

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT TO AMEND FREEWAY SIGN REGULATIONS (DCA16-00002)

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 of Hesperia Development Code regulations pertaining to signs requires modification to allow on premise freeway signs as an advertising opportunity for businesses located within the City; and

WHEREAS, The City has initiated a Development Code Amendment to provide for on premise freeway signs of a certain size within the City's freeway corridor; and

WHEREAS, Approval of this Development Code amendment requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study prepared for this project concludes that there are no significant adverse impacts resulting from this development code amendment; and

WHEREAS, On December 8, 2016, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

WHEREAS, On January 10, 2017 and February 21, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on February 21, 2017; 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 Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based upon substantial evidence presented to this Council during the above-referenced January 10, 2017 and February 21, 2017, hearings, including public testimony and written and oral staff reports, this Council has determined that the amendment will enable the City to allow additional advertising opportunities for businesses located within the City.

Section 4. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA16-00002 and its negative declaration (ND-2016-06), amending Title 16, Chapter 16.36 (Sign Regulations) as shown on Exhibit "A."

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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 this 7th day of March, 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre, City Clerk

EXHIBIT "A"

Deletions are shown as ~~strikeouts~~ and additions are shown in red text.

Chapter 16.36 (Sign Regulations) of the Hesperia Development Code is hereby revised as follows:

The following definitions are hereby amended or deleted:

"Billboard" means any outdoor advertising structure or sign which has a flat surface sign space upon which advertising may be posted, painted, or affixed, and which is designed or made available for the rental or lease of such sign space for advertising. Billboards shall not mean any on-premises sign or ~~"city freeway pylon signs."~~ Billboards may utilize digital advertising displays as part or all of their surface area.

"On premises sign" A sign that is either of the following: (1) a sign that advertises the business conducted, services rendered, or goods produced or sold upon the property on which the sign is placed; or (2) a sign that is within 660 feet of the edge of the right-of-way of the freeway and advertises business conducted, services rendered, or goods produced or sold within 1000 feet of the sign and which meets the requirements of a freeway sign under Section 16.36.060(C)(9) **and is taller than 60 feet in height.** On-premise signs shall not be considered "Off-site signs" for purposes of Sections 16.36.050(A) or 16.36.080."

~~"City freeway pylon sign" means a city owned or controlled or regulated sign, located on private property or property owned or leased by the city and approved for participation in the "city freeway pylon sign program" per Section 16.36.092. Said signs must be located within six hundred sixty (660) feet of the centerline of Interstate 15, for the purpose of displaying eligible major businesses, freeway-oriented businesses and industries located within the city. In addition, city sponsored and/or civic activities and events, as well as emergency notices may also be displayed on this sign.~~

"Relocation agreement" means an agreement entered into between the city ~~or redevelopment agency~~ and a billboard or property owner to relocate or replace an existing billboard to another property or to reconstruct it on the same property. Reconstruction may also include converting a billboard to a digital advertising display.

Section 16.36.060(C)(9) is revised to read as follows:

Freeway Signs. **Freeways signs are signs located within six hundred sixty (660) feet of the freeway.** Freeway signs may be forty (40) feet high and two hundred (200) square feet in area. When two or more uses record an agreement to share signage, a freeway sign with two signs may be up to three hundred (300) square feet in area and fifty (50) feet in height. A freeway sign with three or more signs may be up to four hundred fifty (450) square feet in area and sixty (60) feet in height.

Notwithstanding the paragraph above, freeway signs between 60 and 100 feet in height and up to 1000 square feet in area may be permitted, subject to a study to determine the optimal location in relation to freeway off-ramps, overpasses, existing development, and topography. Such signs must be located on, or within 1000 feet of the premises of a development project consisting of at least 35 contiguous acres. No more than two signs may be permitted per development. Signs incorporating digital displays may not be closer than 1000 feet from another digital display on the same side of the freeway. Such displays are subject to current Caltrans' specifications as to brightness, frequency of changeable copy and depiction of movement. The location and design of freeway signs must be included in an approved site sign plan for the development to ensure consistency with the design and architecture of the project.

Section 16.36.092 is hereby deleted:

~~16.36.092 – City freeway pylon signs.~~

~~A. The city freeway pylon sign program ("program") is intended to permit freeway advertising of eligible business and industries along the Interstate 15 freeway corridor to enable exposure not otherwise available to such businesses due to their location within the city.~~

~~B.~~

~~To qualify for participation in the program, the sign, or any portion thereof, must meet all of the following criteria:~~

~~1.~~

~~The sign must be owned by the city, leased by the city, or the sign owner must have entered into a city freeway sign program agreement with the city.~~

~~2.~~

~~The sign must be located within six hundred sixty (660) feet of the centerline of Interstate 15.~~

~~3.~~

~~Freeway pylon signs containing digital displays shall not be within one thousand (1,000) feet of other freeway pylon signs with digital displays or within five hundred (500) feet of other freeway pylon signs located along the same side of the highway.~~

~~4.~~

~~The sign must be designed substantially similar to the design indicated in [Section 16.36.092\(H\)](#).~~

~~C.~~

~~Approval of Participation in the Program.~~

~~1.~~

~~The city manager may deem any sign that is owned or leased by the city, and which meets all qualifications above in subsection (b), to be a participating city freeway pylon sign.~~

~~2.~~

~~Owners of privately owned signs must apply to the city to participate in the program. A city freeway sign program agreement is required and shall be approved by the city council. This agreement is between the private sign owner and city in which the sign owner grants city control over all or a certain portion of the sign to use for the city~~

~~freeway pylon sign program in compliance with all regulations in [Section 16.36.092](#), and shall provide provisions for the content, maintenance, and removal of the sign.~~

~~D.~~

~~Once approved for participation in the program, all city freeway pylon signs shall require planning commission approval of a site plan review. The sign shall comply with the following regulations for the non-digital display portion of the sign:~~

~~1.~~

~~Only advertisements for eligible businesses, as defined below, with a city issued business license, shall be displayed.~~

~~2.~~

~~Eligible businesses, in order of priority, for city freeway pylon signs located near the Ranchero Road freeway interchange include: auto malls comprised of at least three dealers, new car dealers, major retailers (more than one hundred thousand (100,000) square feet), minor retailers (between one hundred thousand (100,000) and twenty thousand (20,000) square feet), regional shopping centers or malls with a combined floor area of fifty thousand (50,000) square feet or more, hotel or motels, neighborhood shopping centers of at least fifteen thousand (15,000) square feet, minor retailers of twenty thousand (20,000) square feet or less, full service restaurants, theatres, (motion picture or live action), vehicle fuel stations, fast food outlets, industries within the city with at least fifty (50) employees, any city, county, park district or school district sponsored organizations, and businesses located outside the city and at least one hundred (100) miles from city limits.~~

~~3.~~

~~Eligible businesses, in order of priority, for city freeway pylon signs in all other locations include: major retailers (more than one hundred thousand (100,000) square feet), minor retailers (between one hundred thousand (100,000) and twenty thousand (20,000) square feet), auto malls comprised of at least three dealers, regional shopping centers or malls with a combined floor area of fifty thousand (50,000) square feet or more, hotel or motels, new car dealers, neighborhood shopping centers of at least fifteen thousand (15,000) square feet, minor retailers of twenty thousand (20,000) square feet or less, full service restaurants, theatres, (motion picture or live action), vehicle fuel stations, fast food outlets, industries within the city with at least fifty (50) employees, any city, county, park district or school district sponsored organizations, and businesses located outside the city and at least one hundred (100) miles from city limits.~~

~~4.~~

~~Eligible businesses may apply to city or the private owner, if such sign is privately owned, to obtain advertising space on a city freeway pylon sign. Such application shall be approved provided the applicant's proposal complies with all requirements of [Section 16.36.092](#). Eligible businesses may replace other businesses already on the sign that are lower in priority, after the lease on the occupied space expires. The applicant may choose to occupy a vacant space if available, or to be placed on the city's waiting list or sign operator's waiting list.~~

~~5.~~

~~A waiting list of eligible businesses with approved applications shall be maintained and eligible business shall be notified when a space becomes available. If the sign is owned by the city, a waiting list shall be maintained by the city. If the sign is privately owned, the list shall be maintained by the private owner. The eligible~~

~~businesses on the waiting list shall be contacted in order of priority, not in the order they were placed on the waiting list.~~

~~6.~~

~~Private sign owners may give priority to their tenants but shall allow other eligible businesses on vacant sign spaces and on the digital display.~~

~~7.~~

~~Displaced businesses may renew their lease for any remaining available spaces, or be placed on the waiting list.~~

~~8.~~

~~Notwithstanding the above, shall any vacancies occur for longer than one hundred eighty (180) days, the space shall be offered to the next eligible business at the same or lower rates paid by other tenants on the sign.~~

~~E.~~

~~Digital Display Portions of City Freeway Pylon Signs.~~

~~1.~~

~~Any business or industry within the city, with a city issued business license, regardless of priority, may advertise on the digital display portion of the sign on a first come, first serve basis. City, county, park district or school district sponsored organizations may also advertise on the digital display portions of the sign, subject to availability.~~

~~2.~~

~~The city at its discretion, may advertise public service announcements, traffic conditions or Amber alerts that are a benefit to the community and the traveling public, and may displace other digital display advertisements at any time with these types of announcements.~~

~~3.~~

~~The digital display shall not depict or simulate any motion or video (i.e. video clips or flashing, etc.). Any slide (image) shall be displayed for a minimum of six seconds and transitions between slides shall not take more than one second.~~

~~F.~~

~~City freeway pylon signs do not replace and are not intended as a substitute for any business signage otherwise permitted under this code. Participation in the program is voluntary.~~

~~G.~~

~~Sign Content.~~

~~1.~~

~~Advertisement of "adult"-oriented goods or services is prohibited. The advertisement promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated "X" or "NC-17," adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult internet sites, and escort services.~~

~~2.~~

~~All content, except for public agency announcements, service announcements, and Amber alerts, shall be for commercial purposes only.~~

H.

~~Design Standards.~~

- ~~1.~~
~~Signs shall be limited to eighty-five (85) feet in height.~~
- ~~2.~~
~~Architecture and design shall be similar to Figures 1 and 2 and will require approval as part of the site plan review.~~
- ~~3.~~
~~All signs shall include the city's name and logo.~~
- ~~4.~~
~~Design shall incorporate a variety of colors and materials.~~

Figure 1

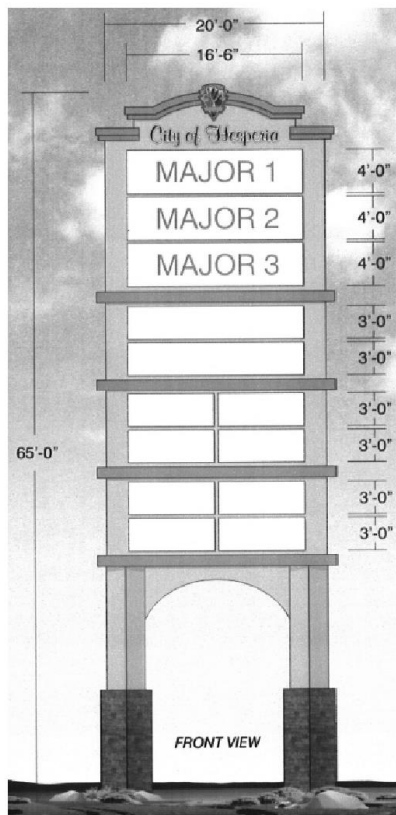
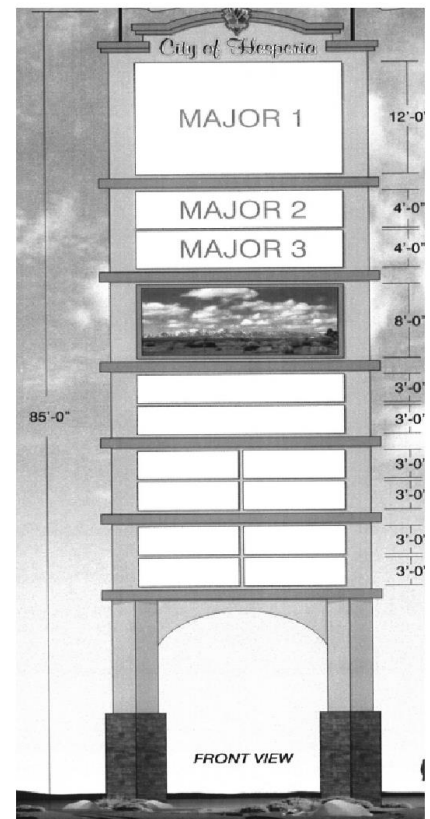


Figure 2



~~(Ord. No. 2013-015, § 4(Exh. A), 11-5-13)~~

Section 16.36.120 is revised to read as follows:

Previously permitted signs and amortization.

A. "Grandfathering" of Permitted Signs. Any sign **previously approved or** erected with permits in accordance with any prior code or this chapter in effect at the time of **the approval or** construction, may remain in place indefinitely. Permitted signs made nonconforming by this chapter are included in this provision, unless they subsequently become subject to subsection (D) of this section.

B. Persons who cannot produce evidence of a **prior approval or** permit as required by subsection (A) of this section may appeal the abatement of their sign to the **Planning Commission** ~~community enhancement committee~~. The appeal fee shall be set by resolution of the city council. The committee shall hold a public hearing on the matter and may consider the following factors:

1. Special topographic circumstances of the site, building or the sign;
2. Special historical or cultural significance to the community;
3. Special architectural significance or design limitations that would necessitate the type of sign requested;
4. Other factors including, but not limited to, adjacent structures or signs, public improvements, specimen trees or existing landscaping that are relevant in the placement or design of the sign in relation to its location within the development.

D. Abatement of Existing Signs. Notwithstanding the status of any sign, whether previously permitted, grandfathered or approved by the **Planning Commission** ~~committee~~, that fall within the criteria listed below, shall immediately be removed from the site, without compensation, under any of the criteria as follows:

1. Any sign which has been more than fifty (50) percent destroyed or damaged (other than destruction of the facial copy) and the display cannot be repaired within thirty (30) days of the date of its damage or destruction;
2. Any sign which is a danger to the public or is unsafe; and
3. Any sign that constitutes a traffic hazard, such as a sign that simulates or interferes with signs or signals, (not created by the relocation of any street or highway or by any other act of the city);
4. Any sign erected without a permit after the effective date of the ordinance codified in this chapter.