

## **ORDINANCE NO. 2009-256**

### **AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING THE TOWN'S ZONING ORDINANCE CHAPTER 27.32 - SIGNS, SECTION 27.32.040- PROHIBITED SIGNS, SECTION 27.32-060 – EXEMPTIONS FROM SIGN PERMIT REQUIREMENTS, SECTION 27.32-080 – TEMPORARY SIGNS, AND CHAPTER 27.60, SECTION 27.60.020 DEFINITIONS/GLOSSARY**

#### **SECTION 1. Recitals.**

1. A comprehensive revision to the Town of Windsor Zoning Ordinance was adopted in July 2000.
2. Modifications are proposed to clarify areas of the code for day-to-day operations and use of temporary sign use.
3. The Planning Commission conducted a noticed public hearing on the proposed Zoning Ordinance modifications on March 24, 2009 and forwarded their recommendation to the Town Council in Resolution No. 2565-09.
4. The Town Council conducted a noticed public hearing on August 19, 2009 on the proposed Ordinance modifications.
5. The Town Council previously adopted a Negative Declaration for the Zoning Ordinance revision on June 21, 2000, finding that the Windsor General Plan EIR adequately reviewed potential environmental issues, and because the Zoning Ordinance is consistent with the General Plan, no additional significant impacts would occur as a result of the adoption of Zoning Ordinance and map. The proposed changes to the Zoning Ordinance serve to comply with state regulations and to clarify day-to-day regulations previously incorporated into the document. There is no evidence that the additions to the Zoning Ordinance would result in any impacts that were not addressed in the General Plan EIR; therefore, no additional environmental review is necessary.

#### **SECTION 2. Findings.**

1. The proposed amendments are consistent with the General Plan.
2. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.
3. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance.
4. The modifications are proposed to encourage signs in commercial, residential, office, and industrial districts that are a positive attribute to the design image of Windsor.

5. The modifications are proposed to preserve and enhance the aesthetics, traffic safety, and environmental values of the community, while providing channels of communication to the public.
6. The modifications are proposed to ensure the public's ability to easily identify uses, premises, and community events, and regulate the basic characteristics, location, and proportion of signs.
7. The modifications are proposed to keep proliferation of signs to a more aesthetic proportion, as well protect existing business and uses from visual encroachment from new signs on neighboring properties.
8. The modifications are proposed to enhance aesthetics and traffic safety in the community by minimizing sign information to ensure that signs do not distract motorists, obstruct, or otherwise impede traffic and pedestrian circulation and pathways.
9. The modifications are proposed to safeguard and protect the public health, safety, property, and general welfare through appropriate prohibitions, regulations, and controls on design, location, and maintenances of signs.

**SECTION 3. Amendment.**

Section 27.32.040B.5. and B.16, "Prohibited Signs," of the Town of Windsor's Zoning Ordinance are hereby amended to read as follows:

**27.32.040 - Prohibited Signs**

**B. Prohibited signs.** The following signs are prohibited in all zoning districts

5. Inflated signs, balloons, and figures, except as otherwise allowed in Section 27.32.060.
16. Mobile billboards that are carried, conveyed, pulled, or transported by any vehicle or wheeled conveyance to attract attention to business identification, business advertisement, service, or product, in the public right-of-way and/or on property where the business, service, or product is not conducted/provided. Prohibition not intended for buses, taxis, and signs/graphics on vehicles used in the course of business.

Section 27.32-060D., "Exempt temporary signs limited by size and/or period of display. 2. "Existing businesses" of the Town of Windsor's Zoning Ordinance is hereby repealed in its entirety and a new Section 27.32.060D.2 is hereby added to read as follows

**27.32.060 D. Exempt temporary signs.**

2. Inflated figures. During a community event a business shall be allowed one inflated figure, subject to compliance with the following:

- a. The inflated figure shall not obstruct the accessible path of travel, public right-of-way, or pedestrian walkway.
- b. Guide wire, electrical cords, etc. shall not obstruct/or create a barrier to an accessible path of travel, public right-of-way, or pedestrian walkway
- c. The inflated figure shall be in place only during the event and/or during the hours of operation and shall not be left up overnight.
- d. Figure shall be located at ground level, no roof top mounted figures.
- e. Figure shall not be illuminated.
- f. Figure shall not exceed 10' in height.
- g. Applicant shall obtain a sign permit, prior to placement of the figure.

**Section 27.32-060.D., "Exempt temporary signs limited by size and/or period of display. 4. "Temporary banners" of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.32.060D.4. to read as follows:**

**27.32.060 D. Exempt temporary signs**

- 4. **Banners.** Businesses shall be allowed the use of one banner subject to the following:
  - a. Banners shall be affixed to the exterior wall(s) of the structure within which the business is located, and shall not hang between posts, or from trees, be within the public right-of-way, or be placed on a rooftop.
  - b. Banner shall not exceed a maximum area of 24 square feet.
  - c. Banners shall maintain a minimum of 80" clearance above an accessible path of travel or pedestrian walkway.
  - d. Banners shall be maintained in a clean and presentable manner

**Section 27.32-060.D., "Exempt temporary signs limited by size and/or period of display. 5 "Portable signs" a. "Single tenant signs" of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.32.060D.5.a. to read as follows:**

**27.32.060 D. Exempt temporary signs**

- 5. **Portable signs.** Non-residential uses shall be allowed one temporary portable sign subject to the following:
  - a. **Non-Residential Uses:**
    - (1) Portable signs shall be located only in front of the business they are intended to serve.
    - (2) Portable signs shall have a maximum sign area of six square feet.
    - (3) Portable signs shall not exceed four feet in height, including supporting structure.
    - (4) Portable signs shall be setback so as not to obstruct an accessible path of travel, public right-of-way, or pedestrian walkway.
    - (5) There shall be a minimum 10-foot separation between portable signs.
    - (6) Sign copy shall be applied on the sign face against a contrasting-colored background that is compatible with the surroundings.
    - (7) Portable signs shall only be displayed during business hours.

Section 27.32-060D., "Exempt temporary signs limited by size and/or period of display. 5 "Portable signs" b. "Multi-tenant sites" of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.32.060D.5.a. to read as follows:

**27.32.060 D. Exempt temporary signs**

- b. Sites with Comprehensive Sign Programs: Businesses that are part of a site with a Comprehensive Sign Program may be allowed a specific number of portable signs for the site. Conditions of approval may establish the number, location, size, and separation of portable signs within the multi-tenant site. The provision for banners and/or portable signs in this Ordinance may take precedent over a Comprehensive Sign Program that prohibits banners and/or portable signs, if the property managers choose not to enforce the prohibition. If the Comprehensive Sign Program does not address portable signs then the businesses are subject to the provisions of this Ordinance.

Section 27.32-080 – "Temporary Off-Site Signs". A. "Campaign and political signs." of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.32080 A. and amended to read as follows:

**27.32.080 – Temporary Signs**

A. Temporary Signs. Temporary signs are subject to the following standards.

1. Each permittee shall pay the fee required by the Town for a Sign Permit prior to the placement of any temporary sign.
2. In residential districts, no more than 32 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. Sign height shall not exceed four feet above the ground.
3. In all other zoning districts, no more than 64 square feet of total signage area is permitted, counting only a single-side of any two-sided sign toward the signage area. No sign shall exceed six feet in height above the ground.
4. No sign shall be erected more than 45 days.
5. No sign shall be displayed without the consent of the legal owner of the property and/or person holding present right to possess and control property ("owner"). Each permittee, shall obtain permission from the "owner", prior to placing a sign on the property. The permittee may, upon request, be required to provide the Town with a copy of written permission from the "owner". In the event a permittee is unable to provide written permission to post signs, the signs shall be immediately removed or the Town may impose a penalty on the permittee sufficient to cover the costs of removal.
6. The maintenance and removal of the signs are the responsibility of the permittee. All signs shall be removed entirely within the allotted time on the permit. In the event that all signs are not properly removed within the allotted time, the Town may impose a penalty on the permittee sufficient to cover the costs of removal.

7. No portion of a sign shall be located within five feet of road, street, or common driveway and no sign may obstruct vision on the public rights-of-way or at any other location where, by reason of the sign's position, shape or color it interferes or may be confused with any authorized traffic sign, signal or device. Signs erected on public property and/or in the public right-of-way, may be abated by the Town without notice.
8. Signs shall not be erected above the height limitations of Section 9, on/or attached to a pole, or suspended without support from the ground (i.e. from a crane, or similar device). With the exception of magnetic signs attached to the doors, no signs shall be mounted on a vehicle or similar object.
9. The height of a sign shall be measured from the existing grade to the top of the sign and shall not exceed 4' in height in a residential zone nor 6' in height in a non-residential zone.
10. If the Town Manager determines that any sign has been posted in violation of these conditions, but not in such a manner that poses an immediate safety hazard, the Town Manager will notify the permittee by phone and in writing of the violation. The permittee will then have two working days to correct the violation. Any major violation, as determined by the Town Manager, to the provisions herein shall result in the immediate and summary abatement by the Town. The permittee shall be liable to the Town for any and all removal and abatement costs.
11. The permit shall be subject to revocation upon failure to comply with the above conditions.

**Section 27.32-080 – “Temporary Off-Site Signs”. B. “Community event signs.”** of the Town of Windsor’s Zoning Ordinance is hereby amended to change “Civic event signs to Community event signs”. to read as follows:

**27.32.080 – Temporary Off-Site Signs**

**B. Community event signs.** Community event signs shall be allowed on public and/or private property as approved by the Town Manager, and may be subject to administrative design review. Signs may be posted two weeks prior to the activity and shall be removed within two days after the event.

**Section 27.60.020(A), Signs A. Definitions “A”** of the Town of Windsor's Zoning Ordinance is hereby amended to add a new definition for "Accessible Path of Travel" to read as follows:

**A. Definitions, “A”**

**Accessible Path of Travel.** A barrier free access route without any abrupt level changes. Accessible paths shall be maintained free of overhang obstructions to an 80” minimum and at least 48” in width. Accessible paths of travel shall comply with the accessibility requirements of the Town’s adopted California Code of Regulations, Title 24.

**Section 27.60.020(A), Signs S. Definitions Sign 9. "Civic Event Signs,"** of the Town of Windsor's Zoning Ordinance is hereby amended to repeal Section 27.60.020(A), "Civic Event Signs" and to amend the title and definition to read as follows:

**S. Definitions, "S" Sign.**

**9. Community Event Sign.** A temporary sign, other than a commercial sign, posted to advertise a community event sponsored by a public agency, school, church, community-fraternal organization, or similar non-commercial organization. The sign is intended to inform the public of a community happening, action, purpose, or occasion. (i.e., grand opening, community event, public meeting, and similar).

**Section 27.60.020(A), Signs S. Definitions Sign 25.** of the Town of Windsor's Zoning Ordinance is hereby amended to add the title and definition as 25. "Mobile Billboard" and renumber the subsequent definitions respectively. The title and definition to read as follows:

**A. Definitions "S" Signs.**

**25. Mobile Billboard.** A mobile billboard is any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. This definition does not include buses, taxicabs, and vehicles that display an advertisement for the business of its owner, so long as the vehicle is used for the business of the owner, and not used primarily for advertising.

**SECTION 4. California Environmental Quality Act ("CEQA").**

The Town Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the Ordinance is not a "project" within the meaning of Section 15378 of the state CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) for it has no potential for resulting in physical change in the environment, directly or ultimately. The Ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, either directly or indirectly. The Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guideline 15601(b)(3) in that it will not have a significant adverse effect on the environment.

**SECTION 5. Statutory Severability.**

If any section, subsection, sentence, clause or phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

**SECTION 6. Effective Date and Publication.**

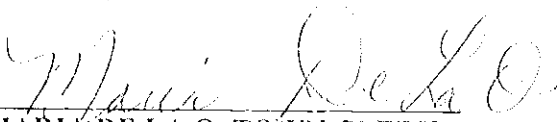
This Ordinance shall take effect and be in force 30 days following its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance, or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulations published and circulated in the Town of Windsor.

PASSED, APPROVED, AND ADOPTED this 2nd day of September 2009, by the following vote:

AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON, SCHOLAR AND  
MAYOR GOBLE  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

  
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ROBIN R. GOBLE, MAYOR

ATTEST:

  
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MARIA DE LA O, TOWN CLERK