

ORDINANCE NO. 3083

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA AMENDING TITLE 19 SECTIONS 19.60.060  
AND 19.60.600

I. Recitals.

WHEREAS, the Chula Vista Municipal Code currently prohibits the placement of signs in the public rights-of-way in order to protect aesthetics, promote an orderly appearance, and prevent potential traffic hazards, safety hazards and nuisances; and

WHEREAS, the City of Chula Vista has a substantial interest in protecting the aesthetic appearance of the community by avoiding visual clutter and an interest in assuring safe and convenient traffic and pedestrian circulation on City streets; and

WHEREAS, the City of Chula Vista may allow the use of its public rights-of-way under ordinance and/or City Council Policy; and

WHEREAS, in an effort to assist in the promotion of local businesses and the sale of real estate within the City, this section sets forth a limited opportunity to place signs in designated portions of the public rights-of-way during specified dates and times; and

WHEREAS, the City of Chula Vista has proposed a new chapter be added to Title 12, Streets and Sidewalks, of the Municipal Code to allow for the temporary placement of portable signs within designated areas of public rights-of-way; and

WHEREAS, the strict limitations placed on the temporary placement of portable signs in this ordinance will ensure that: (i) the City's interests in the aesthetic appearance of the community and convenient traffic and pedestrian circulation are protected; (ii) nuisances and safety hazards are avoided; (iii) the City's risk is limited through an indemnification and insurance component, and; (iv) the City's costs associated to administer and enforce the program will be paid for by a permit fee; and

WHEREAS, the passage of the proposed addition to Title 12 will be in conflict with existing language in Title 19 sections 19.60.060 and 19.60.600; and

WHEREAS, the height and placement restrictions on residential for sale signs in Title 19 are outdated and do not reflect the current neighborhood development or industry standards; and

WHEREAS, on August 8, 2007, the Planning Commission voted unanimously to recommend passage of the proposed ordinance to the City Council.

NOW, THEREFORE, BE IT RESOVED, that the City Council of the City of Chula Vista does hereby ordain as follows:

**19.60.060 Definitions.**

"Balloon" means any rubber, plastic, Mylar or other material capable of being inflated with air or other gas.

"Illegal sign" means: (a) any sign originally erected or installed without first complying with all structural, locational, design, building, and electrical regulations in effect at the time of its construction or installation; (b) any sign that is not maintained, or is not used to identify or advertise an ongoing establishment, occupancy, product, good or service available on the site of the sign for more than 90 days; (c) any unsafe sign; (d) any legal nonconforming sign that has not been removed following the expiration of the 15-year amortization period provided for in this chapter; and (e) any sign that is in violation of the provisions of this chapter (f) any sign that is in violation of 12.50 CVMC.

"Pennant" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, stick or pole whether individually or in a series, designed to move in the wind and draw attention to a sign, place, product and/or event.

"Streamer" see pennant.

"Temporary Public Right of Way Sign Permit" means the official self-adhesive serialized stickers, which contain the City logo and appropriate calendar year issued by the City under CVMC 12.50.

**19.60.600 Specialty signs.**

The signs described in this section are based on the legal use of the land on a particular parcel.

C. Real Estate Signs. On any parcel or separately rentable portion thereof, sign(s) pertaining to economic transactions regarding the property (such as sale, rental, lease, exchange, etc.) is allowed, subject to the land owner's consent and:

1. Maximum Sign Area. Commercial and industrial zones, 32 square feet; agricultural zones, 32 square feet for undeveloped acreage of one acre or more, otherwise 4.5 square feet; residential zones, 4.5 square feet.

2. Height, If Freestanding. No freestanding sign shall exceed 10 feet in height in any commercial or industrial zone or in the agricultural zone for undeveloped acreage of one acre or more. In all other zones, the maximum height shall be limited to ~~4.5~~ 6 feet.

3. Number of Signs. Through lots shall be allowed one sign on each street. Corner lots shall be permitted one sign only.

4. Setback. Freestanding signs shall not violate the Vision clearance – Intersection requirements in CVMC 12.12.120 and/or the Vision clearance – Driveway requirements *in CVMC 12.12.130*.

5. Vacancy Signs. Real estate signs reflecting the vacancy status and availability of commercial or industrial space within a structure designed for multiple occupancy, whether through rental, sale or lease, shall be limited to a maximum sign area of 16 square feet. Not more than one sign may be used facing a dedicated street. The sign may be attached flat against the building or be part of a permitted freestanding sign if designed to be part of said sign and providing the total sign area does not exceed the area permitted for the freestanding sign.

6. Location. On the property to which the sign pertains, or on other private property with the consent of that property owner or as permitted in CVMC 12.50.

7. Open House Signs – Special Rules. Off-premises temporary real estate open house signs are allowed within all residential zones subject to:

a. No more than five off-premises open house signs shall be allowed for each residential open house which occurs, except as permitted in CVMC 12.50.

b. No more than one sign shall be allowed to be placed on any interior parcel and no more than two on a corner lot (one per street frontage).

c. Off-premises open house signs shall only be displayed during daylight hours except as permitted in CVMC 12.50.

d. Signs shall be no larger than four square feet and shall be located at minimum of three feet from the sidewalk or 10 feet from the curb or edge of pavement, where no sidewalk exists except as permitted in CVMC 12.50.

e. An off-premises temporary real estate open house sign shall only be permitted in conjunction with an open house held for the resale of one single-family residence.

f. Off-premises signs advertising the sale of more than one lot or more than two dwellings constitutes a subdivision directional sign subject to the regulations outlined in subsection (E)(3) of this section.

g. Off-premises open house signs are prohibited within the public right-of-way except as permitted in CVMC 12.50.

II. Severability.

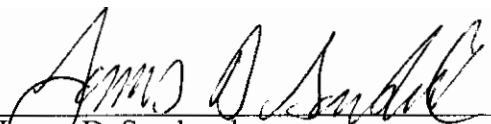
The City Council declares that should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance shall remain in full force and effect.

III. Effective Date.

This ordinance shall take effect and be in full force on the sixtieth day from and after its second reading.

Presented by

Approved as to form by

  
James D. Sandoval  
Planning and Building Director

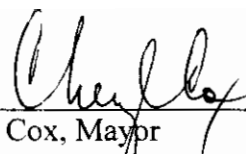
  
Ann Moore  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 16<sup>th</sup> day of October 2007, by the following vote:

AYES: Councilmembers: Castaneda, McCann, Ramirez, Rindone, and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

  
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Cheryl Cox, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO    )  
CITY OF CHULA VISTA     )

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3083 had its first reading at a regular meeting held on the 9th day of October, 2007 and its second reading and adoption at a regular meeting of said City Council held on the 16th day of October 2007.

Executed this 16th day of October 2007.

  
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Susan Bigelow, MMC, City Clerk