

TOWN OF PARADISE

ORDINANCE NO. 497

AN ORDINANCE AMENDING TEXT REGULATIONS WITHIN PARADISE
MUNICIPAL CODE CHAPTERS 17.04, 17.37 and 17.41
RELATING TO: LAND USE AND SIGN REGULATIONS AND DESIGN REVIEW
STANDARDS

The Town Council of the Town of Paradise, State of California does hereby **ORDAIN AS FOLLOWS:**

SECTION 1. Section 17.04.500 "C" [General Definitions] of the Paradise Municipal Code shall be amended as follows:

Sign, Animated. "Animated sign" means a SIGN having action or motion including flashing, pulsing or blinking lights, change of color, inflated advertising symbols used to attract attention, movement of any parts or letters, rotation, fluttering, wind movement or similar motion such as with strings of streamers, pennants or reflecting devices.

Sign, Banner. "Banner sign" means a SIGN or string of signs composed of cloth, plastic, vinyl, paper or similar thin, flexible or elastic material.

Sign Area, Maximum. "Maximum sign area" means the cumulative area of all BUSINESS SIGNS on a SITE, including banner, flush, freestanding, marquee, projecting, post, portable and roof signs.

Sign, Monument. "Monument sign" means a FREESTANDING, self-supporting SIGN, supported by a base or foundation, which is placed on or at ground level and not attached to any BUILDING wall, fence or other STRUCTURE.

Sign, Pole. "Pole sign" means a FREESTANDING SIGN supported and separated from ground level by a singular upright pole, post, pylon or column which is secured to the ground and not to a BUILDING, wall, fence or other STRUCTURE.

Sign, Post. "Post sign" means a FREESTANDING SIGN supported and separated from ground level by at least two upright poles, posts, pylons or columns which are secured to the ground and not to a BUILDING, wall, fence or other STRUCTURE.

SECTION 2. Subsection "G" of Section 17.37.200 [Exempt signs] of the Paradise Municipal Code shall be amended to read as follows:

G. Marquee signs;

SECTION 3. Item No. 3 of Subsection "A" of Section 17.37.300 [Prohibited signs] of the Paradise Municipal Code shall be added to read as follows:

3. Electronic changeable message signs for public, quasi-public and community service land uses located upon property situated within the C-S or C-F zones.

SECTION 4. Section 17.37.350 [Nonconforming signs] shall be added to the Paradise Municipal Code to read as follows:

17.37.350 Nonconforming signs

Except as otherwise provided within Section 17.37.300 (f), the use of signs legally established prior to the adoption of the ordinance regulations codified within Chapter 17.37 may be continued, although the signs do not conform to the specific regulations contained within the chapter. Any alteration of a lawful, nonconforming sign that reduces its nonconformity with the regulations of this chapter shall be permitted. A lawful, nonconforming sign may be repaired and maintained as necessary.

SECTION 5. Item No. 4 of Subsection "C" of Section 17.37.400 [Real estate signs] of the Paradise Municipal Code shall be amended to read as follows:

4. A sign to advertise real estate for sale may not legally be placed off-site upon public property.

SECTION 6. Item No. 2 of Subsection "E" of Section 17.37.400 [Community service signs] of the Paradise Municipal Code shall be amended to read as follows:

2. The sign shall not exceed ten (10) feet above finished grade nor exceed a sign area of one hundred (100) square feet.

SECTION 7. Item No. 4 of Subsection "E" of Section 17.37.400 [Community service signs] of the Paradise Municipal Code shall be repealed.

SECTION 8. Item Nos. 1 and 2 of Subsection "G" of Section 17.37.400 [Identification signs] of the Paradise Municipal Code shall be amended to read as follows:

1. For any land use subject to an administrative permit, site plan review permit or use permit, regulations for an identification sign may be established as a condition of approval, consistent with the development on surrounding properties.

2. For any land use not subject to an administrative permit, site plan review permit or use permit, identification signs are allowed subject to the following limitations:

SECTION 9. Item Nos. 1 and 4 of Subsection "H" of Section 17.37.400 [Construction signs] of the Paradise Municipal Code shall be amended to read as follows:

1. Construction signs may be established upon the site of an active construction project for which town-issued construction permits are in effect and shall be removed upon completion of construction and/or expiration of all town issued ministerial construction permits, whichever occurs first.

4. The signs shall not exceed six (6) square feet in area per sign face for single-family residential projects. Signs for commercial, quasi-public, multiple-family residential and subdivision projects shall not exceed twenty-four (24) square feet of area per sign face.

SECTION 10. Section 17.37.450 [Sign design review] shall be added to the Paradise Municipal Code to read as follows:

Design review

A. All new or redesigned and affixed business, professional, public, quasi-public, multiple-family residential, or industrial land use identification sign structures (excluding sign faces) shall be required to comply with all applicable requirements of the Town of Paradise adopted design standards.

B. It shall be unlawful to use, occupy or maintain a building or structure that does not comply with all applicable design standards. Any violation or failure to comply with the architectural and design criteria shall be an infraction punishable by a fine in accordance with Government Code Section 36900.

SECTION 11. Item No. 1 of Subsection "A" of Section 17.37.500 [Permitted signs (business signs)] of the Paradise Municipal Code shall be amended to read as follows:

1. The cumulative length of all flush wall business signs along an affected building wall (or wall series as determined by the planning director) shall not exceed the percentage limitations specified within Section 17.37.700 of this chapter. Each overall side of the building shall be considered separately. In a unified development such as a shopping center or strip mall, the measurement used to determine the maximum permitted length of flush wall signs for individual businesses shall be determined on an individual basis for each shop using the separation of side walls to determine frontage length.

SECTION 12. Item No. 4 of Subsection "A" of Section 17.37.500 [Permitted signs (business signs)] of the Paradise Municipal Code shall be repealed.

SECTION 13. An Item 5 of Subsection "A" of Section 17.37.500 [Permitted signs (business signs)] shall be added to the Paradise Municipal Code to read as follows:

5. New business signs defined as "roof signs" shall be prohibited except if the Planning Director determines, based upon substantial evidence, that the design of the building upon which the roof sign is proposed to be established has no other surface visible from a public street or private roadway to accommodate the placement of a business sign.

SECTION 14. Item No. 5 of Subsection "A" of Section 17.37.600 [Permitted signs (billboards)] of the Paradise Municipal Code shall be amended to read as follows:

5. Billboard sites shall be located at least five hundred (500) radial feet distance from any existing billboard of a size greater

than one hundred (100) square feet; three hundred (300) radial feet from any other billboard. Separation distance requirements for benches displaying advertising other than those benches determined to be exempt from the provisions of this Chapter shall be determined as a condition of an administrative permit approval, if required.

SECTION 15. Item Nos. 5 and 6 of Subsection "A" of Section 17.37.630 [Permitted signs (banners)] of the Paradise Municipal Code shall be amended to read as follows:

5. A maximum of two (2) banner signs per business or business street frontage shall be permitted; the size of any banner signs placed as flush wall-mounted upon a building shall not exceed forty (40) percent of the length and height of the affected building wall. Banner signs not completely supported by a building or a portion thereof shall not exceed thirty-two (32) square feet in size.

6. Banner signs shall not be established to serve as business identification signs during a period exceeding sixty (60) days for a single business occupancy unless a longer period is approved by the Planning Director in order to accommodate extenuating circumstances (e.g., town processing for design review for a new structure, building façade, etc.).

SECTION 16. Subsection "H" of Section 17.37.650 [Portable signs] of the Paradise Municipal Code shall be repealed.

SECTION 17. Table 17.37.700 [Regulations for Business Signs In All Districts] of the Paradise Municipal Code shall be amended to read as follows:

Regulations for Business Signs In All Districts (The maximum allowable sizes and numbers are shown)

Type of Sign	Zones	Regulations
Roof signs	R-C, AG-10, AG-20, AR-1, AR-3, AR-5, RR-1, RR-2/3, RR-1/2, TR-1, TR-1/2, TR-1/3, M-F, N-C, C-S, C-F	Not permitted
	C-B, C-C	1.0 square foot of sign area per linear foot of roof length; not above highest point of roof or parapet

Roof signs	I-S	1.0 square foot of sign area per linear foot of roof length; not above highest point of roof or parapet
Projecting signs	R-C, AG-10, AG-20, AR-1, AR-3, AR-5, RR-1, RR-2/3, RR-1/2, TR-1, TR-1/2, TR-1/3, M-F	Not permitted
	C-S, C-F	16 square feet maximum; 5 feet from wall
	N-C, C-B	16 square feet maximum; 5 feet from wall
	C-C, I-S	32 square feet maximum; 5 feet from wall
Flush (wall mounted) signs	R-C, AG-10, AG-20, AR-1, AR-3, AR-5, RR-1, RR-2/3, RR-1/2, TR-1, TR-1/2, TR-1/3	10% of the area of the building wall on which the sign is established; 25 percent of wall length
	C-S, N-C, C-B, C-F	1.0 square foot of sign area per linear foot of wall length; 50 percent of wall length
	C-C, I-S	1.5 square feet of sign area per linear foot of wall length; 50 percent of wall length
Freestanding signs	R-C, AG-10, AG-20, AR-1, AR-3, AR-5, RR-1, RR-2/3, RR-1/2, TR-1, TR-1/2, TR-1/3	Refer to identification signs section 17.37.400 (G)
	N-C, C-B, C-S, C-F, M-F	40 square feet; maximum 6 feet height; 1 per site
	C-C, I-S (excepting RDA, Scenic Highway Corridors)	Monument, post or pole, 100 square feet, maximum height 10 feet (monument), and 16 feet (post, pole or pylon); 2 per site

Freestanding signs	RDA (excepting the Downtown Revitalization Area) Scenic Highway Corridors	Monument or post, 100 square feet, maximum height 8 feet; 1 per site
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SECTION 18. Section 17.37.800 [Maximum sign area per site] of the Paradise Municipal Code shall be amended to read as follows:

<u>Zone</u>	<u>Maximum Sign Area Per Site Area</u>
C-B, N-C, C-F	200 square feet. 400 square feet in a unified development on a site exceeding one acre.
C-C, I-S, C-S	300 square feet. 600 square feet in a unified development on a site exceeding 2 acres. 1,500 square feet in a unified development on a site exceeding 4 acres.

<u>Zone</u>	<u>Maximum Sign Area Per Site Area</u>
All other zones	120 square feet

SECTION 19. The title heading for Chapter 17.41 of the Paradise Municipal Code shall be amended as follows:

Chapter 17.41 DESIGN STANDARDS AND DESIGN REVIEW

SECTION 20. Section 17.41.100 [Purpose] of the Paradise Municipal Code shall be amended as follows:

17.41.100 Purpose.

This chapter is adopted to promote the general health, safety, welfare, and economy of the community. The purposes of this chapter are to:

A. Promote orderly and harmonious development of the Downtown and Redevelopment Project Area.

B. Enhance the desirability of investment in future development projects within the Town of Paradise.

C. Encourage the attainment of the most desirable designs for new and existing commercial and residential improvements in developing areas within the Town of Paradise.

D. Enhance the desirability of living conditions upon new commercial sites or in adjacent areas in the Town of Paradise; and

E. Promote commercial developments, which are of high aesthetic quality and are compatible with each other.

SECTION 21. Section 17.41.200 [Adoption of Downtown Design Review - Guidelines to Adopted Redevelopment Project Area] of the Paradise Municipal Code shall be amended as follows:

17.41.200. Adoption of Town of Paradise Design Standards.

The Town Council does hereby repeal the Town of Paradise Downtown Design Guidelines dated May 14, 2002; and hereby adopts the Town of Paradise Design Standards dated March 9, 2010.

SECTION 22. Section 17.41.300 [Design Review Board] of the Paradise Municipal Code shall be deleted.

SECTION 23. Section 17.41.400 [Design Review Approval] of the Paradise Municipal Code shall be amended as follows:

A. No person shall be issued a building permit for a new or expanded commercial quasi-commercial, community service, office, publicly-funded or multi-family development project, the design of which is subject to the Town's adopted design standards and criteria in the Town of Paradise unless the project has been approved or conditionally approved by town staff for compliance with the design criteria and standards set forth in the Town of Paradise Design Standards.

B. No person shall change the color of the exterior of a commercial, quasi-commercial, community service, office, public or multi-family building in violation of the design criteria and standards set forth in the Town of Paradise Design Standards.

C. All design review applications under this Chapter 17.41 shall be processed in accordance with time limits set forth in the

Permit Streamlining Act, commencing with Government Code section 65920.

SECTION 24. Section 17.41.500 [Procedures for design review] of the Paradise Municipal Code shall be amended as follows:

A. Design Review Applications. Any person proposing to construct a development project subject to design review under the provisions of this chapter or any other program of the town shall, prior to implementation of such action and/or filing for any required building permit, file an application for design review with town staff for design review. Such application shall be in the form as required by the Town Manager.

B. Procedures for Design Review by town staff.

1. Design Plan Decision and Notification. After consideration of the architectural/design plans, town staff shall issue its determination setting forth its approval, conditional approval, or its disapproval of the plans, and shall then transmit or cause to be transmitted to the applicant and Community Development Director written notice of its decision. The Community Development Director (or a designee), upon receipt of the drawings and plans, shall certify that the final plans submitted under this section are in accord with the architectural/design plans as approved by town staff. After such certification, any permits for the project may thereafter be issued in accordance with the provisions of this code.

2. Appeal. Any party aggrieved by an action of town staff under this chapter may file an appeal to the Town Council within ten (10) days after notice of the decision is given. Such appeal shall be made by filing a notice of appeal with the Town Clerk. Upon the filing of a notice of appeal, the Community Development Director shall, within ten (10) days, transmit to the Town Clerk all papers and documents relating to the appeal. The notice of appeal shall include and be accompanied by the fee set forth in the Town Master Fee Schedule.

SECTION 25. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

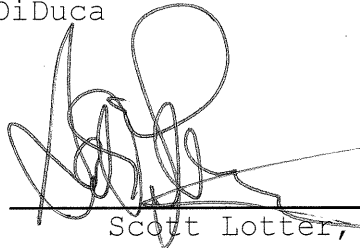
PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 13th day of April, 2010 by the following vote:

AYES: Steve "Woody" Culleton, Frankie Rutledge, Alan White and Scott Lotter, Mayor

NOES: None

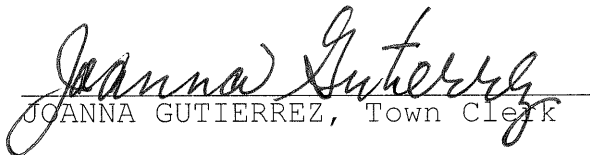
ABSENT: Joe DiDuca

ABSTAIN: None



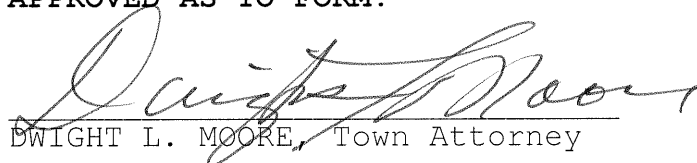
Scott Lotter, Mayor

ATTEST:



JOANNA GUTIERREZ, Town Clerk

APPROVED AS TO FORM:



DWIGHT L. MOORE, Town Attorney