey County Code.

### **20.60.030 AUTHORITY.**

This Chapter is adopted pursuant to California Constitution, Article XII, Section 7, California Government Code sections 65000 et seq. and 65850(b), Business and Professions Code sections 5200 et seq. and 5490 et seq., Civil Code section 713, and other applicable State laws.

### **20.60.040 INTENT AND PURPOSES.**

The purposes of this Chapter are to:

- A. Serve the public interests in aesthetics and safety;
- B. Assure by the regulation of signage that the integrity and nature of residential, agricultural, resource protection, public, commercial and industrial areas are protected from the indiscriminate and inappropriate proliferation of signs;
- C. Ensure adequate opportunity for persons to exercise their right of free speech by display of signs;
- D. Provide sufficient opportunities for identification of businesses, establishments, and residences;
- E. Provide for signage which is informative in nature;
- F. Protect and preserve the character of residential areas by prohibiting commercial signage in such areas, except as required by state law or applicable judicial decisions; and

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- G. Establish procedures to allow the continued use, maintenance and repair of nonconforming historic signs that preserve locally recognized values of community appearance or that reflect unique characteristics of development.

### 20.60.050 DEFINITIONS.

The definitions given in this Section apply to this Chapter. All definitions shall be adapted to context as to gender, number, tense and other inflections. Words not defined in this Chapter shall be controlled by relevant definitions found elsewhere in this Title, or by the standard legal conventions for determining definitions.

- A. **BILLBOARD** means a permanent structure sign that meets one of more of the following criteria: 1) it is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) display space on the sign is routinely rented, leased or donated to advertisers other than the owner or operator of the sign, or 4) the sign structure is a principal use, as opposed to an accessory or appurtenant use, of the land. A shopping center sign is not within this definition, so long as it is not used to display advertising for commercial enterprises located outside the shopping center.
- B. **CHANGE OF COPY** means a change which affects only the display face of a previously permitted or legally exempt sign.
- C. **COMMERCIAL MASCOT** means live human being(s) and / or animal(s) used for the purpose of commercial advertising, such as, by way of example and not limitation, sign spinners, sign clowns, sandwich board signs over a live human body, and persons dressed to appear or suggest as a trademark or symbol of a commercial enterprise." In-person protestors and demonstrators expressing non-commercial messages are not within this definition.
- D. **COMMERCIAL MESSAGE** means a message on a sign that identifies, advertises or attracts attention to an establishment, product, service or activity, or that concerns the economic interests of the sign sponsor or audience, or which proposes an economic transaction.
- E. **CONSTRUCTION SIGN** means a sign displayed on the site of a construction project during the period of time that construction is diligently pursued.
- F. **COUNTY** means the County of Monterey, a political subdivision of the state of California.
- G. **ESTABLISHMENT** means a non-residential use of real property, which involves structures that would be subject to a building permit if constructed anew, and the routine presence of live human beings for at least 24 hours per week.



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- H. **ELECTION PERIOD** means the period of time that commences 60 days before any primary, general, or special election, and ends 10 days after such election has been held.
- I. **FREESTANDING SIGN** means a sign that is self-supporting, permanently, in a fixed location and not attached to a building. "Portable sign" is not included in this definition.
- J. **GENERAL ADVERTISING** means the business of promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising. "General advertising" has the same meaning as "advertising for hire."
- K. **NON-COMMERCIAL SIGN** means a sign that does not identify, advertise or attract attention to a business, product or service, or propose an economic transaction. Typical examples include signs whose message addresses a topic of public concern or controversy including, but not limited to, politics, religion, philosophy, science, art or social commentary.
- L. **OFF-SITE SIGN** means a sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered elsewhere than upon the same lot or parcel where the sign is displayed. The off-site distinction applies only to commercial messages.
- M. **ON-SITE SIGN** means a sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same lot where the sign is displayed. However, signs relating to tenants or establishments located within a multi-tenant non-residential development are all considered on-site anywhere within the development. The off-site distinction applies only to commercial messages.
- N. **PERMIT** means a written authorization to erect or display a sign that is subject to such authorization by this Chapter. Permits authorized by this Chapter do not include those permits issued by the Building Services Department under the authority of Title 18 of the Monterey County Code.
- O. **PORTABLE SIGN** means a sign that is not permanently in a fixed location and not attached to the ground or a building. Personal apparel, appearance, commercial mascots and hand-held signs are not within this definition.
- P. **REAL ESTATE SIGN** means a sign that advertises a real property, building or tenant space for sale, exchange, lease or other economic transaction. All signs within the scope of Civil Code section 713 are within this definition. This definition does not include signs concerning transient occupancy, such as vacancy signs at hotels and motels.

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Q. **SIGN** means any device, fixture, placard or structure, including its component parts, which by display of a visual image communicates a message or information regarding an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any street, road, highway, right-of-way or public parking area. Notwithstanding the generality of the foregoing, the following are not within the definition of "sign" for the regulatory purposes of this Chapter:

1. Architectural Features including decorative or ornamental elements of buildings, not including letters, trademarks or moving parts.
2. Automatic Teller Machines (ATMs).
3. Cornerstones, foundation stones, and similar permanent indicators of date of construction, dedication or installation.
4. Cultural and holiday decorations of a noncommercial nature, mounted on private residential property that pertain to cultural and religious observances.
5. Fireworks.
6. Grave markers, including gravestones, insignia on tombs, mausoleums and other insignia of the deceased, which are part of a burial, interment, mausoleum or memorial site.
7. Hot air balloons that carry persons and do not display general advertising images.
8. Interior signs that are not visible from the public right of way.
9. Manufacturer's marks on tangible products, such as trademarks and logos, that identify the maker, seller, provider or product, and that customarily remain attached to the product or its packaging after sale.
10. News racks including any self-service or coin-operated box, container, storage unit, fixture or other dispenser placed, installed or maintained for display and sale or other distribution of one or more newspapers, periodicals or other publications.
11. Non-commercial symbols integrated into architecture, such as symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. By way of example and not limitation, such symbols include church bells, stained glass windows, carved doors, artistic statuary.
12. Party jumps, including inflatable gymnasium devices, commonly used at birthday parties.
13. Personal appearance items or devices of personal apparel, decoration or appearance, including apparel, tattoos, makeup, masks and costumes, but not including hand-held commercial signs or commercial mascots.
14. Shopping carts, golf carts, personal scooters, horse drawn carriages, and similar small, personal transportation devices, when not used for the display of general advertising. Any vehicle which may legally traverse by its own power on any state road or federal highway is not within this definition.
15. Special event signage temporarily used in conjunction with special events, parades, demonstrations, protests and street closures.
16. Vending machines.

## ATTACHMENT A

17. Visual images on trains or duly licensed public mass transit vehicles which legally pass through the County.
- R. **STREET FRONTAGE** means the property line of a parcel abutting the right-of-way to which such parcel has a legal right of access.
- S. **STRUCTURE MOUNTED SIGN** means a sign that is permanently in a fixed location on a building. "Portable sign" is not included in this definition.

### 20.60.060 GENERAL REGULATIONS.

The principles stated in this Section apply to all signs and procedures within the regulatory scope of this Chapter and to all provisions of this Chapter, and override more specific provisions to the contrary.

- A. **Compliance and Permits.** All signs within the regulatory scope of this Chapter shall conform to the provisions of this Chapter. No person shall erect, place, display or maintain any sign in violation of this Chapter. A permit shall be required for any sign identified as requiring a Coastal Administrative or Coastal Development Permit, unless the sign is expressly exempted from the permit requirement by a provision within this Chapter. If a Coastal Administrative or Coastal Development Permit or Design Approval is required for a sign pursuant to the County's certified Local Coastal Program, the sign shall comply with the applicable viewshed and other policies and regulations of the applicable certified land use plan and coastal implementation plan in addition to the provisions of this Chapter.
- B. **Message Neutrality.** It is the County's policy and intent to regulate signs in a manner which is consistent with the speech freedoms of both the United States and California constitutions.
- C. **Message Substitution.**
1. Subject to the property owner's consent, a noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any noncommercial message, provided that the sign itself is legal without consideration of message content.
  2. Any unused allowance for signage may be used for temporary display of any non-commercial message. When the new sign qualifies as a structure requiring a building permit pursuant to Title 18 of the Monterey County Code, a building permit must be obtained prior to construction or placement of the sign.

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3. Substitution of any message may be made without any additional approval or permitting. The substitution right is on-going and continuous, and may be utilized an unlimited number of times.
4. This Section does not:
  - a. Create a right to exceed the total amount of permanent signage on a site or parcel;
  - b. Create a right to substitute an off-site commercial message in place of an on-site commercial message, or in place of a non-commercial message;
  - c. Affect the requirement that a sign structure or mounting device be properly permitted; or,
  - d. Authorize changing the physical method of message display without any required permit.

D. **Change of Copy.** For permanent signs that are attached to or mounted on real property, a new permit is not required for a "change of copy." However, if a change of copy also includes a physical change to the structure or mounting device, then the change is subject to any applicable permit requirement as if it were a new sign. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter or other law), or the ownership of sign structures.

E. **Billboards.** The construction, erection or use of any and all billboards as defined herein, other than those which legally exist in the County, or for which a valid permit has been issued and has not expired, as of the date on which this provision, or when a prior version of this Chapter containing a provision to the same effect, was adopted, is prohibited. In approving this Chapter, the Board of Supervisors affirmatively declares that it would have adopted this billboard prohibition even if it were the only provision in this Chapter. The "change of copy" provision applies to properly permitted, legally existing billboards. To the extent consistent with state law, existing, legal billboards may not be converted to a more visually intense method of image presentation, such as converting a flat, static display to a moving, animated or changing image display. The Board intends for this billboard prohibition to be severable and separately enforceable even if other provision(s) of this Chapter may be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable. This prohibition does not prohibit or limit agreements to relocate presently existing legal billboards, as encouraged by state law including, but not limited to, Business and Professions Code section 5412.

F. **Property Owner's Consent.** No sign may be displayed on private tangible property or other regulated land without the property owner's consent.

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- G. **On-site/off-site Distinction.** The on-site/off-site distinction applies only to commercial messages and signs displaying commercial messages.
- H. **Mixed Uses.** For purposes of this Chapter, wherever a parcel may be legally used for both residential and nonresidential uses, all legal residential uses shall be treated as if they were located in a residential district, which would allow a residential unit of the same type (*i.e.*, single family residence and/or multifamily residence), and all legal non-residential uses shall be treated as if they were located in a nonresidential district allowing nonresidential uses of the same type.

### 20.60.065 REGULATIONS APPLICABLE TO ALL SIGNS.

- A. **Permit Required.** Permits are required as described in this Chapter. A building permit is required for any sign that meets the definition of a structure requiring a building permit pursuant to Title 18 of the Monterey County Code.
- B. **Glare.** When allowed, lighting of signs attached to structures shall be arranged so as not to produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent property or a public street.
- C. **General Development Plan.** In addition to the regulations in this Chapter, signs in commercial and industrial zoning districts are also subject to the General Development Plan provisions of the zoning district. A General Development Plan may establish a sign program that modifies size and location regulations, found in this Chapter, for the applicable property; however, aggregate size limitations for the property shall not be modified by a General Development Plan. If a General Development Plan is not required, signs shall conform to this Chapter.
- D. **Height.** Signs may be attached to a structure providing the sign does not project above the roof of the structure or above the parapet of the wall and are in conformance with all other applicable provisions of this Chapter.
- E. **Mounting.** Signs may be mounted below the soffit of a canopy, overhanging, or porch and may be perpendicular to the structure providing that they do not exceed 12 inches below the soffit or beam and maintain a minimum of 8 feet vertical clearance along corridors or exit courts below.
- F. **Setbacks.** Signs shall meet the rear and side yard setback requirements of the applicable zoning district. Front yard setbacks shall meet the following requirements:
1. **Driveway and Corner Visibility.** All signs shall be maintained in accordance with the provisions of this subsection. Signs shall not be located such that:
    - a. They interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;

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- b. They conflict with overhead utility lines, overhead lights, or walkway lights; or
  - c. They block pedestrian or bicycle ways.
2. Visibility at street corners and at driveways connecting with a public street shall be maintained as an area of unrestricted visibility as follows:
- a. For Street Corners. That area between 3 feet and 10 feet above grade which lies 25 feet from the intersection of the street rights-of-way measured along both the right-of-way lines;
  - b. For Driveways. That area between 3 feet and 10 feet above the driveway grade which lies 15 feet from the intersection of the edge of the driveway and the property line measured along both the driveway and the property line;
  - c. Exceptions. The Planning Director may allow exceptions to the unrestricted visibility for street corners and driveways, following a determination by the Public Works Director that such exceptions will not adversely affect sight distance or pose a hazard to motorists and pedestrians.

### G. Rules for Computation of Sign Area.

- 1. The area of a sign is computed by multiplying the height by the length of the sign, not including framework of the sign. The base or supporting structure of a sign shall not be considered part of the sign, unless it is part of the message presentation.
- 2. The area of a two-sided back to back sign shall be computed by multiplying the height by the length of only one side.
- 3. The area of a two-sided or multi-faced sign, where the signs are not flat back to back, shall be computed by multiplying the height by the length of each sign face.
- 4. The area of signs which are composed of letters individually mounted or painted on a structure, without a border or frame enclosure, shall be computed from the smallest single parallelogram in which all the letters or words can be enclosed.
- 5. Time and temperature displays are considered part of the allowable sign display area, and are subject to the same size and height rules as other aspects of a sign.
- 6. For establishments providing services to customers while in their vehicles, signs related to such services are allowed, but are counted in the aggregate allowed signage for the use. Drive-through establishment menu boards shall not be included in this calculation.

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### 20.60.070 RESIDENTIAL ZONING DISTRICT SIGN REGULATIONS.

- A. **Applicability.** In addition to the non-commercial message signs allowed by Section 20.60.120, these regulations apply in the following zoning districts:
1. High Density Residential (HDR (CZ))
  2. Medium Density Residential (MDR (CZ))
  3. Low Density Residential (LDR (CZ))
  4. Rural Density Residential (RDR (CZ))
- B. **Scope.** In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") combining district shall not exceed the sign limitations in Section 20.60.110.
1. **Nameplates, etc.** Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is 6 feet. If the sign is attached to a building, then the sign may not project above the roof line or parapet of a wall. One such sign is allowed per street frontage.
  2. **Real Estate.**
    - a. On site:
      - i. The sign area, in the aggregate, may not exceed 7 square feet.
      - ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
    - b. Off-site:
      - i. The sign area, in the aggregate, if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
      - ii. The signs shall not be located within any road right of way.
      - iii. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.
  3. **Projects under Construction.**
    - a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:
      - i. at the time of occupancy of the project;
      - ii. when a notice of completion or notice of acceptance is issued; or

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- iii. in the case of a new tract housing development, when the sale closes on the last available unit.
- b. Construction signs are subject to the following standards:
  - i. There shall be no more than two temporary construction signs per lot.
  - ii. The signs shall not exceed in the aggregate 24 square feet in area.
  - iii. The signs shall not be illuminated.
  - iv. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - v. The signs shall be stationary.
  - vi. The signs shall not be located within or project over or into any public right-of-way.
- 4. **Clustered Residential Signs.** Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments are allowed signs, subject to:
  - a. There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.
  - b. The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.
  - c. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - d. The signs shall be stationary.
  - e. The signs shall not be located within or project over or into any public right-of-way.
  - f. If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.
- 5. **Appurtenant signs for non-residential uses in residential zones.** Except as regulated elsewhere in Title 20, signs that are appurtenant to any allowed, non-residential use in any residential zone, not including construction signs and signs on clustered residential projects, may be displayed, subject to:
  - a. Maximum height: The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - b. Maximum number and area: One sign of up to 24 square feet is allowed. An additional two signs (single or double-faced), with a maximum display area of up to 75 square feet in the aggregate may be allowed subject to a Coastal Administrative Permit (Chapter 20.76) in each case.



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C. The following signs are subject to a Coastal Development Permit (Chapter 20.70):

1. Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.
2. Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

### 20.60.080 AGRICULTURAL, RESOURCE PROTECTION AND PUBLIC ZONING DISTRICT SIGN REGULATIONS.

A. **Applicability.** In addition to the non-commercial message signs allowed by Section 20.60.120, these regulations apply in the following zoning districts:

1. Coastal Agricultural Preservation (CAP (CZ))
2. Agricultural Conservation (AC (CZ))
3. Resource Conservation (RC (CZ))
4. Open Space Recreation (OR (CZ))
5. Public/Quasi-Public (PQP (CZ))
6. Watershed and Scenic Conservation (WSC (CZ))

B. **Scope.** In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") combining district shall not exceed the sign limitations in Section 20.60.110.

1. **Nameplates, etc.** Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is 6 feet. If the sign is attached to a building, then the sign may not project above the roof line or parapet of a wall. One such sign is allowed per street frontage.
2. **Real Estate signs.**
  - a. On site:
    - i. The sign area, in the aggregate, may not exceed 7 square feet.
    - ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - b. Off-site:
    - i. The sign area, in the aggregate, may not exceed 7 square feet.

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- ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- iii. The signs shall not be located within any road right of way.
- iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.

### 3. Projects under Construction.

- a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:
  - i. at the time of occupancy of the project;
  - ii. when a notice of completion or notice of acceptance is issued; or
  - iii. in the case of a new tract housing development, when the sale closes on the last available unit.
- b. Construction signs are subject to the following standards:
  - i. There shall be no more than two temporary construction signs per lot.
  - ii. The signs shall not exceed in the aggregate 24 square feet in area.
  - iii. The signs shall not be illuminated.
  - iv. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - v. The signs shall be stationary.
  - vi. The signs shall not be located within or project over or into any public right-of-way.

### 4. Clustered Residential Signs. Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments are allowed signs, subject to:

- a. There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.
- b. The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.
- c. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- d. The signs shall be stationary.
- e. The signs shall not be located within or project over or into any public right-of-way.
- f. If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64

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square feet in the aggregate per frontage with no single sign exceeding 35 square feet.

5. For non-residential uses, signs not over 20 square feet in the aggregate and, appurtenant to any permitted use except for those signs provided in Section 20.60.080 (B), subsections 1 and 2.
- C. The following signs are subject to a Coastal Administrative Permit (Chapter 20.76):
1. Signs not over 100 square feet in the aggregate for advertising the sale of the property. Limit of two signs in each case.
  2. Except as provided in 20.60.080 (B), subsections 3 and 4, signs between 20 and 75 square feet in the aggregate appurtenant to any allowed use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.
  3. All signs proposed in a Resource Conservation (RC (CZ)) district; limited to a maximum of 20 square feet.
- D. A Coastal Development Permit (Chapter 20.70) is required for signs between 75 and 300 square feet in the aggregate appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs.

### **20.60.090 COMMERCIAL AND INDUSTRIAL ZONING DISTRICT SIGN REGULATIONS.**

- A. **Applicability.** In addition to the non-commercial message signs allowed by Section 20.60.120, these regulations apply in the following zoning districts:
1. Coastal General Commercial (CGC (CZ))
  2. Moss Landing Commercial (MLC (CZ))
  3. Institutional Commercial (IC (CZ))
  4. Visitor Serving Commercial (VSC (CZ))
  5. Agricultural Industrial (AI (CZ))
  6. Light Industrial (LI (CZ))
  7. Heavy Industrial (HI (CZ))
- B. **Scope.** In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") combining district shall not exceed the sign limitations in Section 20.60.110.

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1. **Nameplates, etc.** Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is. If the sign is attached to a building, then the sign may not project above the roof line or parapet of a wall. One such sign is allowed per street frontage.
2. **Real Estate signs.**
  - a. On site:
    - i. The sign area, in the aggregate, may not exceed 7 square feet.
    - ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - b. Off-site:
    - i. The sign area, in the aggregate, may not exceed 7 square feet.
    - ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
    - iii. The signs shall not be located within any road right of way.
    - iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.
3. **Projects under Construction.**
  - a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:
    - i. at the time of occupancy of the project;
    - ii. when a notice of completion or notice of acceptance is issued; or
    - iii. in the case of a new tract housing development, when the sale closes on the last available unit.
  - b. Construction signs are subject to the following standards:
    - i. There shall be no more than two temporary construction signs per lot.
    - ii. The signs shall not exceed in the aggregate 24 square feet in area.
    - iii. The signs shall not be illuminated.
    - iv. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
    - v. The signs shall be stationary.
    - vi. The signs shall not be located within or project over or into any public right-of-way.

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4. **Clustered Residential Signs.** Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments are allowed signs, subject to:
    - a. There shall be no more than one sign per street frontage or two signs if the project has only one street frontage.
    - b. The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.
    - c. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
    - d. The signs shall be stationary.
    - e. The signs shall not be located within or project over or into any public right-of-way.
    - f. If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.
  5. **Sign Area.** Signs shall be permitted to have an area not to exceed one square foot for each one foot of structure frontage; provided, that any business establishment shall be allowed a sign of a minimum 50 square feet and no more than 300 square feet; and, further provided, that the area permitted may be divided into not more than six single-faced or double-faced signs; said formula shall apply to each street frontage. These regulations are not applicable in Design Control ("D") combining district.
  6. **Moss Landing Commercial District.** Signs shall be composed of natural materials such as wood and stone. The signs shall utilize paint only for lettering and shall not be internally-illuminated. External illumination shall be restricted to lighting only of the sign's face. The amount of signing and sign design may be further regulated to conform to the Moss Landing Design Guidelines (see Section 20.20.070.H).
- C. A Coastal Administrative Permit (Chapter 20.76) is required for real estate signs between 7 and 32 square feet. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- D. The following signs are subject to a Coastal Development Permit (Chapter 20.70):
1. Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.

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2. Signs not over 75 square feet in aggregate, and appurtenant to any allowed use, provided that the area permitted may be divided into not more than three single-faced or double-faced signs

### 20.60.100 COMMUNITY ENTRANCE SIGN REGULATIONS.

On property adjacent to any state highway or freeway that approaches, passes through or goes near a city or community, signs displaying non-commercial messages are allowed, in addition to signs otherwise allowed by this Chapter, subject to a Coastal Development Permit and the following criteria:

- A. The maximum sign area may not exceed 400 square feet.
- B. No more than one such sign may be allowed on a lot.
- C. The sign may not exceed 15 feet in height.

### 20.60.110 DESIGN CONTROL (D) ZONING DISTRICT SIGN REGULATIONS.

- A. These regulations apply in the Design Control ("D") combining district.
- B. Where signs are allowable under the regulations of the zoning districts identified in Sections 20.60.070 and 20.60.080, the total area of such signs shall not exceed 35 square feet in the aggregate. This limitation in total area shall apply even though the use has frontage on two or more streets.
- C. Where signs are allowable under the regulations of the zoning districts identified in Section 20.60.090, each establishment shall be allowed in the aggregate 35 square feet of signage. In commercial and industrial centers where more than one establishment exists, the center may have an additional 35 square feet of signage to identify the center. Such signs may not, however, identify specific businesses within the center.

### 20.60.120 NON-COMMERCIAL SIGN REGULATIONS.

In addition to the non-commercial message which may be displayed under the "message substitution" regulations, signs which display non-commercial messages may be displayed at all times and in all zones, subject to the rules stated in this Section:

- A. **Elections.** During any election period, the allowable display area may be doubled. An election period begins 60 calendar days before a primary, general or special election, and ends 10 days after such election.
- B. **Size.** The maximum display face area, in the aggregate per parcel, of signs allowed at all times by this Section is:

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1. In residential or scenic conservation zoning districts: 6 square feet for each separate, legal, residential unit;
  2. In agricultural, resource protection and public zoning districts: 6 square feet per parcel;
  3. In commercial and industrial zoning districts: 6 square feet per establishment;
- C. **Height.** The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.

### 20.60.130 EXEMPT SIGNS.

The following signs are exempt from permit requirements, subject to the rules stated in this Section:

- A. Traffic control and safety signs, including those on roads and highways, waterways, airports, and at railroad crossings.
- B. Signs required or authorized by federal, state or county law or authority, including but not limited to all legally required public notices, court orders, and announcements authorized by courts and public officials.
- C. Images that are painted on or attached flat to the surface of an automobile, truck, airplane or boat that do not constitute general advertising or advertising for hire.
- D. Signs that provide functional information and warning about utilities and safety matters, including but not limited to telephone access, entrance and exit, danger—high voltage, dump stations, restroom identification, brake and smog certification, smoking and dress code rules, traffic and parking directions, gasoline grades, etc., provided that such signs do not exceed 4 square feet in display surface area each.
- E. Signs prohibiting trespassing and hunting, provided that they do not exceed 2 square feet in area each.
- F. Advertising signs on buses and taxis.
- G. Signs attached to bus stops and shelters.
- H. Directional, warning, or identification signs not exceeding 2 square feet in area for petroleum drilling and extraction activities.

### 20.60.140 PROHIBITED SIGNS

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The following signs are prohibited in all zoning districts:

- A. Any sign or device which is an imitation of, or resembles, an official traffic control device, or which attempts to direct the movement contrary to the rules set by traffic officials, or which hides from view any official traffic control device.
- B. Advertising signs that include the words, "Stop, Look, Listen" or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public.
- C. Permanent structure signs which rotate, move, present moving images or the illusion thereof, or flashes, scintillates, or utilizes animated illumination.
- D. Signs on wheeled, non-motorized vehicles.
- E. Devices which are inflatable or activated by wind, air or forced gas, whether free floating or tethered to the ground, and which are used for commercial advertising messages. This rule does not apply to inflatable gymnasiums used for parties, or to displays used in parades.
- F. Moving or rotating signs, pennants, banners.
- G. Signs extending above roofs, and roof signs, except where specifically provided for under the provisions of this Chapter for signs attached to structures.
- H. Any other advertising device attached to a structure, fence, pole, or vehicle on display not specifically authorized by this Chapter.

### 20.60.150 SPECIAL SIGN REGULATIONS

- A. Electronic time and temperature signs as part of an allowed on-site sign are allowed as regulated by this Chapter as to height and size.
- B. Exit, entrance, or other on-site traffic directional signs are allowed, provided that the signs do not exceed 6 feet in height and contain no advertising or message other than for traffic directions. Signs may be attached to a structure providing the sign does not project above the roof of the structure.
- C. Special signing required for drive-in windows for drive-in restaurants, banks, or similar businesses are permitted, provided the sign copy is necessary for information, instruction, or directions and specifically related to the special use, subject to review and approval of a Design Approval application by the Director of Planning if located in a "D" combining district. The Design Approval process shall not exercise discretion as to the message content or graphic design of the message.



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### 20.60.160 LEGAL NONCONFORMING SIGNS

Existing signs that are rendered legal non-conforming by this Chapter shall be subject to the requirements of Chapter 20.68 of this Title, except Section 20.68.040, and as follows:

- A. The enlargement, extension, reconstruction or structural alteration of a nonconforming sign may be allowed if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which it is located.
- B. Ordinary maintenance and repairs, including structural repairs and foundations, may be made to any sign which is nonconforming as to height or setbacks or to a sign used for a legal nonconforming use, provided:
  - 1. No structural alterations are made; and
  - 2. Such work does not exceed 50 percent of the estimated replacement cost of the structure in any one year period.

Additional maintenance and repair in a one year period is allowable subject to the issuance of a Coastal Development Permit in each case.

- C. No legal nonconforming sign shall be moved in whole or in part to any other location unless every portion of such sign which is moved is made to conform to all the regulations of the district in which it is located.

### 20.60.170 SIGN PROCEDURES

- A. **Scope.** This Section applies to all signs that may be erected, maintained or displayed.
- B. **Purpose of Permitting.** All permitting and approval processes required by this Chapter are intended to ensure compliance with this Chapter and various safety codes, as well as to prevent the loss of time, effort, materials and investment which might otherwise be invested in an illegal sign.
- C. **Application for Sign Permit or Design Approval.** Any person seeking a permit or design approval for a sign shall submit to the Planning Department a written application for such permit or design approval pursuant to Chapter 20.44, Chapter 20.76 or Chapter 20.70 for a Design Approval, Coastal Administrative Permit or Coastal Development Permit, respectively. The application shall be processed according to the applicable provisions of the County Code.
- D. **Multiple Sign Applications.** When an application proposes two or more signs on one parcel, the application may be granted or denied either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign

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application is denied in whole or in part, the County's decision shall specify the grounds for each such denial.

- E. **Signs Which Are Part of a Larger Project.** When approval is sought for a development that includes one or more signs, the sign aspects of the proposed development must satisfy the applicable provisions of this Chapter.
- F. **Appropriate Authority.** The Director of Planning is authorized and assigned the responsibility for administering all provisions of this Chapter. The Zoning Administrator is the Appropriate Authority to consider and decide all discretionary permits for signs, except as stated in this Chapter.
- G. **Right to Permit or to Display.** When any sign permit application complies fully with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued, unless a change of relevant law or policy is pending. In the case of signs that are expressly exempt from the permit requirement, there is a right to erect, display and maintain such signs as are authorized by this Chapter, subject to the applicable regulations.
- H. **Discretionary Approvals.**
  - 1. When a sign is subject to a discretionary permit, discretion may not be exercised as to the message content or graphic design of the message. However, in "D" (Design Control) combining district, the overall design of a sign may be considered for consistency with the special purposes of those districts.
  - 2. Factors to be considered in sign decisions shall include location of buildings, topography, vegetation, sign structures, speed of travel on adjacent roadways, sight visibility, visibility of access ramps, scale and mass of the sign, and the effective utility of the sign. In applying these factors, the County shall not act as an art jury as to the graphic design on the display face of the sign.
- I. **Safety Codes.** When a sign qualifies as a structure requiring a building permit pursuant to Title 18 of the Monterey County Code, a building permit shall also be required.

### 20.60.175 APPEALS AND ADMINISTRATION

- A. **Appeal.** Design Approval, Coastal Administrative Permit or Coastal Development Permit decisions rendered under this Chapter may be appealed pursuant to Chapter 20.86 of the Monterey County Code. Administrative Interpretations may be appealed pursuant to Chapter 20.88 of the Monterey County Code.

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### B. Administrative Interpretations.

1. All interpretations of this Chapter are to be exercised in light of the County's message neutrality and message substitution regulations stated in this Section.
2. Where a particular type of sign is proposed in a permit application, and the type of sign is neither expressly allowed nor prohibited by this Chapter, or whenever a sign is not a structure as defined pursuant to Title 18 of the Monterey County Code, the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Chapter, in light of the purposes of this Chapter.

C. **Status Quo.** During the pendency of any review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes a significant and immediate threat to public safety.

D. **Judicial Review.** Following a final decision by the County, including all appeals, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure section 1094.5, in conjunction with 1094.6 or 1094.8, as applicable.

E. **Non-Communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs including, but not limited to, location, size, allowable area height, illumination, spacing between signs, orientation and density, stand enforceable independently of any permit or approval process.

F. **Signage Rights and Duties.** The legal rights and duties relating to permanent signs are attached to and travel with the land, and are not personal in nature. This provision does not affect a sign owner's right to remove a sign from one location and apply for a permit to mount it in another location subject to rules applicable in the new location.

### 20.60.180 ENFORCEMENT

The provisions of this Chapter shall be enforced pursuant to Chapter 1.20 of the Monterey County Code or other applicable provisions of state law.

### 20.60.190 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have enacted this Chapter and each section, subsection, sentence, clause and phrase thereof,

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irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 2.** Section 20.68.070 of Chapter 20.68 of the Monterey County Code is hereby repealed.

**SECTION 3.** This ordinance shall become effective on the thirty-first day following its adoption.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of November, 2007, by the following vote:

**AYES:** Supervisors Armenta, Calcagno, Salinas and Potter

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

*David Potter*

David Potter, Chair,  
Monterey County Board of Supervisors

Attest:  
LEW BAUMAN, Clerk  
to the Board of Supervisors

By *Denise Hancock for*  
Deputy, Denise Pennell

APPROVED AS TO FORM:

*Leroy W. Blankenship*

LEROY W. BLANKENSHIP  
Assistant County Counsel

November 19, 2007

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ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 20.60 OF THE MONTEREY COUNTY CODE RELATING TO SIGNS

#### County Counsel Summary

*This ordinance amends Chapter 20.60 of Title 20 (Zoning) of the Monterey County Code to modify regulations governing signs. Regulations establish size and height limits, location, number of signs, and identify exempt and prohibited signs. Modifications include but are not limited to clarifying size limits in design control zoning districts, prohibiting new billboards, adding definitions, and modifying permit requirements in the unincorporated coastal areas.*

The Board of Supervisors of the County of Monterey ordains as follows:

**SECTION 1:** Chapter 20.60 of the Monterey County Code is amended to read as follows:

#### Chapter 20.60

#### REGULATIONS FOR SIGNS

##### Sections:

<u>20.60.010</u>	<u>Title Purpose.</u>
<u>20.60.020</u>	<u>Scope Applicability.</u>
<u>20.60.030</u>	<u>Authority Residential Zoning District Sign Regulations.</u>
<u>20.60.040</u>	<u>Intent and Purposes Agricultural Zoning District Sign Regulations.</u>
<u>20.60.050</u>	<u>Definitions Commercial and Industrial Zoning District Regulations.</u>
<u>20.60.060</u>	<u>General Regulations Off-site Advertising Sign regulations.</u>
<u>20.60.065</u>	<u>Regulations Applicable to All Signs</u>
<u>20.60.070</u>	<u>Residential Zoning District Sign Regulations Design Control (D) and those areas defined as Critical Viewshed (Big Sur)</u>
<u>20.60.080</u>	<u>Agricultural, Resource Protection and Public Zoning District Sign Regulations Political Sign Regulations</u>
<u>20.60.090</u>	<u>Commercial and Industrial Zoning District Sign Regulations Exempt Signs</u>
<u>20.60.100</u>	<u>Community Entrance Sign Regulations Prohibited Signs</u>
<u>20.60.110</u>	<u>Design Control (D) Zoning District Sign Regulations Computation of Sign Area</u>
<u>20.60.120</u>	<u>Non-Commercial Sign Regulations Special Sign Provisions</u>
<u>20.60.130</u>	<u>Exempt Signs Legal Non-Conforming Signs</u>
<u>20.60.140</u>	<u>Prohibited Signs</u>

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<u>20.60.150</u>	<u>Special Sign Regulations</u>
<u>20.60.160</u>	<u>Legal Nonconforming Signs</u>
<u>20.60.170</u>	<u>Sign Procedures</u>
<u>20.60.175</u>	<u>Appeals and Administration</u>
<u>20.60.180</u>	<u>Enforcement</u>
<u>20.60.190</u>	<u>Severability</u>

### **20.60.010 TITLE.**

This Chapter shall be known as the Sign Ordinance of Monterey County (Coastal).

### **20.60.010 PURPOSE.**

~~The purpose of this Chapter is to provide the regulations for signing in the unincorporated area of the County of Monterey. It is also the purpose of this Chapter to assure by the regulation of signing that the integrity and nature of residential, rural, commercial and industrial areas are protected from the indiscriminate and inappropriate proliferation of signs while providing for a sufficient level of business and residential identification to adequately and safely inform and direct the public.~~

### **20.060.020 SCOPE.**

This Chapter regulates signs mounted or displayed on private property within the unincorporated areas of Monterey County, inside the Coastal Zone. In addition to the regulations in this chapter, the regulations from the applicable Coastal Implementation Plan (Parts 2 through 6) shall also apply. Signs outside the Coastal Zone are regulated by Chapter 21.60, Monterey County Code. Signs located on County-owned land or on Public Rights of Way are regulated by Chapter 14.30, Monterey County Code.

### **20.60.020 APPLICABILITY.**

~~The following regulations shall apply in all the unincorporated areas of the County of Monterey and in all zoning districts as listed in the regulations in this Chapter.~~

### **20.60.030 AUTHORITY.**

This Chapter is adopted pursuant to California Constitution, Article XII, Section 7; California Government Code sections 65000 et seq., 65850(b), Business and Professions Code sections 5200 et seq. and 5490 et seq., Civil Code section 713, and other applicable State laws.

### **20.60.030 RESIDENTIAL ZONING DISTRICT SIGN REGULATIONS.** [Note: See text in new Section 20.60.070]

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### **20.60.040 INTENT AND PURPOSES.**

The purposes of this Chapter are to:

- A. Serve the public interests in aesthetics and safety;
- B. Assure by the regulation of signage that the integrity and nature of residential, agricultural, resource protection, public, commercial and industrial areas are protected from the indiscriminate and inappropriate proliferation of signs;
- C. Ensure adequate opportunity for persons to exercise their right of free speech by display of signs;
- D. Provide sufficient opportunities for identification of businesses, establishments, and residences;
- E. Provide for signage which is informative in nature;
- F. Protect and preserve the character of residential areas by prohibiting commercial signage in such areas, except as required by state law or applicable judicial decisions; and
- G. Establish procedures to allow the continued use, maintenance and repair of nonconforming historic signs that preserve locally recognized values of community appearance or that reflect unique characteristics of development.

### **20.60.040 — ~~AGRICULTURAL ZONING DISTRICT SIGN REGULATIONS~~**

**[Note: See text in new Section 20.60.080]**

### **20.60.050 DEFINITIONS.**

The definitions given in this Section apply to this Chapter. All definitions shall be adapted to context as to gender, number, tense and other inflections. Words not defined in this Chapter shall be controlled by relevant definitions found elsewhere in this Title, or by the standard legal conventions for determining definitions.

- A. **BILLBOARD** means a permanent structure sign that meets one of more of the following criteria: 1) it is used for the display of off-site commercial messages; 2) it is used for general advertising; 3) display space on the sign is routinely rented, leased or donated to advertisers other than the owner or operator of the sign, or 4) the sign structure is a principal use, as opposed to an accessory or appurtenant use, of the land. A shopping center sign is not within this definition, so long as it is not used to display advertising for commercial enterprises located outside the shopping center.

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- B. **CHANGE OF COPY** means a change which affects only the display face of a previously permitted or legally exempt sign.
- C. **COMMERCIAL MASCOT** means live human being(s) and / or animal(s) used for the purpose of commercial advertising, such as, by way of example and not limitation, sign spinners, sign clowns, sandwich board signs over a live human body, and persons dressed to appear or suggest as a trademark or symbol of a commercial enterprise." In-person protestors and demonstrators expressing non-commercial messages are not within this definition.
- D. **COMMERCIAL MESSAGE** means a message on a sign that identifies, advertises or attracts attention to an establishment, product, service or activity, or that concerns the economic interests of the sign sponsor or audience, or which proposes an economic transaction.
- E. **CONSTRUCTION SIGN** means a sign displayed on the site of a construction project during the period of time that construction is diligently pursued.
- F. **COUNTY** means the County of Monterey, State of California.
- G. **ESTABLISHMENT** means a non-residential use of real property, which involves structures that would be subject to a building permit if constructed anew, and the routine presence of live human beings for at least 24 hours per week.
- H. **ELECTION PERIOD** means the period of time that commences 60 days before any primary, general, or special election, and ends 10 days after such election has been held.
- I. **FREESTANDING SIGN** means a sign that is self-supporting, permanently, in a fixed location and not attached to a building. "Portable sign" is not included in this definition.
- J. **GENERAL ADVERTISING** means the business of promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising. "General advertising" has the same meaning as "advertising for hire."
- K. **NON-COMMERCIAL SIGN** means a sign that does not identify, advertise or attract attention to a business, product or service, or propose an economic transaction. Typical examples include signs whose message addresses a topic of public concern or controversy including, but not limited to, politics, religion, philosophy, science, art or social commentary.
- L. **OFF-SITE SIGN** means a sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered elsewhere than upon the same lot or parcel where the sign is displayed. The off-site distinction applies only to commercial messages.



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- M. **ON-SITE SIGN** means a sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same lot where the sign is displayed. However, signs relating to tenants or establishments located within a multi-tenant non-residential development are all considered on-site anywhere within the development. The off-site distinction applies only to commercial messages.
- N. **PERMIT** means a written authorization to erect or display a sign that is subject to such authorization by this Chapter. Permits authorized by this Chapter do not include those permits issued by the Building Services Department under the authority of Title 18 of the Monterey County Code.
- O. **PORTABLE SIGN** means a sign that is not permanently in a fixed location and not attached to the ground or a building. Personal apparel, appearance, commercial mascots and hand-held signs are not within this definition.
- P. **REAL ESTATE SIGN** means a sign that advertises a real property, building or tenant space for sale, exchange, lease or other economic transaction. All signs within the scope of Civil Code section 713 are within this definition. This definition does not include signs concerning transient occupancy, such as vacancy signs at hotels and motels.
- Q. **SIGN** means any device, fixture, placard or structure, including its component parts, which by display of a visual image communicates a message or information regarding an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any street, road, highway, right-of-way or public parking area. Notwithstanding the generality of the foregoing, the following are not within the definition of "sign" for the regulatory purposes of this Chapter:
1. Architectural Features including decorative or ornamental elements of buildings, not including letters, trademarks or moving parts.
  2. Automatic Teller Machines (ATMs).
  3. Cornerstones, foundation stones, and similar permanent indicators of date of construction, dedication or installation.
  4. Cultural and holiday decorations of a noncommercial nature, mounted on private residential property that pertains to cultural and religious observances.
  5. Fireworks.
  6. Grave markers, including gravestones, insignia on tombs, mausoleums and other insignia of the deceased, which are part of a burial, interment, mausoleum or memorial site.
  7. Hot air balloons that carry persons and do not display general advertising images.
  8. Interior signs that are not visible from the public right of way.
  9. Manufacturer's marks on tangible products, such as trademarks and logos.

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- that identify the maker, seller, provider or product, and that customarily remain attached to the product or its packaging after sale.
10. News racks including any self-service or coin-operated box, container, storage unit, fixture or other dispenser placed, installed or maintained for display and sale or other distribution of one or more newspapers, periodicals or other publications.
  11. Non-commercial symbols integrated into architecture, such as symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal. By way of example and not limitation, such symbols include church bells, stained glass windows, carved doors, artistic statuary.
  12. Party jumps, including inflatable gymnasium devices, commonly used at birthday parties.
  13. Personal appearance items or devices of personal apparel, decoration or appearance, including apparel, tattoos, makeup, masks and costumes, but not including hand-held commercial signs or commercial mascots.
  14. Shopping carts, golf carts, personal scooters, horse drawn carriages, and similar small, personal transportation devices, when not used for the display of general advertising. Any vehicle which may legally traverse by its own power on any state road or federal highway is not within this definition.
  15. Special event signage temporarily used in conjunction with special events, parades, demonstrations, protests and street closures.
  16. Vending machines.
  17. Visual images on trains or duly licensed public mass transit vehicles which legally pass through the County.
- R. **STREET FRONTAGE** means the property line of a parcel abutting the right-of-way to which such parcel has a legal right of access.
- S. **STRUCTURE MOUNTED SIGN** means a sign that is permanently in a fixed location on a building. "Portable sign" is not included in this definition.
- 20.60.050 COMMERCIAL AND INDUSTRIAL ZONING DISTRICT SIGN REGULATIONS** [Note: See text in new Sections 20.60.065 and 20.60.090]
- 20.60.060 GENERAL REGULATIONS.**
- The principles stated in this Section apply to all signs and procedures within the regulatory scope of this Chapter and to all provisions of this Chapter, and override more specific provisions to the contrary.
- A. **Compliance and Permits.** All signs within the regulatory scope of this Chapter shall conform to the provisions of this Chapter. No person shall erect, place, display or maintain any sign in violation of this Chapter. A permit shall be

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required for any sign identified as requiring a Coastal Administrative or Coastal Development Permit, unless the sign is expressly exempted from the permit requirement by a provision within this Chapter.

**B. Message Neutrality.** It is the County's policy and intent to regulate signs in a manner which is consistent with the speech freedoms of both the United States and California constitutions.

**C. Message Substitution.**

1. Subject to the property owner's consent, a noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any noncommercial message, provided that the sign itself is legal without consideration of message content.
2. Any unused allowance for signage may be used for temporary display of any non-commercial message. When the new sign qualifies as a structure requiring a building permit within the meaning of the Building Code, a building permit must be obtained prior to construction or placement of the sign.
3. Substitution of any message may be made without any additional approval or permitting. The substitution right is on-going and continuous, and may be utilized an unlimited number of times.
4. This Section does not:
  - a. Create a right to exceed the total amount of permanent signage on a site or parcel;
  - b. Create a right to substitute an off-site commercial message in place of an on-site commercial message, or in place of a non-commercial message;
  - c. Affect the requirement that a sign structure or mounting device be properly permitted; or,
  - d. Authorize changing the physical method of message display without any required permit.

**D. Change of Copy.** For permanent signs that are attached to or mounted on real property, a new permit is not required for a "change of copy." However, if a change of copy also includes a physical change to the structure or mounting device, then the change is subject to any applicable permit requirement as if it were a new sign. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter or other law), or the ownership of sign structures.

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- E. **Billboards.** The construction, erection or use of any and all billboards as defined herein, other than those which legally exist in the County, or for which a valid permit has been issued and has not expired, as of the date on which this provision, or when a prior version of this Chapter containing a provision to the same effect, was adopted, is prohibited. In approving this Chapter, the Board of Supervisors affirmatively declares that it would have adopted this billboard prohibition even if it were the only provision in this Chapter. The "change of copy" provision applies to properly permitted, legally existing billboards. To the extent consistent with state law, existing, legal billboards may not be converted to a more visually intense method of image presentation, such as converting a flat, static display to a moving, animated or changing image display. The Board intends for this billboard prohibition to be severable and separately enforceable even if other provision(s) of this chapter may be declared by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable. This prohibition does not prohibit or limit agreements to relocate presently existing legal billboards, as encouraged by State law including, but not limited to, Business and Professions Code section 5412.
- F. **Property Owner's Consent.** No sign may be displayed on private tangible property or other regulated land without the property owner's consent.
- G. **On-site/off-site Distinction.** The on-site/off-site distinction applies only to commercial messages and signs displaying commercial messages.
- H. **Mixed Uses.** For purposes of this Chapter, wherever a parcel may be legally used for both residential and nonresidential uses, all legal residential uses shall be treated as if they were located in a residential district, which would allow a residential unit of the same type (i.e., single family residence and/or multifamily residence), and all legal non-residential uses shall be treated as if they were located in a nonresidential district allowing nonresidential uses of the same type.

**20.60.060 — OFF SITE ADVERTISING SIGN REGULATIONS.** [Note: Some of the text in this Section has been incorporated under new Sections 20.60.070.B, 080.B, 090.B, and 20.60.100]

~~These regulations shall apply to all off site advertising signs in the unincorporated areas of Monterey County.~~

A. ~~Off site real estate "open house" signs advertising the sale or lease of property may be allowed subject to the following regulations:~~

- ~~1. The signs shall not exceed 7 square feet;~~
- ~~2. The signs shall not exceed 4 feet in height;~~
- ~~3. The signs shall not be located within any road right of way;~~

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4. ~~The signs shall not utilize banners, balloons, lights and other similar attention getting devices;~~

5. ~~Off site real estate "open house" signs shall only be allowed from 10:00 a.m. to dusk and shall be removed at the end of the day.~~

B. ~~One off site real estate sign advertising the sale of property may be allowed subject to the following regulations:~~

1. ~~The sign shall not exceed 7 square feet;~~

2. ~~The sign shall not exceed 4 feet in height;~~

3. ~~The sign shall not be located within any road right of way;~~

4. ~~The sign shall be removed within 10 days after the close of escrow.~~

C. ~~The following signs are subject to obtaining a Coastal Administrative Permit (Chapter 20.76).~~

1. ~~Off site real estate signs between 7 and 20 square feet and subject to the provisions of Section 20.60.060 (B), subsections 2 through 4;~~

2. ~~Temporary signs placed by non-profit groups for the advertisement of a special event such as parades, festivals, and sporting events may be permitted subject to the following regulations:~~

a) ~~No such sign shall exceed 32 square feet in size nor be more than 12 feet in height.~~

b) ~~No such sign shall be erected more than 30 days prior to the first day of the special event.~~

c) ~~All such signs shall be removed within 5 days of the last day of the special event.~~

d) ~~The sign shall not be located within any road right of way.~~

e) ~~Designation of the individual or individuals responsible for the removal of such signs.~~

D. ~~The following signs are subject to obtaining a Coastal Development Permit (Chapter 20.70).~~

1. ~~Community information and directional signs subject to the following criteria:~~

a) ~~Such signs shall be permitted only on property adjacent to freeways approaching, passing through or going near cities or communities.~~

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- b) ~~No one sign shall exceed a maximum area of 400 square feet.~~
- e) ~~The sign shall not identify any specific business, person, entity or organization, except a non-profit organization.~~
2. ~~Off site real estate signs exceeding 20 square feet or greater than 4 feet in height and subject to the provisions of Section 20.60.060 (B), subsections (3) and (4) (ZA).~~
3. ~~Outdoor advertising and any other signs used for off site advertising shall be located in an industrial or commercial zoning district.~~

**20.60.065 REGULATIONS APPLICABLE TO ALL SIGNS. [Note: the non-underlined text below is from old Section 20.60.050.D-I]**

- A. **Permit Required.** Permits are required as described in this Chapter. A building permit is required for any sign that meets the definition of a structure requiring a building permit in the Building Code.
- B. **Glare.** When allowed, lighting of signs attached to structures shall be arranged so as not to produce a glare on other properties in the vicinity, and the source of light shall not be visible from adjacent property or a public street.
- C. **General Development Plan.** In addition to the regulations in this Chapter, signs in commercial and industrial zoning districts are also subject to the General Development Plan provisions of the zoning district. A General Development Plan may establish a sign program that modifies size and location regulations, found in this Chapter, for the applicable property; however, aggregate size limitations for the property shall not be modified by a General Development Plan. If a General Development Plan is not required, signs shall conform to this Chapter.
- D. **Height.** Signs may be attached to a structure providing the sign does not project above the peak of the roof of the structure or above the parapet of the wall and are in conformance with all other applicable provisions of this Chapter.
- E. **Mounting.** Signs may be mounted below the soffit of a canopy, overhanging, or porch and may be perpendicular to the structure providing that they do not exceed 12 inches below the soffit or beam and maintain a minimum of 8 feet vertical clearance along corridors or exit courts below.
- F. **Setbacks.** Signs shall meet the rear and side yard setback requirements of the applicable zoning district. Front yard setbacks shall meet the following requirements:
1. **Driveway and Corner Visibility.** All signs shall be maintained in accordance with the provisions of this subsection. Signs shall not be located such that:

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- a. They interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
  - b. They conflict with overhead utility lines, overhead lights, or walkway lights; or
  - c. They block pedestrian or bicycle ways.
2. Visibility at street corners and at driveways connecting with a public street shall be maintained as an area of unrestricted visibility as follows:
- a. For Street Corners. That area between 3 feet and 10 feet above grade which lies 25 feet from the intersection of the street rights-of-way measured along both the right-of-way lines;
  - b. For Driveways. That area between 3 feet and 10 feet above the driveway grade which lies 15 feet from the intersection of the edge of the driveway and the property line measured along both the driveway and the property line;
  - c. Exceptions. The Planning Director may allow exceptions to the unrestricted visibility for street corners and driveways, following a determination by the Public Works Director that such exceptions will not adversely affect sight distance or pose a hazard to motorists and pedestrians.

G. **Rules for Computation of Sign Area. [Note: the non-underlined text below is from old Section 20.60.110]**

1. The area of a sign is computed by multiplying the height by the length of the sign, not including framework of the sign. The base or supporting structure of a sign shall not be considered part of the sign, unless it is part of the message presentation.
2. The area of a two-sided back to back sign shall be computed by multiplying the height by the length of only one side.
3. The area of a two-sided or multi-faced sign, where the signs are not flat back to back, shall be computed by multiplying the height by the length of each sign face.
4. The area of signs which are composed of letters individually mounted or painted on a structure, without a border or frame enclosure, shall be computed from the smallest single parallelogram ~~rectangle~~ in which all the letters or words can be enclosed.

~~The area of a sign that is an object or statuary shall be computed by the appropriate mathematical equation for determining total surface of an object~~

5. Time and temperature displays are considered part of the allowable sign display area, and are subject to the same size and height rules as other

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aspects of a sign.

6. ~~Special signing required for drive in windows for drive in restaurants, banks, or similar businesses are permitted, provided the sign copy is necessary for information, instruction, or directions and specifically related to the special use subject to review and approval of the Director of Planning and Building Inspection. For establishments providing services to customers while in their vehicles, signs related to such services are allowed, but are counted in the aggregate allowed signage for the use. Drive through establishment menu boards shall not be included in this calculation.~~

### ~~20.60.070 DESIGN CONTROL (D) ZONING DISTRICT SIGN REGULATIONS.~~ [Note: See text in new Section 20.60.110.]

### **20.60.070 RESIDENTIAL ZONING DISTRICT SIGN REGULATIONS.** [Note: the non-underlined text below is from old Section 20.60.030 and 20.60.060 (off-site Real Estate signs)]

- A. **Applicability.** In addition to the non-commercial message signs allowed by Section 20.60.120, these regulations apply in the following zoning districts:

1. High Density Residential (HDR (CZ))
2. Medium Density Residential (MDR (CZ))
3. Low Density Residential (LDR (CZ))
4. Rural Density Residential (RDR (CZ))
5. ~~Watershed and Scenic Conservation (WSC (CZ))~~

- B. **Scope.** In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") combining district shall not exceed the sign limitations in Section 20.60.110.

1. **Nameplates, etc.** Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is and not to exceed 6 feet in height for the purpose of identifying the subject property. If the sign is attached to a building, then the sign may not project above the roof line or parapet of a wall. One such sign is allowed per street frontage.
2. **Real Estate signs** ~~including open house signs not exceeding in the aggregate 7 square feet and 6 feet in height advertising the sale or lease of that property, provided that the sign is removed 10 days after the close of escrow.:~~
  - a. On site:



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- i. The sign area, in the aggregate, may ~~shall~~ not exceed 7 square feet.
    - ii. The height may not exceed 6 ~~four~~ feet ~~in height if freestanding~~, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - b. Off-site:
    - i. The sign area, in the aggregate, may ~~shall~~ not exceed 7 square feet.
    - ii. The height may not exceed 6 ~~four~~ feet ~~in height if freestanding~~, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
    - iii. The signs shall not be located within any road right of way.
    - iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.
3. **Projects under Construction.**
  - a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:
    - i. ~~The sign shall be removed~~ at the time of occupancy of the project;
    - ii. when a notice of completion or notice of acceptance is issued; or
    - iii. in the case of a new tract housing development, when the sale closes on the last available unit.
  - b. ~~Temporary signs for construction projects, may be erected to identify the project and those associated with the project subject to the following regulations~~ Construction signs are subject to the following standards:
    - i. There shall be no more than two temporary construction signs per lot.
    - ii. The signs shall not exceed in the aggregate 24 square feet in area.
    - iii. The signs shall not be illuminated.
    - iv. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall. [Note: reworded, but same]
    - v. The signs shall be stationary.
    - vi. The signs shall not be located within or project over or into any road public right-of-way.
4. **Clustered Residential Signs.** ~~Signs identifying Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments may be~~ are allowed signs, subject to the following regulations:

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- a. There shall be no more than one sign per street frontage or two signs per development if the project has only one street frontage.
  - b. The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.
  - c. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - d. The signs shall be stationary.
  - e. The signs shall not be located within or project over or into any public right-of-way.
  - f. If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.
5. Appurtenant signs for non-residential uses in residential zones. Except as regulated elsewhere in Title 20, signs that are appurtenant to any allowed, non-residential use in any residential zone, not including construction signs and signs on clustered residential projects, may be displayed, subject to:
- a. Maximum height: The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - b. Maximum number and area: One sign of up to 24 square feet is allowed. An additional two signs (single or double-faced), with a maximum display area of up to 75 square feet in the aggregate may be allowed subject to a Coastal Administrative Permit (Chapter 20.76) in each case.

The following signs may be allowed subject to obtaining a Coastal Administrative Permit (Chapter 20.76):

1. ~~Signs not over 20 square feet in the aggregate and appurtenant to any permitted use, except for those signs provided in Section 20.60.030, (A), Subsections (3) and (4).~~

C. The following signs are subject to a Coastal Development Permit (Chapter 20.70):

1. Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.
2. Signs not over 75 square feet in area aggregate, and appurtenant to any permitted allowed use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.

~~20.60.080~~ **POLITICAL SIGN REGULATIONS.** [Note: Text in this section is incorporated into new Sections 20.60.050.K and 20.60.120]

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### A. ~~DEFINITIONS~~

1. ~~A "political sign" is any board, poster, placard, banner or other medium, including its structure and component parts, which is designed to influence the action of a voter in voting for or against any candidate or measure on the ballot at any national, state, or local election.~~
2. ~~"Election period" consists of the 60 days prior to election day, election day and the 10 days after election day.~~

### B. ~~POLITICAL SIGN PLACEMENT~~

1. ~~No political sign shall be erected earlier than 60 days before the election to which it relates.~~
2. ~~No political sign or any part shall be supplied with electrical power for lighting, movement, or any other purpose unless a building permit is first obtained from the Director of Planning and Building Inspection.~~
3. ~~No political sign shall be erected in such a manner that it will, or reasonably may be expected to obstruct the view of, or conflict with, any traffic sign, signal, or device. A political sign shall not be erected in such a manner that it will, or reasonably may be expected to, obstruct the view of pedestrian or vehicular traffic.~~
4. ~~No political sign shall be erected or maintained upon the property of another without first obtaining permission to do so from the owner or tenant of said property. In the case of vacant property, written permission must be obtained from the property owner, and such signs must have affixed to the rear of the said sign a copy of the written permission, including the name, address, telephone number, and signature of the property owner.~~
5. ~~No political sign shall be erected or maintained unless a statement of responsibility has been filed with the Director of Planning and Building Inspection certifying a person who will be responsible for the placing and removal of the political sign pursuant to this chapter and who will reimburse the County of Monterey for any costs incurred to remove it.~~

### C. ~~REMOVAL~~

1. ~~Political signs shall be removed within 10 days after the election to which they relate. Political signs placed on behalf of candidates who have been successful in primary elections shall not remain posted for general election purposes.~~
2. ~~Any political sign not posted or erected in accordance with the provisions of this section shall be deemed a public nuisance and shall be subject to removal by the person certifying responsibility, the candidate or the property owner within 10 days of~~

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~~notification of the violation. Upon their failure to remove the sign, the Director of Planning and Building Inspection Department or its designated representative may remove the sign.~~

~~3. Any political sign not removed within 10 days after the election shall be deemed abandoned and may be summarily removed by the Director of Planning and Building Inspection or its designated representative.~~

### D. EXEMPTIONS

The provisions of this Section shall not apply to:

- ~~1. Political signs erected inside a structure.~~
- ~~2. Political signs posted by a person or corporation duly licensed to erect and maintain commercial outdoor advertising signs and billboards, provided that the sign or signs as posted are in a location and manner authorized or permitted under the zoning provisions of the Title.~~

## **20.60.080 AGRICULTURAL, RESOURCE PROTECTION AND PUBLIC ZONING DISTRICT SIGN REGULATIONS. [Note: the non-underlined text below is from old Section 20.60.040]**

A. Applicability. In addition to the non-commercial message signs allowed by Section 20.60.120, these regulations apply in the following zoning districts:

1. Coastal Agricultural Preservation (CAP (CZ))
2. Agricultural Conservation (AC (CZ))
3. Resource Conservation (RC (CZ))
4. Open Space Recreation (OR (CZ))
5. Public/Quasi-Public (PQP (CZ))
6. Watershed and Scenic Conservation (WSC (CZ))

B. Scope. In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") combining district shall not exceed the sign limitations in Section 20.60.110.

1. Nameplates, etc. Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is and not to exceed 6 feet in height for the purpose of identifying the subject property. If the sign is attached to a building, then the sign may not project above the roof line or parapet of a wall. One such sign is allowed per street frontage.

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2. **Real Estate signs including open house signs not exceeding in the aggregate 7 square feet and 6 feet in height advertising the sale or lease of that property, provided that the sign is removed 10 days after the close of escrow:**

- a. On site:
  - i. The sign area, in the aggregate, may not exceed 7 square feet.
  - ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- b. Off-site:
  - i. The sign area, in the aggregate, may not exceed 7 square feet.
  - ii. The height may not exceed 6-4 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - iii. The signs shall not be located within any road right of way.
  - iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.

3. **Projects under Construction.**

- a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:
  - i. ~~The sign shall be removed~~ at the time of occupancy of the project;
  - ii. when a notice of completion or notice of acceptance is issued; or
  - iii. in the case of a new tract housing development, when the sale closes on the last available unit.
- b. ~~Temporary signs for construction projects, may be erected to identify the project and those associated with the project subject to the following regulations~~ Construction signs are subject to the following standards:
  - i. There shall be no more than two temporary construction signs per lot.
  - ii. The signs shall not exceed in the aggregate 24 square feet in area.
  - iii. The signs shall not be illuminated.
  - iv. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - v. The signs shall be stationary.

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- vi. The signs shall not be located within or project over or into any public right-of-way.

4. [Note: new to this section – was in old Section 20.60.030] Clustered Residential Signs. Signs identifying Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments may be allowed are allowed signs, subject to the following regulations:

- a. There shall be no more than one sign per street frontage or two signs per development if the project has only one street frontage.
- b. The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.
- c. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- d. The signs shall be stationary.
- e. The signs shall not be located within or project over or into any public right-of-way.
- f. If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.

5. For non-residential uses, signs not over 20 square feet in the aggregate and, appurtenant to any permitted use except for those signs provided in Section 20.60.080(B) 1 and 2.

C. The following signs are subject to obtaining a Coastal Development Permit (Chapter 20.70). The following signs are subject to a Coastal Administrative Permit (Chapter 20.76):

1. Signs not over 100 square feet in the aggregate for advertising the sale of the property. Limit of two signs in each case.
2. Except as provided in 20.60.080 (B), subsections 3 and 4, signs between 20 and 75 square feet in the aggregate appurtenant to any allowed use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.
3. All signs proposed in a Resource Conservation (RC (CZ)) district; limited to a maximum of 20 square feet.

D. A Coastal Development Permit (Chapter 20.70) is required for signs between 75 and 300 square feet in the aggregate appurtenant to any allowed use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs.

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~~20.60.090~~ — ~~EXEMPT SIGNS.~~ [Note: See text in new Section 20.60.130.]

**20.60.090 COMMERCIAL AND INDUSTRIAL ZONING DISTRICT SIGN REGULATIONS.** [Note: the non-underlined text below is from old Section 20.60.050]

A. **Applicability.** In addition to the non-commercial message signs allowed by Section 20.60.120, these regulations apply in the following zoning districts:

1. Coastal General Commercial (CGC (CZ))
2. Moss Landing Commercial (MLC (CZ))
3. Institutional Commercial (IC (CZ))
4. Visitor Serving Commercial (VSC (CZ))
5. Agricultural Industrial (AI (CZ))
6. Light Industrial (LI (CZ))
7. Heavy Industrial (HI (CZ))

B. **Scope.** In the zones subject to this Section, the following sign types are allowed without permits, unless otherwise stated. Notwithstanding the size limitations in this Section, property within a Design Control ("D") combining district shall not exceed the sign limitations in Section 20.60.110.

1. **Nameplates, etc.** Nameplates and street address signs not exceeding, in the aggregate per parcel, or per residential unit when attached to or freestanding adjacent to the residential unit, 4 square feet. If such a sign is freestanding, then the height limit is and not to exceed 6 feet in height for the purpose of identifying the subject property. If the sign is attached to a building, then the sign may not project above the roof line or parapet of a wall. One such sign is allowed per street frontage.
2. **Real Estate signs including open house signs not exceeding in the aggregate 7 square feet and 6 feet in height advertising the sale or lease of that property, provided that the sign is removed 10 days after the close of escrow.:**
  - a. On site:
    - i. The sign area, in the aggregate, may not exceed 7 square feet.
    - ii. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - b. Off-site:
    - i. The sign area, in the aggregate, may not exceed 7 square feet.

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- ii. The height may not exceed 6-4-feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- iii. The signs shall not be located within any road right of way.
- iv. The signs shall not utilize banners, balloons, lights, or other similar attention getting devices.

### 3. Projects under Construction.

- a. Construction signs may be displayed during the time period which begins with the issuance of the first necessary permit to start construction and the latest of:
  - i. ~~The sign shall be removed~~ at the time of occupancy final inspection of the project;
  - ii. when a notice of completion or notice of acceptance is issued; or
  - iii. in the case of a new tract housing development, when the sale closes on the last available unit.
- b. ~~Temporary signs for construction projects, may be erected to identify the project and those associated with the project subject to the following regulations~~ Construction signs are subject to the following standards:
  - i. There shall be no more than two temporary construction signs per lot.
  - ii. The signs shall not exceed in the aggregate 24 square feet in area.
  - iii. The signs shall not be illuminated.
  - iv. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
  - v. The signs shall be stationary.
  - vi. The signs shall not be located within or project over or into any public right-of-way.

### 4. [Note: new to this section – was in old Section 20.60.030] Clustered Residential Signs. ~~Signs identifying Apartment complexes, mobile home parks, residential condominium projects and other clustered or multiple unit residential developments may be allowed~~ are allowed signs, subject to the following regulations:

- a. There shall be no more than one sign per street frontage or two signs per development if the project has only one street frontage.
- b. The signs shall not exceed 35 square feet in the aggregate per street frontage, except as stated in subsection f, below.
- c. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.



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- d. The signs shall be stationary.
  - e. The signs shall not be located within or project over or into any public right-of-way.
  - f. If street frontage exceeds 300 feet on any street, one sign per 150 feet of frontage shall be allowed; these signs are limited to 64 square feet in the aggregate per frontage with no single sign exceeding 35 square feet.
5. **Sign Area.** Signs shall be permitted to have an area not to exceed one square foot for each one foot of structure frontage; provided, that any business establishment shall be allowed a sign of a minimum 50 square feet and no more than 300 square feet; and, further provided, that the area permitted may be divided into not more than six single-faced or double-faced signs; said formula shall apply to each street frontage. These regulations are not applicable in Design Control ("D") combining district.
6. **Moss Landing Commercial District.** Signs shall be composed of natural materials such as wood and stone. The signs shall utilize paint only for lettering and shall not be internally-illuminated. External illumination shall be restricted to lighting only of the sign's face. The amount of signing and sign design may be further regulated to conform to the Moss Landing Design Guidelines (see Section 20.20.070.H).
- C. A Coastal Administrative Permit (Chapter 20.76) is required for real estate signs between 7 and ~~20-32~~ square feet and ~~subject to the provisions of Section 20.60.090 (B), subsection 2.~~ The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.
- D. The following signs are subject to a Coastal Development Permit (Chapter 20.70):
- 1. Signs not over 100 square feet in the aggregate for advertising the sale of parcels in a subdivision. Limit of two signs in each case.
  - 2. Signs not over 75 square feet in ~~area aggregate~~, and appurtenant to any ~~permitted~~ allowed use; provided, that the area permitted may be divided into not more than three single-faced or double-faced signs

~~20.60.100~~ **PROHIBITED SIGNS.** [Note: See text in new Section 20.60.140.]

**20.60.100 COMMUNITY ENTRANCE SIGN REGULATIONS.** [Note: Text here is from old Section 20.60.060.D.]

~~Such signs shall be permitted only~~ On property adjacent to any state highway or freeway that approaches, passes through or goes near a city or community, signs displaying non-

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commercial messages are allowed, in addition to signs otherwise allowed by this Chapter, subject to a Coastal Development Permit and the following criteria:

- A. The maximum sign area may not exceed 400 square feet.
- B. No more than one such sign may be allowed on a lot.
- C. The sign may not exceed 15 feet in height.

~~The sign shall not identify any specific business, person, entity or organization, except a non-profit organization.~~

~~20.60.110 COMPUTATION OF SIGN AREA.~~ [Note: See text in new Section 20.60.060.G.]

**20.60.110 DESIGN CONTROL (D) ZONING DISTRICT SIGN REGULATIONS.** [Note: the non-underlined text below is from old Section 20.60.070]

- A. These regulations apply in the Design Control ("D") combining district.
- B. Except as provided in 20.60.110.C, below, where signs are allowable under the regulations of the zoning district with which the Design Control ("D") zoning district is combined, the total area of such signs shall not exceed 35 square feet in the aggregate. This limitation in total area shall apply even though the use has frontage on two or more streets.
- C. In commercial and industrial centers where more than one establishment exists, each establishment shall be allowed in the aggregate 35 square feet of signage. In addition, the center may have an additional 35 square feet of signage to identify the center; such signs may not, however, identify specific businesses within the center.

~~20.60.110 (sic) SPECIAL SIGN PROVISIONS.~~ [Note: See text in new Section 20.60.150.]

**20.60.120 NON-COMMERCIAL SIGN REGULATIONS.**

In addition to the non-commercial message which may be displayed under the "message substitution" regulations, signs which display non-commercial messages may be displayed at all times and in all zones, subject to the rules stated in this Section:

- A. **Elections.** During any election period, the allowable display area may be doubled. An election period begins 60 calendar days before a primary, general or special election, and ends 10 days after such election.

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- B. Size. The maximum display face area, in the aggregate per parcel, of signs allowed at all times by this Section is:
1. In residential or scenic conservation zoning districts: 6 square feet for each separate, legal, residential unit;
  2. In agricultural, resource protection and public zoning districts: 6 square feet per parcel;
  3. In commercial and industrial zoning districts: 6 square feet per establishment;
- C. Height. The height may not exceed 6 feet if freestanding, or if attached to a structure, the sign may not be higher than the roof line or parapet of the wall.

~~20.60.130 — LEGAL NONCONFORMING SIGNS.~~ [Note: See text in new Section 20.60.160.]

20.60.130 EXEMPT SIGNS. [Note: the non-underlined text below is from old Section 20.60.090]

The following signs are exempt from permit requirements, subject to the rules stated in this Section:

- A. Traffic control and safety signs, including those on roads and highways, waterways, airports, and at railroad crossings.
- B. Signs required or authorized by federal, state or county law or authority, including but not limited to all legally required public notices, court orders, and announcements authorized by courts and public officials.
- C. Images that are painted on or attached flat to the surface of an automobile, truck, airplane or boat that do not constitute general advertising or advertising for hire.
- D. Signs that provide functional information and warning about utilities and safety matters, including but not limited to telephone access, entrance and exit, danger—high voltage, dump stations, restroom identification, brake and smog certification, smoking and dress code rules, traffic and parking directions, gasoline grades, etc., provided that such signs do not exceed 4 square feet in display surface area each.
- E. Signs prohibiting trespassing and hunting, provided that they do not exceed 2 square feet in area each.
- F. Advertising signs on buses and taxis.

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- G. Signs attached to bus stops and shelters.
- H. Directional, warning, or identification signs not exceeding 2 square feet in area for petroleum drilling and extraction activities.
- ~~D. Directional, warning or informational signs required by law or authorized by Federal, County or State authority; [Note: combined in other text in this Section.]~~
- ~~E. Utility company signs identifying cables, conduits, or hazards; [Note: combined in other text in this Section.]~~
- ~~I. Signs on automobiles and trucks that are painted on or attached flat against the vehicle to identify or advertise the associated business, provided that the vehicle is primarily used for the business; [Note: combined in other text in this Section.]~~
- ~~J. Signs that are painted on or attached to the windshield of a vehicle or boat; [Note: combined in other text in this Section.]~~
- ~~K. Public telephone identification; [Note: combined in other text in this Section.]~~
- ~~L. Signs of an instructive nature or which include information required by County, State or Federal enforcement agencies including, but not limited to: telephone booth, gas pump use instructions, instructions for recreational vehicle dump station, brake and smog certification, restroom identification, no smoking, propane tank identification, gas pump identification, air and water, drive to forward pump, cashier, hours of operation, required gallon to liter conversion, full and self service signs at each island not exceeding 4 square feet in area, and traffic directional signs as approved by enforcement agencies for necessary traffic control and direction, provided that they do not exceed 4 square feet in area each and do not exceed 30 inches in height in front or side street yard and no symbol, name, or other message is on said signs; [Note: Rewritten in this Section under subsection D.]~~
- ~~N. Any official sign, signal, device, or marking which purports to be or is an imitation of, or resembles, an official traffic control device or which attempts to direct the movement of traffic or which hides from view any official traffic control device; [Note: combined in other text in this Section.]~~
- ~~O. Barber poles;~~
- ~~P. Open space management signs which do not exceed 4 square feet in area.~~

**20.60.140 PROHIBITED SIGNS** [Note: the non-underlined text below is from old Section 20.60.100]

The following signs are prohibited in all zoning districts:

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- A. Any sign or device which is an imitation of, or resembles, an official traffic control device, or which attempts to direct the movement contrary to the rules set by traffic officials, or which hides from view any official traffic control device.
  - B. Advertising signs that include the words, "Stop, Look, Listen" or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public.
  - C. Permanent structure signs which rotate, move, present moving images or the illusion thereof, or flashes, scintillates, or utilizes animated illumination.
  - D. Signs on wheeled, non-motorized vehicles.
  - E. ~~Wind activated signs;~~ Devices which are inflatable or activated by wind, air or forced gas, whether free floating or tethered to the ground, and which are used for commercial advertising messages. This rule does not apply to inflatable gymnasiums used for parties, or to displays used in parades.
  - F. Moving or rotating signs, pennants, banners.
  - G. Signs extending above roofs, and roof signs, except where specifically provided for under the provisions of this title for signs attached to structures.
  - H. Any other advertising device attached to a structure, fence, pole, or vehicle on display not specifically authorized by this Title.
- B. ~~Signs with flashing, moving, or animated illumination;~~ [Note: combined in other text in this Section.]
- D. ~~Portable signs, except for temporary off site real estate signs as provided in Section 20.60.060;~~

### **20.60.150 SPECIAL SIGN REGULATIONS PROVISIONS** [Note: the non-underlined text below is from old Section 20.60.120]

- A. Electronic time and temperature signs as part of an allowed on-site sign ~~approved on-site advertising sign are permitted~~ are allowed as regulated by this Chapter as to height and size.
- B. Exit, entrance, or other on-site traffic directional signs are allowed, provided that the signs do not exceed 6 feet in height and contain no advertising or message other than for traffic directions. Signs may be attached to a structure providing the sign does not project above the ~~peak of the~~ roof of the structure.

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- C. Special signing required for drive-in windows for drive-in restaurants, banks, or similar businesses are permitted, provided the sign copy is necessary for information, instruction, or directions and specifically related to the special use, subject to review and approval of a Design Approval application by the Director of Planning and Building Inspection if located in a "D" combining district. The Design Approval process shall not exercise discretion as to the message content or graphic design of the message.

### **20.60.160**      **LEGAL NONCONFORMING SIGNS** [Note: the non-underlined text below is from old Section 20.60.130]

Existing signs that are rendered legal non-conforming by this Chapter shall be subject to the requirements of Chapter 20.68 of this Title, except Section 20.68.040, and as follows:

- A. The enlargement, extension, reconstruction or structural alteration of a nonconforming sign may be allowed if the enlargement, extension, reconstruction or structural alteration conforms to all the regulations of the district in which it is located.
- B. Ordinary maintenance and repairs, including structural repairs and foundations, may be made to any sign which is nonconforming as to height or setbacks or to a sign used for a legal nonconforming use, provided:
1. No structural alterations are made; and
  2. Such work does not exceed 50 percent of the estimated replacement cost of the structure in any one year period.
- Additional maintenance and repair in a one year period is allowable subject to the issuance of a Coastal Development Permit in each case.
- C. No legal nonconforming sign shall be moved in whole or in part to any other location unless every portion of such sign which is moved is made to conform to all the regulations of the district in which it is located.

### **20.60.170**      **SIGN PROCEDURES**

- A. **Scope.** This Section applies to all signs that may be erected, maintained or displayed.
- B. **Purpose of Permitting.** All permitting and approval processes required by this Chapter are intended to ensure compliance with this Chapter and various safety codes, as well as to prevent the loss of time, effort, materials and investment which might otherwise be invested in an illegal sign.

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- C. **Application for Sign Permit or Design Approval.** Any person seeking a permit or design approval for a sign shall submit to the Planning Department a written application for such permit or design approval pursuant to Chapter 20.44, Chapter 20.76 or Chapter 20.70 for a Design Approval, Coastal Administrative Permit or Coastal Development Permit, respectively. The application shall be processed according to the applicable provisions of the County Code.
- D. **Multiple Sign Applications.** When an application proposes two or more signs on one parcel, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the County's decision shall specify the grounds for each such denial.
- E. **Signs Which Are Part of a Larger Project.** When approval is sought for a development that includes one or more signs, the sign aspects of the proposed development must satisfy the applicable provisions of this Chapter.
- F. **Appropriate Authority.** The Director of Planning is authorized and assigned the responsibility for administering all provisions of this Chapter. The Zoning Administrator is the Appropriate Authority to consider and decide all discretionary permits for signs, except as stated in this Chapter. ~~for Coastal Development Permits for signs.~~
- G. **Right to Permit or to Display.** When any sign permit application complies fully with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued, unless a change of relevant law or policy is pending. In the case of signs that are expressly exempt from the permit requirement, there is a right to erect, display and maintain such signs as are authorized by this Chapter, subject to the applicable regulations.
- H. **Discretionary Approvals.**
1. When a sign is subject to a discretionary permit, discretion may not be exercised as to the message content or graphic design of the message. However, in "D" (Design Control) combining district, the overall design of a sign may be considered for consistency with the special purposes of those districts.
  2. Factors to be considered in sign decisions shall include location of buildings, topography, vegetation, sign structures, speed of travel on adjacent roadways, sight visibility, visibility of access ramps, scale and mass of the sign, and the effective utility of the sign. In applying these factors, the County shall not act as an art jury as to the graphic design on the display face of the sign.

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- I. **Safety Codes.** When a sign qualifies as a structure requiring a building permit under the Building Code, a building permit shall also be required.

### 20.60.175 APPEALS AND ADMINISTRATION

- A. **Appeal.** Appeals of Design Approval, Coastal Administrative Permit or Coastal Development Permit decisions rendered under this Chapter shall be in accord with Chapter 20.86. Appeals of Administrative Interpretations shall be in accord with Chapter 20.88 of this Title.

B. **Administrative Interpretations.**

1. All interpretations of this Chapter are to be exercised in light of the County's message neutrality and message substitution regulations stated in this Section.
2. Where a particular type of sign is proposed in a permit application, and the type of sign is neither expressly allowed nor prohibited by this chapter, or whenever a sign is not a structure as defined in the Building Code, the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this chapter, in light of the purposes of this Chapter.

- C. **Status Quo.** During the pendency of any review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes a significant and immediate threat to public safety.

- D. **Judicial Review.** Following a final decision by the County, including all appeals, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure section 1094.8 or 1094.5, and 1094.6 as applicable.

- E. **Non-Communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs including, but not limited to, location, size, allowable area height, illumination, spacing between signs, orientation and density, stand enforceable independently of any permit or approval process.

- F. **Signage Rights and Duties.** The legal rights and duties relating to permanent signs are attached to and travel with the land, and are not personal in nature. This provision does not affect a sign owner's right to remove a sign from one location and apply for a permit to mount it in another location subject to rules applicable in the new location.



ATTACHMENT A

**20.60.180 ENFORCEMENT**

The provisions of this Chapter shall be enforced pursuant to Chapter 1.20 of the Monterey County Code or other applicable provisions of state law.

**20.60.190 SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have enacted this Chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 2.** This ordinance shall become effective on the thirty-first day following its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES: Supervisors

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
David Potter, Chair,  
Monterey County Board of Supervisors

Attest:  
LEW BAUMAN, Clerk  
to the Board of Supervisors

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP  
Assistant County Counsel

November 4, 2007

**CCC Exhibit B**  
**(page 29 of 29 pages)**