

ARTICLE 7

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ARTICLE 7

SIGN REGULATIONS

SEC. 10-7.100 PURPOSE. The purpose of this article is to:

- (a) Implement the General Policies Plan through the regulation of sign size, location, design, and illumination which accomplish the following:

Improve the physical image of Hayward with more attractive signs.

Encourage economic development in the community.

Safeguard and enhance property values.

Recognize the commercial communication requirements of all sectors of the business community.

Protect public and private investment in buildings and open spaces.

Encourage sound signing practices as an aid to business and to inform the public.

Promote both renovation and proper maintenance of signs.

- (b) Preserve and improve the appearance of the City as a place in which to live and work in accordance with the City Design Guidelines.
- (c) Reduce visual clutter of signs of different sizes, shapes, and types through the coordination of the type, placement, and scale of signs within the different land uses, zones, and locations.
- (d) Prohibit or restrict distracting signs, which may impede vehicular and pedestrian safety. Such signs include those that are blocking doors or windows, those that conflict with the City Security Ordinance (Ord. No. 90-26), those that could hamper firefighting or police surveillance activities, and those that obscure traffic signs, impair drivers' sight lines or distract drivers.
- (e) Promote the public health, safety, and general welfare.

The regulations in this article are in addition to those set forth in Chapter 9 of the Hayward Municipal Code (Building Regulations), and the Uniform Building Code. Should any regulations in this article be at variance with one another or the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards shall apply.

SEC. 10-7.200 DEFINITIONS.

The following definitions shall apply to the interpretation of this article. The definition of the singular form of any defined term also applies to the plural form of the same term.

A-Frame Sign, Portable Sign, and Sandwich Board Sign. The terms ‘A-Frame Sign,’ ‘Portable Sign’ (e.g. ‘L-Frame’), and ‘Sandwich Board Sign’ shall mean portable signs capable of standing without support or attachment.

Abandoned Sign. Any sign, including its supporting structure, remaining in place or not maintained for a period of six months which no longer advertises or identifies an ongoing business, product, or service available on the business premise where the sign is located.

Any painted wall sign remaining in place or not maintained for a period of one month which no longer advertises or identifies an ongoing business, product, or service available on the business premise where the sign is located.

Accessory Sign. A sign, generally informational or directional, that has a purpose secondary to the use of the lot on which it is located, such as ‘no parking,’ ‘entrance,’ ‘loading only,’ ‘telephone,’ or other similar devices.

Address Sign. The official street address of a building or part thereof.

Awning. Any frame covered with cloth, aluminum, or other materials which is attached to and projects from the exterior wall of a building.

Awning Sign. Any sign, which is painted, printed, sewed, or otherwise attached to an awning. For purposes of this article, signage on two panels of an awning counts as one sign for purposes of calculating total number of allowable signs.

Balloon. Any spherical shaped inflatable device (excluding Mylar balloons) 14 inches or less in diameter, tethered in a fixed location. Often used for promotional events and grand openings. See ‘Inflatable.’

Banner. A temporary sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. National, state, or municipal flags shall not be considered banners.

Banner, Advertising. A banner that advertises a product, service, or business.

Banner, Decorative Artwork. A banner that depicts artwork, murals or graphic.

Banner, Promotional Event. A banner to be used for a limited time for bona-fide promotional events; requires a sign permit.

Billboard. See ‘General Advertising Sign.’

Blade sign. A small sign, which is suspended from an overhang, canopy, marquee, or awning, or is suspended from a mounting attached directly to the building wall, and hangs perpendicular to the building wall. An 8-foot clearance is required between a blade sign and finished grade.

Building Identification Sign. A wall sign identifying the name of a building, largest leaseholder, or owner of a building of two stories or more in height, within which they

are doing business.

Bulletin Board (On-Site). A permanent monument sign with changeable copy. Found on educational or cultural sites (i.e., church, school, community theaters, etc.).

Bunting. A temporary sign made of gathered cloth, canvas, light fabric or plastic exhibiting the color or colors of a flag of a government or governmental agency or any patriotic, religious, charitable, civic, educational or fraternal organization.

Business Identification Sign. A sign indicating the name, trademark, address, use, primary commodity, or service available on the premises where the sign is located.

Canopy. Any structural, ornamental roof-like appendage, freestanding or attached to a building, including roof overhangs, but excluding awnings, marquees or metallic hoods. See 'Awning,' Section 10-7.401 for standards and, Section 10-7.403 for definition of number of signs.

Changeable Copy Sign. A permanent sign whose informational content can be changed or altered by manual or electronic means. Also includes a sign known as a 'Reader Board,' 'Marquee Sign,' 'Scrolling Sign,' or time and temperature sign.

Change of Copy. Alteration of wording and/or advertising information, including logos, on an existing sign structure, where no change to the size, height, and structural content or support of sign is made. A change of copy does not require a sign permit. Also referred to as 'Change of Face'.

Community Identification Sign. A sign incorporating information referring exclusively to service clubs, community slogans, directional information to public facilities, and/or municipal statistics.

Construction Sign. A sign listing the future occupant or use on a given property (e.g. 'Coming Soon...'), and the landscape architect, engineer, planner, contractor, or other person or firm participating in the development, construction, or financing of the project on the property where the sign is located.

Copy. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Decorative Artwork. Exterior works of art, such as statues, murals, and super graphics that do not advertise a product, service, or business; may include vertical banners attached at two ends to a light pole.

Dilapidated Sign. A sign, including its supporting structure, that is not in a good state of repair, or is not visually attractive and/or functional due to lack of maintenance, or is a safety hazard.

Directional/Informational Sign. Any on-premise sign (i.e., entry/exit sign), which contains no commercial message of any sort and which provides directions for control of traffic or other regulatory purposes, including street name signs, danger signs, and traffic control signs (i.e., 'Stop,' 'Yield'), and similar signs, the face of which must meet the State of California Department of Transportation standards. Said sign may contain

the name or logo of an establishment but no advertising copy. May contain logo provided that the logo does not comprise more than 20 percent of the total sign area per sign face.

Directional Subdivision Sign (Off-Site). See 'Subdivision Directional Sign.'

Directory Sign. Any identification sign listing the occupants of a building or complex, identifying the location of, and providing directions to any establishment.

District. Zoning district designated in the Zoning Ordinance of the City of Hayward, Chapter 10, Article 1.

Double-Faced Sign. A sign with two distinct, generally parallel faces, each designed to be viewed from separate directions, and which at no point is thicker than 24 inches measured from the external surface of each face.

Establishment. An individual, separate place of business.

Establishment Frontage. See 'Frontage, Establishment.'

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol. Regulations herein do not apply to flags denoting nations, government, or noncommercial organizations.

Flashing Sign. Any illuminated sign whose motion or visual impression primarily changes through electronic means. Said signs include visual simulation of motion characteristic of chasing, running, blinking, oscillating, twinkling, or expanding or contracting light patterns.

Freestanding Sign. Any sign supported by one or more uprights, braces, columns, poles, or other similar structural components placed on or into the ground, and not attached to a building, and having no exposed or connecting wires.

Freeway Frontage. For purposes of this article, 'Freeway Frontage' means any business or businesses and/or property or properties in the vicinity of Interstate 880 or State Route 92 (west of Industrial Boulevard) located within 600 feet of a freeway, freeway frontage road, or freeway overpass. The business(es) must provide food, lodging, or fuel to freeway users or must comprise a commercial center of at least 4 acres with an approved Master Sign Program.

Freeway-Oriented Sign. For purposes of this article, any sign that is designed to be visible from at least one direction of Interstate 880 or State Route 92, west of Industrial Boulevard.

Frontage, Establishment. The ground floor horizontal distance of a building or portion thereof occupied by the business. It is measured along a ground floor wall which has a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot which serves that use. If any building frontage does not consist of one straight line, the frontage of any offset portion shall be projected, for computation purposes, to the extension of the line of the most forward face of the building.

Frontage, Primary. The establishment frontage containing a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot which serves that use. Only one frontage, which must contain a customer entrance, may be counted as primary frontage.

Frontage, Secondary. The establishment frontage, other than the primary frontage which has exposure to pedestrian or vehicular traffic. Only one secondary frontage may be counted for determining maximum sign area.

General Advertising Sign. Any sign relating to a business, commodity, service, entertainment, or event not conducted, sold, or offered on the premises on which such sign is located. Also referred to as a 'Billboard.'

Grand-Opening Signs. Banners, pennants, flags, balloons (not larger than 14 inches in diameter), searchlights and similar advertising devices allowed with a permit when used for bona-fide grand-openings events.

Hanging Sign. A sign larger than 8 square feet, 4 square feet per side, which is suspended from a marquee, canopy or awning. A hanging sign is larger than a 'Blade' or 'Shingle' sign.

Height. The vertical distance from the uppermost point used in measuring the area of the sign to the surface grade of the nearest street. When a sign is located on a berm, retaining wall, or similar feature, at the Director of Community and Economic Development/ Planning Director's discretion, the height of such berm may be subtracted from the overall height of the sign where consistent with the overall design of the project.

Illuminated Sign. A sign with an internally or externally illuminated light source which makes the message on the sign readable.

Industrial Complex. A continuous area of land and any structures thereon, under single ownership or operated under a single direction, of at least three separate establishments engaged in industrial or manufacturing activities.

Industrial Complex Directory Sign. A sign identifying an industrial complex and/or the industrial establishments therein.

Inflatable. Any inflated device, exceeding 14 inches in diameter, intended to advertise or draw attention to a grand opening, promotion, or similar event, examples are, a large balloon, animal figure, or product replication.

Legal Non-conforming Sign. A sign which was legally constructed and maintained under laws or regulations in effect at the time of construction which does not conform with the provisions of this article.

Marquee. A permanent roof-like shelter extending from part or all of a building face and may or may not project over the public right-of-way.

Marquee Sign. Any sign utilizing changeable copy painted on or attached to or supported by a marquee.

Master Sign Program. A coordinated sign plan which includes details of all existing and future signs (not including exempt, temporary signs or promotional event or grand opening signs,) i.e. Shopping Center, Business Park, Industrial Complex, Major Tenant identification, individual business, and directory signs.

Monument Sign. A freestanding sign where the foundation and supporting structure are visually an integral part of the sign creating a continuous form from the ground to the top of the sign. Monument signs shall be an integral and complementary element of the overall architectural and streetscape composition and shall be integrated with the building and landscape design.

Moving Sign. A sign which has any actual or apparent moving parts, activated by a mechanical device or by wind currents where the sign moves or the shape or content of the sign face changes. Is different from a changeable copy sign, such as a reader board.

Multiple-Faced Sign. A sign on a curved surface or on three or more planar surfaces designed to be viewed from more than two directions.

Multiple-Family Development. A continuous area of land occupied by multi-family dwellings under single ownership or operated under single direction.

Multiple Occupancy Signs. A sign identifying several businesses on the same premises.

Mural. A picture painted on an exterior surface of a structure. A mural is a sign if it contains any language or logo which advertises any product or service or if the mural identifies any business. See 'Decorative Artwork' and 'Super Graphic.'

Neon or Other Gas Tube Illumination. A sign that is illuminated by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other business identifying shapes.

Off-Premise Sign. See 'General Advertising Sign.'

Obsolete Sign. See 'Abandoned Sign.'

Office Complex. A continuous area of land and any structures thereon, all under single ownership or operated under a single direction, consisting of at least five separate establishments.

Painted Wall Sign. Any sign which is applied with paint or similar substance on the surface of a wall. This does not include 'Decorative Artwork,' 'Mural,' or 'Super Graphic.'

Pennants. A temporary sign composed of light-weight plastic, fabric, or other material, whether or not containing a message of any kind which may taper to a point suspended from a rope, wire, ribbon, or string or other material usually in a series. Often used for promotional events and grand openings. This does not include automobile antenna sleeves.

Pole Sign. A freestanding sign supported wholly by one pole placed in the ground.

Political Sign. A Temporary Sign referring to a candidate, proposition, or issue subject to a local, state, or national public election or referendum.

Portable Sign. Any sign that is not permanently affixed to a building, other unmovable structure, or the ground, such as A-frame signs and sandwich boards. Includes magnetic signs placed on the roof or side of vehicles as long as no other structural support is added to the vehicle.

Primary Frontage. See 'Frontage, Primary.'

Product Identification Sign. A standardized sign supplied by a distributor or manufacturer at nominal cost or free to a business which identifies the business as well as a product of a local, regional, or national distributor or manufacturer which is available only incidentally on the premises, such as product dispensers and point of purchase displays which are not directly visible from a vehicular or pedestrian right-of-way.

Promotional Event Sign. See 'Grand Opening Sign.'

Projecting Sign. A sign, other than a wall sign, which is attached to a building or other structure, and extends beyond the line of building or structure to which it is attached. Projecting Signs shall be at least 8 feet above the finished grade of the public sidewalk and fifteen feet above a driveway. Also see 'Blade,' 'Hanging,' 'Shingle,' signs.

Reader Board. See 'Bulletin Board.'

Reader Board, Electronic. A freestanding or monument sign with copy that is changeable through electric means.

Real Estate Sign. A temporary sign for the sale, lease, or rental of the parcel, structure, or establishment on which the sign is located.

Right-of-Way. For purposes of this article, 'Right-of-Way' is defined as that area of land owned or maintained by a governmental entity in which is located a street, curb, gutter, landscape planter strip, tree wells, sidewalks, or any other structure, device or equipment in or upon public property within the City of Hayward.

Roof Sign. A sign painted or erected on or extending above the roof or parapet of any building or structure.

Scrolling Sign. A sign made from durable materials that mechanically changes face at set intervals. The sign face is printed or adhered to a set of panels that rotate to expose a subsequent sign face. 'Electronic Reader Board' and 'Change of Face' are not included under this definition.

Secondary Frontage. See 'Frontage, Secondary.'

Setback. The minimum distance from the property line that a sign must be located.

Shingle Sign. A small sign, which is either suspended from an overhang, canopy, marquee or awning, or is suspended from a mounting attached directly to the building wall. Can be placed parallel or perpendicular to the face of a building.

Shopping Center. A continuous area of land under single ownership or operated under a single direction, developed for retail commercial purposes, and typically has at least one major tenant. For the purpose of this article a small shopping center is less than five acres and a large shopping center is more than five acres.

Shopping Center Identification Sign. A sign identifying a shopping center and major or anchor tenants only.

Sign. A device, fixture, placard, structure, or painting that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

For purposes of this article, a Sign includes any object, which is intended to attract the attention of passers by to a business, service, or product, whether or not such object contains any text. This may include but is not limited to bright colors, wall signs, freestanding or monument signs, flags, whirl-a-gigs, pennants, streamers, banners, all of which are subject to the regulations set forth herein.

For purposes of this article, a building or portion of a building which departs from standard design in an attempt to attract attention to the premises by reason of color scheme, building shape, or unusual architectural features, or part of a building or facade not required structurally or for maintenance, and which is intended to direct attention to products, goods, services, events, entertainment, or an establishment, shall be considered a sign and subject to all pertinent regulations.

Murals, paintings, and similar pictorial displays that are an integral part of the architectural theme and are not intended to draw attention to any product, service, event, or entertainment are not considered signs.

Sign Area. The total area of the face or faces of a sign. Each face is measured by determining the smallest area within a single perimeter composed of not more than eight straight lines drawn by the applicant, enclosing the extreme limits of the face.

In cases where a sign consists of letters or symbols on a wall, and the wall is not designed so that one of its main purposes is to support a sign, and the sign's background is an indistinguishable part of the wall, the sign area will be calculated by drawing a six-inch margin around all of the words and symbols. For the purposes of this article, a 'sign area' has the same meaning as 'display area' and 'sign copy area.'

Special Events Sign. Any sign advertising special temporary events, such as carnivals, festivals, exhibits, and parades, but not including promotional sales or Grand Opening signs.

Streamers. Long relatively narrow strips of any type material, resembling a banner, that float with the wind.

Subdivision Directional Sign (Off-Site). A sign containing only the name, location, and description of a subdivision and/or a multiple-family residential project and directions for reaching the project. Does not include pricing and financing advertisement. Allowed to remain for 12 months after first installed, or until last lot/unit is sold.

Substandard Sign. Any sign which does not meet the requirements of this article, or is not legally non-conforming as regulated by Sections 10-7.700(t) and 10-7.700(u).

Super Graphic. A painted design which covers all or a major portion of a wall, or structure. A super graphic is a sign only if language, logo, or pictorial depiction relates it to the advertisement of any product or service or the identification of any business. See 'Decorative Artwork.'

Temporary Sign. A sign which is displayed for less than 14 days. See also 'Balloon,' 'Banner,' 'Pennants', 'Promotional Events and Grand Opening Signs,' 'Special Events Sign,' and 'Streamers.'

Theater Display Case. A display case located on the facade of a theater which displays handbills or posters advertising a scheduled event, performance or film, and merchandise associated with the theater or an event, performance or film. The total area of all theater display cases shall not be included in the calculation of allowable sign area. A theater display case shall not exceed 36 square feet in area.

Three-Dimensional and Multiple-Faced Signs. The sign area of a multiple-faced sign having a continuous or essentially continuous surface or face shall be four times the area of the largest vertical cross-section surface as enclosed by a circle or figure with a maximum of eight straight sides.

Towing Authorization-Private Property Sign. A sign that is posted on private property that authorizes the Hayward Police Department to issue a citation for violation of Hayward Traffic Code Section 8.14 or any amendment or replacement thereof to allow the towing of vehicles illegally parked on private property. This sign shall comply with Section 6-8.25 of the Hayward Municipal Code and the sign shall be inspected and approved by the City of Hayward Police Department.

Under-Canopy Sign. A horizontal hanging sign that is pedestrian-oriented and is suspended beneath a canopy over a pedestrian walkway and not visible outside the canopy area. Usually installed perpendicular to a storefront, one per storefront, and usually do not exceed six square feet in area.

Vehicle Sign. Flat, one-dimensional signs painted or placed magnetically or otherwise attached (i.e., glue) on the side of vehicles as long as no other structural support is added to the vehicle, in accordance with California Department of Motor Vehicles regulations. Advertising on vehicles for sale at bona fide automobile dealerships are excluded from this definition.

Wall Sign. A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or by which it is supported. Does not extend above the building face or parapet, nor project more than

12 inches from the wall.

Window Sign. A sign attached to, suspended behind, and/or placed less than 24 inches inside a glass window or door of a building, or painted upon the window or glass door of a building, and which is intended for viewing from the exterior of such building. Excludes seasonal displays.

SEC. 10-7.300 GENERAL REGULATIONS.

- (a) The following regulations shall apply to all signs in all districts within the city. No sign may be placed in any of the following areas:
 - (1) Within the public right-of-way (including planter strips, tree wells, sound walls, fences, and street medians), except for Open House Directional Signs on sidewalks allowed by Section 10-7.500 (b)(22)(b) and (c), and community identification signs.
 - (2) On any public property.
 - (3) In any location which interferes with vehicular, bicycle, or pedestrian circulation safety.
- (b) A Sign which contains foreign alphabet characters must also include some English alphabet characters. Signs are not required to be translated in English as long as the sign contains English alphabet characters.

SEC. 10-7.301 PERMITS REQUIRED.

- (a) It is unlawful to erect any sign except those exempted under Section 10-7.500 without first obtaining a sign permit from the Development Review Services Division and a building permit and/or an electrical permit as required by the City Building Official. Fees for sign permits, building permits, and electrical permits are based on current Master Fee Schedule and are non-refundable.
- (b) A sign permit application in compliance with Section 10-7.302 "Permit Applications" shall be submitted to the Development Review Services Division.

A sign permit will be approved, denied or referred to the Planning Commission, board, commission or City Council committee; within 30 days after the application is determined to be complete. If the application is referred to the Planning Commission, board, commission, or City Council committee, the sign permit application shall be approved or denied within 30 days after such referral.

- (c) The Director of Community and Economic Development/Planning Director has the authority to refer a sign permit application to the Planning Commission, board, or committee for review.
- (d) Signs requiring a variance may be considered and acted on administratively by the Director of Community and Economic Development/Planning Director.
- (e) A sign permit is not required for the repair, maintenance or replacement of a lawful and

conforming sign, the repair or maintenance of a lawful non-conforming sign, or the replacement of a destroyed sign, except when the sign is required to be removed by Section 10-7.808 "Legal Non-Conforming Signs" and/or Section 10-7.810 "Removal of Certain Signs."

- (f) Approval of a sign permit application does not constitute approval of any other requirement of the city or under other applicable law.

SEC. 10-7.302 PERMIT APPLICATIONS. Application for a sign permit shall be made to the Development Review Services Division and shall include plot plans and elevations in triplicate, drawn to scale and fully dimensioned, showing:

- (a) Property address and applicant's name, address and telephone number;
- (b) The location, setbacks, and dimensions of all existing structures, existing signs, and proposed signs on the parcel;
- (c) Sign elevation and description including north arrow, site dimensions, letter size, support structures, relationship of the sign to surrounding structures, colors, materials, and type of illumination;
- (d) Structural and electrical plans as required by the City Building Official.

SEC. 10-7.303 FEES. Each application for a sign permit or for approval of a Master Sign Program shall be accompanied by the applicable fees, which shall be established by the Master Fee Schedule.

SEC. 10-7.304 DURATION OF PERMIT. A sign permit shall become null and void if the sign for which the permit was issued has not been installed within one year of issuance of said permit.

SEC. 10-7.305 CALCULATION OF SIGN AREA AND NUMBER PERMITTED. No more than two establishment (building) frontages may be used for purposes of calculating sign area and the number of signs permitted. Building mounted signs displayed on a single establishment frontage, including non-frontage walls, may not exceed the area and number that are permitted on that frontage alone, with no additional signage allowed for corner lots. Square footage allotted to an establishment may be transferred to a freestanding sign, but may not exceed acceptable size for freestanding signs.

Sign area calculations noted throughout this Article are maximums. A smaller sign area may be required where design, placement, and/or other aesthetic factors dictate. These allowable calculated sign areas may be determined by the Director of Community and Economic Development/Planning Director, Planning Commission, or City Council.

SEC. 10-7.306 REDUCTION IN PERMITTED SIGNAGE. An approved sign program or the conditions of approval for a site plan review, administrative use permit, use permit, variance, or planned development may further regulate or reduce the permitted sign area, number of signs, height, location, color, or design of signs in addition to the regulations contained in this article.

SEC. 10-7.307 DESIGN. Signs shall be an integral and complementary element of the overall architectural and streetscape composition and shall be integrated with the building and

landscape design. In some instances, it may be necessary and appropriate to integrate the building and landscape design such that the sign gains maximum visibility. Signs or sign programs shall be included in site plan review, administrative use permit, conditional use permit, variance, or precise plan applications. Plastic signs shall be prohibited in residential districts. Three-dimensional signs representing human or animal figures, inanimate objects, or signs of a highly unusual shape or color shall be reviewed by the Director of Community and Economic Development/Planning Director for compatibility with the design of the building, the features of the site, and the character of the neighborhood. In some instances, a sign that is of historic nature, is of a unique artistic design, or which represents a period of time or site that is of community importance, should be retained and preserved, as determined by the Director of Community and Economic Development/Planning Director. Where possible, 'lexan' shall be encouraged as a durable plastic material that withstands vandalism. The surface where a previous sign existed must be repaired, patched, and/or cleaned before a new sign is installed.

SEC. 10-7.308 LIGHTING.

- (a) Internal and external sign lighting shall be designed to prevent light spillage and glare onto any adjacent residentially zoned property or public right-of-way.
- (b) External illumination is permitted in residential districts in accordance with the City Security Ordinance (Ord. No. 90-26). Where not in conflict with the City Security Ordinance (Ord. No. 90-26), any brightly-lit signs in residential districts or within 100 feet of and visible from any residential district.
- (c) Neon lighting may be used in all but the residential districts, on the exterior of buildings, whether for signage or decorative artwork. Use of neon for these purposes shall be subject to review. Neon intended for advertising and which is within 24 inches inside a glass window or door of a building shall count toward total signage allowable. Neon intended for decorative artwork or to represent an ancillary product sold on the premises shall not count toward total signage allowable, and may be part of the 25 percent exempted window coverage as long as there is no flashing or intermittent illumination.
- (d) The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, in windows, or at outdoor sales or storage areas, is prohibited except on a temporary basis for areas in which carnivals, fairs, Christmas tree lots, or other similar activities have been approved under a short-term promotional program.
- (e) The type of illumination for all signs is subject to approval by the Director of Community and Economic Development/Planning Director or approving authority.

SEC. 10-7.309 MASTER SIGN PROGRAM. A master sign program is required for any project that has five or more business or office uses, and which requires site plan review, a use permit, variance, or is a planned development. No permit shall be issued for an individual sign requiring a permit on a site with five or more existing or proposed business spaces unless and until a Master Sign Program for the property on which the sign will be erected has been approved by the Director of Community and Economic Development/Planning Director. After the application is determined to be complete, a master sign program shall be acted upon within 60 days, unless submitted as a required component of an application request which requires public review. If a master sign program does require public review, time limitation requirements for the particular permit process shall

apply.

Owners of two or more contiguous lots or the owner of a single lot with more than one building may voluntarily file with the City a master sign program conforming with the provisions of this article.

In some instances, the approved master sign program may include a unique freestanding sign that is otherwise not defined or permitted in this article. For example, such a sign may comprise a freestanding architectural element with four walls, designed specifically to support the sign identifying a shopping center. Such an architectural feature is permitted, subject to the review and approval process called for in this section, as long as they are intended to be an integral part of the design of the project.

The master sign program shall conform to and complement the architectural design and character of the structures erected or to be erected on the property in which it is proposed.

- (a) Application Content. A Master Sign Program application shall include the following:
- (1) An accurate plot plan of the lot, at such a scale as the Development Review Services Division may require.
 - (2) Location of buildings, parking lots, driveways, and landscaped areas on the lot.
 - (3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs, and the number of freestanding signs allowed on the lot, shall be included in the plan. Primary tenants shall have signage in accordance with a Master Sign Program and the zoning district. For secondary tenants, a wall sign may cover up to a maximum of 70 percent of the width of tenant frontage in a shopping center, not to exceed 35 feet in length.
 - (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not (i.e., include directional signs too).
 - (5) Color scheme.
 - (6) Lettering or graphic style.
 - (7) Lighting.
 - (8) Location of each sign.
 - (9) Materials.
 - (10) Sign dimensions.
 - (11) Provisions for leasing information.
 - (12) Amount of window signage, if any, and type (i.e., painted, etched on glass).
- (b) Existing Signs Not Conforming to a Master Sign Program. If any new or amended

Master Sign Program is filed for property on which existing signs are located, it shall include a schedule for bringing them into conformance with the proposed Master Sign Program.

- (c) **Binding Effect.** After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision in this article.

The Master Sign Program shall be attached to the lease agreements for all leasable space within the project. In the case of any conflict between the provisions of such a plan and any other provision herein, this article shall control.

- (d) **Modification to an Approved Master Sign Program.** The Director of Community and Economic Development/Planning Director may approve minor modifications to an approved Master Sign Program with respect to colors, material, elevations, site plans, landscape plans, lighting and other physical changes.

SEC. 10-7.400 SIGN REGULATIONS BY SIGN TYPE, USE, OR ZONING DISTRICT. Hayward Municipal Code Sections 10-7.401 through 10-7.403 contain specific regulations for signs on private property, based on sign type, sign usage, or the zoning district.

SEC. 10-7.401 REGULATIONS BY SIGN TYPE.

- (a) **Awning Signs**

Maximum Number	See each Zoning District (awning is equivalent to a wall sign).
Maximum Area	No more than 30 percent of surface area first floor, 20 percent second floor. Counts toward maximum allowed per Zoning District.
Maximum Height	Prohibited above top of roof or top level of wall, including parapet.
Clearance	A vertical clearance of at least 8 feet between the bottom of the awning and finished grade.
Setback	Not applicable.
Illumination	See each Zoning District.
Additional	Signs on two-sided panels of an awning shall be considered as one sign. Signage shall be allowed only on the valance of the awning. New awning signs shall not visually block any existing permitted signs.

- (b) **Freestanding and Monument Signs**

Maximum Number	See each Zoning District.
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Maximum Area	See each Zoning District.
Maximum Height	See each Zoning District, and subsection (d) herein.
Setback	See each Zoning District.
Illumination	See each Zoning District.
Additional	<p>Freeway-oriented sign may be 50 feet in height.</p> <p>Second sign permitted where a parcel or establishment has two or more street frontages or one street frontage exceeding 500 feet.</p> <p>Must be in accordance with a Master Sign Program, if applicable.</p> <p>Corner lots: freestanding or monument signs higher than 3 feet shall be subject to the Vision Triangle Rule as set forth in Article 9, the Hayward Traffic Code, for visibility requirements.</p>

(c) Multi-Occupancy or Multi-Story Buildings

Maximum Number	See Master Sign Program requirements if applicable. Otherwise, see each Zoning District.
Maximum Area	See Master Sign Program requirements if applicable. Otherwise, see each Zoning District.
Maximum Height	See Master Sign Program requirements if applicable. Otherwise, see each Zoning District.
Setback	See Master Sign Program requirements if applicable. Otherwise, see each Zoning District.
Illumination	See Master Sign Program requirements if applicable. Otherwise, see each Zoning District.
Additional	<p>First floor - based on individual establishment frontage. Second floor - 1 wall sign up to 10 square feet.</p> <p>A sign on the top story of buildings greater than two stories is allowed on a site-specific basis, subject to Director of Community and Economic Development/ Planning Director approval, and shall be limited to the name of the building or a major tenant. The sign size and type of illumination shall be reviewed on a site-specific basis.</p>

(d) Pole Signs

Prohibited except for:

- (1) Commercial businesses that have freeway frontage along Highway 880 or State Route 92 west of Industrial Boulevard and which provide food, fuel, or lodging; or

- (2) Commercial centers of at least 4 acres with an approved Master Sign Program, and having freeway frontage along Highway 880 or State Route 92 (west of Industrial Boulevard); or
- (3) Commercial sites which occupy 10 acres or more and have an approved Master Sign Program; or
- (4) Commercial buildings which have an historic design or have an historic designation and for which a small, architecturally appropriate pole sign may be permitted, subject to Director of Community and Economic Development/Planning Director approval.

(e) Projecting Signs (Blade, Hanging, Shingle)

Maximum Number	One per establishment; counts toward maximum number allowable per Zoning District. Blade signs are not permitted when they would block a permitted sign of an adjacent business.
Maximum Area	See each Zoning District.
Maximum Height	Not applicable.
Setback	2-1/2 feet from curb line, or per Zoning District, whichever is greater.
Illumination	See each Zoning District.
Additional	Allowed on establishment frontage. Allowed only on first floor. May not extend above top level of the wall upon which it is mounted. Signs projecting two-thirds or more of the distance from property line shall be 12 feet above street grade; 8 feet if less. Allowed in a parking lot or above a driveway if 15 feet above finished grade.

(f) Roof Signs

Maximum Number	See each Zoning District.
Maximum Area	See each Zoning District.
Maximum Height	Prohibited above top of roof or top level of wall, including parapet.
Setback	Not applicable.
Illumination	See each Zoning District.
Additional	Shall be placed only directly above the business identified.

Rooftop address signs required by the City Security Ordinance (Ord. No. 90-26) for non-residential uses (visible from aircraft), are permitted.

(g) Scrolling Signs

Maximum Number 1 in Central City-Commercial (CC-C), except in the Marks Historic District, and General Commercial (CG) and Zoning Districts on streets classified as major arterials as defined by the General Polices Plan Circulation Element. Sign area shall not exceed that allowable in the CC-C or CG Zoning Districts

Maximum Height See CC-C and CG Zoning Districts

Setback See CC-C and CG Zoning District

Illumination See CC-C and CG Zoning Districts

Additional Not permitted as a freeway-oriented sign.

(h) Wall Signs

Prohibited above top of roof or top level of wall, including parapet, nor beyond any vertical corner edge of a wall, marquee, canopy, or awning.

Walls signs proposed above the second floor of a building require Director of Community and Economic Development/Planning Director approval (see "Multi-Occupant Buildings").

Painted wall signs require a sign permit and shall be removed after the business has vacated the premises for more than one month. All painted wall signs shall be applied by a licensed sign contractor or a sign artist.

SEC. 10-7.402 REGULATIONS BY USE.

(a) Auto Dealerships

Maximum Number One freestanding or monument sign allowed, plus two wall signs.

Maximum Area Freestanding or monument -50 square feet per face, 100 square feet total. Wall sign - 100 square feet total for all wall signs.

Maximum Height Freestanding or monument sign height allowed up to 12 feet. Wall signage shall be no higher than building wall it is mounted on.

Setback None.

Illumination All types, in accordance with Section 10-7.308.

Additional One additional freestanding sign is permitted if there is more than one street frontage. Temporary signs for promotional events may be used for up to four times per year (14 consecutive days for each event). Refer to "Promotional Event and Grand Opening Signs" section for permit requirements. Bunting pennants and searchlights are permitted as a promotional event and grand opening signs.

Auto Dealership Banners

- i. Purpose. The purpose of allowing banners for automobile retail establishments located in the CG zoning district along Mission Boulevard, generally between Sycamore Avenue/Highland Boulevard and Harder Road, is to recognize the distinctive requirements of this form of retail and to foster a unified image of a Hayward "auto row." Uniform banners strengthen the collective impact of display and advertising for auto retail along Mission Boulevard, in a manner that is attractive, compatible, and safe, and enhances the streetscape and the economic well-being of the city.
- ii. Automobile Retail Establishment Defined. "Automobile retail establishment" means an establishment whose primary use of a building or property is for outdoor display and sale of new or used automobiles, trucks, vans, motorcycles, trailers or recreational vehicles. The term does not include establishments for which the sale of vehicles is an incidental use, such as rental car agencies.
- iii. Banner Defined. "Banner" means a non-permanent sign, made of durable fabric, fastened from the top and bottom to a ground-mounted pole or similar structure on private property. "Large banners" may be located within 10 feet of the property line adjacent to Mission Boulevard. "Small banners" may be located elsewhere within parking and auto display areas.
- iv. Banner Permits and Requirements. The Director of Community and Economic Development (Director) may approve a banner permit in accordance with the regulations and criteria set forth in this section and may impose such other reasonable conditions as may be deemed necessary in the public interest. The following regulatory standards are required conditions for any banner:
 1. Location. The entire banner shall be located on private property, outside of vision triangles of motorists and shall not extend into or be allowed to move into the public right-of-way.
 2. Quantity. Each property may display a maximum of one "large" banner for every 30 lineal feet of street frontage. Each property may display a maximum of one "small" banner for every 400 square feet of parking and auto display area.
 3. Size. Each "large banner" shall be a minimum of 16 square feet and

a maximum of 28 square feet. Each “small banner” shall be a minimum of 8 square feet and a maximum of 16 square feet. All banners of the same type on a property shall be the same size.

4. Distance Between Banners. No banner shall be located closer than 10 feet to another banner.
 5. Height. The bottom of each banner shall be at least 8 feet and not more than 12 feet above the surface below it. All decorative banners located on a property shall be the same height.
 6. Materials. Banners shall be of durable fabric intended for outdoor use such as altrafab, pryatone, sunbrella or similar quality fabric. Non-fade inks shall be used on the banners.
 7. Hardware. Brackets for mounting the decorative banners to poles shall be of high quality such as stainless steel banding with fiberglass arms which can flex with the wind.
 8. Maintenance. Banners shall be promptly replaced when ink fades or fabric tears, frays or fades. Hardware shall be replaced or repaired when damaged or twisted. All banners shall be fastened to keep taut and shall not be loose or floppy.
 9. Promotional Signs. The possession of a sign permit for Auto Dealership Banners would prohibit the installation of temporary promotional displays on the same property.
- v. Permit Application. An application for a sign permit shall be made on a form supplied by the Director of Community and Economic Development (Director) and initiated by owners or agents of automobile retail establishments. The application shall be accompanied by the required fee, as adopted by resolution of the City Council. Along with demonstrating that all of the above required conditions of approval have been met, the following information shall be submitted to the Director in conjunction with an application for a permit:
1. Site plan for the automobile retail establishment, indicating quantity, location and height of banners for the property;
 2. Color drawings showing banner design, including colors, materials, hardware and size;
 3. Explanation of duration of display of the banners that are requested.
 4. Additional information, as determined by the Director may be required.

(b) Freeway Oriented Signs

Maximum Number 1 allowed in Commercial, Planned Development (Commercial

and Industrial), and Industrial Zoning Districts, plus one additional freestanding or monument sign that is not oriented toward the freeway.

Maximum Area	100 square feet per face, 200 square feet maximum for the additional freestanding or monument sign that is freeway-oriented.
Maximum Height	Freestanding or monument - 50 feet for businesses, which provide food, fuel, or lodging and freeway-oriented commercial centers of at least 4 acres with an approved Master Sign Program (see Sec. 10-7.700(n).) Wall sign shall be no higher than building wall upon which they are mounted.
Setback	See each Zoning District.
Illumination	See each Zoning District.
Additional	<p>Pole signs are permitted, subject to Pole Sign regulations set forth in this Article.</p> <p>A Freeway oriented sign is required to advertise the business that occupies the property in which the sign is erected. Off-premises signs are prohibited.</p> <p>An Electronic Reader Board is permitted as a component of a freeway-oriented sign for a commercial center of at least 4 acres with an approved Master Sign Program and with the approval of the Director of Community and Economic Development/Planning Director.</p>

(c) Theater Signs

Maximum Number	See each Zoning District.
Maximum Area	350 square feet for one screening room or auditorium; plus 50 square feet for each additional screening room or auditorium in the same development. The total sign area shall not exceed 1,100 square feet. The total sign area is not permitted on one facade or on one sign and shall complement the architecture of the theater. Signs are permitted on all frontages upon approval by the Director of Community and Economic Development/Planning Director.
Maximum Height	25 feet for freestanding signs.
Setback	10 feet for freestanding signs.
Illumination	All types in accordance with Section 10-7.308.
Additional	Theater marquee signs are permitted over the public right-of-way clear of street trees and street lighting. A marquee shall allow for clear visibility of traffic signals and regulatory signs.

Marquees over the public right-of-way may be permitted upon approval by the Director of Public Works and the Director of Community and Economic Development/Planning Director.

Theater display cases shall not be included in the calculation of the total permitted sign area. The total permitted area for theater display cases shall not exceed 240 square feet. Each theater display case may not exceed 36 square feet in area.

Upon approval by the Director of Community and Economic Development/Planning Director, a theater marquee is permitted to incorporate design elements such as lights that change colors and/or intensity. Provided lighting shall not compromise traffic safety.

(d) Drive-in Restaurants

Maximum Number	One freestanding or monument sign plus two wall signs.
Maximum Area	Total of 100 square feet. Free-standing or monument sign shall not exceed 40 square feet per face; 80 square feet total. Wall sign shall not exceed 40 square feet total.
Maximum Height	10 feet for freestanding or monument sign. Wall signs shall have 18-inch high maximum letter size and 24-inch high maximum logo height.
Setback	See each Zoning District.
Illumination	All types in accordance with Section 10-7.308.
Additional	Directional signs are excluded from number and area calculations with up to 20 percent allowed for logo on each such sign. Menu boards: Two at 30 square feet maximum size each. Location subject to Section 10-1.1045j. of the Zoning Ordinance. Corner lots: Freestanding or monument signs higher than three feet shall be subject to the "Vision Triangle Rule" as set forth in Article 9, the Hayward Traffic Code, for visibility requirements.

(e) Service stations

Maximum Number	Same as 'All Commercial Districts', Section 10-7.403 (c). Also see Section 10-7.500 (23) for exempt signs.
Maximum Area	Same as 'All Commercial Districts', Section 10-7.403 (c). Also see Section 10-7.500(23) for exempt signs.
Maximum Height	Same as 'All Commercial Districts', Section 10-7.403 (c). Also

see Section 10-7.500 (23) for exempt signs.

Setback Same as 'All Commercial Districts', Section 10-7.403 (c).

Illumination All types in accordance with Section 10-7.308.

Additional None.

(f) Food Vendor/Catering Truck

Maximum Number One on each side of cart or truck, and one A-frame (placed on private property only).

Maximum Area A-frame not to exceed 20 square feet per face (40 square feet total).

Maximum Height See each Zoning District.

Setback See each Zoning District.

Illumination Natural only.

Additional Issuance of a sign permit may include provisions to ensure that the portable sign does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.

(g) Shopping Centers

(1) Small Shopping Centers (less than 5 acres):

In General Individual tenant signs may not be included as part of the shopping center identification sign unless a Master Sign Program for the entire Center has been approved by the Director of Community and Economic Development/ Planning Director. Individual tenant signs are then included as part of the allotted sign area and number of signs permitted for an individual establishment.

If a Master Sign Program exists, the Director of Community and Economic Development/Planning Director may approve additional signs or sign area as needed to adequately direct the public to the Center.

Freestanding or monument sign setback shall allow for clear vehicular and pedestrian visibility. If obstructed visibility will result, the Director of Community and Economic Development/Planning Director shall increase the setback.

Maximum Number One freestanding or monument sign to identify the shopping center per shopping center frontage. One wall sign per establishment frontage.

Maximum Area Freestanding/Monument Sign - A total of 150 square feet, with

50 percent more allowed if there is more than one establishment frontage.

Wall Sign - Not to exceed 1 1/2 square feet for each linear foot of establishment frontage.

Maximum Height 14 feet.

Setback 4 feet.

Illumination All types in accordance with Section 10-7.308.

(2) Large Shopping Centers (more than 5 acres):

In General Individual tenant signs may not be included as part of the shopping center identification sign unless a Master Sign Program for the entire Center has been approved by the Director of Community and Economic Development/ Planning Director. Individual tenant signs are then included as part of the allotted sign area and number of signs permitted for an individual establishment.

If a Master Sign Program exists, the Director of Community and Economic Development/Planning Director may approve additional signs or sign area as needed to adequately direct the public to the Center.

Freestanding or monument sign setback shall allow for clear vehicular and pedestrian visibility. If obstructed visibility will result, the Director of Community and Economic Development/Planning Director shall increase the setback.

Maximum Number One freestanding or monument sign per shopping center frontage. One wall sign per establishment frontage.

Maximum Area Freestanding/Monument Sign- 200 square feet, with 50 percent more allowed if there is more than one establishment frontage.
Wall Sign - 1 1/2 square feet for each linear foot of establishment frontage.

Maximum Height Freestanding/Monument Sign - 14 feet.

Setback Freestanding/Monument Sign - 10 feet.

Illumination All types in accordance with Section 10-7.308.

(3) Regional Shopping Centers

Regional shopping centers, like Southland Mall, shall be reviewed on a site-specific basis for allowable signage. An approved Master Sign Program is required and all allowable signage shall meet the standards specified in Section 10-7.309.

(a) RS, RNP, RO (Single-Family Residential and Residential Office) Districts

(1) Permanent Subdivision Sign:

Maximum Number One.

Maximum Area 50 square feet per face; 100 square feet total.

Maximum Height 10 feet.

Setback 10 feet from all property lines.

Illumination Natural or External.

Additional If subdivision is greater than 25 lots or condominiums, one additional sign is permitted, not to exceed 30 square feet per face, 60 square feet total.

Signs, which indicate a business is operated within a residence, shall not be displayed on or within the residence or yard.

(2) Residential Office, religious, educational, health care, childcare for 15 or more, cultural, recreational, or similar facility.

Maximum number One per establishment up to 5 acres; two if more than 5 acres.

Maximum Area 15 square feet total per sign.

Maximum Height 6 feet.

Setback 10 feet from all property lines.

Illumination Natural or External.

Additional None.

(b) RM, RH (Multi-Family Residential), MH (Mobile Home), and AT-RM (Air Terminal Medium Density Residential) Districts

(1) Multi-Family Complex Identification Sign.

Maximum Number One per street frontage that is up to 500 feet long; two hereafter.

Maximum Area

1 to 8 units	12 square feet total.
9 to 25 units	25 square feet total.
26 or more units	35 square feet total.

Maximum Height 6 feet.

Setback 10 feet from all property lines.

Illumination Natural or External.

Additional For 26+ unit apartment or condominium complexes with more than one street frontage, a second sign is permitted with total sign area not to exceed 70 square feet (35 square feet per entrance). Two signs on one frontage are permitted if entrances are at least 200 linear feet apart.

(2) Permanent Subdivision Identification Sign.

Maximum Number One sign.

Maximum Area

1 to 8 units	12 square feet total.
9 to 25 units	25 square feet total.
26 or more units	50 square feet total.

Maximum Height 10 feet.

Setback 10 feet from all property lines.

Illumination Natural or external.

Additional For large subdivisions with long or multiple street frontages, a second sign is permitted.
Also refer to Section 10-7.500 ('Exempt Signs') and Section 10-7.601 ('Promotional Event and Grand Opening Signs').

(3) Residential office, religious, educational, health care, child care for 15 or more, cultural, recreational or similar facility.

Maximum Number One per street frontage up to 5 acres; two if more than 5 acres.

Maximum Area 20 square feet per sign.

Maximum Height 6 feet.

Setback 10 feet from all property lines.

Illumination Natural or External.

Additional None.

(c) All Commercial Districts - (Except CC-R), Plus AT-AC, AT-C (Airport Commercial Zones)

The following regulations apply to all properties in the CC-R district except that

properties in the Redevelopment Area shall also comply with regulations of the Redevelopment Area. Where sign regulations in the Redevelopment Area are at variance with one another, Section 10-7.403(e) regulations shall prevail.

(1) Residential Uses

Same as Multi-Family Residential Districts (Section 10-7.403 (b)).

(2) Non-Residential Uses

Maximum Number One freestanding or monument sign per establishment and up to two wall signs.

Maximum Area 1 1/2 square feet per lineal foot of establishment frontage: minimum 25 square feet, maximum 100 square feet. Freestanding or monument sign may not exceed 36 square feet per face. Wall signs may not exceed 36 square feet total for establishment frontages less than 25 linear feet, and may not exceed 50 square feet total for establishment frontages 25 to 40 linear feet. Exceptions to this are signs for freeway-oriented businesses, drive-ins, and automobile dealerships (Section 10-7.402).

Maximum Height 12 feet for freestanding or monument sign. Said sign must be one foot lower for every foot closer to property line. Wall signs may not exceed the roofline of the first story element (Section 10-7.401(h) 'Wall Signs').

Setback 12 feet from all property lines. Setback may be reduced one foot for every foot the sign is lowered, down to a two-foot setback minimum. Minimum setback from driveway flares is 2 feet.

Illumination All types in accordance with Section 10-7.308.

Additional Businesses with more than one establishment frontage shall be allowed 50 percent more permitted sign area upon approval by the Director of Community and Economic Development/ Planning Director.

Corner Lots: Freestanding or monument signs higher than three feet shall be subject to the "Vision Triangle Rule," Article 9, Hayward Traffic Code, for visibility requirements.

Office or Industrial Complex or Directory Sign at AT-AC, AT-C zones: One monument or freestanding sign per complex; except when a complex has two or more street frontages, the Director of Community & and Economic Development/ Planning Director may approve one additional sign.

Total allowable sign area may be allocated as part of allowable wall sign area if no freestanding or monument sign is proposed, if it is determined that it will be appropriate and proportional to the structure on which it is affixed. Said determination shall be made by the Director of Community and

Economic Development/Planning Director.

Maximum Number One freestanding or monument sign per establishment frontage and/or one wall sign.

(d) CC-R (Central City - Residential) District

The following regulations apply to all properties in the CC-R district except that properties in the Redevelopment Area shall also comply with regulations of the Redevelopment Area. Where sign regulations are at variance with one another, Section 10-7.403(e) regulations shall prevail.

(1) Residential Uses: Multi-Family Complex Identification Sign

Maximum Number One freestanding or monument sign per establishment frontage and/or one wall sign.

Maximum Area

1 to 8 units	12 square feet total
9 to 25 units	25 square feet total.
26 or more units	50 square feet total.

Maximum Height 5 feet.

Setback 4 feet from all property lines.

Illumination External or natural.

Additional For 26+ apartment or condominium complexes with more than one street frontage, a second sign is permitted with total sign area not to exceed 70 square feet (35 square feet per entrance). Two signs on one frontage are permitted if entrances are at least 200 linear feet apart.

(2) Non-Residential Uses

Maximum Number One freestanding or monument sign per establishment frontage and/or one wall sign.

Maximum Area Same as Section 10-7.403(c) 'All Commercial Districts'.

Maximum Height 6 feet.

Setback 4 feet from all property lines.

Illumination All types in accordance with Section 10-7.308.

Additional Office complex or directory sign: One per complex, maximum of 20 square feet per face, 40 square feet total.

- (e) CC-C (Central City Commercial), CC-P (Central City Plaza) Districts and all properties within the Redevelopment Area.

The following regulations apply to all parcels in the CC-C and CC-P Zoning Districts and in the Redevelopment Area.

- (1) Permitted Signs Wall, window, awning, projecting, hanging, theater marquee signs, monument signs, sidewalk display signs, scrolling signs outside the Marks Historic District in the CC-C Zoning District, and signs of historical or aesthetic significance are permitted.
- (2) Prohibited Signs Roof, pole, monument (except service stations, hotels and motels) animated, scrolling in the Marks Historic District, revolving, flashing, portable (except A-and T-frame); painted wall signs or signs that obscure the detail of building facades. In addition, awnings that are made of metal, or which are translucent or which contain interior lighting for illumination are prohibited.
- (3) Colors Sign colors must relate to the color scheme of the building. No more than three colors shall be used on any one sign, unless approved by the Director of Community and Economic Development/Planning Director. In addition, use of “neon” or “dayglow” colors must be approved by the Director of Community and Economic Development/Planning Director.
- (4) Lighting Signs may be illuminated with directional spotlights or indirect lighting if the effect at night is not glaringly bright. External lighting is encouraged.
- (5) Graphic Design Sign construction and sign copy must be of professional quality. Primary signage shall be designed to identify a business rather than advertise a brand-name product. High contrast between sign, text, and background must be provided but glaring white sign backgrounds and intense colors must be avoided. A letter style that is readable and in scale with the size of the sign frame or background must be used. If more than one sign is used, the signs must be compatible in style.
- (6) Sign Installation All signs, except window signs, require a sign permit and building and electrical permits where required. All signs shall be installed in a professional manner, avoiding, unsightly guy wires or other stabling devices. Attachment shall be hidden from general view and in the least destructive manner possible. For masonry, attachments shall be embedded into the mortar, not the brick or stone. All signs and murals painted on walls shall be covered with anti-graffiti coating.

(7) Sign Area and Number

- (a) Maximum Number. For all establishments, the maximum number of signs permitted per frontage is 2. The maximum number of signs permitted per establishment is 4 except when additional signs are approved by the Director of Community and Economic Development/Planning Director. Temporary window signs and Sidewalk display signs do not count toward the total.
- (b) Total Area. The total area encompassed by a contrasting color scheme shall be counted when calculating allowable sign area.
- (c) Foothill Boulevard and "A" Street within the CC-C and CC-P Zoning Districts. The maximum sign area is 2 square feet per linear foot of primary frontage, and 30 percent of the allowable sign area of the primary frontage is allowed as the sign area for the secondary frontage.

One frontage, which must contain a public entrance, may be counted as primary frontage. All other building frontages which have exposure to pedestrian or vehicular traffic are considered secondary frontages.

Only one secondary frontage may be counted for determining maximum sign area for all secondary frontages. Signs displayed on a single frontage shall be limited to the area and number that are permitted on that frontage alone.

No establishment shall be permitted more than a total of 200 square feet of sign area.

- (d) Locations Other Than Foothill Boulevard and "A" Street located within the Redevelopment Area. The maximum sign area is one square foot per linear foot of primary frontage, and one-half square foot per linear foot of secondary frontage.

Only one frontage, which contains a public entrance, may be counted as primary frontage. All other building frontages, which have exposure to pedestrian or vehicular traffic, are considered secondary frontages.

Only one secondary frontage may be counted for determining maximum sign area for all secondary frontages. Signs displayed on a single frontage shall be limited to the area and number that are permitted on that frontage alone.

No establishment shall be permitted more than a total of 100 square feet of sign area per frontage unless approved by the Director of Community and Economic Development/Planning Director. Each establishment shall be entitled to a minimum of 30 square feet for the primary frontage.

(8) Sign Types.

- (a) Wall signs may be painted on the wall (if approved by the Director of Community and Economic Development/Planning Director), or be made of metal, wood (except plywood), plastic, neon or vinyl.

Fluorescent material is prohibited. Signs shall be located no higher than the cornice or parapet line, whichever is lower.

Wall signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent, and do not extend above the cornice or parapet line, whichever is lower, by more than 25 percent of the height of the sign.

- (b) Permanent Window signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs and should be white or light in color.

Permanent Window signs shall not occupy more than 25 percent of the total area of the window.

- (c) Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the facade. A double face projecting sign shall be considered one sign.

The maximum size of a projecting sign shall be 40 square feet (20 square feet per side). Projecting signs shall not project more than 3 feet horizontally, except that along Foothill Boulevard and along "A" Street projecting signs may project up to 5 feet horizontally. In no case may the sign come within 2 1/2 feet of the curb.

Projecting signs shall be clear of street trees, traffic signals, street lighting and regulatory signs.

- (d) Horizontal hanging signs, suspended from a canopy, awning, or marquee, may be placed above an entry. A hanging sign shall not exceed 8 square feet in size (4 square feet per side).

Hanging signs erected before July 22, 1986, shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

- (e) Overhang signs are mounted atop the overhang, parallel to the storefront and shall not be used in conjunction with wall signs. Overhang signs shall not exceed 3 feet in height.

- (f) Awning signs (ground floor) shall not cover more than 20 percent of the total surface area of the front awning skirt. The awning sign is limited to the front skirt of the awning.

Colors and lettering of awning signs shall be compatible with the

building colors, businesses they serve, as well as harmonize with neighboring buildings and storefronts.

Awning signs legally erected before July 22, 1986 shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

- (g) Service Station Signs. Each establishment shall be entitled to a maximum of 100 square feet of business identification, sales and service signs. No such signs shall be freestanding or pole mounted except as provided below.

One freestanding or monument business identification sign is allowed. Such sign shall not exceed 60 square feet, 30 square feet per face, 15 feet in height or extend beyond the property line. Such sign shall be included in the 100 square foot limitation; and any freestanding business identification sign shall incorporate a decorative base of brick, stucco, wood, or similar material that matches the primary building material. A double-faced price sign may be incorporated into or attached to the decorative base. A double-faced price sign may also be attached to the pole of a conforming freestanding business identification sign. Such price signs shall not exceed 15 square feet in area per face.

Additional Signs. One freestanding or monument, double-faced price sign per street frontage may be permitted. No sign shall exceed 15 square feet per face. Other miscellaneous State authorized signs may not exceed the minimum size and number provided for by the State. Such miscellaneous signs may be wall or pole mounted.

- (h) Promotional Temporary Signs.
 - (i) Paper or Paint Window Signs. Special sale window signs of either paper or paint, are permitted. Such signs when combined with permanent window signs, must not occupy more than 25 percent of the total area of the window. These signs must be of a professional quality.
 - (ii) Sidewalk Display Signs (such as A-frame signs and sandwich boards) are permitted in the CC-P Zoning District, on "B" Street between Foothill Boulevard and Watkins Street, and on Main Street between "A" Street and "C" Street only. Such signs may be placed on private property, or within the first 18 inches of public property that is directly in front of the individual business. Such sign shall not exceed 6 square feet per side and is limited to one per business. Sidewalk display sign area shall not count toward allowable sign area. A minimum passage way width of 48 inches must be maintained along the sidewalk in front of such sidewalk display sign. The sign shall not project within 2 feet of the curb interface with vehicles. Such signs shall not be displayed during non-business hours.

(i) Theater Marquee and Theater Signs.

350 square feet for one screening room or auditorium; plus 50 square feet for each additional screening room or auditorium in the same development. The total sign area shall not exceed 1100 square feet. The total sign area is not permitted on one facade or on one sign and shall compliment the architecture of the theater. Signs are permitted on all frontages upon approval by the Director of Community and Economic Development/Planning Director. Theater marquee signs shall be permitted over the public right-of-way and are permitted to incorporate design elements such as lights that change colors and/or intensity upon approval by the Director of Community and Economic Development/Planning Director. Prior to approval, the Director of Public Works must determine that the lighting on a marquee would not compromise traffic safety. A theater marquee may not exceed 45 feet in height. Theater display cases shall not be included in the calculation of the total permitted sign area. At least two theater display cases are allowed. An individual theater display case may not exceed 36 square feet in area. The total permitted area for theater display cases shall not exceed 240 square feet.

(j) I, (Industrial), AT-IP (Airport Terminal Industrial), and AT-R (Airport Terminal Recreational) Districts

Maximum Number One sign per 50 linear feet of establishment frontage, up to three signs maximum.

Maximum Area One square foot per linear foot of establishment frontage, or 25 square feet, whichever is greater.

Freestanding/Monument Sign - 14 feet.

Wall Sign(s) No higher than building wall it is mounted on. Exception: freeway-oriented sign if applicable for businesses which provide food, fuel, or lodging (Section 10-7.401, Section 10-7.402 and Section 10-7.700(n).

Setback 10 feet from all property lines, except freestanding or monument sign that is no higher than 6 feet may be two feet from the front property line so long as it does not interfere with visibility.

Illumination All types in accordance with Section 10-7.308.

Additional Industrial or office complex or directory sign: One per complex, with maximum sign area of 50 square feet per face; 100 square feet total. When a complex has two or more street frontages, two or more street entrances, or a large number of

buildings, the Director of Community and Economic Development/ Planning Director may approve additional signs as needed to adequately direct the public to the business location.

Changeable Copy Signs/Reader Boards are permitted when designed as part of a freeway-oriented business identification sign. The *Changeable Copy Sign/Reader Board* may not comprise more than 50 percent of the area of the primary sign. No additional sign area may be permitted for a *Changeable Copy Sign/Reader Board*. Such signs are subject to the provisions of the State Outdoor Advertising Act.

(k) PD (Planned Development) District

The Director of Community and Economic Development/Planning

Director or approving authority shall approve all signs within a Planned Development District. Where signs are not included in or regulated by the preliminary or precise plan approval, the standards of the zoning district most similar in use to the uses in the Planned Development District shall be used as a guideline for approval of signs.

(l) A (Agricultural) and FP (Flood Plain) Districts

Maximum Number One sign per establishment or parcel.

Maximum Area 50 square feet per establishment or parcel.

Maximum Height 10 feet.

Setback 10 feet from all property lines.

Illumination All types in accordance with Section 10-7.308.

Additional None.

(m) New Districts

Any new zoning Districts adopted by the City Council subsequent to the adoption of this Article shall be subject to regulations of the District most similar in nature and function as determined by the Director of Community and Economic Development/Planning Director.

SEC. 10-7.500 EXEMPT SIGNS.

- (a) This article shall not relate to flags of any nation, or government, gravestones, barber poles, religious symbols, official traffic or government signs; the message of signs; product dispensers and point-of-purchase displays not directly visible from a vehicular or pedestrian right-of-way; scoreboards on athletic fields; seasonal displays unless

regulated herein; or signs not intended to be viewed from a vehicular or pedestrian right-of-way as defined in this article.

- (b) The following signs may be installed without a sign permit, subject to all other provisions of this article. Such signs are not exempt from the requirements of the City Building Official or the Transportation Engineer. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area.

- (1) Accessory Sign. Exempt if less than 6 square feet each.
- (2) Address Sign (nonbusiness). Not exceeding 2 square feet in area for a single-family or duplex unit, and 4 square feet for all other uses. Address numerals shall be at least 4 inches in height for residential uses, and 10 inches in height for nonresidential uses. All such numerals shall have a minimum one-half inch stroke width, and shall be of contrasting color to the background to which they are attached. Address signs shall also adhere to the following:

Single-family homes shall have address numerals illuminated permanently in accordance with the Security Ordinance (Ord.No.90-26).

Multi-family developments with more than three individual buildings (containing one or more unit), and for which one or more buildings do not face the same street, an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex (Security Ordinance Ord. No. 90-26).

For all uses, a larger address sign may be permitted if necessary to adequately identify a building which is set back unusually far from the street, subject to the discretion of the Director of Community & Economic Development/ Planning Director.

- (3) Automatic Teller Machine Sign. Not to exceed 4 square feet in area per machine.
- (4) Balloons. Not to exceed 14 inches in diameter, and must be of non-Mylar material. No limit as to number.
- (5) Banner, Decorative Art Work. When placed vertically on light poles. Maximum 15 square feet per banner; 2 banners per light pole unless approved by the Director of Community and Economic Development/Planning Director. May not advertise or identify a business, product, event, or service. See also 'Promotional Event and Grand Opening Signs,' Section 10-7.601.
- (6) Bulletin Board (On-Site). One, not exceeding 30 square feet in area per face, and 6 feet in height, for Hayward Unified School District, California State University Hayward, Chabot College District, Hayward Area Recreational District, private or religious school, church, community theater, or other type of educational/cultural facility. May include changeable copy.
- (7) Change of Copy. Replacement or change of copy on a legally installed sign that conforms to the requirements of this article does not require a sign permit for

changes of copy if a sign structure is not altered or modified. If applicable, the replacement copy must conform to the requirements of any master sign program and/or the conditions of approval of the project where the sign is located. For nonconforming Multiple Occupancy Signs, a change of copy to any one given tenant is permitted if the sign identifies other businesses on the same premises. No permits are required for changes of copy on reader boards or theater marquees.

- (8) Commemorative Plaques. One memorial tablet, commemorative plaque, or sign, per building, designating the building name and date of erection, when cut into or raised on any masonry surface or when constructed of cast or wrought metal, with a total maximum sign area of 10 square feet.
- (9) Community Identification Signs.
- (10) Construction Signs - One double-faced sign per street frontage, maximum area 32 square feet per face, 10 feet in height, non-illuminated, installed parallel to the street, and located on property where work is or will be under construction. Larger signs may be approved by the Director of Community and Economic Development/Planning Director when the project and location warrants a larger sign. Within 15 days after completion of construction or final occupancy, signs shall be removed.
- (11) Decorative Artwork.
- (12) Murals.
- (13) Supergraphics. Except when proposed in a "Special Design District" as defined in Section 10-1.2600, on an historic structure, or in an historic district.
- (14) Directional/Informational Sign. Permitted as defined in this article; limited to 6 square feet in area each; a logo may comprise up to 20 percent of the total of each sign area.
- (15) Flag (Other than National or Government.) One flag per establishment, and must be mounted on a pole. The pole height may not exceed 25 feet if freestanding, or 15 feet if located on top of the building, not to exceed the structural height limit of any given District. The longest dimension of the flag may not exceed 6 feet.
- (16) Garage/Yard Sale Signs. Signs used to advertise such a sale on residential property, provided that said signs are non-illuminated, do not exceed 4 square feet in area, and adhere to the following:

One garage/yard sale sign is allowed on the garage/yard sale site.

Up to 4 additional signs, which may also exhibit directional arrows and instructions, shall be allowed on weekends and holidays on other private properties with the owners' permission.

Shall not be placed on public property.

Shall be removed by the owner within one day following the date of the sale.

- (17) Interior Signs. Signs, which are within the interior of any building or complex, or signs which cannot be seen from a right-of-way as defined in this article.
- (18) Official Signs. Legal notices, identification, information, or directional signs erected or required by governmental bodies or public utilities.
- (19) Political Signs. Allowed up to 32 square feet on each face, which are temporary in nature, and are removed within 14 days after the election for which they are designed.
- (20) Product Identification Sign. Allowed when not directly visible from a vehicular or pedestrian right-of-way as defined in this article.
- (21) Projecting Signs. Projecting signs such as 'blade' or 'shingle' signs, up to 6-square feet maximum size per face, permitted in Downtown or as part of an approved Master Sign Program. Minimum 8-foot high clearance from finished grade is required. Natural or external illumination only. One per establishment, and may not be used in addition to projection sign permitted in Section 10-7.401.
- (22) Real Estate Signs:
 - (a) On-site Signs. One single- or double-faced, non-illuminated sign per street frontage. The sign shall be removed within 15 days after the close of escrow or leasing of the property.

Maximum size per face:

Single family homes, townhouses,	
Condominiums	4 square feet
Apartment Complexes	20 square feet

Non-residential uses:

Site under five acres	32 square feet
Site five acres or more	64 square feet

- (b) Open House Directional Signs. Single Family Homes. For each open house for an individual home for sale, a maximum of 4 directional signs and one on-site sign is permitted.

Signs shall be portable A-frame or sandwich board types, maximum 4 square feet per face, and 3 feet in height. Signs may be placed on private property with the written permission of the property owner. Signs may also be placed on public property, such as sidewalks, subject to the following regulations:

1. Signs shall be placed so that a minimum of 4 feet remains clear on the sidewalk for pedestrians.

2. Signs shall not be located:
 - (a) In the street or a center median.
 - (b) In a publicly maintained landscaped area.
 - (c) In parks.
 - (d) In any bus stop zone.
 - (e) Where they may interfere with maneuvering vehicles, bicycles, pedestrians or where visibility of traffic or traffic signs would be hampered.
3. Signs shall not be illuminated, inflatable or have moving parts.
4. Signs shall not be attached in any manner to trees, utility poles, utility cabinets, street or traffic signs, benches, hydrants, mail boxes, traffic signal light post, or any pole or post displaying a traffic sign, motorist call box or historical marker, or other public buildings.
5. Signs shall not include balloons, streamers, ribbons, pennants, or other similar devices designed to move in the wind.
6. Signs shall not resemble traffic control signs or devices.
7. A total of 4 signs are permitted per intersection, limited to one sign per corner.
8. The name and phone number of the broker, agent or owner/seller shall be placed on the sign for identification purposes.
9. Signs shall be constructed of a durable, weatherproof material and shall be permanently attached to an A-frame or sandwich board.
10. The use of wooden, plastic and metal stake signs is prohibited.

Signs may be displayed only on weekends, federally recognized holidays, and one designated tour-day each week. Signs shall be displayed no earlier than 8:00 a.m., and shall be removed beginning by sunset each day.

The City of Hayward may remove any sign if necessary for maintenance activities or safety considerations. The City of Hayward shall not be liable for any damage to, or loss of sign.

- (c) Open House Directional Signs-Subdivision. For each open house for model homes for sale within a new subdivision, signs are permitted to be posted every 1000 feet, not to exceed a 2-mile radius from the

subdivision and not to exceed 10 signs.

Signs shall be portable A-frame or sandwich board types, maximum 4 square feet per face, and 3 feet in height. Signs may be placed on private property with the written permission of the property owner. Signs may also be placed on public property, such as sidewalks, subject to the following regulations:

1. Signs shall be placed so that a minimum of 4 feet remains clear on the sidewalk for pedestrians.
2. Signs shall not be located:
 - (a) In the street or a center median.
 - (b) In a publicly maintained landscaped area.
 - (c) In parks.
 - (d) In any bus stop zone.
 - (e) Where they may interfere with maneuvering vehicles, bicycles, pedestrians or where visibility of traffic or traffic signs would be hampered.
3. Signs shall not be illuminated, inflatable or have moving parts.
4. Signs shall not be attached in any manner to trees, utility poles, utility cabinets, street or traffic signs, benches, hydrants, mail boxes, traffic signal light post, or any pole or post displaying a traffic sign, motorist call box or historical marker, or other public buildings.
5. Signs shall not include balloons, streamers, ribbons, pennants, or other similar devices designed to move in the wind.
6. Signs shall not resemble traffic control signs or devices.
7. A total of 4 signs are permitted per intersection, limited to one sign per corner.
8. The name and phone number of the broker, agent or owner/seller shall be placed on the sign for identification purposes.
9. Signs shall be constructed of a durable, weatherproof material and shall be permanently attached to an A-frame or sandwich board.
10. The use of wooden, plastic and metal stake signs is prohibited.

Signs may be displayed only on weekends, federally recognized

holidays, and one designated four-day each week. Signs shall be displayed no earlier than 8:00 a.m., and shall be removed beginning by sunset each day.

The City of Hayward may remove any sign if necessary for maintenance activities or safety considerations. The City of Hayward shall not be liable for any damage to, or loss of sign.

- (23) Service Stations. Permitted to have the following additional signs provided they conform to the height and setback requirements of the District in which they are located:
 - (a) State authorized testing center services. Four square feet per sign, wall mounted only.
 - (b) Price signs. One single- or double-faced sign per street frontage, 20 square feet maximum per face. This exemption is intended to allow for full compliance with state law for posting of gasoline prices. Portable price signs are not permitted. See Section 10-7.403(e) of this Ordinance for price sign exemption regulations within the Redevelopment Area.
 - (c) Pump signs. One sign for each gas pump unit not to exceed 2 square feet per pump face, or one sign per bank of pumps, not to exceed 8 square feet per face, identifying the gasoline brand and rating only.
- (24) Time and Temperature devices. Devices with no advertising, located in non-residential Districts only, maximum area 20 square feet per face.
- (25) Towing Authorization-Private Property Sign.
- (26) Transit or Bus Shelter Signs. Signage may be displayed on shelters located at stops which serve AC Transit and other public transit lines in the following circumstances:
 - (a) The sign conveys transit information and has been authorized by the public transit agency; or
 - (b) The signage is displayed on a bus or transit shelter in accordance with the terms and conditions of a written agreement between the City of Hayward and the public transit agency.
- (27) Under-Canopy Sign with a maximum area of 6 square feet.
- (28) Vehicle Sign. Vehicle signs, as defined in Section 10-7.200, are exempt; up to two signs maximum per vehicle.
- (29) Window Signs. Temporary and permanent window coverage on any given building frontage shall not cover more than 25 percent of the total surface area of any window or door for each frontage.

SEC. 10-7.600 SUBDIVISION DIRECTIONAL SIGN (OFF-SITE). One temporary

sign per lot on which it is placed related to the sale or lease of any real property, up to 32 square feet in sign area per sign; 10 feet in height and 10 feet back from property line. For each 200 feet of street frontage, one additional temporary sign related to the lease or sale of any real property is permitted, subject to the size, height, and setback requirements provided in this section. Must be placed on private property with the owners' permission, and may remain for 12 months after first installed, or until last unit is sold, whichever is first. A time extension, if needed, must be applied for and approved by the Director of Community and Economic Development/Planning Director and must be submitted 15 days prior to the expiration date of the permit.

SEC. 10-7.601 PROMOTIONAL EVENT AND GRAND OPENING SIGNS.

Promotional event or grand opening signs are regulated only by this section. These signs are permitted in addition to the sign area and number allowed for other classes of signs.

- (a) In order to display any promotional or grand opening signs, a person must file a Sign Permit Application with the Development Review Services Division. The application shall state the applicable number of signs allowed and the number proposed, the date(s) when the signs are to be erected and when they are to be taken down, in accordance with time limits set forth in this article. If applicable, the application shall state the number of times such signs have already been erected in a given calendar year.
- (b) Promotional and grand opening signs may not be placed within the public right-of-way (including planter strips, tree wells, sound walls, fences, and street medians), on public property, or in any location which interferes with vehicular, bicycle, or pedestrian circulation or safety.
- (c) Events such as a business promotional event, carnival, festival, special exhibit, and/or parade may display pennants, flags, streamers, searchlights, and banners (maximum 50 square feet each). A business or establishment may display these signs 2 fourteen-day periods per calendar year and an additional four-weekends or federally recognized 3-day holiday weekends. The weekend or federally recognized 3-day holiday weekend display is limited to 1 per every 3 months. A weekend display is permitted Friday evening to Sunday evening (or Monday if a federally recognized 3-day holiday.)
Auto Dealerships are permitted to display promotional event signs for 4 fourteen-day periods per calendar year and an additional four-weekends or federally recognized 3-day holiday weekends. The weekend or federally recognized 3-day holiday weekend display is limited to 1 per every 3 months. A weekend display is permitted Friday evening to Sunday evening (or Monday if a federally recognized 3-day holiday.)
- (d) For grand openings pennants, flags, streamers, searchlights, and one banner not to exceed 50 square feet in area may be displayed one time for a maximum of 30 days. All signs must be removed within 5 days the grand opening ceases.
- (e) Non-mylar small balloons less than 14 inches in diameter (one or a cluster) are exempt from Sign Permit requirements and are permitted at any time.
- (f) Events sponsored by a federal, state, or local governmental agency are exempt.

SEC. 10-7.700 PROHIBITED SIGNS. Except as otherwise qualified, the commercial and advertising signs in this section shall not be permitted in any District:

- (a) Advertising Banners Exception: Banners used for decorative artwork (Section 10-

7.500), and promotional event and grand opening banners (Section 10-7.601).

- (b) Bunting Exception: Bunting used for promotional and grand opening events at Automobile Dealerships.
- (c) Changeable Copy Signs/Reader Boards. Exception: Signs for facilities used for theatrical, cultural, church, school, sports or other seasonal events, or for industrial uses with establishment frontage on a freeway.
- (d) Dilapidated Sign. A sign, including its supporting structure, that is no longer in a good state of repair, and is not visually attractive and functional, or has become a health or safety hazard
- (e) Flashing Signs. Any sign which appears to change color or intensity of lighting or is perceived as an intermittent or flashing light. Exception: time and temperature signs and marquee signs approved by the Director of Community and Economic

Development/Planning Director.

- (f) General Advertising (Off-Premise) Signs. Any sign relating to a business, commodity, service, entertainment, or event not conducted, sold, or offered on the premises on which such sign is located, except for Subdivision Directional Signs and Open House Directional Signs. This shall include such signs as those illegally posted on telephone poles which usually advertise such events as gun shows, plant sales, car shows, etc. An existing lawfully erected general advertising sign may be relocated under the terms of a relocation agreement pursuant to Business & Professions Code Section 5412 or successor provision.
- (g) Hazardous Signs. Signs which visually obstruct ingress or egress from a building or which adversely affect traffic (vehicular, bicycle, or pedestrian) safety.
- (h) Home Occupation Signs.
- (i) Inflatables and Mylar balloons. Excluding balloons as permitted by Section 10-7.601 and balloons defined in Section 10-7.200.
- (j) Moving Signs. A sign which has any actual or apparent moving parts, activated by a mechanical device or by wind currents where the sign moves or the shape or content of the sign face changes. This includes electronic reader boards and excludes scrolling signs.
- (k) Natural Objects. Signs attached to or painted on a tree, rock, or other natural object.
- (l) Obsolete Signs. Any sign, including its supporting structure, which no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
- (m) Pennants. Flags or emblems of any type material, which may or may not taper to a point and are usually strung together, except for promotional and grand opening events.
- (n) Pole Signs. Signs supported by a single pole are prohibited except for:

- (1) Businesses with Freeway frontage on Highway 880 or State Route 92 (west of Industrial Boulevard) which provide food, fuel, or lodging;
 - (2) Major freeway oriented Commercial Centers of at least 4 acres with an approved Master Sign Program on Highway 880 or State Route 92 (West of Industrial Boulevard);
 - (3) Commercial or industrial sites of 10 acres or more and which have an approved Master Sign Program;
 - (4) Commercial buildings which have an historic designation and for which a small, architecturally appropriate sign may be considered, subject to approval by the Director of Community and Economic Development/Planning Director.
- (o) Portable Signs. Any sign that is not permanently affixed to a building, other unmovable structure, or the ground such as A-frame signs, I-frame signs and sandwich boards and which is located in a building or in the ground. Exceptions: Real estate open house directional signs (see 'Exempt' section); Sidewalk display signs in the CC-P Zoning District; and Vehicle Signs (see 'Exempt' and 'Definitions' sections).
 - (p) Roof Signs, Wall Signs, or Projecting Signs which extend above the roof line or the parapet wall of a building. Exception: Rooftop address numerals readable from an aircraft, required in accordance with the City Security Ordinance (Ord. No. 90-26).
 - (q) Searchlights Exception: Search lights used for promotional and grand opening events.
 - (r) Streamers. Long narrow strips of any type material that resembles a banner, and hat float with the wind, except for promotional and grand opening events.
 - (s) Vehicle-Mounted Commercial Signs which do not meet the definition set forth in Section 10-7.200 of this article.
 - (t) Sign erected without a permit.
 - (u) Temporary sign displayed without a permit.

SEC. 10-7.800 ADMINISTRATION, COMPLIANCE AND ENFORCEMENT. The Director of Community and Economic Development/Planning Director or his or her designee shall be vested with the authority to determine compliance with provisions of this ordinance except for building or fire code requirements. The Director of Community and Economic Development/ Planning Director or his or her designee is empowered to interpret and enforce the provisions and requirements of this article and to remove or cause to be removed any sign or other advertising structure which has been constructed, erected, altered, relocated, or maintained in violation of this article.

SEC. 10-7.801 ADMINISTRATIVE REFERRAL. When there is a question regarding the interpretation of this ordinance, or its application to any specific case or situation, the Director of Community and Economic Development/Planning Director may, in his or her discretion, refer the question to the Planning Commission.

SEC. 10-7.802 ADMINISTRATIVE MODIFICATIONS. The Director of Community

and Economic Development/Planning Director may administratively reduce the setback requirement or increase the permitted sign area if such modifications are minor (not more than 25%) and he or she determines that no practical alternative exists, that the purposes of the ordinance would not be compromised, and that no detrimental impact would result.

SEC. 10-7.803 VARIANCES. The purpose of the variance provision is to authorize, in specific cases, departure from the terms of the Ordinance if not contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

- (a) Applications for variances shall be processed in accordance with Sections 10-1.2815 through 10-1.2825 and Sections 10-1.3305 through 10-1.3365 of the Zoning Ordinance.
- (b) The Director of Community and Economic Development/Planning Director, or the Planning Commission, upon referral by the Director of Community and Economic Development/Planning Director, may grant a variance when it can be determined that:
 - (1) There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district; and
 - (2) Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district; and
 - (3) The granting of the variance does not grant a special privilege inconsistent with the limitations on other properties in the same district.

SEC. 10-7.804 REVOCATION OF SIGN APPROVAL. The Director of Community and Economic Development/Planning Director has the authority to revoke any permit or approval issued by the Director or the Director's designee. The Planning Commission has the authority to revoke any sign approval issued by it. Revocation shall occur pursuant to Section 10-7.805, "Grounds for Revocation."

SEC. 10-7.805 GROUNDS FOR REVOCATION. Any sign permit approval or action may be revoked on the basis of one or more of the following grounds:

- (a) Fraud or misrepresentation by the applicant with respect to any information contained in his or her approved application or with respect to any other information provided to the City.
- (b) Failure of the applicant to meet or abide by any condition imposed upon approval.
- (c) Failure of the applicant to erect the approved sign(s) within one year of permit issuance.
- (d) Abandonment of the sign for a period of 30 days.

SEC. 10-7.806 HEARINGS - NOTICE. Prior to revocation, the Director of Community and Economic Development/Planning Director or Planning Commission, as the case may be, shall hold a hearing after written notice is provided to the applicant.

SEC. 10-7.807 APPEALS. Any person aggrieved by a decision by the Director of Community and Economic Development/Planning Director may appeal such action to the Planning Commission by filing a written appeal with the Development Review Services Division within 10 days

from the date of such action. Upon completion of its consideration, the Planning Commission may sustain, or modify, or reverse the Director's decision. Any action or decision of the Planning Commission is final and not appealable.

SEC. 10-7.808 LEGAL NON-CONFORMING SIGNS.

- (a) A legal non-conforming sign (Section 10-7.200), unless made to conform to the provisions of this article, may not be structurally altered, expanded, moved, modified in any way, or be reestablished after:
 - (1) Discontinuance for 6 months or more; or
 - (2) Damage or destruction of more than 50 percent.
- (b) Any legal non-conforming sign shall be permitted to remain until such time as:
 - (1) There is a change in the use of the property on which the sign is located and discretionary approval for the change of use is required;
 - (2) Expansion, movement or modification of the sign. A change of copy or normal maintenance and repair does not constitute modification of a non-conforming sign.
- (c) At such time as any of the events mentioned in subsections (a) (b), and/or (c) occur, the sign must be brought into conformance with this article. This provision shall not apply if the existing non-conforming sign is located within the same commercial complex but at a different business location, or if the existing non-conforming sign is not owned or controlled by the sign permit applicant, or if the applicant is not the agent of the person who owns or controls the existing non-conforming sign.

SEC. 10-7.809 SIGN MAINTENANCE. Each sign, including a legal non-conforming sign, shall be maintained in good condition. Abandoned, dilapidated or unsafe signs shall be subject to abatement in accordance with Sections 10-7.813 and 10-7.814.

SEC. 10-7.810 REMOVAL OF CERTAIN SIGNS.

- (a) A sign which is unsafe, abandoned, significantly dilapidated, deteriorated or was constructed illegally, may be removed without payment of compensation. This includes:
 - (1) A sign which meets any of the criteria specified in Business and Professions Code Section 5497, or all of the requirements of Business and Professions Code Section 5495, or their successor provisions, shall be removed without compensation in accordance with those provisions.
 - (2) A sign, which meets the requirements of Business and Professions Code Sections 5412.1 or 5412.2, shall be removed in accordance with those provisions, or their successor provisions.
 - (3) A sign which was constructed unlawfully.

- (a) Within six months from the date of the adoption or amendment of this article, whichever is later, the City shall commence inventorying and identifying all illegal or abandoned advertising displays, as required in Section 5491.1 of the California Business and Professions Code. Within 60 days after the 6-month period, the City shall commence abatement of the identified preexisting illegal and abandoned on-premise displays. Fees for the cost of inventorying and identifying illegal or abandoned advertising displays shall be collected in accordance with Section 5491.2 of the Business and Professions Code and the Master Fee Schedule.
- (b) Any sign which is abandoned or deemed to be abandoned due to the sign's obsolescence or disuse shall be removed by the owner of the property on which the sign is located within 30 days after the sign is abandoned or deemed to be abandoned.

SEC. 10-7.811 ENFORCEMENT - SIGNS ON PRIVATE PROPERTY.

- (a) Removal.

The Director of Community and Economic Development/Planning Director or his or her designee may remove or cause the removal of a sign which is constructed, installed or maintained on private property in violation of this article or other provisions of law (“illegal sign”), in accordance with the procedures set forth in this section.

- (b) Notice to Abate.

Prior to removal of an illegal sign, a written notice to abate shall be mailed or delivered to the owner and occupant of the premises on which the illegal sign has been installed. The notice to abate shall set forth a time limit for abatement of the illegal condition, which shall be no less than two calendar days. The notice to abate shall indicate that the sign may be impounded by the City if the illegal sign condition is not abated in a timely manner.

- (c) Sign Impoundment and Recovery of Impounded Sign.

If the illegal sign condition has not been abated within the time specified by the notice to abate, the City may cause the sign to be removed and impounded. Any sign, which has been impounded, may be recovered by the owner of the sign by paying the City's cost of removal and storage.

- (d) Sign Destruction.

An impounded sign may be discarded or destroyed by the City without any further notice five days thereafter in any of the following circumstances:

- (1) If the owner of the sign cannot be identified, or
- (2) If the apparent owner of the sign has failed to respond to the City's notice of notice of opportunity to redeem the impounded sign, or
- (3) If the sign is of de minimis value.

SEC. 10-7.812 ENFORCEMENT-SIGNS ON PUBLIC PROPERTY.

(a) Removal.

The City may remove any temporary or portable sign in the public right-of-way or on public property in violation of this Ordinance.

(b) Notification.

No notice shall be required prior to removal of unlawful temporary signs in the public right-of-way or public property.

(c) Reclamation.

Any sign removed by the City, except any sign of de minimis value, shall be held in storage and the owner or other person in control of such sign, if known, shall be given written notice and 10 days to reclaim such sign.

(d) Disposal.

The City may destroy any unclaimed sign held in storage by the City if not reclaimed within the time period set forth in (c) above or within 10 days after removal if the owner or other person in control of such sign is not known.

(e) Payment.

In order to reclaim a sign removed by the City, the owner or other person in control of such sign shall first pay to the City a fee equivalent to the City's removal costs (time and materials.)

(f) Liability.

The owner or entity responsible for placing a temporary unlawful sign on public property may be billed all time and materials costs incurred by the City to remove the sign, whether or not the person or entity desires to reclaim the sign.

(g) De minimis value signs.

For purposes of this Section, any sign made of nondurable material shall be deemed to be of de minimis value.

Any temporary sign of de minimis value located in the public right-of-way in violation of this Ordinance shall be deemed to be abandoned and may be destroyed by the City after removal. No opportunity to reclaim such sign shall be given by the City.

SEC. 10-7.813 ENFORCEMENT - ON PREMISE SIGNS. The City may declare as a public nuisance and abate at the owner's expense any sign maintained in violation of this article. A sign maintained in violation of this article includes, but is not limited to:

(a) An on-premise advertising display erected without first complying with all ordinances

and regulations in effect at the time of its construction and erection or use.

- (b) An on-premises advertising display that was legally erected, but has been abandoned or not maintained.
- (c) An on-premise advertising display that was legally erected which later became non-conforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display non-conforming has expired, and conformance has not been accomplished.
- (d) An on-premises advertising display which is a danger to the public or is unsafe.
- (e) An on-premises advertising display or painted wall sign that was not erected or applied with a sign permit or which remains after the business has vacated the premises for six months for on-premises advertising display and one month for painted wall sign.

Abatement of illegal signs shall be in accordance with the procedures set forth in Chapter 5, Article 7.

SEC. 10-7.814 PROCEDURE NOT EXCLUSIVE: VIOLATION AN INFRACTION.

The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law. Nothing in this article shall be deemed to prevent the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law. Violation of the provisions of this article constitutes an infraction or a misdemeanor, as set forth in Chapter 1, Article 3 of the Hayward Municipal Code.

SEC. 10-7.815 SEVERABILITY. If any provision of this Article is determined invalid, void or unenforceable by a final judgement rendered by a court of competent jurisdiction, the validity of the remaining provisions of this Article shall not be affected, provided that the enforcement of the remaining provisions of this Article are not rendered impractical by the severance of the provision deemed to be invalid, void or unenforceable.