



## CITY COUNCIL STAFF REPORT

DATE: July 19, 2017

LEGISLATION

SUBJECT: ADOPTION OF AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING PRIOR INTERIM URGENCY ORDINANCES 1893, 1912 and 1922, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO NOVEMBER 10, 2017. (4/5<sup>THS</sup> Vote Required)

FROM: David H. Ready, City Manager

BY: Edward Z. Kotkin, City Attorney

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### SUMMARY

The City is in the process of completing a significant project, revision and update of its sign ordinance. The City Council provided direction with respect to revisions that had to be made to the last iteration of the sign ordinance presented to the Council on May 17, 2017. In September, staff will be presenting what it anticipates will be the final revision of the sign ordinance, the related repeal of the City's "Sit and Lie" ordinance, and the ordinance crafted by the Police Department and City Attorney to ensure that the City has adequate authority to keep the City's sidewalks, adjacent curbs and all right-of-way safe and clear in the wake of the repeal of "sit and lie." The Council will recall that the new sign ordinance is the product of a process incorporating significant Council input, and provides standards based on time, place, and manner considerations and to minimize standards based on the content of signs. It also allows portable signs to be maintained on public sidewalks within commercial areas of the City, subject to objective design and locational requirements. Since the sign ordinance has already been adequately considered and approved by the Planning Commission, the only remaining step in this process will be the Council consideration of the sign ordinance in September. The current interim urgency ordinance adopted on April 5, 2017 expires on July 21, 2017. In order to allow adequate time for staff to complete the work necessary to prepare what should be the last iteration of the City's new sign ordinance and all related items, the staff recommends the urgency ordinance be extended to November 10, 2017.

ITEM NO. 3.C.

**RECOMMENDATION**

Waive the reading of the text in its entirety, read by title only, and adopt Ordinance No. \_\_\_\_\_, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING PRIOR INTERIM URGENCY ORDINANCES 1893, 1912 and 1922, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO NOVEMBER 10, 2017." (4/5ths Vote Required)

**STAFF ANALYSIS**

The Council has previously considered the substance of the proposed interim urgency ordinance presented now (See ATTACHMENT A) on three (3) occasions. In each instance, the purpose of the interim urgency ordinance has been the same – to allow the City adequate time to adopt a new sign ordinance. The data on the prior interim urgency ordinances is as follows:

<b>Date</b>	<b>Ordinance</b>	<b>Effective Dates</b>
5/18/16	1893	5/18/16 – 1/20/17
1/4/17	1912	1/4/17 – 5/5/17
4/5/17	1922	4/5/17 – 7/21/17

As is reflected, the Council's most recent consideration of an interim urgency ordinance took place on April 5, 2017. The staff report and minutes corresponding to that adoption are attached to this report as ATTACHMENT B.

The Council previously adopted imposed and extended an urgency ordinance regarding temporary signs in the City pending completion of Council's consideration of this ordinance. The urgency ordinance expires on July 21, 2017. Although this Interim Urgency Ordinance will be effective immediately, the new sign ordinance will take no less than a month and a half to go into effect after its introduction (approval on first reading). Since the Council will not be meeting during August, and presuming that the Council introduces the sign ordinance at the first meeting in September, the earliest that the new sign ordinance will be effective is mid-October. Staff recommends that the term of this interim urgency ordinance extend until November 10, 2017.

**ALTERNATIVES**

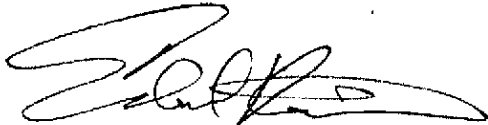
Reject this interim urgency ordinance and allow reversion to currently suspended ordinances regulating signage deemed appropriate for suspension (93.20.07 [Permitted Signs – Real Estate], 93.20.08 [Permitted Signs – Temporary], and 93.20.10.C.4 [Signs on Vehicles]), and to Section 93.20.09.B.5 re Accessory and Convenience Signs, Portable Open Signs as last adopted

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION:

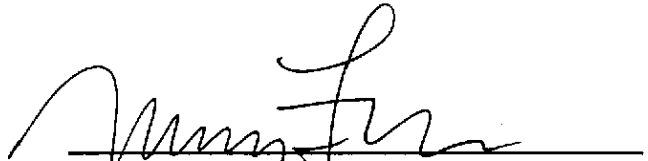
There is no possibility the adoption of this Ordinance will have a significant effect on the environment. This Ordinance is therefore exempt from environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

FISCAL IMPACT

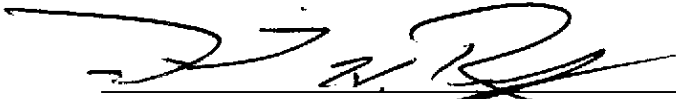
Not analyzed herein.



Edward Z. Kotkin,  
City Attorney



Marcus L. Fuller, MPA, P.E., P.L.S.,  
Assistant City Manager



David H. Ready, Esq., Ph.D.,  
City Manager

Attachments:

- A. Interim Urgency Ordinance
- B. Staff Report and Minutes, April 5, 2017

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

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING PRIOR INTERIM URGENCY ORDINANCES 1893, 1912 and 1922, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO NOVEMBER 10, 2017. (4/5<sup>THS</sup> Vote Required).

*City Attorney Summary*

*The City currently enforces a myriad of regulations relating to the installation and maintenance of various temporary signs both on private property and the public right-of-way. These regulations are based on significant policy concerns and past practices. Case law calls into aspects of the City's temporary sign regulatory program into question. This interim urgency ordinance will provide an interim set of constitutional regulations that will adequately address problems associated with temporary signs during upcoming election cycles while providing the City Council adequate time to review, consider, and adopt appropriate and necessary time, place, and manner restrictions for temporary signs in the City as recommended by staff.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

- A. The City is responsible for providing appropriate and necessary time, place, and manner restrictions on temporary signs in the City.
- B. The United States Supreme Court in the case of *Reed v. Town of Gilbert* (2015) 135 S.Ct. 2218 struck down several provisions of the Town of Gilbert's sign regulations that imposed different time, place, and manner restrictions on temporary signs that depended entirely on the communicative content of each sign. It is apparent amendments to the City of Palm Springs sign ordinance may be desirable to avoid any potential challenge in light of the *Reed* decision.
- C. Several community interests are invested in significant aspects of the City's sign ordinance, including realtors, downtown merchants, and local businesses. In addition, any amendment to the City's sign ordinance also requires involvement of the City's Planning Commission. In order to ensure a timely and thorough review of the City's sign ordinance without enduring significant risk of legal challenge to the existing Code, the City Council has determined that the adoption of an interim urgency ordinance that imposes direct, immediate and short-term temporary sign regulations are necessary and

appropriate.

D. This interim urgency ordinance will provide an interim set of constitutional regulations that addresses problems associated with temporary signs during the upcoming election cycles while providing the Planning Commission and the City Council adequate time to review, consider, and adopt appropriate and necessary time, place, and manner restrictions for temporary signs in the City.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,  
ORDAINS:

SECTION 1. The provisions of Palm Springs Sections 93.20.07 (Permitted Signs – Real Estate), 93.20.08 (Permitted Signs – Temporary), and 93.20.10.C.4 (Signs on Vehicles) are hereby suspended during the period of time this Ordinance remains in effect.

SECTION 2. The following definitions shall apply to this Ordinance:

“Special Event” is any single event or series of events that occur on an infrequent basis and take place at a specific location in which the public is encouraged or invited to watch, listen, participate, or purchase goods and/or services, including, but not limited to, the following:

- a. Commercial sales, including pre- and post-holiday sales;
- b. Arts and crafts shows, trade shows, antique shows, and other similar events;
- c. Carnivals, fairs, circuses, and similar activities;
- d. Outdoor shows, concerts, and exhibitions;
- e. Annual events

“Temporary sign” is any sign, handbill, or poster which is placed to advertise or announce a special event, or which pertains to a particular event or occurrence, or which is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, including but not limited to “portable open signs”, “political signs,” “election signs,” and “real estate signs.” Banners, pennants, pin wheels, ribbons, streamers, strings of light bulbs, inflatables, or similar devices intended for a limited period of display shall also be considered a portable sign. The term “temporary signs” do not include any sign posted, erected, or installed by the City, the County of Riverside, the State of California, or any other government agency or public utility in the exercise of its responsibilities or in furtherance of governmental speech.

SECTION 3. Signs on Vehicles. No person shall drive, operate, move in or along, or park on any street or on public or private property, any truck, trailer, carriage, wagon, sled, or other vehicle on which is attached or maintained any sign except as otherwise permitted pursuant to California Vehicle Code Section 21100(p)(2), as may be amended from time to time.

#### SECTION 4. Temporary Signs.

A. Up to two free-standing temporary signs of up to eight (8) square feet or one free-standing temporary sign of up to sixteen (16) square and/or one window sign of no more than four (4) square feet may be maintained on one single family property or on commercial, industrial, or multifamily property. A temporary sign associated with a special event shall not be installed more than thirty-one (31) days before the event and shall be removed no later than five (5) days after the event.

B. Temporary signs in commercial and industrial zones shall be governed by the same rules and regulations set forth in Section 93.20.05 that govern commercial and industrial signs. The total signage at any particular property, including temporary signs and other signs shall not exceed the restrictions set forth in Section 93.20.05.

C. Temporary signs in multi-family residential zones shall be governed by the same rules and regulations set forth in Section 93.20.06 that govern hotel, resort hotel, and apartment signs. The total amount of signage at any particular property, including temporary signs and other signs shall not exceed the restrictions set forth in Section 93.20.06.

D. Temporary signs shall not be installed or maintained on any public right of way or on any public property, including without limitation trees, public utility poles, and street signs. Except as otherwise expressly provided in this Ordinance, temporary signs shall only be placed on private property with the written consent of the property owner.

E. Nothing herein shall be interpreted as prohibiting any person from carrying a temporary sign within a public right-of-way as allowed in Section 11.28.050 of this Code.

SECTION 5. Section 93.20.09.B.5 of the Palm Springs Municipal Code is amended to read:

#### 5. Portable Open Signs.

Except where another permitted outdoor display has been authorized (postcard rack, art displays, etc.), one portable open sign is allowed for: (i) each tenant space in the C-B-D zone and (ii) with frontage on North Palm Canyon Drive between Alejo Road and Racquet Club Road or (iii) with frontage on Indian Canyon Drive between Ramon Road and Alejo Road, subject to the following requirements:

a. One portable open sign is allowed per tenant space. Multiple businesses within a single tenant space shall be limited to one sign overall.

b. A portable open sign may only be placed between a public entry into the tenant space and the nearest fronting street or parking drive aisle. The sign may be placed in the sidewalk public right-of-way, no less than 3 feet from any street or parking curb; however, in no case may any sign impede pedestrian traffic. A 48-inch clear paved pathway for ADA access must be maintained at all times.

- c. A portable open sign shall not exceed 42 inches in height and 32 inches in width. The sign may be two-sided.
- d. The sign frame may be a single- or two-pole metal frame, or it may be an A-frame. The sign may be either chrome, black or white.
- e. The sign frame shall include a heavy base to prevent unintended movement caused by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.
- f. The sign copy shall be produced professionally – signs created by hand or home computer software are not allowed.
- g. No lighting, balloons, or other attachments are allowed.
- h. The Director of Planning Services shall prepare and implement administrative rules, regulations, and guidelines consistent with, and in furtherance of, the provisions of this Subsection.

#### SECTION 6. Message Substitution.

- A. Subject to the consent of the land owner and the sign owner, a constitutionally protected noncommercial message of any type may be substituted, in whole or in part, in place of any commercial message or any other noncommercial message on a sign if the sign structure or mounting device is legal without consideration of message content. Similarly, an onsite commercial message may be substituted for another commercial message on an on-site sign if the substitution does not also involve a change of the physical structure or mounting device for the sign. Such message substitutions may be made without any additional approval or permitting.
- B. The purposes of this section are to prevent any inadvertent favoring of commercial speech over noncommercial speech or of any particular noncommercial message over any other noncommercial message and to allow a change of commercial messages on an on-site sign without a new permit.
- C. This section does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This section does not allow the substitution of an off-site commercial message in place of an on-site commercial message or the conversion of a sign to general advertising for hire.
- D. In addition to message substitution, whenever a parcel has a right to display area that is unused, that area may be used for constitutionally protected non-commercial messages on temporary signs, without permits or approvals; it may also be used for display of noncommercial messages on permanent structures, if the structure is properly permitted.

E. This Section prevails over any more specific provision to the contrary within the City's sign ordinance.

SECTION 7. CEQA. The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant effect on the environment. This Ordinance is therefore exempt from environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 8. Findings. The adoption of this extension to Interim Urgency Ordinance Nos. 1893, 1912 and 1922 is necessary for the immediate protection of the public peace, health, and safety by ensuring the timely and orderly consideration, adoption, and implementation of temporary sign regulations compliant with the constitutional guidelines of the Supreme Court, and reasonably preserves an orderly and balanced temporary sign program during the election cycles of 2017 where the proliferation of temporary signs would adversely affect public property and rights of way and endanger the traveling public. In accordance with Section 312 of the Palm Springs City Charter, the City Council of the City of Palm Springs finds and determines that the adoption of this Interim Urgency Ordinance is necessary to ensure the immediate protection of the public peace, health, and safety.

SECTION 9. Effective Date. The City Council hereby declares, on the basis of the findings set forth in the true and correct Recitals above, incorporated by this reference herein, and in Section 8 above, that an urgency ordinance is warranted and that this Ordinance is necessary to preserve the public peace, health and safety. Accordingly, this Ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption. This Ordinance shall expire on November 10, 2017 unless otherwise extended by action of the City Council prior to such date.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 19<sup>th</sup> DAY OF JULY, 2017.

ATTEST:

\_\_\_\_\_  
ROBERT MOON, MAYOR

\_\_\_\_\_  
KATHLEEN D. HART, MMC  
INTERIM CITY CLERK



CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that Interim Urgency Ordinance No. \_\_\_\_\_ is a full, true and correct copy, and adopted at a regular meeting of the City Council held on the 19<sup>th</sup> day of July, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:

\_\_\_\_\_  
KATHLEEN D. HART, MMC  
INTERIM CITY CLERK

- 2) Approve a Purchase Order in the amount of \$56,336 with Albert A. Webb Associates for design services related to the Vista Chino (State Route 111) at Via Miraleste Traffic Signal Installation, CP 17-03. A6443.
- 3) Authorize the City Manager to execute all necessary documents.  
**Motion by Mayor Pro Tem Foat, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.**

2. **PUBLIC HEARINGS:** None.

3. **LEGISLATIVE:**

**3.A. INITIATE AND REFER TO THE PLANNING COMMISSION AN ORDINANCE RELATING TO THE CITY'S SIGN ORDINANCE AND EXTEND INTERIM URGENCY ORDINANCES 1893 AND 1912 IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS TO JULY 21, 2017:**

Douglas Holland, City Attorney, provided the background information as noted in the staff report.

Councilmember Mills requested clarification and modifications in the following areas:

1. Portable signs in commercial zones.
2. Section 93.20.04, subsection 2, Sign on Public Property or Rights-of-Way.
3. Section 93.20.05, subsection C, Portable Signs.
4. Portable signs complying with ADA requirements; does not feel 48" is adequate and feels it should be at least 72" for ease of movement.
5. Portable sign designs with respect to "design criteria established by the Director of Planning Services.

Councilmember Roberts stated concerns and/or requested clarification on the following:

1. Support of A-frame signs to be in compliance with ADA requirements. Wanting the businesses to be successful.
2. The need for quality signs and the criteria be set by the Director of Planning Services or a Planning Commission subcommittee.
3. Inquired about the City's liability, and the need for the business owner to assume full responsibility.
4. Section 93.20.04, subsection 2, Sign on Public Property or Rights-of-Way.
5. Section 93.20.05, subsection B, 2, Permitted signs - Commercial and Industrial Business, Permitted signs - Secondary signs.

6. The limit of signs on glazing to the first floor of the build.
7. Portable signs and the need for permits.
8. Human signage.
9. Temporary signs for an event, size, and duration.
10. Where will political signs be addressed?

Councilmember Kors spoke of concern, requested clarification, and highlighted some key points:

1. Businesses with private patios. May they have a portable sign?
2. How will fines and multiple fines be handled?
3. Will their portable sign permit be revoked?
4. All commercial businesses throughout the City will be able to have one portable sign, and not only within the Downtown and Uptown areas.
5. Other opportunities have been provided i.e. blade signs, etc.
6. The need for permits prior to erecting signs.

Councilmember Kors asked the City Manager if it is possible to educate the business owners of the current ADA laws with respect to portable signs.

David Ready, City Manager, stated going forward staff will work with the City's business partners i.e. Main Street etc. and will start an educational program to educate prior to enforcement.

Mayor Pro Tem Foat stated there should be uniformity with respect to the signs and the ordinance should include a "tacky clause".

Mayor Moon stated all the important points have been addressed and looking forward to the comments from the Planning Commission.

Councilmember Mills stated though the ADA requires 48" sidewalk clearance, it is his hope the Planning Commission will consider more than 48" for those with disabilities.

**ACTION:**

- 1) Initiate and refer to the Planning Commission for review and comment, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 12.28.050, 14.16.010, 91.00.10, AND 93.20.01 THROUGH 93.20.11 OF, AND REPEALING SECTION 12.12.055 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE CITY'S SIGN ORDINANCE."
- 2) Waive the reading of the text in its entirety, read by title only, and adopt Urgency Ordinance No. 1922, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NOS. 1893 and 1912

OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5 OF, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO JULY 21, 2017." (4/5THS Vote Required)

**Motion by Councilmember Roberts, seconded by Councilmember Kors, and unanimously carried on a roll call vote.**

**3.B. INTERIM URGENCY ORDINANCE REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS:**

Douglas Holland, City Attorney, provided background information which based on recent actions with respect to the Epic Hotel.

Mayor Pro Tem Foat provided additional background information and some key points of the urgency ordinance as follows:

1. Provide 90-day notice to tenants with respect to eviction or rent increase.
2. Take into consideration the length of time of residency at the location.

Councilmember Kors provided comments relating to the conversion of apartments to hotels or condos as follows:

1. Maintaining the City's affordable housing stock.
2. Provide a 90-day notice to tenants.
3. Provide a 180-day notice to seniors and tenants with disabilities, plus free rent.
4. Three (3) months' rent plus an additional month for each year of residency for relocation.

Councilmember Mills stated this is the first time seeing it, and the public has not had the opportunity to review and comment on this urgency ordinance. Further, he stated he is not opposed to this urgency ordinance; however, due to the fact the public has not had the opportunity to review it, the urgency ordinance is not acceptable to him. He stated he will not support this; however, he will support the urgency ordinance placed on the next agenda.

Mayor Pro Tem Foat stated this is an urgency ordinance and cited the example of the woman with children whose rent was increased over \$150 per month, and the need to stop other incidents like this from taking place.



## CITY COUNCIL STAFF REPORT

DATE: April 5, 2017

LEGISLATION

SUBJECT: INITIATE AND REFER TO THE PLANNING COMMISSION AN ORDINANCE AMENDING SECTIONS 12.28.050, 14.16.010, 91.00.10, AND 93.20.01 THROUGH 93.20.11 OF, AND REPEALING SECTION 12.12.055 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE CITY'S SIGN ORDINANCE AND EXTEND INTERIM URGENCY ORDINANCES 1893 AND 1912 IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS TO JULY 21, 2017

FROM: David H. Ready, City Manager

BY: Douglas Holland, City Attorney

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### SUMMARY

This Ordinance amends provisions of the City's Sign Ordinance to provide standards based on time, place, and manner considerations and to minimize standards based on the content of signs. Consistent with the direction of the City Council, this Ordinance also allows portable signs to be maintained on public sidewalks within commercial areas of the City, subject to objective design and locational requirements. This Ordinance also repeals the "Sit and Lie" Ordinance.

Since this Ordinance includes amendments to the City's Zoning Code, the Ordinance is required to be forwarded to the Planning Commission for review and recommendation. The current interim urgency ordinance expires on May 5, 2017. In order to allow adequate time for Planning Commission to schedule and conduct a hearing and forward its recommendations to the City Council, staff recommends the urgency ordinance be extended to July 21, 2017.

### RECOMMENDATIONS:

1. Initiate and refer to the Planning Commission for review and comment, Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 12.28.050, 14.16.010, 91.00.10, AND 93.20.01 THROUGH 93.20.11 OF, AND REPEALING SECTION 12.12.055 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE CITY'S SIGN ORDINANCE."

2. Waive the reading of the text in its entirety, read by title only, and adopt Urgency Ordinance No. \_\_\_\_\_, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NOS. 1893

ITEM NO. 3.A.

and 1912 OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5 OF, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO JULY 21, 2017." (4/5<sup>THS</sup> Vote Required).

#### STAFF ANALYSIS:

The United States Supreme Court several months ago issued a decision against the Town of Gilbert, Arizona and its local sign ordinance. In this case, a church congregation did not have a fixed location; it conducted its Sunday services at different locations in the community every week. The pastor of this congregation placed temporary signs directing the congregation and anyone else interested to the site of the services. The pastor was cited for failing to include the event date on the signs and for failing to remove the signs within the short period of time allowed for removal of such signs under the local ordinance. The opinion of the Court, written by Justice Thomas, struck down the Town's sign ordinance, finding that the Town's regulatory program was "content based" and as such was subject to "strict scrutiny." (We note all nine justices concurred with the result; there were three separate concurring opinions.)

A "content based" regulation is one that "applies to particular speech because of the topic discussed or the idea or message expressed." The restrictions that applied to any given sign depended solely on the communicative content of the sign. Signs pertaining to elections were subject to different timing conditions than signs providing directions to a temporary event. Signs pertaining to other topics or ideas were required to comply with their own unique conditions. In an attempt to illuminate the issue, Justice Thomas explained:

"If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government. More to the point, the Church's signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas."

As mentioned above, "content based" regulations are subject to "strict scrutiny," a judicial standard that means a reviewing court can only uphold the regulation if the government demonstrates that is the least restrictive means of achieving a compelling government interest. This is a tough standard. One commentator reviewing the Gilbert decision described this standard: "Strict scrutiny, like a Civil War wound, is generally fatal."

The Town offered two governmental interests in support of the various distinctions in its sign ordinance: preservation of the Town's aesthetic appeal and traffic safety. The Court summarily dismissed both arguments, holding that even if aesthetics and traffic were assumed to be compelling government interests, the distinctions established in the

Town's sign ordinance were "hopelessly under inclusive." Temporary directional signs are "no greater an eyesore" than ideological or political ones, yet the ordinance allowed for the unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. In terms of traffic safety as a governmental interest, the Town offered "no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

The Court found the differential treatment among signs to be arbitrary and the Town's ordinance failed the strict scrutiny analysis. If the Town was truly concerned about aesthetics and traffic safety, the Court noted there are several ways to regulate signs that have nothing to do with the sign's message, including regulations regarding size, materials, lighting, number of signs allowed in a given area, distinctions between signs on private versus public property, distinctions between fixed message signs and electronic signs with changing messages, moving parts, and portability.

Despite the bleak picture painted by Justice Thomas in the official opinion of the Court, Justice Alito, joined by Justices Kennedy and Sotomayer, suggested that cities are not "powerless to enact reasonable sign regulations" and offered some rules these three justices opined "would not be content based:"

1. Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.
2. Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.
3. Rules distinguishing between lighted and unlighted signs.
4. Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
5. Rules that distinguish between the placement of signs on private and public property.
6. Rules distinguishing between the placement of signs on commercial and residential property.
7. Rules distinguishing between on-premises and off-premises signs.
8. Rules restricting the total number of signs allowed per mile of roadway.
9. Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.[\*]

10. In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. . . . They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

11. Today's decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives."

The Council subcommittee has met several times with various interested parties and constituencies and consistent with the direction of this Council at a previous Council meeting, has developed an approach that would allow portable A-frame style signs on City sidewalks within commercial areas of the City, including Downtown and Uptown, subject to specific guidelines and requirements. These requirements are generally as follows:

1. A portable sign may only be placed between a public entry into the tenant space and the nearest fronting street or parking drive aisle. The sign may be placed in the sidewalk public right-of-way, no less than 3 feet from any street or parking curb; however, in no case may any sign impede pedestrian traffic. A 48-inch clear paved pathway for ADA access must be maintained at all times. A portable sign shall not be placed on the parking curb, gutter or street. The placement of a portable sign on a public sidewalk pursuant to this Subsection is not a right; the portable sign shall not be allowed if all of the minimum requirements for the placement of the portable sign as provided in this Subsection C cannot be met.
2. A portable sign shall not exceed 42 inches in height and 32 inches in width. The sign may be two-sided.
3. The portable signs will be subject to the following design standards:
  - a. Frame: The sign frame may be a single- or two-pole metal frame, or it may be an A-frame. The sign may be of high quality, durable construction, consistent with the design criteria established by the Director of Planning Services.
  - b. Base Required: The sign frame shall include a heavy base to prevent unintended movement caused by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.
  - c. Sign Copy: The sign copy shall be produced professionally; signs created by hand or home computer software are not allowed.
  - d. Attachments: No lighting, balloons, or other attachments are allowed.
4. Each sign will requirement an annual permit pursuant to either the encroachment process or an approved Sign Program.



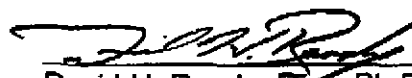
This ordinance includes several amendments to the City's Zoning Ordinance and therefore requires the Planning Commission to conduct a public hearing and review and comment on the proposed ordinance. Staff recommends the City refer the proposed ordinance to the Planning Commission.

The Council previously imposed and extended an urgency ordinance regarding temporary signs in the City pending completion of Council's consideration of this ordinance. The urgency ordinance expires on May 5, 2017. Staff further recommends the urgency ordinance be extended to July 21, 2017.



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Douglas Holland  
City Attorney



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David H. Ready, Esq., Ph.D.  
City Manager

ORDINANCE No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 12.28.050, 14.16.010, 91.00.10, AND 93.20.01 THROUGH 93.20.11 OF, AND REPEALING SECTION 12.12.055 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE CITY'S SIGN ORDINANCE.**

*City Attorney Summary*

*This Ordinance amends provisions of the City's Sign Ordinance to provide standards based on time, place, and manner considerations and to minimize standards based on the content of signs. This Ordinance also repeals the "Sit and Lie" Ordinance.*

**The City Council of the City of Palm Springs City Council ordains:**

**SECTION 1.** Amend Section 12.28.050 of the Palm Springs Municipal Code to read:

12.28.050 Parking For Certain Purposes Prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of washing, waxing, wiping, greasing, or repairing such vehicle except repairs necessitated by an emergency.

**SECTION 2.** Amend Section 14.16.010 of the Palm Springs Municipal Code to amend the definition of "Director":

"Director" means the Public Works Director of the City or the City Manager's designee.

**SECTION 3.** Amend Section 91.00.10 of the Palm Springs Municipal Code to amend the definition of "Director":

"Director" means the Director of the Department of Planning Services of the City of Palm Springs or the City Manager's designee.

**SECTION 4.** Amend the Sign Ordinance of the City of Palm Springs (PSMC Sections 93.20.01 through 93.20.11) to read:

**93.20.00 Signs.**

Sections 93.20.01 through 93.20.11 contain the regulations for signs in the City.

### **93.20.01 Short Title.**

Sections 93.20.00 through 93.20.11 may be referred to as the Sign Ordinance of the City of Palm Springs.

### **93.20.02 Purpose.**

A. Recognizing that Palm Springs is one of the country's foremost desert resorts, the City Council finds that proper sign control is necessary to maintain the high aesthetic values which both residents and visitors to the city have come to expect. Signs shall complement the architecture of the building on which they are placed and/or the immediate surroundings, including such elements as size, color, location, graphic presentation, landscaping, lighting and construction material. The Sign Ordinance provides equitable standards for all businesses to identify the location of goods and services. Main identification sign(s) shall be allowed in conjunction with accessory/convenience signs as necessary.

B. Therefore, the purpose of this Sign Ordinance is to provide standards to safeguard life, health, property and the public welfare and to provide the means for adequate identification of businesses and other sign users by regulating and controlling the design, size, color, illumination, movement, materials, height, condition, location and maintenance of all signs placed on private property thereby ensuring the protection of property values, the character of the City's neighborhoods, the creation of a convenient, attractive, and harmonious community, while encouraging economic development and activities in the City. The Sign Ordinance through the regulation of the use of on-premise and off-premise signs, whether temporary or permanent in nature, also promotes the public health, safety, and general welfare of persons living, working, walking, driving, or otherwise engaged in activities within the City. The Sign Ordinance is intended to provide adequate visual identification of activities through commercial and non-commercial speech display while regulating the design, quality of materials, location, number, size, and maintenance of all signs and sign structures.

C. It is the intent of the City Council that the Sign Ordinance will balance the needs of the City's residents, businesses, institutions, and visitors for adequate identification, communication, and advertising with the objectives of protecting public safety and welfare and preserving and enhancing the aesthetic character and environmental values of the community, by (1) Encouraging communications that aid orientation and promote economic vitality while preventing visual clutter that will detract from the aesthetic character of the City; (2) Applying basic principles of good design and sensitivity to community appearance to signage to avoid the creation of nuisances and privacy violations that will degrade the value of surrounding properties; (3) Enhancing safety by ensuring that signs are designed, constructed, installed, and maintained in compliance with minimum standards necessary to provide adequate visibility and to avoid the creation of hazards or unreasonable distractions for pedestrians or drivers; and (4) Ensuring that the constitutionally-guaranteed right of free speech is protected.

D. In adopting the Sign Ordinance, including its concomitant regulation of signs on public property and rights-of-way, the City Council acts in its proprietary capacity consistent with the City's general powers, property rights, Sections 65850(b), 38774, and 38775 of the Government Code, Section 5200 *et seq.* of the Business and Professions Code, Section 556 *et seq.* of the Penal Code, and Section 200 of the City Charter.

### **93.20.03 Definitions.**

The following definitions shall apply to Sections 93.20.00 through 93.20.11 unless another meaning is clearly apparent from the context.

"Abandoned sign" means a sign which no longer directs, advertises, or identifies a legal business establishment, product or activity on the premises where such sign is displayed.

"Abatement" means elimination and removal of any sign in violation of the Palm Springs Sign Ordinance.

"Affixed" means to be attached in any manner, including, but not limited to, adhesive substances or suction, or to be touching in any way, especially leaning against.

"Amortization" means the gradual extinction of nonconforming signs.

"Animated sign" means any sign with action or motion, color changes requiring electrical energy, electronic or manufactured sources of supply which the copy changes automatically or on which copy is changed manually (e.g., reader boards with changeable letters).

"Arcade/blade sign" means a sign with text or graphics printed on both sides of a solid surface attached perpendicular to the normal flow of traffic.

"Awning sign" means a graphic image that is painted on, or attached to, an awning, canopy, or marque.

"Banner" means a sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

"Banner Sign" means a strip of cloth or other flexible material approved by the City Manager on which a sign or message is painted calling attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community.

"Building frontage" means the linear length of a building facing a public street, parking lot, plaza or pedestrian mall.

"Cabinet sign" or "can sign" means a sign that contains all the text and/or logo symbols on the display face within an enclosed cabinet.

"Canopy" means a permanent roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

"Code Enforcement Official" means the City Manager or the City Manager's designee including without limitation the Building Official, the Police Chief, the Fire Marshall.

"Directional sign, Sign District" means one or more signs located within a Sign District primarily providing direction to guide vehicles and pedestrians to such Sign District and businesses therein and can include signs identifying parking areas, circulation patterns, and names of businesses.

"Directory Sign" means a sign identifying and locating residential, business or industrial uses within a building, subdivision, planned development, center or complex.

"Directory sign, pedestrian" means a pedestrian oriented sign that provides an organized list of names, people, offices, or facilities located within a given building or area, located at a public access point to the building, including a lobby.

"Downtown" means that portion of the City within the boundaries of Alejo Road on the north, Ramon Road on the south, Belardo Road/Museum Drive on the west and Indian Canyon Drive on the east. This area includes both sides of Palm Canyon Drive, Amado Road, Andreas Road, Tahquitz Canyon Way, Arenas Road and Baristo Road within such boundaries.

"Fascia Panel/Plaque Sign" means a sign mounted to a wall or other vertical surface and does not project from the wall.

"Freestanding" or "monument sign" means any sign which is not attached to a building or fence, or a wall attached to a building.

"Frontage" means that portion of a parcel of property which abuts a public street or highway or approved private street and "building frontage" means the side of a building closest to a public street or highway or approved private street.

"Government sign" means any sign posted, erected, or installed by the City, the County of Riverside, the State of California, or any other government agency or public utility in the exercise of its responsibilities or in furtherance of governmental speech.

"Height of sign" means the distance measured from the adjacent finished grade to the highest projection of the sign structure, including architectural design features.

"Main sign" means the largest single permitted sign on a property.

"Menu board" means a changeable point-of-purchase sign that provides a list of products and prices.

"Multi-tenanted building" means a building containing more than one (1) individual business within a shopping, professional, or industrial area.

"Mural" means a painting or artwork temporarily or permanently affixed to a building wall, freestanding wall, or fence, distinguished from signage in that it does not advertise a business, commercial endeavor, or product sold or offered on the site or off-site.

"Neighborhood entry sign" means a sign located on private property that identifies a defined single-family neighborhood or subdivision.

"Nonconforming sign" means a sign lawfully erected but which does not conform to the current provisions of the Sign Ordinance or approved Sign Program.

"Off-site," "billboard," and "off-premises signs, billboards and posters" means any sign which advertises goods, products, services, or facilities not necessarily sold on the premises on which the sign is located or displays advertising not related to the use of the property upon which the sign exists.

"Portable sign" means any small, portable, free-standing sign placed in front of a business establishment (1) within a sign district where such signs have been approved for use and maintenance as a component of a Sign Program or (2) on a public sidewalk within a commercial zone where such sign has been approved pursuant to an encroachment permit. For the purpose of the Sign Ordinance, a portable sign is deemed a temporary sign.

"Restricted/limited residential complex" means any residential complex that controls vehicular/pedestrian entry to the complex by virtue of wall and/or gate design.

"Service sign" means any assemblage of verbiage designed to advertise currently available services or products offered by a business. The term "Service Sign" also includes menu boards and variable message signs.

"Sign" means any identification, description, illustration or device illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, place, activity, person, institution, business or solicitation with the exception of window display. Any emblem, painting, banner, pennant, placard, lighting or other item, designed to advertise, identify or convey information shall be considered a sign. National flags or flags of political subdivisions shall not be construed as signs. Unless otherwise stated, an interior unlit sign or graphic, other than sale sign, with letters or numbers less than two (2) inches high per foot of distance from the glass at the frontage line shall be exempt from provisions of the Sign Ordinance. Unless otherwise stated, the ordinance codified in this section does not apply to signs located further than three (3) feet from the street front glass.

a. This definition shall not include official notices issued by any court or public body or officer or directional warning or information sign or structures required by or authorized by law or by federal, state, county or city authority. Nor shall it apply to an interior unlit sign or graphic, other than a sale sign, with letters or numbers less than two (2) inches high per foot of distance from the street front glass nor to signs located further than three (3) feet from the street front glass.

b. This definition shall not include murals as reviewed and approved by the City Council pursuant to Chapter 5.81 of this Code.

"Sign area" means the the entire area within any type of perimeter or border, which encloses the outer limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter or border shall be computed by enclosing the entire area utilized by any writing, representation, emblem, figure or character within a single continuous rectilinear perimeter of the smallest size and computing the area.

"Sign District" means a defined commercial and/or business area of the City consisting of two or more legal lots of record where signs are subject to an approved Sign Program.

"Sign Ordinance" means the "Sign Ordinance of the City of Palm Springs."

"Sign program" means design criteria established to guide the design and location of all signs on a building or within a complex or a Sign District; Sign Programs can, but need

not mandate specific elements such as material, color, size, location, lighting, and uniformity.

"Special Event" is any single event or series of events that occur on an infrequent basis and takes place at a specific location in which the public is encouraged or invited to watch, listen, participate, or purchase goods and/or services, including, but not limited to, the following:

- a. Commercial sales, including pre- and post-holiday sales;
- b. Arts and crafts shows, trade shows, antique shows, and other similar events;
- c. Carnivals, fairs, circuses, and similar activities;
- d. Outdoor shows, concerts, and exhibitions;
- e. Annual events

"Temporary sign" is any sign, handbill, or poster which is placed to advertise or announce a special event, or which pertains to a particular event or occurrence, or which is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, including but not limited to "portable signs", "political signs," "election signs," and "real estate signs." Banners, pennants, pin wheels, ribbons, streamers, strings of light bulbs, inflatables, or similar devices intended for a limited period of display shall also be considered a temporary sign. The term "temporary signs" does not include any government sign.

"Uptown" means that portion of the City within the boundaries of Alejo Road on the south, Vista Chino on the north, the west side of Palm Canyon Drive on the west, and Indian Canyon Drive on the east.

"Variable message sign" means a sign on which the copy can be changed, either manually or electronically.

"Wall sign" means a sign painted on a wall. The term "wall sign" also means a flat sign placed on or attached to a wall of a building, synonymous with the term "fascia panel/plaque sign."

"Window sign" means a sign with text or graphics printed or etched into a window of a structure. "Window sign" also means a sign displayed in the interior of a structure that is clearly visible through an exterior window.

#### **93.20.04 Prohibited Signs.**

A. Any sign not specifically authorized by the Sign Ordinance shall be prohibited unless required by law or utilized by a proper governmental agency.

B. The following signs are expressly prohibited:

1. Rotating, Moving, Flashing, Reflecting, Prismatic, or Blinking Signs.

Animated Signs, including without limitation signs which rotate, move flash, reflect, blink or appear to do any of the foregoing shall be prohibited. This

includes, but is not limited to flags, banners, pennants, inflatable objects and balloons, unless otherwise authorized in Section 93.20.08 or approved as a permanent architectural feature pursuant to Section 94.04.00 (Architectural review), or Section 93.20.10 (Signs—General Provisions).

2. Signs on Public Property or Rights-of-Way.

Signs on public property or rights-of-way shall be prohibited unless (1) otherwise expressly authorized in this Sign Ordinance, (2) provided through an approved sign program applicable to a Sign District adopted by the City Council, or (3) approved through an encroachment license or agreement. Any portable sign approved or permitted pursuant to this Code shall be located in a manner fully compliant with all standards and regulations regarding access for persons with disabilities.

3. Off-Premises Signs, Billboards, and Posters.

Any sign which advertises a use not being made on the premises, the name of the owner or user, or which identifies a product, an interest, service, or entertainment not available on the premises shall be prohibited unless otherwise authorized in conjunction with a public transportation facility;

4. Businesses Without Street Frontage.

Except as otherwise regulated, signs other than those authorized on the multiple tenant identification sign or an approved Sign Program shall be prohibited for any business without street frontage;

5. Signs Located on the Third or Higher Story.

All signs located on a third or higher story shall be prohibited, except for those in conjunction with a resort hotel;

6. Signs Affixed to Windows or Doors.

Any sign, merchandise or graphic, otherwise affixed to windows or doors, interior or exterior, other than those permitted by the Sign Ordinance shall be prohibited;

7. Signs Facing Private Property.

Signs which do not face a public or private right-of-way, or plaza, promenade or arcade, or public or private parking area (parking associated with the same premises) shall be prohibited;

8. Imitation of Traffic Signal.

No person shall place, maintain, or display in view of any street or highway, any sign, signal, or device, which resembles an official traffic sign or signal. Visual obstruction of any official traffic sign or signal is prohibited;

9. Signs in residential zones identifying home occupations;

10. Signs displaying fighting words, obscene matter, or create a clear and present danger to the general public;

11. Signs employing exposed raceways, ballast boxes, transformers, crossovers or conduits, unless otherwise approved by the Director or the Planning Commission;



12. Signs attached, affixed to or from the interior of any merchandise or products displayed outside of permanent buildings.

13. Cabinet signs;

14. Bench Signs

All forms of bench signs or bus stop advertising are prohibited in all zones except where State law expressly grants to a public transportation agency rights to such signage.

**93.20.05 Permitted signs—Commercial and Industrial Business.**

A. Permitted signs – Main Sign. Each separate business shall be allowed one (1) Main Sign as follows:

Main Sign	Commercial and Industrial Districts
Maximum Number	1 Main Sign per frontage.
Permitted Sign Types	Wall Sign, Monument Sign, Freestanding Sign, Awning Sign, Arcade/Blade Sign, Window Sign.
Maximum Area	<ul style="list-style-type: none"> <li>• Within 100' of R.O.W.: 1 square foot per lineal foot of frontage facing the R.O.W., plaza, or parking lot, not to exceed 50 square feet.</li> <li>• More than 100' from R.O.W.: 1-1/2 square feet per lineal foot of frontage facing the R.O.W. or parking lot, not to exceed 75 square feet.</li> <li>• Over 50 feet of lineal frontage: A single business with over 50 feet of frontage on a R.O.W. or parking lot shall be entitled to an additional 1 square feet of sign area for each 4 feet of frontage in excess of 50 lineal feet, and an additional 1 square feet of sign area for each 8 feet of frontage in excess of 100 lineal feet.</li> <li>• Buildings within 1000 feet of Interstate 10 R.O.W.: 1-1/2 square feet per lineal foot of frontage facing Interstate 10, not to exceed 150 square feet.</li> <li>• Monument Signs or Freestanding Signs located at a right angle to the R.O.W.: Each face shall be allowed 75% of the area otherwise permitted for the Main Sign.</li> <li>• Businesses not on the ground floor: Businesses located wholly above the ground floor and facing a R.O.W. shall be entitled to 50% of the sign area permitted for businesses on the ground floor of the building.</li> </ul>
Sign Separation	No Main Sign shall be closer than 10 feet from any other sign permitted hereunder; for signage facing Interstate 10, no sign shall be closer than 25 feet from any other sign permitted hereunder.
Maximum Height	<ul style="list-style-type: none"> <li>• Height – Wall Signs, Awning Signs, Arcade/Blade Signs. The top of any sign shall not be higher than the building on which it is located, and in no event shall the sign be higher than 28 feet.</li> </ul>

<b>Main Sign</b>	<b>Commercial and Industrial Districts</b>
	<ul style="list-style-type: none"> <li>• Height – Freestanding Signs, Monument Signs. The maximum height shall be 8 feet, unless otherwise permitted by Subsection 93.20.08(E).</li> </ul>
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• Signage shall be located adjacent to or on the building facing the frontage line.</li> <li>• All sign area allowed under this section shall be allowed on each street frontage of a multiple frontage parcel, provided that the same use of the property extends through from street to street. Consolidation of sign areas permitted on each frontage to one sign is prohibited.</li> </ul>
<b>Illumination Permitted</b>	Internal, external
<b>Permit Required</b>	Yes

B. Permitted signs –Secondary Signs. Each separate business shall be allowed Accessory and Convenience Signs as detailed below, in addition to a Main Sign:

<b>1. Accessory Sign</b>	<b>Commercial and Industrial Districts</b>
<b>Maximum Number</b>	1 sign shall be permitted where the Main Sign is not visible to pedestrian traffic.
<b>Permitted Sign Types</b>	Arcade/Blade Sign, Awning Sign, Window Sign.
<b>Maximum Area</b>	6 square feet; 4 square feet per sign face if located at a right angle to the street.
<b>Maximum Height</b>	The top of the sign shall not be higher than the building on which it is located, and shall be located a minimum of 7 feet above any pedestrian walkway.
<b>Additional Standards</b>	<ul style="list-style-type: none"> <li>• The sign may be divided on either side of a fascia or architectural element.</li> <li>• The sign shall be designed and located so as to not distract from the appearance of the building.</li> </ul>
<b>Illumination Permitted</b>	No illumination permitted.
<b>Permit Required</b>	Yes

<b>2. Customer Convenience Signs</b>	<b>Commercial and Industrial Districts</b>
<b>2(a). Open/Closed Signs</b>	
<b>Maximum Number</b>	1 sign per frontage.
<b>Permitted Sign Type</b>	Window Sign.
<b>Maximum Area</b>	1-1/2 square feet.
<b>Location</b>	Sign shall be located on the interior of a window or door on the building frontage.
<b>Illumination Permitted</b>	Internal Illumination only.
<b>Permit Required</b>	No
<b>2(b). Service Signs</b>	
<b>Maximum Number</b>	1 sign per business.
<b>Permitted Sign Type</b>	Wall Sign, Window Sign
<b>Maximum Area</b>	2 3 square feet
<b>Location</b>	Sign may be located on the interior of a window or on a wall adjacent to the front entrance of the business.

Illumination Permitted	No illumination permitted.
Permit Required	No
2(c). Hours/Days	
Maximum Number	1 sign per business.
Permitted Sign Type	Window Sign.
Maximum Area	Maximum 2" letter/number height per line.
Location	Sign shall be located on the interior of a window or door on the building frontage.
Illumination Permitted	No illumination permitted.
Permit Required	No
2(d). Credit Card Decals	
Maximum Area	All credit card or other service decals shall be displayed in a contiguous 1 square foot area.
Permitted Sign Type	Window Sign.
Location	Credit card and other service decals shall be located on the interior of a window or door on the building frontage.
Permit Required	No
2(e). Listing of Business Associates and/or Sub-lessees	
Maximum Number	1 sign per entrance.
Permitted Sign Type	Window Sign.
Maximum Area	All text shall be displayed in a contiguous 3 square foot area.
Location	Sign shall be located on the interior of a window or door on the building frontage.
Illumination Permitted	No illumination permitted.
Permit Required	No

3. Pedestrian Sign Directory	Commercial and Industrial Districts
Maximum Number	1 per multi-tenant building
Maximum Area	6 square feet per side; the sign for individual tenants shall be limited to no more than 2 square feet per side.
Location	Sign directory may be attached to a building wall, or may be a monument sign.
Illumination Permitted	Internal, External
Permit Required	Yes

C. Portable Signs. One portable sign is allowed for each tenant space with frontage along a public street subject to the following requirements:

1. Portable Sign	Commercial and Industrial Districts
Maximum Number	1 sign shall be allowed for each tenant space with frontage along a public street.

<b>1. Portable Sign</b>	<b>Commercial and Industrial Districts</b>
Location	A portable sign may only be placed between a public entry into the tenant space and the nearest fronting street or parking drive aisle. The sign may be placed in the sidewalk public right-of-way, no less than 3 feet from any street or parking curb; however, in no case may any sign impede pedestrian traffic. A 48-inch clear paved pathway for ADA access must be maintained at all times. A portable sign shall not be placed on the parking curb, gutter or street. The placement of a portable sign on a public sidewalk pursuant to this Subsection is not a right; the portable sign shall not be allowed if all of the minimum requirements for the placement of the portable sign as provided in this Subsection C cannot be met.
Dimensions	A portable sign shall not exceed 42 inches in height and 32 inches in width. The sign may be two-sided.
Design Standards	<ul style="list-style-type: none"> <li>• <b>Frame:</b> The sign frame may be a single- or two-pole metal frame, or it may be an A-frame. The sign may be of high quality, durable construction, consistent with the design criteria established by the Director of Planning Services.</li> <li>• <b>Base Required:</b> The sign frame shall include a heavy base to prevent unintended movement caused by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.</li> <li>• <b>Sign Copy:</b> The sign copy shall be produced professionally; signs created by hand or home computer software are not allowed.</li> <li>• <b>Attachments:</b> No lighting, balloons, or other attachments are allowed.</li> </ul>
Illumination Permitted	No illumination permitted.
Permit Required	Yes – Encroachment Permit or Sign Program

2. The Director of Planning Services shall prepare and implement administrative rules, regulations, and guidelines consistent with, and in furtherance of, the provisions of this Subsection.

**93.20.06 Permitted Signs – Downtown/Uptown.**

A. Permitted signs – Main Sign. Each separate business shall be allowed one (1) Main Sign as follows:

<b>Main Sign</b>	<b>Downtown/Uptown</b>
Maximum Number	1 Main Sign per frontage.
Permitted Sign Types	Projecting Sign (Arcade/Blade Sign or Awning Sign) or Flush-Mounted Sign (Window Sign, Individual Letters, Exposed Neon, or Fascia Panel/Plaque Sign).
Maximum Area	• Arcade/Blade Sign: 16 square feet/cubic feet. The

Main Sign	Downtown/Uptown
	<p>sign shall not exceed 4 feet in any one direction. One blade/arcade sign may be located at each customer entrance; each sign must be identical and the combination of such signs shall be deemed as one sign. The brackets or suspension structure shall not be included in the calculation of sign area/volume.</p> <ul style="list-style-type: none"> <li>• Awning Sign: The sign area shall not exceed 20% of the total awning area with a maximum area equal to 1 square foot per linear foot of awning width. Letters shall be a maximum of 14 inches high and located on the front face or any valance element of the awning. A logo may be incorporated into the sign with additional sign area allowed, provided the total sign does not exceed 30% of the total awning area with a maximum of 1-1/2 square feet per linear foot of awning width.</li> <li>• Exposed Neon: Sign shall not exceed a maximum of one square foot per linear foot of building frontage, with a maximum area of 50 square feet. Exposed neon signs shall only be used in conjunction with food and entertainment uses.</li> <li>• Fascia Panel/Plaque Sign: The length of the fascia panel/plaque sign shall be limited to a maximum of 2/3 the width of the storefront, and the sign area shall be limited to a maximum of one square foot per lineal foot of building frontage, not to exceed a maximum of 50 square feet. The height of individual letters shall not exceed 14 inches, with the first letter capitals allowed at 16 inches.</li> <li>• Window Sign: 40% of the total glazed area or 15 square feet, whichever is smaller. Each glazed area on either side of a customer entrance may contain an identical sign; the combination of such signs shall be deemed as one sign. Letters shall not exceed a maximum of 10 inches in height. Signs on glazing shall be limited to the first floor of the building.</li> </ul>
Maximum Height	Except as otherwise regulated, the top of any sign shall not be higher than the building on which it is located, and in no event higher than 28 feet, as measured from finished grade. The lowest point of any blade/arcade sign shall be a minimum of 7 feet above any pedestrian walkway.
Illumination Permitted	Internal, external
Permit Required	Yes

B. Permitted signs – Accessory Signs. In addition to one Main Sign, each separate business may select one (1) type of accessory signage from the sign types listed in the following table:

Accessory Signs	Downtown/Uptown
Maximum Number	1 Accessory Sign per business.
Permitted Sign Types	Projecting Sign (Blade Sign/Arcade Sign or Awning/Umbrella Sign) or Flush-Mounted Sign (Sign on Glazing, Individual Letters, Exposed Neon, or Fascia Panel/Plaque Sign).
Maximum Area	<ul style="list-style-type: none"> <li>• Blade Sign/Arcade Sign: 9 square feet/cubic feet. The sign shall not exceed 3 feet in any one direction. One blade/arcade sign may be located at each customer entrance where this type of sign is not also located as a Main Sign; each sign must be identical and the combination of such signs shall be deemed as one sign. The brackets or suspension structure shall not be included in the calculation of sign area/volume.</li> <li>• Awning/Umbrella Sign: The sign area shall not exceed 4 square feet. Letters shall be a maximum of 4 inches high, and shall be located on a vertical face or valance element of the awning or umbrella. A logo may be incorporated into the sign, provided the total sign area does not exceed 6 square feet. Each awning or umbrella that is separated by a distance of at least 8 inches may contain an identical sign; the combination of such signs shall be deemed as one sign for the purposed of this section. Signs on umbrellas may contain only the name and logo of the business to which they relate.</li> <li>• Individual Letters: Signs shall not exceed a maximum area of 6 square feet. Individual letters shall not exceed 12 inches in height. Such signs shall be limited to the first floor of buildings.</li> <li>• Fascia Panel Sign: Signs shall not exceed a maximum area of 6 square feet. The height of the fascia panel shall not exceed 16 inches; letters shall not be closer than 1-1/2 inches from the edge of the fascia panel. Individual letters shall not exceed 1 inch in depth from the face of the surface upon which they are mounted.</li> <li>• Window Sign: An Accessory Sign is permitted on glazed areas which do not also contain a Main Sign. The total sign area shall be no greater than 6 square feet. Each glazed area on either side of a customer entrance may contain an identical sign; the combination of such signs shall be deemed as 1 sign. Letters shall not exceed a maximum of 10 inches in height. Signs on glazing shall be limited to the first floor of the building.</li> </ul>

<b>Accessory Signs</b>	<b>Downtown/Uptown</b>
Maximum Height	Except as otherwise regulated, the top of any sign shall not be higher than the building on which it is located, and in no event higher than 28 feet, as measured from finished grade. The lowest point of any blade/arcade sign shall be a minimum of 7 feet above any pedestrian walkway.
Illumination Permitted	Internal/External
Permit Required	Yes

C. Permitted signs – Convenience Signs. Each individual business shall be permitted the following signs on the entry door, on the building adjacent to the entry door, or inside the glass window nearest to the entry.

<b>Customer Convenience Signs</b>	<b>Downtown/Uptown</b>
<b>1. Open/Closed Signs</b>	
Maximum Number	1 sign per street entrance.
Maximum Area	1-1/2 square feet
Location	Sign shall be located on the interior of a window or door on the building frontage.
Illumination Permitted	Internal Illumination only.
Permit Required	No
<b>2. Service Signs</b>	
Maximum Number	1 sign per business.
Maximum Area	2 square feet
Location	Sign shall be located on the interior of a window or door on the building frontage.
Illumination Permitted	No illumination permitted.
Permit Required	No
<b>3. Hours/Days</b>	
Maximum Number	1 sign per business.
Maximum Area	Maximum 2" letter/number height per line.
Location	Sign shall be located on the interior of a window or door on the building frontage.
Illumination Permitted	No illumination permitted.
Permit Required	No
<b>4. Credit Card Decals</b>	
Maximum Area	All credit card or other service decals shall be displayed in a contiguous 1 square foot area.
Location	Credit card and other service decals shall be located on the interior of a window or door on the building frontage.
Illumination Permitted	No illumination permitted.
Permit Required	No
<b>5. Pedestrian Directory</b>	
Maximum Number	1 per building where the principal sign for a business on a parcel fronting on Palm Canyon Drive is not visible from Palm Canyon Drive.

Maximum Area	The directory sign shall not exceed 6 square feet per face; signs for individual businesses shall be no larger than 2 square feet per face.
Location	The sign must be permanently mounted and may be attached to the building or may be freestanding and shall not impede pedestrian movement.
Illumination Permitted	Internal/External
Permit Required	Yes

D. Portable Signs. One portable sign is allowed for each tenant space with frontage along a public street subject to the following requirements:

1. Portable Sign	Downtown/Uptown
Maximum Number	1 sign shall be allowed for each tenant space with frontage along a public street.
Location	A portable sign may only be placed between a public entry into the tenant space and the nearest fronting street or parking drive aisle. The sign may be placed in the sidewalk public right-of-way, no less than 3 feet from any street or parking curb; however, in no case may any sign impede pedestrian traffic. A 48-inch clear paved pathway for ADA access must be maintained at all times. A portable sign shall not be placed on the parking curb, gutter or street. The placement of a portable sign on a public sidewalk pursuant to this Subsection is not a right; the portable sign shall not be allowed if all of the minimum requirements for the placement of the portable sign as provided in this Subsection C cannot be met.
Dimensions	A portable sign shall not exceed 42 inches in height and 32 inches in width. The sign may be two-sided.
Design Standards	<ul style="list-style-type: none"> <li>• Frame: The sign frame may be a single- or two-pole metal frame, or it may be an A-frame. The sign may be of high quality, durable construction, consistent with the design criteria established by the Director of Planning Services.</li> <li>• Base Required: The sign frame shall include a heavy base to prevent unintended movement caused by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.</li> <li>• Sign Copy: The sign copy shall be produced professionally; signs created by hand or home computer software are not allowed.</li> <li>• Attachments: No lighting, balloons, or other attachments are allowed.</li> </ul>
Illumination Permitted	No illumination permitted.
Permit Required	Yes – Encroachment Permit or sign Program



2. The Director of Planning Services shall prepare and implement administrative rules, regulations, and guidelines consistent with, and in furtherance of, the provisions of this Subsection.

E. Design Standards. Signage in the Downtown/Uptown area shall be subject to the specific design standards listed below, in addition to any other design standards listed in this chapter:

1. Arcade/Blade Signs. Acceptable materials include painted, polished and patina metal; painted and stained wood; glass; and inlaid stone. The bracket design shall be integrally planned and detailed and shall be highly ornamental.
2. Awning Signs. Letters or logos shall be sewn or silkscreened onto the awning in an approved contrasting color.
3. Exposed Neon Signs. Exposed neon signs shall be subject to the design standards listed in Subsection 93.20.10(C)(6).
4. Fascia Panel/Plaque Sign. Acceptable materials include cast stone, metal and wood panels with individual wood letters, neon and custom ceramic tile. Letters shall not be closer than 6 inches from the edge of the fascia panel/plaque.
5. Window Signs. Acceptable sign techniques are sand-blasted or etched glass, professionally-painted lettering, professionally- and custom-fabricated and applied vinyl, metal leaf and stained glass.

**93.20.07 Permitted Signs – Apartments, hotels, resort hotels and residential mobile home parks.**

A. Permitted signs – Main Sign. A Main Sign may be permitted for the following uses as listed in the following table:

1. Main Sign – Apartments, Hotels, Condominium Complexes and Residential Mobile Home Parks	
Maximum Number	1 Main Sign; 1 additional sign may be permitted if the street frontage and sign separation is greater than 170 feet. Only 1 Freestanding Sign may be permitted on a corner parcel.
Permitted Sign Types	Wall Sign, Monument Sign, Freestanding Sign
Maximum Area	20 square feet, plus 1 additional square foot of sign area for each separate rental unit, not to exceed a maximum of 50 square feet.

Maximum Height	<ul style="list-style-type: none"> <li>• Height – Wall Signs. The top of any sign shall not be higher than the building on which it is located, and in no event shall the sign be higher than 28 feet, as <i>measured from finished grade?</i></li> <li>• Height – Freestanding Signs, Monument Signs. The maximum height shall be 8 feet. The height shall be measured from finished grade to the top of the sign structure.</li> </ul>
Illumination Permitted	Internal, external
Permit Required	Yes
<b>2. Main Sign – Resort Hotels</b>	
Maximum Number	1 Main Sign; 1 additional sign may be permitted if the street frontage and sign separation is greater than 170 feet. Only 1 Freestanding Sign may be permitted on a corner parcel.
Permitted Sign Types	Wall Sign, Monument Sign, Freestanding Sign
Maximum Area	1-1/2 square feet per separate rental unit, not to exceed a maximum of 300 square feet. Any secondary Main Signs as may be permitted by this Section shall be restricted to 50 square feet in area.
Maximum Height	<ul style="list-style-type: none"> <li>• Height – Wall Signs. The top of any sign shall not be higher than the building on which it is located, and in no event shall the sign be higher than 28 feet, as <i>measured from finished grade?</i></li> <li>• Height – Freestanding Signs, Monument Signs. The maximum height shall be 12 feet. The height shall be measured from finished grade to the top of the sign structure.</li> </ul>
Illumination Permitted	Internal, external
Permit Required	Yes
<b>3. Main Sign – Other Uses Permitted in Residential Zones</b>	
Maximum Number	1 Main Sign for an authorized use (churches, clubs, stables, and the like). Such use shall be separate and not in conjunction with a permitted hotel or apartment use.
Permitted Sign Types	Wall Sign, Monument Sign, Freestanding Sign
Maximum Area	20 square feet
Maximum Height	<ul style="list-style-type: none"> <li>• Height – Wall Signs. The top of any sign shall not be higher than the building on which it is located, and in no event shall the sign be higher than 28 feet, as measured from finished grade.</li> <li>• Height – Freestanding Signs, Monument Signs. The maximum height shall be 8 feet. The height shall be measured from finished grade to the top of the sign structure.</li> </ul>
Illumination Permitted	Internal, external
Permit Required	Yes

B. Permitted signs – Accessory Signs. Accessory Signs may be permitted as listed in the following table:

<b>1. Additional Signs – Resort Hotels</b>	
Maximum Number	1 Accessory Sign for a restaurant use within the hotel.
Permitted Sign Types	Wall Sign
Maximum Area	30 square feet.
Maximum Height	The sign shall not be located above the ground floor of the building.
Additional Standards	The sign shall be located at the restaurant entry or at the hotel entry, if the restaurant does not have a separate entry.
Illumination Permitted	Internal, external
Permit Required	Yes
<b>2. Vacancy Signs</b>	
Maximum Number	1 Vacancy Sign per hotel, resort hotel, or apartment complex.
Permitted Sign Types	Wall Sign, Window Sign
Maximum Area	5 square feet.
Additional Standards	The sign shall be located immediately adjacent to the office entrance.
Illumination Permitted	Internal, external
Permit Required	Yes

**93.20.08 Special Provisions.**

**A. Gasoline Service Stations.**

a. Gasoline service stations shall be limited to one (1) double-faced sign of an area not to exceed thirty-six (36) square feet on each side face. A freestanding sign, if approved, shall not exceed eight (8) feet in height. In addition, a single ten (10) square foot sign, fixed flat on the surface of the building, shall be allowed. The height of this sign shall not exceed twenty (20) feet.

b. In addition to the signs for public safety and convenience authorized by Section 93.20.10.B.1, the Director may authorize and approve instructional or directional signs not to exceed two (2) square feet or directional signs not to exceed two (2) square feet per face when deemed necessary for the convenience of patrons of gasoline service stations.

**B. Gasoline Price Signs.** Nothing in Section 93.20.04, or in any other provision of this Sign Ordinance shall be construed as prohibiting compliance with Section 13531 of the Business and Professions Code of the State of California which relates to the posting of gasoline prices. Any sign, statement, or other advertising medium posted or displayed shall conform to all of the requirements of this section.

C. Interior Real Estate Office Signs. In addition to the other sign usage authorized herein, real estate offices may use internal display boards subject to all window sign requirements applicable to the zone in which each real estate office is located.

D. Signs for drive-through restaurants. Signs for drive-through facilities shall be approved in conjunction with a Conditional Use Permit for the use. The area of signage specific to the drive-through facility use may be in addition to the sign area otherwise permitted for the subject site. The drive-through signage shall be adequately screened from adjacent public rights-of-way and from adjacent properties.

E. Signs for Large-Scale Commercial and Industrial Centers.

1. In addition to the sign area allowed for individual businesses, commercial and industrial centers in excess of three and one-half (3 1/2) acres of land shall be allowed one (1) sign on each street frontage. Such signs shall not extend beyond the property or into the right-of-way. The allowable sign area shall be ten (10) square feet of sign per acre to a maximum area of fifty (50) square feet per face. Signs shall not exceed a maximum height of eight (8) feet. One (1) additional sign may be permitted if the street frontage is greater than, and the signs are separated by a distance of no less than, four hundred fifty (450) feet; if multiple signs are allowed, they shall be located at street intersections or access drives.

a. Commercial and industrial centers in excess of fifteen (15) acres of land shall be allowed one (1) sign on each street frontage not to exceed one hundred twenty-five (125) square feet per face. Such signs shall not extend beyond the property or into the right-of-way.

b. Signs shall not exceed a maximum height of twelve (12) feet. One (1) additional sign may be permitted if the street frontage is greater than, and the signs are separated by a distance of no less than, five hundred (500) feet; if multiple signs are allowed, they shall be located at street intersections or access drives.

2. Shopping centers, of at least seventy-five (75) acres in area and which abut a freeway and where at least thirty-five (35) percent of the square footage in the center is retail commercial, shall be permitted a single sign which is consistent with the following:

a. The sign shall not exceed fifty (50) feet in height and thirty (30) feet in width;

b. The sign shall be perpendicular to the freeway and shall be set back at least five (5) feet, but no more than fifty (50) feet, from the freeway right-of-way, and at least three hundred fifty (350) feet from any secondary or major thoroughfare;

c. The sign area shall not exceed seven hundred fifty (750) square feet per face with a maximum of two (2) faces.

F. Freestanding Signs. Except as otherwise provided herein, freestanding signs shall be prohibited on a single parcel of property containing more than one (1) business.

Where authorized for a single business, a freestanding sign shall not be located within the public right-of-way and shall not exceed eight (8) feet in height unless otherwise permitted. Freestanding signs shall be subject to all other provisions of this section.

G. Major Stores Not Having Street Frontage. Retail establishments which have a floor area in excess of fifty thousand (50,000) square feet and are so located within a shopping complex that they are not afforded street frontage shall be allowed signs as follows:

1. One (1) single-face sign per major or secondary street frontage, not to exceed fifty (50) square feet in area per store affected. The sign shall be allowed for no more than two (2) street frontages. The top of any sign shall not be higher than the building on which it is located and in no event higher than twenty-eight (28) feet.
2. Such signs shall be located in accordance with the provisions and intent of the Sign Ordinance and in keeping with the architectural design of the shopping center.

H. Sign Program for Multi-Tenanted Buildings or Sign Districts.

1. Sign programs shall be required for all buildings with more than one (1) tenant. Sign programs shall remain in force until a new program is submitted and approved.
2. Sign programs may be established for Sign Districts consisting of solely commercial and business areas of the City at the discretion of the City Council.
3. Permits shall be required for signs within approved Sign Programs. Such permits shall be subject to all applicable fees and shall be in conformance with the approved Sign Program. Sign programs shall integrate with the architecture of the building complex, including such elements as size, color, location and construction material.
4. A Sign Program may be approved which varies from the specific limitations of the Sign Ordinance if the City Council finds that due to the physical characteristics of the property and the orientation and design of the structures on the property, strict application of the regulations of the Sign Ordinance will not give adequate visibility to the signage; that the approved program will be compatible with the design of the property and will represent the least departure from the standards of the Sign Ordinance necessary for the effectiveness of the program; and that the approved program is compatible with the surrounding property and not contrary to the purpose of the Sign Ordinance.

I. Sign Program for Complex of Businesses. In addition to signs allowed under this Chapter for individual businesses, one additional sign relating to a building or complex of businesses may be allowed as part of an approved Sign Program (see Section 93.20.05(C)(6)). This sign shall not exceed twenty (20) square feet unless no individual tenant signs are included in the Sign Program, in which case the sign area may be based on the frontage formula. Such a sign may be freestanding.

J. **Special Sign Districts.** The City Council, in its sole discretion, may adopt special Sign Districts, and provide appropriate implementing sign programs as part of a specific plan, planned development district, development agreement, or other process subject to public review when special sign provisions are necessary or appropriate to implement general plan provisions and goals.

K. **Owner's Consent.** No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.

L. **Automobile Dealerships.** The sign area allowed for individual businesses may be applied to each individual structure wherein automobiles are displayed for sale; additional area shall not be granted for multiple street frontages.

M. **Freeway Signs.** In addition to other signs permitted, freeway-oriented signs designed to be viewed primarily from Interstate 10 in the vicinity of the Whitewater, Indian Avenue/Indian Canyon Drive and Gene Autry Trail intersections may be permitted by the planning commission on properties designated "highway commercial," by either the zoning ordinance or the general plan, pursuant to Section 94.04.00 (Architectural review). Signs shall be so constructed, erected and maintained to insure propriety and integration with the surrounding environment, topography and land uses. The following standards are intended to restrict such signs to freeway-oriented businesses and set development standards:

1. One (1) freeway-oriented sign may be allowed which occupies the same parcel on which the sign is located except as otherwise provided herein.
2. A freeway-oriented sign shall be within one thousand (1,000) feet of the point of intersection of the freeway with the street served by ramps from the freeway.
3. Freeway-oriented sign structures shall be located in such a manner so as not to adversely obscure the visibility of another existing freeway-oriented sign structure from Interstate 10.
4. Signs which exceed a height of twenty-five (25) feet may be approved only after review of a flag test to prove need that the requested height is necessary for visibility from Interstate 10. The height of freeway-oriented signs and their related structures, for a single business, shall not exceed fifty (50) feet. The height may be increased an additional five (5) feet for each additional business advertised; provided, the total height does not exceed seventy-five (75) feet.
5. The distance between the lowest portion of the sign face and ground level shall not be less than one-half (1/2) the height of the sign structure.
6. The area of each sign face shall not exceed one hundred fifty (150) square feet per business advertised.
7. The minimum size letter in the text of the sign shall be one (1) foot in vertical or horizontal dimension, and the maximum size letter shall be three (3) feet.

8. Illumination shall be limited to internal lighting. All freestanding signs shall have underground utility service.

N. Relocation of Off-Site Advertising Displays. Pursuant to the provisions of Business and Professions Code Section 5412, and notwithstanding any provision of the city's zoning code to the contrary, an existing off-site advertising display may be relocated to any property zoned for industrial or commercial uses, subject to such development standards as the City Council and the owner of the off-site advertising display proposed to be relocated may agree in a relocation agreement. A relocated off-site advertising display shall be subject to the review process provided in the relocation agreement. Each off-site advertising display proposed for relocation shall be constructed in compliance with applicable city building codes and regulations.

#### **93.20.09 Temporary Signs.**

A. Up to two free-standing temporary signs of up to eight (8) square feet or one free-standing temporary sign of up to sixteen (16) square and/or one window sign of no more than four (4) square feet may be maintained on one single family property. A temporary sign associated with a special event shall not be installed more than sixty (60) days before the event and shall be removed no later than five (5) days after the event.

B. Temporary signs in commercial and industrial zones shall be governed by the same rules and regulations set forth in Section 93.20.05 that govern commercial and industrial signs. The total signage at any particular property, including temporary signs and other signs shall not exceed the restrictions set forth in Section 93.20.05.

C. Temporary signs in multi-family residential zones shall be governed by the same rules and regulations set forth in Section 93.20.06 that govern hotel, resort hotel, and apartment signs. The total amount of signage at any particular property, including temporary signs and other signs shall not exceed the restrictions set forth in Section 93.20.06.

D. Up to two free-standing temporary signs of up to eight square feet in size or one free-standing temporary sign of up to sixteen (16) square feet in size is permitted on any vacant property, with the express written consent of the owner of the land, for a period of time of sixty (60) days prior to the event related to the sign, the time during the event, and for five (5) days after the event.

E. Temporary signs shall not be installed or maintained on any public right of way or on any public property, including without limitation trees, public utility poles, and street signs and shall only be placed on private property except as otherwise expressly provided in this Sign Ordinance.

F. Nothing herein shall be interpreted as prohibiting any person from carrying a temporary sign within a public right-of-way as allowed in Section 11.28.050 of this Code.

**93.20.10 General provisions.** The following general sign usage provisions and regulations shall apply. The additional sign usage authorized hereunder shall be strictly construed in its application.

A. Procedures.

1. **Approval and Permits Required.** Except as otherwise provided in this Chapter, it is unlawful for any person to construct, erect, repair, alter the structure of, or otherwise relocate any sign within the City without first obtaining a sign permit, and building/electrical permit(s) if required. Review and approval by the Planning Commission shall be required for the design and location of signs in excess of fifty (50) square feet. All other signs shall be approved by the Director of Planning, except that either the applicant or the Director may request review by the planning commission. Sign permit fees shall be established by resolution of the City Council. A double permit fee shall be assessed if the installation of a sign is commenced before obtaining a permit. Permits shall be required for the installation or maintenance of all signs except for temporary signs on private developed property. Permits are also required for portable signs within or on the public right of way and temporary signs on vacant property.

2. **Special Permits.** Nothing herein contained shall prevent the Director from granting a special permit for signs pertaining to upcoming events of general public interest when it is shown that such signs will not be materially detrimental to the public welfare nor injurious to adjacent property owners.

3. **Appeal.** Any person aggrieved by a decision to issue, issue with conditions or not issue a sign permit by the Director shall be advised that such application may be placed on the planning commission agenda for reconsideration. The decision of the planning commission may be further appealed to the City Council pursuant to Chapter 2.05 of the Palm Springs Municipal Code.

4. **Variances.** The provisions of Section 94.06.00 shall apply. In addition to the findings required therein, the planning commission may grant a sign variance based on the findings that due to the physical characteristics of the property and the orientation and design of the structures on the property, strict application of the regulations of the Sign Ordinance will not give adequate visibility to the signage; that the approved signage will be compatible with the design of the property and will represent the least departure from the standards of the Sign Ordinance necessary for the effectiveness of the signage; and that the approved signage is compatible with the surrounding property and not contrary to the purpose of the Sign Ordinance. Where specified in this code, certain signs (including but not limited to, off-premise promotional signs, as required by an adopted Sign Program, adoption of a Sign Program, or other signs subject to the requirements of this Chapter) shall require the approval of an appropriate discretionary entitlement prior to the issuance of a sign or construction permit.

5. **Sign Permit.** Unless otherwise specified in this Chapter, a sign permit is required for the modification, repair, or construction of a sign. Such permit may also include an electrical permit for signs that are illuminated. Application for



permits shall be submitted to the Department of Planning Services accompanied by no less than three sets of plans. Such application and plans shall be reviewed by staff for compliance with this code and any applicable Sign Program. Repainting a legally existing sign, or changing the advertising copy thereon shall not require a sign permit unless a structural change is made and/or the sign area is increased.

6. Maintenance.

a. Every sign and sign structure allowed by this Chapter shall be continuously maintained. This shall include, but is not limited to, painting, cleaning, replacement of lighting (for illuminated signs) or missing letters, keeping structural elements and bracing in a safe condition, and internal structural elements screened from view.

b. Every sign and/or sign structure advertising a use no longer being conducted on the property for a continuous period of 90 days or more shall be removed and replaced with an opaque panel. Freestanding sign structures shall be allowed to remain unused for a period not to exceed one (1) year, after which such sign structure shall be removed

B. Safety.

1. Signs for Public Safety and Convenience. When deemed necessary, the Director may authorize and approve signs not to exceed five (5) square feet per face to serve the public safety or convenience, such as "Entrance" signs, "Exit" signs, and "Parking" signs.

2. Proper Maintenance of Signs. The user, owner or lessee of a sign authorized hereunder shall maintain it as approved in a safe, neat, attractive, first-class condition and in good repair.

3. Obstruction of Passage. Signs shall not be constructed so as to obstruct any door, window, or fire escape of any building.

4. "No Trespassing" Signs. A "No Trespassing" or "No Dumping" sign not exceeding three (3) square feet shall be authorized for each parcel of property in addition to other authorized signs and shall be designed and located thereon in a manner satisfactory to the Director.

5. Glare From Signs. Illuminated signs shall be designed in such a manner as to avoid undue glare or reflection of light onto private property in the surrounding area or right-of-way and shall be erected and located in a manner as approved by the Director. The intensity of lighting of a sign may be reviewed in the field by the Director who may require the reduction of intensity.

6. Location of Right-Angle Signs. Right-angle signs shall be seven (7) feet or higher above the sidewalk or the right-of-way. Right-angle signs supported by posts or standards shall not extend beyond the property line or into the public right-of-way.

7. Street Address Numbers/Letters. A street address is required and shall conform to the requirements of Section 14.04.100 of the Palm Springs Municipal Code. When address or other numbers are used as an identification name, they

shall conform to all applicable provisions of this section. Street address numbers in excess of eight (8) inches in height shall be considered a sign.

8. Exceptions. Nothing herein contained shall prevent the erection, construction or maintenance of official traffic, fire and police signs, signals, devices and markings of the California Transportation Department, the City Council or of other competent public authorities, or the posting of the notices required by law.

C. Other.

1. Signs for Public and Quasi-Public Uses. Directional and public convenience signs for public and quasi-public uses may be permitted on public property. The design must conform to standard directional sign specifications approved by the City Council as a part of a Sign District after review and recommendation of the planning commission. The total number of signs allowed shall be based on the minimum number necessary for adequate public identification as determined by the City Council.

2. Color of Signs. All signs regulated by this section shall contain no more than four (4) colors. Black and white shall be considered as colors. Logos, in which text does not comprise an area greater than seventy-five (75) percent, may contain no more than six (6) colors such that the total number of colors of the sign of which the logo is a part shall not exceed six (6).

3. Signs on Awnings, etc. Painted, non-illuminated or indirectly lighted signs may be permitted on the borders of marquees, canopies, awnings, umbrellas or similar structures or attachments if located and erected in a manner satisfactory to the Director. Such signs shall be included in the total authorized sign area.

4. Signs on Vehicles. No person shall drive, operate, move in or along, or park on any street or on public or private property, any truck, trailer, carriage, wagon, sled, or other vehicle on which is attached or maintained any sign except as otherwise permitted pursuant to California Vehicle Code Section 21100(p)(2), as may be amended from time to time.

5. Multiple Frontage Lots. All sign areas allowed in this section shall be allowed on each street frontage of a multiple frontage lot; provided that, the same use of the property extends through from street to street. Consolidation of sign areas permitted on each frontage to one (1) sign is prohibited. Total sign areas as established elsewhere in this section shall supersede this item.

6. Exposed-Tube Neon, Fibre Optics and Other High-Intensity Signs. The design and placement of neon, fibre optic and other high-intensity signs shall be subject to the following provisions:

a. The use of such signs shall be limited to main signs and secondary signs. Prefabricated signs are prohibited except for customer signs; customer convenience signs shall be limited to a single color.

b. Neon, fibre optics and other high-intensity signs which exhibit glare and high contrast with their surroundings are discouraged. Additional lighting may be required to adjust the ambient light background of the proposal.

- c. The number, locations and overall impact of pre-existing neon, fibre optics and other high-intensity signs shall be considered in judging the appropriateness of proposed signs.
  - d. All tubing, conduit, transformers and other paraphernalia not part of the actual sign face shall be concealed from view.
  - e. All neon, fibre optic and other high-intensity signs shall be installed with solid state transformer dimmers. The intensity level of all such signs shall be reviewed in place and adjusted to appear at a level consistent with other lighted signs in the vicinity.
7. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
8. **Neighborhood Entry Signs.** The City may install neighborhood entry signs in existing or proposed single-family neighborhoods in the G-R-5 or any R-1 zone, subject to the following provisions:
- a. The sign or signs shall only represent and may only be applied for by neighborhood associations organized under the auspices of the city's office of neighborhood involvement or subsequent department.
  - b. The sign(s) shall only be allowed as part of a Sign Program approved by the planning commission, including the following information:
    - i. Number, location and placement;
    - ii. Dimensions, design, materials and colors;
    - iii. Authorization from owners on whose property sign(s) would be located.
  - c. The signs shall only be allowed within the boundaries of the neighborhood association but may be located in the adjacent public right-of-way.
  - d. The signs shall be subject to review and approval for potential traffic visibility and other safety issues.
  - e. Prior to installation of any neighborhood entry sign on private property, the property owner(s) shall consent to the placement of the sign and execute a covenant running with the land regarding the long-term maintenance, subject to review and approval of the city attorney.

**D. Message Substitution.**

1. Subject to the consent of the land owner and the sign owner, a constitutionally protected noncommercial message of any type may be substituted, in whole or in part, in place of any commercial message or any other noncommercial message on a sign if the sign structure or mounting device is legal without consideration of message content. Similarly, an onsite commercial message may be substituted for another commercial message on an on-site sign if the substitution does not also involve a change of the physical structure or mounting device for the sign. Such message substitutions may be made without any additional approval or permitting.

2. The purposes of this Subsection are to prevent any inadvertent favoring of commercial speech over noncommercial speech or of any particular noncommercial message over any other noncommercial message and to allow a change of commercial messages on an on-site sign without a new permit.

3. This Subsection does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This section does not allow the substitution of an off-site commercial message in place of an on-site commercial message or the conversion of a sign to general advertising for hire.

4. In addition to message substitution, whenever a parcel has a right to display area that is unused, that area may be used for constitutionally protected non-commercial messages on temporary signs, without permits or approvals; it may also be used for display of noncommercial messages on permanent structures, if the structure is properly permitted.

5. This Subsection prevails over any more specific provision to the contrary within the Sign Ordinance.

#### **93.20.11 Abatement.**

A. **Compliance With Sign Code—Nuisance—Abatement.** The City Council determines that the public peace, safety, morals, health and welfare require that all signs and advertising structures heretofore constructed or erected in violation of any ordinance of the city of Palm Springs in effect at the time such sign was constructed or erected, be and are made subject to the provisions of this section. Such signs shall be made to conform and comply with the Sign Ordinance as soon as reasonably possible after the effective date of the Sign Ordinance. All signs and advertising structures which are not made to conform and comply within a reasonable time shall be and are declared to be public nuisances and may be abated in the manner provided.

B. **Removal and Amortization Schedule.** Any sign which is nonconforming to the requirements of the Sign Ordinance or any amendment to the Sign Ordinance, either by variance previously granted or by conformance to the existing sign regulations at the time the initial permit for such sign was issued, shall either be removed or brought up to code requirement within the period of time prescribed herein dating from the effective date of the Sign Ordinance or the amendment to the Sign Ordinance that made such sign nonconforming, whichever date occurs last. Such nonconforming signs may be abated forthwith upon the payment of the cost of removal and the remaining value of such sign, as determined from the valuation stated on the permit and based upon a depreciation schedule for such sign as follows:

### Amortization Schedule

Permit Value of Sign	Amortization Schedule
\$100.00 or less	Immediately
\$100.01 to \$1000.00	1 1/2 Years
\$1000.01 to \$2500.00	2 Years
\$2500.01 to \$5000.00	3 Years
\$5000.01 to \$10,000.00	4 Years
Over \$10,000.00	5 Years

C. Notification. Any owner of a sign that is illegal, abandoned, not maintained in good condition, or is not in compliance with the requirements of this chapter shall be notified by the Director. Such notification must be by registered or certified mail and list the specific areas of noncompliance.

D. Signs on Public Property, Including Public Rights-of-Way.

1. Any sign placed on any public right-of-way, and not otherwise permitted by the Sign Ordinance or the City Council, shall be deemed to be a public nuisance that poses an immediate danger to the health, safety, and welfare of the community by creating an obstruction to circulation, including, but not limited to, vehicular and pedestrian. In the event that a sign is left on any public right-of-way, the owner of the sign shall be responsible and liable for the removal and disposition of the sign left on the public right-of-way.

1. Abatement.

Upon discovering the existence of a sign left on the public right-of-way, the Code Enforcement Official shall have the authority to order and/or cause the immediate abatement and removal thereof. The Code Enforcement Official shall notify the owner thereof, or the owner's representative, in person or by mailing an abatement notice to the owner's last known address. Such notice shall state the time limit, if any, granted for removal of the sign and the statement that the Code Enforcement Official will remove the sign after the stated time, the procedure for retrieving a removed sign, and a statement that the owner may request a hearing to appeal the abatement and removal by submitting a written request.

2. Hearings.

a. Any sign removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within thirty (30) days after such removal and upon the payment of reasonable administrative fees. Such administrative fees shall be waived if, after a hearing to appeal has been requested, a determination is made at such hearing that the fees shall be waived. The administrative fees for the removal and storage of the sign shall be established or modified by resolution of the City Council and shall include the actual cost of removal and storage of any sign plus the proportional share of administrative costs in connection therewith.

b. Any hearing to appeal an abatement order which is requested shall be conducted within five (5) working days of the receipt of the request by the city manager, who should be designated as the hearing officer; the city manager may appoint a designee to act as hearing officer. The failure of either the owner or his agent to request a hearing shall waive the right to a hearing. At the hearing, the hearing officer shall determine whether good cause was shown for the abatement and removal of the sign. The decision of the hearing officer shall be deemed the final administrative determination. If good cause is shown for the abatement and removal of the sign, the owner or his agent shall have fifteen (15) days from the date of the hearing to retrieve his sign upon payment of the administrative fee. If good cause is not shown for the abatement and removal of the sign, the administrative fee shall be waived and the owner or his agent shall have fifteen (15) days to retrieve his sign.

c. Disposition.

Any sign not retrieved by its owner within thirty (30) days after delivering or mailing the abatement notice when such owner has not requested a hearing to appeal, or within thirty (30) days of storage of the sign by the city in all other cases, shall be deemed to be permanently abandoned and may be disposed of by the city.

#### 93.20.12 Street Banner Program.

A. The City's street banner program is reserved for the City's use to promote its own messages and those events which are sponsored or co-sponsored by the City.

B. Notwithstanding any other provision of the Sign Ordinance, the City Manager, or the City Council upon appeal, as provided in this Subsection, may authorize the temporary placement of banner signs on poles or structures within the public right-of-way on City property where those banners display the name and/or date of an event and/or activity sponsored entirely by the City or co-sponsored by the City that calls attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community. Any events for which banners are authorized under this Subsection shall be of limited duration.

C. Any banners authorized by this Subsection shall be for a limited duration and should call attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community. Nothing herein shall relieve any person from obtaining any other necessary permit or license for an event or activity.

D. No person shall place, cause to be placed, or maintain a banner sign on any City pole or structure in the public right-of-way or on City property except as authorized in this Subsection.

E. The City Manager shall designate those City poles or other structures at streets, highways, alleys, other public rights-of-way, and those City properties on which banner signs as authorized herein may be placed. The message on the banners shall be considered government speech, and the designation or the placement of the banners is not intended to create, nor shall it create, a public forum.

F. The City Manager may authorize a banner or banners for an event and/or activity sponsored entirely by the City or co-sponsored by the City, subject to the following conditions:

1. Except as set forth herein, the banner(s) may be placed for a period of up to sixty (60) days and the City or applicant shall then cause the banner(s) to be removed at the City or applicant's expense, as applicable, based on who placed the banner, subject to replacing of the banner at the same or different location at a later date;
2. The banner(s) should promote an event and/or activity sponsored entirely by the City or co-sponsored by the City, occurring within the City, calling attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community;
3. The banner(s) may contain the name and date of the event, if any;
4. The banner(s) shall be secured tightly to the structures on which they are authorized to be attached; and
5. For non-City applicants that are co-sponsors with the City, the applicant must agree to defend, indemnify, and hold harmless the City from any damages arising from the banners in a form acceptable to the City Attorney.

G. No banner shall be authorized unless the City Manager, or City Council on appeal, finds that the banners are so designated as not to block views significant for traffic or do not otherwise present a safety hazard.

H. Notwithstanding any other provision of this section, the City Manager is authorized to develop and implement a military banner Sign Program, which may include, without limitation, application forms and administrative guidelines for the placement of banners honoring the City's military personnel. Notwithstanding any other time limitations set forth in this Subsection, any military banner sign placed on City property consistent with the military banner program and any administrative guidelines governing the program, may be in place for a period not to exceed twelve (12) months, after which, the banner shall be removed, subject to replacing of the banner at the same or different location at a later date.

**SECTION 5.** Section 12.12.055 of the Palm Springs Municipal Code is repealed.

**SECTION 6.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

**PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2017.**

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**ROBERT MOON  
MAYOR**

**ATTEST:**

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**KATHLEEN D. HART  
INTERIM CITY CLERK**



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

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 1893 AND 1912 OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5 OF, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO JULY 21, 2017. (4/5<sup>THS</sup> Vote Required).

*City Attorney Summary*

*The City currently enforces a myriad of regulations relating to the installation and maintenance of various temporary signs both on private property and the public right-of-way. These regulations are based on significant policy concerns and past practices. A recent United States Supreme Court decision may call into question aspects of the City's temporary sign regulatory program. This interim urgency ordinance will provide an interim set of constitutional regulations that will adequately address problems associated with temporary signs during upcoming election cycles while providing the Planning Commission and the City Council adequate time to review, consider, and adopt appropriate and necessary time, place, and manner restrictions for temporary signs in the City.*

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

- A. The City is responsible for providing appropriate and necessary time, place, and manner restrictions on temporary signs in the City.
- B. The United States Supreme Court in the case of *Reed v. Town of Gilbert* (2015) 135 S.Ct. 2218 struck down several provisions of the Town of Gilbert's sign regulations that imposed different time, place, and manner restrictions on temporary signs that depended entirely on the communicative content of each sign. It is apparent amendments to the City of Palm Springs sign ordinance may be desirable to avoid any potential challenge in light of the *Reed* decision.
- C. Several community interests are invested in significant aspects of the City's sign ordinance, including realtors, downtown merchants, and local businesses. In addition, any amendment to the City's sign ordinance also requires involvement of the City's Planning Commission. In order to ensure a timely and thorough review of the City's sign ordinance without enduring significant risk of legal challenge to the existing Code, the City Council has determined that the adoption of an interim urgency ordinance that

imposes direct, immediate and short-term temporary sign regulations are necessary and appropriate.

D. This interim urgency ordinance will provide an interim set of constitutional regulations that addresses problems associated with temporary signs during the upcoming election cycles while providing the Planning Commission and the City Council adequate time to review, consider, and adopt appropriate and necessary time, place, and manner restrictions for temporary signs in the City.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,  
ORDAINS:

**SECTION 1.** The provisions of Palm Springs Sections 93.20.07 (Permitted Signs – Real Estate), 93.20.08 (Permitted Signs – Temporary), and 93.20.10.C.4 (Signs on Vehicles) are hereby suspended during the period of time this Ordinance remains in effect.

**SECTION 2.** The following definitions shall apply to this Ordinance:

“Special Event” is any single event or series of events that occur on an infrequent basis and take place at a specific location in which the public is encouraged or invited to watch, listen, participate, or purchase goods and/or services, including, but not limited to, the following:

- a. Commercial sales, including pre- and post-holiday sales;
- b. Arts and crafts shows, trade shows, antique shows, and other similar events;
- c. Carnivals, fairs, circuses, and similar activities;
- d. Outdoor shows, concerts, and exhibitions;
- e. Annual events

“Temporary sign” is any sign, handbill, or poster which is placed to advertise or announce a special event, or which pertains to a particular event or occurrence, or which is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, including but not limited to “portable open signs”, “political signs,” “election signs,” and “real estate signs.” Banners, pennants, pin wheels, ribbons, streamers, strings of light bulbs, inflatables, or similar devices intended for a limited period of display shall also be considered a portable sign. The term “temporary signs” do not include any sign posted, erected, or installed by the City, the County of Riverside, the State of California, or any other government agency or public utility in the exercise of its responsibilities or in furtherance of governmental speech.

**SECTION 3.** Signs on Vehicles. No person shall drive, operate, move in or along, or park on any street or on public or private property, any truck, trailer, carriage, wagon, sled, or other vehicle on which is attached or maintained any sign except as otherwise permitted pursuant to California Vehicle Code Section 21100(p)(2), as may be amended from time to time.

**SECTION 4. Temporary Signs.**

A. Up to two free-standing temporary signs of up to eight (8) square feet or one free-standing temporary sign of up to sixteen (16) square and/or one window sign of no more than four (4) square feet may be maintained on one single family property or on commercial, industrial, or multifamily property. A temporary sign associated with a special event shall not be installed more than thirty-one (31) days before the event and shall be removed no later than five (5) days after the event.

B. Temporary signs in commercial and industrial zones shall be governed by the same rules and regulations set forth in Section 93.20.05 that govern commercial and industrial signs. The total signage at any particular property, including temporary signs and other signs shall not exceed the restrictions set forth in Section 93.20.05.

C. Temporary signs in multi-family residential zones shall be governed by the same rules and regulations set forth in Section 93.20.06 that govern hotel, resort hotel, and apartment signs. The total amount of signage at any particular property, including temporary signs and other signs shall not exceed the restrictions set forth in Section 93.20.06.

D. Temporary signs shall not be installed or maintained on any public right of way or on any public property, including without limitation trees, public utility poles, and street signs. Except as otherwise expressly provided in this Ordinance, temporary signs shall only be placed on private property with the written consent of the property owner.

E. Nothing herein shall be interpreted as prohibiting any person from carrying a temporary sign within a public right-of-way as allowed in Section 11.28.050 of this Code.

**SECTION 5.** Section 93.20.09.B.5 of the Palm Springs Municipal Code is amended to read:

**5. Portable Open Signs.**

Except where another permitted outdoor display has been authorized (postcard rack, art displays, etc.), one portable open sign is allowed for: (i) each tenant space in the C-B-D zone and (ii) with frontage on North Palm Canyon Drive between Alejo Road and Racquet Club Road or (iii) with frontage on Indian Canyon Drive between Ramon Road and Alejo Road, subject to the following requirements:

a. One portable open sign is allowed per tenant space. Multiple businesses within a single tenant space shall be limited to one sign overall.

b. A portable open sign may only be placed between a public entry into the tenant space and the nearest fronting street or parking drive aisle. The sign may be placed in the sidewalk public right-of-way, no less than 3 feet from any street or parking curb; however, in no case may any sign impede pedestrian traffic. A 48-inch clear paved pathway for ADA access must be maintained at all times.

- c. A portable open sign shall not exceed 42 inches in height and 32 inches in width. The sign may be two-sided.
- d. The sign frame may be a single- or two-pole metal frame, or it may be an A-frame. The sign may be either chrome, black or white.
- e. The sign frame shall include a heavy base to prevent unintended movement caused by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.
- f. The sign copy shall be produced professionally – signs created by hand or home computer software are not allowed.
- g. No lighting, balloons, or other attachments are allowed.
- h. The Director of Planning Services shall prepare and implement administrative rules, regulations, and guidelines consistent with, and in furtherance of, the provisions of this Subsection.

#### SECTION 6. Message Substitution.

- A. Subject to the consent of the land owner and the sign owner, a constitutionally protected noncommercial message of any type may be substituted, in whole or in part, in place of any commercial message or any other noncommercial message on a sign if the sign structure or mounting device is legal without consideration of message content. Similarly, an onsite commercial message may be substituted for another commercial message on an on-site sign if the substitution does not also involve a change of the physical structure or mounting device for the sign. Such message substitutions may be made without any additional approval or permitting.
- B. The purposes of this section are to prevent any inadvertent favoring of commercial speech over noncommercial speech or of any particular noncommercial message over any other noncommercial message and to allow a change of commercial messages on an on-site sign without a new permit.
- C. This section does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This section does not allow the substitution of an off-site commercial message in place of an on-site commercial message or the conversion of a sign to general advertising for hire.
- D. In addition to message substitution, whenever a parcel has a right to display area that is unused, that area may be used for constitutionally protected non-commercial messages on temporary signs, without permits or approvals; it may also be used for display of noncommercial messages on permanent structures, if the structure is properly permitted.

E. This Section prevails over any more specific provision to the contrary within the City's sign ordinance.

**SECTION 7. CEQA.** The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant effect on the environment. This Ordinance is therefore exempt from environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

**SECTION 8. Findings.** The adoption of this extension to Interim Urgency Ordinance Nos. 1893 AND 1912 is necessary for the immediate protection of the public peace, health, and safety by ensuring the timely and orderly consideration, adoption, and implementation of temporary sign regulations compliant with the constitutional guidelines of the Supreme Court and reasonably preserves an orderly and balanced temporary sign program during the election cycles of 2016 where the proliferation of temporary signs would adversely affect public property and rights of way and endanger the traveling public. In accordance with Section 312 of the Palm Springs City Charter, the City Council of the City of Palm Springs finds and determines that the adoption of this Interim Urgency Ordinance is necessary to ensure the immediate protection of the public peace, health, and safety.

**SECTION 9. Effective Date.** The City Council hereby declares, on the basis of the findings set forth in the Recitals and in Section 3 above, that an urgency ordinance is warranted and that this Ordinance is necessary to preserve the public peace, health and safety. Accordingly, this Ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption. This Ordinance shall expire on July 21, 2017 unless otherwise extended by action of the City Council prior to such date.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS \_\_\_\_ DAY OF APRIL, 2017.

ATTEST:

\_\_\_\_\_  
ROBERT MOON, MAYOR

\_\_\_\_\_  
KATHLEEN D. HART, MMC  
INTERIM CITY CLERK