

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ON-SITE DIGITAL ADVERTISING SIGNS (DCA23-00004)

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, the City proposes to amend Chapter 16.36.060 of the City of Hesperia Municipal Code by adding specific regulations for on-site digital advertising displays; and

WHEREAS, the City finds that it is necessary to amend the development regulations applicable for onsite digital advertising signs to reduce potential adverse impacts to nearby traffic and surrounding rights-of-way and to ensure that future sites are developed in an orderly and quality manner; and

WHEREAS, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Development Code Amendment does not propose to increase the density or intensity allowed in the General Plan.

WHEREAS, on May 11, 2023, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, on May 16, 2023, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendment and concluded said hearing on that date; and

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council, including written and oral staff reports, the City Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan as it will enhance the quality of life by providing a visually pleasing environment and promote the public health, safety and welfare.

Section 3. The proposed development code amendment is necessary because the existing regulations do not contain any development standards as to the placement or operational characteristics of on-site digital display signs. The Development Code

Amendment will provide standards for sites to be eligible for on-site digital advertising displays and contains regulations that address the operation of digital display signs.

Section 4. Based on the findings and conclusions set forth in this Ordinance, this City Council hereby adopts Development Code Amendment DCA23-00004, adding new regulations that any digital advertising display that is included as a monument, freestanding or freeway sign may only be allowed on lots that exceed 5 gross acres in size and that are part of a multi-tenant shopping center with a defined anchor tenant as shown on Exhibit "A."

Section 5. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 6th day of June 2023.

Brigit Bennington, Mayor

ATTEST:

Erin Baum, Assistant City Clerk