



TOWN OF FAIRFAX

STAFF REPORT

March 4, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Jim Moore, Director of Planning and Building Services

SUBJECT: Second reading by title only and adoption of Ordinance 785, An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.064 ("Signs") of the Town Code

RECOMMENDATION

Waive second reading and read by title only Ordinance No. 785, An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.064 ("Signs") of the Fairfax Town Code.

DISCUSSION

At its August 6, 2014 meeting, the Town Council discussed revisions to the sign ordinance. The overall intent was to have two categories of non-commercial signs: those that require a permit and those that do not. Revisions were kept to a minimum to simply address political and noncommercial signs. As required, the proposed ordinance was first reviewed by the Planning Commission, who passed a resolution recommending the Council adopt a revised sign ordinance.

At its February 4th meeting, the Town Council held the first reading of Ordinance No. 785, as amended. Attached is a redline of the two amended pages of the ordinance, and clean copy of the ordinance.

ATTACHMENTS

Redline of Ordinance 785 (pages 1 and 2 only)
Ordinance No. 785

Redline of ORDINANCE NO. 785

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING CHAPTER 17.064 (“SIGNS”) OF THE TOWN CODE**

WHEREAS, the Town of Fairfax regulates the display of signs within the Town through Chapter 17.064 (“the sign ordinance”) of the Town Code; and

WHEREAS, the Town’s sign ordinance provides for the display of both commercial and noncommercial messages, and attends to concerns including, but not limited to, lighting and proper installation, in order to protect the public health, safety, and welfare; and

WHEREAS, the Town desires to increase the amount of time that temporary noncommercial signs and displays may be posted without a permit; and

WHEREAS, the Town likewise desires to clarify certain provisions within the sign ordinance as they pertain to lighting and security matters.

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: The following definition of “Light Pollution” is hereby added to Section 17.064.020 of the Town Code, which shall read:

“LIGHT POLLUTION. Excessive and inappropriate artificial light that includes ‘light trespass’ (light falling where it is not intended, wanted, or needed), or ‘glare’ (excessive brightness which causes visual discomfort ~~and or~~ can decrease visibility), and ‘clutter’ (bright, confusing, and excessive groupings of light sources on a single sign.”

SECTION 2: Section 17.064.030 of the Town Code is hereby amended to read as follows:

“§ 17.064.030 SIGNS PERMITTED WITHOUT SIGN PERMIT.

The following signs are not to be included in the measurement of the total allowable area and may be erected without a permit:

(A) Commercial Signs

(1) Nameplates and business information signs limited to name, occupation, and hours of operation, not exceeding one square foot in area, provided that they are not illuminated and contain no reflective paint or material, except gold leaf or silver leaf.

(2) Signs indicating credit cards honored, advertising stickers, trading stamps, hours of special operation or association memberships, provided that no individual sign exceeds one square foot in area and that the total area of all signs does not exceed three square feet.

(3) One sign indicating the price of gasoline which complies with the requirements of the State of California Business and Professions Code and which is no larger than 24 square feet.

(4) Real estate signs; provided, however, that, each parcel shall have no more than one sign, the sign shall not exceed three square feet in area, shall pertain only to the prospective sale or lease of the premises on which displayed and may display the name, address and telephone number of the owner, agent or lessor of the premises; provided further, that the real estate open house directional signs of similar dimensions may be located on premises other than that advertised for sale or lease between the hours of 1:00 p.m. and 4:00 p.m. on Sundays only.

(5) Construction signs; one on a site to give information about what is being constructed not to exceed 16 square feet. (The signs shall not be erected prior to the commencement of construction and shall be removed before a final release on the construction is given by the Building ~~Officer~~ Official.)

(6) Temporary window signs announcing specials, sales and/or hours of special operation.

(a) The signs may be of the following sizes:

<i>Store Frontage</i>	<i>Sign Size</i>
0 - 20 linear feet	Up to 6 square feet
0 - 30 linear feet	Up to 12 square feet
0 - 40 linear feet	Up to 18 square feet
0 - 40+ linear feet	1 square foot of signing per linear foot

(b) In all cases, the size of permitted signs shall not exceed 25 percent of the window area. Each sign so displayed shall be dated on the back of the sign and shall not be displayed for more than 15 days. There shall be at least eight days in any consecutive 30-day period, beginning the first of the month, where no temporary window signs shall be displayed. The lettering on read-a-boards will be considered as temporary signing under this section, but exempted from the time requirements stated above.

(8) Garage and yard sale signs located on private property when not exceeding two square feet in size, when posted and removed the day of the sale.

(B) Temporary noncommercial signs (including, but not limited to, political or ideological signs, holiday displays, and announcements for noncommercial public activities or events); with the owner's permission in all zones and when not over 24 inches by ~~36~~ 48 inches; provided, however, that, the sign shall be erected no sooner than 60 days before and shall be removed within seven days after the election or event; or if not concerning a particular event, then the sign may be posted for 67 days without a permit. Additionally, temporary noncommercial signs are

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(8) Garage and yard sale signs located on private property when not exceeding two square feet in size, when posted and removed the day of the sale.

(B) Temporary noncommercial signs (including, but not limited to, political or ideological signs, holiday displays, and announcements for noncommercial public activities or events); with the owner's permission in all zones and when not over 24 inches by 48 inches; provided, however, that, the sign shall be erected no sooner than 60 days before and shall be removed within seven days after the election or event; or if not concerning a particular event, then the sign may be posted for 67 days without a permit. Additionally, temporary noncommercial signs are

allowed in the same locations, in the same size, and for the same duration that commercial signs are allowed without a permit. (Note: Permanent noncommercial signs, and temporary noncommercial signs exceeding the size limitations set forth in Section 17.064.030, may be approved pursuant to Section 17.064.070).”

SECTION 3: Subdivision (B) of Section 17.064.070 shall be amended to read: “No sign permit shall be issued unless the sign conforms to the applicable criteria in § 17.064.140 or unless an exception is granted in accordance with §§ 17.064.100 through 17.064.130. Noncommercial signs are allowed in the same locations in the same size and for the same duration that commercial signs are permitted.”

SECTION 4: Section 17.064.140 of the Town Code is hereby amended to read as follows:

“§ 17.064.140 DESIGN CRITERIA.

(A) All permanent signs must conform to the following criteria.

- (1) The sign must meet the purpose and intent of § 17.064.010 of this chapter.
- (2) The sign may not be garish, excessively brilliant or otherwise inappropriate to the character or plans of the town.
- (3) The sign must be architecturally a part of the design of the building rather than a feature independent of and in conflict with the design of the building.
- (4) The color and material of any sign shall be compatible with the color and material of any wall on which a sign is painted or to which the sign is attached.
- (5) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property.
- (6) If lighting is installed, it shall not cause glare to passing pedestrians or motorists or cause light pollution.

(B) All temporary noncommercial signs must conform to the following criteria:

- (1) The sign must be designed and installed in such a manner as to ensure adequate security and stabilization to minimize or eliminate risk of injury to persons and property.
- (2) If lighting is installed, it shall not cause glare to passing pedestrians or motorists or cause light pollution.”

SECTION 5: Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the

fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6: CEQA. This Ordinance has been assessed in accordance with the California Environmental Quality Act (“CEQA,” codified at Public Resources Code § 21000, et seq., and as further governed by the CEQA Guidelines, 14 C.C.R. § 15000, et seq.). This Ordinance makes minor adjustments to the Town Code provisions related to the display of temporary noncommercial signs, and clarifies security and lighting requirements for signs. These modifications will not result in a substantial or potentially substantial adverse change in the environment. Therefore, this Ordinance does not have the possibility to have a significant effect on the environment, and is therefore exempt from the environmental review requirements of CEQA per 14 C.C.R. § 15061(b)(3).

SECTION 7: This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women's Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 4th day of February 2015, and duly adopted at the next regular meeting of the Town Council on the ___ day of _____, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Barbara Coler, Mayor

Attest:

Michele Gardner, Town Clerk

Date