

## **SECTION 850.C – “HB” HIGHWAY BEAUTIFICATION OVERLAY STANDARDS**

The Highway Beautification Overlay Standards (HBOS) are intended to promote consistent aesthetic standards for future development within County jurisdictional lands along Highway 99. These regulations allow for growth in commerce while securing an aesthetically attractive character for future development along Highway 99.

### **SECTION 850.C.1 - APPLICABILITY**

- A. The “HB” Overlay Standards shall apply to all property within 1,000 feet of the outside boundaries of the Highway 99 ultimate right-of-way.
- B. Any new use or expansion of an existing use approved after the effective date of this ordinance and located within the “HBOS” boundaries shall be subject to the provisions of this section.

### **SECTION 850.C.2 - DEFINITIONS**

For purposes of this section, the following definitions shall apply:

*Advertising Structure.* Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known.

*At-Grade.* A section of highway, the grade of which is within five (5) feet of the grade of adjacent properties.

*Co-location.* Locating more than one antenna on the same antenna mount.

*Communication Tower.* A structure which supports equipment necessary for the conduct of a public communications business.

*Depressed.* A section of highway, the grade of which is more than 5 feet below of the grade of the adjacent properties.

*Elevated.* A section of highway, the grade of which is more than five (5) feet above the grade of adjacent properties.

*Freestanding sign.* Any advertising structure supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

*Gateway sign.* A freestanding sign that marks a perceptually designated city/county border.

*Guyed Tower.* A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

*Lattice Tower.* A self-supporting communication tower consisting of an open-work structure made of crossing bars or rods forming a network used for support.

*Marquee Sign.* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure; advertises multiple destinations within a set location.

*Monopole.* A self-supporting communication tower consisting of a single pole.

*Monument Sign.* A freestanding sign in which the entire bottom of the sign is in contact with the ground.

*Off-Site Advertising Structures.* An advertising structure referencing services and products not available at the location of the sign.

*Wall Sign.* Any sign attached parallel to, but within six (6) inches of a wall; painted on the surface of a wall; or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

### **SECTION 850.C.3 - USES PERMITTED**

Uses permitted shall be those uses permitted in the underlying zone district.

### **SECTION 850.C.4 - USES PERMITTED SUBJECT TO DIRECTOR REVIEW AND APPROVAL**

Uses permitted subject to review and approval by the Director as provided for in Section 872.

- A. Those uses permitted subject to review and approval by the Director in the underlying zone district.
- B. Advertising structures referencing off-site services and products.

### **SECTION 850.C.5 - USES PERMITTED SUBJECT TO A CONDITIONAL USE PERMIT**

Uses permitted subject to a Conditional Use Permit shall be those uses permitted subject to a Conditional Use Permit in the underlying zone district as provided for in Section 873.

### **SECTION 850.C.6 - USES EXPRESSLY PROHIBITED**

Uses expressly prohibited shall be those uses expressly prohibited in the underlying zone district.

### **SECTION 850.C.7 - PROPERTY DEVELOPMENT STANDARDS**

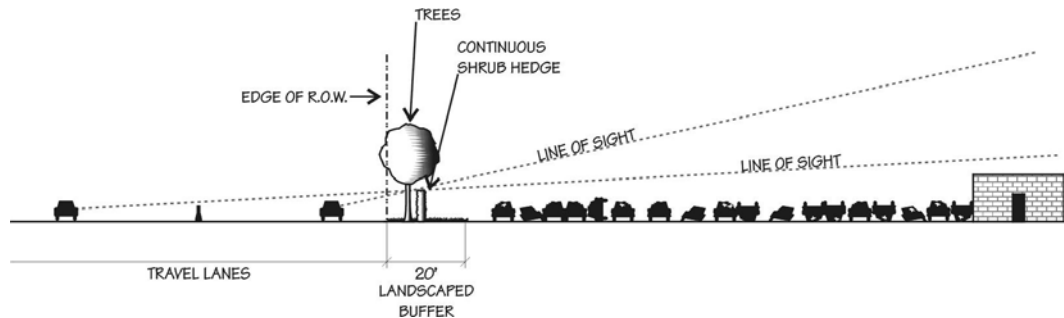
The following property development standards and those in Section 855 shall apply to all land and structures in the HBOS. Property development standards of the underlying zone district shall be appropriate only when specific reference is made below.

- A. LOT AREA. Lot area shall not be less than the lot area standards of the underlying district.
- B. LOT DIMENSIONS. Lot Dimensions shall not be less than the lot dimension standards of the underlying district.
- C. POPULATION DENSITY. Population density shall not exceed the population density standards of the underlying district.
- D. BUILDING HEIGHT. Building height shall not exceed the building height restrictions of the underlying district.
- E. YARDS. Yards shall be as required in the underlying district with the following exceptions:
  - 1. Agricultural uses shall be exempt from the landscape buffer requirements of this section.
  - 2. Landscape buffers shall be placed along all property lines adjacent to the highway, except as noted in Section 850.C.7.E.7, and maintained by the

property owner, a homeowners association, or property management company responsible for the maintenance of common facilities.

3. No landscape buffer required by this section shall result in the removal of existing trees.
4. For all landscape buffers required by this section, a landscape and irrigation plan shall be prepared for review and approval by the County.
5. Exceptions to the landscape buffer requirements due to site or structure location, property dimensions, or other factors may be considered through the variance process with the understanding that the overall objectives of the HBOS must be achieved to the maximum extent feasible.
6. For residential subdivisions, the following yard requirements shall apply:
  - a. Properties adjacent to at-grade highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
    - (1) The landscape buffer shall consist of groundcover and shrubs. Trees shall be provided within the landscape buffer at a minimum rate of one (1) per twenty-five (25) feet of highway frontage, and may be spaced evenly or planted in groups or clusters.
    - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.
  - b. Properties adjacent to elevated highway sections shall require a landscape buffer of no less than ten (10) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
    - (1) The landscape buffer shall consist of trees provided at a minimum rate of one (1) per twenty-five (25) feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters, and shall be of a species which will grow tall enough to be visible from the highway.
    - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.
  - c. Properties adjacent to depressed highway sections shall require a landscape buffer of no less than ten (10) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
    - (1) The landscape buffer shall consist of groundcover and shrubs. Trees shall be provided within the landscape buffer at a minimum rate of one (1) per twenty-five (25) feet of highway frontage, and may be spaced evenly or planted in groups or clusters.

- (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.
7. For automobile wrecking yards, automobile storage yards, transit storage facilities, electrical distribution substations, garbage and green waste recycling, refuse incineration, solid waste transfer stations, power generating plants, junkyards, pallet yards, recycling facilities, surface mining operations, and waste-to-energy plants, or similar uses, the following yard requirements shall apply to all property lines that allow visibility into the site from the highway:
- a. Properties adjacent to at-grade highway sections shall require a landscape buffer of no less than twenty (20) feet deep.
    - (1) The landscape buffer shall contain, at a minimum, a continuous shrub hedge, interplanted twenty (20) feet on center with trees. Shrub varieties used shall be fast growing, and attain an ultimate height of no less than eight (8) feet.
    - (2) No buildings; parking areas; trash or recycling areas; utility equipment; freestanding signs; communication towers; or other structures may be established within the landscape buffer.



*Figure 1  
Required landscape buffer for land uses specified in Section 850.C.7.E.7.a. next to at-grade highway section*

- b. Properties adjacent to elevated highway sections shall require a landscape buffer of no less than twenty (20) feet deep.
  - (1) The landscape buffer shall consist of trees spaced at twenty (20) feet on center and staggered or triangularly spaced within the buffer to minimize visibility into the site from the highway. Species used shall be fast growing, dense, tall evergreen trees.
  - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

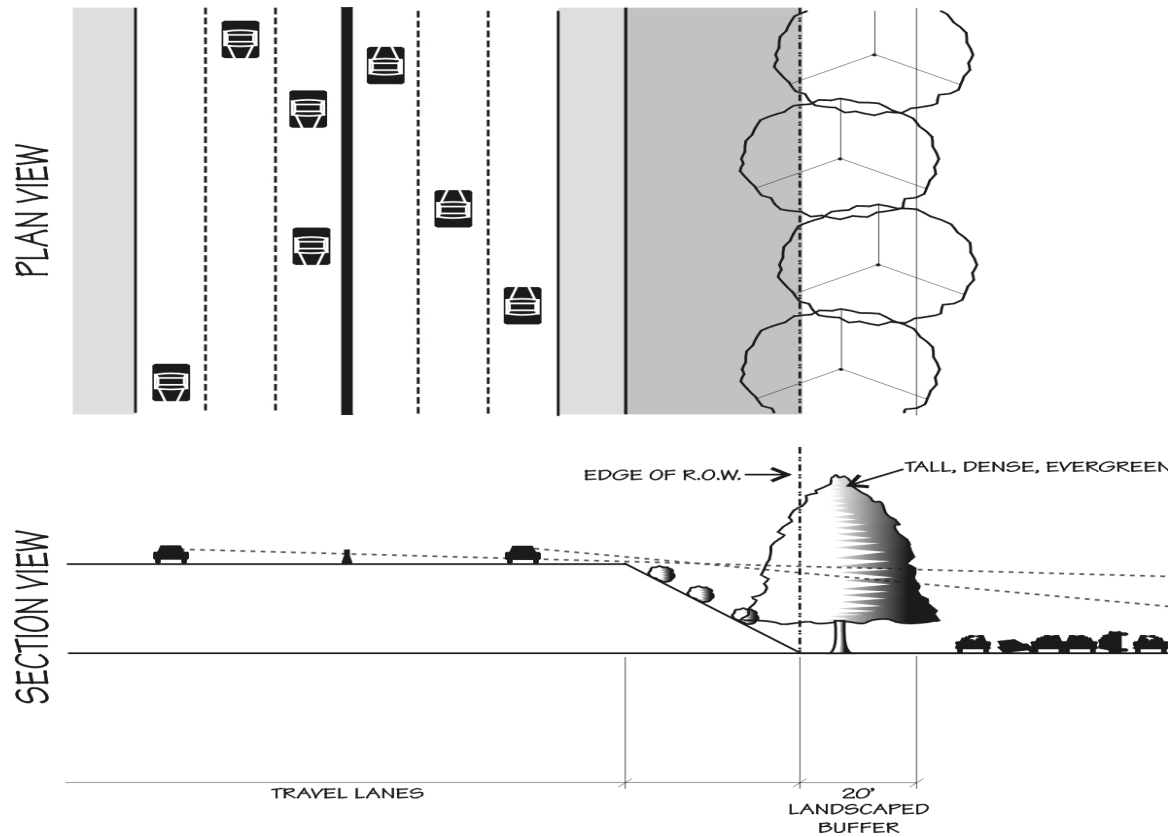


Figure 2  
 Required landscaped buffer for land uses specified in Section 850.C.7.E.7.b. next to above grade highway section

- c. Properties adjacent to depressed highway sections shall require a landscape buffer no less than ten (10) feet deep.
  - (1) The landscape buffer shall contain a continuous shrub hedge adjacent to the edge of the highway Right-of-Way. Trees shall be planted on center at a minimum rate of one (1) per twenty (20) feet of highway frontage. Shrub varieties used shall be fast growing, and attain an ultimate height of no less than eight (8) feet.
  - (2) No buildings, parking areas, storage areas, trash or recycling areas, utility equipment, freestanding signs, communication towers, or other structures may be established within the landscape buffer.

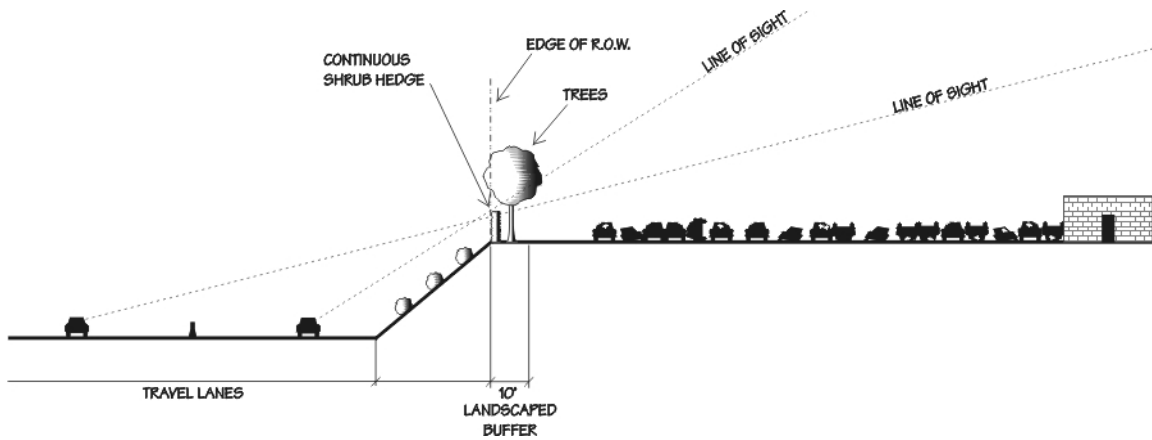


Figure 3  
Required landscape buffer for land uses specified in Section 850.C.7.E.7.c. next to below grade highway section

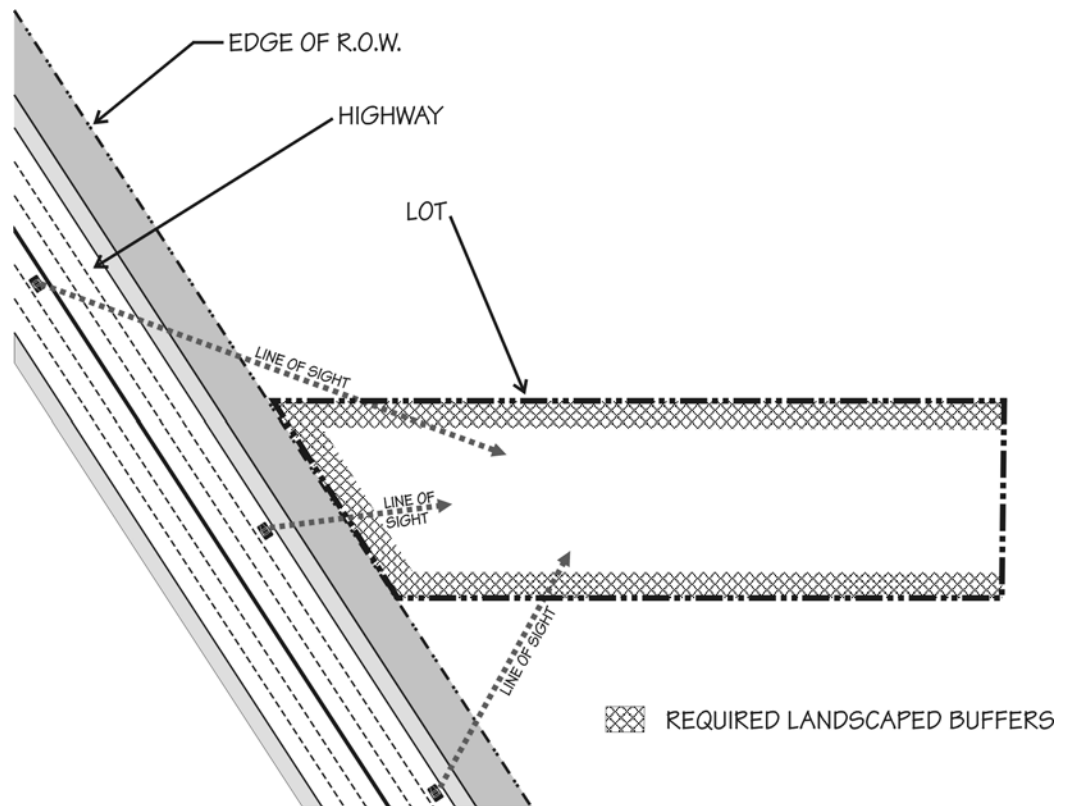
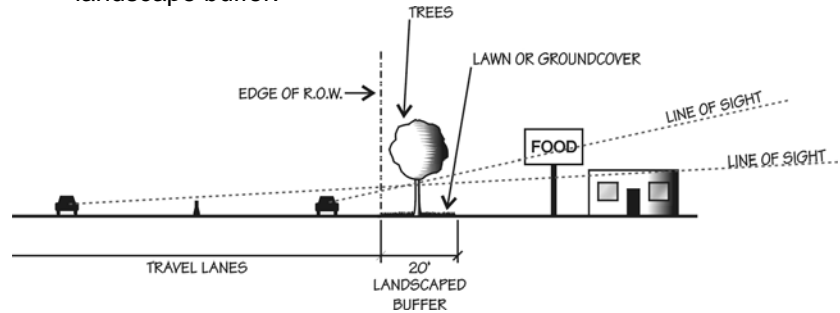


Figure 4  
Possible required landscape buffers for land uses specified in Section 850.C.7.E.7.a thru c. These uses must provide landscape buffers along all property lines that allow visibility into the site from the highway.

8. For all other uses not included in Sections 850.C.7.E.6. and 850.C.7.E.7., the following yard requirements shall apply:
  - a. Properties adjacent to at-grade highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said

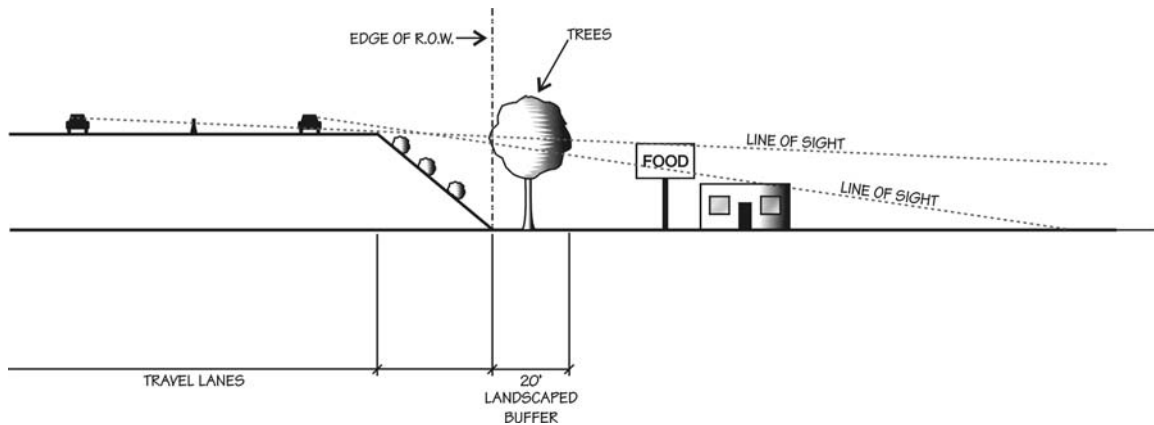
landscape buffer shall be placed along all property lines adjacent to the highway.

- (1) The landscape buffer shall consist of groundcover or shrubs. Trees shall be provided within the landscape buffer at a rate of one (1) per twenty-five (25) feet of highway frontage, and may be spaced evenly or planted in groups or clusters.
- (2) No buildings; parking areas; storage areas, trash or recycling areas; utility equipment; freestanding signs; communication towers; or other structures may be established within the landscape buffer.



*Figure 5*  
Required landscape buffer for land uses specified in Section 850.C.7.E.8.a. next to at-grade highway section

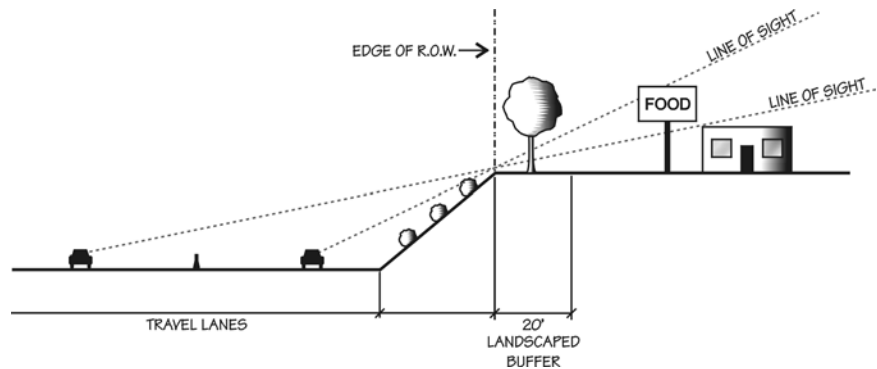
- b. Properties adjacent to elevated highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
  - (1) Trees shall be provided within the landscape buffer at a minimum rate of one (1) tree per twenty-five (25) feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters, and shall be of a species which will grow tall enough to be visible from the highway.
  - (2) No freestanding signs or communication towers may be established within the landscape buffer.



*Figure 6*

*Required landscape buffer for land uses specified in Section 850.C.7.E.8.b. next to elevated highway section*

- c. Properties adjacent to depressed highway sections shall require a landscape buffer of no less than twenty (20) feet deep and said landscape buffer shall be placed along all property lines adjacent to the highway.
  - (1) Trees shall be provided within the landscape buffer at a minimum rate of one (1) tree per 25 feet of highway frontage. The trees may be spaced evenly or planted in groups or clusters and shall be placed close enough to the right-of-way line that they will be visible from the highway.
  - (2) No buildings; parking areas; storage areas, trash or recycling areas; utility equipment; freestanding signs; communication towers; or other structures may be established within the landscape buffer.



*Figure 7  
Required landscape buffer for land uses specified in Section 850.C.7.E.8.c. next to depressed highway section*



| <b>Highway Beautification Overlay Yard Requirements*</b>  |   |   |  |
|---|---|---|--|
| <b>Use Type</b>   | <b>Adjacent Highway Type</b>  |   |  |
|   | <b>At-Grade</b>   | <b>Elevated</b>   | <b>Depressed</b>   |
| Agricultural Uses<br>(See Section 850.C.7.E.2. for details)   | As required by underlying district.   | As required by underlying district.   | As required by underlying district.  |
| Residential<br>(See Section 850.C.7.E.6. for details)   | 20' landscape buffer consisting of lawn, groundcover, or shrubs. 1 tree shall be planted for every 25 feet of highway frontage. | 10' landscape buffer. 1 tree shall be planted for every 25 feet of highway frontage.      | 10' landscape buffer. 1 tree shall be planted for every 25 feet of highway frontage.   |
| Wrecking Yards, Storage Yards, Recycling Facilities, Used Equipment Yards, or Similar Uses.<br>(See Section 850.C.7.E.7. for details) | 20' landscape buffer with a continuous shrub hedge, planted 20' on center with trees.   | 20' landscape buffer planted with large, dense evergreen trees 20' on center.             | 10' landscape buffer with a continuous shrub hedge and trees planted 20' on center.  |
| Other uses not previously specified<br>(See Section 850.C.7.E.8. for details)   | 20' landscape buffer consisting of lawn, groundcover, or shrubs. 1 tree shall be planted for every 25 feet of highway frontage. | 20' landscape buffer. 1 tall tree shall be planted for every 25 feet of highway frontage. | 20' landscape buffer. 1 tree shall be planted for every 25 feet of highway frontage and trees shall be visible from the highway. |

\* For illustrative purposes, only. Refer to text for complete requirements.

- F. **SPACE BETWEEN BUILDINGS.** Space between buildings shall not be less than the space required by the underlying district.
- G. **LOT COVERAGE.** Lot coverage shall not exceed the coverage allowed by the underlying district.
- H. **FENCES, HEDGES, AND WALLS.** Fences, hedges, and walls shall be as required in the underlying district, excepting those standards prescribed by the HBOS.
- I. **OFF-STREET PARKING.** Off-street parking shall be as required in the underlying district.
- J. **OUTDOOR ADVERTISING.** Advertising structures shall be as regulated in the underlying district with the following exceptions:
  - 1. **Freestanding Signs**
    - a. No freestanding sign shall be permitted on parcels in which the underlying district prohibits freestanding signs.
    - b. No more than two (2) freestanding signs may be permitted on any lot. One (1) may be permitted facing the highway, and one (1) may be permitted facing the road which the parcel fronts. No more than one (1) freestanding sign may be permitted on parcels that are not adjacent to the highway.
    - c. No freestanding sign may be permitted within a required landscaped buffer, with the exception of monument signs.
    - d. The maximum permitted area for monument signs in a required landscaped buffer shall be sixty (60) square feet.
    - e. Sign height shall be as follows:

- (1) The maximum permitted height of freestanding signs shall be the lesser of the underlying district or dependant on the distance that the freestanding sign is set back from the highway calculated using the following formula: one (1) foot of sign height shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum of thirty five (35) feet in height. Signs that do not meet said requirements require approval of a Conditional Use Permit.
  - f. The maximum permitted area for freestanding signs shall be the lesser of the underlying district or dependant on the distance that the sign is set back from the highway calculated using the following formula: three (3) square feet of sign area shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum of two hundred (200) square feet in area.
- 2. Marquee Signs
  - a. No marquee sign shall be permitted on parcels in which the underlying district prohibits marquee signs.
  - b. No more than one (1) marquee sign may be permitted on any lot.
  - c. No marquee sign may be permitted within a required landscape buffer.
  - d. The maximum permitted height of marquee signs shall conform to the underlying district.
  - e. The maximum permitted area for marquee signs shall be the lesser of the underlying district or dependant on the distance that the sign is set back from the highway calculated using the following formula: three (3) square feet of sign area shall be permitted for every one (1) foot that the sign is set back from the highway, to a maximum of two hundred (200) square feet in area.
- 3. Wall Signs
  - a. No wall sign shall be permitted on parcels in which the underlying district prohibits wall signs.
  - b. The maximum permitted area for wall signs shall be the lesser of the underlying district or 10% of the subject wall area.
- 4. Nonconforming Signs
  - a. Signs that become nonconforming on or after the effective date of these standards but which lawfully existed and were maintained prior to the effective date of these standards shall be removed or made to conform within ten (10) years after the effective date of these standards. During the interim ten-year period, said nonconforming signs shall be kept in good repair and visual appearance.
  - b. Any sign determined to be of historical significance, and identified as such in any community or specific plan, shall be exempt from the removal and conformance requirements of this section.

- c. A non-conforming sign may be required to be removed prior to the 10-year amortization period if it meets any of the following criteria:
  - (1) The sign was erected without first complying with all ordinances and regulations in effect at the time of its construction and installation or use.
  - (2) The sign was lawfully erected but its use has ceased, or its owner has abandoned it, for a period of not less than ninety days.
  - (3) The sign has been more than 50% destroyed, repair of the sign would require more than copy replacement, and the damage cannot be repaired within thirty (30) days of the date of its occurrence.
  - (4) The sign owner remodels the sign, beyond a change of copy, without first complying with all ordinances and regulations in effect at the time of its remodeling.
  - (5) The property owner expands or enlarges the building or land use upon which a lawfully erected, nonconforming sign is located and the sign is displaced by the construction, enlargement, or remodeling.
  - (6) The sign is or may become a danger to the public or is unsafe.
  - (7) The sign constitutes a traffic hazard that was not created by relocation of streets or highways or by acts of the governing body.

K. **COMMUNICATION TOWERS.** Communication towers and related facilities shall be as regulated in the underlying district with the following exceptions:

- 1. No communication tower shall be permitted on parcels in which the underlying district prohibits communication towers.
- 2. The permitting of communication towers on any lot shall require approval of an Unclassified Conditional Use Permit.
- 3. Each application for a communication tower shall be accompanied by the following:
  - a. A signed statement from the applicant indicating their intention to share space on the tower with other providers.
  - b. A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:
    - (1) The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
    - (2) The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.

4. Communication towers must be of a monopole design. Lattice tower and guyed tower designs shall not be permitted.
5. Communication towers may not be permitted within a required landscaped buffer.
6. The maximum permitted height of communication towers shall be the lesser of the underlying district or dependant on the distance that the communication tower is set back from the highway calculated using the following formula: one (1) foot of height shall be permitted for every one (1) foot that the tower is set back from the highway, to a maximum of one hundred-fifty (150) feet in height. Lightning rods, not to exceed ten (10) feet in height, shall not be included within the height limitations.
7. Communication towers shall be designed as to accommodate co-location opportunities.
8. Communication towers shall maintain a galvanized finish, unless camouflaged in some other manner.
9. Communication towers shall be spaced no closer than fifteen-hundred (1,500) feet from all other towers. Communication equipment mounted to existing towers, tall buildings, water towers, grain silos, church steeples, or structures such as light poles shall not be subject to this requirement.
10. Mobile or immobile equipment not used in direct support of a communications tower facility shall not be stored or parked on the site of the communication tower unless repairs or maintenance of the tower are being conducted.
11. Accessory uses shall only include such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, or other similar uses not necessary for the transmission function.
12. Accessory structures related to the operation of a communication tower shall be constructed of building materials consistent with the primary use of the site and shall be subject to the Site Plan Review process as described in Section 874.
13. Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of the communication tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or right-of-way.
14. The base of the tower and related facilities shall be screened from view with a solid masonry wall a minimum of six (6) feet in height. A landscaped buffer of no less than five (5) feet shall be provided outside of the screening wall.
15. Any communication tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower shall remove the same within ninety (90) days of a receipt of notice from the County notifying the owner of such abandonment. If such tower is not removed within said ninety (90) days, the county may remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- L. UTILITY AND MECHANICAL EQUIPMENT. Utility and mechanical equipment such as heating units, air conditioners, antennas, satellite dishes, HVAC units, or similar devices, shall be integrated into the design of the building or situated on the site so that they are not visible from the highway. When this is not possible, the equipment shall be screened from view of the highway by a masonry wall or other screening methods acceptable to the County.
  
- M. TRASH AND RECYCLING AREAS. Trash and recycling areas shall be located on site so that they are not visible from the highway. When this is not possible, the trash and recycling areas shall be screened from view of the highway by a masonry wall.