

CHAPTER FOUR: BUSINESS ACTIVITIES

Subchapter 4.07: Regulating Signs

4.07.010 Purpose.

(a) The Town of Colma enacts this subchapter regulating signs to preserve the character of Colma as a city of memorial parks and cemeteries, to preserve the Town's scenic corridors, to safeguard and enhance property values in the Town's "G," "R," "C," "P," "E," and "PD," zones, to reduce visual clutter, to protect the Town's natural beauty, to encourage sound planning practices, to ensure the tranquility and peace of mind of visitors to Colma's cemeteries, and to preserve and enhance the aesthetic, traffic safety and environmental values of the Town.

(b) At the same time, it is the Town's intent to provide for channels of communication to the public and to regulate on the basis of characteristic and proportion of signage.

(c) The Town finds as to commercial signage that it is in the interest of both aesthetics and traffic safety that sign information is kept to a minimum. The use of subordinate information in commercial signage, such as telephone numbers, lists of products, pictures of products, etc., is discouraged, but may be permitted. Where subordinate information exists on commercial signage, the name or use of the business shall be the dominant message on the sign. Subordinate information on commercial signage which presents as a traffic hazard will not be allowed. Noncommercial signage, which rights are constitutionally broader, is permitted unless expressly prohibited within this chapter.

[History: formerly § 4.701; ORD. 365, 2/10/88; ORD. 387, 3/8/89; ORD. 560, 9/8/1999; ORD. 638, 12/14/05]

4.07.020 Special Definitions.

The following definitions shall apply to this Article.

(a) *Area of a Sign.* The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary support or uprights on which such sign is placed but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

(b) *Attached to a Building.* Supported, in whole or in part, by a building.

(c) *Commercial sign* means any sign with wording, logo or other representation that directly or indirectly names, advertises or calls attention to a product or service for purchase or sale, or to any business or organization that is engaged in, or plans to engage in, the sale or purchase of a product or service.

- (d) *Cutout Letter Sign.* A fascia sign consisting of individual cutout letters separately attached to the building wall.
- (e) *Directly Illuminated Sign.* A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light inside or on the sign.
- (f) *Fascia Sign.* A sign attached flush to the exterior wall of a building so that copy is meant to be viewed along sight lines perpendicular to the wall of the building.
- (g) *Freeway.* A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only a limited or restricted right or easement of access, the precise route for which has been determined and designated as a freeway by an authorized agency of the State or a political subdivision thereof. The term shall include the main traveled portion of the traffic way and all ramps and appurtenant land and structures.
- (h) *Height of a Sign.* The vertical distance from the uppermost point used in measuring the area of a sign, as defined in Section 4.07.020(a), to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street, alley or highway (other than a structurally elevated roadway), whichever measurement permits the greater elevation of the sign.
- (i) *Indirectly Illuminated Sign.* A sign illuminated with a light directed primarily toward it and so shielded that no direct rays from the light are visible elsewhere than on the parcel where the sign is located. If not effectively so shielded, such sign shall be deemed to be a directly illuminated sign.
- (j) *Landscaped Freeway.* Any part of a freeway that is now or hereafter classified by the State or a political subdivision thereof as a landscaped freeway, as defined in the California Outdoor Advertising Act. Any part of a freeway that is not so designated shall be deemed a non landscaped freeway.
- (k) *Monument Sign.* A sign the bottom edge of which lies on the ground. A wood supported or wood framed sign which, to avoid soil contact, retains a clearance from the ground of no more than six inch clearance.
- (l) *Non-commercial sign* means any sign that is not a commercial sign.
- (m) *Non-Illuminated Sign.* A sign which is not artificially illuminated, either directly or indirectly.
- (n) *Off-Site Sign.* A sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises where the sign is located, or which is sold, offered or conducted on such premises only incidentally if at all.
- (o) *On-site Sign.* A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which such sign is located or to which it is affixed. Where a number of commodities with different brand names or symbols are sold on the premises, up to 1/3 of the area of an on-site

sign, up to 25 square feet, may be devoted to the advertising of one or more of those commodities by brand name or symbol as an accessory function of the on-site sign, and provided also that any limits which may be imposed by this Code on the area of individual signs and the area of all signs on the property are not exceeded. On-site signs shall also include signs which present a non-commercial message.

(p) *A Pole Sign.* A sign, no part of which is supported by a building. The sign support shall consist of a pole or sign tower. Regulations for pole signs shall not apply to monument signs.

(q) *Projection.* The horizontal distance by which the farthest point used in measuring the area of a sign, as defined in section 4.702(a), extends beyond a street property line or a building setback line. A sign placed flat against the wall of a building parallel to a street or alley shall not be deemed to project for purposes of this definition. A sign on an awning or canopy shall be deemed to project to the extent that such sign extends beyond a street property line or a building setback line.

(r) *A Pole Sign.* A sign, no part of which is supported by a building. The sign support shall consist of a pole or sign tower. Regulations for pole signs shall not apply to monument signs.

(s) *Roof Sign.* A sign extending in whole or in part beyond the roof line of a building, or erected or painted on or over the roof covering any portion of a building, whether supported on the roof or on an independent structural frame or sign tower, or located on the side or roof of a penthouse, roof tank, roof shed, elevator housing or other roof structure.

(t) *Projection.* The horizontal distance by which the farthest point used in measuring the area of a sign, as defined in section 4.702(a), extends beyond a street property line or a building setback line. A sign placed flat against the wall of a building parallel to a street or alley shall not be deemed to project for purposes of this definition. A sign on an awning or canopy shall be deemed to project to the extent that such sign extends beyond a street property line or a building setback line.

(u) *Sale or Lease Sign.* A sign which serves only to communicate the availability for sale, lease or rental the lot or building on which it is placed, or some part thereof.

(v) *Shopping Center.* A group of stores and shops on a single parcel or contiguous parcels of land which holds itself out as a central retail market.

(w) *Sign.* Any structure, part thereof, or device or inscription which is located upon, attached to, or painted, projected or represented on any land or right-of-way, or on the outside of any building or structure, including an awning, canopy, marquee or similar appendage, or affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark or other representation used as, or in the nature of, any announcement, advertisement, attention-arrester, direction, warning or designation, by or of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry. A "sign" is composed of those elements included in the area of the sign as defined in section 4.07.020(a) of this Code, and in addition the supports, uprights and framework of the display. Except in the case of off-site signs, two or more faces shall be

deemed to be a single sign if such faces are contiguous on the same plane, or are placed back-to-back to form a single structure and are at no point more than two feet from one another.

- (x) *Sign Field.* The background to which the sign message is contrasted.
- (y) *Sign Permit.* A permit issued pursuant to section 4.07.210 to permit applicable signs.
- (z) *Sign Program.* A Master Plan describing overall sign design, lettering, sign placement, materials and size standards for signs on a development site.
- (aa) *Sign Tower.* A tower, whether attached to a building, free-standing, or an integral part of a building, which has a sign attached thereto.
- (bb) *Street Property Line.* For purposes of this subchapter only, "street property line" shall mean any line separating private property from either a street or an alley.
- (cc) *Temporary Non-commercial Sign* means a temporary sign with a noncommercial message.
- (dd) *Temporary Sign* means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, that is not designed or intended to be placed permanently.
- (ee) *Under Canopy Sign.* A sign attached under a canopy or soffit of a building so located as to be viewed by pedestrians using the sidewalk fronting the premises.
- (ff) *Wind Sign.* Any sign composed of two or more banners, flags, or other objects, mounted serially and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

[History: formerly § 4.702; ORD. 365, 2/10/88; ORD. 387, 3/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05, ORD. 649, 7/12/06; ORD 651, 9/26/06; ORD 759, 5/25/16]

4.07.030 Restrictions Applicable to all Signs.

The following restrictions shall apply in all zones:

- (a) Lighted signs shall be fitted with a device so that light intensity can be adjusted.
- (b) No exposed conduit, tubing or raceways shall be permitted.

[History: formerly § 4.703; ORD. 365, 2/10/88; ORD. 387, 3/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.040 Exempted Signs.

Nothing in this Article shall apply to any of the following signs that are necessary to protect pedestrians, drivers, and passengers by providing traffic control, directions, house numbers,

and other warning signs to ensure public safety on the road and the general welfare of the Town:

- (a) Official public notices, and notices posted by public officers in performance of their duties;
- (b) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety; and
- (c) House numbers, whether illuminated or not, "no trespassing," "no parking," and other warning signs.

[*History:* formerly § 4.704; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 638, 12/14/05; ORD. 649, 7/12/06; ORD. 651, 9/26/06; ORD. 759, 5/25/16]

4.07.050 Sign Activity for which no Permit is Required.

- (a) Signs Painted Directly on Walls or Windows in C Zones. No sign permit shall be required under this Code for a sign (i) painted or repainted directly on a door or window in a C Zone, or (ii) painted or repainted directly on a wall of a building or structure in a C Zone and not exceeding 100 square feet in area. Permits shall be required for all other painted signs in C Zones, and for all signs painted or repainted directly on a wall or window in G, R, I, P, E and PD Zones. Repainting of any painted sign shall be deemed to be a replacement of the sign, except as provided in subsection (d) below.
- (b) Ordinary Maintenance and Repair. Except as provided in subsection (a) above, no permit shall be required under this subchapter for ordinary maintenance and minor repairs which do not involve replacement, alteration, reconstruction, relocation, intensification or expansion of the sign.
- (c) Sales or Lease Signs; Signs at Construction Sites. No permit shall be required under this Code for sale or lease signs pursuant to existing requirements in state law, or temporary signs of persons and firms connected with work on buildings under actual construction or alteration, to the extent that such signs are permitted by this Code.
- (d) Mere Change of Copy. A mere change of copy on a sign the customary use of which involves frequent and periodic changes of copy shall not be subject to the permit requirements of section 4.07.070, 4.07.080, 4.07.090, or 4.07.100, except that a change of an off-site sign to an on-site sign or from an on-site sign to an off-site sign shall in itself constitute a new sign subject to the provisions of sections 4.07.070 through 4.07.100. In the case of signs the customary use of which does not involve frequent and periodic changes of copy, a change of copy shall in itself constitute a new sign subject to the provisions of sections 4.07.070 through 4.07.100, if the new copy concerns a different person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, activity or industry.
- (e) Nothing in this subchapter shall be deemed to permit any use of property that is otherwise prohibited by this Code, or to permit any sign that is prohibited by the regulations of

any special sign district that may be established in the Town of Colma, or the standards or procedures of any Redevelopment Plan or any other Code or legal restriction.

(f) *Non-Commercial.* In each instance and under the same conditions to which this chapter permits any sign, a sign containing an ideological, political or other non-commercial message shall be permitted' wherever commercial signage is permitted.

[*History:* formerly § 4.705; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 560, 9/8/1999; ORD. 638, 12/14/05; ORD 759, 5/25/16]

4.07.060 Prohibition of Signs on Public Places and Objects.

(a) Notwithstanding any other provision of this subchapter, no person shall erect, affix or mark any sign on public property. For purposes of this section, public property includes, without limitation, public buildings and structures, public utility poles, wires and structures, traffic signs, mass transit buildings and structures, and public streets and sidewalks.

(b) Any sign posted in contravention of paragraph (a) above may be removed by the Police Department without notice. The person responsible for the sign shall be liable to the Town of Colma for the costs of removal.

[*History:* formerly § 4.706; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 638, 12/14/05]

4.07.070 Permits for Monument Signs and Building Face Signs.

(a) No sign shall be erected, placed, replaced, moved, changed, reconstructed or relocated on any property, intensified in illumination or otherwise, or expanded in area or in any dimension except in conformity with this subchapter. To ensure compliance with this subchapter, no sign may be erected, placed, replaced, moved, changed, constructed, or relocated to any property, intensified in illumination, or otherwise, or expanded in area or any dimension until a sign permit has been granted for that sign according to the procedures and standards set forth in section 4.07.210.

(b) Each application for a sign permit shall be accompanied by a scale drawing of the sign, the project site and applicable building elevations showing the precise location of the sign, and including (except in the case of a sign the customary use of which involves frequent and periodic changes of copy) such designation of the copy as is needed to determine that the location, area and other provisions of this Code are met.

[*History:* formerly § 4.707 ; ORD. 387, 3/8/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.080 Permits for Existing Pole Signs and Roof Signs.

(a) In recognition of major commercial developments in the Town of Colma such as the Serra Center and the 280 Metro Center, and the need of those developments to establish themselves in the marketplace, and in order to balance those needs against Colma's aesthetic and traffic safety interests, special provisions are hereby established for existing pole signs and roof signs.

(b) No pole sign or roof sign may exist without a sign permit. Within 90 days of the effective date of the ordinance enacting this subchapter, owners of any pole sign or roof sign shall apply for a sign permit for such signs. Any pole sign or roof sign in existence on the effective date of the ordinance enacting this subchapter for which a sign permit is not timely obtained shall be considered a non-conforming use, subject to removal pursuant to section 4.07.110.

(c) Permits for pole signs and roof signs shall be good for a period of five years only.

(d) Each application for a sign permit for an existing pole sign or roof sign shall include the following:

(1) A scale drawing of the sign, the project site and applicable building elevations showing the precise location of the sign and such designation of the copy (except in the case of a sign the customary use of which involves periodic change of copy) as is needed to determine that the location, area and other provisions of this code are met.

(2) A statement containing the following information:

(A) The estimated cost of the materials and labor to manufacture and install the sign;

(B) The remaining useful life of the sign;

(e) Permits for existing pole and roof signs shall be issued in accordance with the standards set forth in section 4.07.210.

[*History:* formerly § 4.708; ORD. 365, 2/10/88; ORD. 387, 3/8/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.090 Permits for New Pole Signs.

(a) No new pole sign shall be erected, placed, replaced, moved, changed, reconstructed or relocated on any property, intensified in illumination or otherwise, or expanded in area or in any dimension after the effective date of the ordinance enacting this subchapter until a sign permit has been granted for that sign according to the procedures set forth in section 4.07.210.

(b) Permits for new pole signs shall be good for a period of five years only.

(c) Each application for a sign permit for a new pole sign shall include the following:

(1) A scale drawing of the sign, the project site and applicable building elevations showing the precise location of the sign and such designation of the copy (except in the case of a sign the customary use of which involves periodic change of copy) as is needed to determine that the location, area and other provisions of this code are met.

(2) A statement containing the following information:

(A) The cost of the materials for and the erection of the sign;

(B) The intended useful life of the sign;

(d) Permits for new pole signs shall be issued in accordance with the standards set forth in section 4.07.210.

[*History:* formerly § 4.709; ORD. 387, 3/8/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05; ORD. 722, 6/12/13]

4.07.100 Renewal of Permits for Pole and Roof Signs.

(a) At the end of five (5) years of initial permit, permits for pole and roof signs shall be automatically renewed to the last day of the calendar year, and thereafter shall be automatically renewed for each successive calendar year, unless the City Council decides not to renew as provided in subparagraph (b) below.

(b) The City Council may, prior to the renewal of any pole or roof sign permit, hold a hearing to consider whether renewal of such pole or roof sign permit is in the best interests of the Town. A decision not to renew a sign permit for a pole or roof sign shall require that the City Council make the following findings:

- (1) The sign is incompatible with the design of surrounding structures; and
- (2) The continued existence of the sign will conflict with the orderly development of the Town.

(c) The holder of the sign permit shall be advised of the City Council's intent to consider whether renewal of the permit shall be disallowed by written notification at least ten (10) days prior to the City Council hearing.

(d) If the City Council decides not to renew the sign permit, the sign shall be removed by the permit holder or the owner of the property on which the sign is located no later than March 31 next following the Council's decision. Thereafter the sign shall be deemed an illegal nuisance and may be abated as an illegal sign as provided in section 4,07.200 below.

[*History:* formerly § 4.710; ORD. 387, 3/8/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.110 Removal of Signs.

(a) The following on-premises signs may be declared nuisances and removed without payment of compensation to the owner:

- (1) On-premises signs which are not designed, constructed, created or intended to have a useful life of 15 years or more and which do not conform to this code;
- (2) On-premises signs which were erected without full compliance with laws in effect at the time of erection;
- (3) On-premises signs which have been abandoned; i.e., which have remained in place for a period of at least 90 days during which time they have not advertised a business, product, service, or activity conducted on the premises where they are located;

- (4) On-premises signs, more than 50 percent of which have been destroyed and which cannot be repaired in 30 days;
- (5) Any sign whose owner, outside of a change of copy, requests permission to remodel and remodels that sign, or expand or enlarge the building or land use upon which the sign is located, and the sign is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement, or remodeling of the sign exceeds 50 percent of the cost of reconstruction of the building;
- (6) Any on-premises sign relocated by the owner;
- (7) Any on-premises sign subject to an agreement of removal between the owner and the Town of Colma;
- (8) Any on-premises sign which is or may become a danger to the public, or is unsafe;
- (9) Any on-premises sign which is a traffic hazard;
- (10) Any on-premises sign which is located in a "planned commercial district" as that term is defined in Business and Professions Code section 5498;
- (11) On-premises signs in areas listed or eligible for listing on the National Register of Historic Places, or areas registered by the Department of Parks and Recreation as state historical landmarks, or points of historical interest, pursuant to section 5021 of the Public Resources Code;
- (12) On-premises signs in areas designated historic zones pursuant to Government Code sections 50280 et seq.
- (13) Any "illegal on-premises advertising display" (as that term is defined in Business and Professions Code section 5499.1(a) and section 4.07.200(b)(1) of this Code) which may be removed according to the procedures set forth in Business and Professions Code sections 5.499.1-5.499.16 and section 4.07.200 of this Code.

(b) The following off-premises signs may be declared nuisances and removed without payment of compensation:

- (1) Off-premises signs which were erected without full compliance with laws in effect at the time of erection;
- (2) Off-premises signs which are unsafe; and
- (3) Off-premises signs which present a traffic hazard.

(c) Before the City Council elects to abate a sign for which payment of compensation is required by either section 5412 or 5491 of the Business and Professions Code, the City Planner shall attempt to negotiate with the owner of the sign a fair sum to be paid by the Town of Colma to the owner. If the Town of Colma and the owner cannot agree on the compensation to

be paid, the City Council may then proceed to remove the sign according to the procedures specified in Business and Professions Code, Division 3, Chapter 2, Article 7.

[*History:* formerly § 4.7.11; ORD. 387, 03/08/89; ORD, 466, 5/11/94; ORD. 638, 12/14/05]

4.07.120 Signs in the G Zone.

(a) The following signs, subject to a sign permit, may be permitted in the G zone:

(1) One on-site monument sign for each street frontage of a parcel. The monument sign may be indirectly illuminated or non-illuminated. The height of permitted monument signs shall not exceed six (6) feet, and the length shall not exceed fifteen (15) feet. Monument signs shall be located so as not to obscure sight lines for motorists, bicyclists or pedestrians;

(2) On-site signs made by the pruning and cultivation of plants and grasses;

(3) One on-site sign attached to a building, indirectly or non-illuminated, with a sign area of 100 square feet or less. On-site signs attached to buildings shall not project more than three feet, except that awning or canopy signs may extend the full length of the awning or canopy, but no further than the street property line.

(4) One on-site fascia sign limited in length to a distance equal to 25% of the width of the building face on which it is placed, and in height to twenty-four (24) inches.

(5) On-site signs, other than billboards, identifying a cemetery. Because of the special cemetery nature of the Town of Colma, as well as the "G" Zone being specific to cemeteries, said signs shall be without restrictions as to size, pole, illumination, or number, or as to devices giving times or temperatures; provided, however, that said signs shall be designed and constructed in a dignified style consistent with cemetery use, pursuant to design review and approval by the Planning Department of the Town of Colma.

(b) Subject to the exemptions set forth in section 4.07.040, the following signs shall be prohibited in the G Zone:

(1) Off-site signs;

(2) Roof signs;

(3) Wind signs or any sign with a moving, rotating, or otherwise animated part, or any flashing, blinking, fluctuating or other animated light; and

(4) Pole signs.

[*History:* formerly § 4.7.12; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 400, 08/09/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05; ORD 759, 5/25/16]

4.07.130 Signs in the R Zone.

(a) The following signs, subject to the sign permit, may be allowed for conditionally permitted uses in the R Zone:

(1) One non-illuminated or indirectly illuminated non-commercial sign for each street frontage of the lot, not exceeding a height of ten feet, with an area not exceeding six square feet.

(b) The following signs shall be prohibited in the R Zone:

(1) Off-site signs;

(2) Roof signs;

(3) Wind signs, or any sign with a moving, rotating, or otherwise animated part, or any flashing, blinking, fluctuating or other animated light;

(4) Pole signs.

(c) No signs shall be permitted on property used exclusively for single family residential purposes, except one sale or lease sign per parcel as required by state law, and street number signs for public safety purposes.

[*History:* formerly § 4.713; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.140 Signs in the C Zone.

Sign permits shall be required for all signs in C Zones, other than those signs exempted by sections 4.07.040 and 4.07.050. Subsection (f)(1) and (2) below shall not apply to signs in shopping centers with an approved Sign Program as specified in Section 4.07.140 (k). All other signs in the C Zone shall be subject to the following provisions, conditions, and prohibitions:

(a) *Off-Site Signs.* No off-site sign shall be permitted in any C Zone.

(b) *Roof Signs.* No roof sign shall be permitted in any C Zone.

(c) *Wind Signs.* No wind sign shall be permitted in any C Zone.

(d) *Moving Parts.* No sign shall have or consist of any moving, rotating, or otherwise physically animated part or lights that give the appearance of animation by flashing, blinking or fluctuating, except as follows:

(1) Moving or rotating or otherwise physically animated parts may be used for the rotation of barber poles and the indication of time of day and temperature.

(e) *Illumination.* Any sign may be non-illuminated, indirectly illuminated, or directly illuminated, except signs intended to be viewed from El Camino Real, where directly illuminated signs are prohibited.

(f) Height and Extension Above Roof-line.

(1) No fascia sign or other sign attached to a building shall extend or be located above the roof-line of the building to which it is attached.

(2) Pole signs (freestanding commercial businesses on individual lots). The maximum height for pole signs for commercial businesses not part of a shopping center shall be 36 feet. No single pole sign may have a sign area greater than 300 square feet. For shopping centers, please see Section 4.07.140(k) and subsection (3) below.

(3) Pole signs (shopping centers). pole sign height and area in shopping centers are regulated in Section 4.07.140 (k) and by an approved Sign Program for the shopping center. Pole signs shall not exceed 75 feet in height, except where special topographic factors require a taller sign, in which case the pole sign may be as tall as 103 feet. If additional height above 103 feet is required to compensate for distance or difference in elevation from primary viewing angles to overcome obstructions to visibility (wires, poles, trees, conforming signs or other property) a comprehensive visual analysis, including visual simulations and necessary environmental review shall be required prior to City Council consideration of a new or amended sign program.

(g) Total Sign Area.

(1) The total area of all signs on a single parcel shall not exceed 2 square feet for each linear foot of street frontage.

(2) Properties with multiple frontages shall calculate signage separately for each frontage.

(3) The overall length of a fascia sign shall not exceed 75% of the width of the building wall on which it is attached. The height of fascia signs shall not exceed 36 inches for buildings up to 10,000 square feet, or 48 inches for buildings larger than 10,000 square feet.

(4) Under canopy signs may be any shape but may not exceed three feet in length or eighteen inches in height.

(h) *Monument Signs.* Monument signs shall not be taller than six feet, and shall not be longer than 15 feet. Monument signs shall be placed so as to not obstruct sight lines for motorists, pedestrians or bicyclists.

(i) *Number of Signs.* No parcel shall have more than one pole sign or more than one monument sign; provided, however, that an automobile dealership having more than one distinct franchise on a single parcel shall be entitled to one free-standing sign and one monument sign for each such distinct franchise, subject to the further condition that pole signs on the same parcel be at least 75 feet apart.

(j) *Special Standards for Automobile Service Stations.* For automobile service stations, only the following signs may be permitted, subject to the standards in this subsection (j) and to all other standards in this section 4.07.140.

(1) A maximum of two oil-company signs, which shall not extend above the roof-line if attached to a building, or exceed the maximum height permitted for pole signs in the C zone if freestanding. The total area of any such signs shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project beyond any street property line or building setback line. The areas of other permanent and temporary signs as covered in paragraph (2) below shall not be included in the calculation of the areas specified in this paragraph.

(2) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roof-line if attached to a building, or in any case project beyond any street property line or building setback line.

(k) Special Standards for Shopping Centers.

Due to the unique sign and advertising requirements of shopping centers, including multiple tenants with limited visibility from public streets, the Town of Colma requires the approval of a Sign Program that shall identify the type, size and locations of signs in the shopping center. The Sign Program shall also outline the responsibilities of the shopping center owner/manager, tenants and the Town of Colma in the review, approval, installation and removal of signs. The Sign Program will balance the need for patrons to easily locate tenants within the shopping center with appropriately sized signs that are in scale with the buildings in the center and consistent with signage of businesses in the immediate vicinity of the shopping center.

At the time plans for a shopping center are reviewed by the City Council or prior to the issuance of the first building permit for a shopping center, or for an amendment request to an existing Sign Program, the owner shall submit to the City Planner an application, any applicable fee, and a draft new or amended Sign Program. The Sign Program shall include the following components:

- (1) An introduction which shall state the roles and responsibilities of the property owner, tenants and the Town in the review and installation of signs;
- (2) Landlord and Tenant Requirements and responsibilities with regard to any signs;
- (3) A description of sign sizes and locations for all tenant types (anchor, major, in-line, stand-alone buildings etc.). Size of signs should be graduated in size based on the size of the tenant space;
- (4) Shopping center identification signage;
- (5) Multi-Tenant pole or monument signs including allowed heights and sizes;
- (6) Stand-alone pole or monument signs for tenants, including allowed heights and sizes, if any;
- (7) Window signage and advertising provisions;

- (8) Under canopy sign sizes and types, if applicable;
- (9) Address numbering and emergency contact information signs;
- (10) Temporary banner types, sizes and locations advertising the center or event solely for the shopping center, if applicable;
- (11) Prohibited signs;
- (12) General sign construction requirements; and
- (13) Diagrams or illustrations of desired sign types.

Once the draft sign program has been reviewed by the City Planner, the Sign Program shall be reviewed by the City Council. In the review of the Sign Program by the City Council, the City Council shall make the following findings prior to approving the Sign Program or any amendments to an existing Sign Program:

- (1) The proposed signs enhance the development, and are in harmony with, and visually related to:
 - (A) All of the signs included in the sign program. This shall be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.
 - (B) The buildings and/or the developments they identify by utilizing materials, colors, or design motifs included in the building being identified; and
 - (C) Surrounding development by not adversely affecting surrounding land uses or obscuring adjacent approved signs.
 - (2) The sign program accommodates future revisions which may be required due to changes in building tenants; and
 - (3) The proposed sign program satisfies the intent of this subchapter, in that the sign program complies with all the regulations of this subchapter, except that flexibility is allowed with regard to sign area, number, location, height, or moving parts. Further, to the extent the sign program does not comply with the requirements of this subchapter as to sign area, number, location, height, or moving parts, the proposed sign program enhances the development and more fully accomplishes the objectives of this subchapter.
- (I) Special Standards for Automobile Sales Businesses.
- (1) A Colma Auto Sales District is hereby created in the Town of Colma. The boundaries of Colma Auto Sales District are shown attached in Figure 4.07.140, and may be amended from time to time.
 - (2) Special promotional devices and signs, in addition to permanent signage described in Section 4.07.140, are permitted in the Auto Sales District provided the total

area of all signage does not exceed the total square footage permitted on the property. Master Sign Programs are encouraged so that permits for individual signs or changes to signs can be approved administratively.

(3) For purposes of this section, the following definitions shall apply:

Antennae sleeve flag means a flag made out of fabric or plastic attached to a sleeve or tube which is placed over the antennae of an automobile as a means of drawing attention to the vehicle.

Balloon means any object enlarged or inflated by less than five cubic feet of air or gases.

Banner, means any sign constructed of fabric or sheeting that is mounted between two poles or attached to a structure by two or more edges and intended to be displayed for a limited time (less than 60 consecutive days).

Bunting means any woven fabric in single or multiple colors used for decoration.

Changeable means any sign, banner, bunting or inflatable that is used for a short term sales promotion and not intended for permanent display.

Flag String means a series of cut pieces of cloth, plastic or other material strung together and mounted between two poles or attached to a structure by two or more edges and intended to be displayed for a limited time (less than 60 consecutive days).

Inflatable means any shaped object enlarged or inflated by more than five cubic feet of air or gases.

Master Sign Program means a plan indicating the location, size and type of signs for an entire property or series of properties.

Outdoor decorations means, pennants, banners, streamers, ribbons or similar displays used to create a festive atmosphere.

Prominent Display Vehicles means vehicles positioned on platforms, scissor ramps, in a showroom or area of high street visibility in order to attract customers.

Temporary signage means any sign, banner, bunting, balloon, or outdoor decoration to be displayed for a period of three days or less.

Vehicle Price Sign means any sign painted or affixed to the inside or outside of window of a vehicle advertising the price or features only.

Window Sign means any sign painted or affixed to the inside or outside of a building window.

(4) The following General Provisions shall apply to all promotional devices allowed in the Colma Auto Sales District.

(A) All non-rigid items shall be maintained in a safe, taut condition at all times, It is the responsibility of the applicant to assure that the pole, or structure to which a device is attached meets appropriate engineering standards to handle the additional wind load and weight.

(B) Devices shall not be affixed to any street light or pole within the City Right of Way. All are subject to immediate removal by the Town of Colma. In a like manner, any item which has been partially detached and is posing a health and safety danger to the public is subject to removal by the Town, if a responsible party is not available at the property to do so.

(C) All advertising should, to the extent feasible, use lettering and colors consistent with the permanent signage on the property.

(D) Material used for flags, banners or tents shall be made of non-combustible material, or be fire treated, to the satisfaction of the Fire Marshal.

(E) Any portion of a promotional device which includes writing or corporate logos is counted as signage, and is included in the total sign area permitted on the property.

(F) The use of fluorescent colors is prohibited for all devices discussed in this section, with the exception of vehicle price signs,

(G) Signs made of rigid material which include writing or corporate logos and structures and are attached to poles or other structures are considered permanent signage and are subject to approval of a Sign Permit.

(H) Changeable bunting or flags intended to provide timely information about special promotions or to create a festive appearance are allowed. These must meet the following standards:

(i) Bunting or flags may be installed on light posts on the property. First priority must be given to placement on the front tier of light posts nearest the sidewalk to minimize visual clutter; however these devices may also be installed on interior light posts.

(ii) Bunting or flags should not exceed a horizontal dimension exceeding one third the height of the pole to which they are attached. Even though the size is standardized by the manufacturer, the location on the light pole should be uniform to avoid a haphazard appearance; generally bases should be no lower than 8 feet to minimize vandalism and the top no higher than 20 feet to avoid interference with pole signs on the property or in the vicinity.

(iii) Bunting or flags must be limited to a uniform color and design; one dominant color should be selected for use at any single property.

(iv) Bunting or flags shall be replaced after six months use to avoid a faded or wind tattered appearance. Any faded or damaged bunting or flags shall be removed immediately.

(I) Changeable Antennae sleeve flags placed on the antennas of vehicles parked in the sales lot are allowed. Antennae sleeve flags must be of a uniform color and design and placed only on the prominent display vehicles, not to exceed one third of the total outdoor inventory on the lot.

(J) Changeable Banners and Flag Strings made of non-rigid material are allowed. Signs made of rigid material that are attached to poles or the building is considered permanent signage and are subject to approval by the Planning Department. Changeable banners should meet the following standards:

(i) The total number of banners displayed by a dealership at any given time shall be limited to no more than three.

(ii) Flag strings should be mounted at least eight feet above grade to avoid vandalism and pedestrian conflicts and no higher than 20' in order to avoid conflicts with pole signs. Flag strings shall be replaced after six months use to avoid a faded or wind tattered appearance.

(K) Inflatables are permitted on a limited basis. Inflatables should meet the following standards:

(i) Inflatables may only be displayed for a period not to exceed sixty days per calendar year.

(ii) The total number of inflatables displayed by a dealership at any given time shall be limited to one.

(iii) Inflatables are allowed to be ground mounted so long as they do not block any required parking, access aisles or required fire lanes.

(iv) Inflatables are allowed to be roof mounted provided that the top of the inflatable does not exceed the maximum height in the Commercial Zone of 40' above grade, as measured from the grade directly below the inflatable and the top of the inflatable.

(L) Temporary Outdoor decorations are allowed. Balloons, pennants, streamers or similar outdoor decorations may be displayed only for a period of three days per calendar month per type of decoration.

(M) Vehicle Price Signs are permitted.

(N) Window Signs are permitted on the windows of the main building(s) provided the total sign area does not occupy more than one-third of the window area on any given building face.

(m) Special Allowance of Temporary Banner Signs for Businesses Other than Automobile Sales Businesses.

(1) Notwithstanding anything to the contrary in Section 4.07.140, each business located in the C Zone may display one temporary banner sign on the property where the business is located, provided that all other requirements of this subchapter are met, for up to thirty (30) days per calendar year, pursuant to a temporary banner sign permit applied for and issued as set forth below.

(2) An application for a temporary banner sign permit shall be submitted on the form prescribed by the City Planner and accompanied by an application fee which shall be established from time to time by resolution of the City Council, at least five working days in advance of the date on which the temporary banner sign is to be displayed. The application shall include written consent of the property owner or its agent. The application may be granted by the Zoning Administrator, without a public hearing, only upon making each of the following findings:

(A) The sign is consistent with the provisions of the General Plan of the Town of Colma.

(B) The granting of the sign permit will not be detrimental to the public health safety or public welfare, or materially injurious to properties or improvement in the vicinity.

(C) Existing property uses, large or small, will not be detrimentally affected by the proposed sign.

(D) The granting of the sign permit will not constitute a grant of special privilege inconsistent with the limitations imposed by this subchapter on the existing use of properties, large or small, within the Town of Colma.

(E) The sign will not constitute a nuisance as to neighboring persons or properties.

(3) Any aggrieved person may appeal the Zoning Administrator's decision to deny a Temporary Banner Sign Permit in accordance with the procedures set forth in section 1.02.270 of the Colma Municipal Code. A decision to grant a Temporary Banner sign Permit cannot be appealed.

(4) The display of a temporary banner sign for any period of time on any given day, regardless of how short, shall count as one day for purposes of determining the thirty day allowance.

(5) For purposes of this section, *Temporary Banner Sign* means any sign constructed of fabric, sheeting or similar material, not exceeding four (4) feet in height or 75% of the business frontage in width, that is mounted between two poles or attached to an existing structure by two or more edges.

(6) This section shall not apply to automobile sales businesses or the Auto Sales District as defined in this subchapter.

[History: formerly § 4.714, ORD. 365, 2/10/88; ORD. 387, 3/08/89; ORD. 400, 8/09/89; ORD. 466, 5/11/94; ORD. 551, 4/14/1999; ORD. 638, 12/14/05; ORD. 713, 10/10/12; ORD. 722, 6/12/13; ORD. 771, 4/12/17]

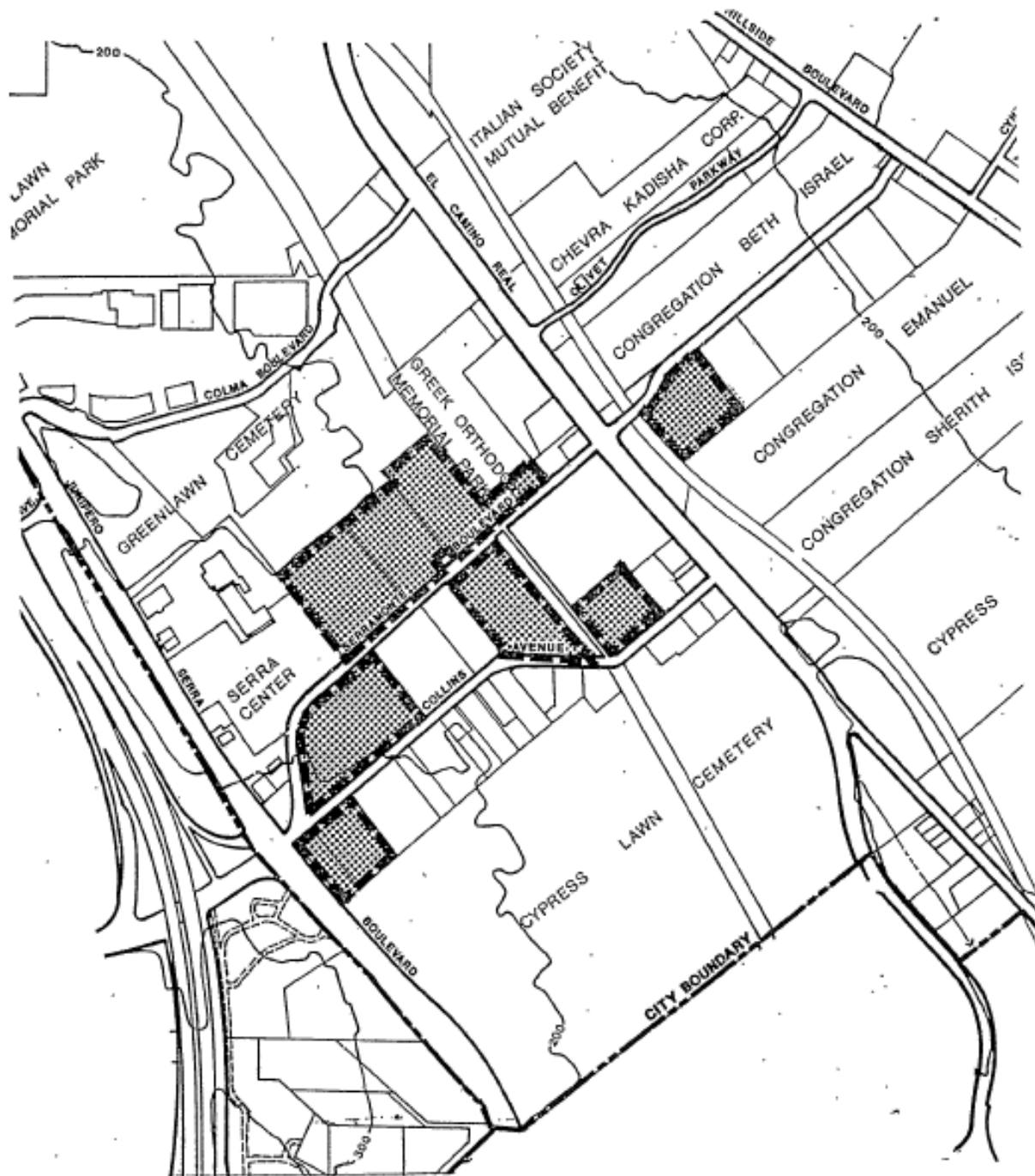


Figure 4.07.140
Colma Auto Sales District Area Map
Signage and Design Guidelines

Shaded and outlined areas indicate properties subject to special provisions

4.07.150 Signs in the P Zone.

No off-site signs shall be permitted in the P Zones. When considering an application for a sign permit in a P Zone, the City Planner shall take into account the nature of the property and its use, the functional necessity for the sign, the proposed size, location, and design of the sign, the degree of its harmony with the public purposes of the property and with the surrounding area, and the restrictions of this Code for signs in other districts.

[*History:* formerly § 4.715; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.160 Signs in the E Zone.

(a) The following signs may be allowed in the E Zone, subject to a sign permit:

(1) For cemetery, memorial park, floricultural and agricultural uses any sign which complies with the requirements of section 4.07.120.

(2) For Medical Service Offices and Professional Business Offices:

(A) One monument sign, indirectly illuminated or non-illuminated, no taller than six feet and no longer than ten feet. Monument signs shall be located so as not to obstruct sight lines for motorists, bicyclists or pedestrians.

(B) One fascia sign limited in length to 25% of the width of the building face on which it is placed, and in height to 24 inches.

(C) One under-canopy sign for each business. Under canopy signs may be any shape but may not exceed three feet in length or eighteen inches in height.

(b) The following signs are prohibited in the E Zone:

(1) For cemetery, memorial park, floricultural and agricultural uses, those signs prohibited by section 4.07.120(b).

(2) For Medical Service Offices and Professional Business Offices:

(A) Off-site signs;

(B) Roof signs;

(C) Wind signs; and

(D) Pole signs.

[*History:* formerly § 4.716; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.170 Signs in the PD Zone.

No off-site, roof, wind or pole signs shall be permitted in the PD Zones. In considering an application for a sign permit in a PD Zone, the City Planner shall take into account the nature of the property and its use and the restrictions of this Code for signs in districts zoned for similar use.

[*History:* formerly § 4.717; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.180 Near Freeways.

Subject to the restrictions imposed by the Outdoor Advertising Act (Business and Professions Code sections 5200_5486) on signs within 660 feet of the right-of-way of Intersection 280, no off-site sign, and no other sign exceeding 200 square feet in area, shall be located after the date of determination and designation of the route of a freeway so that it is primarily to be viewed by persons traveling on any portion of such freeway. On-site signs not exceeding 200 square feet in area which are permitted by this section and are primarily to be viewed by persons traveling on any portion of a freeway shall, regardless of any other provision of this code, be limited to signs which designate the name of the owner or occupant of the premises upon which the sign is placed, or which identify such premises, or which direct attention to activities conducted, goods manufactured or produced, or services rendered, on the property upon which the sign is placed.

[*History:* formerly § 4.718; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.190 Near Rapid Transit Routes.

No sign exceeding 200 square feet in area, shall be located after the date of determination and designation of the route, or portion thereof, of the Bay Area Rapid Transit District or other rapid transit line, wherever such route or portion thereof is other than underground, so that the sign is primarily to be viewed by persons traveling on any such route or portion thereof.

[*History:* formerly § 4.719; ORD. 365, 2/10/88; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD. 638, 12/14/05]

4.07.200 Inventory and Abatement of Illegal Signs.

(a) In accordance with Business and Professions Code sections 5491.1 and 5499.1-5499.16, on-premises advertising displays shall be inventoried and abated as set forth in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) "Illegal on-premises advertising display" means any of the following:

(A) An on-premises advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.

(B) An on-premises advertising display that was legally erected, but whose use has ceased, or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of not less than 90 days.

(C) An on-premises advertising display that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired and conformance has not been accomplished.

(D) An on-premises advertising display which is a danger to the public or is unsafe.

(E) An on-premises advertising display which is a traffic hazard not created by relocation of streets or highways or by acts of the city or county.

(2) "On-premises advertising display" means a sign designed, constructed, created, engineered, intended, or used for any of the following purposes:

(A) To designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located.

(B) To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

(3) The enforcement officer shall be the City Planner of the Town of Colma.

(c) The enforcement officer shall create an inventory of all illegal on-premises advertising displays as defined in section 4.07.200(b)(1) above.

(d) By resolution, the City Council may declare illegal on-premises advertising displays public nuisances. The resolution shall describe the property upon which the nuisance exists by lot and block number according to the county assessment map, and by its street address, if known. Any number of parcels may be included in one resolution.

(e) At least 10 days before adoption of the resolution, the city clerk shall send written notice to all assessed owners of the property described in the resolution, as shown by the last equalized assessment roll. The notice shall state the date, time, and place of the hearing and generally describe the purpose of the hearing and the nature of the illegality of the display.

(f) After adoption of the resolution declaring the illegal display a nuisance, the enforcement officer shall cause notice of the resolution and of an opportunity to lodge objections to be conspicuously posted on or in front of the property on which the display exists. The posted notice shall be substantially in the following form:

NOTICE TO REMOVE ILLEGAL ADVERTISING DISPLAY

Notice is hereby given that on the ____ day of _____, 19__ the City Council of the Town of Colma adopted a resolution declaring that an illegal advertising display is located upon or in front of this property which constitutes a public nuisance and must be abated by the removal of the illegal display. Otherwise, it will be removed, and the nuisance abated by the City. The cost of removal will be assessed upon the property from or in front of which the display is removed and will constitute a lien upon the property until paid. Reference is hereby made to the resolution for further particulars. A copy of this resolution is on file in the office of the City Clerk.

All property owners having any objection to the proposed removal of the display are hereby notified to attend a meeting of the Town of Colma to be held on the ____ day of _____, at the hour of 7:30 p.m., City Council Chambers, 1198 El Camino Real, Colma, California, when their objections will be heard and given due consideration.

Dated this _____ day of _____, 19__.

City Clerk
Town of Colma

This notice shall be posted at least 10 days before the date for hearing objections. The City Clerk shall also mail this notice 10 days before the hearing of objections to each person on whom the described property is assessed in the last equalized assessment roll available or the date the City Council adopted the resolution.

(g) At the time stated in the notices, the City Council shall hear and consider all objections to the proposed removal of the on-premises advertising display. It may continue the hearing from time to time. By motion or resolution at the conclusion of the hearing, the City Council shall allow or overrule any objections. At that time, the City Council acquires jurisdiction to proceed and perform the work of removal. The decision of the City Council is final. If objections have not been made or after the City Council has disposed of those made, it shall order the enforcement officer to abate the nuisance by having the display removed. The order shall be made by motion or resolution.

(h) The enforcement officer may enter private property to abate the nuisance.

(i) Before the enforcement officer arrives, any property owner may remove the illegal on-premises advertising display at the owner's own expense.

Nevertheless, in any case in which an order to abate is issued, the City Council, by motion or resolution, may further order that a special assessment and lien shall be limited to the costs incurred by the Town in enforcing abatement upon the property, including investigation, boundary determination, measurement, clerical, and other related costs.

(j) The enforcement officer shall keep an account of the cost of abatement of an illegal on-premises advertising display in front of or on each separate parcel of property where the work is done by him or her. He or she shall submit to the City Council for confirmation an itemized written report showing that cost.

A copy of the report shall be posted for at least three days, prior to its submission to the City Council, on or near the chamber door of the City Council, with notice of the time of submission.

At the time fixed for receiving and considering the report, the City Council shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution.

(k) Abatement of the nuisance may, in the discretion of the City Council, be performed by contract awarded on the basis of competitive bids let to the lowest responsible bidder. In that event, the contractor shall keep the account and submit the itemized written report for each separate parcel of property required by paragraph (j) above.

(l) The cost of abatement in front of or upon each parcel of property, and the cost incurred by the Town in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical, and other related costs, is a special assessment against that parcel. After the assessment is made and confirmed, a lien attaches on the parcel upon recordation of the order confirming the assessment in the office of the county recorder.

(m) The cost of abatement shall be collected in accordance with Business and Professions Code, sections 5499.12-5499.15.

[*History:* formerly § 4.720; ORD. 387, 03/08/89; ORD. 466, 5/11/94; ORD, 638, 12/14/05]

4.07.210 Procedure for Issuance of a Sign Permit.

(a) An application for a sign permit shall be made on the Town of Colma Project Application form and be submitted to the City Clerk, along with information about the sign, as specified in Sections 4.07.070, 4.07.080, or 4.07.090 and an application fee which shall be established from time to time by the City Council of the Town of Colma by resolution.

(b) The application shall be reviewed by the Zoning Administrator for completeness. The Zoning Administrator shall notify the City Clerk's office when the application is complete.

(c) Notice of the complete application shall be posted on the three official bulletin boards of the Town by the City Clerk for not less than ten (10) days nor more than forty (40) days prior to the Zoning Administrator's decision to approve or deny the application. The notice shall describe the application and give the date and time at which the matter will be decided by the Zoning Administrator.

(d) The following findings shall be made by the Zoning Administrator prior to the issuance of a sign permit.

(1) The sign is consistent with the provisions of the General Plan of the Town of Colma.

- (2) The granting of the sign permit will not be detrimental to the public health, safety or public welfare, or materially injurious to properties or improvements in the vicinity.
- (3) Existing property uses, large or small, will not be detrimentally affected by the proposed sign.
- (4) The granting of the sign permit will not constitute a grant of special privilege inconsistent with the limitations imposed by this subchapter on the existing use of properties, large or small, within the Town of Colma.
- (5) The sign will not constitute a nuisance as to neighboring persons or properties.
- (e) The Zoning Administrator shall condition any sign permit for pole signs and roof signs, and may condition any sign permit for other signs upon the applicant's agreement to remove the sign at applicant's cost upon expiration of the sign permit or any extension thereof. In granting a sign permit, the Zoning Administrator may also impose such conditions as are deemed necessary and desirable to protect the public health, safety and welfare in accordance with the purposes and intent of the General Plan and this subchapter.
- (f) A decision of the Zoning Administrator to grant or deny a Sign Permit may be appealed by any interested party to the city council in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code.
- (g) The Zoning Administrator shall also act to approve or deny signs in those cases where approval of signs by the City Council is required by condition of any Use Permit adopted prior to June 12, 1994.

[History: formerly §4.720, ORD. 466, 5/11/94; ORD. 514, 7/9/97; ORD. 521, 12/10/97; ORD. 524, 1/14/98; ORD. 638, 12/14/05; ORD. 706, 3/14/12]

4.07.215 Building Permit Required.

No person shall construct, enlarge, alter, move, demolish, convert, occupy, equip, use, or maintain any structure with a sign without first obtaining a building permit issued by the Building Official. Each such sign shall be constructed in accordance with the applicable provisions of the Building Codes as set forth in Chapter Five, Subchapter Four of the Colma Municipal Code.

4.07.220 Temporary Non-commercial Signs.

(a) In order strike a balance between, on the one hand, the need to maintain an expressive forum for speech, and on the other hand, to reduce visual blight within the Town of Colma, maintain the Town's cleanliness and aesthetics and maintain public safety, the City Council of the Town of Colma finds that regulations governing the placement of temporary noncommercial signs and the removal of all abandoned temporary non-commercial signs is necessary to promote the Town's aesthetics, public safety and the health and welfare of its citizens. Specifically, but without limitation, the City Council finds that:

(1) Although temporary non-commercial signs provide an important and economic method of expressing temporary non-commercial and protected speech, they can also create visual, aesthetic and safety impacts that have a deleterious effect on the community.

(2) Many times temporary non-commercial signs are placed in areas that conflict with traffic signals and devices or are placed on structures located in the public right-of-way. Prohibition of temporary non-commercial signs on public street medians, bridges, public utility box or any poles used for public utility, traffic control signs, traffic signals, or street signs is necessary to: prevent visual distractions to motorists which create traffic hazards, prevent unsafe road conditions, and to prevent eyesores from proliferating along public streets.

(3) Temporary non-commercial signs placed on private property are sometimes left for months, sometimes years. These abandoned temporary non-commercial signs detract from the positive visual image of the community, and the community's redevelopment efforts and also have a tendency to attract the placement of additional temporary signs and result in unattractive sign clutter.

(4) Regulation of the size of temporary non-commercial signs is necessary for safety and aesthetic reasons, specifically, that the strong winds common in Colma would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists.

(b) *No Permit Required.* A Sign Permit is not required for any temporary non-commercial sign erected, installed or maintained in conformity with this ordinance. No person shall construct, enlarge, alter, move demolish, convert, occupy, equip, use, or maintain any structure with a temporary sign without first obtaining a building permit issued by the Building Official. Each such temporary sign shall be constructed in accordance with the applicable provisions of the Building Codes set forth in Subchapter Four of Chapter Five of the Colma Municipal Code.

(c) Public Property.

(1) Except as provided in the next paragraph, no person may erect, affix, mark or maintain any temporary non-commercial sign on public property or within a public right-of-way, including but not limited to, public buildings and structures; public utility poles, wires and structures; traffic signs; public streets and sidewalks; and public parks.

(2) The City Manager may designate public areas for non-commercial signs to be erected, installed or maintained, provided that the sign shall not exceed thirty-two square feet in area and shall be affixed to the ground.

(d) *Private Property:* A temporary non-commercial sign shall not be erected, installed or maintained on private property, or on public property lawfully occupied by a private user, except in accordance with the following standards:

(1) Permission to erect, install or maintain a temporary non-commercial sign shall first have been obtained from the owner, owner's representative, lessee or tenant of said property;

- (2) A temporary non-commercial sign shall not be erected, installed or maintained on the roof of a building;
 - (3) A temporary non-commercial sign placed in residential zoning districts shall be no larger than four square feet; and
 - (4) A temporary non-commercial sign placed in zoning districts other than residential shall be no larger than sixteen square feet.
- (e) *Nuisance.* Any temporary non-commercial sign that is in violation of this section shall be deemed a public nuisance, and the Code Enforcement Officer may order the owner of the property, and/or the owner of the sign, to remove the sign and abate the nuisance. The City shall also have the authority to remove said sign in accordance with this section.
- (f) *Removal of Temporary Non-commercial Signs in Violation of this Subchapter*
- (1) A temporary non-commercial sign that is in violation of this section, is located on private property and has not been removed by the owner of the property, and/or the owner of the sign, after the owner has been provided with written notification to remove such sign, the reasons for the requested removal and a reasonable opportunity to remove the sign, may be removed by the City.
 - (2) A temporary non-commercial sign that is posted on public property or in the public right-of-way in violation of this section may be removed summarily by the City at any time.
- (g) *Removal of Temporary Non-commercial Signs After Event.*
- (1) Each temporary non-commercial sign shall be removed after any event to which they relate by the owner of the property, or owner of the sign. Temporary non-commercial signs remaining more than ten (10) days after any event to which they relate shall be deemed abandoned and a nuisance, and may be summarily removed by the City after giving the owner of the property, or owner of the sign, written notification to remove such sign, the reasons for the requested removal and a reasonable opportunity to remove the sign.
 - (2) Temporary non-commercial signs posted on public property or in the public right-of-way remaining after any event to which they relate may be summarily removed by the City at any time.
 - (3) Temporary non-commercial signs on vacant parcels remaining more than ten (10) days after any event to which they relate shall be deemed abandoned and may be summarily removed by the City.
- (h) *Post Removal and Claim Procedures.*
- (1) Upon removal of any temporary non-commercial sign by the City, such signs shall be taken to the City Corporation Yard for temporary storage. The City shall keep an itemized account of the actual costs incurred in removing such signs, including incidental

expenses. Incidental expenses shall include, but not be limited to, the cost of any rental equipment required for removal of the sign, administrative costs incurred to notify the property owner, or any candidate or committee responsible and any storage costs.

(2) The City shall provide written notification of its removal of a temporary non-commercial sign to any candidate, candidate's committee, or ballot measure committee responsible for its placement. The written notification shall inform that said sign has been removed and is available for pick-up at the City's Corporation Yard. All temporary non-commercial signs removed shall be stored in the City Corporation Yard and may be destroyed by the City if not claimed within fifteen (15) days of the written notification to the candidate, candidate's committee, or ballot measure committee. For purposes of this subsection, notification shall be deemed to have been provided upon the delivery of the notification letter addressed to the candidate, candidate's committee, or ballot measure committee to the United States Post Office.

(3) Any person claiming a sign so removed by the City may have the sign released upon the payment of any fees incurred for removal of such sign. Signs not picked-up within fifteen (15) days of notification shall be destroyed and the responsible owner of the property, or any candidate, candidate's committee or ballot measure committee shall be billed for the actual costs of the removal. The City may recoup such costs by any reasonable means available.

(i) Appeal Procedures,

(1) Any person aggrieved by any action of the City, may appeal such action, in writing, to the City Council within five (5) days of any written notification by the City of the impending removal of a sign or summary removal. The appeal shall be submitted to the City Clerk and shall state the reasons for the requested appeal.

(2) Upon receipt of an appeal, the City Clerk shall schedule the matter for hearing at the next available City Council hearing for which a quorum is present. The City Clerk shall provide the appellant with written notice concerning the hearing date and time. The City Council shall determine the appeal at a hearing held on the appointed date and time. The decision of the City Council on the matter shall be final unless appealed to a court of competent jurisdiction. Any such appeal shall be processed by the City in accordance with California Code of Civil Procedure §1094.8, or its successor statute or regulation.

[*History:* ORD. 649, 7/12/06, ORD, 651, 9/26/06; ORD. 738, 1/14/15; ORD 759, 5/25/16]

4.07.230 Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this subchapter.

[ORD 759, 5/25/16]