B. **EXCLUSIONS OF TIME.** The time period specified in this Chapter for the validity of a Project Design Approval shall not include any period of time during which either of the following applies:

1. a City moratorium ordinance on the issuance of building permits is in effect; or
2. a lawsuit challenging the validity of the Project's approval by the City is pending in a court of competent jurisdiction. (Ord. 5537, 2010; Ord. 5518, 2010; Ord. 5416, 2007.)

Chapter 22.70

SIGN REGULATIONS

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22.70.010 General Provisions.

A. TITLE. This Chapter shall be known and cited as the Sign Ordinance of the City of Santa Barbara.

B. PURPOSE AND INTENT. The City of Santa Barbara has a national and international reputation as a community of natural beauty, distinctive and historic architecture and historic tradition. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood. Since the City of Santa Barbara relies on its scenery and physical beauty to attract tourists and commerce, aesthetic considerations assume economic value. It is the intent of the City of Santa Barbara, through this ordinance, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signing. In addition, it is the intent of the City to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

In view of these facts, the City of Santa Barbara adopts the policy that the sign should serve primarily to identify an establishment, organization or enterprise. As identification devices, signs must not subject the citizens of the City to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the building, the neighborhood and other signs in the area.

C. COMPLIANCE WITH CHAPTER. It is unlawful for any person to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the City of Santa Barbara except in conformance with this chapter. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.020 Definitions.

As used in this Chapter, the following terms and phrases shall have the indicated meanings:

A. ACCESSORY SIGN. A separate unit displaying information related to the principal business conducted on the premises, which is not attached to or supported by any other sign, and not made a part thereof.

B. ARCHITECTURAL FEATURE. Any window frame, recessed area, door, detail or other feature that is part of any building, or is a specific element of a recognized style of architecture.

C. AWNING SIGN. Any sign or graphic attached to, painted on or applied to an awning or awning canopy.

D. BACK-LIT SIGN. Any internally illuminated sign with opaque, reverse pan channel, halo-lit letters and elements with concealed light sources in which the light projects away from the viewer.

E. BALLOON. A lighter-than-air or inflated object no larger than eighteen (18) inches in any dimension.

F. BANNER. A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face, or across any public street of the City. The banner may or may not include copy or other graphic symbols.

G. BENCH SIGN. Any sign painted on or otherwise attached to a bench or other seat placed in an exterior area.

H. BILLBOARD. A freestanding sign which exceeds the size limitations of a ground or wall sign. A billboard may be on-premises or off-premises.

I. CIVIC EVENT SIGN. A sign, other than a commercial sign, posted to advertise or provide direction to a civic event sponsored by a public agency, the City, a school, church, civic-fraternal organization or similar noncommercial organization.

J. COMMERCIAL, OFFICE OR INDUSTRIAL COMPLEX. A group of contiguous businesses which employs a homogeneous design theme as a common perimeter treatment.

K. COMMERCIAL SIGN. Any sign which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered, and which is to be viewed from public streets or public parking areas.

L. DIGITAL DISPLAY. A sign that displays still images, scrolling images, or moving images, including video or animation, through a series of grid lights, including cathode ray, light emitting diode display, liquid crystal display, plasma screen, fiber optic, or other electronic media or technology, where the display can be changed through electronic means. The definition of digital display does not include time and temperature signs or electronic signs placed in the right-of-way that function as traffic control devices.

M. EAVE. That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eave, or the lowest horizontal line on any roof.

N. ELECTION SIGN. A noncommercial sign pertaining to an election for public office or to a ballot measure to be placed before the voters in a federal, state or local election.

O. ERECT. To build, construct, attach, hang, place, suspend, affix, fabricate (which shall also include painting of wall signs and window signs or other graphics), or project light in a manner that creates a projected light sign.

P. FACADE. The front of a building or structure facing a street.

Q. FLAG. A piece of fabric of distinctive design (customarily rectangular) that is used as a symbol of a nation, state, city, agency, corporation or person, or as a signaling device, and is usually displayed hanging free from a staff or halyard to which it is attached by one edge.

R. FRONTAGE. The width of any face of a building.

1. Dominant building frontage. The principal frontage of the building where its main entrance is located or which faces the street upon which its address is located.

2. Subordinate building frontage. Any frontage other than the dominant frontage.

S. GROUND SIGN. Any sign advertising goods manufactured, produced or sold, or services rendered on the premises upon which the sign is placed, or identifying in any fashion the premises or any owner or occupant, and which is supported by one (1) or more uprights or braces on the ground, the overall total height of which does not exceed (i) six (6) feet above grade measured at the edge of the public right-of-way, or (ii) six feet above the base of the sign structure when the grade at the public right-of-way is at least three and one-half feet lower than the grade at the base of the sign, whichever is higher. In no case shall an artificial grade be established for the sole purpose of placing a sign at more than six (6) feet above the grade at the edge of the public right-of-way.

T. HANGING SIGN. A sign attached to and located below any eave, roof, canopy, awning, or wall bracket.

U. ILLUMINATED SIGN. A physical sign that is illuminated internally or from an exterior light source. An illuminated sign is distinguished from a projected light sign by the fact that a projected light sign uses light to create the sign rather than using light to illuminate a sign of physical material.

V. INFLATABLE SIGNS. A lighter-than-air or inflated object tethered or otherwise attached to the ground, structure or other object. This definition includes, but is not limited to, inflated representations of blimps, products, cartoon characters, animals and the like. Balloons are a distinct subset of inflatable signs.

W. KIOSK. A small, freestanding structure permanently affixed to the ground, requiring a building permit, which may have one or more surfaces used to display temporary advertising signs.

X. LETTER HEIGHT. The height of a letter from its bottom to its top, including any shadow line.

Y. LIGHTING STANDARD. A device for providing artificial light on the sign surface.

Z. LOGO SIGN WITH COURTESY PANELS. Prefabricated signs bearing a brand name, registered trademark or logo with space for the name of a local business or occupant or other items of information to be applied thereto or erected thereon.

AA. MARQUEE. A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

BB. MARQUEE SIGN. Any sign attached to a marquee.

CC. MOBILE SIGN. A sign on a boat or on a vehicle, other than on a public transit vehicle designed to carry at least 19 passengers, advertising a good, service, or entity other than that for which the boat or vehicle is principally used.

DD. MURAL. A painting or picture applied to and made part of a wall or window which may be pictorial or abstract, and is characteristically visually set off or separated from the background color or architectural environment.

EE. NONCOMMERCIAL SIGN. Any sign which is intended to convey a noncommercial message of social, political, educational, religious or charitable commentary.

FF. OFF-PREMISES SIGN. A commercial sign not located on the premises of the business or entity indicated or advertised by said sign, or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

GG. PARAPET. A low wall used to protect the edge of a roof from view, also called a parapet wall.

HH. PARAPET OR PERGOLA SIGN. Any sign or other graphic attached to a parapet, ramada, pergola, or other similar structure.

II. PENNANT. A small triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope, or other material, and meant to be stretched across or fastened to buildings, or between poles and/or structures.

JJ. PERGOLA. A structure usually consisting of parallel colonnades supporting an open roof of girders and cross-rafters, also known as an arbor, trellis or ramada.

KK. POLE SIGN. Any sign, other than a ground sign, supported by one (1) or more uprights or braces on the ground, the height of which is greater than a ground sign, and which is not part of any building or structure other than a structure erected solely for the purpose of supporting a sign.

LL. PORTABLE SIGN. Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

MM. PROJECTED LIGHT SIGN. A projection of light onto a physical surface in a manner designed to communicate a message by creating a variable intensity of light on the physical surface in the form of letters, shapes, or symbols.

NN. PROJECTING SIGN. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.

OO. ROOF. The cover of any building, including the eaves and similar projections. False roofs on store fronts, coverings on or over oriels, bay windows, canopies and horizontally projecting surfaces other than marquees shall be considered roofs.

PP. ROOF SIGN. Any sign any part of which is on or over any portion of any roof or eave of a building or structure and any sign which extends above a parapet of a building or structure.

QQ. SIGN. Any form of visual communication including any physical object, projection of light, digital display, or open flame (with or without lettering, a symbol, logo) used to announce, declare, demonstrate, display, or otherwise present a message to or attract the attention of the public. A sign may include a commercial or noncommercial sign. A sign includes all parts, portions, units and materials used in constructing the sign, together with the illumination, frame, background, structure, support and anchorage thereof. A mural is not a sign.

RR. TEMPORARY. A period of time not exceeding thirty (30) consecutive days, unless otherwise specified.

SS. VENDING MACHINE. A machine or other mechanical device or container that dispenses a product or service through a self-service method of payment, but not including an automatic bank teller machine incorporated within a wall or a façade of a building; a newsrack; a machine dispensing fuel, compressed air, or water at an automobile service station; or a public telephone.

TT. WALL SIGN. Any sign affixed directly to or painted on or otherwise inscribed on an exterior wall or solid fence, the principal face of which is parallel to said wall or fence and which projects from that surface no more than twelve (12) inches at all points.

UU. WINDOW SIGN. A sign that is attached to, affixed to, leaning against, or otherwise placed within six (6) feet of a window in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use. (Ord. 5552, 2011; Ord. 5549, 2011; Ord. 5236, 2002; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.030 Sign Regulations.

A. PERMIT REQUIRED. It is unlawful for any person to erect, repair, alter, relocate or maintain any sign within the City, or to direct or authorize another person to do so, except pursuant to a sign permit obtained as provided in this Chapter, unless the sign is specifically exempted from permit requirements by the provisions of this Chapter. No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign unless the structure, design, color or character is altered.

B. EXEMPT SIGNS. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, or area of signs allowed on a building or parcel:

1. Any official federal, state, or local government sign and notice issued by any court, person, or officer in performance of a public duty, or any sign erected or placed on park or beach property owned or controlled by the City and which (i) pertains to an event not exceeding five (5) days in duration and (ii) has been approved by the agency with authority over such property.

2. Any temporary sign warning of construction, excavation, or similar hazards so long as the hazard exists.

3. One temporary construction sign, provided the sign (i) does not exceed six (6) square feet in one- and two-family residence zones and does not exceed twenty-four (24) square feet in all other zones, (ii) is used only to indicate the name of the construction project and the names and locations (city or community and state name only) of the contractors, architects, engineers, landscape designers, project or leasing agent, and financing company, (iii) is displayed during construction only, (iv) does not exceed the height limitations of a ground sign, and (v) meets all other applicable restrictions of this Chapter.

4. Any temporary sign relating to Fiesta, Solstice, or any official City holiday except banners, blinking lights, or signs and any related lighting that require a building, electrical, or other permit. Any such decorations or displays and any related lighting must be removed within ten (10) days following the event for which they were erected.

5. A sign consisting of a display of no more than twelve (12) balloons for any single business or residence, displayed at a height which is not above the roof ridge line of the main building or fifteen (15) feet, whichever is lower.

6. A noncommercial sign not exceeding six (6) square feet total for each lot in residential zones and twenty-four (24) square feet total for each lot in nonresidential zones. Such a sign shall be erected only with the permission of property owner or tenant. An election sign shall not be displayed for more than ninety (90) days prior to the election or for more than ten (10) days following the election for which it is erected.

7. A temporary real estate sign which indicates that the property is for sale, rent, or lease. Only one such sign is allowed on each street frontage of the property. A temporary real estate sign may be displayed only for such time as the lot or any portion of the lot is actively offered for sale, rent, or lease. Such a sign may be single-faced or double-faced and is limited to a maximum area on each face of four (4) square feet or less on property in residential zones and twelve (12) square feet or less on property in nonresidential zones. Signs allowed pursuant to this exemption shall not exceed the height limitations of a ground sign (six feet (6')).

8. Any temporary sign located on a kiosk.

9. Any "No Trespassing" sign, prohibiting or restricting access to property, provided it is (i) not more than one (1) square foot in size, (ii) placed at each corner and each entrance to the property and (iii) at intervals of not less than fifty (50) feet or in compliance with the requirements of law.

10. One identification sign of no more than one (1) square foot for a residence.

11. Any parking lot or other private traffic directional sign not to exceed two (2) square feet in area having black letters on a white or building color background, and limited to guidance of pedestrian or vehicular traffic within the premises. There shall be erected no more than three (3) such signs in each parking lot or more than one (1) sign per entrance.

12. Any informational commercial signs provided the sign (i) is in a nonresidential zone, (ii) has an aggregate area (when combined with all other similar signs on the parcel) of not more than one-and-one-half (1½) square feet at each public entrance nor more than five (5) square feet total, (iii) indicates address, hours and days of operation, whether a business is open or closed, credit information, and emergency address and telephone numbers. Lettering shall not exceed two (2) inches in height except for street numbers. Neon or light-emitting diode (LED) signs with the text "open" may be erected under this exemption subject to the following conditions: (i) no more than one (1) such sign may be erected per business, ii) the letter height of any such sign shall not exceed six (6) inches and the overall height of the sign shall not exceed twelve (12) inches, and (iii) such signs are not allowed in El Pueblo Viejo, unless the sign is located inside the building and at least ten (10) feet back from any window or other opening in the façade of the building.

13. Any street name and address stamped or painted on a sidewalk or curb.

14. Any civic event sign, except a banner. Such a sign shall be removed within twenty-four (24) hours after the time of the event, shall not exceed twenty-four (24) square feet in size and may be erected for a period not to exceed five (5) days out of any thirty (30) day period. Only one (1) such sign shall be erected per lot.

15. Temporary open house signs. Open house signs erected pursuant to this exemption shall contain only the address of the property where the open house is being held and the name of the real estate agent and/or real estate agency or party holding the open house. Open house signs may be single-faced or double-faced. Open house signs shall be erected and removed on the day the open house is held. Open house signs shall not be fastened or attached in any way to a building façade or architectural element.

a. On-Site Open House Signs. Pursuant to this exemption, one (1) on-site open house sign may be erected on each street frontage of the property that is for sale. Each face of an on-site open house sign shall have an area of three (3) square feet or less, and the height of the on-site open house sign, including the supporting structure, shall not exceed four (4) feet.

b. Off-Site Open House Signs. In addition to the on-site open house sign(s) allowed pursuant to this exemption, a maximum of five (5) off-site open house signs may be erected. Each face of an off-site open house sign shall have an area of three (3) square feet or less, and the height of the off-site open house sign, including the supporting structure, shall not exceed three (3) feet. Off-site open house signs shall not be erected on private property without the permission of the property owner. In addition to complying with the requirements listed above applicable to off-site open house signs, off-site open house signs may be erected within the public right-of-way if such signs comply with all of the following standards:

i. Signs shall not be erected in a manner which obstructs the pedestrian path of travel or which constitutes a hazard to pedestrians or vehicular traffic;

ii. Signs shall not be placed on vehicles;

iii. Signs shall not be placed in street medians; and

iv. Decorative attachments (i.e., balloons, streamers, etc.) shall not be attached to any sign.

16. Any sign on a telephone booth or newsrack, provided the sign (i) identifies only the product contained therein or displays operating instructions, and (ii) the lettering does not exceed two inches in height.

17. Flags flown on a temporary basis for purposes of honoring national or civic holidays which do not exceed eight (8) feet long in largest dimension. No more than two (2) flags may be flown pursuant to this exemption on a single parcel.

18. The official flag of a government, governmental agency, public institution, religion, corporation, business, or other similar entity. Only one (l) flag pole with a maximum height of twenty-five (25) feet and with a maximum dimension on the flag of eight (8) feet and which is not attached to the building shall be exempt. No more than two (2) flags may be flown pursuant to this exemption on a single parcel. Corporate or business flags displaying the emblem, name, logo, or other information of a business shall be included in the calculation of the maximum allowable sign area for the business.

19. Signs, except banners, announcing the opening of a new business which, in the aggregate, do not exceed ten (10) square feet in area or twenty-five percent (25%) of the window area, whichever is greater. Such signs shall be erected no more than thirty (30) days prior to the scheduled opening of the business and shall be removed no later than thirty (30) days after the opening of the business, but in no case shall such a sign be erected for more than forty-five (45) days within this period. The business owner or manager shall provide proof of opening date upon request.

20. Temporary window signs, except banners, not exceeding four (4) square feet or fifteen percent (15%) of the window area of each facade, whichever is greater. For windows which are more than twenty-five (25) feet from the public right-of-way, such signs shall not exceed twenty-five percent (25%) of such window area. No temporary window signs on a building or parcel shall be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year. Signs erected pursuant to this exemption shall not be illuminated. Unless specifically exempt pursuant to this subsection B, any illuminated sign erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

21. Signs specifically required by federal, state, or City law, of the minimum size required.

22. Signs on the air operation side of the Santa Barbara Municipal Airport which are designed and oriented to provide information to aircraft.

23. A sign, such as a menu, which (i) shows prices of goods or services not on window display to the public, (ii) does not exceed twenty-four (24) inches by eighteen (18) inches, (iii) has letters and numbers not exceeding three-quarters (3/4) of an inch in height, and (iv) is located on a wall or in a window.

24. Signs on public transit vehicles designed to transport at least 19 passengers. No more than one sign may be displayed on each side of these vehicles, except as approved by the Sign Committee.

25. Temporary "Garage Sale" or other similar signs located only on the premises upon which the sale is occurring.

26. Digital displays on gasoline pumps, provided the digital displays conform to all of the following standards:

a. Each digital display shall not measure more than twenty-six (26) inches on the diagonal;

b. Each digital display is integrated into the face of the gasoline pump and is not a stand-alone display;

c. No more than one digital display is erected on each face of a gasoline pump.

d. The luminance of each digital display shall not exceed 1500 nits;

e. Any audio associated with a digital display shall not exceed 65 dB, measured at the nearest property line, between the hours of 7:00 a.m. and 10:00 p.m., and 55 dB, measured at the nearest property line, between the hours of 10:00 p.m. and 7:00 a.m.; and

f. No digital display shall be installed within twenty-five (25) feet of any property zoned exclusively for residential use.

27. Digital displays on automated teller machines (ATMs), provided, (i) the digital display only displays the name of the financial institution that operates the ATM and the instructions for operating the ATM and (ii) the lettering does not exceed two inches in height.

C. PROHIBITED SIGNS. In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:

1. Any sign which, by color, shape, working, or location, resembles or conflicts with any traffic control sign or device.

2. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal, historical marker, or any other official traffic control device.

3. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress or egress from any door, window, or fire escape.

4. Signs erected on public or private property without the permission of the property owner.

5. Signs visible from the public street or parking lot attached to or placed on merchandise or materials stored or displayed outdoors except for parking lot sales of less than four (4) days in duration.

6. Signs that rotate, move, glare, flash, change, reflect, blink, or appear to do any of the foregoing, except time and temperature devices and digital displays otherwise exempted by this Chapter.

7. Off-premises signs, including billboards, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15 and digital displays erected in compliance with the standards specified in Section 22.70.030.B.26.

8. Any sign displaying obscene, indecent, or immoral matter as defined under the California Penal Code.

9. Signs on awnings or canopies except on the valance.

10. Signs that create a hazard by obstructing clear views of pedestrian and vehicular traffic.

11. Portable signs.

12. Mobile signs.

13. Any sign (generally known as a "snipe sign") tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or the exterior of a building or other structure, where the information appearing thereon is not applicable to the present use of the premises upon which such sign is located. Whenever a sign is found so placed, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign.

14. Bench signs.

15. Banners, including any banner inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

16. Roof signs and any other graphics which extend, wholly or in part, above the eave line of the structure to which it is attached.

17. Any parapet or pergola sign placed above or partially above the parapet or pergola.

18. Logo signs with courtesy panels.

19. Pennants.

20. Signs which cover or interrupt architectural features.

21. Signs containing changeable copy, except theater marquee signs, business directories, church and museum signs, gas price signs and restaurant interior menu boards.

22. Historical markers placed on the structure, tree or other historical monument itself, except as approved by the Historic Landmarks Commission.

23. Pole signs.

24. Exposed cabinet/raceways behind channel letters.

25. Inflatable signs, except for balloon displays exempted by this Chapter.

26. Unless otherwise exempted by this Chapter, digital displays, including any digital display inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

D. GENERAL REQUIREMENTS.

1. No sign, other than a sign installed by a public agency, shall be allowed to be erected, installed, placed or maintained in or on any public property, including sidewalks and parkways, except off-site open house signs erected in compliance with the standards specified in Section 22.70.030.B.15.

2. Churches, schools, and other public or semi-public facilities may have one (1) on-site sign not exceeding eighteen (18) square feet in any area, provided that, except for the name of the premises, the lettering shall not exceed three (3) inches in height, and such signs in residential zones shall not be internally illuminated.

3. Any sign which is supported by more than one means and therefore cannot be clearly defined as a ground, marquee, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and be subject to the corresponding standards.

4. Accessory signs will be considered only if they are designed in conjunction with or made an integral part of the signing existing on the subject building or project. Said signs shall not exceed twenty-five (25%) percent of the building's total signage.

5. A temporary window sign in excess of four (4) square feet, or fifteen percent (15%) of the window area of each facade, whichever is greater, requires a permit, unless the sign is otherwise exempt from the permit requirements of this chapter. For a window which is more than twenty-five (25) feet from the public right-of-way, such a sign shall not exceed twenty-five percent (25%) of the window area. Such signs shall not be displayed for more than thirty (30) consecutive days nor for more than a total of sixty (60) days per calendar year. Unless specifically exempted in subsection B above, all illuminated signs erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

6. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy or language translation, shall be used in computing the area of a sign. Signing and illumination shall be on two opposing faces only.

7. In order to calculate the size of a sign, the following provisions apply:

a. If the sign is enclosed by a box or outline, the area of the sign includes that portion of the sign comprised of said box or outline.

b. If the sign consists of individual letters attached directly to the building or wall, the size is calculated by drawing a rectangle around each line of copy.

c. If the sign is a ground sign, the base or support structure shall be included in calculating the height of the sign.

8. If a building consists of two (2) or more above-ground stories, no sign shall be allowed more than five feet six inches (5'6") above the second floor line or in conformance with Subsection D.11 below, where applicable.

9. Prior to issuance of a sign permit, a ground sign shall be approved by the traffic engineer to ensure that placement of the sign would not adversely affect traffic or pedestrian safety.

10. A non-temporary window sign shall be not larger than twenty-five percent (25%) of the window area of the facade on which it is displayed.

11. A wall sign may be attached flat against or pinned away from the wall. A wall sign placed in the space between windows on the same story shall not exceed more than two-thirds (2/3) of the height of the window, or major architectural details related thereto. A wall sign placed between windows on adjacent stories shall not exceed two-thirds (2/3) the height of the space between said windows.

12. A projecting or hanging sign must clear the nearest sidewalk by a minimum of seven (7) feet and may project no more than four (4) feet into the public right-of-way. Such a sign for a business in the second story of a building is allowed only if the business has a separate street or public parking lot entrance and may be placed at the entrance only.

13. A device displaying time or temperature is permitted in all zones except residential zones and designated historic districts, subject to the provisions herein regulating various types of signs. Such devices are limited to one (1) per block. Only a logo is allowed to appear on the same structure as such a device.

14. A kiosk is permitted in all nonresidential zones, subject to approval by the Sign Committee and (i) the Historic Landmarks Commission if within El Pueblo Viejo Landmark District or another landmark district, or (ii) the Architectural Board of Review in other parts of the City.

15. A relocated sign shall be considered to be a new sign, unless the relocation is required by a public agency as a result of a public improvement, in which case approval shall be obtained only for the new location and base of the sign.

16. Except as otherwise stated in this Chapter, letter height shall be limited to a maximum of twelve (12) inches, except where it can be found that said letter size is inconsistent with building size, architecture and setback from the public right-of-way.

17. A ground sign which exceeds six (6) square feet in area shall not be located within seventy-five (75) feet of any other ground sign.

18. All signs on parcels immediately adjacent to El Pueblo Viejo Landmark District are subject to El Pueblo Viejo regulations. (Ord. 5552, 2011; Ord. 5549, 2011; Ord. 5236, 2002; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4850, 1994; Ord. 4484, 1987; Ord. 4382, 1986; Ord. 4338, 1985; Ord. 4259, 1984.)

22.70.040 Sign Standards.

A. GENERAL REQUIREMENT. All signs shall conform to the following standards.

1. Residential Uses. The following sign standards shall apply to any residential use in any zone in the City:

a. An apartment or condominium project identification sign identifying an apartment or condominium complex by name or address. One (1) such sign shall be allowed for each complex, shall not exceed ten (10) square feet in size if less than twenty-five (25) units, nor twenty-five (25) square feet if larger than twenty-five (25) units, and shall not be internally illuminated.

b. The Sign Committee may authorize one (1) ground sign or wall sign, not to exceed an area of twenty-four (24) square feet, to identify a neighborhood or subdivision, other than an apartment or condominium project, at the entrance to such subdivision or neighborhood. Such sign shall not be internally illuminated.

c. Any existing legal nonconforming use in a residential zone may have one-half (½) the number and size of signs as are allowed in commercial zones.

2. Office Uses. The following sign standards shall apply to office uses in any zone:

a. The aggregate area for all signs identifying a building or complex shall not exceed one-half (½) square foot of sign area per linear foot of building frontage or twenty (20) square feet, whichever is less.

b. Establishments within an office building or complex may collectively place a directory sign at each public entrance to said building listing establishments within.

c. An office complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included as a provision in the lease for each individual tenant. Proof of said inclusion in the standard lease for the office complex shall be submitted to the Planning Division by the lessor.

3. Commercial and Industrial Uses. The following sign standards shall apply to commercial and industrial uses, including hotels and motels in any zone:

a. The total area for all signs identifying a business shall not exceed the following:

(1) For a dominant building frontage up to one hundred (100) linear feet, one (1) square foot of sign area per linear foot of building frontage, or sixty-five (65) square feet, whichever is less.

(2) For a dominant building frontage with more than one hundred (100) linear feet, three-quarters (3/4) square foot of sign area per linear foot of dominant building frontage or ninety (90) square feet, whichever is less.

(3) For a building occupied by more than one tenant, the dominant building frontage for each business is that portion of the building elevation adjacent to the business. For a business which is not on the ground floor, one-half (½) square foot of sign area per linear foot of dominant building frontage is permitted.

b. For a commercial or industrial complex containing four (4) or more occupants, the following sign standards apply:

(1) One (1) sign per frontage to identify the commercial or industrial complex, allowing one (1) square foot of sign area per linear foot of complex frontage or seventy-five (75) square feet, whichever is less, on the dominant facade.

(2) For each individual business with frontage on a public street or parking lot, one-half (½) square foot of sign area per linear foot or twenty-five (25) square feet, whichever is less.

(3) One (1) directory sign not exceeding ten (10) square feet in size may be allowed at each public entrance.

(4) A commercial or industrial complex which maintains a group identity shall submit to the Sign Committee a sign program for all signs proposed within the complex. Upon approval, the sign program shall apply to all tenants. This sign program shall be included in the lease for each individual tenant. Proof of said inclusion shall be submitted to the Planning Division by the lessor.

B. EL PUEBLO VIEJO LANDMARK DISTRICT. Signs in El Pueblo Viejo Landmark District (EPV) shall contribute to the retention or restoration of the historical character of the area. In addition to the other standards and restrictions in this Chapter, signs in EPV shall comply with the following:

1. Colors shall be consistent with the Hispanic styles specified in Chapter 22.22.
2. The typeface used on all signs in EPV shall be consistent with the Hispanic styles specified in Chapter 22.22, except that where the business logo or trademark uses a particular typeface, it may be used.
3. Letter height shall be limited to a maximum height of ten (10) inches, except where it can be found that said letter size is inconsistent with building size, architecture, and setback from the public right-of-way.
4. No internally illuminated signs, except back-lit signs, are allowed. Traditional materials and methods are to be used as defined in Section 22.22.104 and described in Subsection 5 below. Internally illuminated projecting cabinet signs are prohibited.
5. The choice of materials is left to the discretion of the applicant, subject to the approval of the Sign Committee; however, the following materials and/or methods are acceptable and desirable:
   a. Sign face, supports, and standards made of resawn or rough sawn wood and/or wrought iron with painted or stained backgrounds and lettering.
   b. Sign face, supports, and standards made of smooth wood trimmed with moldings of historically based design and lettering.
   c. Signs painted directly on the face of the building.
   d. Projecting signs.
   e. Use of wood cutouts, wrought iron, or other metal silhouettes further identifying the business.
   f. Glass.
   g. Lighting standards and style typical of the building's architecture and period.
   h. Flush or inset mounted signs of tile or stone.
6. The following materials and details are not acceptable:
   a. Contemporary finish materials such as plastics, aluminum, and stainless steel.
   b. Imitation wood or imitation marble.
   c. Fluorescent paint.
   d. Spot lights, neon tubing, and exposed electrical conduits on the exterior of any building or structure.
   e. Neon tubing, light rope, or similar illuminated displays located within ten (10) feet of any window (except "open" signs as provided in Section 22.70.030.B.12 and "no vacancy" signs as provided in subparagraph 7 below).
7. For hotels and motels in the El Pueblo Viejo Landmark District (EPV), a single neon "No Vacancy" sign shall be allowed if the following conditions are met:
   a. Only one (1) double-faced neon "No Vacancy" sign per property or business.
   b. Letter size to be three (3) inches maximum height.
   c. Tube size to be twelve (12) mm. maximum diameter.
   d. Neon color to be clear red.
8. Landscaping:
   a. Landscaping in EPV shall conform to the El Pueblo Viejo Guidelines' list of preferred plants.
   b. Low shrubs or dense ground cover is required to conceal non-decorative lighting fixtures.
   c. Irrigation plans shall be included where applicable.

(Ord. 5549, 2011; Ord. 4917, 1995; Ord. 4860, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.050 Sign Permits.

A. **APPLICATION.** Any person desiring to construct, maintain or display a sign for which a permit is required shall submit an application to the Planning Division of the Community Development Department. The application shall be made upon forms provided by the Community Development Department and shall be accompanied by the following materials:

1. Two copies of a plan showing:
   a. The position of each sign and its relation to adjacent buildings or structures.
   b. The proposed design, size, colors, and location on the premises of each sign including the type and intensity of any proposed lighting.
2. A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application.
3. Such other information as the Director of the Community Development Department may require to show full compliance with this and all other ordinances of the City of Santa Barbara.
4. A written authorization to submit the sign permit application signed by the property owner or lessee.

B. **FEES.** The sign permit application shall be accompanied by the appropriate fee established by the City Council by resolution. If installation of a sign is commenced before an application for a permit is made or before the plans are approved by the Sign Committee, the applicant shall be charged an additional field inspection fee equal to the permit fee.

C. **PROCESSING APPLICATIONS.**

1. Community Development Department staff shall review the application and accept it as complete or reject it as incomplete within three (3) working days from the date of filing.

2. No sign permit application will be accepted if:

a. The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of the submission of the application, each illegal sign has not been legalized, removed or included in the application; or

b. Any sign under the control of the applicant on the premises of the proposed sign was installed in violation of this Chapter and at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application; or

c. The sign permit application is substantially the same as an application previously denied by staff or the Sign Committee or, on appeal, by the Historic Landmarks Commission, the Architectural Board of Review, or the City Council, unless:

(i) Twelve (12) months have elapsed from the date of the final decision on the application; or

(ii) New evidence or proof of changed conditions is furnished in the new application.

3. Assignment of Level of Review. Community Development Staff will review each sign permit application and assign each complete application to one of three review categories: conforming review, consent review, or full board review. Sign permit applications will be assigned to conforming review based on the criteria found in Section 22.70.050.E. Most other sign permit applications will be assigned to consent review. Sign permit applications that involve multiple exception requests, a large number of signs, or a large volume of signage will be assigned to full board review. Prior to a hearing on Consent Review, any member of the Sign Committee, Architectural Board of Review, or the Historic Landmarks Commission may request that an application assigned for consent review be re-assigned for full board review.

D. **BUILDING AND ELECTRICAL PERMITS.** After a sign has been approved by the Sign Committee the applicant shall obtain all required building and electrical permits from the Building and Safety Division of the Community Development Department.

E. **CONFORMING AND CONSENT SIGN REVIEW.**

1. Sign Conformance Determination. Applications for signs conforming to the Sign Ordinance and Sign Review Guidelines may be eligible for review and approval by the Chair or Vice-Chair of the Sign Committee or their designated alternate. Conforming signs which meet the following criteria shall be referred by Staff for Conforming Sign Review:

a. Signs where the size, shape, color, placement, and any lighting of the sign are consistent with adopted guidelines;

b. Signs located within El Pueblo Viejo Landmark District that comply with the requirements of Section 22.70.040.B and would be compatible with the required architectural style described in Section 22.22.104;

c. Minor wording, name, color and/or face changes which do not affect the character or location of a sign;

d. Signs for a commercial or industrial complex where a previously approved sign program is in effect and the proposed sign conforms to the program;

e. Thirty (30) day extension of temporary signage;

f. Conceptually approved signs, if all Committee conditions are met; and

g. Awning signs.

Sign applications which do not meet these specific criteria may be referred by Staff or the Chair, Vice-Chair or their designated alternate for Conforming Sign Review, if deemed appropriate. In addition, the full Sign Committee may also direct some projects or portions of projects to Conforming Sign Review for approval.

2. Conforming Review. Conforming reviews are conducted by any one (1) member of the Sign Committee.

3. Consent Review. Consent reviews are conducted by any two (2) members of the City Committee.

4. Standard of Review and Findings. Conforming Review and Consent Review are conducted using the review criteria provided in Section 22.70.050.G and making the findings required in Section 22.70.050.H.

F. **FULL BOARD REVIEW.** Full Board Review is conducted by the ABR or, if the sign is located in El Pueblo Viejo Landmark District or the sign is proposed on a site that is a designated historic resource or potential historic resource, the HLC. When conducting a Full Board Review of a sign permit application, the ABR or HLC shall assume the role of the Sign Committee, as provided in Chapter 22.70 and amended by this ordinance. The ABR or HLC shall employ the current adopted Sign Review Guidelines and shall conduct its review using the review criteria provided in Section 22.70.050.G and making the findings required in Section 22.70.050.H.

G. **SIGN REVIEW CRITERIA.**

1. In reviewing a sign permit application, staff and the Sign Committee shall apply the following criteria as the basis for action:

a. The sign shall be in proportion with and visually consistent with the architectural character of the building.

b. The sign shall not constitute needless repetition, redundancy or proliferation of signing.

c. The location of the proposed sign and the design of its visual elements (lettering, colors, decorative motif, spacing and proportion) shall result in a sign which is legible under normal viewing conditions existing at the sign's proposed location.

d. The sign shall not obscure from view or unduly detract from existing signing.

e. If the proposed sign will be adjacent to, in or near a residential area, it shall be harmonious and compatible with the residential character of the area.

f. The size, shape, color and placement of the sign and any lighting shall be compatible to and harmonious with the building which it identifies and with the area in which it will be located.

g. If the sign is to be located in El Pueblo Viejo Landmark District, the sign shall comply with the requirements of Section 22.70.040.E and shall be compatible with the required architectural style described in Section 22.22.104.

2. If a sign permit application satisfies the above criteria and complies with the other provisions of this Chapter, it shall be approved.

H. **FINDINGS.** If a sign permit application is denied, specific and detailed findings setting forth the reasons why the proposed sign violates the criteria set forth above or other provisions of this Chapter shall be prepared in writing and mailed to the applicant or his agent and sign contractor within seven (7) days.

I. **APPEALS.** The applicant or any interested person may appeal decisions concerning sign permit applications as follows:

1. Appeals to the Architectural Board of Review or the Historic Landmarks Commission. Any action of the Sign Committee or of the Division staff may be appealed by the applicant or any interested party to the Architectural Board of Review or, if the sign is in El Pueblo Viejo Landmark District or if the sign is proposed on a site that is a designated historic resource or potential historic resource, to the Historic Landmarks Commission. Said appeal shall be in writing, shall state reasons for the appeal and shall be filed with the staff of the Architectural Board of Review or the Historic Landmarks Commission within ten (10) days of the meeting at which the decision being appealed was rendered. A hearing shall be held by the Architectural Board of Review or the Historic Landmarks Commission, as appropriate, at the first available meeting of the Architectural Board of Review or the Historic Landmarks Commission following the filing of the appeal. Notice of the time and place of the hearing shall be sent to the applicant and appellant no later than five (5) days prior to said hearing. The Board or Commission may affirm, reverse or modify the decision of the Sign Committee or staff concerning the sign permit application. Said action shall take place within twenty-eight (28) days from the date of the filing of the appeal. Failure to act within said period will result in the sign permit application being deemed approved to the extent that it complies with the provisions of this Chapter. Upon such an automatic approval, the Division of Land Use Controls shall issue the permit. No member of the Board or Commission who is also a member of the Sign Committee and who participated in the decision of the Sign Committee shall act on the appeal.

2. Appeal to the City Council. An appeal to the City Council from the decision of the Architectural Board of Review or the Historic Landmarks Commission shall be made pursuant to the provisions of Section 1.30.050 of this Code.

J. **EXPIRATION OF PENDING APPLICATION.** Signs must be installed within six months of the date of approval or the approval is void, unless the applicant has requested and received an extension not exceeding six (6) months from the Community Development Director. (Ord. 5537, 2010; Ord. 5444, 2008; Ord. 5136, 1999; Ord. 4917, 1995; Ord. 4850, 1994; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.060 Revocation of Sign Permits.

A. GROUNDS. Any permit issued under this Chapter may be revoked by order of the City Council when it is shown by substantial evidence that:

1. The permit was issued without or in excess of the authority provided in this Chapter. Permittee shall be compensated for any and all costs incurred as a result of said revocation to the extent it occurs through no fault of the permittee.

2. The application for a permit contained any material misrepresentation of fact.

B. HEARING. Prior to revoking a sign permit, the City Council shall hold a hearing concerning said revocation. Written notice of said hearing shall be given to the permittee not less than ten (10) days prior to the date of said hearing. Following the hearing, if the City Council revokes the sign permit, it shall adopt findings setting forth the basis for its decision. The findings shall be mailed to the permittee. (Ord. 4484, 1987; Ord. 4259, 1984.)

22.70.070 Exceptions.

A. APPLICATION. When a person desires to erect a sign which does not comply with the provisions of this Chapter, he shall file an application for an exception. An application for an exception shall be filed with a sign permit application, shall be accompanied by a fee established by the City Council by resolution, shall state the specific section or sections of this Chapter which the applicant desires to have waived, and shall state the grounds for the exception.

B. GROUNDS. Before an exception may be granted, the following shall be shown:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity.

2. The granting of the exception will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity.

3. The proposed sign is in conformance with the stated purpose and intent of the Sign Ordinance.

C. HEARING. A hearing on the exception application shall be held by the Sign Committee prior to considering the sign permit application. The time limits for the Sign Committee's action shall be the same as those set forth in Section 22.70.050.F of this Chapter.

D. APPEAL. The provisions for the appeal of the decision of the Sign Committee concerning an exception application shall be the same as those set forth in Section 22.70.050.I. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.080 Nonconforming Signs.

A. DEFINITION. Every sign legally in existence on the effective date of (i) the ordinance adopting this Chapter, or (ii) any ordinance amending this Chapter, which violates or does not conform to the provisions of such ordinance or any such amendment, shall be a "nonconforming sign."

B. GENERAL PROVISIONS. A nonconforming sign may not be:

1. Changed to another nonconforming sign.
2. Structurally altered so as to extend its useful life.
3. Expanded.
4. Relocated.

C. REMOVAL.

1. A sign which does not conform to the provisions of this Chapter, but which legally existed and was maintained on January 1, 1976, and which did not conform to provisions of the Sign Ordinance in effect at that time shall be removed or made to conform within one-hundred eighty (180) days after written notice from the Community Development Department. Said one-hundred eighty (180) day period shall be extended in the following circumstances:

a. The owner of a nonconforming sign submits to the Community Development Department a declaration signed under penalty of perjury, on a form provided by the Community Development Department, stating that he intends to terminate the business identified by said sign within twelve (12) months of the date of the notice from the Community Development Department.

b. The owner agrees in writing, on a form provided by the Community Development Department, to voluntarily remove said sign upon the expiration of the twelve-month period described in Subsection C.1.a. above or the date he terminates his business, whichever occurs first, and further agrees as consideration for this further extension of time to remove said sign(s) to waive any and all rights he may have to challenge the validity of the provisions of this Section.

2. A sign which becomes nonconforming upon the effective date of (i) the ordinance by which this Chapter is adopted, or (ii) an ordinance amending this Chapter shall be removed or made to conform within sixty (60) days after written notice by the Community Development Department upon change of use of the premises.

3. Exceptions to the provisions of this Section shall be granted by the Sign Committee upon the application of any owner of an on-site sign who presents substantial evidence showing the following:

a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location, or surroundings which make it practically impossible to effectively identify the property to the public if strict application of all the provisions of this Chapter is required; or

b. The original cost of the sign has not been fully amortized for tax purposes under Section 167 of the Internal Revenue Code by the sign's original owner. Such exception shall only be granted until completion of amortization pursuant to Section 167. Request for such extension shall be supported by legal documents, sworn statements, affidavits or other documents clearly establishing the need for additional time to amortize the original cost of the sign; or

c. The sign possesses unique features which make it a significant part of the historical heritage of the area in which it is located.

4. Denial of a request for an exception may be appealed pursuant to the provisions of Section 22.70.050.I. (Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.090 Non-Current, Illegal or Unsafe Signs.

A. NON-CURRENT SIGNS. Any sign, including its supporting structure, which no longer identifies the current occupant or which otherwise fails to serve its original purpose after a lapse of three (3) months shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon thirty (30) days written notice by the Community Development Department.

B. UNSAFE SIGNS. Any sign that, in the opinion of the City Building Official, is unsafe or insecure shall be deemed a public nuisance and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, within ten (10) days written notice by the Community Development Department.

C. ILLEGAL SIGNS. Any sign, including its supporting structure, which is installed or maintained on private property in violation of this Chapter shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon thirty (30) days written notice by the Community Development Department.

D. FAILURE TO ABATE. In the event the property owner has not begun removal of the sign and its supporting structure within the time limits set forth in Subsections A, B and C above, Community Development Department Staff shall cause to be filed for record with the County Recorder a Notice of Intention to Record a Notice of Order to Abate describing the real property, naming the property owner thereof, describing the violation and giving notice of a City Council hearing. Community Development Department Staff shall give written notice by personal delivery or mail to the property owner that the City intends to carry out the removal of the sign and supporting structure and have the cost of said removal be made a charge against the property owner and lien against the property, unless the sign is removed, repaired or reconstructed so as to eliminate the condition that is violative of this Chapter. Community Development Department Staff shall also advise the property owner that he has a right to a scheduled hearing before the City Council of the City of Santa Barbara for the purpose of final determination that the sign is non-current, illegal or unsafe as defined under this Section. Said hearing shall begin no later than thirty (30) days after the date of the personal delivery or mailing of the notice and may be continued by the City Council.

E. FINDINGS. Upon completion of the hearing, the City Council shall find as to the fact that the sign is a non-current, illegal or unsafe sign and upon such fact being found shall determine that the sign shall be removed, repaired, or reconstructed by the property owner within a prescribed time or the City shall cause the sign and supporting structure to be removed. Said determination shall be made based upon the evidence presented and a report from the Community Development Director regarding the existing condition of the sign, the estimated costs of repair, reconstruction and/or removal. If the City Council makes such a determination, written findings and an order shall be approved. After said hearing, the City Clerk shall cause to be filed a Notice of Order to Abate with the County Recorder and shall give all parties who have a recorded interest in the property notice of such recordation by mail.

F. DUTIES OF PUBLIC WORKS DIRECTOR. The Public Works Director shall, after completion of the hearing and approval of the findings by the City Council that the sign is non-current, illegal or unsafe, and after the failure of property owner to remove, repair or reconstruct the sign within the prescribed time as set forth in the order, obtain the necessary services by contract or by using City forces to carry out the removal of the sign and its supporting structure as directed by the City Council. A record shall be kept of all costs incurred by the City including time spent for the preparation of plans and the supervision of the work to carry out the removal of the sign and supporting structure. Upon completion of said efforts, the Public Works Director shall file a report with the City Council as to the costs incurred. The property owner shall be provided a copy of said report, notice of a hearing before the City Council, and an opportunity to appear before the City Council to be heard regarding the reasonableness of the costs incurred by the City.

G. COSTS TO BE BORNE BY PROPERTY OWNER, PERSON BENEFITTED BY THE SIGN. Upon completion of the hearing before the City Council as to the reasonableness of the costs, the City Council shall determine the reasonable costs incurred by the City to remove the non-current, illegal or unsafe sign and in the case of private property, the property owner shall be advised of said amount which shall be due and payable to the City. Upon request of the property owner, the City may agree to a mutually acceptable payment schedule. In the case of signs on public property, the costs of removal shall be borne by the person benefited by the sign.

H. LIEN. In the event the amount determined to be due and payable to the City is not paid within thirty (30) days after the determination by the City Council or as otherwise agreed, said amount shall become a charge against the property involved. The City Administrator shall thereafter cause the amount of said charge to be recorded on the assessment roll as an assessment and lien against and upon the property. Any portion of said assessment remaining unpaid after the due date for payment thereof shall be subject to the penalties and proceedings then in effect for property taxes due within the City of Santa Barbara.

I. INTEREST CHARGES. The City shall be entitled to interest at the rate applicable for unpaid taxes on all costs incurred by the City as determined pursuant to Subsection F.

J. SIGNS ON PUBLIC PROPERTY. Any sign, including its supporting structure, which is installed, placed or maintained on public property, other than a sign installed by, or with the permission of a public agency, is illegal and subject to removal. The person benefited by the sign shall receive notice of the violation and must remove the sign within the time stated in the notice. If the sign remains at the end of the stated period, the sign will be removed in accordance with the provisions of Section 22.70.090.E. Costs for such removal shall be borne by the person benefited by the sign. (Ord. 4917, 1995; Ord. 4484, 1987; Ord. 4259, 1984; Ord. 4101, 1981.)

22.70.095 Vending Machines Readily Visible From a Public Right-of-Way.

A. VENDING MACHINES WITHIN THE PUBLIC RIGHTS-OF-WAY. No owner of real property shall install, operate, or maintain a vending machine which is located on or encroaches within or over a City public right-of-way, such as a City street, sidewalk, paseo, or alleyway except for those machines which encroach in the public right-of-way on the date of the enactment of this amendment to Chapter 22.70, provided that the owner or operator of such an encroaching vending machine obtains a vending machine license agreement pursuant to the requirements of Santa Barbara Municipal Code Chapter 9.48 within one year of the adoption of this amendment and provided that such machine dispenses drinking water only.

B. VENDING MACHINES IN A CITY LANDMARK DISTRICT. No owner of real property located within a City Landmark District (as such districts are designated by Santa Barbara Municipal Code Chapter 22.22) shall install, operate, or maintain a vending machine upon such real property under circumstances where the vending machine is readily visible from an area accessible to public.

C. VENDING MACHINES – NON-RESIDENTIAL USES.

1. Generally. No owner of real property located outside of a City Landmark District shall install, operate, or maintain a vending machine on such real property under circumstances where the machine is readily visible from an area accessible to the public unless and until the property owner or vending machine operator (or an authorized agent thereof) has obtained the permits required by this Section and has completed the design review and approval required by this Section, where applicable. No business shall be allowed or permitted to have more than four (4) vending machines at each business location.

2. Residential Properties. No owner of real property used exclusively for residential purposes shall install, operate, or maintain a vending machine upon such property.

D. REVIEW AND ISSUANCE OF VENDING MACHINE PERMITS.

1. Machine Locations with Not More Than Two (2) Vending Machines. A vending machine which is visible from an area readily accessible to the public may be installed, operated, and maintained on real property zoned or being used for non-residential purposes and located outside of a City Landmark District only under the following circumstances:

a. No More Than Two (2) Machines. The real property upon which the machine will be located will have no more than two (2) vending machines installed or operated upon the same location at any one time; and

b. Necessary Permits. The owner or operator of the vending machine has obtained a building permit from the City Building and Safety Division and a vending machine sign permit from the City Sign Committee in accordance with the procedures established for sign permits set forth herein; and

c. Size and Machine Panel Design. The size, design, and the use of illumination for the vending machine is installed in full compliance with the City's Outdoor Vending Machine Design Guideline requirements for unscreened vending machines.

d. Signage Illumination. A vending machine may not have signage which is internally illuminated.

2. Machine Locations with More Than Two (2) Vending Machines. A vending machine which is readily visible from an area accessible to the public may be installed, operated, and maintained on non-residential real property located outside of a City Landmark District where the real property will have more than two vending machines but less than five (5) machines only under the following circumstances:

a. ABR Design Review. The owner or operator of the vending machine has obtained design and screening review and approval from the City Architectural Board of Review and the machine is installed in full compliance with the City's Outdoor Vending Machine Design Guidelines; and

b. Required Permits. The owner or operator of the vending machine has obtained both a building permit from the City Division of Building and Safety and a sign permit in accordance with the procedures established for sign permits set forth herein from the City Sign Committee for the machine; and

c. Compliance with Conditions of Approval. The vending machine is installed and maintained in accordance with any conditions of approval issued by either the Sign Committee or the ABR in connection with the approved permits or design review.

d. Automobile Service Station Locations. The real property is not being used as a gasoline service or automobile service station.

3. Vending Machines in a Shopping, Office, or Industrial Center. Vending machines located on real property being used as a Commercial, Office, or Industrial Complex [as defined in Section 22.70.020(I)] may be permitted only pursuant to a Complex Vending Machine Program approved by the Sign Committee in a manner similar to the Sign Committee's review and approval of Complex Sign Programs pursuant to Subsection (A)(3)(b) of Section 22.70.040 hereof and where such machines are designed and located in accordance with the City's Outdoor Vending Machine Design Guidelines.

E. OUTDOOR VENDING MACHINE DESIGN GUIDELINES.

1. Adoption of Machine Design and Locational Guidelines. Within thirty (30) days of the adoption of the ordinance enacting this Section, the City Council shall approve Outdoor Vending Machine Design Guidelines which shall be approved pursuant to a resolution of the City Council.

2. Exceptions to Guideline Requirements. Upon the written request of an applicant for an outdoor vending machine permit, the Sign Committee, or, where applicable, the City's Architectural Board of Review may grant appropriate exceptions to the Outdoor Vending Machine Design Guidelines provided that all of the following grounds for the exception are determined to be applicable:

a. There are exceptional or extraordinary circumstances or conditions applicable to the real property involved which do not apply generally to other real properties in the vicinity.

b. The granting of the exception will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity.

c. The proposed vending machine installation is in conformance with the stated purpose and general intent of the Outdoor Vending Machine Design Guidelines and this Chapter.

d. A public benefit will be derived from the proposed outdoor vending machine location and a hardship otherwise exists due to the physical constraints of the site which make the strict application of City vending machine requirements impractical or not readily feasible.

F. COMPLIANCE ESTABLISHED BY VENDING MACHINE PERMIT STICKER. Compliance with the requirements of this Section shall be conclusively established by the City's issuance of an appropriate permit sticker which shall be posted or affixed to and maintained on the permitted vending machine by the operator thereof and which shall serve as conclusive proof of compliance with the requirements of this Section.

G. VENDING MACHINES INSTALLED PRIOR TO ADOPTION. Except with respect to the prohibition on internally illuminated signage contained in subparagraph (D)(1)(d) hereof, the requirements of this Section (including the Outdoor Vending Machine Design Guidelines) shall be applicable to any vending machines installed prior to the adoption of the ordinance enacting this Section upon the expiration of one year after the effective date of the Ordinance. Permit applicants may be granted additional time for compliance with the requirements of this Chapter (not to exceed one year) by the Community Development Director upon a showing by the applicant of due diligence in seeking to obtain the permits and design review required by this Chapter.

H. APPEALS. A decision of the Sign Committee or a decision of the Architectural Board of Review made pursuant to this Section may be appealed in accordance with the applicable appeal procedures of subsection (I) of Section 22.70.050.

I. DEFINITION OF "READILY VISIBLE TO THE PUBLIC." For the purposes of this Section, the phrase "readily visible to the public" shall mean that a majority of the face panel of a vending machine can typically, reasonably, and usually be observed by an average person standing or traveling upon a City public right-of-way or visible from a parking or other area generally open for public use, including those vending machines which are located indoors but visible and less than four (4) feet from a window. Where necessary whether a machine is "readily visible to the public" may be determined by the Community Development Director. (Ord. 5236, 2002.)

22.70.100 Sign Enforcement and Penalties.

A. ENFORCEMENT.

1. Every sign erected in the City shall be subject to inspection by the Community Development Director, or his deputy, to insure compliance with all provisions of the Sign Ordinance.

2. With respect to all signs existing on the effective date of this Chapter, and to all signs constructed, maintained, displayed, or altered after the effective date of this Chapter, it shall be the duty of the Community Development Director to enforce this Chapter.

3. It shall be the duty of the Community Development Director to enforce this Chapter for any signs installed contrary to the approved plans or to any conditions imposed by the Sign Committee.

4. The Community Development Director or any of his deputies shall have the right to enter upon any premises upon which any sign has been erected to enforce compliance with the provisions of this Chapter and to cause the removal of any sign maintained in violation of this Chapter. Whenever a sign is installed, erected or maintained in violation of this Chapter, the same shall constitute prima facie evidence that the person benefited by the sign placed or authorized the placement of the sign and shall be held responsible therefore.

B. PENALTIES. Any person who violates the provisions of this Chapter shall be subject to the penalties described on Chapter 1.28 of the Santa Barbara Municipal Code. (Ord. 4484, 1987; Ord. 4259, 1984.)