

ORDINANCE NUMBER 1301

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE TEXT AMENDMENT 13-11-0005 TO REVISE THE OUTDOOR ADVERTISING SIGN AND DEFINITION SECTIONS OF THE ZONING CODE REGARDING DIGITAL BILLBOARD SIGNS; AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, on November 6, 2013, Nat Preston on behalf of Lamar Advertising Company, filed Zone Text Amendment 13-11-0005 to revise the Outdoor Advertising Sign and Definition sections of the Zoning Code regarding digital billboard signs; and

WHEREAS, the properties proposed for the Zone Text Amendment is city-wide; and

WHEREAS, the proposed Zone Text Amendment 11-08-0013 will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance in that the proposed Billboard Relocation Agreement Section will require a Billboard Relocation Agreement approved by City Council to allow deviation from the signage code, which constitutes a present exercise of the City's police power. The proposed Zone Text Amendment is consistent with the City's General Plan in that it achieves a number of City objectives, including revitalizing and reutilizing the existing billboard sites and reducing the total number of billboards in the City (i.e. permanent removal of 24 existing billboards) to reduce visual clutter created by the proliferation of billboards in the community and improve the appearance of the City. Therefore, the proposed project will be consistent with the General Plan and the underlying zoning designation subject to the approval of the Zone Text Amendment; and

WHEREAS, the proposed Zone Text Amendment with a Billboard Relocation Agreement Section is consistent with the California Business and Professions Code Section 5412, which encourages cities to enter into relocation agreements, and to adopt ordinances or resolutions providing for relocation of billboards. Thus, the proposed code changes meet the intent of this Section of state law to: (1) reduce visual clutter (2) eliminate non-conforming signage (3) facilitate the relocation and redistribution of existing outdoor advertising displays to more appropriate locations within the City to better serve the advertising needs of the local business community (4) allow for incorporation of modern technology into relocated outdoor advertising displays in the form of Digital Outdoor Advertising Displays and (5) to eliminate the need for the City to pay compensation for removal of existing outdoor advertising displays to accommodate a public project.

WHEREAS, the proposed project is determined to be Categorically Exempt pursuant to Article 19 Section 15306 of CEQA for research activities to regulate digital billboard signs leading to an agency action.

WHEREAS, on December 18, 2013, the Planning Commission conducted a legally noticed public hearing on Zone Text Amendment 13-11-0005 and considered public testimony

and materials in the staff reports and accompanying document and exhibits, and recommended approval (4-0-3 Absent) of the project.

WHEREAS, on March 11, 2014, the City Council conducted a duly noticed public hearing introducing the first reading of an Ordinance (next in order) to revise Section 19.75 (Sign Regulations) and Section 19.08 (Definitions) of the Zoning Code regarding digital billboard signs based on the information and findings presented herein; and,

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the information contained within the Project Report and the accompanying attachments and exhibits, and the City Council hereby finds that:

Zone Text Amendment:

- A. The proposed Zone Text Amendment will not result in significant adverse effects on the environment in that it will facilitate the permanent removal of twenty-four (24) existing billboard signs to reduce visual clutter in the City in exchange for six (6) new billboard signs with improved design parameters.
- B. The proposed Zone Text Amendment will not conflict with the goals and policies set forth in the General Plan and Zoning Ordinance in that it achieves a number of City objectives, including revitalizing and reutilizing the existing billboard sites and reducing the total number of billboard signs in the City to reduce visual clutter created by the proliferation of billboards in the community, and to improve the appearance of the City.
- C. The proposed Zone Text Amendment will not have a negative affect on public health, safety, or the general welfare of the community in that it only involves the removal of twenty-four (24) existing billboards with six new billboard signs that will improve the appearance of the City.

Section 3. The City Council hereby approves Zone Text Amendment 13-11-0005 to revise Section 19.75 (Sign Regulations) and Section 19.08 (Definitions) of the Zoning Code regarding digital billboard signs based on the information and findings presented in the City Council Submittal Report dated March 11, 2014 and accompanying documents and exhibits; and

Section 4. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent

jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 5. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance.

ADOPTED, SIGNED and APPROVED this 11th day of March 2014.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1301 was duly and regularly introduced by the City Council of the City of Perris at a regular meeting held the 11th day of March 2014 and duly and regularly approved at a regular meeting held the 25th day of March 2014, by the following called vote:

AYES: LANDERS, ROGERS, YARBROUGH, RODRIGUEZ, BUSCH
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar

CHAPTER 19.75 REDLINE

SIGN REGULATIONS

19.75.080 PROHIBITED SIGNS

All signs not expressly permitted by this Chapter are prohibited including the following signs: Animated, flashing, blinking or noise making, revolving, vehicle, moving, portable, mobile, bench, multifaced, and pole signs. **Notwithstanding, these provisions shall not apply to Digital Outdoor Advertising Displays authorized pursuant to Section 19.75.270(E), which may comprise the entire sign copy area, and may contain a message that is changed more than once every two minutes, but no more than once every four seconds.**

19.75.110 ILLUMINATION OF SIGNS

A. *Types of Illumination*

All sign illumination shall be either from the interior of a sign, behind individually cut letters (back lighting), or an indirect source. No design or placement of a sign shall create adverse impacts on surrounding properties and roadways. **This section shall not apply to Digital Outdoor Advertising Displays authorized pursuant to Section 19.75.270(E).**

Interior raceways shall be used for channel letters if individually lit letters are not used. No exterior raceways shall be permitted unless no other alternative is available.

19.75.270 OUTDOOR ADVERTISING

A. *Location Criteria*

Outdoor advertising signs or display structures may be permitted in any commercial or **manufacturing industrial** zone district subject to a conditional use permit **and the following conditions noted below. However, outdoor advertising signs may deviate from such standards if such signs replace or relocate existing signs pursuant to a Relocation Agreement approved by the City Council as forth in Section 19.75.270(E).: ~~may and subject to the following conditions:~~**

1. The area of permitted outdoor sign or display structure shall not exceed 300 square feet, **unless otherwise permitted under a Relocation Agreement as set forth in Section 19.75.270(E).**
2. Outdoor advertising signs shall be set back 100 feet from any right-of-way, **unless otherwise permitted under a Relocation Agreement as set forth in Section 19.75.270(E).**

3. Outdoor advertising signs or display structure erected on a parcel of land located at the intersection of any state or federal highway with a major or secondary street of the City shall be setback at least 660 feet from any right-of-way.
4. Outdoor advertising signs shall not be located within 1,000 feet from any other outdoor advertising signs or display structure , **unless otherwise permitted under a Relocation Agreement as set forth in Section 19.75.270(E)..**

B. Distance Criteria

1. Freestanding outdoor advertising signs shall not be erected within 200 feet of a residential zone district.
2. Freestanding outdoor advertising signs shall not be erected within 200 feet of any public or private school, church, library, or any street designated as a parkway or entrance to a public park.

C. Height/Location/Design Criteria

1. Freestanding outdoor advertising signs shall not exceed an overall height of 40 feet, **unless otherwise permitted under a Relocation Agreement as set forth in Section 19.75.270(E).**
2. No outdoor advertising sign shall be painted or attached to any wall, building, or fence.
3. No outdoor advertising sign shall be erected upon the roof of any building.
4. **No outdoor advertising sign shall have digital displays, unless otherwise permitted under a Relocation Agreement as set forth in Section 19.75.270(E) and located along the I-215 Freeway, subject to the following requirements.**
 - a. **The digital display shall not change its message more than once every four seconds.**
 - b. **The digital display shall not include any red or blinking or intermittent light likely to be mistaken for a warning or danger signal.**
 - c. **The digital display illumination shall not impair the vision of travelers on adjacent highways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code.**
 - d. **The digital display shall not display any video streaming, flashing, intermittent, or moving light or lights.**
 - e. **The sign shall comply with all applicable CALTRANS standards for signs adjacent to a freeway.**

D. Permit Expiration

Any permit for an outdoor advertising sign or display structure shall expire 10 years from the date of issuance or as otherwise provided in an approved Relocation Agreement.

E. Outdoor Advertising Signs Permitted Pursuant to Relocation Agreement

The City recognizes that California Business and Professions Code Section 5412 encourages cities to enter into relocation agreements, and to adopt ordinances or resolutions providing for relocation of billboards. Thus, the intent of this Section is to reduce visual clutter; eliminate non-conforming signage; facilitate the relocation and redistribution of existing outdoor advertising displays to more appropriate locations within the City to better serve the advertising needs of the local business community; to allow for incorporation of modern technology into relocated outdoor advertising displays in the form of Digital Outdoor Advertising Displays; and to eliminate the need for the City to pay compensation for removal of existing outdoor advertising displays to accommodate a public project.

1. Content. Each Relocation Agreement shall contain, at a minimum, the following information:
 - a. Identification of the location of the relocated outdoor advertising display(s) and, if removal of further outdoor advertising display sign area is required, outdoor advertising display(s) being permanently removed; and
 - b. Conceptual design drawings for the relocated outdoor advertising display(s), including sign area and dimensions.
2. Review Process. All Relocation Agreements shall be reviewed and approved by the City Council. The following findings must be made by the City Council in order to approve a Relocation Agreement:
 - a. The proposed agreement is consistent with the goals, objectives, purposes and provisions of the Perris General Plan and the Perris Municipal Code;

- b. The proposed relocation site is compatible with the uses and structures on the site and in the surrounding area;
 - c. The proposed Relocation Agreement either: 1) reduces the number of outdoor advertising displays within the City; or 2) in the case of relocations to accommodate a public project, the Relocation Agreement serves the public interest eliminating the need for public fund expenditure;
 - d. The proposed outdoor advertising display would not create a traffic or safety problem with regard to onsite access circulation or visibility;
 - e. The proposed outdoor advertising display would not interfere with onsite parking or landscaping required by City ordinance or permit; and
 - f. The proposed outdoor advertising display would not otherwise result in a threat to the general health, safety and welfare of City residents.
3. Status of Existing Outdoor Advertising Displays. Only outdoor advertising displays that comply with the City's municipal code or that are legal non-conforming outdoor advertising displays as of the date of adoption of this Section are eligible to be relocated pursuant to a Relocation Agreement.
4. Placement of Relocated Outdoor Advertising Display. Relocated outdoor advertising displays may only be constructed on property located within commercial, office or manufacturing zoning districts.
5. Permits Required. Subsequent to the approval of a Relocation Agreement by the City Council, the outdoor advertising display and/or property owner shall file an application for a Conditional Use Permit and Sign Permit to relocate or reconstruct the outdoor advertising sign structures as authorized by the Relocation Agreement, pursuant to the provisions of Section 19.75.020. The outdoor advertising display and/or property owner must also file an application for Building Permits pursuant to the provisions of Section 19.75.040. All outdoor advertising displays, whether relocated, reconstructed, or new, require a Conditional Use Permit.

6. Non-Conforming Outdoor Advertising Displays. Any non-conforming outdoor advertising display relocated or reconstructed pursuant to an approved Relocation Agreement shall no longer be considered non-conforming for purposes of this Code.

19.75.290 NONCONFORMING SIGNS

It is the intent of this Section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this Chapter, is as important as is the prohibition of new signs that would violate these regulations. This Section shall not apply to outdoor advertising displays permitted under a Relocation Agreement pursuant to Section 19.75.270(E), which shall not be deemed nonconforming signs.

CHAPTER 19.08
DEFINITIONS
REDLINE

Section:

19.08.10 DEFINITIONS

The meaning of various words contained in the Perris Development Code are contained in this Chapter.

“Digital Outdoor Advertising Display” means an electronic outdoor advertising display where the message is changed more than once every two minutes, but no more than once every four seconds.

“Relocation Agreement” means an agreement entered into between the City and an outdoor advertising sign owner and/or property owner resulting in the removal, relocation, replacement and/or reconstruction of one or more lawfully existing outdoor advertising signs to another parcel of property within the City, or to reconstruct an outdoor advertising sign on the same property, as approved by City Council. For purposes of this Section, a relocated outdoor advertising sign is not considered a new or additional outdoor advertising sign, and “relocate” shall not be construed to mean moving an existing structure and/or advertising sign face to a new location; all “relocated” outdoor advertising signs and associated advertising signs shall be of new construction and shall be constructed pursuant to a Relocation Agreement.

“Sign, Animated” means any sign which is designed and constructed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign and any artificial light which is not maintained stationary or constant in intensity and color at all times when such sign is in use. A Digital Outdoor Advertising Display shall not be considered an Animated Sign.

“Sign, Off-Site” means a sign which advertises or directs attention to products or activities that are not provided or rendered on the site upon which the sign is located. An Off-Site Sign may incorporate Digital Advertising Displays, as well as traditional static displays.

“Sign, Outdoor Advertising” means a sign that directs attention to a business, profession, product, commodity or service sold, manufactured or offered not upon the property upon which the sign is placed. Outdoor Advertising signs may incorporate Digital Outdoor Advertising Displays, as well as traditional static advertising displays.