

2

ORDINANCE NO. 86-099

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

OCT 28 1986

**AN ORDINANCE CREATING OLD
SACRAMENTO SPECIAL SIGN DISTRICT**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Division 18 is hereby added to Article II of Chapter 3 of the Sacramento City Code, consisting of Section 3.260 through 3.274, to read as follows:

Division 18. Old Sacramento Special Sign District

Sec. 3.260 Creation and Purpose

The Old Sacramento Special Sign District is hereby created pursuant to City Code Section 3.200. The purposes of the sign regulations set forth in this division shall be to help preserve, recapture and maintain the historic ambience of the Old Sacramento area as it appeared during the third quarter of the 19th century (1849 to 1875), to promote signs which integrate and harmonize with the structure and sites they occupy, to protect public and private investment in Old Sacramento buildings and open spaces, and to supplement those provisions of this chapter to the extent consistent with this division. Detailed design guidelines for signs in the Old Sacramento Special Sign District consistent with the provisions and purposes of this ordinance shall be adopted, and may be from time to time amended, by resolution of the City Council.

Sec. 3.261 Definitions.

For the purpose of this division:

(a) "Executive Director" shall mean the executive director of the Museum and History Division of the City Department of Parks and Community Services or his or her designee.

ORDINANCE No. 86-099

OCT 28 1986

(b) "Guidelines" shall mean the Sign Designer and Fabricator's edition of a document entitled "A Guideline for Signs: Old Sacramento Historic District", initially approved on the date of the enactment of this ordinance, as amended by the City Council from time to time.

(c) "Historic sign" shall mean a sign, or reproduction thereof, which was located on a specific building or structure, including permanently moored vessels, within Old Sacramento during all or part of the period from 1849 - 1875, is listed as an historic sign in Appendix C of the guidelines, and is displayed in its original historic location.

(d) "Old Sacramento" shall mean the area bounded on the south by the center line of Capitol Mall and Tower Bridge, on the north by the southerly right-of-way line of the I Street Bridge ramp and I Street Bridge, on the east by the westerly right-of-way line of interstate freeway route 5, and on the west by the centerline of the Sacramento River; provided, however, that the following portions of said area shall be excluded: the State Historic Park; Assessor's Parcel Number 6-136-7, commonly known as 111 Capitol Mall; and Assessor's Parcel Number 6-136-22.

(e) "Sign" shall mean:

(1) Any announcement, banner, billboard, declaration, design, directional indicator, display, flag, illustration, image, insignia, light, message, object, poster, space, surface, symbol or thing used for identification, for designation, for exterior decoration, for advertisement, or for promotion of any person, entity, business, service, product or event, whether painted, attached, erected or otherwise maintained on or near any premises, whether or not containing any words, letters, numerals, emblems, figures, trade names or trademarks, and shall include all necessary appurtenances to a sign, including, but not limited to support structures, hardware, flagpoles and lighting which is:

(2) Visible from any public area, street, thoroughfare, exterior walkway or waterway within the bounds of Old Sacramento; and

(3) If located within a building or structure, including permanently moored vessels, is less than six (6) inches from the interior surface of any street frontage wall of the building or structure.

Sec. 3.262 Applicable Provisions.

(a) Signs within Old Sacramento shall comply with all provisions of this chapter outside this division unless the executive director deems such provision is inconsistent with, or less stringent than, the guidelines or this division. Provided, however, that the following provisions are deemed inapplicable to signs within Old Sacramento:

3.40; 3.51; 3.60 - 3.83; 3.85 - 3.88; 3.89 - 3.95; 3.96 - 3.98
3.100 - 3.105; 3.108 - 3.109; 3.125; 3.127; 3.140; 3.154;
3.156 - 3.157; 3.180 - 3.183; 3.190 - 3.195; 3.197; 3.205;
3.220 - 3.224; 3.230 - 3.241, and 3.251.

ORDINANCE No. 86-099

2

(b) In the event of any inconsistency between a provision in this division and the guidelines, this division shall control.

Sec. 3.263 No Permit Required.

Within Old Sacramento, the following signs may be erected, modified or maintained without the permit required by Section 3.264. Signs described in this section shall not be deemed to violate Section 3.271.

(a) Signs exclusively designed to communicate whether or when a business establishment is open or closed; provided that:

(1) The area of the sign does not exceed one (1) square foot; and

(2) The sign is located in the interior of the building premises;

(b) Credit card and burglar alarm signs or decals; provided that:

(1) Each such sign or decal does not exceed eighteen (18) square inches; and

(2) A business may display only one (1) sign per credit card company and only one (1) burglar alarm decal.

(c) Signs exclusively consisting of figures designating the street address of a location, provided that the design of the sign is consistent with Section V (B) of the guidelines;

(d) Signs which are, or substantially replicate, the menu offered in an onsite restaurant; provided that:

(1) The area of the sign does not exceed two (2) square feet and the sign is located in the interior of the restaurant; or

(2) The sign is enclosed in a glassed-in case of historic character, approved in advance by the Executive Director; no more than one case to be permitted per historic facade.

(e) Real estate signs; provided that:

(1) Only one sign may be located on a lot or parcel; and

(2) The area of the sign does not exceed six (6) square feet; and

(3) The design of the sign is consistent with Section IV of the guidelines, entitled "Elements of 19th Century Signs"; and

(4) The sign is removed within seven (7) days after the sale, rental, or lease solicited has been accomplished.

ORDINANCE No. ~~86-099~~

(f) Political or campaign signs on behalf of candidates for public office or measures on election ballots; provided that each such sign:

(1) Is not erected earlier than ninety (90) days prior to the election and is removed within fifteen (15) days after the election; and

(2) Does not exceed six (6) square feet in area.

(g) Temporary signs informing the public of events, held by non-profit civic, philanthropic, educational or religious organizations; provided that each such sign:

(1) Does not in any way advertise a business or a product; and

(2) Is not erected earlier than thirty (30) days prior to the event and is removed within three (3) days after the event; and

(3) Does not exceed six (6) square feet in area if the event will occur outside Old Sacramento, or does not exceed twenty-five (25) square feet if the event will occur within Old Sacramento.

(h) Governmental signs, such as traffic control signs, street signs, danger signs, railroad crossing signs, service signs, and official notices; provided that each such sign was posted or erected by public officers or employees in the performance of their governmental duties.

(i) Historic signs as defined in Section 3.261.

(j) Official, or previously official, flags of the State of California or the United States.

(k) Directional or instructional signs, such as signs identifying restrooms, public telephones, walkways, or parking lot entrance and exit points; provided that each such sign:

(1) Does not in any way advertise a business or products; and

(2) Does not exceed four (4) square feet in area; and

(3) The design of the sign is consistent with Section IV of the guidelines, entitled "Elements of 19th Century Signs."

(l) Historical plaques or markers, designed to inform the public about the historical or architectural significance of a building or object; provided that each such sign shall have been authorized by the Sacramento Museum and History Commission and maintained in the form authorized.

(m) Any sign located in the modern-use commercial sign zone, expressly approved by the Sacramento Housing and Redevelopment Agency or the City's Museum and History Division prior to the effective date of this ordinance for which a permit was issued by the Building Division, and which permit was valid on the effective date of this ordinance; provided, however, that such sign shall be maintained exactly in the form and location approved, that an identification tag issued by the Executive Director is attached to such sign in a location specified by the Executive Director; and provided further that any such sign removed from display for thirty (30) days or more shall not be returned to display except with the permit required by Section 3.264.

(n) Religious symbols, plaques or identification emblems of religious orders; provided that (1) no such symbol or identification emblem shall exceed four (4) square feet in area; and (2) that all such symbols, plaques and identification emblems shall be placed flat against a building.

(o) Seasonal decorative lights displayed by the Old Sacramento Business Improvement Area established by Chapter 23 of the Sacramento City Code between the day after Thanksgiving and January 15, location and configuration to be approved by the Executive Director.

Sec. 3.624 Old Sacramento Sign Permit.

Except as expressly permitted by Section 3.263, it shall be unlawful for any person to erect, maintain, alter, or relocate or direct or order a person in his employ to erect, maintain, alter or relocate a sign within Old Sacramento without first obtaining a permit from the Superintendent of Building Inspections.

Sec. 3.265 Application and Issuance of Permit.

(a) Application for the permit required by Section 3.264 shall be made to the Director of Planning and Development, or the Director's designee, on a form provided by the City. The application shall include:

1. The name and address of the permit applicant;
2. The name and address of the owner of the land on which the proposed sign will be located;
3. The name and address of the business occupying the land on which the sign will be located;
4. In the general format depicted in Section VIIID of the guidelines,

(a) a scale drawing of the sign with dimensions;

(b) a written description or sketch of the location of the sign on the building facade;

2

(c) a detailed written description or sketch of the sign installation hardware;

(d) a written description or sketch of existing signs located within fifty (50) feet of the proposed sign location.

5. The information described in Section 3.42.

6. A processing fee in an amount specified by resolution of the City Council.

(b) The Director of Planning and Development shall issue the permit required by Section 3.264 after:

1. The applicant submits a complete application; and

2. The Executive Director determines that the proposed sign is consistent with the provisions of this division, and with the guidelines; and

3. The Director of Planning and Development determines that the proposed sign complies with all applicable laws and regulations of the City other than those regulations contained in this division or the guidelines.

(c) The Director of Planning and Development shall issue an identification tag with each sign permit and specify on the permit the location on the sign where the tag must be attached.

(d) The person to whom a permit is issued shall notify the Director of Planning and Development within ten (10) days of completion of the work for which the permit was required.

(e) No permit shall be issued for a sign to be located on a street, sidewalk, other public right-of-way, or other public property until a revocable encroachment permit has been issued by the city.

Sec. 3.266 Minor Modification Application.

Where the applicant seeks to make minor changes in an existing legal sign, the applicant may submit an application for a minor modification permit to the Executive Director on a form provided by City. The Executive Director shall issue such permit if he determines that:

(a) The proposed alteration will not substantially alter the size, structural design, visual balance and typeface style of the existing legal sign; and

(b) The sign after the proposed modification will be consistent with this division and the guidelines and with all applicable City laws and regulations.

Sec. 3.267 Permit Expiration; Suspension; Revocation.

A permit issued pursuant to this division shall be subject to the provisions of Section 3.43.

Sec. 3.268 Permit Denial

If the Director of Planning and Development determines that an application submitted pursuant to Section 3.265 or Section 3.266 should be denied, the Director shall briefly state the reason(s) for the permit denial in a written decision which shall be sent to the applicant by first-class mail.

Sec. 3.269 Appeals

(a) Any person aggrieved by a decision by the Director of Planning and Development or the Executive Director to deny a permit may file a written appeal with the City Museum and History Commission not more than ten (10) days after the date of mailing of the written decision of denial. An appeal shall be accompanied by an appeal fee in an amount specified by resolution of the City Council and shall be submitted on a form provided by the City.

(b) Appeals of permit denials based on provisions of this article other than this division shall be governed by Article XIX of Chapter 9 of the City Code.

(c) Except as provided in subsection (b), the Museum & History Commission shall consider appeals filed pursuant to this section at a public hearing. At least seven (7) days prior to the hearing, notice of the time, place, and date of the hearing and a general description of the nature of the appeal shall be given in the following manner:

(1) Written notice shall be mailed to the appellant, the owner(s) of the parcel on which the sign is proposed to be located, all business-occupants of the parcel on which the sign is proposed to be located, and any person, organization, or entity which has submitted a prior written request to the Executive Director to be notified of hearings conducted pursuant to this section; and

(2) Notice shall be conspicuously posted on the parcel on which the sign is proposed to be located.

(d) The Museum & History Commission may grant an appeal only upon a finding that the proposed sign complies with the guidelines and the provisions of this division. The decision of the Museum & History Commission shall be final.

Sec. 3.270 Variances

(a) When the strict application of the provisions of this article would result in unnecessary hardship and a result inconsistent with the general purposes of this article, a variance may be granted in accordance with the provisions of this section.

(b) The Construction Codes Advisory and Appeals Board shall have the sole authority to grant variances from the provisions of division 5 of this article. The procedure and standards applicable to division 5 variances shall be those set forth in Division 13 of this article.

(c) Except as provided in subsection (b), the Museum and History Commission shall have the authority to grant variances for signs subject to this division. Applications for variances shall be filed with the Commission on a form provided by the City and shall be accompanied by a processing fee in an amount specified by resolution of the City Council. The Commission shall consider a variance request at a public hearing which has been noticed in the manner described in Section 3.269(c). The variance shall be granted only upon findings that:

(1) There are special ^{which} circumstances or conditions demonstrated in the application do not apply generally in Old Sacramento and are not of so typical or recurrent a nature as to make reasonably practicable the amendment of this division or the Guidelines; and

(2) The aforesaid circumstances or conditions are such that strict application of the provisions of this division or the Guidelines would cause unnecessary hardship or results inconsistent with the purposes of this division; and

(3) The granting of the variance will not substantially affect the historic or aesthetic quality of the immediate vicinity or Old Sacramento as a whole.

The decision of the Commission shall be final.

Sec. 3.271 Prohibited signs.

The following signs are prohibited in Old Sacramento:

(a) A sign not displaying an identification tag as required by Sections 3.263 and 3.265.

(b) A sign which is not a historic sign, unless such sign is located in the modern-use commercial sign zone described in the Guidelines.

(c) A sign which projects into an alley right-of-way.

(d) A sign located within a street or sidewalk right-of-way, unless all parts of the sign:

(1) Are at least eight (8) feet above the street or sidewalk; and

(2) Horizontally project no more than three (3) feet into a street right-of-way.

ORDINANCE No. 86-099

(e) A sign, other than a historic sign, primarily designed or oriented to be viewed from a freeway or other street not wholly within Old Sacramento, or from the Sacramento River.

(f) A sign supported wholly or partially by chain.

(g) A sign with uncapped plywood edge(s).

(h) A wooden sign into which a sign message has been carved; provided, however, that a carved wood sign may advertise an onsite manufacturer or retailer of such signs if consistent with the guidelines.

(i) A wooden sign with any surface which is not painted with gloss or semi-gloss paint. Staining and covering with a clear wood finishing product shall not be acceptable. Fluorescent, iridescent and similar paints are prohibited.

(j) A sign containing thumbtacks, staples, tape or similar temporary bonding materials.

(k) A sign wholly or partially consisting of plastic.

(l) Any sign or portion thereof which moves.

(m) A sign wholly or partially consisting of glass into which a sign message has been sandblasted or acid-etched, or stained glass, except on the 2nd Street door transoms of the Bank Exchange Building.

(n) A flagpole in a location where one did not exist between 1849 and 1875.

(o) A sign with exposed electrical conduit or direct lighting; provided, however, signs painted on the glass of gas lamp fixtures, as described in the Guidelines, may be permitted.

(p) A sign or non-sign illumination mechanism which uses neon or fluorescent lighting; uses flashing or non-constant lighting; is, or is similar to, strings of "Christmas lights" outlining portions of a building; is a colored, or otherwise, spotlight; or is an exposed 120 volt or greater spotlight.

(q) Offsite signs, as defined in Section 3.250.

(r) A-frame, sandwich board, and other portable signs, except product or service symbols specifically related to the business being conducted on the premises, such as a barber pole for a barber shop.

Sec. 3.272. Removal of Non-conforming Signs.

(a) Any sign which was in place on the effective date of this division and which does not comply with the requirements of this division:

2

(1) Shall be removed, at no cost to the City, within three (3) years after the effective date of this ordinance in accordance with the procedure specified in Division 10 of this article; provided, however, that non-conforming A-frame, sandwich board, or other portable signs shall be removed and their use discontinued, at no cost to the City, within one (1) year after the effective date of this ordinance.

(2) If modified, altered, moved, or not maintained as required by Section 3.170 after the effective date of this ordinance, shall be removed, at no cost to the City, immediately in accordance with the procedure specified in Division 10 of this article.

(b) Notwithstanding ^{sub}section (a) the Director of Planning and Development may remove at any time, without prior notice:

(1) Any dangerous or defective sign.

(2) Any real estate, political, or temporary sign after expiration of the time specified in Section 3.263.

(3) Any sign located on a public right-of-way or public property which did not have a valid revocable encroachment permit issued pursuant to Chapter 12 of the Sacramento City Code prior to the effective date of this ordinance, and for which a successful application for a revocable encroachment permit was not filed within thirty (30) days after the effective date of this ordinance.

Sec. 3.273 Pre-Existing Sidewalk Displays;
Certain Pre-Existing Lights.

This ordinance shall not apply to any items which were being legally displayed or placed on the sidewalk as of March 1, 1986 or to any lights legally and permanently in place as of March 1, 1986. If the display or placement on the sidewalk of any item or any light was illegal as of March 1, 1986, only because no revocable encroachment permit had been issued, the display or placement shall be deemed legal for purposes of this section if a successful application for revocable encroachment permit is filed within thirty (30) days after the effective date of this ordinance.

Sec. 3.274 Severability

The City Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this ordinance

ORDINANCE NO. 86-039

OCT 28 1986

2

are severable and if for any reason any sentence, paragraph or section of this ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this ordinance.

PASSED FOR PUBLICATION: October 21, 1986

DATE ENACTED: October 28, 1986

DATE EFFECTIVE: November 27, 1986

Aune Rudin

MAYOR

ATTEST:

Janice Blanton

Deputy CITY CLERK

ORDINANCE No. 86-099

OCT 28 1986